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HOUSE OF REPRESENTATIVES—*Monday, September 26, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Even as we thank You, O God, for this new day and week, and for Your manifold blessings and promises, we place before You the concerns of our hearts. Give encouragement and hope to any of anxious spirit and may the certainty of Your presence give peace to every person. O God, may the magnificence of Your creation and the power of Your Word give us courage for the tasks before us, today and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 771. An act to revise and extend provisions of the Public Health Service Act related to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes; and

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

THE MULTINATIONAL FORCE MUST MAINTAIN A PRESENCE IN LEBANON

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRITT. Mr. Speaker, those of us in Congress greet the news of a cease-fire in Lebanon with a deep sense of relief. But this pause in hostilities also calls for deep reflection upon our proper role in that war-torn country. I feel the United States and other members of the multinational force must maintain a presence in Lebanon to allow the divergent national groups—the Christians and Philangists, the Druze, the Shiites, and other factions—to reach accommodation through negotiation and not through the end of a gun barrel.

At the same time, we must recognize that the limits of our participation are to keep the peace. We must not so closely aline ourselves with one party or another that we become embroiled in a civil war whose origins are deeply rooted in history. Neither can we tolerate intrusion into the internal affairs of that wounded nation by Syria or other foreign nations.

Finally, we must protect our Marines by every force at our disposal.

While cease-fires in Lebanon often are notoriously short, our hopes and prayers should be that Lebanon be allowed to emerge from its tragic situation as a unified nation and begin its long process of healing. Today that is our greatest hope for peace in the Mideast.

A COMMENDATION TO THE PRESIDENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, we rejoice, with all civilized mankind, at the news the weekend brought of a cease-fire in Lebanon. American diplomacy seems to have been a key element in the search for peace, and President Reagan can be sure of the support of Congress for these continuing efforts.

The President is to be commended also for the tone and substance of his remarks to the United Nations this morning. In particular, he has made a nuclear arms control offer which offers the hope of a real breakthrough.

Mr. Reagan's willingness to consider nondeployment of new intermediate-range missiles in Europe, in return for Soviet concessions in the balance of missiles globally, is a serious and thoughtful approach. I would suggest, too, that a concrete offer of a several-month moratorium on Pershing missiles deployment in Europe might both reassure our allies and encourage a Soviet response.

As Mr. Reagan told the United Nations, "We must do everything we can to make diplomacy triumph." This is true of Central America, of the Middle East, and of the other trouble spots of the world. Now is the time for deeds to follow words in the search for peace.

CHALLENGE GRANT AMENDMENTS OF 1983

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1872), to increase the endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from Colorado?

Mr. ERLENBORN. Reserving the right to object, Mr. Speaker, and it is not my intention to object, but I make this reservation for the purpose of yielding to the gentleman from Colorado, for an explanation of the bill under consideration.

Mr. KOGOVSEK. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I would tell the gentleman from Illinois that S. 1872, as passed by the Senate on Friday, would

expand title III, part C of the Higher Education Act to permit use of Federal matching funds to be used to begin or to build an institutional endowment. This legislation improves the part C, challenge grant portion of title III, by establishing a three-way partnership between the Federal Government, the institution, and the private sector. This partnership will help colleges develop institutional endowments which will contribute to the long-term growth and financial stability of title III eligible postsecondary institutions, including many of the Nation's historically black colleges, community colleges, and smaller private institutions.

This landmark legislation enjoys the support of the administration, many of my colleagues in the House, and the higher education community.

Mr. Speaker, I ask unanimous consent that a letter from the American Council on Education to Chairman PAUL SIMON of the House Postsecondary Education Subcommittee be printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The letter above referred to is as follows:

AMERICAN COUNCIL ON EDUCATION,
DIVISION OF GOVERNMENTAL RELATIONS,
Washington, D.C., Sept. 23, 1983.

Hon. PAUL SIMON,
Chairman, Subcommittee on Postsecondary Education, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE SIMON: We understand that the House will soon vote on S. 1782. This is to express support of the bill on behalf of the higher education community.

S. 1782 would permit developing institutions which receive Challenge Grants under Title III of the Higher Education Act to use them to match contributions to their own endowment. Eligible institutions are relatively small colleges serving large numbers of low-income and disadvantaged students, and without substantial endowment resources.

The bill is consistent with HR 2144, the House version, and with the purposes of the existing law. It would not require additional federal spending. We urge passage of S. 1782, on behalf of:

American Association of Community and Junior Colleges.
American Association of State Colleges and Universities.
American Council on Education.
Association of American Universities.
Association of Catholic Colleges and Universities.
Association of Jesuit Colleges and Universities.
Association of Urban Universities.
Council of Independent Colleges.
National Association for Equal Opportunity in Higher Education.
National Association of Independent Colleges and Universities.
National Association of Schools and Colleges of the United Methodist Church.
National Association of State Universities and Land-Grant Colleges.

Sincerely,
CHARLES B. SAUNDERS, JR.,
Vice President for Governmental Relations.

Mr. ERLENBORN. Mr. Speaker, further reserving the right to object, I wish to join the gentleman from Colorado in urging passage of the Challenge Grant Amendments of 1983.

The proposed amendments in their present form incorporate provisions requested by the administration. Certain of these are designed to provide financial safeguards so that we can be sure that Federal funds made available under this legislation are used appropriatly.

What we would authorize today is a small program with a good purpose and promising potential for greatly enhancing the development prospects of struggling institutions of higher education. Institutions eligible for assistance under title III of the Higher Education Act are relatively small and serve disproportionately large numbers of low-income and disadvantaged students. Many of the institutions are our historically black colleges and universities, and community, and junior colleges.

For the most part, they are limited in their ability to attract students, to engage outstanding faculty, to offer diverse curricula and to acquire adequate financial resources. Title III assistance has helped them overcome these handicaps as they seek to strengthen their financial stability and strive for academic excellence.

The basic problem addressed by this legislation is that most of these institutions lack a broad base of financial support. They have limited or no endowments. Colleges without endowments need some form of stable financial support so they can weather hard economic times or other uncertainties that lie ahead. Briefly, what this legislation would do is, by making available a 1 to 1 matching endowment grant, provide a catalyst for effective fundraising. The Federal matching grant will be the means by which these institutions can better generate contributions and compound their own limited and restricted resources.

The bill does this by expanding the scope of the current challenge grant program to encompass matching endownment-building Federal grants. From the sums already available for challenge grants—we are talking about a total of $9.6 million in fiscal 1983—the Secretary of Education would be authorized to award up to 20-percent endowment grants to eligible institutions to establish or increase an endowment fund. Beginning the following year all part C funds would be used for endowment grants.

The bill requires that grant funds be invested in income-producing activities that a regulated insurance company may invest in under State law. These are generally low-risk investments such as certificates of deposit, money market funds, stocks and bonds, and Treasury bills. In order to enhance the rate-of-endowment growth, there are limitations on the amount of interest income that can be spent, and during the 20-year endowment period the principal or corpus of the endowment fund cannot be touched. There are repayment provisions to cover any instances of improper withdrawals. Another desirable feature of the bill is the assurance required that matching funds represent totally new money available to the institution for the first time as a result of the Federal matching grant.

Mr. Speaker, these specific assurances, conditions, and requirements which must be satisfied under the provisions of this bill protect the Federal investment and will improve financial incentives for endowment growth.

The amendment would also raise by $4.8 million the total authorization for title III for fiscal year 1984, as requested in the President's budget. In addition, it would increase the authorization for Howard University for the next fiscal year from $145.2 million, the level appropriated for this year, to the amount requested by the administration—$159.7 million.

Title III recognizes the national interest in development of the particular institutions it serves. This proposed expansion of title III for endowment building will stimulate that development. I therefore urge my colleagues to vote for the amendment in the nature of a substitute before us today. It represents, in my opinion, an improvement over the bill as reported by committee and is the culmination of a joint effort to launch an endowment-building program that will provide a necessary boost to the many struggling institutions which might otherwise be unable to fulfill their potential—or perhaps even to survive.

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Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding.

Mr. Speaker, I want to commend his remarks, and particularly the work of the gentleman from Colorado, and the gentleman from Illinois.

Mr. Speaker, I rise in support of the Challenge Grant Amendments of 1983.

The legislation before us today enjoys broad bipartisan support as a result of the concerted efforts of the gentleman from Illinois, the chairman of the Subcommittee on Postsecondary Education, and the chairman of the Subcommittee on Education of the

Senate. This bill has the support of the President and of the higher education community.

The problem which S. 1872 seeks to address is the weak financial condition of some of our Nation's finest postsecondary institutions. The institutions I am referring to are the 194 postsecondary institutions which participate in the title III program authorized under the Higher Education Act. As you know, title III was enacted to strengthen colleges and universities serving large numbers of low-income and minority students to compete with larger, wealthier institutions. Both historically black colleges and universities and community and junior colleges participate in the program. Title III assists these institutions by providing direct aid in the form of grants. These grants may be used for a variety of purposes, including faculty development, improvement of academic programs and the acquisition of instructional equipment.

In recent years, the ability of these institutions to survive has come into question because of competition from larger, State-supported institutions and because of increased operating energy costs. Direct Federal aid in the form of traditional title III grant has not always been sufficient to address this problem. Many title III institutions thus now face the prospect of attempting to offer quality education to students in inadequate facilities using obsolete equipment and dropping certain academic programs or of raising tuition. And because the pool of postsecondary students nationwide has become smaller, these schools risk losing students if they raise tuitions too high.

S. 1872 attempts to address this problem by helping postsecondsary institutions help themselves. Under the legislation contributions to postsecondary institutions participating in programs authorized under title III of the Higher Education Act will be able to receive matching grants for contributions to their endowment funds. In hearings before the Subcommitee on Postsecondary Education earlier this year, the constructive role endowments can play in fostering the growth and stability of postsecondary institutions was investigated. The subcommittee found that some institutions, such as Harvard University, enjoyed very large endowments, sometimes exceeding $1.5 billion. Other institutions, however, had little or no endowment.

Title III institutions traditionally have had difficulty in building strong endowment funds. One explanation for this is the fact that these institutions provide educational opportunity to many students who are poor. Christopher Edley, executive director of the United Negro College Fund, stated, for example:

. . . Endowment income provides 2 percent or less of the revenues at three-quarters of our member colleges in the year 1979-80. UNCF colleges 1979-80 endowments of $3,000 per student were only 50 percent of the national average of $6,000. Almost half of the UNCF colleges have total endowments of under $1 million, and many are in the $25,000 to $100,000 nominal category.

I commend Chairman PAUL SIMON for developing H.R. 2144 to address this problem. I would be remiss, however, if I did not admit to having some reservations about the legislation as it was reported out of the full Committee on Education and Labor. The bill as originally reported left many questions unanswered regarding how this new program would operate. Among these questions was how long Federal oversight over funds awarded to an institution under the program would last?

I am happy to say that these concerns have been addressed in the amendment in the nature of a substitute. I believe, Mr. Speaker, that the legislation before us will enjoy the support of the President.

I urge support of this bill.

Mr. KOGOVSEK Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Colorado.

Mr. KOGOVSEK. Mr. Speaker, I thank both the ranking member of our committee, the gentleman from Illinois (Mr. ERLENBORN) for his work and dedication on this. I thank the gentleman from Wisconsin for his support.

● Mr. SIMON. Mr. Speaker, the bill, S. 1872, is identical to the committee substitute to H.R. 2144, which was printed in the RECORD on September 20, 1983, and made in order under a rule granted by the Committee on Rules on Tuesday. This bill contains agreed upon provisions worked out with the Senate, the Department of Education and Members on both sides of the aisle.

The Senate bill amends title III, part C of the Higher Education Act to authorize Federal matching funds for title III eligible institutions to assist in building or starting an institutional endowment. All Federal funds would be matched on a dollar-for-dollar basis.

Most title III institutions are smaller colleges and universities which have little—under $3 million—or no endowment. Their ability to grow, achieve financial stability and independence is limited. The primary beneficiaries of H.R. 2144 will be the historically black colleges, community colleges, and smaller private colleges and universities. The development of institutional endowments is critical to the survival of many of these schools and to the preservation of diversity among institutions of higher education.

DIFFERENCES BETWEEN H.R. 2144 AND S. 1872

Let me clarify for my colleagues in the House the basic differences between H.R. 2144, as reported by the Committee on Education and Labor and the Senate-passed bill.

The bill before the House represents the best provisions contained in H.R. 2144 and a draft bill transmitted to the Senate on July 29, 1983. Its major provisions:

Establish stronger and clearer requirements governing institutional management and investment of endowment funds, as well as financial safeguards to insure appropriate use and accounting of Federal grant funds;

Authorize use of 50 percent of endowment income for several specific purposes or other expenses "necessary to the operation" of the institution, while permitting the Secretary of Education to permit use of the remaining 50 percent if the institution demonstrates, to the satisfaction of the Secretary, that such use is necessary due to: First, a financial emergency—pending insolvency or temporary liquidity; second, a situation which threatens the life of the institution occasioned by a natural disaster or arson; or third, another unusual occurrence;

Adopt a more flexible list of income-producing activities recommended by the administration and adds any obligation of the United States; for example, Treasury bills;

Limit the eligibility of institutions for part C endowment grants to 2 years in any one 5-year authorization minimum grant levels of $50,000 in fiscal years 1984 and 1985 and maximum grant levels of $250,000 in fiscal year 1984 and $500,000 in fiscal year 1985;

Convert the entire part C, challenge grant section to endowment building in fiscal year 1985 in order to make more funds available for eligible postsecondary institutions, in addition to authorizing the secondary to shift out year part B Federal funds to part C. The community college and historically black college setasides would remain in place when the funds are shifted.

The Subcommittee on Postsecondary Education began exploring the status of college endowments in April 1982. More hearings were held in March 1983. During these hearings, the subcommittee learned that most small private postsecondary institutions have very small or no endowments. These institutions face a very uncertain future as tuition costs increase. The presence of a permanent endowment can be the most critical factor in assuring stability and strength in economic hard times.

The use of title III funds for endowment building is probably the single-most important contribution the Federal Government can make. The need is great. As Christopher Edley, presi-

dent of the United Negro College Fund (UNCF) told the subcommittee:

. . . Endowment income provides 2 percent or less of the revenues at three-quarters of our member colleges in the year 1979–80. UNCF colleges 1979–80 endowments of $3,000 per student were only 50 percent of the national average of $6,000. Almost half of the UNCF colleges have total endowments of under $1 million, and many are in the $25,000 to $100,000 nominal category . . .

Black colleges and universities are not alone. Martha Church, president of Hood College told the subcommittee in 1982:

. . . It is evident to me that Hood is atypical of most colleges and universities of the United States in that it has a modest endowment of approximately $10 million. Among the 3,000 or so colleges and universities in the United States, there are perhaps 100 to 125 that have substantial endowments, and I would say that would be something over $25 million. Even these funds are being seriously eroded by inflation. I wish Hood were among those institutions suffering that problem. We are not. We have approximately, by market value, a little over $10 million; $2.5 million of those funds are in a special restricted account where both the investment and the use of the moneys are prescribed by the nature of the gift we have received, so it leaves us a small portion to look at and to invest as wisely as possible.

Last year, the Department of Education returned $1.3 million to the Treasury in unspent challenge grant funds. If this bill had been law, the endowment building program would be well underway.

COMMITTEE EXPLANATION OF THE BILL

The bill creates a new section 333 of title III, part C of the Higher Education Act of 1965. The purpose of the new endowment provisions is to provide Federal matching funds to assist title III eligible institutions to establish or increase institutional endowments. The terms "endowment fund," "endowment fund corpus," and "endowment fund income" are defined.

The Secretary is authorized to make grants to eligible institutions under section 331(a)(1). A Federal grant must be matched on a dollar-for-dollar basis from nonfederal sources and the institutional matching funds must not be removed from an existing endowment fund. Institutional matching funds should be new moneys, made available to the institution for the first time for this purpose. The grant period is for 20-years, during which the endowment principal may not be withdrawn or expended. After expiration of the 20-year grant period, the principal and interest may be used for any educational purpose.

Eligible grantees may receive a grant for any 2 years during a 5-year authorization period. The minimum grant award shall be $50,000 and the maximum grant award will be $250,000 in fiscal year 1984 and $500,000 in fiscal year 1985.

The Secretary is authorized to require successful grantees to designate a foundation to receive an endowment grant. The Secretary may not award a grant unless the institution assures the Secretary that it is legally authorized to receive and administer a grant and the institution assures the Secretary that it will administer the funds in accordance with the law and implementing regulations.

The bill permits grant funds to be invested in income-producing activities that a regulated insurance company may invest in under State law, such as certificates of deposit, money market funds, stocks and bonds, and obligations of the United States including Treasury bills. This would allow institutions to invest and to realize a greater rate of return and increase the value of their endowment. Further, the institution would be required to exercise prudent, discreet, and intelligent judgment in investing the established endowment fund.

The bill permits an institution to expend up to 50 percent of the interest income for expenses necessary to the operation of the college, including expenses of operation and maintenance administration academic and support personnel, construction and renovation, community and student services programs, and technical assistance. The remaining 50 percent of interest income may only be spent with the Secretary's approval, if the grantee institution demonstrates to the Secretary's satisfaction that: First, a financial emergency exists, such as a pending insolvency or inability of the institution to pay its bills or meet its payroll for more than 60 days; second, a situation which threatens the life of the institution due to real property or equipment destruction caused by a natural disaster, arson, and so forth, or third, some other unusual occurrence, such as a large personal injury or other judgment against the institution or its officers or employees—for which the institution would be liable.

The bill establishes penalties for withdrawing any of the endowment principal, whether Federal or institutional match, and for expending interest income improperly. Such penalties will insure that institutions adhere to grant terms, and give the Secretary an option other than termination of the grant for dealing with violations.

The bill provides for the Secretary to audit endowment funds accounts and access to such information as may be necessary for the Secretary to audit or examine all endowment fund expenditures.

In making awards among the universe of eligible applicants, the Secretary is to give priority to any applicant who is a current grantee under part A or B or title III and those applicants who demonstrate the greatest need. The Secretary shall also consider the effort the applicant has made to build or maintain an existing endowment and the degree to which the applicant institution intends to match with nongovernmental funds. These matching funds should be new funds—made available from private sources or specifically appropriated by the State legislature for this purpose for the first time. The endowment concept is intended to create a new partnership between the Federal Government and title III eligible institutions which will result in a greater degree of financial stability for this group of institutions.

The bill authorizes the Secretary to promulgate regulations governing the application process. A point system, specifically tied to the statutory criteria, should be used in evaluating individual proposals from eligible institutions.

A grant termination hearing is provided for if the grantee institution violates the statutory provisions governing expenditure of endowment principal or interest, or the standards regarding the degree of care owed the Government in making prudent investments. The Secretary must make new endowment awards from funds returned to the Secretary if a grant is terminated and funds repaid. Either new awards or supplemental awards to extant grantee institutions are authorized. If the Secretary terminates a grant, after a hearing, the grantee must repay, the sum of the original grant or grants, and the interest earned.

Twenty percent of the part C appropriation in fiscal year 1984 is reserved for endowment building, however, in fiscal year 1985 the entire part C appropriation shall be used for that purpose. In addition, the bill authorizes the shifting of an amount equal to the percentage of the out-year institutional matching funds under part B to part C for endowment building purposes. For example, in the third year of funding, when part B funds would require an institutional match of 10 percent under current law, 10 percent of third year funds, which would otherwise be available for new part B grants, could be transferred to the part C endowment-building activity prior to that year's part B competition.

The bill raises the authorization for title III from $129.6 to $134,416 for fiscal year 1984.

The bill also increases the authorization for Howard University for fiscal year 1984, establishes a "such sums" authorization for title VII, parts A and B of the Higher Education Act, and corrects a technical error affecting a title VII appropriation in Public Law 98–63.

Finally, I want to acknowledge the cooperation and support of my colleague from Illinois, Mr. ERLENBORN

and my friend from Missouri Mr. COLEMAN the ranking Republican member of the subcommittee. In addition we have worked closely with Senator STAFFORD who chairs the Senate Subcommittee on Education, Arts and Humanities and who shepherded the bill through the other body.

I also want to pay tribute to Dr. Frederick C. Patterson, President Emeritus of Tuskegee Institute and founder of the United Negro College Fund. Dr. Patterson's wisdom led to the creation of the College Endowment Funding Plan which benefits 20 of the 42 UNCF member colleges, and his persistence has contributed to the passage of this legislation.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of S. 1872, the Challenge Grant Amendments of 1983. The purpose of this bill is to amend parts C and D of title III of the Higher Education Act of 1965, as amended, to authorize a program of matching endowment grants to eligible institutions. These grants would allow many of our Nation's historically black colleges to move one step further toward independence and self-sufficiency by assisting in the development and enhancement of endowment funds. The bill also makes certain needed changes to the Omnibus Education Reconciliation Act of 1981.

I wish to commend my colleague, PAUL SIMON, who is chairman of the House Subcommittee on Postsecondary Education. He has exhibited significant leadership on this issue. I would also like to commend Senator ROBERT STAFFORD, chairman of the Senate Subcommittee on Education, Arts, and Humanities for his leadership in the Senate.

Mr. Speaker, this Nation's historically black colleges produced many of our most prominent black leaders including a Supreme Court Justice and several Members of the House. These institutions deserve our continued support.●

Mr. ERLENBORN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Challenge Grant Amendments of 1983".

SEC. 2. Part C of title III of the Higher Education Act of 1965 (hereinafter in this Act referred to as "the Act") is amended by adding after section 332 the following new section:

"ENDOWMENT GRANTS

"SEC. 333. (a)(1) The purpose of this section is to establish a program to provide matching grants to eligible institutions of higher education in order to establish or increase endowment funds at such institutions, to provide additional incentives to promote fundraising activities by such institutions, and to foster increased independence and self-sufficiency at such institutions.

"(2) For purposes of this section:

"(A) The term 'endowment fund' means a fund established by State law, by an institution of higher education, or by a foundation which is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, but which shall not include real estate.

"(B) The term 'endowment fund corpus' means an amount equal to the grant or grants awarded under this section plus an amount equal to such grant or grants provided by the institution.

"(C) The term 'endowment fund income' means an amount equal to the total value of the endowment fund established under this section minus the endowment fund corpus.

"(b)(1) From sums available for this section under section 347, the Secretary is authorized to award endowment grants to eligible institutions of higher education to establish or increase an endowment fund at such institution. Such grants shall be made only to eligible institutions described in paragraph (4) whose applications have been approved pursuant to subsection (g).

"(2) No institution shall receive a grant under this section, unless such institution has deposited in its endowment fund established under this section an amount equal to the amount of such grant. The source of funds for this institutional match shall not include Federal funds or funds from an existing endowment fund.

"(3)(A) The period of a grant under this section shall be not more than twenty years.

"(B) During the grant period, an institution may not withdraw or expend any of the endowment fund corpus.

"(C) After the termination of the grant period, an institution may use the endowment fund corpus plus any endowment fund income for any educational purpose.

"(4)(A) An institution of higher education is eligible to receive a grant under this section if it is an eligible institution as described in section 331(a)(1).

"(B) No institution shall be ineligible for an endowment grant for a fiscal year by reason of the previous receipt of such a grant, but no institution shall be eligible to receive such a grant for more than two fiscal years out of any period of five consecutive fiscal years.

"(5) An endowment grant under this section to an eligible institution year shall—

"(A) not be less than $50,000 for any fiscal year; and

"(B) not be more than (i) $250,000 for fiscal year 1984; or (ii) $500,000 for fiscal year 1985 or any succeeding fiscal year.

"(6)(A) An eligible institution may designate a foundation, which was established for the purpose of raising money for the institution, as the recipient of the grant awarded under this section.

"(B) The Secretary shall not award a grant to a foundation on behalf of an institution unless—

"(i) the institution assures the Secretary that the foundation is legally authorized to receive the endowment fund corpus and is legally authorized to administer the fund in accordance with this section and any implementing regulations;

"(ii) the foundation agrees to administer the fund in accordance with the requirements of this section and any implementing regulation; and

"(iii) the institution agrees to be liable for any violation by the foundation of the provisions of this section and any implementing regulations, including any monetary liability that may arise as a result of such violation.

"(c)(1) An institution awarded a grant under this section shall enter into an agreement with the Secretary containing satisfactory assurances that it will (A) immediately comply with the matching requirements of subsection (b)(2), (B) establish an endowment fund independent of any other such fund of the institution, (C) invest the endowment fund corpus, and (D) meet the other requirements of this section.

"(2)(A) An institution shall invest the endowment fund corpus and endowment fund income in low-risk securities in which a regulated insurance company may invest under the law of the State in which the institution is located such as a federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

"(B) The institution, in investing the endowment fund established under this section, shall exercise the judgment and care, under the circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own affairs.

"(3)(A) An institution may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of such college, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, and technical assistance.

"(B)(i) Except as provided in clause (ii), an institution may not spend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of expenditure.

"(ii) The Secretary may permit an institution to spend more than 50 per centum of the endowment fund income notwithstanding clause (i) if the institution demonstrates such an expenditure is necessary because of (I) a financial emergency, such as a pending insolvency or temporary liquidity problem; (II) a life-threatening situation occasioned by a natural disaster or arson; or (III) another unusual occurence or exigent circumstance.

"(d)(1) If at any time an institution withdraws part of the endowment fund corpus, it shall repay to the Secretary an amount equal to 50 per centum of the withdrawn amount, which represents the Federal share, plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(2) If an institution expends more of the endowment fund income than is permitted under subsection (c), the grantee shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof). The Secretary may use such repaid fund to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(e) An institution receiving a grant under this section shall provide to the Secretary (or his designee) such information (or access thereto) as may be necessary to audit or examine expenditures made from the endow-

ment fund corpus or income in order to determine compliance with this section.

"(f) In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall—

"(1) give priority to an applicant which is a recipient of a grant made under part A or B of this title during the academic year in which the applicant is applying for a grant under this section; and

"(2) give priority to an applicant with a greater need for such a grant, based on the current market value of the applicant's existing endowment in relation to the number of full-time equivalent students enrolled at such institution;

"(3) consider—

"(A) the effort made by the applicant to build or maintain its existing endowment fund; and

"(B) the degree to which an applicant proposes to match the grant with nongovernmental funds.

"(g) Any institution which is eligible for assistance under this section may submit to the Secretary a grant application at such time, in such form, and containing such information as the Secretary may prescribe. Subject to the availability of appropriations to carry out this section and consistent with the requirement of subsection (f), the Secretary may approve an application for a grant if an institution, in its application, provides adequate assurances that it will comply with the requirements of this section.

"(h)(1) After notice and an opportunity for a hearing, the Secretary may terminate and recover a grant awarded under this section if the grantee institution—

"(A) expends portions of the endowment fund corpus or expends more than the permissible amount of the endowment funds income as prescribed in subsection (c)(3);

"(B) fails to invest the endowment fund in accordance with the investment standards set forth in subsection (c)(2); or

"(C) fails to properly account to the Secretary concerning the investment and expenditures of the endowment funds.

"(2) If the Secretary terminates a grant under paragraph (1), the grantee shall return to the Secretary an amount equal to the sum of the original grant or grants under this section plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.".

SEC. 3. Section 347 of the Act is amended—

(1) by inserting after the period at the end of subsection (a)(2) the following: "Of the amount appropriated for such part for fiscal year 1984, 20 per centum shall be available for grants under section 333 of such part, and of the amount appropriated for such part for fiscal year 1985, 100 per centum shall be available for grants under such section"; and

(2) by adding at the end thereof the following new subsection:

"(f) For each fiscal year, the Secretary may reserve from the appropriation for part B not more than an amount equal to the aggregate amount grantees receiving grants under part B would contribute under section 324 to the cost of the grants in that fiscal year, assuming the grant amounts remain the same as those received in the prior fiscal year, and may be use those funds to award grants to eligible institutions under section 333. In reserving and awarding such funds, the Secretary shall assure that funds that would have been reserved under part B for the institutions described in subsection (c) or (e) shall continue to be set aside under section 333 for those institutions.".

SEC. 4. (a) Section 516(c) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The total amount of appropriations to carry out title III of the Higher Education Act of 1965 shall not exceed $134,416,000 for fiscal year 1984.".

(b) Section 503 of such Act is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1982 and 1983 and $159,700,000 for fiscal year 1984".

(c) Notwithstanding section 516(g) of such Act, there are authorized to be appropriated such sums as may be necessary to carry out parts A and B of title VII of the Higher Education Act of 1965.

(d) Subsections (a)(2), (b), and (c) of section 721 of the Higher Education Act of 1965 shall not apply to funds appropriated by Public Law 98-63 for part B of title VII of the Higher Education Act of 1965. Such funds shall be used in accordance with section 713(g) of such Act and distributed in accordance with the statement of the managers pertaining to the appropriation of such funds, as contained in the conference report on Public Law 98-63 (H. Rep. 98-308, p. 53).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2144) was laid on the table.

GENERAL LEAVE

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FUR SEAL ACT AMENDMENTS OF 1983

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

H.R. 2840

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Fur Seal Act Amendments of 1983".

SEC. 2. The Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

"(b) 'Convention' means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

"(c) 'Fur Seal' means the North Pacific Fur Seal, Callorhinus Ursinus.

"(d) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(e) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(f) 'North Pacific Ocean' means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

"(g) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(h) 'Person' means any individual, partnership, corporation, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(i) 'Pribilof Islands' means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(j) 'Sealing' means the taking of fur seals.

"(k) 'Secretary' means the Secretary of Commerce.

"(l) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

"SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have

been officially marked and certified by a person authorized by the Secretary: *Provided*, That the seals are taken for subsistence uses as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

"SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

"(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purposes of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1985 and beyond such sums as may be necessary to carry out the harvest and curing pursuant to this section. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

"(d)(1) In order to carry out the purposes of the Convention and subsections (b) and (c) of this section, the Secretary, under terms and conditions prescribed by him, may agree to purchase, to make restitution for losses, or to otherwise permit the recoupment of the costs incurred in the taking of fur seals on the Pribilof Islands, and the curing of the sealskins and other seal parts, for the annual harvests conducted pursuant to the Convention in calendar years 1982, 1983, and 1984.

"(2) Payments authorized to be made by the Secretary under this subsection shall be appropriated for fiscal year 1984 in sums not to exceed $1,000,000.

"SEC. 106. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian, and which shall be exhibited to the master of the vessel upon request.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest. The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That, whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one native from each of the two inhabited Pribilof Islands to serve as advisers to the Commissioner and as liaisons between the Commissioner and the natives of the Pribilof Islands. The President may also appoint other interested parties as advisers to the Commissioner. Such advisers shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the advisers shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

"SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

"SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

"SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the United States Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes consistent with that primary purpose.

"SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

"(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

"(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

"SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

"SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5,

1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

"SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell, or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions', which is submitted to the Congress on or before September 30, 1983.

"(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

"(1) a description of each conveyance;

"(2) the terms to be imposed on each conveyance;

"(3) designation of the recipient of each conveyance;

"(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and

"(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this Act and under the Convention.

"(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

"(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska, setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

"(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to natives of the Pribilof Islands;

"(2) funding to be allocated by the State of Alaska for the construction of boat harbors on Saint Paul and Saint George Islands;

"(3) assumption by the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

"(4) preservation of wildlife resources;

"(5) continued activities relating to the implementation of the Convention;

"(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

"(7) the cooperation of Government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

"(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before September 30, 1983.

"(e) The grant, sale, transfer, or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State, or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State, or local tax imposed on or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

"(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to, land exchange agreements with other departments and agencies of both the State and Federal governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 are not authorized by this section.

"(g) The Secretary shall submit to Congress a report, no later than September 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

"SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient, enduring, and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the natives of the Pribilof Islands, to be known as the 'Pribilof Islands Trust' (hereinafter referred to as the 'Trust').

"(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transferred by the Secretary to the Trust within 15 days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c).

"(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in sections 205 (a) and (d). Such distributions shall be made by the trustee or trustees only after the Secretary has determined that such trust has been established and will be operated in accordance with a Trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

"(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to and form a part of the Trust.

"(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the natives of the Pribilof Islands and other interested parties concerning the conservation, management, and protection of the fur seal population.

"(c) There may be one Trust instrument establishing the Trust described in section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

"(1) establishing standards and procedures for the disbursement by the trustee or trustees of trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Island Native councils, corporations, or other such entities;

"(2) establishing the Secretary as trustor;

"(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the natives of the Pribilof Islands;

"(4) setting forth the rights, duties, powers, and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

"(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or adviser, who may be the trustee, having recognized competence in such fields;

"(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

"(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

"(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

"(9) compensation of the trustee or trustees;

"(10) the term, termination, and final distribution of the Trust estate;

"(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust;

"(12) defraying of community expenses; and

"(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before September 30, 1983.

"(d) The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both islands, to be accounted for separately for the independent benefit of the community of Saint Paul and the community of Saint George.

"(e)(1) There are authorized to be appropriated to the Secretary $20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section.

"(2) Prior to the submission to Congress of the documents described in sections 205 (a) and (d), the trustee or trustees may make interim distributions for the benefit of the natives of the Pribilof Islands, upon approval of the Secretary, of up to 5 percent of the amounts transferred to the Trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such in-

terim distributions are required to carry out the purposes of this Act.

"(f) The interest on, and the proceeds from the sale or redemption of, any asset or obligation held in the Trust shall be credited to and form a part of the Trust.

"(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on March 31, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress toward achieving the purposes set out in subsection (a) of this section. On March 31, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

"(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided*, That this exemption shall not apply to any income from the investment or other use of such distributions.

"SEC. 207. The Secretary is authorized to enter into agreements, contracts, or leases with, or to issue permits to, any public or private agency or any person for carrying out the provisions of the Convention or this Act.

"SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur sealskins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

"(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within 1 year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

"(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

"(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section.

"SEC. 209. Chapter 83 of title 5, United States Code, is amended as follows:

"(a) by deleting 'Credit' in section 8332(b) and inserting in lieu thereof the words 'Except as provided in paragraph (13) of this subsection, credit';

"(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

" '(13) 1 year of service to be credited for each year in which a native of the Pribilof Islands performs service in the taking and curing of fur sealskins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.';

"(c) by adding in section 8332(b) after 'paragraph (3) of this subsection.' the following sentence: 'The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.';

"(d) by adding in section 8332(f) after 'postal field service' the words 'and service described in paragraph (13) of subsection (b) of this section.';

"(e) by adding in section 8332(l)(1) the word 'or' at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

" '(C) Is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained, or relocated to any camp, installation, or other facility, in the territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;"; and

"(f) by amending paragraph (4) of section 8334(g) by striking 'January 1, 1950' and substituting the words 'October 1, 1983,' and adding after 'the Pribilof Islands' the words 'except where deductions, contributions, and deposits were made before October 1, 1983'.

"SEC. 210. (a) Title I of the Act of January 4, 1975, Public Law 93-638 (25 U.S.C. 450-450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after 'to be employed by a tribal organization', the words ', the city of Saint Paul, Alaska, the city of Saint George, Alaska, upon incorporation, or the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)'.

"(b) Notwithstanding any other provision of law, any native of the Pribilof Islands employed by the Federal Government on September 30, 1983, shall be deemed to have been covered under chapters 81, 83, 85, and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93-638), known as the Indian Self-Determination and Education Assistance Act.

"SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores, shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

"(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

"(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

"(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder; and

"(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems nec-

essary and appropriate to carry out the provisions of this title.

"SEC. 304. (a) Any person who knowingly violates any provision of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for such violation, or imprisoned for not more than 1 year, or both.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5, United States Code. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

"SEC. 305. There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to $2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 205 of this Act, $736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this Act, and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.".

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, and I will not object, this bill is an important bill. I would like to yield to the gentleman from Louisiana (Mr. BREAUX), perhaps to explain a little further just what we are doing here this morning.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Speaker, the legislation before the House, H.R. 2840, originally passed the House on May 23, 1983. The Senate passed the bill on August 4 after adopting an amendment in the nature of a substitute. While we are again offering a complete substitute to the Senate-passed bill, the substantive differences are relatively minor and I will explain them shortly.

First, however, I would like to point out that this bill is designed to resolve a century-old problem in the Pribilof Islands, a problem which has only been exacerbated by recent Federal spending and interference. Since 1867, when Alaska was purchased from Russia, the United States has used the Pribilofs solely for the purpose of harvesting North Pacific fur seals. Sadly, the Federal Government's efforts to properly manage the islands and the seal harvest have failed to integrate the native island culture into the mainstream of American life.

Over the past decade, the Federal Government has allocated substantial sums of money, through the National Marine Fisheries Service, to supplement the meager economy of the Pribilofs and to pay for social services such as the maintenance, operation, and repair of extensive Federal facilities on the islands, including those used for fuel oil storage and delivery, and electrical power generation. In fiscal year 1983, $6.3 million was appropriated for the Pribilofs of which approximately 95 percent supports social welfare programs and only 5 percent actually supports Federal scientific research responsibilities for the fur seal. In addition, Federal expenditures on the islands account for 73 percent of all earned income on the Pribilofs. Pribilof natives have thus become heavily dependent on the Federal Government for subsidies and employment and are unable to achieve a desirable level of economic independence.

The purpose of H.R. 2840 is to assist the natives of the Pribilof Islands in achieving economic diversification and independence through livelihood not dependent on seal harvesting, and to terminate Federal administration of the islands' economy and social welfare. The bill, which was developed in close cooperation with the Department of Commerce, the Pribilof natives, the State of Alaska, and concerned environmental organizations amends the Fur Seal Act of 1966, which implements for the United States the Interim Convention on the Conservation of North Pacific Fur Seals, signed on February 9, 1957, by the United States, Japan, Canada, and the Soviet Union and which has perpetuated, for the last 17 years, the current Federal administration of the island's economy. The bill will not alter the status or nature of U.S. participation in the convention but, instead: First, authorizes the transfer of certain Federal property on the islands to native and State governmental entities; and second, authorizes a one-time appropriation of $20 million to a Pribilof Island trust fund which will be used by a trustee or trustees to facilitate the transition of the island's economy from one entirely based on Federal handouts to one which is truly self-sustaining. With the enactment of this bill, the need for an annual appropriation of almost $6 million will cease.

Since the Pribilofs are located in the rich Bering Sea fishing grounds, the potential for economic diversification and independence is significant. The $20 million appropriation, as authorized in H.R. 2840 at the request of the administration, would supplement the islands' economy during the development of halibut, king crab, and ground-fish fisheries and other industries. Such development is also contingent upon the commitment of the State of Alaska to develop adequate port and transportation facilities on the Pribilofs.

Mr. Speaker, as I indicated, when the Senate passed this bill in August, it passed an amendment in the nature of a substitute. The primary difference between the Senate- and House-passed bills were:

First, the deletion of the provision contained in the House-passed bill that required congressional review and approval, by concurrent resolution, of several documents related to the transfer of Federal properties on the islands and a memorandum of understanding between the State of Alaska, island natives, and the U.S. Government. This change was, of course, made in response to the intervening Supreme Court decision regarding congressional veto authority;

Second, the addition of language which resolves the issue of how the termination of Federal activities on the island affects Federal pension and other benefits that have been accruing to those island natives that have served as Federal employees; and

Third, the addition of provisions that were intended to maintain the status quo as to the business relationship between the U.S. Government, the island natives, and private interests who have historically processed and marketed the fur seal skins resulting from the annual harvest.

It is on this last point that we in the House have taken exception to the Senate amendments and I am pleased to report that these issues have been resolved in the substitute amendment currently before the House.

One particular section of this bill that should be elaborated is section 210(b). It is our intent in this legislation to provide that all natives of the Pribilof Islands who are Federal employees on October 28, 1983, regardless

of type of appointment, are eligible to transfer specified benefits should they be subsequently hired by designated, qualifying, tribal organizations. This avoids an inequity to temporary employees, some of whom have been hired by the Federal Government regularly for many years.

Mr. Speaker, as I have already indicated, the primary reason for this legislation is the recognition of the fact that Federal administration of the Pribilof Islands has hindered the Pribilovians' development of a self-reliant economy. I believe it is time that we put a halt to this unwise use of Federal dollars and facilities and allow the Pribilovians to pursue an unfaltered path toward self-sufficiency. I, therefore, request your support and the support of my colleagues for this important legislation.

Mr. FORSYTHE. Mr. Speaker, I thank the gentleman.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman.

I want to thank the gentleman, Mr. BREAUX from Louisiana, Mr. FORSYTHE, ranking member of the committee, for this historical legislation. I want to thank them for the consideration of this legislation which really is special interest for a small group of Alaskan citizens sorely put upon during World War II. In fact, they were included in the commission studying the atrocities of the Japanese impoundment, and they were deeply involved in it.

Actually the Government has been directly responsible for some of the poverty and the lack of accomplishment to this group of people over the years. The chairman and the ranking member have seen through this legislation an attempt to justify that so they can have a strong, sound economic base.

I again want to compliment both of these gentleman and the committee as a whole for taking up this important legislation for Americans that have been misused and now are being, I would say, compensated to some degree, but more than that, given the ecomomic grounds to continue a sound, broadened, diversified economy other than one which we fostered upon them.

Again, I do urge the passage of this legislation.

Mr. FORSYTHE. Mr. Speaker, further reserving the right to object, I rise in support of this legislation.

Mr. Speaker, the legislation before us today is intended to remove the Federal Government from the responsibility for administration of the social welfare programs which govern the day-to-day lives of the Pribilof Islanders. This would be accomplished through the appropriation of $20 million to the Secretary of Commerce for release to a trust to assist in the economic development of the Pribilof Islands. In fiscal year 1983, $6.3 million was appropriated to carry out Federal responsibilities on the islands, with approximately 95 percent of this money going to support social welfare programs. The trust would assume the major share of those programs under this legislation.

I am supportive of the thrust of this legislation and believe it represents a significant step forward. I expect that the Department of Commerce, the State of Alaska, and the Pribilof Islanders will proceed in good faith and with all deliberate speed to develop and implement the necessary documents called for in this legislation in order for the trust to work. I also expect that this legislation will provide additional impetus for the residents of the Pribilof Islands to diversify their economy such that the islands will no longer be dependent upon sealing.

Mr. Speaker, I would like to emphasize that we could not have reached this point without the cooperation and assistance of the administration, the members and staff of both the House Merchant Marine and Fisheries Committee and the Senate Commerce Committee, the State of Alaska, the Pribilof Islanders, and representatives of the environmental community. I know that the task of reaching agreement on a final bill was time-consuming hard work for all those involved. The fact that we are at this point today is an excellent demonstration of the ability of individuals with different perspectives on an issue to work together for common goals.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the proposed amendment to the Senate amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed by the Senate insert the following:

That this Act may be cited as the "Fur Seal Act Amendments of 1983".

SEC. 2. The Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

"(b) 'Convention' means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

"(c) 'Cure' or 'curing' means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric acid, and packing in containers for shipment of fur seal skins.

"(d) 'Fur Seal' means the North Pacific Fur Seal, Callorhinus Ursinus.

"(e) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(f) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(g) 'North Pacific Ocean' means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

"(h) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(i) 'Person' means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(j) 'Pribilof Islands' means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(k) 'Sealing' means the taking of fur seals.

"(l) 'Secretary' means the Secretary of Commerce.

"(m) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

"SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provid-*

ed, That the seals are taken for subsistence uses as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C.1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

"SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

"(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1984, and for fiscal year 1985 and beyond if the Convention is extended by protocol signed by the parties and made effective as to the United States, such sums as may be necessary to carry out the harvest and curing on the Pribilof Islands. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

"SEC. 106 (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

"The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as Advisors to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisors to the Commissioner. Such Advisors shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisors shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

"SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

"SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

"SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) or acquired or purchased by any other authority after enactment of the Fur Seal Act Amendments of 1983 and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

"SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

"(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

"(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

"SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

"SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsiblity of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

"SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all

right, title, and interest of the United States in and to the property, both real and personal, held by the Sercretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions,' which is submitted to the Congress on or before October 31, 1983.

"(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

"(1) a description of each conveyance;

"(2) the terms to be imposed on each conveyance;

"(3) designation of the recipient of each conveyance;

"(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and

"(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this Act and under the Convention.

"(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

"(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal government, the Trust, and the State regarding—

"(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;

"(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

"(3) assumption by the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

"(4) preservation of wildlife resources within the Secretary's jurisdiction;

"(5) continued activities relating to the implementation of the Convention;

"(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

"(7) the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

"(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before October 31, 1983.

"(e) The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

"(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 is not affected by this section.

"(g) The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

"SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the Natives of the Pribilof Islands, to be known as the 'Pribilof Islands Trust' (hereinafter referred to as the 'Trust').

"(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transferred by the Secretary to the trust within fifteen days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c).

"(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 205 (a) and (d). Such distributions shall be made by the trustee or trustees only after the Secretary has determined that such trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

"(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

"(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

"(c) There may be one Trust instrument establishing the Trust described in Section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

"(1) establishing standards and procedures for the disbursement by the trustee or trustees of trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Island Native councils, corporations, or other such entities;

"(2) establishing the Secretary as trustor;

"(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Island;

"(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

"(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or advisor, who may be the trustee, having recognized competence in such fields;

"(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

"(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

"(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

"(9) compensation of the trustee or trustees;

"(10) the term, termination and final distribution of the Trust estate;

"(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust; and

"(12) defraying of community expenses; and

"(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before October 14, 1983.

"(d) The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.

"(e) (1) There are authorized to be appropriated to the Secretary $20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section.

"(2) Prior to the termination of the period described in subsection (a)(3) of this section, the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to five percent of the amounts transferred to the trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this Act.

"(f) The interest on, and the proceeds from the sale or redemption of, any asset or obligation held in the Trust shall be credited to and form a part of the Trust.

"(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on April 30, 1984, and subsequent reports on the same date each year thereafter during the life of

the Trust, providing information on expenditures made from the Trust and progress towards achieving the purposes set out in subsection (a) of this section. On April 30, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

"(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided*, That this exemption shall not apply to any income from the investment or other use of such distributions.

"SEC. 207. The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this Act.

"SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

"(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

"(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

"(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section.

"SEC. 209. Chapter 83 of title 5, United States Code, is amended as follows:

"(a) by deleting 'Credit' in section 8332(b) and inserting in lieu thereof the words 'Except as provided in paragraph (13) of this subsection, credit';

"(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

'(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.';

"(c) by adding in section 8332(b) after 'paragraph (3) of this subsection.' the following sentence: 'The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.';

"(d) by adding in section 8332(f) after 'postal field service' the words 'and service described in paragraph (13) of subsection (b) of this section,';

"(e) by adding in section 8332(l)(1) the word 'or' at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

'(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;'; and

"(f) by amending paragraph (4) of section 8334(g) by striking 'January 1, 1950' and substituting the words 'October 29, 1983,' and adding after 'the Pribilof Islands' the words 'except where deductions, contributions, and deposits were made before October 29, 1983'.

"SEC. 210. (a) Title I of the Act of January 4, 1975, Public Law 93-638 (25 U.S.C. §§ 450-450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after 'to be employed by a tribal organization' the words ', the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorporation, or the Village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)'.

"(b) Notwithstanding any other provision of law, any Native of the Pribilof Islands employed by the Federal government on October 28, 1983, shall be deemed to have been covered under chapters 81, 83, 85 and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93-638), known as the Indian Self-Determination and Education Assistance Act.

"SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

"(b) All provisons of law relating to the seizure, summary and judiciary forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forefeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisons of this Act.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

"(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

"(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

"(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

"SEC. 304. (a) Any person who knowingly violates any provision of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for such violation, or imprisoned for not more than one year, or both.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given

notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 or title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon appplication by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

"SEC. 305. (a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to $2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 205 of this Act, $736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this Act and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.

"(b) The contract authority of the Secretary under this Act is effective for any fiscal year only to the extent that appropriations are available for such purposes."

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE ROBIN TALLON

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROBIN TALLON:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that two employees of mine, David Perkins and Kenneth Rush, have received a deposition subpoena in *Benjamin D. Moore, Petitioner Coxe Leasing Corporation* v. *Carolina Container, Inc.* In both instances, the subpoenas related to their official duties.

I will undertake to make the determinations required by the Rule and communicate them to you.

Sincerely,

ROBIN TALLON,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 27, 1983.

EXPORT ADMINISTRATION ACT TEMPORARY EXTENSION

Mr. BONKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3962) to extend the authorities under the Export Administration Act of 1979 until October 14, 1983, as amended.

The Clerk read as follows:

H.R. 3962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking out "September 30" and inserting in lieu thereof "October 14".

SEC. 2. There are authorized to be appropriated to the Department of Commerce for the fiscal year 1984 such sums as may be necessary to carry out the Export Administration Act of 1979.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROTH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. BONKER) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. ROTH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

□ 1220

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion becomes necessary because the Export Administration Amendments Act of 1983 is legislation that is currently before the House, but the Export Administration Act of 1979, the current law, is due to expire on September 30.

On Thursday the House debated the rule for H.R. 3231, which is the extensive with amendments, of the Export Administration Act, and that measure is due for debate on the House floor today. Sometime during the course of the week we will take up amendments under the 5-minute rule.

Our concern is not that we may be unable to complete legislative action on the bill, H.R. 3231, during the course of the week, but that the other body may not be able to take up and complete action for a comparable measure during the week.

Not only do we have to successfully adopt our respective measures, but the conference may take several additional days.

So, given the fact that both bodies need more time to deliberate on legislation to extend the Export Administration Act and the fact that we will undoubtedly have a conference which could involve 2 or 3 additional days, it makes necessary this unanimous consent request to extend the present Export Administration Act until October 14.

I am certain that there would be no objection.

At this time I would like to yield to the ranking member of the Subcommittee on International Economic Policy and Trade for whatever comments he may have.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

As I see it, this extends the Export Administration Act to October 14. October 30 is a better date. October 14 is a very awkward date, Mr. Speaker. The reason I say that is because, as I understand it, from the 7th of October to the 14th of October this House will not be in session. It would essentially give us less than 2 weeks to work on this very complicated legislation.

This legislation has to go through the House, it has to go through the other body, and then the conferees must act on it.

We have some extremely important and delicate matters in this legislation. Some issues are going to be very heatedly debated.

This legislation has an open rule and I know of at least 25 amendments that are going to be coming before the House. With an open rule, and more than 25 amendments, I can see this debate extending for more than 1 or 2 weeks. We would have 1 week to work

with the other body in conference and get it back here.

I think it is impractical and not workable in this fashion. I think that the date has to be changed to some other date than October 14, Mr. Speaker.

Mr. BONKER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding. I have to state some of the same concerns as the gentleman from Wisconsin (Mr. ROTH) has stated.

The Chairman knows that it is an extremely controversial piece of legislation. Not only is it controversial within the Members of this House but the version that the other body is reporting is entirely different than ours and I have the same concerns.

I would like to just ask the chairman in a colloquy, in a friendly nature, what happens if this does bog down and we have not had the bill itself signed into law by October 14? What are the ramifications if that should happen?

Mr. BONKER. Will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Washington.

Mr. BONKER. I appreciate the concern raised by both the gentleman from Wisconsin (Mr. ROTH) and the gentleman from New York (Mr. SOLOMON), both of whom have devoted considerable effort to this legislation.

The extension is necessary not because there is not ample time allowed for House action on the measure this week. Given the fact that we have a limited legislative schedule and the fact that the continuing resolution may keep us in until late Friday, we are bound to have some empty time on the floor.

So my concern is not so much with the House having enough time to fully debate and consider the amendments to be offered and completing action on Export Administration Amendments Act of 1983, but in case the other body does not act on a bill in time to allow enough room for a conference to take place.

Now, if we discover next week that there is insufficient time for a conference, then I rather imagine we can go through another unanimous consent request to extend the current act another few weeks to allow time for a conference to take place.

Mr. SOLOMON. If I may ask the chairman, I still am very much concerned just for example, I think October 2, which is a Saturday, there are a number of members of the Foreign Affairs Committee who are scheduled to take part in a NATO conference in Europe and they do not even plan to be here during that week, this coming week. Therefore we really only have just 4 working days.

I am just concerned that I guess my question is why can we not change it and place the extension date to October 30? Then we would all feel safe about it and we would not have any concern.

Mr. BONKER. Let me put the gentleman's mind at rest. There is no way that we will be taking up this legislation in conference while we are in a recess. If we are to break on October 7 then we certainly will not have a conference.

All Members, especially those who are appointed conferees, ought to participate fully in the conference debate.

My concern is that we are able to expedite action on this legislation. The Export Administration Act is due to expire on September 30. If we do not expedite our work it is possible that it might be even extended indefinitely.

I rather imagine if we extend it to October 30 that we would end up right down to the wire as we are now in trying to take up the matter in the last few days.

There is no way now that we can amend this motion to suspend the rules on the floor and I would hope that the gentleman would go along with the request and then next week if it looks like we have insufficient time to take up this issue in conference, then we will ask for another extension by unanimous consent.

Mr. SOLOMON. I thank the chairman for his remarks. I certainly appreciate the chairman. He does an excellent job in his capacity as chairman of that subcommittee.

But again I still have to raise this concern. I do not see why we could not come back tomorrow with a unanimous-consent request for this same bill with an October 30 date. There are many of us that will not be here next week and who will be participating in that amendment process. With the Lebanon resolution on the books, with the continuing resolution, I am just afraid that we are not going to get finished.

I will be personally very uncomfortable, and so will many Members on this side of the aisle, if we are unable to complete the amendment process on that legislation. I do not see any reason why we could not extend this.

I hate to oppose the bill but certainly I am going to ask everyone on this side of the aisle to do it, again with no reflection on the chairman because, unless the chairman can tell me why he could not come back here with a unanimous-consent suspension bill in the next couple of days which would give us until October 30, when we would all feel very comfortable, then I would support the gentleman's bill at that time.

Mr. BONKER. Let me say first of all the concern has been not so much with inadequate time on the House floor for debate on the Export Administration Act this week.

I am informed that we only have two major bills, one dealing with the continuing resolution which will probably come up later in the week, and the second being the foreign affairs resolution concerning the War Powers Act and the stationing of troops in Lebanon.

I think about 3 or 4 hours is being allocated for debate on that issue.

So I believe that we have more time than we need, even with all of the amendments that are being proposed, to fully debate and consider the Export Administration Amendments Act this week.

My concern has been more with the probability of a conference and what might or might not take place in the other body. But I do think extending the act until October 30 will give us time that is not necessarily needed on the House floor to debate this issue.

□ 1230

If anything, it might just extend the possible time that we would take up the measure.

I know the gentleman (Mr. SOLOMON) has legitimate concerns, but I do think the leadership has allowed sufficient time to fully debate the issue this week.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, to tell you the truth if somebody objected to the extension of this act, I suppose I would not weep great tears because I think the act is unnecessarily stringent, and reflects adversely on our trading opportunities.

But, I would be surprised if those who would want to make it stricker would oppose the extension which the gentleman from Washington (Mr. BONKER) is suggesting.

Obviously we cannot have a blank period with no legal control over exports.

For that reason I will support the gentleman's motion, even though I think the current act is one which needs amending rather than extending. But I would say, with the gentleman from Washington (Mr. BONKER) that long extensions simply give rise to long debate and much head faking between the other body and this one.

If it is necessary to extend it again, I am certain the gentleman from Washington (Mr. BONKER) will be in here to give us such a motion. But in the meantime I think we should keep pressure on both ourselves and upon the other body. I think the gentleman's motion should be sustained.

Mr. BONKER. Mr. Speaker, I thank the gentleman.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the ranking minority member of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. I thank the chairman for yielding.

Mr. Speaker, I wish to make one thing crystal clear, this is the most important piece of trade legislation to come before this body this session of Congress. We must give adequate consideration and not be forced to debate these amendments under duress of time, the "rush to judgment" that so often takes place.

So I think while we will be constrained to go along with our chairman's proposal, I think we want to also make it very clear that this is not going to constrain us in any way from offering amendments or debating amendments to the fullest. We realize that it is very easy and convenient to get an extension of time and we are acting in the understanding that the chairman will do so.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BONKER. I thank the gentleman for his comments.

The gentleman (Mr. ROTH) has raised legitimate concern. I want to personally assure him and the gentleman from New York (Mr. SOLOMON) that if it looks like we do not have ample time, I will be the first one to request another extension

Mr. ROTH. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in reluctant support of this bill for the reasons noted in my presentation earlier. I simply want to say that I agree with the gentleman from Wisconsin (Mr. ROTH) that we ought to have plenty of time to work on the bill and I can assure him that I will probably have as many amendments as he does, although they may be taking a little different direction.

I am not sure I agree with the gentleman from Wisconsin (Mr. ROTH) that it is the most important piece of trade legislation. It is important all right but it is probably better described as antitrade legislation. Because it is important to our security in this country, we have to think it through very carefully.

I thank the gentleman for yielding.

Mr. ROTH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the bill, H.R. 3962, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Washington (Mr. BONKER) will be recognized for 45 minutes, the gentleman from Wisconsin (Mr. ROTH) will be recognized for 45 minutes, the gentlewoman from Tennessee (Mrs. LLOYD) will be recognized for 15 minutes, and the gentleman from New Jersey (Mr. COURTER) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I would like to commend the ranking member of the subcommittee from the State of Wisconsin (Mr. ROTH) for his continuing efforts and cooperation in behalf of this legislation. He has noted on more than one occasion that this is not only the most important trade bill to come before Congress in this session, but it is one of the most complex pieces of legislation that we will be considering this year.

It is also terribly important, Mr. Chairman, because it brings into conflict two important national policy imperatives. On the one hand the United States bears a heavy responsibility as a global power. We have to develop policies that protect our national security interests, that carry out our strategic concerns, and that attempt to deal with foreign policy matters. This is a unique responsibility that we in the United States must bear, one which is not fully carried by other countries, particularly those in the Western sphere.

U.S. policies, short of war, have often placed the burdens of carrying out these global objectives on the backs of our business community because, invariably, it results in the placement of economic sanctions upon our exporters as a means of dealing with foreign policy matters.

At the same time the United States is discovering that our domestic economy is no longer sufficient to meet our growth needs in the future.

At the same time we find ourselves in a fiercely competitive world economy with Japan and other countries challenging America's preeminence in a number of areas.

The United States must be more competitive; we must enhance our export opportunities.

The fact is that since 1960 our share of world markets has been declining rapidly. In 1960 we had 18 percent of that share and that is now down to 12 percent and declining every year.

If one were to measure our export performance against the GNP, we would find ourselves sadly lacking against other countries.

It is now down to 7.5 percent of our GNP compared to a much higher percentage displayed now in Canada, Japan, West Germany, and other countries.

Last, Mr. Chairman, let me note that exports has become a jobs issue. The Department of Commerce has estimated that for every $1 billion in exports we create somewhere between 25,000 and 30,000 new jobs.

So it is no longer a matter of exporting jobs, it is a matter of generating jobs.

The legislation that is before the House, Mr. Chairman, attempts to address all of these concerns, the concerns that we have to protect our national security interests, to make sure that our technology is not any way directly or indirectly contributing to the military capability of adversarial nations.

We have also attempted to deal with the complex subject of foreign policy and how we attempt to deal with foreign controls in such a way that we do not necessarily inhibit our economic performance in the world marketplace.

The subcommittee has heard from a variety of witnesses, both in the public and private sectors; we have attempted to find a way to balance these national policy objectives, and I think the legislation before us has done that very successfully.

□ 1240

With respect to foreign policy controls we have added provisions that would require the President to consult

with other countries before imposing foreign policy controls in the future.

The problem invariably has been that whenever the United States, through its President, attempts to punish the Soviet Union for misbehavior, we generally do it without prior consultation, and therefore we impose sanctions without the cooperation and support of friendly nations.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 3231. I want to congratulate the gentleman from Wisconsin (Mr. ZABLOCKI) for his fine work in bringing the bill before the House.

Tomorrow I will offer an amendment to the bill that would ban the importation of Soviet gold coins into the United States. Over the past 4½ years, the Soviet Union has exported nearly $46 million worth of gold coins into our country to raise much-needed hard currency for trade with the West. In light of the Soviet massacre of 269 innocent persons on board Korean Air Lines flight 007, this ban is but one of a number of measures we should take to show that there will be no business as usual until the Soviet Union changes its course as an outlaw nation. Let us stop the sale of this blood money to pay Soviet fighter pilots to shoot down civilian airliners.

Mr. BONKER. I thank the gentleman and he can be assured that the House will consider his proposal later in the week.

Mr. Chairman, let me resume my comments about prior consultation. I think our European allies would be more likely to support our foreign policy goals, even if they include export sanctions, as long as they were made party to those deliberations and the final decision on whether or not to apply those controls in the future.

The bill before us also deals with the problem of existing contracts and the fact that in the past when Presidents have attempted to use foreign policy controls they have proved to be destructive to contracts that are already in force. We have found that members in the private sector have been the real victims whenever these controls were attempted in the past.

So we have added to an existing provision in law relating to agricultural commodities to limit the President's authority in the future to impose controls which terminate contracts for foreign policy reasons.

The Congress may grant authority to interrupt existing contracts in the future. Our exporters have discovered that they, as a result of foreign policy controls in the past, are now seen as unreliable suppliers. In other words, other countries and companies are reluctant to do business with the United States simply because of our past track record and the fact that oftentimes these contracts can be terminated at the whim of the President.

We have also attempted to deal with the problem of extraterritorial foreign policy controls. We found in the past that when the President exercised this authority and took the extra step by extending those controls to U.S. subsidiaries located in other countries, that quite often placed these companies in a serious dilemma. They were either potentially in violation of our law, which ordered them to terminate contracts, or they were potentially in violation of another country's law which in effect said honor those contracts. This has been an unbearable and unwarranted burden that has to be borne by U.S. subsidiaries.

Mr. Chairman, while there is something of an emerging consensus within the business community that foreign policy controls simply do not work, they have never worked in the past for any country, they certainly have not worked for us, the result has always been to punish not the Soviet Union or another country that is the target of these controls, but to place the burden wholly upon our U.S. manufacturers and exporters. And oftentimes they and not the Soviet Union are the victims of foreign policy controls.

So there is a consensus I think that is now shared by many inside the administration that these foreign policy controls do not work. If the President ever felt inclined to use those controls, he would have in the aftermath of the Korean airliner incident. That, probably more than any other single event, has aroused America's patriotism and need to retaliate and yet, the President himself stops short of imposing trade controls as a retaliatory measure.

But within the national security section of the bill we find that the attitude within the business community, indeed, everywhere and among all those who testified before the committee, is that we need effective national security controls. They should be an integral part of this country's strategic policy.

So, we, in no way, have attempted to take away those controls or to reduce the commitment we have to controlling the transfer or the sale of technology or the use of technology for military purposes that would enhance the military capability of an adversarial nation.

The reforms that are in this bill are simply intended to expedite licensing procedures and enable us to concentrate on that technology that has significant military and civilian application. I think it is terribly important that we underscore that fact. We find that the present system which attempts to control 100,000 to 200,000 items, has proved so burdensome for our Government and others who cooperate in controlling high-technology items, that we have really diverted our attention from high technology that could actually move out of our country and into the hands of the Soviet Union.

So these reforms, I think, are essential. They strike an important balance between the Department of Commerce, that generally is in favor of exporting, and the Department of Defense, which really has a vigilant attitude about what ought to be exported.

What we have attempted to do in this legislation is to take some of the existing regulations and actually codify them by placing them into the act. I am talking basically about the distribution and the project licenses which allow multiple shipments under one license, so that exporters do not have to continually go back for individual licenses.

We have added a new comprehensive operations license that will allow multiple shipments of goods and technology from U.S. parents to subsidiaries, thereby eliminating the need for licensing of day-to-day transactions by companies, particularly those who have an established record of complying with national security controls.

The committee is attempting to eliminate, insofar as possible, the volume of licenses now required. The Department of Commerce issues anywhere between 75,000 and 80,000 licenses a year, which is cumbersome and costly for our Government and burdensome to the business community.

We can effectively do this by eliminating licenses for shipments to Cocom countries. That includes basically member nations of NATO plus Japan. We have found that the track record involved in shipments to Cocom countries is very good, at least as good as it is with Canada where we do not license exports, without any threat or compromise to our national security.

So one of the major reforms in this bill is to eliminate licensing requirements for shipments to Cocom countries.

□ 1250

The bill also decontrols items subject to unilateral control which have been approved consistently over the past year. If a particular piece of equipment has been approved time and time again, it is obviously in circulation worldwide. It is something that has exceeded the state of the art, yet we continue to require licenses which often require delays and uncertainty for our exporters.

So we see this as another essential reform, which is one that does not compromise our national security interests.

The committee also has discovered that we can decontrol goods with microprocessors, embedded microprocessors, so long as that item is used strictly for commercial purposes. Of course, if it has any potential military application, then the Secretary retains the authority to control it.

And, last, under national security controls, Mr. Chairman, let me mention that foreign availability continues to be a serious problem for our Government and for our exporters. There is nothing that frustrates exporters more in their efforts to export their equipment than when they discover they are being denied a license or they are subjected to delays in the licensing procedure while their competitors in another country are not restricted. They know that foreign availability exists, and there is really nothing they can do about it. The present law provides some procedures for dealing with foreign availability, but they have proved ineffective. Technical advisory committees, which are already established by law, were created to advise on foreign availability. In the Export Administration Amendments Act we provide that technical advisory committees must inform the Secretary, as well as the Congress, whenever there is an example of foreign availability. The Secretary would have 90 days in which to make a determination as to whether or not foreign availability exists. And if foreign availability does exist, the Secretary then can negotiate with the country involved to bring about control of that item from that particular country. The Secretary would have 6 months in which to conduct those negotiations. If he fails to have the item controlled in the other country, then it will automatically be decontrolled in this country, thereby allowing the exporter to compete.

Now, the point here I think is fairly obvious. The purpose of the law is to prevent the flow of certain technology into countries that are potential adversaries. We are not being effective in that policy if the item is available without control from another country. If we continue with the present policy and disallow our exporter access to that market while his competitor from a foreign country does have access and actually gets the sale, then we have not denied anything to the potential adversary, and the only result has been to deny our exporter access to the market.

Mr. Chairman, a few words about enforcement of the Export Administration Act. There were concerns expressed before the committee on all sides that the Department of Commerce has not been terribly effective in its enforcement program I do not think that charge can be denied, but in the past the Department of Commerce has lacked the essential funding and personnel resources to do the job. They have lacked the authority to do an effective job. So instead of trying to support another agency's efforts in the enforcement area, the committee, working in concert with the gentleman from Minnesota (Mr. FRENZEL) and other members of the Ways and Means Committee, has attempted to develop an enforcement program that provides essential authority to the Department of Commerce and gives it the personnel and the resources necessary to do the job. We have provided a more tightly defined role for the Customs Service so that it can continue its work on illegal exports, but we avoid the possible overlapping of these two Federal agencies in dealing effectively with export control matters.

We have increased penalties for violators of this act. We have also made conspiracy to export an explicit offense, thereby broadening the network of parties subject to penalties. I think that we have done an excellent job in dealing effectively with export enforcement in the law.

Mr. Chairman, there are a number of additional provisions in the bill. Time does not allow me to comment on all of them. But I am certain that during the course of our debate and the proposed amendments, we will have an opportunity to focus on other provisions in the Export Administration Amendments Act.

Let me briefly say that there is a new section under title III that deals with both investment and imports and the implementation of the so-called Sullivan Principles in South Africa.

Under the short-supply control authority, we extend the existing prohibition on the export of Alaskan crude oil unless certain conditions are met. We extend the President's authority to impose other short-supply controls. We have worked out very effective compromises in most of these areas.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI), the distinguished chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Chairman, I rise in strong support of H.R. 3231, to extend the authorities of the Export Administration Act.

I commend the chairman, Mr. DON BONKER, the ranking minority member, Mr. TOBY ROTH, and the other members of the Subcommittee of International Economic Policy and Trade for their diligent work in drafting this legislation, which received the overwhelming support of the full committee.

H.R. 3231 has been carefully designed to clarify U..S export control policies so as to restrict goods and technology which could be of significant benefit to the military capability of the Soviet Union and its allies.

The gentleman from Washington, the chairman of the committee, has adequately and fully explained the bill, so I will merely take this time to sum up the provisions.

The bill seeks to focus export controls on the higher range of technologies and relax content on those which are no longer significant or unique. Most West-West trade should be decontrolled, which will remove a taxing bureaucratic burden and permit the licensing process to concentrate on the more complicated, higher technology license applications.

H.R. 3231 seeks to overcome some of the problems which have accompanied the use of foreign policy export controls, specifically the grain embargo of the Soviet Union and the gas pipeline sanctions. The bill more clearly defines the criteria which should govern the use of export controls to further U.S. foreign policy, particularly that such controls should not be unilateral but should be imposed in conjunction with our allies. Emphasis is also placed on the foreign availability of goods and technology being controlled. The bill restricts the extraterritorial application of U.S. foreign policy export controls, unless there is specific authorization from the Congress, and provides for sanctity of contract.

Mr. Chairman, H.R. 3231, while maintaining essential export controls, is designed to remove unnecessary impediments to U.S. exports and therefore to assist the creation of jobs here at home. Maintaining the economic strength and vitality of the United States and our allies is as much in the security interest of the United States as is depriving the Soviet Union of some new technology. H.R. 3231 represents a careful balancing of these two important national goals; it permits the restriction of exports which could be of military benefit to our enemy or enemies but seeks to avoid unnecessary controls which would restrict U.S. exports to no real advantage.

I urge the Members to support the bill.

Mr. ROTH. Mr. Chairman, I yield myself such time as I may consume.

□ 1300

Mr. Chairman, first of all I want to thank the chairman of our subcommittee, the gentleman from Washington (Mr. BONKER) for his excellent work and for his graciousness and fairness and helpfulness in our many, many, many hearings that we had on this legislation.

I also want to thank the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI) for his comments.

Our subcommittee held an innumberable number of hearings and meetings, and a great deal of time was put into this legislation by our subcommittee members, Ms. SNOWE, Mr. BEREUTER, Mr. MICA, Mr. BERMAN, Mr. BARNES, and Mr. WOLPE. All of these

people spent countless hours on this legislation, and I want them to know how much I appreciated their support and help, and also the majority staff members who did so much work.

I, as a new member on this committee, knew little about the Export Administration Act, and 95 percent of the people in this body are in the same situation. Believe me, there are many issues here and it takes a lot of hours to consider them carefully. It is like going back to graduate school to study this and work on this legislation.

I also want to thank my minority counsel, Harold Luks, for his excellent work and the countless hours he put into this legislation.

There are more than 65 sections to this bill, and it is one of the most controversial, technical, and complicated bills to come before this Congress this session. This legislation severely restricts the President's ability, as I see it, to regulate exports for reasons of national security, foreign policy and short supply.

Long before the brutal Soviet attack on the South Korean flight 007, I was deeply disturbed by several sections of this legislation. The Presidency as an institution must have the flexibility and authority to conduct foreign policy and protect the national security. Congress and the Presidency share responsibility for making trade policy. That policy is more important today than at any time in our history. Everyone involved in this debate is committed to strengthening our position in the world economy. Export controls are necessary to protect national security and to conduct foreign policy.

We are convinced that export controls are necessary to protect our national security and are necessary to conduct our foreign affairs and our foreign policy. The brutal Soviet murder of 269 innocent victims and the entire spectrum of Soviet conduct demonstrate the importance of preserving our foreign policy and national security by export controls.

But the EAA is not just devoted against the Soviet Union and is not designed against the Soviet Union solely. It is designed to enable the United States to conduct foreign policy by giving the President the ability to express his revulsion in a nonmilitary way, be it any country, whether it is Libya, Iraq, Syria, or any other country. The President did not use his authority under the Export Administration Act to reply to the brutal murders, but I ask my colleagues, who would vote to deny him that option, which is what we are doing here?

But that is precisely the approach that this bill is taking, to deny the President that option. Moreover, in the present form, this bill makes it easier for the Soviet Union to acquire Western technology. Who in the House would go on record favoring reductions in export controls or the transfer of militarily significant goods and technology to the Soviet Union or any other adversary? Export controls on sales to the Soviet Union are not the issue, really.

In a letter to President Reagan, the former distinguished chairman of our subcommittee, Mr. Jonathan Bingham, wrote this. He said:

> In my view, circumvention of U.S. and multilateral export controls has contributed more to Soviet military capabilities than the technology approved for sale.

You will hear that reductions in national security export controls by reducing or eliminating the license of exports or lifting controls on entire categories of goods and technologies will improve the operation of export controls. You will hear that foreign policy export controls do not work.

In this legislation, the major issues are buried in a mountain of technicalities, but I urge my colleagues to examine the facts and to draw their own conclusions.

Congress has amended our export control law now five times since 1969, and each time the amendments were approved to provide answers to four basic questions, and we want to take a look at those questions, because as amendments come to the floor we have to have that critiera, we have to have a target to shoot at, and these are the four questions that have always been asked, and these are the four questions that we must ask again:

First, how to reduce national security export controls to truly militarily significant items.

Second, how to simplify the export licensing procedures so they are not a burden on American business.

Third, what is necessary to improve the United States and multilateral enforcement of export controls; and

Fourth, to insure that the President and Congress fully examine the imposition of foreign policy export controls before they take effect.

There are no easy answers. But weakening national security controls and denying this country the option of effective foreign policy controls is not the answer. In this debate, we should evaluate proposed changes to the act by a set of objective criteria. The 1979 Foreign Affairs Committee report identified four criteria. They were valid then and they are valid today as standards to evaluate amendments to the act. Do the amendments:

First, reduce controls;

Second, increase enforcement and the scrutiny devoted to items under controls;

Third, simplify licensing; and

Fourth, establish procedures and criteria for foreign policy controls.

Although there are significant objections to several sections of the bill, let me emphasize my support for many parts of this legislation. In particular, H.R. 3231 requires completion of a list of militarily critical technologies; it strengthens the Paris-based coordinating committee on national export controls, composed of NATO countries minus Iceland and Spain plus Japan, which recommends to its members controls of strategic goods and technologies; creates a statutory basis for four types of multiple export licenses; expands the kind of acts to be considered violations of the law and increases the penalties for violations; strengthens the hand of the Department of Commerce to arrest violators and seize goods; spells out detailed provisions for prior consultation between Congress and the President regarding the imposition of foreign policy controls, for which we are indebted to the gentleman from Indiana (Mr. HAMILTON); and provides for sanctity of contracts except in cases of immenent or actual aggression, gross violations of human rights, international terrorism and nuclear weapons tests. Each one of these provisions in the Export Administration Amendments Act of 1983 is an improvement over the current law. Each of these provisions meet the criteria with which we must judge changes to the present law.

Mr. Chairman, I want to take this opportunity to emphasize my support for many sections of the legislation—precisely because they meet these criteria. Those sections which beef up enforcement, increase penalties, identify militarily critical technologies to narrow controls and reduce licensing, provide for multiple licenses, and set the stage for close prior consultation between Congress and the President regarding foreign policy controls—all improvements over the present law.

In fact, if the House approved just these provisions, our export control law would be greatly improved.

Mr. Chairman, over the past decade the scope of export controls has been reduced. The list of items controlled multilaterally by the United States with our partners in Cocom has been substantially reduced. The number of items we control unilaterally has undergone a dramatic reduction. I will not come before the House and defend the position that a number of items for which we require licenses is perfect. It is not perfect.

Developing a list of militarily critical technologies goes a long way toward answering the question of what goods and technologies should be subject to export controls. The bill we are considering requires completion of a militarily critical technologies list. This MCTL would be integrated into the actual list of controlled items administered by the Commerce Department. It would result in a thorough, overhauled and reduction in the U.S. national security controls as contained in

our commodity control list. The MCTL provision also requires that the General Accounting Office embark on a similar undertaking to guarantee that Congress has a second opinion on what is essential to control for strategic reasons. Finally, it incorporates a list of criteria to consider in determining what is indeed militarily critical—criteria developed by a highly distinguished panel of scientists, intelligence, and military specialists, including the former Under Secretary of Defense, William J. Perry.

Here then is a comprehensive review of U.S. export controls and procedures to meet the criteria for amending the Export Administration Act.

But the legislation goes much further—and in dangerous directions.

I do not question the motives of those who support the bill in its present form. Unless the result of this debate corrects certain deficiencies, I cannot see the President signing this legislation—or the next President accepting its restrictions. I cannot help but wonder about the reactions of Presidential hopefuls Mondale, GLENN, HOLLINGS, HART, CRANSTON, and Askew as to the provisions contained in this bill.

Mr. Chairman—in addition to the unnecessary restrictions imposed on trade with South Africa in title III—after careful and exhaustive examination of this legislation, I am compelled to conclude that three sections are damaging to this country's national security and will endanger U.S. efforts to improve multilateral export controls. They do not meet the standards to evaluate changes to the Export Administration Act.

COCOM LICENSING

First, the bill eliminates the requirement that U.S. exporters obtain validated licenses for shipments to most NATO countries and Japan. Eliminating licensing would have a devastating effect on multilateral export controls. Who can disagree that the United States is the conscience of Cocom and chief advocate of export controls. It would limit export licensing to a few questionable companies whose names would be published by the Commerce Department. If you vote for this amendment, you vote to deny the Government the opportunity to investigate export licenses applications and to deny exports to suspected countries—controlled or cooperating—with the Soviets before the goods leave the United States. Notifying the Government, as the bill requires, as the goods sail away serves little purpose.

Here is a partial list of "red flags" or warning of illegal exports: Our enforcement of export controls is the most comprehensive within the Western alliance. Can you imagine their status in other countries. In West Germany, the entire Federal Office for Trade and Commerce was staffed by only 146 civil servants.

INDICATIONS OF POTENTIAL ILLEGAL EXPORTS

Listed below are some of the "red flag" indications that signal possible illegal exports or diversions. The listing is not exhaustive; it is provided by the Department of Commerce, Office of Export Enforcement, as an aid to further public awareness and the private sector's effort to combat illegal exportation of U.S. technology.

1. Customer's/purchasing agent's reluctance to provide *end-use or end-user information;*

2. Performance/design requirements *incompatible with destination country resources* or environment, or with consignee's line of business;

3. Stated end-use incompatible with the customary or known *industrial applications* for the equipment being purchased;

4. Stated end-use incompatible with consignee's *line of business;*

5. Stated end-use incompatible with the technical *capability of the consignee or destination country;*

6. Customer willingness to pay cash for a large value item or order;

7. Little or no customer business background information available;

8. Apparent lack of customer familiarity with the commodity's performance/design characteristics or uses;

9. Customer's/purchasing agent's declination of installation or service contracts that are normally accepted similar transactions;

10. Ill-defined delivery dates or the use of delivery locations inconsistent with the type of commodity or established practices;

11. Use of freight forwarders as ultimate consignees;

12. Use of intermediate consignee(s) whose location/business is incompatible with purported end-user's nature of business or location;

13. Packaging or packing requirements inconsistent with shipping mode and or destination; and

14. Evasive responses to questions regarding any of the above as well as whether equipment is for domestic use, export or reexport.

Even a subcommittee on export controls of the President's Export Council—an industry advisory group—did not recommend eliminating West-West export controls.

Another report revealed that the United States is the only country to maintain a denial list of unreliable end users.

The GAO does not favor the elimination of licensing. This section reduces licensing by eliminating it—simplifies licensing by not requiring it—but cripples enforcement.

If we do not strengthen the warning of the late Senator Henry Jackson, whom we all admired so much and who was a real expert in this area, would ring even truer than it does today, when he wrote: "Our export control system is in a shambles." The United States and its allies have been selling the rope to the Soviets. What we have not sold we have been giving away in educational, governmental, and technical exchange programs. What we have not sold or given away, they have been stealing. Do we want this state of affairs to continue?

What good does it do us to spend here in this body billions and billions of dollars in research and development to protect our national security and then allow the Soviets to build their military machine on our high technology.

UNILATERAL CONTROLS

Second, is the section on unilateral controls. We control 31 categories of goods and technologies unilaterally. U.S. companies can not sell them without an approved export license. In 1982, more than 10,500 licenses were approved to non-Communist countries—38 were denied. Unilateral controls cover elements used in biological and chemical warfare; nuclear weapons, missile weaponry, engines used by in large in naval vessels; and electronic countermeasure equipment, to name a few. For many items there is no foreign availability.

The provision before us is designed to end these controls. We have the opportunity to replace this section with an amendment which meets the criteria for changing the present law and recognizes the military applications of these items.

FOREIGN AVAILABILITY

Third is the problem of foreign availability. What international negotiation was ever concluded in 6 months? That is the deadline imposed by the bill on the President to negotiate the elimination of foreign availability for goods and technologies subject to licensing requirements. Even negotiations within Cocom take 2 years or more to add or delete items from the control list. Six months is clearly too short a time period for technically involved negotiations to eliminate foreign availability.

We are committed to strengthening Cocom, but this provision weakens Cocom and may place the United States in violation of Cocom by eliminating licensing for items controlled by Cocom.

Foreign availability sounds simple, but it is not. It involves technical comparisons which are time consuming, complex, and costly. And let me add that in many instances investigations to evaluate foreign production confirmed the superiority of the U.S. product thus reinforcing the need for our export controls.

EXTRATERRITORIALITY

There is only one other provision which is of great concern. Foreign policy controls have three aspects: Exports from the United States, interruption of contracts, and extending control to foreign subsidiaries and U.S.-origin components in foreign made goods. It is extraterritoriality: extending export controls to U.S. subsidiaries and to U.S. goods and technologies already sold overseas.

Twice the House debated repeal of this authority. Twice the Congress confirmed its intention to delegate this authority to the President. During the 1979 debate, our distinguished former colleague Jonathan Bingham accepted an amendment deleting a provision repealing extraterritorial controls. That debate clearly examined this authority for both reasons of national security and foreign policy.

□ 1310

Extraterritoriality is an important aspect of foreign policy controls. It is beyond belief that in the wake of the destruction of flight 007, and other acts by the Soviets, Libyans, Iranians, and others that we would strip away the effectiveness and scope of foreign policy controls. Mr. Chairman, recently the New York Times eloquently made the case for foreign policy controls. Using Libya as an example, the New York Times summed up the issue.

The article follows:

[From the New York Times, Aug. 26, 1983]

ON GIVING QADDAFI THE BUSINESS

Will Colonel Qaddafi collapse if Washington refuses to let him buy an American system for mooring and loading tankers offshore? Hardly. But who could imagine authorizing this sale when Libya's reckless strongman has just launched another military adventure, this time against Chad? That's the dilemma of the economic sanctions game. Each case offers difficult choices and uncertain results.

Sofec Inc., a Houston company owned by Britain's Vickers Ltd., has requested an export license for a $40 million mooring system it would design, construct and install in Libya. The Reagan Administration is torn with indecision, having only last week approved Caterpillar's sale of $90 million in pipelaying equipment to the Soviet Union. Remember, not so many months ago President Reagan threw the Western allies into turmoil by embargoing sales of such equipment for the Russians' European gas pipeline.

In other words, it's hard to enunciate a principle for the use of economic sanctions. If they work, the world's leading democracy comes off looking like a bully. If they don't, and that's often the case because the embargoed product can be bought elsewhere, America comes off looking petulant—and American producers suffer. The futile grain embargo against the Soviet Union tells it all.

Sanctions continue to be invoked, though, and recent research indicates that they can be effective.

The Institute for International Economics, a policy study group in Washington, analyzed 78 campaigns by various countries for various purposes and found that about 40 percent were effective.

Economic coercion has played a part in the eventual downfall of Governments in Rhodesia, Chile, Nicaragua and Uganda in the past dozen years. Less dramatically, Arab pressure kept Canada from moving its Israeli Embassy from Tel Aviv to Jerusalem.

President Carter banned sales of American military equipment to Libya five years ago, retaliating against Colonel Qaddafi's terrorist activities overseas. In 1981 President Reagan pressed American oil companies to get out of Libya, and in 1982 stopped importing that country's oil. Last December, in a deal much larger than Sofec's moorings, Boeing was barred from selling 12 commercial jets to Libyan Arab Airlines for $600 million.

Washington's objective in Libya is clear enough: contain the colonel, at least. He persists, and there's no sign he's been weakened. If he can't have our offshore moorings to make his oil shipments more efficient, he can surely get such equipment elsewhere.

But sanctions have value nonetheless. For reasons of price or design, he'd apparently rather buy American. To deny him the Sofec moorings would be at least a frustration, and an appropriate way for America to show him our contempt.

When all is said and done the business community opposes foreign policy controls. They impose costs upon the United States. A very strong case can be made that foreign policy controls, in certain instances, do not pass the test of a cost-benefit analysis. Yet, it is easier to calculate their cost, as opposed to their influence on a foreign government.

To date, no one has attempted to seriously evaluate the widespread use of foreign policy controls by the United States and other countries. A soon to be released major study of foreign costs doubt on the charge that they do not work. "Perhaps surprisingly," the study reads, "Sanctions have been successful in 40 percent of the cases. The success rate depends on the type of goal." Defining such goals is the task of Congress and the President and this bill spells out for the first time the terms for prior consultation to define these goals.

The study says sanctions must be comprehensive and timely. This provision makes foreign policy controls weak and belated. Can you imagine, if the sanction were at all controversial, Congress enacting a law giving the President extraterritorial authority in a timely basis? Would it take a week, month, 2 months, 3 months—assuming that we are in session? The bitter critique of extraterritoriality by the sponsors of this legislation does not ring with conviction. They would deny the authority to the President and they apply the same extraterritorial reach to South Africa.

Mr. Chairman, the differences over this bill are of substance—not ideology. I do not believe that the best interests of American business and national security are incompatible. This legislation can be improved to take into account and balance both interests. I will offer, and others will offer, amendments to make this a reality. Its going to take a lot of work and patience. Its going to mean reviewing the nitty-gritty of export controls.

The control issue in this debate is not international trade and the effect of export controls on American business. Let me quote from the National Academy of Sciences which summed up the problem we must address:

There is no question that the overall loss of U.S. technologies . . . to the Soviet Union has been extensive . . . such acquisition have permitted the Soviet military to develop countermeasures to Western weapons, improve Soviet weapon performance, avoid hundreds of millions of dollars in R&D costs, and modernize critical sectors of Soviet military production.

Now, we all realize that no one has a monopoly on technology nor a monopoly on know-how, but we in the West have been ahead of the Soviets in technology. Technology is a moving target; it is not something that is static.

What I am saying is that we do not want to deny to our commerce and industry a chance to trade and to sell overseas and to be competitive. All I am saying is that we want to stay ahead of the Soviet Union in technology, and that means that we have to delay their chance to get hold of this technology. That means that we have to tighten up the sieve that is around Cocom. That means that instead of loosening our controls, we have to tighten up on our controls.

This August a $600,000 U.S. computer was exported to Belgium. It was Cocom controlled. Soon thereafter it was illegally shipped to Hungary. That is what export controls are all about—and why we must strengthen—not weaken—our export control law.

What is the use of us in this body spending billions on research and development if we are just going to open up the floodgates and tell the Soviets or any other country to come here and pick out what they want?

I think what we want to do is to pick out our highest technology and make it more difficult for our adversaries to get that highest technology, but, at the lower end of the pyramid, loosen up so that business can compete.

Mr. Chairman, that is our goal, that is our objective, and, hopefully, with the help of the Congress and with an open mind to these amendments, we can arrive at this conclusion.

Mr. BONKER. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I rise in support of H.R. 3231. This legislation accomplishes a most difficult task. It furthers each of many fundamental interests that often conflict when the United States controls exports.

The bill reduces restraints on American trade while it strengthens security controls on technology transfers to the Soviet Union and its allies.

The act affirms the use of nonviolent economic measures to respond to world crises, while it provides new protections against such measures being imposed arbitrarily.

The legislation eases the burden of Government regulation on exporters while it gives enforcers new authority.

The subcommittee chairman, Mr. BONKER, has led a careful investigation of the effects of the Export Administration Act. No one has listened with greater patience and fairness to witnesses representing a wide variety of interests. No one knows the act better. Yet Chairman BONKER has been most gracious in enabling those of us who are new to the complexities of the export control law to become familiar with it and to participate fully in its renewal and reform.

This legislation will reduce diversion of militarily critical technologies to the Soviet Union. These leakages result primarily from theft and espionage—from criminal circumvention of licensing requirements. This legislation therefore amends current law to broaden and strengthen the Government's criminal enforcement capabilities, as well as raise penalties for evasion.

American national security interests and trade interests both suffer from overly cumbersome licensing requirements. The proposed legislation would remove unnecessary and outdated restrictions, and would enable enforcement authorities to focus on the truly critical technologies.

Among the bill's measures to modernize and streamline national security controls are:

Provisions for multiple shipments under one license;

Removal of licensing requirements for shipments of jointly controlled goods to our NATO allies and Japan; and

Requirements that Commerce act on license applications within 30 days.

The United States has been far too slow in updating its national security controls list. Goods and technologies remain on the list long after they are readily available to the Soviet Union from a variety of other sources. Such controls contribute nothing to national security. They only serve to hamper American companies' ability to compete in a field where they would naturally lead: high technology.

This bill contains a number of measures to remove unnecessary and outdated national security controls. These measures include:

Decontrol of goods for shipment to a country group if all such shipments have been routinely licensed for 1 year;

Required reviews by Commerce of foreign availability of controlled items, with reports to Congress;

Decontrol of unilaterally controlled goods after 6 months if negotiations fail to remove foreign availability;

And decontrol of goods which currently come under control solely because they contain nonreprogrammable microprocessors.

Just as the national security control provisions of this bill further both security and trade interests, the foreign policy control provisions further both policy and trade interests.

The legislation affirms that trade controls are indeed a legitimate, nonviolent tool of foreign policy. Yet there are new protections against harmful and arbitrary uses of the tool.

A President's authority to immediately halt exports is limited to four circumstances which would clearly call for instantly effective measures. Trade controls affecting existing contracts would have to relate directly to acts of military aggression or international terrorism, gross violations of human rights, or a pending nuclear test. No one would want to remove a President's authority to respond immediately with effective export controls to such crises.

Before imposing foreign policy controls, a President would be required to consult with Congress and submit a detailed report on the effects of controls and the results of consultations with other countries and with affected industries. These requirements recognize that trade controls cannot be effective if they are not supported by a broad public consensus.

Mr. Chairman, there will undoubtedly be claims during the coming debate that this bill sacrifices too much in American foreign policy and national security interests in order to serve trade interests. Others will claim that the legislation does just the opposite. Yet I believe that if one examines the bill carefully and fairly, one will find that all these interests are furthered. I would urge my colleagues to support this act in its entirety.

Mr. ROTH. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska (Mr. BEREUTER), a very valuable member of our committee, and one who has done much to improve this act.

□ 1320

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 3231, the Export Administration Amendments Act of 1983.

I would like to begin by thanking the gentleman from Wisconsin, the ranking member of the subcommittee, for the time and for the exceptional and conscientious efforts that both he and the chief minority staff member involved have devoted to preparation for this act, and to the gentleman from California (Mr. ZSCHAU) whose special expertise as a member of the full committee has contributed so much to the formulation of this legislation.

I thought that Chairman ZABLOCKI's exceptional comments were good preparatory remarks for the debate that will follow and I particularly want to pay tribute to the gentleman from Washington, the chairman of the subcommittee (Mr. BONKER), whose conscientious effort and extremely finely tuned knowledge of this area of the statute has been invaluable in moving the legislation to this point.

Mr. Chairman, America was built into the world's foremost economic power by the backbreaking labor of millions of small business owners, farmers, and ranchers. Current governmental export control policies, however, threaten to break the backs of many of these hardworking individuals and firms. By destroying their ability to compete effectively in the international marketplace through confusing, inconsistent and unduly broad national security controls and ineffectual foreign policy embargoes, the Federal Government endangers the solvency of untold businesses.

A time-consuming, bureaucratic licensing maze which the Federal Government maintains encourages frustrated businesses to move overseas, costing thousands of workers here their jobs. It encourages other nations to step in to reap the economic rewards of foreign trade which we so foolishly allow to lie fallow. It causes American firms to lose the profits from foreign sales which enable them to invest more into research and development. In the final result, this chaotic process accomplishes nothing but to undermine the most potent weapon of the free world—the economic power of the United States.

The export licensing process, as it is now structured, does not work well or to our own national advantage. In an effort to deny militarily critical technology to our adversaries or in an effort to alter their behavior, we are ignoring the health of the forest while concentrating on a few trees. Adversaries are awash in supplies of items obtained from other foreign sources, yet the United States continues steadfastly to control the export of similar products. We anger our allies with distrust as we hover over them, insisting that they guard fanatically even the lowest technology goods for fear they may slip into the hands of potential adversaries.

The gentleman from California (Mr. BERMAN) just a few minutes ago has mentioned the fact, and it is a fact, that our real problem lies in theft and in espionage. As a person who spent his time in the Army involved in counterintelligence and counterespionage matters, I am very concerned about that matter, and I think somewhat knowledgeable.

This act, in fact, contributes to our problem in its current form. It needs to be revised.

For the good of our national economy and our national security, this system has to be changed without further delay.

As a member of this subcommittee, I listened to samples of frustration with our Nation's export policies from small

businesses, from managers of our largest corporations, and from the agricultural sector, too. I would cite just two very common examples of the faults of this system.

On February 22 of this year, a constituent company filed with the Department of Commerce an export license application for a microprocessor equipped controlled fraction collector, a device used in chemical and biochemical applications which collects liquids which are subsequently deposited into test tubes. The company sought export approval for this product in order that it might be exhibited at a trade show in the Soviet Union. According to company officials, and I know it is a fact, many calls, many contacts were made to expedite the process.

Well, the export license was finally granted, as it was predictably to be granted, but it was approved more than 5 months later, well after the trade show. Seven weeks earlier, that trade show had happened. This incident occurred at the very time that the Commerce Department officials testified before our subcommittee and said that more than 80 percent of the licensing applications were being processed in less than 30 days. So now, the Soviet markets for this particular item are likely to go to the only competitors, the competitors from Scandinavian nations.

The 1980 Soviet grain embargo was another example of our export control policies run amok. Most of the attention, quite appropriately, was devoted to the feed grains and wheat, where our share of the Soviet market dropped from 70 percent to 19 percent and then perhaps to 17 percent. However, in the wake of the embargo, we might think about what happened to commercial contracts for 1.3 million metric tons of soybeans and soybean products which were canceled outright.

The bill we have before us today will help eliminate these inexcusable conditions. By concentrating our energies on the truly important technologies which should be kept from enemy hands, or potential adversaries, it will enhance our national security efforts immensely. Through increased emphasis on cooperation with our allies, consideration of foreign sources of supply and consultation with the Congress, the changes embodied in this bill will help to insure that our foreign policy controls will have the support of our allies and will thus be more likely to meet our objectives.

During the last 3 days, with a bipartisan group of Members of this House, I met with members of the European Parliament right here in the United States, in Virginia. We saw evidence of a willingness to move the Co-Com from a paper organization to a truly effective one in order to deal with this problem of technology leaks to potential adversaries and in order to avoid the kind of unilateralism in which we have become involved.

Now, some will argue vociferously against these changes. They are going to tell you some horror stories of widespread leakages of technology to our military opponents or of the folly of selling grain to the Soviets while their armies march through other countries. They will demand that we tighten export controls as a way to "punish" the Soviet Union for its savagery in shooting down the unarmed commercial KAL jet.

Despite their good intentions, these critics, I would contend, are wrong. This Member will predict that nothing they propose can be demonstrated to be effective in achieving the national security and foreign policy objectives they desire. Moreover, nothing yet they are likely to propose will eliminate the commercially suicidal bureaucratic nightmares I previously mentioned.

Additional paperwork and export restrictions will not move us one step closer to the objectives we seek. In fact, they are counterproductive.

A recent article in Fortune magazine noted:

> With the spread of advanced technology around the globe, the power of the United States to control the flow to the Soviet Union inexorably diminishes. Recognition of that reality can be a start toward making U.S. policy at once more effective in denying technology to the Russians and, second, less damaging to the alliance and to the American business community.

I think we must admit the limitations of the control process and eliminate controls when they prove unworkable and ineffectual. We must work with our allies, not against them, in developing these mutually beneficial processes and strengthen those that we now have.

A recent op-ed piece in the New York Times said it best:

> A revised Export Administration Act should severely limit export controls based on foreign policy—and agree not to try to extend them unilaterally to our allies. This would give added strength and credibility to whatever controls based on national security are retained in the act, permitting the alliance to concentrate on what is indeed essential for security. Backed by such sound legislation, American negotiators could begin the long and painful search for a concensus with our allies. Without such a concensus, East-West trade will continue to threaten the West by undermining the alliance itself.

For these reasons and many more that I and other Members will bring forth during the upcoming debate Mr. Chairman, I strongly urge all my colleagues in the House to join this Member in supporting this vital and carefully crafted legislation.

Again, I thank the chairman for yielding and the ranking Member for yielding me this time.

□ 1330

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to manage the general debate on behalf of the Armed Services Committee on H.R. 3231 in the temporary absence of the gentleman from Florida (Mr. HUTTO).

The Armed Services Committee has devoted substantial effort to the issue of technology transfer over the course of the last 6 months.

On March 23, 1983, the chairman of the Committee on Armed Services appointed a full committee panel to investigate the transfer of defense related technology to foreign countries. This panel, known as the technology transfer panel, was chaired by the gentleman from Florida (Mr. HUTTO) and was asked to examine the present state of the transfer of U.S. technology to foreign nations as it might impact on national security. The chairman specifically asked the panel to assess the effectiveness of existing law, including the Export Administration Act, in preventing the compromise of technology and defense items. The panel was also asked to examine the procedure by which the Departments of Defense, State, and Commerce controlled the flow of critical technologies to foreign governments.

The committee had been concerned for a long time about the problems associated with technology transfer; and after a series of revelations of illegal activity in this area, the chairman decided to form a panel to review progress in this area.

The panel held a total of eight hearings and received testimony from 22 witnesses including Members of Congress and individuals representing Government, academic associations, and the private business sector.

The panel sought to bring a balance of viewpoints to the hearings as it was clear from the beginning that the viewpoints of those who supported increased restrictions on licensing and trade of high technology goods would clash with opinions of those who viewed further restrictions as unfair restraints of trade. Consequently, the panel sought out spokesmen who could articulate both sides of the issue.

Representatives of the administration unanimously agreed that a hemorrhage of technology to the Soviet Union was occurring and that it could only be stopped by increasing trade restrictions. The administration witnesses made the point that the Soviet Union and her allies depended upon regular infusions of the latest Western technology in their weapons development programs and that intelligence-gathering agencies of the Soviet Union (GRU and the KGB) and her Warsaw Pact allies were regularly tasked to

obtain this information. Subsequent classified briefings to the panel by the NSA, CIA, FBI, and DIA supported these conclusions.

Administration witnesses generally supported the existing law with certain changes but strongly opposed elements of H.R. 3231, the Export Administration Admendments Act of 1983. Specifically, the administration objected to the provision of H.R. 3231 that would prohibit national security controls on goods if the President was unable to limit the foreign availability of those goods. Additionally, administration witnesses were concerned about the provison of H.R. 3231 that would eliminate national security controls on critical technology trade between Western countries. The administration cited numerous instances of illegal diversion of U.S. high technology goods from Western European countries.

Generally, witnesses from industry favored less restrictions on trade and, consequently, supported H.R. 3231.

In general, industry witnesses recognized a need to control critical technologies but emphasized that such control should not interfere with trade with our traditional trading partners and that American industry should not be prevented from trading in certain items if these items are available from foreign sources.

Based on the investigation of the technology transfer panel, the importance of national security controls in restricting the transfer of critical technology to the Soviet Union cannot be over emphasized. A review of this issue is replete with examples of technology obtained by the Soveit Union that has improved the Soviet's military capabilities and, consequently, their threat to the United States.

We are convinced that a substantial flow of technology has occurred—even under the existing licensing procedures. Some changes incorporated in H.R. 3231 will definitely help to eliminate some of these problems—for example, the increased penalties for violating the Export Administration Act will clearly have a beneficial deterrent effect.

Other provisions of H.R. 3231, however, will exacerbate the problems we currently face. For example, eliminating the requirements for validated licenses for West-to-West trade will make the task of enforcing the Export Administration Act much more difficult.

H.R. 3231 was referred to the Armed Services Committee only for the section related to the militarily critical technologies list. The committee has reported H.R. 3231 favorably with the amendment to section 109 that attempts to clarify the authority of the Secretary of Defense to develop and maintain the militarily critical technologies list and to clarify the Secretary's role in the overall process of export controls for national security reasons.

It is obvious on the face that the Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs has done a remarkable job in reporting this bill. There are some very substantial improvements made to the Export Administration Act. They are well thought out and executed. The issue is very complex, but the subcommittee has obviously mastered the subject.

Mr. Chairman, I generally support the bill—it is essential that some action be taken by October—but I also believe that modifications are needed to change the sense, if not the substance, of the bill as reported. In my judgment, the bill goes too far in shifting the balance of emphasis from national security to trade.

Mr. Chairman, I reserve the balance of my time.

Mr. COURTER. Mr. Chairman, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COURTER. Mr. Chairman, if I use a part of my time, can I reserve the balance of my time?

The CHAIRMAN. The gentleman may.

Mr. COURTER. I thank the Chair.

Mr. Chairman, I am pleased to assist in representing the position of the Armed Services Committee with regard to this legislation.

H.R. 3231 is an important bill addressing an important issue to the Armed Services Committee. The issue of technology transfer to the Soviet Union has extraordinary national security implications. The Soviet acquisition of state-of-the-art technology through covert or overt methods adversely affects the ability of U.S. weapons systems to operate in the face of Soviet knowledge of their technological capabilities and it requires the United States and its allies to devote increased resources to research and development to insure that allied military capabilities remain ahead of Soviet capabilities.

Because of its impact on national security, technology transfer was the subject for consideration of a panel established earlier this year by the chairman of the Armed Services Committee. The panel, charged with investigating the extent of the impact of technology transfer on Soviet and U.S. military capabilities, is convinced that the $187.5 billion recently authorized for the Department of Defense for fiscal year 1984 is affected substantially by the flow of technology.

Were it not for the flow of technology that has occurred in the past and continues to occur, the $187. 5 billion could be used to improve our forces more rapidly to the point of being reasonably assured of providing adequate deterrence. Alternatively, the current balance of capabilities between the United States and the Soviet Union could be maintained for a lower level of defense spending. Defense spending does not exist in a vacuum. It is affected by the threat we face, and that threat has increased dramatically as a result of the Soviet's ability to rely on U.S. technology as a major resource of its own.

The panel concluded that East bloc acquisition of United States and Western technology provides invaluable and incalculable benefits to the Soviet military capabilities. Evidence demonstrates that the Soviets and their East bloc allies are mounting a dedicated, coordinated effort to acquire such technology in order to increase the capabilities of selected systems and to avoid the expenditure of millions of dollars in research and development.

The panel concluded that the majority of goods and technology are transferred to the Soviet Union through illegal and/or clandestine methods. However, the Soviets place a high priority on collection through legal means as well.

The panel received testimony from the Departments of Defense, Commerce, and State, and the intelligence community that clearly indicates the Soviets and their surrogates have embarked on a systematic and centrally directed program to acquire the latest technology of the West for incorporation into Soviet weapon systems.

The Soviet State Committee for Science and Technology establishes and identifies required technologies and attempts to acquire as much of the targeted technology as possible through legal means. When this method is not productive, the Committee for State Security (KGB) and the Intelligence Directorate of the General Staff (GRU) are tasked to obtain the technology by clandestine means.

Soviet technology targets include computers, microelectronics communications, lasers, guidance, and navigation systems, structural materials, jet engine fabrication technology, acoustical sensors and radar. As an example, it was estimated by one witness that Soviet acquisition of computer and microelectronic technology over the past decade has allowed the Soviets to reduce the U.S. lead in these technologies from 10 to 12 years in the mid-1960's to the present 3 to 5 years. We know that at least 30 percent of the known integrated circuits used by the Soviets are direct copies of U.S. design.

A former Soviet intelligence officer revealed that the acquisition of U.S. technology was assigned the highest priority for collection including the

technology required for the weaving of carbon filaments to produce heat shields for ICBM reentry vehicles.

Make no mistake about the willingness of the Soviets to engage in these activities to embellish their interests. A nation that will shoot down an unarmed civilian airliner will have no compunction about using whatever means it can to acquire—legally or illegally—the technology to allow them to continue to act in such an arrogant manner. If they were not confident in their capabilities, one could only speculate as to their likelihood to act so aggressively. It is U.S. technology, at least in part, that has provided them with this bravado.

The administration has stepped up enforcement activity against illegal diversions. Seizures of illegal diversions in fiscal year 1983 are up almost 50 percent over those in fiscal year 1982. Witnesses emphasized that if they had been prohibited from requiring the licensing of some West-to-West trade (as would be the case in H.R. 3231), this record seizure rate would not have been possible.

Mr. Chairman, under the very narrow guidelines of the sequential referral, the Committee on Armed Services was only able to formally report on section 109 of H.R. 3231. That section relates only to the militarily critical technologies list or MCTL.

This bill deals with much more than just the militarily critical technologies list, and in my opinion, the Armed Services Committee should have been provided the opportunity under the sequential referral to comment on other portions of the bill relating to the broad issue of national security controls. Consequently, Mr. Chairman, although I support the bill in general—and commend the members of the Subcommittee on International Economic Policy and Trade for their efforts—I will support amendments that would move the substance of the bill as it stands back from the dangerous position I believe it would place us in.

□ 1340

Mr. Chairman, the Armed Services Committee made certain recommendations and we will be proposing, through the gentleman from Florida (Mr. EARL HUTTO) who is chairman of the special panel, a section that will essentially be a substitute to section 109. I urge my colleagues to listen very carefully as the gentleman from Florida (Mr. HUTTO) gives his explanation when amendments are proferred sometime later.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Washington. I hope he has agreed with the Armed Services Committee recommendation, but I am not sure.

Mr. BONKER. I thank the gentleman for yielding and want to commend him and the gentlewoman from Tennessee (Mrs. LLOYD) as well as the chairman of the task force, the gentleman from Florida (Mr. HUTTO) all of whom have taken a special interest in this legislation.

I would point out that your work has been thoughtful, thorough, and, I think, responsible in view of the inherent controversies that exist in this legislation.

So I want to, on behalf of our committee, commend you for the fine work you have done.

It is my understanding that the Armed Services Committee has recommended only one amendment, and that additional amendments will be sponsored either by the gentleman from Florida (Mr. HUTTO) or other members of the task force individually.

Mr. COURTER. If the gentleman will permit me to explain, we had various recommendations to the full Armed Services Committee. Those recommendations were embodied, the gentleman is correct, into one amendment.

So it is my understanding that the gentleman from Florida (Mr. HUTTO) will probably proffer that amendment when this bill is open for amendment. But it is in the form of one amendment but does embody various changes, only to section 109, of course.

Mr. BONKER. We have taken a look at the one amendment, the formal amendment by the task force on militarily critical technologies and the full committee, and on how we can integrate that within the commodity control list and make the whole process work more effectively.

We think that is a constructive step. But we have not had an opportunity to look at other amendments that may be offered on the floor.

Mr. COURTER. I can understand that and I want to certainly commend as well the gentleman from Washington who I know has spent an extraordinary amount of time nurturing this piece of legislation from the very beginning and in shepherding the legislation through the legislative process.

I have had the opportunity to listen to the gentleman testify before the panel of the House Armed Services Committee on this. I commend basically the gentleman's effort in this regard and am very hopeful that we can come to an accommodation.

I think basically the concern of the armed services panel on militarily critical technology and the gentleman's own subcommittee is the same. We want to expedite and streamline the process as well as guarantee the security of our Nation.

Hopefully during the debate process we will all come together on the same thing.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield.

Mr. ROTH. I, too, want to congratulate the gentleman and thank him for his contributions, as well as the gentlewoman from Tennessee (Mrs. LLOYD) for the contribution she has made.

I listened to the gentleman's comments very attentively and I think he and I share many of the same viewpoints and have many of the same questions about this legislation, especially in the area of national security.

So I look forward to working with the gentleman in making those corrections that I think are going to be so necessary because this is a very important piece of legislation.

Again I thank the gentleman and the other members of the panel for the time and effort they have put into this.

□ 1350

Mr. COURTER. I thank the gentleman.

Mr. Chairman, I would also like to thank the gentlewoman from Tennessee who served on this panel and made significant contributions.

I would like to urge all Members in this body, although sometimes the words are words of art, militarily critical technology commodity control lists, Cocom countries, diversion; and it is complicated to those people who have not followed it, we are dealing with an extremely sensitive and important area of our national security, an extremely sensitive and important area for the producer of wealth in this country as well, that is American corporations.

And it is incumbent, even though the words are strange and difficult and the issues are sometimes complex, I think it incumbent upon all Members to focus as much attention as they can on this debate and on the amendment process.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New Jersey (Mr. COURTER) has consumed 13 minutes.

Mr. BONKER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I rise in support of H.R. 2321, the amendments to the EAA.

This legislation does protect the national security and it does strengthen the U.S. position in international trade. And I think it starts to bring some balance to this Nation's policies when it comes to exports.

You know, it took an executive fiat, an act by the President to allow this watch or these types of watches, a little digital watch, to be exported from this country even though they are produced all around the world, be-

cause it has a little embedded microprocessor in it.

Technology is moving forward and our laws need to move forward also.

I think this legislation is designed to do that.

Now we look at military approaches to help us with international policy, and I join my colleagues in a strong defense; we look at Foreign Affairs, diplomatic approaches to exert national policy; and I commend the President and the Congress for everything they have done. But, normally when you use the military and when you use diplomatic efforts, the normal procedures have failed.

This legislation is trying to put in appropriate perspective what those normal course of events might be and how we can best handle international business.

H.R. 3231 does protect national security and it does, I think, restore some balance in our reliability and competitiveness throughout the world.

And I will acknowledge there has been a leakage of technology, but under the present law and under the new law there will be a leakage of technology and we are trying to find the ways that we can to stem this flow of illegal transfer of technology in this legislation.

I commend the chairman, Mr. Bonker, for the excellent work he has done in trying to focus on some of these problems; our ranking minority member for some of the concerns that have been raised. It is important, it does need to be stopped.

Let me remind my colleagues, under the present law and the new law, the leakage is still illegal.

I visited the Department of Commerce. I walked through every department: 80,000 applications are processed a year; 79,900 of them are routine. Less than 1 percent, 700, 800 is what we are talking about as militarily critical technologies. And we need to focus attention on that 1 percent.

We do not want to see it legally transferred if it is inappropriate for our best interests.

So we have made some changes to take some items off that list so that we can better focus on this legal and illegal effort. You know, there are two kinds of debts we are facing, the national debt $200 billion this year; and the trade debt or deficit, last year $31.5 billion, and a lot more projected for this year.

The good ship America is depicted here on this magazine cover as sinking because of one of those debts, the trade deficit.

You cannot cure one without paying attention to the other. I think this legislation starts to do this.

I have participated in writing some of the amendments and working on the legislation to make some changes. Multiple exports to noncommunist countries, those licenses are needed; a more realistic foreign availability standard, we learned very painfully when we tried to impose these controls in the pipeline situation as to what it meant. We closed down dozens of major American businesses and hundreds of secondary businesses. It is ironic, here this week we debate this bill and the pipeline will be open for business.

We have also added criteria. I joined with our colleague, the gentleman from Indiana (Mr. HAMILTON), in saying to the President that there should be some criteria that should be placed on foreign policy controls and we have added that in this legislation.

We have tried to strengthen cooperation between the Congress and the President, which is direly in need of improvement.

We have tried to streamline the militarily critical technologies list which is very important. We have increased the provisions with regard to contract sanctity, an area that I think deserves great attention and more attention.

And I do support Chairman Bonker's effort in the trade promotion section of this legislation. I actually wish we could make it stronger and I hope the committee will move to do this in the future.

So I think exports trade policy, international trade and commerce will be the issues of the eighties; it will be part of the solution for America's domestic problems.

My State of Florida is a leader in international trade and finance and I encourage the passage of this most important legislation.

Mr. BONKER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I want to first of all pay tribute to the extraordinary leadership that has been provided by the gentleman from Washington, the distinguished chairman of the Subcommittee on International Trade and Economic Policy.

This is an extraordinarily complex piece of legislation that is before us, and it is really because of his leadership and guidance that we have come to the floor with as carefully a crafted bill as is before us. I think it is worthy of the support of this body.

Mr. Chairman, I am taking this opportunity to draw the attention of my colleagues to the vital restrictions on the export of Alaskan crude oil that are contained in the Export Administration Act.

Mr. Chairman, these restrictions that Congressman MCKINNEY and I proposed were overwhelmingly endorsed by both Houses of Congress with the passage of the Export Administration Act in 1979, reaffirming continuing congressional intent that Alaskan oil be developed for domestic consumption and used to insure American energy and national security. The facts were convincing in 1979. They are even more compelling today.

The provisions of section 117 of H.R. 3231 extend for 4 years the language of section 7(d) of the Export Administration Act. Under these existing restrictions, Alaskan oil may be exported or exchanged if the President reports to Congress that it is in the national interest to do so, that such a swap would result in lower aquisition costs to American refiners with at least 75 percent of savings being passed on to American consumers, that any arrangement only be made pursuant to contracts that can be terminated if our national oil supplies are interrupted or threatended and if Congress approves a joint resolution of approval within 60 days. Our subcommittee and the full Foreign Affairs Committee voted to retain these restrictions in the new authorization as it is widely recognized that there is no public justification whatsoever for a retreat from these critical protections or for any weakening of the congressional role in affecting our national policy on this important issue.

Mr. Chairman, these restrictions are supported by a great number of organizations that represent a broad cross-section of America. They include consumer, labor, energy, agriculture, and industry groups. To date, the gentleman from Connecticut (Mr. MCKINNEY) and I have heard from over 235 of our colleagues in support of our bill, H.R. 1197, which would provide for an indefinite extension of the section 7(d) restrictions. There can be no doubt that this issue is of fundamental concern to almost every sector of the American population. The existing restrictions are scheduled to expire with the Export Administration Act at the end of this week. I think this issue is too important, the stakes too high—we simply cannot afford to let this happen. It is my hope and expectation that Congress will act to protect American consumers, to promote a wise and responsible energy policy and to pursue international trading practices that are truly in our Nation's best interest. The restrictions are in the law. Let us vote to keep them there.

□ 1400

Mr. BONKER. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. SOLARZ), who is the sponsor of title III in the Export Administration Act Amendments of 1983.

Mr. SOLARZ. I want to join my colleague from Michigan in paying tribute to the extraordinary leadership which has been provided to the House on this measure by my very good and dear friend, the gentleman from Washington (Mr. BONKER).

Title III of the Export Administration Act is designed to make clear that we are not prepared to continue doing business as usual with the Government of South Africa so long as it maintains its apartheid system. Title III would require all American firms with 20 or more employees doing business in South Africa to comply with a fair employment code of conduct modeled essentially on the so-called Sullivan code, which was promulgated several years ago by the Reverend Leon Sullivan of Philadelphia.

But whereas the Sullivan code is an exclusively voluntary undertaking, title III of the Export Administration Act would mandate compliance with the fair employment principles contained in that code.

I might say for the benefit of my colleagues that the Reverend Sullivan himself, the author of these principles, has strongly endorsed this legislation on the grounds that the time has come to make these principles mandatory rather than just voluntary.

Second, title III would also prohibit all bank loans to the Government of South Africa, not to the private sector, but to the government, except for programs or projects in the area of health, housing or education that are available on a nondiscriminatory basis in all areas of the country.

And third, title III would prohibit the importation of the Krugerrand, a gold-minted South African coin, into the United States. It would not prohibit the resale of those Krugerrands already in our country which are possessed by American citizens, but it would make it unlawful to import new Krugerrands into the United States.

I believe that this is a relatively mild and modest measure. It does not restrict, except for the Krugerrands, the importation of goods from South Africa into the United States.

It is a relatively mild and modest measure. It does not restrict trade with South Africa. It does not require disinvestment from South Africa, but it does make clear that we are prepared to oppose apartheid by deed as well as by word.

Some people have said that this unfairly singles South Africa out for sanction. It does not do anything of the sort. We have already applied sanctions against governments as diverse as Cuba and Uganda, including Vietnam, Iran, the Soviet Union, and Poland. In fact, in view of the sanctions we have already applied to many other human rights violators around the world, I would submit that our failure to adopt title III and to apply some mild form of sanctions against South Africa would itself be an exercise in diplomatic hypocrisy.

So I strongly urge my colleagues to resist any efforts to either delete or weaken title III when we enter the 5-minute period hopefully a little bit later in the week.

Mr. ROTH. Mr. Chairman, I yield 7 minutes to the gentlewoman from Maine (Ms. SNOWE), a very valuable member of our subcommittee and one whose minority report on this bill must be read to have a true understanding of the bill.

Ms. SNOWE. Mr. Chairman, as we begin debate on the Export Administration Act of 1979, I would like to mention the hard work, conscientious effort and the careful consideration given this very complicated piece of legislation by the Subcommittee on International Economic Policy and Trade and special credit goes to the chairman of the committee and the ranking minority member.

Generally speaking, I think the committee is sending to the floor a good bill, which incorporates many of the important and legitimate changes needed to keep U.S. business from being at an unfair and unnecessary disadvantage in world commerce. A report by the General Accounting Office (GAO) last year found that almost half of the export license applications received each year—over 60,000 in 1981—could be eliminated without affecting national security. This bill addresses this problem by streamlining the licensing process in a number of ways.

The GAO report also discusses the difficulty of identifying and prosecuting export violations, particularly foreign violators. It notes that the U.S. Government has been making concerted efforts to strengthen enforcement efforts of Cocom, but that it has not met with great success.

Cocom, the Coordinating Committee for Multilateral Export Controls, was formed in 1949 when we joined with our NATO allies—excluding Iceland and including Japan—in an agreement to insure that certain categories of high technology goods with direct and indirect military application be denied to the Eastern bloc nations for the protection of Western security. The United States has a history of adherence to this agreement; many of our allies do not. As a result, the last decade has seen "a virtual hemorrhage of strategic technology to the Soviet bloc countries," in the words of one Department of Defense official. Much of this has been from businesses operating under Cocom regulations. Consequently, these companies that put export profit above the priority of Western security helped the Soviet Union to save millions of man-hours and Rubles in research and development.

The serious flaw in the present bill is that it does not address the continued leakage of strategic materials and technology to adversary nations. It does not resolve the issue of U.S. businesses being at a disadvantage in world trade because they and not their competitors abroad abide by multilateral law. I believe that we must strengthen Cocom and the security interests of the free world by establishing for the first time a penalty for evasion of Cocom regulations. I advocate the imposition of restrictions on imports to the United States of any company, subsidiary or licensee that violates multilateral national security export controls. I believe that this provision is essential to make Cocom a meaningful organization. Cocom has not been entirely effective in the past, in large part because no nation was willing to challenge the violators.

The purpose of the import control penalty that I advocate is to give the United States a strong new tool to deter and punish those companies and individuals who violate Cocom. This provision would not extend the extraterritorial reach of the U.S. Government because it would apply only to individual violators; it would not restrict imports from a country as a whole. The establishment of an import penalty provision in U.S. law would provide the President with an enforcement tool that he could use if necessary. I believe that the deterrent effect that inclusion of this provision would bring about would enhance our national security and perhaps decrease the violations in this critical area.

I am convinced that we must put Cocom violators on notice that their conduct is unacceptable and that the United States is prepared to take meaningful action against those who interpret export controls to their own advantage at the expense of Western security goals. The import penalty provision, which I intend to offer on the floor as an amendment, is a means of correcting the unacceptable situation that presently exists.

And finally, Mr. Chairman, there are a number of other amendments that will be offered here on the floor that will address or modify some of the provisions that have been included in the subcommittee as well as the full Foreign Affairs Committee.

But I do believe that special attention should be paid to one of the amendments regarding West/West trade. In other words, we have included a provision that would eliminate unilateral controls on commodities if we do not negotiate away our foreign availability within a 6-month time period.

It seems to me we are going to be allowing other nations to dictate the policies of these United States and we would be abdicating our responsibilities. It does not provide an incentive for other nations to negotiate foreign availability if they know that we only have a 6-month time period in which to do it, otherwise we unilaterally decontrol.

□ 1410

Mr. ROTH. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. SOLOMON).

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COURTER. Mr. Chairman, I understand that I have under my own time 2 remaining minutes. Can I at this time yield those 2 minutes to the gentleman from New York (Mr. SOLOMON)?

The CHAIRMAN. The gentleman from New Jersey does have 2 remaining minutes, and he may yield them to the gentleman from New York (Mr. SOLOMON).

Mr. COURTER. I thank the Chair.

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) is recognized for 10 minutes.

Mr. SOLOMON. Mr. Chairman, I thank both gentlemen for yielding, and I would also like to commend both the subcommittee chairman, the gentleman from Washington (Mr. BONKER) and the subcommittee ranking minority member, the gentleman from Wisconsin (Mr. ROTH), for their outstanding leadership on this bill.

Mr. Chairman, we are making, in my opinion, a serious mistake if we listen only to those who have their own short-term economic interests in mind when they criticize the U.S. export control system.

The laws and policies they support, in my opinion, threaten to destroy the only nonmilitary strategy we have for responding to Soviet economic, military, and political challenges.

This is what this bill does if it is enacted: It does away with national security controls in West/West trade; it eliminates national security controls where foreign availability exists; it omits import penalties to violators of U.S. national security controls; it removes national security controls for critical goods once licenses have been in effect for a 1-year period; and it limits our authority to apply foreign policy controls extraterritorially.

I am most concerned, Mr. Chairman and my colleagues, with section 108 of this bill, which will remove export controls if foreign availability is not eliminated after a 6-month period.

While the provisions require that foreign availability must first be determined to exist, this provision leaves no choice but to declare that it does. I seriously question whether actual foreign availability over U.S. products exists in most cases. The legislation sets out no criteria or standards to make such a determination. Consequently, the legislation almost certainly would declare that foreign availability does exist without regard for a foreign product's comparable quality to the U.S. commodity. From experience we know that foreign products and U.S. products are not comparable, in most every case. If they were, a determination could be made as to their content of U.S. parts, components and technical data, all of which would then require a U.S. export license for export.

The approaches outlined under this bill could be likened to comparing a 1966 Volkswagen to a new turbocharged Thunderbird and declaring there is foreign availability for Thunderbirds because both are automobiles. That is what this bill says.

Such superficial comparisons disregarded the military criticality of the item for which export controls need to be maintained for national security reasons.

Unlike the bill reported from the House Foreign Affairs Committee—and I think you all ought to listen to this because it will come up later on—the Senate bill requires comparable quality as a measure of foreign availability. The Senate bill goes further to specify what would go into determining a foreign item's comparability. Often companies tend to equate the technical capability for a country to manufacture a similar product with its actual commercial production. With this provision in effect, the administration undoubtedly would need to verify the contentions of the business community that foreign availability exists.

This exercise would result in even greater processing delays of licenses and, therefore, negate any benefits expected from passage of this provision.

I believe that this provision would wreak havoc with an ongoing process in Cocom to free up low-end technology and consider controls over new strategic technologies and equipment. It also would pose considerable problems in maintaining controls with non-Cocom countries. Any such effort proves most difficult to do, since leverage in the first place is limited except through the retention of controls.

If this provision of the bill is not amended, it will eliminate any remaining leverage we have with Cocom members.

Mr. Chairman, I will be offering amendments to bring the provisions of this bill dealing with foreign availability in the national security area in line with that Senate bill. I will offer an amendment to delete the 6-month time limitation in the bill and amendments which establish standards and criteria on the definition of "foreign availability." In light of the Korean massacre, it is essential that we tighten this open-ended loophole in this bill.

According to the intelligence community, more than 80 percent of the illegal diversions to the Warsaw Pact countries occur through West-West trade, not East-West trade. We need to tighten, not loosen, the current law in this essential area.

In summation, this bill severely weakens the U.S. ability to preserve an effective system of export controls when it affects our national security and the future of this country. Even under the present weak law the Soviets were able to produce an air-to-air missile named the Atoll, which is unquestionably a mirror image of one of our own most sophisticated missiles—the Sidewinder, and I need not tell you the name of the Soviet air-to-air missile fired by the Soviet Mig-23 when they downed flight 007, murdering 269 innocent men, women, and children—that deadly weapon was the Soviet Atoll, whose tech was partly purchased, partly exchanged, and partly stolen from U.S. high-tech resources.

I know that many of you have been lobbied hard by special interest business and industry in your individual districts—I too have felt the pressure from these special interests. This is no time to be tying the hands of this President or any other future President. We do not need 535 Secretaries of State setting foreign policy. What we do need is a President armed with the legislative authority to protect the national security of the United States.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) has consumed 7 minutes.

Mrs. LLOYD. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from Tennessee has 7 minutes remaining.

Mrs. LLOYD. Mr. Chairman, I yield the remaining time to the gentleman from Washington (Mr. BONKER).

The CHAIRMAN. The gentleman from Washington (Mr. BONKER) has been yielded the balance of the time of the gentlewoman from Tennessee (Mrs. LLOYD).

Mr. ROTH. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ZSCHAU).

Although the gentleman is not a member of our subcommittee, he has spent countless hours and was with us at every hearing. The gentleman was of real value and is an asset to our proceedings.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, first of all, I want to congratulate the chairman, the gentleman from Washington (Mr. BONKER) and the gentleman from Wisconsin (Mr. ROTH) for the leadership that they have given this very important bill. This is an immensely serious subject that must be dealt with, and I want to commend

them for the very hard work and the excellent work they have done.

Second, Mr. Chairman, I want to say that the speaker in the well here, the gentleman from California (Mr. ZSCHAU), has, I believe, a better understanding of how this bill is going to impact on American manufacturers in the technology area, the business side of America, because he comes from it, and I for one hope that the Members will listen closely to Congressman ZSCHAU, because I think he is the best informed Member on this subject.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I would like to thank my colleague and friend from the State of Washington, Mr. PRITCHARD, for his comments, and I support his statement about the gentleman in the well. The gentleman from California (Mr. ZSCHAU) is not assigned to the subcommittee. He is a Member of the full committee. As noted by the gentleman from Wisconsin, he has made a valuable contribution to our understanding of this legislation. It has been noted on several occasions that the bill is technical and that it is complex. It is difficult to understand. If anyone in the Congress has fully understood all of the provisions of this bill, it is the gentleman from California (Mr. ZSCHAU), and I want to personally thank him for his contribution to perfecting the bill, for his knowledge, and for his demeanor in the committee. He certainly is an asset to the House.

Mr. ZSCHAU. Mr. Chairman, I want to begin by thanking the gentleman from Washington (Mr. PRITCHARD), the gentleman from Washington (Mr. BONKER), and the gentleman from Wisconsin (Mr. ROTH) for their kind statements. I just hope I have enough time left now to be able to say what I had hoped to say.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, since I have inherited 7 minutes from the Armed Services Committee, I will be more than happy to allocate 2 additional minutes to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. I thank the gentleman for the additional time.

Mr. Chairman, this week, as we consider H.R. 3231, I believe we have a significant and unique opportunity. By adopting this bill, which was carefully crafted in the Trade Subcommittee under the skillful leadership of Chairman BONKER and ranking minority member ROTH, and then in the Foreign Affairs Committee, we have a chance to focus and strengthen those export controls that will truly enhance national security and, at the same time, streamline the control procedures so that legitimate exports can be increased and thereby create more jobs.

In essence, what we have here is a jobs bill and a defense bill all rolled into one.

During the debate on this bill we will hear charges that there has been a virtual "hemorrhaging of technology" from the United States to the Soviets, that our current export procedures are largely to blame for that, and that the proposed amendments to the Export Administration Act will eliminate vital controls and open the technology floodgates to the Russians.

□ 1420

I do not believe that such charges accurately reflect the whole story on this issue or present a full understanding of the impact of the bill before us.

For example, a recent report by the Office of Technology Assessment indicates that most of U.S. technology that the Soviets have gotten from the West was obtained illegally—espionage, stealing or smuggling—or from open literature, and other open sources. Tighter controls are not going to stop that. In fact, we have to understand that controlling more items and using more intricate procedures is not going to enhance national security; in fact, as Mr. MICA has suggested, trying to control too many items and requiring license applications that are routinely approved defuses our enforcement resources so they cannot be applied effectively where they are needed.

We must recognize that technology has become pervasive worldwide; that the United States is no longer the sole source of critical products and know-how. This means that we can only prevent technology from reaching the Soviets if we have strong, multinational controls. Recognizing that, this bill mandates negotiations with our closest allies, the so-called Cocom countries, to make Cocom a more effective control mechanism to eliminate undesirable transfers to the Soviets.

In the past, about 35 percent of all export license applications have been for shipments to our Cocom allies, shipments of products which they control as well. These applications are routinely approved. In fact, in 1982, of the 21,000 license applications for Cocom countries, 99.9 percent were routinely approved. That is why the GAO has described such licensing procedures as "a paper exercises, rather than a control system."

This bill, H.R. 3231, eliminates the license requirements for shipments to Cocom countries of products that those countries in turn control except—and this is very important—licenses are still required for shipments to specific customers in those countries that are felt to represent a risk of diversion. In the past, suspicions about specific end-users have been the sole reason for Cocom license denials.

Although you may hear charges that this bill decontrols West-West trade, the fact is that it does not. Rather, it appropriately eliminates, but only for our closest allies who maintain controls themselves, the license requirements for those shipments that are routinely approved anyway. But it still requires licenses when there is a risk of diversion.

Further, recognizing that the controls on items that are freely available elsewhere cannot be effective, this bill provides for greater resources to determine when such foreign availability exists and creates incentives to recognize it when it does. Let me make clear that we currently have a clear definition of foreign availability. It is the Export Administration Act as revised in 1979. By definition in that act, foreign availability only exists when an item is available elsewhere in sufficient quality and sufficient quantity to render our controls on that item useless. That is, if our controls make a difference, even though the item is manufactured elsewhere, then foreign availability clauses do not apply.

The bill before us establishes and funds an Office of Foreign Availability to make more timely determinations of foreign availability. If foreign availability is deemed to exist for an item, a 6-month deadline is set to negotiate it away or else decontrol the item. In other words, the bill mandates that in those instances where our controls are useless, we should either negotiate agreements that make them work or quit kidding ourselves and decontrol the items. Although it may give us a warm feeling that we are being tough with the Soviets when we control items that others do not, I believe that we should recognize those ineffective controls for what they are and negotiate, with a sense of urgency, multinational agreements that will make those controls effective. That is what H.R. 3231 mandates.

Finally, Mr. Chairman, because this bill employs a realistic and pragmatic approach to the export control problem which will enhance both national security and exports, I urge my colleagues to adopt H.R. 3231.

The CHAIRMAN. The gentleman from California (Mr. ZSCHAU) has consumed 6 minutes.

Mr. BONKER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to use this time to briefly focus on a small part of this very large problem and to commend the administration for the action that it is taking with regard to the Export Administration Act as it

applies to the People's Republic of China.

A number of members of the Committee on Energy and Commerce, on a visit to China earlier this year, met not so much with top political people but with a number of those people in the Chinese Government who are trying to implement specific responsibilities toward achieving that nation's goal of putting in place the infrastructure necessary for them to then begin to try to become a modern, industrialized nation by the year 2000.

These were people who were actually dealing with the day-to-day effort to accomplish a job that they had been assigned in such fields as establishment of a modern telephone system, developing the ability to extract minerals, coal, for example, offshore oil, and so forth. At that level in the Chinese Government, we ran into an enormous frustration and essentially it took this form:

They would say to us: "We like very much to deal with the United States. We like very much dealing with American companies. Our problem is that we have a timetable. We have a schedule that we have to meet. We have deadlines that we have to meet, and when we sign a contract with you, we never know whether or when that contract will be fulfilled. Therefore, if we are going to meet our deadlines, we simply have to look to some of your trading competitors in Japan and in Western Europe for so much of the materials, technology, and equipment that we need if we are to get our job done."

This in spite of the fact that two Secretaries of State, both of this administration, Secretary Haig and Secretary Shultz, had assured the Chinese that we were going to do something about their special status and make trade with the United States a more reliable process. I think Secretary of Commerce Malcolm Baldrige is particularly to be commended for finally bringing that promise on the part of this administration to fruition. A new policy has been formed, and from what we understand at this point, it is a very positive, a very progressive policy. It is going to improve our overall trading relationship with the PRC, and it is going to improve, I think, our relations, the relations of this Government, with the Government of the People's Republic of China.

□ 1430

But in addition to that, it is going to improve enormously the ability of American industry to trade effectively with the Chinese in relation to the competition we face for that trade from a number of our Cocom allies.

I look forward to having this policy formally announced. One would hope that would occur in the next few days.

The CHAIRMAN. The time of the gentleman from Washington (Mr. SWIFT) has expired.

Mr. BONKER. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. Mr. Chairman, this policy, when formalized, I think, is going to go a very long way, when combined with the enactment of this legislation on which the subcommittee chairman, the gentleman from Washington (Mr. BONKER), has provided such inestimable leadership, toward freeing American industry to do that which it does so well, namely, to compete effectively in the sale and export of goods and materials from this country to foreign countries and do it in a way that is not going to result in any danger to our military posture.

Mr. Chairman, I thank the gentleman for yielding me this time.

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin (Mr. ROTH) has 6 minutes remaining, and the gentleman from Washington (Mr. BONKER) has 6½ minutes remaining.

Mr. ROTH. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I think every Member of this Congress and surely those who have participated in this debate want an effective law to prohibit the transfer of important knowledge and materials that would enhance the military capability of our adversaries in the Soviet Union, and they want that law to work well and work easily.

I want to talk about the current law, which, in my judgement, has turned out to be counterproductive. Three years ago, just as we are doing this year, a subcommittee of the Committee on Foreign Affairs brought to the floor of this House a pretty good bill, and we had those who were concerned about our military security offer and succeed with tightening amendments which produced what I think is the mess that we have today. And that has produced what I think was well described by the gentleman from California (Mr. ZSCHAU) as an "exercise in paper-shuffling."

As we go around the world, we find that probably the No. 2 priority of American business people abroad is to get the Export Administration Act into a situation where it provides for harmless exports of American products abroad in a timely and a certain manner. It is not difficult for the large companies to work an export license through the administrative maze that is our bureaucracy, but it is almost impossible for the small companies which we are trying to get into the export business to do the same thing. The Bonker bill makes obvious and needed improvements.

At this point, Mr. Chairman, I want to say three cheers for the gentleman from Washington for the work that he has done on this bill. I have traveled with him abroad. I have seen him interviewing representatives of American business firms abroad to try to figure out what their problems are; I have seen him interviewing foreign nationals and American FCS and FSO officials abroad who know something about trade. I think he has done a marvelous job.

I also believe that the other Members who have participated in this debate have also shown their knowledge and their high motivation. I think some of them are wrong, but I think all of us are trying to build the best kind of law we can for our country.

The Bonker bill makes the necessary changes—the minimum necessary changes, I might say—to give the American people some sense of a timely and certain law so they will know what they can ship and what they cannot ship.

At this point, I would say, Mr. Chairman, that I do not know of any American company or any American person who wants to give away vital secrets to our enemies. The business people are just as anxious to cooperate as we who make the laws. They simply want some certainty in the law. They do not want to wait 6 months, 1 year, 1½, or 2 years for a license while their customers' orders are lost, while their letters of credit expire, and then they are obliged to lay off personnel or even close up their businesses.

Mr. Chairman, this bill, in my judgment, does not go far enough. It is not a strong enough improvement.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

Mr. BONKER. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding this extra time to me.

This bill does not go far enough, Mr. Chairman. If I were the sole judge, it would open up our exports considerably more, particularly with respect to contract sanctity and the application of extraterritoriality. I would remind the committee that extraterritoriality is a complicated concept, it contains 9 syllables and 19 letters, and I am sure that none of us realize the full ramifications thereof. But it is going to be the cornerstone of the debate that follows over the next couple of weeks, and I think it is important that we bear down on that legal underpinning of extraterritoriality to the bare minimum.

Mr. Chairman, I think the committee has done a good gob. I intend to

offer amendments which will expand the ability of American businessmen to do business abroad without hurting our military security, but in general I can say only good things about the bill before us.

Mr. BONKER. Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I wish to commend the Committee on Foreign Affairs for bringing forth H.R. 3231 with its provisions in title I, section 115 and title III that would demonstrate concretely our opposition to apartheid in South Africa.

While I commend the committee for these provisions, it is imperative that we adopt the amendment that will be offered by Congressman GRAY that would prohibit all new investment in South Africa by U.S. firms or individuals.

Title I, section 115 would reinstate foreign policy controls on exports to South Africa, controls that were unwisely lifted by the Reagan administration. Title I, section 115 specifically, would prohibit all exports to the South African military and police entities, and would prohibit sales of certain computers destined for the South African Government.

Title III of this legislation would prohibit U.S. bank loans to the South African Government, except for loans made for educational, housing, and health facilities which would be available on a totally nondiscriminatory basis in areas open to all population groups. Title III would also prohibit the importation into the United States of South African krugerrands or other South African gold coins which are minted in South Africa or offered for sale by the South African Government.

These provisions are necessary if we are to begin to send a clear political message to the black majority in South Africa, as well as to the Nation and peoples of Africa, the Caribbean, and all people of conscience around the world that the United States is in support of the freedom of the people of southern Africa and is willing to put its money where its mouth is.

Mr. Chairman, our national interests require no less. However, our national interests require more. It is essential that this body go on record in even a more forceful and effective manner by supporting the amendment that will be offered by my distinguished colleague from Pennsylvania, Congressman WILLIAM GRAY. This amendment to H.R. 3231 would ban all new investments in South Africa by American companies.

This amendment is warranted and indeed required in light of the uniquely cruel system of institutionalized racism in southern Africa and the increasing risk of serious and continued violence in southern Africa caused by the belligerence of South Africa which invites superpower confrontation. In view of the failed policy of constructive engagement toward South Africa, a policy of all carrot and no stick, it is imperative that we adopt this most sensible amendment which will put us on record in a most serious way as opposing the vicious and racist system that dominates South Africa.

Mr. Chairman, there is a congruence between U.S. political, economic, and strategic interests in the region and the moral imperative to adopt this amendment to ban all new investments by U.S. companies in South Africa.

I would urge my colleagues to heed the words of Proverbs 22: 16, "He who oppresses the poor to increase his wealth and he who gives gifts to the rich, both come to poverty," and pass the Amendment that will be offered by Congressman GRAY.

Mr. ROTH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I thank my distinguished colleague, the chairman of the subcommittee, for yielding me this time, and I thank him for his good work.

I hope to offer an amendment to this bill to increase the amount of money that we get from our grain sales overseas and to protect our grain reserves from raids by foreign buyers.

I would like to tell the House that our grain reserves now, with the drought and the PIK program, are at a dangerously low level. They are lower than they have been for years. One percent of the Russian military budget could buy out our entire grain reserve, and if the Russians ever woke up to this, we would be in dire trouble.

□ 1440

Two percent of the oil the Russians produce could buy out our entire grain reserve, leaving us bereft. Even now, we export our grains at below the cost of production and together with the grain we export, our precious soil and our water, which are diminishing.

My amendment simply would be designed not to embargo, not to do anything like that, but simply to get more money for our grain that we sell and to protect our reserves from low cost raids by foreign governments.

The excellent article appearing in this week's Washington Post by Ward Sinclair says in one instance:

But basic questions remain avoided or unasked. For example, at what point do these grain export proceeds become diminishing returns. At what cost to the American natural resource base of rich soil and abundant water do we produce food for the world. Why should the American farmer be required to subsidize a world over which he has no control and which dictates his prices?

My amendment is designed to stop the subsidization, stop the export of soil and water, at least to get the money back wherein we can replenish our soil and our water.

Mr. Chairman, I include the Washington Post article by Ward Sinclair, as follows:

[From the Washington Post, Sept. 25, 1983]

BY HAWKING OUR GRAIN WE GAMBLE OUR FUTURE

(By Ward Sinclair)

American farmers are being sold down the river.

You can actually see it happening by standing in a Missouri midnight at Lock 22 on the Mississippi, right in Mark Twain's Hannibal backyard, watching a late August traffic jam of grain-laden barges waiting to be shuttled on toward New Orleans and then to overseas customers.

Sights such as this gladden the hearts of politicians and farm organization leaders who see grain exports as the road to salvation for the faltering farm economy. But on the corn and soybean farms just a stone's throw from the lock, this traffic doesn't bring the elation you might expect. There's restrained pleasure that the Russians are buying more grain again this summer, but no real sense of salvation—most farmers know better.

There is increasing evidence that the policies promoting massive exports of American farm products, down from record highs a couple of years ago but still in the $35 billion range this year, have only worsened the crisis in U.S. farming.

The crisis is social, economic and environmental. The pressure to produce more and more food is rapidly changing the shape of rural America, creating larger and larger farms, undermining community structure and businesses. It is driving farmers to make indefensible investment decisions. And it is forcing them to squander the resource base of soil and water that must be kept whole to feed future generations.

Export agriculture has become so vital to the American farmer that the crops from about two of every five acres he harvests now are sold abroad. An astounding 65 percent of the wheat, 55 percent of the soybeans and 35 percent of the coarse grain—corn, sorghum, barley—produced in this country go to buyers overseas.

This is achieved at high cost. With little regard for the future, farmers are mining the soil and water to grow still more grain to add to the surplus that depresses their price. Some of the nation's best topsoil is eroding at shocking rates because of the pressure farmers feel to produce more. The vast underground reservoir known as the Ogallala aquifer, underlying the Great Plains grain belt, is being depleted rapidly to irrigate fields that were meant only for dryland farming. Rich hardwood forests of the lower Mississippi Valley are being cleared systematically for conversion into land for cultivation of crops that add to the glut. At the same time, urban encroachment is eating away some of the most productive farmland, and shrinking the base for future production.

"We can see evidence of a depleting resource base," Senator Roger Jepsen (R. Iowa) said this month, pointing out that soil erosion each year wipes out the productive

capability of enough land to feed, clothe and provide lumber for a population the size of San Diego, a city of roughly 1.8 million people. "Preservation of the resource base for present and future . . . production should be paramount. This is basic to national security."

As they deplete the resources, these same farmers go deeper into hock, expanding their debt and their size just to keep pace. They continue to spend billions of dollars annually for unrenewable oil, petrochemical fertilizers and pesticides, seeds and expensive machinery that help them grow grain that sells for less than it costs them to produce. The good times of the mid-1970s, when prices were high and export demand was rising, have become the bad times of the 1980s, with recession and foreign competition leaving farmers high, dry and frightened.

Soil conservationist R. Neil Sampson has put it this way: "Farmers face a constant level of inflation in the cost of the things they purchase, without an offsetting steady rise in the price of the goods they sell. . . . The impact on young farmers, or those trying to overcome cash flow deficits, is devastating."

This litany might be understandable, although hardly acceptable, if farmers in general were getting fat and rich from exports. But precisely the opposite is the case. In the dizzying decade of farm export growth that began in 1970, sales went from $7 billion to more than $40 billion. Yet farm income actually has gone down, farmers' debt-interest costs are about equal to their income and the cost of federal support programs has zoomed to record proportions.

The American farmer, in effect, ends up subsidizing foreign countries, which find it more convenient to buy cheap U.S. food than to invest in their own self-sufficiency. American topsoil and water, used up to grow food, is sent off to places like the Soviet Union, China and Japan in the form of grains that those countries cannot produce in adequate amounts to feed their populations. Contrary to popular notions that American farmers are feeding the world's hungry, the bulk of the exports go to the more developed nations that can afford to pay cash.

U.S. taxpayers further subsidize these same clients by providing cheap irrigation water that adds to the agricultural bounty, and by underwriting the cost of the river transportation system and ports so vital to moving the grain.

Something obviously is very wrong with farming, American-style, and it's generating wide concern among policy makers. The $21 billion price tag of federal farm-support programs this year, in league with the political and social stress of agricultural recession, have ignited a full scale debate over the future of U.S. farm policy.

The issue takes on timeliness with a presidential election next year and with Congress scheduled to write a new four-year farm bill, the basic roadmap for agriculture, in 1985. Farm groups are holding policy forums. Secretary John R. Block this summer held a "summit" to get agribusiness thinking about policy changes.

But with the exception of a few boat-rockers like Rep. James H. Weaver (D-Ore.), former Iowa Gov. Robert Ray and Walter W. Goeppinger, a respected Iowa farmer, most of the politicians, farm organization leaders and agribusiness executives who presume to speak for American farmers are talking and marching in lockstep.

As they have done virtually without exception for 25 years, they urge more exports as the most expedient way of unloading American surpluses. This approach became graven into policy after the Soviets made huge, unexpected grain purchases here in 1972. The Nixon Administration urged farmers to expand their plantings and count on a continuing upward surge of income and exports.

The talk today points in the same direction: more market development, more credit gimmicks for the developing countries, more federal subsidization of exports, more vending of processed food overseas, more punitive measures against competing nations that are crowding American farmers out of their traditional "safe" markets.

For the sake of argument, let's call this bankrupt thinking, literally andd figuratively.

The Carter administration, in its final days, suggested as much in its controversial "Time to Choose" study of the changing structure of U.S. farming. Exports in the 1980s, the report said, "will tend to have high additional costs—both for farmers . . . and in a broader social and economic sense, in raising food prices, intensifying the use of renewable and nonrenewable resouces, and putting further stress on the environment." The entire report was so antithetical to market-oriented Reaganites that Block's USDA has allowed it to go out of print.

Farm exports unquestionably are important to the American economy and the foreign buyers who rely on U.S. farmers. Even with imports of roughly $16 billion worth of food this year, we will be left with an agricultual trade balance of $20 billion. That balance is crucial in the country's ability to pay for its oil and other necessities.

But basic questions remain avoided or unasked. For example, at what point do these export proceeds become diminishing returns? At what cost to the American natural resources base of rich soil and abundant water do we produce food for the world? Why should the American farmer be required to subsidize a world over which he had no control and which dictates his prices?

Congress, for one, and the Reagan administration, for another, have shown little inclination to grapple with questions of that sort in their debating of farm policy. Bright ideas get shot down with regularity. In 1981, for example, Weaver was virtually laughed out of the Agriculture Committee when he resurrected an idea he had floated on a number of occasions.

Arguing that export prices ought to reflect the stress on the natural resource base, Weaver wanted to create an export grain bank that would set an official U.S. price for commodities sold abroad. Free-marketeers were aghast at the idea of intruding in markets that way. Never mind that global agriculture is basically protectionist. Never mind that several other major exporting nations handle their agricultural sales through government boards, or through government-mandated price ceilings and subsidy programs.

Weaver's proposal was defeated in the Agriculture Committee, then voted down as a floor amendment after the big private grain-trading firms put out the word against it. He still picked up 135 votes.

Ray, the former Iowa governor, was so frustrated over the sight of his state's eroding topsoil being sluiced down the Mississippi that he raised the idea of a special tax on export crops to help pay for repair of the land. Ray left office early this year before he could follow up and his idea has gone to pasture.

More interesting, perhaps, is the thinking of Walter Goeppinger, an Iowa farmer who feels that the intense pressure put on the land by export farming may be the ruination of American agriculture. He worries about the ability of U.S. farmers to maintain markets if their best soil washes away.

What makes this important is that Goeppinger long has been a champion of expanded agricultural exports. He was a founder and president of the U.S. Feed Grains Council, which promotes overseas sales and new markets.

"Fence-to-fence, free-market-oriented policy has turned into an economic disaster for the farmer and a soil-loss tragedy for the nation," he wrote recently in the Des Moines Register. He proposed a mandatory idling of 20 percent of all soil used to produce field crops, resting the soil for three years by planting it in grass. In 15 years, all U.S. cropland would have been rested and rebuilt.

"A 20 percent cut in our crop acreage would still produce more than enough for the domestic needs of the United States and leave ample quantities of grain for export," he wrote. "Foreign cash customers should be given first place at our export-buying window and credit customers could come after them in buying any that is left."

If the policy makers would stop and listen, they would understand that Weaver, Ray, Goeppinger and others like them are saying it is time for the United States to approach its most important industry with the same rationale the OPEC nations have applied to their petroleum. They justify their prices by arguing that their oil is a nonrenewable resource. Mine it, sell it, it's gone.

In agriculture, the rationale has tended to be the opposite: a bushel of wheat is a renewable resource. Grow it, sell it, grow it again, sell it again. But that is arguable. If the soil and water base is depleted, as is increasingly the case, the bushel of wheat becomes a nonrenewable resource.

There will be no cheap solutions, or easy answers, to the problems that American agriculture now faces. In seeking them, it will be necessary to consider the interests of a diverse group: consumers at home and abroad, and, above all, less developed nations for which America remains a granary of last resort. These groups have a common interest in seeing that American farmland remains as fruitful in the future as it is now. That hope will be threatened if unbridled exports continue to sell farmers down the river.

Mr. BONKER. Mr. Chairman, I would like to bring to the attention of the members in closing the debate two recent reports that have commented on the Export Administration Act. One is by the Comptroller General, which says in effect that industry was required to obtain export licenses for many more products than is necessary to protect the national security in fiscal year 1981. Almost 65,000 export applications were processed, but only 1 of every 17 was carefully examined by the Government.

It goes on to make some notations which we have addressed in the committee.

The second report is on "Technology and East-West Trade," which in effect says that trade embargoes in the past have proved ineffective and have inflicted punishment upon our own exporters.

Mr. Chairman, the bill attempts to strike a balance between our national security needs and our economic needs.

I urge my colleagues as we take up the debate during the course of the week to stay with the committee bill.

● Mr. MITCHELL. Mr. Chairman, I rise today in support of title III (United States Policy Toward South Africa Act of 1983) of the Export Administration Act Amendments Act of 1983, H.R. 3231. I commend Representative SOLARZ for his foresight in insuring that this particular provision is an integral part of this measure.

The Solarz amendment contains language which modifies U.S. relations with South Africa, and most importantly, will make the Sullivan Equal Opportunity Code mandatory. These principles, developed so ably by Rev. Leon Sullivan, are indeed, a major step toward insuring that American businesses be a part of the efforts to promote the rights of black South Africans.

The Sullivan Principles, while not the panacea, have been developed as a result of extensive traveling and examination of the continuing cruelties of the apartheid structure which exists in South Africa. It is reprehensible that some American companies have contributed to the maintenance of this heinous system by operating and thriving within its midst. Dr. Sullivan stands firmly in his belief that the role of the multinational corporations is key in moving toward rectifying the problem of apartheid. Accordingly, his principles are complete with stringent and comprehensive measurement requirements for fair employment and social responsibility practices by these entities.

The volunteer approach to adhering to the Sullivan Principles has rendered the participation of some 137 major corporations. However, this is insufficient and Dr. Sullivan has called for legal enforcement of the principles, undergirded with embargoes, tax penalties, sanctions, loss of government contracts, and other effective means as determined.

Title III of the measure before us is a significant step toward the implementation of the essential program as presented by Dr. Sullivan. This program is a nonviolent effort which calls for actual economic pressure from business groups, religious institutions, universities and other investors using divestment procedures combined with mandatory enforcement of compliance with the Sullivan Code.

It is important to note that title III contains the following enforcements and sanctions. Subtitle I states the principles for endorsement and implementation of fair labor standards for U.S. firms operating in South Africa with more than 20 employees; prescribes penalties for noncompliance; and authorizes the Secretary of State not to implement the provisions of subtitle 1 (labor standards) with respect to a U.S. person if he determines that compliance would harm U.S. national security.

Subtitle 2 prohibits U.S. bank loans to the South African Government, except for loans made for educational, housing and health facilities which are available on a totally nondiscriminatory basis in areas open to all population groups. It also prohibits the importation into the United States of Krugerrands or any other gold coin minted or offered for sale by the South African Government; prescribes penalties for noncompliance; and, authorizes the Secretary of State to implement these provisions.

I would urge strongly that the Sullivan Principles be supported. I believe in the meticulous work of Dr. Sullivan and would submit that the implementation of these principles speaks firmly to the U.S. commitment to equal opportunity for all.●

The CHAIRMAN. All time has expired.

Mr. BONKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia Day. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA RETIREMENT REFORM ACT AMENDMENTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the Senate bill (S. 1625) and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 145 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866, 882-884), is amended to read as follows:

"(a)(1) After January 1, and before March 1, of each year beginning with calendar year 1984 and ending with calendar year 2004, the enrolled actuary engaged pursuant to section 142 shall, with respect to the District of Columbia Police Officers and Fire Fighters' Retirement Fund—

"(A) determine, in accordance with paragraph (2) of this subsection, the disability retirement rate for the preceding calendar year; and

"(B) determine if such disability retirement rate for such preceding calendar year is greater than eight-tenths of a percentage point.

"(2) For the purposes of clause (A) of paragraph (1) of this subsection, the disability retirement rate for the applicable calendar year shall be an amount equal to a fraction, the numerator of which is the number of officers and members of the Metropolitan Police Force and the Fire Department of the District of Columbia who first became officers or members on or before February 14, 1980, and who retired on disability during such applicable year under subsection (f)(1) or (g)(1) of section 12 of the Policemen and Firemen's Retirement and Disability Act (but such numerator shall not include any such officer or member whose retirement is ordered by a court of competent jurisdiction), and the denominator of which is the total number of such officers and members who were on active duty on January 1 of such applicable calendar year.

"(3) The enrolled actuary shall report the determinations (including related documents and information) made under paragraph (1) of this subsection to the Board and to the Comptroller General of the United States not later than March 1 of each year.

"(b)(1) The Board and the Comptroller General shall each transmit a copy of each such report by the enrolled actuary under subsection (a) to the Speaker of the House of Representatives, the President pro tempore of the Senate, the chairman of the Committee on Governmental Affairs of the Senate, the chairman of the Committee on the District of Columbia of the House of Representatives, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the Mayor of the District of Columbia, and the Council of the District of Columbia, not later than March 31 of the calendar year in which the report is made, and each shall submit comments on such report.

"(2) The Comptroller General shall include in his comments on each such report transmitted under paragraph (1) of this subsection a statement as to whether or not the determinations made by the enrolled actuary fairly present, in all material respects,

the requirements of subsection (a) of this section.

"(2) With respect to each applicable fiscal year, the Comptroller General shall make a determination, as provided for under subsection (c)(1) of this section of the amount, if any, by which the authorization under section 144(a)(1) should be reduced. The results of such determination, together with such other data, information, and comments as the Comptroller General may deem necessary to enable the Congress, and the appropriate committees thereof, to carry out the provisions of subsection (c) of this section, shall be included as a part of his report under paragraph (1) of this subsection.

"(c)(1) Notwithstanding any other provision of this Act, with respect to the fiscal year commencing October 1, 1984, and each fiscal year thereafter through the fiscal year commencing October 1, 2004, the authorization under section 144(a)(1) for each such fiscal year shall be deemed, for purposes of such section, to be reduced in the amount hereafter provided, if the report, submitted by the Comptroller General pursuant to subsection (b) of this section in the calendar year in which such fiscal year commences, states that the disability retirement rate under subsection (a) of this section for the preceding calendar year is greater than eight-tenths of a percentage point. The amount of such reduction shall be 1½ per centum for each whole tenth of a percentage point by which the disability retirement rate is greater than eight-tenths of a percentage point.

"(2) There shall be no reduction pursuant to section 144(a)(1) and paragraph (1) of this subsection for any such fiscal year, if, in computing the disability retirement rate under subsection (a) of this section for the calendar year preceding the calendar year in which such fiscal year commences, the numerator is less than eight.

"(3)(A) If the Board determines, on the basis of substantial facts, that unordinary circumstances or events of catastrophic magnitude, such as a fire or civil disorder, caused or significantly contributed to the number of disability retirements under subsection (g)(1) of section 12 of the Policemen and Firemen's Retirement and Disability Act during a calendar year covered by the report submitted by the Comptroller General pursuant to subsection (b) of this section, it shall submit a detailed statement on such circumstances and events to the Federal Emergency Management Agency and the Comptroller General. Such statement shall be submitted on or before July 1 of the calendar year next following the calendar year covered by such report of the Comptroller General. The statement shall contain, among other matters, data on the total number of disability retirements under subsections (f)(1) and (g)(1) of section 12 of such Act for the applicable calendar year, the number of such retirements under subsection (g)(1) of such Act which, in the opinion of the Board, were caused or significantly contributed to by such circumstances or events, and an explanation as to why the Board considers such events or circumstances to be unordinary and of a catastrophic magnitude.

"(B) The Federal Emergency Management Agency shall review the Board's report and provide the Board its assessment within sixty days of receipt of the Board's report, of the scope, nature, involvement, and impact on District of Columbia police officers and firefighters of the events determined by the Board to be of unordinary and of a catastrophic nature. The Agency shall submit copies of its assessment to the Comptroller General, the Board, and the offices and officers set forth in subsection (b) of this section.

"(C)(1) The Comptroller General, on the basis of such reports from the Board and the Federal Emergency Management Agency, shall determine the extent to which such disability retirements which such Agency determined were caused or contributed to by such events and circumstances, caused a reduction in the amount appropriated to the Fund as provided under subsection (c) of this section. The Comptroller General shall report the amount of such reduction so caused to the Board and to the offices and officers set forth in subsection (b)(1) of this section. Such reports shall be submitted on or before December 31 of the calendar year in which he receives such report of the Federal Emergency Management Agency.

"(2) In addition to the amount authorized to be appropriated to the Fund for any fiscal year under section 144(a)(1), there is authorized to be appropriated for the fiscal year commencing October 1, 1984, and each fiscal year thereafter, such sum as may be necessary to pay to the Fund an amount equal to the amount of any reduction, plus interest lost to the Fund because of the reduction, for a fiscal year as reported by the Comptroller General to the offices and officers of the Congress pursuant to paragraph (1) of this subsection, but in no case shall any moneys be appropriated on the basis of the authorization pursuant to this paragraph except to the extent that any such reduction was actually made.".

SEC. 2. The amendment made by this Act shall be considered as having taken effect as of January 1, 1983.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the bill corrects a defect in the 1979 law for retirement of District of Columbia police and firefighters, and for a full explanation of the bill, we will hear a little later in the debate from the gentleman from the District of Columbia (Mr. FAUNTROY) who chairs the Subcommittee on Fiscal Affairs and Health.

With that brief opening statement, Mr. Speaker, I yield back the balance of my time.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House passage of Senate bill S. 1625. Unless we follow the Senate's action by the close of this fiscal year, the District of Columbia will suffer an unintended loss of $8.4 million in Federal contribution to the District's retirement fund. It is a loss which was not contemplated when we passed the District of Columbia Retirement Reform Act, Public Law 96-122.

The loss will result because of a complex formula known as the "trigger mechanism," which is found in subsection 145(a) of that law. The "trigger mechanism" was designed to provide incentive to the District of Columbia to insure that disability retirements among the police and fire departments employees were legitimate. The Congress passed that subsection because it was felt that the disproportionate number of disability retirees in those departments could be curbed by more effective policing and scrutiny by the D.C. government.

Under the Retirement Reform Act, the annual Federal contribution of $34.1 million would be reduced whenever the cost of the disability retirement benefits for certain employees exceeded an amount calculated by the formula. The formula embodied in subsection 145(a) requires that the District of Columbia Retirement Board annually engage an actuary to determine two things: First, the estimated present value of disability benefits that will be paid to those members of the D.C. Police and Firefighters' Retirement System who were hired before February 15, 1980, and who had not retired as of the first day of the preceding calendar year. Second, the estimated present value of disability benefits that would be paid to the same members if they were subject to the new disability retirement provisions established by the act, which are applicable only to members hired after February 14, 1980.

Following these determinations, the actuary is required to state whether it can be said that the ratio of the first determination to the second determination is greater than 1.02. A ratio greater than 1.02 triggers a reduction in the amount of the Federal contribution. Each payment by the Federal Government, beginning in fiscal year 1984 and ending in fiscal year 2004, is subject to reduction.

Mr. Speaker, it is important to note that, according to the U.S. General Accounting Office, no matter how diligent the District is in policing disability retirements, the "trigger mechanism" will be exceeded. Even in a year when there were no disability retirements, the 1.02 ratio was exceeded, because it is based upon expected future disabilities.

Senate bill 1625 corrects this inequity by amending section 145 of the Retirement Reform Act and providing that the Federal contribution will be reduced only when the number of disability retirees reaches a certain fixed percentage of the labor force. Under current strength, the number would be 42, a number which, if recent trends hold, is not likely to be reached.

Mr. Speaker, S. 1625 makes certain other changes aimed at buttressing the spirit of its main provisions, such as adjusting the percentage of allowable disability retirees in the event of a "catastrophic" event. It further provides that if less than a fixed number of retirements covered by the amendment is granted in any one calendar year, no reduction in the Federal contribution will occur. In addition, it provides for a simplified formula for determining the reduction in the Federal

contribution, should a reduction be warranted.

Under the changes embodied in S. 1625, excessive disability rates would continue to be penalized; however, reasonable rates achieved by the District, as in the past 3 years, would not set off the "trigger mechanism." I urge the House to join the Senate in support of this critical measure. Thank you.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, today, we are considering S. 1625, a bill to refine the trigger mechanism for funding of the District of Columbia retirement program for police and firefighters. This bill has already passed overwhelmingly in the other body and is strongly supported by all members of the Committee on the District of Columbia in the House.

This bill is a technical correction of a measure originally approved in the 96th Congress. At that time, the District of Columbia police and firefighters had a disability retirement rate of more than 95 percent. The Congress realized that that rate could not be valid and that it was costing the Federal Government, which funded the retirement program, a great deal of money. The trigger mechanism was instituted to require the government of the District of Columbia to pay a larger portion of its retirement program if disability retirements exceeded a set percentage.

Since 1980, the rate of disability retirements has decreased sharply. The trigger has worked. Now, we are faced with an unforeseen problem with the trigger as it was originally written. If the disability retirement rate drops too low, then the District of Columbia is penalized just as it is if the rate is too high. This unintended catch-22 is what we are correcting today.

This bill was recommended by the General Accounting Office, has been endorsed by the District of Columbia, the police and firefighters associations and the Retirement Board of the District of Columbia, and has been approved by the other body. I join with my colleagues on both sides of the aisle on the Committee on the District of Columbia in urging a vote in favor of this necessary technical amendment to the retirement program of the District of Columbia.

● Mr. McKINNEY. Mr. Speaker, I would like to take a few moments to provide some historical background on this issue, and in so doing, dispel any notion that this legislation would somehow erode the improvements made in the last few years in the administration of disability retirements of District of Columbia police officers and firefighters.

In the late 1960's and through most of the 1970's the number of D.C. police officers and firefighters retiring on disability was nothing short of an absolute disgrace. The system was plagued with abuse, and there was a public outcry for change. Congress, primarily through the Appropriations Committees, demanded effective administration of the retirement program with the very real threat that, absent dramatic changes, Federal funding would be withheld.

By the end of the 1970's, Congress also realized that there was an even greater problem with the District of Columbia retirement system in that it was seriously underfunded. If nothing were done to correct the potential shortfall, the city would eventually be faced with paying more in retirement benefits each year than its payroll for active employees. It was recognized that part of the underfunding problem was from pre-home-rule days, and since Congress had complete control over the city during that period, part of the blame could clearly be laid at the feet of Congress.

Legislation, which became Public Law 96-122, was introduced to address this problem. It provided for a cooperative effort between the city and Congress to eliminate the underfunding over a period of 25 years. Although by that time, the city had demonstrated some improvement in the administration of disability retirements, there still appeared to be an overly liberal application of the rules and procedures for granting full or partial disability. Accordingly, at the insistence of the conferees from the other body, Public Law 96-122 included a formula which, in a nutshell, provided for a reduction in the annual Federal contribution to the retirement funds for police and firefighters if disability retirements were excessive. The House conferees proposed several alternative mechanisms, which may or may not have worked better than what was finally agreed upon. In addition, there was some question as to whether or not the formula decided upon would be effective. In any event, the conferees from the other body agreed, and the conference report so stated, that if the mechanism proved unworkable or did not function as intended, changes would be proposed.

Mr. Speaker, calendar year 1983 was the first year in which this formula came into play. As required by Public Law 96-122, the D.C. Retirement Board and its enrolled actuary filed a report with the Speaker of the House and the President of the Senate. That report indicates that after applying the formula, a reduction in the Federal contribution is mandated. It also points out that the formula is flawed, and will likely result in a penalty for a year in which there is only one disability retirement. The Comptroller General of the United States notes that under the existing formula, a reduction in the Federal contribution would be likely even if there were no disability retirements. The report goes on to suggest that the city has significantly reduced the number of disability retirements, consistent with congressional intent, and that a modified formula would clearly be in order. The report to which I am referring arrived in March 1983, and was the genesis for the bill currently under consideration.

I would suggest to my colleagues that the new formula embodied in S. 1625 is the reasonable and proper solution to this dilemma. We ought not to penalize the city when the record shows that compliance with the intent of Congress has been achieved. At the same time, we ought not invite a return to the previous abuse by eliminating any penalty altogether.

The specifics of the new mechanism contained in S. 1625 have already been explained. The bill has the support and agreement of the Comptroller General of the United States, the District of Columbia Retirement Board, and executive branch of the local government.

There is only one other item which should be mentioned. The existing law stipulates that a calculation be made based on the existing flawed formula. That has been done, and the result is the mandating of a reduction of $8.04 million in the next Federal contribution to be made to the retirement funds. It is a reduction which is unfair since the city has undeniably complied with the intent of Congress. But it is a reduction which will occur if this bill is not approved and signed by the President before October 1, 1983.

I urge the support of my colleagues in correcting this inequity.●

● Mr. PARRIS. Mr. Speaker, I would like to express my support for the bill on the House floor today, S. 1625, which would revise the formula for disability retirements of D.C. Police and Firefighters.

This legislation would change the "trigger mechanism," which determines whether the annual Federal payment to the D.C. Police and Fire Retirement Fund shall be reduced. When Congress passed the D.C. Retirement Reform Act in 1979, annual Federal contributions were authorized to address the prehome rule pension liability, and a trigger mechanism was included to reduce this Federal contribution if disability retirements were abused. At that time, it was noted by Members of Congress that future changes would be suggested if the formula was unworkable. The bill before us addresses those needed changes to the formula.

Under current calculations, the city could be penalized in a year in which there were no disability retirements. Because current law provides for a calculation to be made, this year the city will lose $8.4 million of the fiscal year

1984 Federal contribution if S. 1625 is not passed. However, under the legislation before us, the trigger mechanism would still be intact and a penalty would be incurred if abuses were to exist.

I would like to note that the General Accounting Office, the D.C. Retirement Board, and all members of the House District of Columbia Committee are supporting passage of this legislation. I urge my colleagues to do the same.●

□ 1450

Mr. DELLUMS. Mr. Speaker, I move the previous question on the Senate bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A TRIBUTE TO AN OUTSTANDING LEGISLATOR: DAVID E. CLARENBACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, whoever said that youth was wasted on the young never met Wisconsin State Representative David E. Clarenbach. Next month David will celebrate his 30th birthday. He will also observe his 12th year as an elected public official and his 10th year in the Wisconsin State Legislature.

David's remarkable career is a testament to the ability of young people, if they care, to have a meaningful impact on public policy. Elected to the Dane County Board of Supervisors at the age of 18, he spent 2 years on the county board and then was elected to the Madison City Council in 1974. That same year he ran for the Wisconsin State Assembly and began an illustrious career which already spans 10 years and which is clearly only the beginning.

During his service in the assembly, David has chaired two standing committees—Goverment Operations in 1981 and the Joint Survey Committee on Tax Exemptions in 1979. This year he was elected speaker pro tem of the assembly.

He also initiated and chaired two legislative council special committees, both of which addressed key issues and resulted in the introduction and passage of legislation: the Study Committee on the Privacy of Personal Records and the Study Committee on Economic Development. The Economic Development Committee has resulted in the establishment for the first time of permanent committees in both the assembly and senate to address this issue.

David is a legislator in the most progressive Wisconsin tradition. Invariably ahead of his time, he has introduced and worked for numerous legislative initiatives that many thought were hopeless causes when they were first offered. Today, he can look back on key accomplishments that resulted from his vision and his persistence: regulation of the use of lie detectors, a moratorium on nuclear powerplant construction, the mandate of emergency plans for nuclear powerplant accidents, the end of criminal sanctions for private consensual sexual activity, and the Nation's first statewide prohibition on discrimination based on sexual orientation.

David has been honored many times with awards for his achievements, most recently by the Wisconsin Women's Political Caucus, the Wisconsin Civil Liberties Union, the Wisconsin State Employees Union, and Environmental Decade. He has also been selected as one of the "Outstanding Young Men in America."

This would be an enviable career for an individual who had served decades in public office and was looking forward to retirement. Yet, those of us who know David and have worked with him during his years in public office know that there are vistas yet to be explored and still further imprints to be left on history.

I join his many friends in congratulating David Clarenbach for a truly remarkable 10 years and wish him continued success as he enters his second decade in the State legislature.●

IMF-EXIM PROPOSALS HARMFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

● Mr. PATMAN. Mr. Speaker, the attached lucid testimony that was given before the House Appropriations Committee Subcommittee on Foreign Operations expresses the concern of the distinguished professor of economics and former Under Secretary of Treasury in the Reagan administration, Paul Craig Roberts.

His conern was about the proposed $8.4 billion quota increase for the International Monetary Fund currently being considered by Congress.

On a related matter, last Friday the Senate passed S. 869, Export-Import Bank Amendments of 1983 that included a section specifically authorizing the Eximbank to establish guarantees of $2 billion in support of export transactions to Brazil and Mexico.

However, the Senate bill limits the authority to 18 months duration and clarifies the necessity of notifying Congress before any such financial guarantee of loans would be granted in the future.

Since the House has not yet acted on the proposed guarantee of $2 billion, and since my House Resolution 311 to delay implementation of the proposed guarantees until Congress has a chance to act has not yet had hearings, I would like the Members to thoughtfully consider the points Dr. Roberts raises in relation to the IMF quota increase as his points also apply to the proposed guarantees of the Eximbank should any loans default.

Specifically, Dr. Roberts warned that:

The IMF is undertaking the lead in an effort to protect the existing international debt situation.

There is a tendency for debtors to cease viewing their debts as contractual obligations and to begin seeing them as something subject to politics and international diplomacy.

It is certainly possible that additional lending to foreign governments could have the effect of reducing the progress of their economies, thereby jeopardizing the repayment of the capital that has already been lent to them.

Both the IMF and Eximbank authorizations where part of H.R. 2957 that became S. 695 amended passed in lieu, and has now been returned to the Senate. The Senate passed S. 869 Exim amendments in a separate bill last Friday that will be sent to the House. I urge my colleagues to vote against these bills when they come before the House for all the reasons Dr. Roberts explains.

TESTIMONY OF PAUL CRAIG ROBERTS

Mr. Chairman and members of the committee, as you know I have reservations about the $8.4 billion quota increase for the International Monetary Fund that is currently being considered by the Congress. My reservations are due to the reasoning that lies behind this particular quota increase, and my reservations do not reflect any animosity on my part toward the IMF, the New York banks, the Third World, or the Reagan Administration. Indeed, I have reservations about this quota increase because I believe its implications are harmful to the interests of all four.

Consider first the IMF. Its participation in a worldwide bailout of debtors and creditors might reflect an admirable spirit of concern, but it is also a further move away from the IMF's traditional function. Whatever terms we use to describe it, the IMF is undertaking the lead in an effort to protect the existing international debt situation. Since it was not envisaged as an international lender of last resort, it might be risking its reputation in playing a role that exceeds its resources.

The IMF is also risking its authority: The debt problem is so large that debtor nations

may combine together to resist the conditions that the IMF imposes on the policies of troubled debtors in order to right their economies. In order to secure the agreements that protect the debt situation, the IMF is having to weaken the conditionality that it imposes. Larger responsibilities and weaker authority do not bode well for the future success of the IMF, but they do pose the possibility that the IMF will be turned into an aid-giving agency.

Consider the effects on the debtor countries. For many of them, the IMF-led rescue packages are resulting in a buildup of their debts, because they are being lent more money to pay interest. If their problem is an inability to service their existing debt burden, then piling debt upon debt worsens, rather than solves, their problem.

More important is the change in the psychology of the debtor nations—the change in their attitude toward their debts—that occurs when the IMF, the U.S. government, and other governmental entities interject themselves in the relationship between debtors and their banking creditors. There is a tendency for debtors to cease viewing their debts as contractural obligations and to begin seeing them as something subject to politics and international diplomacy. The political dynamics set them on a course of working to turn loans into wealth transfers. Regardless of their own integrity, debtor governments can find themselves set on this course by pressure from their political opposition calling for debt repudiation. Such calls rise in pitch when the IMF's involvement results in the application of austere economic policies to the economies of the debtor nations. It can be potent politics for an opposition to claim that a sitting government is throwing its people out of work in order to pay back U.S. banks. Some the debtors are already politically unstable and antagonistic toward the U.S.

Consider the effects on the banks. Once debts are politicized through the intervention of third parties and psychological changes occur in the attitude of some debtors toward their debts, banks face a less promising environment for recovering principal and interest. The long-run effect of this attitude could be to put the banks' capital at greater risk.

Consider the effects on the U.S. government which is trying to deal with its own debt problems and to reduce the pressure of its own presence in the financial markets. The U.S.'s $8.4 billion IMF quota subscription will have to be financed by Treasury borrowing in the financial markets. Furthermore, the additional lending by U.S. banks that is part of the IMF loan packages means less credit remains at home with which to finance the debt of the U.S. government, municipalities and private business. There are also domestic political costs involved if U.S. voters conclude that their government puts foreigners and banks ahead of other uses of U.S. resources.

More generally, if debtor nations cannot generate the foreign exchange earnings to pay principal and interest after so much political prestige is poured into the refunding packages, pressures will mount to seek recourse in the resurgence of world inflation. Inflation would depreciate the real value of the debts and generate rising oil and commodity prices that would help some debtors service their debts. But it could also bring to a halt the real economic growth that is the true long-run solution.

Considering the risks inherent in the bailout approach to the debt problem, I would prefer to avoid this approach if possible. Since panic has prevented much serious thought from being given to the matter, it is hard to know for sure if there is a safer alternative. One alternative consists of debtors and creditors sitting down together and rescheduling the debts. There is no *a priori* reason for rescheduling to require new loan commitments by the IMF; indeed, it would be preferable for debtors to avoid adding to their debt burdens. Many people believe that the IMF's presence facilitates the rescheduling and that additional lending is a small price to pay. However, there was no IMF presence in the rescheduling of the Polish and East German debt, and the process is proceeding without the involvement of IMF.

Regardless of the IMF's presence and whether new loan commitments are involved, debt rescheduling is already providing the primary solution to the debt problem. I know of no reason that rescheduling cannot solve the entire problem, particularly in conjunction with policies of economic growth in the OECD countries. The New York Times reported on August 27, 1983, that Mexico and its commercial bank creditors signed an agreement to stretch out repayment of $11.4 billion of debt coming due between August 1982 and December 1984. The new terms allow Mexico a four-year grace period on its principal repayments followed by an eight-year repayment period, thus stretching out two years of debt repayments over twelve. Such a rescheduling does more to reduce Mexico's immediate debt servicing burden than can be achieved by granting new loans by the IMF.

Mr. Chairman, liquidity problems are not the only problem in the world debt picture. Unfortunately, most international lending has been to governments and government-sponsored agencies. Lending agencies key their loans to the development plans of governments, and private banks feel more secure placing their loans with foreign governments than with private businesses in foreign countries. In a speech last month on August 25, Undersecretary of Commerce Lionel Olmer pointed out that this amounts to "red-lining" the private sector in developing countries, and he condemned the practice as a major impediment to their economic growth. It is certainly possible that additional lending to foreign governments could have the effect of reducing the progress of their economies, thereby jeopardizing the repayment of the capital that has already been lent to them.

There is little doubt that secure private property rights are the foundation of successful economic development. The foreign exchange restrictions that have accompanied the efforts of countries like Mexico to put their homes in order are an example of the ways in which private property rights are being eroded in those lands that most need them. Now then a private Mexican firm exports goods, the Mexican government confiscates its hard currency earnings and pays the firm with Mexican pesos. If the firm needs hard currencies for imports necessary to its business, it must compete for an allocation against government enterprises that are more likely to be favored by the government that makes the allocation. International lending and the pressures on debtor governments to get their hands on hard currencies seem to have further stacked the cards against private enterprise in many countries. No amount of government-to-government grants and loans can make up for the neglect of the private sector.

Recently Keith Marsden of the World Bank published a study of twenty countries showing that those with lower taxes experienced the highest economics growth. Lower taxes imply a smaller government sector. This study's conclusion should be kept in mind not just when we debate our own future policies, but also when we consider that the conditions imposed by the IMF on debtor countries often include higher taxes, thereby reducing the economic growth that is the ultimate source of loan repayment.●

TOWARD REASON AND UNITY IN EAST-WEST TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

● Mr. BONKER. Mr. Speaker, today's news contains a graphic example of how overzealous action by the Defense Department to protect national security by unilaterally restricting trade can actually backfire and result in weakened controls. This matter is particularly worthy of note since we will be taking up extension and amendments of the Export Administration Act this week. That act provides the authority to the executive branch to restrict export trade for national security, foreign policy, and other reasons.

I refer of course, to the resignation of the State Department's most senior expert on East-West trade, William A. Root. Mr. Root has guided the implementation of East-West trade policy through several administrations. Better than anyone else in the Government he knows the practical possibilities and limitations that relate to export controls in a world in which the United States is no longer the exclusive source of advanced technologies that can have military applications if obtained by potential adversaries. It is a shame to lose a knowledgeable and respected expert because of lack of clear policy by the administration on export control policy.

The Defense Department hard-liners who want to take over export control policy, vested by law jointly in the Commerce, State, and Defense Departments, only confuse U.S. policy.

Mr. Speaker, the reason for Mr. Root's resignation is that the Defense Department wants to scrap Cocom—the organization in which we coordinate export controls with our European and Japanese allies—at the same time that the President has called for "redoubled efforts with our allies to end the flow of military and strategic items to the Soviet Union." Mr. Speaker, the bill that the House will act on later this week is a responsible approach and one that deserves support in the House. Let us pass that bill and help the President regain control over his own Defense Department.

Mr. Root's resignation statement follows:

SEPTEMBER 24, 1983.

OPEN LETTER TO THE PRESIDENT AND TO THE CONGRESS

The arrogance of the United States Government is rapidly eroding the effectiveness of controls on the export of strategic equipment and technology. Those who proclaim the loudest the need to strengthen these controls are doing the most to weaken them.

In his television speech following the Korean Airlines 007 incident, the President stressed the need to "redouble our efforts with our Allies to end the flow of military and strategic items to the Soviet Union." Since that time we have, instead, been redoubling our efforts to convey to our Allies that their views do not count, that we know best, and that they had better shape up. This is no way to obtain cooperation. It most certainly does not constitute efforts "with" our Allies.

Corrective action is needed immediately. We have set a time bomb in COCOM, the Coordinating Committee where NATO nations and Japan coordinate such controls. It is set to go off on October 17.

The most significant COCOM control in terms of number of cases reviewed is the computer item. The COCOM computer definition is obsolete, having been last revised on the basis of 1974 proposals. COCOM has been unable to reach agreement on a revised definition during the past five years of negotiations because of U.S. insistence that the Allies simply accept U.S. proposals. The Allies have been receptive to a wide range of U.S. strengthening proposals, for both hardware and software. But they have also submitted many constructive proposals of their own which would make the controls more effective.

During many months of negotiations over the past year a composite draft reflecting everyone's views was hammered out. COCOM accepted the U.S. proposal that a session to reach final decisions on differences not yet resolved begin on October 17. The United States is not prepared to negotiate at that session.

On September 14, on the eve of the September 15 deadline for submission of comments on the composite draft, Defense advised State and Commerce of its views that (1) COCOM was an inadequate forum to negotiate the important computer item; (2) the United States should not deviate from its pre-composite draft proposals at the October meeting; and (3) the real negotiations should take place later in an unspecified forum at which a senior Defense official would represent the United States.

The clear (though unstated) Defense objectives are to demonstrate that (a) COCOM as it is now constituted is ineffective and should be replaced by a military committee and (b) Defense should replace State as the agency responsible to conduct the negotiations. Reasonable people can differ on these jurisdictional questions. But we have no alternative but to proceed on the basis of the existing COCOM framework and the existing statutory authorization for State to conduct negotiations, until one or both are changed.

If the United States cannot get its act together, our Allies will conclude that they must use their national discretion to decide what to license and what not to license. Indeed, this has already happened in several important cases as a result of frustrations from the already protracted negotiations. The fundamental objective of COCOM is to avoid diverse actions taken at national discretion by coordinating the national export control decisions of the member governments.

On October 17, there will be a major, justified explosion of Allied resentment of U.S. contempt for the COCOM process.

U.S. arrogance stems directly from the kind of thinking which led to Section 10(g) of the Export Administration Act. This section requires the President to report to the Congress any U.S. export control case for which the recommendation of the Defense Department is not followed. Although it does not literally apply to differences between State and Defense on COCOM negotiations, a spin-off effect has eliminated the kind of cooperation between those two Departments which is essential for such negotiations.

The President has never over-ruled Defense on an export control case and probably never will as long as Section 10(g) is on the books. The required report to the Congress would indicate that the Commander-in-Chief was not master in his own house. Defense personnel know that their views have prevailed on several occasions when it was generally believed that the President held different views. Accordingly, they see no reason to listen to the views of other agencies or of other governments. They are no doubt sincere in believing that they are thereby protecting the nation's security. However, the end-result is a situation in which it is impossible to conduct negotiations with our Allies. Effective controls depend upon negotiations, because the United States is not a unique supplier of most strategic items.

The issue is whether to have ineffective unilateral controls (the result of rigid adherence to U.S. proposals) or effective multilateral controls (which can be achieved through cooperative negotiations).

Our perverse efforts have been the strategically less significant oil and gas area as well as in the computer area. Much attention has been given recently to recommendations to put our oil and gas proposals to COCOM under unilateral security controls and deny a pending $40 million case for submersible pumps. The U.S. oil and gas proposals now before COCOM are the subject to on-going negotiations. The Allies have been extraordinarily cooperative in helping to find well-justified and clearly defined oil and gas related items which should be put under multilateral control. But it is apparent that substantial revision in our original proposals will be necessary to further our common objective at the next scheduled meeting on this subject in January. Any stiffening of our unilateral licensing policy based on the original proposals would greatly damage the cooperative atmosphere. This atmosphere was re-established with much difficulty after the 1982 pipeline controls controversy. Without it there can be no strengthening of multilateral controls in this area.

What should be done? The Administration should (1) negotiate the computer item on October 17 on the basis of the composite draft and (2) revise the U.S. oil and gas proposals to take into account the constructive suggestions of our Allies. The Congress should repeal Section 10(g) of the Export Administration Act when renewing this Act (which expires on September 30).

Sincerely,

WILLIAM A. ROOT,
Director, Office of East West Trade, Department of State.

(Until his resignation in protest concerning the above on Septemer 15.)●

WILSON BRIDGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I would like to take just a moment of editorial license here today to commend an individual or group that I do not personally know. That is the corporation and those who work on the Wilson Bridge here in the District of Columbia, Maryland, and Virginia area.

It appears that this is the only federally owned bridge in this area, the only federally owned public works project that I know of in recent years that has been completed, not only on schedule, but 3 months ahead of schedule. As a Floridian who has had to commute this distance to the Capitol from home while the House is in session, I have had the opportunity to look at this construction project, to look at the innovative ways in which the bridge has been mended and repaired, keeping the traffic flowing on a daily basis, closing only at night for removal of sections of the bridge to allow traffic to proceed. And I think it has just been an act that is commendable, and we should take notice here in the Congress that someone, somewhere in this great bureaucracy, has found a corporation that allows the construction of a bridge to be completed, not only on schedule, but ahead of schedule. And I commend whoever it is who owns that corporation, and those in our Government who found this new procedure. And I might suggest that we might look at that in bridges from Florida to Maine and from the District of Columbia to San Francisco, because every other project I have seen has been far beyond schedule.

TRIBUTE TO GEN. EDWARD C. MEYER

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE. Mr. Speaker, I rise to pay tribute to Gen. Edward C. "Shy" Meyer who recently retired as Chief of Staff of the U.S. Army.

Though one of the youngest officers to head the Army, General Meyer brought the full panoply of necessary qualifications to the top soldier's job. After graduating from West Point in 1951 he served with distinction in Korea, and, later, twice in Vietnam. His decorations from those campaigns include two Silver and two Bronze Stars, the Distinguished Flying Cross, 34 Air Medals, and the Purple Heart.

General Meyer's qualifications equipped him to assess the condition of the Army soon after he became Chief of Staff. This Nation owes him its thanks for his courageous, forthright, and timely warning that the Army was

in danger of becoming "hollow." As events subsequently proved, Shy Meyer was precisely the right man to cure the ills he diagnosed.

Surely that is General Meyer's greatest distinction. He restored the morale and combat effectiveness of an Army still demoralized from the Vietnam experience and depleted from long years of neglect. The list of his initiatives and accomplishments in placing the Army on the right track includes the following:

Returning Active Army units that were below strength when he became Chief of Staff in 1979 to their full authorization.

Halting the movement toward an "all heavy" force by introducing more light, maneuverable units. Integration of light and heavy forces has improved overall capabilities.

Improving the quality of the Army across the board. His emphasis on excellence included equipment, training, military doctrine, and the way of life provided for soldiers. General Meyer channeled scarce financial resources to the development and procurement of modern equipment. He increased the quality of personnel recruited into the Army and initiated measures designed to make Army life attractive enough to retain highly motivated, trained, and skilled soldiers.

Championing the "Total Army" concept which includes the ongoing effort to increase National Guard and Army Reserve readiness.

Improving the professionalism, training, and education of the noncommissioned officer corps.

Developing and sponsoring the high technology test bed project to provide a mechanism to create and test new doctrine and equipment.

Expanding the use of the national training center which is designed to create a realistic military training environment. The national training center is now the most modern military training center in the free world.

Initiating the new regimental system to increase soldier esprit, stability of assignments, and cohesion of units.

Mr. Speaker, a man's worth can be measured by the value of the objectives he pursues. And a man's contributions can be gaged by his success in achieving those objectives. By these criteria Gen. Edward C. Meyer has few peers among the many distinguished officers who have led our Army throughout our history as a nation.

Mr. Speaker, I know I speak for members of the Committee on Armed Services, as well as the entire House of Representatives, in thanking General Meyer for his outstanding service and wishing him good fortune in the coming years.

U.S.S. "HYMAN G. RICKOVER," SSN 709

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, a greatly deserved honor was bestowed on Adm. Hyman Rickover on August 27, 1983. On that day the nuclear attack submarine, U.S.S. *Hyman G. Rickover*, was christened and launched. Of course, no one more deserves to be honored for our outstanding nuclear submarine program than Admiral Rickover.

The occasion also provided an opportunity to honor another very special person. This person is Mrs. Eleanore B. Rickover, the admiral's wife, who christened the ship. This most gratious lady has also served our Nation in the Navy Marine Corps. Admiral Rickover is indeed fortunate to have such an outstanding person as his mate and partner in his life and work. I believe that Eleanor's observations on the occasion of the christening and launching ceremony are so significant and tell so much about her sensitive and charitable nature that I would like to bring them to the attention of all of my colleagues. Accordingly, I would like to include her recorded remarks at the conclusion of my statement.

I would also like to include Admiral Rickover's comments at the close of my remarks. His salute to the commitment of individuals who apply their personal efforts for the good of society and his comments concerning the importance of organizations dealing honestly and fairly with our Government contain important principles which must be followed.

At this point I include the following:

REMARKS BY ELEONORE B. RICKOVER AT THE LUNCHEON IN HER HONOR FOLLOWING THE LAUNCHING OF THE U.S.S. "HYMAN G. RICKOVER" (SSN 709)

Thank you very much! That's quite a feat—to bring home all these gifts, and it isn't even Christmas.

The day is so filled with emotion that it is difficult to say just "Thank you." It does not seem enough. However, I feel I have the greatest prize there is—and that is—my husband.

When I told my husband I wanted to say a few words, a few remarks, not a speech, he seemed quite concerned. He said, "You are not going to talk about me?" I said, "I'm not going to tell you." Even last night he kept asking, "What is the theme of your talk?" "You will just have to wait," was my answer.

I want you to know my "laid back" husband, who doesn't get excited, didn't sleep too well last night, as I also did not. We were both a little excited, and it was well worth it, because this has been a tremendous experience for me, and I think for him too, to see all the people who mean so much to him.

I want to thank the many people here who made this day such a special one—starting with Mr. Lewis, Mr. Tovar, Mr. Miller, Capt. Fox, and expecially Adm. Watkins, for the fine remarks he made.

When I told my husband I like to speak without any notes, he said, "You'd better have some." So I have some.

I am deeply honored and proud to have christened the HYMAN G. RICKOVER today. I am equally proud to have served in the United States Navy Nurse Corps. But most of all, I am proud of my husband and proud to be his wife. And you know, the reason I submitted an out-of-date picture was because of the way I feel about the Navy. Even though it was nine years old, I didn't think you'd care.

The night before we were married, my husband hand-carried a note to me from the Secretary of the Navy, now Senator Warner. I planned to read it to you, but I must have dropped it, so I will just have to ad-lib it.

This is what he wrote: To a Navy Bride: He said I was going to take on this awesome responsibility, because my husband was an institution. But I deserved to be happy and should not let that deter any of my happiness, because I had managed to win the highest selection there was in the Navy selection process. And I think you know what he was saying.

Had I thought of him as an institution, I probably would not have said, "yes." He is a very warm, kind, and human person.

I also thought about what I would say. The reason I could think about it was that I was here a couple of times before. I was on the platform and remembered how the submarine slid into the water while the band played "Anchors Aweigh." I was in tears then.

Today, the emotion is even more so, because how many people are privileged to break a bottle of champagne and utter their husband's name? What I recalled most when this happened was something that some of you will know. In the early days my husband gave a small plaque to the prospective commanding officers of nuclear ships. Inscribed on it was an anonymous prayer of the Breton fisherman. It reads:

"O God, Thy Sea is so Great
"And my Boat is so Small.

Standing alongside that majestic ship with her magnificent crew, and then seeing her slide into the water, one cannot help but think how one's perspective changes and reality sets in. The ship does diminish.

This prayer became even more vivid to me while I was stationed on Guam and had the opportunity to go aboard the submarine *Kmehameha* for a day and even submerge to a thousand feet. That was something for a female. Of course, I was in the Navy. What I remember most of all was having to take a tug out to the ship and board her through a tiny opening (the hatch). Once again, the boat looked so small and the sea so great!

Today, I want to do one thing that may seem strange to some of the men here in uniform. But I am not denigrating anything they stand for, because I wore the uniform and had a very exciting life—it was not always in the emergency room, either. I want to take this opportunity to extend the honor accorded me and to Salute the Navy Wife! As I do so, I think about how important she is because she makes it possible for her husband to have the best of both worlds. And it may be they do not think about that too often. In my salute, I also want to include the first Mrs. Rickover, who deserved this honor far more than I do.

In conclusion, I repeat what I said at the christening. I deviated a little, but I also said the traditional words:

In the name of the United States, I christen thee, *Hyman G. Rickover.* May God bless her and all who sail in her.

I added a few words of my own and borrowed the last line from one of Milton's sonnets. I said:

May God bless their families and loved ones, for "they also serve who only stand and wait."

Thank you.

REMARKS BY ADM. H. G. RICKOVER AT THE LAUNCHING OF THE U.S.S. "H. G. RICKOVER"

At ship launchings it is customary to say fine things about the sponsor; who is then surprised to learn how unusual a person she really is.

But in the case of my wife, Eleonore, there is nothing superfluous one could say. She is living truth that a fine and beautiful woman can have the capacity and stamina to tolerate one such as me.

I will now say a few words that should have been said many years ago.

We have become accustomed to giving praise to organizations and not to people.

Consider today's events: The speakers always give credit to the corporation—in this case General Dynamics.

But I will tell the real story why Electric Boat is the leading submarine builder in the United States.

The design and building of the *Nautilus* prototype in Idaho had proceeded to the point where I needed a submarine shipyard to become involved, I thought it would be a good idea for the Portsmouth, N.H., Naval Shipyard, which had designed and built many submarines during World War II, to build the ship.

So I visited the Portsmouth Naval Shipyard, and asked the shipyard commander if he would be willing to provide the naval architects and engineers needed for designing and building the land-based atomic energy prototype plant in Idaho. In this way his yard would have a decisive advantage when the time came for the actual construction of the submarine. He refused, saying he did not have the manpower or the Navy funds necessary for such an undertaking.

I replied I would see to it that he would have all the necessary manpower and funds. These would be provided by the Atomic Energy Commission not the Navy. But he was adamant.

After talking with the "reluctant dragon," I reached across his desk and used his telephone. While the shipyard commander listened, I called Mr. O. P. Robinson, the manager of Electric Boat, and asked if he could construct the world's first atomic submarine. He immediately responded, "yes."

I met with him that evening and we worked out the relationship for this joint venture. Mr. Robinson demonstrated an attitude of hearty cooperation and not of dignified acquiescence—as has been the experience at the beginning of some honeymoons.

This relationship between the Navy and General Dynamics continued to be outstanding even after it was taken over by the General Dynamics Corp.—except for one recent set of events: The local manager attempted to impose his will on the U.S. Navy. But, that official is no longer at Electric Boat.

I trust that the lesson from this event will be long remembered and will remain deeply imbedded in the brains of General Dynamics officials in St. Louis.

Fair and honest dealing with the U.S. Government is the best policy for the individual citizen, as is the fulfillment of legal obligations on the part of corporations doing business with the U.S. Government.

I believe that this relationship will continue to be mutually beneficial from now on if Electric Boat acts as a responsible supplier and not as a contractor trying to dominate the customer.

In large corporations it is customary to assign credit to the senior officials and blame to the lower ranks when something goes wrong

In the case of the Portsmouth Naval Shipyard, due to the lack of vision and courage by the shipyard's naval management, Electric Boat became the leading submarine yard in the United States.

Bear in mind, all effort in the world is done by and through people, not organizations. So, whenever you read the full-page shipbuilders advertisements, just remember how the job really got done. Also remember that the actions of some shipyard officials have not been in the best interests of the customer of even of their own yard.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT, for 60 minutes, on September 28.

Mr. RUDD, for 30 minutes, on September 27.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. PATMAN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

EXTENSION OF REMARKS

My unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. REGULA.

Mr. MOORHEAD.

Mrs. MARTIN of Illinois.

Mr. ERLENBORN.

Mr. BEREUTER.

Mr. MARTIN of North Carolina.

Mr. FRENZEL in three instances.

Mr. CONTE.

(The following Members (at the request of Mr. MICA) and to include extraneous matter:)

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FUQUA.

Mr. FAZIO.

Mr. BOUCHER.

Mr. EDWARDS of California.

Mr. FLORIO in two instances.

Mr. MARKEY.

Mr. ZABLOCKI.

Mr. DORGAN.

Mr. LANTOS.

Mrs. BYRON.

Mr. LEHMAN of Florida.

Mr. PRICE.

Mr. BERMAN.

Mr. HARRISON.

Mr. CONYERS.

Mr. HEFTEL of Hawaii.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1850. An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands; and

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On September 22, 1983:

H.J. Res. 218. Joint resolution to designate the month of September of 1983 as "National Sewing Month"; and

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care center Week."

On September 23, 1983:

H.R. 3914. An act to require the Secretary of Agricultrue to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs; and

H.J. Res. 229. An act to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week."

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock p.m.) the House adjourned until tomorrow, Tuesday, September 27, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1893. A letter from the Secretary of Defense, transmitting notification of the Department's allocation of civilian end strength for fiscal year 1983, pursuant to section 601(b) of Public Law 97-252; to the Committee on Armed Services.

1894. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board (RFPB) for fiscal year 1982, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

1895. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed offer to sell certain defense articles to the United Kingdom (Transmittal No. 83-54), pursuant to 10 U.S.C. 133; to the Committee on Armed Services.

1896. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-64, "Farmers' Street Market Space Charge Increase Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1897. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-65, "Fire and Casualty Act Amendments Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1898. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-66, "Closing of a Public Alley in Square 16 Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1899. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-67, "D.C. Traffic Act, 1925 and Cable Television Communications Act of 1981 Amendments Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1900. A letter from the Chairperson, National Advisory Council on Continuing Education, transmitting a report entitled "Continuing Education and the American Workforce," pursuant to section 117(d) of of the Higher Education Act of 1965, as amended; to the Committee on education and Labor.

1901. A letter from the Acting Assistant Secretary of State, Intergovernmental and Legislative Affairs, transmitting a report on political contributions by Ambassador-designate Gerald Eustis Thomas, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1902. A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1903. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the provision of emergency military assistance provided to Chad under the authorities of Presidential Determinations 83-8 and 93-9, dated July 19, 1983, and August 5, 1983, pursuant to section 506(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1904. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to sell certain defense articles and services to the United Kingdom (Transmittal No. 83-54), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1905. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during August 1983, pursuant to section 234 of the Legislation Reorganization Act of 1970, as amended; to the Committee on Government Operations.

1906. A letter from the Deputy Administrator, General Services Administration, transmitting a draft of proposed legislation to further amend the Federal Property and Administration Services Act of 1949, as amended, relative to the General Supply Fund; to the Committee on Government Operatons.

1907. A letter from the Deputy Administrator, General Services Administration, transmitting a draft of proposed legislation to revise certain provisions of chapter 57 of title 5, United States Code, relating to the subsistence allowances of Government employees while performing official travel, and for other purposes; to the Committee on Government Operations.

1908. A letter from the Secretary of the Interior, transmitting a report of the Fish and Wildlife Service on the administration of the Marine Mammal Protection Act of 1972, as amended, pursuant to section 103(f) of Public Law 92-522; to the Committee on Merchant Marine and Fisheries.

1909. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970 as amended; to the Committee on Post Office and Civil Service.

1910. A letter from the Acting Administrator, General Services Administration, transmitting an emergency prospectus for structural alterations to the Howard Street parking facility in Detroit, Mich., pursuant to section 7(a) of Public Law 86-249, as amended; to the Committee on Public Works and Transportation.

1911. A letter from the Secretary of Energy, transmitting the 12th quarterly report on biomass energy and alcohol fuels pursuant to section 218(a) of Public Law 96-294; jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. Report pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 98-380). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 3982. A bill to confer posthumously upon Col. Charles E. Young the commission of brigadier general in the U.S. Army; to the Committee on Armed Services.

By Mr. HEFTEL of Hawaii (for himself, Mr. DORGAN, and Mr. AKAKA):

H.R. 3983. A bill regarding the operation of certain duty-free sales enterprises; to the Committee on Ways and Means.

By Mr. MONTGOMERY (by request):

H.R. 3984. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.J. Res. 371. Joint resolution designating February 29, 1984, as "National Minority Military History Day"; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT (for himself, Mr. ZABLOCKI, Mr. BROOMFIELD, Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. IRELAND, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. REID, Mr. LEVINE of California, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. SOLOMON, Mr. BOEHLERT, and Mr. HAMMERSCHMIDT):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress concerning U.S. support for the efforts of the Association of South East Asian Nations (ASEAN) with respect to Kampuchea; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

266. By the SPEAKER: Memorial of the Legislature of the State of California, relative to condemning the Soviet Union for its attack on the Korean Air Lines aircraft; to the Committee on Foreign Affairs.

267. Also, memorial of the Legislature of the Virgin Islands, relative to amending the Revised Organic Act of 1954; to the Committee on Interior and Insular Affairs.

268. Also, memorial of the Legislature of the State of California, relative to the enactment of S. 842; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1016: Mr. DOWNEY of New York, Mr. CHANDLER, Mr. DYSON, and Mr. HAMMERSCHMIDT.

H.R. 1092: Mr. FIELDS, Mr. HYDE, and Mr. RAHALL.

H.R. 1706: Mr. BENNETT, Mrs. LLOYD, Mr. CAMPBELL, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DONNELLY, Mr. DYMALLY, Mr. FRANK, Mr. GORE, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HEFNER, Mr. HIGHTOWER, Mr. HOWARD, Mr. JENKINS, Mr. LEWIS of California, Mr. MARKEY, Mr. MARTIN of New York, Mr. PASHAYAN, Mr. PATTERSON, Mr. PICKLE, Mr. RAHALL, Mr. ROBERTS, Mr. SMITH of New Jersey, Mr. SUNIA, Mr. TAYLOR, Mr. WHITTAKER, Mr. WILSON, Mr. WON PAT, Mr. WORTLEY, Mr. DORGAN, Mr. SPENCE, Mr. CORCORAN, Mr. RAPLH M. HALL, Mr. CONABLE, Mr. GONZALEZ, Mr. DOWNEY of New York, Mr. SWIFT, Mr. RICHARDSON, Mr. OLIN, Mr. MCCAIN, Mr. SKEEN, Mr. MCNULTY, Mr. RUSSO, Mr. THOMAS of Georgia, Mr. HATCHER, Mr. SIKORSKI, Mr. YOUNG of Alaska, Mrs. BURTON

of California, Mr. MCCOLLUM, Mr. APPLEGATE, Mr. CARPER, Mr. YOUNG of Missouri, Mr. TORRES, Mr. DYSON, Mr. DURBIN, Mr. RODINO, Mr. PRITCHARD, and Mr. LIVINGSTON.

H.R. 2099: Mr. BARNARD.

H.R. 2100: Mr. CONYERS, Mr. BARNARD, and Mr. DEWINE.

H.R. 2127: Mr. DEWINE and Mr. GREGG.

H.R. 2491: Mr. MATSUI and Mr. LEVINE of California.

H.R. 3170: Mr. SMITH of Florida, Ms. KAPTUR, and Mr. EDWARDS of California.

H.R. 3338: Mr. CHAPPELL and Mr. ROBERTS.

H.R. 3371: Mr. ACKERMAN and Mr. TRAXLER.

H.R. 3635: Mr. TAUZIN, Mr. RANGEL, Mr. HARTNETT, Mr. BILIRAKIS, Mr. BONIOR of Michigan, Mr. MCCLOSKEY, Mr. MOODY, Mr. STUMP, and Mr. BARTLETT.

H.R. 3636: Mrs. BOXER, Mr. FAZIO, Mr. CLINGER, Mr. BERMAN, and Mr. CONYERS.

H.R. 3797: Mr. LAGOMARSINO, Mr. DUNCAN, Mr. WON PAT, Mr. BEDELL, Mr. SMITH of New Jersey, and Mr. CHAPPELL.

H.R. 3800: Mr. HAMILTON and Mr. STENHOLM.

H.J. Res. 215: Mr. WEAVER, Mrs. BOXER, Mr. SHUMWAY, Mr. OLIN, Mr. JACOBS, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. RITTER, Mr. RODINO, Mr. ROEMER, Mr. REID, Mr. ROWLAND, Mr. SCHEUER, Mr. RAY, Mr. SAWYER, and Mr. TORRICELLI.

H.J. Res. 278: Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS of Texas, Mr. ANTHONY, Mr. BATES, Mr. BENNETT, Mr. BETHUNE, Mr. BEVILL, Mrs. LLOYD, Mrs. BOXER, Mr. CHANDLER, Mr. CHAPPIE, Mr. CONABLE, Mr. CONYERS, Mr. CROCKETT, Mr. DEWINE, Mr. FORD of Tennessee, Mr. FUQUA, Mr. HAMMERSCHMIDT, Mr. HARRISON, Mr. HATCHER, Mr. JACOBS, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. LUJAN, Mr. LUNDINE, Mr. MCDADE, Mr. MCNULTY, Mr. MINETA, Mr. MINISH, Mr. ROBERTS, Mr. RODINO, Mrs. ROUKEMA, Mr. SAWYER, Mr. SHELBY, Mr. SHUMWAY, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. EDWARDS of Oklahoma, Mr. JONES of Tennessee, Mr. MCEWEN, Mr. NATCHER, Mr. PATTERSON, Mr. SHARP, Mr. FOGLIETTA, Mr. HYDE, Mr. HOYER, Mr. LENT, Mr. ANDERSON, Mr. GUNDERSON, Mr. LOWERY of California, Mr. WHEAT, Mr. HILER, Mr. TAUZIN, Mr. HEFNER, Mr. DOWDY of Mississippi, Mr. CARPER, Mr. BRYANT, Mr. RUDD, Mr. PAUL, Mr. RICHARDSON, Mr. BONIOR of Michigan, Mr. COUGHLIN, Mr. BARNARD, Mr. WHITEHURST, Mr. WEBER, Mr. MORRISON of Connecticut, Mr. LEWIS of California, Mr. MURTHA, Mr. ROWLAND, Mr. SPENCE, Mr. NEAL, Mr. DE LUGO, Mr. DOWNEY of New York, Mr. GARCIA, Mr. RUSSO, Mr. LEACH of Iowa, Mr. ROEMER, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. WOLPE, Mr. WON PAT, Mr. LEWIS of Florida, Mr. PATMAN, Mr. PRITCHARD, Mr. WHITTAKER, Mr. KOLTER, Mr. COELHO, Mr. APPLEGATE, Mr. ARCHER, Mr. BARTLETT, Mr. KASICH, Mr. PASHAYAN, and Mr. RINALDO.

H. Res. 311: Mr. FRANK, Mr. LEWIS of California, Mr. GLICKMAN, and Ms. KAPTUR.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

236. By the SPEAKER: Petition of the National Assembly, Republic of Korea, relative to the shooting down of a Korean Air Lines jetliner by the Soviet Union; to the Committee on Foreign Affairs.

237. Also, petition of the Knights of Columbus Supreme Council, New Haven, Conn., relative to the first amendment to the Constitution; the right to life; pornography; to the Committee on the Judiciary.

238. Also, petition of the Knights of Columbus Supreme Council, New Haven, Conn., relative to tuition tax credit legislation; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1010

By Mr. SHUSTER:

Amendments to the amendment in the nature of a substitute (text of H.R. 3857).

—Page 3, line 7, strike out "is" and insert in lieu thereof "may be".

—Page 14, strike out line 13 and all that follows through line 20 on page 16 and insert in lieu thereof the following:

"(a) Any certificated transporter of coal by pipeline desiring to acquire a right-of-way across lands belonging to a common carrier engaged in the interstate transportation of coal may apply to the Commission for an order requiring use of the common carrier's lands for a coal pipeline right-of-way. The Commission may, by order, require the use of the common carrier's rights-of-way or facilities and shall fix just and reasonable compensation therefor.

"(b) In determining whether to issue such an order, the Commission shall take into account the willingness of the respective parties to negotiate the terms and conditions for a grant of the right-of-way and the need for the right-of-way.".

—Page 14, strike out line 13 and all that follows through line 16 on page 15, and insert in lieu thereof the following:

"Sec. 9. (a)(1) Except as otherwise provided in this section, any person holding a certificate under section 10 of this Act may apply to the Commission for approval of the acquisition of such person of a right-of-way for the construction, operation, maintenance, or extension of a pipeline over, under, upon, or through any private lands owned by a common carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of title 49, United States Code.

"(2) The Commission shall approve an application under this subsection if the Commission determines that—

"(A) the construction and operation of the coal pipeline does not unreasonably interfere with operations of the common carrier whose property would be crossed;

"(B) the applicant agrees to pay the common carrier for the right-of-way provided;

"(C) the proposed acquisition is in the public interest; and

"(D) the terms of the proposed acquisition (including the amount of payment) are just and reasonable.

"(3) If the carriers are unable to agree on the terms of the proposed acquisition (including the amount of payment), the Commission shall establish just and reasonable terms. In addition, if the Commission finds that the terms agreed upon by the carriers are not just and reasonable, it may condition its approval of the application upon such modification of such terms as it considers necessary and appropriate.".

—Page 14, lines 17 and 18, strike out "necessary for construction, operation, and maintenance of such pipeline or extension" and insert in lieu thereof "owned by any common carrier engaged in the interstate transportation of coal".

Page 16, after line 20, insert the following:

"(f) The power granted in subsection (a) of this section may be exercised to acquire a property interest greater than that needed to effect a crossing, but in no event greater than 200 feet.".

—Page 16, after line 20, insert the following:

"(f) No right-of-way may be acquired through exercise of the power of eminent domain under this section if such right-of-way is over, under, upon, or through any private lands under one ownership consisting of 1,000 contiguous acres or more.".

—Page 28, after line 7, insert the following:

"(l) No certificate shall be issued under this section for a coal pipeline for which water would be taken from any aquifer or other body of groundwater which underlies more than one State unless—

"(1) there is in effect an interstate compact between the affected States which governs such sale or transfer; or

"(2) all the affected States consent to such sale or transfer.".

—Page 28, after line 17, insert the following:

"(1) With respect to each certificate issued under this section, the Commission shall require compliance with terms and conditions which will—

"(1) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;

"(2) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law;

"(3) require compliance with regulations issued by the Secretary of Transportation under section 15 of this Act; and

"(4) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of coal pipelines if such standards are consistent with or more stringent than applicable Federal Standards.".

—Page 28, after line 17, insert the following:

"(l) Notwithstanding subsection (h) of this section, the Commission shall not issue a certificate under this section unless the Commission determines, in writing, that the coal pipeline or extension thereof will not have a substantially detrimental effect on surface or ground water at the point of origin from which the coal is to be transported, at the point of destination to which the coal is to be transported, and at the point of disposal of water utilized in the transportation of the coal.".

—Page 28, after line 17, insert the following:

"(l) Notwithstanding subsection (h) of this section, the Commission shall not issue a certificate under this section unless the Commission determines, in writing, that the coal pipeline will not impair (1) the financial ability of any other carrier to provide transportation, or (2) the level or type of transportation any other carrier would be able to provide.".

—Page 28, after line 17, insert the following:

"(l) The Commission shall require as a condition of issuance of a certificate with respect to a coal pipeline under this section that the pipeline carrier, upon application of any party tendering coal for transportation, shall construct, maintain, and operate upon reasonable terms a feeder or distribution line to connect the source of such tendered coal with the coal pipeline in any case in which such connection is reasonably practicable and can be constructed with safety and will furnish sufficient business to

justify its construction, operation, and maintenance. Such feeder or distribution line, at the option of the party applying therefor, shall include any facilities necessary for the delivery of coal to such party in a form and condition suitable for use as fuel without further processing or treatment. If any pipeline carrier of coal holding a certificate issued under this section fails to install and operate any feeder or distribution line upon application in writing by any party, such party may submit a complaint to the Commission. The Commission—

"(1) shall hear and investigate such complaint;

"(2) shall make a determination with respect to the safety and practicability of such feeder or distribution line and the justification and reasonable compensation for such line; and

"(3) may issue an order, in accordance with subtitle IV of title 49, United States Code, directing such pipeline carrier to comply with the provisions of this subsection.

Such order shall be enforced as provided for the enforcement of all other orders by the Commission, other than orders for the payment of money.".

—Page 28, after line 17, insert the following:

"(l)(1) The Commission and the Secretary shall hold at least one public, formal adjudicatory hearing with respect to each application filed under this section. Any such hearing shall be conducted in accordance with the provisions of section 554 of title 5. At least one of such adjudicatory hearings shall be held in the District of Columbia.

"(2) The Secretary of Energy, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency shall participate in each hearing held under this subsection and shall submit proposed findings and conclusions, exceptions to the decision or recommended decision, and supporting reasons for the exceptions or proposed findings or conclusions. The head of any other Federal agency may participate in any such hearing and may make the submissions described in the preceding sentence.

"(3) State and local agencies and other interested persons may, upon reasonable application, participate in any hearing held under this subsection.".

—Page 39, line 14, after the comma insert the following: "by jeopardizing existing contracts of and sales to small- and medium-sized coal producers, or otherwise,".

—Page 40, line 22, strike out "(1)".

Page 41, strike out lines 1 through 5.

—Page 42, after line 17, insert the following:

"§ 10956. Coal pipeline transfer, merger, and acquisition transactions

"(a) Any pipeline carrier providing transportation of coal under a certificate issued under section 10 of the Coal Pipeline Act of 1983 shall, prior to—

"(1) transferring any coal pipeline or other property to any person;

"(2) consolidating or merging its properties with the properties of any other such pipeline carrier;

"(3) purchasing, leasing, or contracting to operate any properties of any other such pipeline carrier; or

"(4) acquiring control of any other such pipeline carrier through ownership of its stock or otherwise;

submit an application to the Commission requesting the approval and authorization of the Commission, pursuant to subsection (b) of this section, to carry out such transaction. No such pipeline carrier shall enter into any transaction described in the preceding sentence in the absence of such approval and authorization.

"(b) Upon receipt of an application setting forth a proposed transaction pursuant to subsection (a) of this section, the Commission shall determine, after an opportunity for an agency hearing on the record, whether such transaction is consistent with the public interest. If the Commission determines that, subject to such terms and conditions and such modifications as it finds just and reasonable, such transaction is consistent with the public interest, the Commission shall issue an order approving and authorizing such transaction, upon such terms and conditions and with such modifications as the Commission may require.

"(c) In making its determination with respect to a proposed transaction under subsection (b) of this section, the Commission shall give weight to the following considerations, among others:

"(1) The effect of the proposed transaction upon adequate transportation service to the public.

"(2) The effect upon the public interest of the inclusion, or failure to include, other coal pipelines located in the area involved in the proposed transaction.

"(3) The total fixed charges resulting from the proposed transaction.

"(4) The interests of the pipeline carrier employees affected.

Page 42, line 18, strike out "10956" and insert in lieu thereof "10957".

Page 43, after line 14, strike out

"10956. Definitions.".

and insert in lieu thereof

"10956. Coal pipeline transfer, merger, and acquisition transactions.

"10957. Definitions.".

—Page 48, after line 19, add the following:

FEDERAL ENERGY REGULATORY COMMISSION REVIEW OF PRICES OF PIPELINE-TRANSPORTED COAL

SEC. 19. (a) Title VI of the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) is amended by adding at the end thereof the following new section:

"SEC. 609. COMMISSION REVIEW OF CERTAIN COAL PRICES.

"(a) Whenever any State regulated electric utility and a coal producer enter into any contract for the sale of coal, and such coal is to be transported by a pipeline carrier providing transportation of coal under a certificate issued under section 10 of the Coal Pipeline Act of 1983, such electric utility shall file a copy of such contract with the Commission.

"(b)(1) Within 60 days after the date a contract is filed with the Commission under subsection (a) of this section, the Commission shall determine, after notice and an opportunity for a hearing, whether the coal producer that is a party to such contract is a captive coal operation.

"(2) If the Commission determines under paragraph (1) of this subsection that a coal producer is a captive coal operation, the Commission shall then determine, after notice and a hearing, whether the price charged for the sale of coal pursuant to the contract filed with the Commission is reasonable. If the Commission determines that the price is not reasonable, it shall establish the price to be applicable to the sale of such coal.

"(c) If the Commission establishes the price for the sale of coal to a State regulated electric utility in accordance with this section, the Commission may petition the appropriate State regulatory authority for the initiation of a ratemaking proceeding or other appropriate regulatory proceeding relating to the rates or rate design.

"(d) As used in this section—

"(1) The term 'captive coal operation' means—

"(A) a coal producer that is owned or controlled by the State regulated electric utility to which it sells coal pursuant to a contract; or

"(B) a coal producer that, pursuant to an agreement with such a State regulated electric utility, mines coal which is owned or controlled by such electric utility.

"(2) The term 'control' has the meaning given such term in section 10102(7) of title 49, United States Code.".

(b) The table of contents of the Public Utility Regulatory Policies Act of 1978 is amended by adding after the item relating to section 608 the following new item:

"Sec. 609. Commission review of certain coal prices.".

Page 48, line 16, strike out "section 16" and insert in lieu thereof "sections 16 and 19".

Conform the table of contents in section 1 accordingly.

H.R. 3231

By Mr. ANNUNZIO:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Add the following at the end of the bill:

TITLE IV—SOVIET UNION

GOLD COINS

SEC. 401. No person, including any bank operating under the laws of the United States, may import into the United States any gold coin minted in the Soviet Union or offered for sale by the Government of the Soviet Union.

ENFORCEMENT; PENALTIES

SEC. 402. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to; insure compliance with the provisions of section 401, including—

(1) issuing such regulations as the Secretary considers necessary to carry out section 401;

(2) establishing mechanisms to monitor compliance with the provisions of section 401 and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of section 401 has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of section 401, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 401 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 401 of this Act shall be fined not more than five times the value of the gold coins involved.

(c)(1) Whenever a person violates section 401 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice.

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 403. This title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this title or any regulations issued to carry out this title.

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 404. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITION

SEC. 405. For purposes of this title, the term "Secretary" means the Secretary of State.

SENATE—*Monday, September 26, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise ye the Lord, Praise, O ye servants of the Lord, praise the name of the Lord. Blessed be the name of the Lord from this time forth and for evermore. From the rising of the sun unto the going down of the same the Lord's name is to be praised. The Lord is high above all nations, and his glory above the heavens.—Psalm 113: 1-4.

God of Abraham, Isaac, and Jacob, Lord of all peoples and all nations, help Thy servants in Congress and the White House to find the way which transcends all prejudice and partisanship. In the effort to find peace internationally, help us not to make war among ourselves.

Let there be nothing in the heart and mind of any Senator which will prevent hearing those whose position is contrary. Remove all hindrances which would cause Thy servants to ignore the voice of the Holy Spirit speaking the wisdom of God to their consciences. Dear God, in the search for peace for others, may we be at peace among ourselves. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this is the beginning of a new week and Senators should be on notice that it will be a long and perhaps difficult week. In a moment I will ask unanimous consent to extend the time for the transaction of routine morning business until 2 p.m. to coincide with the time I am told that the war powers resolution will reach us from the Senate Committee on Foreign Relations. By statute, when that matter has been filed with the legislative clerk, it will become the pending business.

I have had preliminary conversations with the minority leader on how we will handle that matter obedient to the requirements of the statute, such as the division of time, such as the arrangement for the days of debate, and those negotiations are still underway. I hope, Mr. President, that we can dispose of the matter with debate on Monday, Tuesday, and Wednesday, with a vote to occur sometime in the afternoon or evening on Wednesday at the latest. I anticipate that many Senators will wish to speak, however, and every effort will be made to accommodate their requirements.

Mr. President, this week we must also deal with the continuing resolution, for the fiscal year ends at midnight on Friday. There are a number of appropriation bills that have not yet been completed by both Houses and signed by the President.

I have talked with the Speaker of the House this morning, and it would appear that we are not likely to receive a continuing resolution from the House of Representatives until Thursday, maybe Friday, which will make it very difficult for us to complete action on that measure before midnight on Friday; maybe impossible. But in any event, I am obliged to say to Senators that a Saturday session is all but certain. If it is possible for us to complete the continuing resolution and to complete the extension of unemployment benefits, which also expires at midnight, before Saturday, I suppose we could avoid it. But I would say that has one chance out of a hundred, so I urge Senators to arrange their plans and schedule to be here on Saturday.

Mr. President, we will have the war powers resolution, continuing resolution, and unemployment benefits extension to deal with this week.

I do not plan to ask the Senate to return to the consideration of the State authorization bill this week in light of these other urgent requirements.

Mr. President, I will try to have a further announcement on the schedule of the Senate as the situation becomes more final in the course of the day, particularly as to the management of the time under the act for the debate on the war powers resolution and as I receive further information from the House on the continuing resolution and the unemployment benefits extension.

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2 p.m.; that Senators be permitted to speak therein for not more than 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Once again, Mr. President, at 2 p.m. it is anticipated the Senate will turn to the consideration of the war powers resolution. I do not believe that today will be a late day, but we will stay as long as reasonably necessary to permit Senators to speak. As of this moment, I do not anticipate votes on the war powers resolution today. It is not impossible that that will occur or that a vote would occur in respect to a procedural matter such as to establish the presence of a quorum by an instruction of the Sergeant at Arms, but I do anticipate a full day tomorrow and Wednesday on that matter.

Mr. President, I believe I have nothing further to say at this moment.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. The majority leader does not rule out the possibility that an amendment or amendments to the resolution would be in order—there is no question about the possibility that they would be in order, but he does not rule out the possibility that there could be a vote or votes on such amendment?

Mr. BAKER. No.

Mr. BYRD. Or the tabling thereof?

Mr. BAKER. No. Mr. President, I do not rule that out. All I say is I do not anticipate votes on that measure today.

Mr. BYRD. Second, Mr. President, if the majority leader continues to yield——

Mr. BAKER. Yes.

Mr. BYRD [continuing]. I would ask the Chair, by beginning on the resolution at 2 p.m. today, does that not mean that the final vote on the resolution would have to occur no later than 2 p.m. on Thursday?

The PRESIDENT pro tempore. That is correct.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, if I have any time remaining under the standing order, I yield it to the minority leader, if he wishes, or I will yield it back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I do not have any need for it. I thank the majority leader. I yield back my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is a special order in favor of the distinguished senior Senator from Washing-

ton (Mr. GORTON), who is not present in the Chamber. I ask unanimous consent that I may suggest the absence of a quorum, without it being charged against his time.

The PRESIDING OFFICER (Mr. KASTEN). Is there objection?

Mr. BYRD. Mr. President, I have no problem with that.

If the majority leader will yield, morning business will extend until 2 p.m. today. If Senators do not seek to utilize that morning business for speeches or if the majority leader has no transaction of business during that period, if he is agreeable, I might use that time, which would otherwise be lost, to make one of my statements on the Senate.

Mr. BAKER. By all means.

Mr. President, I ask unanimous consent that the limitation of time on Senators not apply to the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I renew the request that I may suggest the absence of a quorum without it being charged against the time of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are two items on the calendar under "Bills and Joint Resolutions Read the First Time" which were placed there in pursuit of the provisions of rule XIV, in order to take these items off the calendar. Since we adjourned on Friday and this is a new legislative day, I think we might as well proceed with those two items.

UNION DUES FOR POLITICAL PURPOSES

Mr. BAKER. Mr. President, I now ask for second reading of S. 1881.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1881) to prohibit use of compulsory union dues for political purposes.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of that item.

Mr. BYRD. Mr. President, I object, and I ask that there be no further action on this item.

The PRESIDING OFFICER. The bill will be placed on the calendar.

COMMUNITY RENEWAL EMPLOYMENT ACT

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, does the Chair wish to automatically trigger the other action?

The PRESIDING OFFICER. The bill will be cited by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1036), the Community Renewal Employment Act.

Mr. BAKER. Mr. President, I object to further proceedings in this matter.

The PRESIDING OFFICER. The bill will be placed on the calendar.

RECOGNITION OF SENATOR GORTON

Mr. BAKER. Mr. President, I see that the distinguished Senator from Washington is in the Chamber, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington (Mr. GORTON) is recognized for not to exceed 15 minutes.

BUDGET SITUATION/PNB ARTICLE

Mr. GORTON. Mr. President, in the last week, the press has made much of the spectacle of the President's two top economic advisers—Treasury Secretary Regan and Chairman of the Council of Economic Advisers Feldstein—openly disagreeing about the degree to which high deficits are linked to high interest rates. Flatly contradictory assertions by Cabinet-level officials make for good headlines.

I would suggest, however, that by focusing on the narrow question of the linkage between deficits and interest rates, the press has missed the real message in this story. This is not to suggest that the relationship of deficits to interest rates is unimportant. As business investment picks up, it is simply impossible for me to believe that the competition for funds which the private sector will face from the Federal Government will not bid up interest rates to a point far higher than would be the case with a significantly lower deficit. I recognize, however, that confusion over effects on real versus nominal interest rates, the timing of such effects, and the interference of other business cycle factors at least create room for some debate over these issues.

The real concern we should take from this exchange, however, is not over the narrow technical question of the empirical relationship between deficits and high interest rates. I suspect that in his heart, Mr. Regan would like to shrink the Federal deficit every bit as much as Dr. Feldstein. The problem is that Secretary Regan doesn't believe that tax increases will be used for this purpose. He said, and I quote:

> It's true that increased taxation will—temporarily—increase Federal revenues, and that a portion of such revenues may actually be sprinkled on the deficit. But the bulk of any increased tax revenues . . . will . . . be transformed into new spending . . .

In other words, Treasury Secretary Regan has lost faith in the ability of Congress not merely to cut spending, but even to hold the line on spending increases. He believes that the dangers of a large deficit are of a lower magnitude than the dangers associated with giving Congress more revenue subject to its disposition. This is a point which deserves careful consideration. I believe that Secretary Regan's loss of faith is premature. Unfortunately, however, time to prove him wrong is running short.

Mr. President, I used to fear that our huge deficits would soon lead to an abrupt and dramatic economic reversal. Now I almost fear that there will not be such a landmark event. If a near cataclysm were upon us, I have no doubt that Congress would act promptly and decisively. But if, instead, the deficits result in a prematurely slowed economy, in stagnation, and in an economy that moves in fits and starts, as I suspect may be the case, then the temptation will be strong to try to "muddle through." A dramatic reversal of our economic fortunes would at least provide some incontrovertible evidence of the immediacy of the problem at hand. But stop-start growth, and spotty weakness throughout the economy, especially in the credit-sensitive sectors, may not be sufficient to prod Congress to act. Or worse, they may prod Congress to act in the wrong ways—by enacting a host of programs designed to create special assistance for this or that sector of the economy, or so-called jobs bills which are likely to destroy as many jobs as they create. This course would make it easier to ignore the fact that the best jobs bill we could possibly enact would be to insure economic growth by reducing Federal credit demands.

We are all searching for the magic formula that will lead us out of this impasse. We all want a reduction in the deficit. Why have we not been able to find it?

One problem, I think, is that while all of us want to solve the deficit problem, none of us has made it his or her first priority. Each of us regards something else as more important. Liberal

Democrats want lower deficits, but not at the expense of entitlements or any other domestic spending program; conservative Republicans decry deficits, but will not consider tax increases as even part of the solution. This is a prescription for deadlock and disaster.

Mr. President, I have been depressed in recent weeks to see headlines trumpeting marginally lower deficit projections as if they were actually grounds for realistic optimism. What solace can there possibly be in a deficit which is only $190 billion, rather than $210 billion?

Deficits of this order of magnitude are a threat to the current economic recovery. Recent economic indicators suggest that the strong recovery of the second quarter, led by consumer spending, is being followed, not unexpectedly, by more modest growth. Now observers are waiting for the "second stage" of the recovery to ignite. The key factor in this second stage must be business investment, as historically it is in all recoveries. Traditionally a lagging indicator, historical patterns would now have business investment increase significantly and spark further growth.

But what a terrible moment of tension this is. For it is precisely this event—the increase in business investment—which will precipitate the collision of public and private financing needs in our credit markets. In past recoveries, there always has been a pool of savings available to private investors to use to retool factories, buy equipment, and put people back to work. Now that pool is not there, for it is being absorbed by the Government's unprecedented demand for credit.

Of course, there will still be some investment. But to the extent it is not confined to maintenance and replacement of existing capital, it will be financed largely by foreign credit flowing to our shores, attracted by the high interest rates which must inevitably result from the Government's heavy borrowing. And what is the consequence of this fact? As foreign investors seek dollars to lend in our credit markets, they bid up the dollar's value, weakening our export industries, and resulting in still further loss of employment.

So the immediate impact of deficits is to threaten the current economic recovery. But there is an even more invidious threat in these deficits. Based on recent Commerce Department estimates, the total net domestic private savings generated by the U.S. economy this year will be approximately $178 billion. If we had a balanced budget, this would mean $178 billion to be spent on retooling our factories, on adding to the housing stock, on new plants and equipment. Instead, we, in Congress, will absorb this entire amount and more in borrowing to finance Government activities. Most of these Government activities are either current consumption or income transfers, almost all of which, in turn, will be spent on current consumption.

For 200 years, our economy has grown, enriching each successive generation, because we saved, and applied our savings to productive investments. Now we are running in place. We are not yet reducing our capital stock. But we have broken a pattern that has been ours since this country's founding—the pattern of every year passing on an increased stock of capital for ourselves and our children to work with. Unless we reverse this trend, our children will be clearly and noticeably poorer than they otherwise would be, and the fault will be ours.

This issue transcends the current economic recovery, important though that recovery is. Indeed, it strikes at the very foundations of our society. It calls into question the ability of people to plan and save for a better future, for themselves, and for their children.

The picture is indeed not a pretty one. It must be changed. But if we are to change it, all of us must be willing to consider measures that individually we find unattractive.

Mr. President, earlier this year, Congress passed a budget resolution which, though the Senate version carried my name, was almost no one's first choice—not even mine. But we did find a resolution which was acceptable to a majority. We must look again for such a compromise which will allow us decisively to reduce the deficit, and to live up to the terms of this resolution.

Clearly, this will require many of us to support measures we find distasteful. Even to come to a solution in this Chamber will be difficult, and everyone knows that the House of Representatives will approach this problem with a very different set of values. If a solution is to be found—and it is imperative that we find one—it will be found in the center.

I, for one, am willing to approach this problem with an open mind. I am willing to consider all serious proposals for compromise, and I will reexamine all of my own preferences and positions in this search. I ask that my colleagues do likewise: That we not allow our positions to harden into intransigence. The stakes are simply to high. I believe that this Chamber must take the lead in proposing a way out of the deficit maze. Experience has shown that it is the Senate, rather than the House, which is capable, at times like this, of generating a proposal with broad appeal.

In closing, I offer seven suggestions for steps which I believe Congress should consider in its search for a way to shrink the deficit. I believe that these principles can be guides to a specific budget proposal which, while not satisfying any individual completely, nevertheless addresses the overall problem in a fashion which should be acceptable to a majority.

First, we must examine closely—even ruthlessly—discretionary social programs that benefit largely the nonneedy. If the growth of spending is to be curbed, fairness demands that we abolish giveaways to those who do not need them.

Second, we must curb the projected growth of entitlement programs. The social security reform measure enacted earlier this year is proof that this can be accomplished, and the nearly disastrous rates of growth of some of these programs are evidence that we must.

Third, we must renew examination of our defense spending. Any Member of this body who is, as I am, a veteran of the armed services, knows full well that the Defense Department has its share of wasteful and unnecessary programs. We must avoid, however, unrealistic demands that the defense budget bear draconian cuts. With a deficit almost equal in size to the entire defense budget, reason tells us that the amount of savings we can reasonably expect to find here will make only a modest contribution to solving the problem.

Fourth, Congress must commit itself seriously to a broad program of tax reform and simplification. No one has more respect for the distinguished chairman of the Finance Committee than I. I thank our good fortune that the Senator from Kansas is watching over the tax system, because I know that without him, the situation would be much worse. But even the distinguished Senator must be overwhelmed by the special advantages and tax expenditures that have invaded our Tax Code.

Many of these tax preferences were created out of the best of intentions. But in enacting these loopholes, we have created a monster. Not only are the direct costs of monitoring and enforcing the Tax Code unnecessarily high, but the indirect costs are even higher, as businesses and individuals undertake questionable economic activities and redirect resources in socially disadvantageous ways, solely for the purpose of exploiting this or that loophole in the code. Even more important is the loss of faith in the equity of our tax system which arises inevitably out of this mountain of special privileges woven through the Tax Code. If Federal assistance is to be given to a particular special interest, then let us do it by authorizing and appropriating funds to do so, and not by contaminating and eroding the Government's revenue-producing mechanism.

Fifth, we must redouble our efforts at making the Government operate more efficiently. The recent Grace

Commission identified a long list of ways in which substantial public sector savings were possible. I do not agree with all of its recommendations. But even if we adopt only a small share of them, the deficit reduction can be substantial.

I take this opportunity to announce that, through the generous cooperation of private foundations in Washington State, I plan to make a special effort in this area. These foundations have agreed to provide support so that Mr. Glenn Pascall, an observer of Government budgeting with long experience in analyzing and evaluating the cost-effectiveness of Government programs, can apply his expertise to the problem of the Federal budget deficit. Mr. Pascall will be studying the Grace Commission report and other information, and formulating specific workable, passable proposals which can be drafted as legislation and considered during the budget process. I look forward to cooperating closely with Mr. Pascall.

Sixth, we must face the fact that revenue increases will be necessary beyond those which can be achieved by closing tax loopholes. Revenue increases on the order of $12 to $15 billion over 3 years will not do the job. The budget resolution adopted by Congress only 4 months ago called for revenue increases of $73 billion over 3 years. We had the budget debate then. It was a serious debate, which occupied this Chamber for several weeks. And nothing in our economic situation has changed to render the conclusion of that debate obsolete. It is time now to live up to our own resolution.

We must be realistic about the degree to which we expect to be able to shrink the budget deficit through spending cuts. We have not been able to build a consensus around spending cuts sufficient to eliminate a significant portion of the deficit, nor do I see any signs that such a consensus is about to emerge. We have already dealt with social security. I expect that we soon will extend Federal supplemental unemployment compensation. We will not dramatically cut medicare at any time in the foreseeable future. Yet these are the three largest entitlement programs.

On the defense side, we have voted to increase defense spending for the third year in a row. That leaves discretionary domestic spending—only 17 percent of the entire budget. Does anyone seriously believe that we will find further cuts in that 17 percent of the budget sufficient to yield a significant reduction in the deficit?

The conclusion is clear: There is no way in which the budget can be balanced without tax increases on the order of magnitude of those called for by the first concurrent budget resolution matched by spending cuts of approximately the same amount. Instead of asking whether we should raise taxes, we should be asking how we should find those new revenues.

Along these lines, together with the lines of spending discipline, I have noted with interest the recent proposal of the distinguished Senators from Missouri (Mr. DANFORTH), Oklahoma (Mr. BOREN), and Wyoming (Mr. WALLOP). This proposal would reduce further both the tax-indexing adjustment and the cost-of-living-adjustment for non-means-tested programs to 3 percentage points below the rate of change in the consumer price index. It would raise $57 billion over 4 years. While I do not formally endorse their proposal, I congratulate those Senators for laying before the Senate a proposal worthy of serious consideration. It asks for some sacrifices across-the-board in every element in American society. This is an example of the kind of thinking we are going to require more of if we are serious about reducing the deficit.

Finally, Mr. President, and perhaps most importantly, we need to undertake the task of educating our constituents about their stake in this issue, and of recultivating in ourselves the public-spiritedness necessary to deal with it.

As I have said repeatedly, I know this all will not be easy. We have many difficult choices before us. But we are all in this together. Should we fail to deal with the budget crisis confronting us, history will not treat us gently. But we have the opportunity now to avoid history's harsh judgment, if only we will take it.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for not to exceed 15 minutes.

Mr. WILSON. I thank the Chair.

CENTRAL AMERICA

Mr. WILSON. Mr. President, I rise today at the suggestion of colleagues to place in the RECORD a letter which I sent to my colleagues reporting my recent visit to Central America.

An appendix to that letter is the recent statement by Mortimer B. Zuckerman, the chairman of the Atlantic Monthly, that was printed in the New York Times of Thursday, September 1, 1983. It is an extraordinary statement. I will recite just the opening paragraphs which I think quite clearly set the tone.

Because of enormous public confusion over the United States' involvement in Central America, I recently visited the region with a delegation of Congressmen to see it first-hand. I went holding political views of El Salvador and Nicaragua shared by many liberals and centrists in our nation. I returned impressed with the effectiveness of United States policy and convinced that we need to be involved.

I had thought that in El Salvador we were engaged in wrong-headed and dangerous military action on behalf of a repressive Government, and that Washington had failed to address economic and political grievances built up after decades of injustice. I went with the impression that the guerrillas seemed to have won popular support for their efforts to revolutionize the political system. My instinct was that this was only an internal struggle, not an East-West competition, and that once again we were backing the wrong side for the wrong reason.

But I returned home with the sense that United States military support was critical for physical security in the countryside, which, in turn, is necessary to guarantee ordinary Salvadorans' ability to make free choices. I also concluded that our military support is essential if we are to persuade the Salvadoran Government to democratize the political process and implement a program of agrarian reform and economic development. The guerrillas seem to have no larger a popular base than the Government does: Both sides command support with guns.

Mr. Zuckerman then goes on to detail the aggression that he encountered by the Sandinistas in Nicaragua.

It was his statement further that:

It is the pressure of the United States backed threat of a military confrontation that has produced the Sandinistas' first clear willingness to negotiate a genuine agreement not to destabilize their neighbors.

Mr. Zuckerman's conclusion is that:

Our interests are involved because what happens in Nicaragua and El Salvador can affect Mexico or the Panama Canal. Central America is on our strategic doorstep. We cannot remain above the fray.

Mr. President, I commend all the paragraphs in between those that I have read. This is an extraordinary statement, a statement of intellectual honesty. It is a keen analysis of the situation as it genuinely exists within that region that Mr. Zuckerman so correctly views as essential to American interests.

My own Dear Colleague letter contains specific recommendations for what I think should be the U.S. course of action within Central America. Those neighbors of Nicaragua can be counted on to drive the Contadora process provided they feel that the United States will be a reliable ally, not in providing troops, which they have not requested and which President Reagan indicated will not be sent, but rather what they are asking us is an adequate level of support, militarily, economically, and diplomatically to provide them the kind of support necessary so that they can quite properly assure their own destiny as secure nations seeking to arrive painstakingly at the democratic reforms that have so long been absent from all of Central America, with the notable exception of its one true democracy, Costa Rica.

I quite agree with Mr. Zuckerman. An American presence is required if

Central America is to achieve its promise. It provides the safety against the export of violence and subversion throughout Central America by the Sandinistan terrorists, the revolution without boundaries, and it also provides the leverage so that the United States, not just here in the Congress, but all across this land, can be assured that we will maintain progress toward democratic institutions and human rights.

Mr. President, I ask unanimous consent that the entirety of my Dear Colleague letter, including the two appendixes, the first being that which I noted by Mr. Zuckerman, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE

Washington, D.C., September 20, 1983.

DEAR COLLEAGUE. Having recently returned from an eight day factfinding tour to all the Central American countries except Belize, I am more firmly convinced than ever that the course set by the Reagan Administration is the only effective one.

I met with heads of state, foreign and defense ministers, opposition political parties, members of the media, the clergy, private citizens and independent human rights organizations. I discovered I was the first U.S. Senator to visit Sandinista Nicaragua during the 18-month tour of Ambassador Quainton. (See Appendix B for list of persons with whom I met.)

I found that there exists among Honduras, El Salvador, Costa Rica and Guatemala, a new cohesion and unity in response to the threat these countries perceive from Sandinista terrorism and subversion, and almost uniformly strong support for Administration policies.

There was, however, very grave concern with regard to whether the Congress will allow the Administration to sustain a credible American presence in Central America. If the leaders of these nations are confident of continuing adequate levels of military, economic and diplomatic support, the Friendly Four will insist upon driving the Contadora process, as indeed, they should. It is their future which is at stake. They have the right to insist that it is they who must determine their own destiny. They are highly apprehensive that the Contadora process will seek to accommodate the Nicaraguans and Cubans by achieving a negotiated "peace" that will simply buy time for a currently beleaguered Sandinista regime and ultimately threaten the same result which a U.S.-negotiated "peace" brought to South Vietnam and Cambodia.

Based upon my observation and conversations with both the governments and their opposition and the private sector in each of the Friendly Four, I offer the following specific suggestions that would help further U.S. interests in Central America and lead to real and enduring peace.

1. The U.S. should increase the number of American advisors in El Salvador based on legitimate requirements up to some practical limit, say 200. The current requirement that no more than 55 advisors be present is absurd; it has produced great hardship and needless contortions in rotating needed personnel out of the country to allow others in so as to not exceed the arbitrary and artificial limit of 55. To put this figure in context, the D.C. Police Academy retains a full-time faculty of 48 to handle student loans that peak at 500 cadets. By comparison, the Salvadoran army currently numbers almost 30,000 for a nation of 5 million contrasted with a city of 600,000. Our advisors are doing a superb job, but are simply spread much too thin.

2. The U.S. should continue to sustain a military presence in the form of the present exercises by the carrier battle groups, joint exercises such as AHUAS TARA II, and the Regional Military Training Center established some months ago in Honduras.

3. The U.S. should encourage and support the Friendly Four in reviving the Central American Defense Community, CONDECA (a mutual defense pact between El Salvador, Costa Rica, Honduras and Guatemala), at the earliest possible date, to achieve military cooperation and political cohesion. Guatemala is eager to resume its role as host.

4. The U.S. should encourage the Friendly Four to act in concert and to insist for their protection upon negotiations that produce a specific and verifiable guarantee of their security by a specified date soon; or, if the Contadora process fails to produce that required early result, they should be encouraged to take appeal from a failed Contadora process to the Organization of American States. For obvious reasons, the venue for appeal must be the OAS which is responsible for regional affairs and not the UN Security Council.

5. The OAS should be encouraged to reconvene as an item of unfinished business the special session on Human Rights in Nicaragua. You will recall that during the Somoza regime, the OAS took the unprecedented step of interfering with the sovereignty of a member state and offered support and recognition to the Sandinista regime on the basis of written promises that the revolution would bring human rights and democratic institutions. The issue of human rights, specifically that of free elections in Nicaragua, should be a central theme of the Friendly Four, first within Contadora and, if necessary, later at the OAS. The Sandinista leadership, which took power in July 1979 with the backing of an overwhelming majority of the population, has yet to hold an election. In sharp contrast, Costa Rica is a fully functioning democracy; Honduras has a democratically elected government; and in El Salvador, another revolutionary government which came to power at the same time, as did the Sandinistas in Nicaragua, held a free and honest election monitored by hundreds of foreign observers and journalists in March 1982. You will recall that more than 80 percent of the voting population exercised its rights, despite a campaign of terrorism to frighten them away from the polls.

6. The United States should resume military aid to Guatemala and increase economic assistance from $40 million to at least $50 million requested by Ambassador Chapin. These people deserve our help.

7. Our present level of support in Central America is inadequate. Were we to increase it by half again as much to $1.2 billion, it would still represent a modest investment in comparison with what we spend elsewhere where American vital interests are less, and much less immediately threatened. More to the point, failure to provide adequate military, economic and diplomatic support now will simply defer the need to do so to a time when it will become far more costly and far more dangerous.

8. U.S. aid should continue to be accompanied by U.S. pressure for progress on human rights issues. In particular, it is essential that early, open and honest elections proceed in order for the Friendly Four to insist upon the same performance by Nicaragua on the quite accurate rationale that only genuine pluralism within Nicaragua can provide realistic assurance of peace for the entire region.

9. Both the government and the opposition within Costa Rica recognize the threat of Sandinista subversion through the workings of an existing fifth column. Present U.S. military assistance to Costa Rica to enable modernization of Costa Rican internal security forces is inadequate. I recommend that we provide the Costa Ricans needed and desired assistance up to $7.5 million.

Central America need not become another Vietnam. But it has the potential, if the Congress of the United States does not provide adequate support to Administration initiatives on the economic, military and diplomatic fronts.

The United States has vital interests within Central America which we did not have in Southeast Asia.

Several significant military differences make it possible for El Salvador to prevail over anti-government terrorists in ways that distinguish this situation from Vietnam.

The Central American nations to whom we are providing economic, military and diplomatic assistance in our own interests, are—with adequate United States support—in a position to prevent the violent exporting of the Soviet-Cuban-backed Sandinista revolution beyond the borders of Nicaragua. The United States owes adequate support to El Salvador, Honduras, Costa Rica and Guatemala, not because these nations are perfect democracies, but because it is required by the same U.S. self-interest that prompted President Harry Truman to insist upon U.S. aid to less than perfect democracies in Greece and Turkey when those nations were threatened with violent Communist takeovers following World War II.

What is more, progress is being made toward achieving a decent observance of human rights and the strengthening of democratic institutions in these nations which depend upon our assistance, but that progress is threatened directly by subversion from Havana and Managua. It would also be distinctly threatened by withdrawal of the American assistance that provides our missions in Central America the leverage by which we can insist upon and obtain reform.

The Friendly Four, Costa Rica, Honduras, El Salvador and Guatemala, are—I repeat—the nations whose future is at stake. They have the right to insist that it is they who must determine their own destiny. Hopefully, they will be able to do so by negotiation within a framework provided by the Contadora group. If the negotiations under the Contadora process do not provide these threatened neighbors of Nicaragua with a mechanism that assures their verifiable security, they will, instead, produce a false promise of peace and will buy time for Sandinistas and their backers to expand Marxism by further violence and subversion throughout Central America.

A negotiated "peace" which does not provide real and verifiable security against the threat of Sandinista "revolution without frontiers" would, indeed, produce in time another Vietnam.

To avoid this and to provide encouragement to a new unity among the fledgling democracies of Central America, the United States must demonstrate staying power on all three fronts—economic, military and diplomatic.

The United States Congress must support the Administration's initiatives if Congess is not itself to be guilty of creating a self-fulfilling prophecy by producing another Vietnam when, in fact, that result can be avoided—but only by adequate and sustained demonstrations of U.S. staying power within the region.

I have attached, as Appendix A, a recent New York Times guest column on Central America, written by Mortimer Zuckerman, the distinguished editor of Atlantic Monthly. It recounts the changed views towards the Central American situation that occurred to Mr. Zuckerman, after his recent trip to the region.

Sincerely,

PETE WILSON.

[From the New York Times, Sept. 1, 1983]

ON U.S. LATIN POLICY

(By Mortimer B. Zuckerman)

Because of enormous public confusion over the United States' involvement in Central America, I recently visited the region with a delegation of Congressmen to see it first-hand. I went holding political views of El Salvador and Nicaragua shared by many liberals and centrists in our nation. I returned impressed with the effectiveness of United States policy and convinced that we need to be involved.

I had thought that in El Salvador we were engaged in wrong-headed and dangerous military action on behalf of a repressive Government, and that Washington had failed to address economic and political grievances built up after decades of injustice. I went with the impression that the guerillas seemed to have won popular support for their efforts to revolutionize the political system. My instinct was that this was only an internal struggle, not an East-West competition, and that once again we were backing the wrong side for the wrong reason.

But I returned home with the sense that United States military support was critical for physical security in the countryside, which, in turn, is necessary to guarantee ordinary Salvadorans' ability to make free choices. I also concluded that our military support is essential if we are to persuade the Salvadoran Government to democratize the political process and implement a program of agrarian reform and economic development. The guerrillas seem to have no larger a popular base than the Government does: Both sides command support with guns.

In Nicaragua, the Sandianista revolution carried the hope for a better and freer life after the feudal tyranny of the United States-supported Somoza regime. Yet what I found was a Government busily consolidating a left-wing totalitarian state internally, and aggressively involved in attempting to overthrow its neighbors. It is the pressure of the United States-backed threat of a military confrontation that has produced the Sandinistas' first clear willingness to negotiate a genuine agreement not to destabilize their neighbors.

In El Salvador, the masses have not been angered to the point of largesacals popular uprising like those in Nicaragua or Colombia, popular revolt accompanied the guerrillas offensive in 1980-81, and last year's election showed that at least two-thirds of the people objected to being "liberated" by the revolutionary left. The guerrillas do not appear to have widespread popular support. In this situation, a military solution to control an insurgency is feasible.

To this end, the United States is training and equipping the Salvadoran Army for infantry and small-unit tactics and keeping the soldiers in the field to engage, harass and exhaust the guerrillas. We will have trained about 50 percent of the officers and noncommissioned officers by the end of 1983 in an effort to substitute effective combat leaders for those appointed for political loyalty. As a result, the Army has improved its morale and field performance and engaged in its most sustained and aggressive campaign. It has captured the momentum and substantial military control in much of the eastern provinces, particularly in San Vicente and Usulutan. The rebels have withdrawn to remote areas, have not counter-attacked, have limited themselves to hit-and-run attacks and appear to have increasing logistical and manpower problems.

In San Vicente, the Government has coordinated its military presence with programs in health, education, agriculture, transportation and reconstruction to retain the area's loyalty after the army leaves. This is a phase in an overall National Plan for Reconstruction. The cost of this program has been minimal by United States standards; only $65 million in military aid and $230 million in economic aid. Even the guerrilla political leader Ruben Zamora acknowledged to us that if this aid continues, the rebels can no longer hope to win the war.

The aid program also serves as leverage against the right-wing military. Only the United States can influence it to move away from a feudal political heritage of violence and vigilantism.

The left feeds off the rigidity of the right and military oppression and develops popular support by promising to redistribute the wealth. It also benefits when rightist oligarchies buckle under economic pressures. The best way to diminish popular support for a violent Communist revolution is to open up the political channels and institute agrarian and economic reform. This can take place only when there is no widespread military insurgency.

Our pressure brought about last year's Salvadoran election and this year's negotiations for drafting a new constitution leading to presidential elections in 1984. Elections may be only "one note in the song of democracy," as a Salvadoran clergyman put it, but they represent legitimization of potential civilian control over military and paramilitary forces. Both have perpetrated atrocities that, if allowed to continue, will turn the masses implacably hostile. Our pressure is thus necessary on two counts: to prevent an extremist left-wing takeover while pushing the Government toward rights and democracy.

However, no amount of change will end the Salvadoran conflict if Nicaragua, which regionalized the conflict in Central America, continues to fuel it. When they took over, the Sandinistas feared and hated the United States because of its patronage of Anastasio Somoza Debayle and military invasions over the past 130 years. The Sandinista hymn is "We fight against the Yanqui, enemy of humanity." President Jimmy Carter attempted to offset this by extending economic aid and friendship, but the Sandinistas remained convinced that the revolution would be safe from our intervention only if governments similar to their own were installed elsewhere in Central America. The Sandinistas set out to implement their slogan "revolution without boundaries."

In 1980, the Sandinistas, with Cuban advisers, brought the five main guerrilla factions from El Salvador together in Managua, worked out a unity pact, set up joint command and control structures, organized training and logistical support on Nicaraguan soil and provided initial arms supplies. A Salvadoran rebel leader, Mario Aguinada, told us that support for training, logistics and command continues.

In Costa Rica, we were told that the Sandinistas are engaged there in a major propaganda campaign and are encouraging unrest, including infiltration in the northern provinces. The attempt to destabilize Costa Rica, a democracy without an army since 1948, is the clearest indication of Sandinista intentions.

Inside Nicaragua, the Sandinistas began and continued a program of totalitarian consolidation of power. The elements of the broader anti-Somoza coalition were discarded one by one—the Roman Catholic Church, other political parties, the press. The only Jewish community center and synagogue were seized and burned. The Sandinistas built the largest military force in Central America. A Cuban-style pattern, with a widespread Cuban presence, has emerged.

To contain an interventionist Nicaragua, Washington sought—unsuccessfully—negotiations four times to bring about noninterference in neighboring territory and limits on Nicaragua's military buildup and the institutionization of democratic opposition to create internal brakes on aggression. Rebuffed diplomatically, the United States move militarily, ordering exercises, including fleet deployment. The Central Intelligence Agency expanded its support of the "contras"—the anti-Government guerrillas that harass the countryside. We continue to train and equip the Honduran Army which Nicaragua considers its most dangerous regional military adversary. A border shootout in May with Nicaragua brought about full mobilization of the Honduran Army, signaling its participation in any military crisis in the region.

The cumulative military pressure organized by the Reagan Administrator has resulted in a major shift in Sandinista policy. In our meetings with the Sandinista leadership, we were told that Nicaragua was prepared to negotiate verifiable nonintervention in neighboring territories, especially El Salvador. This change appeared to be due exclusively to the perception that the United States had been provoked to the point that a military confrontation was possible.

The United States has long supported repressive rightist regimes, sometimes by using our troops. We must develop an alternative to such regimes—and those of the left—by opening up Latin American political and economic processes. Our interests are involved be cause what happens in Nicaragua and El Salvador can affect Mexico or the Panama Canal. Central America is on our strategic doorstep. We cannot remain above the fray.

APPENDIX B—PARTIAL LIST OF PERSONS WITH WHOM SENATOR WILSON MET DURING CENTRAL AMERICAN TRIP

PANAMA

Minister Juan José Amado III, Minister of Foreign Relations and General Paul

Gorman, USA, Commander in Chief, U.S. Southern Command.

HONDURAS

Minister Edgardo Paz Barnica, Secretary of State for Foreign Affairs; Minister Carlos Roberto Flores Facusse, Secretary of State for Presidency; General Gustavo Adolfo Alvarez Martinez, Commander in Chief, of the Armed Forces; Members of the Directorate of the Nicaraguan Democratic Force (FDN), a Nicaraguan group opposed to the Sandinista regime.

EL SALVADOR

President Alvero Alfredo Magana Borja, Provisional President; General Carlos Eugenio Vides Casanova, Minister of Defense and Public Security; Minister Fidel Chavez Mena, Minister of Foreign Affairs; Mr. José Napoléon Duarte Fuentes, Former President, (currently the Christian Democratic Party candidate, for President); Mr. Amando Calderon, Party Secretary, National Republican Alliance (ARENA); Mrs. Hernandez, Office of Legal Counsel to the Archbishop, Archdiocesan Commission of Justice and Peace; Officials of Unidad Popular Democratica, an El Salvadoran trade union.

COSTA RICA

President Luis Alberto Monge Alvarez; Vice President Alberto Fait Lizano, First Vice President; Minister Fernando Volio Jimenez; Minister of Foreign Relations; Minister Rodolfo Silva Vargas, Presidential Minister and Counselor for Finance and International Economic Negotiations; Mr. Rafael Angel Calderon Fournier (former Minister of Foreign Relations and Presidential Candidate, current head of Republican Calderonist Party); Mr. Alfonso Robelo (former member of Sandinista 5-member ruling junta, current leader of the Revolutionary Democratic Alliance (A.R.D.E.), a Nicaraguan group opposed to the Sandinista government).

NICARAUGA

Commandante Daniel Ortega Saavedra, Coordinator, Junta of the Government of National Reconstruction; Father Miguel D'Escoto Brockman, Minister of Foreign Affairs; Sub-Commandante Rafael Soliz, Secretary, Council of State; His Excellency Msgr. Miguel Obando y Bravo, Archbishop of Managua; Mrs. Miriam Arguello, National Coordinator, Conservative Democratic Party.

GUATEMALA

General Oscar Humberto Mejia Victores, Head of State and Minister of Defense; Mr. Fernando Andrade Diaz-Duren, Minister of Foreign Affairs-Designate; President Jorge Serrano Elias, President, Council of State; General Hector Mario Lopez Fuentes, Chief of Staff, Guatamalan Army; Most Reverend Jose Ramiro Pellecer Samayoa, Acting Archbishop of Guatemala City.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with statements therein limited to 10 minutes each.

WHAT IS THE STATUS OF OUR NUCLEAR ARMS CONTROL EFFORTS

Mr. PROXMIRE. Mr. President, many Americans feel that the most important contribution this Government can make to the survival of our Republic and, indeed, of all mankind is to bring the nuclear arms race under control. I share that view. Editorial comments appeared over the weekend that dramatized how pitifully feeble our arms control efforts are, and how thin an understanding we have in this country, even among one of the wisest and best informed commentators.

On Saturday the New York Times carried a letter from Kenneth L. Adelman, the Director of the Arms Control and Disarmament Agency in which he defended the meager resources devoted to our prime arms control agency which he directs. He admitted that ACDA's budget had dropped from the last full Carter year when it was $17.3 million to $16 million this year, but he said next year it will rise to $18.5 million. The New York Times, in an editorial accompanying Adelman's letter, notes that Adelman's figures ignore inflation, and brushes off the nearly 25 percent reduction in staff to the lowest level since 1962. Adelman concedes that his Agency's research budget has dropped from $3.5 million to about $1 million per year. That is a million, Mr. President, not a billion.

Mr. President, these figures are absolutely appalling. I recognize that we cannot solve problems by throwing money at them. And I certainly would not expect the arms control budget to be in the same league as the military budget. But the resources we are putting into this, the most crucial program for our survival, are so ridiculously infinitesimal as to be obscene.

Think of it—the entire budget of our arms control agency is little more than one-half the cost of a single one of our thousands of fighting planes. But the real killer is the contrast between the $1 million we spend on arms control research and the $25 billion—billion—we spend on military research and development.

That is literally $25,000 on military research for every single dollar we spend on arms control research. Now, some will argue that our military budget itself constitutes our real peacekeeper, our prime deterrent, that it is the military strength of this country and the billions we pour into our nuclear submarines, our nuclear armed air fleet, and our Minuteman missiles which keeps the Soviet Union from instigating world war III.

Well, I agree that we need most of that deterrent. And I agree that that deterrent has been the prime factor that has made the likelihood of a planned, premediated Soviet attack on this country very likely. But let us not forget that while such an attack is now one of the least likely causes of a nuclear war, there are other far more threatening prospective causes which the ACDA can and should help us meet. Furthermore, that massive and highly expensive military deterrent does little or nothing to deter what are the far more likely causes of a nuclear holocaust.

With the colossal, hair trigger buildup on both sides, the prospects of war by accident increase. Arms control research can search for and find ways of preventing war through mistake. With the continuation of the arms race, advancing nuclear arms technology will devise nuclear weapons that because in some cases they are cheaper and simple will be more readily available to more and more countries. The Arms Control Agency can and should be expending resources to devise strategies to prevent this.

Because a third world war could far more easily develop between a nuclear armed Libya or Syria and any number of its neighbors, or between India and Pakistan, or between South Africa and other African nations, or between Brazil, Argentina, and any number of enemies or potential enemies, the ACDA could contribute greatly to our chance of survival by working indepth to develop ways to stop nuclear proliferation.

Last year, Senator PELL pointed out that we employed six times as many people in military bands as we employ in the ACDA. That is right, in military bands. Today the ratio has gotten even worse.

The New York Times wisely disputes the Reagan administration's commitment to arms control in the editorial accompanying the Adelman letter.

But, then, Mr. President, on Sunday the Washington Post carried an editorial that, by Washington Post standards, was certainly a shocker. In effect, it asked, "What is the big fuss about the inadequancy of the Reagan arms control efforts compared to the Democrats' efforts?" It argued, after all, both Democrats and Republicans agree that the Russians behaved outrageously in shooting down the unarmed Korean airliner, and argued that President Reagan handled the vicious act by the Soviets right. And I agree he did indeed. The Post argued the President's handling was right in part because it did not deter him from pursuing arms control with the U.S.S.R. Again, I agree. But then the Post goes on to ask, So what is the difference on arms control? The Post then proceeds to give the commitment of the Democratic Party to the nuclear arms freeze by Democratic National Chairman Charles Manatt a "So what?" brushoff.

Maybe this is because the Post somehow does not recognize that the support of the Democratic Party—six of its seven Presidential candidates and our party chairman—to a comprehensive, mutual, verifiable nuclear freeze is anything special or especially differ-

ent from what President Reagan is proposing.

Mr. President, the difference is like the difference between the research budget for the Defense Department and the research budget of the ACDA. That is about 25,000 to 1. The freeze would rightly or wrongly propose to stop the arms race, stop it cold. The Reagan proposals would limit some phases of the arms race, that is, intermediate missiles in Europe, the overall number of strategic warheads deployed by the United States and the U.S.S.R. But it would let the arms race itself and especially the most dangerous part of the arms race, the technological competition, speed ahead full blast.

It is too bad the Post cannot understand this. I think the great majority of the American people do.

Mr. President, I ask unanimous consent that the Saturday, September 24 editorial from the New York Times and the accompanying letter from Director Adelman be printed at this point in the RECORD, and that the editorial from the Sunday, September 25 issue of the Washington Post, to which I have referred, also be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MR. ADELMAN PROTESTS

We may have been wrong about the new director of the Arms Control and Disarmament Agency, Kenneth Adelman, as his letter below insists. We envisioned a constructive recovery from the Administration's repeated budget cuts, personnel purges and damaging reorganizations that took place before his appointment. By denying any such butchery, he apparently sees little need for major improvements.

Mr. Adelman compares budget figures that are not comparable and pretends that 1984 dollars have the same value as 1980 dollars. The Administration's original 1984 request was $16.4 million, one-third less than the sum needed to match the 1980 authorization. The $2 million added last month doesn't close the gap. He also understates the research cut, again ignoring inflation, and seriously misstates its significance. He fudges the even more serious reduction in computer analyses of defense matters.

Although he had said his goals for the agency were "to staff it up and settle it down from the personnel turmoil," he now glosses over a reduction in authorized permanent staff, by last May, from 199 to 154, the lowest level since 1962. Officials with civil service tenure may not have been "fired," but many of ACDA's professionals were removed.

Our main and hopeful point was that Mr. Adelman, whose appointment we opposed, would improve research and make more negotiable the Administration's bargaining positions. His defense of the damage done to the agency before he arrived is not reassuring.

LETTER: FROM ACDA

BUILDING A BASE FOR ARMS CONTROL

WASHINGTON, SEPTEMBER 16, 1983.

TO THE EDITOR: Your editorial of Aug. 27 noted the constructive steps President Reagan is taking to "rearm" the Arms Control and Disarmament Agency (ACDA) to insure that it is a strong and effective force in formulating and implementing U.S. arms control policies. We are very well pleased with the concrete steps the President has taken to strengthen ACDA's funding, staff and clout. The Time's caution regarding these moves may be fair at this stage, but the false and incomplete reports in the editorial are not fair to your readers.

Yes, ACDA has regrettably had more than a fair share of woes over the years, including some recent problems. But The Time's claims that the agency has experienced a 30 percent cut in the budget, "bureaucratic butchery," purges and a wipeout of its central records office under the Reagan Administration are simply not true. Your comments on the computer, library and research budget give an incomplete and inaccurate picture as well.

The budget reductions in fiscal years 1981, 1982 and 1983 were nowhere near 30 percent. Today ACDA's budget is $16 million compared with expenditures of $17.3 million for the last full Carter year (1980). Our budget request for next year will take us to $18.5 million. Moreover, despite much ado about an impending "purge" at ACDA, no career ACDA official has been fired during the Reagan Administration.

All needed computer programs and a core computer staff were retained, while other key analytical personnel from that division were integrated into the ACDA bureaus they support. One of our computers was moved into the State Department building where ACDA is housed, and we have contracted for outside computer time to fulfill our additional needs.

The ACDA library was not dismantled or "shipped off." Part of the collection was moved under our roof while another part is now close by in the George Washington University library. Apart from significant cost savings, moving the collection has made it much more convenient for ACDA users and scholars.

Finally, The Times states that our research budget was cut from $6 million a year to $1 million. In fact, ACDA's research budget was cut from about $3.5 million to just over $1 million a year. Yet from what I have seen, no essential research has been sacrificed to save these tax dollars. If our level of research proves inadequate, it will be boosted.

Sound arms control is critical to world stability, and ACDA is a central force for successful arms control. With the momentum of a reinvigorated agency, I am confident that we can effectively pursue what is one of the most comprehensive arms control programs offered by a U.S. administration.

KENNETH L. ADELMAN,
Director, Arms Control and Disarmament Agency.

A HAUNTING ANNIVERSARY

Mr. PROXMIRE. Mr. President, the year 1983 marks the 50th anniversary of Adolf Hitler's rise to power. Within 12 short years, the Nazi government he headed had exterminated perhaps 8 million people. This anniversary keeps echoing across the half century because we are often reminded of its legacy.

Former Nazi officials in charge of extermination still turn up; some are even harbored within this country. Look at the cases of Klaus Barbie and Romanian Orthodox Archbishop Valerian Tirfa. Barbie, known as the Butcher of Lyons, was a S.S. officer charged with atrocity after atrocity. Tirfa was a member of a Romanian pro-Nazi organization, who concealed his past, and rose to a powerful position in the Romanian Orthodox Church in America.

Recent publicity about the Hitler diaries, which turned out to be forgeries, kept attention on Hitler and the movement he lead to power. Several months ago, ex-S.S. officers held a reunion which ended in violence. These continuing events should keep us ever mindful of what happened 50 years ago, and what could happen again.

The world must be informed about the dangers of genocide. Too often, people have a tendency to ignore, obscure, overlook, or just plain forget what happened. Some, a malignant few, wish to rewrite history and whitewash Hitler. Perhaps others are ashamed that mankind could be capable of such horrible acts or believe it could not happen again. But we must not ignore the evidence. In fact, this evidence provides the most powerful reason to use every resource at our command to eliminate the possibility of genocide.

We must take two complimentary actions. Public education will help keep alive the searing memories of past genocides and warn us that we must be vigilant to prevent the spread of this dread disease. But we can do more by creating an international law which outlaws genocide. Such a law would demonstrate that all nations believe that genocide is abhorrent and not to be tolerated.

In 1948, in response to the horrors of the Nazi regime, this Nation lead the way in drafting such a law. Shall we now abandon our leadership? I answer "no" and urge the Senate to ratify the treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKSGIVING

Mr. HELMS. Mr. President, at a time when much of the world is engulfed with waves of humanism, I find myself remembering Thanksgiving morning of 1982 when I attended a little Anglican Church in Bern, Switzerland. I had gone abroad at the suggestion of the President, to attend the

GATT Ministerial at Geneva. While in Switzerland, I visited Zurich and Bern.

Mr. President, the minister at St. Ursula's Anglican Church in Bern is Rev. John S. Keefer, an attractive and eloquent man. I was inspired by the manner in which he drove home the point that the freedom of mankind is inseparably liked to our Creator. After the service, noting that the Reverend Mr. Keefer had preached extemporaneously, I asked if he would reconstruct his sermon paper so that I might share it with my colleagues, and with others who read the CONGRESSIONAL RECORD.

He has done so, and now that we are but 2 months away from Thanksgiving Day 1983, I think this splendid sermon will be all the more meaningful as we approach the day set aside each year for Thanksgiving.

Mr. President, I ask unanimous consent that the text of the Reverend Mr. Keefer's sermon be printed in the RECORD at the conclusion of my remarks.

There being no objection, the semon was ordered to be printed in the RECORD, as follows:

ST. URSULA'S ANGLICAN CHURCH BERN, SWITZERLAND

"Let the words of my mouth and the meditation of my heart, be always acceptable in Thy sight, O Lord, my strength and my redeemer, Amen"

This Thanksgiving morning I would like to draw your attention in particular to the Old Testment lesson in Deuteronomy, chapter 28, upon which, I am told, the President lays his hand when he takes his oath of office. We have read only the first fourteen verses of this chapter, which tell those things which would bring blessing to the nation of Israel long ago. Moses spoke these words to Israel right before she was ready to march into Canaan, the Promised Land:

"And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all His commandments which I command thee this day, that the Lord thy God will set thee on high above all nations of the earth; and all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the Lord thy God."

Then follows the catalog of blessings we have just heard read. But it must and should be added that there is a similar catalog of curses immediately following the blessings! Moses continued:

"But it shall come to pass, if thou wilt not hearken unto the voice of the Lord thy God, to observe to do all His commandments and His statutes which I command thee this day, that all these curses shall come upon thee, and overtake thee. Cursed shall thou be in the city, and cursed shalt thou be in the field. Cursed shall be thy basket and thy kneading-trough. Cursed shall be the fruit of thy body, and the fruit of thy land, the increase of thy cows, and the flocks of thy sheep. Cursed shalt thou be when thou comest in, and cursed shalt thou be when thou goest out."

And it goes on and on! What is so sobering is that the list of curses goes on for 54 verses whereas the blessings comprise only 14 verses (though, thanks be to God, listed first).

But before we can proceed further and apply these blessings and curses either to ourselves or to any other land, we must ask the fundamental question whether we or any other nation are allowed to apply what was intended for a nation 3500 years ago to our situation today? Is it allowed that we are gathered together here at St. Ursula's Church in Bern and all across the great land of America to give thanks to Almighty God for his blessings bestowed upon us—not just as individuals but as a nation, as a land? Is it proper for example, that there is a cross on the top of the Swiss Parliament building here in Bern? Or that the English pray for their "Christian Sovereign" that God may spare her, scatter her enemies and make them fall? In other words, dare we (or any other nation) assume (or better put, presume) that we are a 20th century version of ancient Israel, called by God's Name, and, therefore, as recipients of His rich blessings, bound to render Him the thanks and honor due His Name and, in return, repent for those things of commission and omission we have done so that we would be spared, in turn, the curses? Many especially in our own land, would say a definite "NO!" They would argue that we have no right to assume the perogatives of ancient Israel nor does any other land. God is not dealing with "nations" anymore as He had with ancient Israel but rather only with individuals, calling them out of all nations, tribes and tongues from the four corners of the earth into the everlasting Kingdom or nation of His dear Son. Therefore, no nation, as a nation, can call itself a Christian land. Only individuals are Christian. Likewise, there is no proper concept of a "national righteousness"—only righteous individuals amidst a rather lost and fallen nation and world.

While granting certain aspects of this view, I, nonetheless, think it is fitting that we, as a land, are gathering together to render to Almighty God the thanks due His Name for all His manifold blessings to us. I think it is also fitting, for example, that we stamp on our money, "In God We Trust." I believe, furthermore, that there are both theological and historical reasons to make the claim that the God of our Land is indeed the God of Abraham, Isaac, and Jacob, the God of ancient Israel, and that we are responsible to Him in all things—including those that involve national life and righteousness. One could say much on this subject—too much for this occasion (so you can all breathe a sigh of relief!)—but I would like to present some theological and historical arguments in favor of my thesis.

First of all, God has always been concerned for entire peoples and nations and not just individuals. He chose Israel, in fact, as a nation; for we know that even in Israel there were individuals who were not worthy to be called Israelites (Romans 9:6-7). The prophet Isaiah depicting the greatness of God and man's insignificance could say (40:15): "Behold, the nations are like a drop from a bucket, and are counted as the small dust of the balance . . ." God sent Joseph to the land of Egypt that through his wisdom both Israel and Egypt might be spared from famine. God sent the prophet Jonah to Ninevah that he might preach repentance to a city that was facing imminent danger because of its exceeding wickedness. Much to Jonah's disappointment, everyone in this Gentile city repented, from the king to the least of the people; and God spared the city. Jonah, of course, was angry; and God rebuked him for his unmercifulness (4:11): "And should not I spare Ninevah, that great city, in which are more than 120,000 persons that cannot discern between their right hand and their left hand; and also much cattle?" Recall how God used Daniel in the court of Nebuchadnezzar and Darius to guide the destiny of all the nations and peoples of the civilized world. Or later, how God executed His will for Israel through Cyrus the King and would call him by the prophet Isaiah (44:28ff), "My Shepherd, My anointed, whose right hand I have held to subdue nations before him." The same prophet Isaiah predicted, according to St. Paul, the Gospel coming to the Gentiles (Romans 15:12): ". . . there shall be a root of Jesse, and he that shall rise to reign over the nations; in him shall the nations trust." Notice that Christ came not merely to reign over individuals but over all nations of the earth. Hence His title: "King of Kings and Lord of Lords". All history looks forward to the day (regardless of one's eschatology or doctrine of last things) when the kingdom(s) of this world shall become the Kingdom of our Lord and of His Christ and He shall reign forever and ever. Just as ancient Israel as a nation, St. Paul tells us, was removed for a season from the covenant of Abraham, allowing those blessings to come upon the Gentiles, so it allows, I believe, that the Gentile nations could be grafted into (or removed from!) the covenant tree as God sees fit. Can we deny, for example, that in A.D. 312 Constantine, the Roman general, saw the sign of the Cross in the sky with the words, "In this Sign conquer", went on to defeat his rival Maxentius at the Milvian bridge in Rome, and thus established Christianity as the official religion of the Roman empire, of which we in Europe and America are the descendants?

The "formal" discoverer of the Americas was Christopher Columbus, whose entire world view was firmly grounded upon biblical prophecies concerning the climax of world history and the personal return of the Lord Jesus Christ. He believed that Christ's return and the formation of His universal Kingdom could not take place until all nations and tribes of the distant isles had been evangelized. Only then could the promised new age come into being. As Columbus urges his near-mutinous sailors to sail on through uncharted seas in the Fall of 1492, his zeal and assurance were not derived from love of adventure or greed for gold and glory but were founded upon the revealed Word of God in Scripture. He regarded the successful outcome of his voyage as confirmation of the truth of Scripture and the faithfulness of the sovereign God who had graciously decreed the opening of new lands and tribes to the Gospel of the Savior Jesus Christ. And so he named this first landfall "San Salvador" ("Holy Savior"). Thinking more specifically of our great land that stretches from sea to shining sea, one is reminded of the Spanish settlement in St. Augustine, Florida, with its Castillo de San Marcos and chapel therein. Or Sir Francis Drake's chaplain reading a Service from the English Prayer Book on St. John the Baptist's Day, June 24, 1579, near what would later become the beautiful city named for St. Francis. One also thinks of the first permanent English settlement at Jamestown, Virginia, on the other side of the continent, where the Prayer Book service was instituted. Or of the Spanish priests and missionaries who evangelized the Southwest, who, when they saw those western mountains turn a deep red as the sun set upon them, called them the Spanish equivalent of "Blood of Christ". But perhaps this histori-

cal connection between our Land and God is shown most dramatically in the coming of the Pilgrim fathers in 1620, whose religious beliefs molded and formed our ideals and institutions so strongly and to whom we owe this national feast day of Thanksgiving. They, of all the peoples who colonized America, had a burning conviction that they had a special mission to fulfill in life. They sincerely believed they had a "divinely appointed destiny" and thought of themselves as "being chosen for a special mission in the world". They suffered many hardships in their journey across the stormy Atlantic Ocean, yet when they waded ashore at Plymouth, Massachusetts, according to their first governor, William Bradford, "they fell upon their knees and blessed the Lord of Heaven who had brought them over the vast and furious ocean, and delivered them from all the perils and miseries thereof . . ." Before they had landed, they had drawn up what is known as the Mayflower Compact, which begins:

"In the name of God, Amen. We whose names are under-written . . . having undertaken, for the glory of God and advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia . . ."

Our nation was, therefore, founded "for the glory of God and advancement of the Christian Faith"! Later, when God blessed their efforts, they came together and held a great feast to give thanks for His bounteousness to them. We, their children, celebrate that occasion today. Later in 1630, John Winthrop, governor of the Massachusetts Bay Colony, wrote:

"We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies, when He shall make us praise and glory . . . For we must consider that we shall be as a City upon a Hill . . ."

This same Mr. Winthrop gave as his foremost motive for founding a settlement in America, "the carrying of the Gospel into America and erecting a bulwark against the kindom of Antichrist." Later, when the Articles of Confederation were drawn up, they began: "Whereas, we all come into these parts of America with one and the same end; namely to advance the Kindom of our Lord Jesus Christ and to enjoy the liberties of the Gospel in purity . . ." It is obvious, therefore, that the First Amendment to our Constitution was never intended as a separation between God and the State; rather, only a separation between an established Church such as existed in Europe and England and the State. This we must never forget, as our forefathers did not.

Alexis de Tocqueville (a French scholar and historian) made a tour of our land during the 1830's in order to study the American experiment in freedom. He traveled as far east as Boston, as far west as Green Bay, as far north as Sault Ste. Marie and Quebec, and as far south as New Orleans. By steamer and stagecoach where possible, on horseback through the wilderness regions of the northern, western and southern frontiers, he traversed over 7,000 miles of this country and Canada before sailing again for France. He was fascinated with what he saw and made a number of predictions about us, one of which was that America would always be a land of freedom whereas he saw Russia always being ruled by some form of totalitarian, brutal government (then the Czars, now the Communists). (Interestingly, he also saw the two lands rising to power at the same time in history!)

After his tour of America, he wrote down his impressions of us and attempted to show why America was so great. He had seen her fertile lands, her many and great rivers and streams, all her geographical advantages; but that was not where America's greatness lay because many other countries had the same. He thought to find the secret of our greatness in our growing cities, factories, and manufacturing and rich mineral resources; but therein alone did not lie her greatness, for many other lands also had these. He carefully studied her laws and democratic institutions but was not convinced that here was where her secret lay, for some of the laws he felt actually endangered her existence. Finally, he concluded that the secret to America's greatness lay in the manners and customs of her people, that is, to the whole moral and intellectual condition of her people. He went into our churches, where he heard the preaching of righteousness; and there he discovered why America was great. He said that on his arrival in the United States the religious aspect of the country was the first thing that struck his attention and that there was no country in the world where the Christian religion retained a greater influence over the souls of men than in America! America was great because America was good; and if America ceased to be good, she would cease to be great. That is saying only in other words what the Puritan fathers believed and what God through Moses had said to Israel long ago before they entered the Promised Land (Deut. 30:19):

"I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing; therefore, choose life, that both thou and thy seed may live."

I take you forward in history now to recent events of our land and the world: that of space and moon exploration. Had another nation done in space what we have done, would the world have heard the glory of God being proclaimed from space by the reading of Genesis 1, "In the beginning God . . ."? Surely not by the astronauts of the other superpower, one of whom boldly and foolishly proclaimed God did not exist because he had looked around out there and did not see Him! Many of us remember the astronauts reading from the Bible on Christmas Eve as they sped toward the moon; but I suspect few of us knew what Buzz Aldrin, a devout Christian, did upon landing on the moon: he took Holy Communion! He describes it this way (The Anglican Digest, XXIV (Transfiguration A.D. 1982), 39 citing Guideposts):

"So I unstowed the elements in their flight packets. I put them and the Scripture reading in the little table in front of the abort guidance-system computer. Then I called back to Houston. 'Houston, this is Eagle. This is LM Pilot speaking. I would like to request a few moments of silence. I would like to invite each person listening in, wherever and whomever he may be, to contemplate for a moment the events of the past few hours and to give thanks in his own individual way.'

"For me, this meant taking Communion. In the blackout I opened the little plastic packages which contained bread and wine. I poured wine into the chalice my parish had given me. In the one-sixth gravity of the moon, the wine curled slowly and gracefully up the cup. It was interesting to think that the very first liquid ever poured on the moon, and the first food eaten there, were consecrated elements. Just before I partook of the elements, I read the words which I had chosen to indicate our trust that as man probes into space, we are in fact *acting in Christ* [Italics not in the original]. I sensed especially strongly my unity with our church back home, and with the Church everywhere. I read: 'I am the vine, you are the branches. Whoever remains in me, and I in him, will bear much fruit; for you can do nothing without me'."

Somehow, when I read that, it made me feel good and good for America as a land having a claim to being grafted into the True Vine; for without Him we could not have accomplished this certainly marvelous achievement for all mankind. Moreover, through various expressions of the astronauts we, as a land, gave God, the Creator of the heavens and the earth, the honor and thanks due His Name. Thus, it is indeed our bounden duty and service as a nation to set aside a day of national Thanksgiving to Almighty God for His manifold blessings to us as a nation and as individuals, to ask His forgiveness for our national and personal sins, and to implore His continued guidance, protection, and blessing upon our land, families, and people as we seek to do His will and be that "City set upon an Hill".

In closing I would like to add that it is easy to criticize your country just as your own family because you live with all the faults everyday; and we have our share of faults. Furthermore, from what I can gather the problems back home are in a pretty "healthy" state. (It makes one wonder if we are not the recipients of some of the curses instead of the blessings.) But having lived outside the United States for awhile and experienced how other people act and think, I find myself saying again and again, "God bless America". We at least are trying to do something right; we intend to do what is right. We shall be singing the hymn, "America, the Beautiful", and I would like to draw your attention particularly to those words which are my prayer and aspiration for our land:

"America; America; May God thy gold refine,

Till all success be nobleness, and every gain divine."

Let us pray: Almighty God, who hast given us this good land for our heritage; we humbly beseech thee that we may always prove ourselves a people mindful of thy favour and glad to do thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail; all which we ask through Jesus Christ our Lord. Amen.

A CHOICE WE MUST MAKE

Mr. HELMS. Mr. President, recently I had the privilege of reading the text of a sermon delivered by a splendid

young minister in my State, Rev. Robert F. Simms, pastor of Green Memorial Baptist Church in Charlotte.

The Reverend Mr. Simms was born in Williamston, N.C., and attended Wake Forest University and Southwestern Baptist Theological Seminary. He holds the master of divinity degree. He has served pastorates in Texas, South Carolina, and North Carolina.

Mr. President, the sermon by the Reverend Mr. Simms that so impressed me was entitled, "A Choice We Must Make." It is based on Acts 5: 29.

In a moment, Mr. President, I shall ask unanimous consent that the text of this splendid sermon be printed in the RECORD because I believe it is entirely relevant to issues that simply must be confronted by Congress. But before I do that, Mr. President, let me quote just one paragraph from the Reverend Mr. Simms' remarks:

It has come as a great eye-opener to me that some of us Christians have helped along . . . government persecution and denial of religious freedom by being more concerned with cries about separation of church and state than we have been with the preservation of our own religious freedom.

Mr. President, I urge Senators to study this sermon, and I ask unanimous consent that its full text be printed in the RECORD at the conclusion of my remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

A CHOICE WE MUST MAKE

(By Rev. Robert F. Simms, Pastor, Green Memorial Baptist Church, Charlotte, N.C.)

Some choices are extremely difficult to make. There are times when a course of action must be taken, selecting between two options, but we do not want to forsake either for the other. I have come to the point at which I believe it is likely that Christian Americans will have to make one of those difficult choices. It is a choice between to familiar goals, both of which command the respect of hosts of people. It is a choice to side with the forces which have declared themselves as guardians of one of two treasures and seem dedicated to show undivided loyalty to them. One is the goal of preserving the proverbial separation of church and state; and the other is the quest to preserve, or rather to establish, America as one nation under God. Most Christians I know would like to have both as strong realities; but I am afraid that given current development, it is nearly impossible to pursue both—at least as they are perceived at the present time.

It has not always been impossible to be on the side of both liberty and godliness. When our nation was founded, religion was strong, the Christian faith dominated, and it was not perceived to be a threat to freedom of religion that the country's founding documents spoke of God and his creation, or that elected officials were strong churchmen, or that those who were exercised leadership on the basis of their faith and its morality. But the frightening trend at this moment is to interpret the constitution as virtually prohibiting even the mention of God in any publically funded institution, much less the overt involvement of public funds or buildings themselves in any religious activity. And this trend is no fad: It is a well-established policy, becoming firmer daily by the precedents being set in courtrooms and council chambers across the land.

It has come as a great eye-opener to me that some of us Christians have helped along that kind of government persecution and denial of religious freedom by being more concerned with cries about separation of church and state than we have been with the preservation of our own religious freedom. To some, "separation of church and state" means the same thing as "religious freedom." But they are not identical. Separation speaks mostly to the government's obligation to make "no law respecting an establishment of religion." Freedom speaks mostly to the people's right to pursue their religious convictions. These two parts of the First Amendment must be kept in balance least either be misinterpreted, or interpreted in the extreme.

What has happened is that the government, at the urging of various parties, has begun to pry into the affairs of the states, their institutions, and even the auxiliaries of churches, to find points of contact between religion and public life—as if there were anything illegal about religion influencing people's lives or the government's operation; and, in the process of trying to "keep the government out of religion," they have gotten themselves into it in a negative way—the restriction of religious freedom.

The issue is clouded by rhetoric on both sides, and it is not likely that it will be resolved by debate, or that the balance between the two emphases of the First Amendment will be restored by simply trying to see both sides of the issue.

I am coming to be convinced that the time is upon us to choose which is more important to us—preservation of the principle of church/state separation as it is currently interpreted, or one nation under God—and follow that course with all fervor.

I hasten to say that I believe firmly in both the religious goal of our nation being godly, and in the democratic principle that the government not be entangled in religion. But I am convinced that in order to restore both, we must work from a solid establishment of one of them. More to the point, freedom of religion in this country was established because of the strong convictions of the people who founded and inhabited it. But the First Amendment, which originally helped inspire the flourishing of religion in America, has now come to be interpreted in a way which inhibits the same. And, since the official word from the government is that "the constitution is what the Supreme Court says it is," we who believe in the continued right of religious people to affect and influence their country, seem to be on a collision course with law and bureaucracy. That predicament necessitates our making the hard choice to resolve to pursue what is right in the sight of God no matter what is handed down to us in the form of regulations or restrictions.

I find basic inspiration for this conviction in the words of Peter when he was confronted by the Sanhedrin, as recorded in Acts 5:29. Here was the overt conflict of Government and religion. In that moment, Peter gave us a motto for perilous times such as these: "We must obey God rather than men." We would prefer that the time did not come when we had to make a choice between obeying God and obeying man: we wish the governments of men always required those things we would do any way, as a matter of Christian duty. And we wish we were prohibited from doing only those things we are commanded by God not to do. But we are entering days in which we are not only prohibited from doing what our faith would convince us is right, but required to do that which our God says is wrong. We must choose whom to obey.

WHY THIS CHOICE IS NECESSARY

I know there are some classic objections to being anything less than supremely diligent in safeguarding the separation of church and state. It is argued that if we lose religious freedom we will not enjoy the privileges which enabled us to become one nation under God. On the other hand, when the current purge of religion from anything remotely public or governmental has ended, what makes anybody think that the government will any longer guarantee the freedom of religion?

I am afraid that if we do not choose to favor one over the other goal, we shall speedily lose both objectives. More to the point, if we do not put ourselves more to the task of injecting the witness of God into the nation by whatever means we can—culture, education, and public life—we can bid farewell to religious freedom as we have known it, and we will find ourselves in a nation that knows not God.

One reason things have gotten this way is that Christians (as well as members of other faiths) were not sufficiently watchful when the trend against religion in public life began. The Scopes trial of 1925, where evolutionists argued for, and won, the right to teach evolution in schools, should have sounded a loud warning-bell in the church's ear. But instead of hearing a rising up to the challenge, religion has turned increasingly inward since those days, and by the sixties and seventies it seems that most Christians apparently believed that religion is a private thing that has no place outside the home or the four walls of the church building. That attitude, of course, has just fed the onslaught of anti-religious thinking, and hastened the day of persecution.

Undeniably, we are under persecution, now. What else can it be called when the government has taken away tax-free status from a religious school—as if they had the right to remove it? What other name is there for government intrusion into the hiring practices of seminaries? What do you call the prohibition of a prayer group in an unused classroom before school hours? All these things are happening, and their occurrence is increasing.

Of course, the ultimate power behind the movement of humanism and atheism is Satan. The subtlety of his plan has apparently been to confuse the issue of religious freedom in such a way that many Christians have worshipped at the shrine of the Bill of Rights while ignoring the onslaught of hostility against religion; as a result, we now face a time when the prevailing interpretation of our First Amendment rights leads us away from what we thought we were protecting—which is our free exercise of religion. Consequently, the only reward we get for supporting the separation of church and state is the development of a godless state and a persecuted church.

I think many Christians are laboring under the misconception that everybody who cries, "Keep church and state separate!" is our friend. Not so. Such organizations as the American Civil Liberties Union

have frequently shown themselves to be antagonistic toward religious interests; when they claim their cause stems from the First Amendment, they mean something far different from what I believe that amendment to be saying. The ACLU is just one of many sources instigating legal action against supposed violations of "religious freedom" or "civil rights" which have the underlying purpose of eliminating hated religious views from a particular place.

Yet, many Christians have joined the bandwagon of freedom fighters, just because they carry the banner of an amendment which the church has held dear for two hundred years of American History. Unwittingly, those Christians have hurt their own cause, by forgetting their first rightful priority.

If, by favoring every cause that claims to befriend religious freedom I actually play into the hands of those who eventually persecute religion, what good have I done?

If, by carrying the separation of church and state so far I help to insure the hostility of government and society at large to religious institutions, whom have I helped?

If I press for neutrality in officialdom on religious matters, do I not rob them of their religious freedom? And whose liberty have I perserved?

Granting the fact that there may have been some genuine violations of religious liberty which have been corrected, the main effect of the governmental vendetta against religious influence has been not the establishment of an ideal neutrality toward all religious persuasions; it is not that innocent. Rather, in effect, we are experiencing the establishment of an anti-religion religion, or, more properly identified, Religions Humanism. The choice to pursue the godliness of America over the relatively minor issues of keeping religion out of public institutions becomes more obviously a wise one in the light of the poison that Religious Humanism is. The problems of tuition tax credits, or fears of state-written prayers, pale in the face of the gargantuan enemy Humanism.

Hamanists have identified themselves as being essentially religious in nature. The Humanist Manifestos of 1933 and 1973 give that label to their signers and advocates; and it is significant that the Supreme Court of our land acknowledged the religious nature of humanism in court cases tried over twenty years ago. And yet, that same court has continued to make decisions which yield to humanist doctrines over those of some other religion. In so doing, the court has established a religion.

The chief difference between this religion and traditional religions is that humanism has no supreme being—man is its god. But this does not mean that there is no doctrine or systematic beliefs; on the contrary, these things are well established. The Manifestos outline these beliefs in shocking clarity, indentifying one of the main goals of Humanism as the alteration of all religion to reflect only the supremacy of man and his perception of his needs. This is the deadliness of Humanism: it has no churches that one would recognize; it is ecumenical and nondenominational; and it masquerades as simple logic or common sense. That Humanism has often been mistaken for rational, clear thinking has kept many people unaware of its rapid growth or its true nature. In fact, many people have become humanists without realizing it. It is that subtle.

This fact only serves to intensify the need to take a decisive stand for the Christian faith and for the witness of God in public life, in order to combat the pervasive cancer of Humanism, which is already solidly entrenched in the halls of government and in the policies of many institutions which have bowed to government pressure and have adopted humanistic government guidelines.

WHAT THE CHOICE INVOLVES

In essence, what America needs is a counter-revolution. We are already in the last stages of a revolution, one of values, morals, and ethics. Laws are being changed, as much by court precedent as by legislation, to reflect this revolution, which is taking us helter-skelter into a future knowing no absolutes, except the gratification of man in his conceit. A counter revolution is called for, one in which Christians in particular both diligently seek the conversion of millions of Americans and also get involved in politics to stop the bureaucratic and judicial flow of humanistic lava which threatens to inundate us all.

I believe the time has come to take an unapologetic stance and resist any further elimination of religious language from public life and institutions. We must fight any attempt to rob any religious agency or auxiliary of its right to tax-free status, and staunchly resist interference from government in affairs rightly governed by religion. And, we must insist that our government abide by the definition our own constitution affirms: that "we have been endowed by our Creator with certain unalienable rights," which include liberty in the matter of religion. God gives us these rights; the government only recognizes them.

Further, I believe it is imperative that Christian Americans press on to regain lost freedoms, and to reestablish certain lost guarantees. I call on our congress to pass an amendment to the Constitution guaranteeing the right of persons to pray or otherwise exercise their religion in any public place, including public schools.

Concerning such an amendment, I am aware that it is argued that it would be misinterpreted by states and courts. For that reason, I would want the wording of the amendment to be extremely clear. But a violence to our rights and our Constitution has been done because of the Supreme Court decisions of the 1960's, and that violence needs to be corrected and reversed. Even if it seems redundant to propose an amendment concerning religion in the presence of the First Amendment, I believe the symbolism of passing such an amendment is far more important than the risk of being wordy. A prayer amendment would say, "We want to have what we had before the courts began tampering with it; we want the country we had before those who are so concerned with our religious liberty made us afraid to exercise it."

WHAT WILL BE THE RESULT OF OUR CHOICE?

I am not sure I am personally prepared to be so confident in our ability to accomplish this monumental task that I could easily and glibly say, "We can do it if we try." It may be that the die is cast. But if we could only stem the tide, it would buy time for many persons to hear the gospel in a still-free country. In any event, whether or not we might succeed is not relevant to the choice we must make. We must do what is right in the sight of God. We must obey God rather that man. We must call the nation to God without fear of contradicting a corrupted understanding of church/state separation. God help us to come to the point at which we cannot help but do these things.

PRIVATE SECTOR INITIATIVES TO FEED AMERICA'S POOR

Mr. HELMS. Mr. President, recently I was privileged to preside over an Agriculture Committee hearing on private sector initiatives to feed America's poor, the purpose of which was to gather information about some of the diverse feeding efforts being undertaken by the private sector.

The hearings produced some encouraging testimony. Eleven articulate and enthusiastic witnesses described the splendid programs being operated by their churches and other private organizations. The creativity of the private efforts is most commendable. These and other private efforts underscore that there is still great personal compassion in this country, there is still a willingness to assume personal responsibility, including personal involvement.

The hearing record will be made available, when printed, so that other interested Americans will be able to assess whether similar programs could be undertaken with similar success in their communities.

One of the private sector efforts which has demonstrated great diversity is a church in western North Carolina.

Rev. Parker T. Williamson, minister of the First Presbyterian Church in Lenior, N.C., outlined the many activities sponsored and supported by his congregation.

Mr. President, I ask unanimous consent that the Reverend Williamson's testimony and an editorial, "Helping Others Is What It's About," from the Lenior, N.C., News-Topic be printed at the conclusion of my remarks.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

STATEMENT OF REV. PARKER T. WILLIAMSON, MINISTER, FIRST PRESBYTERIAN CHURCH, LENOIR, N.C.

Mr. Chairman and members of the Senate Agriculture Committee, the people of First Presbyterian Church in Lenoir, N.C., believe that Jesus Christ's mandate to feed the hungry is not negotiable. We have tried to fulfill that commission through a variety of ministries in our community. These efforts include direct feeding and developmental assistance in which we administer both private and public funds.

Like many churches we collect canned goods and non-perishable foods to feed to the poor. We distribute them through an ecumenical service organization called "Yokefellow Christian Ministry." Yokefellow's food pantry, used clothing room, and voucher system to assist with rent, utilties and medicine costs provides a needed emergency response to the immediate needs of poor people.

In addition to our Yokefellow contributions, we maintain a Ministers' Discretionary Fund for direct aid purposes. Much of this money is used to help familes whose needs are certified to us by the Caldwell County Department of Social Services. We try to help fill the hunger gap, for example,

which lies between the date on which a client has been approved for Food Stamp Assistance and the date on which he receives that assistance. Disability determination and other government programs include a period of bureaucratic delay during which the poor would starve without community help. Our direct aid seeks to buffer that period.

Another direct feeding program in which we have been involved is the Nutrition Program for the Elderly. While this effort is funded with federal dollars it requires a great deal of local support in order to meet the need of its client families. The Nutrition Program in our county was launched by Blue Ridge Community Action, Inc. (BRCA) in our church buildings. Food was prepared in our kitchen and served in our fellowship hall. Additional food was prepared at this site for delivery to elderly and disabled persons who could not come to the church for their meal. This "Meals on Wheels" extension of the Nutrition Program was heavily staffed with volunteers from our church and wider community.

Recognizing the need for extensive volunteer support to assistance programs, First Presbyterian Church offered its facilities to the Retired Senior Citizens Volunteer Program (RSVP), a federally funded effort to discover the talents of older persons and deploy them in areas of need. RSVP has been an important link in our food assistance work.

When the Nutrition Program grew to a production of 600 meals per day, a level which our church kitchen was not designed to handle, we saw a need for another community effort. Together with other volunteer groups like United Way, clubs and church organizations, we built a central kitchen facility. Local contributions to this construction project totaled $110,000. We equipped it with a grant from the N. C. Division of Aging.

We make this central kitchen facility available to BRCA which provides food to 7 nutrition sites (many of them are churches) and to the children of our church-sponsored day care center.

Caldwell County's community Action Agency (BRCA), offers an impressive list of services to our area's poor. The Presbyterian Church has been proud to assist this local group in its efforts. Our church provided a grant of $9,500 to purchase a mobile cannery and initiate a community garden project organized by BRCA. Land owners made areas available for community gardens. Low income citizens could use an area of the garden for a contribution of $10. In return for their contribution they received seed, fertilizer, plowing and disking services. All labor other than tractor work had to be their own.

During the first year of this project each $10 plot produced $75 worth of food. Approximately 280 low income families increased their food purchasing power through this blending of their labor and community assistance.

The mobile cannery, purchased by a Presbyterian gift, has greatly expanded the capacity of low income people to feed themselves. This propane gas fired cannery is mounted on a trailer frame which can be moved to scattered sites in our rural county. Often school parking lots are used for the cannery operation.

Participants may bring the produce from their gardens, prepare it for canning on the site, purchase jars and lids at a very low cost, and can their food for the winter months on the spot.

This blending of labor equity by our low income clients and assistance from public and local sector sources has produced impressive results. During the first full year of the cannery operation (1976) 2,143 quarts of foodstuffs were processed. One step above our direct feeding efforts, this program helps low income families to feed themselves. It offers assistance while preserving the dignity of the participant who must invest a small amount of cash and a great deal of labor toward his family's food production.

The city of Lenoir is a short driving distance from Ashe County, N.C., a rural, mountainous area where many people live below the poverty level. These people are poor, but they are also proud. Many of them would rather die of malnutrition than accept a government dole. Thus assistance must come to them in an acceptable form, one which honors their dignity and their personhood.

The church is an ideal conduit for assistance in Ashe County; for the church is seem not as an "outsider" but as an extension of family. Seizing that opportunity a Presbyterian minister, Dr. Robert Stamper, who is as unique an individual as the people whom he serves, operates a ministry of compassion to the housing, clothing and hunger needs of mountain people. This man who would happily spit in the eye of both governmental and ecclesiastical bureaucrats offers an impressive service to his neighbors.

Our congregation sends money, clothes, food, and volunteer workers to Ashe County regularly. Living in a lodge owned by Dr. Stamper, work groups from our congregation and others go out among the hills and hollows to plant gardens, repair houses, cut timber for elderly people who heat and cook with wood, and provide many chore services to help them survive bitter mountain winters.

The Presbyterian Church in Lenoir sponsors several ministries which—while not direct feeding programs—have a significant impact upon family living conditions, income, and, therefore, the capacity of a family to feed itself. Together with several black churches in our community we created a development corporation which borrowed $580,000 from the Farmers' Home Adminstration and developed a community of 98 homes on 100 acres of land for low-moderate income families. By developing the land on a non-profit basis we were able to provide our clients with sufficient "instant equity" to qualify them for otherwise unobtainable mortgage money. This initial entry into the realm of home ownership has encouraged a healthy pride and self-respect among our client families.

The Presbyterian Churches of Lenoir created a non-profit corporation to house our elderly citizens. We borrowed $2½ million from the Department of Housing and Urban Development, invested over $100,000 of our local resources and thousands of volunteer hours from some of the best minds in our city to build a retirement community where citizens are accepted for residence without regard for their ability to pay the full fee.

My presentation to you today outlines programs initiated by our church and local partner groups which receive funding in a variety of ways. Some of our work operates with 100% local funds. Other activities represent a partnership with state and federal government programs. In the latter case we insist upon the preservation of local initiative and local control, and, in most of our partnership experience with government, we have been pleased with the outcome of our joint effort.

My experiences with these endeavors has led me to some observations and opinions about private and public sector partnerships. My chief conclusion is that you who represent the public sector need us (the private sector). Government programs, however well intended, when left to themselves, tend to institutionalize themselves until a great deal of the money which you appropriate feeds the service machinery and only a trickle reaches those for whom the appropriation was intended. Partnerships with local philanthropic organizations reduce this cost significantly.

Government programs, however well intended, tend to become "faceless" and impersonal. Client families become numbers and needs are categorized into abstractions. This putrefication of government programs encourages a "dole mentality" among the recipients and fertilizes a seedbed for graft. Partnerships with local philanthropic organizations tend to personalize assistance.

Government programs, however well intended, tend to move toward mediocrity in service delivery. Salaried bureaucrats rarely demonstrate an ethusiasm for the purposes of the program which motivates uncompensated overtime or other evidence of personal involvement. Further, the bureaucratic mentality tends to be negative. One rarely gets in trouble with his superiors for saying "no" to an innovative idea which involves risk. By their very nature, therefore, bureaucracies become cumbersome as they follow the "safe" track. In a dynamic society where the needs of our people change forms continually, this tendency results in a bureaucracy out of touch with the needs which it was designed to meet.

Partnerships with local philanthropic organizations introduce a passion for the project from enthusiastic volunteers, and an infusion of innovation from local people who know the problems first hand and seek refinements in service delivery.

I applaud the fact that your committee has chosen to hold hearings on private sector initiatives in feeding America's poor, and I hope that the resulting legislation will recognize the valuable public-private sector partnerships which are possible as we target this task together.

[From the Lenoir (N.C.) News-Topic, Sept. 15, 1983]

HELPING OTHERS IS WHAT IT'S ABOUT

The people of Caldwell County care about their fellow man, and Wednesday the nation learned just how much our citizens practice the teachings of Jesus Christ by feeding the poor.

As federal nutrition dollars have decreased, programs for the elderly and children have had to tighten their belts. The congregations at many churches have filled the gap with programs geared to getting food to those in need.

The U.S. Senate's Committee on Agriculture, Nutrition, and Foresty, conducting hearings Wednesday in Washington, learned how churches across the nation are helping—one of those churches is Lenoir's First Presbyterian.

The Rev. Parker T. Williamson, speaking before Sen. Jesse Helms, R-N.C., and others, told how his church has made feeding the poor a major ministry to the community.

The church is involved in a community effort to feed the elderly and children and helped, along with other churches and orga-

nizations, establish a central kitchen to prepare food which is then taken to nutrition sites around the county to feed those who would go hungry otherwise.

The church also bought a mobile cannery which is taken to varous sites so people can take produce, buy jars and lids, and can foodstuffs for the winter.

The church also helps the needy through a community garden where prople can, for only $10, raise food to help take a step up the ladder away from total assistance.

First Presbyterian's community involvement goes far beyond the annual food basket at Thanksgiving and Christmas. It speaks to us all by giving an example we should attempt to follow—becoming involved.

Caldwell County is blessed with many churches and service organizations, all taking it upon themselves to help where they can.

Wednesday, the nation learned our people do care and are willing to work hard to help those needing a boost.

Of course, programs like these only work when local people are involved. That was the message Rev. Williamson took to the Senate.

BETSY BRIAN ROLLINS: A REMARKABLE LADY

Mr. HELMS. Mr. President, I would call to the attention of my colleagues the appointment of a splendid North Carolina citizen to the President's Task Force on Food Assistance.

Mrs. Betsy Brian Rollins of Durham is one of the most industrious and compassionate people I know. She has spearheaded an amazing private sector effort to feed the poor at St. Phillip's Episcopal Church in Durham.

Mr. President, this program is a model of what can be done—through private, volunteer means—to feed the deserving poor in our Nation.

I commend President Reagan for having recognized the importance of this and other private sector efforts by including Betsy Rollins on this important task force which is to examine the causes and extent of hunger in America. John Driggs, chairman of the board of Second Harvest, and John Perkins of Voice of Calvary Ministries, two other members of the task force, also have had extensive private sector involvement in feeding the poor.

Indeed, I conducted some hearings recently to examine private sector initiatives to feed America's poor. Much can be learned from these diverse and creative efforts.

Mr. President, I ask unanimous consent that the editorial, "Caring for the Hungry," from the Durham Morning Herald, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Durham Morning Herald, Sept. 7, 1983]

CARING FOR THE HUNGRY

Mrs. Betsy Rollins' appointment to the President's Commission on Hunger draws fresh attention to Durham's compassionate approach to caring for hungry people.

Mrs. Rollins is director of the Community Soup Kitchen at St. Philip's Episcopal Church, a volunteer program that provides free meals weekdays for people who might not eat otherwise.

She has also been a sparkplug in the effort to raise $525,000 to build an Urban Ministries Center behind St. Philip's—a campaign that is near the point that construction can begin.

The center will become the headquarters for the soup kitchen as well as Meals on Wheels, a volunteer project that delivers more than 150 hot meals to shut-ins five days a week.

A third element in Durham's response to hunger needs has been the annual CROP walk to raise money for international and local programs through Church World Service. This year's walk raised a record amount—more than $25,000.

Together, the three projects have a common denominator: They are volunteer efforts and rely on no government supervision or direction. They represent, in the best sense, a conscientious response to President Reagan's call for an increased voluntary role in meeting social services needs.

They also represent a whale's share of cooperation among congregations—Protestant, Catholic and Jewish—that have in these works shown greater concern for needy people than for their theological differences.

As has been evident in her work for the soup kitchen and Urban Ministries Center, Mrs. Rollins takes a special empathy to her new assignment on the hunger commission. A former newspaper reporter, she is legally blind and she knows well what it means to have someone else extend a helping hand.

WAR POWERS RESOLUTION

Mr. GOLDWATER. Mr. President, I support the Baker resolution that will come before us shortly. I support the Baker resolution because it will avoid a constitutional confrontation with the President at a time when the marines are being shelled and fired upon in Lebanon.

Now, this is not to say I have changed my mind about the fact that the marines should not be in Lebanon. I have not altered my opinion.

Instead I am saying that Congress cannot and should not try to legislate the marines out of Lebanon. We do not have the constitutional authority to order them out.

The President has the last word over the deployment and use of the existing Armed Forces no matter what Congress might do today. I am happy to support the Baker resolution because it is an alternative to the far worse proposal by the Democratic Party Caucus which would attempt to usurp the reins of military direction from the President.

Also, I should mention that, in my opinion, section 2(b) of the Baker resolution, which would trigger section 4(a)(1) of the war powers resolution, does not mean a thing. We will not make an unconstitutional piece of legislation valid by simply referring to it in a second piece of legislation. The war powers resolution is probably the most unconstitutional measure Congress has ever passed and it will remain unconstitutional even if we pass the Baker resolution with section 2(b) in it and the President signs it.

Now, Mr. President, I would like to discuss the general subject of the war powers and the folly of congressional efforts to tie the President's hands in making military decisions.

Look at what happened in 1975 when President Ford asked Congress to join with him in the decision to evacuate Americans from Saigon. As you will recall, Congress never granted his request.

Caught between the choice of strict adherence to the 1973 statutory prohibition on U.S. activities in, over, or from off the shores of Indochina and his duty to uphold the lives and interests of his countrymen and women, President Ford ignored the legislative restriction and took into his own hands the protection of Americans.

Weeks later, while Congress was still tied up with its debate on the matter, President Ford announced that the Indochina evacuation was completed. Then, he pleaded for funds to pay for purely humanitarian assistance and transportation of refugees, but Congress rejected this request the very next day.

Mr. President, this episode reveals all too clearly the inability of Congress to act decisively in time of need. Last Tuesday I mentioned an earlier moment in history when Congress also neglected its duties. It was a time when only the strong actions of President Franklin Roosevelt, taken independently of Congress, enabled this Nation to aid Great Britain and thereby defend our own security before Pearl Harbor.

The point is that the President had the vision to see that democracies avoid disaster only by confronting the obvious threats to their survival. Yet if the war powers resolution had been in effect in the early 1940's, President Roosevelt could not have landed and kept troops in Greenland, he could not have sent and reinforced several thousands of marines on Iceland, he could not have escorted British shipping in the Atlantic and he could not have done the many other things, several of them held secret at the time even from the State Department, which prevented a total collapse of resistance to Hitler. The war powers resolution would have brought about a complete disaster in the 1940's, and it may well bring about a catastrophe of similar

proportions in the future if it is not repealed.

The fact is that the United States, as the strongest free nation in the world, has a stake in preventing totalitarian conquest. The President has a duty to resist challenges in the early stages and cannot wait until the challenge is so clear that the cost of resistance is prohibitive.

The danger in the war powers resolution and any other legislative effort like it which is intended to restrict the President's defense powers is that it takes away all flexibility to deal with unforeseen events. The failure of Congress to approve even humanitarian legislation to support the evacuation of American citizens from Saigon offers convincing proof that Congress cannot be counted on to deal quickly with future problems as the need arises. Unlike the President, an assembly of 535 Secretaries of State does not rush to decision.

Mr. President, anyone who reviews history will know that Presidents have always exercised independent defense powers, whether or not their statutory authority was clear, and occasionally, in the face of direct Congressional restrictions. In fact, Presidents have used force or the imminent threat or force on more than 200 occasions without any Congressional declarations of war.

George Washington settled this issue, when, as our first President, he ordered his Secretary of State, Thomas Jefferson, to threaten Spain with military force if she would not open the Mississippi River to navigation by American citizens. When he became President, Thomas Jefferson sent a squadron of armed ships into the Mediterranean without any Congressional authority, with orders to sink, burn and destroy vessels which may threaten American commerce. Only half a year after he issued his military orders and four months after a naval blockade and battle had occurred did Jefferson inform Congress.

Jefferson gave an indication of the principle which guided his decisionmaking, when he wrote on September 20, 1810, that:

> A strict observance of the written laws is doubtless *one* of the high duties of a good citizen; but it is not the *highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation.

Jefferson's concise statement summarizes why the Framers vested the President with independent powers to act for the safety of the nation. The majority of Framers had served in the army or militia during the War of Independence and they were intimately familiar with the restrictions which the Continental Congress had imposed on General Washington's activities, restrictions they knew had nearly lost the American Revolution. It was in order to correct this known weakness of the Articles of Confederation that the Framers made the President the "Commander-in-Chief" under the new Constitution.

We can also turn to the words of the Framers themselves. For example, Geroge Mason said at the Virginia Convention to ratify the Constitution:

> Although Congress are to raise the army . . . the President is to command without any control.

Mason refused to sign the original Constitution because it did not include a Bill of Rights, but he attended the Constitutional Convention of 1787 and was active in shaping the final document. He knew what it meant.

The active role of governors in putting down civil disorders just prior to the Constitutional Convention of 1787, the evolution in early State constitutions from weak executives to strong executives, the memory of interference by the Continental Congress with military decisions of General Washington, and the entire course of practice under the Constitution from the Administration of President Washington to the current Administration of President Reagan, all demonstrate beyond any reasonable doubt that the power to employ the existing forces of the United States in defense of United States citizens and the survivial of our country, in reaction to foreign dangers, was and is vested with the President.

Yes, Congress is given certain of the defense powers. Congress has the power of the purse. Congress can "declare" war. But the text of the Constitution does not say that Congress "makes" war, and the Framers specifically rejected such a proposal.

This does not mean that Congress is without any leverage. Congress can reduce the size of the Army, Navy, Marines or Air Force. Congress can prevent the construction of any additional nuclear aircraft carriers by not appropriating the money. The Senate can reject Presidential appointments of Ambassadors or Executive officers of the Defense and State Departments. But once the military forces are established and equipped, it is for the President alone to decide how to deploy and use those forces.

Whatever the power of Congress may be, history shows that it is dangerous for Congress to intervene in military command decisions. Therefore, I urge that we approve the Baker Resolution which has the advantage of postponing any Constitutional confrontation over this matter for at least eighteen months, long before which I hope events will have allowed the President on his own authority to have withdrawn the forces from Lebanon.

A GRACEFUL EXIT FOR MR. WATT

Mr. EAGLETON. Mr. President, we are all aware of Secretary Watt's latest verbal outrage. His chronic foot-in-mouthitis is drumming up ever-increasing demands for his resignation.

I submit that there is even greater reason for Mr. Watt's ouster than his offensive mouth. That is his offensive public record as Secretary of the Interior.

I submit, Mr. President, my civil indictment of James Watt as public enemy No. 1 of the American environment. Long after Watt's words are forgotten, Watt's record will haunt us.

Here are just a few of the highlights of Mr. Watt's devastating record as Secretary of the Interior.

First. Mr. Watt is the first Secretary of the Interior to advocate opening our 80 million acres of our wilderness up for oil and gas drilling.

Second. Mr. Watt's coal-leasing program has cost taxpayers $100 million by placing too much Government-owned coal on the market at a time of recession and slack-demand.

Last week, days after the House of Representatives had passed a moratorium prohibiting more coal leases, Secretary Watt opened five main tracts of land for bid in the Fort Union area. Only five bidders showed up.

Third. Mr. Watt has gutted the Office of Surface Mining by reducing the staff by half, especially deep are the cuts in inspectors, and continues to approve permits to companies that have failed to reclaim other leased lands.

Fourth. Mr. Watt has pledged time and time again to simplify the Federal regulations in the Interior Department, especially in the Office of Surface Mining.

Fifth. Mr. Watt has been rebuked twice by Federal courts and found in violation of laws governing the coastal zone management for the Arctic National Wildlife Refuge, one of our country's most sensitive areas.

Sixth. Mr. Watt has proposed and continues to push, over congressional opposition, for over 1 billion acres of land off California shores to be open to the oil industry.

Seventh. Mr. Watt ordered stopped the Youth Conservation Corps, which provided summer jobs for youths and introduced many city kids to our natural resources.

Eighth. Mr. Watt has virtually put our National Park Service to a standstill by placing a moratorium on future land acquisition, and his refusal to spend money appropriated by Congress to expand our parks. Last year Congress added $10 million over Mr. Watt's requested budget to help take care of our deteriorating parks.

Ninth. Mr. Watt has opposed the National Park Protection Act, which is

designed to alleviate threats to our parks natural resources.

Tenth. Mr. Watt has announced that he would like to change the 25-year-old policy of not allowing oil and gas and commercial development in our wildlife refuges.

Eleventh. Mr. Watt has consistently opposed the Federal/State cooperative us of the land and water conservation fund, which gave Federal assistance to States and local communities to develop local parks.

Twelfth. Mr. Watt had ended the successful urban parks program.

DEAR ABBY NOTCHES THE NOTCH

Mr. EAGLETON. Mr. President, in the past 2 weeks, I have had a flood of letters from constituents who are concerned that, as so-called notch babies, they may be receiving smaller retirement benefits than other people.

This issue was raised in a recent "Dear Abby" column and readers were advised to write their Senators and Congressmen.

The volume of mail that followed is testimony to the great popularity of the "Dear Abby" column. Unfortunately, in this case, there was some confusion about the facts. When this problem was brought to the attention of Abigail Van Buren she promptly set the record straight with a second column.

I ask unanimous consent that an article from the Kansas City Star of September 22, 1983, explaining this situation be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Sept. 22, 1983]

ABBY CORRECTS ERROR ON BENEFITS

WASHINGTON.—Columnist Abigail Van Buren, heeding advice from Uncle Sam, is correcting erroneous information she published that prompted a flood of letters and calls to Congress and the Social Security Administration.

The whole thing started when the syndicated "Dear Abby" column alerted newspaper readers to what was called an "inequity" in Social Security retirement benefits for persons born from 1917 to 1921.

Social Security officials said Wednesday they had sent their own letter to Abby, asking her to correct her column on the so-called "notch" that ran Sept. 5. The corrected information was published in The Kansas City Star Tuesday.

In the first column, someone who signed herself "Notch Year Baby" complained that persons born from 1917 to 1921 would get lower Social Security benefits than those born before and after those years.

Miss Van Buren urged readers of her column to write to their congressman protesting this inequity.

In fact, due to a foul-up in a Social Security benefit formula that Congress wrote in 1973, those born in 1916 or earlier do get higher Social Security benefits. A retiree who turned 65 in 1981 can get as much as $110 a month more than a co-worker who paid the same taxes but was born in 1917.

That benefit formula was driving the system into bankruptcy and Congress voted in 1977 to correct its error and to phase out the formula.

It left the formula intact for those born in 1915—who would first be eligible at age 62 for early retirement benefits in 1976—and it provided a less generous, transitional benefit for those born from 1917 to 1921.

That group will get less than the 1918 babies, but their retirement benefits will still be higher than those for persons born in 1922 or later.

Jim Brown, a spokesman for Social Security, said Social Security offices and congressional offices were inundated with thousands of calls about the "notch" since Miss Van Buren's advice appeared.

The notch has been widely reported previously and an attempt by some lawmakers to raise the retirement benefits for those in the transitional group failed last year.

Alan McDermott, managing editor of the Universal Press Syndicates, which distributes Dear Abby, said the new column was sent out for use Monday but editors were told they were free to run it before then.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished majority leader has made arrangements for me to speak at some length during morning business. I have indicated that I will, as in the past, of course, yield to any Senator who comes on the floor who wishes to make a statement, or if the majority leader wants to transact business, in the event of which, if such should occur, I ask unanimous consent that there be no interruption shown in the RECORD with respect to my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE SENATE, 1884-1892: WATERSHED YEARS

Mr. BYRD. Mr. President, in this address and the next in my continuing series on the history of the U.S. Senate, I shall deal with the last decade and half of the 19th century. The late 1880's and the 1890's were a watershed not only in the Senate's history but in American history as well. On the one side stretches the old America—an America that was overwhelmingly rural and agricultural, that devoted its prodigious energy to the conquest of the continent, that enjoyed relative isolation from Europe and the rest of the world, that, despite a depression in the 1870's, was optimistic. Over the horizon loomed the new America—an America predominantly urban and overwhelmingly industrial, inextricably enmeshed in world politics and world wars, wracked by convulsive changes in population, economy, technology, and social relations, and troubled by ominous problems that threw their shadow over the promise of the future.[1]

By the late 1880's, the generation that had fought the Civil War was passing from the stage, and a new generation that knew Pickett's Charge and Fredericksburg only as history was coming before the footlights. Colonels and generals in faded blue and gray still could attract a following, but the most memorable politicians at century's end had only dim memories of the conflict. William Jennings Bryan was born the year of secession, and his great rival, Theodore Roosevelt, was just a baby when the first shots of the war rang out at Fort Sumter.

No permanent moratorium on "waving the bloody shirt" was achieved, but the effectiveness of this device to incite old war time antagonisms declined and, with this, its deployment. From every quarter came signs of increasing national harmony. In November 1884, *Century Magazine* began a series of reminiscences by Union and Confederate soldiers, "Battles and Heroes of the Civil War." For the three years the series ran, *Century*'s circulation soared to over 250,000—three times the former level. The popularity of U.S. Grant's *Memoirs*, published in 1885, was also enormous, in part because the Union commander adopted in his recollections a consistently magnanimous attitude toward his former Confederate foes. Soon a new war would unite North and South, where the old war had divided them.[2]

The statesmen of earlier years, the bearded James G. Blaines, Roscoe Conklings, and Oliver Mortons, about whom I have spoken often, began to seem archaic and alien when contrasted to the new men with new methods like Bryan, Roosevelt, Robert La Follette and Arthur Gorman. The issues that had preoccupied the post-war generation—reconstruction, public lands, railroads—were also beginning to seem faded and old fashioned. As the century waned, the problems confronting the Nation seemed as new and different as the new men called upon to grapple with them. The problems pushing so urgently to the fore were economic and social, immune to the old, familiar political resolutions. New issues like reform and expansion jostled alongside persistent old issues, but the old orthodoxies were mute when solutions were needed.

Historian Harold Faulkner offers a vivid description of the perplexing problems with which the nation seemed suddenly confronted in these years:

The late eighties had brought hard times to the farmer, the workingman, and to many businessmen as well, and with hard

Footnotes at end of article.

times doubts and disillusionment; in the nineties came open revolt, a challenge to old beliefs, a repudiation of old shibboleths, a fragmentation of old parties. There was almost everywhere a feeling that somehow the promise of American life was not being fulfilled. . . . The continent had been conquered, and the frontier was no more, but the cost of exploitation and waste was a sobering one. Industry flourished, and the new Nation was rapidly forging ahead of her Old World competitors, but at the price of recreating those class conflicts from which the United States had heretofore been thought immune. Cities had grown and flourished, but with them slums and poverty, crime and vice. . . . In 1890, Americans were reading Jacob Riis' *How the Other Half Lives;* they had not supposed that there was, in America, an "Other Half," except among the Negroes. The ruthless exploitation of natural resources made the Nation rich beyond the imaginings of its founders, but the riches were gravitating into the hands of the few, and the power of wealth in politics caused the gravest misgivings. . . . Democracy flourished, and with it corruption.[3]

These conditions might have led to revolt, as, indeed, they have in other countries. But, and I believe this is a testament to the flexibility of our system of government as established by the Constitution, instead, they led gradually to reform. While much of that reform took place on the local and State level, some of the issues agitating public life were fought out on the national stage in Congress.

Today, in dealing with the first half of this tumultuous era, I intend to underscore the Senate's role in these issues—how it solved, ignored, or exacerbated these problems. While many of these years were practically devoid of significant legislation, the calendars of others were crammed full of momentous measures which continue to affect us today. Old questions like the tariff nagged and were dealt with by the Mills tariff and the McKinley tariff; despite efforts to suppress it, the continuing problem of black voting rights in the South came to the fore with the "Force Bill"; the question of silver plagued these Congresses as it had previous ones and was dealt with, at least temporarily, by the Sherman Silver Purchase Act; well-meaning reformers tried to ameliorate the conditions of the Indians with the Dawes Act; other major reforms were embodied in the Interstate Commerce Act and the Sherman Antitrust Act.

Just discussing these major pieces of legislation will more than amply make a lengthy talk, so I shall save until my next address discussion of the internal changes taking place in the Senate and the colorful personalities who filled these same seats before us. The internal reforms in the Senate and the reform legislation passed by the Senate are pieces of the same cloth. Historian Robert Wiebe has characterized these years as ones in which America was consumed by the "search for order," and we shall follow the Senate on this search in both this address and the next.

We left the Senate, at the end of my last address, in the hot summer of 1884, on the eve of the presidential nominating conventions. The elections of 1882 had given the Democrats a large majority in the House. The Republicans held onto the Senate by just four seats. Republican Chester A. Arthur, the accidental President, sat uneasily in the White House, doubting that his party would offer him the nomination. Nearly everyone agreed that Arthur had been a better president than expected, but his positive accomplishments had been negligible.

Mounting tariffs, rising prices, and a minor depression in 1882-1884 were sorely trying the patience of the electorate. Disgruntlement with Republican rule was widespread. Republicans knew as well as Democrats that if the Democrats could produce a reasonable Presidential candidate in 1884, they might well capture all the citadels of power—the Presidency, the House, and the Senate—for the first time in over a quarter century. The prospect made for cautious euphoria in Democratic circles and gloom in Republican ones.

As in previous election years, many senators were in positions to be "king makers," or, in our democracy, "president makers," and some were long shots for the top position itself. The Republicans met first that summer in Chicago. Early it became clear that James G. Blaine, the former senator from Maine, whom I have mentioned often, was the favorite. Blaine, however, remained aloof, and busied himself with his memoirs, which, I might add, shed light on important years in the Senate's history. Despite his protests, Blaine was the most popular Republican in the country. More important, with Roscoe Conkling ignominously retired from the Senate, most Republicans believed that Blaine was the man who would represent their interests better than anyone else.

On the first ballot, Blaine got over 300 votes; Arthur, 278. Minor candidates, controlling over 200 votes, split into roughly two groups: the civil service reformers who voted for Senator George Edmunds of Vermont, whom scandal had never touched, and the mid-west professionals, chiefly the followers of Senators John Sherman of Ohio and John A. Logan of Illinois. The reformers, led by Carl Schurz, former Missouri senator and Secretary of the Interior in the Hayes administration, were known as the Mugwumps—fencesitters, with their mugs on one side, and their wumps on the other.[4]

On the fourth ballot, the midwesterners swung to Blaine, giving him the nomination. The Republican campaign would be managed by a powerful group of current and future senators: Don Cameron of Pennsylvania and John Logan, then sitting in the chamber, and Stephen Elkins of West Virginia and William "Machiavelli" Chandler of New Hampshire, soon to join them.

The Democrats, also meeting in Chicago, had no outstanding leader but every prospect for winning the presidency. On the second ballot, the nomination went to Governor Grover Cleveland of New York, who just four years before had been an unknown Buffalo lawyer. His term in Albany had earned him a reputation for honesty and courage, and he was an advocate of civil service reform, assets Democrats knew would help lure away disaffected Mugwumps. Though Senator William Barnum of Connecticut was titular chairman of the Democratic National Committee, the directing genius behind Cleveland's campaign was freshman Senator Arthur P. Gorman, the "boss" of Maryland, just beginning his twenty-year reign over the Senate's Democrats.[5]

The contest between Blaine and Cleveland was dirty and close. When the votes were tallied, Cleveland emerged the victor. Actually, compared to the Democratic sweep in 1882, the Republicans hadn't done so badly. They gained 22 seats in the House, though still not enough to regain the majority, and picked up one seat in the Senate, making their slim majority here more solid. The Democrats, however, had won the presidency, making Cleveland the first Democratic President in a quarter century.

At the outset, Cleveland was regarded by civil service reformers as one of their own. He had announced that he would not only faithfully execute the Pendleton law (which I discussed in my last address), but would refrain from dismissing any officeholders unprotected by it unless they had proved themselves "offensive partisans." During the nine months prior to the meeting of the 49th Congress, he discovered 643 of the latter among the officeholders appointed by his predecessors, and proceeded to suspend them.[6]

Reformers deemed this number excessive. Carl Schurz wrote frankly to the president: "Your attempt to please both reformers and spoilsmen has failed. I warned you more than once that your principal danger was to sit down between two chairs." The Republican Senate, with less worthy motives, emulated Schurz' indignation. It requested the president to give specific reasons for each of the 643 suspensions. Cleveland refused to gratify their request, citing the political practice of half a century. The contest dragged on so long that the terms of many of the suspended officials expired, and Cleveland was able to win a practical victory by simply withdrawing the names of his appointees and then resubmitting the same names as

those of nominees to now vacant offices.[7]

The only constructive measure on which the Democratic House and the Republican Senate could agree during the first session of the 49th Congress was a bill introduced by Senator George Frisbie Hoar of Massachusetts to change the order of presidential succession. The Constitution provided that Congress should decide who was to succeed to the presidency in the event that both the president and vice president died, resigned, or became disabled. In 1792, Congress provided for succession, after the vice president, of the president pro tempore of the Senate, then of the speaker of the House. This was, in turn, altered by Senator Hoar's proposal, the Presidential Succession Act of 1886, which changed the line of succession to run from the vice president to the secretary of state, secretary of treasury, and so on through the cabinet in order of rank.

Senator Hoar argued persuasively that for much of a president's term, Congress was not convened and thus had no officers. He reminded his colleagues of the nine month gap that had just intervened between Cleveland's March inauguration and the 49th Congress' first meeting. At the time of Garfield's assassination, an event then still vivid in every senator's mind, Congress had not convened and did not for six more months. Even as Hoar argued, the nation was without a vice president and remained so throughout the 49th and 50th Congress. Vice President Thomas Hendricks, formerly a Senator from Indiana, had died on November 25, 1885. What if, Hoar asked, President Cleveland had died on November 26, when there was no vice president, no president pro tempore, and no speaker? [8]

Another vexing problem with the 1792 line of secession had been clear to the senators since 1881, when the Democrats controlled the Senate but the Republicans held the presidency, creating a situation where the president pro tempore, and hence the potential acting president, was not of the same party as the chief executive. Even as the senators debated, Democrat Cleveland sat in the White House, while Republican John Sherman presided over the Senate.

With many compelling arguments to recommend it, Hoar's bill passed the Senate and House without serious opposition and was signed by the president on January 19, 1886.

This was the line of succession which I studied in elementary school and in high school, and it remained established and unchanged until 1947, when a new act, still in force today, placed the Speaker and then the President pro tempore next in line to the Vice President.

With the exception of Hoar's bill, little of importance transpired during the first session of the 49th Congress. So-called "pork barrel legislation,"—you understand they knew all about that back in those days too—totaling nearly $15 million consumed much of the session, with Republicans and Democrats harmoniously supporting each other's pet projects.

Things really have not changed a lot, have they? The only thing is, a lot of people forget that this has been going on a long time. They assign it to this generation only, apparently.

An exception was thirty-year-old freshman Republican Representative Robert M. LaFollette of Wisconsin. Congressmen listened in amazement to a speech against the pork barrel by the audacious young man from Wisconsin, a State supposed to be safely controlled by the powerful machine run by Senators John C. Spooner and Philetus Sawyer. Sawyer, a millionaire ex-lumberjack, was said to be so illiterate that he signed himself "P. Sawyer" because he could not spell "Philetus," but so powerful that, as La Follette said, he bought men "as he bought saw-logs." [9]

Perhaps I should take a moment to look at the derivation of the term "pork barrel," because it was at this time in the Senate's history that it came into general use and also general disrepute. The "pork barrel" is the state of national treasury, into which government officials dip for "pork" or funds for local projects. The phrase probably is derived from the pre-Civil War practice of periodically distributing salt pork to the slaves from huge barrels. A 1919 article in the *National Municipal Review* described the term's origin:

> Oftentimes the eagerness of the slaves would result in a rush upon the pork barrel, in which each would strive to grab as much as possible for himself. Members of Congress, in the stampede to get their local appropriation items into the omnibus river and harbor bills, behaved so much like Negro slaves rushing the pork barrel that these bills were facetiously styled "pork barrel" bills . . . [10]

In the late nineteenth century, the classic example of pork barrel legislation was a river and harbor bill, a piece of legislation that provided morsels for scores of congressmen in the form of appropriations for dams and piers, highways and bridges.

Another matter on which the Republican and Democratic senators saw eye to eye was the awarding of pensions to Civil War veterans. Soldiers actually disabled in the war and the widows of those slain had long since been provided for. But the northern veterans' organization, the Grand Army of the Republic, had developed into a very formidable pressure group. Allied with the Grand Army was a younger army of attorneys who derived their chief income from pension cases, many of which were patently fraudulent. Mainly at the instigation of the latter, more than one hundred private pension bills, most of which had already been rejected by the pension commissioner, were passed in just the first session of the 49th Congress. The stamina to resist such applications, backed as they were by such a powerful lobblying group, while lacking in either branch of Congress, was found in the president, who vetoed every one of the bills.[11]

The second session of the 49th Congress, which convened in December 1886, was much more fruitful than the first. The most important fruit it bore, though more for setting precedent than immediate remedy, was the passage of the Interstate Commerce Act. For years, Grange organizations of farmers in the midwest has been agitating against discriminatory rates and other railroad abuses. Elsewhere there was resentment against rebates, unfair variations in rates, and a host of monopolistic practices by the lines. From time to time Congress had held hearings that aired the public dissatisfaction, and members of both houses had introduced regulatory bills. But the railroad lobby, distributing passes, bribes, and other favors, had always been too strong and none of these measures had passed. In the mid-1880's, however, powerful industrialists began to join those complaining about the railroads' monopolistic practices, and their voices carried far more weight than those of the farmers.[12]

In March 1885, at the urging of Republican Shelby Cullom of Illinois, the Senate established a select committee to investigate rail abuses. Its members were Senators Cullom, Warner Miller of New York, and Orville Platt of Connecticut, Repubicans; and Isham Harris of Tennessee and Arthur Gorman, Democrats. The five spent a large part of the summer recess taking testimony in most of the major rail centers of the nation, from Boston to Omaha and from Minneapolis to New Orleans.

At first railroad officials paid little attention to the investigation, but when it became clear that Cullom and his colleagues were determined to bring the railroads under federal control their aloofness changed to keen interest. When, in 1886, the Supreme Court ruled that states could not regulate railroads that crossed state lines, the hitherto inaccessible magnates rushed to Washington, complaining that they have not been afforded the opportunity to present their arguments, and, of course, hoping to forestall any legislative action.[13]

Rail executives had reason for concern. The select committee drafted a bill that it hoped would correct the abuses its members had found, and Senator Cullom introduced the meas-

ure in December 1885. It quickly ran into opposition from Republican Senator Nelson Aldrich of Rhode Island. In the ensuing debates, Aldrich established himself as Congress' leading representative of finance capitalism. The bill, he argued, was tantamount to "revolution"; it would cripple both internal and external commerce. Though Cullom himself recollected that the bill was "conservative legislation," Aldrich tried hard to convince his colleagues and the people that it was dangerously radical. Despite vigorous opposition, Cullom's bill passed the Senate on May 12, 1886.[14]

Meanwhile, the House had passed a railroad regulation bill introduced by John Reagan, a Texas Democrat. The measure differed substantially from the Cullom bill in that it did not provide a commission to enforce the regulatory measures include in the proposed legislation. Since the Senate conferees insisted upon the commission and the House conferees would not budge, a deadlock ensued which remained unbroken at adjournment. By the following January, both sides were in a more conciliatory mood; a revised bill was hammered out and carried back to the respective chambers.

By that time, thanks to the industriousness of the railroads and their lobbyists, enthusiasm for the measure had begun to evaporate in the Senate. Exasperated, Cullom professed he was "greatly provoked, almost outraged, at the manner in which senators opposed the adoption of the conference report." Democrat John Tyler Morgan of Alabama, and Republicans William Evarts of New York and George Hoar joined Aldrich in attacking specific clauses of the measure and opposing regulation in general.[15]

Forces in favor of regulation overcame the opposition, and on February 4, 1887, the Interstate Commerce Act finally passed and received the president's signature. The first important act in American history regulating interstate commerce thus became law. The act prohibited most of the objectionable railroad practices and created the Interstate Commerce Commission to oversee the enforcement of the act's provisions. For years the railroads' many devices to circumvent the provisions rendered the commission all but powerless. But, in the wave of reforms during the twentieth century, other congressional acts strengthened the commission's authority over all carriers of interstate commerce, and as the federal government's first regulatory body—able to act independently of the three branches of government but combining the functions of all of them—it served as a model for such future administrative agencies as the Federal Power Commission, the Federal Trade Commission, and the Federal Communications Commission.[16]

With the Interstate Commerce Act, Congress hoped to end the widespread railroad abuses. Another measure, passed early in 1877 as the 49th Congress was winding down, attempted to solve another persistent problem—the status of Indians in the West.

By the late 1880s, the Indians were a mere remnant of one quarter million. Dispossessed of most of their lands and pacified by military force, most had been herded onto reservations west of the Mississippi. They were wards of the government, supported largely by its grudging bounty. In 1871, responding to the pressure of the railroads and other interests that wanted the Indian's land, the spoilsmen in Congress ended treaty making and the recognition of tribes as independent political entities. Thereafter aggrandizers, encouraged by congressional leaders such as Conkling, Blaine, and Garfield, and supported by troops and corrupt government agents, seized what they wanted, their aggressions leading to such desperate last stands of Indian resistance as the dramatic battle of the Little Bighorn in 1876.

By 1887, it was widely known that Indian affairs were inefficiently managed and the system riddled with abuses. The demand for reform coming from well-intentioned humanitarians was growing stronger daily. To remedy the situation, the House and Senate passed a bill known as the General Allotment Act, or the Dawes Severalty Act, after Senator Henry L. Dawes of Massachusetts, its sponsor. The Dawes Act empowered the president to divide a reservation and allot to each head of a family 160 acres, with lesser amounts to bachelors, women, and children. What land was left over (and it was expected to be thousands of acres) would revert to the public domain. The Dawes Act was the first systematic effort to provide for Indian welfare and marked a revolution in the handling of Indian affairs. Unfortunately, it proved a disaster.

The purpose of the Dawes Act, in the eyes of well-meaning but misguided reformers, of whom Dawes was one, was to break up the tribal system and make the Indian a self-supporting citizen according to the white man's values. Many who supported the act, however, were land greedy, and had in mind the acres and acres of land that would be open for settlement rather than the Indian's welfare.

For the Indians, the Dawes Act was a failure. Never consulted by the reformers, the Indians were unable or unwilling to change their way of life. It was wholly unrealistic to expect a people to abandon centuries-old traditions and embrace the acquisitive society of the white man based on private ownership of land. Furthermore, the land reserved for the Indians was often barely adequate to sustain a decent living. Modification of the Dawes Act during the 1890's brought little relief. Far from assimilating the Indians, the Dawes Act made poverty a fixture on the reservations, robbing the tribes of water rights, timber, and much of the land needed for viable economies. It was not until the administration of Franklin Roosevelt in 1934—the year I graduated from high school—that the allotment plan was discarded and efforts were made to save the last vestiges of the Indians' cultural traditions.[17]

The 49th Congress adjourned on March 1, 1887, just days after passing the Dawes Act. The election returns of the previous November weighed heavily on the minds of the Democrats returning to their constituents, but revived the moral of their Republican colleagues. The Democratic margin in the House had been substantially reduced from 42 to 18. With the 1888 presidential elections on the horizon, Democratic congressional leaders warned Cleveland that it was time to attempt some bold stroke to capture the public's lagging interest. Though still a minority, Senate Democrats had gained three seats, making the division 37–39 rather than 34–41.

The president took his congressional advisors up on their suggestion, but looked in a direction they had not foreseen. Cleveland turned to the steadily increasing treasury surplus. The nation's rigid system of budget and taxation had amassed a surplus of $150 million in gold, much of it owing to the heavy receipts from the protective tariff of 1883. This incredible surplus, labeled the "Treasury Octopus" by its enemies, was, in fact, becoming an acute embarrassment as agitation spread among hard-pressed farmers against "bloated bond holders" and the "Shylocks" of Wall Street.

Republicans favored spending the surplus on pensions, public works, harbor improvements, and fortifications. But Cleveland was unwilling to see federal revenues doled out to undeserving pensioners or invested in public works projects he believed unnecessary. He sought ways to diminish the ponderous surplus by reducing taxes and tariff rates on imports. Moreover, tariff cuts could be defended as helpful to consumers and as a means of preventing monopoly. Mugwumps, middle-western farmers, and powerful railroad interests were on his side. Cleveland decided to make the tariff his "Live Issue."

Cleveland's own party's canvassing experts warned him to "go slow." With the Senate in Republican hands and the thin Democratic majority in the House divided on the question, his chances of obtaining a satisfactory bill in an election year seemed slim. William Whitney, his secretary of the

Navy, urges that "it was not the right time to push it." But Cleveland, with an honesty that reflected the best side of his nature, replied, "What is the use of being elected or reelected if you don't stand for something?" [18]

The 50th Congress, convening in December 1887 and lasting until March 1889, came to be regarded as the most "do-nothing" Congress of all. While it ended in a whimper, however, it started off with a bang. Readers of *Puck* among the members of the 50th Congress were greeted by a wonderfully vivid Keppler cartoon. In it, an enormously bloated, leering dragon is spreading himself out over the Senate chamber. Senators are dashing for the doors, climbing over chairs, cowering under desks, anything to get away from this dread beast labeled "The Surplus." There was, in real life, no escape from the persistent problem of the bloated surplus, as the senators and representatives were to find out on December 6, when the president sent to the Hill his annual message which he devoted entirely to the tariff question.[19]

Cleveland used harsh words to condemn the "iniquitous system." The tariff was, he claimed, "a burden upon those with moderate means and the poor, the employed and unemployed, the sick and well, and the young and old . . . a tax which with relentless grasp is fastened upon the clothing of every man, woman and child in the land." Alarmed protectionists immediately attacked him. "The Democratic party in power is a standing menace to the industrial prosperity of the country," announced Blaine, who, though out of Congress, was still influential as the elder stateman of the Republicans.[20]

Rational tariff legislation could only be obtained if Congress would subordinate sectional and corporate interests to the general needs of the nation, not a likely occurrence in an election year. In April 1888, a new reduced tariff bill named for Roger Q. Mills of Texas, the short-tempered Democratic chairman of the Ways and Means Committee, was introduced in the House. Debate dragged on through July, long after the national conventions.

In the Senate, which they controlled, the Republicans, not surprisingly, rejected the Mills bill and decided to write their own version of a tariff revision, dubbed the "Senate Substitute," with no little aid from the iron and textile lobbies. Drawn up principally by Aldrich and William Boyd Allison from Iowa of the Finance Committee, the Republican's protectionist bill lowered only the tariff on sugar (which would cost them votes only in solidly Democratic Louisiana). The senators heard learned disquisitions on nails, birdcages, and sulphur designed, as Senator Cullom noted, for "home consumption," until October 20, when the Senate adjourned without voting on the bill.[21]

Other than the tariff, the chief interests of the session were subsidy and public works bills. Again they drew scorn from the fiery La Follette, now serving his second term in the House, having won reelection over the strident opposition of the Wisconsin machine headed by Senators Sawyer and John C. Spooner. On one occasion, as La Follette flailed away at appropriations desired by the machine, Sawyer came charging apoplectically onto the House floor, storming at La Follette, "Young man, young man, what are you doing? You are a bolter, sir, a bolter." La Follette held his ground, replying that the senator could not tell him how to vote, and Sawyer, realizing that he was violating congressional etiquette and House rules, vanished as abruptly as he had appeared.[22]

At the Democratic National Convention in St. Louis in 1888, Cleveland was unanimously renominated. The Republicans, meeting in Chicago, were much divided. Once again, Blaine could have had the nomination, but again he professed disinterest. For the tariff battle, the party needed a midwesterner and many eyes, including Blaine's, turned to Benjamin Harrison, grandson of former president William Henry Harrison, who had just completed one undistinguished term in the Senate.

A warm personality was not among the Hoosier senator's political assets. A political ally once arranged a speaking engagement for him, then cautiously urged him to "warm up" with the crowd: "for God's sake be a human being down there. Mix around a little with the boys after the meeting." After the meeting, Harrison confessed failure. "I tried it, but I failed. I'll never try it again. I must be myself." Despite Harrison's aloofness, his friends were quietly building a boom behind his name.[23]

Senator John Sherman badly wanted the nomination but took his usual lofty ground: "If it/the nomination/ comes, I will accept it as a duty and it if goes to someone more worthy, I will not be a mugwump/defector/." Sherman seemed to have a good chance; he was from a strategically located state, and had a national reputation on the tariff question. But he had not shaken the "Ohio Icicle" image of earlier years.[24]

There were other, darker horses, in contention. Among them, Senator William Allison of Iowa; Chauncey Depew, future senator from New York but then president of the New York Central Railroad, a position which made him unacceptable to the West; and Michigan's "millionaire governor" Russell Alger, also a future senator. Managing behind the scenes was a bevy of current and future senators which included Senator Matthew Quay, the premier "boss" of Pennsylvania; former and future New York Senator Thomas Platt, "the easy boss"; and future Ohio Senator Mark Hanna. After much maneuvering, on the fifth ballot, the tide turned to Harrison; he could carry the doubtful states, he was Blaine's heir, and he had wider appeal than any of the other local favorites.

In November, voters were called upon to decide whether, as the Republican platform claimed, Democrats were animated by a desire to destroy "the general business, the labor and the farming interests of the country." By a small popular majority of 94,000 votes in Cleveland's favor, the people seemed to answer that they did not believe this to be the case. But when the electoral votes were counted, Harrison received 233 to Cleveland's 168. Not only did the Republicans regain the White House, but they captured the House once again. When the 51st Congress convened in December, the Republicans controlled the Congress and the presidency.[25]

In their moment of exhilarating victory, the Republicans had dangerous internal problems, illustrated by confrontations between Senator Quay and the new president. Quay expected the president-elect's "fervent and grateful congratulations." Instead, Harrison calmly remarked that "Providence has given us the victory." Quay snorted to friends, "Providence hadn't a damned thing to do with it. Harrison would never learn how close a number of men were compelled to approach the gates of the penitentiary to make him president, where he could return thanks to the Almighty for his promotion." [26]

The "lame duck" session of the 50th Congress held after the Republican victory was as barren of constructive legislation as the first. A hasty attempt to modify the tariff was defeated by Republicans eager to wait until the next Congress when they would hold all the reins. North Dakota, South Dakota, Montana, and Washington were about to be admitted as states. This would boost the size of the Union to 42 states; increasing the Senate to 84 members; the House, after the census of 1890, to 357; and making the voice of the West in the councils of power far stronger. Also during this lame duck session, the Department of Agriculture was elevated to cabinet level. On March 3, 1889, the 50th Congress closed its books for good, and the next day, the Republicans reclaimed the seats of power.

The 51st Congress, convening on December 2, 1889, proved to be as dramatic as the 50th had been lackluster. Important changes in procedure as well as milestone legislation such as the Sherman Antitrust Act awaited in

the wings. The changes began in the House, where the session got off with a tremendous bang. I would like to look a bit at the action in the House at this point because it mirrored a new mood for change afoot in the Senate.

During the lame duck session just passed, business in the House had been frustrated by endless roll calls and filibusters. These dilatory tactics dismayed responsible legislators, notably Thomas Reed of Maine and Henry Cabot Lodge of Massachusetts. A Republican reformer, Lodge could hardly contain himself over the lowly state into which the House had fallen. Drastic revisions of the rules were needed, he said to "change the condition of the House from dead rot to vitality."[27]

These calls for reform were echoed by Reed, who had been minority leader and was now chief candidate to become the Republican speaker in the 51st Congress. Reed was one of the most engaging figures in congressional lore—charming, genial, a master of epigrams and bon mots. His wit was rapier sharp and his impalements of colleagues were legion. Of two representatives he commented, "They never open up their mouths without subtracting from the sum of human knowledge." Reed literally loomed over House proceedings, filling a chair with nearly 300 pounds, standing in debate at 6 feet, 3 inches, in size 12 shoes.[28]

With the help of Lodge and other New Englanders, when the House convened on December 2, 1889, Reed was elected speaker. Reed, handsome William McKinley of Ohio, and Joseph Cannon of Illinois, known as "foulmouthed Joe," constituted a majority of the Rules Committee, and they immediately set out to draft new rules for the new session. Reed's principal goal was to end the precedent—observed since the 1st Congress—of establishing quorums by a count of those who voted, rather than those who were actually present. With the House so evenly divided and the Democrats remaining silent for any roll call on a subject of which they disapproved, the Republicans would be hard put to get a quorum at any time during the session.

On January 29, 1890, the House began to consider contested elections. When the first one was reported, awarding a disputed seat to a Republican, a Democrat moved for consideration. When the roll was called no Democrat answered to his name, and the vote—even with all 163 Republicans voting—was short of a quorum. Reed, however, was ready. Having assured himself of the constitutionality of what he was about to do, he calmly said, "The chair directs the clerk to record the names of the following members present and refusing to vote." He then began to call out the names of every Democrat he could spy. After a moment of incredulity, the hall exploded in an uproar. Democrats leaped to their feet, shouting for the count to stop, but Reed continued to call the names while Republicans applauded, whistled, and cheered. Reed's ruling that a quorum was present produced another tumult that lasted for three days.[29]

Again and again furious Democrats demanded roll calls and each time the imperturbable "Czar" Reed read off the names of those present but not voting. After one climatic scene in which Reed ordered the doors of the chamber locked to prevent Democrats from excaping (enraged Democrats hid under desks, behind screens, and anywhere they could find to keep from being counted), enough Republicans showed up to constitute a quorum on their own—two were brought in on sickbeds—and Reed's rules were approved.

The House, thanks to Reed, could now conduct its business efficiently. In the next Congress, which the Democrats overwhelmingly controlled, Reed's changes were abandoned, but in the Congress after that the Democrats, with a slimmer majority, saw the wisdom of his rulings, readopted them, and they became permanent. The new rules meant that party responsibility in the House had begun.

Mr. President, I mention these dramatic events in the House at length because much the same type of revolution in party control, a tightening, was brewing in the Senate. While it did not reach full flower for a few more years, until the period I will cover in my next talk, I think it is important to note that these activities had already begun in the House.

To a large extent, Reed's revolution in 1890 was motivated by the Republicans' determination—while they occupied the White House and possessed majorities in both houses—to push through legislation, particularly a higher tariff. In his first message to Congress, Harrison took up the issue that had dominated much of the campaign and urged a reversal of Cleveland's tariff policy.

McKinley handled the measure in the House. He hoped to counteract the higher rates many powerful Republicans espoused with a nationally oriented measure, extending protectionism's favors to the West and South, and to the farmer in general. He held hearings that produced a fat volume of testimony and, each night, spread his papers out on the floor of his cramped hotel room to get a view of the whole task. His planning produced the usual rate increases, though few were as important or as high as critics making political capital charged. Whatever the bill's merits, however, they were lost in a flood of abuse and misrepresentation when McKinley reported the measure on April 16. At length, House Democrats decided to let the bill pass and use it to their advantage in the upcoming fall elections. They sent the bill on to the Senate in May.[30]

Tariff struggles were hardly new to ranking senators, but every revenue measure taxed the patience and parliamentary skill of leaders in both parties. Like the silver question, with which the tariff became inextricably entwined, the tariff was a magic rock that gushed oratory and dissension for every man who struck it. "The contest over a revision of the tariff brings to light a selfish strife which is not far from disgusting," Senator John Spooner complained. McKinley's bill went to the Senate Finance Committee, where Vermont's venerable Justin Smith Morrill presided. Some of the nation's landmark legislation bore his name, and he was a fierce protectionist; but Morrill was 80 years old, and he passed formal management on to Allison. The tactful Iowan had helped form the "Senate Substitute" that scuttled the Mills bill a few years earlier, but now asked the chairman to let Rhode Island's Nelson Aldrich take the McKinley bill in hand. Aldrich had only entered the Senate in 1881, but was already a ranking member of its inner circle and a formidable expert on revenue measures. He was self-made, successful in business and politics. Suave, elegant in attire and manners, Aldrich avoided "the farce of mixing in mock debates." He liked to pay debts with terrapin suppers and made deals while sailing.[31]

Aldrich's first major problem in handling the McKinley tariff was James G. Blaine, now secretary of state, and a tariff expert, who insisted on explaining the principles of reciprocity to a skeptical Finance Committee. He arrived one June day, hat in hand, and properly calm. The senators endured his lecture, but cooly declined to engage in discussion. They were not about to let the president usurp their prerogatives. As Blaine rose to go he warned, "Pass this bill, and in 1892 there will not be a man in all the party so beggared as to accept your nomination for the presidency." [32]

While Blaine worked for reciprocity behind the scenes, the Senate opened the tariff debate on July 7, and the measure's nearly 500 amendments promised an endless struggle. Complications with free silver and the election bill, which I shall mention shortly, made Aldrich predict a working Christmas. The windy silverites, filling pages with dull speeches on the gold conspiracy and the virtues of currency inflation, were the chief problem. They knew that they held the votes needed for the tariff. One of their number, William Stewart of Nevada, eager for high rates on wool, hides, ore, and lumber, praised the tariff extravagantly, but warned, "there will be

no tariff legislation this session unless a silver bill is passed." [33]

Aldrich considered invoking cloture but realized that he was outnumbered by those opposed to changing the sacred rules of free debate. He fell ill, no doubt of disgust, and Allison managed the bill after all, while rates climbed amid the rolling of political logs. The hot summer wore on as the Senate endured discourses on nails, sulphur, and alcohol. The fruitless debate angered businessmen, irritated the public, and played into Democratic hands. "Mills continue to fail and the Senate does about as much in a week as a set of men in business would do in half an hour," a correspondent angrily warned Senator Sherman. "You are killing the Republican party as fast as you can." Another was equally candid: "Just look at the Senate, please. There it sits, day after day, like a great big nincompoop or a knot on a log, unable to move or do anything." [34]

The knot finally loosened in September when a conference committee settled details between the House and Senate versions. Inevitably, Sherman was involved, much to his disgust. "I have been hard at work for a week or more on this tariff conference committee," he wrote a friend. "I trust I will not live long enough to have any connection with another." Harrison signed the bill on October 1, and weary congressmen dispersed to campaign. The law satisfied most Republicans, but the Democrats, already publicizing each upward revision with the cry of "high tariff means high prices" predicted a GOP debacle.[35]

As I mentioned, the tariff's passage was only procured after two other major issues had been dealt with: elections in the South and silver. Harrison's discussion of the tariff in 1888 did not excite southerners nearly as much as his frequent allusions to "a free ballot," which forecast Republican interest in another effort to help blacks. Harrison emphasized the subject in his inaugural address and in his message to Congress in December 1889. He and other influential Republicans were angered at open southern defiance of the Constitution in suppressing and coercing black voters. Violence at the polls in 1888 and 1889 stiffened their resolve. A strong streak of political practicality also strengthened their determination. Republicans knew that ballots of black voters would add enough southern House seats to end their minority status, especially if industrialism and the appeals of tariff protection increased. The cries of lonely Republican outposts in the South stirred their northern brethren. "To be a Republican in active politics in the South is to be a foolish martyr," a Georgian wrote Senator Sherman.[36]

In December 1889, Senators Hoar of Massachusetts and Spooner of Wisconsin canvassed colleagues and drafted an elections bill which they introduced in April. But they passed leadership on it to the House, where Lodge wished to originate the measure from his special committee on elections. While Lodge seemed a strange leader for such a crusade, with his social connections and Puritan lineage, he proved effective. He avoided any serious prospect of military rule in the bill, relying on legal remedies rather than penalties or federal force, but still the bill, dubbed the "Force Bill" by opponents, was predictably despised by southerners and Democrats. City machine bosses also did not welcome the thought of federal inspectors in their wards. Mugwumps suspected popular suffrage. Labor leaders feared possible use of troops. Despite this array of opponents, Lodge shepherded the bill through the House on July 2.

In the Senate, Democrats, led by Gorman of Maryland, made good their threats to tie the measure up in filibusters, which also meant the floundering of the tariff bill. After days and days of delay, Mathew Quay of Pennsylvania led the way out of the confusion. After heated caucus debates, he persuaded his colleagues to pass over the "Force Bill" until the short session in December. Spooner condemned "the almighty dollar" that put tariffs above civil rights, but Hoar secured pledges from other Republicans to consider the bill later. "It will probably give us a tariff bill," said Senator Orville Platt of Connecticut, "but acquired at what a sacrifice!" [37]

True to their word, the Republicans brought the "Force Bill" back for consideration in December of 1890. But Nevada's silver-haired silverite, William Stewart, took time from analyzing an alleged international gold conspiracy to kill it. Southern family ties fortified his dislike of federal interference in state affairs, so he kept western senators available, and watched the calendar for his chance. On January 5, 1891, before a friendly presiding officer, Steward moved to displace the Lodge bill with a free coinage measure. The silver Republicans sustained him, and at month's end, western senators defeated a final attempt to save the bill.[38]

Spooner was outraged. "I am too angry to write. . . . We are fallen upon bad times for the party. The Confederacy and the western mining camps are in legislative supremacy. Think of it—Nevada, barely a respectable county, furnished two senators to betray the Republican party and the rights of the citizenship for silver. . . . We are punished for making too easy the pathway of rotten boroughs into the Union." One of Sherman's correspondents saw the debacle's real significance: "This is but another sign that *the inevitable is coming*, and that the people are more interested in money matters than in election bills." [39]

Stewart's free coinage issue tied the Senate in even more knots than had the election bill. A renewed economic depression and a steady drop in the price of silver had strengthened the agitation of the inflationists. A proposed program for the government's increased purchase of silver had been sent to the House by the Secretary of the Treasury and passed, but the Senate silverites were not quite satisfied. Silver's champions held the balance of power in the upper house, and were prepared to scuttle any measure, as they had the election bill, to prove their strength.

The movement for free coinage of silver was more than an effort by "Bonanza Kings," as the senators from the west were called, to raise the price of the metal they mined. It was far more widespread, embracing farmers, whose income was dwindling, and others feeling displaced by increasing industrialization. There was no easy political solution, but silverites were determined to keep the Senate in session until a measure, good or ill, that they favored was passed. Congressional tempers mounted and public patience grew thin. But it was clear that silver was the key—no other bill could pass the Senate before its adherents were satisfied. Powerful men attended quiet conferences, leaving the floor to those who liked debate. Sherman, Allison, Aldrich, and Platt all preferred reason and persuasion. The silverites were holding the tariff hostage and they were determined to liberate it. Sherman recalled the words of Mark Hanna, a powerful Ohio Republican: "Pass the McKinley tariff and a conservative silver bill and we are all right this fall."

The resulting Sherman Act required the treasury to buy 4 million ounces of silver a month—the estimated American production—at market value. Treasury notes issued in payment were redeemable "in coin." The law did not threaten the gold standard for the moment, but laid up future trouble with the word "coin." Most silverites accepted the compromise. As Senator Henry Teller of Colorado said, they would take "the next best thing" to free coinage. When the news reached Stewart, he cried, "Good! and good will be the verdict of the country." [40]

You might think that, with the Sherman Silver Bill, the Force Bill, and the tariff debates, the Congress had done more than enough for one session and could go home. But such was not the case. Exhausted senators still had to face an antitrust crusade before they rested.

Throughout the country, public indignation had been growing against the monopolistic power of industry,

stemming from the development, under finance capitalism, of pools, holding companies, and trusts that controlled various commodities. Many states had tried to cope with the trusts, but their laws were generally powerless since they could not deal with combinations engaged in interstate commerce.

When Congress convened that winter of 1889, antitrust bills filled the hoppers, with "plenty more in the brains of statesmen seeking popularity." Sherman offered his own first draft to the Senate on December 4. After he wrangled with George Edmunds of Vermont over proper assignment, the measure passed through the Judiciary Committee and under many pencils before facing debate. The final bill declared illegal every "contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce . . ." and prescribed punishment.[41]

Harrison signed the measure on June 26, after full congressional debate and newspaper coverage. Its obscure wording impaired its initial effectiveness. And for years, it was used more often against labor unions than industry—quite to the contrary of Sherman's intentions. While it was eventually superseded by new legislation, the Sherman Antitrust Act represented a sincere effort by the Republicans to come to terms with industrial combination.

The 51st Congress was dubbed the "Billion Dollar Congress," slightly more than that sum having been appropriated for pensions, subsidies, and "pork barrel" bills. House Speaker Reed dismissed the criticism of appalled citizens with the explanation that "this is a billion-dollar country," but that fall, the Republicans—despite their unusually productive record—suffered a stunning defeat in the congressional elections. While the Senate remained in the Republican column, the GOP lost nearly 100 seats in the House, putting it in Democratic hands. The McKinley tariff, the heavy spending, and the agitation for the Federal Election Bill were all blamed.

The division between the two houses in the 52nd Congress during Harrison's last two years in office resulted in the passage of little significant legislation. The Republican Senate did not trouble to initiate measures certain to be defeated in the lower chamber; the latter contented itself with passing a few "pop gun" tariff reductions, equally certain to be defeated in the Senate.

The Republicans in 1892 renominated Harrison and the Democrats renominated Cleveland. Also in the field this time was the new People's Party, usually referred to as the "Populists," with a platform that demanded free silver at a 16 to 1 ratio, an income tax, anti-alien land laws, and government ownership of railroads, telegraphs, and telephones. In the campaign, the Democrats made capital of the recent labor disturbances and the McKinley tariff, which not only was keeping prices high for consumers in the hard times, but was causing a decline in federal revenues from imports. At the same time, Cleveland, a strong advocate of the gold standard, gained support from eastern bankers and industrialists by campaigning against the Sherman Silver Purchase Act, which was increasing the circulation of redeemable paper currency and causing a dangerous drain on the federal reserve. On election day, the Democrats came back into power, even winning the Senate. The Populists polled a surprising one million votes. For the first time since 1859, the Democratic party controlled the White House and both branches of Congress.

Mr. President, on that happy note, I shall end here for today, leaving the Democrats in their moment of triumph. With the House, Senate, and White House all in their hands, the future looked rosy and promised the opportunity to make sweeping changes. But, as we shall see in my next address, the rosy glow quickly faded and the sunny skies turned threatening as economic catastrophe intervened.

Mr. President, I ask unanimous consent to have printed in the RECORD my notes to "The Senate, 1884–1892: Watershed Years."

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

NOTES TO "THE SENATE, 1884–1892: WATERSHED YEARS"

[1] Harold Faulkner. *Politics, Reform, and Expansion: 1890–1900* (New York, 1959), p. ix.

[2] John Garraty. *The New Commonwealth: 1877–1890* (New York, 1968), p. 287–288; P. H. Buck, *The Road to Reunion* (New York, 1937), pp. 280–283, 256–258.

[3] Faulkner, p. x.

[4] Garraty, p. 283–284; Gail Hamilton, *Biography of James G. Blaine* (Norwich, 1895), pp. 618. 624; D. S. Muzzey. *James G. Blaine: A Political Idol of Other Days* (New York, 1934), pp. 252–254, 285–286; Alvin Josephy, Jr. *The Congress of the United States* (New York, 1975), p. 276.

[5] Mathew Josephson. *The Politicos: 1865–1896* (New York, 1938), p. 358–359.

[6] Ernest Bates. *The Story of Congress: 1789–1935* (New York, 1936), pp. 294–295.

[7] Ibid.

[8] *Congressional Record. 49th Congress, 1st sess., pp. 180–182, 214–225, 248–252, 664–680, 684–695.*

[9] Bates, p. 295.

[10] William Safire, *Safire's Political Dictionary* (New York, 1968), p. 553.

[11] Bates, p. 296.

[12] Josephy, pp. 276–277.

[13] John Lambert. *Arthur Pue Gorman* (Baton Rouge, 1953), pp. 129–130; Garraty, p. 117.

[14] Josephy, p. 277.

[15] Shelby Cullom. *Fifty Years of Public Service* (Chicago, 1911), p. 315–323.

[16] Josephy, p. 277.

[17] Faulkner, pp. 3, 8–9; Josephy, p. 277; J. P. Kinney. *A Continent Lost—A Civilization Won* (Baltimore, 1937), pp. 214–248; L. B. Priest. *Uncle Sam's Stepchildren* (New Brunswick, 1942), pp. 248–252.

[18] Josephson, pp. 396–397; Nevins, pp. 368–380.

[19] Josephy, p. 278.

[20] Bates, 298; New York *Tribune*, December 8, 1887.

[21] H. Wayne Morgan. *From Hayes to McKinley* (Syracuse, 1969), chapter VII; Josephson, chapter xi.

[22] Josephy, p. 279.

[23] Morgan, p. 289.

[24] Morgan, p. 284.

[25] Bates, p. 300.

[26] Morgan, p. 319.

[27] Josephy, p. 279.

[28] Morgan, p. 333; Josephy, p. 279; William Robinson. *Thomas B. Reed* (New York, 1930).

[29] Morgan, pp. 335–336; Josephson, pp. 448–449; Josephy, p. 279; Robinson.

[30] Morgan, p. 336.

[31] Morgan, p. 349; Nathaniel Stephenson. *Nelson W. Aldrich* (New York, 1930), pp. 9, 24, 29, 31, 32, 41.

[32] Muzzey, p. 445; Morgan, p. 350.

[33] H. Wayne Morgan, "Western Silver and the Tariff of 1890," *New Mexico Historical Review*, (April, 1960), pp. 118–128.

[34] Morgan, p.352.

[35] Ibid.

[36] Ibid., p. 339.

[37] Lambert, chapter VII; Morgan, pp. 341–342; Dorothy Fowler. *John Coit Spooner* (New York, 1961), p. 138; Louis Coolidge. *An Old Fashioned Senator: Orville Platt* (New York, 1910), pp. 232–234.

[38] Morgan, p 342.

[39] Ibid.

[40] Ibid., pp. 342–345.

[41] *New York Sun*, February 23, 1890; Faulkner, pp 99–102.

Mr. BYRD. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business is concluded.

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The PRESIDING OFFICER. The clerk will state Senate Joint Resolution 159.

The assistant legislative clerk read as follows:

A Senate Joint Resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon (together with minority and supplemental views).

Mr. BAKER. Now, Mr. President, this is the war powers resolution, and under the act it becomes the pending business when filed. It was filed this moment. There are 3 calendar days of debate. May I inquire of the Chair, is that interpreted to mean 72 hours of debate?

The PRESIDING OFFICER (Mr. WILSON). Yes; it is.

Mr. BAKER. Am I correct also, may I ask the Chair, that that 72 hours is to be divided equally between the proponents and opponents?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Is there, may I further ask the Chair, a designation of how that time is controlled and by whom?

The PRESIDING OFFICER. There is not an agreement that designates the division of time.

Mr. BAKER. Very well. For the time being, Mr. President, I assume that the amount of time that is used by the majority and minority leader or the two managers would be interpreted to be for the proponents and opponents for the purposes of recordkeeping?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. President, I will say for the benefit of Senators that an effort is being made to arrive at a unanimous-consent request to regularize this proceeding and to render it certain, but for the time being we will proceed on this basis.

Mr. President, first I think it would be appropriate to spread of record both the resolution and the report, and I ask unanimous consent that the resolution and report be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I amend my request so that it would be the resolution and pertinent excerpts of the report.

There being no objection, the resolution and excerpts were ordered to be printed in the RECORD, as follows:

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2.(a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section of the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanon groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the respnsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebannon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (1) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference

shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

Amend the title so as to read:

Joint resolution providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

CALENDAR NO. 405—REPORT NO. 242, TOGETHER WITH MINORITY AND SUPPLEMENTAL VIEWS

[To accompany S.J. Res. 159]

The Committee on Foreign Relations, to which was referred the joint resolution (S.J. Res. 159) having considered the same, reports favorably thereon with amendments and recommends that the joint resolution as amended do pass.

PURPOSE

The purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon by making the determination called for in Section 4(a)(1) of the War Powers Resolution of 1973 and providing the specific statutory authorization required by Section 5(b) of that Resolution.

BACKGROUND

The Administration decided in August 1982, to send a contingent of U.S. Marines to Beirut as part of a multinational force to help facilitate the PLO's evacuation from the Lebanese capital. On August 20, 1982, following consultations with President Reagan on the use of U.S. forces in such a role, Senators Percy and Pell wrote to the President, recommending that he report this deployment under Section 4(a)(1) of the War Powers Resolution. On August 21, 800 French troops arrived, the first contingent of the Multinational Forces (MNF), and on August 25, 800 U.S. Marines landed in Beirut. President Reagan reported to the Congress "consistent with the War Powers Resolution" but stated the Marines would not be in a hostile situation and would be withdrawn within 30 days. On September 1, President Reagan announced his Middle East Peace initiative. On September 11, the Marines were withdrawn.

On September 16, President Bashir Gemayal of Lebanon was assassinated, and on September 16-18, a massacre took place at the Sabra and Shatila Palestinian refugee camps. President Reagan announced on September 21 that U.S. Marines would return to Lebanon as part of an international force. On September 24, Senators Percy and Pell again wrote to the President recommending that the reintroduction of U.S. troops be reported under Section 4(a)(1). On September 29, U.S. Marines took over the Beirut airport area and President Reagan submitted a report "consistent with the War Powers Resoution" but insisting that the marines were "not expected to become engaged in hostilities." On December 15, 1982, 14 Committee Members wrote to the President to say they "would expect Congress to be involved at the earliest possible stage . . . and that formal Congressional authorization would be sought before undertaking long-term or expanded commitments or extending indefinitely the present level of operations."

On March 1, 1983, Senator Percy introduced the Lebanon Emergency Assistance Act to provide $100 million in military aid loans and $150 million in economic aid to Lebanon. The Committee reported that bill on May 5 with a requirement that Congress authorize "any substantial change in the number or role of United States Armed Forces in Lebanon." On May 17, Israel and Lebanon signed the Israeli withdrawal agreement. On May 20, the Senate passed the Committee's bill. The House passed it on June 1 in a slightly modified form, and President Reagan signed it into law on June 27.

In mid-August of this year, fighting broke out between Lebanese Army units and Moslem militia men in South and West Beirut and on August 28, U.S. Marines at the Beirut airport came under fire for the first time. They returned fire, but there were no Marine casualties. However, on August 29, 2 U.S. Marines died and 14 were wounded by hostile shelling. The Marines returned fire, including the use of a helicopter gunship. On August 31, the Senate received a report from President Reagan "consistent with Section 4 of the War Powers Resolution," explaining the circumstances of the Marine casualties but expressing the view that the danger to U.S. forces would be temporary.

On September 3, Israel began its re-deployment to the Awali River. On September 4, heavy fighting broke out between Druze and Christian militia for control of the Chouf. President Reagan told Congressional leaders that the United States had no plans to commit additional troops. On September 6, two more U.S. Marines were killed and two wounded during shelling of the Beirut airport. On September 8, U.S. Navy ships were used to fire back at guns shelling Marine positions.

On September 12, Senator Mathias introduced S.J. Resolution 159, triggering the expedited procedures of Section 6 of the War Powers Resolution. On September 13, following heavy attacks by Druze, Syrian and Palestinian forces on strategic heights overlooking Beirut, the White House said the Marines are now authorized to call on naval and air power not only to defend themselves directly but also to aid other MNF forces and the Lebanese Army in certain circumstances. On September 14, Senator Byrd introduced S.J. Resolution 163, making a congressional determination that Section 4(a)(1) of the War Powers Resolution applied to the situation in Lebanon. On September 19, U.S. navy ships fired several hundred shells to help the Lebanese Army beat back attacks on Suq al Gharb, a mountain village on a strategic ridge near Beirut. On September 20, following negotiations with the White House and House Leaders, Senators Baker and Percy introduced S.J. Resolution 166. A companion measure was introduced in the House.

COMMITTEE ACTION

Following the reconvening of the Senate, the Committee held a hearing on September 13 to discuss the situation in Lebanon with officials of the Administration. Assistant Secretary of State Nicholas Veliotes, State Department Legal Advisor Davis Robinson, Director of Political-Military Affairs Jonathan Howe, and Marine Commandant Paul X. Kelly testified before the Committee. On September 21, Secretary of State George Shultz and General Kelly appeared at a second Committee hearing to review the situation in Lebanon and to hear the position of the Reagan Administration with respect to the several resolutions pending before the Committee.

On September 23, the Committee met to consider the pending resolutions on Lebanon and the War Powers Resolution: S.J. Res. 159, offered by Senator Mathias, S.J. Res. 163, offered by Senator Byrd, and S.J. Res. 166, offered by Senator Baker. Prior to voting, Senator Pell requested that Senator Byrd's resolution not be voted on by the Committee at that time.

Senator Mathias' resolution, S.J. Res. 159, was the first order of business. He offered two amendments to his own resolution, one dealing with more frequent reporting requirements and one concerning expedited procedures for future resolutions related to authorizations within the War Powers Resolution framework. Both were adopted by voice vote. Senator Baker then offered his resolution, S.J. Res. 166—modified to include the two Mathias amendments just referred to—as a complete substitute to the Mathias language. Senator Cranston then offered an amendment which would have displaced the Baker proposal. The Cranston proposal would have limited the joint resolution to a simple declaration that the conditions described in Sections 4(a)(1), 4(a)(2), and 4(a)(3) of the War Powers Resolution are now in effect. The Cranston amendment was defeated by a vote to 9 to 7. Senators voting for the Cranston amendment were Pell, Biden, Glenn, Sarbanes, Zorinsky, Cranston, and Dodd. Senators voting against the amendment were Percy, Baker, Helms, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, and Murkowski. Senator Baker's amendment was then adopted by the reverse vote of 9 to 7.

Senator Pell then offered an amendment to reduce the duration of the authorization from 18 months to 6 months. That amendment was adopted by a vote of 9 to 8, with the following Senators voting in the affirmative: Mathias, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd. Senators voting in the negative were Percy, Baker, Helms, Lugar, Kassebaum, Boschwitz, Pressler, and Murkowski. After some duscussion, Senator Mathias joined with those voting against the Pell amendment in voting for a motion to reconsider that amendment. With the exception of Senator Mathias, those Senators who had voted for the Pell amendment now voted against the motion. The vote was 9 to 8. On reconsideration, the Pell amendment was then defeated by a voice vote.

The Committee then ordered S.J. Res. 159, as amended by the modified text of S.J. Res. 166, reported favorably to the Senate at the opening of the Senate on Monday, September 26, when, in accordance with the requirements of Section 6 of the War Powers Resolution, it becomes the pending business before the Senate and must be voted on within three calendar days. This report contains the recommendations of the Committee on that resolution, as required by law.

COMMITTEE COMMENTS

United States policy in Lebanon

American objectives.—The Committee believes that Lebanon cannot be isolated from the wider issues of peace and security in the

Middle East. The Committee concurs in Secretary Shultz's assessment that "progress toward a peaceful solution in Lebanon will contribute to the broader peace process; setbacks in Lebanon will make the broader effort that much harder."

In the Committee debate, Senator Boschwitz emphasized that the Administration had articulated consistent policy objectives in Lebanon ever since the Marines were first deployed to Beirut in August 1982. In a letter to the Congress on August 24, President Reagan stated that the deployment of the Marines would not in itself resolve the problems of Lebanon. Nevertheless, the Marines would improve the prospects for realizing our objectives in Lebanon: a permanent cessation of hostilities; establishment of a strong, representative central government; withdrawal of all foreign forces; restoration of control by the Lebanese Government throughout the country; and establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

These objectives remain the basis of our policy in Lebanon as outlined by Secretary Shultz before the Foreign Relations Committee on September 21, 1983. Similar objectives are cited in the resolution reported out by the Committee.

The Committee notes that a number of steps are being taken to attain these broad policy objectives. American participation in the multinational force is only one of these. Diplomacy remains the principal component, and the diplomatic efforts are supported by the peacekeeping efforts of the Multinational Force. While progress has not been as rapid as hoped for during the past year, important steps have been taken. In May, the Government of Israel and Lebanon with the assistance of the United States reached agreement on the withdrawal of Israeli forces from Lebanon. Unfortunately, Syria has not been willing to discuss the withdrawal of its forces despite a formal request from the Government of Lebanon. The Lebanese Government, with our support, also has requested the Arab League to arrange the withdrawal of the Syrians, and is working with moderate Arab countries to achieve that objective. There appears to be a false impression that little is being done on the Lebanese political front.

However, as Senator Boschwitz pointed out, with American encouragement, the Government of President Gemayal has begun the process of reconciliation with dissident segments of the population. On August 31 President Gemayal, with his multiconfessional cabinet, issued an appeal to key supporters and opponents to join in a dialogue on national reconciliation and unity. Although the initial appeal was rejected and the Syrians blocked the participation of some top Muslim political leaders, American Ambassador McFarlane and others are still pressing efforts to reach an agreement.

The Committee supports these attempts and believes the Government of Lebanon must represent fairly all communal and ethnic groups. Injustice and privilege must be eliminated, and security concerns alleviated if the Lebanese will ever reassert national sovereignty.

The Committee also supports efforts to rebuild national institutions which were fractured by eight years of civil conflict and foreign occupation. Foremost of these institutions is a truly national army. Much progress has been made in a relatively short period of time. Significant American aid has helped finance equipment for a mechanized brigade and American personnel have helped train several brigades. As a consequence, the Lebanese Army, which is divided almost evenly between Christians and Muslims, has performed well in recent difficult circumstances. When armed gunmen seized control of the streets of Beirut several weeks ago, for the first time in a decade the Lebanese Army was able to reassert its control over the city. In the mountains, the Lebanese Army has faced a force composed of Palestinians, Syrians, Iranians and Lebanese Druze. The Lebanese Army again has performed well. The Committee recognizes the difficulty of rebuilding a national Army in such a fragmented society and has no illusion that the task will be easily accomplished. The MNF provides important symbolic and other support for this task.

The role of the marines.—The Multinational Force, which includes a contingent of U.S. Marines, is another vehicle for implementing our broader policy objectives in Lebanon. The Committee agrees with Secretary Shultz's assurances that "it is not the mission of our Marines, or of the MNF as a whole, to maintain the military balance in Lebanon by themselves . . . They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon . . ."

The Committee understands that the role of the Marines is limited. The authorization of the presence of the Marines does not remove previous limitations on their deployment. Marine activities are restricted to the "Beirut area" and the number of Marine combat troops based onshore will remain approximately 1,200. The Resolution specifically states that it does not modify Section 4 of the Lebanese Emergency Assistance Act of 1983 which require congressional authorization for any substantial expansion in the number or role of the U.S. peacekeeping forces.

18-Month authorization.—The Committee voted to authorize the continued presence of U.S. forces for an additional 18 months rather than for a shorter period of 6 months. The debate centered on three issues: (1) would the shorter period place the Marines in a more dangerous position; (2) how would American policy objectives be affected by the shorter period; and (3) how would the congressional prerogatives be affected by a longer period.

The Executive Branch opposed any reference to a specific time period. The 18-month period was part of a compromise reached by the Majority Leadership of the Senate and House with the Executive Branch.

A strong concern was expressed that the compromise might fall apart if Congress imposed a shorter period. This concern prevailed in the Committee's deliberations. Senator Mathias observed that "we are dealing with a very delicate process here." The Senator expressed concern that the broad principles of the War Powers compromise might be abandoned and not reach the floor if the shorter 6-month period was adopted by the Committee. Senator Mathias, who indicated his support for a 6-month period, nevertheless said he felt the issue should be ultimately resolved on the Floor.

During the Committee's hearings and debate, witnesses and Members expressed fears that a shorter time period could result in increased hostile fire on the Marines and complicate the efforts to negotiate a cease-fire and political settlement.

Marine Corps Commandant Paul X. Kelley testified to the Committee on September 13 that a short time limit might stimulate more attacks on the Marines in an effort to encourage a public outcry for their withdrawal. He commented that "I am concerned that we could impose what could prove to be a dangerous time constraint that would be misread by our potential adversaries * * *. It would encourage hostile forces or forces inimical to the best interests, the life and limb of Marines. It would encourage them to be more provocative in an attempt to arouse public sentiment * * *. There still is a possibility that hostile forces would use this as an opportunity to up the ante against our Marines."

A great deal of concern was also expressed about how a short time period would be interpreted in the Middle East, especially in Damascus. The Syrians are aiding the Druze, who have been shelling Marine positions. Senator Percy said a 6-month time limit "might send a false signal which might encourage and place great incentive on the part of the Syrians to make attacks." Members warned that attacks might be increased in an effort to alter American opinions in advance of another debate over the extension of the forces 6 months from now.

A short time period also might encourage the anti-government forces to drag their feet in negotiations. The United States has been prodding the government of Amin Gemayal to take part in talks aimed at forming a broader government of conciliation. President Gemayal recently issued a call for such a conference. But the Syrians have been blocking these efforts, even vetoing the proposed participation of the Lebanese Prime Minister and Speaker of the House, both Muslims. Many believe the Syrians are stalling for time, hoping that continued military pressure on the Lebanese Army and on the Multinational Force will result in the military collapse of the former and the withdrawal of the latter.

Assistant Secretary of State Nicholas Veliotes described the diplomatic problem in the September 13 hearing, saying, "There would be no incentive on the part of those who oppose our policy in Lebanon to seek anything other than a series of violent confrontations, thinking to wait for the time limit and then influence American opinion in the Congress. We think that a six-month authorization would be a grave error."

By contrast, approval of an 18-month time period shows that the United States is willing to exercise patience as well as diplomacy, to give the peacekeeping efforts and negotiations a chance. Secretary of State Shultz testified of September 21 that "the 18-month period seemed like along enough period so that you had some room for maneuver, and it had the effect of allowing people who were concerned both on the Congressional side of this constitutional issue and the Presidential side both to keep their principles intact."

None of the Members of the Committee expects that the problems in Lebanon will be solved quickly or easily. But it is the view of the majority that a 6-month time period would reduce prospects for success even further.

In acting on the Resolution, the Committee also approved two amendments by Senator Mathias which provide Congress with additional check reins. Congress will receive reports from the Administration every 3 months on the current situation. More important, from the procedural view, the Resolution was amended to ensure that in the event a resolution to repeal the authorization is reported by this committee or the

House Foreign Affairs Committee, it will be considered in each House under expedited procedures. This combined approach of the 18-month authorization and the procedural amendments should help serve the peacekeeping and diplomatic efforts and the institutional requirements of both branches of governments.

WAR POWERS

Applicability of the War Powers Resolution

(1) *Actual or imminent hostilities.*—Section 2(b) of this Resolution includes a Congressional determination that actual or imminent hostilities involving U.S. Armed Forces clearly came into being on August 29, 1983.

The President's report to Congress describes the circumstances surrounding the heavy exchanges of fire on that date:

On August 29, sporadic fighting between Lebanese Armed Forces and various armed factions took place in South Beirut; from time to time during the course of this fighting, positions in the vicinity of the Beirut airport manned by U.S. Marines of the MNF came under small arms fire (without injury to U.S. personnel), and this fire was returned. On August 29, fighting erupted again. Marine positions came under mortar, rocket, and small-arms fire, with the result that two Marines were killed and fourteen wounded. In addition, several artillery rounds fell near the USS *Iwo Jima* (an amphibious support vessel lying offshore), with no resulting damage or injuries. As contemplated by their rules of engagement, U.S. Marines returned fire with artillery, small arms, and in one instance, rocket fire from a helicopter gunship. There were additional exchanges of fire earlier today, August 30, without injury to U.S. personnel.

Such exchanges have continued, with additional casualties and fatalities, until the present. Naval gunfire support on specific locations has been carried out in an effort to protect our forces on the ground. In addition, tactical air support and reconnaissance has been authorized. Although there have been continuing efforts to arrange a ceasefire and to achieve a broader, more permanent arrangement which would reduce the occurrence or imminence of hostilities, there is no immediate indication that this situation will soon change significantly. Therefore, the hostile situation has been a continuing one.

In enacting the War Powers Resolution in 1973, Congress made little effort to go beyond the "plain meaning" of key terms "hostilities" and "situations where imminent involvement in hostilities is clearly indicated by the circumstances." These terms originated in the early Senate versions of the Resolution and prompted little subsequent discussion. The House Foreign Affairs Committee later substituted them for its original phrase, "armed conflict." because the term "hostilities" was considered "somewhat broader in scope." "In addition to a situation in which fighting actually has begun," the Committee wrote, "hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict."

In short, the exchange of fire with hostile forces would indicate an outbreak of hostilities, and a high probability of such exchanges would suggest "imminent involvement." Brief, non-recurring situations such as occasional sniper fire would not suggest the continuing dangers associated with an ongoing set of hostile circumstances.

Arguments have been made, that a hostile situation was not indicated by the present circumstances because the Marines:

(a) Only returned rather than initiated fire;

(b) Acted only in self-defense;

(c) Remained essentially in one location, rather than taking offensive actions;

(d) Performed a mission of "peacekeeping," "presence," or "interposition".

However, there is nothing in the legislative history of the War Powers Act to indicate that any of these considerations would alter the fact that "hostilities" are indicated. For the same reason, it is not conclusive that an area commander may have decided, as in the present situation, to make his men eligible for "hostile fire pay." Nor is it necessary or sufficient that fatalities occur in order to conclude that hostilities are involved.

(2) *Need for authorization or extension.*—The requirements of Section 5(b) of the Wars Powers Resolution speak for themselves:

(b) Within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such 60-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such 60-day period shall be extended for not more than an additional 30 days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

Two points about this language should be emphasized, however. First, the actual submission of a report by the President is not a prerequisite to the operation of the requirement for an authorization. The language "submitted or is required to be submitted" was obviously intended to cover situations in which the required report is either not submitted at all or is submitted late. In other words, the President does not need to certify that a hostile situation is involved under Section 4 in order to be bound by the requirement for an authorization in Section 5.

Second, the available 30-day extension of the deadline is not simply a matter of Presidential discretion. The President must certify that he is in the course of withdrawing U.S. forces and needs the extra time in order to do so safely because of "unavoidable military necessity."

(3) *Congressional procedures.*—Assuming that hostilities involving U.S. forces can be said to have begun on August 29, the 60-day period began on August 31, since that is when the report would have been due. (It also happens to be the date on which the President's report of August 30 was actually submitted, which is the alternative starting point.) In other words, the War Powers Resolution allows for a 62-day period from the outbreak of hostilies. Counting forward 60 days from August 31 would be October 30.

Under Section 6 of the War Powers Resolution, the Committee Resolution becomes the pending business in the Senate as soon as it is reported, after which the Senate has up to three calendar days to vote on it. Further procedures are prescribed to assure Committee and floor consideration by the House and a House-Senate Conference prior to the 60-day deadline. The House Foreign Affairs Committee approved a nearly identical resolution on September 22 by a vote of 30 to 6.

To facilitate congressional oversight of this authorization the Committee added two further procedures proposed by Senator Mathias. One provision would require the President to provide detailed reports on the situation of the Multinational Force every 3 months. A second provision assures that resolutions to amend or repeal this authorization shall be considered in Committee within 15 days and, if reported to the Senate, shall receive consideration in both the House and Senate. Such consideration is also assured for changes reported by the House Foreign Affairs Committee.

Constitutional considerations

This is the first time since the enactment of the War Powers Resolution on November 7, 1973, that Congress has faced the task of considering a specific authorization for the involvement of U.S. Armed Forces in hostilities. The text and history of the War Powers Resolution provide little guidance as to how such an authorization should be drafted. The War Powers Resolution was passed to ensure that Congress would have an opportunity to exercise its constitutional responsibilities; the Resolution itself gives little guidance about how it was supposed to do so in any given case.

(1) *Declaration of war analogy.*—One approach is to regard the task of Congress in enacting a specific authorization as similar to its function in declaring war. The power to declare war, of course, is the particular authority and function assigned to Congress in Article I, Section 8 of the Constitution. By this analogy, the role of Congress is to decide the general question of whether a particular commitment of forces to hostilities in a given part of the world is worth the costs and risks expected from it. Once having exercised this broad judgment—and acting as a check upon Presidential excesses—Congress arguably should not seek to limit or direct the activities of the Armed Forces. Such decisions (so the argument might run) were meant to be exercised only by the President as Commander in Chief, under Article II, Section 2. Frustration with the efforts of the Continental Congress to prosecute the Revolutionary War and subsequent conflicts led the drafters of the Constitution to limit Congressional involvement to the power to "declare" rather than to "make" war as originally proposed. Thus, declarations of war have typically been brief, general statements, without time limits or other specific restrictions.

(2) *Legislative limitations.*—A different approach to the drafting of a specific authorization is to enact particular limitations or criteria which circumscribe the scope of the commitment. Such specifications might include the duration, location, size, cost and mission of U.S. deployments, as well as requirements based upon future developments. Presidents have traditionally resisted such constraints as infringements on the Commander in Chief power, but no definitive resolution of such questions has ever been achieved.

Members of Congress are therefore confronted with the need to decide a novel issue regarding the role appropriate of the legislative branch: how far should the Con-

gress go in defining the authority being granted to the President in a situation of hostilities? Is it appropriate for Congress to try to predict, and to protect legislatively against, every foreseeable risk which our forces might encounter in their mission, or to anticipate and define each angle of Presidential flexibility to respond to events? Or is it part of the responsibility which Congress is insisting upon for itself under the Constitution to recognize the inevitable risks and costs of any foreign military involvement—and to accept such risks as part of the decision to approve its initiation or continuation?

Scope of Senate Joint Resolution 159

The authorization recommended by the Committee takes a middle ground on the question of general approval and specific limitations. While confining its terms to the mandate of the Multinational Force and preserving existing statutory provisions relating to "any substantial expansion in the number or role", the resolution recognizes the possible need for "protective measures to ensure the safety of the Multinational Force".

As the Chairman of the Committee, Senator Percy, has argued, any suggestion that the terms of this authorization resemble the Tonkin Gulf Resolution of 1964 or amount to a "blank check" for Presidential actions is simply unfounded. The resolution is limited and specific in a number of respects.

(1) *Duration.*—Attention has focused on the 18-month duration of this proposed authorization, as if time limitations are the only effective measure of statutory restraints. Six months has become the benchmark of those who regard this proposal as a "blank check." In fact, however, any time limit is an arbitrary choice, having little to do with the events in Lebanon or the policy choices involved in maintaining a Multinational Force. If Congress is to decide in the future against further U.S. participation, it could just as easily make such a judgment in 2 months or 10 months.

(2) *Active oversight.*—Whatever the time limits, the test of Congressional responsibility will be the degree to which Congress actively follows the situation in Lebanon and, if necessary, takes steps to adjust this authorization once it is enacted. Senator Mathias offered two amendments in the Committee, both adopted by voice vote, which increase the ability of Congress to play such as active role. His amendment to Section 4 requires the President to report to Congress every 3 months, rather than every 6 months, on the situation in Lebanon and the steps being taken to fulfill the objective of the Multinational Force. His second amendment added a new Section 8 to the resolution, providing for expedited procedures in the consideration of any amendment or repeal of this authorization.

Even with these additions, of course, Congress must follow through in the exercise of its responsibilities through oversight and amendment. Such an approach is far preferable to restrictions which avoid the difficult choices and prevent the possibility of decision through inaction.

(3) *Limited mandate.*—The authorization contained in this resolution is limited to the functions of the Multinational Force in Lebanon. Section 6 of the resolution provides that U.S. participation "shall be subject to the limitation, specified in the agreement establishing the Multinational Force in Lebanon" of September 25, 1982. (See Appendix for text.)

Three principal limitations on the U.S. role are contained in that agreement: the number of U.S. troops will be approximately 1,200, they will operate in the Beirut area in support of the Lebanese Government, and they are not expected to perform a combat mission. According to Marine Commandant Kelley, in his testimony of September 21 before the Committee, the number of Marine personnel actually on the ground in Lebanon has been closer to 1,500, since about 300 support personnel are rotated onshore at any given time. But the size, location, and mission of U.S. forces have not substantially changed, despite the outbreak of active hostilities last month.

(4) *Protective measures.*—The Committee recognizes that performing the role of peacekeeping forces is a new and unfamiliar role, not only for the troops themselves, but for the U.S. Government and the American public as well. Having to stand between hostile forces in the same, sometimes vulnerable locations without taking and maintaining the offensive can be a difficult posture to maintain, particularly for United States Marines. From time to time, U.S. forces must respond to direct attacks or take protective actions for their own defense. The Committee does not believe that such actions necessarily change the role of the U.S. forces, so long as the task of the U.S. forces is not to duplicate or supplant the functions of the Lebanese Armed Forces or to redeploy from the Beirut area, or in other respects to exceed the limited mandate of the Multinational Force or the limitations of the Lebanon Emergency Assistance Act of 1983.

From the outset of the Multinational Force, it has been assumed that the various national contingents are part of a common effort. Therefore, not only do they have the usual right to defend themselves, as recognized in the September 25 agreement, but also a general responsibility to come to each other's assistance when called upon to do so. The resolution therefore acknowledges the possible necessity of actions "to ensure the safety" of other contingents of the Force.

(5) *Limitations on expansion.*—"Any substantial expansion in the number or role in Lebanon of United States Armed Forces" would call into play the provision of Section 4(a) of the Lebanon Emergency Assistance Act, requiring the President to seek authorization for such expansion. That legislation was signed by the President on June 27 of this year. Section 7 of this resolution makes clear that it is not intended to affect that requirement.

However, during the Committee's hearing on September 21 with Secretary of State Shultz, some question arose as to whether the Reagan Administration felt constrained by this provision.

Senator SARBANES.* * * Is it the Administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific Congressional authorization?

Secretary SHULTZ. I think the President, or perhaps any of you if you were President, thinking about your role, your Constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or other after the Congress had authorized it.

Senator SARBANES. So it is your position, then, that you could substantially expand them without a Congressional authorization?

Secretary SHULTZ. The constitutional reservation goes to the President's role as Commander in Chief, and therefore to his capacity to be in charge of the deployment of the armed forces of the United States. I have no doubt that he will continue to assert that role.

The Committee is concerned that Secretary of State Shultz seemed reluctant to accept the need for an authorization to expand substantially the number or role of U.S. forces in Lebanon as required by law. That provision was adopted after very careful deliberation by this Committee and on the basis of very clear assurances by the Reagan Administration that it would seek an authorization for that purpose. However, it is true, as the legislative history of this provision clearly reveals, that Congress did not insist upon specific prior authorization for any such expansion in numbers or role. The issue of prior authorization was a principal subject of discussion in the Committee and on the House side. The Administration strongly opposed any such requirement and, in the end, the Congress did not insist upon it. The following statement by Congressman Hamilton during the final debate on June 1 on a House-Senate compromise version of the bill, described the congressional interpretation of this provision:

The requirement for congressional authorization is not meant to impede the performance of the limited functions currently being performed by the U.S. Marines in Beirut or to interfere with their ability to defend themselves if attacked. However, any decision to expand significantly the role in Lebanon of United States Armed Forces would require statutory authorization.

If possible, the President should obtain authorization from the Congress before any significant change is made in the size or role of the U.S. forces in Lebanon. The Congress is aware, however, that in order to promote peace within Lebanon and fulfill international commitments, the deployment of a new or expanded peacekeeping force involving U.S. forces might be necessary prior to final passage of congressional authorization." However, congressional action should be obtained at the earliest possible time. In any case, the Congress expects full consultations by the executive branch with the Congress in a timely fashion should any change be contemplated in the size or role of U.S. forces in Lebanon, including any change in conjunction with the creation of a new peacekeeping force.

In its own final deliberations on this provision, the Committee acted on the basis of assurances contained in an April 20 letter from Deputy Secretary of State Kenneth Dam:

THE DEPUTY SECRETARY OF STATE,
Washington, April 20, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I understand that the House Foreign Affairs Committee has adopted an amendment to the Lebanon supplemental which provides that the President shall obtain statutory authorization from the Congress with respect to the introduction of U.S. Armed Forces into Lebanon in conjunction with agreements for the withdrawal of foreign forces and the creation of a new multinational force. *I understand that this language was deliberately drafted so as not to interfere with the President's ability to begin such an introduction, if circumstances urgently require it, while*

Congress is considering his request for statutory authorization.

Under these circumstances, the HFAC amendment correctly described what this administration intends to do, is consistent with what we have done in comparable situations in the past (such as the Sinai Multinational Force), and is therefore acceptable to us. *It is our intention to seek authorization from Congress as soon as possible following the completion of the ongoing negotiations, and we trust that Congress and the executive branch would then work expeditiously together with the objective of obtaining such authorization, if at all possible, prior to such new deployments.*

I strongly hope that your committee will not find it necessary to deal with this question in the context of section 4(a)(1) of the war powers resolution. It would be highly premature and unwise, and potentially damaging to the integrity of the resolution, for Congress to prejudge the possible applicability of that section to future arrangements which have not yet been negotiated and future circumstances which cannot yet be predicted. Such an action, which would amount to a public finding that U.S. forces will be exposed to an imminent risk of involvement in hostilities, is in no way a foregone conclusion, and could give entirely the wrong public impression as to what results these negotiations are intended to produce. Surely it would be far preferable for Congress to reserve judgment on this matter (as we will) until it can evaluate the circumstances as they develop, knowing that the provisions of the war powers resolution will, of course, remain available.

I appreciate this opportunity to comment on your committee's work, and hope that we can arrive at a result which accommodates our mutual interests in this matter.

Sincerely,

KENNETH W. DAM.

[Emphasis added.]

The Committee expects that the commitments made the Administration on this point will be kept.

Institutional accommodations

This resolution is the reflection of a delicate compromise, carefully constructed in recognition of the family-held positions of both the legislative and executive branches. However, the Committee believes that the resolution is fully consistent with, and supportive of, the constitutional role of Congress recognized in the War Powers Resolution. As our former colleague Jacob Javits—the principal Senate author of the War Powers Resolution—expressed it in a statement provided to all Members prior to the markup:

The Administration and the Congress have each gained a major point in the proposed compromise on the War Powers Resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed abroad into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint not concurrent resolution, thereby, requiring the President's signature. This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

MINORITY VIEWS

We strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy and approved in the Foreign Relations Committee by a vote of 9-7. In our judgment, its enactment would constitute (1) a dereliction of Congressional responsibility to uphold the principles and procedures of the War Powers Resolution of 1973; (2) a failure to require of the Administration a clearly articulated and persuasive statement of the mission which U.S. Marines have been deployed in Lebanon to implement; and (3) and 18-month "blank check" under which the Administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is operating with full Congressional sanction. These gravely serious flaws warrant elaboration:

(1) *Dereliction of congressional responsibility relating to the War Powers Resolution.*—The Baker-Percy language has been presented as a "bipartisan compromise" which, in the interest of avoiding a dispute over "legalisms," would allow Congress and the executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

We do not believe that the issues surrounding proper implementation of the War Powers Resolution are mere "legalisms." At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both houses. The reservations expressed by the executive branch about the resolution's constitutionality do not diminish or compromise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nulify that law. But by failing to demand adherence to obligations prescribed in the Resolution, Congress would abdicate its responsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the War Powers Resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader, Byrd and advocated in Committee by Senator Cranston, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the War Powers Resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of 2 Marines. Enactment of such a resolution would not entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers Resolution procedures, including the requirement for Congressional authorization for the maintenance of U.S. forces in Lebanan beyond 60-90 days. Unfortunately, this proposal was defeated in Committee by a vote of 9-7.

The determined unwillingness of the administration to recognize that the procedures stipulated by the War Powers Resolution are now in fact required became starkly evident during the Secretary of State's testimony before the Committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the War Powers Resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The Administration is prepared to participate in a procedure which would give some appearance of creating a War Powers Resolution framework without really conceding that any such framework exists.

Not only is the War Powers Resolution the law; its applicability to the situation in Lebanon is manifest. Accordingly, we believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally side-stepping the issue, the Baker-Percy resolution fails to meet that test.

(2) *The absence of a clearly defined policy.*—The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. Marines were introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the Marines were reintroduced into Lebanon, they were deployed to perform, as part of a Multinational Force, the less precisely-worded mission set forth in the September 25, 1982, exchange of letters between the United States and Lebanese Governments. That agreement did, however, make clear that the U.S. military role would be confined to "the Beirut area" and would preclude involvement in combat.

While citing the September 25 agreement, the Baker-Percy resolution is drafted so as to be susceptible to an extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The "purposes" cited in Section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of 1 year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. military forces alone possibly to accomplish. consequently, the effect of the resolution is to provide Congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the War Powers Resolution is that it would require the Administration to submit for Congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any "Vietnam syndrome" to find in that resolution a disturbing similarity to the "Gulf of Tonkin" resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different Administration to assert that it possessed Congressional support for an Indochina policy which proved to be one of everwidening involvement.

(3) *An 18-month blank check.*—Since we take as serious the Administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy "authorization" is

technically a moot point. Practically, however, a shorter "authorization" would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, we supported—but failed in a 9–8 vote to achieve—the substitution of a 6-month "authorization" period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. We reject the argument that a time period shorter than 18 months will endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the Administration had offered a clearly-defined mission in Lebanon for the U.S. Armed Forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited "authorization" might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the United States involvement in Lebanon. We believe in any case that to pass this resolution would represent a grave abdication of congressional responsibility.

CLAIBORNE PELL.
JOSEPH R. BIDEN, Jr.
JOHN GLENN.
PAUL S. SARBANES, Jr.
EDWARD ZORINSKY.
PAUL TSONGAS.
ALAN CRANSTON.
CHRISTOPHER J. DODD.

SUPPLEMENTAL VIEWS OF SENATOR BIDEN

In concur with the basic arguments against the Baker-Percy resolution expressed in the Minority Views. I want to emphasize, however, that I would not support any authorization for troops in Lebanon of any duration absent much more clearly defined goals and a reasonable prospect of attaining those goals.

JOSEPH R. BIDEN, Jr.

APPENDIX

THE LEBANON EMERGENCY ASSISTANCE ACT OF 1983

SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peacekeeping force in Lebanon.

AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON UNITED STATES PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT EFFECTED BY EXCHANGE OF NOTES AT BEIRUT SEPTEMBER 25, 1982, ENTERED INTO FORCE SEPTEMBER 25, 1982

Beirut, September 25, 1982.

His Excellency FOUAD BUTRUS,
Deputy Prime Minister and Minister of Foreign Affairs, Beirut,

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an Amreican Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

ROBERT DILLON,
Ambassador of the United States.

REPUBLIQUE LIBANAISE,
MINISTERE DES AFFAIRES ETRANGERES,
Beirut the 25th of September 1982.

His Excellency ROBERT DILLON,
Ambassador of the United States.

YOUR EXCELLENCY: I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consultations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring an end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area.The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1,200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the NMF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accept, Your Excellency, the assurances of my highest consideration.

FOUAD BOUTROS,
Deputy-Prime Minister,
Minister of Foreign Affairs.

[Following are the texts of three resolution considered by the committee on September 23, 1983.]

S.J. RES. 159

Whereas the achievement of peace and stability in an independent Lebanon is an important national objective of the United States and a vital step toward a broader peace settlement in the Middle East; and

Whereas United States Armed Forces, in combination with forces from France, Italy, and Great Britain have performed a constructive role in assisting the Government

of Lebanon in its efforts to restore the stability and prosperity of that country; and

Whereas under article 1, section 8, of the Constitution of the United States, the Congress has the responsibility to make decisions regarding the commitment and maintenance of United States Armed Forces abroad, as recognized by the War Powers Resolution of 1973 (Public Law 93–148); and

Whereas the circumstances of the United States Armed Forces in Lebanon, beginning with the fatal attack on United States Marine positions on August 29, and the further exchanges of fire which have resulted in continuing United States casualties, clearly indicate a situation of hostilities or imminent involvement in hostilities by United States forces, as contemplated by section 4(a)(1) of Public Law 93–148; and

Whereas this situation requires congressional authorization to continue the presence of United States Armed Forces in a situation of hostilities or imminent involvement in hostilities for longer than sixty days, as provided in section 5(b) of Public Law 93–148: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This joint resolution may be cited as the "Lebanon Peacekeeping Resolution".

SEC. 2. For the purposes of this authorization, the sixty-day period specified in section 5(b) of Public Law 93–148 is determined to have begun on August 31, 1983.

SEC. 3. The President is authorized to maintain United States Armed Forces in Lebanon as part of a multinational peacekeeping force for a period of one hundred and twenty days from the expiration of the sixty-day period specified in section 5(b) of Public Law 93–148.

S.J. RES. 163

Whereas United States Armed Forces have been deployed in Lebanon since September 1982, as participants in a Multinational Peacekeeping Force at the request of the Government of Lebanon;

Whereas since August 28, 1983, United States Armed Forces have been introduced into hostilities and into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas as a result of having been introduced into such hostilities, four United States Marines have been killed and numerous others have been wounded as a result of hostile fire in Lebanon since August 28, 1983;

Whereas such events have required that United States Armed Forces return hostile fire in Lebanon as a matter of necessary and essential self-defense;

Whereas on September 13, 1983, the Department of State announced that United States Marines in Lebanon have been authorized to "use firepower—their own and offshore firepower in defense of the Marines, the other members of the multinational force and the Lebanese armed forces, if they (are) under attack and if that attack would endanger the Marines or the multinational force"; and

Whereas United States Armed Forces in Lebanon are receiving hostile fire pay as a result of the judgment of the area commander that the circumstances so warrant: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as of August 28, 1983, United States Armed Forces in Lebanon were introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," within the meaning of section 4(a)(1) of the War Powers Resolution (Public Law 93–148).

S.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over is own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provision of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letter between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every six months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

Mr. BAKER. Mr. President, I am advised that a portion of the unanimous-consent request to deal with the debate times has now been approved by the distinguished minority leader, and I will put this request at this time. I ask unanimous consent that the time for debate on this resolution, which began at 2 p.m. today, extend until not later than 5 p.m. today, and that the time between 2 p.m. and 5 p.m. today will be under the control of the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I hope we can clear a unanimous-consent request for the handling of this matter for tomorrow, Wednesday, and perhaps Thursday later in the day.

Mr. President, I now designate the distinguished chairman of the Foreign Relations Committee (Mr. PERCY) to manage the time on this side. Mr. President, I believe that the distinguished chairman of the committee is prepared now to assume the management of this resolution. I have a statement that I will make shortly after the chairman makes whatever statement he wishes and after the manager on behalf of the minority makes whatever statement he wishes.

Mr. BYRD. Mr. President, if the majority leader will yield just briefly, I, for today, designate the distinguished Senator from Delaware (Mr. BIDEN) to control the time on this side, or his designee.

Mr. BAKER. Mr. President, I now yield the floor so that the distinguished chairman of the Foreign Relations Committee may proceed.

The PRESIDING OFFICER. The Senator from Illinois is recognized for that purpose.

Mr. PERCY. Mr. President, I, first of all, would like to express deep appreciation to the distinguished majority leader for his leadership in the development of this resolution. I support him fully in his efforts and am proud to cosponsor the resolution to achieve an accommodation on this issue. I therefore joined with him in introducing the resolution and supporting it in committee.

I would also like to bring to the attention of the Senate the distinguished work of our minority leader. He has felt very, very deeply about the War Powers Act. It is one of the most important single things the Congress has accomplished in its 207-year history. It deals with a fundamental, constitutional principal, a principle which when not observed in the Vietman war and the South Korean war divided this country as it has never before been divided. There is no way we can carry out a foreign policy unless the people of the United States are behind it, and there is no way we can carry it out without the support of Congress, particularly when it involves war. What the framers of the Constitution clearly intended when they said "declare war" was "make war," and "that the Congress and only the Congress can make war." The problem is: We found ourselves in a situation where it was just out of style to declare war. We have not declared war since World War II; 600,000 young men engaged in Vietnam. Was that not a war? It certainly was by the definition of the framers of the Constitution, and certainly that was the view of John McCloy, an eminent international lawyer, former chairman of Chase Manhattan Bank, former High Commissioner in Germany, who testified for hours before the committee. He did months of research work. His testimony should be read by every single Senator and by every President and by every member of the executive branch, the State Department, and Defense Department if they have any doubt about what the framers of the Constitution really intended.

What the distinguished minority leader and the distinguished majority leader have done is brought us back to square one. They brought us right back to what our Founding Fathers debated and deliberated and in their wisdom determined how and when and under what conditions this country should engage in war.

So what we have done for the past several years is simply go back into history and reconstruct and update the Constitution through a statute.

I was so troubled by this that I introduced the first resolution of many resolutions into the Congress; 30 days later, in his infinite wisdom, Senator JAVITS joined together with Senator STENNIS and many of us as cosponsors in proposing not just a sense-of-the-Senate resolution but a law. It became, over the veto of President Nixon, the War Powers Act.

These are momentous days in the Senate. The distinguished minority leader has put on the RECORD the history of the Senate as it has never been portrayed before, updating it in every nuance, every action, important and unimportant, that has occurred in this body. Certainly I hope he will write that final chapter and talk about what this Congress has done to give full flower and full implementation to the true meaning of the Constitution and tell the Congress what its duty and responsibility is in connection with war. Never again let us get into a war and have it renounced by half, or maybe two-thirds, of the country and have the Congress reluctantly being dragged, kicking and screaming, deeper, and deeper, and deeper into the quicksands of a war thousands of miles removed. Let us know exactly what we are doing. Let us know exactly who is taking us there. Let us know exactly that we are following the intent and purpose of the framers of the Constitution. The War Powers Act does exactly that.

As the Secretary of State implied to us in testimony the other day, any of us that might be President—and he hinted several Members at the podium hope to be President—would want any restraints placed on them. They would want maximum flexibility.

But I can report that in the President's home State, the people of Illinois, are following this matter with tremendous interest. We came into a war, Civil War, a war between the States, that divided this Nation, but we did it knowingly and in accordance with the provisions of the Constitution. We went into Vietnam, a war that divided the country, burdened us with debt, gave us rampant inflation, divided us as we have never been divided before. This put us in a position where we were not proud of the way we finally extracted ourselves by a mandate, a mandate of the Congress of the United States 50,000 lives later.

All we are trying to do is to present it. What the President is doing is now reaching out to find a way to do with us.

The provision before us is not perfect, but it moves us a long way in the direction of sharing the responsibility, that awesome responsibility, which cannot and must not be assumed only by the President of the United States. Congress must take most of that responsibility.

Mr. President, none of the members of the committee believes that choices facing us in Lebanon are easy. The problems of Lebanon are complex and do not lend themselves to quick or simple solutions. Many of the Lebanese difficulties are self-inflicted but we must not overlook external forces which have interfered for a decade in internal Lebanese affairs. The Syrian Army is the single largest military force in Lebanon. PLO terrorists, Iranians, and Libyans are all active in Lebanon.

Mr. President, I pause at this moment to make note of the fact that the President did make a remarkable

statement to the United Nations a few hours ago.

Several of us—Senator COHEN and I, joined by Senator MOYNIHAN—heard the President give that message. It was a remarkable message—an intelligent, unemotional message to the world—and many aspects of it could be commented upon.

At the conclusion of my comments, I will ask unanimous consent that the full text of the President's statement be printed in the RECORD. At this point in the proceedings, I ask unanimous consent to have printed in the RECORD an extract from the President's speech, where he refers to the trouble in the Middle East.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In Lebanon, we, along with France, Italy and the United Kingdom, have worked for a ceasefire, for the withdrawal of all external forces, and for restoration of Lebanon's sovereignty and territorial integrity.

Mr. PERCY. The United States has a national interest in seeing that stability is returned to Lebanon and to assist the Lebanese in reestablishing their own sovereignty. A failure to work for these goals could seriously undermine American interests throughout the region. We must not lose sight of the fact that the problems of Lebanon cannot be isolated from the wider issues of peace and security in the Middle East.

Since August 1982, the administration has articulated consistent policy objectives.

I cite these because there have been intimations from some of our colleagues that we have not had a policy, that we have not had a consistent policy, that we have not had a steady policy, that we are just going day by day, hour by hour. Mr. President, these administration policies have been there from the outset. They have been updated; they have been improved upon; but, in essence, they are the objectives with which we have started. They are as follows:

A permanent cessation of hostilities; establishment of a strong, representative central government; withdrawal of all foreign forces; restoration of control by the Lebanese Government throughout the country; and, establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

A couple of years ago, I stood on the Israeli northern border, traveled from one end to the other, saw at the end of the 7 months what a difference a ceasefire made.

Up to that point, not one, single life had been lost; not one injury had been inflicted in 7 months. Yet, before that cease-fire, children had attended schools in bomb shelters. Bomb shelters constituted the largest part of the cost of every hospital built in the northern areas of Israel.

The widows with whom I spoke and the maimed soldiers with whom I spoke were testimony to the repeated harassment and bombardment they had received from southern Lebanon.

We did achieve in that cease-fire a goal, but it was limited. When the cease-fire ended, tragically, once again, an all-out war began in that area.

Today at 6 o'clock this morning Beirut time; midnight eastern standard time; 11 p.m. last night, Chicago time—a cease-fire went into effect, to halt the current fighting.

Many vehicles are being employed to obtain these goals.

The presence of the American marines as part of the Multinational Force in Beirut is one and only one of these vehicles.

The first component of the administration's strategy is to promote Lebanese national reconciliation. Important steps have been taken in that direction. On August 31, President Gemayel called for a national reconciliation meeting. Yesterday, a cease-fire was announced and Lebanese leaders agreed to a meeting in Saudi Arabia. We must not delude ourselves. Resolving Lebanese differences will not be easy or without setbacks; nevertheless, steps are being taken in the right direction.

We must also support the legitimate Government of Lebanon. President Gemayel was elected last year by 77 of 92 members of Parliament. A majority of both Muslims and Christian Deputies supported him and continue to do so.

We must support President Gemayel's efforts to rebuild national institutions. Most important of these institutions is the Lebanese Army. In 9 months considerable progress has been made in reconstituting a truly national military force which is half Muslim and half Christian. Not all of the problems have been resolved; nevertheless, multiconfessional units have fought well for the national interest of Lebanon. Those who attack the Army are seriously damaging the future of Lebanon. We have helped train and equip this force and we will continue to do so.

The role of the marines: Let us get clearly fixed in mind what the role of the marines is, as expressed to us in the Foreign Relations Committee by Marine Corps Commandant Paul X. Kelley, an absolutely outstanding leader in our military forces, a member of the Joint Chiefs of Staff. His remarks were buttressed by former marine captain, Secretary of State Shultz.

That is an unusual situation, when we have sitting side by side as witnesses two marines, one preparing to defend this country in the event of war and the other spending his entire time trying to find ways to establish peaceful conditions for this country. The role of the marines, as described by them, indicates that the Multinational Force including our marines are one element being used to advance American policy objectives. They are in Lebanon to provide a measure of stability while the Lebanese Government builds a national consensus and continues the process of rebuilding the national army. They are a demonstration of our support to the people of Lebanon.

Mr. President, I have joined the majority leader in supporting the joint resolution that is before us, authorizing continued participation of U.S. forces in the multinational force in Lebanon.

Its principal elements are the following, and I believe they bear repeating so that this RECORD can be complete.

First, a congressional determination that our marines have been involved in actual or imminent hostilities since August 29, as contemplated by section 4(a)(1) of the war powers resolution.

Second, an 18-month authorization for the continuation of American participation as required by section 5(b) of war powers, which is limited to the current mandate of the multinational force as set forth in the original September 25 agreement but also recognizes the need for defensive actions to protect the force itself.

Third, a commitment to continuing review of the situation during the interim, to be facilitated by periodic reports from the President, which may lead to possible future amendments of the original authorization.

Mr. President, attention will no doubt be focused on the 18-month duration of this authorization. I, myself, would perfer not to have a specified time limitation in this authorization. I have heard it said by some Members that they fear such an authorization will be taken as a blank check for our military involvement over an extensive period. The press has even referred to analogies with the Tonkin Gulf resolution of 1964.

Mr. President, I think such analogies are simply not well-founded. First, this authorization is keyed to the limited mandate of the multinational force as set out in the agreements last year. Let me quote from Ambassador Dillon's letter of September 25 on behalf of the U.S. Government. Our commitment was:

To deploy temporarily a force of approximately 1,200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area.

The further stipulations in the Lebanese Foreign Minister's letter also include the understanding that—

The American Force will not engage in combat. It may, however, exercise the right of self-defense.

Mr. President, I fully recognize that the Senate and the House will want to discuss our understanding of these terms and conditions, and some of the uncertainties which are undoubtedly present in implementing the language on protective measures. However, I think all Members will have to agree that this authorization is not an open-ended blank check.

Second, there is already in law a provision of the Lebanon Emergency Assistance Act which effectively places a lid on the level of U.S. involvement. It requires that any substantial expansion in the number or role in Lebanon of U.S. Armed Forces would require a further authorization. That requirement is not affected by the resolution being introduced today and would continue to apply. The President has said that he does not seek to go beyond the present level of U.S. involvement in any case.

Finally, Mr. President, I want to emphasize that in providing an authorization for an 18-month period, we are not simply dropping out of the picture until the spring of 1985. The resolution itself provides for continuing reporting and consultations to assure that we will follow the situation carefully. We may, at some point, want to consider amendments to this authorization if the circumstances should justify it. That is why I would prefer no deadlines for such an authorization, because they have a tendency to confuse the ongoing nature of our responsibilities. But I support the basic elements of this authorization and I think it deserves the support of my colleagues in the Senate.

At this point, Mr. President, I ask unanimous consent that two editorials in support of this resolution in the Washington Post this morning and an excerpt from the New Republic, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 26, 1983]

STRENGTHENING THE AMERICAN HAND

Is the compromise resolution of the Marines in Lebanon in trouble in Congress? Possibly. Last Tuesday, the administration and the congressional leadership of both parties accepted a compromise initially proposed by Speaker O'Neill: Congress would pass a joint resolution asserting that the War Powers Act applies, but also authorizing the president to continue deploying the Marines in Lebanon as part of a multinational force for another 18 months. On Wednesday the House Appropriations Committee—normally prone to accept executive leadership in foreign policy—voted 20-16 to cut off funding for the Marines in Lebanon unless the president certifies by Dec. 1 that the War Powers Act applies—a certification that would give him 60 more days to get Congress to approve the deployment. On Thursday the House Foreign Affairs Committee approved the O'Neill resolution by a 30-6 vote, and on Friday its Senate counterpart, after some vote switching, did the same by a 9-7 margin. What is going on?

Everyone expects the Republican Senate ultimately to approve the resolution. The question is what the Democratic House will do when the resolution comes to the floor ths week. The speaker will likely allow votes on amendments, and, while most people expect the leadership to prevail, some respected legislators favor the Appropriations Committee result.

Many members are uneasy. They would like the president to acknowledge more explicitly the legitimacy of Congress' role. Some want to put pressure on him to withdraw the Marines soon. Some believe that any set period, long or short, is dangerous because it might give one or another of the Lebanese parties an incentive to refuse to reach agreement; by delaying invoking of the War Powers Act until Dec. 1, they hope to give the president a chance to move the parties to agreement without setting any specific deadline now. The monkey of responsibility in any case would remain on the president's back. But could Congress, when the 60-day deadline starts Dec. 1, set conditions or promote discussions any more deftly than it can now?

We think the approach of the leadership compromise is better. It does invoke the War Powers Act. It forces Congress—including the Democratic House—to join the president in taking responsibility for a policy about which everyone has qualms but for which few have a palatable alternative. No one so far has come forward with a resolution calling for withdrawal of the Marines now. The danger is that the House will indulge too far the politician's instinct for compromise by cutting the 18-month leeway period to six or nine months. This would weaken, rather than strength, the American hand in negotiations, and could involve Congress in a series of fractious disputes over a policy that most members, if they had to take the responsibility directly, would almost surely support.

[From the New Republic, Oct. 10, 1983]

• • • the compromise resolution hammered on by the White House and congressional leaders on September 20 (is) such a gratifying development. We may not be back to the days of Vandenberg, but we're far beyond Vietnam. The proposed joint resolution will authorize U.S. participation in the multinational force for eighteen months (i.e., beyond the 1984 election). At the same time it will allow the branches of government to disagree on the constitutional issue: the resolution invokes the War Powers Act, but the President, by expressing reservations about his part of the resolution, has reserved the right to challenge the Act in the future court battles. The compromise resolution wisely rejects calls for a more rigid time limit. To declare that the Marines would have to withdraw in three or six or eight months, as some members of Congress are urging, would be a disaster. Better to withdraw tomorrow. Such a resolution would be a telegram to Damascus telling it that for the next three or six or eight months it can lob shells at a leisurely pace into Marine positions, after which it can march into Beirut. The purpose of an American commitment is to ensure the survival of the Lebanese government. Telling those who wish to destroy that government that the United States will be gone in a few months will simply undermine our objective, demoralize the Lebanese Army, and increase the danger to American troops. It may turn out that in the end U.S. Marines cannot protect the Lebanese government. It may be too costly and too difficult. Mr. Gemayel and his army may be too weak. A withdrawal can always be made, but to declare one preemptively now is to doom the enterprise from the start.

It is Lebanon's misfortune to be situated where it is in the Middle East. There is little that the United States can do about that. But it is good that Congress and the President seem ready to work together to try to save a weak and worthy friend.

Mr. PERCY. Mr. President, I would like to point out to my respected colleagues in the Senate that the Senate version of this resolution differs from the House version in two respects.

Two amendments by Senator MATHIAS were offered and the committee accepted those amendments with the support of the majority leader.

I would earnestly request Chairman ZABLOCKI and members of the House Foreign Affairs Committee, as they consider this legislation on the floor, to take this into account so that we can avoid a time-consuming conference if they would accept these two amendments.

Also, they had an amendment that was different than ours. This amendment took into account the differing circumstances that might result if the British, Italian, and French members of the multinational forces withdrew. Such an action would put our forces in an entirely different position, and I will offer, at an appropriate time, an amendment to this effect in order to update our resolution and use the same wording as the House Foreign Affairs Committee.

So with those two provisions I put the Senate on notice and the House of Representatives that we would hope that there could be appropriate action.

I do feel that special attention should be given to the editorial from the Washington Post this morning and its conclusion. The article is entitled "Strengthening the American Hand," and the editorial board of the Washington Post concluded:

We think the approach of the leadership compromise is better. It does invoke the War Powers Act. It forces Congress—including the Democratic House—to join the president in taking responsibility for a policy about which everyone has qualms but for which few have a palatable alternative. No one so far has come forward with a resolution calling for withdrawal of the Marines now. The danger is that the House will indulge too far the politician's instinct for compromise by cutting the 18-month leeway period to six or nine months. This would weaken, rather than strengthen, the American hand in negotiations, and could involve Congress in a series of fractious disputes over a policy that most members, if they had to take the responsibility directly, would almost surely support.

We now have a new situation. We might have had some doubts in some

minds, if the events of the weekend had not transpired, that we were involving ourselves in a quagmire for which the end could not be seen and that it would do nothing but escalate and escalate and get worse and worse every single day, and they would be voting for a "pig in a poke," so to speak. We have been working for days, and really for weeks, on a cease-fire.

There have been effective cease-fires before in Lebanon. Our aim was to have now another even more effective and more necessary cease-fire.

The good offices of Saudi Arabia were sought by our administration, and Prince Bandar, the newly appointed and highly influential, articulate, and intelligent Ambassador to the United States from Saudi Arabia has been personally devoting a tremendous amount of attention and thought to this, as have our own representatives. They include Ambassador Robert McFarland from the National Security Council and Ambassador Richard Fairbanks and, of course, Secretary Shultz, Deputy Secretary Ken Dam, and others, and, of course, the President of the United States, who has given this matter a great deal of serious thought.

It was our Government's feeling that a cease-fire was essential as a step toward political reconciliation in Lebanon. The cease-fire and the announcement that a national reconciliation meeting will occur offers any doubting Thomas an opportunity to say they now are voting on a resolution that has a far greater chance of success.

I would like to read a few extracts from an article in this morning's Washington Post, as follows:

Earlier this month when Israel withdrew its forces from the Chouf to new positions in southern Lebanon, a vicious cycle of new fighting broke out in the Chouf and in Beirut, with the Syrians arming and encouraging the Druze and other groups like the Shiite Moslems to attack the Lebanese army.

As one U.S. official put it, "Assad believed the Gemayel government would fold, and he could just walk down the Damascus-Beirut highway behind his surrogates to take control." According to U.S. officials, a key element in the Syrian strategy was to instigate attacks on the Marines in the hope that domestic pressure would force Reagan to pull them out and rob Gemayel of U.S. support.

But, despite misgivings in Congress over Marine casualties, the officials said it has been made clear to Syria that the Marines will not be withdrawn and that the United States is prepared to use the massive firepower it has arrayed off the Lebanese coast in carefully calibrated responses to attacks against the Marines.

In addition, the officials stressed, the Lebanese army, benefiting from months of intensive training by U.S. advisers, proved able in the past month's fighting to withstand fierce Druze assaults, aided by Syrian arms and Syrian-influenced Palestinian fighters, and to keep control of the perimeters around Beirut.

And I go on to quote from another section of the same story:

Shultz said, however, that Druze leaders participated in negotiations leading to the cease-fire.

Asked what had been the key to the cease-fire, an on-and-off proposition for more than a week, Shultz replied:

"The key must have been the sense that people in the community had that further bloodshed and fighting was not going to be productive and that the time for national reconciliation had really come."

In the last two weeks, the administration has stepped up pressure for a cease-fire as congressional and public concern mounted over increased involvement of the Marines in the spreading civil war in Lebanon.

Mr. President, I ask unanimous consent that the articles by John Goshko in the Washington Post and Bernard Gwertzman of the New York Times be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SYRIA DISCERNED NEW RISK, U.S. SAYS

(By John M. Goshko)

U.S. officials yesterday gave credit for the Lebanese cease-fire to Syria's realization that it cannot keep agitating the civil war there without increasing its military involvement to the point where it would risk direct clashes with the United States and possibly provide a new war with Israel.

Specifically, the officials said, Syria's hopes of winning control in Lebanon through its support of dissident forces fighting President Amin Gemayel's government had been thwarted by President Reagan's determination not to remove U.S. Marines from Beirut and by the unexpectedly strong showing of the Lebanese army during bitter fighting in the Beirut area. That, the officials continued, has created a military stalemate that Syrian President Hafez Assad could not break unless he increased his aid to the Druze militia and other dissident groups by throwing Syrian forces directly into the fighting.

But that would mean confrontation with the American, British, French, and Italian units forming the multinational force in Beirut and, even more threatening to Assad, force Israel to consider whether it has to go to war again to prevent Syria from gaining control over Lebanon.

For these reasons, the officials said, the Syrians apparently have decided to put aside the military option, at least for the moment, and try to win greater Syrian influence in Lebanese affairs through a process of political negotiation between Gemayel and the Syrian-backed factions in the Lebanese civil war.

The officials, echoing the caution expressed publicly yesterday by President Reagan and his senior advisers, acknowledged that the cease-fire is a very fragile achievement that could unravel into renewed fighting, especially if there is not quick movement toward the negotiations on "national reconciliation."

As Reagan said yesterday in New York, the cease-fire accord is only "a first step" and there still is "a long way to go" in solving the bitter religious and political feuds that have plaqued Lebanon with warfare for a decade and that threaten to dismember the country into antagonistic, foreign-dominated enclaves.

The officials, who declined to be identified, noted that, as of late yesteday, Beirut was still the scene of fighting.

They expressed skepticism about the cease-fire going into effect on schedule at 6 a.m. today in Beirut (midnight EDT). Even Reagan, in announcing the accord, pointedly told reporters. "You see my fingers are crossed."

The president's caution underscored how much the intractability of Middle East tensions has caused him to lower his expectations since Sept. 1, 1982, when he went on national television to announce an ambitious plan for resolving the Arab-Israeli conflict.

In the ensuing 13 months, the Reagan initiative has not been realized and his bold blueprint for Mideast peace has shrunk to what has looked like a desperate effort to keep a military toehold in Beirut on behalf of a Lebanese government whose authority barely extends beyond the city limits.

Still, Reagan administration officials insisted yesterday that, with luck and skill, the cease-fire agreement could mark a turning point in U.S. efforts to put Lebanon back on the road to stability and allow a renewed attempt to tackle the larger problems of the region.

They said a cease-fire covering both the Beirut area and the nearby Chouf region, where Druze and Christian militias have been battling each other, is the necessary first step in implementing the diplomatic strategy that has been pusued for the past month by Reagan's special Mideast envoy, Robert C. McFarlane, with the aid of Saudi Arabia's ambassador-designate to the United States, Prince Bandar bin Sultan.

That strategy centers on inducing Syria to stop obstructionist activities inside Lebanon and cooperate in patching together an accord that will satisfy the political aspirations of the various contesting factions, allow Gemayel to extend his government's authority throughout the country and permit the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces occupying large portions of Lebanon.

The administration had hoped that it was on the way to achieving that objective in May when Secretary of State George P. Shultz helped to work out an agreement for Israeli withdrawal.

But that effort was derailed when Syria, which earlier had led the United States to expect its cooperation, rejected the accord and began agitating Druze and certain Moslem factions to oppose Gemayel's Christian dominated government.

Earlier this month when Israel withdrew its forces from the Chouf to new positions in southern Lebanon, a vicious cycle of new fighting broke out in the Chouf and in Beirut, with the Syrians arming and encouraging the Druze and other groups like the Shiite Moslems to attack the Lebanese army.

As one U.S. official put it, "Assad believed the Gemayel government would fold, and he could just walk down the Damascus-Beirut highway behind his surrogates to take control." According to U.S. officials, a key element in the Syrian strategy was to instigate attacks on the Marines in the hope that domestic pressure would force Reagan to pull them out and rob Gemayel of U.S. support.

But, despite misgivings in Congress over Marine casualties, the officials said it has been made clear to Syria that the Marines will not be withdrawn and that the United States is prepared to use the massive firepower it has arrayed off the Lebanese coast

in carefully calibrated responses to attacks against the Marines.

In addition, the officials stressed, the Lebanese army, benefiting from months of intensive training by U.S. advisers, proved able in the past month's fighting to withstand fierce Druze assaults, aided by Syrian arms and Syrian-influenced Palestinian fighters, and to keep control of the perimeters around Beirut.

Using these factors as ammunition, the officials said, McFarlane and Bandar emphasized to Syria that to stay with its military approach eventually might mean fighting the multinational force and possibly persuading Israel to send its forces north again for a confrontation that Syria would lose.

At the same time, McFarlane argued that Syria had an alternative in the "national reconciliation dialogue" offered by Gemayel to his foes.

The object would be to restructure the Lebanese political system to give more power to the disaffected Moslem and Druze factions.

With this as a vehicle, Syria, through its ties to these groups and its proposed role as a mediator in the talks, could seek to regain its former political and economic influence in Lebanon.

"It was a chipping away process aimed at convincing the Syrians they stand to gain more and safeguard what they see as their interests in Lebanon by talking instead of shooting," one oficial said last night. "We're still not sure if it will go that way, but the cease-fire agreement is at least an encouraging sign that they're at least willing to give it a try."

CEASE-FIRE ACCORD GAINED IN LEBANON WITH SAUDIS' HELP

(By Bernard Gwertzman)

The United States said yesterday that it regarded the announcement of a cease-fire in Lebanon as only "a first step" toward the more difficult goals of bringing about a strong central government in that country and the withdrawal of all Israeli, Syrian and Palestinian forces.

In New York, speaking to reporters at the Waldorf-Astoria Hotel after the cease-fire announcement in Damascus, Secretary of State George P. Shultz said he and President Reagan viewed the expected halt in the fighting as the start "of an important process."

He said the objectives of President Reagan and President Amin Gemayel of Lebanon "remain unchanged, in wanting to see the removal of all foreign forces from Lebanon, the emergence of a strong central government of Lebanon, based of course on national reconciliation." In addition, he said the United States remained committed to insuring that any final settlement in Lebanon provides "appropriate security arrangements" along Israel's northern borders.

ROLE OF MARINES UNCHANGED

As to the 1,600 American marines in Lebanon, Mr. Shultz indicated no change in their disposition at this time. He said their mission "remains important and remains unchanged." He added, "I think, however, they'll be a little more comfortable in carrying that mission out because they won't be subject to the crossfire that they have been in."

Mr. Shultz hinted that the large naval task force off Lebanon might be moved back if the cease-fire held. He seemed to draw attention to a call for restraint from damascus, where the cease-fire was announced, suggesting that the United States might take steps to show military restraint.

Mr. Reagan and Mr. Shultz were in New York for Mr. Reagan's appearance before the United States National General Assembly session this morning. First reports of a breakthrough in the prolonged efforts by the special American Middle East envoy, Robert C. McFarlane, and Prince Bandar, the Saudi Arabian intermediary, reached the President as he was about to leave Washington yesterday morning.

REAGAN ON PHONE TO GEMAYEL

At a luncheon yesterday with the United Nations Secretary General, Javier Pérez de Cuéllar, Mr. Reagan spoke by phone with President Gemayel and congratulated him on the expected cease-fire. When reporters later asked him about the news reports of a truce, Mr. Reagan crossed his fingers and said, "It is a first step, and you see my fingers crossed."

"It is the beginning, of course, and the cease-fire will be announced, or has been announced, and now they can get down to the real business of settling the issues, and, we hope, bringing about peace and the solution to the Lebanese problems."

Mr. Reagan said, "We are all very happy for this first step that has come about, and I'm not going to make any projections or predications."

"There is still a long road to go in settling many of the issues there," he added.

Out of deference to the Lebanese President, Mr. Shultz said details of the cease-fire arrangement should come from Mr. Gemayel. But he did say the truce would be supervised by "neutral observers." He said that so far the exact composition of that group had not been agreed upon, but he noted there were "trained United Nations observers" in the Beirut area who were willing to take on the assignment.

SOME OF THE PRESSURE LIFTED

The cease-fire agreement was expected to remove some of the pressure on the Administration from members of Congress who have been alarmed over the casualties suffered by the Marine Corps in the last month. The casualties led to the move in Congress for a resolution, based on the War Powers Act, to limit the stay of the marines to another 18 months. They have already been there for a year.

Mr. Reagan has agreed to sign the resolution, which may be passed this week, but Mr. Shultz has stressed that the Administration did not feel bound by any specific limitations. Mr. Shultz said on Saturday that the marines should remain in Lebanon until stability was achieved in Lebanon, and he defined stability as including the withdrawal of all foreign forces.

The United States has also been under pressure from its allies in the multinational force in Lebanon—Britain, France and Italy—to work out a solution that would end the fighting which had been growing in intensity. The announcement yesterday should ease that problem, officials said.

When asked what produced the cease-fire announcement after so many false starts in recent weeks, Mr. Shultz said:

"The key must have been the sense that people in the community had that further bloodshed and fighting was not going to be productive and the time for national reconciliation had really come."

A reporter noted that there had been many cease-fires in Lebanon in the past that had broken down, and asked Mr. Shultz whether there was any reason to be any more optimistic this time.

"I can't make a confident prediction," he replied, "in the sense of being able to see into the future, but there has been a great deal of turmoil, people have suffered greatly, both in terms of people killed and people wounded and opportunities foregone."

"And the urge for peace and reconciliation and getting on with the task of economic reconstruction is very great in Lebanon and I can testify to that myself very personally from the many contacts I have had with Lebanese people," he said. Mr. Shultz visited Lebanon as part of two Middle East trips in April-May and in July.

American officials said privately that if the cease-fire held, the main American goal would be to get the most representative Lebanese government possible so that a concerted effort could be made to bring pressure on the Syrians to follow the lead of the Israelis and agree to withdraw from Lebanon.

They said this remained a very difficult task, given Syria's strong opposition to the Isareli-Lebanese accord of last May, worked out by Mr. Shultz, and Syria's traditional efforts to maintain power in Lebanon.

Mr. McFarlane, in fact, was sent to the Middle East in early August as the replacement for Philip C. Habib with the object of trying to promote a Syrian withdrawal. But his mission was quickly transformed into one of serving as a mediator among the various Lebanese factions and the Syrians, once fighting broke out in connection with Israel's decision to withdraw some of its troops from the Shuf Mountains.

The Lebanese Army and the Druse, who are backed by Syria, fought to take over positions vacated by Israel, with the fiercest fighting over Suk al Gharb, which was captured by the army and held against repeated efforts by the Druse to take it.

American officials said a major positive development from the last month of hectic diplomacy was the decision of King Fahd of Saudi Arabia to cooperate openly with the United States in the cease-fire efforts. Although Mr. McFarlane was described by American officials as being the driving force, it had been important for Prince Bandar of Saudi Arabia to be involved to make it easier for the Syrians to accept the cease-fire arrangements.

Mr. PERCY. Needless to say, the recent events are a dramatic illustration of what diplomacy, tenacity, and persistence can do in preventing more fighting. What may have appeared as a warlike act turns out to be the best act for peace.

We understandably, in the world's view, stood and defended our marines. We took as few casualties as possible. But we let it be known that unless the fighting stopped, we were prepared to keep that peacekeeping force in Lebanon; we were prepared to stand side by side with other nations of the Multinational Forces. We were prepared to be there and to be counted. We were prepared to accomplish our goals and not be limited to 6 weeks or 6 months. We were prepared to stay 18 months and, if necessary, longer to see that the foreign policy objectives, clearly outlined, as I said in my opening comments, by the President, the Secretary of State, and other officials in the administration could be carried out.

I think our will is what our adversaries were testing. We had the will. They saw it and they decided to sign a cease-fire. Without that kind of backup, support, and effort, we could not achieve what we are achieving.

None of us can predict with any accuracy how long this cease-fire will last. All we can do is say today the Mideast is a safer place than it was yesterday; today, our marines are in a much safer position than they were. Each day must show progress.

After all, this is an area that has been in turmoil for centuries. This is an area where religion has been the cause for war after war. In the name of God, inhumanity has wreaked on man and woman. We say, "Let's end this. Let's find a route to peace."

The first bold creative steps were taken by Prime Minister Begin and President Sadat. None of us who were in the East Room of the White House the night that they came down from Camp David—that glorious Sunday night—can forget it. They embraced each other and we in turn embraced a weeping Prime Minister Begin and a weeping President Sadat of Egypt—weeping possibly with hope that had continued for years, the bitterness between these two countries was at an end.

No one could say it would be permanent. There have been setbacks. The hopes for commercially open borders have never been realized. The Egyptian Ambassador to Israel has been withdrawn. These setbacks must be reversed and the search for peace resumed. President Mubarak is coming here. We hope to sit down with him and discuss with him the future of the peace process.

I was reminded of the opera, Aida, which I saw again on Friday at the Lyric Opera. This opera is a reminder of the glories of Egypt that passed and the challenge of the Egypt of the future.

The future hope is that somehow, in some way, the Egyptians can live better than their fathers and their forefathers and can live in peace. I share that hope. And I am certain it will never leave Foreign Minister Shamir if he is confirmed as the Prime Minister by the Knesset of Israel. Certainly no Nation on earth has paid a greater price in war than Israel. No nation on earth has faced greater challenges since its birth, than has Israel.

One of Israel's four Arabs neighbors has signed a peace treaty. The second, Lebanon, has signed an agreement that has yet to be implemented and can only be fully implemented with the withdrawal of all foreign forces—those of Syria, the Palestinians, and of Israel itself.

When the Lebanon question is settled, it is my hope that we can then approach King Hussein and say,

Your Majesty, the opportunity how exists for you to bring peace at long last to your beleaguered nation, to sit down face to face with the Prime Minister of Israel, and to work out, and develop, and create the conditions that would resolve Arab-Israeli issues, including the future of the Palestinians.

To do so, you must recognize Israel's right to exist behind definable and defendable borders and the right of its people to live in peace.

That will give peace to Jordan. It will remove a threat from Jordan. It will give peace that is essential to future generations of Arabs and Israelis. Peace in the Middle East is part of what is at stake in Lebanon.

In the specific Lebanon situation we are striving to find and define a relationship with the President through the War Powers Act. I hope we can, in true partnership, join with the President, not invading his prerogative as Commander in Chief, not trying to become the executive branch of Government, but reaffirming the Constitution which says that only Congress can declare war.

We share that responsibility with the President and do so in a spirit of comity, not of confrontation, of fellowship and a desire to work together with this administration in resolving this important issue.

I have been proud of the steps the President has taken to bring peace to the Middle East.

I trust that the Syrians will recognize they are the fourth element of this jigsaw puzzle that must come together to bring peace to the Middle East. They have no advantage in becoming more and more dependent upon the Soviet Union. With the Lebanon cease fire they have said, in effect, "We will observe this cease fire. We will find a way to cease the senseless killing and see if we cannot, through negotiation, resolve this problem."

If they have any hope of getting the Golan Heights back, this is the road. If they ever want to rebuild some of those devastated towns in Syria, this is the way to do it. If they ever wish to have the esteem and respect of their fellow Arabs, as well as the world, this is the route they should follow.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague and chairman of the Foreign Relations Committee for his statement.

He mentioned at the outset that this is an historic occasion. It is my sincere desire that the Senate will be capable of living up to this historic occasion. The U.S. Senate, on occasion, over its past nearly 200-year history has sometimes not risen to the occasion. I hope this debate will be one of those instances in which we, as a body, rise to the level of the historical occasion we are representing it to be.

This is the first time the Senate has debated a war powers resolution authorizing the commitment of troops under the War Power Act. It is my fear we are not going to debate the war powers resolution; that we are going to debate policy in Lebanon and not the war powers resolution.

I assume, when the Senator from Illinois and other Senators have said, off the floor, that this is an historic occasion, they are referring not to the fact that there are momentous events in the Middle East, particularly in Lebanon, where we have witnessed similar events that have been equally historic, unfortunately, and, unfortunately, I suspect, we will witness further developments in the Middle East which could be characterized as historical at that moment.

One should assume the historic significance of this debate, whether or not this is an historic debate. I believe it was Professor Corwin who said that the Constitution is little more than an invitation for the Executive and the Congress to do battle over the formulation of foreign policy. So, the historic event was that the U.S. Congress codified that relationship with the War Powers Act.

Now, there is a question I must acknowledge about the constitutionality of the War Powers Act. There is a question of the impact of the Supreme Court's decision on congressional vetoes on the War Powers Act. There is a question about the impact of the separability provision, but I am fearful that we are not going to debate that at all. I am fearful that the debate will be caught up in another important issue, what should the policy of this Government be in Lebanon?

Quite frankly, many of us thought that this debate on the War Powers Act should have occurred a year ago when the Marines first went into Lebanon to supervise the PLO withdrawal, or when they were reintroduced "temporarily" as an "interposition force" in the "Beirut area" with "no intention or expectation that they would become involved in hostilities."

Those are quotations from the President of the United States of America.

Some of us thought, at that point, we should have debated the applicability of the War Powers Act. Some of us argued that our Marines were in jeopardy; that this was an area of hostility; that notwithstanding the fact that a government which has all my best wishes to succeed invited us—some of us thought that that did not in any way alleviate the prospect of hostilities because it was a government that did not control all of its own country. So its invitation could not carry with it any assurance, even remote assurance, that it would be able to prevent hostilities from occurring.

That is why we were there, to help that government.

It was then an agonizing dilemma of whether we withdraw those troops or defend them, our troops, by introducing an even greater force.

Now the evidence of hostilities is, I think, clear and unmistakable. Four marines have died within the past month; more than 30 have been wounded; we have increased our troop presence in Beirut by one-third; U.S. ships and aircraft have attacked suspected enemy positions; we have offered a protective umbrella for our multinational-force partners and perhaps even for the Lebanese Army, and with the deployment of the carrier, *Eisenhower*, the giant assault ship *Tarawa*, with 2,000 marines on board, and a battleship called the *New Jersey*, we have the capacity, though not the intention, to wage a much wider war.

Unfortunately, my concern is that the action that we take this week may be totally irrelevant. The administration is seeking the congressional stamp of approval, which I think is a worthwhile objective—because I hope what we have learned from our encounters in Southeast Asia is that a foreign policy, absent the consent of the governed, is not likely to last very long, so it is best to get as many people on board at the outset—the administration wants our stamp of approval and is, interesting enough, unwilling to commit itself to our laws. Thus it does not really matter, in my humble view, whether or not the legislation which the distinguished Senator from Illinois, the chairman of the committee, and the majority leader, Senator BAKER, propose if the legislation carries with a time limit of 18 months, 20 months, 24 months, or any other duration.

The administration, in fact, has indicated that it does not plan on abiding by it. They say they are not bound by it, and that they can, in fact, exercise independent judgment that they should stay longer if need be.

The way I look at that is it is asking the Congress to jump in on the commitment. They want us as partners in the front end but are not looking for that partnership at the other end, at the tail end.

This administration is embarked on an open-ended commitment in support of—this, I think, is the key to the dilemma—what I would characterize, notwithstanding the articulate statement by the Senator from Illinois, as very vaguely defined objectives, which are highly uncertain in terms of their achievability.

For example, Mr. President, if I may paraphrase the Senator, I believe he said that there are clear policy objectives. He is right. The policy objectives are, No. 1, that there should be permanent cessation of hostilities;

The second one is that there should be a central government which has control of Lebanon throughout Lebanon;

Third, there should be withdrawal of all troops from Lebanon;

Fourth, that there be control by the Gemayel government, that is, the central government; and

Fifth, that conditions be established so that Israel's foreign border is not in jeopardy. Those are laudable objectives

My question is, which I have asked of everybody in the committee, and I shall ask of anybody who will listen to me, is this: Is the presence of the military force of the United States of America in Lebanon and its continued presence conditioned upon the accomplishment of these goals? Is that the policy objective? If, in fact, there is not withdrawal of all troops; if, in fact, the Gemayel government is not able, in 18 months, to exercise its control over all of Lebanon; if, in fact, there is not a permanent cessation of hostilities, does that mean that the objective has not been met? Does that mean the Marines will stay there until that occurs?

That seems to me, Mr. President, to be a fairly vague definition.

Mr. CHILES. Will the Senator yield?

Mr. BIDEN. Surely.

Mr. CHILES. Mr. President, I do not want to interrupt the Senator's statement, but I would like to ask the Senator from Delaware, because I was not able to be present at the hearings or the meetings of the Committee on Foreign Relations: These objectives he is referring to, are those specific objectives that the President sent to us and said this is his reason for why we are there? Or are these objectives that are part of this resolution that have come from the committee?

The reason I am asking is that my understanding is that under the War Powers Act, once the days are triggered, the President is supposed to submit in writing to the Congress what he says the purposes are, then we start a debate as to whether those purposes are valid or not. Is this his set of objectives, or is this something that whoever were the framers of this resolution have put together? I just wanted to find out.

Mr. BIDEN. The answer is, a little of both. Technically, these are the Congress determination of what we believe his objectives are. We say, in the joint resolution's finding and purpose, section 2: "The Congress finds that." Then we go on to suggest removal of all forces from Lebanon is essential in order to restore full control, and so forth—all the things I just named.

In fairness to the administration, they sent up to the Congress the Secretary of State, who told the Congress what the objectives are. Under the leadership of the Senator from Illinois and the Senator from Tennessee, they wrote down on a piece of paper what they were told by this administration, and we were all told by the administration, were their objectives. The problem is, since the War Powers Act was not triggered or not agreed to have been triggered by the administration, the administration has not officially reported to us as to what the objectives are.

I might make a point here of what I am trying to drive at. I would argue that there is a distinction between objective and mission. The objective, for example, of the U.S. foreign policy is that there be a free and open Poland. That is an objective; we would love that to occur. But the question to be asked is, Is the mission of the NATO forces stationed nearest Poland in West Germany to guarantee that there be a free and open Poland? I would suggest that that is probably not the mission. That requires affirmative action.

What I have been unable to get from anyone in the administration or anyone on the committee who supports this resolution is whether or not the objective and mission are synonymous. For if, in fact, the mission of the Marines is to guarantee that the objectives be met, then I would argue that we are in for a long haul that cannot be accomplished by 1,200 or 1,800 marines and we are buying a pig in a poke.

Notwithstanding the fact that my friend from Illinois is very, very positively impressed by the cease-fire—as I am—I would suggest that one cease-fire a peace does not make in the Middle East. So I would wonder whether or not, if the cease-fire breaks down and there are 40, or 400, or however many more marines killed, I wonder whether or not we are saying we will stay there.

One of the reasons why I am about to argue—and I shall yield for more questions—that the War Powers Act is the mechanism that should be triggered here is that the War Powers Act would require the President within 48 hours to come up and say: "Look, ladies and gentlemen of the Congress, this is what I plan to do," with some specificity.

Mr. CHILES. That is exactly the question I really wanted to ask the Senator from Delaware: Had that been done?

Mr. BIDEN. No.

Mr. CHILES. If the response he gave me was the President's request in writing from him and that maybe this is what he wants or something, whether we are really debating on what the President said he saw the role and the mission of the troops is. That is my understanding of what the War Powers Act was to be about, not just for us to indulge ourselves but so that,

really, the American people could understand what we were saying the purpose was, so marines and their mothers could understand what their purpose was in being there, and so we could have that kind of debate on the basis of exactly what the President felt that role and mission is. Is the Senator telling me that we are not going to have that kind of debate?

Mr. BIDEN. I am telling the Senator that we have people making representations on this floor as to what the President wants, but that, in fact, is not the same as having the debate on what the President specifically has sent up to us, in writing his intentions are in the region and what the nexus is between his objective and the presence of the troops. The fact of the matter is, my colleagues on both sides of the aisle and both Houses of Congress say to me on occasion: "Well, you know, JOE, if you go ahead and invoke the War Powers Act or if the President signed on to the War Powers Act, then he has only 60 days, and"—you have already heard the argument—"what will happen is that those who wish to see the marines leave and spoil things for Lebanon will in fact continue the pressure upon the United States of America by shelling the marines, building up support in America to bring the boys home, and they will not be willing to move along the road to negotiate in that 60-day interim; therefore, you must give them more time."

My response to that is that that may be true, but until we once invoke the War Powers Act, until we once demonstrate to the world that the mere fact that the War Powers Act has been invoked does not mean that it will follow therefrom that the troops will be withdrawn. Until that occurs, we are going to always be in the situation where we are beaten over the head by every administration that says 60 days is not enough time.

Obviously, 60 days is not enough time to do anything other than make clear to the folks, make clear to JOE BIDEN, make clear to me as one Senator: "What are you about, Mr. President? What is your game plan, Mr. President? And, Mr. President, I am willing to sign on based upon what I now know or I am not willing to sign on because I do not think it is capable of being accomplished."

Mr. CHILES. One of the problems I think we found in both Korea and Vietnam and one of the things I remember so vividly that I sort of said in my own determination after Vietnam was that I was not going to be willing to commit troops to another engagement unless we knew the rules in which they were going and we sort of knew when we could claim victory.

Can the Senator tell me when we would claim victory here?

Mr. BIDEN. I can only tell the Senator—and I honestly believe it—maybe the Senator from Illinois will listen to my response to this, because I do not want to misrepresent anybody's position, but in response to the Senator's question, I think a reasonable person, listening to the debate that has taken place in the Foreign Relations Committee, listening to the Marine Commandant, listening to the President of the United States on other occasions, and listening to the Secretary of State before the committee, would have to conclude that the only time in which, to use the phrase of the Senator from Florida, we can claim victory is when the four objectives are met. That is when in fact there is permanent cessation of hostilities, there is withdrawal of all foreign troops, there is de facto control of the country by central government, and Israel's northern border is secure.

Now, I would assume that if I were to interpret the objective as not having been met or anything short of the stated objective, a President would be able to come back to me and say: "LOOK, BIDEN, when you voted for that resolution, it was reasonable for you to understand, any reasonable person would have understood I was going to keep at it until all of those troops were out; I was going to keep at it until there was a central government in Lebanon that controlled all of Lebanon, and I was going to keep at it until Israel's northern border was secure."

That is what I would think he would have a right to say to me and to this Congress.

What do we say if, for example, 18 months from now, God forbid, the objectives have not been met? What do we say if, for example, 18 months from now Lebanon is like it has been for much of its tragic history? Do we say: "All right, you gave it a good try, now bring them home, now come back, now stop"?

Well, I do not know. I do not think that is the way we work in the Senate. I think the way we work, although the Senator was here a little before I was in the Senate—I was going to college and law school through that entire Vietnam era, and I observed a strange phenomenon, as we all did, in this country; that the more havoc that was caused by the enemy upon American boys the more it stiffened the resolve, understandably, of a number of Americans that started to ask the logical question: "Is this in vain? Did all these folks die for nothing? Are we now going to cut and run? My son died. My son lost his arm. Now you are telling me, John Q. Citizen, you are going to say come home? Why did my son die? What was the cause?"

And so I suspect, if this cease-fire does not last, if the objectives are not met, and there are more casualties over the next 18 months, when we rise on the floor and say: "Well, now it is time, we cannot reasonably reach that objective," there are going to be people, understandably, who are going to say; "No, we cannot just let that go all for naught."

The Senator from Florida has made a private resolve to himself. The Senator from Illinois made reference to his deep feelings about the issue of war and peace with regard to previous wars.

Well, this is, I guess, a purging of our souls. I also made a promise to myself, as we all do when we come here. One of those promises was that I was never going to do to a generation that followed me what I believe was done to my generation. I was never going to vote to send a woman or a man into a situation where their life was at stake with a vague statement of American policy, without the full faith and credit of the U.S. Government and its military behind it. I was not going to do that. And here I am on the floor of the Senate 11 years later, voting on what I would have to say, with all the good intentions of the sponsors, is a vague resolution, saying: "I am going to commit American forces. I do not know how long it is going to take. I am not quite sure what the objective is. I am not sure how many lives will have to be lost, and I promise you I am not going to go too far."

My view is that if in fact the President believes it is necessary to commit significant forces to clear out the mountains around Beirut, I would rather him say "do it" and I will support him. If the alternative is this resolution or going in there completely, I will say, "Go in."

Those are only two alternatives. We have a third reasonable alternative, which I will speak to in a moment. But if they are the only two alternatives, as one Senator, I am not buying on to incremental bleeding. That is not what I am signing on for. I think that is what we are doing. We are signing on to an incremental bleeding.

We have some of my liberal colleagues on my side saying one of the problems with the resolution is that it gives a blank check.

That is not my problem with the resolution. My problem with the resolution is that I do not know when we accomplish our end, what the definition of the end is. If in fact we decide to do it, I, like the Senator, suggest that we not have any time on it and we not put a limitation on the military. If the military says they need 50,000 troops, if we conclude we are going to sign on to the objective, then let us sign on. But I do not want to sit back and say our objective is as follows, and then the military says in order to accomplish that objective we have to increase our presence tenfold.

They have not said that yet. But if they said that, for us to sit here and say: "Now, wait a minute, we only said you could have 1,200 troops, we only said you could have this many troops," that is not the point as far as I am concerned. If we go in to accomplish the objective, I think we should sign on to go in.

Mr. PERCY. Will the Senator yield?

Mr. BIDEN. For a question; yes, I yield.

Mr. PERCY. I would like to put a question to my distinguished colleague because we are in a sense dealing with that time-worn phrase "the real world." We are interested in responding to responsible people who say are these objectives worthy, do we have a chance to achieve them, and will what you are asking for in authority help us toward that goal?

Now, we know our ultimate goal differs from our goal for tomorrow. What we are doing is reaching in a sense for a star. We may never get it, but if we reach for it, we never will end up with a handful of mud.

What we set down were goals and objectives with which the Lebanese have thoroughly concurred. I do not know whether or not Syria concurs, but I think they know the commitment on the part of others.

We have an objective in the Camp David process, and it was scoffed at by some. But on balance, the Camp David process has led to what none of us believed in our lifetime we would ever see—a peace treaty signed between Egypt and Israel, an exchange of ambassadors, open borders, exchange of personnel, and removing the largest single Arab military ground force from the possibility of direct, head-on conflict with Israel, and a return of the Sinai over the vigorous objections. So we have accomplished something.

We saw two men, Begin and Sadat, awarded the Nobel Peace Prize. Since then, we have been deteriorating. We have seen dashed hopes. But the Camp David spirit still exists. You will never turn the clock back to the dark days when we had no hope.

Here again, we are establishing these four goals that my distinguished colleague enunciated, they are goals; they are objectives. Maybe they cannot all be achieved in the immediate future. But they are worthy of trying to be achieved. You will notice that we did not even have a cease-fire in one of them, and we achieved a cease-fire. We do not know how long it will last. I think the administration has carefully worked out its goals and has sat down and consulted with the parties——

Mr. BIDEN. Mr. President, since this is on my time, does the Senator have a question?

Mr. PERCY. Are we on controlled time?

The PRESIDING OFFICER. The time is being charged to the Senator from Illinois.

Mr. BIDEN. I thought the Senator had a question. I have not finished my statement yet.

Mr. PERCY. My question is this: Are there any better goals or objectives? Is there any suggestion the Senator would make to the administration as to how it can improve the approach it is now taking?

Does not the Senator concur with the Senator from Illinois that it is probably better to have no timeframe and no limitations but it is the will of Congress and the will of the people that we do put some framework on there? Certainly, that itself serves a useful purpose, because it says to the Lebanese: "You don't have a blank check from the United States. You have limited time, limited forces, and you have to take over."

That does put pressure on them. The Lebanese have never had an army that could unify and bring stability and peace to their own country. Now they have that objective.

I would be rather reluctant to give them too much of a blank check and say, "We will stand there, and you can hold our coat while we do your battle."

We are saying, "You have to do the fighting. You have to bring this country together. We are there for a short period of time, relatively speaking—a year and a half—with a limited number of people to help you."

What better incentive can we have for them to do something about it—as they are doing it now—and not as the Vietnamese ended up doing—holding our coats while we carried the load with 600,000 combat troops?

Mr. BIDEN. Mr. President, if I may respond, and then finish my statement, the Senator makes the understandably fallacious argument of appealing to authority, once again, which has been made for so many years in this body, and that is that so many responsible people have suggested this course.

I respectfully suggest that so many responsible people suggested the course of our foreign policy through the decade of the 1960's and 1970's, which I do not think turned out to be all that sound. I also suggest that maybe our problem is that we are in Washington.

They are worthy objectives. All of the objectives stated are worthy objectives.

The next question that the Senator said we should be asking is, Do they have a chance of succeeding? I suggest that the chance of succeeding along the lines this administration is pursuing those objectives is less than even and that what we are doing is putting a relatively small force of marines in the untenable position of having, in fact, to attempt to achieve objectives which their size and scope and the extent of their authority limits their prospect of being able to do.

The Senator said, "What is our goal for tomorrow?" That is my question: What is our goal for tomorrow? What is tomorrow's goal? I have heard what the goal forever in Lebanon is: To have peace and tranquility, a central government, no foreign powers, and so forth. That, again, is a laudable goal. I do not disagree with the goal. But is it the mission of the marines to achieve that goal, and must they stay until that goal is achieved?

I think the resolution before us is flawed, constitutionally and practically. It tries to establish the applicability of the War Powers Act, when we already have foreknowledge that the President will disavow that act; and for the sake of harmony, it sidesteps the fundamental question. It is creating a regrettable precedent, in my view, and it asserts time limits which we know the President will not be bound by. He has already told us he will not be bound by them.

It pretends to limit our troops to a peacekeeping mission but permits such protective measures as may be necessary to insure their safety. It endorses our declared policy objectives, though we all know that no one really knows when they are going to be achieved or, in fact, if they will end up being achieved.

This resolution, in my view, does not back up our marines. It leaves them in grave uncertainty, because our policy is so ill defined that they cannot know what is really expected of them.

Because we are divided over that unclear policy and over the constitutional issue, we are not unified on the issue and, therefore, we are not unified behind them. Because the risks of that policy has been so minimized, they cannot be sure that we will stand fast if and when the situation worsens.

As a result, we sound a very uncertain trumpet while their lives are on the line.

The fact is that we still do not know what the objective is, what the mission is.

We get back to the resolution. The resolution is a resolution providing authority under the War Powers Act for continued U.S. participation in Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

The Senator from Illinois, when he gets his turn again, is going to tell me that the title does not control. If it does not control, why do we say that?

Are we saying that all foreign forces have to leave Lebanon before the Americans leave? If we do, we should tell the folks that. That is what we are signing on for. That is what we are telling the world we are signing on for.

That means, obviously, that Syria and Israel have a veto power over whether or not the marines leave—if that is what we are saying—and, I might add, the PLO.

The resolution states:

This joint resolution may be cited as the "Multinational force in Lebanon resolution."

The Senator says he is about to cure that deficiency. But what happens if the Multinational Force becomes the unilateral force? What happens if France, Italy, and England say they have had enough and they are going home? Do we go home?

The resolution says:

FINDINGS AND PURPOSE

The Congress finds that—

Then they go through what the Senator from Illinois read:

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

This administration says it is not going to be bound by that, anyway.

Now, I do not quite understand again how we have such a clearly defined objective. The Senator from Maryland has just come to the floor. I hope when he speaks he is going to do as artfully here as he did in the committee, a comparison between what in fact real definitions of mission are and what is a lack of a mission in this legislation.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. BIDEN. I have not finished my statement, unless he wants to speak to that point for a moment.

Mr. SARBANES. If the Senator will yield at this point, I want to add another piece of evidence on this question of the mission and purpose of our forces as part of the Multinational Force. I think the Senator is absolutely on point in stressing that the mission of our troops has not been clearly defined and in fact is being expanded and broadened almost daily.

Now the Senator has quoted very effectively from the language of the resolution that is now before the Senate for approval. He quoted first the title which states that the participation in the Multinational Peacekeeping Force in Lebanon is in order to obtain withdrawal of all foreign forces from Lebanon. Then he quoted the findings and purpose section of the joint resolution which states that in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the Multinational Peacekeeping Force and that the removal of all foreign forces from Lebanon is an essential U.S. foreign policy objective in the Middle East. I want to add three points to a newspaper report of an interview by the Secretary of State over the weekend with Cable News Network. This newspaper report in the Baltimore Sunday Sun this past Sunday said:

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will ever agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would not be expanded.

The article reporting on the interview later stated:

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Then, and listen carefully as our role in Lebanon gets carried step by step further and further.

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational forces being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic position in Lebanon."

So that even if the foreign forces are withdrawn he is contemplating a further mission for the Multinational Force.

This is what we mean when we say the mission and purpose of this force has not been defined in a way that Congress can make a reasonable judgment about whether it makes sense, whether it is feasible, whether it is achievable, what the risks are, what the benefits are and whether we want to commit under those circumstances. The Senator has put his finger on an extremely important point. In fact our colleague, Senator NUNN, who was on "Meet The Press" on Sunday was questioned about our involvement there and made the point:

I do not believe we ought to be debating a time limit. I think we ought to be debating our role in Lebanon.

I think the Senator from Delaware has pinpointed the crucial issue very well and I commend the Senator. It is an extremely important point that is being discussed.

Mr. BIDEN. I thank the Senator and I hope he will develop it more.

Let me add that he was gracious in not going on and even reading further in that article. Where he left off it says:

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

I really admire the candor of the administration with the press. I wish they would be as candid with us. That is what we are looking for. We are trying to figure out what they are all about. They do not say as much to us. When you press them they say it is a limited role, and that it is only so many people.

I was eating lunch in the Senate dining room with several of my Republican colleagues who have a different ideological disposition on most issues than I and I said "I am worried that we are in there forever," and one Senator said to me "Oh, don't worry about that; wait until October of 1984, wait for the October surprise."

I want to know, and I want to make it clear to those marines that if we sign on to send them there we are signing on to stay with them. We are either going to be with them or not going to be with them. That is the generational argument I was trying to articulate before. We never knew before were you in or out. The only way you know you are in is, if that is the mission this administration has for our marines, then let him send it up to us within the context of the War

Powers Act. Let us debate it here on the floor of the Senate, and let us vote and let us be on record as to whether or not we support that mission.

We all line up and the likelihood is that if we all line up, we all sign on, we are likely to stay there. We are not going to have another generation that has the rug pulled out from under it when it is sitting there.

We are not going to then find that there is a majority on the floor of the Senate saying, "I didn't know you meant to do that, therefore cut off aid, cut off the money, cut off the appropriations."

You have to give them some security, some surety. If that is the mission let us make it the mission. A problem facing our marines is pretty well illustrated by a statement by one of the platoon commanders quoted in Sunday's Post. He said, "It is pretty hard to find out who is shooting at you. You have no idea who are the good guys and who are the bad guys. That is what I am trying to find out."

I want to make sure when that discussion takes place 2 months or 6 months or 18 months from now, in Lebanon among marines, they are not deciding whether we are the good guys or the bad guys, not just who is shooting at them but back here is the good guy and the bad guy, who is with them and who is against them, who signed on and who signed off. I do not see anything in this resolution that says that.

Now if every Senator who is going to vote for this resolution is saying, "Mr. President, we are signing on with you for 18 months, to accomplish the mission that you have cited as objectives, and we are not going to pull out on you, we are going to stick with you," then fine, wonderful.

I happen to think that would be a mistake. But, wonderful, we know what we are talking about then.

But, mark my words what is going to happen. People are going to sign on for the 18 months, which this resolution does, even though it has a review after 6 months, they are going to sign on for 18 months and then, God forbid, which I do not hope, if things get real bad, public pressure starts to build, these same folks who voted for that resolution are going to be on the floor of the U.S. Senate saying: "I didn't know it meant this. That ol' President, he is doing something he said he wasn't going to do. We didn't know it meant that. We only thought such and such."

And they will be able to say that because they can say, "I didn't know that was the military objective that we were signing onto."

The whole question before us, it seems to me, is, first and foremost, does the War Powers Act apply? The Senator from Illinois quoted or made reference to Camp David and talked about how that was a chance and a historical occasion. All true. Only one little difference: We did not send American troops to assure Camp David was accommodated. We did not do that. We are here. Again, a laudable objective, but we are sending American troops, I assume, to stay with it until the objective is accomplished.

I do not understand how we can, as we seem to be trying to do, disconnect the presence of the marines from the objective. If they are not there to meet these broad objectives, why are they there? And if they are there for that reason, does not the President need a broader grant of authority than we are giving him in order to accomplish those objectives?

The President of the United States, in an address to the Nation back on November 20, 1982, started off by saying:

> My fellow Americans, the scenes that the whole world witnessed this past weekend are among the most heart-rendering in the long nightmare of Lebanon's agony.

Then he went on to get to this phrase:

> Secretary Shultz, on my behalf, has also reiterated our views to the Government of Israel through its Ambassador in Washington.

Continuing to quote:

> Unless Israel moves quickly and courageously to withdraw, it will find itself ever more deeply involved in problems that are not of its own and which it cannot solve.

Now, I wonder why the President seemed so confident that we can solve the dilemma that has plagued Lebanon for centuries. In terms of U.S. national interests, to what degree is that interest jeopardized if, in fact, there is not a unified Lebanon? And if you assume that the objective, that we will have a significant diminution of our security interests in the region absent a united Lebanon, therefore, we must project force sufficiently to secure Lebanon, are we willing to go head to head and run the risk with that other superpower that is just across the line?

Mr. President, there are Soviet soldiers across the way—not 500, 5,000 or 8,000 miles away; they are miles away.

Now, what are we signing onto? Is it so important in our interests that we cannot have a situation that, in effect, is a situation where the Syrians are in the east, the Israelis in the south, and the Lebanese Government in the Beirut area while diplomacy works or attempts to make it work?

We are said to be protecting Israel's northern border. I thought Israel did a pretty good job of that all by itself. For the last 30 some years, we have not had to interdict any American Forces in the Middle East to protect Israel. They do a pretty credible job.

Why is it that we think that the American public and the world, that understandably was outraged when Israel was shelling Beirut and other population centers to get after the PLO and innocent civilians were being killed, why is it we think the world will not think that of us when the battleship *New Jersey* is firing off into the Shuf?

Do we think somehow we are going to be able to do it with great precision and only (a) the bad guys, who ever they are, and (b) military bad guy types are going to be hit? This notion that on paper seems so compelling and reasonable that all we have to do is put together a Government of Lebanon or allow one to blossom—which it will do if it only has time—and then, with a little bit of help from their friends, all the bad guys will leave and everybody will be in harmony, and, therefore, if that occurs, the Middle East is more secure and that in turn is positive in terms of United States interests and so on and so on and so on, all sounds reasonable. It is compelling, except it defies history. I do not see that happening in any short time.

And yet, we are going to nickle and dime, apparently, the Marines to death while we seek that goal in an incremental way that is designed to produce this unified Lebanon that, in fact, has a central government that is in control of all Lebanon, absent the presence of foreign forces, all foreign forces.

I do not know. It sounds very good. The President could have just as easily come up here and said, through his Secretary of State, "Our objective is to secure the Beirut area."—at least that would have been more circumscribed—and define what constitutes the Beirut area. But we are going a little bit further than that. We are not just waiting for this Gemayel government to get its wings, we want it to be able to fly at the top speed for which it has been rated, and that is fly over all of Lebanon, unite all of Lebanon.

And how long do we stay? How long does the multinational force stay? As I said, do we stay beyond what the rest of the multinational force stays?

Well, I think the mission in Lebanon is changing the same incremental way that the mission in Southeast Asia changed. In August of 1982, the Marines were deployed in Beirut for less than 3 weeks to help supervise the PLO withdrawals. Then on September 25, 1982, the Marines reentered Beirut according to the United States agreement with Lebanon "temporarily to establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area." The United States "will facilitate restoration of the Lebanese Government sovereignty and authority over the Beirut area."

And a U.S. Government statement said, "This agreement was to provide

appropriate assistance to the GOL's (the Government of Lebanon's) efforts to restore order, safety, and control in Beirut."

Then on September 29, 4 days later, President Reagan informed Congress: The Marines' "mission is to provide an interposition force at agreed locations and, therefore, provide the multinational presence requested by the Lebanese Government."

The President also reported that "All armed elements in the area have given us assurances that they will refrain from hostilities and will not interfere with the activities of the multinational force."

In recent weeks that mission has been expanded. In his report to the Congress on August 30 President Reagan said the multinational force, including Marines, "was designed to facilitate the restoration of the Lebanese Government's sovereignty and authority," thus omitting the previous limiting condition, that is, "in the Beirut area."

The President also said, "The continued presence of U.S. forces in Lebanon is essential to the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon."

A little different.

September 21 of this year, Secretary Shultz described the mission in broader and vaguer terms: "Peacekeeping mission 'to provide sense of security' an added measure of stability in the overall equation 'one crucial pillar in the structure of stability' an important deterrent, a symbol of the international backing behind the legitimate government of Lebanon, an important weighting of the scales."

He also described the important objectives: One, withdrawal of all external forces; two, restoration of control by the Lebanese Government; three, security for Israel's northern border.

And then we heard quoted by the Senator from Maryland at some length quotes by Secretary Shultz to the press on what I would characterize as even a further expansion of the mission of the Marines and the multinational force beyond what has already been stated.

Now, if that is not an incremental increase in the objective and the mission for the Marines, I do not know what is.

The fact of the matter is I think that we are now in a situation where we this week are about to vote on a resolution signing on the U.S. Marines in Lebanon. We should understand that the ante is able to be put up by the President, in my view is likely to be increased, and in my view is going to continue this incremental presence of the U.S. Government, the U.S. military, with or without the multinational force present in the region for objectives which are laudable but do not lend themselves to a military solution totally.

It seems to me that you in fact are going to find that, God forbid, there are 8 body bags in the next 4 months, or 80, or 800. Whatever in God's name is going to happen it is not likely that there is going to be no loss of American life or casualties in the region among those Marines in Lebanon.

So that is all I want to know as one Senator before I vote for anything, and the only way I know to get the answer is to invoke the War Powers Act and require nothing more than the War Powers Act, for the President within 48 hours to come up here and tell us low long we are in for, not in terms of time, that is, how many months, but how long do we stay before we can, as the Senator from Florida said earlier, declare we won and go home. What are we signing on for?

Since this is the first day of this debate, I will now yield the floor. Before I do, however, I would like to insert at this point the minority views of the Foreign Relations Committee so that as people go through this first day of comment and debate on this issue they will have up front the minority views set out.

I would like to take just a moment to read them, if I may.

Minority views signed on by all Democratic members of the Foreign Relations Committee.

MINORITY VIEWS OF ALL DEMOCRATIC COMMITTEE MEMBERS

We strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy and approved in the Foreign Relations Committee by a vote of 9–7. In our judgment, its enactment would constitute (1) a dereliction of Congressional responsibility to uphold the principles and procedures of the War Powers Resolution of 1973; (2) a failure to require of the Administration a clearly articulated and persuasive statement of the mission which U.S. Marines have been deployed in Lebanon to implement; and (3) an 18-month "blank check" under which the Administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is operating with full Congressional sanction. These gravely serious flaws warrant elaboration:

(1) Dereliction of Congressional responsibility relating to the War Powers Resolution. The Baker-Percy language has been presented as a "bipartisan compromise" which, in the interest of avoiding a dispute over "legalisms," would allow Congress and the Executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

We do not believe that the issues surrounding proper implementation of the War Power Resolution are mere "legalisms." At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both houses. The reservations expressed by the executive branch about the Resolution's constitutionality do not diminish or compromise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nullify that law. But by failing to demand adherence to obligations prescribed in the Resolution, Congress would abdicate its responsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the War Powers Resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader Byrd and advocated in Committee by Senator Cranston, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the War Powers Resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of 2 Marines. Enactment of such a resolution would not—

I repeat "not." entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers resolution procedures, including the requirement for Congressional authorization for the maintenance of U.S. forces in Lebanon beyond 60–90 days. Unfortunately, this proposal was defeated in Committee by a vote of 9–7.

The determined unwillingness of the Administration to recognize that the procedures stipulated by the War Powers Resolution are now in fact required became starkly evident during the Secretary of State's testimony before the Committee. Under questioning on September 21st about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander-in-Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the War Powers Resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The Administration is prepared to participate in a procedure which would give some appearance of creating a War Powers Resolution framework without really conceding that any such framework exists.

Not only is the War Powers Resolution the law; its applicability to the situation in Lebanon is manifest. Accordingly, we believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally side-stepping the issue, the Baker-Percy resolution fails to meet that test.

(2) The Absence of a Clearly-Defined Policy. The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. Marines were first introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the Marines were reintroduced into Lebanon, they were deployed to perform, as part of a Multinational Force, the less precisely-worded mission set forth in the September 25, 1982, exchange of letters between the U.S. and Lebanese Governments. That agreement did, however, make clear that the U.S. military

role would be confined to "the Beirut area" and would preclude involvement in combat.

While citing the September 25th agreement, the Baker-Percy resolution is drafted so as to be susceptible to an extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The "purposes" cited in Section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of one year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. military forces alone possibly to accomplish. Consequently, the effect of the resolution is to provide Congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the War Powers Resolution is that it would require the Administration to submit for Congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any "Vietnam syndrome" to find in that resolution a disturbing similarity to the "Gulf of Tonkin" resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different Administration to assert that it possessed Congressional support for an Indochina policy which proved to be one of everwidening involvement.

(3) An 18-Month "Blank Check." Since we take as serious the Administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy "authorization" is technically a moot point. Practically, however, a shorter "authorization" would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, we supported—but failed in a 9-8 vote to achieve—the substitution of a six-month "authorization" period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. We reject the argument that a time period shorter than 18 months will endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the Administration had offered a clearly-defined mission in Lebanon for the U.S. armed forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited "authorization" might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the U.S. involvement in Lebanon. We believe in any case—meaning, no matter what duration is specified—that to pass this resolution would represent a grave abdication of congressional responsibility.

Mr. President, I yield the floor.

Mr. SARBANES. Will the Senator yield to me?

Mr. BIDEN. Yes, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the Senator from Delaware for yielding.

This is the first and opening day of debate on this very grave and serious issue. I think it is reasonable to expect that, before the Senate finally votes on the matter, each Member will understand just how important the decision we are making here is.

Mr. BIDEN. Mr. President, will the Senator let me interrupt him for 60 seconds?

Mr. SARBANES. Surely, Mr. President.

Mr. BIDEN. Earlier, when I was referring to Camp David, I made reference, in reference to a comment by the Senator from Illinois, that we did not have American troops there assuring that it would be upheld. The fact of the matter is that, as the Senator knows, as we all know, there are U.S. troops to police the Sinai withdrawal. They are part of the Camp David peace treaty. But there are three significant differences. In Sinai, the administration specifically requested legislation, the mission of troops was governed by the Israeli and Egyptian treaty and the Sinai situation was one where hostilities were clearly not expected to develop and did not develop.

Mr. SARBANES. I might add that was a mission that was very clearly defined. I was a member of the committee when the request was made and we were able to have put before us exactly what was expected of the Americans involved, the responsibilities that they would be carrying out, and the circumstances in which those responsibilities would be carried out.

Mr. President, that brings me the first point I want to make in considering this resolution. That goes to the fact that the nature and mission of our troop involvement in Lebanon is not only not clearly defined, but is in the constant process of being expanded—of being started in broader, more general terms. I am going to have some material included in the RECORD and I hope Members will have an opportunity to look at it. It shows the administration moving to an expanded, unclearly defined commitment

When the American marines were first put in in the late August as part of the multinational force, they went into Lebanon under a plan for the evacuation of the PLO from West Beirut. That commitment was very carefully defined. The President made a statement on the 20th of August in the course of which he said:

Our purpose will be to assist the Lebanese Armed Forces in carrying out their responsibility for insuring the departure of PLO leaders, offices, and combatants in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of the sovereignty and authority of the Lebanese Government over the Beirut area. In no case will our troops stay longer than 30 days.

Mr. President, I ask unanimous consent to have the full statement of President Reagan on August 20, from which I have just quoted, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT'S STATEMENT, AUGUST 20, 1982

Thank you all and let me just say in advance I'll be taking no questions because Secretary Shultz, a little later in the day, will be having a full press conference, so you can take everything up with him.

Ambassador Habib [Philip C. Habib, President's special emissary to the Middle East] has informed me that a plan to resolve the west Beirut crisis has been agreed upon by all the parties involved. As part of this plan, the government of Lebanon has requested, and I have approved, the deployment of U.S. forces to Beirut as part of a multinational force (MNF). The negotiations to develop this plan have been extremely complex and have been conducted in the most arduous circumstances. At times it was difficult to imagine how agreement could be reached and yet it has been reached. The statesmanship and the courage of President Sarkis and his colleagues in the Lebanese Government deserve special recognition as does the magnificent work of Ambassador Habib, Phil never lost hope and, in the end, his spirit and determination carried the day. We all owe him a debt of gratitude.

The parties who made this plan possible have a special responsibility for insuring its successful completion, or implementation. I expect its terms to be carried out in good faith and in accordance with the agreed timetable. This will require meticulous adherence to the cease-fire. Violations by any party would imperil the plan and bring renewed bloodshed and tragedy to the people of Beirut, and under no circumstances must that be allowed to happen. As you know, my agreement to include U.S. forces in a multinational force was essential for our success. In the days ahead, they and forces from France and Italy will be playing an important but carefully limited noncombatant role. The parties to the plan have agreed to this role and have provided assurances on the safety of our forces.

Our purpose will be to assist the Lebanese Armed Forces in carrying out their responsibility for insuring the departure of PLO leaders, offices, and combatants in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of the sovereignty and authority of the Lebanese Government over the Beirut area. I no case will our troops stay longer than 30 days. The participation of France and Italy in this effort is further evidence of the sense of responsibility of these good friends of the United States.

Successful resolution of the west Beirut crisis by responsible implementation of the plan now agreed will set the stage for the urgent international action required to restore Lebanon's full sovereignty, unity, and territorial integrity; obtain the rapid withdrawal of all foreign forces from that country; and help insure the security of northern Israel. We must also move quickly in the context of Camp David to resolve the Palestinian issue in all its aspects, as well as the other unresolved problems in the Arab-Is-

raeli conflict. Only when all these steps are accomplished can true and lasting peace and security be achieved in the Middle East.

Mr. SARBANES. Mr. President, that introduction of troops was pursuant to a departure plan which had been very carefully worked out. That plan set out the departure in great detail and provided among other things for the schedule of departures, the mandate of the multinational force, the duration of the multinational force—let me just quote that paragraph:

DURATION OF MNF

It will be mutually agreed between the Lebanese Government and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon, or at the direction of the individual government concerned, or in accordance with the termination of the mandate of the MNF provided for above.

The departure plan goes on to set out the role of the International Committee of the Red Cross, provides for liaison and coordination, provides for matters governing the transit through Lebanon of PLO elements, and so forth and so on.

I ask unanimous consent that the departure plan and the factsheets on the departure be printed at this point in the RECORD.

There being no objection, the departure plan and fact sheets were ordered to be printed in the RECORD, as follows:

DEPARTURE PLAN

PLAN FOR THE DEPARTURE FROM LEBANON OF THE PLO LEADERSHIP, OFFICES, AND COMBATANTS IN BEIRUT

1. Basic Concept. All the PLO leadership, offices, and combatants in Beirut will leave Lebanon peacefully for prearranged destinations in other countries, in accord with the departure schedules and arrangements set out in this plan. The basic concept in this plan is consistent with the objective of the Government of Lebanon that all foreign military forces withdraw from Lebanon.

2. Cease-fire. A cease-fire in place will be scrupulously observed by all in Lebanon.

3. U.N. Observers. The U.N. Observer Group stationed in the Beirut area will continue its functioning in that area.

4. Safeguards. Military forces present in Lebanon—whether Lebanese, Israeli, Syrian, Palestinian, or any other—will in no way interfere with the safe, secure, and timely departure of the PLO leadership, offices, and combatants. Law-abiding Palestinian noncombatants left behind in Beirut, including the families of those who have departed, will be subject to Lebanese laws and regulations. The Governments of Lebanon and the United States will provide appropriate guarantees of safety in the following ways.

The Lebanese Government will provide its guarantees on the basis of having secured assurances from armed groups with which it has been in touch.

The United States will provide its guarantees on the basis of assurances received from the Government of Israel and from the leadership of certain Lebanese groups with which it has been in touch.

5. "Departure Day" is defined as the day on which advance elements of the multinational force (MNF) deploy in the Beirut area, in accordance with arrangements worked out in advance among all concerned, and on which the initial group or groups of PLO personnel commence departure from Beirut in accord with the planned schedule.

6. The Multinational Force. A temporary multinational force, composed of units from France, Italy, and the United States, will have been formed—at the request of the Lebanese Government—to assist the Lebanese Armed Forces in carrying out their responsibilities in this operation. The Lebanese Armed Forces will assure the departure from Lebanon of the PLO leadership, offices, and combatants, from whatever organization in Beirut, in a manner which will:

(A) Assure the safety of such departing PLO personnel;

(B) Assure the safety of other persons in the Beirut area; and

(C) Further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

7. Schedule of Departures and Other Arrangements. The attached schedule of departures is subject to revision as may be necessary because of logistical requirements and because of any necessary shift in the setting of Departure Day. Details concerning the schedule will be forwarded to the Israeli Defense Forces through the Liaison and Coordination Committee. Places of assembly for the departing personnel will be identified by agreement between the Government of Lebanon and the PLO. The PLO will be in touch with governments receiving personnel to coordinate arrival and other arrangements there. If assistance is required the PLO should notify the Government of Lebanon.

8. MNF Mandate. In the event that the Departure from Lebanon of the PLO personnel referred to above does not take place in accord with the agreed and predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

9. Duration of MNF. It will be mutually agreed between the Lebanese Government and the governments contributing forces to the MNF that the forces of the MNF will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned, or in accord with the termination of the mandate of the MNF provided for above.

10. The PLO leadership will be responsible for the organization and management of the assembly and the final departure of PLO personnel, from beginning to end, at which time the leaders also will all be gone. Departure arrangements will be coordinated so that departures from Beirut take place at a steady pace, day by day.

11. Lebanese Armed Forces Contribution. The Lebanese Army will contribute between seven and eight army battalions to the operation, consisting of between 2,500–3,500 men. In addition, the internal security force will contribute men and assistance as needed.

12. ICRC. The International Committee of the Red Cross (ICRC) will be able to assist the Government of Lebanon and Lebanese Armed Forces in various ways, including in the organization and management of the evacuation of wounded and ill Palestinian and Syrian personnel to appropriate destinations, and in assisting in the chartering and movement of commercial vessels for use in departure by sea to other countries. The Liaison and Coordination Committee will insure that there will be proper coordination with any ICRC activities in this respect.

13. Departure by Air. While present plans call for departure by sea and land, departures by air are not foreclosed.

14. Liaison and Coordination:

The Lebanese Armed Forces will be the primary point of contact for liaison with the PLO as well as with other armed groups and will provide necessary information.

The Lebanese Armed Forces and MNF will have formed prior to Departure Day a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and the Lebanese Armed Forces. The committee will carry out close and effective liaison with, and provide continuous and detailed information to, the Israeli Defense Forces (IDF). One behalf of the committee, the Lebanese Armed Forces will continue to carry out close and effective liaison with the PLO and other armed groups in the Beirut area. For convenience, the Liaison and Coordination Committee will have two essential components:

(A) Supervisory liaison; and

(B) Military and technical liaison and coordination.

The Liaison and Coordination Committee will act collectively; however, it may designate one or more of its members for primary liaison contact who would of course act on behalf of all.

Liaison arrangements and consultations will be conducted in such a way as to minimize misunderstandings and to forestall difficulties. Appropriate means of communications between the committee and other groups will be developed for this purpose.

The Liaison and Coordination Committee will continually monitor and keep all concerned currently informed regarding the implementation of the plan, including any revisions to the departure schedule as may be necessary because of logistical requirements.

15. Duration of Departure. The departure period shall be as short as possible and, in any event, no longer than 2 weeks.

16. Transit Through Lebanon. As part of any departure arrangement, all movements of convoys carrying PLO personnel must be conducted in daylight hours. When moving overland from Beirut to Syria, the convoys should cross the border into Syria with no stops en route. In those instances when convoys of departing PLO personnel pass through positions of the Israeli Defense Forces, whether in the Beirut area or elsewhere in Lebanon, the Israeli Defense Forces will clear the route for the temporary period in which the convoy is running. Similar steps will be taken by other armed groups located in the area of the route the convoy will take.

17. Arms Carried by PLO Personnel. On their departure, PLO personnel will be allowed to carry with them one individual side weapon (pistol, rifle, or submachine gun) and ammunition.

18. Heavy and Spare Weaponry and Munitions. The PLO will turn over to the Lebanese Armed Forces as gifts all remaining weaponry in their possession, including heavy, crew-served, and spare weaponry and equipment, along with all munitions left behind in the Beirut area. The Lebanese Armed Forces may seek the assistance of elements of the MNF in securing and disposing of the military equipment. The PLO will assist the Lebanese Armed Forces by providing, prior to their departure, full and

detailed information as to the location of this military equipment.

19. Mines and Booby Traps. The PLO and the Arab Deterrent Force (ADF) will provide to the Lebanese Armed Forces and the MNF (through the Lebanese Armed Forces) full and detailed information on the location of mines and booby traps.

20. Movement of PLO Leadership. Arrangements will be made so that departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure operation.

21. Turnover of Prisoners and Remains. The PLO will, through the ICRC, turn over to the Israeli Defense Forces, all Israeli nationals whom they have taken in custody, and the remains, or full and detailed information about the location of the remains, of all Israeli soldiers who have fallen. The PLO will also turn over to the Lebanese Armed Forces all other prisoners whom they have taken in custody and the remains, or full and detailed information about the location of the remains, of all other soldiers who have fallen. All arrangements for such turnovers shall be worked out with the ICRC as required prior to Departure Day.

22. Syrian Military Forces. It is noted that arrangements have been made between the Governments of Lebanon and Syria for the deployment of all military personnel of the Arab Deterrent Force from Beirut during the departure period. These forces will be allowed to take their equipment with them, except for that—under mutual agreement between the two governments—which is turned over to the Lebanese Armed Forces. All elements of the Palestinian Liberation Army, whether or not they now or in the past have been attached to the Arab Deterent Force, will withdraw from Lebanon.

FACT SHEETS ON THE DEPARTURE

PLAN FOR THE DEPARTURE OF THE PLO

A plan for the departure from Lebanon of the PLO leaders, offices, and combatants in Beirut has been accepted by the Governments of Lebanon, the troop-contributing countries, and Israel and by the PLO. That plan includes a schedule of departures which is also attached to the bilateral notes exchanged between the Government of Lebanon and the troop-contributing countries.

The PLO will go to various countries in the region including Jordan, Iraq, Tunisia, North Yemen, South Yemen, Syria, Sudan, and Algeria.

Departing PLO personnel will be accompanied by a proportionate share of the military and political leadership throughout all stages of the departure arrangements.

The PLO will turn over the Lebanese Armed Forces their heavy and crew-served weapons, spare weaponry and equipment along with all munitions left behind in the Beirut area. They and the Arab Deterrent Force will also provide detailed information on the location of mines and booby traps to the Lebanese Armed Forces. On departure, PLO personnel may carry with them an individual side weapon and ammunition.

The Arab Deterrent Force (i.e., the Syrians) and those forces attached to the Arab Deterrent Force will also redeploy from Beirut during the period of the PLO departure. The Syrian military forces will take their equipment with them except for that which, by mutual agreement, is turned over to the Lebanese Armed Forces.

MNF COMPOSITION, AREA OF OPERATIONS, AND MISSION

Force Composition. The multinational force, which will be deployed to the Beirut area at the request of the Government of Lebanon will be comprised of approximately 400 Italian, 800 French, and 800 U.S. military personnel. The U.S. portion of the MNF will be comprised of Marines of the 32d Marine Amphibious Unit presently serving with elements of the Sixth Fleet on duty in the eastern Mediterranean.

Area of Operations. The MNF will operate in and around the Beirut area. It will take up positions and operate from locations determined by mutual agreement between the various national contingents and the Lebanese Armed Forces through the mechanism of a Liaison and Coordination Committee.

Mission. The multinational force will assist the Lebanese Armed Forces in carrying out its responsibilities for insuring the safe and orderly departure from Lebanon of the PLO leaders, offices, and combatants in a manner which will insure the safety of other persons in the area, and which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

Duration of the MNF Mandate. It has been mutually agreed between the Government of Lebanon and those governments contributing forces to the MNF that these forces will depart Lebanon not later than 30 days after arrival, or sooner at the request of the Government of Lebanon or at the direction of the individual government concerned. There is also provision for the immediate termination of the mandate of the MNF and for its withdrawal from Beirut in the event that the departure from Lebanon of PLO personnel does not take place in accord with the predetermined schedule.

ROLE AND MISSION OF U.S. FORCES IN BEIRUT

U.S. forces will be deployed to Beirut as part of the multinational force based on an agreement between the U.S. Government and the Government of Lebanon.

The U.S. contingent of the multinational force will provide appropriate assistance to the Lebanese Armed Forces as they carry out their responsibilities concerning the withdrawal of PLO personnel in Beirut from Lebanese territory under safe and orderly conditions. The presence of U.S. forces also will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

U.S. forces will enter Beirut after the evacuation is well underway (probably 5 or 6 days thereafter) in concert with the Italian MNF contingent and the remainder of the French force. Approximately 800 Marines from Sixth Fleet units will be deployed. Command authority for the Marines will be exercised by the National Command Authority (NCA) through normal American military channels (EUCOM). These forces will not engage in combat but may exercise the right of self-defense. They will have freedom of movement and the right to undertake actions necessary to perform their mission or to support their personnel. U.S. personnel will be armed with usual infantry weapons.

Close coordination will be maintained with the Lebanese Armed Forces. There will be an exchange of liaison officers among the elements of the MNF and the Lebanese Armed Forces. A Liaison and Coordination Committee composed of representatives from the U.S., French, Italian, and Lebanese armed forces will assist this process. The Government of Lebanon and the Lebanese Armed Forces are taking measures necessary to insure the protection of U.S. forces including having secured assurances from armed elements that they will comply with the cease-fire and cessation of hostilities.

The U.S. contingent will be in Beirut for no more than 30 days.

WAR POWERS RESOLUTION

The War Powers Resolution requires a report to Congress within 48 hours after the introduction of U.S. Armed Forces: (1) into foreign territory while equipped for combat; or (2) into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

There is no intention or expectation that U.S. forces will become involved in hostilities in Beirut. They will be in Lebanon at the formal request of the Government of Lebanon; we will have assurances regarding the safety and security of the multinational force. Although we cannot rule out isolated acts of violence, all appropriate precautions will be taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

These matters will, in any event, be kept under constant review, and the President will report to Congress consistent with the reporting requirements of the War Powers Resolution.

AGREEMENTS AND ASSURANCES

U.S. forces will participate in the multinational force in Beirut pursuant to an agreement between the U.S. Government and the Government of Lebanon. That agreement is in the form of an exchange of notes signed by Ambassador Dillon on behalf of the U.S. Government and Deputy Prime Minister and Minister of Foreign Affairs Boutros on behalf of the Lebanese Government.

The agreement describes the missions of the Lebanese Armed Forces, the MNF, and the U.S. forces participating in the MNF. It contains provisions concerning command authority for U.S. forces, coordination with the Lebanese Armed Forces and immunities of U.S. personnel. Annexed to the agreement is the schedule for the PLO departure from Beirut.

In accordance with the agreement, the Government of Lebanon has secured assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities. The Government of Israel has provided appropriate assurances.

ROLE OF THE ICRC IN MOVING THE PLO FROM WEST BEIRUT

The role envisaged for the International Committee of the Red Cross (ICRC) in moving the PLO from west Beirut is still being finalized on the basis of discussions in Geneva and Beirut.

In accordance with its charter, the ICRC will be expected to care for the sick and wounded combatants while in transit. Initially, the ICRC will arrange transport and provide medical care for the sick and wounded PLO personnel going to Greece.

FINANCING THE DEPARTURE OF THE PLO FROM WEST BEIRUT

The cost of chartering transport of the PLO combatants to receiving countries will be funded through international organizations. The United States is prepared to provide initial funding from State Department funds.

Estimates regarding the cost of evacuating PLO forces from West Beirut currently

range from $2 to $4 million. This figure could be increased, however, as the number of people to be transported and their ultimate destinations are finalized.

(Mr. COCHRAN assumed the chair.)

Mr. SARBANES. I want to underscore again, Mr. President, that the departure plan is a very carefully perpared plan, thoroughly defining the circumstance under which our troops were first introduced into Lebanon. They went in on August 20. The mission was accomplished on September 11, and they came out ahead of schedule.

I ask that the schedule of departures related to this plan be printed in the RECORD at this point.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

SCHEDULE OF DEPARTURES

AUGUST 21, 1982—DEPARTURE DAY

The advance elements of the MNF (approximately 350 men) land at the Port of Beirut at about 0500 and deploy in the Beirut port area in preparation for the initial departures of PLO groups by sea.

Meanwhile the Lebanese Armed Forces deploy to previously agreed positions in the Beirut area, primarily in the so-called demarcation line area, to assist in the departure of PLO personnel. The Lebanese Armed Forces will take over positions occupied by the PLO.

The PLO will insure that National Movement Forces [collection of Lebanese militias] which had occupied these positions jointly with the PLO shall also withdraw.

As the day proceeds, the Lebanese Armed Forces will take up such other positions as necessary to assist in the departure of PLO personnel.

Meanwhile, the initial group of PLO personnel assemble in preparation for departure by sea later in the day (or on August 22). The vessel or vessels to be used for this purpose will arrive at pier on August 21.

The initial groups could include the wounded and ill, who would be transported in accordance with agreed arrangements—by sea or land, or both—to their destinations in other countries.

The initial group or groups of PLO personnel destined for Jordan and Iraq would move from their assembly point to the waiting commercial vessel or vessels for onward transport by sea.

AUGUST 22

All groups destined for Jordan or Iraq will have boarded ship and will have sailed from Beirut.

Duplicating the model followed on August 21, PLO groups destined for Tunisia assemble and move to the Port of Beirut for departure by sea.

AUGUST 23

All PLO personnel destined for Tunisia complete their assembly and embark on commercial vessel for Tunisia.

PLO personnel destined for South Yemen assemble and move to a vessel for departure then or on August 24.

AUGUST 24–25

Assembly and departure by sea of PLO personnel destined for North Yemen.

AUGUST 25

Provided that satisfactory logistical arrangements have been completed, the initial groups of PLO personnel destined for Syria assemble and move overland via the Beirut-Damascus highway to Syria

The advance French elements of the MNF already in the port area will have taken up such other agreed positions on the land route in the Beirut area as necessary to assist in the overland departure of the PLO personnel for Syria.

The Lebanese Armed Forces join with the French in occupying such positions

(If it should be agreed that these initial groups should go by sea to Syria rather than by land, this departure schedule also is subject to amendment to assure that logistical requirements are met.)

AUGUST 26–28 (APPROXIMATELY)

The remaining forces of the MNF (from the United States, France, and Italy) arrive in the Beirut area and deploy to agreed locations as determined through the Liaison and Coordinating Committee. This movement may be accompanied by the transfer of the advance French elements previously in the port area and elsewhere to other locations in the Beirut area.

AUGUST 26–27–28

PLO groups destined for Syria continue to move—by land or sea—to Syria.

AUGUST 22–SEPTEMBER 4

Turnover to the Lebanese Armed Forces of PLO weaponry, military equipment, and ammunition in a continuing and orderly fashion.

AUGUST 29–30–31

Redeployment out of Beirut of the Syrian elements of the ADF.

SEPTEMBER 1–4

Completion of the departure to Syria—by land or sea—of all PLO or Palestine Liberation Army personnel destined for Syria.

SEPTEMBER 2–3

Assembly and departure by sea of all PLO personnel destined for the Sudan.

Assembly and movement by sea of all PLO personnel destined for Algeria.

SEPTEMBER 4–21

The MNF assists the Lebanese Armed Forces in arrangements, as may be agreed between governments concerned, to insure good and lasting security throughout the area of operation

SEPTEMBER 21–26

Departure of MNF.

Mr. SARBANES. This schedule of departure sets out the projected timetable beginning with August 21, 1982, the departure day, and going right through to September 21 to 26, the dates of departure of the MNF. Actually, the multinational force departed ahead of those dates, the evacuation of the PLO having been accomplished.

I also ask that an exchange of notes dated August 18 and August 20, 1982 governing the U.S. contribution to the multinational force be printed at this point in the RECORD.

There being no objection, the exchange of notes were ordered to be printed in the RECORD, as follows:

EXCHANGE OF NOTES

LEBANESE NOTE REQUESTING U.S. CONTRIBUTION TO MNF

BEIRUT,
August 18, 1982.

Ambassador ROBERT S. DILLON,
U.S. Embassy, Beirut

YOUR EXCELLENCY, I have the honor to refer to the many conversations between their Excellencies the President of the Republic of Lebanon, the Prime Minister and myself on the one hand, and with Ambassador Philip C. Habib, Special Emissary to the President of the United States of America, on the other hand, as well as to the resolution of the Council of Ministers passed today. I have the honor to refer to the schedule set up by the Government of Lebanon, after consultations with interested parties, in order to assure the withdrawal from Lebanese territory of the Palestinian leaders, offices and combatants related to any organization now in the Beirut area, in a manner which will:

(1) assure the safety of such departing persons;

(2) assure the safety of the persons in the area; and

(3) further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area.

In this context, the Government of Lebanon is proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in Beirut. The mandate of the MNF will be to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out the foregoing responsibilities, in accordance with the annexed schedule. The MNF may undertake other functions only by mutual agreement. It is understood that, in the event that the withdrawal of the Palestinian personnel referred to above does not take place in accord with the predetermined schedule, the mandate of the MNF will terminate immediately and all MNF personnel will leave Lebanon forthwith.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 800 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American force will be exercised exclusively by the United States Government through existing American military channels.

The American force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American force will assign liasion officers to the LAF and the Government of Lebanon will assign liasion officers to the American force. The LAF liaison officers to the American force will, *inter alia*, perform liaison with the civilian population and manifest the authority of the Lebanese Government in all appropriate situations.

In carrying out its mission, the American force will not engage in combat. It may, however, exercise the right of self-defense.

The American force will depart Lebanon not later than thirty days after its arrival, or sooner at the request of the President of Lebanon or at the direction of the United States Government, or according to the termination of the mandate provided for above.

The Government of Lebanon and the LAF will take all measures necessary to ensure

the protection of the American force's personnel, to include securing the assurances from all armed elements not now under the authority of the Lebanese Government that they will comply with the cease-fire and cessation of hostilities.

The American force will enjoy both the degree of freedom of movement and the right to undertake those activities deemed necessary for the performance of its mission or for the support of its personnel. Accordingly, it shall enjoy all facilities necessary for the accomplishment of these purposes. Personnel in the American force shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to your Excellency's government, that your Excellency's reply to that effect, together with this note, shall constitute an agreement between our two governments, to enter into force on the date of your Excellency's reply.

Please accept, your Excellency, the assurances of my highest consideration.

FUAD BOUTROS,
Deputy Prime Minister
Minister of Foreign Affairs.

U.S. REPLY TO LEBANESE NOTE REQUESTING U.S. CONTRIBUTION TO MNF

AUGUST 20, 1982.

I have the honor to refer to your Excellency's note of 18 August 1982 requesting the deployment of an American force to Beirut. I am pleased to inform you on behalf of my government that the United States is prepared to deploy temporarily a force of approximately 800 personnel as part of a Multinational Force (MNF) to provide appropriate assistance to the Lebanese Armed Forces (LAF) as they carry out their responsibilities concerning the withdrawal of Palestinian personnel in Beirut from Lebanese territory under safe and orderly conditions, in accordance with the schedule annexed to your Excellency's note. It is understood that the presence of such an American force will in this way facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my government.

I have the further honor to inform you that my government accepts the terms and conditions concerning the presence of the American force in the Beirut area as set forth in your note, and that your Excellency's note and this reply accordingly constitute an agreement between our two governments.

ROBERT S. DILLON,
Ambassador of the
United States of America.

Mr. SARBANES. That exchange of notes, I would point out, stated, among other things, that in carrying out its mission the American forces will not engage in combat. Furthermore it provided that "The American force will depart Lebanon not later than 30 days after its arrival, or sooner at the request of the President of Lebanon or at the direction of the U.S. Government, or according to the termination of the mandate provided for above."

Mr. President, the President sent a letter to the Secretary General of the United Nations on August 20 concerning this matter. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDENT'S LETTER TO THE U.N. SECRETARY GENERAL, AUGUST 20, 1982

Letter dated August 20, 1982, from the Charge d'Affairs a.i. of the U.S. Permanent Mission to the United Nations addressed to the Secretary General

I have the honour to transmit the following message from the President of the United States:

"DEAR MR. SECRETARY-GENERAL: As you know, the Government of the Republic of Lebanon has requested the deployment of a multinational force in Beirut to assist the Lebanese armed forces as they carry out the orderly and safe departure of Palestinian personnel now in the Beirut area in a manner which will further the restoration of the sovereignty and authority of the Government of Lebanon over the Beirut area. The Lebanese Government has asked for the participation of United States military personnel in this force, together with military personnel from France and Italy.

"I wish to inform you that the United States Government has agreed, in response to this request from the Lebanese Government, to deploy a force of about 800 personnel to Beirut for a period not exceeding 30 days. It is my firm intention and belief that these troops will not be involved in hostilities during the course of this operation.

"The deployment of this United States force is consistent with the purposes and principles of the United Nations as set forth in Articles 1 and 2 of the Charter. It furthers the goals of Security Council resolutions 508 (1982) and 509 (1982) adopted in June at the beginning of the Lebanese conflict. The force will plan to work closely with the United Nations observer group stationed in the Beirut area.

"The agreement will support the objective of helping to restore the territorial integrity, sovereignty and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

RONALD REAGAN."

I have the honour to request that the present letter be circulated as an official document of the General Assembly, under item 34 of the provisional agenda, and of the Security Council.

KENNETH L. ADELMAN,
Ambassador.

Mr. SARBANES. And then on August 24, 1982, the President sent a letter to the Congress. In the course of that letter, he says as follows—and I am now quoting excerpts from his letter and then I will ask unanimous consent that the full text be included in the RECORD:

I want to emphasize that there is no intention or expectation the U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during the brief assignment to Lebanon.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDENT'S LETTER TO THE CONGRESS, AUG. 24, 1982

On August 18, 1982, the Government of Lebanon established a plan for the departure from Lebanon of the Palestine Liberation Organization leadership, offices, and combatants in Beirut. This plan has been accepted by the Government of Israel. The Palestine Liberation Organization has informed the Government of Lebanon that it also has accepted the plan. A key element of this plan is the need for a multinational force, including a United States component, to assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of these personnel under safe and orderly conditions. This will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

In response to the formal request of the Government of Lebanon, and in view of the requirement for such a force in order to secure the acceptance by concerned parties of the departure plan, I have authorized the Armed Forces of the United States to participate on a limited and temporary basis. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States Armed Forces.

On August 21, in accordance with the departure plan, approximately 350 French military personnel—the advance elements of the multinational force—were deployed in Beirut together with elements of the Lebanese armed Forces, and the departure of Palestinian personnel began. To date, Palestinian personnel have departed Lebanon in accordance with the terms of the plan.

On August 25, approximately 800 Marines began to arrive in Beirut. These troops are equipped with weapons consistent with their non-combat mission, including usual infantry weapons.

Under our agreement with the Government of Lebanon, these U.S. military personnel will assist the Government of Lebanon in carrying out its reponsibilities concerning the withdrawal of Palestinian personnel under safe and orderly conditions. The presence of our forces will in this way facilitate the restoration of Lebanese Government sovereignty and authority in the Beirut area. Our forces will operate in close coordination with the Lebanese Armed Forces, which will have 2,500-3,500 personnel assigned to this operation, as well as with a total of approximately 800 French

and 400 Italian military personnel in the multinational force. Transportation of the personnel departing is being carried out by commercial air and sea transport, and by land. According to our agreement with the Government of Lebanon, the United States military personnel will be withdrawn from Lebanon within thirty days.

I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now, and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

This deployment of the United States Armed Forces to Lebanon is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

This step will not, by itself, resolve the situation in Lebanon, let alone the problems which have plagued the region for more than thirty years. But I believe that it will improve the prospects for realizing our objectives in Lebanon:

A permanent cessation of hostilities;

Establishment of a strong, representative central government;

Withdrawal of all foreign forces;

Restoration of control by the Lebanese Government throughout the country; and

Establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel. I also believe that progress on the Lebanon problem will contribute to an atmosphere in the region necessary for progress towards the establishment of a comprehensive peace in the region under Camp David, based firmly on U.N. Security Council Resolutions 242 and 338.

Sincerely,

RONALD REAGAN.

Mr. SARBANES. Mr. President, all of this documentation, which has now been included in the RECORD, makes it very clear that at the time of the initial commitment of American troops to the multinational force in Lebanon there was a very careful, detailed, spelled out role. The Congress was in a position to evaluate that role, to look at it and to reach some judgment about the circumstances into which our troops were being committed, the benefits that were going to flow from that commitment, and the risks that were involved. the subsequent reintroduction of our troops into Lebanon later in September was governed only by and exchange of notes between our Ambassador to Lebanon and the Minister of Foreign Affairs and the Deputy Prime Minister of Lebanon. Mr. President, as a reading of the motion will indicate the reference is primarily to the role that the forces were going to play in the Beirut area.

I ask unanimous consent that that exchange of notes be printed in the RECORD.

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

9. AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON UNITED STATES PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT.

Effected by exchange of notes at Beirut September 25, 1982.

Entered into force September 25, 1982.

BEIRUT, *September 25, 1982.*

No. 100

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

His Excellency
FOUAD BUTRUS,
Deputy Prime Minister and Minister of Foreign Affairs, Beirut.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

BEIRUT, *the 25th of September 1982.*

His Excellency Mr. ROBERT DILLON,
Ambassador of the United States, Beirut.

YOUR EXCELLENCY: I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consultations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring an end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area. The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a liaison and coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restric-

tions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levey.

I have the further honor to propose, if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accept, Your Excellency, the assurances of my highest consideration.

FOUAD BOUTROS,
Deputy-Prime Minister,
Minister of Foreign Affairs.

Mr. SARBANES. Mr. President, what has happened is that the mission and purpose of our troops is being expanded, broadened; it is becoming more general and more vague, and therefore, it is becoming increasingly difficult to evaluate what the task is and how feasible it is that our troops there will be able to achieve it.

Furthermore, it is difficult to evaluate whether in fact the resources made available are adequate to the task. Are we in effect taking on a responsibility for which we have not committed the resources? Does that mean in the future we will diminish the responsibility or increase the resources?

The two notes that I referred to dated September 25, 1982, governing the reintroduction of American troops—I want to be very clear about this—the first commitment of troops in my judgment was done under very specific, detailed terms that allowed an evaluation to be made as to why they were being sent, what the purpose was, and the likelihood of accomplishment. The second reintroduction was much more vague. The note from our Ambassador says:

I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1,200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese government sovereignty and authority over the Beirut area. * * *

Now, Mr. President, the resolution that is before us to provide an authorization goes well beyond the responsibilities set out in the exchange of notes.

As to Senate Joint Resolution 166, the matter that is now before the Senate, I am now quoting the title of this joint resolution:

Providing statutory authorization under the War Powers Resolution for continued U.S. participation in the Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

Note that well: "in order to obtain withdrawal of all foreign forces from Lebanon."

Then, in its findings and purposes, section 2.(a), the resolution states:

The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

Mr. President, we see a clear progression. We see the following movement; the first introduction of the forces to cover the evacuation of the PLO was very carefully and specifically defined; the reintroduction of the forces governed by two notes which were vague about its role, although referenced to the Beirut area; and now a joint resolution before us which, while referring in section 3 to the earlier exchange of notes, contains language in its findings and purposes and its title which clearly reflects a broader role and assignment for our troops. Nor is that the end of the progression that is taking place.

The distinguished Senator from Delaware and I had a discussion earlier about the comments of the Secretary of State over the weekend, in an interview, in which he said that the mission of the U.S. Marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian, and Palestine Liberation Organization forces.

The article went on to say:

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those area, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 25, 1983]

SHULTZ TIES WITHDRAWAL TO LEBANON'S STABILITY

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will every agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would be expanded.

A resolution pending before Congress that President Reagan has agreed to sign is meant by its congressional sponsors to put definite limits on the role of the marines under the authority of the 1973 War Powers Act.

When asked if he would guarantee that the size of the force would not be enlarged, Mr. Shultz said yesterday that although there was no plan for an increase, he would not provide a "guarantee, which is a flat, unequivocal, never-say-never type of thing."

He said in defending his refusal to give a pledge of no change that "you can't foresee what the situation may be."

"And I don't want to be in the position of acting as though I know exactly what the situation will be," he said.

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French, and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or

PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

U.S. officials said yesterday they were not certain how many foreign troops are in Lebanon. But one official estimated there are about 15,000 Israelis in southern Lebanon, about 40,000 Syrians in eastern and northern Lebanon and 11,000 to 15,000 Palestinian forces, some of them attached to the Syrian army and others on their own. There also are small numbers of Iranians and Libyans in support of the anti-government forces in Lebanon.

Senator Charles McC. Mathias, Jr. (R, Md.), when told of Mr. Shultz's comments yesterday, said that he felt the administration was being "ungenerous" and "unresponsive," given the desire of Congress to be cooperative. But he said that although the administration does not want "to waive any of its rights," he believed that once the resolution limiting the time, scope and size of the U.S. involvement in Lebanon was passed and signed, the administration probably would be "willing to live with it."

Mr. SARBANES. Mr. President, I think it is becoming more and more apparent that we do not have a clear definition of what the role of our men in Lebanon is to be; that, in effect, what is happening is that we are being drawn into an open-ended commitment.

The joint resolution, in fact, even states in section 6 that the withdrawal of all foreign forces from Lebanon will not necessarily mean that our troops will come out, because the President could determine and certify that their continued participation in the multinational force is required.

So, even if the foreign forces are taken out—which is in itself a tremendous expansion of our responsibility and role—but even if that is achieved, the administration has made it clear that it may continue to keep the troops there. That is the point the Secretary made in his interview over the weekend.

Mr. President, before Senators focus too much on the 18-month versus the 6-month question—and that has been portrayed by some as critical in this matter—it is more important to focus on the role and scope of our troops. By way of comparision, we have people in the Sinai carrying out a role that was carefully defined, whose risks could be evaluated, whose benefits could be evaluated, and that role has continued over a lengthy period of time.

I agree with the distinguished Senator from Georgia (Mr. NUNN), who said yesterday on "Meet the Press":

I do not believe we ought to be debating a time limit. I think we ought to be debating our role in Lebanon.

Beyond that—and this is the final point I want to get on the record before today's debate finishes—beyond that is the indication by the administration that, whatever the terms of this authorizing resolution are, they do not feel that their authority to act is contained within the terms of the resolution and that they will continue to assert a constitutional authority outside the resolution: in effect, to increase the role, the numbers, the time period—all on the basis of an assertion of the President's constitutional authority.

As we know, the President has indicated that he intends to make a reservation at the time he signs this resolution, and it is very clear that the reservation which he intends to make is that he is reserving all of his consititional authorities.

I had an extended question period with the Secretary on this particular issue in the committee, and in a moment I am going to ask that a substantial portion of that discussion be printed in the RECORD. I just want to quote from it. This is my question to the Secretary:

• • • you would not agree to the authorization being for 18 months and then it being clear that to stay there, the President would have to come back to the Congress; is that correct?

Secretary Shultz said: "That is correct."

The administration reads this resolution, even with an 18-month period, as not constituting a limitation upon them.

Later, I asked Secretary Shultz:

Now, there is a difference between consultation and obtaining an authorization from the Congress. Is it the administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific congressional authorization?

The Secretary frequently stated that the administration would consult with Congress, but as we all know, consultation and authorization are two very different things and that difference goes to the very meaning of the War Power Act.

The Secretary said, in response to that question:

I think the President or pershaps any of you if you were President, thinking about your role, your constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or often after the Congress had authorized it.

The PRESIDING OFFICER. The Chair advises the Senator that the Democratic leader's time has expired.

Mr. SARBANES. Mr. President, could I get 10 minutes from the other side to finish this opening statement?

Mr. PERCY. Mr. President, I understand that my distinguished colleague from Maryland, a member of the Foreign Relations Committee, would like 10 minutes yielded time of our time.

Mr. SARBANES. I understand that we had a 3-hour debate period and we have exhausted our time.

Mr. PERCY. I am happy to yield 10 minutes if that would be sufficient.

Mr. SARBANES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. A further question directed to the Secretary was as follows:

• • • as I pointed out, the word "consultation" and the word "authorization" are two very different things. As I understand the responses to the questions, the administration, at the same time that it seeking to obtain this authorization, is not any way relinquishing its assertion of authority to increase numbers, scope and time period.

Secretary Shultz reponded:

I can only go back to the generality of it and say that the President has no intention of turning over the Congress his constitutional responsibilities as Commander in Chief. Now that does not mean that you ignore the Congress wishing and, of course, the Congress has to provide funds and so on. It is only sensible to consult and try to move forward in tandem on these matters. But in the end, as a matter of principle, the President must maintain his constitutional responsibility as Commander in Chief.

Mr. President, I ask unanimous consent that the longer exchange from which these questions and answers were taken be printed in the RECORD at this point. I note that the exchange appears at pages 26-29 of the printed hearing of September 21, 1983, before the Committee on Foreign Relations, which is on the Secretary's desk.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator SARBANES. Mr. Secretary, I want to try to develop with you the breadth and range of the authorization that the administration is seeking from the Congress. I think I can do that by making reference to provisions of the resolution and obtaining your understanding of them.

Is it the administration's view that at the end of the 18-month period that the President, pursuant to the other constitutional powers which the President asserts, could maintain troops there without a congressional authorization?

Secretary SHULTZ. If we get to the end of the 18-month period, of course, we do not know what the fact situation will be. The resolution sets out conditions for termination, including an 18-month period, and provides for, and unless the Congress votes I think it is fair to say, as Chairman Zablocki stated this morning in the House, that essentially you would be constitutionally where we are right now.

Senator SARBANES. in other words, the administration does assert the constitutional authority to maintain the troops under the other provisions of the constitution, is that correct?

Secretary SHULTZ. The President has stated that he will sign this resolution, and among the reasons for doing so is it seems to be a way of preserving the constitutional principles that each side to this negotiation feels are of great importance, without prejudging them one way or another.

Senator SARBANES. I understand that, and I take it the reservation which the president is going to express upon the signing—I have not seen what that reservation is going to

be; I have only been told that he is going to express reservations—I take it will run to an assertion that he does have constitutional authority acting as Commander in Chief to commit these troops and to keep them there; is that correct? Is that the reservation that will be made?

Secretary SHULTZ. I certainly would expect that the heart of the reservation runs to his constitutional duties as Commander in Chief.

Senator SARBANES. Then I take it, consistent with that, it is the position of the Administration that at the end of the 18-month period the President could keep the troops there pursuant to that constitutional authority?

Secretary SHULTZ. I think the constitutional issue is a general one and would apply across the board. This resolution is an effort to put that issue to the side for the time being and go on to the substance of this matter.

Senator SARBANES. I take it you would be opposed, in section 6 of the resolution, to striking the language "for purposes of the War Powers Resolution" as far as the authorization for 18 months is concerned? In other words, you would not agree to the authorization being for 18 months and then it being clear that to stay there the President would have to come back to the Congress, is that correct?

Secretary SHULTZ. That is correct.

Senator SARBANES. Now, the resolution also provides that:

"Nothing in this joint resolution modifies, limits or supersedes any of the provisions of the War Powers Resolution or the requirements of Section 4(a) of the Lebanon Emergency Assistance Act relating to Congressional authorization for any substantial expansion in the number of or role of the United States Armed Forces in Lebanon."

Does that mean that the role or number, substantial expansion of the number or role of the U.S. Armed Forces cannot take place without a congressional authorization? Or would the Executive again assert that it could do that under the Commander in Chief powers and that therefore that question also remains open, just as the previous one does?

Secretary SHULTZ. The President has signed that statute and it is our full intention, if there is any change in the mission or a significant change in the numbers of marines deployed, to come and consult with the Congress about that as required by the law.

Senator SARBANES. As I read the law—and I am trying to be clear on this, because you did mention it earlier. You said you would come back to the Congress and consult about it.

Now, there is a difference between consultation and obtaining an authorization from the Congress. Is it the administration's position that what they need to do is consult with the Congress, or that they need to obtain an authorization from the Congress, that they could not expand the number or role without a specific congressional authorization?

Secretary SHULTZ. I think the President, or perhaps any of you if you were president, thinking about your rule, your constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order U.S. forces to do something or other after the Congress had authorized it.

Senator SARBANES. So it is your position, then, that you could substantially expand them without a congressional authorization?

Secretary SHULTZ. The constitutional reservation goes to the President's role as Commander in Chief, and therefore to his capacity to be in charge of the deployment of the Armed Forces of the United States. I have no doubt that he will continue to assert that role.

The effort that is being made here in putting together this resolution and in working on the Lebanon situation generally is to try to work in a collaborative and consultative fashion with the Congress, and certainly that is our intent, at the same time not to prejudice or foreclose these fundamental constitutional principles.

Senator SARBANES. I understand that. But what this questioning is bringing out is that, while the administration is here seeking an authorization from the Congress, it is reserving its authority and right to increase the numbers, increase the scope, and increase the time period, in each instance without a congressional authorization.

Secretary SHULTZ. It is the intent of the administration to consult closely with the Congress on such matters.

Senator SARBANES. I understand that. But as I pointed out, the word "consultation" and the word "authorization" are two very different things. As I understand the responses to the questions, the administration, at the same time that it is seeking to obtain this authorization, is not in any way relinquishing its assertion of authority to increase numbers, scope and time period.

Secretary SHULTZ. I can only go back to the generality of it and say that the President has no intention of turning over to the Congress his constitutional responsibilities as Commander in Chief. Now, that does not mean that you ignore the Congress wishes, and of course the Congress has to provide funds and so on. It is only sensible to consult and try to move forward in tandem on these matters.

But in the end, as a matter of principle the President must maintain his constitutional responsibility as Commander in Chief.

Mr. SARBANES. Mr. President, I urge Members to read the minority views to the committee report before reaching a judgment on this important issue. The above questioning is one of the reasons why the minority views make the point that the war powers resolution is not being applied in this instance, despite the assertion that a so-called compromise has been reached.

As the report states, "The determined unwillingness of the administration to recognize that the procedures stipulated by the war powers resolution are now in fact required became starkly evident during the Secretary of State's testimony before the committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. Forces and the duration of the involvement—even in disregard if necessary of the war powers resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there." Congress cannot ignore what this means. The administration is prepared to participate in a procedure which would give some appearance of creating a war powres resolution framework without really conceding that any such framework exists.

So aside from the terms contained in Senate Joint Resolution 166, which, of course, raise serious questions in and of themselves, particularly with respect to the role and mission of our troops, we also have to face the situation that the administration is asserting an authority to act beyond or outside of the resolution.

And it is for that reason that the minority in its views has made it very clear that in our judgment the war powers resolution is not being applied. We do not believe that the issues surrounding proper implementation of the war powers resolution are mere "legalisms." At issue are constitutional questions of immense gravity, involving how this Nation is going to make the decision to involve American Forces in hostilities.

It does not take much anticipation of what might develop to recognize that Congress is being drawn into providing an open-ended authorization. The terms of the authorization itself, both as to time and nature and scope, are in effect open ended and beyond that the administration asserts that the terms are not really limitations, but that they have the authority to go beyond the terms.

It is no wonder that the Sunday New York Times in commenting on the question-and-answer session with Secretary Shultz stated:

> It left one senior House Democrat leader worrying privately that instead of being a cautioning or restraining hand, this resolution becomes a legitimizing instrument for the President, freeing him from political pressures to move cautiously.

Mr. President, clearly this is a matter to which we need to give the most serious and careful attention. We have the issue of the congressional role as it concerns the warmaking power. We have been through that before. The war powers resolution was passed simply to guard against situations of the very sort that we are being confronted with here.

The administration does not accede that it is bound by the terms of this resolution. They continue to assert an authority outside of it.

If they conceded they were bound by the terms of the resolution, then one would have to look at its terms, and there would be serious questions about the lack of a clearly defined policy; about the 18-month blank check.

I agree with the conclusion of the minority report that to pass this resolution before us would represent a

grave abdication of congressional responsibility. It would represent a dereliction of congressional responsibilities relating to the war powers resolution. It would represent providing an authorization in the absence of a clearly defined policy and, in fact, in the presence of a policy being more broadly and vaguely defined with each passing day.

We need a clearly defined policy because we need to be able to evaluate whether there is a reasonable prospect of achieving that policy.

The Secretary suggests now that we will be in there until the foreign troops leave. Are we to drive the foreign troops out? And, once they leave, are we to stay in order to make sure that they do not come back? What is our role to be? It has not been fully, clearly defined and, therefore, we are facing once again the prospect of providing an open ended commitment.

I think that would be a serious mistake. I join with the minority report—a very close minority, 9 to 7 in the committee—in urging that this resolution not be passed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum to be charged against the time remaining on this debate.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, with regard to the war powers resolution offered by Senators BAKER and myself, those who oppose this resolution may be under the mistaken impression that this resolution provides unlimited authority for the President in Lebanon. That is clearly not the intention of this resolution. The resolution puts limitations on the scope of U.S. Forces in Lebanon in at least two ways.

First, it is written in such a way that it does not fulfill the requirements of section 4 of the Lebanon Emergency Assistance Act. That section requires the President to obtain statutory authorization for "any substantial expansion in the number or role" of U.S. Armed Forces in Lebanon. Thus, under the provisions of that act, if the President intends to substantially expand either the "number or role" of U.S. Armed Forces in Lebanon, additional authorization would still be required.

Second, the resolution provides the President with authority to implement the September 25, 1982, exchange of letters with the Lebanese Government. According to our committee report:

> Three principal limitations on the U.S. role are contained in that agreement: the number of U.S. troops will be approximately 1,200; they will operate in the Beirut area in support of the Lebanese Government; and they are not expected to perform a combat mission.

Finally, there has been discussion of language in the resolution which authorizes U.S. Forces to take measures to protect themselves. The committee does not interpret this as an open ended authorization. The committee's report language also interprets this authority in a limited way. The committee report states:

> The committee does not believe that such actions—protective measures—necessarily change the role of the U.S. Forces, so long as the task of the U.S. Forces is not to duplicate or supplant the functions of the Lebanese Armed Forces or to redeploy from the Beirut area, or in other respects to exceed the limited mandate of the multinational force or the limitations of the Lebanon Emergency Assistance Act of 1983.

Therefore, I believe we are providing the President the authority he needs to uphold the commitments made by all members of the multinational force. We are not providing him with a new Gulf of Tonkin resolution.

Let me answer just a few questions that have been put on the floor of the Senate by other Senators. Let me also note that except for Senator Sarbanes, there is not another single Senator on the floor of the Senate right now on this important resolution involving the War Powers Act. Maybe the steam has been taken out, and I trust that it has been taken out, by the cease-fire that has been achieved.

Maybe we have already proven the point, that the passage of that resolution by a vote of 30 to 6 by the House Foreign Affairs Committee, its support by the Speaker of the House and its support by the Senate Foreign Relations Committee although by a much tighter and, regrettably, partisan vote of 9 to 7, is an indication that the Senate and the House support the resolution.

We again need to speak with one voice. The proof that this action is a wise action is evidenced by the fact that, as of last night, Syria, Lebanon, the Palestinians, and Saudi Arabia came to agreement on a cease-fire that, as of this moment is still holding.

No one can guarantee that it will hold permanently.

Our hopes are high. Nevertheless, we have to be somewhat skeptical because dozens of cease-fires have been made and broken in Lebanon during the last 8 years.

Mr. SARBANES. Will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. SARBANES. I think the fact that only a few Senators have been present reflects the fact that this was the opening debate, and therefore would probably be occupied by the members of the Foreign Relations Committee.

I hope Senators will read very carefully not only the statements but the materials that have been included in the RECORD today. Also that they will review the committee report and minority views and the transcripts of the hearing and the markup that were held on Wednesday and Friday of last week.

I think it is very important that Senators do that. The Senator from Illinois just rejected the view asserted by some of the opponents of the resolution that the terms contained therein were not in fact limitations. I take that view in light of the testimony of the Secretary of State before our committee and his responses to questions.

I do not ask Senators to take either my assertion or the assertion of the Senator from Illinois on that issue. I ask them to read the RECORD, to read the questions and answers and reach their own judgment as to what the import of the Secretary's responses are. The same applies with respect to the article placed in the RECORD reporting on an interview of the Secretary's over the weekend in which he indicates a much broader role for the American Marines in Lebanon, a role running throughout that country and even going so far, as one senior spokesman in the administration apparently stated, as insuring that once the Syrians and PLO left we would insure that they would not come back.

So I simply say to the Senator that I think we have begun the debate today and hopefully much of what is being put in the RECORD will be carefully reviewed by Members. I agree completely that it is a very serious judgment we have before us.

Mr. PERCY. I thank my distinguished colleague. First of all, I would like to repeat what I said in the Foreign Relations Committee. I think the debate held in that committee on the war powers action was among the best debates I have ever heard in any committee at any time in 16½ years, and it dealt with one of the most important issues we have had.

I particularly commend the Senator from Maryland, who really gave incisive thought and reasoned arguments. I did not agree with every one of them, but the issues he raised and the questions he asked proved extraordinarily valuable. No member of the executive branch could leave that hearing without having an added respect for the Senate and for the function that we perform in not only the writing and drafting of legislation but oversight of our policy. It was one of the high points in my Senate career to listen to my colleagues on both sides of the aisle.

Let me make clear that the debate today was started on the floor of the

Senate with the majority leader and the minority leader taking very, very active roles. They recognize the importance of it.

Mr. President, to save time, I ask unanimous consent that my answer to the question: Is this resolution another Gulf of Tonkin resolution? be printed in the RECORD at this point.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

The Gulf of Tonkin Resolution was much more open-ended. The current Resolution is much more limited in scope.

The 1964 Tonkin Gulf Resolution stated that the President was authorized not only to defend U.S. forces against attack, but also to "take all necessary measures . . . to prevent future aggression" and "to take all necessary steps, including the use of armed forces, to assist any [SEATO] member . . . requesting assistance in defense of its freedom." This was a very broad statement, since it was generally accepted at the time that North Vietnamese and other Communist forces were using massive combat forces to commit aggression throughout Indochina.

In contrast, the mandate authorized by the current Resolution is much more limited in scope. Section 3 of the Resolution clearly states that the authorization granted for the continued participation of U.S. forces in the MNF will be limited to performance of the functions set forth in the September 1982 exchange of letters between the U.S. and Lebanese Governments, and will be subject to the limitations stated in those letters. That means that U.S. forces are not authorized to undertake a combat role, but only to help provide a multinational presence that would assist the Lebanese Government in the Beirut area.

Of course the Resolution recognizes that our forces are not precluded from taking such protective measures as may be necessary to ensure the safety of the MNF. This has always been the case, and this right of self-defense is essential for any force of this kind. But it does not expand the basic role and mission of the force: Congress is not being asked to authorize the President to use military force to expel foreign forces from Lebanon, or to reoccupy those parts of Lebanon now controlled by non-Government elements, or to intervene on behalf of the Lebanon Government to suppress internal Lebanese factions.

The PRESIDING OFFICER (Mr. EVANS). The time for debate has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I ask unanimous consent that there now be a period of 5 minutes for the transaction of routine morning business in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators for their participation in the debate today. If I appeared anxious to conclude, it was because earlier today an order was entered by unanimous consent that limited the time for debate on the war powers resolution from 3 p.m. until 5 p.m. I felt that we should abide by the terms of that arrangement since the act provides for the division of time equally, and that was the arrangement that was made with the minority leader on behalf of many Senators.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1850 An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

At 3:04 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as follows:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

BILLS READ THE SECOND TIME AND PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1881. A bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; and

H.R. 1036. An act to provide employment opportunities to long-term unemployed individuals in high-unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, September 26, 1983, he had presented to the President of the United States the following enrolled bills:

S. 1850. An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands; and

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1776. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on necessary revisions in country-by-country funding to implement the fiscal 1983 international military education and training program; to the Committee on Appropriations.

EC-1777. A communication from the Secretary of the Navy transmitting, pursuant to law, a report on the proposed transfer of

the obsolete submarine ex-*Albacore* to the Portsmouth, N.H., Submarine Memorial Association, Inc.; to the Committee on Armed Services.

EC-1778. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to assure equity for members of the Reserve components in computation of hazardous duty pay; to the Committee on Armed Services.

EC-1779. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to provide for participation of members of the Armed Forces in international sports activities; to the Committee on Armed Services.

EC-1780. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979 relative to employee pay; to the Committee on Armed Services.

EC-1781. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the consolidation containerization point function at McClellan AFB to performance under contracts; to the Committee on Armed Services.

EC-1782. A communication from the General Accounting Office transmitting, pursuant to law, a report entitled "Consolidation of Federal Assistance Resources Will Enhance the Federal-State Emergency Management Effort"; to the Committee on Armed Services.

EC-1783. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the United Kingdom; to the Committee on Armed Services.

EC-1784. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the latest fiscal year 1983 allocation of civilian end strength in the Department of Defense; to the Committee on Armed Services.

EC-1785. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1982 annual report on the administration of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

EC-1786. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, a report on the Association's determination of the fair market value of the Alaska Railroad; to the Committee on Commerce, Science, and Transportation.

EC-1787. A communication from the Secretary of Energy transmitting, pursuant to law, the comprehensive technology application and market development plan; to the Committee on Energy and Natural Resources.

EC-1788. A communication from the Secretary of Energy transmitting, pursuant to law, the quarterly report on biomass energy and alcohol fuels; to the Committee on Energy and Natural Resources.

EC-1789. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, an emergency prospectus for structural alterations to the Howard Street parking facility in Detroit, Mich.; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 213. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714.

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 1887. An original bill to extend the Federal supplemental program for 18 months, and for other purposes (Rept. No. 98-240).

By Mr. PERCY, from the Committee on Foreign Relations:

A report to accompany S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983" (Rept. No. 98-241).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute, an amendment to the title, and an amendment to the preamble:

S.J. Res. 159. Joint resolution to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon (together with minority and supplemental views) (Rept. No. 98-242).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown.*

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 254. A bill to provide for inclusion of capital construction funds for fishery processing facilities (Rept. No. 98-243).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1887. An original bill, reported from the Committee on Finance, to extend the Federal supplemental compensation program for 18 months, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 1888. A bill to amend title II of the Social Security Act to provide for due process requirements for the termination of disability benefits; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY:

S. Con. Res. 69. A concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1888. A bill to amend title II of the Social Security Act to provide for due process requirements for the termination of disability benefits; to the Committee on Finance.

SOCIAL SECURITY DISABILITY REVIEW

● Mr. HELMS. Mr. President, I have been deeply concerned about the content of letters which have been coming into my office for the last year. These letters contain touching and heart-rendering stories of families who are losing their homes, who no longer can afford life-sustaining medicine and who are being deprived of much needed doctor's attention because of what they believe are unjustified cutoffs of their social security disability benefits.

I have heard from a poor woman who has an incurable heart and lung disease and is struggling to raise a child by herself. This woman cannot walk up a flight of steps without incurring severe physical consequences. Her bad health and lack of physical capacity has prevented her from finding employment, yet social security cut off her monthly disability support putting her in jeopardy of losing her home.

Another example of the extreme problems in the social security review system was the cutoff of monthly payments to a woman struck down with a progressive, deterioration muscle disease caused by the swine flu vaccine. This woman used her small amount of disability funds to buy medicine, without which she would die. I have been trying to help these and similar people on an individual basis, but, unfortunately, arbitrary disability cutoffs of this kind have persisted.

I had sincerely hoped the problems with social security disability would have been addressed and remedied last January when Congress focused their attention on the social security system. I introduced legislation at that time which would have put an end to erroneous cutoffs of the livelihood of helpless people.

Congress approved some—but not all—of my social security proposals at that time. Unfortunately, my proposal

for a guide for disability review was one of the elements not adopted. Therefore, with this major problem still facing the American public, I believe it is imperative that I reintroduce that important segment of my former bill.

I would be the first to acknowledge that there has been much abuse of social security disability, but, the movement to correct the abuse must have guidelines and it must be fair. I propose that Congress insure due process to every individual disability recepient before any benefits can be cutoff. The bill I am introducing today, entitled "Social Security Disability Guidelines," will do this. Under the legislation, each disability beneficiary would be entitled to a hearing before an administrative law judge before benefits could be stopped. The Social Security Administration could bring a case before a judge for determination only after showing the claimant either: one, had a physical or mental medical improvement or two, was subject to a mistake in the initial determination of disability or three, had perpetrated a fraud on the social security system in claiming his condition disabled him from all work activities.

This is a much needed change in the social security disability system. The problems involving the arbitrary cutoff of benefits to disabled citizens must be addressed. We cannot allow life-sustaining funds for so many individuals to continue to be terminated by an overzealous Social Security Administration. Each beneficiary's individual situation must be thoroughly reviewed before action is taken. The seriousness of this issue is indicated by the fact that administrative law judges have reversed roughly 70 percent of the disability cutoff cases they review. I sincerely urge my colleagues to look toward solving the root of the disability problem. Another temporary measure to extend payments without setting forth appropriate guidelines, as adopted last year, is not the answer. Let us move now to prevent disabled, deserving Americans from living in fear of losing their only means of support. I urge you all to work quickly to pass this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) section 221(d) of the Social Security Act is amended by inserting "(1)" before "(c)" and by adding at the end thereof the following new paragraph:

"(2)(A) In any case where—

"(i) an individual is a recipient of disability insurance benefits, or of child's, widow's, or widower's insurance benefits based on disability, and

"(ii) a preliminary finding is made that the physical and mental impairment on the basis of which such benefits are payable has ceased, did not exist, or is no longer disabling (as determined in accordance with subparagraph (B)),

such benefits may not be terminated until such preliminary finding has been upheld after a hearing by the Secretary as provided in section 205(b). The Secretary shall provide opportunity for such hearing at a time and place reasonably accessible to the individual. Failure without good cause to appear at such hearing shall constitute a waiver of the right to such a hearing prior to termination.

"(B)(i) Except as provided in clause (ii), no benefits described in subparagraph (A) may be terminated on the grounds that the physical or mental impairment on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that there has been a medical improvement in the case of such individual's impairment such that the individual is no longer under a disability under the standards for disability in effect at the time of such prior decision, or that the prior decision that such individual was under a disability was clearly erroneous under the standards for disability in effect at the time of such prior decision.

"(ii) Clause (i) shall not apply in the case of a termination of benefits based upon a finding made in accordance with section 223(d)(4) that services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, or to a termination based on a finding of fraud.".

(b) Section 223 of such Act is amended by striking out subsection (g).

(c) Section 205(b) of such Act is amended by striking out "(1)" after "(b)" and by striking out paragraph (2).

(d) Section 5 of Public Law 97-455 is repealed.

(e) The amendments made by this section shall apply with respect to determinations (that individuals are not entitled to benefits) made after the date of the enactment of this Act.●

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 462

At the request of Mr. GRASSLEY, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 948

At the request of Mr. THURMOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 948, a bill to reform Federal criminal and civil forfeiture.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1837

At the request of Mr. GORTON, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1837, a bill to designate the Federal Building in Seattle, Wash., as the "Henry M. Jackson Federal Building."

S. 1842

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the names of the Senator from New York (Mr. MOYNIHAN), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and asso-

ciated ground system equipment to the private sector.

SENATE CONCURRENT RESOLUTION 69—RELATING TO THE USE OF SATELLITE NAVIGATIONAL AIDS

Mr. PERCY submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 69

Whereas an unarmed South Korean commercial air transport plane was shot down on September 1, 1983, with the loss of 269 lives, including many American citizens;

Whereas the Korean Air Lines jet had apparently strayed off-course into Soviet-controlled air space;

Whereas the cause for the deviation from the plane's assigned route of flight is still under investigation and may never be known;

Whereas the current aviation system is safe if internationally recognized procedures are followed;

Whereas the Government of the Soviet Union has arrogantly declared that in the future if another civilian aircraft strays off course and enters Soviet air space it would repeat its inhuman behavior, ignoring procedures developed to protect passengers;

Whereas there is an urgent need to provide pilots with additional navigational back-up systems to prevent aircraft from straying off-course and to protect passengers from becoming victims of the renegade behavior of the Government of the Soviet Union or other nations with similar disregard for the lives of innocent people;

Whereas the Department of Defense has developed the Global Positioning System (hereafter in this concurrent resolution referred to as the "GPS") that can provide highly accurate navigational information to civilian aircraft as early as 1988;

Whereas the GPS could be implemented before the date to provide at least partial coverage near the borders of nations which have threatened and continue to threaten civilian airliners that may accidentally go off-course; and

Whereas commercial airlines and general aviation operators have opposed the imposition of a surcharge because it would set a precedent for the charging of fees for other navigational aids, and such operators have declared that they may not use the system if a surcharge is imposed: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Secretary of Transportation make available the civilian version of the GPS to domestic airlines and to the commercial airlines of those countries which strictly abide with both the spirit and letter of the International Air Services Transit Agreement, done at Chicago on December 7, 1944;

(2) the Secretary of Transportation should work with relevant agencies to speed up the timetable for the cvivilian use of the GPS in international air space; with particular attention to the use of such system in the North Pacific, including the availability of on-board receivers;

(3) the Secretary of Transportation should encourage both domestic and foreign-flag carriers to test the GPS before its operational implementation; and

(4) the Secretary of Defense should not consider imposing user fees for foreign and domestic civilian use of the GPS in view of the benefits of such systems to public safety.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of Transportation and the Secretary of Defense.

Mr. PERCY. Mr. President, I am submitting today a concurrent resolution that urges the administration to speed up the timetable to permit civilian use of the military navigational satellite system called the global positioning system (GPS).

A month has passed since the brutal action of the Government of the Soviet Union in destroying a civilian air transport plane, flown by Korean Air Lines.

Both the Senate and the House have passed strong resolutions condemning the action which killed all 269 passengers aboard. U.S. revulsion has been shared by the world community, including many nations that have responded by suspending air service to the Soviet Union.

Despite the marshaling of world opinion against the Soviet action, it appears that the Soviet Government wants to dodge responsibility for this outrage. It has concocted ludicrous alibis.

It has publicly proclaimed that it intends ruthlessly to enforce its so-called border law and shoot down the next passenger plane that innocently strays across its borders.

Therefore, it is imperative that new "fail-safe" air navigational devices be used to aid pilots of commercial aircraft flying near Soviet borders. This would serve as an independent position monitor.

We are indeed fortunate because the Defense Department has successfully tested the GPS. When fully operational in 1988, it will provide around-the-clock, all-weather coverage for aircraft, anywhere on the globe. It can tell pilots where they are located within 300 feet, the length of a football field.

Let us not forget, as the President pointed out to the United Nations today, scores of Soviet planes have strayed from their course. We have never shot them down. They have strayed right over U.S. sovereign territory. We have warned them; we have gone through the procedures that any civilized nation would; we have even caused them to land to explain what they were doing there. But we did not shoot them down. Now, no excuse exists for their straying. We have the technical capability—when all 18 satellites are in the air, 11,000 miles above Earth, we shall be able to monitor, every place on Earth, every single airplane. There is no use just doing this for defense; why not do it for civilian aircraft as well? We are fortunate that we are as far along as we are and that the system has proven out to be as accurate as it has.

One plane took off from Des Moines, Iowa, I believe it was, and landed in Paris, used only this directional system, and it landed within 26 feet, on a Paris airstrip, of where it was intended to be landed, never being touched by human hands, all done by automatic procedures. That is the competence and the capability that is now available to us for civilian aircraft.

Technical experts believe that the GPS timetable can be advanced to provide 15-hour-a-day coverage over the North Pacific Great Circle route in a year. In view of the threat to civilian aviation on that route, I would urge that the Defense Department and the Federal Aviation Administration work together to provide this additional navigational check by early 1985.

One of the primary purposes of this resolution is to put Congress on record in favor of continued momentum toward civilian use of the GPS. All too often after a disaster, public attention shifts to the next pressing crisis, and necessary corrective measures are delayed or never implemented. In view of the Soviet attitude, we cannot afford that luxury.

Mr. President, I would ask unanimous consent to have printed in the RECORD an editorial from the Chicago Sun-Times urging a speedup in the GPS timetable, together with articles from the same newspaper and the Philadelphia Inquirer. I would also like to submit for the record information about the GPS, prepared by Rockwell Collins, a GPS contractor.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Sept. 20, 1983]

LIFE-SAVING IDEA

Sen. Charles H. Percy (R-Ill.) has a good idea to help prevent another tragedy like the brutal downing of the Korean airliner that strayed into Soviet airspace.

Percy asked President Reagan to speed up steps that will make new military navigation aids available to all civilian aircraft flying near Soviet borders on their way to the Orient.

The additional use of the satellite navigation system, scheduled to be fully deployed by 1988, won't involve any extra cost to taxpayers. But it can help keep airliners on a more accurate course across the treacherous northern Pacific skies.

[From the Chicago Sun-Times, Sept. 16, 1983]

PERCY URGES MILITARY-SATELLITE AID IN AIRLINE NAVIGATION

(By William Hines)

WASHINGTON.—Sen. Charles H. Percy called on President Reagan Thursday to make new satellite-based military navigation aids available to commercial aviation as a means of preventing a reoccurrence of the

Sept. 1 Soviet destruction of a South Korean jumbo jet.

Percy, as Senate Foreign Relations Committee chairman, said in a letter to Reagan that immediate and effective countermeasures should be taken to warn civilian airliners of their precise position in relation to Soviet borders."

Percy pointed out that a military satellite network, the Global Positioning System, is in the early stages of deployment, with six of the planned 16 satellites in orbit and undergoing development testing.

"I have been told that, GPS satellites now in orbit could be used within one year to provide coverage 16 hours per day for civilian airliners flying the great circle route to the Orient" Percy wrote. "They would provide a valuable backup to existing on-board navigational systems."

He noted that the Defense Department "has supported commercial use of the GPS" and that such use would not cost the taxpayers anything.

At the White House, a spokesman said Reagan is considering making the GPS available to commercial jets. The spokesman said Federal Aviation Administrator J. Lynn Helms had asked as much earlier in the day in response to a press conference question at a meeting of the International Civil Aviation Organization in Montreal.

The military satellite network is scheduled to be in full operation by 1988, with 16 satellites circling the globe. The Defense Department reportedly has said the system could be used by civil aviation beginning in 1988, but the Soviet destruction Sept. 1 of the Korean Air Liner 747 jet has lent urgency to earlier availability.

Navigation by satellite has been a top-priority military objective since the earliest days of the Space Age because of the accuracy such a system can provide. With the GPS in place, it will be possible for a plane in flight to know its position instantly to within about 50 feet, and its speed to within a quarter of a mile an hour.

[From the Philadelphia Inquirer, Sept. 17, 1983]

U.S. WILL GIVE WORLD ITS NEW AIR NAVIGATION SYSTEM

WASHINGTON.—Prompted by the Korean airlines tragedy, the United States will make available to the world's commercial airliners an advanced navigation system now under development by the government, the White House said yesterday.

Deputy White House press secretary Larry Speakes told reporters that the Global Positioning System was expected to begin operating in 1988. It is designed to give pilots more accurate information on latitude, longitude and altitude and help keep them from straying off course, Speakes said.

He said the Reagan administration's move was prompted by the Soviet downing of Korean Air Lines Flight 007 on Sept. 1 and the desire to see that such an action did not happen again. The plane was hundreds of miles off course when it was shot down.

Senate Foreign Relations Committee Chairman Charles H. Percy (R., Ill.) had recommended the move in a letter to President Reagan on Thursday, but said the system could be used sooner than Speakes indicated.

Reagan's overall restrained response to the tragedy has generally been praised. That was reflected in a New York Times-CBS poll published yesterday that said 55 percent generally supported Reagan's response but 56 percent said he should have been tougher.

The poll also showed that 61 percent of the 705 adults surveyed said they felt that the U.S. government was "holding back information that people ought to know."

The telephone survey, taken Wednesday night, showed that half the respondents favored halting grain sales to the Soviet Union to retaliate, 40 percent opposed such a step, and 9 percent had no opinion.

Meanwhile, the Agriculture Department announced yesterday that the Soviets had purchased more U.S. grain—250,000 metric tons of wheat and 125,000 tons of corn—for delivery in 1983-84 under the terms of a long-term agreement signed last month.

That pushed the estimated value of Moscow's purchases since Sept. 1—the day the Soviets shot down the jetliner—to more than half a billion dollars.

That purchase, one on Sept. 1, the day of the shooting, and related deals since that day were disclosed in terse announcements that noted only the amount of grain involved and the delivery date. None of the announcements, which have come at the rate of three or four a week, mentioned the airliner or the administration's outrage at the Soviets.

Another finding of the Times-DBS poll was that respondents rejected, by a 2-1 ratio, such retaliatory measures as breaking off arms control talks or diplomatic relations.

However, conservatives appearing at Republican-sponsored hearings at the Capitol called for a tougher response.

John Fisher, president of the American Security Council, said the Soviets had gained "significant nuclear and conventional military superiority" because the United States had "neither a goal nor a strategy in this conflict."

"We must spend whatever is necessary to rebuild a superior war-fighting capability," Fisher siad. "That is the most cost-effective approach—deterrence is cheaper than war."

NAVSTAR GLOBAL POSITIONING SYSTEM—FACT SHEET

The system is comprised of three segments:

1. Satellite constellation circling the earth
2. Ground control stations which monitor the satellites and transmit data to the satellites
3. User segment—all land, sea and air users which receive position, velocity and time information.

GPS ACCURACY

Position accuracy within 16 meters in three dimensions.

Velocity accuracy within 0.1 meters per second.

Time accurate to within one-millionth of a second.

BACKGROUND

The Navstar Global Positioning System is a Department of Defense program administered by the Space Division of the U.S. Air Force. The system is currently undergoing operational testing and evaluation by the Air Force.

MAJOR CONTRACTORS

Satellites—North American Space Operations of Rockwell International Corporation.

Ground Control Stations—IBM Federal Systems Division.

User Equipment—Collins Government Avionics Division of Rockwell International Corporation and Magnavox Corporation.

WHEN

Currently six satellites are orbiting the earth for development testing. When the system is operational in 1988 it will consist of a network of 18 satellites. Users equipped with GPS receivers will know their location within 10-20 meters anywhere in the world, in any weather.

GPS OPERATION

When the GPS set is turned on, an estimate of present position, velocity and time is entered. The GPS set then begins to track the nearest satellites and provide position information to the operator. The system is relatively immune to operator errors since once it tracks the satellites all position information comes from the satellites and the system disregards the operator's initial estimate of his position.

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY TO THE PRESIDENT

In their recent statements on the Korean Airlines tragedy, senior Soviet officials have shocked the world by their assertion of the right to shoot down innocent civilian airliners which accidently intrude into Soviet airspace. Despite the murder of 269 innocent victims, the Soviet Union is not prepared to recognize its obligations under international law to refrain from the use of force against civilian airliners. World opinion is united in its determination that this awful tragedy must not be repeated. As a contribution to the achievement of this objective, the President has determined that the United States is prepared to make available to civilian aircraft the facilities of its Global Positioning System when it becomes operational in 1988. This system will provide civilian airliners three-dimensional positional information.

The U.S. delegation to the ICAO Council meeting in Montreal, under the leadership of FAA Administrator J. Lynn Helms, is urgently examining all measures which the international community can adopt to enhance the security of international civil aviation. The United States is prepared to do all it can for this noble aim. We hope that the Soviet Union will at last recognize its responsibilities, and join the rest of the world in this effort.

NAVSTAR GLOBAL POSITIONING SYSTEM—COLLINS USER EQUIPMENT

Navstar—a revolution in navigation. For thousands of years man has looked to the stars to guide his travels. Beginning in 1978 some new stars were placed in orbit 11,000 miles above the earth. These Navstar satellites are transmitting signals that provide a user three-dimensional navigation and the precise time worldwide. By the late 1980's the operational Navstar system of 18 satellites will be aiding users throughout the world and saving time, energy, money and lives.

Current navigation systems such as Loran and Omega are plagued with coverage gaps and frequency shifts after sundown. Inertial navigation systems are accurate when first programmed but the longer the system operates without updating, the larger the errors in position become. Navstar, on the other hand, has typical accuracy of 16 meters in three dimensions, the correct time within one-millionth of a second and the user's velocity to the nearest one-tenth of a meter per second.

GPS SYSTEM ACCURACY

Navstar GPS can determine position, velocity and time with a greater degree of ac-

curacy than any current system. Widely-accepted accuracies for various navigation systems are shown in the table.

This degree of accuracy is not obtainable from any other navigation system available today or in the foreseeable future.

Benefits available to military and civilian users include: reducing costs of operation through efficient navigation and improved management of resources in a variety of applications. In the civilian community, GPS will improve aircraft traffic flow, improve the accuracy of geodetic surveys, enable better prediction of earthquakers and precise mapping of the seas for energy exploration. Many additional productivity improvements will be discovered as the system comes into day-to-day usage.

On the military side, one study predicted that GPS could be worth the equivalent of a $50 billion investment in additional weapons systems.

HOW IT WORKS

The Navstar Global Positioning System is comprised of three segments: 1. The space segment—the constellation of satellites circling the earth. 2. The control segment—a series of ground stations which monitor the satellites and transmit corrected position and time data to the satellites. 3. The user segment—all sea, air and land equipment which receives the statellites signals and calculates user position, time and velocity. The user segment can receive the signals anywhere in the world, in any weather, without transmitting any information, making GPS an ideal millitary navigation system. The signals are designed to be jam-resistant.

THE USER SEGMENT

The navigation requirements of the user will determine how sophisticated the Navstar system must be. Collins Navstar GPS systems are available with one-, two- and five-channel receivers. Generally, single-channel systems are designed to be used in ground situations, in a backpack, truck or light vehicle. Two-channel systems find applications on helicopters, transport aircraft and surface ships. Five-channel systems are designed for supersonic aircraft and users with complex requirements.

GPS OPERATION

Basic operation of any GPS system is very similar. When the GPS set is turned on, an estimate of present position velocity and time is entered. The GPS set then begins to search for and track satellites. The data coming from the satellite signals does several things. It identifies the satellite number, locates the satellite in space and establishes system time. The GPS receiver then calculates the range to the satellite by measuring the time of receipt of the signal and multiplying that time by the speed of light. The result of this calculation is that the user has been located on a sphere of radius R1 whose center is the transmitting satellite.

With the range to one satellite known, a range measurement is made to a second satellite to define a second sphere of range R_2 Range R_3 is also determined by measurement to a third satellite. Using the three range measurements and elementary geometry the GPS set determines that point which is the users precise position in terms of latitude, longitude and altitude. Range to a fourth satellite is required to determine the time offset from the users crystal clock with respect to the GPS atomic time standard. The velocity measurement is determined by counting the doppler shift from the GPS center frequency.

Each satellite transmits two L-band signals: L_1 is 1575.42 MHz and L_2 is 1227.6 MHz. Both signals contain data which includes satellite location; thus the range to the satellite can be determined by the GPS set by comparing the time delay between satellites. The precise latitude, longitude, altitude, velocity and time can be determined for an unlimited number of system users.

GPS Navigation Modes: Collins Navstar Global Positioning User Systems are capable of operating in an autonomous mode or they can interoperate with other navigation systems such as inertial and doppler radars.

Figure-of-Merit: A "Figure-of-merit" number from one to four is displayed to the GPS user as an estimate of the GPS system performance. The higher the number, the lower the comparable performance of the system. The figure-of-merit is based upon the following criteria:

User equipment status and performance.

Jamming-to-signal ratio.

Receiver channel tracking loop performance.

Receiver operating state and navigation mode.

Time correlation of GPS-derived navigation data.

Correlation between GPS and aiding navigation system.

Satellite constellation performance.

INPUTS AND OUTPUTS

Typical GPS Inputs:

Satellite signals.

Position, velocity, altitude, acceleration and attitude—from aiding navigation system.

Waypoints—entered from a control-display unit or data loader.

Aiding navigation system mode and status data.

Typical GPS Outputs:

Position, velocity and time.

Altitude (mean sea level or absolute).

Steering information—track angle, cross track error.

Time and distance to waypoint.

Groundspeed and groundtrack angle.

Elevation angle to waypoint.

True magnetic hearing.

Magnetic variation.

Calendar and time-of-day.

Test and status data.

Figure-of-merit.

Interfact characteristics are dependent on the type of installation, power and other requirements.

APPLICATIONS

Because the Navstar Global Positioning System is referenced to a common grid, the World Geodetic System 1972 (WGS-72), civil and military position data can be standardized on a worldwide basis. The user equipment can transform navigation information into other commonly used datums as well. The current military sets store 46 different datums. Military operations benefit in a variety of ways for guidance, rendezvous, reconnaissance, and targeting operations. Civil applications as well can benefit from the total GPS worldwide coverage, all-weather operation and the unlimited number of passive users that the system can support.

Potential commercial uses for aircraft, ground vehicles and sea-going vessels are practically unlimited. Search-and-rescue techniques can be enhanced, mineral exploration and geophysical survey crews can more accurately locate ore bodies and active fault belts in a shorter time. Precision airline or general aviation navigation anywhere in the world is possible, with approaches at nearly Category I standards. GPS could ultimately be used in airborne collision avoidance systems and maritime hazard avoidance systems.

As the system gains acceptance and is used in military and civil sectors, more sophisticated uses for the system will be established. The Navstar Global Positioning System is truly the positioning and navigation system for today and tomorrow.

NAVSTAR 1 IS NUMBER ONE!

When Navstar 1 departed May 22 on its transatlantic flight using Global Positioning System (GPS) satellite signals as a principal means of navigation, darkness had fallen over the Cedar Rapids municipal airport. It was broken only by purplish-blue bulbs lining the runways, landing lights gleaming from the sleek blue-and-white business jet, and a narrow slice of the moon.

It was relatively quiet, too, until Collins Flight Operations Director Chuck Hall eased forward the throttles, sending Sabreliner N6NR screaming down the asphalt and into a starlit sky.

Navigating at night was nothing new to this crew of Hall; Chief Pilot Dave Selzer; veteran navigator Loren DeGroot, director of Avionics Systems for the Collins Government Avionics Division; and David Van Dusseldorp, the division's manager of GPS Manpack and Vehicular Engineering. Together, they had conducted extensive late-night taxi and flight tests, the hours dictated by signal coverage from five orbiting Navstar satellites. This same coverage, and its associated limitations, would necessitate enroute stops at Burlington, Vt.; Gander, Newfoundland; Reykjavik, Iceland; and Luton Airport, near London.

Now, joined by three others, the crew of Navstar 1—so named only 24 hours prior to departure—embarked upon its over-the-ocean journey: 11 hours, 15 minutes of flying which, in real time, would consume three days, 12 hours, 35 minutes.

Now they were seven; alone, flying mostly at night, watching their instruments, conversing with air traffic controllers, pausing to rest at some of the world's barren outposts. Left behind were the briefings, the press conferences, the blinding lights used by the television news crews, the seemingly endless demonstrations.

Now, everything was for real.

When they landed May 26 under overcast skies at Le Bourget Airport, site of the 35th Paris Air Show, Hall and Selzer had flown the Sabreliner 65 straight into the aviation record books.

More importantly, the crew had proven that a revoluntionary navigation system—still in its infancy despite nearly ten years of research and development activity—performs as advertised.

"I was totally impressed with the whole thing," said Selzer, after bringing Navstar 1 to a stop within 26 feet of a predesignated spot on the ramp at Le Bourget. "It was easy to fly; it just worked perfectly."

Echoed Hall, "The equipment performed flawlessly. But it took a maximum effort by the whole crew to make the flight a success."

The Navstar 1 crew members, admittedly operating to a large degree on adrenaline at the end of their 4,228-nautical-mile trip, were greeted with champagne, handshakes and congratulations from a reception party led by Collins Government Avionics Divi-

sion Vice President and General Manager Richard E. Derr.

Then came the formal presentation of certificates by Col. Alex Rankin, observer for the National Aeronautic Association, which sanctioned the flight as an official attempt to establish new national and world records.

Concluded Selzer: "The timing was right for this flight. Two years from now would have been too late.

"We realize these records eventually will be broken, and that's okay. But we were the first—that's the important thing.

"How many people remember the name of the *second* U.S. astronaut to set foot on the moon?"

Mr. PERCY. Mr. President, on September 15, 1983, I wrote to President Reagan to urge that civilian carriers be permitted to use the GPS.

The letter reads as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., September 15, 1983.

The PRESIDENT,
The White House

DEAR MR. PRESIDENT: Now that both the United States Senate and House have officially condemned the brutal action of the Soviet Union in shooting down an airliner, further steps are necessary. The Soviet Union continues to show no remorse for its savage act of September 1, 1983. Quite to the contrary, it has arrogantly proclaimed that it will ruthlessly enforce its so-called border law, which is nothing more than a shoot-to-kill order against those who innocently stray over its borders.

I fully support and endorse your action taken in the aviation area against the Soviet commercial air carrier, Aeroflot. It is heartening to see so many of our allies—and even one neutral country—suspend landing rights for Aeroflot at the same time that their own national carriers have chosen to shut down service to Moscow. We must continue to raise our voices in international organizations until the Soviets decide to refrain from exposing to attack civilians flying near its borders.

I have already proposed to officials in your Administration an additional step to make clear the revulsion of the international community against the Soviet act. The United States, in my judgment, should organize opposition to the re-election of the Soviet Union to the Council of the International Civil Aviation Organization (ICAO). As you know, ICAO is the principal international forum and policy-setter for civil aviation matters and includes 151 member countries. The Council is the chief governing body of the organization, whose 33 members are elected to three-year terms. That election should take place shortly after the organization opens its triennial meeting September 20, 1983, in Montreal. I believe that the Soviets should be denied the privilege of serving on the Council as another effective expression of condemnation by the rest of the world for their unjustified aggression against civil aviation. I urge you to direct United States representatives to take this position, as well as to seek a resolution condemning the Soviet act and calling for the payment of compensation to the families of the victims of this atrocity.

Additionally, until the Soviets agree to abide by current international procedures to ensure the safety of airline passengers, we should explore additional back-up systems to enhance navigation. Immediate and effective countermeasures should be taken to warn civilian airliners of their precise position in relation to Soviet borders.

The Department of Defense (DoD) has developed the Navstar Global Positioning System (GPS) that can tell pilots their precise position anywhere on the globe with a high level of accuracy. The civilian version of this system would permit commercial pilots to know their position within 300 feet or one football field, anywhere on the globe, regardless of the time of day or weather conditions.

Officials are confident that the Korean Air Lines flight would have been less likely to stray of-course if GPS had been operational and had been utilized. Full world coverage is expected to be available in 1988, when 18 satellites will be in orbit.

I would urge that the Defense Department move up the timetable so that coverage could be secured over the Great Circle Route to the Orient. I understand from technical experts that such coverage is possible within one year for at least 15 hours per day. This would provide a valuable onboard navigational system as a back-up to existing systems.

I understand that the user community is opposed to a fee being charged for the use of GPS. As this was not part of the law (although in the Report language), I see no reason for imposing the fee in view of the enormous benefits that would accrue to the civilian aviation community and the traveling public.

Mr. President, air travelers of all countries are rightfully concerned about their safety in view of the inhuman attitude taken by the Soviet authorities. The immediate utilization of the GPS could provide additional safeguards to protect the lives of innocent travelers.

Sincerely,

CHARLES H. PERCY,
Chairman.

AMENDMENTS SUBMITTED

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

COHEN (AND OTHERS) AMENDMENT NO. 2227

(Ordered to lie on the table.)

Mr. COHEN (for himself, Mr. LEVIN, Mr. HEINZ, Mr. RIEGLE, Mr. DURENBERGER, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. PRYOR, Mr. HOLLINGS, Mr. BOREN, Mr. KENNEDY, and Mr. QUAYLE) submitted an amendment intended to be proposed by them to the bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes; as follows:

At the end of the bill add the following new section:

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 9. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 1, 1983".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on Tuesday, October 4, 1983, at 9:30 a.m., in SD-608. The hearing will be on S. 1638, a bill to amend the act of June 24, 1983, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects.

Those wishing additional information should contact Max Richtman of the committee at 224-2251.

ADDITIONAL STATEMENTS

FEDERAL SUPPLEMENTAL COMPENSATION AND THE USE OF THE TOTAL UNEMPLOYMENT RATE (TUR)

● Mr. QUAYLE. Mr. President, now that the Senate will be considering the further extension of jobless benefits, I would like to call the attention of my colleagues to the yardstick we use to measure the need for Federal supplemental compensation (FSC). We have two measures of unemployment called the total unemployment rate (TUR) and the insured unemployment rate (IUR). In the former we count all the unemployed; in the latter only those who are drawing regular State unemployment benefits. We base a State's eligibility for FSC on its insured unemployed rate, but that is not necessarily the right measure. The total unemployment rate used to run about 3 percentage points above the insured unemployment rate, back in 1981, but that relationship no longer holds.

The reason that we created the Federal supplemental compensation program is that in high unemployment periods it is unusually difficult for a large percentage of the population to find a job. We believed that the insured unemployment rate and the total unemployment rate correlated and that therefore the insured unemployment rate could be an appropriate measure of how difficult it was to find a job. We felt that States with a high insured unemployment rate should be eligible for more weeks of FSC than ones with a low insured unemployment rate.

The normal rule does not hold true any longer. The gap between the insured unemployment rate and the total unemployment rate is widening, as evidenced by the attached table. In my own State of Indiana, the civilian total unemployment rate, nonseasonally adjusted for July was 9.4 percent. The insured unemployment rate as of July 30, 1983, was 3.31 percent. It has since dropped further and thus makes this State with unemployment above

the national average eligible for still fewer weeks of FSC.

Ironically the insured unemployment rate is not the best measure of hardship in the very States where unemployment is the most serious and the most persistent. Many of my colleagues have questioned the use of the insured unemployment rate as a trigger for FSC and I believe that we should recognize that those States which have unemployment above the national average must be included in the States with maximum duration of benefits.

I plan to offer such an amendment at the appropriate time.

Mr. President, I ask to have printed in the RECORD a table which shows each of the States' total unemployment rate, insured unemployment rate, and the gap between the total and insured unemployment rates over a period of 1 year. This table not only details the monthly gap, but also gives the average gap between the total unemployment rate and the insured rate.

The material follows:

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Alabama:													
Total unemployment rate	014.5	014.2	014.3	015.0	015.3	015.9	016.6	016.1	015.0	013.5	012.9	012.7	
Week of the 12th rate	005.8	005.5	004.8	005.7	005.6	005.7	007.0	006.3	005.6	004.9	004.4	004.1	
Gap	+8.7	+8.7	+9.5	+9.3	+9.7	+10.2	+9.6	+9.8	+9.4	+8.6	+8.5	+8.6	9.2
Alaska:													
Total unemployment rate	008.8	008.4	007.7	008.7	009.8	010.0	012.3	012.5	012.1	011.4	010.7	009.9	
Week of the 12th rate	005.9	005.7	004.7	005.8	007.8	007.5	010.0	010.5	009.3	008.0	007.0	005.9	
Gap	+2.9	+2.7	+3.0	+2.9	+2.0	+2.5	+2.3	+2.0	+2.8	+3.4	+3.7	+4.0	2.9
Arizona:													
Total unemployment rate	010.9	011.3	010.7	010.5	010.4	010.4	011.1	011.3	011.1	010.3	010.1	010.3	
Week of the 12th rate	004.8	004.7	004.6	004.7	004.5	004.1	004.4	004.0	004.3	003.6	003.3	003.1	
Gap	+6.1	+6.6	+6.1	+5.8	+5.9	+6.3	+6.7	+7.3	+6.8	+6.7	+6.8	+7.2	6.5
Arkansas:													
Total unemployment rate	009.5	009.7	009.4	009.6	010.0	010.6	011.1	010.6	009.6	008.8	009.0	009.1	
Week of the 12th rate	005.3	005.1	004.8	005.5	005.9	006.1	007.5	007.3	006.5	005.3	004.6	003.9	
Gap	+4.2	+4.6	+4.6	+4.1	+4.1	+4.5	+3.6	+3.3	+3.1	+3.5	+4.4	+5.2	4.1
California:													
Total unemployment rate	010.7	010.2	009.7	010.3	011.0	011.0	011.7	011.9	010.9	009.9	009.9	010.1	
Week of the 12th rate	005.0	005.0	005.1	005.0	005.5	005.8	005.9	006.3	006.4	005.5	005.2	004.4	
Gap	+5.7	+5.2	+4.6	+5.3	+5.5	+5.2	+5.8	+5.6	+4.5	+4.4	+4.7	+5.7	5.2
Colorado:													
Total unemployment rate	007.2	007.2	007.6	008.2	008.9	009.0	009.5	009.5	008.9	008.5	007.8	007.3	
Week of the 12th rate	003.0	003.0	003.2	003.2	003.6	003.2	004.3	004.8	004.1	003.8	003.2	003.1	
Gap	+4.2	+4.2	+4.4	+5.0	+5.3	+5.8	+5.2	+4.7	+4.8	+4.7	+4.6	+4.2	4.8
Connecticut:													
Total unemployment rate	007.1	006.6	006.5	006.9	006.9	007.1	008.3	008.3	007.9	007.0	006.3	006.4	
Week of the 12th rate	003.6	003.4	003.1	003.2	003.2	003.5	004.6	004.2	003.8	003.3	002.8	002.5	
Gap	+3.5	+3.2	+3.4	+3.7	+3.7	+3.6	+3.7	+4.1	+4.1	+3.7	+3.5	+3.9	3.7
Delaware:													
Total unemployment rate	008.2	010.0	008.0	007.6	009.2	007.4	008.4	008.3	007.6	006.5	006.8	007.7	
Week of the 12th rate	003.0	003.3	003.7	002.8	003.6	003.1	003.8	003.9	003.6	002.8	002.5	002.3	
Gap	+5.2	+6.7	+4.3	+4.8	+5.6	+4.3	+4.6	+4.4	+4.0	+3.7	+4.3	+5.4	4.8
District of Columbia:													
Total unemployment rate	011.4	011.1	010.7	011.1	010.8	010.0	010.3	010.4	010.4	010.3	010.4	011.0	
Week of the 12th rate	003.7	004.2	003.4	004.0	004.0	003.6	004.3	004.3	004.1	003.4	003.2	003.1	
Gap	+7.7	+6.9	+7.3	+7.1	+6.8	+6.4	+6.0	+6.1	+6.3	+6.9	+7.2	+7.9	6.9
Florida:													
Total unemployment rate	007.5	007.8	008.2	009.2	009.5	009.5	010.4	009.5	008.9	008.4	008.7	008.8	
Week of the 12th rate	002.7	002.9	002.8	002.7	002.9	002.3	002.6	002.6	002.4	002.2	002.0	002.1	
Gap	+4.8	+4.9	+5.4	+6.5	+6.6	+7.2	+7.8	+6.9	+6.5	+6.2	+6.7	+6.7	6.4
Georgia:													
Total unemployment rate	008.1	007.4	007.5	007.8	008.0	007.9	008.2	008.5	008.1	007.2	007.1	006.8	
Week of the 12th rate	003.5	003.1	003.0	003.1	003.3	003.0	003.0	003.4	003.2	002.8	002.5	002.2	
Gap	+4.6	+4.3	+4.5	+4.7	+4.7	+4.9	+5.2	+5.1	+4.9	+4.4	+4.6	+4.6	4.7
Hawaii:													
Total unemployment rate	007.6	007.6	007.9	007.8	007.0	006.3	005.6	005.6	005.8	006.1	006.4	007.2	
Week of the 12th rate	003.4	003.2	003.2	003.6	003.5	003.3	003.4	003.3	003.2	003.5	003.5	003.8	
Gap	+4.2	+4.4	+4.7	+4.2	+3.5	+3.0	+2.2	+2.3	+2.6	+2.6	+2.9	+3.4	3.3
Idaho:													
Total unemployment rate	009.0	008.9	007.7	008.0	008.6	010.2	012.9	013.0	012.7	011.6	010.5	009.7	
Week of the 12th rate	006.0	006.1	005.7	005.1	006.4	007.5	009.1	008.2	008.4	006.4	005.2	004.3	
Gap	+3.0	+2.8	+2.0	+2.9	+2.2	+2.7	+3.8	+4.8	+4.3	+5.2	+5.3	+5.4	3.7
Illinois:													
Total unemployment rate	012.2	011.4	012.1	012.0	012.7	012.6	013.5	013.8	012.5	011.9	011.8	012.7	
Week of the 12th rate	005.5	005.4	005.0	005.5	005.9	005.9	007.3	007.0	006.8	006.0	005.3	004.7	
Gap	+6.7	+6.0	+7.1	+6.5	+6.8	+6.7	+6.2	+6.8	+5.7	+5.9	+6.5	+8.0	6.6
Indiana:													
Total unemployment rate	011.4	011.1	011.4	011.9	013.0	012.9	013.8	013.2	012.0	011.2	010.2	009.8	
Week of the 12th rate	004.1	003.9	003.9	004.6	005.2	005.0	006.1	006.0	005.2	004.5	003.8	003.2	
Gap	+7.3	+7.2	+7.5	+7.3	+7.8	+7.9	+7.7	+7.2	+6.8	+6.7	+6.4	+6.6	7.2
Iowa:													
Total unemployment rate	008.6	008.3	007.7	007.8	008.5	008.9	010.9	010.8	009.8	008.9	008.1	007.7	
Week of the 12th rate	004.3	004.0	003.5	003.6	003.8	004.7	006.0	005.9	005.4	004.7	003.6	003.1	
Gap	+4.3	+4.3	+4.2	+4.2	+4.7	+4.2	+4.9	+4.9	+4.4	+4.2	+4.5	+4.6	4.5
Kansas:													
Total unemployment rate	006.4	007.1	007.1	007.0	007.1	007.1	007.6	007.4	006.9	006.4	006.1	006.2	
Week of the 12th rate	004.3	004.6	004.3	004.1	004.2	004.2	004.6	004.5	003.9	003.4	002.9	002.7	
Gap	+2.1	+2.5	+2.8	+2.9	+2.9	+2.9	+3.0	+2.9	+3.0	+3.0	+3.2	+3.5	2.9
Kentucky:													
Total unemployment rate	011.2	010.8	010.6	010.6	010.8	011.3	012.4	012.5	011.6	011.0	000.0	010.8	
Week of the 12th rate	005.5	005.1	005.4	005.8	006.0	005.0	007.7	007.2	006.4	005.7	005.2	004.6	
Gap	+5.7	+5.7	+5.2	+4.8	+4.8	+6.3	+4.7	+5.3	+5.2	+5.3	−5.2	+6.2	4.5
Louisiana:													
Total unemployment rate	011.0	010.9	010.6	010.9	011.0	010.7	011.3	011.6	012.1	011.9	012.5	012.8	
Week of the 12th rate	004.7	004.8	004.8	005.1	005.3	005.4	005.9	006.2	006.5	006.1	005.8	005.4	
Gap	+6.3	+6.1	+5.8	+5.8	+5.7	+5.3	+5.4	+5.4	+5.6	+5.8	+6.7	+7.4	5.9
Maine:													
Total unemployment rate	009.7	007.6	007.5	007.5	007.0	008.0	010.0	010.9	010.7	009.9	009.6	008.6	
Week of the 12th rate	004.7	003.9	003.7	004.2	004.3	004.9	006.5	006.4	005.9	005.2	004.7	003.8	
Gap	+5.0	+3.7	+3.8	+3.3	+2.7	+3.1	+3.5	+4.5	+4.8	+4.7	+4.9	+4.8	4.1
Maryland:													
Total unemployment rate	008.6	008.7	008.1	008.0	007.7	007.9	009.1	008.8	008.3	007.2	006.6	006.5	
Week of the 12th rate	004.2	004.1	003.9	004.0	004.2	004.1	005.4	005.1	004.8	004.1	003.6	003.2	
Gap	+4.4	+4.6	+4.2	+4.0	+3.5	+3.8	+3.7	+3.7	+3.5	+3.1	+3.0	+3.3	3.7
Massachusetts:													
Total unemployment rate	009.6	007.6	007.4	007.2	006.5	007.1	008.7	008.2	008.0	006.7	006.5	007.5	
Week of the 12th rate	004.0	003.8	003.6	003.4	003.7	004.1	004.9	004.8	004.4	003.6	003.1	002.8	
Gap	+5.6	+3.8	+3.8	+3.8	+2.8	+3.0	+3.8	+3.4	+3.6	+3.1	+3.4	+4.7	3.7

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH—Continued

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Michigan:													
Total unemployment rate	014.7	014.5	014.5	014.9	016.4	017.3	017.0	016.5	017.0	015.5	014.7	014.6	
Week of the 12th rate	005.9	006.5	006.1	006.9	007.3	008.6	009.0	007.7	006.8	005.7	004.7	003.7	
Gap	+8.8	+8.0	+8.4	+8.0	+9.1	+8.7	+8.0	+8.8	+10.2	+9.8	+10.0	+10.9	9.1
Minnesota:													
Total unemployment rate	007.4	007.3	007.2	007.6	008.6	009.3	010.4	010.3	010.2	009.0	007.9	008.1	
Week of the 12th rate	004.3	004.0	003.9	003.2	003.8	004.5	005.4	005.4	005.1	003.9	002.9	002.5	
Gap	+3.1	+3.3	+3.3	+4.4	+4.8	+4.8	+5.0	+4.9	+5.1	+5.1	+5.0	+5.6	4.5
Mississippi:													
Total unemployment rate	012.3	012.5	012.2	012.2	011.9	011.4	012.2	012.4	011.6	011.4	011.9	013.6	
Week of the 12th rate	005.9	005.9	005.6	005.7	005.6	006.2	007.2	007.3	006.5	005.8	005.0	005.1	
Gap	+6.4	+6.6	+6.6	+6.5	+6.3	+5.2	+5.0	+5.1	+5.1	+5.6	+6.9	+8.5	6.2
Missouri:													
Total unemployment rate	008.9	009.0	008.0	008.7	009.5	009.8	010.9	011.3	010.6	010.0	009.3	009.2	
Week of the 12th rate	004.0	004.1	004.4	004.2	004.8	003.8	005.3	006.2	004.7	004.2	003.6	003.2	
Gap	+4.9	+4.9	+4.4	+4.5	+4.7	+6.0	+5.6	+5.1	+5.9	+5.8	+5.7	+6.0	5.3
Montana:													
Total unemployment rate	008.4	007.7	007.4	008.3	009.5	009.2	010.9	010.6	009.9	008.9	008.1	008.2	
Week of the 12th rate	004.6	004.3	003.6	003.9	004.6	005.5	006.7	007.1	006.7	005.4	004.5	004.2	
Gap	+3.8	+3.4	+3.8	+4.4	+4.9	+3.7	+4.2	+3.4	+3.2	+3.5	+3.6	+4.0	3.8
Nebraska:													
Total unemployment rate	005.9	005.5	005.6	005.6	006.2	007.0	007.9	007.9	007.1	006.4	006.1	005.7	
Week of the 12th rate	002.5	002.3	002.1	002.3	002.5	003.1	004.3	004.4	004.0	003.3	002.6	002.2	
Gap	+3.4	+3.2	+3.5	+3.3	+3.7	+3.9	+3.6	+3.5	+3.1	+3.1	+3.5	+3.5	3.4
Nevada:													
Total unemployment rate	009.8	010.2	010.4	011.0	011.3	012.2	012.3	012.4	011.3	010.0	009.5	009.0	
Week of the 12th rate	004.2	004.3	004.0	004.4	004.8	005.4	005.8	005.8	005.3	004.5	004.0	003.4	
Gap	+5.6	+5.9	+6.4	+6.6	+6.5	+6.8	+6.5	+6.6	+6.0	+5.5	+5.5	+5.6	6.1
New Hampshire:													
Total unemployment rate	009.1	006.5	006.3	007.1	007.0	007.1	008.5	008.4	007.3	006.7	005.6	004.7	
Week of the 12th rate	003.7	002.6	002.6	002.4	002.7	002.9	003.5	003.5	003.0	002.6	002.3	001.9	
Gap	+5.4	+3.9	+3.7	+4.7	+4.3	+4.2	+5.0	+4.9	+4.3	+4.1	+3.3	+2.8	4.2
New Jersey:													
Total unemployment rate	008.4	008.7	008.6	008.3	009.4	008.8	009.0	009.1	009.1	007.4	007.5	008.5	
Week of the 12th rate	004.6	004.4	003.9	004.1	004.4	004.5	005.5	005.7	005.1	004.3	003.8	003.4	
Gap	+3.8	+4.3	+4.7	+4.2	+5.0	+4.3	+3.5	+3.4	+4.0	+3.1	+3.7	+5.1	4.1
New Mexico:													
Total unemployment rate	010.1	010.1	009.9	010.4	009.9	009.4	010.6	010.8	010.6	010.0	010.3	010.8	
Week of the 12th rate	004.2	004.1	003.7	004.1	004.2	004.2	004.9	005.0	005.0	004.5	004.2	004.0	
Gap	+5.9	+6.0	+6.2	+6.3	+5.7	+5.2	+5.7	+5.8	+5.6	+5.5	+6.1	+6.8	5.9
New York:													
Total unemployment rate	008.5	008.4	008.4	009.0	009.5	008.6	009.6	009.5	009.8	009.0	008.5	009.1	
Week of the 12th rate	003.7	003.6	003.4	003.5	003.8	004.1	004.6	004.5	004.3	003.9	003.4	003.2	
Gap	+4.8	+4.8	+5.0	+5.5	+5.7	+4.5	+5.0	+5.0	+5.5	+5.1	+5.1	+5.9	5.2
North Carolina:													
Total unemployment rate	009.8	009.0	008.7	009.3	009.5	009.0	010.0	010.2	009.8	008.7	008.4	008.5	
Week of the 12th rate	004.6	004.1	004.6	004.0	004.4	004.0	005.4	004.9	004.5	003.6	002.9	002.5	
Gap	+5.2	+4.9	+4.1	+5.3	+5.1	+5.0	+4.6	+5.3	+5.3	+5.1	5.5	+6.0	5.1
North Dakota:													
Total unemployment rate	004.6	004.7	004.8	005.5	006.9	007.9	009.4	008.9	007.9	006.6	005.2	004.7	
Week of the 12th rate	002.7	002.6	002.0	002.3	002.6	004.2	005.6	006.0	006.0	005.1	003.4	002.7	
Gap	+1.9	+2.1	+2.8	+3.2	+4.3	+3.7	+3.8	+2.9	+1.9	+1.5	+1.8	+2.0	2.7
Ohio:													
Total unemployment rate	012.2	012.5	013.2	013.2	014.0	014.1	014.9	014.5	013.7	012.8	012.9	012.8	
Week of the 12th rate	005.3	005.2	005.1	005.2	005.8	006.1	006.8	006.4	005.8	005.0	004.2	003.7	
Gap	+6.9	+7.3	+7.2	+8.0	+8.2	+8.0	+8.1	+8.1	+7.9	+7.8	+8.7	+9.1	7.9
Oklahoma:													
Total unemployment rate	006.0	005.6	005.8	006.3	006.7	006.8	007.7	008.6	008.8	008.1	008.5	009.0	
Week of the 12th rate	003.3	003.3	003.6	004.0	004.3	003.7	003.9	004.2	004.0	003.6	003.4	003.0	
Gap	+2.7	+2.3	+2.2	+2.3	+2.4	+3.1	+3.8	+4.4	+4.8	+4.5	+5.1	+6.0	3.6
Oregon:													
Total unemployment rate	010.3	010.1	010.0	010.3	011.9	012.2	013.6	013.1	012.2	011.2	010.2	009.1	
Week of the 12th rate	006.1	006.1	005.5	005.4	006.7	007.1	008.3	007.8	007.1	006.3	005.8	004.7	
Gap	+4.2	+4.0	+4.5	+4.9	+5.2	+5.1	+5.3	+5.3	+5.1	+4.9	+4.4	+4.4	4.8
Pennsylvania:													
Total unemployment rate	010.7	010.3	010.9	011.2	011.6	012.5	014.9	014.1	013.9	013.0	012.1	012.9	
Week of the 12th rate	006.8	006.6	006.7	006.9	007.5	007.6	008.4	008.1	007.6	006.8	005.8	005.8	
Gap	+3.9	+3.7	+4.2	+4.3	+4.1	+4.9	+6.5	+6.0	+6.3	+6.2	+6.3	+7.1	5.3
Puerto Rico:													
Total unemployment rate	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	
Week of the 12th rate	009.6	009.8	009.0	009.4	008.7	008.6	008.8	008.7	007.6	007.3	007.0	006.9	
Gap	−9.6	−9.8	−9.0	−9.4	−8.7	−8.6	−8.8	−8.7	−7.6	−7.3	−7.0	−6.9	8.5
Rhode Island:													
Total unemployment rate	010.4	009.5	008.6	009.1	009.5	010.9	012.2	012.1	011.1	009.6	008.6	008.3	
Week of the 12th rate	005.9	005.9	004.9	004.6	004.6	006.0	007.1	006.5	006.0	005.0	004.2	003.8	
Gap	+4.5	+3.6	+3.7	+4.5	+4.9	+4.9	+5.1	+5.6	+5.1	+4.6	+4.4	+4.5	4.6
South Carolina:													
Total unemployment rate	001.7	001.3	010.7	010.8	010.8	011.1	011.6	011.6	010.9	010.2	010.1	009.8	
Week of the 12th rate	006.0	005.6	005.9	004.9	005.3	005.1	005.5	005.3	004.7	004.0	003.4	003.2	
Gap	+5.7	+5.7	+4.8	+5.9	+5.5	+6.0	+6.1	+6.3	+6.2	+6.2	+6.7	+6.6	6.0
South Dakota:													
Total unemployment rate	004.5	004.3	004.6	005.0	005.8	006.6	007.7	007.6	006.9	006.2	005.0	005.2	
Week of the 12th rate	002.3	001.9	002.1	002.0	002.0	002.2	003.3	003.2	002.9	002.4	001.6	001.4	
Gap	+2.2	+2.4	+2.5	+3.0	+3.8	+4.4	+4.4	+4.4	+4.0	+3.8	+3.4	+3.8	3.5
Tennessee:													
Total unemployment rate	001.6	001.1	011.4	011.2	011.9	013.3	013.7	013.6	012.3	011.7	011.3	011.1	
Week of the 12th rate	004.8	004.2	004.3	004.2	004.5	004.6	005.4	005.4	004.8	004.2	003.7	003.3	
Gap	+6.8	+6.9	+7.1	+7.0	+7.4	+8.7	+8.3	+8.2	+7.5	+7.5	+7.6	+7.8	7.6
Texas:													
Total unemployment rate	007.3	007.0	008.0	007.6	007.6	007.4	008.5	008.8	008.7	008.1	008.0	008.5	
Week of the 12th rate	002.1	002.2	002.4	002.8	003.4	001.9	003.3	003.2	003.1	002.7	002.4	002.5	
Gap	+5.2	+4.8	+5.6	+4.8	+4.2	+5.5	+5.2	+5.6	+5.6	+5.4	+5.6	+6.0	5.3
Utah:													
Total unemployment rate	007.5	007.5	007.7	008.0	008.8	008.9	009.7	009.9	009.6	009.3	009.3	009.4	
Week of the 12th rate	004.4	004.5	004.3	004.4	004.6	005.3	006.6	006.4	005.9	005.0	004.4	003.7	
Gap	+3.1	+3.0	+3.4	+3.6	+4.2	+3.6	+3.1	+3.5	+3.7	+4.3	+4.9	+5.7	3.8
Vermont:													
Total unemployment rate	006.9	006.3	005.7	006.0	006.7	006.8	008.0	008.1	007.8	008.0	007.6	007.0	
Week of the 12th rate	005.0	004.5	004.1	003.8	004.8	005.2	006.6	006.5	005.9	005.7	004.9	003.6	
Gap	+1.9	+1.8	+1.6	+2.2	+1.9	+1.6	+1.4	+1.6	+1.9	+2.3	+2.7	+3.4	2.0
Virginia:													
Total unemployment rate	007.6	007.3	007.4	007.8	008.1	008.4	009.0	008.6	007.7	006.6	006.0	005.8	
Week of the 12th rate	002.3	002.1	001.9	002.0	002.2	002.2	003.2	002.9	002.6	002.2	001.6	001.4	
Gap	+5.3	+5.2	+5.5	+5.8	+5.9	+6.2	+5.8	+5.7	+5.1	+4.4	+4.4	+4.4	5.3

STATE TOTAL UNEMPLOYMENT RATE AND WEEKLY RATE FOR WEEK OF THE 12TH—Continued

State	1982						1983						Average gap
	July	August	September	October	November	December	January	February	March	April	May	June	
Virgin Islands:													
Total unemployment rate	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	000.0	
Week of the 12th rate	004.7	004.4	004.1	004.0	004.3	004.0	003.8	005.8	005.6	005.6	005.0	004.8	
Gap	−4.7	−4.4	−4.1	−4.0	−4.3	−4.0	−3.8	−5.8	−5.6	−5.6	−5.0	−4.8	4.7
Washington:													
Total unemployment rate	012.2	012.0	010.9	011.4	012.4	012.5	013.3	012.8	012.4	011.5	011.1	010.9	
Week of the 12th rate	006.5	006.2	005.8	006.0	006.7	006.9	008.2	007.7	007.2	006.3	005.7	005.0	
Gap	+5.7	+5.8	+5.1	+5.4	+5.7	+5.6	+5.1	+5.1	+5.2	+5.2	+5.4	+5.9	5.4
West Virginia:													
Total unemployment rate	013.7	013.6	014.0	015.3	016.4	017.8	020.4	021.0	020.1	019.0	018.2	017.5	
Week of the 12th rate	007.4	007.0	007.2	008.2	008.9	008.3	011.7	011.4	010.2	008.8	007.8	007.2	
Gap	+6.3	+6.6	+6.8	+7.1	+7.5	+9.5	+8.7	+9.6	+9.9	+10.2	+10.4	+10.3	8.6
Wisconsin:													
Total unemployment rate	010.1	010.4	010.2	010.5	011.1	012.2	013.4	012.7	012.0	010.8	010.2	009.5	
Week of the 12th rate	005.4	005.1	005.1	005.0	004.9	006.6	008.0	007.6	007.2	005.8	004.3	003.7	
Gap	+4.7	+5.3	+5.1	+5.5	+6.2	+5.6	+5.4	+5.1	+4.8	+5.0	+5.9	+5.8	5.4
Wyoming:													
Total unemployment rate	005.6	005.8	005.5	.006.3	006.8	008.0	009.9	010.9	011.2	011.0	010.1	009.5	
Week of the 12th rate	003.7	003.8	003.5	004.0	004.4	005.0	006.0	006.6	006.6	006.7	005.1	004.5	
Gap	+1.9	+2.0	+2.0	+2.3	+2.4	+3.0	+3.9	+4.3	+4.6	+4.3	+5.0	+5.0	3.4

Source: Division of Actuarial Services.

CLINCH RIVER—SECURING A FINAL VOTE

● Mr. HUMPHREY. Mr. President, backers of alternative financing for the Clinch River breeder reactor project are now arguing that although their plan will end up costing the Government more than if Congress continued to fund the project through annual appropriations, if is still worth voting for because, if approved, the plan would end controversy about the project.

How the plan would do this is left unclear. All that the plan's proponents emphasize is that their plan provides an up-or-down vote on $1.5 billion in funding for the project. This amount, they note, should be enough to keep the project going for several years.

What they do not like speaking about, though, is that it is almost certain to prove insufficient to complete the project. Presumably, the Federal Government will be good for any further cost overruns several years from now and such funding will be noncontroversial.

They also are not keen on emphasizing that Congress may undo what it has done and that the Congress of 1984 will be a new Congress. Nor do they speak about the conservative groups, the taxpayer organizations, and environmental lobbyists who have vowed to continue to fight to terminate the Clinch River breeder reactor project even if the plan's proponents succeed in their attempt to end-run congressional procedure by attaching their plan to the continuing appropriations resolution.

The reason the plan's proponents do not like discussing these topics, of course, is that their airing undermines the proponents' contention that if we only give our vote this one last time, they will never have to come back for our vote again. This is simply not true and is a bad reason to approve a bad plan.

Indeed, if the Senate is anxious to secure a single final vote on the Clinch River breeder reactor project, there is only one way to do it—keep any legislation or new spending authorization for the project off the continuing appropriations resolution and demand instead that such legislation be submitted as separate legislation and considered under normal procedure.

If this is done, we will have one final vote on the project and I am certain that not only will the House clearly reject further support, but the Senate will also see the futility of further Federal support, and vote to terminate.

Mr. President, I am anxious that the Senate not be drawn in by promises of no more controversy. I am especially anxious that it not allow itself to be an accessory to a short circuiting of established legislative practice. Today, the Washington Post ran an editorial deploring the possible use of last-minute tactics to attach Clinch River legislation on to the continuing appropriations resolution. I ask that this editorial be printed at an appropriate place in the RECORD along with an American Nuclear Society nuclear report of August 4, 1983, that details how supporters of Clinch River should avoid a House vote.

The material follows:

[From the Washington Post, Sept. 26, 1983]

END RUN TO CLINCH RIVER

The Clinch River Breeder Reactor project is in trouble—but its promoters, with characteristic ingenuity, may have found a way to keep it alive. Congress said earlier this year that there was to be no more money for Clinch River unless a better financial plan was enacted. The House has been voting against Clinch River by substantial margins, but it may still have a narrow majority in the Senate. The project's managers now seem to be preparing to attach a financial plan and further funding for the reactor to urgent legislation—perhaps the continuing resolution to keep the government operating after the fiscal year ends on Friday. The House might then find itself with a choice between accepting the continuing resolution, Clinch River and all, forcing most of the federal government into paralysis.

Those are tactics of desperation on the part of Clinch River's friends and advocates. But tactics of desperation sometimes succeed, and congressmen will have to keep a careful eye on this maneuvering. To allow the Clinch River construction to proceed through this kind of tricky last-minute parliamentary game would mean perpetuating a $4 billion error by the most dubious means.

Congress originally authorized the Clinch River reactor more than a decade ago. It was supposed to be the demonstration of the plutonium breeder technology on a large scale as the prototype of a generation of commercial breeders. But in recent years, the whole economic base for the project has eroded with huge new discoveries of uranium and the declining forecasts of the need for electricity.

That's why Congress voted earlier to turn the whole thing off, unless its backers could come up with a new financial scheme including greater support from private investors. The backers have come up with a scheme—and the Reagan administration has endorsed it—that claims to meet that requirement. But on closer inspection, private industry's support turns out to be mainly loans fully covered by federal guarantees and tax breaks. The director of the Congressional Budget Office, Rudolph G. Penner, testified last week that this alleged private support would cost the government more than conventional appropriations would.

That devastating testimony makes it very unlikely that the Clinch River breeder can now get further funding through the usual legislative route. But the end run remains a possibility. Whether it works will depend on the vigilance of the House leadership and particularly its Rules Committee. The degree of political skill and passion being devoted to the breeder reactor by its partisans is worthy of a better cause.

NUCLEAR REPORT

Hodel sent the CRBR alternative financial proposal to Capitol Hill on August 1, in time for it to be available to all Members of Congress, giving them an opportunity to discuss it with their constituents during the summer congressional recess, which begins this week and ends after Labor Day. (See NR of July 6 for a more detailed discussion of the proposal). The current strategy is to have the plan before the Congress for a suitable period, with public hearings on it scheduled for the middle of September. The

proposal's legislative vehicle will be the continuing resolution to be prepared by the appropriations committees and submitted during the last few days of this fiscal year (before October 1) to appropriate FY-1984 money for ongoing programs not covered by previously enacted appropriations bills. A full appropriation of about $1.4 billion to cover seven years of construction (to project completion) will be offered in the continuing resolution. The CRBR item, most probably, will first be voted up or down in the Senate, where a scant majority in favor of project completion is believed to exist. Such a maneuver could seek to avoid a vote in the House, where "closed" rules often preclude votes on individual items in continuing resolutions.●

URGING SUPPORT FOR 1984 NATIONAL BUILDING SAFETY WEEK AND SENATE JOINT RESOLUTION 70

● Mr. GARN. Mr. President, this fall State and local building safety departments, architects, engineers, home builders, representatives of the building trades, and consumer groups will be meeting across our country to plan programs to participate in next April 8 to 14, 1984, National Building Safety Week.

Earlier this year, together with Senators JOHN TOWER, DONALD RIEGLE, Jr., and RICHARD LUGAR, I sponsored Senate Joint Resolution 70 designating the third week of April 1983 as the "Nation's First National Building Safety Week." That resolution is currently before the Senate Judiciary Committee for amendment to include the April 8 to 14, 1984, safety week dates and passage onto the full Senate for our consideration. As I have noted previously before this body, the purpose of National Building Safety Week is to focus public awareness on the important health and life-safety services which are available to all of us from our State and local professional building departments.

As the Senate Judiciary Committee begins consideration of Senate Joint Resolution 70, I would briefly like to highlight the accomplishments of last spring's 1983 National Building Safety Week program and describe the preparations which are underway for 1984.

On April 18 to 24, 1983, State and local building code departments in 32 States across the country held successful programs commemorating the Nation's first National Building Safety Week. Through radio and television public service announcements, newspaper articles, open houses, and exhibits, millions of Americans received important information on building safety. Residents of Indiana, for example, heard radio public service spots on the importance of the installation and proper maintenance of smoke detectors and received a five-part television news feature series on potential safety hazards encountered in home remodeling by the do-it-yourselfer.

In Minnesota, television viewers heard about the importance of having alternate means of escape from their homes in case of fire and radio listeners in Florida, Montana, Nebraska, Oregon, and many other States heard public service announcements on a number of other health and life-safety issues.

In New Jersey, building departments held exhibits and demonstrations on various aspects of building safety at shopping centers and malls throughout their State. In addition, State's Governors, mayors, State legislators, and city councils in over half of our States issued National Building Safety Week proclamations of their own.

Earlier this month, building officials, architects, engineers, and representatives from national organizations representing those parties involved in the construction industry met in Madison, Wis., during the annual meeting of the National Conference of States on Building Codes and Standards, Inc., to discuss cooperative efforts for next spring's National Building Safety Week. Among the activities approved at that session were the development of national public service spots on building safety, the development of a "Guide to Holding National Building Safety Week Functions," and the conducting of a 1984 National Building Safety Week Poster Design Contest which is currently underway.

As the building safety and construction community begins to plan their activities for April 8 to 14, 1984, I urge my colleagues in the Senate to express their support for this important national safety campaign by joining me in cosponsorship and passage of an amended Senate Joint Resolution 70.

As the safety week theme states, "Building Safety Is No Accident." As I have noted before, making our constituents more aware of and encouraging their increased participation in the building safety process, is an important concern to all of us in Congress. I ask your support for this important endeavor.●

TIME FOR EQUAL TREATMENT FOR COMPETITIVE INSURERS

● Mr. D'AMATO. Mr. President, I would like to express my support for the competitive insurance amendment being offered by my distinguished colleague from the State of Washington. Currently, U.S. insurers are frequently denied the right to compete for insurance business resulting from Eximbank financed sales and projects. Many, if not most, client countries invoke discriminating laws and business practices to direct the placement of this significant amount of business with insurance companies in their own countries.

I think this is a much needed and responsible amendment. This language is identical to the language which appears in the House bill. It does not require or guarantee preferential treatment for U.S. insurers. It simply requests Eximbank to work with U.S. insurers and other relevant U.S. Government agencies to promote equal and nondiscriminatory opportunities for U.S. insurers. The amendment, in effect, merely encourages adherence to the agreed upon principles of fair and nondiscriminatory access to foreign markets already incorporated in the GATT and other international trade agreements. Moreover, this amendment is an opportunity for the U.S. Government to demonstrate its resolve to eliminate nontariff barriers that inhibit the growth of our important service industries, as well as encourage free trade.

I want to congratulate my distinguished colleague for his work on this important issue and I urge passage of the amendment.●

DISCRIMINATION AGAINST HANDICAPPED PERSONS

● Mr. WEICKER. Mr. President, I rise to call my colleagues' attention to a most important and recent report. On September 15 the U.S. Commission on Civil Rights issued a comprehensive report documenting discrimination against disabled persons. The report, entitled "Accommodating the Spectrum of Individual Abilities" estimates that 9 to 14 percent of the American people—20 to 31 million people—are handicapped, either mentally, physically, or emotionally. The findings cited in the report include:

Unemployment rates for handicapped workers range from 50 percent to 75 percent, up from a prerecession rate of 45 percent.

Increased documentation that disabled workers perform satisfactorily or better in those job situations for which they are qualified.

Handicapped people face discrimination in the availability and delivery of medical services.

Currently 15 States have statutes authorizing compulsory sterilization of mentally ill or mentally retarded individuals, and at least four authorize the sterilization of persons with epilepsy.

Architectural barriers continue to present serious problems of inaccessibility. A 1980 study found 76 percent of State-owned buildings inaccessible and unsuitable for handicapped persons.

Handicapped people are frequently denied access to various means of transportation. For example, over 1 million physically disabled, blind, or deaf persons live within a short walk of transit services but cannot physically use them.

Other areas of discrimination against handicapped persons include

voting, holding public office, and obtaining a driver's license.

Once again, the serious problem of discrimination against handicapped persons has been documented. As chairman of the Subcommittee on the Handicapped of the Labor and Human Resources Committee, I intend to examine this serious and far-reaching problem by conducting hearings on title V of the Vocational Rehabilitation Act in the spring of 1984. As you recall, title V includes provisions which prohibit discrimination against handicapped persons.

Mr. President, the Senate can take pride in the steps it has taken to preserve and enhance necessary services for and rights of disabled people. That justifiable pride, however, must not obscure the work that yet remains before us if we are to fulfill the promise of equal opportunity for American's disabled citizens. The Civil Rights Commission report provides a most valuable quide to where the Senate might direct its attention in this regard.

I urge my colleagues to give careful attention to the serious social problem of discrimination against handicapped persons as we approach next year's oversight hearings.●

POLAND'S SEPTEMBER

● Mr. MURKOWSKI. Mr. President, I have risen many times in this Chamber to take note of significant events in Poland or in Polish history. Today, I rise to commemorate not a day, but a month.

The month of September holds a special place in the annals of Polish history. It was in September of 1683 that King John III Sobieski led his Polish knights to victory against the Turks. His triumph meant freedom for all Europe from Ottoman domination. Two weeks ago the Pope celebrated the tricentennial of that victory in Austria. Mr. President, we should acknowledge the significance of that battle, not only because it left Europe free to develop its own institutions, but also because, for one of the few precious times in history, it unified Western and Eastern Europeans against a common enemy of freedom. Since that time, Poland has had to struggle against divisive forces in Europe aimed directly at her heart.

Mr. President, September must also be remembered for less auspicious events in Polish history. In 1939, the German Nazi armies overran Poland and ignited World War II. That invasion held tragic meaning for the future of Europe and the Western World. As the catalyst for the bifurcation between East and West, it obliterated the possibility of common endeavor by European nations against foreign domination and tyranny.

Mr. President, I hope that my colleagues will join me in celebrating the first September event and lamenting the other. Let them both serve to remind us of the Poland that was, and, with our support, that may be again.●

TERMINATING CLINCH RIVER—A CLEAR BREEDER BARGAIN

● Mr. HUMPHREY. Mr. President, in recent testimony before the Senate Energy and Natural Resources Committee proponents of the Clinch River breeder reactor project attempted to argue that it made no sense to terminate the project now that nearly $1.5 billion had been spent. Their argument was simple: We will lose all that we have invested and terminating the project now would cost nearly $300 million. In short, they would have us believe that we have gone so far already that we can only terminate at a price too high to consider.

The truth of the matter is quite different. As the project's backers themselves admit, $1.5 billion has been spent but the project's design work is over 90 percent complete and nearly half of the project's critical components have been acquired. If Congress terminates the project, these accomplishments remain. We can file the designs. And we can use the base breeder research and development test facilities in California, Washington, and Idaho to test the key components we have acquired.

Indeed, one of the most important components—the reactor's steam generators—has not yet passed testing and are the weakest link in the project's design. Since these generators are now available, they could be tested at modest cost as a part of the base breeder program to give us even more information about the soundness of the Clinch River design. In taking this approach, litle of what has so far been invested would be lost.

Certainly, if we began construction in earnest, we would gain no new design insights for our money; we would simply be paying construction firms to pour concrete and bolt existing parts together. This would be wasteful and it is just this sort of waste that our breeder program can ill afford.

Indeed, recently Energy Daily revealed that Secretary of Energy Hodel has been forced to cut the breeder program back. His Assistant Secretary for Nuclear Energy, Shelby Brewer, had asked for $643 million for breeder reactor work in fiscal year 1985—$331.5 million for the base breeder research and development effort, $285 million for Clinch River and another $26 million for the water cooled breeder effort. Secretary Hodel, however, wrote Mr. Brewer, August 22, 1983, that he could only have $331.5 million for all of these activities due to "the fiscal constraints which we must adhere."

Given these constraints, Mr. Hodel apparently is convinced that we have to make a choice between continuing Clinch River and keeping what he himself has stated is the key to our breeder future, our base breeder program, alive—for Hodel's statements concerning the nonessentiality of Clinch River see S 11513.

If, as Clinch River supporters claim, terminating Clinch River cost $300 million, we would have to pay it to keep the base breeder program alive. The good news, however, is that terminating the project would in fact, cost less than $150 million.

Why the discrepency? Simple: The termination cost figure Clinch River proponents use includes repayment of the utilities for their $158 million in contributions, a repayment that Government is not legally required to make.

In fact, the legal division of the Congressional Research Service determined that any utility suit to secure repayment of these contributions would almost certainly be thrown out of court.

It should be noted, that even $150 million for termination costs is probably high since the House Science and Technology Committee determined in May of 1981 that only $45 million would be required to terminate the project.

Mr. President, I believe the advantages to our breeder program of terminating the Clinch River breeder reactor project more than outweigh the advantages of proceeding with the project and I ask that the full text of the Energy Daily article and the Congressional Research Service legal finding be printed in the RECORD.

The material follows:

[From the Energy Daily, Sept. 12, 1983]

HODEL GOUGES THE BREEDER PROGRAM

If Energy Secretary Donald Hodel prevails, there will be no money at all in Fiscal Year 1985 for the so-called "base program" in breeder reactor development, which basically includes all breeder reactor R&D besides the Clinch River demonstration project.

Hodel's decision to drop the base program from about $340 million in fiscal year 1984 to basically zero in 1985 was taken as the agency prepared its budget for 1985, to be submitted to Congress next January as part of the President's overall budget request. In the course of the budget review, DOE's nuclear energy division requested about $643 million for breeder reactor development—roughly $285 million for the Clinch River breeder reactor (CRBR) project, $331.5 million for the base program, and $26 million for water-cooled breeders.

On August 22, Hodel informed his assistant secretary for nuclear energy that he could have just $331.5 million—to cover everything. In his memorandum, Hodel spoke of "the fiscal constraints to which we must adhere." Later, he directs that "the breeder reactor preliminary allowance of $331.5 mil-

lion is to include funding for CRBR. The breeder base technology program should be reexamined and restructured to meet only the essential activities necessary to prepare for commercialization efforts beginning after the year 2005 at the earliest, and to maintain U.S. contact with the international breeder community."

Hodel's directive would basically force the Energy Department to close down the base program in liquid metal fast breeder reactors: $285 million for Clinch River plus $26 million for water-cooled breeders leaves only $20-21 million, a steep drop from about $340 million in the 1984 fiscal year. By any measure it is a draconian step. There are many in the nuclear community who would argue that the base program is the jewel in the crown, and more important to the technology's long-term future than the Clinch River project. The base program includes all the unspectacular but no less critical items, like component development and engineering, fuels and core design, materials and structures, basic physics and safety. The base program is also the source of funds for some large scale test facilities at the Fast-Flux Test Facility at DOE's Hanford, Wash. Lab the Energy Technology Engineering Center (formerly the Liquid Metal Engineering Center) in Santa Susanna, Calif., and several smaller projects at the Idaho National Engineering Lab including EBR-2 (a 20-MW sodium-cooled pool-type fast reactor) the Hot Fuel Examination Facility Zipper (the Zero Power Plutonium Reactor) and TREAT (a transit test reactor).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., September 28, 1982.

From: American Law Division.

Subject: Overview of Legal Issues Governing Contract Liability in the Event of Termination under the Private Participation Contracts for the Clinch River Breeder Reactor Project.

This is in response to your request for an analysis of possible contractual liabilities which may arise under the participation agreements for the construction of the Clinch River Breeder Reactor (CRBR) among the United States, the Tennessee Valley Authority (TVA), Commonwealth Edison Company (CE), the Project Management Corporation (PMC), and the many private utilities participating through the Breeder Reactor Corporation (BRC).

Special emphasis will be placed upon the legal obligation of the United States to reimburse the private utilities for their contributions in the event that Congress terminates the CRBR project by discontinuing funding therefor.

First, we will examine the termination provisions of the participation agreements. Second, we will explore the ramifications of a breach of contract by either the United States or the contributing utilities—recognizing, however, that making findings of breach of contract and awarding damages therefor is a judicial function. In the instant case, given the complexity of the contractual arrangements and the uniqueness of the CRBR project, coupled with your own time constraints, we will limit our analysis to an overview of legal issues.

I. THE PARTICIPATION AGREEMENTS

Two basic agreements form the basis for this analysis: The agreement for contributions between the utility industry through BRC and PMC (hereinafter "BRC-PMC contract");[1] and the participation agreement among the United States, TVA, Commonwealth Edison, and PMC (hereinafter "participation agreement").[2]

Section 7 of the participation agreement delineates the basis for project resources and costs. Subsection 7.1 acknowledges that the financial assistance or monetary obligations of CE and TVA are limited to the contributions delineated throughout the contract. Subsection 7.1.2 acknowledges pledged utility contributions through BRC, estimated at approximately $250 million. Subsection 7.1.1 refers by reference to section 4 to the responsibility of the Department of Energy's Energy Research and Development Administration (ERDA), as successor to the contractual obligations of the United States through the Atomic Energy Commission, to seek continuing appropriations from Congress:

ERDA hereby assumes a continuing obligation to seek and to endeavor to maintain such legislative authorization (not necessarily limited to presently authorized authority or forms of assistance) and appropriations as may be required to enable the continued effective conduct of Project Activities, including funds to cover costs of or associated with turbine-generators and auxiliary equipment, the switchyard, and associated facilities.—Section 4.1.4.

Section 11 of the participation agreement deals with project termination.

It may be noted that rights and obligations under the BRC-PMC contract are incorporated by reference pursuant to subsection 11.1 of the participation agreement.

Among the grounds for termination are the following:

11.4.1.1 Any necessary governmental permit, license, authorization or approval required for the construction or operation of the Plant shall not have been secured within six months following the scheduled time for such action on ERDA's approved Project schedules, and the Project is seriously delayed or hindered thereby.

* * * * *

11.4.4. Upon consideration of all available resources including ERDA's efforts to obtain additional funds pursuant to paragraph 4.1.4, it appears at any time that there are or will soon be insufficient Project resources . . . to permit the effective conduct of the Project, including full satisfaction of anticipated commitments and contingencies.

Thus, it appears that the failure by Congress to appropriate continuing funding for the project constitutes grounds for termination of the project under the participation agreement.

Although three or more parties to the contract must agree that any one of the termination criteria have been met, they are obligated to exercise "good faith judgment", and it would be difficult to deny the existence of demonstrable fact.

In the event of termination, the participation agreement provides, inter alia, that PMC assign to ERDA all of PMC's rights, if any, to collect amounts due and unpaid as of the date of termination under the Utility Contribution Agreement (although no utility is obligated to make a payment which comes due subsequent to the date of termination). If PMC's allowable costs exceed its assets, ERDA is to be responsible for them. Section 11.5.1.

Upon termination, ownership of the liquid metal fast breeder reactor (LMFBR) demonstration plant is to inhere in ERDA, which has the right to use and dispose of the facility as it deems advisable. See section 10 of the participation agreement.

Under the BRC-PMC contract, in the event of wind-up, after all the project costs have been satisfied or reserved against, the proportionate share of contributions between the Atomic Energy Commission/ERDA and the contributing utilities shall be allocated: "There shall then be a settlement based upon the foregoing final accounting, and taking into account the actual amounts paid for Project Costs through the date of final accounting by the AEC, and by BRC, electric utilities and electric systems, to the end that there shall be made, out of remaining funds, (a) a refund to AEC of any credit balance in the AEC account and (b) a disposition by PMC, as directed by BRC of any credit balance in the Utility account."[3]

A review of the foregoing suggests that adequate Congressional funding for the CRBR project is a condition precedent to performance under the contract. The failure of Congress to authorize adequate funding is a contingency which constitutes grounds for termination of the project under the terms of the participation agreement.

In the event of termination, the BRC and contributing utilities are entitled to receive as settlement any unpledged funds in a proportionate ratio to the utility's contribution. There is no contractual provision for full refund of utility contributions to BRC.

II. BREACH OF CONTRACT

The CRBR project has suffered many delays in development, and as a result the estimated costs of completion have skyrocketed. Allegations of breach of contract have been leveled against the U.S. Government and the utility industry.

Apparently, representatives of the utility industry, testifying before Congress, have expressed their belief that the DOE's failure to aggressively seek funding from Congress during the Carter Administration constituted a breach of contract. One witness expressed the following theory:

"Mr. Hobelman [Counsel, BRC]. The authorizations referred to have not been achieved in prior years because prior representatives at DOE did not undertake their obligations under the contract to use their best efforts to push the contract and the project forward to completion.

"One of the reasons we are here today and one of the reasons an additional $850 million has been added to the cost of this project is that delay. In fact that is the principal reason for it.

"We therefore take the position that the obligations of the Government were not met in 1977 and 1978 and in subsequent years, and that therefore the contract was breached and therefore equitably and legally, and I hope here we are talking equitably today, is the responsibility on the Government to make the utilities whole and there-

[1] This analysis is based upon the reproduction of the PMC-BRC agreement set forth in "Closeout Costs, Clinch River Breeder Reactor Project," Hearing before the House Committee on Science and Technology, 97th Cong., 1st Sess. 281 (1981).

[2] This analysis is based upon the reproduction of Modification No. 1 to AT (49-18)-12 which appears in Hearing, footnote 1 supra, at 119. Negotiated contract revisions subsequent to these agreements, if any, are not within the purview of the memorandum.

[3] BRC-PMC contract, Hearing, footnote 1 supra, at 279.

by provide the benefits of this contract in another fashion to their customers." [4]

Whether the DOE breached the contract by failing to pursue necessary funding will depend, in part, upon fundings of fact by a court hearing the matter.[5]

The U.S. Court of Claims does, however, have jurisdiction under the Tucker Act, 28 U.S.C. § 1491, as amended, to hear claims against the United States for breach of any express or implied contract. Likewise, Congress, in 31 U.S.C. § 724a, as amended, has appropriated sums necessary to pay judgments rendered against the United States.

But the notion that the U.S. Government will be responsible for restitution of all utility contributions in the event of a breach is but one theory of damages—one which may not necessarily be the most persuasive to a court hearing the matter.

Invariably, a court will examine the nature of the alleged breach—was it material, justifying recission of the contract, or was it immaterial. Congress itself is not bound by the contract to unended funding of CRBR, although ERDA officials are bound to use their best efforts to seek necessary appropriations from Congress. Thus, a court might want to explore the relationship between the Administration's failure to act and Congress' termination of funding to determine whether ERDA's actions were indeed a material breach of the contract.

A court may also entertain possible Government defenses to an allegation of breach, e.g., impracticability of performance or frustration of purpose, etc. It would look at the expectations of the parties under the contract, and would determine whether plaintiff utilities had received any of the anticipated benefits under the contract to date, and whether they exercised their duty to mitigate damage once breach had occurred.

Since the contract itself makes no provision for liquidated damages, nor does it provide full reimbursement to the utilities in the event of termination due to inadequacy of resources, one may seriously question whether a court would be disposed to award the full share of utility contributions as damages, especially in light of the disproportionate share of funding responsibility which has devolved upon the Government in conjunction with Clinch River. These are, however, questions which would be subject to litigation in a breach of contract action.

With respect to breaches by the contributing utilities, Article XVII of the BRC-PMC contract provides, in part:

(a) Any controversy, claim, counterclaim or dispute arising out of or relating to this Agreement or any breach thereof, shall be submitted to arbitration upon the request of either PMC or BRC in the manner provided herein . . . [6]

Thus, claims for contribution between PMC and BRC must first go to arbitration; and industry-wide failure to pay contributing shares may prove sufficient to deplete project resources in such a manner as to trigger the termination provisions under the participation agreement.

[4] Hearing, footnote 1 supra, at 43; see also, pages 319–321.

[5] A letter opinion of the Comptroller General indicates that Pub. L. 85-804 may or may not be a basis for U.S. Government liability under the CRBR contracts. See Hearing, footnote 1 supra, at 319. Consideration of this jurisdictional question is beyond the scope of this memorandum.

[6] Hearings, footnote 1 supra, at 296.

III. MISCELLANEOUS

You have also inquired as to the feasibility of requiring the utility industry to increase the ratio of their contributions to CRBR.

We can find no basis for such a unilateral action by the Government under the contractual agreements and conclude that such a new arrangement would have to be negotiated and agreed to by the parties themselves. However, nothing would preclude Congress from conditioning future appropriations upon increased utility participation.[7]

ROBIN JEWELER,
Legislative Attorney.●

[7] We note parenthetically that CRBR authorizing legislation, Pub. L. No. 91-273, § 106, was amended by Pub. L. No. 92-84, § 105, to provide "that such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50 per centum of the estimated capital cost of such plant".

THE U.S. INDUSTRIAL COUNCIL

● Mr. DENTON. Mr. President, during the past year I have become familiar with an exceptionally fine national organization, the U.S. Industrial Council. I know many of its members personally, and I had the opportunity to meet with its board of directors at its annual meeting this summer.

The U.S. Industrial Council is committed to the preservation and strengthening of the American free enterprise system, the rebuilding of a healthy economy, and the effort to sustain a strong national defense.

The council's Declaration of Policy outlines the principles and precepts of the organization's program. I commend it to my colleagues as an example of the clear thinking that motivates many fine American businessmen, and I ask that the entire text of the U.S. Industrial Council's Declaration of Policy appear in the RECORD immediately following my remarks.

The material follows:

IN GOD WE TRUST

The strength of our nation rests upon its spiritual foundation. The Founding Fathers of the United States clearly understood this basic reality of national life. Thus, in establishing the American institutions of government, they acknowledged Almight God as the ultimate source of strength.

The USIC is greatly concerned, therefore, over current trends inhibiting the free practice of religion and pushing the United States in the direction of purely secular society. The United States Industrial Council takes this opportunity—solemnly and humbly—to reaffirm its Faith in God, and to emphasize the importance of religion and the family structure as basic to public morality and love of country.

DECLARATION OF POLICY

INTRODUCTION

For fifty years the United States Industrial Council has maintained an unwavering and principled concern for our political and economic traditions during a half century that has incorporated unmatched disruptions in the political and economic order of the nation and the world.

The clear understanding that the USIC has had for its past, present and future directions is sharply reflected in its annual Declaration of Policy—a Council tradition. It is the written Declaration of Policy that has enabled the Council throughout the years to stand forthright on the issues—however unpopular or controversial—with the full support and working of its membership.

Within the past year, the USIC has structured a network of Advisory Task Forces composed from selected members—all experts in their respective industries—to mobilize and act upon the complex problems and mazed issues of the day. Each Task Force produces detailed white papers which relate the Council's positions and serve to bolster the parameters of the Declaration of Policy which give the guideline and framework for these studies.

The USIC Declaration of Policy is thus a forthright statement of what its membership believes to be the critical problems that will confront the country in the coming year based and built upon the experiences of more than a generation of thoughtful American businessmen. It is this Declaration to which is owed the continuity and consistency so evident in the fifty year history of the United States Industrial Council.

I. A STRONG AMERICA

The USIC wants this country's defense to be second to none, and favors a foreign policy that will protect our sovereignty, economic strength, and strategic interests.

Foreign policy and defense

The United States has made an important start at repairing its deteriorated defenses. It is essential, however, that the country not falter in its defense effort or cut back on programs which are only beginning to come into effect. The survival of the United States and its free society depends on demonstrated staying power.

Challenges are posed to the United States from several quarters, and these challenges will persist as far into the future as one can see. America's principal adversary, the Soviet Union, certainly has a long view in its development of policies aimed at weakening and ultimately destroying the capitalist world. The United States and the other democracies must take an equally long view and have the patience and tenaciousness required for the maintenance of freedom in the decades ahead.

It is essential that the United States not only develop and maintain weapons such as are necessary for security today but that it plan advanced defense systems that will meet America's security needs early in the 21st century. The American people must understand that they can't reach a plateau of security on which they can rest without worry or special effort.

The extent of the Soviet challenge has been underscored again in the past year as a result of worsening political conditions in Central America, where Soviet proxy forces have destablized an area that was quiet for many years. Aggressive, subversive activities in Central America pose a growing threat to stability throughout Latin America and, most importantly, to Mexico.

The story of organized protest in Western Europe in the past year also emphasizes the continuing effort of the Soviet regime to detach the NATO countries from the United States and to Finlandize that part of Europe which is not under Soviet control. Happily, the majority of West Europeans have not been drawn into the unilateral dis-

armament movement, but the strength of that movement, which benefits the USSR, is very disturbing to thoughtful people on both sides of the Atlantic.

The USIC is mindful of the enormous capacity of the Soviet Union to harness emotional protest movements in Western countries and use them to enhance the power position of the Soviet states, to demoralize Western countries and lead them to abandon defense and foreign policy measures on which the maintenance of freedom depends.

The Soviets long have held that "the front is everywhere," and Americans in and out of public life need a renewed and strengthened awareness of this fact. Thus the campaign for a nuclear freeze is on a parallel track with the campaign to end American aid to embattled El Salvador. Both campaigns have flourished in the U.S. because of shrewdly engendered fear of larger conflicts.

The USIC supports the principle of negotiations with the Soviet Union towards the end of achieving real reductions in nuclear weapons, but firmly opposes an agreement which would allow the Soviet Union to maintain nuclear superiority. An arms control agreement must include strict provisions for on-site verification.

The USIC also believes that the United States cannot afford to let Centeral America slide into the Soviet orbit or allow new Cuban-type regimes emerge in a region close to U.S. territory.

Maintenance of strong national security programs has been made much more difficult in the past year because of the weakening of the U.S. economy during the global recession. There have been many shortsighted appeals to cut defense programs in order to balance the budget. Important as that goal is, national security must have priority in the national agenda. If the United States is not able to deter foreign aggression, it will not be able to maintain a free economic system. Freedom is not just another budget item.

The American economy has improved in recent months, and there is reason to hope that other economics will respond to America's locomotive effect. Severe bumps in the free world economy are possible, however, in light of the tremendous burden of debt faced by many countries. Whatever the ups or downs in the free world economy, Americans and other free peoples must adhere to security programs which undergird freedom. Actually, the United States is in a very strong position, with tremendous technological advantages which can and must be maximized. The Soviets, for all their armed might, have a basically weak and inefficient economy. The chief task for the Western countries is not to allow themselves to be convinced that they can't afford to provide themselves with necessary defenses.

Support for military and diplomatic personnel and the flag

Throughout the world, Americans in uniform stand guard, protecting the national interest. It is fitting and proper that all who wear the uniform of the United States receive the respect and support of their fellow citizens. It is equally important that the flag, as the symbol of the republic, be honored at home and abroad, particularly at American embassies and other diplomatic installations.

II. LIMITED GOVERNMENT

Intrusive and costly government is a prime concern of nearly all our citizens. The USIC favors a return to the principle of limited government, in keeping with the spirit of our Founding Fathers.

Our federal system

The authors of the U.S. Constitution wisely created a federal republic. They believed that by dispersing power, and providing for checks and balances, they would endure the survival of our freedom.

Our Founding Fathers envisioned a political system where the role of government would be limited to defending the nation, upholding the rule of law, and performing essential functions that could not be left to the private sector. They never intended that the federal government should undertake to do anything that the states and localities could do just as well on their own.

In disregarding the wisdom of our founders, we have created an imperial government characterized by oppressive taxes, meddling bureaucrats, and nit-picking laws and regulations. Ironically, while the government's power grew enormously over private enterprise, private education, and private citizens, its ability to protect us from crime and to insure our enjoyment of basic rights is very much in question.

The USIC rejects the whole socialistic leveling philosophy of the welfare state as degrading to the rights and dignity of man. There can be no political rights without economic rights; neither can the Bill of Rights be interpreted piecemeal for the convenience of those who would make liberty secondary to equality. The Bill of Rights is an integrated document with every right of equal importance—including the right to bear arms and the rights protected by the Tenth Amendment.

Better government

With a view toward reclaiming our heritage, the Council makes the following specific proposals to Congress:

1. A real and immediate cut in the number of federal employees, including reform of Civil Service laws that preserve unnecessary federal jobs.

2. An evaluation of all federal regulatory agencies with the objective of abolishing the counterproductive ones and drastically curtailing the arbitrary powers of others;

3. The repeal of all so-called "voluntary programs" which force compliance and funding from the states by threatening to penalize them in other areas if they refuse to participate. The use of tax money taken from the citizens to blackmail the states if they refuse to participate in federal programs is unconstitutional and deplorable.

4. Continuing efforts to review the most expensive agency of the federal government, the Department of Health and Human Services, to reduce its excessive size, power, and cost;

5. The enactment of a "sunset law" that would require all federal agencies and/or programs to expire automatically after a given time of not more than five years unless extended by Congress;

6. The requirement of "economic impact statements" for all new federal programs or expansion of existing programs setting forth the cost/benefit to the taxpayer and any adverse economic consequences likely to ensue;

7. The reform of government pension programs to bring public pensions into line with those in the private sector. Not only are public pensions too high, but recipients may collect more than one. The USIC is gravely concerned over the growth of unfunded pension liabilities in the public sector. The actuarial deficiency should be stated each year as part of the budget process.

Political action and political reform

The Council takes specific notice of the fact that business and industry are entitled to the same privileges as organized labor in the formation and funding of political action committees.

The USIC believes that the financing of political campaigns with tax money is contrary to the spirit of a free society and incompatible with our federal system. Accordingly, we urge the repeal of the legislation which established such a system at the presidential level, and we strongly oppose current efforts to extend the system to congressional levels.

III. THE RULE OF LAW

Our citizens should be secure against those who would violate their persons or their property, whether they be criminals, overzealous bureaucrats, or activist judges.

Crime and violence

The USIC endorses tougher measures to deter all forms of criminal behavior. It commends those state legislatures that have restored the death penalty as a deterrent to specific crimes.

Yet it is the swiftness and certainty of punishment, more than its severity, that deters. Methods of detection and apprehension should be improved, and criminal proceedings should be streamlined to the extent that justice permits. Plea bargaining should be eliminated, and admissibility of evidence should be based upon its accuracy, not whether it has been "tainted" by some irregularity in procedures. Illegal acts committed in the course of obtaining evidence should be prosecuted separately.

The USIC strongly supports federal and state efforts to apprehend and convict drug peddlers and to enact tougher penalties for persons engaged in the illegal drug traffic. At the same time, the USIC vigorously opposes legalization of marijuana. Available evidence shows that marijuana often is the prelude to use of hard drugs and, in addition, induces in users a detachment from reality and indifference to moral values and personal obligations. The USIC holds that authorities must do everything possible to prevent America becoming a drugged society. The Council also supports sound and successful efforts to rehabilitate drug users.

Another major problem is that of pornography. The Council urges strong laws at the federal and state level to halt the growing traffic in pornography that debases the quality of American life.

We also urge businessmen to refrain from advertising in publications that are clearly pornographic, or that promote crime and violence.

While urging stricter law enforcement, the Council also favors enlargement and modernization of prison facilities as funding is available. Because of serious overcrowding in prisons, judges often hesitate to jail offenders. If adequate facilities were available, and prison authorities were able to separate youthful offenders from hardcore criminals, the prison systems could be used more efficiently to deter crime, to rehabilitate convicted persons, and to help them equip themselves for self-supporting and law-abiding lives. The Council recommends that prisoners be required to perform useful tasks while serving their sentences in order to provide restitution to victims of their crimes.

The USIC urges the subcommittee on terrorism and subversion in the Senate Judiciary Committee to increase its efforts to investigate terrorist and subversive activities in the United States.

The Federal judiciary

It is encouraging that the Supreme Court is turning away from the judicial activism which characterized it for many years and which, in the view of many Americans, violated the intent of the framers of the Constitution, produced serious strains in our society, and weakened the administration of justice. However, the Council regrets that the High Court has nevertheless upheld a number of unwise decisions by the lower federal courts concerning public education. In addition, federal judges have set up unrealistic guidelines and standards for state prisons.

Specifically, the Council objects to the judicial notion that public schools are primarily instruments of social change. Court-ordered busing and racial balancing have served only to destroy the harmony which once prevailed in the schools, to impair the education of millions of school children, and impose additional costs on taxpayers. The USIC calls for an end to such judicial experimentation and the return of schools to the control of the states and localities, by constitutional amendment if necessary.

Similarly, the Council, decrying the current trend toward atheism and moral anarchy, supports the restoration of voluntary prayer and Bible reading in the public schools by constitutional means.

The Council recommends that a mandatory retirement age for federal judges be established.

IV. A FREE ECONOMY

A free economy is essential to a free country. It is also the basis for national prosperity. However, the opponents of economic freedom have not eased the pressures for continuation and even expansion of government policies that have reduced economic freedom for many Americans. Economic difficulties of recession, unemployment, and the decline of several of our major industries have renewed the demands for a return to the massive government role in the economy, including expansionary monetary policies, huge social welfare programs and other domestic policies that are the cause of America's economic problems.

The USIC believes that the nation can only return to its traditions of prosperity, high employment, and genuine economic growth by standing firm on the principles of economic freedom, which include drastically reduced federal spending, continuing efforts to reduce regulation of business, and a consistent monetary policy.

Private property and free enterprise

The United States Industrial Council firmly supports the concept of property as the foundation of personal liberty. The USIC urges protection of the property right of the American people.

Current activities by anti-business groups disclose a studied effort to separate control from ownership of property and, in effect, to limit and qualify property rights of corporations and shareholders. The current insistence in some quarters that corporations name so-called "public" directors—spokesmen for unions and consumers—is part of the effort to restructure the traditional American concept of property rights.

It is clear that there is a major effort afoot to deny investor-owned companies the right to make key decisions affecting their operations. The anti-business groups seek to deny business decision-making power regarding plant location or relocation, product selection, source of supply and advertising. There is a campaign underway to compel companies to disclose essentially proprietary business information. Forces of free enterprise urge Congress to authorize severe penalties, including jail terms, for company executives who violate new social guidelines.

A federal law should preempt state laws only where the law expressly states that it is the intent of Congress to do so, when the constitution so empowers. Federal courts now exercise too much discretion in deciding whether or not a federal law preempts state laws covering the same area. Congress should not allow the courts to second-guess its intentions in this fashion.

Legislation has been proposed at state and federal levels to penalize companies that wish to relocate, thus making them "captive industries." If a state is losing businesses because its taxes are too high, its regulations too rigid, and its labor-management policies too solicitous of big unions, imposing an exit tax on departing corporations will not improve its economy or that of the nation as a whole. It can only lead to more business closings and more unemployment.

The USIC believes that the managerial functions of business should be discharged by the chosen representatives of the stockholders and investors—i.e., by those who bear the risk of loss and are entitled to the profits.

Profits and the concomitant risk of loss make the free enterprise system run; they are the dynamics, the driving forces of industrial progress. Without profits, there would be no investment to provide new jobs and additional opportunities for the growing work force of an expanding population. A no-profit economy inevitably results in a socialistic economy.

A pure free market, free enterprise economy is without equal in providing the greatest selection of goods and services at the least possible cost. Free enterprise means the right to succeed and the right to fail. Successful enterprises should not be penalized by government for their success, and unsuccessful enterprises should not be kept in operation with transfusions of tax dollars.

Government attempts to rescue failing corporations opens the door to vast subsidy operations and to indirect control of private companies by directors nominated by government. The business community should take the lead in opposing such bail-outs, as they undermine the free enterprise system.

Capital formation and tax reform

Rapid capital formation is the key to a prosperous economy. Unfortunately, capital formation has been discouraged in the United States.

Clearly, if free enterprise is to survive and the nation to enjoy a high standard of living, capital formation must be encouraged. Citizens must be given incentives for investing instead of spending.

The creation of such incentives means allowing citizens to retain their earnings. Therefore, the USIC believes in tax reform consistent with the principles of free enterprise. Our specific proposals in this area include the following:

1. The elimination of double taxation of corporate profits. At the present time, such profits are taxed as corporate income, and then again as personal income when paid to shareholders as dividends.

2. The adoption of adequate tax incentives, to replace and increase those formerly provided by the oil depletion allowance, to encourage exploration and development of domestic petroleum supplies.

3. A constitutional amendment setting a fixed ceiling on the rate at which federal income, estate, and gift taxes can be levied and collected, except on income taxes in time of congressionally-declared war.

4. A less restrictive business tax structure: to stimulate production and increase job opportunities. This should include the reduction and eventual elimination of capital gains taxes.

5. An evenhanded approach to the regulation of tax-exempt organizations and contributions; the withdrawal of tax-exempt status from any organization that promotes lawless and destructive ends.

6. The elimination of unfair tax advantages presently enjoyed by cooperatives, credit unions, and labor unions. These organizations are now using tax-free income to engage in a number of large, profit-making enterprises in competition with taxpaying enterprises.

7. A reduction of government spending with an appropriate lowering of personal income taxes.

Government economic policy and inflation

Thus the USIC holds firm in the conviction that the destructive forces of inflation, present and anticipated, and resultant high interest rates and thus the related problems of unemployment, widespread business bankruptcies, and general economic decline, are the consequences of government deficits.

The past two years have seen remarkable success in the lowering of inflation, which is one of the most important governmental achievements in this period, but renewed inflation is likely if federal spending is not contained. Even with essential defense spending increases, it is possible to make massive cuts through better management, as the Grace private sector task force reported, saying that $48 billion could be saved over three years.

The Council has always held that there is a definite and undeniable link between inflation and deficit spending by the federal government. Therefore, the Council deplores attempts to explain away or to ignore deficits as unimportant or unrelated to our nation's economic well-being.

The government's bill must be paid. When it pays them by expanding the money supply, the currency is debased. More dollars in circulation do not automatically mean greater wealth. Instead, the value of the currency is inflated. Likewise, heavy government borrowing from the private sector reduces the amount of capital available for business investment and expansion.

These two approaches to financing deficits are responsible for the persistently high interest rates the nation has experienced in recent years. Rates consist of real interest, plus an inflation premium which reflects expectation of further decline in the value of money. Heavy demand for capital by government keeps rates high, making money unaffordable to smaller companies.

For years, Congress has made little or no attempt to limit spending to revenues. It has been reluctant to do so because of pressure from labor unions, financially troubled cities, the welfare lobby, and other groups favoring free-spending federal programs. This profligate spending has led to an inflationary psychology among our people * * *.

The federal debt exceeded $1 trillion in 1982. This does not include government guaranteed loans and other contingent liabilities that are growing at an alarming rate.

The Council urges the Congress to take the following actions:

1. Reduce federal expenditures to the essential minimum for the functioning of the government as defined in the Constitution.

2. Prohibit any further increase in the debt ceiling, except in time of congressinally-declared war, and the contracting of any further obligations outside this ceiling.

3. Approve an amendment to the Constitution limiting federal expenditures to receipts in time of peace, and limiting taxes to a percent of GNP.

4. Provide for a return at the earliest possible time to a currency convertible to gold or other indexed commodity and the transformation of the present managed currency system,

5. Rescreen all previous appropriations to effect necessary savings.

6. In reaching a balanced budget, do so by spending cuts, not by increased taxation.

Wage-price controls

The Council rejects all suggestions of controls on wages, prices, rents, and dividends. Such controls would deal only with the symptoms of our economics ills, not the root causes.

Whenever they have been tried over the centuries, controls have proved to be a failure. They result in black markets and in misallocations of resources. Moreover, wage and price controls inevitably require rationing, which has been a failure when tried and which is unacceptable to the American people. Rationing also requires an army of enforcement agents and costs immense sums. It makes no sense to prevent the normal operations of the marketplace and to continue to allow the government to print money. Controls of the money supply invariably are rejected by proponents of economic controls. They would tie down everyone but the bureaucrats.

Government regulation of business

American industry and business have evolved over the years in response to the changing needs and desires of the consuming public. The USIC favors fair and effective enforcement of the antitrust laws, but rejects the yardstick of mere size as a criterion of monopoly, undue concentration, or lack of competition.

In addition, the USIC is opposed to the federal licensing of corporations as a condition of engaging in interstate and foreign commerce as an unwarranted extension of federal power.

The Council is also opposed to any form of favoritism in the awarding of government contracts. At the present time it is not uncommon for a corporation to be denied a contract simply because it is non-union, or is located in the wrong congressional district, or refuses to conform its business to the satisfaction of bureaucratic planners, or because of its size. It is the opinion of the USIC that the sole criterion for the awarding of government contracts should be the question "Which firm offers the American taxpayers the best product or service at a reasonable price?" Among other examples, the Council is opposed to favoritism in awarding contracts to cooperatives that enjoy special tax advantages.

Finally, the Council takes this opportunity to strongly condemn what it regards as the harassment of private businessmen by government bureaucrats. Owing to a variety of circumstances—chief of which are the proliferation of government agencies and the sharp rise of legal costs—it is now possible for nonelected bureaucrats to intimidate businessmen into complying with their guidelines simply because it is no longer practical for businessmen to litigate every challenge to their constitutional rights. Such harassment is especially burdensome to the small businessman, and is a factor in small business failures—thus undermining free competition. Furthermore, this situation heralds an era of potential bureaucratic dictatorship, and imperils the rights of all Americans. The Council urges that the arbitrary power enjoyed by so many federal bureaucrats be curbed so as to prevent this development.

Toward this same end, the USIC urgently recommends that the rising tide of government forms be stemmed. Such paperwork—much of it either useless or an invasion of corporate privacy—is time-consuming, expensive and ultimately detrimental to the consumer, inasmuch as in the last analysis it is he who must pay for the government's "fishing expeditions."

Bankruptcy

The USIC believes that current bankruptcy law allows debtors to defraud creditors, and in many cases to avoid payment of just debts that they have the ability to pay from current or future earnings. The USIC urges that the Bankruptcy Reform Act of 1978 be amended in order to prevent such abuses.

Alternative economics

The threat of nationalization of U.S. industries is not an immediate one, though there is frequent advocacy of this approach in liberal and radical economic and polemical literature. A more immediate threat is a blurring of the lines between the public and private sector and efforts to institute so-called worker control in failing industries. It is to the advantage of the American people and essential to the survival of free enterprise in the United States there continue to be a sharp distinction between the private and public sectors. It is equally important that the notion of worker control of industries, as is being advanced for failing steel mills, be understood as a form of subsidization. All such schemes depend on massive public assistance in one form or another. Without skilled management such as is to be found in the private sector there is no possibility of such enterprises succeeding—only the likelihood of increased subsidization by the taxpayers. The so-called "Alternative Economic System" now being pushed by radical groups is simply socialism under a more acceptable name.

Advocates of the market economy have long recognized the fact that government can never match the efficiency and resourcefulness of private enterprise. Accordingly, the USIC believes that it is only common sense for the government to open the way for free market solutions to our pressing national problems.

Essential first steps toward this objective including the following:

1. An end to unwarranted government interference in private enterprise.

2. The gradual elimination of all federal subsidies, except those essential for national defense.

3. A return to genuine competition, the law of supply and demand, and other basic free market principles.

4. An increased effort by government at all levels to contract out as much work as possible to the private sector, to improve the quality of government work.

Specifically, the Council urges the development of free market alternatives to the present U.S. Postal Corporation. A good beginning would be the elimination of the government monopoly on the delivery of first class mail.

One of the nostrums now being advanced is a new Reconstruction Finance Corporation that be politically independent, capitalized with $5 billion from the Treasury and authorized to raise $25 billion more through the issuance of federally guaranteed bonds. It would be a bailout mechanism for floundering cities and sick industries. Such an institution would be virtually beyond public control and be able to deflect investment from needed venture capital projects.

Consumerism and the market

The USIC, representing a broad range of industrial, commercial, and general business activities, is deeply concerned about the needs of consumers. Indeed, all sectors of American business share that concern. If business weren't interested in the wants of consumers, business would fail.

The advocates of "consumer" legislation deliberately ignore this fundamental truth. They dismiss efforts of industry to provide high quality goods and services and to police fly-by-night operators. Rather, the advocates of consumer legislation seem more determined to destroy business than to encourage quality goods and services. Indeed, many of their proposals have had the effect of raising prices to consumers.

Some consumer advocates admit that regulation has often backfired on the consumer, but they seem to think that additional regulation will somehow solve the problem. What is really needed, of course, is a return to free market principles.

Nowhere in the world outside the United States do consumers find such a wide range of competitive products. This competitive situation is one of the factors contributing to the excellence of American-made goods and services. It is time, therefore, that the business community go on the offensive in upholding the value of their products and in exposing unfair critics.

Product liability

Each year American business must meet the exorbitant cost of insurance premiums for product liability coverage. The reason for this is the substitution by a substantial majority of American jurisdictions of "strict tort liability" for liability predicated on negligence.

Recommendations:

The USIC opposes any state or federal product liability law that does not include the following features:

(1) The provision to allow sellers to reassert the traditional defense of contributory negligence in all product liability cases; (2) Alternatively, the adoption of comparative negligence standards for plaintiffs who sue on strict liability. Such standards compare the fault of the plaintiff with that of the defendant and apportion damages by reference to a statutory formula; (3) Prohibition against the use of contingent fees in all product liability actions on compensation with awards given only for actual physical injury; (5) The adoption of a 6 year statute of limitations on product liability with some reasonable accommodation made for latent defects, and an unqualified 2 year statute of limitations on product liability actions; and (6) Provision for businesses to accrue annually up to 3% of annual sales in pretax dol-

lars for purposes of a product liability reserve fund up to a total of 15% of average annual sales. (7) In all product liability actions, the plaintiff must show that the product was manufactured by the defendant, a requirement that would specifically overrule the onerous concept of market share liability. We oppose any provisions that encourage the establishment of additional federal standards.

Antitrust for cooperatives

The Council believes that the same antitrust laws that apply to corporations should also apply to cooperatives. Cooperatives should be taxes on the same basis as corporations.

Foreign trade and investments

America favors fair trade and regards the following conditions as prerequisites for truly free trade: unrestricted movement of capital investment, convertibility of currencies at freely floating rates, parallel fiscal and monetary policies, and safeguards against exploitation by foreign tax structures or government-backed monopolies or cartels. These conditions do not exist at this time.

Indeed, the United States faces increasing trade difficulty with countries that have state-directed economies or where major industries are nationalized or where massive export program, aimed at the American market, are guided and controlled by government. These countries seek to dominate the American market while denying U.S. manufacturers an opportunity to compete in their domestic markets. Japan is a prime example.

Accordingly, the USIC urges the Executive Branch to deal firmly with foreign governments that favor cartels and other restrictive devices harmful to America's trade. When our economic well-being is threatened by restrictive or discriminatory trade policies of other nations, we should respond with appropriate measures of our own.

We should also remove "most favored nation" status for trade purposes with all Marxist countries and ban sales of any and all strategic products, minerals and technology to these countries, as well as imports except for strategic commodities.

The solution to the problem of the trade deficit is more complex. Primarily, it requires major increases in American productivity and a greater public awareness of the full cost to the nation of vast imports. Massive reductions in the cost of government regulation and increased productivity will also help American business gain flexibility for competition in foreign markets.

USIC endorses legislation which would enhance the ability of American manufacturers to tap the vast export market for U.S.-made goods. USIC supports legislation that would encourage American exports by facilitating the formation and operation of export trading companies and export trade associations.

V. RESOURCE DEVELOPMENT

We propose the maximum development of needed resources while keeping any adverse environmental impact to an acceptable level. Wise use of our resources should include reasonable conservation measures, and exploration and development of natural resources on our public land areas. The USIC strongly supports the proposition that the United States does have the ability to achieve energy independence.

An energy policy

The USIC is confident that the private sector can meet this country's energy needs, and urges a free market solution to our current energy problems. The lifting of price controls on crude oil on January 28, 1981, was a salutary first step in this direction. In like manner, remaining controls on natural gas prices and on the use of gas should be removed. The law of supply and demand, not the rule of government, should determine the price of energy, and the design of autos and other energy-related products. Corporate fuel economy requirements should be abolished, and the free market should guide its design.

To this end, the federal Department of Energy should be abolished. The Department is a chaotic bureaucracy that absorbs billions of tax dollars and has interfered with, rather than contributed to, the production and distribution of energy in the U.S.

The USIC is adamantly opposed to the concept of the so-called "windfall profits" tax on oil. Consequently, we urge its repeal. This is a false name for a heavy excise tax that is levied on the production of oil at the wellhead, not on profits. The $227 billion that the tax is supposed to provide for research and production of "alternative" energy sources will go directly into the federal Treasury, instead of productive capital investment. The ultimate losers will be consumers who must pay the increased costs of production and distribution of gasoline and heating oil, as producers lost the incentive to explore new sources. At the same time the USIC supports further research and development of renewable sources of energy within a free enterprise context. Regardless of merits of the 55 MPH speed limit, serious constitutional questions arise and federal usurpation of states' rights.

If we are to reduce our dependence on foreign oil to a significant degree, we must renew our faith in nuclear energy. It is vital that the American utilities be permitted to contract for and construct nuclear power plants without the endless bureaucratic and environmental harassment that has extended the construction time for a nuclear plant to about 12 years. Where proper precautions are observed, nuclear power is our safest source of energy.

In this regard, Congress and NRC should act promptly to expedite the transportation, off-site storage, and reprocessing of spent nuclear fuels.

The USIC also believes that nuclear power plants should be constructed and operated by investor-owned utilities, whose operating knowhow and dollar investments should be protected against claims from government-subsidized entities. Antitrust review of nuclear projects should be separated from the licensing process to prevent "blackmail" of private enterprise by public power.

Vast United States coal deposits must be utilized to the maximum extent commensurate with healthful air quality, and research and development in coal gasification and liquefication must be encouraged. Congress should amend the Clean Air Act and the Clean Water Act to carefully define their requirements and to allow the states, once they have met these minimum federal standards, to adopt whatever mix of emission and effluent limitation they deem appropriate for their particular circumstances.

Surface mining for coal should be permitted to the maximum degree compatible with reasonable reclamation practices. Coal is the relatively untapped energy source on which our nation must rely if we are to be assured that our energy sources will be adequate to our needs.

Contrary to popular misconception, we are not running out of energy. We are merely exhausting those reserves that are most easily utilized. Developing new reserves will be expensive, so there is no way that higher prices for energy can be avoided. The only question is whether we will have abundant energy at reasonable prices under a free market, or limited supplies at high prices under government controls.

Minerals and mining

In 1950, the United States obtained half or more of its needs of 4 of the 13 basic industrial minerals from overseas. Today, we are dependent on foreign sources for more than half of 20 strategic minerals.

It is obvious that this country could easily be at the mercy of unstable governments in the developing world for supplies of vital minerals, including chrome, platinum, nickel, manganese, cobalt and zinc. These are indispensable to our basic heavy industries, and our defense industries in particular.

The United States has abundant supplies of many important minerals, but restrictive mining and land use laws have hamstrung production of them for years. Through the Mineral Leasing Act of 1920 public or government-owned land is available to individuals for mining purposes. But increasing withdrawal of public land from resource development in the name of protecting the environment has drastically cut back tracts available for mining. OSHA, EPA, and wilderness regulations have contributed to the shutdown and lack of development of many mining facilities. The USIC applauds efforts to reverse this trend.

The USIC believes that our increasing dependence on foreign mineral sources leaves the nation vulnerable to sudden cutoffs or embargoes by unfriendly governments. Since our growing dependence on offshore sources of minerals is due to restrictive regulation and land and sea use policies, these should be drastically revised in favor of rapid development of America's mineral resources, and stockpiling of certain strategic minerals.

Furthermore, the Council opposes the concept of seabed minerals as a "common heritage of mankind" as expressed in the proposed Law of the Sea treaty. Private enterprise should not be obligated by an international authority dominated by landlocked nations to turn over the fruits of their substantial investments in seabed mining to countries that make no investment and take no risks in extracting minerals from the oceans beyond national boundaries.

Land use controls

Controls over land use are being sought by local and state agencies as well as at the federal level. These controls unconstitutionally restrict the right of citizens to determine the use of their property. Certainly every effort should be made to resist the socialist idea that property is owned as private property only to the extent that society doesn't need it.

The USIC also supports efforts by individuals and businesses to control a greater share of the vast acreages owned by the federal government. Traditionally, the government sold land to private individuals and companies. The Council supports the reduction of arbitrary federal control over government land by requiring the government to make available for sale selected tracts of federal land that have been inaccessible to private concerns.

Pollution control

The USIC favors reasonable and equitable laws to promote clean air, clean water, and general environmental enhancement. It takes note of the very substantial efforts of American free enterprise companies to control pollution and to develop anti-pollution devices and programs. Industry should be protected against unreasonable and irregularly applied standards, and public authorities should be urged to stand firm against scare tactics and emotionalism with regard to pollution.

Federal pollution controls should be limited to those which directly affect the health of people, and are in keeping with the constitution. The public has not been adequately informed of the vast scope of anti-pollution efforts by industry. The steel, electric power, paper, chemical and petroleum industries, to cite only a few, have devoted colossal sums to the abatement of pollution.

Pollution abatement also has to be considered in balance with other national needs and problems. The automobile industry, for example, shouldn't be required to accept emission control regulations which are in advance of the state of technology or which make motor vehicles prohibitively expensive to operate. The requirements of personal transportation have to be recognized in a large country with decentralized city populations.

Furthermore, the public must be made to realize that unreasonable pollution controls demanded by government stand to cost them untold billions of dollars in the form of higher prices and increased fuel consumption.

Water resources

The nation is just beginning to realize that full development of natural resources in the West requires massive amount of water. Efficient management of existing water supplies is not the answer to present and future needs. Emphasis must be placed on gaining access to new water resources for the arid regions of the country. To this end, the United States Industrial Council favors studies and negotiations aimed at persuading Canada, which owns from one-quarter to one-third of the world's supply of fresh surface water, to make available its surplus water on a market basis to the arid parts of the United States.

VI. EQUAL RIGHTS FOR MANAGEMENT AND LABOR

The rights of the individual worker and the general welfare of the people should take precedence over the special privileges enjoyed by organized labor.

Union coercion

Much of the corruption and arrogance that characterizes the labor movement today stems from the unique privileges of coercion that unions enjoy under federal law. In states without right-to-work laws, a worker may be forced to join or to pay dues to a union in order to hold a job. In all states, individual workers may be forced to accept a union as their bargaining agent against their will.

The USIC believes that union membership should be strictly voluntary, and that unions should be empowered to bargain only for their own members. The Council favors reform of our national labor laws to achieve these ends.

To further protect workers and the public from union coercion, the USIC proposes the following additional reforms:

1. The enactment of legislation which would remove exemptions of labor unions from prosecution for criminal activity:

2. That strikes be made subject to control of the bargaining unit by secret ballot of membership after consideration of the employer's last negotiated best offer;

3. That existing restrictions against secondary boycotts be retained and strengthened;

4. That compulsory check-off of union dues be prohibited; whenever check-off of any nature is allowed, that the employee be permitted to terminate the check-off agreement on exactly the same basis that was used in agreeing to the check-off;

5. That all bargaining agents be required to recertify every five years;

6. That all union elections be held by secret ballot.

Antitrust for unions

The USIC calls on Congress to place unions under the antitrust laws. The exercise of monopoly power by labor unions is one of the basic problems of our society. Monopolistic union power drives up the cost of goods and services. The public interest requires that unions be prohibited from taking actions which will unreasonably restrain trade and commerce.

A number of national legislators are seeking passage of bills that would place labor unions under the antitrust laws. Such legislation is long overdue. No reason exists why labor unions should be exempt from antitrust laws which apply to business enterprises. A labor monopoly is clearly detrimental to the public interest.

National Labor Relations Board

Over the years, the National Labor Relations Board has played a key role in denying justice to employers and non-unionized employees. Where the issue has been union advantage or the public welfare, the NLRB almost uniformly decided in favor of the union.

The USIC believes that the concept of administrative justice on which the Board is based, in addition to the built-in bias toward union organizations, renders the NLRB a basically unfair and improper instrument in labor disputes. The Council subscribes to the principal that controversies regarding labor-management relations should be removed from the NLRB's jurisdiction and turned over to the federal courts.

Strikes against private employers

The use of physical force, threats, violence and mass picketing interferes with the employee's freedom of choice and should not be permitted. Conscientious and fearless enforcement of the law at state and local levels would largely eliminate these evils. In many instances, public officials, charged under their oath of office with law enforcement, have been grossly derelict in their duties.

The USIC urges enactment of legislation to prevent public subsidization of strikers. It is intolerable that subsidies have been given in the form of food stamps, welfare payments, and unemployment compensation. Strikers have jobs; they simply refuse to perform them. In no way, therefore are they deserving of public charity or assistance. Moreover, the subsidization of strikers hits the public twice, in taxes to pay for the benefits, and higher prices caused by excessive wage demands enforced by strikers.

The USIC also believes that the existing Taft-Hartley prohibition against secondary boycotts at construction sites should be retained.

Wages and productivity

Productivity, the amount that a worker produces per hour, is a prime indicator of the nation's economic strength. Increased productivity is the only valid source of higher earnings and an improved standard of living.

In times past, American worker productivity was unparalleled. This was a major factor in America's economic success. But increases in worker productivity in the United States have lagged far behind other industrial nations in recent years. Unless Americans greatly increase their productivity, the U.S. will cease to be the leading industrial nation before the end of this century.

Wage increases by government fiat as a substitute for wage increases which reflect higher productivity can only aggravate our present economic problems. The inability of U.S. business and industry to compete in world markets is due to the wage and productivity gap between American labor and that of foreign competitors.

Accordingly, the USIC opposes any increase in the minimum wage. Minimum wage laws not only fuel the rise in costs and prices, but have the effect of eliminating thousands of jobs for the people who need them most—the young, the poor, and the unskilled.

One of the encouraging signs in the past year has been the surfacing of the novel concept of the "giveback" which brings wage agreements more in line with economic realities. Another happy change is in the direction of union concessions on working conditions, which are essential if American industry is to regain its competitive position in domestic and world markets. This has been a recession phenomenon but must be made to realize that the survival of U.S. industry depends on modernization of work rules.

In addition, the Council opposes the concept of "work preservation" clauses as an exchange for union concessions on wages and benefits.

Also, the Council favors the repeal of the Walsh-Healy and Davis-Bacon Acts (which regulate the wages paid on government procurement and construction contracts). These laws are prime examples of government wage distortions for political purposes. If these laws are not repealed, they should at least be enforced so as to reflect the local prevailing wages.

Employee health, safety and benefits

American business has a history of concern for employee health and safety. The vast majority of companies have rules requiring health and safety procedures. The states also have laws regulating such matters.

Nevertheless, the Occupational Safety and Health Administration remains in existence, despite its lack of success in reducing accidents.

OSHA fails to place any responsibility on the individual worker for using health and safety equipment provided by the employer. It fails to recognize the major role that worker carelessness plays in causing industrial accidents. It has eaten up new investments that should have gone to create jobs, and has raised prices for the consumer. At the same time it has provided federal bureaucrats, union leaders, and disgruntled employees with another weapon to use against management.

The USIC therefore advocates that the Occupational Safety and Health Act of 1970 be repealed, and that the talks of ensuring worker safety be returned to the states and private safety promotion groups.

It is also essential that the federal bureaucracy's excesses in the enforcement of the Federal Coal Mine Health and Safety Act of 1969 (which have contributed to reductions of up to 50% and more in productivity of underground coal mines—with resulting increases in coal cost) be curbed so as to reduce the massive overkill and harassment now being applied. This act, incidently, has been no more successful than OSHA in reducing accidents.

The provisions of Title IV of the act should be repealed or be amended so as to rescue the coal mining companies from the enormous and overwhelming potential liability of the socialized subsidy to coal miners by way of so-called black lung benefits.

The states should have maximum latitude in the solution of unemployment problems peculiar to their localities. The USIC strongly opposes any federalization of the unemployment program, or workmen's compensation program, including federal payment of benefits or the imposition of federal standards for the payment thereof.

The Employee Retirement Income Security Act of 1974 (ERISA) has in many ways worked against the interests of the workers it was designed to protect. Nearly every provision—vesting and funding requirements, termination insurance, rules regarding fiduciary responsibility—has tended to increase the cost of providing pension benefits. The paperwork burdens alone are unduly burdensome to small business. Indeed, thousands of companies have terminated their pension plans since ERISA has gone into effect. Because of its counterproductive results, the USIC recommends that the act be repealed.

The bulk of this country's private pension funds are financed entirely by employers. These funds are a major source of capital for our economy. It is therefore in the interest of both labor and management that they be profitably invested.

Unfortunately, union trustees of these funds are now being urged to use them as social weapons. In other words, to base investment decisions on noneconomic criteria such as whether or not a potential borrower is friendly to organized labor. The Council urges that the fiduciary obligations of pension fund trustees be tightened to prevent such abuses.

Public employees

The USIC strongly opposes unionization of public employees and urges the states to forbid strikes by these employees. Widespread employee strikes have revealed the threat these work stoppages represent to the normal functioning of American cities and communities. The public has a right to expect that fire, police, sanitation and hospital services as well as school and mail services will not be interrupted by any group at any time. If public employee strikes gain acceptance, entire communities will be subject to economic blackmail and be endangered by crime, fire, or epidemic.

Unionization of public employees, with resulting control over the availability of essential public services, is the chief current objective of the labor movement. The monopoly position of the unions already represents a serious threat to the well-being of the country, and any extension of that monopoly power into the area of public services would be a social disaster for many communities.

VII. REFORM OF CURRENT SOCIAL POLICIES

The USIC favors free market solutions to the problems of education and welfare.

Public and private education

The USIC has long argued that Congress should reduce federal aid to education as education, traditionally, has been an activity of state and local government. One by-product of more difficult economic times is that such aid has been reduced. The government also has tightened up on federal loans to students, many of which loans had not been repaid. All this is to the good.

It is important, as part of the new federalism, that the states continue to assume a larger responsibility for higher education, and that the private sector do its part in carrying the educational burdens.

Important new initiatives are under way in the private sector, with corporations joining in new consortia in order to finance the advanced research that is necessary for the modernization of American business and industry. The USIC believes that such consortia represented a desirable alternative to federal aid and believe they should be encouraged. It is very important, however, that a place be made for the participation of small business so that it will share in the results of new research.

The USIC calls on the federal government to maintain the tax exemption of independent schools. Efforts to eliminate such exemptions would damage the quality of education in the country.

Lastly, the Council endorses the action taken by several states in requiring that the fundamentals of the free enterprise system be taught in the public schools. Considering the lack of public understanding of the true nature and operation of the market economy, the Council feels it would be well if all states were to adopt such a policy.

Numerous private companies and organizations have done much to show how free enterprise protects the rights and enhances the prosperity of individual Americans. The USIC heartily endorses such private education programs as deserving of support and encouragement by private groups and public officials.

Social security

The USIC has long recognized that the Social Security System has been seriously underfunded. Without some corrective action, the Old Age and Survivors Insurance trust fund would have faced bankruptcy in July, 1983. Faced with this immediate crisis of solvency of the system, President Reagan appointed a National Commission on Social Security Reform. The Commission's recommendations of January 15, 1983 included: including under Social Security coverage all non-profit and new government employees; requiring Social Security recipients with incomes in excess of $20,000.00 to pay income taxes on benefits; shifting the automatic benefits increase to a calendar year basis, rescheduling tax payroll tax increases set for 1985 and 1989 for 1984 and 1988 respectively, and other measures.

Fundamentally, the insurance program Social Security was originally intended to be has been expanded into a partial welfare program. In 1982, Social Security benefit payments totaled $154.1 billion. Originally, the Reagan budget projections forecast Social Security outlays to increase by about $125 billion per year through 1984–1988. The Commission's recommendations would reduce that annual increase to roughly $10 billion.

The USIC concurs that the Social Security system must be drastically reformed. However, the Commission's recommendations rely primarily on increased taxes to bail out the system. As much as 75 percent of the proposed deficit reduction in the program comes from higher taxes.

Instead the USIC recommends that the program's welfare and insurance functions be recognized and separated accordingly; also that:

1. Benefit formulas be revised to ensure that individuals receive benefits that are directly related to contributions;

2. The current CPI escalator clause which is used to determine cost-of-living increases be eliminated;

3. The present system of equal contributions by employers and employees be retained;

4. No portion of Social Security should be funded from general revenues—this would camouflage the true nature of the program, increase the federal deficit, and fuel inflation.

5. Employees should be given the opportunity to take advantage of opportunities to invest their Social Security payment in private Individual Retirement Accounts (IRAs). Keough plans and other private plans.

Welfare

Federal spending now tops half a trillion dollars a year, much of it for welfare programs. For example, the food stamp program is expected to cost $10.9 billion with more than 21 million recipients of the handouts. Altogether, the welfare and assistance and other entitlements will cost nearly $365 billion a year.

The USIC believes that these programs must be cut back enormously if the productive sectors of the population are to survive. Too few are being asked to do too much.

The root of the problem lies with the so-called "entitlement" programs—so-called because their recipients are legally "entitled" to benefits. The recipients can force the government, under threat of court action, to provide benefits.

Congress can and must change the basic laws that create these entitlements. Welfare outlays aren't uncontrollable, if there is a will to dismantle welfare state legislation.

Congress also can amend the basic laws to set work requirements for welfare recipients. It can give states bloc grants for welfare instead of ruling how they must spend such funds.

This is the type of basic reform that must be achieved if the welfare system is to be brought under control. USIC believes that decisions being made today will determine whether we are to become a socialist nation or remain free.

Health care legislation

The USIC is opposed to nationalized health care services. Such services have proven enormously expensive and destructive of quality medical care. The Council believes that the maintenance of high quality medicine, in which the United States leads the world, is the result of the private delivery system for medical services. Wherever possible, the organization, delivery and financing of medical care should be done on a private basis.

The USIC deplores the growing threat to the quality of medical care posed by increased federal involvement in operations of hospitals and the medical profession. When politics enters the hospital, good medical practice is endangered. It is imperative, therefore, that ways be found to retain professional control of hospital practices. Toward this end, the Council recommends voluntary efforts to control hospital costs—as opposed to federal controls—and urges

the abolition of the Professional Services Review Organization.

Urban dole

The decline of many large central cities, as a result of profligate public spending, rent control, massive unionization and inadequate anti-crime action, has produced a demand for a large-scale bailout by the nation's taxpayers. The USIC believes that the public should firmly reject an "urban strategy" that is based on federal credit guarantees to cities, federally-financed housing, federal employment programs in inner city areas, special privileges for minority-operated businesses, tax cuts for businessmen that operate in depressed areas, so-called "development banks" which would channel taxpayers' funds to municipal projects that represent questionable investments, or other types of public dole activity.

One example of this misuse of taxpayer dollars is the Urban Development Action Grant (UDAG), which is a means to provide private interests with easy money for urban projects. Hotels, condominiums, auditoriums, and marinas have been built with federal funds through UDAGs, financed by the Department of Housing and Urban Development. These grants are a form of corporate welfare, and should be eliminated.

Deteriorating cities can't be rescued by taxpayer subsidies. Furthermore, such subsidies are unfair to progressive municipalities that operate on a responsible basis and that are free of graft and bureaucratic waste. The only way for a city to regain its fiscal health is to eliminate costly services, restore law and order, and institute effective fiscal controls creating an atmosphere favorable to private investment.

Beyond this, Congress should reject the idea that the federal government ought to be the employer of first resort or the provider of housing.

VIII. BUSINESS AND INDUSTRY NEEDS

As the United States leaves the recession behind it is important that the country pursue the goal of a truly dynamic economy that will give the American people the high standard of living they want and expect. In order to do this, new efforts must be made to enhance the entrepreneurial system and make its needs better known.

For some years, the United States has been the victim of a process of deindustrialization. This started with an environmental movement that lost sight of the need for access to natural resources by a vibrant business and industrial system. Unfortunately, the mistaken notions of excessive environmentalism continue to inhibit the maximization of business opportunities. With the retarding of the nation's industries, other, more competitive countries, with a better business climate, have gained an advantage. One major victim of the deindustrialization mood has been the virtual halting of the nuclear energy industry so important to America's energy future. Anti-nuclear and anti-business activists are even more active today than they were five or ten years ago. The no-growth lobby bears a heavy responsibility for the economic decline of the past few years.

Full renewal of the American economy will require a change of public attitudes towards business and industry. A new positive attitude is necessary. It also is important that Americans understand that there are profound structural changes afoot in American business and industry and that it would be a disaster to try to freeze employment in the patterns of yesteryear. The country needs to understand the problems of all types and sizes of business and not regard any as expendable. Special attention, however, should be placed on the importance of venture capital projects and industries which use high technology and advanced manufacturing processes. The United States cannot afford to lag behind any nation in the development of computer-related industries. And these industries, like low tech industries, depend, in the final analysis, on a good business climate that is free of unwarranted regulation and oppressive taxation.●

SURPLUS COMMODITIES FOR THE ELDERLY

● Mr. GRASSLEY. Mr. President, I introduced on September 21, 1983, a bill which would raise the fiscal 1984 authorization level for the U.S. Department of Agriculture's food donation program for the elderly, authorized under section 311 of the Older Americans Act, from $105 million to $121.916 million, and which would require the States to submit vouchers to the USDA in a timely manner.

SECTION 311 OF THE OLDER AMERICANS ACT

Title III of the Older Americans Act of 1965 (Public Law 89-73, as amended) creates in the 50 States and the territories a nutrition program for older Americans. This program is probably the most popular of those authorized by the Older Americans Act. It has been strongly supported by the Congress since its inception in 1973. The program provides both congregate and home-delivered meals. The authorized funding level for the congregate part of the program for fiscal 1984 is $365,300,000. The authorized level for the home-delivered part of the program for fiscal 1984 is $68,700,000. A separate section of the act, section 311, allows States to receive from the U.S. Department of Agriculture surplus commodities and products purchased by the Secretary of Agriculture, or to receive cash from the Department in lieu of commodities. These commodities, or cash in lieu thereof, are used to provide additional meals for older Americans through the congregate and home-delivered meals programs.

At the outset of the program, States were able to receive from the Department only surplus commodities. Difficulties of various kinds in managing these commodities led to widespread interest in receiving cash in place of commodities, and, in 1975, the law was amended to permit States to take cash instead of surplus commodities.

Section 311 authorizes funds in addition to those authorized for congregate and home-delivered meals and stipulates that these funds be used by the Department of Agriculture to provide the States a given amount of money, or its equivalent in surplus commodities, for each congregate and home-delivered meal that they serve. The amount provided for each meal was to increase each year from 30 cents in 1978 by an amount equivalent to the annual percentage increase in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The amount which the Department will provide for each meal in fiscal 1984 is presently estimated to be $0.565. Section 311(d)(1) authorized for this surplus commodities program $93,200,000 for fiscal year 1982, $100 million for fiscal year 1983, and $105 million for fiscal year 1984. Section 311(d)(2) then stipulates that, in the event that the sums needed by the States exceeded authorized levels, the Secretary of Agriculture could reduce the cents per meal made available for that fiscal year so that program expenditures would remain within authorized levels.

FISCAL 1982, 1983, AND 1984 SHORTFALLS FOR THE PROGRAM

The amount of money the States requested exceeded the authorized appropriation for fiscal years 1982 and 1983, and it is anticipated that the amounts they request will exceed the authorized amount for fiscal year 1984.

There are at least three reasons for the shortfall: First, inflation; second, program efficiencies; and third, non-Federal contributions to the program. Program efficiencies permit States to serve more meals for the same amount of money. There are two primary sources of non-Federal contributions. Some State governments make money available for the program. In addition, the administration has commenced a contributions campaign, urging States to encourage program participants to make contributions to the program. Around $90 million was raised through voluntary contributions in fiscal 1982 and around $120 million will be raised in fiscal 1983. These moneys are ordinarily used to provide additional meals.

Because the General Counsels of the Departments of Agriculture and Health and Human Services and the Administration for Public Services agreed in 1980 that all meals served by a State nutrition program, regardless of the sources from which funds for those meals came, would be reimbursed at the stipulated rate, State allocations to the program, participant contributions and program efficiencies increase the total amount by which the Department must compensate the States.

The amount requested for fiscal year 1982 exceeded the authorized amount by $6.8 million. The Department of Agriculture reprogramed this amount from elsewhere in its budget for use by the surplus commodities program. The shortfall for fiscal 1983 was $16 million. A shortfall is anticipated for 1984.

To deal with the 1983 and 1984 shortfalls, Representative MARIO BIAGGI introduced H.R. 2807 which proposed to raise the authorized amounts for fiscal 1983 to $116 million and to "such sums as shall be needed" for fiscal 1984. This bill was passed by the House, introduced in the Senate and referred to the Subcommittee on Aging of the Senate Committee on Labor and Human Resources. The supplemental appropriations bill for 1983 provided an additional $16 million for the program and, in addition, required that vouchers from the States be submitted in a timely manner. This latter provision was necessary because tardy claims are common in this program. The Department was processing 1981 claims as late as January 1983. There are now outstanding claims from 1979 from eight States in the amount of $875,000.

THE GRASSLEY BILL

My bill would raise the authorization ceiling for this program from $105 million for fiscal 1984 to $121.916 million, and would require States to submit vouchers to the USDA within 90 days of the last day of the month in which a meal is served. This amount for fiscal 1984 represents the amount to which the fiscal 1983 appropriation was raised by the supplemental appropriations bill for 1983, $116 million, plus 5.1 percent for the anticipated inflation in the food away from home series of the Consumer Price Index. It is my feeling that the time to take up whether "such sums as shall be needed" should be authorized is during the reauthorization of the act in 1984. The need for a timely submissions requirement is clear.

THE APPROPRIATIONS PROCESS

Appropriations for 1984 could eliminate any urgent need for this bill. However, without going into the complexities of the appropriations process at this time, there may well be a need for an increase in the authorization level for the program later in the fiscal year. Furthermore, the requirement for timely submission of vouchers is legislation which properly belongs in authorization rather than appropriations bills. Because I want to be sure that appropriate funds can be made available for this vital program, I have introduced this bill.●

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have checked with the staff of the minority leader, and they have indicated to me that there is no further requirement for him to be present or further requests. If no other Senator is now seeking recognition—and I see none—I yield to the Senator from Illinois.

Mr. PERCY. I thank the majority leader. I should like to take a few minutes in the morning hour to deliver my statement on El Salvador.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 5:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND REFORM IN EL SALVADOR

Mr. PERCY. Mr. President, land reform is once again in danger of being undermined in El Salvador. The Constituent Assembly in that country will vote in the near future on three articles in the draft constitution, which—if passed—could halt the agrarian reform in its tracks.

Two major consequences would result if the constitutional provisions dealing with agrarian reform are adopted with their present interpretation. First, the "land to the tiller" program would be terminated at the end of this year because after December 31 potential beneficiaries would no longer be eligible to apply for title. Fewer than 40 percent of the eligible beneficiaries have so far applied for title under the land to the tiller program, which enables peasants to purchase the plot that they have rented over a period of years. Thus, even if the number of applicants greatly increases in the next few months, many families could be excluded from promised benefits.

Second, the preservation of the peasant cooperatives established under phase I of the agrarian reform could be threatened. Under phase I, the ownership of some 300 large estates was transferred to cooperative farms run by 32,000 peasant families. But the new constitution, by encouraging individual cooperative members to sell off portions of this communal property, could bring about the unraveling of the cooperative enterprises.

Beyond these specific ramifications, approval by the assembly of these newly proposed provisions could demonstrate that the Government was abandoning the original goals of the land reform legislation. Such action therefore could spark a concerted effort across the board to roll back the agrarian reform.

Rolling back land reform in El Salvador is not in the interest of the United States. It would simply strengthen the hand of the guerrillas fighting against the Government. It would make U.S. efforts at negotiations more difficult. It would weaken support for the Salvadoran Government in the United States.

An alternative proposal that would maintain the integrity of the agrarian reform process is being offered by a coalition of labor and peasant organizations, together with the Christian Democratic Party. I am particularly alarmed by indications that death squads in El Salvador are using terrorist tactics to try to discourage this coalition from mobilizing public support for their initiatives. Indeed, the recent increase in terrorism by extremists on both sides of the conflict in El Salvador further weakens the political fabric of that country and must be condemned by us all.

The Senate Foreign Relations Committee has held up aid to the Salvadoran Government in the past when it appeared that the agrarian reform was under attack. It is probable that such action would be taken again if need be to keep this crucial land reform program on track.

This land reform program constituted a vital condition for continued U.S. military and economic support to El Salvador and has been reiterated as a goal and objective by provisional President Alvaro Magana, as well as by his predecessor Jose Napoleon Duarte. In addition, support for agrarian reform has been an important part of the political platform of a majority of Salvadoran political parties and elected members of the assembly. A reversal in course now would only strengthen the guerrillas and undercut the credibility of the political parties and public officials that constitute the Government of El Salvador. It would also jeopardize U.S. assistance and support.

PRESIDENT'S U.N. SPEECH

Mr. PERCY. Many in the United States criticize the United Nations and question U.S. membership and contributions to the U.N. family of organizations. It is clear that the United Nations could be a more effective organization but it is my belief that it plays an important role in preserving and promoting international peace and security, international development and human rights. To date no one has been able to identify a better way to approach these problems on a world scale.

Every administration since the founding of the United Nations has determined that U.S. membership is in our direct interests and that we should play an active role in U.N. organizations as part of our overall program of diplomacy. Thoughtful Members of Congress consistently agree.

It follows that the United States should provide its share of the resources necessary for the operation of the United Nations. The U.S. contribution is consistent with the U.N. Charter and is a legal, treaty obligation. President Reagan made his position clear when he visited the United Nations last year and stated:

> However imperfect the reality may be . . . I should point out that even in a time of domestic retrenchment, American financial support (for the U.N.) has not and will not decline.

At the direct instruction of the President, the current administration has made a concerted effort to restrain growth in U.N. budgets—and we are beginning to see results across the spectrum of U.N. agencies.

Recent events, including the KAL tragedy make it a particularly unfortunate time to suggest that the United States should weaken its ties with the United Nations.

In the aftermath of the KAL tragedy, the United States and its allies turned quickly to the U.N. Security Council and the International Civil Aviation Organization to use those U.N. institutions to focus world opinion on this barbaric destruction of the Korean airliner.

President Reagan, believing the world situation requires a statement of American policies, delivered this morning an outstanding U.S. address to the U.N. General Assembly.

Mr. President, I ask unanimous consent that the President's statement be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE PRESIDENT TO THE 38TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Thank you for granting me the honor of speaking today, on this first day of general debate in the 38th Session of the General Assembly. Once again I come before this body preoccupied with peace. Last year I stood in this chamber to address the Special Session on Disarmament. I have come today to renew my Nation's commitment to peace. I have come to discuss how we can keep faith with the dreams that created this organization.

The United Nations was founded in the aftermath of World War II to protect future generations from the scourge of war, to promote political self-determination and global prosperity, and to strengthen the bonds of civility among nations. The founders sought to replace a world at war with a world of civilized order. They hoped that a world of relentless conflict would give way to a new era, one where freedom from violence prevailed.

Whatever challenges the world was bound to face, the founders intended this body to stand for certain values, even if they could not be enforced, and to condemn violence, even if it could not be stopped. This body was to speak with the voice of moral authority. That was to be its greatest power.

But the awful truth is that the use of violence for political gain has become more, not less, widespread in the last decade. Events of recent weeks have presented new, unwelcome evidence of brutal disregard for life and truth. They have offered unwanted testimony on how divided and dangerous our world is, how quick the recourse to violence.

What has happened to the dreams of the U.N.'s founders?

What has happened to the spirit which created the U.N.?

The answer is clear: Governments got in the way of the dreams of the people. Dreams became issues of East versus West. Hopes became political rhetoric. Progress became a search for power and domination. Somewhere the truth was lost that people don't make war, governments do.

And today in Asia, Africa, Latin America, the Middle East, and the North Pacific, the weapons of war shatter the security of the peoples who live there, endanger the peace of neighbors, and create ever more arenas of confrontation between the great powers. During the past year alone, violent conflicts have occurred in the hills around Beirut, the deserts of Chad and the Western Sahara, in the mountains of El Salvador, the streets of Suriname, the cities and countryside of Afghanistan, the borders of Kampuchea, and the battlefields of Iran and Iraq.

We cannot count on the instinct for survival to protect us against war, despite all the wasted lives and hopes that war produces, it has remained a regular, if horribly costly, means by which nations have sought to settle their disputes or advance their goals.

And the progress in weapons technology has far outstripped the progress toward peace. In modern times, a new, more terrifying element has entered into the calculations—nuclear weapons. A nuclear war cannot be won and must never be fought. I believe that if governments are determined to deter and prevent war, there will not be war. Nothing is more in keeping with the spirit of the U.N. Charter than arms control.

When I spoke before the Second Special Session on Disarmament, I affirmed the United States Government's commitment, and my personal commitment, to reduce nuclear arms, and to negotiate in good faith toward that end.

Today, I reaffirm those commitments. The United States has already reduced the number of its nuclear weapons worldwide and, while replacement of older weapons is unavoidable, we wish to negotiate arms reductions, and to achieve significant, equitable, verifiable arms control agreements. And let me add, we must ensure that world security is not undermined by the further spread of nuclear weapons. Nuclear non-proliferation must not be the forgotten element of the world's arms control agenda.

At the time of my last visit here, I expressed hope that a whole class of weapons systems—the longer-range INF missiles—could be banned from the face of the earth. I believe that to relieve the deep concern of peoples in both Europe and Asia, the time was ripe, for the first time in history, to resolve a security threat exclusively through arms control. I still believe the elimination of these weapons—the zero option—is the best, fairest, most practical solution to this problem. Unfortunately, the Soviet Union declined to accept the total elimination of this class of weapons.

When I was here last, I hoped that the critical Strategic Arms Reduction Talks would focus, and urgently so, on those systems that carry the greatest risk of nuclear war—the fast-flying, accurate, intercontinental ballistic missiles which pose a first strike potential. I also hoped the negotiations could reduce by one-half the number of strategic missiles on each side and reduce their warheads by one-third. Again, I was disappointed when the Soviets declined to consider such deep cuts, and refused as well to concentrate on these most dangerous destabilizing weapons.

Despite the rebuffs, the United States has not abandoned and will not abandon the search for meaningful arms control agreements. Last June, I proposed a new approach toward the START negotiations. We did not alter our objective of substantial reductions, but we recognized that there are a variety of ways to achieve this end. During the last round of Geneva talks, we presented a draft treaty which responded to a number of concerns raised by the Soviet Union. We will continue to build upon this initiative.

Similarly, in our negotiations on intermediate-range nuclear forces, when the Soviet leaders adamantly refused to consider the total elimination of these weapons, the United States made a new offer. He proposed, as an interim solution, some equal number on both sides between zero and 572. We recommended the lowest possible level.

Once again, the Soviets refused an equitable solution and proposed instead what might be called a "half zero option"—zero for us, and many hundreds of warheads for them. That is where things stand today, but I still have not given up hope that the Soviet Union will enter into serious negotiations.

We are determined to spare no effort to achieve a sound, equitable and verifiable agreement. For this reason, I have given new instructions to Ambassador Nitze in Geneva, telling him to put forward a package of steps designed to advance the negotiations as rapidly as possible. These initiatives build on the interim framework the United States advanced last March and address concerns that the Soviets have raised at the bargaining table in the past. Specifically:

First, the United States proposes a new initiative on global limits. If the Soviet Union agrees to reductions and limits on a global basis, the United States for its part, will not offset the entire Soviet global missile deployment through U.S. deployments in Europe. We would, of course, retain the right to deploy missiles elsewhere.

Second, the United States is prepared to be more flexible on the content of the current talks. The United States will consider mutually acceptable ways to address the Soviet desire that an agreement should limit aircraft as well as missiles.

Third, the United States will address the mix of missiles that would result from reductions. In the context of reductions to equal levels, we are prepared to reduce the number of Pershing II ballistic missiles as well as ground-launched cruise missiles.

I have decided to put forward these important initiatives after full and extensive consultations with our allies, including personal correspondence I have had with the leaders of the NATO governments and Japan and frequent meetings of the NATO Special Consultative Group. I have also stayed in close touch with other concerned friends and allies. The door to an agreement is open. It is time for the Soviet Union to walk through it.

I want to make an unequivocal pledge to those gathered today in this world arena. The United States seeks and will accept any equitable verifiable agreement that stabilizes forces at lower levels than currently exist. We are ready to be flexible in our approach, indeed, willing to compromise. We cannot, however, especially in light of recent events, compromise on the necessity of effective verification.

Reactions to the Korean airliner tragedy are a timely reminder of just how different the Soviets' concept of truth and international cooperation is from that of the rest of the world. Evidence abounds that we cannot simply assume that agreements negotiated

with the Soviet Union will be fulfilled. We negotiated the Helsinki Final Act, but the promised freedoms have not been provided, and those in the Soviet Union who sought to monitor their fulfillment languish in prison. We negotiated a Biological Weapons Convention, but deadly yellow rain and other toxic agents fall on Hmong villages and Afghan encampments. We have negotiated arms agreements, but the high level of Soviet encoding hides the information needed for their verification. A newly-discovered radar facility and a new ICBM raise serious concerns about Soviet compliance with agreements already negotiated.

Peace cannot be served by pseudo arms control. We need reliable, reciprocal reductions. I call upon the Soviet Union today to reduce the tensions it has heaped on the world in the past few weeks, and to show a firm commitment to peace by coming to the bargaining table with a new understanding of its obligations. I urge it to match our flexibility. If the Soviets sit down at the bargaining table seeking genuine arms reductions, there will be arms reductions. The governments of the West and their people will not be diverted by misinformation and threats. The time has come for the Soviet Union to show proof that it wants arms control in reality, not just in rhetoric.

Meaningful arms control agreements between the U.S. and the Soviet Union would make our world less dangerous; so would a number of confidence-building steps we have already proposed to the Soviet Union.

Arms control requires a spirit beyond narrow national interests. This spirit is a basic pillar on which the U.N. was founded. We seek a return to this spirit. A fundamental step would be a true nonalignment of the United Nations. This would signal a return to the true values of the Charter, including the principle of universality. The members of the United Nations must be aligned on the side of justice rather than injustice, peace rather than aggression, human dignity rather than subjugation. Any other alignment is beneath the purpose of this great body and destructive of the harmony it seeks. What harms the Charter harms peace.

The founders of the U.N. expected that member nations would behave and vote as individuals, after they had weighed the merits of an issue—rather like a great, global town meeting. The emergence of blocs and the polarization of the U.N. undermine all that this organization initially valued.

We must remember that the non-aligned movement was founded to counter the development of blocs and to promote détente between them. Its founders spoke of the right of smaller countries not to become involved in others' disagreements. Since then, membership in the non-aligned movement has grown dramatically, but not all the new members have shared the founders' commitment to genuine non-alignment. Indeed, client governments of the Soviet Union, who have long since lost their independence, have flocked into the non-aligned movement, and once inside have worked against its true purpose. Pseudo non-alignment is no better than pseudo arms control.

The United States rejects as false and misleading the view of the world as divided between the empires of the East and West. We reject it on factual grounds. The United States does not head any bloc of subservient nations, nor do we desire to. What is called the West is a free alliance of governments, most of whom are democratic and all of whom greatly value their independence. What is called the East is an empire directed from the center which is Moscow.

The United States, today, as in the past, is a champion of freedom and self-determination for all people. We welcome diversity; we support the right of all nations to define and pursue their national goals. We respect their decisions and their sovereignty, asking only that they respect the decisions and sovereignty of others. Just look at the world over the last 30 years, and then decide for yourself whether the United States or the Soviet Union has pursued an expansionist policy.

Today, the United States contributes to peace by supporting collective efforts by the international community. We give our unwavering support to the peacekeeping efforts of this body, as well as other multilateral peacekeeping efforts around the world. The U.N. has a proud history of promoting conciliation and helping keep the peace. Today, U.N. peacekeeping forces or observers are present in Cyprus and Kashmir, on the Golan Heights and in Lebanon.

In addition to our encouragement of international diplomacy, the United States recognizes its responsibilities to use its own influence for peace. From the days when Theodore Roosevelt mediated the Russo-Japanese War in 1905, we have a long and honorable tradition of mediating or dampening conflicts and promoting peaceful solutions. In Lebanon, we, along with France, Italy and the United Kingdom, have worked for a ceasefire, for the withdrawal of all external forces, and for restoration of Lebanon's sovereignty and territorial integrity. In Chad, we have joined others in supporting the recognized government in the face of external aggression. In Central America, as in southern Africa, we are seeking to discourage reliance upon force and to construct a framework for peaceful negotiations. We support a policy to disengage the major powers from Third World conflict.

The U.N. Charter gives an important role to regional organizations in the search for peace. The U.S. efforts in the cause of peace are only one expression of a spirit that also animates others in the world community. The Organization of American States was a pioneer in regional security efforts. In Central America, the members of the Contadora group are striving to lay a foundation for peaceful resolution of that region's problems. In East Asia, the Asian countries have built a framework for peaceful political and economic cooperation that has greatly strengthened the prospects for lasting peace in their region. In Africa, organizations such as the Economic Community of West African States are being forged to provide practical structures in the struggle to realize Africa's potential.

From the beginning, our hope for the United Nations has been that it would reflect the international community at its best. The U.N. at its best can help us transcend fear and violence and can act as an enormous force for peace and prosperity. Working together, we can combat international lawlessness and promote human dignity.

If the governments represented in this chamber want peace as genuinely as their peoples do, we shall find it. We can do so by reasserting the moral authority of the United Nations. In recent weeks, the moral outrage of the world seems to have reawakened.

Out of the billions of people who inhabit this planet, why, some might ask, should the death of several hundred shake the world so profoundly? Why should the death of a mother flying toward a reunion with her family or the death of a scholar heading toward new pursuits of knowledge matter so deeply? Why are nations who lost no citizens in the tragedy so angry?

The reason rests on our assumptions about civilized life and the search for peace. The confidence that allows a mother or a scholar to travel to Asia or Africa or Europe or anywhere else on this planet may be only a small victory in humanity's struggle for peace. Yet what is peace if not the sum of such small victories?

Each stride for peace and every small victory are important for the journey toward a lasting, a larger peace. We have made progress. We have avoided another world war. We have seen an end to the traditional colonial era and the birth of 100 newly-sovereign nations. Even though development remains a formidable challenge, we have witnessed remarkable economic growth among industrialized and developing nations. The U.N. and its affiliates have made important contributions to the quality of life on this planet, such as directly saving countless lives through its refugee and emergency relief programs. These broad achievements, however, have been overshadowed by the problems that weight so heavily upon us. The problems are old, but it is not too late to commit ourselves to a new beginning, a beginning fresh with the ideals of the U.N. Charter.

Today, at the beginning of this 38th Session, I solemnly pledge my Nation to upholding the original ideals of the United Nations. Our goals are those that guide this very body. Our ends are the same as those of the U.N.'s founders, who sought to replace a world at war with one where the rule of law would prevail, where human rights were honored, where development would blossom, where conflict would give way to freedom from violence.

In 1956, President Dwight Eisenhower made an observation on weaponry and deterrence in a letter to a publisher. He wrote: "When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die." He went on to say, "* * * we have already come to the point where safety cannot be assumed by arms alone * * * their usefulness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory * * *"

Distinguished delegates, ladies and gentlemen, as we persevere, if in the search for a more secure world, we must do everything we can to let diplomacy triumph. Diplomacy, the most honorable of professions, can bring the most blessed of gifts, the gift of peace. If we succeed, the world will find an excitement and accomplishment in peace beyond that which could ever be imagined through violence and war.

I want to leave you today with a message I have often spoken about to the citizens of my own country, especially in times when I have felt thay were discouraged and unsure. I say it to you with as much hope and heart as I have said it to my own people. You have the right to dream great dreams. You have the right to seek a better world for your

people. And all of us have the responsibility to work for that better world. And, as caring, peaceful peoples, think what a powerful force for good we could be. Distinguished delegates, let us regain the dream the United Nations once dreamed.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHAFEE TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a special order in favor of the distinguished Senator from Rhode Island (Mr. CHAFEE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time remaining after the execution of the special order until 12 noon be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. BAKER. Mr. President, tomorrow is Tuesday, the day for the regular caucuses on both sides of the aisle. It has been our habit of late to recess the Senate so those caucuses can proceed. I ask unanimous consent that from 12 noon until 2 p.m. the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENDING BUSINESS

Mr. BAKER. Mr. President, I inquire of the Chair, when the Senate resumes its session at 2 p.m., what will be the pending business?

The PRESIDING OFFICER. Senate Joint Resolution 159.

Mr. BAKER. Which is the war powers resolution?

The PRESIDING OFFICER. The war powers resolution.

Mr. BAKER. Mr. President, I will not now attempt to enter a unanimous-consent order to provide for a time for debate on the resolution tomorrow, but from previous conversations with the minority leader today I believe that both sides were going to try to clear a unanimous-consent order that would provide 4 hours of debate tomorrow equally divided between the hours of 2 p.m. and 6 p.m. Additional time, of course, will be provided as it is needed on Wednesday and perhaps on Thursday. I do not now make that request, Mr. President.

VITIATION OF SPECIAL ORDER

Mr. BAKER. Mr. President, I am now told that the Senator from Rhode Island does not require the special order on tomorrow. I am confident it has nothing to do with the outcome of America's Cup Race since the American boat is behind.

Mr. President, I now ask unanimous consent that the special order in favor of Senator CHAFEE be vitiated and that additional time be devoted to the transaction of routine morning business as previously provided.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 5:14 p.m. the Senate recessed until tomorrow, Tuesday, September 27, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1983:

DEPARTMENT OF STATE

Reginald Bartholomew, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of American to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

DEPARTMENT OF COMMERCE

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce, vice Guy W. Fiske, resigned.

ENVIRONMENTAL PROTECTION AGENCY

Courtney M. Price, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency (new position—Public Law 98-80 of August 23, 1983).

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Cole, Bryan R., xxx-xx-xxxx
Contacos, Samuel P., xxx-xx-xxxx
Davis, Arthur G., xxx-xx-xxxx
Griffin, William S., xxx-xx-xxxx
Hudson, Franklin E., xxx-xx-xxxx
Jim, Clayden F., xxx-xx-xxxx
Larson, Louis W., xxx-xx-xxxx
Pocock, James A., xxx-xx-xxxx
Riffe, Glenn E., xxx-xx-xxxx
Rose, William B., Jr., xxx-xx-xxxx
Roth, John C., xxx-xx-xxxx

CHAPLAIN

To be colonel

Gundersen, Gerald M., xxx-xx-xxxx
Hedrick Charles W., xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Musacchio, Marilyn J., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Kramer, Charles, xxx-xx-xxxx
Semins, Howard, xxx-xx-xxxx
Smith, Warren D., xxx-xx-xxxx
Stephenson, Larry W., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Detwiler, Clarence J., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Abe, Ronald M., xxx-xx-xxxx
Aylward, Dennis P., xxx-xx-xxxx
Baldock, Charles, xxx-xx-xxxx
Bartlett, Robert A., xxx-xx-xxxx
Battison, Raymond C., xxx-xx-xxxx
Bernard, Reginald R., xxx-xx-xxxx
Black, Virgil C., xxx-xx-xxxx
Bridgewater, William, xxx-xx-xxxx
Brinsley, Norman S., xxx-xx-xxxx
Broderick, Charles R., xxx-xx-xxxx
Buchanan, Dean L., xxx-xx-xxxx
Caruana, Anthony F., xxx-xx-xxxx
Castro, William, Jr., xxx-xx-xxxx
Chang, Alvin A., xxx-xx-xxxx
Church, Robert B., xxx-xx-xxxx
Colburn, John T., xxx-xx-xxxx
Cooper, Kenneth, Jr., xxx-xx-xxxx
Copeland, James N., xxx-xx-xxxx
Crews, John E., xxx-xx-xxxx
Davies, Charles R., xxx-xx-xxxx
Dobek, Frank E., xxx-xx-xxxx
Dragics, David L., xxx-xx-xxxx
Dudley, Robert P., xxx-xx-xxxx
Dummer, Dale T., xxx-xx-xxxx
Estes, Clifford A., xxx-xx-xxxx
Fisher, Jeffery W., xxx-xx-xxxx
Fleming, Robert L., xxx-xx-xxxx
Francioni, George F., xxx-xx-xxxx
Francisco, John R., xxx-xx-xxxx
Friedman, Richard J., xxx-xx-xxxx
Ginsberg, Allan R., xxx-xx-xxxx
Goad, James W., xxx-xx-xxxx
Goby, Marshall J., xxx-xx-xxxx
Graw, Leroy H., xxx-xx-xxxx
Grunewald, Robert E., xxx-xx-xxxx
Hahn, Richard M., xxx-xx-xxxx
Hall, Carolyn M., xxx-xx-xxxx
Hammerschmidt, Walter, xxx-xx-xxxx
Hansford, Vernon N., xxx-xx-xxxx
Harper, Curtis E., xxx-xx-xxxx
Hinkle, Dale E., xxx-xx-xxxx
Hughes, Thomas A., Jr., xxx-xx-xxxx
Hunt, Norman J., xxx-xx-xxxx
Irey, Rodney D., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Huntington, Bobby N., xxx-xx-xxxx
Kelly, Bruce B., xxx-xx-xxxx
Meyer, John H., xxx-xx-xxxx
Rhoda, Robert L., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Hayes, John L., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Bart, Gerald N., xxx-xx-xxxx

Daily, Charles D., Jr., xxx-xx-xxxx
Durden, Willian D., xxx-xx-xxxx
Edgett, Joseph W., Jr., xxx-xx-xxxx
Givens, John Dewey, xxx-xx-xxxx
Glover, Clarence K., xxx-xx-xxxx
Kivowitz, Julian, xxx-xx-xxxx
Landa, Stuart J., xxx-xx-xxxx
Lenton, John D., xxx-xx-xxxx
Lufkin, Charles D., xxx-xx-xxxx
Metha, Bal R., xxx-xx-xxxx
Minichan, David P., xxx-xx-xxxx
Morris, Alfred D., xxx-xx-xxxx
Rupp, Richard, xxx-xx-xxxx
Sargen, Robert W., xxx-xx-xxxx
Vosskuhler, John W., xxx-xx-xxxx
Wittels, Benjamin, xxx-xx-xxxx

To be lieutenant colonel

Aquino, Manuel M., xxx-xx-xxxx
Begtrup, Robert O., xxx-xx-xxxx
Cody, William J., xxx-xx-xxxx
Dishman, Leonardo, xxx-xx-xxxx
Engvall, William R., xxx-xx-xxxx
Fu, Denis J., xxx-xx-xxxx
Giglio, Francis A., xxx-xx-xxxx
Grace, Eugene V., xxx-xx-xxxx
Graudins, Gunar, xxx-xx-xxxx
Kain, Thomas R., xxx-xx-xxxx
Michaels, David L., xxx-xx-xxxx
Moskowitz, David L., xxx-xx-xxxx
Norton, John H., III, xxx-xx-xxxx
Palma, Joseph A., xxx-xx-xxxx
Patrick, Donald W., xxx-xx-xxxx
Sears, Suzanne P., xxx-xx-xxxx
Smith, Luther, II, xxx-xx-xxxx
Sparr, Richard A., xxx-xx-xxxx
Wisen, Mark, xxx-xx-xxxx
Wood, Russell J., xxx-xx-xxxx
Zeller, Erwin R., xxx-xx-xxxx
Iverson, Ronald J., xxx-xx-xxxx
Ivy, Curtis K., xxx-xx-xxxx
Johnson, Lawrence J., xxx-xx-xxxx
Kalke, James P., xxx-xx-xxxx
Kaszynski, Robert J., xxx-xx-xxxx
Kennedy, James L., xxx-xx-xxxx
Loefler, Paul E., III, xxx-xx-xxxx
Long, William A., Jr., xxx-xx-xxxx
Loomis, Roeliff L., xxx-xx-xxxx
Marshall, David, xxx-xx-xxxx
Masaki, Carl T., xxx-xx-xxxx
McLeod, James M., Jr., xxx-xx-xxxx
McQuinn, Larry O., xxx-xx-xxxx
Miller, Dan B., xxx-xx-xxxx
Mis, Ronald C., xxx-xx-xxxx
Mitchell, Alexander, xxx-xx-xxxx
Morrow, Robert J., xxx-xx-xxxx
Pierson, Walter B., xxx-xx-xxxx
Poole, Alfred J., III, xxx-xx-xxxx
Potratz, Edwin M., xxx-xx-xxxx
Reeder, Charles W., xxx-xx-xxxx
Robinson, James H., xxx-xx-xxxx
Rodgers, Rodney A., xxx-xx-xxxx
Russell, James E., xxx-xx-xxxx
Schwinghammer, Daniel, xxx-xx-xxxx
Seip, Walter L., III, xxx-xx-xxxx
Sellers, Richard A., xxx-xx-xxxx
Semrau, Lawrence L., xxx-xx-xxxx
Sevigny, Roger A., xxx-xx-xxxx
Shurtleff, John C., xxx-xx-xxxx
Smith, John P., xxx-xx-xxxx
Streit, Gary B., xxx-xx-xxxx
Takata, Theodore T., xxx-xx-xxxx
Thibodeaux, Michael, xxx-xx-xxxx
Thompson, Lawrence G., xxx-xx-xxxx
Tirey, James D., xxx-xx-xxxx
Travis, Charles M., xxx-xx-xxxx
Uchida, Edward K., xxx-xx-xxxx
Wall, John C., xxx-xx-xxxx
Warren, Michael H., xxx-xx-xxxx
Waugh, Delbert L., xxx-xx-xxxx
White, Larry A., xxx-xx-xxxx
Wilson, Eric G., xxx-xx-xxxx
Worley, James D., xxx-xx-xxxx
Yoshitani, Ken, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Sadusky, Joseph F., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Thompson, Frances L., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Andino, Dominick J., xxx-xx-xxxx
McShane, Richard H., xxx-xx-xxxx
Martin, John E., xxx-xx-xxxx
Miller, John M., xxx-xx-xxxx
Noller, Kenneth L., xxx-xx-xxxx
Schwartz, James R., xxx-xx-xxxx
Shereff, Richard H., xxx-xx-xxxx
Sussman, Jonathan, xxx-xx-xxxx
Tomasi, Lawrence G., xxx-xx-xxxx
Zauel, David W., xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10. United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Batchelder, Robert F., xxx-xx-xxxx
Beebe, Urban U., xxx-xx-xxxx
Bishop, David L., xxx-xx-xxxx
Bradley, Martin R., xxx-xx-xxxx
Brunton, Thomas I., xxx-xx-xxxx
Copeland, George M., xxx-xx-xxxx
Fragale, Frank M., xxx-xx-xxxx
Freeman, Richard L., xxx-xx-xxxx
Garringer, Donald O., xxx-xx-xxxx
Hansen, Robert L., xxx-xx-xxxx
Harbert, Jerrell D., xxx-xx-xxxx
Honjiyo, George T., xxx-xx-xxxx
Ida, Melvin M., xxx-xx-xxxx
Jones, Harold M., xxx-xx-xxxx
Law, John T., xxx-xx-xxxx
Lawrence, Warren J., xxx-xx-xxxx
McGinnis, Alfred C., xxx-xx-xxxx
Mayfield, Harry L., xxx-xx-xxxx
Openshaw, Fred H. C., xxx-xx-xxxx
Pantzke, Wallace M., xxx-xx-xxxx
Polis, Frank, xxx-xx-xxxx
Railsback, Paul A., xxx-xx-xxxx
Thompson, John A., xxx-xx-xxxx
Timberlake, William, xxx-xx-xxxx
Tyra, Thomas O., xxx-xx-xxxx
Whitney, William E., xxx-xx-xxxx
Williamson, Garrett, xxx-xx-xxxx
Yaeger, William J., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Mauries, Christy J., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Alston, Andrew A., xxx-xx-xxxx
Alvarado, Isaac A., xxx-xx-xxxx
Austin, Frederick E., xxx-xx-xxxx
Austin, William W., xxx-xx-xxxx
Baker, John P., xxx-xx-xxxx
Baxley, William J., xxx-xx-xxxx
Baxter, Robert A., xxx-xx-xxxx
Bayless, Clarence E., xxx-xx-xxxx
Beard, Michael J., xxx-xx-xxxx
Beck, George L., Jr., xxx-xx-xxxx
Bradshaw, Charles P., xxx-xx-xxxx
Bridgeman, Alan A., xxx-xx-xxxx
Bucek, Gerald C., xxx-xx-xxxx
Burkholder, John F., xxx-xx-xxxx
Collins, Robert A., xxx-xx-xxxx
Cornejo, Jose H., xxx-xx-xxxx
Deering, Donald R., xxx-xx-xxxx
Denny, Clark A., xxx-xx-xxxx
Douglas, Trenton S., xxx-xx-xxxx
Duzzny, Walter M., xxx-xx-xxxx
Eckley, James W., III, xxx-xx-xxxx
Emery, Thomas J., xxx-xx-xxxx
Everman, George E., xxx-xx-xxxx
Frankland, Donald R., xxx-xx-xxxx
Frisbee, Charles G., xxx-xx-xxxx
Goin, Bobby R., xxx-xx-xxxx
Goldstein, Harold M., xxx-xx-xxxx
Gomez, Eugene E., xxx-xx-xxxx
Gonzales, Casimiro G., xxx-xx-xxxx
Graham, Randall C., xxx-xx-xxxx
Hadfield, James H., xxx-xx-xxxx
Horvath, William, xxx-xx-xxxx
Jacques, Rene C., xxx-xx-xxxx
Jones, Vernon A., xxx-xx-xxxx
Kelly, Ralph B., xxx-xx-xxxx
Kennemer, Robert M., xxx-xx-xxxx
Klukow, Ernest O., xxx-xx-xxxx
Lakey, Robert E., xxx-xx-xxxx
Lamothe, Norman R., xxx-xx-xxxx
LeBlanc, Gary E., xxx-xx-xxxx
Lehman, Emory V., II, xxx-xx-xxxx
Lehmann, Michael D., xxx-xx-xxxx
LeJeune, Robert R., xxx-xx-xxxx
Lowery, Charles A., xxx-xx-xxxx
McMahon, Russell G., xxx-xx-xxxx
Manikowski, Donald M., xxx-xx-xxxx
Morse, Corley W., Jr., xxx-xx-xxxx
Musgrave, James A., xxx-xx-xxxx
Nappi, Patrick, xxx-xx-xxxx
Nevin, Michael J., xxx-xx-xxxx
Olsson, Karl F., xxx-xx-xxxx
Perkins, Arthur L., xxx-xx-xxxx
Phillips, Robert L., xxx-xx-xxxx
Pippin, Morris L., xxx-xx-xxxx
Potts, Robert W., xxx-xx-xxxx
Prendergast, John E., xxx-xx-xxxx
Ramos-Santiago, E. A., xxx-xx-xxxx
Rice, Michael J., xxx-xx-xxxx
Ries, Arthur W., II, xxx-xx-xxxx
Riggs, Richard F., xxx-xx-xxxx
Rivera-Iturbe, Ramon, xxx-xx-xxxx
Rucker, Richard M., xxx-xx-xxxx
Sceandalito, Charles, xxx-xx-xxxx
Scearce, Billy W., xxx-xx-xxxx
Seaman, Gerald A., xxx-xx-xxxx
Stucker, William E., xxx-xx-xxxx
Tomoyasu, Wayne R., xxx-xx-xxxx
Turner, Robert E., xxx-xx-xxxx
Waggoner, Curtiss R., xxx-xx-xxxx
Wakeman, James H., xxx-xx-xxxx
Walker, James T., xxx-xx-xxxx
Westerdahl, William, xxx-xx-xxxx
Westrope, Alfred F., xxx-xx-xxxx
Woorster, Ernest, xxx-xx-xxxx
Yaklin, Robert O., xxx-xx-xxxx
Yee, Edward M. L., xxx-xx-xxxx
Zukus, Ronald G., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Burton, Olin M., xxx-xx-xxxx
Richards, Charles D., xxx-xx-xxxx
Taylor, John S., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Friel, Emmett A., xxx-xx-xxxx
Hohman, Wayne R., xxx-xx-xxxx
Moore, Robert C., xxx-xx-xxxx
Pruitt, James L., xxx-xx-xxxx
Santo, Alan E., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3366, 3367, 3370 and 3383:

ARMY NURSE CORPS

To be colonel

Bivalec, Lorraine M., xxx-xx-xxxx
Bolden, Pinkie L., xxx-xx-xxxx
Brogan, Helen J., xxx-xx-xxxx
Brown, Virginia S., xxx-xx-xxxx
Colon-Melendez, M., xxx-xx-xxxx
Datema, Alice, xxx-xx-xxxx

Davis, Dale A., xxx-xx-xxxx
Ferris, Patricia A., xxx-xx-xxxx
Foster, Catherine H., xxx-xx-xxxx
Garland, Rose M., xxx-xx-xxxx
Gruetzmacher, Julia, xxx-xx-xxxx
Harris, Rita, xxx-xx-xxxx
Hinson, Norwood, xxx-xx-xxxx
Holland, Maureen, xxx-xx-xxxx
Hollingsworth, Audrey, xxx-xx-xxxx
Kidon, Shirley A., xxx-xx-xxxx
Kultoljinda, Tongsri, xxx-xx-xxxx
Lust, Barbara L., xxx-xx-xxxx
MacDonell, Daniel R., xxx-xx-xxxx
McConnell, Thomas L., xxx-xx-xxxx
McIntyre, June, xxx-xx-xxxx
Montague, Mamie C., xxx-xx-xxxx
Musacchio, Marilyn, xxx-xx-xxxx
Norwood, Zona M., xxx-xx-xxxx
Nowaczyk, Barbara E., xxx-xx-xxxx
Schneider, Eileen M., xxx-xx-xxxx
Shields, Elizabeth, xxx-xx-xxxx
Story, Mary F., xxx-xx-xxxx
Taylor, Keith H., xxx-xx-xxxx
Toibin, Colum, xxx-xx-xxxx

DENTAL CORPS

To be colonel

Andrews, Hugh H., Jr., xxx-xx-xxxx
Branden, James F., xxx-xx-xxxx
Burns, Robert C., xxx-xx-xxxx
Clark, David M., xxx-xx-xxxx
Cremer, Jerry L., xxx-xx-xxxx
Daigle, Albert R., xxx-xx-xxxx
Davis, Lavanda L., xxx-xx-xxxx
Edmonds, Peter P., xxx-xx-xxxx
Guiberteau, James J., xxx-xx-xxxx
Hall, Robert P., xxx-xx-xxxx
Hardage, Jack L., xxx-xx-xxxx
Holt, Dennis E., xxx-xx-xxxx
Kane, Donald L., xxx-xx-xxxx
Koppes, Paul A., xxx-xx-xxxx
Laracuente, Jose M., xxx-xx-xxxx
McGinley, Daniel H., xxx-xx-xxxx
Mills, Rudolph W., xxx-xx-xxxx
Natiella, Joseph R., xxx-xx-xxxx
Negus, Charles F., xxx-xx-xxxx
Pulskamp, Frank E., xxx-xx-xxxx
Rafferty, Robert G., xxx-xx-xxxx
Roebuck, Tommy G., xxx-xx-xxxx
Rowe, Harold, xxx-xx-xxxx
Smith, Harold D., xxx-xx-xxxx
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Coughlin, John J., xxx-xx-xxxx
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Brickey, Cynthia C., xxx-xx-xxxx
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Byrnes, Jeannette E., xxx-xx-xxxx
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Makin, Martha J., xxx-xx-xxxx
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Morales, Carmen, xxx-xx-xxxx
Muntz, Juanita R., xxx-xx-xxxx
Neibert, Shirley R., xxx-xx-xxxx
Newton, Clara M., xxx-xx-xxxx
Nybakken, Gary A., xxx-xx-xxxx
O'Neal, Daniel J., III, xxx-xx-xxxx
Paxton, Helen E., xxx-xx-xxxx
Peloquin, Eleanor M., xxx-xx-xxxx
Pesicka, Glynn E., xxx-xx-xxxx
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Sanchez, Kathryn A., xxx-xx-xxxx
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Shuster, Gailen D., xxx-xx-xxxx
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Silvestri, John E., xxx-xx-xxxx
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Starr, Rex E., xxx-xx-xxxx
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Wain, Harold J., xxx-xx-xxxx
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Dobbert, Francis R., xxx-xx-xxxx
McDill, William C., xxx-xx-xxxx
Paine, Allita D., xxx-xx-xxxx
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Schwartz, Frances G., xxx-xx-xxxx
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To be lieutenant colonel

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Davis, Philip H., xxx-xx-xxxx
Gordon, Edward I., xxx-xx-xxxx
Hayes, John L., xxx-xx-xxxx
McKinley, Edmund R., xxx-xx-xxxx
Morrissey, Robert L., xxx-xx-xxxx
Stephen, Edward L., xxx-xx-xxxx
Szilvassy, Ivan P., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line of the U.S. Navy, subject to qualification therefor as provided by law:

Dyer, William J. Sullivan, Larry

The following-named Naval Reserve officers to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Arnwine, Kevin M. Kennedy, David R.
Bukovich, John S. Leahy, William J.
Coffman, Thomas P. McAllister, Bruce C.
Commons, Robert A. Miller, Joseph E.
Deneale, Susan V. Pierce, D. H.
Diehl, Sergio A. Puchalla, Stanley D.
Easterbrooks, James P. Richter, T. G.
Sheehan, Edward W.
Hamilton, William C. Smith, Cynthia L.
Huotari, Brad M. Urquhart, Michael C.

Lt. Stephen A Stallings, Judge Advocate General's Corps, U.S. Naval Reserve, to be appointed a lieutenant in the Judge Advocate General's Corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W–2, in the U.S. Navy, subject to qualification therefor as provided by law:

Migala, Edward R. Rowell, Michael P.

Chief Warrant Officer, W–3 Donald R. Tomlin, U.S. Navy, retired, to be reappointed a permanent chief warrant officer, W–4 from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Capt. William R. Davis, U.S. Navy, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

EXTENSIONS OF REMARKS

JOYCE ADKINS RAUPE: IN APPRECIATION

HON. CLEMENT J. ZABLOCKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. ZABLOCKI. Mr. Speaker, the Committee on Foreign Affairs recently lost a valued friend and former employee who was deeply loved and admired by many of our current Members and staff. Joyce Adkins Raupe, whose beloved husband, Craig Raupe, served for many years as a senior aide to our distinguished majority leader, until his retirement to Granbury, Tex., in 1979, lost her valiant struggle with cancer on July 27 of this year.

To all who were privileged to know her, Joyce Raupe was a very special person—whose professional dedication was only surpassed by her warm, attractive personality; her thoughtfulness and consideration of others; and the devotion she was able to inspire in her closest colleagues and associates. She was a gentle lady with a very strong, influential character, and she will be deeply missed.

Mr. Speaker, I would like to insert in the RECORD at this point a collection of prayers, scripture readings, and a homily which was read at Joyce's funeral service, held at the Granbury Presbyterian Church on July 30. I also include, following this material, a most eloquent eulogy which was delivered by the Raupes' close friend and a distinguished journalist, Mr. Larry L. King.

These words of recognition and comfort will, I hope, help to assuage the heavy loss suffered by Joyce's family—to all of whom I extend my deepest sympathy.

[The material follows:]

MEMORIAL MESSAGE FOR JOYCE ADKINS RAUPE

(By Hon. Jim Wright)

The Psalmist asked: "When I survey the heavens, the work of Thy hands, the moon and the stars which Thou hast ordained, What is man that thou art mindful of him?"

In the Gospel of John, we find the answer: "God so loved the world, that he gave his only begotten son, that whosoever believeth in him should not perish, but have everlasting life."

And he said: "I came that Ye might have life, and have it more abundantly."

PRAYER

Our Father, in whose presence the generations rise and pass away, and in whose sight a hundred years can be as but a day:

We grope for understanding in this our time of sorrow, and know full well that we can never truly comprehend the mysteries of thy infinite mind. There is so much we do not understand.

We thank thee for the portion of thy purpose which thou hast revealed to us in the person and spirit of Joyce, through whom we glimpsed an intimation of thy tender mercies and a reflection of thy love.

For all she meant to each of us we give our thanks. Be merciful to her who showed forth mercy, we pray; be kind to her who showed such kindness; and as she shared her love unsparingly with those entrusted to her care, be lavish in thy love for her whom we entrust to thee.

Comfort those who mourn her loss, and grant that the words of our mouths and the meditations of our hearts may be acceptable in thy sight, O Lord, our strength and our redeemer. Amen.

SCRIPTURES

Psalm 23

"The Lord is my shepherd: I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his Name's sake.

"Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou are with me; thy rod and thy staff they comfort me.

"Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil, my cup runneth over.

"Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the House of the Lord forever."

John 14: 1-5

"Let not your heart be troubled: Ye believe in God, believe also in me. In my father's house are many mansions: If it were not so, I would have told you. I go to prepare a place for you.

"And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."

I Cor. 13

"Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal.

"And though I have the gift of prophecy, and understand all mysteries, and all knowledge, and though I have all faith, so that I could remove mountains, and have not love, I am nothing.

"And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing.

"Love suffereth long, and is kind; love envieth not, it vaunteth not itself, is not puffed up.

"Doth not behave itself unseemingly, seeketh not its own, is not easily provoked, thinketh no evil;

"Rejoiceth not in iniquity, but rejoiceth in the truth;

"Beareth all things, believeth all things, hopeth all things, endureth all things.

"Love never faileth: but whether there be prophecies, they all fail; whether there be tongues, they all cease; whether there be knowledge; it shall vanish away.

"For we know in part, and we prophesy in part.

"But when that which is perfect is come, than that which is in part shall be done away.

"When I was a child, I spake as a child, I thought as a child, I understood as a child. But when I became a man, I put away childish things.

"For now we see through a glass, darkly; but then face to face: Now I know in part, but then shall I know even as also I am known.

"And now abideth faith, hope, love, these three: But the greatest of these is love."

HOMILY

We feel so powerless in the presence of death. Mere words seem empty and futile. And yet, it is words that set man above beast. So in this imperfect medium we strive at such a time as this to express the feeling within us.

Dear Joyce. She was in many ways a very private person. what dignity she had; and what an example she was. She was not didactic nor argumentative about her religious faith. With her it was a quiet and personal thing. She believed in a hereafter; in a divine order to the universe; and she believed that God is love. She preferred simply to live her faith rather than talking a lot about it, or entering into disputations of religious orthodoxy.

As a rational person, Joyce could see that the God of the Universe has given us intimations of our immortality everywhere we look.

We feel it in our instincts. As surely as a homing pidgeon returns to its nest, from the beginning of the human race men and women of all cultures have felt the magnetic pull that draws us to hope for eternity—and to believe in it.

We see it all about us in nature. The sun sets each night to rise again. Every springtime is a resurrection. The caterpillar sheds its earth-bound crust for wings to soar into a higher state of life, not knowing the wonders that await it.

How can we expect to comprehend the next phase that awaits the spirit, freed of its earthbound mold? The unborn infant, carried in its mother's womb, knows nothing of the world outside. Just so, can it be that what we call death liberates the spirit just as severing the umbilical cord liberates the infant to a newer, broader, freer life?

Joyce Raupe had a fine sense of justice. And this very sense of justice tells us that the God we worship would not mock us with these yearnings for immortality and hints of eternity to come only to deny us the fruits of that yearning which he has planted within us.

"Which of you, if his son shall ask bread would give him a stone?

"Or if he ask a fish, will he give him a serpent?

"If ye then, being evil, know how to give good gifts unto your children, how much more shall your Father which is in heaven

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

give good things to them that ask him? (Matt. 7:9 ff.)

Craig Raupe once said to me that the surest antidote to brooding resentment is to think of the things for which to be grateful. "You simply cannot feel gratitude and resentment at the same time."

Can we not, then, be grateful that, caught in the grip of cancer, Joyce did not linger to suffer pain. And yet be grateful too that she knew and faced with clear and honest eyes the fate that was to come—so soon—and was content.

POEM

What is this thing that men call death?
Our friend before us lies; in all save breath
She seems the same as yesterday. Her face
So like to life, so calm, bears not a trace
Of that great change which all of us so dread.
We gaze on her and say: She is not dead,
But sleeps; and soon she will arise and take
Us by the hand. We know she will awake
And smile on us as she did yesterday:
And she will have some gentle word to say.
Some kindly deed to do; for loving thought
Was warp and woof of which her life was wrought.
She is not dead. Such souls forever live
In boundless measure of the love they give.

CLOSING PRAYER

O God, who healest the broken in heart, and bindest up their wounds: Look in tender pity and compassion upon thy servants whose joy has been turned into mourning. Leave them not comfortless, but grant that they may be drawn closer to thee and to one another by their common sorrow.

Fill their souls with the light and comfort of thy presence. Grant unto them such a vision of that life wherein all myseries shall be revealed, and all tears be wiped away, that they may be able to endure as seeing thee who are invisible.

So dwell with them and be their God, until the day break and the shadows flee away, through Jesus Christ our Lord. Amen.

Our Father, who art in Heaven, hallowed be thy name. Thy Kingdom come, thy will be done, on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for thine is the Kingdom, the power and the glory, forever and ever, Amen.

BENEDICTION

May the Lord bless you and keep you.

The Lord make his face to shine upon you and be gracious unto you.

The Lord lift up his countenance upon you and give you peace. Amen.

EULOGY FOR JOYCE ADKINS RAUPE

(By Larry L. King)

I like to think that we're here to celebrate the life of Joyce Adkins Raupe.

We're here to acknowledge her death, yes, to lay her to rest and to give such comfort as we may to those she left behind. But we would be remiss if we failed to celebrate and remember—with as much cheer as this day's events will permit us to muster—what her life was about, what she did with that life, and how she viewed life itself.

The surface impression that Joyce gave was one of serenity, graciousness, and an air sometimes bordering on the regal. And she was all of those. But people who knew her best also knew that, in the very best definition of the word, her life was a cacophony of real human emotions. It at once epitomized humor, understanding, compassion, beauty, and, yes, anger and its kindred emotions when she encountered the unjust or the unthinking or the unkind. For Joyce Adkins Raupe was emphatic about her likes and her dislikes. She had her standards and her beliefs; one of the things I most admired was that she refused, for very long, to suffer fools gladly. Indeed, she could be something of the doctrinaire. Some might consider the word "doctrinaire" to be a perjorative—but to me that perfectly respectable word means someone who is unafraid to defend or espouse their particular visions or theories. And Joyce certainly was in that mold.

I first knew Joyce Raupe in early 1955, shortly after she and her husband, Craig, came to Washington. Craig was there to be the new Administrative Assistant to a young 32-year-old freshman Congressman from Weatherford by the name of Jim Wright. I had the good luck to live as a neighbor to Craig and Joyce almost from the day they arrived in town. Our children shared playpens and playgrounds and we, the young adults, shared the dreams and hopes and aspirations of the fresh and eager. Of money we had little, and so we amused ourselves with word games and charades and political debates and heated personal proclamations. It was then and there that I began to understand that Joyce could be funny and opininated and reflective, and that she possessed a keen intelligence.

I have fond memories of many stories she told. One of my favorites concerned how, years ago, Joyce and Craig were walking down the street of one little Texas town or another. And as they passed a battered old parked car in a scabby section of town, they saw sitting on the old car a ragged, snaggled-toothed little boy with a million dollar grin on his face. He obviously was proud of something in a time and a place when his family had not had much to be proud of. And as Joyce and Craig drew even with the little fellow he beamed and shouted proudly, "We got butane!" Throughout the remainder of her life, when something good happened to her or to her family, Joyce likely would announce it by saying to friends, "We got butane!"

Joyce Adkins Raupe began her life in Hillsboro, Texas on March 9, 1928, the daughter of the late J. M. Adkins and Viola Curry Adkins. After graduating from high school she enrolled at North Texas State College—where she became a Campus Beauty Queen and Campus Favorite in 1948. She was an honors graduate who never made any grade lower than an "A"—no matter the course—throughout college.

It was at North Texas State that she met her husband—and our dear friend—Craig Raupe. They were married on June 5th, 1948, and so only a few weeks ago attained their 35th Anniversary together in a time when America is not noted for long and successful marriages. In an era when there often seemed not much time or room for great love affairs, Joyce and Craig truly had one. Craig himself has said in recent days that their life together was so classical as "to seem almost scripted." And that long and loving union, too, is something we celebrate here today.

Joyce wanted from her union with Craig two sons—that was her wish, that was her goal, and she got exactly what she wanted: two fine sons in Carl and Joel. Anyone who says those boys grow up under her love and guidance and shaping had to know they would turn out to be good people—just as they have.

In her 35 years of marriage to Craig, Joyce Raupe lived in the amazing total of 47 different houses by actual count. Sometimes it must have seemed to her that her husband was a rolling stone or an unidentified flying object, so often did they change houses and cities and states—and even countries. Joyce was not always wildly enthusiastic about those many moves. The one to Washington in late 1954 removed her from her native state, family, and old friends; the one to Indonesia in the early 1960s took her to a strange and distant land, and away from her beloved America. But in each case, Joyce spent little time in mourning or in recriminations, but rather set about to bring order and care and a touch of home to yet another wayside stop.

For a smalltown Texas girl, Joyce Adkins Raupe saw much of the world, learned a great deal about it, and helped in some measure to shape it. In addition to her travels with her husband, who for some years was a senior Foreign Service Officer and Diplomat, she later traveled in her own right as a senior professional on the staff of the House Foreign Affairs Committee—to Eastern Europe, China, Egypt, Greece. And she was a member of official delegations to Interparliamentary conferences in Mexico and other points in the Western Hemisphere. Though she had spent much of her life as a housewife and mother—after starting as a teacher at Weatherford College—Joyce rapidly rose in her congressional career from receptionist to a respected senior staff professional. I think none who knew her were surprised, though all who knew her were made proud.

Our friend Joyce did not want to die, no. But in the brief time of her last illness she became fully accepting of the fact that she must and soon would. With that indomitable spirit of hers, she actually joked with her husband in her last days. She told him, "I'm turning the tables on you" and she added, "Well, at least I'll never be an old woman in a rest home." And then she laughed.

On Craig and Joyce's 35th anniversary, less than two months ago, Craig—perhaps impractically in the circumstances, but Lord love him for doing it—gave her as a gift a beautiful, full-length silver fox fur coat, as a token of what she had meant to him in their long and loving life together. Joyce was fated never to wear that gift of love outside her home. But in the generous spirit for which she was known, and shall long be remembered, she asked Craig to see that it will go to a friend and colleague with whom she worked in Washington. Joyce thought of others even in her last days.

Joyce Raupe was a rare person who learned much but who never forgot her old values or turned her back on her past. In her role as a staff professional in Congress, and in her role as the wife of a senior diplomat, she rubbed shoulders with the powerful and the noted of her time. She became a sophisticated and gracious hostess, one who could carry her end of any conversation or deal with small crises of protocol. And yet, away from the glitter and glamour, she remained friendly and downhome—an "old shoe" who could let her hair down and enjoy anew the old and simple games and stories and friends of her younger yesterdays.

I have been trying to say what most of you know—that Joyce Adkins Raupe was a good woman, of solid stock, and that in this

blessedly polyglot diverse nation of ours she somehow remained uniquely and proudly American in her life and in her values.

We who are gathered extend today such comfort as it is ours to give to those Joyce left behind—to her beloved husband and our dear friend, Craig Raupe; to her sons, Carl and Joel Raupe; to her mother, Mrs. Viola Curry Adkins; to her sisters, Thelma Jo Adkins Stewart and Doris Pauline Adkins; to her brother, Edward Neal Adkins; to her daughters-in-law, Terry Meyers Raupe and Lourdes Raupe; and to her little grandson, Craig Ricardo Raupe. We would ask them to remember with us—her friends—that while we shall not again see Joyce in the flesh, we—all of us—will carry in our hearts, and in our mind's eye, pictures and memories of her that shall remain fresh and green so long as we shall live.

May Joyce rest in peace, after jobs well-done and a life well-lived, and throughout eternity may she always have butane.●

NEW JERSEY CITIZENS TRANSPORTATION COUNCIL SUPPORTS RAIL LINE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FLORIO. Mr. Speaker, the Governor of New Jersey is currently considering whether to come up with State matching funds for the rehabilitation of the rail line between Philadelphia and Atlantic City. The New Jersey Citizens Transportation Council, in a letter to the Governor, has strongly urged his support for this project.

The letter follows.

NEW JERSEY CITIZENS TRANSPORTATION COUNCIL,
Newark, N.J., September 15, 1983.

Hon. THOMAS KEAN,
Governor, State of New Jersey, State House, Trenton, N.J.

DEAR GOVERNOR KEAN: We urge you to move as rapidly as possible to assure that the State receives $30 million in federal railroad improvement funds which will make possible the operation of rail service between Atlantic City and Philadelphia.

The commitment by the State of approximately $2.5 million a year for three years to make this much-needed project possible, seems a small sum to pay to achieve such important economic gains for the South Jersey area, which will ultimately represent gains for the entire state. This project is not of exclusive value to casinos, but for the entire resort complex.

The savings in highway repairs and police services, and the gains in the general economy can hardly be argued. We believe it is outmoded to argue, as some do, that certain areas are aided more than others. Obviously almost no project can be of equal direct advantage to every area and every segment of the economy. What is true is that any economic or social advantage eventually helps the entire economy and society. Less taxes are needed overall, less strain on roads, police, emergency services, and above all, greater convenience to the traveling public. This will also provide transportation for all communities from Camden to Atlantic City and provides jobs in Atlantic City for these communities.

We ask you to exert your greatest influence to advance this important project.

Sincerely,

ROBERT H. FRANKLIN,
Chairman.
RAYMOND F. MALE,
President.●

THE RETIREMENT OF CARL "YAZ" YASTRZEMSKI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. CONTE. Mr. Speaker, the American drive for success is common; the attainment of perfection is unique. Those few individuals whose fastidious efforts make them true heroes deserve our recognition and reverence.

This Saturday, one of our Nation's true heroes will retire from the art that made him great. Carl "Yaz" Yastrzemski will pick up the bat one last time, enter the box, shift his weight to his back leg, wait for the perfect pitch, and give his myriad fans a final taste of the sweetness of a great hit.

Unfortunately, not everyone in this House will be able to witness the thrill of this final performance, or share in the sadness of each Red Sox fan as Yaz walks back to the dugout one last time.

The following tribute to Yaz appeared in this morning's New York Times. I take this opportunity to share it with my colleagues:

[From the New York Times, Sept. 26, 1983]

YASTRZEMSKI SEEKS THE PERFECT SWING IN HIS FINAL INNINGS

(By Steve Cady)

The message taped to the back of his locker told as much as anything else about the ballplayer's dedication.

"In box with left leg and all weight on it," the note read. "Nothing on front leg. WAIT." Below that were scrawled the words "Stay Back" and "Relax."

Could this be the urgent reminder of a promising rookie left-handed hitter brought up to the big club for a late-season audition? Not exactly. Carl Yastrzemski was a major league rookie in 1961, the year he replaced Ted Williams as left fielder for the Boston Red Sox.

"I just write stuff down and put it up there," the legend known as "Yaz" was saying in the Red Sox locker room before a recent game at Fenway Park. "I've always made adjustments."

He will undoubtedly be making them this week at Yankee Stadium, where the Red Sox meet the Yankees in a three-game series beginning Tuesday night.

For Yastrzemski, 44 years old, "always" goes back nearly to the cradle. It started on a Long Island potato farm with a 2-year-old son squealing "Bat!" and whacking a tennis ball tossed underhand by a hopeful father. It continued through grade school and at Bridgehampton High, where the boy then known as "Sonny" once hit safely in 26 consecutive times at bat and where he and Billy DePetris, a pitcher, led a school with only 80 students to two straight Suffolk County baseball championships. It will end here next weekend, when Yastrzemski, arguably the most durable super-star in baseball history, calls it a career after 23 seasons with the Red Sox.

He was dressing slowly now, as reverently as a priest preparing to celebrate another mass. Off went the shower clogs he had been wearing in the locker room. On went the first set of stockings, up over the feet that have been digging toe-holds in major league batters' boxes for nearly a quarter of a century.

A little gray has crept into the brown sideburns. But the 182-pound body is still lean and hard, the arms still powerful, the vision still 20/20, the hand-eye coordination still intact. Until the Red Sox faltered this summer, Yastrzemski had helped keep them close in his role as designated hitter/pinch-hitter against right-handed pitching. Many of his teammates think he could help them next year, too. But Captain Carl has apparently made up his mind.

"It's still fun playing baseball," he said, "but I think it's about time to stop. I wouldn't want a team just carrying me for a year."

Eventually, the familiar vestments would be in place: From the spikes and red stockings to the red-trimmed jersey with No. 8 on it. But Yastrzemski would interrupt the ritual long enough to eat a hamburger brought in by a clubhouse attendant, to smoke a cigarette, to autograph another box of baseballs and, sitting on a canvas deck chair in front of his locker, to give his personal assessment of the famous Yaz hitting style.

"I just try to hit the ball hard," he said. "Hard contact. If you get the right pitch and you put the right swing on it, the ball goes. It takes care of itself."

For Yastrzemski, both at the plate and in the field, the ball has taken care of itself with remarkable consistency. Others have hit more home runs or reached base more often or had a higher batting average. But nobody else has played in as many major-league games—3,303. And nobody else has done so many different things so well. Some of those highlights, at least partially complete, have been visible all season on the Yaz Pennants sold at the Fenway Park souvenir booths: Golden Glover . . . '67 Triple Crown . . . M.V.P. . . . 400 Home Runs . . . 3,000 Hits . . . '67-'75 World Series . . . 18 All-Star Games. How, the baseball world continues to ask, has Yaz managed to defy the laws of athletic gravity so long?

"Real hard work," says Carl Yastrzemski Sr., the father who bought the tiny 18-inch wooden bat his son dragged behind him at the age of 2. "Hard work's what did it. A lot of players with talent don't work at it, and they're gone before you know it. Carl worked at it."

As the message taped to his locker indicates, the younger Yastrzemski is still working at it, still searching for the ultimate swing even as he nears the end of the line. That perfect swing could come this week at Yankee Stadium. Or it could come against the Cleveland Indians next weekend at Fenway, where "Yaz Day" on Saturday and the final game of the season on Sunday have been sold out for nearly a month.

"Lemme tell you something," said Walt Hriniak, the Red Sox bullpen coach who has worked with Yastrzemski on his batting for the last seven seasons. "There's no such thing as a born hitter. They think and they work. And that's what makes 'em great. Carl

has never stopped trying to find a way of getting better."

In Hriniak's view, Yastrzemski's willingness to "pay the price" physically and emotionally, has carried him further than talent alone could have done.

"We've looked at films at 8:30 A.M. during spring training," the coach said, "and we've hit at 8:30 P.M. We hit after games during the season. We hit in the rain and we hit in the mud. He's changed his batting stance dozens of times. He was always interested in ideas."

Manager Ralph Houk of the Red sox cites outstanding physical condition, an energetic personality, strong wrists and a nonstop zest for playing baseball, all supplementing a Hall of Fame talent.

"For most of his years," notes Houk, "Yaz has been a complete ball player: A great outfielder, a good base runner and a hitter for good average with power."

As Yaz plays out the string, the scene has taken on the promotional flavor of a carnival sideshow. Final salutes have been flashed on scoreboards around the league, complete with career statistics, and the departing hero has acknowledged one ovation after another. An admiring press has been following him with cameras, tape recorders and notebooks since spring training.

He has answered questions about his four children ("I think Mike can be a major leaguer"), about his yearly salaries of $500,000 or more ("I could have left two or three times, but I've been treated very well here"), about the possibility of a movie on his life ("There won't be any, because I wouldn't allow it") and about his plans ("just disappear and go fishing.") At this point, the legend is beyond reproach.

It wasn't always that way. In a city whose sports fans and sports writers are known for the sharpness of their teeth, Yastrzemski has not always occupied the pedestal on which he stands today.

Rightly or wrongly, he has been held responsible for the dismissal of three of the 10 mangers for whom he has toiled and for the trading of several teammates. His earlier shyness was often misconstrued for moodiness or aloofness. At times, during the years when controversy seemed to be his middle name, he was accused of being disruptive, self-centered, uncooperative, even lazy.

"It's a bad rap," says George Scott, a former teammate. "The man played hard. And he played hurt. That's a team player. A guy who does his job."

A close friend, Eddie Popowski, a former Red Sox coach and interim manager, thinks it was the challenge of the 1967 pennant race that finally brought out the best in Yastrzemski. Popowski already knew what a perfectionist the newcomer could be from their 1960 season together at the Class AAA farm club in Minneapolis, where Popowski was manager and Yastrzemski had been shifted from shortstop to left field after a year at Raleigh, N.C.

"Yaz got eight hits in one doubleheader at Minneapolis," said Popowski, who moved to Boston the next year along with Yastrzemski. "But he said to me after the second game, 'I just don't feel comfortable up there.' Can you imagine that? So a couple of us threw batting practice to him for half an hour."

Yastrzemski got a single in his first major league trip to the plate, on April 11, 1961. But his first six seasons at Boston failed to shake the Red Sox out of a country-club image that portrayed them as overpaid and underambitious "Fenway Millionaires" pampered by an indulgent owner, Tom Yawkey. In those six seasons, Boston never finished closer than sixth place or 19 games behind. They never even had a .500 season.

Then came 1967, the year Yastrzemski led the Red Sox to the American League pennant at odds of 100-1 and won the so-called Triple Crown by topping the league in batting (.326), runs batted in (121) and home runs (44). His salary was doubled, to $100,000.

"He told me in spring training that year he thought we had a shot at it," Popowski recalled. He said, 'It's going to be great when every hit means something, when every putout means something.' Yaz became a cheerleader, he was incredible that year. A single, he'd stretch it into a double. We needed a home run, he'd hit one. He'd play the wall. Throw the winning run out at the plate, throw the tying run out at second or third."

Since then, the Red Sox finished above .500 for 16 straight seasons, although they probably will not reach that this year. As for the alleged Yastrzemski aloofness, Popowski feels it was never a problem after 1967. "He always got along with ballplayers. I never saw him get angry enough to want to fight with any other ballplayer. Maybe an umpire, but not a ballplayer."

Outside Billy's Triple Crown, a restaurant in Bridgehampton, near the eastern end of Long Island, an eightfoot likeness of Carl Yastrzemski sets the motif.

Inside, both at the bar and in the dining rooms, the walls are adorned with 240 photographs, portraits and cartoons devoted to baseball's 13 triple-crown winners. More than half of the pictures, 140 of them, show Yastrzemski in action from the fourth grade to the present. There is a special Yaz Room, and the house specialities include a Yaz Dog, made with Polish sausage and served on Italian bread with sauerkraut.

The restaurant belongs to Billy DePetris, who admittedly is a little partial to Yastrzemski. They played baseball, football and basketball together for Bridgehampton High in the middle 1950's. One year, DePetris pitched six no-hitters; his catcher, Yastrzemski, hit for averages as high as .756.

Both also played summers during high school for the Bridgehampton White Eagles, a town team organized by Carl Yastrzemski Sr. In addition to his father, three of Yastrzemski's uncles and a number of cousins played for the White Eagles.

How long has Yastrzemski been a perfectionist?

"As long as I've known him," says his longtime friend and one-time teammate. "If he went 3 for 4 one day, he'd want to go 4 for 4 the next day. I knew when he was 13 years old he was going to make it big."

Eventually, so did the major league scouts. On Nov. 28, 1958, after Yastrzemski had started his sophomore year at Notre Dame, he was signed for a bonus by Frank (Bots) Nekola of the Red Sox. The initial cost for 23 seasons of big-league excellence? A bargain $108,000.

A dusty silver and green charter bus waited near Gate B at Fenway Park, ready to take the Red Sox to the airport for one more road trip.

Young autograph-hunters wearing Yaz caps and holding Yaz pennants crowded closer. Yastrzemski had not gotten to play on this particular day, even when the rival team switched to a right-handed pitcher in the eighth inning and the crowd chanted, "We Want Yaz!" Customers younger than 22 hadn't even been born when Yastrzemski made his big-league debut here, on the same day Maj. Yuri Gagarin of the Soviet Union became the first man in space.

A lot of Red Sox fans have never learned how to spell Yastrzemski's name, and a few of them still have trouble pronouncing "Yah-STREM-ski." But even the toddlers can say "Yaz," and that is the term of endearment Captain Carl will be taking with him to the Hall of Fame.

"When you talk Boston baseball," said Pam Pushas of South Windsor, Conn., "you talk Yaz. From now on, it's still going to be a ball game when we come to Boston to see the Red Sox play. But it won't be the same." ●

GOOD PROGRAMS FINISH LAST

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FRENZEL. Mr. Speaker, today's Washington Post editorial, which follows, makes a compelling case for the funding of one miniscule program which works.

Cutting it is, indeed, "bad management and bad politics."

GOOD PROGRAMS FINISH LAST

The Department of Labor has decided to end funding for a youth employment program that seems to meet every administration criterion for success. The program is inexpensive, oriented toward the private-sector and has a good record. It enjoys strong support among GOP stalwarts both in Congress and among business people. What could justify this self-destructive behavior?

The program in question, run by a firm named 70001 Ltd., finds jobs for the hardest-to-place youth in more than 50 sites around the country. Most participants are minority young people from poor families who often drop out before reaching high school. While low-cost placement programs such as 70001 have little effect on the ability to employ a person in the long run, the program has had enormous success in reducing the disastrously high levels of unemployment from which its target population generally suffers. Over 80 percent of youths who complete a brief program of job preparation are placed in jobs; the program works closely with private employees, and they give good ratings to program graduates. Its secret ingredient seems to be that rare quality: good management.

So successful has the program been that 31 senators—including Paul Laxalt, John Tower, Richard Lugar, Steve Symms, Robert Dole and Paula Hawkins—have urged the department to continue support. The Labor Department has not responded to their letter, but it says otherwise that it is greatly reducing its funding of nationwide programs such as 70001, a decision consistent with the administration's philosophy of giving more discretion to states and localities.

Giving them the flexibility to tailor job program needs to local conditions is a fine idea—as far as it goes. But under the CETA system, state and local governments already had plenty of discretion. What most CETA operators lacked was good federal guidance and successful program models. In fact,

most of 70001's money already comes from public and private sources in local areas. But federal money provided a core of support essential to the firm's ability to coordinate, monitor and expand its network.

For an operation like 70001 to market itself to hundreds of states and localities, each with its own set of rules, is a bewildering and expensive business that such a low-overhead operation cannot afford on its own. Perhaps over time the firm can further reduce its dependency on national funding. But abruptly cutting off that essential support in the name of consistency is bad management and bad politics.●

BALANCING THE DEBATE ON EDB

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. ERLENBORN. Mr. Speaker, several weeks ago the Labor Standards Subcommittee held a hearing castigating the Occupational Safety and Health Administration for failing to promulgate a new exposure standard for ethylene dibromide (EDB).

EDB, a toxic chemical shown to have caused an excess incidence of nasal and spleen cancers and reproductory disorders in laboratory animals, is used as a fumigant for grains, citrus fruits, nuts, and vegetables and to prevent the spread of disease and insects such as the Mediterranean fruit fly. EDB is also used in leaded gasoline as a scavenger.

One issue debated was OSHA's decision in 1981 to deny the Teamsters' petition for an emergency temporary standard (ETS) on EDB pursuant to section 6(c) of the Occupational Safety and Health Act. This decision was considered by some subcommittee members as mistaken, but as Assistant Secretary Thorne Auchter states below, OSHA's deicsion was well-considered and, importantly, taken with full knowledge of EDB's toxicity. To its credit, OSHA did not let the issue drop but moved ahead in developing a permanent standard which is now before OMB for clearance. This standard is more comprehensive than that recommended by NIOSH or adopted by California's OSHA program, which OSHA had been urged to adopt as its own. I urge OMB to consider OSHA's proposal expeditiously.

To its credit, as well, it is this administration that will promulgate an EDB standard, where the prior administration failed to do so. I make this point only because there are those who would want everyone to believe that the Reagan administration is opposed to, or incapable of, protecting workers' health, in contrast to the Carter administration. In fact, OSHA was aware of the need to reduce EDB exposure limits as early as 1977, with NIOSH's recommendations, followed in 1978 by a NIOSH "Current Intelligence Bulletin" underscoring EDB's toxicity. Still the Carter administration failed to produce an EDB standard.

Not only will this administration promulgate a new EDB standard, but will do so having overcome attempts by certain House majority Members to cut OSHA's budget for research during debate this past year on the Labor Department's fiscal 1983 appropriation. Had it not been for adoption of the Craig amendment—which organized labor opposed—restoring $4 million for OSHA research, research critical to evolution of the proposed standard would have been thwarted.

One final comment: I would hope that these health issues could be debated without the emotion which can cloud judgment and misinform or frighten the public. Misrepresentation serves no one's long-term interests.

Mr. Auchter's statement, which appeared as a guest column in USA Today for September 20, 1983, follows:

[From USA Today, Sept. 20, 1983]

OSHA ACTION WAS PROMPT, RESPONSIBLE

(By Thorne G. Auchter, guest columnist)

WASHINGTON.—Ethylene dibromide (EDB), a fumigant used in the citrus, grain and papaya industries, is highly toxic and a suspected human carcinogen. The Occupational Safety and Health Administration will soon propose a comprehensive standard to protect workers exposed to this chemical.

The proposed standard will include a low permissible exposure limit, respirator use where necessary, medical surveillance of employes, worker training and education, and monitoring of exposure levels.

The information needed to propose a standard has cost OSHA about $300,000 and taken nearly two years to collect.

When we started this process in 1981, we had little information about the problems posed by EDB. We did know from animal test data that OSHA's existing permissible exposure limit of 20 parts EDB per million parts air (20 ppm) was not adequate to protect workers. What we didn't know was now many workers were exposed and at what levels.

In September, 1981, OSHA was petitioned by the International Brotherhood of Teamsters to issue an emergency temporary standard for EDB. According to the Occupational Safety and Health Act, OSHA may issue an emergency standard if it determines that workers are exposed to a "grave danger" and that emergency action is necessary.

Various courts have struck down four such emergency standards issued by OSHA in the past. To sustain an emergency standard in court—and more important, to comply with the law—OSHA would not only have to show that EDB at 20 ppm is dangerous, but that workers were actually being exposed to dangerous levels of EDB. We simply did not have that kind of information.

I therefore decided to initiate regular rulemaking to produce a new, permanent standard for EDB. We have since gathered a great amount of information about EDB, including exposure data that substantiate our 1981 decision.

Actual exposure levels, based on nearly a thousand samples, are very low. Furthermore, most workers are exposed only intermittently to EDB, not continuously for a working lifetime, which is the assumption on which animal test data are based.

We have taken other steps outside the regulatory process. In November, 1981, we recommended respirator use and personal hygiene practices for exposed workers. And we determined that less EDB can be used to fumigate produce and still have the same effect against insects. As a result, less EDB is now being manufactured and used.

OSHA's actions have been prompt and responsible. We have identified the full scope of the problem and are creating a comprehensive, effective solution.

(Thorne G. Auchter is assistant secretary of labor for occupational safety and health.)●

HHS COMES THROUGH FOR HONEY HUNTER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FLORIO. Mr. Speaker, I would like to commend to the attention of my colleagues the story of a very special little girl, Honey Hunter, whose illness and exacting medical expenses posed a harsh burden for her family, that resides in my district in Gloucester Township. Honey Hunter's family, of whom I have personal knowledge, faced a problem common to many—the inability to afford the high medical bills that result from long-term illnesses. Luckily, I am happy to inform my colleagues today that Honey Hunter's life was made easier when her special needs were addressed by responsive government and she was found eligible for supplemental security income (SSI).

When Honey Hunter was born in February 1980, she choked on her placenta and this caused serious brain damage. As a result, she now suffers from grand mal seizures that last for weeks at a time. She received a pacemaker because of repeated heart failure. She cannot swallow and must be fed a special formula through a tube connected to her stomach.

The multiplicity and severity of her condition require constant medication and life-saving medical equipment, as well as intensive physical therapy. This prescription adds up to a bill in excess of $500,000, which is well beyond normal means.

Despite this, Honey's mother, Caroline, wanted to care for her at home. She learned to properly administer the necessary care but could not literally afford to do so. Yet, Caroline knew that Honey's life depended on a strong family environment.

Supplemental security income (SSI) was not at first available to the Hunters as they were disqualified by their income. Having exhausted all medical insurance coverage, Caroline was being

forced into the situation of either institutionalizing Honey or separating from her husband and going on welfare. Something is seriously faulty with a system that allows no other option. When it became apparent that it was not only more cost-effective to care for an individual at home but also that there is no measurable price tag for the benefits of being surrounded by a warm and loving environment, the U.S. Department of Health and Human Services proposed regulation changes to right this wrong.

Fortunately, Honey's story has a happy ending. Because of the Health and Human Services regulation change, the Hunters were found eligible for supplemental security income at last. Today, Honey is at home, where her mother fought so hard to be able to keep her.

I am certainly pleased to have had the opportunity to work closely with the Hunters and their many friends in this most worthwhile effort. Honey is a little girl whose plight has touched many hearts. I commend Honey and her family for their patience and perseverance and wish them all the best.●

FINANCIAL REPORT OF THE CONGRESSIONAL STEEL CAUCUS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mrs. MARTIN of Illinois. Mr. Speaker, in accordance with Executive Committee Order No. 1, I am respectfully submitting herewith the financial report of the Congressional Steel Caucus for the second quarter of 1983, for insertion into the RECORD. The report is as follows:

Quarterly report, fund balance statement, 1983: U.S. House of Representatives, Congressional Steel Caucus

Balance remaining (as of March 31, 1983)	$18,705.16
Total revenues (clerk hire, dues, donations)	15,405.02
Subtotal	34,110.18
Less expenses:	
April 1983	5,797.14
May 1983	5,313.82
June 1983	18,434.91
Subtotal	29,545.87
Total unexpended revenues (as of May 30, 1983)	4,564.31

Quarterly report, cumulative statement of expenses, U.S. House of Representatives, Congressional Steel Caucus

Salaries	$14,676.96
Travel	0
Stationery	128.06
Postage	140.00
Telephone	374.12
Publications	0
Equipment	1,688.05
Printing	810.00
Miscellaneous	$11,728.68
Total expenses (as of June 30, 1983)	29,545.87

CONGRESSIONAL STEEL CAUCUS—MEMBERS IN THE 98TH CONGRESS

(Members who have paid dues as of September 21, 1983)

Sonny Montgomery, Bill Nichols, George O'Brien, Bill Coyne, Bill Clinger, Cardiss Collins, Ron Wyden, Bud Hillis, Donald Pease, Jim Oberstar, Gus Savage, Nick Rahall, Ray Kogovsek, Bob McEwen, Sam Hall, Robert Walker, Clement Zablocki, John Murtha, Richard Shelby, Ralph Regula, Mark Siljander, Tom Bevill, Tom Kindness, Stan Lundine, Henry Nowak, Ben Erdreich, Thomas Ridge.

Joseph Gaydos, Doug Walgren, Bruce Vento, Lawrence Coughlin, Barbara Mikulski, Joseph Addabbo, Joseph McDade, Richard Schulze, Austin Murphy, Jack Fields, Doug Applegate, George Miller, Marty Russo, Don Ritter, John Dingell, Dennis Eckart, James Martin, E. Thomas Coleman, Clarence Miller, Gene Taylor, Bud Shuster, William Ford, Tom Luken, Bob Edgar, Katie Hall, Lyle Williams, Mel Price.

Joseph Kolter, Marcy Kaptur, Lynn Martin, Bill Young, Chris Smith, Jamie Whitten, Thomas Carper, Charles Wilson, Bernard Dwyer, William Goodling, Bill Emerson, Jack Edwards, Robert Roe, Alan Mollohan, Mary Rose Oakar, George Gekas, Peter Kostmayer, Robert Borski, Howard Nielson, Frank Guarini, Robert Davis, Louis Stokes, Gus Yatron, Harley O. Staggers, Clarence Long, George Brown.●

OIL BRINGS WEALTH, PROBLEMS TO NIGERIA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. AUCOIN. Mr. Speaker, this is the fifth in a series of six recently published articles on sub-Saharan Africa written by Nicholas D. Kristof, a Rhodes scholar from Yamhill, Oreg.

OIL BRINGS WEALTH, PROBLEMS TO NIGERIA

(By Nicholas D. Kristof)

LAGOS, NIGERIA.—Most struggling African countries, locked in a vicious circle of poverty, salivate at the thought of Nigeria's billions of dollars in oil revenue. But, ironically, Nigeria's immense problems arise precisely because it is so rich.

Like a child let loose with a credit card in a candy store, Nigeria has overindulged. While recent press reports have focused on the immediate problem of a plunge in export income caused by the world petroleum glut, the larger problem is that Nigeria simply has economic indigestion from trying to absorb so much money so quickly. In the long run, Nigeria could regret it ever had oil.

At Nigeria's independence in 1960, 90 percent of the nation's export earnings came from agricultural products and only 2.6 percent from oil. Now 90 percent of export earnings come from oil, and Nigeria is a net food importer.

In 1960, Nigeria was a major exporter of peanuts, palm oil, rubber and cocoa. Now it is a net importer of all those products but cocoa, and even cocoa production is just half what it was 15 years ago. Food now accounts for 15 percent of Nigeria's imports.

Agriculture is just one facet of a broader problem. Giddy and bloated from its oil windfall, Nigeria abandoned its traditional economic sectors and embarked on a lavish and wasteful spending program. Now the country is addicted to free-spending ways that alter not only the economy but also the society.

Government capital spending rose 1,000 percent from 1973 to 1975, as schools, hospitals, banks and office buildings rose out of nowhere. The government has allocated $17 billion to the building of a new capital city—to be called Abuja—more than 300 miles from Lagos.

This wild spending spree brought two fundamental difficulties. The first was that the country's infrastructure (roads, telephones and railways) couldn't keep up and there were not enough educated people to fill office jobs.

English is the only language common to all parts of Nigeria, but it is almost everyone's second language. So finding competent teachers, nurses, civil servants and businessmen for the new boom has been impossible. Moreover, the boom has focused on the cities, so that urban workers on average earn almost five times as much as rural workers.

The result was a migration to the cities; vast shanty towns have sprung up amid filth and pestilence on the outskirts of Lagos. Crime has soared—many robbers carry machine guns—and prices have soared to the point that annual rent for an executive's house in Lagos can be $75,000 or more. Corruption—called "dash"—is everywhere: Bribes are the grease that runs the country. Travelers commonly describe Lagos as the armpit of the world.

The second fundamental problem with Nigeria's development, and the most serious, is that all this wealth comes from one finite source. So long as the oil money streams in, Nigeria will be able to lurch along in its intoxicated way. But if there is any interruption in the oil revenue, then Nigeria is left twisting in the wind—conceivably in a worse position than if it had never drilled for oil, for dependence on oil has led Nigeria to abandon its agricultural surplus and has bred dizzying expectations in the people.

An omen came a few months ago when the government ordered all commercial banks to stop issuing any import letters of credit because there wasn't enough foreign exchange. Nigeria's overpriced oil wasn't selling, so the money wasn't rolling in—in a few weeks, oil revenues dropped from $1.35 billion per month to perhaps $500 million.

But that was just a tremor that will at least force the government to appraise its situation. The frightening scenario is further away, when the oil runs out.

According to World Bank figures, Nigeria's proven oil reserves will last about 15 years at current rates of production. Domestic oil consumption (spurred by cheap gasoline prices) is rising so quickly, however, that in just 10 years there might be no oil left over for export.

That may be a pessimistic prediction, for more oil is being discovered all the time, but by the same token, Nigeria's population of 90 million is growing by 2.5 percent per year and demanding more oil. At some point soon, probably within two of three decades, Nigeria will have no oil to export.

Imagine the trauma then: Some 90 percent of export earnings would disappear, the country would not be able to feed itself and people's soaring expectations would come crashing down to earth. Nigeria's frag-

ile democracy, resting on bitter tribal rivalries, probably could not survive, if any government could.

Meanwhile, the population would continue to grow, placing new strains on agriculture and society. The World Bank estimates that Nigeria's population will eventually level off at 459 million.

The government of President Shehu Shagari has looked into its crystal ball, for it has begun plowing money back into agriculture. Shagari hopes that Nigeria will become self-sufficient in food by 1985, but at present trends Nigeria will actually import twice as much food in 1985 as it does now. In simplest terms, the problem is that demand for food is growing by 3.5 percent per year, while food production is growing at less than 1 percent per year.

Some other African countries—particularly Ivory Coast and Cameroon—recently have joined the ranks of oil exporters but have been very careful to avoid the Nigerian model. They have avoided extravagant spending plans and have stressed the need to base their economies on agriculture, rather than oil. Indeed, the Ivory Coast government hardly admits the country has any oil revenue.

In Nigeria, the dizzying growth may be at an end. Some observers say the country's current crisis of foreign exchange may be a blessing if it forces the government to plan for the future.●

BUDGETING FOR NATIONAL PURPOSES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. CONYERS. Mr. Speaker, for many years I have argued that the congressional budget process is flawed to the extent that it lacks a direct and explicit connection with the implementation of national policy goals, both domestic and foreign. Much of the budget debate involves fiscal questions, issues of incremental change in existing programs, and plain numbers. Rarely does the budget serve as a blueprint for the implementation of national goals, that it should. In other words, until we focus on specific policy targets and goals, we will not be in a position to determine what the major priorities are, how they relate to one another, and what it takes to implement them over a period of time.

Marcus Raskin, senior fellow at the Institute for Policy Studies in Washington, D.C., sheds new light on the goal-setting role of the Federal budget in an introductory paper he wrote for a new institute budget study, that 60 Members of Congress have requested. This study is the second of a series, following publication of the 1978 study entitled, "The Federal Budget and Social Reconstruction." Mr. Raskin's analysis is worthy of our fullest consideration, and follows at this point in the RECORD.

BUDGETING FOR NATIONAL PURPOSES

(By Marcus Raskin)

When Congress legislates it must ask whether a particular program promotes social equity. Does it aid people in achieving individuals dignity? Does the program increase or decrease personal security? Does it accept the principle of decency for all people? If Congress asks such questions it will lead to a budget which recognizes that our most enduring capital is our human resources. Recognition of this single fact would help to erase our horrendous budget deficits. As innumerable studies have shown, demand increases with higher levels of education and when people are working. I would term such a budget a human rights budget; one that can be balanced.

Beginning with our first budget study in 1975, the IPS Budget Group argued the importance of a balanced budget. This view was thought to be heretical, at least among liberal policy analysts and economists. Our argument was that a balanced budget makes it possible to control activities of government which do not have the full support of the citizenry. Had there been prudent public financing in the 1960s it would have been possible for the United States to escape the dire consequences of inflation of the late 1960s and 1970s. Within a decade the congressional and Executive unwillingness to pay for the Viet Nam war through raised taxes turned out to be a national economic disaster. It also perpetuated a "guns and butter" mentality which encouraged legislators to believe that a full scale war could be fought without economic cost.

We are now in an even greater economic disaster. It should be noted that the need for a balanced budget has not changed. The question remains who is to pay for it? Which class? And what will have to be given up? These questions can best be answered in the context of a national needs assessment program which I outline later in the letter. There are, however, immediate steps to debate which could begin to repair the damage in which our leaky ship of state finds itself. Without this direction we will find a chaotic financial and economic situation that will pile one crisis on top of another. The nation will be able to look forward to a decade of unbalanced budgets, a shrinking public sector and even deeper class disparity. These are the issues which should be debated by Congress and the public at large. It is time to—

Develop public enterprises and yardstick industries as the way to get the economy moving again;

Establish an economic bill of rights which would define a decent standard of living for all Americans, and relate all social security and welfare programs to this standard;

Stop the present tax expenditure system from its massive hemorrhaging by cutting into this system and returning to a progressive system of taxation;

Provide for the actual common defense of the United States by presenting a defense budget which clarifies what is for the direct protection and defense of the United States and what is in defense of our allies through alliances; [1]

Have Congress limit the amount of interest and the rate of interest it is prepared to pay when it goes to the capital market for loans;

Enforce export restrictions on commercial banks that do substantial investing of American capital abroad so that more funds would be available for investment within the United States.

The first goal of this type of human rights budget is that of internalizing into the American political economy the principles which are outlined in the economic and social covenants on human rights. These covenants, finally presented to the Senate during the Carter term in 1977, have not been ratified. This is an error in public policy for these covenants make clear that we as a nation are committed to an economic value and law system which establishes the clear primacy of people's welfare.

A human rights policy aimed at the economy would mean that creating and sustaining unemployment could not be used as a way to control inflation. It would mean that other methods would have to be used, even some price controls. It would mean realizing certain stubborn facts of the modern economy; that deficits are increased with unemployment and that, more important, the creativity and inventiveness of a vibrant people is lost. Where a human rights policy is not applied to economic problems we are left with the problem of structural human misery and national depletion. A human rights budget accepts the principle of minimums and maximums in wealth and income. It recognizes that there can be no internal social well being unless people feel that they are citizens of the same nation. A critical element in assuring this sensibility is fairness. It is not expectation of fairness at some future time. It is fairness in the present.

Congress is hamstrung if it is unable to define the terms of the economy through the public sector. It is ironic that government is held responsible for the condition of the economy at a time when most banks, corporations and other large investors insist that government and Congress should play little role in the economy. Congress defeats itself when it does not use the public sector as the major instrument to develop standards of fairness in the economy. It is through government and voluntary associations (the society's agents) that society can stimulate the principle of fairness as an ongoing way of life. It is only through the stimulation of fairness and personal dignity that social envy and anger can be dissipated.

Obviously, the principle of fairness (economic and social justice) requires a reconsideration of what is usually thought to be public as against private. Is it not mistaken as a matter of pragmatic public policy to continue the belief that the giant multinational corporations and banks are part of the private sector without power to frame the existence of most peoples' lives, but towns of five hundred are termed the public sector? It is foolish and dangerous public policy to believe that the federal government with continuous citizen participation has no judgment or need to constrain these giants, no power or rationality to formulate a principle of democratic planning, no power or rationality to develop proposals for long-term participation of workers in the life of their place of work and no power of insight to develop public sector yardstick industries which can show the way to a nation which is in strong need of regeneration.

[1] It is also time to ask what other "interests" are being defended with our defense budget and who is served by the defense of those interests. Is it not clear that diplomatic means need to be a way to cut defense budgets and to build viable international institutions and disarmament arrangements?

It makes no pragmatic sense for American politicians responsible for the common prosperity of the society to genuflect before the "free enterprise" system and the private sector at a time when what is required is huge doses of public participation and public funds to undertake necessary social reconstruction.

Whatever the ideological disposition of a nation there is no escape from the fact that the government and the public sector have an important, often crucial role to play in the long-term development of a nation. But it is also true that democratic governments are crucial to maintain individual freedom and dignity. Personal security, the possibilities of a fulfilled life or a poor life are utterly related to the decisions which are made in Washington. Thus, is it not socially damaging to the nation and personally damaging to individual schoolchildren when we cut federal aid to elementary and secondary education? Is it not obvious that thousands of workers lose heart when they see federal job programs end knowing in the deepest, most personal sense, the realities of the private market, a market where there are no jobs available?

The Democratic Party is not blameless. Should not the Democratic Party and the economist advisors to it be ashamed for not pressing the Humphrey-Hawkins Act into practice? By establishing a national employment agency millions of people would now have a work alternative and the federal government would have recognized in practical terms its responsibility in the productive arena. It is no sign of freedom that our beloved nation lags behind in economic human rights. We have lagged in formulating citizen wages or a full employment system. We have refused to put into the public sector capital funds so that public sector jobs in public enterprises would have a chance of being self-sustaining and income producing. We have not strengthened voluntary nonprofit institutions so they could adequately provide the caring function. Instead, there has been a great deal of interest in both political parties in shamelessly exploiting the language of free enterprise even as small business continues in the grip of a bankruptcy epidemic such as the United States has not seen since its last depression. Our largest banks have forgotten small business. Instead, they have exported monetary capital for high profit yields to the damage of our internal economy. Such lending has pushed interest rates to record highs. Is it not obvious that export controls on American banking investment abroad must be created so that actual interest rates at home will drop and American industry can rebuild itself? It seems clear that this type of control is necessary for the restimulation of small business.

As part of an international corporate strategy we continue to expand our investments abroad on a dangerously large scale, "from 12 billion dollars in 1946 to 224 billion in 1980; direct investments abroad rose from 12 billion in 1950 to an enormous 218 billion dollars in 1980." These numbers are statements of dollars following the military flag. But the problem with this investment level is that it has begun to impoverish our intranational trade system and it has created the perception that the United States as a nation needs to perpetuate high investment levels abroad because they are valuable to the American interest. It may well be that the reverse is true. We are starving our own nation of needed capital investment. Furthermore, is there not something misplaced in terms of our view of national interest when we encourage foreign manufacturers to open plants in the United States as if it makes more sense economically and politically to have Toyota in the United States than a plant owned jointly by the U.S. with auto workers, a local community and other shareholders?

While technical economic changes can be made which would have profound positive effect, we would still not be getting to the question of how people throughout the land could feel and know that things are changing for the better, that they are being heard and that there is a mechanism which can be established that will transform their voices into coherent new legislation for the nation. Congress is the branch of government which has the primary responsibility for taking cognizance and acting independently on the national social and economic crisis. To do so Congress must act in an innovative manner and transcend its own committee system by leaving a legacy, plan, and program for the next Congress. It must sift the ideas, plans, programs, needs and problems of people who are on the edge of desperation.

Under a congressional resolution which designated the Speaker of the House to appoint a select committee as the responsible authority for the activity Congress would hold official hearings in each of the congressional districts in order to prepare a national needs assessment plan for our national emergency. Citizens, with the aid of experts such as "input-output economists", would develop local needs assessment plans. These plans would serve as the building blocks for a national needs assessment program and plan worked out by the select committee. The hearings, town meetings and dialogues which would take place at the local level would ascertain what plans and programs could be generated to begin to solve our most persistent underlying social and economic problems. This national needs assessment plan would begin from the assumption that the federal government has a fundamental role to play in restoring economic and social health to the various regions of the nation.

With such a project Congress would find its own voice, prepare its own plans and programs over the course of the next two years. In each part of the nation there are thousands of people waiting to be heard, to work on a national and local needs assessment program. There are literally thousands of social scientists, natural scientists and humanists who would answer Congress call for specialized aid. There are millions of people in unions, small business groups, church groups and single issue groups who are waiting for congressional leadership. They could be mobilized to hold hearings and meetings with their respective member of Congress as well as the select committee.

While Congress necessarily will continue its battles with the Executive over the next two years, it is highly unlikely that these battles, given the way that they have been defined, will help in laying out the basis for an alternative program which speaks from the citizenry and which has been honed into a condition that it could be seriously considered by Congress over the next several years. A new, comprehensive program could emerge from the national hearings, in all areas of public concern from economic policy, national security, to housing, health, education and citizen participation empowerment issues. It could be analyzed and shaped in Congress and in conjunction with public scholars, as well as special teams of aides, from the Congressional Budget Office, Office of Technical Assessment, General Accounting Office and Legislative Reference Service. But the staffs themselves must be prepared to break out of their economistic-budgetary mold and be open to ideas from all aspects of knowledge, the human and natural sciences as well as ideas from citizens who are not usually heard or seen. By bringing together the needs of people, political acument and statecraft as well as technical understanding, we can help in removing the vise which is now gripping the heart, soul and pocketbook of the nation.

There is a public sector activity which is in need of correction, and which should be considered in the preparation of a national needs assessment plan. I refer of course to the entire national security and defense area. In this critical sector American policymakers have not seriously reinvestigated the assumptions of the American defense budget since the second world war. We have accepted an easy automatic assumption that large defense appropriations increase the security of the U.S. and our allies. Second, we have thought that the price of defense was a "rational" one. That is to say, it related to specific needs and objectives of the whole American nation and that the various weapons systems made economic and strategic sense. Furthermore, Americans believed that defense helped problems of internal employment and production. It was also thought that other nations, such as the western alliance, economically needed our support and that without that support these nations would be in dire military danger. None of these policy assumptions can withstand any kind of rigorous scrutiny. What was once concrete is changing into sand. We now find, as Dr. Herbert York, the first Director of Defense Research at the Pentagon has put it, "a positive causal relationship between spending and insecurity". The technological nuclear arms race, which Eisenhower's science defense advisor attributes to our initiatives at every point, is itself the root of the declining security. Professor Edward Herman has expanded this analysis:

"A constant struggle to keep ahead has kept us ahead, but at the cost of the Soviet Union acquiring the capability of destroying our civilization, steadily widening proliferation, and the escalating race threatening greater accuracy, reduced warning times, more automated response mechanisms, larger stocks of overkill, and greater threats of accident, fear based initiatives, and regional nuclear war."

There is no greater need at this point in American history than that of defining more clearly the national interest. Our nation is being bled by irrational military commitments, passionate attachments to alliances. We have forgotten that alliances are means and ends in themselves. We have forgotten that there are alternative and more effective ways of maintaining the peace than through power bloc military alliances. Is it not time to find ways of turning NATO and the Warsaw Pact Alliance into a joint arms control and inspection system in Europe? Surely this method of security would profoundly alter the costs of maintaining a large American defense establishment in West Europe.

The growth of the national security budget is directly related to an internal political dynamic which includes the weapons laboratories, defense industries, with bureaucratic and congressional allies. The ac-

tivity of this "iron triangle" as it is called, is the continuous production of new weapons systems, without relevance to cost, utility or a strategy which is defined in terms of limits and proportion. Needless to say, the costs of weapons are secondary concerns.

There is a great deal of self-delusion about the arms race and Soviet behavior. It is clear that American national security policymakers act circumspectly about direct confrontation with what the Soviets perceive as their interests. And while there is a great deal of anger at the Soviets for invading Afghanistan, so far as I know, no one in the Reagan administration has suggested that the U.S. militarily intervene on the side of the guerillas. If this is the case, and if there is not going to be a military "rollback of the Soviet Union" from East Europe, it must be asked why we continue the size force we have committed ourselves to in Europe. If there is a less expensive, and more lasting way of securing the freedom of West Europe, and the possible freedom of East Europe through diplomatic alternatives, why should these not be pursued directly and more vigorously?

From a budgetary point of view, the time is propitious for studying the successes of the cold war period for American diplomatic policy which allowed the U.S. to cut its military budget and which guaranteed freedom and stability to a nation. I speak of the Austrian State treaty which was signed by the great powers including the Soviet Union and the United States.

An analysis of this negotiation coupled with an analysis of the Stassen-Zorin discussions (similar in character to the Nitze-Kvitinsky discussions) yields policy parallels which would help our national security policy. While it is true that only twenty percent of the national security budget is tied to nuclear and strategic weapons, it is the part of the budget which is most obviously detrimental to the American interest.

From time to time it is argued that there is an unfortunate link between the arms race and corporate, bureaucractic needs. Serious consideration should be given to reinstituting an excess defense profits tax with strict profit limits on defense contracts. Furthermore, defense corporations should not pay salaries higher than GS18 for work on defense contracts. Thus, a defense corporation's salary schedule should be geared to the GS scale.

Finally, serious public and congressional consideration should be given to ethical, legal, philosophical and theological debate around war-peace questions being held in non-governmental institutions. The sterile dependence on nuclear armaments or unilateral military interventions as the way to keep peace is being culturally challenged by other potentially sounder and more life affirming possibilities in churches and universities. I hope that Congress will be part of this dialogue so that the national security budget will be linked to our deepest ethical values.●

WOMEN ARE STILL BEING SLIGHTED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FLORIO. Mr. Speaker, in recent days the administration has made strident efforts to defend its rapport with the women in this country. At the moment, the question of whether or not a sufficient number of women has been named political appointees seems to be at the center of the storm.

True, there are real discrepancies surrounding this particular issue, but at the same time, are we not overlooking the real underlying problem at work here: the lack of economic equity for women. In all the frantic exchanging of facts and figures, are we not forgetting the average woman who lives and works outside our Nation's Capital, and who receives little or no recognition for her day's work. To these women, who make up the majority, a political appointment is millions of light years away. To these women, a paycheck means more for their survival.

Recent studies by the Bureau of Labor and Statistics show that, despite equal-pay laws, the average female still tends to earn less than her male coworker. Even more alarming are the figures which indicate that women, who hold traditionally female occupations such as teaching, are not receiving the same salary as their male counterparts.

As we well know, discrimination against women simply does not stop at the buck. A recent column by Jane Bryant Quinn further explores the detours women continue to face on the long road to attaining equality and narrowing the gender gap. I would like to take this opportunity to share Ms. Quinn's comments with my fellow colleagues.

[From Newsweek, Sept. 26, 1983]

WOMEN AND THE GENDER GAP

(By Jane Bryant Quinn)

How nice to see so many politicians worried about the gender gap. For years men mockingly asked their dinner partners, "But my dear, what do women want?" Now they're asking that same question with respect. The answer is that they want a fairer share of the nation's economic wealth.

Equal Pay. Despite equal-pay laws, women still tend to earn a lower wage. Demographer Nancy Rytina of the Bureau of Labor Statistics recently compared male and female pay, for full-time work, in 91 occupations. In not one case did the average woman earn as much as the average man. Commonly, she earned 25 to 40 percent less. Even in traditionally female occupations, women lose. Eighty-two percent of the elementary school teachers were women in 1981, but they earned only 82 percent of the average salary paid their male peers.

There's a grab bag of explanations for their lower pay. Some women take time off from work to rear young children; some want to work fewer hours. "But a substantial chunk of the wage gap is simply due to discrimination," Rytina concludes.

Law Enforcement. Despite several lawsuits filed on behalf of women's rights, the administration has been sending strong signals that discriminatory practices won't be leaned on quite so hard as in the past. One nasty fight surrounded a Labor Department proposal—now temporarily stalled—that would have made it tougher for women to win back-pay awards, stepped away from affirmative-action hiring plans and effectively reduced the number of women and minorities companies have to hire in order to keep their government contracts. Businessmen complain about all the paperwork involved in these plans, yet that paperwork would never have fallen upon them had they not kept blacks and women down. Without continuing pressure for numerical goals and timetables, employers will find it easier to slip back into their old habits of thought.

The administration has also reinterpreted Title IX of the 1972 Education Amendments, which threatens institutions with losing their federal funds if they discriminate against women. All previous administrations read this law broadly, which Sen. ROBERT DOLE says was Congress's intent. But the Reaganauts hope to reduce its scope. If they prevail, a school will be able to show bias in some programs, as long as they don't discriminate in the particular area getting federal help. A similar interpretation might be given to dozens of other laws, which would weaken a decade of legal protection offered women.

Child Support. A recent Census Bureau report found that of all the mothers entitled to child support, fewer than half were collecting the full amount for which they were eligible (an average of $40 a week). All the states have programs to try to collect from delinquent fathers, but federal rules have encouraged them to concentrate on welfare cases. Recently—after heavy lobbying by Republican women—Reagan decided to change the program to encourage more states to collect unpaid child support on behalf of the women not on welfare. But at the same time he proposed to cut the federal government's guaranteed share of the program's cost. It's a hollow gesture to offer to help more mothers collect their child support if the money won't be there to do the job.

Poverty Issues. Loss of traditional male support has been throwing women into poverty. One out of every four divorced or separated women is now on welfare. One out of every three female-headed families lives below the poverty line. The poverty rate among older women is nearly twice that of older men. Those opposed to welfare have not yet resolved how to deal with the special need of destitute women. To take a job, for example, a single mother may need day care for her child, yet many public daycare programs have been cut back.

The Equity Bills. After years of trying, Rep. PATRICIA SCHROEDER, a Democrat, and Sen. DAVID DURENBERGER, a Republican, are attracting support for several bills aimed at women's economic concerns. The administration recently testified in favor of proposals to strengthen women's access to pensions. IRA's for housewives are a popular cause (although they'll benefit mainly those women, whose husbands can afford to save an extra $2,000 a year). Some of the economic-equity bills will pass as election season nears and Congress remembers that each year women have been going to the polls at a greater rate. In 1920, organized women finally got the vote; in 1984, they may, for the first time, organize to use it.●

H.R. 3976 CENTRAL BOARD OF SCIENTIFIC RISK ASSESSMENT ACT OF 1983

HON. JAMES G. MARTIN
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, as Members may be aware the National Academy of Sciences recently issued an important report on risk assessment entitled "Risk Assessment in the Federal Government: Managing the Process" (1983). That report contained two key findings:

First, within agencies, the risk assessment function should be distinct from and precede the risk management function; and

Second, there is a need for better coordination among Federal agencies on risk assessment, particularly where more than one agency is involved and the issues raised have national significance.

Last week, I and several of our colleagues introduced a bill, H.R. 3976, which addresses those findings and adopts several recommendations in the NAS report. It emphasizes the importance of risk assessments having a sound scientific base, and it creates a science board to increase uniformity in agency risk assessments.

The Central Board of Scientific Risk Assessment Act of 1983, which I have introduced would authorize the establishment of a Board of Scientific Risk Assessment as a means of improving the conducting and coordination, as well as the scientific review and evaluation of Federal agency risk assessments of chronic health hazards. Actual and potential hazards that could affect human life, health, and the environment are of great and growing public concern. The public must have confidence in the adequacy and independence of the scientific basis of Federal regulatory actions. Moreover, public credibility of regulatory decisions will be enhanced if those regulatory decisions are based upon the latest and best science available.

This bill would establish a means of achieving these goals.

The bill authorizes the National Academy of Sciences to establish a Board of Scientific Risk Assessment. The Board would be composed of 15 members who would be appointed by the President of the Academy from nominations selected by the Academy from recommendations submitted to the Academy by organizations of professional scientists, faculties of colleges and universities, heads of Federal and State agencies, and distinguished members of the scientific community. The nominations would be made in accordance with the nominating procedures of the Academy. To be appointed to the Board, a member must be qualified and distinguished by training and experience in life, physical or environmental sciences, including but not limited to biology, biochemistry, biostatistics, epidemiology, comparative metabolism/pharmacokinetics, medicine, veterinary and human pathology, industrial hygiene, and toxicology and have expertise relevant to the assessment of risk.

Members of the Board would serve 3-year terms. To maintain the continuity of the Board, the terms would be staggered. Members of the Board and its subpanels would receive reimbursement for travel expenses incurred in carrying out the duties of the Board, and a modest allowance for each day they are engaged in work on behalf of the Board. The Chairman of the Board would be elected by the Board itself. The Board would also have an Executive Director who would be appointed by the Chairman of the Board and a staff of appropriate size that would be appointed by the Executive Director.

The Board would develop, issue, and periodically revise scientific principles and practices for risk assessments by the Federal agencies. These scientific principles and practices would reflect the current state of the art for the risk assessment process, encourage uniformity in agency assessment of risks and insure the adequacy of the scientific base of such assessments. While the bill does not prescribe the procedures the Board would follow, it is expected the Board will invite expert scientific and other input relevant to risk assessment from outside the Board in the development of these principles.

The Board would also review certain risk assessments made by Federal agencies of chronic health hazards that involve more than one agency and which are determined by any such agency to be of national significance. If the Director of OSTP concurs he would transmit the assessment to the Board for review. My intent here is to provide a limited review function for the Board that would involve a very few cases (perhaps only two to four per year). There is logic in tapping the scientific expertise represented by this Board for those few issues that have national significance and are at the cutting edge of scientific understanding. Correspondingly, however, I am persuaded by the concern expressed in the NAS report that any review function not overburden the Board. Therefore, my bill deliberately limits the risk assessments which can be referred to the Board to those which involve more than one agency and which are also of national significance. This will keep the Board from becoming overloaded and thus insure the availability of the Board's unique scientific resources for those issues that deserve consideration by the best experts available to the Nation.

The Board would also organize scientific workshops, hold symposia, and make recommendations to the Federal agencies on research needed in the risk assessment field.

In carrying out each of these functions, the Board would be required to consult regularly with the Federal agencies which are or may be involved.

Whenever a risk assessment is referred to the Board, the Board would be required to publish a notice of the referral in the Federal Register, along with an invitation for public input relevant to risk assessment. The Board, or one or more subpanels, would expeditiously review the risk assessment, taking into account the latest available scientific data relevant to the risk assessment.

Upon completion of its review, the Board would submit to the appropriate agencies a written report. The report would include the Board's evaluation of the agency risk assessment together with a discussion of whether the agencies' assessment of risk is consistent with the available relevant scientific learning. The report shall be submitted to the appropriate agencies as expeditiously as possible and would also be made publicly available.

The Board would be authorized to establish subpanels to review agency risk assessments. A notice would be placed in the Federal Register of the Board's intent to appoint a subpanel. Each subpanel would have at least six members, at least two of whom are members of the Board. The remaining members would be scientific experts in the field or fields involved in the particular risk assessment to be reviewed. This composition would enhance consistency among the subpanels while allowing greater relevant expertise in reviewing a risk assessment. All subpanel members would be appointed by the chairman of the Board. Non-Board members would be appointed from among nominations submitted by the Academy. The nominations process for subpanel members would be similar to that for Board members.

After completing its review of any risk assessment, the subpanel would submit to the Board a written report on the risk assessment. The Subpanel's report would contain the same assessments and discussions required for Board reports. The Board would be required to review the subpanel's report on an expedited basis, and thereafter the report, with or without modification by the Board, would become the report of the Board.

The Board would be required to maintain the confidentiality of trade secrets and of privileged or confidential commercial information that may be involved in reviewing an agency risk

assessment or in any of the Board's other functions. Board members and subpanel members would be subject to the Academy's conflict of interest disclosure requirements and would be screened by the Academy for any potential conflicts prior to appointment. The Board would have authority to enter into such contracts and to take such other actions, including prescribing regulations for the operation of the Board, as may be necessary or appropriate.

The bill also contains a 5-year sunset provision. Congressional action would be required to extend the life of the Board, thus preventing its perpetual existence and ensuring a complete evaluation of the experience and appropriateness of the Board and the opportunity to study modifications and improvements.

Passage of this bill would encourage uniformity in the Federal Government's approach to risk assessment and would help ensure the adequacy of the scientific basis for risk assessments that involve issues of national significance. At the same time the Board's role would be strictly scientific and advisory in character and would not intrude or infringe upon the decisionmaking functions of the Federal agencies.●

SENATOR JOHN L. MADURO'S ACCOMPLISHMENTS SHOULD INSPIRE YOUNG VIRGIN ISLANDERS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. DE LUGO. Mr. Speaker, like many of us in this House, I learned the legislative process in my local legislature.

Those on the other side of the aisle will appreciate that my legislative skills were fine tuned by my membership in the minority caucus of that body. As minority leader of a nearly evenly divided chamber, I was compelled to be constantly on my toes to try and counter the seemingly neverending efforts of the majority to impose their legislative will.

As Members here will also appreciate, those perpetual challenges developed close alliances. And deeper than the partisan alliances they forged were personal alliances—that crossed sides of the floor.

These personal alliances were attributable to the respect that is created for a political opponent of good will and ability.

Such an opponent was Senator John L. Maduro.

Since he was a leader of the majority during much of my service in the Virgin Islands Legislature, John and I were most often at odds in legislative debates. But because he was so dedicated and capable, I have always cherished John's friendship and had the greatest respect for him.

When the divided factions of the Democratic Party of the Virgin Islands merged 15 years ago, John and I formally became allies. We worked even more closely after that unification as John became president of the legislature and I was elected to represent our people in Washington.

That experience of mutual leadership strengthened our friendship and deepened my respect for John.

One of the only disappointments of my return to this House after the election of 1980 was that John's service to our people in the legislature was ending.

During more than two decades of leadership of our islands, John held virtually every position of importance in the legislature, helped advance the progressive position on virtually every issue, and assumed many personal sacrifices as he did so.

The people of the Virgin Islands—and particularly those of John's home island of St. Thomas—owe a great debt to this man. Their lives are certainly and significantly better for the laws for which he was responsible.

At a recent Democratic Party dinner in his honor, Senator John L. Maduro's career was well described by the great former Governor of our territory, Ralph M. Paiewonsky. I wish to have those remarks placed in the RECORD after this statement. By doing so I hope both to enlighten my colleagues as to John's many achievements and to inspire young Virgin Islanders to appreciate and, hopefully, follow the example of John L. Maduro.

The remarks follow:

Attorney John Lawrence Maduro is a native of St. Thomas, Virgin Islands. He is a product of the local public school system and a graduate of the Charlotte Amalie High School. By his determination and hard work he earned his bachelor's degree from New York University School of Education and his law degree from George Washington University School of Law in Washington, D.C.

He is a member of the Virgin Islands Bar Association and the American Bar Association, with all the rights and privileges. He is admitted to practice before the courts of the Virgin Islands, U.S. Court of Appeals for the Third Circuit, and the U.S. Supreme Court.

He was not content to claim special privilege because he was born in the Virgin Islands. He earned this right by diligently pursuing higher education and working hard to acquire the necessary skills to qualify him to meet and successfully compete in the outside real world.

During World War II he served in the U.S. Army in the North African and European theaters of war, and achieved the rank of master sergeant and later the rank of second lieutenant in the U.S. Army Reserves.

Upon his return to St. Thomas in 1955 he became active in politics. First as a member of the Unity Party, which later became the liberal wing of the Democratic Party of the Virgin Islands. He was always in the forefront of the struggle for the political, economic and social advancement of the Virgin Islands.

Many of the political rights which Virgin Islanders take for granted today, such as: the elected Governor; elected Delegate to Congress; the power of the legislature to apportion its seats in accordance with the one-man, one-vote rule, to fix the compensation of its members and to override gubernatorial vetoes with finality, were all achieved with the help of Senator John Maduro and his fellow Democratic Senators.

In 1958 Attorney Maduro was elected to the Virgin Islands legislature and went on to serve eleven consecutive terms, 1959 to 1981. As a member of the Senate, Maduro held several important posts. He served as President of the Virgin Islands Senate from 1969 to 1973, and served as Chairman of the Standing Committees on the Judiciary, Commerce, Education, Finance and Rules; also Legislative Secretary, Senate Vice President, and for a period of ten years, 1971–1981, he presented a weekly political radio broadcast known as "The Maduro Report," which had a wide listening audience. It should also be noted here that Senator Maduro was an active partner in the law firm of Birch, deJongh & Farrelly.

During his twenty-two years of service in the Senate, John L. Maduro was constantly involved in the struggle to improve the social, economic and political conditions of his homeland. During the years when I was Governor of the Virgin Islands, Senator Maduro together with another outstanding Virgin Islander, Senator Earle B. Ottley, and the democratic controlled V.I. Legislature, established a partnership for progress which resulted in bringing the V.I. into the mainstream of social, economic and political advancement and definitely out of the "poor house" state of the earlier past. Senator Maduro was a staunch supporter of all the progressive legislation that made the difference. His loyalty was never questioned. Whenever he gave his word it was kept, and for this he gained the respect of his associates. It should be noted here that there is a big difference between being respected and being popular, a choice that most elected officials face during their tenure in office. It is highly desirable to be both, but if a choice must be made it is far better to be respected. For it is possible to be popular without being respected, and it is equally possible to be respected even though unpopular. Respect is hard-earned and consequently more lasting.

Senator Maduro was not satisfied nor contented with the old image of having a community of people, smugly secure at the top and with little hope at the bottom, where the vast majority are deprived of the basic means for advancement. He was determined to create a Virgin Islands that would offer unlimited opportunities to its citizens in all areas of social, political and economic endeavor, and a Virgin Islands where pride is one's heritage and homeland would be everlasting. Therefore, with a democratic majority in the legislature and a sympathic democratic governor in government house, a new day dawned in the Virgin Islands.

In closing let me again congratulate Senator John L. Maduro for his years of service to the people of the Virgin Islands, and wish

him continued success in all his undertakings.●

NATIONAL SCIENCE BOARD COMMISSION PRESENTS PLAN TO IMPROVE THE NATION'S PRECOLLEGE MATH AND SCIENCE EDUCATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FUQUA. Mr. Speaker, the National Science Board Commission on Precollege Education in Mathematics, Science, and Technology has just released a report which, I believe, does an excellent job of looking at the Nation's critical mathematics and science education problems and outlining a plan for major improvements to solve these problems.

One of a number of recent reports which call attention to the crisis we face in science and math education, the Commission report goes further, suggesting a broad plan for improvements in the educational system and a target date of the year 1995 for accomplishing such improvements. The report also sets out costs to the Federal Government to carry out the suggested initiatives.

In the Committee on Science and Technology we have been working, both under the committee's legislative and oversight responsibilities in connection with the National Science Foundation and through cooperative legislative initiatives, to address some aspects of the broader issue. An example is H.R. 1310, a bill to improve math, science, and engineering education and teacher training. This legislation was acted on jointly by the committee on Science and Technology and the Committee on Education and Labor and has been passed by the House of Representatives. Clearly, the Commission's delayed study will be helpful to our ongoing efforts to address problems of U.S. science and math education.

The report is entitled "Educating Americans for the 21st Century: A Plan of Action for Improving Mathematics, Science, and Technology Education for all American Elementary and Secondary Students So That Their Achievement Is the Best in the World by 1995," and I should like to bring to my colleagues' attention some of its major highlights and recommendations, stated in the National Science Foundation press release announcing the report:

MAJOR HIGHLIGHTS AND RECOMMENDATIONS OF THE REPORT

Initial Federal investment of $1.51 billion, to improve mathematics, science and technology education in the elementary and secondary schools . . . disbursed at a rate of $956 million per year for the first three years, $680 million per year for the next two years, and $331 million per year thereafter.

Retraining and upgrading of the 1.16 million elementary and secondary school teachers who presently are less than fully qualified to teach these subjects. The total cost for such retraining is estimated at $3.49 billion. The Commission determined that the Federal share should be 50 percent and that this retraining should be done over a period of five years. Thus, the cost per year to the Federal government would be $349 million.

Establishment of 1,000 elementary and 1,000 secondary exemplary schools and programs throughout the nation, to serve as "landmarks of excellence." There are some such exemplary schools already in existence in communities throughout the United States. Examples are provided in Exhibit A. The Commission estimates that the cost to establish an exemplary secondary school for mathematics, science and technology is $750,000 and the cost to establish an exemplary elementary school is $525,000. The Commission felt these schools should be established over a three-year time period and that the Federal share should be 65 percent. Thus the Federal government would be called upon to disburse a total of $829 million over that period (or $276 million per year).

Formulation of a set of "new basics" to establish a new standard of scientific and technological literacy, and a more coherent pattern of K-12 math and science education.

A strong commitment of National resources to teaching these subjects to all students, not just the gifted and talented.

Substantially increased time devoted to these academic subjects, through increases in the school day, week or year, as well as through increased discipline in the classroom.

Increased time for mathematics and science in elementary school: 60 minutes per day for math, 30 minutes per day for science . . . a full year of math and science in grades 7 and 8.

Increased requirements for high school graduation: 3 years of high school mathematics, including 1 year of algebra, and 3 years of science and technology, including one semester of computer science.

Increased requirements for college admission: 4 years of high school science, including physics, chemistry and 1 year of computer science, and 4 years of mathematics, including a second year of algebra and coursework covering probability and statistics.

OTHER HIGHLIGHTS AND RECOMMENDATIONS

The appointment by the President of a National Education Council to oversee the Commission's plan of action and to measure America's progress in attaining the world's finest system of education by 1995.

Establishment of Governors' Councils in each State to stimulate change, develop state education goals and monitor progress.

Establishment of a national mechanism for measuring student achievement and participation, that will allow national, State, and local evaluation and comparison of educational progress.

Reaffirms the national consensus that States and localities should shoulder most of the responsibility and cost of public education . . . yet recognizes a strong national interest and Federal role in rejuvenating math and science education.

Supports rigorous standards for certifying mathematics and science teachers; together with improved training, recognition and appropriate compensation. Exhibit D contains some imaginative ways to increase teachers' compensation.

Encourages increased use of computers and other modern education technologies for student instruction, teacher training and classroom management.

Encourages increased informal education, including Federal support for out-of-school education and activities by science museums and public broadcasting.

Suggests that commercial broadcast stations, as their public duty, should provide one hour each afternoon for children's educational programs.

Recommends appointment of a Council on Educational Financing to determine costs of educational improvements and methods to raise the needed funds. One suggestion offered to the Council is to develop mechanism to avoid placing individual states under anti-competitive tax disadvantages.●

LOUIS GOLDSTEIN TRIBUTE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. DYSON. Mr. Speaker, this week the Mental Health Association of Maryland will convene a banquet in tribute to a gentleman who has become, during his 45 years of public service, the embodiment of civic duty and the pater familias of my State's Democratic Party.

The Honorable Louis Goldstein began his career in public service back in 1937, during Albert C. Ritchie's final year as Governor. For the next 5 years he served in the house of delegates. Elected to the State senate by the people of Calvert County in 1947, he served as majority floor leader from 1951 to 1955, and as president of the senate from 1955 to 1958. In that year Louis Golstein was raised to the office of comptroller of the State of Maryland, a position combining all the pleasures of tax collecting with the many rewards of budget planning. The thankless decisions demanded of a comptroller have never before won the holder of that office the respect which Louis Goldstein has earned. He has presided over that office for the last 25 years. With greater predictability than the tides, the people of Maryland have reelected him, and this is a tradition I am sure they will continue. In the process, they have given to anyone who hears the calling of public service a role model that can be emulated, but never equalled.

One facet of Louis' career seems is as significant as it is unique. That is that public service means much more than simply winning elections or lending support to another candidate's campaign. Public service means total dedication to the job at hand. In this respect, Louis is an undisputed and widely recognized expert in organizing and managing State finances. So

widely is this appreciated that just last week the Governor announced what I believe to be an unprecedented tribute in my State: The new State treasury building will soon be dedicated in the name of Louis B. Goldstein. Few public servants have ever been so honored, nor so deserving as this remarkable comptroller.

Louis' career illustrates, however, that statesmanship goes beyond the mere duties of one's office. It also, and perhaps most importantly, means a dedication that takes one into all aspects of one's community: its schools, towns, and youth; its history and its future.

Louis is a gentleman farmer, but knows the crops, soils, and seasons as only a yeoman can. He is a scholar, with many honorary degrees, and knows the history and folklore of Maryland as one can only after having participated in their making for as long as he has. For 10 years he published the Calvert County Gazette, and his keen insight and country wit bound together the farms and villages of southern Maryland.

And he has been soldier as well as statesman. The only 4 years Louis has been absent from Maryland he served on the staff of Gen. Douglas MacArthur.

Having enlisted in the Marine Corps at the mature age of 29, he was rapidly promoted to the rank of first lieutenant, and discharged after 4 years in the Pacific and Asian theaters.

Louis Goldstein, in short, is an inspiration to any young person wishing to enter politics. Further, he is a measuring rod of integrity for anyone already involved in public affairs. He is justifiably known as Mr. Maryland. I will take great pleasure in being with him this week at the Mental Health Association's banquet in his honor, and congratulate him on the recognition he so justly has earned in his work as the comptroller of Maryland.●

INDUSTRIAL POLICY: AN IDEA IN SEARCH OF A DEFINITION

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. BEREUTER. Mr. Speaker, more than the fate of the yacht, *Liberty*, or the pennant race in the National League East, a key topic now being discussed in this city is that vague concept, industrial policy.

Recently, the New York Times and the Christian Science Monitor made some thoughtful comments about our national preoccupation with the industrial policy debate. I hope that all of my colleagues will read the following editorials and then give a more careful look at our Nation's latest policy fad.

The editorials follow:

[From the New York Times, Sept. 1, 1983]

INDUSTRIAL POLICY. WHAT?

All the Democratic Presidential aspirants are for it. President Reagan has just appointed a commission to look into it. Industrial policy: Sounds important. What is it?

So far, it's an idea in search of definition. Until defined, it's just a slogan.

In its barest essentials, industrial policy means a coordinated Federal strategy to reinvigorate the economy. The aim is to revitalize struggling old industries and promote promising new ones, create jobs and, not incidentally, win elections.

Interest in industrial policy was given new impetus by the recent recession, as well as the stunning success of Japanese industry in this country. Clearly, the American economy has lost some of its edge. Heavy "smokestack" industries are being bested by foreign competition. Generally, even complete recovery from the recession is not likely to cut unemployment below 6 percent. If Reaganomics can't solve these problems, then what's the alternative?

The answer, in more than two dozen bills introduced in Congress this year (mostly by Democrats), is some kind of industrial policy mechanism. All the proposals would create a Federal body—some with business and labor membership—to assert national industrial priorities. The most extreme plans would also give the new agency billions of dollars with which to assist specific industries—and the power to dictate to them.

What a temptation these various plans offer: a master plan to make things right. But what a risk, too. For one thing, master planning of a peacetime economy contradicts the American tradition of unfettered competition—in reality often overridden, but a fundamental faith nonetheless.

Can any Federal agency improve on the wisdom and flexibility of the vast complex of the American economy?

It's not as though industrial policies elsewhere have been so uniformly successful. Even Japan, everyone's model, has reversed course on occasion. Its planners forced development of an aluminum industry and now they're forcing it to cut back. In Western Europe, by far the most productive country is West Germany, which has the least centralized economic control—though more so than the United States.

[From the Christian Science Monitor, Sept. 16, 1983]

EMERGENCY INDUSTRIAL POLICY

There was a time, only a year or so ago, when political leaders, economists, and some business officials, were asking whether the United States should adopt a national industrial policy to spur economic growth. The question is still asked. But now that the economy continues to improve and promises to be a major factor in next year's presidential election, the nature of the debate has changed.

Increasingly asked is not just whether the US should have an industrial policy but, rather, to what extent the various elements of a national industrial policy that are *already* taking shape should be centralized into a cohesive, intelligent plan for continued and vigorous economic growth.

The policy now evolving is not that of a centralized support for key US industries, as advocated by many Democrats. What is emerging is an ad hoc policy that deals with specific issues. These include steps to boost overseas trade (such as ending the Soviet grain and European pipeline embargoes); imposing import quotas to aid steel and autos; job retraining; urging, as the Reagan administration did this week, that antitrust laws be relaxed to assist funding for research and development; and enacting personal and business tax cuts to stimulate savings.

It is precisely because such an ad hoc policy is emerging from the demands of the economy that Washington officials must think through the long-range implications of the changes now under way. For Congress and the White House to hammer out a hodgepodge of self-conflicting laws would be unwise.

As Harvard professor Robert Reich recently noted, the issue is not whether the U.S. should have an industrial policy, but "how coherent it will be."

What minimal steps would an industrial policy include—and not include? First the dubious proposals:

As recognized by some economists at a recent conference sponsored by the Federal Reserve Bank of Kansas City, the U.S. should avoid aiding specific industries. That means not establishing a multibillion-dollar national development bank. The old Reconstruction Finance Corporation, which some see as a model, was eventually phased out because of allegations of political favoritism. Wall Street investors have a hard enough time picking corporate "winners." There is no reason to think Uncle Sam could do a better job.

Another questionable element of such a policy would be a national "superagency" along the lines of Japan's powerful Ministry of International Trade and Industry.

Now what makes sense:

Change tax and antitrust laws to direct added dollars into research and development. The dollars could come from the federal government as well as from private industry.

Federal statistical agencies, such as the Commerce Department, need to provide more timely information about the economy.

Congress, the White House, and the Federal Reserve should strike a better balance between fiscal and monetary policies to ensure reaching the goals of high employment and price stability. Lurching from inflation fighting to fighting joblessness, and then back again, as has been the case with government in recent years, has hardly helped long-term economic stability.

The federal government should be doing more to aid financially strapped businesses with job training and retraining programs.

A new cabinet-level trade department, already proposed in Congress, should be created. An expanding, global, free trade is vital.

Presidential candidates will all want to take a position on a US industrial policy. That should bring the issue before the public in a healthy debate. Such a debate is necessary now that many of the elements of a new industrial policy are already emerging.●

CHILDREN'S FEARS OF WAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, last week the Select Committee on Children, Youth, and Families held a hearing on the subject of children and the fear of war, especially nuclear war.

The committee had the opportunity to hear directly from some children who very articulately expressed their own fears and urged us to listen to their pleas for a world free from the nuclear threat. I was particularly impressed by a young man from Brooklyn, Gerald Orjuela.

Gerald's testimony before the committee was an excellent presentation, and his ability to handle the questions of committee members was equally impressive.

I would like to share with my colleagues the text of Gerald's prepared statement, and I urge them to heed Gerald's plea.

The testimony follows:

Good morning, parents and distinguished representatives of the United States. Before I begin I would like to say how honored I am for you to let me present my material to you.

I assume you are all sensible people, since it requires great intelligence to be elected to a highly important part of our nation. Other nations have their intelligent people. I'm sure Yuri Andropov is intelligent. Ronald Reagan, our president, is intelligent.

But why instead of using our intelligence for good uses, like peace, we use our intelligence for war? Is it right to call having missiles in Europe peace? Is it right to call a nuclear missile "peace keeper"?

This, is a waste of intelligence. We are criminalizing Newton, Dalton, Einstein, Lucretius, and Democritus, great pioneers in the energy of the Atom. What would Einstein have thought of this?

It is senseless to waste money on a missile. There are no winners in nuclear war. A one megaton weapon exploding at ground level during a nuclear war in Racine, Wisconsin, would have a radioactive cloud reach New York in a week. But by then, New York would have been vaporized long before Racine was.

Why can't we live in a world with only one rule—peace? Sometime in October of last year, I saw a PBS (channel 13) presentation of a movie made by the Japanese after the bomb had hit. Parts of people literally melted under the blast. A bone was sticking out from the socket where there once was an arm. The shadows of people left imprinted on the floors and walls when the heat flash vaporized them. Pitiful piles of entrails that were once known as human beings. That was a 25 kiloton bomb.

Now nations have arsenals made of more than 15,000 warheads mostly thermonuclear. Each one 50 times more powerful than the one over Hiroshima.

Simple in design. At high temperatures, the two forms of "heavy" hydrogen, deuterium, and tritium fuse to form the heavier element helium. Great energy is released. That can be heard in any serene junior high school. But no matter how simple it is, it's deadly. Any country with the capabilities can do it. And so a lot of countries have it. That is frightening.

That is when children, like me, come in. We are frightened that a lot of countries have the bomb. We are frightened that we might be hit. You are parents. Let your children live, and let our children live. If you kill a child, you really kill two—us as children, and us as adults with children. We must understand that anything nuclear—a plant, a missile—a war—is something very dangerous, we cannot yet safely operate the first. We cannot control the second and no one will win the third.

A nuclear war is a time bomb. Time is running out. Let the adults, children and the nations of the world fight and work together to defuse this time bomb. The wire that we need to cut is visible. But to cut the wire we need clippers. If we work together the clippers are in our hands. If not, time will terminate-and so will the world.

If you don't listen to the adults, please in behalf of the children of the world, I beg you, give yourselves and us a chance.

Thank you.●

GOV. RALPH PAIEWONSKY ARTICULATES PARTY LEADERSHIP

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. DE LUGO. Mr. Speaker, if we are fortunate, those of us in public life may have the opportunity to know and work with a truly great leader.

I have had that fortune. In my case the individual is a man who has had the vision to know how things should be changed and the ability to bring worthwhile change about.

That man, former Governor Ralph M. Paiewonsky, of my home Virgin Islands, has contributed his vision and ability to our territory for nearly a half century. It is remarkable that despite this long experience—or perhaps because of it—he is still among the most visionary and able leaders of our islands.

This was clearly demonstrated this summer when Governor Paiewonsky addressed a Democractic Party gathering. He used the occasion to articulate the purposes of party leadership of our society in a way that has relevance to all of us—Democrat or not in affiliation.

Because I believe that Governor Paiewonsky's brilliant statement will help all who are exposed to it better understand the political process, I would like to have it included in the RECORD at this point.

The purpose of well-organized, active political parties is to develop among its members the political philosophy and to teach the science of government, to discuss the issues and the needs of the community, develop programs, find solutions, bring about responsibility and accountability in government, to develop political leadership and to participate in the process of electing officials to office.

In the past a well-organized, active, responsible Democratic Party with able and dedicated leadership aided in bringing about change in the Virgin Islands. Quite simply, it has been through the growing political maturity of the people of these islands that brought about the changes for the better that we enjoyed in the 1960's. The leaders who represented us in our legislature during those important years, for example, were reflections of those who placed them there. Today our people have access to even better education facilities and opportunities here in the Virgin Islands. Therefore, there should be no lack of intelligent leadership. However, at the present time there seems to be a lot of time wasted in the legislature on matters of minor significance. It is time to put aside petty differences and to discuss the issues in an intelligent manner and find solutions. Again let me repeat that it is the political parties, the Democratic Party, the Republican Party and the Independent Party, that bring about responsibility in government and develop political leadership.

The short-sighted policies of past administrations prior to the 1960's which kept these islands chained to poverty and deprivation affected the rich and poor alike. The well-to-do who embraced those policies hardly realized that they themselves were the victims of their very own old system. They too were liberated and prospered under the new progressive programs. This is a very good example of the kind of prosperity that comes from a broad base, which created a large middle class, and not the trickle-down kind of the earlier past.

Some people criticized the prosperity of the 1960's, claiming that many of the present problems were the result of doing too much in too short a period of time. My answer has always been that it is a poor excuse for their inability to remove garbage, provide more electricity and water, fix roads, and provide more efficient services. It is easer to resolve the problems arising out of prosperity than those arising out of poverty.

Yes, we have progressed—but do not take it for granted that progress and prosperity will continue. It is like freedom. To be free you must keep working at it. The same is true for progress and prosperity.

Today our economy has deteriorated, creating fiscal problems and unemployment. Some of this is caused by outside forces beyond our control and some of it is from a lack of understanding and lack of cooperation between the various groups here in the Virgin Islands. Let me say here, and it cannot be overemphasized, that progress and prosperity will endure only when all Virgin Islands groups put aside their differences in the spirit of cooperation and work together.

Let me repeat what I said sixteen years ago, to be specific on the evening of February 24, 1967, at a St. Croix democratic testimonial dinner I said then and I am saying it again: "Our party of leadership is the party that faces a future of responsibilities on behalf of all Virgin Islanders regardless of their political affiliations. You represent the leadership in government, business and civic endeavors, and you will be called upon to take up the banner and record with deeds that match your words of promise."

Twenty-two years ago when I took office I made a pledge in my inaugural address—ex-

pressing the promises of a democratic administration. Here is what I said:

1. We must aim to make our domestic island life a more abundant one.

2. We must accelerate our economy.

3. We must further advance our cultural, moral and spiritual life.

4. We must make greater progress politically.

5. As a practical man, I know that none of us lives on inspiration alone, or on ideals alone. There must be food to eat. There must be a roof over our heads. There must be proper medical aid for the aged and the needy. Accordingly, I will prepare a series of special programs to help achieve these objectives.

6. This administration will also help to expand and develop our tourist economy on a year-round basis instead of a few months only. We also need to diversify our economy. We will encourage the establishment of small industry to create job opportunities on a year-round basis.

7. On the cultural side we must continue to improve the quality of our education.

8. We also need a college in our islands to supply to our people the benefits of higher education, not only to help the individual but also to carry out our part in the national responsiblity to improve our leadership through better trained minds.

9. I can envisage the Virgin Islands as a cultural center for the Caribbean and the Americas, where the culture of all the Americas may meet and profit from the meeting—a university where our friends from the British Virgin Islands will meet our friends from the French Islands, the Dutch Islands, and the Spanish-speaking lands of the Caribbean, the North and the South. This is not merely a dream of mine. It is a project under serious consideration in Washington.

10. On the political side, I will move strongly, as previously stated, for increased representation in our Government. We have three basic aims:

A. We must have representation before the Congress in the form of a delegate freely elected by our people.

B. We must, in the future, elect our own Governor.

C. We must finally achieve the long-desired right to vote for President and Vice-President of the United States.

I pledge to you here today that I will work unceasingly to gain these goals. We must achieve these things because they are basic rights of all American citizens.

This is what the democratic administration promised you twenty-two years ago. Today we can now look back and see how well our deeds matched our promises. Let us as an active Democratic Party take the leadership role and plan the programs for the future. Our party did it once and it can do it again.

Let us look ahead with renewed hope towards the future. Let a new day dawn, and let that day be tomorrow, and remember, tomorrow is but another dawn away.●

THE 75TH ANNIVERSARY AND AMORTIZATION OF ST. MARY'S CHURCH MORTGAGE, WILKES-BARRE, PENNSYLVANIA

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, October 15, the parishioners of St. Mary's Antiochian Orthodox Church will celebrate the 75th anniversary of their parish and the amortization of their church's mortgage.

The founding fathers of St. Mary's began their immigration to America in the year 1890. The families of Saba, Hyder, Broody, Audi, Simon, Serhan, and Atiyeh hailed from the area of the mountains of Lebanon, above Tripoli. The Syrian Orthodox families of Betar, Abraham, Johns, Cross, Namey, Baroody, and Solomon were among the earliest to arrive from the area of Latakia before 1900.

The young men came alone and found work here under sponsorship of Protestant missionaries in the Middle East. Once these single men earned enough to set up homes, they returned to their homeland to marry and raise children in America. They sought religious freedom and free enterprise in the land of hope and promise. Several of the young men married American women of Irish and Dutch descent and made happy marriages.

By the year 1904, 35 families resided in the Rolling Mill Hill section of Wilkes-Barre, and they convened to organize a parish. A worthy householder, Michael Saba, was elected to be the new clergyman. A bishop from Christian Russia, Raphael of Blessed Memory, came from New York City and ordained the priest. Father Michael served the parish for 4 years. By the year 1908, 30 new families joined the parish, and a new priest, Father George Kattouf, led ably in the purchase of land at 132 High Street in Wilkes-Barre, and the church building was completed at a cost of $9,000.

A rectory was also built in 1912, behind the church, at 19 McCarragher Street for $4,000.

The congregation grew steadily until 1914, when the first World War began. A number of our young men joined the Army and served well. By the year 1928, the old church was enlarged and lifted to build a large community hall underneath, at a cost of $13,000. The congregation, by 1940, was 300 families strong, and boasted business and professional people. During World War II, 130 of its young men served in the Armed Forces and seven lost their lives in the European theater.

In 1958, the congregation voted to erect a new church edifice, hall and rectory. This was done in the year 1969, located at 905 South Main Street, Wilkes-Barre, Pa., at a cost of $800,000. The parish has been active in all civic activities.

Over the years, 534 marriages and 2,156 baptisms have been performed in the buildings of St. Mary's Antiochian Orthodox Church.

And so, Mr. Speaker, October 15 is indeed a very special day for the Wilkes-Barre community. At a banquet that evening all of us will rejoice with the Very Rev. Herbert G. Nahas, the pastor, and all of the people of St. Mary's Antiochian Orthodox Church. It will be my honor to be there, Mr. Speaker, and it is my pleasure today to share this significant moment in the history of the Wyoming Valley with my friends and colleagues in the House.●

JOHN KLEPP, OF BOYDS, MD., RECEIVES DEPARTMENT OF THE INTERIOR VALOR CITATION

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mrs. BYRON. Mr. Speaker, on September 20, 1983, the U.S. Department of the Interior held its 49th Honors Awards Convocation. On that day, the Department honored their employees who care deeply about their fellowman and about America. Three categories of awards were presented at this convocation for individual employees including: Distinguished service, valor, and conservation service.

I am proud that one of my constituents, John W. Klepp, of Boyds, Md., received one of the valor awards. The valor award is presented to those who have demonstrated unusual courage involving a high degree of personal risk in the face of danger. Recipients receive a citation signed by the Secretary and an engraved valor award gold medal.

At this point, Mr. Speaker, I include the citation.

THE SECRETARY OF THE INTERIOR,
Washington.

CITATION FOR VALOR

JOHN P. FARRELL, JOHN W. KLEPP,
FRANK HART, CALVIN D. YATES

In recognition of courageous action in rescuing four persons from drowning.

On September 16, 1981, an automobile skidded out of control on Beach Drive, Rock Creek Park, and plunged into the raging torrent of the flood-swollen creek. The four occupants escaped from the vehicle and clung to it before it became submerged 25 feet from shore. National Park Service tree crew employees John Klepp, Frank Hart, and Calvin Yates, working nearby, hurried to assist the panic-stricken victims, among them an 82-year-old man. John Klepp and Calvin Yates attempted to swim to the vehicle but were washed downstream by the

force of the water. Then John Klepp and Frank Hart entered the water and formed a human chain with the rest of the crew. They reached the victims and held them above the water until additional help arrived. U.S. Park Police Officer John P. Farrell responding to the emergency, observed the rescue attempt and the serious threat of the swift current. He dove into the water, reached the elderly victim, and brought him safely to shore although they were repeatedly submerged in the deep, turbulent water. In a renewed rescue attempt, John Klepp entered the water upstream and swam to the vehicle to secure a rope to the door while the tree crew held the other end. Frank Hart and Officer Farrell swam to the vehicle clinging to the rope and brought the remaining victims one by one to safety. The persons involved in this rescue demonstrated exceptional courage with complete disregard for their personal safety. In recognition of their heroic actions, John P. Farrell, John W. Klepp, Frank Hart, and Calvin D. Yates are granted the Valor Award of the Department of the Interior.

JAMES G. WATT,
Secretary.●

H.R. 1510

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. BERMAN. Mr. Speaker, the ongoing debate over the pending immigration bill, H.R. 1510, has brought a large volume of mail into my office from constituents and others who are concerned about the likely consequences of enacting this legislation. Many of these expressions of concern come from members of the Hispanic community, whose comments I give particular weight in light of the fact that it is this segment of the population that would be affected the most. While the appeal of granting legal status to the 3 to 6 milion illegal aliens estimated to be living in the United States is a strong argument in favor of passing H.R. 1510, the prospect of widespread discrimination, as described by those who would be its victims, turns this argument around. Even the protections offered by the House Education and Labor Committee's amendments, which I support, can only deal with that problem after the fact.

Another concern of mine relates to provisions in H.R. 1510 that will make it easier for agricultural employers to hire foreign guest workers instead of domestic workers. This would seriously undercut efforts in certain States to organize farm laborers to improve miserable working conditions and substandard wages.

I direct my colleagues' attention to the following letters from leaders of the Hispanic and religious communities in southern California. These letters were accompanied by thousands more letters opposing the bill from religious leaders, local pastors, civic and labor representatives, public agency directors, and local residents, both legal and undocumented. Their message is a vital contribution to the debate on this issue.

SEPTEMBER 20, 1983.

Hon. HOWARD BERMAN,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BERMAN: Once again we are walking the halls of the Capitol sent by important constituencies of the Hispanic community and additionally religious, civil, and labor sectors to impress upon you our many concerns regarding the specter of passage of the Simpson-Mazzoli bill, House version.

Recently, public hearings were held in Los Angeles and Orange Counties, sponsored by the League of United Latin American Citizens (LULAC), and many prominent and representative organizations, to hear testimony of the present consequences of this national immigration legislation.

Our country has not the luxury of experimenting with such legislation. Those most affected by this legislation, those who will be impacted the greatest—the Hispanic, Black, and other minority and worker communities—certainly don't have the luxury of experimenting with capricious treatment of their civil rights, economic status, and general social well being. These communities don't have to wait for this legislation to pass to ascertain the impact—good or bad—on their lives. They already know for they are feeling it today.

Testimonies received during those hearings by religious leaders, local pastors, civic and labor representatives, public agency directors, local community residents—citizens residents, and undocumented; clearly bear out our position that Simpson-Mazzoli legislation has no place in our society.

We implore you to listen closely to these constituencies to bear in mind their arguments, to respect their opinions regarding the deteriorating quality of life due to the mere specter of this legislation's passage.

We have brought literally thousands of letters from these constituencies firmly in opposition to the bill.

The national office of LULAC is facilitating our contact with your good office for the purpose of gaining your cooperation in this matter. Specifically, we would like you to make available these thousands of letters to such important congressional leaders as the Honorable Speaker of the House Thomas "Tip" O'Neill and the House Rules Committee Chairman Claude Pepper.

We appreciate your timely cooperation in this matter

Respectively,

BERT CORONA,
Hermandad Mejicana y
National Immigration Coalition.
NATIVO V. LOPEZ,
Hermandad Mejicana Nacional.

The following organizations are also endorsing these letters:

Pete C. Beltran, President, G.M. Local 645 U.A.W., AFL-CIO, Van Nuys, California.

Kenny Scott, Secretary Treasurer, Local 25, Intl. Brotherhood of Carpenters, AFL-CIO, Los Angeles, California.

Joe Placentia, President, U.A.W. Local 808, AFL-CIO, Maywood, California.

Vernon Watkins, President, So. California District Council, AFSCME, AFL-CIO, Los Angeles, California.

Frank Gurule, Secretary Treasurer, Local 721, Int'l Brotherhood of Carpenters, AFL-CIO, Los Angeles, California.

Archie Murrietta, President, Local 209, International Brotherhood of Teamsters, Los Angeles, California.

Arlene Mordiosini, President, Local 911, International Brotherhood of Teamsters, Long Beach, California.

Frank Wilkinson, Executive Director Emeritus, National Commission Against Repressive Legislation (NCARL), Los Angeles, California.

Peter Achey, National Director, National Center for Rights of Immigrants, Los Angeles, California.

Antonio Rodriguez, Esquire, Director, Coalition for Rights and Visas for Undocumented Persons, Los Angeles, California.

Bert Corona, West Coast Coordinator, National Immigration Coalition, Los Angeles, California.

Nativo V. Lopez, Hermandad Mexicana Nacional, Orange County, California.

Father Allan Figueroa Deck, Director of Hispanic Minority, Catholic Diocese of Orange County, Orange County, California.

Jake Alarid, National President, American G.I. Forum.

Fernando Chavez, President, Mexican American Political Association.

Ray Najera, Hispanic Businessmen and Professional Association.

THE EPISCOPAL CHURCH IN THE
DIOCESE OF LOS ANGELES,
Los Angeles, Calif., September 16, 1983.

Representative THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, House Office Building, Washington, D.C.

DEAR MR. SPEAKER: We, the undersigned religious leaders in the Los Angeles area, convened by Cannon Oliver Garver of the Episcopal Diocese of Los Angeles, are deeply opposed to the possible enactment of the Simpson/Mazzoli Immigration and Reform Act of 1983.

We have a special interest in the outcome of this legislation, since Los Angeles has the largest population of immigrants and refugees, both documented and undocumented, of any city in the United States.

We do not believe that this important legislation has been properly presented for public debate, particularly within the impacted minority communities. While Congressional hearings have been held, representatives of the immigrant and minority groups which will be most affected by this legislation have not been adequately heard.

We believe that immigration reform legislation is needed. However, we are of the view that the Simpson/Mazzoli legislation would be a major step away from achieving this goal. In our judgment, immigration reform must address the following: a broad and humane amnesty proposal under which undocumented immigrants presently living in the United States can qualify; elimination of the massive visa backlogs; humanization of the treatment of undocumented immigrants and applicants for political asylum (including access to essential social services); preservation and expansion of the family reunification programs; and, elimination of the temporary worker programs.

Instead of accomplishing these objectives, we believe that the Simpson/Mazzoli legislation would cause:

1. Massive increases in the importation and inevitable exploitation of temporary workers;

2. Significant increases in the existing back-logs of visa applications;

3. Cut-backs in the already minimal, but essential, due process rights in proceedings

before the Immigration and Naturalization Service;

4. An ineffective "amnesty" program which will deny legalization to the great majority of undocumented workers, while creating a massive pool of exploitable "temporary resident" workers, and threatening thousands of immigrant families with mass deportations;

5. Reduction of lawful immigration for family reunification purposes, while increasing lawful immigration opportunities for those of wealth (in our opinion this will simply increase the number of immigrants entering the United States without documents); and,

6. Discrimination against minorities and unnecessary hardships for U.S. employers, labor unions and employees, through implementation of the employer sanctions programs.

For all of the above reasons, we urge that further Congressional consideration of a comprehensive overhaul of the Immigration and Nationality Act be deferred in this Congress.

We urge your opposition to the Simpson/Mazzoli legislation, and hope that a more humane and comprehensive bill can be prepared for and considered in the next Congress.

Sincerely Yours,

Most Reverend Juan Arzube, Roman Catholic Archdiocese, Los Angeles; Bishop Stanley E. Olson, Pacific Southwest Synod, Lutheran Church in America; Reverend Eugene C. Boutilier, Executive Director, So. California Ecumenical Council; Mark Ridley-Thomas, Exec. Director, Southern Christian Leadership Conference/Los Angeles; Dr. Charles A. Malotte, Executive Pastor, Southern California Region, Christian Church (Disciples of Christ); The Rev. Canon Morris Samuel, Cathedral Congregation, Episcopal Diocese of Los Angeles; Dr. Ignacio Castuera, Los Angeles District Superintendent, United Methodist Church; The Reverend Bryan Jones, Co-rector, Epiphany Parish, Episcopal Diocese of Los Angeles; Father John D. Noble, Hispanic Commission, Episcopal Diocese of Los Angeles; The Rev. Canon Oliver B. Garver, Jr., Assistant to the Bishop, Episcopal Diocese of Los Angeles; The Rev. Dr. Thomas Kilgore, Jr., Pastor, Second Baptist Church of Los Angeles; President, The Black Agenda; Dr. George Cole, Assoc. Executive, Synod of Southern California & Hawaii, Presbyterian Church, U.S.A.; Dr. Elias Galvan, Executive, Council of Ministeries, Pacific Southwest Conference, United Methodist Church; Mardy Olivas, American Bible Society; Dr. Fred P. Register, Conference Minister, Southern California Conference, United Church of Christ; Reverend Norman S. Johnson, Pastor, Greater Faith Baptist Church; Reverends Philip Zwerling and John Marsh, First Unitarian Church of Los Angeles.●

UNITED STATES SHOULD KEEP WEATHER SATELLITES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. ANDREWS of Texas. Mr. Speaker, on September 19, I along with 14 of my colleagues in the House and 9 Members of the Senate, introduced a concurrent resolution which expresses the sense of Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

This year the Natural Resources Subcommittee of the House Committee on Science and Technology, which is chaired by the distinguished gentleman from New York, Mr. SCHEUER, held five hearings on the proposed commercialization of our earth satellite system. During those hearings, one idea became abundantly clear; President Reagan's decision to transfer our Government's weather satellite system to the private sector is not a sensible or cost-effective idea.

Presently, the National Weather Service accounts for 95 percent of the first use of our weather data. Does it then make economic sense for the Government to sell its $1.6 billion weather satellite system to a private concern at a greatly reduced rate, only to sign a long-term monopolistic contract for data services which could end up costing taxpayers more than $100 million per year.

Our national security depends greatly upon data gathered by our weather satellites. Under the current arrangement, the Department of Defense receives priority consideration for information from these satellites during emergency situations. Is it smart to risk our national security to a private company whose primary motivation is profit not service? A joint Department of Defense/NASA study on this issue concluded that "there is considerable financial, policy, and program risk to the government in commercializing weather satellites. . . ." In fact, the Department of Defense in reviewing the Commerce Department's "Request for Proposal" for commercialization insisted that a provision be included which would continue our policy of allowing the free and open distribution of weather data to our allies around the world. They insisted on the provision because of their fear that should the United States begin selling weather data to foreign governments instead of offering it free, those foreign governments will limit the data they provide to the United States, data which is crucial to our international military operations.

This leads to the inescapable conclusion that the transfer of weather satellites to the private sector is not militarily prudent nor commercially viable. If free weather data to foreign governments is guaranteed, as proposed by the administration, then foreign markets for the weather data are eliminated. Because the information being disseminated to the foreign countries will be traveling on public airwaves, the information will be easily picked up by domestic markets as well. In short, the only market left for the weather data will be the U.S. Government.

Although these facts alone argue against the transfer of our weather satellites to the private sector, the lessons of Hurricane Alicia and the devastation she wreaked on the Texas gulf coast region generally, and my district specifically, was and is a chilling reminder of how valuable our weather satellites and the national weather services are to ensuring the safety of millions of Americans who reside in areas which regularly experience severe weather conditions. The lives that were saved and the property damage that was avoided because of the accurate and timely reports on the progress of the storm provided by the Hurricane Control Center and the local National Weather Service stations are substantial. Who but the Federal Government should have the responsibility for providing these forecasts and warnings regarding severe weather in order to protect property and guard the public safety?

A clear message must be sent to the President that Congress is not interested in placing our national security and public safety in the hands of private concerns. I have been asked on several occasions why I have introduced this legislation when Congress has already passed a joint resolution declaring that no sale of weather satellites should take place without congressional approval of its terms. The reason is simple: We do not need to wait for the Department of Commerce to complete the RFP process before alerting the administration to our opposition to the inclusion of weather satellites. Selling our Nation's weather satellites is a bad idea; it was a bad idea last March when the administration proposed it and it's a bad idea now. It is time to settle the question of weather satellites once and for all, and concentrate on the crucial issues surrounding our land remote sensing satellites.

I would like to draw my colleagues' attention to a series of editorials from the Houston Post, the New York Times, Washington Post, and USA Today, all of which voice opposition to the sale of our weather satellites. The arguments they make are quite com-

pelling, and I ask that you take the time to review them carefully.

I urge all of my colleagues to join with me in sponsoring this worthwhile and timely legislation. Let's not waste any more time or money on this issue. Even if the administration turns a deaf ear to our mandate at least our collective voice will ring loud and clear in the board rooms of those companies who would bid on our weather satellite system.

Thank you.

[From USA Today]

U.S. SHOULD KEEP WEATHER SATELLITES

Sunshine: $5.
Snow: $10.
Thunderstorms: $25.
Hurricanes: $1,000.

If the Reagan administration goes through with its plan to sell the nation's four weather satellites to private industry, then Americans might find similar price tags on some of the weather information they now receive free.

Routine weather information still would be available to the public, but the administration hasn't explained what would be considered routine. If you live in tornado country, for instance, would the government still provide you with warnings about tornado conditions? Would farmers still be warned about heavy rains and frosts? Would motorists be warned of approaching snowstorms? Or would the private weather firm charge extra for such information?

To what extent would a private firm share essential data with airlines? The space program? The Defense Department? Would it continue the research and expansion that has made America's weather system the best in the world?

There are no answers available to these questions because the administration hasn't studied the potential effects of selling the satellites. But some members of the administration oppose the sale, and hearings on the proposal were quickly scheduled for next month in Congress.

The administration mainly wants to get rid of the Landsat satellite, which surveys the earth for crop information and minerals. Landsat has been losing money because there haven't been enough buyers for the information. But private industry wasn't interested in bidding on Landsat alone, so the weather satellites were added to the package.

What price tag dangles from the weather satellites, which cost $1.6 billion? Only about $315 million. The government also would subsidize the private buyer for 15 years, reportedly to the tune of $5 billion. The Defense Department estimates that the sale would cost taxpayers about $800 million more over 10 years than what it would cost the government to operate the weather satellites.

There may be some government operations that belong in the private sector, but weather forecasting isn't among them. This vital operation touches all our lives. It is essential when we schedule the family picnic, make travel plans, see dark, heavy clouds swallow the horizon.

The Weather Service has helped to save lives. Its warnings about cold weather and rain result in millions of dollars in crop savings each year. It is one of the most vital services provided by government, and the proposal to farm it out to private industry should be met with thunder and lightning—and a whole lot of hail.

[From the Houston Post, July 31, 1983]

SATELLITE SALE STORM

President Reagan's porposal to sell the government's expensively developed weather satellites to a private corporation is being protested by the World Meteorological Organization based in Geneva. Aksel C. Wiin-Nielsen, secretary-general of the U.N. agency, appeared before a House subcommittee to warn that commercialization of the satellites could have strong repercussions for weather observation everywhere.

Control of the space system by a private company, he said, "would result in a degradation of the quality of satellite-derived meteorological observations, which are the life blood of the world meteorological system." In the Commerce Department proposal to sell the satellites, it was apparent that the Communications Satellite Corporation would be the only likely bidder. Deputy Commerce Secretary Guy W. Fiske resigned last May after admitting that he had discussed prospects for working for COMSAT at the same time he was supervising the study that resulted in the sale proposal.

So far the White House has shown no recognition of the possible weakness in the plan or mounting opposition to it. Rep. Harold L. Volkmer, D-Mo., chairman of the House Science and Technology Committee's Space Subcommittee, says that in the series of hearings there has been little evidence of support for the proposed sale, in contrast to strong opposition. It would expedite a decision if the administration would withdraw a proposal that has so many evident drawbacks.

[From the Washington Post, Mar. 10, 1983]

SELLING THE WEATHER

The Reagan administration wishes to sell the weather satellites and impose the discipline of the market on the four winds. First, let's consider the administration's proposition on its own terms. Struggling to keep its budget down, it doesn't want to spend more money on weather satellites. But the technology of weather forecasting is advancing rapidly. With more satellite data pouring through the new giant computers, the forecasts might soon be made immensely more precise.

Under the administration's plan, it would sell the present satellites to a private company, or companies, that would then presumably proceed to use private funds to expand the system. The government would pay the private operators roughly what it's spending now for satellite data. The data would continue to go to the Weather Service for dissemination throughout the country and the world. There would be no difference in the weather report that you get on the radio in the morning as you try to decide whether to take an umbrella. But—if the plan worked—there would soon begin to be a flow of much more specific and accurate forecasts available at a price to commercial users willing to pay. As the administration might put the question, why should the general taxpayer provide free service to businesses?

The answer is, of course, that it's not only businesses that have an interest in more accurate forecasting. Storm warnings are an obvious example. If a city were to fall behind in its satellite bills, when would it hear about the next snowstorm? Among the businesses that need better weather information, the most important is farming. It's not only a matter of cheaper food. If a farmer knows exactly how the wind will blow for the next several days, he can afford to use less pesticide when he sprays. With better rain forecasts, he needs less water for irrigation. And that saves money for the federal government itself, since it is the government that provides most of the water. When the administration speaks of the cost of the additional satellites as hundreds of millions of dollars, that is not the net cost. Net cost is less, if better weather data help the economy to operate more efficiently.

The debate over the weather satellites is another example of the truth that cutting the federal budget doesn't always save money. If it simply means shifting costs from public to private budgets, society doesn't necessarily gain. In this instance society would lose by a substantial amount with the restriction on access to forecasts of value to just about everybody. But it's merely a hypothetical case, since Congress seems totally disinclined to pass the legislation.

[From the New-York Times, May 14, 1983]

A GOVERNMENT THAT WOULD SELL THE SKY

A few weeks ago the Administration announced it was going to sell the nation's four weather satellites to private industry. Instead of presenting a specific case for commercialization, it merely waved the flag of anti-Government ideology. The satellites "would be better operated by the private sector," the White House asserted. "The private sector is what made America great," explained the official in charge of the satellites.

This high-orbit rhetoric, it turns out, clothed a more mundane purpose. It wasn't the private sector that pursuaded the Administration to action, but a private track established by the Communications Satellite Corporation inside the Department of Commerce, which runs the satellites. Comsat had been lobbying for two years to have the Government sell it the $1.6 billion satellite system for about $300 million, and buy back the data at a guaranteed profit.

First it tried to persuade the department to cut the satellites' budget, apparently to make the case for divestiture easier. When the proposed sale was rejected last year by the Cabinet Council on Commerce and Trade, the private company persuaded Commerce Secretary Baldrige to order a review. The council was then headed by the Deputy Secretary of Commerce, Guy Fiske. And Mr. Fiske, it now turns out, was holding discussions for a job with Comsat during the period of review. Eight months later the Cabinet Council reversed itself and Mr. Reagan announced the sale would be made.

The department's general counsel has ruled that Mr. Fiske's actions "create the appearance of (a) using public office for private gain; (b) giving preferential treatment to the corporation and (c) losing impartiality." There was no actual conflict, the counsel contends, since Mr. Fiske did not himself make the decision to sell. But the Justice Department is investigating his actions, and Mr. Fiske, denying any wrondoing, has now resigned.

Operating the satellites is an intrinsically governmental function, for which no commercial market exists. True, weather forecasts could be sold, but satellite data are only one of their ingredients. Selling the satellites to Comsat would deprive the Weather Service of control over an important asset and reduce the quality of forecasts for no evident gains in efficiency.

The Administration justified this bizarre plan with a facade of unsupported rhetoric, behind which Comsat was busy tugging strings and dangling job offers. Comsat succeeded in obtaining a Presidential decision in its favor, even though Congress now seems certain to block the sale.

What kind of a Government is it that can be so easily manipulated to act against the public's clear interest?●

SALUTES AMBASSADOR JOHN LOEB

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. KEMP. Mr. Speaker, the American people can be very proud of our Ambassador to Denmark, John Loeb, who returns to the United States this week to join the U.S. delegation for the 38th General Assembly of the United Nations. In a high tribute to Ambassador Loeb's untiring work on behalf of strengthening United States-Danish relations, the Government of Denmark presented him with one of its most prestigious awards, the Grand Cross of the Order of Dannebrog.

The Order of Dannebrog was established in 1671 by King Christian V for extraordinarily meritorious service—primarily for Danish citizens. Her Majesty Queen Margrethe II, at a farewell meeting, decorated Ambassador Loeb with this award. The text of Danish Foreign Minister Uffe Ellemann's remarks on this occasion follows:

REMARKS BY THE FOREIGN MINISTER OF DENMARK, HIS EXCELLENCY UFFE ELLEMANN-JENSEN, AT THE FAREWELL LUNCHEON IN HONOR OF THE UNITED STATES AMBASSADOR JOHN L. LOEB, JR. AT THE DANISH FOREIGN MINISTRY IN COPENHAGEN

Mr. Ambassador, Dear John, Ladies and Gentlemen, by tradition, the Danish Foreign Minister and the Ambassador of the United States of America maintain a dialogue on a variety of important bilateral and international matters.

During your term as ambassador here in Copenhagen we have been able to continue this useful "exercise" through our many open minded and direct conversations.

Let me take this opportunity to say that I have always appreciated the frankness and personal involvement with which you have engaged yourself in our conversation. I also know and appreciate that during your numerous visits to various parts of Denmark you have engaged yourself in a frank and useful dialogue with the grassroots of this country, not least with our young people.

During your stay here we have witnessed with great satisfaction a steady increase in the contacts at all levels between our two nations. Let me mention, as a few cases in point, the Prime Minister's visit to Washington last year, my own conversations with Secretary Shultz on numerous occasions, the visit to Denmark of Deputy Secretary Kenneth Dam earlier this year, and last but not least the very successful visit of Vice President Bush two months ago.

During my visit to Rebild with the Vice President I had the opportunity to point to the historic and strong ties between Denmark and the United States, based upon a close community outlook and ideals. I also mentioned the importance of spurring the dialogue and maintaining unity across the Atlantic. Your mission here has served that purpose, John, and we are grateful for your contribution.

I would like also to make some comments on Danish-American trade relations.

For many years your country has ranked among Denmark's five largest trading partners. During the last three years the United States has been a dynamic market for our exports. This year Danish exports to the United States are expected to reach the 10 billion kroner mark, and 6 percent of the total Danish exports now go to the United States.

In 1983, for the first time in decades Denmark will have surplus on its trade with the United States.

We are fully aware, of course, that trade is a two-way traffic. We therefore also appreciate the importance of the United States as one of our main suppliers. In fact, your country ranks as number 5. The dramatic rise in Danish imports of American goods in 1981 from 7 to 11 billion Danish kroner was partly accounted for by the higher exchange rate for the U.S. dollar, but certainly also by increased Danish purchase from the United States of coal, aircraft and machinery. However, the current exchange rates face the U.S. exporters with hard competition in the Danish market.

For the very first days of your stay in Denmark, Mr. Ambassador, you have taken a very vivid interest in Danish art and culture. You are a frequent and welcome guest in Danish art museums and galleries and the modern Danish paintings which you have acquired and placed on the walls of your Residence will always bear witness to your taste for the best Danish art.

However, your interest in Danish culture has not been only a personal matter. At the official level you have been very active in promoting mutual knowledge of the cultures of our two countries. In regard to Scandinavia Today and particularly in regard to the Danish events in connection with Scandinavia Today you have been a source of inspiration. Your active co-operation has been highly evaluated by the Danes who have worked on these projects. In a few weeks the Prime Minister will inaugurate the last of the Danish events in this field, the exhibition "King and Citizens" in the Jewish Museum in New York City. And we have good reasons to thank you especially for the inspiration you have provided to that project.

You are now about to leave Copenhagen for New York to take up an important assignment as United States Representative to the United Nations General Assembly. I hope that when back in that great country of yours you will remember Denmark, not only as a small and pleasant country in a corner of Europe, but also as a country deeply committed to the Atlantic cooperation and to friendship with the United States.

We thank you and we wish you and your family all the best in the future. Allow me, as a token of remembrance, to present to you this piece of Royal Danish Porcelain.●

RESULTS OF CONSTITUENT SURVEY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. REGULA. Mr. Speaker, I would like to take this opportunity to report the results of my most recent constituent survey. The people of the 16th District of Ohio represent a cross section of America and can therefore be indictative of the mood of the country. The survey comprised 18 questions of national concern. I hope my colleagues find the results informative and useful.

Questionnaire results follow:

1. Should automobiles sold in the U.S. be required to contain a percentage of American parts and labor? Yes—66.67 percent. No—31.06 percent.

2. Do you favor paying housing allowances directly to tenants to give them some choice in obtaining adequate housing under subsidized programs? Yes—18.56 percent. No—76.89 percent.

3. Do you favor a law which would allow young persons to be employed part-time for less than minimum wage? Yes—66.29 percent. No—32.95 percent.

4. Do you favor ERA? Yes—67.23 percent. No—29.55 percent.

5. Do you favor federal tuition-tax credits for parents who send their children to private schools? Yes—44.13 percent. No—54.55 percent.

6. Do you favor voluntary prayer in public schools? Yes—85.42 percent. No—13.26 percent.

7. Do you favor increasing the amount of general revenue monies used to finance the Medicare program to keep it solvent after 1988? Yes—52.08 percent. No—43.18 percent.

8. Do you agree with Pres. Reagan's foreign policy in El Savlador? Yes—34.66 percent. No—54.55 percent.

9. Do you favor repeal of income tax indexing provisions? Yes—31.63 percent. No—59.66 percent.

10. Do you favor defense-spending cutbacks to reduce the deficit? Yes—59.85 percent. No—37.50 percent.

11. Do you favor domestic-spending cutbacks to reduce the deficit? Yes—69.51 percent. No—26.52 percent.

12. Do you believe the U.S. should provide covert aid to forces opposing the Sandinistas in Nicaragua? Yes—27.84 percent. No—60.42 percent.

13. Do you support continued controls on the wellhead price of natural gas? Yes—68.75 percent. No—22.54 percent.

14. Do you support import quotas as a means of combating dumped or subsidized imports? Yes—75.76 percent. No—17.61 percent.

15. Do you support the President's proposal for antinuclear laser defense system in space? Yes—54.92 percent. No—32.95 percent.

16. Do you favor a bilateral and verifiable U.S.-Soviet nuclear weapons freeze? Yes—83.14 percent. No—12.31 percent.

17. Would you support replacing the present progressive federal income tax with a flat rate eliminating most deductions? Yes—60.61 percent. No—31.44 percent.

18. Would you support regulations to curb "acid rain" if they would increase your electric bill? Yes—40.15 percent. No—53.60 percent.●

SYLVIA L. CASH

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. VALENTINE. Mr. Speaker, Sylvia L. Cash, CPS, was elected on July 18, 1983, as international president-elect of Professional Secretaries International. Ms. Cash, a member and former president of the District of Columbia chapter of PSI, has had a distinguished career as a professional secretary and has served in numerous capacities within PSI. Selected to fill the highest post in the preeminent professional association of secretaries, an organization with over 40,000 members, Ms. Cash stands as a model for her profession.

A native of Durham, N.C., an integral part of North Carolina's Second Congressional District, Ms. Cash is currently secretary to McGee Grigsby, Partner, and Bruce C. Rosenblum, Associate, with the law firm of Latham, Watkins & Hills in Washington, D.C. She has served as treasurer, vice president, and president of the District of Columbia chapter of PSI and as vice president and president of the Delaware-Maryland District of Columbia Division of PSI. From 1979 to 1981, Ms. Cash was the international director for the southeast district and during 1982 and 1983, she held the post of international first vice president.

Mr. Speaker, I congratulate Ms. Cash on this outstanding achievement.●

THIS IS YOUR SQUADRON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. FAZIO. Mr. Speaker, this weekend in Williamsburg, Va., the 414th Night Fighter Squadron will come together after almost 40 years to celebrate their achievements in the Mediterranean theater and throughout the Second World War. Like many other units of the 12th Air Force, the 414th played a key role in the defeat of Nazi Germany and the retaking of northern Africa and western Europe for the forces of freedom. These gallant men and their families deserve the congratulations and best wishes of the U.S. Congress as they move into retirement. They have served this Nation well and have earned our undying respect and admiration for the contributions they have made to the preservation of democracy.

So that we may once again appreciate the contribution of the men of the 414th and their comrades who died during the war and since, I will include a brief history of the squadron written soon after the war by 1st Lt., Air Corps, J. E. Swartz.

THIS IS YOUR SQUADRON

Perhaps twenty years from now, when our children study the history of World War II, they will know little about the 414 Night Fighter Squadron. To them this war, so real to us now, will be vague and unfamiliar. They will know only that it was over and victory was ours. Individual units will be lost in the maize of events before them. To us, the men in the 414, it is important, however. It is an organization that its members are proud of, one that takes pride in every man in it, now that one big job, the European War, is written off. We'd like to take time to reflect and sum up just what the "Four One Four" has accomplished during the twenty-eight months since January 26, 1943 when it was activated at Orlando, Florida.

Under the command of Major A. W. Cowgill, the newly-formed 414 N.F.S. spent its first month completing the complement of Officers and Enlisted Men in preparation for the jump across the "Big Pond". The Air Echelon departed from Camp Kilmer, New Jersey, on 23 March 1943, sailing on the old Empress of Japan, now known as the Empress of Scotland. Debarking at Liverpool, England, they proceeded to Cranfield Airdrome. It was here that they first met the English Beaufighter, or "Bristol's Abortion", as someone so aptly dubbed it.

While the Air Echelon was undergoing operational training, the Ground Echelon left Kilmer and headed for Oran, Africa. It is doubtful if members of the original group arriving at Oran will ever forget it. Here it was that they learned the horrible truth that not all the travel folders about picturesque and sunny Africa were true. Living in pup tents, surrounded by mud up to their knees, and being introduced to that famous army delicacy, "C" Rations, left a lasting impression.

In mid-June the Ground Echelon moved to Reghaia Airfield, Algeria, Africa, to set up the base in preparation for the arrival of the rest of the squadron. In the meantime the Air Echelon had completed its training in "Beau's", seen the sights of England, enjoyed the hospitality of the British airmen who trained them, and were getting ready to proceed to Reghaia.

At the tail-end of the Tunisian Campaign and just before the invasion of Sicily the 414th became operational in the early part of July 1943, being the first American N.F.S. to operate in this theatre. Most of their work consisted of long, tiring harbor patrols, or protecting shipping on the African Coast. However, in the latter part of July a detachment was sent to Protville, Tunisia, from whence aircraft of the squadron flew on offensive patrols for the period of about one week in an attempt to intercept enemy transports flying between Italy and the islands of Corsica and Sardinia. Two Italian transports were destroyed during these operations, in addition to an "assist" on another victory which was scored by 415 squadron.

Meanwhile, the routine work of protecting harbors and convoys was kept up, and after the opening of the Italian campaign in September, 1943, the squadron moved to Elmas, Sardinia, in the latter part of October, the island having been evacuated by the Germans a very short time before. The unit was then under the command of Major Earl T. Smith, who had replaced Major Cowgill in September.

By the time the Anzio beachhead was opened late in January, 1944, the squadron had four victories to its credit, all of them having been daylight encounters. With the new campaign under way, the job of protecting Anzio from attacks by aircraft based in Southern France was given to the squadron. This was carried out by detachments operating from advanced fields in Corsica, while normal operations were continued from the home base at Elmas, in addition to a considerable amount of Air-Sea-Rescue work. The success of the detachment in Corsica in stopping attacks on shipping at Anzio by the German Air Force in Southern France was the basis for the Presidential Citation which was later awarded the squadron.

On 1 June 1944, Lt. Col. C. H. Bolender, than a Major took command of the squadron, replacing Major Smith, who was transferred to assume command of a Fighter Control Area. 8 June 1944 marked a new era: Night Intruder work over Southern France. The 414 was the first American N.F.S. to do night intruding. Since that time, they have kept up the record by getting more experience and better results than any other similar outfit.

The next three months was spent in moving, 22 June 1944 they moved from Elmas to Alghero, Sardinia; 4 September from Alghero to Borgo Airfield, Corsica; and finally to Pisa Airfield on the Italian mainland, 12 October 1944. Remaining operational during all these moves was not easy, what with intruder missions and patrols being flown in support of the invasion of Southern France, and additional intruders being flown over the Po Valley in Northern Italy, but it was done.

After moving to Pisa the squadron began to do more and more intruder work. This they handled in grand style, severely hampering the enemy's communications and transportation in the Po Valley. Patrols were limited mostly to "Nickelling" missions, (dropping of Psychological Warfare leaflets to German troops). Many of these "Nickels" have been instrumental in bringing about the surrender of "Jerry" soldiers.

On 28 November the squadron moved from Pisa to Pontedera Airfield, Italy, where they are at this writing. For a Christmas present they received their first P-61 "Black Widow". They continued operating in the Beaufighter while undergoing transitional flying in the "Widow", however, and on 20 January 1945 the last was seen of "Old Beau" as it was bid a fond good-bye, and the squadron then went operational in the P-61. For many of the men there will always be a soft spot in their hearts for the "Beau", but with a newer and faster aircraft they were hoping to continue to put the fear and respect of their striking power into the hearts of the enemy that "Whispering Death", as the "Hun" called the Beaufighter, had given them.

On 27 January 1945 twenty-six officers and fifty-two enlisted men left the squadron with six aircraft for Belgium. Here they were to work with the 422nd Night Fighter Squadron in the Campaign of Western German.

The remaining part of the squadron, here in Italy, under the direction of Lt. Col. Bolender was initiating yet another new night

fighter technique: Night bombing with the P-61. With bombs at their disposal they pounded harder than ever before at enemy installations during the last days of the Italian war. The climax was reached when, at the height of the Po Valley Campaign, the squadron was called on one day to perform daylight bombing missions. With everyone in the squadron hard at work, (even some of the cooks were helping on the line) a maximum effort was put forth, and the first mission saw every one of the squadron's aircraft airborne on a mission.

In the meantime the crews in Belgium had been maintaining an excellent intruder record and had moved on to Euskirchen, Germany with the 422nd. There they added two more "firsts" to the squadron's list, being the first American Night Fighter to take off on an operational mission from German soil and getting credit for the first four victories over enemy aircraft by American Night Fighters based in Germany.

In summing up, Let us say again, we have an outfit to be proud of. Perhaps, not the most famous there is, but one that has done a job and done it well. Let our record speak for itself.

Total operational hours: 6952:45.
Aircraft destroyed: 13.
Aircraft probably destroyed: 1.
Aircraft damaged: 1.
Locomotives destroyed: 38.
Locomotives damaged: 68.
Rail cars destroyed: 17.
Rail cars damaged: 420.
Motor transport destroyed: 143.
Motor transport damaged: 280.
Total weight bombs dropped: 195,000 lbs.●

A TRIBUTE TO MRS. BARBARA HICKS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. MOORHEAD. Mr. Speaker, the Camp Fire Council of the Foothills will honor one of its most dedicated and active volunteers, Mrs. Barbara Hicks, on October 26, 1983.

Since she first became a Camp Fire girl at the age of 11, Barbara Hicks has been as closely involved with the movement as anyone else in the history of the Camp Fire Council of the Foothills.

She has been a camp counselor; an assistant camp director at Camp Wasewagan in the San Bernardino mountains; a Blue Bird leader and a member of the professional staff of the Santa Fe Trail Council Camp Fire for 5 years, later serving as council president.

During her many years of cheerful and able service, Mrs. Hicks has received two national Camp Fire honors for imaginative leadership and distinguished volunteer service to the community and its youth.

Mr. Speaker, it is a pleasure for me to help honor a woman whose record of care and concern for Camp Fire girls is unmatched. For the years of affectionate giving, Mrs. Hicks deserves our gratitude, esteem, and emulation.●

TRIBUTE TO THE LATE CONGRESSMAN PHILLIP BURTON

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mrs. BOXER. Mr. Speaker, I commend to my colleagues these fine remarks in honor of our late friend, Congressman Phillip Burton. They were made by Ralph M. Hockley, president of Chapter 65, San Francisco, National Association of Retired Federal Employees at the presentation and planting of a memorial tree in a meadow of the Golden Gate National Recreation Area on August 29, 1983.

Congresswoman Sala Burton, Mayor Feinstein, Superintendent Davis, Representatives of Senator Cranston and Congresswoman Boxer, members of the San Francisco Chapter of the National Association of Retired Federal Employees, Guests:

We are assembled here today to do something which, in our day and age and the hectic pace of our lives, is done far too infrequently: to say thanks to a loyal friend for what he did for us and for our country. Sadly, the friend we are honoring today, the Hon. Phillip Burton, Congressman for the Fifth District of California for almost 20 years, was taken from our midst in April. As a result, he was unable to complete the task he had set for himself. But we who are assembled here today know that what he accomplished in the time given to him on this earth, be it for the environment, the underprivileged or for retirees like ourselves, was indeed a great deal.

We have come together this morning to pay homage to our friend, Phil Burton. In searching for an appropriate manner to say thanks, we of the San Francisco chapter of NARFE felt that we could best honor Phil by planting a tree, a Monterey Cypress, in the midst of this meadow which belongs to the Golden Gate National Recreation Area, an area which he was instrumental in creating. All of us know how close to his heart the improvement of the environment was.

We of NARFE are thanking Phillip Burton this morning for his many years of support in Congress of Federal Government retirees and of active employees of the Federal Government. He always understood that loyalty was a two way street and that, if the American people expected, as it should, total loyalty from the Federal workforce, those government workers also deserved the loyalty of those who have control of their destinies, the President, as head of the Executive Branch, and the Congress, in its legislative efforts. There has been in the past seven years, a considerable amount of controversy regarding the rights of Federal Government employees and retirees. This controversy has dealt with both employment conditions and retirement benefits. I am proud to say that in all the debates which have taken place regarding these topics, our good friend Phillip Burton, never flinched in his support of government employees and retirees and that his understanding of loyalty was one of total loyalty. He looked at government retirees as human beings and treated them as such. In a day and age when a social conscience has become more and more a rarity among politicians, Phil Burton exhibited his social conscience on a continuing basis. He was a real "Mensch," a real human being. We thank him today for having fought on our behalf for so many years by having planted this Monterey Cypress as a living and loving memorial to him. A plaque, to be placed in the National Park Service Headquarters nearby, will remind future visitors and citizens of Phil Burton's activities and of our gratitude. The plaque states:

"In Memory of the Honorable Phillip Burton, United States Representative, August 29, 1983, A Monterey Cypress tree was planted at the northern edge of the Great Meadow, across from the stairway leading to lower Fort Mason, in gratitude for the many services he rendered their association, by the members of National Association of Retired Federal Employees, San Francisco Chapter No. 65."

Congresswoman Sala Burton, it is my pleasure and privilege to present this plaque to you. Golden Gate Recreation Area Superintendent John Davis will see to it that it is properly exhibited in his headquarters building. Do consider these two tokens as an expression of our friendship and our thanks to your late husband. We will always remember him with fondness. Thank you.●

AMERICAN LEGION POST NO. 273

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. MARKEY. Mr. Speaker, It is my distinct pleasure to bring to the attention of my colleagues in the House the installation of officers of the American Legion Post No. 273 of Burlington, Mass. This fine organization, like American Legion posts throughout our Nation, provides sound advice and a helping hand in times of need to veterans and their families. Post No. 273 in particular has established itself as an important part of the town of Burlington, and a great deal of the credit should go to the Post's outgoing Commander John O'Neil and outgoing Auxiliary President Charlotte O'Neil. I am certain newly installed Commander Lawrence E. Wilson and Auxiliary President Marianne Ganley will maintain the post's extraordinary record of service.

I ask my colleagues to join me in commending the past work of Post No. 273 and in extending very best wishes for a fruitful and fulfilling future.●

LEGISLATION TO CLARIFY FEDERAL-STATE REGULATION OF DUTY-FREE SHOPS

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. HEFTEL of Hawaii. Mr. Speaker, today Mr. DORGAN, Mr. AKAKA, and I are introducing legislation to protect longstanding concession relations that some States and local authorities have

established with duty-free stores operating within their borders. This legislation will clarify the legal status of duty-free shops that operate in many U.S. airports and other international terminals in this country. We are introducing this bill to remedy a problem that has been created for duty-free shops by recent actions by Congress and the U.S. Customs Service, which have inadvertently jeopardized both the operations of a number of legitimate duty-free businesses and the longstanding ability of States to regulate certain aspects of duty-free shop operations.

As anyone who has ever been to an international airport knows, duty-free shops offer merchandise for sale exclusively to international travelers. However, duty-free shops are not limited to airport locations. Along the Canada and Mexico borders, for example, a number of small retail liquor stores operate duty-free outlets to sell to customers who are leaving the country.

International travelers can purchase duty-free merchandise, whether French perfume, Japanese cameras, or tax-free domestic goods at frequently substantial savings. These savings can be realized because the merchandise is sold to the departing traveler free from the duty that must be paid on such goods if they were intended for consumption in the United States.

A number of States have established concession arrangements with duty-free stores that operate at or otherwise use the facilities of State-run airport or other terminal facilities. These concession arrangements can often provide the State or other government authority with substantial revenues to help offset the operating costs associated with the terminal facility. In my State of Hawaii, for example, duty-free license arrangements provide the State airport authority with over 40 percent of its total, statewide operating costs. In 1981, the contribution made to the State airport system, which is extensive due to the island nature of my State, amounted to $36 million.

As the Federal Government continues its efforts to shift the financial burden of various programs to State and local governments, it is imperative that we not take any action that will interfere with the States' abilities to collect revenues for important public services. In the case of duty-free shop concession fees, we must be especially careful to protect the longstanding relationship between State licensing authorities, where they are requiring concession or other licensing arrangements from such businesses, and legitimate duty-free operations.

The U.S. Customs Service has general regulatory authority over duty-free sales transactions. Under Customs regulations, imported goods to be sold through duty-free retail outlets are deposited in secure, bonded warehouses as soon as they are offloaded in the United States. Once the merchandise is sold through a duty-free outlet to an international traveler, it is to be delivered to the passenger in a secure area just before he leaves the country.

Because the merchandise sold by duty-free operations never technically enters the United States, for the purposes of collecting duty on it, Customs has the job of insuring that duty-free goods are kept from entering the stream of domestic commerce, where they would be in unfair competition with duty-paid goods sold by U.S. merchants. However, because duty-free goods are sold solely to an exclusive market—international travelers leaving the country—duty-free stores do not directly compete with domestic retail shops.

In fact, in my State of Hawaii, the principal duty-free shop operator is one of the islands' major employers, providing jobs for some 1,400 Hawaiian citizens. The Hawaii duty-free shops operate with the sanction of the State legislature and have the full support of the Hawaii State Chamber of Commerce and the Hawaii Visitors Bureau.

Although there have been some problems in the past along the Mexico border, in particular, in insuring that duty-free merchandise could not illegally enter domestic commerce, it is my understanding that the Customs Service has now begun a major effort to fully secure the delivery methods used by these operations. To the extent that these efforts do not interfere with State concession or other licensing arrangements with legitimate proprietors of duty-free goods, I fully support Customs' efforts to insure the integrity of this sales process.

Mr. Speaker, the legislation that we are introducing today will clarify the status of duty-free shops under the law and guarantee that State and local government authorities will continue to be able to require duty-free shop operators to obtain concessions or otherwise meet applicable requirements for operating duty-free shops. First, our bill codifies for the first time a definition of a "duty-free sales enterprise." Second, the bill States that where a State or other governmental authority requires a concession or other form of approval in order to engage in duty-free sales, the operator of the duty-free sales enterprise must demonstrate to the Customs Service that it has met such State or other governmental requirements.

This bill is thus self-policing. Enforcing the legislation will not require any additional manpower from the already strained resources of the U.S. Customs Service. In addition, under the explicit terms of the bill, where a State does not require a concession or other licensing arrangement, no action will be necessary by the duty-free shop operator or by Customs. Finally, the existence of a concession or other form of approval from a State or local authority will not prevent the Secretary of the Treasury from denying application to establish a duty-free sales operation or from withdrawing the privilege of conducting that operation where the applicant or proprietor fails to meet other applicable requirements of Federal law or regulations.

Mr. Speaker, our bill once and for all resolves a problem that first arose approximately 2 years ago when the Customs Service attempted to clarify its regulations affecting the treatment of duty-free shops. At the same time, this bill will reserve an important source of revenues for many already beleaguered State governments.

This legislation is the result of a cooperative effort between Congress and the U.S. Customs Service. Moreover, the Trade Subcommittee, on which I serve, has indicated that it will try to hold hearings in the next few weeks on this uncontroversial but necessary legislation. I hope that Congress can act promptly to enact this bill.●

CUT DEFICIT FIRST

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. DORGAN. Mr. Speaker, last week, I voted against H.R. 1036, the Community Renewal Employment Act. I opposed this bill because I think it is wrong for Congress to proceed on a phase 2 jobs programs without having addressed the deficit crisis that confronts the country.

I do not believe that new jobs are created in the long run by increasing the Federal deficit that is already approaching $200 billion. The fact is, our country cannot sustain these kind of deficits and hope to maintain any kind of long-term economic growth.

I am not opposed to jobs or any type of legitimate aid to the unemployed, and I am willing to work in any way possible to create new jobs in this country. Congress has already committed itself to spend over $14 billion on new jobs, job training, and unemployment programs during fiscal years 1983–85, and I have supported these. But new jobs or long-term employment are not created in the long run by passing legislation that will only increase the burden on the budget deficit and our Nation's economy. What we end up doing is choking off economic recovery because it means that we will be spending more money without the resources to pay for it.

And I just cannot vote for another substantial spending program until

congressional leaders and the President are willing to get serious about confronting this deficit problem. I support a freeze on all Federal spending in order to solve this problem, and I am working on my own legislation to do something about this. I think it is time that our Nation's leaders take some action in this regard, too.●

H.R. 1285—THE NATIONAL HERITAGE RESOURCE ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. BOUCHER. Mr. Speaker, I am pleased to join a number of my colleagues in cosponsoring H.R. 1285, the National Heritage Resource Act.

This much needed legislation will amend a 1969 law which originally was devised to stop the large tax deductions taken by individuals who donated their personal memoirs and political papers to various institutions.

An indirect and unforeseen consequence of the 1969 law is that it discourages many artists, writers, and other creators of original works from contributing their art to museums and libraries. The law has resulted in a tax inequity because collectors can donate art and receive the full market value, whereas, an artist is only allowed a deduction for the actual costs of the materials.

As a result of this law, many museums, research institutions, and libraries have suffered a sharp decline in acquisitions from living authors, musicians, scientists, and other artists. The Library of Congress has received only one major original manuscript since 1969, as contrasted with pre-1969 average donations of more than 200,000. All of the Nation's major artistic institutions along with colleges and universities have been disadvantaged as a result of the 1969 law.

The passage of H.R. 1285 will correct this unfortunate situation affecting our public institutions and artists. This measure will assist these institutions in obtaining manuscripts, personal papers, photographs, and works of art by allowing the creators of such original items to deduct the full market value of their contributions. This legislation is supported by many major cultural and educational organizations including the Council of Creative Artists, Libraries and Museums, the American Council on Education, and the Association of American Universities.

This legislation also safeguards the possibility of abuse by listing specific requirements of applicability. The exclusion of political and personal papers from public officials insures that the sense of the 1969 law is retained.

I hope that H.R. 1285 will receive the favorable consideration of the House.●

BANKRUPTCY AND POLITICS: CHAIRMAN RODINO REPLIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. EDWARDS of California. Mr. Speaker, the Washington Post did not print the complete text of Chairman RODINO's reply to Representative HYDE's op-ed piece of September 22, 1983, "Bankruptcy and Politics," which accused the House Democratic leadership of thwarting resolution of the bankruptcy court constitutional problem because of partisan political considerations. I think my colleagues should have the benefit of the chairman's full response to Representative HYDE's comments. The chairman's reply follows:

CHAIRMAN RODINO'S REPLIES

In an op-ed piece in The Post, "Bankruptcy and Politics" (9/22/83), Rep. Henry J. Hyde, R-Ill., praised the Senate for passing a bankruptcy court bill, even though that bill (S. 1013), he says, is probably unconstitutional and laments that the House has not acted to resolve the bankruptcy court crisis. He acknowledges that he supports a bankruptcy court measure (H.R. 3) passed by the House Judiciary Committee that is of clear constitutionality, but accuses the House Democratic leadership, including me, of thwarting resoluton of the bankruptcy court problem for partisan political reasons: that we want to prevent President Reagan from appointing any new judges.

This is one of the rare issues on which Representative Hyde and I almost agree, for he is right on the law but wrong on the politics of the issue. It is the injection of legislative issues totally unrelated to the bankruptcy constitutional problem and the Administration's own politics-playing that has stymied resolution of the bankruptcy court issue.

On the bankruptcy court issue we agree on what should be done: Establish an Article III court in which the judges are given lifetime tenure and are protected from pay cuts. H.R. 3 does that, and it provides President Reagan authority to appoint at least two-thirds of the 227 judges authorized—all of them if he is re-elected.

That is all the bill does. Politics has been injected into this matter, but the injection has come not from the Democratic leadership but from the present administration and the lobbyists for selfish financial interests.

The administration has seized on this court crisis to leverage additional lifetime generalist federal judges, which is an entirely separate problem. The money-lenders' lobbyists are seeking to use the bankruptcy court problem as a vehicle to ram through unrelated substantive changes in the bankruptcy laws; changes that are the most controversial and far-reaching in the bankruptcy law in 100 years—changes that would, in the words of one scholar, transform the code into a "mass peonage statute."

Unlike the Senate, the House operates under a germaneness rule to ensure the orderly and thoughtful consideration of legislation. Under it, issues that are not relevant to the subject at hand are out of order. But armies of well-heeled lobbyists are pressuring the Rules Committee to subvert House rules and the traditional legislative process to permit these changes in the law that are totally unrelated to the urgent constitutional issue.

H.R. 3 is stalled, because the Democratic leadership has fought off this unprecedented attempt to undermine the Rules. For with leadership comes responsibility, and a responsible leadership has sought to preserve the institutional integrity of the House, to protect a tradition that has over many years blocked ill-considered special interest legislation. It seeks to do what the House has always tried to do: consider separate issues separately under the deliberative House process.

There may be a need for more federal judges. But there should be hearings to consider that need on a district-by-district basis, as has always been done in the past. There may be a need for changes in the bankruptcy law. I have, in fact, introduced a bill to make substantive bankruptcy law changes, although it does not include the most onerous and overreaching provisions sought by the lenders.

I have repeatedly said that, once the bankruptcy court problem is resolved, I will begin hearings on the other two matters. That pledge still stands.

I can only wish that my colleague Henry Hyde and others who worry about "the stability of our courts and the predictability of our laws"—to use Mr. Hyde's words—would pledge to honor the House Rules and procedures and resolve the court issue separately and swiftly.●

ARTIST, HUMANITARIAN AND COMMUNITY CONTRIBUTOR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1983

● Mr. DELLUMS. Mr. Speaker, Cleveland Bellow is a national and internationally renown artist whose African heritage is reflected in his many pieces which are prominently displayed. He has lectured through our world as well as studied with the most noted artist to grace the globe.

During the sixties his talents were used to pictorially depict the lifestyle of blacks in the United States. In order to promote appreciation for the arts and to instill the importance of proper instruction, he hosted, free of charge, art classes in the Southern States. Mr. Bellow has, in a number of communities, organized art programs for the youth as well as senior citizens. In addition to these endeavors, he has volunteered his expertise to help elect progressive candidates all over the country.

Mr. Bellow serves as chair on the Alameda County Arts Commission, and

serves on the board of directors for Oaklands' Festival of the Arts. He also hosts free seminars for the underprivileged youth and host weekly television programs relating to the arts. Through his work, he has furthered the installation of pride in the minds of black Americans.

It is with great pride that I place the name of Mr. Cleveland Bellow a black American artist, educator, humanitarian and positive role model to be entered in the CONGRESSIONAL RECORD.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 27, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 573, proposed Fair Deposit Availability Act.
SD-538

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to review Federal assistance to State and local victims of crime assistance programs.
SD-226

Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:00 a.m.
Armed Services
To hold hearings on the Office of the Secretary of Defense and its relationship to other elements of the Department of Defense and the executive branch.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on the current economic situation in Brazil.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

10:30 a.m.
*Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on proposed legislation designating funds received from the sale of excess Federal real property to reduce the national debt.
SD-138

2:00 p.m.
Appropriations
Business meeting, to mark up proposed legislation making continuing appropriations for fiscal year 1984.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
To resume hearings in closed session on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
S-407, Capitol

2:30 p.m.
Armed Services
To hold closed hearings on the status of the START negotiations.
SR-222

SEPTEMBER 29

9:30 a.m.
Rules and Administration
To hold hearings to discuss media and the regulation of campaign finance.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To resume hearings on S. 1624, to reserve up to 20 percent of bulk commodity imports and exports for U.S.-flag ships, to allow a tax credit for increased shipping costs, and to establish a capital construction fund for building shipyards, S. 1616, to clarify laws regarding transportation of Government cargoes on U.S.-flag vessels, S. 206, to increase the Secretary of Transportation's role in administering cargo preference laws, and S. 188, to require all U.S. mail shipped overseas to be carried on American vessels.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and S. 1590, to clarify the contractual authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project.
SD-366

Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings on S. 1525, authorizing funds through fiscal year 1986 for administrative expenses of the Federal Emergency Management Agency and for emergency and disaster relief assistance, and to revise procedures concerning State requests for relief assistance.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education, and to review Federal and State efforts to impose higher standards in education.
SD-430

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To resume joint hearings with the House Committee on Foreign Affairs' Subcommittee on Europe and the Middle East on the political economy of the Soviet Union.
2200 Rayburn Building

2:00 p.m.
Judiciary
To hold hearings on the nomination of Sherman E. Unger, of Ohio, to be U.S. circuit judge for the Federal circuit.
SD-226

3:00 p.m.
*Merchant Marine Subcommittee
Commerce, Science, and Transportation
To hold hearings on S. 1197, to enable certain passenger cruise vessels to operate in coastwise trade under the U.S. flag.
SR-253

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.
SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects, and S. 970, to authorize funds through fiscal year 1988 for maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.
SD-406

Foreign Relations
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Energy, Nuclear Proliferation and Government Processes to review nuclear nonproliferation organizational management policy.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold joint hearings with the Committee on Foreign Relations to review nuclear nonproliferation organizational management policy.
SD-419

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

10:00 a.m.
Judiciary
To hold hearing on S. 1841, proposed National Productivity and Innovation Act.
SD-226

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on issues relating to certain changes in the telecommunications industry.
SD-138

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 764, proposed Air Travelers Security Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

Select on Indian Affairs
To hold hearings on S. 1638, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects.
SD-608

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the role of Government.
SD-628

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in Job Corps reform.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-628

Joint Economic
To hold hearings on the emerging economics of agriculture.
SD-138

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

Joint Economic
To resume hearings on job training needs of American workers.
SD-138

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on the European Economic Community (EEC) proposal to reform the common agricultural policy.
SR-328A

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and noncatastrophic accidents for which the Government is primarily responsible.
SD-562

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to markup S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1728, to establish a National Task Force on Organ Procurement and Transplant Reimbursement, and related proposals.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on groundwater contamination.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

OCTOBER 25

9:30 a.m.
*Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
SD-124

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on certain provisions of the Employee Retirement Income Security Act.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATIONS

SEPTEMBER 27

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 141, to provide a special defense to the liability of political subdivisions of States under section 1979 of the revised statutes (42 U.S.C. 1983) relating to civil actions for the deprivation of rights.
SD-226

SEPTEMBER 28

11:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold oversight hearings on certain activities of the General Services Administration regarding the disposal of surplus Federal real property.
SD-138

SEPTEMBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

SENATE—*Tuesday, September 27, 1983*

(Legislative day of Monday, September 26, 1983)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, this promises to be a pressure week. Thank Thee for the leadership, for their patience, their fairness, and their objectivity. Grant to them special wisdom as they guide the Senate through these days. Grant, dear God, that this week will be one characterized by the finest performance of every Senator and every staff person involved in legislation. Move in our midst in ways that will surprise all of us with the ease and proficiency with which business is done this week. Let it be one of the most memorable experiences in the 98th Congress. Give to every Senator and those associated in the labors of these days a very special dispensation of love and grace and blessing. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business until 12 noon, at which time the Senate will stand in recess, as we usually do on Tuesdays, for 2 hours, until 2 p.m., so that Senators on both sides of the aisles may attend their separate party caucuses, which are conducted away from the Senate Chamber.

Mr. President, at 2 p.m. the Senate will resume consideration of Senate Joint Resolution 159. We will continue to debate that measure today as long as circumstances warrant and dictate.

I do not, however, expect today to be a long day. We can modify that appraisal as other Senators may express their wishes and desires.

However, I do urge Senators to consider that tomorrow will be a very full day and I express the hope that we may be able to finish debate on the war powers resolution on Wednesday, even if it is late Wednesday. The reason for that, Mr. President, is that we also have the CR, the continuing resolution, to deal with this week and the extension of unemployment benefits, both of which expire on midnight Friday.

We must also deal perhaps with the conference report on revenue sharing extension, which also expires this week.

So we have a full week and if it is possible to finish war powers on Wednesday evening, I wish to do that. However, the statutory time for finishing it would be 2 p.m. on Thursday, and maybe we can improve on that.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. President, while I have an opportunity, let me now ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, after the recognition of the two leaders on tomorrow, I ask unanimous consent that there be a period for the transaction of routine morning business until the hour of 10 a.m. in which Senators may speak for 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 10 a.m., then, the Senate will resume consideration of Senate Joint Resolution 159 and will continue with that during the remainder of the day as necessary.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, would the distinguished majority leader indulge a question at this point?

Mr. BAKER. Yes.

Mr. BYRD. Would the majority leader be willing to start action on the war powers matter, say, at 10:40 a.m.? I would be happy to give up my time and reserve 1 minute. It seems to me that because of the time crunch——

Mr. BAKER. At 9:40 a.m.?

Mr. BYRD. Yes, 9:40 a.m., because that would give us an extra 20 minutes for debate equally divided, and some Senators may have speeches they can make within 10 minutes. One Senator might be able to make it in 10 minutes.

I am afraid we really would be a little short on time.

Mr. BAKER. Of course, I will.

Mr. BYRD. Mr. President, if I may ask the majority leader one other thing, I understand there is a matter that is of some importance to the Senator's side of the aisle that will occur this evening. There is a somewhat similar matter that is of importance to this side of the aisle tomorrow evening.

Mr. BAKER. All right.

Mr. BYRD. So what impact will those two events have on our time? Would it be agreeable with the Senator if we went beyond 6 p.m. today, as long as we have assurance there will be no action on any amendment, no business transacted, except statements which might mostly come from this side of the aisle today, and the same thing might occur tomorrow evening with no action, no business, except statements, most of which might come from the other side?

Mr. BAKER. Mr. President, I would be happy to do that. I would be happy to continue the Senate in session beyond 6 p.m. on both days for the purpose of statements only if that would be an accommodation, and I believe it would be an accommodation on both sides of the aisle.

Mr. BYRD. And we could run our cloakroom lines at some point to see if there are any Senators indeed who wish to come over and make statements beyond 6 p.m.

Mr. BAKER. Very well.

Mr. President, I will not now put that in a unanimous-consent request. I wish to check one or two things first, but I am sure that would be satisfactory, and I appreciate the suggestion from the minority leader.

However, I think I will go ahead now and change the sequence for in the morning. I wonder if the minority leader is willing to agree that we would each have 2 minutes each instead of 10 minutes each standing order time.

Mr. BYRD. Yes.

ORDER FOR REDUCTION IN LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what that means is that at 9:34 a.m., plus or minus a minute or two for the prayer

and the opening ceremonies, we would be on the resolution tomorrow, say, by 9:40 a.m.

Mr. BYRD. Yes.

Mr. BAKER. And we will accommodate to whatever the reasonable requirements are tomorrow, and I appreciate the offer of the Senator to do so today.

Mr. President, I believe I have nothing further to add this morning and I yield any remaining time under my control to the minority leader if he wishes.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

CONGRATULATIONS, "AUSTRALIA II"

Mr. BYRD. Mr. President, late yesterday afternoon, the Australian 12-meter yacht, the *Australia II,* defeated the American defender *Liberty* in the 25th contest for the America's cup. The victory breaks the longest winning streak, 132 years, in any sport the world over. Ever since the American Yacht *America* first wrested the auld cup from the British off the Isle of Wight in 1851, the American defending yacht has successfully prevailed 24 times. Indeed, in no other cup contest, no other contesting boat has won more than two races in the best-of-seven series.

The *Australia*'s victory comes at the final match of the seven-race series, *Australia II* prevailing for the coveted prize, 4 races to 3.

The Australian challenge was the toughest in the history of the cup. No other contender has beaten an American yacht by the wide margins it did repeatedly. The Australian skipper, John Bertrand, and his crew, as well as the outstanding long-term effort by the brains behind the Australian syndicate, Alan Bond, are to be commended, even though I say this reluctantly and with some degree of envy.

The upwind pointing abilities and quickness of the Australian boat, as well as the fine teamwork of its crew, posed a formidable test which pushed *Liberty's* tactics and technology to its limits. There is some matter of luck involved here, such as the change in winds. The Aussies have exhibited great spirit and superb sportsmanship throughout this long contest.

The tenacious and talented skipper of *Liberty,* Dennis Conner and his hard-working crew, as well as the sailmakers, designers, architects, machinists, and the thousands of others who made a material contribution to the American defense, gave it their all.

The contest, as hard fought and close as it was, has done much to invigorate the America's cup contest. I am certain that American sailors will redouble their efforts to wrest the cup back from Australia.

They will do so, in my judgment, when the next contest comes in the waters off of Perth, Australia, in 1987.

Congratulations to both the *Australia II* crew and the *Liberty* crew.

Mr. President, I have nothing else at this point. I will be glad to yield my remaining time to the majority leader or yield my time back.

Mr. BAKER. Mr. President, I have no request for time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon with statements therein limited to 3 minutes each.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a folder of matters that can be done routinely, I believe. If the minority leader is agreeable, I would like to do that at this time.

COMMEMORATING THE 25TH ANNIVERSARY OF NASA

Mr. BAKER. Mr. President, first in my folder is a joint resolution for myself, Mr. GORTON, and many other Senators, commemorating the 25th anniversary of NASA.

I would like to consider this joint resolution today, but it has not yet been printed on the calendar. Instead of asking for its immediate consideration, I ask unanimous consent that it be placed on the calendar, if the minority leader agrees.

Mr. BYRD. I have no objection. I would like to have my name included.

Mr. BAKER. I would be happy to do that. I ask unanimous consent that the name of the minority leader be added as a cosponsor directly after my name.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of this joint resolution on tomorrow.

AMENDMENT TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1982

Mr. BAKER. Mr. President, next, a bill, H.R. 3871, has been cleared for action on this side. If the minority leader is prepared to go forward with that, I will ask the Chair to proceed.

Mr. BYRD. There appears to be no objection on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate H.R. 3871.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follow:

A bill (H.R. 3871) to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

The PRESIDING OFFICER. Is there objection to the request for immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I would point out to Members that the consideration of this measure at this time is the first utilization of a new section of the Calendar of Business. I refer to page 35, "Matters Being Held at the Desk for Further Action."

It has been remarked by Senators from time to time, and very properly so, that often when matters are cleared for action on both sides they have never been on the calendar. I am trying to make it a practice to have them on the calendar someplace for at least 1 day, as I did with the NASA resolution just now, so that Senators will be on notice.

However, those matters that are at the desk pending further action until now have never been on the calendar anywhere at any time. So at least from the calendar, Members had no way of knowing that they were eligible for consideration. They could, of course, go to the CONGRESSIONAL RECORD where the action appears, and they would be fully on notice there from a practical standpoint.

But to make it more convenient for Senators to track the matters that may be considered at any time, I have asked the Public Printer to include matters being held at the desk as one of the items on the Calendar of Business.

That has been done today on page 35. H.R. 3871 is the last item in that category.

Mr. President, the bill has now been laid down?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Has consent been given to proceed to its immediate consideration?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. Mr. President, I support H.R. 3871 which would delay the effective date for the 2,087-hour provision upon which general schedule pay would be based from October 1983 to January 1984.

The Reconciliation Act of last year changed the base pay computation

from 2,080 hours to 2,087 hours. This has the effect of reducing average base pay by about $100 for the year. It is to be effective this October.

Because we are moving the next pay adjustment to January, we should similarly move this provision. Otherwise, Federal employees will find their pay reduced in October and increased in January.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3871. This bill prevents a pay cut for Federal employees next month. H.R. 3871 would delay the effective date of a section of the Omnibus Reconciliation Act of 1982 that requires a bookkeeping change in the way pay is computed for most Federal employees. This change would result in a pay cut for over 25,000 Federal employees in my own State of New Mexico in October. However, H.R. 3871 provides that the new computation change will not take effect until the pay comparability adjustment also takes effect, thereby eliminating this pay cut.

As my colleagues know, the President has now formally proposed delaying the pay adjustment until next January and capping it at 3.5 percent. Congress earlier endorsed a 4-percent increase in January. But in the meantime affected employees would suffer a pay cut in 2 weeks unless Congress acts.

H.R. 3871 provides that the new computation method will not take effect until the pay comparability adjustment also takes effect. Thus the reduction required by the new computation method will be more than offset by the pay comparability adjustment.

Mr. President, our Federal workers work hard in return for their salary. Over the past year they have been subjected to major changes as a result of the Social Security Amendments of 1983. They vigorously opposed social security coverage. I supported Federal workers in that fight.

Federal workers were needlessly frightened by retirement program changes proposed by the administration in its fiscal year 1984 budget. I opposed those changes, and the changes did not appear in the fiscal year 1984 congressional budget.

Mr. President, H.R. 3871 solves an immediate problem in a way that is fair and equitable to Federal employees. It is also consistent with the intent of last year's legislation. It is worthy of our support.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MATTERS BEING HELD AT THE DESK FOR FURTHER ACTION

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, in referring to the new items on the calendar, I think that is a good idea but I think it is bad to allow more and more items to be held at the desk for further action without their going to committee. I hasten to say that in some cases it has been my side which has requested that. I would just hope that we not allow this to become too contagious which ends up in an epidemic.

Mr. BAKER. I agree with the minority leader. As a matter of fact, a secondary benefit of having this new category on the calendar will be to remind me of the items being held at the desk which otherwise I might not realize.

If we are not careful, we are going to destroy the committee system by holding matters at the desk. So Members who have matters held at the desk by unanimous consent or otherwise should understand that the leadership on this side intends to try to clean off that calendar as soon as possible.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. I also hope that we would not accelerate too greatly the use of rule XIV. Here again, I have set in motion that rule perhaps more than anybody else on my side, at the request of my colleagues. But I think there again, we have to have a little caution. But I do not know of any way around, if a Senator wants to trigger that rule XIV, keeping them from doing so.

Mr. BAKER. The Senator is absolutely right.

Mr. BYRD. Except to object to the introduction of that bill on that date. And if the majority leader does not have another legislative day for 2 months, the sponsor is held up for 2 months to introduce it.

Mr. BAKER. There are a number of ways that can be done. I have tried to convince a number of Senators who have come to me to propose a bill for the calendar under rule XIV that they should think about that and attempt to do it routinely, because not only does it deprive the committee of jurisdiction, but it also does something that perhaps I should not say, but I am going to say; it delivers that matter into the tender mercy of the keeper of the calendar, and the minority leader and I, really, as a practical matter, are the keepers of the calendar. So there is no guarantee that rule XIV is going to produce a result.

In many cases, or in most cases, perhaps, Members will do better to have it in committee and have the reinforcing approval of the committee reporting that measure than they will just by putting it on the calendar and then the leadership put to the test of deciding whether they are going to take it up or not.

I freely confess that I am not going to take up matters unless I am convinced they should be taken up because of a great national importance or that I am convinced that the committee would like to have them taken up. So rule XIV is not a panacea.

Mr. BYRD. Will the majority leader yield again?

Mr. BAKER. Yes.

Mr. BYRD. I do not think we have yet gone too far in that direction, but I just am concerned lest we do it. I am also concerned that some committees are not, on the whole, as active as perhaps they should be in dealing with these matters, which is a fact, in itself, that might encourage Senators to proceed the route of rule XIV.

Mr. BAKER. Mr. President, I agree with that. I hope Members will read these remarks and take account of them as they decide whether to proceed under rule XIV.

JOINT REFERRAL OF EXECUTIVE COMMUNICATION NO. 1670

Mr. BAKER. Mr. President, I ask unanimous consent that Executive Communication No. 1670, dealing with interstate highways and mass transit, be discharged from the Committee on Commerce, Science, and Transportation, and that it be jointly referred to the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I say to the minority leader that next I would propose to go to S. 1046, if he is agreeable.

Mr. BYRD. There is no objection, Mr. President.

Mr. BAKER. I thank the minority leader.

RISK RETENTION

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 275, S. 1046.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1046) to clarify the applicability of a provision of law regarding risk retention.

There being no objection, the Senate proceeded to consider the bill.

Mr. KASTEN. Mr. President, I am pleased to speak in support of S. 1046 which clarifies the Risk Retention Act. I hope in light of its technical nature, this bill will receive prompt approval by the Senate. S. 1046 was approved without objection by the Com-

mittee on Commerce, Science, and Transportation.

S. 1046 makes clear, as was originally intended, that risk retention and purchasing groups may insure any coverage which constitutes a "product liability" loss, as that term is defined in the Risk Retention Act. This includes insurance by a risk retention group for damage to a product itself (such as builder warranties), as well as injury to persons and other property.

The bill will insure that the definitions in that act are controlling with respect to the scope of the insurance coverage that risk retention groups may provide. It does not expand the Risk Retention Act; it merely clarifies the existing scope of the law. The bill does not, in any way, affect the liability of manufacturers for loss occurring as a result of a product defect.

In 1981, Congress enacted the Product Liability Risk Retention Act. The act was passed to facilitate the ability of businesses to establish self-insurance coverage on a group basis for product liability risks. It also facilitates the ability of businesses to purchase comprehensive general liability insurance on a group basis. This is done by exempting risk retention groups and purchasing groups from certain duplicative and burdensome State laws which have restricted the formation of self-insurance groups in the past.

I will not take the time now to spell out all of the details of the legislative history accompanying the original Risk Retention Act, which is carefully explained in Senate Report No. 98-172, accompanying S. 1046. I will, however, comment on it briefly. the Risk Retention Act permits self insurance cooperatives called "risk retention groups" to insure the product liability risks of its member. The Senate report stated unambiguously that the definition of "product liability" in the act served to define the coverage that may be provided by a risk retention group" and to "delineate[s] the boundaries" of the exemption from State law.

Notwithstanding this clear statement of congressional intent, some disputes have arisen over whether Federal or State law definitions of "product liability" control the scope of the coverage that may be provided by a risk retention group. This has resulted in litigation in two Federal courts and a number of inquiries by State regulators.

S. 1046 is intended to remove any legal doubt that the product liability risks specified in the Risk Retention Act define the scope of coverage that risk retention groups may insure. I believe that this clarification will help avoid needless litigation regarding the scope of authorized coverage and will eliminate any existing uncertainty that could discourage groups from utilizing the authority granted under the act. This amendment also clarifies that nothing in the act or its structure authorizes any State, including a licensing State, to restrict or expand the coverages a group may provide. It is intended that a group will qualify, regardless of the features of its program, if its primary activity consists of assuming and spreading any portion of the legal liability of its members for their product liability risk exposure.

Mr. President, I appreciate the concern of some State insurance regulators that the Risk Retention Act not be used as a vehicle to avoid legitimate State regulation of automobile, health, life, and other lines of insurance. At the same time, however, insurance regulators should not construe this law—intended to simplify the regulation of the self-insurance of product liability risks—so narrowly that its purposes and objectives are defeated.

The amendment contained in S. 1046 will end debate over the scope of insurance coverage that risk retention groups and purchasing groups are authorized to offer to their members. It will provide guidance to those forming such groups, as well as to insurance regulators.

For these reasons, and to assure the full implementation of the Risk Retention Act, I urge the Senate to pass S. 1046.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901(b)) is amended to read as follows:

"(b) Nothing in this Act shall be construed to affect either the tort law or the law govering the interpretation of insurance contracts of any State, and the definitions of product liability and product liability insurance under any State law shall not be applied for the purposes of this Act, including recognition or qualification of risk retention groups or purchasing groups.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, the final item I have on today's calendar of routine matters is S. 1146, Calendar Order No. 384. Is the minority leader prepared to approve that matter?

Mr. BYRD. Mr. President, the matter has been cleared.

AVIATION DRUG-TRAFFICKING CONTROL ACT

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1146.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Aviation Drug-Trafficking Control Act."

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by adding at the end thereof the following new subsection:

"TRANSPORTATION, DISTRIBUTION, OR OTHER ACTIVITIES RELATED TO CONTROLLED SUBSTANCES

"(c)(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person for any felony violation of a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance) if the Administrator determines that (A) an aircraft was used in connection with the commission of the offense and (B) such person knowingly either served as an airman in connection with the offense or was on board the aircraft in connection with the offense.

"(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that—

"(A) the airman has engaged in an activity which he knew, or had reasonable cause to know, was intended to distribute, import, or export a controlled substance;

"(B) an aircraft was used in such activity or to facilitate such activity;

"(C) the airman either served as an airman in connection with such activity or was on board the aircraft in connection with such activity;

"(D) the controlled substance was not part of the legitimate official supplies of such aircraft;

"(E) the controlled substance was not part of the cargo entered in the manifest of an aircraft engaged in the usual course of business of a common or contract carrier certificated to carry cargo under the provisions of this Act; and

"(F) the airman (or his employer) was not authorized to distribute, import, or export (as the case may be) the controlled substance under any State or Federal law or under the authority of any State or Federal agency.

For the purpose of subparagraph (F) of this paragraph, if the Administrator determines that the airman (or his employer) was not registered to distribute, import, or export (as the case may be) the controlled substance in question pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) or section 1007 of the Controlled Sub-

stances Import and Export Act (21 U.S.C. 957), the burden of proof shall be on the airman to establish that he (or his employer) was authorized to distribute, import, or export (as the case may be) such controlled substance under any State or Federal law or under the authority of any State or Federal agency. This paragraph is intended to reach activity occurring within the territorial jurisdiction of the United States, or without the territorial jurisdiction of the United States, or both.

"(3) Prior to revoking an airman certificate under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of such certificate an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate is revoked by the Administrator pursuant to this subsection may appeal the Administrator's order to the Board and the Board shall, after notice and a hearing on the record, affirm, amend, modify, or reverse the Administrator's order. In the conduct of its hearings, the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. A person whose certificate is revoked by the Board's order may obtain judicial review of said order under the provisions of section 1006. The filing of an application for such judicial review shall not stay the effectiveness of the Board's order.

"(4) In any proceeding pursuant to this subsection, the findings of an appropriate State or Federal court as to any element of proof required by this subsection shall be conclusive and neither the Administrator nor the Board shall have the authority to review such issue.

"(5) In any proceeding pursuant to paragraph (2) of this subsection—

"(A) neither the Administrator nor the Board shall be required, or have the authority, to determine if any activity constitutes a violation of any State or Federal law relating to a controlled substance;

"(B) no part of the record of such proceeding shall be admitted as evidence in any State or Federal criminal proceeding; and

"(C) neither the Administrator nor the Board shall have the authority to revoke the airman certificate of any person who has been the subject of a criminal indictment or information concerning the activity related to a controlled substance and who has been acquitted in a State or Federal court of all charges related to such activity.

"(6) For the purposes of this subsection, the terms 'controlled substance' and 'distribute' shall have the same meaning given such terms by section 102 of the Controlled Substances Act (21 U.S.C. 802) and the terms 'import' and 'export' shall have the same meaning given such terms by section 1001 of the Controlled Substances Import and Export Act (21 U.S.C. 951).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading:

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding at the end thereof:

"(c) Transportation, distribution, or other activity related to controlled substances.".

SEC. 3. Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1422(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked pursuant to subsection (c) of section 609 of this title during the 5-year period beginning on the date of such revocation.

"(B) The Administrator may issue an airman certificate to any such person before the end of such 5-year period (but not before the end of the 1-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such 5-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such 5-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(C) Notwithstanding any other provisions of this paragraph, in any case in which the Administrator has revoked the airman certificate of any person pursuant to section 601(c) (1) or (2) as a result of any activity related to a controlled substance and such person is subsequently acquitted of all charges related to such activity in any criminal indictment or information arising from such activity, the Administrator shall issue a certificate to such person if such person is otherwise qualified to serve as an airman under the provisions of this Act.".

SEC. 4. Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

"(i) such aircraft has been used in an activity, or to facilitate an activity that is a felony violation of any State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance); and

"(ii) the use of the aircraft was permitted by such owner who knew, or had reasonable cause to know, that the aircraft was intended to be used for activity described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to know, or to have reasonable cause to know, the intended use of an aircraft only if a majority of the individuals who control such owner or who are involved in forming the major policy of such owner knew, or had reasonable cause to have known, of such intended use.

"(B) Prior to revoking any certificate of registration under this subsection the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of the certificate of registration an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate of registration is revoked by the Administrator pursuant to this subsection may appeal the Administrator's order to the Board and the Board shall, after notice and a hearing on the record, affirm, amend, modify, or reverse the Administrator's order. In the conduct of its hearings, the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person whose certificate of registration is revoked by the Board's order may obtain judicial review of said order under the provision of section 1006. The filing of an application for such judicial review shall not stay the effectiveness of Board's order.

"(C) In any proceeding under this paragraph—

"(i) the term 'controlled substance' shall have the same meaning given such term by section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(ii) no part of the record of such proceeding shall be admitted as evidence in any State or Federal criminal proceeding;

"(iii) neither the Administrator nor the Board shall have the authority to revoke any certificate of registration if the owner of such aircraft has been the subject of a criminal indictment or information concerning the alleged illegal activity related to a controlled substance and has been acquitted in a State or Federal court of all such charges; and

"(iv) the findings of an appropriate State or Federal court as to any element of proof required by such paragraph shall be conclusive and neither the Administrator nor the Board shall have the authority to review such issue.

"(D) Notwithstanding any other provision of this paragraph, in any case in which the Administrator has revoked the certificate of registration of any person as a result of any activity related to controlled substance and such person is subsequently acquitted of all charges related to such activity in any criminal indictment or information arising from such activity, the Administrator shall issue a certificate of registration to such person if such person is otherwise qualified for such a certificate under the provision of this Act.

"(E) Except as provided in subparagraph (F), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked pursuant to subparagraph (A) of this paragraph during the 5-year period beginning on the date of such revocation.

"(F) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such 5-year period (but not before the end of the 1-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such 5-year period would be excessive considering the nature of the offense or the act committed

and the burden which revocation places on such person, or (ii) that revocation of the certificate for such 5-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.".

SEC. 5. Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(b)) is amended—

(1) by striking out "(b) Any person who" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2), any person who";

(2) by striking out "uses or attempts to use" and inserting in lieu thereof "sells, uses, attempts to use, or possesses with the intent to use"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit any act prohibited by any State or Federal felony law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with any act prohibited by any State or Federal felony law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act.".

SEC. 6. This Act and the amendments made by this Act shall apply with respect to acts and violations occurring after the date of enactment of this Act.

Mr. BAKER. Mr. President, is the amendment a committee amendment?

The PRESIDING OFFICER. It is a complete substitute.

Mr. BAKER. Reported by the committee?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. I thank the Chair.

Mr. BENTSEN. Mr. President, on April 26, I introduced, along with Senators DECONCINI and DOMENICI, S. 1146, the Aviation Drug-Trafficking Control Act. I introduced the bill to amend the Federal Aviation Act of 1958 because I believed that the current civil penalty of $1,000 fine and a 1-year suspension of a pilot's certificate, which the FAA may impose upon pilots convicted for illegal drug trafficking, was not sufficient.

The statistics tell an alarming story. According to the Drug Enforcement Agency estimates, in 1981, 50 percent of the cocaine, 35 percent of the marijuana, 75 percent of Southwest Asian heroin, and 80 percent of the dangerous drugs entering the United States are smuggled in by air. According to the Customs Service, 1.3 million pounds of drugs—cocaine, marijuana, heroin, mathaqualone, and others—will enter the country by private aircraft this year. Ninety percent of that will come across our southern border.

Not surprisingly, given the conditions under which small private aircraft used to smuggle drugs are flown, many crash for lack of fuel, because they are overloaded, or because their pilots take off from or attempt to land on unmarked, deserted airfields. The FAA informs me that between 1980 and 1982 there have been 491 aircraft crashes in which drugs had been on board. Drugs aside, it seems to me have a very serious aviation safety problem here as well.

Drug smuggling is a pernicious threat. It creates crime, corrosive values, and supports an underground, untaxed economy, which threatens legitimate business and enterprise. It also of course destroys thousands of lives every year.

I therefore introduced the Aviation Drug-Trafficking Control Act, which is designed to bring the Federal Aviation Administration into the fight against drug smuggling. S. 1146 would require revocation of an airman's certificate for 5 years if the holder is convicted of violating any law relating to controlled substances—other than a law relating to simple possession—and the FAA Administrator determines that the certificate holder knowingly served as an airman in connection with the violation.

The bill also empowers the Administrator to revoke an airman's certificate for up to 5 years but not less than 1 if he determines that the holder knowingly served as an airman in connection with the transportation of a controlled substance, even if the holder was not previously convicted for a drug-related offense.

Before an airman's certificate could be revoked, however, the holder must be given notice and an opportunity to answer the charges. He would also have the right of appeal to the courts. The provision is consistent with numerous judicial decisions which have held that a license is a privilege and not a right, and may therefore be revoked when it has been abused. Current law gives the Administrator the authority to suspend or revoke a license for safety violations, and, as demonstrated by the numerous drug-related crashes, smuggling drugs by air is clearly dangerous.

The bill also gives the Administrator the authority to revoke a certificate of registration for up to 5 years but not less than 1 if he determines that the owner has knowingly permitted the aircraft to be used to transport a controlled substance.

Although I do not consider the Federal Aviation Administration a Drug Enforcement Agency, we have given the FAA responsibility to license and certify airmen and aircraft. The FAA can and should, I believe, use its licensing authority to help make certain that aircraft are not employed to smuggle drugs. This is an authority and responsibility we have already given the Coast Guard; there is no reason not to give the same task to the FAA, particularly when drug trafficking by air is so serious today.

Finally, Mr. President, I would like to thank Senator KASSEBAUM for her diligent work in putting S. 1146 in the form it is today. She scheduled early hearings and moved the bill expeditiously through the Commerce Committee. I would also like to thank the American Law Division of the Congressional Research Service for doing, at my request, an incisive legal analysis of S. 1146, which found no due process problems with the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, that was the last of the items I have in my folder for action routinely. I thank the minority leader and other Senators. I yield the floor.

Mr. BYRD. Mr. President, would not it be well if we, before passing a bill by unanimous consent, move it to third reading?

Mr. BAKER. It would be. We have not been doing that lately. I hope that the Parliamentarian would prompt the Chair to call for third reading in case there are amendments and we can proceed in that way.

Mr. BYRD. Yes. A Senator might wish to have a vote on third reading. I do not foresee it. But it seems to me, for future generations which I hope will research the RECORD of this generation, they might find it useful.

Mr. BAKER. There are days, Mr. President, when I hope future generations cannot find the RECORD.

Mr. President, I thank the minority leader. We are in morning business still, I believe. I yield the floor.

BASE FOR FERRYING ARMS TO EL SALVADOR FOUND IN NICARAGUA

Mr. WILSON. Mr. President, I rise to place in the RECORD a news report which my colleagues may have missed when it first ran. Many of my colleagues, I suspect, have encountered skepticism from constituents as to the truth and accuracy of allegations that Nicaraguan involvement and terrorism has been directed against the Government and the people of El Salvador.

I have encountered such skepticism, Mr. President, not only among constituents, but even among a few recently arrived members of the news media during my recent trip to Central America. This is not surprising because, as the report which I seek to have printed in the RECORD states, "U.S. officials have consistently refused to provide evidence of the Nicaragua-to-El Salvador arms flow, contending it would compromise intelligence sources."

Indeed, this report is itself the work of investigative reporters. To quote the report: "No U.S. officials were interviewed in connection with this report."

Mr. President, the report I am inserting in the RECORD today is one by Sam Dillon of the Knight-Ridder News Service that ran on Thursday, September 22, 1983, in the Washington Post. Mr. Dillon's report is by no means an isolated piece of evidence, but is notable for the clarity for which it documents the complicity of the Sandinista regime in arming and directing the terrorist activities within El Salvador.

The report details a raid against "A radio-equipped warehouse and boat facility, disguised as a fishing cooperative on an island in northwest Nicaragua," which "has served for 3 years as a transshipment point for smuggling arms to El Salvador." That, despite the fact that "the Nicaraguan Government denies the operation."

Mr. President, this report is one more piece of evidence in the undeniable case that has been made that the Sandinista regime in Nicaragua intends and is, in fact, actively seeking to bring about "revolution without boundaries."

The chosen means of the Sandinistas for exporting their revolution to neighbors who do not wish to share it is to persuade them by violence, terrorism, and subversion.

Mr. President, it is my hope that this additional piece of evidence will be useful to my colleagues in answering skeptics and persuading them to see the unhappy truth, using reason and facts rather than violence to persuade.

Mr. President, I ask unanimous consent that the report by Mr. Dillon be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BASE FOR FERRYING ARMS TO EL SALVADOR FOUND IN NICARAGUA

(By Sam Dillon)

ESTERO DE PADRE RAMOS, NICARAGUA.—A radio-equipped warehouse and boat facility, disguised as a fishing cooperative on an island to northwestern Nicaragua, has served for three years as a transshipment point for smuggling arms to El Salvador, numerous residents here say.

Although the Nicaraguan government denies the operation, fishermen and others in several tiny coastal hamlets nearby say that soldiers in military vehicles regularly trucked wooden boxes to the water's edge and loaded them in motor-powered launches bound for El Salvador's coast 40 miles to the north.

Fishermen report occasionally finding similar wooden boxes containing foot-long "bazookas"—presumably mortar shells or similar munitions—on shore north of the mouth of this estuary where the boats battle the surf to enter the Pacific Ocean.

A 14-boat fleet, including half a dozen large dugout canoes that can carry thousands of pounds of cargo, has been involved in the operation, residents say, with regular departures at two-week intervals.

The Reagan administration has contended since soon after the inauguration in 1981 that Nicaragua's Sandinista government was supplying arms to the Salvadoran guerrillas. But U.S. officials have consistently refused to provide evidence of the Nicaragua-to-El Salvador arms flow, contending it would compromise intelligence sources. Without the proof, critics have been skeptical of the U.S. allegations.

No U.S. officials were interviewed in connection with this report.

Anti-Sandinista "counterrevolutionaries" attacked the island Sept. 14, blowing up the warehouse and three small boats. A communique from the Honduran-based, U.S.-financed Nicaraguan Democratic Force (FDN) claimed responsibility, calling the site "an important center of logistical supply" for Salvadoran guerrillas.

Sandinista authorities claimed the FDN had attacked the state-financed Mario Carrillo fishing cooperative. Barricada, the official newspaper, condemned the attack as "irrational criminality."

Defense Ministry officials, asked about the details in this account, insisted that no military installation had existed on the island.

Officials in the Fisheries Ministry and the National Development Bank said Monday, however, that the Mario Carrillo cooperative is not on the island and that no state-recognized cooperative operates in this region.

Indeed, in two visits to La Concha, the swampy island base said by the government to house the Mario Carrillo cooperative, reporters found no evidence the facility was ever used for fishing.

Instead, reporters found a Sandinista Army banner, a makeshift target with dozens of spent rifle shell casings, a radio antenna and three long, empty wooden boxes amid the ruins of the tin-roofed warehouse destroyed in the FDN attack.

Fishermen and other residents who live in huts lining this tangled estuary, and also small farmers and fishermen in Jiquilillo, Padre Ramos, Venecia and other nearby hamlets, said La Concha island was not a fishing cooperative but a "military base."

The island has been off limits to local residents for three years, they said. Reporters were granted government permission to visit the island last week to report the FDN attack.

Some area residents were hesitant to discuss the La Concha activity, calling it a "delicate situation," but others openly talked with reporters.

"I don't get involved in politics, but everyone around here knows they are carrying the arms to El Salvador," said the wife of a Padre Ramos fisherman.

Several residents said they have seen what they described as the arms trafficking in La Concha, and had learned other details through casual conversations with locals involved in the smuggling forays.

To avert potential difficulty for them, names of residents who talked about the arms-trafficking have been omitted.

A shotgun-toting guard who lives 200 yards across from La Concha, Vicente Perez Castellon, fired into the air to warn off reporters landing on the island in a rented launch. When presented with a government letter of authorization, however, he consented to show reporters around the destroyed facility. He maintained it was a fishing cooperative.

Perez Castellon said the facility's radio has been used to monitor Fisheries Ministry radio reports on fishing conditions. A Fisheries Ministry official in Managua said the ministry does not broadcast fishing reports and knew of no fishing cooperatives equipped with two-way radios.

Fishermen said departure of the arms shipments depended on weather and surf conditions, as well as reports of "vigilance" conditions in the Gulf of Fonseca, which separates Nicaragua from El Salvador. Salvadoran and Honduran gunboats patrol the 20-mile wide gulf.

Soviet-Bloc weapons used by the Sandinista Army have never appeared in the hands of Salvadoran rebels, and there was no indication of where the arms delivered to La Concha had originated.

Neither was there any indication here of how high within the Sandinista military hierarchy the involvement extended.

Nicaraguan officials have never publicly admitted involvement in the smuggling of arms to El Salvador.

The fishermen said that weeks after the Sandinista-led ouster of president Anastasio Somoza in 1979, military men came to the village looking for experienced smugglers.

Beginning soon thereafter, Andres Lopez, identified by several residents as a smuggler who lived in Venecia on the northern shore of the estuary, emerged as the local leader of the operation, the fishermen said.

Then La Concha's guard, Perez Castellon, began to warn local residents away from the island and several unusually large launches appeared for the first time at the facility, residents said.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

WHY THE NUCLEAR FREEZE EXPRESSES THE WILL OF THIS DEMOCRACY

Mr. PROXMIRE. Mr. President, we now have a solid majority of the

people of this country in favor of a nuclear freeze. Repeated statewide referenda all over the United States, reliable polls, town meetings and virtually every other kind of public expression of opinion has consistently and overwhelmingly confirmed the widespread support for action to stop the nuclear arms race and to stop it entirely. Six of the seven candidates for the Democratic nomination for President not only unanimously favor the nuclear freeze but have made it a leading and conspicuous part of their campaigns. Would they do this if they were not convinced that a vast majority of American citizens favored this method of stopping the arms race?

Recently, the chairman of the Democratic Party, Charles Manatt, has made the freeze a Democratic Party position. It is noteworthy that Manatt put our party in this position after the Russians had shot down the unarmed Korean jetliner and sent 61 American citizens to their deaths. Democrats have universally condemned this savage action by the Soviet Union. Why have Democrats not followed the lead of those who argue that this heinous act by the Soviets show that we cannot make any agreement with them? We cannot trust them, so how can we negotiate any arms agreement with them? The answer: Democrats, like Republicans, never have trusted the Russians. We negotiate an agreement we can verify. We know that they will cheat on an agreement if they can get away with it. Our job is to prevent their getting away with it. And that is the task of verification.

But support for the freeze is not simply a party matter. In Wisconsin, the freeze we adopted last September by an overwhelming vote was supported by every leading Republican in the State. And, with few exceptions, rank and file Republican support for the freeze has generally been the rule throughout the country.

In the House of Representatives, the nuclear freeze lost by a single vote in 1982, but when it came up for a vote in 1983, it passed by a smashing 2 to 1 margin with surprisingly strong Republican support that came to the freeze in spite of opposition by a popular Republican President.

In the past several years, I cannot recall any political movement that has had such wide and strong popular support in this country in the face of opposition by the President of the United States and by most of those in the media who express an opinion on the subject. For example, the New York Times opposes the freeze. So does the Washington Post. George Will, Jack Kilpatrick, Bill Safire, Bill Buckley, Evans and Novak—all widely syndicated columnists—oppose the freeze with considerable vigor and frequency. And what widely read or heard columnists favor the freeze? If any do, they do a great job of keeping that support for the freeze a carefully guarded secret. In fact, nowhere in the media has the fulsome opposition to the freeze been matched by any significant expression of support.

With the latest turbulent collapse in United States-Soviet relations—the shooting down of an unarmed Korean jet with 61 American citizens aboard by deliberate Soviet attack—many have said that is the end of the freeze. You can kiss it goodby. It is dead. And why do they say the freeze is dead? Because it is said the American people will now at last recognize what we are up against in the Soviet Union—the deliberate lying, the cheating, the brutal disregard of the sanctity of human life. So they say this will kill the freeze because the freeze requires a treaty, an agreement with the Soviet Union, and we now know the Soviets will not keep such an agreement, and this shooting down of the unarmed jet plus the lying coverup proves it.

But, Mr. President, does this latest experience prove anything the American people did not already know? We know the Russians have little regard for human life. We know they lie and cheat. We know they live in international relations by that most vicious of creeds that the end justifies the means—any means, no matter how cruel or inhuman. Most of us have always known this. But should this preclude a treaty? No, indeed. It simply reinforces the necessity for verification procedures in any treaty that will alert us to any cheating by the Soviets. How will verification do that job? In two ways:

First, if they cheat, we can renounce the treaty and act in our defense.

Second, if they know we can detect any cheating, they are much more likely to observe the treaty as they have done with the test ban treaty since its adoption 9 years ago in 1974.

Finally, President Reagan—who opposes the freeze and has forcefully led the attack on the Soviets for shooting down the Korean jet—has continued to insist on negotiations with the Soviets not on the freeze but on other arms control agreements. Presumably, the President would recommend a treaty with the Russians on other arms control limits in spite of the Soviet conduct he vigorously condemns. If the President would agree to any kind of arms control limitation with the U.S.S.R.—would not the same you-cannot-trust-the-Russians arguments apply to those limited United States-Soviet arms treaties as they would to a comprehensive overall nuclear freeze? Of course, they would. The freeze offers no basic verification problem that is not common to any arms control agreement.

GENOCIDE: MORE THAN MURDER

Mr. PROXMIRE. Mr. President, the recent Korean airliner incident teaches by analogy an important lesson regarding the crime of genocide.

The barbaric destruction of flight 007 was not the act of an individual pilot acting on his own initiative, contrary to official orders. If it had been it would of course still be tragic, but would not be so likely to provoke lengthy and intense response from the international community.

In fact, however, the downing of that airliner was the result of Government directions—a settled Soviet policy which instructs its military to attack and destroy unarmed civilian aircraft which violate its air space. Therefore, international action is in order—to condemn this act and to prevent its recurrence in the future.

Similarly with regard to genocide, I would have my Senate colleagues note that genocide is typically not an individual's act. In its report on the International Genocide Convention, the Foreign Relations Committee of the 94th Congress noted that, and I quote: "It is unlikely that genocide could be committed without the explicit or implicit approval of the government of the country in which it occurred . . ." Therefore, Mr. President, international action to prevent it is in order.

Critics have argued that genocide is in effect nothing more than repeated murder, and as such should be dealt with by individual nations. Historical examples make it clear, however, that genocide and genocide-related acts invariably occur with the blessing of the sovereign bodies governing the territories involved. Genocide is, therefore, more than murder. I cannot overemphasize this point—genocide is more than mere murder. The scope of the acts involved and the complicity of public officials require more compelling moral and legal sanctions to punish and prevent genocide.

Those who criticize the Soviets' action in the Korean airliner incident would recognize that it was not simply an act of murder. Similarly, they ought to recognize that genocide is more than multiple murder, and that the International Genocide Convention represents a proper response to this crime. Lack of U.S. ratification has for too long weakened the moral and legal impact of this treaty; I urge my Senate colleagues to lend their advise and consent to ratification without delay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TESTIMONY OF FORMER SENATOR ADLAI STEVENSON BEFORE THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE

Mr. DIXON. Mr. President, on August 14, 1983, my distinguished predecessor and good friend, Senator Adlai Stevenson, testified before the Senate Committee on Governmental Affairs on the issues of industrial policy and the creation of a cabinet-level Department of Trade.

He is extremely well qualified to speak on both subjects, and on their interrelationships. He was chairman of the Senate Banking Subcommittee on International Finance and was an early leader in the Senate on the subjects of trade and industrial policy.

His statement points out that "the aim of the industrial policy is to get the Government out of the market—and confine its actions to making the market function more smoothly." He argues forcefully and with his usual insight and intelligence for creation of a new Department of Industry and Trade "with the visible, central responsibility for export promotion and financing, import monitoring and relief, international investment policy, international trade negotiations, industrial and trade analyses, trade policy, and coordination and industrial policy." He focuses our attention where it should be focused—on taking actions designed to enhance our economic competitiveness at home and thoughout the world. With trade deficits that will soon be $100 billion or even more, we have no choice but to adopt that focus if we are to restore any realistic prospects for consistent, long-term economic growth.

Mr. President, I commend Senator Stevenson's testimony to all my colleagues and ask unanimous consent that the full text of his remarks be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF ADLAI E. STEVENSON

The merchandise trade deficit this year will approach $70 billion. Swollen imports have diplaced an estimated 1.5 million jobs. Much of the increased demand for imports can be traced to the dollar's recent appreciation against foreign currencies. But this should not obscure the fact that large and growing trade deficits were a disturbing feature of the U.S. economy even when the dollar was substantially undervalued in the late 1970s. The real causes are structural and reflect our inability to compete with countries which produce more efficiently and market more aggressively.

Trade in manufactures has gone from a surplus of $12.5 billion in 1980 to a deficit of an estimated $23 billion for 1983. The United States is losing its competitive edge in services. Agricultural exports—the mainstream of our trade performance—dropped 15 percent between 1980 and 1983. The current account is now also in deficit, dragged down by the trade deficit and declining returns on foreign investment. The trade deficit may reach $175 billion by 1990. Scarcely and industry does not suffer the erosion of its competitiveness in this fiercely competitive world lacking such fundamentals as a smoothly functioning monetary system and adequate credit facilities.

What happens to the U.S. economy, the locomotive force in the world economy, in the future depends largely on you—and the U.S. government.

I do not mean to imply that shortcomings in American management and labor—as well as the practices of foreign governments—are not in part responsible for the decline. They are, and there are limits to what government can do. Work rules and wage differentials (including American management's propensity to overcompensate itself) are a part of the problem. Short run planning horizons of American business are also responsible in part. But the subject of this hearing is the organization of the government—and the government can influence the policies of labor, management and foreign governments, as well as make its own.

The Committee has received numerous proposals to consolidate the government's responsibilities for trade. The awareness of the importance of trade policy is welcome. But in my judgment, none of the current proposals reflects the enormity of the challenge or responds adequately to the organizational advantages of our foreign competitors.

The proposals do not recognize that the ends of trade policy—access to foreign markets and protection from unfair foreign competition—avail us little if the goods and services we produce are not themselves competitive and responsive to changing demands in the world market. Trade policy and what is loosely called "industrial policy" are inseparable. Only together—and pursued by a central agency—can the nation's competitiveness be greatly improved. The United States does not lack the human, technological and natural resources. It lacks sound public policies. But what do we mean by "industrial policy"?

"Industrial policy" is commonly and erroneously equated with government intervention in the marketplace and the targeting of industries. If industrial policy is tantamount to such economic intervention by government, then the U.S. government probably already practices the most aggressive industrial policy of all the governments of all the industrial nations. In proportion to its GNP, probably no government resorts so freely and expensively to business assistance by loans, guarantees and grants, target and trigger prices, import quotas and tariffs, industry regulation, research assistance, tax expenditures and the like as the U.S. government.

The aim of industrial policy is to get the government out of the market—and confine its actions to making the market function more smoothly. A smoothly functioning market is the most efficient means by which to allocate resources. Industrial policy, therefore, propounds less, not more, intervention, less, not more, government. Its purpose is to give anti-trust, tax, education, job training, trade policy, all policies of government, an economic dimension. Its methods includes an institutional means by which government is sensitized to the economic implications of its decisions. The government has no agency to assess the implications of its actions, analyze sectoral trends and force attention to the economics of its decisions—leaving aside agencies with broad macroeconomic responsibilities, such as the Federal Reserve Board and the Council on Economic Advisors. The Commerce Department has some responsibilities for sectoral analysis, including those established by the Stevenson-Wydler Act, but they are unfulfilled and underutilized. It is in that sense of an industrial policy that makes the government more prudent in its policies and the marketplace more efficient, that I use the expression.

A new Department of Industry and Trade should be created with the visible, central responsibility for export promotion and financing, import monitoring and relief, international investment policy, international trade negotiations, industrial and trade analyses, trade policy and coordination and industrial policy. Its mission should be economic competitiveness. The Export Import Bank and Overseas Private Investment Corporation should be drawn in to the Department. The functions of the International Trade Commission, along with the trade functions of other agencies, should be transferred to the new Department. The Secretary of Agriculture has little power to bargain with other nations. He is a supplicant—in Europe, in Japan and most recently in Moscow. The Secretary of Industry and Trade, with ties to the Agriculture Department, should represent agriculture in trade negotiations. The Secretary should have the responsibilities of the U.S. Trade Representative and represent all the interests of the United States in trade negotiations.

The Department I envisage, and first recommended to you in 1979, would occupy the center of what is now a disordered stage. Of all the proposals before you, Senator Moynihan's comes closest to meet this prescription.

The United States, alone among the major industrial countries, doesn't already have a single unified government agency with authority and responsibility to advance its trading interests. Other nations, more dependent upon maximizing their share of international commerce, have long organized for successful and aggressive competition in the world. In the United States we have scattered responsibilities for trade among 25 agencies, more or less, with no central direction for trade or industrial policy. A framework for industrial policy doesn't even exist. Foreign competitors find an integrated approach to industry, trade and investment the key to economic success.

Far from assisting industry, the U.S. government has sometimes crippled it. U.S. exporters face a web of controls—anti-trust, anti-bribery, anti-boycott, export control, human rights, environmental review—and other restrictions which their counterparts abroad do not.

The absence of an advocate with the visibility and clout to fight for consistent policies and minimal bureaucratic restrictions has undermined U.S. export competitiveness in specific industries—and in all industries by creating a universal impression of unreliability. The world looks upon the U.S. as a market of first resort—and as a seller of last resort. Only a unified Department, with a clear mission and an institutional status to equal the Departments of State, Defense, Justice and Treasury will elevate the competitiveness of the economy to a level where

it can hold its own in the muscular, sometimes fevered, process that produces public policy in the U.S.

The Commerce Department today is a bureaucratic orphanage for stray programs, with no clear mission and an irreparable reputation for ineffectuality. The USTR has a mission, but not the means to carry it out. The Department of Industry and Trade would be an agency for positive assistance. It should have the Economic Development Administration as an agency for industrial policy and the trade adjustment responsibilities of the Labor Department. It should have sectoral and analysts who can project the impact of government actions, spot sectoral crises before they get out of hand, and analyze global market trends for the benefit of decision makers in the private sector, as well as those in the public sector. It should also have the power to impose temporary protection from imports linked to real economic adjustment measures. Without this capacity, we are left to react politically with short term solutions that come too late.

The proposal I advocate recognizes that technology is the basis of our ability to compete. The new Department should have the primary responsibility for industrial innovation. The Department of Industry and Trade should include the Bureau of Standards and the Census Bureau, as well as the responsibilities for cooperative research and technological innovation established by the Stevenson-Wydler Act.

But even technologically superior products do not market themselves. Successful global competition also requires financing, marketing and servicing. The ExIm and OPIC lack the resources and clout to organize export and investment packages as attractive as those offered by competitors. These agencies should be in the new Department. And I urge you to devise a program, or linkage with the Agency for International Development, for mixed credits—combinations of market rate and concessionary financing—for the benefit of exports to lesser developed countries. This form of financing is widely used by European countries which recognize that it is in developing countries that the long term potentials for export growth are greatest.

The absence of a framework for coherent trade policy has produced an intensely political process for policy making. Our priorities in trade negotiations, as for textiles and citrus, are established by narrow political considerations, instead of an objective assessment of U.S. interests. Economic sanctions are imposed and lifted for reasons of short-range domestic, more than long-term international, politics. Farmers and companies, Caterpillar, for example, are punished for the transgressions of the Soviet Union. Similarly, the United States ends up practicing a costly and politicized, ad hoc industrial policy. IBM is punished for being too competitive; a motorcycle company is rewarded for being uncompetitive. I do not expect, or suggest, that policy be drained of politics. But this is too much.

No country practices free trade, and all countries by one means or another, the U.S. included, do practice trade protection. They all practice industrial policy. Other nations target industries. The United States does, too. But, leaving agriculture, aeronautics and defense industries aside, the United States generally does so in response to political pressures and for the benefit of declining industries. Our competitors also encourage growth industries. The difference in emphasis is our choice—not their fault.

Industrial policy and trade policy, including protection from competition, have competitiveness as their aim. Trade policy for the benefit of an industry should be accompanied by measures to encourage modernization and reorganization of the industry, as well as elimination of unfair or destructive foreign trade practices. But trade policy and industrial policy now work at cross purposes. Trade policy in the form of trade protection rarely compensates an industry for its injury and can relieve an industry of incentives to compete while always imposing higher costs on the economy. Thus, the trigger price mechanism increased the cost of steel to all users, including the troubled auto industry. It left the steel industry to invest in the oil industry and, next, to import basic steel products from lesser developed countries and Great Britain. Too little is done to modernize and rationalize the U.S. production of steel so the industry can compete without the subsidization of inefficient excess capacity, as the studies of the Office of Technology Assessment indicate is possible.

A more realistic anti-trust policy would have permitted the formation of efficient, competitive joint ventures for the production of steel products. Trade adjustment policy would have helped retrain structurally unemployed steel workers. And, if necessary to modernize the surviving elements of a rational steel industry, the government could have provided financing. However, the responsibilities for such policies are either nonexistent or scattered among agencies which do not include the one agency that might be said to have the responsibility for industry—the Commerce Department.

Hundreds of thousands of steel and auto workers remain out of work, displaced by high quality imports and new production technologies. Pressures mount for legislation to force the onshore assembly of foreign automobiles, for still more protection, and in violation of our GATT obligations. This will happen in industry after industry, unless actions are taken to anticipate change and respond positively to it. Representatives of the U.S. semi-conductor and computer industries are seeking trade protection. Japanese industry and government meanwhile move forward cooperatively to develop the artificial intelligence that could dominate "post industrial" economies based on knowledge and information processing.

With a Department of Industry and Trade, import relief could be linked to such positive measures as financing, training, infrastructure improvements and cooperative research. Trade and industrial policy would be integrated. With the Department as an advocate of industrial competitiveness, other Departments, such as Justice, might be brought to recognize that in the 1980s the structure of global, and not domestic, markets is what counts. The most concentrated industries are often subjected to the most intense foreign competition. In the name of competition the Justice Department has attacked some of our most dynamic competitors, such as IBM. The Department I propose would offer sound alternatives to both trade protection and anti-trust enforcement, such as cooperative research among small U.S. semiconductor or computer manufacturers so they can compete with domestic as well as foreign companies. It would give trade adjustment programs some "adjustment", drawing on sector analysis to guide the retraining of workers for new jobs.

The schools of the United States are saddled with responsibilities for racial integration, physical fitness, drivers education and other objectives, which, however desirable, compete with education. No agency relates education to the underlying economic imperatives of the individual and nation in a "post industrial" world. The humanities, sciences, languages are underserved, and yet human skills and knowledge will animate the economy far more so in the future than in the past. Other nations understand this.

Future administrations, less confident of the market's magic, may settle on policies that affirmatively help industry meet the competition, as an alternative to protection. That, it seems to me, ought to be the generalized aim of public policy. At least we should not perpetuate an organization of government which tends to politicize choices and confine them to policies of protection or free trade. Protectionism is a dangerously inefficient way of allocating resources, but free trade exists only in theory. The new Department would adapt policy to changing economic and political realities. Its mandate would be competitiveness. Its responsibilities would include the means to defeat foreign competition, and not just protect domestic losers.

The proliferation of industrial policies in the world raises profound problems for the post-World War II trading system and, in particular GATT and its subsidies code. As trade barriers have come down, competition has shifted to export subsidies and aggressive industrial policies. Export subsidies are regulated with some effect—but not industrial policies. At the same time a new Department was helping to arm the U.S. for economic competition, it should be negotiating from strength for reciprocity and fairness. The U.S. government, with trade and industrial responsibilities scattered, can neither make policy coherently—nor enforce it. It does not negotiate from strength. Rules are needed to govern industrial policy. The GATT should be made to involve more nations. And the U.S. should lead—from strength.

It has been argued that a Trade Representative in the White House has access to the President and, therefore, authority in negotiations. But our experience proves too well that access to carrots—such as export financing—and sticks—such as import protection—are more important than the location of the Trade Representative's office. U.S. trade negotiators lack the means for both retaliation and aggressive competition. A billion dollar ExIm war chest within the reach of our negotiators would give them additional credibility in negotiations for a reduction of export subsidies. Bargaining chips play a role in the debate over arms control, but receive curiously little attention in the debate over trade negotiations. We keep the sticks, to mix the metaphors, in a locked closet.

The Department I envisage would have the authority and the power to negotiate for more access to investment and export opportunities abroad and an open, inclusive, trading system with enforceable rules. A Secretary of Industry and Trade would have more access to the President and far more authority than the Secretary of an old Commerce Department or the Secretary of an incomplete new Trade Department—or, for that matter, the present Trade Representative. Commercial interests would acquire a powerful advocate abroad and, perhaps as importantly, at home.

The policies of the U.S. government with respect to defense requirements, economic sanctions, exchange rates, taxation—and so

on—get established with little attention to their effect on our trading interests. The organization of government reflects an historical indifference to overseas markets and the necessities of competition. The Departments of State and Defense and the National Security Council have been insensitive to the needs of U.S. industry. All the efforts to coordinate economic policy, at least from President Nixon's Council on International Economic Policy to President Reagan's interagency groups, have been unsuccessful. We end up with no trade policy, no industrial policy and little representation of our commercial interests in the establishment of fiscal, monetary and defense policies.

The aim of this proposal is to create a Department with power commensurate to its responsibility. The responsibility is the competitiveness of the United States. It would have power to represent our interests in trade negotiations, power to shape constructive domestic economic policies, power to fight for consistent trade and industrial policies and against restrictions that undermine our export competitiveness—and power to represent commercial interests in the formulation of policies not within its immediate responsibility. For the first time, the effectiveness representation of commercial interests in such matters as exchange rate stabilization and the imposition of economic sanctions would be possible.

The organization of the government for competition is not the complete answer. But sound trade and industrial policies would be possible, at last.

HELPING OUT THE ILLINOIS CONSUMER

Mr. DIXON. Mr. President, I want to express my strong support for S. 1882, introduced by my friend and colleague (Mr. PERCY) and myself on Friday, September 23, 1983.

This bill reaffirms the fact that Illinoisans do not want Algerian liquefied natural gas when it is priced at double the cost of available domestic supplies.

This bill revokes the import license for Algerian liquefied natural gas that enters the Midwestern market and distorts it. Under this bill, the import license of Trunkline LNG Gas Co. would be revoked for a period of 18 months to allow for a complete review. After this period, the Federal Government could reissue the license.

Currently, Algerian natural gas is liquefied, put into tankers, transported across the Atlantic, regasified in Louisiana, and shipped in pipelines to Illinois and other Midwestern States. Who pays for this expensive and unwanted gas? Homeowners and businesses in Decatur, Springfield, McLeansboro, and other southern and central Illinois towns.

How much more does this gas cost than other supplies? In 1982, the price of the liquefied natural gas, once it reached the American shore, was $5.82 per 1,000 cubic feet. By comparison, in 1982 the average wellhead price for domestic natural gas was $2.43 per 1,000 cubic feet. Why should we pay 139 percent more for overseas gas when almost 2 trillion cubic feet of gas, much of it gas that sells for $1 or less per 1,000 cubic feet, is available in the United States?

Concerned Members of the Senate and the House—liberal and conservative—Democrat and Republican—have protested this unfair trading practice to the Economic Regulatory Administration (ERA) and the Federal Energy Regulatory Commission (FERC) for more than a year. Our complaints have fallen on deaf ears.

On January 28, 1983, ERA and FERC ruled the Trunkline license was in order. This decision was contrary to the facts. First, the ruling claimed that the algerian gas was marketable yet the price figures I have mentioned indicate otherwise. Second, the ruling claimed that the liquefied natural gas had a reliable source of supply. However, in 1981, for example, the Algerian company Sonatrach held up delivery of the gas for more than a year while it renegotiated the contract upward. Finally, the ruling claimed that the ERA did not have the authority to revoke the import license. Yet it does.

I am not against foreign trade. I am, however, against importing unnecessary, unwanted gas at unbelievably high cost to the consumer.

Let us do a favor to American producers in Louisiana, Texas, and Oklahoma, whose natural gas markets have been crippled by imported liquefied natural gas. Let us do a favor to the people of Illinois, Missouri, Indiana, Kansas, Michigan, and Ohio, who are paying for gas they do not need.

I urge my colleagues to support our bill.

REACTION OF JAMES A. MARTIN, JR., TO THE DESTRUCTION OF KAL FLIGHT 007

Mr. THURMOND. Mr. President, the entire country shared a sense of outrage and disgust over the downing of Korean Air Line flight 007. Fortunately, however, only a relatively few of us were forced to experience the personal despair and pain of losing a family member as a result of this Soviet atrocity.

Recently, I received a copy of a letter to President Reagan from one of my constituents, Mr. James A. Martin, Jr., of Belton, S.C., whose son, Billy Hong, was one of the unfortunate aboard KAL flight 007. Mr. Martin's correspondence presents his personal account of what the entire Korean Air Line incident meant to him and the immediate family of Billy Hong.

This emotional account gave me a fuller appreciation of the profound grief experienced by those who lost loved ones due to this reprehensible act. In order to share Mr. Martin's thoughts and feelings with my Senate colleagues and others, I ask unanimous consent that his letter to the President, along with his personal reaction to the incident, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR PRESIDENT REAGAN: Recently, it was pointed out to me by a high ranking government official that the downing of Flight 007, a Korean passenger plane was a deliberate murderous act by Communist Russia. I believe this to be the truth.

My son Billy Hong, was among the 269 persons who were violently brought to their deaths when this barbarous act was carried out on orders from Soviet officials.

I am not fully qualified to belabor the political ramifications involved in punishing the Soviets for this crime. Neither am I qualified to recommend or propose various sanctions against the Soviet Union.

There is, however, one option I would like to propose that would serve to punish the Soviets and that is this: whenever and wherever possible, speak of and publish accounts of this cowardly and deliberate shooting down of an unarmed commercial airliner.

Attached to this letter is my personal account of what this reprehensible taking of human life meant to me and how it affected my family.

It is my hope that you will see that this is published nationally.

Respectfully,

JAMES A. MARTIN, Jr.

LEST WE FORGET

(By James Martin, Jr.)

My son, Billy Hong, was one of the 269 passengers aboard Flight 007, a Korean Jetliner. He perished when a Soviet fighter plane shot it down on August 31, 1983.

At a recent memorial for Billy, held at Bonnie Brae Golf Course in Greenville, South Carolina, nothing was said about this terrible tragedy serving any useful purpose. I doubt that any of the other services that mourned the loss of 269 people mentioned any useful purpose had been served.

Billy has been quoted as saying, "There is one thing that I know—you can not trust a Communist."

I submit to you that you can trust a Communist. They just proved, again, that they can be trusted to kill and to lie indiscriminately without remorse or conscience. Rest assured, given the opportunity, they will also take your life, more or the lives of your loved ones without looking back or offering an apology. Likewise, they will destroy the things that we hold dear in the American way of life. They have a magnificent philosophy which, in the case of the 007, went like this: shoot first, ask questions later; ignore the truths, admit nothing; lie, when caught red-handed; if all else fails, cry "spy" and blame the victims.

Wake up America before it is too late. Neither our lives nor our way of life means anything to this Soviet government, and they are set to destroy us completely anyway they can—and they will if we do not do something to stop them. Consider Poland, Yugoslavia, Hungary and more of late, Afghanistan.

A few weeks ago when news of this tragedy burst onto the scene, Americans were

shocked as the real truth about 007 began to unfurl. The nation and the world joined together to deplore this undeserved attack on a commercial jetliner. The entire world heard orders given to a Russian fighter-plane to shoot down the unarmed Korean jetliner. The world heard how the Russian fighter pilot complied and fired rockets into the helpless jetliner. The world heard the pilot say his mission was accomplished, the target was destroyed.

What the world did not hear were the screams and agony of those men, women and children aboard 007. How terrible for them to know they were doomed to die in a fiery furnace that would plunge into a concrete like Pacific Ocean for a watery grave. This infamous act was a deliberate, inhuman barbarous and murderous taking of human lives. It is difficult for us to understand how such an act could be consummated without remorse or regard for defenseless human beings.

Our family, as well as families across the nation and abroad, were totally struck dumb. We could not believe what we were being told. It simply could not be happening to us—but it was and there was no escaping the horrible truth of it. We felt helpless, unable to come to grips with the death of a loved one in such an abrupt and violent manner. There was no way to strike back at the Godless power that snuffed out the lives of our loved ones so matter of factly and quickly. Many of us were overcome with sadness and remorse. There was not even a body over which to grieve.

In a few weeks, news of the Flight 007 tragedy will have abated and this horrendous nightmare will take its place in history. Other news items will claim the headlines and many people will forget Flight 007. Unfortunately, many families will not or cannot forget 007 because their loss has been too personal and permanent. We, nor our government, can afford to forget this atrocity by the Soviet Union on innocent American citizens.

Billy's young wife, Joy, has been very sad but brave, struggling to face up to new responsibilities. The children do not quite realize the finality of their father's absence but inevitably, they must.

Bill's birthday is December 25, a day he picked for his American birthday because it was a happy day. Of course, it is the same day many celebrate a most special birthday. Billy will not celebrate Christmas with us this year. Joy, his wife, will be with us and so will the children but Billy will be absent—absent forever because of Soviet Russia's atrocities.

Wake up America lest you too celebrate Christmas without a loved one.

Wake up America lest you not be allowed to celebrate Christmas at all.

THE DEATH OF SENATOR HENRY M. JACKSON

Mr. THURMOND. Mr. President, recently, the Minister of Foreign Affairs of Chili, Miguel Schweitzer; and His Excellency Gabriel Manueco, Ambassador of Spain, sent communications to Vice President GEORGE BUSH, expressing their sorrow over the death of my good friend and colleague, Senator Henry M. Jackson.

I ask unanimous consent that these kind remarks from these two foreign dignitaries be included in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SANTIAGO, CHILE,
September 2, 1983

His Excellency Mr. GEORGE BUSH,
Vice President of the United States of America, Capitol Hill, Washington D.C.:

In your capacity as Chairman of the Senate, please receive our most sincere condolences on the passing away of Senator Henry Jackson, whose devotion to peace and freedom was well known over the world.

Please accept, Your Excellency, the assurances of my highest consideration and esteem.

MIGUEL SCHWEITZER,
Minister of Foreign Affairs of Chile.

WASHINGTON, D.C.,
September 2, 1983.

Hon. GEORGE BUSH,
President of the Senate,
The Capitol, Washington, D.C.

DEAR MR. PRESIDENT: It is with my personal sorrow that I send to you and to the Senate of the Congress of the United States the heartfelt condolence on the untimely death of Senator Henry M. Jackson.

Reverently yours,

GABRIEL MANUECO.

TVA'S REPAYMENT TO THE U.S. TREASURY

Mr. BAKER. Mr. President, it is a rare occasion these days when I get the chance to report that a Federal Government program is funneling revenues back into the Federal Treasury. The stream does not usually flow back to its source.

But the Tennessee Valley Authority is a unique entity of the Federal Government. And I think it is appropriate, in this 50th year of TVA's successful operation, to recognize that at least one Government effort is giving the American taxpayers a tangible monetary return on their tax dollars.

This week the TVA has transferred $126.6 million as a return on the Federal appropriations invested in TVA power facilities prior to 1959.

Since 1959, when the TVA power program became self-financing, the citizens of the Tennessee Valley have put over $1.9 billion back into the U.S. Treasury. That already represents a substantial repayment on the $1.4 billion in Federal appropriations that went into the construction of TVA dams, reservoirs, and power stations—the building blocks of an infrastructure that helped move the Tennessee Valley from rural poverty into the modern age of industrial prosperity.

In fact, TVA's yearly payments to the Treasury are only a small part of the dividends received by U.S. citizens for their original investment in the TVA region.

TVA's installations and projects represent an asset for the American people that is worth literally billions of dollars. Those TVA plants, lands, and programs have helped create jobs and industrial growth in the TVA region, and they have been a major force behind the rapid ascent of the valley's living standard over the last half century.

It would be virtually impossible to measure the positive impact TVA has exerted not just on the economy of its region, but on the the national tax base and on the national economy.

TVA has been a leader in energy production and wise energy use, in fertilizer development, in environmental sensitivity, and in setting an example for effective Government initiatives in promoting economic development.

So this check and the many checks to follow are only symbols of the success of the unique TVA experiment. Like TVA itself, these yearly repayments are demonstrations. They prove conclusively that Federal dollars, if wisely spent, can serve as very productive seed money.

And they prove that this particular Government program has been self-supporting, beneficial to its region, and a major regional support for the economy of the country as a whole.

SECRETARY WATT'S CHARACTERIZATION OF THE COAL COMMISSION

Mr. KENNEDY. Mr. President, much has been said in recent days about Secretary Watt's characterization of the Coal Commission. I, too, am ashamed that a Cabinet member has debased his high office in such a way as to hurt and offend some Americans. Today, I received a copy of a letter written to Secretary Watt by a citizen of Shelburn, Mass., a relative of Dr. Richard Gordon, one of the commission members. The letter is a powerful expression of what people feel about Secretary Watt. I would like to read it to my colleagues, the letter is short.

SEPTEMBER 22, 1983.

Re Dr. Richard Gordon.

Mr. JAMES WATT,
Secretary of the Interior, Washington, D.C.

DEAR MR. WATT. You publicly hurt our family by referring to our cousin as a cripple. Dr. Gordon suffered Polio which incapacitated his right arm. You failed to mention he is a magna cum laude graduate of Dartmouth, as well as a Ph. D. from MIT, and a world-renown authority on the economics of coal.

We also strenuously object to your reference of the other committee members as "a woman, a black and two Jews". This was a slur on your entire committee.

Your unfortunate public remarks are exceeded only by either your lack of judgement in disposing of valuable coal resources or possibly some self-interest which might involve a conflict of interest.

By copy of this letter, we are asking President Reagan to remove you from office. We are also asking our Senators and Congressman to make a Congressional Recommendation to withdraw you from office.

We were not amused by your Golden Foot Award nor will we regret your departure from public office.

Very truly yours,

HERBERT ROSKIND, JR.

Mr. President, I think I speak for many of my colleagues when I say neither will we regret Secretary Watt's departure from office.

THE AUBURN UNIVERSITY SINGERS

Mr. HEFLIN. Mr. President, it was just a short time ago that I attended the annual alumni dinner of the Washington Metropolitan Auburn Club. At that dinner, I was tremendously entertained, along with the rest of the audience, by the stunning performance of the Auburn University Singers. For the next few moments, Mr. President, I would like to share with my colleagues a few facts about the Auburn Singers.

The Auburn University Singers, who were here as a part of their tour of the Eastern United States, is a group of 32 singers and 12 instrumentalists, all of whom are students at Auburn University. All are not necessarily music students, indeed, they come from all sorts of academic programs across the Auburn campus. The group is under the direction of Dr. Thomas R. Smith.

Since being formed in 1973, the Auburn Singers have entertained people all across this country and abroad. In 1974, the group was a part of the Friendship Ambassadors program which toured Romania. In 1977, as a part of the same program, the University Singers toured Poland and the Soviet Union. Then, in 1979, the Partners of the Americas sponsored the group on a tour of Guatemala. Besides these overseas tours, the University Singers have performed all across the United States, appearing with celebrities such as Bob Hope, Roy Clark, and Alabama's own George "Goober" Lindsey.

This constant demand for the group's performance is indicative not only of their talent but also of the fine job continually done by their director, Dr. Thomas Smith. A native of Decatur, Ala., Dr. Smith holds degrees from Samford University, the University of Iowa, and the University of Colorado. He has done a tremendous job at Auburn, both as the director of the University Singers and as the University's Director of Choral Activities.

The Auburn University Singers are true ambassadors of good will for both their school and the entire State of Alabama. It was a pleasure for me to hear them perform here in Washington just a short a time back, just as it is a true pleasure for me to share their story with my colleagues here in the Senate.

A TRIBUTE TO DR. LESLIE S. WRIGHT

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding leader who has recently retired from his post as president of Samford University in Birmingham, Dr. Leslie S. Wright.

It was a quarter of a century ago, September 1, 1958, when Leslie Wright became president of what was then known as Howard College. Prior to taking this position, Dr. Wright served for 3½ years as executive secretary of the Baptist Foundation of Alabama. He also had spent 4 years as a staff member in these very Halls of Congress, working as executive secretary to one of my predecessors, Senator Lister Hill.

Born in Birmingham in 1913, the son of a Baptist minister, Leslie Wright went on to receive two degrees from the University of Louisville. He also attended the University of Louisville Law School and did doctoral work at the University of Kentucky. He holds honorary degrees from five institutions, including Samford University.

When Leslie Wright became president of Howard College, few dared to dream of the progress the institution has made in the last 25 years. Under this leadership, a campus made up of only 8 buildings and valued at approxmiately $8 million has grown by 27 buildings, and now has a total replacement value of about $100 million.

Enrollment at Samford has risen to more than 4,000 students, double the figures of 1958. Still, perhaps a better indicator of the growth of the student body is the fact that Dr. Wright, in his 25 years as president, will have handed diplomas to as many students as had graduated from the institution from the time of its founding in 1840 until 1958.

Because of this growth, Samford University, besides being Alabama's largest privately supported institution of higher learning, is also the third largest Baptist institution in the country. Only Baylor University in Waco, Tex., and the University of Richmond in Virginia exceed Samford in enrollment.

If I could for a moment, Mr. President, I would like to list a few of the changes his college has experienced during Leslie Wright's dynamic tenure as president.

In 25 years, the faculty grew from 66 to 291.

In 25 years, the average faculty salary increased 491 percent.

In 25 years, the annual budget for the campus increased more than 1,200 percent.

In 25 years, the annual budget for scholarships increased more than 2,300 percent.

Lest you think all gains at Samford were financial ones, consider the following gains in Samford's academic program.

In 1965, Howard College became Samford University.

Graduate programs were reinstituted in 1965.

The divisions of business, education, pharmacy, graduate studies, and music were granted school status.

Divisions of adult education, paralegal studies, anesthesia, and cooperative education were started.

In 1961, the Cumberland School of Law was added to the academic program, bringing one of America's oldest and finest law schools to the Birmingham area.

In 25 years, the courses of study available to students have grown from 21 to more than 50.

Dr. Wright has been an outstanding leader for Samford University. Part of the reason has been the high regard in which he is held in business, civic, and community circles. Among the many outside activities he has engaged in have been his service as district governor and currently as director of Rotary International, two-time chairman of the Alabama Ethics Commission, and as trustee of Southern Baptist Theological Seminary in Louisville, Ky. The complete list of such activities would go on and on.

Leslie Wright has been a true servant of Alabama. Through his work at Samford, he has touched the lives of countless people, and he leaves behind a legacy which will benefit many yet to come.

I would be remiss if I did not mention his tennis ability. In fact, he has been my only tennis teacher. I seldom play but in days passed, he and I would team up as partners and beat many younger experts at the game. The way we did it was to turn the entire court over to him. In other words, he carried me.

Just as Howard College was left in good hands when the retiring president Harwell Davis was replaced by Leslie Wright, Samford University is now being left in the competent hands of Thomas E. Corts. Corts comes to Samford after 9 years as president of Wingate College in North Carolina.

Mr. President, I ask unanimous consent that two articles from the Birmingham Post-Herald, one about Dr. Wright and the other about Dr. Corts, as well as the text of a speech made by Dr. Ruric E. Wheeler, vice president for Academic Affairs of Samford University, to the Alabama Baptist Historical Society, be printed in the RECORD.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A GREAT INSTITUTION, A GREAT MAN

(By Dr. Ruric E. Wheeler, Vice President for Academic Affairs, Samford University)

"There was once a town in the heart of America where all life seemed to live in harmony with its surroundings. The town lay in the midst of a checkerboard of prosperous farms, with fields of grain and hillsides of orchards where, in spring, white clouds of bloom drifted above the green fields. . . . Then a strange blight crept over the area and everything began to change. Some evil spell had settled on he community. . . . Everywhere there was a shadow of death. . . . There was a strange stillness. The birds, for example, where had they gone? Many spoke of them, puzzled and disturbed. . . . The roadsides, once so attractive, were now lined with browned and withered vegetation as though swept by fire. . . . No witchcraft, no enemy action had silenced the rebirth of new life in this stricken world. The people had done it themselves."

Suppose we change the words of Rachel Carson's chilling environmental treatise, "Silent Spring," to read as follows:

"There once was a small college located in the heart of a prosperous eastern section of Birmingham where students laughed and played under the branches of old Sherman Oak, and faculty members brought down the plaster of Old Main with their scholarly discourses on everything from Greek to philosophy. In the spring, black and white clouds of commencement robes drifted down the aisles of old Woodlawn High, assuring the administration of another successful year.

"Then an unusual event happened in the life of this institution. A move was made to a hillside south of the city. Immediately, a blight began to cover this campus. The faculty members, for example, where had they gone? Some had taken jobs elsewhere, but many were still living in East Lake because, in order for the college to move to the new campus, small salary increases had finally changed to no salary increases. Few faculty members could affort to purchase homes in the affluent section south of Birmingham.

"The classrooms once filled with the fragrant aroma of blooming flowers were now infiltrated with chemistry fumes, because many departments were forced to share facilities since there were only three classroom buildings on the new campus.

"The smiling faces of students, once so noticeable, were replaced as the focus of attention by red clay footprints from the accumulation of mud that covered sidewalks on rainy days."

The writing of Rachael Carson is sad because there seems to be no satisfactory conclusion. In contrast it is good to report that, to the small college which has been described, there came in 1958 the "man of the hour" whose leadership began swiftly to eradicate the blight that had crept over this college. In fact, this small college is known today as a great university with its outstanding programs of excellence in a positive Christian environment.

Let's take a look at this man of the hour. Let's look at his many talents, his attitudes, his dedication, and see how these have been used to mold a great institution.

January 23, 1913, was a beautiful day in Birmingham, Alabama, at least for the members of the Ensley Baptist Church, for their pastor, Dr. A. K. Wright, had a new son. One particular family, the Wurtele family, was aware of the birth of this son because it was jokingly agreed that the daughter of this dedicated Baptist deacon, Lolla Catherine Wurtele, and the son of this pastor, Leslie Stephen Wright, would one day be man and wife. Today, as we contemplate the countless number of young people whose lives have been affected, influenced, molded by this couple, Les and Lolla, walking hand in hand through life, we are tempted to believe that this union must have been ordained.

Yes, one would have expected that a past Executive Secretary of the Trust Agency of the Alabama Baptist State Convention would be proficient in securing funds for development, but few dared to dream of that which has taken place in the last twenty-five years. But Leslie S. Wright did dream! Under his leadership a campus consisting of only eight buildings and valued at approximately eight million dollars has become a magnificent Georgian-Colonial academic community of more than thirty major structures with a replacement value of more than sixty million dollars. Let us call the roll:

Buchanan Hall (1958).

Reid Chapel, Burns Hall, Chapman Hall (1960).

Seibert Gymnasium (1961).

Married Student Apartments (1962).

Smith Hall (1962).

Pittman Hall (1963).

Stockham Cyclotron Building (1964).

Robinson Hall (1964).

Physical Plant Building (1964).

Physical Science Building (1966).

Women's Dorm C (1969).

Men's Dorm C (1969).

Dwight Beeson Hall (1970).

Enlargement of Ralph W. Beeson Student Center (1973).

Leslie S. Wright Fine Arts Center (1976).

Addition to Robinson Hall (1977).

Orlean Bullard Beeson Hall (1979).

Completion of Dwight Beeson Hall to house the School of Nursing (1982).

Completion of Ralph Beeson Hall for the English Department (1983).

One would have guessed that a former basketball player and basketball coach would be a winner. Yet who would have expected that he would hand diplomas to probably as many students in these twenty-five years as had formerly graduated from this institution since its founding in 1840. When the last student marches to the front in the August graduation, Dr. Wright will have handed diplomas to 16,932 students. The student body has more than doubled in twenty-five years, with 4,069 students enrolled in the fall of 1982; 222,830 students, the enrollment semester-by-semester since 1958, have been influenced by Dr. Wright's way of life, emphasizing patriotism, private enterprise, and the power, goodness, and love of our Lord and Savior, Jesus Christ.

No wonder that during the past twenty-five years, Samford University has been honored twenty times by Freedoms Foundation at Valley Forge. President Wright, a member of the Freedoms Foundation Council of Trustees, has received, individually, three George Washington Honor Medals.

Twenty-five years ago many people in the Birmingham community still remembered Howard College as the small struggling school, where sometimes faculty members received paychecks on time but at other times salary checks were either two or three months late or were not available at all. This image had to be changed. This image was quickly changed because Leslie S. Wright became a community leader, loved and trusted by the Birmingham business and civic community. Here are a few of his areas of service:

Member of Citizens Supervisory Commission of Jefferson County.

Chairman of Jefferson County United Appeal Campaign.

President of Birmingham Symphony Association.

Chairman of Alabama Ethics Commission.

President of Alabama Educational Television Commission,

On the Board of Directors of:

(a) City Federal Savings and Loan Association,

(b) Alabama Partners of the Americas,

(c) Alabama Council on Economic Education,

(d) The Baptist Hospital Foundation.

He is a Director and member of the Executive Committee of the Jefferson County Community Chest-United Way and is a member of the Commission on Colleges of the Southern Association of Colleges and Schools.

He has served as president of the Birmingham Rotary Club, past Governor of District 686 in Alabama, and serves now as a Director of Rotary International.

On and on we could list his many avenues of community service.

One would have expected a former administrative assistant to Senator Lister Hill to be a leader, but who would have guessed that he would exemplify the highest qualities of an educational engineer and statesman, becoming the dynamic, inspired, and perceptive leader to bring about the following changes:

1.In 1957–58 there were sixty-five faculty members at Howard College. This number has increased to 291 in twenty-five years, an increase of 341 percent.

2. In 1957–58 the average salary for faculty members was $4,680. This average salary increased by 14 percent in two years and 491 percent in twenty-five years.

3. The annual budget for the University increased from $1,255,000 to $16,417,000, an increase of 1,208 percent.

4. Annual gifts from the Cooperative Program increased from $225,000 to $2,253,000, an increase of 901 percent.

5. The annual budget for libraries increased from $45,790 to over $800,000, an increase of 1,647 percent.

6. The annual budget for scholarships increased from $57,867 to $1,400,000, an increase of 2,319 percent.

Consider now Samford's academic program. Progress here has kept stride with growth in other areas. Some of the major changes are as follows:

1. The pharmacy program was changed to a five-year program in 1959.

2. In 1961 the historic Cumberland School of Law was added to the Howard College program, bringing to the Brimingham area the rich tradition of one of America's oldest law schools.

3. In 1965 a good Howard College became a great university under the name of Samford.

4. Graduate programs were reinstituted in 1965.

5. In 1966 three divisions were elevated to school status and became the schools of Business, Education, and Pharmacy.

6. A dean was appointed for the Howard College of Arts and Sciences and the division of graduate studies was given school status in 1968.

7. In 1969 the University adopted the 4–1–4 calendar, and the division of music became a school.

8. Samford University established an Air Force ROTC unit in 1972.

9. In 1973 Samford University joined with the Birmingham Baptist Medical Centers to offer both two-year and four-year degrees in nursing.

10. In 1975 an Adult Education division was created.

11. In 1977 the division of Paralegal Studies became a reality.

12. In cooperation with the Baptist Medical Centers, in 1977 the University established the Division of Anesthesia.

13. In 1981 Samford inaugurated the Cooperative Education program.

14. Only twenty-one majors were offered in 1958; today students are able to enroll in more than fifty courses of study. In fact, more than half the undergraduates enrolled in the fall of 1982 were majoring in programs not available in 1970, and over sixty percent of all students were in courses not available in 1958.

Under Dr. Wright's leadership the University's unswerving commitment to honor God in all of its programs has been underscored this year, 1983, by Samford's leading the nation's colleges and universities in the number of missionary kids enrolled, the number of alumni appointed by the Foreign Mission Board, and the number of Samford graduates approved as Missionary Journeymen. At the two Southern Baptist seminaries closest to Birmingham, Samford has more graduates enrolled in training for full time Christian service than any other college or university.

It has been my personal good fortune that my thirty years with Howard College and Samford University have coincided with the twenty-five years of Dr. Wright's presidency. Perhaps you will allow me in the remaining moments to reminisce concerning the view of this man in a twenty-five year working relationship, or what I've seen from where I've sat.

My first view of Dr. Wright came from where I sat in a mathematics professor's chair as a young teacher, eager to experiment with new methods of teaching the ancient science of mathematics. It was most gratifying to experience the genuine interest and support for my area of concentration. (I have always suspected that this was partially due to the fact that Mrs. Wright had been a mathematics teacher.) This interest, however, was typical of his concern for the individual faculty member in all areas of study. There has been constant encouragement for innovative ideas that would benefit the overall purpose of this institution.

Some years later what I saw from where I sat in the chair of dean of Arts and Sciences served only to reaffirm the high qualities of this man's character, a man never satisfied with the status quo, but constantly researching new ideas and providing the impetus to bring them into reality.

For some thirteen years now my view has been from the chair of the Vice President for Academic Affairs, and what I've seen from where I've sat, Dr. Wright has been a man of tireless energy who, from early morning breakfast meetings to late evening appointments, has dealt patiently with the endless array of student, faculty, and administrative problems that have required a Solomon-like wisdom.

Yes, from what I've seen from where I've sat, Samford University is a great institution today because of the greatness of Leslie S. Wright.

[From the Birmingham (Ala.) Post-Herald, Sept. 2, 1983]

WRIGHT RETIRES AFTER LEADING SAMFORD IN GROWTH YEARS

(By Emmett Weaver)

On Sept. 1, 1958, a relatively unknown 45-year-old Baptist leader from Montgomery took over as the new president of Howard College.

At that time the school, which later became Samford University, had only seven buildings and the student enrollment was 1,800.

Also the privately supported college had only recently moved from its old East Lake campus to its present location over the mountain. There were still some postwar students attending classes under the GI Bill of Rights.

"I Think they have chosen an excellent man," Harwell G. Davis, the retiring president was quoted then in a Birmingham Post-Herald article. "I think the college will continue to grow and progress under his leadership."

But even Davis' predictions about the school's future couldn't have anticipated what the next quarter century would bring under Leslie Wright's leadership.

Neither did the ambitious former assistant to then-U.S. Sen. Lister Hill envision the amazing growth at the south Lakeshore Drive campus.

Since Wright became president, 27 buildings have been built and enrollment has reached 4,100.

Wright, who stepped down earlier this week as president, assuming the honorary title of chancellor, looked back over those years and said it would be impossible to build the university today as it was built during the past 25 years. "We couldn't do it today because of inflation and today's building costs."

Wright estimated that the total replacement value of the Samford physical plant would be $100 million.

He said the school had invested half that amount in the building program to date.

Wright, who will celebrate his 71st birthday in January, said after his final day earlier this week that he felt "relaxed, at the same time happy and proud of what has been accomplished" the past 25 years at Samford.

Executive president of the Baptist Foundation of Alabama before becoming university president, Wright called the building of physical plant that is Samford his biggest accomplishment.

So when Thomas E. Corts of Wingate College in North Carolina took over as president earlier this week, he assumed the top administrative position of the third largest Baptist university in the country.

Only Baylor University in Waco, Tex., which is No. 1 with its 10,000-student enrollment, and the University of Richmond in Virginia with 4,500 students, surpass the Birmingham school.

Corts completed his first day on the job yesterday as new president, and said he hopes to bring a broader international scope to Samford with a wider variety of cultural programs.

The new president has been holding retreats to acquaint himself with the faculty this week. He took one group of faculty members to the Baptist camp at Shocco Springs last weekend.

According to Wright, the Samford building program is 95 percent complete although the school still owns 250 acres adjacent to the campus which could be developed for non-academic, commerical purposes.

Only two student dormitories and a continuing education center are still on the drawing board.

Instead of a faculty of only 60 back in 1958, today's staff has grown to 225 in addition to a part-time faculty of 70.

The Lakeshore campus has mushroomed with its Georgian Colonial buildings dotting the mountainside.

Reviewing the major building program which has been a milestone during the Wright years, the ex-president said it was fortunate the same architect stayed on during the entire program.

"In feel we have one of the most beautiful campuses anywhere in the world. Sure, there are older campuses in Europe and U.S., with ivy on the walls, but they aren't any more beautiful than ours."

Another educational coup of the past quarter-century has been the moving of Cumberland Law School in 1961 from Lebanon, Tenn. to Birmingham.

For the first year, the class numbered only 60. Today the law school has an enrollment of 700.

Another sign of progress has been the establishment of a School of Nursing which works closely with the two Baptist Medical centers in the Birmingham area.

Wright points with pride to the university's School of Business, which has 647 students this year.

He also is proud of the fact that Samford prepares 600 students every year for Christian service.

But he forsees problems and challenges for the new president of Samford.

Two tasks confronting Samford in the future, according to the retired president, are attracting new students and finding enough money to operate.

He believes that sectarian schools, because they lack a tax base or a rich endowment, must depend more on student tuition money to keep operating in the black.

Wright emphasized the importance of building up the endowment fund.

Presently the Samford endowment fund is a modest $7 million, but he said that the university ought to have at least a $50 million endowment.

Now that he will no longer have the administrative duties and responsibilities as president, with the honorary position of chancellor, Wright and his wife will be free to travel.

As director of the Rotary International, he plans to attend a worldwide convention in Birmingham, England next May. It will be his first time to visit Alabama's sister English city.

And how does Mrs. Wright feel about her husband's retirement as president?

"I'm as happy as I can be. I've been trying to get him to retire for years."

CORTS, AS NEW UNIVERSITY PRESIDENT, TO STRESS IMPORTANCE OF WORLD CITIZENSHIP

Samford University's new president Thomas E. Corts was a busy man yesterday his first day on the job.

His 17-hour day began at 7 a.m. with a breakfast for the athletic department. It ended after 10 p.m. following a reception for new freshman students in Beeson Hall.

"It was a busy, but enjoyable day getting to meet the students and the faculty," said the 41-year-old North Carolina educator.

"I'm still learning my way around here on the campus and the city."

This past weekend he treated the faculty to a get-acquainted retreat at Shocco Springs in Talladega County.

While it is still too soon for any changes at Samford, Corts said he thinks it is important to broaden the international horizons of the campus community.

And the role of world citizenship definitely will be stressed at Samford, Corts said. He came to Birmingham from Wingate College in North Carolina where he was president for nine years.

While president of Wingate, a small school located southeast of Charlotte, Corts initiated an international travel program.

Corts believes people from small communities especially need to see what it means to be a world citizen.

Travel outside one's own country enrichens the person, said the new president.

"The ultimate lesson that students can learn in foreign travel is to appreciate their own country more, so that when they come home again they feel like kissing the soil."

Corts's wife, Marla, is a nurse who worked in a hospital emergency room work while he was president of Wingate.

He has three children. They are Jennifer, 17, who will be a freshman at Samford this year, Rachel, 15, and Christian, 11.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 2 p.m. today.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HAWKINS).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

Mr. BAKER. Madam President, will the Chair please state the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon.

The Senate resumed consideration of the joint resolution (S.J. Res. 159), which was reported on yesterday, September 26, 1983, from the Committee on Foreign Relations, with an amendment in the nature of a substitute, as follows:

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the security council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Con-

gress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this Act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (1) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Madam President, I am told that the Senator from Mississippi is prepared to speak on this subject.

Mr. STENNIS. That is what I am going to speak on.

Mr. BAKER. Madam President, I yield the floor.

Mr. STENNIS. Madam President, I understand that the Senator from Mississippi has been allotted 30 minutes of time on this subject matter; is that correct?

The PRESIDING OFFICER. There has been no order to that effect.

Mr. STENNIS. Madam President, I ask unanimous consent that I be allotted 30 minutes of time to speak on this subject matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Madam President, and Members of the Senate, I do not know of a more vital nor a more important subject that we could have appearing on our list of major items, that our Nation could have on its list of major items, than the situation we have now with reference to the possibility of war following the presence of our military forces in other countries, even though we are there by invitation.

I thought about this a great deal over a period of years, Madam President, and I do not like to talk about myself, but I have decided that maybe my experiences here on a similar subject matter might be of some value, and in that connection I want to comment on one part of the steps forward in moving into the war we got into in South Vietnam in 1954. I made a speech here in the Chamber on this general subject matter and particularly with reference to the possibilities of getting into war there. I looked at the RECORD today to see how many of our present Members were here on that day of 1954. By quick glance, if I am correct, there are only two here now who were here then, and I am one of the two. The other man is in town, but I did not try to bring him in.

But it did underscore how fast time moves on and problems in a way remain similar or the same.

Madam President, I was here in 1950 when we were debating then on a resolution passed unanimously by the seven members of the Security Council of the recently formed United Nations to which we belonged and relying on that we formally entered the Korean war and sent troops to take up battle positions in the actual fighting there in Korea.

There was no expressed authorization or formal consideration of the question of entering the war by the Senate or by the House of Representatives.

The general understanding was that we were committed by the affirmative vote, which included our own, of all members present and voting in the Security Council of the United Nations.

I remember I was standing just to the rear here of where I am now when the word came in, an AP report that President Truman had actually moved forward and had sent troops, a certain number of troops, who were already on their way to Korea and would be landing there within a few hours to take their position in the fighting in support of a battle that was already going on.

Of course, that action was taken in the same general atmosphere that I will refer to later but we were committed by the United Nations vote.

I remember the sensations I had, the realization that I had that is the first time we have ever deliberately entered an actual war without a declaration of war being declared by Members of Congress, who are the real special representatives and only representatives under our form of government of the people when it comes to this power of declaring war.

I was also here as a Member in the beginning of our participation in the war in Vietnam in 1954. In a Senate floor speech I warned against sending in our fresh, uniformed military men to Vietnam and publicly asked then-President Eisenhower that they be withdrawn. They were withdrawn. There were 200 Air Force mechanics. But others were sent in some time soon thereafter.

My objection was that there had been no declaration of war by Congress and the participation therein was not authorized, and before this matter was over about the war in Vietnam, our four Presidents had become involved, Mr. Eisenhower, Mr. Kennedy, Mr. Johnson, and Mr. Nixon, and participation continued for several years. At the peak of the Vietnam conflict, by April 30, 1969, 543,000 Armed Forces personnel were involved in Vietnam. For the duration of the conflict there were 47,269 U.S. military service people killed. In addition, there were over 10,000 noncombat deaths. And our total wounded, not mortally wounded, but wounded, was 303,635.

Madam President, there was never a declaration of war in that instance by Congress, even though there was a so-called Gulf of Tonkin resolution which was passed and was claimed by some to be a substitute war declaration.

It is true that year after year Congress appropriated money for our troops and war materiels in Vietnam, but this falls far short of the constitutional declaration of war.

I do not relate these matters critically. I was involved. I was in them. I was a part of it. Whatever deficiencies I refer to here in Congress I am including myself.

During all of our war in Vietnam I was on both the Armed Services Committee and the Appropriations Committee. I held hearings and handled on the floor many of the key bills that included manpower, money, and supplies, but no hearings were ever held on a war resolution that called on Congress to vote yes or no and give the people of the country a chance to express themselves through their chosen Representatives in Congress.

I relate these facts just as a part of an eyewitness and a part of them and not in criticism of anyone. We received a great number of periodic rosy reports about the war in Vietnam from various sources.

Many of these we later found to be based on erroneous data. A conspicu-

ous example was the Tet offensive which came along very shortly after an optimistic report and literally blew out the light at the end of the tunnel that we had been told about.

On a day-to-day basis, I was working steadily with a number of the experienced, seasoned, and wise members of the Senate Armed Services Committee and the Appropriations Committee. All would ask the question to each other over and over again: "How did we get into this war?" It was just unbelievable—the conditions in Vietnam, the limited fighting strength of the navies, the lack of resources, their lack of understanding of war conditions. Our people at home did not understand the facts and felt that they were taken in blind.

I do not mention these facts to discredit the Vietnamese. I am talking about conditions there we were faced with and for which our men died.

But I fully made up my mind many times over during all this Vietnam experience that when the fighting was over I would seek a way to implement and make known the importance and wisdom of that constitutional provision that provides the Congress shall have the power to declare war.

Now, that means, Madam President, it is not a matter of whose power it is; it is not a matter of some award being given by the Constitution to the legislative branch. This means that the Congress has the responsibility and the duty to develop all the facts available and then declare war if that course seems necessary.

Let me emphasize, even before the fighting in Vietnam stopped, I set out, along with others, to do what I could to make that provision of the Constitution better understood, and better used, and above all else, to see that Congress in the future would develop all the facts relating to the question of involving our Nation in hostilities, including the declaration of war when justified by the facts.

The Congress was given that sole constitutional power. In world affairs, we must have a working plan between the President and the Congress as to how the Armed Forces of the United States may be used in foreign countries or foreign areas of the world. Both should be involved in such matters and carry responsibilities therefor, with the Congress retaining the sole power to actually declare war.

Madam President, let me turn to the Constitution and the spirit thereof and my recollection of the actual putting together of that amazing document. There was a great deal of doubt—honest doubt—among the people whether or not the large Government that ours was destined to be could operate itself. There was firm belief by some that a royal family was necessary to assure a continuing group of successors automatic to that power, rather than a hiatus and uncertainty due to death or due to elections. There was a great belief that there was a chance that some who might be elected President would turn out to be tyrants and overrun their authority and willfully put the people to war. So authority was very carefully withheld from all that group that I referred to and got down to one group left—the Congress. And to them the Congress largely meant the House of Representatives, because it had already been agreed that they would be selected on the basis of population and everyone to some degree would be represented, every area of the Nation, and that would grow as the country grew later. They finally perfected and agreed upon how the Senate would be constituted and it went on the basis of States, two to each State, as we know.

But the real reasoning in there—and I go back now to some research that I have done partly while a student studying constitutional law—something I never got to practice but I have worked in and around it some—it got right down to the bottom line that they wanted to put the responsibility on someone that was directly responsible to the people. And they would have to look the people in the face, many of them knowing the House Members personally. So they put all the responsibility directly on the Congress; there has never been any argument about it since. There has been some ignoring, though, of those terms.

We found, during the war in Vietnam, we could not find an instrument to get a hold on to launch an understanding campaign before the people that only the Congress had the power to declare war and the issue ought to be brought to a head. That instrument was 200 years old, had lain there all that time. It had been obeyed, but it was not a household term and understanding with their people. We felt a need to rewrite the principle in some way that would be a more modern approach and give a handle to the problem that we could get the people interested in and help them to fully understand.

And because of that need, there grew up the initial efforts to draw a proposed statute to meet the situation that finally became known as the War Powers Act.

Now I am not claiming any great credit for that. I was one of the instigators for the reasons I have given, but circumstances took me out away from the floor of the Senate for 5 months then in a personal round I had. I did not really get to take part in the hearings and I do not think I was here at the final passage before the Senate.

But I was here when the conference report came in and I was here when the veto message came in on the bill that we had passed. And I was here and the motion was made to pass the bill, the President's veto notwithstanding. The House had already overwhelmingly passed what we now call the War Powers Act by a vote of more than 4 to 1. A motion to override the veto came on here in the Senate and we passed it I think by about 3 to 1. It was an overwhelming demonstration of the interests of the people who had been aroused. And they fully understood how they were involved directly and they did not want any more of the Vietnam experiences.

And now for the first time we find this newly passed law—all did not quite agree with it then, and I am certainly not trying to be critical of our present President of the United States—but we find now that it first looked like the law was going to be cold shouldered and put out of the way or not used or ignored. That has now changed and we are on the verge here of just passing a resolution, if it was changed some, and say, "Well, we are going to enforce the law as it is. We are going to follow the law as it is." That is not enough.

We should not pass the proposal here without examining and looking further into this thing and seeing what the basis is of being in Lebanon and these other places, what is the plan and what are the prospects and what it will mean to the people—what it will mean to the people—if we go on into this use of force further and further and further.

Without luck—I will put it this way—we can quickly get into a spot just like we were in Vietnam mighty easy. I know the day-by-day advances, and I had the feel of them. And I referred already here to the wisest and best men that we had in the Senate who would exclaim when they met day after day—I know it because I heard it—they would say, "How in the world did we let ourselves get involved in this war?"

So going back now to this matter. Of course I hope the cease-fire leads to a peace agreement and everything is rosy. It may or it may not. But regardless of that, the outcome, the real point involved and the real concern and meaning to our people is that, by and large, they are the ones that are going to have to put up the boys and the blood and the members of their family to fight a war if we get into it now or later. Let us just look it right in the face and tell them the truth.

Now I respect every Member here and his desire to find the best way to go, the best way out, whatever you want to call it. But we are up against that and we ought to put aside whatever time it takes to properly settle this question.

I am not surprised that the war powers resolution is challenged. It is kind of popular to complain about the

power not being left in the White House or some central head like that. And it is a problem for any President—any President, makes no difference who he is, what party or anything else, or what other troubles he has.

But in this present day world—more bountiful life than we have ever dreamed about to a larger and larger percentage of our people, yet still the most troublesome and the most dangerous in many ways, nuclear weapons included or excluded—something has got to be done in this field. Some power has got to be had. Some power has got to be exercised. Some better understanding, must be had by the people—now they are not ignorant, not at all. But they are not sufficiently informed as to the meaning of these matters and where these proper principles of our system of Government come in. And I think it is highly proper that the Constitution continue to put this power to commit this Nation to war in the Congress. It is put exactly in the right place, and we must continue to keep it in that place.

Regardless of what comes, I think, about world agreements, I think for a long, long time to come we are going to have to retain the power to say when we shall be committed to war.

Now that was not true in Vietnam. One reason I ran for the Senate was to try to make some contribution toward the way that the United Nations was pointing then. And we tried that and everybody, other countries, gave it a fair trial. We went, as I see it, too fast and expected too much; we ran by a lot of bad signals. It had not been able to function with effectiveness in enough fields of activity to dispense with the necessity of a country, especially as large as ours is, farflung as it is, and with conditions now where we have to have trade routes all over the world to maintain our economy and a great many other reasons why we must be able to carry on even with force if necessary and particularly a defensive force.

So, I think it will be a long time before it will be safe to take this power, modified in any large way, from where it is now, the constitutional power, resting solely in the Congress, to commit our country to a war, be it on the defense or offense. Of course, we always think that we go to war because of defense.

Madam President, I am not apologizing for anything I said, but on this matter some of the argument goes that this is a limit on the President and all of that. Well, my political philosophy, and it is reflected in my voting record, is that I think, under our system of government, we have to have some administration that can function, whether it is in my party or not; you have to have backing enough for the President on the floor of the Congress, the House and the Senate, to give him a reasonable amount of support to meet his problems and try to solve them. So I am not given to a pattern of moving in to try to embarrass the present President or any of the rest. I have had the privilege of dealing with four of them, at least, on this question of war powers and having gotten into a war where we could not get out—that is Mr. Eisenhower, Mr. Kennedy, Mr. Johnson, and Mr. Nixon. I know how it goes to the interest of the country.

I cannot vote for this resolution in its present form. I tried to do it. I tried to rise to the occasion for the necessity of the country, but I could not go for it. I cannot rest until we do something that is a step forward in perfecting a plan—we can do it within this law—that will have the support of the President and the legislative branch, be they from the same party or not or having mixed parties represented. It is an absolute must and it is a must that must be met because it goes to the vital interest, the safety and security of our people that have no other way of protecting themselves except to rely on the Constitution of the United States and those that they select. They select most of them to carry out its principles.

Madam President, I am not much on offering amendments. I think we ought to vote this resolution down, however good its intentions, while we are clear of any kind of personal blame or trying to put the onus on someone else, and make a new start and reach some kind of plan that will lead to fulfillment. We are going to have trouble all over the world—I think we already have it. I would believe certainly that we could work out a plan—I have seen temporary plans worked out here by just getting, by unofficial selection, say six Members of the House and six Members of the Senate, selected from the two parties and representing positions of leadership, to have a conference and work out matters and solve things on a temporary basis anyway, without always fully disclosing all of the plan.

That is how that works here. I remember one time particularly where we got tied up here on an important matter. This was with regard to intelligence. We got the late Senator Taft of Ohio and the then Senator from Alabama (Mr. Sparkman), and they went off alone 2 days and had such records brought as they wanted and came back in here and said, "Everything is satisfactory." Every Member of this body took that representation fully, for its full worth, and we moved onto our business.

I think, in an informal way, we could get something worked out here that would meet this situation. We have tried hard enough. But more then ever we have a law now that is in effect, this War Powers Act. The thing to do is change it, not abandon it, not deny it, not dispute it, not try to repudiate it, but amend it. I personally know something about when we are left without some kind of an instrument that Congress can have in its hand to carry out this high responsibility with reference to war and declaring war.

Let me mention an incidental matter about the Constitution, too. They finally got it settled about who was going to have the power to declare war, and that led to an argument that went on very severely about who was going to be Commander in Chief of the Armed Forces. They just turned immediately and said, the President of the United States will be the Commander in Chief of the Armed Forces and signed their names to it and went on.

Those things go together. It is hard for a President to conform, it is hard for the Congress to conform, but anyway, it is clear that the only ones who have power to do it is those who hold those offices, the incumbents. So I think it is up to us to do it.

I do not know if my time is up. I shall yield to the Senator from Arkansas if he has a question for me.

Madam President, I thank the Senator. My time is up. Is that correct?

Mr. PELL. There is no controlled time.

Mr. STENNIS. Well, others are here. I yield the floor.

The PRESIDING OFFICER. The Senator has no limitation on the amount of time he may speak.

Mr. STENNIS. I thank the Chair very much. I yield the floor anyway, Madam President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I have sat for the last few moments listening to the distinguished senior Senator from the State of Mississippi (Mr. STENNIS). I grew up, I say to my colleagues and the Chair, in the southern part of Arkansas, bordering the northern part of the State of Mississippi. I grew up there as a young man hearing about, studying about, reading about a man named JOHN STENNIS, the Senator from Mississippi. I have always had the greatest admiration for Senator STENNIS, the senior Senator from Mississippi. Madam President, at no time have I ever had a greater admiration or a deeper respect or higher esteem for this great man, this great statesman, then I have this afternoon, after listening to him discuss the complexities and the crisis that we are involved in today with regard to the War Powers Act.

Mr. STENNIS. If the Senator will yield, I thank him very much. He is a very fine gentleman, who has always been very gracious to me.

Mr. PRYOR. I thank the Senator from Mississippi.

Madam President, the Senator from Mississippi has brought up before the Chamber and before our colleagues the matter of the Constitution of the United States and a great deal of history that went into the Constitution and the framing of the Constitution. I should like to read the oath of office that the President of the United States must take before entering the Presidency. That is article II, section 1. I quote:

I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

That is the oath of office of the President, which we require him to recite upon entering that most sacred, solemn, and important office.

Madam President, my question today is simply this: Since the President himself—or as his advisers have advised him, whichever the case may be—has totally ignored the law that was passed by this Congress as empowered by the Constitution, which is known as the War Powers Act, suppose we pass another resolution allowing the President to keep our troops in Lebanon under the War Powers Act for 18 months or 1 year or 6 months or whatever. Then is the President going to see that particular statute, that particular resolution or act of the Congress and say, "Well, I don't like that one very much. I think that I will decide not to obey that law also"?

Have we reached the point in this country—and we say that we are a country of laws and not of men—have we reached the point where the President can pick and choose, just like at a smorgasbord or cafeteria, and say, "I like this, I am going to obey that, or that looks at right, I will go along with it. Well, that law I don't like, so I am not going to obey it"? Is that where we are in our Republic after 200 years?

That is my fear, Madam President. Not only are we trying to decide what to do about Lebanon, for that is only one issue. The other issue is, what are we going to do about an administration that obeys only those laws that it wants to obey and throws the rest aside?

I think that is a very serious concern that we have at this moment in the Senate.

I remember years ago in a political science class the professor told us that what we need is a fourth branch of government to enforce against the other three branches of the Government the laws that need to be enforced under the system of checks and balances, and right now we may want to think about that. If we say, "OK, the War Powers Act as passed in 1973 is the law of this land, and, Mr. President, it is now running and we are counting the days," what is going to make the President comply with that law? I do not know of a remedy. Maybe there is one that a constitutional scholar could give us, but, in any event, this matter goes deeper than Lebanon. That issue is simply what brought it to the surface.

Madam President, I am gravely concerned about the relationship today between the President and the Congress and the system of checks and balances that I find in grave jeopardy because of the President's failure to recognize and enforce and implement the War Powers Act as passed in 1973.

I yield the floor, Madam President.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, on the desk of every Senator is a letter that I have received from the President, and I would draw my colleagues' attention to that letter. It pertains to the cease-fire in Lebanon. It pertains to the relationship of that cease-fire to the resolution that is before the Senate now involving war powers, and I will read that letter at this time.

DEAR CHUCK: I know you were as gratified as I with Sunday's announcement of a cease fire in Lebanon. While there were many things that contributed to the cease fire, it is my belief that your agreement to advance the compromise resolution on war powers—and the favorable action by the Foreign Affairs and Foreign Relations Committees—were particularly important. At a crucial point, your agreement and the supporting committee actions expressed a commitment to bipartisanship in U.S. foreign policy. Please accept my thanks.

Let me also take this opportunity to clarify an issue with respect to the interpretation of the compromise resolution. The compromise resolution refers to the requirements of section 4(a) of the Lebanon Emergency Assistance Act; I gather that a question has arisen as to the Executive Branch's understanding and intention in this regard. My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act: It would be my intention to seek Congressional authorization—as contemplated by the Act—if circumstances require any substantial expansion in the number or role of U.S. armed forces in Lebanon.

In addition, regarding the Administration's intentions with respect to the 18-month time period, I can assure you that if our forces are needed in Lebanon beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms.

Again let me thank you for your support for the compromise agreement. I believe its prompt enactment will only further improve the chances for the stable peace we seek in Lebanon.

Sincerely,

RONALD REAGAN.

This letter is dated September 27, 1983, and constitutes in my judgment a very welcome birthday present from the President of the United States.

Mr. FORD. Will the distinguished floor manager of the bill answer a question or two?

Mr. PERCY. Yes, of course.

Mr. FORD. How does the Lebanon Emergency Assistance Act apply to the War Powers Act?

Mr. PERCY. The Lebanon Assistance Act is an act which provides for economic and military assistance to Lebanon. Many other countries including countries from the Arab world also have provided assistance to Lebanon.

We also provide for a peacekeeping force. The Lebanon Assistance Act places limitations upon the number and role of our forces in Lebanon.

The War Powers Act limits the time when American military forces can be in an area when imminent hostilities are present unless congressional authorization is provided. That timeframe is 60 days from the date it is determined that imminent hostilities are present. There can be under certain circumstances an extension of 30 days on the President's own authority and certification. After that, authorization is needed.

The relationship to the resolution before us is that we indicate clearly the presence of those forces is now in accordance with and subject to the conditions and terms of the War Powers Act. The President has said he will sign the joint resolution before us.

This letter from the President clearly indicates that not only does he understand the compromise resolution that has been worked out refers to the requirements of section 4(a) of the Lebanon Emergency Assistance Act, but also attempts to clarify and does clarify the executive branch understanding and intention in regard to its implementation. He indicates that when he signed the Lebanon Emergency Assistance Act, and he now reiterates and reaffirms:

It would be my intention to seek congressional authorization—as contemplated by the act—if circumstances require any substantial expansions in the number or role of U.S. armed forces in Lebanon.

Mr. FORD. May I ask the chairman, does it anywhere in this letter say that the President of the United States will comply with the War Powers Act as setting out the mission of our troops in Lebanon, how long they will stay there, all these things that would trigger the War Powers Act? All I read into this is it is the Lebanon Act that he will comply with. And if we take Secretary Shultz' statement—and I have not heard anything yet today that would change that—he, in so many words, said that the President nor the administration would comply

with the War Powers Act or any other act.

Mr. PERCY. Except for the fact that the President has said that he will sign the resolution that is before us, and the resolution that is before us specifically has reference to the War Powers Act.

Mr. FORD. Does this resolution require the President to submit to Congress the mission of our troops in Lebanon?

Mr. PERCY. It is my understanding that it does.

Mr. FORD. How long will the President have to submit that statement to Congress on the mission of our military personnel in Lebanon?

Mr. PERCY. Very shortly after the troops were committed to Lebanon as a peacekeeping force, the administration outlined the mission of those troops, the long-range goal of those troops.

Secretary Shultz, in his testimony before the Foreign Relations Committee, reiterated that those goals, objectives, and the mission of our Forces have not changed or been altered in the interim year. We have not achieved our end objective, but still the objective and goal remains the same.

Mr. FORD. If I understand it, the hostilities now have started, and that triggered the War Powers Act, and that is far different from the mission of our troops 1 year ago.

Now we are not only firing to defend our troops, but also, we are firing to support government troops. We are firing on the Druze.

All these things are happening, and the Senator from Illinois tells me that the mission today is the same as it was 1 year ago.

Then, the Senator from Illinois also says that the President will shortly send to Congress the mission of the troops. I do not see that in any resolution. I do not see that in the letter which the Senator from Illinois just quoted. I do not see anywhere in here that he says he will tell the American people, through the Congress of the United States, what the mission of our troops is in Lebanon.

Can the Senator answer that?

Mr. PERCY. I can merely answer it by indicating that the Secretary of State, on behalf of the President, has outlined as clearly as he could in his testimony, his written testimony, and his extemporaneous answers to a series of questions put to him by members of the committee, exactly what the mission of those forces is.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. FORD. I have one question, and then I will yield to the Senator from Maryland.

I ask the Senator from Illinois this question: How long does the President have to send to Congress, if we pass the resolution that is now before the Senate, to outline the mission, the timeframe, and the total number of troops as triggered under the War Powers Act, as the Senator from Illinois just said he would have to do?

Mr. PERCY. With respect to the mission, he has already stated what the mission is.

Mr. FORD. The War Powers Act has not been triggered. It was triggered on August 29, and on August 29 our mission there took a 180-degree turn.

Mr. PERCY. This date of August 29 was triggered by Congress. We unilaterally decided that was the date, and the President has not disagreed.

Mr. FORD. When Americans start spilling their blood on Lebanese soil, I think it is about time we declare something.

Mr. PERCY. I can read to the Senator from Kentucky the letter from Ambassador Dillon to the Deputy Prime Minister and Minister of Foreign Affairs of Lebanon, dated September 25, 1982. He said:

AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON UNITED STATES PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT EFFECTED BY EXCHANGE OF NOTES AT BEIRUT SEPTEMBER 25, 1982, ENTERED INTO FORCE SEPTEMBER 25, 1982

BEIRUT, *September 25, 1982.*

His Excellency FOUAD BUTRUS,
Deputy Prime Minister and Minister of Foreign Affairs, Beirut.

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

ROBERT DILLION,
Ambassador of the United States.

Mr. FORD. What is the Beirut area—sovereignty over the Beirut area? I thought it was a total country. I thought it was the country of Lebanon.

Mr. PERCY. I interpret the Beirut area as an area not strictly limited to the city limits of Beirut but certainly not as extensive as the entire country of Lebanon.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. PERCY. I yield.

Mr. SARBANES. Madam President, I think the Senator from Kentucky has put his finger on two very important points.

The first is the definition of the mission which is being expanded with each passing day. The Senator from Illinois has just quoted an exchange of notes of a year ago, September 25, 1982. But the resolution before us, by its own terms in the title, says that this resolution is to deal with removing foreign forces from Lebanon, and the findings are to the same point in section 2.

Furthermore, the Secretary stated over the weekend as follows, and I am now quoting from an article:

Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior adminstration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will ever agree to pull out."

Later on in the same interview, the Secretary of State said the following—and the Senator from Kentucky is right on point to be pursuing this line of questioning:

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational forces being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon.

Madam President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 25, 1983]

SHULTZ TIES WITHDRAWAL TO LEBANON'S STABILITY

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawl of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows, if the Syrians will ever agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would be expanded.

A resolution pending before Congress that President Reagan has agreed to sign is meant by its congressional sponsors to put definite limits on the role of the marines under the authority of the 1973 War Powers Act.

When asked if he would guarantee that the size of the force would not be enlarged, Mr. Shultz said yesterday that although there was no plan for an increase, he would not provide a "guarantee, which is a flat, unequivocal, never-say-never type of thing."

He said in defending his refusal to give a pledge of no change that "you can't foresee what the situation may be."

"And I don't want to be in the position of acting as though I know exactly what the situation will be," he said.

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French, and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational forces being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

U.S. officials said yesterday they were not certain how many foreign troops are in Lebanon. But one official estimated there are about 15,000 Israelis in southern Lebanon, about 40,000 Syrians in eastern and northern Lebanon and 11,000 to 15,000 Palestinian forces, some of them attached to the Syrian army and others on their own. There also are small numbers of Iranians and Libyans in support of the anti-government forces in Lebanon.

Senator Charles McC. Mathias, Jr. (R, Md.), when told of Mr. Shultz's comments yesterday, said that he felt the administration was being "ungenerous" and "unresponsive," given the desire of Congress to be cooperative. But he said that although the administration does not want "to waive any of its rights," he believed that once the resolution limiting the time, scope and size of the U.S. involvement in Lebanon was passed and signed, the administration probably would be "willing to live with it."

Mr. SARBANES. Madam President, the other point that the Senator from Kentucky was addressing is equally important, and the Senator was very perceptive in examining the letter that has come from President Reagan, which the chairman of the committee has been quoting. As he noted, the letter talks about not complying with the terms of the resolution before us but talks about the requirements of section 4(a) of the Lebanon Emergency Assistance Act and says: "My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act."

I repeat that: "My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act."

I should like to read to the Senate—because it is not attached as an addendum to the President's letter—what the President said when he signed the Lebanon Emergency Assistance Act of 1983, if his intentions and understanding remain exactly as they were when he signed it. This is the statement of President Reagan on signing S. 639 into law on June 27, 1983:

I am pleased to sign into law S. 639, the Lebanon Emergency Assistance Act of 1983. This act authorizes the appropriation of urgently needed economic and military assistance for Lebanon. The funding authorized by this act will greatly assist in promoting the economic and political stability of that country and support the international effort to strengthen a sovereign and independent Lebanon.

Section 4(a) of the act confirms this administration's announced intention with respect to congressional authorization concerning any future substantial expansion in the number or role of U.S. forces in Lebanon. As indicated in its legislative history, that section does not prevent the initiation of such actions, if circumstances require it, while Congress is considering a request for statutory authorization; nor,

And listen very carefully—

of course, is it intended to infringe upon the constitutional authority of the President as Commander in Chief, particularly with respect to contingencies not expected in the context of the multinational effort to strengthen the sovereignty and independence of Lebanon.

So at the very time that the President signed the Lebanon Emergency Assistance Act, he reserved unto himself the constitutional authorities of the President as Commander in Chief and stated that the act was not intended to infringe upon those authorities.

That is exactly the same assertion that the Secretary of State made under questioning before the committee with respect to the terms of the resolution that is before us, and the Senator from Kentucky absolutely cut right through the language of this letter to the essential point and that is, first of all, the President does not address really the resolution before us whether he will be bound by its terms, but in the course of saying and referring to the Lebanon Emergency Assistance Act and stating that his understanding and intent remain exactly as they were when he signed the Lebanon Emergency Assistance Act, these are words of art and what they are intended to refer to is this statement made by the President on June 27, 1983, when he signed the Lebanon Emergency Assistance Act and in my judgment in particular are meant to reserve out the provisions, "nor, of course, is intended to infringe upon the constitutional authority of the President as Commander in Chief," the very assertion that administration spokesmen have made with respect to the terms of this resolution. They reserved that authority at the time they signed the act and the reference here to the act is not understandable unless one goes back and sees what it was the President said at the time that he signed the act.

I commend the Senator from Kentucky for his perceptive questioning of the chairman of the committee.

Mr. FORD. Mr. President, I thank the distinguished Senator from Maryland for supporting my view and I think I have made my point, and I wish to try in my feeble way to just say how I feel and how I hope I reflect the feeling of the people I represent.

This discussion that we are having as it relates to the War Powers Act is the only way my people or the American people have of saying that, "No, we do not want our troops in Lebanon any longer than they have to be unless the President sets out a clear course and we understand that course," and we should have a course for this country before we commit the blood of our young to be lost on foreign soil.

There is a motion beginning a wave out there that this body had better pay attention to. We find we are supporting a government in El Salvador, the rebels in Nicaragua, and I read the story the other day about Honduras. Two officers who served in Vietnam said the only difference in Honduras and Vietnam is Spanish. The monkeys even wake them up chattering in the morning the same as Vietnam.

Chad, Lebanon—where are we headed? It is time that we had the great debate if that is what is necessary so that we can understand.

There is a responsibility of the President to set out our mission. That is the No. 1 priority, and the people of this country should be committed before we commit our troops.

I hope that we can find some nomenclature whereby we can extend a mite the ability to debate. What is the total military policy? Let us start out with the policy in Lebanon.

I hope, I hope, that the Lord can give us strength, the courage, and the ability to make the right decision.

I learned a long time ago in entering the political field that you have to be willing to be hated, and they are out there and I understand that and I am not afraid to be disliked as long as I can do what I think will save this country, that will bring international peace but basically we know where we are going and why.

Today we do not have that direction. No one in authority has laid it out where all could understand.

I would say to the chairman if it is his understanding that the President must send to this Senate and to this Congress the mission of American troops as passing this resolution he had better amend it so that everyone will understand it the same way he does, because when you read this letter, this letter does not substantiate the War Powers Act one iota.

You can read it in and I am not a word merchant, I am not a lawyer as many are standing around on the Senate floor, getting ready to take me on. All I come with, as a man said, armed with a silver tongue and the truth, and the truth out there is I do not believe our people want us in Lebanon unless we have a policy, a mission, and a goal and we have it spelled out for us.

We do not have that. We have a lot of things that say we are not going to pay any attention to it if it is not our will and this does not support the War Powers Act, not in my opinion.

You can find words that said, oh, you can play on them but you can also play the tune the other way after we pass it.

I yield the floor.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. FORD. I yield.

Mr. SARBANES. Mr. President, I ask unanimous consent——

Mr. PERCY. Mr. President, who has the floor?

Mr. SARBANES. This is a very important point.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Illinois has the floor.

Mr. PERCY. I am happy to yield for a question.

Mr. SARBANES. I wanted to make a unanimous-consent request to include some material in the RECORD.

Mr. PERCY. Yes.

Mr. SARBANES. Has the Senator included the letter from the President in the RECORD?

Mr. PERCY. Yes, that has been included in the RECORD.

Mr. SARBANES. Mr. President, although I know it is repetitious, I think it is important to have the letter from the President of September 27, 1983, juxtaposed with the statement which the President made when he signed the Lebanon Emergency Assistance Act into law because he makes reference to this in paragraph 2 of his letter and says in this letter Chairman PERCY has just received. "My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act."

Of course, when he signed that act, he made it very clear that the act was not, and I quote, "nor, of course, is it intended to infringe upon the constitutional authority of the President as Commander in Chief."

So he was reserving his authority as Commander in Chief, and this letter which we have just received encompasses that, although in a very indirect way. One needs to go and look at the statement. So I ask unanimous consent that the President's letter and his statement of June 27, 1983, on signing the Lebanon Emergency Assistance Act of 1983, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., September 27, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR CHUCK: I know you were as gratified as I with Sunday's announcement of a cease fire in Lebanon. While there were many things that contributed to the cease fire, it is my belief that your agreement to advance the compromise resolution on war powers—and the favorable action by the Foreign Affairs and Foreign Relations Committees—were paticularly important. At a crucial point, your agreement and the supporting committee actions expressed a commitment to bipartisanship in U.S. foreign policy. Pleace accept my thanks.

Let me also take this opportunity to clarify an issue with respect to the interpretation of the compromise resolution. The compromise resolution refers to the requirements of section 4(a) of the Lebanon Emergency Assistance Act; I gather that a question has arised as to the Executive Branch's understanding and intention in this regard. My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act: It would be my intention to seek Congressional authorization—as contemplated by the Act—if circumstances require any substantial expansion in the number or role of U.S. armed forces in Lebanon.

In addition, regarding the Administration's intentions with respect to the 18-month time period, I can assure you that if our forces are needed in Lebanon beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms.

Again let me thank you for your support for the compromise agreement. I believe its prompt enactment will only further improve the chances for the stable peace we seek in Lebanon.

Sincerely,

RONALD REAGAN.

PRESIDENT REAGAN'S STATEMENT IN SIGNING THE LEBANON EMERGENCY ASSISTANCE ACT

STATEMENT ON SIGNING S. 639 INTO LAW, JUNE 27, 1983

I am pleased to sign into law S. 639, the Lebanon Emergency Assistance Act of 1983. This act authorizes the appropriation of urgently needed economic and military assistance for Lebanon. The funding authorized by this act will greatly assist in promoting the economic and political stability of that country and support the international effort to strengthen a sovereign and independent Lebanon.

Section 4(a) of the act confirms this administration's announced intention with respect to congressional authorization concerning any future substantial expansion in the number or role of U.S. forces in Lebanon. As indicated in its legislative history that section does not prevent the initiation of such actions, if circumstances require it while Congress is considering a request for statutory authorization; nor, of course, is it intended to infringe upon the constitutional authority of the President as Commander in Chief, particularly with respect to contingencies not expected in the context of the multinational effort to strengthen the sovereignty and independence of Lebanon.

Mr. SARBANES. Mr. President, I also want to note because the chairman may want to respond that on the top of the page of the President's letter with respect to the 18-month time period he does not state there that the period in the resolution before us is an authorization and that he would then have to seek a further authorization from Congress if he wishes to maintain the troops. In fact, that language is very careful. It says, "I can assure you that if our forces are needed in Lebanon beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms."

If the War Powers Act applied, if he was applying the War Powers Act, what he would say is, of course, at the end of the time period stipulated in the act, whatever that might be, he would recognize that he would have to come back to Congress to obtain a further authorization.

That is not what the President has said; therefore, I think it is important that this perspective be kept in mind when viewing the letter we have just received.

Mr. President, finally, the chairman, in the majority report of the committee, has quoted a statement by Senator Javits, submitted to the committee on September 22, 1983. The quotation contained in the report is correct, but it encompasses only the first paragraph of Senator Javits' statement made to the committee. That is to be found on pages 14 and 15 of the committee report, and I think the subsequent two paragraphs of Senator

Javits' statement are also important and I therefore ask unanimous consent that the entire statement submitted by Senator Javits to the committee be printed at this point in the RECORD.

I urge those who have noted the quotation from it in the report also to take note of the other two paragraphs that Senator Javits provided to the committee with his views on the current situation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS, SEPTEMBER 22, 1983

The Administration and the Congress have each gained a major point in the proposed compromise on the War Powers Resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed abroad into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint not concurrent resolution, thereby, requiring the President's signature. This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

The length of the time which is covered, 18 months, within which time the President in effect continues his exculsive control over the incidence of "war" notwithstanding the exclusive grant of power to declare war to the Congress under Article 1, Section 8 of the Constitution, is excessive in so perplexing a situation, such as Lebanon, and disappointing, but there are some countervailing elements in the other terms of the compromise. The Congress may (again by joint not concurrent resolution) direct a sooner withdrawal of the Marines and the Marines continue in Lebanon only as part of a multinational force and in their present numbers.

The political question will still remain before the country as to the exclusivity of the power of Congress to deal with war. I believe the force of public opinion would back the Congress and heavily influence the President's decision whether or not to veto any such joint resolution for the earlier withdrawal of the Marines or would sustain the Congress in an override or in acting by concurrent resolution. The constitutional issue is and will continue to be very much the question until the division of these powers as defined by the Constitution is finally accepted.

Mr. PERCY. Mr. President, I should like to first of all thank both of my colleagues, the distinguished Senator from Maryland, a member of our Foreign Relations Committee, and a very valued member, and the distinguished Senator from Kentucky for the colloquy that we have had this afternoon. I think the work of the Senator from Maryland in the committee has been of great value in helping us to find exactly what the intention of the Congress is. I think it has helped elicit from the administration clarifying statements that add to the record materially.

Taking the report of September 26 issued by the Committee on Foreign Relations to the Senate, incorporating minority and supplemental views, Calendar No. 405, I ask unanimous consent to have printed in the RECORD at this point, the section beginning on page 13 with the sentence "that provision was adopted after very careful deliberation by this committee and on the basis of very clear assurances by the Reagan administration that it would seek authorization for that purpose," through the middle of page 14, a letter from Deputy Secretary Kenneth Dam.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

That provision was adopted after very careful deliberation by this Committee and on the basis of very clear assurance by the Reagan Administration that it would seek an authorization for that purpose. However, it is true, as the legislative history of this provision clearly reveals, that Congress did not insist upon specific prior authorization for any such expansion in numbers or role. The issue of prior authorization was a principal subject of discussion in the Committee and on the House side. The Administration strongly opposed any such requirement and, in the end, the Congress did not insist upon it. The following statement by Congressman Hamilton during the final debate on June 1 on a House-Senate compromise version of the bill, described the congressional interpretation of this provision:

The requirement for congressional authorization is not meant to impede the performance of the limited functions currently being performed by the U.S. Marines in Beirut or to interfere with their ability to defend themselves if attacked. However, any decision to expand significantly the role in Lebanon of United States Armed Forces would require statutory authorization.

If possible, the President should obtain authorization from the Congress before any significant change is made in the size or role of the U.S. forces in Lebanon. The Congress is aware, however, that in order to promote peace within Lebanon and fulfill international commitments, the deployment of a new or expanded peacekeeping force involving U.S. forces might be necessary prior to final passage of congressional authorization. However, congressional action should be obtained at the earliest possible time. In any case, the Congress expects full consultations by the executive branch with the Congress in a timely fashion should any change be contemplated in the size or role of U.S. forces in Lebanon, including any change in conjunction with the creation of a new peacekeeping force.

In its own final deliberations on this provision, the Committee acted on the basis of assurances contained in an April 20 letter from Deputy Secretary of State Kenneth Dam:

THE DEPUTY SECRETARY OF STATE,
Washington, D.C., April 20, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I understand that the House Foreign Affairs Committee has adopted an amendment to the Lebanon supplemental which provides that the President shall obtain statutory authorization from the Congress with respect to the introduction of U.S. Armed Forces into Lebanon in conjunction with agreements for the withdrawal of foreign forces and the creation of a new multinational force. I understand that this language was deliberately drafted so as not to interfere with the President's ability to begin such an introduction, if circumstances urgently require it, while Congress is considering his request for statutory authorization.

Under these circumstances, the HFAC amendment correctly described what this administration intends to do, is consistent with what we have done in comparable situations in the past (such as the Sinai Multinational Force), and is therefore acceptable to us. It is our intention to seek authorization from Congress as soon as possible following the completion of the ongoing negotiations, and we trust that Congress and the executive branch would then work expeditiously together with the objective of obtaining such authorization, if at all possible, prior to such new deployments.

I strongly hope that your committee will not find it necessary to deal with this question in the context of section 4(a)(1) of the war powers resolution. It would be highly premature and unwise, and potentially damaging to the integrity of the resolution, for Congress to prejudge the possible applicability of that section to future arrangements which have not yet been negotiated and future circumstances which cannot yet be predicted. Such an action, which would amount to a public finding that U.S. forces will be exposed to an imminent risk of involvement in hostilities, is in no way a foregone conclusion, and could give entirely the wrong public impression as to what results these negotiations are intended to produce. Surely it would be far preferable for Congress to reserve judgment on this matter (as we will) until it can evaluate the circumstances as they develop, knowing that the provisions of the war powers resolution will, of course, remain available.

I appreciate this opportunity to comment on your committee's work, and hope that we can arrive at a result which accommodates our mutual interests in this matter.

Sincerely,

KENNETH W. DAM.

The Committee expects that the commitments made the Administration on this point will be kept.

Mr. PERCY. I would merely like to ask my distinguished colleague from Kentucky one question. There has been a dramatic change since that cease-fire came into effect. Just as in every cease-fire, even the one that was a fairly successful one from July 1981 to June 1982 between Lebanon and Israel, could fail to hold. All sides do seem to agree today that the cease-fire is holding with a few exceptions. And it is totally different than the situation just a few days ago. The Beirut Airport is expected to reopen for some traffic this Thursday, and that is a forward step.

My question to my distinguished colleague is: Would the Senator really insist or suggest that boundary lines be drawn around our U.S. peacekeeping force in Lebanon today? Clearly, the area of operation of our forces is defined as the Beirut area, which does not extend to the borders of Syria or

the borders of Israel. It is a confined area that those troops are directed to stay in and that they have actually stayed in.

Does the Senator feel that we should clearly define border lines over which those troops cannot go? And does he feel that would be in the security interests of those troops and would it be in the interests of the peacekeeping mission of the United States, Italy, the United Kingdom, and the forces of France?

Mr. FORD. I say to my distinguished colleague that it is very difficult to answer his question when we do not know what the circumstance is. It has never been clearly delineated to the Congress. The President of the United States has never told us—maybe he has told the Senator privately, but he has never told anyone publicly—what the mission in Lebanon is. The Senator drew the line around Beirut, I did not.

We hear that it is to return a stable government to all of Lebanon and to get all of the troops out of there. But that is what we hear, that is not what we have laid out to us here in Congress as the mission.

Let me turn it around and ask the distinguished chairman if he looks at the last line of the first page of the "Dear Chuck" letter, what if circumstances change and require any substantial expansion? What is substantial expansion? What is the number? What is the role?

Well, we have never set out a role yet. We have never had a mission defined for us. I do not know what a substantial increase of troops is as it relates to this letter; the number of troops, the change in the role.

When they were there a year ago—we have had two occasions to send troops, now I think we have three: one, to escort the PLO out; two, to go in as a peacekeeping force, part of one; and now in hostilities.

Well, when the commander of the area signs the authorization that the troops there will get hazardous-duty pay, that was not when they first went in, it was after they started hostilities. So now they get hazardous-duty pay. That indicates to me that the War Powers Act was triggered.

So the Senator asks hypothetical questions: I ask hypothetical questions; All we want the President of the United States to do is lay out clearly what the mission is. Then when we know what the mission is, we can support him.

The Senator never answered my question. How long after, if this resolution is passed, when the President will have to report all of these things under the War Powers Act that the Senator says he will have to comply with?

Mr. PERCY. It has been very clearly outlined that the President will report every 3 months to the Congress as to what is being done.

Mr. FORD. When do we get the first report?

Mr. PERCY. Now what I would like to do, because my distinguished colleague from Pennsylvania has been patiently waiting for one-half hour to have a short colloquy, I would like to briefly answer my distinguished colleague from Kentucky and then yield to the Senator from Pennsylvania for such time as he might need to carry on an additional colloquy.

I would like to say, in concluding this section of our discussion, both of us have been writing and reading legislation for many, many years. One does not determine the authorities granted or recognized in legislation by reading the title of a bill or by reading the policy section, as I have discussed with Senator SARBANES, both of which are generally assumed to contain large portions of generalities, and sometimes even hopefulness.

The authorization provided in this resolution we have before the Senate now is clearly in sections 3 and 6. It is a limited authorization.

Now, let me read from section 3. The title is "Authorization for continued participation of U.S. Armed Forces in a multinational force in Lebanon." But the authority is in these words:

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

Clearly, the authorization is given the President, as Commander in Chief, to insure the safety of the multinational forces in Lebanon. Any commander in chief would want that authority. Any Congress would give the President that kind of authority once they have committed forces into an area of imminent hostilities.

Section 6 is entitled "Duration of authorization for United States participation in the Multinational Force in Labanon."

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactement of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

And then there are three conditions under which authorization shall terminate sooner because of their enactment.

I ask unanimous consent that those three provisions be printed in the RECORD.

There being no objection, the conditions were ordered to be printed in the RECORD, as follows:

(1) The withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) The assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) The implementation of other effective security arrangements in the area.

Mr. PERCY. I will conclude by reading the first part, section 7(a), "Interpretation of this resolution."

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

So, at any time circumstances change in Lebanon, one way or another, that have an effect, adverse or favorable, to our presence in that country, the President on his own authority can withdraw them or the Congress by joint resolution can direct the President to withdraw them.

At this time, I am pleased to yield now for such colloquy as the distinguished Senator from Pennsylvania would wish to carry on. I regret very much indeed that he has been delayed a half hour after the time I told him he could have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee. I understand the difficulties of timing in the management of this very important resolution.

As we approach the Senate vote on the pending resolution, two central considerations must be addressed: First, the authority of the President and the Congress under the Constitution and the War Powers Act to decide the scope of any U.S. military commitment in Lebanon; second, the wisdom of continuing the deployment of U.S. military forces as part of a multinational unit in Lebanon.

In my judgment, it was highly desirable for the President to agree with congressional leadership on the applicability of the War Powers Act. While the President has extensive authority as Commander in Chief under article II of the Constitution, article I vests in

the Congress the responsibility to declare war and raise money for the Army and the Navy. Through extensive hostilities which have become undeclared wars in the past, we have seen congressional authority substantially diluted.

To correct that imbalance and to define further congressional authority, the War Powers Act was enacted. Given the deaths and casualties of U.S. military personnel in Lebanon and the escalated involvement of air and naval power, there is little doubt in my judgment that the operative definition of the War Powers Act was present so as to trigger congressional involvement.

Protracted conflict between the Congress under article I and the President under article II could severely damage our national interest. There is hardly time for the Federal courts to exercise their article III powers to resolve the dispute. The compromise, which accords a significant congressional role, was sound.

Our experience demonstrates the wisdom of the Founding Fathers in vesting in the Congress the ultimate authority to declare war. We learned in Vietnam, and before, that the United States could not engage in extensive military operations without substantial public support. Vietnam demonstrated that a military operation cannot be successfully conducted on a limited basis; and a military operation on a limited basis cannot be successfully fought without widespread public support.

The Congress, as our Founding Fathers understood, is much closer to the people and reflects and understands public sentiment better than the more removed executive branch. It is not only the obligation of Members of the House of Representatives to run for election every 2 years which keeps the Congress closer to the people than the President can possibly be. The pattern has developed at recesses, and for that matter frequently on weekends, for Senators and Representatives to return to their States and districts to sample public opinion. During the past 45 days, for example, I have held open house public meetings in Pennsylvania in Gettysburg, Chambersburg, Altoona, Johnstown, Greensburg, Monroeville, Butler, Mercer, Erie, York, Allentown, Wilkes-Barre, Scranton, Media, West Chester, Norristown, and Doylestown.

There is no more important function for the U.S. Government than the protection and security for our people. The first and most fundamental reason for the founding of the Federal Government was to defend the United States from foreign danger. On that central issue, the separation of powers between the President and the Congress is most fundamental; and that separation of power has been preserved by the War Powers Act.

The substantive issue of deployment of U.S. forces in Lebanon is, in my judgment, more difficult than the appropriate allocation of power between the President and Congress

While the Congress was not formally consulted, there was much more reason to support the multinational force for peacekeeping than to approve the President's decision to utilize land, sea, and airpower in an expanding Lebanon conflict.

The multinational aspect was, in itself, highly desirable. On too many occasions, the United States has had to assume worldwide responsibility, which should have been shared by other nations. The precedent of a multinational force is excellent and should be expanded to include more nations whose forces might be available to maintain the peace in other areas of the world.

The objective of peacekeeping was sharply challenged by the eruption of fighting in Lebanon which constituted the recurrence of the civil war which has plagued that nation since 1974. The marines in Lebanon were placed in an untenable situation which was strongly reminiscent of the role of U.S. fighting forces in Vietnam. Neither their purpose nor their authorization was to fight to win. There was no peace left to keep. From Vietnam, we learned the bitter lesson of the futility of passive military action which is not aggressively directed toward victory.

In my judgment, it is indispensable that the United States maintains the psychology that a deployment of forces, like multinational peacekeepers, is not irrevocable. If we are not to maintain a frame of mind that we can have a variety of options, including withdrawal, then it is even more difficult to have the initial entry.

The issue was succinctly articulated by Mr. Tim Thomas of North Huntingdon, Pa., who wrote to me:

> What is their (the peace-keeping forces) purpose in Beirut? They certainly aren't keeping the peace. I really don't understand the political reasons for our being there.

Mr. Thomas is correct in suggesting that without a peace to keep, there is no function for a peacekeeper. Unless our objective is redefined to expand our activity to fight to win a Lebanese civil war, then there is no operative policy for staying in Lebanon. There has been no serious suggestion that the United States or the multinational force should alter its objective to fighting aggressively to win the Lebanese civil war.

This issue may have been resolved by the recent cease-fire arrangement. So long as the cease-fire remains in effect, there is a peace to keep.

The potentiality for sudden change in the situation in Lebanon requires the Congress to address its commitment in the light of the possibility of a change in circumstances. While we all hope that the cease fire will be maintained, we could rapidly be confronted with an eruption of hostilities which would require a redefinition of the purpose of the multinational force.

When Secretary Shultz testified before the House of Representatives, he refused to put a limit on the marines' mission in Lebanon, notwithstanding the language of authorization for a stay of 18 months. Just as the executive is unwilling to cast a commitment in concrete because of the unpredictability of future developments, so too the Congress must be very careful on a commitment which is applicable to peacekeeping or a limited use of force while reserving congressional approval for a broader application of force which may be tantamount to a declaration of war. The Congress must be careful not to declare war by implication.

Accordingly, our authorization to the President must be tailored to the existing circumstances with a careful reservation. That we are not committing to expanded use of force which may be tantamount to an indirect authorization for a declaration of war.

Mr. President, my concern relates to the factor of a change in circumstance. The issue of approving Presidential action in placing the marines in Lebanon as a peacekeeping force is very different from approving expanded hostilities which may come into play there. Certainly, when the President placed the peacekeeping force there approximately a year ago, it was a salutary move which had a deterrent effect on war activities and the contingent might have used some minimal force to keep the peace. But when substantial hostilities broke out in the course of the last several weeks, when the marine contingent was supported by airpower and by naval power and the battleship was moved into range with its 18-inch guns and their capacity to hurl 1-ton projectiles, then that situation changed materially.

The advent of the current cease-fire is a very gratifying development which greatly strengthens the President's position and the consideration of this resolution today or for so long as there is a peace there to keep. The concern that I have, however—whether the period of time is 6 months or 18 months or 6 days or 18 days—is whether there may be a substantial change in the present circumstances and the President may commit substantial additional force to the area and the action of the Congress in approving this resolution may, in effect turn out to be a declaration of war by implication.

We are being called on here to give our approval to what the President has done. It may well be, however,

that our efforts to invoke the War Powers Act will have an effect contrary to that which was intended by Congress.

Congress enacted the War Powers Act to impose some restraint on the President's actually engaging in hostilities which might equally well be defined as war without congressional authorization as required by the Constitution, which provides that only Congress has the authority to declare war. I am concerned that passing this resolution may give rise to an understanding that Congress has consented to Presidential action which may later be expanded and thus may constitute a declaration of war by implication.

I read the President's language in his letter of September 27, where he states:

> It would be my intention to seek congressional authorization as contemplated by the act, if circumstances require any substantial expansion in the number and role of U.S. Armed Forces in Lebanon.

Who is to define where there is "substantial expansion"? The President did not deem it necessary to invoke the War Powers Act in placing the marines in Lebanon. He did not deem it necessary to invoke the War Powers Act in ordering air cover. He did not deem it necessary to invoke the War Powers Act in ordering naval support. Who is there to say that the President will deem it necessary to invoke the War Powers Act in a change of circumstances? Who is to define what constitutes a "substantial expansion in the number or role of the U.S. Armed Forces in Lebanon"?

That is why, earlier today, I informally asked the distinguished chairman of the Committee on Foreign Relations and why I ask him now, what happens when the scope of the activity is no longer peacekeeping? Where it is peacekeeping, it is easy to say what Congress has authorized. But if the situation escalates and there is perhaps a deployment of additional marines, perhaps additional use of air power, perhaps additional use of naval force, so that there is a realistic equivalent of war, what will the construction be of our passage of this resolution? Do we not face the real risk of having our action interpreted as a delegation of authority by the Congress to the President to make war?

When the distinguished chairman and I had a conversation before, we talked about delegating the power to declare war. Well, the President will not declare war, but he may make war, which is really more serious than declaring war. To make war is to carry the act out rather than to state the intention. I have grave concern that when we pass—if we pass, assuming we pass—the war powers resolution, we may be, in effect, be delegating to the President the authority to make war and that, by passing this resolution, we may in effect, be declaring war by implication.

Mr. PERCY. Mr. President, I thank my colleague for his incisive question. Again, I think he will add materially to public understanding of what we are attempting to accomplish by passage of the resolution that is before us.

What we are doing is taking two things into account. Probably the best way to prevent war is to have a strong defense establishment and a strong defense presence so that we prevent war. What we have are American forces in Lebanon at this time that are in a peacekeeping force. Their essential purpose is to maintain peace and bring about conditions for peace in that area. In reading the President's letter and his analysis, in talking to top administrative officials, in talking with the Commandant of the Marine Corps, in talking with foreign diplomats—and we have one of them right here now, the Ambassador from Lebanon, meeting with our colleagues, it is clear our forces are necessary for peace. Certainly, from the editorials I have seen, analyses by journalists who are in Lebanon today and have seen the effect of the cease-fire, there is no doubt in the mind of the Senator from Illinois that the very fact that the House committee by a vote of 30 to 6 and the Senate Foreign Relations Committee by a closer vote, reported out this resolution, we have contributed immensely to providing an incentive for all parties in Lebanon.

Recognizing that American forces are not going to cut and run, they are not going to walk away from their responsibilities, recognizing that Lebanon and the Middle East are areas of the world essential to the national security interests of the United States of America as well as our economic interests, I do not think we would have had a cease-fire, nor do a lot of other informed people believe we would have had a cease-fire if we had in any way indicated and sent signals to that part of the world that we were just getting tired, we did not want to assume our responsibilities, and we would not participate actively in that peacekeeping force.

I talked to those marines out there when they arrived. I was on holiday at the time, but I got out to Beirut very quickly because I felt the President and Congress ought to be a part of this operation, to welcome those marines and welcome the Italian and French peacekeeping forces as well. I think we have sent a clear signal that brought about a cease-fire that has stopped the slaughter, stopped the rocketing, stopped the machine gun fire. I do not know how long it is going to last, but the last one lasted many, many months and saved thousands of lives. I am hopeful we are now going to move forward.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. PERCY. I shall be happy to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I have been in a conference with the distinguished Ambassador from Lebanon. He made the statement that he was confident that we were able to obtain the cease-fire because of the show of force the United States has made in Lebanon. He is very concerned about the situation, and he thinks that the United States has rendered a great service to preserving peace in that part of the world by having the marines there. Of course, it is their hope that this resolution now pending will be passed and that this matter will give the President the right to keep them there for 18 months.

I just thought I would say that is his clear opinion. I have just talked with him. He is in conference now with a number of Senators. I felt that might be of some interest to my colleagues.

Mr. PERCY. Mr. President, I appreciate that intervention. It is a valuable contribution. I deeply regret, once again, that all of us cannot be in the meeting with the Lebanese Ambassador at this particular time, but it is important, because of the limited time we have, that we continue this debate.

Mr. SPECTER. Mr. President, if I may follow up with another question.

I do not disagree with anything the Senator has asserted. The presence of our forces and the multinational force has been helpful in bringing about the cease-fire. I recall when the chairman made a trip to Lebanon, and I was there a few days after him, on September 10, 1982, the day when the peacekeeping force withdrew, only later to return.

Under the current situation, since there is peace there, great justification exists for having a peacekeeping force. But I ask the distinguished chairman of the Foreign Relations Committee, as a matter of definition, when does "peacekeeping" change to "warmaking"?

Where you have 1,400 marines in operation and a total of somewhere between 5,000 and 6,000 soldiers of the multinational force and the Lebanese are firing at those 5,000 to 6,000 men and are killing a number of them and wounding many more—five U.S. marines killed and more than two dozen wounded, and additional casualties to other members of the multinational force—and you have the multinational force firing back, you have support from air, you have support from the Navy, at what point does "peacekeeping" shift to "warmaking"? When is there a war that has not been declared by the Congress under its exclusive constitutional responsibility?

Mr. PERCY. The Senator goes right to the heart of the very matter that caused me to introduce into the Senate the original war powers resolution, which 30 days later in his infinite wisdom Senator Javits, then working with Senator STENNIS and a number of the rest of us, turned that sense-of-the-Senate resolution into a joint resolution that could be adopted by both the House and Senate and sent as legislation, as a joint resolution to the President.

As we know, it was sent to the President, and he vetoed it. But we carried it over the veto, and it is the War Powers Act that is now the law of the land.

What we tried to take into account at that time, what I was worried about at the time I introduced my original sense-of-the-Senate resolution, was that we continually make war without declaring it. Clearly the Constitution preserved to the Congress the exclusive authority to declare war, as was made clear in eminent testimony by constitutional authorities during the hearings. The chairman of the Senate Judiciary Committee himself, a distinguished attorney appeared. We had brilliant testimony from the former High Commissioner of Germany, former chairman of the Chase Manhattan Bank and our friend, Jack McCloy, now an eminent attorney on international and constitutional law. There was no doubt in his mind, in the brilliant testimony he gave, as to exactly what the framers of the Constitution had in mind as they deliberated and debated and then came to the wording that they did in the Constitution.

The Constitution in article I, section 8 gives the Congress the right to declare war, but it is clear from the discussions which went on at the Constitutional Convention in Philadelphia that this decision was taken deliberately and with great consideration. The grant to Congress in the Constitution of the power to declare war is clear and solemn.

But as the Senator from Pennsylvania also realizes, the development of international affairs in this century and particularly since World War II has to some extent outrun the development of international and constitutional law. The U.N. Charter essentially outlaws war, except in self-defense. And as a consequence, the practice of formally declaring war as envisioned by the Founding Fathers of our Constitution has generally been abandoned. We have not resorted to that since World War II.

The United States fought in Korea and we fought in Vietnam without a formal declaration of war. Congress was asked to provide the funds and to authorize the draft and do other things in support of those conflicts, but we did not as a general and definitive question decide the issue of whether those wars were justified.

Mr. SPECTER. Will the Senator yield at this point?

Mr. PERCY. I would be happy to yield.

Mr. SPECTER. Was the Korean situation a war?

Mr. PERCY. If ever I have seen a situation that was war, that was it. It certainly was war to those who were out there, who were killed and maimed, and to those who are still in veterans hospitals walking around crippled. They were in the midst of a war, and they knew it. But it was never a declared war by the United States.

Mr. SPECTER. And was Vietnam a war?

Mr. PERCY. To the 500,000 U.S. forces that were combat forces in Vietnam, and to the 50,000 who never came back to this country, that was a war, no ifs, ands, or buts about it, yet it was never a declared war.

Mr. SPECTER. Going back to my earlier question, the situation in Lebanon last week with the 5,000 to 6,000 multinational forces being fired upon and firing back with air and naval support, was that a war?

Mr. PERCY. Well, they were not shooting BB's. They were not using slingshots They were using cannons. They were using big guns. They were using weapons intended for one purpose——

Mr. SPECTER. I believe the Senator is answering yes.

Mr. PERCY [continuing]. To deter, maim or kill personnel, and that is a war. But there has never been, to my knowledge, a declared war by any party in the Middle East, nor has there been a declared war in Central America or in Chad.

Mr. SPECTER. Once the distinguished chairman of the Foreign Relations Committee acknowledges or expresses the judgment that it was a war in Lebanon last week, then how can we justify authorizing the President under this resolution to carry on activities which will amount to war, consistent with our exclusive constitutional responsibility to exercise that authority?

Mr. PERCY. If I could just go back to what we decided to do in 1970 before answering the question. May I relate it, because it is pertinent.

When the Members of the Congress early in the seventies considered how to exercise the clear responsibility of Congress to decide the solemn issue of war or peace, let us face it, their task was not a very easy one.

My old friend and brilliant colleague, Jacob Javits, held a press conference this morning in the Foreign Relations Committee hearing room in the Dirksen Building, a committee on which he served with such distinction for so many years. He described the difficult problem which confronted the drafters of the war powers resolution, of which he was the leading member, and he described the elements of the resolution as it emerged. It began as I wished I would be two places at once, in the hearing room of the Foreign Relations Committee and at a markup on a bill that we had been waiting for many, many months. It was crucial to the administration.

I hope Senator Javits will be able to join us tomorrow on the Senate floor to provide to his colleagues his wisdom and good judgment on this issue. I hope he will be available so we can confer with him on the authority intended by the Congress, by the Senate when we passed and adopted the War Powers Act.

I have discussed this issue with Senator Javits before joining with the majority leader in the introduction of the resolution that is before us today. I asked him for his judgment. There is no one on whom I would rather rely for advice then Senator Jack Javits. I would undercut or compromise the war powers resolution which was a creation of his brilliant mind.

His response, which was made available to all members of the Foreign Relations Committee prior to our markup, and which has been inserted in the RECORD, was as careful, as precise, and as judicious as we would all expect from this great Senator.

Let me read the first paragraph of this statement made by Senator Javits last Thursday:

> The Administration and the Congress have each gained a major point in the proposed compromise on the war powers resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed abroad into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint not concurrent resolution, thereby, requiring the President's signature. This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

In short, the war powers resolution was drafted in recognition that the commitment of U.S. Armed Forces to hostilities abroad had occurred and would continue to occur without declarations of war.

The resolution was an effort to modernize our procedures in order to fulfill our original constitutional responsibilities. It recognized that in the present era, there will be uses of U.S. forces which do involve hostilities or imminent hostilities, but which do not involve all-out war. The peacekeeping mission of our forces in Lebanon is one such use of our military forces. It is an essential function. It does involve hos-

tilities. It should have to be authorized by Congress. But it would be completely inappropriate to declare war on anyone under these circumstances.

The Founding Fathers probably did not anticipate such use of the U.S. forces, but Congress did cover such a situation with the war powers resolution. We are not surrendering our responsibility in this resolution to consider the desirability of such an authorization and to vote up or down on it. It is a limited authorization, which I think is appropriate and consistent with our constitutional responsibilities.

Mr. SPECTER. I will ask a final question before yielding to the Senator from Maryland.

Mr. PERCY. I will be happy to take one final question and then yield to the Senator from Maryland.

Mr. SPECTER. When the Senator from Illinois said, in the statement he has just made, that it would be inappropriate to declare a war, but he has conceded earlier that the activity last week in Lebanon amounted to a war, will not we violate our oaths of office, in which we have sworn to uphold the Constitution, which empowers only Congress to declare war, if, through the passage of this resolution or otherwise, we authorize a war to be engaged in which has not been declared in accordance with our constitutional mandate?

Mr. PERCY. I would have to refer to a greater authority for a definition than the Senator from Illinois could provide—Webster, perhaps—to find out exactly what war is and how Webster defines what war is.

Certainly, our mission today in Lebanon is entirely different from our mission in World War I and World War II, certainly different from what it was in Vietnam.

In Vietnam, we had all-out battle for a sustained period of time.

In Lebanon, though we had an exchange of weapons fire of varying sizes, small and large—at sea and on land,—our exchange was done not to interdict, not to cut off, not to win victory over, not to decimate forces, but strictly for the purpose of protecting our Marines when they were fired upon and to let the forces firing upon them know that if they continued to do so they would pay a price. That price would be the destruction of the hostile personnel and the equipment.

That was the limited nature of our operation. The operation was successful. When they saw the size of the guns on the *Ranger,* the guns on our cruisers and our destroyers, and the presence of the battleship *New Jersey,* there was less of a desire to harass our Marines and endanger our Marines.

At no time did we have an intention to take or occupy any land, to put forces ashore that would seize and take any parts of Lebanon occupied by Syria, certainly not by Israel, or even by the Palestinians. It was a very limited operation.

Certainly, those sitting on the receiving end of those shells would consider themselves in a war, but suddenly we now have a cease fire. That situation is different from the one we had in World War I, World War II, South Vietnam, and South Korea.

Mr. SPECTER. I thank the distinguished chairman.

Mr. SARBANES. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. I yield.

Mr. PERCY. I yield the floor.

Mr. SARBANES. Mr. President, I think the Senator from Pennsylvania has asked some very serious questions of the chairman of the committee with respect to our responsibility as Members of the Senate.

Earlier in the exchange, the chairman of the committee quoted the statement by Senator Javits submitted to the Senate Foreign Relations Committee. That was a three-paragraph statement. What was quoted was only the first paragraph, and I should like to read the other two. I particularly say to the Senator from Pennsylvania that Senator Javits closed that statement by saying:

> The constitutional issue is and will continue to be very much the question until the division of these powers as defined by the Constitution is finally accepted.

So the Senator is putting his finger on an extremely important point here and one that was clearly recognized by Senator Javits in his statement.

While he stated in the quotation that this was an important step along the way, he then went on to say—this is the balance of his statement:

> The length of the time which is covered, 18 months, within which time the President in effect continues his exclusive control over the incidence of "war" notwithstanding the exclusive grant of power to declare war to the Congress under Article 1, Section 8 of the Constitution, is excessive in so perplexing a situation, such as Lebanon, and disappointing, but there are some countervailing elements in the other terms of the compromise. The Congress may (again by joint not concurrent resolution) direct a sooner withdrawal of the Marines and the Marines continue in Lebanon only as part of a multinational force and in their present numbers.
>
> The political question will still remain before the country as to the exclusivity of the power of Congress to deal with war. I believe the force of public opinion would back the Congress and heavily influence the President's decision whether or not to veto any such joint resolution for the earlier withdrawal of the Marines or would sustain the Congress in an override or in acting by concurrent resolution. The constitutional issue is and will continue to be very much the question until the division of these powers as defined by the Constitution is finally accepted.

Mr. President, I think it is obviously reasonable to conclude from the entire statement of Senator Javits that what the administration has done thus far does not comport with the requirements of the War Powers Act, and I commend the Senator from Pennsylvania for raising this important constitutional question.

Mr. DURENBERGER. Mr. President, I should like to make a few comments on the situation before us.

It seems to me that in coming to grips with the war powers resolution as it applies to the situation in Lebanon, and as we have been illustrating here this afternoon, we face two questions.

The first is whether the laws governing war powers are applicable to this particular situation. The second is whether Congress should express its satisfaction or dissatisfaction with the President's conduct of our policy in Lebanon. I have heard somewhat more of the latter, although it is sort of an interesting mix. So far as I am concerned, the answer to both these questions is yes: The laws governing war powers are applicable, and, yes, I believe that at this point in time we should express our satisfaction with the President's conduct of our policy in Lebanon.

I do the first on this basis: The war powers resolution, it seems to me, is nothing more than a reaffirmation of the commonsense which went into drafting the Constitution of the United States almost 200 years ago. At the time that the act was passed in 1973, overriding Presidential veto, people on both sides of the issue sort of colored the issue for the next 10 years. They viewed it as a major departure in executive-legislative relations. A great deal of television and radio time was used, and much printing ink was spilled, over the question of whether the act, on one hand, would unwisely limit the President's ability to act or, on the other hand, whether it would prevent another so-called Presidential war.

To a large extent, I have come to the conclusion that these concerns were largely traumatic rhetoric, for it is my belief that the war powers resolution simply restated what should be obvious to Americans over a couple of hundred years. It was vital, but it did not stake out a whole lot of new ground.

What is the War Powers Act? Beneath all the verbiage, it is a law requiring the President to report to and consult with Congress before introducing U.S. military forces into certain specific situations.

Beyond that, the resolution simply states that when U.S. forces are either engaged in hostilities or are in a situation where hostilities are imminent, Congress shall share with the President the responsibility for authorizing their deployment. Congress can exercise that responsibility in a number of ways. First, it can exercise its exclusive right, as is being discussed here, to de-

clare war, and the answer to the question about war is not whether or not someone sees the guns on the *Ranger* or marines are killed. War is strictly a legal condition which conveys certain rights and certain responsibilities to belligerent parties in a certain circumstance.

Second, if Congress does not wish to declare war, it can nonetheless enact legislation authorizing the President to continue the deployment of U.S. troops; or, third, Congress can conditionally extend the 60-day period of time in the War Powers Act, in which the President is permitted to act more or less unilaterally after he reports and consults.

Finally, Congress has it in its power to order the withdrawal of troops, either by waiting for the statutory 60-day clock to run or by affirmatively acting earlier to withdraw those troops.

In other words, Mr. President, I have come to the conclusion that the War Powers Act is simply a reassertion of the fundamental proposition that the President's rights and powers as Commander in Chief can be fully exercised only when Congress has declared war or has otherwise created specific statutory authority to act.

In situations short of that, the President's freedom to introduce troops into situations of active or imminent hostilities are curtailed without the specific approval of Congress. Even if the President tries to avoid reporting and consulting, our authority is clear and his is limited under the act. That is as it should be.

To my mind, therefore, the essence of the War Powers Act is a statutory reminder that the constitutional power to commit troops is a power that is shared. The key word here is "shared." It is less important that the law creates a 60-day clock than that it mandates an active congressional role in matters which go to the heart of the Constitution.

The constitutional principle is clear, and it should never have required reiteration. The specific statutory elements—60-day clocks, 48-hour reporting provisions, and so forth—are simply esoterica when compared to the constitutional requirements of reporting, consultation, and shared power.

But shared power means shared responsibility. We should remember that the passage of the War Powers Act was necessitated at least as much by the failure of Congress to perform its duties during the Vietnam war as it was by any so-called "usurpation of power by the President." If the act reasserts the obvious point that war powers are shared and that the President should consult, it is also a reminder to us in Congress that we must do our duty, just as the President must do his.

If we face a situation where American troops may be introduced into actual or imminent hostilities, it is incumbent on us in Congress to act.

Most of us believe that after August 29—the day the first marines were killed as a result of fire specifically aimed at them—the situation in Lebanon became one of at least imminent hostilities and more likely ongoing hostilities. We had, of course, already been reported to and consulted by the President at the time the Marines joined the multinational force in September 1982. With the casualties on August 29 of this year, however, our role became larger, for the war powers resolution came into full effect.

It is now incumbent on us to share with the President the responsibility for permitting or prohibiting troop deployments in a situation where Americans are being killed. The essential requirement of the War Powers Act—shared duty to decide on deployment—is being met by this debate today. So the first question—whether the war powers resolution is pertinent to this situation—can clearly be answered "yes."

In saying that, let me stress a key point. The President has thus far fully complied with every expectation of the War Powers Act. The resolution which has been offered by the majority leader was drafted with the administration's guidance and blessing. It is specific in stating that the marines and the naval task force "are now in hostilities requiring authorization of their continued presence under the war powers resolution."

There has been no attempt to evade the requirements of the law. The principle we established in 1973 is being upheld, and there is strong consensus between the Congress and the President on that point.

That is where the second question comes into play—whether or not we in this body should support the President's policy in Lebanon. Unfortunately, the debate on that question has become tangled up in the particulars of the war powers resolution. It is easy to confuse ourselves on this point.

The war powers resolution was not drafted simply to limit each and every deployment of American troops to 60 days. Congress did not believe that each and every international situation could be resolved in a mere 2 months, nor did it try to insist that our only choices as a nation were either an outright declaration of war or a statutory 2-month commitment. The 60-day provision was inserted into the War Powers Act simply in order to insure that at some point after hostilities had become imminent and powers had become shared, we—Congress, not the President—would fish or cut bait. The same purpose could have been served if the clock had been limited to 15 days or extended to 180.

In either event, the time limit would have been arbitrary in terms of a given situation at a given location. But it would nonetheless have served the key purpose—to insure that Congress takes an active role in the policies which might embroil us in a war.

The clock should be seen as a trigger for congressional decisionmaking, not simply as a brake on the President's role. It demands action on our part as much as it requires caution on his.

When Senators argue that we should limit the authority of the multinational force to a strict 60 days or any other period, they are not making a statement about the requirements of the War Powers Act. They are making a statement about what they feel our role in Lebanon should be. The issue is foreign policy, not constitutional law. If Senators choose to cloak this in the language of the War Powers Act, we should not become confused.

The War Powers Act specifically envisions that troops may be deployed in situations of imminent or actual hostilities for longer than 60 days provided that Congress assents. So in debating today whether to limit the duration of the marines to 60 days or 6 months or 18 months, we are not debating whether the War Powers Act is being observed. It is. Let us recognize that we in this body are in basic agreement with the President over the requirements of the War Powers Act, and let us get on with the job of determining how we can and should best share the responsibility for making policy in Lebanon.

In my judgment, there are a number of vital foreign policy issues which argue for sharing with the President the decision to let the marines remain committed to the multinational force for as long as circumstances dictate. If we decide to limit the intitial authority to 60 days, we will compel the President publicly to discuss a very fluid and very delicate situation 2 months from now and as often thereafter as a simple majority of us might dictate from time to time.

The cease-fire terms announced on Sunday night are a promising sign. It appears to me that the presence of the multinational force was a key element in obtaining that cease fire. We should not risk undercutting it by requiring a bimonthly debate on fundamental policy, particularly when negotiations aimed at bringing reconciliation to Lebanon are underway. We could not have expected President Carter to check in with us periodically in the midst of the negotiations at Camp David. We had to trust him to do the best he could while keeping us advised informally. Likewise, we must trust President Reagan. Policy is actively made, not mechanically followed, and the real issue is whether we are willing to let the President make it so long as

we are satisfied with its general course.

Having said that, I do not want my colleagues to believe that Congress if it approves a 180-day period as provided in the resolution can then turn its attention to unrelated matters for the next year and a half.

I am not by any means advocating a retreat from our shared responsibility in the matter of war powers. The fact is that regardless of what time limit we set for initial authority on the multinational force—whether 60 days, 180 days, or 18 months—we can always recall the marines from Lebanon through passage, not of a concurrent resolution that is provided in the War Powers Act, that is under a constitutional question, as a result of recent Supreme Court decision, we can do it through a joint resolution or through a bill. Our authority and our power in this area are clear, as they always have been.

If we are fearful that 18 months is too long an initial commitment, what that really means is that we do not trust ourselves to do our jobs, not that we do not trust the President. Let us be forthright about that point: We do not jeopardize our own ability to withdraw the troops by granting the President an 18-month authority. We lose nothing. But we gain for him—and for our country—the necessary breathing space to credibly back up a commitment on which most of us seem agreed. Let us not weaken that commitment because we fear that we ourselves are incapable of acting wisely. If we lack the confidence to impose limits in the event they are called for, then we have no business sharing any power at all.

So if the situation involves a presumption that the President should have the flexibility—subject to our oversight—to make his commitment credible, let us give him that flexibility and that credibility. I think the situation in Lebanon is clearly one in which that presumption is present. If at any time during the next 18 months we should develop a fear that somehow we are entering a so-called quagmire as we did in Vietnam, we can get out. That is in our power here in Congress. But if we do not develop such fears, we will have avoided weakening the position of this country in an endeavour which is vital to our national interests.

We now know the welcome news that a cease-fire has been negotiated in Lebanon. It is a fragile thing, of course, and I will not argue that we can count on its remaining in effect forever.

But it is a tangible sign that our policies are working, and a powerful reminder of the dangers of changing those policies out of a misplaced fear that we might somehow lose control. If control is lost to the executive branch in this matter, it could just as easily be lost in 3 days as in 60, or in 60 days as in 6 months, or as in 6 months as in 18. The limits of the authority are really not the issue here. The wisdom of our policy and the willingness of this institution to assert itself should circumstances dictate are the real issues. I think our policy in Lebanon is sound, and I have enough confidence in our own commonsense to believe that we can recognize reality in the event that our policies go sour and it becomes necessary to recall the troops. In the interim, I prefer to give this country and its President the flexibility they need.

At bottom, Mr. President, the War Powers Act was a needed reminder of what the framers of the Constitution knew from direct experience: No foreign policy is sustainable unless it has the active support ans assent of the people. That is why the Constitution created a large congressional role in war powers. This sharing of the war powers actually strengthens our policy, and if the War Powers Act does nothing else it reminds us of that.

So I strongly believe that the act is a needed codification of constitutional law and commonsense, and I support its implementation. Had the President chosen not to comply, we would ourselves have been compelled to invoke the act, for inaction on the part of the Chief Executive cannot change the reality of ongoing or imminent hostilities.

When shots are fired in anger at our troops, the War Powers Act comes into effect, and nothing can alter that fact. But when it comes into effect, we must remember that our duty becomes one of sharing power and responsibility not simply watching a clock.

In a real sense, therefore, the War Powers Act requires that we ourselves face up to the responsibilities which we chose to evade and ignore during the Vietnam war. That is not an easy thing to do, for it requires us to make decisions and to share liability. But if we are to play a role larger than rubber stamp on one hand or permanent obstacle on the other, we must grit our teeth and help make policy. If that policy seems sound, then as those who share responsibility for making it we should get on with making it. If it is unsound, we should end or alter it. In this case, the policy is sound.

At all times, we should watch events carefully so that if need be we can recall the troops as contemplated in the act. But we should above all else avoid the trap of doing nothing. I fear that if we limit the authority to an arbitrarily short length of time, we will effectively be doing nothing responsible. No one ever said that the conduct of policy is easy. But if we are to live up to our own responsibilities, we must make the tough choices here and now. That is why I urge my colleagues to support the resolution offered by the majority leader and why I caution them to keep vigilant thereafter.

Mr. DIXON. Mr. President, I wonder if my warm and distinguished friend from Minnesota would yield for a question at the conclusion of his very excellent remarks?

Mr. DURENBERGER. I am happy to yield.

Mr. DIXON. A number of times during the course of the Senator's remarks, I noticed that the Senator from Minnesota expressed his view to the Senate that the President did fully comply with the War Powers Act. I would ask the Senator from Minnesota whether he stands on that statement?

Mr. DURENBERGER. Well, I believe I do. I may not be able at this second to prove it to the satisfaction of the Senator from Illinois, but it is certainly my impression.

Mr. DIXON. I do not want to demean any of the remarks of the Senator, who is a warm friend and whose point of view has always been one I felt is well made in every circumstance, but the War Powers Act, as the Senator knows, says, in section 4(a) as follows:

> the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—
>
> (A) the circumstances necessitating the introduction of United States Armed Forces;
>
> (B) the constitutional and legislative authority under which such introduction took place; and
>
> (C) the estimated scope and duration of the hostilities or involvement.

I point out to my warm friend that, in this resolution, we find on page 2 as follows:

> The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983.

Now, it is my understanding that it has been argued both by the Senator from Minnesota and my respected and warm friend, the senior Senator from Illinois, the chairman of the committee, that this finding is correct under the War Powers Act. I would ask whether it is not the view of the Senator from Minnesota, given those circumstances, that the President should fully be required to fully comply with section 4(a) as it is stated in the War Powers Act?

Mr. DURENBERGER. Well, I guess the Senator makes a good point. It would appear to me that, as of August 29, which is the date that I used in my presentation as a triggering date for the War Powers Act, that that would be the time in which, as I very quickly now glance over the reporting requirements of section 4(a), that I would have expected the President should have made that kind of report.

Mr. DIXON. If I may pursue this further for a moment with my distinguished friend. It does not trouble this Senator that we go forward under section 6 of the War Powers Act and follow the procedures outlined there as we are doing in this resolution. I think that may be an appropriate thing to do.

What troubles this Senator, I say to my friend from Minnesota, and I say to my dear friend, the chairman of the committee that is jurisdictional here, to my senior colleague from Illinois, what troubles me is we are excusing the President from complying, as he is required to do under this section of the act.

Now, I think that is the first step that we ought to have here. If the President would come forward with a statement in writing to the President pro tempore of the Senate and the Speaker of the House setting forth in writing now his position, I would remind the Senator that the President has said he will reluctantly sign this resolution. If he would reluctantly sign it, I presume, I say to my friend from Minnesota, that the President has read it or his advisers have read it to him.

If his advisers have read it to him or if the President of this great Nation has read it, then he knows that we say that we invoke the war powers resolution and that it became operative on August 29. If it became operative on August 29, we are waiting here with bated breath a month later for the President to comply with the simplistic directions of section 4(a)(1) of the resolution. I am still waiting. My colleagues who are concerned are still waiting. I would ask if that is too much to ask.

Now, my dear friend from Illinois read today a letter from the President directed to the majority leader. We are happy to have that information. It is enlightening to us. But I wonder why he will not just comply with the act and give us directly the information the act directs him to give us.

Mr. DURENBERGER. I cannot speak for the President, nor can I speak for anyone else here with whom there may have been a more official communication than the letter I have before me addressed to the President pro tempore of the Senate, the Honorable STROM THURMOND, and executed by Ronald Reagan on White House stationery as the President of the United States.

Now, while that letter does not specifically cite all of the subparagraph requirements of section 4, it does make reference to section 4. It does set out in that letter, in perhaps not the detail that you might anticipate being required by the statute, but it does set out a wide variety of circumstances which might, in the Senator's judgment or mine, satisfy the requirements of section 4(a) or 3(a) or however you interpret it.

Would the Senator disagree with that? I take it the Senator has a copy of the President's letter to the President pro tempore of the Senate.

Mr. DIXON. Does the Senator find that on his desk?

Mr. DURENBERGER. I do now.

Mr. DIXON. Who gave that to the Senator?

Mr. DURENBERGER. My trusty sidekick.

Mr. DIXON. Does he have another copy?

Mr. DURENBERGER. There may be some confusion. There is a letter dated September 27 from the President on your desk today. I have in my hand what I am informed is a copy of a formal letter sent to the President pro tempore of the Senate, and it is dated August 30. I would be pleased to have it copied and deliver it to the Senator from Illinois.

Mr. DIXON. I would like to have that letter.

May I say I have a letter here dated September 27 to my friend, the senior Senator from Illinois, entitled "Dear Chuck." While he is my warm friend and I regard him highly, he has never held himself out to be either the President pro tempore of the Senate or the Speaker of the House. But if there is an official document such as that referred to by my friend and colleague, it has never been shown to this Senator. I have never heard it referred to in the number of discussions I have had with other colleagues who have expressed similar concerns.

Mr. DURENBERGER. We are having a copy of that document made. The copy indicated the original was on file with the Parliamentarian as of August 31, 1983.

Mr. LEVIN. Will my friend from Minnesota yield for a question while we are waiting for that to be copied?

Mr. DURENBERGER. Yes.

Mr. LEVIN. Is it the Senator's understanding that letter is intended to be Presidential compliance with the requirements of section 4(a)?

Mr. DURENBERGER. I have no idea. I do not know the answer to that question. Because I was asked the question about compliance and because I was at least privy to some of this information, I came to the conclusion that it may well have been part of the intention of the White House by officially communicating with the President pro tempore of the Senate to comply, at least pro forma, with these requirements. But whether that was their intention, I certainly cannot speak for the originator of the letter.

Mr. LEVIN. Just one additional comment or question. Would it be fair to say, though, that our colleague from Minnesota would agree that the President should comply with the reporting requirement of section 4(a)?

Mr. DURENBERGER. I would suggest that the President should and that he has.

Mr. LEVIN. If this letter the Senator is referring to is not intended to constitute compliance with section 4(a), if it is not intended by the White House to constitute such compliance, then I take it the Senator from Minnesota would agree that the President should comply with section 4(a) with a report which is intended to constitute sufficient compliance?

Mr. DURENBERGER. That is right. And I did note that my colleague from Michigan was listening intently—which is not usual around here—to my comments. And I think I did make reference to the fact that the order would make the act effective and share the responsibilities about which I spoke and the President would have to comply with the reporting and consulting requirements of the act.

Mr. LEVIN. I think the basic problem this colloquy points out is that the President does not believe he is bound by the War Powers Act. He does not seek authority from the Congress and does not believe it is necessary. I think that is the fundamental problem that we are in right now.

I am glad to hear my friend from Minnesota say that if that letter dated August 30, as I understand it, was not intended by the White House to constitute compliance with section 4(a), that he agrees that such a report should be forthcoming.

Mr. DIXON. May I pursue this further with my distinguished friend from Minnesota, or perhaps with the chairman of the Foreign Relations Committee, who is now back on the floor. Would he care to join us in this dialog?

Mr. PERCY. Mr. President, would it be possible for my distinguished colleague to hold up while I am temporarily off the floor?

Mr. DIXON. I wonder if I could say to my friend from Minnesota and whoever else on the other side might be within the sound of my voice, I am delighted to have this brought to my attention. It may very well be that many others knew of this letter from the President of the United States to the President pro tempore of the Senate. I wonder if the ranking Member on our side could enlighten us as to that as well as to whether this letter has been generally known to be in existence.

Mr. PELL. Mr. President, is this the letter from President Reagan to Senator PERCY?

Mr. DIXON. No, I want to say to our ranking Member that I have just been engaged in a dialog with the Senator from Minnesota asking why the President did not comply with section 4(a)(1) of the War Powers Act. The Senator from Minnesota now has sent to me from a man he called his reli-

able sidekick, I believe, a letter I have never seen before, dated August 30, 1983, from the White House to the President pro tempore of the Senate. Is the ranking Member aware of the existence of this letter, or has that been made known to us prior to this occasion?

Mr. PELL. Mr. President, I am informed that this letter was received.

Mr. DIXON. May I say that many on this side have not known until now of the existence of this letter? I would like to pursue that to the extent that my colleague from Michigan has pursued it, to inquire whether the President suggests that this letter is his compliance, in which case, I would presume that it follows that one similar to this was sent to the Speaker of the House in connection with the War Powers Act?

Mr. PELL. Mr. President, we get a good deal of mail, both in our offices and in the Committee on Foreign Relations. I do not recall this particular letter, whether I have received it. The subject matter—it would help me if I could look at it and I do not have a copy of it here.

Mr. DIXON. Perhaps we shall pursue it at the moment the chairman of the committee comes back. I thank the ranking Member.

Mr. PELL. Yes, Mr. President, my memory is refreshed. We did get this letter. It is for informational purposes.

Mr. LEVIN. If I may ask my friend, the ranking member of the committee, if he will yield for a question.

Mr. PELL. Yes, Mr. President.

Mr. LEVIN. Is it his understanding that this letter is intended to qualify the Presidential compliance with section 4(a)?

Mr. PELL. It is intended, but not in as specific terms as I would like.

Mr. LEVIN. But when asked, the White House says, yes, this is what was intended to comply with section 4(a)?

Mr. PELL. Yes, but this is not as specific as what the War Powers Act calls for. In their view, it is evidence of their compliance. In our view, it is a question of its being informational.

Mr. DIXON. Mr. President, while several here are looking at this letter, I should like to pursue this further, to suggest that I have an amendment pending which is presently at the desk that would have asked the President or directed him, really, consistent with this resolution, to comply with section 4(a)(1). I wonder whether those who speak for the administration—be it the majority leader, the chairman of the committee if it is jurisdictional, or whoever else it might be—could further clarify this matter.

I do know that this letter is directed to the President pro tempore of the Senate. It is dated August 30, within 48 hours of the date of August 29 set forth in the resolution. It may very well be that many of the Members on this side have not become aware of the fact that the President is interested in making known his compliance with the War Powers Act pursuant to section 4(a)(1). If that is the case, at least this Member would like to be enlightened about it, because I have not yet, to date, been enlightened. I have made several speeches about it and have also filed an amendment concerning it.

Mr. PELL. Mr. President, when you read the letter, you read that it says not under the War Powers Act, but "consistent with section 4 of the war powers resolution." This wording, to my mind, can be taken either to indicate full compliance or a respectful bow, which I think depends on which side of the aisle we are standing on at this time.

Mr. DIXON. I concede that, Mr. President. It would be, in my judgment, a letter which falls short in some particulars of compliance as to duration of time and so forth. I am trying to find out at least whether, and perhaps the chairman of the committee can tell me, the President in this letter, which I note is dated August 30 and which I note on the copy says the original was filed with the Parliamentarian for official referral on August 31—whether, in fact, the President is seeking to lead the Congress to understand compliance with section 4(a)(1) by virtue of the letter?

Mr. SARBANES. Would the Senator yield on that point?

Mr. DIXON. I am delighted to yield to my friend from Maryland.

Mr. SARBANES. Mr. President, a representative of the Department of State was questioned on this before our committee. He really was all over the lot about it, but, in effect, they refused to characterize whether their report is a 4(a)(1) report.

I then asked him, "Well, if it is a 4(a)(1) report, then sections 5(a) and 5(b) would come into effect, because that is clearly what the War Powers Act requires." Of course, it is their view that 5(a) and 5(b) do not come into effect on the basis of this letter.

So, while they will not characterize the letter in terms of the report, it is clear to me, at least, that they do not regard it as a 4(a)(1) report, because if it is a 4(a)(1) report, clearly, sections 5(a) and 5(b) would have to apply and the President would have to, within 60 calendar days, terminate the use of the Armed Forces with respect to which such report was submitted or required to be submitted unless the Congress had done certain things.

Of course, they were also arguing at that point on the hostilities question, or the involvement into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

My own view, of course, is that we should have had a section 4(a)(1) report and that all the operative provisions of the War Powers Act should then have come into play.

As the ranking member points out, they say "and consistent with section 4 of the war powers resolution." So I think, even there, you have to read these things very carefully. That letter we got from the President today, which does not really talk about complying with the war powers resolution, talks about compliance with the Lebanon Emergency Assistance Act.

Then, of course, if you read the Lebanon Emergency Assistance Act, at the time that the President signs it, he says "My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act." This is a letter received on September 27, 1983.

There is a statement when he signed the Lebanon Emergency Assistance Act, back on June 27 of this year, where he reserved his constitutional authority as Commander in Chief. So he is not being bound by these things. But you have to read these things very, very carefully.

Mr. DIXON. If my friend from Maryland would permit me to join in this discussion with him momentarily, he will notice in the letter that was directed to the President pro tempore—which I am hoping the administration may clarify from the standpoint of whether it is compliance with 4(a)(1) or not—that he does refer to the fact that those forces there, if I can find that letter, pursuant to his power as Commander in Chief——

Mr. SARBANES. That is right. At the end of the first paragraph in the letter, talking about the reintroduction of the troops on September 29, 1982.

Mr. DIXON. He says:

> I directed this deployment pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief of the United States armed forces.

Mr. SARBANES. Mr. President, I might say to the Senator that a clear majority of the Committee on Foreign Relations, later in the year, wrote to the President with respect to that deployment saying that he ought to come to Congress and consult. It was the strong feeling of many of us that the war powers resolution ought to be invoked at that time.

Mr. DIXON. I wonder if my friend from Maryland, whose opinion I regard so highly, could enlighten me on what the President means when he says this:

> In light of recent events, I am providing this further report on the deployment, in accordance with my desire that Congress continue to be informed on this matter, and consistent—

not in compliance, you will note—

consistent with section 4 of the War Powers Resolution.

Does the Senator believe that that suggests that the President is telling us that he is complying with section 4(a) as is required in the War Powers Act? Or is the President simply saying that he recognizes the existence of it without indicating to us he is complying with it?

Mr. SARBANES. I think the latter. I do not think he is complying with it. I think that has been one of the difficulties all along.

Mr. DIXON. I wonder whether my friend and senior colleague from Illinois, the chairman of the committee, would be kind enough to yield on that question, Mr. President?

Could my friend from Illinois enlighten us, in connection with the letter of August 30 to the President pro tempore of the Senate, is it the view of the administration that the President is complying with section 4(a) of the War Powers Act here, the requirements of that act? They tell us, A, the circumstances necessitate the introduction of United States Armed Forces; B, the constitutional legislative authority under which such introduction took place; and C, the estimated scope of the hostilities which indicate involvement. Has the chairman been advised one way or another by the administration?

Mr. PERCY. Mr. President, I say to my distinguished colleague, President Reagan has done exactly as President Carter did when he wrote to the Congress of the United States with respect to application of the war powers resolution to his use of force in Iran for the rescue of our diplomats there. He said that he was reporting to Congress: "consistent with the War Powers Resolution." So, President Reagan's use of that phrase is exactly as President Carter and his legal advisers suggested in 1980.

Mr. DIXON. Would it then be the answer of the chairman that it is the view of the chairman that the President is following section 4(a) of the War Powers Act and that this letter is intended to be in compliance with that act?

Mr. PERCY. That is right. I simply say that the administration believes that it is acting consistent with the war powers resolution; but in any event, we have reached the point where we now must act to resolve the basic question of whether and under what terms our forces will be authorized and continue their presence in Lebanon.

That is the real situation we are dealing with right now. We should not insist on pursuing a needless confrontation with the President.

He is trying to avoid that—certainly the leadership of the House and the Senate are trying to avoid that—at the risk of endangering our policies in the Middle East and the safety of our forces.

Mr. SARBANES. Will the Senator yield?

Mr. DIXON. Yes.

Mr. SARBANES. I think it is important to get on the record the expansion of the role of our troops in Lebanon, and it is reflected in these two letters of the President. The letter of August 30, 1983, to the President pro tempore of the Senate—the President says in the closing paragraph of that letter:

I believe that the continued presence of these U.S. forces in Lebanon is essential to the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is still not possible to predict the duration of the presence of these forces in Lebanon; we will continue to assess this question in the light of progress toward this objective.

The objective being restoring the territorial integrity, sovereignty, and political independence of Lebanon.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 30, 1983.

The Honorable STROM THURMOND,
President pro tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: On September 29, 1982, I reported to you concerning the introduction of United States Armed Forces in Lebanon to participate in the Multinational Force (MNF) requested by the Government of Lebanon. The presence of this Force was designed to facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence that had tragically recurred. I directed this deployment pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

We have periodically provided Congress with updated information on the activities of these forces and on the circumstances of their deployment in Lebanon. In light of recent events, I am providing this further report on the deployment, in accordance with my desire that Congress continue to be informed on this matter, and consistent with Section 4 of the War Powers Resolution.

On August 28, sporadic fighting between Lebanese Armed Forces and various armed factions took place in South Beirut; from time to time during the course of this fighting, positions in the vicinity of the Beirut airport manned by U.S. Marines of the MNF came under small-arms fire (without injury to U.S. personnel), and this fire was returned. On August 29, fighting erupted again. Marine positions came under mortar, rocket, and small-arms fire, with the result that two Marines were killed and fourteen wounded. In addition, several artillery rounds fell near the U.S.S. *Iwo Jima* (an amphibious support vessel lying offshore), with no resulting damage or injuries. As contemplated by their rules of engagement, U.S. Marines returned fire with artillery, small arms, and, in one instance, rocket fire from a helicopter gunship. There were additional exchanges of fire earlier today, August 30, without injury to U.S. personnel.

Later today, a ceasefire came into effect in the area in which the Marines were deployed, and firing on Marine positions ceased. Diplomatic efforts are underway to extend this ceasefire. In the meantime, U.S. forces will be prepared to exercise their right of self-defense should such attacks recur.

I believe that the continued presence of these U.S. forces in Lebanon is essential to the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is still not possible to predict the duration of the presence of these forces in Lebanon; we will continue to assess this question in the light of progress toward this objective.

I will keep the Congress informed as to further developments with respect to this situation.

Sincerely,

RONALD REAGAN.

Mr. SARBANES. Now, in that letter, right at the outset he says:

On September 29, 1982, I reported to you concerning the introduction of United States armed forces in Lebanon to participate in the multinational force.

Going back to that letter of now almost a year ago, to which he made reference on August 30, 1983, the President set out a very limited role for the troops in sharp contrast to the objective which he has set out in the closing paragraph of this letter of August 30, 1983, which has just been inserted in the RECORD.

In the letter of September 29, 1982, in which he now states he reported concerning the reintroduction of our Armed Forces into Lebanon, he said this was to be a temporary multinational force. He went on to say:

In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly.

He went on to state:

Although it is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut, our agreement with the government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

That is written September 29, 1982. It is now almost exactly 1 year later.

In that letter of a year ago the President then went on to say:

I want to emphasize that, as was the case in the deployment of U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the government of Lebanon, and our agreement with the government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities and will not interfere with the activities of the multinational force.

He then goes on in that letter, because the distinguished Senator from Illinois quoted from the August 30 letter, to say:

This deployment of the U.S. armed forces is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander in Chief of the U.S. armed forces.

Mr. President, I ask unanimous consent that the full text of the letter from President Reagan to the President pro tempore of the Senate dated September 29, 1982, also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 29, 1982.

Hon. STROM THURMOND,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On September 20, 1982, the Government of Lebanon requested the Governments of France, Italy, and the United States to contribute forces to serve as a temporary Multinational Force, the presence of which will facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

In response to this request of the Government of Lebanon, I have authorized the Armed Forces of the United States to participate in this Multinational Force. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States armed forces.

On September 29, approximately 1200 Marines of a Marine Amphibious Unit began to arrive in Beirut. Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presense requested by the Lebanese Government to assist it and the Lebanese Armed Forces. In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly. These forces will operate in close coordination with the Lebanese Armed Forces, as well as with comparably sized French and Italian military contingents in the Multinational Force. Although it is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut, our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

I want to emphasize that, as was the case of the deployment of U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon, and our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities and will not interfere with the activities of the Multinational Force. Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon.

This deployment of the United States Armed Forces is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

I believe that this step will support the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

Sincerely,

RONALD REAGAN.

Mr. SARBANES. I urge my colleagues to read these two letters, the one of September 29, 1982, and the one of August 30, 1983, very carefully and in particular to compare the expansion of the role for our forces which has taken place in the course of a year with respect to these two letters.

I thank the Senator for yielding.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. I understand that the distinguished Senator from Indiana would like to ask for time in his own right.

Mr. QUAYLE. Yes. I thank the chairman of the committee and the distinguished Senator from Illinois, my friend, for yielding time.

Mr. President, I should like for the moment to get away from the legal-technical discussion on the War Powers Act, to get away from the discussion of whether it ought to be 6 months or 18 months, and instead to talk about the policy that we have in Lebanon and to focus on that policy.

It is very difficult when one begins speaking about a policy in Lebanon to decide just where to begin. But I think for this debate, we should start when the Israeli defense forces went into Lebanon with the idea of eradicating the PLO. Their single goal was to extricate from Lebanon that terrorist group which had obviously become a sincere threat to Israel's northern border.

I have said time and again, Israel in many respects struck a blow for freedom by what they did to the PLO. They chose a military solution, and with it all of the tragedy and the human misery that goes along with such a decision. The loss of human life and all of the pain suffered by so many was certainly unfortunate, but I do believe they did do something very, very constructive. That is, from a military point of view, they crushed the PLO. This led to our first entrance into Lebanon when we were asked in August of 1982 to assist in the PLO withdrawal.

Since that time, the facts are fairly well-known. Our Marines left Beirut after being there less than 30 days. Then several events happened which led to the return of the Marines. On September 16, Bashir Gemayel was assassinated, followed shortly by the massacre in the Palestinian refugee camps of Sabra and Shatila, and then on September 20 the Government of Lebanon requested that the United States, the French, and the Italians contribute forces to another multinational force. The Marines went back into Lebanon, and they are still there today.

The Lebanese Government asked the United States, the French and the Italians to contribute troops, to provide a multinational force to stabilize the situation. The troops were put in Lebanon to act as a peacekeeping force and in essence to support the Gemayel government and the Lebanese Armed Forces.

We have a communication from the President on September 29 outlining his policy concerning Lebanon. About the 1,200 marines that took over the Beirut Airport he says:

In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly.

Furthermore, the President said: "There is no intention nor expectation that the U.S. Armed Forces will become involved in hostilities."

We all know what the situation is today. The policy at the time was to have a strong centralized Lebanese Government and the withdrawal of all foreign forces—Syrians, PLO, Israelis—and eventually, when there is stability, the multinational force would go home as well. That was the policy then, and so far as I can determine, it is the policy today.

However, much has happened since the introduction of the multinational forces in 1982 and the present situation we find ourselves in today. Thus the reason for this debate.

There is another important fact that should be mentioned. On June 27, 1983, the President signed into law the Lebanon Emergency Assistance Act. This act provides for $100 million in military aid loans and $150 million in economic aid to Lebanon. It also requires authorization by Congress for "any substantial change in the number or role of U.S. Armed Forces in Lebanon."

Mr. President, I have two problems with the current debate. First, I am not particularly enamored with the War Powers Act. As a matter of fact, I think it is a very clumsy piece of legislation. It has also been suggested—and I happen to be one of those who agree—that part of the War Powers

Act, particularly section 5, may be unconstitutional due to the recent Supreme Court determination on the legislative veto.

This resolution attempts to comply with the War Powers Act by reaching a compromise that the President and Congress can live with. And, though I am not one who is a champion of this act, it is the law of the land, and we must comply with it.

My second point, the point I have the most trouble with is the idea of a mandatory time limitation on our amendment. I think they are sometimes counterproductive and would be counterproductive in this case. My biggest problem is that I do not want to completely ratify the present policy we now have in Lebanon.

In fact, I do want to express some disenchantment with what I perceive as the continuation of a policy that has not changed over the months.

As I said, the policy and the pronouncements and the articulation of the policy today is the same as it was 1 year ago, yet many different things have happened in the past year.

It appears to me that there are three courses to choose from. We can pursue the status quo. And it is indeed my hope that the cease-fire will lead to stability and then to the objective of the administration—a strong central government and the withdrawal of all foreign forces.

If there is another outbreak of fighting; we could escalate our involvement. We could then opt—though the President says he is not going to—for a military solution in hopes of forcing the Syrians out. The Gemayel government has even called for the Syrians to withdraw.

At this point, I am not sure that anybody can explain to me how we are going to get the Syrians out of Lebanon. A military option is not even being contemplated, is not even being suggested by this Senator, and is not even being suggested by the administration. As a matter of fact, we have been told that they are not going to impose military solutions in Lebanon.

Therefore, we are left with the other option, and that is an option to withdraw. I certainly would not want to have an immediate withdrawal, with the idea that you are ducking and running under fire.

I believe that we are really approaching a time when we will have to consider and pursue policies to have what I call an organized withdrawal from Lebanon over a period of time. I believe that is the option that probably will have to be pursued. The definition of organized withdrawal can be as broad or as narrow as one interprets it, and I am inclined to give it a very broad definition at this time.

By having a vote up or down on the resolution, I say again that if the policy is the same, and it has not changed, and yet all the facts and events have changed, then I am not sure that I want to give a carte blanche endorsement to what is going on, how it has been conducted, and what I think is going to go on in the future.

I realize the seriousness of the problem we have. The Senate realizes the seriousness of the problem we are facing. It is not an easy problem. But we are left, basically, with the two options, the latter option being to pursue some sort of organized withdrawal.

I hope that as the debate goes on, perhaps we can have a more genuine focusing on what our policies really are. If, in fact, those policies are going to change to face reality, to face the reality that perhaps the 50,000 Syrians are not going to withdraw from Lebanon, and if you cannot get the 50,000 Syrians out of Lebanon, then what do you have? That is the question. That is the issue. If you cannot get the Syrians out of Lebanon, then what are going to be the policies?

Time and time again during the negotiations, I was told, "Don't worry about the Syrians. If we can get the Israelis to agree to withdraw, we will be able to get the Syrians out." That hardly proved to be the case. I do not know how many times I was told—and I know others were told—"Don't worry. If we just get the Israelis to agree to this, to a withdrawal, we will be able to get the Syrians out, because they don't want the Israelis in Lebanon any more than we do."

Assad proved to be a far tougher negotiator than we originally had anticipated. So if we cannot get the Syrians out, then what is going to be our policy in the near term? If we can get the Syrians out, I would like to know how. I would like to know how we are going to bring the leverage on Syria to get out.

There has been a cease-fire, and that is progress and I hope it continues.

However, I just wanted to be one to begin to raise the question on our policy. I do not want to get encumbered in the legal technicalities of the War Powers Act, and I want to know what is our policy in Lebanon and what should it be?

At this juncture, I, for one, am not in complete support of or in agreement with the policies that have been articulated.

Mr. President, it is not going to be an easy couple of days. I believe more of us who feel the way I do will be speaking up, will be making statements along these lines, focusing on what our policy should be, and wanting to know what they are before we endorse any kind of compromise and to say, "Go ahead; everything is well," because everything is not well. We have problems, and they are serious problems.

Mr. PELL. Mr. President, I rise to join those opposing Senate Joint Resolution 159 as before us. My reasons for opposing the resolution in its present form are that first, the scope of the authority intended to be given to the President is too broad and ill defined, and second, the time period for this intended authority is too long.

On the first point, I agree wholeheartedly with the minority leader's observation of a few days ago that the provision in section 3 permitting the President to undertake such protective measures as may be necessary to insure the safety of the Multilateral Force in Lebanon constitutes a loophole big enough for Amtrak to drive through. This language is so loose that almost any action taken by the President could be justified by him as necessary to protect the Multilateral Force which, I would like to remind my colleagues, consists of Italian, French, and British forces in addition to United States forces.

I also share the concern of many of my colleagues about the disturbing implications of the exchange that Senator SARBANES had with Secretary of State Shultz during the committee hearing on September 21. During that exchange, Secretary Shultz refused to concede that the authority contained in the resolution is either necessary or binding. He would not, for example, recognize the need for a new authorization if our forces are to remain in Lebanon beyond 18 months. Moreover, the wording of the resolution which is cast only in terms of Congress views on the applicability of the war powers resolution, sets the stage for the President to avow, as has already been said in his behalf he would do, that by signing the resolution he is not really bound by the war powers resolution.

Thus, by passing the Baker-Percy resolution, the Congress would permit the President to claim that he is operating with full congressional sanction while at the same time denying that Congress has the legal authority to determine whether or for how long U.S. forces are to remain in Lebanon. That, Mr. President, brings back painful memories to me of the blank check authority that the Congress gave to President Johnson in the Gulf of Tonkin resolution of 1964. This, however, is an 18-month Gulf of Tonkin resolution which is better but still I believe not correct.

My concern in this regard is heightened by a statement made over the weekend by Secretary Shultz. He said that U.S. forces should remain in Lebanon until there is stability in that country. But except for the period between the two world wars, there has been no real stability in Lebanon from the time of the Crusades a good many centuries ago. Secretary Shultz also said that our marines could have a

role in Lebanon even after all foreign forces have left Lebanon and after the Lebanese Armed Forces have taken charge in all of Lebanon. A senior administration official, quoted in the New York Times of September 25, admitted that Secretary Shultz's statements "could mean an indefinite commitment to remain * * *." Thus, the Congress is on notice that a commitment beyond 18 months and very likely beyond the geographical area currently limited to the Beirut area is contemplated. If the Congress does not demand to know exactly what the role of U.S. forces in Lebanon is going to be, I fear that the administration will make new commitments to the Lebanese Government that the Congress would be hard put not to support whether we like them or not. In short, we should know a lot more about exactly what the President intends the marines to do before we participate in an action putting the lives of American marines at risk.

My second reason for opposing this resolution is the long time period authorized for the U.S. presence in Lebanon. Because of the administration's evasiveness on the legal effect of the 18-month authorization, the Congress should attempt to resolve that issue as soon as possible; and 6 months would be a reasonable time in my view to do that. Even if there were no question about whether the administration is bound by the 18-month stipulation, I believe that a 6-month authorization would be preferable.

Despite the announcement of a cease-fire in Lebanon, the situation in that country is highly volatile; and it would be prudent on our part to review the bidding on the U.S. presence sooner rather than later. It has been argued that a 6-month authorization would endanger our marines by inviting attacks on them in an effort to undermine the American public's support for their presence. I find this argument unpersuasive, for it could also be argued that it is the prospect of a long-term U.S. presence with no clearly defined limits of activity that is most likely to provoke an attack on our marines.

If the administration had offered a clearly defined mission in Lebanon for the U.S. Armed Forces and had also acknowledged its legal obligations under the war powers resolution, such a limited authorization might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the American involvement in Lebanon.

For these reasons, I proposed in the Foreign Relations Committee that the authorization be for 6 months instead of 18 months. The committee initially adopted my amendment. However, my amendment was reconsidered and then defeated. In the absence of a shortened period of authorization or some other measure to improve the resolution, I cannot support it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I just consulted with the ranking minority member of the Foreign Relations Committee. On our side as well as on his side, we know of no further Senators who wish to speak today.

We wish to certainly indicate at this time the floor is available for Senators who wish to come down to speak. They should indicate immediately by telephoning the Cloak Room that they intend to come down so that we can keep the Senate in session.

We do not want to cut anyone off. On the other hand, we do not want to needlessly stay in session if there is no further business to be conducted on the war powers resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS UNTIL 9:40 A.M. TOMORROW

Mr. STEVENS. Mr. President, there is an order, I understand, for tomorrow morning. I ask unanimous consent that the time for routine morning business be stated in that order not to extend beyond 9:40 a.m. with statements therein limited to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRY M. JACKSON FOUNDATION

Mr. STEVENS. Mr. President, I send to the desk a bill (S. 1894) and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Is this the bill that designates the Foundation for the Advancement of Military Medicine as the Henry M. Jackson Foundation?

Mr. STEVENS. It is that bill.

Mr. BYRD. I have no objection.

Mr. TOWER. Mr. President, on behalf of myself, Senator NUNN, the ranking minority member of the Committee on Armed Services, and all other members of the committee, I am introducing today legislation that will rename the Foundation for the Advancement of Military Medicine for Senator Henry M. Jackson of Washington. On May 27, 1983, President Reagan signed into law S. 653 which created the Foundation. That legislation was authored by Senator Jackson, and its purpose was to attract private contributions for the use of the Uniformed Services University of the Health Sciences and for research related to military medicine.

Senator Jackson had written S. 653 to provide that four of the members of the Council of Directors of the Foundation would be the chairman and ranking minority members of the Committees on Armed Services in the House and the Senate. I personally think that he included this particular provision because he himself was looking forward with great interest to being a member of the Council and to assisting the Foundation in its work. It is noteworthy that this would not have been service in Senator Jackson's official capacity as a U.S. Senator, but would have been an activity in support of a private charitable foundation whose work Senator Jackson wanted to further. I think that it is indicative of the kind of person that Senator Jackson was that he would want to give of his own limited time to assist a worthy cause like this one.

Since Senator Jackson authored the legislation to create the Foundation, I think it would be particularly appropriate that the Foundation be named for him. In this way, there will be a permanent identification of his interest in military medicine and his support for the Uniformed Services University of the Health Sciences.

Since this measure is cosponsored by all members of the Armed Services Committee, I urge my colleagues to pass this legislation and to send it to the House of Representatives as soon as possible.

Mr. NUNN. Mr. President, I am very pleased to join Senator TOWER in introducing on behalf of all of our colleagues on the Armed Services Committee a bill to rename the "Foundation for the Advancement of Military Medicine" the "Henry M. Jackson Foundation for the Advancement of Military Medicine."

The Foundation for the Advancement of Military Medicine is a nonprofit, charitable, educational, and research foundation supporting the purposes of the Uniformed Services University of the Health Sciences. The legislation establishing this foundation was passed by the Congress earli-

er this year. This legislation was drafted and introduced by Senator Jackson, and its passage was due in large part to his personal interest and attention.

Senator Jackson approached all his work with a youthful energy, but he had a special intellectual fascination with the field of medicine. Throughout his lifetime, he delighted at advancements in medicine that led to higher quality health care for all Americans. As a legislator, he helped with those advancements. He was proud of his legislation which put the prohibitive cost of kidney dialysis treatment within reach for all those in need and he continued to receive honors for the improvements in health care that came about as a result of his expansive Indian Health Care Act.

The Foundation for the Advancement of Military Medicine stands as one of many examples of Senator Jackson's lifelong interest and commitment to medical research and quality health care for Americans in all walks of life. Senator Jackson envisioned that the Foundation would become a center of extraordinary leadership in the field of medical research which would benefit both the military and civilian communities. And he envisioned it as a center of hope for those in need of services not yet developed. It is thus highly fitting that Congress designate this foundation the "Henry M. Jackson Foundation for the Advancement of Military Medicine."

Mr. President, Mrs. Jackson believes that this would be a very appropriate memorial to her husband. Dr. Jay Sanford, the president of the Uniformed Services University with which the Foundation will be affiliated, has also endorsed this measure.

I hope all Senators will join us on the Armed Services Committee in supporting this bill honoring the memory of our late revered colleague from Washington, Senator Henry Jackson.

Mr. KENNEDY. Mr. President, I am pleased to join with my colleagues in sponsoring this legislation to rename the Foundation for the Advancement of Military Medicine in honor of our late colleague, Senator Henry M. Jackson. I can think of no more fitting tribute to Scoop Jackson. Many know of Scoop's contribution to our national security and defense policy. But equally impressive was his concern and dedication to the problems of our Nation's health, and in particular, to improving the quality of military medicine. Through Scoop's efforts, Congress enacted in 1972 the Uniform Services Health Profession Revitalization Act, Public Law 92-426, and established the Uniformed Services University of the Health Sciences. More recently, Senator Jackson was the author and driving force behind the enactment of S. 653, establishing the Foundation for the Advancement of Military Medicine, which was signed into law May 27, 1983. The Foundation is a private, not-for-profit organization which will help support research and the search for excellence in military medicine.

Senator Jackson's interest in medicine and health was well known to all those who have worked with him during his career in the Senate. His personal physician, Col. Richard C. Dimond, M.D., who is Assistant Dean for Clinical Sciences and Associate Professor of Medicine at the Uniform Services University of the Health Sciences, summarized it best, and I would like to share his comments with my colleagues:

COMMENTS OF COL. RICHARD C. DIMOND

Senator Jackson was certainly well known for his boundless energy and enthusiasm, his incisive mind, his sense of propriety, and his love of life, family and country. Less well recognized among his many interests was his longstanding fascination with and his respect for the science and study of medicine as well as the practice and art of healing. Born in another time and place, he himself might have been a physician. He did more than marvel at the complexities of the human body for he had a genuine yearning to understand its physiology and chemistry. He refused to endorse a simplistic relationship between diagnosis and treatment, and explored the details of pharmacology and surgery while underscoring the basic principles of rational therapeutic decisions. He was genuinely interested in the problems of medical education and he recognized the process of scientific discovery, combined the art of asking meaningful questions, and the skill of answering them with meticulous certainty, a process that by its very nature was often time consuming and costly. But he also recognized that the medical profession was founded upon a sense of commitment that was inherent to the doctor-patient relationship and that the purpose of medical research was its translation into the art of healing.

In view of his genuine concern for this country and his fascination with medicine, it is not surprising that it was Senator Jackson who introduced recent legislation to establish the Foundation for the Advancement of Military Medicine, an act designed to both promote and protect the health and well being of our uniformed services, a seemingly small yet visionary act that linked the strength and health of our country with its future.

Mr. President, the Armed Services Committee will shortly report this bill to the full Senate, and I know my colleagues will join with us in acting to pay this fitting tribute to Senator Jackson.

SENATE RESOLUTION 229 PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I send to the desk a resolution on behalf of the two Senators from Rhode Island and ask that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the resolution has to do with the America's Cup Series?

Mr. STEVENS. The Senator is correct.

Mr. BYRD. I have no objection.

MILITARY CONSTRUCTION AUTHORIZATION—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 2972 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 19, 1983.)

Mr. THURMOND. Mr. President, the conference report now before the Senate for consideration contains the annual authorization for military construction and family housing projects to support our military forces worldwide.

The conference bill provides new authorization in the amount of $7,345,000,000, a reduction of $1.2 billion from the President's request. These reductions are necessitated by the ceilings imposed on the defense function by the First Concurrent Resolution on the Budget. While I personally dislike making reductions of this magnitude, the conference report does provide authorization for the most critical projects and will provide for making some progress against the $50 billion military construction backlog.

The details of the bill are included in the statement of managers and I invite my colleagues' attention to the conference report for more information. Let me highlight a few of the key provisions:

The conference bill authorizes the construction of about $600 million in projects to be built only with prior-year appropriations or savings. Competition in the construction industry has resulted in extremely good bids for military construction projects previously authorized and all of the services are generating savings which will be available for expenditure during the next fiscal year. This approach was used last year and has worked quite well. Under the savings provi-

sions of this bill, the services have an excellent incentive to seek savings because they can use the savings to build additional projects.

Two new provisions have been included to encourage the services to enter into pilot programs for the provision of military housing by the private sector. Under these provisions a private developer would enter into a long-term arrangement with the military to build, operate, and maintain housing. The developer would be reimbursed by the Government under a lease arrangement, or by the housing occupants themselves with the Government guaranteeing 97-percent occupancy of the housing. Both options are carefully drawn with language requiring that proposed programs must prove cost effective and extraordinary congressional oversight requirements are included.

In an effort to minimize the flow of U.S. dollars to other nations on overseas projects, a requirement has been included that overseas family housing will be U.S. manufactured or factory-built housing. There are many U.S. homebuilders who can make units here and ship them overseas for erection at virtually the same cost as if the same units were built by a foreign country. This provision should keep about $150 million, authorized for overseas housing, in the U.S. economy.

Mr. President, I urge my colleagues to support this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask my good friend, the distinguished Democratic leader, if it would meet with his concurrence if we ask the Senate to go into executive session for the purpose of considering the two nominations on the calendar, Nos. 312 and 314.

Mr. BYRD. Mr. President, the nomination of Mr. Philip Abrams to be Under Secretary of Housing and Urban Development has been cleared on this side.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering that nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination will be stated.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The legislative clerk read the nomination of Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR DISCHARGE OF H.R. 2077

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 2077 be discharged from the Committee on Governmental Affairs and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUT SOME SOUTH IN YOUR MOUTH

Mr. HEFLIN. Mr. President, being a Senator from a State which bills itself as the "Heart of Dixie," I am always glad to share colorful impressions of southern life with those Members of this distinguished body who may not be fortunate enough to also hail from the Deep South.

I am sure, Mr. President, that all of my colleagues are familiar with the television actor, George "Goober" Lindsey, who has appeared on television shows such as the "Andy Griffith Show." Of course, all may not be aware that George Lindsey is a native of my home State of Alabama. He is a graduate of the University of North Alabama. He annually is in charge of a charity golf tournament in Montgomery, Ala., that raises money for charities. He also has been selected as "Alabama's Citizen of the Year" by the Alabama Cable TV Association. Not long ago, it was my pleasure to hear the singing of a song composed by this same Goober Lindsey. In his unique humorous style, Goober has succeeded in conveying a colorful and delightful impression of a bit of Southern culture.

The song's title is "Put Some South in Your Mouth," and, at this time, Mr. President, I would like to share the words of the song with my colleagues:

PUT SOME SOUTH IN YOUR MOUTH

(By George "Goober" Lindsey)

I never wrote a song before,
Couldn't make it rhyme.
But Merle and Roy and Hank and George,
They do it all the time.

Jails and love, trains and cars,
They live what they write,
Faded love and Rocky Top,
Help me make it through the night.

I can't write words like that,
I know I'll do it wrong,
But what I wrote I know real well,
And I hope you'll like my song.

CHORUS

Put some South in your mouth,
Put some Dixie in your talk,
Let me hear your Southern drawl
When you say y'all.

Put a smile on your face,
Don't forget to say the grace,
Let me hear it good and loud,
Put some South in your mouth.

I dreamed St. Peter stopped me,
Wouldn't let me in the gate.
After all my fancy words,
He said you'll just have to wait.

I know how long you've waited
And just how good you've been,
There's just one thing you must do
Before you walk on in.

Put some South in your mouth,
Put some Dixie in your talk,
Let me hear your Southern drawl
When you say Y'all.

Put a smile on your face,
Don't forget to say the grace,
Let me hear it good and loud,
Put some South in your mouth.

Put some South in your mouth,
Let me shout it good and loud,
Let me hear some good ole
Down home country slang.

Pass the cat biscuits please,
And say "more collard greens"
And that pleases any crowd,
Put some South in your mouth.

Put some South in your mouth,
Put some "Dixie in your talk,
Let me hear your Southern drawl
When you say Y'all.

Put a smile on your face,
Don't forget to say the grace,
Let me hear it good and loud,
Put some South in your mouth.

Mr. President, I wish I could do true justice to this song. I am glad, however, to be able to share these thoughts with the other Members of the Senate.

DISABILITY CONTINUATION OF BENEFITS EXTENSION

Mr. D'AMATO. Mr. President, I am pleased to add my name as a cosponsor of S. 1843, which extends by 3 months the cutoff date for social security title II disability determinations under the

provision allowing continued payment of benefits during the appeal process.

I received many letters from New Yorkers facing difficult situations as a result of the disability review process. It is for this reason that, last Congress, I cosponsored S. 2585, a bill to allow payment of social security disability benefits until an administrative law judge decided whether to reverse the prior benefit termination decision. S. 2585 was added as an amendment to H.R. 7093, which passed in the closing days of the lameduck session. However, the bill contained a stipulation that the continuation of benefits provision would apply only to termination decisions made before October 1, 1983. It was hoped, at that time, that Congress would enact comprehensive disability reform legislation by now.

While Congress is moving rapidly on a comprehensive disability reform package, it is unlikely that such a measure would be adopted before October 1. By extending the deadline by 3 additional months, we would alleviate any unnecessary confusion in the minds of disability recipients as to the protection offered them under the law and we would reaffirm our intention to make this provision a permanent part of the disability process.

Mr. President, I urge my colleagues to support this important bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1625 An act to amend the District of Columbia Retirement Reform Act.

At 5:42 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 7, 15, 21, 53, 55, 56, and 57 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1625. An act to amend the District of Columbia Retirement Reform Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 564. A bill to establish a United States Academy of Peace (Rept. No. 98-244).

By Mr. KASTEN, from the Committee on Appropriations, without amendment.

S. 1892. An original bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-245).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 1889. A bill to amend the act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center"; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN:

S. 1890. A bill to provide that any widowed spouse of a former employee of the lighthouse Service may receive an annuity; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAWKINS:

S. 1891. A bill to provide that interest shall be paid with respect to underpayments of social security benefits; to the Committee on Finance.

By Mr. KASTEN from the Committee on Appropriations:

S. 1892. An original bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1984, and for other purposes; placed on the calendar.

By Mr. D'AMATO (for himself, Mr. ROTH, Mr. EAST, Mrs. HAWKINS, and Mr. SYMMS):

S. 1893. A bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploring the Soviet attack on Korean Air Lines flight 007, or has failed to vote in favor of such resolutions already considered; to the Committee on Foreign Relations.

By Mr. STEVENS (for Mr. TOWER) (for himself, Mr. THURMOND, Mr. GOLDWATER, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. JEPSEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, and Mr. BINGAMAN):

S. 1894. A bill to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine", and for other purposes; read twice and placed on the calendar.

By Mr. BENTSEN (for himself, Mr. TOWER, and Mr. BOREN):

S. 1895. A bill to amend the Consolidated Farm and Rural Development Act to provide for emergency feed assistance in natural disaster areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TSONGAS (for himself, Mr. CRANSTON, Mr. PELL, Mr. LEAHY, and Mr. LEVIN):

S. 1896. A bill to establish a Select Commission to examine the issues associated with voluntary service; to the Committee on Labor and Human Resources.

By Mr. BAKER (for himself, Mr. BYRD, Mr. GORTON, Mr. PACKWOOD, Mr. HOLLINGS, Mr. HEFLIN, Mr. GOLDWATER, Mrs. KASSEBAUM, Mr. KASTEN, Mr. STEVENS, Mr. TRIBLE, Mr. PRESSLER, Mr. INOUYE, Mr. LONG, Mr. RIEGLE, Mr. LAUTENBERG, Mr. GLENN, Mr. WILSON, Mrs. HAWKINS, Mr. DENTON, Mr. TOWER, Mr. BENTSEN, Mr. CHILES, Mr. COHEN, Mr. COCHRAN, Mr. STENNIS, Mr. WARNER, Mr. MATHIAS, Mr. LAXALT, Mr. HUMPHREY, Mr. NUNN, Mr. JOHNSTON, Mr. QUAYLE, and Mr. THURMOND):

S.J. Res. 170. Joint resolution commemorating the 25th anniversary of the National Aeronautics and Space Administration; read twice and placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for Mr. CHAFEE) (for himself and Mr. PELL):

S. Res. 229. Resolution relating to the America's Cup yachting series; submitted and placed on the calendar.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. Res. 230. Resolution to commend Eve Ball; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1889. A bill to amend the act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center"; to the Committee on Energy and Natural Resources.

HARRY R. E. HAMPTON VISITOR CENTER

Mr. THURMOND. Mr. President, I am pleased to introduce legislation today which would name the visitor center in Congaree Swamp National Monument after one of South Carolina's great naturalists, Mr. Harry Rutledge Elliott Hampton.

Harry Hampton was born near Columbia, S.C., on July 8, 1897, and died in 1980. After earning a B.A. degree in English from the University of South Carolina, he worked as a reporter, columnist, and coeditor for the State newspaper, writing his "Woods and Water" column for more than 30 years.

Until his death, Harry Hampton worked tirelessly for the cause of conservation. In 1931, he helped create the South Carolina Game and Fish Association, and was active in the formation of the State's wildlife and marine resources department. He began his efforts on behalf of Congaree Swamp in 1954. For more than 20 years, he attended meetings, made speeches, wrote articles, and personally escorted people into the swamp to document trees, birds, and other wildlife, all to stimulate an awareness of the area's beauty and value as a prime example of a southern hardwood forested swamp.

Due in part to the efforts of Harry Hampton in building public awareness and support, Congress passed an act in 1976 establishing the Congaree Swamp National Monument. I was pleased to be the author of this legislation.

Mr. President, it is entirely fitting that, when it is completed, the visitor center in Congaree Swamp National Monument be named after this man who devoted so much of his life to making this area accessible to the American people. I commend this measure to my colleagues in the Senate, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved October 18, 1976 (90 Stat. 2517), is amended by adding at the end the following new subsection:

"(c) At such time as the principal visitor center at such monument is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center."

By Mr. BENTSEN:

S. 1890. As bill to provide that any widowed spouse of a former employee of the Lighthouse Service may receive an annuity; to the Committee on Commerce, Science, and Transportation.

ANNUITIES FOR WIDOWED SPOUSES OF FORMER EMPLOYEES OF THE LIGHTHOUSE SERVICE

● Mr. BENTSEN. Mr. President, today I am introducing a bill to amend the lighthouse retirement system to permit widowed spouses of former employees of the Lighthouse Service, who are not now eligible, to receive a survivor's annuity. Under current law, only widows who were married to lighthouse employees before those employees retired may receive survivor benefits. That, I believe, is unfair, and, when we compare the lighthouse retirement system to other governmental retirement programs, anachronistic as well.

The Federal lighthouse system was created by an act of Congress on August 7, 1789. There was no provision, however, for retiring lighthouse employees until 1918, when Congress established the lighthouse retirement system. That system provided benefits for lighthouse employees age 65 with 30 years of service.

The Lighthouse Service ceased to be an independent bureau under the jurisdiction of the Department of Commerce in 1939, when the Coast Guard took over responsibility for staffing lighthouses. Employees of the Lighthouse Service were given the choice of joining the Coast Guard or retaining civilian status. Those employees, about half the total lighthouse keepers, who retained civilian status remained in the lighthouse retirement system which was then closed to further entrants. Thus, through attrition, the lighthouse retirement system will eventually cease to exist.

In 1950, 2 years after Congress established survivor benefits for certain survivors under the civil service retirement system (CSRS), it added similar benefits to the lighthouse retirement system. Periodically, these survivors benefits were raised, and since 1967 the benefits have been increased for price inflation at the same time and the same percentage as CSRS annuities. Lighthouse widow's benefits are administered by the Office of Personnel Management (OPM).

Benefits payable to survivors under the lighthouse survivor program are financed through the civil service retirement trust fund and are totally Government funded: No employee contributions to offset retirement costs are required and retirement annuities are not reduced to provide benefits for survivors upon the death of the retiree. Lighthouse survivor benefits are $422 monthly, compared to an average of about $450 for widows of retired annuitants under CSRS. As noted, to be eligible for survivor's benefits, a widow of a lighthouse employee must have been married to the employee before retirement, and she cannot remarry and remain eligible.

The Coast Guard, in a letter to me, explained the rationale for the law by noting that the lighthouse keeper's wife frequently assisted in the performance of her husband's duties, thus implying that her survivor benefits were somehow earned. However, these survivor benefits terminate upon remarriage, a provision which implies that, first, the benefits are not earned rights, but are gratuities for women with a presumed need for them, and second, that remarriage ends the need for them.

Today, there are six retired lighthouse keepers still receiving a pension from the lighthouse retirement system, whose wives are not eligible for survivor's benefits. They live in Texas, Rhode Island, Florida, Massachusetts, Maine, and Minnesota. In addition to the 6, there are 28 more widows of retired lighthouse keepers of which the Coast Guard is aware, who do not recieve survivor's benefits because they married their husbands after they had retired.

My bill, which amends title 33, United States Code, section 771, so that any widowed spouse of a former employee of the Lighthouse Service may receive an annuity, is based on several assumptions. The first is equity. Other governmental retirement programs including Federal civil service and military have been amended to permit survivor's benefits to be extended to spouses married after retirement. In 1972, for example, Congress amended the military retirement plan by permitting retired service personnel 18 months to select a survivor annuity. Although the selection of survivor protection causes a reduction in retirement benefits, it is substantially less than what it actuarially costs, with the Government making up the difference. This is particularly relevant because lighthouse keepers became Coast Guard Servicemen after 1939, and therefore, enjoy a more generous retirement system than that of their civilian colleagues.

Second, it can be argued that the lighthouse keepers have earned the extended retirement benefits. During their service, they were poorly paid. One Texas lighthouse keeper, for example, when he retired in 1961, only made $4,806 a year. If a wife of a lighthouse keeper has presumed need for survivor's benefits, which she loses if

she remarries, it is arbitrary to assume that the need no longer exists because her marriage occurred after her husband retired. The bill would also allow the lighthouse keeper's former spouse to remarry without losing her benefits in keeping with other governmental retirement programs.

Finally, the lighthouse retirement system sets no precedent because it serves a closed group whose conditions are sui generis. It appears that when the Congress liberalized other Government retirement systems, the lighthouse keepers were overlooked.

If the bill is enacted and survivor benefits are extended to 34 widows, the cost to the Government would be less than $200,000 annually. This cost would decline rapidly because the lighthouse retirement system has been closed to new entrants for over 40 years, making its remaining participants relatively advanced in age.

The Congressional Research Service, which studied the lighthouse retirement system at my request, has concluded that:

> The prohibition against survivor protection for postretirement marriages of lighthouse retirees is not without precedent, but given changes in other federal programs, . . . is somewhat anachronistic.

I believe it is time to correct that.

Mr. President, I request unanimous consent that the text of the bill be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 19, 1950 (33 U.S.C. 771), is amended to read as follows:

"That where—

"(1) any former employee of the Lighthouse Service has died or shall hereafter die at a time when such former employee was receiving or was entitled to receive retirement pay under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918 (33 U.S.C. 763); and

"(2) such former employee is survived by a spouse or former spouse with whom such former employee was married for more than one year,

such surviving spouse, and each such former spouse, if any, shall be paid $422 per month, and any additional amount payable pursuant to the Act entitled 'An Act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees', approved November 29, 1967, by the Secretary of the Treasury.".●

By Mrs. HAWKINS:

S. 1891. A bill to provide that interest shall be paid with respect to underpayments of social security benefits; to the Committee on Finance.

INTEREST ON UNDERPAYMENTS OF SOCIAL SECURITY BENEFITS

● Mrs. HAWKINS. Mr. President, today I am introducing legislation that will eliminate an inequity suffered by almost 5 million social security beneficiaries who are working to supplement their retirement incomes.

Under current law, the Social Security Administration (SSA) is required to review periodically the earnings histories of working beneficiaries to determine if they are eligible for decreased or increased benefits. While the SSA proceeds with dispatch to lower benefits because beneficiaries earn more than the exempt $6,600 ceiling, it is years behind in making the calculations required to raise benefits. In literally millions of cases, beneficiaries who worked at home, worked part-time, or worked sporadically for several years prior to receiving social security payments are entitled to higher benefits now than they are receiving. The SSA claims that computer foulups and changes in rules governing reporting recent work histories of benficiaries are causes of the delays. But the failure to keep the review process on schedule does not penalize SSA. It penalizes working beneficiaries who are forced to wait years before receiving adjustments in their checks.

When these adjustments are finally made, beneficiaries receive lump-sum checks for past-due benefits. But these recipients, who are deprived for years of the benefits they deserve through no fault of their own, are not compensated for the delays. A GAO report released in April 1983 revealed that up to 4 million people were affected due to the delay in processing 1979 and 1980 records alone.

Based on a statistical sample, GAO estimates that the average underpayment for primary beneficiaries in those years was $575, and the average underpayment per case, which includes spouses and dependents, was $633. Additionally, each primary beneficiary had to wait 33 months before receiving a lump-sum check.

My bill, corrects this inequity be requiring the SSA to pay a fair interest rate on delayed back payments. This is only just because the Government is holding onto money that does not belong to it. Under my bill, beneficiaries deprived of a timely social security adjustment would receive an interest payment as determined under section 6621 of the IRS Code in addition to a lump-sum payment. Section 6621 establishes the market-related rate the IRS or taxpayers now pay each other when cases concerning the overpayment or underpayment of taxes are resolved. For example, a beneficiary receiving in 1983 a $240 lump-sum payment due to work effort in 1979 that had not been credited until now would also receive approximately another $65.20 in interest. This $65 is about the additional income this beneficiary would have today if the difference between what was received each month and what should have been received had been invested at prevailing interest rates during the period of underpayment. While providing back interest is a step forward, real progress will come only when lump-sum checks are no longer made because the SSA posts the earnings records of the elderly on time. When this is achieved, no back interest payments will be made because there will be no delays. My proposal will cost nothing.

Mr. President, Congress must recognize the hardships suffered by social security beneficiaries who work to supplement their incomes. By failing to pay interest on late adjustments, the Government is robbing the elderly of money that they have earned. This injustice is compounded by the fact that millions of elderly work because they must to make ends meet during the last years of their lives. Any delays in check receipts also creates yet another disincentive for the elderly to remain in the work force and is thus a hidden form of age discrimination. My proposal will partially remedy these injustices and I urge my colleagues to support it.●

By Mr. D'AMATO (for himself, Mr. ROTH, Mr. EAST, Mrs. HAWKINS, and Mr. SYMMS):

S. 1893. A bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploring the Soviet attack on Korean Air Lines flight 007, or has failed to vote in favor of such resolutions already considered; to the Committee on Foreign Relations.

CONDEMNING OF SOVIET UNION'S MURDEROUS ACT

Mr. D'AMATO. Mr. President, we have heard many statements in recent weeks condemning the Soviet Union for its unwarranted and brutal attack upon Korean Air Lines passenger jet flight 007. This criminal act of aggression resulted in the death of 269 innocent men, women, and children.

While the comments we have heard thus far have contained considerable rhetoric, few concrete proposals have been put forward. The barbaric attack on this unarmed jetliner requires more than just words. Sixy-one Americans, including a Member of this Congress, were murdered in cold blood by the Soviets.

The administration thus far has taken a number of limited steps in the aftermath of this act of terrorism. At the same time, President Reagan has emphasized the importance of obtaining support from our allies, as well as from other nations of the world community, in response to the Soviets.

Two weeks ago, the United Nations Security Council demonstrated its inability to act on this issue of critical importance, not only to the United States, but to the people of every nation. In typical fashion, the United Nations has once again failed to act in a responsible manner. Despite worldwide outrage over the attack on the Korean airliner, the Security Council lacked the ability to adopt even a watered down resolution of condemnation against the U.S.S.R. Although a majority of the 15-member Council supported the resolution, the Soviet Union, Poland, Red China, Guyana, Nicaragua, and Zimbabwe were successful in blocking passage.

This action is further proof of the consistently anti-Western attitude adopted by a majority of U.N. members. A review of votes cast during the 1982 General Assembly reveals that the nations of Western Europe were in agreement with the United States 80 percent of the time. The comparable figure for Latin American countries was 38 percent, for Asian nations 26 percent, for African countries 23 percent, for nonaligned nations 22 percent, and it was a mere 8 percent for the nations of Eastern Europe.

With respect to those nations which either voted against or abstained on the Security Council resolution of condemnation, the percentage of voting agreement with the United States was as follows:

	Percent
U.S.S.R.	20.6
China	20.2
Poland	18.9
Guyana	17.5
Nicaragua	14.3
Zimbabwe	12.8

Currently, the United States provides millions of dollars of assistance to those very nations which failed to support this resolution.

Mr. President, at this time I ask unanimous consent that a table containing statistics with regard to U.S. assistance to the U.S.S.R., Red China, Poland, Nicaragua, Guyana, and Zimbabwe be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

	U.S.S.R.		China		Poland		Nicaragua		Guyana		Zimbabwe		Totals	
	1983	1984	1983	1984	1983	1984	1983	1984	1983	1984	1983	1984	1983	1984
(1) Foreign assistance									2.1	1.0	60.0	75.0	62.1	76.0
(2) Arms Export Control Act														
(3) Public Law 480 (Food)							0.334	0.347	0.191	0.198	2.0		2.525	0.545
(4) Eximbank financing (Exposure as of Aug. 31, 1983)	398.0		56.0		248.0		20.0		9.0		43.0		774.0	
(5) Grants, sales, loans, lease, credit, guaranty, insurance, other									(1)	(1)	0.85	0.2	0.9	0.25
Totals	398.0		56.0		248.0		20.334	0.347	11.341	1.248	105.85	75.2	839.525	76.795

[1] IMET $500,000; both years suspended.

Mr. President, this assistance should be stopped immediately. We can not, and must not, conduct business as usual with those who sympathize with those who commit such acts of aggression as the Soviet attack on KAL flight 7.

Therefore, I am proposing legislation today which would prohibit the United States from providing any assistance to members of the United Nations which have failed in the past to vote, or fail in the future to vote, in favor of resolutions deploring this murderous act.

By Mr. BENTSEN (for himself, Mr. TOWER, and Mr. BOREN):

S. 1895. A bill to amend the Consolidated Farm and Rural Development Act to provide for emergency feed assistance in natural disaster areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DROUGHT RELIEF

● Mr. BENTSEN. Mr. President, I am today introducing legislation to require the Secretary of Agriculture to use his vast discretionary authority to make needed disaster assistance available to farmers and ranchers in Texas and across the Nation. This legislation is very similar to language adopted by the House Appropriations Committee last week at the behest of Congressional TOM LOEFFLER and Congressman BILL ALEXANDER. The USDA has refused repeated requests to take action, and in the absence of such action it is my intention to press for immediate Senate passage as part of the continuing resolution or another appropriate vehicle.

This bill would allow the Secretary of Agriculture to release stocks of feed owned by the Commodity Credit Corporation for livestock feed when necessary to maintain foundation breeding herds of livestock or poultry in cases of natural disaster. Currently USDA says that these CCC-owned commodities can be released only through a Presidential disaster declaration.

In addition, it would require Secretary Block to make some form of feed assistance available. Repeated requests for such assistance have so far been refused.

This bill would also see to it that all farmers and ranchers suffering from a natural disaster could qualify for disaster assistance, whether or not their county had been declared a disaster area. Natural disasters do not follow county lines, and so there is no rational reason why disaster aid programs should be limited by these artificial constraints.

Mr. President, the CCC currently owns over 17 million bushels of corn that is classed as grade 4 or 5 and that is stored in and near the areas of Texas that are most in need of emergency livestock feed assistance. This corn was purchased in the Midwest following the Russian grain embargo and was shipped into the Texas Panhandle for storage. There it now sits, overhanging the local grain markets and costing the taxpayers about $5 million per year to store. USDA could not even use it in the payment-in-kind program because the grade was so low. This corn grades low because many of the kernels are cracked or broken from being stored and handled so much. Although it is down-graded in the market and cannot be used for export or for PIK, it is still usable for livestock feed. In fact, since these kernels would have to be rolled or otherwise broken open in order to feed it to cattle or sheep, this damage makes it even more desirable as range livestock feed.

Mr. President, this corn is desperately needed for livestock feed. West Texas ranchers are suffering through the worst drought in over 30 years. At Rankin, Tex., just about 175 miles south of those elevators full of damaged corn, there are ranches that have had only six-tenths of 1 inch of rain this year.

Those people are watching a lifetime of hard work slip through their fingers. Each day brings them a step closer to the inevitable choice—sell out for pennies on the dollar, ship their livestock to expensive pastures elsewhere, or watch them die. Traditional pasture areas in the northern panhandle are dried up also and there may be no wheat pasture this year. The spreading drought is making it increasingly difficult and expensive to find grazing elsewhere.

Many of these ranchers have already liquidated large parts of their herds. Experts estimate that cattle and sheep herds in the area hardest hit by the

drought have already been reduced by 60 to 70 percent.

It is a travesty to watch drought destroy herds and ruin pastures that will take many years to recover, while at the same time spending taxpayers' money to store the grain that could get these people through to the next rain. These ranchers will buy that grain. They will transport it themselves. We do not have to pay them to take it, but we will have to keep paying that storage if we do not let them buy it.

Mr. President, I urge my colleagues to look closely at this legislation. You will be seeing it again very soon. The USDA has sat on this too long already. They have cost too many Texas ranchers their cattle and sheep and they have cost the taxpayers too much in useless storage payments for damaged grain. It is time to bring an end to this last legacy of the ill-advised Russian grain embargo.●

● Mr. TOWER. Mr. President, the legislation that my distinguished fellow Texan and I are introducing today recommends action that is long overdue. The severe drought that is plaguing farmers and ranchers in nearly 30 States has created a crisis that has weighed particularly heavy on our Nation's livestock producers. It is my hope that by introducing this legislation today, we can underline the fact that our Nation's livestock and poultry producers are facing severe problems that are unique to ranching. These problems have not been addressed by current farm programs that have assisted producers of corn, wheat and other crops. I plan to pursue adoption of the action recommended in this legislation either in this bill, or as part of other legislative initiatives that are directed toward providing a safety net for those livestock producers who have been severely impacted by this crippling drought.

We are all aware of how this drought has decimated farmland and grazing ranges in large sections of our country. Fortunately, many farmers who would have been totally devastated by a bad crop year will have much of the severity of the drought softened by their participation in the payment-in-kind program. With farmers all across the Nation receiving wheat, corn and other crops from Government surplus stocks, much of the income that they would have normally lost due to meager harvests will be made up by PIK stocks. Although the upcoming harvest will provide us with a better idea of the need for disaster assistance for farmers, PIK has already provided much needed relief.

Yet, livestock and poultry producers have received a double disaster.

Not only has the drought turned their grazing land into dust, but the combination of the PIK program and drought in the corn belt has greatly increased the price of feed grains. Greater dependence on higher costing feed grains has driven many of these livestock producers to begin liquidating their herds rather than face bankruptcy.

Yet, the most severe long-term result of this squeeze on our Nation's ranchers may come from the loss of foundational herds. These herds are developed over a period of years—through many generations of careful breeding—to become acclimated to the particular climate of the region where they graze. When ranchers must sell off foundational herds, their replacements cannot be acquired with a simple purchase of sheep or cattle from another region. The breeding process must be started anew, and ranchers must wait several years before their ranch can become productive again.

It is my view that the feed grain program that is called for in this bill will provide enough assistance to allow ranchers to hold on to their foundational herds so that our Nation's supply of livestock products will remain steady in future years. The Secretary of Agriculture is left with a broad range of discretion so that he can best determine which feed grain assistance program will prove most effective. The needs of these ranchers has gone unheeded for too long. Mr. President, I am hopeful that the Senate will be able to take action to give them a gleam of hope.●

By Mr. TSONGAS (for himself, Mr. CRANSTON, Mr. PELL, Mr. LEAHY, and Mr. LEVIN):

S. 1896. A bill to establish a select commission to examine the issues associated with voluntary service; to the Committee on Labor and Human Resources.

VOLUNTARY NATIONAL SERVICE

● Mr. TSONGAS. Mr. President, I am pleased to introduce a bill on behalf of myself and Senators CRANSTON, PELL, LEAHY, and LEVIN to establish a Select Commission to study the issues surrounding voluntary national service. This proposal is patterned after one I introduced several years ago which passed in the 96th Congress. Earlier this year Representative LEON PANETTA introduced a House version which was reported favorably by the House Education and Labor Committee as H.R. 1264.

We are proposing to create a 15-member Commission which would have 15 months and $750,000 to review existing voluntary service programs and to explore alternative opportunities for voluntary service. A major focus of the Commission would be youth service. General youth unemployment has reached nearly 25 percent with the figure about double that for black teenagers.

The Federal Government can no longer stand idly by as an ever-expanding portion of our youth population becomes demoralized by a feeling of uselessness. Most young people want to serve—to contribute to their communities and their Nation. However, society has failed to provide them the opportunity to do so.

A national service program would also help us meet some important needs of the present. We read daily of the Nation's crumbling infrastructure, of environmental and conservation needs going unmet, and of inadequate care for our elderly. Some of our most energetic and capable citizens are waiting to address these problems.

This is not an issue of one party or one interest group. This is a serious national problem facing tomorrow's adult population. We have asked our youth to register for the draft to serve in time of war, but we have not given them the opportunity to serve in time of peace. By not being challenged to serve, today's youth has turned inward. Increasing numbers of our youth population have turned to despair and dependence. They have the highest rate of unemployment and are more deeply involved in crime, alcoholism, drug abuse, and suicide than any other age group. It is time that we provided this age group with the opportunity to participate in constructive activity to rebuild their Nation.

This legislation does not favor any one particular form of national service program. The Commission created by this bill would consist of representatives from all groups that would be affected by a national service plan. It would fully examine our civilian and military manpower requirements, and produce recommendations. I believe that this legislation, to merely establish a select commission, is a small price to pay considering the magnitude of the problems facing American youth today. Dollar for dollar, this Select Commission would be the wisest investment we could make toward our children's future.

This Commission would not be the start of an expensive blind rush into the mobilization of our youth. This bill is, instead, a very modest proposal. It recognizes a problem, a need, and a challenge and concedes that the solution requires extensive research, diligent thought, and a sensitivity to conflicting values. I urge each of my colleagues to join in supporting the establishment of a Select Commission on National Service.●

● Mr. PELL. Mr. President, I am pleased to join today with my friend and colleague Senator TSONGAS in reintroducing legislation to create a Select Commission to study the issues surrounding national service. This bill is patterned after one introduced by Senator TSONGAS and me several years

ago which passed in the 96th Congress. It is also virtually identical to a bill introduced in the House by Representative LEON PANETTA which was approved earlier this year by the House Education and Labor Committee.

Although national service is a concept that has been debated for more than 70 years since it was first proposed by William James, the idea has never been more relevant to our needs as a nation than it is today. The sense of public service, which historically has been so important to our development as a free society, has seriously eroded in the recent past, and has been replaced by a dangerous cynicism about involvement in national problems. Even more disturbing are the staggering dimensions of youth unemployment, which has reached nearly 50 percent for teenagers in the black community and 24.5 percent for American youth generally. Every year that our young people remain idle because of lack of work deepens their frustration and saps their sense of purpose in life. National service can channel the energy and enthusiasm of young Americans in positive, productive efforts that will benefit our entire society.

Restraints of Federal spending have inevitably left long neglected problems, especially in our cities, to simmer beneath the surface. Elderly citizens often receive insufficient food and medical care because there is no one to transport them to the doctor or to the grocery store. Shelters for the homeless are understaffed and unable to care for the growing numbers of homeless Americans concentrated in our major cities. Day care centers, which are of increasing importance to all segments of the population, are greatly understaffed. These needs and many, many more could be creatively addressed by national service.

We also confront today the continuing inadequacy of our military manpower system, and the need for an alternative that eliminates the inequities of the All-Volunteer Armed Force or the draft. There is no doubt in my mind that pressures for the reinstitution of a military draft will intensify over the next few years, fueled in part by the projected decline in the available pool of young men and women of military age. We must begin to address our future manpower needs in this area, and avoid at all costs a repetition of the inequities of the 1960's when the draft spawned a generation of young people disillusioned with government and reluctant to consider public service.

This legislation does not favor one particular form of National service over another. The 15-member Commission created by the bill would consist of representatives from all groups that would be affected by a national service plan, including young people themselves. The Commission would have 15 months and a budget of $750,000 to fully examine our civilian and military manpower requirements, and produce recommendations on the implementation of a national service program. Our hope is that a series of Commission hearings conducted throughout the country will promote a consensus of public opinion and produce the support necessary to make national service a reality.

An impressive list of national organizations, including most recently the American Legion, have endorsed the establishment of this Commission. Opinion polls have demonstrated that the majority of our young people are in favor of the concept of national service. The time for a high level study of this exciting idea is long overdue, and I urge each of my colleagues to join in supporting the establishment of a Select Commission on National Service.●

● Mr. LEAHY. Mr. President, I am pleased to join Senators TSONGAS, PELL, and CRANSTON in support of legislation to establish a Select Commission to study the idea of voluntary national service. I consider national service one of the most patriotic sacrifices an American can make. This bill would be a productive step toward seeing just how accessible voluntary service opportunities are today, while providing guidelines for other worthwhile initiatives in this area.

This particular piece of legislation is not new. In fact, the bill we are introducing today closely resembles one that the Senate passed during the 96th Congress.

The Commission would have 15 members, cost $750,000, and have 15 months to study existing and alternative opportunities for voluntary service. It would have the task of analyzing all of the important work that has been done in this area, as well as raising the public's awareness to the possibilities for voluntary service.

There are a number of reasons why this Commission makes sense. Right now, youth unemployment remains at staggeringly unacceptable levels. Roughly 1 out of 4 young people is jobless. For black youths, the unemployment rate hovers around 50 percent. We are witnesses to the development of a permanent subclass of the unemployed. These are young people who have never held a steady job, and have no immediate hope of finding one. These young people are wasting the most productive years of their lives, and we as elected officials have an obligation to seek workable answers to this problem.

My concern about today's youth does not end with the chronically unemployed. I think a great many young people who have had all the opportunities I can imagine, are either forgetting, or never learned, the importance of cooperation and service in a democracy. Too many seem to think that being a member of our society simply entails reaping the benefits it has to offer.

There are encouraging signs that young people, when given the opportunity, do welcome the chance to give of themselves in State or national service. The California Conservation Corps—a modern-day version of the old CCC—is one good example.

The new CCC now employs 1,800 young Californians between the ages of 18 and 23. They plant trees, develop alternative energy projects, and help combat natural disasters. Applicants are promised "hard work, low pay, and miserable conditions." Still, there are thousands of people now on waiting lists.

I believe that countless youths would respond to voluntary service programs if given the opportunity. I see the establishment of this Commission as a meaningful step toward combatting a number of problems we can no longer afford to ignore.

Thank you.●

● Mr. CRANSTON. Mr. President, I am pleased to join my colleague from Massachusetts (Mr. TSONGAS) and others in introducing this bill to establish a Select Commission on Voluntary Service Opportunities. The proposed Commission would focus national attention on the need for voluntary service in this country, examine existing volunteer opportunities, and identify alternative types of national service programs that would help us as a nation deal with pressing local and national challenges such as youth unemployment, conservation of natural resources, protection of the environment, rebuilding the inner cities, education, providing services to older and disabled persons, and the scarcity of resources in a wide variety of Federal, State, and local programs and agencies.

Mr. President, I would like to note the outstanding leadership and continued personal commitment of the Senator from Massachusetts (Mr. TSONGAS) to the establishment of a Select Commission to explore the desirability and feasibility of creating a national service program. I know that the Senator's own personal experiences as a Peace Corps volunteer have given him great insight into the value and importance of voluntary service programs. I have been proud to have worked with him in the last two Congresses in developing and offering similar proposals.

LEGISLATIVE HISTORY

In the 96th Congress, we were successful in achieving Senate passage, as title II of an unrelated bill, S. 1843, of a measure similar to the one we are proposing today. Unfortunately, House conferees insisted that these provisions not be included in the final

version of the bill due to jurisdictional conflicts between various House committees.

During the last Congress, we reintroduced the bill, with minor modifications, as S. 1052. The bill was referred to the Governmental Affairs Committee where no action was taken on it. The Senate did, however, pass a sense of the Senate resolution earlier this year as an amendment to the bill making additional appropriations to meet urgent human needs—H.R. 1718—with respect to the establishment of a Presidential Commission to study the potential benefits of national service. This provision, too, was deleted in the conference on that appropriations bill.

I would also like to note that one of my colleagues from California, Congressman LEON PANETTA, has long sponsored and championed in the House companion measures to these national service bills in both the 96th and 97th Congresses. Congressman PANETTA has introduced a companion bill, H.R. 1264, in this Congress as well. H.R. 1264 has been favorably reported by the House Education and Labor Committee. I look forward to a continued joint effort with my friend in the other body.

NATIONAL NEED FOR VOLUNTARY SERVICE

Mr. President, as the author of the Domestic Volunteer Service Act of 1973 and periodic amendments to it, I have had a long-standing involvement with programs that offer Americans opportunities to volunteer their services to help meet pressing human and other needs in our Nation. As chairman of the former Subcommittee on Child and Human Development for 4 years, I had the privilege of chairing hearings in which numerous individuals—academicians, scholars, service providers, representatives of various levels of government, and young people—testified about the broad support for the development of a national service program and the tremendous need for the types of services such a program would help provide.

Mr. President, it is sad to note, but nonetheless true, that due to a number of factors—increased mobility, dissolution of traditional family structures and supports, the growth of divorce rates, and the increasing number of older, single persons living alone, to name just a few such factors—many people feel estranged from their communities and their fellow citizens. We hear frequent reports of the isolation and alienation many older persons experience. We hear of young people who have become cynical and embittered about our institutions, who feel unable to make any substantial contribution to their communities and believe that they have no stake in the well-being of the world around them. I believe that development of broad-based opportunities for volunteer service can offer a way to help bridge the gap between individual citizens and their communities and can help young people and other participants find a greater sense of purpose in their lives. Such a program would also foster important intergenerational exchanges among individual participants and members of the communities they serve.

In addition to the benefits individual participants would derive from their volunteer efforts—the sense of purpose, personal enrichment, and fulfillment that come from making significant contributions to one's own community—it is no secret to those concerned about human services that there is currently a tremendous demand among potential recipients for the types of services volunteers could provide. In the past few years, we have seen record high unemployment, increase in all form of domestic violence, and budget cutbacks in most human services programs. Clearly, it is in our best interest as a nation to examine the ways in which volunteer contributions could help ease the human suffering that we know exists. The kind of person-to-person assistance that voluntary service programs can provide could offer a unique and meaningful response to the complex problems facing the Nation.

In addition, Mr. President there is one further important contribution that a national service program can make—to our military preparedness. Some argue that the All-Volunteer Force is not working and urge a return to the military draft. I have been and continue to be opposed to restoration of the draft in peacetime. However, raising the status and social desirability of voluntary service should assist the armed services in continuing to meet their personal needs without resorting to compulsion. Various surveys have shown that significant proportions of young people interested in volunteering for a national service program would select military service over nonmilitary service.

CONCLUSION

Finally, as further evidence of the widespread national support for domestic volunteer opportunities, I am pleased to note that despite strenuous efforts to eliminate the Volunteers in Service to America—VISTA—program administered by the ACTION agency—the antipoverty volunteer program with participants of all ages—the Senate recently passed S. 1129, a bill reauthorizing appropriations for it and other volunteer programs. This reaffirmation of support for this important and successful volunteer program was indeed heartening for those of us inside and outside Congress who have long recognized and supported this valuable program. We need to expand these volunteer service programs, and the Commission which would be established under the bill we are introducing today would provide an excellent forum for examining the best approach for doing this.

In conclusion, Mr. President, I believe that a national service program might well provide both the stimulus and the opportunity that Americans need to demonstrate—as they have in the past—the compassion and the generosity that have contributed to our Nation's greatness. It could create anew that sense of unity and purpose which has bound our diverse population together in years past and which seems to be missing today except in times of immediate crisis. Establishment of a Commission along the lines proposed in this measure would be an important step toward achieving these goals.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. KASTEN, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 386

At the request of Mr. HEFLIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 386, a bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors.

S. 657

At the request of Mr. DOLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 672

At the request of Mr. MCCLURE, the names of the Senator from Arizona (Mr. DECONCINI) and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 672, a bill to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations, and for other purposes.

S. 677

At the request of Mr. HEFLIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 677, a bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the

social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 800

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 914

At the request of Mr. MCCLURE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1095

At the request of Mr. MCCLURE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1095, a bill to amend the Strategic and Critical Materials Stock Piling Revision Act of 1979 in order to prescribe the method for determining the quality of any material to be stockpiled under such act, and for other purposes.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1256

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1271

At the request of Mr. RANDOLPH, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Michigan (Mr. RIEGLE), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1275

At the request of Mr. HEFLIN, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1275, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 1325

At the request of Mr. MCCLURE, the names of the Senator from Colorado (Mr. HART), the Senator from Michigan (Mr. LEVIN), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1368

At the request of Mr. HEFLIN, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1368, a bill to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to permit the Secretary of Agriculture to issue marketing orders regulating the handling of eggs.

S. 1589

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1589, a bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 and the Federal Supplemental Compensation Act of 1982 to provide alternative State triggers.

S. 1602

At the request of Mr. MCCLURE, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1602, a bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion for dividends and interest beginning in 1983.

S. 1668

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1668, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

S. 1730

At the request of Mr. DIXON, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1737

At the request of Mr. DOLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1737, a bill to make permanent section 1619 of the Social Security Act, which provides SSI benefits for individuals who perform substantial gainful activity despite a severe medical impairment.

S. 1843

At the request of Mr. SASSER, the names of the Senator from Ohio (Mr. GLENN), the Senator from Florida (Mrs. HAWKINS), the Senator from Texas (Mr. BENTSEN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1843, a bill to extend by 3 months the cutoff date for social security disability determinations which will be subject to the provisions allowing continued payment of disability benefits during appeal.

SENATE JOINT RESOLUTION 59

At the request of Mr. HEFLIN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Texas (Mr. BENTSEN), the Senator from Maine (Mr. MITCHELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. RIEGLE), the Senator from Nevada (Mr. LAXALT), the Senator from Georgia (Mr. NUNN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Joint Resolution 59, a joint resolution to authorize and request the President to designate February 27, 1986, as "Hugo LaFayette Black Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. LONG, the names of the Senator from Illinois (Mr. DIXON), and the Senator from

Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 145, a joint resolution to designate the week of October 2, 1983 through October 8, 1983, as "National Port Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the names of the Senator from Illinois (Mr. DIXON) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veterans' Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. LEVIN, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 229—RELATING TO THE AMERICA'S CUP YACHTING SERIES

Mr. STEVENS (for Mr. CHAFEE (for himself and Mr. PELL) submitted the following resolution, which was ordered placed on the calendar:

S. RES. 229

Whereas, the America's Cup series was won on Monday, September 26, 1983 by Australia's intrepid challengers, and

Whereas, the courageous American defenders demonstrated great skill in a defense requiring for the first time in the history of the Cup series a seventh race, and

Whereas, the just completed series was the most exciting in the history of cup competition, Therefore be it

Resolved, that the Senate of the United States:

Applauds the performance of the Australian challengers,

Commends the skill of the American defenders, and

Anticipates that the next series will be just as exciting but hopefully with a different result.

SENATE RESOLUTION 230—COMMENDING EVE BALL

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted the following resolution; with was referred to the Committee on the Judiciary:

S. RES. 230

Whereas Eve Ball of Ruidoso, New Mexico, is widely regarded as the "First Lady of Letters" of New Mexico;

Whereas the numerous awards and honors received by Eve Ball include the coveted Golden Spur and Golden Saddleman Awards of the Western Writers of America;

Whereas the writings of Eve Ball have contributed enormously to an American understanding and appreciation of the Apache Indian;

Whereas these and other historical pieces have been adopted as textbooks in the schools and universities of this Nation as well as Europe;

Whereas the commitment to the preservation of history compelled Eve Ball to persevere in pursuit of the facts upon which such historical pieces are based; and

Whereas at the age of ninety-four Miss Ball remains indefatigable in the zeal to recount history: Now, therefore, be it

Resolved, That it is the sense of the Senate that the people of the United States owe Eve Bell a tremendous debt of gratitude for writings which enrich our knowledge of the Indian, the West, and those courageous persons who settled that vast land and for the invaluable legacy such writings will be for future generations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Eve Ball

Mr. DOMENICI. Mr. President, I rise today to introduce a Senate resolution expressing the sense of this body that the American people owe a great debt of gratitude to Eve Ball of Ruidoso, N. Mex. Through her writings we have gained a wealth of knowledge about the Apache Indians, the land and people of the West, and the values and customs peculiar to that still vast and wild part of our Nation. In my home State of New Mexico, Eve Ball is a legend. Not only has she devoted her life to the accurate recounting of history, but she has actually lived it—spending years among the Mescalero Apaches, listening to their tales, participating in their daily lives and rituals, moving among their members in an exhaustive effort to depict them as they would see themselves. Her writings reveal this first hand knowledge and will remain among our most valuable literary treasures.

It has been said that Eve Ball's writing has not only given the study of history a new and colorful element, but has inspired others to write as well. In addition, many of her books have been adopted for use in high schools and universities in this country and abroad, which is testimony to her broad appeal as a writer. We are most fortunate to have among us a writer of great talent, generosity, and breadth of knowledge, and while her writing and insight have touched the lives of many the world over, New Mexico is lucky—and proud—to be able to claim Eve Ball as her own.

AMENDMENTS SUBMITTED

WAR POWERS RESOLUTION

PELL AMENDMENT NO. 2228

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 159) providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon; as follows:

On page 7, line 9, strike out the word "eighteen" and insert in lieu thereof the word "six."

DIXON AMENDMENTS NOS. 2229 AND 2230

(Ordered to lie on the table.)

Mr. DIXON submitted two amendments intended to be proposed by him to the joint resolution (S.J. Res. 159), supra; as follows:

At the end of the joint resolution, add the following:

EFFECTIVE DATE

SEC. 9. Notwithstanding any other provision of this joint resolution, the authorization contained in sections 3 and 6 shall take effect beginning on the day after the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate the written report which is required to be submitted under section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1)) and which the Congress finds should have been so submitted by the President not later than 48 hours after August 29, 1983.

AMENDMENT NO. 2230

Amend section 6 to read as follows:

SEC. 6. (a) The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the six-month period begin-

ning on the date of enactment of this joint resolution.

(b) Notwithstanding the transmittal requirements of section 4 of this joint resolution, at least 60 calendar days before the expiration of the six-month period referred to in subsection (a) the President shall submit to the Congress a written report containing the information required under section 4 of this joint resolution.

(c)(1) The provisions of section 6 of the War Powers Resolution shall apply to any joint resolution or bill which—

(A) proposes to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon beyond the period for which such participation is authorized by law, and

(B) is introduced not later than 60 calendar days after the submission of a report described in subsection (b),

in the same manner and to the same extent as such provisions apply to a joint resolution or bill introduced pursuant to section 5(b) of the War Powers Resolution.

(2) For purposes of applying the provisions of section 6 of the War Powers Resolution pursuant to this subsection, any reference in such section to the sixty-day period specified in section 5(b) of such Resolution shall be deemed to be a reference to the sixty-day period referred to in clause (B) of paragraph (1).

(d) Notwithstanding any other provision of law, any authorization by law for participation of United States Armed Forces in the Multinational Force in Lebanon shall terminate upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MERCHANT MARINE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, September 27, 1983, to hold a hearing on S. 1624, cargo preference legislation, and other bills and matters related thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 27, 1983, to consider and act on S. 1660, legislation to preserve universal telephone service, and S. 1400, the Motor Vehicle Theft Law Enforcement Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 27, to hold a markup on S. 121, the trade reorganization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Soil and Water Conservation, of the Committee on Agriculture and Nutrition, be authorized to meet during the session of the Senate on Tuesday, September 27, at 10 a.m., to hold a hearing to consider S. 1053, S. 998, and S. 843, conservation PIK bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 28, 1983, in order to receive testimony concerning the following nominations:

Mrs. Maryanne Trump Barry, of New Jersey, to be U.S. District Judge for the District of New Jersey;

Mr. Martin L. C. Feldman, of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana; and

Mr. C. Roger Vinson, of Florida, to be U.S. District Judge, for the Northern District of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 28, to receive testimony on the office of the Secretary of Defense and the relationships with other elements of the Department of Defense and the executive branch.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 28, to hold a hearing on the update of the START negotiation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, of the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Wednesday, September 28, at 9:30 a.m., to consider S. 573, the Fair Deposit Availability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LEGISLATION AND RIGHTS OF AMERICANS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Legislation and Rights of Americans, of the Selected Committee on Intelligence, be authorized to meet during the session of the Senate on Wednesday, September 28, at 9:30 a.m., in closed session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 28, at 10 a.m., to hold a hearing on the Hotel Employees and Restaurant Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

U.S. REFUGEE ASSISTANCE

● Mr. KENNEDY. Mr. President, as so often in the past, we see today a refugee crisis which is global in scope and tragic in its dimensions. Refugee problems afflict every region of the globe today and they present even greater challenges to our Nation's foreign policy and humanitarian assistance programs.

There seems to be no end in sight to the countless men, women, and children who continue to flee their homes and lands for all the reasons that lie behind the violence and conflict and persecution of our times. This past year the need for assistance and protection of refugees has grown substantially in many countries of first asylum, and there remain large numbers of refugees requiring third-country resettlement.

Refugees must be of concern to the United States, not only because of our Nation's long and proud history in welcoming the homeless to our shores, but because refugees also pose critical international and foreign policy problems. We know from recent history that massive refugee movements can unbalance peace and stability in the world as much as any arms race or political or military confrontation.

Yesterday, the Judiciary Subcommittee on Immigration and Refugee Policy held a hearing to review the U.S. program of assistance to refugees,

and to consult with the President's representatives on the number of refugees to be admitted to the United States in 1984.

At the hearing, our distinguished colleague from Oregon, Senator HATFIELD, testified on his recent visit to Southeast Asia and his recommendations for the Indochinese refugee program.

I believe this testimony puts into perspective the dimensions of our refugee resettlement program when he notes that this past year only about 5 percent of those individuals entering the United States are refugees—a very small number and hardly justifying the negative rhetoric we have heard from many quarters.

Mr. President, I commend to the attention of the Senate the eloquent testimony of Senator HATFIELD, and ask that it be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR MARK O. HATFIELD BEFORE THE SUBCOMMITTEE ON IMMIGRATION AND REFUGEES POLICY

Mr. Chairman, let me first thank you for the opportunity to discuss the United States' refugee policy in the context of the consultation hearings now underway. Whenever there is an important issue within the jurisdiction of your Committee, Mr. Chairman, I can rest easy knowing that is will be dealt with in a competent and fair manner.

As you know, a great deal of my time this past year has been spent concentrating on this country's refugee policy, particularly as it pertains to Southeast Asia. Much of that work culminated in National Security Decision Directive 93, as well as in the subsequently issued guidelines now in effect in Southeast Asia. Attorney General Smith, Commissioner Nelson, Ambassador Douglas, and Mr. Purcell can stand proudly by their formidable product. Our entire exercise during the past seven months is a shining example of how government can identify a problem and solve a problem. I have never been more pleased with the state of our processing efforts in Southeast Asia than at this moment.

Mr. Chairman, permit me to underscore what other witnesses at this hearing will later state on the importance of the consultation process. I wholeheartedly support the consultation process. It is through this deliberative process that we can balance foreign policy interests with domestic interests, humanitarian interests with resource limitations, and can forge a humane, rational refugee policy that reflects these delicately struck balances. It is through the consultation process that the United States can reexamine its long-held commitment to providing hope and support for the millions of unfortunate human beings in this world who have been swept into flight by political persecution.

Mr. Chairman, as you know probably better than anyone else in the Senate, there is no political advantage whatsoever to be gained from advocating a continuation of traditionally generous refugee and immigration policies. We hear so often that "compassion fatigue" has set in across this land, and that we need to slam shut the door of entrance to the United States.

Irresponsible reporting and irresponsible politicians have blurred the distinctions between persons seeking asylum, and persons fleeing distressed economic conditions, and persons seeking to come to the U.S. to be reunited with their families.

When the important, fundamental distinctions between these groups are lost in the haze of demagoguery, the compelling reasons for why the United States accepts an identified number of human beings as refugees is lost as well. In 1983, the United States will accept for resettlement approximately 60,000 refugees. This compares with the 1983 admission levels of 420,000 for legal immigrants and at least 600,000 for illegal immigrants.

In other words, Mr. Chairman, of the approximately 1.1 million individuals entering the United States in 1983, only about five percent are entering as refugees. And who makes up this 60,000? These 60,000 are persons from all over the world who are fleeing certain suffering, and quite often, certain death. Whether from the Near East or the Middle East, Africa or Asia, these human beings who are seeking asylum have one unifying trait: they are afraid for their lives, and they have good reason to be afraid for their lives.

This consultation process focuses on the appropriate U.S. level in providing asylum to persons fleeing political persecution. There is no magic formula, and there is no way to quantify humanitarianism and balance it with the competing interests inherent in immigration and refugee policy decision-making. I do not pretend to have the magic number that will represent the "perfect balance". However, without hesitation I will state that the United States' role in providing hope for those fleeing tyranny, in providing assistance to the countries of first asylum who bear the immediate brunt of refugee migration, and in providing shelter for our appropriate share of the refugee population, must not decline.

This does not mean that the United States should admit everyone fleeing war or the threat of war. It means simply that refugee policy must not be the "whipping boy" for our country's inability to control illegal immigration. And it means that if we abandon our responsibility to uphold freedom by providing hope to those who are not free, then we have failed history and failed ourselves.

Mr. Chairman, permit me to make three specific observations. First, the Administration proposal to set the refugee ceiling at 72,000 is a continuation of the annual reductions that have occurred since the consultation process first began. Last year the ceiling was 90,000, and we admitted about 60,000. Most of this shortfall was due to our performance in Southeast Asia where only 37,500 of the 64,000 ceiling were admitted. What can the international community expect to be the actual number admitted in 1983 if the ceiling is set at 72,000? 48,000?

Mr. Chairman, speaking from my expertise on Southeast Asian politics and on my familiarity with the Royal Thai Government, we can expect drastic involuntary repatriation efforts if our commitment to refugees in the region is perceived as wavering. The new guidance and representations by our government officials concerning the residual population have kept the Thai military authorities in check despite our low 1983 departure rates. If we send a signal to them that our commitment toward resettlement will diminish again in 1984, then the predictable consequence of lost lives and strained relations with Thailand will occur. Already the Thai Government is moving people out of the camps and back to the Combodian border, and without a clear signal from Washington that we wish to maintain first asylum, more such movements can be expected.

Second, the Administration has expressed its intention to drastically reduce the refugee ceiling number in 1986. In effect, the Administration intends to have two years of processing at current levels and then to find some way to deal with the 100,000-plus-residual population left in the camps. What about our promises that there would be no residual left in Thailand and Malayasia? For those who suggest that voluntary repatriation will be a viable alternative by 1986, I suggest to them that they are hopelessly naive in their understanding of Vietnam's intentions in Cambodia. The border would not be packed with hundreds of thousands of starving Khmer citizens if Vietnam's presence in Cambodia were anything other than a colonialization effort.

Finally, Mr. Chairman, let me share with my colleagues on the Committee some observations from my recent trip to Bataan in the Philippines. Three days before I arrived, a boatload of refugees from Vietnam, emaciated from 51 days at sea with little food and without even a compass, landed on the shores of the Philippines. They were very lucky. The did not die along the way due to pirate attacks or rough seas. There is no need to iterate the reasons why these people, like the tens of thousands before them, fled Vietnam. By establishing a sufficient ceiling in Indochina—and I believe 50,000 is the very minimum we can establish—then the expected expansion of the Orderly Departure Program hopefully will deter Vietnamese from risking their lives on the high seas and instead will motivate them to pursue the safer channels of ODP.

Mr. Chairman, I am prepared to answer any questions the members of the Committee may have.●

DRUG ABUSE IN THE MILITARY

● Mrs. HAWKINS. Mr. President, we are living in precarious times. Our political and strategic relationship with the Soviet Union grows more sensitive and volatile each day. The slightest disadvantage weighing us down can tip the scales and send the other side crashing down upon us. At no other time in history have our weapons systems been so technical and complicated. At no other time in history have we been capable of causing total world destruction with the touch of a button. At no other time in history has the soldier's job been more complex and demanding. At no other time in history have our alertness and readiness been more important.

Mr. President, it is frightening to think that the soldiers in our Army, Navy, Air Force, and Marine Corps are, like their civilian counterparts, abuse drugs on and off the job, on and off duty. These are the men and women responsible for flying helicopters and jets, driving tanks, operating nuclear submarines, handling complex and sophisticated weapons, and making decisions that affect the lives of their fellow soldiers. An apathetic and sluggish soldier on drugs almost assures that we will lose the battle.

Drug abuse in the military is a problem of paramount importance—our own particular brand of "doomsday machine."

Marihuana is the most abused drug in the military. It is used mainly by the 18-25 age group, which comprises 63 percent of our Armed Forces today. Obviously, the drug has harmful effects on our soldiers' health and the readiness of personnel. Another grave concern is that the use of marihuana is a crime and any disregard for laws, rules, and regulations undermines order and discipline in the military and further erodes readiness.

The incidence of drug abuse in the military is shockingly high. According to a 1980 DOD survey, 50 percent of the E1-E5 military population reported using marihuana. Navy personnel reported 26 percent of its E1's-E5's "high" on duty. A full 25 percent of the total E1-E5 population of the Army, Navy, and Marine Corps admitted to a drug high on duty. The Air Force was conspicuously low, with 8 percent. Mr. President, I ask permission to enter three statistical tables into the RECORD at this point.

The tables follow:

POPULATION OF E1-E5'S USING EACH DRUG BY SERVICE

[Percentage]

Drug type/use period	Total DOD	Service			
		Army	Navy	Marine Corps	Air Force
Any drug use:					
Past 30 days	38	41	48	48	21
Past 12 months	50	53	59	61	33
Marijuana/hashish:					
Past 30 days	37	40	47	47	20
Past 12 months	49	52	58	60	32
Amphetamines or other uppers:					
Past 30 days	9	8	15	10	4
Past 12 months	19	17	28	25	9
Cocaine:					
Past 30 days	7	6	11	10	2
Past 12 months	17	15	25	26	8
Hallucinogens (other than PCP):					
Past 30 days	5	3	7	10	2
Past 12 months	12	10	18	21	5
Tranquilizers:					
Past 30 days	3	3	4	3	1
Past 12 months	8	8	13	9	3
Barbiturates or other downers:					
Past 30 days	3	4	5	4	1
Past 12 months	8	8	12	11	4
Opiates (other than heroin):					
Past 30 days	2	2	2	2	1
Past 12 months	5	6	7	7	2
PCP:					
Past 30 days	1	2	2	4	(1)
Past 12 months	6	6	7	13	1
Heroin:					
Past 30 days	1	2	1	(1)	(1)
Past 12 months	2	4	2	1	1

[1] Less than half of one percent.

Source: Worldwide Survey of Nonmedical Drug Use and Alcohol Use Among Military Personnel.

WORK IMPAIRMENT BECAUSE OF DRUG USE

[Percentage of E1-E5 Population]

Type of impairment	Total DOD	Service			
		Army	Navy	Marine Corps	Air Force
Total with any impairment	21	22	28	28	9
High while working	19	21	26	25	8
Lowered performance	10	12	15	13	3
Late for work/left early	6	8	8	8	2
Did not come to work	4	6	4	5	1

Source: Worldwide Survey of Nonmedical Drug Use and Alcohol Use Among Military Personnel.

PREVALENCE OF NONMEDICAL DRUG USE AND ALCOHOL USE AMONG MILITARY PERSONNEL AND COMPARABLE CIVILIANS—AGES 18-25

[Percentage of 18-25 year old population]

Type	Military (n=8224)	Comparable civilians [1] (n=2022)
Marijuana/hashish:		
Past 30 days	40	42
Past 12 months	52	54
Amphetamines or other uppers:		
Past 30 days	10	4
Past 12 months	21	12
Cocaine:		
Past 30 days	7	10
Past 12 months	18	23
Hallucinogens:		
Past 30 days	5	5
Past 12 months	13	12
Barbiturates or other downers:		
Past 30 days	4	4
Past 12 months	9	10
Tranquilizers:		
Past 30 days	3	3
Past 12 months	9	12
Heroin:		
Past 30 days	1	1
Past 12 months	3	1
Alcohol:		
Past 30 days	84	82
Past 12 months	93	90

[1] Data standardized with repsect to sex, age, martial status, and education. Based on special tabulations from the 1979 national survey on drug abuse.

Source: Worldwide Survey of Nonmedical Drug Use and Alcohol Use Among Military Personnel.

Mrs. HAWKINS. By far and away, the Navy has the most serious drug-abuse problem of all the branches of the Armed Forces. According to testimony given before the House Subcommittee on the Department of Defense, "in May 1981, the crash of an EA-6B aircraft aboard the U.S.S. *Nimitz* dramatically focused attention in drug abuse in the Navy. Six deck hands killed during the crash showed evidence of cannabis (marihuana/hashish) in their systems. After the Secretary of the Navy advised that no trace of any drug was found in the deceased aircrew, the Navy's own investigation showed the pilot's body to contain an abnormally high dosage of an antihistamine (brompheniramine) not prescribed by a Navy doctor. Navy medical records declared that such high levels of this prescription drug can cause sedation, dizziness, double vision, and tremors. Furthermore, the Navy's own accident report stated that the high level of brompheniramine in the pilot's body, combined with other stress factors, precipitated the pilot error which caused this accident.

While some crew members argued that they had been maligned by reports of the drug use, others expressed relief that the drug-abuse issue had been uncovered. According to these sources, crew members regularly used amphetamines to sustain themselves during 18-hour workdays. This form of drug abuse was not recreational nor casual, but rather habitual. The DOD survey shows a 28-percent use of amphetamines by Navy personnel. When contrasted to the civilian population, military use of amphetamines is twice as high."

Mr. President, I request permission to insert into the RECORD at this point two articles on the subject of drug abuse in the military.

The articles follow:

[From the Washington Post, May 13, 1983]

NINE IN ARMY SELECT UNIT FAIL MARIHUANA TEST

(By Mike Sager)

Nine members of the Army's select White House Guard Company have been placed on company restriction and are being reassigned after unannounced urinalysis tests revealed traces of marihuana.

The test was administered to the 50 members of 1st Platoon, E Company, 3rd Infantry. The Army White House Guard, an elite corps of 200 enlisted men who perform ceremonial duties, is attached to the Old Guard at Fort Myer, the oldest active infantry unit in the Army. The results of the March 19 tests were received the first of this week, according to Col. Jamie Walton of the public information office of the Military District of Washington.

The offending soldiers, Walton said, are now awaiting reassignment from the 3rd Infantry to other Army units. Disciplinary action in the form of nonjudicial punishment—extra duty, suspension of pay, or reduction in grade—is also pending.

Two of the soldiers, contacted yesterday, declined to be quoted by name. One, a 23-year-old private, said "I don't smoke marihuana. I'm around some people who do, but I don't smoke it myself.

"One morning they told us we were going to take a test. They handed out specimen bottles. I have no idea why they did it," the private said. The nine soldiers, he said, asked to be retested but were refused.

Attempts to reach the soldiers' commanding officer were unsuccessful.

The White House declined comment on the incident through a press spokesman yesterday.

Random urine tests for marihuana use have been administered in the armed forces, at the discretion of individual commanding officers, since the beginning of last year. However, in an effort to crack down even more heavily on drug use, the Army will begin on July 1 processing for discharge all officers, noncommissioned officers and senior enlisted soldiers found to be drug users, and all enlisted soldiers determined to be second-time drug abusers.

"Things are going to get very, very tough. The Army is putting out notice that drug use will not be tolerated," said Margaret Tackley of the Army public affairs office.

Since February 1982, when the Department of Defense began giving the urine

tests to U.S. soldiers on a worldwide basis, Army spokesman Walton said, about 10 percent of those in the White House Guard tested showed signs of marihuana use and were immediately reassigned. Walton could not say how many soldiers that represented, except that it was "a small number."

A survey of drug use in the armed forces, to be released soon, shows that 22 percent of enlisted men and women use marihuana at least once a month, down from 37 percent in 1980, the Defense Department said.

"There has been a substantial decrease of drug abuse in the armed forces, and we are ascribing that to the increased use of urinalysis," said John Allen, with the department's office of health promotion.

The urine tests for marihuana, introduced commercially in 1980, are considered accurate up to 14 days after use of the drug, according to researchers at Sylva Co. of Palo Alto, Calif., the company that pioneered the commercial tests. Current technology, however, can measure neither the quantity used nor whether the user was actually high on the drug.

In addition, conflicting claims about accuracy have arisen. The National Institute on Drug Abuse claims a 95 percent or higher accuracy, and the military says its methods are virtually foolproof. But critics, like the National Organization for the Reform of Marihuana Laws, claim the tests are only 50 percent accurate and that they can also wrongly accuse someone who "passively inhaled" marihuana fumes.

Human error can be a factor as well. In 1982, for instance, the D.C. police tested recruits and found that 39 had recently used marihuana. After the recruits alleged that the bottles containing the urine samples were mislabeled, misplaced and possibly switched, 24 of the recruits were reinstated.

[From the New York Times, Nov. 22, 1982]

SEARCHING OF NAVY MAIL FOR NARCOTICS STARTING

NORFOLK, VA., Nov. 21 (UPI).—The Navy began its new policy of searching military mail Saturday, and officials said it would help stem the flow of illegal drugs and contraband to troops stationed overseas.

The policy, which allows searches and seizures of mail deemed suspicious by officials of the military Postal Service, has been criticized by sailors, who say it is an invasion of privacy.

Previously only United States Postal Service workers were allowed to inspect mail. Only mail addressed to service members overseas and sent through the Military Postal Service is subject to the new policy.

A Defense Department spokesman said Friday that an agreement, worked out between the Pentagon and the Postal Service, was adopted as a policy last month and that it extends to all branches of the military. This authority has been sought for two years as a way of keeping narcotics from reaching troops overseas.

Ship commanders and officers overseas were given immediate authority to begin inspecting and searching.

Random inspections of mailbags and parcels will be allowed, through use of metal detectors, drug-sniffing dogs, and fluoroscopes. But officials will be required to obtain a search warrant to open a letter if there is reasonable suspicion that contraband exists.

A complete statement of the parcel's opening must also be forwarded to the service's senior military postal official, Navy officials said.●

REFUGEE PROBLEMS IN CENTRAL AMERICA

● Mr. KENNEDY. Mr. President, reports from Central America indicate there a serious regional crisis of people—of humanitarian and refugee problems spilling across and within the borders of all the countries in the area. Nearly a million people are refugees and the numbers are still growing.

The refugee crisis in El Salvador is even worse than it was in Vietnam. At the peak of our involvement in Indochina, 8 percent of the civilians were displaced persons or refugees, whereas the number in El Salvador is now over 10 percent. And thousands upon thousands of these refugees are condemned to exist in camps with subhuman conditions as deplorable as those in Vietnam.

That the humanitarian needs of refugees have been neglected far too long in El Salvador is clearly documented in a staff report submitted to the Subcommittee on Immigration and Refugee Policy. There is now an urgent need for additional food and medical assistance to deal with camps which have been allowed to fester for over a year.

The administration has talked a great deal about the need for more military aid, but we have heard little about the escalating humanitarian crisis. It makes no sense to pour millions of dollars of military assistance to El Salvador if it cannot provide basic assistance and protection to its citizens displaced by the violence and conflict for which military aid is sought.

Mr. President, I hope the administration will now finally give the humanitarian and human rights problems in Central America, but particularly in El Salvador, the priority they deserve. If they are not addressed more adequately, they will not only complicate, but perhaps undermine, efforts to achieve peace and stability in the region.

I commend to the attention of Congress the subcommittee's staff report, which was jointly filed this week by the chief counsel and minority counsel, and I ask that the summary of their findings and recommendations be printed at this point in the RECORD.

The summary follows:

REFUGEE PROBLEMS IN CENTRAL AMERICA

(Staff Report prepared for the use of the Subcommittee on Immigration and Refugee Policy)

COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 21, 1983.

To: Senator Alan K. Simpson, Chairman, and Senator Edward M. Kennedy, Ranking Minority Member, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, D.C.

From: Richard W. Day, Chief Counsel, Jerry M. Tinker, Minority Counsel.

At your request, we undertook a study mission to Central America to review the refugee and related humanitarian problems in the region. Between August 30 and September 10, 1983, we traveled to El Salvador, Honduras and Guatemala to assess the separate, but interwoven, refugee issues, including the problems of displaced persons, questions of international humanitarian assistance, and conditions in the field. Of particular interest in El Salvador was a review of conditions that might bear on the question of whether the United States should adopt a policy of granting extended voluntary departure to Salvadorans who are not in lawful immigration status in the United States.

In El Salvador we met with the senior American officers at the U.S. Embassy and the Agency for International Development (A.I.D.) mission, U.S. military advisors in the field, and American voluntary agency personnel. We had extensive discussions with representatives of the International Committee of the Red Cross, the United Nations World Food Program, the United Nations Development Program as well as with officers at many levels of the Salvadoran government, including the Minister of Interior, the Director of Immigration, and officials of the National Commission for Displaced Persons. In addition, we met with Monsignor Ricardo Urioste, Assistant to the Archbishop of El Salvador, Maria Julia Hernandez of the Archdiocese human rights monitoring organization, Tutela Legal, and Benjamin Cestoni, Executive Secretary of the newly established Human Rights Commission in El Salvador. Field visits were made to San Vicente and Morazan provinces and to displaced persons camps in and around San Salvador.

In Honduras, meetings were similarly held with U.S. Embassy officials, including Ambassador John Negroponte, with senior members of the Honduran government and military, officials of the U.N. High Commissioner for Refugees, and with the staff of the voluntary agencies and church organizations working in Honduras. Field visits were conducted to the Salvadoran refugee camp in the northwest at Mesa Grande, to the south in Danli where Nicaraguan Ladino refugees have fled, and to the Miskito Indian refugees in Mocoran near the east coast.

A brief stop was made in Guatemala City where meetings were arranged with U.S. Embassy officials, including Ambassador Frederic Chapin, senior members of the Guatemalan government and military, and with voluntary agency personnel working in the field.

The following preliminary report represents our joint findings and recommendations.

TABLE I.—SUMMARY OF REFUGEES/DISPLACED PERSONS IN CENTRAL AMERICA

[September 1983]

Location	Refugees	Displaced persons
El Salvador:		
Government registered		264,000
ICRC (contested areas)		80,000
Church protection		124,000
Subtotal		468,000
Honduras:		
Salvadorans	19,000	
Guatemalans	1,000	
Nicaraguans (Ladinos)	2,500	
Nicaraguans (Miskito)	15,200	
Subtotal	37,700	
Guatemala: Estimated displaced[1] 10,000 to 450,000		100,000
Nicaragua: Salvadorans	17,500	
Costa Rica (mixture)	36,000	
Mexico:		
Guatemalans	45,000	
Salvadorans[2]	50,000	
Subtotal	95,000	
Total	186,000	568,000
Regional total		754,200

[1] No firm statistics exist on displaced persons in Guatemala, but it is clearly a significant problem.
[2] Statistics on Salvadorans in Mexico are guestimates.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

GENERAL RECOMMENDATIONS

Central America today confronts a human dilemma. Throughout the region there is a tide of people on the move—with over three quarters of a million men, women and children either displaced from their lands and homes, or fleeing across borders from the violence, conflict, and economic adversity in their homeland. In El Salvador alone, well over 10 percent of its population are displaced or have fled.[1]

The numerous humanitarian issues confronting the region—refugee and displaced persons, political violence, hunger and medical problems—must be dealt with more adequately or they will not only complicate, but perhaps undermine, efforts to achieve peace and stability in the region.

Among the humanitarian issues needing attention are the following:

1. *Strengthening international protection and assistance to refugees and displaced persons.*—If the needs of refugees and displaced persons throughout the region are to be adequately met, there must be an effort to bolster and expand the work of the several international and voluntary agencies already involved in the area, and to encourage others to join in the effort. Of particular importance is the work of the International Committee of the Red Cross (ICRC) and the U.N. High Commissioner for Refugees (UNHCR). In Honduras, the UNHCR is performing an outstanding role as coordinator for international assistance to refugees, and fulfilling its mandate to provide refugee protection. However, in El Salvador no such international umbrella exists for an even more serious displaced person problem. It is urgently needed.

The United States should lend strong diplomatic support to the creation of an international coordinating agency in El Salvador too stimulate and channel additional assistance to an estimated half million internal refugees who are in need of help. As outlined in this report, there are currently three different agencies and channels for providing assistance to displaced persons in El Salvador, and too little coordination or mutual support exists between them. Both to coordinate humanitarian assistance, as well as to assure that needs are equally met among the various groups now being assisted—and to depoliticize the use of such aid—the U.S. should support efforts to designate either the ICRC, the U.N. World Food Program (WFP) or, the good offices of the UNHCR, as the international coordinating agency for humanitarian assistance in El Salvador.

The ICRC already has a substantial presence and record of accomplishment in El Salvador and could easily expand its operation and staff to provide needed coordination, if the government of El Salvador requests it and if the United States is willing to support its expansion. Similarly, the WFP is moving to establish a more permanent program to meet what clearly will be on-going food needs among displaced persons. Since the provision of food—and the food-for-work programs for the displaced—is by far the largest component of the relief program, WFP, is empowered to assume a coordinating role if asked.

However, the role of international coordinator would even more appropriately and effectively be played by the UNHCR—which already has a substantial presence in the region and whose work with Salvadorans in Honduras and elsewhere is directly tied to the developments inside El Salvador. The U.S. should explore with the Salvadoran government the possibility of asking UNHCR to exercise its "good offices" function to assume the role of international coordinator of humanitarian assistance for displaced persons in El Salvador. There is ample precedence of such action and, given conditions today in El Salvador, justification to move forward on it.

2. *Increased humanitarian assistance to El Salvador.*—For nearly a year, the growing number of displaced persons in El Salvador was not addressed by the United States or the government of El Salvador. The first effort to assess their numbers and needs was not launched until January, 1982, when there were already between 165,000 and 200,000 displaced persons throughout the country. Most of them had moved in with friends or family members or were living in shantytowns around urban centers. About 5 percent of the displaced persons were considered at the time to be living in "extremely deplorable conditions." Over the following year, but particularly since the beginning of 1983, the number of displaced persons in such conditions has increased as the problem in many locations increased into large-scale refugee camp situations.

A formal government program of assistance was established, but needs persist. During the past year, the United States provided a small employment generating, food-for-work type of project, and an immunization program. However, by mid-1983 it became apparent that such efforts were inadequate to meet growing relief needs—inadequate to deal with camp-like conditions (which are still sub-standard in some areas)—or to respond to shortages of food and medicines.

In the days ahead, El Salvador can expect:

A large population of displaced persons will remain in need of help as the conflict in the countryside continues and as the economy continues to flounder;

Tens of thousands of displaced persons, mostly women and children, will remain dependent upon regular distributions of food and medicines, some in short supply and both subject to maldistribution;

Pockets of serious malnutrition and disease will persist among civilians in rural areas and contested zones cut-off by the fighting;

Human rights violations will persist in many areas of the country as the violence from the left and the right continues;

The nation's economy, and its support of the health, education and welfare programs (such as they exist) will continue to decline.

In short, the humanitarian problems confronting the people of El Salvador will remain. The United States should consider doubling its 1984 contributions to direct relief programs in El Salvador from the modest $10.5 million spent this year. A.I.D. should be authorized to use additional Economic Support Funds (ESF) and other appropriate program funds to support public health projects and employment generation programs for displaced persons.

There must be a commitment to improving the conditions of the displaced persons as part of the overall strategy for economic recovery in El Salvador. While some military assistance is obviously necessary, a complementary program of humanitarian aid is also needed to help El Salvador provide basic assistance and protection to its citizens displaced by the conflict and violence.

3. *Continued support for refugees in Honduras.*—After a difficult beginning, the UNHCR has established an effective program to assist and protect a growing number of Salvadoran, Guatemalan and Nicaraguan refugees in Honduras. Although some problems remain in assuring protection for Salvadoran refugees, the dark days of the La Virtud situation are behind us and an effective working relationship has been established between officers of the UNHCR and the Honduran civilian and military authorities.

Camp conditions in Mesa Grande, where some 10,000 Salvadorans are settled, are good by international standards. Although there is not enough land to allow them to become self-sufficient, even if the Honduran government permitted them to farm it (which they do not, except under strict controls), the camp is nonetheless relatively spacious, the programs of support adequate, and education, handicraft and other programs being undertaken by the voluntary agencies are imaginative. In fact, in the near term, proposals to close or transfer substantial portions of this camp should be discouraged. The refugees do not want to move at this time, and such a move—even with self-sufficiency as its goal—would be a questionable use of scarce international resources, given the good conditions achieved at Mesa Grande at some considerable cost and effort. This is particularly the case if the companion Salvadoran camp at Colomoncagua is moved from the border for security reasons, or if the refugee flow from Nicaragua increases.

In general, refugee conditions in Honduras are stable, and the attitude of the government in accepting its status as a country of first asylum should be commended. Even if the numbers of new arrivals were to increase in the future, an excellent infrastruc-

[1] By comparison, and as a gauge of population displacement, during the worst days of the Vietnam War the number of internal refugees never exceeded 8 percent of the population. In Afghanistan, it is nearly 16 percent of the population, most living as refugees in Pakistan.

ture of personnel and programs has been established under UNHCR auspices and it should be able to handle such an influx easily.

The longer-term problem of reaching a durable solution for the refugees in Honduras, especially for the Salvadorans who cannot stay forever, remains problematic. In the meantime, however, the program of assistance and protection is more than satisfactory and it deserves the strong support of the United States.

4. *Extended Voluntary Departure for Salvadorans in the United States.*—It is estimated today that there are up to 500,000 Salvadorans in the United States in illegal immigration status. Some United States groups have called for extended voluntary departure status for these people until the conflict in El Salvador subsides. However, this status has not been granted, the rationale being that there is no evidence of persecution of those who are sent back, that there are other countries of first asylum available, and that most Salvadorans here in the United States are economic migrants without valid claims to persecution in El Salvador.

Extensive efforts have been made by many private and religious groups to determine the fate of Salvadorans returning from the United States, and no evidence has been found to document that they are harmed.

There are areas of the country, particularly in the city of San Salvador and in the western provinces, where the conflict and violence is minimal. There are displaced person camps throughout the country where food and medical assistance is available and international personnel are present. And the Honduran government has indicated its willingness to accept all refugees who enter Honduras from El Salvador.

The 300 to 350 Salvadorans who are currently being returned by the United States to El Salvador each month [2] are subject to the same violence every resident of that country faces, but there is clear evidence that there is no governmentally sanctioned program to target or harass returning Salvadorans simply because they have been in the United States.

However, no official agency has conducted a follow-up study on individual Salvadorans returned by the United States. Private, nongovernmental groups cannot, without great difficulty, undertake such an assessment on their own, without the cooperation of the United States Immigration and Naturalization Service and the United States Embassy.

This lack of documentation has resulted in broad support for a field study to determine, to the extent possible given conditions in El Salvador, the fate of these Salvadorans who are deported or who are returning voluntarily after being apprehended by the Immigration and Naturalization Service. This study should be sponsored by the United States.

Such a study could be done on a random sample basis over a period of several months, and implemented by the U.S. Embassy or a voluntary agency with the cooperation of the U.S. Embassy. The ICRC, the Salvadoran government's Commission on Human Rights, and the Tutela Legal, the human rights monitoring office associated with the Archdiocese of El Salvador, appear willing to acept this important role. Our government should pursue this issue without delay.

Until the results of this study are available, the INS should develop guidelines, such as are used in other areas of the world, which would identify certain categories of Salvadorans who are more likely subject to political violence. There is evidence that teachers and medical personnel face additional risk.

SPECIFIC RECOMMENDATIONS

El Salvador

1. *Priorities of humanitarian assistance.*—In addition to the continued provision of basic food and medical supplies to displaced persons, our assistance program should now give higher priority to: (1. up-grading conditions in the camps (overcrowding, drainage, etc.); (2. the expansion of employment generation programs and targeting them to benefit the health and welfare of the displaced persons as well as the local community; and (3. the establishment of handicraft and other training programs for women who are idle in the camps.

2. *Resolving the plight of displaced persons in church compounds.*—Some 4,000 displaced persons—almost wholly women and children—are crowded into the small compounds of the Basilica and churches of the Archdiocese of El Salvador. Some have been there for as long as two to three years—some have even been born there—under conditions that severely limit their freedom. These families have sought the protection of the church because they fear that they will not be assisted or protected under the government's displaced person program. In the eyes of some Salvadoran military and government officials many of these people are seen as "subversives." Even if they are the dependent families of guerrillas or political opponents, they must receive adequate humanitarian assistance.

Every effort should be made to secure the safe removal of these people—to have them settled elsewhere in El Salvador under the care and protection of a responsible international agency, such as the ICRC or UNHCR. The U.S. Embassy should lend our strong diplomatic support to the resolution of this humanitarian issue, which remains a burden to the church and an unnecessary confinement of the persons involved. It should be in the interests of all concerned—the government, the church, and outside humanitarian organizations—to resolve this problem as soon as possible.

3. *Support for human rights organizations.*—We should actively support the work of the two principal human rights organizations in El Salvador, the Tutela Legal, which is associated with the Archdiocese, and the newly established Commission on Human Rights. The Tutela Legal has an established record. However, the new Commission on Human Rights, operating out of the President's office, does not yet have a permanent mandate. We should support efforts to codify the work of this Commission in the new Constitution and to assure its future operation and independence.

4. *Diplomatic support for the International Committee of the Red Cross.*—Two years ago the obstruction that the ICRC faced in obtaining access to prisoners was so great it nearly decided to close its offices and end the pretense that it was able to fulfill its obligations under the Geneva Conventions. However, diplomatic intervention avoided that unfortunate development.

The ICRC now reports improvement in their ability to provide humanitarian assistance to displace persons in El Salvador. It also has access to political and military prisoners held by the Salvadoran authorities. However, it continues to face obstacles in obtaining responses from the government upon many of its recommendations.

The ICRC still needs strong diplomatic support to overcome the persistent resistance it encounters at many levels in El Salvador concerning its work with political and military prisoners and its assistance to civilians in contested zones. Currently in Morazan provence the local commander is blocking the transportation of food and medicines to the northern portions of the province, declaring that the intensity of the conflict is too great. If this intervention is of only a short duration, during military operations, ICRC representatives can understand. However, if it extends much longer, it will interfere with ICRC's distribution of relief supplies to non-combatants.

5. *Amnesty program.*—For a period of three months this summer, El Salvador launched an amnesty program under which some 1,000 came forward—half of whom were political prisoners released from prisons. The program was hindered, however, by its short duration and the lack of any international participation to guarantee protection. We should encourage further amnesty programs under ICRC auspices, and we should join others in the international community in offering third country safe-haven or resettlement opportunities for those seeking it. For example, of the 500 political prisoners released, 200 felt endangered being out of prison without international protection and they sought third country resettlement. Canada, Belgium and Australia agreed to give many safehaven. The United States should participate in resettling those remaining as we have participated in the past in international efforts to resettle political prisoners.

6. *Judiciary reform.*—There is a serious need for judiciary reform in El Salvador, and we should continue to support current programs to strengthen their criminal laws and judicial system—all of which affect efforts to correct human rights abuses. Under El Salvador's laws, particularly the rules of evidence, it is sometimes difficult to prosecute offenders—especially if the charges have political overtones. In addition, many judges are not respected or adequately protected; not surprisingly, when difficult, controversial or dangerous cases come up, many find easier ways out. A serious effort to achieve judicial reform is now underway and it deserves strong support.

Honduras

1. *Support of the refugee program.*—As noted earlier, refugee conditions in Honduras have stabilized and an effective international program of assistance and protection has been established under UNHCR auspices. The United States must be prepared to continue our support of this program until durable solutions are achieved for the refugees. And given the relative hospitality of the Government of Honduras towards refugees and its readiness to absorb refugees on a first asylum basis, the international community needs to offer its continued assurance of diplomatic and financial support.

In the case of the Salvadorans, a durable solution appears distant. The current situation of displaced persons inside El Salvador will not persuade Salvadorans living in far better camps and conditions outside their country to soon return. A more secure countryside, relatively free of conflict, appears to be a precondition to the return of any sig-

[2] From October, 1982, to March, 1983, approximately 2,000 Salvadorans were returned.

nificant number of those Salvadorans who fled the violence.

As for the Nicaraguan Miskito Indians, they are well on their way to self-sufficiency and possible integration with the Honduran Miskitos. We should support the current care and maintenance programs of the UNHCR as well as assist in mobilizing resources to establish permanent settlements for the Miskitos in Honduras—if they choose to remain. The U.S. Mission and A.I.D. should become more involved in longer term development planning and support.

A third refugee program now emerging—Ladino refugees from Nicaragua—will likely require particular attention in the days ahead, both in terms of preparations for a potential influx of refugees, and in assuring that relief assistance is used only for humanitarian purposes.

2. *Protection of Salvadoran refugees.*—The United States should continue to express to Honduran authorities our strong support for the UNHCR's efforts to provide protection to Salvadoran refugees. This involves not only support of the UNHCR's presence in the camps, but also at the borders.

Particular attention should be paid to protecting refugees at Colomoncagua; if it is necessary to move this camp for security reasons, better planning and support will be necessary to avoid the problems of the earlier move of Salvadorans from the La Virtud camp to Mesa Grande. Also, if the Salvadoran refugees at Colomoncagua must be relocated from the border, the UNHCR's concerns over freedom of movement should be dealt with.

3. *Support UNHCR seminars for Honduran military.*—We should continue our support of the special seminars that UNHCR has conducted with the Honduran army on the Refugee Convention's guidelines on the treatment of refugees. There is every indication that they have had some positive effect on the ability of UNHCR to protect refugees in Honduras, especially towards arriving Salvadoran and Guatemalan refugees—as evidenced in what could have become a dangerous incident at the El Tesoro refugee camp for Guatemalans. When the military arrested 18 camp residents, the Honduran army attempted to adhere to the UNHCR guidelines and sought the involvment of UNHCR officials.

Guatemala

1. *Survey of needs of displaced persons.*—Although it appears that a significant displaced persons problem is developing inside Guatemala, with all its attendant food, health, and medical problems, no one—neither the Guatemalan government, the U.S. Embassy, nor the voluntary agencies—has a grasp of the dimension of the problem. Estimates of the total number of displaced persons range from 10,000 to one million.

The United States should press for a thorough survey of displaced persons—their needs, their whereabouts and their numbers—to be conducted either by the Embassy, a voluntary agency or the government. And we should be prepared to increase substantially our humanitarian assistance program, and to support the work of the voluntary agencies—with P.L. 480 food, with emergency medical supplies, and other relief commodities. If emergency relief is necessary—and some voluntary agency field reports indicate it will be—the American Ambassador should consider taking the necessary steps to activate immediate relief funds through A.I.D.'s Office of Foreign Disaster Assistance (which was one of the first sources of funding for the displaced persons' program in El Salvador).

If a serious displaced persons problem does develop, American humanitarian assistance should be channeled through an international or voluntary agency serving as coordinator of the displaced persons program.

2. *Guatemalan refugees in Mexico.*—There are currently an estimated 41,000 Guatemalan refugees in the southern Mexican province of Chiapas—primarily Indians from the Ixil-triangle who have fled military campaigns in the countryside in 1981-82. Although the situation in the field has stabilized, conditions remain precarious in some areas with only a two-week food supply and serious health problems. In jungle terrain, logistics also continue to be a problem.

Despite a recent commitment by the Mexican government to offer extended assistance and protection to the refugees, and permission for the UNHCR to establish a permanent presence in the field, a longer-term solution is far off. Few, if any, refugees have been willing to accept the Guatemalan government's offer of amnesty and return to their country. There is a general lack of confidence in the protection they will receive when they return. A carefully negotiated repatriation program under UNHCR auspices, with strong diplomatic and financial support of the United States, might help resolve the problem. A good beginning will be an invitation to refugee leaders to return home—again, under UNHCR protection—to see conditions for themselves.

But it is unlikely they will be persuaded to return if they see displaced persons among their fellow countrymen receiving less assistance or protection than is being received under UNHCR programs in Mexico.●

PRESS CONFERENCE SPONSORED BY THE DISABILITY RIGHTS EDUCATION AND DEFENSE FUND

● Mr. DOLE. Mr. President, yesterday, I had the pleasure of participating in a presss conference with the world-famous violinist, Itzhak Perlman, to kick off the disability public awareness Foundation project, which will be administered by the disability rights education and defense fund. The purpose of this project is to increase public awareness of the grassroots disability rights and independent living movement and the related organizations created by disabled people who work within the movement. In addition, the project is intended to develop initial financial support for a foundation that will continue public awareness activities and provide support to various organizations run by and for disabled people, which have as their goals promoting leadership development, self-determination, and the integration of disabled people into the social, educational, and economic mainstream.

This public awareness project includes a benefit concert to be held at the Kennedy Center on October 1, 1984, featuring Mr. Perlman. In addition, there will be a 1-hour PBS Special concerning disabled people, which will be hosted by Mr. Perlman.

Unfortunately the true purpose of the press conference Monday was overshadowed by the intense media interest in the ongoing saga of Interior Secretary James Watt. As a result, Mr. Perlman and I were questioned almost exclusively on Secretary Watt's recent comments, and his potential fate as a Cabinet member. Therefore, it is important that we not lose sight of the goals of our announced campaign. This project is a matter of great significance to the very real interests of 36 million disabled Americans.

We must continue to do all that is possible to raise public awareness about the handicapped and to promote the noble goals of the disability rights education and defense fund. I urge my colleagues to join in this effort.●

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, is there further business to come before the Senate?

Mr. BYRD. Mr. President, I thank the distinguished deputy leader for his characteristic courtesy.

I have nothing on this side.

Mr. STEVENS. Mr. President, there is an order for the convening time at 9:30 a.m. in the morning, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 5:55 p.m., the Senate recessed until tomorrow, Wednesday, September 28, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1983:

DEPARTMENT OF STATE

Nicholas A. Veliotes, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Jerome F. O'Malley, 171-24-0533FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Lawrence A. Skantze, xxx-xx-xx... FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Russ, xxx-xx-xxxx FR, U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate September 27, 1983:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, September 27, 1983*

The House met at 12 o'clock noon.

The Reverend Frederick F. Missel, Interfaith Caregivers, Inc., Moorestown, N.J., offered the following prayer:

Gracious Father, Lord of the Nations and our Lord, we praise and thank You for this day and for Your presence with us. We know that apart from You we can do nothing, and there is so much that needs doing. Thank You that You have put us in places of power that the hungry may be fed, the naked clothed, the sick healed, and the ignorant given knowledge and light. Thank You that You have given us power to right wrongs and to lead the Nation and the world in the ways of peace. We would believe in the power of love, that the meek are truly blessed, and that good one day will carry the victory over evil. So we thank You for people of integrity, for young men and women who see visions, and old men and women who dream dreams. Let none be discouraged, but let us be true to that high calling to make all people one family united in love for each other and for You. We ask it for Your own namesake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 869. An act to amend the Export-Import Bank Act of 1945.

THE REVEREND FREDERICK F. MISSEL

(Mr. FORSYTHE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORSYTHE. Mr. Speaker, it is a great pleasure and privilege to have with us today the Reverend Frederick F. Missel from my hometown of Moorestown, N.J.

Reverend Missel has been an important, respected, and well-loved member of the community for almost 20 years during his service as associate pastor of the First Presbyterian Church of Moorestown. Before coming to Moorestown, Reverend Missel was the founding pastor of St. Andrews Presbyterian Church in Berea, Ohio. Prior to that, he served as assistant pastor of the First Presbyterian Church in Springfield, Ill.

Reverend Missel, a graduate of Trinity College in Hartford, Conn., earned his master of divinity at Union Theological Seminary, his master of arts from Temple University, and his doctor of ministry from Drew University.

Dr. Missel's ministry has especially focused upon the needs of some of the most vulnerable members of our society—the sick and the aging. Through counseling, pastoral care, and visitation to homes, hospitals, and nursing homes, Reverend Missel has brought a message of comfort, hope, and caring. As a part of his work to alleviate pain and loneliness, Reverend Missel was responsible for organizing a volunteer chaplaincy program at the Burlington County Memorial Hospital, drawing together the services of 70 different ministers, priests, and rabbis from neighboring towns to make daily visits to patients.

Most recently, his concerns for the sick and the aging have led Reverend Missel to take on the executive directorship of Interfaith Caregivers, a nonprofit organization formed by eight Moorestown churches to respond to the social and health needs of the frail elderly and the disabled. In this new position, Reverend Missel will be directing efforts to train community volunteers, as well as family and neighbors, in caring for the frail elderly and in coordinating the services available from secular agencies with the support which local parishes can provide.

In addition to his pastoral responsibilities in his own church, including preaching and teaching, Reverend Missel has helped organize new churches and special ministries to the poor and to Spanish-speaking residents of South Jersey.

Reverend Missel also has a wonderful family: His wife, Esther; his son, Frederick; and his two daughters, Deborah Sweeney and Gillian Colyer.

I want to extend my thanks to Chaplain Ford for inviting Reverend Missel to offer today's prayer and to Reverend Missel for helping us remember the true context in which our work here will be judged.

THE REAGAN DEFICITS—LARGEST IN POSTWAR HISTORY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, the times we live in are not very happy times. Global conflict, much of which we are directly involved in, spans the Earth. The world economy is anything but stable. And, to make matters worse, weather patterns are not what they should be in nations across the face of this planet. Floods and droughts, hurricanes and extreme temperatures occur where they are least expected. All of these conditions make the general world condition one of chronic instability and widespread hardship. As I said, Mr. Speaker, these are not easy times for any of us.

Mr. Speaker, when times are not easy, it becomes even more important for us to control the things we can control. We cannot control the behavior of the peoples living in the Mideast, just as the actions and reactions of our South American neighbors are well beyond our purview. We cannot control the drought in the Midwest anymore than we can prevent hurricanes from ripping apart the State of Texas. What we can control, however, is the amount of money we spend. This administration can, if it chooses, control the size of our Nation's deficit.

It is becoming increasingly obvious that controlling our Nation's deficit is not a matter of high priority with this administration.

The facts are appalling. The smallest anticipated Reagan deficit is nearly twice as large as the biggest deficit ever run up by the Carter administration. The fact is that Mr. Reagan's deficits—whether measured in actual dollars, dollars adjusted for inflation, or as a percentage of the GNP—are by far the largest deficits in postwar history. According to projections made by the Congressional Budget Office, the average Reagan deficit over 4 years will be approximately $179 billion. In 1986, according to CBO projections, our Nation's level of debt will reach a whopping $2.1 trillion—nearly doubling under the Reagan administration.

Mr. Speaker, we can control our deficits, if we choose to. I, for one, am growing weary of hearing the same, old tired rhetoric of this administration. I urge my colleagues and the American people to stop being fooled

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

by the President's hollow words; I urge my colleagues and the American people to simply take a good, hard look at the facts: Under the Reagan administration, we are living in the widest, harshest sea of red ink ever. It is time this administration did something about it.

I insert material concerning the budget deficits since World War II in the RECORD at this point.

BUDGET DEFICITS SINCE WORLD WAR II

President	Average deficits per administration [1]	Cumulative budget deficits as a percentage of GNP
Truman (surplus)	+$6	+0.8
Eisenhower	6	.4
Kennedy	16	1.0
Johnson	17	.9
Nixon	34	1.5
Ford	80	3.2
Carter	55	2.0
Reagan (CBO estimate)	179	5.5

[1] In 1981 billions of dollars.

A WHOPPING $202 BILLION DEFICIT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, when Harry Truman became President in 1945, well over half the number of Americans living today were not born yet. That was 35 years ago, and the Nation has had eight Presidents since then—Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and now Reagan.

During the combined tenure of these seven Presidents their average annual deficits totaled together, add up to the whopping figure of $202 billion. That is seven Presidents added together, remember and the figure would be larger except that President Truman averaged an annual surplus of $6 billion.

Still, $202 billion—the accumulated annual average for all those years—is a huge sum. Now reflect on the fact that President Reagan's projected deficit for the current fiscal year is even larger—$207 billion, an almost unbelievably enormous figure.

Mr. Speaker, no wonder that so many Americans of all political persuasions, from Main Street to Wall Street, are alarmed at this overwhelming tide of Reagan red ink. We cannot swim in it, we cannot drink it, and Mr. Reagan sure cannot wash it off.

□ 1210

PRESIDENT REAGAN AND THE FEDERAL DEFICIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, it took us 192 years, since the first Congress convened in 1789, to amass a national debt of $1 trillion. Under President Reagan's policies, the national debt will hit $2 trillion by 1986. The President will double the national debt in less than 6 years. President Reagan has presided over the most dramatic surge in deficits in the history of the United States. Ronald Reagan has gone from a Presidential candidate who warned us of the dangers of deficit spending and who promised us a balanced budget to a President who has accumulated more in deficits than all the administrations since George Washington combined.

Who has benefited from the President's policy of "spend and spend—borrow and borrow?" Certainly not poor or moderate income groups. The so-called across-the-board tax cuts the President gave us in 1981 were across the board in name only. These tax cuts benefited only the wealthiest taxpayers providing little or no relief to most Americans. Yet, it was these tax cuts combined with a massive increase in defense spending that gave us recordbreaking Federal deficits and the most severe economic recession since the Great Depression.

We must reverse the President's skewed sense of priorities and reduce the Federal deficit. We must not idly stand by and listen to a President who supports a constitutional amendment to forbid his successors from running up deficits, while he does nothing to control the deficit monster now. We must enact a compassionate and sensible economic program that provides necessary funding for programs that help our less fortunate, strengthens our defense in a reasonable and balanced manner, and restores some semblance of equity to our tax system. If we fail to act, we may all drown in a sea of red ink.

MR. WATT SHOULD STOP POLARIZING THE NATION

The SPEAKER pro tempore (Mr. ALEXANDER). The gentlewoman from Colorado.

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think it is terribly important to point out that a lot of the controversy around Secretary James Watt was purposely created by him. He is not an innocent. In October 1981, there was a meeting of State Republican Chairs in the West, and it was reported in many newspapers that Secretary Watt bragged that he relished the controversy surrounding him and his statements because controversy he created only made money flow into Republican coffers faster. Such a statement is shocking and it shows that a lot of what Secretary Watt has been doing is purposeful and calculated to make money come into the Republican National Committee. If Secretary Watt's insults are part of the Republican National Committee's policy to help it raise money, then it is only fair that they share some of that money with the many groups that Mr. Watt has been attacking in order to make the money flow.

Enough. It is time to stop Secretary Watt's fundraising attacks on different groups. We should stop him from trying to polarize this Nation, and work instead to bring it together.

MORATORIUM NEEDED ON OUTER CONTINENTAL SHELF OIL AND GAS DRILLING

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise to emphasize the importance of including a moratorium on Outer Continental Shelf oil and gas leasing in the Santa Monica Bay in the Interior appropriations conference report later this week. Separate and apart from Secretary Watt's outrageous statements, his policies and plans to drill for oil in the Santa Monica Bay would have a devastating and irreparable impact on the economy as well as the environment of that region.

Southern California's beaches are the most heavily used beaches in the country. Economic damage from the loss of tourism, beach use, tax revenues, fishing revenue, property values and pleasure boat revenue amounting to hundreds of millions of dollars would be suffered as a result of drilling in the bay and would be further compounded if an oil spill were to occur. A potential spill as a result of drilling could damage the environment by harming the beaches and wildlife and by increasing southern California's air pollution. Southern California suffers from some of the worst smog episodes in the country. The increased air pollution would create real and dangerous additional health hazards.

The moratorium that has been proposed should be enacted in conference to protect this precious natural resource before further drilling takes place.

FADI MITRI, A GREAT PHOTOGRAPHER RISKS HIS LIFE FOR LEBANON PHOTOGRAPHS

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, on September 15 and 16 a photo exhibit was on display in the rotunda of the Russell Senate Office Building which I hope that many of my colleagues had the opportunity to view. The exhibit was titled "Battleground Lebanon: A Photographer's View of the 1982 War" and was sponsored by the National Association of Arab Americans. The photographs were taken by Fadi Mitri, a journalist in Beirut at the time of the war of last summer.

The photo exhibit is a vivid reminder of the destruction and human suffering inflicted on Lebanon last summer. Mr. Mitri's photographs bring us closer to realizing what the Lebanese and Palestinians have been subjected to. It is especially relevant today because our marines are assuming a larger role in Lebanon. The exhibit has given Members of Congress a better perspective of what our Marines and the people of Lebanon are facing today.

I would like to compliment Mr. Mitri for the superb photographs which he has provided for which he risked his life to shoot and I hope that he will continue to share his work with us in the future.

LET'S REMOVE THE IMF DEADLOCK

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today the President will address the International Monetary Fund and he will state to them that while he has been doing everything he can to see that the U.S. commitment to appropriate $8.4 billion is fulfilled that the Congress is deadlocked and the Congress ought to act.

Well, Mr. President, if you really want to see Congress pass the IMF bill then I would urge you to do several things.

First, I would urge you to get your party to stop attacking Democrats who voted for the bill because you are losing support every minute because of that event. I would urge you to get many members of your party to vote for the bill. In our House it was the Democratic side that carried the legislation. And, finally, Mr. President, I would urge you to look at some of the amendments that have been passed which make things easier on the world economy and the beleaguered Third World countries such as Brazil and do not allow the banks to make record profits on these terrible loans. Until you do those things, Mr. President, the Congress will remain deadlocked.

CHUN BYUNG IN, PILOT OF KAL FLIGHT 007

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I would like to eulogize Chun Byung In, the 45-year-old pilot of KAL flight 007. Father of a 10-year-old son and a 13-year-old daughter, Mr. Chun had been with KAL since 1972. During that time he was described as a model pilot and received a citation last year for his accident free record. He left his family on August 27 with a simple see you soon, as he went on his way to what he expected to be a routine flight. But it was not a routine flight. Mr. Chun's life was taken as well as the 268 passengers that accompanied him when their flight strayed into the hands of the Soviets.

Mr. Speaker, we realize of course, that there is nothing we or the Soviets can do to bring back the lives of the KAL 007 flight victims. However, we can, we must and we will ask the Soviets to give new life and freedom to others as a reparation for this heinous crime against humanity. Specifically we call upon the Soviet Union, in reparation for the life of Chun Byung In, to release another man of conscience; a champion of freedom and justice, Ints Calitis.

This Latvian freedom fighter has devoted his life to the people of the Baltic Republics. His activities have kept him in and out of concentration camps from 1947 to 1964. He was a signer of the "Memorandum from 45 Balts" against the Molotov-Ribbentrop Pact that led to the occupation of the Baltic States by the Soviet Union. Most recently, he was arrested in 1983 for having contact with the West and possessing Western publications. He is presumed to be currently held in the KGB headquarters and prison, and is due to be sentenced this month.

AMERICA'S CUP

(Mr. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLINARI. Mr. Speaker, heartiest congratulations are in order for the victorious Australians in this year's America's cup.

The competition this year was intense, with contenders from Australia, Great Britain, France, Canada, and Italy. In the seventh and final race, *Australia II,* with John Bertrand at the helm, overcame a substantial lead held by the U.S. yacht *Liberty,* under the leadership of Dennis Conner, and captured the cup.

I was fortunate to meet Dennis Conner and John Bertrand this past weekend. The extent of the interest generated worldwide by this contest was phenomenal. This has to go down in history as one of the greatest sporting events of all times and certainly the skipper, the sponsors, the crew of the *Australia II* and, for that matter all Australians, have a right to be proud of their great achievement.

I ask my colleagues in Congress to join me in the true American spirit of good sportsmanship in extending heartfelt congratulations to our Australian friends. As Americans, I know that we can be proud of winning the cup back in 1851 and holding the title in 24 successful defenses since then. Now, it is Australia's turn and they certainly deserve the honor.

CONGRESSIONAL PROGRAMS TO HELP FARMERS

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, America's farmers have proven time and again they have the productive capacity to produce abundant supplies of food and fiber for both domestic and exports markets. Yet with this summer's drought and record heat, we have been reminded, once again that agriculture remains a risky business subject to natural forces which stretch far beyond the farmer's control.

I believe one of the functions of government is to maintain a reserve available to families whose livelihood have been disrupted by natural disasters whether from hurricane, tornadoes, floods, or droughts. Now we have been told that there is no reserve available and that enough is enough and we can do no more.

Obviously some farmers are in a position to absorb the losses of just 1 bad year. However there are cow-calf producers in southern Iowa who were in trouble before this year's drought. This year started with an unusually cold, wet spring in which many producers lost 30 percent or more of their new born calves. In addition they have had poor crops harvests the past several years along with low livestock prices and throughout it all they have had to pay double digit interest rates.

These producers now face a difficult choice. Many will be forced to liquidate their mother herds in order to pay their bills. Once their cows have gone to slaughter, their only other option will be to convert their pasture land into intensive row crop production and try to survive raising corn on soils best suited for grazing cattle. In the long run, the American consumer will pay, not only for higher meat prices but for higher soil conservation costs as well.

This need not happen. The Congress has provided the authority to implement livestock feed programs which

are designed to assist the family farmer maintain his herd until new feed supplies become available in the next growing season. I intend to conduct a hearing in my Subcommittee on Livestock, Dairy, and Poultry to further explore these existing programs.

We need to move forward quickly and in a way which will insure that our investment in this emergency assistance does in fact aid those whose very survival as family farmers depends upon having these supplemental feed programs implemented as soon as possible.

RENEWAL OF U.S. AGREEMENT FOR A BASE IN THE PHILIPPINES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, whether our country renews a base agreement with the Marcos regime in the Philippines ought to be strictly a commercial decision. At the same time, we should make very clear to President Marcos that our country reserves complete freedom to cut our aid levels and take whatever other steps we deem appropriate to protest the repressive human rights policies of the Marcos regime and to encourage a return to democratic government in the Philippines. It is an affront to the American and the Filipino people that President Marcos would attempt to use the negotiations over a new base agreement to blackmail President Reagan into visiting the Philippines in November.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RAHALL). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule IX.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on both suspensions.

INTERNATIONAL COFFEE AGREEMENT ACT AMENDMENTS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980.

The Clerk read as follows:

H.R. 3813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k et seq.) is amended—

(1) by amending section 2 by striking out "for such period prior to October 1, 1983 as the agreement remains in effect," and inserting in lieu thereof "before October 1, 1985,"; and

(2) by amending each of sections 2, 3, and 5 by striking out "1976" and inserting in lieu thereof "1983".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 20 minutes and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3813 grants until 1985 authority for the President to implement the terms of the International Coffee Agreement of 1983, a multilateral agreement between the major coffee exporting and importing countries recently ratified by the Senate. H.R. 3813 would extend the same authority granted by Congress in 1980 to implement the earlier 1976 International Coffee Agreement. The bill permits the President to regulate the importation of coffee in accordance with the terms of the agreement. The agreement provides for export quotas and buffer stocks by exporting countries, which are then enforced by importing countries through regulations of the type permitted in H.R. 3813. These stocks are released when prices get too high, thus maintaining stable prices in a range acceptable to all members. The bill also contains many measures to protect the interests of U.S. consumers and to prevent unwarranted price increases by exporting nations.

This legislation is strongly supported by the administration and by the vast majority of the U.S. coffee industry, including importers, roasters, and distributors.

The Committee on Ways and Means has maintained strict oversight of this legislation, and is satisfied that adequate consumer safeguards exist. We will have an opportunity to review the effects of the legislation and the agreement in 1985, when this bill expires. At that point, we will be able to decide whether renewal of the implementing authority for the remaining 4 years of the agreement is warranted.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. GIBBONS), the subcommittee chairman.

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 3813, a bill providing authority to the President to implement the International Coffee Agreement signed by the United States on March 23, 1983, and recently ratified by the Senate. The new agreement is set to go into effect on October 1, 1983, replacing the document that has governed world coffee trade for the past 7 years.

The objective of the International Coffee Agreement is to stabilize the price of coffee within a range that is negotiated annually by both consumer and producer signatories. This goal is achieved, as was the case under the 1976 Coffee Agreement, through country export quotas, stockpiling requirements and agreed price ranges. In order to maintain supply and demand equilibrium, quotas are increased and stocks released when prices are rising and quotas become more restrictive when prices are falling. Quotas are suspended altogther if prices rise to exceptionally high levels.

The United States imports about 30 percent of the coffee traded on the world market. Coffee imports amounted to $2.7 billion in 1982. Therefore, it remains important that the United States insure an adequate role for consuming nations. This agreement contains provisions that improve the participation of importing countries. Most importantly, although not directly involved in quota negotiations, consuming countries must approve the final quota distribution. Also there is greater assurance that stocks will be there when prices rise since each producing country's export quota partially depends on its level of stocks.

Concern has been raised in the past that commodity agreements, including the Coffee Agreement, have not adquately protected the consumer and, in some instances, have served as a cover for cartel activities and other unfair trade practices. In order for the Congress to more carefully monitor the effectiveness of the 1983 Coffee Agreement, intended to be in effect through 1989, this legislation grants authority to implement for only 2 years. Renewal of implement authority, will depend on whether the agreement succeeds in protecting the interests of consuming nations and insuring fair market discipline.

Mr. Speaker, the administration has strongly urged the Congress to approve this implementing bill in time to have the new agreement in place by the first of October. I urge my colleagues to join me in voting "yes" on H.R. 3813.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

I am about to yield back the balance of my time, too, and hope that we can go ahead and pass this resolution.

The chairman of the full committee, the gentleman from Illinois (Mr. ROSTENKOWSKI), and the gentleman from

Minnesota (Mr. FRENZEL) have fully explained the purpose of the resolution.

This is not an earth-shaking piece of congressional business. The other body has already ratified the treaty that the administration has entered into. We are merely setting up the housekeeping functions here that have to be carried out because of our role in regulating trade.

I can promise you that there will be close supervision of the carrying out of this, close oversight.

□ 1230

I hope that we can get this little piece of housekeeping out of the way.

Mr. Speaker, unless there are questions, I will yield back the balance of my time and urge an affirmative vote.

● Mr. GUARINI. Mr. Speaker, I rise in support of H.R. 3813, the International Coffee Agreement Act of 1983, legislation which I have introduced with my colleague, Mr. FRENZEL. I want to thank both Chairman GIBBONS and Chairman ROSTENKOWSKI for their expeditious handling of this legislation. With the present agreement expiring on September 30, the prompt consideration given to this legislation was greatly appreciated. With this said, I urge my colleagues to suspend the rules and pass H.R. 3813, the International Coffee Agreement Act of 1983.

The United States has participated in International Coffee Agreements since 1962 in an effort to stabilize the wide variations in price and to balance the economic interests of producers and consumers. The basic framework of the 1983 agreement is similar to the agreement that has been in effect since 1976.

The International Coffee Agreement of 1983 was negotiated by 71 countries. The International Coffee Agreement, the ICA, is an international treaty, and as such was ratified by the United States Senate on July 27, 1983, by a vote of 100 to 0.

One of the main reasons this treaty was unanimously approved by the Senate was its acceptance by consumer organizations. These groups have no problem with an agreement that assures stability of prices and long-term supply. An American consumer adviser was present during the negotiations of the treaty, and he fully approved the final agreement.

Coffee is the most important agricultural commodity in the export trade of the developing world. Over 40 nations depend on coffee for export earnings, and 10 of these nations earned more than 25 percent of their foreign exchange from coffee exports.

The United States is the world's largest consumer of coffee, and U.S. participation in the ICA is important for the economies of the developing nations. Full U.S. involvement serves a foreign policy goal of improving relations with these developing countries.

The 71 countries participating in the ICA of 1983 are responsible for virtually all production of coffee and over 90 percent of world coffee consumption. The ICA itself contains no fixed price objective. Rather, each year the members of the International Coffee Organization establish a price range based on current production and consumption trends, inventory levels, and other factors that influence the market. This price range is not agreed upon until it is accepted by two-thirds of both the consuming and producing countries.

Finally, the International Coffee Agreement of 1983 is an improvement over the agreements of 1962, 1968, and 1976. The 1983 ICA enhances the role of the importing countries in determining individual country exports, refines the provisions regarding export shortfalls, and clarifies the language outlining the producers' obligation to refrain from market activity outside the scope of the agreement.

The bill before you today, H.R. 3813, implements U.S. participation in this treaty for a 2-year period. Similar language was adopted in 1980 by Congress, and a 1-year extension was granted by the 97th Congress in order to allow the negotiations on the new treaty to continue.

I urge my colleagues to suspend the rules and pass H.R. 3813. Thank you.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI) that the House suspend the rules and pass the bill, H.R. 3813.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3813, which has just been passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TEMPORARY EXTENSION OF HOUSING AND COMMUNITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 366), to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 366

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1983" in the first sentence and inserting in lieu thereof "December 1, 1983".

(b) Section 217 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "September 30, 1983" in the fifth sentence and inserting in lieu thereof "November 30, 1983".

(d)(1) Section 235(h)(1) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

(2) Section 235(m) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(3) Section 235(q)(1) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "September 30, 1983" in the first sentence and inserting in lieu thereof "November 30, 1983"; and

(2) by striking out "October 1, 1983" in the second sentence and inserting in lieu thereof "December 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof November 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

(j) Section 1102(a) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof November 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968 (12 U.S.C. 1709-1(1)), is amended by striking out "October 1, 1983" in the first sentence and inserting in lieu thereof "December 1, 1983".

EXTENSION OF REHABILITATION LOAN AUTHORITY

SEC. 3. Section 312(h) of the Housing Act of 1964 is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983"; and

(2) by striking out "October 1, 1983" and inserting in lieu thereof "December 1, 1983".

EXTENSION OF RURAL HOUSING AUTHORITIES

SEC. 4. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "September 30, 1983" in the last sentence and inserting in lieu thereof "November 30, 1983".

EXTENSION OF FLOOD, CRIME, AND RIOT INSURANCE PROGRAMS

SEC. 5. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

(c) Section 1201(b)(1) of the National Housing Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "November 30, 1983".

The SPEAKER pro tempore. Is a second demanded?

Mr. McKINNEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The gentleman from Texas (Mr. GONZALEZ) will be recognized for 20 minutes and the gentleman from Connecticut (Mr. MCKINNEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume. Earlier this year, Congress approved a temporary extension of certain authorities of the Secretary of Housing and Urban Development. This was necessary because without that action, the Secretary's authority to issue FHA mortgage insurance would have ceased; also the authority to provide flood, riot and crime insurance would cease. That temporary extension of authority was enacted in the full expectation that the Congress would complete action on a regular housing authorization bill by the end of the current fiscal year. Unfortunately, although the House has approved a comprehensive housing bill in the form of H.R. 1, the other body has yet to take any action on housing programs. That being the case, we are faced once again with the expiration of vital housing and community development programs at the end of this week.

In the past year we have seen a fair—not robust—but fair recovery in the housing market. It is a recovery that is fragile, because the interest rate outlook remains uncertain. This is a critical time for the housing business, and any lapse of the FHA mortgage insurance program would be a severe blow not only to housing, but the economy generally.

One particular concern to many of my colleagues is that the section 235 assisted program authority will also expire on Saturday. This cutoff exists because the Gramm-Latta Act created a date certain beyond which the Secretary could no longer make commitments under the section 235 program. Even though there is no new 235 housing authorization, there are still units being built under previously enacted authority. My personal preference would be to strike the Gramm-Latta date certain, so that the section 235 pipeline could be closed off in an orderly way. However, the minority has reservations about striking that provision of law, and accordingly I will offer an amendment to House Joint Resolution 366 providing for a temporary extension. This temporary extension is acceptable to me, as a matter of comity, and it is also acceptable to the minority.

The resolution is offered in amended form to provide for a 60-day, rather than a 30-day, extension of the basic housing law authorities. I am doing so because I understand from the Senate that every effort is being made to move a housing bill there, and the other body requests a 60-day extender in order to allow time for the Senate to act, and hopefully a conference to be completed on H.R. 1. I recognize the good intentions and good faith efforts being made by the other body, and am happy to accommodate them by offering an amendment for a 60-day extension of housing law authority. This amendment has been cleared with the minority and is acceptable to them.

To summarize, House Joint Resolution 366 provides an essential extension of the basic insuring authorities of the Secretary of Housing and Urban Development—FHA mortgage insurance, crime, riot and flood insurance, and authority to continue making final commitments under the section 235 assisted housing program. At the proper time, I will offer an amendment that makes this extension valid for 60 days. The motion I will offer has been cleared with the minority, and the resolution as amended will be, I am assured, acceptable to the Senate. There is no controversy with regard to this matter, and I urge support of the resolution.

● Mr. ST GERMAIN. Mr. Speaker, I rise in support of House Joint Resolution 366, which is necessary to provide extensions of the authorities of the Secretary of HUD to insure mortgages under provisions of the National Housing Act. In addition, the resolution extends the authority of the Farmers Home Administration to continue the rural housing programs, and, finally, the resolution extends the three Federal insurance programs administered by the Federal Insurance Administration—flood insurance, crime insurance, and riot reinsurance.

Originally, this extender resolution provided for only a 30-day extension of authorities, but with an amendment called up today by the distinguished chairman of the Housing Subcommittee, Mr. GONZALEZ of Texas, the extension would be for 60 days, until November 30 of this year. We are providing for this additional time period at the request of the leadership of the Senate Banking Committee. They have told us that they need this additional time to attempt to pass the Senate housing authorization bill, S. 1338. A week ago, Mr. Speaker, I would not have agreed to this more lengthy extension, but in the past week, the leadership of the Senate Banking Committee has indicated to me that they are attempting to get the Senate housing authorization bill approved by the Senate and to conference with the House bill, H.R. 1.

Mr. Speaker, I urge adoption of House Joint Resolution 366 with the pending amendments.●

Mr. McKINNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Chairman GONZALEZ and I are asking the House to suspend the rules and pass House Joint Resolution 366 with an amendment. As is appropriate for considering legislation under this procedure, the resolution is supported by both sides of the aisle and is noncontroversial.

House Joint Resolution 366 as amended will extend until November 30 certain Federal insurance programs that otherwise are slated to expire on September 30. We propose a 60-day extension of these programs. This will allow those people administering the FHA mortgage insurance program and the Federal crime, riot, and flood insurance programs to operate with the knowledge that their legal authority to make new commitments will not be expiring on a week-to-week or month-to-month basis. The extension also will allow the Senate to work whatever miracles are needed to complete consideration of a housing authorization bill which would include a full year authorization for these insurance programs.

When the House passed a similar extension of these programs in May of this year, I pledged "to do all that I can to see that the Members get a housing bill to vote on before this extension expires." I met my pledge but unfortunately the other body has not been able to move as swiftly as we did. I hope that this additional time will prove fruitful and once again pledge my efforts to the production of an omnibus housing authorization bill.

In asking you to pass this resolution today I am seeking an orderly continuation of those insurance programs which are vital to our housing industry. As we have seen lately, there are encouraging signs that the housing industry may be emerging from the depths of its depression in a sustained fashion.

This, if so, will be encouraging news for all Americans. As housing goes, so goes the economy. A strong housing industry will mean jobs for millions of unemployed and the ripple effect across the Nation in small communities and small businesses will stimulate the recovery we so desperately need.

Mr. Speaker, as I said, this legislation is very important to our housing programs and is noncontroversial. It has bipartisan congressional support and the administration supports the 60-day extension of these programs. I am certain the House will agree that the rules should be suspended and House Joint Resolution 366 will be adopted.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in strong support of House Joint Resolution 366, with the committee amendment, and urge its adoption. I want to simply commend the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Connecticut (Mr. MCKINNEY) for bringing it up today.

As has been mentioned, it would extend the FHA insurance authority beyond the expiration date of October 1, 1983. The extension is only for 2 months and I support that time limit.

In addition to the extension of the FHA programs, the resolution would also extend certain housing programs under the jurisdiction of the Farmers' Home Administration and the flood, crime, and riot insurance programs of the Federal Insurance Administration, which is part of the Federal Emergency Management Agency.

Mr. Speaker, I support limiting this extension to 60 days because I still believe we can get a housing bill this year. I am going to continue to work toward that end, and I hope we will be successful in obtaining final passage of a housing authorization bill during this 60-day period. I also support the extension of certain authorizations—notably those dealing with crime and riot insurance—even though I am on record as opposing their permanent reauthorization. I simply do not feel this is the time or the place to wage that battle. We can consider and dispose of these issues at a later date.

I urge the House to pass House Joint Resolution 366.

● Mr. VENTO. Mr. Speaker, while I intend to support House Joint Resolution 366, I do so with the greatest reluctance. My reluctance is not based on any opposition to the programs reauthorized by the legislation. Indeed, FHA, flood insurance, and Farmers Home Administration are essential programs which have served this country well for decades.

Instead, my reluctance stems from the fact that this legislation is made necessary by the absence of responsible action by the other body. Twice this session the House has passed critical housing and community development legislation. Chairman ST GERMAIN, Chairman GONZALEZ, the Banking Committee, and the House have met their responsibilities. However, there has been no similar action in the other body and no leadership demonstrated by the administration on this important issue.

I would much prefer that today we would be considering a conference report on the housing reauthorization. However, today's action demonstrates further good-faith effort which should not be misinterpreted. It does not signal any reduced commitment to produce a comprehensive housing bill, It does not signal that we are any less convinced of the critical need for a housing production program, for assistance to homeowners facing foreclosure, for a program to assist local governments to foster community development, or for a program to assist the homeless in our society. These goals remain the objectives of this Member and I am certain the objectives of this committee.

Recently there has been considerable discussion in the media that other important legislation will be delayed until action on a housing bill has been completed. While there is no attempt to directly link a housing bill with other legislation, it should be recognized by all parties that it will be hard for this committee or this Member to find any legislation which is more deserving of our time and effort than a comprehensive housing bill.

Mr. Speaker, I wish to commend the gentlemen from Rhode Island and from Texas for the leadership they have provided on housing issues this year and to express my confidence in their ability to convince the other body and the administration of the need for swift action on a comprehensive housing bill.●

● Mr. COYNE. Mr. Speaker, I rise in support of House Joint Resolution 366, a bill which would temporarily reauthorize certain housing and community development programs.

This measure is truly a stopgap one. As amended, it would authorize for 2 months several key programs, including Federal Housing Administration mortgage insurance, section 312 rehabilitation loans, Farmers Home Administration rural housing programs, and riot reinsurance, crime and flood insurance.

It is unfortunate that we must legislate in this manner. Without an extension of this type, however, it is unlikely that we will see passage of a comprehensive housing and community development bill for fiscal 1984.

The House has done its part. We approved by a healthy margin a housing bill which made necessary changes in existing law. The Senate, reacting, I believe, to a lack of initiative by the administration on behalf of a comprehensive bill, has failed to act on the measure.

No Member of this House needs to be reminded that we have not had a housing bill signed into law since 1980. Are we to witness an entire Presidential term without a piece of housing legislation signed by the President?

We cannot continue to give our housing and community development needs such a low priority.

Let us go ahead with the legislative process.

Let us resolve differences, if necessary, in a conference committee between the two Houses.

But most of all, Mr. President, let us have a housing bill this year.

If no such bill is forthcoming, I would submit that the blame lies not with the House, which has acted, but with the administration, whose lack of action has derailed a critical piece of domestic legislation.●

Mr. MCKINNEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the joint resolution, House Joint Resolution 366, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question

on the motion on which further proceedings were postponed on Monday, September 26, 1983.

EXPORT ADMINISTRATION ACT TEMPORARY EXTENSION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3962, as amended.

The Clerk read the title of the bill.

□ 1240

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the bill, H.R. 3962, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 355]

YEAS—410

Ackerman	Coleman (MO)	Fowler
Addabbo	Coleman (TX)	Frank
Akaka	Collins	Franklin
Albosta	Conable	Frenzel
Alexander	Conte	Frost
Anderson	Conyers	Fuqua
Andrews (NC)	Cooper	Garcia
Andrews (TX)	Coughlin	Gaydos
Annunzio	Courter	Gejdenson
Anthony	Coyne	Gekas
Applegate	Craig	Gephardt
Archer	Crane, Daniel	Gibbons
Aspin	Crane, Philip	Gilman
AuCoin	Crockett	Gingrich
Badham	D'Amours	Glickman
Barnard	Daniel	Gonzalez
Barnes	Dannemeyer	Goodling
Bartlett	Daschle	Gore
Bateman	Daub	Gradison
Bates	Davis	Gramm
Bedell	de la Garza	Gray
Beilenson	Dellums	Green
Bennett	Derrick	Gregg
Bereuter	DeWine	Guarini
Berman	Dicks	Gunderson
Bethune	Dixon	Hall (IN)
Bevill	Donnelly	Hall (OH)
Bilirakis	Dorgan	Hall, Ralph
Bliley	Dowdy	Hall, Sam
Boehlert	Downey	Hamilton
Boggs	Dreier	Hammerschmidt
Boland	Duncan	Hansen (ID)
Boner	Durbin	Hansen (UT)
Bonker	Dwyer	Harkin
Borski	Dymally	Hatcher
Bosco	Dyson	Hawkins
Boucher	Early	Hayes
Boxer	Eckart	Hefner
Breaux	Edgar	Hertel
Britt	Edwards (AL)	Hightower
Brooks	Edwards (CA)	Hiler
Broomfield	Edwards (OK)	Hillis
Brown (CA)	Emerson	Holt
Brown (CO)	English	Horton
Broyhill	Erdreich	Howard
Bryant	Erlenborn	Hoyer
Burton (CA)	Evans (IA)	Hubbard
Burton (IN)	Evans (IL)	Huckaby
Byron	Fascell	Hughes
Campbell	Fazio	Hunter
Carney	Feighan	Hutto
Carper	Ferraro	Hyde
Chandler	Fiedler	Ireland
Chappell	Fields	Jacobs
Chappie	Fish	Jeffords
Cheney	Flippo	Jenkins
Clarke	Florio	Johnson
Clay	Foglietta	Jones (NC)
Clinger	Foley	Jones (OK)
Coats	Ford (MI)	Jones (TN)
Coelho	Forsythe	Kaptur
Kasich	Morrison (WA)	Sikorski
Kastenmeier	Mrazek	Simon
Kazen	Murphy	Sisisky
Kemp	Murtha	Skeen
Kennelly	Myers	Skelton
Kildee	Natcher	Slattery
Kindness	Neal	Smith (FL)
Kogovsek	Nelson	Smith (IA)
Kolter	Nichols	Smith (NE)
Kostmayer	Nielson	Smith (NJ)
Kramer	Nowak	Smith, Denny
Lagomarsino	O'Brien	Smith, Robert
Lantos	Oberstar	Snowe
Latta	Obey	Snyder
Leach	Olin	Solarz
Leath	Ortiz	Solomon
Lehman (CA)	Ottinger	Spence
Lehman (FL)	Owens	Spratt
Leland	Oxley	St Germain
Lent	Packard	Staggers
Levin	Panetta	Stark
Levine	Parris	Stenholm
Levitas	Pashayan	Stokes
Lewis (CA)	Patman	Stratton
Lewis (FL)	Patterson	Studds
Lipinski	Pease	Stump
Livingston	Penny	Sundquist
Loeffler	Pepper	Swift
Long (LA)	Perkins	Synar
Long (MD)	Petri	Tallon
Lott	Pickle	Tauzin
Lowery (CA)	Porter	Taylor
Lowry (WA)	Price	Thomas (CA)
Lujan	Pritchard	Thomas (GA)
Lundine	Pursell	Torres
Lungren	Quillen	Torricelli
Mack	Rahall	Towns
MacKay	Rangel	Traxler
Madigan	Ratchford	Udall
Markey	Ray	Valentine
Marlenee	Regula	Vander Jagt
Marriott	Reid	Vento
Martin (IL)	Richardson	Volkmer
Martin (NC)	Ridge	Vucanovich
Martin (NY)	Ritter	Walgren
Martinez	Roberts	Walker
Mavroules	Robinson	Watkins
Mazzoli	Rodino	Waxman
McCain	Roe	Weaver
McCandless	Roemer	Weber
McCloskey	Rogers	Weiss
McCollum	Rose	Wheat
McCurdy	Rostenkowski	Whitehurst
McDade	Roth	Whitley
McEwen	Roukema	Whittaker
McGrath	Rowland	Whitten
McHugh	Roybal	Williams (MT)
McKernan	Rudd	Williams (OH)
McKinney	Russo	Wilson
McNulty	Sabo	Winn
Mica	Savage	Wirth
Michel	Sawyer	Wise
Mikulski	Schaefer	Wolf
Miller (CA)	Scheuer	Wolpe
Miller (OH)	Schneider	Wortley
Mineta	Schroeder	Wright
Minish	Schulze	Wyden
Mitchell	Schumer	Wylie
Moakley	Seiberling	Yates
Molinari	Sensenbrenner	Yatron
Mollohan	Shannon	Young (AK)
Montgomery	Sharp	Young (FL)
Moody	Shaw	Young (MO)
Moore	Shelby	Zablocki
Moorhead	Shumway	Zschau
Morrison (CT)	Shuster	

NAYS—0

NOT VOTING—23

Biaggi	Harrison	Oakar
Bonior	Hartnett	Paul
Carr	Heftel	Rinaldo
Corcoran	Hopkins	Siljander
Dickinson	LaFalce	Stangeland
Dingell	Lloyd	Tauke
Ford (TN)	Luken	Vandergriff
Hance	Matsui	

□ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to extend the authorities under the Export Administration Act of 1979 until October 14, 1983."

A motion to reconsider was laid on the table.

□ 1300

TRIBUTE TO ROBERT K. GIBBS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and recognition of a longtime friend of mine, Robert K. Gibbs of Henderson, Ky., who died on August 13 at the age of 78.

Bob Gibbs, long prominent in Henderson industrial circles, was truly indispensable to his community. His personal drive and ambition were unmatched. His friends and family affectionately referred to Bob Gibbs as a one-man employment bureau for thousands of Kentuckians throughout the years. He created jobs and sustained those jobs, and his businesses prospered, even in hard times.

A pioneer in the plastics field, Gibbs founded Tri-State Plastics in Henderson, a plant with four or five employees which made toys. At the time of his death, he was chairman of the board of Gibbs Die Casting Aluminum Corp., an industrial plant with over 500 employees, manufacturing a wide variety of products for such customers as IBM and General Motors.

An unselfish, compassionate, and strong man, Bob Gibbs attributed his successes to his employees who, at his insistence, were practically all from Henderson or the immediate area. A fair man, he made sure his employees were properly trained for their jobs. He also insured they were competitively salaried. His generosity seemed to have no bounds. "No one will ever know the many things he did for and gave to others anonymously," said one longtime employee of his boss.

Indeed, Henderson lost possibly one of its biggest boosters for the city upon the death of Bob Gibbs. He was supportive of and kind to me as his Congressman on many occasions. I was proud to call him a friend.

Survivors include two sons, Gary, a Henderson attorney, and Nick, president of Gibbs Die Casting; a daughter, Susan Gibbs of Housatonic, Mass.; four grandchildren, and two sisters. I extend my sympathy to the survivors and friends of this fine individual who was truly an inspiration to those of us who knew and respected him.

COAL PIPELINE ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 309 and rule XXIII, the Chair declares the House

in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1010.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, with Mr. KILDEE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, September 19, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the text of H.R. 3857 is considered as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendments recommended by the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation now printed in the reported bill, and each section is considered as having been read.

The Clerk will designate section 1.

Mr. UDALL. Mr. Chairman, notwithstanding the fact that the rule provides that the bill shall be considered section by section for purposes of amendment, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. VENTO. Mr. Chairman, reserving the right to object, would the chairman please explain the purpose of his request? I am concerned because there are a large number of amendments that have been printed with respect to this particular bill and I think that the orderly consideration of the bill might be enhanced by going in order so that Members know during the course of the afternoon or the evening, whatever the state of consideration, when amendments might likely be on the floor.

I do not understand what particular purpose is served by this request.

Mr. UDALL. If the gentleman would yield, there were some informal discussions between Members on our side of the argument and Members on the other side. Several Members expressed the idea that we ought to get on with the more important amendments which may be scattered at different places in the bill and that this simply give Members an opportunity to get their important amendments and get them up early, rather than spending the afternoon on minor amendments.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey.

Mr. HOWARD. And also for this reason: That there are many amendments and we would not want to put any Member in a position of being busy at one time or another and come in and have his section of the bill passed and not have the opportunity to offer an amendment. Even if he asked unanimous consent, any Member may deny that.

So we think that just to protect all of the Members on this big and long bill, that is the reason for this request.

Mr. VENTO. I thank the gentleman for his explanation.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We were made aware a few moments ago of this request and we considered it carefully. Frankly, we think that it adds to the consideration of the bill because I know the amendments which we have drafted have been drafted in such a fashion that they can be offered throughout the bill, and we really think that the gentleman's unanimous-consent request will help in the orderly and fair consideration of the bill.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Coal Pipeline Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.
Sec. 3. State water law.
Sec. 4. Definitions.
Sec. 5. Rights-of-way across Federal lands.
Sec. 6. Applicable requirements concerning Federal lands.
Sec. 7. Existing rights-of-way and pending proceedings.
Sec. 8. Regulations.
Sec. 9. Eminent domain authority.
Sec. 10. Certificate.
Sec. 11. Certain additional uses of right-of-way.
Sec. 12. Underground construction, surveys, and land restoration.
Sec. 13. Enforcement and penalties.
Sec. 14. Amendment to Interstate Commerce Act.
Sec. 15. Coal pipeline safety.
Sec. 16. Construction work in progress.
Sec. 17. Buy American.
Sec. 18. Continuing jurisdiction of State public utility commissions.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the continuing dependence of the United States on foreign sources for petroleum and petroleum products entails grave national security risks, results in major balance-of-payment deficits, and causes increases in inflation and unemployment in the domestic economy;

(2) the United States possesses extensive coal reserves that must be produced, transported, and utilized to reduce the Nation's dependence on imported petroleum;

(3) domestic coal reserves cannot be developed and used for fuel unless adequate transportation systems and facilities exist for the efficient and economic transportation of coal to markets in interstate and foreign commerce at competitive prices across great distances;

(4) the Nation's coal transportation system should include coal pipelines that will assist the Nation to develop efficiently and use its coal resources;

(5) the construction of coal pipelines to transport domestic coal will be facilitated by granting the power of eminent domain to certain coal pipelines;

(6) the construction of coal pipelines is a beneficial public use that justifies granting the Federal power of eminent domain to those pipelines for which a finding of national interest or public convenience and necessity has been made pursuant to this Act;

(7) State water law and interstate allocations are carefully balanced and structured systems for the allocation of water;

(8) the need for coal pipelines is subservient to the national interest in the primacy of State water law and interstate allocations; and

(9) therefore, the national interest is best served by developing coal pipelines only if such development is now or hereafter permitted by those State water laws and interstate allocations, notwithstanding the otherwise impermissible burden which may thereby be imposed on interstate commerce.

(b) The purpose of this Act is to facilitate the development of coal pipelines by granting the Federal power of eminent domain to those coal pipelines that are determined to be in the national interest or required by the public convenience and necessity, except that Congress declares that the development of coal pipelines may occur only if now or hereafter permitted by State water law and interstate allocations, and hereby delegates to and ratifies the exercise of such authority by the States as further set forth herein.

STATE WATER LAW

SEC. 3. Notwithstanding any other provision of this Act or any amendment made by this Act or any other Federal law—

(1) neither the United States nor any other person or entity shall reserve, appropriate, use, divert, dedicate, export, or otherwise claim or exercise any right or interest in, water within any State for a coal pipeline unless such reservation, appropriation, use, diversion, dedication, export or claim takes place pursuant to the substantive and procedural law of that State;

(2) pursuant to the commerce clause in article I, section 8, of the United States Constitution, the Congress hereby expressly delegates to the States the power to establish and exercise in State law, whether now in existence or hereafter enacted, terms or conditions (including terms or conditions denying or terminating use) for the reserva-

tion, appropriation, use, export, or diversion of or other claim to, or exercise of any right in, water for a coal pipeline, notwithstanding any otherwise impermissible burden which may thereby be imposed on interstate commerce;

(3) nothing in this Act or any amendment made by this Act shall impair the validity of any provision of State law, regulation, or rule of law or of any interstate compact or treaty governing the appropriation, use, export, or diversion of, or other claim of right to water;

(4) nothing in this Act or any amendment made by this Act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts, or by past or future legislative or judicial allocation;

(5) no State acting under the authority of this section may restrict the importation or movement through the State of water acquired in another State and within a coal pipeline;

(6) nothing in this Act or any amendment made by this Act shall affect water rights of any Indian or Indian tribe; and

(7) nothing in this Act or any amendment made by this Act shall preempt or otherwise affect any State or Federal law or interstate compact or treaty relating to water quality or disposal.

In the event of any conflict between the provisions of this section and any other provision of this Act or any amendment made by this Act or other Federal law, the provisions of this section shall govern.

DEFINITIONS

SEC. 4. As used in this Act—

(1) The term "antitrust laws" includes the Clayton Act (15 U.S.C. 12 et seq.), the Sherman Act (15 U.S.C. 1 et seq.), and the Wilson Tariff Act (15 U.S.C. 8 et seq.).

(2) The term "coal" means any of the recognized classifications of coal, including anthracite, bituminous, semibituminous, subbituminous, and lignite.

(3) The term "coal pipeline" means any pipeline system for the transportation of coal in a liquid or solid state, whether alone or mixed with other substances, from a point outside a State to a point within such State or between two points in a State through another State. A coal pipeline includes the line pipe, valves, pumping stations, coal collection lines or systems, and similar equipment or facilities used or useful in the movement of coal.

(4) The term "coal pipeline carrier" means a person transporting coal by coal pipeline or proposing to transport coal by coal pipeline.

(5) The term "Commission" means the Interstate Commerce Commission.

(6) The term "Federal lands" means lands owned by the United States other than lands which are—

(A) located on the Outer Continental Shelf (as defined by the Outer Continental Shelf Lands Act),

(B) designated as wilderness,

(C) designated by statute as wilderness study areas on or before January 1, 1983,

(D) administered as part of the national park system, or units of the national park system established on or before January 1, 1983,

(E) held in trust for an Indian or Indian tribe or owned by an Indian or Indian tribe subject to a restraint against alienation imposed by the United States, or

(F) held in trust by, or under the control of, the Tennesee Valley Authority.

Nothing in subparagraph (B) of this paragraph shall be construed to affect the authority of the President under section 4(d)(4) of the Wilderness Act.

(7) The term "interstate allocation" means the allocation of water between States by interstate compact or legislative or judicial allocation.

(8) The term "private lands" means any interest in any land other than interests (A) owned by the United States or owned by any State or any political subdivision thereof; (B) held in trust by the United States for an Indian or Indian tribe or owned by an Indian or Indian tribe subject to a restraint against alienation imposed by the United States; or (C) owned by a regional or village corporation established under the Alaska Native Claims Settlement Act if such land was transferred to such corporation pursuant to such Act.

(9) The term "right-of-way" means any interest in land, including, but not limited to, any easement, lease, permit, or license to occupy, use, or traverse any Federal land or private land.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "small and independent coal producer" means—

(A) when used with respect to a coal pipeline for which an application for certificate is filed under section 10 of this Act, a coal producer who—

(i) produced two hundred thousand tons or less of coal during the calendar year preceding the calendar year in which such application is filed, and

(ii) is not affiliated with any other company; and

(B) when used with respect to any portion of the capacity of a coal pipeline for which an election of contract service is filed under section 10951 of title 49, United States Code, a coal producer who—

(i) produced two hundred thousand tons or less of coal during the calendar year preceding the calendar year in which such election is filed, and

(ii) is not affiliated with any other company.

For purposes of this paragraph, a coal producer shall be treated as affiliated with another company if such company controls, is controlled by, or is under common control with such coal producer. The term "control" shall have the same meaning as provided by section 10102 of title 49, United States Code.

(12) The term "State" means a State of the United States and the District of Columbia.

(13) The term "State law" includes all that body of constitutional or statutory law, judicial precedent, administrative regulation and administrative decision, whether now in existence or hereafter enacted, decided, or promulgated by a State or its properly constituted officials.

RIGHTS-OF-WAY ACROSS FEDERAL LANDS

SEC. 5. (a) Except as provided in this section and section 7 of this Act, the Secretary may grant or renew to a person who holds a certificate issued under section 10 of this Act to construct a coal pipeline or extension thereof, rights-of-way over, under, upon, or through any Federal lands necessary for construction, operation, and maintenance of such pipeline or extension. In any case in which such Federal lands are administered by the head of any other agency, department, or instrumentality of the United States, the Secretary shall first consult the head of such other agency, department, or instrumentality before granting rights-of-way over, under, upon, or through such lands. The Secretary shall enter into interagency agreements with the heads of all other agencies, departments, or instrumentalities of the United States administering Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of applications for rights-of-way under this section, issuing joint regulations, and assuring a decision by the Secretary based upon a comprehensive review of all factors involved in any application for a right-of-way under this section. Each head of any such agency, department, or instrumentality shall administer and enforce the provisions of this Act, appropriate regulations, and the terms and conditions of rights-of-way granted by the Secretary insofar as they involve Federal lands under the administrative jurisdiction of such agency, department, or instrumentality.

(b) Notwithstanding any other provision of law relating to any Federal lands, any right-of-way over, under, upon, or through Federal lands for the construction, operation, maintenance, or extension of a coal pipeline for which a certificate has been issued under section 10 of this Act, shall be granted or renewed after the date of enactment of this Act only as provided in this section and sections 6 and 7 of this Act.

(c) No right-of-way may be granted under this section if such right-of-way is over, under, upon, or through—

(1) any Federal land which is part of a recreation area or unit of the national wildlife refuge system of national, State, or local significance as determined by the Federal officials having administrative jurisdiction over such area or refuge, or

(2) any Federal land which is part of a historic site of national, State, or local significance as determined by the Federal officials having administrative jurisdiction over such site,

unless there is no feasible and prudent alternative to the acquisition of such right-of-way and reasonable planning is made to minimize harm to such area, refuge, or site resulting from construction, operation, and maintenance of the coal pipeline or extension thereof.

APPLICABLE REQUIREMENTS CONCERNING FEDERAL LANDS

SEC. 6. (a) A right-of-way granted or renewed by the Secretary under section 5 of this Act shall be granted or renewed in accordance with the conditions, requirements, and other provisions set forth in sections 302, 304, 305, 313, 501 (other than subsection (a) thereof), 503, 504, 505 (other than paragraph (iv) of subsection (a) thereof), 506, 508, 509 (other than subsection (b) thereof), and 510 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), except that in applying such conditions, requirements, or provisions to a right-of-way granted or renewed under such section, any reference to the term "public lands" shall be treated as a reference to the term "Federal lands" as defined in section 4 of this Act.

(b) Each right-of-way granted or renewed by the Secretary under section 5 of this Act shall contain such other terms and conditions as the Secretary deems necessary to carry out the purposes of this Act and to protect the public interest in the lands traversed by the right-of-way and the lands adjacent to the right-of-way.

EXISTING RIGHTS-OF-WAY AND PENDING PROCEEDINGS

SEC. 7. (a) Nothing in this section and section 5 or 6 of this Act shall affect any right-of-way for a coal pipeline over, under, upon, or through Federal lands if such right-of-way was granted before the date of the enactment of this Act, except that in any case in which a certificate has been issued with respect to such coal pipeline under section 10 of this Act, such right-of-way may be renewed, extended, or acquired only as provided in this section and sections 5 and 6 of this Act.

(b)(1) The granting and administration of any right-of-way for a coal pipeline over, under, upon, or through Federal lands pursuant to an application or other request which—

(A) was made under title V of the Federal Land Policy and Management Act of 1976 or under any other authority of law, and

(B) was not finally disposed of before the date of enactment of this Act,

shall be governed by such title V or other authority of law, as the case may be. The provisions of this section and sections 5 and 6 of this Act shall not affect any proceedings respecting any such application or other request.

(2) The provisions of this section and sections 5 and 6 shall not affect lawsuits commenced prior to the date of enactment of this Act.

REGULATIONS

SEC. 8. The Secretary and the Commission may each issue such regulations as may be necessary to carry out their respective functions under this Act.

EMINENT DOMAIN AUTHORITY

SEC. 9. (a)(1) Subject to the other provisions of this section, any person who holds a certificate issued under section 10 of this Act to construct a coal pipeline or extension thereof may acquire rights-of-way over, under, upon, or through private lands necessary for construction, operation, and maintenance of such pipeline or extension by exercise of the power of eminent domain. Any action or proceeding to acquire lands or interests therein by eminent domain shall be filed in the appropriate court of the State in which such lands are located.

(2) In any case in which, by reason of State law, an action referred to in paragraph (1) of this subsection may not be brought in a State court, such action may be brought in the appropriate United States district court.

(3) Upon petition of any affected landowner, an action brought in a State court under paragraph (1) of this subsection shall be removed to the appropriate United States district court. If such action is so removed and if State law does not provide for or permit trial by jury in any such action, the affected landowner shall have the right to a trial by jury in the removed action.

(4) Subject to paragraph (3) of this subsection, in any action under this subsection, State law shall control the issues of compensation, trial by jury, and siting alternatives, except that State law shall not control if the effect of such law would prohibit an acquisition for reasons unrelated to the acquisition or use of water rights by a coal pipeline carrier and would not allow a reasonable alternative acquisition.

(b) Nothing in this Act or any amendment made by this Act shall be construed to permit any person (including the Secretary, the Commission, any other official or employee of the United States, or any coal pipeline carrier) to acquire any right to take, use, or develop water through exercise of the power of eminent domain.

(c) Any person who brings an action pursuant to this section shall pay all reasonable attorney's fees, as determined by the court, incurred by a landowner if the amount of the final offer to purchase the land in question made to the landowner prior to the initiation of the action is not at least eighty percent of the value of the land as determined pursuant to the action; except that such attorney's fees shall only exceed $20,000 if the court makes a finding of bad faith on the part of the condemner.

(d) No person may exercise the power of eminent domain under this section to acquire any right-of-way unless such person has not been able to acquire the right-of-way by negotiation within a reasonable period of time.

(e) No right-of-way may be acquired through exercise of the power of eminent domain under this section if such right-of-way is over, under, upon, or through any land which is part of a historic site of National, State, or local significance as determined by the appropriate Federal, State, or local officials unless there is no feasible and prudent alternative to the acquisition of such right-of-way and reasonable planning is made to minimize harm to such site resulting from the construction, operation, and maintenance of the coal pipeline or extension thereof.

CERTIFICATE

SEC. 10. (a) Subject to the provisions of this Act, a person who has, under applicable State law, filed and secured approval of a water permit, or obtained other appropriate authority or right for the reservation, appropriation, use, diversion, dedication, or exportation of water (or for any other claim or right to water), necessary to operate a coal pipeline or extension thereof, may apply to the Secretary and the Commission for issuance of a certificate under this section to construct, operate, and maintain such pipeline or extension.

(b) Not later than ten days after receipt of an application under subsection (a), the Secretary and the Commission shall notify the President thereof.

(c)(1) Not later than fifteen months after an application is filed under this section with the Commission, and after notice and an opportunity for a proceeding under section 10322 of title 49, United States Code, the Commission shall make determinations concerning—

(A) whether or not the applicant is fit, willing, and able to construct, operate, and maintain the proposed pipeline or extension and to comply with subtitle IV of title 49, United States Code, and regulations of the Commission;

(B) whether or not the proposed pipeline or extension is or will be required by the present or future public convenience and necessity;

(C) the general route of the proposed pipeline or extension, including points of origin and destination;

(D) the capacity, or range of capacity, of the proposed pipeline or extension;

(E) any set aside for small and independent coal producers under paragraph (5) of this subsection; and

(F) any terms and conditions relating to the determinations made under subparagraphs (A) and (B).

(2) In making a determination under paragraph (1)(B) of this subsection, the Commission shall at a minimum consider and make findings on—

(A) evidence of public support for approval of the application;

(B) the extent to which the proposed pipeline or extension would have an economic impact on any other common carrier or would affect the type or level of transportation services of any other common carrier; and

(C) the past record, written plan, and sufficiency of assurances that the applicant will make maximum use of minority employees and minority-owned enterprises in the construction, operation, and maintenance, of the proposed pipeline or extension.

(3) A determination concerning whether or not an applicant is fit, willing, and able under this subsection includes, among other things, financial fitness, operational fitness, and safety fitness.

(4) In making a determination concerning the capacity of a coal pipeline or extension to be authorized under this section, the Commission shall consider—

(A) any contracts for the transportation of coal by such pipeline or extension entered into or proposed on or before the date the application for the certificate is filed under this section;

(B) any contracts for the transportation of coal which may be reasonably anticipated to be entered into after such date; and

(C) such other factors as may be relevant to such recommendation.

(5) For purposes of protecting small and independent coal producers, the Commission shall make a determination that the applicant shall set aside and use for transportation of coal from such producers, the lesser of—

(A) 10 per centum of the total pipeline capacity, or

(B) that portion of the total pipeline capacity, if any, necessary to satisfy the total pipeline transportation demand of all such producers located in the geographic region (as determined by the Commission) to be served by the pipeline or extension.

(6) If the Commission fails to find that the applicant is fit, willing, and able under this section or that the proposed pipeline or extension is or will be required by the future public convenience and necessity, the Commission shall make a determination that a certificate not be issued.

(d)(1) Not later than fifteen months after an application is filed under this section with the Secretary, the Secretary shall make determinations concerning—

(A) whether or not construction, operation, and maintenance of the coal pipeline or extension is in the national interest; and

(B) any terms and conditions relating to the determination made under subparagraph (A).

(2) In making a determination under paragraph (1)(A) of this subsection, the Secretary shall consider and make findings on the extent to which—

(A) the proposed pipeline or extension would help meet national needs for coal utilization;

(B) the proposed pipeline or extension would enhance competition in the coal market and provide new market outlets and opportunities for coal producers, including small and independent coal producers;

(C) the proposed pipeline or extension would contribute to the national security by encouraging the displacement of imported petroleum, petroleum products, and coal with domestic coal; and

(D) the proposed pipeline or extension would affect the environment including, but not limited to, a finding as to whether the proposed pipeline or extension would unduly impact on the surface and groundwater at the point of destination and at the point of disposal of such water into the environment.

(3) Any determination by the Secretary under this section shall be made after notice and opportunity for presentation of written data, views, and arguments in accordance with section 553 of title 5, United States Code.

(4) If the Secretary fails to find that the construction, operation, and maintenance of the pipeline or extension is in the national interest, the Secretary shall make a determination that a certificate not be issued.

(e)(1) Not later than thirty days after receipt of an application under subsection (a), the Secretary and the Commission shall notify the Attorney General of their consideration of the application for a certificate under this section. The Secretary and the Commission shall provide such information as the Attorney General shall require to conduct an antitrust review to determine the likely effects upon competition associated with the issuance of such certificate. The Attorney General shall have one hundred and twenty days from the date of receipt of such notification to conduct such review and to advise the Secretary and the Commission with respect thereto, including specific findings and recommendations for the inclusion in the certificate of reasonable terms and conditions deemed necessary to protect and promote competition. Such terms and conditions may include any term or condition relating to ownership or use of the proposed pipeline or extension. An antitrust review authorized by this subsection shall be deemed to be an "antitrust investigation" within the meaning of the Antitrust Civil Process Act (15 U.S.C. 1311, et seq.). No certificate shall be issued under this section unless the Attorney General shall have advised the Secretary and the Commission in writing that, on the basis of such review, approval of the application and operation of the proposed pipeline or extension will not be inconsistent with the antitrust laws. The Secretary and the Commission may consult with the Attorney General on issues relating to any application for a certificate under this section.

(2) Except as provided in paragraph (1) of this subsection, nothing contained in this Act shall impair, amend, broaden, or modify the antitrust laws.

(3) Nothing in this Act or any amendment made by this Act shall be deemed to grant to any person immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

(f)(1) An application for a certificate under this section shall be filed with the Secretary and the Commission and shall—

(A) be under oath;

(B) contain—

(i) a plan for construction, operation, maintenance, and routing of the coal pipeline or extension thereof,

(ii) the proposed capacity of such pipeline or extension,

(iii) the size of the right-of-way necessary to construct, operate, and maintain such pipeline or extension, and

(iv) such other information as the Secretary or the Commission or both may require by regulation; and

(C) contain a certification by the applicant that a copy of the application has been served on the chief executive officer of each State through which the proposed pipeline or extension passes and on such other persons (including government officials) as the Secretary or the Commission or both may designate by regulation.

Notice of the filing of the application shall be published in the Federal Register.

(2)(A) Each applicant for a certificate under this section shall reimburse the Secretary and the Commission for the administrative and other costs incurred by the Secretary and the Commission, respectively, in processing the application. Such reimbursement shall be provided in such manner as the Secretary and the Commission shall, by rule, prescribe.

(B) A deposit of any payments under subparagraph (A) intended to reimburse the United States for administrative and other costs with respect to any application filed under this section shall be required.

(C) The moneys received for administrative and other costs under this paragraph shall be deposited in the Treasury in a special account and are hereby authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1984, and shall remain available until expended.

(3) The Secretary and the Commission shall expedite their respective hearings and proceedings and shall schedule all hearings, proposed findings and conclusions, and any recommended decisions so that their respective determinations under this section shall be issued and completed within fifteen months from the date of application.

(g) The Secretary and the Commission may not accept an application for a certificate under this section unless before the application is filed—

(1) the applicant has published, at least once a week, a notice of intention to file the application for at least four consecutive weeks in a newspaper of general circulation in each county through which the proposed coal pipeline or extension thereof passes;

(2) the applicant sends a copy of such notice to the Secretary, the Commission, and to the chief executive officer of each State through which the proposed pipeline or extension passes; and

(3) the applicant takes such other steps as may be necessary to notify interested coal producers (including small and independent coal producers in the geographic region where the proposed pipeline or extension will originate) and coal users of the filing of such application.

Such notice shall, at a minimum, include the proposed route of the pipeline or extension and a general description of lands over, under, upon or through which the pipeline or extension will be constructed and indicate that any person who is interested in using the pipeline or extension to transport coal shall notify the applicant and the Commission of such interest in accordance with subsection (j) of this section.

(h)(1) Not later than the last day of the fifteen-month period beginning on the date an application is filed under this section, the Secretary and the Commission shall exchange copies of their respective determinations of whether or not a certificate shall be issued and any proposed terms and conditions relating to the issuance of such certificate made by the Secretary or the Commission, as the case may be.

(2) Not later than forty-five days after the date the Secretary and the Commission exchange copies of their determinations under this section, the Secretary and the Commission shall determine whether they agree or disagree on such determinations relating to issuance of the certificate and proposed terms and conditions. If the Secretary and the Commission agree that a certificate should be issued and on the terms and conditions to be included in the certificate, the Commission shall issue the certificate. If the Secretary and the Commission agree that a certificate should not be issued, the Commission shall not issue the certificate. If the Secretary and the Commission agree that a certificate should be issued but do not agree on any of the proposed terms and conditions to be included in the certificate, the Secretary and the Commission shall notify the President of such disagreement. If the Secretary and the Commission do not agree on whether or not a certificate should be issued, the Secretary and the Commission shall notify the President of such disagreement and of any disagreement with respect to proposed terms and conditions to be included in the certificate.

(3) Not later than ninety days after receiving any notification from the Secretary and the Commission under paragraph (2), the President shall make a final determination with respect to the disagreement or disagreements of which he is notified and shall direct the Commission not to issue the certificate or to issue the certificate with those terms and conditions that the President determines resolve the disagreement or disagreements.

(i) No certificate may be issued under this section unless an environmental impact statement is prepared with respect to the application for such certificate under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(j)(1) In the case of a pipeline or extension thereof for which an application is submitted for a certificate under this section, any person interested in using the pipeline or extension to ship coal may notify the applicant and the Commission of such interest not later than ninety days after the application is filed with the Commission. Such notification shall specify the volume and type of coal which such person is interested in shipping.

(2) The Commission shall require that if the applicant makes an election under section 10951 of title 49, United States Code (relating to provision of coal pipeline transportation by contract), each person who notifies the applicant and the Commission in accordance with paragraph (1) of this subsection and who participates in proceedings held by the Commission under subsection (c) shall be entitled to a preference to enter into contracts for coal transportation service under section 10952 of title 49, United States Code.

(3) Notwithstanding any other provision of this section, no coal pipeline carrier shall be required to provide transportation of any coal which is not compatible with operation of the coal pipeline.

(k) Any transportation required to be set aside under this section for small and independent coal producers shall be provided to such producers on reasonable request or under nondiscriminatory contracts or both. The Commission shall establish procedures under title 49, United States Code, pursuant to which transportation of coal shall be provided to small and independent coal producers under this section and section 10951(b) of title 49, United States Code.

CERTAIN ADDITIONAL USES OF RIGHT-OF-WAY

SEC. 11. Nothing in this Act or any amendment made by this Act shall prevent any person or governmental entity from using the power of eminent domain under Federal or State law to acquire any portion of a right-of-way acquired in whole or part under this Act in any case in which the use of such right-of-way by such person or entity is consistent with the operation and maintenance of the coal pipeline.

UNDERGROUND CONSTRUCTION, SURVEYS, AND LAND RESTORATION

SEC. 12. (a) The line pipe of each coal pipeline and extension thereof for which a certificate is issued under section 10 of this Act shall to the maximum extent practicable, consistent with environmental protection, safety, and good engineering and technological practices, be located underground.

(b) Such line pipe shall be installed in a manner which minimizes interference with agricultural drainage systems. If damage to an existing agricultural drainage system occurs by installation of the line pipe, such system shall be modified, replaced, or restored by the coal pipeline carrier to proper working order to the maximum extent possible.

(c) Upon completion of construction of the pipeline or extension, a survey of the pipeline or extension and the right-of-way shall be conducted and recorded under the applicable statutes, if any, of the State or States in which the pipeline or extension and right-of-way are located.

(d) Upon completion of construction of any coal pipeline or extension thereof with respect to which a certificate is issued under section 10 of this Act, the coal pipeline carrier—

(1) shall, to the extent consistent with the operation and maintenance of the pipeline or extension, provide for replacement of sufficient topsoil, revegetation, restoration, and curtailment of erosion with respect to lands over, under, upon, and through which the pipeline or extension is constructed in order to return such lands to their preconstruction condition; and

(2) shall, wherever possible and where consistent with operation and maintenance of the pipeline or extension, allow lands acquired through exercise of the power of eminent domain under section 9 of this Act to be used for the purposes for which they were used before such construction.

ENFORCEMENT AND PENALTIES

SEC. 13. (a) At the request of the Secretary or the Commission, the Attorney General may institute a civil action in the appropriate United States district court for a restraining order or injunction or other appropriate remedy to enforce any provision of this Act or any regulation or order issued under the authority of this Act.

(b) If any person shall fail to comply with any provision of this Act, or any regulation or order issued under the authority of this Act, after notice of such failure and expiration of any period allowed for corrective action, such person shall be liable for a civil penalty of not more than $5,000 for each and every day of the continuance of such failure. The Secretary or the Commission, as the case may be, may assess, compromise, and collect any such penalty.

(c) Any person who knowingly and willfully violates any provision of this Act or any regulation or order issued under the authority of this Act, or makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(d) Whenever a person violates any provision of this Act or any regulation or order issued under the authority of this Act, any director, officer, or agent of such person who knowingly and willfully authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as set forth under subsection (c) of this section.

(e) Nothing in this section shall be construed as reducing or limiting the enforcement authorities vested in the Secretary by any other provision of law.

(f) This section does not apply to violations of section 15 or 16 of this Act or to violations of the amendments made by section 14 of this Act, or to any regulation or order issued under such section 15 or 16 or amendments made by such section 14.

AMENDMENT TO INTERSTATE COMMERCE ACT

SEC. 14. (a) Chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER III—COAL PIPELINE CARRIERS

"§ 10951. Election of contract service

"(a)(1) Subject to the provisions of this section, any coal pipeline carrier may elect to use all or any part of the pipeline's capacity to provide coal pipeline transportation under contracts. Any such carrier may enter into contracts with shippers of coal to provide specific services under specified rates and conditions but may not unreasonably discriminate among shippers ready, willing, and able to enter into such contracts.

"(2) Under rules promulgated by the Commission, an election under this subsection shall be filed with the Commission. Before such election may be filed, the carrier shall—

"(A) publish a notice of intention to file such election for at least 4 consecutive weeks in each county through which the coal pipeline or extension thereof passes or is proposed to pass; and

"(B) send a copy of such notice to the Commission and, in the case of a certificated pipeline or extension, to each preferred shipper of the pipeline or extension.

Such notice shall, at a minimum, include the route of the pipeline or extension and indicate that any person who is interested in using the pipeline or extension to transport coal shall notify the carrier and the Commission of such interest.

"(b)(1) No election may be made under subsection (a) with respect to any portion of the capacity of a coal pipeline or extension thereof set aside under section 10 of the Coal Pipeline Act of 1983 for transportation of coal owned by small and independent coal producers.

"(2) In the case of a coal pipeline carrier filing an election under subsection (a) who does not hold a certificate issued under section 10 of the Coal Pipeline Act of 1983, the Commission shall order the carrier to set aside and use a percentage of the total pipeline capacity for transportation of coal owned by small and independent coal producers. Such order shall be issued after notice and an opportunity for a proceeding under section 10322 of this subtitle but not later than 60 days after the election is filed under subsection (a). Such set aside shall be determined by the Commission in accordance with section 10(c) of the Coal Pipeline Act of 1983. The transportation required to be set aside under this subsection shall be provided to small and independent coal producers on reasonable request or under nondiscriminatory contracts or both. The Commission shall establish procedures pursuant to which transportation of coal shall be provided to small and independent coal producers under this section and section 10 of the Coal Pipeline Act of 1983.

"§ 10952. Establishment of initial coal pipeline carrier obligation; contracts subject to initial obligation

"(a) Not later than 60 days after an election is filed with the Commission under section 10951 by a coal pipeline carrier, any shipper may request the carrier to transport a specific volume of coal under contract and shall notify the Commission and the carrier of the volume and type of coal which such shipper requests the carrier to transport under contract.

"(b) Not later than 90 days after the date required for shippers to request transportation service from any coal pipeline carrier under subsection (a), the Commission shall determine under this section the volume of coal, if any, which the carrier shall be obligated to transport for each shipper who makes a request in accordance with subsection (a). The volume shall be that volume of coal for which the Commission determines each initial shipper shows need (and which is not required to be set aside for small and independent coal producers). In the case of a carrier who holds a certificate issued under section 10 of the Coal Pipeline Act of 1983, each initial shipper who is entitled to a preference under subsection (j) of such section to coal transportation service provided under contract by such carrier shall be given a preference for such service. In any case in which the capacity elected by the carrier for contract service (and not required to be set aside for small and independent producers) under section 10951 is less than the capacity necessary to satisfy the needs of all initial shippers, as determined by the Commission, the Commission shall determine each initial shipper's equitable share of the contract capacity.

"(c) If the Commission finds that extension of the coal pipeline to the facilities of a shipper is technologically, operationally, and economically feasible, the Commission may order the carrier to extend the coal pipeline to such facilities.

"(d) Notwithstanding any other provision of this subchapter, no coal pipeline carrier shall be required to provide transportation of any coal which is not compatible with operation of the coal pipeline.

"(e)(1) Not later than 60 days after the date on which the Commission makes the determination under subsection (b) regarding the carrier's obligation to each initial shipper, the carrier may enter into contracts with such shippers pursuant to the provisions of section 10954.

"(2) Any initial shipper may waive all or part of the obligation established with respect to such shipper under this section.

"(f)(1) Any initial shipper may file a complaint under section 10954 regarding a contract to which this section applies.

"(2) If a carrier which the Commission determines under subsection (b) has an obligation does not enter into a contract with any initial shipper in the 60-day period provided for entering into such contracts, such shipper may file with the Commission a complaint regarding the carrier's obligation to such shipper. Such complaint must be filed

not later than 60 days after the last day of the 60-day period so provided. Not later than 120 days after such complaint is filed, the Commission shall issue a final decision on such complaint.

"(3) Upon review of a complaint or upon its own motion, the Commission may order the coal pipeline carrier to provide transportation of coal to any shipper in accordance with the requirements of this subchapter. If the Commission—

"(A) on complaint of any initial shipper, determines that—

"(i) the carrier did not enter into a contract to provide transportation service to such shipper for the volume of coal which the Commission determines to be obligation of the carrier to that shipper under subsection (b); and

"(ii) the shipper was ready, willing, and able to enter into a contract for such service; or

"(B) on its own motion, disapproves under section 10954 any contract between a pipeline and an initial or preferred shipper;

the Commission shall order the carrier to provide service to the shipper concerned for a volume of coal which conforms to the obligation to such shipper established under subsection (b) and which is nondiscriminatory. If the Commission issues such an order respecting any complaining shipper and if such shipper subsequently enters into a contract with the carrier, the contract shall be deemed to satisfy the requirements of such an order. In the absence of a contract, rates and other terms and conditions for transportation ordered under this subsection shall be determined by the Commission, taking into account the determination made by the Commission under subsection (b), terms and conditions of any contracts which the carrier entered into with other shippers with respect to the coal pipeline, and any increased costs resulting from any extension of the coal pipeline to the facilities of the complaining shipper.

"§ 10953. Contracts not subject to initial carrier obligation

"In any case in which a coal pipeline carrier has satisfied the carrier's obligation under section 10952, and in any case in which a prior contract entered into under this subchapter expires, subject to section 10951(a), the carrier may enter into other contracts under this section with shippers of coal to provide specific services under specified rates and conditions. Such contracts shall not be subject to the obligations established under section 10952.

"§ 10954. Approval and disapproval of contracts

"(a)(1) A coal pipeline carrier who files an election under section 10951 may not enter into contracts for the transportation of coal except as provided in this subchapter. Each such contract shall be filed with the Commission not later than 10 days after the the contract is entered into.

"(2) Before a contract filed under this section may become effective, it shall be approved by the Commission in accordance with this subchapter.

"(3) In any case in which one of the parties to the contract is an electric utility with respect to which any State agency or the Tennessee Valley Authority has ratemaking authority, such contract shall be filed with the Commission together with a certification that a copy of such contract has been filed with the State agency or the Tennessee Valley Authority, as the case may be.

"(b) The Commission shall publish special tariff rules for contracts filed under this subchapter in order to assure that the essential terms of such contracts are available to the general public in tariff format.

"(c)(1) Not later than 60 days after the date of filing of a contract under this section, the Commission may, on its own motion or on complaint of any shipper, the Tennessee Valley Authority, or any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility, begin a proceeding to review such contract.

"(2) Not later than 60 days after the date of filing of a contract, or, if the Commission begins a proceeding to review the contract, 120 days after such date, the Commission shall approve or disapprove the contract.

"(d) The Commission shall not approve any contract for the transportation of coal by pipeline under this subchapter—

"(1) if the contract violates section 10951 or 10952(b),

"(2) if the contract constitutes a destructive competitive practice,

"(3) if approval of the contract would result in a total volume of coal obligated for transportation under this subchapter which exceeds, in any period, the capacity of the pipeline with respect to which the carrier made an election under section 10951 and which is not required to be set aside for small and independent coal producers, or

"(4) in the case of a pipeline with respect to which a certificate is issued under section 10 of the Coal Pipeline Act of 1983, if the contract would violate any term or condition of such certificate.

"(e) Approval of a contract filed under this section shall be effective—

"(1) on the date the Commission expressly approves such contract, but in no event before the end of the 60-day period beginning on the date the contract is filed or after the end of the 180-day period beginning on such date; or

"(2) if the Commission has not disapproved such contract by the end of the 180-day period beginning on the date the contract is filed, at the end of the 180-day period.

"(f)(1) Any contract approved under this subchapter shall allow the coal pipeline carrier to interrupt or discontinue service under such contract to provide such service as the Commission may order under this subchapter or under section 11128.

"(2) Except as provided under paragraph (1), a coal pipeline carrier shall not have the right or obligation to interrupt service under a contract approved under this section for the purpose of prorating pipeline service to other shippers unless the terms of the contract provide otherwise.

"(g)(1) The provisions of chapter 107 (other than section 10721) of this subtitle shall not apply to any contract approved under this subchapter.

"(2) Notwithstanding the provisions of section 10102(4) of this subtitle, a coal pipeline carrier providing transportation of coal by pipeline under a contract approved under this subchapter shall not be a common carrier for purposes of this subtitle with respect to such transportation.

"(h)(1) A contract approved under this subchapter and transportation under such contract, shall not be subject to other provisions of this subtitle, and may not be subsequently challenged before the Commission or any court on the grounds that such contract violates a provision of this subtitle other than a provision contained in this subchapter.

"(2) After approval of any contract under this subchapter, the exclusive remedy for any alleged breach of such contract shall be in an action in an appropriate State court or United States district court, unless the parties otherwise agree.

"§ 10955. Miscellaneous provisions

"(a) Nothing in this subchapter shall be construed to prevent the Attorney General from participating in or instituting any proceeding before the Commission under this subchapter to ensure that any contract entered into under this subchapter is consistent with the antitrust laws.

"(b) Any capacity of a coal pipeline not subject to a contract approved under section 10954, an order of the Commission under section 10952, or a set aside for small and independent producers under section 10 of the Coal Pipeline Act of 1983 or section 10951 shall be used to provide transportation of coal as a common carrier in accordance with this subtitle.

"(c) To the extent provided under regulations issued by the Commission, modifications of a contract approved under this subchapter shall be subject to the same requirements under this subchapter as the original contract. Nothing in this subsection regarding the modification of a contract shall be construed as impairing or adversely affecting any obligation under the original contract until the Commission has completed its review of the modification.

"(d) Not later than 120 days after the date of the enactment of this subchapter, the Commission shall issue regulations to carry out this subchapter (including, but not limited to, regulations concerning the provision of notice to initial shipper of the filing of contracts under section 10954).

"§ 10956. Definitions

"(a) As used in this subchapter, the terms—

"(1) 'electric utility' means any person, State agency, or Federal agency, which sells electric energy.

"(2) 'State agency' means any State, political subdivision thereof, and any agency or instrumentality of either.

"(3) 'initial shipper' means a shipper of coal who requests contract service in accordance with section 10952(a) of this subchapter.

"(4) 'preferred shipper' means, with respect to any certificated coal pipeline carrier, an initial shipper who is entitled to a preference under section 10(j) of the Coal Pipeline Act of 1983 for coal transportation service provided under contract by the carrier.

"(b) The terms defined in section 4 of the Coal Pipeline Act of 1983 shall, when used in this subchapter, have the meanings provided by such section 4.".

(b) The analysis for chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III—COAL PIPELINE CARRIERS

"10951. Election of contract service.
"10952. Establishment of initial coal pipeline carrier obligation; contracts subject to initial obligation.
"10953. Contracts not subject to initial carrier obligation.
"10954. Approval and disapproval of contracts.
"10955. Miscellaneous provisions.
"10956. Definitions.".

(c) The second sentence of section 10322(a) of title 49, United States Code, is

amended by inserting "10951, 10952, 10954," after "10935,".

(d) Subchapter III of chapter 109 of title 49, United States Code, as added by subsection (a) of this section, shall not affect the validity or enforceability of any contract in effect before the date of enactment of this Act and entered into by a coal pipeline carrier and a shipper of coal. After the date of enactment of this Act, such contract shall be deemed a contract entered into in accordance with the provisions of such subchapter and approved under such subchapter.

COAL PIPELINE SAFETY

SEC. 15. (a)(1) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations establishing uniform Federal standards for the safe design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of the facilities of a coal pipeline or extension thereof. Standards adopted under this subsection affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to facilities of a coal pipeline or extension thereof in existence or under construction on the date such standards are adopted or with respect to which a final environmental statement has been issued before or on such date.

(2) The Secretary of Transportation may, upon application by the person owning or operating a coal pipeline, waive (in whole or in part) compliance of any standard issued under this section if the Secretary of Transportation determines that such waiver is consistent with coal pipeline safety.

(3) Nothing in this section shall be deemed to authorize the Secretary of Transportation to issue regulations establishing Federal standards prescribing the siting or the routing of any coal pipeline.

(4) Except as provided in paragraph (5), after the effective date of regulations issued by the Secretary of Transportation under paragraph (1) of this subsection, no State, or political subdivision of a State may adopt or enforce any safety standards applicable to the construction, operation, or maintenance of any coal pipeline or extension thereof to which the Federal standards established under such paragraph apply.

(5) Nothing in this section shall be construed to preempt or otherwise affect any State law, regulation, or standard which imposes any additional or more stringent standard than any Federal standard established under this section except any such State law, regulation, or standard which discriminates against any coal pipeline or has the effect of prohibiting the construction, operation, maintenance, or extension of any coal pipeline.

(b) At the request of the Secretary of Transportation, the Attorney General may institute a civil action in the appropriate United States district court for a restraining order or injunction or other appropriate remedy to enforce any regulation or order issued under this section.

(c) If any person shall fail to comply with any regulation or order issued under this section, after notice of such failure and expiration of any period allowed for corrective action, such person shall be liable for a civil penalty of not more than $5,000 for each and every day of the continuance of such failure. The Secretary of Transportation may assess, compromise, and collect any such penalty.

(d) Any person who knowingly and willfully violates any regulation or order issued under this section or knowingly and willfully makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(e) Whenever a person violates any regulation or order issued under this section, any director, officer, or agent of such person who knowingly and willfully authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as set forth under subsection (d) of this section.

CONSTRUCTION WORK IN PROGRESS

SEC. 16. A purchaser, consumer, or user (including an electric utility) of coal to be transported through a coal pipeline for which a certificate is issued under section 10 of this Act may not require a customer to pay a fee, surcharge, tariff, or other payment relating to the cost of construction of the coal pipeline at any time prior to the commencement of operation of the pipeline.

BUY AMERICAN

SEC. 17. (a) Except as provided in subsection (b) of this section, all articles, materials, and supplies used in the construction and maintenance of a coal pipeline for which a certificate is issued under section 10 of this Act shall have been manufactured in the United States from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States.

(b) The Commission may, upon application of a person holding a certificate issued under section 10 of this Act, exempt such person from the requirements of subsection (a) of this section with respect to the purchase of particular articles, materials, or supplies, if the Commission determine that—

(1) the application of such requirements with respect to such articles, materials, or supplies would be inconsistent with the public interest;

(2) such articles, materials, or supplies, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities or of a satisfactory quality;

(3) inclusion of such articles, materials, or supplies will increase the cost of the overall project contract by more than 25 per centum; or

(4) the cost of the articles, materials, or supplies to be purchased is less than $50,000.

(c) The provisions of this section shall not apply in the case of articles, materials, or supplies purchased pursuant to a contract entered into before the date of enactment of this Act.

(d) In this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

CONTINUING JURISDICTION OF STATE PUBLIC UTILITY COMMISSIONS

SEC. 18. Nothing in this Act (except section 16) shall be construed to diminish, preempt, or modify the ratemaking authority of any State utility regulatory agency or the Federal Energy Regulatory Commission.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we go into what could be a long and productive day here, I would like to summarize our position on some of the main issues we will be debating today and that we debated the other day.

The railroads, in the first place, complain about the pipeline industry maybe coming in and getting some Federal help or Federal assistance here. The railroads have already benefited by being given Federal eminent domain, the land grant railroads. The land grant railroads were also given more than 130 million acres in fee by the United States. That is bigger than the State of California.

According to the Interstate Commerce Commission, the railroads are able to compete with coal pipelines and coal slurry will not transport more than a small percentage of the coal shipped in the United States. This point should perhaps be underlined again.

We now produce about 800 million tons of coal. That is expected to go to 1.2 billion tons of coal in 1990 and to 1.4 billion tons of coal before we get to the end of this century. If we build every pipeline that everybody has dreamed about building, we will still have most of this increase handled by the railroads.

The railroads have told us repeatedly in the debate that they are what the Interstate Commerce Commission calls "revenue inadequate," which is a strong way of saying, I guess, they do not have much money. Well, in 1983, the CSX Corps., a revenue inadequate railroad agreed to purchase Texas Gas Resources for $1 billion. In 1982, Norfolk & Southern Railroad another revenue inadequate railroad purchased 20 percent of Piedmont Airlines for $57 million.

So before you shed too many tears for the railroads and their financial position, you might see where they are putting their money, to improve the railroads or to do something else.

One more: In 1983, the Burlington Northern purchased El Paso Gas Co. for $700 million.

Let me make another point now. Most coal shipped in the United States is captive to the railroads. Sixty-five percent of all coal shipped is by rail, and 85 percent of that rail shipment is captive.

Three railroads, Burlington Northern, CSX, and Norfolk & Southern carry almost 75 percent of all the coal shipped by rail.

Railway stocks are up, according to Transportation Week. Rail stock is booming. So the railroads are not quite the bankrupt, barefoot organizations we have heard about.

One of the things that concerns me is that we have had a steadily increasing and worsening balance of trade and balance of payments. It is the

worst in modern times. We are the Saudi Arabia of coal, we are told, and here is a place we could make a real bite in our favor in the balance of trade. Yet we are going in the other direction. This great country, with all of our coal reserves, is going in the other direction.

Since 1974, utilities in Florida and Texas have imported coal from Poland, South Africa and Australia every year. There was a big article last week that a big new coal mine in Colombia, South America, a joint venture of Exxon and the Colombian Carbocol Co., is due to come on line in 1986, and this mine is seeking customers along the U.S. gulf coast. The National Coal Association fears that they may lose 6 to 20 million tons per year to this Colombian coal operation largely because of high inland rail rates, make U.S. coal uncompetitive.

The U.S. Department of Commerce says that several countries have expressed concern over high inland shipping rates in the United States, and these shipping costs make the U.S. coal not competitive in the export market.

Finally, the argument has been made a lot of times on environmental terms on the pipelines, and I wish to make the point again that pipelines are more environmentally sound than railroads.

□ 1310

There has been kind of a reflexive reaction by some of my environmental friends, and I have had disagreements from time to time with these groups. On environmental grounds there seems to be a kind of a reflex action that high technology is bad, this is high technology, and, therefore, it must be bad. This comes from some of the environmental people I have talked to.

Well, coal slurry is very good technology. Let me give a contrast here. The OTA study said that a 100-car unit train spews out about 10 tons of coal dust per trip. The trains are noisy, they emit pollutants, they disrupt communities, and they require many highway grade crossings, and so on.

Pipelines are underground. We never know they are there until they send the money in to pay their taxes. They make no emissions to the air, and they will be subject to Federal and State water discharge requirements if that should occur. In the 13 years the Black Mesa coal slurry line has been operating there has been only one serious spill.

The CHAIRMAN pro tempore. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. UDALL. There was no serious damage done as a result of that spill. Compare this with 10 tons of coal dust per unit train and the damage that is done, it seems like almost every week, with toxic chemical spills from train traffic.

The bill gives every conceivable protection to landowners and farmers. The gentleman from Wyoming (Mr. CHENEY) and I worked out at great length a new section on water which says that every water use decision has to be made by the States. If the States want to use their water for agriculture rather than for coal pipelines, they can. State law controls the issue of land value, siting of pipelines, and right to trial by jury, and all actions have to be brought in the State courts unless the landowner chooses the Federal court. The landowner collects attorney fees if the pipeline does not offer fair value. You cannot bring an eminent domain action unless you have negotiated first. The pipeline will be underground, and the pipeline companies will have to replace topsoil and all the rest.

Mr. Chairman, I will make one final point. The whole idea of eminent domain is unique to this country, and it says that we want commerce and we want to encourage shipments between the States, and eminent domain is the device by which we express that competitive attitude in our system.

Coal pipelines are apparently the only kind of transportation system that have ever had this hostile war waged against them. Right now I can go to Wyoming and buy up coal and I can buy up water on a willing-buyer-and-seller basis, I can construct a mine-mouth powerplant, and I can put that coal into the form of electricity and carry it across anybody's land anywhere in the country. This is already in the books. Transmission lines can get eminent domain in almost every conceivable situation, and yet we say to this poor, fragile industry that wants a chance to compete, "You don't get eminent domain."

Why? "Well, the railroads don't want you to have eminent domain, and they don't want you to have eminent domain because they enjoy a monopoly in many aspects of coal hauling."

Mr. Chairman, that is what this bill is all about, and this bill ought to be passed.

Mr. LUJAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the debate over coal pipeline legislation there has been much misunderstanding about what this bill actually does and does not do.

Let me make clear that this bill does not authorize the construction of one single coal pipeline. All it does is set forth the conditions and procedures whereby the sponsors of a proposed coal pipeline may secure the right of Federal eminent domain. This right will not be conferred as a routine matter. A proposed pipeline will have to meet important economic, technical, and governmental qualifications before it can even be considered for the right of eminent domain.

At the outset, a proposed pipeline must obtain initial funding to sustain the formative stages of the project.

The proposed pipeline must identify a market and obtain letters of intent or other such evidence of interest that will justify the expenditures necessary to obtain a supply of water; and perform initial engineering in order to determine whether the project is viable.

The proposed pipeline must then secure a source of water from the State where it will originate or from a nearby State.

With a water source in hand, the proposed pipeline must then file an application with the Federal agency to be designated by Congress in H.R. 1010 (Interior, the ICC or both) and pursue that application in accordance with the specific requirements set forth in H.R. 1010. Once the agency has concluded that a grant of eminent domain powers is justified, many obstacles still remain before the pipeline becomes a reality.

The pipeline must first obtain contracts for coal transportation. The railroads will compete for this business and, just as in the recent AP&L case, sometimes will win.

The pipeline contracts may then be challenged by the railroads both at the State PUC level and at the ICC.

The pipeline must then obtain financing.

Rights-of-way must be obtained, sometimes through the exercise of the Federal eminent domain authority in the State courts.

All environmental permits and other permits must be obtained from the Federal Government, States and local governments. ETSI (which will move coal from Wyoming to Texas) will require over 500 permits.

Final engineering must be completed.

The pipeline system must be constructed.

Anyone who looks at this obstacle course must conclude that coal pipelines would not come easily. Only a few coal pipelines will in fact be built and they will be built where the cost effectiveness of coal pipelines is indispensable to preserving foreign and domestic markets for U.S. coal.

In conclusion, let me again emphasize that enactment of coal pipeline legislation does not assure the development of a coal pipeline industry. What it does do is provide the opportunity for this new technology to prove itself in the marketplace.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 10 minutes.

Mr. SHUSTER. Mr. Chairman, let me say, first of all, that I have the greatest respect for the gentlemen who have been speaking in the well today in support of coal slurry pipelines, and, most particularly, the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL). He is indeed a giant in this House. He is one of the most capable, distinguished, articulate, and respected Members of this body, and I wish I could support this legislation today if for no other reason than because of my admiration for the distinguished gentleman from Arizona (Mr. UDALL).

But I cannot support this legislation today because I believe it is even worse than the legislation which we had brought before this House in 1978, legislation which at that time was overwhelmingly defeated. And what we have before us today is legislation which deserves to be defeated, even more so than the legislation brought before us on coal slurry pipelines just a few years ago.

Mr. Chairman, I have 60 amendments in the RECORD. I put those amendments in the RECORD to protect us because, as we all know, at the last minute there was a new bill put together from the two bills from the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation. It is not my intention to offer most of those 60 amendments today. It is my intention for us to come to grips with the issue of coal slurry pipelines, and I believe this legislation can be defeated on its merits as it is presented to us today.

However, a point should be made. Even if we could wave a magic wand and make this irredeemable piece of bad legislation somehow acceptable, it would be an exercise in futility. I think this is an extremely important point. It would be an exercise in futility for my colleagues because, if we look at the makeup of the conference when the House goes to conference with the Senate, we will see that the House makeup will be controlled by the advocates of coal slurry pipelines. So even if we were able to get through some amendments which might somehow partially improve this piece of legislation, it would be a Pyrrhic victory. We would see it go up in smoke because what we thought we had done here today would undoubtedly be undone in the conference.

So as we consider amendments brought before this House today, let us not be deceived, let us not be beguiled, let us not be misled. Any amendments which are adopted on the floor today would in all probability be stripped out by the coal slurry people when the legislation moved to the Senate.

Mr. Chairman, in general debate, we outlined 16 reasons, any one of which is reason alone for defeating this special interest legislation. I certainly do not intend to touch upon all of those points now, but I do intend to touch upon a few of them.

□ 1320

The first point that I would hope to emphasize centers on the misinformation which has been put out concerning this legislation.

First of all, we have been told time and time again, in fact it was regrettable to read in both the Washington Post and in the New York Times articles which said that coal slurry pipeline legislation was needed because the railroads will not let coal slurry pipelines cross their tracks.

Now, for the umpteenth time, Mr. Chairman, we have said again and again, those of us who oppose this legislation would support a simple limited eminent domain piece of legislation which provided only for coal slurry pipelines to cross railroad tracks. We made that offer time and time again and it has been rejected, showing that this argument which seems so appealing on the surface is nothing more than a red herring. It is a red herring.

The issue before us today is not the issue of letting coal slurry pipelines cross railroad tracks, but rather, a much more complicated set of issues which deal with State's rights, water rights, environment, a balanced transportation system and on and on; so for the umpteenth time, this issue should be put to rest.

The second piece of misinformation which should be put to rest, Mr. Chairman, is that we heard recited in general debate twice a purported letter which was sent from Martin Van Buren, which somehow seemed to be translated into suggesting that coal slurry pipelines should be built and given the right of eminent domain.

Then, beyond hearing that in general debate, this morning we opened our Washington Post newspaper and saw a full page ad, paid for by the coal slurry lobbyists, and the centerpiece of this ad was that letter, that purported letter written in January 1829 by Martin Van Buren to Andrew Jackson concerning canals and railroads.

There is one minor problem, Mr. Chairman. The letter never existed. The letter never was written. It is a hoax.

We turned to the Library of Congress. They researched it. I put into the RECORD the entire contents of their letter to me; but in a nutshell they say, "We have seen more than a dozen examples over the last several years of a letter purported to have been written in January 1829 by Van Buren to Jackson," and they go on to say that all the available evidence indicates very strongly that it is spurious; so we should put that little piece of misinformation to rest also, Mr. Chairman.

Now, turning to what I believe is a much more substantive issue, and that is the issue of the probability of monopolistic control being seized in this country if this legislation passes by big coal, big oil, big pipelines, and big utilities, to the detriment of the consumers in America.

Mr. Chairman, there is new evidence which is available since we last debated this legislation on the floor here in 1978. I think for those Members who care and are concerned about monopolistic power grabs by giant corporations, who are concerned about the implications of vertical integration and what it means in terms of gouging consumers, should be very much concerned about the whole issue of vertical integration if, indeed, this legislation passes today.

Let us take a look at some of the proposed coal slurry pipelines and just see who is going to control what.

First of all, the Allen-Warner pipeline is owned entirely by the Nevada Power Corp. In addition, they own the coal field which would supply the pipeline; so what do we have? Big coal into big pipelines into big utilities, the first example of monopolistic control if, indeed, we pass this legislation today.

Let us take another look at a proposed pipeline, the ETSI, owned by Texas Eastern, which has two oil company subsidiaries. Skyline Oil is heavily involved in a joint venture with Amoco involving ETSI and the Bechtel Corp., which would be a major owner of the pipeline, owns Peabody Coal, the largest coal producer in the United States.

So what do we have here? Once again, big coal vertically integrated with pipelines and oil, a limitation of competition, rather than an increase in competition.

But let us go beyond these two particular proposed pipelines. Let is look at the NICES pipelines, the so-called Northwest proposed pipeline. The partners in this are the Northwest Pipeline Co. Bechtel again, the owner of the largest coal corporation in America, and just recently Shell Oil announced their intention of acquiring the ownership of all of this; Shell Oil, which just last week announced that there might be alternatives to using water with coal slurry pipelines. They said they could solve the problem of scarce water by using methanol. Just last week Shell referred to that.

Now, if methanol is going to be used to transfer coal slurries, where are the

environmental studies to show that methanol is safe?

This bill has no limitations, no prohibitions against the use of methanol, so we could find ourselves faced with a highly explosive environmentally unsound method of transportatioan handed over to the major oil companies and the major pipelines and the major coal companies to be used in vertical integration.

The CHAIRMAN pro tempore (Mr. TRAXLER). The time of the gentleman from Pennsylvania has expired.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to proceed for additional 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BREAUX. Reserving the right to object, Mr. Chairman, I do so not to interrupt the eloquence of the speaker in the well, but it sounds an awful lot like this is the type of thing we discussed during the general debate period and since we are now under the 5-minute rule, I was wondering if we, indeed, plan to move on under the 5-minute rule?

Under my reservation, I would just ask the gentleman, are we talking about amendments, or are we sort of continuing general debate?

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that we appreciate the fact the leadership on the gentleman's side scheduled general debate on both dates for this legislation after all votes were over and after most of the Members left, so the Members were not here to have the opportunity to hear some of these key points. Of course, I am only following in the same footsteps of the distinguished chairman who first sought recognition by striking the requisite number of words.

Mr. BREAUX. Further reserving the right to object, Mr. Chairman, I note that we have been operating under the reservation now for about 15 minutes. I was just wondering, could the gentleman, before we handle the unanimous consent, give us an idea of how much longer we are going to take under this procedure?

Mr. SHUSTER. I am hopeful that I might conclude my statement in the next 5 minutes. That would be my intention.

Mr. BREAUX. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. SHUSTER) to proceed for an additional 5 minutes?

Mr. KAZEN. Reserving the right to object, Mr. Chairman, I want to get in on this debate, too. I spoke when nobody was on the floor. Does this entitle me to go over everything that we have already discussed in general debate?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would say to my good friend that it is not my intention to go over everything that we have discussed in general debate. I am simply following the same procedure followed by the distinguished chairman of the Interior Committee who was the first one on the floor today to seek recognition by moving to strike the requisite number of words.

Of course, my good friend, the gentleman from Texas, certainly has available to him that same right. I assure the gentleman that I would not move to cut off the gentleman's opportunity to speak under the same procedure.

Mr. KAZEN. To continue under my reservation, Mr. Chairman, all I want to point out to my colleague is that I do not mind the gentleman starting out like this, both the proponent, the gentleman from Arizona, and the gentleman in the well, laying the background for the debate; but from now on, let us get on to the amendment stage. We have been on this bill now for about 3 days.

Mr. SHUSTER. If I might respond, Mr. Chairman, I would say there is a point of view which has been circulated here that the leadership on the other side very purposely scheduled general debate in such a fashion so that there would be nobody here. Now, I do not subscribe to that point of view, but it has been suggested.

Mr. KAZEN. Further reserving the right to object, Mr. Chairman, I would tell the gentleman that I do not, either. I do not appreciate speaking to an empty House, because I think that what I had to say was very important, particularly on the point of gouging consumers, and I have the ultimate case of utilities consumer gauging in the United States. I set it forth before this House and if need be, I will set it forth again.

I just want to abide with the rules of the House.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. SHUSTER) to proceed for an additional 5 minutes?

There was no objection.

Mr. SHUSTER. Mr. Chairman, let us not just limit our discussion of the monopolistic vertical integration, the seeds of which are inherent in this legislation, to the proposed lines I have spoken of, but let us go on. Let us look at the next one, the Powder River coal slurry pipeline. The partners are the Mustang Fuel Co. and Michael Curran. So what do we have once again?

□ 1330

Big coal, big pipelines, big utilities, big oil—one more example of monopolistic vertical integration, if indeed, this legislation passes today.

But, beyond that, we look at Coalstream—another proposed pipeline—owned by Ashland Oil. In fact, Ashland Oil, which itself owns 1.5 billion tons of coal reserves—so, once again, we see big coal, big pipelines, big oil.

And finally, perhaps the favorite, Transco Vepco, very close to home here in Washington, D.C. Transco Coal Co., VEPCO—Virginia Electric & Power Co.—and just recently I understand in the past week or so Baltimore Gas & Electric has announced they would be one of the owners of this. And the A. T. Massey Coal Co. Once again—big coal, big pipelines, big utilities. I think that makes the point. I think that makes the point very clearly.

Virtually without exception, what we see here are big coal companies, big pipelines, big oil, big utilities, attempting to get a stranglehold, a hammerlock on the movement and ownership of this particular source of energy. And who is bound to pay the price in the long run for this kind of monopoly, or virtual monopoly—the consumer. And, in fact, I think it is very significant, Mr. Chairman, that we received testimony from the Justice Department saying that this vertical integration provides utility companies with the opportunity to skirt around, to avoid the ratemaking rate-of-return regulation that has been inherent historically in controlling the price of energy to consumers.

They said the vertical integration of electric utilities into coal production may provide an opportunity to evade the effects of rate-of-return regulation. And this is but 1 of the 16 reasons why this legislation should be defeated. It is anticompetitive. And if you think you have seen a problem in the past with the price gouging in natural gas pipelines, and this is not theoretical, many of us have experienced this, we are setting the stage here today for the same kind of monopolistic vertical integration, for the same kind of price gouging which so many consumers across America have already experienced with natural gas pipelines. This is the kind of experience which I think none can reasonably conclude we will find ourselves faced with in America if indeed we let this special interest legislation be passed today.

And for this reason, along with the 15 other reasons why we have urged for the defeat of this special interest legislation, I would urge my colleagues to vote to defeat this coal slurry pipeline legislation, which gives an extraordinary right to private corporations, the awesome right of the power of Federal eminent domain, the power to go in and condemn and take private

property from the citizens of these United States of America.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I applaud the gentleman in the well for taking this time at the beginning of the amendment process to clarify and to respond to the arguments that were laid out by the chairman of the Interior Committee.

I think that it was unfortunate during the reservation on the unanimous consent for the extension of your remarks that the implication was that the gentleman in the well was trying to prolong this debate. In fact, as we began this amending process, there have been explanations on both sides, led by Mr. UDALL.

The key points that the gentleman made are clear—that those who are proposing to put in place coal slurry pipelines want to give national eminent domain without regard to many of the implications of much of that eminent domain for a very exclusive club of people who are going to try to use that to exploit and to use the coal resource.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. SHUSTER was allowed to proceed for 1 additional minute.)

Mr. EDGAR. If the gentleman would yield further.

I would underscore one provision that was not focused as deeply on by the gentleman and that is the whole question of water. Some of us are very concerned that in the Interior Committee's report it talks about the fact that these water concerns should receive attention from Congresses in the future. And it goes on to state that while the States of origin should be protected under the extraordinary powers of the commerce clause, those States who may be in downstream areas have little or no protection if there is not a water compact in place. And I think many of us who are concerned about the environmental questions focus on the issue of water.

So, what the gentleman has said is accurate. And I think if you look at some of the real questions, even if an amendment is accepted today on the House floor dealing with water, I think this legislation should be rejected for those reasons of environment and the reasons that the gentleman has suggested.

I commend the gentleman for his leadership on this issue.

Mr. SHUSTER. I thank the gentleman.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Chairman, last year marked the 20th year that coal pipeline legislation had been pending before the Congress. During those 20 years, we have witnessed many drastic and damaging swings in both the production and consumption of energy in the United States.

Probably the most important reason for the need for this legislation is to provide a long-term, stable, and economical supply of domestic energy. It is imperative that we, as a nation, utilize our domestic energy supplies thereby reducing our balance of international trade deficits and further insulating our country from any future energy supply disruptions from foreign countries.

This legislation is both a jobs bill and an infrastructure bill, but accomplishes those goals without Federal Government programs, subsidies, and expenditures. The construction of coal pipelines will lead to a rehabilitation and expansion of our port facilities, since a dependable and affordable supply of coal for export will be provided. Western European countries as well as Japan continue to express interest in purchasing U.S. coal which, unfortunately, remains economically prohibitive due to internal transportation costs from the mine mouth to port.

Other than objections to competition leveled against this legislation by railroads, the major problem in securing passage of a coal pipeline bill in the Congress has been in the development of adequate protection of surface and ground water in the Western States. With the most recent compromise included in this legislation, I firmly believe the essential protection of Western water and authority of the States to manage their water resources has been adequately addressed. In addition, far less water is required to slurry coal than is needed for mine mouth generation, liquification, and gasification.

Along with many other cities across the country, the city of San Antonio, Tex., which I am privileged to represent in the Congress, is a "captive shipper." It is dependent on one railroad to transport coal from the Powder River basin to be used in its municipally owned public utility. That railroad has through the years charged exhorbitant rates for the transportation of coal, utility rates have skyrocketed, and the consumers of San Antonio have indeed been gouged by the railroad. With the passage of the Staggers Rail Act, we were successful in providing some relief for San Antonio consumers, but to date, the Interstate Commerce Commission has failed to recognize the intent of Congress in the San Antonio cases and has bent over backward to show its prorailroad colors. I do not harbor any illusions about the legislation before us in terms of how quickly San Antonio and other hard-pressed cities will receive some relief. I do believe, however, that it will provide vital competition to the railroads in the transportation of coal and that competition will eventually, I hope and trust, force the railroads to stop using captive shippers like San Antonio for their own selfish purposes.

With only one exception, all coal pipelines which have been proposed cross State boundaries, clearly placing coal pipelines under the purview of the commerce clauses contained in the Constitution. Congress recognized its responsibility over the interstate transportation of energy supplies and the need to use Federal eminent domain as early as 1947 when that authority was granted to interstate natural gas pipelines. There are no significant differences between natural gas pipelines and coal pipelines, yet we remain without essential coal pipelines due to lack of congressional action. I urge my colleagues not to let another year be added to the 21 years of waiting for the Congress to adopt a reasonable and necessary coal pipeline bill. The time for action is long overdue.

Mr. KRAMER. Mr. Chairman, before we get into the business of passing legislation to facilitate construction of coal slurry pipelines, I want to reiterate the statement made in testimony before the House Public Works and Transportation Subcommittee on April 19, 1983, by Carol E. Dinkins, the Assistant Attorney General, Land and Natural Resources Division:

> . . . There is no question that it is within Congress' commerce clause power to authorize a State law that would otherwise constitute an impermissible burden on interstate commerce.

Dinkins went on to add that:

> . . . I must reemphasize that of course, whether the courts will ultimately determine that the expressed intent is sufficiently clear to immunize State water laws affecting coal slurries from commerce clause scrutiny is to a certain extent speculative. . . .

Western members should heed this warning and know that in spite of extraordinary efforts to characterize this bill as one protecting the sovereignty of State water laws, this legislation cannot be taken as a guarantee of those States rights.

To the extent that the commerce clause is granted to States only with respect to coal slurry, and embedded in legislation to facilitate construction of a coal pipeline, it seems obvious that in a future contest over water rights those States with pipelines will have a clear advantage over those without. Let me say that again. States who contest the loss of water in a shared pool or seek an otherwise rea-

sonable change in allocations of that pool have only existing mechanisms of redress. However, States drawing from that shared pool for the pipeline will be armed with the full force of compelling national interest and beneficial use, the grant of Federal eminent domain, together with the congressionally delegated commerce clause power. Is there any doubt who would win and who would lose.

Mr. Chairman, you may ask how important is winning and losing, after all it is only water. Well let me expand on some of the facts about water in the West—facts with which citizens of Colorado are intimately familiar. Mr. Chairman, of the total supply of water in this whole world, 97 percent is salt water. Of the remaining water, 75 percent is stored as ice caps in the polar regions. Only 0.05 percent of the total water supply is fresh water in streams and lakes. From that amount, within the United States, 73 percent of the stream flow is claimed by States east of a north/south line drawn through the Kansas/Missouri border, and 12.7 percent is claimed by the Pacific Northwest. That leaves 14.2 percent to be shared by 14 Western States which includes over one-half of the Nation's land area. Colorado sits at the apex of this scarce western water supply.

Mr. Chairman, since the time when Zebulon Pike moved up the Arkansas River into what is now Colorado, managing scarce water has been a way of life, a means of survival, and the only hope for future prosperity in the region. So far, we have done pretty well in delicately balancing the competing demands of agriculture, industry, recreation, residential and neighboring and downstream States. Lately, the job has gotten much more difficult because our population has enjoyed remarkable growth. But with the same determination with which Zebulon Pike reached the Rockies, Colorado will continue to balance its water demands, however, passage of this bill would seriously jeopardize our chances of continued success, by asking the citizens of Colorado to win the war of water conservation with a slurry pipe tied around their necks.

Mr. Chairman, when the dust settles, this simple fact remains—that, any water which enter that 38-inch pipe to slurry coal to other parts of the country is water that is gone forever. It cannot be used to irrigate farms or ranches, it cannot be used to supply a promising high tech industry in the front range area, and it cannot be used in the taps of the growing number of homes in my State. Most importantly, it is gone, with or without the consent of citizens of Colorado, whether intentional or not, the water language in this bill guarantees only one thing and that is that the pipelines will get the water it wants.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: In section 3 of the amendment in the nature of a substitute—

(1) strike out "and" at the end of paragraph(6);

(2) strike out the period at the end of paragraph (7) and insert in lieu thereof "; and"; and

(3) insert after paragraph (7) the following:

(8) no State shall sell or otherwise transfer or permit the sale or transfer, for use in a coal pipeline for which a certificate is issued under section 10 of this Act outside of such State, water which is taken from any river or other body of surface water which is located in or which passes through more than one State or from any aquifer or other body of ground water which underlies more than one State unless—

(A) there is in effect an interstate compact (i) among the diverting State and each State located downstream of such diversion and prior to the confluence with a river or stream of which it is a tributary, or (ii) among the States under which aquifer or other body of ground water lies, which governs such sale or transfer, and

(B) such sale or transfer is in accordance with the terms of such compact.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, the amendment that is before the body at this point deals with the compact between the States in terms of the approval of the water to be utilized in the coal slurry pipelines.

Mr. Chairman, I might add to the Members that this amendment was offered in the Interior Committee. It was also offered in the Public Works Committee. Even though spirited arguments were made, it was not successful in committee.

I bring this to the body because I think it is a terribly important issue with respect to coal slurry lines and the utilization of water.

They will use vast amounts of water, billions of gallons of water from scattered scarce areas in the Western part of the United States. What this amendment does of course is it tries to attain agreement among the various States, whether it involves multistate surface waters or aquifers with regard to that water used in a coal pipeline.

Now, I might say that this does not solve all the problems with respect to water. Indeed, the coal slurry pipelines hold over other water users the fear, the expectation and the real possibility that they will drain the life blood from America's natural agricultural resources. After all, the areas that the water needs to come from are those key areas, those arid areas that we have spent hundreds of billions of dollars, attempting to spend money on reclamation and other projects to try to make them economically viable, to do even marginal raising of crops and cattle and so forth in those areas. So, I know the interest and the emotions that exist with regard to this issue.

Now, indeed it was pointed out here by my colleague, the gentleman from Pennsylvania, that the Interior Committee did address this particular question and said, that the type of amendment that you are offering dealing with compacts really gets down to basic water policy, and indeed Congress at some point should attempt to address that particular problem. But the fact is not now.

The truth of the matter is of course this bill does a very great deal in terms of water policy with regards to what is happening. But it does it in a one-sided, in a lop-sided manner. It does it in a way that will facilitate the construction and utilization with regards to water.

To those that are familiar with the bill of course they recognize that H.R. 1010 grants to the State of origin of the water all the Congress power under the commerce clause. This is the clause that deals with the interstate relationship in terms of transportation. And that is our constitutional power, to legislate with respect to the use of water for coal slurry pipelines. This legislation gives that power even when such a State's action, and this is in the bill, would otherwise constitute an impermissible burden on interstate commerce, they can still be granted that particular power. States contesting that loss of their shared water to the diversion occurring in another State would be forced to rely on the existing mechanisms. That is you can go to court, you can go to the legislature. But you do not have the legal standing that the Constitution has granted.

Now, what this amendment attempts to do is to try and suggest that you can of course use the multistate water, but only if there is an interstate compact or agreement, otherwise you have to create such a compact. If that water is upstream or downstream, if it is surface water, acquifer, you must obtain the agreement of States affected. That is a new water policy. But it is very necessary.

□ 1340

The fact of the matter is that the courts have not adjudicated all the rights and responsibilities on the allocation of water between the various States or water basins or aquifers. To make that particular assumption is to show that we just have not had that type of determination with regard to all of the water interests that exist.

Therefore, when we give the commerce clause here we are interfering, we are taking away, we are stripping the courts of that particular power and the States then will be denied the right or the opportunity to represent the best interests of their States, those of agriculture, those that need it, the other competing interests.

We are saying that if you can attain an agreement, whether or not it is the best agreement I guess is going to be left to the States. I happen to think water for coal slurry is not a good use, not a good agreement.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Is it not true, would the gentleman not agree, that the bill says "Nothing in this act shall alter the rights of any State to its apportioned share of the water," et cetera, and does that not mean that this is contrary to what you say this is, which is all of the rights under the commerce clause?

This is a very limited right of the commerce clause; is that not correct?

Mr. VENTO. If I can reclaim my time. First, apportioned, is modified. "Apportioned share" assumes that there has been a court determination; and, second of all, if you look back, I would say to the gentleman from Wisconsin, Mr. MOODY, to paragraphs 2 and 3, those supersede and they dictate with regard to what happens in paragraph 2 or 3 on paragraph 4. "Pursuant to the commerce clause * * * the Congress hereby expressly delegates to the States the power to establish and exercise in State law, whether now in existence or hereafter enacted, terms or conditions * * * for the reservation, appropriation, use, export, or diversion of," that water.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 5 additional minutes.)

Mr. VENTO. Clause 3 says "nothing in this act or any amendment made by this act shall impair the validity of any provision of State law."

So the point is this is a one-sided bargain. This preserves the rights of that State of origin, grants them through the commerce clause extraordinary powers to accomplish what it wants to do, much at the expense of the other States that are affected by it. In fact, this will override a compact, an agreement that may be in existence. This gives the States the ability to break that compact and that is why it is very frustrating.

I know what the intention of the authors of the amendment were, but the effect of the amendment is what is important. It is a situation where the whereases do not match up with the now therefores.

With regard to this amendment, that is what the problem is. This destroys and eliminates States' rights. The amendment that I am offering in conjunction with the gentleman from Iowa (Mr. BEDELL) and in conjunction with the gentleman from Pennsylvania (Mr. EDGAR), and others, gives us the opportunity to have coordination and cooperation with respect to particular minute issues regarding water rights.

It does not solve all of the water problems but it solves some created by the bill.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Montana, Mr. WILLIAMS.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding. I commend the gentleman for attempting to solve what is a major water difficulty with regard to States' rights over their own water.

We had been assured earlier that the States' rights were protected and yet, as I read the gentleman's amendment, he is trying to patch up this coal slurry bill to assure that they are protected.

Let me ask the gentleman: Does your amendment in any way alter, change, or amend what has been known as the Cheney language?

The gentleman from Wyoming (Mr. CHENEY) had written section 3, parts 1 and 2. Do you amend those in any way?

Mr. VENTO. No, we do not. We add a clause at the end of the section. This clause would be a consideration based on that.

I think there are some major defects in the Cheney language. I do not know quite how to get at them because the authors are in favor of the commerce clause extension and they are in favor of the other changes in there and we are just trying to deal with one facet in it.

It is inadequate, in a way, but I think it deals with a fundamental flaw in terms of the compacts.

You are going to have a big water problem with coal slurry pipelines and nobody is going to be able to eliminate that.

Mr. WILLIAMS of Montana. If the gentleman will yield further, you are saying your amendment then does not solve, to your satisfaction, the water difficulty inherent in this bill?

Mr. VENTO. No, it does not.

Mr. WILLIAMS of Montana. If the gentleman will yield further, section 3(1) grants without exception and without question, it grants to individual States the exclusive power to authorize for sale water to coal slurry companies.

Mr. VENTO. That is correct.

Mr. WILLIAMS of Montana. How do you alter that? How do you stop Montana and upstream States from selling that water?

Mr. VENTO. The legislation permits them to break compacts, and also delegates, not just—get this—not just the authority in terms of what is the existing law but any future law any legislature might write which then has precedence over any law or any compact they agree to.

So, in other words, it encourages State legislatures to go out and break compacts and break the type of cooperation and coordination which I think is fundamentally important if we are going to deal with the type water problems that we have in this Nation. We had better face up to it in this particular measure and that is what we are doing.

It may not be the intent, but it certainly is the fact that that is the power you are giving in this legislation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding. I commend the gentleman for his amendment and his statement.

I just wanted to ask the gentleman one question. If in fact the coal slurry bill passes without the gentleman's amendment, is it not true that we will give to the States that wish to sell the water a great deal of authority, and it will be up to those States in the downstream areas without compacts to persuade the States that have these powers being granted to them to enter into some kind of an agreement voluntarily?

It does not mandate that there is any kind of control of the use of that water upstream; is that not the case?

Mr. VENTO. I think that is exactly right. You are just precluding any type of cooperation and you are taking away any legal arguments that that State might have with regard to multistate aquifers or surface waters. If this language were simply neutral with regard to that, and that is what we are trying to do, and we have big problems with regard to water, and all we are trying to do is to neutralize that to permit the other States around that have rights with regard to aquifers, or with regard to surface water, to have some voice.

After all, South Dakota is going ahead. They have signed contracts for billions of acre feet of water to be removed from that State and to be sold.

I come from a water rich State and certainly we would stand to gain. But obviously any water we shipped out of Minnesota would affect many, many States around us.

I think that is wrong. I think it is fundamentally the wrong way to go

with regard to what this language has in it.

I ask for a vote to preserve this small bit of States' rights.

Mr. BREAUX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think while we talk about this water amendment it is very, very important that we understand and put into proper perspective how much water we are talking about. Some people would have us believe that we are talking about perhaps diverting the Mississippi River to build a coal slurry pipeline or perhaps we are going to dam up Niagara Falls and use all of the water coming through the falls to build a coal slurry pipeline.

Nothing could be further from the truth. The estimates of one of the largest existing coal slurry pipelines that is being talked about being built, the ETSI line, do my colleagues know how much they are talking about using in terms of water to operate their entire line? They are talking about an amount of 20,000 acre-feet of water.

Let me tell you how much that is. That is equal to about 10 percent of the amount of water that annually evaporates from the reservoir from which ETSI's water will be taken. We are talking about them only using 10 percent of the amount of water that annually evaporates into the air from that reservior.

We are not talking about using all of the water in the Atlantic Ocean or half of the water in the Pacific Ocean or half of the water in the Mississippi River.

The biggest line is only going to use 10 percent of an amount of water that annually evaporates into the air from one reservoir.

How have we addressed the problem of water? I think very, very carefully. Everybody has been involved in this.

The gentleman's amendment mandates, No. 1, that States cannot allow any water to be sold unless they have a mandatory compact. If you vote for this amendment you are telling every State that they must join an interstate water compact.

The States can do that today. If five States agree on how they are going to handle the water in their area, they can form a compact. That compact can say we will never sell water for the construction of a coal slurry pipeline and that compact will be valid. If is valid today. It is valid after this legislation is passed.

But how could anyone in Washington tell the States we are going to make you form an interstate compact?

Suppose your State does not want to join a compact because they do not like the terms and conditions? Are you willing to say we are going to make you do it anyway?

Interstate compacts are valid now without the legislation, but they are voluntary, as they should be.

The gentleman's amendment also does something which I think is really going too far. It talks about not only if the water is coming from a State or from an underground aquifer from a State, that they would have to join an interstate compact, but it says if it even passes through that State that that State would be mandated to join an interstate compact.

□ 1350

Now let us consider the Mississippi River that goes from the Gulf of Mexico all the way up north. How many States does the water pass through? Twelve, fifteen? Are you willing to say you are going to have to make every one of those States forcibly join an interstate compact even though they do not want to? This is absolutely a killer amendment. It would absolutely kill it. We might as well pack it up and go home.

No one can say, "I am going to support this amendment" and still say they are for coal slurry. It is just as clear as that.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I cannot. I do not have much time.

It is all right to say to the States to form a compact, an interstate compact, if they want to, it is fine, we applaud it. If it says you cannot use the water for coal slurry pipelines, that is fine, I applaud that. But Congress should not be mandating, forcing the State to do something perhaps that the State does not want to do.

How about the States that thinks it is appropriate and proper?

Do not let anyone kid you. This amendment really devastates the bill. We might as well not have a bill if you try to force every State that the water might even trickle through, and that is how it could be read, to mandate them into forming an interstate compact.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, of course it is our intention to deal with diversion of water downstream or upsteam prior to the confluence with the river's steam or tributary. It is my interpretation that that language would not have the effect that the gentleman has alluded to. So it would not involve that.

Furthermore, the concern is that of course there would not be a formation of a compact; you are only dealing with certified use for the construction of the pipeline according to the prescription in this bill and then only where a multistate water source is involved. It only affects the State in terms of multistate surface water or aquifer. If the water is just within one State, it would not have a need for the compact.

Mr. BREAUX. I would take my time back.

The main point is, I would say to the gentleman, is that the water would only have to pass through a State under his amendment to require that State to have to form an interstate compact. Even if they do not want to.

Suppose you have nine States that are willing sellers.

The CHAIRMAN pro tempore. The time of the gentleman (Mr. BREAUX) has expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 1 additional minute.)

Mr. BREAUX. If you had 10 States that the water passes through and 9 of them control 99.9 percent of the water and you have only one State that it might trickle through. The nine States could agree that this is in their interest to go ahead and form this compact and sell the water. If one State could say no, the whole thing could fall apart under the gentleman's amendment.

I am saying that it is fine to allow the States to agree to something voluntarily. I do not think we in Washington should be telling them that they have to.

That is not the way to do it.

Mr. McNULTY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Arizona.

Mr. McNULTY. I thank the gentleman for yielding.

In the gentleman's opinion, under current law, what power do States have to restrict the export of water?

Mr. BREAUX. Under the recent Supreme Court decisions in the absence of this bill they could not restrict the sale of water under the interstate commerce clause. This bill specifically tells any State that if they want to they can say, "No, none of our water will be used for a coal slurry pipeline," under this bill. Without this bill they cannot do it.

Mr. CHENEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to join with my colleague from Louisiana (Mr. BREAUX) in opposing this amendment. I think it is important for everyone to understand what is at stake with the Vento amendment, and I certainly share service on the Committee on Interior and Insular Affairs with the gentleman from Minnesota (Mr. VENTO). He is an honorable man. He offered this amendment in committee or a similar version of it. It was debated in the Committee on Interior and

Insular Affairs and, of course, was defeated.

Everybody should understand that this is at the heart of this particular piece of legislation and that in fact what has been suggested here, should it be adopted, will be viewed as a killer amendment. If the Vento amendment passes, coal slurry pipeline legislation, I believe, is dead for this session of Congress.

I think it is also important for everyone to understand, especially those of us from the West who are concerned and whose districts might be directly affected by slurry legislation, to understand that the Vento amendment goes against the grain at what is attempted in the bill as it was brought to the floor.

Specifically, the water issue, as it relates to coal slurry pipelines, has always been a question of preserving for the States the right to decide, individually, whether or not they want to see water used in a coal slurry pipeline, the right for the States to decide individually what terms and conditions they might like to impose upon that use.

With respect to my home State of Wyoming, the State legislature and the Governor have granted a slurry pipeline permit to the ETSI Transportation Co., but in doing so they impose terms and conditions upon the export of water for the coal slurry pipeline.

They said that if the use of that water violated or in any way damaged any other water users' rights, the State engineer was authorized to terminate the export of that water.

What the Sporhase decision did, in effect, was to strike down the ability of the State to impose conditions on the use of water.

What the coal slurry pipeline bill, as brought to the floor by the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation, brought to us by the distinguished gentleman from Arizona (Mr. UDALL), H.R. 1010, does is grant to the States the right to assert the congressional intent that the States shall have the right to decide how they use their water.

What the Vento amendment, in effect, would do is to impose a veto by another State upon the use, by the originating State, of its water.

Specifically, the Vento amendment would set up a situation in which my State of Wyoming would not be permitted to decide how to use its share of its water if in fact Minnesota or other States in the Basin covered by his amendment should decide not to go along with that use.

Specifically, it sets an extremely dangerous precedent. The Vento amendment in effect would require States to form interstate compacts and require all States sharing a water source to consent, before any one of the States uses its own share of the water for an interstate coal pipeline.

This would no doubt preclude construction of most coal pipelines. Aside from this deadly effect on the coal slurry industry, the pipeline industry, this amendment would also begin dismantling this country's settled policy on water management and set a very dangerous precedent for other natural resources. If you can in fact require an interstate compact before one State can make a decision to use part of its water for a coal slurry line, the next thing you will be able to do is require an interstate compact before a State can use part of its water for agricultural purposes, for municipal purposes, for recreational purposes, or for any other use that that State deems wise.

Presently each State has the power to allocate the water and to determine beneficial uses of water within its borders without interference from any other State.

A State, believing that its right to a share of interstate water is being invaded by another State, may invoke the long-standing authority of the U.S. Supreme Court which will guarantee each State an equitable share of the disputed water resource.

An interstate compact is one established alternative mechanism for States to divide among themselves the water source which they all share. It is a voluntary mechanism which constitutes an agreement on the size of each State's slice of the water pie. A compact does not direct a State as to how or when to eat their respective slice.

In other words, Colorado would not presume to tell Arizona what crops to irrigate, whether water could be used for agricultural or municipal or industrial purposes.

The Vento amendment would empower each signatory State in effect to dictate the water use of each other signatory State with respect to coal pipelines, since it contains a sister State signoff requirement.

Thus in the case of coal slurry lines the Congress would be saying that a State does not have the authority to decide how to use its own water since the State clearly does not have the power to use another State's water.

The CHAIRMAN pro tempore. The time of the gentleman (Mr. CHENEY) has expired.

(By unanimous consent, Mr. CHENEY was allowed to proceed for 3 additional minutes.)

Mr. CHENEY. By way of conclusion, Mr. Chairman, let me emphasize once again that the language in the bill, H.R. 1010, as brought to the floor, makes it very clear that the States shall have authority to decide how to use their share of the water, that the Vento amendment interferes with that, that the Vento amendment specifically would dictate a requirement, mandate a requirement that there will be interstate compacts before a State can decide to use its portion of water in a coal slurry pipeline.

It is an extremely dangerous precedent. If you believe in the principle of States rights where water policy is concerned, then my colleagues ought to work to and vote to defeat the Vento amendment.

□ 1400

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

The gentleman has made an important statement and along with the gentleman from Utah (Mr. MARRIOTT) and the gentleman from New Mexico (Mr. LUJAN), and the committee, has done much to nail down this water problem.

I think there is an inconsistency here and I challenge the opposers of the coal slurry pipeline to cite me an instance where anything like this has ever been done before, where you say to any 1 of 11 States, as the gentleman from Louisiana (Mr. BREAUX) pointed out, "You can veto your sister States' use of their own water."

We come down the line and say on pages 4 and 5 of the bill, States rights are protected, State law prevails on every occasion, State procedure must be used. In fact we are the only amendment kicking around that enlarges States rights.

They come in and say, "Oh, what we need to do here is have the long arm of the Federal Government march in and say, 'None of you can use any of your water or dedicate it to the pipeline unless a compact has been signed.'"

These compacts may take 50 years to get worked out.

I asked my staff if we could find any other instance where a compact is required before a State can use its own water, and I cannot find one. I challenge the other side to show us where this might have occurred previously.

Mr. CHENEY. I thank the gentleman for his contribution.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

And it seems to me that this is going in exactly the opposite direction that we have always tried to go in and that is, to allow the States to get into their own compacts, if they want to. If they do not want to, that is perfectly all right. They have all agreed to do that. But we have always tried to keep the Federal Government out of how we allocate our water.

The gentleman has done an excellent job of explaining why this amendment should not be adopted. And let me just make the point that those of us who believe that the States ought to have their own regulations, as far as water is concerned, without the Federal Government coming in and dictating those conditions, I think that those of us who believe that way would naturally oppose this amendment.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

I think the chairman deserves an answer to his question. And the first answer I would have is that there are many of us who dispute very much the statement that it is their own water.

Many of us believe that water that comes from Montana flows down through South Dakota and on to other States does not belong to South Dakota or any other individual State along that line.

We do believe that since it is jointly used it should be a joint resource and I would challenge the chairman back to tell us some other type of a product or anything in which it would flow from one State to another down through a whole series of States wherein he would agree that there is not a compact existing.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words. And I rise in opposition to this amendment.

Mr. Chairman, I was chairman for many years in California of our State Cooperation Commission. My job was to negotiate interstate compacts on a voluntary basis with all of the other States on a variety of issues. But requiring interstate compacts before water can be used for coal slurry pipelines is actually a limitation on State regulation and the control of its own water resources that is unprecedented.

Such a provision would allow one State to hold another State hostage and effectively prevent the second State from issuing a permit to a slurry pipeline by just refusing to enter into a compact. Such a result would actually be a disincentive to compacts. And I think that the amendment was pretty accurately labeled a few moments ago when somebody called it the "killer amendment."

This amendment if adopted would represent a provocative Federal act by requiring such a compact and it tramples over the rights of States to regulate their own water resources; I naturally oppose this amendment.

Now I do have some concerns about water in California. We have a number of large rivers solely within our State, the Eel, Sacramento, San Joaquin, many, many of them. But we have a large number of other rivers that either run through or run along the edge of our State, such as the Colorado River which originates up in the Rockies and goes on down into the Gulf of Lower California.

So I wanted to know how this language, which originated in our Interior Committee impacts upon California. So the Association of California Water Agencies who are the experts in this area were contacted. And this is their answer.

They said:

H.R. 3857, The Coal Pipeline Act of 1983, is scheduled for House action this week. During the course of Committee review of this legislation, many questions were raised as to the adequacy of the language protecting the rights of States to manage their own water resources and whether States in the water short West would lose control over this essential resource.

The Association of California Water Agencies has studied the language in H.R. 3857 and feels it is tightly drawn and well crafted. We believe that it carefully covers the issues raised in the recent Sporhase case and that the California water rights process is fully protected.

And that is signed by Robert Will for the Association of California Water Agencies.

If this bill protects the water rights for California, I would think that my colleagues who have similar situations in their States would find that their water rights would be similarly protected.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Vento amendment.

Mr. Chairman, supporters of this unwise coal slurry legislation would have us believe that the amendment being offered is a "radical departure from the American system of water law".

Nothing could be further from the truth, and no statement could be more misleading concerning the real nature of the shared water debate.

My colleagues, I would ask you to focus on two points. First, if anything is a radical departure from American law, it is the bill's current language which—in an unprecedented fashion—purports to delegate to a State of origin all of Congress power under the Commerce Clause of the U.S. Constitution. It is the bill's water language, not the amendment, which is an unprecedented departure from traditional practices.

Second, the amendment which is being offered is one intentionally built around perhaps the most successful of the traditional approaches to resolving multi-State water problems. Interstate compacts are firmly established as vital and effective tools for meeting the complex and diverse needs of the States. Their use dates back to the British North American Colonies prior to the American Revolution. Since the close of World War II, there has been rapid growth in the use of the compact device, with more being negotiated in two recent decades than during the preceding 200-plus years.

I believe that resorting to the device of an interstate compact to resolve multi-State, water-related coal slurry conflicts is clearly appropriate and desirable. And I am not by any means the only one who feels this way. In a recent article written by Mr. F. Henry Habicht II, Acting Assistant Attorney General for the Land and Natural Resources Division of the U.S. Department of Justice, the following thoughts were offered concerning State primacy in interstate water-allocation disputes:

Cooperative interstate efforts, undertaken consistently with the rule of state primacy, must be explored when more than one state asserts an interest in a particular water system. Interstate compacts, which strive to reach a consensual, equitable balancing of sovereign interests, appear to be sound responses to such situations. To be sure, the development of compacts to address the difficult allocation decisions faced in the West is not easy. It requires hard choices by all concerned. However, in the absence of such compacts, the resolution of allocation disputes is too often left to the vagaries of judicial application of federal common law ("equitable apportionment") in costly litigation or to unilateral federal congressional intervention. The alternative of interstate compacts seems preferable and is consistent with the key principles of state primacy.

The shared water amendment that is being offered this afternoon employs as its basic protective mechanism the formation of an interstate compact of the very type discussed by Mr. Habicht.

Mr. Chairman, interstate compacts have been used repeatedly in past years to solve multi-State, water-related problems. The following is a list of just some of the compacts which have been entered into in years past relating to water resources:

Animas-La Plata Project Compact.
Arkansas River Basin Compact of 1970.
Arkansas River Compact of 1949.
Arkansas River Compact of 1965.
Bear River Compact.
Belle Fourche River Compact.
Big Blue River Compact.
California-Nevada Interstate Compact.
Canadian River Compact.
Colorado River Compact.
Costilla Creek Compact.
Klamath River Compact.
La Plata River Compact.
Pecos River Compact.
Red River Compact.
Republican River Compact.
Rio Grande Interstate Compact.
Sabine River Compact.
Snake River Compact.
South Platte River Compact.
Upper Colorado River Basin Compact.

Upper Niobrara River Compact.
Yellowstone River Compact.
New England Interstate Water Pollution Control Compact.
New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact.
Ohio River Valley Water Sanitation Compact.
Tri-State Sanitation Compact.
Connecticut River Valley Flood Control Compact.
Delaware River Basin Compact.
Great Lakes Basin Compact.
Merrimack River Food Control Compact.
Potomac Valley Compact.
Susquehanna River Basin Compact.
Thames River Flood Control Compact.
Wheeling Creek Watershed Protection and Flood Prevention Compact.

Mr. Chairman, the shared water amendment calling for the formation of interstate compacts to resolve coal-slurry-related water problems is intended to act as an equalizer, to cause the States to deal with each other as equals and to resolve their problems beforehand. I urge that the amendment be adopted.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman in the well for his statement and wish to be associated with it.

Let me point out that there is nothing in this bill, if this amendment is not adopted, that would preclude or protect one State, let us say South Dakota or Wyoming, from siphoning off the entire Missouri River. There is nothing in this bill to protect downstream users at all, including Iowa, Minnesota, Missouri, and other downstream users.

□ 1410

It has been suggested that in fact this is a precedent. It is a welcome precedent when we have the same situation developing now where one State can dictate what the rest of the river basin will be able to have flowing downstream.

Now, when you take water out of a river basin, like ETSI pipeline is doing, and transfer it completely out of our river basin into another river basin, we do not get any of that moisture back. Not a drop of it comes back, where normally 60 percent of water that is used within a river basin will come back to that basin.

So it is important that the rest of the States in this river basin be heard from. There is no protection except for this type of amendment.

If we are talking about States rights, what more tenable position could you have than to say to the States, "Go out amongst yourselves, without Federal mandates as to what your agreement might be, but agree amongst yourselves. We do not want the arm of the Federal Government coming in here telling you how to do it. You go ahead and do it on your own, you the States involved in the river basin."

Mr. HAMMERSCHMIDT. I thank the gentleman for his contribution.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. HAMMERSCHMIDT) has expired.

(On request of Mr. CHENEY and by unanimous consent, Mr. HAMMERSCHMIDT was allowed to proceed for 2 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Missouri just made the statement that there is nothing in the legislation that prohibits a State upstream from selling water or disposing of water that belongs to downstream States.

I would for the record like to quote from page 5. This is section 3, paragraph (4) of the bill:

(4) nothing in this Act or any amendment made by this Act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts, or by past or future legislative or judicial allocation;

I would emphasize that there is absolutely nothing in this legislation that in any way grants, for example, to the State of South Dakota, the right to sell water that the State of South Dakota does not own.

If Missouri has a problem with South Dakota's action in selling water to the ETSI Interstate Pipeline, then Missouri should go to court and challenge in court South Dakota's action. That is already being done at present. The place to resolve that is in court or by a voluntary interstate compact.

But this provision, this amendment, is not voluntary. It is in fact mandatory.

I want to make it clear again, one more time for the record, there is nothing in this bill that changes the allocation of water among the States. Any statement to the contrary is simply inaccurate.

Mr. HAMMERSCHMIDT. I appreciate the gentleman's statement as he commented on the remarks of the gentleman from Missouri, but it is my understanding that indeed the language of this bill would arm a State with extraordinary powers of the commerce clause of the Constitution, as opposed to the adjacent States or the downstream States, who would only have ordinary powers. That is a complex legal difference but a very important one.

Mr. CHENEY. If the gentleman will yield further, that simply is not true.

Mr. HAMMERSCHMIDT. Well, maybe we can develop the debate and apprise my friend of what the facts are and what the real truth is.

Mr. MOODY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I serve on both the Interior Committee and the Public Works Committee and have heard countless hours of testimony on the bill. In both committees, many, many hours were spent discussing this and other amendments.

Pardon me if I go over again some of the ground that we have been covering, but I think the water amendment is the single most crucial amendment to this bill and therefore I hope every Member has had the chance to coherently hear the arguments on both sides.

This indeed is the amendment to kill or save the bill. Let us try to summarize some key points:

H.R. 1010 conveys to the State of the waters' origin a power it does not now have—the right under a delegation of the interstate commerce clause, to the ability to stop the water from leaving from that State. It does not give the State the interstate power that the gentleman from Minnesota (Mr. VENTO) suggested, because if you look at the language in the bill, it circumscribes the interstate commerce clause delegation again and again and again.

There is something surrealistic about this amendment: It pretends to give a State more power over water when in fact, it would give each State less power, since its desire to use its water for coal pipelines could be vetoed by another State. The bill gives the States more power since the State of origin can prevent its own water from being used for coal pipelines.

A second question, and the key question for many people is: What about the other States that share in that water source, be it the Great Lakes, the Mississippi River, or some particular water aquifer? There is a principle well established in the law called the principle of "equitable allocation," most notably embodied in the "Illinois against Wisconsin" case, in which the U.S. Supreme Court said that every State that shares a body of water has a legal right to its equitable allocation.

The earlier statement in the debate here that nothing in the bill prevents one State from simply draining the Colorado River is true in the narrow sense that there is nothing in the bill. But there are things in law, there are things in case law, which absolutely do prevent it. The principle of equitable allocation means that no State may simply apportion to itself water with-

out respect to the other States rights. Every State has the right to go into court to protect its share. This is extremely crucial.

Regarding interstate water compacts, as has been said before, this amendment would mandate—federally mandate—water compacts. Note that by simply failing to join the compact—either through decision or indecision—the State would have a veto over the ability of every other State sharing a source of water to use any part of that water for coal pipelines.

Do we want to give a State—by simply nonaction—the veto over some other State? I do not think so. That would be a Federal mandate that few of us would welcome. It also gives them the veto, of course, as has been explained earlier, simply by simple, outright veto if it is a member. We give the State a right to veto another State's use of water once it is in that compact.

Earlier a statement was made by the gentleman from Minnesota (Mr. VENTO) that this bill runs roughshod over compacts and destroys compact. This is absolutely not accurate. When all else fails, it is sometimes useful to read the actual language in the bill. Section 3, paragraph (3) reads:

(3) nothing in this Act or any amendment made by this Act shall impair the validity of any provision of State law, regulation, or rule of law or of any interstate compact or treaty governing the appropriation, use, export, or diversion of, or other claim of right to water;

This bill does not force compacts, but it recognizes that if they exist, they are valid, and continue to have their force that they were initially intended to have.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Louisiana.

Mr. BREAUX. Under the gentleman's understanding of the bill as it now stands, is it the gentleman's understanding that States could join together into interstate compacts that would agree never to sell any water within that compact to build a coal slurry pipeline?

Mr. MOODY. Absolutely.

Mr. BREAUX. They have that authority in the existing bill?

Mr MOODY. That is right. Every State has the ability to achieve what the gentleman from Minnesota (Mr. VENTO) would like to force them to achieve, namely, to join a compact.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding.

Of course, I do respectfully disagree with his interpretation of what the amendment is and the language of the bill, because there are clauses (2) and (3) which, of course, do give that commerce clause power. And the commerce clause is not a one-way street. As the gentleman said, this gives a heck of a lot more power to the State of origin. I think we can agree with that. And then the gentleman says that the States that are affected have the right to go to court, and there is a lot of case law. But I think that my understanding is that case law would be set aside by something we pass here today, and that you have a right to go to court, but that is not a very strong one.

Mr. MOODY. Let me reclaim my time before the gentleman moves to another point.

To answer that point: The bill H.R. 1010 says that "nothing in this act or any amendment made by this act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water," et cetera. So right inside this bill, in fact, a lower section, acknowledges the apportioned-share concept.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. VENTO. If the gentleman will yield further, I do not want to extend the debate. I think we are having a good debate, and I appreciate the gentleman yielding, but I think the thing is that the apportioned share assumes that that is all spelled out. In many cases, as I indicated to the gentleman, it is indeed not the case that it is spelled out in the type of specificity. And in this case, of course, then, the responsibility or the power, the new power you are giving under the commerce clause, the Congress giving it the commerce clause power, to any law that is passed now or may be passed in the future by that State.

Mr. MOODY. I would reclaim my time. The commerce clause in question grants the State of origin some power that it does not now have. Now, without this bill a State could not prevent water from leaving that State if the water is used in interstate commerce. This bill grants that power for the first time to a State with respect to coal pipelines. That is the new power.

However, that should not be interpreted to say that another State can be forced to have its own water drained away by another State, as the gentleman from Minnesota (Mr. VENTO) implies. That is a separate issue. The commerce clause does not grant that power to any State. The apportioned-share section of this law clearly acknowledges the equitable-share concept that is firmly established in law. It even writes it in with paragraph (4) of section 3.

□ 1420

Your point has some validity, that if a State does not have an apportioned share already, where does it stand? Then it must go into court and get an apportioned share, but it has every right to do so. That is the crucial point.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding.

I recognize the problem with the Sporhase case, and this tries to remedy that particular problem; in other words, giving the right to the States to say no, but it also gives the States the right to say yes. In other words, if it were only the intention to overcome that, I think it would have been a far simpler problem than what is done. In other words, this goes well beyond that particular relationship and I think to the detriment of the States that share the aquifer or the surface water.

Mr. MOODY. Mr. Chairman, if I may reclaim my time, the commerce clause is like a string. You can pull on a string but you cannot push on a string. A State can restrict its loss of its own water; it cannot force anything onto another State that another State does not want.

Through the apportionment share concept, any State has a right to go in to court and insure its equitably apportioned share of water from a common source.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I find myself in the unusual position of being in complete sympathy with what the author of this amendment is attempting to do; however, in the position of believing that it will not accomplish its intended purpose.

We had substantial testimony before our committee from both the Department of Justice, and from a distinguished panel of constitutional lawyers, including Prof. Charles Corker, a professor of constitutional law and water law at the University of Washington Law School, who said that there is no way to protect water in this legislation because it is an irreconcilable conflict.

He said specifically, if coal slurry pipelines are constructed and operated, and later the law of the State of diversion is changed or if later it becomes clear that under the law of that State the pipeline is to be shut down in favor of new uses of water, or in favor of existing uses of water within the States which have natural access to that water, it is most likely in any interpretation that a court will protect the existing uses.

He goes on to say that a right perfected by use is a property right protected by the Constitution. So as well meaning as this language is in an attempt to protect water, what it says is, once the spigot is turned on, there is no assurance in the future that you are going to be able to turn the spigot off. Once you turn the spigot on, and downstream hundreds of thousands of people become dependent upon that particular flow of water and slurry, it is quite probable, as the professor and others on the panel said, that you will not be able to turn the spigot off.

Therefore, this is, while certainly not intended, I believe the effect of this amendment is that it is a lulling amendment. It can lull us into believing that water rights are going to be protected, when in fact they are not going to be protected.

Further, I would point out before I yield to my friends that even if this were to protect water, and I do not really believe it does it, and several constitutional lawyers have testified that it does not do it, even if this amendment were to pass today on this floor, remember who is going to control the conference. It is the advocates of coal slurry pipelines, and this amendment could quite easily be stripped out in the conference and we could find ourselves in the position of having coal slurry pipeline legislation without this water amendment.

So it is for those reasons, while in complete sympathy with what the gentleman is attempting to do, that I come to the conclusion that this amendment should be defeated.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I understand his opposition to this modest amendment. I do suggest that my efforts to remedy what is in this bill make it, in the event this bill passes, at least would give the States surrounding that are affected either on an aquifer or surface water basis some voice. It is a modest amendment.

Mr. SHUSTER. If I may reclaim my time for just a moment, I would certainly want to credit the gentleman with having said in his opening remarks, if I wrote it down accurately, that this amendment does not solve all the water problems. So I do not want to mislead the body into thinking that the gentleman has misrepresented his amendment because he certainly has not. He very clearly has indicated that his amendment does not solve all the water problems.

Mr. VENTO. Mr. Chairman, if the gentleman would yield further, I would, of course, urge Members to vote for it because I think it does deal with a serious problem. I think there are questions of value, what the priorities on water ought to be. Someone got up and talked about the fact that only 10 percent of the amount would evaporate from a reservoir, but we have to understand that half of the water in our water budget is lost through evapotranspiration, so that half of the water is a very substantial amount.

Mr. SHUSTER. Mr. Chairman, if I may reclaim my time to respond to that particular point, when we heard from other speakers that, "Well, much water is not going to be used," the fact is, for every ton of coal moved, a ton of water will be used, and just the four proposed pipelines in the Midwest will drain 126 million tons of water out of the area. That is enough water for 30 percent of the entire population of the State of Wyoming. So we are talking about massive, massive shifts of water in the different regions of the country.

So for these various reasons, I believe that this amendment should be defeated, although I am totally sympathetic with the intent of the gentleman.

Mr. CHENEY. Mr. Chairman, since the gentleman has mentioned my district, I would ask him to yield to me.

Mr. SHUSTER. I would be thrilled to yield to my friend, the gentleman from Wyoming.

Mr. CHENEY. I thank my friend from Pennsylvania for yielding.

Mr. Chairman, I would point out that if you take the same amount of coal, say 25 million tons proposed in the ETSI pipeline, and burn it in Wyoming and generate power with it in Wyoming, which is then moved by transmission line out of the State, you use five times as much water as would be consumed processing the same amount of coal through a slurry pipeline. So those of us from Wyoming are eager to find a way to process that coal and minimize the water consumption.

Mr. SHUSTER. I thank the gentleman for that statistic. I must tell the gentleman I am disappointed. I thought he was going to compliment me for supporting his position on this amendment.

Mr. CHENEY. I will compliment the gentleman on that also.

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(On request of Mr. CRAIG and by unanimous consent, Mr. SHUSTER was allowed to proceed for 3 additional minutes.)

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

Mr. Chairman, I would like to compliment the gentleman from Pennsylvania for not only opposing the well-meaning amendment, but recognizing, as I think many of us do, and especially some westerners, some Western States Representatives that have water but do not have coal and, therefore, are not so rushed in trying to perfect language that in some unique way justifies, at least in their own minds, and maybe with their constituents, that they have protected their water. They fail to recognize that they are really dealing with an irreconciliable issue.

You cannot, when you establish a national interest, as this legislation attempts to do, and that that national interest then becomes perfected into law, can you in any way create some kind of unique language that is going to protect a State, a Western State in this case, as it relates to the water. I think that all sides are struggling to do that, and I have to question at this time, as I think the gentleman from Pennsylvania does, which version of the perfecting language are we trying to deal with. Is it version 1, 2, 3, or 4, or in fact are we trying to mix in a rather ill-focused way two very distinctly different kinds of issues. The issue of water and the importance of water as it relates to all States, and the problem we have in dealing with it in the very complicated language that is always involved with water.

Another issue that we are trying to express is a national issue of great importance to all of the country, and that is the movement of coal in a rather inexpensive way for the purpose of generating power.

When we intermingle those two issues and we establish a national interest on what is a State prerogative, then I question if there is any law current on the books that cannot be effectively contested, no matter how well we think we can perfect it at this moment.

I think the gentleman has brought that out so very clearly, whether it is the well-meaning intent of the Vento amendment or whether my colleague from Wyoming, in trying to craft language that says we have for once and for all shoved aside Sporhase and we are now protecting water. I really question that and I think we all ought to very clearly search that in our minds.

Once we have established a national interest and a national purpose, I suspect that a State of origin, even in a shared relationship, begins to lose its ability to control its destiny and the destiny of its water when you have established that kind of interest, and I think that is the basis of the argument we are dealing with here, and I congratulate the gentleman on that argument.

□ 1430

Mr. SHUSTER. Mr. Chairman, the gentleman is absolutely right. Once you turn the spigot on, you have no assurance that you can turn the spigot off, and that is why we should not be lulled into thinking that there is language that can protect water rights in this legislation.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this interesting debate, I find, brings me to some reasonable conclusions.

I have no doubt in my mind that the drafters of the legislation wanted to protect water rights. They wanted to protect water rights in all of the bills and during all the hearings over all the years we have had this issue before us. I think they have made an honest effort to do that.

Let us take a look at it. I cannot help but observe that my friend, the gentleman from Wyoming (Mr. CHENEY), said that this is a killer amendment. I have got to conclude that my friend, the gentleman from Pennsylvania (Mr. SHUSTER), is accurate. There is no killer amendment to this bill. Three-fourths of the House conferees will proponents of coal slurry pipelines. They only want one thing, and that is a right of eminent domain across the property of individuals in this country, and whatever else may be adopted by this House or may not be adopted does not matter a hill of beans; they will take care of it in conference.

Well, what about the water language? Well, the Members know that we had this bill up a few years ago. It was defeated by 85 votes—rightly. It should have been, and rightly it should be defeated again today. We had water language in that bill, and I quote from what my friend, the gentleman from Arizona, the chairman of the committee said then:

> Along with other proponents of this bill, I maintained throughout that any State should have the right to decide whether a drop of its water is used for moving coal, and I believe we have written that protection in the bill. It can no longer be argued that western water is endangered by this piece of legislation.

He believed that. But that was entirely different language than the language we have today. He thought that would protect them, but they must have found out it did not. In their committee report on H.R. 1010—and that is not what is before us, I want to point out—they say this:

> The Committee also notes the substantial concern expressed by Members of Congress and others about the possible effects the broad authority delegated to States to control water for coal pipelines may have on the water resources of other states not the origin of such water. The Committee believes that concerns over allocation of interstate waters, such as certain groundwater aquifers, are understandable and it believes these concerns should receive attention from Congress in the future, as circumstances require. Section 207(c) is specifically designed to address the issue of allocation of interstate waters in a manner consistent with the approach traditionally followed by Congress and the States.

Let me say, Mr. Chairman, that that is the language that appears in their committee report. They say, "We don't have the answer in there."

Then what do we have before us today? We have H.R. 3857 before us, a substitute as an original bill for the purpose of amendment under the rule, and all the testimony we had was on the language that is in H.R. 1010.

Is the language in H.R. 3857 the same as the language in H.R. 1010, the bill on which we had testimony? No; it is materially different.

So I say to the Members that the gentleman's answer is correct. They cannot come up with water language to protect the people, and they have not been able to do that over the years. It does not make any difference how Members vote on this amendment, we will not solve the problem.

We have a water bill coming up that has been reported out of committee. Maybe by the time we take if up they can come up with an answer, but I doubt it.

I think the learned gentleman who was quoted by my friend, the gentleman for Pennsylvania, is probably accurate. I think it is an irresolvable problem.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, let me congratulate the gentleman on that observation. That, of course, has been my frustration in the whole debate as it took place in the committee on which I serve, the Committee on Interior and Insular Affairs.

We have to ask ourselves, and everybody on this floor who is going to be voting on this amendment or voting on this legislation, which version are we dealing with?

We have heard year after year the argument that we could not pass legislation dealing with coal slurry unless this specific water language was in the bill; without that, without the properly dotted i's and the crossed t's it simply would not protect western water.

Yet the language we are dealing with today is historically different. It goes off in a new direction, and we are being told and asked to believe that in every way western water or any water, State water or States rights to their water, is going to be protected.

Mr. Chairman, I think the gentleman is absolutely correct, and we have to ask, what day of the week is it, and what version of the law are we dealing with?

Mr. SNYDER. Mr. Chairman, I think that is right. We had this language in 1978, and they said that protects it; we had this language in H.R. 1010, and they said that protects it; we have this language before us in this bill today, and they say that protects it. I do not know, but I doubt that any of it protects it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to thank the gentleman for his statement. I think he and the gentleman from Pennsylvania have pointed out some major defects with water problems.

I would just point out that the Vento amendment, developed with others, really only tried to remedy it and tries to do it maybe in a way that the gentleman does not understand. But I think the aspect the gentleman addresses in terms of trying to gain cooperation here if this bill should pass is an important aspect, so I urge the Members to consider that.

Surely this is not a killer amendment. This bill has problems beyond that, and I do not think we have resolved all the water problems. Frankly, that rests with the authors.

Mr. Chairman, if the gentleman will yield further, I was looking at the 1978 language to which the gentleman referred, and with respect to which the chairman made comments, and I think that language is interesting.

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from Kentucky (Mr. SNYDER) has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield further?

Mr. SNYDER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, that language from 1978 says:

> The applicant has any and all permits or authorization for use of any surface water or underground water required by the state or states having jurisdiction over the water to be used or have a valid legal interest in the underground water used . . . .

So what I am saying is that this language goes much further in terms of protection of water than what we have. I think we have a problem with the Sporhase decision. I do not think the amendment offered by the gentleman from Wyoming in the committee solves it, and I tried in a modest way to provide for some cooperation.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, before we begin more serious discussion of this water issue, I have two minor points that I think are important to raise. One is that I did a little homework just a few minutes ago and discovered how many Members from Texas happen to like this particular bill. I am strongly opposed to it.

So I did some homework and found section 111.0192 of the State of Texas Code under "Limitations of Power of Eminent Domain," and I discovered the following sentence which I find to be kind of humorous. It says,

No Texas water from any source shall be used in connection with the transportation, maintenance or operation of coal slurry pipelines (except water used for drinking, toilet, bath, or other personal uses at pumping stations—

Note that at the pumping stations pumping other people's water into the State of Texas—

Within the State of Texas • • •

And then there is a little paragraph that says:

Unless the Texas Water Commissioner shall determine after public hearings that the use will not be detrimental to the water supply of the area from which the water is sought to be extracted.

That is the very thing that we are trying to ask for in this water amendment.

Second, I point out that in careful search and in asking questions of both sides, I have asked the question, Who monitors how much coal and how much water goes into the slurry process? We are told that it is a ton of water for a ton of coal to make the slurry process work efficiently.

Suppose they do not put any coal in. Are we not really here today giving national eminent domain to a process of redistribution of not just coal but the possibility of redistribution of water without real regard from the Federal point of view as to where the water is going?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Let me get a little more serious here, and I will get to yielding in just a few seconds.

It seems to me that the State of Texas that is going to receive some benefit ought to change the State law in order that they might have a more equitable process of sharing their water as well. The States that are concerned about this water amendment simply want the right or protection.

We give national eminent domain, and we give that process to those States that are the State of origin, those that have the water, and then we say to any affected States in the downstream or upstream area, "If you can voluntarily get the attention of those States upstream who are using your resources, then maybe something can be worked out."

Mr. Chairman, I think the Vento amendment is a critical amendment and one that ought to be passed by this House.

Mr. Chairman, I rise in strong support of the amendment offered by Mr. HAMMERSCHMIDT and Mr. VENTO to protect the rights of all States affected by diversion of water for use in a coal pipeline. The amendment deals with what I believe to be the most serious omission in a seriously flawed piece of legislation.

As we have examined coal pipeline legislation over the years that I have served on the Public Works and Transportation Committee, the water issue has emerged as probably the single most important and controversial concern related to this legislation. For those of my colleagues who are unfamiliar with the largely untested technology of coal slurry, the process involves the use of a ton of water for every ton of coal shipped in this massive operation. Moreover, many of the pipelines currently planned would originate in the dry Western States and deposit wastewater in Southern and Eastern States already plagued with water pollution problems. In a region where competition for water supply is already fierce, the major western rivers and aquifers would be tapped for another new use, while disposal of water laden with coal dust and chemical solvents would present another burden for communities at a pipeline's receiving end.

The water rights language contained in the bill before us represents the first attempt by supporters of the coal pipeline bill to deal with the serious water issues raised by this legislation. However, the new water language contained in the bill is inadequate and misguided. Specifically, the language of the bill attempts to waive the interstate commerce clause of the U.S. Constitution and grant sweeping powers to individual States which might choose to sell or divert water to pipeline developers. Lacking from the bill is any form of protection for those affected downstream States which have been pleading with the courts and Congress for adequate safeguards should the coal slurry bill become law.

This is not a hypothetical problem but rather the most serious issue confronting development of the largest coal pipeline currently being pursued—the ETSI line from Wyoming to Arkansas and Louisiana. The State of South Dakota has already agreed to sell 50,000 acre-feet of water annually for use in the ETSI pipeline at a total price of $1.4 billion. The water would come from the U.S. Army Corps of Engineers' Oahe project on the Missouri River. Members of Congress from the downstream States in the Missouri River Basin—Iowa, Nebraska, and Missouri—appeared before the Public Works Committee during hearings on this bill arguing that the upstream States like South Dakota will sell this water in total disregard to the anxieties and needs of worried farmers and consumers in other States.

The problem goes beyond the Missouri River situation, however. The Chairman of the Great Lakes Commission wrote to the members of the Public Works Committee in June stating that the "provisions of the coal slurry pipeline bill are inadequate to protect Great Lakes States riparian rights to Great Lakes water." In fact, the bill would threaten the water rights and water supply of any State affected by diversion of water for a coal pipeline where an agreement governing water allocation is not in effect. The way to deal with the water supply problem is clear. Interstate compacts are the traditional means of governing allocation of water resources shared by several States. The bill before us recognizes the value of such compacts by explicitly protecting those compacts currently in effect. What the Hammerschmidt amendment would do is to simply insure that all States affected by a diversion of water for pipeline use would be members of a compact and would agree to the terms of allocation of water.

Opponents of this amendment have argued that interstate compacts have traditionally come about through voluntary arrangements made by the States involved rather than through requirements of the Federal Government. Indeed, there would be no need to require such compacts now if we were not requiring in this very legislation that States accept Federal eminent domain for coal pipelines. If Federal eminent domain is to be acceptable and fair, then certain minimum protections of the rights of affected States must also be present in this bill. Advocates of coal slurry should not be allowed to trample States' rights on the one hand, then turn around and argue that a States' rights doctrine precludes a Federal requirement for interstate compacts.

In conclusion, I would ask that supporters of this bill face squarely their responsibility to insure that States do not enter into destructive competition over our most vital resource as a result of development of coal pipelines. If this amendment fails, we will not only see a temptation to waste vital water resources, we will also see open conflicts between our States for the potentially enormous prices coal slurry developers must pay for water. Under the Hammerschmidt amendment all States affected by a diversion of water for pipeline use would be members of a compact and would have to agree to fair allocations of water. The States themselves—not Congress or the pipeline developer—would decide how to share their common resources.

I urge adoption of the Hammerschmidt amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding.

I would make the point that there is a map out in the Speaker's lobby which shows what the flows of water would be should these pipelines be built, and it shows how the waters will be diverted from many portions of our country into other portions of the country. I would commend it to my colleagues if they want to see what the water impact would be.

□ 1440

Mr. EDGAR. I thank the gentleman for his comment. I also thank the gentleman for the map, because in this past year with the great droughts we have had there may be some interest on the part of some States for picking up this slurry process, to slurry water for the direct purpose.

Suppose a contract is ended and they have no more coal to slurry? They may begin to think of other uses for that water.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Minnesota (Mr. VENTO). I think it is clearly an important amendment. As we have examined coal pipeline legislation over the years, as long as I have served on the Public Works and Transportation Committee, the water issue has emerged as probably the single most important and most controversial concern related to this legislation. For those of my colleagues who are unfamiliar with the largely untested technology of coal slurry, I have to admit that it takes an awful lot of water to pass a large quantity of coal. In a region where competition for water supply is already fierce, the major western rivers and aquifers would be tapped for another new use, while disposal of water laden with coal dust and chemical solvents would present another burden for communities at the pipeline's receiving end.

The water rights language contained in the bill before us represents, I believe, the first attempt by supporters of the coal pipeline bill to deal with the serious water issues raised by this legislation; however, the new water language contained in the bill is inadequate and misguided. Specifically, the language of the bill attempts to waive the interstate commerce clause of the U.S. Constitution and grants sweeping powers to individual States which might choose to sell or divert water to pipeline developers.

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, I urge my colleagues to listen carefully to this debate. It is an important debate. We have heard about the problems that the railroads believe they will be facing. We have heard the proponents of the legislation talk about competition. Both sides have argued for the consumer.

I want to take a very strong stand on behalf of the Nation's water rights. I think it is an important question that people are not focusing on. I think it is a question of equity. It is a question of a natural resource that is being diverted for a new purpose and I urge my colleagues to strongly support the Vento amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I thank the gentleman. I want to thank him for his leadership in terms of this area. He has been invaluable in terms of the help that he has provided, as well as the gentleman from Arkansas (Mr. HAMMERSCHMIDT) with respect to the shared-water amendment.

I think it is very important that we recognize that under the shared-water amendment that whether or not we are going to give legal legislative rights to certain groups, the State of Oregon where the water comes from, and knock out the pins, knock the legs from under them, pull the rug out from other States that might be affected.

I think we are delivering this problem up here today in terms of this bill because it does the transport on an interstate basis of water, as the gentleman has pointed out. Obviously, each State, such as Texas and other States, try to jealously—I think perhaps appropriately—guard their water rights—for what? For human consumption, for agricultural uses, for industrial uses and for various processes; but this is a new use and we are talking about taking that water out of areas that are very arid in the midst really of the worst drought that we have had in many years. Passing legislation that will set a precedent will indeed override and underpin perhaps a bad decision by the Supreme Court; so it is this issue that we are trying to deal with and I thank the gentleman for his statement of support for the Vento amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

I would like to clear up a point. I have had a private conversation with our distinguished colleagues here. My opposition to this amendment at this point in no way indicates——

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has again expired.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MARRIOTT. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

I simply want to clear up the point that this in no way precludes offering this amendment to our water bill at a later date. In fact, while I think it would not cure the water problem, if it were offered to the water bill at a later date, by it passing this would not carry with it the onerus problem of having passed coal slurry pipeline legislation; so I would want to assure the gentleman that my opposition at this point on this bill to this legislation in no way suggests that kind of opposition on a water bill.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments. I take back my time.

I just would like to say to the gentleman that I hope the gentleman is the only gentleman in the House who does not support the coal slurry pipeline legislation who will take the position of also not supporting this amendment.

I think it is a critical amendment. If we go to the Senate under any circumstances, I think we need this amendment on. If the Senate rips out this amendment, with the support of the pro-coal-slurry-pipeline people, I think when it comes back to the House in a conference report that it will be a significant limitation if this water amendment is not part of that final conference report.

I believe that the votes are here in the House to defeat the coal slurry pipeline if in fact the real serious flaw of this water issue is not corrected.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. BREAUX. Mr. Chairman, would the gentleman show the Congress or this House any section, any paragraph, or any sentence in this bill that we are now debating that in any way subtracts from a right that a State has to regulate its water today, either an original State or a State that the water happens to pass through.

Where in this bill does it contain any provision that takes away the right that a State has today?

Mr. EDGAR. It is the absence of language in this bill that takes away the rights from downstate users of that water to control the capricious or extra use of water for a new purpose to the extreme.

There is nothing in the language of this bill that protects the State of Iowa or Nebraska or Missouri from the uses of the water upstream.

Mr. BREAUX. Mr. Chairman, if the gentleman will yield further, does not the gentleman agree that those States downstream today would have the same rights that they had yesterday and before this bill was passed? Does this bill in any way change a right that they have today?

Mr. EDGAR. It absolutely does change the rights, because it uses water for a new purpose, and while the amount of water that may be used in the ETSI pipeline decision may be small, it does not preclude the additional use of water at larger quantities at some future time by additional pipelines that may, in fact, take water out of one watershed, move it to another, and the downstream States would have to go to the courts to get a remedy.

Mr. BREAUX. Is that not the situation that a downstream State has today?

Mr. EDGAR. Well, I am suggesting that if you are going to use water for a new purpose, that in the very language of the legislation you ought to protect those downstream States.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has again expired.

(At the request of Mr. VENTO, and by unanimous consent, Mr. EDGAR was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I think the bottom line on this bill is the clincher in the back, that in the event of any conflict between the provisions of this section and any other provisions of this act or any amendment made by this act or any other Federal law, the provisions of this section in this bill govern.

Now, if the gentleman does not think that affects any other rights or any other law, I think he is mistaken, to say nothing about what the impact might be on case law and other things that we associate with such rights, as a common shared surface body of water aquifer. Certainly insofar as they are not apportioned even on the basis of case law or judicial determination, they are dramatically impacted by the use of this water for this particular purpose.

I thank the gentleman.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, the gentleman, I think, would have to agree that the language that nothing in this act shall alter the rights of any State to its apportioned share is very powerful language.

It is simply not correct to say that the downstream States are worse off after the passage of this act than they were before. Their rights will be protected.

Mr. EDGAR. Mr. Chairman, let me just take back my time and say that I think the gentleman and I have a major disagreement over the amendment. I urge support of the Vento amendment.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am opposed to this amendment for the many valid reasons that have already been stated. I note the gentleman from Montana has a very strong interest in this and, although I feel certain that I am not going to agree with either his statement or his conclusion, I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. Mr. Chairman, I thank the gentleman for his courtesy and generosity.

I join the chairman in his opposition to this amendment.

I say to my friend, the gentleman from Minnesota, that I hesitate to oppose the gentleman's amendment, just as I say to the two committee chairmen, I really hesitate to oppose the coal slurry bill. Frankly, I am neither here nor there on coal slurry.

□ 1450

They can build coal slurry lines in this country now and they do so. The question is why do they come to this Congress and ask for a coal slurry bill. The reason is simple. The State legislatures will not grant coal slurry the rights over State water, No. 1. No. 2, the State legislatures will not grant the companies the power of eminent domain. So these companies ask me and you to do that for them.

There are few issues more important to westerners, my State of Montana, or to Americans, than water and its use. This Nation has a long history of water dependence and that history has formed an intricate legal network of water law. This framework of water apportionment in interstate compacts has now, in my judgment, been jeopardized by the Sporhase against Nebraska decision. That decision had several troubling elements. The most notable were the jeopardizing of State water export bans, the recognition of water as a commodity, and therefore under the jurisdiction of the interstate commerce clause, and the vesting in Congress the sole right for water adjudication.

Now, my friends, let us say that we can plug this leaky coal slurry line. We all know that water is leaking from this line, and there are various amendments to try to patch the line here and there, to stop America's water from leaking out of coal slurry, to protect historic States rights over water. Let us say that we can do that. Let us say we can add band-aids on this coal slurry line to stop the water from leaking out. My question is why do it on this bill?

Why would the Congress want to do that on this bill? Why would the Congress for the first time step in and say for this one purpose, not hydroelectricity, not nuclear power, for this one system, coal slurry lines, the Congress will decide the beneficial use for water and we will solve the States rights over water for this one use, coal slurry.

That adds to the curious legislative history of this act.

Now, let me make one more point. It is very important in my judgment for the Members of this House to recognize that the primary purpose of this legislation is the facilitation of the development and construction and the operation of coal slurry pipelines. And therefore, that sole purpose is not reconcilable with any secondary purpose such as the protection of a State's water rights.

In order to facilitate coal slurry, all State laws of eminent domain, beneficial use of water and land, to name but a few, will be preempted so far as they relate to this legislation.

This Congress has experience with that. In the case back in 1946, a case called First Iowa Hydroelectric Cooperative against the Federal Power Commission, the Supreme Court held that, despite the specific provisions in the Federal Water Power Act protecting State laws from being superseded and requiring compliance with State procedures, Iowa's licensing requirements for dam construction and operation were preempted.

The purpose of this bill is to build coal slurry lines. If State water rights get in the way of that, Supreme Court history shows that the Supreme Court will come down on the side of building

the coal slurry lines, not following the language that we have used to try to protect State water rights.

The history of the Supreme Court is clear on that my friends.

So, I say this to my friend from Minnesota, who joins with the other gentleman, including the gentleman from Wyoming, in trying to plug the leaks.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. WILLIAMS of Montana and by unanimous consent, Mr. HOWARD was allowed to proceed for 1 additional minute.)

Mr. WILLIAMS of Montana. Despite the attempts of these gentlemen, and there are many others, and when I was on the Interior Committee for 4 years I was one of them, trying to find a way to plug the leaks on this pipeline so that States' water would not leak out, despite our attempts, my friends, it cannot be done on this bill. This Congress should not be attempting to resolve the myriad of complex and extremely important water issues in this Nation on a bill to facilitate the operation and construction of coal slurry pipelines.

Mr. HOWARD. The gentleman is in opposition to this specific amendment?

Mr. WILLIAMS of Montana. The chairman is correct.

Mr. HOWARD. Then I wish to change my statement before and say I do agree with him.

I yield back the balance of my time.

Mr. WILLIAMS of Montana. But I tell the chairman I am in opposition to the entire bill.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 3:15.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. BEREUTER. Mr. Chairman, reserving the right to object.

Mr. Chairman, for some States the most important natural resource is coal. For others it is petroleum. For some States like Florida it may be weather or sunshine. For my State it is water, it is of incredible value to my State. I find it incredible, therefore, that I may not have an opportunity to speak at reasonable length on this bill.

At this point I would point out to the chairman, the gentleman from Arizona (Mr. UDALL) who I greatly respect, that only the members of the two authorizing committees have thus far had an opportunity to speak on their own time on this crucial amendment. And, therefore, I reserve the right to object.

The CHAIRMAN pro tempore. Does the gentleman object?

Mr. BEREUTER. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 3:40.

Mr. BEREUTER. Mr. Chairman, reserving the right to object, I would like to ask the chairmen of the two relevant authorizing committees how many other members of their committees intend to request time on their own so that I might have some opportunity to estimate whether or not I will receive at least 5 to 6 minutes.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Arizona.

Mr. UDALL. I had consulted briefly with the leadership on the other side and I thought it was generally agreed. Looking around I suspect there will be 2 or 3 minutes available for each of the members, some of whom have been here for a long time trying to get heard.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. As far as my committee is concerned I see only two members of our committee standing.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. Mr. Chairman, reserving the right to object, I yield to the gentleman from New Mexico (Mr. LUJAN) under that reservation.

Mr. LUJAN. Mr. Chairman, if the gentleman from Nebraska would not object, I will ask for some time for myself and I will yield the time to him, so he will have sufficient time.

Mr. BEREUTER. Mr. Chairman, reserving the right to object, I would remind the Members of this body that there are a variety of legitimate ways that a Member whose interests are being tramped upon can cause great trouble in this body on this legislation. And I am not about to place in jeopardy my time here for a token 2 or 3 minutes of time to speak on a matter that is of crucial importance to my district and State.

Therefore, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. MARRIOTT. Mr. Chairman, it seems to me we are getting away from the purpose of this amendment.

I would like to get back to the Vento amendment and just simply say after having spent 6 years looking at various water laws and State laws pertaining to water that all of us know in this body whether we want to admit it or not that this Vento amendment is a wart on national water law and State water rights and I believe everybody in this body knows it.

We will always be disputing who owns water, how much they own. And that is an issue for the Supreme Court. That is not an issue for us to take up at this point.

Now, I want to make the statement that if the downstream States were really concerned about their water, they would change the language in the Vento amendment. This amendment reads:

> No state shall sell or otherwise transfer or permit the sale or transfer of water for coal pipelines.

Then it is silent—unless we have an interstate compact. Why does it not then include for coal slurry pipelines, for agricultural purposes, for cooling powerplants, et cetera, et cetera.

The point has already been made today by Mr. CHENEY that it takes five times more water to cool a powerplant than it does to slurry coal down a pipeline. Now, it seems to me we are trying to convince this body that somehow this bill is hurting downstream States. I make the point if you really want to be consistent, you ought to make your amendment fair and you ought not to be singling out only coal slurry pipelines. Because what that smells of is simply this: This bill that Mr. UDALL is putting forth is an antidiscrimination bill. It treats coal slurry pipelines just the same way as we treat everybody else.

□ 1500

And to be against the bill, to me, simply says that you are trying to discriminate in favor of your own special interests.

Mr. VENTO. Will the gentleman yield?

Mr. MARRIOTT. I will be happy to yield.

Mr. VENTO. I appreciate the gentleman's concern that we ought to take the same considerations in all other uses of water. Of course, the problem is this bill extends these special benefits in the State water law, the extension of the commerce clause, only to coal slurry and that is what this bill deals with. That is the germaneness issue I guess you are arguing and obviously we are trying to work within the narrow scope of what this bill is doing with regard to State water rights.

We are not trying to go outside of it with regard to the comprehensive issue.

Mr. MARRIOTT. If I can get back my time, you are limiting the rights of the State to deal with their own water and you are only limiting that to the extent it applies to coal slurry pipelines.

I think it is unfair. I think it is discriminatory, and I think we ought to

get back down to the bottom line. Do you want coal slurry pipelines to compete or do you not? That is the issue.

You want eminent domain for railroads, for barges, for everything else, for power lines, but not coal slurry pipelines.

That argument does not pass the smell test.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to my friend from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding and I would like, if I might take advantage of this opportunity, to remind my colleagues of something the gentleman from Wisconsin (Mr. MOODY), said earlier, which is when in doubt read the act.

It was suggested by the gentleman from Pennsylvania that the purpose of this bill is to grant eminent domain to coal pipelines. That is true. But he will also find on page 4 that it states, after having made that clear:

> Except that Congress declares that the development of coal pipelines may occur only if now or hereafter permitted by State water law and interstate allocations, and hereby delegates to and ratifies the exercise of such authority by the States as further set forth herein.

It has been said here today by the gentleman from Pennsylvania (Mr. SHUSTER), and others that the bill does not grant sufficient authority to the States to safeguard their water rights. That is not accurate, based on the best testimony we have been able to obtain.

I hope to have the opportunity later on this afternoon during the course of the debate to clarify one more time, because it apparently needs clarification for many of my colleagues, that the bill does in fact do exactly that.

I yield back to the gentleman from Utah.

Mr. MARRIOTT. I just want to simply say I have in Utah a humble piece of land. Going across my land is a railroad line: very ugly. Up above the railroad is an electrical power system: very ugly.

Now, you tell me what a 6-foot underground pipeline is going to cause as a problem and what danger it will be.

I think we are putting up smoke screens.

The CHAIRMAN pro tempore. The time of the gentleman from Utah (Mr. MARRIOTT) has expired.

(On request of Mr. BEREUTER and by unanimous consent Mr. MARRIOTT was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. Will the gentleman yield?

Mr. MARRIOTT. I am happy to yield.

Mr. BEREUTER. I thank the gentleman for yielding. As I understand his comment, and perhaps I misheard, is the gentleman suggesting the amendment met the test of germaneness? Would it be your view that if the gentleman from Minnesota's amendment was constructed in the fashion you are suggesting that it would be germane, because I have doubts about the germaneness of an amendment constructed in that fashion.

Mr. MARRIOTT. No. I am simply saying that it is inconsistent. Because of its inconsistency it brings to the foreground its real intent.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I would be happy to yield.

Mr. BEDELL. I would just like to point out the gentleman said that all of the Members of the Congress agree with him as to his, if I understand it, interpretation of this amendment. I want the gentleman to understand quite clearly that this gentleman does not agree with his interpretation and I assume there are quite a number of others that do not agree.

Mr. MARRIOTT. I yield back the balance of my time.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

The ancient debating theorum that passion and reason are inversely proportionate is holding true here this afternoon. To understand that comment better, you should know that the State of Nebraska, in relatively recent years, passed a law that prohibited flatly the exportation of any water from that State, without the borders of that State for any reason whatsoever.

That statute was taken to the U.S. Supreme Court which held in these words: "It was an impermissible burden on interstate commerce."

That decision of the U.S. Supreme Court was correct in every respect. And it is ironic here today that having brought about a piece of legislation which seeks to deal with the problems inherent in that decision that the wrath of people, particularly I might say from Nebraska, is directed against the provision which goes precisely to the issue of correcting Nebraska's capriciousness in passing that statute in the first place.

Mr. BEREUTER. Will the gentleman yield?

Mr. McNULTY. With pleasure.

Mr. BEREUTER. I would ask the gentleman if he has read the Supreme Court case, the Sporhase case?

Mr. McNULTY. I have indeed.

Mr. BEREUTER. Would the gentleman yield further?

Mr. McNULTY. I would be happy to.

Mr. BEREUTER. I would like to say to the gentleman that I have read it as well. I happen to know the Sporhase family and their effort to move water across Dundy County line to their own property in Colorado.

The Supreme Court says rather directly to Nebraska:

> Here are the legislative remedies available to you. Here are all the type of statutory changes that may meet the test for you to forbid exportation of your water. But your state legislative body has not yet provided those provisions.

Mr. McNULTY. Right.

Mr. BEREUTER. But it does not suggest, I hope the gentleman would agree, that that is an insoluble situation. It does not suggest, as earlier suggested by a Member of this body, that in Sporhase what the Supreme Court has said is the last word on a State's ability to control the exportation of its water resources. In fact, it gives very specific directions to the State legislative body.

I would ask the gentleman if he would agree with that interpretation.

Mr. McNULTY. No, I do not agree with that interpretation. In fact, what the Supreme Court did say was that in the absence of some delegation of power or authority to do that, and absent some valid reason to do it rather than a capricious total restraint against the exportation of water, the Nebraska statute was invalid and rightly so.

Now, having been given by the language of the Supreme Court language that tells us or tells you, perhaps, in Nebraska how you may more accurately deal with that situation, and now having before you a bill which incorporates the suggestion gratuitously made by the Supreme Court, it does not make sense to me that Nebraska is arguing against having put in place precisely the authority it should have had in the first place before it adopted that statute.

Mr. BEREUTER. Will the gentleman yield further?

Mr. McNULTY. I do.

Mr. BEREUTER. I thank the gentleman for yielding. The Supreme Court of the United States did not suggest anything having to do with the commerce clause because that is, of course, outside the capacity of the unicameral legislature of the State of Nebraska to address. That is a decision that can only be made here.

Mr. McNULTY. Is it not true the Supreme Court said it was "an impermissible burden on interstate commerce," almost in those words? Does that not tell you something?

Mr. BEREUTER. That is not the full extent, if the gentleman would yield, of what it says. In fact, it said you have not prescribed in statutory language the sufficient language to indicate why water should not be exported, so go back and do it.

Mr. McNULTY. Right.

Mr. BEREUTER. But that really has nothing to do with the situation here today with respect to the commerce clause. It is not relevant to whether or not the Congress is going to delegate responsibilities to the

States in order to protect the water for States of origin.

Mr. McNULTY. But reclaiming my time, this bill makes it clear that a State may make the decision, has the power under interstate commerce authority to allow water under some circumstances to leave the State, and in presenting a valid reason, therefore, while it does that, it simultaneously gives every State from which this water might be exported the authority to refuse to export so much as a gallon of it.

So this amendment is, and has rightly been described as a killer amendment in the spirit of those who want to stop the world and get off. And we ought not to yield to these Luddite sympathies. You remember the folks 170 years ago who on seeing a new weaving machine come into being which would allow people to weave better cloth, and faster, decided the reaction to that should be to destroy the machine. And it is in that spirit that unintentionally perhaps most of these amendments have been offered.

□ 1510

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment has to be viewed as the 100 some amendments that Congress is going to look at with regard to this, and that is the question of whether or not we are going to put into place the technology that can deliver energy at a very efficient cost to the American people.

The cost of energy has absolutely devastated the American public. In my own State of Florida we have to bring the coal a long way down the peninsula, particularly when you get into south Florida.

Electric costs are extremely high. This is really a consumer bill. I think the question is whether or not we are going to allow the technology to advance to the degree that it can.

If we are serious about it, and I think the gentleman from Utah properly pointed it out, if we are serious about protecting the rights of the consumer, and this is a railroad versus consumer bill, there is no question about it, we are going to vote down this amendment and we are going to vote down further amendments because the question is simply this: Are we going to put in place this type of technology for the American consumer?

I yield back the balance of my time.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise reluctantly because I think the intent of this amendment is a good one. I do not think there is any question that there has to be some kind of understanding of how we are going to resolve this issue each and every time that the utilization of water within any State is debated.

There are going to be more debates in the future just as there have been in the past. I think each and every time one of these issues arises we are going to have to rely upon the States to work them out.

The problem I have with the amendment is that it goes to the very heart of how we are going to resolve the issues. The Vento amendment would put a State like South Dakota at the mercy of any State at any time before making a determination on how to use its water.

On page 5 of the bill I think there is a very important feature without which I would have to vote against the entire bill. It says:

> Nothing in this Act or any amendment made by this Act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water.

This amendment deletes the impact of that provision. I do not think there is any question but that we jeopardize the apportioned share of each State, were it not for this particular provision in the bill. To delete it, as the Vento amendment would do, would detrimentally affect not only South Dakota, but every State with immense interest in its water allocation.

It is also too narrowly defined. There ought to be a broader scope if we are going to take into account all of the matters confronting the States in the way we contend with water. That scope cannot be limited to pipelines alone in seeking a broad consensus among States affected.

If it is veto powers, we support, then we are 30 years too late. South Dakota would have loved veto power when the whole issue of flood control was taken into account back then.

As a matter of fact, as a result of those flood control provisions of the Pick-Sloan plan South Dakota has had to accept six main stem dams. And that, according to the Corps of Engineers, has resulted in a $1.65 billion savings in avoided flood damage for all of the downstream States since the dams were built.

We also should have had veto when this country developed hydroelectric power. Hydroelectric power generated from these dams just in this fiscal year 1980 provided Nebraska with 23.5 percent of all of its power, Minnesota with 29.4 percent of its power, Montana and North Dakota with 15.3 percent of its power.

The point here is that in each and every one of these cases there has been a regional interest. South Dakota should have attempted to veto the favorable impact that each and every one of these benefits have had. But we did not. We could not. And all of our neighbors has benefited as a result.

Now, that South Dakota is to be compensated, a veto ought not be given any State in the allocation of our water.

We have to consult, we have to negotiate. There is little that we gain through interstate contamination.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's concerns and I sincerely understand what he is saying.

Of course, his State has a unique problem insofar as the administration in that State which has sought the right to sell vast quantities of water in a commitment for that purpose. And it really I think has brought on a great deal of concern that all of us have.

I point out to the gentleman in terms of the apportioned share issue, there is not a judicial determination of that. In many cases we know that some of the informal agreements such as the Colorado River has appropriated over 100 percent of the water.

In those cases you are going to run into conflict.

I would just tell the gentleman to look also not at page 5 but clause 3 and 4 of that same section and finally look at the top of page 6 stating that this overrides any and all other concerns.

I think the gentleman will find that the substance of this is to provide the State of origin with a very unique right for coal slurry only.

Mr. DASCHLE. Mr. Chairman, can the gentleman give me one example of a situation in any selected body whereby we require unanimity before a decision can be made?

I do not care whether it is the city council, a county commission, or the U.S. Congress, there is no body where we require unanimity.

Yet that is really the thrust of this amendment. It requires unanimity before any State can allocate any of its water, as we appropriated under the apportioned share provision of page 5 of the bill.

Mr. VENTO. If the gentleman will yield further, I would anticipate in many cases there may be compacts that could agree, that the amendment would in fact not require a reinvention of the wheel in this particular instance.

That is an amendment that we placed in the bill.

In addition to that, I do not know of any other commodity that has the importance or uniqueness in terms of water.

Mr. DASCHLE. If I may reclaim my time, that really does not answer the question.

The CHAIRMAN pro tempore. The time of the gentleman (Mr. DASCHLE) has expired.

(By unanimous consent, Mr. DASCHLE was allowed to proceed for 1 additional minute.)

Mr. DASCHLE. The fact of the matter is, as I said at the beginning, as well intentioned as this amendment is it goes beyond what we expect of any other governing body in that it requires unanimity, unanimous consent on the part of all States affected before any State can use its apportioned share. That may not be the intent of this amendment, but that is what it does. I think it is a poorly constructed amendment and goes way beyond the thrust of what we ought to be doing in this bill.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. BEREUTER. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent that following the 5 minutes already allocated to the gentleman from Nebraska (Mr. BEREUTER), all debate on the pending amendment and all amendments thereto close at 3:40 p.m.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

Hearing none, all debate on this amendment and all amendments thereto will end at 3:40 p.m.

Mr. BEDELL. Mr. Chairman, reserving the right to object, I could not get to the microphone.

The CHAIRMAN pro tempore. Was the gentleman on his feet at the time?

Mr. BEDELL. Yes, I was, Mr. Chairman. I was trying to get to the microphone.

The CHAIRMAN pro tempore. The gentleman reserves the right to object?

Mr. BEDELL. Yes, I do.

Mr. Chairman, I have been standing here ever since this debate began, just as the gentleman from Nebraska has. There has only been one speaker who is not a member of either one of the two committees. I would appreciate it if we can be given some assurance of a time that we would be permitted to have. This was originally my bill, which I introduced, and I would have great difficulty if they are going to shut it off so that we do not have an opportunity to speak.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the chairman of the committee.

Mr. UDALL. I recognize the dilemma the gentleman has, Mr. Chairman. I want to have a fair debate. But the House rules are conducted with precedents so that we can work these things out.

The gentleman sees the number of Members standing. It is quite likely the gentleman from Iowa (Mr. BEDELL) will have in a very short time 3, 4, or 5 minutes.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. Continuing with my reservation, Mr. Chairman I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, by way of a parliamentary inquiry, would it be possible for the gentleman from Arizona to amend that request to include 5 minutes for the gentleman from Iowa (Mr. BEDELL) who is raising the issue?

The CHAIRMAN pro tempore. It would be in order for the gentleman from Arizona (Mr. UDALL) to do so if he wishes.

Mr. UDALL. Mr. Chairman, will the gentleman yield for a question?

Mr. BEDELL. I yield to the chairman of the committee.

Mr. UDALL. Will the gentleman restate his inquiry?

Mr. SNYDER. Mr. Chairman, I would request that the gentleman from Arizona amend his request so as to reserve 5 minutes of the additional time for Mr. BEDELL.

Mr. UDALL. The gentleman from Minnesota or the gentleman from Iowa?

Mr. SNYDER. The gentleman from Iowa (Mr. BEDELL).

Mr. UDALL. Mr. Chairman, I make that request.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona? Hearing none, all debate on this bill will be ended and all amendments thereto will be over at 3:40 with the understanding that the gentleman from Iowa (Mr. BEDELL) will have 5 minutes of that time.

Mr. BEDELL. Mr. Chairman, I withdraw my reservation of objection.

Mr. EDGAR. Reserving the right to object, Mr. Chairman, would the Chairman clarify what he means? Does he mean the amendment?

The CHAIRMAN pro tempore. The amendment.

Mr. EDGAR. Not the whole bill?

The CHAIRMAN pro tempore. All time will expire at 3:40 on this amendment and all amendments thereto.

Mr. UDALL. The pending amendment and all amendments thereto.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

Mr. OBERSTAR. Mr. Chairman, reserving the right to object, could we make it 3:45?

We have spent 5 minutes debating the unanimous consent request.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the committee chairman.

Mr. UDALL. Mr. Chairman, I ask unanimous consent to revise the request to make it 3:45.

Mr. OBERSTAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)? The request is that all debate on this amendment and all amendments thereto end at 3:45 with the understanding that the gentleman from Iowa (Mr. BEDELL) has 5 minutes of that time.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Nebraska (Mr. BEREUTER) has 5 minutes, and the Chair recognizes the gentleman.

□ 1520

Mr. BEREUTER. Mr. Chairman, I would first like to associate myself with the remarks of the gentleman from Arkansas (Mr. HAMMERSCHMIDT). And I would say that I have no apology to the body, but I would hope they would understand that on an issue as important as this, the most important issue to my constituents in the 5 years that I have served here, certainly caused some irritation to occur in this Member's voice a few minutes ago when it appeared I might be denied adequate time by the imposition of a time limit on debate for the Vento amendment.

It is not always illuminating to hear the debate in this body, but it is interesting and it is imaginative to hear it.

One of the most imaginative arguments that I have heard occurred a few minutes ago, is that we ought not have the Federal Government tell us what to do with water. We ought to keep the Federal Government out of these State water matters.

And, of course, it is more likely that this Federal legislation will cause States, for their individual advantages, to sell interstate water for use outside the State, even outside an interstate river basin.

So I say let the States decide on how to use shared water through compacts, if such shared water is to be used outside these States. And therefore to make such a decision without dominance by the Federal Government.

Now the gentleman from Pennsylvania (Mr. SHUSTER), whose excellent arguments were then further refined further by the gentleman from Idaho (Mr. CRAIG), made some interesting points. This Vento amendment is a valid attempt to solve a problem and, I conclude that this bill is better with the Vento amendment than without.

But, indeed, I think it is impossible as the gentleman from Pennsylvania counsels, to "turn off that spigot" once it is turned on. I am undergoing a conversion here on the floor because

that is the argument that I maintained the first 4 years when I was a member of the Interior Committee and later abandoned.

I know that we have an imaginative effort by the Wyoming delegation in both bodies and by others to find a way to protect the rights of States of origin. But, in fact, I would remind the gentleman representing the Mountain States and the Northern Great Plains that by apportionment of this House there is only one Member from South Dakota, one Member from North Dakota, one Member from Wyoming, and two from Montana, the likely sources of water for coal slurry pipelines in the immediate future. And while you may well have protected States of origin, not protecting those who are not States of origin, it is a simple matter, I am afraid, for the protections under the delegation of the Commerce clause authority given these States of origin to be denied in the future protections. This Vento amendment and others proposed by this Member are not killer amendments because the bill itself is fatally flawed.

Mention has already been made about the Sporhaus case from my home State.

And I would like to read from a July 27, 1982, CRS memo, entitled *"Sporhaus* v. *Nebraska,"* as follows:

> However, the court found that the reciprocity provision operates as an explicit barrier to interstate commerce and that the States, therefore, bear the initial burden of demonstrating a close fit between the reciprocity requirement and the asserted local purpose.

This, the court held, Nebraska has failed to do in this instance. However, the court also indicated that "Reciprocity provisions, depending on their wording and the justifications offered in their defense, might survive constitutional scrutiny."

The gentleman from Arizona a few minutes ago tried to suggest that the Sporhaus case is really crucial and that there is some failure in Nebraska's Legislature to solve the problem and it, therefore, is ironic that this Member would be up speaking against this coal slurry pipeline legislation.

But in this general look at the Sporhaus case, you really have to recognize, in all fairness, I think, that this case is not relevant to protecting the interstate water resources of States that are not States of origin.

Now, much has been made of subsection 3 and subsection 4 under section 3 of this legislation. And the argument has been advanced that the States whose water might be affected by the sale of interstate water, be it surface or ground waters, have their recourse in the courts.

Now, I would ask, first of all, is it reasonable in every instance of a proposed interstate sale to make the affected States pursue their interests in the courts?

And second, what would the courts say if in fact they squarely addressed the issue? They would say in all probability, "Your interstate water resources either are or are not being damaged by this proposed interstate sale."

But I think it is unreasonable to expect that the courts would ever go so far as to actually apportion such interstate waters.

The CHAIRMAN pro tempore. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

The Chair would like to advise the Members of the allocation of the balance of the time.

The gentleman from Iowa (Mr. BEDELL) will be recognized for 5 minutes. The gentleman from Arizona (Mr. UDALL) will be recognized for 1 minute as will the following Members: Messrs. SHUSTER, HOWARD, OBERSTAR, VENTO, LUJAN, CHENEY, CLINGER, SNYDER, and Mrs. VUCANOVICH.

(By unanimous consent, Mr. SHUSTER yielded his time to Mr. BEREUTER.)

Mr. BEREUTER. I am grateful to the gentleman from Pennsylvania (Mr. SHUSTER) for yielding his time.

Mr. Chairman, the courts are unlikely to make that apportionment but tell the States to address that apportionment question by interstate compact. But that means that States that are willing to sell what is arguably interstate water have an incentive not to enter into an interstate compact. They will block such an effort. So there is not workable recourse for affected States in the courts.

And so we have a catch-22 situation. There really is no recourse to the States under the judicial system.

Finally, I would make this point. I know that some of my colleagues will ask why the major proponents of this bill, be as they are in some parts from the arid States of the West, would support this bill unless all the water issues were resolved. I just point out that many of these States have coal as well as water and that a great deal more revenue can be generated from the sale of coal in the short term than in any use of water into question.

I urge my colleagues to consider the impact of this use of water upon those States which are downstream of the mountain or Upper Great Plains States, upon those States which have no coal and which depend upon adequate flows from rivers which originate in those other States.

I would like to take this opportunity to review this serious issue for my colleagues.

As we began debate 2 weeks ago, the proponents of the bill spoke at great length of the protection which has been provided for the individual States. There may yet be some confusion as to the effects which passage of this measure would have upon those States downstream of the State which chooses to sell the large amounts of water which these coal slurry pipeline systems will require. Proponents will say that the water provisions in the bill do not in any way affect the existing water rights of the States relative to one another. They say that these are hold harmless provisions, that States are in the exact same position relative to one another as they were without the bill. Only in the strictest and most limited sense is that true. What the proponents of the bill do not say, however, is that passage of this bill will result in encouraging States to sell water which they share with other States for use in coal slurry pipelines, without consulting those other States which may be adversely affected. Passage of this bill will, in effect, place a Federal imprimatur upon interstate and interbasin transfers for coal slurry pipeline purposes, regardless of the effect which that usage will have upon other States which share that water source.

It is essential to point out that this bill, supposedly in an effort to protect the water rights of the States, delegates back to the State of origin the Commerce clause powers to govern the export of water. The practical effect of this action, however, will be to give a State which wishes to sell, for use outside that State, water which it shares with other States, the awesome advantage of Commerce clause power over other States which may be adversely affected. Does this Congress really want to bestow upon any one State such an unfair advantage over others with which it shares these resources? That is unfair and bad public policy.

The amendment offered will require the existence of a compact among affected States before interstate water can be transferred outside any State for use in these pipelines. Proponents of the coal slurry pipeline say that this approach does violence to the traditional water laws of this country, that the requirement for agreement among States which share scarce water resources is an unprecedented Federal action and without justification. Do they seriously believe that these issues are best resolved in suits among the States in Federal court, rather than by requiring agreement among the affected States? An impartial observer would surely say that this bill, as it stands, does a great deal more damage, in the long run, to the water rights of the individual States, and to interstate relations in general, than any amendment addressing the shared water question.

Proponents of the bill will also argue that adoption of a shared water amendment will give any State which

shares that resource an absolute veto power over another State's decision to transfer water for that purpose. I would state clearly that it is not the intention of this Member, nor the gentleman from Minnesota, to subject each sale to the approval of the other compact States. Rather, it is intended that the compact process would make allocations of interstate water to each State, and that each State would then be entitled to dispose of all or part of that allocation in any manner which it desired, in accordance with the laws of that State and the wishes of its citizens. I repeat, each and every transaction would not be subjected to the approval of the compact States. Transfers would be made from each individual State's allocation, freely arrived at by agreement among the States which share that resource.

Proponents of the bill will talk in terms of a State's right to dispose of the water which it controls. That statement does not answer the question of the rights of other States to that water. A more basic question must be addressed. Should we give each State an unqualified right to dispose of unlimited quantities of water to which it has access, regardless of the legitimate rights and needs of other States with which it shares that resource? It seems clear to me that sound public policy would require an agreement among all those States.

Finally, proponents of this legislation would have Members believe that adoption of a shared water amendment would give other States a veto power over intrastate water uses for whatever purpose. A recently circulated Dear Colleague questions whether you would help to establish a major precedent which will in time allow States which neighbor your State * * * to exercise a veto over your State's use of water for industrial, municipal, agricultural, or recreational purposes? That is clearly not the issue embodied in the present debate. I would stress that the amendment which is now offered only governs interstate tranfers, for coal pipeline purposes. The decisions of individual States as to the best use of water, for whatever purpose, within that State, will remain unfettered.

Let us preserve the water rights of the States, as they stand, but let us not give any one State the right to exercise the awesome Commerce clause power delegated to it by the Congress in this bill, to the serious long-term disadvantage of other States with which it shares water. Make no mistake about it, that will be the effect of this bill, unless we adopt an amendment like the one offered by the gentleman from Minnesota (Mr. VENTO).

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, this amendment originated as a bill which I introduced some long time ago because of concern I had over the sale of water by South Dakota to an ETSI pipeline.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to give credit to the gentleman. Certainly his help and support and his initial sponsorship, as well as the amendment of the gentleman from Nebraska (Mr. BEREUTER), have been immensely helpful in terms of dealing with this. I think they deserve a great deal of credit for any success it has had.

Mr. BEDELL. Mr. Chairman, let me say that I think this amendment is significantly better than the bill that I introduced thanks to the gentleman from South Dakota (Mr. DASCHLE). He brought up an objection over the fact that the original bill had a clause that said each State must individually agree to each sale of water. This amendment has been changed. This amendment simply requires that there be a compact among the affected States which would authorize such sales of water.

The big difficulty we have is deciding who owns the water. And apparently the argument here would be by some Members that as the water flows through their State it belongs to that State as it flows through the State. At least in this gentleman's opinion that is not the situation.

□ 1530

In this gentleman's opinion, water that starts upstream, flows down through several States, is not the property of a State as calling it its water as it comes through those States. This amendment simply says that that water that flows through those States, there shall be a compact which agrees as to how that water is to be sold if it is sold outside that State for a coal slurry pipeline.

We should make something clear. Somebody mentioned irrigation. This has nothing to do with irrigation. First of all, it has been complained that it did not have to do with irrigation. And, second, I would hope we would understand that this leaves the complete freedom of a State to use that water in that State, within its State, according to its wishes, and it does not adversely affect that in any way.

You see, the problem we get into, if we are not going to do anything as a Congress here to try to bring some regulation and some sense as to how we use the water, is that Montana has already said, "Look, if South Dakota is going to sell the water out of the river to get revenues from South Dakota, then we better sell it first, and we better do the selling," and it will constantly move in that direction.

If we are going to avoid those types of difficulties, I submit that we need a compact between the affected States, and I submit that that can be accomplished.

People have said, "If you turn on the spigot, you cannot turn it off." That is all the more point as to why we at this time should recognize the problem and why we should legislate that Congress says that indeed we should approach this in a sensible, sensible manner.

It seems to me that all the more the fact that it is difficult to do says, "Let us get at it now, let us get at it now and try to legislate something that will say that we are going to treat this water as a shared resource of interstate commerce, as indeed it is, so that indeed there will be a compact that will determine how that should be shared."

It seems to me that it is only proper that the States that share and use that water should make that decision, and I certainly urge support for the amendment.

(By unanimous consent, Mr. LUJAN and Mrs. VUCANOVICH yield their time to Mr. CHENEY.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wyoming (Mr. CHENEY).

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. CLINGER yielded the balance of his time to Mr. CHENEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming (Mr. CHENEY) for 4 minutes.

Mr. CHENEY. I thank my colleagues for yielding.

Mr. Chairman, let me try to conclude this debate with a few minutes of comments on the water law.

A number of charges and comments have been made. I know my colleagues are all deeply concerned about the issue on both sides of the issue, whether for or against coal slurry.

Let me simply restate again the desire of those of us who crafted the language that is in the bill as it relates to water.

I personally am not here today to advocate coal slurry lines or to oppose coal slurry lines for Wyoming. I am here today to advocate the rights of the State of Wyoming, specifically the Governor and the legislature, to make that decision. They may choose to grant, as they have in the past, to export permits for a coal slurry line, they may choose to impose conditions on that, they may choose to prohibit the export of water for a coal slurry

pipeline. Under existing law, before this bill is passed, as a result of the Supreme Court decision in Sporhause, they cannot do that. Wyoming today no longer has the right to prohibit or limit or condition the export of water for coal slurry unless we pass this bill and the language that is in it.

Specifically, the bill does grant under the commerce clause of the Constitution the right to States to regulate water in coal slurry pipelines as an item of interstate commerce. And I would quote from the decision of the Supreme Court in Southern Pacific against Arizona, 1948:

> Congress has undoubted power to redefine the distribution of power over interstate commerce. It may either permit the States to regulate the commerce in a manner which would otherwise not be permissible . . .

This is precisely what we are doing here today. I think it is extremely important for my collegues to understand that if you believe in the States right to decide whether or not there ought to be a slurry line, whether or not to impose conditions on the export of water, conditions under which slurry lines are to operate, then you ought to support the water language in the bill as drafted. If you support States rights, then you should oppose the Vento amendment, the amendment pending before the House, because it does in fact mandate for the first time ever participation in interstate compacts for particular water use.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Louisiana.

Mr. BREAUX. I will ask the gentleman, is there anything in the bill that would restrict or limit or prevent any State from forming an interstate compact in order to regulate how water is handled that passes through their particular State?

Mr. CHENEY. There is absolutely nothing in the bill that would impose such a restriction. The bill grants the right to States significant authority over water that is theirs, in effect, under appropriation. It does not grant authority over water to any State that they do not currently have in terms of the quantity of water that is available to them, in terms of allocation.

When in doubt, read the bill. The bill is very precise. It is very clear. It does support the basic fundamental principle that I think most of us believe in that the States ought to have the right to decide how their water is used, and it is consistent with existing practices in terms of allocating share of a body of water.

(By unanimous consent, Mr. SNYDER yielded his time to Mr. OBERSTAR.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR) for 2 minutes.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the pending water rights amendment, not to make the coal slurry pipeline bill any more platable, because it does not, but because it is marginally better than the language in section 3(1) of the pending bill. But mostly because I think we ought to debate and establish the principle that States rights in water ought to be protected by the Congress of any legislation that is so broadbased and so far reaching as the pending coal slurry pipeline bill.

This pending amendment is marginally preferable to the language in the bill, but it still leaves some very grave questions unanswered.

The Great Lakes Commission, in a letter of September 12, wrote to me:

> Provisions of the coal slurry pipeline bill are inadequate to protect Great Lakes States riparian rights to Great Lakes water.

The group of States that has the most at stake, where one-fifth of the world's fresh water is located, still are uneasy, not only are they uneasy, but they are opposed to the bill in its present form because of the threat that it presents to the water in that greatest body of fresh water in the entire world.

The question that we all have to ask ourselves is: Do we want to take the risk of proceeding with legislation that may be unconstitutional, that experts in testimony before the House Public Works Committee hearings on this legislation said was unconstitutional, and who have stated that Congress cannot through legislation alter the constitutional principle of equal footing of the States?

Now, that is a very serious matter. We cannot ignore the dictates of the Constitution in legislation and say, "Well, we will leave it up to the Supreme Court to rule on it later on." We have that responsibility, too, and the pending legislation does not meet that constitutional test nor the test of protecting water rights, and ought to be defeated.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I want to rise and summarize. I think what we are faced with here today, of course, is a difficult problem in which this legislation attempts to enshrine on a pedestal the use of water for coal slurry lines and enshrines States rights to say yes or to say no with respect to that.

But what we do not have is the necessary cooperation or even the realization or understanding that the use of surface water or the water from an aquifer very well overlaps and affects all States. I know that water rights is a very sensitive issue because primarily they have dealt with life and death issues, not necessarily on the industrial basis such as a coal slurry line, but with respect to the fact that there is a problem with the Constitution. This bill is creating a further problem in terms of the use for coal slurry purposes. And then, of course, it says that then we suggest that we have to solve it. Well, it creates the problem, and there is one way to eliminate the total problem if that is it. This amendment is a modest attempt to provide for shared use of water by the States.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, just two or three points. This is a bad amendment, it is a killer amendment. The opponents for the last 5 years have tried to beat the bill. If they cannot beat the bill, they try to make it unworkable. The precise wording of this amendment before us says that any State in the river basin or drainage basin can turn and say to sister States, "We veto." Unless they will voluntarily go in and enter into an interstate compact and all of them sign, there is no water for a coal slurry.

On this bill mention was made that we got beat in 1978. Since 1978 a lot of people have seen the light, including the Redi Kilowatt, the whole electric generating industry, American Public Power, the Consumer Federation, the Coal Association, the Reagan administration came around this year and suports it, and I cannot find any editorial, including the Wall Street Journal or the Journal of Commerce and the others, who think that defeating this bill would be a good idea.

This simply makes coal slurry pipelines available as one new kind of technology that we can use if it competes in the marketplace. That is all that this bill started out to do. It is all the bill does. This amendment will defeat that very purpose.

Mr. DAUB. Mr. Chairman, I rise in favor of the amendment. Mr. VENTO has offered an amendment which I feel is essential to protect the water resources that underpin the economy of our region.

The water issue is not one that should be confined to those of us who represent the region. The columnist, George Will, said recently that the politician of tomorrow had better learn to pronounce Ogallala Aquifer and Oahe Reservoir because those names are going to figure prominently in the political dialog in years to come.

For States like Nebraska, Iowa, Kansas, and Missouri the issue is not confined to the agreements contained in this legislation. We are dependent upon water supplies that cross State lines. Just as we would be forced to stop one State that threatened to pollute the water supply that makes much of our State arable we are equally threatened by those States who

would seek to sell the water from a common supply.

For those of you from oil producing States I submit this is the equivalent of one State digging a well so deep that the oil that would be diverted from its normal production source in another State. In Nebraska we are at the mercy of interstate water supplies and the amendment offered by Mr. BEREUTER seeks only to require that before States convert to their exclusive use resources obtained from an interstate source they obtain the written agreement of the affected States.

As one who recognizes the opportunity for our Nation to export coal and who appreciates the great economic benefit that this would mean for all I would remind this body that we would threaten this Nation's most important and vital exporting sector—agriculture.

Mr. VENTO's amendment is not designed to devastate the coal slurry industry it is intended only to protect a shared resource vital not only to our region but all those consumers who are dependent upon the Nation's agricultural community.

Certainly the coal slurry industry is not so important that we should place above it the prospect of ruining hundreds of thousands of acres of farmland. Just what would we do with the dollars earned from the incremental addition to exports that coal slurry might provide—buy food from other countries to replace our lost crops?

Mr. Chairman I have set through the meetings in both the Surface Transportation Subcommittee and the full Public Works Committee on this matter. And while I was originally inclined to oppose coal slurry because I believed it would be detrimental to the future supply of water for agricultural uses I learned a great deal more.

For instance, we are talking about moving from one part of the country to another not just millions of tons of coal but millions of gallons of water. And not fresh drinking water but water intermixed with coal and thousands of other substances to be deposited in an yet unknown and untested process. The potential for environmental harm is incalculable. As a Member who has witnessed many debates on this floor where Members from both sides of the aisle eagerly sought to demonstrate their fealty to the environmental movement regardless of the extent or possibility of harm and in face of obvious and known economic dislocation I am frankly astounded that today many of those same Members are willing to stand and vote for an untested, unneeded, and unstable mechanism whose potential for environmental havoc is vast.

Much has been said about the railroad industry in this debate. The simple fact is that just recently this House voted to rescue the Railroad Retirement Fund at a very large cost to the taxpayers. Now we are on the verge of turning around and delivering a sharp body blow not only to the retirement system but to the ability of that industry to haul agricultural products at a cost that will keep those goods affordable to the domestic consumer or the foreign buyer.

I do not come from a coal-producing State. As far as I know the nearest coal mine is somewhere in southern Iowa but I have been impressed with the arguments of those who do represent coal producers. This bill is not intended to assist the entire domestic coal industry but a small portion of it and at a very dear cost. As in many industries the fact that transportation is widely available makes many marginal producers profitable. If this legislation is enacted and coal production is suddenly diverted to those regions where slurry transport is available a great many producers will be shut out because the railroads will have lost the opportunity to spread their cost over a very large market of producers.

Finally, I return again to the matter that interests me most. Water. When I mentioned Mr. Will's comments I was not attempting to intimidate any of my colleagues into opposing this legislation for fear that their vote would come back to haunt them politically.

But I do believe that what this body does today may come back to haunt each one of us personally. In the coming years we are going to have to make some very stark choices in the allocation of life-giving resources and water is No. 1 on this list. Immediately behind that precious resource is food. It is bad enough that we continue to ignore the future in this area but to act as we intend to today and provide for the wholesale abuse of that resource is a mistake that I sincerely believe will later be acknowledged as a grave mistake.

For that reason I urge the body to accept Mr. VENTO's amendment and failing that to oppose this measure.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to H.R. 3857, the Coal Pipeline Act of 1983. After hearing hours of debate on the competing merits of either supporting or opposing this overall legislative proposal, the State water rights language contained in this bill coupled with the intent behind the language as developed in the accompanying Public Works Committee Report has led me to the conclusion that this bill could not be in the overall best interests of my district in west Texas.

Mr. Chairman, water is a scarce natural resource in the area that I represent. The largest community, in terms of population in my district is the city of El Paso, which is currently the fourth largest city in the State of Texas. Population and industrial growth in this locale is expected to continue into the 1990's at the present rapid rate. To provide adequate water supplies for this expected growth, the city of El Paso has begun to look for possible sources of future supplies of water to meet expected demands.

One such source is an aquifer just over the State boundary separating Texas and New Mexico. The problem that El Paso faced was a State embargo against all out-of-State transfers of water that New Mexico intended to rigidly enforce.

It was in this context that the United States Supreme Court rendered, in July 1982, the Sporhase against Nebraska decision which drastically affected the rights of States in allocating their water supplies. Basically, the Court ruled that water was an article of interstate commerce, making it subject to Federal and not State regulation. The court ruled further that Congress had not delegated this power away to the States by virtue of allowing the formation of interstate compacts regulating the transfer of interstate groundwater.

In January of this year, the city of El Paso and the State of New Mexico completed the first round of litigation over the right of access on the part of El Paso to water found in a New Mexico aquifer. In finding for the city of El Paso, a Federal District Court ruled that only the most compelling conservation rationale, such as the need to protect human health and safety, could ever justify a State statutory ban on water exports.

There is no mystery as to what this particular bill would do to the two Federal court rulings on State water rights. It is the blatant intent of coal slurry proponents to carve out an exception to the doctrine formulated in Sporhase and further articulated in The city of El Paso against Reynolds. In this attempt to restore to the States that certain power denied them by the above decisions, the rights of the city of El Paso could very easily be cast into doubt as this decision is appealed by the State of New Mexico.

Under this bill, should the State of New Mexico ever become the point of origin for a coal slurry pipeline, New Mexico would be empowered to divert water—possibly water that could go to the people of El Paso—and there would be nothing to prevent that diversion. The very constitutional doctrine that now guarantees water for El Paso, the interstate commerce clause, would become a defense to the diversion of that water on the part of the State of origin. This bill would imbue the State of origin with all of the power of the interstate commerce clause, leaving El Paso and the State of Texas without a compelling interest to overcome the decision of a State like New Mexico, should it be the

point of origin for a slurry pipeline, to divert water for slurry usage.

This predicament would be forced by all downstream States who find their sources of water being diverted for coal pipeline purposes. The proponents of coal slurry pipelines recognize this problem but only suggest, via language contained in the accompanying committee reports, that this problem be addressed by Congress at some later point in time.

Mr. Chairman, even assuming for argument's sake all of the reasons that have been advanced in support of this bill, the people of El Paso and west Texas did not send me to Congress to create the potential for additional water-related problems at some point in El Paso's future.

I am told that the chances of New Mexico ever becoming the State of origin for a coal slurry pipeline are slim. I have also been told that there are coal reserves adjacent to the Santa Fe area of that State which very well could be subject to eventual extraction. I am advised that the amount of water used by a coal slurry pipeline is miniscule and that El Paso's future needs should not be affected. I am not, however, guaranteed that no matter what the State of New Mexico does, my district's water needs will be assured. In fact, I am supposed to hope for the best and vote to strip away whatever constitutional protection is now afforded El Paso via current Federal case law.

Mr. Chairman, I refuse to gamble with the future water supplies of El Paso and the rest of west Texas simply to aid one industry in its competition with another—water is just too valuable a resource and my district's access to it must be zealously defended. For this reason, I am opposing this particular measure.

● Mr. STARK. Mr. Chairman, we have heard a lot of evidence on both sides today for and against H.R. 1010, the coal slurry pipeline bill. We have been given a lot of facts, and glossy diagrams, and we have been told by both sides that our vote against their position would mean the downfall of our country. I do not believe that a vote either way would be the downhall of our great Nation, but what strikes me as most interesting and important in both my study of this issue, and the debate here today, is what is not being said.

I am referring to two of the issues that have received quite a lot of attention today, and they are the issue of water, and the issue of consumer benefits. In my attempts to thoroughly understand the Interior Committee's recommendations on water rights, I was told that if any water rights problems arose, the injured party, or parties, could just go to court. Now, Mr. Chairman, it strikes me as strange that since we can all predict of the problems that will arise over water rights, and indeed have already arisen, that we are not at least trying to address these problems. Why send everyone to court? Are not our courts overloaded enough already?

With regard to consumer benefits, I have been told that when the first pipeline goes on line in 1990, the average consumer will save less than 50 cents a month on their utility bill. That is $6 a year, and while I do not want to downgrade the importance of any savings, however small, $6 a year hardly seems worth the risk the consumer is taking. What if there are cost overruns? There goes the consumers $6, and a whole lot more.

I intend to vote against H.R. 1010, and I hope that in the future such a vote will be recognized as a proconsumer, proenvironment, and proenergy vote, and one that takes into account our real needs and the realities of our energy situation.●

● Mr. DREIER of California. Mr. Chairman, I rise in support of H.R. 1010, the Coal Pipeline Act of 1983.

As others in this debate have pointed out, this is an issue that is vital to our national security, our energy self-sufficiency and the health of the economy. I would like to touch briefly on what I believe is key to the coal slurry debate—how coal slurry will benefit the consumer.

Energy consumers in my district have reaped the benefits of the only operating coal slurry pipeline—the Black Mesa Line—for the past 13 years. Black Mesa provides low cost, readily accessible coal to the Mojave Electric Generating Station at an average cost of $4 per ton. Comparable railroad delivery of the same coal would cost anywhere from $10 to $12 per ton. Needless to say, these savings are passed directly on to southern California Edison's 1.5 million consumers who depend on power supplied by the Mojave Station.

An even better example of the impact of coal slurry on transportation costs is the case of Arkansas Power & Lights' proposal to build a coal slurry line from Wyoming to Arkansas. It set off an intense fight between the railroads and pipeline backers that eventually drove coal transportation costs well below current market rates. So low, in fact, that consumers will save as much as $16.5 billion over the life of the contract. In the end, the railroad won out, and a coal slurry line will not be built. The winner, however, was clearly the consumer.

As a Representative from southern California, where water is notoriously scarce, I would like to add that I am more than satisfied with the water language of the bill. I am also satisfied that construction of coal slurry pipelines will not, in any way, ruin the railroads or cost railroad employees their jobs. If anything, coal slurry will increase production of coal and the demand for coal transportation. Jobs will be created—not lost—both through the construction of pipelines and through the anticipated increase in rail traffic.

In short, Mr. Chairman, coal slurry pipelines will benefit the consumer. For the millions of individuals who are already hard pressed by increases in gas an oil prices, the last thing we should do is defeat this bill and remove any hope of promoting fair maret competition to keep electric utility costs in line.

I urge my colleagues to join me in supporting H.R. 1010.●

● Mr. BOUCHER. Mr. Chairman, I rise today in opposition to H.R. 1010, the Coal Pipeline Act of 1983, and I urge my colleagues to oppose this measure which if enacted will jeopardize the marketing opportunities of Virginia's coal producers.

As the representative of Virginia's coal-producing region, I am vitally interested in measures which will increase coal production and aid in reemploying our thousands of idle coal miners. Proponents of H.R. 1010 argue that this measure will meet those objectives on a national basis; however, the measure would substantially hinder the achievement of those goals in the State of Virginia.

In fact, H.R. 1010 will disrupt traditional coal markets by benefiting a few select producers at the expense of many others. Of particular concern to this Member is the fact that only 10 percent of the finite volume of pipelines constructed pursuant to the Federal eminent domain authority will be reserved for small producers. The principal argument in support of Federal pipeline legislation is that competition in coal transportation will result in a lowering of transportation costs. While that result may be achieved for large producers who have the financial strength to make long-term contract commitments, it is clear that passage of the legislation will result in increased rail transportation rates for producers not served by the pipeline. It is all too apparent that railroads will seek to recoup the revenues they lose on routes also served by a pipeline by increasing their charges to producers who do not enjoy the benefits of the pipeline. In the final analysis, passage of the legislation will clearly result in higher charges for the thousands of small producers who will not have pipeline access.

The Federal condemnation authority granted in H.R. 1010 could be used solely for the construction of interstate pipelines, and any pipeline constructed under the act which crosses my State of Virginia would necessarily originate outside of its borders. Moreover, Virginia's coal producers would

be denied access to the pipeline as it crosses from some other State into Virginia. The market presently enjoyed by Virginia producers would be usurped, in part, by producers, in other States as coal from Kentucky, West Virginia, or even from Western States is transported by the pipeline to Virginia's industries, utilities, and ports. Our coal-producing counties which are presently experiencing their deepest recession in more than 30 years would be dealt another devastating round of economic disruptions.

The Virginia General Assembly is presently considering State legislation to authorize the exercise of the eminent domain authority for the construction of purely intrastate coal slurry pipelines. In my view, the Virginia General Assembly is particularly well situated to evaluate the right of access problems I have previously mentioned and to assure that small producers are treated equitably in any legislation which may be forthcoming in the State of Virginia. State legislation in Virginia can far better serve the needs of Virginia's coal producers than can H.R. 1010, and I hope it will be the pleasure of this Chamber to defeat H.R. 1010.

My concerns with H.R. 1010 are well stated in the attached editorial by a leading newspaper of southwest Virginia, the Coalfield Progress. I would like to share this editoral, which reflects the position of many Virginia coal producers with my colleagues:

[From the Coalfield Progress, Sept. 20, 1983]

PIPELINE LEGISLATION NOT IN BEST INTEREST OF STATE

When Rep. Rick Boucher decided to fight the proposed federal coal slurry pipeline legislation, he proved his commitment to the people of Southwest Virginia.

Put aside, for the moment, the state-side debates that have come and gone and that will arise again when the Virginia General Assembly convenes. Forget the arguments among the railroads, the labor unions, the utility and the pipeline interests over such delicate issues as the pipeline's status as common carrier, its impact on employment, rail rates and water supply.

While those questions and others need close attention on both state and federal levels, the urgent issue in Virginia is unfolding right now in the halls of Congress. The issue is heading for a vote.

Slurry advocates and those sitting on the fence on the issues should—for the time being at any rate—focus on the federal legislation. As it is now written, it is apparent that the proposal is not in the overall of best interest of Virginia.

The measure grants federal powers of eminent domain to companies interested in building a coal slurry pipeline across state borders. It opens the way for a pipeline to originate in West Virginia or Kentucky, to take rights-of-way from Virginia property owners along the trail to the port of Hampton Roads and to transport nothing but coal from those states.

There is no provision that would guarantee Virginia coal operators the right of access to the pipeline. While large corporations with mineral holdings in other states seem insensitive to this concern, those without the luxury of mineral rights in bordering states have reason to fear the worst. They could face even higher rail rates if the railways needed to up costs to make up for revenue lost to the interstate pipeline.

The federal legislation obviously has serious economic implications for Virginia coal operators, their employees and the coalfields as a whole.

Virginia's representatives in Congress should join Boucher in his battle against the federal legislation.

Sen. John Warner has made his position clear in the past by voting against the measure. He should not steer from that course.

That leaves Sen. Paul Trible. At this point, Trible is noncommital. He needs to make up his mind and decide in favor of the people of the Virginia coalfields.●

● Mrs. HALL of Indiana, Mr. Chairman, the issue of coal slurry pipelines is of great importance to American consumers. I rise today to express my concern about the Coal Pipeline Act of 1983 (H.R. 3857) which, if enacted, would jeopardize over 40,000 jobs in the railroad industry and railroad suppliers nationwide. This includes the loss of over 1,500 jobs of people living and working in the First District of Indiana alone, and as its representative, I urge you to oppose enactment of this legislation.

It is important to note that those who mine coal, the United Coal Workers, and those who move coal are united in opposition to this legislation. They are joined by all the Nation's leading farm organizations, railway labor, environmentalists, water user organizations, and numerous other local and national groups. Even the coal industry itself is far from united on this issue.

H.R. 3857 is a complex measure with far-reaching implications for transportation, water resources, energy, environment, jobs, agriculture, consumer protection, regulation, competition, and relations among the States and between States and the Federal Government. But I believe the primary reasons H.R. 3857 should be defeated are its adverse impact on employment and water resources.

This legislation will result in a net loss of permanent jobs at the expense of creating short-term temporary construction jobs. There has been a 25-percent decrease in railroad employment over the past 2 years, and the Office of Technology Assessment has estimated that five pipelines would cost 16,000 jobs. Applying these figures to the present proposed construction of 13 coal slurry pipelines means an additional 39,000 permanent rail jobs will be lost.

Along with the loss of railroad jobs, the railroad retirement system now supporting thousands of rail retirees will be placed in jeopardy. This legislation will most assuredly counteract the additional revenue and benefit savings created by the measure Congress recently passed to save the railroad retirement system. I am deeply concerned that the rail worker and retiree will be the chief victims of this jobs destruction measure.

No aspect of the coal slurry debate has absorbed more time or evoked stronger emotion that the water question. Ground water supplies underlying the majority of the West and Midwestern States are depleting and competition for available surface flows is proportionately increasing. At a time when quantity and quality of supplies are at stake, I believe the poorest use of water is as a medium to transport coal in a one-directional system.

These are not the only problems regarding passage of this legislation. There has been a lack of information with regard to matters as potential ownership, control, and contracting relationships between utilities, pipelines, and producers of coal. Additionally, there has been a lack of proof that this technology will result in lowering transportation costs. In fact, the consumer appears to be vulnerable to all the market hazards associated with construction cost overruns and take-or-pay contracts.

This is the fifth consecutive Congress to consider legislation granting coal slurry pipeline companies Federal eminent domain powers. There has been a long debate on this issue, and the facts and arguments against coal slurry legislation are as valid today as they were in the previous sessions. After careful review and analysis, I cannot support this proposal and I urge my colleagues to defeat H.R. 3857.●

● Mr. OLIN. Mr. Chairman, I rise in opposition to the coal slurry bill. I do so because of really three reasons, and all of these relate to the fact that in my judgment really there is not overriding benefit to the Nation in granting eminent domain for this purpose.

We have heard a lot of the reasons. The first one, of course, related to the scarcity of water and the control of water, and I will not get into that.

The second relates to the question of the validity of the cost estimates that are really at the heart of the matter. I am not going to get into that in detail except to say this: I am an engineer, and I spent 35 years of my life in major project work of an electromechanical nature. I know that this is going to be an experiment, if it ever goes through, of a higher order of magnitude than presently experienced. It is going to involve the shipping of billions of tons of water to places that do not have it. It is going to involve unknown risks that normally engineers underestimate by factors of between 2 and 5.

I would like to mention the question of the hazards of the remaining waste. I would like to call to the attention of

my colleagues a report by the Los Alamos National Laboratory a year ago dealing with the question of the toxicity of the waste.

Over a year ago, a panel of scientists there analyzed the residual chemical content of coal slurry effluents. Their examination covered surface water, ground waters, and effluents from a large number of disposal sites from coal preparation and cleaning plants. Their studies revealed that draining from coal slurry ponds associated with plants processing high-sulfur coal may pose a significant environmental problem because of the high acidity and concentrations of iron, manganese, nickel, and aluminum; that harmful and toxic elements remain in the water after the coal particles are removed. I will say this simply in layman's terms.

This means that coal slurry water can be distilled, filtered, the coal removed, all visible matter removed, and it looks like a glass of drinking water, but still this does not remove elements that are invisible and are still dissolved in the water. These constitute an unacceptable danger of toxicity.

The Los Alamos report makes it abundantly clear that this effluent must not be permitted to be mixed with the drinking water supplies either above ground or below ground that supply humans and animals; that coal slurry water has elements of slow poison in it.

It is very clear that postprocessing plants of some nature are going to be required, particularly at the termini involved with exports, where there is no other way to use up the water. We are going to have this water which cannot be disposed of in clear ponds. It is very clear that the question of toxic water in postslurry waste is real, it cannot be ignored, and until a satisfactory solution is found, the answer to the coal slurry legislation, in my view, is a solid "no."

Mr. Chairman, the results of this study also point out serious problems with the slurry waste solids generated in the attempts to treat the water. As I have mentioned, the tests found high levels of trace metals in the wastes which result in high levels of acidity in those wastes. Let me cite from the study:

The slurry effluent from the plant is very acidic, having a pH of 2.55. Before being discharged into the slurry pond, this waste is customarily neutralized. Accordingly, the pH of the slurry pond influent is neutral (7.1). However, the material taken from within the pond (three feet deep) near the inlet is again acidic (pH=3.33). Material taken from the surface at the other end of the same pond is also acidic (pH=4.37). Similar trends can be seen in the other slurry pond. Samples taken from the surface away from the inlet are acidic, and those taken from some depth within the slurry pond are even more so. The specific conductance of all these samples is high, reflecting the high dissolved salt contents of the samples.

Mr. Chairman, these results point to the potential for serious problems of leaching from these ponds to ground water supplies which may be the source of drinking water for nearby communities. This problem has not been solved and speaks strongly against the legislation.

Let me continue with the Los Alamos study:

The behavior of iron in the slurry waste filtrates is particularly interesting. Consider Plants 1 and 3. In the plant effluents, which are not neutralized, the iron concentrations are very high—364 ppm for Plant 1 and 1810 ppm for Plant 3. However, at the inlets to the slurry ponds the iron concentrations are low. This is because the slurry wastes are neutralized before being discharged. . . . As one moves the sampling point away from the inlet to the slurry pond, either in terms of distance, depth, or time, the iron concentration increases. In the case of Plant 1 the iron levels increase from 7.4 ppm at the pond inlet, to 180 ppm at the lower end of the active pond, to 811 ppm at the middle of an old slurry pond.

The report goes on to state, analogous behaviors were observed for manganese, cobalt, and nickel. The concentrations of these elements tend to follow those of iron and to correlate with the pH of the solution.

Mr. Chairman, we are all familiar with the environmental problems caused by acid runoff from coal waste piles. The Los Alamos study found that these environmental hazards are comparable in the slurry ponds:

The chemistry of the leachates from the slurry wastes is indistinguishable from that which we have observed in the past with coarse coal waste leachates. Potential environment problems associated with these wastes are caused by the high acidities of the waste effluents and high concentrations of iron, manganese, nickel and aluminum in the leachates.

It is incredible to me that we are actually considering dumping massive quantities of the wastes and their attendant environmental hazards on communities at the end points of these pipelines. Our understanding of the makeup of these wastes is only now beginning to be understood—and what we know about them points to major problems.

Since this problem has not been adequately addressed, I must also assume that the various cost estimates that we have seen for these pipelines are seriously understated. Handling these wastes is going to be expensive, especially given the very large quantities of the wastes that these communities are going to have to deal with.

Mr. Chairman, we have already heard so many good reasons for us to oppose this legislation. How many more do we need? Large numbers of jobs will be needlessly lost in the railroad industry; scarce water will be taken from our dry Western States; railroads use less energy in transporting coal than do coal slurry pipelines; and, the Arkansas Power & Light example shows us that delivered coal is cheaper using rail transportation than it is using a coal slurry pipeline.

Now Los Alamos is giving us a preview of the serious environmental damage we are likely to do if we permit these pipelines to go forward. Everything points to an obvious answer—we should defeat this foolish and detrimental legislation.●

● Mr. MARKEY. Mr. Chairman, I find all this concern about railroad rates rather confusing.

It is a fact that railroads now set prices for their services with substantially less regulatory interference than was the case in the recent past.

It is a fact that recent actions by the Interstate Commerce Commission would permit—remember that word "permit" it is important—would permit rather large increases in railroad coal rates.

It is also a fact that since the Staggers Act was signed railroads could have raised their coal rates very substantially.

Did they?

No they did not.

In the 30 months following enactment of Staggers, railroad coal rates rose about half as much as in the 30 months preceding enactment. They have not approached the kind of increases that would have been permitted under the ICC's implementation of the act.

Why not?

No one ever accused a railroad of harboring eleemosynary impulses. If they possess all the monopoly power that has been ascribed to them today—why have they not raised their rates right to the limit of the law?

They have not because they could not. They have been constrained by competition—competition from other railroads serving other mines—from other modes of transportation—from other forms of energy generation.

I am a subscriber to the old saw that if something looks like a duck, walks like a duck and quacks like a duck—it is a duck. But if it does not look like a duck or walk like one, or quack like one—it is not a duck.

Given the evidence to date, railroads do not look, move or sound like monopolies.

I do not think they have monopoly power.

I do not think we need to foster the development of water-guzzling, anticompetitive single-commodity coal slurry pipelines because some people claim to be afraid that railroads will—in some frightening future—do things that they have not done yet—things there is no reason to believe they will do.

Mr. Chairman, I am opposed to H.R. 3857 because I believe it represents a

highly risky solution to a problem that does not now—and probably never will—exist.

To me it seems more reasonable to answer high rail rates with additional control over rail rates rather than spending $31 billion of consumers' money to support unwise take-or-pay contracts.●

● Mr. RAHALL. Mr. Chairman, "God did not make black rocks to go through pipelines. God made black rocks for men to lift and load."

As a strong advocate of increased coal use, I am pleased to hear of my colleagues concerns over the need to maintain the economics of this energy source. Unfortunately, the comments come within the context of the Coal Pipeline Act of 1983.

Gentlemen, I welcome your concerns but you have chosen the wrong bill to make such a commendable stand. The majority of the Members from coal States do not support this bill. Rather, we ask that you come help us in our battle against discriminatory acid rain control legislation. Come help us with coal-port development. Come help us with coal conversions. And if you are really concerned over high railroad coal rates, come help us reform the Interstate Commerce Commisison's decision in its coal rate guidelines nationwide.

But do not seize upon the false promise of slurry pipelines to make your stand for economical coal use. Coal producers and users need relief today, not decades from now if coal pipelines are actually going to be build and if they represent lower transportation costs.

As one with an intense interest in coal production and use, I must oppose this legislation. I firmly believe it will create more ills than good from the standpoint of providing economical coal transportation and alleviating unemployment in the coalfields of this Nation.

The Congressional Budget Office, a trusted institution, has stated that "railroads may respond to the loss of coal transportation revenue by raising rates for coal and other commodities." CBO further noted that energy prices would increase for those utilities that continue to receive coal by rail.

Obviously, slurry pipelines would never serve the entire coal industry. As such, many coal producers would not have access to the pipelines and would still have to depend on rail transportation. Yet, there would be fewer producers sharing the cost of the railroads. These producers would find themselves shouldering the burden of others using the pipelines as the railroads increased rates to make up for traffic and revenue lost to the pipelines. This would result in higher electricity bills for customers of those coal-fired utilities not served by pipeline.

Those who produce this Nation's coal, the Mineworkers Union, do not support coal slurry pipeline legislation. This is a union with a 32 percent unemployment level. There is indeed misery in the hills and hollows of the Appalachian coalfields. I submit, however, that coal slurry pipelines would do nothing to alleviate this situation. They would hurt, rather than help, the majority of the coal industry.

What really concerns me from a policy standpoint is the propriety of taking an action which would create widespread unemployment among existing carriers. There are already 100,000 railroad workers on the unemployment rolls; 40,000 of this number have already exhausted their unemployment benefits.

Do not let anyone fool you. This is the biggest job elimination bill to ever hit the floor of this body. Coal production is not expected to increase dramatically for a number of years. Slurry pipelines would cut into existing railroad traffic. And if this occurs, the railroads would have to cut into their existing work force. All made possible by the bill being considered today.

If this legislation makes any promise, it is the promise of increased unemployment. If this legislation has a cost, it is the cost of gainful employment.

Mr. Chairman, the bottom line for me is that coal slurry pipelines will hurt, not help, the people I represent in the Appalachian coalfields. It is with those coal miners, those transportation workers and those consumers of coal-fired electricity that I will cast my vote against this bill.●

● Mr. EVANS of Illinois. Mr. Chairman, I would like to add my voice to those concerned over the legislation being considered today, H.R. 1010, the Coal Pipeline Act of 1983.

Unemployment and high utility rates are two problems which are of great concern to my constituents. While proponents of the coal slurry pipeline claim it will help solve these problems, I do not believe that this legislation will achieve this goal.

The 17th District of Illinois contains small coal miners, farmers, and railroad employees—three groups which will all be hurt if the coal slurry pipelines are constructed. More coal will be produced if the pipelines are built, but it will be the western miners, not the miners of Illinois or West Virginia, who will be the big winners if this bill is passed.

Illinois farmers, already hurt by the effects of this summer's drought, will also be hurt if these pipelines are built. The water issues surrounding the construction of the pipelines are not of great concern to the farmers of the Midwest. But midwestern farmers are concerned that the pipelines may cut across thousands of acres of prime farmland. They are also concerned that they will be forced to pay higher transportation costs from the revenues lost by the railroad due to pipeline competition.

I am also deeply concerned over the impact this bill will have on railroad employment. During our consideration of the railroad retirement bill, we became aware of the tremendous number of railroad workers who are currently unemployed and the continuing decline of employment opportunities in the railroad industry.

The coal slurry pipeline is being hailed as a jobs bill, and it is expected to create thousands of jobs, primarily in the building and construction industries. But is also estimated to cost 40,000, or even more, jobs in the railroad industry.

We certainly will not solve our Nation's unemployment problem by hiring one group of people while shoving an equal number out on the street.

Coal slurry pipeline supporters claim it is a consumer bill. Electric rates will fall, they say, when railroads are forced to compete with pipelines for coal transport business. But no one is providing any guarantees that pipelines will be able to transport coal at a lower cost than railroads, and consumers may well see their electric bills rise if the utilities are permitted to pass-through pipeline construction costs to consumers and pipelines are locked into expensive take-or-pay contracts.

Finally, this legislation does not adequately answer certain environmental questions concerning the handling of water contaminated by the pipelines. No one knows what unforeseen adverse effects these pipelines will have on our farmland, rivers, forests, and wildlife.

Too many unanswered questions regarding the pipelines still remain. We should not give our blessing to any bill, no matter how well intentioned, which carries such a high price tag for many industries, consumers, and our environment. I therefore urge my colleagues to give very careful considertion to this bill and join me in voting against it.●

● Mr. BETHUNE. Mr. Chairman, I rise in opposition to H.R. 1010, the Coal Pipeline Act of 1983. My objections to the bill are not based on opposition to coal slurry pipelines, but rather to Federal involvement in coal slurry pipelines.

Past experience with the Alaska Natural Gas Pipeline should have taught us something. Members of Congress were told when the Alaska natural gas pipeline was first conceived that it would be built by the private sector with funds provided by the pipeline developers and that the Federal Government would not have to be involved and that no cost would be borne by the consumers. But in 1981,

backers of that pipeline came back to Congress, hat in hand, to ask permission to prebill consumers for the construction of the Alaska natural gas pipeline. Some calculated that billions could be pulled from consumers and transferred to the developers even though the line might never be finished.

That type of "corporate welfare" is exactly what we need to avoid. The soothing assurances that I have received about how that would never happen with the coal slurry pipelines remind me of the assurances Congress received about the Alaska Natural Gas Pipeline. The record of that sordid transition was developed capably by the media when they found that Republican lobbyists were heavily involved and that considerable sums were paid to Democratic Party organizations just before the vote.

Another of my main concerns about H.R. 1010 is the granting of Federal eminent domain to private corporations that will not serve as common carriers. The power of Federal eminent domain is not to be taken lightly. It is true that those powers have been granted in the past to railroads, natural gas pipelines, and briefly to oil pipelines.

But, I do not believe the need has been shown for the granting of Federal eminent domain for coal slurry pipelines.

I have been encouraged by the progress made by the ETSI pipeline, which has now obtained nearly all of the rights-of-way needed without any Federal eminent domain authority. It has been a long and expensive process, and the railroads cannot be proud of their obstructionist tactics. But ETSI has worked with private landowners and individual States in securing their rights-of-way, and I believe that is the proper procedure for the coal slurry pipelines.

Another concern I have about H.R. 1010 involves State water laws. H.R. 1010 sets a precedent about the rights of individual States over the use of water that flows through their States, and I do not believe the precedent is a good one.

For that reason, I strongly support the amendment that will be offered by Mr. HAMMERSCHMIDT to prohibit the interstate transportation of water unless there is a water compact between the States involved in the water transfer, and the States involved in the compact agree with such a transfer.

Again, I am not opposed to the private construction of coal slurry pipelines. But I do not believe the Federal Government should be involved in this process. For that reason, I urge the defeat of H.R. 1010.●

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CHENEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 257, not voting 14, as follows:

[Roll No. 356]

AYES—162

Aspin	Hall (IN)	Pepper
AuCoin	Hall (OH)	Perkins
Barnes	Hamilton	Quillen
Bedell	Hammerschmidt	Rahall
Bennett	Harkin	Ratchford
Bereuter	Hefner	Ray
Bethune	Hertel	Ridge
Bevill	Hubbard	Roberts
Boehlert	Hughes	Rostenkowski
Bonior	Jacobs	Rowland
Bonker	Jenkins	Roybal
Boxer	Jones (NC)	Rudd
Britt	Kaptur	Russo
Burton (CA)	Kasich	Sabo
Carper	Kastenmeier	Savage
Carr	Kennelly	Scheuer
Clay	Kildee	Schneider
Coleman (MO)	Kindness	Schroeder
Coleman (TX)	Kramer	Sensenbrenner
Conyers	LaFalce	Shelby
Cooper	Lantos	Sikorski
Coughlin	Leach	Siljander
Coyne	Lehman (CA)	Simon
Crockett	Levin	Skelton
D'Amours	Levitas	Slattery
Daniel	Lipinski	Smith (IA)
Daub	Long (MD)	Smith (NE)
Dellums	Lowry (WA)	Spratt
Dingell	Markey	St Germain
Donnelly	Martin (IL)	Staggers
Dowdy	Matsui	Stangeland
Downey	McCloskey	Stark
Durbin	McHugh	Stokes
Eckart	Mikulski	Stratton
Edgar	Miller (CA)	Studds
Edwards (CA)	Miller (OH)	Stump
Emerson	Minish	Swift
Erdreich	Mitchell	Tallon
Evans (IA)	Moakley	Traxler
Evans (IL)	Mollohan	Vento
Fazio	Morrison (CT)	Volkmer
Feighan	Murphy	Walgren
Florio	Natcher	Walker
Foglietta	Nowak	Waxman
Ford (MI)	Oakar	Weber
Fowler	Oberstar	Wheat
Frenzel	Obey	Whitley
Garcia	Ottinger	Whittaker
Gejdenson	Owens	Winn
Gingrich	Oxley	Wirth
Glickman	Panetta	Wolpe
Gore	Paul	Yates
Gray	Pease	Young (AK)
Gunderson	Penny	Zablocki

NOES—257

Ackerman	Bilirakis	Chandler
Addabbo	Bliley	Chappell
Akaka	Boggs	Chappie
Albosta	Boland	Cheney
Alexander	Boner	Clarke
Anderson	Borski	Clinger
Andrews (NC)	Bosco	Coats
Andrews (TX)	Boucher	Coelho
Annunzio	Breaux	Collins
Anthony	Brooks	Conable
Applegate	Broomfield	Conte
Archer	Brown (CA)	Courter
Badham	Brown (CO)	Craig
Barnard	Broyhill	Crane, Daniel
Bartlett	Bryant	Crane, Philip
Bateman	Burton (IN)	Dannemeyer
Bates	Byron	Daschle
Beilenson	Campbell	Davis
Berman	Carney	de la Garza
Derrick	Kostmayer	Pursell
DeWine	Lagomarsino	Rangel
Dickinson	Latta	Regula
Dicks	Leath	Reid
Dixon	Lehman (FL)	Richardson
Dorgan	Leland	Rinaldo
Dreier	Lent	Ritter
Duncan	Levine	Robinson
Dwyer	Lewis (CA)	Rodino
Dymally	Lewis (FL)	Roe
Dyson	Livingston	Roemer
Early	Lloyd	Rogers
Edwards (AL)	Loeffler	Rose
Edwards (OK)	Long (LA)	Roth
English	Lott	Roukema
Erlenborn	Lowery (CA)	Schaefer
Fascell	Lujan	Schulze
Ferraro	Lundine	Schumer
Fiedler	Lungren	Seiberling
Fields	Mack	Shannon
Fish	MacKay	Sharp
Flippo	Madigan	Shaw
Foley	Marlenee	Shumway
Forsythe	Marriott	Shuster
Frank	Martin (NC)	Sisisky
Franklin	Martin (NY)	Skeen
Frost	Martinez	Smith (FL)
Fuqua	Mavroules	Smith (NJ)
Gaydos	Mazzoli	Smith, Denny
Gekas	McCain	Smith, Robert
Gephardt	McCandless	Snowe
Gilman	McCollum	Snyder
Gonzalez	McCurdy	Solarz
Goodling	McDade	Solomon
Gradison	McEwen	Spence
Gramm	McGrath	Stenholm
Green	McKernan	Sundquist
Gregg	McNulty	Synar
Guarini	Mica	Tauzin
Hall, Ralph	Michel	Taylor
Hall, Sam	Mineta	Thomas (CA)
Hance	Molinari	Thomas (GA)
Hansen (ID)	Montgomery	Torres
Hansen (UT)	Moody	Torricelli
Hatcher	Moore	Towns
Hawkins	Moorhead	Udall
Hayes	Morrison (WA)	Valentine
Hightower	Mrazek	Vander Jagt
Hiler	Murtha	Vucanovich
Hillis	Myers	Watkins
Holt	Neal	Weaver
Horton	Nelson	Weiss
Howard	Nichols	Whitehurst
Hoyer	Nielson	Whitten
Huckaby	O'Brien	Williams (MT)
Hunter	O'Neill	Williams (OH)
Hutto	Olin	Wilson
Hyde	Ortiz	Wise
Ireland	Packard	Wolf
Jeffords	Parris	Wortley
Johnson	Patman	Wright
Jones (OK)	Patterson	Wyden
Jones (TN)	Petri	Wylie
Kazen	Pickle	Yatron
Kemp	Porter	Young (FL)
Kogovsek	Price	Young (MO)
Kolter	Pritchard	Zschau

NOT VOTING—14

Biaggi	Hartnett	Pashayan
Corcoran	Heftel	Sawyer
Ford (TN)	Hopkins	Tauke
Gibbons	Luken	Vandergriff
Harrison	McKinney	

□ 1550

Mr. BERMAN and Mr. DIXON changed their votes from "aye" to "no."

Messrs. GLICKMAN, TRAXLER, and WHITTAKER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would announce that there are 91 amendments pending to this bill, and the sooner the House is in order,

the sooner we can get on with the amendments.

□ 1600

Are there further amendments to the bill? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. BARNARD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, pursuant to House Resolution 309, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SNYDER. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SNYDER moves to recommit the bill, H.R. 1010, to the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SNYDER. Mr. Chairman, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 182, nays 235, not voting 16, as follows:

[Roll No. 357]

YEAS—182

Ackerman	Albosta	Anderson
Akaka	Alexander	Andrews (NC)
Andrews (TX)	Green	Nielson
Annunzio	Gregg	Ortiz
Archer	Guarini	Packard
Badham	Hall, Sam	Panetta
Bartlett	Hance	Parris
Bates	Hansen (UT)	Patman
Beilenson	Hawkins	Petri
Bilirakis	Hayes	Pickle
Boggs	Hightower	Porter
Boland	Hiler	Pritchard
Borski	Holt	Pursell
Bosco	Howard	Rangel
Breaux	Huckaby	Ritter
Britt	Hunter	Robinson
Brown (CA)	Hutto	Rodino
Brown (CO)	Ireland	Roe
Broyhill	Johnson	Roemer
Burton (IN)	Jones (NC)	Rose
Carney	Jones (OK)	Roth
Chandler	Kazen	Roukema
Chappie	Kostmayer	Sawyer
Cheney	Lagomarsino	Schaefer
Clarke	Leath	Schulze
Clinger	Lehman (FL)	Schumer
Coats	Leland	Seiberling
Coelho	Levine	Shannon
Conable	Levitas	Sharp
Conyers	Lewis (FL)	Shaw
Courter	Livingston	Shumway
Crane, Daniel	Loeffler	Smith (FL)
Crane, Philip	Long (LA)	Smith (IA)
Dannemeyer	Lott	Smith, Denny
Daschle	Lowery (CA)	Smith, Robert
Davis	Lujan	Snowe
de la Garza	Lundine	Solarz
Dingell	Lungren	St Germain
Donnelly	Mack	Stenholm
Dreier	MacKay	Sundquist
Dwyer	Marriott	Synar
Dymally	Martin (NC)	Tauzin
Early	Martin (NY)	Thomas (CA)
Edwards (OK)	Martinez	Towns
English	Mavroules	Udall
Erlenborn	McCain	Valentine
Fascell	McCandless	Vander Jagt
Ferraro	McCollum	Vucanovich
Fiedler	McCurdy	Walgren
Fields	McGrath	Watkins
Fish	McKernan	Weiss
Foglietta	McNulty	Wilson
Forsythe	Mica	Wolf
Frank	Michel	Wortley
Franklin	Mineta	Wright
Fuqua	Montgomery	Young (AK)
Gingrich	Moody	Young (FL)
Gonzalez	Moore	Young (MO)
Gradison	Moorhead	Zablocki
Gramm	Neal	Zschau
Gray	Nelson	

NAYS—235

Addabbo	Cooper	Fowler
Anthony	Coughlin	Frost
Applegate	Coyne	Garcia
Aspin	Craig	Gaydos
AuCoin	Crockett	Gejdenson
Barnard	D'Amours	Gekas
Barnes	Daniel	Gephardt
Bateman	Daub	Gilman
Bedell	Dellums	Glickman
Bennett	Derrick	Goodling
Bereuter	DeWine	Gore
Berman	Dickinson	Gunderson
Bethune	Dicks	Hall (IN)
Bevill	Dixon	Hall (OH)
Bliley	Dorgan	Hall, Ralph
Boehlert	Dowdy	Hamilton
Boner	Downey	Hammerschmidt
Bonior	Duncan	Hansen (ID)
Bonker	Durbin	Harkin
Boucher	Dyson	Hatcher
Boxer	Eckart	Hefner
Broomfield	Edgar	Hertel
Bryant	Edwards (AL)	Hillis
Burton (CA)	Edwards (CA)	Horton
Byron	Emerson	Hoyer
Campbell	Erdreich	Hubbard
Carper	Evans (IA)	Hughes
Carr	Evans (IL)	Hyde
Chappell	Fazio	Jacobs
Clay	Feighan	Jeffords
Coleman (MO)	Flippo	Jenkins
Coleman (TX)	Florio	Jones (TN)
Collins	Foley	Kaptur
Conte	Ford (MI)	Kasich
Kastenmeier	Nichols	Skeen
Kemp	Nowak	Skelton
Kennelly	O'Brien	Slattery
Kildee	Oakar	Smith (NE)
Kindness	Oberstar	Smith (NJ)
Kogovsek	Obey	Snyder
Kolter	Olin	Solomon
Kramer	Ottinger	Spence
LaFalce	Owens	Spratt
Lantos	Oxley	Staggers
Latta	Patterson	Stangeland
Leach	Paul	Stark
Lehman (CA)	Pease	Stokes
Lent	Penny	Stratton
Levin	Pepper	Studds
Lewis (CA)	Perkins	Stump
Lipinski	Price	Swift
Lloyd	Quillen	Tallon
Long (MD)	Rahall	Taylor
Lowry (WA)	Ratchford	Thomas (GA)
Madigan	Ray	Torres
Markey	Regula	Torricelli
Marlenee	Reid	Traxler
Martin (IL)	Richardson	Vento
Matsui	Ridge	Volkmer
Mazzoli	Rinaldo	Walker
McCloskey	Roberts	Waxman
McDade	Rogers	Weaver
McEwen	Rostenkowski	Weber
McHugh	Rowland	Wheat
McKinney	Roybal	Whitehurst
Mikulski	Rudd	Whitley
Miller (CA)	Russo	Whittaker
Miller (OH)	Sabo	Whitten
Minish	Savage	Williams (MT)
Mitchell	Scheuer	Williams (OH)
Moakley	Schneider	Winn
Molinari	Schroeder	Wirth
Mollohan	Sensenbrenner	Wise
Morrison (CT)	Shelby	Wyden
Morrison (WA)	Shuster	Wylie
Mrazek	Sikorski	Yates
Murphy	Siljander	Yatron
Murtha	Simon	
Natcher	Sisisky	

NOT VOTING—16

Biaggi	Harrison	Pashayan
Brooks	Hartnett	Tauke
Corcoran	Heftel	Vandergriff
Ford (TN)	Hopkins	Wolpe
Frenzel	Luken	
Gibbons	Myers	

□ 1610

The Clerk announced the following pairs:

On this vote:

Mr. Vandergriff for, with Mr. Harrison against.

Mr. Hopkins for, with Mr. Hartnett against.

Mr. Brooks for, with Mr. Corcoran against.

Mrs. COLLINS and Mr. SAVAGE changed their votes from "yea" to "nay."

Mr. McKERNAN changed his vote from "nay" to "yea."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SNYDER. Mr. Speaker, I could not hear. Was the motion to reconsider laid on the table?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WOLPE. Mr. Speaker, I inadvertently was off the floor when the

vote on the final passage of H.R. 1010, the coal slurry legislation, was taken. Had I been present, I would have voted in opposition to the final passage of that legislation.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material based on the debate which was just concluded on H.R. 1010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, September 27, to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

□ 1620

Mr. DENNY SMITH. Reserving the right to object, Mr. Speaker, I would just inquire of the gentleman: Has this been cleared with the minority?

Mr. MOAKLEY. Will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, this request has been discussed with the House leadership on both sides of the aisle and with representatives of the minority from our committee. I am advised that there is no objection.

Mr. DENNY SMITH. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW, WEDNESDAY, SEPTEMBER 28, 1983, DURING 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday, September 28, 1983.

The minority has been advised of the request and it is my understanding that they have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE REPORT ON HOUSE JOINT RESOLUTION 364

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight, September 27, 1983, to file a report on House Joint Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONFERENCE REPORT ON H.R. 3263, MILITARY CONSTRUCTION APPROPRIATIONS, 1984

Mr. HEFNER. Mr. Speaker, I call up the conference report on the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 22, 1983.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. HEFNER) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the subcommittee for being a very bipartisan committee which worked very hard on this particular bill. I would like to thank the staff and the ranking minority member, the gentleman from Ohio (Mr. REGULA), and the conferees who worked very hard to bring to this body a conference report which we think is worthy of the support of this body.

Mr. Speaker, we are presenting today the conference report on H.R. 3263, providing for military construction for the fiscal year 1984. The conference agreement recommends $7.1 billion, which is approximately $1.5 billion below the President's request. The recommended program is $136 million below the Senate recommendation and $142 million above the amount recommended by the House. We are, in fact, almost exactly between the House and Senate reported amounts.

The conference agreement is also $400 million below the reported 302 budget allocations.

I wish to point out that, even with the various reductions agreed to by the conferees, the proposed military construction bill will be the largest ever sent to the President. It provides a wide range of improvements, both to the readiness of our Armed Forces and to the quality of living and working conditions for the men and women in the military.

The House and the Senate have carefully reviewed and made reductions to the proposed military construction program. Because of this, I believe we have brought forward a bill that can generate the grass roots support that is needed to bolster our defense posture. Large defense expenditures can be supported if Members of Congress and their electorate feel that we can justify every expenditure, no matter how small.

The conference agreement will provide a military construction and family housing program that has more than 1,500 construction projects in the United States and around the world. The U.S. construction business will benefit through the creation of more than 200,000 direct and indirect industry jobs. In all, more than $4 billion will be spent at hundreds of U.S. bases in virtually every State.

I would like to briefly highlight the major agreements reached by the conferees:

MX MISSILE SYSTEM

The conferees agreed to only fund proposed MX-related construction projects that are at a high state of design. These construction funds are not to be obligated until Congress has voted the procurement funds for the missile.

The MX construction recommended by the conferees is essentially for maintenance, training, and testing facilities not located at the deployment site.

AIR BASE UPGRADE IN TURKEY

The conference agreement provides funds for the upgrade and construction of two air bases in eastern Turkey. These facilities will greatly improve defense capabilities in the southern flank of NATO.

AIR BASE UPGRADE IN HONDURAS

Last year Congress authorized the upgrade of two airfields in Honduras but appropriations for only one facility were approved. The conferees have agreed to provide the $8 million needed to improve the other facility located at La Ceiba, Honduras.

RAS BANAS, EGYPT

The conferees agreed to rescind $91 million appropriated last year for an Army/Air Force facility upgrade at

Ras Banas, Egypt. However, report language states that once the Defense Department puts together a clear definition of the recently revised program at Ras Banas, the plan will be considered again during a future supplemental request from the President.

UNBUDGETED ITEMS

The conference agreement recommends that several unbudgeted projects be approved through the use of appropriations rather than through savings as proposed by the Senate. The conferees deleted both House and Senate projects that were not at a sufficient level of design. Projects that have been deferred should be requested in either supplemental or fiscal year 1985 requests once design has proceeded to the 35 percent level.

Mr. Speaker, in conclusion we are proud to send this bill to the President prior to the start of the fiscal year. The appropriations before us recommend a balanced program that takes into account our defense priorities and the resources available to meet these needs. I recommend, therefore, approval of the conference report.

At this time I yield to the ranking minority member, the gentleman from Ohio (Mr. REGULA), who has worked very diligently and whose expertise has been invaluable to us in putting together not only this bill but this conference report.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume and thank the gentleman from North Carolina (Mr. HEFNER).

I would add that I, too, rise in strong support of the conference report.

I think it was interesting to note that the Members of the House from both sides of the aisle were all in attendance at the conference. We worked very closely together under the leadership of the gentleman from North Carolina in diligently protecting the House position.

I think that can be recognized by the fact that the total amount of money provided in this conference report is less than in the bill in the other body.

I would say in the case of both Houses that hard work went into the original bills as well as the conference report.

Today it is easy for people to say that military spending is out of hand, that there is no concern for the dollars that are put into our military activities. I would point out that as a result of the committee action in the House and the other body and in the conference, this bill is $1.6 billion, or about 18 percent less than was requested by the President.

I think that clearly says that in each instance we took each project to insure that it was a cost-effective expenditure of public funds.

I would also point out that while it is a temptation to pork barrel bills of this type involving construction, in fact, no project was put into this bill unless the design work was at least 30-percent completed.

This was an effort to make sure that any projects that would be funded would have adequate design and would obviously be very necessary for our Military Establishment by virtue of having been up to 30 percent in design.

□ 1630

It is not a very glamorous responsibility to deal with military construction but I would point out a couple of things.

No. 1, construction is on the cutting edge of weapons systems. You cannot beddown B-1's, you cannot beddown weapons systems unless you first put construction in place.

Therefore, while it is not glamorous, it is absolutely vital to a cost-effective military program and it has to have a lead time in terms of construction of 2 to 3 years.

So we are out front as far as dealing with new weapons systems.

Second, construction has a profound impact on the morale of our service people.

We deal with the nuts and bolts, the workplace, the quality of life in terms of the situation in which we call upon our servicemen and women to work and in which they live.

As we in these United States support and wish to maintain a volunteer force in our military services, it becomes absolutely essential that in order to retain qualified people and attract new individuals to enlist in the services we do have to have good programs in terms of housing, in terms of working and living conditions.

Military construction, again, is a vital aspect of that activity. I might point out that in funding the various things such as GLCM bases in Europe, COBS in Turkey and other places that we went to a barebones concept. We tried to avoid the frills. We tried to put the money where it would be effective in producing results.

I would emphasize something that I know is of concern to our Members and to the people of this Nation and that is that we need greater contributions from our allies.

In conference report we set forth the requirements that our allies take a greater share of responsibility for funding bases in Europe and for funding bases in Japan.

For example, we provide initial funding for a new contingent of F-16's at Misawa. It becomes more important in light of the events surrounding KAL flight 007. It is in the north end of that island. It is important.

We also provide that the Japanese Government has to participate in a meaningful way in this construction if it is to go forward.

I mention these items because I want to assure those of you who are voting on these programs that we are putting pressure on NATO and on the country of Japan to take a larger share of the responsibility for free world security.

I certainly would recommend to all of you support for this bill. It passed the House on a voice vote. I think that reflected an understanding on the part of our colleagues that we did work hard to get this under budget and to make sure that every item in here was a cost-effective use of our available defense dollars.

Again I compliment the chairman for his leadership in achieving these results. I think it does the job and I think it does it in a very effective way in providing facilities needed for the future, recognizing that we have to build good morale among our service people and it is our way of appreciating what they do to make this Nation secure.

I urge the Members of this body to give this conference report their strong support.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the chairman and the ranking minority member of the Subcommittee on Appropriations for doing a very fine job on the military construction appropriations conference report.

I want to ask a question of the chairman. I think I understood the gentleman correctly but I am not quite sure.

I know that in the authorization conference report there are a number of projects authorized contingent upon savings.

As I understand it, the gentleman's subcommittee, and I can understand why, took some of these and appropriated for them but then others they left off. As I understand it it was because they were at less than 35 percent design. Is that correct?

Mr. HEFNER. We had an agreement on the subcommittee that any project that was not at least at the 35-percent design level we would not fund.

Now once these projects become 35-percent design—they then can be funded in either the 1985 budget request or they can be included in a 1984 supplemental. If it is deemed to be absolutely necessary, and construction funding can be obligated in fiscal year 1984 they could be included in a reprograming request.

Mr. HUTTO. If I may ask the chairman, is it his opinion that if some of these projects become 35 percent of design stage, that they then could be funded from the savings or would the services have to come back to the sub-

committee or to the Congress on this issue?

Mr. HEFNER. If the gentleman will yield further, they would have to come back to the committee for approval.

Mr. HUTTO. But could they do that?

Mr. HEFNER. If they are able to be started in fiscal year 1984, the Department could request supplemental or reprograming approval.

Mr. HUTTO. For reprograming by the gentleman's subcommittee?

Mr. HEFNER. Yes.

Mr. HUTTO. Or by the full Committee on Appropriations?

Mr. HEFNER. By the subcommittee.

Mr. HUTTO. I thank the gentleman.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding.

Let me say I have never in the years I have been in the House worked on any subcommittee which did a better job on and analyzing every request for spending that came before it and insisting upon full justification for that spending.

From a defense standpoint, those of us who are concerned about a strong defense and the morale of the people in the service, this is the largest military construction appropriation with which we have dealt.

But from a fiscal standpoint, I think here we can particularly compliment the committee, from a fiscal standpoint we are bringing to you a bill that is not only $1.6 billion under the President's request but it is $118 million under the 1983 totals in spending.

I would personally compliment both the chairman, Mr. HEFNER, and the ranking member, Mr. REGULA, and the professional staff, Terry Peel and Mark Murray, for the work they did on this bill. I believe the Members of this House can easily justify and support not only the money that we spend in this bill, every dime on every project, but as well can justify the things that were cut out of this bill.

Mr. Speaker, I also want to thank the chairman because in the conference with the Senate, the House Members, under the chairman's leadership, stood absolutely firm for some of the hard line decisions we made.

I think as a result of that we have a conference report that we can bring here that every Member of the House can vote for and be proud of.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. I thank the gentleman for yielding.

I would like to echo the remarks of the gentleman from Oklahoma (Mr. EDWARDS). The chairman, Mr. HEFNER, and the ranking minority member, Mr. REGULA, deserve the thanks of the entire membership for the responsible and prudent way in which they managed this legislation and brought it to the floor. They have fulfilled their responsibilities that this body has to our men and women in the military and have done it under budget. Also, I note that the bill will be sent to the President prior to the start of the fiscal year.

I would particularly like to congratulate the chairman on the emphasis he placed, along with Mr. REGULA, on the quality of life issues for the people who serve both in this country and overseas.

There are over 32,000 new barracks available for our men and women in uniform in this bill. We provided for the health care facilities and other kinds of recreational aspects of military life which have too often been overlooked.

One other thing that I know will be very important to many Members is that the committee has taken action to insure that the work we do in NATO, within the NATO infrastructure, is done in a manner in which the European nations are expected to share a larger share of the defense burden.

We are not doing things in this bill which can be done more appropriately by the host nations. We are doing essential things that we know need to be done for the benefit of our men and women and for the security of Europe.

But the chairman (Mr. HEFNER) is keeping a tight leash on our allies in regard to the sometimes overly generous funding that we have provided them and allowed them to have perhaps more latitude in their own budgets than we would think appropriate.

The fact that we brought that to an end in this bill I think is something most Members on this floor can take some pride in.

I would like to thank the chairman for the leadership he has provided in bringing the conference report to the floor today.

□ 1640

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to again compliment the chairman of the subcommittee for the superb job that he has done. He has taken the time to inspect many of the military facilities in this country and it is a very time-consuming effort and one that takes a tremendous amount of energy and diligence. I appreciate the hard work that the chairman has done.

Again, I encourage him to continue the efforts throughout the continental United States and throughout the world. Certainly I think the people who are very much concerned about our national security owe a debt of gratitude to the chairman.

● Mr. GONZALEZ. Mr. Speaker, I am proud to sponsor the pending resolution which would authorize the President of the United States to proclaim the week beginning May 13, 1984, as "Municipal Clerk's Week." The purpose of this resolution is to recognize and honor on a nationwide basis those who bear the title of municipal clerk. The International Institute of Municipal Clerks, representing thousands of our Nation's most established professional public servants, has endorsed such recognition and has set aside this special week in honor of this group.

As a matter of historical perspective, the municipal clerk goes back to pre-Biblical times. The ancient cities of Greece had their own city secretary whose primary duty was to read aloud official documents. The office of clerk can be traced back to the Middle Ages where, initially, a clerk was any member of a religious order. This was derived from the word "cleric" or "clergyman." Our early American colonists established the office of clerk and it quickly became a way of life.

Mr. Speaker, since the earliest days, municipal clerks have been at the heart of virtually all the official acts of local government, representing the tie between government and citizen, the result of which has been the orderly maintenance of public records without which local government could not exist.

While Municipal Clerk's Week has been recognized annually by many State and local governments, it has not been recognized on a national level. I feel it is time that we make this observance to call attention to the historical relationship of this position to our democratic form of government; its importance in the operation of government affairs; and the numerous services through which we benefit that are provided by this office.

At this time, I urge adoption of the resolution.●

● Mr. LAGOMARSINO. Mr. Speaker, I want to commend the gentleman from North Carolina and the members of the conference committee, who have done an excellent job of balancing the constraints of a recovering economy on the one hand with the continuing threats to world peace on the other. We often fail to appreciate how important a role our Armed Forces and weapons systems play in keeping the peace, but I think it is evident that judicious outlays today can avoid the far more costly alternative of a war tomorrow.

This bill and report represent the minimum needed to maintain our readiness and provide the incentive to

our allies to share their part of the burden. Equally important, it provides the President with the minimum needed to negotiate effectively with the Soviets on arms control, as his remarks to the U.N. General Assembly yesterday demonstrated.

We often overlook the positive effect of military expenditures on the economy. The dollars appropriated in this bill will mean many thousands of new jobs for American workers. I am particularly grateful to the committee for including needed funds for the space shuttle and MX testing programs at Vandenberg, and for needed facilities at other bases in Ventura County, including the new Naval Regional Medical Center at Port Hueneme.

I urge all Members to support the conference report.●

Mr. HEFNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 7: Page 3, line 10, strike out "$1,374,751,000" and insert "$1,502,491,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: *"Provided*, That none of the funds made available for airfield improvements in Honduras may be obligated until the Committees on Appropriations have been notified as to the complete U.S. construction plan for the region, $1,501,993,000".

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 4, line 24, strike out "$65,127,000" and insert "$59,300,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$67,620,000".

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 21: Page 5, line 20, strike out "$28,795,000" and insert "$26,810,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$30,605,000".

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 53: Page 12, strike out lines 10 to 17, inclusive.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: Restores the matter striken by said amendment, amended to read as follows:

SEC. 120. None of the funds appropriated in this Act for F-16 beddown projects at Misawa, Japan, may be obligated or expended unless there has been notification to the Committees on Appropriations that the approved Government of Japan budget for fiscal year 1984 includes projects associated with the F-16 beddown as an additive over the level of funding provided in Japanese fiscal year 1983 for the facilities improvement program.

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 55: Page 12, after line 17, insert:

SEC. 118. It is the sense of the Congress that the Administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and furtherance of increase unity, equitable sharing of our common defense burden, and international stability.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 121. It is the sense of the Congress that the Administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 56: Page 12, after line 17, insert:

SEC. 119. None of the funds appropriated by this Act may be available for any country when the President determines that the government of such country has failed to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation

commencing prior to the renewal of assistance to such country; and

(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 122. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 57: Page 12, after line 17, insert:

SEC. 120. Of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: *Provided*, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5,000,000.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 123. Of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: *Provided*, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5,000,000.

Mr. HEFNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include statistical facts, on the matters discussed in connection with the conference report on military construction.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

COMMEMORATING 25TH ANNIVERSARY OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 284), commemorating the 25th anniversary of the National Aeronautics and Space Administration, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FUQUA. Reserving the right to object, Mr. Speaker, and I do not intend to object, I rise in support of this resolution and commend the National Aeronautics and Space Administration for their work.

Mr. Speaker, over the last 25 years, this Nation and the world has witnessed a remarkable leap forward in scientific knowledge and technological capabilities. We owe much of this progress to America's space effort and the unparalleled performance by the National Aeronautics and Space Administration (NASA).

In 1958, the National Aeronautics and Space Act was passed by Congress with the objective of preserving "the role of the United States as a leader in aeronautical and space science and technology * * *." NASA was created with the charge of meeting this objective and, over the past quarter century, NASA has excelled in this mission with accomplishment after accomplishment.

Mercury, Gemini, Apollo, skylab, space shuttle—these are but a few of NASA's accomplishments.

We have gone beyond the confines of our planet and have brought back knowledge about the Moon, Mars, Venus, Saturn, Jupiter, and the far reaches of the universe.

World communications have expanded and their cost reduced. Remote sensing techniques have been refined enabling us to monitor the Earth's weather and agriculture patterns and better locate its resources. Aeronautics technology has been advanced to the point where America's position as an aircraft systems manufacturer is unmatched in the world. And we now have a space transportation system that is moving us headlong into routine space travel which our economy can use for its own commercial benefit. The list goes on and on.

Yes, NASA has done well. For 25 years, it has characterized leadership and excellence, and with our support, I am confident NASA will continue to meet the challenge of tomorrow as it has in the past.

Today, this body meets to consider House Joint Resolution 284, commemorating NASA's 25th anniversary. This resolution is our way of acknowledging NASA's contributions and thanking the men and women associated with this agency over the years for their dedication and exemplary service.

I urge my colleagues to join me in paying tribute to one of the finest organizations to serve this Nation by voting for this measure.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I join with my distinguished colleague and

chairman of the Committee on Science and Technology in support of House Joint Resolution 284 commemorating the passage of NASA's first 25 years.

The achievements we have seen from NASA since October 11, 1958, represent so many milestones in our Nation's history. You may recall several of these events:

Pioneer 1, launched on October 11, 1958, as NASA's first automated satellite in space;

Friendship 7, the Mercury capsule launched July 20, 1962, which carried into orbit the first American space traveler;

Apollo 11, the lunar module *Eagle,* which carried man to the Moon for the first time on July 20, 1969;

Columbia, launched on April 12, 1981, the first reusable space shuttle which propelled us into a new era in space transportation;

Further, hundreds of manmade satellites have performed countless experiments and sent back to Earth innumerable statistics to be used in such areas of space application as weather and crop predictions and communications.

The launch of the first space transportation system in 1981 marked the beginning of a new era in space transportation and research. The space shuttle's goal of providing safe, comfortable transport of passengers and cargo to and from space is well on its way to realization. A reusable shuttle will enable us to operate space laboratories to conduct research in medical care, manufacturing processes, and biological and life sciences. Further, shuttle payloads will bring us powerful capabilities in communications and navigation, in weather and agriculture forecasting, and in preserving our Nation's security.

We have seen benefits to the public safety and to medical technology. To name a few: Space technology applied to brake linings, highway grooving to prevent skidding, and aerospace systems applied to firefighting equipment. Medical spinoffs we can expect soon include a prosthetic device for speech problems, a mechanism to diagnose handicapped children's walking problems, and a device that will automatically deliver medication from an implant.

Mr. Speaker, the legislation before us gives Congress an opportunity to congratulate NASA for its outstanding work over these 25 years in aeronautics and space research. As chairman of the Subcommittee on Space Science and Applications, I have had the honor of following on a daily basis the activities of the organization which spearheads our Nation's endeavors, and truly the endeavors of the entire free world, in space. We have seen the fruits of NASA's efforts in many related fields of technology, and we look forward to the exciting possibilities.

One exciting possibility is the planning and development of a space station—a manned, multipurpose open-ended space operating base in low Earth orbit. After the successes of our STS program, it is time to pick up another major space engineering initiative—a reusable, economic space station.

NASA's enabling legislation is the National Aeronautics and Space Act of 1958. My subcommittee has scheduled a series of hearings to review the basic policies of the act to determine whether these policies will be adequate to guide our Nation as well in the coming years as they have for the past 25 and whether changes to the act would be necessary or desirable at this time.

I urge my colleagues to adopt this resolution (H.J. Res. 284) introduced by Mr. FUQUA, designating October 1, 1983, as the 25th anniversary of the National Aeronautics and Space Administration.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. Further reserving the right to object, I yield to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. I rise today in support of this resolution commemorating the 25th anniversary of NASA with a certain degree of incredulity. When I reflect on the contributions that the space program has made to mankind, it is hard to believe that we are just now celebrating a 25th anniversary. After an examination of the list of scientific and technological breakthroughs and spinoff benefits resulting from NASA research and development over the last 25 years, a similar list of accomplishments from the centuries prior to this time pales in comparison.

At various times during these historic 25 years it was fashionable in some circles to criticize our efforts in space. We constantly heard from our detractors that we should stop spending billions in space that should be spent for programs on Earth. You do not hear too much of this kind of criticism anymore. I believe the record of contributions to mankind has become so overwhelming that even many of its harshest critics have been silenced. From agriculture to computer technology, medicine to communications, energy exploration and development, weather forecasting, national defense—hardly a single aspect of our lives has been untouched by the work of NASA.

I am especially proud to be sharing in the celebration of the anniversary of NASA. The First District of Virginia is host to some of the important work that NASA is conducting. From the NASA Flight Center at Wallops Island to the Langley Research Center at Hampton, NASA researchers, technicians, and employees are doing invaluable work that is carrying on the NASA tradition. Indeed, some of our earliest pioneering air and space research, under the auspices of the National Advisory Committee for Aeronautics, was done at Langley, including aerodynamic design and windtunnel experimentation going back to the 1920's. This early work inspired the comment at the time that, "The present-day American position in all branches of aeronautical knowledge can, without doubt, be attributed mainly to this far-seeing policy and expenditure on up-to-date laboratory equipment."

This same attitude and commitment continues today at Langley and Wallops and NASA facilities throughout the country. Since those early days we have seen the development of a space program under the direction of NASA administrators and personnel that has carried us into space and back home to reap tremendous benefits here on Earth. We have extended our senses beyond our atmosphere to the Moon, to distant planets—beyond the very limits of our solar system.

The 25th anniversary of the National Aeronautics and Space Administration is not just the birthday of a Government agency, it is a tribute to a national vision and commitment, it is a salute to a remarkable partnership between our Government and hundreds of private corporations and institutions and the people behind them, and it is a recognition of the dedication that we have to science, technology, and the betterment of the lives of our future generations.

Congress and all Americans should take the time to reflect on NASA's last quarter-century of accomplishments and to look to the stars and imagine what we can achieve in the next 25 years.

Mr. Speaker, I thank the gentleman for yielding, and let me commend the gentleman, the chairman of our Science and Technology Committee, for the work, and I mean the tremendous work, that he has performed on behalf of our space programs and on behalf of NASA and its record of success through his years in this Congress.

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Mr. FUQUA. I thank the gentleman.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 284.

Mr. Speaker, I want to particularly commend NASA for its great accomplishment in the U.S. space program.

● Mr. LIVINGSTON. Mr. Speaker, October 1 is the 25th anniversary of the National Aeronautics and Space Administration, fondly known to all as

NASA. It is my privilege to represent the dedicated men and women of two NASA facilities in my congressional district, the Marshall Space Flight Center Michould Assembly Facility and the NASA Slidell Computer Complex. Out of respect for them and all of their colleagues throughout the NASA family, I am cosponsor of House Joint Resolution 284, designating October 1, 1983, as "Twenty-Fifth Anniversary of the National Aeronautics and Space Administration."

I hope that this legislation and this anniversary will serve as a reminder of just how much NASA means to everyone of us. Our space program not only continued the pioneer spirit that built this country, but it also produces tangible technology that assists all of us in our everyday lives. Across the broader spectrum of advancing technologies NASA provides the space shuttle, exploration of the solar system, and the application of space capabilities in remote sensing of land resources, ocean and atmospheric conditions. These are remarkable achievements.

As a member of the U.S. Space Foundation and the Congressional Space Caucus, I say happy anniversary, NASA. And to the men and women of NASA I say thank you.●

● Mr. MINETA. Mr. Speaker, it is may pleasure to join in the commemoration of the 25th anniversary of the National Aeronautics and Space Administration. All Americans can be proud of the accomplishments made by the men and women of NASA for the last quarter century. NASA has put the United States in the forefront of space exploration and played an integral role in making the United States the leader in technological development.

I would especially like to commend the Ames Research Center, one of NASA's leading aeronautical research facilities, located in Santa Clara County. In striving to perfect the science of flying, the Ames researchers have increased the safety and efficiency of modern aviation. In addition, Ames is continually working on projects that help us to better understand our environment and cope with the forces of nature.

To all connected with the NASA programs around the country, I would like to say congratulations and keep up the good work. I urge all my colleagues to cosponsor House Joint Resolution 284 commemorating this silver anniversary.●

● Mr. SMITH of Florida. Mr. Speaker, on October 1, 1983, the National Aeronautical and Space Administration will turn 25 years old. Although only 25 years old, NASA has made a monumental impact of our modern world. One of the most striking changes since 1958 has been that space applications are now common parts of day-to-day life. In many areas—communications, meteorology, science, high-technology transfer, and defense support—space has become a commonplace contributor to and an integral part of our everyday life.

The entry of the space shuttle into routine operations has opened the door for a wide variety of new products and services. Some of the systems and experiments that have already flown on the shuttle have demonstrated the potential of making major contributions to our Nation and to world society. With the progress of the space shuttle program, the day is fast approaching when we can bring to bear the unique attributes of operations in space to help alleviate a number of important problems facing the Earth.

I hope that this anniversary will serve as a reminder of just how much NASA has accomplished in the past and how much more it will do in the future.●

● Mr. LEVINE of California. Mr. Speaker, I would like us all to pause for a moment to praise NASA on its silver anniversary. It is important to recognize this Nation's space agency not so much for its longevity, but for its many accomplishments which have allowed us to move light years ahead in space science and exploration over the last three decades.

We should look upon NASA as representing the best our Federal Government offers in terms of applying coordinated research to resulting innovative technology. NASA has always met the challenges demanded of it, and has often managed to reach higher than what has been expected of it.

When the National Aeronautics and Space Administration was first established 25 years ago, it wasted no time in proving itself as a prolific and productive space agency. Within a week, NASA had initiated the Mercury program, thus beginning the era of the U.S. manned space projects. Our manned space program achieved its ambitious goal of landing a man on the Moon before the end of the decade. While America's moonshot program was the most widely publicized aspect to date of the U.S. space program, NASA was simultaneously engaged in developing and launching satellites for communications, weather, and other scientific applications.

Although NASA made fewer headlines during the 1970's, the results of its space exploration activities continued to astonish the public. The landing of the *Viking* spacecraft on Mars brought us new, spectacular views of another distant globe. Since then, *Pioneer 10* and *11* have sent back the first views of the more remote planets Jupiter and Saturn, followed by more dazzling pictures taken by Voyager 1 and 2.

It should also be noted that in 1975, NASA reached new heights in carrying out its assigned responsibility of cooperating with other nations in the peaceful application of technology. In addition to demonstrating international space rescue capability, the Apollo-Soyuz joint docking showed the world that the United States and U.S.S.R. could work together closely and compatibly.

This last decade saw yet another remarkable innovation in space technology with the development of the first reusable manned space vehicle. Our very successful space shuttle program allows us to consider further international space cooperation projects, permitting our shuttle to retrieve United States and international satellites. The shuttle can also carry the European-built Spacelab module for conducting scientific experiments in a shirtsleeve environment.

What is perhaps most impressive about NASA is that unlike other Federal agencies, it has been required by law to "provide for the widest practicable and appropriate dissemination of information concerning (its) activities and results thereof." While there are obvious exceptions to this rule, one cannot argue with the fact that since its inception, NASA has expanded our knowledge, and that of other countries, of the solar system and our esthetic appreciation of viewing unseen galaxies.

In providing us with a perspective of the universe, NASA space programs have afforded us a new perspective on our own lives. Federal support for this agency has directly improved the quality of life for all of us—enriching our knowledge of the Earth's atmosphere, enlarging our international communications network, and enhancing our ability to predict accurately crop yields, locate mineral deposits, and discover sources of pollution.

NASA has consistently allowed the United States to remain a leader in aerospace service and technology. We must continue to allow it to flourish.●

● Mr. UDALL. Mr. Speaker, October 1 marks the 25th anniversary of the establishment of the National Aeronautics and Space Administration and is a fitting time to review some of the remarkable accomplishments of our space program, a program that has been the wonder of the world.

From the launching of *Pioneer 1*, 10 days after the establishment of the agency, to the historic seventh flight of the space shuttle *Columbia* earlier this year, we have been reaping the benefits of our space program. Twenty-five years ago we could not have imagined the number and diversity of public benefits that would result from our efforts at space exploration.

Better management of our limited natural resources and protection of our environment, improved weather forecasting, advances in microcircuitry

and miniturization, the manufacture of superior products in space: all of these advances, important as they may be, are perhaps overshadowed by the greatest gain of all. The technology base that has been developed through the space program by a team of government, industry, and university researchers and technicians has added immeasurably to our scientific knowledge, which, while important in itself, is even more important as an investment in and a resource for our future.

The University of Arizona Lunar and Planetary Laboratory in Tucson, Ariz., is a major center for this scientific effort and has been in the forefront of planetary research in this country. All of Arizona takes pride in the contributions we have made to the space program in a broad range of research topics from stellar astrophysics to the terrestrial application of space sciences.

I believe strongly in further development of our space program and exploration of our solar system. The recent recommendations of the Solar System Exploration Committee, established in 1980, represent a positive step toward finding cost-efficient ways for us to continue our country's leadership in the field. Recent cutbacks in funding have caused the cancellation or delay of several missions. New planetary mission starts have declined from 32 in the 1960's and 11 in the 1970's, to only 1 planned launch in the 1980's.

Our space science program has lost too many scientists and technicians to private industry or to other countries who are expanding their space programs while we are reducing ours. Our resource base is rapidly being depleted.

If we are to retain our leadership in this area and to continue reaping the benefits of increasing knowledge and developing technology we must supply a steady source of funding to NASA and its associated agencies. This silver anniversary of NASA provides us with an appropriate time to reaffirm our historic commitment to space exploration.●

● Mrs. HOLT. Mr. Speaker, I am sure that Members of the House have shared my excitement at the astounding advances in aeronautics and space technology that we have witnessed over many years.

Today we have two manned spaceships, the *Columbia* and the *Challenger,* that regularly rocket beyond the Earth's atmosphere for missions in space and return to prepare for many more missions.

We have sent unmanned craft to study the planets of our solar system and send back volumes of scientific data. We have used satellites in Earth orbit to monitor the weather, advance communications, and conduct surveys of Earth resources. Our astronauts have explored the Moon.

These wonders and many others have been possible because Congress created the National Aeronautics and Space Administration 25 years ago and has since provided the financial resources for its great achievements.

Unlike some other programs of Government, NASA has been an outstanding success. The scientists and support personnel of NASA have achieved so much because of their dedication to doing things that have never been done before. In fact, they have done things that were not even considered possible only a relatively short time ago.

They have contributed immensely to the knowledge of our universe and to the application of that knowledge to improve the quality of life for humanity.

I salute them on this 25th anniversary of the National Aeronautics and Space Administration.●

● Mr. FEIGHAN. Mr. Speaker, I am delighted to have the opportunity to participate in this special order today to celebrate NASA's "Silver Anniversary," and I am proud to be a cosponsor of House Joint Resolution 284, commemorating this upcoming anniversary on October 1.

I think that it is fitting as we look back on the 25 years since NASA's inception to note that NASA stands as an exceptional example of competence and innovation in research and in management. Teaming up with not only the aerospace industry, but with commercial business, and with our Nation's university research community, NASA has produced new technologies that broaden our knowledge not only of outer space, but our knowledge of our own environment here on Earth.

I am especially proud of the fact that NASA's Lewis Research Center is located in my district—at Lewis, in partnership with the universities and with industry, NASA is working to create technologies that are transferable to the aircraft engine industry, the energy industry, the automotive industry, and the space industry—as well as to countless others. Hand in hand, NASA and these industries are seeking new ways to create the technologies that contribute to our national defense, to transportation that is safe, swift, and reliable for business and for the general public, and to build more efficient commercial aircraft that will not only reduce the costs of air flight for passengers, but that will ease the environmental impact of the airplane as well.

I recently visited Lewis Research Center and was extremely impressed with Lewis' technology innovation program which assists nonaerospace business and industry to access their data and results. The work at the Lewis Research Center in space propulsion and power has helped to create the capabilities for space ventures, and for exploration of the Moon, the planets, "space stations," and to the assessment of our Earth's resources. Work done at Lewis Research Center, and other NASA centers offers the promise of future technologies that will provide more rewarding applications in the years to come including the possibilities of the creation of products in outer space that cannot be produced on Earth.

On this 25th anniversary of NASA, I want to join my colleagues in applauding the work NASA has done in pioneering the use of space to expand human knowledge and understanding of our world and other worlds. And, I join with my colleagues as we look forward to NASA's continued achievements in the future.

Thank you, Mr. Speaker.●

● Mr. HOYER. Mr. Speaker, this weekend our Nation reached a significant milestone in our race to the future. I refer to the 25th anniversary celebration of the National Aeronautics and Space Administration.

This anniversary is a time for retrospection and a time for gazing into the future. Without a doubt, throughout the past 25 years NASA has been instrumental not only in putting and keeping the United States at the forefront of the technological arena, but also in broadening the boundaries of our horizon.

The first official day of NASA's existence was October 1, 1958; 10 days later NASA launched its first spacecraft. Since that auspicious beginning, NASA has led the way in scientific, technological and engineering breakthroughs, and in space exploration. In 1961 the first U.S. manned space flight took place as *Freedom 7* and Alan Shepard completed a 15½-minute suborbital flight. Nineteen hundred and sixty-two was the year that *Friendship 7* and John Glenn completed the first U.S. manned orbital flight, a portent of greater things to come from NASA. The years 1963–69 saw enormous advances. NASA inproved systems and previewed the Moon with the Gemini program; *Surveyor I* made a lunar landing in 1966; and the early years of the Apollo program began.

NASA has also uncovered many secrets held by neighbors in our own solar system. *Mariner 10* in 1973, provided the first closeup views of Mercury, the smallest of our galaxy's nine planets. The Viking program of the mid-1970's landed two spacecraft on Mars, effectively mapping the Martian surface, sampling the soil and atmosphere, and searching for extraterrestrial life signs. The Pioneer Venus program provided important data about Earth's closest planetary neighbor, and mapped nearly all of the planet's never-seen surface. *Pioneer 10* left Earth 12 years ago on a trek that will

take it out of our solar system and into intergalactic space to roam for millions of years. Most recently, the space shuttle, *Columbia* and *Challenger* have ushered in a new era of U.S. capability, to take advantage of space's benefits on a practical and regular basis.

The culmination of these explorations resulted in one of our country's proudest moments, the first manned lunar landing on July 20, 1969. The importance of such an accomplishment cannot be overstated. Neil Armstrong and the crew of *Apollo 11* planted the American flag on the Moon, thus reaffirming the position of the United States as world technological leader, and signaling a monumental triumph of American scientific prowess. It generated major advances across a wide spectrum of scientific disciplines, and it demanded giant technological steps to accommodate those advances. In 1968–72 there were 11 manned Apollo flights involving 29 astronauts, 12 of whom walked on the moon; there were two manned orbital preliminaries, three circum-lunar flights and six lunar landing missions. The Apollo program ranks as the most successful in space exploration.

After the conclusion of Apollo, NASA turned its attention and genius toward Earth; developing and improving satellite systems, refining and revising aerodynamic designs, launching Landsat Earth resources survey satellites, and orbiting skylab for use as an interim space station and laboratory. These programs and others like them have helped us to learn more about our tiny corner of the universe.

Future plans at NASA include the development and launching of the Space Telescope, which will have the capability to seek out objects 50 times fainter and 7 times farther away than those now visible. It wil also be used to study Halley's Comet when it returns to Earth's vicinity in 1986. The Venus Radar Mapper, tentatively scheduled for a 1988 launching, will use synthetic aperture radar to pierce the clouds that cloak Venus and accurately map the planet's surface. A probe and radar mapper will be sent to collect information from Titan, a satellite of Saturn whose atmosphere is recognized to be similar to Earth's own at its nascence.

The list of NASA's accomplishments, advancements, and plans for the future could fill volumes. Our Nation is proud that NASA takes such an enthusiastic and bold approach to technology and its advancement, for in space there is no room for timidity.

The Fifth Congressional District of Maryland, which I represent, is proud to have within its borders the Goddard Space Flight Center. Goddard plays a significant part in NASA's research and development team, and, in fact, will be an integral contributor to the development of the space telescope. On this day, I would like to single out the employees and accomplishments of Goddard as well.

Perhaps the lonely voyage of *Pioneer 10* best sums up our quest for knowledge and the secrets of the cosmos. Its trek is analogous to our own. Pioneer floats into the infinity of the unknown, not knowing where it will go, who it will meet, or when it will stop. *Pioneer* is almost 3 billion miles from home port, and should continue forever—an imponderable abstraction. So, too, shall man continue into the unknown.

Mr. Speaker, I want to extend my sincere congratulations to NASA and everyone associated with it, and may its next 25 years be as successful as its first.●

Mr. FUQUA. Mr. Speaker, I withdraw my reservation of objection, and I thank the distinguished gentlewoman from Indiana (Mrs. HALL) for her cooperation and courtesy.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 284

Whereas the United States embarked on an urgent national effort to enter the space age which was inaugurated by adoption of the National Aeronautics and Space Act of 1958, whereby the National Aeronautics and Space Administration was created on October 1, 1958;

Whereas, on October 11, 1958, NASA launched into Earth-orbit its first automated satellite, Pioneer 1;

Whereas the first United States citizen was launched into suborbital space aboard his "Freedom 7" Mercury capsule on May 5, 1961;

Whereas, on February 20, 1962, the first United States citizen was launched into Earth-orbit aboard his "Friendship 7" Mercury capsule;

Whereas, subsequently, literally dozens of astronauts have been launched into Earth-orbit to perform useful work and research for periods lasting as long as three months at a time;

Whereas, on July 20, 1969, the Apollo 11 lunar module, "Eagle," carried the first manned expedition to the surface of the Moon and, subsequently, five additional two-man crews would explore the lunar front side for science;

Whereas hundreds of unmanned satellites have scientifically explored near-Earth space, have mapped our planet's resources, charted its weather and provided a technical base from which commercial exploitation of space has become a reality;

Whereas two-thirds of the planets in the solar system have been explored and observed in detail by increasingly complex generations of interplanetary craft;

Whereas the birth of the first reusable space transportation system was realized on April 12, 1981, with the successful launch, orbital operation and ground landing of the space shuttle Columbia;

Whereas, drawing upon its NASA heritage, the agency has continued to push forward the horizons of aeronautical research and development;

Whereas cooperative space projects with other nations of the world have greatly enhanced relations, communications, and understanding among the inhabitants of "Spaceship Earth;"

Whereas, for twenty-five years, NASA has vigorously pursued the charter set forth by Congress—to realize the potential, practical benefits to be gained from aeronautical and space research and development—which has placed the United States in a preeminent position worldwide to utilize this technology; and

Whereas the twenty-fifth anniversary of the birth of NASA provides an opportunity to recognize the enormous achievements by that agency in aeronautics and space research and development, and in related fields of science and technology: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the day October 1, 1983, is hereby designed the "Twenty-fifty Anniversary of the National Aeronautics and Space Administration," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, the 25th anniversary of the birth of NASA provides an opportunity to recognize the enormous achievements by that agency in aeronautics and space research and development and in related fields of science and technology.

This resolution will highlight the fact that for 25 years, NASA has vigorously pursued the charter set forth by Congress—to realize the potential, practical benefits to be gained from aeronautical and space research and development—which has placed the United States in a preeminent position worldwide to utilize this technology.

Mr. Speaker, I urge adoption of this resolution which commemorates the 25th anniversary of the National Aeronautics and Space Administration on October 1, 1983.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCHOOLBUS SAFETY WEEK OF 1983

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 137) authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I rise to inform the House that the minority has no objection to the joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 137

Whereas twenty-two million students are transported by schoolbus to and from school each day;

Whereas the safety of these students deserves the highest priority; and

Whereas a national program is underway to call public attention to the importance of schoolbus safety during the week of October 9, 1983, through October 8, 1983: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983" and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate activities and ceremonies.

Mrs. HALL of Indiana. Mr. Speaker, I urge the adoption of this resolution which calls attention to the importance of schoolbus safety during the week of October 2, 1983, through October 8, 1983.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUNICIPAL CLERK'S WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 92) designating the week beginning May 8, 1983, as "Municipal Clerk's Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I wish to inform the House that I do not object, the minority has no objection to the adoption of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 92

Whereas the municipal clerk, oldest of public servants, is the hub around which revolves efficient and responsive local government;

Whereas as local government has grown in responsibility and importance through the centuries, so has the commission of the municipal clerk;

Whereas the municipal clerk provides a direct link between past, present, and future by preserving records for posterity and implementing decisions of the legislative body, all the time seeking better and more efficient ways to do these jobs;

Whereas the accurate recording, careful safeguarding, and prompt retrieval of public records are vital functions, without which efficient and responsive local government could not exist;

Whereas municipal clerks follow a mandate to seek better and more effective ways to perform those critical responsibilities in light of the rapid technological advances of today's world; and

Whereas in keeping with this mandate, municipal clerks also are dedicated to continuous professional education and training, in order to stay abreast of those advances: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the outstanding and vital services performed by municipal clerks, reflecting their dedication to public service for the community, the week beginning May 8, 1983, is designated "Municipal Clerk's Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: Page 2, line 5, strike out "May 8" and insert in lieu thereof "May 13."

Page 2, line 6, strike out "1983," and insert in lieu thereof "1984."

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. HALL).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. HALL of Indiana: Amend the title so as to read: Joint resolution designating the week beginning May 13, 1984, as "Municipal Clerk's Week."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF SENATE JOINT RESOLUTION 142, NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 142) designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I wish to indicate to the House that I do intend to object, the reason being that we have a policy in the House, unwritten, that in order to bring a resolution to the floor it requires 218 signatures. As of this date, this resolution has 42.

It is for this reason, Mr. Speaker, that I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 239, DESIGNATING OCTOBER 2, 1983, AS NATIONAL DAY OF RECOGNITION FOR MOHANDAS K. GANDHI

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 239) designating October 2, 1983, as a national day of recognition for Mahandas K. Gandhi, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Reserving the right to object, Mr. Speaker, I do object, the reason being that here again, with respect to this resolution, the requisite number of 218 cosponsors is not at this time on this resolution.

Let me add, personally, that I certainly have no objection to the adoption of this resolution; but if we have a policy, I believe it should be followed.

Mr. Speaker, for these reasons, I do object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

ALLEGED VAN BUREN LETTER DOES NOT EXIST

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. SHUSTER. Mr. Speaker, during the debate on coal slurry pipelines we twice heard recited for us a supposed letter from Martin Van Buren to Andrew Jackson concerning channels and railroads. This letter was supposed to somehow suggest when translated into today's language that it had relevance and we should support coal slurry pipelines. In fact, just this morning the coal slurry lobbyists took a full page ad out in the Washington Post and made that same letter the centerpiece of their ad. There is one minor problem, Mr. Speaker. The letter never was written. The letter never existed. The letter is a hoax. We contacted the Library of Congress and they researched it, and they replied as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., September 20, 1983.

DEAR MR. SHUSTER. This is in reply to your letter of September 20, addressed to John McDonough, a member of my staff.

We have seen more than a dozen examples over the last several years of a letter purported to have been written in January 1829 by Martin Van Buren to Andrew Jackson concerning canals and railroads. In every case only printed examples have been presented to us, never a holograph manuscript. Some of the printed examples we have seen have been addressed to Jackson as "President" at the "White House," and have generally been dated either January 1 or January 31, 1829. Jackson, as President elect, left Tennessee on January 19 and arrived in Washington on February 11. He could have been addressed as "President" at this time but it would have been inappropriate to address such a letter to the "White House" prior to the inauguration of March 4. The latter term itself, in fact, was not in common usage as a place of address. Following the inauguration, most letters sent to Jackson were simply addressed to him as "President of the United States."

The Library of Congress' collection of the papers of Andrew Jackson, which has been indexed in full, does not include the letter of January 31, 1829 (or January 1), nor is there a retained copy in this Library's collection of the papers of Martin Van Buren, which has been calendared. The earliest example of a letter from Van Buren to Jackson in our collections is dated February 23, 1829. In writing of this period, Van Buren's modern biographer has declared: "Van Buren was never the man to presume on Jackson, as he was too conscious of his position to initiate any correspondence with Jackson's lieutenant [William B. Lewis], though he responded when his advice was sought. As Jackson remained aloof in any personal exchange between the two but acted through Lewis, so Van Buren adopted the same stance, relying upon [James A.] Hamilton to maintain communications." Cf. John Niven, "Martin Van Buren: The Romantic Age of American Politics" (New York, 1983), p. 224-225.

There are other manuscript repositories that have smaller collections of Jackson and Van Buren Papers, but it is unlikely that the letter in which you are interested would be found in one of them. In fact, internal evidence in the copy of the letter that you made available to us indicates very strongly that it is spurious, the discussion of the "railroads," for example, does not ring true, since passengers on the Baltimore and Ohio, the first railroad incorporated as a common carrier of passengers and freight, were first carried in January 1830, and in single cars drawn by horses. In addition, over the greater part of this public career, Van Buren was not friendly to internal improvements in general, and to canals in particular. Finally, the reference to an "Interstate Commerce Commission" in the letter is not in keeping with terminology used in 1829.

We regret that we are unable to comment specifically on the original of the letter under discussion. If the source from which the printed copy was made was known, then it might be possible to carry the investigation further.

Sincerely yours,

JAMES H. HUTSON,
Chief.

So, like so much else that we have heard about coal slurry pipelines, the proponents of the arguments have given us a reason to vote for coal slurry pipelines which never really existed. This is a figment of somebody's imagination. And one more reason why we should vote against coal slurry pipelines.

FOCUS ON THE UNITED NATIONS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, both liberals and conservatives are becoming increasingly concerned about the activities of the United Nations, a body that could not even enact a resolution criticizing the recent downing of Korea Air Lines flight 007 by the Soviet Union. The Heritage Foundation has conducted a thorough study of the United Nations and has issued several illuminiating reports which should be of great interest to my colleagues and the American people.

The following is the most recent of the Heritage Foundation reports on the United Nations, and I recommend it to all who are interested in foreign affairs, particularly in view of the recent controversy surrounding Ambassador Lichenstein's remarks at the United Nations. I would only add that in my view, Mr. Lichenstein's comments were very well taken.

[The Heritage Foundation, July 20, 1983]

THE WAYWARD U.N.: A DIGEST OF HERITAGE STUDIES

INTRODUCTION

The United Nations, say many Americans, has failed to create a more peaceful world. In a 1983 survey,[1] 48.8 percent of those polled indicated they do not believe that the U.N. is effective in furthering the causes of world peace and political stability among nations; only 42.8 percent believe that the U.N. furthers peace. Not only has the U.N. failed to fulfill the lofty hopes of its founders, it has become itself a major cause of global disharmony.

The mandate of the U.N. Charter to settle disputes by peaceful means has been ignored as the U.N. has welcomed guerrilla leaders and legitimized various terrorist organizations. The Charter provision "to employ international machinery for the promotion of the economic and social advancement of all peoples" has become the New International Economic Order—the banner of the underdeveloped Third World governments' attempt to redistribute the wealth of the developed nations. United Nations Secretariat staffing has often been consciously anti-American. And the so-called nonaligned nations have been organized into a pro-Soviet, anti-Western voting bloc.

Despite this, the United States continues to contribute about 25 percent of the U.N. budget—a share far greater than that of any other nation. This amounted to $310,838,765[2] in 1981 and did not include voluntary U.S. contributions to the U.N. and its specialized agencies. In 1981, total U.S. contributions to the U.N. reached $825 million.[3] By contrast, the Soviet Union has pledged to contribute a mere 14 percent of the budget and remains delinquent on about $200 million—most of it for peace-keeping operations.

What has happened to the U.N. since its founding? Or, at least, what has happened to the American perception of that institution? Why does the U.S. find itself under almost constant siege at the U.N.? These are questions that American policymakers are asking. How they are answered may well determine for the rest of this century the role of the U.S. in the U.N.

To this end, The Heritage Foundation's United Nations Assessment Project, over the past 18 months, has published nearly two dozen studies analyzing the operations, goals, agenda, and effectiveness of the U.N. More than two dozen additional studies are scheduled to be released in the next 18 months. Several of the studies have attracted widespread attention. This paper summarizes the findings of five of those papers.[4]

Note: Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

[1] The Sindlinger Poll, conducted from Jan. 27 to Mar. 2, 1983. Sample projection (from a figure of 3,371) was 164,701,000.

[2] "U.S. Contribution to International Organizations, Fiscal Year 1981," U.S. Department of State publication.

[3] Ibid.

[4] Juliana Pilon, "The United States and the United Nations: A Balance Sheet," Backgrounder No. 162, Jan. 21, 1982; Thomas Gulick, "How the U.N. Aids Marxist Guerrilla Groups," Backgrounder No. 177, Apr. 8, 1982; Roger Brooks, "The Law of the Sea Treaty: Can the U.S. Afford to sign?" Backgrounder No. 188, June 7, 1982; Juliana Pilon, "Through the Looking Glass: The Political Culture of the U.N.," Backgrounder No. 206, Aug. 30, 1982; Juliana Pilon, "Americans at the U.N.," Backgrounder No. 247, Feb. 14, 1983.

U.N. SUPPORT FOR TERRORIST ORGANIZATIONS

In 1974, the U.N. welcomed Palestine Liberation Organization leader Yassir Arafat. He addressed the General Assembly and the Security Council as if he headed a legitimate, sovereign state. Two years later, another leading terrorist organization scored a critical victory, when the General Assembly voted to support the Southwest African People's Organization (SWAPO) "as the sole and authentic representative of the Namibian people" (U.N. Resolution 31/146, para. 2). U.N. records show that, since 1975, at least $116 million has been spent or budgeted to support such groups—what the U.N. calls "national liberation movements" (NLMs). U.N. funding and political support for armed guerrilla warfare, however, is not authorized by the U.N. Charter. The Charter, in fact, mandates that "all members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered" (Chapter 1, Article 2, para. 3).

U.N. support of NLMs has been curiously selective. No backing, for instance, has been given to pro-Western national liberation movements, such as UNITA, now fighting a successful guerrilla war against the Marxist government of Angola. Nor has the U.N. been willing to recognize the non-Marxist representatives of the Palestinians or the democratic political parties of Namibia in southern Africa. Instead, the General Assembly recognized the PLO and SWAPO as the "sole" representatives of the Palestinian and Namibian peoples respectively.

U.N. support of guerrilla liberation movements ranges from gifts of food, housing, and health services to radio channels for broadcasting propaganda. Both SWAPO and the African National Congress (ANC) of South Africa make wide use of U.N.-sponsored radio propaganda broadcasts. Military arms, equipment, training, and advisors for these NLMs are provided by the USSR, Cuba, and Eastern Bloc nations. But much of their "humanitarian aid" comes from the U.N., with most of the money—about 65 percent—from the U.S. and other Western industrial democracies.

Probably more important than the actual aid and development projects is the international political legitimacy that official U.N. recognition confers on the NLMs. This is enjoyed by four Marxist guerrilla groups: the PLO, SWAPO, ANC, and the Pan-African Congress (PAC). This U.N. seal of approval gives them an unfair advantage over their political rivals at home in terms of money, aid projects, publicity, and international lobbying power not available to their competitors. It also distorts their image on the international scene—making them appear to be the true representatives of their respective peoples though, in reality, all four are fighting for political survival at home.

The PLO

Before attaining U.N. recognition, the PLO was viewed widely as an unpredictable and dangerous international terrorist organization. The world's law enforcement agencies, in fact, have had no reason to change their minds about that. But since Yassir Arafat's speech at the U.N. and the creation of two PLO-dominated U.N. committees—the Inalienable Rights Committee and the Special Unit on Palestinian Rights—the PLO can now wave its U.N. identification badge and claim legitimacy. This boosts its image among other Arabs.

The PLO enjoys full observer status at the U.N. Educational, Scientific and Cultural Organization (UNESCO), the International Labor Organization (ILO), the World Health Organization (WHO), and the International Civil Aviation Organization (ICAO). The Special Unit on Palestinian Rights publishes pamphlets implicitly supporting the PLO as the only real representative of the Palestinians. One booklet, available in the U.N. bookstore and distributed to U.N. centers world wide, is entitled "The International Status of the Palestinian People." Lauding Arafat as a freedom fighter, it justifies his and the PLO's use of terrorism by noting how successful the "Palestinian Commandos" have been through terrorism in bringing the Palestinian question to the world's attention. In 1975, the PLO was invited to attend the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva, Switzerland. The U.S. National District Attorneys' Association was outraged and called for withdrawal of the invitation, quoting from PLO Spokesman, the group's official newspaper. Only months after the Munich massacre of Israeli Olympic athletes, the paper boasted in its September 1972 issue: "We have to kill the most famous. Since statesmen are difficult to kill as they are well protected, we have to kill artists and athletes." [5]

Gerhard O. W. Mueller, an American who is Executive Secretary of the U.N. crime prevention congress, refused to withdraw the invitation, citing the PLO's official U.N. observer status.

In 1977, the PLO was admitted to the U.N. Economic and Social Council's (ECOSOC) Commission for Western Asia. Never before had full membership status been given to a noncountry. To make matters worse, the PLO has been allowed to chair the Commission. PLO members and influence, moreover, pervade the U.N. Secretariat. "All the Palestinians working at the U.N. are members of the PLO," Zehdi Labib Terzi, the PLO's Permanent Observer at the U.N., told The Heritage Foundation.

U.N. legitimization of the PLO extends to funding. In the 1982-1983 U.N. biennial budget, the Committee for the Exercise of the Inalienable Rights of the Palestinian People is to receive $71,800. The Special Unit on Palestinian Rights has budgeted $6,156,500 for the two-year period.

Aside from this direct support, the U.N. indirectly supports the PLO via the U.N. Relief Works Agency (UNRWA). Of UNRWA's 17,000 worldwide employees, all but about 120 "international staff" are Palestinians. There is strong evidence that this organization, run almost entirely by Palestinians, is dominated by the PLO. There is further evidence that the PLO controls the U.N. Palestinian refugee camps. The Associated Press reported on June 18, 1979, that PLO terrorists controlled three Palestinian refugee camps around Tyre and Lebanon's southern and eastern outskirts. These are UNRWA camps. Even more conclusive of PLO use of U.N. refugee camps is the statement of the Lebanese Ambassador, Edward Ghorra, in a letter to former U.N. Secretary General Kurt Waldheim:

"The Palestinians increased the influx of arms into Lebanon . . . they transformed most of the refugee camps—if not all—into military bastions . . . the camps, in fact, became centers for the training of mercenaries sent and financed by other Arab states." [6]

UNRWA's annual budget is about $200 million. Most of that pays for over 600 Palestinian elementary schools, according to John Miles, director of the UNRWA's New York liaison office. Roughly $20 million a year goes to the camps in Lebanon.

Since it is highly likely the PLO plays a large role inside UNRWA, should the U.S., which contributed $62 million to UNRWA in 1981, continue to participate in the Palestinian refugee program? According to a recent survey,[7] 90.8 percent of Americans polled believe that Congress should cut off all funding for U.N. organizations that aid terrorist groups.

SWAPO

The U.N. General Assembly in 1976 recognized SWAPO as the "sole and authentic" representative of Southwest Africa, the South African trusteeship often known as Namibia. Yet SWAPO is but one of 45 political parties representing Namibia's one million people. It has a well-documented record of terrorist attacks against civilians dating from the late 1960s. Addressing the U.N. General Assembly in 1973, SWAPO Leader Sam Nujoma declared:

"I pledge here and now that we will continue to talk to South Africa in the only language they understand and that is intensification of armed liberation struggle . . .".

SWAPO enjoys U.N. recognition and support as much as the PLO does. SWAPO is invited to the international conferences of such U.N. specialized agencies as the International Labor Organization, Food and Agricultural Organization, World Health Organization, United Nations Conference on Trade and Development (UNCTAD), and the Universal Postal Union. It benefits from the free international public relations service provided by the U.N. Department of Public Information. The resolution providing for free international public relations notes the need "to intensify the widespread and continuous dissemination of information on the struggle for liberation being waged by the people of Namibia, guided by their liberation movement, [sic] the SWAPO." Like the PLO, SWAPO relies heavily on the Soviet Union and the Eastern bloc nations for military equipment, supplies, and military training. For humanitarian aid, SWAPO turns to the U.N.

The U.N. and its specialized agencies allocated at least $40 million in direct or indirect aid to SWAPO between 1977 and 1981 and for programs beginning and continuing during 1982-1986. The U.S. contributes about 30 percent of this.

The United Nations Development Program budget for 1977-1981 earmarked $7,750,000 for SWAPO; another $7,750,000 has been recommended by UNDP officials for the 1982-1986 budget. UNDP will receive another $4,477,870 for Namibia via the Namibia Trust Fund. As the sole "national liberation movement" recognized by the U.N. for Namibia, SWAPO will play a leading role in the distribution of this sum. And the United Nations has a separate fund of about $8.8 million called "Aid to Refugees and National Liberation Movements," divided among the PLO, SWAPO, and the two

[5] Letter from the National District Attorneys' Association, Chicago, Ill., to Gerhard O. W. Mueller, Executive Secretary, 5th U.N. Congress on the Prevention of Crime and Treatment of Offenders, Aug. 27, 1975, p. 5.

[6] Letter from Lebanese Ambassador to the United Nations, Edward Ghorra, to Secretary-General Kurt Waldheim, Aug. 17, 1976, U.N. document A/31/179.

[7] Sindlinger Poll, op. cit.

South African terrorist guerrilla groups, the ANC and the PAC.

Another $17.6 million is on the drawing boards via the United Nations Industrial Development Organization (UNIDO). UNCTAD also has submitted a large proposal for national liberation funding, which would direct yet more funds to SWAPO, ANC, and PAC "to provide an opportunity for the leadership of the NLMs to be more fully acquainted with the activities of UNCTAD in the area of international economic relations" and to build up "management capacity of NLM cadres" (U.N. Document TD/B/WP/16, p. 20).

In the $17.6 million UNIDO proposal for training of industrial managers, the U.N. sketches its blueprint for helping SWAPO. The proposal is divided into three parts: pre-independence, transitional, and post-independence aid. This program, like all the U.N. programs for Namibia/SWAPO, takes place outside Namibia and is dominated by SWAPO recipients. Since the intent is to train the professional cadres of a future independent Namibia, why is SWAPO the main beneficiary of these programs? Why has the U.N. decided that in some future Namibia, these professionals will come from SWAPO's ranks? The U.N., in effect, is feeding, clothing, educating, and giving civilian training to the SWAPO guerrilla army. And the U.N. is also training SWAPO candidates as government functionaries for the day when SWAPO seizes the reins of power in Namibia. What about the non-SWAPO groups in Namibia? Why do they not qualify for help from the U.N.? Why are they victims of the U.N. double standard?

THE NEW INTERNATIONAL ECONOMIC ORDER

Most effort at the U.N. goes toward establishing a New International Economic Order—a scheme devised by the Third World radicals to redistribute the wealth of developed countries. NIEO seeks to transfer to the developing states the economic resources of the industrial nations, especially the U.S., and to control the activities of Western businessmen.

The arguments underlying NIEO Permeate most of what the U.N. does. According to the 1982 Report of the U.N. Director General for Development and International Economic Cooperation, entitled "Towards the NIEO," the existing economic order—"which (is) characterized by inequality, domination, dependence, narrow self-interest and segmentation"—should be changed. The enemy is the free enterprise market economy. One of the earliest attempts to use the U.N. to transform rapidly the economics of the Third World was UNCTAD. Established in 1965 as a permanent body for formulating general rules on trade between developed and undeveloped countries, UNCTAD began working on so-called codes of conduct designed specifically to help non-Western nations. UNCTAD also served as midwife at the birth of the U.N. Charter of Economic Rights and Duties of States, adopted on December 12, 1974, by a General Assembly vote of 120 to 6 with 10 abstentions. The U.S. was among the tiny group of opponents. A new breed of international regulators uses this charter, along with the NIEO, to justify schemes for an elaborate system of redistribution, which would compel the U.S. to share its technological resources and output with the developing nations.

Another scheme designed to benefit the developing nations at potentially great cost to the Western industrial societies is the Code of Restrictive Business Practices, adopted by the General Assembly in 1980. This Code forces multinational corporations to sell their technology and know-how more cheaply and less efficiently for the benefit of the Third World nations.

Perhaps the most widely known effort on behalf of NIEO is the Law of the Sea Treaty. After eight years of fruitless negotiations, the U.S. delegation on April 30, 1982, refused to approve the Draft Convention of the Law of the Sea Treaty. A main reason for U.S. opposition to the treaty was the attempt by the developing nations, represented by a coalition commonly referred to as the Group of 77, to use the negotiations as part of their general effort to establish the NIEO. They insisted that the Sea Law Treaty be based on the notion that resources of the earth, particularly the deep seabed mineral deposits, were the "Common Heritage of Mankind," to be enjoyed by all even though the very high cost of developing these resources would be borne by the U.S. and a few other industrial states. This would amount to a massive redistribution of wealth and technology, conflicting with American concepts of private property, free enterprise, and competition.

Another target of U.N. regulatory activity is the pharmaceutical industry. During the past six years, four different U.N. entities—UNCTAD, the U.N. Center for Transnational Corporations, UNIDO, and the World Health Organization (WHO)—have been trying to control pharmaceuticals. Enactment by WHO of a code recommending regulation of breast-milk substitutes, for instance, has serious implications for the regulation of food products in general and drugs in particular. WHO is also planning to regulate drug quality by establishing a body that would, in effect, supersede the U.S. Food and Drug Administration. UNIDO, moreover, is trying to redistribute the revenues of the pharmaceutical companies by limiting royalties and prices; it is also seeking ways to obtain licensing information and technology transfer for the benefit of underdeveloped countries.

The economic offensive against the industrial nations shows no signs of abating. U.N. Secretary General Javier Perez de Cuellar of Peru has called on the U.N. to continue and accelerate its efforts at redistribution. In a December 15, 1981, speech, he noted that he was assuming his post at a time when "the longstanding initiative for the renewal of global negotiations between North and South is coming back within the purview of the U.N."

AMERICANS AT THE U.N.: AN ENDANGERED SPECIES

A frequently ignored problem facing the United States at the U.N. is the diminishing number of Americans in top-level, decision-making posts. Though the U.S. foots 25 percent of the U.N.'s bill, Americans occupy only 17.32 percent of selected professional staff in the Secretariat of the U.N. system.[8] The U.N. Secretary-General admits that the number of U.S. citizens in senior and policy-making U.N. posts is well below the "desirable" range—and falling.[9]

At first, personnel quotas mirrored the size of a nation's financial contribution to the organization. The developing countries, however, forced a reinterpretation of the U.N. Charter provision that stressed "equitable geographical distribution." The weight of financial contributions was reduced and now affects only 55 percent of the quota. According to O. Richard Nottidge, Deputy Director for Policy Coordination at the U.N. Personnel Office, this proportion is likely to continue to diminish. Not only the U.S. loses when the number of Americans at the U.S. dwindles. Though other nations have sent hardworking, well-qualified nationals to the U.N., Americans are widely acknowledged to be among the most efficient employees. In addition, according to a high-ranking American who has worked in the Secretariat almost since its inception, most other nationals, especially from the developing states of the Third World, "do not understand the profit motive," and thus are less inclined to save the U.N. money and run it in a businesslike fashion. Some Secretariat employees appear to assume that the U.N. is to be used for private gain; this practice seems more prevalent, or at least more obvious, among non-Americans. Nottidge also states that "Third World countries may have good, qualified people—but not necessarily available for employment by the U.N."

While the role of Americans at the U.N. is shrinking because of Third World pressure, Moscow's power probably is mounting. It is well known, for example, that the Soviet Union has violated Article 100 of the U.N. Charter by placing Soviet KGB agents in the Secretariat.[10] Two Soviet employees arrested by the FBI in 1979 were subsequently convicted of espionage. Former U.N. Secretary General Kurt Waldheim even appointed a KGB officer as head of Personnel in Geneva, where the U.N. now has more employees than at its New York headquarters. According to Arkady Shevchenko, the highest-ranking Soviet official in the U.N. before his defection in 1978, a very high percentage of Soviet delegates assigned to the U.N. Secretariat and other internationally staffed U.N. organizations, as well as the Soviets' own U.N. mission, report in one way or another to the KGB.

THE NONALIGNED

The major force at the U.N. is the group of so-called nonaligned nations. Despite its name, the group is strongly pro-Soviet. The Communist bloc and less developed nations may have quite diverging interests, but share an anti-imperialist and anti-capitalist rhetoric. This seems to supersede common sense and the reality of international relations.

An Asian diplomat, who wishes to remain anonymous for fear of Soviet reprisals against his country, told The Heritage Foundation that developing countries usually side with the Soviet Union, even though many realize that Moscow does not help them much. Moscow has a miserly foreign economic aid program. And when it does contribute to such efforts as the U.N. Development Program, it does so in rubles, a non-convertible currency capable mainly of buying Soviet products.

The pro-Soviet lobby at the U.N., apart from clients such as Angola, Cuba, Ethiopia, Mozambique, and Vietnam, consists of countries whose relationship with the USSR is more tenuous but which, for a variety of reasons, adopt a political stance that is more clearly anti-Western than it is pro-

[8] As of December 1981, from the State Department, IO/IR 2, 3/82.

[9] (A/37/378/Add. 1, p. 7.)

[10] Testimony of Senator Daniel Patrick Moynihan of New York in hearings before the Subcommittee on International Organizations of the Committee on Foreign Affairs, House of Representatives, "U.S. Participation in the U.N. and U.N. Reform," Mar. 22, 1979, p. 11.

Soviet. Third World and Soviet affinity, however, goes beyond philosophy and such issues as foreign aid. Writes veteran U.N. observer Arieh Eilan: this fact has wider implications than the mere use of similar political cliches in speeches and resolutions; it has affected the practice of parliamentary democracy in the U.N. and has gradually destroyed all claims of objective adjudication that its (the U.N.'s) Charter so clearly stipulates.[11]

The result is a remarkably pro-Soviet voting pattern at the U.N. among the nonaligned. The percentage of support for the Soviet Union during the 1981 General Assembly shows overall agreement to be 84.9 percent (compared with 25 percent average agreement with the U.S.).[12]

CONCLUSION

Through the U.N., the U.S. is inadvertently supporting Marxist guerrilla-terrorist groups. American taxpayer dollars are being used to promote the New International Economic Order. Americans are being passed over for U.N. Secretariat posts, while KGB agents, in violation of U.N. Charter, hold high positions. And a group of nations claiming to be "nonaligned" in reality almost always endorses the Moscow line.

These cases are among many examples of the United Nations gone awry. For good reason, therefore, the U.N. is more suspect than at any time in its history and American support for it is plummeting. There are valid and pressing questions as to whether the U.S. is benefiting from its expensive U.S. membership, given the anti-American, anti-Western, anti-industrial, anti-capitalist majority in the General Assembly. Is the U.S. getting any value for all that it is spending in resources and energy on the U.N.? These are questions that the Reagan Administration and the U.S. public must—with urgency—begin addressing.

(Edited by Melanie Merkle, Research Assistant.)

GORDON KUTSCHER

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, over the past weekend, I had the sad occasion of attending the funeral of a constituent and friend, Gordon Kutscher of Jefferson City, Mo. During a period spanning more than a decade I had grown to admire and respect this man for his significant accomplishments.

Gordon Kutscher combined qualities of quiet strength and a gentle manner in a way that brought him respect. He was a recognized leader in his profession, his church, and in his community. He developed his talents as a teacher to the point where he was selected as the first executive director of the Missouri Advisory Council on Vocational Education, a position he filled for nearly 14 years. He served his church and had served as the president of the Trinity Lutheran Church of Jefferson City. His efforts in the Optimist Club led to three terms as district secretary-treasurer and a term as Missouri District Governor.

With all of this professional and community activity I know that Gordon Kutscher's first responsibility was as a husband and father. He met those responsibilities with the same strength and caring attitude that brought him high public recognition.

Please allow me, Mr. Speaker, to use my statement today as a means to reflect upon Gordon Kutscher's accomplishments. I extend my sincere sympathy to his wife Ann and to his three sons.

UNILATERAL EMBARGOES: THE CART BEFORE THE HORSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes.

Mr. STENHOLM. Mr. Speaker, this evening, my colleague, the gentleman from Kansas (Mr. ROBERTS) myself, and other Members both on and off the Agriculture Committee, those having an interest and a concern for various policies and procedures, bills and actions taken by our Federal Government in regard to agriculture will be participating in a special order.

Mr. Speaker, tonight we will be focusing again on the senseless Soviet attack on a Korean Air Lines jetliner, 007, which confirmed again the fundamental inhumanity of the Soviet Government. In the wake of the outrage, a strong defense against Soviet agression is more necessary than ever. Our response must be firm—and it must be a continuing one.

But some in the Congress and out have proposed a response to the KAL atrocity that would be precisely the wrong thing to do: An embargo on grain sales to the Soviet Union, or at least a cancellation of the recently signed long-term agreement governing grain and soybean sales. Unfortunately, a unilateral grain embargo is like Will Rogers' description of prohibition: It sounds good, but it will not work.

Several of my colleagues will shortly explain just why it will not work. I should like to take a moment to sketch the overall dimensions of the question.

□ 1700

Mr. Speaker, There are clearly circumstances in which trade sanctions should be imposed. But in the current debate, those who have called for a grain sales cutoff seem to have done so because they really could not think of much else to suggest. This is not a sound reason to impose an embargo. We have to ask ourselves not simply whether an embargo is an option open to us, but also what would be the likely consequences of exercising the option unilaterally.

If all nations that sell grain to the Russians agreed to join in a sales cutoff, and if all of them abided by that agreement, and if agriculture was not singled out, but was part of an across-the-board trade embargo—then this approach would hold some promise. Unfortunately, that is a great many "if's," and recent history teaches us that unilateral embargoes hurt Americans more than Soviets.

How quickly we seem to unlearn the lessons of the last few years. The 1980 Soviet grain embargo is estimated to have cost this Nation $11.4 billion in overall output and 310,000 jobs. More than 9 months passed before prices for wheat, corn, and soybeans returned to preembargo levels. Price supports triggered by postembargo conditions cost the U.S. taxpayers more than $2 billion. Again, in 1982, the pipeline sanctions proved ineffective and idled American workers while severely straining the Western alliance.

Several problems make agricultural trade an especially poor foreign policy tool under most circumstances:

First, alternate sources of the embargoed product are easy to find because farm goods are essentially undifferentiated and available from many sources. This is precisely what the Soviet Union did in 1980. U.S. sales were lost in the short term, and in the long run the U.S. embargo provided an incentive for other nations to expand their production and exports under the "umbrella" of our embargo.

Second, because food supplies are a unique and overriding requirement, importers put special emphasis on reliable sources of supply. The U.S. suffers from a reputation as an unreliable supplier, and this costs us sales.

Third, the price effects of embargoes in commodities markets are usually much more pervasive than in manufacturing sectors.

Fourth, once an embargo is imposed, the disincentive to lift it is great, because it would appear to be "sending the wrong signal."

Despite all these disadvantages, an embargo might work if America's allies were behind it. But this has been precisely the problem in the past, and would be today. It is deplorable that the West would not join in concerted action against the Soviet menace. But it is a fact. And when we see how difficult it was to get agreement on relatively painless civil aviation sanctions and Security Council resolutions, we must agree that there is no prospect of widespread compliance with any trade sanctions the United States might unilaterally impose.

Should we do it anyway as many argue? Would we really "short" the Soviet market if we withheld grain sales from the United States, a very le-

[11] Arieh Eilan, "Soviet Hegemonism and the Nonaligned," Washington Quarterly, Winter 1981, p. 98.

[12] For voting tables, see Juliana Pilon, "Through the Looking Glass: Political Culture at the U.N.," Heritage Backgrounder No. 206, Aug. 30, 1982, pp. 18-19.

gitimate question? The new long-term agreement calls on the Soviets to buy at least 9 million metric tons of grain from us annually. If we refused to honor our commitment, our major competitors could make up that shortfall by increasing their total exports just 12 percent. They could make up for our wheat sales by increasing their total wheat exports by less than 8 percent.

In the past, we have put the cart of trade embargoes before the horse of Western unity. This has been our basic mistake. We must build up the cohesion and will of the non-Communist nations, including our own. As their ultimate defender, the United States must also be these nations' moral leader. But we do not fulfill that role by trade cutoffs in the absence of any discernible consensus whatever.

American farmers are patriots and will shoulder their part of the common defense burden. But they should not be singled out to bear the whole brunt of an embargo that cannot succeed. To waste our resources in this way would not be a rational response to Soviet aggression. It would simply weaken the most basic industry—agriculture—in a nation that is still the last, best hope for freedom: The United States, whose laws we in Congress are charged to make not with emotion but with the best wisdom we can muster.

Let us rededicate ourselves to a strong defense in the wake of the Soviets' brutal act. And let us rededicate ourselves also to a real and measurable strengthening of the Western alliance—not in force of arms only, but in force of will. But let us be ever mindful that an action against an enemy should be more than a noble gesture: It should hold some promise of having an effect. Experience teaches us that a unilateral grain embargo would not meet this test.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I would be happy to yield to my colleague, the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. I thank my colleague for yielding.

Mr. Speaker, I along with my good friend and colleague from Texas, Mr. STENHOLM, have requested this special order in an effort to educate our colleagues on why sanctions of this order and embargoes that single out one sector of the economy are not an appropriate response to the Soviets' downing of the Korean Air Lines flight 007.

In the broader picture, unilateral sanctions and trade disruptions are not appropriate foreign policy tools in a world that depends on trade and the free flow of goods between countries.

The savage downing of the Korean Air Lines jet has renewed the debate over the use of economic sanctions as a weapon in our foreign policy arsenal. Members of the media, some in Congress and, according to poll results, a majority of the citizens of the United States responded to the Soviets' act of barbarism with calls for immediate cancellation or suspension of grain sales made under the recently signed long-term grains agreement.

It is downright amazing how quickly we forget the lessons learned in recent years in the foreign policy and trade arena when it comes to imposing economic and trade sanctions. In the last decade, beginning with the Nixon administration, through the Ford administration, the Carter administration, and the Reagan administration, the foreign policy experts at the State Department and other agencies in the Federal Government have, with amazing regularity, pushed for trade sanctions to modify the behavior of other nations' conduct of foreign policy. Just as regularly, these policies have failed.

The most disastrous trade sanction tried in recent years was the Carter grain embargo of 1980. This grain embargo was the Carter administration's response to the invasion of Afghanistan. Unfortunately, the Carter embargo cost the nonfarm sector of the U.S. economy an estimated $11.4 billion in overall national output, 310,000 jobs, and $3.1 billion in personal income. The impact on the American farmer was that net farm income plummeted from $33 billion in 1979 to around $18 billion in current years.

Before the grain embargo, the United States supplied as much as 70 percent of the grain purchased by the Soviets. Last year we supplied just over 30 percent of their imported grain, and this year the percentage will decline even further. The 1980 grain embargo did little more than encourage our competitors to stimulate grain production. Argentina, Brazil, and Canada have all seized upon this opportunity and increased their production and exports to the Soviet Union. The European Common Market—particularly France—now supplies wheat to the U.S.S.R. whereas before they had an insignificant share of that market. Five countries now have long-term agreements with the Soviets that lock them into hard currency sales of bulk commodities.

In my view, the Soviet grain embargo was little more than symbolism. After substantial hardship was forced on the American economy and the American farmer, the simple fact remains that today, over 3 years later, the Soviets are still in Afghanistan. In nearly everyone's eyes, the embargo failed. But, yet there are those who want to go down that trail again.

I would hasten to add that this administration's record is not spotless when it comes to the use of economic sanctions. Last year the President tried to pressure our allies and the Russians by imposing sanctions on the export of technology that was being used in the construction of the natural gas pipeline. That effort failed. The pipeline is still being built. The real loser was Caterpillar and other American firms who had contracts to supply equipment for the pipeline. However, I would credit this administration with the fact that there has not been a knee jerk reaction to the airlines incident and the imposition of an embargo on grain sales. It is unfortunate that some Members of this body want to reimpose grain embargoes.

More to the point, this administration is just now beginning to repair some of the damage done by the 1980 grain embargo in terms of replacing market shares lost to other countries. The current cost of the farm program can, in part, be traced to the oversupply caused by the grain embargo. The last 3 years of declining farm income can be traced in part to the 1980 grain embargo.

America's reliability as a trading partner has suffered as a result of repeated use of trade sanctions over the last decade. No longer can our trading partners be totally sure that U.S. firms can honor their contracts and commitments. Certainly, the contract sanctity legislation that has been adopted in recent years has helped restore some of America's reliability as a trading partner, but with the news media and Members of Congress advocating the use of sanctions, I am sure potential purchasers of U.S. goods wonder if the contract they sign will be good.

I urge my colleagues to think of the consequences of imposing another selective embargo. The farm economy is beginning just now to see some light at the end of the tunnel. Due to the drought and the payment-in-kind program, we are seeing some improvement in farm prices. This will translate into better net farm income this year. This may mean that farmers will begin to purchase farm machinery, trucks, tractors. This will translate into jobs for the laid-off steelworker and the laid-off auto workers. It will translate into a more vigorous and healthy economy. Too often too many members of this body forget that when the farmer is healthy, so is the rest of the economy.

Mr. Speaker, back in 1980, President Carter, in response to the Soviet invasion of Afghanistan, took his grain embargo ax and gave the farmer 40 whacks.

Today, unfortunately, after seeing what the Soviets have done in the tragic murder of 269 people in shooting down Korean Air Lines flight 007, we have some in the Congress who want to give the farmer 41.

Unfortunately, we are getting used to this kind of treatment. And, I must say that from an emotional standpoint, and from a symbolic standpoint, imposing a grain embargo on the Soviet Union makes some sense. And, I want to make it clear that the farmer-stockman reacted with the same kind of anger and frustration and grief shared by all Americans following the Soviet's gunning down of the innocent victims of flight 007.

I understand the frustration and the anger. I share it. It prompted one columnist within the Washington Post to say, "At least Carter did something." Last Sunday, the Post carried a lengthy opinion piece claiming our agricultural exports represent little more than "hawking our grain" at the expense of our environment, farmers, and consumers. The New York Times sampled public opinion to find a majority favored another grain embargo.

In the other body, Senators MOYNIHAN, LEVIN, and BYRD could not wait to hold press conferences to indicate their willingness to use our grain to protest Soviet aggression. In this body, Congressmen WEAVER and FLORIO and others hurried to introduce resolutions calling for the suspension of the new long-term grain agreement with the U.S.S.R.

Immediately after the tragedy, the national media washed and dried and recycled every possible policy option this country could take. Once again, the selective use of agriculture and the farmer as a foreign policy tool headed the list. I understand all of this. I also understand the comment from one acquaintance of mine who said, "If the wheat farmer has to depend upon selling grain to the Soviet Union in order to make a living, maybe it's time for him to find another job." Or even more to the point, the comment that everyone was for a grain embargo except for some crybaby farmers. Crybaby farmers.

Let us talk about those crybaby farmers for a minute and what actually happened in farm country when all of this talk was taking place—not an actual embargo mind you, just the talk of an embargo.

In the first place, during that week of debate immediately following the shooting down of flight 007, the temperature was still setting record highs and no moisture was in sight out on the High Plains, 110°, 115°, 118°. That farmer got up at the crack of dawn to check his cattle tank and doubtlessly turned on the radio to get the morning market report. As it turned out, there was not any market. He learned the Russians had shot down a Korean passenger plane and already there was talk of another embargo.

Let us take it a step further and say he had already scheduled a session with his banker to determine if he could rework his loan coming due. If he was like most farmers in my county, he survived the last year by the skin of his teeth. He is now following a strict marketing timetable dictated by his banker. With his payment-in-kind grain and a good yield this year, he is just able to pay taxes and juggle his bills.

I might add he has been down this road before. There have been two grain embargoes with Ford and Carter, a beef price freeze under Nixon, consumer boycotts, truck and dock strikes, unbelievable interest rates, and despite what they say on the news about inflation, the cost of everything he has to have to stay in business continues to go up while his market continues at depression levels.

Add to that a current farm program that is not working, costing too much, and almost impossible for a farmer to pencil out, let alone explain to his consumer cousins.

All right, he gets in his old pickup and heads for the local elevator to find wheat prices already off the limit. He thinks, surely someone in Washington has learned from past experience that embargoes do not work, that restrictions on grain sales when other countries take up the slack make no sense, that while farmers went bankrupt the Russian troops were still in Afghanistan.

But now, the Soviets have murdered some 269 people, and folks, understandably, want the President to take action, any action. Now, this young man would also probably be a Vietnam veteran. He is also a patriot who loves his country and would fight for his and his neighbor's individual freedom. He knows about his counterpart in Poland. He knows about the Soviets exporting arms and revolution in Central America. He knows this President is making every effort to get our military back into shape. If the President wanted to send a real message to the Soviets and embargo everything, the whole works, fine. If push came to shove, he would go along with that.

Chances are when he left the elevator, he went to the local cafe where there were more pickups. Chances are most of those folks were wondering aloud about their immediate and long-term future given the fact Senators and Congressmen were falling all over themselves suggesting this Nation use their grain as a means of protest. And, that young farmer probably found out he and his banker really could not make any decision on his future given the political situation in Washington.

May I suggest to my colleagues and the press and all of those folks who write those public policy reports with all of those 35-cent words—this is not a spectator sport. Those are real farmers out there and what you say and suggest has an immediate effect upon their income. I did not hear anyone suggesting Senator LEVIN's auto workers or Senator BYRD's coal miners sacrifice a significant part of their income to finance reparations for those who lost their lives, a stronger military response, or some additional U.N. action to change the Soviet airspace policy. That would be ridiculous. But in the case of the farmer, that is precisely what some say he should do.

At the end of the week following the downing of flight 007, I would imagine our young farmer friend woke up at dawn, if he got any sleep at all, he tried to pick up the all-news station from Texas, I imagine he fumbled around in the kitchen to get some coffee started, he probably stared at his bills and his bookwork on the kitchen table that he has to take to his banker sometime, and no matter which way he figured it, the result would be the same. Unless there was some turnaround in the next few months or a year, he is going to have to sell part of his home place or he is going out of business or he is not going to make it. His hometown banker will not be able to carry him any longer.

I would imagine with all the talk about the embargo and trade sanctions and the like, he would think Washington was trying to tell him something; that he should not be in the farming business; that this talk about how the country needed young family farmers was just that, talk. After all, his dad probably told him that when he took over the family operation.

At the same time that my colleagues were in this well giving 1-minute speeches and introducing resolutions calling for this response and that response, he was probably staring out the kitchen window looking across the prairie with worry on his brow and pain in his eyes, just another crybaby farmer.

Such talk, my colleagues, is not cheap or without sacrifice in farm country.

□ 1710

Mr. HIGHTOWER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. HIGHTOWER. Mr. Speaker, I rise in firm support of what my distinguished colleagues have previously stated about the futility of imposing a grain embargo on the Soviet Union or canceling the new long-term grain sales agreement as an irresponsible and ineffective response to the downing of Korean Air Lines flight 007.

We all condemn the Soviet Union's brutal and barbaric act of needlessly taking the lives of so many innocent people. However, some of our colleagues are insisting on useless symbolic gestures, which have been proven to be more harmful to the United States than to the Soviets, as a means

of retaliation. The record indicates that trade sanctions simply do not work. Secretary of Agriculture John Block has gone so far as to characterize President Carter's 1980 embargo as "a case study in failure." I hoped that everyone learned a lesson from the embargo of 1980, which is believed by many experts to have been more damaging to the economy of our own country than to that of the Soviet Union's. By not honoring our current agreement with the Soviets and refusing to sell any of our grain, we would inform our farmers and the remainder of our economy that we in Congress failed to heed the recent lesson in history which clearly demonstrated that grain embargoes do not work. The Carter grain embargo on January 4, 1980, which was designed to be a protest of the Russian invasion of Afghanistan, much of the recent cry for an embargo to protest Russia's downing of KAL 007, was a dismal failure. The Soviet Union subsequently imported more grain than it did in any other year in its history, indicating the failures of such actions.

There are a number of reasons why the Carter embargo failed, the same which would bring about the failure of a new grain embargo. Embargoes simply will not work with fungible commodities such as grain, especially when the other sources of supply are so eager to accept any share of the Soviet market which the United States has chosen to hand them. It would be extremely bad judgment on our part to predict that others will buy our bad economic decision to once again impose an ineffective embargo on the Soviets.

Our call for unity among other grain-producing nations during the Carter embargo was met with outraged refusal from Argentina, patent lipservice from Canada, and sulky compliance from France. Nobody likes to play follow the leader when the leader declares a policy of punishing the enemy by beating himself over the head. The facts are these: Australia tripled its grain exports to the U.S.S.R. from 1979 to 1980; Canada doubled its Soviet grain exports; the European Common Market was charged by its own Parliament with undercutting the embargo effort by tripling its exports of total farm products to the Soviets in 1980, and Argentina nearly quadrupled its 1980 grain exports to the Soviet Union.

This year Canada, Australia, and the European Economic Community have harvested record or near-record crops, placing them in a very strong position to take over any portion of the Soviet market which we might relinquish via an embargo. These competing countries have also strengthened their hold on the Soviet market even more by signing trade agreements which will make it even more difficult to regain the 70-percent share of the Soviet grain export market which we enjoyed before the Carter embargo. Following the embargo our share of the Soviet market plunged to around 13 percent. Last year we recovered to about 30 percent, but all indications are that this year our share will decline even further.

Embargoes not only hurt our farmers, they also damage the entire U.S. economy. While the initial effects of the Carter embargo were partly offset by increased exports to other countries, losses to industry, Government, and farmers were substantial. Estimates indicate that: Our inland transportation industry lost $120 to $175 million in reduced freight business, the U.S. balance of payments lost up to $2.5 billion directly from reduced exports and up to $1.9 billion from lower unit values of all U.S. grain exports in 1980 and most of 1981. The Government incurred costs of $1.5 billion for acquisition of additional commodities, $1 billion for interest, storage, and handling of these commodities, and $375 million in the form of target price payments to wheat farmers. The largest impacts, however, are those that take into account not only the sectors which were directly affected, but producer and consumer sectors on a national basis. Estimates place these losses at $11.4 billion in overall national output, 310,000 jobs, and $3.1 billion in personal incomes earned in the U.S.

In its recently released report, "Technology and East-West Trade: An Update," the Office of Technology Assessment of the U.S. Congress stated that it is unlikely that sanctions and embargoes against the U.S.S.R. "have hurt enough to make a real difference." As for any symbolism generated by the embargo, the study indicates that the "messages sent to the U.S.S.R. have been unclear; and the U.S.S.R. may itself have benefited from the disruptions in the western alliance precipitated by U.S. policies."

I hope that my colleagues in the House will recognize the futility of such actions. An embargo of U.S. grain simply ignores the structure of the international grain market. American farmers have an enormous stake in exports. In 1982, the U.S. exported over $39.1 billion in agricultural commodities and had an agricultural trade surplus of $23.7 billion. One in three acres of U.S. farmland produces for the export market, with two-thirds of our wheat and over half of our cotton, soybeans, and rice sold into the export market. Put simply, exports are a very important key to American agricultural profitability. Restricting the exports of U.S. grain creates more market opportunity for other nations and puts an unjust foreign policy tax on U.S. agriculture and the rest of the economy. Rather, I would like to suggest looking at the positive aspects of continuing grain sales. Every dollar spent by Soviets for American grain is a dollar that is not spent for arms. It is time the United States stopped using the farmer and his grain as tools of foreign policy. Let us not forget that our quarrel is with the Soviet Government and leaders, not with the Russian people who are deprived and perhaps denied food by the failure to provide regular shipments of grain from the United States.

□ 1720

Mr. STENHOLM. Mr. Speaker, I thank my colleague and my neighbor from Texas for a very informative and helpful contribution to this special order.

I think the gentleman said a couple things that bear repeating. Three hundred and ten thousand jobs were lost as a result of the 1980 grain embargo. That is 310,000 American men and women who do not have jobs today because of the last time we imposed such unilateral sanctions.

Another point that I would like to emphasize is that the Soviets do pay in cash. Many times in the past they have paid in gold, but it is cash sales and that is more than we can say about much of the rest of the current agricultural trade in the United States.

Mr. Speaker, I yield to my colleague, the gentleman from Mississippi (Mr. FRANKLIN).

Mr. FRANKLIN. Mr. Speaker, I thank my colleague for yielding.

I want to take this opportunity to commend the gentleman from Texas (Mr. STENHOLM), and the gentleman from Kansas (Mr. ROBERTS) in taking the initiative on this most important issue to American farmers.

Mr. Speaker, I rise today to speak to this issue as a representative of a district which is as heavily agricultural as any district in America. Cotton, soybeans, and rice are the foundation of our total economy in Mississippi, and the success or failure of those agricultural commodities sends shock waves throughout the business community of my district.

Four times in the past 10 years our farmers, along with the farmers of the United States, have been told by our Government that they cannot export all of the products that they produce. When you consider that 1 out of every 3 acres planted in this country is planted for the export market, it is easy to see the devastating impact of any agricultural embargo.

Our country's reputation as a reliable supplier is, of course, diminished, and our direct economic loss is indeed substantial. In 1980 alone, the embargo cost our Nation over $11 billion in total output, along with many thousands of jobs, as my colleagues have

indicated earlier. The price supports on the farm programs cost the taxpayers over $2 billion, and at the same time farm prices declined, and they stayed down for almost a year after that embargo was imposed.

We enacted that embargo, as we all know, to punish the Soviet Union. I believe it is interesting to note just how the Soviet Union responded to all that punishment we dished out. Very simply, they merely went somewhere else to buy what they wanted, and they found willing suppliers all over the world. Canada doubled their grain exports, Australia tripled theirs; the European common market tripled its exports, and Argentina quadrupled its exports of agricultural commodities. And if that embargo has accomplished its goal of getting the Soviets out of Afghanistan, I am certainly not aware of that fact.

So, while our Government has doled out all this punishment to the Soviets, our farmers have seen their foreign markets slowly but surely slip away. Reclaiming our percentages of those markets may well prove to be an impossible task now.

As long as our farmers continue to produce more and better crops, we as a Government have to do everything we can to remove any obstacles standing between our producers and their foreign markets. The fact of the matter is that we must try to sell our agricultural products to every major market of the world, no matter how repugnant that buyer's actions might be to us at home.

□ 1730

The hard realities of the marketplace, both domestic and internationally, demand that we do just that. If we are to have a firm and effective farm policy, Mr. Speaker, then we must respond firmly to outrageous activities by foreign nations. We have got to do that. Certainly a policy which serves primarily as a cause for economic chaos in the farm belt is hardly an effective one for us to take as a Nation.

We have used our farmers as political pawns before and it simply did not work. It did not work in the past, it will not work today, and I urge my colleagues to consider the real consequences of embargo politics. I thank the gentleman for yielding.

Mr. STENHOLM. I thank the gentleman from Mississippi for his contribution.

Mr. DASCHLE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Speaker, I want to commend the gentleman from Texas and the gentleman from Kansas.

I have been asked the question in the last couple of days why are we doing this, given the fact that this administration has made it clear: An embargo will not be invoked.

The answer to that is very simple. There are many of those here in the House who do not share that view, who, if they had their opportunity to present the legislation they have already introduced, we would be debating this very issue tomorrow afternoon.

So, the question is not dead at all. The question is before us, and I think that were it not for our demonstration of unanimity among farm States, that we again would be facing this issue itself in the form of an amendment or the form of a resolution in the very near future.

So, I think it is to the credit of the congressional forum that we bring this issue up, that we consider it in a very serious way.

I commend the administration for their position on this issue. They were under very serious pressure early on to do what past administrations have done, and that is to invoke an embargo in the wake of an international crisis. But there is a fundamental rule, and that rule, I think, ought to be clear and uppermost in the minds of all of us each and every time one of these situations occurs. And that is whatever sanctions, whatever kind of retribution we as a country apply, has to hurt them more than it hurts us. That is fundamental.

There are those in this House who disregard that rule. There are those in this House who believe that regardless of what pain it may inflict on us, that it is imperative that we show what economic muscle we can utilize in situations such as the Korean Air Lines incident.

Well, to them I would offer this reminder. We as a Nation, an economic power, must demonstrate international credibility. We owe the international community the assurance that, regardless of what international tension there may be, we will be a credible supplier of products, regardless of what they are.

We also need to insure that producers around this country can depend upon this Government for the continuity that they must have in farm export policy. I have had more than one farmer tell me that there is only one thing more unpredictable than the weather, and that is the Federal Government and its policy.

Well, I do not think there is any question about that. In the last few years our lack of continuity has been devastating on the farmers; it has been devastating on the markets. And I think it has been devastating to our international reputation.

A South Dakota farmer once told me in a conversation I had, not too long ago, that even if it does hurt them more than it hurts us he would be willing to suffer through the consequences, if one thing happened. That one thing would be that they not be singled out, that, as farmers, they would not once again be asked to bear the brunt of the kind of economic retribution that we so often want to impose. So do our friends—whether they are within the agricultural sector or the international sector, I think it is imperative that we make that statement loud and clear. Farmers are willing to accept their share of the responsibility as long as they are not to be singled out.

I think a recommendation I received not too long ago from some farmers in South Dakota made a lot of sense. That recommendation was that, rather than have an embargo, why would it not be in our best interests to get an agreement among all farm-exporting nations that we would add a surcharge onto every bushel of wheat and every agricultural product of any kind sold to the Soviet Union. That surcharge would then be used to pay, at least in part, the reparation to the families of the victims in the loss of the jet airliner. I think it makes a great deal of sense.

But we have to do more than just prohibit an embargo. We have to do more than simply say that we are going to rely upon exports, if indeed we look to some kind of continuity in the future. What we have to have is a long-term farm program that does not rely on the Soviet Union, that does not rely on any one country for the kind of economic prosperity for which we all look in the future.

We need exports. On that there is no question. We need research. On that there can be no question, as well. But I believe that we also need a strong and a well-thought-out, supply-management program that goes hand in hand with an export program.

So, let us loudly proclaim our opposition to the embargo. Let us hope that grain embargoes are now behind us, and let us develop a plan in which we are not dependent upon one country, we are not dependent upon one form of market enhancement. Let us, instead, depend upon a comprehensive plan in which we can look for some continuity, for some credibility, and for some confidence to the future.

I thank the gentleman for the time.

Mr. STENHOLM. I thank the gentleman from South Dakota.

I think the gentleman from South Dakota mentioned one point I would like to reiterate at this point. That is the question as to why focus the attention on a grain embargo today. He focused on it. And I would just point out, and I think our colleague from Nebraska will go a little more in depth to this in just a moment, that we have the Export Administration Act. It was due on the floor sometime in the next

2 weeks. We had to have a special bill today just to get us past October 1, because the current act expires as of October 1.

There are many suggested amendments floating around. The concern of the agricultural community is not only acts of commission, which an embargo is, but also acts of omission in which adding language to contracts, adding language to the Export Administration Act, that will again run up a warning flag as to whether or not contracts signed by American businessmen will mean what they say. It is better known as contract sanctity. And it is an issue that we must pay more attention to.

In the agricultural community we have been very concerned about past embargoes, and now we find ourselves with concern as to whether or not we are going to add language that will again cause concern and cause our customers and prospective customers to be looking for other markets.

Mr. DASCHLE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I appreciate the gentleman bringing up that particular case. I think there are going to be several different kinds of opportunities in which those, who support embargoes, can do so. And I think that they may be under the mistaken notion that Congressmen who represent farmers cannot agree on anything, that farmers, if they ever organized in a firing squad, would form in a circle. It is probably true in many instances. But I do not think there ought to be any question that when it comes to an embargo, there is almost unanimous support among the Democrats and Republicans, conservatives, and liberals, in terms of the effort that we would put forth in defeating any kind of an amendment of that kind.

So, I think that while we may have our differences of opinion on just about everything else, there is almost unanimity of opinion when it comes to an embargo. And I think that unanimity would be expressed in opposition each and every time an amendment would be offered.

Mr. WOLFE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Michigan.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Speaker, I want to, first of all, commend the gentleman from Texas and the gentleman from Kansas for leading this dialog here this afternoon. I think it has been very enlightening in many respects.

As I travel about my own district and my State and run into people from all walks of life, I am very frequently asked the question, Why do we want to continue feeding the Russians after they have committed atrocities such as that of the Korean Air Lines flight 007? I always respond that it has nothing to do with our wanting to feed the Russians; it has to do with the fact that markets do exist in the world, and that if we are not filling them, others are very likely to.

□ 1740

I think the discussion we have had here this afternoon, this dialog, I hope will go a long way to informing the public that it is not our desire to do anything necessarily to favor the Russians but that we do live in a real world, further illustrating the fact that our experience with embargoes over the course of the past 10 years has been absolutely devastating to the agricultural economy of this country and to our own American producers and to many other related industries.

If embargoes are to be applied I think that most farmers would see some merit to them providing the embargoes were across the board and that agriculture was not singled out to pay the price and pay the price alone.

But I think in addition to that there would have to be another element and that is that our allies would have to act in concert with us. It would not be fair for us to impose an embargo and have our erstwhile allies in the world rush in as they have so many times in the past to fill the market that we are giving up.

I have, in conjunction with this effort, since the issue arose now several weeks ago introduced a sense of the Congress resolution, House Concurrent Resolution 174, saying that it is the sense of the Congress that there shall be no embargo unless it is across the board and unless it is adhered to by our allies as well as by ourselves.

I am pleased to say, having introduced that resolution last Friday, that we now have 40 cosponsors. The gentleman from South Dakota alluded to the fact that on this issue we have a lot of Republicans and a lot of Democrats, a lot of liberals and a lot of conservatives agreeing. That is true. Of the 40 cosponsors that we now have on this House concurrent resolution, 20 are Republicans and 20 are Democrats, and I think the full ideological spectrum of the House of Representatives is represented here.

So I want to take this opportunity to encourage others of my colleagues who may not already be on the resolution to join with us. We want to have as many cosponsors as we can and hopefully we can get some action on this resolution.

The gentleman from Texas has pointed out that this administration certainly has no intention of imposing an embargo but there are forces at work in the national media, in the House and in other quarters that think that that is the right way to go.

I think that we in the Congress have an obligation on behalf of not only our agricultural producers but all of those interested in this subject to say that no unilateral embargoes, embargoes that are not participated in by our allies, are going to happen again.

We are not going to shoot ourselves in the foot again.

I thank the gentleman for yielding and once again commend him and the gentleman from Kansas on their very fine efforts in this matter.

Mr. STENHOLM. I thank the gentleman for his comments in addition to his discussion. I think too many who might be listening or watching or maybe reading the CONGRESSIONAL RECORD on this discussion may be thinking, well, cetainly here is a group of Congressmen representing their special interest: Agriculture.

I would plead guilty to that.

I represent a very rural, a very agricultural district. But I would also point out to those that may not recognize, that even in a district in west Texas, 35 counties, 33,000 square miles, the percent of my constituents who are farmers is less than 8 percent.

So what we are talking about is yes, a special interest, but it is a special interest to all of America because if you eat you are involved in agriculture. When we make decisions at the Federal level that affect us as embargoes in the past have indeed affected this industry, it has impact on everyone.

We have heard about the loss of jobs in the agricultural sector. Let us also recognize the figures now are estimated in regard to the embargo on pipeline equipment, sanctions on the shipment of heavy equipment to the Soviet Union in regard to the gas pipeline, in that instance we are now estimating 15,000 lost jobs in that one instance alone and that is nonagricultural. But it pertains directly to what we are talking about and the recognition that whatever we do, certainly the agricultural community stands ready to stand arm in arm with all of America in doing those things necessary to make certain that America provides our rightful leadership in the free world.

That is what we are trying to focus on.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I now yield to my colleague from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank my friend from Texas for yielding.

I also wish to compliment him on taking out this special order tonight on this very important issue.

You know, back in Missouri we have a saying that it is not so bad if you step in the hole the first time but it is the second time when you step in that same hole that it is pretty bad.

We not only have a situation here that is potentially stepping in the hole a second time, it is stepping in that hole a third time. You see, we have already had two agricultural embargoes, one under a Republican President and another under a Democratic President. This is, of course, and has been a serious problem for agriculture and farmers in America.

I think that we should not have an embargo. I was appalled to see a leader of the United States Congress the day after the tragedy that occurred to Korean flight 007 urging an agricultural embargo against the Soviet Union.

It took us some 2 years to get an agreement again dealing with grain with the Soviets and here is a leader asking that we forgo that.

What has happened as a result of the previous embargoes was a disaster to the American farmer. Many people across our land do not understand the impact it had on our economy or the impact it has upon agriculture in our Nation, but the farmer knows. You ask him about it and he will know.

I think we should live up to our word. I think we should step forward and produce and live up to the agreement.

An embargo does not do anyone any good. It hurts the American farmer. It does not assist us in our fight against communism and tyranny.

The farmers in this country have had a difficult time, as we all know, for the last 3 years. Then we have a situation now where there are those who want to impose another embargo and cause them to even have more difficult times.

The farmer in this country allows us to have the best bargain in the world and that bargain is the food that we eat here in this country. It is the food that we can export and do export. It is food at a reasonable price.

A recent survey showed that we in America spend only some 12 percent of our income for food as opposed to 26 percent, 52 percent or, in some cases, 72 percent of national income for food in some other countries.

The farmer needs to get back on his feet and an embargo is not the way. It would be counterproductive.

What we need is to go in the other direction. We have seen in the past 3 years a falling in the agricultural exports from this country. That has been a disaster to our agricultural economy and it has been a disaster to our smalltown economy. Small towns, as you know, depend upon the agricultural economy to be strong and, of course, when the smalltown economy is strong, large-town, city economies are strong, and it is all so interwoven. That is why we must do our very best to rebuild the agricultural exports that we once had and do a better job.

Agriculture is the largest industry in America. It is larger than the automobile industry, the steel industry, and the housing industry all combined. We must do our best to make sure that we increase that industry rather than sit by and watch it slowly die.

I am concerned that as we have been approaching the election year next year I have not seen the great debate develop over agriculture and the need for agricultural exports. I think this is something that should be discussed and discussed at length by those who are interested in either maintaining or obtaining the White House in this country.

□ 1750

We have the greatest potential economically in the area of agricultural exports and we are not taking advantage of it.

This is something that I hope those who are aspiring to the White House will look forward to and participate in.

I think those of us here in this body should do our best to see that the American consumer understands that this is something that will assist them in building up our economy because, you know, it all starts back on the farm.

If the farmer is doing well, he is going to buy that new tractor or the new automobile or the new dress for his wife, or the new shoes for his children.

This of course in turn causes the economy of a small town and in turn the economy of the large city to turn into something that is stronger and more viable.

So let the great debate begin on the need for agricultural exports.

I compliment the gentleman from Texas (Mr. STENHOLM) for giving us this opportunity. I hope that today will be a landmark day in urging those who are interested in this issue to continue to spread the word so that all across America they will understand the need, not to go backward in an embargo, but to go forward to increase our agricultural exports in the days ahead.

Mr. STENHOLM. Mr. Speaker, I thank my colleague from Missouri for a very enlightening contribution to this debate tonight. I think he makes a very good point, one which I think I can safely say all who are participating tonight, Members of the Agricultural Forum, a group that has just been formed of those Members interested in agriculture, in our policies, what we do, whether we serve on the committee or serve on the Committee on Foreign Affairs, on which we will hear from our colleague in just a moment; it is a subject in which we are all interested.

This group will be talking about the issues, tonight it is embargo, next week or next month we can talk about future farm legislation, export trade. There has been some excellent work recently done in the media questioning whether or not we ought to be exporting at all. We are exporting our water, we are exporting our energy that we do not have in great abundance in this country.

A lot of people have asked us why export at all? I think there are some very good answers as to why we export at all, when we think in terms of $35 billion in value which helps cut our trade deficit this year by $15 billion. In the past 3 or 4 years we have had trade surpluses in agriculture of $20 billion a year. It is something of national significance. It does need to have the opportunity to talk about the various alternatives.

At this time I would be pleased to yield to my colleague from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include related tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I begin by thanking the gentleman from Texas (Mr. STENHOLM) for yielding to me. I would like to pay special tribute to the gentleman (Mr. STENHOLM) and the gentleman from Kansas (Mr. ROBERTS), for the leadership they have shown in providing an opportunity for concerned Members tonight to develop what I think will be collectively a very important statement for our colleagues and for the American public on the question of the appropriateness or inappropriateness of grain embargoes and embargoes of agricultural products generally.

Certainly I think a number of excellent statements have been made here tonight.

I would also like to mention that I am very pleased to be a part of the effort begun by the gentleman from Kansas and the gentleman from Texas in bringing together people who are interested in the best interests of the country as expressed through our concerns for agribusiness and agriculture.

And to my colleague from Missouri (Mr. EMERSON) for offering House Concurrent Resolution 174 of which I am proud to be a cosponsor.

Mr. Speaker, the Reagan administration recently faced a most difficult international incident with the downing of the Korean airliner. In marked contrast with the past, however, the United States President did not attempt to punish the Soviets for their

aggression and brutality with rash counterproductive export controls.

Rather, the President kept his promise. He remembered the painful lessons of the past. Instead of applying symbolic—but ineffectual—export controls, the President acted responsibly and thoughtfully by working with the other nations of the world to formulate a firm, continuing and apt expanding international response.

Regrettably, some other national leaders have not learned the necessary lesson. In a quest for a meaningful response to this latest act of Soviet barbarism, they have chosen to advance the most meaningless solution, a termination of the long-term agreement for the sale of United States grain to the U.S.S.R.

I hope that my colleagues and I, by taking to the well today, can quell permanently the possibility of such a response from this body or any other responsible national leader.

At first blush, the termination of sales agreements sounds like a logical way to "punish" another nation which engages in conduct of which we disapprove. Through a denial of this trade "benefit," supposedly that party or nation will be encouraged to alter its behavior to conform with the desired norm, so that the desired trade benefit will be restored.

A closer look at our past use of such "punishment" reveals that such actions have backfired. The targeted intended nation has been little affected while U.S. farmers, ranchers, and business owners have been dealt a staggering blow by the embargo boomerang.

The partial grain embargo of 1980, a response to Soviet moves in Afghanistan, offers a classic example of the folly of unilateral embargoes.

Under our 5-year agreement with the U.S.S.R., that nation could have purchased 918 million bushels (25 million metric tons) of grain and soybeans in 1980. By limiting Soviet purchases to the 294 million bushels (8 million metric tons) specified in the 5-year agreement, the 1980 embargo thrust upwards of 625 million bushels (17 million metric tons) of grain back on the market. Restrictions on the export of other commodities were applied as well. U.S. poultry producers, for example, lost an order for 65,000 metric tons of chicken. (Unlike grain producers, however, they went uncompensated for their losses.) Obviously, prices plunged immediately.

To take a closer look at the impact of the embargo on just one industry—the soybean industry—one can see the damage that was done. That industry lost 1.3 million metric tons of sales, causing prices to drop by almost $1 a bushel in the weeks following the embargo. Over $1 billion in lost inventory value was never recovered.

Schnittker Associates, in its study for the National Corn Development Foundation, estimated that the embargo cost the United States:

First, $11.4 billion in total lost U.S. output;

Second, 310,000 jobs;

Third, $3.1 billion in reduced personal income;

Fourth, $1.5 billion for acquisition of commodities by the Federal Government and $1 billion in increased storage/handling/interest costs for those added commodities;

Fifth, $375 million in added wheat price support expenses;

Sixth, balance of payment losses of up to $2.5 billion for lost export sales and up to $1.9 billion due to lower unit values of all grain exports in 1980–81;

Seventh, $240 million to $365 million in lost income for the ocean shipping industry; and

Eighth, inland shipping income losses of $120 million to $175 million.

It is a staggering list.

As we should have expected, other nations eagerly stepped in to snatch up our renounced markets. Australia and Argentina, for example, jumped at the chance to sell grain to the Russians. As a result of the opportunity we handed them, Argentina subsequently signed a 5-year, 745-million-bushel (20 million metric tons) sales agreement with the Soviets. Sixty-five percent of that country's total grain exports now go to the U.S.S.R. In 1978–79, that figure was 10 percent, moving from 10 percent to 65 percent.

With regard to just the lost soybeans, the Soviets readily replaced these commodities with purchases of soybeans from Brazil and Argentina; rapeseed meal from Europe, Canada, and South Africa; soybean meal from Europe, Argentina, and Brazil; and palm oil from Malaysia.

Over Thanksgiving vacation of last year, I had an interesting experience. In Moscow I walked into the office of the Deputy Minister of Agriculture for International Affairs. His first comment, which took me back a little bit, was to ask me how the Nebraska Cornhusker football team was doing.

We got back on the usual track after he identified himself as a former Iowa State graduate—we got back on the track he wanted to pursue and that was that they—well—had found other suppliers for the agricultural products we were refusing to sell them.

Second, that our embargo was going to have no impact whatsoever on their internal or external policies.

And third, that they regarded us, even more than ever before, as an unreliable trading partner.

I think for me that just confirmed what I had thought in the first place, but it was interesting to hear it directly from the man most directly involved in the Soviet Ministry of Agriculture.

Agreements with our allies, irrationally developed after the announcement of the embargo, were mere window dressing. In essence, the United States was left to go it alone. Of the 5.7 million tons of suspended grain sales the Soviets replaced during the embargo period, the National Association of Wheat Growers reports that 68 percent came from countries that had informally agreed to cooperate with the United States on the embargo.

At the same time, U.S. sales to Russia plunged almost $2 billion. Our total share of the U.S.S.R. market dropped from a June 1979 high of 74.2 percent to a June 1981 low of 23.5 percent.

As a result of our ill-fated embargo, the Soviets locked in long-term supply agreements with a number of nations for a wide variety of commodities.

TABLE 1.—SOVIET GRAIN IMPORTS BY ORIGIN JULY-JUNE, MILLION METRIC TONS (MMT) [1]

	1980–81	1981–82	1982–83 (estimate)
Argentina	11.2	13.3	9.5
Australia	2.9	2.5	
Canada	6.9	9.1	9.0
European Community	1.1	2.0	2.5
Others	3.9	2.6	3.0
Total non-United States	26.0	29.5	24.0
United States	8.0	15.1	[2] 9.0
Total	34.0	44.9	33.0

[1] World Perspectives, Inc., Oct. 25, 1982.
[2] Level as of May 1, 1983, is just over 6MMT. There are 36.7 and 39.4 bushels per metric ton of wheat and corn, respectively.

TABLE 2.—U.S. SHARE OF SOVIET IMPORTS OF WHEAT AND COARSE GRAINS

[Million metric tons—July–June] [1]

	United States	Total	United States as percentage of total
1972/73	13.7	22.5	60.9
1973/74	7.9	10.9	72.5
1974/75	2.3	5.2	44.2
1975/76	13.9	25.7	54.1
1976/77	7.4	10.3	71.8
1977/78	12.5	18.4	67.9
1978/79	11.2	15.1	74.2
1979/80	15.2	30.4	50.0
1980/81	8.0	34.0	23.5
1981/82	15.3	45.0	34.0

[1] Wharton Econometric Forecasting Associates Centrally Planned Economies Current Analysis, "Soviet Agricultural Trade," Oct. 12, 1982. Pg. 2.

SOVIETS TURN TO AGRICULTURAL TRADE AGREEMENTS WITH NON-U.S. SUPPLIERS

Supplying country and commodity	Quantity per year (1,000 MT)	Period of shipment
Brazil:		
Soybeans	500	1982–86
Soybean meal	400	1982–86
Soybean oils	40	1982–86
Corn	500	1983–86
Cocoa beans	10	1983–86
Cocoa liquor	10	1983–86
India:		
Sesame seeds	10	1981
Ground nuts	30	1983
Rice	500	1981
Barley	100	1981
Argentina:		
Soybeans	[1] 500	1981–85
Corn and/or sorghum	4,000	1981–85
Boneless beef	60–100	1981–85
New Zealand:		
Butter	40	1981
Whole milk powder	30	1981

SOVIETS TURN TO AGRICULTURAL TRADE AGREEMENTS WITH NON-U.S. SUPPLIERS—Continued

Supplying country and commodity	Quantity per year (1,000 MT)	Period of shipment
Canada:		
Wheat or wheat flour, barley, oats	4,000	1981–86

[1] Minimum.

CORN AND WHEAT LEAD U.S. SALES LIST TO USSR IN 1982

[Dollars in millions]

Commodity	Value	Volume (metric tons)	Volume change percent from 1981
Corn	$818.8	[2] 7.0	−22.8
Wheat	802.2	[2] 4.3	−4.6
Soybeans	171.3	649,000	−94.8
Sunflowerseed oil	22.7	41,400	[1] −100.0
Tallow	17.9	39,500	−59.2

[1] No. U.S. sunflowerseed oil exported to U.S.S.R. in 1981.
[2] In millions.

To repeat a painful, but truthful phrase, we have now become a "residual supplier" for the Soviets.

The economic sacrifices we made were wasted. The Office of Technology Assessment reported recently that—

It has yet to be convincingly demonstrated—indeed it would be virtually impossible to prove—that the U.S.S.R. has ever moderated its policies in response to threats or acutal impostion of trade sanctions.

The OTA further stated that—

U.S. sanctions and embargoes may well have hurt the U.S.S.R., but it is unlikely that they have hurt enough to make a real economic difference.

A particularly disturbing conclusion of the OTA should merit our special attention. That office warned "the U.S.S.R. may itself have benefitted from the disruptions in the Western Alliance precipitated by U.S. policies."

The lessons of the past have been painful. But I hope we have learned from them. I hope that we will take the opportunity that we have at this very moment to make certain that such misguided policies will never again be inflicted upon the American farmer and rancher.

Later this week, the Export Administration Amendments Act of 1983 (H.R. 3231), will come to the House floor. That bill, as presently written, will make it less likely that these mistakes will happen again. More so than target price legislation, and dairy price supports, reform of the Export Administration Act of 1979 is the most important agriculture issue of this session.

This bill will make four key changes in the current export control law which will have a special impact on the agricultural community.

First and foremost, the bill will establish a constitutional mechanism for the congressional oversight of foreign policy and short supply embargoes. Present law gives Congress 30 days to veto a Presidential embargo. A recent decision of the Supreme Court invalidating the legislative veto, however, has left Congress without any means of overturning an embargo decision. Had President Reagan acted to embargo the sale of grain to the Soviets in the wake of the Korean airliner incident, Congress would have been powerless to stop him.

As a result of language that I offered during subcommittee markup, H.R. 3231 now contains provisions for a constitutional veto mechanism. The provisions of the bill provide that an embargo may take effect for 60 days. If, at the end of that time, however, the Congress has not passed a joint resolution of approval, the embargo lapses. Not only does this meet the Court's test of constitutionality, but this approach also virtually assures that no protracted embargoes will ever occur. By relying on a positive act of affirmation for an embargo to continue, rather than an affirmative act of veto for it to be halted, the Congress places a far more difficult path before the President in his efforts to continue export controls on agricultural commodities.

Provisions of the bill also are designed to correct past folly, when the President acted first, and then consulted our allies and the Congress. As written, H.R. 3231 makes it clear that Congress intends this consultation to be real and prior to the fact.

Finally, the bill strikes at the heart of the embargo problem by stiffening our commitment to contract sanctity. In addition to the 270-day contract sanctity provision contained within last year's Futures Trading Act of 1982, the bill provides for absolute contract sanctity in situations when short supply controls are imposed. This contract sanctity would be in additions to the 270-day contract sanctity period given agricultural export contracts by Public Law 97-444, the Futures Trading Act of 1982.

Subject to your exceptions, unlimited contract sanctity would also be established when foreign policy controls are applied. Comparable legislation in the other body, however, has unlimited contract sanctity without such conditions. Such an approach is far preferable.

Agricultural exports are a major determinant of farm income, accounting for $1 of every $3.50 earned by the agricultural sector. Furthermore, roughly 1.2 million people owe their livelihood to the production, processing, assembling or distribution of agricultural exports, with more than 630,000 of those jobs being in the nonfarm sector. Given the pivotal role that agricultural exports play in the American economy, we must do everything possible to make certain that our sales effort continues unimpeded by any actions of our own. If the United States is to ever rehabilitate its reputation as a reliable supplier of agricultural products for foreign sales, we must pass the reforms contained within H.R. 3231. I solicit your strong support for that legislation.

I urge my colleagues, wherever they might be at this point, to listen and look long and hard at the arguments presented by my colleagues here this afternoon and tonight.

I thank the gentleman from Texas (Mr. STENHOLM) and especially the gentleman from Kansas (Mr. ROBERTS). And I appreciate the opportunity to provide these facts for our colleagues and the American public.

□ 1800

AGRICULTURAL EXPORTS

The SPEAKER pro tempore (Mr. SAM B. HALL, JR.). Under a previous order of the House, the gentleman from Kansas (Mr. ROBERTS) is recognized for 60 minutes.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for his very fine comments and I think the record should show that the gentleman has just completed a very well researched, articulate report or commentary on why a selective embargo not only is not in the best interests of agriculture, but not in the best interests of consumers, not in the best interests of our foreign policy, and I think speaking for producers in my district as well as farmerstockmen in Nebraska, I thank the gentleman for his contribution.

At this time, I yield to my good friend and colleague, the gentleman from Texas (Mr. PATMAN), who, like myself, is a former marine, and stands firm in our Nation's defense, but not at the expense of agriculture.

□ 1810

Mr. PATMAN. I thank my colleague for yielding, and I want to add my congratulations to the gentleman for his work in organizing this special order and the other Members who are participating in it. I also want to congratulate my distinguished colleague, the gentleman from Texas (Mr. STENHOLM) for his cochairmanship of this effort. I believe this is extremely timely, and I am glad to be able to participate in this special order.

Mr. Speaker, I want to add my expression of opposition to any grain embargo which may be proposed in response to the Soviet Union's recent atrocities.

My district in south central Texas contributes significantly to Texas' position as a leading agricultural exporter. Farmers in our area were adversely affected by the 1980 grain embargo; and they remember the lessons from that ill-fated action, even if those who have called for another embargo do not.

As a nation, we lost some $11.4 billion in overall production, along with an estimated 310,000 jobs. With its nearby gulf coast ports, from which the grain exports leave this country, the 14th Congressional District lost even more than its share of the sales of wheat, rice, grain sorghum, corn, and soybeans. Many of our farmers are just now recovering from that loss; others have not recovered.

The embargo may have been a dramatic gesture, but it was a classic case of good intentions gone wrong. And the crushing irony is that, as the Office of Technology Assessment recently reported, we have never seen convincing evidence that the Soviet Union has moderated its policies in response to threats or actual imposition of this or any other trade sanction.

The report conceded:

U.S. sanctions and embargoes may well have hurt the U.S.S.R., but it is unlikely that they have hurt enough to make a real economic difference.

On the contrary, the U.S.S.R. may itself have benefited from the disruptions in the Western Alliance which came about as a result of the embargo.

Before the 1980 embargo, this Nation was the Soviet Union's preferred grain supplier. With the embargo, that demand simply went elsewhere. America's share of the Soviet grain market has fallen from 70 to 20 percent.

In short, a grain embargo at this point would be both ineffective and counterproductive. It would not render the Soviet Union's leaders any more repentant for the Korean airliner massacre—but it would make life a little more difficult for American agriculture.

If a less appropriate action could be taken by this Congress, it has yet to be seriously proposed.

Mr. ROBERTS. I thank my colleague for his kind comments and for his contribution.

Mr. Speaker, at this time I yield to my good friend and colleague, the gentleman from Texas (Mr. RALPH M. HALL).

Mr. RALPH M. HALL. Mr. Speaker, I thank the gentleman from Kansas (Mr. ROBERTS) and the gentleman from Texas (Mr. STENHOLM) for allowing us to avail ourselves of this podium for this special order.

Any present-day discussion on an embargo must have as its beginning a trip back to another day and time. Today, as in the midthirties we are in an agricultural emergency. As in the midthirties, when Franklin Delano Roosevelt tried to bring us out of a worldwide depression, people look to their Government for guidance and relief. Mr. Roosevelt passed a series of laws, later to be referred to as "trial-error." I might add that there was plenty of both—trial and some error.

We have found, however, that the part of Roosevelt's program that worked was the part that dealt with the dignity of work—the WPA, the CCC, the Forestry Service. One of the programs dealt with the American farmer. Price supports were introduced. And even though it was against the grain of the independent-thinking farm community, food was plowed up and destroyed at a time when the world was hungry. Men and women of agriculture complied and waited for a decent price support.

They still wait. Instead of fair and equitable supports, they received inadequate farm programs, leading to a steady but sure atrophying away of the family farm concept. It seems that either bad weather, or inadequate congressional support, or a combination of both, militated against a fair deal for those men and women who furnish food and fiber for the world.

This brings us to today. Today—now. As has been ably and fully reported by the media, the entire world is outraged at the brutal and violent actions of the Soviet Union in the Korean airline massacre. There is a worldwide cry for retaliation against the U.S.S.R. At a time when our response to the Soviet Union should be strong and positive, it would be inadequate for us as Members of Congress to send a weak message to the Soviet Union. A grain embargo as we have seen in the past is not an effective way of harshly reprimanding the Soviet Union for their barbaric action.

Agricultural trade overseas brings in money to the economy which offsets our trade imbalance. In 1982 the United States exported $39.1 billion in agricultural products. One out of every 3 acres of farmland produces for exports. I am told that before 1980 the United States had 75 percent of the Soviet grain market and now the United States has only 25 percent of the Soviet grain market, even though total Soviet imports are greater than before the embargo. The Soviet Union responded to the embargo by seeking their import needs from other suppliers. Perhaps they still purchase through some of our neighbors—our grain—lessening our profit. The agricultural embargo caused the agricultural sector of the economy to carry all the burden of world diplomacy.

This unfair burden on farmers only resulted in an inadequate retribution to the Soviet Union. Agriculture has suffered severe long-term losses from past embargoes; we must not continue to let the agricultural industry in this country suffer by using it as an unsuccessful tool of diplomacy. If the leadership of this country chooses otherwise—then we should put a decent support under the commodity to be sold, or embargoed. For example, $3.65 per bushel is a ridiculous support for wheat when the U.S. Department of Agriculture itself says it costs $5 a bushel to produce it.

We must not stand by and once again watch the men and women of agriculture suffer unilaterally for our action, or our inaction. If we do place an embargo on any other part of the world, we must not single out the farmers of America. We must, through the long-sought pursuit for parity, let our entire country participate in such an embargo.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Speaker, I concur in what the gentleman has to say, and I commend those who are responsible for having this discussion here.

Back a few years ago I asked an intern in my office, a student from the Universtiy of Michigan by the name of Elizabeth Schrayer, to do a study on this history of embargoes not only in our country but in other countries. She did that history of embargoes, and the conclusions were two:

First, generally the country that imposed the embargo shot themselves in the foot. And second, an embargo can be effective only if you have a monopoly on the product.

We do not have a monopoly on soybeans or corn or food products generally; so that we ought to be most hesitant in moving in the direction of embargoes, frankly, of any kind—even pipes for pipelines or earth-moving machinery or anything else. We ought to make clear to the countries of the world that we are a reliable trading partner. And, ultimately, it seems to me that nations are going to trade in normal commerce or they are going to trade bullets. It is a heck of a lot better to be trading in normal commerce.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I have a question that I would like to address to my very distinguished colleague, the gentleman from Illinois (Mr. SIMON).

The gentleman mentioned that those countries which had imposed the embargo shot themselves in the foot. Could the gentleman explain that, please?

□ 1820

Mr. SIMON. If my colleague would yield, I would be pleased to explain that.

What happens is that when we impose that embargo, we end up hurting American farmers, for example. The Soviets, in this fungible international kind of trade situation, are able

to get whatever they want, maybe with a little inconvenience, but they get it.

My figures will not be accurate, but I remember back about 3 years ago or 4 years ago we sold New Zealand some embargoed dairy products, about $10 million worth as I recall. About 10 days later, New Zealand sold the Soviet Union about $10 million worth of dairy products. Who are we fooling? Again, I commend the gentleman.

Mr. RALPH M. HALL. I again want to thank the gentlemen from Kansas and Texas.

Mr. ROBERTS. I thank the gentleman for his comments and his contribution.

Mr. PENNY. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to my colleague and friend, a member of the House Committee on Agriculture, the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. I thank the gentleman for yielding.

Mr. Speaker, I come to the floor today to join my colleagues in speaking out against another grain embargo. I want to commend my colleagues from the Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kansas (Mr. ROBERTS) for sponsoring this special order.

We have in recent days heard again the call for a grain embargo against the Soviets. We all know that in the past a grain embargo has really only hurt American agriculture because the Soviet Union has been able to turn elsewhere to provide for their needs for agricultural products. We know that a grain embargo has not worked in the past and has only hurt American agriculture, and yet there are those who call for that response again today.

I endorse this administration's position in opposition to a grain embargo. We all agree that a response is necessary to the Soviet Union's downing of the Korean airliner, but I think that we also must agree that an effective response is one that is joined in by other nations around the world. A unilateral response by the United States is doomed to failure. We must work in concert with other nations, and in this case we certainly can because the Soviet action is an affront to the entire world and other nations will join us in certain sanctions.

We recently completed a long-term grain agreement with the Soviet Union. That agreement will help in part to restore our trading relationship with that nation. It was mentioned earlier here on the floor that we, prior to an earlier embargo, had 75 percent of the Soviet market for grain. That is now down to close to 20 percent. With this recent agreement, we can recover a portion of that market. I am told we can climb back to about 40 percent of the Soviet demand for grain.

It is important not only to reestablish that relationship with the Soviet Union, but it is important in terms of the message that it sends to other nations around the world, a message that will tell them we are again a reliable trading partner, and that is important to American agriculture. If we are to provide profitability for agriculture in the years to come, we must reestablish that reputation as a reliable trading partner.

Again, I join my colleagues in speaking out against a grain embargo. American farmers have already suffered due to low prices and high interest rates. We do not want those farmers to suffer further by the imposition of another grain embargo.

Mr. ROBERTS. I thank the gentleman for his comment, and again, for his contribution.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to my good friend and colleague on the House Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank my colleague for yielding and I will be brief in summing up now. I believe we are at the end of our special order, since we do not seem to have any other Members wishing to speak today.

In response to my good friend and colleague, the gentleman from Arizona (Mr. RUDD) on his question to our friend, the gentleman from Illinois (Mr. SIMON) about what we mean by "shooting ourselves in the foot," I have used that same term myself and I would try to answer that question.

Whatever we do in response to this particular Soviet aggression or any other Soviet aggression or any other action, we must always be mindful that that which we do has the effect of that which we intend, and that it reaches the target that we are shooting at. Three examples come to mind in which recent embargoes have, in fact, not reached the right target, but have, in fact, in my opinion, shot ourselves in the foot.

We talked about the 1980 grain embargo. I would also add the boycott of the Olympics in 1980. Who did we hurt by that action? Did we get the Soviets' attention? Did we do immeasurable damage to the Soviet Union? I think not. But we shot those young men and women who had trained a lifetime to participate in a once-only opportunity. You only go around once many times in the Olympics. We provided them with a lost opportunity. I think that is an example of shooting ourselves in the foot in accomplishing something that we do not wish to accomplish.

Then let us look at the latest attempt to embargo or to teach the Soviets a lesson, which I, myself, would like to see us do more of. In fact, I am searching for ways in which we can be effective.

When President Reagan proposed an embargo on pipeline equipment, even Maggie Thatcher, Margaret Thatcher, "The Iron Lady," a lady for whose great amount of courage and leadership I have great respect—when we looked over our shoulder to see if they were following, they were not. Again, whom did it hurt? The American autoworker, building the Caterpillar tractors in Illinois, was hurt.

I think that is what the gentleman was getting at.

Mr. RUDD. If the gentleman will yield, I thank the gentleman for the clarification.

Mr. STENHOLM. I thank my colleague from Kansas for yielding, and I thank all of the Members who participated, and especially commend the gentleman from Kansas (Mr. ROBERTS) for making this special order possible.

GENERAL LEAVE

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today by myself and the gentleman from Kansas (Mr. ROBERTS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DORGAN. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to my good friend and colleague, also a former member of the House Committee on Agriculture, the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, I have gone from the House Committee on Agriculture to the House Committee on Ways and Means. On Ways and Means we are very interested in international trade.

This special order focuses on the issue of grain embargoes. It is a very important special order and has an immense impact on my home State of North Dakota. Now, there are some Members of this House who are saying, "We should retaliate for the shooting down of the Korean airliner by imposing a grain embargo against the Soviet Union." It is important for us to think very seriously about what a grain embargo does; what it means to our economy; and what it means to those we impose an embargo against. We should have learned the hard lessons from previous embargoes.

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Four successive Presidents have interfered with the marketing of grain abroad—four in a row.

Just a few moments ago, one Member mentioned the term, "shooting ourselves in the foot," another Member asked what that meant. Well, it seems to me that the 1979 embargo was indeed a lesson of shooting one's self in the foot because of a neighbor's actions.

We live on a very fragile planet, this planet Earth. We have to get along. We have some very severe tensions with some of our neighbors. From time to time we are called upon to take appropriate actions, to call for sanctions against some of those with whom we share this planet. The question we have to continue to ask our selves as Americans is, what kind of sanctions or what kind of remedies should we try to impose on the Soviets and others who are behaving in ways we do not accept or condone?

I come from North Dakota, which, as the gentleman from Kansas knows, was the largest wheat-producing State in the Nation for 1 year. Of course, the gentleman from Kansas comes from the district that, I think, produces more wheat than any other State in the Nation at this point. He never fails to bring that to our attention. For that we are all very appreciative. But whether a Member comes from the gentleman's district in Kansas or mine in North Dakota and represents agricultural interests, that Member understands the threat of a grain embargo. It is a very, very serious threat to those who make their living from family farming.

My guess is that if a grain embargo were really an effective way to improve our foreign relations with the Soviets, or to persuade them to change their policies, and if American farmers felt that was the right approach, farmers would say, "Fine." But American farmers know, first of all, that a grain embargo does not make any sense at all from a foreign policy standpoint. And it does not make any sense from an economic standpoint. It certainly does not make any sense from a foreign policy standpoint.

It accomplishes nothing. The Soviets can get grain through third and fourth party transactions, but they get the grain they need. The problem has been in the past that this country has embarked on unilateral grain embargoes. Our allies did not help us. They just produced and sold more to the Soviets. This accomplished nothing except shooting ourselves in the foot.

So, Mr. Speaker, I want to join those who are very concerned about grain embargoes. It makes good sense for us, when the Soviets are forced to spend their hard currency for a bushel of American wheat, to sell them wheat. A ruble that the Soviets spend for a bushel of American wheat is a ruble they cannot use to build another Soviet tank or jet fighter airplane.

I think grain embargoes are foolish, and I intend to fight against those who wish to reimpose them.

Mr. Speaker, I appreciate the gentleman's yielding.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from North Dakota (Mr. DORGAN) not only for his comments but especially for his acknowledgement that the State of Kansas and, more particularly, my district does produce more wheat than any State.

At this time, Mr. Speaker, I yield to my friend and colleague, the gentleman from Minnesota (Mr. STANGELAND), who is also a member of the Agriculture Committee.

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for yielding, and I would like to commend the gentleman from Kansas (Mr. ROBERTS) and the gentleman from Texas (Mr. STENHOLM) for requesting this special order to permit those of us from farm States to once again remind our colleagues of the futility of grain embargoes.

However, I deeply regret that this exercise is even necessary. Our discussion here today is in large part attributable to calls from many in the media and some in Congress for a unilateral embargo on grain exports to the Soviet Union as a result of the Korean airliner tragedy.

There is no question that the Soviet military's merciless behavior, and the subsequent lies and coverup which followed this atrocity, shocked and outraged the entire civilized world. But we must not let our anger over this blatant example of the Soviet regime's small regard for human life provoke us into taking an emotion-fed reaction that would end up punishing ourselves far more than it would the Soviets.

Let us clearly make the point today that unilateral food embargoes simply do not work.

There are several problems which make agricultural trade an especially poor foreign policy tool. Because farm goods are essentially the same product regardless of where they are produced and because they can be obtained from many different sources, the importing country quickly finds alternative sources to meet their food needs. This is precisely what the Soviet Union did during the 1980 grain embargo imposed by President Carter after the Soviets invaded Afghanistan. As a result, the U.S.S.R. was not forced to liquidate herds and flocks as some U.S. policymakers had predicted.

Unfortunately, however, the impact of the 1980 Soviet grain embargo was devastating on U.S. farmers and our rural communities. The immediate result of the embargo was a sharp decline in farm prices, which further contributed to a decline in net farm income that was already underway due to inflation and high interest rates.

Furthermore, the 1980 grain embargo cost our Nation 310,000 jobs and $11.4 billion in overall output. More than 9 months passed before prices for wheat, corn, and soybeans returned to their preembargo levels. In addition, price supports triggered by postembargo conditions cost U.S. taxpayers more than $2 billion. Yet, during this entire period, the Soviets had little difficulty in obtaining their grain requirements from our competitors and, to this day, the Russian military forces show no inclination toward pulling back from their military occupation of Afghanistan.

But the 1980 Soviet grain embargo was only one of several prior foolish and ill-conceived embargoes which have proven unsuccessful and robbed U.S. farmers of their foreign markets.

It is generally acknowledged that the Nixon embargo of 1973 spurred Brazilian soybean production to the point where Brazilian soybean production is now the greatest soybean competitor to the United States. As a result of this action, the Japanese Government encouraged soybean production in Brazil because they were alarmed about the prospect of supply cutoffs. This production also encouraged Argentine soybean production and exports which, in turn, compete against our farmers for foreign markets.

Subsequent embargoes in 1974 and 1975 during the Ford administration further eroded America's reputation as a reliable supplier in the international marketplace.

It is this subsequent and cumulative effect of embargoes which, perhaps, proves most costly to our farmers and the entire American economy. Because food supplies are an overriding requirement for consuming countries, importers place a special emphasis on reliable sources of supply. The United States still suffers from a reputation as an unreliable supplier, and America's farmers have been forced to bear the cost in terms of lost sales and lower farm prices.

The reaction of the United States against this international outrage must be firm and determined. However, it must not involve actions that capture media headlines and bow to public opinion polls, but rather our country's response should be one that can work. A unilateral embargo has never worked, it will not work today, and it would truly constitute another example of our Government "shooting ourselves in the foot."

Again, Mr. Speaker, I thank the gentlemen for calling this special order.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. STANGELAND) for his contribution.

Mr. Speaker, I think the point has been well made. In my earlier comments and my earlier statement, I con-

fess a parochial interest regarding an issue that affects the daily lives and pocketbooks of all the folks in my district, to the extent that perhaps my remarks were strongly worded and somewhat emotional. But I think that really makes the point.

I can understand the selective use of an embargo from an emotional and symbolic point of view, but the practical results are counterproductive, not only for the farmer but for the consumer and everybody in this country. I can report to the Members, after touring 58 counties of what we call the Big First District of Kansas, a tremendous amount of real frustration as to why we would go back down that trail, to the extent that farmers in my district and throughout the high plains and indeed throughout the country would be going bankrupt without any practical results from the standpoint that not one Russian troop would leave Afghanistan, Lech Walesa would not be helped in Poland, and in this particular case the Soviets actually changing Soviet policy with regard to their air flights would simply not be in the cards.

So, Mr. Speaker, we have really formed a new group, with the help of the gentleman from Texas (Mr. STENHOLM) and many others. We have over 30 Members of this body who have formed something called the Congressional Agricultural Forum, and to borrow a phrase used by one of the more famous broadcast journalists, it is our intent to tell the other side of the story when in fact we get some real front-burner issues here and when agriculture is getting its fingers burned. It will be bipartisan, and I would like to call it a continuing education program. If in fact we deem a future subject worthy of a special order, we will present it.

Mr. Speaker, I thank the Chair for his patience, and I thank my colleagues for their patience.

● Mr. TALLON. Mr. Speaker, the Soviet Union's brutal attack on a civilian Korean jetliner confirmed again the fundamental inhumanity of the Russian Communist Government. In the wake of this outrage, a strong defense against Soviet aggression is more necessary than ever. Our response must be firm—and it must be continuing.

But some have proposed that we take precisely the wrong action—embargo grain sales to the Soviets, or at least abrogate the recently signed long term agreement governing grain and soybean sales. Unfortunately, a unilateral grain embargo is like Will Roger's description of prohibition: It sounds good, but it won't work.

If all nations that sell grain to the Russians agreed to join in a sales cutoff, and if they abided by that agreement, and if agriculture was not singled out, but was part of an across-the-board trade embargo—then this approach would hold some promise. Unfortunately, that is a lot of "if's," and recent history teaches us that unilateral embargoes hurt Americans more than Russians.

How quickly we seem to unlearn the lessons of the last few years. The 1980 Soviet grain embargo is estimated to have cost this Nation $11.4 billion in overall output and 310,000 jobs. More than 9 months passed before prices for wheat, corn, and soybeans returned to preembargo levels. Price supports triggered by postembargo conditions cost the U.S. taxpayer more than $2 billion. Again in 1982, the pipeline sanctions proved ineffective and idled American workers while severely straining the Western alliance.

In both cases, the problem was that America's allies were not behind the sanctions, and that the sales restrictions were selective. It is deplorable that the West would not join in concerted action against the Soviet menace. But it is a fact. And when we see how difficult it has been to get agreement on relatively painless civil aviation sanctions and Security Council resolutions, we must agree that there is no prospect of widespread compliance with any trade sanctions the United States might impose.

Would we really short the Soviet market if we withheld grain sales? The new long-term agreement calls on the Soviets to buy at least 9 million metric tons of grain from us. If we refused to honor our commitment, our major competitors could make up that shortfall by increasing their total exports just 12 percent. They could make up for our wheat sales by increasing their total wheat exports less than 8 percent.

The mistake we have made in the past is this: We put the cart of trade embargoes before the horse of Western unity. We must build up the cohesion and will of the non-Communist nations, including our own. As their ultimate defender, the United States must also be these nations' moral leader. But we do not fulfill that role by trade cutoffs in the absence of consensus. Our colleagues will do well to remember these points during the upcoming debate on reauthorization of the Export Administration Act.

American farmers have an enormous stake in exports. In 1982, the United States exported over $39.1 billion in agricultural commodities and had an agricultural trade surplus of $23.7 billion. One in three acres of U.S. farmland produces for the export market, with two-thirds of our wheat and over half of our cotton, soybeans, and rice sold into the export market. Put simply, exports are the key to American agricultural profitability.

To a large extent, America's agricultural export success has come about in spite of the actions of our Government. Four times in the past decade, American agriculture has been the target of export embargoes. The four embargoes are summarized below.

EMBARGO SUMMARY

Date	Country	Products	Reason
June 27, 1973	All	Soybeans, soybean products, cottonseed and cottonseed products	Control domestic prices.
Oct. 7, 1974	U.S.S.R.	All grains and soybeans	Control domestic prices, foreign policy.
Aug. 11, 1975	U.S.S.R.	All grains and soybeans	Uncertain crop supply, foreign policy.
Jan. 4, 1980	U.S.S.R.	All grain seed, soybeans, meat, poultry and dairy products, Animal Fats	Foreign policy U.S.S.R. invasion of Afghanistan.

Some may argue the embargoes of 1974 and 1975 were not foreign policy related, but the fact that they were aimed only at the Soviet Union is proof of their foreign policy nature. Thus, in the last decade U.S. farmers have experienced one short supply and three foreign policy embargoes.

The cost of these embargoes to American farmers has been enormous. It is estimated U.S. soybean farmers alone have lost a minimum of $12 billion in decreased crop value as a result of the four embargoes. Overall, most agree the net loss of the 1980 embargo to American farmers is as high as $40 billion. Clearly, a major reason for the severe recession plaguing American agriculture over the last 2 years has been the embargo and the continuing trade sanctions against the Soviet Union.

Aside from the direct monetary loss resulting from the four embargoes, their cumulative effect on America's reputation as a dependable supplier arguably has done more to impact American farmers. Determined to never again be in the position of having the United States cut off their needed supplies of soybeans, the Japanese and Europeans responded to the 1973 soybean embargo by collectively investing millions to develop an alternate supply of soybeans in Brazil and Argentina. As a result, Brazilian soybean production doubled by 1975 and quadrupled by 1980. Argentina's soybean production has expanded twelvefold since 1973. While the United

States is still the dominant world supplier of soybeans to the world market we are increasingly facing strong competition worldwide from Brazil and Argentina. The 1973 embargo was the catalyst for that competition and we will suffer from it permanently.

Clearly it was the 1980 embargo against the Soviet Union which has most impacted American agriculture. With the imposition of the embargo the President canceled outstanding commercial export contracts for the 15.9 million metric tons of wheat and corn, 1.3 million metric tons of soybeans and soybean products, and several thousand tons of poultry and other products. Those commodities, the sale of which had already been accounted for by the market, were thrust back on the U.S. market causing a precipitous decline in U.S. prices and farmer income. The Soviet Union responded predictably to the embargo by seeking their import needs from other suppliers. They bought wheat from Canada, Australia, Argentina, Europe, and even India. They bought corn from Brazil, Argentina, South Africa, and Thailand. They bought soybeans from Brazil and Argentina, soybean meal from Brazil, Argentina, and the European Community. Vegetable oil was acquired from Malaysia, Europe, and Brazil. Manioc was acquired from Thailand. Poultry was purchased from Brazil and Europe, and beef and mutton was imported from Australia and New Zealand.

Thus, the Soviets were able to get all of the imports of food and feed they needed from our competitors, largely from our allies. They were forced to pay somewhat higher prices for a while, but they still acquired the supplies they needed. Since the embargo was imposed the Soviets have signed long-term commodity supply agreements with five major suppliers; Australia, Canada, Brazil, Argentina, and France. Before the 1980 embargo, the United States had 75 percent of the Soviet market. Now that the embargo is over the U.S. share is only about 25 percent even though total Soviet imports are greater than before the embargo.

While it is clear U.S. agriculture has suffered severe long-term losses from past embargoes we are no longer viewed as reliable suppliers, and too often viewed as the food and fiber supplier of last resort. The embargoes have provided our competitors with windfall markets and enormous incentives to expand their production. They have and will respond to those incentives, and become even greater competitors. Our customers abroad have been incited to increase their own food self-sufficiency as a way of reducing their dependence on the United States. These costs will be borne for years.

On the other hand, America agriculture questions what has been achieved by past embargoes. Inflation was 4 percent in 1973 when the short-supply soybean embargo was imposed, it was 6 percent in 1982. There are more Soviet troops in Afghanistan today than there were when the embargo was imposed or lifted. United States-Soviet relations appear, at least on the surface, to be worse than they have been for several years. From our vantage point, it appears the United States has substantially less influence over the Soviets today than we did before the embargo because of our reduced share of the Soviet market.

In order to protect American agriculture from future embargoes I offer the recommendations listed below for inclusion in the Export Administration Act. Some may question why American agriculture seeks greater protection than the agricultural export contract sanctity statute included in the Commodity Futures Trading Act of 1982. Certainly we cherish that provision. However, contract sanctity only prevents a President from forbidding the export of previously sold commodities. It does not prevent a President from unjustifiably forbidding future sales. If we are to restore our international reputation as a dependable supplier of food, feed, and fiber, we must have protection from the unjustified use of agricultural commodities as a tool of foreign policy.

1. EXEMPT AGRICULTURAL COMMODITIES FROM FOREIGN POLICY CONTROLS

In order to protect American agriculture from future futile embargoes such as occurred in 1980, I urge my colleagues to eliminate the President's authority to impose foreign policy export controls on agricultural commodities. The record is clear such embargoes are not effective. They are totally unenforceable since other suppliers are quick to provide supplies withheld by the United States and because it is virtually impossible to control transshipments of U.S. exports to other nations. Worst of all, foreign policy agricultural embargoes force the agricultural sector to bear the costs of our foreign policy. American agriculture will be more than willing to bear its share of the costs of an embargo imposed to protect our national security, but we are not willing to bear the cost of embargoes imposed because someone from the National Security Council thinks it will enhance our foreign policy.

2. FOREIGN PARTICIPATION REQUIREMENT, 90-DAY LIMIT

A look back at the 1980 embargo indicates two critical areas which we feel deserve correction. First, there was no strict requirement that the President get other suppliers to participate in the embargo against the Soviets, nor was he required to lift the embargo once it became evident the Soviets were getting needed supplies of agricultural commodities elsewhere. Second, once the embargo was imposed it took a positive action on the part of the President to lift it. Even though many in the administration chose to lift the embargo there was a concern that its lifting would send the wrong signal to the Soviets and to the American people. The result of these two factors resulted in a totally ineffective embargo being maintained for too long.

I urge Congress to mandate the President to seek multilateral commitments from other food and fiber supplying nations of their participation in the embargo prior to imposing such an embargo. Further, any export controls imposed by the President should be limited to 90 days in duration. Should the President desire to extend the controls beyond 3 months, he should be required to determine that the controls are achieving their objective, and that other nations are not exporting competing commodities to the target nation. If other nations are violating the embargo the President should be prohibited from reimposing the controls.

American farmers are patriots and will shoulder their part of the common defense burden. But they should not be singled out to bear the whole brunt of an embargo that cannot succeed. To waste our resources in this way would not be a rational response to Soviet aggression. It would simply weaken the most basic industry—agriculture—in the last, best hope for freedom—the United States, whose laws we are charged to make not with emotion but with the best wisdom we can muster.●

● Mr. GLICKMAN. Mr. Speaker, this week, as the House takes up reauthorization of the Export Administration Act, I intend to work for strong language in the bill protecting American farmers from being unfairly singled out to bear the burden of our foreign policy. In the wake of the atrocity of the shooting of Korean Air Lines flight 007, we have had, once again, to deal with those who were quick to call for a unilateral, single sector embargo on trade with the Russians. Thankfully and appropriately, the administration chose to pursue other responses. But the lessons of that episode are clear: We still need an effective and clear policy toward trade embargoes, especially grain embargoes.

In spite of the enormous need to export our grain, foreign sales this year will still be some 12 percent below 1982's level. In large part, the reason for the drop in exports has been the 1980 embargo; still some 2 years later, sales have failed to recover to preembargo levels and will be some 40 percent below the record shipments of 1979. Those of us from farm country

know very well the full effects of this trend. I hope my urban colleagues will recognize that an embargo on grain sales affects their constituents too: About 500,000 nonfarm jobs depend directly on agriculture exports and those exports pumped some $30 billion into the nonfarm community last year. According to USDA estimates, each dollar of farm produce sold abroad generates $1.05 in additional, related economic activity in the domestic economy. Finally, while the rest of the U.S. trade balance is way out of kilter, the agriculture trade balance is running a $23.7 billion surplus—it could be even greater.

Why? what has happened to our sales? In a word, the Soviets turned elsewhere when our allies refused to support us. Since the embargo, all of our major competitors have struck new bilateral agreements with Moscow and Russians quickly embraced these new supplies. On the other side of the trading world, the Chinese cut off purchases in retaliation for our restrictions on imports of their textiles. Now there is considerable concern that, in spite of some recent purchases, the Chinese will not meet their minimum commitments because our competitors jumped into the void we left.

Perhaps the first lesson is clear: A unilateral embargo has little, if any, chance of success. Until we can secure the cooperation and coordinated help of our allies, an embargo imposed for foreign policy reasons will fail, it will simply fail to cut off supplies and shipments.

Even if we succeed in attaining the cooperation of our allies, if we heap the burden of the embargo all on the shoulders of American agriculture, we threaten the economic base riding on our farmers, the effects will not stay down on the farm, they will, as they have over the last several months, ripple through the rest of the economy. American farmers will play a leading role in supporting our foreign policy, but they simply cannot afford to play that role solo. They need help, and I believe it is our duty in the House to insure fair treatment.

To that end, as we consider the Export Administration Act, I believe we need to strengthen the contract sanctity provisions so that if the administration decides to impose export controls and void contracts then in effect, the controls would have to be placed on all goods and technologies. Thus, if future circumstances warrant such strong action, as an embargo—which should only be undertaken with prior assurances of cooperation by our allies and other suppliers—would have to be across the board on all shipments to the target country. Farmers would not then, as they have done so in the past, have to bear the burden alone. Not only do I believe this approach insures basic fair treatment for agriculture, I believe it would result in a more effective—because of the requirement that controls broad based—action and signal of U.S. policy.

Finally, in spite of clear signals from the administration that it will not impose a grain embargo in response to the Korean airliner incident, some of my colleagues have proposed just such an action. I am afraid they have failed to learn the clear lessons of the past and would, once again, subject American farmers to more problems than the solutions hoped for by a unilateral grain embargo. We have the opportunity this week to make a clear, unequivocal policy that the U.S. Government will not pick on agriculture as the lone water carrier for our foreign policy, and I hope we will approve this much needed and forthright action.●

● Mr. GUNDERSON. Mr. Speaker, I would like to thank the gentleman for yielding and commend both the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kansas (Mr. ROBERTS) for taking this special order to bring to the Members' attention the serious problems that occur from the use of an embargo on the export of agricultural commodities as a tool of foreign policy.

If I may, I would like to take a slightly different perspective from that of the previous speakers in that I would like to point out some of the troubles that occurred for dairy farmers from the last Soviet grain embargo. And make no mistake about it, an embargo on one agricultural commodity has a significant effect on the quantity of other U.S. commodities produced and the price received for them.

As an example, in 1979 total U.S. milk production was approximately the same as it was 20 years ago—123.4 billion pounds as compared with 123.1 billion pounds in 1960. Yet, 1981 figures showed an annual production of 133.0 billion pounds—an increase of 11 billion pounds in just 2 years.

Is it just a coincidence that the grain embargo occurred at the same time as this dramatic increase in production? Hardly.

The facts are that consumption of dairy products, while increasing, was not increasing fast enough to keep pace with the new production levels. Further, the price dairy farmers received for their milk has not changed since October 1, 1980. Accordingly, there were few, if any, consumption or price considerations that could explain the significant increase that occurred in production.

On the other hand, it is not difficult to see the relationship between the grain embargo and increased milk production. Surplus grain drives grain prices down and, most succinctly stated, cheap grain means more milk. This is because, in times of moderate to high grain prices, dairy farmers seldom feed their cows to their capacity. Lower prices will enable farmers to feed more grain to their cows, thus creating more milk.

Further, cheap grain permits farmers to keep relatively unproductive cows that would have been otherwise culled. This cannot help but increase total milk production as it did between 1979 and 1981.

Finally, and perhaps most significantly, low grain prices force cash crop farmers into dairying, in whole or in part, to maintain cash flow. This can be seen statistically in a single year between 1980 and 1981 when overall milk production increased by 3.4 percent, but production in South Dakota increased 5.8 percent, in North Dakota by 6.9 percent, Nebraska by 6.9 percent, and in Montana by 7.3 percent. These are hardly traditional dairy States.

As the gentlemen before me have clearly expressed, an embargo on agricultural commodities hurts Americans more than the Nation subject to its provisions. It hurts us in many, many ways—some that are obvious and many more that are hidden from plain view.

The effect of a grain embargo on the dairy industry is one such hurt that is less obvious than others. But, in the end, it is one that has hurt us the most whether we are taxpayers who pay for the dairy price support program or family dairy farmers who depend on that program for our very survival.

Clearly, we must learn from our prior embargo errors. For the sake of our agricultural industry and all Americans, we cannot repeat those mistakes. I thank the gentleman for yielding time to me to discuss this important issue.●

● Mr. WATKINS. Mr. Speaker, since the world learned of the atrocity committed by the Soviet Union under the guise of security and 269 innocent civilian victims met a flaming death, we have collectively been striving to find words adequate to express our repugnance and horror. Primal instincts are to seek revenge and retaliation. But, we in America and the rest of the civilized world live under an umbrella of laws, written and implied. We also live in a world which stands but one hasty act from a holocaust which would end life on planet Earth as we know it. So reason must replace revenge.

In striving for a consensus for the present and future, it is sometimes necessary to read the past. I quote:

> It would be naive and uninformed to assume that (an) embargo (of grain would not) have an adverse effect on American farmers, who faced skyrocketing production costs and plummeting incomes last year.

In that quotation, I am not predicting, I am citing history. That was part of a statement I made in February 1981 in which I advocated the Reagan

administration lift the grain embargo imposed by the previous administration. I pointed out then that the estimates were the grain embargo had cost the Soviet Union $1 billion, but it had cost the U.S. taxpayers $3 billion as our Government sought to ease the impact on our farmers. And, we all know the final bill has not yet been presented to the Congress or to the taxpayer or to the farmer.

Going back to July of 1972, the United States has imposed seven embargos. In reference to the most recent, the administration has responded that the U.S.S.R. sales suspension was supported by the European Community, Canada, and Australia. Yet a world wheat trade outlook for 1983–84 which crossed my desk yesterday anticipates U.S. trade of wheat and wheat flour to be 38.1 million metric tons, down from 40 million metric tons during 1982–83 which was certainly not a banner year. At the same time, the exports from Australia are expected to increase from 8 million metric tons to 11.5 million metric tons. We do not fault the Australians for selling their farmer's products. The point is that the United States cannot set a unilateral world food policy. We cannot call a press conference and declare an effective embargo.

During this years' hearings before the Agriculture Appropriations Subcommittee on which I sit, Chairman WHITTEN pointed out that the American farmer can no longer afford to subsidize the foreign policy of the United States. I quote from 1983 hearings:

It is unconscionable to refuse to sell food (overseas) * * * then make the farmer bear the cost of that policy.* * * The history of our efforts at production controls clearly demonstrates that such controls are not a satisfactory substitute for competitive sales abroad.

President Reagan on March 22, 1982, said, in reference to the 1980 embargo of grain trade with the Soviets—

Other countries didn't hesitate to increase their production and displace U.S. sales.

Sales, I might add, we are still trying to recoup. He continued:

The bottom line is the Soviet embargo was bad for our farmers, bad for our economy, but not that bad for the aggressors we were supposedly going to punish.

The President said:

There may come a day when our national security is threatened and the issue of an embargo is raised again. In that case, I would not hesitate to declare (an) embargo, but only if it were part of a complete boycott and if we could have the cooperation of other nations so that we wouldn't end up hurting ourselves.

The provocation then was the invasion and occupation of Afghanistan; the provocation now is the senseless slaughter of 269 men, women, and children from many nations. Yet the same conditions generally prevail. Although the American concept of the preciousness of human life has been most harshly violated and the average American's basic and particular compassion for women and children has suffered a traumatic realization that the Soviet military mind has no compassion and little concern for human life, we are not at the present time in a condition where our national security is threatened.

We are outraged, incensed, and appalled at the gross subhuman conduct of the Soviet Union and the United States, through diplomatic channels and the world forum of the United Nations is properly seeking redress of our grievances, as civilized people do.

Mr. Speaker, in truth I do not know what our posture should be to attain justice in the light of the barbarous act of the Soviets. I do know, however, that entering into a unilateral embargo in an attempt to muzzle the Soviet Bear will not work except to the detriment of the American farmer who has, as we say in my part of the country, just about all the misery he can say grace over right now.●

UNITED NATIONS GET AN "F" FOR FAILURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 30 minutes.

Mr. RUDD. Mr. Speaker, recent actions of the United Nations have put them in the limelight and being in the limelight has shown that this institution has no intention to or simply cannot perform the duties that it was set up to do.

The butchery of the passengers of KAL flight 007 demonstrates once again the effete. Sterile nature of this institution that is slowly but surely destroying the best intentioned efforts of this country and other peace loving nations to being and preserve peace in this world.

The recent inability of the United Nations to pass even a watered down resolution condemning the calculated and cold blooded murder of 269 innocent men, women, and children by the Soviet Union is another reminder of the abysmal failure of this body.

The Charter of the United Nations adopted in 1945 states that the goals of the organization are: To provide international peace and security; to aid in the development of social, cultural, and economic ties between diverse countries of the world; and also to promote the principles of freedom and human rights for all men. If we were to grade this institution by its success in those stated goals, the United Nations would get an "F" for failure on all counts.

Since 1945, the United Nations has failed to prevent or even resolve satisfactorily over 100 armed conflicts. Today, the fighting, bloodshed, and death in Africa, Latin America, Lebanon, Afghanistan, and Chad, to name just a few, are terrible and terrifying testimonies to the ineffectualness of the United Nations.

American marines are dying in Lebanon because the United Nations has not been able to successfully contain a Soviet backed Syria from its long anticipated conquest of that country. American advisers are in Latin America because the United Nations will not recognize the terrorism spread through the Managua, Havana, Moscow axis, the real "devil's triangle" in the Caribbean.

Because of the failure of our best efforts, and the feebleness of the United Nations, we have seen a Hungary and Czechoslovakia crushed under Soviet tank treads; a divided Korea; a rampaging Vietnam; Kampuchea with 2 million murdered citizens; three major Middle Eastern wars in as many decades; and an African continent threatening to erupt from the Cape of Good Hope to the Mediterranean Sea due to Soviet and Cuban adventurism.

The simple failure of the United Nations to keep the peace is not the whole story, however. When we look into this body and its proceedings, we see a concerted effort by those who profit from war, death, and destruction; to turn this body into a threering circus of anti-Americanism, support for worldwide terrorism and an almost mindless obedience to the prescripts of the "new international economic order" which simply translates into redistribution of the world's resources by legislative fiat.

This peace-loving body has contributed over $116 million since 1975 to so-called national liberation movements which are nothing but ill-disguised terrorist and guerrilla groups. This "peace loving" body has made the Palestine Liberation Organization (PLO) a member of its body with permanent observer status. This is the same PLO which butchered athletes at the 1972 Olympic games and proudly claimed that, "We have to kill the most famous. Since statesmen are difficult to kill as they are well protected, we have to kill artists and athletes." This is the same PLO whose leader felt it necessary to pack a pistol when he addressed the U.N. General Assembly. He showed, by that action, just what he thought of the United Nations. This is the same PLO which trained current members of the Sandanista government in Nicaragua as far back as 1969. This government has virtually outlawed religious freedom in that country, is locking up political prisoners or anyone not "working for the revolution", and has reneged on its promise to hold free and open elections.

Finally, this body has been kept alive, by the most part through the generosity and long-standing patience

of our country, the United States. In 1982, the United States provided the largest source of funds for the United Nations. Fully 31 percent of the U.N. budget was paid for by the United States. The next highest contributor was the Soviet Union, at a paltry 10 percent. That does not take into consideration the U.S. leadership in multilateral, bilateral, and unilateral economic aid to most of the countries of the world. That does not even take into account the millions the U.S. taxpayer spends on the U.N. delegation for such mundane but necessary expenses such as police protection.

Despite all these contributions, despite our ability, and sometimes willingness to put up with such outrageous absurdities as the Soviet inspired "Zionism as racism" resolution passed by this body in 1975, we have gotten nothing for our time and trouble.

In light of the most recent failure of the United Nations to even hand the Soviet Union a slap on the wrist for its murder of 269 innocent men, women, and children, I think it is time for this Nation to reassess its position and role in the United Nations, especially regarding the amount of financial support it gives to an institution whose impotence is beyond doubt and which has become a platform for the most virulent anti-Americanism seen anywhere on the globe.

I would support legislation that would dramaticly reduce the amount of money that our Nation now allocates to the United Nations.

□ 1840

THE MSRTS: MIGRANT EDUCATION'S FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 15 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, as a strong supporter of the migrant student record transfer system (MSRTS) in Little Rock, Ark., I am pleased that the appropriations bill approved by the House last Thursday for Labor-HHS-Education includes $255,744,000 for the migrant education program. This appropriation, which is the same as the fiscal year 1983 level, includes funds for the MSRTS, which maintains health and academic records on each migrant student and transfers them with the child as he moves from school district to school district. I have witnessed the maturation of this system of inter- and intra-State coordination, and recognize its great value to the migrant community.

The appropriations measure also includes $7,500,000 for the high school equivalency program (HEP) and the college assistance migrant program (CAMP), which enable students from poor families of migratory and seasonal farm workers to obtain high school diplomas and subsequently to be placed in steady employment or into postsecondary education.

I think my colleagues will agree that considering the legislative history of the program, the preponderance of evidence overwhelmingly supports the position that Federal categorical funding is required if the needs of migrant children are to be met adequately. As you will recall, States, given their own priorities and concerns, have never responded to this mobile population. Prior to Public Law 89-750, in 1966 only three States had appropriated any funds for migrant education. The migrant program differs from other educational programs in that the highly mobile child is often the concern of many school districts in more than one State. Therefore, the success and continuity of the migrant child's education depends largely on the leadership of the Department of Education with the joint cooperation of the States.

Under Public Law 89-750, for the first time, payments were provided under title I, ESEA to State education agencies to provide and meet the special education and health needs of migrant children between the ages of 5 and 17. In this act, States were required to coordinate with other States in the transmitting of pertinent information in respect to school records for migrant education. The national migrant student record transfer system became the eventual result of this provision.

Education of migrant children presents unique workload problems for the school districts. These children move frequently from school district to school district for periods which often do not coincide with normal school terms. The lack of educational and health histories prior to MSRTS made grade placement difficult and medical needs unknown.

The U.S. Department of Education, with the cooperation of the States, moved swiftly to correct these various inequities and developed curriculums in reading, math, early childhood, and oral language. They also developed a very extensive health record which provides teachers and administrators immediate access in connection with the placement and provision of health care for migrant children. Since that time, you can find many exemplary demonstration models for coordination, teaching exchange, and joint curriculum development, through this program. Interagency coordination has become a reality, with the Department of Education working with both the U.S. Health Department and the Rehabilitative Service in providing much-needed and complex service to the migrant population.

Since the original amendment of 1966, Congress has strengthened this law on several occasions in order to be sure that the total needs of migrants and handicaps were being met. Public Law 90-247, signed into effect on January 2, 1968, was the basis of calculation for payment to the States. Again in 1970, Public Law 91-230 was signed into effect on April 13, 1970, which required the States receive their money based on the number of migrant children served. Then later, Public Law 93-380 was signed into effect on August 21, 1974, which allowed the States to operate the programs for migrant children directly through the local education agencies (LEA's), which was a clear indication even at this late date that some States did not really care about this mobile population of migrant children. The latest amendment to that act was Public Law 95-561, dated November 1, 1978, which even went further and strengthened MSRTS and the transferring of the education and health information on migrant children.

Prior to 1966, 9 out of 10 children of migrant farmworkers never entered high school and only 1 out of 10 who entered ever graduated. Most migrant children up to that time usually dropped out of school in the fourth or fifth grades. As one can understand, their attendance was erratic due to their traveling, and with the need of the families to have them working in the field, as well as other conditions of the poverty which surrounds them continually, there was a great lack of continuity of curriculum and instruction. Above all, a prevalent negative attitude by the local community, coupled with the migrant student's commitment to their families and their poor health and nutrition, certainly detracted from their ability to learn when they did attend school.

Since the Federal Government moved so humanely and has continued its efforts to strengthen the migrant program, it has become one of the most effective Federal programs. A large part of the credit for this is due to the cooperation of the Federal and State authorities. To date, the migrant program currently serves approximately 800,000 migrant children in 49 States plus Puerto Rico. I firmly believe that the migrant program is a model that can be used in the development of many other educational programs, and hope my colleagues will join with me in assuring that this success story is continued.●

PENSION PLAN SOCIAL INVESTING ENFORCEMENT ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I am introducing legislation today enforcing existing prohibitions against social in-

vesting of pension funds and strengthening the avenues of recourse available to victims of violations of fiduciary responsibilities under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA was enacted to provide pension benefit security for participants in private sector pension plans.

Prior to enactment of ERISA, abuses of retirement funds by fiduciaries had reached appalling levels. Many, many workers who had paid into retirement plans in good faith found themselves enjoying a penniless retirement due to mismanagement and outright abuse of pension funds. ERISA established much-needed standards for the handling of the enormous sums of money that American workers invest in retirement plans, sums totaling over $600 billion today.

Chief among these standards is the requirement that a fiduciary discharge his duties "solely in the interest of the participants and beneficiaries" of a retirement plan and "for the exclusive purpose of providing benefits to participants and their beneficiaries." Unfortunately, this provision of the law is under attack today from union officials desirous of gaining access to this wonderful "slush fund" of financial leverage. In a recent case, the District Court of Virginia awarded more than $500,000 to retirees victimized by union trustees of the local health and welfare trust fund who had diverted one-third of the fund into a "social investment" furthering a compulsory unionization drive.

Social investing exists when a decision to invest is based on the desire to attain social goals of some type rather than to provide the best rate of return and best retirement benefit possible. To the extent that benefits as a goal have been placed secondary to social goals, social investing violates ERISA. That the incident cited is not an isolated abuse of responsibility is evidenced in the statement by Owen Bieber, president of the UAW, that the UAW "would invest in some projects which don't 'make money' in a commercial sense but which do produce desirable social returns on investment."

It is all too clear that investments that "don't 'make money' in a commercial sense" are lousy investments! They are not investments that you or I would make to provide for our retirement years, to guarantee that we will be able to pay our bills and put food on the table when we are no longer able to work. They are charity, and regardless of how lofty the charitable goal, workers do not invest in retirement plans to be charitable. ERISA was emphatically not passed to insure financing for charitable causes. Its goal, plainly and simply, was retirement security, and I know of no better way to eliminate retirement security than to invest in projects that do not make money.

With over $600 billion in hard-earned dollars in pension funds today, we must take steps to guarantee that rate of return will be the determining factor in investment decisions, as required by standards of fiduciary responsibility. We must establish penalties sufficiently harsh to deter advocates of social investing from wiping out the savings of America's workers and retirees.

The Pension Plan Social Investing Enforcement Act of 1983 amends ERISA to strengthen existing prohibitions against social investing by establishing criminal penalties and punitive damages for individuals convicted of violating fiduciary requirements established in ERISA. Criminal penalties in my bill include fines not to exceed $10,000 and/or imprisonment not to exceed 5 years, in line with existing criminal code penalties for theft or embezzlement of employee benefit plan funds. Punitive damages, which would go to the injured parties in the suit, the workers and retirees, could not exceed the amount of money involved in the breach of fiduciary responsibility.

In addition to establishing criminal penalties and punitive damages, the Pension Plan Social Investing Enforcement Act would tighten existing procedures for obtaining exemptions from prohibited transactions. My bill would strengthen existing requirements that exempted investments, maximize the rate of return on investment. Prior to approving any request for exemption, the proposal would have to be published in the Federal Register and written notice would have to be given to all interested parties, including workers and beneficiaries participating in the plan. An opportunity for public hearing on the proposed exemption from required standards would have to be provided, and recourse could be had through any district court in the United States. Together, these steps will insure that participants in plans will be notified of requests for exemption, will have the opportunity to register their views on the proposal, and will have ready access to the courts if necessary to protect their hard-earned investment in a retirement plan.

Pension money belongs to the workers, not to the fiduciaries, and it is the responsibility of the Federal Government to insure, as promised under ERISA, that retirement benefits will not be frittered away by self-seekers. By establishing clear and tough penalties for violations of fiduciary standards and by guaranteeing full information and access to decisionmakers and to redress, the Pension Plan Social Investing Enforcement Act of 1983 will better protect the financial futures of workers and retirees, a goal none can quarrel with. I urge my colleagues to actively support America's workers and retirees by supportng my legislation when it is considered by Congress.●

LEBANON: A DANGEROUS QUIET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, the reports today indicate that Beirut and the rest of Lebanon are enjoying a respite from the latest outbreak of fighting. There are also reports that the political factions are getting ready to talk; but I think it would be foolish to assume that the problems in Lebanon are close to being resolved. The quiet is dangerous, especially if it lulls us into thinking that peace is at hand. Far from it. New fighting could break out at any time. The factions might never be able to come to any kind of agreement. There is no suggestion whatsoever that either Syria or Israel is about to pull out and leave Lebanon to the Lebanese. What we have to remember is that fighting could flare at any time and that if it does, it will be the U.S. Marines and their fellow "peacekeepers" who will once again be caught in the middle.

The basic question that we must ask remains unchanged. What is the mission of the Marines? What are our goals in Lebanon? Are those goals attainable within any reasonable cost? And should we maintain the Marine forces there indefinitely? For if we pass the so-called compromise resolution endorsing the Marine expedition, soon to come up before the House, we are indeed giving the President a blank check to do whatever he likes for as long as he wishes. Before we approve any such thing, we must satisfy ourselves that it is the right and above all the responsible thing to do.

For myself, I believe that the United States ought to declare that its objectives, insofar as the mission of the Marines is concerned, have been satisfied. This is the time to declare victory, get out, and call upon the United Nations to supervise the peace, and accept responsibility for trying to arrange a stable government for Lebanon. It makes no sense to leave our forces in the middle of the most ancient and violent of religious and civil and international conflict. It makes no sense to leave those men in what is in fact a militarily impossible place. As matters now stand, they are nothing but targets—hostages, in a manner of speaking, to the whims of whatever fanatic or groups of fanatics that decide that they, the Marines, make a good target.

I have never believed that members of the Armed Forces should be asked to do the impossible. I have never believed that they should be used as po-

litical pawns, and I have never believed that they should be put at risk and told that they could only shoot in defense. Such policies did not make sense back in the early days of Vietnam, and they do not make sense today. Nor can military forces become a substitute for political cohesion in a foreign country. The will to live in peace with one another is not a thing that can be imposed by any outside intervention, and especially one that is as tenuous as this one is. The history of Lebanon is one of centuries of sectarian and familial-feudal conflict. The passions did not cool under European intervention. France was in occupation for over 50 years, and they were only stayed temporarily by the political arrangements imposed by France some 40 years ago. They did not cool when President Eisenhower dispatched Marines, 14,000, in his day, nor when the Reagan administration did so last year. I doubt that any one of us in the House fully appreciates the complexity—let alone the depth—of the problem in Lebanon.

□ 1850

But if anything is certain, it is that if the administration wants to impose its will in that country it had better be prepared for years-long occupation. I do not believe that any such indefinite occupation is to the best interests of this country. That is the kind of task that ought to be under the aegis of an international organization.

What we must understand is that there are limits to what we can do, even with the best of intentions and the highest of motives. There are limits to what military force can achieve when the issues are century old, religious, and familial. There are, in other words, limits on how far a country can go to impose some sense of order in another country that has been beset by disorder since time immemorial.

Therefore, let us not delude ourselves, let us not assume that just because the guns are temporarily quiet for the time being the problem is resolved. There is not even a beginning to the solution at this point. At best, there is a thread of hope. That is hardly justification for endorsing an indefinite stay of our forces in an area that could again erupt at any time. Indeed, the only reasonable course of action is to declare that the peacekeeping forces have achieved their mission and turn the task over to the United Nations, which is the agency that should have borne in the first place this task.

I yield back the balance of my time.

INTRODUCTION OF THE INDIAN WATER RIGHTS DISPUTES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RICHARDSON) is recognized for 30 minutes.

Mr. RICHARDSON. Mr. Speaker, I am introducing today a bill entitled the Indian Water Rights Disputes Act. This legislation would establish a Federal Mediation Board to resolve water rights disputes between Indians and non-Indians and would authorize funds for the legal fees of non-Indians should a water rights suit be brought against them by the U.S. Government on behalf of an Indian tribe or organization.

In my home State of New Mexico in the counties of Santa Fe, Cibola, and Sandoval, we are currently experiencing a number of costly and lengthy water battles that threaten to divide Indians and non-Indians who have worked side by side in this region for years. In a case that has been ongoing for 17 years, New Mexico against Aamodt, four Indian pueblos in the Pojoaque Valley of New Mexico are claiming historic and superior rights to all of the surface water in the valley. The merits of this case will be, and should be, decided by the courts. But these disputes are not limited to New Mexico and will become a growing national problem in the years ahead if we do not act now.

Congress must do something to prevent these court fights from developing in the future and to provide assistance to those who have been placed at a legal disadvantage. The legislation I am introducing today is designed to address these problems.

First, my bill would establish a Federal mediation board to hear Indian water rights disputes. The board would be an independent and impartial panel of experts assigned the task of investigating and resolving water rights disputes which involve Indians. The board would also monitor, on a continuing basis, potential conflict areas. Should the U.S. Government initiate action seeking to ajudicate historic water rights for an Indian tribe or organization, the Government would have to bring this matter before the mediation board. In other words, the board would have exclusive jurisdiction over any water rights dispute where the U.S. Government is representing an Indian tribe. The board would attempt to resolve the dispute through negotiation and mediation. However, if no settlement could be reached, the board would resolve the matter through binding arbitration. The board would have all the necessary judicial and investigative powers and its final decision would be binding but could be appealed to the U.S. Court of Appeals.

Second, under this legislation, when the arbitration process begins, funding for legal fees would be provided to non-Indians. The Indians rightly have the U.S. Government to represent them. But many non-Indians cannot afford the legal represenation they deserve. Upon the initiation of a water rights case against them by Indians. Non-Indians could apply to the board for funds to assist them with their legal fees. Non-Indian defendants could be compensated for the reasonable expenses of attorney fees, expert witnesses, studies or reports which are found by the board to be necessary for the preparation of the party's case. All non-Indian defendants would be eligible for legal funds. This provision will be retroactive upon enactment of the bill and would provide much needed financial assistance to non-Indians currently involved in waters rights court cases. In essence, this provision insures equal access to justice.

Mr. Speaker, while I am hopeful this legislation will be effective in preventing lengthy water rights court cases and alleviating some of the hardships these cases cause. I think that Congress must continue to look ahead at the future of water use in the southwest and throughout the Nation. Many of the water distribution systems in New Mexico are outdated and in need of improvements. The Federal Government has a role in assisting localities improve their water utilization facilities. We must make certain that this scarce resource is used efficiently and to the benefit of all.

I urge Members to cosponsor this important legislation.

This legislation simply is founded on the premise that every American has the right to equal justice. Indians are represented because of the treaty relationship, by attorneys, paid for by the U.S. Government. But in many cases there are many non-Indians that suddenly receive in the mail a letter saying they are being sued by their own Government, and these are American taxpayers. Some of these non-Indians are poor. Some of these non-Indians have been engaged in costly legal fights over many years. What this bill provides is economic and legal equity. It is not a non-Indian measure.

I think there are few Members in this body that have the record I have in representing Indians in the U.S. Congress. But this is an issue that right now is affecting several counties in New Mexico, but soon will affect many States in the West. Instead of reacting to crises and potential tension and division among races in New Mexico, especially between the Hispanic and Indians that are so deeply involved and culturally have been together for so many years, I think this legislation is something that will look to the future.

What it also does is it sets up some arbitration and mediation services. Why is it that every time we have a dispute between neighbors, between friends, that we go to court? Why is it that lawyers in this country are be-

coming the highest paid profession? Why should we give them so much business when perhaps settling disputes through mediation is the most proper avenue. I have nothing against lawyers. But I do have something against lengthy legal disputes, against the tensions and frustrations caused by those lengthy court disputes. Let us submit this issue to arbitration and mediation. But also let us remember that while this country has been founded on the principles of equality for all, and has done a tremendous amount to help many people in this country who have been left behind, and that means Hispanics and Indians and many other minorities of which I am a member, this does not mean that those that are non-Indians in a water rights case should not necessarily be taken care of but treated with justice and equality.

It is my hope that this legislation will correct this inequity, and my hope that in the years ahead we will not have to resort to court battles and tension and all kinds of recriminations but have new ways to resolve our problems.

Water is a scarce commodity. The energy crisis was the crisis of the 1970's and early 1980's. We have the crisis of scarce resources. The crisis of the late 1980's and 1990's is going to be the absence of water. The time has come to at least treat one potential problem in this whole water issue with some equality, fairness, and efficiency.

I yield back the balance of my time.

AN AMENDMENT TO THE EDUCATION OF THE HANDICAPPED ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

● Mr. FRANK. Mr. Speaker, today I have filed a bill to amend the Education of the Handicapped Act that will remove the age limitation on individuals who benefit from the act. Currently, the education programs that are authorized by the Education of the Handicapped Act are limited to those individuals that are between the ages of 3 and 21. This limitation leaves those over the age of 21 without educational benefits.

This problem was first brought to my attention by several parents of handicapped children in my district and by the administrators of the Crystal Springs School in Assonet, Mass. These children have greatly benefited from the programs under this act but will become ineligible once they turn 22. The staff at the Crystal Springs School does very good work with handicapped children. As administrators of programs under the act they have expressed to me the need for a continuation of these types of programs past the secondary level.

I believe that it is our duty to provide educational services to all handicapped citizens so that they may productively participate in society to the fullest extent possible. To this end my bill authorizes the Secretary of Education to make grants and contracts to institutions and other nonprofit educational agencies for the development and operation of specially designed postsecondary programs for vocational, technical, continuing or adult education for all handicapped individuals. This bill promotes collaborative efforts between educational and adult services agencies; the mainstreaming of handicapped individuals; and independent living situations. I believe that this amendment to the Education of the Handicapped Act will give all of our handicapped citizens the educational support they need to lead independent and productive lives.●

□ 1900

BILL TO CREATE INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today Congressman GLENN ENGLISH and I are introducing the National Archives and Records Administration Act of 1983. This bill will establish the National Archives as an independent agency responsible for insuring the preservation and public availability of our Nation's documentary history.

This bill will restore the archives to the independent status that it held when it was created in 1934. Fifteen years later, the Archives was incorporated into the newly formed General Services Administration in response to the first Hoover Commission's recommendation that the Federal Government's housekeeping functions should be put under one roof.

Although the original Hoover Commission concept of bureaucratic consolidation resulted in improvements in many Federal Government functions, in the case of the National Archives and GSA, the arrangement has been fraught with problems for a number of years. Restoring the Archives to independent status will enable it to carry out its vital document preservation, maintenance, and distribution functions more effectively. This action will be especially appropriate in commemoration of the 50th anniversary of the National Archives in 1984. I hope my colleagues will join Congressman ENGLISH and me in supporting this important measure.●

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. HOPKINS (at the request of Mr. MICHEL), for today, on account of a death in the family.

Mr. VANDERGRIFF (at the request of Mr. WRIGHT), for today, on account of attending a funeral.

Mr. HARRISON (at the request of Mr. WRIGHT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. HAMMERSCHMIDT, for 15 minutes, today.

Mr. BARTLETT, for 60 minutes, on September 29.

Mr. CORCORAN, for 10 minutes, on September 27.

Mr. RITTER, for 45 minutes, on September 28.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. RICHARDSON, for 30 minutes, today.

Mr. CLARKE, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Mr. FOLEY, for 60 minutes, on September 29.

Mr. REID, for 15 minutes, on October 3.

Mr. LEVIN of Michigan, for 30 minutes, on October 4.

(The following Member (at the request of Mr. RICHARDSON) to revise and extend his remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LIVINGSTON, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,086.75.

Mr. KRAMER, in the Committee of the Whole today, to revise and extend his remarks just prior to the Vento amendment to H.R. 1010.

Mr. DAUB, in support of the Vento amendment to H.R. 1010 in the Committee of the Whole today.

Mr. COLEMAN of Texas, to revise and extend prior to final passage on H.R. 1010.

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. SOLOMON.

Mr. WILLIAMS of Ohio in two instances.

Mr. PHILIP M. CRANE in two instances.

Mr. YOUNG of Alaska.

Mr. MICHEL.

Mr. WYLIE.

Mr. LAGOMARSINO in two instances.

Ms. FIEDLER.

Mr. HOPKINS.

Mr. ERLENBORN.

Mr. BROOMFIELD.

Mr. WOLF.

Mr. EVANS of Iowa.

Mr. CONTE.

Mr. LEWIS of California.

Mr. KEMP.

Mr. BETHUNE.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. BROWN of California.

Mrs. BYRON.

Mr. ANDREWS of Texas.

Mr. BOLAND.

Mr. GARCIA.

Mr. BERMAN.

Mr. LONG of Maryland in two instances.

Mr. SWIFT.

Mr. OTTINGER.

Mr. VOLKMER.

Mr. FUQUA in two instances.

Mr. SKELTON.

Mr. DIXON.

Mr. ST GERMAIN.

Mr. TALLON.

Mr. PEPPER.

Mr. STUDDS.

Mr. SHELBY.

Mrs. HALL of Indiana.

Mr. PEASE.

Mr. DWYER of New Jersey.

Mr. CLARKE.

Mr. SMITH of Florida.

Mr. ACKERMAN in two instances.

Mrs. KENNELLY.

Mr. RANGEL.

Mr. AKAKA.

Mr. NEAL.

Mr. BARNES.

Mr. ORTIZ.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1625. An act to amend the District of Columbia Retirement Reform Act.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Wednesday, September 28, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1912. A letter from the District of Columbia Auditor, transmitting a report entitled "The Lack of Evictions is Eroding Landlord-Tenant Relationships in the District of Columbia," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

1913. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed intention to offer to sell certain defense articles and services to Spain (Transmittal No. 83-60), pursuant to section 36(b) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Oklahoma: Committee on the Budget. Report on revised 302(a) allocations and spending ceiling pursuant to section 2 of House Concurrent Resolution 91 (Rept. No. 98-381). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 3718. A bill to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff. (Rept. No. 98-382). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1571. A bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes; with amendments (Rept. No. 98-383, Pt. I). Ordered to be printed.

Mr. BENNETT: Committee on Armed Services. H.R. 3289. A bill to establish a commission to study defense-related aspects of the U.S. merchant marine. (Rept. No. 98-384, Pt. I). Ordered to be printed.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Joint Resolution 364. Joint resolution providing statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon; with an amendment (Rept. No. 98-385). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 317. Resolution providing for the consideration of House Joint Resolution 368. Resolution making continuing appropriations for the fiscal year 1984, and for other purposes (Rept. No. 98-386). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 318. Resolution providing for the consideration of House Joint Resolution 364. Resolution providing statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon. (Rept. No. 98-387). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 319. Resolution providing for the consideration of H.R. 3929. A bill to extend the Federal Supplemental Compensation Act of 1982, and for other purposes. (Rept. No. 98-388). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN:

H.R. 3985. A bill to prohibit for 3 years the conversion of residential rental units to residential units offered for sale, to authorize the Secretary of Housing and Urban Development to make grants to units of general local government to assist persons whose residential units are subject to such conversion, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES:

H.R. 3986. A bill to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself and Mr. ENGLISH):

H.R. 3987. A bill to improve the preservation and management of Federal records, and for other purposes; to the Committee on Government Operations.

By Mr. CAMPBELL (by request):

H.R. 3988. A bill to provide for the modification and extenstion of the Federal supplemental compensation program, and for other purposes; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 3989. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to strengthen fiduciary standards so as to assure adequate controls on social investing by pension plans; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. EVANS of Illinois:

H.R. 3990. A bill to amend title XVI of the Social Security Act to increase from $25 to $50 a month the amount of the personal allowance which is presently provided for eligible individuals and eligible spouses who are in medical institutions, with subsequent annual increases in the amount of such allowance to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. EVANS of Iowa:

H.R. 3991. A bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the national defense stockpile; jointly, to the Committees on Agriculture, Foreign Affairs, and Armed Services.

By Mr. FLIPPO:

H.R. 3992. A bill to suspend for a 3-year period the duty on 2-methyl, 4-chlorophenol; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 3993. A bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine; to the Committee on Foreign Affairs.

By Mr. FRANK:

H.R. 3994. A bill to amend the Education of the Handicapped Act to provide for educational services to handicapped individuals of all ages; to the Committee on Education and Labor.

By Mr. RICHARDSON:

H.R. 3995. A bill to establish the Federal Board on Indian Water Rights Disputes to provide a forum for resolving disputes concerning Indian water rights in a fair and expeditious manner and to authorize the payment of legal fees of parties litigating such disputes; to the Committee on Interior and Insular Affairs.

By Mr. SPENCE:

H.R. 3996. A bill to amend the act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitors center at such monument is established, such center shall be designated as the "Harry R. E. Hampton Visitors Center"; to the Committee on Interior and Insular Affairs.

By Mr. SUNDQUIST:

H.R 3997. A bill to reform Federal criminal sentencing procedures; to the Committee on the Judiciary.

By VANDER JAGT:

H.R 3998. A bill to amend the Internal Revenue Code of 1954 with respect to the refund of excise tax on certain articles used in further manufacture; to the Committee on Ways and Means.

By Mr WIRTH (for himself, Mr. RINALDO, Mr. GREEN, Mr. SCHEUER, Mr. BRYANT, and Mr. SWIFT):

H.R 3999. A bill to enchance the detection of motor vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue a standard relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen motor vehicles and off-highway mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purposes of trafficking in stolen parts, and for other purposes; jointly, to the Committees on Energy and Commerce, Foreign Affairs, the Judiciary, Post Office and Civil service, and Ways and Means.

By Mr. WYDEN:

H.R 4000. A bill to place conditions on payment, under part B of the medicare program, with respect to debridement of mycotic toenails; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ADDABBO (for himself, Mr. ACKERMAN, Mr. BIAGGI, Ms. FERRARO, Mr. GARCIA, Mr. GREEN, Mr. OWENS, Mr. SCHEUER, Mr. SCHUMER, and Mr. TOWNS):

H.J. Res. 372. Joint resolution to authorize and request the President to issue a proclamation commemorating November 25, 1983, as the 200th anniversary of the British evacuation of the city of New York; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.J. Res. 373. Joint resolution designating March 6, 1984 as "Frozen Food Day"; to the Committee on Post Office and Civil Service.

By Mr. SUNDQUIST:

H.J. Res. 374. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of inferior courts; to the Committee on the Judiciary.

By Mr. NEAL:

H. Res. 316. Resolution expressing the sense of the House of Representatives that the Export-Import Bank of the United States should delay establishing its proposed special facilities to extend guarantees and insurance to the Government of Mexico and the Government of Brazil until the Congress has an opportunity to review such transactions; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado:

H.R. 4001. A bill for the relief of Charles Pin-Yuen Chen and Lilly Chow Chen; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 4002. A bill for the relief of Ying Yang; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H.R. 4003. A bill for the relief of Yung-Tsang Chiu and Su Lau, husband and wife; to the Committee on the Judiciary.

By Mr. NEAL:

H.R. 4004. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. ARCHER, Mr. BONER of Tennessee, Mr. BROWN of California, Mr. CARNEY, Mr. DANIEL B. CRANE, Mr. DE LA GARZA, Mr. DYSON, Mr. EDGAR, Mr. HAWKINS, Mr. KEMP, Mr. KILDEE, Mr. KOSTMAYER, Mr. LELAND, Mr. MARTINEZ, Mr. RICHARDSON, Mr. SCHAEFER, Mr. TOWNS, Mr. VENTO, Mr. WILSON, and Mr. YATRON.

H.R. 233: Mr. GEKAS and Mrs. BYRON.

H.R. 271: Mr. HARTNETT and Mr. PETRI.

H.R. 638: Mr. DIXON and Ms. FERRARO.

H.R. 701: Mr. TORRICELLI.

H.R. 748: Mr. MCKINNEY.

H.R. 943: Mr. CORRADA.

H.R. 951: Mr. BILIRAKIS.

H.R. 1025: Mr. LOWRY of Washington.

H.R. 1028: Mr. CHANDLER.

H.R. 1092: Mr. WOLPE and Mrs. LLOYD.

H.R. 1249: Mr. COOPER and Mr. UDALL.

H.R. 1320: Mr. HARKIN, and Mr. PETRI.

H.R. 1415: Mr. WORTLEY, Mr. LAGOMARSINO, Mr. OLIN, Mr. MURPHY, Mr. VALENTINE, Mr. MARRIOTT, Mr. LUKEN, and Mr. BADHAM.

H.R. 1434: Mr. GRAMM, Mr. FORSYTHE, Mr. PHILIP M. CRANE, Mr. LOWERY of California, Mr. WORTLEY, Mr. KINDNESS, and Mr. FRANK.

H.R. 1456: Mrs. BURTON of California.

H.R. 1515: Mr. MATSUI.

H.R. 1517: Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. CHAPPELL, and Mr. PEASE.

H.R. 1870: Mr. CHAPPELL, Mr. GONZALEZ, Mr. HILER, and Mr. RIDGE.

H.R. 1918: Mr. GLICKMAN.

H.R. 1959: Mr. FASCELL, Mr. WISE, Mr. MINISH, and Mr. BOUCHER.

H.R. 2125: Mr. MITCHELL, Mr. LELAND, Mr. CROCKETT, Mr. FAZIO, Mr. GONZALEZ, Mr. WEISS, Mr. FORSYTHE, Mr. LEHMAN of California, Mr. HYDE, Mr. HORTON, Mr. SIMON, Mr. ROE, Mr. TORRICELLI, Mr. SKELTON, and Mr. BEDELL.

H.R. 2204: Mr. CONYERS, Mr. DURBIN, Mr. MOLLOHAN, and Mr. LOWRY of Washington.

H.R. 2211: Mrs. VUCANOVICH.

H.R. 2225: Mr. COURTER.

H.R. 2262: Mr. ADDABBO, Mr. DREIER, Mr. FUQUA, Mr. HAWKINS, Mrs. HOLT, Mr. LUJAN, Mr. SPENCE, Mr. TALLON, Mr. THOMAS of California, Mr. VOLKMER, and Mr. WON PAT.

H.R. 2276: Mr. NICHOLS, Mr. WON PAT, Mr. WEAVER, and Mr. SMITH of Florida.

H.R. 2839: Mr. OLIN.

H.R. 2847: Mr. EVANS of Illinois.

H.R. 2927: Mr. DEWINE and Mr. OBERSTAR.

H.R. 3050: Mr. DANIEL, Mr. DYSON, Mr. PARRIS, and Mr. SISISKY.

H.R. 3072: Mr. YOUNG of Missouri.

H.R. 3082: Mr. TAUZIN and Mr. SIKORSKI.

H.R. 3098: Mr. COELHO.

H.R. 3101: Mr. WINN.

H.R. 3112: Mr. GEKAS.

H.R. 3122: Mr. GRAMM.

H.R. 3282: Mr. FISH, Mr. LOWRY of Washington, Mr. HUGHES, Mr. LEVINE of California, and Mrs. SCHROEDER.

H.R. 3457: Mr. DURBIN.

H.R. 3482: Mr. SCHUMER, Mr. FRANK, Mr. SUNIA, Mr. HOYER, Mr. LELAND, Mr. ROE, Mr. WON PAT, Mr. VENTO, Mr. STOKES, Mr. WYDEN, Mr. SIMON, Mr. CROCKETT, Mr. LEVINE of California, Mr. WEISS, Mr. CARR, Mr. BERMAN, Mr. SMITH of Florida, Mr. LOWRY of Washington, Mr. RANGEL, Mr. MARTINEZ, Mr. LEHMAN of Florida, Mr. PEPPER, Ms. FERRARO, Mr. TOWNS, Ms. KAPTUR, Mr. FOWLER, Mr. KASTENMEIER, Mr. HAWKINS, Mr. BRYANT, Mr. LONG of Maryland, Mr. FORD of Tennessee, Mr. TORRICELLI, Mr. ROYBAL, Mrs. BOXER, Mr. TRAXLER, Ms. KENNELLY, Mr. WALGREN, Mr. WISE, Mr. MITCHELL, Mr. GRAY, Mr. WOLPE, Mr. MORRISON of Connecticut, Mr. JACOBS, Mr. PEPPER, Mr. WHEAT, Mr. OBERSTAR, Mr. WAXMAN, Mr. EVANS of Illinois, Mr. RICHARDSON, Mr. ACKERMAN, Mr. KILDEE, and Ms. MIKULSKI.

H.R. 3545: Mr. LOWERY of California.

H.R. 3554: Mr. NELSON of Florida and Mrs. SCHNEIDER.

H.R. 3621: Mr. WRIGHT, Mr. WEAVER, Mr. MRAZEK, Mr. DICKS, Mr. DONNELLY, Mr. GUNDERSON, Mr. KILDEE, and Mr. JONES of Tennessee.

H.R. 3665: Mrs. SCHROEDER.

H.R. 3688: Mr. LEHMAN of California.

H.R. 3729: Mr. PATTERSON.

H.R. 3755: Mr. RINALDO, Mr. SKELTON, Mr. DAVIS, Mr. OLIN, Mr. JEFFORDS, Mr. FORSYTHE, Ms. SNOWE, Mr. REGULA, Mr. BONKER, and Mr. BOUCHER.

H.R. 3777: Mr. ANDREWS of North Carolina, Mr. BLILEY, Mr. CHAPPELL, Mr. FORD of Tennessee, Mr. LEHMAN of Florida, Mr. OLIN, Mr. QUILLEN, Mr. SISISKY, Mr. SMITH of Florida, and Mr. WOLF.

H.R. 3789: Mr. PATMAN.

H.R. 3815: Mr. HAWKINS, Mr. HUGHES, Mr. KILDEE, Mr. FLORIO, Mr. ADDABBO, Mr. CROCKETT, Mr. CONYERS, Mr. FAUNTROY, Mr. MITCHELL, Mr. BROWN of California, Mr. BONIOR of Michigan, Mr. SIMON, Mr. ROE, Mr. STOKES, Mr. HORTON, Mr. WISE, and Mr. TORRICELLI.

H.R. 3916: Mr. HANCE.

H.R. 3923: Mr. EVANS of Illinois and Mr. WISE.

H.R. 3964: Mr. JACOBS.

H.J. Res. 103: Mr. SISISKY and Mr. MICA.

H.J. Res. 128: Mr. DORGAN.

H.J. Res. 176: Mr. YATRON, Mr. SCHAEFER, Mr. BONKER, Mr. TORRICELLI, Mr. MOODY, and Mr. OLIN.

H.J. Res. 199: Mr. NEAL, Mr. ZABLOCKI, Mr. WALGREN, Mr. TORRICELLI, Mr. WON PAT, Mr. HEFNER, Mr. CHAPPIE, Mr. JENKINS, Mr. CLINGER, Mr. BEREUTER, Mr. O'BRIEN, Mr. BRYANT, Mr. SILJANDER, Mr. RALPH M. HALL, Mr. THOMAS of Georgia, Mr. SAM B. HALL, JR., Mr. GORE, Mr. KINDNESS, Mr. BROYHILL, Mr. RAY, Mr. ROWLAND, Mr. FOWLER, Mr. GINGRICH, and Mr. HATCHER.

H.J. Res. 209: Mr. DEWINE, Mr. BEVILL, Mr. TALLON, Mrs. HOLT, Mr. GREEN, Mr. MADIGAN, Mr. HARRISON, and Mr. FORSYTHE.

H.J. Res. 233: Mr. SUNIA, Mr. ADDABBO, Mr. ROE, Mr. EDWARDS of California, Mr. WOLF, Mr. CORRADA, Mr. GREEN, Mr. LAGOMARSINO, Mr. MOLLOHAN, Mr. FAUNTROY, Mr. MINETA, Ms. MIKULSKI, Mr. WINN, Mr. PERKINS, Mr. GONZALEZ, Mr. FORSYTHE, Mr. PANETTA, Mr. WAXMAN, Mr. FAZIO, Mr. CONYERS, Mr. STOKES, Mr. HORTON, Mr. DYMALLY, Mr. OWENS, Mr. MCNULTY, Mr. VANDERGRIFF, and Mr. BETHUNE.

H.J. Res. 284: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BETHUNE, Mr. CONABLE, Mr. DYSON, Mr. EARLY, Mr. EDWARDS of Alabama, Mr. GUNDERSON, Mr. HANCE, Mr. KINDNESS, Mr. LEHMAN of California, Mr. LOEFFLER, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MAZZOLI, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. PRITCHARD, Mr. RAY, Mr. STAGGERS, Mr. TAUZIN, Mrs. VUCANOVICH, Mr. YOUNG of Florida, Mr. ROBINSON, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. GRAY, Mr. FASCELL, Mr. ACKERMAN, Mr. PATMAN, and Mr. PAUL.

H.J. Res. 350: Mr. GOODLING, Mr. GRAHAM, Mr. APPLEGATE, Mr. STARK, Mr. MADIGAN, Mr. WEBER, Mr. LIVINGSTON, Mr. WEISS, Mr. CONYERS, Mr. MOLLOHAN, and Mr. PRITCHARD.

H. Con. Res. 123: Mr. FOGLIETTA, Ms. KAPTUR, Mr. ACKERMAN, and Mr. BATES.

H. Con. Res. 174: Mr. ENGLISH, Mr. FORSYTHE, Ms. KAPTUR, and Mr. CORCORAN.

H. Res. 15: Mr. HUNTER.

H. Res. 287: Mr. DASCHLE, Mr. MCKINNEY, Mr. MRAZEK, and Mr. SIKORSKI.

PETITIONS, ETC.

Under clause 1 of rule XXII,

239. The SPEAKER presented a petition of the City of Niagara Falls, N.Y., relative to the Soviet Union's destruction of the Korean civilian airliner; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. ECKART:

—Page 56, after line 6, insert:

ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

SEC. 23A. (a) Subtitle D is amended by adding the following new section at the end thereof:

"ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

"SEC. 4010. The Administrator shall conduct a study of the extent to which the guidelines and criteria under this Act which are applicable to solid waste management and solid waste disposal facilities, including landfills and surface impoundments, (other than guidelines and criteria under subtitle C) are adequate to protect underground sources of drinking water. Such study shall include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect such sources and shall also include an analysis of any additional enforcement authorities which the Administrator deems necessary for such purposes. Not later than 2 years after the date of the enactment of this section, the Administrator shall submit a report to the President and the Congress setting forth the result of the study required under this section.

(b) The table of contents for such subtitle D is amended by adding the following new item at the end thereof:

"Sec. 4010. Adequacy of certain guidelines and criteria".

And make the necessary conforming changes in the table of contents.

H.R. 3231

By Mr. FRENZEL:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3646).)

—(1) Page 20, line 8, insert "(1)" immediately before "When".

On pages 20 and 21, redesignate paragraphs (1) through (6) as subparagraphs (A) through (F), respectively.

Page 21, line 6, insert "and" after the semicolon.

Page 21, line 8, strike out "; and" and insert in lieu thereof a period.

Page 21, strike out lines 9 through 23 and insert in lieu thereof the following:

"(2) The President may not impose, expand, or extend export controls on goods or technology under this section if the good or technology, or a similar good or technology, is available in sufficient quantity from sources outside the United States to the country to which exports are to be subject to the proposed controls, unless negotiations have been successfully concluded with the appropriate foreign governments to ensure the cooperation of such governments in controlling the export of such good or technology to the country to which exports are to be subject to the proposed controls.".

Page 24, insert the following after line 14 and redesignate the succeeding subsection accordingly:

(d) Section 6(h) of the Act, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking out "In applying" and inserting in lieu thereof "With respect to"; and

(2) by inserting "that would be" after "comparable to goods or technology".

—(2) Page 25, strike out line 4 and all that follows through "controls." on line 12 and insert in lieu thereof the following: "Notwithstanding the preceding sentence, the President may apply export controls under this section to existing contracts and licenses (1) if the export controls relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, (2) if the President notifies the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls, and (3) if a joint resolution is enacted approving the imposition of the controls to those contracts and licenses.".

—(3) Page 25, strike out line 4 and all that follows through "imminent." in line 16.

—(4) Page 27, strike out line 22 and all that follows through page 29, line 18.

Page 29, line 19, strike out "(d) The amendments made by subsections (a), (b), and (c)" and insert in lieu thereof "(c) The amendments made by subsections (a) and (b)".

—(5) Page 46, strike out line 22 and all that follows through page 68, line 2.

By Mr. GLICKMAN:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—On page 25, line 9, before the comma insert the following: "and are made applicable on the same basis to all goods and technologies".

—On page 45, delete the word, "and" on line 9; delete the period at the end of line 12 and insert in lieu thereof a semicolon followed by the word "and" and the following:

"(5)(a) establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

"(i) initiate technical assistance programs with the aviation authorities of other governments; and

"(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

"(A) use of United States firms in technical assistance programs initiated with foreign governments;

"(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

"(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

"(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

"(b) The Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and federal departments or agencies.".

By Mr. SMITH of Florida:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 13, line 2, strike out the quotation marks and second period.

Page 13, insert the following after line 2:

"(o) EXPORTS TO THE SOVIET UNION.—Notwithstanding any other provision of this Act, none of the items listed in Sections 7 and 8 of the Schedule E classification of exports by the U.S. Department of Commerce, as in effect on September 26, 1983, may be exported to the Soviet Union.".

By Ms. SNOWE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

Page 3, line 14, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 3, line 21, strike out the quotation marks and second period.

Page 3, insert the following after line 21:

"(4) Any individual or business concern that violates any national security control imposed under section 5 of this Act which the United States maintains cooperatively with other countries, or any regulation, order, or license related thereto, may be subject to such controls on the importing of

its goods or technology into the United States or its territories and possessions as the President may prescribe.".

—Page 25, strike out line 22 and all that follows through page 26, line 7, and insert in lieu thereof the following:

"(k) Effect of Controls on Existing Contracts.—Not later than the date on which export controls are imposed under this section, the President shall report those controls to the Congress, and whether the controls are to affect any contract to export entered into before the date on which the controls are imposed. If a joint resolution is enacted disapproving the application of the export controls to such contracts to export, then the export controls shall not, upon the enactment of the joint resolution, affect any contract to export entered into before the date on which the controls were imposed. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

Page 26, line 10, strike out "The" and all that follows through line 13.

Page 38, insert the following after line 6 and redesignate succeeding sections accordingly:

WESTERN RED CEDAR

SEC. 120. Section 7(i) of the Act (50 U.S.C. App. 2406(i)) is amended by adding at the end thereof the following:

"(5) The export restrictions contained in this subsection and any export controls imposed under this section shall not apply to any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export.".

H.R. 3929

By Mr. ROSTENKOWSKI:

—At the end of the bill, add the following new section:

SEC. 205. INCREASE IN TITLE XX SOCIAL SERVICES FUNDS.

Section 2003 of the Social Security Act is amended—

(1) by adding "and" after the semicolon at the end of paragraph (2) of subsection (c);

(2) by striking out paragraphs (3), (4), and (5) of subsection (c) and inserting in lieu thereof the following:

"(3) $2,800,000,000 for the fiscal year 1984 or any succeeding fiscal year."; and

(3) by adding at the end thereof the following new subsection:

"(e) In order for any State to receive an allotment for the fiscal year 1984 or 1985 in excess of the allotment to which it would be entitled if the amount specified in subsection (c) for that fiscal year were reduced by $200,000,000, the Governor of such State shall submit to the Secretary and make available to the public (prior to January 1, 1984, in the case of the fiscal year 1984, and no less than 3 months prior to October 1, 1984, in the case of the fiscal year 1985) a report certifying that at least one-half of any additional funds received from the State's allotment for the fiscal year involved (over and above the funds to which the State would be entitled if the amount specified in subsection (c) for such year were reduced by $200,000,000)—

"(1) will be used for social services directly related to the impact of unemployment on individuals and families in the State, and

"(2) will be allocated among the various areas and localities in the State in amounts which bear a direct relationship to the respective levels of unemployment in those areas and localities.

Such report shall set forth the manner in which such additional funds will be used within the State for social services needs related to unemployment, and shall include a description of and justification for the criteria to be used in making the allocations referred to in paragraph (2) of the preceding sentence.".

H.J. RES. 367

By Mr. ALEXANDER:

—Insert the following new sections at the end of the joint resolution:

SEC. . Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law.".

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall, within 30 days of receipt by a county office of the Farmers Home Administration of an application for a loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.), advise the applicant for such loan, in writing, of approval or disapproval of the application. Failure to advise an applicant, in writing, of approval or disapproval of the application within this time period shall constitute approval of the application.

SEC. . (a) Any finding made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), during the period beginning on July 1, 1983, and ending on September 30, 1984, that a natural disaster exists with respect to farming and ranching operations in an area shall be deemed to be a determination made by the Secretary that an emergency exists in such area for purposes of—

(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

(2) section 1105 of the Food and Agricultural Act of 1977 (7 U.S.C. 2267).

(b) The Secretary of Agriculture shall exercise his authority—

(1) under—

(A) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain at a price not less than 75 percent of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), or

(B) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, or

(2) in accordance with both subparagraph (A) and subparagraph (B) of paragraph (1) to sell grain and provide assistance,

to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their offspring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists.

(c) For purposes of this section, the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (U.S.C. 1961).

By Mr. SMITH of New Jersey:

—On Page 6, line 2, strike the period and add:

"*Provided further*, notwithstanding any other provisions of this paragraph, no funds appropriated by this Act shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions, except where the life of the mother would be endangered if the fetus were carried to term, under such negotiated plans after the last day of the contracts currently in force.".

H.J. RES. 364

By Mr. JACOBS:

—Strike out all after the resolving clause and insert in lieu thereof the following:

That (a)(1) contrary to an oft repeated myth, the Constitution is not ambiguous about placing in the Congress the authority and responsibility for declaring war policy and the Constitution is not ambiguous about placing in the President, as Chief of all United States military commanders, authority and responsibility for faithfully executing such war policy.

(2) Just as a rose by any other name is a rose, a war by any other name is a war.

(3) When our military was ordered to fire against one side of the Lebanese civil war on behalf of another side, the United States was placed in a de facto posture of war.

(4) The security of the United States is no more dependent on developments in the centuries-old religious war in Lebanon than it is in developments in the centuries-old religious war in Northern Ireland.

(b) There shall be an immediate and orderly withdrawal of the United States Armed Forces in Lebanon and Lebanese waters and airspace, except for personnel assigned as guards at the United States Embassy in Lebanon, during the 72 hour period beginning on the date of enactment of this joint resolution.

By Mr. LEVITAS:

(Caveat: The page and line numbers cited in this amendment are to the resolution as introduced; the reported resolution to be considered on the House floor will have different page and line numbers.)

—Page 4, line 2, strike out "six" and insert in lieu thereof "three".

Page 5, line 22, immediately after "Sec. 6.", insert "(a)"; line 25 strike out "eighteen-month" and insert in lieu thereof "six-month"; page 6, line 2, immediately after "authorization" the first place it appears, insert "in accordance with subsection (b) of this section"; and after line 17, insert the following:

(b) If the President determines that an extension of the six-month authorization period specified in subsection (a) is needed, he shall report to the Congress on the purpose and need for the continued participa-

tion of United States Armed Forces in the Multinational Force in Lebanon. The report shall include the President's recommendation for the duration of the additional authorization period, which may not exceed an additional twelve months. Any such report shall be submitted to the Congress during the fifteen-day period beginning forty-five days prior to the expiration of such six-month authorization period. Any extension of the authorization period which is provided by the Congress pursuant to this subsection shall be for such period as the Congress may determine, not to exceed an additional twelve months.

By Ms. OAKAR:

(Caveat: The page and line numbers cited in this amendment are to the resolution as introduced; the reported resolution to be considered on the House floor will have different page and line numbers).

—Page 4, line 2, strike out "every six months" and insert in lieu thereof "each month".

(Caveat: The page and line numbers cited in this amendment are to the resolution as introduced; the reported resolution to be considered on the House floor will have different page and line numbers).I20—Page 5, strike out lines 1 through 7 and insert in lieu thereof the following:

(b) The Congress believes that it should be the policy of the United States to first and foremost implement diplomatic efforts with the objective of bringing about the total withdrawal of all foreign troops from Lebanon and the establishment of a political environment that will permit the people of Lebanon to restore sovereignty over the whole of their territory consistent with the goals of national reconciliation where all the recognized communities of Lebanon are afforded equal treatment and the human rights of all people residing in Lebanon are respected.

(Caveat: The page and line numbers cited in this amendment are to the resolution as introduced; the reported resolution to be considered on the House floor will have different page and line numbers).

—Page 5, after line 18, insert the following new subsection:

(d) The Congress is opposed to any partition of Lebanon and the annexation of its territory by any foreign country. It is a paramount objective of United States diplomacy to end the occupation of Lebanon and to restore the sovereignty of its government to the original boundaries of Lebanon.

(Caveat: The page and line numbers cited in this amendment are to the resolution as introduced; the reported resolution to be considered on the House floor will have different page and line numbers).

By Mr. OBEY:

(Amendment in the nature of a substitute.)

—Strike out all after the resolving clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "United States Armed Forced in Lebanon Resolution".

REPORTS TO THE CONGRESS

SEC. 2. (a) After the end of the 90-day period beginning on August 29, 1983, no funds appropriated by the Congress may be obligated or expended for peacekeeping activities in Lebanon by United States Armed Forces unless, before the end of that 90-day period, either—

(1) the President has submitted to the Congress the report required by section 4(a)(1) of the War Powers Resolution; or

(2) the President has certified to the Congress that a ceasefire is in effect in Lebanon and is being observed by all parties and that significant progress is being made in negotiations to broaden the base of the Lebanese Government and achieve a political resolution of existing differences.

(b) If the President makes a certification under subsection (a)(2), he shall, at the end of each 30-day period thereafter, submit a report to the Congress pursuant to section 4(a)(1) of the War Powers Resolution unless at the end of such 30-day period he makes the certification described in subsection (a)(2). If the President does not submit either the report or the certification required by this subsection at the end of any such 30-day period, then the report required by section 4(a)(1) of the War Powers Resolution shall be deemed to have been submitted for purposes of section 5(b) of the War Powers Resolution as of the end of such period.

INTERPRETATION OF THIS RESOLUTION

SEC. 3. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, which relates to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

By Mr. SPRATT:

—Further amend Page 5, after line 2, to insert the following additional subparagraph:

(11) a detailed report to the Armed Services Committees, in classified form, if necessary, with respect to the rules of engagement applicable to United States Armed Forces deployed in Lebanon.

By Mr. STRATTON:

(Page and line numbers refer to the committee print of September 26, 1983.)

—Page 2, line 23, strike out "and".

Page 2, after line 23, insert the following new paragraphs (and redesignate the succeeding paragraph accordingly):

(5) due to diplomatic and political requirements, members of the United States Armed Forces in the Multinational Force in Lebanon are deployed in a location near the Beirut International Airport that is difficult to defend and that exposes them to serious risks;

(6) the problems in Lebanon require a political, not a military, resolution;

(7) continuation for an additional period of participation of United States Armed Forces in the Multinational Force in Lebanon is necessary (A) to permit the Government of Lebanon to broaden its base to include appropriate representation in the Government of Lebanon of all Lebanese groups, and (B) to allow the Lebanese Armed Forces an opportunity to receive the training necessary to enable them to provide for internal security of Lebanon on their own;

(8) an immediate withdrawal of United States Armed Forces from Lebanon would only increase the likelihood of expanded conflict in the area and lead to a political result unfavorable to United States foreign policy interests in the Middle East;

(9) if fighting in Lebanon continues, there is substantial potential for escalation of United States involvement in hostilities;

(10) because of the changing character of the situation in Lebanon, the United States should not irrevocably commit itself to participation in the Multinational Force in Lebanon for an open-ended or extended period;

Page 4, line 9, strike out "six months" and insert in lieu thereof "sixty days".

Page 4, line 19, after "each participating country" insert the following: "and a description of the contribution of each participating country to the achievement of the objectives of the Multinational Force in Lebanon and of any other aid that each such country has provided to the Government of Lebanon".

Page 4, line 25, strike out "and".

Page 5, line 2, strike out the period and insert in lieu thereof a semicolon.

Page 5, after line 2, insert the following:

(6) the progress made during the reporting period in the training of the Lebanese Armed Forces and an assessment concerning when this national force will be capable of maintaining internal security in Lebanon;

(7) the level of fighting that has occurred during the reporting period and, if a ceasefire is in effect at the time of the report, the prospects for the continuation of this ceasefire:

(8) the estimated additional cost to the United States during the reporting period of participation in the Multinational Force in Lebanon;

(9) the number of United States military casualties during the reporting period as a result of participation in the Multinational Force in Lebanon; and

(10) a statement of the progress made during the reporting period in negotiations designed to lead to a political settlement in Labanon.

EXTENSIONS OF REMARKS

LINE-ITEM LEASH ON RUNAWAY SPENDING

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, with a $200 billion deficit in fiscal year 1983 the Federal Government is heading into the worst economic disaster our Nation has ever faced. It is our runaway spending that has put us in this situation and if we continue down this path, I fear that America as we know it will not be here for our grandchildren to enjoy. It is time to face this fact and it is time to take action.

Henry Hazlitt offers us hope in an inspiring commentary, which appeared in the Wall Street Journal on September 9. He correctly points out that the problem rests with Congress. In order to please constituents and interest groups, Congress all too readily includes extraneous appropriations in the budget it passes. Because the President must accept or reject an appropriations bill in its entirety, he has no choice other than to pass these padded bills in order to insure vital appropriations. Since Congress will never stop its pork-barreling, Mr. Hazlitt contends that a constitutional amendment granting the President line-item veto power on appropriations bills is necessary to put an end to this nonsense. Someone must stand up and take responsibility—it is clear that Congress will not. Mr. Hazlitt suggests that we allow the President to do so.

I urge my colleagues to take a few minutes to read the following article. Mr. Hazlitt gives us a viable solution—one that warrants serious consideration by each and every Member of Congress.

[From the Wall Street Journal, Sept. 9, 1983]

LINE-ITEM LEASH ON RUNAWAY SPENDING

(By Henry Hazlitt)

We have had 45 federal deficits in the past 53 years, and uninterrupted deficits in the past 15 years.

There are two ways of preventing or ending deficits. One is to cut spending, and the other to increase taxes. We can, of course, try a little of both.

This is the approach contemplated in the balanced-budget constitutional amendment before Congress. Even many of those people who have reservations favor this amendment on the ground that something is better than nothing. But the proposal raises serious questions. It is complicated. It imposes detailed directions on Congress that many believe have a very questionable place in the Constitution. Its spending and taxing restraints may not allow for an emergency, such as a war or a natural disaster.

Perhaps the main objection to the balanced-budget amendment is that it puts at least as much emphasis on obliging Congress to raise taxes to achieve a balance as it does on cutting expenditures. This mistakes the nature of the problem. The real evil in the budgets of the past half century has been growing, reckless outlays, and not the deficits per se.

If federal expenditures are at a reasonable level, there isn't any great problem in finding the taxes to pay for them. But the higher the spending, the more formidable the taxing problem becomes. Taxes always undermine incentives, sales, employment and production. The higher the taxes, the greater the harm they do to the whole economy. Beyond a certain point, raising tax rates brings in lower revenues.

LIPPMANN'S PROPOSED REMEDY

All this may seem too obvious to mention, but it is persistently overlooked. This first struck me forcefully when I encountered a New York Herald-Tribune column on March 5, 1959, in which Walter Lippmann complained: "Both parties are pretending that they are struggling to balance the budget. In fact neither the Administration nor the Congress shows any sign of being willing to vote the taxes which are absolutely essential if the budget is to be balanced."

Mr. Lippmann's proposed remedy followed from his initial assumption that all the spending already going on, plus a great deal more, was absolutely necessary.

The fallacy of trying to balance the budget mainly with increased taxes can most easily be recognized if we look at the budget record since, say, this Lippmann proposal.

In fiscal 1959 the deficit was $12.9 billion because, though budget receipts were $79.2 billion, outlays were $92.1 billion. In 1960 taxes were higher, and revenues jumped to $92.4 billion, enough to have balanced the 1959 budget. They did achieve a small surplus—for one year. But in 1961 spending was raised to $97.8 billion, and deficits came back.

If we now look at 1983, the estimate of budget receipts is $598.3 billion, nearly eight times such receipts in 1959. But to no avail. Spending has increased far more, leaving us with a prospective deficit of $210 billion, the highest ever.

If we carry the record back to 1931, when our string of deficits began, we find we have increased our revenues 193 times. Even allowing for the inflation that the deficits themselves have largely brought about, Congress has increased our tax burden 30 times in real terms—without stopping the deficits.

So let us finally drop the delusion that we can pay for any level of spending by raising taxes. That myth has been leading us only toward increased unemployment and economic stagnation. And let us finally put aside, also, after the past half century's record, the idle hope that Congress can somehow be induced to return to responsibility or to discipline itself. What we desperately need is an outside curb on the current unrestrained power of Congress to spend.

How has this license come about? Doesn't the president have the same power to veto appropriation bills as he has to veto other measures? Theoretically he does. But Congress has perfected the device of throwing in pork-barrel, log-rolling and other vote-buying appropriations with those that the president needs to carry on the government. In addition, Congress has perfected the practice of passing its appropriation bills at the very end of a session, so that if the president vetoed a typical omnibus spending bill in order to get rid of an objectionable item, he would be left without any money at all. So far as appropriations bills are concerned, Congress has usurped total power. The presidential veto has been reduced to a nullity.

The cure for this would be a constitutional amendment granting the president power to reduce or veto individual items in appropriation bills.

This isn't a new proposal; it has a long history. There isn't any evidence, it is true, that the question was even discussed in the Constitutional Convention of 1787. But by the time of the Civil War, when the Confederate states delegates met to frame their own constitution, the problem had been recognized. And they specifically provided for the presidential item veto. In 1867, President Andrew Johnson complained that Congress had thrown, objectionable provisions into a section of an appropriations act that "virtually deprives the President of his constitutional functions as Commander in Chief of the Army." He felt forced, nevertheless, to give his approval to the measure, "but to accompany it with my protest."

Then, President Ulysses S. Grant asked Congress in 1873 to amend the Constitution "to authorize the Executive to approve of so much of any measure passing the two houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subject to the same rules as now." Presidents Rutherford B. Hayes, in 1879, and Chester A. Arthur, in 1882, repeated this recommendation, though confining it to appropriation measures.

Franklin D. Roosevelt was the next president to ask for the item veto, followed by Dwight D. Eisenhower. Harry S Truman in his "Memoirs" wrote: "One important lack in the presidential veto power, I believe, is authority to veto individual items in appropriation bills."

Despite this long history, Congress has done precisely nothing. The apparently insoluble problem that confronts us is how to get congressmen voluntarily to give up or share a power that they have managed to usurp.

If we can't get two-thirds of Congress voluntarily to submit to the states an amendment giving the president the item veto, how can we get around this obstacle?

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There is a glimmer of hope. The item veto is so essential to fiscal discipline that in 42 of our 50 states the governor already has this power. In at least some cases, he must have got it through voluntary action by the legislature. (This certainly has been helped by the fact that the states can't print money to cover their overruns.)

If Congress can't be persuaded to take the initiative in submitting a constitutional amendment allowing a presidential item veto, there are two alternatives. One is for two-thirds or more of the state legislatures to ask Congress to call a constitutional convention for the single purpose of drafting and submitting an item-veto amendment. Congress would be obliged to comply. The delegates to such a convention would need to meet only a day or two to carry out their assignment.

ADVANTAGE AND DISADVANTAGE

Another course would be to try to persuade Congress to permit a presidential item veto by simple legislation. This alternative actually was suggested by Mr. Roosevelt in his annual budget message of Jan. 3, 1939: "A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one."

The advantage of granting the item veto by legislation would be that it would take effect immediately. The disadvantage is that the power could be taken back more easily by Congress or that Congress in the first place might be more reluctant to grant an item veto to the president then in office.

One question certain to be raised is whether a big-spending president actually would make much use of an item veto. One answer is that in that case, granting the power wouldn't do any harm. But it would at least remove the alibi that presidents have as long as they lack this power. With it, they could be held strictly responsible, as they in fairness can't be now, for the spending result. As matters stand, the president is directed to present a budget, and in the eyes of the public is held responsible for it, though he has neither the power to appropriate nor any real power to cut outlays.

Presidential power to reduce or veto individual items in appropriation bills certainly would make a real difference. If we can get back to prudent and responsible spending, the task of raising the matching revenues won't seem insuperable any longer.●

SMALL BUSINESS INVESTMENT COMPANY ACT 25TH ANNIVERSARY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. MITCHELL. Mr. Speaker, 1983 marks the 25th anniversary of the Small Business Investment Company (SBIC) program. Twenty-five years ago, small businesses, in spite of their enormous benefits to society, were often unable to obtain startup and expansion capital from established lending institutions. Congress acted to close this "equity gap" with the passage of the Small Business Investment Act of 1958, paving the way for the development of an entirely new type of financial framework. The program has been a tremendous success, primarily in terms of generating small business growth, creating employment opportunities and increasing tax revenues for the Federal Government.

SBIC's are privately managed and operated financial institutions, licensed by the Small Business Administration, which provide equity capital, long-term loans and management assistance to small and independent businesses, especially those with significant growth potential. They are permitted to supplement their private investment capital with funds borrowed from the Government at an interest rate slightly above the cost of money to the Federal Treasury. There are approximately 500 SBIC's in operation today, and the Washington-based National Association of Small Business Investment Companies estimates that nearly $5 billion has been invested in 66,000 new and growing small businesses since the program began.

Congress also recognized that the Government should help stimulate SBIC's to invest more funds in minority-owned small firms. In 1971, a new and specialized form of SBIC was authorized to invest in small businesses owned by minorities and Vietnam war veterans. Commonly referred to as minority enterprise small business investment companies (MESBIC's), these investment firms are an integral part of the SBIC program, governed by similar regulations, and are especially responsive to the needs of the minority business community. Between 1974–82, MESBIC's have invested more than $260 million in small, disadvantaged firms. Today there are approximately 140 MESBIC's in operation.

Attesting to the SBIC program's success is an economic-impact study by Deloitte, Haskins & Sells (DH&S) and Arther D. Little, Inc., which showed that SBIC-backed firms experience growth rates almost 10 times as great as those of other small companies in such key areas as sales and profits. These firms have created hundreds of thousands of new jobs and have been in the forefront of the Nation's advances in technology and productivity. The DH&S study also showed that the employment growth of SBIC-assisted small firms has been 10 times greater than that of American companies in general. It costs the Federal Government only $312 to create a permanent, full-time job through the SBIC program.

In addition to supplying small business with needed equity capital, SBIC's have provided a bargain for American taxpayers. A separate cost-benefit study has shown that the program is one of the most cost effective ever developed by the Government. For every taxpayer dollar invested in the SBIC program, the Government has received $110 back in the form of tax revenues.

One of the most interesting features of the SBIC program is the partnership it involves between the public and private sectors. As the only venture capital program sponsored by the Government, it is an excellent example of how Government and private resources can work together for the full benefit of small business and the Nation.

I would like to take this opportunity to congratulate 12 companies spurred to success with financing from an SBIC or MESBIC. These firms will be honored at the SBIC industry's 25th anniversary celebration dinner on September 27 here in Washington. These distinguished small businesses are: American Frozen Foods, Inc., Bridgeport, Conn.; Ault, Inc., Minneapolis, Minn.; DICOMED Corp., Minneapolis, Minn.; Digitron, Inc., Dayton, Ohio; Essence Comunications, Inc., New York, N.Y.; E. R. Green & Assoc., Inc., Carle Place, N.Y.; Lifeline Systems, Inc., Waltham, Mass.; Martinez & Rutter, Inc., Dallas, Tex.; NBI, Inc., Boulder, Colo.; Palm Harbor Homes, Inc., Dallas, Tex.; Pandick Press, Inc., New York, N.Y.; and Quantum Corp., Milpitas, Calif. I am pleased that several of these companies are minority owned.

In addition, I would like to recognize First Midwest Capital Corp., Minneapolis, Minn., the Nation's first SBIC, whose 25 years of success are testimony to the effectiveness of the SBIC program and to the leadership of that SBIC's management team.

Congratulations to the SBIC and MESBIC industries for their remarkable achievements in providing vitally needed venture capital to small and minority businesses, the most productive and innovative segment of our economy.●

LEBANON: ERRORS AND LESSONS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ANDREWS of Texas. Mr. Speaker, I would like to draw my colleagues' attention to an editorial published in yesterday's Christian Science Monitor written by Representative SCHEUER, the distinguished chairman of the Natural Resources Subcommittee of the Committee on Science and Technology. This editorial, which deals with our policy in Lebanon, reflects the deeply held beliefs of our colleague from New York. Representative SCHEUER speaks with the voice of

experience. He has served in this body for 19 years, has traveled extensively in the Middle East, and this article reflects his great concern for the security of the State of Israel and his desire to bring peace to that troubled region.

[From the Christian Science Monitor, Sept. 26, 1983]

LEBANON: ERRORS AND LESSONS

(By James H. Scheuer)

A year ago, I stood in the streets of Beirut talking with ordinary Lebanese as they celebrated the departure of PLO guerrillas, the election of Bashir Gemayel as President, and their hopes for peace at last after more than a decade of communal strife inflamed by Arafat's gunmen and Syrian troops. Beirut was on the verge of regaining its role as a prosperous center of culture, finance, and communication in the Middle East.

Today, the hopes are dashed and Lebanon is a mess. The President elected a year ago was assassinated, the government of his brother-successor teeters near collapse and American soldiers are being killed and maimed on foreign soil for the first time in many years. Today, instead of having been humiliated and ousted as an influence in the region, Russia has massively rearmed Syria and holds a tight grip on the Syrian Army with "advisers" down to the battalion level. The Soviets have deployed SAM-5 missiles, manned exclusively by Russians and command-linked directly to the Soviet nuclear-missile network in southern Russia.

A year ago, with the PLO's military apparatus facing elimination and Russia's military equipment and political support of its radical clients discredited, the Reagan administration leaped in. Instead of backing our Israeli and pro-Western Lebanese allies, Ronald Reagan, like his predecessor, succumbed to the hubris that ultimately plagues provincial politicians suddenly thrust on the world stage. Overeager, quick to assert itself, and with a zeal uncomplicated by any depth of understanding of the historical forces involved, the administration rushed in and saved our adversaries—Syria, Russia, and the PLO—from certain political and military defeat at the hands of our allies—Israel and Lebanon. Every Druze mortar shell is a deadly reminder of opportunities lost.

The Reagan administration systematically and publicly attacked Israel. Weinberger condemned, Reagan frowned, and State Department Arabists fumed. Instead of focusing attention on the small, incremental steps that could build on the peace process, the administration diluted the climate for peace by advancing a quick fix, dubbed the Reagan Plan. The United States chose the critical moments of opportunity for both Lebanon and Israel to divert attention toward an unachievable, all-encompassing Middle East settlement. This set us apart from our supposed allies while their forces were still in the field.

We pandered to Hussein. He flirted and demurred until even Ronald Reagan must have realized that a Jordanian King cannot be a statesman when he fears assassination for merely talking of peace with Israel. We pandered to the Saudis. They have taken our AWACS, recycled our petrodollars to the PLO, and have continued to undermine the peace progress begun at Camp David.

Basically, Ronald Reagan and his administration have frittered away Lebanon's opportunity of a year ago to join Egypt as another nation at peace with Israel. The Reagan Middle East policy has lurched from confusing and ill-timed to vague and dangerous.

What are the broad policy lessons of Lebanon?

After 35 years of Jordanian and Syrian refusal to negotiate with Israel, the US should stop trying to entice them into the peace process with extravagant promises, sophisticated weapons sales, and a hope that US indecisiveness and weaknesses will be interpreted as flexibility and "evenhandedness."

For 60 years, Syria has insisted that all of Lebanon is a part of a "Greater Syria." Syria has cast its lot with the Soviets. No carrots offered by the US will induce them to quit Lebanon, particularly with their cherished goal of annexing Lebanon within sight.

Saudi money and influence is always going to place its highest premium on deflecting radical Arab threats to the monarchy's survival rather than advancing any plans, large or small, for peace in the region.

Arab states will sign a peace treaty with Israel (as in the case of Egypt), or find a *modus vivendi* (as in the case of Jordan and Lebanon), when it is in their best interests and when their leaders do not fear assassination by radicals for seeking peace with Israel.

Unfocused American political intervention can often be counterproductive and downright dangerous. Grandiose "overall" settlements make good press conferences, but they also send the wrong signals and can turn the potential for an incremental step toward peace into a major combat imbroglio dragging us closer to a full-scale war in the Middle East.

While it is clear that all of Lebanon's problems cannot be solved by any single event, it is equally clear that the withdrawal of Syria and a lessening of Soviet control is the crawling before the walking, the *sine qua non*, of the Lebanon equation.

What then should we do now?

First, we must prevent the collapse of the pro-Western Gemayel government, if for no other reason than that it would be interpreted as an instant American debacle. Congress must make it clear that our military presence is neither an open-ended blank check nor a face-saving exercise of such short duration as to constitute merely a "decent interval" before Syrian forces and their radical proxies march into Beirut.

Second, the Gemayel government must be persuaded to negotiate a genuine rapproachement with those Lebanese elements patriotic enough to reject Syrian collaboration and Russian domination. Obviously, much will depend on our ability to convince the Lebanese that our treatment of Israel over the past year will not be repeated with them at some critical moment.

Finally, the US must recognize that only effectively coordinated US-Israeli efforts will be successful in deterring Soviet-Syrian designs in Lebanon and throughout the Middle East. It is time for a new strategic agreement between us and our democratic ally, Israel. The US must make it clear to Syria, Jordan, Saudi Arabia, and the USSR that continued intransigence will result in *stronger* American support for Israel and, ultimately, for Israeli claims in the Golan, Gaza, and the West Bank.

With dependable American support and a consistent Middle East policy, Israel and moderate Arabs can be brought together by time and self-interest in an accommodation indistinguishable from peace. Israel and Egypt do not have a perfect relationship, but Israelis and Egyptians are not killing each other, either. Reproducing this situation within Lebanon would be a significant contribution to peace.●

IMF BILL IS REALLY A JOBS BILL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. LAGOMARSINO. Mr. Speaker, in much of the debate on the increased U.S. quota for the IMF, the impact on U.S. employment seems to be lost. "More than 300,000 U.S. jobs have been lost as a result of declines in Latin American growth and imports," according to Bob Hormats, writing in the September 21 Washington Post. The loss of ability to import by Latin countries directly affects the U.S. economy. It is essential that we do what we can to support a stimulation of Latin economic development and trade to help our own economic resurgence.

Some say that supporting the IMF does not help a country improve its economy or help the United States improve its exports because the IMF requires a restriction on imports. Yet, the figures show that in 19 out of 26 recent cases where a restructing program has been required by the IMF, those countries have been able to increase their growth and imports in the first years compared to the period before implementing the IMF program.

I urge my colleagues to review Mr. Hormats' comments.

[From the Washington Post, Sept. 21, 1983]

THE IMF BILL IS REALLY A JOBS BILL

(By Robert D. Hormats)

Congress has before it a particularly important jobs bill: legislation to increase the resources of the International Monetary Fund. Its fate will significantly affect that of hundreds of thousands of American workers whose jobs depend on exports to developing nations. In fact, because roughly 4 percent of U.S. GNP depends on Third World markets, this legislation, and additional support for the World Bank, must be part of any serious strategy for sustained U.S. recovery.

There is a curious paradox today in Washington. On one hand, strong concerns are raised about problems caused or made worse by high developing-country debt: political unrest abroad, particularly in South America, and large U.S. trade deficits, with the attendant loss of American jobs. On the other hand, there is strong resistance in many quarters to providing adequate resources to the very institutions responsible for facilitating a smooth resolution of the debt problem—the IMF and World Bank.

So far developing-country debt has not led to the financial crisis many feared. Nor, however, is it close to being resolved. Most high-debt countries continue to recognize the need to reduce the gap between debt and their ability to service it and to overcome structural problems that weaken eco-

nomic competitiveness. But high world interest rates, slow recovery in many industrialized countries, trade barriers and commodity subsidies that impede developing-country exports, and the cost and scarcity of new loans are placing a heavy burden on these countries.

Factories in a number of high-debt developing countries are already beginning to fall into disuse and disrepair because of the lack of funds to import necessary spare parts and raw materials. Budget restraints force cuts in health, nutrition and education programs; this hurts people already suffering from depressed economic growth and high unemployment. And investment in new productive capacity is being postponed.

These factors are generating intense social and political pressures. Most developing nations have high rates of population growth, no unemployment benefits and only recently established political systems. Long periods of economic decline, high unemployment and cuts in social programs cause severe hardship. The potential for instability is enormous. Even relatively localized dissidents, whose objectives are primarily political or parochial, can magnify their influence by playing on economic discontent. Such discontent has surely strengthened the forces that are causing the U.S. concern in Central America. It would be considerably more alarming if economic problems encouraged, and strengthened support for, extremists of the right and left in the larger countries of the hemisphere.

But the economic plight of developing countries does not affect their citizens alone. From 1975 to 1981, U.S. exports of goods and services to Third World countries increased from $40 billion to almost $100 billion—creating approximately 1.5 million new jobs in this country. Altogether in 1981 nearly 2.5 million American jobs depended on exports to developing areas.

As developing nations have pursued austerity policies to reduce debt, their imports have fallen dramatically. This is particularly true for Latin America—the largest developing-area market for U.S. products and the region with the largest debt burden. In 1982 exports to Argentina fell by roughly 40 percent, to Mexico and Chile by about 35 percent, to Brazil by 10 percent. 1983 has been a further fall. More than 300,000 U.S. jobs have been lost as a result of declines in Latin American growth and imports. This has had a particularly adverse effect on U.S. firms that produce capital goods (e.g., tractors and machinery) and industrial supplies (e.g., metals and chemicals) and on American farmers.

Next week's annual meeting of the IMF and World Bank will need to address the debt situation with a sense of urgency. Declines in growth, by causing a trade surplus, improve the ability of countries to service their debt but reduce public support for doing so. Most developing countries seem prepared to accept austerity and net outflows of capital for a limited time in order to repay at least a portion of their debt. They bear such costs in part to maintain access to foreign private and government-supported financing, in part to avoid the trade disruptions that would follow debt repudiation, and in part because they expect that after a reasonable time austerity can be eased and capital inflows will resume.

But if heavily indebted countries suffer prolonged net capital outflows, if their access to foreign markets and borrowing from commercial banks and government institutions is frustrated, and if their economies continue to decline, the debt issue will become increasingly politicized within and among them. Pressures will grow for unilateral (as opposed to negotiated) measures, including various types of moratoriums.

Healthy world recovery would, of course, considerably improve the outlook. But this cannot be counted on. And even a relatively strong recovery would not eliminate certain structural problems. Moreover, resolution of the debt problem itself will be an important component in ensuring sustained recovery in the industrialized countries. Therefore a focused set of measures to address the debt issue specifically is needed.

The IMF and World Bank must be given increased resources if they are to help facilitate resolution of the debt problem without political instability or sharp reductions in gowth. An increase in their funds is not, of course, the whole answer. But, if effectively utilized, such increases can help ease the debt burden and in so doing create the incentives to encourage: (a) continuation of adjustment efforts and repayment of debt; (b) prudent increases in commercial bank lending, and (c) willingness to reconcile differences through negotiation between borrowers and lenders.

The most urgent requirement is passage of legislation, without inappropriate encumbrances, to provide the U.S. share of recently agreed increases in IMF quotas and in the General Arrangements to Borrow (an IMF "backup fund"). Unless the IMF has additional resources it will be unable to meet new requirements to support adjustment measures. High-debt countries unable to obtain IMF support will suffer a further sharp reduction in growth. New commercial bank lending will decline. Political stability will suffer a serious blow, as will American trade.

In a very real sense, in addition to being important to avoid unrest in this hemisphere, this is a "jobs bill"—which will improve export prospects for U.S. industries still suffering from high unemployment. An increase in IMF Special Drawing Rights to bolster depleted foreign exchange reserves would also add a margin for growth and trade. And, toward these same ends, industrialized countries should agree to facilitate IMF borrowing in their markets in the event that becomes necessary to augment its liquidity.

Additional development assistance through the World Bank—and more co-financing between it and commercial banks—is needed to help high-debt countries to stengthen the productive sectors of their economies, reorient production away from import substitution, and improve opportunities for private investment. World Bank funds are also critically needed to address social and human needs.

The World Bank also should be permitted to accelerate lending for spare parts, industrial supplies and new equipment to overcome stagnation in key sectors. And it should be encouraged to develop new arrangements—perhaps even a new facility—that permits it to guarantee a portion of new commercial bank loans to supplement World Bank lending. Finally, and of greatest importance to the poorest nations, it is vital that there be a large replenishment of the International Development Association, the World Bank's soft loan window. These funds are vital to the low-income peoples of Africa and Sourth Asia, and also free up somewhat higher cost funds for the Western Hemisphere.

While Congress and the administration must clearly make budgetary trade-offs, and the choices are particularly hard in light of pressures to cut the budget deficit—which in my judgment is the key to sustained U.S. and world recovery—it would be wrong to believe that funds could be withheld from the IMF or World Bank without a major cost to the United States. The same country that spends so much to counter threats to stability in Central America, Africa and the Middle East must see the lack of wisdom in failure to provide the relatively small sums needed to avoid to conditions that breed instability in this hemisphere and elsewhere in the world. And, if we are serious about recovery in the United States and reducing unemployment, then we surely cannot fail to support programs to resolve the debt problem, for to do so would jeopardize markets in developing countries that take a larger percentage of our exports than Europe and Japan combined.●

BARTER PROMOTION ACT OF 1983

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. EVANS of Iowa. Mr. Speaker, I am pleased to introduce today the "Barter Promotion Act of 1983," which was introduced in the Senate as S. 1638 by Senators TOWER, HUMPHREY, SYMMS, and NICKLES. This bill again points out the urgent need for reform in the system whereby our Government-owned surplus agricultural products can be swapped to offset the unmet goals of the national defense stockpile. The current world economic situation and our own domestic situation make innovative methods to facilitate trade attractive. These conditions include the high world debt problems which are precluding the smooth flow of much needed agricultural goods to some of our potential customers; slow world markets for many of the strategic and critical materials which are not available in the United States, but may be exported by other nations; huge Government-owned surpluses of dairy products (over 470 million pounds of butter, 851 million pounds of cheese, and 1.3 billion pounds of nonfat dry milk); and limited appropriations for the national defense stockpile in spite of the fact that the value of the unmet goals is valued at over $10 billion.

Under the barter authority included in the Commodity Credit Corporation (CCC) Charter Act, barter of some 60 materials from 50 countries was facilitated from 1950 to 1973. In 1973, the program was suspended for a number of reasons including changes in the strategic stockpile goals, and an inability to match suppliers of strategic materials with those which need our surplus agricultural products. Also, during the 1970's, our agricultural exports expanded at an unprecedented rate—total sales in fiscal year 1972

were $8.2 billion and by fiscal year 1981, the figure was $43.8 billion. However, the world economic situation has taken its toll on our exports and USDA is projecting a second consecutive year of decline in total exports to perhaps $34.5 billion. Since February 1982, two new barter arrangements with Jamaica have been negotiated.

However, as Senator TOWER pointed out when he introduced this bill, reform is needed in the barter authority. There are four major problems with the current authority which this bill attempts to correct in the interest of again making barter a tool for trade:

First: Due to a 1968 amendment, all U.S. Government barter contracts must be bilateral involving a direct exchange between the two countries. However, during the barter program that had begun in 1950, the contracts had evolved from bilateral to multilateral to open-ended. This evolution reflected the fact that opportunities for strictly bilateral deals were limited and the prospects for exchanges increased if third parties could be involved. This bill I am introducing today would allow a return to multilateral contracts, provided that such agreements do not displace cash sales of U.S. agricultural products or disrupt world market prices.

Second: Government-to-government barter is expensive and cumbersome. Our earlier program relied on private companies and it is the intention of this bill to again encourage private involvement.

Third. Currently, it takes nothing short of a Presidential mandate to pull all the interested agencies within the U.S. Government together to arrange a barter deal. Two barter deals have been negotiated under the current administration, both involving the shipment of dairy products to Jamaica for bauxite, and both were initiated at the direction of the President. There have been several proposals for barter transactions presented to one or more of the agencies interested in barter but due to disagreement among the agencies, none have been negotiated. This bill will require that an office be set up in the Executive Office of the President to coordinate our barter policy.

Fourth. The Government accounting conventions may preclude any efforts to expand our barter activities since the Commodity Credit Corporation must be reimbursed for all of the agricultural products used to acquire the strategic material through barter. However, the current level of appropriations ($120 million in the current fiscal year) for the national defense stockpile severely limits all purchases of materials. For example, the repayment for the Jamaican bauxite barters will be carried out over several years. This bill removes the present requirement that the CCC must be reimbursed.

This bill also requires the Secretary of Agriculture to report to Congress the activities of the administration's ad hoc interagency barter discussion group.

During this period of large international debt, tight budgets, and scarce foreign exchange, the fine-tuning of methods to keep trade flowing should be encouraged by the Congress. In the interest of expanding agricultural trade while at the same time bolstering the national defense stockpile, I urge my colleagues to support this bill.●

TRIBUTE TO HONORABLE LOUIS L. GOLDSTEIN

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. MITCHELL. Mr. Speaker, Louis L. Goldstein, State Comptroller of Maryland, will be honored by the Mental Health Association on Wednesday, September 28. He will be celebrating his 70th birthday and 45 years of service to the citizens of Maryland.

I have known Goldstein for many years, and he has been consistently a hard worker, honest, and sincere. He has given the State of Maryland his perseverance, dedication, and strong will to do the very best he can to serve its citizens.

Mr. Goldstein was elected State comptroller in 1958 and has been reelected each time since 1958. He also was elected and served in the Maryland State Senate from 1946 to 1959.

Marylanders know this very witty and lively man as "Louie." He is a good friend, and as such, I listen to his report on the tomatoes, potatoes, cucumbers, and other vegetables he raised on his farm in southern Maryland, better known as Calvert County.

Louis L. Goldstein is a man of principle, integrity, and commitment, and God will continue to bless him "Real Good."●

KILLING THE GOOSE THAT LAYS THE GOLDEN EGG

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ERLENBORN. Mr. Speaker, whenever the opportunity is presented, I encourage people to communicate their opinions and problems with regard to Federal legislation to those who are elected to represent them. I especially urge this kind of communication when pension issues are involved because they are inevitably complex and the vast universe and variety of pension plans add to the confusion.

Oftentimes, the reaction I get seems to be, "But is anyone listening." There is the distinct feeling that, when it comes to pensions, too many of our colleagues hold to the theory that tax advantages for providing pensions are just another shelter for the rich. Therefore, so this school of thought goes, reduce and restrict the pensions of the owners and managers who pay the costs and never mind the objections being raised.

What this thinking overlooks is that the result of this misinformed logic, which so clearly was followed most recently in enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), is that those who bear the cost will decide it is not worth it. In other words, the ultimate result will be fewer employer-sponsored pension plans—not because the idea is unsound, but rather because we who write our tax laws will not heed the warnings we get.

One of those who heard my plea that the "pen is mightier than the sword," recently wrote me on how he tried to turn TEFRA around and how his efforts fell on deaf ears. If we persist in ignoring the reality of why employers sponsor pensions, he warns, there simply will be no pension plans sponsored. I urge my colleagues to read—and heed—his message, which follows:

WALTON LANTAFF SCHROEDER & CARSON,
Coral Gables, Fla., August 15, 1983.

Hon. JOHN N. ERLENBORN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ERLENBORN: I am a member of the Florida Bar but unfortunately was unable to attend the luncheon at the Florida Bar meeting at Disney World on June 17, 1983. I did have the opportunity of reading the speech that you presented at that time, and I agree almost completely with everything that you have said.

There is one point that I must express my disagreement on. In your closing you indicated that you felt that the "pen is mighter than the sword" and asked the audience to write their own congressman and senators to assist you in keeping the public and private pension systems headed in the right direction. I have to say that I am totally disheartened by the lack of response and lack of action which the letters which I wrote and letters which hundreds of my clients wrote during the initial consideration of H.R. 6410 and then the abomination that was enacted as The Tax Equity and Fiscal Responsibility Act of 1982. We wrote, called, sent telegrams and did everything that we could to express our concerns about the impact of the pension legislation initially proposed in H.R. 6410 and ultimately incorporated in The Tax Equity and Fiscal Responsibility Act. I received very few replies and, in fact, only two Congressmen from Florida have seemed at all interested. The Honorable William Lehman is the most interested, and he has been very helpful.

I have concluded that the pension issue has been perceived by many congressmen and senators as being a "rich taxpayer" issue and if a substantial amount of correspondence is received, it is dismissed as being prompted or promoted by rich taxpayers who want to avoid paying taxes. As you and I both know, this is not true but it is certainly the perception that many legislators have. I simply do not know how to eliminate that perception.

I have traveled to Washington to testify before Senator Chafee's Committee and then before the Internal Revenue Service within the last four months. I think that both of these trips were a waste of time and money, but I felt that I must make the effort. I will continue to write, call and testify as the situation demands, but I am frank to say that I am totally disheartened by the general inclination which I believe prevails in Washington to tinker with the private pension plan system to the end that it will be so repaired that it will completely break down. Everyone must understand that there is an element of self-interest in the sponsoring of a pension plan and if the benefits, for the owners who pay the costs of the pensions for all the other employees are reduced and restricted to the extent that it is not worth the costs of covering the other employees, there simply will be no pension plans sponsored. Most of my clients can, through tax shelters and other sources, obtain essentially the same or a greater current tax deduction. I would hate to see them go to tax shelters rather than sponsoring pension plans, but that is certainly the direction in which Congress is pushing them.

Thank you for your attention to this matter.

With best personal regards,

Sincerely,

CHARLES P. SACHER.●

AN EXPLANATION OF THE FEDERAL SUPPLEMENTAL COMPENSATION ACT AMENDMENTS OF 1983

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. CAMPBELL. Mr. Speaker, the Federal Supplemental Compensation Act Amendments of 1983 would modify and extend the current Federal supplemental compensation program for the long-term unemployed. The bill would:

Extend the program for 18 months; and

Provide for a three-tier schedule of benefits.

SECTION 101.—This section extends the expiration date of the Federal supplemental compensation program for 18 months, through March 31, 1985.

SECTION 102.—This section amends the Federal Supplemental Compensation Act to provide for a three-tier schedule of benefits: 10 weeks in a 5-percent period; 8 weeks in a 4-percent period; and 6 weeks in a low-unemployment period. This is a simplification of the four-tiered system that remains in effect through September 30, 1983.

SECTION 103. Subsection (a) provides that the amendments to the Federal Supplemental Compensation Act are effective for weeks beginning after September 30, 1983, when the present program would terminate but for the extension provided for in this bill.

Subsection (b) provides that the Secretary of Labor shall propose to each State which has an agreement in effect under the Federal Supplemental Compensation Act of 1982, a modification of the agreement to provide for payment of benefits under the act as amended by this bill. After such modification is proposed, a State will have 3 weeks to agree to the modified agreement, and if the State fails or refuses to enter into a modified agreement, the Secretary of Labor is required to terminate the agreement with the State effective with the end of the last week which ends on or before such 3-week period.

BUDGET ESTIMATE

Outlays for benefits and administration: Fiscal year 1984—$2.2 billion; fiscal year 1985—$1.1 billion; 18-month total—$3.3 billion.●

THE NEW FEDERALISM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. OTTINGER. Mr. Speaker, the administration's New Federalism proposal represents a major shift in national priorities and resource allocation that is troubling on many different fronts.

While this plan has not been successful to date, it will not disappear as long as conservative programs and ideology dominate the national scene.

I would like to share with my colleagues the conclusion of a paper on New Federalism written by my son Larry while he was a student at the University of California at Berkeley.

NEW FEDERALISM

Seen in its larger context, the Reagan administration's "New Federalism" appears to be part of a conservative trend dating back to the Nixon administration to cut back on federal welfare responsibilities and perhaps dismantle the welfare state. This includes attacks upon the role of the federal government in providing uniform minimum standards for basic human needs, for public infrastructure, and for other "public goods" such as environmental quality and occupational safety.

Under the guise of decentralizing political power and promoting state and local autonomy, the "New Federalism" would abrogate federal responsibilities to human welfare and public infrastructure needs. The proposal ignores the criteria and concerns that have led to the historical development of the national agenda and federal role in domestic concerns. In particular, federal funds and political initiative are crucial to maintaining spillover and redistributive services as well as to ensuring uniformity in provision of public service. As a result, the "New Federalism" would likely lead to a significant reduction in basic public services in many states and localities, especially those services for low income and disadvantaged persons. Current regional, interstate, and intrastate disparities in provision of public services would be exacerbated.

As part of the Reagan administration's broader economic program and ideology, the "New Federalism" aims at shifting national resources from social programs to military programs, from the poor to the rich, and from the public sector generally to the private sector.

By eliminating federal aid for many domestic programs, the "New Federalism" would free up national enery and revenues for increases in military spending.

The "New Federalism" would contribute to a shift of national resources from poor to rich by eliminating federal aid for most poverty programs. Meanwhile, the administration's current tax reductions send national revenues mainly to wealthy individuals and large corporations.

The "New Federalism" would contribute to a general shift of national resources from the public sector to the private sector. It would eliminate billions of dollars of federal aid for domestic public services that could not or would not be restored by many states and localities. In addition, by shifting excise taxes on the tobacco, alcohol, telephone, and oil industries from the federal to state level, industries would almost certainly pay less taxes. Meanwhile, the current tax breaks to wealthy individuals and large corporations distribute national resources to the private sector. The administration's reduction of regulations on industry also shift national resources from the public to private sector.

These shifts in national priorities and resource allocations are troubling on many different fronts. The appallingly poor quality of public services is reaching crisis proportions in many areas; air, water and land pollution, decaying urban areas, declining education, increasing poverty, and deteriorating infrastructure demand attention and federal involvement. Meanwhile, the escalating arms race threatens the survival of the whole planet.

The shift of resources from the poor to the rich and from the public sector to the private sector are ultimately defended as part of the supply side economic theory in which increased private investment and productivity would bring prosperity to all. In order to remove the foundations for these shifts and the "New Federalism", supply-side economics must be given the public discrediting it deserves and a comprehense economic plan must be developed to replace it that will address real concerns for decentralized economic power and local autonomy.

Briefly, the main assumption behind supply-side economics that justifies shifting resources to the private sector is that business has a capital shortage which is preventing it from investing in domestic productivity. All the evidence suggests that U.S. corporations have had, on the whole, no shortage of capital and no trouble investing and making profits in foreign markets, real estate, short-term financial markets, and mergers.[1] The problem is that they have not been investing in domestic technology, structures, and jobs. Instead of abdicating its role as concerns industry, the federal government needs to create incentives for productive investments and disincentives for non-productive investments, such as lower-

[1] See Frances Fox Piven and Richard H. Cloward, "The New Class War: Reagan's Attack on the Welfare State and Its Consequences" (N.Y.: Pantheon Books, 1982) pp. 11-13.

ing interest rates for the former and raising them for the latter.

The "New Federalism" has not been successful to date and will probably not reach a vote in Congress by 1984 even in a modified form. Because it is embedded in the administration's broader economic program and ideology, however, it will not disappear as long as conservative program and ideology dominate the national scene. Future perhaps successful attempts will be made to eliminate federal responsibility for human welfare and public infrastructure needs under the pretense of decentralizing political power and promoting local autonomy.●

CAPT. CHARLES EDWARD BIELE, SR.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. TALLON. Mr. Speaker, I rise today to pay tribute to a fine citizen of my district who passed away on September 19.

Charles E. Biele, Sr., age 78, a retired Navy captain, was residing in Myrtle Beach at the time of his death. He served in the Navy for 31 years as a naval communications expert including World War II and the Korean conflict. Before the war, he served aboard destroyers and battleships. He was the district communications officer in the Panama Canal Zone at the beginning of World War II and served in the same capacity in Guam during the Korean conflict. He concluded his career at the National Security Agency.

At age 19, Captain Biele was a radio operator aboard the SS *Tredenick*, a British merchant ship which spent 6 months in the South Seas. He was the first American on Rabaul and the only American to take part in the first two-way radio contact between Australia and the United States and again from New Zealand to the United States.

Captain Biele was an active radio amateur for over 64 years and belonged to almost every amateur radio organization. In 1982, he was nominated to the Amateur Radio Hall of Fame and was runner up to BARRY GOLDWATER who won. In 1963, the Palmetto chapter of the Quarter Century Wireless Association awarded him a plaque for his outstanding contributions to amateur radio. The following month the International Quarter Century Wireless Association presented him with a scroll honoring him for his achievements and outstanding contributions to amateur radio.

Captain Biele belonged to the American Legion, the Veterans of Foreign Wars, Retired Officers Association, the American Forces Communications and Electronics Association, the Institute of Electrical and Electronics Engineers, the American Radio Relay League, the Veterans Wireless Association and, the Myrtle Beach Amateur Radio Club.

Captain Biele served his country and community throughout his life. He will be deeply missed by all those who knew him.●

MAYOR EDGAR ENOCH: A LIFETIME OF SERVICE

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. FLIPPO. Mr. Speaker, I rise today to pay tribute to one of the most outstanding and dedicated public servants in the history of Alabama.

The Honorable Edgar Starnes Enoch will retire October 1 from his duties as mayor of Sheffield, Ala., ending an illustrious career of 42 years of service, including 35 years as city clerk and treasurer, and 7 years as mayor.

It is hard to imagine a city of Sheffield without Edgar Enoch.

Born in Stephenson, Ala., in 1908, he moved to Sheffield in 1918 and was educated in the public schools of Sheffield. He later earned a B.S. degree from what was then Florence Normal School—now the University of North Alabama. He also studied at Peabody College and Vanderbilt University in preparation for a teaching career.

He taught school in Colbert and Lawrence Counties, and served as principal of Howell-Graves School.

On October 7, 1941, he was appointed city clerk and treasurer of Sheffield, but served only a short time before entering the U.S. Army in the midst of World War II. He distinguished himself with service in the 34th Infantry Division at Anzio and many other places that are now famous in military history.

Following the end of World War II, he returned to Sheffield and resumed his duties as city clerk.

He served with distinction in that capacity under eight different mayors, including Lynn Manning, Hoyte Greer, J. K. Johnson, Leonard Beard, Paul Saywell, Lewis Timberlake, B. F. (Buddy) Walden, and F. E. (Buddy) Draper.

His first retirement came in June of 1976, when he stepped down from the office of city clerk. But the call of public service was too great for this fine gentleman, and he was elected mayor of Sheffield that same year.

John Watkins, long-time executive director of the Alabama League of Municipalities, said Mayor Enoch had one of the longest tenures of any public official in Alabama. "He has given his life to public service, and he is the most unselfish man I have ever met. I never knew him to fail to answer any call for help. He is a terrific, fine man," Watkins said.

Former Mayor Lewis Timberlake, who is himself a distinguished public servant, said, "I don't know anyone who has been more dedicated to Sheffield than Edgar Enoch. We are certainly going to miss him."

To show you the kind of man Edgar Enoch is, when he attended his last city commission meeting, with tears in his eyes, he thanked everyone "for putting up with me for so long."

Perhaps the greatest tribute to the efficiency and effectiveness of Mayor Enoch's work is that he leaves Sheffield with a surplus of $414,109. During his last year, he increased the surplus by some $240,000. In these times of tight budgets and inflation, I find that absolutely incredible.

Edgar Enoch did not stop working when he went home from city hall. He was the song leader and teacher of the men's bible class at Sheffield First United Methodist Church, as well as an active member of the Sheffield Kiwanis Club for the same period that he served the city so well.

The spouses of public servants also make valuable contributions. I therefore want to pay tribute to Sheffield's First Lady, Mrs. Louise McFarland Enoch. She came to Sheffield as a young TVA employee and is still working as a legal secretary. I want to publicly thank Mrs. Enoch for all she has meant to Sheffield.

Words are not adequate to express my appreciation and admiration for the contributions of Mayor Enoch. As we pause to wish him good luck, good health, and God speed, we are deeply grateful for his matchless service and gladdened that this second retirement probably will not last either, even at age 75.

Knowing Edgar Enoch, if there is work to be done, he will be a willing worker.●

IN HONOR OF MARYLAND STATE COMPTROLLER LOUIS GOLDSTEIN

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mrs. BYRON. Mr. Speaker, there is a lot to say about Louis Goldstein, and as we well know, Louis Goldstein usually has a lot to say. We are honoring him for 45 years of distinguished service, although I would like to note that he has had trouble finding anyone to hire him besides the State of Maryland. Also, it is commonly known that Louis was the subject of the first human cloning operation, and this is how he manages to attend political functions in Hagerstown, Annapolis, Baltimore, and Salisbury at the same time. I may one day attend a political function when Louis is not present,

but I do not know where in the world it would be. I expected to see him at the South Pole, but was told that I had just missed him.

It has been my privilege to know and work with Louis Goldstein for many, many years, and the State of Maryland is extremely fortunate to have had a man of his energy, integrity, and caliber in its service for so long. I look forward to his next 45 years as the great comptroller of the great State of Maryland.●

UNESCO—A FORUM FOR EDUCATION OR ANTI-AMERICAN PROPAGANDA?

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SOLOMON. Mr. Speaker, as the Congress weighs the proper level of American taxpayer support for the United Nations, it is important for all of us to reflect on what this body has become under the influence of Soviet surrogates from the Third World. U.N. headquarters in New York seems oftentimes to house a vocal group of anti-American extremists who alternately insult our country and interfere with our foreign policy. Why even UNESCO, the seemingly nonpolitical educational and cultural arm of the United Nations is not all it seems, but is rather a front for intensive Soviet propaganda and espionage, as reported in the August 27 issue of the British Economist.

The Economist article follows:

[From the Economist, Aug. 27, 1983]

EVEN WORSE AT UNESCO

The worms in the Unesco can are wriggling out, and the Americans are fed up with paying to keep them in. Especially as the chief occupation of many people at Unesco nowadays seems to be to nag the United States and the west in favour of the radicals of Asia, Africa and the Soviet block.

Many of the Americans and west Europeans on the staff of the Paris headquarters of Unesco are liberals loth to agree with the Reaganites on anything. But now they do. Their morale is low, trampled by a mixture of nepotism, maladministration, reverse racism, and an apparently incorrigible tilt towards the hardliners of the third world. The Soviet Union is smiling. A lot of Unesco schemes are worthy but the organisation's purported aim—to further education, science and culture—is increasingly hidden behind a smokescreen of political rhetoric and propaganda.

The American government and seven other rich western countries pay for nearly two thirds of the Unesco budget (a lot of which is gobbled up by the organisation's lavish Paris offices). The proposed budget for 1984 and 1985 is a sturdy $433m. But the vote on budgetary and other matters is democratic, with each of the 160 members carrying equal weight. So the eight rich grumblers are bound to be outgunned. Their only sanction is to withdraw from Unesco.

The bad blood is not just between the west and the rest. The most notable recent fall guys do not, in Unesco-speak, qualify as "imperialist". The first top-level casualty was a Mexican, Mr. Rodolfo Stavenhagen, who became head of Unesco's social sciences division in 1979 with a high professional reputation. Two years later he left because of what he called "the atmosphere of distrust, denunciation and a sort of bureaucratic terrorism which has led to total intellectual suffocation".

He was replaced by a lady from Zaire whose rewriting of programmes led to the resignation this year of the respected Swiss head of the division for human rights and peace, Mr. Pierre de Senarclens. A recent poll of staff members showed that only 3% of them thought Unesco was recruiting high-quality people and deciding promotions on the basis of professional efficiency.

The latest casualty is another Unesco stalwart, Mr. Dragoljum Najman of Jugoslavia, who is considered to have been largely responsible for the elevation of a Senegalese, Mr. Amadou-Mahthar M'Bow, to be director-general of the organisation in 1974. Their differences came to the surface in June when the Jugoslav returned from a year at Harvard to discover that he had been demoted from his assistant director-generalship.

These differences are symbolic as well as personal. Mr. Najman objects to the "regality" of Mr. M'Bow's rule at the Paris palace. But the two also stand for different traditions. Mr. Najman is an experienced international civil servant and competent scholar, inspired by the fierce non-alignment advocated by Nehru and Tito. Mr. M'Bow and his friends have supplanted such members of the Unesco old guard with placemen, many of them left-wing Africans, radical Arabs or overt pro-Russians.

The professionals say that worthwhile projects are being turned from genuine education into propaganda, often by incompetent managers chosen for their political or national connections. The bloated bureaucracy of Unesco has long been a Parisian joke. The number of assistant directors-general has swollen from five to 13.

It is partly by default that the western governments on Unesco's executive board have allowed this to happen. In the Carter era and before, American administrations seemed to prefer a quiet life to challenging Mr. M'Bow.

Now even the most devoted liberals are glad that Mr. Reagan is taking a tougher line, not just by pulling apart the more waffly programme proposals and opposing the campaign for "new world information order" but also by scrutinising the budget, which the Americans say should have zero growth. They reckon that the latest draft provides for a real increase of 37%. The state department is now reviewing American membership.

The biggest grouse, however, is against the alleged increase in the politicisation of projects. Current Unesco operations in Afghanistan, for instance, are said to be virtually Sovietised by the selection of Soviet staff members or Soviet sympathisers to run them. Three Unesco-employed Soviet spies recently expelled from France by the French government remain on the payroll "on extraordinary leave". The United States, in effect, remains their biggest single paymaster. The contract of one of them has just been extended *in absentia*.●

A TRIBUTE TO WILLIAM COOPER, JR.

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am honored to pay tribute today to a devoted public servant and close personal friend, William Cooper, Jr., who died recently after a 20-year battle with cancer.

Bill served the people of the town of Aberdeen in public office for a quarter of a century, elected 10 times to the town's board of commissioners, including service as mayor, and once to the Harford County Council. He was extremely devoted to the town of Aberdeen, his first love, and its people. He wanted to make sure that the taxpayers got their money's worth. He had the rare combination of a sharp mind and commonsense and fought with all his heart for what he thought was right. There are a lot of smart people in politics, but the number of people with courage, guts, and integrity are very small. Bill Cooper had those qualities. He believed in the community, and he was a public servant of the best sort. His honesty earned him the support of the voters, the respect of his colleagues, and the admiration of his friends. As strongly as he felt about his politics, he never held a grudge. As one associate said, "He could have the most heated argument with you, and then he would turn around and make you laugh before you left the room."

He was extremely devoted to his family as well as his town and fought his personal battle with cancer with the same steadfast courage with which he fought his political battles. Through it all, he still had more concern for others than he had for himself. As one of his close friends said, "When he was hurting so bad, he was still trying to help someone else." I can think of no higher praise than that.●

SATELLITES SAVE LIVES

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. VOLKMER. Mr. Speaker, I would like to bring to the attention of my colleagues a recent incident which dramatically demonstrates the success of the U.S. civil space program and the extent to which it touches our own individual lives.

On August 1, two Canadians making their way through the Tashka Rapids on the Winisk River were tossed from their canoe and left stranded in the

wilderness below Hudson Bay. Ashore, the men activated their emergency locator transmitter, which emits an internationally recognized distress signal. Five hundred and seventeen miles above the Earth, the NOAA-8 environmental monitoring satellite in orbit picked up the signals. The satellite picked up the first signal at 11:40 a.m. EDT, and it received the second signal at 1:35 p.m. EDT.

Canadian rescue forces launched a twin-engine Buffalo aircraft to search for the pair later in the day. Because of the distance involved, the plane did not reach the vicinity until slightly after midnight on August 3. On the search plane's second pass over the area, the crew spotted the two canoeists, and they dropped a portable radio and supplies. A helicopter was dispatched to pick up the pair and fly them to a hospital in Moosonee, where they were treated for minor injuries.

The satellite which picked up the canoeists' distress signal, launched from Vandenberg Air Force Base in California last March 28, is part of an international program known as COSPAS/SARSAT—search and rescue satellite aided tracking. Other participants in the program include Canada, France, and the Soviet Union. The Soviets have two search and rescue equipped satellites in orbit. The satellites receive distress signals from planes and ships and relay them to stations on the ground where officials detect and locate the accident and dispatch rescue forces.

This rescue of the two Canadians marks the first time the American satellite has been instrumental in a rescue. This rescue was among six recent incidents in which 10 lives have been saved through the use of these satellites. These 10 bring to 58 the number of people who have been saved since the international program in September 1982 made satellite-aided rescues possible.

I am greatly pleased by their achievement. It is a tribute to our commitment to the peaceful use of outer space and also to our continued efforts to achieve international participation and cooperation in space applications.●

A TRIUMPH FOR THE VOICE OF AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. MICHEL. Mr. Speaker, when we debated the resolution condemning the Soviet Union for shooting down the Korean airliner, I pointed out that one way of hurting the Soviet Union would be to make our international broadcasting stations—the Voice of America and Radio Free Europe and Radio Liberty—the best and most technically advanced in the world.

We have recently had definitive proof of the value of the Voice of America (VOA). On Saturday, September 24, 1983, President Reagan delivered an address carried live on the Voice of America and beamed to the Soviet Union. We have no way of knowing as yet what effect that broadcast has had, but we do know that the Soviet press agency TASS, a government agency like every other communications institutions in the U.S.S.R., has denounced the broadcast. What better proof do we need that at least some Russian listeners heard the broadcast—or, in any event, that the Soviet rulers heard it and thought enough about it to blast it? Can you imagine any American President ever taking the time and energy to condemn a broadcast made over Radio Moscow to the United States? The rulers in the Kremlin know that even if a relative handful of Soviet citizens heard that broadcast, the seeds of doubt are planted concerning the officials' lies of the Politburo concerning the airliner.

As long as we can send the truth to the Soviet Union, the Soviet rulers always have to think twice about what they say. They spend more on electronically jamming our broadcasts than we spend on our entire international broadcasting operation. The Voice of America and Radio Free Europe and Radio Liberty are worth three divisions of troops—at least.

At this point, I wish to insert in the RECORD, "Soviet Denounces Reagan's Address" from the New York Times, Monday, September 26, 1983.

SOVIET DENOUNCES REAGAN'S ADDRESS

(By Serge Schmemann)

Moscow, Sept. 25.—The Soviet press agency Tass today denounced President Reagan's Voice of America broadcast as a "fresh demagogic speech" and a "propaganda performance" designed to camouflage the militaristic course of his Administration.

"President Reagan was trying to assure that he wishes a dialogue with the Soviet Union," Tass said. "But what is the real worth of these hypocritical statements when the whole world sees that Washington's present policy is aimed not at a dialogue, but at a confrontation with the U.S.S.R., at aggravating the international situation?"

Western diplomats said that the Tass reaction followed generally predictable lines, given the normally strident attacks on President Reagan in the Soviet press and the fact that Tass has already denounced the arms proposals that the President plans to announce Monday at the United Nations.

In his address on Saturday, which was carried live by the Voice of America in several languages, Mr. Reagan appealed to the Soviet people to "please understand" why there has been an international outcry over the Soviet Union's destruction of a South Korean commercial jet Sept. 1 with the loss of 269 lives. The President also spoke of his personal commitment to achieving agreement on disarmament.

ATTACK CENTERS ON PRESIDENT

The President, however, gave no details of his new proposals, and Tass accordingly directed its attack more at Mr. Reagan than at his new offers.

There was little immediate indication of what impact Mr. Reagan's speech may have had among Soviet people. The Voice of America's Russian-language broadcasts are jammed in many areas of the Soviet Union, although Russians eager to follow the news have learned to tune in after midnight, when the signal is strongest.

There was no advance notice, however, that Mr. Reagan was planning to speak, so Russians who do not routinely listen probably missed the speech.

In addition, public discussion of the speech was not likely, because those who do regularly listen to the station are usually reluctant to broadcast the fact in public.

In several instances, Tass claimed to be speaking for the Soviet people in attacking the speech. Commenting on Mr. Reagan's positions on the Geneva negotiations on medium-range missiles, for example, Tass said "the President hopes in vain that the world public is uninformed about the real state of things."

CALCULATION BUILT ON SAND

"This calculation is particularly clearly built on sand as far as the Soviet people are concerned," the agency continued. "The latter are well informed about the contents of both Soviet and American proposals."

Tass also said that "Soviet people are fully and correctly informed about the actual circumstances in connection with the intrusion of the South Korean plane into the U.S.S.R.'s airspace." Tass added: "But the Americans have not heard a truthful statement from the President."

Tass said there has not been a "grain of truth" in Mr. Reagan's claims that he is trying to achieve progress in the Geneva talks on medium-range weapons. His only goal, Tass said, was to "insure, whatever the cost, the deployment of new American medium-range missiles in Western Europe."

NATO plans to deploy 572 new medium-range nuclear missiles in Europe, starting in December, unless the Americans and Russians can agree in Geneva.

Tass said the President had "pretentiously" called his address an "appeal to all people," and cited the secrecy surrounding the broadcast and its broad dissemination as evidence that it had been "conceived as a propaganda performance on an international scale."●

SECRETARY WATT IS THE FIRST SECRETARY OF INTERIOR TO STAND UP FOR HANDICAPPED RIGHTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I find it incredible that the very people who are criticizing Secretary James Watt for his unfortunate remark about the makeup of his coal commission are the same people who last year fought tooth and nail to con-

tinue to exclude the handicapped of this Nation from our beautiful 80 million acres of wilderness.

Last year, with support from the Department of the Interior and handicapped Americans, I introduced an amendment to allow motorized access by handicapped Americans into wilderness areas where roads existed. Members of the Interior Committee who evidently care little or nothing about the handicapped fought Secretary Watt's and my initiative, claiming that the amendment was not proper, and that those handicapped and aged Americans who "really wanted" to go to our wilderness areas would go despite their physical handicaps. The problem is a significant one that continues to go unaddressed, despite Secretary Watt's leadership on the issue. It seems that Secretary Watt's critics are more interested in what he says than what he does. I grew up to look at actions, not words. With that in mind, I intend to introduce in the very near future legislation which I am sure will enjoy the administration's support to make accessible this Nation's wilderness areas for all the public, not just the young and healthy. I will take names at the time, Mr. Speaker, and judge by the actions of Mr. Watt's detractors. I have learned it does little to pay attention to their words.

Thank you, Mr. Speaker.●

A KOREAN AMERICAN VIEW OF THE KAL INCIDENT

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Ms. FIEDLER. Mr. Speaker, on Friday, September 16, I took part in hearings conducted by the Republican study committee, to examine the causes and implications of the recent Soviet action in shooting down a civilian passenger plane, KAL flight No. 007. One of the many distinguished witnesses, Dr. Kyo Ryoon Jhin, vice chairman of the League of Korean Americans, made a very moving statement in representation of the Korean-American community in the United States. I am reproducing the statement below although the written text does little justice to his spoken words.

The longshoremen Mr. Jhin mentions in his statement are, I might say, in my district in California. Read what Mr. Jhin had to say.

Mr. Chairman, members of the committee and my distinguished colleagues, on behalf of the chairman, William H. S. Lee, of the League of Korean Americans and 700,000 Korean Americans, I appreciate the opportunity to denounce the Soviet Union's Korean airline massacre of 269 innocent people on August 31, 1983. The League of Korean Americans is a nonprofit civic organization of Americans of Korean ethnic background. We had, of course, many friends aboard, and the Soviet atrocity was a cruel blow to a major means of communication between our members' native and adopted countries.

In addition to accepting for ourselves the sympathy of our friends at our losses, we wish to offer to the families and friends of Congressman Larry McDonald and 60 other Americans who were murdered by the Soviet Union, our profound feelings of sympathy and our prayers.

According to the Soviet Foreign Minister, they will do it again under similar circumstances. The Korean airline massacre was a violation of human rights of 269 people and the world. This proves once again, the Soviet system disregards the value of human lives. We cannot believe such barbaric murder took place in this civilized world. No, it did not happen in the civilized world; it happened under the uncivilized Soviet regime.

According to the Asahi newspaper in Tokyo, Japanese military sources said the following sequence of words in Russian were overheard:

Airline light is burning.
Take aim at the target.
Aim Taken.
Fire.
Fired.
The target is destroyed.

Is this peace loving? Is this for the brotherhood of mankind? This is the real evidence of the Soviet Union's policy. They are clearly not for peace loving and neither for the brotherhood of mankind. They are murderers. They are for atrocity. Peace-loving people around the world must be united to condemn the Soviet atrocity. We must do everything in our power to prevent future Soviet atrocity. We must speak out for freedom for those who are in the concentration camps in the Soviet Union and other Communist countries.

In the name of the 269 innocent people who were massacred by the Soviet Union, in the name of civilized peace-loving people everywhere in the world, who deplore the Soviet massacre, we ask our U.S. Government to do everything possible to pressure the Soviet Union to:

1. Give a full and detailed account of what happened on the Korean Airline 007 on August 31, 1983. We demand the truth on this matter.

2. To apologize and compensate for the loss of the 269 lives to the families of those killed and for the aircraft.

3. To punish those responsible for the inhumane murderous act against innocent passengers.

4. To provide access to the crash site for South Korean and international representatives for investigation.

5. To provide credible guarantees against the recurrence of such tragedy.

We call on the International Court of Justice to fully investigate this barbaric act of murder.

Until the Soviet Union carries out the above demands, we call on all men and women of good will everywhere to join us in our protest and impose an economic and trade embargo against the Soviet Union and boycott travel to the U.S.S.R.

We commend the International Federation of Airline Pilot Associations for their call for member national associations to ban all flight to Moscow for 60 days. We also applaud the Governors who have suspended the sale of Vodka in their States. We express our sincere appreciation to longshoremen in California who refused to unload the cargo from the Soviet freighter. We commend a number of governments who canceled visits by Soviet officials, suspended exchange programs with the Soviet Union, and suspended Aroflot landing rights.

We need to become "peace-loving solidarity" united against the Soviet crime. Thank you.●

THE INTERCOLLEGIATE STUDIES INSTITUTE CELEBRATES ITS 30TH ANNIVERSARY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, this year the Intercollegiate Studies Institute (ISI) celebrates its 30th anniversary. I would like to take this opportunity to congratulate ISI for its many years of devotion to, as its motto states, "Educate for Liberty."

A leader of the conservative intellectual movement in America, ISI is dedicated to preserving those ideals that this Nation was founded upon. Since its foundation, ISI has devoted its efforts to educating college students to the political ideas of the conservative cause. We all owe a debt to ISI for promoting lively and fruitful political discourse.

As a trustee of ISI and as one who firmly believes in the purpose of this organization, I am especially proud to commend ISI for its many years of service to the youth of America. I wish the Intercollegiate Studies Institute continued success in its undertakings.●

CONGRESS SHOULD SUPPORT THE IMF LOAN INCREASE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SEIBERLING. Mr. Speaker, after an exhaustive debate, the House recently approved legislation to increase the U.S. contribution to the International Monetary Fund—IMF. Like many Members, I have been deluged with letters and postcards from constituents asking why the United States should continue to support the IMF.

Writing in the Washington Post of September 21, Robert D. Hormats, president of the investment banking firm Goldman, Sachs, & Co., and a senior economic official to the last four administrations, makes the case for U.S. support for the IMF abundantly clear. As Mr. Hormats notes, from 1975 to 1981, U.S. export of goods and services to Third World

countries increased from $40 to $100 billion, creating nearly 1.5 million new jobs in the U.S.

Because of the worldwide recession, many of the heavily indebted developing nations have had to implement austerity policies to reduce their debt. This is particularly true of Latin America. As a result of declining Latin American growth and imports, more than 300,000 U.S. jobs have been lost. Without increased IMF loans, the growth rate of Latin American and other countries will be slowed even further, resulting in the loss of still more American jobs.

Just as important is the political cost we would pay if we withheld funds from the IMF. As Mr. Hormats indicates, the United States, "the same country that spends so much to counter threats to stability in Central America, Africa, and the Middle East must see the lack of wisdom in failure to provide the relatively small sums needed to avoid the conditions that breed instability in this hemisphere and elsewhere in the world."

In sum, Mr. Speaker, the IMF bill is not only sensible foreign policy, it is a jobs bill for American workers. It will create jobs in this country. As Mr. Hormats concludes, "if we are serious about recovery in the United States and reducing unemployment, then we surely cannot fail to support programs to resolve the debt problem, for to do so would jeopardize markets in developing countries that take a larger percentage of our exports than Europe and Japan combined."

The full text of Mr. Hormats' article follows:

[From the Washington Post, Sept. 21, 1983]

THE IMF BILL IS REALLY A JOBS BILL

(By Robert D. Hormats)

Congress has before it a particularly important jobs bill: legislation to increase the resources of the International Monetary Fund. Its fate will significantly affect that of hundreds of thousands of American workers whose jobs depend on exports to developing nations. In fact, because roughly 4 percent of U.S. GNP depends on Third World markets, this legislation, and additional support for the World Bank, must be part of any serious strategy for sustained U.S. recovery.

There is a curious paradox today in Washington. On one hand, strong concerns are raised about problems caused or made worse by high developing-country debt: political unrest abroad, particularly in South America, and large U.S. trade deficits, with the attendant loss of American jobs. On the other hand, there is strong resistance in many quarters to providing adequate resources to the very institutions responsbile for facilitating a smooth resolution of the debt problem—the IMF and World Bank.

So far developing-country debt has not led to the financial crisis many feared. Nor, however, is it close to being resolved. Most high-debt countries continue to recognize the need to reduce the gap between debt and their ability to service it and to overcome structural problems that weaken economic competitiveness. But high world interest rates, slow recovery in many industrialized countries, trade barriers and commodity subsidies that impede developing-country exports, and the cost and scarcity of new loans are placing a heavy burden on these countries.

Factories in a number of high-debt developing countries are already beginning to fall into disuse and disrepair because of the lack of funds to import necessary spare parts and raw materials. Budget restraints force cuts in health, nutrition and education programs; this hurts people already suffering from depressed economic growth and high unemployment. And investment in new productive capacity is being postponed.

These factors are generating intense social and political pressures. Most developing nations have high rates of population growth, no unemployment benefits and only recently established political systems. Long periods of economic decline, high unemployment and cuts in social programs cause severe hardship. The potential for instability is enormous. Even relatively localized dissidents, whose objectives are primarily political or parochial, can magnify their influence by playing on economic discontent. Such discontent has surely strengthened the forces that are causing the U.S. concern in Central America. It would be considerably more alarming if economic problems encouraged, and strengthened support for, extremists of the right and left in the larger countries of the hemisphere.

But the economic plight of developing countries does not affect their citizens alone. From 1975 to 1981, U.S. exports of goods and services to Third World countries increased from $40 billion to almost $100 billion—creating approximately 1.5 million new jobs in this country. Altogether in 1981 nearly 2.5 million American jobs depended on exports to developing areas.

As developing nations have pursued austerity policies to reduce debt, their imports have fallen dramatically. This is particularly true for Latin America—the largest developing-area market for U.S. products and the region with the largest debt burden. In 1982 exports to Argentina fell by roughly 40 percent, to Mexico and Chile by about 35 percent, to Brazil by 10 percent. 1983 has seen a further fall. More than 300,000 U.S. jobs have been lost as a result of declines in Latin American growth and imports. This has had a particularly adverse effect on U.S. firms that produce capital goods (e.g., tractors and machinery) and industrial supplies (e.g. metals and chemicals) and on American farmers.

Next week's annual meeting of the IMF and World Bank will need to address the debt situation with a sense of urgency. Declines in growth by causing a trade surplus, improve the ability of countries to service their debt but reduce public support for doing so. Most developing countries seem prepared to accept austerity and net outflows of capital for a limited time in order to repay at least a portion of their debt. They bear such costs in part to maintain access to foreign private and government-supported financing, in part to avoid the trade disruptions that would follow debt repudiation, and in part because they expect that after a reasonable time austerity can be eased and capital inflows will resume.

But if heavily indebted countries suffer prolonged net capital outflows, if their access to foreign markets and borrowing from commercial banks and government institutions is frustrated, and if their economies continue to decline, the debt issue will become increasingly politicized within and among them. Pressures will grow for unilateral (as opposed to negotiated) measures, including various types of moratoriums.

Healthy world recovery would, of course, considerably improve the outlook. But this cannot be counted on. And even a relatively strong recovery would not eliminate certain structrual problems. Moreover, resolution of the debt problem itself will be an important component in ensuring sustained recovery in the industrialized countries. Therefore a focused set of measures to address the debt issue specifically is needed.

The IMF and World Bank must be given increased resources if they are to help facilitate resolution of the debt problem without political instability or sharp reductions in growth. An increase in their funds is not, of course, the whole answer. But, if effectively utilized, such increases can help ease the debt burden and in so doing create the incentives to encourage: a) continuation of adjustment efforts and repayment of debt; b) prudent increases in commercial bank lending; and c) willingness to reconcile differences through negotiation between borrowers and lenders.

The most urgent requirement is passage of legislation, without inappropriate encumbrances, to provide the U.S. share of recently agreed increases in IMF quotas and in the General Arrangements to Borrow (an IMF "backup fund"). Unless the IMF has additional resources it will be unable to meet new requirements to support adjustment measures. High-debt countries unable to obtain IMF support will suffer a further sharp reduction in growth. New commercial bank lending will decline. Political stability will suffer a serious blow as will American trade.

In a very real sense, in addition to being important to avoid unrest in this hemisphere, this is a "jobs bill"—which will improve export prospects for U.S. industries still suffering from high unemployment. An increase in IMF Special Drawing Rights to bolster depleted foreign exchange reserves would also add a margin for growth and trade. And, toward these same ends, industrialized countries should agree to facilitate IMF borrowing in their markets in the event that becomes necessary to augment its liquidity.

Additional development assistance through the World Bank—and more co-financing between it and commercial banks—is needed to help high-debt countries to strengthen the productive sectors of their economies, reorient production away from import substitution, and improve opportunities for private investment. World Bank funds are also critically needed to address social and human needs.

The World Bank also should be permitted to accelerate lending for spare parts, industrial supplies and new equipment to overcome stagnation in key sectors. And it should be encouraged to develop new arrangements—perhaps even a new facility—that permits it to guarantee a portion of new commercial bank loans to supplement World Bank lending. Finally, and of greatest importance to the poorest nations, it is vital that there be a large replenishment of the International Development Association, the World Bank's soft loan window. These funds are vital to the low-income peoples of Africa and South Asia, and also free up somewhat higher cost funds for the Western Hemisphere.

While Congress and the administration must clearly make budgetary trade-offs, and

the choices are particularly hard in light of pressures to cut the budget deficit—which in my judgment is the key to sustained U.S. and world recovery—it would be wrong to believe that funds could be withheld from the IMF or World Bank without a major cost to the United States. The same country that spends so much to counter threats to stability in Central America, Africa and the Middle East must see the lack of wisdom in failure to provide the relatively small sums needed to avoid the conditions that breed instability in this hemisphere and elsewhere in the world. And, if we are serious about recovery in the United States and reducing unemployment, then we surely cannot fail to support programs to resolve the debt problem, for to do so would jeopardize markets in developing countries that take a larger percentage of our exports than Europe and Japan combined.●

RATE OF POPULATION GROWTH STILL RISING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BROWN of California. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article which appeared in the Baltimore Sun concerning the problems of global overpopulation. This is a problem which we all have been alerted to through study after study. Recently, the Census Bureau announced that last year, the world experienced its largest 12-month period of population growth in recorded history.

Runaway population growth is a problem we can no longer afford to ignore. As we have witnessed in so many countries, overcrowding and the resulting competition for resources can result in poor maternal and child health, increased hunger, economic decline, overuse and destruction of natural resources, reduced purchasing power of foreign countries for American goods, political unrest and increased migration to the United States.

I firmly believe that the path to reducing the internal strife many countries are currently experiencing and the resulting international repercussions, begins with reducing their economic hardships and impoverished living conditions. Without a conscious focus on curbing the high rate of population growth, this goal cannot be obtained.

The following article was written by Werner Fornos, president of the Population Institute and the Population Action Council, the largest private grassroots organization dedicated to increasing public awareness of the world's constantly growing population and maintaining the balance of population with the Earth's resources.

[From the Baltimore Sun, Sept. 8, 1983]

TOO MANY PEOPLE

(By Werner Fornos)

WASHINGTON.—The Census Bureau released figures last week showing that through mid-June the world experienced its largest 12-month period of population growth in history—an increase of 82 million.

Even more disturbing is the insidious adjunct: of the 24 most populous countries, a dozen are projected, by the authoritative Population Reference Bureau, to double their population within 35 years.

The list included Bangladesh, Pakistan, Nigeria, Egypt, Iran and Vietnam—each expected to have twice its current number of people within 25 years or less—as well as India, Brazil, Mexico, the Philippines, Turkey and Burma. The combined population of these 12 countries is more than 1.4 billion. If the projections hold up, within 35 years their cumulative population will be nearly 3 billion—a size equal to all the people in the world in 1960.

Most of these countries already have severe problems in feeding, educating and employing their present populations. The prospect of providing even basic services to double the number of people they are presently struggling to accommodate, within the next 25 to 35 years, is a Malthusian nightmare. While there may be academic arguments as to whether or not overpopulation is the root cause of abject poverty and human misery, there can be no question that rampant population growth exacerbates these conditions.

Virtually all of these 12 countries, recognizing that their demographic growth vastly reduces, or totally eliminates, their development gains, have instituted policies and programs aimed at stabilizing the populations. But the poorer countries simply cannot succeed in this formidable task unless there is substantial assistance from external sources.

The World Fertility Survey provides convincing evidence that such assistance is wanted as well as needed by as many as 400 million couples in the developing world. Demographers have projected that if 50 percent of these couples can be provided with family planning information, education and services by 1990, world population will stabilize eventually at 8 billion rather than at 10 billion or more.

The United States has been the leader in providing population assistance and family planning services to the developing world over the past 20 years and currently budgets $211 million for this purpose. When Congress reconvenes next month, it will consider the annual foreign aid bill containing the funding for international population assistance. That figure must be substantially increased if the aspirations for a better quality of life for millions of people in the developing world—where 92 percent of the world's population growth is anticipated to occur between now and the end of the century—are to be realized.●

LOUIS L. GOLDSTEIN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am honored today to pay tribute to one of Maryland's greatest public servants, Louis L. Goldstein.

This man has been serving Maryland with an outstanding commitment to excellence and a sincere dedication to people for 45 years. He embodies the very best that Maryland has to offer, from his warm personality to his keen mind to his incomparable native accent.

For the past 25 years, he has combined sound financial management with sensitivity to human needs in his role as State comptroller. Before that, he served for 16 years in Maryland's Legislature, including 4 years as senate majority leader and 4 years as president of the senate. He interrupted his legislative career to enlist in the Marine Corps in World War II, risking his life in the service of his country.

I could bore my colleagues with praise of Louis Goldstein's countless professional contributions. Most men would not have had time for anything else. However, Louis Goldstein has made numerous contributions to the community outside of his political career. He is a charter member of his county's Lions Club and volunteer fire department. He is an active member and board member of charitable, educational, conservationist, and veterans organizations.

Most remarkably of all, Louis Goldstein has maintained the same standard of excellence in all of his activities. This has been recognized by groups of all kinds from all corners of the State: business groups as well as labor; charitable as well as professional; educational, conservationist, veteran, and cultural groups alike.

Of course, anyone could say these things just by reading his biography. Louis' most impressive qualities can only be experienced in person. Wherever I go in my district, and I go to everything, Louis Goldstein is also there, with the same twinkle in his eye, the same sparkle in his smile, and the same fire in his heart, never fatigued and withheld from no one.●

U.S. LATIN POLICY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. LAGOMARSINO. Mr. Speaker, an interesting commentary in the New York Times September 1 by Mort Zuckerman presents a thoughtful analysis of U.S. policy in Central America. It describes the interrelationship of the U.S. approach toward seeking economic and social change, democratic reform, regional negotiations, and military security. The commentary gives an objective appraisal of the role of U.S. military support in the region, and I hope my colleagues will

review carefully Mr. Zuckerman's comments.

ON U.S. LATIN POLICY

(By Mortimer B. Zuckerman)

Because of enormous public confusion over the United States' involvement in Central America, I recently visited the region with a delegation of Congressmen to see it first-hand. I went holding political views of El Salvador and Nicaragua shared by many liberals and centrists in our nation. I returned impressed with the effectiveness of United States policy and convinced that we need to be involved.

I had thought that in El Salvador we were engaged in wrong-headed and dangerous military action on behalf of a repressive Government, and that Washington had failed to address economic and political grievances built up after decades of injustice. I went with the impression that the guerrillas seemed to have won popular support for their efforts to revolutionize the political system. My instinct was that this was only an internal struggle, not an East-West competition, and that once again we were backing the wrong side for the wrong reason.

But I returned home with the sense that United States military support was critical for physical security in the countryside, which, in turn, is necessary to guarantee ordinary Salvadorans' ability to make free choices. I also concluded that our military support is essential if we are to persuade the Salvadoran Government to democratize the political process and implement a program of agrarian reform and economic development. The guerrillas seem to have no larger a popular base than the Government does: Both sides command support with guns.

In Nicaragua, the Sandinista revolution carried the hope for a better and freer life after the feudal tyranny of the United States-supported Somoza regime. Yet what I found was a Government busily consolidating a left-wing totalitarian state internally, and aggressively involved in attempting to overthrow its neighbors. It is the pressure of the United States-backed threat of a military confrontation that has produced the Sandinistas' first clear willingness to negotiate a genuine agreement not to destabilize their neighbors.

In El Salvador, the masses have not been angered to the point of large-scale popular uprisings like those in Nicaragua or Cuba. No popular revolt accompanied the guerrillas' "final" offensive in 1980-81, and last year's election showed that at least two-thirds of the people objected to being "liberated" by the revolutionary left. The guerrillas do not appear to have widespread popular support. In this situation, a military solution to control an insurgency is feasible.

To this end, the United States is training and equipping the Salvadoran Army for infantry and small-unit tactics and keeping the soldiers in the field to engage, harass and exhaust the guerrillas. We will have trained about 50 percent of the officers and noncommissioned officers by the end of 1983 in an effort to substitute effective combat leaders for those appointed for political loyalty. As a result, the Army has improved its morale and field performance and engaged in its most sustained and aggressive campaign. It has captured the momentum, and substantial military control in much of the eastern provinces, particularly in San Vicente and Usulután. The rebels have withdrawn to remote areas, have not counter-attacked, have limited themselves to hit-and-run attacks and appear to have increasing logistical and manpower problems.

In San Vicente, the Government has coordinated its military presence with programs in health, education, agriculture, transportation and reconstruction to retain the area's loyalty after the army leaves. This is a phase in an overall National Plan for Reconstruction. The cost of this program has been minimal by United States standards: only $65 million in military aid and $230 million in economic aid. Even the guerrilla political leader Ruben Zamora acknowledged to us that if this aid continues, the rebels can no longer hope to win the war.

The aid program also serves as leverage against the right-wing military. Only the United States can influence it to move away from a feudal political heritage of violence and vigilantism.

The left feeds off the rigidity of the right and military oppression and develops popular support by promising to redistribute the wealth. It also benefits when rightist oligarchies buckle under economic pressures. The best way to diminish popular support for a violent Communist revolution is to open up the political channels and institute agrarian and economic reform. This can take place only when there is no widespread military insurgency.

Our pressure brought about last year's Salvadoran election and this year's negotiations for drafting a new constitution leading to presidential elections in 1984. Elections may be only "one note in the song of democracy," as a Salvadoran clergyman put it, but they represent legitimization of potential civilian control over military and paramilitary forces. Both have perpetrated atrocities that, if allowed to continue will turn the masses implacably hostile. Our pressure is thus necessary on two counts: to prevent an extremist left-wing takeover while pushing the Government toward rights and democracy.

However, no amount of change will end the Salvadoran conflict if Nicaragua, which regionalized the conflict in Central America, continues to fuel it. When they took over, the Sandinistas feared and hated the United States because of its patronage of Anastasio Somoza Debayle and military invasions over the past 130 years. The Sandinista hymn is "We fight against the Yanqui, enemy of humanity." President Jimmy Carter attempted to offset this by extending economic aid and friendship, but the Sandinistas remained convinced that the revolution would be safe from our intervention only if governments similar to their own were installed elsewhere in Central America. The Sandinistas set out to implement their slogan "revolution without boundaries."

In 1980, the Sandinistas, with Cuban advisers, brought the five main guerrilla factions from El Salvador together in Managua, worked out a unity pact, set up joint command and control structures, organized training and logistical support on Nicaraguan soil and provided initial arms supplies. A Salvadoran rebel leader, Mario Aguinada, told us that support for training, logistics and command continues.

In Costa Rica, we were told that the Sandinistas are engaged there in a major propaganda campaign and are encouraging unrest, including infiltration in the northern provinces. The attempt to destabilize Costa Rica, a democracy without an army since 1948, is the clearest indication of Sandinista intentions.

Inside Nicaragua, the Sandinistas began and continued a program of totalitarian consolidation of power. The elements of the broader anti-Somoza coalition were discarded one by one—the Roman Catholic Church, other political parties, the press. The only Jewish community center and synagogue were seized and burned. The Sandinistas built the largest military force in Central America. A Cuban-style pattern, with a widespread Cuban presence, has emerged.

To contain an interventionist Nicaragua, Washington sought—unsuccessfully—negotiations four times to bring about noninterference in neighboring territory and limits on Nicaragua's military buildup and the institutionalization of democratic opposition to create internal brakes on aggression. Rebuffed diplomatically, the United States moved militarily, ordering exercises, including fleet deployment. The Central Intelligence Agency expanded its support of the "contras"—the anti-Government guerrillas that harass the countryside. We continue to train and equip the Honduran Army, which Nicaragua considers its most dangerous regional military adversary. A border shootout in May with Nicaragua brought about full mobilization of the Honduran Army, signaling its participation in any military crisis in the region.

The cumulative military pressure organized by the Reagan Administration has resulted in a major shift in Sandinista policy. In our meetings with the Sandinista leadership, we were told that Nicaragua was prepared to negotiate verifiable nonintervention in neighboring territories, especially El Salvador. This change appeared to be due exclusively to the perception that the United States had been provoked to the point that a military confrontation was possible.

The United States has long supported repressive rightist regimes, sometimes by using our troops. We must develop, an alternative to such regimes—and those of the left—by opening up Latin American political and economic proceses. Our interests are involved because what happens in Nicaragua and El Salvador can affect Mexico or the Panama Canal. Central America is on our strategic doorstep. We cannot remain above the fray.

(Mortimer B. Zuckerman is chairman of The Atlantic Monthly.)●

IMF ESSENTIAL TO USA ECONOMIC WELL-BEING

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. NEAL. Mr. Speaker, I know that some of my colleagues remain unconvinced of the necessity for strengthening the International Monetary Fund. I would recommend that they read a speech made recently to the Economic Club of New York by Anthony M. Solomon, president of the Federal Reserve Bank of New York.

Mr. Solomon, a former Under Secretary of the Treasury, emphasized that a stronger IMF is essential to the economic well-being of the United States and to the survival of stable world trading system.

Frankly, he said,

I find it baffling that there are elements in this country, and especially in our Congress, who can ignore the catastrophic effects that would result from not acting now to make resources available to the IMF quickly . . . It would injure the world trading system and seriously impair the prospects for economic growth, not only in the debtor countries but here and everywhere else.

Mr. Solomon noted that U.S. exports to the developing countries with the most serious debt problems dropped by more than $10 billion last year, costing us nearly 300,000 jobs and $1 billion in profits. "How can it be rational," he asked, "for this country to risk giant price tags like these in the future (by opposing the IMF quota increase)?"

In his speech, Mr. Solomon sought to look beyond the immediate debt crisis and to suggest longer term measures that will be needed to strengthen the developing countries' borrowing and debt management practices. He believes the IMF must assume a broader role as monitor of and advisor to these countries.

But Mr. Solomon emphasized that the most urgent need is for quick action by Congress approving our part of the IMF quota increase. "Some look at the issue entirely in narrow financial terms and conclude that the IMF can squeak by without the quota increase for the time being," he said. "That view is wrong, and it misses the central point. In the absence of clear, unequivocal support for the institution by the United States Government, including the Congress, the Fund will be permanently crippled."

Mr. Speaker, if there is no objection, I would like to have Mr. Solomon's entire speech printed in the RECORD. I commend it to anyone who wants a clear statement of the issues at stake in the IMF debate.

REMARKS BEFORE THE ECONOMIC CLUB OF NEW YORK

(By Anthony M. Solomon)

I feel certain that a great many of you here tonight—and, in fact, thoughtful people throughout the business and financial community—have been following the twists and turns of the LDC debt problem extremely close over the past year or so. The press and other media have provided extensive coverage. And there have been several excellent analyses of how the debt problems came about, both in general and for individual countries. Overall, I conclude that public understanding of the current situation is unusually good, given the enormous complexity of the issues at stake.

What I think is less familiar, and worthy of more attention, is the discussion of what the world will be like after the current emergency is behind us. We all want to feel confident that, when something closer to normal circumstances is restored, we will have built a stronger, more resilient international financial system. No one wants a recurrence of debt disturbances like those of the past year. No one wants prolonged stagnation or inadequate growth in the developing countries of Latin America and elsewhere. That would worsen our own growth prospects and inhibit world trade. And prolonged stagnation—as distinct from the temporary setbacks associated with emergency adjustment programs—would raise a greater danger of serious social and political consequences in a number of the LDCs.

Before discussing the post-emergency period, I must make clear that I'm not complacent about the immediate task of completing the necessary debt restructurings and carrying through basic economic adjustments. We have to make sure we sustain the kind of concerted effort by all the principal participants which has yielded the tentative progress that's been made so far. The borrowing countries, the commercial banks, the governments in the industrial countries, and the International Monetary Fund have all had to make tough decisions and hard compromises. In particular, I think we should respect the painful measures that have already been taken and the sacrifices that have been endured by Mexico and some other countries. Under IMF guidance, these countries have, by any reasonable standard, made impressive efforts to adjust. But more hard work and political will must be marshalled, and more new financing will be required, before anyone can afford to relax.

Obviously, this concerted effort must go forward and must succeed. But make no mistake about it. That can't happen unless the IMF can continue to play the pivotal role it has in binding together the different parts of this effort. And the Fund will be unable to play that role if it's starved of adequate financial resources and political support.

Frankly, I find it baffling that there are elements in this country, and especially in our Congress, who can ignore the catastrophic effects that would result from not acting now to make resources available to the IMF quickly. Without the IMF at the pivot, the whole debt restructuring effort would be undermined, and needed new credits would be blocked. Outright defaults could actually happen. In the longer run, the consequences could also be grave. Debtor countries could be forced into disorderly adjustments that would almost certainly include more protectionist measures, credit controls, price distortions, and severe damage to local private sectors. it would injure the world trading system and seriously impair the prospects for economic growth, not only in the debtor countries but here and everywhere else.

The direct cost to the United States alone would be enormous. Until last year, our exports to LDCs that now have debt servicing problems had been averaging $50 billion a year—almost a quarter of our total exports. Already last year, exports to these countries fell by over $10 billion (more than 20 percent), costing us nearly 300 thousand jobs and $1 billion in profits. How can it be rational for this country to risk giant price tags like these in the future and oppose the quota increase?

I know that there are those who don't see it this way. Some look at the issue entirely in narrow financial terms and conclude that the IMF can squeak by without the quota increase for the time being. That view is wrong, and it misses the central point. In the absence of clear, unequivocal support for the institution by the United States government, including the Congress, the Fund will be permanently crippled.

What's even more baffling is that, among those who would cripple the Fund, there are people who claim to be strong advocates of free markets. What they entirely fail to see is that the IMF, in its efforts to get countries to pursue market-oriented policies and to minimize the hodge-podge of distortions that undermine economic performance, is the best friend that market-oriented people have in the kind of world we live in.

My strong sense is that the misguided opposition to the IMF quota legislation, and the mischievous amendments that undercut it, will not prevail. I believe that ultimately the Congress will support the IMF and act positively to meet the international responsibilities of the United States. It is both in our own immediate and longer term interest.

Suppose that we all do what we need to do in the short term. Then it's worth raising the question of what kind of economic prospects the LDCs, especially in Latin America where the debt burden is greatest, can look forward to in a couple of years when the immediate emergency is behind, but not forgotten. Can they return to rates of economic growth that are reasonably satisfactory and broadly meet their aspirations for achieving social and political progress? I don't want to put specific numbers on this, because growth potential differs from one country to the next. But I am talking about growth rates that would not be too far below the historical experience of most of the countries before the debt problems materialized.

It seems to me that it is certainly not impossible to get that outcome. But we have to face reality. There are going to be continuing constraints that will limit the scope for expansionary policies for some time to come. We can identify ways of easing some of these constraints and softening their impact. And we can be heartened by more optimistic developments lately in the industrial economies, where the prospects for higher growth seem to be improving. But there still must be an extended period in which the heavily indebted LDC governments are going to have very little margin for error.

The most obvious constraint will be with respect to external financing. Conventional commercial bank lending will be much harder to come by. In the first instance, that would limit countries' ability to import. And lower imports, particularly of capital goods, will hamper growth.

The natural question is whether that shortfall can be replaced by greater official assistance from industrial country governments. In my view, that is not likely. While government officials have the will and resources to provide temporary support in a crisis, there really isn't much chance of legislatures going along with increases in long-term official funding in amounts large enough to significantly offset lower commercial bank lending. After all, it was partly because of the difficulty of obtaining official financing that borrowing from banks grew so much in the first place.

Another question is whether the central banks of industrial countries—in particular, the Federal Reserve—should provide large-scale infusions of liquidity so as to ease credit availability for LDCs. Certainly, in a crisis, central banks have a traditional responsibility, as lenders of last resort, to insure stability. But any assistance of that sort must be strictly temporary. Central banks simply cannot be viewed as a source of medium and longer term financing.

So what's left? By process of elimination there are really only two alternatives: Either funds will have to find their way into LDCs through channels other than com-

mercial banks, or borrowing countries will have to run their economies in ways that make them less dependent on external financing. In fact, the LDCs will have to move on both fronts at the same time if they hope to be able to achieve the satisfactory growth rates we are talking about.

Traditionally, direct investment has been an alternative to bank financing. In calmer times, greater direct investment inflows should be an effective source of capital. To be sure, we know that the internal political opposition to direct investment has been strident from time to time in the past and certainly could resurface as soon as the debt emergency starts to fade. Yet, it seems to me that this manifestation of economic nationalism must be challenged and overcome if the LDCs are going to be serious about economic development in a period when new borrowing from commercial banks is constrained.

Improving financial management offers another important way for borrowing countries to cope with the constraints they are going to face. This should especially include efforts to diversify the currency composition of a country's debt. By choice or by necessity, too much of the debt of many LDCs was in dollars. That left them vulnerable to a period of high dollar exchange rates and high dollar interest rates. We calculate that if from 1979 to 1982 developing countries had borrowed currencies in a diversified way—that is, in proportion to their import shares—the LDCs as a group would today be over $30 billion better off. I am not saying that kind of benefit can be repeated in any particular time period in the future. But the clear lesson is that a more balanced and skillfully drawn portfolio of debt is important. Of course, that requires not only a willingness of borrowers to diversify, but equally a willingness of market participants to modify their operations and of the authorities in other industrial countries to allow it.

In addition, both borrowers and lenders have an interest in taking some potentially valuable financial instruments off the drawing board and getting them to market. To take one example, perhaps commercial banks could shift at the margin toward originating loans and then selling them off into a secondary market, where price fluctuations could give useful, early disciplinary signals to borrowers. Or, to take another example, I can visualize variable maturity obligations that offer a constant debt service flow in the face of any unexpected jump in interest rates, a kind of built-in rescheduling. There may also be a place in the market for securities with the equity-like features, on which some part of the total yield to the investor could be calibrated, for instance, to the borrowing country's real GNP or export earnings growth, or some similar measure of economic performance.

Finally, there are a number of tools and techniques that are used by corporate borrowers here but are not yet being used by borrowers in developing countries. Just to give two illustrations, these instruments range from futures contracts to hedge against commodity fluctuations to interest rate swaps that can add another way of gaining fixed rate funding. In a period of restricted access to credit, it is worthwhile developing the expertise and sophistication to take advantage of the array of novel financing tools that are now available.

Innovations like those in the private capital markets would be helpful in ameliorating the financing problem. But I wouldn't want to overstate the role that these mechanisms can play. It will not eliminate the need for major changes and reforms in general economic policies so that dependence on external financing is lastingly reduced.

The way I see it there are three broad areas where policy reform in borrowing countries is called for to reduce dependence on external financing and promote domestic savings. After all, on average, gross domestic savings finance 90 percent of LDC investment.

The first is in the balance of payments area. It seems to me that heavily indebted developing countries have to be resolute in keeping their exports competitive in world markets. First and foremost, this means following realistic exchange rate policies and not letting the domestic currency get out of line. It also means realistic interest rates to deter damaging flight of domestic capital.

The second broad area is reform of government budgeting. To begin with, though it's getting harder for an American to preach to others on the subject, excessively large structural deficits have to be reduced. In addition, LDC governments must have tighter oversight of spending agencies, closer financial monitoring of projects, better and more timely budget numbers, and improved regulatory capabilities over their own financial institutions.

The third broad area is reform of the domestic price system. Every subsidy, every credit allocation scheme, every price distortion has to be tested against the standard of what it costs, both in budgetary terms and in terms of economic efficiency. These are long-standing problems that existed well before the debt crisis. And fixing any of them inevitably pits a government against powerful vested interests at home. But in the aftermath of the debt problem, there may be no alternative to meeting the task head on, because of the huge toll distortions take in limiting productivity and growth.

The governments in the industrial countries and th IMF both have to support LDC efforts to bring about market-oriented reforms and better financial management.

The industrial countries obviously have a major role to play in sustaining growth, in lowering global interest rates by reducing their own government deficits, and in keeping markets open for LDC goods. At the same time they have to open up their financial markets further so that the LDCs can diversify their sources of credit more effectively. They must help create a healthy world environment within which the LDC efforts can pay off.

As for the IMF, its role in managing crises is well recognized and indispensable. But treatment and cure are not enough; it must work harder and more effectively at prevention. What I see as close to being essential is that its surveillance role under more normal circumstances be enhanced. This has two dimensions:

First, the IMF should be assisting countries in improving their financial management. It can help them monitor their debts. It can work with countries to develop financial strategies covering the currency and maturity mix of borrowing as well as the degree of reliance on bank debt, bond finance, direct investment, and so on.

Second, appropriate IMF surveillance should extend well beyond matters of finance. The Fund is not just a lender. It is a force for promoting sensible policies. I believe it should put its weight behind governments which are committed to a transition toward more efficient domestic price, interest rate, and exchange rate policies. And it must reject the argument that the IMF should focus only on a balance of payments target, regardless of how it's achieved.

These broader efforts by the Fund should be an integral part of its regular consultations with all members. We don't want to go back to a situation where the IMF becomes deeply involved only after serious payments disruptions have occurred. That's too late.

Instead, a more continuous relationship would have some important advantages. It would improve the Fund's detailed knowledge of the constraints that regularly confront policymakers in each individual country. And it would provide a type of involvement by the Fund that might head off some of the resentment and occasional hostility that can occur when the IMF is seen as an outsider always prescribing austerity at a time of trouble.

To encourage movement in this general direction, I would go even one step further. It would be worthwhile considering whether access to funding could be made more readily available by the IMF to countries that voluntarily participate in these financial and economic policy reviews should they have a balance of payments need later on.

In summary, we must plan for a world of tighter financial constraints and less margin for error. The approach I am recommending boils down to a combination of stronger market institutions and better market instruments developing alongside better economic policies and stronger financial controls. In my approach, there is no quick fix. There is no single scheme or gimmick that will put things right and allow everybody to go back to business as usual. To the contrary, I feel that those debt reshuffling schemes that you hear about, which look to industrial country governments to pick up existing exposure from the banking system, are fanciful. They would be unjustifiably costly to the taxpayers. And in fact, they would give just the wrong signals, convincing people at home that a government bailout will always be there and whipping up pressures abroad in developing countries to ask for bailouts.

What I am recommending is rooted instead in pragmatism. It basically seeks to build a more resilient system on the best features of what we have now.

And what we have now pivots on the IMF. That is the institution which in practical terms binds the system together and which must play a more comprehensive role in the future. Therefore, the first step toward that kind of system is for the Congress to act quickly and positively on the IMF quota legislation and put to rest doubts about the commitment of the United States to a common sense, multilateral approach to dealing with the world's financial problems.●

NATIONAL FROZEN FOOD DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BROWN of California. Mr. Speaker, in March 1984, the frozen food industry in the United States celebrated its 54th year of helping bring the abundance of American agriculture to the tables of America's con-

sumers. This industry is a native American product, developed in the United States over the years. The farmers who supply the raw products to this industry have been honored often for their important part in feeding both the American population and the world's population. However, we have never honored those in the frozen food industry who help our farmers bring their produce from farm to table.

Today I am introducing a resolution to honor the role of the frozen food industry by declaring that March 6, 1984, be declared "Frozen Food Day." The thousands of frozen food processors, wholesalers, brokers, shippers, and consumers of the industry well deserve the recognition proposed in this resolution. In the State of California alone, there are over 1,000 frozen food processors, 500 frozen food brokers, over 750 wholesale distributors, 100 shippers, and thousands of retailers who are all an important part of the frozen food industry.

March 6, 1984, is being selected because it is the birthday of the frozen food industry. This is the day in 1930 when frozen foods were introduced to the American public. The first offering of frozen foods consisted of 18 meat items, 2 vegetables, and 3 seafood items, and were packaged in cellophane.

These items were not immediately accepted by retailers or consumers. Retail stores had no freezers to store the products and consumers had only the ice cube compartments of their iceboxes for storage. The result was that, in the early years, principal users of frozen foods were large institutional outlets which had the necessary storage facilities.

The pioneers of the frozen food industry quickly realized that for consumers to accept their products, retail grocers had to be persuaded to carry them. So, since the grocers would not buy freezers to store and dispense these new products, the frozen food manufacturers rented cabinets to retailers having faith that consumers would like their frozen products and the retailers would then make the commitment to the storage equipment necessary to bring the foods to consumers at the peak of freshness.

In getting their products into retail outlets, the fledgling frozen food industry had another problem—once their products are in the supermarkets, how could they persuade shoppers to buy more than an immediate supply? There were no homefreezers yet. In 1938, the Deep Freeze Division of Motor Products Corp., began marketing a homefreezer, a simple round container with a cover and a compressor.

At the end of 1938 the total volume of frozen foods produced for the year was 265 million pounds at a value of $68 million. Almost half the tonnage was in fruit.

World War II marked a most-dramatic growth period for the new American frozen food industry. Due to the war, there was a need for canned goods to be shipped to our troops overseas. As a result, there were fewer canned products available. Food rationing recognized this shortage and provided that consumers could obtain frozen foods with fewer ration points than canned foods. Thus, the war effort needs of troops helped to expand the domestic frozen food market. Fewer ration points for frozens meant that more people than ever before tried frozen foods—and they liked what they tasted. As the acceptability of frozen foods became greater, there was an increase in the demand for homefreezers. Department stores began to carry freezers and they were sold door to door as well. One newspaper ad at the time showed one company's homefreezer at $259.

With the end of the war, the American frozen food industry had begun to achieve consumer acceptance and retailer acceptance. Volume increased to where many formerly skeptical companies began to offer frozens as part of their regular product line.

The first complete frozen dinner was offered to consumers shortly after the war. At about the same time, the first self-serve frozen food storage cabinet appeared in retail stores. Always in the past, customers had selected frozen food items from a display case and a store clerk and filled their order from a covered cabinet. During the same period, the moisture-proof pouch was introduced and a whole range of new frozen products including fruit pies, nondairy whipped toppings, french fries and shrimp. Baked goods, frozen dinners, and fruits and vegetables also experienced far wider consumer acceptance.

We think of frozen concentrated citrus juices, orange juice in particular, as always being a part of the frozen food product line. But, the first frozen orange juice concentrate was not available to consumers until late 1949. In 1950, about 25 percent of the Florida orange crop was processed into frozen concentrate to bring to an increasing number of consumers the taste of fresh orange juice.

It was in the late 1940's that the production techniques, handling and shipping equipment began to really bring down the unit cost of frozen products. Fried chicken, bread dough, fish sticks, lemonade, ethnic specialties, lobster, and chicken were but a few of the new frozen products introduced during the period.

Some consumers viewed frozens as inconvenient because of the 30 to 45 minute defrosting time. However, in 1959 we saw the introduction of the first radarrange. The price of the first ranges were about $2,500. The widespread acceptance and use of the product has increased production and reduced prices. In 1961, the volume of frozen foods sold was $3.6 billion compared to $68 million just 21 years earlier.

During the 1960's the growth of our American frozen food industry continued with the introduction of frozen pizza and bagels as well as an ever increasing variety of items. By 1968, 1 out of 3 American homes had a full-sized freezer and the industry continued its upward mobility when Apollo 12 and Skylab crew members took along frozen foods as they orbited the Earth. The growth of the industry has continued unabated bringing to the American people an increasing variety of products all keyed to meet the needs of our changing lifestyles. There are more products packaged for one- and two-person servings. Packaging, production, warehousing, and distribution techniques and equipment have all been improved. Frozen foods today have become an important part of the American way of life.

The frozen food industry is to be congratulated for its contribution to our nutritional health and well-being. Mr. Speaker, I urge all my colleagues to join with me in supporting and cosponsoring the resolution I have introduced today. Let us join together and say thank you and happy birthday to our own frozen food industry.

The text of the resolution follows:

H.J. RES.—

Whereas the United States of America is blessed with an impressive array of agricultural products which make our Nation and its food production and distribution system the envy of the world;

Whereas throughout history one of the primary goals of human effort has been the production of food;

Whereas the farm to city migration created a great demand for food supplies in dense population centers in which such supplies could not be grown;

Whereas the international frozen food industry started in the United States with vegetables, fruit, meat, and fish being first packaged and offered to consumers in 1930;

Whereas between 1935 and 1940 frozen foods were provided to the public on a large scale, and during World War II ration point values posted in stores and carried in newspapers focused public attention on frozen foods;

Whereas frozen food became a meaningful part of the Space Age when Apollo XII astronauts took frozen meals with them and 72 frozen food items were stored on Skylab for a 500 day supply of meals for the crew;

Whereas throughout its history the American frozen food industry has worked closely with producers and has continued research and development for the purpose of seeking better ways to bring the nutrition, quality, and taste of American agricultural products to the American consumer; and

Whereas in March 1984 the frozen food industry in the United States will celebrate its 54th year of service to the American

people and the people of the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the significant contribution which the frozen food industry in the United States has made and continues to make to the nutritional well-being of the American people by enabling them to share in the agricultural abundance of our Nation, March 6, 1984, is hereby designated as "Frozen Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

THE NORTH CAROLINA WILDERNESS ACT OF 1983

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. CLARKE. Mr. Speaker, on Thursday, September 22, 1983, I introduced on behalf of myself and all of my colleagues in the North Carolina House delegation H.R. 3960, the North Carolina Wilderness Act of 1983, which designates approximately 65,000 acres of national forest lands in North Carolina as additional wilderness and releases 114,000 acres for multiple use. Approximately 26,000 acres of the North Carolina national forests will become congressionally designated wilderness study areas if this legislation is adopted.

I believe that this measure is one of the most significant pieces of legislation for the people of North Carolina introduced this session. The timber industry, the conservation groups, and the U.S. Forest Service have all worked together on this effort. If enacted, the North Carolina Wilderness Act will preserve our State's public lands for the present and future enjoyment of our people.

While this legislation adds significantly to North Carolina's wilderness system, it also releases 114,000 acres for multiple use which provides for timber-cutting under Forest Service supervision.

The areas to be included as wilderness are, in the Croatan National Forest: Catfish Lake South, Pocosin, Pond Pine, and Sheep Ridge. In the Uwharrie National Forest the wilderness area is Birkhead Mountains. Wilderness designations in the Pisgah National Forest are: Linville Gorge additions, Middle Prong, and Shining Rock addition. Also to be designated as wilderness in the Nantahala National Forest are: Ellicott Rock additions, Joyce Kilmer additions, and Southern Nantahala.

The legislation also includes as congressionally designated wilderness study areas: Craggy Mountain extension, Harper Creek, and Lost Cove in the Pisgah National Forest, and the Overflow and Snowbird areas in the Nantahala National Forest.

After years of study and discussion, interested parties, groups, organizations, businesses, and individuals have reached a compromise that is reflected in this legislation. It carries out the original recommendations of the U.S. Forest Service for wilderness designation in North Carolina.

Mr. Speaker, it is important that this bill be passed in order to avoid this unnecessary expense and time involved in a RARE III study. The Forest Service has already received instructions to begin another study and preliminary planning is now underway. Eliminating another study will save a lot of taxpayers' money and enable Forest Service personnel to use their time for more productive purposes.

The North Carolina Wilderness Act is vitally important to a lot of people. The timber industry needs this bill passed so that it can be assured of an adequate timber supply for the future. Without this bill the timber industry is threatened with legal action which could interfere with future timber sales on national forest land.

It is also very important to the U.S. Forest Service that this measure be approved. It will provide the Forest Service with clear and concise instructions on management of the national forests in North Carolina. It is also important for conservation and environmental groups, not only in North Carolina but also in the Nation, that certain lands be set aside permanently for preservation. All of these various groups and interests have worked together as a team to solve this problem. I am grateful this is a joint effort.

Mr. Speaker, I look forward to early approval in the House of H.R. 3960, the North Carolina Wilderness Act of 1983.

The text of the bill follows:

Be it enacted by the Senate and House of representatives of the United States of America in Congress assembled, That this Act may be cited as the "North Carolina wilderness Act of 1983".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Uwharrie National Forest, North Carolina, which comprise approximately four thousand seven hundred and ninety acres, as generally depicted on a map entitled "Birkhead Mountains Wilderness—Proposed", dated July 1983, and which shall be known as the Birkhead Mountains Wilderness;

(2) certain land in the Croatan National Forest, North Carolina, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Catfish Lake South Wilderness—Proposed", dated July 1983, and which shall be known as the Catfish Lake South Wilderness;

(3) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand six hundred and eighty acres, as generally depicted on a map entitled "Ellicott Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Ellicott Rock Wilderness as designated by Public Law 93-622;

(4) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand three hundred and eighty acres, as generally depicted on a map entitled "Joyce Kilmer Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Joyce Kilmer Wilderness as designated by Public Law 93-622;

(5) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately three thousand four hundred acres, as generally depicted on a map entitled "Linville Gorge Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Linville Gorge Wilderness as designated by Public Law 88-577;

(6) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately seven thousand nine hundred acres, as generally depicted on a map entitled "Middle Prong Wildernesss—Proposed", dated July 1983, and which shall be known as the Middle Prong Wilderness;

(7) certain lands in the Croatan National Forest, North Carolina, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Pocosin Wilderness—Proposed", dated July 1983, and which shall be known as the Pocosin Wilderness;

(8) certain lands in the Croatan National Forest, North Carolina, which comprise approximately one thousand eight hundred and sixty acres, as generally depicted on a map entitled "Pond Pine Wilderness—Proposed", dated July 1983, and which shall be known as the Pond Pine Wilderness;

(9) certain lands in the Croatan National Forest, North Carolina, which comprise approximately six thousand one hundred and thirty acres, as generally depicted on a map entitled "Sheep Ridge Wilderness—Proposed", dated July 1983, and which shall be known as the Sheep Ridge Wilderness;

(10) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately five thousand one hundred acres, as generally depicted on a map entitled "Shining Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Shining Rock Wilderness as designated by Public Law 88-577; and

(11) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "Southern Nantahala Wilderness—Proposed", dated July 1983, and which shall be known as the Southern Nantahala Wilderness.

SEC. 3. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry and with the Committee on Energy and Natural Resources of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act except that the Secretary of Agriculture may make correction of clerical and typographical errors in each such legal description and map. Each such legal description and map shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of North Carolina and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than North Carolina, such statement shall not be subject to judicial review with respect to national forest system lands in the State of North Carolina;

(2) with respect to the national forest system lands in the State of North Carolina which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands designated as wilderness or for wilderness study by this Act or by previous Acts of Congress, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of North Carolina reviewed in such final environmental statement and not designated as wilderness or for wilderness study by this Act or by previous Acts of Congress, need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of North Carolina for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness—

(1) certain lands in the Pisgah National Forest which comprise approximately seven thousand one hundred and thirty-eight acres, as generally depicted on a map entitled "Harper Creek Wilderness Study Area", dated July 1983, and which shall be known as the Harper Creek Wilderness Study Area;

(2) certain lands in the Pisgah National Forest which comprise approximately five thousand seven hundred and eight acres, as generally depicted on a map entitled "Lost Cove Wilderness Study Area", dated July 1983, and which shall be known as the Lost Cove Wilderness Study Area;

(3) certain lands in the Nantahala National Forest which comprise approximately three thousand two hundred acres, as generally depicted on a map entitled "Overflow Wilderness Study Area", dated July 1983, and which shall be known as the Overflow Wilderness Study Area;

(4) certain lands in the Nantahala National Forest which comprise approximately five thousand four hundred and ninety acres, as generally depicted on a map entitled "Snowbird Wilderness Study Area", dated July 1983, and which shall be known as the Snowbird Wilderness Study Area; and

(5) certain lands in the Pisgah National Forest which comprise approximately one thousand two hundred and eighty acres, as generally depicted on a map entitled "Craggy Mountain Wilderness Study Area Extension", dated July 1983, and which are hereby incorporated in the Craggy Mountain Wilderness Study Area as designated by Public Law 93-622.

The entire Craggy Mountain Wilderness Study Area, including the study area designated by Public Law 93-622 shall be administered in accordance with subsection (b) until the Congress determines otherwise. The Secretary shall submit a report and findings to the President regarding the review under this section, and the President shall submit his recommendations regarding the areas specified in paragraphs (1) through (5) to the Congress of the United States no later than three years after the date of enactment of this Act.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.●

ADDRESS TO THE CENTRAL COALITION ON AGING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SKELTON. Mr. Speaker, last week, I had the priviledge of convening a field hearing of the House Select Committee on Aging in Jefferson City and in Clinton. The topic of the hearing was "The Economic of Aging: A Need for Pre-Retirement Planning." It was most appropriate for this congressional committee to meet in Missouri because our State has one of the largest percentages of senior citizens in the United States. We rank fifth nationally. And in our particular area of Missouri, we find a population that is both elderly and low-income—28 percent of our population is elderly and a total of 70 percent of the population earns less than $4,860 per year according to the pre-1980 Missouri census statistics.

The purpose of the hearing was to learn how we as a nation can become better prepared for old age by planning for changes in our personal finances, housing, nutritional and medical needs, employment, and personal relationships. We were fortunate to hear from five experts on aging who are familiar with the hard facts and figures, and from eight Missouri senior citizens who told us about their own experiences with the expenses of growing older.

I felt the hearing was a great success. Through the thoughtful testimony of our witnesses, we were able to to get a comprehensive picture of the financial problems of those who are living on a fixed income, who are often limited in their physical capabilites, and who in many cases cannot count on help from an extended family.

It was the general conclusion that there has been an overall tendency to underestimate the financial resources necessary to maintain a given lifestyle during retirement years. Many older people have found their housing costs to be a greater percent of their gross income than the national average—which already stands at 38 percent.

Health care costs increase with age. Presently, a couple on social security with medicare deductions and supplemental tie-in insurance will pay about $100 per month. This cost will increase as long as health care costs continue to be the fastest growing component of the Consumer Price Index. They are also threatened by the administration's proposals to shift more of the costs of medicare to the elderly.

Adequate nutrition is a vital part of maintaining health, and food prices are expected to increase as a result of our poor harvests this year.

Transportation is essential for senior citizens, yet ownership and maintenance of an automobile have more than doubled in the last decade. Public transportation is often inconvenient or not available.

And heating their homes may be the most important expense for our seniors to budget for, but rising energy costs make this impossible for many. Soon, the same may be true of telephone rates.

Because of the uncertainty of being able to meet mandatory expenses, older Americans often forgo spending money on clothing, entertainment, and miscellaneous items that could improve their quality of life and mental attitude. Sadly, depression remains a major health risk for the elderly.

After defining the specifics of the economics of aging, what solutions were we able to find? There were several.

First. Education. We tend to think of ourselves as forever young. While it is desirable to maintain a youthful attitude, we must not allow future generations to forget that aging is a daily process that brings with it certain predictable changes in our physical capabilities, employment, family, housing, transportation, and medical needs. We must challenge our children to ask themselves not just "What am I going to do when I grow up?" but also, "How am I going to provide for myself when I grow older?" We should consider offering retirement planning courses in our schools and colleges and encourage the public media to promote this concept as well.

Second. Financial planning. Social security was designed to be one leg of three-legged stool of retirement income. Private pensions and savings or other accumulated assets comprise the other legs. Unfortunately, most people forget to plan for these. Today, 66 percent of senior citizens count on social security for their main source of income. Many employers offer financial planning assistance, but more often than not these programs are aimed at upper- and middle-class groups.

Unfortunately, this leaves a large number of the low-income and poverty levels without education and counseling help. It is these people who need the most help in money management. This is an area where already established public service agencies should pick up the slack. As Mr. Art Terrel, a witness of our hearing, stated:

> It is in reason to calculate that well designed and properly implemented retirement planning programs in pre-retirement can be less costly in prevention than the cure obtained through community charities and government agencies. This is to say nothing about loss of independence, self respect and dignity for those who find themselves needing help.

Third. Improved efficiency of our Nation's retirement income programs, A vast array of social programs, along with billions of dollars in tax credits and income transfers exist for the sole purpose of providing an adequate retirement income. Social security, supplemental security income, medicare, medicaid, the Employees Retirement Income Security Act, the Older Americans Act, the tax credit for the elderly, the tax treatment of pension contributions, individual retirement accounts, the Keogh plan, and the State homestead exemption laws constitute only some of the vehicles through which Federal and State efforts attempt to protect the income security of older Americans.

In all too many instances, however, these efforts work at cross-purposes with one another: Older workers are given incentives to remain on the job under one program, but they are penalized for working under another. Incentives for asset accumulation under tax laws are subverted by overly stringent resource tests in many income assistance programs. In short, many of the programs designed to foster economic independence among the elderly harshly penalize participants for thrift, productivity, responsible budgeting, and receiving assistance from other family members.

No. 4—We must remove obstacles to continued part-time employment past age 65. This will involve changes of attitude in the workplace just as much as changes in Government policy.

And, No. 5—We must encourage diversification of health care services. Public policy should support substitutes to costly hospitalization, including nursing home care, hospice, home care, and adult day care. Additionally, we should develop tax incentives for families which provide care for elderly parents at home.

Because Americans are growing older as a group, the problem of how to provide an adequate income for older Americans will become more difficult to solve with the passage of time. Today, there are about 26 million people over the age of 65 in the Nation; this figure is expected to double by the year 2030. In Missouri, the 65-and-over population grew 15.6 percent during the past decade, while the total population grew only 5.1 percent. Over the next 40 years, Missouri's 65-plus population is expected to increase by another 40 percent. we have no choice but to address the problems of the economics of aging and to approach them with creative solutions for preretirement planning.●

BILINGUAL EDUCATION: MYTHS AND FACTS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. GARCIA. Mr. Speaker, periodically, editorials are printed in major newspapers condemning bilingual education. Most often, as was the case with the recent New York Times editorial, they are fraught with errors, if not downright lies.

Raul Yzaguirre of the National Council of La Raza has brilliantly responded to the Times article outlining the facts which the Times chose to ignore. I recommend the letter to my colleagues.

NATIONAL COUNCIL OF LA RAZA,
Washington, D.C., September 15, 1983.

Mr. MAX FRANKEL,
The New York Times,
New York, N.Y.

DEAR MR. FRANKEL: It was with much astonishment that I read the editorial "Si Quiere Promover English" on September 23, 1983. The editorial is so full of misinformation that it hardly fits into the New York Times tradition of being news that is "fit to print."

The editorial contains many serious factual errors about bilingual education, the current federal bilingual education legislation, the Administration's proposals to amend the Bilingual Act, and the Twentieth Century Fund's recommendations on bilingual education. At best, the editorial staff did not check the facts; at worst, the editorial is a deliberate public slander of bilingual education.

I do not understand why the Times has interpreted bilingual to mean monolingual. For clarification, bilingual programs are those in which two languages, one of which is English, are used for instructional purposes. The only programs funded by the federal government according to the current statute are those which are transitional and have English language components. The majority of these programs rely heavily on English; 64% of bilingual teachers report using English as a language of instruction for 75% or more of the time. English is being strongly promoted under the current legislation. The Reagan Administration's proposals would not help promote English as the Times alleges. Rather these proposals, which are budget cuts thinly cloaked in public policy, would deny desperately needed language services thousands of children. The overwhelming majority of children of limited English proficiency in this country receive absolutely no special instructional help—not bilingual education, not English as a Second Language, not anything. The Reagan proposals would simply add more children to those who receive no help—hardly a way to help children learn English.

It is ironic that while the Times editorial page is advocating that limited English proficient children receive monolingual English Instruction, its Education Section is busily singing the praises of Spanish/English bilingual programs for majority children. It seems that the Times feels that majority children should enjoy the academic and economic benefits of being bilingual, but language minority children should be content with monolingual education—a strategy that has failed Hispanic children for generations.

I am submitting the attached article for publication in the Times as a guest editorial or an opinion piece. The article lists the editorial's most serious errors, and provides factual information which any investigation should have uncovered. Not only does the Times owe its readers an apology for printing a piece of creative fiction in the guise of a carefully and intelligently prepared editorial, its editorial board also has the responsibility to set the record straight. Printing the attached article will help in this endeavor. The information should also help Times' editorial staff prepare a better informed analysis of federal bilingual education policy and the Reagan Administration's initiatives. I will look forward to seeing a retraction of this error-ridden editorial.

Sincerely,

RAUL YZAGUIRRE, *President.*

Enclosure.

"SI QUIERE PROMOVER ENGLISH": A FACTUAL RESPONSE TO THE NEW YORK TIMES

The trouble with editorials on bilingual education is that they tend to more closely resemble creative fiction than carefully pre-

pared, fact-based analyses. The New York Times unfortunately became a part of this tradition with the September 13, 1983 publication of "Si Quiere Promover English." As the title of the editorial suggests, the majority of children enrolled in bilingual education programs are Hispanic—the nation's most undereducated group of children. Bilingual education programs are strongly supported by the Hispanic community as a means of ensuring that Hispanic children become fully literate in English, and master other subjects taught in the schools.

Bilingual education programs are also supported by non-Hispanics; a recent Columbia University survey found that almost two-thirds of non-Hispanics surveyed favored bilingual education programs in the public schools. These people apparently understand something that Times editorial writers do not, namely that bilingual programs use two languages—one of which is English—and that they exist because monolingual programs have failed to educate generations of Hispanic children.

The Times editorial is so full of errors and misleading statements about bilingual education that it demands a factual response. Eleven of the most glaring misstatements are addressed below.

Times Statement: "The trouble with much 'bilingual' education is that it isn't bilingual. Too often it's a program to teach children math, social studies and science in their native language without any genuine effort to help them function in English as soon as possible."

Fact: Research does not support the notion that bilingual programs are actually monolingual in the native language. In fact, the reverse is often true. In most bilingual programs, the preponderance of instruction is in English. The most recent national study of services delivered to limited English proficient children, the 1978 Children's English and Services Study, found that many students in bilingual programs actually receive more hours of structured English instruction that do students in English-only programs. In fact, 64% of all bilingual teachers reported using English as a language of instruction at least 75% of the time.

Times Statement: "That moving children into English instruction is desirable *should* be beyond debate." (emphasis added)

Fact: This is a moot issue. In fact, it is beyond debate, and has been federal policy for quite some time. This provision is part of the federal Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended in 1978) and, according to the law, the only programs eligible to compete for funds are those in which: there is instruction given in, and study of, English, and to the extent necessary to allow a child to achieve competence in the English language, the native language of the children of limited English proficiency. (Sec. 703(a)(4)(A)(i) of Public Law 95-561)

Furthermore, the statute states that the "objective of the program shall be to assist children of limited English proficiency to improve their English language skills." (Sec. 703(a)(4)(B) There is nothing new here; everyone is in agreement that children be fully proficient in English and able to take full advantage of educational opportunities. The Times' implication that advocates of bilingual education disagree misleads the general public.

Times Statement: The "bill the Reagan Administration has submitted to Congress . . . would let local school systems decide how to best achieve the goal. But it would stop requiring that youngsters be taught in their native tongue."

Fact: The editorial writers seem to have confused Title VII of the Elementary and Secondary Education Act—a competitive, categorial funding program—with the Title VI of the Civil Rights Act of 1964, which requires districts to implement programs to meet the unique educational needs of language minority children. Title VII does not require school districts to do anything. The legislation simply defines what sorts of programs are to be implemented by districts that choose to apply for the funds. Not surprisingly, the Bilingual Education Act was created to fund bilingual education programs. Schools are not forced to apply for Title VII money; however, if they choose to compete for funds to implement a bilingual education program, they are expected to comply with the legislation and implement programs using both English and the child's native language. The exact use of each language is left up to the local school districts. This is no different from asking districts that apply for Headstart funds to implement Headstart programs. The Times badly misrepresented the Title VII legislation.

Times Statement: ". . . the proposed law would stop denying Federal aid to districts that choose to immerse them in mostly English studies."

Fact: "Federal aid" is not denied to districts for choosing to immerse students in mostly English studies." First of all, many types of federal aid are given to school districts; Title VII is not only, or anywhere near the largest, source of federal funds for school districts. Funds from Chapter 1 of the Education Consolidation and Improvement Act of 1981 are available for language assistance programs for limited English proficient (LEP) children, and serve far more LEP children than do Title VII funds. Secondly, schools choosing to develop "mostly" English programs are eligible to compete for Title VII funds. The law specifies only that English and the native language be used—it does not specify how much instructional time must be spent in the native language. The only school districts which are ineligible to compete for Title VII funds are those which refuse to use any amount of the children's native language for instruction.

Times Statement: "Flexibility in approach was the clear intent of Congress 15 years ago when it passed the Bilingual Education Act to support any new and imaginative program for non-English speaking students."

Fact: The Times omitted to state that these new and imaginative programs were always to use the child's native language and English. Over the years the Title VII statute has been modified to place greater emphasis on one language—English. The 1974 amendments to Title VII limited the use of the children's native language by specifying that native language was to be used only "to the extent necessary to allow a child to progress effectively through the educational system." The statute was further narrowed in 1978, when use of the native language was to be used only "to the extent necessary to allow a child to achieve competence in the English language." The next three sentences in this paragraph of the Times editorial, presumably examples of changes in Title VII, are actually actions by the Office of Civil Rights and the Supreme Court pursuant to Title VI of the Civil Rights Act of 1964—not Title VII.

Times Statement: The Supreme Court ". . . directed schools to create special programs in foreign languages."

Fact: The Supreme Court, in *Lau* v. *Nichols* stated: "No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation." (414 U.S. at 564-65.)

Times Statement: "In 1975, the civil rights office directed that districts had to develop "bilingual" programs; an all-English program no longer qualified for support.

Fact: In 1975, in the aftermath of the Lau decision, the then Department of Health, Education and Welfare's Office of Civil Rights (OCR) issued guidelines for school districts. These guidelines were for the purpose of helping districts comply with Title VI of the Civil Rights Act and had nothing to do with eligibility for Title VII funding. The guidelines required that districts demonstrate that they were taking affirmative steps to make their educational programs effective in ensuring equal educational opportunity for limited English proficient students. These remedies did not mandate bilingual education—English as a Second Language (ESL) was endorsed as one of five acceptable options at the intermediate and high school level. Although the guidelines did reject reliance solely on English as a Second Language program at the elementary level, they did not require bilingual education. Districts were free to propose and implement other approaches, and the Office of Civil Rights did approve some all-English compliance plans.

Times Statement: "Some teachers in the [bilingual] programs are themselves inadequate in English."

Fact: As many of the recent reports and commissions have stated, some teachers in all sorts of programs are inadequately prepared—hence the move toward teacher competency testing, improved teacher training programs and increased pay to attract better qualified candidates. With respect to federally supported bilingual education programs, the statute defines eligible programs as those using the most qualified available personnel, including only those personnel who are proficient in the language of instruction and in English. Although funded districts promise to comply with this provision, teachers are hired and paid by the local school districts, which vary in their teacher selection and evaluation methods and standards. Far more districts have employed monolingual English speakers as bilingual classroom teachers than have employed limited English proficient teachers. Most often limited English proficient individuals are hired as aides, or as team-teachers responsible only for native language instruction. The hiring of non-bilingual individuals (both English monolinguals and limited English proficient persons) is primarily the result of the shortage of trained bilingual teachers. Teacher training funds were included in Title VI in 1974, in recognition of the need to increase the pool of trained teachers. Research indicates that the majority of teachers using a non-English language for instruction are native English speakers. The 1980-81 Teachers' Language Skills Survey reported that teachers in Title VII programs comprise about 40% of all teachers using a non-English language in instruction. Teachers in Title VII programs are about twice as likely as the total group of teachers using a non-English language to have had formal training in teaching Eng-

lish as a Second Language and teaching content through the non-English language.

Times Statement: "The foreign-language teachers and bilingual managers have developed a vested interest in preserving their enrollments."

Fact: First of all, in current educational jargon, "foreign-language" teachers are those who teach a second language to fluent English speakers. These individuals are usually found in secondary schools teaching French, German, Spanish, Latin, etc. Bilingual teachers have no more vested interest in preserving their enrollments than does a chemistry or Latin teacher. However, unlike the Latin teacher, bilingual teachers are in less danger of losing their jobs if enrollments drop. Certification requirements in most states are such that most elementary school bilingual teachers are fully qualified to teach in non-bilingual classrooms. Furthermore, there is a tremendous nationwide shortage of bilingual teachers, with some districts (such as Houston, Texas) giving salary bonuses for bilingual certification, so jobs in other districts are not hard to find for this group of teachers. Finally, in Title VII projects, the money is not awarded on a per-child, entitlement basis as in Chapter 1. The project is funded for a specific period of time and the district does not lose funds when a child is "mainstreamed."

Times Statement: "A study for the Twentieth Century Fund this year went so far to urge the Federal Government to stop supporting bilingual education. It argued for 'immersion' in English language study and special help in other subjects when needed."

Fact: In fact, the Twentieth Century Fund did not recommend "immersion" programs. The recommendation on bilingual education stated that: the Task Force recommends that federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read, and write English." This recommendation reflects a misunderstanding about federal bilingual education programs whose primary purpose is to help limited English proficient children achieve competency in English (Section 703(a)(4)(A) of the Bilingual Education Act). In fact, Task Force member Dr. Carlos Hortas of Hunter College in New York City dissented from the recommendation, saying: "It is unquestionable that all students must learn to speak, read, and write English in order to function in our society. Nonetheless, bilingual programs in which children are taught in English and in their native language are essential if we are to provide a healthy learning environment for children of limited English ability."

Dr. Hortas further stated that "no bilingual program in the United States promotes another language as a substitute for English. In fact, intensive English instruction is a part of every bilingual program." Furthermore, the Chairman of the Task Force, Dr. Robert Wood, this week sent a clarifying message to hearings on bilingual education conducted by the House of Representatives stating that the Task Force did not advocate "immersion" over bilingual education, and in fact reiterated the value of bilingual education program. Public comments lauding "immersion" have indeed been made by Task Force member Dr. Diane Ratvich, but Dr. Ratvich does not speak for the Task Force, and her recommendations were not stated in the report.

Times Statement: "Far from eliminating bilingual programs, as its critics charge, the [Administration's] bill would make proficiency in English a primary requirement for bilingual teachers, refine the requirements for evaluating bilingual programs, and let school districts decide whether their non-English speakers are best served by "immersion" courses or transitional training in native languages.

Fact: What the Reagan Administration's bill actually proposes is a $43.5 million reduction in funding for a program that is already so underfunded that each year it funds only about half of the applications submitted. The bill also proposes that separate funding for the highly successful bilingual vocational training programs be eliminated. On top of these funding cuts, the Administration would then allow monolingual approaches to compete for the scarce remaining money available for bilingual education. While the bill does not technically eliminate federal assistance for bilingual education, it maims the program by diluting the resoruces. The bill also contains a feature common to other Administration measures; it cosmetically reduces the need by redefining the "truly needy." In this case, the Administration proposes to serve only a small subset of those children who are limited in English proficiency. In addition to failing to note the bill's major provisions, the Times' three claims about the bill's benefits are also misleading:

Proficiency in English is already a primary requirement for bilingual teachers;

The Administration's legislation contains no requirements for evaluating bilingual programs; and

Districts can already decide what approach is best for their students. Only those districts which choose to design bilingual programs and compete for Title VII funds are bound by the requirements that their programs utilize English and the native language.

It is inconceivable that the Times would label this bill as the wisest course for those who hope to promote learning English. It is a wise course only if one if interested in reducing the meager educational opportunities available to limited English proficient children and slashing the resources available to districts which have chosen to implement dual-language programs.●

THE SIMPSON/MAZZOLI IMMIGRATION AND REFORM ACT OF 1983

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. DIXON. Mr. Speaker, an issue of particualr concern in Los Angeles is the Simpson/Mazzoli Immigration and Reform Act of 1983.

Although it is agreed that immigration reform is needed, and that Senator SIMPSON and Representative MAZZOLI have done a commendable job in trying to develop a workable solution, the legislation pending before the House will not accomplish fair and compassionate reform.

I would like to share with my colleagues a statement supported by several religious leaders and organizations under the auspices of the Episcopal Diocese of Los Angeles. Although I do not necessarily embrace all of its recommendations, it properly highlights many of the criticisms voiced by my constituents. These are legitimate concerns which must be considered if the House takes up the Simpson/Mazzoli legislation.

The text of statement follows:

September 16, 1983.

STATEMENT

We, the undersigned religious leaders in the Los Angeles area, convened by Cannon Oliver Garver of the Episcopal Diocese of Los Angeles, are deeply opposed to the possible enactment of the Simpson/Mazzoli Immigration and Reform Act of 1983.

We have a special interest in the outcome of this legislation, since Los Angeles has the largest population of immigrants and refugees, both documented and undocumented, of any city in the United States.

We do not believe that this important legislation has been properly presented for public debate, particularly within the impacted minority communities. While Congressional hearings have been held, representatives of the immigrant and minority groups which will be most affected by this legislation have not been adequately heard.

We believe that immigration reform legislation is needed. However, we are of the view that the Simpson-Mazzoli legislation would be a major step away from achieving this goal. In our judgment, immigration reform must address the following: a broad and humane amnesty proposal under which undocumented immigrants presently living in the United States can qualify; elimination of the massive visa backlogs; humanization of the treatment of undocumented immigrants and applicants for political asylum (including access to essential social services); preservation and expansion of the family reunification programs; and, elimination of the temporary worker programs.

Instead of accomplishing these objectives, we believe that the Simpson/Mazzoli legislation would cause:

1. Massive increases in the importation and inevitable exploitation of temporary workers;

2. Significant increases in the existing back-logs of visa applications;

3. Cut-backs in the already minimal, but essential, due process rights in proceedings before the Immigration and Naturalization Service;

4. An ineffective "amnesty" program which will deny legalization to the great majority of undocumented workers, while creating a massive pool of exploitable "temporary resident" workers, and threatening thousands of immigrant families with mass deportations;

5. Reduction of lawful immigration for family reunification purposes, while increasing lawful immigration opportunities for those of wealth (in our opinion this will simply increase the number of immigrants entering the United States without documents); and

6. Discrimination against minorities and unnecessary hardships for U.S. employers, labor unions and employees, through implementation of the employer sanctions program.

For all of the above reasons, we urge that further Congressional consideration of a comprehensive overhaul of the Immigration and Nationality Act be deferred in this Congress.

We urge your opposition to the Simpson/Mazzoli legislation, and hope that a more humane and comprehensive bill can be prepared for and considered in the next Congress.

Sincerely Yours,

Most Reverend Juan Arzube, Roman Catholic Archdiocese, Los Angeles; Bishop Stanley E. Olson, Pacific Southwest Synod, Lutheran Church in America; Reverend Eugene C. Boutilier, Executive Director, So. California Ecumenical Council; Mark Ridley-Thomas, Exec. Director, Southern Christian Leadership Conference/Los Angeles; Dr. Charles A. Malotte, Executive Pastor, Southern California Region, Christian Church (Disciples of Christ); The Rev. Canon Morris Samuel, Cathedral Congregation, Episcopal Diocese of Los Angeles; Dr. Ignacio Castuera, Los Angeles District Superintendent, United Methodist Church; The Reverend Bryan Jones, Co-Rector, Epiphany Parish, Episcopal Diocese of Los Angeles; Father John D. Noble, Hispanic Commission, Episcopal Diocese of Los Angeles; The Rev. Canon Oliver B. Garver, Jr., Assistant to the Bishop, Episcopal Diocese of Los Angeles; The Rev. Dr. Thomas Kilgore, Jr., Pastor, Second Baptist Church of Los Angeles; President, The Black Agenda; Dr. George Cole, Assoc. Executive, Synod of Southern California & Hawaii, Presbyterian Church, U.S.A.; Dr. Elias Galvan, Executive, Council of Ministries, Pacific Southwest Conference, United Methodist Church; Mardy Olivas, American Bible Society; Dr. Fred P. Register, Conference Minister, Southern California Conference, United Church of Christ; Reverend Norman S. Johnson, Pastor, Greater Faith Baptist Church; and Reverends Philip Zwerling and John Marsh, First Unitarian Church of Los Angeles.●

H.R. 1010

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. HOPKINS. Mr. Speaker, I was not present in the House today, Tuesday, September 27, during consideration and final passage of (H.R. 1010), the Coal Slurry Pipeline Act of 1983. I was attending the funeral of my father-in-law, Lawrence Pennebaker, in Paducah, Ky. Had I been present, I would have voted in favor of this bill.

I am supporting this legislation for several basic reasons. First, and foremost, this bill offers the battered electric consumer real hope for lower utility bills. In some cases the cost of transportation represents as much as 75 percent of the delivered price of a shipment of coal to a utility company. This cost is passed along to the utility's customers in their monthly electric bills. If the coal slurry pipeline can reduce those transportation costs, then I believe Congress has the responsibility to make sure such pipelines can be built.

Nothing speaks plainer than the facts and we have already witnessed the potential of a coal slurry pipeline to reduce transportation costs. Just recently two railroads and a coal slurry pipeline bid on a long-term contract to supply coal to Arkansas Power and Light Co. In announcing its decision to sign a 20 year contract with one of the railroads, Arkansas Power calculated a direct savings of $16.5 billion to its customers as a result of very favorable contract terms. The president of the utility stated that the mere possibility of competition from a slurry pipeline—even one which has not been built yet—was a significant factor in getting the railroads to offer such favorable terms. That is the type of competition which benefits the consumer and that is what is important to me.

Congress has repeatedly declared that reduction of our dangerous dependence on foreign supplies of energy by increasing our production and use of American coal, is a national priority. The coal slurry pipeline is this Congress' opportunity to prove it believes in that priority. A strong and competitive transportation system, consisting of railroads and slurry pipelines, will help the United States develop its coal reserves more quickly and increase this country's energy self-sufficiency.

I think it is important to note that this bill simply gives coal slurry pipelines a chance to compete. It does not place on the taxpayers the burden of paying for the multimillion dollar construction costs of a pipeline. Those companies choosing to build a pipeline will have to find their own capital to finance construction. In this country, competition and private initiative are the very foundation on which we have grown and prospered for the last 200 years. If Congress still believes in these principles we should allow everyone to have the opportunity to compete. This legislation simply gives coal slurry pipelines a chance to prove themselves in the marketplace.

Allegations have been made that the construction of coal slurry pipelines will cause a significant loss of jobs in the railroad industry because the pipelines will take away a large portion of the railroads' profitable coal hauling business. Nothing could be further from the truth and the Arkansas Power and Light deal proves the point once again. A railroad won that contract, not a pipeline. The railroads proved they do not have to lose business to pipelines, just that they will not longer be able to take that business for granted.

Further, coal production is expected to increase substantially over the next several years. According to the Department of Energy, even if all of the proposed coal slurry pipelines were to be built and were to operate at maximum capacity, they still could not transport all of the increase in coal production let alone take away some percentage of the market that railroads already have. In other words, there is room in the coal transportation market for both railroads and slurry pipelines and both ought to have the opportunity to compete.

In conclusion, Mr. Speaker, coal slurry pipelines are an idea whose time has come. The marketplace will ultimately decide whether they are competitive and whether they will survive but the Congress, today, will decide whether they even have a chance to try. Again, had it not been for the extraordinary circumstances of my father-in-law's death, I would have cast my vote in favor of H.R. 1010.●

UNIVERSITY HELPS SAVE A FACTORY FROM DOOM

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SHELBY. Mr. Speaker, in years past, ports and portages provided outlets for the commercial development from which this country prospered. Trade, transportation, finance, and manufacturing all started in or around such openings to the world. Today, with the advent of advanced modern technology and the realization that information is a country's ultimate power source, it is becoming apparant that our universities and colleges are the ports and conduits of future commercial development. Brain power, not river power, is fast rendering our traditional assumptions about commerce obsolete.

In a world that too often forgets the educational roots from which our prosperity is derived, we are sometimes awakened by the sleeping giant of academia. Recent instances have shown that higher education, that bastion of erudite esoterics, has climbed down from its ivory tower of anonymity with an entrepreneurial vengence worthy of any venture capitalist.

Accordingly, I commend to the attention of my colleagues a recent article in the New York Times which outlines just how the University of Alabama has joined in the descent from the tower.

The article follows:

[From the New York Times, Sept. 26, 1983]

UNIVERSITY HELPS SAVE A FACTORY FROM DOOM

(By William E. Schmidt)

TUSCALOOSA, ALA. Sept. 20.—Last fall, the betting among the 200 workers employed at the Rochester Products carburetor plant here was that they would be out of work before Christmas.

The General Motors Corporation said the small factory, which has made replacement carburetors for G.M. cars for 20 years, was

no longer profitable. Even after carrying out $1.5 million worth of cost-cutting measures, G.M. said it would have to trim yet another $500,000 a year from the operating budget of the Rochester Products plant to keep it open.

That is when officials of G.M. and the United Automobile Workers joined community leaders in asking the University of Alabama, the community's largest employer and its dominant institution for help.

The university agreed in January to an experimental program in which it would send its students and faculty into the plant over three years to find ways to streamline operations, cut costs and make the factory more competitive.

In a joint announcement involving the company and the union, the university reported this month that it had already identified $470,000 in annual cost savings that the automobile maker had promised to carry out. In addition, the university said it had projects under review that had the potential of shaving $175,000 more in annual costs.

"What this all means is that this factory is going to stay open," said Tom Gilligan, the plant manager. "It means we're going to be here for a long time."

In fact, company officials said the experiment had been so successful that the company would explore ways to move a new product line to Tuscaloosa.

The proposed savings involve a variety of innovations devised by students and faculty members, ranging from a plan to cut energy costs by recycling ground water through the factory's cooling system to a new electronic surveillance system to reduce security costs.

The plan also involves efforts to use the university and its facilities to involve employees in developing new cost-cutting technology. In one program, Kennedy Jones, a graduate engineering student at the university, is working with plant employees on building and designing an automated packaging system.

In addition, the university has begun offering basic computer courses to plant employees.

Some of the university's projects have been financed by General Motors, which has guaranteed the school $250,000 a year in grants and scholarships to continue its research.

The agreement earlier this year came at a time when unemployment statewide was nearly 16 percent, the highest in the nation.

"In the beginning, a lot of the employees were afraid the whole program was going to cost us some jobs," said Grady Cook, a union official at the factory. "But these students have worked out just fine. The main thing is, the plant is going to stay open."

None of the measures proposed so far will force any reduction in the existing work force.

Since January 75 students and several dozen faculty members, mostly from the College of Engineering and the College of Commerce and Business Administration, have been working at the plant. Many of the students work 20 hours a week and are paid the minimum wage.

Mr. Gilligan says General Motors originally sought the involvement of university officials as part of a larger experiment in how to make small, remote plants more efficient and competitive.

"Quite candidly, the plant was going to be closed anyhow," said Mr. Gilligan. "So here was the perfect opportunity to experiment. And it worked."

When the agreement was announced in January, the plant was described by G.M. as an "applied research facility" and an experimental model for the "factory of the future."

University officials are also delighted with results of the program, which affords students operating experience in an industrial setting.

In one instance, students from the university's home economics department have been using the factory to test the durability of fabrics worn by workers. Meanwhile, student nurses are helping to staff the plant's medical stations.

The program was not without risk for the university. Under the agreement, the university pledged to pay General Motors $500,000 a year for access to the plant. Then any cost savings that the university found would be deducted from the rent.

"If we had failed, at the end of three years we would have ended up owing $1.5 million in rent and the plant would close down anyhow," said Dr. Joab Thomas, the president of the University of Alabama, "not to mention the fact that there would have been an active search committee here at the university looking for my successor."

SUCCESS TO BRING PAYOFF

The early success of the plan will also mean that plant employees each will get back nearly $1,500 that workers had allowed to be deducted from paychecks since Jan. 1 to help pay the costs.

Dr. Thomas said he saw the opportunity to participate in the industrial experiment as one way to put into practice his personal philosophy that higher education can do more to contribute to the economic development of a region.

"In the next five years, I think you'll see an explosion of this kind of activity, and the development a new coalition involving business and universities," said Dr. Thomas, adding that the university had already been approached by other industries.

Local civic officials also raised $75,000 to help get the project off the ground.

"Here was an opportunity for the university to come down from its ivory tower and do something besides write erudite articles that nobody reads," said Dr. J. Barry Mason, a professor in the university's business school and head of the overall cost-savings task force. "What we've set up here can help attract industry and get the area moving again."●

YOU BE PRESIDENT: AFRICA'S PROBLEMS TRANSCEND LEADERS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. AuCOIN. Mr. Speaker, this is the last in a series of six recently published articles on sub-Saharan Africa written by Nicholas D. Kristof, a Rhodes scholar from Yamhill, Oreg.

The article follows:

[From the Oregonian, May 28, 1982]

AFRICA'S PROBLEMS TRANSCEND LEADERS

(By Nicholas D. Kristof)

ACCRA, GHANA.—Suppose for a moment you were president of Ghana. This country, once called the Gold Coast, is rich in natural resources—gold, timber, bauxite and fertile land—yet the economy is stagnant and the people are getting poorer. Your task is to reverse the country's decline. If you fail, you may be deposed and shot.

That is the position in which many leaders of African countries find themselves. Everybody knows the economic and political mire in which these nations are stuck. But the problems all too often are glibly attributed to government incompetence and corruption. The stereotype is of a dictator whose own stupidity, if not that of his countrymen, is responsible for the mess.

What the stereotypes and glib talk fail to portray, however, is the depth of the problem these countries face in modernizing. So consider for a moment what you would do to extricate your country from the mess.

First, a bit of information about your country, Ghana. It is slightly smaller than Oregon and is situated in the bulge of West Africa. Like Oregon, it has beautiful beaches and a population renowned for friendliness.

That is where the similarities cease. The population of Ghana is 12 million, roughly five times that of Oregon. The life expentency is 49 years (compared with 74 in the United States), there are almost 10,000 people for every doctor (570 in the United States) and people consume an average of only 1,980 calories per day (3,580 in the United States). Beggers are everywhere, disease is rampant, and the children with bloated stomachs play naked in the dirt streets.

Shocked by the poverty and suffering, you try to take action. You need more doctors, but you can't afford them. Sending a student abroad for medical training would be far too costly, and no student can afford it on his own. Even opening a medical school in your own country is unfeasible. One study in 1965 found that in the United States the cost to produce one medical school graduate was $19,630; in Senegal the cost was $84,000.

So you forget about the doctors. Latrines would help enormously in the villages, for many diseases are carried in human feces. But latrines are expensive, the villagers are not used to them, and you have no reliable local government to maintain the latrines.

What you really need, you decide, is money so you can afford latrines and doctors and other nice things. But where do you get money? Ghana has gold, bauxite and other minerals, but your interior minister explains that the country doesn't have the proper equipment and technology for exploration and mining. Moreover, the infrastructure is an obstacle: The roads and railroads are poor, so it is difficult to get ore to ports.

Perhaps a foreign investor would supply the capital, you suggest, but you say it timidly because you know how it grates on people to see rich foreigners carry off the country's resources. But the minister of commerce explains icily that no foreign investor would touch Ghana—a succession of coups, the infrastructure problem, the rampant corruption and a hundred other hardships mean you would have to offer so many incentives to a foreign investor that you would get nothing or practically nothing out of the deal.

But agriculture—surely agriculture offers a way out. Ghana once was the world's leading producer of cocoa, and cocoa still provides about 60 percent of export earnings. Cocoa production has fallen steadily for 15 years, the plantations are in terrible shape

and the world cocoa price has fallen in recent years.

You sternly call in your agriculture minister and ask why cocoa production has fallen. "It's very simple," he says "The former governments paid farmers a low price for the cocoa, and then the government sold the cocoa for a high price on the world market and kept the difference. The farmers weren't paid enough and so they have switched to other crops or haven't taken care of their cocoa trees."

"Well, pay them more for cocoa, so the incentive will be restored," you order petulantly, proud of your economic insight. The agriculture minister shakes his head and sighs: "We did raise the price, but now we can't afford to pay them. We have been giving them IOUs this spring, and they're getting desperate for money."

You sink lower in your chair and put your head in your hands for a moment. You ring for your budget officer, who explains that government spending is resulting in enormous deficits and inflation of about 130 percent per year. But where do you cut? Health, education and social spending are already getting minimal amounts. Even defense expenditures amount to only 0.8 percent of the gross national product (the proportion in the United States is 3.1 percent). The problem simply is that you have little money to start with: Taxation doesn't bring in much revenue when the people are poor, and there is little industry.

Finally, consider the other constraints on what you can do. First of all, the country is new and an artificial creation of colonialism, with people split into half a dozen tribes that speak different languages. If you are president, you probably never went to more than a few years of school, and so you are baffled and resentful when sophisticated foreign advisers drop by with their suggestions.

Western governments don't give you much aid, so you turn to the Arab countries, and especially Libya. You know that Col. Moammar Khadafy may be involved in assassination plots abroad, but so was the CIA, and at least Khadafy seems to care for the developing countries. Sure enough, he comes through and sends you 500,000 barrels of oil, free, along with a few military advisers.

Bang! You have just been shot by an ambitious army officer who is staging a coup. You are dead. But thanks for playing this little game.

The problems can seem overwhelming, enough to take your breath away. If governing Oregon is a challenge, then tackling the grinding poverty and stagnant economies of developing countries is far more difficult.

There can still be progress, if not panacea, with time, care and help from industrialized countries. But it is easier to understand why the African countries are doing so poorly when one considers their difficulties. When one is out of the armchair and in the driver's seat, the problems seem greater and the options fewer.●

SOVIET UNION DEFECTOR SAYS SOVIET DESTRUCTION OF KOREAN AIRLINER WAS NO ACCIDENT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. WOLF. Mr. Speaker, as people from around the world continue their outrage at the Soviet Union's shooting down of an unarmed civilian airliner, I would like to share with my colleagues an article by Arkady Shevchenko, the highest ranking Soviet diplomat to defect to the United States, which appeared in the September 19 edition of Newsweek on the Korean Air Lines incident.

IT WAS NO ACCIDENT—A DEFECTOR SAYS MOSCOW'S LEADERS ARE CONVINCED THAT THE WEST'S CLAMOR WILL SUBSIDE

(In 1978, with the help of the CIA, Arkady Shevchenko became the highest-ranking Soviet diplomat to defect to the United States. A protégé of Andrei Gromyko, he had served as under secretary-general at the United Nations and had an insider's view of Soviet policymaking. Shevchenko's thoughts on the 007 affair:)

One of the most sinister aspects of this tragedy is that it was not an accident; it was a natural product of the standard functioning of the Soviet system. But there is more significance to that slaughter in the sky than Moscow's habitual disregard for human life or its obsession with security. It reflects Kremlin certitude that Soviet leaders can emerge relatively unscathed from whatever outrageous behavior they might be contemplating. It recalls to me the boast I heard on so many occasions: that they would "get out of the water dry."

CONSISTENT

They have good reason for their confidence. The recent uproars over Afghanistan, Poland and human-rights violations have subsided rather quickly, and business has resumed almost as usual. While the West wavers, the Soviets are nothing if not consistent. Their arrogance, their tendency to stonewall, to repeat lies and denials is reinforced by their experience, which has taught them that the clamor will cease.

The Soviet air defense is an independent branch of the armed forces headed by a deputy minister of defense. In this particular instance, I assume that the local commander cleared the matter with the main staff of antiaircraft defense in Moscow. It is quite possible that someone there got in touch with political leaders, perhaps even Yuri Andropov. I cannot imagine Andropov overruling the military's desire to end the intrusion. Were he to do so, his position would be seen as fatal weakness.

The Soviets have an almost fanatical preoccupation with loss of face. Furthermore, in the Soviet system bureaucratic information often comes out garbled or just plain wrong so Andropov might have been improperly apprised of the identity of the plane, if he was told beforehand. There is no doubt that there was not enough time to convene a Politburo meeting to review the situation before choosing a course of action. But there is only one body that could approve standing orders under which the tragedy could have occurred: the Politburo.

Soviet response in the KAL incident throws into sharp focus some other important and far-reaching issues pertinent to the nuclear age. Could the Kremlin be as reckless with its nuclear arsenal as it has been in its willingness to use its conventional forces? Is there a conflict of interest between the Soviet political and military leadership? If so, is the military getting the upper hand and turning the Kremlin toward a kind of Bonapartism, as some observers have suggested?

I want to stress that their is no disagreement among the Soviet leaders—either political or military—as far as the Kremlin's ultimate goals. They believe in the inevitable—if eventual—victory of Soviet-style socialism. But I have never heard anyone in the Soviet leadership speculate even privately among trusted comrades about achieving aims through nuclear war.

At present I do not see how military or security men could usurp the party. It is true that the leading troika (Prime Minister Nikolai Tikhonov, Foreign Minister Andrei Gromyko and Defense Minister Dmitry Ustinov) consists of bureaucrats or technocrats, and that their coachman, Andropov, is somewhere between a party functionary and a bureaucrat. The only "true" party man in the leadership, Konstantin Chernenko, is apparently in poor health.

Today's situation in the Kremlin is unique in Soviet history. Traditionally, professional party apparatchiki have been the predominant force. However, the new composition of the top leadership does not constitute a trend, but is merely incidental, the aftereffect of the death or disgrace of other senior party leaders. The party elite, the true ruling class of the U.S.S.R., will not permit this state of affairs to continue for long: any Bonapartist tendency would immediately recall to those high in party ranks the cases of Marshal Georgi Zhukov and Lavrenty Beria, who attempted to put the Army or the security apparatus above the party. Indeed, the party bosses have already begun to rectify the anomaly.

DIALOGUE

Should the United States and the West try to deal with a government with so brutal a mentality? Those who advocate severing all contacts should not forget that the U.S.S.R.'s nuclear and general military potential is equal to or in some respects superior to that of the United States. The Soviet Union and the United States have unprecedented power to exterminate or to save humanity. If we are to avoid cataclysm, it is imperative to maintain a dialogue with the Kremlin. This dreadful affair should not be the spark by which we burn our bridges in Soviet-American relations.

Exchanges between Washington and Moscow must continue, but there is an old and still true lesson in such exchanges that the West must not forget: what the men in the Kremlin understand best is military might, energetic political determination and strength of will. If the West cannot meet the Soviet stance with equal determination, the Kremlin will continue to bully it.●

A LATIN AMERICAN STATESMAN SPEAKS TO THE UNITED STATES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BARNES. Mr. Speaker, the September 3 Miami Herald carried an article by Julio Cesar Turbay Ayala, who was President of Colombia from 1978 to 1982. In his article, President Turbay advances the intriguing idea that the United States, Western Europe, Latin America, and Japan should set up a special multinational aid fund to create the conditions of social peace in Central America. He also suggests that among the conditions that the donors could establish that the proposed recipients would have to meet would be arms reductions, the withdrawal of foreign advisers, and free elections.

I think the idea of making available large-scale economic aid, but only on the condition that the recipients take real steps toward peace, would create a powerful impetus for both peace and development in Central America. As a senior counselor to the Kissinger Commission on Central America, I hope not only my colleagues in the Congress, but also the Commissioners, will give careful consideration to this idea.

The article follows:

SEND AID, NOT WORDS TO CENTRAL AMERICA

(By J. C. Turbay Ayala)

BOGOTA.—More than advice, what Central America needs now is aid—milions of dollars are needed to push through reforms and create real conditions of special peace in Central America and the Caribbean. The United States, together with Latin America, Europe, and Japan, could set up a multinational aid fund aimed at the democratization and well-being of the region.

Faced with the ineptitude and foot-dragging of institutions such as the United Nations and the organization of American States, the benefactors could set the conditions for those nations hoping to benefit from the Multinational Fund. The Fund could, for instance, demand they disarm to the bare limit needed for national defense. It could also require the withdrawal of foreign military advisers and officials, and it should be able to set down the prerequisites for real elections.

Those beneficiaries who comply in good faith with the Funds's conditions would then receive aid in money, technical assistance, and trade facilities to obtain the maximum benefit for their nations.

The Central American crisis dates back several centuries, with colonels in some of the countries replacing each other and, in other countries, generals perpetuating their power. The miserable social conditions prevailing in the region have always been dangerous: the concentration of wealth in the hands of a few and abuse by large foreign companies have fueled the flames of a revolution long in the making. Its manifestation should have surprised no one.

Clearly, such a situation has been craftily and maliciously exploited by enemies of the United States, which is blamed for aiding *de facto* governments. The fact remains that democracy—with the exception of Costa Rica—has not flourished in the region. And the economies of Central America have been steadily worsening and today are in serious crisis.

Despite such a dramatic situation, Central American nations spend a sizeable chunk of their meager earnings on costly arms purchases to try to reestablish the military balance Nicaragua upset with its foreign military aid.

The crisis has now gone beyond the capacity of the Central American nations, who could well become participants in an armed confrontation.

The peace initiative of the Contadora Group—Colombia, Venezuela, Mexico, and Panama—is a praiseworthy and majestic effort of good offices. The Group leaders deserve Latin America's gratitude for their persistent efforts to achieve the kind of peace that eludes their best intentions.

The Multinational Fund is another way out. It would surely bring better results than armed confrontation or maintaining the status quo.

Under such a scheme, an executive committee of the donor countries would play a watchdog role by supervising proper management of the funds. Those nations that did not accept the Fund's conditions would thus—by their own choice—be excluded from the development process and therefore show that they are tied to other forces and nations to obtain ends contrary to peace and democracy.

The lot of the recipient nations meanwhile would visibly improve, while they strengthen their defenses and representative institutions.

I do not believe in temporary remedies, although they can be effective to an extent. Our main concern should be the causes—not the symptoms—of the problems of Central America and the Caribbean. What is needed is a policy of broad outlook and long-range goals.

That is why I envisage a long, intense, and determined struggle against misery, hoarding of capital, illegal seizure of power, and arms buildups.

It would be a serious mistake to carry out such a plan without United States participation. Equally wrong would be to let the Americans go it alone. For a number of reasons, the problem is one that calls for the participation of all democracies.

It is less costly to defend a system than to restore it, so urgency is of the essence. The Central American and Caribbean nations need timely aid and not advice to overcome the engulfing dangers.

These observations and proposals are not guided by self interest. They are not a government's official proposal, but the free opinion of a democrat.

Now that President Reagan has appointed a high-ranking commission to examine the situation in Central America, it is timely to put forth ideas whose force lies in acceptance by the contributing nations and the agreement of the Central Americans.●

THE PRESIDENT AT THE UNITED NATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to commend the President for the tone and frankness of his recent speech before the U.N. General Assembly. I appreciate the spirit in which the President challenged the United Nations as well as the Soviet Union.

President Reagan made it clear that he believes that the United Nations has drifted away from the original role envisioned by its founders. That organization was designed to be a body which condemned violence, stood for certain values, and spoke with the voice of moral authority. Having once served as a member of America's U.N. delegation, I appreciate the President's suggestion that the United Nations should return to the true values of the U.N. Charter. Only by reaffirming these values can that international forum truly serve the cause of peace in this troubled world.

The President also challenged the Soviet Union to match America's flexibility in the international arms reduction area. He took the initiative in the deadlocked intermediate nuclear forces negotiations by unveiling a new U.S. proposal. He offered the Soviets an advantage in European-based medium-range nuclear weapons in exchange for equal global limits on such warheads. Let us hope that the Kremlin will ultimately be more receptive than a Soviet delegate at the United Nations who referred to the new proposal as a "sugar-coated ploy."

I, too, have asked if the downing of the unarmed Korean airliner might reflect the Soviets' concept of truth and international cooperation. How would such an attitude toward international accords affect Soviet compliance with present and future agreements?

I was gratified to learn that international reaction to the positive tone of the President's address was so encouraging. Only by facing the facts and using truth as our guide can the community of nations ever hope to work for our common goal—peace in the world.

With these thoughts in mind, I want to strongly recommend the President's speech to all Members of Congress. It is a message of hope for all of us.

TEXT OF REMARKS BY THE PRESIDENT TO THE 38TH SESSION OF THE U.N. GENERAL ASSEMBLY

Thank you for granting me the honor of speaking today, on this first day of general debate in the 38th Session of the General Assembly. Once again I come before this body preoccupied with peace. Last year I stood in this chamber to address the Special

Session on Disarmament. I have come today to renew my Nation's commitment to peace. I have come to discuss how we can keep faith with the dreams that created this organization.

The United Nations was founded in the aftermath of World War II to protect future generations from the scourge of war, to promote political self-determination and global prosperity, and to strengthen the bonds of civility among nations. The founders sought to replace a world at war with a world of civilized order. They hoped that a world of relentless conflict would give way to a new era, one where freedom from violence prevailed.

Whatever challenges the world was bound to face, the founders intended this body to stand for certain values, even if they could not be enforced, and to condemn violence, even if it could not be stopped. This body was to speak with the voice of moral authority. That was to be its greatest power.

But the awful truth is that the use of violence for political gain has become more, not less, widespread in the last decade. Events of recent weeks have presented new, unwelcome evidence of brutal disregard for life and truth. They have offered unwanted testimony on how divided and dangerous our world is, how quick the recourse to violence.

What has happened to the dreams of the U.N.'s founders?

What has happened to the spirit which created the U.N.?

The answer is clear: Governments got in the way of the dreams of the people. Dreams became issues of East versus West. Hope became political rhetoric. Progress became a search for power and domination. Somewhere, the truth was lost that people don't make war, governments do.

And today in Asia, Africa, Latin America, the Middle East, and the North Pacific, the weapons of war shatter the security of the peoples who live there, endanger the peace of neighbors, and are ever more arenas of confrontation between the great powers. During the past year alone, violent conflicts have occurred in the hills around Beirut, the deserts of Chad and the Western Sahara, in the mountains of El Salvador, the streets of Suriname, the cities and countryside of Afghanistan, the borders of Kampuchea, and the battlefields of Iran and Iraq.

We cannot count on the instinct for survival to protect us against war, despite all the wasted lives and hopes that war produces, it has remained a regular, if horribly costly, means by which nations have sought to settle their disputes or advance their goals.

And the progress in weapons technology has far outstripped the progress toward peace. In modern times, a new, more terrifying element has entered into the calculations—nuclear weapons. A nuclear war cannot be won and must never be fought. I believe that if governments are determined to deter and prevent war, there will not be war. Nothing is more in keeping with the spirit of the U.N. Charter than arms control.

When I spoke before the Second Special Session on Disarmament, I affirmed the United States Government's commitment, and my personal commitment, to reduce nuclear arms, and to negotiate in good faith toward that end.

Today, I reaffirm those commitments. The United States has already reduced the number of its nuclear weapons worldwide and, while replacement of older weapons is unavoidable, we wish to negotiate arms reductions, and to achieve significant, equitable, verifiable arms control agreements. And let me add, we must ensure that world security is not undermined by the further spread of nuclear weapons. Nuclear non-proliferation must not be the forgotten element of the world's arms control agenda.

At the time of my last visit here, I expressed hope that a whole class of weapons systems—the longer-range INF missiles—could be banned from the face of the earth. I believe that to relieve the deep concern of peoples in both Europe and Asia, the time was ripe, for the first time in history, to resolve a security threat exclusively through arms control. I still believe the elimination of these weapons—the zero option—is the best, fairest, most practical solution to this problem. Unfortunately, the Soviet Union declined to accept the total elimination of this class of weapons.

When I was here last, I hoped that the critical Strategic Arms Reduction Talks would focus, and urgently so, on those systems that carry the greatest risk of nuclear war—the fast-flying, accurate intercontinental ballistic missiles which pose a first strike potential. I also hoped the negotiations could reduce by one-half the number of strategic missiles on each side and reduce their warheads by one-third. Again, I was disappointed when the Soviets declined to consider such deep cuts, and refused as well to concentrate on these most dangerous destabilizing weapons.

Despite the rebuffs, the United States has not abandoned and will not abandon the search for meaningful arms control agreements. Last June, I proposed a new approach toward the START negotiations. We did not alter our objective of substantial reductions, but we recognized that there are a variety of ways to achieve this end. During the last round of Geneva talks, we presented a draft treaty which responded to a number of concerns raised by the Soviet Union. We will continue to build upon this initiative.

Similarly, in our negotiations on intermediate-range nuclear forces, when the Soviet leaders adamantly refused to consider the total elimination of these weapons, the United States made a new offer. We proposed, as an interim solution, some equal number on both sides between zero and 572. We recommended the lowest possible level.

Once again, the Soviets refused an equitable solution and proposed instead what might be called a "half zero option"—zero for us, and many hundreds of warheads for them. That is where things stand today, but I still have not given up hope that the Soviet Union will enter into serious negotiations.

We are determined to spare no effort to achieve a sound, equitable and verifiable agreement. For this reason I have given new instructions to Ambassador Nitze in Geneva, telling him to put forward a package of steps designed to advance the negotiations as rapidly as possible. Those initiatives build on the interim framework the United States advanced last March and address concerns that the Soviets have raised at the bargaining table in the past. Specifically:

First, the United States proposes a new initiative on global limits. If the Soviet Union agrees to reductions and limits on a global basis, the United States for its part, will not offset the entire Soviet global missile deployment through U.S. deployments in Europe. We would, of course, retain the right to deploy missiles elsewhere.

Second, the United States is prepared to be more flexible on the content of the current talks. The United States will consider mutually acceptable ways to address the Soviet desire that an agreement should limit aircraft as well as missiles.

Third, the United States will address the mix of missiles that would result from reductions. In the context of reductions to equal levels, we are prepared to reduce the number of Pershing II ballistic missiles as well as ground-launched cruise missiles.

I have decided to put forward these important initiatives after full and extensive consultations with our allies, including personal correspondence I have had with the leaders of the NATO governments and Japan and frequent meetings of the NATO Special Consultative Group. I have also stayed in close touch with other concerned friends and allies. The door to an agreement is open. It is time for the Soviet Union to walk through it.

I want to make an unequivocal pledge to those gathered today in this world arena. The United States seeks and will accept any equitable, verifiable agreement that stabilizes forces at lower levels than currently exist. We are ready to be flexible in our approach, indeed, willing to compromise. We cannot, however, especially in light of recent events, compromise on the necessity of effective verification.

Reactions to the Korean airliner tragedy are a timely reminder of just how different the Soviets' concept of truth and international cooperation is from that of the rest of the world. Evidence abounds that we cannot simply assume that agreements negotiated with the Soviet Union will be fulfilled. We negotiated the Helsinki Final Act, but the promised freedoms have not been provided, and those in the Soviet Union who sought to monitor their fulfillment languish in prison. We negotiated a Biological Weapons Convention, but deadly yellow rain and other toxic agents fall on Hmong villages and Afghan encampments. We have negotiated arms agreements, but the high level of Soviet encoding hides the information needed for their verification. A newly-discovered radar facility and a new ICBM raise serious concerns about Soviet compliance with agreements already negotiated.

Peace cannot be served by pseudo arms control. We need reliable, reciprocal reductions. I call upon the Soviet Union today to reduce the tensions it has heaped on the world in the past few weeks, and to show a firm commitment to peace by coming to the bargaining table with a new understanding of its obligations. I urge it to match our flexibility. If the Soviets sit down at the bargaining table seeking genuine arms reductions, there will be arms reductions. The governments of the West and their people will not be diverted by misinformation and threats. The time has come for the Soviet Union to show proof that it wants arms control in reality, not just in rhetoric.

Meaningful arms control agreements between the U.S. and the Soviet Union would make our world less dangerous; so would a number of confidence-building steps we have already proposed to the Soviet Union.

Arms control requires a spirit beyond narrow national interests. This spirit is a basic pillar on which the U.N. was founded. We seek a return to this spirit. A fundamental step would be a true non-alignment of the United Nations. This would signal a return to the true values of the Charter, including the principle of universality. The members of the United Nations must be

aligned on the side of justice rather than injustice, peace rather than aggression, human dignity rather than subjugation. Any other alignment is beneath the purpose of this great body and destructive of the harmony it seeks. What harms the Charter harms peace.

The founders of the U.N. expected that member nations would behave and vote as individuals, after they had weighed the merits of an issue—rather like a great, global town meeting. The emergence of blocs and the polarization of the U.N. undermine all that this organization initially valued.

We must remember that the non-aligned movement was founded to counter the development of blocs and to promote detente between them. Its founders spoke of the right of smaller countries not to become involved in others' disagreements. Since then, membership in the non-aligned movement has grown dramatically, but not all the new members have shared the founders' commitment to genuine non-alignment. Indeed, client governments of the Soviet Union, who have long since lost their independence, have flocked into the non-aligned movement, and once inside have worked against its true purpose. Pseudo non-alignment is no better than pseudo arms control.

The United States rejects as false and misleading the view of the world as divided between the empires of the East and West. We reject it on factual grounds. The United States does not head any bloc of subservient nations, nor do we desire to. What is called the West is a free alliance of governments, most of whom are democratic and all of whom greatly value their independence. What is called the East is an empire directed from the center which is Moscow.

The United States, today, as in the past, is a champion of freedom and self-determination for all people. We welcome diversity; we support the right of all nations to define and pursue their national goals. We respect their decisions and their sovereignty, asking only that they respect the decisions and sovereignty of others. Just look at the world over the last 30 years, and then decide for yourself whether the United States or the Soviet Union has pursued an expansionist policy.

Today, the United States contributes to peace by supporting collective efforts by the international community. We give our unwavering support to the peacekeeping efforts of this body, as well as other multilateral peacekeeping efforts around the world. The U.N. has a proud history of promoting conciliation and helping keep the peace. Today, U.N. peacekeeping forces or observers are present in Cyprus and Kashmir, on the Golan Heights and in Lebanon.

In addition to our encouragement of international diplomacy, the United States recognizes its responsibilities to use its own influence for peace. From the days when Theodore Roosevelt mediated the Russo-Japanese War in 1905, we have a long and honorable tradition of mediating or dampening conflicts and promoting peaceful solutions. In Lebanon, we, along with France, Italy and the United Kingdom, have worked for a ceasefire, for the withdrawal of all external forces, and for restoration of Lebanon's sovereignty and territorial integrity. In Chad, we have joined others in supporting the recognized government in the face of external aggression. In Central America, as in southern Africa, we are seeking to discourage reliance upon force and to construct a framework for peaceful negotiations. We support a policy to disengage the major powers from Third World conflict.

The U.N. Charter gives an important role to regional organizations in the search for peace. The U.S. efforts in the cause of peace are only one expression of a spirit that also animates others in the world community. The Organization of American States was a pioneer in regional security efforts. In Central America, the members of the Contadora group are striving to lay a foundation for peaceful resolution of that region's problems. In East Asia, the Asian countries have built a framework for peaceful political and economic cooperation that has greatly strengthened the prospects for lasting peace in their region. In Africa, organizations such as the Economic Community of West African States are being forced to provide practical structure in the struggle to realize Africa's potential.

From the beginning, our hope for the United Nations has been that it would reflect the international community at its best. The U.N. at its best can help us transcend fear and violence and can act as an enormous force for peace and prosperity. Working together, we can combat international lawlessness and promote human dignity.

If the governments represented in this chamber want peace as genuinely as their peoples do, we shall find it. We can do so by reasserting the moral authority of the United Nations. In recent weeks, the moral outrage of the world seems to have reawakened.

Out of the billions of people who inhabit this planet, why, some might ask, should the death of several hundred shake the world so profoundly? Why should the death of a mother flying toward a reunion with her family or the death of a scholar heading toward new pursuits of knowledge matter so deeply? Why are nations who lost no citizens in the tragedy so angry?

The reason rests on our assumptions about civilized life and the search for peace. The confidence that allows a mother or a scholar to travel to Asia or Africa or Europe or anywhere else on this planet may be only a small victory in humanity's struggle for peace. Yet what is peace if not the sum of such small victories?

Each stride for peace and every small victory are important for the journey toward a lasting, a larger peace. We have made progress. We have avoided another world war. We have seen an end to the traditional colonial era and the birth of 100 newly-sovereign nations. Even though development remains a formidable challenge, we have witnessed remarkable economic growth among industrialized and developing nations. The U.N. and its affiliates have made important contributions to the quality of life on this planet, such as directly saving countless lives through its refugee and emergency relief programs. These broad achievements, however, have been overshadowed by the problems that weigh so heavily upon us. The problems are old, but it is not too late to commit ourselves to a new beginning, a beginning fresh with the ideals of the U.N. Charter.

Today, at the beginning of this 38th Session, I solemnly pledge my Nation to upholding the original ideals of the United Nations. Our goals are those that guide this very body. Our ends are the same as those of the U.N.'s founders, who sought to replace a world at war with one where the rule of law would prevail, where human rights were honored, where development would blossom, where conflict would give way to freedom from violence.

In 1956, President Dwight Eisenhower made an observation on weaponry and deterrence in a letter to a publisher. He wrote: "When we get to the point, as we one day will, that both aides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of amendments has ended and the human race must conform its actions to this truth or die." He went on to say, ". . . we have already come to the point where safety cannot be assumed by arms alone . . . their usefulness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory . . ."

Distinguished delegates, ladies and gentlemen, as we persevere in the search for a more secure world, we must do everything we can to let diplomacy triumph. Deplomacy, the most honorable of professions, can bring the most blessed of gifts, the gift of peace. If we succeed, the world will find an excitement and accomplishment in peace beyond that which could ever be imagined through violence and war.

I want to leave you today with a message I have often spoken about to the citizens of my own country, especially in times when I have felt they were discouraged and unsure. I say it to you with as much hope and heart as I have said it to my own people. You have the right to dream great dreams. You have the right to seek a better world for your people. And all of us have the responsibility to work for that better world. And, as caring, peaceful peoples, think what a powerful force for good we could be. Distinguished delegates, let us regain the dream the United Nations once dreamed.●

LIBRARY OF CONGRESS STUDY SHOWS JAPANESE CORPORATE TAX MUCH HIGHER THAN U.S. CORPORATE RATE; DISPELS ARGUMENT THAT U.S. CORPORATE TAX RATES ARE TOO HIGH

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. STARK. Mr. Speaker, the Library of Congress is issuing a new report that blows out of the water one of the most harped on themes of supply siders and those who would totally abolish the corporate income tax. This theme, repeated in numerous studies and articles, is that the U.S. corporate tax rate is higher than it is in some other, economically more successful countries—such as Japan—and that therefore we need to reduce, reduce, reduce U.S. corporate taxes.

Well, Mr. Speaker, the Library's report states that when you add together national and subnational taxes, the effective tax rate on manufacturing in Japan is 50.5 percent compared to America's 27.7 percent!

In short, Japan's tax on corporations is about twice the U.S. rate.

Thus bites the dust another reason given for many American companies' failure to compete well with the Japanese.

In a recent book on tax reform, "Inequity and Decline," the authors made the point in passing that Japan's tax code was more or less copied from ours, "before the onset of 'loophole mania' among America's political and business leaders." I asked the Congressional Research Service whether this assertion was accurate, and Jane Gravelle, specialist in industry analysis and finance, economics division, replied that Japanese depreciation practices and other subsidies appear to be similar to the U.S. tax practice of the fifties.

The Library's study, by Ms. Gravelle, adds more proof to the argument that the best thing we could do to improve our economy is get rid of the insane distortions created by President Reagan's 1981 tax bill. We should also get American corporate officers to stop spending so much time trying to create tax loopholes and spend more time making a quality product that can compete with the Japanese.

The Library's study also makes the point that most of these studies on different nations' tax rates tell us little or nothing about why one country grows and another lags. As the study says, "Differential growth rates are, in any case, not related to differential tax levels according to standard growth theories."

Mr. Speaker, I just want to warn future witnesses before the Ways and Means Committee who say Japan has a low tax rate and that we should copy it, that they are in for a load of hard questioning from me.

Copies of the report, "Comparative Corporate Tax Burdens in the United States and Japan and Implications for Relative Economic Growth," September 6, 1983 (Report No. 83-177E), are available from the Library.●

SOBRO SPURS PROGRESS IN THE SOUTH BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. GARCIA. Mr. Speaker, I would like to bring to the attention of my colleagues a continuing success story in the on-going rehabilitation of the South Bronx. The South Bronx Overall Economic Development Corp. (SOBRO), headed by President John T. Patterson, Jr., has made impressive progress toward reversing the tide of economic disinvestment that has plagued this area for many years. SOBRO plays an important role in redeveloping the South Bronx and is a worthy model for other urban areas facing similar challenges.

After a decade of progress, SOBRO President Patterson and Chairman J. Bruce Llewellyn deserve our congratulations. I am including in the RECORD an article which appeared in the most recent edition of Metropolis. The article reports on the many successes of SOBRO and its plans for the near future.

SOBRO SPURS PROGRESS IN THE REDEVELOPMENT OF SOUTH BRONX

SOBRO, newest acronym in New York City's geography, is the nickname for the South Bronx Overall Economic Development Corporation. With a nod to SOHO (South of Houston Street), SBOEDC this spring became SOBRO.

When SOBRO observed its tenth anniversary last December, J. Bruce Llewellyn, its chairman in addition to being chairman of Fedco Foods Corp., noted that the work of the corporation had resulted in $40 million in capital being brought into the South Bronx, the creation of 10,000 new jobs and the retention of another 13,000 jobs in companies that considered moving away but were persuaded to stay.

In addition to manpower training and placement, SOBRO concentrates primarily in three other areas:

Industrial development, including site locations, loan packaging and technical assistance; Commercial revitalization; Community development, which includes technical assistance to community-based organizations.

An example of industrial development activity SOBRO president John T. Patterson, Jr. likes to cite is Cummins-Metropower Inc., a unit of Cummins Engine Co. When the corporation heard that Cummins-Metropower was considering leaving the South Bronx, it contacted Chemical Bank's local managers. Working with them, SOBRO arranged for Cummins-Metropower to buy four acres of in-rem property (land taken by the city for non-payment of taxes) on which was then built a plant large enough to absorb the company's New Jersey operations as well. The result: 40 jobs saved and 150 added.

President Patterson says that these are examples of the role the city's banks have played from the outset. Early funding support came from Bankers Trust, Chemical, Citibank, Manufacturers Hanover and Morgan Guaranty; later Marine Midland became involved. Michael Gill, then a vice president of Bankers Trust, served as the corporation's first chairman, and his bank provided office space free in a branch office located in a building SOBRO subsequently bought. SOBRO's Manpower Training Center on East 148th Street, which has trained more than 5,000 persons to date, is housed in quarters donated by Chemical.

SOBRO's first major commercial revitalization project was the building on Third Avenue formerly occupied by the Hearns department store. Since the store had been an anchor of the South Bronx for decades, SOBRO's leadership was concerned about the vacuum that would be created, mindful of the S. Klein store which has stood empty on Manhattan's 14th Street for many years.

SOBRO, working with Chemical Bank, assisted a group of entrepreneurs that purchased the building and rehabilitated the ground floor to accommodate 18 small store units. The diverse shops now operating employ more people than Hearns did, and SOBRO is working on leasing the upper floors for back office operations of banks or securities firms. Patterson thinks the South Bronx is ideal for back office operations, since it affords low-rental space and accessibility to many modes of transportation within the city and from Westchester and New Jersey.

In October, a second major structure given a new life by SOBRO will open.

The Phillips-Jones Building is a 120,000 square-foot building which was taken by the city for non-payment of taxes, had been vacant since 1976 and was once scheduled for demolition. With $2.5 million in grants from the Federal Economic Development Administration and the Department of Energy, SOBRO bought the building and has converted it into an energy-efficient industrial structure suitable for sub-leasing to light manufacturing firms.

The structure will provide affordable space for business, ac . 350 jobs to the area, put a significant property back on the tax rolls and provide SOBRO with income for other projects and programs. In the words of John Patterson: "It's a whole package of pluses for the city."

SOBRO calls its Commercial Revitalization Program "Shopstreets." Currently, it is helping to rehabilitate five commercial areas that have been losing customers in recent years by providing design and planning services, financial support and technical assistance. Among them are Yankee Village, a $1.4 million reconstruction of East 161st Street near Yankee Stadium; McKinley Square restoration, and a $4.5 million reconstruction program in the shopping area along Third Avenue between 147th and 156th Streets.●

TRIBUTE TO MASARU TSUGAWA

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. AKAKA. Mr. Speaker, it is my sad duty today to have to rise in memory of a dear friend of mine, Masaru Tsugawa, or Masa, who passed away recently. He was a young 73 when he died on September 9, 1983.

Masa was an outstanding engineer whose illustrious career epitomized the best in his profession and spanned a period of 50 years, all but a very short period in Hawaii. One of his major positions was that of chief of the planning and construction division of the building department, city and county of Honolulu. In that capacity, he planned, designed and constructed our Neal Blaisdell Center, a cultural center of our fair city. It is one of the finest centers in our country and consists of a sports arena, an exhibition hall, and a concert hall whose acoustics are second to none.

He was also responsible for the planning and construction of schools statewide and for all other public facilities in the city and county of Honolulu. After retiring from government service in 1971, Masa continued to serve with

distinction as an engineering consultant to a major engineering firm in Honolulu.

Throughout his long and distinguished career in Hawaii, Masa served us well and we shall all miss him dearly. I join his wife and family in grieving at his passing and extend to them my heartfelt condolences and hope that they find solace in the fact that Masa's contributions to our community lives on.●

AMERICA PROVIDES POPULAR RADIO VOICE IN EASTERN EUROPE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. KEMP. Mr. Speaker, the President's speech at the Voice of America on Saturday, which was broadcast live to the Soviet Union and Eastern Europe, was an important step toward peaceful collaboration with the progressive forces within the Soviet bloc. It was also an attempt to create trust between the peoples of East and West, based on the free flow of information, that weakens the will toward war. In the nuclear age, any gesture in this direction is the height of intelligence global strategy, and I commend the President for this important initiative.

The following article, written by Mort Rosenblum of the Associated Press, demonstrates just how important our international broadcasts have become. I commend this article to my colleagues, and urge them to continue their strong support for these vital national security programs.

The article follows:

[From the Buffalo (N.Y.) News, Sept. 23, 1983]

AMERICA PROVIDES POPULAR RADIO VOICE IN EASTERN EUROPE

(By Mort Rosenblum)

WARSAW, POLAND.—Poles refer wryly to their five radio stations. Four are the government's. The fifth, assailed and jammed but probably heard by half of adult Poland, is Radio Free Europe.

The network, along with sister operation Radio Liberty, broadcasts in 21 languages to Eastern Europe and the Soviet Union, raining down local news, dissident reports and biting commentary.

It is a major U.S. foreign policy tool, and the changes made over the years have given the network a more energetic and less ideological character, senior U.S. officials said in Washington.

Polish authorities take it so seriously that they sentenced to death in absentia Zdzislaw Najder, director of Radio Free Europe's Polish service. They charged he was a CIA spy because he contributed secretly to the radio network while still in Warsaw.

Czechoslovak law specifically defines collabortion with the network as high treason. Poland, Czechoslovakia and East Germany jam it, and the Soviet Union jams Radio Liberty. Other Soviet bloc countries vilify the two operations.

The stations, based in Munich, West Germany, have broadcast one million hours since they were established in 1951 as thinly disguised CIA operations.

After a congressional outcry in 1971, all CIA links were ordered severed. Now the non-profit Board of International Broadcasting oversees the stations. James L. Buckley, former U.S. senator from New York and undersecretary of state, is Radio Free Europe-Radio Liberty president. The budget, $90 million in 1983, is paid by Congress.

"People associate us with the CIA because it used to be true," remarked an executive of the broadcasting board in Washington, asking anonymity. "Now it is not."

If not everyone in the Soviet bloc is convicted, audiences are large and faithful, frequently including government officials who listen in private.

"There is a lot of U.S. propaganda, but I listen whenever I can," said a Czechoslovak railway executive in Prague. "We had a big train crash near Bratislava and I only heard about it on REE."

A Polish office worker said, "I never miss it. It always seemed a little headline to me, but now, how else do we know what is going on?"

Other Western stations, such as the British Broadcasting Corp., the Voice of America and West Germany's Deutsche Welle, cover the same geography, but Radio Free Europe and Radio Liberty emphasize local items.

Programs include readings of works banned by government censors, underground communiques and emigre gossip. Polish dissidents acknowledge that the station is important to their activities.

Listenership is highest in Poland, where network officials estimate 62 percent of the adult population tunes in at least once a week. The figure is near 50 percent in other East European countries. Altogether the estimated weekly audience is 25.3 million.

Radio Liberty, which broadcasts to the Soviet Union and is jammed heavily, is followed by only 7 percent of the adult population, according to the stations' estimates.

"You can never jam completely, and strange patterns emerge," said Anatole Shub, program director in Washington. "When Andrei Sakharov won the Nobel Peace Prize (in 1975) and couldn't go, he followed the ceremony on Radio Liberty from a Moscow apartment."

The management of the two operations merged in 1976. Besides broadcasting, they provide extensive research to scholars and journalists. Makeshift headquarters near Munich's English Garden are crammed with 100,000 volumes in 52 languages. The Czechoslovak service alone receives 170 daily papers and periodicals, along with news agency wires, government bulletins and samizdat (underground) publications.

Each of the national language services prepares its own scripts from the central news desk and separate research sections. Staff correspondents include Monika Lovienescu in Paris, whose literary criticism many emigre writers regard as vital to their success.

Supervisors check scripts before broadcast and then send a summary which station managers might scan afterward.

"There is almost no prior vetting by the seven U.S. staff members here," said network Deputy Director Robert L. Hutchings. "There are very few direct controls. It is more a meeting of minds."

He said editors sought to establish credibility and a detached view. Over a period of time, he said, listeners want to hear constructive comment rather than simple attacks on their systems.

Some bitterness still lingers among Hungarians who feel the network encouraged a hopeless rebellion in 1956, suggesting that U.S help was on its way.●

BOYS TOWN OF ITALY

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. WILLIAMS of Ohio. Mr. Speaker, on Monday, October 10, 1983, a very noteworthy event will be taking place in my district that I believe merits special attention.

A benefit dinner for the Boys Town of Italy, a home located in Italy for orphaned children from around the world, will be held by Mr. Ray Travaglini and Mr. Sandy Petruso at their VIP entertainment complex in Niles, Ohio. All proceeds from this annual dinner will be donated to the Boys Town which is run entirely on volunteered funds. Last year, the $25,000 raised by Ray and Sandy was third only to amounts raised in New York City and San Francisco. Certainly, the amount handed to Msgr. Carroll Abbing, director of the Boys Town, during this year's dinner program will equal or more likely surpass previous totals.

Regardless of the tough economic times facing the residents of my congressional district, they have made a special effort to give of themselves to this very worthy cause. Their generosity truly transcends this time of financial hardship. With their dollars and moral support, these citizens are spreading American goodwill abroad. I find this action to be extremely admirable and in the best tradition of voluntarism.

On behalf of the residents of the Mahoning Valley, I take this opportunity to applaud Ray Travaglini and Sandy Petruso for their tireless devotion to the noble cause of giving to others less fortunate. These two gentlemen have approached this charitable task with characteristic dedication and unfailing perserverance. Because of their efforts, the Boys Town of Italy will be able to provide the loving care that the orphaned children of the world so sorely need. Ray and Sandy, I salute you.●

SPORT FISHING AND ACID RAIN

HON. GERRY SIKORSKI
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SIKORSKI. Mr. Speaker, today I am inserting in the RECORD an informative article by Paul Hansen on acid rain, which appeared in the September issue of Fishing Facts. As the author states, acid rain poses a serious threat to the future of fishing.

I encourage my colleagues to read this article and to join me in sponsoring H.R. 3400, the National Acid Deposition Control Act of 1983. The time to pass acid rain control legislation is now—before it is too late.

DEATH FROM THE SKIES

(By Paul Hansen)

According to the prestigious National Academy of Sciences, the evidence is in. If we do not stop the rain of acids on our streams and lakes, much of our freshwater fishing heritage in sensitive regions will be eliminated forever. It would be a useless and unnecessary loss because we *can* stop acid rain, and we can do it for a very acceptable cost.

From 1958 to 1975 the emissions of sulfur and nitrogen oxides that cause acid rain *doubled.* Emissions of these pollutants from power plants in the Eastern United States have *tripled.*

This increase in pollution from power plants has been compounded by the building of taller and taller smokestacks, which push emissions higher into the atmosphere, completing their transformation into acidic compounds. Some of the stacks built in the last decade are as tall as the Empire State Building. Now, the pollution from power plants and industry is often transported hundreds of miles before being brought to earth as acid rain or snow, sleet, fog, or as dry particles, with devastating consequences to downwind neighbors.

The startling effects of acid rain are appearing throughout the United States and Canada. The loss of fish from thousands of lakes and streams is the most obvious effect, but it is also leaching nutrients from forest soils while releasing toxic metals into soils and groundwater. Buildings and monuments are being eroded, and public health may be endangered. The National Academy of Sciences estimates that *$5 billion* or more in damage is done every year by acid rain in the Eastern United States where there are extensive areas susceptible to acid rain.

As acidification gets worse it affects fish in the following ways:

By attacking their reproductive systems and by killing or deforming fry (which are even more vulnerable than eggs).

By interfering with food chains. The process can start at the very bottom of the food chain with the destruction of the tiny life forms on which minnows and other small freshwater food organisms feed before they themselves are eaten by larger fish.

By decalcifying and weakening of the bones of fish. When this happens, as it may in cases of extreme acidification, the bodies of the fish become twisted and in some cases fish lose the ability to swim.

By metal poisoning Investigators studying rivers and lakes subjected to acid rain have found fish kills in waters where pH levels seem to be still safe. Research has shown why: the lower pH dissolves aluminum, and other metals allowing them to mix into the water. Even in small concentrations these metals can harm and even kill fish. Certain forms of aluminum clog gills, causing fish to suffocate.

Thousands of lakes and streams across the United States and Canada have been acidified to the point where this is happening. Tens of thousands more are threatened. The U.S. National Academy of Sciences warned us in 1981 that unless acid rain is controlled, the number of affected lakes would *double by 1990.*

Fish in 212 Adirondack lakes have already been lost. The non-partisan congressional Office of Technology Assessment (OTA) estimates that more than *9,000 lakes* and *60,000 miles of streams* in the Eastern United States are threatened by acid rain or are now being damaged.

In Ontario, Canada, 1,400 lakes and ponds have already succumbed to acid rain and 48,000 are threatened with extinction.

In Minnesota, 2,600 lakes are now at the critical stage.

In Wisconsin, lakes are reported to be declining at a measurable rate.

In Pennsylvania, the Fish Commission reports that unless emission patterns change dramatically, it is likely that most of the important fish species from that state's upland waters will be lost.

In Michigan, scientists recently identified the first acidified lakes in the Midwest.

The new map of surface water sensitivity to acid rain shows that vast regions of South and Southeastern surface waters share these same critical characteristics of chemical sensitivity to acid rain as the lakes and streams in Sweden, Norway, Canada, and New England where fisheries are lost. The acidity of rainfall in these regions is already past the threshold at which fish die. Some fisheries' damage and the first signs of acidification are already reported in the South and one EPA (Environmental Protection Agency) scientist, who asked not to be identified, believes we would find more damage if we only looked.

In the West, there are new concerns for many high altitude areas which are among the most extremely sensitive areas in the U.S. Once the limited buffering capacities of the mountain areas have been exhausted, damage done thereafter will be irreversible. Compounding the vulnerability of these areas is the fact that a disproportionately large portion of total precipitation, and hense total acid deposition, occurs on high altitude areas. The spring "surge," when months of acid rain deposition stored in the snowpack are released, is especially tough on fish fry and other emergent organisms which are in very sensitive stages in the spring.

In the West, South, and the East, the effects of acid rain on forests could be far more extensive and irreversible than the damage to lakes and streams.

Forests in the Eastern United States, Canada, and Europe are suffering from stunted growth and "die-back." Most of the usual cases such as disease, insects, population cycles, and climate have been ruled out. Evidence that acid rain is causing forest damge is accumulating at a rapid rate.

In West Germany, extensive forest damage from acid rain recently prompted the government to issue proposed rules to reduce sufur dioxide emissions by 50% from existing utility and industrial boilers.

Independent analyses have demonstrated that a 40% reduction in Eastern sulfur oxide emissions would cost $2.4 billion per year and would result in an average electricity rate increase of 2%. To put these figures in perspective, this is substantially less than Americans spend playing video arcade games evey year. Damage from acid rain is estimated at $5 billion per year.

New technologies coming into use in Germany, such as LIMB (Limestone Injection Multistage-Burner) are a fraction as costly as conventional scrubbers and could reduce control costs even further. Unfortunately, EPA's research office has repeatedly blocked an EPA staff proposal for a full scale joint EPA-industry funded LIMB demonstration project. Congressmen in the House, who believe a full-scale LIMB demonstration is essential to spur commercialization of LIMB and decrease acid rain control costs in pending legislation, voted in June to insist on funds for this project.

The electric utilities have projected greatly exaggerated costs and impacts on utility rates for an acid rain control program by adopting unrealistic assumptions. The Congressional Research Service found these claims to be completely unjustifiable scientifically. Some industry officials have circulated some pretty wild claims about the economic impacts of acid rain control cost. However, EPA analysis shows Eastern coal production will increase 40 million tons per year by the year 2000 even if a 40% reduction in emissions is required. Utility rates would increase by an average 2%, and no more than 7% in any region.

The list of prestigious scientists and independent organizations calling for control of acid rain would choke a tall stack. Simply put, they believe our nation remains strong enough to enjoy both a healthy economy and a productive fishery. They are tired of the utilities' scare tactics and claims that we cannot do what other countries are doing to stop acid rain. In June, both the President's Scientific Review Panel and the National Academy of Sciences announced that we need to control acid rain now.

Inaction will be costly. It takes 10-20 years to enact an acid rain reduction program and actually to start reducing the pollution. Many lakes are therefore already doomed even if we start controlling acid deposition today. Further delays will cost us untold amounts in loss of fishing habitats and opportunities, not to mention millions of dollars in fishing and tourism revenue.

We know the causes and cures for acid rain. Now we need the action from Congress to stop it. Their decision will depend largely on the response of the American fishing public in the next few months.

ACID AND FISH: SOME AVERAGE LEVELS AND IMPACTS

	Impact
Increasing acidity:	
pH 6 to pH 5.5	Rainbow trout, smallmouth bass, walleye and burbot fail to reproduce.
pH 6.5 to 4.6	Growth of brook trout slowed.
pH 5.8 to 5.2	Lake trout, perch fail to reproduce.
pH 5.5 to 4.5	Brown trout fail to reproduce. Adult deaths of lake trout begin.
pH 5.2 to 4.7	Northern pike, brown bullhead, white sucker fail to reproduce; Pumpkinseed fail to reproduce.
pH 5.0	Atlantic salmon fail to reproduce.
pH 5.0 to 4.5	Brook trout fail to reproduce.
pH 4.7 to 4.5	Lake herring, yellow perch, lake chub, rock bass fail to reproduce.
pH 4.5	Adult deaths of Atlantic salmon begin.
pH 4.5 to 3.5	Adult deaths of brook trout.

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REVLON DEDICATES NEW RESEARCH CENTER

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, it is a great honor for me to bring to the attention of my colleagues the many achievements of Revlon, a leading manufacturer in the Sixth Congressional District that will next week dedicate a new research center at its Edison, N.J., plant.

Revlon has been a major employer and important industry in the Northeast for a long time, providing much-needed jobs in our area.

This most recent expansion illustrates the confidence shared by leading industrialists and policymakers alike, in the great economic potential of the Northeast. It is a fact that we in the Northeast have long known and seen proven time and time again by the successes of pioneering industries such as Revlon which has played a major role in our area's growth and prosperity.

This new research center marks a milestone for Revlon in a long, distinguished, and fruitful career in New Jersey and beyond. We welcome it warmly both as a source of new initiatives and opportunities and as a signal of Revlon's foresight and continued advancement.●

CARL "YAZ" YASTRZEMSKI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. CONTE. Mr. Speaker, some call politicians frustrated actors; others know them as frustrated hometown athletes. Every politician hopes that each speech will have the same effect on a crowd as a home run in the ballpark, and every ballplayer plays to a special constituency of fans.

The scene at Boston's Fenway Park as the Red Sox battles the rival Minnesota Twins does not belie this proposition. The year is 1967. The normally tranquil autumn in New England is replaced by a fever as red as the maples on the hillsides. It is October 1, and the Sox are in a neck in neck three way battle for the American League pennant.

In the stands are many of our Nation's leaders—Republican and Democrat. On the field and in the dugout are some of the league's greats—Harmon Killebrew, Rico Petrocelli, and Jim Lonborg. But, one man stands taller than the rest—Carl "Yaz" Yastrzemski. This Saturday, we Red Sox fans will try to relive the magic of that shining season as we watch Yaz pick up the bat one final time.

I would like to submit the following article, "Delirium at Fenway—HHH is only No. 2, but Yaz is No. 1," from the October 1, 1967, Boston Globe to help my colleagues capture the spirit of 1967 and the man who made it happen.

DELIRIUM AT FENWAY

(By Bud Collins)

At nine minutes to five Saturday afternoon 32,909 baseball patrons at Fenway Park became prime candidates for the state hospital at Bridgewater. They went as mad as King Lear himself, deliriously and noisily mad, as Carl Yastrzemski struck his 44th home run to win Part I of Our Old Town Team's Last Stand.

Part II goes on this afternoon at 2, the splendid madness continuing in the same asylum with its mint-green walls and nut-filled seats.

Make that 32,908 people who went cuckoo at Fenway Saturday. A man from Minnesota named Hubert H. Humphrey did not blow his mind when Yastrzemski's three-run homer vanished into the Twins' bullpen in the seventh inning. Hubert, who seems to cheer harder because he is No. 2, was suddenly silent.

There was a look on his face reminiscent of the day he lost the 1960 West Virginia primary to a local boy named Kennedy. Flanking him, screaming and giving Humphrey the needle, were two men who had helped beat him in West Virginia—Sen. Ted Kennedy and former presidential assistant in charge of batting averages, Dave Powers.

"I need protection from these Red Sox fans," Humphrey, said, looking warily at Kennedy and Powers. "Eddie Stanky told me these people were crazy here."

The Vice President came into Boston with a 7-1 record for the eight Twins' games he has observed this season. "I wished Jim Kaat luck before this game," he said. He should wish Ho Chi Minh luck. Kaat's elbow broke down in the third inning and his successor, right hander Jim Perry, was pinched for two runs in the fifth inning as the Red Sox began to roll up their 6-4 victory.

Yastrzemski's home run, which made the score 6-2, brought forth the grandest emotional display of the handkerchief-waving since the Harvard-Yale football game. The jubilant nuts were flapping their "Go-Red-Sox" banners, their Yastrzemski pennants, their hats as well as their hankies, they screamed insanely for 45 seconds, reducing the volume slightly when the game resumed with Elston Howard batting. Ulysses Dunbar, brother of the late columnist, took care not to drag his "Freak-Out-Red-Sox" banner on the grimy concrete. "This sheet has to go back on the bed tonight," he said.

Mrs. Mary Tracy of Revere was spinning her "lucky" Red Sox parasol, made from a white tablecloth and covered with inspirational messages in red. "We have another tablecloth," she said. "I don't need to take this umbrella apart every time we eat."

Everybody wanted to hold Yastrzemski's hand after he had done his daily good deed. The usual exhibitionists, four in all, did. They leaped onto the field to congratulate Carl, then were removed by the cops. Ted Kennedy and Hubert Humphrey looked jealous. Shaking hands is their business, and what a spot for a pol to shake hands; out there all alone with the TV cameras clutching the hand of Yastrzemski, the most valuable of players. Ted and Hubert restrained themselves and did not run onto the field.

Another pol named Brooke also showed up. Brooke did an extraordinary thing. It seems he bought Tickets because the Red Sox management didn't know he was there, he was neither a guest at luncheon or in a front row box. Sen. Ed Brooke sat in right field, unnoticed, with his good looking teenage daughters, Remi and Edwina. "I'm with Ted Kennedy on this issue," Brooke said. "We're going to win."

Humphrey, according to Dave Powers, has become L. Baines Johnson's "official representative at wakes and baseball games." The vice president had some of each Saturday. The wake was in the Twins' dressing room which he dutifully visited. "I'm still with you guys," Hubert told them.

Vice presidential support is nice to have, but Humphrey is only No. 2. The opposition party has No. 1: going for it; Carl Yastrzemski.●

HAPPY 50TH BIRTHDAY DR. NORMAN MOSKOWITZ

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SMITH of Florida. Mr. Speaker, I am very proud to pay tribute today to Dr. Norman Moskowitz of Hollywood, Fla., on the occasion of his 50th birthday.

Dr. Moskowitz, an alumni of Duke University, is a respected member of the south Florida community and has been recognized as an outstanding orthopedic surgeon of the elderly. His professional achievements are many—he is the past chief of orthopedic surgery at the Biscayne Hospital, past chairman of the surgical department, and affiliated with Doctors' and Memorial Hospitals.

His dedication to medicine and his patients is unsurpassed. Norman Moskowitz has not been one to seek the limelight and public attention, but rather one who, without acclaim, gets the job done. He is a conscientious and dedicated citizen contributing his talents to the benefit of a multitude of organizations, children's medical clinics, and individuals. His leadership and hard work has served the south Florida community well.

Norman Moskowitz has been a dear friend of mine for many years, and while I have long been aware of his outstanding abilities in his field, Mr. Speaker, I wished to acknowledge his achievements and dedication on behalf of the community. I sincerely wish Norman my heartfelt, best wishes for a very happy birthday celebration with his wife Bernice, and children Neil and Larry.●

LOUIS ARMSTRONG MIDDLE SCHOOL HONORED FOR EXCELLENCE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the great honor that has been bestowed on the Louis Armstrong Middle School of East Elmhurst, N.Y. In a year in which numerous criticisms—many of them justified—have been leveled against the American public school system, it is refreshing to hear about a school that has been cited by the Department of Education for academic excellence and educational creativity. The Louis Armstrong Middle School has been so honored. Its quality is indicative of the giant strides being made by public institutions in teaching the future leaders of this Nation.

This recognition could not have been achieved without the tireless dedication of the school's faculty and the ceaseless commitment of the students and their parents. The classroom as well as the proper home enviornment are both prerequisites for an atmosphere conducive to thoughful inquiry and the pursuit of knowledge. The Louis Armstrong School is blessed with both. Under the able guidance of its principal, Alfred D. Herman, the school has embarked on a mission to develop the vast resources that exist within the minds of the young people East Elmhurst. And the Parents Teachers Association, under the leadership of Louisa Nenno and Leon Payne, has provided the support necessary for the success of the school's varied programs, and to help parents become involved in their children's academic progress.

In addition, it is important to note that the Louis Armstrong School was established as a joint effort by the board of education and Queens College of the City University of New York. This dual sponsorship enables the children to utilize the vast teaching and other educational resources of Queens College, and enhances the school experience. This type of project is unique to the educational process, and the enriched education it provides is evidence by the recognition that the Louis Armstrong School has received. Queens College has helped develop the school's innovative curriculum. Queens College's student teachers help instruct Louis Armstrong's pupils. The college has also been instrumental in funding special educational projects that the Louis Armstrong School has used. Much credit for the innovation and quality of the education belongs to Saul Cohen, president of Queens College; Sidney Trubowitz, director of the Queens College Center for Improvement of Education in the middle Grades; and John Lidstone, dean of the Queens College Department of Education. This joint effort started out as merely an experiment. I hope that it not only become a permanent component of the education of the children of East Elmhurst, but also serves as an incentive and model for other schools to embark on similiar ventures.

Mr. Speaker, in this year more than any other year in the past, it is important to note the achievements of exemplary educational institutions, so that other schools may emulate them. The Louis Armstrong Middle School is one such institution. I know that all my colleagues join me in congratulating the Louis Armstrong Middle School on its achievements, and wish it continued success as it explores new avenues of educational innovation.●

TRIBUTE TO CONGRESSMAN JAMES C. CORMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Congressman James C. Corman, who served with great distinction as a Member of this body from 1961 to 1981. As the Congressman from the San Fernando Valley area of Los Angeles, which I am now privileged to represent, Congressman Corman has contributed much of the growth and development of San Fernando Valley. Jim Corman also became one of the leading Members of Congress during his tenure, serving as a member of the House Ways and Means Committee and as chairman of the Subcommittee on Public Assistance and Unemployment Compensation. He has been a strong supporter of progressive tax reform, and has led the effort to make health care more affordable to all Americans.

Congressman Corman has long been dedicated to the preservation and advancement of civil rights. He played a significant role in the passage of the landmark Civil Rights Act of 1964. He has been a strong defender of the freedoms guaranteed to each and every citizen of this country with his support of important Government programs to grant equal rights, protect consumers, and permit freedom of choice, and as an opponent to the proposed school prayer amendment.

During his 20 years of service as a Member of this distinguished institution, Congressman Corman has also contributed his efforts and considerable talents to the House Committee on Small Business, of which he was a member, and the National Advisory Commission on Civil Disorders, to which he was appointed in 1967 by President Johnson. In addition, Congressman Corman was so well respected by his Democratic colleagues that he was chosen to serve as chairman of the Democratic Congressional Campaign Committee in 1976.

Jim Corman is best described as a determined, dedicated leader, who, during his many years of public service, set the ideal for those who were to follow. He is a gentle, caring, compassionate man who always has the needs of the people and the community foremost in his mind. Personally speaking, I would describe Jim Corman as a good friend.

Mr. Speaker, on this Friday, September 30, 1983, Congressman James C. Corman will be honored at a dinner celebrating the formal presentation of the records of his 20 years of congressional service to the Urban Archives Center, on the campus of the California State University, Northridge. The Urban Archives Center was established in 1978 to preserve the archival records of groups and individuals associated with public growth in Metropolitan Los Angeles. The center already has collected over 250,000 separate items, and makes these available to the public for research. I share Jim Corman's hope that the Urban Archives Center will grow and prosper as it continues to preserve the history of our community.

I would like to take this opportunity to personally congratulate Congressman Corman on his two decades of service to this body, and on his continuing efforts today to serve the people of the San Fernando Valley and Los Angeles.●

CENTENNIAL OF PASADENA LODGE NO. 272, F. & A.M. 100 YEARS OF MASONRY IN THE SAN GABRIEL VALLEY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. MOORHEAD. Mr. Speaker, on October 21, the Pasadena Lodge No. 272 F. & A.M. will celebrate and commemorate a landmark date—its 100th birthday in the San Gabriel Valley.

As a centenarian, this venerable institution is older than many of the cities in the valley, including Pasadena.

For 10 decades, the members of the Pasadena Lodge have been leaders and movers in the community and the State.

For 100 years, the members of the Masonic temple have donated their time, talents, and considerable resources to projects and charities that have benefitted countless individuals.

For five score years, this organization has made many tangible and intangible contributions toward a stronger, better society by molding stronger and better men within its ranks.

Mr. Speaker to help commemorate the 100th anniversary of a grand and patriotic group, I would like to proclaim before my colleagues in the House of Representatives, October 21 as the centennial of Pasadena Lodge No. 272, F. & A.M., 100 years of Masonry in the San Gabriel Valley.●

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. CLARKE. Mr. Speaker, on September 13 and 14, 1983, I was necessarily absent for three votes. I would like to make clear my position on those measures considered in the House.

On the motion to recommit H.R. 3520, the Rehabilitation Act amendments, rollcall No. 332, I would have voted "nay."

On the final passage of H.R. 3520, the Rehabilitation Act amendments, rollcall No. 333, I would have voted "yea."

On the final passage of H.R. 5, the Ocean and Coastal Resources Management Act, rollcall No. 334, I would have voted "yea."

Mr. Speaker, I appreciate having this opportunity to make my position known for the record.●

KOREAN AIR LINES FLIGHT 007

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mrs. KENNELLY. Mr. Speaker, the shooting down of Korean Air Lines flight 007, an unarmed, civilian jetliner, by the Soviet Union was a barbaric act of cold-blooded murder. The world will never forget the tragic series of events that led to the demise of KAL flight 007 on the evening of September 1, 1983; it will never forget the pictures of grieved loved ones tossing flowers into the Sea of Japan in a final expression of love for the 269 parents, children, and friends who died; it will never forget the voice of a Soviet pilot, chillingly devoid of human compassion reporting to his commanders that "the target is destroyed."

My prayers of sympathy go out to the families of the 269 victims, especially to the families the two Connecticut citizens aboard, Mark McGetrick of Danbury and Rebecca Scruton of Meriden, and to those of my colleague, Representative Larry McDonald of Georgia.

I applaud the action taken by President Reagan in this crisis. He has shown temperance at a time when emotions demand a harsher response. Perhaps this evil act by the Soviets will convince the world of the true, twisted logic of the Soviet military bureaucracy, and how it, at least in peacetime, responds not to human reason, but a paranoid quest for security.

The President's actions have hurt the Soviets where they are most vulnerable—their image. The downing of the Korean airliner has boldly removed the carefully crafted image of peace lover which the Soviets labor so hard to convey to the world. Their actions have shown their true colors. Afghanistan and Poland stirred world opinion about the Soviet's lack of concern for human rights. The destruction of KAL flight 007 has moved the world to express open revulsion toward the Soviet callous disregard of innocent human lives.

More information about the fate of flight 007 is still being obtained. We know now that the Soviet fighter did indeed fire tracer bullets at the Korean 747. But did the pilot of the Soviet plane make sure he got his message across? Clearly not. Even if he had, did this then justify the Soviet decision to destroy an unarmed passenger jet? Certainly not. As more facts are uncoverd, we must not let ourselves be distracted from the harsh reality of this event: The Soviet Union willingly, knowingly, shot down an unarmed passenger airliner, killing all 269 passengers and crew aboard.

The Soviet Union could do a great deal to demonstrate to the world that they possess some semblance of humanity: They could allow Japanese and American ships to participate in the search for wreckage and bodies; they could issue a full and complete apology to the families of the passengers and crew aboard flight 007, and offer to pay compensation; they could issue a full apology to the Government of Korea and to Korean Air Lines; and they could give assurances to the world civil aviation community that steps will be taken to prevent such a heartless act from ever being repeated. They have not done so. They have not even said they are sorry.

The lives of the 269 people aboard flight 007, I fear, ended in terror. They did not, however, end in vain. Our Government will continue to take a leadership role in demanding that the Soviet Union not be allowed to let the passage of time erase what they have done to 269 innocent people. Some may say more should be done to make the Soviet's pay for their actions. I believe we should never let them forget—it is a price I think the Soviets will find difficult to pay.●

A TRIBUTE TO RICHARD AND LUCILLE SNYDER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. DIXON. Mr. Speaker, on behalf of myself and Congressman MEL LEVINE, I would like to pay tribute to Richard and Lucille Snyder, who, on October 5, 1983 will celebrate their 50th wedding anniversary. The Snyders moved to Santa Monica from New York over 30 years ago and have been active members of the community since that time. Richard recently retired from Occidental Insurance Co., after 40 years in the insurance field.

Both Richard and Lucille are accomplished musicians. Lucille is a former Julliard teacher and now teaches piano and organ in Santa Monica. Richard is also an avid keyboard player and plays the piano and organ regularly for the Elks Club.

Richard and Lucille have two sons, Peter and Richard, Jr., and eight grandchildren. Peter is a cellist with the Los Angeles Philharmonic Orchestra and Richard, Jr., is an electronics engineer and heads an electronics firm in New Jersey.

The Snyders are active and vital people, loved by their family and friends and respected in their community. I firmly believe that you get out of life what you put in. Judging from the contribution the Snyders have made to society this is a time for them to rejoice and enjoy the fruits of their labor. I would like to congratulate them on their 50 years of marriage and wish them all the best that life has to offer.●

JAPAN'S LEAD IN ROBOTICS INCREASES

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. FUQUA. Mr. Speaker, the country that leads the world in the technologies of robotics and automated manufacturing will lead the world in manufacturing. I want that country to be the United States, and I am sure that other Members do, too.

Paul Aron, vice chairman of the board of Daiwa Securities, makes the study of the Japanese and American robotics industries his profession. His most recent report, "The Robot Scene in Japan: An Update," shows clearly that the United States, despite progress in the robotics industry, is falling farther behind Japan in this area, as a result of Japan's existing lead and greater rate of growth.

I am inserting selected excerpts from this report in the CONGRESSIONAL RECORD to alert Members to the challenge we face from Japan in robotics and automated manufacturing.

To advance the technologies and counter the challenge, I intend to introduce a set of three bills to promote automated manufacturing and robotics in the near future.

Excerpts from Mr. Aron's report follow:

Analysis of the detailed data on Japanese robot production and sales in 1982, recently released by the Japan Industrial Robot Association (JIRA), indicates several important trends.

Japanese production of robots in 1982 increased 51.6% on a value basis to $471 million and 82.6% on a unit basis to 14,937. In comparison estimated American production in 1982 was $195 million in value, an increase of 25.8%, and 1,601 in units, a growth of 26.2%. Despite this expansion, America continues to lose ground vis-a-vis Japan—in 1980 and 1981 U.S. production value equalled 49.3% and 49.8% respectively on a comparable basis while in 1982 American output reached 41.4% of Japan's robot production. On a unit basis American robot production has dropped to 10.7% of Japan's compared to 15.5% in 1981.

The growth rate in value of robots in Japan has averaged 73.9% for the past five years and the annual rate has never fallen below 51.4 percent. As a consequence of this growth, the gap in installed operating robots between the U.S. and Japan is not being closed. At the end of 1982 total of installed operating robots in Japan reached at least 31,900 and possibly 33,961 compared to 6,301 in the U.S. Thus the U.S. has between 18.6 percent and 19.8 percent of Japanese robots compared to 21.7 percent in 1981 and 24.1 percent in 1980.

Assembly robots play a major role in Japan representing 19.1 percent of installations compared to the miniscule 1.2 percent in the U.S.

Exports represented 14.2 percent of total value of Japanese robots in 1982 compared to 5.7 percent in 1981, 2.6 percent in 1980 and 1.9 percent in 1979.

The number of Japanese robot manufacturers has risen almost steadily from 10 in 1968 to 50 in 1970, 120 in 1976, 140 in 1979, 150 in 1980, and 190 in 1981. There is no sign of a shakeout yet.

MITI, having identified robot production as a major strategic industry for Japan's future, undertook several measures to popularize their utilization. MITI permitted a company that installed a robot to allocate 13 percent of its initial purchase price in the first year as extra depreciation in addition to ordinary depreciation. With MITI encouragement, at least, if not direction, a robot leasing company, Japan Robot Lease, (JAROL) was founded. MITI has also arranged for direct government low interest loans to small and medium scale manufacturers to encourage robot installation, for processes deemed to be dangerous for human labor.

Like most governments in Western Europe and the U.S., MITI is subsidizing R&D robot projects although the actual amounts are quite small. It has depended largely on the private companies not only to develop the direction and scale of production, but also the undertake R&D.

What distinguishes MITI has been its effectiveness in creating projects in which a large number of competitive robot manufacturers and companies in related fields cooperate and contribute researchers to study common problems. Thus, Japanese robot manufacturers maintain simultaneously intensely competitive and highly cooperative relationships without fear of prosecution under the Anti-Monopoly Law.

As the Spokesman for the Long Term Credit Bank of Japan confidently put it: "It is only a matter of time before the industrial robot becomes one more piece of merchandise which symbolizes Japan."●

HOMER POST: 1888–1983

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SWIFT. Mr. Speaker, Homer died last week.

To hundreds of former students of Lincoln High School in Tacoma, Wash., that was not too surprising because he was, after all, 95 years old. But it was sad because he had done so much for so many of us.

Homer was what we all called him, those of us fortunate enough to pass his journalism class and become a part of the staff of the Lincoln News. He was, formally, Homer Post; former INS reporter, English department faculty member and adviser to the school paper. What he seemed to be was an archetypical city editor—even though his circulation was only a large high school and his domain was a World War II portable called "the shack."

What Homer really was, was a magnificent teacher. He knew his stuff—so he taught us how to do it right. What made him special to all of us was his enthusiasm. For him, the Lincoln News was vitally important. That made it important to us. And that made working on the paper very special. In our adolescent search for independent and adult responsibility, it was something real. It counted.

Our successes met with praise.

Failures crashed around our ears. Homer expected you to do it right when everyone else seemed to assume you were not ready yet. What a sense of pride grew from his confidence in you. And when sometimes you did not measure up, that is when you knew for sure he took you seriously, because he treated you like an adult: you have never been chewed out until you have been worked over by Homer.

The end result was a high school newspaper that won national awards—the very top ones—consistently for over 20 years. But that was more Homer's reward. He really valued being No. 1 in the Nation year after year. Our reward was to have him entrust to us the responsibility for keeping that previous string of successes going.

We, his former students, are spread all over. He was forced by an arbitrary "out at 65" rule to retire in 1953, so even the youngest of us who worked on his staff (how different than thinking of it as "taking his class")—even the youngest of us are pushing 50.

Homer was alert and active right to the last. That is reason for joy. My wife (another staffer) and I had a long visit with him and his wife, Laura, last year when he was 94. We read parts of a personal history he had started writing.

What Homer's passing brings to mind more than sadness is gratitude: thanks that I could be a part of his "staff"—that gangling group of acned adolescents that traipsed through nearly 30 years of his life—learning immensely about the world and then moving on out into it. Most us use something we learned from Homer everyday. That is a kind of immortality not many of us will achieve. And it is a cause for celebration.

Goodbye, Homer. And thank you.●

AMERICA'S CUP RACES

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ST GERMAIN. Mr. Speaker, as a lifelong resident of Rhode Island who has always believed that Newport and the America's Cup races fit together like hand in glove, I cannot help but feel a twinge of sorrow at this year's break in tradition—the first time the United States lost the America's Cup to the Australians.

I am sure that many people will stop and reflect today at the news of *Australia II* taking the coveted trophy away from *Liberty*. It is a milestone, a change in tradition. But, a disappointment? The result of unfair tactics? An undeserving win? Not on your life. Our Australian friends have been joining us in this good natured competition for years. In fact, their first try at the Cup was in 1962. That year the American entry was the *Weatherly* and the Australian entry was the *Gretel*. President Kennedy and I along with many others viewed the race from the deck of the Navy destroyer, the *Joseph P. Kennedy*. Even then, the "Aussies" gave us a run for our money—they won the second race by 47 seconds, marking the first time in almost 30 years that the United States lost a race—and good naturedly congratulated us when we won the series.

The Australians have shown great tenacity over the years. And when we won the cup, time and time again, they showed great sportmanship and diplomacy—time and time again.

Indeed, it is too bad that *Liberty* was unable to defend the cup against *Australia II*. But, if we had to lose, I, along with a host of Americans, am

glad it was to our deserving Australian friends. After all these years of hard work, they have earned the right to take the cup home with them. I am sure my colleagues join me in extending the warmest congratulations to both skippers—John Bertrand of Australia, and Dennis Connor of the New York Yacht Club—and to both crews. All parties involved should be commended for showing outstanding seamanship.●

ANNA F. SULLIVAN, PIONEER IN THE LABOR MOVEMENT AND WESTERN MASSACHUSETTS' FIRST LADY OF LABOR

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. BOLAND. Mr. Speaker, the working people of Massachusetts and many of the State's present and former public officials have lost a great supporter with the death last week of Anna F. Sullivan of Holyoke, former manager of the Holyoke Joint Board of the Textile Workers Union of America.

Once described at a testimonial dinner as Western Massachusetts' First Lady of Labor, Anna Sullivan went to work in the Holyoke silk mills of William Skinner & Sons at age 14 after the turn of the century. She was an early pioneer in the labor movement in Massachusetts, getting her start as a member of the weavers union in 1932. Later she helped to form the Textile Workers Union at the Skinner Silk Mill and in 1936 she was elected secretary of the local.

She was manager of the Holyoke Joint Board of the Textile Workers Union, which included Greater Springfield, from 1944 to 1966. She was manager of the Berkshire Joint Board in Pittsfield from 1958 until 1966. She also helped to form the first Congress of Industrial Organization Union in western Massachusetts, and later was an organizer for the national staff of the CIO.

Anna Sullivan was a representative for the Springfield office of the Massachusetts Commission Against Discrimination from 1966 until her retirement in October 1972. She was an active member of the political committee of the Springfield-Chicopee-Westfield Labor Council and political director on the board of directors of the Springfield Chapter of the American Red Cross. She was a member of the War Manpower Commission from 1941 to 1945, the Western Massachusetts Office of Price Administration from 1941 to 1945 and the rent control board from 1946 to 1952.

Anna Sullivan was the Democratic nominee for the First Congressional District in 1950, and was a close personal friend of President John Fitzgerald Kennedy.

She was an active member and director of the Springfield Orchestra Association, the Holyoke Community Chest and the Visiting Nurses Association of Holyoke.

Mr. Speaker, Anna Sullivan was a great and gracious lady and a close personal friend of mine for many years. I want to extend on behalf of the Massachusetts congressional delegation our profound sympathy to the members of her family.

I also ask permission to have included with my remarks an editorial on Anna Sullivan printed in the Springfield Sunday Republican on September 25:

The article follows:

ANNA SULLIVAN LABOR PIONEER

When Anna F. (Burns) Sullivan went to work in a Holyoke mill at the age of 14, the 20th Century was also still in its teens.

When she became actively interested in the labor movement in 1932, the nation found itself in the depths of the Great Depression.

When she helped to organize the Textile Workers Union at Holyoke's William Skinner & Son mill in 1936 and became its secretary, she was firmly established in the labor movement.

When she died in Holyoke Thursday at the age of 79, she left behind an impressive record in the movement as well as in the community at large.

In recent decades of her long and productive life Mrs. Sullivan was referred to as "Western Massachusetts' first lady of labor," an unofficial title of respect and admiration that she had earned by her dedicated service to the movement.

She helped to form the first Congress of Industrial Organizations union in Western Massachusetts, and later became an organizer for the national staff of the CIO.

From 1944 to 1966 she was manager of the Holyoke Joint Board of Textile Workers, for a region that included Greater Springfield, and she was manager of the Berkshire Joint Board in Pittsfield from 1958 until its end in 1966.

Among her other labor affiliations, she was a member of the political committee of the Springfield-Chicopee-Westfield Labor Council.

Her legendary stamina and energy was also directed to the War Manpower Commission from 1941 to 1945, the Western Massachusetts Office of Price Administration from 1941 to 1945 and the Rent Control Board from 1946 to 1952. In 1950 she was an unsuccessful candidate for Congress.

She was a representative for the Springfield Office of the Massachusetts Commission Against Discrimination from 1966 until her retirement in 1972. She was a director of the Springfield Orchestra Association, the Holyoke Community Chest and the Visiting Nurses Association of Holyoke.

Mrs. Sullivan grew up with the labor movement in Western Massachusetts, and was a major influence in labor's hard-won struggle.

The 1950s-era photo published along with her obituary in The Morning Union carries a union "bug"—a logo identifying the photographic print as the product of a union worker. Of course.●

TRIBUTE TO SPECIAL AGENT RAUL G. SALINAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ORTIZ. Mr. Speaker, it gives me great pleasure to bring to the attention of this body a special agent of the FBI who recently received the Attorney General's Certificate of Award during the Department of Justice's Hispanic Heritage Week. Raul G. Salinas was recognized for devoting the past 8 years of his life in carrying out the mission of his Department and for his special contributions in furthering the goals of the Department's Hispanic employment program.

Special Agent Salinas of Alice, Tex., is currently the host of the FBI's "Platicando Con El FBI," Spanish radio program. This program is broadcast by 65 Spanish radio stations throughout the United States. Not only has he discussed and featured topics about the duties and responsibilities of the Bureau, but he has also been a leading voice on the airwaves regarding the dangers of drugs to the Hispanic community.

Another project that has consumed the time and energy of Mr. Salinas has been his leadership of the Hispanic recruitment program for the FBI. Due to his untiring efforts, our Nation now boasts having approximately 300 Hispanic FBI agents among its 7,800 members. In fact, the Texas Legislature passed a resolution in May honoring Special Agent Salinas' dedication in doubling the number of Hispanic agents since 1978.

Raul Salinas has certainly left an important imprint on our national conscience. His work in promoting the advancement of Hispanics through law enforcement and active involvement in our democratic process serves as an inspiration to us all. He continues to instill pride in the heritage of the Hispanic and personifies the valuable role of Hispanics in American life.●

SHULTZ-KELLEY PHOTOGRAPH

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. MOLINARI. Mr. Speaker, a number of my colleagues have recently asked me to explain the details of what happened last week regarding the Associated Press photograph of Secretary of State George Shultz and Marine Corps Commandant, Gen. P. X. Kelley, testifying before the Foreign Affairs Committee, that ran in many newspapers across the country.

My intention now is to let my colleagues know just what happened.

Like many other Americans, I saw the picture of Secretary Shultz covering his eyes as Commandant Kelley spoke next to him. The caption under the picture indicated that Shultz was reacting to Commandant Kelly's reference to troops who were sent to "Vietnam a year ago." Kelley quickly corrected himself to say "into Lebanon." The impression given was that the Secretary was reacting in disbelief to the general's statement.

I discussed the photo with one of my staff members that morning. He stated that he had seen a videotape of the incident on a morning news show and that he did not believe that the Secretary's motions with his hands were related to the Kelley remark. I called on a colleague on the Foreign Affairs Committee who was present at the hearing and he gave me the same impression.

I spoke on the House floor soon thereafter, pointing out the incorrect description given the picture.

I called the Associated Press bureau in Washington. They told me that they stood by the photograph.

A member of my staff contacted CBS-TV News in New York and in Washington in an attempt to obtain a copy of the videotape. He explained that I believed the photo caption was in error.

We then arranged to view the tape of the hearing at the C-Span studio. At the relevant point in the hearing, the camera was only on General Kelley so it could not be determined when the Secretary raised his hands. There was, however, no audible reactions to the Kelley misstatement.

On Thursday, the CBS Evening News ran a story on the photo, showing a videotape of the incident and strongly implying that the photo caption was misleading. At 2:17 Friday morning, Associated Press transmitted a corrective story to all its member newspapers stating that the photo carried a misleading caption and asked them to run a story saying so. The Associated Press stated:

> The tape showed Shultz rubbing his eyes in what might have been a gesture of weariness rather than the reaction to Kelley implied in the caption.

I commend the Associated Press for running a corrective bulletin. The two newspapers I initially saw the photo in, the New York Times and the Washington Post, ran corrective stories. The Times also stated that it had contacted Associated Press on Wednesday to verify the validity of the photo.

Today, I hope there is no misunderstanding of this photograph. The original photo caption did a major disservice to Commandant Kelley and millions of newspaper readers. Now the error has been corrected as best as possible. Unfortunately, the best effort to correct the mistake cannot erase the impressions that were created by the original photo caption.

I would hope that responsible people in the media will take all possible precautions to prevent an incident of this type from happening again. While I believe that most reporters do present the news in a fair manner, this incident shows the difference a few seconds can make regarding the interpretation of a news photograph.●

ZILDJIAN DAY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. STUDDS. Mr. Speaker, it is rare that I have the pleasure of celebrating the 360th anniversary of anything, let alone a family-owned business in my congressional district, so I am particularly happy to congratulate the Avedis Zildjian Co., the world's foremost cymbal manufacturer and the second oldest company continuously owned by the same family. While the company now makes its home in Norwell, Mass., I am afraid I cannot claim it as a native industry. The Zildjian Co. had its start in Constantinople in 1623, when an alchemist named Avedis first discovered the still-secret formula used to make the famous Zildjian cymbals.

I congratulate the Zildjian Co. not simply on its longevity, but also on the quality of its work. Zildjian is not just the sole American cymbal-maker, but it is the chosen cymbal of the world's most famous percussionists. Zildjian's combination of modern technology and age-old tradition is unique, and through this combination the company has remained in the forefront of percussion music. I congratulate the Zildjian family on the 360th anniversary of the founding of this special company.●

SEC'S LICENSE TO STEAL

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. PEASE. Mr. Speaker, another blow has been struck in the name of deregulation by the administration. The Securities and Exchange Commission last week repealed a rule that had required corporate executives to disclose to their stockholders how and how much executives were being compensated with nonsalary perquisites. While executives may have previously felt some compunction to report their chauffeured transportation, exclusive country club memberships, or other company-paid executive fringe compensation, the SEC, in the interest of saving money, has done away with the rule and replaced it with a ceiling on perks. Executives can now receive no more than 10 percent of their salary in perks, or $25,000, whichever is less.

It is wonderful how deregulation always saves money. It just matters whose money you are saving. Is the $25,000 a ceiling? Or is it more likely a new floor for executive perks?

Mr. Speaker, adoption of this new rule is another example of the anti-consumer attitude of this President and his appointees. I find it pathetic that a stockholder will not even be entitled to know precisely how executives are compensated in the company whose stock he holds.

And given the President's frequent admonition that the public themselves should be allowed to decide a given issue, I am distressed that the SEC could not have simply changed the rule to allow a company's stockholders the right to vote on whether or not they felt it necessary to have the disclosure. Killing disclosure entirely and replacing it with a floor will probably turn out to be entirely counter-productive to the SEC's professed intentions.

If my colleagues have not already read the Washington Post's financial section Monday morning column by Jerry Knight, I am inserting it for their information. The article follows:

[From the Washington Post, Sept. 26, 1983]

SEC Deregulation Gives Top Brass a License To Steal

(By Jerry Knight)

In the name of deregulation, the Securities and Exchange Commission last Thursday gave corporate executives a license to steal.

You can pad your paycheck with perquisites and you don't have to tell the stockholders, unless the freebies add up to more than 10 percent of your pay, the SEC decided.

Country club dues, a corporate hideaway, a company car or any little fringe benefit you can finagle can be yours and the folks who invested in the company will never know, the commission told Wall Street. Disclosure rules in effect since 1978 were canceled, effective immediately.

We're not doing this to save executives the embarrassment of having their off-the-books benefits disclosed to the stockholders, the five SEC members chorused unanimously. We're doing this to save money for the company and to save time for investors.

Think of how much money businesses have wasted telling stockholders about the extracurricular benefits paid to executives. All the wear and tear on adding machines to total up the club dues, the chauffeur's salary, the monthly Mercedes payments. To say nothing of the outrageous cost of shrinking those numbers into flea-size type and hiding them amongst the footnotes in reports to stockholders. Think of how much time stockholders wasted reading those footnotes.

By the logic of the SEC, the untold hundreds of dollars saved by not disclosing details of executive compensation will no doubt be invested in capital equipment, new

factories and new research that eventually will trickle down into jobs for unemployed. (If you believe that, I've got a supply-side tax cut to sell you.)

The sad reality is that any piddling savings from weakening the reporting requirements will be more than offset by the new perquisites that are likely to be paid as the result of the new policy.

Anyone who understands the workings of regulations knows what happens when the government establishes a threshold for the enforcement of any rule—all the action tends to take place right outside the door.

By requiring companies to report executive fringe benefits that amount to more than 10 percent of cash compensation (or $25,000 a year, which ever is less), the SEC has created a free fire zone. Anything up to 10 percent is unreported, unregulated and usually untaxed.

Back in the days when perks had to be reported to the stockholders, many executives hesitated to ask for them. Board members and top management understand that a lot of stockholders resent imperial executives.

It doesn't look good to give an interest-free mortgage to a $100,000-a-year vice president, to subsidize country club dues for people who can afford to pay their own greens fees or to lease a Lincoln for the boss.

As even the five SEC members must understand, any disincentive for digression was destroyed by the 10 percent threshold. The threshold becomes a ceiling for unreported income. The first 10 percent is free. You can drive a mighty long gravy train through that loophole.

Executives of the old Auto-Train Corp. got away with giving themselves a private railroad car as a perk back in the days before the Carter administration demanded disclosure of freebies.

Perks weren't what derailed Auto-Train, but they certainly were a symptom of its problems. Investors began to lose faith in the management of the railroad when someone leaked information about the private car, the Mercedes and the Jaguar provided the president and the condominium in Florida shared by the top brass. The people who wound up holding worthless Auto-Train stock might not have invested in the company if they'd known how high on the hog the executives were eating.

The Auto-Train affair ought to show the SEC members they are wrong if they think that allowing executives to hide their fringe benefits is going to help avoid scandals. If anything, it will create more petty backbiting about the propriety of particular prerequisites. Dirty little leaks will replace routine disclosure. The corporate gadflies will feast on the droppings.

Disclosure of compensation keeps executives honest. It discourages dubious expenditures, holds down costs and increases profits. It provides investors with valuable information about a company's management. What better arguments could there be for continuing to require disclosure?

Surely the cost of reporting compensation cannot outweigh these benefits.

Disregarding the deterrent effect of disclosure, the SEC action ignores the principle that stockholders should be given as much information as possible so they can make intelligent investment decisions. So as democracy depends on an informed electorate, Wall Street depends on informed investors.

The SEC decision to let companies hide perks from their shareholders is a telling commentary on the Reagan administration's regard for the public's right to know.●

THE RESIDENTIAL RENTAL UNIT CONVERSION MORATORIUM AND TENANTS ASSISTANCE ACT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. ACKERMAN. Mr. Speaker, today I have introduced an important piece of legislation which will have a significant impact on stabilizing the multiunit housing market, the Residential Rental Unit Conversion Moratorium and Tenants Assistance Act. Each year for the past decade thousands of families have been displaced because of the rampant conversion of rental housing to private ownership. While conversion in and of itself is not innately harmful, the effects that the uncontrolled conversion has on many of our citizens are.

In a housing market where interest rates and the purchase costs are prohibitively high, a middle-income wage earner has little hope of homeownership. The only alternative is to rent. However, runaway conversions of rental units to private ownership drastically cuts into the rental market. This has two detrimental effects. First, the supply of rental units become extremely scarce. This is pointed out by the surprising low vacancy rates in our urban centers. For example, New York City has a vacancy rate of only 2.1 percent and Los Angeles has a rate of merely 1.6 percent. The second effect is that the rental scarcity artificially drives up the cost of housing and prices middle to low income wage earners out of the market. I believe that it is about time for the Federal Government to intervene on behalf of these displaced citizens and assist them, through the localities, to find proper housing.

The legislation which I have introduced today has three provisions. First, the bill would impose a 3-year moratorium on the conversion of residential rental units to residential units offered for sale. Second, it would authorize the Secretary of Housing and Urban Development to establish a commission to investigate and make recommendations pertaining to the problems inherent in conversions. And third, the bill would also call for the authorization of $10 million to fund a grant program adminstered by the Secretary of HUD. This would enable municipalities to assist individuals in locating appropriate housing, and to develop local strategies in dealing with low vacancy rates where there is high demand.

Mr. Speaker, I welcome any comments or suggestions that any of my colleagues may have regarding to this legislation, and I welcome their support of it.●

MARIA TERRY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. DIXON. Mr. Speaker, while Members of Congress are often praised or lauded for their work in this Chamber, the truth remains that this institution would grind to a halt without the behind the scenes work of those individuals who work for the U.S. House of Representatives.

I make this observation, because this week my Executive Secretary, who has been very special to my work in Congress is leaving my staff to return to California. Maria Terry has, in fact, worked for me some 11 years, dating back to my days as a member of the California State Assembly. She has been a loyal and trusted employee and a friend whose presence will be greatly missed.

Maria's trademark has always been her good cheer and positive spirit, and she has made many warm friendships during almost 5 years here in Washington, D.C. From constituents to Capitol Hill Police Officers, Maria made the Dixon office a friendlier place. So often, people in Los Angeles have remarked on how helpful our office was in making their visit special, and almost always Maria's name would be mentioned.

I am also grateful to Maria for her ability to somehow organize the chaos of Congress, even on those days when both subcommittees met simultaneously, an important bill was on the floor, the phones were ringing off the hook, and a high school group was waiting in my office; Maria's spirits never dampened.

Mr. Speaker, I have been fortunate to have had the opportunity to work with Maria for more than a decade, and in behalf of her many friends I extend our best wishes for her future success as she begins a new chapter in San Diego, Calif.●

A TRIBUTE TO JAZZ GREAT JOHNNY HARTMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. RANGEL. Mr. Speaker, I rise to pay homage to the life and contributions of a truly great American musician, Johnny Hartman.

One rarely takes the liberty of going to the CONGRESSIONAL RECORD to laud

the contributions of an entertainer, but I take this occasion, Mr. Speaker, because the life of Johnny Hartman was not just one of an entertainer. It was more the life of one who was an ambassador.

His music was felt in the hearts of so many people in America, Japan, England, Australia, and Germany. He brought them not only his great talents, but also the beauty of many great artists such as Earl Hines, Dizzy Gillespie, John Coltrane, and Billy Taylor. His voice was one instrument in the symphony of jazz, which is no longer just an American art, but a universal one.

Johnny Hartman's talents have been recognized by the most prestigious music honorariums, including the Grammy nomination for the best jazz vocal performer in 1981, and the best male vocalist at the New York Jazz Awards in 1980. Although he was born in Louisiana and raised in Chicago, we in New York have taken him as our own because he chose to reside among us in the "music capital of the world." Indeed, he chose to reside in my congressional district in Harlem, which we like to believe is the "soul capital of America."

It would be enough to mourn his death in terms of how music has lost one of its greats, and also in terms of what his loss means to his beloved wife Theodora and his children. But it is strange how everyone who knew him—and those who did not—feel that more than anything else, we have lost a good friend of the community. And so, Mr. Speaker, I want his family to know that while he is missed at home, in Harlem, and in New York City, we in Congress and the Nation as a whole will miss the contributions that Johnny Hartman continuously made.

Fortunately for us, his memory and the songs will continue to be with us.●

TO COMMEND THE COMMUNITY SERVICES DEPARTMENT OF SAN BERNARDINO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. LEWIS of California. Mr. Speaker, I am sure my colleagues remember the Colorado flooding disaster which seriously afflicted my district in California as well as the six surrounding States. I would like to take this opportunity to commend a most effective emergency relief team, the Community Services Department of San Bernardino County, for their efforts regarding the Colorado River emergency relief program.

It is indeed comforting to know that in the event of a disaster, such as the Colorado River flood crisis, that there are such competent and efficient people to take charge of an emergency situation. The management and staff of the Community Services Department of San Bernardino County should be recognized for their tireless hours of participation in the Colorado River emergency relief program. Mr. Speaker, I take great pride in commending to my colleagues the individuals who were a part of this important project and they are: Rodolfo H. Castro, Patricia L. Nickols, Sandra Brown, Kethy A. Kivley, Marvel Killins, Pauline Duncanson, Maria Juarez, Joan Hunsaker, Susan Campos, Charles Adams, Jr., Ed Castillo, Maxine Hickman, Bobbie Thompson, Zenaida V. Ortega, Jenny Alvarado, and Mary Dominguez.

I am also inserting in the RECORD a copy of a letter that discusses CSD's role in providing emergency services during the Colorado River flood crisis. I know their efforts and service were a tremendous help to the victims in the Colorado River area.

STATE OF CALIFORNIA GOVERNORS'S OFFICE, OFFICE OF ECONOMIC OPPORTUNITY,

Sacramento, Calif., July 5, 1983.

RODOLFO CASTRO,

Executive Director, Community Services Development of San Bernardino County, San Bernardino, Calif.

DEAR MR. CASTRO: The State Office of Economic Opportunity (OEO) wishes to express it's gratitude to your agency for your quick response and staff participation in it's Colorado River Emergency Relief Program.

As a result of the meeting held here in the OEO Southern Region Office, on July 1, 1983, we will be able to provide possible flood victims in the Colorado River area with emergency assistance in the immediate future.

Thank you for your cooperation. We look forward to working with you on this joint project.

Sincerely,

RICHARD M. TAFOYA,

Southern Region Manager.●

FEDERAL COURT SYSTEM REFORM

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1983

● Mr. SUNDQUIST. Mr. Speaker, after reviewing the results of my recent questionnaire I learned that the residents of my district overwhelmingly prefer tougher crime measures and support a review of Federal judges after a 10- or 15-year tenure. For this reason, I am introducing two pieces of legislation today, aimed at reforming our Federal court system.

The first bill amends the Constitution of the United States relative to the appointment and tenure of Federal judges below the level of the Supreme Court. Currently, Federal judges are appointed to life terms contingent only on good behavior. This practice makes it almost impossible to remove judges from the bench. When the Constitution was written, it was intended that such procedures would allow judges to remain impartial and insulated from political pressure. In recent years, however, the judiciary has begun to vastly expand its role in policymaking. The current system of judicial tenure has made it almost impossible to terminate the judgeship of poor appointees or those who overstep the bounds of their intended role.

The ultimate goal of this and all similar proposals is to achieve balance between the principles of judicial independence and the accountability of public officials. The Constitution bases our Government on a system of checks and balances. However, it is impossible to enforce this idea in a judicial system with life tenure. This bill proposes to achieve a reasonable balance by providing fixed terms for Federal judges with provisions for reappointment. It is hoped that this will allow the judiciary to maintain its independence while introducing a reasonable and appropriate degree of accountability into the system.

An important effect of this legislation will be to make Federal judges accountable for their attempts at judicial activism. At the present time, they are the only public officials who are not accountable to any constituency. This is especially dangerous now that the judiciary has begun to try to expand their role to include policymaking. This was not the intention of the framers of the Constitution and several judges have flagrantly overstepped the bounds of their authority in this area. An examination of specific cases shows the detrimental effects of this situation:

In 1981, an 8th Circuit Court of Appeals Judge reversed the decision of a jury which unanimously convicted a man of robbery and assault in 1973. The assailant, five years after his trial and conviction, objected to the composition of the jury during his trial. Because witnesses could not be assembled so many years after the crime, the man was not retried and was set free.

In 1975 a man committed and was convicted of three counts of robbery with a deadly weapon. Two years later, he appealed his conviction claiming ineffective counsel. Both the lower state court and the Missouri Supreme Court ruled against his motion. But in 1980, the criminal filed a writ of habeas corpus in federal district court. After a full evidentiary hearing the Judge dismissed the petition. However, the 8th Circuit Court of Appeals accepted the appeal and contrary to the lower state and federal courts, decided the man was denied effective counsel and released him.

It is clear from these facts and many other examples that we must provide some mechanism in our judicial system that will make judges accountable for actions such as these.

This legislation will also lead to judicial accountability in sentencing. At the present time, a great amount of disparity in sentencing exists. Two persons convicted of the same crime can receive greatly varying sentences. In a study involving 50 Federal judges and 20 actual cases, the extent to which disparity exists was revealed. In one case involving extortion and income tax violations, sentences ranged from 20 years and $65,000 fine to only 3 years in prison. Disparities such as these are often the result of the gross leniency practiced by some of our Federal judges.

This proposal will make judges accountable for their actions by limiting their tenure. This would facilitate their removal from office if necessary. The House of Representatives has voted the Articles of Impeachment for only nine Federal judges, the most recent being Halstead L. Ritter in 1936. Clearly, this indicates that judges in recent history have not been held accountable for their decisions. In light of the new judicial activism, it is a cause of great concern to others like myself who believe that no public official should have such freedom to make decisions without some mechanism for accountability. Limited tenure will help to insure that judges do not overstep the bounds of their constitutionally prescribed powers.

Although this proposal may seem radical, and examination of relevant facts shows that this is not the case. During a 1972 hearing on a similar bill, Senator BYRD presented evidence, which is still current for 1983, showing that only 3 of the 50 States provide no fixed term for State judges; the other 47 have limited tenure. It was also noted that most of these 47 States had made changes to the present arrangement based on prior unsatisfactory experience with life tenure. At the present time, 2 of the 3 States that have no fixed term, Massachusetts and New Hampshire, have a retirement age of 70. Only Rhode Island has life tenure for its State judges. They can, however, be removed from office by a vote of the State legislature. These statistics would seem to indicate that the proposed legislation is not as radical as it first appears and that it is in keeping with current widespread trends in America.

If we in the legislature want to preserve the credibility of our Federal court system, we must act now to make the necessary changes. My proposal to provide set terms for Federal judges with provisions for reappointment insures a degree of accountability. It guarantees that we can review the performance of our judges to see if their decisions follow societal norms. We will no longer be forced to suffer the dictates of a judge who oversteps the bounds of judicial authority. The basis of our system of justice will once again be founded in the people and not in the whims of an uncontrolled Federal judge.

Along with this legislation, I am also introducing a bill to establish sentencing guidelines in the Federal courts. This is one of a number of measures proposed to eliminate sentencing disparities throughout the Federal court system.

As I have already mentioned, judges today are given a great deal of latitude when sentencing convicts. This latitude has resulted in widely varying sentences for persons convicted of similar crimes. When the current laws were written, the broad sentencing guidelines were intended to allow judges to choose a sentence which fit the individual circumstances of each case. The result has been that judges use this latitude to shape sentences to their own personal definition of justice.

The goal of this measure is to eliminate inconsistencies that occur from court to court and to promote justice and certainty in sentencing. This is to be achieved through a system of guidelines that prescribe sentences dependent upon the history of the defendant and the nature of the crime. The guidelines would be submitted periodically by a Committee on Sentencing established within the Judicial Conference of the United States. After submission, the Congress would have 180 days to act before the guidelines took effect.

These guidelines would be in keeping with current trends in America. Many States now have mandatory sentencing in a number of forms. Forty-three have laws providing mandatory sentences for persons convicted of violent crimes—murder, rape, and so forth. Mandatory sentences for narcotics and firearm offenses are also common. Thirty-seven States have mandatory prison terms for certain violations of gun laws and 29 have them for certain drug offenders. In addition, mandatory prison terms exist in 30 States for career or habitual offenders. As these figures indicate, a move toward "fixed" or "determinate" sentencing is occurring across the country.

Similar guidelines have recently been instituted in the State of Maryland. This was done with the near-unanimous support of judges at the annual meeting of the State's Judicial Conference. The current use of guidelines throughout the State is the culmination of a 2-year pilot project in selected areas. The most important point to note is that the program was initiated by the judges themselves. The Maryland State judges like many others around the country have recognized the need to correct the inequities in sentencing that exist in our criminal justice system.

An important impact of this legislation would be the clarification of our sentencing goals. A lack of goal clarification is the cause of many sentencing disparities. In effect, criminal justice is administered by men not by an act encompassing norms.

The goals of sentencing take several diverse forms. Rehabilitation—reforming offenders through treatment and corrective measures aimed at making them productive citizens—usually brings more lenient sentences. However, the effectiveness of rehabilitation has been questioned. A survey of over 200 studies on this subject showed little reason to believe that rehabilitation programs reduce the number of repeat offenders. The more utilitarian goals tend to carry harsher sentences with them. Such goals would be general deterrence imposing penalties that are severe enough to discourage others from committing similar crimes; special deterrence—imposing penalties severe enough to discourage the offender from committing any more crimes; and incapacitation—removing an offender from society so that he cannot commit additional crimes. By clarifying the goals of our criminal justice system, sentencing guidelines that meet their needs can be instituted rather than forcing the disparate minds of the Federal judiciary to make personal value judgments on which goals and sentences are appropriate.

This legislation also deals with the question of the Parole Commission. At the present time, parole boards have a great deal of influence over the length of time a criminal spends in prison. Prisoners can appeal their sentences to the Parole Commission to have them shortened. Critics, however, point to the fact that parole boards are even further removed from the crime than the judge which could impair their ability to weigh the facts of the case. In addition, the ability of a parole board to predict the future behavior of prisoners is called into question. In a study on parole decisions in New York State over a typical 5-year period, half of all those let out on parole either commit a crime or violate parole rules. After considering these facts, it seems clear that our Federal judges could do a better job of handling the problems that arise with a prisoner's sentence than the Parole Commission.

This bill provides greater certainty in sentencing which will lead to greater deterrence of crime. Although this is not the ultimate solution to the crime problem, it is certainly a step in the right direction.

I invite my colleagues to support these bills in an effort to begin to eliminate the inconsistencies and upgrade the quality of our Federal court system.●

SENATE—*Wednesday, September 28, 1983*

(Legislative day of Monday, September 26, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Every kingdom divided against itself is laid waste, and no city or house divided against itself will stand.—Matthew 12: 25.

Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133: 1.

Gracious Father in heaven, as the Senate faces the heavy responsibility of decision concerning a very critical and potentially divisive matter, we invoke Thy presence, Thy wisdom, Thy love, and Thy power upon this House and in the heart of each Member. Strong and eloquent words have been spoken out of deep conviction. Grant dear God, when the vote is taken and the decision finalized, that the outcome will not weaken our unity as a government and as a people. We pray this in the name of Him whose mission was to unite all things. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 28, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. JEPSEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 2 minutes.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the reason for the abbreviated leader time this morning is so we can get a running start on the war powers resolution debate. I will take that 2 minutes only to outline the situation as I see it.

Senate Joint Resolution 159 is pending. I hope that we can finish that resolution today, but I doubt it. The statutory time, according to the interpretation of the Parliamentarian, will expire at 2 p.m. on Thursday, tomorrow.

Mr. President, time is under the control of the two leaders or their designees and shall be equally divided by the provisions of the statute.

Mr. President, I am afraid I cannot give any further report than that. Let me remind Senators, however, those who are listening in their offices and otherwise, that this week still is a doozy. The Official Reporters and the Public Printer may have difficulty with that word, and I leave it to them to define the spelling.

But, Mr. President, the business that must follow on after the war powers resolution is extraordinary. We have a continuing resolution to deal with before midnight on Friday, the beginning of the new fiscal year. I am advised that the House will send us the CR sometime today, probably late today; too late for us to take it up during this session day.

We must also do the unemployment benefits extension bill. It would be the intention of the leadership on this side to try very hard to get a short time limitation on that measure and to do it in advance of the CR, since it, too, expires at midnight on Friday. We simply must do that. I believe it is available.

Mr. President, in addition to that, if we receive a conference report on revenue sharing on the extension of the revenue-sharing program—and there is a good hope that we may—it would be the intention of the leadership to ask the Senate to turn to the consideration of that conference report, because the authority for revenue sharing, which affects virtually every city and county in the country, expires at midnight on Friday.

So it is going to be a busy time, Mr. President. Before we convened, my friend and colleague, the minority leader, asked if I thought we were going to be in on Saturday, which is a question of great importance, especially on Wednesday when people have begun to make their final plans. And my reply, unfortunately, was, "I don't know." I do not know how we are going to avoid it because what I have just outlined is potentially very time consuming.

But, Mr. President, let me say this. If we can finish these items, clearly we will not be in on Saturday. But, in order to finish them, we are going to have to deal with the CR, the continuing resolution, very promptly, and that means we are going to have to do so without yielding to temptation to amend it in any significant degree.

CR's have traditionally been Christmas trees lately. We cannot do that and expect to be out of here on Friday. I hope that we could get a CR out of here very promptly with a minimum of amendments, maybe no amendments at all. This holds true, of course, as to the other two items, as well.

I am asking staff on this side of the aisle to confer with their counterparts on the other side of the aisle, if the minority leader will consent to that, to explore the possibility of time agreements on all or any part of these measures. Then I will have a further report to make on the probability of a Saturday session.

Mr. President, I thank the Chair and I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

THE CONTINUING RESOLUTION

Mr. BYRD. Mr. President, let me ask the majority leader a couple of questions. Does he have any idea as to what extension date will be in the continuing resolution when it comes over from the House?

Mr. BAKER. Mr. President, I do not know with any degree of certainty; however, I do know this. I met yesterday with Congressman MICHEL, the minority leader of the House, and with the ranking minority member of the Appropriations Committee, Mr. CONTE. The impression I had is that the continuing resolution would extend maybe until November 17.

There is some problem with that in the minds of some of our people, and I fully understand it because if we go out on the 18th, which is, I understand, the wish of the Speaker, that means we are going to be right up against it again with only 24 hours to deal with a new CR, if there must be a new CR.

Senator HATFIELD, the chairman of our committee, hopes—and I think realistically—that we can for the first time in a long time do all 13 appropriations bills and not have a CR.

Mr. BYRD. Mr. President, if the continuing resolution comes over from the House with a November 17 date on it and if it is their wish that we adjourn on the 18th, I think that puts the Senate in a corner. I think, if that is the case, we ought to attempt to amend that continuing resolution, that date, so that they cannot put the Senate in a corner.

Mr. BAKER. Yes, Mr. President, they do that so very well.

Mr. BYRD. They do that.

Mr. BAKER. And I agree with that. I have not yet communicated that concern to the House, but I agree with the minority leader. I will consult with Senator HATFIELD, the chairman of the committee, and we will try to do what we can do about that.

Mr. BYRD. Mr. President, I think it is important that we have that extension and that the House understand it, because I think that whether or not we have amendments on the continuing resolution at this point will largely depend upon that date. Because we see ourselves with only 24 hours in which to offer amendments, I think it is unfair for us to be put in that position. Senators would only have the choice then of offering their amendments to this continuing resolution.

It might be that we could avoid some amendments on this continuing resolution if Senators realize they are going to have more than 1 day to offer amendments to the resolution.

Mr. BAKER. If I may do so, may I ask the minority leader if he would be willing to consult with the Speaker and the chairman of the Appropriations Committee in the House on that subject and I will do the same with their counterparts on this side?

Mr. BYRD. I will be happy to do that.

Mr. BAKER. I thank the Senator.

Mr. BYRD. I will have my staff work with the majority leader's staff and see if there are any chances of getting agreements on the continuing resolution and on the unemployment insurance bill. But a lot is going to depend on the date we have been discussing.

I think the Senate ought to assert itself and not let ourselves, as we have been for years, just be put into a box by the House. They send over something at the last minute and then they leave. They can do that again. I do not say they do that with malice aforethought because I am not allowed to say that under the rules. But I hope I have stirred up enough interest now in having that date moved up.

I will call the Speaker and confer with him.

Mr. BAKER. I thank the minority leader.

Mr. President, I have no more time, but I see the distinguished Senator from Wisconsin on the floor. The time for morning business has already expired.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair will advise that under the previous order there will now be a period for the transaction of routine morning business with statements therein limited to 1 minute each, not to extend beyond 9:40 a.m.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for routine morning business be extended for 3 minutes, if the minority leader does not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVILIZATION IN SRI LANKA

Mr. PROXMIRE. Mr. President, recently, after years of reform and progress, Sri Lanka suddenly fell backwards, tripping into a state of war. They are not at war with some other nation but with themselves. This small country, where respect for human rights seemed to be growing, was the site of a most appalling action: Its majority murderously vented its frustration on a minority.

Reports have called what the Buddhist Sinhalese majority did to the Hindu Tamil minority "the worst ethnic violence since the country's independence in 1948." The antagonism between the two groups is centuries old. The Tamils, who number 3.5 million, have never gotten along all that well with the 12 million Sinhalese majority. But in recent years, a growing sense of tolerance has prevented major outbreaks of violence.

The United Nations hoped to encourage this sense of tolerance when, with enthusiastic U.S. involvement, it drafted the Genocide Convention in 1948. It then seemed reasonable to hope that the diverse nations of the world could agree that the mass slaughter of racial, ethnic, national, or religious groups should be made illegal. But for the current administration, this proposition was reasonable to every President, every Secretary of State, and every Attorney General. Opposition was found only in the Senate.

Mr. President, the ethnic violence in Sri Lanka, as horrible as it is, has brought out the best in some people. Dr. Ahangamage Ariyaratne operates two refugee camps in the Colombo area, which now shelter about 70,000 Tamils. Dr. Ariyaratne laments that: "We have seen a total breakdown of human values * * * I've never seen human suffering on such a scale, despite all of the pains of our history." The glimmer of hope in this situation is that Dr. Ariyaratne, who is risking his life by supporting the camps, is Sinhalese. So are most of the people working in the camps. Their decency, in the midst of horror, is exemplary.

Let us follow their example. I urge my colleagues to reaffirm, our decency and to vote for a treaty which outlaws genocide.

WEAPONS AS BARGAINING CHIPS: THE WRONG WAY TO CHOOSE OUR WEAPONS

Mr. PROXMIRE. Mr. President, one of the most frequent and effective ploys the Defense Department uses to secure a weapon system for which the military argument is weak is to argue for it as a bargaining chip in arms control. Two of the most flagrant examples of this were the MX missile and binary nerve gas. In both cases the military case was weak. The MX missile is a poor addition to our nuclear deterrent because it is both highly vulnerable and primarily useful as a first-strike weapon. And for this purpose its strongest advocates have consistently denied that we would ever unleash it for that purpose. We have been told repeatedly that we would never institute a first strike against the Soviet Union from our long-range intercontinental missiles. True, we have to date not forsworn the first use of tactical nuclear weapons in Europe such as the neutron bomb in the event the Russians with their vastly superior conventional forces should make a successful blitzkrieg attack on Western Europe, and we might in extremes first employ intermediate range cruise and Pershing missiles, but not the MX which would be located in western United States.

This means the MX would be held in reserve as a deterrent to discourage the Soviets from launching a preemptive first strike against this country. How ridiculous. The Air Force has told the Congress that the Soviets would be able to knock out 99 percent of four land-based missiles with a preemptive first strike. That means the MX would disappear in a preemptive Russian strike. So when we build the MX we will have to make it an effective deterrent—be willing to fire it on warning. And that, Mr. President, is the kind of hair trigger which is most likely to start the holocaust—the third and final world war. That is, by mistake. A false warning, a computer error, and

there goes civilization. What makes the MX such an appalling blunder as a military weapon is the fact that the single, truly essential quality of any effective deterrent is that it be survivable, as close to invulnerable as we can get it, so that the U.S.S.R. will know that we can respond to their preemptive strike with a devastating deterrent. Of all our new weapons the MX is the least survivable, landbased, stationary, immobile, the prime sitting duck—with its 10 warheads per missile. It would obviously be the prime target for the Soviet Union and a very inviting target indeed. Why in the world should we sock $20 billion into this MX turkey at a time when we have a truly invulnerable nuclear submarine fleet and a largely invulnerable bomber fleet? The answer: the MX proponents tell us we need the MX as a bargaining chip for the massive and far more numerous Soviet multiwarhead, land-based missiles. Presumably we would eventually build our MX's up to match their land-based missiles and then we would be in a position to agree not to build more if they agreed not to build more. Or after we achieve parity with the Soviets in these Mirv'ed land-based nuclear missiles we would agree to reduce ours if they would reduce theirs. It is hard to understand why any Soviet negotiator would make that agreement. Why would be give up anything to persuade us to eliminate the one and only nuclear weapon we had which the Russians could quickly and easily and surely destroy?

The case for our production of binary chemical munitions is even weaker. Both sides had such weapons in World War II. They were never asked. Why? Was it because Hitler and his generals were humane? Why are we trying to kid? No, it was because retaliation would be sure and swift and first use would achieve no military advantage. Precisely the same case applies today, but much more strongly. Sure, the Soviets may use chemical warfare in Afghanistan against a primitive military operation. Does anyone really believe they would use chemical warfare against an enemy not only equipped with huge supplies of chemical agents but also equipped with a nuclear power which a chemical warfare attack would very likely trigger? So what do we gain by producing our own binary chemical agents for bargaining chip purposes? The Soviets will not use these weapons against us. We know exactly why they will not. For us to spend billions to build a so-called bargaining chip serves no purpose.

Mr. President, Christoph Bertram, the political editor of the German weekly, Die Zeit, wrote an excellent article on this subject that appeared on August 19 in the Washington Post. Mr. Bertram contends that choosing weapons as arms-control bargaining chips is wrong from the standpoint of our NATO alliance. I agree fully. And I add that it is also wrong in developing the most effective deterrent to protect this country.

Mr. President, I ask unanimous consent that the article from the August 19, 1983, Washington Post to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Friday, Aug. 19, 1983]

(By Christoph Bertram)

THIS IS NO WAY TO CHOOSE OUR WEAPONS

ARMS AND ARMS CONTROL MUST AGAIN BE JUDGED ON THEIR RESPECTIVE MERITS

The agonies that the Western Alliance has experienced to date (and may still have to experience further) as a result of its doubletrack decision 1979—to deploy new missiles in Europe unless negotiations make this unnecessary—are well known. Yet, intriguingly, recent U.S. arms decisions have followed the 1979 example rather than shunning it.

Take two examples. The U.S. Congress has voted for the MX intercontinental missile in the hope that the START negotiations might render deployment superfluous. And the decision to fund production of binary chemical munitions has equally been presented as a contribution less to military security than to arms control.

The argument behind these votes is, indeed, a powerful one: only if the United States and the Alliance demonstrate the willingness to arm, will the Soviet Union agree to arms limitations. In fact, the Reagan administration, sensing the yearning for arms control in the country and in Congress, has discovered that major military programs often receive the necessary political support only if they can be presented as a first step to arms control.

But it is a shortsighted approach both to the task of defining the requirements for defense and the opportunities for arms control. The NATO experience should serve as a warning rather than as an example, for three reasons.

First, by making its own deployment conditional on the outcome of arms negotiations, the Alliance has weakened the military case for its program. It pretended that the rationale was to counter the Soviet SS20 missile, and that once that missile disappeared, so would the rationale for Western nuclear modernization. But the SS20 is only one of the Soviet systems that must concern the West, and the military case for Western modernization would be as strong or as weak even without that weapon. As a result, NATO has never acquired fully credibility with its argument that, militarily, its program is really necessary.

Second, the political staying power of the Alliance, rather than military need, has become the chief argument for sticking to the program. Soviet pressure on European public opinion has been intense, and quite legitimately so; if the Soviet Union can stop Western deployment without paying for this by restraint of its own, it will be a good bargain from the Soviet point of view.

But the result has been to turn the NATO program into a matter of political principle rather than military rationale. Even the more doubtful aspects of the program, such as the highly accurate Pershing II ballistic missile, cannot be abandoned without unpleasant political consequences. Sticking it out has become more important than getting it right.

Third, arms control is less a concept for ordering the military competition between East and West than an escape route from a painful political decision. Today, most of the governments that supported, in 1979, the decision to station new medium-range missiles in Europe look to the Geneva negotiations in the hope that arms control will make the problem somehow go away. For European public opinion, as for many governments, any agreement in Geneva is more important than a good agreement.

The pressure for arms control is thus shaped by political opportunism and not by conceptual concern. The short term threatens to override the long term. Arms control has become a matter of political expediency rather than being a contribution to stabilize military competition between East and West.

Not all these shortcomings will be repeated if the NATO example becomes the Western rule, but many will. To escape them, arms and arms control must again be judged on their respective merits. A bad weapons program—and I consider the MX to fall into this category—will not become a good one merely because it might serve as a bargaining chip in arms control. And bad arms control is not becoming good arms control merely because it limits a bad system. Instead of ending up with sensible arsenals and sensible controls, we could end up with doubtful arsenals and doubtful controls.

There is, therefore, no alternative to the old-fashioned procedure: military requirements must be judged on what is needed militarily, no more and no less. And arms control objectives must be defined on what is needed to control dangerous military competition. At times, both objectives may contradict each other; it is them up to the political authorities to decide where the priority should lie.

To pretend that one can go ahead with questionable military programs because they may lead to desirable arms control means not only to fudge the issue. It is also a disservice to military security and to arms control alike.

FEDERAL SYNTHETIC FUELS PROGRAM

Mr. PROXMIRE. Mr. President, on September 22 the Wall Street Journal published an editorial entitled "Sinful Subsidies" which reached the conclusion that there is no need for a Federal synthetic fuels program.

The editorial wisely states, "If these energy projects are economical, industry will finance them. If not, taxpayers will be out a lot of money." It further suggests that derailing the synfuels gravy train is a great first step toward reducing the Federal deficit.

The Wall Street Journal is not alone in pointing out the giant loss to the Treasury and waste of taxpayers dol-

lars represented by the activities of the Synthetic Fuels Corporation.

The September issue of Policy Report, published by the CATO Institute contains the article, "Synfuels: The $88 Billion Dollar Mistake" written by Elena Folkerts-Landau. She points out that the Federal program of synthetic fuels subsidies was based on false economic assumptions and that program weaknesses were compounded by bureaucratic ineptitude.

A third recent critique, "Synfuels, No Win Fuels," by Doug Bandow was published on the Op Ed page of the New York Times. He, too, points out the fallacies in our present program of synthetic fuels development.

Mr. President, all three of these pieces reach the same conclusion: The Synthetic Fuels Corporation is a Government agency whose time has passed. While its enormous off-budget expenditures threaten the Treasury with a multibillion-dollar loss, the taxpayers get precious little energy independence in return. In fact, according to a Synthetic Fuels Corporation official, it would cost $150 billion to achieve the Energy Security Act's goal of 2 million barrels per day of synthetic fuels.

At a time when the private sector is fleeing what were supposed to be the most attractive synthetic fuels projects, it is also time for the Congress to take a second look at this bloated and misguided program.

I ask unanimous consent that these three articles be reprinted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 22, 1983]

SINFUL SUBSIDIES

The nation's first coal-gasification synthetic-fuels plant is now coming on stream in Kingsport, Tenn. The project is on time and on budget. But the really amazing part is that it has been done without a dime of government money.

Tennessee Eastman, a unit of Eastman Kodak, will use the plant to convert about 900 tons of coal a day into chemicals for Kodak film and other plastic products. The project, built by Bechtel, is estimated by industry observers to cost about $300 million and was planned in 1978–1979 on the basis of $12-a-barrel oil; at the current oil price of $29 a barrel, the Kodak project may be highly profitable.

If Kodak can build a profitable, privately financed synfuels project, why does anyone else need government funding? Is there any genuine need for the grossly over-funded federal U.S. Synthetic Fuels Corp. to provide tax dollars for energy projects?

For instance, SFC already has provided $120 million in guarantees for the Cool Water Coal Gasification Project in Daggett, Calif. That project, being built by a consortium led by Texaco, will use a similar coal-gasification technique as the Tennessee Eastman, although it will produce electricity instead of chemicals. Another project getting government help is an oil-shale plant being built by Union Oil near Parachute, Colo. Under a 10-year price-guarantee contract now administered by SFC, the project will supply diesel and aviation fuel for the Defense Department at a floor price of $42.50 a barrel, indexed for inflation.

SFC is eagerly trying to dole out what remains of its $14.9 billion in Phase I appropriations, due to end next June 30, before it can ask Congress for the rest of its $88 billion authorization. It recently signed letters of intent for four projects amounting to about $2.75 billion in loan and price guarantees.

Kodak has found that it can build a synfuels plant without government funds and still turn a profit. Other companies are turning to the federal dole to build their plants, while many major oil companies have simply abandoned synfuels as viable projects despite the availability of SFC monies.

All of this confirms what we thought all along—that there is no need for a federal synfuels program. If these energy projects are economical, industry will finance them. If not, taxpayers will be out a lot of money. If Congress really wants to make a dent in the deficit, here's a good place to start.

[From the New York Times, Sept. 1, 1983]

SYNFUELS, NO WIN FUELS

(By Doug Bandow)

WASHINGTON.—The Synthetic Fuels Corporation is fast becoming one of the greatest pork barrels in the history of American politics. Although none of its economically senseless projects would survive in the marketplace without subsidization, it cruises serenely ahead almost without opposition, leaving mismanagement and misconduct in its wake.

The Corporation's president, Victor Schroeder, has resigned, and the remaining officers are struggling to explain why they built a sauna in the executive suite, granted 51 consulting contracts without competitive bidding (including one for $21,000 for a six-page memo on communications) and have made only two project awards in three years, despite spending $34.5 million for administration and hiring some 200 employees.

When it was created in 1980—with $20 billion and the promise of $68 billion more—the Corporation was envisioned as the progenitor of a vital industry, and an agency that would work its magic through loan guarantees that would "cost the taxpayer little or nothing," in the words of Edward Noble, the chairman.

Neither the will of Congress nor the pronouncement of President Jimmy Carter, who was waging the "moral equivalent of war," however, could make synthetic fuels cost-effective. Recognizing the poor economics, Exxon dropped out of what was once the nation's most ambitious project, the $5 billion Colony Shale Oil plant in Colorado, and Ashland Oil shelved plans for a multibillion dollar coal-liquefaction plant in Kentucky.

The Corporation has been forced by this bad economic news to alter its funding strategies, which is bad news for taxpayers. Now, Mr. Noble says, the Corporation will work not so much with loan guarantees as with price guarantees, which, like agricultural price supports, will guarantee sales at a profit, no matter what the market price. According to the Corporation, these guarantees will account for $7 billion to $10 billion of the total of $15 billion it will spend on synfuels. It plans—for now, at least—to spend the rest in loan guarantees.

What's a barrel of synthetic fuel going for these days? The Corporation is guaranteeing $67, when a barrel of crude oil can be bought on the spot market for about $30. And even in the unlikely event that the price of crude rises dramatically, the price of synfuels will rise ever higher. When oil cost $3.50 a barrel in 1973, synfuels were projected to cost $4.50 a barrel. When oil hit $17 a barrel, estimates for synfuels went to $25. The fluidity of these estimates is due partly to the optimism of the synfuel industry and partly to the fact that synfuels plants are themselves heavy consumers of fossil fuels.

Moreover, the eventual output of plants established by the Corporation will be minimal. At the time it was chartered, the Corporation was expected to cultivate an industry that would produce the equivalent of 500,000 barrels of oil a day by 1987, and two million a day by 1992. Today, Corporation officials admit that even in the unlikely event that they succeed in building every plant they hope to open by 1991, production will reach barely a third of the 1987 goal.

Does it make sense, as synfuels advocates claim, to spend more for the alternative fuel than for the fuel from which we want to be independent? Would we be "mortgaging our energy future" by abandoning a technology that private firms refuse to develop? Absolutely not. In fact, if we are mortgaging our energy future, it is by underwriting expensive synfuels projects rather than allowing the market to dictate investments in the alternative fuels that make the most sense. Subsidized synthetic fuels undermine the competitiveness of alternate energies such as co-generation, wind, solar power and hydropower, while discouraging conservation efforts. Private firms are loathe to underwrite alternative energy projects while the Corporation is subsidizing synfuels at the rate of $37 a barrel.

There are reasons other than cost to keep the Government out of the synfuels business. Government-subsidized projects are inevitably politicized and often come to fruition for all the wrong reasons. The Peat Methanol Associated project, in North Carolina, which has $465 million in loan and price guarantees, and which even the Corporation's staff says is economically "unpromising," seems to survive only because it has had as investors a number of influential Republicans, including William Casey, the Director of Central Intelligence.

When asked last year what the American people had gotten for their money, Mr. Schroeder, the Corporation's former president, replied "one heck of a lot of information and education and understanding." If we've learned anything, it's that the Corporation benefits politicians, entrenched bureaucrats and well-connected consultants and businessmen, not the public. It's time to shut it down.

[From the Cato Institute Policy Report, September 1983]

SYNFUELS: THE $88 BILLION MISTAKE

(By Elena Folkerts-Landau)

In a classical maneuver to assure its survival for decades to come, the U.S. Synthetic Fuels Corporation (SFC) initiated an $88 billion crash spending program this summer: It signed its first contract to commit federal funds to the operation of a synthetic fuels plant, the Coolwater coal gasification plant in California, and it signed its first letter of intent to obligate

over $2 billion to a single synfuels project, an oil shale plant in Colorado. These events, a "milestone" in the words of SFC's chairman, Edward E. Noble, launched the SFC's drive to commit $15 billion by year's end in an effort to beat slow-paced congressional efforts to bring the scope and scale of the SFC's activities in line with current economic and political conditions.

By spring 1983, the SFC had committed no funds to synfuels projects because well-qualified industrial candidates failed to file applications for financial assistance. By then, the decline in nominal and real oil prices, the dramatic decrease in U.S. oil consumption, the vulnerability of the oil exporters' cartel, public concern over budget deficits, and indications of mismanagement inside the SFC had created disillusion with the federal synfuels program in both Congress and the Reagan administration. Yet the SFC's current initiative, if it is not soon aborted, commits the government to let the corporation monitor and provide follow-up financing for synfuels plants over the course of their 25-year operational life.

The SFC was established in 1980 by Congress, with President Carter's support, as the centerpiece of the Energy Security Act, itself a response to the cutoff of Iranian oil and the subsequent doubling of world oil prices. The independent agency was endowed with an $88 billion, off-budget authorization, $15 billion of which was immediately made available. The SFC's mandate was to stimulate commercial production of synthetic fuels so as to place an upper limit on future energy prices, and thereby insure American consumers against unlimited price increases instigated by OPEC.

One of the biggest selling points of the 1980 Energy Security Act was that the program promised to cost the government little or nothing. House Majority Leader Jim Wright (D-Tex.) and Sen. Pete Domenici (R-N.M.), among others, predicted confidently that synthetic fuels would quickly become commercially competitive, and the SFC could therefore confine itself to loan and price guarantees that would require no actual outlays.

Now, three years later, senior SFC officials are predicting that 90 percent of obligated funds, or nearly $14 billion of the initial $15 billion authorization, will have to be financed by the U.S. Treasury. This is partly because industrial applicants insist on receiving price guarantees, which generate direct money subsidies when a synfuels project becomes operational. Loan guarantees, in contrast, may cast in doubt a company's financial integrity, and so are of limited value to reputable companies.

The Energy Security Act's production goals are now also considered impossible to meet, The mandate to share with private industry the technological risks of producing the equivalent of at least 2 million barrels of oil a day by 1992 would require, at present, more than $400 billion in public outlays. Even the least expensive of synthetic fuels, oil shale, is estimated to cost an average $60 to $90 per barrel over the 20-year lifespan of a synfuels plant, according to both the SFC and industry experts. With the market price of oil currently hovering around $28, a minimum subsidy of $32 per barrel is necessary for producers to break even. Thus, the $67-per-barrel price guarantees currently offered to investors lay the groundwork for $515 billion in public commitments. Synfuels costing an average $90 per barrel over 20 years, such as coal liquefaction, will cause federal outlays to reach at least $818 billion before the energy security goal defined in the Energy Security Act is achieved.

The SFC and its supporters, including the chairmen of the Senate and House energy committees, Sen. James McClure (R-Ida.) and Rep. John Dingell (D-Mich.), argue that such expenditures are acceptable because they do not affect the 1984 budget, but rather reserve their full budgetary effects for the years ahead. An SFC spokesman boldly wrote in the *New York Times* that SFC's planned $15 billion obligations do not contribute to the federal deficit because their budgetary effect "will take place two to four years after award" of the guarantees.

Not only is such disregard for future fiscal responsibility alarming, but it is also misleading. The public burden today is far greater than first meets the eye because current interest rates are pressured upward by investors' expectations that credit markets will have to absorb $14 billion in Treasury borrowings on behalf of the SFC. (If the SFC's request for access to the remaining $68 billion is granted in 1984, investors will expect an additional 90 percent of that sum, or $62 billion, in public borrowing, totaling almost $75 billion attributable to the SFC.) Even though funds have yet to be transferred to particular synfuels projects—in transactions that will be recorded off-budget—the effect on current interest rates is the same as an anticipated widening of the actual 1987-1990 federal deficits.

Sincere advocates of the SFC who argue that the country's energy security must be insured at any cost overlook the fact that $15 billion is expected to purchase the capacity to produce less than 60,000 barrels a day of synfuels, or less than two percent of current daily U.S. imports of oil and petroleum products. The Strategic Petroleum Reserve, in contrast, already contains about one year's supply of imports from the Middle East; its transportation and storage costs average $3.75 per barrel, or less than $15 million in annual government outlays in addition to the cost of the oil.

The creation of a centrally planned organization such as the SFC was more a congressional expression for "doing something, even if it's wrong," in the immortal words of Sen. Dale Bumpers (D-Ark.), than it was the outgrowth of thoughtful planning. Rejected by previous Congresses, synthetic fuels commercialization became the legislative bandwagon of the 96th Congress. Beginning with a relatively modest 14-page, $3 billion proposal, synfuels legislation mushroomed when the Carter administration stepped in with its $88 billion scheme to be funded by revenues generated from its proposed windfall profits tax. The Senate then tacked on numerous amendments, packaging synfuels development with solar energy, conservation, gasohol, and other energy programs; in addition, it abandoned the link between the synfuels program and the windfall profits tax.

The conference held in December 1979 to reconcile House and Senate versions of the energy security bill involved seven competing committees. So unwieldy was the proposal that almost no one was able to talk about it as a whole. Eventually, unnecessary or excessive items were added rather than deleted from the bill to gain support for a legislative package. Sen. Bennett Johnston (D-La.), pleased with the conference agreement, remarked that "there's something there for the left and for the right." When asked if the bill was not unlike a cookie jar, with something for everyone, Johnston replied "all of the cookies are good for the country." The bill was passed by an overwhelming bipartisan vote, and signed into law by President Carter on June 30, 1980. Rep. Wright called the measure "the most significant piece of legislation we're likely to enact this year."

WHAT WENT WRONG?

Why the SFC went wrong can be explained by a number of factors. First, the legislation was prepared in haste. No printed conference report was available at the time of the vote. And neither Congress nor the public was given sufficient opportunity to react to the end product. There was a lot of rhetoric about energy security, but, as Sen. William Armstrong (R-Col.) commented. "The [SFC] is not . . . supported by those who are knowledgeable of what it takes to stimulate meaningful production of energy from. . .synthetic-fuels substances."

In addition, oil price increases failed to materialize, and energy users and suppliers demonstrated a responsiveness to economic developments that defied the SFC's objectives. Oil consumption in the United States has declined 12 percent since 1980 from 17 million barrels per day to 15 million, and the share of oil in total U.S. energy consumption has dropped from 45 percent to 38 percent. Energy exploration has reached record levels, the number of oil wells drilled having more than doubled to 40,298 between 1980 and 1982 and gas wells having surged 29 percent to 18,953, before tapering off in recent months.

Most significant has been the voluntary reduction in U.S. crude oil and petroleum product imports from 6.9 million barrels per day in 1980 to an average 4.4 million in 1983. Greater efficiency of energy use and the consequent movement away from energy-intensive industries make it unlikely, furthermore, that imports will be increased to raise inventories significantly. Moreover, global strategic roles have been reversed, with oil-exporting countries more dependent than ever on capital supplied by the industrial nations. In 1980, when U.S. oil-price controls helped boost U.S. imports, the OPEC nations enjoyed a $115 billion current account surplus; today their current account has plunged to a $27 billion deficit, explaining why the OPEC cartel is powerless to fix oil prices far above the market level.

As a result, wholesale rejection of commercial synfuels development has eliminated SFC's choice of attractive opportunities. One year ago, Exxon abandoned a shale project in Parachute, Colorado, into which it had already sunk $700 million. Last October Sohio renounced participation in the proposed $3 billion Hampshire coal-to-gasoline project in Gillette, Wyoming. Ashland Oil withdrew from a proposed multi-billion-dollar coal gasification project one month later.

SFC's misguided mandate was also strongly supported by a constituency of public policy specialists who have made it their cause to bemoan the market's imperfections and who were instrumental in justifying a colossal federal energy program. Proliferating in the late 1970s, in tandem with the burgeoning federal energy budget that suported them through university grants, government consulting contracts, and direct employment with the government, these public policy specialists have successfully marketed the concept of a "social cost" of imported oil to be as high as $154 per barrel. More recently, the SFC staff induced its

president and vice chairman, Victor A. Schroeder (who resigned under fire in late August), to announce that the "real" cost of imported oil is $80 per barrel to help justify $80-per-barrel synfuels subsidies.

To arrive at these figures, public policy pundits imputed dollar costs in curious ways to economic dislocations produced by the two world oil price shocks, including inflation, unemployment, the OPEC threat, and the inability of the U.S. to exploit its market power. These social costs were then spread over prevailing oil import levels, thereby raising the per-barrel "cost" of imported oil above its market level of approximately $30 to $154 (Stobaugh), $70 (William Hogan of Harvard's Kennedy School of Government), $59 (William Nordhaus of Yale), and $48 (Stanford Energy Modeling Forum).

In reality, the 1974–75 and 1980–82 recessions, which resulted in part from oil price increases and were aggravated by disinflationary monetary policies, were not linked to future imports of oil, but rather to past imports, when oil could be purchased for less than $3 a barrel. For several decades the industrial nations exploited their market power to import vast amounts of crude oil and petroleum products at prices far below competitive levels. The industrial nations accrued large economic benefits from imported oil during this period, benefits that cannot be ignored today. OPEC's nationalization of foreign interests in oil companies based in the Middle East shifted market power away from the oil-consuming nations and made possible the first oil price shock. Thus the social costs borne by the United States in adjusting to real oil price increases since 1973 have been the price of enjoying $1- to $3-per-barrel oil in prior years. Such costs are irrelevant in designing current energy policy. Moreover, the current distribution of economic power in the world oil market precludes deliberate supply disruptions and, therefore, like other trade commodities calls for no "national policy" at all.

A STUDY IN CENTRAL PLANNING

Three important lessons can be learned from the SFC experience which apply to other areas of public policy as well.

First, the SFC provides a textbook case for testing and comparing the effectiveness of market-oriented policies and centrally planned government programs in solving a national problem. Oil price decontrol was a market solution to oil shortages, whereas the SFC was intended to be a technocratic, centrally administered solution. Decontrol has resulted in lower oil consumption and imports, and great exploration and production. The SFC did none of these; instead, it is now laying the groundwork for a multibillion-dollar program of government subsidies, and in the process it has created a self-serving bureaucracy.

The trend for private synfuels sponsors to return to Congress for subsidies exceeding the sum specified in the original contractual arrangement is exemplified by the Great Plains project. In 1980 American Natural Resources, leading a consortium of companies including People's Gas, Tenneco, and Transcontinental Gas Pipeline, had their lobbyist provide the exact language in the Energy Security Act to underwrite the construction of their 20,000-barrel-a-day coal gasification project in North Dakota. The Great Plains project has since been awarded over $2 billion in federal commitments. But with the possibility of operating losses reaching $1.7 billion if oil prices fail to rise at a 5 percent annual rate, project sponsors are presently requesting additional federal assistance.

A second lesson from the SFC experience is that a government agency entrusted with enormous administrative flexibility and vast sums of money must be very carefully staffed, lest it succumb to self-promoting activities. The SFC has awarded its permanent staff annual salaries as high as $108,000, with more than 70 percent of nonclerical personnel earning over $40,000. Several senior executives with no apparent qualifications were hired on the basis of earlier affiliations with the chairman or vice chairman. According to the Washington Post, the chairman's executive secretary, who is also the vice chairman's wife, is paid in excess of $31,000 a year. Chairman Noble originally volunteered to work for one dollar per year, but was pressured—on grounds that he should appear professional—into accepting a $69,000 salary, which he promptly declared he would donate to a nonprofit organization of his choice which raises the question why taxpayers should pay for Mr. Noble's charity. SFC officials have refused to exhibit such elementary signs of good will as to place their assets in a blind trust while they select companies for $15 billion in financial assistance. Thus a mockery has been made of congressional intent to attract the nation's best talent by exempting the SFC from government pay scales and conflict-of-interest restrictions.

Exemption from public and congressional oversight has also permitted the SFC to stonewall attempts by Congress and the public to acquire nonproprietary information about the corporation's activities. This advantage, in turn, has encouraged SFC to resist curtailments in its scope necessitated by changing economic conditions and to behave in a way that runs counter to the spirit of the enabling legislation. For example, the planning department has begun spending $10 million on outside consultants to help justify some or all of the slated $68 billion congressional authorization in 1984. The Inspector General's office hired on a permanent basis two former consultants who failed to deliver a report for which they were paid $35,000. The private sector's rejection of commercial synfuels induced Schroeder to announce that the government would own synfuels project if no one else did; the board of directors then decided to obligate over $1 billion to peat, heavy oil, and tar sands, thereby affronting the legislation's primary goal of transforming the nation's major resources of coal and shale into usable substitutes for crude oil.

Further, financial assistance has been offered to Kuwait, Japan, and Germany, an odd approach to enhancing U.S. energy security. And according to SFC's executive vice president, Jim Bowden, plans are underway to expand the nominal $15 billion obligational authority, which is currently available, to $27 billion by allowing approximately 80 percent of loan guarantees to be converted into price guarantees when plant construction ends; such roll-over financing shifts almost the entire risk of a project onto the taxpayer.

The third lesson taught by the SFC experience is that the implementation of a U.S. president's policies depends critically upon the government's middle-level managers. The administration has largely failed in its efforts to appoint to middle-level positions professionals sympathetic to its outlook on the role of government. As a result, budget cuts have been prevented or undermined by the existing cadre of managers whose career advancement hinges on prolonged federal involvements.

And so it is with the SFC staff. It has successfully imposed its view on a board of directors inexperienced in the operation of government, and it has purged internal dissenters. One department intends to spend up to $10 million in grants to SFC sympathizers from industry and academia to prepare a "Comprehensive Strategy" justifying a further $68 billion in congressional appropriations. This department has been staffed by an assortment of public policy specialists who are on record as forceful sympathizers of a large-scale SFC effort. The arrogance of a bureaucrat about electoral accountability is captured in the words of the acting director of policy development: "I find [the position] unsupportable" he writes, "that 'optimal' economic instruments are 'determined by the political process.'" It is unrealistic to expect the SFC to be sympathetic to congressionally proposed curtailments of its activities when it is managed by a staff committed to the federal bureaucracy's continued role in energy.

ABOLISHING THE SFC

The case against the U.S. Synthetic Fuels Corporation is overwhelming on both economic and political grounds. There is ample evidence that over the past decade Western industrial nations, largely free of oil price controls, have become sufficiently responsive in their energy consumption, imports, and production to preclude manipulative increases in the price of oil without also creating excess supply. The wholesale rejection of commercial synfuels projects by major oil companies further indicates the unprofitability of such ventures, and hence the tremendous increase in the federal budget that will follow if the SFC proceeds according to its plan. In addition, the SFC's administrative abuses and internal mismanagement discredit its board, the administration, and Congress.

To abolish the SFC is not a partisan issue. The SFC's creation was an honest mistake, made during troubled times. But now, when much effort is being devoted to restraining the size of social and defense programs, it is inconceivable why the SFC should be spared. Unlike the energy and education departments, the SFC does not even enjoy the shield of an indigenous lobby; nor does it bestow significant political gain on either party.

At the least, therefore, an amendment to treat the SFC's activity as an on-budget entry would subject the organization to public and congressional scrutiny. Transferring SFC's activities to a conventional federal agency, such as the Energy Department, would have the triple advantage of subjecting the SFC to on-budget treatment: The SFC would be subject to the requirements of the civil-service system and to conflict-of-interest and sunshine legislation; and to pressure at the cabinet level for all agencies to make budgetary concessions contributing to paring down the synfuels program. The most effective approach would be simply to rescind Title I of the Energy Security Act, thereby abolishing the SFC.

Several bills have been introduced this year in both chambers of Congress to "eliminate a crash commercialization program" in synthetic fuels, as described by Rep. Tom Corcoran (R-Ill.). But the chairmen of the subcommittees with oversight, Sen. McClure and Rep. Philip Sharp (D-Ind.), oppose the measures and have post-

poned hearings. meanwhile, as SFC obligates every additional dollar, it lays the contractual foundation for government involvement spanning decades. With federal budget deficits over the course of 1984–88 estimated at around $800 billion, Congress can seize the opportunity to slash $88 billion, or more than 10 percent at once.

Mr. PROXMIRE. I thank the majority leader.

Mr. BAKER. Mr. President, if there is 1 minute left, I believe the Senator from Washington is seeking recognition.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

THE WORLD ACCORDING TO SCOOP

Mr. GORTON. Mr. President, in the September 7, 1983, edition of the Weekly, George Weigel wrote a thoughtful and insightful article on the career and the place in our history of my late senior colleague, Senator Jackson.

Mr. President, I ask uanimous consent that that article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WORLD ACCORDING TO SCOOP

(By George Weigel)

Senator Henry M. Jackson had led a full life, and died in the full flush of his intellectual and political powers. The personal pain, sharp as it may be this week, will eventually pass. But there is a public tragedy in Jackson's death that will be much more difficult to salve. For Henry Jackson's passing marks the end of a crucially important era in American political culture, and leaves a huge void in our public life that will not be easily filled—if indeed it can be filled at all.

The essential politics of Henry Jackson came into clear focus for me this past May in Washington, DC. At an evening described by host Ben Wattenberg as "what seems like the 42nd resurrection of the Coalition for a Democratic Majority," Jackson shared a panel discussion on Central America with Bill Doherty of the AFL-CIO's land-reforming American Institute for Free Labor Development, UN Ambassador Jeane Kirkpatrick, and congressmen Stephen Solarz and Michael Barnes. In the audience were Tom Foley, Jim Wright, Albert Shanker, The New Republic's Morton Kondracke, historian Allen Weinstein, and the former president of El Salvador, Jose Napoleon Duarte. Here, among those Democrats (and democrats) with whom he was most ideologically in tune, Jackson was at this very best.

His highly-developed geopolitical sense was evident from his analysis of the Soviet stake in a destabilized Central American isthmus. But what most distinguished Jackson was his ability, stated simply but persuasively, to see the dilemma of Central America whole. For Jackson knew, and said in effect that night, that the argument between the Alexander Haigs and the Cyrus Vances on these issues—the "East/West problem" versus "local problem" dichotomy—was both analytically sterile and very unlikely to produce thoughtful, long-term US policy in the region. Jackson did not flinch from the security and military dimensions of the question. But he insisted that, even as the Soviet/Cuban role had to be faced and a "security shield" developed for the region, the root causes of Central America's turmoil were social, political, and economic. Any American policy that did not help create the circumstances in which the people of that tortured area could see a personal stake in democracy, and the resolution of their grievances through political rather than Marxist-revolutionary means, was bound to fail.

It has long been fashionable to describe Henry Jackson as a "hawk," and his own rhetoric over the years did its share to contribute to such imagery. But to dismiss Jackson in those crude terms is a disservice to a much more intellectually complex man. It also fundamentally distorts that current in American political culture—liberal, anti-communist internationalism—which gave birth to much of the best in America's post-World War II foreign policy, and of which Jackson was the last remaining senior spokesman. In that sense, what has died with Henry Jackson is a tradition that traced its ancestry through Harry Truman and Dean Acheson, and whose most romantic expression (despite subsequent mythologizing) was the John F. Kennedy who almost took Jackson as his running mate in 1960.

It was this centrist core of the national Democratic Party, sustained by currents then dominant in the trade union movement, that guided America's emergence as a global power with responsibilities for the future course of world history. It is easy to forget, over two generations, how much of a sea-change these Democrats effected. America was not in an internationalist mood coming out of World War II. Conservative Democrats worried about the effects of a wide-ranging international engagement on the character of the country, and especially on the budget. The Taft wing of the Republican Party, with whom Arthur Vandenberg and Dwight Eisenhower finally broke ranks, but which helped produce Joseph McCarthy, remained profoundly isolationist. The American intellectual Left was torn by its own internecine battles between Stalinists and anti-Stalinists. Two expressions of this warfare were the Henry Wallace campaign and the original Americans for Democratic Action (not to be confused ideologically with the same organization today). In this cauldron of ideological battle, and faced with such brute facts of history as the collapse of the British empire and Soviet intransigence in Greece, Iran, and Eastern Europe (particularly Czechoslovakia), what came to be known as the Jackson wing of the Democratic Party designed a complex and not-to-be-oversimplified model for America's unavoidable engagement with the world.

A sharp, unsentimental view of the nature of the Leninist state that had emerged from the war as a global superpower was surely a dominant characteristic of their analysis. Taken to an oversimplified extreme, that anti-communism helped bring about the still-unfolding tragedy of Southeast Asia. But there was much more to this perspective than its firm convictions about the intentions of Soviet power.

Men like Jackson had cut their political teeth, and built much of their political base, on the American trade union movement, which throughout the 1920s and 1930s had been the scene of a massive contest for power between communists and anti-communist liberals and social democrats. Those who came out of this milieu knew that sheer anti-communism was not enough, any more than exclusively military responses to revolutionary circumstances could succeed. That most volatile of human ideas—that things didn't have to be the way they were—had been loosed on the world, just as it had been loosed within the American working class in the first three decades of this century. The contest for power in the world would be decided, as it had been domestically, by an ability to meet the communist challenge, not with the nostrums of laissez-faire conservatism, but by effective programs of social change and development.

The rebirth of Europe and Japan after World War II, the emergence of a nascent community of democracies rooted in the North Altantic community but extending beyond it, the containment of Stalin's more gross territorial ambitions: all these were at least partially the responsibility, and the great accomplishment, of liberal, anti-communist internationalists like Henry Jackson. Their ability to weave between the twin dangers of the Right—isolationism or mindlessly confrontational anti-Sovietism that refused to engage with the world's other dominant power—and the sentimentality of the Left played no small part in shaping a U.S. foreign policy that allowed a figure like John Kennedy to be the revered world symbol of hope that he became.

In the bitter aftermath of Vietnam, a debacle during which many liberal anti-communists forgot the social reform dimension of their analysis, the Jackson worldview was increasingly dismissed as irrelevant, anachronistic, dangerous. The 1970s, at least on the short view, look now like the decade in which cruder analyses and more strident voices came to dominate public discussion and foreign policy. The idea that democracy is not a North Atlantic peculiarity, but a universal yearning of all peoples who wish to control their own fate, was largely rejected, by both Left and Right (for different reasons, of course). The notion that the Soviet agenda was to be challenged, contained, and ultimately changed through imaginative US policies was replaced by an emphasis on accommodation, a theme advanced not only (or even most effectively) by the new liberals, but by such major figures in the American business community as Armand Hammer, Donald Kendall, and Cyrus Eaton. New forms of isolationism emerged, again from both Left and Right. Human rights were not to be a major focus of US efforts in the world.

The aftershocks of Iran, Afghanistan, and Poland, and the relentless drive of Soviet military expansion, have brought us, in a great historical irony, back to a situation and a set of arguments not dissimilar from those of the immediate post-World War II period. Having survived politically the firestorm of the late '60s and early '70s, Jackson was beginning to appear, not as a fossil, but as a statesman.

His measured approach to the multiple, connected crises of Central America was, in my view, the best single sign of hope over the past year. It contained all of the elements of the traditional line; that Soviet power had to be faced squarely; that confronting that reality involved security questions and military issues; but that the final resolution of the crisis would not be military in nature, but had to involve a thoroughgoing economic, social, and political reform in the region. Perhaps more than any other person, or set of political pressures, it was Jackson's ability to take the partial truths

of the Haig and Vance views, and weave a more complete truth out of them, that led to a changed administration approach to Central America, the appointment of the Kissinger Commission and the designation of Richard Stone as special envoy to the region, and the (admittedly faint) glimmers of possibility that had begun to cut through the darkness of a polarized American public debate and the increasingly deadly situation on the ground in Central America. That Jackson's voice in this ongoing argument—which is by no means resolved, commissions and envoys notwithstanding—has now been stilled is a public tragedy of the first magnitude. As I look through the current roster of the United States Senate, it is virtually impossible to find a single figure, Republican or Democrat, who will raise the Jacksonian perspective, much less bring to it the authority of age and experience that would have been Jackson's. At the very moment when Henry Jackson was on the verge of assuming the statesman's mantle that had so long eluded him, through his own faults, but also through others', he is gone.

There is also bitter irony in the accident of history (or design of an inscrutable Providence) that combined, in a single day, Jackson's death and the brutal murder of 269 Korea Air Lines passengers by the Soviet Union. Jackson's response to this crime, at what became his final press conference, was a model of the kind of mature statesmanship that he had begun to incarnate. The facts of the case could not be denied; the truth of Soviet responsibility had to be acknowledged, here and in Moscow. Moreover, the question of just what it is about the Soviet system that brought it to such an unconscionable act had to be thought through: are we right in assuming that Soviet leaders operate under the same set of moral constraints that, however weakly, still shape our own policy calculus? But to this realism Jackson brought a measure of that calm which seems to come from both understanding and long experience. Unlike those elements on the Right that saw in the KAL tragedy the occasion finally to declare the Soviet Union a pariah nation, with which no other power should have any responsible business, Jackson knew, and stated, that what was needed was not disengagement, but a kind of engagement that both faced the facts of Soviet responsibility and worked to change their policy so that such a tragedy could not happen again. Jackson understood that the KAL crime could not be put only, or even primarily, into a US/Soviet framework, but had to be seen for what it essentially was: a great, new tear in the already-tattered fabric of world order. It was the "international community," Jackson said, that had to take responsibility for asserting the complete unacceptability of a crime such as the Soviets', and for devising a response to the crime that lowered the chances of its repetition.

"International community" is one of those stock phrases that politicians and diplomats often trot out in moments of stress, or when effective national action seems unlikely. But, for Jackson, "international community" meant, I think, something very real, or at least something that ought to be real. Jackson's extensive involvement in military hardware issues, and his role as resident critic of SALT I and SALT II, can obscure other commitments that ran just as deeply (deeper, I believe) in his politics. We should not forget that it was Jackson who, with Daniel Patrick Moynihan and a small band of centrist Democrats, re-established human rights as a central focus of US foreign policy, quite before Jimmy Carter was even a blip on the national political radar.

It was this commitment to human rights, I think, that was most basic in Jackson's anti-communism. Jackson had, at his best, a rare geopolitical clairvoyance; he understood the central reality of power in world politics, and the power threat posed by the USSR. But what sustained Jackson in his anti-communism, particularly during those long years when it was so unfashionable, was, I would guess, a profound moral revulsion at the nature of the Leninist/Stalinist state, and what it did to individual human lives. Jackson, steeped in Scandinavian Protestantism, knew instinctively that the City of God and the City of This World are distinct realities; but he also knew that they intersected as the most crucial points of human politics, when the questions become, what is a good person and the good state, and the relationship between the two? Jackson was no political rhetorician, a flaw that surely contributed to his failed presidential ambitions, so one will probably look long and far to find such sentiments in his public statements. But a careful tracking of the trajectory of his career—and its remarkable consistency of perspective, for both good and ill—will, I think, reveal these kinds of concerns as not only present, but basic.

In the short term, there could be no more appropriate public memorial to Henry Jackson than a US response to the Korea Air Lines tragedy that did justice to the full measure of Jackson's multi-layered worldview. Such a response might strike at least the following notes, and operate along the following lines:

The destruction of KAL flight 007 would be put into its appropriate context, which is not primarily US/Soviet, but international, American officials would make it clear that, in our minds, what has been done here is most fundamentally a brutal violation of basic tenets of international law. The international community is too fragile now, we would emphasize, for such behavior to go unremarked, unchallenged, and unchanged.

The traditional Soviet fear of territorial encroachment, with its deep roots in Russian culture and history, is an acknowledged factor in world affairs. But it cannot be allowed to become the excuse for inexcusable behavior, because radical openness to others' power is in fact the condition of the whole world today. Such is the real meaning of interdependence, and the source of much of the volatility of international life today.

Because of the international implications of the Soviets' action, the immediate, appropriate political forum for dealing with it is the United Nations. The predictable failure of the UN to come to grips with the problem, though, should not be the occasion to abandon the idea that crimes against the international community must be dealt with on an international basis, by whatever functioning elements of international life now exist. There are two international non-governmental organizations who could be very effective in imposing sanctions challenging the USSR's access to international civil aviation, whose rules it has drastically broken. The sanction, in general, would be denial of Soviet access to the international air travel system. The organizations that could make this possible are the International Federation of Airline Pilots Associations, and the International Association of Air-Traffic Controllers. The former should refuse to fly into the USSR, or any other nation which votes against a UN General Assembly censure of the Soviet action off Korea. The air-traffic controllers should refuse to handle any Aeroflot flights that leave the airspace of the Soviet Union. Both of these sanctions would remain in place, until such time as the Soviet government acknowledges its responsibility for the fate of KAL flight 007, apologizes publicly for that crime, offers compensation to the families of the victims of the incident, and agrees that it will refrain from such barbarism in the future. The sanctions would be automatically re-applied if the Soviet Union, or indeed any other nation, commits such a crime again.

Such a response, which does not acquiesce to the harsh realities of Soviet power, but seeks to change those realities through effective, non-military action, would be firmly within the Jacksonian tradition. It seems that we are often unable to face the facts about the Soviet system when the tragedies it perpetrates are large-scale: the purge trials of the 1930s, the postwar violations of Eastern Europe, the invasions of Czechoslovakia in 1968 and Afghanistan in 1978, the pressure on Polish trade unionists, the abiding horrors of Gulag and the psychiatric hospitals. It is only when the issue becomes personalized, as in the death of 269 innocent travelers, that the full message comes home.

Henry Jackson would surely have wanted us to take the full measure of that message, to drink to the bottom, in effect, the cup from which he drank for four decades. But he would want more. He would want America to act as if it were in fact, as well as theory, the confident democracy our rhetoric proclaims us to be. He would want us to act in ways that changed Soviet policy, and not merely be revolted by it. He would want us to act in a manner that strengthened the capacity of this fragile world to resolve its differences without the military force he spent so much of his public life defending.

In the cold light of history, there will surely be much with which to find fault in Jackson's worldview, his policies, and his rhetoric, as there would be with any significant public figure. It is those who make no difference who are largely immune from reasonable criticism. But, for the moment, as we reflect on the incredible twists of fate which now inextricably link his death to the raw dimensions of power which he tried to address, what seems most important is not whether he was right or wrong on Vietnam, and when, or whether he was right or wrong on SALT II, and how. What seems important is that he saw clearly the central conundrum of our times—that the problem of the Soviet Union and the urgent problem of war cannot be untangled—and insisted that resolving the first dilemma and the second must be a concurrent process. It is that message of Henry Jackson, so often obscured by others of his voices, that will be most missed. For in it resided his enduring greatness.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, even though there is 1 minute left, no other Senator is seeking recognition. I ask that the Chair inquire whether there is further morning business.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, Senate Joint Resolution 159, which the clerk will report.

The legislative clerk read as follows:

A senate joint resolution (S.J. Res. 159) to authorize the further participation of U.S. armed forces in the multinational peacekeeping force in Lebanon.

The Senate resumed consideration of the joint resolution.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN addressed the chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the matter that we are debating today is one of potentially historic implications. Whatever we do or whatever we ultimately decide, our actions in this body will constitute a permanent and irrevocable contribution to the definition of the balance of power between the legislative and executive branches of government. We will be establishing precedents for this and future Congresses as they consider vital questions of U.S. military commitments abroad.

The current situation in Lebanon is both important and complex, and I urge my colleagues to look beyond the immediate crisis to consider the fundamental constitutional issues involved and to recognize the implications of this debate for other times and other crises.

Today the debate is largely couched in terms of the constitutional prerogatives of the Congress and of the President. We are arguing whether the War Powers Act is constitutional, whether it applies to the situation in Lebanon, and, if it does apply, whether we should suspend its effect for the 18-month period that the President has requested.

Most Americans, however, are not constitutional scholars or parliamentarians, and the questions on their minds today concern not the legalities but what are the purposes of U.S. military involvement in this region far from our own shores? What do we hope to accomplish in Lebanon? Can we realistically expect to achieve our goals, whatever they are? How long do we need direct involvement of U.S. military personnel in that country?

It seems to me, Mr. President, that the burden of proof is on the administration to answer those questions for us and for the American people before it asks us to give an 18-month blank check to pursue policies that it seems unable to articulate.

The administration is putting the cart before the horse. It seeks our agreement to following a path which takes it into 1985 without stating where that path is expected to lead.

Any administration, and not just this one, that would seek to involve American military forces in actual or potential hostilities without a formal declaration of war needs to articulate its reasons for doing so clearly and effectively. So far that has not been done.

Legislatively, the questions before us are relatively clearcut.

First, is the War Powers Act a valid exercise of the authority of Congress under the U.S. Constitution?

Second, does the War Powers Act apply to the U.S. military contingent operating as part of the multinational force in Lebanon?

Third, should the Congress, at this time, suspend the 60- to 90-day time period provided for in the act and, instead, authorize the troops to remain in combat in Lebanon for 18 months?

Let us take each of these three questions in order.

On the question of whether the War Powers Act is constitutional, it is clear to me that the act was and is a logical implementation of the powers assigned by the Constitution to the Congress. It is a reassertion of the fundamental right of the elected representatives of the people to have a say in matters of war and peace. The act was passed "to fulfill the intent of the framers of the Constitution of the United States and ensure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities."

The Constitution reserves to the legislative branch the power to declare or not to declare war.

Today we face assertions that the President's roll as Commander in Chief permits him to carry out unilaterally whatever military mission he deems appropriate absent a formal declaration of war. But we find ourselves in an age when few wars are declared but many are fought.

I remind my colleagues that our last formal declaration of war was made almost 42 years ago, before this Senator was even born. Yet our Nation has fought two bloody and bitter major conflicts in the intervening years in which tens of thousands of Americans died without the benefit of such a declaration.

The War Powers Act is the law of the land, and it implements the authority of Congress to commit U.S. military forces to war, declared or otherwise. It must be invoked when, and I quote from the Act:

United States Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . . .

That brings us to the second question. That is whether the War Powers Act applies to the situation we find ourselves in in Lebanon. I cannot believe there is a serious disagreement about this issue. By any commonsense reading of the language of the act, it is clear that our troops were engaged in hostilities a full month ago, on August 28.

The final legislative issue we face is whether Congress, while contending that the War Powers Act must be complied with, should set aside the time periods provided for in the act and authorize the President at this time to keep troops there a full 18 months.

In other words, having gained the grudging acceptance of the administration to the proposition that the Constitution and the War Powers Act do indeed require congressional participation in decisions of war and peace, do we then intend to cede virtually unlimited authority back to the executive branch for a full year and a half?

My view, Mr. President, is that first we need to know what the administration wants to do in Lebanon. Our adherence to the rule of law means that we must insist upon the full application of the provisions of the War Powers Act. Having done so, we should allow the President and his advisers a suitable amount of time to define and present their policies to this body and to the American public.

In that time, we can see if the current cease-fire will hold and if negotiations follow, and President Reagan can issue a precise statement of U.S. policy goals, interests, and intentions. If continued U.S. involvement in the search for peace and stability in Lebanon is still needed after that, the Congress could and, I am certain, would authorize it. But we need to be told what we are attempting to accomplish—not just how long we might need to do so.

A suitable amount of time, in my mind, does not mean a grant extending to some far-distant date in 1985, by which time, the shapers of the current course of action may all be returned to private life.

Judgments about American dedication in this crisis will not be based on the length of the period that we authorize. They will be based on the soundness of our policies and the unanimity with which we act. If the President truly is interested in compromise and in constitutional checks and balances, we must be willing to work with him to shape a desired consensus. Then we can either extend our participation in efforts to bring peace to Lebanon or end that participation when it becomes unnecessary or inadvisable.

I thank the Chair.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I inquire of the minority manager of this bill, since there is a quorum call running, which I presume is charged against the Senator who suggested the absence of a quorum, and since no speakers are available on either side at this time, if it would be more appropriate to charge the quorum equally against both sides, since the statute requires that the time be divided equally.

Mr. PELL. I agree with the majority leader. We are trying to see if there are any speakers on this side.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the quorum call I am about to suggest be charged equally against the time of the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I have five major objections to and one element of support for the Resolution before us. I question our policy or lack thereof in Lebanon. I question the 18-month term of the Resolution. I question at least two glaring loopholes in the Resolution. I question Secretary of State Shultz's interpretation of the President's Commander in Chief authority.

I support the treatment of the War Powers Act in the Resolution.

OUR POLICY IN LEBANON

The Republic of Lebanon is today a caldron of warring factions, each beholden to its own separatist culture and sometimes directly or indirectly to a foreign body. Since its creation in 1943, Lebanon has been "an agglomeration of different ethnic groups." It has never "developed an inner core" or established its legitimacy as a nation. (See: "Lebanon: Nation in Jeopardy," by David C. Gordon, published by Westview Press, p. 1.)

Its politics, economy, and its military have been dominated by the Christian community (once a presumed majority, but now a definite minority) with the entire Moslem community—Sunni, Shi'ite, and Druze—left out in the cold.

Today we are supporting a Christian-Phalange government headed by Amin Gemayel, the seventh Christian President since 1943. Gemayel's scope of control is limited to the city of Beirut. He is basically the mayor of Beirut, although he is called President.

Linking our hopes to Gemayel and excluding the Moslems from meaningful power sharing is a policy destined to failure. We may gloss over the conflict with a cease-fire or two, but we cannot ignore away the deep-seated antagonisms and political imbalances in Lebanon. Peace will never come to Lebanon with an excluded Moslem community.

The basic fallacy of our policy is that it ignores the history of Lebanon. In no other nation on Earth can the past so accurately project the future. Once we understand the past, we will understand why our do-or-die-with-Gemayel policy is doomed.

The Resolution before us is, thus, pegged to a fallacious policy. No words in a Resolution, however clever, can cure that.

THE 18-MONTH TIME PERIOD

America participated in World War I for 19 months (April 6, 1917 to November 11, 1918). A lot of killing can take place in 18 months. In a country where warmaking seems as routine as brushing one's teeth, a great deal of dangerous mischief can take place in 18 months.

Presumably, the chief advantage of an 18-month Resolution is that it demonstrates our resolve. But the resolve demonstrated is deceptive. The Resolution does not reflect consensus about the scope, duration, and purpose of the Marines assignment in Lebanon. It reflects a political compromise between the President, who wants a completely free hand, and most of Congress, which would impose much stricter limitations. Papering over these differences may get this Resolution passed and get us through this day, but in all likelihood, those differences will resurface with a vengenace in the not-too-distant future. Our purposes for being in Lebanon have not been explained clearly enough to support giving the President this much discretion for this much time. Because it would be unacceptable to place restrictions on the Marines ability to protect themselves, the wise course in these circumstances is a shorter authorization.

If we pass a Resolution authorizing, for example, a 6-month stay, and circumstances are such that we renew it when the time comes, our forces will have the benefit of a national consensus supporting them. I fear that this 18-month Resolution could result in the worst of all worlds: A blank check for the President, wider involvement of U.S. forces, without the requisite support in Congress and the country. The War Powers Act was intended to avoid just that sort of hellish situation; logic dictates we should recognize the possibility and avoid it, but this Resolution seems to invite it.

The risks are too great. The time is too long.

LOOPHOLE NO. 1

Section 3 reads in part as follows:

Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, *except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.* (Emphasis supplied)

Some form of self-defense language must be included in this Resolution. We must preserve the flexibility to protect our marines and the rest of the Multinational Force. But we should face the fact that this language is a blank check to the President to do whatever he wants to do militarily in Lebanon. Cleverly worded, it is nonetheless the Lebanese Gulf of Tonkin Resolution.

We have fresh knowledge as to how this President interprets words. He and his advisers still maintain, for example, that our troops in Lebanon have not been involved in "combat" or "hostilities" in Lebanon despite the clear and unambiguous meaning of those words and the clear and unambiguous fact of American dead and wounded.

The multinational forces in Lebanon, including our Marines, were under fire. They were in jeopardy because the situation on the ground was bad and the Lebanese Army was not strong enough to guarantee their safety in the original role as noncombatants. In my opinion, there is virtually no military operation which could not qualify under the definition of "protective measures as may be necessary to insure the safety of the multinational force in Lebanon." That language can justify naval bombardment, the use of air power, offensive missions as well as defensive actions, the landing of 5,000 or 10,000 more marines in support of the existing multinational force. In short, the language is without limit; it is the loophole of loopholes. The safety of our forces requires some such language, but we should not delude ourselves. If we want to place any limits on our potential involvement in Lebanon, this resolution does not do so. We can do so only by shortening the 18-month authorization contemplated by the Resolution.

LOOPHOLE NO. 2

There are other disquieting ambiguities about this Resolution. The operative section—section 3—purports to

limit U.S. involvement in Lebanon to the role spelled out in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982.

Now, how is the U.S. role defined in those letters? Read them. You will find that every reference to the activities of the multinational force is carefully circumscribed by the phrase "in the Beirut area."

The September 25, 1982, exchange of letters, referenced in the Resolution, says that the Marines were being deployed "to establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area * * * the presence of such an American force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area."

In the Beirut area. Again, and again, the letters spell out that geographical limitation.

But, let us look at the statement of findings and purpose of this Resolution.

It says the purpose of U.S. participation in the multinational force is to assist the Government of Lebanon to restore full control "over its own territory" and to establish its "unity, independence, and territorial integrity."

That is something else again. Those words would seem to foreshadow a much broader U.S. role than merely keeping the peace in Beirut.

The statement of purpose would establish us as the protectors of the Gemayel government against any violent threat whether domestic or foreign.

Mr. President, this is much more than a rhetorical point. It gets to the heart of the issue in this debate—whether we are handing the President a virtual blank check to proceed as he will in Lebanon.

Some of us believe this is the case just on the basis of the extraordinary 18-month timeframe.

But, what is it we are authorizing the President to do during those 18 months? What functions and limitations are spelled out regarding U.S. forces?

The War Powers Act itself calls for the President to make a very specific report to Congress covering in great detail the scope, role, and expected stay of U.S. forces in any hostile situation. On the basis of that report, then, Congress was to act to approve or disapprove the plan.

In the case of Lebanon, there is no report. What we have instead is a reference to letters of agreement exchanged between the Governments of the United States and Lebanon on September 25, 1982.

I have already pointed out the inconsistency between what those letters say and what is pronounced to be the U.S. role in the Resolution's statement of purpose.

Let me take it a step further. The critical letters of September 25, 1982, which supposedly define the U.S. mission in Lebanon, provide for their own amendment by mutual agreement.

Now what does that mean? What does it mean when the letter from the Lebanese Minister of Foreign Affairs states, "the MNF may undertake other functions only by mutual agreement."

Will Congress have to approve any changes in function which the United States and the Gemayel governments may agree to?

Does the 18-month approval carried by this Resolution extend only to the functions spelled out in the original letters of September 25, 1982, or are they meant to embrace in advance and without the slightest knowledge of what they might involve, any and all changes which might be made in those letter agreements somewhere down the road?

What is the answer? It is not only the date that is blank on this check. We have not even filled in the amount. All we have done is made it out to the President of the United States and signed it.

SECRETARY SHULTZ' VIEW

Beyond the vague wording of the Resolution itself, is the incredibly broad interpretation which Secretary of State Shultz gives to the President's inherent authority. Secretary Shultz, in testimony before the Senate Foreign Relations Committee and under close questioning by Senator SARBANES, stated as follows:

Senator SARBANES. You would not agree to the authorization being for 18 months and then it being clear that to stay there the President would have to come back to Congress. Is that correct?

Secretary SHULTZ. That's correct.

Senator SARBANES. Now is it the Administration's position that what they need to do is consult with Congress or what they need to do is obtain an authorization from Congress, that they could not expand the number or role (of the Marines) without a specific Congressional authorization.

Secretary SHULTZ. I think the President, or perhaps any of you if you were President thinking about your constitutional role as Commander in Chief, would be very reluctant to tie your hands and say that you could only order United States forces to do something or other after the Congress had authorized it.

Senator SARBANES. What this questioning is bringing out is that while the administration is seeking an authorization from the Congress, it is reserving its authority and right to increase the numbers, increase the scope and increase the time period, in each instance without a Congressional authorization.

Secretary SHULTZ. Well, I can only go back to the generality of it and say that the President has no intention of turning over to the Congress his constitutional responsibilities as Commander in Chief. Now that doesn't mean that you ignore the Congress's wishes and of course the Congress has to provide the funds and so on. And it is only sensible to consult and try to move forward in tandem on these matters. But the President must maintain his constitutional responsibility as Commander in Chief and cannot let go of it.

Reduced to its bare essence, the position of the administration is that Resolution or no Resolution, restrictions or no restrictions, words or no words, War Powers Act or no War Powers Act, the administration is going to do what it pleases, when it pleases, in Lebanon. Secretary Shultz, in his courtly manner, is telling Congress it has nothing truly meaningful or efficacious to say in this matter. Had Jimmy Carter espoused such a brazen claim of unferrered authority, some Republican would have demanded his impeachment.

Later, in a Cable News Network interview, Secretary Shultz went even further in espousing unlimited, unilateral Presidential warmaking. "Shultz Refuses To Put Limits on Marines' Mission," headlined the New York Times of September 25, 1983. The President's letter of yesterday does not, in my opinion, cure this matter.

THE WAR POWERS ACT

Now, the one thing I like in the Resolution. Section 2(b) adequately acknowledges the force and applicability of section 4(a)(1) and section 5(b) of the War Powers Act.

Once he signs the Resolution, the President is officially and legally acknowledging those vital sections, despite whatever verbal or written reservations and protestations he may make to the contrary. As a result of this Resolution, the War Powers Act lives and lives to be used in yet another day.

All Presidents who have had to operate under its restrictions—Nixon, Ford, Carter, now Reagan—have hated the War Powers Act. Presidents relish their role as Commander in Chief. Presidents view Congress as a meddlesome nuisance. But the Founding Fathers—particulary Madison and Hamilton—did not trust unilateral Presidential warmaking. When and where to go to war is the most solemn and fateful decision a free nation can make. Madison and Hamilton wanted that power to be placed in the Congress with the President, like Franklin Roosevelt after Pearl Harbor, having the right to seek a declaration of war. The War Powers Act effectuates that constitutional precept.

When you look at the history of the Constitutional Convention, it is clear the warmaking power was intended to be in the Congress. Congress in the War Powers Act does not take anything from the President. To the contrary, Congress gave to the President 90 days of unilateral warmaking authority which some of us thought was of very dubious constitutionality. I urge my colleagues to read article I, section 8 of the Constitution. If you

do, you will realize where the war power truly lies.

The War Powers Act is not perfect.

On May 21, 1975, along with Senator CRANSTON, I proposed a series of amendments to the act. Some hearings were held, but the matter died quietly.

I much preferred the version of the War Powers Act which originally passed the Senate on July 20, 1973. The act we have now is really a creature of give-and-take compromise between the House and Senate conferees. Often, as we know, you do not get the best of all worlds in a Senate-House conference.

Mr. President, I ask unanimous consent that at the conclusion of this speech the following material be placed in the RECORD:

First. The amendments to the War Powers Act offered by Senator CRANSTON and myself on May 21, 1975, and my statement before the Senate Foreign Relations Committee in explanation thereof;

Second. A comparison of the key operative provisions of today's War Powers Act with the original Senate version of the act as passed by the Senate on July 20, 1973; and

Third. The evolution of the war powers bill from Senate to House and, thence, out of conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE CEASE-FIRE

Mr. EAGLETON. The whole world is delighted that a cease-fire is now in place in Lebanon. The whole world hopes the cease-fire holds and ultimately leads to peace in Lebanon. Like President Reagan, we have our fingers crossed.

Unfortunately and tragically, the history of cease-fires in Lebanon has not been a happy one. Since 1975, when this civil war began, there have been so many failed cease-fires in Lebanon that even the Library of Congress has lost count.

Their best rough estimate is almost 200 cease-fires since 1975.

In June, July, and August of 1982 alone, Philip Habib arranged for 10 different cease-fires. It is against this background that the current cease-fire must be juxtaposed.

EXHIBIT 1

S. 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 2(c) of the War Powers Resolution (Public Law 93-148; 87 Stat. 555) is amended by—

(1) striking out the word "or" in clause (2) thereof; and

(2) striking out the period at the end thereof and inserting in lieu thereof the following: "or (4) the necessity of protecting the constitutional rights of citizens of the United States by rescuing such citizens, as rapidly as possible, from any country in which such citizens are being involuntarily held with the express or tacit consent of the government of such country or by expeditiously evacuating such citizens from any country in which such citizens are voluntarily present and are being subjected to a direct and imminent personal threat, either sponsored by the government of such country or beyond the power of such government to control. In using the Armed Forces of the United States to protect the rights of any United States citizen pursuant to clause (4) of this subsection, the President shall do so only with the degree of force required to remove such citizens from personal danger.".

SEC. 2. Section 3 of the War Powers Resolution is amended by—

(1) striking out "consult with Congress" and inserting in lieu thereof" seek the advice and counsel of the Congress";

(2) striking out "consult regularly with the Congress" and inserting in lieu thereof "regularly seek the advice and counsel of the Congress"; and

(3) adding at the end thereof the following new sentence: "For purposes of this section, the words 'seek the advice and counsel of, mean that the President, before taking any steps which would firmly commit United States Armed Forces to hostilities, shall in every possible instance discuss fully the proposed decision for using such Armed Forces with Members of Congress, including but not limited to the majority and minority leaders of the Senate and the House of Representatives, the chairmen of the Armed Services and Foreign Relations Committees of the Senate, and the chairmen of the Armed Services and International Relations Committees of the House of Representatives and shall fully consider their advice and counsel before committing the United States Armed Forces to any such proposed decision.".

SEC. 3. Section 8 of the War Powers Resolution is amended by adding at the end thereof the following new subsection;

"(e) Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act.".

PREPARED STATEMENT OF SENATOR THOMAS F. EAGLETON

BEFORE SENATE FOREIGN RELATIONS COMMITTEE, JULY 13, 1977

WAR POWERS

Mr. Chairman, I appreciate the opportunity to participate again in the important discussion of one of the most complex and sensitive issues Congress has had to address in the history of the Republic—war powers legislation. This is the fourth time I have been privileged to testify on this subject before this Committee. But it is the first opportunity, as the distinguished Chairman of this Committee, Senator Sparkman has said, "to reflect on normally heated questions in a period of peace and tranquility." In my judgment, the existing War Powers Resolution is tragically flawed. If we take this opportunity to amend the legislation in order to restore to Congress its rightful and constitutional role in the process by which we go to war, at some near or distant occasion, when our nation's will is again being tested in the international arena, we will be glad we took this quiet time to strengthen our constitutional system.

The effort to write war powers legislation in the late 1960's and early 1970's resulted from the excessive claim of Presidents of both parties of unilateral, inherent powers to commit the nation to war to the exclusion of any congressional role in the decision-making process.

With respect to Southeast Asia, our nation has suffered a series of frustrating deceptions—from the Tonkin Gulf to the illegal secret bombing of Cambodia. A phrase coined by Anthony Austin, in his prize-winning chronicle of our official entry into the Vietnam War, The President's War, seemed to sum up fears: "the war-bred tyranny of kinds." After the 1970 Cambodia invasion had driven home with a vengeance the congressional erosion of war powers, a number of bills were introduced to restore the balance.

The bill that emerged from this Committee in 1971 was premised on the central principle that the decision to go to war, under our Constitution, is a decision for Congress alone to make. It sought to fulfill the intent of the framers of our Constitution, expressed so well by Alexander Hamilton, who said the war-making power "is the peculiar and exclusive province of Congress." Our founding fathers had had good reason—direct experience with the tyranny of a monarch with ultimate powers at his disposal—to assign matters of war and peace to the most representative branch of government.

The Senate bill was faithful to the original intent of the framers of our Constitution. The framers' central premise on a war-making authority was clear: the decision to go to war, under our Constitution, is a decision for Congress alone to make.

Under our Constitution it is the Congress vested with numerous war-related powers: "to declare War," "to provide for the common Defense," "to define and punish . . . offenses against the Law of Nations," "to raise and support Armies . . . ," "to provide and maintain a Navy," "to make Rules for the Government and Regulation of the land and naval forces," "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions," "to provide for organizing, arming and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States." Congress also had the exclusive power to appropriate funds from the Treasury, and "to make all Laws which shall be necessary and proper for carrying into Execution . . . all powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The President, under our Constitution, is vested, not with independent authority as sovereign, but with "executive power" of the United States. He has the duty to "take care that the Laws be faithfully executed." And the President is the commander-in-chief of our armed forces. James Madison has these words to say about who would decide questions of war and peace under our system:

"Every just view that can be taken on this subject, administers the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no

right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemed requisite or proper . . ."

I fail to see how our Constitution could have made it clearer that Congress would provide *prior* authorization when American forces were committed to battle.

The legislation endorsed by the Senate in 1973 was consistent with our Constitution. We recognized that in certain emergency situations requiring immediate response—fast-moving crises where events would certainly overtake the deliberative nature of legislative response—the President had a limited unilateral power to respond. These exceptions were carefully circumscribed to avoid Presidential misuse. They were enumerated as follows:

First, the President could repel an armed attack upon the Central States, its territories and possessions; he could take necessary and appropriate retaliatory action in the event of such an attack; and he could act to forestall the direct and imminent threat of such an attack.

Second, he could respond to an attack on American forces legally deployed abroad.

And, third, under specified conditions the President could rescue American citizens abroad to provide for their immediate evacuation from a danger zone.

Each of the exceptions is a defensive action. Even those actions would have been submitted in time to Congress. Within 30 days, unless Congress acted to provide continued authority, the action was to have been terminated.

But it was a different sort of law which emerged from Conference with the House in October-November 1973. That law, now the existing War Powers Resolution, does not involve Congress in the decision-making process until *after* forces were committed to battle. The words about emergency authority are nonbinding and nonenforceable. The President has the unilateral authority to commit American troops anywhere in the world, under any conditions he decides, for 60 to 90 days. He gets a free 60 days, and a self-executing option for an additional 30 days, making it 90. Congress must be notified only 48 hours *after* the deployment of our forces.

In retrospect, we can see how difficult were the circumstanes when the War Powers Resolution was passed. Between October and November 1973 Vice President Agnew resigned after pleading no contest to a charge of income tax evasion. President Nixon fired Watergate special prosecutor Archibald Cox and abolished the office—the now infamous "Saturday night massacre." The President found it necessary to go on television to announce "I'm not a crook", then the 18½ minute gap was disclosed. The House Democratic leadership agreed to have the Judiciary Committee begin an impeachment inquiry, and Republican Senators began discussing resignation in public.

We in Congress were frustrated with our failure to override eight successive Presidential vetoes, and, considering the tremendous pressures then created by the Watergate scandal, it is understandable how this Congress overrode President Nixon's war power veto. The irony, of course, is that we were actually expanding, not limiting Presidential war-making powers.

I believe the question of prior constitutional restraints is so essential to our system of government that the original legislation which twice passed the Senate should be passed again. In the coming days I hope to cosponsor such legislation with several of my colleagues. I have had a draft proposal prepared which, with a section by section analysis, I ask to be placed in the Record. I am not wedded to every detail of this draft. It will have served its purpose if it can help this Committee in these deliberations.

In addition, the commendable oversight hearings which this Committee is currently conducting may produce some other good ideas which may well strengthen the Resolution. Certainly, the *Mayaguez* crisis and the Cambodian and Vietnam evacuations carried out in 1975 under the terms of the existing War Powers Resolution show clearly there is room for improvement.

In those crises of 1975 the executive branch did not feel bound by the existing statute. The consultation process was inadequate and incomplete; many months after the *Mayaguez* rescue, for example, a House subcommittee oversight investigation was faced with delays and procedural obstacles in simply obtaining factual information on how the crisis had been managed. The Administration's report to the Congress of May 15, 1975 merely took note of Section 4(a)(1) of the Resolution, which calls for information on the introduction of U.S. forces into hostilities. Section 4(a)(3), which calls for a report on the enlargement of U.S. forces in another foreign nation, in this case Thailand, was ignored. Even more important, the President felt free to engage in retaliatory bombing of targets on the Cambodian mainland apparently unconnected with the rescue operation—which appears to run against the grain of our constitution.

In preparing these remarks I had the opportunity to review my closing remarks from April 12, 1973, the last time I was honored to participate with this Committee in this discussion. I concluded that testimony with these words:

"It is unfortunate that we in Congress, and Americans in general, have a tendency to overlook serious situations until they erupt into crisis. There should be little doubt that the gradual erosion of congressional war powers has grown to crisis proportions. If we fail to act now after the horrors of Vietnam have so clearly exposed the danger of individual war-making, we may never again see the questions of war and peace being decided by the sobering and deliberative processes inherent in the concept of collective judgment."

I believe those words are still appropriate, and that this Committee has performed a most praiseworthy service by again deliberating the most vital of questions—how do we go to war?

MAJOR DIFFERENCES BETWEEN KEY OPERATIVE PROVISIONS OF THE SENATE WAR POWERS BILL AND THE CONFERENCE REPORT

1. Prior authority: The Senate bill carefully enumerated the President's emergency powers in explicit language. It cited three emergency situations into which the President could commit troops: an attack on the U.S. or its possessions, an attack on American forces legally deployed abroad, and the rescue of American nationals abroad. Only in these situations was the President given prior limited unilateral authority to deploy troops (for a 30-day period). The House bill simply required the President to consult and report with Congress when U.S. forces were committed pursuant to his understanding of his powers (for a 120-day period). The divergence in these two basic approaches, the so-called authority versus performance tests, proved to be the undoing of the Act in my opinion. The Conferees settled on language similar to an authority test but, tragically, placed it in a meaningless "Purposes and Policies" section of the Act that is totally without effect.

2. Automatic cutoff provision: The Senate bill allowed troops deployed under the Act to remain so deployed only for 30 days unless Congress acted to authorize a further deployment. The Conferees settled on a 60-day period (with an additional 30 days for safe disengagement). The practical effect of this compromise, taken together with the gutting of the prior authority provision outlined above, was to permit Presidential war to be waged for 90 days.

3. Rescue of American citizens abroad: The Senate bill provided prior authority to the President to use troops to rescue Americans in danger abroad, a Presidential prerogative that has been upheld by the courts. The Conferees dropped that provision.

EVOLUTION OF WAR POWERS BILL FROM SENATE TO HOUSE AND, THENCE, OUT OF CONFERENCE

	Senate	House	Conference
1.	Authorities of President described in detail	So-called "performance test": President simply reports on deployment	"Authorities" described in nonbinding section.
2.	30-day period within which President can act without congressional approval, with additional time for safe removal.	120-day period	60-day period, with 30 additional days for safe withdrawal.
3.	A bill or statute could force withdrawal of troops before 30-day period expired	A concurrent resolution could force withdrawal	A concurrent resolution could force withdrawal.
4.	Suggested need for collective judgment	Required Presidential consultation in emergency situations	Required Presidential report within 48 hr of commitment of troops.
5.	No peacetime deployments affected	Peacetime deployments covered as well as into hostilities	Peacetime deployments covered by reporting provision but not automatic termination.
6.	Operative any time President acted, even in defending against direct attack	Excluded military actions within territory and possessions of United States.	Operative anytime forces involved.
7.	Use of U.S. forces in hostilities triggers 30-day period	Final decision to commit forces to be followed within 72 hr by report to Congress triggers 120-day period.	Introduction into hostilities or imminent hostilities.
8.	Introduction of troops to include military advisers directly involved in combat-related activities	Military advisers not covered	Military advisers or other hostilities-related personnel covered.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:45 A.M.

Mr. BAKER. Mr. President, I have conferred with the minority leader on the request I am about to place and he concurs.

There is a briefing in room S-407 on the situation in Lebanon offered by the administration for Senators on both sides.

In view of that, Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 11:45 a.m.

There being no objection, the Senate, at 10:43 a.m., recessed until 11:45 a.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon.

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. The Chair, as a Senator from the State of Washington, suggests the absence of a quorum, the time for which will be charged equally to both sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:15 P.M.

Mr. BAKER. Mr. President, the briefing in the secure room on the Senate side is still in progress. I would estimate it will take at least 25 more minutes to complete or for Senators to find their way back to the floor.

Therefore, Mr. President, I ask unanimous consent that the Senate stand in further recess until the hour of 12:15 p.m.

There being no objection, the Senate, at 11:48 a.m., recessed until 12:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

QUORUM CALL

Mr. BAKER. Mr. President, the briefing on Lebanon is still in progress in the secure room on the Senate side. I am trying to ascertain the needs of Senators to speak while that briefing is going on.

If there is no requirement for Senators to speak, I am inclined to ask the Senate to recess again. But while we are trying to make that determination, I ask unanimous consent that I may now suggest the absence of a quorum with the time charged equally against the allocation of the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I now suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, as I indicated a moment ago, the briefing is still in progress. There are meetings of an official nature off the floor that will begin at 12:30 p.m.

I have consulted with the minority leader who is agreeable to the request I am about to put.

RECESS UNTIL 1:30 P.M.

Mr. BAKER. Mr. President, in light of these two circumstances and the requirement that Senators attend in both instances, I ask unanimous consent that the Senate now stand in recess until 1:30 p.m.

There being no objection, the Senate, at 12:18 p.m., recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I announced earlier, before the recess, that today is sort of cut up. We had a briefing this morning in the secure room on the Senate side of the Capitol that lasted longer than expected. Then there was a caucus off the floor of the Senate. Those caucuses, while not of an official nature, are quasi-official and go a long ways toward setting the direction and policy of the Senate, and it is desirable, therefore, to accommodate them.

I understand a caucus is still in progress involving many Senators. While I ascertain whether there is a need for additional time, in which event I would ask the Senate to recess again, I ask unanimous consent that it may be in order for me to suggest the absence of a quorum with the time to charge equally against the adversaries as described in the statute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, as I said earlier, a caucus is still in progress and will be for some little while. I ask unanimous consent, at this time, that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 1:31 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAKER).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The Senate continued with the consideration of Senate Joint Resolution 159.

The PRESIDING OFFICER. The time for the recess having expired, the Chair recognizes the Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I should like to offer several observations respecting the resolution which has been introduced by the distinguished majority leader and the distinguished chairman of the Committee on Foreign Relations to authorize continued U.S. participation in the multinational peacekeeping force in Lebanon.

While there has been much learned in the Senate regarding the details of the War Powers Act and its applicability to the current situation in Lebanon, I should like to address my remarks rather more to the first finding and purpose stated in the joint resolution before us. Section 2 declares that

The Congress finds that . . . the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

I repeat this:

The Congress finds that . . . the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

Mr. President, the thrust of my argument today will be that this congressional declaration is fundamentally at odds with the proposition set forth by Walter Lippmann in his classic study, "American U.S. Foreign Policy: Shield of the Republic," which was published in 1943, in the middle of the Second World War, and which car-

ries on its title page a line from George Washington's 1796 Farewell Address, which is read here every February on the anniversary of his birth. Washington wrote of the moment:

When we may choose peace or war, as our interest, guided by justice, shall counsel.

It is the fundamental thesis of Walter Lippmann's book that the controlling principle of foreign policy must be that the Nation maintain its objectives and its power in equilibrium.

Lippmann wrote of:

The compelling and, once seen, the self-evident common principle of all genuine foreign policy—the principle that alone can force decisions, can settle controversy, and can induce agreement. This is the principle that in foreign relations, as in all other relations, a policy has been formed only when commitments and power have been brought into balance. This is the forgotten principle . . .

Lippmann wrote in 1943, though it is as true in 1983—

. . . which must be recovered and restored to the first place in American thought if the nation is to achieve the foreign policy which it so desperately wants.

. . . a foreign policy consists in bringing into balance, with a comfortable surplus of power in reserve, the nation's commitments and the nation's power.

I take a moment to restate the parallel between the two texts to which I refer. The joint resolution says, in the first instance:

The Congress finds that the removal of all foreign forces from Lebanon is an essential United States foreign policy objective.

By a happy circumstance of the calendar, it was precisely 40 years ago—I recall reading this as a very young man—Walter Lippmann put forth the proposition that the controlling principle of foreign policy is that the Nation maintain its objective and its power in equilibrium.

My purpose this afternoon is to state that if the Senate should vote to adopt the resolution before us, an eventuality that seems quite probable, we shall be acting completely contrary to Lippmann's wise dictum by asserting an objective in foreign policy that it is quite beyond our power to attain. Disequilibrium shall accordingly be the result, marked by turmoil, setbacks, even defeat, though defeat may be postponed by deeper engagement, wider commitment of our armed forces and political energies.

It is astonishing to think that the White House would have sponsored this proposal, that a President—any President—could have agreed to sign this resolution. Yet, though one may be dismayed, one cannot act surprised. As I have said before, there is a leakage of reality in this administration that somehow seems impossible to overcome. To declare as essential what cannot be achieved is to insure failure.

Consider for a moment what the United States will be saying with this resolution. We are saying that the removal of all foreign forces from Lebanon is the essential U.S. foreign policy objective. That means, in the first instance, and most specific instance, that the Syrian Army will evacuate, leave Lebanon.

In what reasonable circumstances could we contemplate that happening?

Mr. President, I say that there is only one circumstance, and that is in the event a U.S. expeditionary force of some considerable size were sent to Lebanon to drive the Syrian Army to the borders of Syria.

Having attained the initial condition of this essential objective in U.S. foreign policy, how would we then maintain that condition? Only by leaving our expeditionary force on the borders of Syria indefinitely. For the moment we departed, the Syrian Army would reappear, and our essential foreign policy objective would once again have failed of attainment.

HISTORY OF LEBANON

There is a history here known to most Members of the Senate but perhaps not widely known in the country. It is a history of an obscure segment of the Ottoman Empire, and the mandates of the treaties of peace that followed the First World War.

The first thing to know, and I think the most important thing to know, it is that until September 1920 there never was a nation called Lebanon.

France, under the peace treaties that followed World War I, was assigned a portion of the Ottoman Empire as a mandatory power. Much as the British were to divide their nearby mandate in the area into the states of Palestine and Trans-Jordan, and the like, the French proceeded to create two new states in their mandate.

The borders of the modern nations of Lebanon and Syria were drawn by functionaries in some department in the Quay D'Orsay. The state of the greater Lebanon included not only the former autonomous Turkish province of Lebanon but also Tripoli, Sidon, Tyre, and Beirut, some of which, in earlier times, had been under the control of the Amirs of the Lebanon.

In 1941, the Free French commander, General Catroux, formally declared Lebanon a sovereign independent nation. In 1943, a National Pact organized the government confessional lines according to the 1932 census, the last one taken in that country, which seemed to give a majority to the Christian Maronite community.

It is important to note that the government in Syria did not then, and has never, recognized the existence of a country called Lebanon. Successive Syrian rulers have viewed Lebanon as simply part of Greater Syria with its capital in Damascus.

Note that there had never been, until after the First World War, a country called Syria. Far back in biblical history there was a country we know as Assyria, and there is a Syrian culture and a Syrian people, much as there is a Levantine people. But a national country with borders and constitutions and flags and great seals, no.

Like Lebanon and Jordan, Syria is one of the results of the League of Nations arrangements that followed the defeat of Turkey in the First World War. Again, its independence really came with the defeat of France in the early part of the Second World War.

Yet Syria, having attained its independence of empires, has asserted an imperial claim to the land and people of Lebanon. This, in short, is how the Marines came to be invited to Lebanon.

In 1975, in an open, unabashed act of aggression, Syria invaded Lebanon which had maintained a precarious peace among its many different elements until that time but by then internal peace was in fact breaking down.

The West chose at the time to do nothing about this. I can report that I was then the American Ambassador to the United Nations. We knew the Syrians were moving in. We knew that the Soviets were providing significant amounts of aid to leftist forces through the Lebanese Communist Party.

The Lebanese Ambassador, a good man of great personal qualities, Edouard Ghorra, asked to see me. I said, of course. He said: "My country is being invaded by the Syrians. Is there any hope of American help?"

This conversation took place at the United Nations, where a clear violation of the Charter was occurring on television and on the front pages.

Ghorra asked if there was any hope of American help. I had to say to him that there was none, that the United States—this was the administration of President Ford—would do nothing. And we did nothing.

I was not speaking from instructions from Washington. I was speaking from my understanding of the political atmosphere in our Capital. The next administration did nothing either.

Finally, as Syrian power extended down into the Bekaa Valley; as an extraordinary emplacement of PLO forces located themselves above the Litani River, there came a time when the Soviets had so militarized that region that it posed a clear and direct threat to the security of Israel. The Israelis responded as they have done before when attacked, they responded militarily, and the situation we now see came into being.

Having watched Lebanon be destroyed from within and without by Syrian forces relying on the Soviets, over 8 years, we now suddenly decided

the United States should do something.

There was a time, at the moment of the invasion, when the crime was committed, we did nothing, said nothing, proposed nothing, intimated nothing, expected nothing from anybody else.

I recall the French—and I do not mean to be derisory—sent their former Prime Minister, Pierre Mendes-France for a 2-day inspection tour 8 years ago. He returned to Paris and said there was nothing to be done.

We go from the point of doing nothing, proposing nothing, at the time the problem was created, to declaring that undoing the events of 1975 has become an essential American foreign policy objective.

Are these serious persons who drafted this resolution? Had they ever heard Walter Lippmann's thesis, that a nation's commitments must be in equilibrium with its power?

Mr. President, we do not have the power to do what this resolution promises we shall. We could gather together forces from around the globe and make our way to the Syrian border, abandoning other strategic positions which should be protected—but, as I stated earlier, this would only be for the purpose of staying at the Syrian border indefinitely, because the moment we departed the Syrian Army would come right back in and our essential U.S. foreign policy objective would be undone again.

Ask what this means, this abrogation of a fundamental principle of sound foreign policy—that one's commitments must be in equilibrium with one's power.

After 8 years of absolute inaction, never asking the French to do anything serious—it was their mandatory power—never making clear to the Syrians that those could be costs to them for their policies; never asking the Saudis to influence the Syrians whom they finance, what was a matter of indifference has become essential to American objectives.

Mr. President, I spoke earlier of a leakage of reality in the present administration. I believe that with great conviction. Time and again, one observes its highest officials making commitments that they are in no way able to keep and then, upon learning of the inability, reversing themselves and American policy.

We enjoyed more than normally interesting experience here in the Senate and in the country within the past few days. Last week a deputy representative at the United Nations—who, one learns today, has already offered his resignation from the post—invited the members of the U.N. to leave the United States if they chose, and he offered some rather colorful language which has led some to observe that the State Department still seems to have not found out that the Sun sets in the West, and he invited 156 members of the U.N. to sail off into the sunset, which of course would be toward Jersey City.

When the President, upon reflection, endorsed the suggestion that the U.N. think about leaving the United States, this aroused a great feeling of patriotism among the Members of this body. By the end of the day on which the President's remark was carried in the press, last Thursday, the Senate had voted overwhelmingly to cut our contribution to the United Nations in half. We showed those Reds. And then we showed them some more, for the amendment we adopted, by vote of 66 to 23, also stipulated that if this unilateral action was not formally accepted by the U.N. we would cut our contribution off completely.

Mr. President, 20 years ago there was one institution in the world that wanted the United Nations out of the United States, and that was the John Birch Society. It has since been joined by the Government of the Soviet Union.

It would be my view that we should cooperate with neither, but we did. Only in the dawn's early light—not until, if I may say, I called it to their attention in an essay that appeared yesterday on the op ed page of the New York Times—did they recognize that if we did this we would lose our right to vote in the General Assembly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 27, 1983]

U.N. DO THE DAMAGE

(By Daniel Patrick Moynihan)

In his address yesterday to the United Nations General Assembly, President Reagan did not repeat his suggestion of last week that the United Nations consider itself free to leave New York City or that, alternatively, delegates divide their time between New York City and Moscow. His speech was conciliatory, and in ways a retraction. Even so, there is damage to be undone.

Mr. Reagan's remarks were voiced last Wednesday and appeared in the press Thursday morning. Thursday evening, an aroused Senate voted, 66 to 23, to cut our contribution to the United Nations and its principal agencies by one-half—or completely if the organization does not accept our unilateral decision on what has always been a negotiated sum.

The United Nations Charter provides that a member two years in arrears on its financial contributions "shall have no vote in the General Assembly." If America defaults, as the Senate action would have us do, there would unquestionably be a move to transfer United Nations headquarters to Geneva—or, more likely, to Vienna, because Vienna is more to the Soviet Union's liking. The move would surely succeed, and it would mark, as the columnist Joseph Kraft has written, "the decline of this country as a great power." It would date the collapse of the post-World War II arrangement for a world order. It would almost certainly lead to general disorder and possibly general war.

The nation and New York City have been done a disservice.

The decision to situate the United Nations in New York City did not come automatically, or even easily. The Charter was signed in San Francisco on June 26, 1945. A Preparatory Commission met in London the following November, with one of its duties that of finding a permanent location. (The first General Assembly also met in London.) There was strong sentiment for a European site, but that failed by a 25 to 23 vote. The decisive factor seemed to have been the judgment of Trygve Lie, the first Secretary General, who believed the League of Nations had failed largely because America had refused to join and that a location in the United States would make it difficult for us to withdraw should our traditional isolationism emerge once more. (As it now appears to be doing?)

Our representative on the commission, Adlai E. Stevenson, said that the United States would warmly welcome the United Nations—Congress had so resolved—but would not seek to influence the decision. By contrast, Andrei A. Gromyko indicated that the Soviet Union supported having the headquarters in America. (Just why, we will not know until the Gromyko papers are opened. The Russians no longer hold that position.) The commission finally agreed and New York City was chosen when John D. Rockefeller Jr. donated $8 million for the Turtle Bay site, and Mayor William O'Dwyer, working with Robert Moses, found $30 million for the various improvements we think of as United Nations Plaza.

So at first the decision on where to put the United Nations was not a political statement. Thus, the diplomatic center of the world was put in the principal city of the world's most important democracy. But the decision became political, for World War II did not end totalitarianism.

This has made the United Nations more, not less important to the democracies, for the Charter commits each member to a regime of at least minimal political and human rights.

The Charter states, in part:

"We the peoples of the United Nations determined

To save succeeding generations from the scourge of war * * *

To reaffirm faith in fundamental human rights * * *

To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. * * *"

It is of inestimable value that these are the proclaimed standards of the nations of the world, to which they are bound by solemn covenant.

Is there a double standard at the United Nations? Of course, there is. Two-thirds of its members are in gross violation of that covenant, and they take it out on us. But we can give as good as we get, not least because we have the Charter on our side. (We have our own double standard, mind. The totalitarians in Peking can say anything, vote any way, concerning America. We respond by offering arms.)

It had seemed that this General Assembly would concentrate on Soviet conduct. Now it is we who are the most likely targets, and this time the criticism won't be as easy to dismiss.

President Reagan, losing no time, should demand that the Senate reverse itself.

Mr. MOYNIHAN. Our having lost our right to vote, there would in a very short order materialize an effort to have the United Nations depart from the United States, presumably to Vienna, where the Soviets would most like it to be.

We have violated a fundamental commitment made to the United Nations, which is principally that although we do not have any commitment to pay any fixed amount, we do have a commitment to negotiate what we will contribute. This is done in the Fifth Committee of the General Assembly.

But we showed them, did we not?

Two days later, on this past Sunday, the President was obliged to express his dismay that the Senate had followed his lead. One imagines all manner of officials at the White House suddenly seeing the light and saying to himself, "Oh my gosh, what have we done this time."

The President expressed his dismay to the Secretary General of the United Nations on Sunday.

This morning, Mr. President, we learned that George P. Shultz, our distinguished Secretary of State, a man who has won the respect of every Member of this Senate, was yesterday pursuing his difficult duties in New York, at the United Nations. With his counterparts from Britain, France, and Italy, Secretary Shultz was investigating whether we could not get the United Nations to contribute to the peacekeeping forces in Lebanon.

The same United Nations the administration had just told to sail into the sunset, and the same United Nations which, to show those Reds, the Senate had just cut off every penny. This same United Nations found Secretary Shultz in its midst, hoping to secure the assistance of the United Nations in Lebanon.

The Secretary of State's work, as difficult a job as there is in Government, has been rendered still more difficult by the inclination of others in his administration to say what they cannot mean. They do not seem to understand that, for good or ill, they won the last election. They are required now to govern.

Another illustration of the leakage of reality occurred just a few days ago.

The President very much desires that we increase the funds available to the International Monetary Fund. This of course is to deal with a world financial crisis occasioned in large part by the interest rates of the United States, largely brought about by the economic policies of this administration. Having made a career of speeches against international "globaloney", the President now recognizes that this country needs an international monetary system. We need it more than anyone.

Yet just 2 months ago, in the House of Representatives, the National Republican Congressional Committee was raising money for Republican candidates by accusing Democrats who had helped the President defeat an amendment that would have immobilized the IMF of supporting communism."

My very good friend, Representative DAVID OBEY of Wisconsin, has been very blunt on the meaning of this. He has said, in effect, "Mr. President, if you want this legislation passed, you apologize."—not personally, not in any undignified way, but simply to say the Republican Campaign Committee's position was wrong and does not represent the policy of the administration.

Mr. President, I ask unanimous consent to have printed in the RECORD the relevant documents of Mr. OBEY's request to the administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1983.

DEAR COLLEAGUES: I warned Treasury Secretary Regan two years ago in a hearing before the Foreign Operations Subcommittee that it would be very difficult for Democrats to show bipartisan support for the administration on issues such as international banks which we know are not popular politically, but are essential to U.S. interests, if we are subsequently attacked for our efforts by members of the President's party. I stated, "People like to be statesmen around here, but they do not like to be suckers." Well, there are 160 of us who have been treated like suckers on the IMF authorization bill (H.R. 2957).

During consideration of that bill, Congressman Gramm introduced an amendment calling for the U.S. Executive Director of the IMF to actively oppose any loans to communist dictatorships. You and I voted against the Gramm amendment, as did Minority Leader Michel and the Ranking Minority Members of the Banking and Appropriations committees. The administration opposed such restrictions, and the Republican controlled Senate had voted down similar provisions in their IMF authorization. We agreed with the administration position that such restrictions were counterproductive. Most of you subsequently voted for the final passage of the IMF authorization, again in support of the administration position, despite certain qualms about benefits to the banks.

The very next day, the National Republican Congressional Committee issued a release in the districts of 20 Democrats who voted, as the administration wished, against the Gramm amendment. That release accused them of supporting communism by that vote. I have enclosed a "generic" copy of the release with this letter.

I am asking you to sign the enclosed letter to the conferees which urges them not to bring back a conference report on the IMF until the President has sent a letter of affirmation to those who supported him on this issue. I have informed Minority Leader Michel and Secretary Regan that I am taking this action, and warned them that unless such a letter from the President is received, the IMF legislation faces certain defeat. Please join me in seeing that the administration plays fair on this issue. As the letter states, we do not want to bring down the IMF. We *do* want to prevent a situation in the House which will make it impossible for needed legislation to pass in the future because House members are attacked when they put national interest ahead of political considerations. And let there be no mistakes about it. This is the kind of situation that has been created and will not be rectified without such a letter from the President. If you wish to sign the letter to Chairman St Germain, please call Cindy Taylor or Mike Marek in my office on 225-3365.

Sincerely,

DAVE OBEY,
Member of Congress.

[News from the National Republican Congressional Committee]

GUY VANDER JAGT, CHAIRMAN

Thursday, August 4, 1983

(NAME) VOTES TO LOAN MONEY TO COMMUNIST NATIONS

WASHINGTON.—U.S. Rep. (Name) voted yesterday to loan U.S. taxpayers' money to communist nations. The vote came during consideration of H.R. 2957, the bill authorizing funds for the International Monetary Fund (IMF).

"It's a slap in the face of the taxpayers of this country that would vote to give loans to communist dictatorships," charged Congressman Phil Gramm (R-TX), author of an amendment to prevent the loans. "Further, how can this vote be explained to the veterans of our country who have fought against the dangers of communism?"

Congressman Gramm offered his amendment to the International Recovery and Financial Stability Act. Gramm's amendment, which had strong bipartisan support, passed overwhelmingly. The vote was 242-185. (Name) voted "no."

"Over $8 billion goes to the IMF for loans. It's unconscionable that (Name) would want that money to go to bail out the bankrupt governments of communist nations," continued Gramm.

"How could these members show such total disrespect for the freedom we've always fought for?" Questioned Gramm. "What gives them the right to vote to support communism?"

"In this vote we had a clear choice: prevent the hard-earned money of the working people of this country from going to communist dictatorships, or support communism. Obviously (Name) chose to support communism rather than the people of this country," said Gramm. "It's impossible for (Name) to justify this total disregard of our country's taxpayers," concluded Gramm.

Mr. MOYNIHAN. Finally, Mr. President, I just want to note that this morning on the front page of the New York Times a headline reports "Reagan Praises IMF and Warns Congress Over Delays in New Aid."

The cause of the delay is the leakage of reality among the President's supporters. The President is trying to fix the problem it has caused the United States. Soon they will be coming here asking the Senate to reverse the action we took on Thursday night. They will have to. And I suppose we will do it.

In the end we have to be responsible. And after all it was we who acted the

other night. But there is no question what we were reading in Thursday morning's press remarks about how interesting an idea it would be if the United Nations spent at least half its time in Moscow and so forth.

In conclusion, Mr. President, I state that the same thing will happen if we adopt a resolution declaring it to be an "essential U.S. foreign policy objective" that we bring about a military solution in Lebanon which we have not got the capacity to bring about.

There has not been a wiser proposition set forward about American foreign policy than that of Walter Lippmann in 1943. This was the time America was beginning to realize it was going to have to have a foreign policy. The absence of one had brought Pearl Harbor to us. The absence of one had caused us to send our armies over the whole of the globe. The great fighting of the Second World War was about to begin, in the summer of 1943.

Lippmann wrote:

Without the controlling principle that the nation must maintain its objectives and its power in equilibrium its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs. Yet the history of our acts and of our declarations in the past fifty years will show that rarely, and never consistently, have American statesmen and the American people been guided by this elementay principle of practical life.

I propose, Mr. President, that the resolution before us will bring about disequilibrium and worse. And, as much as I regret to say this to the distinguished authors of the resolution, I propose to vote against it.

Mr. SARBANES. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. President, I yield for a question, but I yield the floor.

Mr. SARBANES. I would like to put a question to the Senator from New York. Would not the Senator agree that one of the burdens of leadership is to seek to carry through a responsible policy in all quarters which that policy will be passed upon? It is not sufficient, as President of the United States, to go before the IMF and tell them that the quotas have been increased and at the same time not take the actions which he must take with respect to the Congress to help bring that about. In fact, in that instance, the Republican Congressional Campaign Committee has played some of the meanest brand of politics I think any of us have ever seen. The President, on the other hand, is telling the IMF that he needs this quota and, on the other hand, is doing nothing to set right the actions of his own party with respect to its harsh attack on those Members of the House of Representatives who voted to carry the President's program through.

Mr. MOYNIHAN. Exactly. The Senator from Maryland, who served with such distinction in the House, has made this point. Is it schizophrenic? Is it cynical? Is this the leakage of reality I discussed? I do not know which, but I do recognize it is and so does he.

Mr. SARBANES. What about the U.N. issue? The President went before the United Nations on Monday and told the United Nations that he was a strong supporter of the United Nations and affirmed the American commitment to the United Nations. At the same time, earlier the President had contributed to unleashing forces in the country and in the Congress which helped to lead to the very deep slashes in the American contribution to the United Nations. It was the President who said that the comments of the deputy representative reflected the views of the American people with respect to sailing into the sunset. It is the President who suggested that maybe they ought to go elsewhere for part of the year.

How can you play it both ways? How can you feed those fires, those passions, and then turn around and go before the United Nations and be Mr. Responsible and say, "Well, now we really come to tell you what strong supporters we are," when, at the same time, you have turned loose the very forces that are undercutting the support for the United Nations?

Mr. MOYNIHAN. I would say to my distinguished friend that there comes a time—and the majority leader is on the floor and I hope he might hear this and the distinguished minority leader is on the floor—there comes a time when the issue of character arises. I say that with care and, I hope, restraint.

There comes a time when the issue of character arises.

Can a leader, or a ruling party, repeatedly say one thing and do another? Can you repeatedly appeal to the most primitive of political responses in people while engaging in the necessary conduct of the world's most important democracy?

Mr. SARBANES. Let me take it a step further. The Secretary of the Interior of this administration has made outrageous comments reflecting attitudes that I believe the overwhelming majority of the American people reject, and yet the President is tolerating his presence. What message does that send to the Nation in terms of the kind of attitudes we are willing to tolerate? And this is not someone out on the street who has got some prejudiced ideas. This is a member of the President's Cabinet, holding one of the most important positions in the Nation.

Mr. MOYNIHAN. Could I not ask the Senator from Maryland, what must the Secretary of State be thinking, as he goes up and down the corridors of the United Nations today asking the United Nations for help in our problems with Lebanon, in the aftermath of what the Senate has done and what the President has said?

It seems to me they had better decide either to be a government or a permanent opposition. Should they choose to be a permanent opposition, it would be fine by me.

Mr. President, I thank you for your patience. I thank my friend from Maryland.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise to advise the Senate of my position regarding the use of American troops in Lebanon.

This matter has caused me great anguish, as I am sure it has for most Senators. The President has sought, through the use of this country's power and prestige, to bring peace to a part of the world which for so many years has only known conflict.

For many years, I have been deeply troubled that the Congress has spawned too many would-be Secretaries of State, ready at a moment's notice to take pot shots at anything the sitting administration—Democrat or Republican—seeks to do. As a result, we have confused both friend and foe around the world with our many voices, when we should have been speaking with only one. If America is to have an effective foreign policy, then the President, in consultation with the Congress, must serve as the primary spokesman and leader in this vital area.

But in spite of these considerations, I find that I must with great reluctance disagree with my President on Lebanon.

After very careful examination of these issues, I have concluded that our ground troops are serving no useful military purpose in Lebanon, except as sitting ducks, and that the President should withdraw them as quickly as prudently possible. I am reluctant to tell him that this withdrawal should occur tomorrow, but certainly it should be accomplished long before even a 6-month time limit is reached. We should be considering days or at most a few weeks, not months, and so I intend to vote against the 18-month limit which the President has requested.

It is my general feeling that American ground forces should only be employed in rare instances where there is a clear military objective that can only be achieved through the use of combat troops on the ground. In most instances, we should seek to achieve our policy objectives through the supply of friendly forces, and there may be occasions when we can effectively

assist in accomplishing our purposes through the use of air and sea power. In those exceptional instances when ground forces are employed, they should be sent in sufficient numbers to rapidly achieve whatever military mission they are assigned.

Unfortunately, it does not appear to me that the marines in Lebanon have a realistically achievable military objective, and, therefore, should be withdrawn. They are having little discernible impact on the political situation in Lebanon, yet are being asked to risk their lives nonetheless.

I was one who opposed the introduction of American troops into Lebanon in the first place. More than 14 months ago, on July 8, 1982, I wrote to President Reagan expressing my opposition to sending U.S. troops to Lebanon. Yet, I hoped that the President was right and I wrong, that our troops might be able to stop the violence that has racked that nation for so many years. The news of the ceasefire is welcome, but in a country that has had 200 cease-fires since 1975, I think that further violence should be expected.

Both the Soviet Union and Syria are eager to interfere in Lebanese affairs. However, this interference must not blind us to one essential fact—Lebanon is engaged in a civil war. Like all civil wars, the Lebanese war will be fought with exceptional savagery and bitterness, with particularly dire consequences for the defeated parties. It will continue to rage, with or without foreign interference.

Under such circumstances, why do we maintain a U.S. ground force in Lebanon? Recent military developments have shown that the concept of the protective screen is not working. In the light of those developments, we are faced with three fundamental options. First, we can expand our commitment, taking an active, military ground role on behalf of the current Lebanese Government. Second, we can simply stay put, maintaining our forces at their present level. Third, and finally, we can withdraw our ground forces.

So far as expanding our commitment is concerned, does anyone in this body sincerely believe that the American people wish to send substantial ground forces into the Lebanese interior? Have we considered the heavy casualties which we would take if we chose to push our forces into the forbidding terrain of the Chouf Mountains? In my opinion, such a military initiative would serve only to unite many of the now warring parties into an anti-foreign, anti-American coalition.

Therefore, we withdraw or we stay put. However, our forces no longer provide a protective screen for the Lebanese Government. The decay of the Lebanese Government has rendered them impotent, through no fault of their own. The hard fact of the matter is that our marines in Beirut serve little purpose other than to provide targets for warring Lebanese artillerymen.

In reality, we do not enjoy a series of options. We have only one option—withdrawal of the Marines.

Mr. President, I do support the finding embodied in this resolution that the War Powers Act should be invoked. The purpose of that legislation was to cover situations like this.

But I still cannot support this resolution for the reasons I have stated. Our ground troops should not be used as political pawns in any world situation. They should be committed only when there is a clear military objective and in sufficient force to achieve that objective.

The President has tried to find a way to peace in Lebanon through the use of American troops. Regrettably, it does not seem that it is a course that will work. Giving him the authority to keep the Marines in Lebanon for another 18 months will only prolong, in my judgment, an ultimately fruitless course of action.

Mr. BAKER. Mr. President, in a private conversation with the minority leader off the floor a moment ago, I was apprised of the fact that I believe he is going to offer an amendment to the pending resolution. I will yield the floor if he wishes to do that.

I would inquire of the minority leader, if he, in fact, offers that amendment, whether it would be possible to dispose of that amendment today?

Mr. BYRD. Mr. President, I personally would be amendable to the idea of voting on it at 5:30 today, which would give us 3 hours on this amendment.

Mr. CHILES. On this amendment or final passage?

Mr. BYRD. On this amendment. Senator PELL indicates 5 o'clock. Is that agreeable with Mr. NUNN? On or in relation to the amendment by 5 o'clock or at 5 o'clock?

Mr. NUNN. The Senator's amendment?

Mr. BYRD. The amendment I am offering.

Mr. NUNN. Yes.

Mr. BYRD. I think that would be agreeable.

Mr. BAKER. Mr. President, the minority leader was kind enough to show me a copy of the amendment, which I looked at briefly but not in detail. I would favor that. But before such an agreement can be entered into, as he will understand, I will have to check our people on this side and see how we might proceed. But I would suggest that Senators assume that we may be able to work that out, to have a vote on or in relation to this amendment at 5 o'clock. I will shop for that and I will have a further announcement to make.

Mr. SARBANES. Is the request at 5 or by 5?

Mr. BYRD. I would suggest it be at 5, so Senators will be on notice. Does the Senator have a suggestion to the contrary?

Mr. SARBANES. No.

Mr. BYRD. Mr. President, we will shop, may I say to the majority leader, to see if we can have a vote no later than 5, possibly earlier.

Mr. BAKER. All right.

Mr. President, may I take this opportunity to say, as I have said, I believe, on yesterday and again this morning, it is not the intention of the leadership on this side to ask the Senate to remain past about 6 o'clock today. So setting a time would be a great convenience from that standpoint so we will know approximately when this vote will occur.

I also understand from my conversations with the minority leader that there may be other amendments offered to this resolution. If that is so, then I assume we will not get to final passage of this resolution until tomorrow.

Mr. BYRD. In response to the majority leader, I indicated to him that we have discussed this matter in caucus. There will be two or three other amendments, as I read the caucus, two or three others. It would seem to me we would not have any difficulty in disposing of those two or three others by 2 o'clock tomorrow or perhaps earlier.

Mr. BAKER. Mr. President, I will confer with the minority leader to adjust the time for coming in so that we will have adequate time to dispose of any remaining amendments prior to the expiration of the statutory time at 2 o'clock tomorrow. We will work that out without any difficulty, I am sure.

THE CONTINUING RESOLUTION

Also while we have just a moment, I would presume to ask the minority leader if he has any insights into the progress we might make on the CR, the continung resolution. It will be up next, unless we have unemployment benefits extension next. There has been a strong request by the chairman of the Appropriations Committee to try to keep the CR clean. I share that view.

Let me add this to the record for the consideration of all Senators. I made this information available to the minority leader already.

I spoke with the Speaker today and indicated to him, after the colloquy I had this morning with the minority leader, that the Senate would find it very difficult to agree to a continuing resolution that extended until November 17 if we are going to go out sine die on November 18. I believe the Speaker understands that and would not object to the Senate changing that date if such a CR comes over here to

make it November 10, or thereabouts, so that we would have adequate time to deal with the CR in a rational and reasonable way.

I also made one other suggestion, Mr. President, to the Speaker—and I certainly do not presume to speak for him. I suggested it would be a lot easier for Senators not to offer their amendments to the CR if there are some other appropriations bills coming along and especially whether or not one of the two supplemental bills might reach us in time to deal with them before sine die adjournment. The Speaker acknowledged that, I might say, on the floor, as I am now doing, that he will try to complete action on a supplemental and have it here before November 10 so that we could address the supplemental appropriations issue and perhaps amend it as the Senate might wish.

I think that may enhance the chances, at least on this side, to get by without amendments to the CR and maybe get a time agreement on it. That leads me to the next question. That is what the minority leader thinks our prospects might be for getting a time agreement on the CR or completing action on it tomorrow.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. BAKER. Yes, I yield for a question.

Mr. SARBANES. Is it the majority leader's intention to take up the unemployment benefits ahead of the CR so that that problem will be addressed and be off the agenda and taken care of?

Mr. BAKER. Yes, Mr. President, that is my wish, because I think we simply cannot dare let that go by without completing action. I intend to consult, however, with Senator DOLE, the Chairman of the Finance Committee, and Senator HATFIELD, of the Appropriations Committee, before I make a final decision in that respect. My preference at this moment would be to do the unemployment benefits extension first.

Mr. BYRD. It is my hope, may I say to the majority leader, that we could do the unemployment compensation extension first. I would say that our chances of getting a time agreement on the continuing resolution, possibly without any amendments, is just 50-50.

I would hope that inasmuch as we discussed it in our talks today, knowing where those possible amendments are coming from, we might be able to work it out in a way that would avoid any amendments.

Mr. BAKER. Very well. Mr. President, I will say on my own behalf as a Senator from Tennessee that I would find it very difficult to refrain from offering a Clinch River Breeder Reactor amendment to the CR. If everyone else does not, maybe I will not either. We will see how that goes. I do not think I have set a bad example for anybody yet. I do hope there is a chance we can get the CR out of the way and save our fights for another day, more especially on the supplemental.

Mr. BYRD. Or the November 10th date.

Mr. BAKER. Yes.

AMENDMENT NO. 2231

(Purpose: To require the President to submit to the Congress the report required under Section 4(a)(1) of the War Powers Resolution and to specify the roles and missions of United States Armed Forces in Lebanon; and to extend the 60-day period for 60 days from the date of enactment, provided that the President submits the report.)

Mr. BYRD. Mr. President, on behalf of myself, Mr. NUNN, Mr. CHILES, Mr. EAGLETON, Mr. BINGAMAN, Mr. BUMPERS, Mr. DIXON, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. CRANSTON, and Mr. PRYOR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, and Mr. NUNN, Mr. CHILES, Mr. EAGLETON, Mr. BINGAMAN, Mr. BUMPERS, Mr. DIXON, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. PELL, Mr. DODD, Mr. CRANSTON, and Mr. PRYOR, proposes an amendment numbered 2231.

SECTION 1. The Congress finds that—

(a) Starting on August 29, 1983, the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon were introduced into hostilities or into situations where imminent involvement in hostilities were clearly indicated by the circumstances as provided for in section 4(a)(1) of the War Powers Resolution;

(b) Not later than August 31, 1983, a report from the President was required to be submitted by the President to the Speaker of the House of Representatives and the President pro tempore of the Senate pursuant to section 4(a)(1) of the War Powers Resolution, which was required to include the following information:

(1) The circumstances necessitating the introduction of the United States Armed Forces into Lebanon;

(2) The constitutional and legislative authority for the introduction of the United States Armed Forces into Lebanon; and

(3) The estimated scope and duration of the hostilities, or of the imminent involvement of the United States Armed Forces in hostilities.

SECTION 2. Not later than 48 hours after the enactment of this resolution, the President, as required by section 4(a)(1) of the War Powers Resolution, shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing the information required by paragraphs (A)-(C) of section 4(a) of the War Powers Resolution, together with the following additional information:

(a) A description of the specific goals of United States policy in Lebanon;

(b) A description of the specific roles and missions of the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon, including the governing rules of engagement for fulfilling the goals of United States policy in Lebanon; and

(c) A description of the specific criteria that are being applied to determine when the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon have successfully accomplished the roles and missions described in clause (b).

SECTION 3. Pursuant to section 5(b)(2) of the War Powers Resolution, the 60-day period specified in section 5(b) of such Resolution is hereby extended for 60 days from the date of enactment of this resolution, provided that the President complies with the requirements of Section 2 of this resolution.

SECTION 4. Nothing in this resolution modifies, limits, or supercedes any provision of the War Powers Resolution or the requirement of Section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to Congressional authorization for any substantial expansion in the number or role of the United States Armed Forces in Lebanon.

Mr. BYRD. Mr. President, if any other Senator wishes to become a cosponsor, I will add their names.

(The name of Mr. HOLLINGS was added as a cosponsor.)

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, a few days ago Secretary Shultz and General Kelley appeared before the Committee on Foreign Relations to explain the executive branch's view concerning the proper role for the United States in Lebanon. At that time, I indicated that we all agree that the stakes in Lebanon are high, and we certainly all want to see a strong and united Lebanon. We all want to see the removal of all foreign forces from Lebanon. We all want to see an enduring peace in the Middle East. In fact, I submit that on these goals a real consensus exists between the Congress and the administration. And if goal setting was all there was to it, few would voice opposition to the original resolution we have before us today. But many of us believe that before we commit American troops to a situation involving hostilities or imminent hostilities, we need to ask how the President plans to achieve his stated goals, and at what cost and risk.

At our hearing, I asked Secretary Shultz four questions.

First, is there any reason why we should not expect to be involved in direct armed conflict with the Syrians before this is over?

Second, how many more troops will we have to commit before we achieve success in our stated mission? I will get to his statement of our mission in just a moment.

Third, are we, after a year of military involvement in Lebanon, closer to or further from a peaceful resolution of the problem?

Fourth, is there any plausible scenario by which we avoid unlimited escalation of our involvement on the one hand or disastrous withdrawal under fire on the other?

I have yet to receive a satisfactory answer to these questions from anyone. Instead, goals and objectives are repeated along with a plea for an 18-month blank check.

Secretary Shultz stated before the committee that:

From the beginning, we have had essentially three policy objectives in Lebanon: The withdrawal of all external forces from Lebanon; a sovereign, independent Lebanon dedicated to national unity, and able to exercise its authority throughout its national territory; and security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery and rocket attacks.

OK, fine. I accept these as legitimate and laudable objectives for the United States to pursue. But many questions remain unanswered. For example: How do we propose to achieve these goals? What are the chances for success? How does the role and mission of U.S. Marines in Lebanon fit into the equation? How long do we anticipate being directly engaged militarily in Lebanon? And does achievement of these goals risk war with Syria? On these and other related questions the administration remains silent both publicly and privately. Such silence is substantively wrongheaded and, in my judgment, patently illegal.

The War Powers Act of 1973 clearly states that:

In the absence of a declaration of war, in any case in which U.S. Armed Forces are introduced * * * into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances * * * the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) The circumstances necessitating the introduction of U.S. Armed Forces;

(B) The constitutional and legislative authority under which such introduction took place; and

(C) The estimated scope and duration of the hostilities or involvement. * * *

It further states:

The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of U.S. Armed Forces abroad.

Mr. President, the administration has said that because our forces are on a "defensive" mission, they are not required to submit such a report under the War Powers Act. I think such tortured logic would indicate that Pearl Harbor was not combat, because we were on the defensive. To say, when marines are being killed and wounded, when we are giving purple hearts and they are given combat pay, that hostilities have not been reached is just tortured logic. I ask again: Where is that report? What is the scope and duration of our problem? And what is the plan for achieving our policy objectives?

Some probably will argue that a secret plan exists over in the White House or in Mr. McFarlane's briefcase. They might even argue that they do not share it with us because of constitutional differences surrounding the War Powers Act. Flouting the law of the land in that fashion would be bad enough, but I think it is even worse than that. I am afraid they do not have a plan. I am scared to death they do not have any idea what the scope or the duration of our involvement in Lebanon may be. They appear to be long on hope and short on specifics.

Originally, we committed the marines to Lebanon to facilitate the PLO's withdrawal from the Beirut area.

I underline Beirut area, because I am going to have something to add to that in a moment. Later, we reintroduced our forces as part of the MNF to provide a peacekeeping presence in Lebanon limited by agreement strictly to the immediate Beirut area and in a noncombat role.

To go back to that briefly, the Government of Lebanon sent a letter to the United States on September 25, 1982. In that letter, they requested our presence in Lebanon. I ask unanimous consent to have this letter and the subsequent letter printed in the RECORD as part of my speech.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Beirut, September 25, 1982.

His Excellency FOUAD BUTRUS,
Deputy Prime Minister and Minister of Foreign Affairs Beirut,

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

ROBERT DILLON,
Ambassador of the United States.

REPUBLIQUE LIBANAISE,
MINISTERE DES AFFAIRES ETRANGERES,
Beirut the 25th of September 1982.

His Excellency ROBERT DILLON,
Ambassador of the United States.

YOUR EXCELLENCY. I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consutations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring an end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area. The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1,200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American

Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any form of tax, duty, charge or levy.

I have the further honor to propose, if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accept, Your Excellency, the assurances of my highest consideration.

FOUAD BOUTROS,
Deputy-Prime Minister,
Minister of Foreign Affairs.

Mr. GLENN. Mr. President, I shall not read all of both letters now, although they will appear in the CONGRESSIONAL RECORD at this point. I note that in the letter from the Lebanese Government they begin by requesting our Government's participation and our attention to recent tragic events, which have occurred in the Beirut area.

It goes on that on behalf of the Republic of Lebanon, they wish to inform us of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area, thereby to assure the safety of persons in that area and bring to an end the violence that has recurred; to this end, it is stated, Israeli forces will withdraw from the Beirut area.

It continues and asks for our participation with part of several nations to form a multinational force to come into, I underline again, the Beirut area.

The mandate of the multinational force would be to provide a peacekeeping force and so on in the Beirut area. This presence will facilitate the Lebanese Government's sovereignty and authority over the Beirut area.

It goes on and on, talking about our coming in with 1,200 personnel to Beirut. It states in the latter part of the letter that it will only be needed for a limited period of time.

In our letter back to the Government of Lebanon, we repeated the phrase "in the Beirut area" five different times. Your Excellency, we say in the opening of that letter, I have the honor to refer to, and so forth, requesting the deployment of an American force to the Beirut area. It is understood the presence of such an American force will facilitate the restoration of the Lebanese Government's sovereignty and authority over the Beirut area.

Once again, even in the last paragraph, concerning the presence of the American force—it states yet one more time—in the Beirut area.

Now we come back and find the Secretary of State's declaration of why we are in Lebanon now to be, to quote from the Secretary's statement:

Our purpose in being there is to provide a sovereign, independent Lebanon dedicated to national unity and able to exercise its authority throughout its national territory.

That is one of the purposes.

Obviously, there has been a tremendous expansion—somewhere in the State Department or the administration—of our role in Lebanon, well beyond the limited role we were asked to come in and perform, and which we agreed to perform. Now we have four marines killed and many others wounded in combat and have commited an aircraft carrier, the battleship *New Jersey,* and another group from the Indian Ocean to support our forces in Lebanon. Our mission has also expanded to include seeing to the withdrawal of all external forces from Lebanon and apparently after that U.S. forces will remain on until a sovereign, independent Lebanon dedicated to national unity is able to exercise its authority throughout its national territory.

I come back to my original proposition: Even if we succeeded in persuading the Syrians to withdraw their forces from Lebanon—a task that may well be impossible to achieve through diplomacy alone—we would still face the reality of a deeply divided Lebanon. In Lebanon's 40-year history, turbulence and factionalism has occurred repeatedly. It has suffered continued challenges to its sovereignty and independence. And how do we propose to put an end to this sad and difficult history today? This is, do not forget, a nation that has had some 200 ceasefires in the past 7 or 8 years. The frank answer, unfortunately, is we do not know. We just hope it all works out for the best.

Those who argue that in a time of crisis we have a responsibility to close ranks behind the President and present a solid bipartisan coalition to our adversaries have a point. But, I submit that we have an equally compelling duty not to follow the executive branch over each and every precipice like sheep. And if we blindly sign on to the 18-month blank check requested, that is exactly the direction we are heading.

That is the reason I support the substitute amendment that the minority leader just submitted to the desk. But, I have no illusions. I can count votes as well as anyone. Right now it looks as if the Baker resolution will pass, but it may well be close. The President may get his blank check, but it may also demonstrate that there are significant divisions within the ranks. Is that the message we want to sent to the Lebanese Government? The Israelis? The Syrians? I think not.

Rather than have a close vote and suffer unnecessary international embarrassment and the perception of a lack of resolve, why can we not go back to square one and start over, the proper way this time. That is in the best interests of the executive branch, the Congress, the American people and Lebanon. I urge my colleagues to consider this option. It would consist of three simple steps:

First, the President should invoke the War Powers Act as required by law.

Second, he should submit to Congress a report that includes the expected scope and duration of U.S. involvement in the hostilities, hostilities which we are already involved in.

And third, he should outline publicly or privately his plan for achieving our state policy objectives in Lebanon and how this relates to the commitment of U.S. Armed Forces there.

Such an approach is still possible. It is the sensible thing to do. It is the right thing to do. I urge the leadership to consider it seriously.

Mr. President, I add one other statement, and that is that the first thing you learn in the military is that you scale your forces and their equipment to accomplish very specific objectives, or you do not commit them. We do not have such a definition of purpose in Lebanon right now. Our purposes are vague, calling for the establishment of a national sovereignty over the whole nation of Lebanon. And 1,200 marines or a multinational force are not likely to give that kind of national sovereign-

ty potential to the armed forces of Lebanon.

If, pursuant to the original letter to us from Lebanon and our reply to them, we are to have a mission in the Beirut area—underline "in the Beirut area"—let us specify the mission. Let us get the multinational force together, and let us bring the 7,000 UNIFIL troops from southern Lebanon in as part of that group, and then we would have truly an international group—and we would not see this potential crisis developing into a confrontation between the United States and Syria. At least we would have a mission, and we would be assigning our forces to accomplish that mission.

Short of that, I see our involvement in Lebanon going on for an indefinite period, with additional casualties. I do not think the American people want that, I do not think Congress wants that, I do not think the Senate wants that—and certainly I do not want that.

Mr. KENNEDY. Mr. President, I believe that Congress should vote again, before we adjourn at the end of this session, on the presence of U.S. Armed Forces in the Multinational Peacekeeping Force in Lebanon. The volatile nature of the conflict in Lebanon requires at least this much participation and periodic oversight by Congress if we are to exercise our serious responsibilities under the War Powers Act.

We should authorize our Armed Forces to remain in Lebanon only for another 60 days, by which time Congress should act again to review our military involvement and to determine whether an additional statutory extension for the presence of our troops is appropriate.

The merit of this proposal is that it neither enforces an unreasonably short deadline for our military role in Lebanon nor enacts an unreasonably long period of authorization with respect to the critical decisions that may await us on the use of American combat forces in Lebanon.

Congress won an extremely important showdown with the President last week over the applicability of the War Powers Act. Whatever qualifications the President may still have in mind, he is on record last week and again in his letter yesterday that he will acquiesce in our view that the War Powers Act applies to Lebanon and that he will sign this compromise resolution saying so.

How, then, can we win so much last week and give it all back today by bowing out of Lebanon for the next year and a half?

Are we too timid to exercise our constitutional responsibility? Are we too fearful of Ronald Reagan to actually use the hard fought victory we won from Richard Nixon 10 years ago, when we rose up and voted 75-18 in this Chamber to override a Presidential veto and make the War Powers Act a part of the statutes of the United States? How could we write the War Powers Act into law because of Vietnam, and then write it off for Lebanon?

Some say that Lebanon is not Vietnam. But I reply, we must not give the President the power to turn it into one.

I reject any approach by Congress to Lebanon under the War Powers Act that says to President Reagan, "Take 1,600 marines and the battleship *New Jersey*, and call us in 1985."

The fundamental issue in this entire debate is the length of time that Congress is prepared to authorize our troops to remain in Lebanon under the War Powers Act without another look.

In my view, the 18-month period in the pending resolution is far too long. It permits the President to continue U.S. military involvement without further congressional participation until March 1985. That sort of open-ended extension violates the spirit of the War Powers Act. It is an abdication by Congress of our constitutional and statutory responsibilities on the most difficult question of all—the question of war and peace.

None of us can foresee at this time the course of events in Lebanon. The cease-fire achieved over the past weekend is a hopeful sign that progress is being made toward a negotiated settlement and toward a new coalition government that fairly serves the interests of all the parties to the conflict. All of us hope that the progress of recent days will continue, and that an agreement will be reached which will permit our forces to come home. But these possibilities of peace are far too uncertain to warrant a decision by Congress to abandon our proper role under the War Powers Act, by writing a blank check for unilateral action by the President over the next 18 months.

The wisest course for Congress to follow now is to insist on periodic review of our military role in Lebanon—and at intervals short enough to permit us to act quickly in the wake of sudden changes in the circumstances of our involvement or a flareup in the hostilities.

No one should underestimate the enormous difficulties which we face in Lebanon. There are serious questions not only about how long we should be there, but why we are there, and whether we should be there at all. Our Marines have a right to our support, but they also have a right to know that they are in Lebanon with the full approval of both Congress and the American people, in accord with the laws of the land. They do not have that approval today, and it is irresponsible for Congress to pass the buck to the President when we know he does not have the country behind him.

It was also disturbing, therefore, to learn from the Secretary of State and others in the administration last week that the President may still feel free to disregard the War Powers Act and ignore the proper role of Congress with respect to the continuing presence of our troops in Lebanon. Yesterday's letter from the White House allays—but hardly ends—this concern. And it is doubly unwise for us to relax our vigilance under the War Powers Act when a constitutional confrontation over it may yet lie ahead of us.

Whatever our views on the appropriate length of the authorization in the pending legislation, there is broad bipartisan agreement in Congress that the War Powers Act is now in operation and that the President must obtain the approval of Congress to maintain our military forces in Lebanon beyond the end of October. In these circumstances, the most that Congress should do now is to extend the deadline until the end of the present session. Before we adjourn, we should have the opportunity to review the presence of our forces in the circumstances prevailing at that time. If there is a legitimate justification for our continuing military involvement, a further extension should be granted. If not, our troops should come home. That is what the War Powers Act means, and that is why we passed it in the first place.

It is in the highest national interest to maintain the strongest and broadest possible support for any continued presence of our Armed Forces in Lebanon. The administration and Congress can accomplish that goal only through regular review and reauthorization for the involvement of our troops.

That is why the framers of the Constitution, recognizing the fundamental nature of actions that could take the country into war, prudently intrusted these decisions to the joint responsibility of the President and the Congress. That is why the authors of the War Powers Act in 1973 created a careful accommodation between the President's constitutional responsibility as Commander in Chief and Congress constitutional responsibility to declare war and to maintain America's Armed Forces.

As the war powers resolution itself explicitly states, its historic purpose is to "fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations."

The all-important words in that provision are: "the collective judgment of

both the Congress and the President." That is all we are seeking in this amendment—to insure that the actions we take on Lebanon truly reflect this collective judgment.

Under the current difficult circumstances in Lebanon, it is imperative that the clear procedures of the War Powers Act be strictly observed. There is now no attempt by the administration to claim that the present situation in Lebanon does not involve hostilities within the meaning of the War Powers Act. The President has indicated that he will sign the pending resolution, which specifically finds that the war powers resolution is in effect for Lebanon. Indeed, there can be no other rational conclusion.

Since the end of August, marine positions have been repeatedly shelled by the Druze militia. Four marines have been killed in the last 4 weeks and 42 have been wounded. U.S. forces on the ground and offshore have returned hostile fire, and the President has authorized the use of air strikes to protect our forces.

And these Presidential orders go beyond retaliation for direct assault upon U.S. positions. Now, our forces are authorized to help defend Lebanese Army positions as well, if those positions relate in some way to the safety of our troops.

The President labeled the fighting in Lebanon an "outright civil war," and the Pentagon authorized hostile fire pay for our forces. With or without the present cease-fire, it is plain that, by any responsible definition of the term, the situation in Lebanon involves "hostilities" within the meaning of section 4(a)(1) of the War Powers Act.

All of us hope that the present cease-fire will hold, that our diplomacy will succeed, and that the multinational force in Lebanon will be able to turn its functions over to the Lebanese Armed Forces or a United Nations peacekeeping force as soon as possible.

Short of complete success, however, it is possible that the current peace initiative will make progress, but that the continued presence of the multinational force will be required to support the initiative. Alternatively, if the circumstances deteriorate in the next few months, there may be no justification whatever for our continued military presence. If there is no peace to keep, it makes no sense to maintain a peacekeeping force. In that event, it should be up to Congress and the President together—not the President alone—to decide whether our troops still belong in Lebanon.

I support the overall objectives of American policy in Lebanon. Two years ago, Senator BOSCHWITZ and I sponsored legislation enacted by Congress setting forth a series of fundamental principles, including withdrawal of all external forces from Lebanon, support for a sovereign and independent Lebanon, and respect for the legitimate rights of all the Lebanese communities.

To achieve these larger goals, the United States and other concerned nations must step up the diplomatic pressure on Syria and the PLO to withdraw completely from Lebanon. Syria has never recognized the sovereignty of Lebanon. Its actions since 1975 have consistently undermined the integrity of Lebanon and intimidated both its Government and its people. While it has accepted the current cease-fire, it is Syria that has been blocking the withdrawal of foreign forces from Lebanon, despite an explicit request from the Government of Lebanon for Syria to leave. It is Syria that has permitted PLO forces to return to the areas around Beirut—and these are the very forces that were responsible for so much destruction and devastation in Lebanon and for so many terrorist attacks on Israel.

And behind Syria stands the Soviet Union. The Soviet rearmament of Syria last year and the introduction of advanced SA-5 surface-to-air missiles have served only to embolden Syrian designs on Lebanon and solidify the intransigence of the Syrian Government. There is a clear military pipeline that extends from Moscow to Damascus to the Soviet/Syrian surrogates in Lebanon itself.

The challenges we face in Lebanon are an extremely difficult test of American foreign policy. Achieving a lasting cease-fire, encouraging the process of national reconciliation and securing the withdrawal of foreign forces will require sensitive and creative diplomacy by America and by other nations. Without full cooperation between Congress and the administration, our policy is far less likely to succeed.

The resolution before us should be the vehicle for establishing a framework of strong bipartisan cooperation between Congress and the President as events in Lebanon unfold. This amendment will achieve that goal, by guaranteeing the proper role for Congress in the difficult days to come. I urge the Senate to adopt it.

I yield back the floor.

Mr. GORTON. Mr. President, I believe that every Member of this body who has spoken on this issue has begun with a statement of his or her own deep concern about the situation in Lebanon. All of us have that concern because it is very likely that there is no clearly correct answer. My concern is not, however, with the number of months for which we may authorize our presence in Beirut or in Lebanon, not about either the time or the procedures with which we are dealing here, but with the substance.

I would have wished that we had not begun our intervention or our peacekeeping mission in that most unhappy of nations. We have in fact done so. We have now before us only a series of unpleasant alternatives, but we must deal with those alternatives. I fear greatly that we are following in this connection what has all too often been our course of action in the several decades since the end of the Second World War, and that is to say an intervention sufficient deeply and properly to concern the American people, to threaten the lives of American military and civilian personnel alike, but an intervention too little, too timorous to have any strong impact on the outcome which we seek.

And it may well be that that is the situation in which we find ourselves in the Republic of Lebanon. Nevertheless, it seems to me at this point that we have essentially only three appropriate courses of action.

The first is that presented eloquently by the senior Senator from Delaware (Mr. ROTH)—to leave promptly, completely and quickly.

The second is that proposed by the amendment which is before us at the present time—to allow a cautious continuation of our present presence in Lebanon subject to constant review by Congress.

Third, of course, is the course of action recommended by the President and by the majority leadership in the Senate and by the leadership of the majority in the House of Representatives.

I regret to say that it seems to me that of those three unpalatable, unpleasant alternatives, only the third has any reasonable chance of success in bringing peace to Lebanon and to the Middle East peace which is so important to us now and so important to our future.

We have noted in the past several days some cautious progress. First, the cease-fire, which we all hope and pray will continue for an extended period of time, but the continuation of which we deeply fear may be uncertain.

Second, some recognition on the part of conflicting sectarian groups in Lebanon, that they have no future unless the future is in living together and in making some new arrangement under which they can live together in that nation in peace.

Lebanon may not be subject to salvation. Lebanon may eventually be partitioned in two, three, four or even more separate sectarian enclaves. But while we have any realistic chance of seeing to it that Lebanon is whole and at peace, it is certainly worth some effort on the part of this Nation to try to reach that goal.

Having started down the course which the President began more than a year ago, if we precipitously leave Lebanon now, we will almost certainly be followed by France, by Italy, and by

Great Britain. That almost inevitably would be followed by an even greater increase in the sectarian violence which has so plagued Lebanon over an extended period of time, by further intervention in Lebanon's internal affairs on the part of the Palestinian Liberation Organization, Syria, and perhaps Israel as well.

The risk of a new war between Israel and Syria would be greatly increased. And if that occurs, it will be difficult in the future, as it has been in the past, for us to stand aside idly and in a neutral fashion while such a war, with such dangerous potential impact to the entire Middle East, takes place.

The consequences of our leaving precipitously, it seems to me, are therefore likely to be extremely negative and are likely to threaten, in the relatively short range, more American lives, not to mention our ability to work toward peace in the world, than is the case by our staying.

The second alternative, of course, is that proposed by the present amendment, to go along reluctantly with what the President and the Speaker of the House of Representatives propose to do, but constantly to redebate this issue every 60 days or every 90 days, through the course of an election campaign in which the temptations to engage in partisan bickering will become more and more overwhelming and, at the same time, to show an extremely uncertain trumpet, both to our friends and to our foes in the Middle East.

How, I wonder, can we be a force for peace in the Middle East, and most specifically in Lebanon, if we are constantly subject to the proposition that a temporary majority in one House or another can cause a precipitous withdrawal 60 days from now, 90 days from now, during the course of a political debate next year?

(Mr. ROTH assumed the Chair.)

Mr. NUNN. Will the Senator from Washington yield just for a brief observation and question?

Mr. GORTON. The Senator is delighted to yield to his friend from Georgia.

Mr. NUNN. Mr. President, I thought about the Senator's comments and appreciate the choices he has posed. I do believe, however, that the Senator has incorrectly described the amendment that the Senator from West Virginia has sponsored.

I would take exception to a description of that amendment as going along with the President and the Speaker in limiting the time. The Byrd-Nunn-Chiles amendment says to the President of the United States and to the Congress that we cannot make the decisions that the War Powers Act envisions unless we have a definition of the mission of the Marines from the President.

The resolution which the Senator described as being option No. 3, the Percy-Baker resolution, cites and I will quote that resolution:

. . . in order to restore full control by the Government of Lebanon over its own territory.

This is the closest statement I can determine that resembles a mission.

I have just been through 3 days of hearings on this, and I have not heard the administration yet tie the Marines to that goal. What they have tied them to is the first goal in the Percy-Baker resolution which states: "the removal of all foreign forces from Lebanon." This is not directly tied to the marines, but implicitly tied to them in foreign policy.

This seems to be the very broad goal the administration is describing. This Baker-Percy resolution is basically saying that if we pass it as it now stands, we are willing to keep the Marines force in Lebanon until the Government of Lebanon has complete control over its own territory. That is about as broad an open-ended commitment as anyone can make.

So I take exception to the description of the Senator from Washington of the Byrd resolution as going along with the President and the Speaker. It is just absolutely the opposite. It says that we cannot make a decision rationally until the President defines clearly the mission. There is no better example of why we need to get that mission defined by the President than the Baker-Percy resolution which describes the marines as being there not only for the implicit purpose of removing foreign forces from Lebanon, but for the expressed purpose of restoring full control by the Government of Lebanon over its own territory.

I submit that what we are on the verge of doing here today—if we do not pass the Byrd resolution and if we instead pass the Baker-Percy resolution—we are endorsing what is virtually an open-ended commitment by the Congress. This is a congressional resolution—the Baker-Percy—that is broader in its description than even the administration's own description of its mission in terms of the marines. We are endorsing an open-ended commitment and we are implicitly limiting the means whereby that commitment can be carried out.

If there is any lesson from Vietnam—and I am one of those who questions the analogy to Lebanon in terms of geography and so forth—but it is relevant to compare the kind of open-ended commitment we had in Vietnam with the limited means with which we were ever willing to carry it out. This is precisely the trap we are about to fall into if we pass the Baker-Percy resolution.

So I would just ask the Senator from Washington—and I appreciate his being so patient, and I realize this is more an observation than a question—but I would ask him if he would take a very careful look at the Byrd resolution, the substitute or the Baker-Percy amendment. I hope that he would look at it with a view of being not endorsing what the President and the Speaker have agreed on in simply cutting the timeframe, but rather questioning the whole premise under which that agreement was entered into without the administration ever being required to come forward and define precisely what the marines are doing in Lebanon and without their being willing or able of defining the conditions under which we would withdraw those marines. I simply ask the Senator to take another look at the Byrd amendment in that light.

I thank him very much for being patient enough for me to make that clarification.

Mr. GORTON. The Senator is delighted, as always, to hear the thoughtful concerns and message of his friend the senior Senator from Georgia. But having listened to that concern, his views are essentially no different.

It seems to me that the overwhelming thrust of the amendment which is before us now is to cut down, very substantially shorten, the commitment which the United States is willing to make in Lebanon.

I would have been willing to consider more carefully a proposal that we simply reject any further use of our troops in Lebanon at all because at least it would be a clean cut. At least it would say: "We have no interest in this subject matter whatsoever. We were wrong to go in in the first place. We should return home."

To say that unless the President of the United States rephrases the resolution he proposes in some way which is more satisfactory to those who oppose this commitment, an objective which I strongly suspect could never be met, which will simply lead to another objection 30 or 60 days from now, seems to me to be totally unrealistic.

I believe that such an uncertain response to the problem which we face today would almost inevitably result in more violence in and around Beirut, almost inevitably result in more casualties to the marines who are stationed there, than would the acceptance of the resolution in the form agreed to between the majority leader, the President, and the Speaker of the House of Representatives.

It seems to me that the default which is taking place here is the placing of limitations on a commitment once a commitment is made. And to surround it by even more limitations is indeed the mistake we have made in our foreign policy and in our use of military forces in a number of other

places around the world in the course of the last 10, or 15, or 20 years.

I am concerned about the limitations with which we are faced here in this resolution. I would be even more deeply concerned about those included in this amendment, which seem to me to be designed simply to prolong the debate—which has perhaps gone along for too long a period already—and which provide no certain leadership and no certain direction.

The goals of the Baker-Percy resolution are worthy goals. I question whether or not they can be reached. I do note that in this resolution there is an opportunity, on a short-end basis, not subject to filibuster, to make a change, to withdraw this authority if the Congress deems it necessary to do so at any time.

As a consequence, I continue to submit that the worst choice that we can make is to do this 1 month, or 2 months, or 3 months at a time, to try to dot every "i," cross every "t," and enter every comma as to precisely what our mission is, when we really do not know what the future will bring. It would be better, I would submit, to leave right now, completely, to say, "a plague on all your houses in Lebanon," to let whatever civil wars that go on go on, and not concern ourselves with whether or not there will be another war between Syria and Israel in the immediate aftermath of our leaving.

I do not like the situation that we are going to face if we pass the resolution which was put before us. But I like even less an attempt to establish in advance a situation in which every few months we will incur new limitations, engage in new guesswork, whether looking backward or looking forward, beyond what we have in this resolution.

I would hope, I would fervently hope, that the administration will have our Marines out of Lebanon in a period of time far shorter than the 18 months provided for in the resolution.

I would hope that at that point we will be on the road not only to peace, but to reform within Lebanon itself.

I would have been far more concerned, and I was for all practical purposes ready to come to this floor and speak against the resolution, when we were faced with the proposition articulated last week by the Secretary of State that we were not engaged in this body in any meaningful action whatsoever; that if we passed the resolution, the administration could nevertheless change both the number of troops and their functions at will, without returning to the Congress for guidance.

I am satisfied by the representations of the President and the majority leader that if there is to be any change in numbers or locations or function which is substantial in nature that we will have this matter before us again. But I believe now, faced with a group of unpalatable alternatives, that the single alternative available to us which is most likely to bring peace, most likely to be least costly to the United States of America, most likely to be successful, is not to engage in more debate over limitations, but to vote yes or no on the resolution as a whole, and, I deeply regret to say, to vote in favor of it.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, we are now in the closing hours of a debate that began on September 12 when I introduced Senate Joint Resolution 159, the war powers resolution. The Nation has moved a considerable distance since that day. The resolution has been amended in committee to include a delicate compromise that authorizes the President to keep U.S. Armed Forces in Lebanon up to 18 months. I reluctantly supported this compromise in the Foreign Relations Committee in the belief that if a shorter period were adopted there, the broad principles of the War Powers Act might be abandoned before they could be considered on the floor.

Before I comment on the compromise, I would like to set out some of the background of Senate Joint Resolution 159 which is before the Senate today.

On August 30, after we had received news, the tragic news, that the first two Marines had been killed by hostile fire in Lebanon, I wrote privately to President Reagan urging him to invoke the war powers resolution on his initiative and to seek congressional participation in the difficult decisions facing the United States in Lebanon. I made this request, as I told the President, because I believed that new conditions existed which require that both the executive branch and the Congress reexamine their responsibilities under the war powers resolution. Two days later, on September 1, Mr. Duberstein, Assistant to the President, acknowledged my letter, saying that it was being shared with "appropriate foreign policy advisors."

I was particularly disappointed that the President did not choose to report to Congress under section 4(a)(1) of the resolution. But I did not give up hope that, on reflection, he would do so. On September 10, when I heard nothing further from the White House, I publicly announced that I would introduce a resolution on September 12, which was the day the Senate reconvened after the August recess. By giving this advance notice, I hoped to prompt the President to take the initiative himself.

By September 12 it was clear that the White House did not intend to act and so I introduced Senate Joint Resolution 159, on which we will act shortly.

In this connection, I might recall a passage in the Federalist Paper No. 75 which has been attributed to Alexander Hamilton, in which he wrote:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in the Nation to commit interests of so delicate and momentous a kind as those which concern intercourse with the rest of the world to the sole disposal of a magistrate created in circumstance as would be the President of the United States.

Interesting and elegant words by a man so closely associated with the writing of the Constitution and its ratification by the States.

Since September 12, events have moved rapidly. Most importantly, of course, a cease-fire has been announced which, if it can be sustained, will allow the process of political reconciliation to begin anew in Lebanon. For this we owe thanks to Prince Bandar of Saudi Arabia, as well, of course, to our own Ambassador McFarlane and Ambassador Fairbanks.

But we should not let our relief over this new development distract us from the task of thoughtfully examining the resolution and the responsibility that lies before us. The fragile nature of the cease-fire only underlines the importance of our task.

During the debate I have heard, as I did just a moment ago, a number of Senators express reservations about the compromise agreement. I have heard the reservations of Members of the other body who have recently been in Lebanon. I think it is fair to say that all of us are concerned. I, for one, am certainly concerned.

The President's expressed reservations about even the compromise resolution essentially postpone the constitutional questions for another day. In addition, nothing in this resolution brings us to grips with the central issue facing our Nation in Lebanon and in the Middle East.

The resolution offers only partial restrictions on the use of American forces in Lebanon by limiting the number of Marines on shore to 1,200. The level of U.S. air and sea power which can be used is not significantly restricted, but, Mr. President, it would violate both the spirit of the compromise and the general understanding if it were escalated without mutual agreement.

The resolution also leaves unresolved what is rapidly becoming a central dilemma of our evolving policy in Lebanon. For many years, the United States has been the "honest broker" in the Middle East. We have been able to speak to the opposing sides in regional conflicts. Our recent involvement in the hostilities in Lebanon threatens to compromise that unique ability to act as a peacemaker. If that should happen, then one must ask, who will fill the void?

There are, of course, some important strengths in this resolution. Section 2(b) contains a congressional determination that actual or imminent hostilities involving U.S. Forces clearly came into being on August 29, 1983. Having made that determination, the resolution goes on to provide the necessary authority for the President for the continued participation of Marines in the multinational force "consistent with section 5(b) of the war powers resolution."

So, as a matter of principle, we invoke war powers.

By successfully invoking the war powers resolution at the first time troops have been introduced into a potentially hostile environment and kept there more than 60 days, we will have set an important precedent. Our great colleague, long a distinguished Member of the Senate, Jacob Javits of New York, has said—and I will quote his words because I think his words are of such value:

> This course of action establishes the proposition that Congress may set the clock running under the resolution, even if the President does not trigger it, by given the appropriate notice under the proper section of the resolution which U.S. troops are deployed abroad.

I think Senator Javits has correctly assessed the situation.

Notwithstanding the President's expressed reservations, his signature constitutes executive acceptance that the resolution is fully consistent with, and supportive of, the constitutional role of the Congress recognized in the war powers resolution.

On a procedural level, the legislative history of this resolution helps to clarify one of the grey areas of the war powers resolution, where "hostilities" is not defined beyond its "plain meaning." The fact that for 1 year the Congress after hearings and review agreed with the President's assertion that hostilities were not imminent and then, upon observing a change in the situation on the ground, invoked section 4(a)(1) indicates that at some point a threshold was crossed where hostilities occurred.

In effect, the Congress has determined that the exchange of fire with hostile forces would indicate an outbreak of hostilities and a high probability of such exchanges would suggest "imminent involvement". So we have now, through legislative history, provided the definition that the original act did not provide.

These features of the compromise resolution are important and worth preserving. To provide Congress with additional check reins two amendments to this resolution were adopted by the Foreign Relations Committee. Rather than receive reports from the administration every 6 months, as originally proposed, Congress will now receive reports every 3 months. In addition, any joint resolution or bill which is intended to amend the 18-month authorization will receive expedited procedures on the floor of the Senate or the House.

So, Mr. President, we are on the threshold of historic action today. It is action that not only will affect the course of U.S. policy in months and years ahead, but will affect the constitutional relationship between the executive and the legislative branches of the U.S. Government for the unforeseen future. I know that every Member of the Senate views the action that we will take today in that grave and serious light.

Mr. RIEGLE. Will the Senator yield for a question?

Mr. MATHIAS. Surely, Mr. President.

Mr. RIEGLE. I thank the Senator for yielding.

This is a solemn moment, Mr. President, as the Senator from Maryland reflects in the tone of his comments. It is solemn for all of us, for obvious reasons. I am troubled about two things and I should like the Senator's feeling about them in light of what went on in the Committee on Foreign Relations.

My first point is one has been mentioned by other Members today, and that deals with the exchange of letters between the U.S. Government and the Government of Lebanon in September 1982. The text of those letters makes it very clear that our intervention had to do with concern about events within the Beirut area.

As the Senator knows, the language is quite precise in laying out a very limited scope of operations for our forces participating in the international military force.

Now we have come down through time and we have before us a resolution from the committee, authorizing a very dramatically broadened role for U.S. Marines. It has been cited that the language under section 2, items 1, 2, and 3, and so forth, says we now stake out a new objective, namely, the removal of all foreign forces from Lebanon is essential to the U.S. foreign policy objective in the Middle East, going on to restore the sovereignty and authority of the government in Lebanon, and so forth.

One sees a very sweeping statement of commitment by our Government if we pass this; it has the Senator's name and mine. Whether we vote for or against it, it has the imprint and the stature of the approval of the Senate of the United States to an enormously expanded definition of purpose. I must say that I am really troubled about that. I do not quite understand how we go from that earlier starting point of a narrow definition of purpose to what is now a very sweeping one that seems to leave us wide open to all kinds of potential problems and caveats in terms of future actions that we may be required to take in keeping with that commitment.

The second item has to do with the assurances or lack of assurances given to the committee by the Secretary of State last week, when he was questioned very carefully as to whether or not it was his intention or the intention of the administration to abide by the provisions of the resolution if the resolution is passed. I know the Senator from Maryland himself is a very careful person in the use of words, commitments, and phraseology, who expects and gives precise answers to very important specific questions, I must say, as I read the exchange that took place between Secretary Shultz and members of the committee who were questioning him on the point of whether he intends to be bound by even the provisions of the resolution, it is clear to me his answers were evasive. They were not clear-cut, they were equovical. I am deeply troubled by that. Perhaps the Senator from Maryland is as well.

I am wondering, in both areas, if he can give me some sense of why we have gone from that earlier very narrow purpose to, now, almost the broadest possible purpose and also what I really thought was the evasion by the Secretary of a clear-cut commitment to the precise language of the resolution if enacted.

Mr. MATHIAS. First, let me say that I agree with the Senator from Michigan with respect to the collective responsibility of the Senate. If the resolution passes 100 to 0 or passes 51 to 49, the Senate of the United States is fully committed. I think we have that kind of collegial responsibility. That is what makes it important to have thorough understanding of what we are about as we approach these decisions. The world may view a landslide result slightly differently, but I think we, ourselves, cannot view it differently. The responsibility is ours with a decision that is made in accordance with our procedures, no matter what the vote count may be. So I think the Senator is right that we need to know precisely what we are doing.

Mr. RIEGLE. Will the Senator, just at that point, yield briefly?

Mr. MATHIAS. Yes.

Mr. RIEGLE. The Senator and I have served together for a long time. We have served on the same side of the aisle in the other body and on different sides of the aisle in this body. I say to the Senator that I would not agree with what he had just said. If the outcome on this would be something like a vote of 51 to 49—let us say it is 45 to 55, 60 to 40—I would say if we see a vote like that out of this Chamber and in addition, it is lopsided on a partisan basis, with the bulk of votes coming from the party that oc-

cupies the White House, that to me, and I think to the country, will demonstrate that this is a fundamentally flawed proposition.

I think this is precisely the kind of war and peace issue where there ought to be broad support, there ought to be a very strong vote, it ought to be fully bipartisan in every sense of the word. I hope that we shall see that eventually. If we do not see that, I would not be prepared to agree that that would be an accurate characterization of the Senate as a whole.

Mr. MATHIAS. That is exactly what I just said: The world would view it differently, but our institutional responsibility would be no different. I think the Senator restated what I said perhaps inadequately and too briefly.

To get to the substance of the Senator's question, let me say I, too, was disappointed with the testimony of the Secretary of State. I felt it was not a generous response to what had been a generous position taken by Congress in trying to meet the concerns and difficulties which were perceived by the administration. However, I think the letter from the President of the United States dated September 27 goes a long way toward providing some remedy, because the President said that it "would be my intention to seek congressional authorization as contemplated by the act if circumstances require any substantial expansion in the number or role of U.S. forces in Lebanon."

As the Senator says, he and I have served together a long time, and there are some bitter memories, not between ourselves, but of the history through which we have lived. One of the bitterest of those memories is to recall the expansion of military operations, the growth of military forces on foreign shores almost overnight, almost without perceptible signals given. That, I think, is prevented by the language I have just read from the President and by the terms of the Resolution which is before us.

That is extremely important. If we leave the question of the time out of it for the moment, just for the moment, we now have the assurance that we will not have a kind of mushroom growth of forces or a radical alteration of roles in Lebanon. That is, to me, a significant advance.

We are better off with that than we are without that. Just taking that one provision and isolating it for the moment, that is an enormous safeguard for the American people, and I think it is a proper role for Congress, given our responsibilities under the Constitution.

It is sometimes said that we are and should be a part of this area of decision because Congress holds the ultimate decision on the question of war and peace. But, of course, the constitutional authorities of Congress go far beyond the power to declare war. Under the Constitution, we have the responsibility to make rules and regulations for the Armed Forces. We must make the rules, in the 18th century term, as to captures on land and water, and other associated powers. That kind of limitation is appropriate and necessary, and I think that will be provided within the terms of this agreement.

Mr. RIEGLE. Mr. President, I appreciate the Senator's response. As he knows, I have enormous regard for him and for his opinion.

Let me ask this: As I read the President's letter of September 27, to which the Senator has just referred, he makes this statement in the second paragraph:

> My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act.

So, starting from that basic point, everything that follows comes off that reference.

Going back to the Lebanon Emergency Assistance Act of 1983, the President signed that and made a statement, and the statement includes the following:

> Section 4(a) of the act confirms this administration's announced intention with respect to congressional authorization concerning any future substantial expansion in the number or role of U.S. forces in Lebanon.

Then these very significant words are given to us by the President:

> As indicated in its legislative history, that section does not prevent the initiation of such actions, if circumstances require it while Congress is considering a request for statutory authorization; nor, of course, is it intended to infringe upon the constitutional authority of the President as Commander in Chief . . .

It goes on in that vein.

It seems to me that what has happened here, at every turn, is that not just one but a series of side doors have been built into these steps we have taken legislatively to give the President an opening to do pretty much whatever he decides he may want or need to do at some future point.

I am deeply troubled by the tone and the specific verbal response of the Secretary of State, the Senator suggests, those comments have been set aside by the President's most recent letter. But the Secretary's comments are on record, and that was a chance for give and take.

It seems to me that we are caught with a defective document, in the first instance, where we have bent over, to begin with, to try to be accommodating, and we have been left with what is very loose language and subject to all kinds of possible misuse down the line. Second, we have the situation where the administration, itself, has made it quite clear that they do not intend to be bound by it, if they find themselves in circumstances in which they would want to take actions that are not contemplated or addressed directly.

So I must say—and I thank the Senator for yielding to me; he may have something to say in response—that I feel an enormous sadness about this, because I think we are revisiting issues that we have seen before, in a different geographic area.

If one takes the language of the Gulf of Tonkin resolution, an essential starting point was to provide the President with the authority to take all necessary measures to repel armed attack against the forces of the United States. It came off that essential point of defending our own troops that 10 years later led us to the conclusion we are all aware of, with the 55,000 lives lost and billions of dollars spent.

I have to say to the Senator that I think what the committee has done here falls tragically short of what we should have. I sadly acknowledge it, and I will speak to it at greater length later.

Mr. MATHIAS. Mr. President, I make no point about the fact that I am disappointed with the administration's response. I make no point that I think it was a mistake on the part of the administration not to welcome the war powers resolution and to seek the partnership of Congress. I think the President's hand would have been stronger, both domestically and in dealing with the parties in the Middle East. He has not chosen to do that.

However, I think that we may look at one precedent in this administration that I hope will be followed in this case in connection with the SALT II Treaty. President Reagan expressed extreme reservations disapproving of certain provisions, and yet he has complied fully with the terms of SALT II.

I think this is a somewhat analogous situation, where the President is being bombarded by differing opinions within the administration, and we can observe the visible pulling and hauling that is going on within the White House. So the President has adopted this expedient, which I think is not the best but is one which will serve us better than going without the invoking of the war powers resolution.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. EAST). The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I yield to the Senator from Maryland.

I thank the Senator from Illinois for yielding.

Mr. SARBANES. Mr. President, our former colleague, a very distinguished Senator from New York, Mr. Javits submitted a statement to the Senate Foreign Relations Committee concerning this issue. That statement has been quoted from by several people and in some respects on different sides of the issue. I should like to include in

the RECORD, for Members to review for themselves, the entire statement which Senator Javits submitted to the committee. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS, SEPTEMBER 22, 1983

The Administration and the Congress have each gained a major point in the proposed compromise on the War Powers Resolution. Congress has established the proposition that it may set the clock running under the resolution even if the President does not trigger it by giving the appropriate notice under the proper section of the resolution when U.S. troops are deployed abroad into hostilities or the imminent threat of them. The President has gained the point that for the situation in Lebanon the authority Congress gives him to continue their involvement must be by joint not concurrent resolution, thereby, requiring the President's signature. This compromise avoids a constitutional crisis at this juncture. Though it may not settle the issue, it is an important step along the way.

The length of the time which is covered, 18 months, within which time the President in effect continues his exclusive control over the incidence of "war" notwithstanding the exclusive grant of power to declare war to the Congress under Article 1, Section 8 of the Constitution, is excessive in so perplexing a situation, such as Lebanon, and disappointing, but there are some countervailing elements in the other terms of the compromise. The Congress may (again by joint not concurrent resolution) direct a sooner withdrawal of the Marines and the Marines continue in Lebanon only as part of a multinational force and in their present numbers.

The political question will still remain before the country as to the exclusivity of the power of Congress to deal with war. I believe the force of public opinion would back the Congress and heavily influence the President's decision whether or not to veto any such joint resolution for the earlier withdrawal of the Marines or would sustain the Congress in an override or in acting by concurrent resolution. The constitutional issue is and will continue to be very much the question until the division of these powers as defined by the Constitution is finally accepted.

Mr. SARBANES. Mr. President, there was a report in this morning's New York Times about the statement delivered by Senator Javits yesterday in the Senate Foreign Relations Committee room, defending the war powers resolution. In the course of that article, it states:

Mr. Javits delivered what, in effect, was a lawyer's brief in defense of the War Powers Resolution, which President Reagan has resisted having invoked.

I ask unanimous consent to have printed in the RECORD the full article reporting on the appearance of Senator Javits yesterday at the Foreign Relations Committee.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 28, 1983]

JAVITS, FRAIL BUT ELOQUENT, DEFENDS WAR POWERS ACT

(By William E. Farrell)

WASHINGTON, September 27.—Former Senator Jacob K. Javits returned today to the Senate Foreign Relations Committee hearing room to defend the War Powers Resolution, which he drafted 10 years ago as a member of the committee.

The 79-year-old New York Republican, who is suffering from a degenerative neurological disease, looked frail seated in a high-backed wheelchair before a battery of microphones.

But his voice was firm and his blue eyes were bright as he delivered to an attentive gathering of reporters a primer on the separation of powers between the Executive and Legislative branches of Government.

"It'll be a pleasure for me," he said as he began to speak, his eyes roving about the room, "because this has been my life." Several Senate aides looked on solemnly as he spoke, describing the War Powers Resolution as crucial to determining whether "the Congress will be a partner with the President in running the show" when American forces are threatened by hostilities.

He was referring specifically to the marines now based on the fringes of Beirut, Lebanon, and he gently chided those of his former colleagues who he felt were surrendering some of their perogatives to the President.

Congress, Mr. Javits said, "has got to get up on its hind legs and fight for its right to join in the awesome decisions of a war, and no fancy-pants idea ought to divert it."

"Ladies and gentlemen, this is extremely serious business because my purpose in crafting this law was that those who suffer and die, those who pay the price for war, shall have an equal interest in what happens respecting war," he said. "There's nothing holy about the Commander in Chief," he added.

Mr. Javits delivered what, in effect, was a lawyer's brief in defense of the War Powers Resolution, which President Reagan has resisted having invoked. Under the act the President must notify Congress when American troops face a combat situation, and he must remove them within 60 to 90 days unless Congress authorizes him to keep them where they are.

There is pending in Congress a compromise that would permit the President to keep the troops in Lebanon for 18 months.

"I am not one of those former senators who is around here to tell my colleagues how to vote," Mr. Javits said, "That would be egregious."

But, he added, "I am a former Senator who had a pretty decisive hand in this law and I'm deeply convinced of its importance to our people."

Mr. SARBANES. Mr. President, there is an article in this morning's Baltimore Sun by William E. Jackson, Jr., who is a senior fellow at the Fulbright Institute of International Relations at the University of Arkansas. He is known among people on the Hill because he formerly worked on the Hill. The article is entitled, "Let's Not Compromise, It's Surrender." It discusses the War Powers Act and the administration's proposal here, which he sees as emasculating the War Powers Act.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAT'S NOT COMPROMISE, IT'S SURRENDER

(By William E. Jackson, Jr.)

LITTLE ROCK, ARK.—In agreeing to the war powers compromise on U.S. troops in Lebanon, congressional leaders have traded the legislature's constitutional birthright for a mess of porridge.

A subterfuge is being substituted for legislation that maintains the power of Congress to declare war and make laws governing the armed forces.

While spokesmen for the executive branch make clear that the compromise resolution will not limit the president's inherent powers as commander-in-chief, Representative Stephen J. Solarz (D., N.Y.) of the House Foreign Affairs Committee sees the resolution as a significant step in establishing the "legitimacy" of the 1973 War Powers Act. Clearly there is some misunderstanding.

Key legislators have shown themselves willing to accept form in the place of substance. Consider:

The War Powers Act states that "the constitutional powers of the president as commander-in-chief to introduce United States armed forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised *only* [emphasis added] pursuant to a declaration of war, specific statutory authorization, or a national emergency created by an attack on the United States, its territories or possessions, or its armed forces."

The compromise resolution now before Congress mentions no such limitation. In fact, Secretary of State George Shultz told Senator Paul Sarbanes at hearings before the Senate Foreign Relations Committee that the president would be reluctant to agree that he could "only order U.S. forces to do something or other after the Congress had authorized it." When the president informed Congress of the latest fighting in Lebanon on August 30, he said he had originally sent the Marines to Lebanon "pursuant to my constitutional authority with respect to my conduct of foreign relations and as commander-in-chief." He avoided reference to the War Powers Act.

The War Powers Act requires the president to submit a written report to Congress within 48 hours after exposing troops to combat. Such a report is to set forth the circumstances and the legal authority for the action as well as the estimated scope and duration of the commitment.

The president has not done so. Nor does the compromise resolution even note that the president needed to submit such a report by August 31—48 hours after the first Marines were killed near Beirut. Instead, Congress on its own declares that American troops are "now in hostilities requiring authorization of their continued presence" under the War Powers Act. President Reagan is thus spared direct acknowledgment of the law's validity.

The War Powers Act provides that within 60 days after the president's formal report is due, he must "terminate" the use of U.S. forces unless Congress specifically authorizes their commitment.

While the compromise resolution states that the requirements of the War Powers

Act became "operative" on August 29, nowhere is there a recognition that the death of the Marines started the 60-day clock. And there is no explicit reference to the president's responsibility to "terminate" the involvement of U.S. forces. Instead, the compromise states that "consistent with" (as opposed to "pursuant to") the War Powers Act, Congress intends to authorize the president by joint resolution to continue participation by U.S. Marines in the multinational peacekeeping force for 18 months. It does not even require the president to withdraw the troops if certain conditions are met in Lebanon. There is, however, a throwaway line stating that nothing precludes Congress from directing the withdrawal of the troops by joint resolution—which of course would require presidential signature.

There is no specific reference in the resolution to the deployment of U.S. troops independently of the multinational force. Only their participation in the multinational force is authorized and limited. There is a reference to the withdrawal of U.S. troops from the multinational force, but not from Lebanon. What the president did not ask for Congress does not deny. The resolution does not appear to prohibit the commitment of additional U.S. troops in Lebanon apart from the multinational force.

Thus Congress is being drawn into the emasculation of the War Powers Act. It is assenting to the weakening of the most important check placed in the last decade on the imperial presidency.

There are two honorable courses: either to declare that the 60-day clock is ticking, or put teeth into the compromise through amendments and face the president with an up or down choice: If he vetoes it because of changes he doesn't like, so be it. Then Congress can pass it over his veto, as President Nixon's veto was overriden on the War Powers Act 10 years ago. It remains the law of the land.

Mr. DIXON. Mr. President, I was interested in hearing the remarks of my friend, the distinguished senior Senator from Maryland, a few moments ago. For those who were not paying close attention to what he said, I remind them that Senator MATHIAS was expressing his concern about the fact that the failure of the President to comply with section 4(a)(1) of the War Powers Act ultimately required him to introduce his resolution on September 12.

In that connection, and for the purpose of the record, I invite the attention of the Senate to a discussion that took place on yesterday, which can be found in the RECORD at page 25862 and goes on for several pages, in which I question the Senator from Minnesota (Mr. DURENBERGER) concerning some remarks of his in which he represented to us his satisfaction with the fact that the President had fully complied with the war powers resolution.

At the time the Senator from Maryland, Senator SARBANES, the Senator from Michigan, Senator LEVIN, and myself were engaged in a dialog with Senator DURENBERGER and ultimately with the chairman of the Foreign Relations Committee, my distinguished senior colleague from Illinois, Senator PERCY.

It is interesting to note that some would like us to accept the letter of August 30 that was discussed yesterday as some kind of a compliance by the President with the War Powers Act. It is clear he does not so regard it, and I point out that Senator MATHIAS has stated to us on this floor today that he does not believe there was compliance as of September 12 when he introduced his resolution, so he certainly did not regard the letter of the President of August 30 as a compliance. There is other testimony here in the RECORD of Monday, September 26, in which Senator BIDEN, a member of the Foreign Relations Committee, in response to a question from the distinguished Senator from Florda, Senator CHILES, indicated that he did not believe that the President had complied with the War Powers Act. That is on page 25761 of the September 26 RECORD.

So I think it is clear that we all believe that the President has not complied. And that, of course, is the very point of the amendment now being offered by the distinguished minority leader, Senator BYRD, and a number of Members on this side, among whom I am honored to count myself.

This amendment expresses exactly, Mr. President, what I had indicated I felt should be done in prior amendments that I have laid down. Those other amendments, which I will not now take up, called on the President to comply with the War Powers Act.

What are the facts with respect to that? The facts are that the resolution itself recognizes that hostilities took place on August 29, 1983. That is a fact set forth in the resolution offered by the majority leader and the distinguished chairman of the Foreign Relations Committee.

And I presume that everyone on the other side who will support that resolution supports the concept that hostilities did in fact take place on August 29 of this year.

I suggest to this body that the President accepts that fact because he has said in any number of public places that he will sign this resolution, which includes in it as part of the text the fact that hostilities did take place on August 29, 1983.

I suggest to my colleagues here, that being the case that the President is subject to a clear-cut idea, as a matter of law, not as a matter of choice, not as a matter in which he will indulge his own judgment, not as a matter of administration policy. I would say to my friends and colleagues, the law of this Nation says "Upon it being found that hostilities have taken place," and every Member who votes for this resolution declares that hostilities took place on August 29, then what happens? Here is what the law says must happen: The President shall submit within 48 hours to the Speaker of the House of Representatives, to the President pro tempore of the Senate, a report in writing setting forth the circumstances necessitating the introduction of U.S. Armed Forces, that is (a); the constitutional and legislative authority, under which such introduction took place, that is (b); the estimated scope and duration of the hostilities or involvement, that is (c); and then in section 4(b), "The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad."

Now, one might say, so what? One might say we do it in this resolution. Congress will do it. We will relieve the President of his obligation. It will still be done. That is an argument.

I suggest to you that the importance of this language is recognized by the distinguished minority leader, by the distinguished senior Senator from Georgia, Senator NUNN, the distinguished senior Senator from Florida, Senator CHILES, and others, who worked on this language because they recognized that the reason for this language in the War Powers Act is so that the President will come to us with his blueprint for what is taking place involving the use of our Armed Forces in hostilities.

And what does our amendment offered by the distinguished minority leader say? It says that he should submit that report according to the War Powers Act and that he should include the information I have already read to you that comes from the War Powers Act; and further these facts: A description of the specific goals of U.S. policy in Lebanon, a description of the specific roles and the missions of the U.S. Armed Forces participating in the multinational peacekeeping force in Lebanon, including the governing rules of engagement for fulfilling the goals of U.S. policy in Lebanon, and finally a description of the specific criteria that are being applied to determine when U.S. Armed Forces participating in the multinational peacekeeping force in Lebanon have successfully accomplished the roles and the missions described.

Mr. President, I suggest that with that kind of a blueprint, those of us in Congress can intelligently come to a sensible judgment about whether we want to extend the time for our forces to be there. So let me say this in conclusion:

The time requested in the resolution of 18 months is too long. I refer the membership to the eloquent remarks the senior Senator from Hawaii made here last Friday concerning what happened in an 18-month period in World War I and World War II. The time is

too long. The fact that we excuse the President from his responsible duties is unacceptable.

I urge upon the membership their careful consideration of this amendment, which in my judgment is the wise solution to this problem and requires the President to follow the law now on the books and to comply with section 4(a)(1) of the War Powers Act.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois (Mr. DIXON) for his remarks and I commend him on those remarks.

Mr. President, this amendment is very simple and straightforward. First of all, it contains a finding by Congress that our troops in Lebanon were introduced into hostilities or into a situation where imminent involvement in hostilities was clearly indicated by the circumstances as of August 29, 1983. That was the date on which the first two of our Marines were killed by hostile fire.

Second, it contains a finding by Congress that by August 31, 1983, the President was required by law, section 4(a)(1) of the war powers resolution, to send a report to Congress which contained, among other things, the legislative authority for the introduction of troops into hostilities.

In his letter which he sent he cited his constitutional authority as Commander in Chief, but he cited no legislative authority and there is ample legislative authority which he could have and should have cited.

Third, the amendment requires that, within 48 hours after this resolution is enacted, the President should send Congress the required report and he should describe the specific role and mission of our troops in Lebanon. He should also include a description of the criteria he will use in deciding when the day has arrived that the mission of the troops has been accomplished.

Finally, if the President sends that report, the original 60-day period, which began on August 31, 1983, will be extended for 60 days from the date this resolution is enacted.

What we are saying here is that the President has another chance to do what the law requires him to do. It was a law passed during the tenure of one of his predecessors. That predecessor vetoed the law and Congress overrode by a two-thirds vote, a supermajority—4 to 1 in the Senate, 2 to 1 in the House of Representatives. Now it is the constitutional right of any President to veto any measure sent to him by Congress and he can state on his own that he thinks it is unconstitutional if he wants to. He has the right to do that. He has the right to give that as his reason for vetoing a measure. But this act was not passed during the administration that is now in power. It was already the law. It was already the law on the books, and the President under the Constitution is bound to see to it that the laws are faithfully executed.

He should send to Congress the required report, and he should tell Congress what the role and the mission of our troops are, with precision and with specificity.

What the law requires that the President do, and what this amendment requires that the President do, is just commonsense. The Congress should have that information to make an informed judgment—an informed judgment—about what kind of authorization Congress should extend for the continued deployment of American troops.

These are American men and women, and the American people have a right to know why their sons and their daughters and their grandsons and their granddaughters are being sent to Lebanon. They have a right to know.

How would any Senator in this body like to have his son or his grandson sent there to fight and possibly die. No Member of this body stands above the average citizen on the street in this regard. I have grandsons. My advice to him would be to register when the time comes, and, if he is called, go. I for one would ask no special favors.

But I do ask what the average citizen out there on the street has a right to ask. And that is: Why? Why will they send my son? Why will they send my grandson? What is the mission? What is the strategic interest that requires that my son go or my grandson or my neighbor's son go?

So it is just commonsense. How can Congress make an informed judgment about what kind of authorization we should extend for the continued deployment of our troops?

It is very difficult, very difficult, for me as one Senator—and I know there are others—it is difficult to vote to permit the present situation to continue for another 18 months unless we have the information to which Congress and the people are entitled.

How do we know how long the cease-fire will last? Can any Senator in this body today say that it is not being broken right now? Who knows? There have been scores of cease-fires, only to be broken. I hope this one stands. But we have no assurance that it will.

How can I answer the parents of this land? I cannot answer those in West Virginia, the parents of young people who are sent to fight in that far-off land, unless I can responsibly explain to them precisely why our troops have been sent there, what their mission is; what it is they are supposed to be doing.

I had someone ask me that question a few days ago. I said, "You should address your question to the White House, because I don't know."

So we are giving the President, and ourselves, another 60 days to make this decision by this amendment. And this is the most awesome kind of decison that a government can be called upon to make or will ever be called upon to make—whether our sons and daughters, our grandsons and granddaughters shall be sent to fight and perhaps to die on foreign soil. We will all get that additional time, 60 days, if, but only if, the President fulfills the requirements of the war powers resolution and tells us what kind of authorization he is seeking and why he needs it.

It is not my desire to pull the rug out from under the President. It is my desire to support him if he can justify that support.

Once again—the mission and the role. What is the mission? I would assume that someone, someplace in this Government knows what the role is and what the mission is. We are only asking that we be let in on the secret.

Mr. CRANSTON. Mr. President, I will vote against the Baker resolution.

I am strongly opposed to this resolution because I believe it would give a carte blanche authorization to a President who has not complied with the law and who has not defined a specific mission for our Marines to fulfill in Lebanon.

I believe it would be a tragic error for Congress to authorize these deployments until we have a firm commitment by President Reagan to abide by the terms of the War Powers Act and until we receive and assess a clear administration statement of the military objectives governing the Marines' deployment.

I came to the Senate after a campaign of opposition to the Vietnam war.

I was elected to the Senate as one firmly committed to the proposition that American soldiers should never again be sent to fight in a foreign war without the express support of Congress and the American people. Congress enacted the war powers resolution over the veto of President Nixon expressly to insure that we will never again force our young men to put their lives on the line in foreign military skirmishes to achieve vague diplomatic purposes.

We enacted this war powers law to insure that in any future conflict the United States would uphold the essential first rule of war for any democracy—that our aims, our goals, and the justness of our cause enjoy the full support of the Congress and the American people. Without such support, our efforts will be predestined to fail.

The war powers resolution grew out of the bitter experience of the Vietnam conflict, a battle ultimately fought—without any declaration of

war—throughout Southeast Asia at the cost of more than 50,000 young American lives in Vietnam and trauma and controversy and division within our country.

Now, for the first time since Vietnam, American soldiers have been systematically involved in combat without the approval of Congress. And the Senate is asked today, as it was asked on August 7, 1964, with the Gulf of Tonkin resolution, to give the executive branch a blanket authorization to expand our involvement in a foreign civil war.

Let us not fool ourselves on this point. Let none of my colleagues labor under the false impression that the Reagan administration will feel in any way constrained by the verbiage in the resolution before us. The Secretary of State has made absolutely clear to the Senate that the Reagan administration reserves the right to increase the size, to expand the mission and to lengthen the duration of the Marines deployment without any congressional authorization as required by the law of the land, the war powers resolution. The President's letter sent to congressional leaders yesterday in an effort to clarify this fact did not even mention the War Powers Act and does not change the situation fundamentally.

And the fact is that the administration has already expanded the mission, size, and duration of the Marines deployment, and expanded it methodically without congressional approval.

Let us look at the record:

As of August 1982, the Marines were to be deployed for less than 3 weeks to help supervise the withdrawal of the PLO;

On September 25, 1982, the Marines reentered Beirut under an agreement with Lebanese authorities "temporarily to establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area." Later that week President Reagan assured Congress that the limit of the Marines mission was "to provide an interposition force at agreed locations and therefore, provide the multinational presence requested by the Lebanese Government;"

By August 30, 1983, President Reagan was reporting to Congress that the Marines role in the multinational force was "designed to facilitate the restoration of the Lebanese Government's sovereignty and authority" * * * a mission he no longer confined to "the Beirut area";

On September 21, 1983, Secretary Shultz spelled out even broader goals for the Marines: * * * "to help provide a sense of security that will help the legitimate Government of Lebanon pursue its goals of national sovereignty, unity, and independence", and he stated far-reaching goals for American efforts in Lebanon, including the withdrawal of all foreign forces, establishment of a Lebanese Government "able to exercise its authority throughout its national territory," and provisions for security of Israel's northern borders;

And then last Saturday, the Secretary told the news media that "we've always had in mind that if withdrawal of foreign forces could be brought about and the Lebanese Armed Forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our Marines, might occupy some strategic position in Lebanon." The Baltimore Sun account of this television interview with Secretary Shultz notes that "a senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to insure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese."

Mr. President, it is clear to me that we have gone from talking about a Marine force deployed in Beirut to protect civilians for a matter of weeks to an authorization before us today which could be used to provide the foundation of long-term U.S. military occupation of strategic points at the center of fighting among Israelis, Arabs, Christians, and Moslems in the volatile Middle East.

This is a very, very momentous step we are considering. This is what we should be talking about when we consider giving the type of vague, carte blanche authorization this resolution would provide.

But we are not having such a debate over the fundamental policy questions.

We are not having this debate because the President is not fulfilling the law.

The overriding issue facing us today is a question of the constitutional balance of power between the legislative and executive branches.

The issue transcends the question of the duration that our troops shall remain in Lebanon. For if we do not uphold the war powers resolution today in Lebanon, we may not have its protection tomorrow in Central America or in any other part of the globe.

The purpose of the war powers resolution is to prevent the occurrence of undeclared wars. The Constitution vests in Congress—and not in the President—the decision of whether or not our Nation shall go to war.

The war powers resolution codifies the procedures insuring this constitutional process. Section (4)(a)(1) of the resolution stipulates that whenever American forces are introduced into hostilities or into an area where hostilities are imminent, the President must report to Congress within 48 hours to justify the troop deployments and to estimate the scope and duration of their involvement in hostilities.

This is the explicit language of the resolution.

The war powers resolution is law. It does not have to be legitimized and it cannot be compromised, ignored, or violated.

The President has no choice as to whether or not he will abide by this law.

No one is above the law in this country, least of all the President, as Richard Nixon learned. Our democracy is in danger, and our freedoms are undermined and threatened if a President, of all people, seeks to put himself above the law and beyond the law.

And yet President Reagan has not complied with the clear requirements of the war powers resolution. And he has not accepted the provisions of the resolution which mandate termination of military deployments in this type of situation unless the President obtains the express approval of Congress within 60 days.

It is self-evident that U.S. Armed Forces are engaged in hostilities in Lebanon. How many Marines must be sacrificed before the Reagan administration acknowledges this reality and complies with the terms of the law?

The legal issues before us are fundamental ones.

Are we going to ignore the requirements of the war powers resolution and permit the President to get American troops bogged down in a foreign civil war without congressional authorization?

Are we going to pass a resolution which purports to circumscribe the President's authority in deploying troops abroad when his Secretary of State has told us clearly that the President will ignore the limitations in this resolution if he sees fit?

I do not believe we should do so.

I do not think we should give carte blanche to a President who flouts the law and who fails to spell out clearly the mission for which our men will fight.

For this reason, when the resolution before us was considered in Senate Foreign Relations Committee, I led the effort to limit its text to a statement that the requirements of the war powers resolution now govern U.S. military involvement in Lebanon.

My amendment failed by just one vote when all the members of the majority party opposed it. This was a narrow-sighted action. In taking this step, members of the majority party were simply choosing to ignore reality. There are very few Members of Congress who do not agree that the terms of the war powers resolution have been triggered by the hostilities involving our troops in Lebanon; there are few who do not recognize that this

law should apply under the prevailing circumstances.

The purpose of my amendment—which won unanimous support from Democratic Members—was not precipitously to withdraw U.S. Marines from Lebanon. The purpose was to uphold the fundamental provision of the war powers resolution to provide a sharing of decisionmaking responsibilities for the commitment of U.S. forces into a war. The purpose was to force the President to spell out in detail how he proposes to use our Marines to pursue our Nation's goals in Lebanon. Only with this information in hand can Congress act responsibly to make an informed judgment on this vital matter.

Because this step has not been taken, we are proceeding in the dark today.

I have listened to members of the President's own party express grave reservations about where President Reagan's current course could lead.

We must make clear that Congress will hold President Reagan to the spirit and the letter of the war powers resolution and will insist that Congress have a full explanation of the Marines mission before we authorize any extended deployment of forces in a combat zone.

Mr. President, I have expressed reservations about U.S. troop deployments in Beirut since President Reagan first proposed sending them last year.

I do not believe it aids America's cause to deploy our troops as neutral, peacekeeping forces when few in the area regard us as neutral.

I do not believe it aids America's cause to move provocatively close to a confrontation with the Soviets and their Syrian proxies deployed just down the Beirut-Damascus highway from Beirut.

We have already seen the danger of using American forces in a neutral peacekeeping force.

The substantial U.S. military forces in Lebanon are not viewed as neutral peacekeeping forces by the combatants in Lebanon.

The U.S. peacekeeping forces have recently been ordered by President Reagan to initiate military strikes against Lebanese factions fighting the narrowly based Gemayel government.

The emergence of a sovereign pro-Western government in a Lebanon free of outside forces is certainly highly desirable.

Toward this end, I believe the United States and our allies should insist that the Gemayel government proceed with negotiations that will produce a government of national conciliation involving fair representation for all religious and ethnic groups. If the Gemayel regime cannot or will not do so, Lebanon is in for a continuation of the bloody civil war that will rage on for years—perhaps decades—and we must not condemn American Marines to die in a senseless, open-ended conflict.

I have heard the argument that "if Congress insists on legalisms and questions the Marine deployments, our men will face greater dangers."

I reject this argument totally.

First of all, were we to withdraw our Marines sooner rather than later, it should be clear that they will face less rather than more danger. An announcement that they would leave at a certain time would decrease—not increase—the likelihood that they would be attacked. It is a seemingly endless stay that will increase the military stakes and run the highest risk of drawing the Marines deeply into fighting.

Second, if Congress gives the Reagan administration and the Gemayel government a blanket approval for a vague, ill-defined Marine combat role, I believe it is less likely that the Gemayel government will produce the consensus compromise essential to reunify Lebanon.

Finally, I reject the argument that Congress should walk away from the law of the land, should abandon the war powers resolution, just because President Reagan has shoved ahead without regard to the law. The purpose of the law is to unify the President and Congress in support of specific military and diplomatic goals. This can be used to advance the national good if the President will only comply with the law's terms.

Mr. President, in conclusion I want to say that I regret that some have suggested that the widespread opposition to the Baker resolution is driven by partisan considerations.

The Baker resolution had been advertised as a "bipartisan compromise" that would avoid a wrangle over legalisms.

As should be clear, this was not a bipartisan compromise. Senate Democrats have consistently opposed it, as have some of our Republican colleagues, and have members of both parties in the House.

These issues of war and peace, of constitutional law and obligations are not partisan issues. Many of us who have led the fight against an open-ended commitment of U.S. forces in Lebanon under the administration of Ronald Reagan, a Republican, also stood together in our opposition to the ever-deepening involvement in Vietnam under the Presidency of Lyndon Johnson, Democrat.

The Senate has an opportunity today to reunite in bipartisan agreement to uphold the requirements of the War Powers Act. If we vote to adopt the amendment offered by Senator BYRD, we will have the opportunity to sustain the war powers provisions and to assess the mission of our forces in a foreign civil war.

Therefore, I strongly urge my colleagues on both sides of the aisle to consider the Byrd amendment on its merits and to give it the support I believe it deserves.

Mr. NUNN. Mr. President, I want to strongly endorse the Byrd resolution and congratulate the minority leader, the Senator from West Virginia, for his leadership, not only in establishing the institutional prerogatives of the Congress and the constitutional responsibilities of the Congress under the War Powers Act, but also, once that has been established, in playing a responsible role and in having Congress play a responsible role in asserting its own power.

Whenever we vote on the Byrd amendment and subsequently the Percy-Baker amendment, we will go a long way toward establishing whether Congress knows what to do with the war powers that we have.

Mr. President, I cannot support the Percy-Baker resolution. I do support the Byrd resolution. There are many reasons I cannot support the Percy-Baker resolution. The essential ones can be found on page 3 of the resolution. I want to just quote this so everyone will understand what we are going to be voting on. Section 2(a) states:

> The Congress finds that—
>
> (1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

I have no quarrel with that objective. I think it is a laudable objective. The question is: Are we going to keep our military forces there until that objective is achieved? Implicitly—not explicitly, but implicitly—this resolution indicates that we will. I submit that that is a very, very broad delegation of authority to the President of the United States to use military forces to achieve an objective that I believe is going to be very difficult to achieve.

But even more to the point, section 2(a)(2) of the Baker-Percy resolution says:

> In order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force.

Now that is the purpose. That is the closest thing to a purpose you can find in this resolution as to why we have our marines in Lebanon.

I will repeat it:

> In order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force.

Mr. President, I submit this goes further even than the administration has gone in describing the explicit mission of the Marines. In fact, the administration is very vague on this. All they

do is point out the broad diplomatic missions, but they do not ever say what the Marines' mission is. This resolution says what the Marines' mission is. And I do not believe this is a commitment that the people of this country and the Congress of the United States are willing to knowingly undertake.

I hope everyone concentrates on the wording of this resolution, because what we are saying today is that we are going to keep those marines there until and for the purpose of restoring the full control by the Government of Lebanon over its own territory.

I am not a student of Lebanese history. We have been close to an awful lot of the people in Lebanon for a long time. It certainly is an area that is within our foreign policy interests. But from my cursory reading of Lebanese history, this condition has never existed from the very beginning of Lebanon.

We have never had a Lebanon with a government that had total control and sovereignty over its own territory. We certainly have not in the last 8 or 9 years, even before the Syrian forces were injected into Lebanon. In fact, as I recall the history, there was a lot of encouragement by our Government in asking the Syrians, or behind the scenes encouraging them to go into Lebanon because of the chaos that existed there before they went in. So we are really describing a condition as the goal and mission of our military forces in Lebanon that did not exist prior to the Syaian occupation of Lebanon and that did not exist prior to the Israeli occupation of Lebanon. I hope my colleagues will consider this carefully.

After describing this broad goal and mission of the U.S. Marines that has not been the condition of Lebanon at least for the last 8 or 9 years, and I think most would say the last 40 years, what we are doing is limiting the time with which the President has to carry out that broad mission. What the Baker-Percy resolution is stating is a broad, open-ended, probably unachievable commitment, and we are limiting the President to 18 months to carry it out. It seems to me that is the worst of all worlds. We have a broad, open-ended, probably unachievable commitment and we limit the time to the President has to achieve these goals.

I know that some of my colleagues will be introducing an amendment later in this process that will set a more limited timeframe.

I understand where they are coming from on that. I, myself, cannot support that because it creates a further absurdity as I see it. It intensifies a mistake that is already very clear to anyone who carefully reads the Baker-Percy resolution. You would be amending the same resolution; you would be amending the resolution by keeping the same missions that are set forth in the resolution; but you would be cutting down the time to achieve those from 18 months to 6 months.

I find that unacceptable. I think the only way we can deal with this in a logical way is to examine the mission itself, and that is precisely what the Byrd resolution is doing. It recognizes the President of the United States has never come forth and told the American people what our forces are doing there in terms of the specific mission.

I share the frustration of the Senator from West Virginia when people ask me, "What are the U.S. forces doing in Lebanon? When are they going to leave? At least tell us what is the mission they are supposed to accomplish. When can we declare success? When will we be able to say the Marines have fulfilled their role and mission?"

I cannot answer those questions because the administration has not given us any answers and the Baker-Percy resolution does not furnish any clarification. In fact, the resolution itself sets forth goals and missions that are so broad that I think most reasonable people who have studied the history of that area of the world, particularly Lebanon, would conclude it is "mission impossible."

If those are our diplomatic goals, that is fine. I endorse those. We have a lot of diplomatic goals that we know are going to be very long term. Some of them we know may not be fulfilled in our lifetime. But we do not normally declare that U.S. military forces are going to be there to try to achieve those goals. That is an entirely different thing. It is an entirely different thing to have diplomatic goals and to declare that you are going to use military forces to back those goals up.

Mr. President, the Byrd-Nunn-Chiles resolution says that the President of the United States shall comply with the war powers resolution and the President shall also furnish to the American people and to the Congress of the United States a description of the specific goals of the U.S. policy in Lebanon. That is the first thing.

The second thing it requires is a description of the specific role and mission of the U.S. Armed Forces participating in the multinational peacekeeping force in Lebanon, to include the governing rules of engagement for fulfilling the U.S. policy in Lebanon, and to include a description of the specific criteria being applied to determine whether U.S. Armed Forces participating in the multinational peacekeeping forces in Lebanon have successfuly accomplished the role and mission so described.

Would the Senator from West Virginia like me to yield briefly to him? I seem to be taking some time to express my views on this matter.

Mr. President, several days ago a cease-fire went into effect among the principal warring factors in Lebanon. I welcome this agreement and I applaud the administration's diplomatic efforts to achieve it. I think we need to pay special thanks and tributes to Special Envoy McFarlane and Ambassador Fairbanks. I think they deserve a geat deal of credit and thanks in undertaking a very, very difficult mission under extremely dangerous circumstances. This is one step on the long road to the reconstitution of Lebanon. It should provide an additional margin of safety for our own forces stationed there.

It is imperative, however, that we not allow the optimism generated by the cease-fire agreement to blind us to the serious issues we face. During the Lebanese civil war of 1975 and 1976 no less than 50 cease-fire agreements were negotiated. The present cease-fire could be just as fragile. So long as U.S. troops remain in Lebanon we must not evade our responsibility to oversee the situation and thoroughly debate the implications of the administration's policies.

I firmly believe that the role of our forces in Lebanon has been hastily conceived for over a year now. The Marines first entered Lebanon in August of last year to help insure order during the evacuation of the PLO and Syrian forces from Beirut. They remained only 3 weeks and then left. Their mission was narrowly defined; their mission was accomplished. It is generally agreed they played a useful though limited role the first time around. The redeployment of the marines to Lebanon only 3 weeks later after the massacre was a serious mistake. The decision to reintroduce the marines was made hastily with little thought given to long-term implications. The ostensible mission of the marines was to act as a peacekeeping force, yet an effective peacekeeping force should be neutral and acceptable to all parties as neutral. This is not the case with our forces. Ever since they reentered Lebanon, the mission of the marines and other U.S. personnel has continued to grow.

Mr. President, I think one of the fallouts of the Marines being in Lebanon was that we did not protest the continuing buildup of Soviet advisers in Syria. They have hundreds, perhaps even thousands, of Soviet advisers in Syria that are very close to any kind of action if it did occur, whether it was between the peacekeeping forces and the Syrian forces or the Israelis and the Syrians.

We now have U.S. Marines and Soviet military personnel that are not separated by many miles in one of the most volatile areas of the world. I think we should have vigorously protested the injection of Soviet forces in Syria. I know we did not condone it

but I do not think we took that issue to the court of world opinion.

Additionally, our Marines were there to maintain a presence that would contribute to order and provide training for a reconstituted Lebanese Army which in time could maintain order. Increasingly, however, they have, in the eyes of many people in that part of the world, become de facto allies of the Gemayel government. This puts our country in the untenable position of becoming directly involved in Lebanon's historic and bloody internal disputes. I think we ought to ponder whether we think we can accomplish, with less than 2,000 marines, what Israel did not accomplish with 10,000 troops. After occupying the southern half of the country for nearly a year, Israel began to withdraw, indicating that it was not prepared to remain in an exposed military position until all foreign forces withdrew and until Lebanon's complex and deep internal disputes were settled. Israel, moreover, had numerous advantages we do not have: Intimate knowledge of Lebanon's culture and ethnic groups, widespread ability in the local language, superior intelligence resources, and close ties with numerous minorities in Lebanon.

I believe, Mr. President, that we should learn from this experience.

One of the problems of bad policy is that there is no easy way to escape its consequences. It will not be easy to extricate ourselves from Lebanon in a manner that does not harm our national interests. We need to pursue a course that will eventually enable us to disengage militarily from Lebanon at the earliest feasible date in a manner that will not upset the delicate balance there or be seen by the world as a retreat on our part. In disengaging our forces from Lebanon we must act with prudence and foresight, a prudence and foresight that was not evident when they were introduced.

The issues and problems we face in Lebanon are of grave import. They will not go away by simply extending the administration's authority 18 months. It is imperative that the Congress not shrink from its responsibility to explore and debate our policy in Lebanon thoroughly.

I do not believe this kind of thorough debate can take place until the administration comes forth with its goals and with the missions or the mission of the U.S. Marines. Therefore, I cannot support the Percy-Baker resolution. I have already given, I think, ample reasons why on that.

The fundamental questions I think we should demand to be answered, and I think the Byrd amendment accomplishes this, are:

First, what are the overall goals of our policy in Lebanon? Second, what are the specific military missions of our forces committed to Lebanon both onshore and offshore and how do these missions relate to the overall goals? I would also ask what the rules of engagement for these forces are.

Finally, I think we ought to ask the specific conditions which must be fulfilled in order for the administration to declare that their mission is accomplished and to permit our forces to withdraw. The administration has not answered these questions satisfactorily, and I suspect that it is because the administration itself has not yet thoroughly thought through these questions and their answers.

One purpose of the Byrd amendment is to assist the administration in defining its basic goals and in examining the implications of its policies.

Mr. President, there are other questions that we should have answered before we make these crucial decisions. Among them: Are we now allied with the present Lebanese Government? If so, are we committed as a nation to maintaining that Government against all threats? If so, is this tantamount to an alliance? What are the conditions, boundaries, and implications of the relationship? How will we respond if the Gemayel government is suddenly toppled either by a seriously supported radical Moslem offensive that neither the Government of Lebanon nor we can stop or by mutiny within the ranks of the Phalange?

Will the multinational force be withdrawn if the Government falls and we have no ally that we can clearly support? Will the size of our marine force be increased if necessary to sustain the present Government? If so, are we not on the slippery slope leading to a very broad commitment?

If the Government survives, Mr. President, what are the criteria for the marines departing from Lebanon? What specific conditions must be fulfilled before the administration will declare that their mission is accomplished and withdraw them?

Another crucial question, I think, that has not been answered—I have no information on this—are efforts now being made or are efforts contemplated to encourage the formation of a U.N. peacekeeping force to take the place of the multinational force? If so, under what timeframe; if not, why not?

What are our training objectives for the Lebanese forces? Congress, when it passed the aid bill last year, made it explicitly clear that we were endorsing training of the Lebanese forces. Do we have a timeframe in mind when the Lebanese forces would be able to replace the U.S. Marines and the allied forces in Lebanon?

Mr. President, if the administration cannot answer these questions, then I submit it has not explored its own policy to the extent necessary for our own national security. I think it is time that these questions be asked and I believe it is time that they be answered to the American public and to the U.S. Congress.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the amendment by Senator BYRD, our minority leader, and others to Senate Joint Resolution 159, causes me to introduce into the debate and discussion something that might be considered extraneous. But Mr. President, it is not extraneous. It is a historic footnote to the discussions that we are having on the War Powers Act.

I wish to recall, as statements unfold here, the concern of the American people for coming into actual conflict without, really, the knowledge that we are doing just that.

The America of today is different from the America of 20 years ago or 40 years ago in our relationship to countries of the Earth. Time and distance are no more; we understand that. We know that in a matter of seconds or minutes an action in one part of the world can cause an action or reaction in another part of the globe. I am referring to the concern of the American people, which is continuing, regardless of the type of world in which time and distance are no more. The American people were intensely interested and concerned then, the date to which I shall draw attention, as they are concerned today.

I served in the House of Representatives for 14 years with a very able Representative from the State of Indiana, Louis Ludlow. He served there for 20 years, from 1929 to 1949. I recall him so very well—tall, and not too precise in his walk, but precise in his thinking.

At that time, Louis Ludlow had had a very distinguished record as a political writer from Indianapolis, Ind. He served from the 71st Congress to the 81st Congress. During his congressional service he proposed an amendment to the Constitution of the United States asking for a referendum on war, applicable except in the case of attack or invasion of a country in the Western Hemisphere by a non-American country.

I realize that that was a long time ago, Mr. President. But what Louis Ludlow was attempting to do, as I think in memory, very clear in my mind are those attempts he made, was trying to have the American people feel that they understood what was taking place in any part of the world. He felt it was important that they should have an input into the matter.

We could not wait for that today, a referendum of the American people. Certainly not. I recognize that. But the President, the Chief Executive of

this Republic, must understand, as I am sure he does understand, that there is an underlying sentiment among the American people that they want to be fully informed of the steps that are being taken or proposed in reference to the possible entrance of the United States into any conflict in any part of the world.

So Louis Ludlow, in another day, was presenting what we call a very slow process for the American people to make the decision directly themselves. He was not thinking even of Congress declaring war. He was not thinking of the President moving ahead and bringing this Nation into war. What he was thinking then, in all of his proposals, year after year, was that the American people must be fully informed. That they wanted to understand in some way or another what is intended from the standpoint of possible participation of this Republic in conflicts, no matter where they may occur.

At that time Louis Ludlow, and others, including myself, were intensely interested and concerned about whether the American people understood what was happening and whether we were slipping into war in Europe or the Pacific. Whether we were being dragged into war, or whether we were entering into war before we could do anything to stop our entrance into conflict.

Mr. President, the American people must, insofar as possible, understand why the marines are in Lebanon or any other country; why the advisers are sent to one part of the globe or another. The American people, fathers and mothers, the people as a whole, regardless of party, Democratic or Republican in membership—the people of the United States demand now as then to know exactly what we are thinking about in these very troubled times. Times in which we could move into actual warfare and it could happen in a matter of seconds or minutes. We must continue the process of trying to know as much as we can about what we are doing in these matters.

I have cosponsored the pending amendment because of my concern that the War Powers Act is not being complied with by the administration.

I am frightened so often by advisers being sent to one country or another. Soon, the advisers become those who are in the field. Soon they become combat forces that are there representing this country.

We want a world of peace and understanding. America wants to make its contribution to the establishment of that peace and understanding. But we must be very careful, as I raise this warning hand, about how and when and under what conditions the United States of America commits itself to war.

I thank the Chair.

Mr. CHILES. Mr. President, I remember very well when we were voting on the War Powers Act. After that vote had taken place, as I went home to explain that vote, my feeling and my explanation was that I thought the War Powers Act was the most important piece of legislation that I had voted on. I thought maybe it would be the most important piece of legislation I would vote on during my Senate career. I still believe that in the almost 13 years I have been here, it was of unparalleled importance.

That is why I think this is a very important occasion, because this is our first clear opportunity since the adoption of the War Powers Act to face a situation in which the act now clearly applies and where our actions will determine, did Congress really accomplish something in that act?

I have never viewed the War Powers Act as an attempt to limit the President's powers. We cannot do that by virtue of the stature and powers he has under the Constitution. Instead, I always viewed that act as a gun we were putting to our own head to insure that we, the Congress, carry out our constitutional duties. We had not done that in Korea; we had not done that in Vietnam. It certainly is on my conscience that, during my first few years in the Senate, the Vietnam conflict was still going on and we were trying to wind that down. I recall how agonizing that was, knowing we had to get out, trying to determine how to do that and save face, and trying to explain to some mother whose son had already been killed over there that now we were saying we were coming out.

I remember saying over and over again, goodness knows I do not want to do that again; I do not want that on my conscience again.

To my dismay, we are literally in the same trap again—not yet as far, but we have already had five marines killed and several injured. We are already in a situation in which there is no happy way out. There is no way to win and get out. Whether the Congress totally follows the flag and votes for the 18-month blank check that is the Baker resolution, whether we try to limit that some way, or whether we try to adopt the Byrd amendment which I am here to speak for, there is no happy way out.

The question we have to ask ourselves is this: Are we going to face our responsibility now? Are we going to act in a firm and reasoned manner? Or are we going to say that we hope for the best case situation, that we want to just follow the flag again, that by our actions we shirk our responsibility again, and then maybe allow our involvement to escalate, and maybe allow it to get much worse? There is no way I can support that.

So, whatever the problems we face in trying to carry out our role under the War Powers Act, whatever the consequences of that, I am ready to accept them. I hope Congress will be willing to act responsibly, because we are talking about a precedent. We are not talking just about this situation. We are talking about what is the next Vietnam going to be after this, and the next Lebanon.

Then will we again say that this is not our role, that we only have to provide the money? Will we say that because the President sent the troops in—and regardless of the fact that in Vietnam we lost 58,000 boys killed—that we will not face the situation? I cannot do that, and I hope that, as a Congress, we cannot do that.

One option before us is the Baker-Percy resolution. Everyone has to say it is open-ended when it specifies that the mission or goal is for all foreign forces to leave Lebanon and for the Lebanese Government to have total sovereignty and control over all the territory of Lebanon. Well, that has never happened in their history.

Can you see all the foreign troops being put out? Is that why our marine contingent is there? If that is the mission, how in the world can we do it with 1,200 marines? If that is our role, are we willing to make the commitment it would take to say to Syria, "You had better get your troops out"; to say to Israel, "You had better get your troops out"; to say to Druze and the Shi'ites, "Don't raise any gun against the Gemayel government; it is the sovereign government, and we are here to protect them"? There are not enough marines to do that. Maybe we had better call out a lot of other troops, and provide a lot of other forces. The marines are tough fighters, and I hate to say there is anything they cannot do, but I think we had better suit up some more if that mission is really what we are talking about.

What is our alternative? Our alternative is the Byrd amendment which is before us. It does not say, "We are here to pull the rug out from under you, Mr. President." It does not say it is going to be for 6 months or 3 months or 18 months. But it is to say that we believe in what we did in that debate on the War Powers Act and all we went through in overriding a Presidential veto. This is a classic example. Hostilities have occurred. What we say to the President is, "Submit to us your report under the War Powers Act and tell us what the mission is, what the role is, what the goal is, what we can say to a mother as to why were sending her son, what we can say to those troops, what we can say to them as to when we can declare victory, and when we can come out of there. Tell us that, and we will give you ample time."

The Byrd resolution would extend the time. Senator DODD thought we should not run that 60 days from the time of hostilities because the administration and Congress have wasted much of that time. We would not make that just 30 more days, but would make it 60 days. Let us give the American people a chance to see what the President, as the Commander in Chief, says our purpose is there. Let us give Congress the chance to debate. Let us get something we can get behind.

When some say that they are totally behind the Percy-Baker resolution, my goodness, they say that for 18 months we are accepting another Gulf of Tonkin resolution. I cannot believe that that is something we should do and that those are the goals and the missions.

How can you explain to a marine that this is why he is there? He is 1 of 1,200, but he is there to put all those foreign forces off Lebanese soil.

We have said that, but we have also said that we are not supposed to shoot unless we are shot at. We are in a valley, and we have guns looking down on us. It is clear, if you ask any military man, that any time any of the opposing factions want to bloody us more, they can do so. If the Syrians wanted to, if the Druze wanted to, if any of the other opposing factions wanted to, given the terrain, given where we are, in exposed positions, they could bloody us more.

So, literally, we have put our troops into a shooting gallery, and we are sort of saying, "We dare you. You had better not shoot at them. If you do, we'll shoot some Navy shells at you."

Is that what we are committing troops for? Goodness knows, we all thought we had a role and a purpose when we went in 1982, to allow the PLO to get out. There was a general commitment and acknowledgement on all sides. The Israelis were glad for us to come; the PLO was glad for us to come; the Lebanese were begging for us to come. We went in, and the PLO embarked. The job done, we got back on the boat. But our tragic error was when we got back on the soil a few weeks later, because that was not a mission in which everybody was in agreement on which was ever very clear.

Did Congress really think about that our know about that, or did we talk about that? I look back, and I am kicking myself. Why did we not start the debate there? Now suddenly the role has changed. We originally committed troops to allow the PLO to leave. Where did we jump from there to the position that all foreign troops have to leave Lebanese soil? How in the world did we get from the short role we had our troops there for to this other role? How did a diplomatic objective become a military mission? Was there ever a debate here? There was not. Did the American people ever really know that? They did not.

Now we have an opportunity to say, in the Byrd amendment: "Mr. President, hostilities have occurred. That is so clear. Report to us, as the War Powers Act requires. Let us begin the debate; and let us, together with you, shape how we go forward now and what we do."

I think we have to share the role. We need it for the country, we need it for ourselves, we need it for the constitutional process, and we need it for future events.

This debate is of great importance. I hope that what we are talking about now is not purely partisan—I do not think it should be—but I hope very much that we will have everybody look at the opportunities they have and look at these two choices they are going to have.

One choice is the Byrd amendment, which says let us narrow this role; let us find out what we clearly should be there for; let us determine how we do that, or whether we want to say once more—after Korea, after Vietnam, after all the debate on war powers—"Well, we are just going to follow the flag, and we are going to hope for the best. We are going to sign this little check that says, 'Do what you think is right, Mr. President, over 18 months.'"

Can we say: "Dear Mom, we didn't send your boy over there. It wasn't our fault; we didn't do it"? Or: "Dear John Q. Citizen, we didn't commit the troops. We're just having to sort of vote the money, and we're hoping this thing will work out."

There is no way I can ever look myself in the mirror again if we vote for that.

To my way of thinking, the debate should not be on whether it should be 6 months, or 3 months or 18 months. The debate clearly should be on the choice we have before us now: Are we, the Congress, going to carry out the role that the Founding Fathers set? They wanted the separation of powers. They were tired of a king who committed troops to battle. They looked back on the history of Europe where, time after time, kings would send people off to die, thousands and thousands. The Founding Fathers were saying, "Don't let one man have that total power. Make the elected representatives have to answer for that."

That is what is in this amendment, and I hope we will step up and answer the way we should.

Mr. PERCY. Mr. President, I shall ask unanimous consent that the Senate stand in recess so that we might bring in the Chamber the distinguished Foreign Minister of Sweden and members of his party.

I ask unanimous consent that I be recognized to make a comment regarding our distinguished visitors.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY SWEDISH FOREIGN MINISTER BODSTROM AND HIS PARTY

Mr. PERCY. Mr. President, today it has been my pleasure as well as honor to welcome to the Committee on Foreign Relations His Excellency Lennart Bodstrom, Foreign Minister of the Kingdom of Sweden.

Our nations have long and close ties, and so many people from Sweden have contributed their skills and solid values to this country, not least to my own native Midwest.

Not only do we have no outstanding bilateral issues in dispute between Sweden and the United States—a rare enough claim in these times—but we are united on so many international issues and endeavors, first and foremost in our mutual commitment to control the spread and destructive potential of nuclear weapons. We Americans value Sweden's arms control work, and we also value her diplomatic skills, in the person here in Washington of Sweden's outstanding Ambassador, Count Wilhelm Wachtmeister and his brilliant and beautiful wife and partner, Vlla.

I take comfort in noting that the foreign minister's past experience has been heavily in economic and foreign trade matters. I say comfort, because it is my firm conviction that unless we in the West can get our economies in order and sustain economic growth, we cannot meet the urgent international challenges facing us all.

Mr. President, I ask unanimous consent to have printed in the RECORD the biography of His Excellency Lennart Bodstrom.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LENNART BODSTRÖM—MINISTER OF FOREIGN AFFAIRS OF SWEDEN (SINCE OCTOBER 1982)

Before his appointment to the Cabinet Lennart Bodström had served since 1970 as president of the Central Organization of Salaried Employees (TCO), Since he assumed his present post, the Swedish press has commented favorably on his administrative skills and his ease in meeting people. In January 1983 Bodström relinquished his responsibility for foreign trade matters, which had been transferred in October 1982 from the abolished Commerce Ministry to the Foreign Ministry, when a Minister of Trade was appointed.

Bodström received a master's degree in political science from the University of Göteborg in 1953 and a Ph.D. from Uppsala University in 1961. He taught political science at Uppsala during 1961–63. Bodström joined the TCO in 1964 as director of research. He became assistant director in 1966 and president four years later. As TCO president, Bodström dealt with various international

issues and made many political and commerical contacts throughout Europe. Along with his TCO duties, he served on the Labor Market Board, the Economic Planning Committee, and the European Free Trade Association advisory committee. Bodström has also been an executive board member of the International Confederation of Free Trade Unions and of the European Trade Union Confederation. During 1974-75 he was chairman of the Nordic Trade Union Council.

Bodström enjoys traveling and has made several trips to the United States: in 1972 on a State Department grant and in 1975 as an International Visitor Program grantee and later as a guest of the AFL-CIO executive council in Miami. He visited the Soviet Union as a member of Scandinavian labor delegations in 1972 and 1974. He speaks English. Bodström, 55, is married to the former Vanje Rundgren, who also holds a graduate degree.

Mr. PELL. Mr. President, I join with the chairman of the Foreign Relations Committee in extending a formal welcome to foreign Minister Bodstrom. We have been honored by his presence here today and have benefited from meeting with him, particularly in hearing his views on superpower relations.

RECESS

Mr. PERCY. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Members might meet our distinguished guests from Sweden.

There being no objection, the Senate, at 5:11 p.m. recessed until 5:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. DANFORTH).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The Senate resumed consideration of the joint resolutin (S.J. Res. 159).

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the amendment offered by the minority leader would take advantage of the provision of section 5(b)(2) of the war powers resolution, which allows the Congress to extend the deadline otherwise required for a specific authorization. The amendment would restart the 60-day clock provided in the resolution, require another report from the President and begin again the process of considering an authorization. The message sent to Lebanon will be that we have simply provided a new deadline of 60 days rather than 18 months.

In 60 days, we will be right back where we are now. The President and his advisors, in meetings, in testimony, and in the briefing today for all Senators, have described their objectives in Lebanon. The President did provide a report, as required by section 4 of the war powers resolution on August 30. It contained, in abbreviated form to be sure, the information called for by section 4. The Secretary of State in his testimony before the committee last week further outlined the policy of the administration. A copy of that testimony is before every Member.

The sponsors of this amendment are returning to the argument that the objectives and the mandate of the multinational force are not spelled out with sufficient precision. They are not satisfied with the description of their mission as set out in the agreement of September 25, 1982, and they contrast the present mission of U.S. forces with the earlier mission in August 1982, when PLO fighters were evacuated from Beirut.

I can only say that the mission is now a different one. It was initiated at a time when Lebanon seemed headed for a bloody civil war which would only enhance the dangers of Syrian control and bring Israel into renewed jeopardy. For many months, the mere presence of the multinational force did serve to prevent such a deterioration and, I would suggest, its presence has contributed in vital ways to the present cease-fire and the initiation of negotiations.

As I said earlier, the mandate of the force is not to stop the civil war in Lebanon or to take control of territory for the Government of Lebanon. It is much more limited, and we have recognized and insisted upon such limitations in section 3 of this authorization.

Some Members may not be comfortable with such a limited role for U.S. forces. We have even heard suggestions that our forces should either be turned loose to take control of the Chouf Mountains or withdrawn. But such suggestions misconceive the role and the value of the kind of peacekeeping presence we have undertaken there. We have no reason to declare war on any country in the area; we are not fighting against another country and such an action would only exaggerate the problem.

In effect, then, this pending Byrd amendment says to the President: You did not do well enough in our first go-around on this issue. We will extend the deadline and give you a chance to do better the second time around. I think such a message would be unfair, the procedure is unnecessary, and we would not be accomplishing anything but delay, and sending no message but indecision and disarray.

Furthermore, I would not expect the President to sign this amendment. In fact, I would strongly recommend that he not sign it. We would therefore be in a position of operating on the original deadline of October 30 and no farther along in meeting it. It cannot be in the interest of those of us who want to reaffirm the operation of the war powers resolution to fail to take action at this time and to leave the situation ambiguous and uncertain beyond the deadline set for congressional action.

Let us not forget that the proof is virtually indisputable that passage of the 18-month authorization by both the House Foreign Affairs Commitee and the Senate Foreign Relations Committee materially helped bring about the present cease-fire in effect in Lebanon. A 60-day extension would send exactly the wrong signal.

Mr. RIEGLE and Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I thank the Chair.

Does my colleague wish to make a unanimous-consent request? If so, I yield for that purpose.

Mr. MATSUNAGA. Mr. President, I will seek recognition after the Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

Mr. President, this is a momentous decision that faces the Senate and the Nation.

If the Baker resolution is passed I think we will be making a profound mistake.

I strongly support the Byrd resolution and rise now as a cosponsor of that resolution.

I must say to the senior Senator from Illinois who just spoke that I found his statement very disappointing, profoundly disappointing, and I will try to address why in the course of my remarks here now.

First of all, this resolution brought forward by the Foreign Relations Committee clearly evades the strict legal requirement of the War Powers Act, and there is no excuse for that, and in fact the President and the Secretary of State are both active parties to this evasion of the law as it is written and as it stands today.

The 18-month authority in the resolution is deliberately loosely drawn to allow the administration almost limitless latitude in terms of future military actions in Lebanon.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks the minority views that are expressed in the Foreign Relations Committee report which lay this out in very important detail.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. Mr. President, the testimony of Secretary of State Shultz, as I commented in an earlier colloquy from Maryland, last week before the Foreign Relations Committee this week was evasive in the extreme. He made it clear that the administration would not be bound by this resolution.

Some now will point to the letter from the President. I will address that in a minute. But that also is evasive.

But the statements of the Secretary of State, which were in response to precise questions from the junior Senator from Maryland were clearly designed, in my view, to put us on notice that this administration will not be bound by this resolution, regardless of the fact that it is drawn in a way I think very much to their benefit.

Again, the Secretary's comments are in the RECORD and can be referred to as is the letter from the President that I have just referred to.

But I wish to make a reference now to the letter that we have received, that Senator PERCY as chairman of the Committee on Foreign Relations has received from the President, dated September 27, 1983, because this goes right to the heart of the issue of what this purpose or mission may be in Lebanon which we are having such a hard time understanding because it has not been clearly spelled out. If one follows the written text of the President's letter in the second paragraph he says this: "My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act," and if one tracks back to what that referred to and goes back to the exchange of letters on September 25, 1982, and Senator GLENN earlier in the day covered some of this material, time and time again in the exchange of letters from the Deputy Prime Minister of Lebanon to the United States it was crystal clear that we were being invited in to try to provide security only in the Beirut area.

On a number of occasions, in the text of that letter, it specifically makes reference only to the Beirut area and goes on in that vein.

In the response by Ambassador Dillon to this letter from the Lebanese officials, that limited requirement and that limited commitment is restated in precise language. And I quote from the letter: "To carry out their responsibilities in the Beirut area." Then again in this short letter from our Ambassador, "to assist the Lebanese government's sovereignty and authority over the Beirut area." And then again it refers to "safety to persons in the area."

So time and time again it was made clear we were not talking about the sovereignty of this particularly government border to border. We were not talking about some broad notion of the kind we are now being asked to consider. We were talking about a very narrowly, specifically drawn purpose.

Listen now to what is in this Foreign Relations Committee resolution before us, because this is what we are about to commit this country to with whatever spending and serving in the armed services and dying may be required.

The removal of all armed forces from Lebanon is an eventual United States foreign policy objective in the Middle East.

This is the initial language in the resolution, the Baker-Percy resolution, before us.

In order to restore full control by the government of Lebanon over its own territory.

It goes on to say that we are participating on that basis in the multinational force to enable the Government of Lebanon to establish "its unity, independence, and territorial integrity." And it goes on in this vein.

We are talking here about a fundamentally changed purpose. It bears absolutely no relationship to what was stated and what the President himself, in his letter of yesterday, referred to as what he understands our original purpose to be in Lebanon.

So this thing now is so deliberately, I think, broadened out that anything may well happen. And the President, I think, and those around him, will find themselves in a position basically to defend any initiative they want to take by referring to the loose language that is represented here.

I mentioned earlier in a colloquy with another Senator on the floor that if one refers to the text of the Gulf of Tonkin resolution, the initial starting point of the language of that resolution has to do with defending American troops in that particular theater and the connection of that to this situation where we start out with the notion that any military actions we take are, first of all, driven by the notion of protecting our own troops is exactly the same logic chain that we saw back in the days of the Gulf of Tonkin resolution.

Others have pointed out that was a 10-year episode with over 55,000 Americans killed and 300,000 wounded. We spent in excess of $200 billion. The damages and the scars of that go on to this very day.

Yesterday, the senior Senator from Mississippi, Senator STENNIS, made a profound speech on the Senate floor. I think it was one of the most important speeches that probably has been made in a very long time in terms of a reflection of years of wisdom and experience here by a senior colleague, reflecting precisely upon this matter. Anyone who may not have heard his speech or have not had a chance to read it ought to read it before they cast a vote on this resolution and understand why it is that he, with as much service as anybody in this body, has come to the conclusion that he cannot support this resolution that has been reported out of the Foreign Relations Committee.

Finally, I have been astonished and appalled by the argument advanced by some that the country would be well served with an 18-month limit here, an 18-month grant of authority, because that would take this issue out beyond the next election in November of 1984.

If we think about that and ponder what that means, what, in effect, we would be saying is that we are prepared to put the marines out there today and to let them duck the bullets—if they are lucky enough to be able to duck the bullets; many have not been—while the Congress and the President deliberately take themselves out of the line of fire until after the elections of 1984.

Well, the reason we have elections in this country is so people can make judgments as to who they want sitting here in the Congress and who they want sitting in the White House. We have an obligation, on an issue of this gravity, where war and peace is involved and where we are sending people out to risk their lives in the name of the purposes of this country, to see to it that not only the facts are known but that those facts are known on a timely basis so the country has the opportunity to make a judgment and to decide how they feel about that policy and decide how they feel about positions that we and administrations have taken. We owe that to the country and, more than that, we owe it to the marines that are out there in the field today.

The Senator from Georgia, Senator NUNN, has made that crystal clear. If we are going to embark on this sweeping mission that is stated word for word in this resolution to send 1,200 marines out there in this restricted circumstance it is an absolute contradiction. It is a disservice to them. It is a disservice to the country and it is a disservice, I think, to ourselves if we are willing to be party to this kind of a travesty.

So my hope would be that we will support the Byrd amendment. It tracks the law precisely. Let us implement the law.

Why should we be inventing new law here when we have the War Powers Act designed to deal with this precise situation? That is the route we ought to take. I think the country is hoping and praying that we will take that step and to do it the way it ought to be done. I hope that will be the decision of the Senate.

Mr. President, I yield the floor.

EXHIBIT 1

MINORITY VIEWS

We strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy and approved in the Foreign Relations Committee by a vote of 9-7. In our judgment, its enactment would constitute (1) a dereliction of Congressional responsibility to uphold the principles and procedures of the War Powers Resolution of 1973; (2) a failure to require of the Administration a clearly articulated and persuasive statement of the mission which U.S. Marines have been deployed in Lebanon to implement; and (3) an 18-month "blank check" under which the Administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is

operating with full Congressional sanction. These gravely serious flaws warrant elaboration:

(1) *Dereliction of congressional responsibility relating to the War Powers Resolution.*—The Baker-Percy language has been presented as a "bipartisan compromise" which, in the interest of avoiding a dispute over "legalisms," would allow Congress and the executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

We do not believe that the issues surrounding proper implementation of the War Powers Resolution are mere "legalisms." At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both houses. The reservations expressed by the executive branch about the resolution's constitutionality do not diminish or compromise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nullify that law. But by failing to demand adherence to obligations prescribed in the Resolution, Congress would abdicate its responsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the War Powers Resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader Byrd and advocated in Committee by Senator Cranston, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the War Powers Resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of 2 Marines. Enactment of such a resolution would not entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers Resolution procedures, including the requirement for Congressional authorization for the maintenance of U.S. forces in Lebanon beyond 60-90 days. Unfortunately, this proposal was defeated in Committee by a vote of 9-7.

The determined unwillingness of the administration to recognize that the procedures stipulated by the War Powers Resolution are now in fact required became starkly evident during the Secretary of State's testimony before the committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the War Powers Resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The Administration is prepared to participate in a procedure which would give some appearance of creating a War Powers Resolution framework without really conceding that any such framework exists.

Not only is the War Power Resolution the law; its applicability to the situation in Lebanon is manifest. Acordingly, we believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally side-stepping the issue, the Baker-Percy resolution fails to meet that test.

(2) *The absence of a clearly defined policy.*—The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. Marines were first introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the Marines were reintroduced into Lebanon, they were deployed to perform, as part of a Multinational Force, the less precisely-worded mission set forth in the September 25, 1982, exchange of letters betwen the United States and Lebanese Governments. That agreement did, however, make clear that the U.S. military role would be confined to "the Beirut area" and would preclude involvement in combat.

While citing the September 25 agreement, the Baker-Percy resolution is drafted so as to be susceptible to an extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The "purposes" cited in Section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of 1 year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. military forces alone possibly to accomplish. Consequently, the effect of the resolution is to provide congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the War Powers Resolution is that it would require the Administration to submit for Congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any "Vietnam syndrome" to find in that resolution a disturbing similarity to the "Gulf of Tonkin" resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different Administration to assert that it possessed Congressional support for an Indochina policy which proved to be one of ever-widening involvement.

(3) *An 18-month blank check.*—Since we take as serious the Administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy "authorization" is technically a moot point. Practically, however, a shorter "authorization" would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, we supported—but failed in a 9-8 vote to achieve—the substitution of a 6-month "authorization" period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. We reject the argument that a time period shorter than 18 months will endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the Administration had offered a clearly-defined mission in Lebanon for the U.S. Armed Forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited "authorization" might be unnecessary. But if the Baker-Percy formulation is to be adopted, it should certainly stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the United States involvement in Lebanon. We believe in any case that to pass this resolution would represent a grave abdication of congressional responsibility.

CLAIBORNE PELL.
JOSEPH R. BIDEN, Jr.
JOHN GLENN.
PAUL S. SARBANES, Jr.
EDWARD ZORINSKY.
PAUL TSONGAS.
ALAN CRANSTON.
CHRISTOPHER J. DODD.

SUPPLEMENTAL VIEWS OF SENATOR BIDEN

I concur with the basic arguments against the Baker-Percy resolution expressed in the Minority Views. I want to emphasize, however, that I would not support any authorization for troops in Lebanon of any duration absent much more clearly defined goals and a reasonable prospect of attaining those goals.

JOSEPH R. BIDEN, Jr.

Mr. MATSUNAGA. Mr. President, when great issues are debated here on the floor, there inevitably comes a time when a collective decision of this body must be made, lest the rush of events external and processes tangential to this Chamber decide the issue for us. This point is now at hand in regard to our participation as part of the multinational peacekeeping force in Lebanon.

I commend my distinguished colleagues—the majority leader, Mr. BAKER, and the chairman of the Foreign Relations Committee, Mr. PERCY—for their efforts in attempting a legislative compromise to a constitutional issue between the executive and legislative branches. Their objective in doing so is a worthy one. Accommodation in the pursuit of a national position toward the achievement of peace in the Middle East is a goal devoutly to be wished. However, Mr. President, I cannot support Senate Joint Resolution 159 in its present form, and I say this with great regret.

I would very much prefer to support the President in this matter as one of foreign policy to keep the peace. But we know from the price of our own blood, Mr. President, that peace has already been violated and, despite the current cease-fire agreement, hostilities could be renewed at any time and continue indefinitely, as the past experience in Lebanon has shown. To divorce the constitutional issue raised by the administration in regard to the War Powers Act from the immediacy of the situation in Lebanon may prove to be a historical disservice to our Nation; Mr. President. I have become convinced that the two are irretrieva-

bly linked, and must be resolved jointly.

I say this from my experience in Congress dating back to the early days of our engagement in Vietnam and my vote in support of another President's leadership in foreign affairs as expressed in the Gulf of Tonkin resolution. I have come to regret that vote. That resolution was hardly the vehicle upon which to expend such vast national treasure for so long in a land war in Asia. Senate Joint Resolution 159 giving the President an 18-month leash could prove equally fateful.

If anything, the recent exchange of correspondence and the testimony of Secretary of State Shultz have made me even more concerned regarding the wisdom of the committee-reported resolution. Mr. President, it is apparent that the administration is not recognizing the War Powers Act or giving it any standing. Nor is it otherwise defining the objectives for deploying our troops and placing them in a combat situation. What representatives of the administration have said suggests an indefinite commitment of our forces and a vastly different role for the marines than had previously been expressed.

The give-and-take between the executive and legislative branches on this matter up to this point appears to be this: Senate Joint Resolution 159 recognizes the War Powers Act but reverses the process it calls for, by having Congress initiate a request to the Executive. The administration, for its part, ignores the existence of the act and instead offers its interpretation of an entirely different piece of legislation, the Lebanon Emergency Assistance Act.

Mr. President, the War Powers Act must be explicitly recognized at this time, not skirted in the interest of a timely response to the events in Lebanon.

The language of the act is clearcut in its application to our participation with the multinational force in Lebanon. It assumes no powers not specifically given the legislative branch in the Constitution and curtails no powers reserved to the Executive in that great document. It merely codifies and enunciates the procedure by which the power of the Congress along to declare war is balanced against the constitutional responsibility of the President to act as Commander in Chief of the Armed Forces.

There is no inconsistency in the Constitution on this score, Mr. President. It was contemplated that only after a congressional declaration of war would the President assume an active role as Commander in Chief and deploy troops into combat.

The administration cannot have it both ways—our stamp of approval on its course of action, without a willingness to observe our laws. And I would think the administration itself must recognize that a foreign policy, absent the consent of the governed, is not likely to last very long and certainly not for 18 months. History has told us this, Mr. President, the history of our own lifetime.

The provisions of Public Law 93-148, the War Powers Act, must be observed. As one of the original cosponsors of the House version of that legislation, I can say from personal knowledge that it was forged on the anvil of bitter experience, Mr. President. Its intent was to cover just such incidents as Lebanon, where we can become drawn into a major conflict without a full public accounting for the national course of action at the very beginning.

I doubt very much, Mr. President, that responsible Members of Congress will be opposed to our Marines' presence there if they are a part of an international peacekeeping force where mission and objectives are clearly delineated and subject to periodic public review.

But this resolution turns inside out the process by which two constitutional powers are exercised in tandem, while observing the Executive's lead role in the conduct of foreign affairs.

Far worse, it postpones a resolution of the issue into the future, a future bearing all the earmarks of repetition and national divisiveness.

For the reasons I have stated, Mr. President, I have joined the distinguished minority leader, Mr. BYRD, and others in offering the pending amendment, which in effect would implement the War Powers Act.

If the Byrd amendment fails, I intend to vote against Senate Joint Resolution 159, and urge my colleagues to do likewise, and thereby maintain the option of consent of the governed toward any future course before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, we are considering a matter of great importance for the conduct of our Nation's foreign policy. It is important not only because it will have a direct, perhaps decisive, effect on the prospects for peace in Lebanon and the Middle East, but also because it bears directly on the powers and prerogatives of the branches of our Government, including the ability of the executive branch and the President to fulfill their constitutional functions and mandate.

I support the President's conduct of our policy in the Middle East. I also support the quick and unamended passage of the resolution before us. I commend the majority leader for his initiative and success in finding a compromise between the White House and the Congress that represents a bipartisan approach to the conduct of our policy in a difficult area.

Mr. President, President Reagan believes, and believes strongly, that he has already complied with the requirements of the War Powers Act to date. Moreover, we know that he questions, with justification, in my opinion, whether the act itself is a wise piece of legislation. I have no quarrel with an attempt to insure that Congress takes part in decisions about deployment of our men into hostilities. However, the precise wording of the act, I think, requires much further study. Nonetheless, the President is apparently willing to accept a compromise that includes congressional determination of hostilities under the act and an authorization consistent with the act for the maintenance of the forces in Lebanon.

Many in the Congress would prefer that Congress simply declare that the marines are in a hostile situation and start the clock on the 60-day period provided in the act. But many of those Members have acquiesced, as I have noted, to granting the President a period of 18 months. I applaud that bipartisanship, which I think is essential to foreign policy.

I consider it vital that we return to and sustain bipartisanship in the conduct of our entire foreign policy, and I am therefore encouraged by the number of my colleagues who have approached their consideration of the resolution in that way. For example, I was particularly impressed by the position taken by the senior Senator from Georgia (Mr. NUNN) during his appearance on "Meet the Press" on Sunday last. I commend him for standing up and pointing out that the President is, after all, the Chief Executive and should take the lead on these matters. And I share most of the concerns that Mr. NUNN voiced about the Middle East situation.

I fear, Mr. President, that others in the Congress have taken a different approach to the problem and may be wrestling with an inclination to make the consideration of the resolution a political issue, without regard for the constitutional separation of powers and the best interest of an effective foreign policy. The argument that the President should be authorized to keep the marines in Lebanon for only 6 months, or even less, whether motivated by a personal effort in objective analysis of the situation or by partisan political desires, has the same injurious effect.

How does the period provided for in the resolution affect the President's ability to conduct foreign policy? Clearly, the action that the Congress takes will send a message to all those parties involved and interested in the situation in Lebanon, for such action, setting a date, sets a "drop dead" date.

It is a fundamental rule of diplomacy, of negotiations, of international

politics, not to telegraph your punches, not to tell your adversary what you are going to do. If the Congress gives the President only 6 months, or even less, with the clear implication that our marines will be withdrawn after that date, then those who may see profit from chaos and conflict in Lebanon, will know that they have only to wait and to act more determinedly. They know that, if the United States pulls its forces out, the rest of the participating Western powers in the multinational force for peace—France, Italy, Britain—will probably follow.

The immediate prospects, then, for building peace in Lebanon and the longer range prospect for Middle East stability will both suffer drastically. But in all of our deliberations about this particular situation, in all of our debate about the War Powers Act, I pray that we never let our eyes stray from the big ball in this game. The United States and the entire free world have a vital interest in the Middle East. That interest is the oil that fuels Western Europe, Japan, much of the so-called Third World, and a good part of our own economy.

It is in the interest of survival that we must insure that this vital source of oil not fall under the control of those whose goal is the extirpation of democracy, liberty, and human rights.

As we attempt to deal with Lebanon's internal problems, with Israel, with Syria, with the Soviet Union, with other countries in that area, we cannot afford to do anything or fail to do anything that threatens our vital interest.

Such a threat is what will result if we act in a way that would, for example, leave policing the Middle East only to the Israelis.

That is just what will happen if we are unwilling to act in a reasonable way to protect our vital interests. We must act in reasonable concord with Israel, Lebanon, Saudi Arabia, and many other nations to protect our common vital interest in the oil.

In my view, therefore, the nature of the international situation is such as to mandate the minimum formal limitation on the President's power and ability to fulfill U.S. commitments in Lebanon and to respond to the situation there. Developments during the past few days, notably the conclusion of a cease-fire and the provision of first steps toward political reconciliation in Lebanon, testify to the wisdom of the policy that we and our partners in the multinational force have followed in Lebanon. Let us in the Congress refrain from undercutting the success already achieved, the prospects for success in the future, and the conditions that make success possible.

Finally, I must argue to my colleagues that the situation on the ground in Lebanon is not such as to justify all the hue and cry. We certainly are not in danger of the bete noire of another Vietnam that serves as a substitute for rational evaluation on the part of many. Our forces in Lebanon are an integral part of a multinational force, with a limited mission in a peacekeeping role.

President Reagan has witnessed Vietnam. We have all witnessed Vietnam. Let us not get caught by the hypnotic idea that we are going to be sucked into another situation like that, because we have learned lessons from it. I am assured in my own heart that our President wants the Marines to withdraw if circumstances permit.

I have the deepest respect and admiration for the senior Senator from Mississippi (Mr. STENNIS), my colleague and friend, but I must disagree with him on this point. The resolution before us is not another Tonkin Gulf resolution, and I believe that we will do our duty more effectively if we do not let the weight of that controversial chapter in the history of this body lie too heavily upon us now.

That is not to say that I personally do not have a great deal of concern about the level of our commitment in the Middle East and, for that matter, our commitments elsewhere in the world. I am constantly worried about the prospect of overextending ourselves, of getting our troops into a situation that stretches us too thin, of an inability to reinforce our forces on the ground, of our lacking the will or the capability to keep the commitments that we have made when the going gets tough and dangerous. Some have suggested, and I would welcome, Mr. President, a debate on our military commitments throughout the world on the issue of how and how well we could fulfill those commitments in certain situations, what changes may be needed in the commitments or in the action that may be required to strengthen our means to keep these commitments, a debate on the attendant risks if we are unwilling and unable to act effectively in certain contingencies. I have already attempted, with only partial success, to address through legislation one important aspect of our ability to fulfill our military commitments. I believe that my effort requires further consideration in nonpublic forums. It deals with the vital interest that I mentioned earlier.

As to the policy issue facing us today, I maintain that the progress recently seen in negotiations justifies the risk and the cost of our policies to date. The cease-fire reached on Sunday last resulted both from astute diplomacy and from the presence of the multinational force determined to defend itself and fulfill its mission. Let us not lose sight of the contribution that the force has already made to bringing some order to a difficult and confusing situation.

Let us also recognize the valuable role played by some of our allies who have taken greater risks and suffered higher losses.

Given the situation in Lebanon, and at a time when there is so little to be gained by Congress demonstrating its power to constrain the President if it chooses, a power that none of us questions and that has little or nothing to do with the War Powers Act, I hope that my colleagues will join in supporting the policy of the President and of our country by voting for the resolution as laid before us.

This is a time for statesmanship, not partisanship, in Congress.

I sense a growth of statesmanship, a diminution of partisanship, as shown in our unanimous declaration about the KAL tragedy. We all know that we can vote for political reasons. We are, after all, politicans. But history will judge us, and possibilities of peace continue to depend upon our marginal propensity to subordinate politics to statementship when the chips are down and the cards are read.

Mr. President, I urge my colleagues to reaffirm that this deliberative body can and will act in concert for the good of our Nation.

Mr. HOLLINGS. Mr. President, I rise in support of the amendment.

This is not a theoretical debate—or should not be—about the institutional prerogatives of President versus Congress. It is—or should be—a dialog and decision going to the basic responsibility of Government. We are addressing a matter involving human lives and national commitment—living, and some dying, with the consequences of whatever we do.

American citizens serving in the Armed Forces of this Nation have been interjected into a hostile and threatening environment. American citizens are involved in the fighting, the wounding, the dying. The American dead are listed as killed in action, the injured are wounded in action, and our marines are receiving combat pay. Any debate about whether hostilities exist is more than a charade; it is cruel denial of the bravery and the sacrifice of America's finest hunkered down at the end of a runway in Beirut.

The commitment of this Nation to a situation where our soldiers are laying down their lives is not a decision to be lightly taken, in an arbitrary or capricious manner. I, for one, have served in this Chamber long enough to remember the anguish of our experience in Vietnam. It was because of Vietnam, because of the failure of the Nation's leadership to obtain a national consensus for a national commitment, that the Congress passed the War Powers Act in 1973. In passing this law, we were determined that never

again would this Nation commit to battle unless there was the collective judgment of the people—acting through their elected representatives—that the goals of such an undertaking were worthy of the potential sacrifice. We felt that only by acting in concert—people, Congress, and the President—would we have the resolve to carry through on the commitment of the Nation.

The War Powers Act established a procedure for reaching national consensus. The President would report to the Congress and the people before committing the resources of the Nation. Rather than overcoming a hurdle, a visionary President would seize the opportunity to develop and lead a national consensus. He would report not sketchily and reluctantly, but fully and freely, on the situation the Nation confronted. What is the situation? What are the challenges and opportunities? What are the risks and the potential costs? A leader would find it an opportunity to lead, to use the pulpit of his high office to communicate his information and his judgment.

Then, instead of the people's representatives standing down here in the well with inadequate information, with every driblet of information literally wrenched out of an administration afraid to communicate it freely—then, my colleagues, we could have a debate about substance and not just procedure. A debate about commitment, and not just concern.

As it is, neither the people nor their representatives have made a commitment to involve our forces in the fighting in Lebanon. A year ago, the President went on television to announce that he was sending our Marines into Lebanon as peacekeepers, and that "the Lebanese Government will be the ones that tell us when they feel that they're in charge and they (the Marines) can go home." He spoke optimistically about "a unified Lebanon with a Lebanese army that will then be able to preserve order in its own country."

We waited for 10 years in Vietnam for that kind of order, at the sacrifice of 57,000 Amercian lives. Nothing in the history or situation in Lebanon indicated it would be so simple to accomplish there that which we have had such difficulty establishing in Southeast Asia or Central America.

And where, please tell me, does the President find any authority to not only commit our troops—but to give the authority to another government to keep them there howsoever long it may wish to do so?

If all this were not bad enough, there come some with proposals to permit this travesty to continue another 18 months or who knows how long—if only the President will reluctantly and backhandedly admit that, well, yes, maybe there is such a thing on the books as the War Power Act. He could wait 3 months to do that and still get months more after that for the involvement and the killing to continue—all without a national commitment—all without the kind of support any President should realize he must have to discharge the responsibilities of office.

Let us sober up. We have been down this road before and it does not work. This is not a difficult lesson to learn. It has been only 10 years since we lived day in, day out with the consequences of just this kind of thinking—we live with them still today.

The solution is clear. Without a doubt, the provisions of the War Powers Act are triggered. Now it is the duty of the President to come forward with the information necessary for the people and their representatives to make an informed judgment on our involvement in Lebanon. With the President's persuasiveness, it may well be that he will obtain full national backing for his actions. But to ask the people to give that backing without knowing the facts, or the reasons, or the potential cost is asking what no leader of a democratic nation should ever ask—an uninformed, and therefore unformed, support devoid of staying power when the going gets rough. Give us your trust and we will give you a decision you can count on. That is the whole purpose of the amendment I rise in support of today.

Before this Nation commits to the idea that 1,200 marines can keep the peace amidst 50,000 Syrians, 30,000 Israelis, and dozens of warring religious and political factions within Lebanon, let us all—people, President, and Congress—talk about it as mature and responsible individuals—self-respecting citizens of a self-governing republic—capable of acting for the common good by appealing to the good that is within us as a people and free society.

THE WAR POWERS ACT AND LEBANON

Mr. LAUTENBERG. Mr. President, I rise as a cosponsor of the Byrd resolution concerning the War Powers Act and our Marine force in Lebanon. On Monday, the Senate Foreign Relations Committee reported Senate Joint Resolution 159 to the Senate. This resolution would acknowledge application of the War Powers Act, authorize the Marines in Lebanon for 18 more months and require Presidential reports to the Congress every 3 months. But it has become clear that this could mean an open-ended congressional commitment to Marines in Lebanon. Such a commitment would not accomplish the objectives of the War Powers Act and it could keep our forces in jeopardy for reasons that remain unclear to millions of Americans. I urge the Senate instead to adopt the Byrd resolution, which is clearer and more direct in its requirements that both the law and the circumstances in Lebanon be respected.

Mr. President, the War Powers Act was passed by the Congress over the veto of President Nixon in 1973. It was a time when our Nation was deeply divided over an undeclared war in Vietnam that had raged for almost a decade. It was a time when the elected representatives of the people in Congress were determined to join in exercising judgment where there was a long-term commitment of military force to a hostile environment.

There have been consultations and reporting under provisions of the War Powers Act in the years since it became the law of the land. The commitment of U.S. Marines to the multinational force in Lebanon 1 year ago is the latest example of Presidential consulting and reporting obligations under the act.

When our marines first went to Lebanon, there were expectations that the Marine role would be temporary. Now it appears that more than a short-term commitment may be required. Where there was hope that our marines could avoid hostilities, there is now the fact that hostilities have occurred. Four marines are dead. At least 38 have been wounded. Our artillery batteries and warships have pounded the hills outside Beirut.

It is time for the President to acknowledge that hostilities now exist for our men in Lebanon. The proper thing for the administration to do now is make its best case for keeping the marines there within the requirements of the War Powers Act. The Congress, in turn, must rigorously and thoroughly review the case made and then exercise the collective judgment it has under the Constitution and this act.

The Byrd resolution meets the requirements of the act in a responable way. It requires the President to acknowledge specifically that circumstances have triggered the application of the War Powers Act. The President would have to meet his responsibilities under the act by reporting to the Congress and including a description of our current goals, the current mission of the marines, and current expectations of success.

The Congress, in turn, would authorize the continued presence of our forces in Lebanon for 60 days from the enactment of this resolution. The President and the Congress together would use that time to conduct an ongoing review of our policies and our prospects for peace during that time.

The questions surrounding U.S. policy in Lebanon are distinct from the procedural considerations of the War Powers Act, itself. There has been discussion about whether the marines should stay in Lebanon for another 6 months, or 12 months, or 18 months. I am confident that we will come to a

realistic and responsible decision about a time limit. But we should do this openly, in full public debate.

For myself, I think it would be a mistake for us to withdraw our participation in the multinational force before we have exhausted our diplomatic and political efforts to bring peace and unity to Lebanon. A united and peaceful Lebanon is in the national interest of the United States.

Our goals include assisting in the arrangement of a cease-fire among all armed elements in Lebanon, providing security to the people of Beirut, and furthering the attemps of the Lebanese Government to broaden its base and the unity of its people. These steps toward national reconciliation must be accompanied by the withdrawal of all foreign military forces.

Certainly, Mr. President, peace in the Middle East is a commitment that has always commanded a bipartisan majority in our Government and among our people. We have been actively involved in seeking peace in this region for years because it is in our national interest. I believe this commitment will only be strengthened by respecting the procedures set out in the War Powers Act.

Mr. DIXON. Mr. President, I am pleased to support the Democratic alternative to the otherwise fatally flawed Senate Joint Resolution 159. This alternative is easily explained. It requires the President to obey the terms of the War Powers Act. It provides that he must submit the report mandated by section 4(a)(1), triggering the 60-day period in section 5(b) of the war powers resolution. Simply stated, what we are pursuing here is a Presidential statement that section 4(a)(1) has been triggered, and that the President will abide by the law.

As everyone in this Chamber knows, representatives of the White House have engaged in some incredible verbal gymnastics these past few weeks in their attempts to explain that section 4(a)(1) does not apply to the situation in Lebanon.

We all know that this simply is not true. We all know that our Marines were introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

We all know that section 4(a)(1) covers the Marines in Lebanon.

And yet, unless the Byrd alternative is adopted, we will be sanctioning the President's failure to comply with the War Powers Act.

That act requires the President to send to Congress a report within 48 hours after section 4(a)(1) is triggered. Yet, the President has not provided us with any such report. Nowhere in Senate Joint Resolution 159 is there mention of the fact that the President has not—I repeat, not—complied with the law.

The Baker-Percy resolution says that Congress determines that section 4(a)(1) is triggered. Now, if Congress wants to do that, that is fine, but it is not the way the War Powers Act was meant to work. That law clearly contemplates that it is the President who should make the 4(a)(1) determination.

As far as I am concerned, this compromise resolution is inadequate. It invites the President to disobey the law, and because of that, will serve as poor precedent for the future.

We are talking about every world trouble spot, now and forever, not just Lebanon. Central America, Chad, you name it. If the President escapes the confines of the war powers resolution now, then we might as well write that law off the books, because there will not be much of a possibility that any future President will abide by its terms.

Once the war powers resolution is laughed at, then we should just say goodbye to any congressional involvement in shaping policy when members of the Armed Forces are called to a troubled spot.

It is as if we are prepared to forget the lessons of the Vietnam war in the name of expediency. The message we are sending is that we are ready to go back to the period of the imperial Presidency, where a President acting precipitously has the power to get us involved in a war we do not want and a war we do not need.

So, we are saying a simple thing with this alternative: The President must submit the required 4(a)(1) report. That is the only way to get him to faithfully execute the law—that is the only way to get him to admit that the War Powers Act applies to the situation in Lebanon—that is the only way to maintain the role of Congress in making decisions about sending troops abroad.

This is the right position, and anyone who has even glanced at the war powers resolution will recognize that fact. It is the law, and it must be accorded the respect it deserves. Anything short of full compliance, mark my words, will come back to haunt us.

By then, it may be too late.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. PERCY. Mr. President, will the Senator yield for just a quick comment?

Mr. EXON. I am happy to yield.

Mr. PERCY. I should like to report to the Senate that the House is not in the process of having a final vote. The vote will give the Speaker considerable leeway, not only to accept the House version but accept also whatever Senate version we adopt or any combination thereof, so that it does give them maximum leeway. The major test vote that has already been taken in the House was a vote of 158 to 272 on a bipartisan basis to defeat the Obey-Long amendment to the leadership resolution. Under that amendment, funds for U.S. Marines in Lebanon would have been cut after 90 days unless, one, the President reported to Congress under 4(a)(1) of the War Powers Act or, two, a cease-fire continued in effect in Lebanon.

Mr. President, I think that bipartisan vote is extremely important. I think that on that test vote, it was defeated rather overwhelmingly. It is a good indication that the House has thought thoroughly about this matter. I think it is a step forward toward the adoption, I hope, of the Baker resolution.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. BAKER. Mr. President, will the Senator yield to me for a brief moment?

Mr. EXON. I am happy to yield.

Mr. BAKER. Mr. President, it is 12 minutes to 6, and so our colleagues can get some idea of what the schedule is for today, may I inquire of the Senator from Nebraska how long he intends to speak?

Mr. EXON. I am glad to respond. I have been on the floor for 1½ hours and I intend to speak for 6 or 7 minutes.

Mr. LEAHY. Mr. President, if the Senator from Nebraska will yield for just a moment for me to answer that same question, I hope to be able to follow the Senator from Nebraska and have waited for that purpose. I can assure the leadership that I shall not take more than 4 or 5 minutes.

Mr. BAKER. Mr. President, if the Senator will yield further for a moment, the reason I asked is this: I have about decided in my own mind that we are not going to get a vote on this amendment tonight. If that is the case, I wonder if Senators would be willing to go out and come in very early in the morning to get started on this matter? It does not make a particle of difference to me; I shall be here in any event. I think that might help with the plans on both sides of the aisle.

I do not want to force that issue, but could I ask either the Senator from Nebraska or the Senator from Vermont and all other Senators to withhold their statements until tomorrow? We shall start early. I shall try to get an order for the Senate to come in at 8:45, be on this bill at 9 o'clock and we will be off and running.

Mr. EXON. Since I have the floor, may I ask the majority leader, I assume we are going to have a vote on the Byrd amendment tonight, are we not?

Mr. BAKER. Mr. President, it is fine with me, but it had been suggested by many Members that there are impor-

tant engagements to be kept tonight, Senators who are not here, and the better part of discretion seemed to be to do this vote in the morning. I am perfectly willing to do it now, but I suggest to the Senator, if I may, that a number of Senators on both sides of the aisle suggest it is important that we leave to keep other commitments.

Mr. PERCY. Will the Senator yield?

Mr. BAKER. The Senator from Nebraska has the floor.

Mr. EXON. Mr President, I thank the majority leader for his explanation. If we are not going to vote tonight, I am perfectly willing to come to the floor tomorrow with the hopes that I have more success in being recognized when I come on the floor tomorrow than I was when I came on the floor today.

Mr. BAKER. Will the Senator yield to me now?

Mr. EXON. I will be happy to yield to the majority leader.

Mr. BAKER. Mr. President, just to make sure the Senator knows we are grateful for this accommodation and to be sure that he will be recognized, I ask unanimous consent that when the Senate returns to the consideration of this matter tomorrow, the distinguished Senator from Nebraska be first recognized.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Yes, there is an objection. It just so happens that the Senator from Nebraska has a previous commitment from between 9 and 9:30, and so it would not be possible for me to be on the floor if the majority leader brings in the Senate at the time he previously outlined.

I ask for no special consideration other than that at some convenient time when I come on the floor sometime after 9 o'clock, in view of the fact I am yielding now, if the Chair could be instructed to possibly give some due consideration to the Senator from Nebraska.

Mr. LEAHY. Mr. President, while you are considering that, I am usually in here between 6:30 and 7 every morning, and I am wondering if the majority leader's gratitude would extend to the Senator from Vermont. I would like to be heard soon after we come in on this matter in the morning.

Mr. BAKER. Mr. President, I think I am in a mess. I withdraw the request, first of all. Let me say, if the minority leader will permit me just for a moment, the ordinary course of affairs would be to recognize the two leaders if they are seeking recognition, the two managers certainly, and I can give my assurance to the Senator from Vermont and the Senator from Nebraska that they will have no difficulty being recognized and, indeed, they have a due bill out to be recognized early on. So we will take care of it in that manner.

Mr. President, does the Senator from Nebraska yield?

Mr. EXON. I did.

Mr. BAKER. Mr. President, if I may be recognized, I yield to the minority leader.

Mr. BYRD. Mr. President, I should like to gain the floor in my own right.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, since the distinguished Senator from Vermont gets here at 6:30 is it?

Mr. LEAHY. About 6:30 to 7:30 every morning.

Mr. BYRD. I would hope that the majority leader would ask unanimous consent, when I give up the floor, that Mr. LEAHY be recognized at 9 o'clock. That will assure us of getting somebody on the floor.

Mr. PERCY. Will the Senator yield? Does the Senator have the floor?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I believe I have the floor.

Mr. BAKER. Mr. President, I apologize to the minority leader. He has the floor.

Mr. PERCY. Will the minority leader yield for an announcement?

Mr. BYRD. Yes.

Mr. PERCY. I would like to now update the report to the Senate of the action of the House. The House has taken a final action on the resolution. It adopted the House resolution, which is comparable, except in one respect, to the resolution put in by the majority leader (Mr. BAKER) by an overwhelming bipartisan vote of 270 to 161.

AMENDMENT NO. 2231, AS MODIFIED

Mr. BYRD. Mr. President, I send a modification to the desk, a modification of my amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BAKER. Will the Senator yield the floor?

Mr. BYRD. I ask the clerk to read the modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Amendment No. 2231, as modified. At the end of section 3 of amendment numbered 2231, add the following: Upon receipt of the report required by section 2 of this resolution, Congress shall, pursuant to procedures set forth in section 6 of the War Powers Resolution, give expedited consideration to any resolution relating to U.S. Armed Forces in Lebanon.

Mr. BYRD. I yield the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business to extend not past 6 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

Mr. STEVENS. Mr. President, I was pleased to join in cosponsoring S. 1513 and urge its passage. This bill will continue authorization of the National Historical Publications and Records Commission [NHPRC].

Since its establishment in 1934, the Commission's goal has been to collect, edit, and publish manuscripts and records of historical significance. Many influential papers have been assembled in collections, including writings of the Founding Fathers as well as other distinguished Americans. Records documenting events intrinsic to the Nation's birth—the development of the first Congress, the Supreme Court, and the Constitution—have been gathered and analyzed.

In 1974, the Commission's functions were enlarged to include, along with acquisition and publication, the preservation, classification, and description of historical records. The NHPRC also provides advice and assistance to State and private foundations to aid them in designing their own archive systems. With Federal grants provided through the National Historical Publications and Records Commission, most States now have facilities and programs to collect and display their documents.

In the State of Alaska, these funds have provided for an ongoing program of collecting and preserving records which chronicle the development of 22 Alaska Native organizations. In addition, there are currently two projects being funded by NHPRC. They are: A project by the Anchorage Historical and Fine Arts Museum to preserve the museum's nitrate and glass-plate negatives documenting early twentieth century life in several diverse areas of Alaska, and a project by the Alaska Historical Records Advisory Board in Juneau to assess the historical records needs in the State and draft comprehensive action plans.

The House recently passed legislation authorizing $3 million annually for the next 5 years for the Commission. S. 1513 would increase that figure to $4 million in 1984 and 1985, and to $5 million for fiscal years 1986-88. All funds authorized for the NHPRC are used to finance the records and publications projects which constitute the major function of the Commission.

As a nation, we must doubly acknowledge the value of these written works—tools for learning of events in the past and guides for shaping our future. It is vitally important that we maintain and enhance our repositories of historical documents so that we may not lose sight of the rich history of our Nation. Toward that end, I strongly support S. 1513.

THE CALENDAR

Mr. BAKER. Mr. President, I have a number of items in my routine folder to be disposed of at this time. If the minority leader is prepared to do so, I would like to go through them.

AMERICA'S CUP YACHTING SERIES

Mr. BAKER. Mr. President, I say to the minority leader that there is one matter that I would like to address at this time, and that is Senate Resolution 229 offered by the distinguished Senator from Rhode Island (Mr. CHAFEE). He is here and the matter is cleared on this side and is on the calendar.

I inquire of the minority leader if he is prepared to consider that item at this time.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

I ask the Chair to lay before the Senate Calendar No. 412, Senate Resolution 229.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 229) relating to the America's Cup yachting series.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Mr. President, this is a resolution on behalf of Senator PELL and myself, congratulating the Australians and the Americans for their performance in the America's Cup races.

Mr. BAKER. Mr. President, I commend the Senator for his good sportsmanship. I trust that it will not be a close vote. [Laughter.]

Mr. PELL. Mr. President, I am delighted to join with my distinguished colleague from Rhode Island in presenting this resolution congratulating the Australians on their victory in the seventh and deciding race of the America's Cup competition yesterday off of Newport, and in commending the crew of the American defender, *Liberty*, for a skillful and valiant defense of the cup.

The America's Cup challenge this year was an absorbing and thrilling contest between two superb vessels and two outstanding crews. The intense competition evident in this series brought home to the entire Nation, as never before, the beauty, the compexity, and the sheer joy of sailing competition. For this great pleasure we are all in debt to the Australian challengers to the U.S. defenders, and to the New York Yacht Club for its excellent running of the competition.

We all look forward with anticipation to the next cup competition with the hope that it will match the 1983 series for excellence and drama, and with confidence that a U.S. challenger will return the America's Cup to the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas the America's Cup series was won on Monday, September 26, 1983, by Australia's intrepid challengers; and

Whereas the courageous American defenders demonstrated great skill in a defense requiring for the first time in the history of the Cup series a seventh race; and

Whereas the just completed series was the most exciting in the history of cup competition: Therefore be it

Resolved, That the Senate of the United States:

Applauds the performance of the Australian challengers;

Commends the skill of the American defenders; and

Anticipates that the next series will be just as exciting but hopefully with a different result.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I intend to proceed to the consideration of the military construction appropriations conference report, if the minority leader is agreeable.

Mr. BYRD. Yes, Mr. President, this side is agreeable.

Mr. BAKER. I thank the minority leader.

MILITARY CONSTRUCTION APPROPRIATIONS—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 3263 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) making appropriations for the military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 22, 1983.)

Mr. MATTINGLY. Mr. President, I am pleased to support the conference report on H.R. 3263 making appropriations for military construction for fiscal year 1984.

The conferees have agreed to provide $7,104,237,000 in new budget authority for fiscal year 1984 to meet the requirements for military construction and the military family housing construction and operations accounts.

The conference agreement reflects a decrease from the Senate-passed bill in the amount of $136 million and an increase to the House-passed bill in the amount of $142.8 million.

Further comparisons show the conference agreement is $1.5 billion below the President's original budget submission and $118 million below the amounts enacted for fiscal 1983. In addition, the conference agreement is within the budget allocations for both new budget authority and outlays.

While this bill is significantly below the President's request and below last year's appropriations, the conferees believe that adequate funding has been approved to provide the Department of Defense with the essential facilities to support their various requirements. A great amount of the reduction from the budget request was based on program changes and inflation reductions.

Mr. President, I believe that the Senate conferees have agreed to a bill which provides an excellent, well-rounded program for military construction in fiscal year 1984. I urge my colleagues to support this conference agreement.

Mr. President, I now yield to the distinguished ranking minority member of our subcommittee, the junior Senator from Tennessee, Mr. SASSER, for any comments he may wish to make with regard to this conference report.

Mr. President, at this point, I would like to briefly highlight some of the conference agreements.

As my colleagues are well aware, the House did not provide funds for several major programs. Facilities in support of the deployment of the MX were among those projects deferred by the House. I am pleased to report to the Senate that the conferees have provided $31.2 million for these varied projects. This amount was carefully worked out with the Air Force to allow for all the major facilities to be obligated in fiscal year 1984 if they were ready. I believe that getting the House to support funds for the MX facilities—many of which are just beginning design—is a major victory. Further detail on the MX construction program can be found in the conference report.

On another matter, the Senate receded to the House on the rescission of the $91 million provided in fiscal year 1983 for facilities in support of the Rapid Deployment Force at Ras Banas, Egypt. This was the most heated issue discussed during the conference. As many of my colleagues will remember, this issue has been controversial for several years. In each case, there has been considerable doubt on the part of the House that this is a valid requirement. The Senate has continually supported the need and does so at this point again. However, in order for this program to go forward, the Congress must have the full cooperation of the Departments of Defense and State in providing us with every detail on the project.

I strongly believe that until this detail is provided and every question answered, particularly those raised by the House, that this project will continue its present course. I believe that in light of the spirit of cooperation expressed by the Government of Egypt on this matter, that Defense and State must do a better job in justifying the requirements to the Congress.

The conferees agreed to fund all projects in the normal manner and not through savings as was done for some projects last year and suggested by the Senate this year. The conferees deferred projects which were not at the design status which our committees use as the basis for projects which can be obligated during the coming fiscal year. However, the conferees are in agreement that projects deferred might be ready during the coming fiscal year and therefore options are available to the Defense Department in seeking funds. I plan to discuss this issue further when the distinguished senior Senator from South Carolina, Mr. THURMOND, and I have a colloquy.

The Senate was successful in having the House recede to the funds provided for a contingency airfield improvement project at La Ceiba, Honduras. The conferees agreed, however, with the language included in the Senate report which requires a complete report on facility construction planned in the Central America region prior to obligation of the funds.

In other important overseas projects, the conferees provided funds for minimum essential facilities at locations in Europe and Turkey to support the NATO mission. Funds for the beddown of F-16 aircraft at Misawa AB, Japan, were also provided.

All in all, I believe that the conference agreement provides the vast majority of the projects which the Defense Department requested. These projects vary from those facilities which will meet new mission requirements to those in support of quality of life needs. The bill contains over 1,500 individual line items of which nearly 400 were considered by the conferees. Whether it be a dormitory or a maintenance facility, each project was given careful consideration based on the stated justification.

Mr. President, as we near completion on this military construction appropriations bill I want to express my thanks to the distinguished ranking minority member, the gentleman from Tennessee, Mr. SASSER, for his support on this legislation. The cooperation between the majority and minority on this bill makes for a very pleasant working relationship.

Mr. THURMOND. Mr. President, I rise in support of the conference report on H.R. 3263, the fiscal year 1984 military construction appropriations conference report. This is the companion bill to the fiscal year 1984 military construction authorization bill which was sent to the President for signature earlier this week.

I congratulate the distinguished junior Senator from Georgia, Senator MATTINGLY, for his handling of this highly important bill. As chairman of the Subcommittee on Military Construction of the Senate Armed Services Committee, I am quite familiar with the scope of this bill and its complexity. Every aspect of our defense policy must be understood to be able to make judgments about the necessity for supporting construction projects.

Mr. President, some uncertainty has been generated within the Defense Department as to what has been described by some within the Department as conflicts, between the military construction authorization and the appropriation bills for fiscal year 1984. I think this uncertainty stems from a lack of understanding of the legislation and I think these misunderstandings can be resolved by a colloquy between myself and the distinguished Senator from Georgia.

Let me first ask the Senator, in your view, are there any conflicts between the military construction authorization and appropriations bills for fiscal year 1984, as reported by the respective conference committees?

Mr. MATTINGLY. In my view, there are no conflicts. I think most of the misunderstanding arises from the category of projects that the authorization bill referred to as savings projects—or projects to be accomplished with prior year appropriations.

The appropriations conference chose to selectively provide appropriations for some of those projects which we considered high priority and which could be put under contract early in the fiscal year.

Mr. THURMOND. The Senator is correct in that most of the confusion in the Defense Department has developed around the "savings" projects. As far as I am concerned, the appropriations conference acted well within its jurisdiction by providing fiscal year 1984 appropriations for some of those projects. In fact, the language of the authorization bill provides that the savings projects can be funded from "other sources" and fiscal year 1984 appropriations can certainly be considered as an "other source." The appropriations conferees simply elected to provide appropriations for some savings projects and then to take a general reduction for a portion of the anticipated savings.

Let me clarify the situation with regard to those savings projects for which the appropriations conference report did not provide fiscal year 1984 appropriations. In your view, does the fact that a savings project did not receive a fiscal year 1984 appropriation in any way override the language in the authorization bill that permits these projects to proceed with savings?

Mr. MATTINGLY. The answer to that is clearly "no". Nothing that we did in the conference report on the appropriations bill precludes the services from proceeding with the savings projects in accordance with the authorization bill. We could have objected to that approach, but we did not. If sufficient savings are realized from good bids or project cancellations, then these "savings projects," for which no fiscal year 1984 appropriations were provided, may be awarded just as we have handled the same category of projects in the fiscal year 1983 military construction program. Normal procedures require that the services provide notification to the Armed Services Committees of their intention to proceed with savings projects before any such project is put under contract; in addition, approval for appropriations in this category should be requested through the normal reprograming process. In the event that savings do not accrue, these projects may be funded through a supplemental appropriations bill or in the normal fiscal year 1985 military construction appropriations bill.

Mr. THURMOND. I thank the distinguished chairman for engaging in this colloquoy which I know will be an important part of the legislative history surrounding the fiscal year 1984 military construction program. We have worked together well during the last 2 years as chairman of our respective Military Construction Subcommittees, and I would not want any confusion to develop within the Department as to the intent of our respective bills.

Mr. HUMPHREY. Mr. President, I wish to thank the chairmen of the Committee on Armed Services, Military Construction, Senator THURMOND and Committee on Appropriations, Military Construction Subcommittee, Senator MATTINGLY for their statements. I, too, have a military construction project which I believe falls into the same category as described by the

two chairmen. The project is the base civil engineering building at Pease AFB, N.H. This project is proceeding very well and should complete design requirements and be ready for a building contract during fiscal year 1984. The base has too long been without the storage and maintenance facilities which will be provided by this construction project. I would like to get the two gentlemen to confirm two points for me. First, does the Pease AFB project fall in the category of projects discussed and the actions of this appropriations bill should in no way adversely affect securing funds for the project? Second, is the project fully authorized and when the design requirements are met, the project is ready for contract, and savings funds are identified, can the contract be awarded after the Appropriations and Armed Services Committees have been notified?

Mr. MATTINGLY. The Senator from New Hampshire is totally correct.

Mr. THURMOND. I agree with the Senator from Georgia.

Mr. HUMPHREY. I thank both Senators.

Mr. SASSER. Mr. President, I join the distinguished chairman of the subcommittee in urging that the conference report be adopted. And I want to take this opportunity to commend Chairman MATTINGLY for his diligence and dedication in bringing this bill in under the budget.

This conference report is more than $1.5 billion under the President's budget request and is $136 million under the Senate-passed bill. The agreement for fiscal year 1984 is $118 million under the appropriation for fiscal year 1983. And Mr. President, the conference agreement is $400 million under the budget resolution allocation.

So, this is a very responsible product. The conferees have exercised their best judgment on more than 1,500 items.

I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments en bloc.

The motion was agreed to.

The amendments agreed to en bloc are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *Provided, That none of the funds made available for airfield improvements in Honduras may be obligated until the Committees on Appropriations have been notified as to the complete U.S. construction plan for the region, $1,501,993,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$67,620,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$30,605,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

Sec. 120. None of the funds appropriated in this Act for F-16 beddown projects at Misawa, Japan, may be obligated or expended unless there has been notification to the Committees on Appropriations that the approved Government of Japan budget for fiscal year 1984 includes projects associated with the F-16 beddown as an additive over the level of funding provided in Japanese fiscal year 1983 for the facilities improvement program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 121. It is the sense of the Congress that the Administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 122. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisons of such subsection would be inconsistent with the national security interests of the United States.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 123. Of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be avilable for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5,000,000.

NATIONAL SCHOOLBUS SAFETY WEEK—SENATE JOINT RESOLUTION 172

Mr. BAKER. Mr. President, I propose to put a joint resolution on the calendar by unanimous consent. I refer to Senate Joint Resolution 172, introduced by Senator DOLE, Senator BAUCUS, and others, if the minority leader will agree with that.

Mr. BYRD. I have no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that the resolution I now send to the desk be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, on behalf of 26 other Senators and myself, I introduce Senate Joint Resolution 172, which designates the week of October 2 to 8, 1983, as "National Schoolbus Safety Week." This resolution is identical to House Joint Resolution 137, which passed the House of Representatives yesterday.

It is only fitting that we honor the Nation's largest transportation system and recognize it as an integral part of the entire educational process. There are more than 375,000 schoolbuses used daily which travel over 3 billion miles annually. Though the schoolbus is considered the world's safest mode of transportation, it is all too often taken for granted. For example, more fatalities occur in loading and unloading zones outside the bus than in the bus. Motorists who fail to stop while a

bus is stationary, account for these needless deaths and injuries.

Schoolbus transportation maintains the most highly respected motor vehicle safety record on the road. Per billion passenger miles, there are 0.49 fatalities, compared to automobiles, in which there are 13.2 fatalities per billion passenger miles. As our safest vehicle, it also provides the most economical and dependable transportation service.

In designating the week of October 2 to 8 "National Schoolbus Safety Week," we would be recognizing this all important vehicle and, hopefully, be reminding the public that schoolbuses are the safest form of transportation our children can enjoy. It would also help students become more aware of how to live in our mobile society safely and effectively.

Mr. President, it is my understanding that the distinguished chairman of the Committee on the Judiciary (Mr. THURMOND) and the distinguished ranking minority member (Mr. BIDEN) have given their consent to allow this resolution to be held at the desk without the necessity of referral to the Judiciary Committee. The Senator from Kansas is most appreciative of their cooperation.

NATIONAL SCHOOLBUS SAFETY WEEK—HOUSE JOINT RESOLUTION 137

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 137, a House joint resolution with respect to National Schoolbus Safety Week, be placed on the calendar, if the minority leader has no objection.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION COMMENDING CARL YASTRZEMSKI OF THE BOSTON RED SOX

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to receive a resolution on behalf of myself and my colleague from Massachusetts (Senator TSONGAS), commending Carl Yastrzemski for his brilliant career as one of the truly outstanding heros in the history of baseball, and as one of the finest athletes of our time. I hope that the Senate will have the opportunity to act on this resolution tomorrow. I ask unanimous consent that the resolution may be placed on the calendar, and that its text may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution reads as follows:

S. RES. 232

Whereas Carl Yastrzemski will soon complete his twenty-third and final season as a baseball player for the Boston Red Sox;

Whereas Carl Yastrzemski has played in more major league baseball games than any other player in the history of the sport;

Whereas "Captain Carl" won baseball's honored triple crown and led his Cardiac Kids to the "Impossible Dream" of an American League Pennant in 1967;

Whereas Yaz will be remembered always as one of the finest players in baseball history and a leader of great compassion and ability both on and off the field.

Resolved, That the Senate of the United States of America joins with the people of Massachusetts and sport fans throughout the world in honoring Carl Yastrzemski for his outstanding career, his outstanding sportsmanship, and his outstanding contribution to baseball and the Nation.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I propose to proceed to the House message on S. 461; and if the minority leader has no problems with that, I will ask that the Chair lay that message before the Senate.

Mr. BYRD. I have no objection.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 461.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 461) entitled "An Act to extend the authorization of appropriations for the Office of Government Ethics for five years", do pass with the following amendments:

Strike out all after the enacting clause and insert:

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

AUTHORITY OF DIRECTOR

SEC. 2. (a) Section 402(a) is amended by striking out "under the general supervision of" and inserting in lieu thereof "in consultation with".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12)—

(A) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(B) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof ", in consultation with the Office of Personnel Management, and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

(d)(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

(2) The responsibilities of the Director of the Office of Governmental Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 3. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

"SEC. 407. (a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.".

REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

SEC. 4. Section 203(c) is amended by inserting after "designated agency officials," the following: "employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

SEC. 5. Section 210 is amended to read as follows:

"OUTSIDE EARNED INCOME

"SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees coverd by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions appointments to which are re-

quired to be made by the President, by and with the advice and consent of the Senate, or

"(2) who are described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary.".

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 6. Section 201(b) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

(3) by adding at the end thereof the following new paragraph:

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement but not later than is required under the first sentence of such paragraph.".

ETHICS AGREEMENTS

SEC. 7. Title II is amended—

(1) by redesignating section 211 as section 212; and

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed in the last sentence of subsection (a).".

BLIND TRUST AMENDMENTS

SEC. 8. (a) Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A), except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions), a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.".

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.".

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

SEC. 9. Section 201 is amended by adding at the end thereof the following new subsection:

"(j)(1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of special Government employees shall be subject to the provisions of this title as if that individual were such a special Government employee.

"(2) For purposes of paragraph (1)—

"(A) the term 'advisory committee' means any committee, board, commisssion, council, conference, panel, task force, or other similar group which is established—

"(i) by statute or reorganizaiton plan,

"(ii) by the President, or

"(iii) by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement;

"(B) the term 'staff functions in support of an advisory committee' means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

"(C) the term 'special Government employee' has the meaning given that term by section 202 of title 18, United States Code; and

"(D) the term 'agency' has the meaning given that term by section 551(1) of title 5, United States Code.

"(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 10. Section 405 is amended in paragraph (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 11. The amendments made by this Act shall take effect on October 1, 1983.

Amend the title so as to read: "An Act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments with a further Senate amendment, which I send to the desk on behalf of Mr. COHEN and Mr. LEVIN.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. COHEN and Mr. LEVIN proposes an amendment numbered 2236.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language inserted by the House insert the following:

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

FIVE YEAR TERM FOR AND REMOVAL OF THE DIRECTOR

SEC. 2. Section 401(b) is amended by adding at the end thereof the following: "Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years. Upon removal of the Director prior to the expiration of his term, the President shall communicate in writing the reasons for such removal to the Committees of the Senate and the House exercising jurisdiction over this Act."

AUTHORITY TO ISSUE REGULATIONS

SEC. 3. (a) Section 402(a) is amended by striking out ", under the general supervision of the Office of Personnel Management,".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof "and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

(d) (1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978, with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 4. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

"SEC. 407. (a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.".

REQUEST ASSISTANCE FROM INSPECTORS GENERAL

SEC. 5. Section 403 is amended by inserting at the end thereof the following: "The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations pursuant to subsections (b)(3) and (b)(4) of section 402.".

RECOMMEND REDESIGNATION OF AGENCY ETHICS OFFICIAL

SEC. 6. Section 402(b) is amended by—

(1) striking out "and" at the end of clause (14);

(2) striking out the period at the end of clause (15) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(16) recommending the redesignation of an agency ethics official where such official fails to properly and effectively perform his or her duties.".

OGE REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

SEC. 7. Section 203 (c) is amended by adding after "designated agency officials," the following: "employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (B)(1)(A)(i), of title 3, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

SEC. 8. Section 210 is amended to read as follows:

"OUTSIDE EARNED INCOME

"SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees covered by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions, appointments to which are required to be made by the President by and with the advice and consent of the Senate, or

"(2) employees of the White House Office who are compensated at rates equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of fifteen percent of their salary.".

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 9. Section 201(b) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

(3) by adding at the end thereof the following new paragraph:

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement but not later than is required under the first sentence of such paragraph.".

ETHICS AGREEMENTS

SEC. 10. Title II is amended—

(1) by redesignating section 211 as section 212; and

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceeding sentence with such individual's designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed, in the last sentence of subsection (a).".

BLIND TRUST AMENDMENTS

SEC. 11. Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.".

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.".

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

SEC. 12. Section 201 is amended by adding at the end thereof the following new subsection:

"(j)(1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of special Government employees shall be subject to the provisions of this title as if that individual were such a special Government employee.

"(2) For purposes of paragraph (1)—

"(A) the term 'advisory committee' means any committee, board, commission, council,

conference, panel, task force, or other similar group which is established—

"(i) by statute or reorganization plan,

"(ii) by the President, or

"(iii) by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement.

"(B) the term 'staff functions in support of an advisory committee' means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

"(C) the term 'special Government employee' has the meaning given that term by section 202 of title 18, United States Code; and

"(D) the term 'agency' has the meaning given that term by section 551(1) of title 5, United States Code.

"(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 13. Section 405 is amended in paragraph (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 14. The amendments made by this Act shall take effect on October 1, 1983.

Amend the title so as to read "To amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes.".

Mr. COHEN. Mr. President, I urge that the Senate concur with the House amendment with a further amendment to S. 461, a bill to extend the authorization of the Office of Government Ethics for 5 years and to make other changes in the Ethics in Government Act of 1978. To insure a timely reauthorization, the Senate passed S. 461 on April 6. Last week, the House substituted the language of the Senate bill with provisions of its own bill, H.R. 2717, which shares many of the same goals of the Senate-passed bill. Although the two bills are similar in scope, some provisions differ. The amendment that I and Senator LEVIN are offering today includes important provisions from both bills and represents an effort to reach a compromise before the authorization of the Office expires on September 30.

The Senate and the House agree that the Office of Government Ethics performs a vital role in identifying, correcting, and preventing conflicts of interest by officials and employees of the executive branch and that it must be retained. In 7 days, however, the authorization of the OGE will expire. I urge the Senate and the House to act promptly to accept this compromise so that the existence of this crucial Office will not be jeopardized.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

ORDER PLACING THE CONTINUING RESOLUTION ON THE CALENDAR

Mr. BAKER. Mr. President, next I ask unanimous consent that once the Senate receives from the House of Representatives the continuing resolution, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER PLACING HOUSE JOINT RESOLUTION 366 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 366, a joint resolution providing for the temporary extension of certain insurance programs relating to housing and community development, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER PLACING H.R. 3962 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 3962, an act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUR SEAL ACT AMENDMENTS OF 1983

Mr. BAKER. Mr. President, if the minority leader does not object, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2840.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2840) entitled "An Act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

That this Act may be cited as the "Fur Seal Act Amendments of 1983".

SEC. 2. The Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

"(b) 'Convention' means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

"(c) 'Cure' or 'curing' means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric acid, and packing in containers for shipment of fur seal skins.

"(d) 'Fur Seal' means the North Pacific Fur Seal, Callorhinus Ursinus.

"(e) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(f) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(g) "North Pacific Ocean' means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

"(h) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(i) 'person' means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(j) 'Pribilof Islands' means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(k) 'Sealing' means the taking of fur seals.

"(l) 'Secretary' means the Secretary of Commerce.

"(m) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether

such vessel is engaged in sealing contrary to the provisions of said Convention.

"SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided*, That the seals are taken for subsistence uses as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

"SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

"(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1984, and for fiscal year 1985 and beyond if the Convention is extended by protocol signed by the parties and made effective as to the United States, such sums as may be necessary to carry out the harvest and curing on the Pribilof Islands. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

"SEC. 106. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

"The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as Advisers to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisers to the Commissioner. Such Advisers shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisers shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

"SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

"SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

"SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) or acquired or purchased by any other authority after enactment of the Fur Seal Act Amendments of 1983 and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

"SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

"(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

"(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, shelter, and transportation.

"SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

"SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsiblity of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

"SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the

Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions,' which is submitted to the Congress on or before October 31, 1983.

"(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

"(1) a description of each conveyance;

"(2) the terms to be imposed on each conveyance;

"(3) designation of the recipient of each conveyance;

"(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and

"(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this Act and under the Convention.

"(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

"(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal government, the Trust, and the State regarding—

"(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;

"(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

"(3) assumption by the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

"(4) preservation of wildlife resources within the Secretary's jurisdiction;

"(5) continued activities relating to the implementation of the Convention;

"(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

"(7) the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

"(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before October 31, 1983.

"(e) The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

"(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 is not affected by this section.

"(g) The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the Natives of the Pribilof Islands, to be known as the 'Pribilof Islands Trust' (hereinafter referred to as the 'Trust').

"(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transfered by the Secretary to the Trust within fifteen days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c).

"(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 205(a) and (d). Such distributions shall be made by the trustee or trustees only after the Secretary has determined that such Trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

"(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United Sates of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

"(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

"(c) There may be one Trust instrument establishing the Trust described in Section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

"(1) establishing standards and procedures for the disbursement by the trustee or trustees of trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Island Native councils, corporations, or other such entities;

"(2) establishing the Secretary as trustor;

"(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Islands;

"(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

"(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or adviser, who may be the trustee, having recognized competence in such fields;

"(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

"(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

"(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

"(9) compensation of the trustee or trustees;

"(10) the term, termination and final distribution of the Trust estate;

"(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust; and

"(12) defraying of community expenses; and

"(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before October 14, 1983.

"(d) the Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.

"(e)(1) There are authorized to be appropriated to the Secretary $20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section.

"(2) Prior to the termination of the period described in subsection (a)(3) of this section, the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to five percent of the amounts transferred to the trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this Act.

"(f) The interest on, and the proceeds from the sale or redemption of, any asset or

obligation held in the Trust shall be credited to and form a part of the Trust.

"(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on April 30, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress toward achieving the purposes set out in subsection (a) of this section. On April 30, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

"(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided*, That this exemption shall not apply to any income from the investment or other use of such distributions.

"SEC. 207. The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this Act.

"SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

"(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

"(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

"(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section.

"SEC. 209. Chapter 83 of title 5, United States Code, is amended as follows:

"(a) by deleting 'Credit' in section 8332(b) and inserting in lieu thereof the words 'Except as provided in paragraph (13) of this subsection, credit';

"(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

'(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.';

"(c) by adding in section 8332(b) after 'paragraph (3) of this subsection.' the following sentence: 'The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.';

"(d) by adding in section 8332(f) after 'postal field service' the words 'and service described in paragraph (13) of subsection (b) of this section,';

"(e) by adding in section 8332(l)(1) the word 'or' at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

'(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;'; and

"(f) by amending paragraph (4) of section 8334(g) by striking 'January 1, 1950' and substituting the words 'October 29, 1983,' and adding after 'the Pribilof Islands' the words 'except where deductions, contributions, and deposits were made before October 29, 1983'.

"SEC. 210. (a) Title I of the Act of January 4, 1975, Public Law 93-638 (25 U.S.C. §§ 450-450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after 'to be employed by a tribal organization' the words ', the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorporation, or the Village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)'.

"(b) Notwithstanding any other provision of law, any Native of the Pribilof Islands employed by the Federal government on October 28, 1983, shall be deemed to have been covered under chapters 81, 83, 85 and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93-638), known as the Indian Self-Determination and Education Assistance Act.

"SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

"(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

"(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

"(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

"(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

"SEC. 304. (a) Any person who knowingly violates any provision of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more

than $20,000 for such violation, or imprisoned for not more than one year, or both.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

"SEC. 305. (a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to $2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 205 of this Act, $736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this Act and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.

"(b) The contract authority of the Secretary under this Act is effective for any fiscal year only to the extent that appropriations are available for such purposes.".

Mr. STEVENS. Mr. President, the legislation now before the Senate provides for the orderly termination of Federal management of the Pribilof Islands, Alaska. These islands have been administered until now as a Federal preserve, and their inhabitants have been denied the full measure of self-determination accorded other citizens.

This legislation was requested by the administration in early April of this year. It was introduced by Congressman DON YOUNG as H.R. 2840 on April 28. The House Committee on Merchant Marine and Fisheries held a full hearing on May 19. At that hearing, testimony was received from NOAA, representing the administration, as well as the State of Alaska, the affected Pribilof Aleut communities, and environmental organizations.

The bill reflects extensive consultation with interested environmental organizations, the affected Aleut communities, the State of Alaska, the administration, and others. The bill facilitates the orderly transfer of Federal properties on the islands, the establishment of a trust to assist the islanders in converting to a private-sector economy not dependent upon sealing operations, and the assumption by the State of its responsibilities for the villages on the Pribilofs.

Mr. President, the Federal Government will continue to have important wildlife preservation responsibilities on the Pribilof Islands. The bird cliffs will continue to be managed as part of the wildlife refuge system. The fur seal rookeries will continue to be federally owned and managed by the Department of Commerce.

This legislation maintains and enhances environmental values on the Pribilofs—and it also gives the Aleut people who live there a good opportunity to develop a self-sufficient economy independent of Federal subsidy. There are vast resources in the Bering Sea fisheries. This legislation will permit the Aleut villages of St. Paul and St. George to enter commercial fishing in the waters contiguous to their islands.

H.R. 2840 continues in full force and effect all Federal responsibilities under the Interim North Pacific Fur Seal Convention, as implemented by the Fur Seal Act of 1966. The changes in existing law affect only the people of the islands, and the relationship between them and their government. Instead of providing an annual appropriation of some $6.3 million largely to maintain the Aleut communities, this legislation authorizes a one-time appropriation of $20 million, to be administered as a trust under conditions prescribed by the Secretary of Commerce, for the benefit of the Pribilof Aleuts in maintaining essential services and converting to an economy not primarily reliant on sealing.

The bill also authorizes appropriations specifically to meet the Government's responsibilities under the convention, such as conducting scientific research and managing the fur seal rookeries. The House amendment includes a special condition in section 105(c) which makes authorizations beyond 1984 subject to extensions of the fur seal protocol. While the Senate is mindful that funds cannot be appropriated until authorized, it is permissible to provide an appropriation subject to extension of the protocol. It will be necessary to do so if the protocol is delayed during renegotiation to meet the intent of section 105(c).

The intent of section 210(b) is to provide that all natives of the Pribilof Islands who are Federal employees on October 28, 1983, regardless of type of appointment, are eligible to transfer specified benefits should they be hired by designated, qualifying, tribal organizations. This avoids an inequity to temporary employees, some of whom have been hired by the Federal Government regularly for many years.

H.R. 2840 will accomplish a number of worthwhile objectives. Over the coming years, the Government will save millions of dollars because the economy of the islands no longer will be a Federal responsibility. The people will become self-sufficient in the fisheries, tourism, and other industries. The protection of wildlife, as required by convention and Federal law, will be accomplished at substantially less cost.

Mr. President, I am particularly grateful for the cooperation of the administration, the House leadership, the House committee, the Senate Commerce Committee, the State of Alaska, the Aleut people of St. Paul and St. George, the interested environmental organizations, and my colleagues in the development of this responsible and compassionate legislation.

The Aleut people of St. Paul and St. George were transported to the Pribilofs in 1786, as slaves, by their Russian overseers. They were brought to support the fur trade. After 197 years, Congress today will liberate these Aleuts from their near-total dependence upon Government and sealing for survival. The promise made to the Aleuts, under the terms of article 3 of the Treaty of Cession, ratified May 30, 1867—that they shall enjoy within their communities the full rights of citizenship with opportunities equal to other American citizens—today will be fulfilled.

Mr. President, I urge the Senate to approve H.R. 2840.

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are agreed to.

Mr. BAKER. Mr. President, I move the Senate concur in the House amendment to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning

business be extended until 6:10 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 78

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report increases to amounts previously deferred totaling $64,119,643.

The deferral increases affect the Board for International Broadcasting and the United States Information Agency.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *September 28, 1983.*

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 92) designating the week beginning May 8, 1983, as "Municipal Clerk Week," with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3813. An act to amend the International Coffee Agreement Act of 1980;

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983";

H.J. Res. 284. Joint resolution commemorating the Twenty-fifth Anniversary of the National Aeronautics and Space Administration; and

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

ENROLLED BILL SIGNED

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes; and

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES PLACED ON CALENDAR

The following bills and joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3813. An act to amend the International Coffee Agreement Act of 1980;

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983";

H.J. Res. 284. Joint resolution commemorating the Twenty-fifth Anniversary of the National Aeronautics and Space Administration; and

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, September 28, 1983, he had presented to the President of the United States the following enrolled bill:

S. 1625. An act to amend the District of Columbia Retirement Reform Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1790. A communication from the Assistant Secretary of Health and Human Services (Human Development Services), transmitting, pursuant to law, the fiscal year 1982 report on children in foster care under voluntary placement agreements; to the Committee on Finance.

EC-1791. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the modification and extension of the Federal supplemental compensation program, and for other purposes; to the Committee on Finance.

EC-1792. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of emergency military assistance to Chad; to the Committee on Foreign Relations.

EC-1793. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the H Street Business Community Association—Facade Renovation Loan/Grant Program"; to the Committee on Governmental Affairs.

EC-1794. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-62; to the Committee on Governmental Affairs.

EC-1795. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-63; to the Committee on Governmental Affairs.

EC-1796. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during August 1983; to the Committee on Governmental Affairs.

EC-1797. A communication from the Deputy Administrator of the General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, relative to the general supply fund; to the Committee on Governmental Affairs.

EC-1798. A communication from the Deputy Administrator of the General Services Administration, transmitting a draft of proposed legislation to revise certain provisions of chapter 57 of title 5, United States Code, relating to the subsistence allowances of Government employees while performing official travel, and for other purposes; to the Committee on Governmental Affairs.

EC-1799. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970, as amended; to the Committee on Governmental Affairs.

EC-1800. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to allow variable interest rates for Indian funds held in trust by the United States; to the Select Committee on Indian Affairs.

EC-1801. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the claim of Theron M. Bradley, Jr., an employee of the Department of Energy; to the Committee on the Judiciary.

EC-1802. A communication from the Acting Administrator of the General Services Administration, transmitting a draft of proposed legislation for the relief of Kenneth L. Perrin; to the Committee on the Judiciary.

EC-1803. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on the caseload of bankruptcy courts during the first 6 months of 1983; to the Committee on the Judiciary.

EC-1804. A communication from the Chairperson of the National Advisory Council on Continuing Education, transmitting, pursuant to law, a report entitled "Continuing Education and the American Work Force"; to the Committee on Labor and Human Resources.

EC-1805. A communication from the Acting Director of the Defense Security As-

sistance Agency, transmitting, pursuant to law, a report on the provision of emergency military assistance to Chad; to the Committee on Armed Services.

EC-1806. A communication from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on requests by Sun Exploration and Production Co., Chevron U.S.A. Inc., and Mobil Oil Corp. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1807. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to September 20, 1983; to the Committee on Foreign Relations.

EC-1808. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-64; to the Committee on Governmental Affairs.

EC-1809. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-66; to the Committee on Governmental Affairs.

EC-1810. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-67; to the Committee on Governmental Affairs.

EC-1811. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-65; to the Committee on Governmental Affairs.

EC-1812. A communication from the Chief Planning Officer of the Navajo and Hopi Indian Relocation Commission transmitting, pursuant to law, a copy of the Commission's 1983 update of its report and plan; to the Select Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-400. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE PRESIDENT TO PRESENT THE CONGRESSIONAL MEDAL OF HONOR TO JAMES L. CADIGAN

"Whereas, on February 26, 1945, 'C' Company of the 20th Armored Infantry Battalion of the 10th Armored Division was advancing on foot with a mission to secure the high ground north of Zerf, Germany, when the point of the company and the 3rd Platoon were attacked by heavy enemy fire from rifle grenades, machine guns and hand grenades; and

"Whereas, Lt. James L. Cadigan, following behind with his platoon, saw that the 3rd Platoon was hopelessly pinned down. Lt. Cadigan refused to expose his men to deadly enemy fire and instead, carrying a machine gun and ammunition, faced the enemy fire alone, repeatedly risking his life and singlehandedly knocking out two enemy machine guns and two enemies armed with automatic weapons, killing fifty enemies and capturing eighty-five; and

"Whereas, these acts of bravery, witnessed by Lt. Cadigan's Army Commanding Officer and at least seven others, saved two platoons, made it possible for 'C' Company to evacuate their wounded, reorganize and continue their attack, and contributed most significantly to the capture of Zerf; and

"Whereas, Lt. Cadigan's commanding officer recommended Lt. Cadigan for a Medal of Honor for his acts of 'Most extraordinary bravery'; and

"Whereas, Lt. Cadigan has been denied the Medal of Honor due to the admitted failure of his commanding officer to recommend Lt. Cadigan for the award within the specified time limitations; and

"Whereas, Lt. Cadigan served his country bravely and honorably and today, as a Major, USAR, ret., is rated permanently and totally disabled by the Veterans' Administration for combat related wounds and injuries sustained during World War II; and

"Whereas, Lt. Cadigan has been trying for thirty-eight years to obtain the decoration which he so clearly deserves and Lt. Cadigan has suffered a great injustice by the failure to award him the Medal of Honor for which he was recommended; and

"Whereas, the United States Congress in 1978 waived the time limitation for Anthony Casamento of West Islip, New York, who, in 1980, was finally awarded the Medal of Honor; Now therefore be it

"Resolved, by the General Court of the Commonwealth of Massachusetts that the Congress of the United States is urged to adopt legislation immediately authorizing the President to present the Medal of Honor to James L. Cadigan; and be it further

"Resolved, that copies of these resolutions be transmitted by the Clerk of the Senate to the President of the United States, the Vice-President of the United States, the Speaker and Clerk of the House of Representatives of the United States, Members of Congress from the Commonwealth, the Chairman of the Joint Chiefs of Staff, and to James L. Cadigan of Hingham."

POM-401. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 19

"Whereas, Changes in national policy have evolved in an effort to accommodate competition in the telephone and communications industries; and

"Whereas, This change in policy has resulted in court rulings instituting a process of divestiture for the American Telephone and Telegraph Company which will result in the creation of independent regional telephone corporations such as Pacific Telephone Company with responsibility for providing local telephone service; and

"Whereas, The ability of these local telephone corporations to continue providing quality universal basic telephone service at affordable rates not only presently but also in the future is in question; and

"Whereas, The continued furnishing of quality universal basic telephone service at affordable rates for all Americans is essential in the maintenance of a sound economy and for the safety and well-being of the people; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to direct the Federal Communications Commission to review the effects of the American Telephone and Telegraph Company divestiture rulings and related policies and decisions upon the ability of local telephone corporations such as Pacific Telephone Company to provide quality universal basic telephone service at affordable rates and to take such action as is necessary to protect the financial integrity of local telephone corporations including their continued ability to provide basic services at affordable rates; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission."

POM-402. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 30—

"Whereas, The Congress of the United States recently passed, and the President signed, the Surface Transportation Assistance Act of 1982 (P.L. 97-424); and

"Whereas, Under Title V of the act (known as the Highway Revenue Act of 1982), the federal taxes on trucks and semi-trailers were increased eight-fold and the gasoline, diesel, and special motor fuel tax rates increased five cents ($0.05) per gallon; and

"Whereas, The Legislature of the State of California enacted, and the Governor signed into law, an increase in weight fees on trucks, increasing the weight fee 60 percent, and added two cents ($0.02) per gallon to the fuel tax; and

"Whereas, Truck carriers of agricultural products operate on a seasonal basis consisting of one or two quarters of the year; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allow the truck carriers of agricultural products to pay the new federal highway fees enacted in the Highway Revenue Act of 1982, Title V of the Surface Transportation Act of 1982 (P.L. 97-424), on an apportioned quarterly basis; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the United States Department of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-403. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 26

"Whereas, In 1969, the Santa Barbara federal ecological preserve and buffer zone were established by then Secretary of Interior Walter Hickel to be reserved for scientific, recreational and other similar uses; and

"Whereas, Pursuant to the Marine Sanctuaries Act of 1977, then Secretary of Commerce Philip Klutznick established, with the approval of President Carter, the Channel Island Marine Sanctuary to protect its

ecological, esthetic, and recreational values; and

"Whereas, In 1980, the Congress and President Carter established the Channel Islands National Park to protect its nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values; and

"Whereas, Both the Channel Islands Marine Sanctuary and the Santa Barbara Ecological Preserve and Buffer Zone are environmentally sensitive habitat areas, have nationally recognized esthetic and recreational values, and support valuable commercial fisheries; and

"Whereas,The Channel Islands, surrounded by and partially included within the Channel Islands Marine Sanctuary, support 80 species of resident and migrant birds, provide breeding and pupping areas for five species of seals and sea lions, significant foraging and breeding areas for 13 bird species and contain the only stable breeding area for the California Brown Pelican, designated an endangered species by the California Department of Fish and Game pursuant to the California State Endangered Species Act of 1970; and

"Whereas, These sanctuary, preserve, and buffer zone areas are biologically productive areas, contributing to the fisheries of the Santa Barbara Channel, and therefore the California commercial fishing industry; and

"Whereas, Oil development and production within any of these three areas presents serious hazards to the ecological, esthetic, recreational, and commercial values of these areas and greatly increases the portential catastrophic damage to these resources in the event of an oil spill; and

"Whereas, Oil development and production in these areas would have significant adverse impacts on the commercial fishing industry directly from physical interference during all stages of operations and indirectly from reduced biological productivity of the fisheries; and

"Whereas, The installation of oil production platforms in these areas would reduce, on an individual as well as a cumulative basis, the esthetic and therefore recreational values of these areas, particularly the Channel Islands National Park; and

"Whereas, By federal policy and regulation, no leasing or oil development has occurred in any of the areas since their establishment; and

"Whereas, Secretary of Interior James Watt has consistently attempted to reverse this longstanding policy; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the legislature of the State of California strongly urges the President and Congress of the United States to enact legislation which gives permanent, except in case of national need, statutory protection to the Santa Barbara ecological preserve and its adjunct, the buffer zone, and to the Channel Islands Marine Sanctuary; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior of the United States, to each United States Senator and Member of the House of Representatives in the California delegation, and to the chairperson of all committees which will review this legislation."

POM-404. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

ASSEMBLY JOINT RESOLUTION No. 65

"Whereas, The area of origin statutes were established by California to protect the future water needs of the areas where water originates in order to allow development and use of waters temporarily or permanently surplus to these areas by distant regions; and

"Whereas, The area of origin statutes consist of the 1931 County of Origin Law, the 1933 Watershed Protection Act, and the 1959 Delta Protection Act; and

"Whereas, Protections for the areas of origin have been included as conditions in all water rights issued by the state to the federal Central Valley Project; and

"Whereas, The federal government, through the Department of the Interior, is now suing the state seeking to repudiate any obligation of the federal government to comply with the state's County of Origin Law, Watershed Protection Act, Delta Protection Act, and area of origin protections included in water right decisions issued by the state to the federal Central Valley Project; and

"Whereas, The federal government is also suing the state on the legal premise that the state's protections for areas of origin are unconstitutional, in that they violate the requirement in the California Constitution that water be used reasonably and beneficially; and

"Whereas, A successful federal lawsuit to invalidate California's protections for areas of origin will have a devastating effect on the future economies and land values in the areas of origin; and

"Whereas, the federal lawsuit to invalidate the state's protections for the areas of origin will eliminate any support in the areas of origin for the construction of any new federal water projects which propose to export water from the areas of origin; and

"Whereas, The federal lawsuit to invalidate the state's protections for the areas of origin will eliminate any trust in California between the areas of origin and the areas of shortage and will therefore greatly impede any solution to California's long-range water problems; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the Department of the Interior to drop its litigation against the State of California which seeks to invalidate the state's area of origin laws; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Commissioner of Reclamation, to the Attorney General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-405. A resolution adopted by the Council of the County of Maui, Hawaii opposing the sale of Federal surplus lands; to the Committee on Energy and Natural Resources.

POM-406. A resolution adopted by the Board of Supervisors of the County of Nevada, Calif. opposing the Federal litigation attacking the California area of origin laws; to the Committee on Energy and Natural Resources.

POM-407. A resolution adopted by the City Council of Yuba City, Calif. requesting the Federal Government to withdraw its lawsuit with respect to California area of origin legislation; to the Committee on Energy and Natural Resources.

POM-408. A resolution adopted by the Town Council of the town of Paradise, Calif. relating to the water rights of areas of origin in the State of California; to the Committee on Energy and Natural Resources.

POM-409. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 18

"Whereas, Ninety percent of all people on welfare are women and children; and

"Whereas, Sixty-four percent of all families headed by women in California are dependent on the Aid to Families with Dependent Children (AFDC) program; and

"Whereas, A woman, on the average, earns less than sixty cents for every dollar earned by a man; and

"Whereas, Over two-thirds of all the fully employed women in the United States earn less than ten thousand dollars per year; and

"Whereas, The systematic reduction in work incentives hits hardest at the families whose earnings are at or near the minimum wage and whose work efforts should be supported rather than discouraged; and

"Whereas, A recent study has described the reduction of work incentives as counterproductive because the government may ultimately have to increase welfare payments to a mother who curtails her work effort; now, therefore, be it

"Resolved, By the Assembly and Senate of the State of California jointly, That the Legislature hereby memorializes the President and Congress of the United States to repeal changes made by the federal Omnibus Budget Reconciliation Act of 1981 which reduce the incentive for mothers who are covered by the Aid to Families with Dependent Children (AFDC) program to work.

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative, and to each Senator and Representative from California in the Congress of the United States."

POM-410. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

RESOLUTIONS MEMORIALIZING THE CONGRESS TO TERMINATE FEDERAL SUBSIDIES OF CERTAIN DOMESTIC STEEL COMPANIES

"Whereas, The United States Steel Corporation controversially proposes to import some three million tons a year of semi-finished steel slabs from the government-owned British Steel Corporation, thereby causing the closing of domestic steel-making facilities and the loss of three thousand jobs; and

"Whereas, potential dislocation within the domestic steel production industry is compounded by Wheeling-Pittsburgh Steel Company proposals to import subsidized steel slabs from Brazil; and

"Whereas, with the domestic steel industry just emerging from its worst depression in many years, the achievement of the aforementioned designs would detrimentally affect the American economy and flagrantly discriminate against thousands of laid-off

employees in the steel and allied and support industries; and

"Whereas, coupled with recent purchases of construction steel from Japan and Korea, the intended purchases of foreign steel manifestly violate the 1974 Trade Act, which prohibits unfair trade practices for the import of subsidized steel; and

"Whereas, the prospect of the United States corporations faithlessly soliciting foreign steel producers after being given tax breaks to modernize domestic steel production plants is particularly offensive to steel laborers who are cognizant that, in the case of Brazil, the proposed arrangement would be with the state-owned steel company of a military dictatorship which has been widely condemned in recent years for the jailing of leaders of the metalworkers union; therefore be it

Resolved, That the Massachusetts House of Representatives hereby urges the Congress of the United States to terminate Federal subsidies of U.S. Steel Corporation and Wheeling-Pittsburgh Steel Company unless the said companies cease to purchase steel from Great Britain, Brazil or any other country; and be it further

Resolved, That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-411. A resolution adopted by the Common Council of the town of Superior, Ariz., requesting passage of legislation to aid the copper industry and improve economic conditions in the copper mining communities of Arizona; to the Committee on Finance.

POM-412. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 62

"Whereas, Small business is the backbone of the nation's economy, providing the majority of jobs and product innovations in the private sector, and producing over half of all goods and services; and

"Whereas, Renewed economic prosperity depends upon the strength of the small business sector; and

"Whereas, The economic climate for small business has worsened, resulting in increasing numbers of small business failures, and their increasing difficulty in obtaining financing from traditional sources; and

"Whereas, Small businesses need access to new, alternative sources of capital; and

"Whereas, The Small Business Participating Debenture constitutes a new financing instrument which will promote investment in small business, and provide needed capital to small firms with potential for growth and employment; and

"Whereas, The establishment of the Small Business Participating Debenture was a priority of both the White House Conference on Small Business and the California State Conference on Small Business; and

"Whereas, California's Small Business Participating Debenture tax benefits will be a more effective incentive to investment if there are federal benefits, due to the difference between federal and state taxation levels; and

"Whereas, California has legislation prepared to match the federal Small Business Participating Debenture, pending Congressional action; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact S. 842 by Senator Weicker establishing the Small Business Participating Debenture; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-413. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 25

"Whereas, Eligibility for aid under the federal Supplemental Security Income for the Aged, Blind, and Disabled program is determined in part upon the value of resources held by an applicant for or recipient of aid, excluding the value of the applicant's or recipient's home; and

"Whereas, The proceeds from the sale of a home are similarly excluded from eligibility calculations only if applied within three months of receipt to the purchase of another home; and

"Whereas, These restrictions create an undue hardship by jeopardizing eligibility for aid as to an applicant or recipient who carries a promissory note upon the sale of his or her home as an alternative to conventional financing, in that the total proceeds from such a sale are not immediately available for use in the purchase of another home; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States, the Secretary of Health, Education, and Welfare, and the Commissioner of Social Security to revise the Supplemental Security Income for the Aged, Blind, and Disabled program to exclude from considerations of eligibility for aid the value of any promissory note held by an applicant or recipient upon the sale of his or her home, provided that the proceeds from the note are expended within three months of receipt toward the purchase of another home or for rental of a principal residence; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health, Education, and Welfare, and to the Commissioner of Social Security."

POM-414. A resolution adopted by the Western States Conference of Machinists and Aerospace Workers relating to Qantas Airlines; to the Committee on Labor and Human Resources.

POM-415. A resolution adopted by the Board of Supervisors of San Mateo County, Calif., urging Qantas Airways and the International Association of Machinists and Aerospace Workers to engage in further negotiations in order to restore jobs to former employees; to the Committee on Labor and Human Resources.

POM-416. A resolution adopted by the Legislature of the Territory of Guam; ordered to lie on the table:

"RESOLUTION No. 291

"Whereas, Henry M. "Scoop" Jackson was elected United States Senator by the people of Washington and began serving on January 3, 1953; and

"Whereas, Senator Jackson served for many years as the Chairman of the Senate Committee on Interior and Insular Affairs and its successor the Senate Committee on Energy and Natural Resources; and

"Whereas, during his tenure as chairman many significant changes were made in federal laws affecting Guam; and

"Whereas, Senator Jackson was instrumental in the passage of two laws which greatly enhanced self-government by the people of Guam—the 1968 "elected governor" law and the 1972 "Guam's Non-voting Delegate to Congress" law; and

"Whereas, Senator Jackson frequently stood as an advocate for the territories and Guam in particular; and

"Whereas, the people of Guam felt the loss of a true friend when they learned of the untimely passing of Senator Jackson; now, therefore, be it

"Resolved, that the Seventeenth Guam Legislature, on behalf of the people of Guam, extends sincere condolences to the family of the late Senator Henry M. "Scoop" Jackson; and be it further

"Resolved, that the Seventeenth Guam Legislature extends its condolences to the people of Washington who have lost one of their finest sons; and be if further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the widow of the late Senator Jackson, Helen Jackson; to the Governor of Washington; to the President of the U.S. Senate; to Guam's Congressional Delegate; and to the Governor of Guam."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1003) to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Rept. No. 98-246).

By Mr. WEICKER, from the Committee on Appropriations, with amendments:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-247).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 214: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1499.

S. Res. 216: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 668.

S. Res. 217: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 948.

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:

S. Res. 215: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 53 (Rept. No. 98-248).

By Mr. SIMPSON, from the Committee on Veteran's Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1388. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans (Rept. No. 98-249) (together with additional views).

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 1847. A bill to authorize the President to carry out and enforce the International Coffee Agreement, 1983 (Rept. No. 98-250).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Michael Novak, of the District of Columbia, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1985 (Ex. Rept, No. 98-18) (together with additional views).

Mr. TOWER. Mr. President, from the committee on Armed Services, I report favorably the following nominations: Brig. Gen. William P. Winkler, Jr., U.S. Army, to be major general, Brig. Gen. Tracey E. Strevey, Jr., U.S. Army, to be major general, Gen. Jerome F. O'Malley, U.S. Air Force, to be reassigned to the grade of general, Lt. Gen. Lawrence A. Skantze, U.S. Air Force, to be reassigned to the grade of general, and Lt. Gen. Robert D. Russ, U.S. Air Force, to be reassigned to the grade of lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, in addition, in the Air Force there are 3 appointments to the grade of captain (list begins with Philip N. Brown) and in the Air Force there are 1,588 appointments to the grade of captain and below (list begins with Gary J. Abbate). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nomination lists appeared in the RECORD of September 20, 1983 at the end of Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG (for himself and Mr. WALLOP):

S. 1897. A bill to amend the Internal Revenue Code of 1954 to assist in lessening the impact on communities of rapid growth resulting from energy or resource development, and for other purposes; to the Committee on Finance.

By Mr. ARMSTRONG:

S. 1898. A bill relating to deposit relief of small business; to the Committee on Finance.

By Mr. HATCH:

S. 1899. A bill to amend the Internal Revenue Code of 1954 to permit certain scientific or educational organizations to issue tax-exempt bonds to finance scientific or educational facilities or equipment; to the Committee on Finance.

By Mr. CRANSTON:

S. 1900. A bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity and eliminate wage-setting practices which discriminate on the basis of sex, race, or ethnicity and result in discriminatory wage differentials; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 1901. A bill to amend the Internal Revenue Code of 1954 to treat price level adjusted mortgages; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. STEVENS, and Mr. JEPSEN):

S. 1902. A bill to amend title 39, United States Code, to assure that the 9-digit ZIP Code remains voluntary, and for other purposes; to the Committee on Governmental Affairs.

By Mr. D'AMATO:

S. 1903. A bill for the relief of Winnie M. Tse; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. PRYOR, Mrs. KASSEBAUM, Mr. PROXMIRE, Mr. BOSCHWITZ, and Mr. MELCHER):

S. 1904. A bill to require that the Department of Defense increase the use of formal advertising in the procurement of property and services, to limit the circumstances under which such department may award contracts by negotiation, to establish additional requirements with respect to the negotiation of contracts by such department, and for other purposes; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. MELCHER, Mr. INOUYE, Mr. BENTSEN, Mr. BAKER, and Mr. BYRD):

S. 1905. A bill to authorize funds for the Maureen and Mike Mansfield Foundation; to the Committee on Labor and Human Resources.

By Mr. STENNIS:

S.J. Res. 171. Joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. CHAFEE, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. HEINZ, Mr. HOLLINGS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LAUTENBERG, Mr. LAXALT, Mr. LEAHY, Mr. MELCHER, Mr. NUNN, Mr. RANDOLPH, Mr. THURMOND, Mr. WARNER, Mr. HEFLIN, Mr. MITCHELL, and Mr. GRASSLEY):

S.J. Res. 172. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983"; read twice and placed on the calendar.

By Mr. JOHNSTON:

S.J. Res. 173. Joint resolution commending the Historic American Buildings Survey, a program of the National Park Service, Department of the Interior; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were reads and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LAXALT, Mr. DOLE, Mr. SIMPSON, Mr. EAST, and Mr. SPECTER):

S. Res. 231. Resolution calling upon the Department of Justice and other appropriate Federal agencies to faithfully enforce the Federal antitrust laws; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. TSONGAS):

S. Res. 232. Resolution in honor of Carl Yastrzemski of the Boston Red Sox; submitted and placed on the calendar.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 1897. A bill to amend the Internal Revenue Code of 1954 to assist in lessening the impact on communities of rapid growth resulting from energy or resource development, and for other purposes; to the Committee on Finance.

ENERGY COMMUNITY SELF-HELP ACT OF 1983

● Mr. ARMSTRONG. Mr. President, western Colorado has the energy sources America desperately needs—enough gas and coal to keep the United States going for decades.

But how fast these resources can be developed, and at what social, economic, and environmental cost to our State, depends on reversing Federal policies which hinder prudent and orderly development.

In an area smaller than our 13 original States, western Colorado has a trillion barrels of oil locked in shale; at least half is now economically recoverable with a market value of $17 trillion. The State also has 500 billion tons of coal and 500 billion cubic feet of natural gas. Increible though it may seem, every home, car, factory, and office building in the United States could be fueled by Colorado energy at present rates of use, for the next 100 years.

But producing and marketing even a fraction of this immense energy potential will require massive development.

If Colorado's energy is even partially developed, no fewer than 25 new communities would be needed for Colorado and the Rocky Mountain West over the next 10 to 20 years. Colorado's population potentially will increase

more than 100 percent; if this happens, at least 40 new schools, 28,000 miles of roads, 71,000 homes must be built; road bridges—once only crossed by schoolbuses—must be converted to support 18-wheel dump trucks. Dozens of municipal buildings, jails, courts, water treatent facilities, hospitals—the list seems endless—must be erected.

Colorado's energy development has had a checkered past. Coal and oil shale development projects have been started, closed and started again at almost a dizzying pace. Even though large-scale energy production has not yet begun, Colorado is already experiencing acute growing pains. Population in western Colorado is already up 25 percent in less than a decade. Demands on water supply are already severe. Where less than a decade ago violent crime was unheard of in some frontier towns, some cities are faced with 400-percent and even higher increases in violent crimes. Housing is scarce; incredibly, there is no measurable apartment vacancy rate. And when housing is found, it is expensive.

Already Colorado's environmental shroud is beginning to tear; the State's renowned lakes and streams are under enormous fishing pressure; dust from mining and construction is sometimes making it difficult for some in Colorado to breathe; traffic congestion is at times worse than that experienced in New York City.

Right now, two major oil shale projects are underway. Union Oil's first commercial-size shale plant will begin production this year. Union is already planning construction for a larger plant that will extract oil from shale in 1988.

The second shale project—Cathedral Bluffs—is now in final negotiations for a $2 billion Federal loan guarantee from the Synthetic Fuels Corporation to begin plant construction.

Just these two projects alone will create 5,000 new jobs in communities that now cannot house or provide the necessary services to its current populations.

These human needs are great, varied and expensive to satisfy. But before any large-scale development takes place, these needs must be met immediately. Hospitals and roads cannot be erected after the population arrives; they must be in place beforehand. The same is true for water treatment facilities, schools, jails, and all the other essentials of urban living.

And so the dilemma: Social chaos will result if needed facilities are not available before, or at least when, the population booms. Yet such facilities are financed by property taxes which become available too late. Indeed it takes at least 2 years from the time that new commercial and residential properties are constructed for them to be assessed and tax payments to begin.

This 2 year "tax lag" is an acute problem in western Colorado. One study shows that the capital needs of Colorado's new and booming towns will exceed revenues by more than a 5-to-1 margin, and it is not inconceivable that this deficit may never be made up.

As it so often happened in the past, Coloradans are meeting these growth problems head-on with creativity and resourcefulness. Elected officials are rewriting their policies to do all they can to insure that development keeps pace with social needs. No less than a dozen citizens commissions are analyzing future energy-related growth, and estimating what facilities are needed where and when.

The State legislature has enacted legislation to allow firms to prepay their State and local property taxes, and these prepaid taxes—the amount an energy firm will owe the State the next 5 to 15 years—will help finance facilities needed today.

The legislature has also enacted severance taxes which will raise money once energy production begins.

To their credit, energy firms are contributing significant energy impact sums in anticipation of future profits. One firm, Union Oil, will invest more than $60 million, including $22 million to house employees and $12 million to help upgrade local roads, increase police protection and water treatment, build a new school, and finance new fire protection and recreation services. Western Energy Corp. just signed an agreement to provide more than $60 million to offset impacts caused by a new coal mine. Another firm will finance a new school with interest-free loans. Other firms are following suit.

Although the sums contributed by energy firms are significant, they do not meet all the needs created by resource development. Fortunately, energy firms want to contribute more, and every impact aid dollar is feverishly desired by local officials.

What hinders energy firms from contributing more money is Federal tax law. Even though the Federal Government has the most to gain from energy development—at least $40 billion in new tax revenues and achievement of its national goal of energy independence—Washington has been strangely silent about the needs created by energy development. Worse, tax policy discourages local initiatives to resolve the problem.

One fact must be made clear. No one in Colorado expects large Federal energy impact aid programs nor, frankly, are such programs wanted. We are aware that, with a Federal budget projecting $200 billion in future deficits, it is unlikely that a costly Federal direct aid program will be created. Moreover, Coloradans oppose traditional Washington solutions that only throw money at a problem. With some exceptions, such programs are uncertain, undesirable, have no return on the original investment and are insensitive to local needs.

But what Colorado rightfully expects is the Federal Government to end those practices that interfere with local energy impact initiatives.

That is the goal of the legislation I am introducing today.

There are two inequities in current tax law that my bill seeks to address. First, the Internal Revenue Service gives energy firms a Federal tax deduction for paying their State and local taxes, but only 1 year at a time. Thus, a company has an incentive not to prepay its State and local taxes, even though Colorado law allows it to do so, because Federal tax law only gives a tax deduction for paying year by year. The bill I am introducing permits energy firms to prepay State and local taxes and get a Federal tax deduction for doing so.

The second obstacle in tax law is that it provides no certainty about the tax treatment of expenses incurred by industry for energy impact assistance. Contributions made by energy firms to local governments that finance community facilities should be a normal business expense, and therefore federally deductible the same year it is made, but it is not. Energy firms lack clear guidance about what constitutes deductible expenses for energy impact assistance. The Internal Revenue Service has made one arbitrary ruling after another in this area. The result? There is no financial incentive—in fact, there is a powerful disincentive—for energy firms to work hand in hand with State and local governments to provide the necessary services.

There are several reasons for the tax uncertainty that is so pervasive in this tax area. First, expenses are only deductible if they are made by a "going trade or business." The problem with oil shale development is that it is a capital-intensive industry with long leadtime necessary before production begins. Thus, the Internal Revenue Service has ruled that energy impact contributions are not deductible in the year made; rather, they are capitalized as a cost of the total project, making tax relief possible only at the sale of the project or at the end of the useful life of the project.

The second problem is section 167 of the Internal Revenue Code, the charitable contributions section. This section provides deductions made for contributions to a civic or charitable purpose. To qualify as a deduction under this section, the contribution can only be for a "benevolent purpose" and cannot benefit the firm making the contribution. Thus, if a firm provides funds to build a school for the children of a community in which its employees will live, the firm cannot

deduct these expenses under section 167.

To eliminate any uncertainty, my legislation creates a new section in the tax code providing deductions for energy impact expenditures. My approach is simple. Energy firms whose assessed value exceeds $50 million upon completion will be able to deduct contributions in the year made for facilities or services contributed to State and local areas where there is significant energy development.

Is this legislation necessary? Let me quote from a few of the letters I have received:

. . . the only relief offered for money advanced for mitigation of socio-economic impact is prepayment of future "ad valorem" or severance tax . . . Allowing this (prepayment) to be expensed in the year it was expended would be extremely helpful . . . properly constructed tax benefits to encourage support of community facility development should not have to be limited—they could be planned to give the developers incentive to minimize them.—Roger Loper, President, Chevron Shale Oil Company.

. . . The tax treatment of sums contributed to help finance community development projects designed to mitigate socio-economic impacts varies according to the circumstances of each gift. To encourage impact mitigation contributions, legislation should permit payments credited against future tax liabilities to be deducted in the year paid rather than in the year of tax obligation.—F. D. Dennstedt, Senior Vice President, Exxon Company, U.S.A.

There is no specific provision of the Internal Revenue Code covering amounts contributed to mitigate socio-economic impacts. Depending upon the circumstances surrounding a particular contribution and the nature of the assistance, expenditures incurred may or may not be deductible for federal income tax purposes. This uncertainty quite often causes needless concern in the decision-making process regarding potential impact assistance . . . legislation encompassing a current deduction for such expenditures is badly needed.—John M. Hopkins, President, Union Oil.

(legislation to) encourage the prepayment of state severance taxes and property taxes would encourage the utilization of this method to provide the upfront financing of local facilities and services impacted by such development.—Harry Bowes, Executive Vice President, Colorado Counties, Inc.

Here is how my bill would work once it is enacted: First, if a State allows for prepaid property taxes and the taxes are used for needs related to energy growth, large energy projects—at least $50 million in taxable property or in projected income—can prepay its State taxes, and deduct such payments in the year the payment is made.

Second, my bill creates a new section in the Internal Revenue Code that provides a deduction for energy impact assistance expenditures. Large energy firms will qualify for this deduction if their energy impact contribution is paid to a unit for State or local government to help pay for facilities or services the entire community can use, like hospitals, roads, schools, parks, fire and police protection, water supply, and governmental administration.

Consider a real life example of the current problems, and how my legislation offers a solution.

Union Oil is building a $500 million, 10,000 barrel per day oil shale plant that will be finished by mid-1983. It has contributed substantial sums to impact mitigation, more than $60 million. Let us look at a specific example—a $500,000 cash contribution made to Parachute for fire protection for the town.

They cannot write the cost off as a civic and charitable contribution because they theoretically will make use of the fire services, so they do not meet the benevolence test now required in law. They cannot claim it as a cost of doing business because the principal beneficiary is likely to be the town of Parachute, and not the company.

They are likely to capitalize to include the cost as part of the total cost of the project, and then depreciate it over the useful life. A $500,000 contribution added to a $500 million project will not provide a tax incentive to make this and other types of contributions.

This legislation is consistent with what I believe should be the purpose of both national and local energy policy: To build energy projects that are technically sound, environmentally responsible and financially rewarding—all located in communities whose facilities, services, and infrastructures can support, with minimum stress, the needs of thousands of employees and their families who will be needed to operate and maintain each of these projects.

This legislation accomplishes this goal in three ways:

First, it removes Federal tax obstacles preventing full local government-industry cooperation in jointly planning any large energy projects. Essentially, this bill removes the Federal Government as a negative force in energy project planning and energy impact mitigation. Local governments will be free to negotiate the best deal they can about how much financial help will be required from new developments before the necessary State and local permits will be issued. Both the energy firms and local officials will know that whatever sums are contributed, they will be deductible from Federal tax returns.

The fact remains unchallenged that healthy communities mean increased morale, less turnover, higher productivity, faster construction and lower costs in energy development in the long run. Thus, energy firms will ultimately save vast sums if they pay—as many are willing to do—adequate attention to front-end community impact mitigation measures. It also encourages communities and companies to become allies instead of adversaries in planning for the future.

Second, the bill provides tax certainty and tax simplicity. Energy firms that meet limited criteria will know for certain if they can deduct from their Federal returns their prepaid taxes or energy impact contributions on line faster.

Third, the bill will not, over time, lose revenues from the Federal Treasury. For the most part, this legislation only accelerates Federal tax deduction; it does not create any new Federal tax subsidy. In fact, this bill will likely accelerate revenues for the Federal Government as it will help reduce delays in meeting socio-economic energy impacts associated with large-scale energy production. With these delays, reduced energy production can begin faster, as will Federal revenues.

Fourth, this bill will benefit all communities nationwide feeling the burdens associated with energy development. This is not a bill of special interest in Colorado and the Rocky Mountain West. Whether it is a new coal mine in Pennsylvania, or a major drilling operation in Texas, or a new synfuel plant in Kentucky, energy impacted communities will profit from this legislation.

It has been endorsed by the Colorado Municipal League, Colorado Counties, Inc., National League of Cities, Rocky Mountain Oil and Gas Association, and individual oil and gas firms.

Hearings were held on this legislation in Grand Junction, Colo., and Evanston, Wyo. All of the public witnesses enthusiastically endorsed this legislation.

Mr. President, I urge enactment of this legislation.

For the benefit of my colleagues, Mr. President, I ask unanimous consent that at this point in the RECORD letters that I have received endorsing this legislation be inserted, and that an explanation of the bill developed by the Joint Tax Committee be inserted as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLORADO MUNICIPAL LEAGUE,
Denver, Colo., March 26, 1982.

Hon. BILL ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: We want you to know of our continuing support for S. 1919 and our willingness to testify when hearings are scheduled. We certainly would encourage and appreciate regional hearings in the state. We commend you for the approach taken towards energy impact mitigation in this legislation. Prepayment deductions will give companies an important incentive to provide the "up-front" financing needed by local governments in dealing with energy development.

Our Energy Impact Committee, chaired by Rangely Mayor Peggy Rector, studies

issues regarding energy development affecting cities and towns, and wishes to convey formally several points on S. 1919.

First, the Committee feels some type of state and local government consultation to the Treasury Department ought to be built into the bill. We have a statutory process in Colorado for the review and approval of state severance tax prepayments. Our city and town officials believe that it has worked reasonable well. The Committee feels that such consultation is important as a means of reviewing what impact mitigation plans and policies a company has developed. We believe that the Treasury Department should give consideration to such consultation in acting upon a prepayment request. As municipal officials, however, we are not asking for any type of veto over a prepayment request, merely consultation.

Secondly, the Committee feels that the $50 million threshold for eligible facilities may treat unfairly smaller companies which may be just as willing to prepay taxes as larger companies. Perhaps some revision is necessary here.

Finally, the Committee especially supports the feature in your legislation which allows a company to claim a deduction for the underwriting of any local government bonds or issues used to finance public services or facilities.

As always, we appreciate your consideration of our views and look forward to working with you on enactment of S. 1919.

Sincerely,

KENNETH G. BUECHE,
Executive Director.

COLORADO COUNTIES, INC.,
Denver, Colo., October 15, 1981.

Senator WILLIAM ARMSTRONG,
Senator GARY HART,
U.S. Senate,
Washington, D.C.

DEAR SENATORS ARMSTRONG AND HART: Colorado Counties, Inc. together with the counties in Northwest Colorado directly and indirectly affected by potential oil shale development appreciate your recent announcements to introduce bills that would encourage prepayment of oil shale royalties and taxes. Your proposals to provide tax incentives for such prepayments has the wholehearted endorsement of this organization.

The prepayment of both state severances taxes and property taxes was specifically authorized by the Colorado General Assembly this year. Your bills would encourage the utilization of this method to provide the upfront financing of local facilities and services impacted by such development. Prepayment of federal rentals and royalties would also be encouraged.

The legislature this year also increased the amount of federal mineral royalties for energy impact assistance and distributed the entire balance of the Oil Shale Trust fund in order to deal with energy impacts. We appreciate your efforts at the federal level to address this important issue.

We also believe that pending legislation to amend federal oil shale leasing procedures should also address the socioeconomic impact issue. We encourage your joint support of language to recognize Colorado statute 34-63-104 related to oil shale leasing funds (see attachment). Your assistance to have the federal laws be consistent with Colorado law would be appreciated.

Please let me or Jim Evans of my staff know if you have any questions on this issue.

Sincerely,

HARRY P. BOWES,
Executive Director.

ROCKY MOUNTAIN OIL
& GAS ASSOCIATION, INC.,
Denver, Colo., January 21, 1982.

Hon. WILLIAM L. ARMSTRONG,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ARMSTRONG: This letter is to offer the support of the Rocky Mountain Oil and Gas Association Committee on Oil Shale for your recently introduced legislation, The Energy Community Self-Help Act of 1981.

Hopefully, with the support of industry and state, county and local governments, this legislation will be enacted in 1982 and provide a means to assist local governments with the financial impacts in energy impacted areas.

If we may be assistance in furthering S. 1919, do not hesitate to contact me or Jess Cooper at our RMOGA office in Washington, D.C.

Again, our thanks for your sponsorship of S. 1919.

Sincerely,

D. ROGER LOPER,
CHAIRMAN,
RMOGA Committee on Oil Shale.

WRITTEN STATEMENT OF PHILLIPS PETROLEUM CO.

Phillips Petroleum Company, an integrated energy and chemicals company headquartered in Bartlesville, Oklahoma, is pursuing oil and gas, oil shale, geothermal, tar sands and other energy and strategic minerals exploration and production activities in the United States and, in particular, areas of the Rocky Mountains and Trans-Mountain West including the states of Colorado, Wyoming, and Utah. Phillips recognizes and understands that large-scale energy development can impose a temporary burden upon communities and local governments during the early stages of such development due to rapid population growth and the resultant demand for public services.

Phillips Petroleum Company supports enactment of S. 1919, the "Energy Community Self-Help Act of 1981," introduced by Senators Armstrong and Wallop. S. 1919 provides a simple and direct method to enable orderly and harmonious energy development to go forward by allowing energy projects to prepay state or local taxes, to make community assistance contributions, and to deduct such payments in the year such payments are made.

The bill addresses one of the major problems faced in achieving the national goal of developing secure and reliable domestic energy sources. This problem is commonly called the socioeconomic impact of energy development, referring to the impact that additional population associated with large-scale energy projects has on essential community facilities and services in largely rural areas. Large-scale energy projects take years to start up. A crucial question facing local governments, where our projects are planned, is how communities will finance the facilities and services necessary to serve the increased population, especially during the construction phase of energy projects. We are directly concerned because our employees will someday work in these communities. A stable, productive workforce is esential to a viable project. We also are aware of the large responsibility local governments have in ensuring the availability of essential public facilities and services when are needed. Our strong desire is to work with the affected local governments to achieve this objective.

S. 1919 will assist affected local governments and us in fostering cooperative planning efforts for our projects. By authorizing current year federal deductions for prepayment of state and local taxes, S. 1919 would allow us to move revenues derived from our future state tax liability to the present when the revenues are needed to finance community expansion and new development.

Colorado and Utah have enacted excellent statutes which authorize prepayment of ad valorem and other taxes. However, under existing federal law, we are faced with the dilemma that prepayment of state taxes does not qualify for federal deduction until the year in which state tax is actually due. The Internal Revenue Service has announced in several Revenue Rulings such as Rev. Rul. 60-133 and Rev. Rul. 63-55 that an accrual basis taxpayer may not deduct more than twelve months' state tax payments in any tax year. This general principal has also been followed in numerous court cases such as U.S. v. Anderson, 269 U.S. 422 (1926) and Budd International Corp., 143 F2d (CCA 3rd, 1944).

For these reasons, federal law actually provides a significant disincentive for prepaying state taxes, even though Colorado and Utah state law auhtorizes such prepayments. S. 1919 would enable local communities to help themselves by providing an incentive for prepayment of taxes. While federal tax deductions would be accelerated, no new federal tax subsidy would be created.

The bill would also clarify an ambiguity in existing law as to the tax treatment of expenses incurred by project sponsors for community development assistance. Currently, the Internal Revenue Code does not contain a specific provision pertaining to community development contributions, although Section 167 addresses deductions made for charitable or civic purposes. The tax treatment of community assistance contributions intended to mitigate socioeconomic impacts varies depending on the circumstances surrounding the contribution and the nature of the contribution. In most cases there is substantial uncertainty, under current law, as to whether a contribution will qualify as a deduction. The prevailing Duberstein Doctrine (see Comm. v. Duberstein, 363 U.S. 278 (1960)) which requires that charitable gifts must be made with ". . . detached and disinterested generosity" disqualifies most community assistance payments because there is, frequently, at least an incidental benefit to the contributor. S. 1919 would remedy this problem by clearly stating that deductions will be allowed for qualified energy impact assistance contributions.

In summary, Phillips feels that S. 1919 treats two substantial stumbling blocks or disincentives to close cooperation between affected communities and energy project developers. We appreciate the opportunity to comment on the proposal and support its passage.

DESCRIPTION OF S. 1919 RELATING TO THE ENERGY COMMUNITY SELF-HELP ACT

INTRODUCTION

The Subcommittee on Energy and Agricultural Taxation of the Senate Finance

Committee has scheduled field hearings on S. 1919 on April 16, 1982, in Grand Junction, Colorado, and on April 17, 1982, in Evanston, Wyoming. The bill (introduced by Senators Armstrong and Wallop) would permit taxpayers to deduct currently the prepayment of qualified energy impact assistance expenditures and to deduct energy impact assistance contributions.

This document, prepared in connection with the April 16 and 17 Subcommittee hearings, provides a summary of S. 1919, and a more detailed description of the bill, including present law, issues, and effective date.

I. SUMMARY

Present law

State and local taxes paid in connection with a taxpayer's trade or business are deductible in the year paid or incurred in computing Federal income taxes. Taxpayers who voluntarily prepay deductible State or local taxes before the year to which such taxes relate may not deduct them before the year in which they accrue.

Taxpayers are allowed deductions for contributions made to or for the use of a State, a possession of the United States, or any political subdivision of a State, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes. Contributions to a governmental entity which inure to the benefit of the donor are not considered to be made for exclusively public purposes and do not qualify as deductible charitable contributions.

S. 1919

The bill would allow taxpayers to elect to deduct prepayments of State and local taxes in the year of the prepayment, if the proceeds of such tax prepayments are to be used by the State or local government to meet needs incidental to population growth arising out of the operation of major energy and resource development activities.

The bill also would allow taxpayers to deduct energy impact assistance contributions of cash or property to a State or local government to be used to provide certain public facilities and services as a result of population growth arising out of the operation of major energy and resource development activities.

II. DESCRIPTION OF THE BILL

Energy Community Self-Help Act

A. Present Law

Under present law, taxpayers may deduct from their Federal income tax certain State and local taxes paid or incurred in the taxpayer's trade or business. Under general annual tax accounting rules, allowable deductions may be taken by cash basis taxpayers in the year in which payment of the deductible amount is made. Under the accrual method of accounting, an expense is deductible for the taxable year in which all the events which determine the fact of the liability have occurred, and the amount of the deduction can be determined with reasonable accuracy. Deductible State and local taxes may be deducted by cash basis taxpayers in the year payment is made, and by accural basis taxpayers only in the year in which the tax liability accrues.

Taxes are properly deductible as they accrue. Even though some State and local jurisdictions have authorized the prepayment of State and local taxes, taxpayers who voluntarily prepay these taxes before the year for which such taxes are allocable may not take a deduction in the prior year for Federal income tax purposes.

Furthermore, if a taxing jurisdiction changes the time for imposing a deductible tax so that the tax would be deductible in an earlier period under the accrual method, an accrual basis taxpayer may not deduct the tax in the earlier period. Instead, the taxpayer may deduct the tax in the period that the tax otherwise would have been deductible as if the taxing jurisdiction had not changed the time for imposing the tax.

Under present law, taxpayers may deduct contributions made to or for the use of a State, a possession of the United States, any political subdivision of a State, the United States, or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes. Contributions to a governmental entity which inure to the benefit of the donor are not considered to be made with the requisite detached and disinterested generosity necessary to qualify as a deductible charitable contribution.

B. Issues

(1) Should taxpayers be allowed to deduct prepayments of State and local taxes in the year paid, rather than in the year to which such taxes relate, if the prepaid amounts are used by the State or local government to meet needs incidental to population growth in the area arising out of the operation by the taxpayer of major energy and resource development activities.

(2) Should taxpayers be allowed to deduct energy impact assistance contributions to a State or local government to be used for certain public facilities and services, even though such taxpayer receives direct and indirect benefits from such contributions.

C. Explanation of the bill

S. 1919 would add two new sections to the Internal Revenue Code which would allow taxpayers to currently deduct, in computing their Federal income taxes, prepayments of certain State and local taxes, and would also allow a deduction for certain energy impact assistance contributions.

Prepaid Energy Impact Assistance Expenses.—Under the bill, taxpayers would be allowed to elect to deduct prepayments of certain State or local taxes in the year payment is made, if such payment constitutes a "qualified energy impact assistance expenditure." Prepayments of such State or local taxes would normally only be deductible in the later taxable years to which these taxes were properly allocable.

A "qualified energy impact assistance expenditure" would be any expenditure or contribution which (1) represents a State or local tax, fee, rent or royalty, (2) is required or permitted under State or local law to be prepaid in a year prior to the taxable year to which it is allocable, and (3) is to be used by the State or local government to meet needs incidental to population growth arising out of the operation of major energy and resource development activities.

To qualify as an energy impact assistance expenditure, prepayments of State or local taxes must be made in connection with the operation of major energy and resource development activities.

These activities are defined in the bill as the development, operation, and construction of certain types of facilities the capital cost of which exceeds $50,000,000, or the gross income from which will exceed $50,000,000 over the life of the facility. The bill does not explicitly restrict the availability of these deductions for prepaid taxes to the taxpayers who are developing, operating, or constructing these facilities.

The operation of major energy and resource development activities means the development, operation, and construction of (1) any facility used primarily for exploring, producing, extracting, processing, converting, or refining of materials including, but not limited to, a mine, powerplant, mill, retort, or related facility, (2) any facility operated in connection with a synthetic fuel project, or (3) an electric generation facility designed to consume coal located in the immediate area of such facility.

Energy Impact Assistance Contributions.—Under the bill, taxpayers would be allowed a deduction for contributions of payments of cash or property to a State or local government to be used to provide certain public facilities and services as a result of population growth arising out of the operation of major energy resource development activities, as defined above.

A deduction would be allowed for any amount or property paid or contributed to a State or local government to be used to provide qualified public facilities and services, or for any amount or property paid, contributed, or incurred directly for qualified public facilities and services provided to the State or local government, with respect to which a deduction or credit is not otherwise allowable under Federal income tax laws.

Qualified public facilities and services include, but are not limited to, facilities and services provided in connection with roads, schools and education, parks and recreation, housing, governmental administration, fire and police protection, water supply, waste water collection and treatment (including drainage), and hospital and health care.

Under the bill, an amount paid for qualified public facilities or services would include 1) any loss recognized by the taxpayer on State or local government obligations which the taxpayer had purchased if the proceeds of the obligations are to be used to provide qualified public facilities or services, or 2) any amount the taxpayer pays as a guarantor of State or local government obligations used to provide qualified public facilities or services.

D. *Effective Date*

The provision of the bill would apply to taxable years beginning after June 30, 1980.●

● Mr. WALLOP. Mr. President, I join my good friend and colleague from Colorado, Senator ARMSTRONG, in introducing the Energy Community Self-Help Act of 1983. This legislation, which is essentially identical to legislation we introduced during the 97th Congress, is designed to give communities an additional tool in dealing with the problems they face when expansive energy development brings on population growth which could neither be expected nor anticipated.

With a glut of oil on the world market, and a recession within our borders that dampened domestic energy consumption, the United States has found itself in the unusual position of having more energy resources available than it can use. Falling prices and growing reserves have also served to take some of the lustre from Wyoming's glowing energy economy. Over the course of just a very few months, the percentage of unemployed in my home State of Wyoming more than doubled. Active drilling rigs

in Wyoming fell from over 200 to 35 percent that amount. Instead of dealing with the problem of finding places for the employed to live, we are working hard to bring an economy back to life and bringing jobs back to the unemployed. But, as this Nation's economy comes back to life, the need for the energy resources of Wyoming will continue to grow. The energy resources are there: the coal; the oil; the natural gas; and the uranium all will be called upon to continue to satisfy this Nation's thrist for energy.

As the need for energy grows, the manpower necessary to extract the resources, process it, and transport it grows as well. In sparsely populated areas of the country, the influx of men, women, and children answering the call of employment put incredible pressure on the existing services and facilities of a typical rural community. And, what is the promise of a new future for some, can turn into what seems to be an endless nightmare for others.

The principal problem faced by Wyoming communities, and other communities which face the same kind of population boom caused by energy development is that of up-front money; the up-front money that is necessary to provide water and a place to store it, additional sewer lines and treatment facilities, streets and streetlights, fire and police protection, and schools and hospitals. It is a problem which is exaggerated when growth demands the need for those facilities and services long before the tax base exists to support them. Eventually the additional community development which must take place to service the growth will pay for itself, but city mayors and town councils find that of little consolation when they must suffer a hostile environment in the short run.

Mr. President, with budget deficits which test the $200 billion threshold, it is evident to all that the amount of Federal dollars which will be spent to mitigate the impacts of these severe influxes of workers and their families will be, at best, extremely limited. But whether it be Kemmerer, Wyo., or Parachute, Colo., or any of a number of other communities across the country, the need for assistance persists. The passage of this legislation can certainly provide those communities with another tool to assist them in meeting the needs of their growing numbers. There is no new Federal bureaucracy created, and minimal revenue loss to the Treasury. It simply recognizes the resources which are already at the communities fingertips, but which it cannot quite reach without the help of this bill.

The first aspect of this legislation recognizes that fact, that at some point, when the tax base has developed, most communities will have the resources to support their new growth. The problem is getting to that base when the money is of the utmost importance—up front. Some States, including Colorado and Utah, have legislation which authorizes companies to prepay estimated taxes and fees so that energy impacted communities will have the benefit of that future tax base at a time when the revenue is sorely needed. In my home State of Wyoming, the Wyoming Legislature continues to struggle with the constitutional problem which prevents such tax prepayments. However, this legislation at least removes the obstacle presented by the Federal Tax Code, by providing that any such prepayment of taxes will be currently deductible instead of deductible only when the taxes are actually accrued and payable.

In addition, this legislation encourages the companies working with the impacted community to use some of their own resources to help mitigate its own impact on the community. In Wyoming, the Overthrust Industrial Association has taken great strides in helping communities fund and plan for the impacts of population growth. For many companies, there is a very strong recognition of the fact that a more pleasant living environment reduces manpower turnovers and maintains productivity. It is very much in their own self-interest to assist communities however they can. But, the Tax Code does not make their job any easier. Under existing law an energy company can never be quite sure whether an expenditure or contribution to or on behalf of a community will be deductible or required to be capitalized and amortized over the life of the project. Whether it be a cost of doing business, a condition of doing business, or pure benevolent behavior, we should not discourage companies from making expenditures which benefit the entire community. For that reason, this legislation makes it clear that payments or contributions of money or property to be used for qualified public purposes shall be fully deductible for tax purposes.

Mr. President, last year Senator ARMSTRONG and I traveled to Colorado and Wyoming to listen to the people who have had to deal with these problems on a day-to-day basis. They are good people who want to do nothing more than provide adequate living conditions for their residents. They face some of the same problems and some very unique problems. But, in the final analysis they are problems they can deal with if we give them the tools to do it. They view, and Senator ARMSTRONG and I view, this legislation as one tool that will make those problems that much easier to handle.●

By Mr. ARMSTRONG:

S. 1898. A bill relating to deposit relief for small business; to the Committee on Finance.

DEPOSIT RELIEF FOR SMALL BUSINESS

● Mr. ARMSTRONG. Mr. President, the strength of American economic recovery is rooted in the ability of American businesses to tend to their business efficiently and effectively.

Today, I am introducing legislation that will help small businesses to do just that. This bill would free up employers from needless paperwork and provide more working capital for businesses with usually less than 20 employees. This proposal would enable employers with less than $5,000 in monthly withholding to deposit only once a month rather than as frequently as 8 or 10 times a month as is currently the practice. According to current IRS provisions, only businesses with less than $3,000 in monthly withholding deposit monthly. This legislation then would simply raise the threshold for those who file monthly by $2,000. For withholding of less than $500 and over $5,000, current regulations governing deposits would apply.

Deposit rate relief is vital to small businesses which rely on limited capital to maintain their productivity. The frequency of payments they must make to the IRS severely ties up their cash flow, starving them of the capital which keeps their businesses in operation. In light of the many tax increases which were imposed in the recent social security bill, many employers simply must have that working capital in order to continue providing their services. In a survey just completed, small businessmen and women ranked cash flow as one of the most serious problems facing small businesses.

Not only does this legislation free up capital for businesses' use, but it also frees businesses from needless paperwork and from the threat of falling behind on their payments thus incurring penalties and further loss of capital. The burden of complying with current deposit requirements is simply a weight which these struggling businesses simply should not be required to bear.

Deposit rate relief is one of the highest legislative priorities of many small business groups and small business men and women. This bill is endorsed by the National Federation of Independent Business and other groups. Let me quote from a few comments I have received about current high payroll taxes, and the burden of complying with current deposit requirements.

A Ganado, Tex. small business owner writes, social security and withholding deposit penalties are too high.

With the cash flow as slow as it is in small business, it really presents a problem to make the social security deposits on time and then to have to

pay the penalties on top really creates a financial burden on small business.

A Huntington Beach, Calif., owner of a plumbing company writes:

In the years that I have been in business, I have almost without exception received each and every quarter a notice from the IRS that a penalty is due on my account . . . each and every time I have to rework the figures to prove the IRS incorrect. The problem I find, in talking to business people like myself is that they have little or no office staff and wind up paying the penalties due to a lack of time to check them out.

A Breakville, Ohio, businessman wrote simply:

If social security taxes are raised in the future, we may be forced out of business. It is already a heavy drain on our cash flow per month and it is very common for us to fall behind in our payments and end up paying ridiculous penalty and interest for doing so. It simply cannot be helped as all of our work is done in credit and we must rely on the faith of our customers to pay us on time so that we may meet our obligations.

Furthermore, codification prevents the IRS from issuing rules which would further accelerate deposits to meet government needs. In 1980, the IRS increased the frequency of deposit by business from four times a month up to eight times a month for large business. This increase was enacted without a single act of Congress.

Finally, revenue estimates for a 10-year period beginning at the date of this proposal's enactment reveal only marginal losses in social security and general revenue.

Mr. President, this bill merits quick hearings and early enactment for the sake of small businesses and for the sake of American economic recovery. Let me point out that this is not a controversial bill. An identical amendment earlier passed the Senate by a vote of 96 to 0 during the social security debates.●

By Mr. HATCH:

S. 1899. A bill to amend the Internal Revenue Code of 1954 to permit certain scientific or educational organizations to issue tax-exempt bonds to finance scientific or educational facilities or equipment; to the Committee on Finance.

SCIENTIFIC RESEARCH ACT OF 1983

● Mr. HATCH. Mr. President, I am introducing the Scientific Research Act of 1983, which will simplify section 103 of the Internal Revenue Code of 1954, so that universities and colleges may be able to use debt-financing as a means of improving their scientific and technological research capacity.

It has been estimated that, at the present time, research facilities and equipment which are critical to basic research in U.S. institutions of higher education lag 10 years behind the instrumentation in European and Japanese universities. Foreign institutions have been able to improve and expand their research equipment at a pace more consistent with the advancements in scientific measuring and computing technologies than U.S. institutions.

Today, universities and colleges have only limited funds in university budgets, endowments, and Government grants, and contracts to acquire new equipment. But, because of the irregularity and unreliability of these funds, there has been little, if any, improvement. Thus, several universities have turned to debt-financing as a means of upgrading their research abilities.

Debt-financing is the use of debt instruments, such as a bond or a note, to acquire equipment for immediate use. This form of financing offers several advantages. First, since scientific progress does not stop and wait for a Government equipment grant, which may or may not arrive, debt-financing is a method of financial planning and management that allows the university to use the equipment and facilities immediately and to strike while the iron is hot. Debt-financing would provide instrumentation at a relatively low cost, because tax-exempt interest rates are generally lower than the inflation rate, so that even while including interest costs, the equipment is being acquired at a lesser cost.

Although debt-financing has proven advantageous to some institutions, it also has complications that have deterred others from using this method of financing the purchase of equipment. For instance, instruments of debt-financing, such as revenue and municipal bonds and revolving lines of credit, are so involved and difficult to implement as to require the assistance and counsel of investment bankers and legal tax experts. This bill seeks to simplify these complications and impediments and this means of procuring expensive, though badly needed, scientific instrumentation.

This bill will make debt-financing more feasible for America's universities. This would be achieved by simplifying section 103 of the Internal Revenue Code of 1954 such that interest on the obligations of colleges, universities, and not-for-profit scientific organizations for the acquisition of equipment and facilities for scientific or educational purposes will be tax-exempt. If our educational institutions can acquire state-of-the-art instrumentation, our Nation will benefit through their ability to conduct state-of-the-art research. Tax-exempt interest on debt-financing for scientific equipment will provide an important catalyst for the investment in university research.

Colleges and universities need the financial options that can aid them in increasing their research capabilities as well as in educating men and women in science and engineering who should be capable of handling modern research equipment. The potential positive impact of the financial method encouraged by this bill is significant and I hope my colleagues will support this legislation.●

By Mr. CRANSTON:

S. 1900. A bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity and eliminate wage-setting practices which discriminate on the basis of sex, race, or ethnicity and result in discriminatory wage differentials; to the Committee on Labor and Human Resources.

PAY EQUITY ACT OF 1983

Mr. CRANSTON. Mr. President, I am today introducing S. 1900, the proposed "Pay Equity Act of 1983." This legislation is aimed at helping bring an end to what is one of the most devastating economic problems facing millions of American women and their families and one of the most pervasive forms of employment discrimination in our society—the refusal of many employers in both the public and private sectors to pay female employees fair and equitable wages for the work they perform.

Mr. President, this type of discrimination against female employees has persisted despite the existence of applicable State and Federal laws and directives and court decisions outlawing gender-based wage discrimination. Unfortunately, the existence of these laws and court decisions has not been translated into elimination of these unlawful practices. What is clearly needed is a strong national commitment to ending once and for all the practice of paying certain employees lower wages because those employees are female.

The legislation I am introducing today is aimed at compelling those Federal agencies responsible for enforcement of our Federal equal employment opportunity laws to begin an aggressive campaign to enforce these laws and help bring about an end to wage discrimination.

THE PROBLEM: THE WAGE GAP

Mr. President, I am sure that every Member of this body is acutely aware of the enormous gap between the average earnings of female workers and the average earnings of male workers. Today, full-time female workers earn 59 cents for every dollar earned by similarly situated male workers. Indeed, in recent years the earnings gap between men and women has not declined, but, in fact, has widened. In the 1950's, full-time female workers earned 64 cents on the average for every dollar earned by a full-time male worker. The gap is even wider today for minority women; the ratio is 54 percent for black women and 49 percent for Hispanic women.

The disparity between the average wages earned by female workers and

those earned by male workers exists today in every profession, occupation, or field of employment and at every level of experience. It persists in male-dominated fields. It persists in female-dominated fields. It persists in the new occupational fields that have not yet become sexually stereotyped.

For example, female engineers earn only 86 percent of the salary of male engineers; female college professors and lawyers receive only 71 percent of what their male counterparts earn. Although 60 percent of the retail sales clerks are female, they earn only 67 percent of what male clerks earn. Average starting salaries for female Harvard MBA's are reported to be $2,000 less than those paid to male MBA's. Entry level male college lecturers average $13,577; females, $11,870. Sex bias in wages has even appeared in the computer field. In 1981, the median weekly pay for female computer operators was $355; for males, $488.

Mr. President, the overall wage gap has been closely and repeatedly studied by researchers. Variables such as attachment to the work force, level of experience, education, job commitment, and similar factors have been examined in various studies. These studies attempting to explain the difference in earnings between male and female workers have been able to account for generally less than one-fourth and never more than one-half of the earnings differential on the basis of different labor force participation patterns of male and female workers. Virtually every researcher has concluded that there remains a large gap which can be explained only by the existence of discriminatory employment policies.

PAY EQUITY: EQUAL PAY AND COMPARABLE PAY

Mr. President, two distinct forms of wage discrimination contribute to the earnings gap. The first involves the problem of equal pay for equal work. The second involves the problem of comparable pay for work of comparable worth.

The first—equal pay for equal work—is relatively simple to understand and has clearly been unlawful since the passage of the Equal Pay Act in 1963. That law provides that it is unlawful for an employer to discriminate between employees on the basis of sex by paying lower wages than those paid to employees of the other sex for equal work. Prior to the enactment of the Equal Pay Act, many employers openly paid female workers lower wages for performing the same work as male workers.

Unfortunately, this parctice continues today, albeit in more subtle forms. Employers no longer argue—as they did prior to 1963—in favor of lower pay for female workers on the grounds that women need less than male workers. Instead, they develop creative rationalizations for paying women less than men for substantially identical work. The Federal Equal Pay Act actually encourages this creativity since it provides four defenses which an employer may raise when a violation of the act has been alleged. The fourth defense—that the discrimination was based upon a factor other than sex—invites employers to develop arguments that the apparent discrimination is actually based upon a factor other than sex. For example, employers have argued that the willingness of female workers to work for lower wages constitutes a factor other than sex which would justify setting their wages below those of male workers who would refuse to work at the lower wages. Fortunately, for the most part, the courts have rejected these thinly disguised discriminatory practices.

It is clear, however, that although it has been 20 years since passage of the Equal Pay Act, equal pay for equal work has not yet been fully achieved. Indeed, even more vigorous enforcement activities are needed today to deal with the more subtle and devious tactics used to justify continuing violations of the act.

But, Mr. President, it is generally agreed that denial of equal pay for equal work is no longer the major factor contributing to the earnings gap. The major factor today is the concentration of female workers in a limited number of job classifications where the wages are lower than the education, training, skills, experience, effort, responsibility, or working conditions required would otherwise warrant. The primary reason the wages are lower in these jobs is because they are filled predominantly by women. This problem, often referred to as the comparable worth issue, must be dealt with forcefully if we are ever to achieve equitable pay for all workers.

COMPARABLE PAY FOR WORK OF COMPARABLE WORTH

Mr. President, the concept of comparable pay for work of comparable worth stands for the relatively simple notion that the wages a worker earns should be based upon the value of the work performed, not the sex of the employee. Unfortunately, it is widely recognized that the wages paid in jobs and occupational fields dominated by female workers are lower than the wages paid in those jobs and occupational fields dominated by male workers that require comparable education, skills, training, education, effort, responsibilities, and working conditions.

In the now classic case of *Lemons* v. *City and County of Denver*, 620 F2d 228 (CA 10), the nurses in the city of Denver public hospitals are paid less than the men who trim the trees in the city parks, not because of any greater intrinsic value of the work done by the tree trimmers or greater difficulty in finding individuals to trim trees, but simply because tree trimmers are predominately male and the nurses are predominately female.

There are many other examples of this type of inequity. In Montgomery County, Md., clerks in the county-operated liquor stores were reported to earn more in 1979 than teachers in the county schools. Secretaries at the University of Washington in Seattle with 2 years' experience were paid between $847 and $1,085 while university truck drivers received a starting salary of $1,168 to $1,289. In New York and Wisconsin, the salaries for State parking lot attendants are considerably higher than the wages paid to State clerical employees. A study in San Jose, Calif., found the salaries of librarians below those paid to street sweeper operators.

In each of these examples, one difference emerged: the higher wages were paid where employees were predominately male and lower wages were paid where employees were predominately female. In many cases, the employer's own numerical job-evaluation system gave the male-dominated jobs and the female-dominated jobs similar ratings; the wages for the female jobs were nonetheless set lower than the male-dominated jobs.

OPPONENTS OF COMPARABLE WORTH

Mr. President, those who oppose elimination of wage disparities based upon the devaluation of work that is performed predominately be female workers make three basic arguments in opposition to these efforts. First, they argue that it is impossible to compare different jobs and establish their relative worth. Second, they contend it is not discrimination, but the invisible and neutral hand of the marketplace at work in creating these wage disparities. Third, and finally, they argue that even if it is discrimination, the cost of eliminating the inequities would be too great. Each of these arguments has an inherent weakness.

First, with respect to the so-called apples-and-oranges argument—that you cannot compare different types of jobs—the fact is that different jobs are compared all the time by employers in establishing wage rates. Objective job-evaluation techniques have existed for many years, and they are widely used by employers in both the public and private sectors. The National Academy of Sciences' Committee on Occupational Classification and Analysis in its important study, "Women, Work, and Wages: Equal Pay for Jobs of Equal Value," commissioned by the Equal Employment Opportunity Commission, noted the widespread use of such job evaluation plans. As I will discuss in a few moments, these job-evaluation techniques provide an objective method of determining the value of different jobs and a promising approach to eliminating discriminatory

wage-setting practices and wage differentials.

Second, the short answer to the argument that it is the marketplace, not discrimination, that determines wage rates, is that the so-called free marketplace has been radically altered by the presence of discrimination. Historical wage discrimination against female workers, once not only prevalent but acceptable, continues to distort the marketplace to depress the wages of women and to devalue the work performed by women. Only in the past 20 years has it become unacceptable—legally and otherwise—to pay women less than men for precisely the same work or to exclude women from certain jobs or occupations. The effects of this de jure discrimination against female workers were built into most wage structures, and these effects continue to be felt.

Moreover, our Nation has already made the decision as a matter of social policy that workers will not be left to whatever fate the free market resolves for them. Protective labor laws do not permit employers to pay workers less than the minimum wage, even though some desperate workers might work for less, nor do they allow employers to set wages lower for minority workers, even though high unemployment rates among many minority groups might drive some of these workers to accept lower wages.

In short, a civilized and humane society does not countenance the exploitation of its workers. Women, like other classes of vulnerable workers, are entitled to the protection of the law against unfair exploitation.

Finally, the arguments that eliminating the wage difference would destroy the economy and cost billions and billions of dollars are vastly exaggerated. First, many of these estimates are based upon elimination of the entire wage gap. The studies I mentioned earlier have found that a certain portion of the gap—between one-fourth and one-half—is probably attributable to nondiscriminatory factors, including differences in female-worker labor-force participation patterns. Second, as to that portion of the wage gap that is attributable to discriminatory practices, it is not anticipated that the resulting inequities could be eliminated over night. Even with the most vigorous commitment to eliminating wage inequities, the task is likely to be a long and tedious one. Indeed, in the 20 years since passage of the Equal Pay Act, those inequities have not been eliminated. Attainment of full pay equity is likely to be gradual and incremental.

Finally, whenever the issue of costs is discussed, it is important to remember that the costs of pay inequities are already being borne by the underpaid workers. The price is being paid by the increasing feminization of poverty and the cost of government assistance to those underpaid workers and their families who cannot survive on the meager wages produced by discriminatory employment practices. Society is also paying in terms of the loss of productivity and reduced consumer spending when workers are denied fair wages.

IMPORTANCE OF RESOLVING THE COMPARABLE WORTH PROBLEM

Mr. President, there are some who may argue that rather than attempting to resolve the difficult issues surrounding the comparable worth problem, we should be focusing our attentions on eliminating the earnings gap by encouraging young women to enter nontraditional, male-dominated fields where the wages are likely to be higher and the advancement opportunities more open.

I believe we must do both.

I have been among the foremost advocates of opening up every occupational or professional field to women. The barriers which have blocked women seeking to enter male-dominated fields must be eliminated. Our educational systems must be encouraged to do a better job in preparing young women for the world of work and educating them about the jobs that will be emerging out of the new technologies. Their horizons should not be limited in any fashion by sexist stereotypes about what is or is not an appropriate field of employment for women or by false perceptions about the work force.

But at the same time that we are seeking to break down those barriers which have kept many women in job ghettoes where the wages are low and the oppotunities for advancement limited, it is important to recognize that the work performed in many of these female-dominated fields is important both to our economy and to our society. If we force our creative and talented teachers to leave our schools in order to get adequate compensation, or our Nation's nurses to all become doctors in order to gain the recognition and compensation they deserve, what would happen to the quality of our schools or our hospitals? We need good teachers as well as good nurses, regardless of their sex.

Moreover, Mr. President, whatever opportunities may exist for young women just entering or about to enter the work force, those women who have already acquired years of education, training, and experience in fields like teaching or nursing should not be required to abandon those career investments in order to earn a decent wage.

Finally, unless we resolve once and for all the ambivalence about the value of female workers that underlies the comparable worth problem, the inequities are not likely to end. Indeed, as more and more women enter a new field, the wages there are likely to become depressed. History has already demonstrated this to be true. For example, bank tellers were once universally male. The job then represented a relatively well-trained position on the career ladder to higher management in the banking field. Today, bank tellers are predominantly female and the wages and advancement opportunities have been curtailed accordingly. The value of a job should not decrease just because more women fill the positions.

GUNTHER V. COUNTY OF WASHINGTON

Mr. President, until 1981, there was some disagreement as to the interrelationship of the Equal Pay Act, with its scope limited to matters relating to equal pay for equal work, and the broader coverage of title VII of the Civil Rights Act of 1964 with respect to discrimination on the basis of sex in all aspects of employment, including compensation. Some argued that the Bennett amendment to title VII limited its coverage to only those instances of wage discrimination which would be covered by the Equal Pay Act. Others, noting the broad purposes of Congress in enacting title VII, argued that an employer violated title VII when the wages of female workers were set below those paid to male workers even though the jobs were not identical.

The issue was definitively resolved in the landmark decision of the Supreme Court in *Gunther* v. *County of Washington*, 452 U.S. 161 (1981). In Gunther, the Supreme Court held that it would be a violation of title VII for an employer to set the wages of female workers below the value determined by the employer's own objective job evaluation while setting the wages of male workers at the full value. The Court correctly concluded that Congress intended title VII to prohibit all practices in whatever form which create inequality in employment opportunity due to discrimination on the basis of race, religion, sex, or national origin and to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes.

Mr. President, wage discrimination is now clearly unlawful under title VII. That conclusion was reiterated earlier this month in a Federal district court case, Washington Federation of State Employees against State of Washington, involving the wage-setting practices of the State of Washington. The district court held the State of Washington in violation of title VII for setting the wages in job categories dominated by women below the levels paid in other categories requiring comparable skills and background.

Private litigants throughout the country are bringing similar cases before the courts. A number of States and local governmental entities have recently passed laws or enacted ordinances to eliminate wage inequities or

mandate job evaluations to determine the relative worth of job classifications. My own State of California has been in the forefront, enacting in 1981 a new law requiring comparable worth issues to be considered in wage negotiations with State employees and requiring annual reports on the progress that is being made in eliminating wage inequities. A number of California cities and counties have taken similar actions. Connecticut has enacted a law requiring a statewide review of job classifications for comparable worth purposes, and Minnesota has adopted legislation requiring the State employment relations commissioner to prepare, applying comparable worth concepts, a listing of State jobs affected by pay inequities and to earmark funds for needed adjustments. In testimony presented last year at hearings of three subcommittees of the House Committee on Post Office and Civil Service on pay equity, it was reported that some 25 States and local governments including Michigan, Washington, Illinois, Maine, and Wisconsin had funded job-evaluation studies to identify the extent of wage depression in female-dominated jobs. The Hawaii Legislature has passed comparable worth resolutions, requesting that all employers, both public and private, adopt a concept of equal pay for work of comparable value. Comparable worth has also become a major issue in collective bargaining activities.

FEDERAL ENFORCEMENT ACTIVITIES

However, despite the considerable activity taking place in the States and in the courts, Federal efforts in this area are at a virtual standstill. Prior to the Reagan administration, the two agencies with primary responsibility for enforcement of Federal equal employment opportunity laws and directives—the Equal Employment Opportunity Commission—EEOC—and the Office of Federal Contract Compliance Programs—OFCCP—in the Department of Labor—had begun activities in the comparable worth area. EEOC filed an amicus curiae brief on the side of the plaintiffs in the Gunther case and commissioned the study I mentioned earlier by the National Academy of Sciences into the area. In August 1981, shortly after the Gunther decision, EEOC, then under the acting chairmanship of J. Clay Smith, issued interim guidelines to its field offices to assist in identifying and processing cases in light of the Gunther decision. Similarly, OFCCP included in regulations published in December 1980 language clarifying that the prohibition against employment discrimination by Federal contractors encompassed wage differentials based upon comparable worth principles.

However, the Reagan administration immediately suspended those regulations, and, under the Reagan-appointed EEOC, work on comparable worth cases appears to have ceased, effectively sabotaging the guidelines issued after Gunther. At the House hearing last year, the new chairman of the EEOC, Clarence Thomas, defended his agency's inaction by saying that the Commission was "in the legal arena, without specific guidance" and he was "unsure" whether the agency had authority to process certain of these cases.

Mr. President, EEOC is specifically charged with the responsibility of providing leadership in matters relating to equal employment opportunity. If the agency is not able to exert that leadership, then Congress must provide a push that is needed. The legislation I am introducing today is aimed at providing EEOC and OFCCP with the specific guidance which seems to be necessary in order to get these agencies to enforce fully and agressively the Federal laws and directives relating to unlawful employment practices. The Federal Government ought to be playing a major and active role in helping to eliminate discriminatory wage-setting practices.

JOB-EVALUATION TECHNIQUES

Mr. President, before I describe the specific provisions of the legislation I am introducing today, I want to take a few moments to discuss a specific issue related to the elimination of unlawful wage discrimination—utilization of objective job-evaluation techniques.

As I indicated earlier, objective job-evaluation techniques have been utilized for many years by employers in both the public and private sectors as a basis for job classifications and wage rates. Job-evaluation techniques provide, through numerical rating systems, standards and measures of job worth that are used to estimate the relative worth of jobs. It has been reported that almost two-thirds of the adult working population are already paid on the basis of a job evaluation scheme, and that virtually every large employer, including Federal and State governments, uses some objective job-evaluation system to determine the relative worth or grade level of each job classification.

In a job-evaluation plan, pay ranges for a job are based on estimates of the worth of the jobs according to such criteria as the skill, effort, and responsibility required by the job and the working conditions under which it is performed. Pay for an individual, within the pay range, is set by the worker's individual characteristics, such as credentials, seniority, productivity, and quality of job performance. Job-evaluation systems vary from employer to employer, both in terms of the criteria used and the relative weights. However, the concept of numerical rating and comparative measurement of different jobs is common to all job-evaluation systems.

The National Academy of Sciences observed in Women, Work and Wages: Equal Pay for Jobs of Equal Value that—

> Job evaluation plans provide measures of job worth that, under certain circumstances, may be used to discover and reduce wage discrimination for persons covered by a given plan. Job evaluation plans provide a way of systematically rewarding jobs for their content—for the skill, effort, and responsibility they entail and the conditions under which they are performed. By making the criteria of compensation explicit and by applying the criteria consistently, it is probable that pay differentials resulting from traditional stereotypes regarding the value of women's work or work customarily done by minorities will be reduced.

Mr. President, the National Academy of Sciences study went on to state that existing job-evaluation techniques were by no means perfect. Many incorporated into them factors associated with sex, race, or ethnicity, and many utilized actual wages to figure into the computations, thereby perpetuating existing inequities. Other problems in applying these plans universally were also raised. The Academy concluded, nevertheless, that statistical techniques exist that may be able to generate job worth scores from which components of wages associated with sex, race, or ethnicity have been at least partly removed. The Academy urged that these techniques be further developed.

It is also important to note that in many cases, where the employer has utilized a job-evaluation plan to establish the comparative worth of different jobs, the employer has simply chosen not to apply the results of its own evaluation to the wages of the female workers. For example, in the Gunther case the employer arbitrarily paid the female workers 20 percent less than the employer's own job evaluation had determined was the comparative worth of the jobs. The law is clear that employers must abide by the results of their own reasonable job-evaluation systems. What is needed is for the law to be enforced.

Finally, Mr. President, it should be noted that the failure of an employer to utilize a job-evaluation system to set wages can give rise to an inference of intentional discrimination. In one case brought under the Equal Pay Act, *Taylor* v. *Charley Brothers*, a Pennsylvania district court found that an employer's intent to discriminate against female employees could be inferred from the fact, among other things, that it had not undertaken any evaluation that would have indicated the value of jobs held by either men or women. Employers seeking to avoid the impact of the Gunther decision by refusing to do their own objective job evaluations certainly run the risk of thereby providing evidence of intentional discrimination.

OUTLINE OF LEGISLATION

Mr. President, as I indicated at the outset, the legislation I am introducing today is aimed at compelling those Federal agencies responsible for enforcement of Federal equal employment opportunity laws to begin an aggressive campaign to enforce those laws and help bring about an end to wage discrimination against female workers. Certainly this could be accomplished by the executive branch without a congressional mandate. The President could through issuance of an Executive order achieve the same ends. The law already prohibits wage discrimination. But the law is not self-executing.

Unfortunately, under the current administration it is highly unlikely that such actions will voluntarily take place. Nevertheless, Congress has the power and the authority to direct these agencies to take appropriate action. Enactment of this legislation would provide the congressional mandate that is evidently necessary to bring about Federal action in this area. I do not believe that it is fair or appropriate to rely solely upon private litigants to enforce the law. The Federal Government has a role and responsibility to fulfill. It is time it did so.

SUMMARY OF PROVISIONS: "PAY EQUITY ACT OF 1983"

Mr. President, I would like to outline the provisions of the bill:

Section 1 would establish the short title of the bill as the "Pay Equity Act of 1983".

Section 2 would set forth the findings and purposes of the act. The findings pertain to the existence of the earnings gap between male and female workers, its causes and impact upon individuals and our economy, and the failure of appropriate Federal agencies to enforce applicable laws and directives. The expressed purpose of the act is to help eliminate discriminatory wage-setting practices and resulting discriminatory wage differentials by: first, providing for the development and utilization of equitable job-evaluation techniques to promote the establishment of wage rates based upon the work performed rather than the sex of the employee and thereby insure that all employees, irrespective of sex, or race, or ethnicity, will receive comparable pay for work of comparable worth; second, directing the Federal agencies charged with the responsibility for enforcement of Federal equal employment opportunity laws to help eliminate discriminatory wage-setting practices and discriminatory wage differentials; third, encouraging public and private employers to use equitable job-evaluation techniques in order to eliminate discriminatory wage-setting practices and discriminatory wage differentials; and fourth, bringing the Federal Government's wage-setting practices into compliance with the purpose of the proposed act and the provision of the 1978 Civil Service Reform Act which provides that equal pay should be provided for work of equal value performed by Federal employees.

Section 3 would set forth definitions of the various terms utilized in the act.

Section 4 would set forth specific actions to be taken by the Equal Employment Opportunity Commission—EEOC. First, the Commission would be directed to issue guidelines for the identification and elimination of discriminatory wage-setting practices and discriminatory wage differentials.

Mr. President, the EEOC is charged by Executive order with the responsibility for providing leadership within the Federal Government on matters relating to equal employment laws. Its nonaction on the important and urgent issue of pay equity is inexcusable. Employers are entitled to some guidance from the Commission to enable them to identify and eliminate discriminatory wage-setting practices. In the past, the Commission has made many important contributions to the development of equal employment opportunity law; for example, its early guidelines on employment testing issues contributed to the development and utilization of validated testing procedures. It should be fulfilling a similar role with respect to the development and utilization of equitable job-evaluation techniques. Instead, the Commission's policy seems to be to sit back and await the piecemeal development of these issues by private litigants and the courts. This is an abrogation of executive branch responsibility under title VII.

In order to assure appropriate coordination between the Commission and the Department of Labor's Office of Federal Contract Complicance Programs—OFCCP—section 4 of the bill would specifically require consultation with OFCCP in the promulgation of the Federal guidelines. Section 4 also would direct the Commission to develop and carry out a continuing program of education, information, and technical assistance with respect to the elimination of discriminatory wage-setting practices and discriminatory wage differentials and the development and utilization of equitable job-evaluation techniques.

Mr. President, in order to insure adequate congressional oversight, section 4 contains provisions directing the Commission to make annual reports to the President and Congress on the steps it has taken and plans to take to carry out the proposed act. A self-evaluation of the effectiveness of the Commission's efforts is to be included in the report along with inclusion of such recommendations for statutory changes or administrative action, or both, as the Commission considers necessary to effectuate the purpose of the proposed act. The requirements with respect to this report have been made rather detailed in light of the fact that the Commission has shown no willingness voluntarily to take any action in this area.

Finally, section 4 would require the Commission to undertake a study of the Federal system for establishing pay grades for Federal employees to determine whether that system satisfies the definition of an equitable job-evaluation system as proposed in the bill. In 1978, in enacting the Civil Service Reform Act, the Congress explicitly provided in section 101(a) of that act—5 U.S.C. 2301(b)(2)(3)—that equal pay should be provided for work of equal value in the Federal work force. Yet, at the house hearings last year, the Director of the Office of Personnel Management—OPM—admitted that the system being used had not been reviewed for sex bias. Numerous other witnesses testified at those hearings as to the inherent bias in the Federal classification system, which is derived from the system in existence in 1923.

Since OPM appears unlikely to undertake an evaluation of its own system, section 4 would direct EEOC to do so. The Commission was given the responsibility for enforcement of equal employment opportunity laws within the Federal work force in the 1978 EEO reorganization. Mandating its involvement in this area is clearly appropriate and seems necessary in view of the vacuum that exists.

Section 5 would set forth directives to the Secretary of Labor, acting through OFCCP, with regard to Federal contractors. One primary way in which the Federal Government has sought to eliminate discrimination in employment is to obligate businesses that do contract work for the Federal Government or whose contracts are funded with Federal financial assistance to insure nondiscrimination with regard to employment practices and to take affirmative steps to provide equal employment opportunities throughout all of their activities as a condition of the contract. Executive Order 11246, promulgated by President Johnson in 1965, provides this basic directive and requires that Federal contractors meet these requirements. The lead agency for enforcement of this Executive order is the Department of Labor, through OFCCP.

Section 5 would specifically direct the Secretary of Labor, acting through OFCCP, to issue guidelines to require Federal contractors to identify and eliminate discriminatory wage-setting practices and discriminatory wage differentials. Those guidelines would be issued after and should be consistent with the guidelines required to be issued by EEOC under section 4. Sec-

tion 5 also requires that such OFCCP guidelines also provide that Federal contractors required to submit written affirmative action plans or updates of existing plans include in such plans or updates—within a year after the guidelines are issued—a review of the employer's wage-setting practices, an identification of any discrimination in those practices, and a plan of action to correct such discrimination. Section 5 would also strongly encourage these contractors to use equitable job-evaluation techniques by requiring compliance reviews of pay equity for those who fail to do so.

Currently, OFCCP guidelines provide generally that Federal contractors with more than 50 employees and a contract of more than $50,000 must submit a written affirmative action plan and require annual updating of such plans. Section 5 would thus require those contractors to include in their written affirmative action plans additional material relating to discriminatory wage-setting practices and discriminatory wage differentials. Although the guidelines would not require every Federal contractor to use an equitable job-evaluation in setting wage rates, they would provide a strong stimulus to do so.

Section 5 also would require the Secretary of Labor to submit to the President and Congress annual reports describing in detail the activities undertaken by the Department to carry out the provisions of the proposed act. Again, this reporting requirement is designed to give Congress adequate information to exercise its oversight responsibilities.

Section 6 would provide that each Federal agency required under section 717 of the Civil Rights Act to submit an equal employment opportunity plan must include in such plan or update of an existing plan information on its wage-setting practices and wage differentials. Again, this is a written plan already required to be prepared under section 717; this legislation would simply add to what that plan is required to include with respect to discriminatory wage-setting practices and discriminatory wage differentials. The required information must be submitted within 1 year of the date of enactment.

Finally, Mr. President, section 7 would require the EEOC to provide the President and Congress with a detailed report on its enforcement activities relating to the Equal Pay Act. The statistics relating to the average earnings of women indicate a continuing failure to achieve equal pay for equal work. Congress needs a clear understanding of what the Commission has been able to do since responsibility for Equal Pay Act violations was transferred to it and of what was done by the Department of Labor prior to the transfer. Section 7 also would require submission to the Congress of the Department of Labor's comments on the Commission's report.

CONCLUSION

Mr. President, pay equity is a matter of fundamental fairness. It is also a matter of economic necessity.

Our Nation has increasingly been experiencing what is graphically described as the feminization of poverty. Two out of three adults in this Nation living in poverty are women. As the National Advisory Council on Economic Opportunity has noted, "Poverty among women is becoming one of the most compelling social facts of this decade."

Lack of pay for work of comparable worth is a primary factor in producing this poverty rate.

For men in our society, poverty often comes as a consequence of joblessness and the way out of poverty is through employment. But many women live in poverty even though they already have jobs and are working full-time; their jobs just do not pay a living wage. Almost 40 percent of the fully employed women earn less than $10,000. In 1982, the poverty level for a four-person family was $9,860. The poverty rate for families headed by a full-time working woman is more than double that for households headed by full time working men.

The National Advisory Council on Economic Opportunity also concluded that if working women earned the same wages that similarly qualified men now earn, the number of families living in poverty would be cut in half.

Mr. President, elimination of discriminatory wage-setting practices that deny famale workers a fair return for their labor should be of paramount importance to every American. The issue of wage discrimination is not a woman's issue or a special interest issue. It is a national issue. It goes to the very heart of our national commitment to the eradication of poverty, our commitment to a just society, and our commitment to revitalize our economy. Pay inequities must end. We cannot afford the enormous societal cost of allowing them to persist.

Mr. President, I ask unanimous consent that the text of the legislation I am introducing be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pay Equity Act of 1983".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the average earnings of full-time, female workers are significantly lower than the average earnings of similarly-situated male workers;

(2) this average earnings differential results, in significant part, because wages paid in occupational fields or job classifications held predominantly by female workers are lower than those paid in occupational fields or job classifications held predominantly by male workers, and this differential results from wage-setting practices based on the sex of the employees, rather than any intrinsic differences in the comparable worth of the job as measured by the education, training, skills, experience, effort, responsibility, or working conditions required for the job;

(3) as a result of these discriminatory wage differentials resulting from discriminatory wage-setting practices, many female workers are underpaid and undercompensated for their work efforts and thereby denied equal employment opportunities;

(4) these discriminatory wage-setting practices and wage differentials result in depressing the wages, devaluing the work, and lowering the living standards of many female workers and contribute to the increasing numbers of women and children living at or near the poverty level and a consequent increase in their need for various forms of government assistance;

(5) the contributions of female workers are vital to our economy, and the continued existence and tolerance of these discriminatory wage-setting practices and wage differentials prevent full utilization of the talents, skills, experience, and potential contributions of female workers and result in the exploitation of these workers;

(6) these discriminatory wage-setting practices and wage differentials persist despite applicable state and federal equal employment opportunity laws and directives;

(7) the federal agencies charged with the responsibility for enforcement of federal equal employment opportunity laws and directives have failed to take action, pursuant to applicable such laws and directives, to seek to eliminate discriminatory wage-setting practices and wage differentials; and

(8) objective job-evaluation techniques now exist which are utilized by many public and private employers to determine the comparative value of different jobs through a system which numerically rates the basic features and requirements of a particular job, and additional efforts should be made to develop, improve, and implement these techniques so as to help eliminate discriminatory wage-setting practices and wage differentials.

(b) Recognizing that the elimination of discriminatory wage-setting practices and wage differentials is in the public interest, the purpose of this Act is to help eliminate such practices and differentials by—

(1) providing for the development and utilization of equitable job-evaluation techniques that will promote the establishment of wage rates based upon the work performed rather than the sex of the employee and thereby help assure that all employees, irrespective of sex, race, or ethnicity, receive comparable pay for work of comparable worth;

(2) providing to those federal agencies charged with the responsibility for enforcement of federal equal employment opportunity laws and directives specific guidance and direction to help eliminate discriminatory wage-setting practices and wage differentials;

(3) encouraging and stimulating public and private employers to eliminate discriminatory wage-setting practices and wage differentials through the development and uti-

lization of equitable job-evaluation techniques in setting wage rates; and

(4) bringing the federal government's wage-setting practices into compliance with the purpose of this Act and the provision of section 101(a) of the Civil Service Reform Act of 1978, Public Law 95-454 (5 U.S.C. 2301(b)(2)(3)), which provides that equal pay should be provided for work of equal value in federal employment.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4);

(2) "Secretary" means the Secretary of Labor;

(3) "federal agency" means any agency of the Federal Government or the District of Columbia, including any Executive agency as defined in section 105 of title 5, United States Code, the United States Postal Service and the Postal Rate Commission, and the Library of Congress, the General Accounting Office, and the Office of Technology Assessment;

(4) "discriminatory wage-setting practices" means the setting of wage rates paid for jobs held predominantly by female workers lower than those paid for jobs held predominantly by male workers although the work performed requires comparable education, training, skills, experience, effort, and responsibility, and is performed under comparable working conditions;

(5) "discriminatory wage differentials" means different rates of compensation resulting from utilization of discriminatory wage-setting practices;

(6) "job-evaluation technique" means an objective method of determining the comparative value of different jobs utilizing a system which rates numerically the basic features and requirements of a particular job, including such factors as education, training, skills, experience, effort, responsibility, and working conditions; and

(7) "equitable job-evaluation technique" means a job-evaluation technique which, to the maximum extent feasible, does not include components for determining the comparative value of a job that reflects the sex, race, or ethnicity of the employee.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ACTIVITIES

SEC. 4. (a)(1) Not later than nine months after the date of the enactment of this Act, the Commission, in consultation with the Secretary (acting through the Office of Federal Contract Compliance Programs in the Department of Labor), shall publish in the Federal Register, for public review and comment, proposed guidelines for the purpose of identifying and eliminating discriminatory wage-setting practices and wage differentials. Such guidelines shall include recommendations for utilization of equitable job-evaluation techniques to establish rates of compensation for employees.

(2) Not later than one year after such enactment date, the Commission, in consultation with the Secretary (acting through the Office of Federal Contract Compliance Programs), shall publish final guidelines for the purpose described in paragraph (1).

(b) In order to effectuate the purpose of this Act, the Commission shall develop and carry out a continuing program of education and information, under which, among other things, the Commission shall—

(1) undertake and promote research into the development of equitable job-evaluation techniques;

(2) develop a program for maximum dissemination and utilization of such equitable job-evaluation techniques; and

(3) develop and implement a program for providing appropriate technical assistance to any public or private entity requesting such assistance to eliminate discriminatory wage-setting practices and wage differentials.

(c) On February 1, 1985, and annually thereafter, the Commission shall submit to the President and the Congress a report describing in detail the activities of the Commission during the preceding fiscal year to carry out the provisions of subsection (b). Such report shall include an evaluation of the effectiveness of such activities, a description of the Commission's plans for carrying out the provisions of subsection (b) and effectuating the purpose of this Act during the fiscal year in which the report is submitted, and such recommendations for statutory changes or administrative action, or both, as the Commission considers necessary to effectuate such purpose.

(d)(1) The Commission shall conduct a study of the system utilized under chapter 51 of title 5, United States Code, by the Office of Personnel Management (established by chapter 11 of such title) to establish pay grades for federal employees in order to determine if such system satisfies the definition in section 3(7) of an equitable job evaluation system.

(2) Not later than six months after the final guidelines are published under subsection (a)(2), the Commission shall submit to the President and the Congress a report of its findings, in light of such guidelines, with respect to the study undertaken pursuant to paragraph (1) and shall provide a copy of this report to the Director of the Office of Personnel Management. The report shall include such recommendations for statutory changes or administrative action, or both, as the Commission considers necessary to effectuate the purpose of this Act.

(3) Not later than ninety days after receiving a copy of the report pursuant to paragraph (2), the Director of the Office of Personnel Management shall submit to the President and the Congress a report commenting on the Commission's report and specifying its intentions and the reasons therefor (and as appropriate, the timetable to carry out or not carry out the Commission's recommendations).

(4) Notwithstanding any other provision of law, the Director of the Office of Personnel Management and the head of each Federal agency shall cooperate in all respects with the Commission in connection with its conduct of the study required under this subsection and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

FEDERAL CONTRACTS

SEC. 5. (a)(1) Not later than thirty days after the publication of final guidelines under section 4(a)(2), the Secretary (acting through the Office of Federal Contract Compliance Programs) shall publish in the Federal Register proposed guidelines for the purpose of requiring all contractors of the United States to identify and eliminate discriminatory wage-setting practices and wage differentials. Such guidelines shall—

(A) include provisions to encourage all such contractors to develop and utilize equitable job-evaluation techniques to establish rates of compensation for employees;

(B) provide that each such contractor that is required by Federal law or directive to submit a written affirmative action plan shall (i) with respect to each such plan or update of each such plan submitted after the publication of the final guidelines published pursuant to paragraph (2), include in such plan or update a review and identification of any discriminatory wage-setting practices and wage differentials within such contractor's labor force and a plan of action to eliminate any such practices and differentials, or (ii) if such contractor does not submit such plan or update within one year after such publication date, submit, within such one-year period, an amendment to its existing plan which shall include the information described in subclause (i); and

(C) provide for compliance reviews of any such contractor that has failed to utilize equitable job-evaluation techniques in setting wage rates for emloyees.

(2) Not later than sixty days after publication of the proposed guidelines under paragraph (1), the Secretary shall publish final guidelines for the purpose described in paragraph (1).

(b) On February 1, 1985, and annually thereafter, the Secretary shall submit to the President and the Congress a report describing in detail the activities undertaken during the preceding fiscal year and to be undertaken during the fiscal year in which the report is submitted by the Office of Federal Contract Compliance Programs pursuant to subsection (a). Such report shall include such recommendations for statutory changes or administrative action, or both, as the Secretary considers necessary to effectuate the purpose of this Act.

FEDERAL DEPARTMENTS AND AGENCIES

SEC. 6. Each federal agency responsible for submitting an equal employment opportunity plan pursuant to section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) shall include, in each such plan or update of such plan submitted to the Commission after the date of the enactment of this section, a review and identification of any discriminatory wage-setting practices and wage differentials with respect to its labor force and a plan of action to eliminate any such practices and differentials. Any such agency which does not submit such plan or update within one year after such enactment date shall, not later than one year after such enactment date, submit an amendment to its existing plan which shall include the information described in the preceding sentence.

EQUAL PAY ACT REPORT

SEC. 7. (a) Not later than October 1, 1984, the Commission shall submit to the President and the Congress a report describing in detail the activities of the Commission with respect to enforcement of the provisions of the Equal Pay Act of 1963 (29 U.S.C. 206(d)) since the date of transfer of authority for Equal Pay Act enforcement activities to the Commission pursuant to Reorganization Plan No. 1 of 1978. Such report shall include with respect to such activities—

(1) information on the number of complaints received and processed by the Commission, their disposition, and the allocation of Commission resources to Equal Pay Act enforcement activities;

(2) a comparision of the disposition of, and allocation of recources to these cases by the Commission to the disposition of, and allocation of resources to, similar cases by the Department of Labor prior to the transfer of such responsibilities to the Commission; and

(3) any recommendations for statutory changes or administrative action, or both, as

the Commission considers necessary to carry out the provisions of such Act and effectuate the purpose of this Act.

(b) Not later than ninety days after the date of the submission of the report required by subsection (a), the Secretary shall submit to the President and the Congress a report commenting on the Commission's report and containing such recommendations for statutory changes or administrative action, or both, as the Secretary considers necessary to carry out the provisions of such Act and effectuate the purpose of this Act.

By Mr. ARMSTRONG:

S. 1901. A bill to amend the Internal Revenue Code of 1954 to treat price level adjusted mortgages; to the Committee on Finance.

PRICE LEVEL ADJUSTED MORTGAGES

● Mr. ARMSTRONG. Mr. President, imagine the return of single-digit home mortgage rates this decade.

Imagine how many homes would be built, the number of jobs created, the millions of Americans whose dream of home ownership would come true with the return of single-digit mortgages.

Wishful thinking? No.

It could be reality with a new mortgage concept known as price level adjusted mortgages (Plams) and a simple change in Federal tax law.

This idea was suggested to me some time ago by Dr. Byron L. Johnson—an economist, teacher, former Colorado University regent and U.S. Congressman. After lengthy study I am convinced that Plams are an idea whose time has come.

Dr. Johnson and I are not the only ones who are sold on Plams. They are also endorsed by Dr. Milton Friedman, Nobel laureate; Dr. Herman Kahn, founder of the Hudson Institute; the Federal Home Loan Bank Board; the Utah State Retirement System; and many, many others. They all agree that Plams can permanently revitalize the Nation's housing marketplace.

To understand the beauty of this new mortgage, look first at today's ordinary mortgages. The conventional mortgage—where a home loan is repaid in equal monthly payments over 30 years—was first offered in the 1930's. This mortgage made housing affordable, and solved one of the most pressing problems of the Great Depression.

But the conventional mortgage was created when there was practically no inflation. Lenders could offer 2- and 3-percent mortgages, knowing that money lent in 1945 would be repaid in 1955 with the same dollar values because there was little inflation in those years. When prices are stable, the conventional mortgage is superb; it relies on a constant payment in current dollars that are roughly equal in value to constant dollars.

But when inflation rears its ugly head—as it did in the 1970's—the conventional mortgage can be disastrous to borrowers, lenders, and builders. With inflation, the value of monthly mortgage payments declines over time, and lenders receive less than fair value for their loans.

To protect their investment, lenders raise interest rates to levels that anticipate higher future inflation. Interest rates rise and fall according to expectations about inflation. If the preinflation interest rate is 5 percent, for example, a 10-percent inflation rate would trigger a 15-percent interest rate.

When interest rates triple, mortgage payments rise and price many out of the housing market. It is no wonder that the high cost of money, on top of housing construction costs, is the main factor pricing the American dream outside the reach of many would-be home buyers. The Federal Home Loan Bank Board says that 2.6 million Americans who want to buy homes simply cannot afford the costs of ownership.

In other words, 2 million Americans cannot buy homes because interest rates for conventional mortgages are pegged to the inflation rate.

But what would happen if the amount borrowed—instead of the interest—was pegged to the inflation rate?

Enter Plams (Price Level Adjusted Mortgages).

Plams merely add the real cost of inflation to the principal of the mortgage, rather than adding inflation to the interest rate. Put another way, Plams are mortgage instruments having an outstanding balance which is periodically adjusted to inflation, or indexed. The interest rate applicable to a Plam is a real interest rate; that is, a rate without any inflation premium. The payments on a Plam are based on this real rate, and at the end of each year, any outstanding balance is adjusted for inflation.

The advantages of Plams are enormous. Borrowers benefit from lower initial payments, which especially help first-time home buyers. Lenders benefit because there is no uncertainty over inflation, and their initial investment is inflation proof. The Government benefits because it reduces the amount of tax revenue now lost to borrowers in the form of high mortgage interest rate deductions.

Here is an example. Assume that inflation is 10 percent annually, and that a lender wants to make 4-percent real interest on money he loans. The interest rates would thus be 14 percent. For a $50,000 30-year conventional mortgage at 14-percent annual interest, initial payments would be $600 a month. At the end of 10 years, $47,000 of the mortgage would be left to be paid.

Under Plams, the initial payment would be only $238, or about a third of the conventional mortgage. Of course, under Plams, the mortgage value and the monthly payments would rise as a result of inflation. Even so, payments after 10 years are still only $563 on a $102,000 mortgage.

While the benefits are obvious, so is one risk. There is a possibility that household income or house price will not keep up with inflation. But the risk of this is slight, says the Federal Home Loan Bank Board. To quote their 1981 statement:

> The concern over whether individual households will encounter undue financial stress has been addressed in a study in a sample of 3,000 households over a nine-year period. (When compared to conventional mortgages), graduated payment mortgages created some increase in financial strain, but the more serious cases constituted an insignificant portion of the households studied.

Armed with these and other statistics, the Federal Home Loan Bank Board authorized Federal savings and loan associations to offer Plams but, despite their advantages, they have not caught on. One reason is the doubt about Federal tax treatment of Plams. For Plams, IRS holds the view that the increase in the mortgage of a Plams is tax deductible for the borrower and taxable as income for the lender. They will have to report the higher payments as income, even though the adjustments in principal are specifically designed only to preserve the purchasing power of the investment.

To understand the significance of the IRS policy, consider the tax aspects of the example used earlier. A Plams mortgage of $50,000 increases to $102,000 after the first 10 years. Even though the increase merely inflation proofs the lender's initial investment, the IRS wants the lender to pay tax on the $50,000 increase as if it were income.

This is an unfair tax because it taxes the recovery of capital as income.

Legislation I am introducing corrects this tax problem. This measure is straightforward: For newly constructed homes that are financed through an inflation-adjusted mortgage, the inflation increase will be considered neither as income to the lender nor as tax deductible for the borrower.

This legislation should pass, and for several reasons:

First, it is not fair to tax recovery of capital as income.

Second, 2 million more people would be able to buy homes, and get at least that many more people back to work.

Third, the amount of interest income claimed as deduction by taxpayers will fall sharply as indexation becomes widespread.

Fourth, while interest income reported by lenders will fall, it will not fall proportionately, because many lenders are fully, or substantially tax exempt now.

Fifth, the wider use of Plams, and the resulting sharp fall in effective interest rates, will have such a substantial benefit to national employment and income that the gross taxable income will rise significantly and increase total revenues.

Clearly, Plams are an idea whose time has come. The only barrier keeping it from permanently revitalizing the housing industry is Federal tax law. My bill removes this barrier, and opens the door to widespread Plams use.●

By Mr. DURENBERGER (for himself, Mr. STEVENS, and Mr. JEPSEN):

S. 1902. A bill to amend title 39, United States Code, to assure that the nine-digit ZIP code remains voluntary, and for other purposes; to the Committee on Governmental Affairs.

NINE-DIGIT ZIP CODE

● Mr. DURENBERGER. Mr. President, I am today introducing legislation related to the nine-digit ZIP code. I think that this legislation represents an emerging consensus on how the nine-digit ZIP program should be implemented by the Postal Service. Joining me as cosponsors of this bill are Senator JEPSEN who 2 years ago cosponsored legislation with me to delay implementation of the longer code, and Senator STEVENS who has always supported the efforts of the Postal Service to implement the expanded ZIP code on a voluntary basis.

This bill would allow the nine-digit ZIP code to become a reality, but only on a voluntary basis and only for large business mailers who are likely to realize a financial benefit from participating in the incentive plan which is currently pending before the Postal Rate Commission.

Mr. President, let me explain the provisions of the bill by using an analogy to another ZIP code program used by the Postal Service. Although most Americans do not know it, this country already has a seven-digit ZIP code in place and operating. It is called the carrier route system. As I say, it is seven digits long. The first five digits are just the same as the five-digit ZIP code. The last two digits identify specific carriers—mailmen—at each individual post office.

In the same way that the four new digits in the nine-digit code would be used to cut sorting costs, the two extra digits in the seven code are used in the sorting process. Instead of having to memorize which carrier has which addresses, the two digits allow a quick identification of the carrier without the need for scheme memorization.

As I have said, this system is already in place. The Postal Service provides the two-digit add-on to very large mailers through the exchange of computer tapes and other information systems. The mailers who print their addresses by computer add these two digits on to the address. The mailers receive a discount on the price of a stamp for each item that bears these two digits. And the sorting clerks at the post office can do their work much more quickly and accurately, saving us all some money in the cost of processing the mail. It is a successful program. It is completely voluntary. And it has been implemented without concerning or involving to any great extent the general public. Nobody has been asked to learn their personal carrier route number—their seven-digit ZIP code. No business asks you to identify your seven-digit number when you provide the address. And nobody feels that their mail will somehow receive lesser service if it does not bear the seven-digit number.

It seems to me that the nine-digit ZIP code could be implemented on the same basis. And if it were, I would have no objection in letting the nine-digit program go forward. I would, in fact, wish the Postal Service every success with the program. My concern has always been that many small mailers would get caught up in implementing the nine-digit ZIP code at great cost without offsetting benefits. Not everyone shares that view. Some think that voluntary is voluntary and that no one would make the investment in converting unless benefits would clearly result. But I have always feared that some would feel compelled to go into the system regardless of the direct benefits because they would believe that five-digit mail was not going to be handled as expeditiously by the Postal Service. Currently, 97 percent of the American public uses the five-digit code without any direct financial benefit and they do so because they want prompt service for their letters and they believe that the ZIP code is necessary to get it. Not so, according to Postal Service regulations. The five digit is voluntary. As the nine digit would be. So voluntary in this case is to some extent in the eye of the beholder.

The bill has only a few specific provisions. It would require the Postal Service to keep the nine-digit ZIP code voluntary for all classes of mail, to provide substantially the same service for both five-digit and nine-digit mail, to restrict advertising and information efforts to business mailers rather than the general public, and to assure that Postal Service maintains nine-digit ZIP information systems so that the longer codes will always be available to business mailers inexpensively and through the Postal Service rather than from the general public.

Mr. President, in crafting these conditions I think that we have come very close to describing the seven-digit carrier route system and I expect that the nine-digit system will be implemented in a comparable way. I have had discussions and exchanged correspondence with the Postmaster General on this point and believe that the nine-digit ZIP system can and will be implemented without involving small mailers or the general public. Mr. President, I would ask that a copy of the bill be included at this point in the RECORD. Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404 of title 39, United States Code, is amended by adding the following new subsection:

"(c)(1) Notwithstanding any other provision of this title, the nine-digit ZIP code shall remain voluntary. No one need use it unless to qualify for any voluntary rate incentive offered for participation in efforts to hold down postal costs through automated processing of mail bearing the code.

"(2) The Postal Service shall not engage in publicity efforts urging household mailers to use the nine-digit ZIP code in addressing mail to correspondents.

"(3) The Postal Service shall not make any mass mailings for the purpose of advising household addresses of their nine-digit ZIP codes.

"(4) The Postal Service shall maintain appropriate systems to enable mailers to obtain the nine-digit ZIP code information needed to maintain complete addresses for their correspondents.

"(5) The Postal Service shall strive to maintain speed of mail service for mail bearing the five-digit ZIP code as good as it provides for mail bearing the nine-digit ZIP code. It shall maintain public information to monitor whether there is a difference in the speed of mail service between mail bearing the nine-digit ZIP code and mail bearing the five-digit ZIP code."

Mr. STEVENS. Mr. President, I join with my good friends, Mr. DURENBERGER, and Mr. JEPSEN in cosponsoring this legislation.

As many know, I have supported the ZIP+4 program, for I see it as a way for the U.S. Postal Service to dramatically increase employee productivity and thus hold down postal rates. The U.S. Postal Service's automation program has the potential to save postal ratepayers about $600 million annually. The key to these savings is the voluntary ZIP+4 program.

When the U.S. Postal Service was created, Congress mandated that it perform its duties in the most efficient manner possible. The Postal Service is living up to that charge by meeting its public service responsibilities in a businesslike manner. And, like many businesses today, it has recognized the value of automation in holding down the costs reflected in the postage rates we pay.

In October 1981, Congress directed the General Accounting Office to study the ZIP+4 program, which was not fully understood by the public. In its report, GAO conditionally recom-

mended that the Postal Service proceed with ZIP+4 because the new code offers the maximum savings available from automation.

We are now assured that ZIP+4 will benefit the Postal Service and all mailers. So, for the record, here are some facts about ZIP+4:

The ZIP+4 program is intended for use by volume business mailers and individuals need not be concerned with the program.

The current five-digit ZIP code enables mail to be sorted only between post offices and requires more expensive and largely manual sorting at the receiving post office. The four new digits provide geographic information which enables automated equipment to sort mail to a small segment of a letter carrier's route.

The optical character readers and bar code sorters being deployed by the Postal Service—which are similar in concept to the scanners we see today in grocery stores, banks, and retail stores—have proven their worth. These ZIP+4 machines will process approximately 10,000 pieces of letter mail per work hour, compared to 1,800 pieces per work hour now done on mechanized equipment and 850 pieces per work hour for manual sorting.

ZIP+4 will more than double the Postal Service's return on investment for automation and will increase the savings received by all mailers.

ZIP+4 will reduce sorting errors and improve the reliability of mail delivery.

ZIP+4 will help the Postal Service spread out the intervals between rate increases by increasing postal productivity and reducing postal labor costs.

The ZIP+4 will be voluntary. Those who choose to use it may use it. Those who choose to ignore it may ignore it. ZIP+4 offers the freedom of choice which is traditional in our democracy.

Now that these facts are known, the only awesome thing about ZIP+4 is its potential to save postal ratepayers millions of dollars. The only frightening thing about ZIP+4 is that if these facts are ignored, we might lose this opportunity to keep our Postal Service as efficient and affordable as it can be.

I, for one, am concerned about our postal rates even though they are the lowest in the free world. I am doing everything I can to urge the Postal Service to delay a postal rate increase until it is absolutely essential. ZIP+4 is a major element in the efforts of the Postal Service to not only delay an increase but to insure that when an increase is required it will be as small as possible.

As some Members have pointed out, there are problems with the ZIP+4 program which I believe are primarily perceptual rather than actual. This bill will go a long way toward resolving those false perceptions and encourage the public to embrace the program with greater confidence.

This bill incorporates the essence of legislation I introduced last year to put into statute that this program will always be totally voluntary but will provide an incentive in the form of reduced postal rates for those businesses who do choose to use the ZIP+4.

The bill forbids the Postal Service from engaging in publicity efforts aimed at those not likely to use ZIP+4, such as each householder, and requires that the delivery standards for the current five-digit ZIP code user not be adversely affected as a result of the implementation of ZIP+4. We feel that such a legislative requirement will prohibit the Postal Service from engaging in publicity which might lead one to believe that he or she must use the new code, which is not true, and will reassure those who choose not to use the expanded code that their mail will not be delayed in order to deliver ZIP+4 mail.

The bill also requires the Postal Service to establish an appropriate system of records to enable mailers to obtain the necessary ZIP+4 code information.

Again, I cannot stress enough the importance of the ZIP+4 program and the resulting automation to the efforts to hold down postal rates. I urge that we move forward with the program. A positive step in that direction is support and passage of this legislation.

By Mr. GRASSLEY (for himself, Mr. PRYOR, Mrs. KASSEBAUM, Mr. PROXMIRE, Mr. BOSCHWITZ, and Mr. MELCHER):

S. 1904. A bill to require that the Department of Defense increase the use of formal advertising in the procurement of property and services, to limit the circumstances under which such department may award contracts by negotiation, to establish additional requirements with respect to the negotiation of contracts by such department, and for other purposes; to the Committee on Armed Services.

CREEPING CAPITALISM

Mr. GRASSLEY. Mr. President, we are all aware of the spare-parts overpricing problem. It has been well-documented, and widely publicised. But now it is time to offer solutions to this problem.

The problem of overpricing does not begin and end with spare parts. It applies equally to weapon systems. It is the product of a bureaucracy behaving as a monopoly. All the incentives are structured to insure that we get exactly what we have gotten.

We see the cumulative effects of the problem in the form of an underfunded defense budget. It is a pervasive problem, brought about by the natural tendency of the Pentagon toward centralization, control, and the administering of prices through negotiations. The system suffers from a lack of competition. Unless competition is brought to bear in the Defense Department, our defense will diminish to a critical degree.

Today Senator PRYOR and I introduce a bill to force the Department of Defense to increase the use of competitive bidding in its purchase of goods and services. It is intended to reverse a many-decades-old trend toward increasing bureaucratization and monopoly within the Defense Department. It is a bill which confronts a problem which has not developed overnight, and therefore cannot be righted overnight.

This bill is an important step in correcting a very serious and longstanding structural deficiency. It is also an important step toward controlling costs and eliminating the underfunding problem in the Defense budget. It would compel DOD to evolve toward an arrangement that is more harmonious with our nationally accepted values when it comes to the production of goods and services. It is a case of bringing DOD business into line with the way the rest of America does business.

Very briefly, the bill would do the following:

It would modestly increase the amount of Defense dollars subject to formal advertising, by 5 percent per year until 70 percent of all funds are competitively bid. The current figure estimated by GAO is roughly 6 percent.

If DOD did not meet its obligation to increase formal advertising by 5 percent in any given year, then the Department's funds for all negotiated contracts would be frozen.

All cost and pricing data, as well as the names of those who negotiate contracts, would be made part of the public domain.

The bill would also eliminate the many loopholes, or exceptions, to formal advertising which presently allow DOD to ignore true competition and instead negotiate contracts.

And the bill would require that formally advertised contracts be rebid at least once every 3 years.

The intention behind this bill is to change the context or the framework that DOD operates in. It would reorient the Pentagon, away from monopoly and centralization, and instead toward free market competition. It is not an attempt to micromanage. Instead, the bill very clearly defines an objective, a set of goals, and a timetable by which to reach those goals. Although it would give the Pentagon a long period of time to learn the art of competition, the bill is adamant about what it would require DOD to do over time.

Those of us who introduce this bill are under no illusions that reversing the ingrained patterns of the Pentagon bureaucracy will be very easy. There is an enormous constituency for business as usual. There will be an enormous struggle to keep the idea of true competition alive, until more people are deriving benefits from competition than from the present system. Until then, the system will seek to undermine competition as it has in the last several decades. The bureaucracy will seek to preserve the status quo.

The sponsors of this bill represent a good cross section of the political spectrum. Joining Mr. PRYOR and myself are Mrs. KASSEBAUM, Mr. PROXMIRE, Mr. BOSCHWITZ, and Mr. MELCHER. Our common interest is a strong defense brought about through the disciplines of competition. We wish to see the Defense Department apply the same principles and values for purchasing goods and services as all other American institutions do. And why do we ask this? For one simple reason: It has stood the test of time. It works.

Mr. PRYOR. Mr. President, I am pleased to join today with the Senator from Iowa (Mr. GRASSLEY) in introducing the Department of Defense Procurement Procedures Act of 1983.

Let me discuss the magnitude of defense procurement. It has been estimated that over 10 million separate contracts or other procurement actions take place each year involving over $100 billion at the Department of Defense. Every penny is taxpayer money.

It is nothing short of shocking to hear that competition at the Pentagon is limited to only 6 percent of total defense contract dollars. This is very different from the private sector. It would be hard to find a private business in these difficult economic times that failed to seek out the best possible deal in buying services or supplies. For that matter, it would be hard to find a householder who does not do at least a little shopping around.

Any self-respecting agent in charge of purchases would test the market, ask for competitive bids and then render a judgment based on cost and quality.

Why has the Pentagon not brought its procurement practices into line? One assumption is that competition is regarded among professional defense people as a troubling annoyance and its absence can always be covered up by redtape and doubletalk. More cynical is the nagging possibility that contracts, and especially follow-ons, are simply a part of the buddy system that works its way through the military-industrial maze. Both views are commonly held by the public.

In fairness to the Pentagon, it should be noted that official explanations have been suggested by the General Accounting Office and the Office of Federal Procurement Policy. According to their studies, the absence of purchase descriptions, plus the presence of unnecessarily restrictive specifications, discourage competition. Moreover, procurement officers sometimes fail to undertake market analyses and find new suppliers.

The least appealing of the official suggestions is that many sole-source contracts are awarded in response to unsolicited proposals. This is no excuse, but it may offer an explanation. An enterprising salesman calls on a Pentagon official, for example, argues convincingly that troops need a new flashlight for high humidity and dense foliage, and then shows his product is one logical possibility. The sale is final before a contract is even signed.

Studies cited by the General Accounting Office have shown that competition can save 20 percent of the cost. In addition, if the Defense Department were to spread the money around it would broaden the base of defense production. This could be especially important at the present time as we enter what may be a major buildup in defense production and expenses become inflated more than ever.

Finally, competition is only right. Why should the Pentagon continue to operate according to rules of its own when other budgets are drastically cut across-the-board? Government practices aside, competition has been standard procedure in the private sector for years. There is no reason it should not be followed in military spending.

Pentagon officials need to learn what so many American merchants and managers have known for years—that competition is good business in both quality and cost. It is a lesson the Pentagon has either failed to learn or is unwilling to accept.

Mr. President, I ask that a summary of the major features of the bill be placed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

1. It would nudge up the amount of defense contract dollars that are competitively bid. According to GAO, less than six percent of defense contract dollars are subject to true competitive bidding. This bill would add five percent to that figure each year until the total amount of defense dollars subject to competitive bidding reached 70 percent.

2. If the aggregate amount of purchases through competitive bidding does not reach the amount required through this bill, then all funds for negotiated contracts may not be obligated or expended.

3. Competitive bidding is defined as "formal advertising" as described in Title 10, Section 2305 of the United States Code. Under Section 2304, 17 exceptions to formal advertising are listed. This bill would eliminate twelve of those exceptions, and tighten the rest where appropriate. The general thrust is to eliminate all loopholes that enable contracts to be negotiated or competitively negotiated rather than competitively bid.

4. All cost and pricing data of negotiated contracts would be made part of the public domain. The names of each officer of employee of the Government who participates in the decision to negotiate a contract, or who participates in the awarding of a negotiated contract should be made part of the public domain.

5. DoD contracts that are required to be made by formal advertising must be re-bid at least once every three years.

By Mr. BAUCUS (for himself, Mr. MELCHER, Mr. INOUYE, Mr. BENTSEN, Mr. BAKER, and Mr. BYRD):

S. 1905. A bill to authorize funds for the Maureen and Mike Mansfield Foundation; to the Committee on Labor and Human Resources.

MAUREEN AND MIKE MANSFIELD FOUNDATION

Mr. BAUCUS. Mr. President, I am today introducing a bill to establish the Maureen and Mike Mansfield Foundation. This foundation has been created to support two important organizations: the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

Together, these two centers will honor the career of Mike Mansfield, the longest-serving majority leader in the history of the U.S. Senate. Currently, the American Ambassador to Japan, Mike Mansfield, is truly an American statesman and a world leader.

The centers also honor the contributions of Mike's wife, Maureen Mansfield. As Mike said, upon his retirement from the Senate, "My conclusion has been reached in this instance with my wife, Maureen Hayes Mansfield, who has been with me through all these years and whose sensitive counsel, deep understanding, and great love have been so much a part of whatever may be the sum of my contribution."

The Mansfield Center for Pacific Affairs, to be constructed at Flathead Lake in northwestern Montana, will bring leaders in business, government, and cultural affairs from nations of the Pacific to participate in conferences and seminars on the developing economic and cultural ties in this region. We expect that the center will host more than 60 such meetings each year on subjects ranging from agricultural trade to educational exchange programs.

The center's progress is keyed to the unparalleled growth which has characterized trade in the Pacific basin during the past two decades. This growth is expected to continue into the 21st century. The center will work to foster economic growth through

trade, and will also be a leader in improving international understanding and in eliminating cultural barriers which have impeded exchanges across the Pacific.

The Maureen and Mike Mansfield Center at the University of Montana will conduct academic programs related to Pacific area studies, ethics, and public affairs. The university programs will open new opportunities for research and study, and attract leaders from academic and public life.

These two centers will sponsor cooperative programs designed to build upon their complementary relationships, such as hosting major conferences on Pacific area political, cultural, and trade relations.

The State of Montana has appropriated $1 million to the Mansfield Foundation, which will coordinate fundraising activities for these two centers. This bill authorizes an additional $5 million to be appropriated from Federal funds, as a one-time appropriation to help establish the centers.

The foundation will seek additional funds from individual donors, and we expect substantial donations from Japanese and other Pacifice sources, once Ambassador Mansfield retires from his post in Japan.

I believe it is fitting and proper that the United States should honor Mike Mansfield in this way. These two centers will honor his career by supporting and continuing his lifelong efforts to achieve close relations with Pacific nations in every sense.

Mr. President, many friends of Mike and colleagues of ours have joined in this effort. The majority leader (Mr. BAKER) and the minority leader (Mr. BYRD) served on the founding committee for the foundation, along with Senator DANNY INOUYE, the late Senator "Scoop" Jackson, and House Speaker TIP O'NEILL.

Stan Kimmitt, former Secretary to the Senate, served on the initial planning group and is a member of the board of the Mansfield Foundation. The foundation is chaired by Hon. Ted Schwinden, Governor of Montana.

Mr. President, with the support of the leadership, I hope to pass this bill soon, possibly attached to another measure moving through Congress. And I plan to ask the Senate to include funds for this important foundation in the 1984 labor appropriations bill. I hope my colleagues will want to support this effort, to honor Mike Mansfield and to continue the important work he has started.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this Act to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

SEC. 2. No financial assistance provided by this Act may be made, except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

SEC. 3. There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the majority leader (Mr. BAKER) and the minority leader (Mr. BYRD) be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. BAKER. Mr. President, I commend the Senator for this resolution. I cannot think of a more fitting tribute to one of our former colleagues, and one of my predecessors in this office, than the proposal now being made. I am pleased to be a cosponsor and I urge its early and favorable consideration.

Mr. BAUCUS. Mr. President, I want to very deeply thank the gracious majority leader. It is obvious that without his efforts we would not be proceeding nearly as quickly and as expeditiously as we are. I pass on the deep gratitude and thanks of the people of the State of Montana for the majority leader's help in this regard.

Mr. BAKER. I thank the Senator.

By Mr. JOHNSTON:

S.J. Res. 173. A joint resolution commending the Historic American Buildings Survey, a program of the National Park Service, Department of the Interior; to the Committee on Energy and Natural Resources.

HISTORIC AMERICAN BUILDINGS SURVEY

Mr. JOHNSTON. Mr. President, today I am introducing a joint resolution commending the Historic American Buildings Survey (HABS), a program of the National Park Service.

Created in 1933, HABS provided meaningful and constructive employment to countless architects, draftsmen, photographers, and other skilled individuals who were victims of the Great Depression. Its goal was, as it still is after 50 years of service, "preservation through documentation."

We are fortunate, indeed, to have such a program. Approximately 16,000 historically and architecturally significant buildings and structures in this country have been graphically preserved as a result of HABS' efforts. Without such documentation, the authentic restoration of historical landmarks would be impossible. For example, it is only because of scaled drawings and interior photographs produced by HABS employees that Hyde Park, Roosevelt's birthplace which was damaged by fire last year, can be accurately reconstructed.

As many as 5,000 of the 16,000 structures surveyed have disappeared in one way or another. Yet, carefully compiled records, including interior and exterior photographs, detailed drawings, and pages of historical and architectural data, insure the preservation of otherwise lost significant architectural techniques and designs.

HABS represents a collective effort. The National Park Service organizes the surveys and seeks funding through congressional appropriations or private contributions; and since 1933, the American Institute of Architects has provided counsel and the Library of Congress has housed the records. Additionally, for a number of years an advisory committee comprised of architects and historians assisted in monitoring performance and encouraging professionalism.

Thousands of important structures remain unsurveyed; hence, as they succumb to decay, fire, demolition, or other forms of destruction or alteration, a part of our heritage also fades. The numbers involved could be intimidating. However, architectural students who work on summer projects; detailed records donated by other architects; and supplementary documentation of changing American engineering techniques provided by a sister organization, the Historic American Engineering Record (HAER) have all contributed immensely to the program's important mission. Its success depends on continued support and generosity.

Mr. President, I encourage my colleagues to join me in congratulating the Historic American Building Survey on its 50th anniversary and ask unanimous consent that a joint resolution, commending it for its contribution to our understanding of the history and heritage of this country, be inserted in the RECORD. I also ask unanimous consent that an article by Laura Beaty, program associate for Historic Heritage of the National Parks and Recreation Association, which appeared in the March 1983, National Parks magazine be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. J. RES. 173

Whereas the Historic American Building Survey has been documenting the architectural heritage of the United States with

measured drawings, photographs, and historical data since 1933;

Whereas these records, stored in the Library of Congress for public use, along with the records created by a sister program, the Historic American Engineering Record, have added immeasurably to our knowledge and appreciation of the historic American built environment;

Whereas the Survey has proven to be an important training ground for thousands of architects, historians, and scholars who have worked to preserve our historic American architecture; and

Whereas the fiftieth anniversary of this program marks an appropriate time to commend the National Park Service on the Survey's past accomplishments as well as a time to look forward to the continuance of this important mission of recording the best examples of historic American architecture and engineering: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Historic American Buildings Survey be commended for its substantial contributions to our understanding of the history and heritage of this Nation.

[From National Parks, March/April 1983]

THE HISTORIC AMERICAN BUILDINGS SURVEY

(By Laura Beaty)

The Great Depression of the 1930s spawned many public works projects that provided jobs for millions of unemployed Americans. Most of these programs vanished as a revitalized domestic economy replaced public jobs with private ones. One notable exception is the Historic American Buildings Survey (HABS), a creative program established in 1933 that still exists today.

HABS was conceived by the historic architects of the National Park Service (NPS), who saw the opportunity to hire accomplished architects who were out of work. Their mission would be to graphically record the disappearing architecture of America.

HABS' original purpose was not to prevent the loss of America's historically and architecturally significant buildings, but to compile a record of them through surveys before they vanished. So the newly formed HABS set out to document a wide range of buildings and structures, from early log shelters to ornately designed mansions, from the homes of famous Americans to buildings that had witnessed significant historical events. HABS' goal was—and still is—"preservation through documentation."

Structures surveyed by HABS teams are insured against complete and total loss because the documents survive, even if the buildings do not. In fact, surveys of buildings threatened by demolition or alteration are given precedence to ensure that some record of these buildings exist. Without these surveys, no evidence of the existence of thousands of historical American buildings would remain. To date, about one-third of the sixteen thousand buildings and structures recorded by HABS have disappeared.

Surveys conducted by HABS contain a great deal of detailed information. Complete surveys include measured drawings, interior and exterior photographs, and written material on the historical and architectural aspects of the buildings. A measured drawing, done to precise scale, is the most comprehensive kind of record that can be made of a building. Because of the cost and time required in preparing measured drawings, however, only the most significant subjects are recorded that way. In some cases, depending on the size of the building or detail to be recorded, photographs must substitute for measured drawings. For instance, photographing a tall or unstable building is more practical than assigning a terrified architect to hand-measure every inch of the structure.

Architects, draftsmen, and photographers employed by HABS under various federal relief programs prepared five thousand sheets of drawings and took three thousand photographs of historic buildings throughout the country during HABS' first few years. The accomplishments of the program at that time were directly related to the numbers and quality of the particpating architects at any given locality. As a result, buildings in some regions of the country were more thoroughly documented than those in others.

In 1934 the National Park Service entered into an agreement on behalf of HABS with the American Institute of Architects (AIA) and the Library of Congress. Each of these groups was assigned specific tasks. NPS sets the standards, organizes the projects, and seeks the necessary funding through congressional appropriations or private or state sources, depending upon the projects. AIA members offer counsel, and the Library of Congress preserves the records and makes them available to the public.

In addition, an advisory committee formed in 1934 to advise the National Park Service on the quality of the work being performed by the architects, the historians, and the Library of Congress, and to recommend structures to be recorded. The committee, composed of professional architects and historians, met annually from 1934 to 1940 and from 1967 to 1980. During those periods, the committee's evaluations served to encourage a high degree of professionalism in all phases of the documentation work. NPCA concurs with the recent suggestion by HABS that this committee be reactivated to oversee current projects.

When Congress passed the Historic Sites Act of 1935, it officially gave the Park Service major responsibility for historic preservation. The act established a national policy "to preserve for public use historic sites, buildings and objects of national significance or the inspiration and benefit of the people of the United States." The act provided that the Park Service shall have the power to "secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeological sites, buildings and objects." HABS was the program through which the NPS surveys would be performed.

During World War II, the nation's manpower and money went towards wartime activities. HABS became relatively inactive for about ten years. Some architects continued with recordation projects on their own, donating records to the National Park Service. Slowly, the collection grew.

When survey activities resumed in the 1950s, the buildings within the National Park System became a major target for HABS. Called "Mission 66," a ten-year project got underway in 1956, its aim to revive the parks that had been badly neglected during World War II. Records were made of many historic structures in the parks for restoration work planned by Mission 66.

Ironically, by the 1950s improved economic conditions prevented HABS from hiring experienced architects because they were no longer affordable. Since that time, the new HABS teams have consisted of students from professional architectural schools. These students work on summer projects developed by HABS and supervised by NPS historic architects or faculty members from the architectural schools.

Before HABS, no major effort to record American architecture had been made in this country. Because of this program, scholars, historic preservationists, and others are now able to study the changing architectural styles that represent the remarkable growth of this country. Our architectural heritage ranges from primitive shelters of early settlers to the giant, sophisticated structures that today fill our city skylines. HABS teams continue to survey buildings of local, state, and national interest, both privately and publicly owned.

In 1969, in order to supplement its own work, HABS helped establish a sister organization, the Historic American Engineering Record (HAER, pronounced "hair"). HAER records American technology that has been rendered obsolete by more contemporary engineering and is in danger of demolition. Like HABS, it works through the cooperative efforts of several groups—the National Park Service, the American Society of Civil Engineers, and the Library of Congress. HAER conducts extensive studies to document structures and sites significant to American engineering and industrial history. The studies produce measured drawings, photographs, flow charts, films of specific industrial processes, maps, and reports, which are deposited in the Library of Congress for use by the public. HAER documentation is often the only remaining proof that dams, factories, and other structures existed before they were destroyed to make room for improved technologies.

In its fiftieth year, HABS boasts documentation of more than sixteen thousand buildings and structures represented by thirty-two thousand measured drawings, forty-six thousand photographs, and many pages of detailed historical data. These records have become invaluable to the Park Service. For example, the only good news to accompany last winter's report of a tragic, destructive fire at Hyde Park, Franklin Roosevelt's birthplace, was the extent of HABS' documentation of the buildings there. Restoration architects will be working from forty-one measured drawings and fifty-seven interior photos as efforts begin to repair the fire damage. Without these scaled drawings, accurate restoration of the park would not be possible.

In 1982, HABS finished a landmark project: a complete computer listing of all its documented structures. Now, with the aid of this list, one need only know in what county a structure is located to find out whether it has been recorded by HABS. A catalog of the HABS collection will be published in 1983 by the Library of Congress as part of the program's fiftieth anniversary celebration.

Any celebration of the accomplishments of HABS must be tempered by the sobering fact that only 25 percent of some ten thousand major structures managed by the National Park Service have been documented according to HABS standards. Furthermore, most of our 1,575 National Historic Landmarks remain unrecorded.

It would be unrealistic to expect the staff of HABS and its summer programs to be able to record the vast numbers of significant buildings and structures that remain undocumented. For this reason, HABS must

rely on other architects to donate records drawn to HABS standards for documentation. To encourage such donations and as part of its fiftieth anniversary, HABS, in conjunction with the Athenaeum of Philadelphia, will award the first annual Charles E. Peterson Prize this fall. Cash awards will be given to the students of architecture who donate the three best sets of measured drawings, with certificates of merit for the runners-up. The annual award is being established in honor of Charles E. Peterson, founder of HABS, originator of the HABS documentation methods, and author of the NPCA book, The Moore House, based on one of the first, seminal HABS surveys.

Over the past fifty years, HABS teams have taken on many different tasks, often documenting for the first time centuries-old structures that reveal, in the warp of a floorboard or the curve of a chiseled stone arch, the lives of the people who lived there and the character of the time when they were built. The nation will continue to grow, and new buildings and structures will replace those designed and constructed by earlier generations. With continued support, the Historic American Buildings Survey and its sister project, HAER, will carry on their mission, tracing the changing shape of American architecture and engineering.

ADDITIONAL COSPONSORS

S. 462

At the request of Mr. GRASSLEY, the names of the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 832

At the request of Mr. HEINZ, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 832, a bill to amend the Age Discrimination in Employment Act of 1967 to remove the maximum age limitation applicable to employees who are protected under such act, and for other purposes.

S. 875

At the request of Mr. MATHIAS, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1001

At the request of Mr. COHEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1161

At the request of Mr. DURENBERGER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1161, a bill to amend the Internal Revenue Code of 1954 to make it clear that certain motor vehicle operating leases are leases.

S. 1173

At the request of Mr. NICKLES, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1173, a bill to amend the Federal Mine Safety and Health Act of 1977.

S. 1256

At the request of Mr. MOYNIHAN, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1271

At the request of Mr. RANDOLPH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1329

At the request of Mr. RANDOLPH, his name, and the name of the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1329, a bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

S. 1388

At the request of Mr. SIMPSON, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 1388, a bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of schoolage children and for other purposes.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial-passenger-carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1627

At the request of Mr. DANFORTH, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1627, a bill to amend section (1)(f)(3) of the Internal Revenue Code and for other purposes.

S. 1639

At the request of Mr. BOREN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1639, a bill to provide for the prompt review of Farmers Home Administration loans.

S. 1644

At the request of Mr. NUNN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1644, a bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs.

S. 1676

At the request of Mr. DURENBERGER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. BRADLEY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Ohio (Mr. GLENN), the Senator from Illinois (Mr. DIXON), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Dakota (Mr. BURDICK), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1676, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 1748

At the request of Mr. EAST, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1772

At the request of Mr. MATTINGLY, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1772, a bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists.

SENATE JOINT RESOLUTION 80

At the request of Mr. HEINZ, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 80, a joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn.

SENATE JOINT RESOLUTION 102

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 114

At the request of Mr. NUNN, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 114, a joint resolution to request the President to proclaim September 1983 as "National Professional Security Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE JOINT RESOLUTION 137

At the request of Mr. RIEGLE, the names of the Senator from Ohio (Mr. GLENN), the Senator from North Dakota (Mr. BURDICK), the Senator from Maine (Mr. MITCHELL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Ohio (Mr. METZENBAUM), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 137, a joint resolution to designate April 7, 1983, as "World Health Day."

SENATE JOINT RESOLUTION 153

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 153, a joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 168

At the request of Mr. CRANSTON, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. BENTSEN), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 168, a joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. GLENN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them, and for other purposes.

SENATE RESOLUTION 219

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 219, a resolution calling for the restoration of democracy in Chile.

AMENDMENT NO. 2227

At the request of Mr. COHEN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. MELCHER), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of amendment No. 2227 intended to be proposed to S. 1887, an original bill to extend the Federal supplemental compensation program for 18 months, and for other purposes.

SENATE RESOLUTION 231—RELATING TO THE ENFORCEMENT OF THE ANTITRUST LAWS

Mr. HATCH (for himself, Mr. THURMOND, Mr. LAXALT, Mr. DOLE, Mr. SIMPSON, and Mr. EAST) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 231

Whereas the Congress in 1890 enacted the Sherman Act to prohibit "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations . . .";

Whereas the United States Supreme Court has held that vertical price restraints are per se violations of the Sherman Act;

Whereas in 1975 the Congress repealed portions of the Miller-Tydings Act and the McGuire Act authorizing State laws permitting "fair-trade" restrictions;

Whereas consumers benefit from vigorous price competition at the retail level and could be injured by vertical price-fixing comspiracies;

Whereas the United States Attorney General is charged with instituting proceedings to prevent and restrain violations of the antitrust laws: and whereas other Federal agencies and offices have responsibilities relating to these laws;

Whereas the Solicitor General of the United States Department of Justice, on behalf of the United States, has filed an amicus curiae brief with the Supreme Court which, in part, advocates changing vertical price restraint actions from a per se to a "rule of reason" violation of the antitrust laws; Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Attorney General and all other appropriate Federal agencies and officials shall faithfully enforce the Federal antitrust laws, and should, at the earliest available opportunity, undertake to fully explain to Members of Congess the policies of the United States with respect to litigation relating to vertical price restraints.

SENATE RESOLUTION 232—HONORING CARL YASTRZEMSKI OF THE BOSTON RED SOX

Mr. KENNEDY (for himself and Mr. TSONGAS) submitted the following resolution, which was ordered placed on the calendar:

S. RES. 232

Whereas Carl Yastrzemski will soon complete his twenty-third and final season as a baseball player for the Boston Red Sox;

Whereas Carl Yastrzemski has played in more major league baseball games than any other player in the history of the sport;

Whereas "Captain Carl" won baseball's honored triple crown and led his Cardiac Kids to the "Impossible Dream" of an American League Pennant in 1967;

Whereas Yaz will be remembered always as one of the finest players in baseball history and a leader of great compassion and ability both on and off the field.

Resolved, That the Senate of the United States of America joins with the people of Massachusetts and sport fans throughout the world in honoring Carl Yastrzemski for his outstanding career, his outstanding sportsmanship, and his outstanding contribution to baseball and the nation.

AMENDMENTS SUBMITTED

WAR POWERS RESOLUTION

BYRD (AND OTHERS) AMENDMENT NO. 2231

Mr. BYRD (for himself, Mr. NUNN, Mr. CHILES, Mr. EAGLETON, Mr. BINGAMAN, Mr. BUMPERS, Mr. DIXON, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. DODD, Mr. PELL, Mr. CRANSTON, Mr. PRYOR, and Mr. HOLLINGS)

proposed an amendment to the joint resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon; as follows:

SECTION 1. The Congress finds that—

(a) Starting on August 29, 1983, the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon were introduced into hostilites or into situations where imminent involvement in hostilities were clearly indicated by the circumstances as provided for in section 4(a)(1) of the War Powers Resolution;

(b) Not later than August 31, 1983, a report from the President was required to be submitted by the President to the Speaker of the House of Representatives and the President pro tempore of the Senate pursuant to section 4(a)(1) of the War Powers Resolution, which was required to include the following information:

(1) The circumstances necessitating the introduction of the United States Armed Forces into Lebanon;

(2) The constitutional and legislative authority for the introduction of the United States Armed Forces into Lebanon; and

(3) The estimated scope and duration of the hostilities, or of the imminent involvement of the United States Armed Forces in hostilities.

Sec. 2. Not later than 48 hours after the enactment of this resolution, the President, as required by section 4(a)(1) of the War Powers Resolution, shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing the information required by paragraphs (A)-(C) of section 4(a) of the War Powers Resolution, together with the following additional information:

(a) A description of the specific goals of United States policy in Lebanon;

(b) A description of the specific roles and missions of the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon, including the governing rules of engagement for fulfilling the goals of United States policy in Lebabon; and

(c) A description of the specific criteria that are being applied to determine when the United States Armed Forces participating in the Multinational Peacekeeping Force in Lebanon have successfully accomplished the roles and missions described in clause (b).

Sec. 3. Pursuant to section 5(b)(2) of the War Powers Resolution, the 60-day period specified in section 5(b) of such Resolution is hereby extended for 60 days from the date of enactment of this resolution, provided that the President complies with the requirements of Section 2 of this resolution.

Sec. 4. Nothing in this resolution modifies, limits, or supercedes any provision of the War Powers Resolution of the requirement of Section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to Congressional authorization for any substantial expansion in the number or role of the United States Armed Forces in Lebanon.

NATIONAL RAILROAD PASSENGER CORPORATION AUTHORIZATION

GORTON (AND OTHERS) AMENDMENT NO. 2232

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. KASTEN, and Mr. MELCHER) submitted an amendment intended to be proposed by them to the bill (S. 1117) to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation, and for other purposes; as follows:

On page 8, after line 5, add the following new section:

SEC. 9. (a) Except as provided in subsection (b), that portion of the May 2, 1983 Order of the Interstate Commerce Commission in Ex Parte No. 346 (Sub. No. 8) which authorizes the imposition of empty mileage charges and reclaim of car hire payments (sections 1039.14(c) (1) and (2) of title 49, Code of Federal Regulations) shall not take effect until after the completion of judicial review in the Court of Appeals.

(b) Subsection (a) shall not apply to any boxcar bearing the reporting marks of any rail carrier (including all rail carriers owned or controlled by such rail carrier) having gross railway operating revenues in excess of $500 million per year as reported in the latest annual report or reports of such rail carrier to the Interstate Commerce Commission.

(c) The enactment of this section shall not be construed as an expression of Congressional approval or disapproval of such Order of the Interstate Commerce Commission, and shall not be construed to create any presumption of validity or invalidity with respect to such order.

Mr. GORTON. Mr. President, I ask unanimous consent that a brief description of the amendment be printed in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

BRIEF DESCRIPTION OF THE AMENDMENT

Subsection (a) postpones the effective date of the car hire portion of the ICC's May 2, 1983 Order in Ex Parte No. 346 (Sub. No. 8) until completion of judicial review of the Order by the United States Court of Appeals.

Subsection (b) provides that boxcars bearing the reporting marks of any rail carrier (including all the railroads owned or controlled by the rail carrier) having gross railway operating revenues in excess of $500 million per year as reported in the latest annual report or reports of such rail carrier to the Interstate Commerce Commission shall be subject to the imposition of empty mileage charges and reclaim of car hire payments. The largest nine rail carriers in the United States have operating revenues in excess of $500 million when all their railroad operations are aggregated; these rail carriers should have sufficient economic leverage to protect themselves during the pendency of judicial review of that portion of the Order stayed under subsection (a) of the amendment.

Subsection (c) provides that this section shall not be construed as an expression of Congressional approval or disapproval of the ICC's Order, nor shall it be construed as creating a presumption of validity or invalidity of the Order.

WAR POWERS RESOLUTION

EAGLETON AMENDMENT NO. 2233

Mr. EAGLETON proposed an amendment to the joint resolution, Senate Joint Resolution 159, supra, as follows:

On page 5, line 4, strike out "protective" and insert "defensive".

On page 5, between lines 14 and 15, insert the following;

(1) the results of efforts to secure removal of all foreign forces from Lebanon and to restore full control by the Government of Lebanon over its own territory;

On page 5, line 15, strike out "(1)" and insert "(2)".

On page 5, line 17, strike out "(2)" and insert "(3)".

On page 5, line 21, strike out "(3)" and insert "(4)".

On page 5, line 23, strike out "(4)" and insert "(5)".

On page 6, line 3, strike out "(5)" and insert "(6)".

On page 7, line 1, strike out "(3)" and insert "(4)".

FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1983

KASTEN AMENDMENTS NO. 2234 AND NO. 2235

Mr. KASTEN proposed two amendments to the bill (S. 1714) to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes, as follows:

On page 26, line 4, strike "SEC. 13." and insert in lieu thereof "SEC. 14."; and insert the following immediately after line 2:

CONGRESSIONAL REVIEW OF RULES

SEC. 13. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 26, as added by section 10 of this Act, the following new section:

"SEC. 27. (a)(1) On the day the Commission forwards to the Federal Register for publication a recommended final rule, the Commission shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended final rule under this subsection whether the appropriate House is in session, stands in adjournment or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule, the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

"(b)(1) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on

which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives. If before the expiration of such thirty-day period, either appropriate committee ordered reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

"(A) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this subparagraph if within such sixty-day period a joint resolution with respect to such rule has become law;

"(B) any time after either House of Congress has rejected a joint resolution with respect to such rule; or

"(C) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this subparagraph if—

"(i) a period of thirty days has not expired since the date on which such rule was received by the appropriate committees; and

"(ii) within such thirty-day period, a joint resolution with respect to such rule has become law.

"(2) For purposes of this subsection—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the thirty-day period referred to in this subsection if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to in this subsection if the adjournment is for more than fifteen days.

"(c) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(d) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(e) Congressional inaction on, or rejection of, any resolution of disapproval concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(f)(1) If a recommended final rule of the Commission is disapproved under this section, the Commission may issue a recommended final rule which relates to the same acts or practices as the disapproved rule. Such recommended final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the recommended final rule disapproved by the Congress; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the resolution of disapproval with respect to the rule.

"(2) After issuing a recommended final rule under this subsection, the Commission shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (a)(1) of this section, and such rule shall only become effective in accordance with this section.

"(g) The provisions of this subsection, subsections (a)(2), (d) through (k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions, and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(h) Except as provided in subsection (k) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(i)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within 20 days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within 30 days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to the motion is not in order.

"(j)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote of adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(k) If a joint resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.

"(l) For purposes of this section—

"(1) The term 'appropriate committee' means either the Committee on Energy and Commerce of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate, as the case may be.

"(2) The term 'rule' means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A) of this Act and any interpretive or procedural rule.

"(3) The term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Senate and the House of Representatives disapprove the rule entitled , transmitted to the Congress by the Federal Trade Commission on , 19 .', the blank spaces being filled with the appropriate title of the rule and the date of transmittal of the rule to the Congress, respectively.".

(b) The amendment made by subsection (a) of this section shall be effective on the date of enactment of this Act, except that any rule promulgated by the Federal Trade Commission after June 23, 1983 and before such date of enactment shall be transmitted by the Federal Trade Commission on the date of enactment of this Act to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (a)(1) of section 27 of the Federal Trade Commission Act, as added by subsection (a) of this section. Any such rule

shall have no force and effect except in accordance with such section 27.

On page 13, line 18, strike "section 27 and section 28" and insert in lieu thereof "section 28 and section 29".

On page 28, line 6, strike "SEC. 14." and insert in lieu thereof "SEC. 15.", and strike "Section 27" and insert in lieu thereof "Section 28".

On page 28, line 17, strike "SEC. 15." and insert in lieu thereof "SEC. 16.".

AMENDMENT No. 2235

On page 26, line 4, strike "SEC. 13." and insert in lieu thereof "SEC. 14."; and insert the following immediately after line 2:

MAXIMUM PENALTIES

SEC. 13. (a) Section 5(1) of the Federal Trade Commission Act (U.S.C. 45 (1)) is amended by adding at the end thereof the following: "Where a final order of the Commission is based upon a finding under this section that acts or practices are unfair or deceptive, the maximum civil penalty a court may impose at one time under this subsection for a series of violations significantly related in planning, dissemination and time of occurrence shall not exceed $1,000,000.".

(b) Subparagraphs (A) and (B) of section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1) (A) and (B)) are amended by adding at the end thereof the following: "The maximum civil penalty a court may impose at one time under this subparagraph for a series of violations significantly related in planning, dissemination and time of occurrence shall not exceed $1,000,000.".

On page 28 line 6, strike "SEC. 14." and insert in lieu thereof "SEC. 15.".

On page 28 line 17, strike "SEC. 15." and insert in lieu thereof "SEC. 16.".

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION

COHEN (AND LEVIN) AMENDMENT NO. 2236

Mr. BAKER (for Mr. COHEN, for himself, and Mr. LEVIN) proposed an amendment to the House amendment to the bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years, as follows:

In lieu of the language inserted by the House insert the following:

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

FIVE YEAR TERM FOR AND REMOVAL OF THE DIRECTOR

SEC. 2. Section 401(b) is amended by adding at the end thereof the following: "Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years. Upon removal of the Director prior to the expiration of his term, the President shall communicate in writing the reasons for such removal to the Committees of the Senate and the House exercising jurisdiction over this Act."

AUTHORITY TO ISSUE REGULATIONS

SEC. 3. (a) Section 402(a) is amended by striking out ", under the general supervision of the Office of Personnel Management,".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof "and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "President or the Director".

(d) (1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978, with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 4. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

"SEC. 407. (a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.".

REQUEST ASSISTANCE FROM INSPECTORS GENERAL

SEC. 5. Section 403 is amended by inserting at the end thereof the following: "The authority of the Director under this section includes that authority to request assistance from the inspector general of an agency in conducting investigations pursuant to subsections (b)(3) and (b)(4) of section 402.".

RECOMMEND REDESIGNATION OF AGENCY ETHICS OFFICIAL

SEC. 6. Section 402(b) is amended by—

(1) striking out "and" at the end of clause (14);

(2) striking out the period at the end of clause (15) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(16) recommending the redesignation of an agency ethics official where such official fails to properly and effectively perform his or her duties.".

OGE REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

SEC. 7. Section 203(c) is amended by adding after "designated agency officials," the following: "employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107(a)(1)(A) or (B)(1)(A)(i), of title 3, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

SEC. 8. Section 210 is amended to read as follows:

"OUTSIDE EARNED INCOME

SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees covered by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions, appointments to which are required to be made by the President by and with the advice and consent of the Senate, or

"(2) employees of the White House Office who are compensated at rates equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of fifteen percent of their salary.".

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 9. Section 201(b) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

(3) by adding at the end thereof the following new paragraph:

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement but not later than is required under the first sentence of such paragraph.".

ETHICS AGREEMENTS

SEC. 10. Title II is amended—

(1) by redesignating section 211 as section 212; and

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed in the last sentence of subsection (a).".

BLIND TRUST AMENDMENTS

SEC. 11. Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.".

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence:

"This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection."

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

SEC. 12. Section 201 is amended by adding at the end thereof the following new subsection:

"(j) (1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of spec! . Government employees shall be subject to the provisions of this title as if that individual were such a special Government employee.

"(2) For purposes of paragraph (1)—

"(A) the term 'advisory committee' means any committee, board, commission, council, conference, panel, task force, or other similar group which is established—

"(i) by statute or reorganization plan,

"(ii) by the President, or

"(iii) by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement;

"(B) the term 'staff functions in support of an advisory committee' means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

"(C) the term 'special Government employee' has the meaning given that term by section 202 of title 18, United States Code; and

"(D) the term 'agency' has the meaning given that term by section 551(1) of title 5, United States Code.

"(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 13. Section 405 is amended in paragraph (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 14. The amendments made by this Act shall take effect on October 1, 1983.

Amend the title so as to read "To amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 29, 1983, in order to receive testimony concerning the following nominations:

Mr. Sherman E. Unger, of Ohio, to be U.S. Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, September 29, at 10 a.m., to hold a hearing to consider S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes; and S. 1590, to clarify the contractual authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 29, to continue markup on S. 121, the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 29, to receive testimony from the Department of the Navy, on Naval Petroleum and Oil Shale Reserves.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, September 29, at 10 a.m., to hold a hearing on the Hotel Employees and Restaurant Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAX INDEXING: A PROFOUND AND NEEDED CHANGE

● Mr. ARMSTRONG. Mr. President, if any of my colleagues doubt that tax indexing is one of the most important changes in the Tax Code then I urge them to read "Tax Indexing: A Profound and Needed Change" in the July edition of Tax Advisor.

The two authors of this article, Jack O. Nutter and George A. Pieler, thoughtfully explain the history of the 1981 tax indexing provision and

analyze its merits. I agree with their conclusion:

It should be clear that indexing income taxes is not merely an issue of tax policy. It is a major and fundamental issue of fiscal policy, of how Congress and the President manage government finances and try to influence the course of the economy. From that perspective, the question becomes one of accountability. Many proponents view indexing as requiring an explicit choice: Should the government resort to a mechanism that raises taxes automatically, while taking political credit for the expenditure of those revenues, or should the will to spend be matched by the will to take the explicit actions needed to raise an appropriate amount of revenues. . .

Thus, the fate of indexing is directly linked to the question of whether the American economy will move toward stable recovery or will return to the inflation and interest rate "roller coaster" in the future. No more important question awaits the 98th Congress.

I urge my colleagues to read this fine article, which I ask be printed in the RECORD.

The article follows:

[From the Tax Adviser, July 1983]

TAX INDEXING: A PROFOUND AND NEEDED CHANGE

(By Jack O. Nutter II and George A. Pieler)

INTRODUCTION

In August, 1981, Congress passed the largest tax cut in American history. H.R. 4242, the Economic Recovery Tax Act (ERTA),[1] was designed to reduce the tax burden on the American taxpayer by $750 billion over five years and to restore incentives for individual initiative and business investment. Close on the heels of the 1981 tax rate reductions, Congress passed legislation, in 1982, to reduce the mounting federal deficit by raising a total of $98.3 billion in new revenues over three years through a myriad of cutbacks in tax preferences, new enforcement procedures and use-related taxes.[2] Despite the debate about "enhancing" revenues to cut the deficit, Congress left intact the provision of ERTA that prevents inflation from generating automatic, unlegislated tax increases year after year.[3] The new tax indexing provision, which takes effect in 1985, is a major departure from past policy. Indexing will safeguard taxpayers from bracket creep and prevent Congress from periodically declaring that it has cut taxes when it passes legislation that actually does nothing to reduce the real tax burden. This article will examine the history of the 1981 tax indexing provision, analyze the merits of indexing the progressive rate structure and discuss other issues relating to tax indexation.

"TAXFLATION" AS A POLITICAL PROBLEM

In recent decades, inflation has plagued the American economy in varying degrees and in different forms. In the 1960s, unrestrained demand pushed up the general price levels. Price increases accelerated in the 1970s, and were joined by rising unemployment in a new phenomenon labeled "stagflation." The economic and political response to the OPEC embargo, coupled with steadily rising government spending, helped bring inflation into the double-digit range. By the end of the 1970s, accelerating inflation clearly threatened the social and economic welfare of the nation. It also introduced a new word into the American political vocabulary: taxflation.

As a political term, taxflation describes how increases in the general level of prices and wages affect our progressive tax system. The concern about the political and economic effects of taxflation ultimately led to the enactment of tax indexing, one of the most fundamental tax reforms ever adopted by Congress.

DISTORTION CAUSED BY INFLATION

Milton Friedman has discussed the political implications of inflation, calling it "a hidden tax that at first appears painless or even pleasant, and above all . . . a tax that can be imposed without specific legislation." Dr. Friedman characterized the effect of inflation on our tax system as "taxation without representation."[4]

Inflation distorts our progressive tax system in two profound ways. First, a taxpayer whose nominal income rises in the course of sustained inflation is subject to higher effective tax rates because part of his nominal income is shifted into a higher rate bracket while real purchasing power remains unchanged.[5] Three separate factors interact to cause this problem. First, as nominal income increases within a particular tax bracket, more of that income is subject to the marginal rate in that bracket, causing the average tax rate to rise. Secondly, as a taxpayer moves into the next tax bracket, a higher marginal tax becomes effective, raising the average tax rate. Finally, fixed dollar amounts in the Code, such as the $1,000 personal exemption, become less significant. As nominal income increases, fixed dollar amounts, as a share of total income, decline and the proportion of income that is subject to tax increases.

As inflation causes more of a taxpayer's income to be taxed at higher and higher marginal rates, but with no increase in real purchasing power, the taxpayer's standard of living declines because a greater proportion of income is being paid in taxes. For example, before ERTA, a family of four earning $17,889 paid $1,670 in federal income taxes in 1979, or 9.3 percent of its income. With an inflation rate of 13.3 percent in 1979, and wage increases to keep up with inflation, the family earned $20,304 in 1980, and maintained its real purchasing power. With a tax payment of $2,062 in 1980, or an effective tax rate of 10.1 percent, however, the family experienced a decline in real spendable income.

The second way that inflation distorts the tax system involves the measurement of real income from capital. Here, the problem occurs because the tax system, in measuring income subject to tax, does not take into account the declining purchasing power of the dollar. Measuring real income is a simple concept in theory, but its application to the Internal Revenue Code can be very complicated.

A simple example illustrates the "income definition" problem. An individual who bought a home three years ago for $30,000 and sells it for $50,000 in 1983 has a $20,000 taxable capital gain. A significant portion of the increase in the selling price is likely to reflect inflation: If the inflation rate over the period between the purchase and sale of the asset was 20 percent, the real gain is only $14,000, and the remaining $6,000 of the price increase is attributable to inflation. Tax is imposed on the entire gain, however, as measured by the nominal increase in value.

Each of these distortions principally benefits the federal Treasury. Although estimates of the exact impact of inflation on aggregate tax revenues vary, the amounts of new taxes raised are significant. A study by George M. Von Furstenberg, former senior staff economist at the Council of Economic Advisors, indicated that "bracket creep" raises aggregate federal revenues by more than 16 percent for each 10 percent increase in inflation.[6] In a 1975 study, the congressional Joint Economic Committee estimated that a 10 percent inflation rate increases tax revenues by 14.7 percent.[7] Dr. Emil Sunley, at that time a Treasury official, testified in 1978 that "the elasticity of the income tax with respect to inflation is about 1.5 (percent); that is, tax receipts rise 1½ times as fast as the rate of inflation."[8]

Many economists and policymakers maintain that, to be fair and equitable, a tax system should be inflation-neutral. These commentators view tax indexing as a long-awaited reform whose time has come.[9] Inflation distortion and the resulting real tax increases can be eliminated substantially by automatically adjusting certain provisions of the Code in direct proportion to rises in the general price level. By periodically adjusting the personal exemption amount,[10] the zero bracket amount,[11] and the upper and lower limits of each tax bracket (width),[12] the "real" increases in current dollar tax liability caused by inflation can be minimized.[13] This is the approach adopted in the indexing provision of ERTA.

HISTORY OF LEGISLATIVE INITIATIVES

It took a long and persistent struggle to enact tax indexing. Most tax indexing proposals, including the ERTA provision, offered straightforward remedies to the taxflation problem by adjusting fixed dollar amounts in the Code. The economic and political consequences of tax indexing have still generated controversy. To understand this controversy, and to appreciate how far the indexing concept has advanced, it is important to examine early congressional action.

Sen. James L. Buckley first proposed tax indexing in an amendment to the Tax Reduction Act of 1975.[14] The Buckley amendment provided for a yearly inflation ajustment to the income tax tables in Sec. 1, based on the increase in the Consumer Price Index. During a brief Senate debate, Sen. Russell Long, Chairman of the Senate Finance Committee and floor manager of the bill, warned his fellow Senate colleagues that the amendment "would mean that in future years when inflation occurs Congress will find it necessary to raise taxes or to cut spending."[15] The Buckley amendment was defeated by a substantial margin.[16]

The Senate confronted indexing again the next year, during consideration of the Tax Reform Act of 1976. Sen. Robert Taft proposed an amendment to index the personal exemption, the then standard deduction, the low-income allowance and each tax bracket.[17] Senate opposition was apparently based on the political attractiveness of being able to generate revenues through inflation, and the political difficulty of being required to vote for higher taxes. The Taft amendment was also defeated.[18]

After the sound rejections in 1975 and 1976, the prospects for tax indexing appeared dim, a view that was confirmed when an amendment to the Tax Reduction and Simplification Act of 1977, similar to the initiatives in the prior two years, was rejected by the Senate.[19] However, 1978 marked the

[1] Footnotes at end of article.

beginning year of a "tax revolt" when ideas such as tax indexing began to be taken seriously.

Early in 1978, Sen. Robert Dole, then a member and now chairman of the Senate Finance Committee, introduced a bill that attracted considerable attention because of its comprehensive and balanced approach to the problem of taxes and inflation.[20] The Dole legislation proposed to index most of the significant fixed dollar amounts in the Code used to determine individual income tax rates, exemptions, deductions and credits. The bill also included adjustments for the unified credit for estate and gift taxes and the annual gift taxes and the annual gift tax exclusion. In addition, unlike earlier proposals, inflation adjustments for business income tax provisions were proposed, including a basis adjustment to eliminate the tax inflation on capital gains and adjustments in the graduated corporate rate schedule.

The Dole bill differed from earlier proposals in several other respects: it provided an annual inflation adjustment equal to only two-thirds of the increase in the Consumer Price Index. In addition, the President was given the authority to suspend these automatic inflation adjustments, subject to a Senate or House veto, if the President determined that the adjustments would have a substantial adverse effect on the domestic economy.[21]

Public hearings held on the Dole proposal in April, 1978,[22] represented the first time that a congressional tax-writing committee seriously addressed the indexing issue. Several events in that year gave credibility and momentum to tax indexing. First, in its proposed tax cut submitted to Congress in January, the Carter Administration recommended increasing the progressivity of the tax system. The Administration's proposals, like past bills, did not evenly compensate all taxpayers for the effects of inflation.[23] Secondly, a Republican proposal to cut marginal tax rates a total of 33⅓ percent over a three-year period was receiving considerable attention.[24] This early proposal by Sen. William Roth and Rep. Jack Kemp, the precursor of the rate cuts adopted in ERTA, seemed to focus national attention on the tax burden. In addition, inflation was accelerating: During early 1978, the inflation rate began to reach the annual double-digit levels that erupted in full force in 1979 and 1980. Finally, the "tax revolt" movement was sweeping the country. With the passage of Proposition 13, a California ballot initiative to cut property taxes, policymakers increasingly advocated cutting taxes and reducing the role of government.

Although the Dole indexing proposal received considerable attention in the Senate, the first congressional acceptance of indexing came during the House Ways and Means Committee consideration of the Revenue Act of 1978. The Committee rejected a proposal to begin indexing fixed dollar amounts in the Code, but approved a proposal to adjust the capital gains tax for inflation.[25] The Ways and Means Committee bill also differed from the Carter Administration proposal on the question of the tax rate structure. The Committee did not explicitly endorse indexing fixed dollar amounts, but the bill did recognize the concept of taxflation and indexing by increasing the tax bracket widths to "approximate the automatic adjustments which would occur under indexing." [26]

After the '78 Act passed the House, a bipartisan coalition of senators offered a proposal in the Senate to index the personal exemption, the zero bracket amount, and the rate brackets for four years.[27] Although the coalition indexing amendment was eventually defeated, the proponents of the amendment felt that progress had been made. Indexing was no longer a partisan issue, and the coalition amendment received more votes than the widely publicized Roth-Kemp tax cut measure.[28] The Senate considered indexing on two more occasions before its passage in ERTA, but the basic groundwork was established in 1978.

THE ERTA PROVISION

The momentum from these earlier efforts carried over, into the 97th Congress, and in the Economic Recovery Tax Act of 1981, Congress addressed the effects of inflation on the federal tax system. Congress acted, on a bipartisan basis, to provide a sustained adjustment for past inflation—the 5-10-10 percent sequence of individual rate reductions—and also agreed to preserve this lower rate structure through an inflation adjustment beginning in 1985. Indexing the individual rate structure is a major reversal of past congressional policy: Congress can no longer make future ad hoc adjustments for inflation and characterize them as tax cuts. Instead, future tax reductions and tax increases will have to be undertaken explicitly.

The indexing provision of ERTA is straightforward. Section 104 of ERTA provides inflation adjustments for the minimum and maximum dollar amounts for each marginal rate bracket, the zero bracket amount and the fixed-dollar amount of the personal exemption. The amount of the future inflation adjustments will depend on the percentage increase in the Consumer Price Index (CPI) for all urban consumers for the fiscal year most recently ended. For example, the rate brackets that will apply in calendar year 1985 will incorporate an inflation adjustment based on the percentage increase in the CPI in fiscal year 1984 (from October, 1983, through September, 1984). The percentage increase will be determined by comparing the average of the CPI level during fiscal year 1984 with the average during fiscal year 1983. The same computation will be made for each succeeding taxable year, with fiscal year 1983 as the base year.

Accordingly, the "bracket creep" phenomenon that has caused higher nominal incomes to be taxed at higher marginal rates and increased effective tax rates will be substantially eliminated beginning in 1985. In addition, indexing the personal exemption addresses one of the significant fixed-dollar amounts in the Code that has been distorted by inflation. The income definition problems created by inflation remain after ERTA, however.

The relative ease with which Congress approved tax indexing came as a surprise to many. Viewed in perspective, however, it should be remembered that the Senate had considered tax indexing six times before 1981, and rejected it only after a full debate on the issue. In addition, although tax indexing was not proposed by the Reagan Administration, it was a key element of the so-called Kemp-Roth tax reduction plan that candidate Reagan had stressed during the 1980 presidential campaign. Thus, the decision to include some form of indexing in the 1981 tax bill had been coming for some time.

GENESIS OF THE 1981 INDEXING PROVISION

On Feb. 18, 1981, President Reagan unveiled his program for economic recovery, including a multi-year plan of tax reductions for businesses and individuals. Specifically, the President asked Congress to reduce tax rates for individuals by 10 percent a year for each of three consecutive years, with the first reduction to take effect July 1, 1981. The Administration did not include an indexing provision in its tax program, but there was an express acknowledgment that the tax proposals were designed to deal with the problems caused by the interaction of inflation and the tax system. The White House noted that increases in nominal income move taxpayers into higher tax brackets, whether the increases are real or merely an adjustment for higher costs of living. As a consequence, taxes rise faster than inflation, raising average tax rates and tax burdens. The Administration's proposals were designed to "bring down average individual tax receipts to 10.8 percent of personal income in 1984," still 1.6 percentage points above the levels in 1965. Without these marginal tax rate cuts, however, individual taxes would rise to 14.7 percent of personal income by 1984. In the Administration's view, failing to provide tax reduction was "tantamount to imposing a tax increase on the average American taxpayers."[29]

Thus, the Reagan Administration proposed an across-the-board offset to bracket creep. Unlike earlier proposals, however, the offset was to be sustained over several years. In addition, the Administration also planned to reduce tax rates in real terms; the extent to which taxes would be reduced would depend on the rate of inflation over the period when the rate reductions were being phased in. At the time Congress acted on the 1981 tax bill, compromising on a 25 percent rate reduction over three years, the Administration was projecting that about 22 percent of that 25 percent would offset bracket creep and payroll rax increases already scheduled to take effect during that period.[30]

A question left unresolved by the Administration proposal was whether the reduction in tax rates would be made permanent through a mechanism to adjust the rate structure to reflect changes due to inflation. The proponents of indexing had several strong allies in Congress, including Finance Committee Chairman Robert Dole and Sen. William Armstrong, also a member of the Finance Committee. Earlier in 1981, these senators had introduced S. 1, which provided for adjustments of the individual rate brackets, the zero bracket amount and the personal exemption each year according to the change in the Consumer Price Index.

SENATE FINANCE COMMITTEE ACTION

The Finance Committee began considering the Reagan tax proposals on June 18, 1981. Early agreement was reached on the basic provisions of the tax package: a 25 percent reduction in tax rates in three stages (Oct. 1, 1981, July 1, 1982 and July 1, 1983), dropping the maximum tax rate from 70 percent to 50 percent, and the adoption of the Accelerated Cost Recovery System. The Treasury Department supported these measures, and had also agreed to a number of other provisions in the tax bill in an effort to gain support for the basic tax program.

The Administration withheld support for an indexing provision, however. Sen. Armstrong with the approval of Chairman Dole, urged the Committee to adopt an indexing provision to take effect in 1985, after the sequence of individual rate reductions was completed, and beyond the three-year

budget period that Congress was considering. The Administration, represented by the Treasury Department, neither actively opposed nor supported the proposal to include indexing in the 1981 bill. Instead, the Treasury suggested that the indexing issue should be left for a "second tax bill" that the Administration intended to propose later; at the same time, the Treasury Department indicated that Congress should "work its will" on this issue.

The Administration's neutral posture posed some difficulties for congressional proponents of tax indexing. Clearly, Administration support would help to assure the eventual enactment of indexing. All the same time, the opportunity to press the issue was then present, and waiting for active support from the Treasury Department could be a risky strategy. To complicate matters, most of the advocates of indexing were also strong supporters of the Administration's economic program and, by and large, did not want to push an issue that the Administration did not yet publicly advocate.

In the Finance Committee, this problem was dealt with in a subtle, but effective, fashion: The indexing proposal made by Senators Armstrong and Dole was considered and voted on, but not as an integral part of the main tax proposal the Committee was considering. Instead, indexing was to be reported out of Committee as a separate amendment, and considered on the Senate floor for inclusion in the tax bill. Using this approach, the Committee approved the separate indexing amendment by a vote of nine to five.

SENATE ADOPTS INDEXING

The tax bill was reported by the Finance Committee on June 25, 1981, and taken up on the Senate floor on July 15. On the first day of floor debate, Senator Dole "laid down" the indexing amendment on behalf of the Committee. During debate on the amendment, on July 15 and 16, supporters argued that the change was needed to make Congress accountable for its taxing decisions, to encourage restraint over the federal budget and to protect taxpayers from unlegislated tax increases. Opponents claimed that tax indexing would aggravate the deficit problem by reducing the potential revenue base and would limit the ability of Congress to "target" tax relief and manage fiscal policy.

Responding to the arguments of indexing proponents, the Senate passed the Committee amendment by a vote of 57 to 40. Because of the uncertainties of the legislative process, however, the fate of the provision was far from assured. The House Ways and Means Committee was deliberating on an alternative tax bill, and, in view of that committee's political makeup, seemed unlikely to adopt an indexing provision. Although a substitute bill supported by the Administration was to be offered as an alternative to the Ways and Means bill on the House floor, it was not clear whether, because of the Senate action, the Administration would embrace indexing as part of this substitute. It seemed likely that the indexing provision would be the subject of negotiations in the House-Senate conference on the tax bill.

The matter was resolved sooner than anticipated, however. On July 23, the Reagan Administration unveiled its substitute tax proposal to be offered on the House floor by Representatives Barber Conable and Kent Hance. The Administration substitute closely resembled the Senate tax bill, including an identical indexing provision. Following a nationwide television address by the President—in which he graphically dramatized the difference that indexing would make in sustaining tax relief—the full House of Representatives agreed to the Administration substitute. Because the indexing provisions in the House and Senate bills were identical, no Conference Committee bargaining was required. Tax indexing became law when President Reagan signed the Economic Recovery Tax Act on Aug. 13, 1981.

WHY INDEXING MATTERS

The indexing of fixed-dollar amounts in the Code accomplished by the provision in ERTA is a relatively simple process. As the legislative history demonstrates, however, it took years of effort to enact the basic concept of tax indexing. Weighty economic and political arguments have been marshalled for and against the concept.

A number of economists have characterized tax inflation as an automatic stabilizer that benefits the economy. As inflation increases, incomes rise along with federal revenues. The increasing tax load is likely to cause declines in consumer spending, which, in turn, slow the economy and inflationary pressures. Some of the assumptions behind this "fiscal drag" theory can be questioned, however, because the government is likely to spend the additional revenues generated by inflation. A more serious consideration, often overlooked, is that, in a period of high inflation and slow growth, automatic tax increases may be an unwanted drag on the economy. Furthermore, the price level does not always respond immediately to changes in the level of demand. Prices may continue to rise even after demand begins to drop off. Because of this lag, nominal income and tax rates may continue to rise, even though real income and employment are declining.[31]

Those who favor indexing argue that an indexed tax system can decrease wage demands that may give momentum to inflation. Demands for higher wages follow inflationary trends, and also reflect expectations of future inflation. Workers faced with higher taxes may attempt to maintain their previous levels of after-tax real income by seeking wage increases to compensate for higher taxes and increases in prices. Thus, in a system where taxes do not rise automatically with inflation, some moderation in wage demands may be expected.[32]

Indexing can also be viewed as a way to clarify the distribution of the tax burden. In the years before the adoption of ERTA and indexing, Congress passed a number of tax-cutting measures.[33] Despite arguments that these periodic tax cuts compensated taxpayers for inflation, there is evidence that taxpayers, as a whole, were not better off after the changes. Instead, the burden of taxation was merely shifted into different income groups. Specifically, in the intermediate brackets, where progression is relatively steep, tax reductions have usually not been sufficient to offset the effects of inflation.[34]

There is no question that periodic tax cuts are highly visible and serve an understandable political purpose. In contrast, tax indexing will require Congress to vote for tax increases if they are needed to finance new programs or reduce the deficit. According to former Sen. Buckley, this "is one of the unspoken reasons why the idea of indexation has met with such resistance." [35]

Nonetheless, proponents of indexing argue that tax cuts enacted during a period of significant inflation are illusory. As mentioned above, the Revenue Act of 1978 supported this contention. "Indexers" generally believe that Congress must be accountable for its actions; if Congress wishes to raise taxes, it should do so openly, rather than relying on inflation and capitalizing on a lack of taxpayer awareness to facilitate automatic increases.

Opponents have argued, however, that indexing the tax system is an admission of defeat in the attempt to control inflation. Indexing is viewed as encouraging individuals, institutions and politicians to seek accommodation with inflation, rather than fight it. There is less political pressure on government to avoid excessive monetary and fiscal expansion.

Dr. Friedman disagrees with this view, and argues that indexing "will make it easier (to reduce inflation) by reducing the incentive for government to inflate." [36] In other words, without a "fiscal dividend" from inflation, government has little to gain from following inflationary policies.

Other economists agree with Dr. Friedman, and suggest that the federal government has a vested interest in inflation because of the inflation-induced windfall to the Treasury that it produces, something Congress was reluctant to give up without proper gratitude from taxpayers.[37] By increasing federal revenues, inflation has given Congress the ability to create new programs or expand old ones if it does not reduce taxes. For those who favor more and larger government programs, the tax effects of inflation may seem desirable, because they reduce the need for legislative action on new taxes or tax increases. For those who want fewer and smaller government programs, this result is undesirable, and an indexed system is preferred as a way to eliminate the inflation-induced fiscal dividend, tighten fiscal discipline and promote a more careful review of real increases in government spending and of so-called tax expenditures. Of course, it remains to be seen which view will prove correct.

OTHER ISSUES IN INDEXING THE TAX LAW: DEFINITION OF INCOME

Aside from the basic problem of bracket creep, one of the most difficult issues involved with tax indexing is defining income and measuring real income from capital. The problems encountered in this area involve inventory accounting, debt instruments, depreciation and capital gains.

The lack of an adequate definition of income can have significant economic effects: Overstating taxable income from capital discourages savings and investment. Before ERTA, certain kinds of income were more heavily taxed than wage income, creating another inequity. Unfortunately, developing a fully indexed tax system to reconcile these problems would be very complicated, particularly an adjustment mechanism to take into consideration the decline in real value of debt instruments.[38]

Congress has tried to come to terms with these problems, focusing on the definition of capital gain income. A capital gain is realized when the amount received from a sale or exchange of a capital asset is greater than the adjusted basis of the property. Generally, the adjusted basis is the price of the property at acquisition adjusted upward or downward for capital improvements and depreciation.[39]

Inflation creates problems in the taxation of capital gains when nominal values increase to keep up with inflation, but the real values of property increase, decrease or remain constant. A distortion that is adverse to the taxpayer occurs when nominal

values of the asset increase at a slower rate than inflation. The taxpayer may have a real capital loss, but may be taxed on an illusory capital gain. The tax system then has the effect of minimizing capital losses or converting them into capital gains.

For example, assume that a block of stock is purchased for $100 and sold for $125 after inflation has increased 20 percent. Under current law, the amount received over $100 is subject to taxes, but only the amount received over $120 is real income. If the illusory gain is compared with the real gain, the effective tax rate is multiplied. For instance, if the illusory gain is four-fifths of the total gain, as it would be if the property were sold for $125, income would be overstated five times.[40]

OVERSTATEMENT OF INCOME

A study released in 1978 detailed the extent to which excessive taxes have been collected on often illusory gains realized on the sale of common stock. The study was prepared by Martin Feldstein, now head of the Council of Economic Advisors, and Joel Slemrod, on behalf of the National Bureau of Economic Research. Based on an analysis of individual income tax returns, the authors concluded that, in 1973, individuals paid nearly $500 million in excess tax on corporate stock capital gains because of the distorting effect of inflation.[41] The study did not include partnership or fiduciary returns, however, and the full amount of the excess taxes actually collected was therefore understated.

The Feldstein-Slemrod study is particularly illuminating. The authors concluded that, in 1973, individuals paid capital gains tax on more than $4.5 billion in nominal capital gains. According to the study, if these transactions were adjusted for increases in the consumer price levels, the $4.5 billion of nominal gains would become real capital losses of nearly $1 billion. The study also showed the uneven impact of this form of taxflation on individuals from different income groups who reported the same real gains: taxpayers with adjusted gross incomes below $50,000 suffered real losses of about $3 billion, but paid $99 million in taxes. Taxpayers with adjusted gross incomes of $50,000 or more, however, realized $2.1 billion in real gains, and paid $1 billion in taxes.

Some economists contend that the portion of capital gains excluded from taxable income works as an ad hoc inflation adjustment. The exclusion was increased in 1978, during a period of high inflation.[42] At best, however, the exclusion can only be an approximation; this argument also ignores the fact that the stated goal of the capital gains exclusion has been to encourage risk-taking, not to compensate for inflation.

SLIDING EXCLUSION

Congress has considered bills to permit taxpayers to exclude a larger portion of each nominal capital gain from taxation, depending on the holding period for the asset.[43] Given a positive rate of return and steady inflation, the amount of capital gains excluded from taxes will decline over time. Since inflation does not uniformly increase for different types of assets, however, the proper approach in a true inflation-neutral tax system would probably be to measure only the real capital gain, rather than make arbitrary assumptions about the real rate of return and future inflation rates. The "sliding scale" proposals confuse absolute and proportional gains; the amount of gain due to inflation does increase with time (as long as consumer prices do not fall), but the inflation-related gain, as a proportion of the total gain, is likely to decrease as the holding period increases.[44]

THE EFFORT TO INDEX CAPITAL GAINS

In 1978 and 1981, efforts to index the basis of certain assets for purposes of the tax on capital gains made progress in Congress. Although neither efforts succeeded, it is worth reviewing the proposals for indications of how Congress may approach future asset indexing legislation.

The House version of the Revenue Act of 1978 included an amendment, proposed by Rep. Bill Archer, to index the basis of certain types of capital assets. The Ways and Means Committee Report on the provision noted, "[A] taxpayer can have substantial gains for tax purposes even though the real value of the assets (i.e., adjusted for inflation) has not changed . . . [I]n many instances individuals with the same marginal tax rate may have an equal amount of real gain taxed at a different rate due to the combination of inflationary pressures and the length of their holding period for the asset.[45]"

Thus, the Committee Report suggested that the distortions and inequities in measuring capital income for tax purposes warranted a solution involving an inflation adjustment.

The complexity of the Archer amendment indicates that correcting inflation distortions in the measurement of income from capital is more difficult than eliminating bracket creep from the rate structure. In the Archer amendment, the indexing basis adjustment was limited to certain assets, including common stock or stock possessing the attributes of common stock, tangible personal property and real property. Intangible property, including options or other contracts with respect to stock, was not covered. Similarly, contract rights in connection with real property were not eligible for the inflation adjustment. Assets qualified for inflation adjustment only if they were held for at least one year and constituted a capital asset or property used in a trade or business at the time of sale. Thus, inventory and stock held by securities dealers were not eligible for indexing. On the other hand, certain Sec. 1231 assets, such as timber, coal, iron ore, certain livestock and unharvested crops were eligible.

A key issue in asset indexing is the definition of "adjusted basis." Under the Archer proposal, adjusted basis was generally the taxpayer's basis in the asset immediately before sale, determined in accordance with existing law. Depreciation and depletion deductions reduced the basis eligible for adjustment. A substantial increase in investment in an indexed asset was treated as a separate asset, with its own holding period and basis adjustment. If a substantial decrease in investment occurred, such as a withdrawal of capital, the basis of the indexed asset attributable to that reduction could not be adjusted for inflation after the date of the reduction.

In 1982, during consideration of the Tax Equity and Fiscal Responsibility Act, the Senate approved a capital gains indexing amendment proposed by Sen. Armstrong. The Armstrong amendment was a more limited version of the earlier Archer proposal; it provided inflation adjustments only for corporate stock and real property used in a trade or business. Like the Archer amendment, the property would have to be held for more than one year to qualify. The amendment also included rules for the "flow-through" of the inflation adjustment to shareholders and partners of certain entities. After a brief debate, the Senate adopted the Armstrong amendment by a vote of 64 to 32. Despite the strong Senate support, however, and the House's approval of a comparable provision in 1978, the Armstrong amendment was not included by the Conference Committee in the final bill because the House conferees declined to accept it.[46] Whether Congress will eventually agree to an inflation adjustment for capital gains remains unclear. The strong support each house of Congress has displayed on different occasions suggests that the issue is still viable. At the same time, the complex nature of the capital gains indexing proposals demonstrates the difficulty of extending tax indexing to areas other than elimination of bracket creep.

PROSPECTS FOR FURTHER INDEXING: SOME PROBLEMS

The problems involved in creating a workable capital gains indexing proposal illustrate the difficulties posed by expanding the application of tax indexing. These difficulties include deciding what types of assets should be eligible for inflation adjustment, how to deal with passthrough entities, how to cope with debt instruments, and whether to provide differentials for different types of assets that may not have comparable relationships to the general rate of inflation. The indexing of rate brackets and the personal exemption involve policy considerations that are fairly clear, easy to implement and capable of generating broad political support. For other aspects of the income tax system, however, the issues are less understandable, and it is more difficult to marshal the necessary political support for change. Although it is still worth the effort to attempt to expand indexing, careful groundwork must be established.

It would seem reasonable to index all fixed-dollar amounts in the Code that have significant tax consequences. For example, the credit for the elderly,[47] the cap on the deduction for investment interest,[48] the limit on the amount of gain from the sale of a principal residence that can be exempt,[49] and the estate and gift tax unified credit[50] could all be indexed. These types of dollar amounts, unlike the amounts that define the general rate structure, have a more narrow and targeted purpose. Thus, in some cases, there may be reasons to leave the amounts constant, so Congress will have occasion to reexamine them periodically, weigh their merits and determine their appropriate relation to the inflation rate. These political and policy concerns are different from the issues involved with allowing an unindexed individual rate structure to generate a higher level of revenues for the government without congressional action.

Broader use of indexing in connection with specialized tax incentives may also create inflation-induced tax gains for taxpayers, as opposed to the gains government has realized from taxflation. The most obvious example is the deductibility of interest payments, which tend to respond to inflation. In times of high inflation, higher-bracket taxpayers derive a significant benefit from the deduction for interest at rates that reflect an inflation premium. For example, if the basis of capital assets were indexed, it might be appropriate to adjust the deduction for interest on loans to acquire these assets.

Inflation also has a distorting effect on depreciation. The amount of depreciation allowable generally depends on the original cost of an asset. As inflation raises price levels, the real value of depreciation allowances decreases. For depreciation that is calculated by the historical cost method, this reduction is equivalent to a substantial increase in the rate of tax. In testimony before the Joint Economic Committee in 1978, Dr. Feldstein noted that the historical cost method of tax depreciation caused corporate depreciation in 1977 to be understated by more than $25 billion. This understatement increased corporate tax liabilities by $12 billion.[51]

Although the Code provides no specific adustment for the effects of inflation on depreciation, some commentators have argued that "accelerated depreciation provides some tax offset in early years."[52] In recent years, this argument was theoretically and practically unconvincing because inflation was too high to provide any real benefit throughout the life of an asset. However, the adoption of ACRS appears to address this problem in a relatively simple way and achieve a kind of rough justice.

For many provisions of the Code, the choice of an appropriate measure of inflation may be more important than in the case of the general rate structure. It is reasonable to use the CPI for the rate brackets because this index is the most commonly understood and accepted measure of price level changes. In considering other measures, however, such as tax incentives related to housing, it may be more appropriate to look only at the housing component of the price index, or some other measure of appreciation in the housing market, perhaps even on a localized basis. The variety of inflation indices that might be appropriate would add to the complexity of the overall tax system in a way that the ERTA indexing provision does not.

All of these questions need to be addressed and answered after a fair examination of the issues. Discussion of inflation adjustments in the Code will continue, and further congressional consideration is inevitable. As long as inflation persists, Congress will continue to consider the implications of and possible extension of indexing. While a 5 percent or 6 percent inflation rate may seem modest in light of recent experience, the idea of living with such a high "core" rate of inflation means that careful and thorough consideration must be given to its effects on the tax laws. This examination has begun, and major progress has been made, but there is still much to be done.

CONCLUSION: INDEXING AND THE POLITICAL ECONOMY

It should be clear that indexing income taxes is not merely an issue of tax policy. It is a major and fundamental issue of fiscal policy, of how Congress and the President manage government finances and try to influence the course of the economy. From that perspective, the question becomes one of accountability. Many proponents view indexing as requiring an explicit choice: Should the government resort to a mechanism that raises taxes automatically, while taking political credit for the expenditure of those revenues, or should the will to spend be matched by the will to take the explicit actions needed to raise an appropriate amount of revenues?

Since indexing was adopted in ERTA, Congress has demonstrated the ability to make at least some of the necessary decisions on taxing and spending. Whatever view one takes of the relative merits of tax increases and spending cuts in reducing in the budget deficit, the fact remains, that in 1982, Congress did vote to raise significant new revenues when a consensus developed that revenues were necessary to reduce the federal deficit. The impact of the recession was undoubtedly a major factor. Congress was effectively denied the customary fiscal reward from bracket creep, however, because of the 1981 tax rate cuts. Voters can judge the performance of Congress on its action, not its inaction.

Whether Congress will continue to act remains to be seen. The prospect of grappling with enormous deficits has lead several prominent members to urge repeal or "indefinite delay" of indexing as a relatively simple way of reducing the deficit, and a number of outside analysts have agreed. Unfortunately, this suggestion is often analyzed as though the question simply involved choosing between raising revenues or not raising revenues to reduce the deficit. However, the choice is between raising revenues directly, as in the 1982 tax bill or concealing increased taxes in inflation. The latter approach may be easier in the short run, but it may not lead to meaningful restraint on the deficit—or even better tax and fiscal policy. only after tax rates were reduced and indexed did Congress begin to face up to the task of improving the efficiency and equity of the tax laws by reviewing provisions of the Code that needed a fresh look. Arguably, repeal of indexing would also decrease the pressures to continue improving the tax laws.

Observers of the political economy will be alert to any attempts to tamper with indexing, because such efforts would have broad implications. As Martin Feldstein told the Senate Finance Committee in February, 1982, "the day the Congress votes to rescind indexing, the financial markets will recognize the bad news, and will say, 'ah ha, that means that Congress has a bigger vested interest in higher inflation rates in the future' . . . one of the ways in which the deficit can create inflation is by persuading Congress to eliminate indexing, and then persuading the monetary authorities to reduce that deficit thorough inflating the economy, pushing us all into higher brackets and collecting more taxes." Thus, the fate of indexing is directly linked to the question of whether the American economy will move toward stable recovery or will return to the inflation and interest rate "roller coaster" in the future. No more important question awaits the 98th Congress.

FOOTNOTES

[1] P.L. No. 97-34 (8/13/81).
[2] P.L. No. 97-248 (9/3/82).
[3] ERTA, Section 104.
[4] Friedman, "Monetary Corrections," in *Essays on Inflation and Indexation*, American Enterprise Institute for Public Policy Research (1974), at 29.
[5] Fellner, *Problems to Keep in Mind When It Comes to Tax Reform*, American Enterprise Institute for Public Policy Research (1977), at 16.
[6] Von Furstenberg, "Individual Income Taxation and Inflation," 23 *National Tax J.* 117 (March 1975).
[7] Inflation and the Consumer in 1974, Paper No. 1 of the Studies in Price Stability and Economic Growth, a study prepared for the use of the Joint Economic Committee (2/10/75), at 16.
[8] Hearings on S. 2738 before the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance, 95th Cong., 2d Sess. (1978), at 77.
[9] Samuelson, "The Future is Now," *National J.* (1/28/78), at 157.
[10] Sec. 151.
[11] Sec. 63.
[12] Sec. 1.
[13] Fellner, note 5.
[14] 121 Cong. Rec. 7815 (1975).
[15] Id., at 7815.
[16] Id., at 7817.
[17] 122 Cong. Rec. S 25216 (daily ed., 8/3/76).
[18] Id., at 22224.
[19] 123 Cong. Rec. S 12809 (daily ed., 4/28/77).
[20] 124 Cong. Rec. S 3553 (daily ed., 3/13/78).
[21] Description of S. 2738, Relating to Adjustments of Income, Estate, Gift Taxes for Inflation. Materials prepared by the staff of the Joint Tax Committee for the use of the Senate Finance Committee (4/21/78).
[22] See note 8.
[23] The President's 1978 Tax Program, Department of Treasury (1/30/78).
[24] S. 1860, 95th Cong., 1st Sess. (1977).
[25] H.R. 13511, Section 404, as passed by the House of Representatives on Aug. 10, 1978.
[26] H. Rep. No. 95-1445, 95th Cong., 2d Sess. 29 (1978).
[27] 124 Cong. Rec. S 17346 (daily ed., 10/6/78).
[28] Id., at 17324.
[29] America's New Beginning: A Program for Economic Recovery, The White House (2/18/81), at 14-15.
[30] These inflation projections have subsequently proved to be too high. In fact, the rate cuts, if left unaltered, will provide a larger real tax cut than originally estimated.
[31] Brinner, "Inflation and the Definition of Taxable Personal Income," in *Inflation and the Income Tax*, edited by Henry J. Aaron. The Brookings Institution (1976).
[32] Dernburg, *Indexing the Individual Income Tax for Inflation: Will This Help Stabilize the Economy?* Studies in Fiscal Policy, Paper No. 2, a study prepared for the use of the Subcommittee on Fiscal Policy of the Joint Economic Committee (12/27/76), at 6.
[33] Congress passed major tax legislation in 1964, 1969, 1971, 1975, 1976, 1977 and 1978.
[34] Sunley and Pechman, "Inflation Adjustment for the individual Income Tax," in *Inflation and the Income Tax*, note 31, *supra;* Fellner, Carlson and Moore, *Correcting Tax for Inflation*, American Enterprise Institute for Public Policy Research (1975).
[35] Note 8 at 61.
[36] *Indexing and Inflation*, Roundtable conducted by American Institute for Public Policy Research (7/17/74), at 2.
[37] Note 8.
[38] McIntyre, "How Not to Index the Tax Code," 7 *People & Taxes* 10 (June 1978).
[39] Secs. 1001, 1016, 1201, 1202 and 1221.
[40] Hickman, "Indexing for Capital Gains," *Wall Street J.* (9/25/78), at 26.
[41] Feldstein and Slemrod, *Inflation & the Excess Taxation of Capital Gains on Corporate Stock*, National Bureau of Economic Research, Working Paper No. 234 (Feb. 1978).
[42] P.L. No. 95-600 (11/6/78).
[43] S. 2608, 95th Cong., 2d Sess. (1978).
[44] Note 31, at 126.
[45] Note 26, at 125.
[46] Conference Report on H.R. 4961, 97th Cong., 2d Sess. (1982), at 478.
[47] Sec. 37.
[48] Sec. 163(d).
[49] Sec. 121.
[50] Secs. 2010 and 2012.
[51] Testimony of Martin Feldstein before the Joint Economic Committee, on July 11, 1978.
[52] Note 8.●

25TH ANNIVERSARY OF SBIC'S AND MESBIC'S

● Mr. WEICKER. Mr. President, during the past 25 years, small and minority-owned small businesses, backed with venture capital from small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's), have experienced extraordinary growth, opened the door to hundreds of thousands of employment opportunities and been in the forefront of our

Nation's developments in technology and innovation.

Many of these prosperous, small, and minority-owned small businesses would not have been able to begin their operations without the injection of seed capital from SBIC's and MESBIC's. These privately managed and organized financial institutions are licensed by the U.S. Small Business Administration (SBA), to provide equity capital, long-term loans, and management assistance to small firms. I do not need to tell you, in this day and age, that this service is desperately needed and appreciated by the small business community. As traditional credit markets become increasingly hesitant to take a chance on small, often untried and unproven, companies, the importance of SBIC's and MESBIC's in giving small companies the capital they need to grow and expand becomes ever greater.

The SBIC and MESBIC industry's record of helping small businesses and promoting entrepreneurism is one to which I am pleased to pay special tribute. The National Association of Small Business Investment Companies (NASBIC) estimates that nearly $5 billion has been invested in 66,000 new and growing firms by SBIC's since the program began. The American Association of Minority Enterprise Small Business Investment Companies (AAMESBIC) estimates that in the last 5 years alone, MESBIC's have invested more than $190 million in minority-owned small firms.

More importantly is the return that we have gotten on these investments. Studies show that for every taxpayer dollar invested in the SBIC and MESBIC programs, the Government has received $100 back in the form of tax revenues. Additionally, it has been proven that the job growth among SBIC's and MESBIC-assisted small firms is 10 times greater than among American companies in general.

In return for pledging to finance only small businesses, SBIC's are licensed by SBA to supplement their private investment capital with funds borrowed from the Government at an interest rate slightly above the cost of money to the Federal Treasury. MESBIC's, which make investments exclusively to economically or socially disadvantaged enterpreneurs, go through the same licensing procedure and supplement their private investment capital through the Government's purchase of preferred securities and debentures.

The SBIC program was created in 1958; currently, there are 500 SBIC's licensed in this country, of which 140 are MESBIC's.

At a Small Business Committee hearing on the SBIC and MESBIC programs last December, SBA Administrator James C. Sanders testified that these innovative programs had "succeeded in providing unique and much-needed assistance to small businesses." He called the benefits of these programs impressive and noted that the jobs produced, the tax revenues generated, and the Government's overall economic gains, have far exceeded the Government's cost of operating these programs. I wholeheartedly concur in his evaluation.

Let me cite a few examples of the unknown companies who got their start with funding from SBIC's Wang Laboratories, People Express, Midway Airlines, Federal Express, and Apple Computer. It reads like a who's who of top entrepreneurs, does it not? Yet, no one was willing to take a chance on these firms until a few far-sighted, imaginative SBIC's came along and recognized the potential of these young entrepreneurs.

Maybe not as well known nationally, but a little closer to home for this Senator is a Connecticut SBIC-backed firm which has achieved tremendous success. I would like to take this opportunity to congratulate American Frozen Foods, Inc. of Bridgeport, Conn., a direct sales organization that distributes food products to consumers in their homes. The company received venture capital from First Connecticut SBIC in 1961. During its first year, it had 10 employees and sales of $600,000, and operated at a loss. In 1983, American Frozen Foods employs about 900 people, has sales of about $50 million, and is profitable. This is just one example of how an SBIC can help a company through difficult times with financing and by working with their management team.

This company is 1 of 12 being honored today at the SBIC 25th anniversary celebration here in Washington. The additional distinguished small businesses deserving recognition include: Ault, Inc., Minneapolis, Minn.; Dicomed Corp., Minneapolis, Minn.; Digitron, Inc., Dayton, Ohio; Essence Communications, Inc., New York, N.Y.; E. R. Green & Associates, Inc., Carle Place, N.Y.; Lifeline Systems, Inc., Waltham, Mass.; Martinez & Rutter, Inc., Dallas, Tex.; NBI, Inc., Boulder, Colo.; Palm Harbor Homes, Inc., New York, N.Y.; and Quantum Corp., Milipitas, Calif. In addition, the industry's first licensee, First Midwest Capital Corp., in Minneapolis, Minn., will receive special recognition and an award at the anniversary event.

Mr. President, the contributions of SBIC's and MESBIC's to our Nation are gratefully acknowledged and deeply appreciated. As chairman of the Small Business Committee, I have long been a supporter of these valuable programs and I wish the industry continued success with investments in the small and minority small business community.●

LOOK-ALIKE DRUGS

● Mr. WARNER. Mr. President, America is engaged in a struggle to bring an end to the excessive use of drugs. This national tragedy is sapping the strength and energy of not only our Nation's youth, but people in all walks of life and of all ages.

Due to the increased pressure by law enforcement agencies at all levels of government to suppress the manufacture and sales of controlled substances, we now find a growing industry of manufacturing and selling "look-alike drugs."

Look-alike drugs resemble or duplicate the appearance of certain highly abused controlled substances such as amphetamines, barbiturates, and tranquilizers. They contain combinations of substances commonly found in over-the-counter cold, allergy, and diet pills which, when taken in multiple doses or in combination with aspirin or caffeine, produce stimulant or depressant effects similar to the controlled substances they are designed to resemble.

The look-alikes are being promoted as the "legal way to get high" and are being promoted through mail order firms, magazine advertising, brochures at rock concerts, on college campuses and in the schoolyards.

The Drug Enforcement Administration (DEA), the Food and Drug Administration (FDA), and the Postal Service are all trying to stop this new drug epidemic. Present Federal law does not give them all the tools they need to be effective in their fight.

Many State legislatures have passed laws to combat the sale of look-alike drugs, but without additional Federal legislation, their actions have not solved the problem.

In 1981, the Virginia Legislature adopted the Imitation Controlled Substances Act intended to prohibit the sale of look-alike drugs. However, the police and prosecutors have found that they are unable to stop the practice because of other statutes that provide loopholes in the law. My State's legislature will endeavor to adopt additional measures that will help law enforcement next year. However, they believe that Federal legislation is also necessary to get the job done.

Mr. President, the Food and Drug Administration has documented more than a dozen deaths attributed to look-alike drugs. The trade is growing by leaps and bounds. Virginia officials have found these drugs being sold to third and fourth graders. There are more than 15 stores selling these drugs in my State—3 years ago, there were none.

As a cosponsor of S. 503 and S. 497, bills introduced to close down the manufacture and sales of these drugs, I urge my colleagues to support this legislation.

Senator HUMPHREY has advised me that his Subcommittee on Alcoholism and Drug Abuse would begin marking up S. 503 on October 18.

Kids should not be taking any drugs without a doctor's prescription or parental approval. Our overriding goal should be to keep these drugs out of the hands of schoolchildren. To date, regulatory efforts by the Food and Drug Administration have not been successful; the manufacturers and sellers have found ways to escape from Federal regulations.

The answer is enactment of legislation to outlaw the manufacture, distribution, and sales of look-alike drugs which are on the market solely for the purpose of fostering drug abuse. The dealers will tell you that these drugs are for recreational use; we all know that this is ridiculous. How can drug use be anything but abuse—abuse of mind and body.

Mr. President, early action is needed to protect our young people and I urge my colleagues to support this legislation when it is brought before the Senate.●

THE CONTINUING RESOLUTION

● Mr. HATFIELD. Mr. President, the Committee on Appropriations has just concluded its consideration of amendments to House Joint Resolution 368, the continuing resolution for fiscal year 1984. I am most happy to announce to this body that the committee has recommended a clean continuing resolution, unencumbered by the usual array of extraneous amendments. Those which Senator STENNIS and I will offer on behalf of the committee when the continuing resolution arrives from the House are related strictly to technical changes and the usual boilerplate language required for continuing resolutions.

Mr. President, I want to heartily thank all members of the Appropriations Committee for their forebearance and magnificent cooperation today, and the Senate leadership on both sides of the aisle for their strong support in keeping the continuing resolution clean. I do not believe it is overly dramatic to characterize the committee's action today as historic, and I certainly hope it will not be a once in a lifetime event.

It is my fervent hope that the Senate will follow the outstanding example of my colleagues on the Appropriations Committee once the continuing resolution is taken up here on the floor, and refrain from offering amendments. We have an excellent chance here of avoiding the marathon sessions and weekend endurance contests to which we have become accustomed of late, and the possibility of a Government shutdown that looms large at this time of the year. Let us act on the continuing resolution tomorrow with dispatch, clear the necessary technical changes through conference, and send the measure to the President for his signature Friday.

For the reference of Senators, I ask that a short summary table explaining the spending rates for the nine bills covered under the continuing resolution be printed in the RECORD at the conclusion of my remarks. I will have a further explanatory statement to offer when the Senate takes up House Joint Resolution 368.

The table follows:

SUMMARY OF SENATE CONTINUING RESOLUTION

Lower of 1983 level or President's budget—Foreign operations.

Lower of House or Senate bill level—Commerce.

Senate bill level—Agriculture, Interior, and Labor-HHS.

Current rate—Treasury.

Conference rate—Military construction and District of Columbia.

$253 billion annual rate—Defense.●

WOMEN AND DRUGS

● Mrs. HAWKINS. Mr. President, we have all been hearing in the news about how life expectancy is related to smoking and that men's statistically shorter lifespan may be linked directly to smoking. Well, women seem to be catching up to men in that area as well. More women are smoking today than ever before, and they are beginning earlier. Unfortunately, many cigarette advertisements aimed at women not only imply that smoking is mature and glamorous. The subliminal message is that smoking somehow means equality and independence for women.

What disturbs me the most is that smoking in teenagers seems to be directly linked to the use of illegal drugs. According to officials of the National Institute on Drug Abuse (NIDA), smoking teenagers use substantially more marihuana, cocaine, hallucinogens, or heroin. Of the smoking teenagers between the ages of 12 and 17, 49 percent use marihuana, 58 percent drink alcohol, and 14 percent use cocaine, hallucinogens, or heroin. By contrast, among nonsmoking teens, only 5 percent use marihuana, 22 percent use alcohol, and 1 percent use cocaine, hallucinogens, or heroin.

Mr. President, as chairman of the Senate Drug Caucus, I have read many studies on why people take drugs. I have discovered to my dismay, that all drug use, not just smoking, has increased dramatically among women, especially young women.

Studies indicate that while men tend to use drugs for pleasure or for social reasons, women take them to help them cope with life.

We are living in a time that is most exciting and challenging for women. Women are experiencing greater opportunities and expanded roles. Independence, however, brings with it its own particular pressures. And pressure and frustration invariably lead to some kind of drug abuse in many people. According to Prof. Beth G. Reed of the University of Michigan School of Social Work:

While large areas of similarities exist between women and men, they can also be described as living in fundamentally different cultures. Men's contributions are more valued than women's, both monetarily and in terms of prestige. Thus, many women grow up with low self-esteem and lower expectations for their lives. They are more concerned with surviving than about getting ahead. These feelings of powerlessness and pessimism are immobilizing and must be confronted in drug treatment.

Professor Reed has suggested that certain kinds of drug rehabilitation be geared toward the specific problems of women. Reed remarks on such problems, which are outlined in NIDA's recent study, "Treatment Services for Drug Dependent Women:"

VOCATIONAL TRAINING

Reed said:

Women as a group have lower incomes, less consistent work histories, and are less likely to have a work-related identity. Rehabilitation that includes job training is particularly for them.

CHILD CARE

A large majority of drug-dependent women feel responsible for the welfare of their children. Thus, treatment programs should help women improve their parenting skills and should include child care arrangements to encourage their participation. Attention to child care and parenting training can increase women's trust in the program, strengthen her family, and decrease the problems her children may have in the future.

MEDICAL CARE

Since many drugs seem to affect women's bodies more quickly and more destructively than they do men's, and because women's reproductive systems are more complex, several chapters address such topics as medical services, nutrition, health and fitness, and reproductive concerns. Women are more likely than men to seek medical help. However, they are also more likely to have been given medication to help them cope. Often it was their problems and stress that began their slide into chemical dependency in the first place.

LEGAL CONCERNS

Civil litigation needs related to child custody, physical abuse, housing, and credit are common among drug-dependent women.

EMPOWERMENT TRAINING

The women-oriented services discussed in the books explicitly outline ways the women can be guided to develop more confidence, be more assertive, and feel (and be) more independent. Expression of anger and aggression is considered "unfeminine" and is discouraged by society. So many women feel guilty about feeling angry, and this adds to their feelings of helplessness. Assertiveness and survival skills training programs allow women to have a series of success experiences and to feel more in control of their lives.

SUPPORT SYSTEMS

Many women appear to accept their limiting circumstances because their homemaker and family roles prevent them from having enough contact with other women. Feeling isolated, these women cannot fully understand the similarities between the problems they face and broader patterns within society. As a result, they often blame themselves for situations which they cannot control. Chemically dependent women also often withdraw from family and friends, or are rejected by them. Activities with other women can reduce their social isolation and provide opportunities for them to work together to improve their common circumstances.

Reed added:

Generalizing about all drug-dependent women—or men—obscures some important differences that have profound implications for treatment. These differences include age, race ethnicity, socioeconomic background, sexual orientation, and lifestyle. Women from very dissimilar backgrounds can learn much from each other in treatment if each woman's lifestyle is respected.●

SOUTH AND CENTRAL AMERICA PROBLEMS AND OPPORTUNITIES

● Mr. GOLDWATER. Mr. President, as all of us are aware, Central and South America are critical areas of the world insofar as the United States is concerned. Despite the fact that Latin America is undergoing social, economic, and political upheavals, it is an area that is vital to our interests and one that we ignore at our peril. One of the bright spots in our relations with this area is our present Ambassador to Columbia, Lewis Tambs. Having known Lew Tambs for quite some time, I can assure my colleagues that the interview with him and the profile on him which appeared in the September 11, 1983, edition of the Arizona Republic is both honest and factual. Unfortunately, space limitations of the newspaper prevented the reader from learning more about this multifaceted and talented man. However, the warnings which he sent out in the interview are, nevertheless, true and should be required reading by everyone who is concerned with the security and stability of our own country.

Mr. President, I ask that these two articles be printed in the CONGRESSIONAL RECORD in order that everyone may have a chance to read them and to understand the problems and opportunities which face us in Latin America.

The articles follow:

[From the Arizona Republic, Sept. 11, 1983]

INTERVIEW: AMBASSADOR FEARS UNITED STATES IS LOSING "POWER PERCH"

SPECIAL REPORT: SOVIET-CUBAN ADVENTURISM

(By Bill Waters)

BOGOTÁ, COLOMBIA.—Ever the professor, Ambassador Lewis Tambs is quick to lay groundwork for his increasingly accepted views of what the Soviets and the Cubans are up to in Latin America.

The Arizona State University geopolitical historian launches most discussions of Soviet-Cuban adventurism in the region by citing three basic Soviet goals:

Surround the People's Republic of China, which they've done effectively with the communist victory in Vietnam;

Deny Western democracies access to oil and ore from the Middle East and South America; and

Isolate the U.S.

They're accomplishing that last point by conducting what Tambs terms "a low-cost, low-profile, low-risk war."

That war, he says, not only is eroding the U.S. "power perch" in the Caribbean and Central America, but it's also endangering oil and ore imports vital to the U.S.

"And it could stampede millions of refugees from Nicaragua, El Salvador, Guatemala and Mexico into the United States," he said.

The Kremlin has taken new interest, he notes, in probing the sea lanes between Arabia and the U.S., and between Alaska and U.S. oil ports.

In the Caribbean and in Central America, says Tambs, the Soviets and their Cuban allies are obliging the U.S. to divert men and resources southward.

"The ability of the U.S. to project power eastward to Europe and the Middle East, and westward to our friends in Asia is dependent on a cooperative Caribbean and a supportive South America.

"Since 1898, we really haven't had to worry much about that part of the world."

We don't have enough ships or men to be strong everywhere, Tambs said from the library of the ambassador's residence. "We need friends, and allies, in Latin America."

The southern countries, said the ambassador, acknowledging its hackneyed sound, "are our soft underbelly."

"A majority of U.S. exports go down the Mississippi River and out the Gulf of Mexico or the Caribbean.

"In case of war in Europe, the majority of our seaborne reinforcements would come from Gulf Coast ports."

How vital is that?

"Initially, of course, we'd be airborne from the Atlantic Coast," said ex-paratrooper Tambs—"but most of the reinforcements would come by sea."

He mentions Navy Secretary John Lehman's concern that if Cuba honors its commitment to the Soviets, it could take us six weeks to fight our way through the Florida Straits—by which time the war would be over.

What is Castro committed to do?

Tambs talks of a commitment to stop our shipping at one point or another should the Soviets call in the full extent of Cuban debts to Moscow.

"Let's say, for the sake of argument, that Castro lets our shipping go through for 30 days, then decides to choke it off. What, after all that escorting, would be left to defend the Gulf Coast?"

That coast, with its shipyards and refineries, would be open to aerial attack.

Tambs isn't just conjuring up scary stories; rather, he's trying to portray some of the less-publicized possibilities that add to the Pentagon's nervousness over Soviet jabs, feints and advances.

What bothers the ambassador is that Moscow, through Havana, can create a whole new Cold War front on a shoestring.

"The Soviets really don't have a thing to sell but weapons . . . but they're very good at weapons, let's not kid ourselves."

"Those weapons are going into the hands of Nicaraguans now. They've already got a 30,000-man army, maybe 150,000 with the militia.

"Somoza never had more than 20,000, and they're talking about 250,000, maybe more.

"The kids in uniform could get the choice of death by hunger, or death as heroes of international communism. Their leaders have a siege mentality, and they're looking to pre-emptive attacks.

"We acquiesced to communist takeovers in Eastern Europe, but there's no rationale to doing it here."

What worries Tambs is that the Soviets said last year they'd put missiles in the Western Hemisphere.

"We don't know if there are missiles here or not."

The Kennedy-Khrushchev agreements of 1962 dealt only with missiles in Cuba. It would be easy, Tambs notes, to put portable intermediate-range missiles in Nicaragua. Their 800-mile range could put them in reach of Mexico's richest oilfields, among other targets.

"The noose is tightening not only on oil, but ore," says the ambassador.

"Mexico, with some 67 billion barrels of proven petroleum reserves, also supplies the U.S. with manganese.

"Guatemala, which started exporting oil in 1981 from the Petén and West Chancha fields, and which has estimated reserves of between two and six billion barrels, has been shipping nickel to the U.S. for five years."

Then there's aluminum. Caribbean-basin nations—the Dominican Republic, Haiti, Surinam, Guyana and Jamacia—supply most of America's 93 percent import requirements.

In short, a whole other reason to be concerned about the region—and a whole other threat, real as well as psychological, to be met by a country not in the mood to fight.

"The Soviets, of course, are from the land of Potemkin Villages. The West is honest, while the other side will say anything to win.

"We're poker players. We take the hand that's dealt us, resort to our cards, depending on our philosophy—conservative, liberal—and play with what we've got. We're essentially reactionary.

"We tend to believe that as long as we've got money, we can stay in the game. . . ."

"The Soviets are chess players. They try to keep three to five moves ahead of us, while we, the poker players, are reacting to move one."

"We're businessmen, crisis managers—but if you know what you're doing, there shouldn't be a crisis.

The U.S. position in the area, he says, is sound: We stand for the democratization of Central America—open political campaigns, free elections and all, for Guatemala, El Salvator and Nicaragua.

"We're not asking Nicaragua to do anything we're not asking El Salvador to do."

To Tambs' way of thinking, even the generals running some of the republics are moving toward democracy, at least in their stated ideals—"and you don't hear that coming from Cuba."

"All people have a right to self-determination, internally and externally. No system's better than the one in which people choose their own rules.

"If Nicaragua chooses socialism, that's their business.

"Meanwhile, we've asked the Salvadorans to negotiate with their armed opponents.

He realizes there's a less-than-tractable right wing in El Salvador; people whose re-

fusal to countenance political, economic and agrarian reforms could keep the once-productive nation at war for a long time to come.

"They haven't lived with 20th century capitalism, where you pay workers, and make consumers of them," Tambs explains. "They're still in a 19th century kind of capitalism of maximum profits and gains."

We're doing all we can to give all people a chance. Colombia has offered to El Salvador and Nicaragua to train them in conducting free elections."

"We don't like Zimbabwe solutions of shooting your way into negotiations."

Regionally, Tambs says wistfully, "If we could split off the kooks from the rational types, it would be to the advantage of the U.S."

More than Soviet missiles and Cuban-flown MiGs fit Tambs' view of what the U.S. faces in a chaotic Central America:

"If totalitarian revolutions really get going," he says, "the U.S. could be inundated, not with 'boat people' from around the world, but with refugees from our very own continent."

He's got a point. Thee are 100 million people between Nogales and the Darien Gap. if only one out of 10 came here in search of freedoms severely threatened in that part of the world, Arizona and the rest of the U.S. would be awash in social crises.

And meanwhile, the Soviet-Cuban and Nicaraguan threats would still be there.

ENVOY TO COLOMBIA IS HARD-EYED BUT SIMPÁTICO

BOGOTÁ, COLOMBIA.—Lewis Tambs took a post in the penumbra of the world's spotlight, but he has helped turn it into a diplomatic focal point for peace in Latin America.

Tambs, a geopolitical history professor on leave from Arizona State University, was high on President Reagan's Latin American appointments list from election day on.

However, his hard-eyed approach to the Soviet Union and his thin-stretched theories about the Kremlin's global aims had long been scorned by a diplomatic establishment bent on detente at any cost.

That establishment maintained its foreign-policy influence as Reagan's national-security and State Department teams first took the field.

Instead of Tambs, a European type, Thomas Enders, wound up as Alexander Haig's assistant secretary of state for Latin American affairs.

Nonetheless, Tambs' extrapolations of Mongol empire-building in the modern world and his theories of "choke points" crucial to global shipping were being kicked around the national-security stage.

The White House began calling Tambs for consultations, then brought him to Washington as a full-time counselor.

He was up for ambassador to Panama. The Panamanians weren't up for him; he'd testified in opposition to the Panama Canal treaties. Never mind that he accepts them now as law—and never mind that in Tambs the Panamanians would have seen an ambassador both gracious and honest.

Then Colombia came up. With frontal support from Barry Goldwater and Sen. Jesse Helms, R-N.C.—and with some peripheral pushes from Sen. Russell Long, D-La.—Tambs waded through some liberal opposition and some fence-straddling non-support from supposed friends to win confirmation.

With his new wife, Phyllis, and with their four-month-old daughter, Greer, Tambs blew into Bogotá amid fears from the career foreign-service folks that they'd be greeting Godzilla at the airport.

He arrived just after the bombing of our embassy in Beirut, and that's what the reporters asked him about.

"I'd ask the people of Colombia to pray for our people there, just as the American people prayed for the victims of the Popayán earthquake," was Tambs' reply—and the foreign service pros knew they were welcoming a diplomat.

Tambs, you see, is simpático—a quality prized in this part of the world.

In less than half a year as ambassador, he has made friends for the U.S. at many levels.

He and president Belisario Betancur get along famously, a point the president underlined by attending the traditional July 4 reception at the ambassador's residence. It had been a very long time since a Colombian president had done so.

Meanwhile, Betancur and the 56-year-old Tambs were talking about peace and freedom in Central America.

Democratic Colombia under the dynamic Betancur was fast becoming the logical member of the Contadora Group to get White House emissary Richard Stone and Salvadoran leftist leader Rubén Zamora together.

After all, Venezuela is approaching a change of presidents. So is Panama. And Mexico—well, as the other three Contadora countries know so well, it isn't a democracy, so what can you expect?

At the end of July, Stone and Zamora met in Bogotá.

Not much happened; no one thought much would.

They agreed, at least, to meet again—and since then, Tambs has been seeing lots of Betancur.

Evening calls to Tambs' home have sent him from the dinner table to the presidential palace for close consultation on what should be the next step through the thickets of civil-war diplomacy.

There are those who doubt that Stone's Latin American mission will amount to much; after all, hatreds run deep and violence lurks at every turn.

Still, it's a start to unsnarling knots too long ignored by Washington. If anything gets straightened out, Tempe's Lewis Tambs—who gives all the credit to Betancur—can at least be proud of his part in trying.●

IN SUPPORT OF MINORITY BUSINESS DEVELOPMENT WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of the resolution declaring the week of October 3-10 as Minority Business Development Week. This resolution reminds us of the importance of minority business in our economy and the need to address the problems these businesses experience interacting in our Nation's economy.

There are roughly 600,000 minority business enterprises in the United States with total sales of $45 billion annually. Obviously, these enterprises play an essential role in our economy. In spite of these impressive statistics, the minority business community is greatly underrepresented in the American business population. A business participation rate only one-fifth that of nonminorities suggests that minority businesses are not as numerous as they should be.

This discrepancy can be explained by the obstacles which confront minority businesses. As Victor Rivera, Director of the Minority Business Development Agency, notes:

Historically, minorities have been at a disadvantage in terms of access to timely information about business opportunities, both ownership opportunities and market opportunities. They also generally lack access to resources, especially capital and management and technical expertise. And then, of course, there are the attitudinal biases.

Thus, it is important to focus our attention and resources on minority business enterprises. To this end, I am sponsoring a Minority Business Conference, to be held October 3, 1983 in the Harlem State Office Building in New York. This conference will offer a step-by-step guide to the Federal procurement process for minority businesses. This conference, and others like it, will help achieve the administration's procurement goal of $15 billion in goods and services from minority firms for fiscal years 1983-85.

Mr. President, I encourage my colleagues to support Minority Business Development Week and minority business in general.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION IN LEADER TIME

Mr. BAKER. Mr. President, if the minority leader is agreeable—and I have discussed it with him previously—I ask unanimous consent that on tomorrow the time for the two leaders under the standing order be briefed and extend for 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that any time remaining after the two leaders have claimed their time be devoted to the transaction of routine morning business until 9 a.m., in which Senators may speak for 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Now, Mr. President, at 9 a.m., the Senate will be back on the war powers resolution, at which time the pending question will be the Byrd amendment, as modified.

I remind Senators that under the act, we must finish this resolution by 2 p.m. in the afternoon tomorrow. I will cooperate, of course, with the minority leader and with all Senators, in seeing that we have a fair allocation of time to accommodate any amendments that may be offered and any votes that may be required.

After we finish this, however, Senators should expect that we will go either to the unemployment compensation extension bill or to the continuing resolution, depending on circumstances that may obtain at that time.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8:45 a.m. tomorrow.

The motion was agreed to and, at 6:23 p.m., the Senate recessed until tomorrow, Thursday, September 29, 1983, at 8:45 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 28, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have created this day for our use and for new opportunities of service. From the morning Sun until the going down of the same, Your blessings give that peace that the world cannot give. Your gifts of life, O Gracious God, are given freely without regard to our worthiness or importance. Give us all forgiveness and hope and purpose, and may Your spirit be with those who labor in this place that justice will reign in our land and world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2972) entitled "An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1046. An act to clarify the applicability of a provision of law regarding risk retention; and

S. 1146. An act to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

A BIPARTISAN CAMP DAVID DEFICIT SUMMIT

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, Members of Congress of both political parties privately lament the size and growth of Federal deficits. These $200 billion deficits which soak up more than three-fourths of all savings in America are bound to force up interest rates, and that will abort this recovery.

Most Members also privately admit what must be done, slow spending growth in military and entitlements and raise revenues to help reduce deficits.

I am convinced that no meaningful deficit reduction will occur unless it is done on a bipartisan basis, just as we did with social security.

Therefore, today I am introducing legislation directing the President to convene a bipartisan, Camp David type summit to develop a deficit reduction plan that can be implemented this fall, which contains a package of slowing military and entitlement spending growth and a tax program. Initial prime cosponsors include Messrs. PANETTA, GEPHARDT, HEFNER, FROST, FRENZEL, and REGULA, a bipartisan group of cosponsors.

I urge others in both parties to join in this effort today. Let us develop an American solution on a bipartisan basis to these deficit dangers. Good policies are good politics for both political parties. In this particular case, the American people are ahead of their political leaders. I hope that we can have a strong bipartisan showing for this bipartisan summit to reduce these deficits.

DEFINING THE AMERICAN ROLE IN LEBANON

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I simply cannot support an 18-month commitment to the deployment of our troops in Lebanon. I am voting today to require the President to either invoke the War Powers Act, or to regularly certify that an effective cease-fire is in place.

Eighteen months is a lifetime in combat—some American marines have already lost their lives.

One year ago, we went to Lebanon to help insure that the PLO got out. They did, but we are still mired in the shifting sands of Mideastern conflict.

Mr. Speaker, I do not advocate a unilateral withdrawal from Lebanon. However, we do need a clear definition of our purpose there, the certification of a true cease-fire, or, an orderly, reasonable timetable for removing ourselves from the crossfire of civil war.

A REPLAY OF GULF OF TONKIN RESOLUTION

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, before the Sun goes down tonight, Members of this House will make one of the most momentous decisions that they will ever have to make as Members of this body dealing with the deployment of U.S. Marine forces in Lebanon. I hope that that vote will be one which will be a matter of conscience for each individual. It is one which can either lead us into a bloody quagmire or it can lead us to peace.

I regret that the rule which has been proposed does not provide adequate opportunity for an awesome issue of this sort to be considered fully by this House. Our hands are being tied as we reach out for the right decision.

I fear that we will see a replay of the Gulf of Tonkin resolution debate during the hours ahead.

I recognize the vital world role of leadership of the United States and, on occasion, the need for deployment of our forces, but someone must tell me or them, what is their mission? Is it something more than simply standing around and being target practice fodder?

I think the President of the United States needs to come before the American people and define our mission and theirs. In the absence of that, I cannot support writing a blank check for the use of our forces in Lebanon for 18 months. However, if the President can outline and explain and justify the role of our marines, then I will support him.

THE ATTORNEY GENERAL'S RECENT REMARKS CONCERNING CRIME LEGISLATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUGHES. Mr. Speaker, last Thursday, and again this week, Attorney General William French Smith chastized the House of Representatives for "failing to strengthen pertinent criminal laws."

Last January we lost an opportunity to strengthen Federal criminal law, particularly in the area of drug trafficking, but the lost opportunity was the fault of the Attorney General, not Congress. On December 20, 1982, the House passed 271 to 27 and the Senate passed unanimously, an omnibus crime bill. In the view of the leadership of the Judiciary Committees of both the House and the other body, it was the most significant anticrime measure passed in over 10 years. Among other things, that bill greatly expanded our ability to seize the profits of drug traffickers and raised criminal penalties from their laughably low levels to extremely high levels.

Only after the 97th Congress had adjourned sine die did we hear that a provision which would have created the so-called drug czar, which passed the Senate by a substantial majority in September, was unacceptable to the Attorney General. Yet, between September and December there had been no word that such a proposal would warrant a veto.

In January, the Attorney General was present at a meeting between President Reagan and the leaders of the House and Senate Judiciary Committees. We advised the President that the political reality was likely to preclude the adoption of the administration's entire shopping list in the 98th Congress, and that he should sign the measure with the substantial improvements that he wanted. We stressed that if the Attorney General spelled out his objections to the drug czar provision, we would commit ourselves to making changes in the 98th Congress. The Attorney General refused to cooperate, and urged the veto of the highly desired major improvements in Federal law enforcement, which he now blames Congress for not having acted upon.

Last January in the meeting at the White House one of the Republican participants told President Reagan that Mr. Smith's assessment of the political situation involving crime legislation was "dead wrong." Unfortunately in the months since, Mr. Smith has learned nothing new. He is still wrong.

PRESIDENT REAGAN SHOULD MAKE HIS PROJECTED TRIP TO THE PHILIPPINES

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, President Reagan's projected trip to the Philippines, where he would visit with President Ferdinand Marcos, has stirred up quite a bit of controversy.

After the Spanish-American War, Spain ceded the Philippines to the United States for a payment of $20 million. On July 4, 1946, we granted the Philippines independence and a republic was established.

Because of the turmoil and the riots in the Philippines, and most recently the assassination of an opposition political leader, Benigno Aquino, President Reagan is being asked to cancel his trip.

Those who oppose his going say that if the American President calls on the Philippine President, it will be, in effect, giving the U.S. stamp of approval on what they perceive to be a very repressive government.

These observers are bitterly critical of President Marcos, they call him a brutal tyrant.

The Philippines are vital to the U.S. defense installations in the Pacific. There is civil strife, but that is nothing new. Our troops fought a 6-year brutal war in the Philippines to suppress a guerrilla uprising from 1899 to 1905. There are three official languages—Filipino, based on Tagalog, Spanish, and English—but 90 other dialects are spoken. The majority of the population is cataloged as Roman Catholic, but the Muslims are extremely visible.

Organizing a republic with the population divided into ethnic groups, speaking a variety of dialects, after years of domination by Spanish rulers, and then as a protectorate of the United States, is a very difficult task.

The very same people who want President Reagan to cancel his projected visit as a gesture of our disapproval, saying that such an act is necessary in order to show the world that we condemn President Marcos as a ruthless dictator, are also urging President Reagan to meet with the Russian dictator Andropov.

The Philippine people deserve our sympathy and our support, but under the martial law, which Marcos felt he had to establish, there is still a great deal more freedom than is to be found in the Iron Curtain countries, or in Cuba, or Vietnam.

Can you imagine how Andropov would have reacted if 5,000 or 10,000 students had marched in protest in Moscow?

There is some personal risk involved in the President's trip to the Philippines. I hope and pray we can protect him. We have a Mutual Defense Treaty with the Philippines. The bases we have there are vital to our defense in the Pacific. There is substantial evidence to suggest at least some of the riots are Communist inspired. And I hope President Reagan makes the trip and continues to deal with President Marcos as an ally and a friend.

CORRECTING PUBLIC LAW 98-63 DUE TO AN ERROR IN ENROLLMENT OF H.R. 3069—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on the joint resolution (H.J. Res. 338) to correct Public Law 98-63 due to an error in the enrollment of H.R. 3069.

Mr. YATES. Mr. Speaker, I spoke yesterday to David Stockman, Director of the Office of Management and Budget. He assured me the administration no longer had any objection to the funds that were included in the joint resolution, House Joint Resolution 338, and inasmuch as those funds have now been included in the continuing resolution, I ask unanimous consent that the veto message of the President, together with the accompanying joint resolution, House Joint Resolution 338, be referred to the Committee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1010

PRESIDENT'S APATHY CONCERNING MR. WATT IS UNACCEPTABLE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, Robert F. Kennedy once said:

> Each time a person stands up for an ideal or strikes out against injustice, or attempts to improve the lot of others, they send forth a tiny ripple of hope. And * * * those ripples build a current that can sweep down the mightiest walls of oppressions and resistance.

And what happens when a person does the opposite? When he destroys that hope and reverses that current that has given faith and confidence to our most vulnerable populations?

If that person is James Watt, nothing happens to him.

No matter what the outrage in this country following on his many insults:

Calling environmentalists Communists; calling pro-choice advocates Fascists; insulting women, blacks, Jews, and disabled with a callous remark which could only demean.

This man, who has one of the highest Cabinet positions in the land, is not content to direct his hostilities toward America's environment; he now has turned this hostility toward America's people.

And where is the President? Has he made a public statement of apology to the people of our Nation? Has he fired this man who does not deserve the position of trust he holds? No; he has not. Mr. President, the American people expect more of their President. Your silence either indicates your approval or your apathy. Neither is acceptable.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 368, CONTINUING APPROPRIATIONS, 1984

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon the adoption of this resolution it shall be in order, without intervening motion, to consider the joint resolution (H.J. Res. 368) making continuing appropriations, in the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to commit.

The SPEAKER pro tempore (Mr. BOLAND). The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee Mr. (QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 317 is a rule providing for the consideration of House Joint Resolution 368, continuing appropriations for fiscal year 1984. The rule provides for the consideration of the continuing resolution in the House, with the previous question considered as order to final passage without intervening motion except one motion to commit.

Under the normal procedure, continuing appropriation resolutions are not considered as general appropriations bills unless they are reported after September 15 preceding the fiscal year in which they are effective. As such, they are not covered by the provisions of clause 4(a) of rule XI which confers privileged status on general appropriations measures and on continuing appropriations resolutions reported 2 weeks or less before their effective date. House Joint Resolution 368 was introduced within the proper timeframe for a continuing resolution to be considered as privileged; however it was not reported from committee as required in clause 4(a) on rule XI. For this reason, a rule is necessary to provide for the consideration of this continuing resolution.

Because House Joint Resolution 368 is not considered as a privileged appropriations measure, none of the rules usually applicable to general appropriations bills are relevant. The continuing resolution made in order by this rule is not bound by the provisions of clause 2, rule XXI for example, which prohibit the inclusion of unauthorized appropriations or of legislation in an appropriations bill—or in amendments thereto. In the absence of the rule we are considering today, any germane amendment would be in order.

The procedure for consideration of the continuing resolution under the rule precludes the offering of amendments. Under the rule, the joint resolution will be considered in the House under the 1-hour rule. At the conclusion of debate the only motion in order is on the passage of the bill, with the exception of a prior motion to commit the resolution to the Committee on Appropriations.

Mr. Speaker, only 4 of the regular 13 appropriations bills for fiscal year 1984 have been signed into law, and the current fiscal year expires this Friday. Congress is therefore in the position of having to pass a continuing resolution in order to maintain the functioning of the Government after the beginning of the new fiscal year.

As my colleagues are aware, it is somewhat unusual to consider a continuing resolution under what amounts to a closed rule. The Committee on Rules considered some 20 requests to make amendments in order. Many of them in my judgment had merit and could have been made in order in the normal functioning of the appropriations process. It was the judgment of the Committee on Rules that the urgency of the need to pass this continuing resolution outweighed the merits of the individual proposals. In view of this urgency, the committee reported out a rule which eliminates the possibility of becoming embroiled in a lengthy amendment process.

House Joint Resolution 368 provides temporary financing authority during the period between September 30 and November for programs under 9 of the 13 regular fiscal year 1984 appropriations bills which have not been enacted into law. The four bills already enacted into law include appropriations for:

HUD/independent agencies (Public Law 98-45);

Energy and water development (Public Law 98-50);

Legislative branch (Public Law 98-78); and

Transportation (Public Law 98-78).

As additional appropriations bills are enacted, the funding levels and other provisions in the continuing resolution applicable to programs under such bills would cease to be effective.

The funding levels for programs in the continuing resolution generally are set at the lower of the level set by existing law or the lowest level contained in differing versions of pending appropriations legislation. Specifically, House Joint Resolution 368 establishes five categories for determining the level of program funding, which are themselves determined by the status of a given appropriations bill in the legislative process. The continuing resolution sets the rates at which programs under the following bills would be funded:

First, District of Columbia; military construction—programs would be funded at the lower of the levels in the House- or Senate-passed bills. If an existing program is omitted for either version, it is continued at lower or current level or the level provided by one body.

Second, Agriculture; Commerce, State, Justice, and the Judiciary; Interior; Labor, Health and Human Services, and Education—programs would be funded at the levels contained in the bills as passed the House of Representatives, except that programs under the Commerce, State, Justice, and the Judiciary appropriations bill would be funded at the levels set by the bill (H.R. 3222) as reported from committee.

Third, programs would be funded at the lower of the level in the fiscal year 1983 bill or the budget estimate.

Fourth, Treasury and Postal Service—programs would be funded at the level set in the fiscal year 1983 bill.

Fifth, Foreign assistance—programs would be funded at the fiscal year 1983 level, which includes the foreign assistance supplemental appropriation.

In addition, certain programs whose reauthorizations have not yet been enacted are funded at the current level.

Mr. Speaker, House Joint Resolution 368 was crafted by its author, the distinguished chairman of the Committee of Appropriations, to contain as little extraneous matter as possible. It is a lean and austere resolution, benefiting its role as a temporary, stopgap measure. The 45 days of continued funding at the lowest possible levels will give the Congress the breathing room necessary to work its collective will on spending priorities through an appropriations process. It is an inescapable fact that failure to pass this continuing resolution will bring virtually the entire operation of the U.S. Government to a screeching halt. I know this House will fulfill its responsibilities to the American people by adopting this rule and allowing the consideration of this continuing resolution.

□ 1020

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the able gentleman from Florida has explained the provisions of the rule and to some extent the provisions of the continuing resolution.

We all know that it is important to get down to business and pass a continuing resolution. It is much to my sorrow that we use the continuing resolution procedure but if it is not passed the Government will come to a halt on Friday midnight.

So time is passing. By the time the continuing resolution gets to the other body, and if any changes are made, and it comes back here, just anticipate that there may be late sessions this weekend.

So hopefully we can get down to business and pass it.

The Rules Committee, dedicated to that end, spent up until 8:30 yesterday evening hammering out an agreement so that the continuing resolution could be brought to the floor of the House without making a Christmas tree out of it. The original continuing resolution as reported by the committee had 19 additional amendments and had that passed the House it faced a certain veto.

The way it is now, under a closed rule, with 1 hour of debate, up or down, I commend it to you. I urge the adoption of the rule and the passage of the continuing resolution.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MULTINATIONAL FORCE IN LEBANON RESOLUTION

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 364) providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon, and the first reading of the resolution shall be dispensed with. After general debate, which shall be confined to the resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the resolution shall be in order except the following amendments, which shall not be subject to amendment: (1) the amendment recommended by the Committee on Foreign Affairs now printed in the resolution; (2) the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 27, 1983, by Representative Obey of Wisconsin, if offered by Representative Obey or Representative Long of Maryland, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent of the amendment and the chairman of the Committee on Foreign Affairs or his designee; and (3) an amendment or amendments, which shall be considered en bloc, if offered by Representative Zablocki of Wisconsin or his designee, which shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a member opposed thereto. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. At any time after the adoption of this resolution the Speaker may, in his discretion, hold S.J. Res. 159 or a similar joint resolution passed by the Senate at the Speaker's table, and after the passage of H.J. Res. 364, the Speaker may, in his discretion, recognize for any of the following motions: (1) to consider S.J. Res. 159, or a similar joint resolution passed by the Senate, in the House; (2) to move to strike out all after the resolving clause of said resolution and to insert in lieu thereof the provisions contained in H.J. Res. 364 as passed by the House; and (3) to move to insist on the House amendment to said resolution and to request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 318 provides for the consideration of House Joint Resolution 364 which provides the statutory authorization under the War Powers Act for continual U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from the country of Lebanon. House Joint Resolution 364 is a crucial piece of legislation dealing with an issue of grave importance to each and every American. In order to facilitate the orderly and expeditious consideration of this joint resolution, the resolution shall be considered as read. The rule allows for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The joint resolution shall then be considered as having been read for amendment under the 5-minute rule.

The rule provides that no amendment to House Joint Resolution 364 shall be in order except the following three which are not amendable: First, the recommended Foreign Affairs Committee amendment which is now printed in the joint resolution; second, an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 27, 1983 by Representative DAVID OBEY of Wisconsin if offered by Representative OBEY or Representative LONG of Maryland; and finally, third, an amendment or amendments if offered by Representative ZABLOCKI of Wisconsin or his designee. The substitute amendment by Mr. OBEY or Mr. LONG shall be debatable for up to 2 hours to be equally divided and controlled by the proponent of the amendment and the chairman of the Committee on Foreign Affairs or his designee. The amendment or amendments if offered by Representative ZABLOCKI or his designee shall be offered en bloc and shall be debatable for up to 1 hour equally divided and controlled by a proponent and a Member opposed thereto.

The rule also provides one motion to recommit with or without instructions. After passage of House Joint Resolution 364, the rule allows for expeditious consideration of the Senate version of the legislation. The Speaker, at his discretion, may hold at the Speaker's table, Senate Joint Resolution 159, or any similar joint resolution passed by the other body. The Speaker is also granted authority to recognize any Member for the purpose of making the following motions: First, to consider Senate Joint Resolution 159, or a similar Senate-passed joint resolution in the House; second to move to strike out all after the resolving clause and insert in lieu thereof the provisions contained in House Joint Resolution 364 as passed by the House; and finally, third, to move to insist on the House amendment to the Senate resolution and to request a conference with the Senate if the second motion is the one made.

Mr. Speaker, House Joint Resolution 364 states that the deployment of U.S. Marines in Lebanon is covered by the War Powers Act and authorizes continued deployment of U.S. forces in Lebanon for an additional 18 months. The joint resolution: authorizes the presence of U.S. Marines in Lebanon for 18 months from the date of enactment of the joint resolution; includes a congressional finding that section 4(a)(1) of the War Powers Act became operative on August 29, 1983 and that the marines are now in hostilities

which require authorization for them under the War Powers Act; calls for reports by the President every 6 months in the House; includes an authorization for "protective measures" to protect the safety of the marines; and suggests that the United States should withdraw its troops if all our allies withdraw.

House Joint Resolution 364 is historic legislation, what we do here today will have great impact on our country and the world and will have great significance for the legislative process. By signing this joint resolution, the President recognizes and acknowledges the validity of the War Powers Act. House Resolution 318 provides 5 hours of debate and makes in order a committee amendment, a substitute amendment and an amendment or amendments if offered by the chairman of the reporting committee. House Resolution 318 provides abundant time and latitude for the House consideration of a monumental piece of legislation and I urge its adoption.

□ 1030

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule has been ably explained. We all know what the joint resolution does. Under an agreement hammered out by the Democrats and the Republicans in Congress and the President, the joint resolution provides an 18-month time limit on the stationing of troops in Lebanon.

The Obey substitute is a diversion from that approach, limiting the time, in fact, to 90 days from August 29.

So the House will have an opportunity to vote on two different propositions.

Mr. Speaker, I support the compromise that has been hammered out by both sides of the aisle and the President.

I think it is so important to this country of ours that we stand behind our Commander in Chief. And he has given assurances that if any major change in the situation occurs he will come to the Congress for additional guidance.

Mr. Speaker, I urge the adoption of the rule. I urge that the reported version of the bill, be adopted and that the Obey amendment be defeated.

Mr. Speaker, I have no requests for time.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I rise in strong opposition to this gag rule on an extremely important and momentous decision.

This is not some matter of governmental structure, it is not even a matter of funding another program or abolishing one.

We are talking about something today that could either lead us down a path to a bloody war and involvement in the death of Americans or could, if handled properly, lead us on a path of peace.

And why it was felt necessary to restrict the Members of this House in the way we are being restricted by this gag rule is totally beyond me.

This House is not being given a choice except between two alternatives; between an amendment to be offered by Mr. OBEY or Mr. LONG, on the one hand, and the resolution reported by the Committee on Foreign Affairs, on the other.

Eighteen months of a blank check for deployment of our troops, that is just 1 month less than the U.S. involvement in World War I. But a blank check, without this House having an opportunity to make the determination whether another period of time such as 6 months or 9 months or some combination would be more appropriate to determine whether our forces should remain in Lebanon.

I do not advocate putting our tails between our legs and running because the situation is hot. The purpose of strong military forces is to use them where necessary and certainly, as a world leader, we have that responsibility. But no one has told us who the enemy of the Marines is there. Is it the Druze? Is it the Shiites? Are they going to go fight the Syrians? Or are they just going to sit there and be shot at for 18 months?

That is how the war in Vietnam escalated. I suggest to you the reason we have this type of Gulf of Tonkin resolution before us today is because there are people who do not want the American people, through their Representatives, to make the choice.

I have got to oppose this rule and I urge my colleagues to do likewise so we can have a full debate on this awesome issue.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes, for purposes of debate only, to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, I would like to pose several questions to the gentleman from Michigan (Mr. BONIOR), if I may, about the structure of the rule.

As I understand it, this rule will provide the chairman of the Committee on Foreign Affairs with an opportunity to offer whatever amendments he deems advisable, either before the Long-Obey substitute is voted upon or afterwards. Is that correct?

Mr. BONIOR of Michigan. If the gentleman will yield, that is correct. The rule will allow, at the discretion of the Chair, in what order said amendments that are made in order can be posed to the body.

Mr. OBEY. It also would provide—let us assume for a moment that the Long-Obey amendment were to be passed by the House today. As I understand it there would be a technical possibility under this rule for the Speaker to, at that point, simply take from the desk the Senate Joint Resolution 159 or a similar joint resolution passed by the Senate, and simply pass that in the House, and if we passed it in identical form, then obviate the necessity for a conference. Would that not be technically possible under the rule?

Mr. BONIOR of Michigan. If the gentleman will yield further, it is my understanding that that would be technically possible, yes; but not, I would also say to the gentleman, not unusual.

Mr. OBEY. Let me say, Mr. Speaker, that the technicalities of this rule bother me quite a bit because I think this is a serious, serious question we are facing today and from a technical standpoint I do not like what could theoretically happen under this rule. I do want to say, however, that I have been given the assurance by the gentleman from Wisconsin (Mr. ZABLOCKI), who is the chairman of the Committee on Foreign Affairs, that he does not intend to offer amendments which would change in any major way the contents of the committee product, that they are contemplating probably only one amendment which would change the reporting cycle and another amendment which might have to do with a possible partitioning of Lebanon, and that he does not expect to see any other amendments offered.

If that is the understanding, then I have no problem because the theoretical possibility for sandbagging, to be frank about it, would appear not to be real. We would appear to be in a position where those theoretical possibilities would not be exercised by the committee.

□ 1040

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

The gentleman from Wisconsin (Mr. OBEY) has stated the intentions of the chairman of the Foreign Affairs Committee correctly.

Mr. OBEY. Let me also say that in reference to the theoretical possibility that the Speaker might, in effect, sidetrack the result of House debate if our substitute were to pass and pass the Senate version instead, I have also been assured by persons within the Speaker's office that that is not the intention of the Speaker and that that power is needed because of the peculiarities under the War Powers Act

and also would be exercised only in the event that what had passed the Senate was relatively similar to what had passed the House.

And with that understanding, Mr. Speaker, while I do not like the idea that more alternatives are not available, because on something this important I would much prefer that they would be, and while I certainly do not like the theoretical possibilities available under the rule, it seems to me that we have reached an informal understanding about how the provisions of this rule will, in fact, be exercised, and so I would not express any special opposition to the rule.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Georgia for purposes of debate only.

Mr. LEVITAS. I thank the gentleman for yielding.

I have some questions that I would like to put to my distinguished colleague from Michigan, who is managing this resolution.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. BONIOR) has expired.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume. And I yield to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. As I understand it, no pro forma amendments will be in order under this rule; is that correct?

Mr. BONIOR of Michigan. That is correct.

Mr. LEVITAS. Second, as I see the rule in its present form, in effect there will be 4 hours of debate unless the gentleman from Wisconsin chooses to offer his amendment at the end.

Mr. BONIOR of Michigan. If the gentleman from Wisconsin (Mr. ZABLOCKI) chooses to exercise his right under the rule there would be 4 hours.

Mr. LEVITAS. There would be 4 hours, but of the principal 4 hours that are provided, essentially 3 of the 4 hours will be controlled by individuals who are in favor of the resolution, and only 1 hour by individuals who support the Long-Obey situation, because, as I understand it, the distinguished chairman of the Foreign Affairs Committee and the ranking member of the Foreign Affairs Committee control the first 2 hours and then when the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. LONG) offer their amendment, there is a division of 1 hour controlled by opponents. So, in effect, we have got 3 hours of the 4 controlled by Members who are supporting; and only 1 hour made available to those of us who oppose.

Mr. BONIOR of Michigan. From a very technical reading of what the gentleman just said that is correct, but I would also suggest to my colleague, and perhaps the gentleman from Wisconsin (Mr. ZABLOCKI) might want to respond to this, that I do not detect from the historic nature of this issue and from what I have heard from the leaders of the parties in this issue that there will be any attempt to squelch those who have differing views. In fact, that has been my policy in managing rules and it is now, as indicated by my willingness to yield and recognize Members who have differing views on the rule, and I suspect the gentleman from Wisconsin (Mr. ZABLOCKI) and those Members on the other side of the aisle will cooperate the same way.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

The chairman of the Foreign Affairs Committee fully supports the rule which provides 2 hours for general debate, the time to be divided equally to those who are in opposition to the resolution and to those who are supportive. Two hours is also provided under the rule for the Obey amendment, 1 hour on each side for those who are supporting the Obey amendment, and 1 hour to those who are opposed.

The 1 hour provided for any amendments that may be offered by the chairman of the committee will be equally divided with those who may oppose those amendments.

Mr. LEVITAS. If I may ask one last question, if the gentleman will continue to yield.

First of all, I would like to thank the chairman of the Foreign Affairs Committee for that assurance. As always he has demonstrated his fairness and his sense of propriety in a matter of this nature. And I appreciate that.

But as I understand it, and perhaps he might clarify this, it is my understanding that the chairman does not intend to offer an amendment as part of the package that he might at the end which would deal with a shortening of the time period provided in the basic resolution. For example, in the event—and I use this simply hypothetically—that during the general debate on the Long-Obey substitute it was clear that a substantial number of Members, perhaps even a majority, would prefer to support the resolution offered by the Foreign Affairs Committee, but for a shorter period of time, rather than the 18 months.

Would the gentleman from Wisconsin, the distinguished chairman, consider offering such an amendment as part of his package?

Mr. ZABLOCKI. If the gentleman will yield to me, at this point, there is no consensus for a shorter period than 18 months.

So in response to the gentleman I must say that the gentleman from Wisconsin at this time does not intend to offer such an amendment.

But I want to make it clear it does not preclude such an amendment from being offered and we will have to play it by ear until that time.

Mr. LEVITAS. I thank the gentleman from Michigan for yielding, for the candor as well as the fairness of the gentleman from Wisconsin.

I regret that we do not have under this rule the opportunity to provide those alternatives and it is for that reason that I must oppose the rule.

Mr. QUILLEN. Mr. Speaker, we know that there is controversy on the time limit for keeping U.S. troops in Lebanon and on what should happen in Lebanon. But the Rules Committee labored hard and long up until 8:30 last evening trying to hammer out a rule to give the opposition room for debate on major alternatives. And it would be impractical to draft a rule allowing each individual in the House to express his or her views on the floor by amendment.

So I think the issue is crystal clear. There are those who oppose the measure and that is their prerogative.

But this is not a gag rule. I think it is a good rule. It should be adopted and I urge the adoption of the rule and the joint resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG), for purposes of debate only.

Mr. LONG of Maryland. Mr. Speaker, as the gentleman has indicated before, he said for the Speaker to take over and substitute some other measure for what this House passes is not the usual procedure.

I want to protest that. We spent 4 hours last week in the Appropriations Committee passing an amendment which will be part of the Long-Obey amendment here today to cut off funds for any combat activity in the Middle East unless within 60 days the President should invoke the War Powers Act. And that was passed and a great many other things passed the Appropriations Committee which we considered worthwhile.

□ 1050

Apparently there was displeasure over that. The Speaker promptly nullified that with one device or another. I think the gentleman is right, it is not unusual. And yet I have known that never to happen before in my experience, in my 21 years in Congress. So it does seem to me that what we have here is the beginning of a kind of legislative dictatorship in which we are allowed to play around and do what we think we ought to do, and then if the leadership does not approve of this,

they just simply scrub it and introduce something else.

I do not know what the Speaker intends to do this time, whether the assurances from somebody in his office are valid, but I certainly want to protest this type of action.

Mr. BONIOR of Michigan. I thank my colleague for his comments.

Mr. Speaker, before I move the previous question, I yield myself such time as I may consume so that I may make a few comments with respect to the base resolution itself.

This has been for all of us a very agonizing and a very difficult decision. I personally visited Lebanon during the war some 15 months ago, and I met with the various leaders of the different factions. Since that time I have followed very closely in the print media and in the electronic media the day-by-day happenings in that troubled and war-torn land. As I talk to my colleagues on and off the floor of this House, I keep hearing from them their concerns about being pulled into another Vietnam.

We know today that U.S. foreign policy lives in the shadow of the Vietnam war. And as we watch this country extend our military involvement in foreign lands, whether they be in the Mideast or in Central America, it is imperative that we remember the painful cost of that war and certainly exercise extreme caution before committing American troops elsewhere in the world.

For those of us who were critical of the Vietnam war and who are vocal opponents of U.S. military intervention elsewhere in the world, most notably in Central America, it is especially important to be clear about the precise lessons of that venture some 20 years ago. The use of U.S. troops, I would add, is not, I believe, in itself inherently wrong. Likewise, I believe it is not inherently wrong for the United States to be involved in complex situations in remote and sometimes alien parts of the world. Nor is it inherently wrong for the United States to take part in actions that require high and perhaps sometimes very incalculable risks.

The War Powers Act, a principal legislative legacy of the Vietnam era, was designed to ensure that decisions to deploy U.S. troops is fully shared by Congress. The act is used just as effectively—and this is, I think, extremely important—when the Congress chooses to authorize the continued deployment of troops as when it requires that their deployment be stopped, be terminated.

House Joint Resolution 364 is an unequivocal statement of congressional war powers. Passage of this resolution will be the most significant step Congress has taken in a decade to prove it will exercise its authority, even when the President resists recognizing that authority. If the President signs this bill, he may chafe at its restrictions, but his caveats will not change its basic effect. He can ignore it only by placing himself outside of the law. I am convinced that our current involvement in the Middle East can be distinguished from the errors of the past and present U.S. policies elsewhere in the world. In Vietnam before and in Central America today, U.S. involvement has, I believe, been that of an aggressor nation. In the Middle East the United States has assumed a role of a conciliator. In Vietnam and Central America the United States has sought a military solution. Negotiations, at best, have been a facade to legitimatize military action and, at worst, have been ignored in favor of a military buildup.

In Lebanon the thrust of U.S. policy has been to encourage negotiations. Our military involvement has been reluctant and, in general, disciplined by efforts to establish the continuing peace efforts.

I have been impressed by the actions of this administration with respect to their foreign policy in the Middle East. I have not agreed with them with every decision they have made, but certainly our best people in foreign policy have devoted their time and energies to this part of the world. I am confident that people like Mr. McFarland, Mr. Habib before him, Mr. Veliotes and Secretary Shultz have a firm grasp and knowledge of the situation and have been acting and will continue to act in the best interests of this country.

We are now at the next step, which is broadening the base of the Lebanese Government. I think it would be foolhardy for this Congress to take actions that would undermine this administration in that process. For that reason, I would encourage my colleagues in this body to support the rule and then to support the compromise which has been worked out with the leadership of this body and the President.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOLAND). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 306, nays 91, answered "present" 1, not voting 35, as follows:

[Roll No. 358]

YEAS—306

Ackerman	Foley	McKernan
Addabbo	Ford (MI)	McKinney
Akaka	Ford (TN)	McNulty
Albosta	Forsythe	Mica
Alexander	Fowler	Mineta
Anderson	Franklin	Minish
Andrews (NC)	Frost	Moakley
Andrews (TX)	Fuqua	Molinari
Annunzio	Garcia	Mollohan
Anthony	Gejdenson	Montgomery
Applegate	Gekas	Moody
Archer	Gephardt	Morrison (WA)
AuCoin	Gilman	Mrazek
Barnard	Gingrich	Murphy
Bateman	Glickman	Murtha
Bates	Goodling	Myers
Bedell	Gore	Natcher
Beilenson	Gradison	Nelson
Bennett	Gray	Nowak
Berman	Guarini	O'Brien
Bethune	Gunderson	Oakar
Bevill	Hall (IN)	Obey
Biaggi	Hall (OH)	Olin
Billey	Hall, Ralph	Ortiz
Boehlert	Hall, Sam	Oxley
Boggs	Hamilton	Packard
Boland	Hammerschmidt	Panetta
Boner	Hance	Parris
Bonior	Hatcher	Pashayan
Bonker	Hawkins	Patman
Borski	Hayes	Patterson
Boucher	Hefner	Pease
Breaux	Hightower	Penny
Britt	Hiler	Pepper
Brooks	Holt	Perkins
Broomfield	Horton	Pickle
Brown (CA)	Hoyer	Porter
Broyhill	Hubbard	Price
Burton (CA)	Huckaby	Pritchard
Burton (IN)	Hunter	Pursell
Byron	Hutto	Quillen
Campbell	Ireland	Rahall
Carper	Jeffords	Rangel
Carr	Jenkins	Ratchford
Chappell	Johnson	Reid
Chappie	Jones (NC)	Richardson
Cheney	Jones (OK)	Ridge
Clarke	Jones (TN)	Rinaldo
Clay	Kaptur	Ritter
Clinger	Kasich	Robinson
Coats	Kazen	Rodino
Coleman (TX)	Kennelly	Roe
Collins	Kindness	Roemer
Conte	Kogovsek	Rogers
Conyers	Kolter	Rose
Cooper	Kramer	Rostenkowski
Corcoran	Lagomarsino	Roukema
Coughlin	Lantos	Rowland
Coyne	Latta	Roybal
Crockett	Leath	Rudd
D'Amours	Lehman (CA)	Russo
Daniel	Leland	Sabo
Daschle	Lent	Sawyer
Davis	Levin	Scheuer
de la Garza	Levine	Schneider
Derrick	Lewis (FL)	Schulze
Dicks	Lipinski	Schumer
Dingell	Livingston	Sensenbrenner
Dixon	Lloyd	Shannon
Donnelly	Long (LA)	Shelby
Dorgan	Lott	Shuster
Dowdy	Lowery (CA)	Siljander
Downey	Lowry (WA)	Sisisky
Duncan	Lujan	Skeen
Durbin	Luken	Slattery
Dwyer	Lundine	Smith (FL)
Dyson	Mack	Smith (NE)
Edwards (AL)	MacKay	Smith (NJ)
Edwards (OK)	Madigan	Smith, Robert
English	Markey	Snowe
Erlenborn	Marlenee	Solarz
Evans (IA)	Marriott	Solomon
Fascell	Martin (IL)	Spence
Fazio	Martin (NC)	St Germain
Feighan	Matsui	Staggers
Ferraro	Mavroules	Stangeland
Fiedler	Mazzoli	Stokes
Fields	McCain	Sundquist
Fish	McCandless	Swift
Flippo	McDade	Synar
Florio	McGrath	Tauke
Foglietta	McHugh	Tauzin

Thomas (CA)	Weber	Wise
Torres	Wheat	Wolf
Torricelli	Whitehurst	Wortley
Towns	Whitley	Wright
Valentine	Whittaker	Wyden
Vander Jagt	Whitten	Yatron
Vandergriff	Williams (MT)	Young (AK)
Vucanovich	Williams (OH)	Young (FL)
Walgren	Wilson	Zablocki
Watkins	Winn	Zschau

NAYS—91

Badham	Hopkins	Ray
Bereuter	Howard	Roth
Billirakis	Hughes	Savage
Bosco	Jacobs	Schaefer
Boxer	Kastenmeier	Schroeder
Brown (CO)	Kildee	Selberling
Bryant	Kostmayer	Sharp
Carney	LaFalce	Shaw
Courter	Leach	Sikorski
Crane, Daniel	Lehman (FL)	Skelton
Crane, Philip	Levitas	Smith (IA)
Dannemeyer	Lewis (CA)	Smith, Denny
Daub	Long (MD)	Snyder
Dellums	Lungren	Spratt
Dickinson	McCloskey	Stark
Dreier	McCollum	Stenholm
Early	McCurdy	Stratton
Eckart	McEwen	Studds
Edgar	Mikulski	Tallon
Edwards (CA)	Miller (CA)	Thomas (GA)
Erdreich	Mitchell	Traxler
Evans (IL)	Moore	Vento
Frank	Morrison (CT)	Volkmer
Gaydos	Neal	Weaver
Gibbons	Nichols	Weiss
Gonzalez	Nielson	Wirth
Green	Oberstar	Wolpe
Gregg	Ottinger	Yates
Hansen (ID)	Owens	Young (MO)
Harkin	Paul	
Hertel	Petri	

ANSWERED "PRESENT"—1

Dymally

NOT VOTING—35

Aspin	Hansen (UT)	Moorhead
Barnes	Harrison	Regula
Bartlett	Hartnett	Roberts
Chandler	Heftel	Shumway
Coelho	Hillis	Simon
Coleman (MO)	Hyde	Stump
Conable	Kemp	Taylor
Craig	Loeffler	Udall
DeWine	Martin (NY)	Walker
Emerson	Martinez	Waxman
Frenzel	Michel	Wylie
Gramm	Miller (OH)	

□ 1110

Messrs. WEAVER, LONG of Maryland, SIKORSKI, NEILSON of Utah, BRYANT, FRANK, OBERSTAR, YATES, LEHMAN of Florida, SKELTON, McCLOSKEY, and TRAXLER changed their votes from "yea" to "nay."

Mr. RANGEL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MINISH). Pursuant to House Resolution 318, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 364.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 364) providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon, with Mr. BOLAND in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Under the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 1 hour, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

□ 1120

Mr. ZABLOCKI. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today is a very historic day in Congress, because today the House of Representatives will determine whether the War Powers Act, enacted over the President's veto in 1973, is operative or whether it is a dead issue.

Mr. Chairman, I rise in strong support of House Joint Resolution 364, the multinational force in Lebanon resolution.

Mr. Chairman, the recent increasingly dangerous situation in Lebanon has raised serious questions in this Nation and among many Members of Congress as to the precise role of the U.S. marines in the multinational force, and how that role fits into overall U.S. policy in Lebanon and the Middle East. The death of four U.S. marines and the wounding of 38 others, which illustrated the clear applicability of section 4(a)(1) of the war powers resolution to the Lebanese situation, demands action by the Congress.

House Joint Resolution 364 addresses that demand in a responsible and effective fashion. The United States has been actively involved in diplomatic efforts over the past year and a half to restore Lebanon's territorial integrity and independence, and to promote national reconciliation in that strife-torn country.

These efforts have had considerable success. An Israeli-Lebanese agreement for the withdrawal of Israel's forces was concluded on May 17. Only a few days ago, a ceasefire between warring factions in Lebanon was concluded with active U.S. participation. As part of this diplomatic effort, the United States, together with France, Italy, and the United Kingdom, have contributed military forces to assist the Lebanese Government in restoring control over the Beirut area.

Without congressional authorization of the U.S. Marine presence in Lebanon, these intense diplomatic initiatives will be largely wasted. Moreover, several disastrous consequences would result if the marines were withdrawn from Lebanon. I will discuss those in a moment.

Let me make one thing emphatically clear: House Joint Resolution 364 is not an open-ended authorization for U.S. military involvement in Lebanon. Nor does it hamstring the President's ability to carry out an effective foreign policy.

It has a balance of congressional controls and Executive flexibility. Specifically, House Joint Resolution 364:

Provides a congressional finding that U.S. Armed Forces in Lebanon are in hostilities requiring congressional authorization under the war powers resolution, and a congressional determination that section 4(a)(1) of the war powers resolution became operative on August 29, 1983 (section 4(a)(1), provides for a Presidential report when U.S. troops are sent into hostilities or situations of imminent involvement in hostilities);

Authorizes the continued presence of U.S. Armed Forces under section 5(b) of that resolution (section 5(b) provides for withdrawal of such troops within 60 days unless Congress has enacted authorization for a different time period);

Limits the functions of U.S. Armed Forces in accordance with the September 25, 1982, international agreement between the United States and Lebanon except that this shall not preclude such protective measures as may be necessary to insure the safety of the multinational force in Lebanon. That agreement limits the marine contingent to the Beirut area; places a ceiling of 1,200 on that force, and allows for self-defense;

Requires a semiannual reporting requirement on the status, scope, and duration of hostilities involving U.S. forces; the activities and present composition of the multinational force; the result of efforts to reduce and eventually eliminate the force; how continued U.S. participation in the force is advancing U.S. foreign policy interests in the Middle East; and what progress has occured toward national political reconciliation among all Lebanese groups;

Declares that other countries should continue to participate in the multinational force, that the United States should promote continuing discussions to bring about the withdrawal of all foreign troops from Lebanon, and that the United States should discuss with the Security Council of the United Nations, on an annual basis, the replacement of the multinational force by a U.N. Peacekeeping Force;

Stipulates that U.S. participation in the multinational force shall be authorized for purposes of the war powers resolution until the end of an

18-month period (unless the Congress extends such authorization), and that such authorization shall terminate sooner if all foreign forces are withdrawn from Lebanon (unless the President determines and certifies to the Congress that continued U.S. Armed Forces participation is required after such foreign forces withdraw up to the end of the 18-month period in order to establish Lebanese Government control of the Beirut area); when the United Nations or the Government of Lebanon is able to assume the responsibilities of the force; upon the implementation of other effective security arrangements in the area; or if all other countries participating in the force withdraw their forces;

Provides that nothing in the resolution precludes either the President or the Congress from directing the withdrawal of U.S. forces in Lebanon and that the resolution does not modify, limit, or supersede any provision of the war powers resolution or the requirement in the Lebanon Emergency Assistance Act of 1983 for congressional authorization of any substantial expansion in the number or role of U.S. Armed Forces in Lebanon.

Mr. Chairman, I am well aware there is great concern over the extension of the U.S. military presence for a period of up to 18 months. That concern must be weighed against the likely alternative of not providing such an extension.

The alternative is withdrawal. And the likely consequences of withdrawal are so detrimental as to make that alternative totally unacceptable.

First, U.S. withdrawal from the multinational force will most certainly lead to French and Italian withdrawal and the collapse of the force. Second, the collapse of the force will lead to complete anarchy, the likely disintegration of the Lebanese Central Government, and for all practical purposes the end of Lebanon as a country for the foreseeable future. Third, with the political disappearance of Lebanon, the prospects for the achievement of a comprehensive peace in the Middle East, the primary U.S. foreign policy objective in the region, will have been effectively foreclosed.

In addition to these vital considerations, there are three other sound and valid reasons why the 18-month period was chosen. These reasons are:

First, 18 months is likely to be long enough to prevent Syria from questioning U.S. resolve to maintain troops in Lebanon and wait out the marine presence and instead force it to negotiate in earnest for a comprehensive settlement in Lebanon.

Second, this length of time will carry the authorization for troop involvement past the 1984 elections, thus insulating the U.S. participation from partisan wrangling and election-year politics.

Third, the next administration, if one is elected, will have an opportunity to review the situation without time pressure. Continuity will also be demonstrated since the U.S. Marine presence will remain over the course of two different administrations.

In conclusion, Mr. Chairman, House Joint Resolution 364 is the product of intense and fruitful bipartisan cooperation. It is supported by the Democratic and Republican House leadership and the President. It represents the first full application of the war powers resolution as well as the first de facto endorsement of the war powers resolution by the executive branch. In exchange, the Congress authorizes the presence of U.S. forces in a properly controlled manner that will serve U.S. foreign policy interests.

I urge support for the adoption of House Joint Resolution 364 in its current form.

Mr. Chairman, to my remarks, I add the letter of President Reagan, assuring us that he will seek congressional authority to keep the marines in Lebanon beyond the 18-month period if necessary.

THE WHITE HOUSE,
Washington, September 27, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR CLEM: I know you were as gratified as I with Sunday's announcement of a cease fire in Lebanon. While there were many things that contributed to the cease fire, it is my belief that your ageement to advance the compromise resolution on war powers—and the favorable action by the Foreign Affairs and Foreign Relations Committees—were particularly important. At a crucial point, your agreement and the supporting committee actions expressed a commitment to bipartisanship in U.S. foreign policy. Please accept my thanks.

Let me also take this opportunity to clarify an issue with respect to the interpretation of the compromise resolution. The compromise resolution refers to the requirements of section 4(a) of the Lebanon Emergency Assistance Act; I gather that a question has arisen as to the Executive Branch's understanding and intention in this regard. My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act: It would be my intention to seek Congressional authorization—as contemplated by the Act—if circumstances require any substantial expansion in the number or role of U.S. armed forces in Lebanon.

In addition, regarding the Administration's intentions with respect to the 18-month time period, I can assure you that if our forces are needed in Lebanon beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms.

Again let me thank you for your support for the compromise agreement. I believe its prompt enactment will only further improve the chances for the stable peace we seek in Lebanon.

Sincerely,

RONALD REAGAN.

Mr. Chairman, since the President's letter was released yesterday, expressions of concern have been voiced regarding what some see as ambiguity in the letter's third paragraph.

That paragraph states the President's "intention to work together with Congress" if the marines are needed in Lebanon beyond the 18-month period.

In an effort to eliminate any ambiguity in those words and to make absolutely precise and clear what the President will do, I sought a clarification from high-level White House officials.

From those officials, I now have an assurance that it is the President's explicit intention to seek congressional approval to keep U.S. forces in Lebanon beyond the 18-month period, if that is necessary.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me take this opportunity to praise the Democratic leadership of the House for its cooperation in working with the administration to make this joint effort possible.

I am not enthused about the situation in which we find ourselves in Lebanon. It is difficult and dangerous. But it is also crucially important to the future of Lebanon, the entire Middle East, and our own national security.

We can not afford to cut and run. Nor can we afford to telegraph our punches by setting an arbitrary deadline a few months from now when we will cut and run.

This resolution gives the President the flexibility he needs without giving an advantage to our adversaries. And, it involves the Congress in the decisionmaking process.

Congress can be a part of that process, but it can not make battefield judgments 3 or 6 or 9 months in advance. Only the Commander in Chief can do that in consultation with our allies.

I am confident this President is aware of the pitfalls of the past and will withdraw U.S. forces just as quickly as he feels practical.

Let us take a look at Lebanon and the Middle East for a moment so that we can better understand how this joint resolution will play a key role in supporting our foreign policy goals in that region.

Since the October 1973 war, the United States has been continuously engaged in some sort of Middle East diplomacy. That region is strategically located, and we are pursuing our commitments to Israel and to our Arab friends. President Reagan's Middle East peace initiative offers a sound and workable basis for negotiations. His program is designed to bring about a just, secure, and comprehensive solu-

tion to the age-old conflicts in that area.

The current problems in Lebanon cannot be isolated from the larger Middle East crisis. It involves the same questions of security, respect for national sovereignty, and peaceful resolution of disputes. To advance toward a peaceful solution in Lebanon will contribute to the broader peace process in the entire region.

Our Nation's objectives in Lebanon include the withdrawal of all external forces from that country and a sovereign, independent Lebanon. In addition, security for Israel's vulnerable northern borders is important.

With the end to widespread fighting in Beirut last summer, President Gemayel began to work toward political accommodation. He called for dialog and national reconciliation.

The United States dispatched about 1,200 U.S. marines to Lebanon in response to that Government's requests for a multinational force. The force is designed to insure the Lebanese Government's sovereignty and authority. It also assures the safety of people in the area. Syrian forces, terrorist groups, and others have challenged the MNF. There are obviously elements in Lebanon who oppose an internal settlement of the conflict. We have responded to attacks on our troops in order to protect our personnel.

It is critical that our marines be allowed to stay. They are part of our overall plan to help create conditions in which stability can be established. Our marines are an important deterrent. Most importantly, they are a symbol of the international backing behind the legitimate Government of Lebanon.

I know there are risks involved. Any important undertaking involves risks.

What is the alternative? Withdrawal of our forces? U.S. withdrawal would almost certainly bring about the collapse of the MNF. Complete chaos would most likely follow along with the collapse of the Gemayel government.

Lebanon would undoubtedly be divided up and would disappear as an independent sovereign country.

What would happen, then, to U.S. foreign policy goals in the Middle East? I believe that all of you will agree that bringing the boys back home is emotionally appealing but disastrous for America's interests in that volatile region.

I am delighted to say that we in this Congress realize that Lebanon is a challenge that all of us face together. The issues are not partisan ones. At stake are the goals of American foreign policy and the integrity of a friendly country.

In this spirit, I ask my colleagues to join me in supporting this resolution. It is one that is in keeping with U.S. policy interests and congressional prerogatives.

□ 1130

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in strong support of this resolution.

Mr. Chairman, I think all Members will agree that the action we take today makes one of the most important constitutional statements on the issue of separation of powers in this Nation's 200-year history. I believe that House Joint Resolution 364 strikes a positive and workable balance between Presidential prerogatives and congressional authority. Furthermore, this resolution makes a positive statement of our unshakable commitment as a nation to the achievement of unity, independence, territorial integrity and national political reconciliation in Lebanon, and our larger goal of achieving a peaceful solution in the Middle East.

The tortured path to progress in the Middle East often frustrates Americans who are used to solving problems—whatever their character—in an efficient, expeditious manner. The problems in the Middle East are not of our making, nor have they been created overnight by the citizens of the countries in the region. The problems we see are centuries old. Lebanon alone has endured 8 years of a brutal civil war. The solution will only come about in a slow, often labored manner.

Yet we have made some progress. An Israeli-Lebanese agreement for the withdrawal of Israel's forces was finally concluded on May 17, President Amin Gemayel has made several efforts to achieve national reconciliation, power sharing, and a broad-based national government involving Lebanon's various religious and ethnic groups. In recent days, a fragile cease fire has been negotiated. The United States has encouraged and actively participated in these efforts.

Unfortunately, Syria continues to stand as a challenge and an obstruction to this progress. It has continually refused to withdraw it troops, despite its claims that it would do so if Israel withdrew. Furthermore, Syria has permitted the reentry of armed Palestinian troops into Lebanon in violation of the August 1982, international agreements, thereby further obstructing the process of national reconciliation in Lebanon. In addition, it has instigated political opposition within Lebanon to the negotiation of a cease fire, and armed several factions in military actions against the Gemayel government.

Because of Syria's intransigence, and to insure that the progress made thus far is not endangered further, we must take effective action to insure that the U.S. Marine presence in Lebanon is maintained and congressionally authorized. We cannot withdraw our forces without endangering the entire multinational force and playing into the hands of those who do not want peace in the Middle East.

This resolution is a solid, statesmanlike, and bipartisan act which will underscore the progress already made, and pave the way for the next steps toward national reconciliation in Lebanon.

One of the most important aspects of this resolution is the 18-month authorization of U.S. participation in the multinational force. This period of time was not chosen at random. It is desirable for a number of reasons:

First, 18 months is likely to be long enough to prevent Syria from questioning U.S. resolve to maintain troops in Lebanon and wait out the Marine presence and instead force it to negotiate in earnest for a comprehensive settlement in Lebanon.

Second, this length of time will carry the authorization for troop involvement past the 1984 elections, thus insulating the U.S. participation from partisan wrangling and election-year politics;

Third, the next administration will have an opportunity to review the situation without time pressure. Continuity will also be demonstrated since the U.S. Marine presence will remain over the course of two different administrations.

Mr. Chairman, there are some who disagree with the thrust of this resolution, and who would like to limit Presidential actions more severely by invoking a constitutional crisis rather than applying the war powers resolution as provided in the basic resolution before us.

Specifically, the Obey-Long substitute would require the President to invoke section 4(a)(1) of the war powers resolution by the end of November or at the end of any month thereafter, unless he certifies that a cease-fire is in effect and is being observed by all parties. Second, this substitute cuts off all funds for U.S. military operations in Lebanon if by the end of November the President has neither certified that a cease-fire exists nor invoked section 4(a)(1) of the war power resolution. Finally, it triggers the war powers resolution if the President fails to make the necessary determinations at the end of any subsequent 30-day period.

This substitute, if adopted, would effectively insure a series of confrontations between the President and the Congress. It would make a mockery of our attempts to produce a workable, effective and coherent foreign policy reponse to the current situation in the Middle East. A 90-day cutoff followed by 30-day certifications encourages continued Syrian obstructionism and

increased violence. By contrast, the 18-month extension in the resolution is long enough to prevent Syria from questioning U.S. resolve to maintain troops in Lebanon. It will carry the authorization past the 1984 elections and out of an intense, partisan debate which could harm long-term U.S. foreign policy interests. Furthermore, an 18-month time period will enable any new administration to review the situation without time pressure.

By contrast, the substitute actually postpones congressional decision and on an ultimate policy. In all probability the substitute would produce a Presidential veto and a continuation of the current constitutional impasse.

Mr. Chairman, I believe one more point is important on the constitutional issue. The war powers resolution has not been dormant since its enactment in 1973. On nine separate occasions, Presidents have submitted reports under this resolution. These included three instances related to evacuations at the end of the Vietnam war, the *Mayaguez* incident, the Iranian hostage rescue attempt, and the Sinai multinational force. In the Sinai case, the dispatch of forces had been authorized by the Congress for specific purposes and the President reported that he did not expect them to become involved in hostilities.

These examples indicate that the war powers resolution is, indeed, workable. Even though there have been instances—such as the case of El Salvador and military exercises in Central America, the transport of European troops to Zaire in 1978, and the evacuation of civilians from Cyprus in 1974 and from Lebanon in 1976—where the President did not report formally to the Congress, the utility of the war powers resolution has been demonstrated. Today, we demonstrate even more clearly that it is possible for the President and the Congress to work together to further U.S. short term and long term foreign policy interests. I commend my colleagues on the Foreign Affairs Committee for their statesmanlike work on this compromise and urge all Members of this body to join us in this historic bipartisan effort.

In summation, I think that the basic question which all of us must answer is: Are the national security and other interests of the United States being best served by the U.S. military force being part of the multinational force in Lebanon.

I think it is quite clear, even on a cursory reading of the record and examination of the facts, that the answer is yes. For a long period of time the United States has had vital security, economic and political interests in Lebanon, the Middle East, and the Persian Gulf, all of which are familiar to all of us.

It seems to me that on the better part of judgment one in making his decision would have to come down on the side of every President since President Eisenhower, in concluding that the vital interests, the national interests, the security interests, the economic and political interests of the United States are at stake in this area, and that it is worth the effort and the sacrifice that must be made. The Congress must join in any decision with the President, for the United States to maintain its presence; to accomplish the objectives which have been defined by the President, by the committee report, and by the facts.

I would add only one other thing: The Congress always has control. We can impeach if we like, if we can make a case. We can cut the President's funds off anytime the Congress wants to, even after this resolution we are considering has become law. We can pass a resolution any time we see fit to pass a resolution dealing with the issue, either withdrawing the troops, making changes in the agreement which now exists with respect to the multinational force or taking such other action as it seems necessary for us to take.

The reason we provided an 18-month limit in this resolution is to give the President sufficient time and flexibility so that it does not disadvantage the position of the United States and our men who are part of the multinational force; to exercise the power and authority of the Congress under the War Powers Act; and to establish, with the President, U.S. policy now—not later—and finally to avoid a constitutional crisis.

For all these reasons, I urge my colleagues to support the pending resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maine (Ms. SNOWE).

Ms. SNOWE. Mr. Chairman, we meet today to discuss House Joint Resolution 364, which authorizes the continued presence of U.S. troops in the multinational peacekeeping force (MNF) in Lebanon. The situation in that troubled country has improved in the past few days with the establishment of a cease-fire. I believe that the United States has helped to make this possible, and I hope—as we all do—that the cease-fire will hold and permit the process of national reconciliation in Lebanon to take place.

Clearly, there can be no military solution to the problems of Lebanon, problems that precede its existence as a state. Only a political solution, arrived at through the willingness of the Lebanese sectarian groups to compromise and reapportion power, has a chance of renewing Lebanon and creating a strong country no longer susceptible to disturbances from outside forces.

We must be realistic, however, and realize that a cease-fire may not hold. Fighting could erupt at any time. Thus, the situation in Lebanon and the presence of our troops there warrants our continued vigilance.

I did not favor sending American troops to Lebanon last year, even with the limited purpose of supervising the evacuation of the PLO and the 30-day deadline. I was deeply concerned when they returned last year at the invitation of Mr. Gemayel's government for an unspecified period and for the broader aim of restoring "the territorial integrity, sovereignty, and political independence of Lebanon—to bring lasting peace to that country."

It was not clear at that time, nor is it today, how far the United States would be willing to commit itself to achieving this goal. When U.S. forces were sent to Lebanon, they were explicitly prohibited from engaging in combat. Yet as Secretary Shultz pointed out in his testimony before the Foreign Affairs Committee last week, U.S. troops always have the right of self-protection. So, when the marines were fired on, the Marines returned fire. It was then only a logical extension of their self-defense that a naval task force off the coast of Beirut provided artillery support for the Marines, followed by air support.

When the administration said that U.S. airpower and artillery might be used if Lebanese Armed Forces were attacked in positions of strategic importance for the eventual defense of the Marines, it seemed to me that the concept of self-defense of the Marines was being extended to the fortunes of the Lebanese Army. On September 20, two U.S. Navy ships off Beirut fired dozens of shells in support of Lebanese Army units to aid in the defense of Suk al-Gharb, a town with a commanding view of Beirut to the west and of Syrian and Druze-controlled areas to the east.

I recite these facts because it illustrates my greatest fear: that we were reacting to events, not acting in accordance with a clearly defined and limited plan. No one wants to endanger the lives of our Marines by limiting their ability to defend themselves. But, in pursuit of the broad goal of peace and political stability for Lebanon, I fear that our involvement could grow in increments if not limited in advance.

Despite my reservations about the presence of U.S. troops in Lebanon and my belief that the War Powers Act should have been invoked when the U.S. Marines were sent into conditions where their lives were in danger, I voted in favor of House Joint Resolution 364 in the Foreign Affairs Committee.

I supported this bipartisan compromise, which implicitly acknowledges

the War Powers Act, because a more viable plan was not presented. The resolution imposes limitations on the administration's actions in Lebanon and requires that the President report to Congress at least every 6 months on all aspects of or troop involvement.

I also supported the amendment, passed by voice vote, requiring that the U.S. troops withdraw if all other participants in the MNF withdraw and are not replaced by other nations' forces. This is essential to insure that the peacekeeping effort remain the concern and responsibility of the community of nations.

The immediate withdrawal of our troops is not a realistic option, however tempting it might be. In addition to destroying the image of the United States as a reliable participant in world affairs, the sudden withdrawal of our troops would unquestionably jeopardize U.S. national interests in the Mideast. The fall of the Gemayel government and the collapse of the Lebanese Army is only in the interest of those who seek to profit from chaos in the region.

Although House Joint Resolution 364 extends the paticipation of the U.S. troops in the MNF for another 18 months, it is clearly the intent of Congress that all possible efforts be made to bring about a speedy resolution to the conflict in Lebanon.

It is also the intent of Congress that the powers of the President to enlarge the scope of U.S. involvement be strictly limited. For this reason, the resolution contains a provisions requiring congressional authorization for any substantial expansion in the number or role of the U.S. troops in Lebanon. The President affirmed today his intention to adhere to this provision.

It is possible, as some people claim, that the problems of Lebanon defy solution. I believe, however, that the United States can play a useful role and that this may be the one opportunity we can use to advance peace.

□ 1140

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. REID).

Mr. REID. Mr. Chairman, it was Georges Clemenceau who said: "War is too important to be left to the generals."

It was the U.S. Constitution which first said, in effect, that war was also too important to be left to the decision of any one person, no matter how knowledgable or how wise,

The Constitution provides to this Congress, as representatives of the people, the sole and exclusive power to declare war. That power, and its responsible exercise, is our right, and it is our duty. No one can take it from us.

At the same time, under the Constitution, the President is the Commander in Chief of our Nation's Armed Forces. That dichotomy of powers creates an inherent conflict between our branch and the executive, not unintentional on the part of the Founding Fathers.

Like many of the checks and balances in that marvelous document, that conflict is designed to make both branches consider carefully the direction in which they take this country.

And yet, ours is an age of instant information and instant emergency. How can the President fulfill his duty to defend this Nation in emergencies without time for consultation and reflection, and still remain faithful to our overriding law?

The compromise contained in this joint resolution addresses that problem. It maintains congressional responsibility but allows the President the latitude he must have to conduct foreign policy and defend his Nation.

Our troops in Lebanon and off its coast face hostile guns to give that nation an opportunity to construct a lasting peace.

None have more dedication to creating and maintaning peace than those who, like our marines have seen combat. No one could serve his country in a nobler way than by risking his life to enhance the search for that peace.

We all strive for a world without war. The President spoke recently to the United Nations and made it clear that our national goal is peace. Whether and how we achieve that peace will be the ultimate test of our service to our country and to future generations.

There is, however, peace in the silence of the grave;

There is peace in the silence of the vanquished.

Neither is acceptable.

Neither would constitute fulfillment of our duties.

I ask you to support this resolution because it preserves in this instance, and for the future, our congressional prerogatives, but permits the President to apply effectively this Nation's resources to maintaining the peace. It allows our Armed Forces to extend their defense of the peace to those flashpoints of the globe which could otherwise engulf us in instant, terrible, and final war.

The exercise of our constitutional powers to prevent such war is one of our most important duties.

It is also our right.

And, I ask you to join me in supporting this resolution as an exercise of that right and duty.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. I thank the gentleman for yielding.

It is not easy to disagree with the Commander in Chief. It is painful to disagree with Members I respect so much, like our ranking member, and the chairman of the committee, and the many members of our Foreign Affairs Committee. But as has already been said, today is the day we must all follow our conscience.

> Forward, the Light Brigade
> Was there a man dismayed?
> Not though the soldier knew
> Someone had blundered:
> Theirs not to make reply,
> Theirs not to reason why,
> Theirs but to do or die:
> Into the valley of death
> Rode the Six Hundred.

But, unlike the soldiers in Tennyson's poem, ours is to ask why. Ours is to make a reply.

For this Congress to give an open-ended commitment to keep the marines in Lebanon for 18 months is to court disaster. Our marines are in a no-win situation in Lebanon and so is America, and here is why:

We must observe Lebanon from the perspective of history and the region. Lebanon was not an independent country until after World War II. Its constitution was based on a fragile relationship and a balance of power between Christian and Moslem communities.

The balance has been destroyed, not only by the civil war but by the fact that the Moslems outnumber Christians in that country. And now the Druze, an offshoot of Islam, want their share of power in Lebanon.

Stop and analyze the situation.

We have 45,000 Syrians in Lebanon, 12,000 Israelis, 6,000 U.N. troops, thousands upon thousands of Moslems and Christian Militiamen, the PLO, the Iranians, and with all of that we are told that we have to have 1,200 U.S. marines to keep the peace.

Why, they could no more keep the peace in Lebanon than you can bring back the dead.

Lebanon is a trap. Lebanon is a quagmire and we are getting in deeper and deeper.

For our marines, Lebanon is a tragedy waiting to happen.

To keep the marines there for 18 months is to ask for real trouble. And as the adage says, if you go around looking for trouble, you will find it.

The Secretary of State has said that the solution does not lend itself to a military solution, that it must be a political solution. Then let us send the politicians and bring the marines back home.

But my revulsion comes when we hear that we need 18 months so as to take this issue past the 1984 election. So that we do not have to face this as an election year issue.

Do not believe it. If you keep the marines there for 18 months there will be many Americans killed. That is a

cinch. And it will be the biggest election year issue in 1984, as well it should be, and as well it will be.

No; to keep 1,200 marines in Lebanon is begging for a tragedy to happen. Many young Americans are bound to be killed, and I ask you: For what?

Read the resolution. It is a blueprint for castastrophe. There is no light at the end of this tunnel.

Do not follow this Pied Piper. Do not be stampeded. Do not ride into this valley of death.

No one ever asked me or ever asked you originally about sending marines into Lebanon, did they? So why should we give carte blanche our imprimatur to this action.

My friends, consider your vote very carefully. This is probably the most important vote that you are going to cast in your time here in Congress.

The CHAIRMAN. The gentleman from Wisconsin (Mr. ROTH) has consumed 4 minutes.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, let me make a couple of points clear.

First, the alternative to this amendment is not an immediate withdrawal. To say that it does is setting up a straw man. Under no circumstances do I, or I believe most of the supporters of this measure, propose any immediate withdrawal.

As a matter of fact, I think even the 18 month period sets up a time which the Syrians can then hold out for.

The amendment which we propose to offer sets up no time, but simply leaves it to Congress.

I want to ask this question of the chairman: The Speaker read yesterday a statement from the President in which he said he would ask for congressional authorization if there was a substantial expansion of forces. What is a substantial expansion? Do we have any clarification?

Is it 500 more marines, 1,200 more, 2,000 more? Are the naval and Air Force personnel and equipment included in what they mean by a substantial expansion? Could the gentleman answer that question?

Mr. HAMILTON. Will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman.

Mr. HAMILTON. I do not think we have any precise number that we can give the gentleman. He obviously raises a very good question.

I will give the gentleman my impression. It is that if the administration were to commit an additional unit, such as a battalion of marines to the Beirut area, that would be clearly a substantial expansion.

Mr. LONG of Maryland. But that would be the gentleman's idea and not necessarily the President's?

Mr. HAMILTON. That is my impression on the basis of listening to the testimony, and we have no exact figure.

Mr. LONG of Maryland. That is what bothers me. There is no real clarification here from the President.

The other thing I wanted to ask about, he said if there is an extension beyond 18 months then he would meet with Congress, he would work with Congress, and try to find a more acceptable time.

What does that mean? Does that mean ask for a war declaration? Would he agree to withdraw forces if Congress refused to declare war or otherwise refuse to accept the President's policy.

□ 1150

Would he cancel? Would he pull the people back if he did not get a war declaration?

I think that is what we mean, what we need to know.

Is that what he means by "consult the Congress" or does he mean that he will call a few of the leaders who, he knows, agree with him and get an agreement to go ahead?

Mr. HAMILTON. If the gentleman will yield further, I really cannot go beyond the language of the letter of the President. He says, as I know the gentleman from Maryland knows, that "I can assure you that if our forces are needed in Lebanon beyond the 18-month period it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms."

Mr. LONG of Maryland. What we need, would the gentleman not agree, is a commitment from the President that he will withdraw them if he does not get congressional approval and will not, thereupon, let us say, veto some measure that the Congress takes or some expression of disapproval, because if he does that we are dead, because we can never pass, we can never overcome the President with one-third of either House plus one person voting to sustain a veto.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of House Joint Resolution 364, authorizing continued U.S. participation in the multinational peacekeeping force in Lebanon, under the war powers resolution.

This resolution, reflecting the bipartisan leadership agreement, represents a compromise with which few are really satisfied. But when you consider the alternatives, none are acceptable in relation to our interests elsewhere. If some say, as they do, that our priority should be in the Western Hemisphere, then it is necessary to emphasize that a demonstration of our resolve in the Middle East underlines our willingness to fulfill our commitments wherever they are made, whether in the Middle East or in Central America.

The truly significant aspect of the issue is that our national security interests must not be overlooked in a debate on the principles of the war powers resolution. For awhile the uncertainty of a U.S. commitment served only to weaken the effectiveness of the United States in trying to resolve the conflict in Lebanon. The accommodation between the President and the Congress as represented by this resolution allows us to focus on our major concern of the withdrawl of all foreign forces from Lebanon; the establishment of an independent Lebanon with a sovereign government; and the security of Israel's northern border.

Frankly, I believe the achievement of this bipartisan, executive-legislative agreement served to pave the way for the cease-fire in Lebanon, because it demonstrated to the Syrians that they were not going to be able to intimidate the United States into withdrawing. As fragile as it may be, the cease-fire is an important first step toward a political, negotiated settlement designed to achieve our objectives in Lebanon.

The presence of the multinational force in Lebanon, with U.S. Marines as a contingent of that force, is designed to help insure the Lebanese Government's sovereignty, security, and authority. U.S. strategy is to help create conditions that will lead to a political settlement in Lebanon and the withdrawal of all foreign forces.

The U.S. presence, as reflected by the marines, cannot provide the sole stimulus for a solution. But they are an important element, and their premature withdrawal would have put both the Lebanese Government and our objectives for peace in the Middle East in jeopardy. Even the anticipation of an early unilateral withdrawal would adversely affect our interests and endanger the lives of the marines.

As I said at the outset of my remarks, no one is truly satisfied with compromise positions, but considering the alternatives, I believe this resolution offers the best approach to an extremely sensitive and delicate issue. I urge my colleagues to support fully House Joint Resolution 364.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I rise in opposition to the resolution, in support of the long substitute which will be offered somewhat later on in the debate.

As of August 29 the President, under the law, had 2 days in which to report

that U.S. forces were in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances.

That is what the existing law in the War Powers Act says. The House is now faced with two problems. No. 1, how to protect the integrity of the existing law, the War Powers Act; No. 2, even more importantly than protecting the constitutional prerogative, the question of what U.S. policy in Lebanon ought to be.

Whatever our response is today it ought to take into account both necessities.

The answer of the Committee on Foreign Affairs in the resolution now before us is that Congress should authorize the continued presence of armed forces in Lebanon for up to 18 months. We believe that would be a profound mistake.

We want Congress to withhold that kind of a commitment for the time being and our substitute would do simply this: It would do two things: It would say that the President is given until the end of November, 90 days from the first American casualty, to either report under the War Powers Act the obvious, that our troops have been in a combat situation, or else to certify that the existing cease fire is holding and that real progress is being made on the political front in Lebanon to try to broaden the base of the Gemayel government and to resolve the political difference between presently divided parties.

If the President refused to do either, either to certify that the cease-fire was holding or to report under the War Powers Act, then we would exercise our constitutional prerogative, of which there can be no doubt, namely to cut off funds for the support of the operation in Lebanon.

If the President did certify under the War Powers Act, then the war powers clock would tick and Congress would have the 60 days listed in the law to decide what our appropriate response would be. And if the President exercised the other option to certify that a cease-fire was in existence, then he would have to report to this Congress every 30 days as to whether or not the cease-fire existed or he would have to report under the War Powers Act that it was not in existence any longer and our troops were in a confrontation situation.

That amendment does not cut and run; that amendment does not withdraw troops; it does not set short deadlines which the Syrians can outwait us on, but it does create equal pressure on the Syrians to negotiate and on the Gemayel government to broaden its base.

It is a reasonable compromise between those who want to commit the Congress to an 18 months presence in Lebanon and those who feel that we ought to withdraw immediately. We try to cut a middle ground, and we defend the prerogatives of the Congress under the War Powers Act by buttressing that prerogative with another constitutional prerogative; namely, the right to cut off funds.

In doing that, we do not force withdrawal, we do give the President more time, but we do enforce the law and I think that is a decent compromise between the two extremes which have been suggested.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the chairman of the Committee on Rules.

Mr. PEPPER. Is the gentleman's amendment predicated upon the assumption of the validity of the War Powers Act?

Mr. OBEY. Yes; it is.

Mr. PEPPER. I am glad to hear that.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. MCCAIN).

Mr. MCCAIN. Mr. Chairman, it is with great reluctance that I rise in opposition to this resolution. I am well known for my respect for the President of the United States and for supporting his policies. I do not believe the President should be restricted in fulfilling his constitutionally mandated responsibility of conducting our Nation's foreign policy. However, when called on to make a judgment, as I am by this legislation, I have a responsibility to my constituents to carefully evaluate the alternatives, using whatever resources are at my command.

I have agonized over this issue, not only because of my personal experiences, but, more importantly, because of my training in military doctrine, strategy, and tactics. Gen. Maxwell Taylor, in an interview given shortly after the Indochina conflict, stated the conditions under which he thought it appropriate to introduce American combat troops overseas. First, the objectives of the involvement must be explainable to the man in the street in one or two sentences. Second, there must be clear support of the President by the Congress for the involvement. Third, there must be a reasonable expectation of success. Fourth, we must have the support of our allies for our objectives. And finally, there must be a clear U.S. national interest at stake. I do not view the U.S. involvement in Lebanon as meeting General Taylor's criteria.

I have listened carefully to the explanations offered for our involvement in Lebanon. I do not find them convincing.

The fundamental question is "What is the United States interest in Lebanon?" It is said we are there to keep the peace. I ask, what peace? It is said we are there to aid the government. I ask, what government? It is said we are there to stabilize the region. I ask, how can the U.S. presence stabilize the region?

Since 1975-76, we have seen a de facto partition of Lebanon. I see little possibility of this changing any time soon. I ask you, will the Lebanese Army ever be strong enough to drive out the Syrians, let alone the PLO? If the answer to this question is no, as I believe it is, then we had better be prepared to accept a lengthy and deeper involvement in the area.

I ask my colleagues, what incentive is there for the Syrians to engage in constructive peace talks? What do they gain from a peaceful Lebanon? Do you really think naval forces off the Lebanese coast is going to intimidate the Syrians so much so that they engage in meaningful negotiations? For this to occur, the Syrians must believe we will use the full military power at our disposal. Are we prepared to use this power? I do not think so nor do I believe the Syrians think so.

The longer we stay in Lebanon, the harder it will be for us to leave. We will be trapped by the case we make for having our troops there in the first place.

What can we expect if we withdraw from Lebanon? The same as will happen if we stay. I acknowledge that the level of fighting will increase if we leave. I regretfully acknowledge that many innocent civilians will be hurt. But I firmly believe this will happen in any event.

What about our allies and our worldwide prestige? We should consult with our allies and withdraw with them in concert, if possible, unilaterally if necessary. I also recognize that our prestige may suffer in the short term but I am more concerned with our long-term national interests. I believe the circumstances of our original involvement have changed and I know of four American families who share this view.

I am not calling for an immediate withdrawal of our forces. What I desire is as rapid withdrawal as possible.

I do not forsee obtainable objectives in Lebanon, I believe the longer we stay, the more difficult it will be to leave, and I am prepared to accept the consequences of our withdrawal. I will vote in opposition to this resolution.

□ 1200

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I would like to speak in opposition to the resolution as crafted by Members of this body. And I would also like to compliment my colleague from Arizo-

na. I do not know how many Members have had the opportunity to meet and discuss such matters with our colleague from Arizona. I have gotten to know him fairly well over the last few months. Although we are of different parties, in many ways we are of a similar spirit.

And for those Members who do not know JOHN, who have not had a chance, because he is new here, to meet and talk with him, he comes to this well on this matter with some experience. JOHN spent a number of years, I think 6, as a prisoner of war in Vietnam. He served his country and served it well. He is not one to turn his back on the need for America to be strong, on a strong national defense, on the need for a global presence. He has given a large part of his life to that pursuit.

And so when a man like JOHN MCCAIN stands before this body and says a resolution that gives a blanket OK for an 18-month extension, carte blanche, in Lebanon is not in America's best interest, I think we ought to pay attention to that.

And I thank JOHN for his comments.

Mr. Chairman, I would say further that some Members of this body almost cavalierly say that 18 months is not that much time. Well, that is easy to say when you are not ducking behind a sandbag. That is easy to say if you do not have a historical perspective. America was in World War I for 19 months and 5 days. We have been in Lebanon for 12 months and now we are asking for 18 months more.

I would close by saying, let us kill this resolution and adopt instead the Long-Obey substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of House Joint Resolution 364 and commend the distinguished chairman of the House Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI) and our ranking member, and gentleman from Michigan (Mr. BROOMFIELD) for their skillful and diligent efforts in expeditiously bringing to the House this extremely important compromise measure. I believe this legislation, invoking the war powers resolution and authorizing our Nation's participation in the multinational peacekeeping forces in Lebanon for an 18-month period, is a measure which deserves strong bipartisan support. It is a vehicle by which the administration and the Congress can demonstrate each others proper exercise of authority in addressing the troublesome and dangerous situation which has emerged in Lebanon.

Secretary of State Shultz, when he appeared before our House Committee on Foreign Affairs, thoughtfully analyzed our role in Lebanon, stating:

> Our objectives in Lebanon have from the beginning, been essentially threefold:
>
> The withdrawal of all external forces from Lebanon
>
> A sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory; and
>
> Security for Israel's northern border, so that the inhabitants of northern Israel can live in safety, without fear of artillery and rockets.

Passage of this measure (H.J. Res. 364) will provide the groundwork upon which these objectives can best be achieved, while at the same time providing important appropriate safeguards to protect our Marine peacekeeping forces.

I commend the bipartisan House leadership and the administration in acting quickly and thoughtfully in developing the resolution before us. The critical situation in the Middle East and particularly in Lebanon demands that our Nation demonstrate its resolve to honor its commitment to a legitimate Lebanese Government. A government which is seeking our assistance to protect its fundamental rights against external threats bent only on continued destabilization and violence within the region. The United States and other nations acting responsibly in the search for peace have been able to effect a fragile cease-fire as we further explore ways to achieve a lasting cessation of hostilities—a comprehensive settlement.

Accordingly, I urge my colleagues to demonstrate a united foreign policy front in implementing this carefully crafted resolution which best protects the interests of the United States, the legitimate rights of Lebanon, and provides the basis for our further pursuit of peace throughout the Middle East.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I want to state that I believe that everyone, the leadership on both sides in this House, is acting from the best of motives. I do not question their good faith.

I do question the judgments which they have made in coming to the policy conclusions embodied in the Zablocki resolution. I oppose that resolution and would support instead the Obey-Long resolution as a substitute.

I want to focus, because of the limited amount of time that we have, on one aspect of this debate which has received scant attention. I characterize it at the outset as what I consider to be the disservice which this resolution and its ramifications will do to America's strategic interests as well as Israel's national security.

□ 1210

I raise the issue because the Secretary of State has been quoted as saying that one of the effects of this resolution and continued American military presence in Lebanon will be to safeguard Israel's northern borders. This from an administration which only 6 months ago was exerting extreme pressure solely on Israel to agree to remove its forces from Lebanon with no corollary pressure on the Syrian Government.

Mr. Chairman, the fact is that Israel has made a very sound national security determination of its own that the area in the Beirut sector was indefensible, and that the way to safeguard Israel's security was to remove its forces to a militarily defensible area. That is what Israel has done.

The danger that I see flowing from the Zablocki resolution is that if the cease-fire breaks, as there is every likelihood that it will, and our Marines start getting shot at again and some more of them are killed, the American people will turn not only against our military presence in Lebanon but also against maintaining support of our strategic interests in the entire Middle East. There are people in this country who will be only too ready to blame Israel for American casualties. There will inevitably be an erosion of American support for Israel. That is the very dangerous path down which the Zablocki resolution and the Reagan policy take us.

Lest you think that I am alone in this projection of likely consequences, let be quote a news item, datelined Tel Aviv, September 24, Reuters, in which Yitzhak Rabin, the former Prime Minister of Israel is reported as stating that:

> If something serious happened to the United States marines who are part of the multinational force in Beirut, the United States would blame Israel.
>
> We must, therefore, explain to the American people that the U.S. presence in Lebanon serves American interests, that is to save the regime of President Amin Gemayel. We did not ask them, the American forces, to go to Lebanon. They are not serving Israeli interests.

The entire article reads as follows:

> ISRAELI ASSERTS MARINES ARE A PROP FOR GEMAYEL
>
> TEL AVIV, September 24.—Former Prime Minister Yitzhak Rabin said today that Israel must make clear to the American public that United States forces in Lebanon are not there at Israel's request.
>
> In an interview with the Israeli radio, Mr. Rabin, a leader in the opposition Labor Party, predicted that if something serious happened to the United States marines who are part of the multinational force in Beirut, the United States would blame Israel.
>
> "We must therefore explain to the American people that the U.S. presence in Lebanon serves American interests, that is to save the regime of President Amin Gemayel," Mr. Rabin said. "We didn't ask them to go to Lebanon. They are not serving Israeli interests."
>
> Mr. Rabin predicted that within six months Yasir Arafat, the leader of the Pal-

estine Liberation Organization, would be back in Beirut and Syria and the Soviet Union would be able to claim a significant political success.

Mr. Chairman, we must be very careful that in this misguided effort to give the President what in effect amounts to a blank-check authorization, we not end up undercutting both America's strategic interests and Israel's national security.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. Mr. Chairman, I rise in opposition to this resolution. I cannot continue to support the presence of American peacekeeping troops in Lebanon. In my judgment, they are not fighting for a cause in which American interests are best served.

The only objective we can possibly hope to accomplish by stationing our Marines on Lebanese soil is a "buying of time." Undersecretary Eagleberger made that quite clear in a discussion with some of us here a few days ago. Having served in Vietnam where we spent 12 years, $400 billion and more than 57,000 American lives "buying time," I am fully convinced that so-called military involvement by the United States will not provide any real solutions to the Lebanese mess.

Mr. Chairman, no number of American Marines will bring an end to the many serious religious and political differences that have deeply divided dozens of sects in that region for thousands of years. I maintain the belief that I have held since American military personnel entered Lebanon as a peacekeeping force more than a year ago: They are only a "trip wire for trouble" and more disastrous American involvement in the future.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, I rise in support of the joint resolution authorizing the presence of U.S. military units in Lebanon as part of a multinational peacekeeping force.

It was a year ago, when Americans and people throughout the world were shocked by the massacre of innocent people in refugee camps at Sabra and Shatila. South of Beirut, Lebanon, a country gasping for both security and stability, occupied by foreign armies, openly welcomed the return of the multinational peacekeeping force.

Comprised of American, French, Italian, and British units, our Marines were committed with reluctance. Operating under orders of restraint, the placement of the peacekeeping force was necessary if Lebanon and her people were to realize their independence and sovereignty after years of civil war and political turbulence.

Make no mistake, the use of our young men, the sending of U.S. troops into an area of hostility, is one of the gravest and most consequential actions the President and Congress can take.

And, let us be completely honest, our memory of recent history, the failure of U.S. policies in Vietnam, is a lesson and memory not without point in this debate.

Like many on the Armed Services Committee, I traveled to Lebanon this summer. In spending time with our marines, particularly the members of A Company, I was impressed with their discipline and dedication to duty, and disturbed by the difficulty of their assignment.

When A Company suffered its casualties late last month, it became for many of us, a personal loss. No one can visit these men, serving under the most difficult of circumstance, without developing concern for their safety and security.

Recognizing the respective powers of the President, the Commander in Chief, and the Congress, which raises and provides for the military, we today consider this joint resolution.

We face a difficult but important decision.

I support the 18-month compromise, and urge the Members of this body to support the agreement.

What is decided today will have a permanent impact in Lebanon, will affect our relations with other nations in the Middle East, and dramatically influence U.S. efforts to bring a lasting and permanent peace to the region.

Yesterday, the White House provided the Speaker with written assurance that Congress would be notified "if circumstances require any substantial expansion in the number or role of U.S. Armed Forces in Lebanon."

In this resolution, we are consenting to the continued placement of a peacekeeping force. We authorize our marines to serve along with the French, British, and Italians.

A very fragile cease-fire now exists in Lebanon. While the presence of the peacekeeping force will not guarantee that it continues, we can feel assured that without them, the civil war will resume and negotiations for a more comprehensive agreement will fail.

The government of President Amin Gemayel, his hopes for a sovereign and independent Lebanon, now rest with the cease-fire and the stability provided by the peacekeeping force.

Let us not forget that Lebanon remains an occupied country. While there is conflict between the Druze fighting for control of the mountains, the Shiites fighting for political power, and the Christian Phalange, there can be no peace until the Syrians withdraw to Damascus, and the PLO no longer operates as a military force.

The government of President Gemayel has asked for our assistance. Our allies, the French, British, and Italians share our responsibilities, hopes, and goals for peace in his country.

In the past month, the United States has taken steps to enhance the security of our marines, and improve the position of the peacekeeping force.

While circumstance and experience will be the only answer to the questions asked today, let us proceed with this bipartisan compromise. We cannot allow our policies in Lebanon to become an election year, political controversy.

If we continue to carefully monitor this situation, the Congress can exercise its constitutional responsibilities, allow the multinational peacekeeping force to continue its operation, and promote stability and independence for Lebanon.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, broadly speaking, two issues are at stake in our debate about Lebanon today: one relates to policy; one to procedure. Regarding the policy issue, I have real doubts about the wisdom of our intervention in a civil and religious strife, the antecedents of which date from the fall of the Roman Empire and the Crusades.

Perhaps the two most profound lessons of 20th century interventionist politics are that the weapons of great power deterrence—nuclear missilery, submarines, supersonic aircraft—are largely irrelevant to civil wars and developing country conflicts, and that peoples of the world are prepared to go to extraordinary lengths to determine their own destiny—no matter how mistake ridden—to avert having outside powers dictate to and for them.

Lebanon stands today as an increasingly bloody reminder of how limited power can be and how forlorn options can become. It is simply far easier to commit troops to a distant land than to govern a foreign country and/or get troops back home once they have been ordered abroad.

The problem Congress and the Executive now face is how to define the role and legitimatize or refuse to legitimatize the activity of peacekeeping forces when there is no peace.

In broadest outline, two options are open: withdraw our marines as quickly as possible and cut our losses, or stand firm and accept the costs. Advocates of the first approach point to the increasing violence in Lebanon, the dubious legitimacy of backing a government which is controlled by a minority within a minority, the Phalange Party, whose militia carried out the Sabra and Shatila massacres a year ago, for which so much public opprobrium was

heaped on Israel's former Defense Minister Ariel Sharon.

Ironically, the American troop presence may have had the effect of narrowing an already narrow-based government. Because of support from without, the Gemayel government has not had to come firmly to grips with the multiplicity of forces within.

Those who favor a rapid troop pullback also point to the difficulty of defending American servicemen when they are under orders not to take actions of an offensive nature. On the other hand, as Secretary of State George Shultz told the Foreign Affairs Committee last week:

> When America sends it forces to perform a legitimate mission, asked for by the legitimate government involved, and it does so and then the minute some trouble occurs we turn tail and beat it, I think that sends a gigantic message around the world.

Secretary Shultz also emphasized the Syrian and implicit Soviet involvement in Lebanon and the multinational nature of the peacekeeping force. And, indeed it is true that our allies—the French, the British, and the Italians—have suffered similar casualties in this joint endeavor.

The same arguments which can be marshaled to keep troops in Lebanon today will almost certainly apply next year and a decade from now. But no one I know wants to have troops there much, if any, longer. Therefore, my advice to the administration is to declare this cease-fire a victory, invite the United Nations in, and vamoose.

Recognizing, however, that original sin—that is, sending troops into Lebanon in the first place—cannot be repealed by congressional statute, I am inclined to support a procedural resolution to authorize their presence, as long as it is limited in terms and preclusive as to numbers and mission. A resolution of this nature would have the effect of giving our policy the sanction of law. In a country which asserts as our model the rule of law, this is not of light moment. Such a resolution would also make clear to ourselves and our adversaries that a bipartisan, bi-institutional foreign policy can be established within our constitutional framework without either a declaration of war or Gulf of Tonkin-like resolution.

Unfortunately, the resolution brought before this body is to my mind flawed by its specification of an overly long 18-month troop mandate, by its failure to explicitly cause Executive invocation of the full War Powers Act, and by Executive admission that the 1,200-troop limitation is already being violated. In addition, it must be stressed that Secretary Shultz in his testimony supporting the resolution emphasized that the President had not wavered in his view that the War Powers Act may be unconstitutional. The President, Secretary Shultz told the Foreign Affairs Committee, refused to be bound by the limitations placed in the very resolution he indicated to the Speaker that he would be willing to sign. A rose may be a rose to a poet, but according to the Secretary of State, a law need not be a law to the Commander in Chief when unilateral Executive questions of constitutionality arise.

Both Congress and the Executive want to have their cake and eat it, too. The administration wants the political complicity of Congress and the legal authority of statute to sanction past and current policies in Lebanon, but it does not want statute to constrain future Middle Eastern options, nor set a precedent for intrusive congressional involvement in Central America. Congress, on the other hand, wants the President to recognize explicitly the constraints of the war powers resolution but it does not want to share political responsibility for Presidential policy.

My sense is most Americans do not want Lebanon to become either a partisan or an institutional football. They want our troops returned home but recognize that reasonable alternatives may be lacking in the short run. The key is not to get so bogged down that either pride or the logic of policy commitments precludes reassessment and the flexibility of reversing gears. Caution should be the watchword with strict conformity with law the procedural prequisite for national consensus.

Accordingly, I strongly endorse the approach suggested by Representatives OBEY and LONG as the most reasonable procedural solution to the dilemma we all face. It makes the best of a bad situation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

Mr. Chairman, I notice the gentleman mentioned sending troops abroad and the problem of withdrawing troops once they have been landed on a foreign shore. One thing that the American people do not realize is that we have a Marine amphibious group which is in the Mediterranean at all times. Those Marines are not going to come home to San Diego or to Norfolk. We have a Marine amphibious group which works with a naval supporting group in the Mediterranean at all times, landing and having exercises with all of the various nations in that area. That is their job, being in the Mediterranean.

Mr. LEACH of Iowa. The gentleman makes a fair point.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

□ 1220

Mr. McHUGH. Mr. Chairman, I rise in opposition to the committee resolution and in support of the Long-Obey alternative. I believe there are two fundamental policy questions we are facing today. The first is whether we have an overriding interest in Lebanon to justify the risks of continuing U.S. military involvement there. Those risks are known to all of us; they include the risk to the lives of our marines, and, beyond that, the risk of being drawn into a Middle Eastern war.

I believe the answer to that first question is yes, there is an overriding American interest in Lebanon, and it is to promote stability in that country, to promote political accommodation, to promote a stronger central government.

The second question facing us is whether there is any reasonable prospect in the future that our continuing marine presence can help to achieve that overriding American goal? I think the honest answer to that question is, we do not know. There is great uncertainly about that. We simply do not know how events will evolve in Lebanon, and therefore we are not able to judge today whether our marines should be committed for 18 months with all of the attendant risks.

Despite this uncertainty, the committee resolution commits us to 18 months of U.S. military presence. In effect, Congress would be washing its hands of responsibility without knowing what is going to happen in Lebanon over the next 18 months.

The alternative, on the other hand, permits us to reserve judgment. It would maintain our marines in Lebanon in the hope that they can help to achieve the overriding goal of stability, but we retain discretion to consider the facts as they evolve, to share with the President the responsibility of maintaining our military presence in Lebanon, a profound judgment which involves a substantial risk to our marines and the risk of further U.S. involvement in a Mideast war.

I think that is the key difference between these two approaches: One, the commitment of 18 months enables Congress to wash its hands of responsibility for this profound judgment; the alternative Long-Obey substitute commits our marines for an indefinite period but reserves to Congress, in conjunction with the President, the ultimate judgment about whether that commitment should be continued. I think that is the fundamental difference, and I urge my colleagues to support the Long-Obey substitute.

The CHAIRMAN. The Chair will announce that the gentleman from Wisconsin (Mr. ZABLOCKI) has 35 minutes remaining, and the gentleman from

Michigan (Mr. BROOMFIELD) has 30 minutes remaining.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SMITH).

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in favor of the Obey-Long substitute, in enthusiastic favor.

Mr. Chairman, it would be an irresponsible neglect of duty for Congress to give President Reagan a blank check for 18 months in Lebanon. His Secretary of State has told us that the President reserves the right to deploy troops, increase them, or in general to do as he pleases. He has agreed to "consult" with Congress, and we know what that means—it means telling us what he has already done.

The Obey-Long substitute requires the President to comply with existing law—the War Powers Act. It does what the Constitution demands—the involvement by Congress in decisions regarding warmaking.

I urge my colleagues to support the Obey-Long substitute.

Mr. SMITH of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I stand here today with a rather heavy heart, but nonetheless want to support this resolution as our only credible option in this area.

As the father of a 17-year-old, I understand the perceived impact that this may have on many families. My support does not come easily.

But why do this? Is this an area of strategic importance? Yes, it is, not only to the United States but to our allies. For the first time in a long time, we are as one in our policy in this area.

Are we furthering our policy by doing this? Yes. By the presence of the multinational force, including the United States, we will continue our longstanding policy of help in this area. We have many allies and friends in this area, not just Lebanon alone, that are at risk.

We have achieved great diplomatic successes in this region in the last few years. It has been the United States that created the Camp David Accords. It is the United States that facilitated the Sinai turnover when no one believed it would happen. It is the United States, together with Israel and Lebanon, that concluded the Israeli withdrawal agreement when no one, especially Syria, believed that they would withdraw. We have just helped to conclude the cease-fire over which many of us have been trying to sit for quite a long time.

These U.S. successes have kept the Soviets and others out of a position of strength in this region. Now, when we are to show our determination to continue and cement our successes, there is divided opinion on what to do. Shall we tell our allies that our diplomatic efforts mean little to us if someone challenges our dedication to peace and security in the Middle East, to our dedication to democracy in the Middle East? Shall we tell our enemies that a little hard line will turn us from a good, successful policy? I think no.

Democracy requires, compassion dictates, that we continue to work for peace together with our allies in a multinational force, and this is the vehicle by which to accomplish it.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. I thank the gentleman for yielding this time to me.

Mr. Chairman, we all recognize how difficult the decision for the members of the Committee on Foreign Affairs was, and it is with that sense in mind that I stand to urge my colleagues to support the Obey substitute.

To me, there are two essential problems. The first has to do with the constitutional question of what is Congress' proper role. I believe our proper role was defined in 1973 by the War Powers Act, and within the four corners of that agreement and the failure by the Committee on Foreign Affairs to require a report of the purposes, goals, and intentions of the American force makes it fatally flawed in that sense.

Second, if there is a spot on the globe that does not lend itself to a military solution, it is the problems that occur in Lebanon. Clearly, political and peaceful action will speak loudly and more clearly over a long period of time than troops remaining there for any length of time, and certainly the 18-month provision without the reporting requirement is also something that I cannot countenance.

Last, let me say this: This is not a debate, although some will no doubt characterize it as such, over whether or not the troops should stay or leave immediately. Almost no one that I know of who supports the Obey position believes the troops should be removed immediately, but clearly, anyone who has thought about the problems of Lebanon, who has addressed this question, must recognize that a military commitment of a lengthy duration is inimical to U.S. interests and it is my hope that those of you who have looked at this problem will come down on our side.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding this time to me.

Ladies and gentlemen, let me say that I rise to support what I, and excuse the terminology, refer to as this lousy but vitally necessary resolution, lousy because it acknowledges to a degree, the constitutional validity of the War Powers Act, and by lending credibility to the War Powers Act, we in the Congress are not only usurping the constitutional authority of the President of the United States, any President of the United States, but we are setting ourselves up as 535 Secretaries of State, and that is the last thing we need in this country.

Under the War Powers Act, just imagine what could happen if, in South Korea, we had a group of renegades who dropped indiscriminate mortarshells on our troops there? Would we invoke the War Powers Act? I think no. In El Salvador, where we had one of our advisers murdered, would we invoke the War Powers Act? I think no. In Honduras, where we are participating in training exercises right now, and if we had a couple of American soldiers killed for one reason or another, would we invoke it? I think not. And we could talk about the Philippines, West Germany, and all other parts of the world where we have to participate today.

These are just some of the reasons why the War Powers Act should not be a part of this resolution.

But now, having said all of that, let me tell my colleagues why I support this vitally necessary resolution. First of all, it is a compromise. It was painstakingly worked out with people like myself who vehemently oppose certain parts of it.

Second, I think it is vitally necessary, whether we like it or not, that we continue our participation in the peacekeeping force because with no peacekeeping force there is no question in anyone's mind that the Lebanese Government would fall under the dominance of Soviet influence through their surrogates Syria and the PLO. And just think of the intimidation that would take place and would occur on Israel, on Saudi Arabia, and all of our other allies in the Mideast. Not only would that seriously jeopardize their national security, but it would jeopardize ours as well, not to mention our own economy, because, ladies and gentleman, we still depend on the oil coming out of the Mideast for American jobs and industry in this country.

□ 1230

Finally, Mr. Chairman, let me just say, as a father of five and as a former marine, that I am just as concerned as any Member of this House about the lives of our marines, and I was happy to see that President Reagan gave them the backup and the authority to

protect themselves; and I think that they can.

Second, that is why we have a Marine Corps, to protect the interests of this country abroad. That is what they enlisted for. The Marine Corps is not a welfare program, it is not a make-work jobs program, and any marine who enlists in the Marine Corps does so for the sole purpose of defending his country's interests abroad. Any marine who is serving in the Marine Corps who is not there for that reason, and I doubt there are any, ought to get out, and I will be happy to help them get out if he does not want to stay.

Last, let me say that if we want to achieve lasting peace in the Mideast, if we want to be a credible ally to our allies in the Mideast and throughout the rest of the world, if we want to deter the spread of Soviet brand communism there and throughout the world, we will set aside our differences, as I have, and we will agree to this vitally necessary resolution. It is terribly important for the security of America and the free world.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, I rise in support of the joint resolution today and in opposition to the Long-Obey amendment.

As has been pointed out, we are not in Lebanon alone. The French, the Italians, and the British are there also. We are peacekeeping troops. I think it is time that we stood up as such. We truly have the capability of taking out any position that fires on the U.S. Marines. We should announce that as our policy and take a firm strong stand for peace.

When the Israelis pulled out, when they withdrew, the existing Lebanese Government did not want them to withdraw because they feared that their army was not strong enough to fill this vacuum, because we must keep in mind that 18 months ago the Lebanese Army did not even exist. Today it has some 25,000 troops trained by the Americans; 18 months from now it will have more than 50,000 troops. Our American advisers in Lebanon feel that within 18 months the Lebanese Army will then be strong enough to fulfill the task and fill this vacuum that was created when the Israelis withdrew.

Mr. Chairman, I submit to the Members that the peace that exists today is a fragile peace. Our presence can mean that we have a chance for this peace to last. If we withdraw, it will mean chaos in Lebanon. I submit to the Members that on this page of world history it is not the time for America to retreat.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in oppositions to House Joint Resolution 364, but as a member of the Foreign Affairs Committee, I am going to be very brief so that other Members not on the committee may have a chance to speak.

First, I would like to associate myself with the remarks of the gentleman from Arizona (Mr. MCCAIN). His comments were right on target.

We ought as Mr. MCCAIN said "have a reasonable expectation of success," but the key objectives in Lebanon are not achievable. The crucial objective, as enunciated by Secretary Shultz when he testified on this resolution, is to have "a sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory," is unachievable. It simply comes down to this: The internal and external forces in Lebanon are too diverse, they are too numerous, and they are too murderously antagonistic for this to be an achievable objective. The sense of national purpose and unity that must underpin a modern nation state does not exist.

As a former platoon leader, I would have a very difficult time telling my men why they were deployed in pursuit of an unachievable objective.

As for the resolution that we have before us, Mr. Chairman, it is unfortunate that we have it here in the first place, and I would say it is not a matter of either being for the resolution or in favor of immediate unilateral withdrawal. Those are not the only choices.

Mr. Chairman, I invite my colleague's attention to the dissenting views of this member in the committee report on House Joint Resolution 364 where I explain in great detail my views as to why House Joint Resolution 364 should be defeated. American objectivity were agruably achievable in Vietnam, but for better or worse, the policies and resources of this Nation were not pursued or utilized to achieve those objectives. In Lebanon, under the current governmental structure and geopolitical arrangement, the key objective of a sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory cannot be achieved.

This Member publicly opposed the introduction of U.S. Marine combat units into Lebanon in 1982, certainly would oppose their introduction into Lebanon with the changes that have occurred since 1982, and opposes the compromise apparently struck between the administration and various leaders in this body as now embodied in House Joint Resolution 364. This view is not born of neoisolationist or ideological orientation but of realism. Neither is this Member unaware and unconcerned about the Syrian involvement in Lebanon or their objectives; the Syrian ties to the Soviet Union are also indeed a fundamental and serious concern. For our marines, Lebanon is a quagmire; they have been placed in an extremely dangerous position without the crucial objectives of U.S. foreign policy being achievable.

Like Secretary of State George P. Shultz, evidenced by comments from his testimony before the House Committee on Foreign Affairs on September 21, 1983, this Member endeavors to have a positive outlook on the possibilities for peace and progress in the Middle East. This Member takes pride in having an optimistic attitude toward life and American policies in world affairs. Yet I can see no reason for optimism that the second of the three policy objectives of the United States in Lebanon can be achieved. That policy objective, a worthy objective by and for democratic societies, listed in his September statement, is as follows: To have "a sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory."

If that objective is not achievable, then the other two objectives—"withdrawal of all external forces from Lebanon" and "security for Israel's northern border" are also placed in deep or impossible jeopardy.

Why is the objective of "sovereign Lebanon, able to exercise control throughout its national territory" not achievable? The political, religious, and cultural factions are simply too numerous, diverse, and murderously antagonistic. The external forces now in Lebanon which are contributing to the chaos and bloodshed are now so diverse and numerous that the conflict in Lebanon makes the Spanish Civil War look like a simple confrontation. It is suggested that the collection of foreign national terrorists and anarchists in the Bekaa Valley alone are unprecedented in world history.

Lebanon in short does not now have, if it ever had, the sense of national purpose or unity as the necessary underpinning for a modern nation state and it cannot now create or restore this crucial consensus in the existing geopolitical framework. One can only look retrospectively at the dubiously contrived governmental framework originally created for Lebanon and wonder how that nation has survived this long, even without the external and internal forces that are now tearing it apart. These and the following similar comments were made by this Member at the hearing of September 21, 1983, and the markup of September 22, 1983, but they are reinforced by the following comments by George F. Will in the September 26, 1983, issue of Newsweek magazine:

> The (Lebanese) ambassador (to the United States) says: "We have received continued assurances from the United States

that they are committed to maintaining the sovereignty and independence of Lebanon" Oh? One cannot "maintain" what does not exist. Think of Lebanon as Connecticut (Lebanon is 20 percent smaller) with a government that, on a good day, controls part of Hartford. Imagine Connecticut with 45,000 Syrians, 12,000 Israelis, 6,000 U.N. troops behind Israeli lines, 16 militias and assorted Palestinians and Iranians. Now, put 1,300 U.S. Marines at Harford's airport and tell them to keep the peace.

Democratic Accommodations: Consider the attributes of a nation: a system of essential institutions whose writs run everywhere within recognized borders; a government with a monopoly on the use of force; a minimum of shared civic, cultural and religious values. Even if two-thirds of Lebanon were not occupied by foreign armies, it might be too invertebrate to stand as a nation. Beirut's leading publisher once said: "The government does not exist, and whatever part of it does exist has no authority, and whoever has authority is not in government." Lebanon is the state of nature Hobbes had in mind. It is anarchy leavened by assassination.

Counterarguments to these comments have emphasized the incredible political costs and loss of life that would result from the withdrawal of U.S. Marines from Lebanon. Certainly that is a valid point. The question to be asked then is "How much greater will be the political costs and the loss of life (including U.S. personnel) in a later withdrawal or wider conflict that result from the pursuit of an unattainable objective?"

The most important answer to be offered, however, is to emphasize that those of us who oppose House Joint Resolution 364 are not all, therefore, proposing an immediate unilateral withdrawal. Certainly this Member does not advocate that action. It is unfortunate that the constitutional controversy over the War Powers Act and partisan jockeying and ducking preparatory to a 1984 Presidential election cause House Joint Resolution 364 to come up to the floor of the House at all. It is the license for a marriage of political convenience in which one or both marriage partners will be disappointed while it detracts from any effort to successfully seek our legitimate policy objectives in the Middle East. Our marines are, like pawns, disadvantageously placed on a treacherous chessboard. For the sake of the peace-loving Lebanese and Middle Eastern peoples, we and our allies need to construct a new chessboard or establish a new arrangement.

I urge my colleagues to oppose this resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I rise is support of House Joint Resolution 364. This resolution comes at a time when many of us concerned Members of this body invoke the memory of the war in Vietnam. We ask: Was the lesson of that conflict to avoid future military engagements in the Third World?

With this resolution, Congress has an opportunity to demonstrate that Vietnam did not paralyze the United States for all time in its attempts to promote peace in the world.

The resolution gives Congress the chance to support the United States as a partner in a multinational force. We will not be lone gunslingers going into some far off land. Lebanon is not Vietnam, and the congressional response is not the same.

When the President sent his Tonkin Gulf resolution to Congress, he received sweeping powers. He had the right to "take all necessary measures * * * to prevent further aggression." This set the stage for excalating bombing raids into North Vietnam and the development of ground operations ranging into the South Vietnamese countryside.

This resolution is no such fatal blank check. It places the actions of U.S. forces firmly in the context of the War Powers Act and the existing arrangements strictly limiting the marines' mission. Even if some voices argue for a broader marine role, this resolution precludes that unless Congress explicitly authorizes it.

Congress still holds final authority to withhold or limit funds at any time during the 18 months this resolution is in effect. Congress with its control over funds speeded our departure from Vietnam. We can ensure that we avoid an open-ended commitment.

The way ahead is by no means clear. There are pitfalls we must make sure we avoid. As we learned in Vietnam, we cannot pursue peace by a program of heavy bombardment with pauses intended to bring combatants to a conference table. This time in Lebanon our goal is helping to promote a political solution. Military force will not remove the Syrians—not 1,200 Marines, not the Lebanese Armed Forces.

Lebanon must differ from Vietnam in that American efforts must be first and foremost diplomatic efforts. Military commitment to a multinational force should continue only so long as it reinforces diplomatic work. Lebanon also must differ from Vietnam in that the United States will negotiate as part of a multilateral team, not as a "Lone Ranger."

The cease-fire this week demonstrated that the neighboring Arab nations' commitment to a Syrian withdrawal is essential. The United States should urge the Arab nations to withdraw formally the Arab League's mandate for the Syrian presence in Lebanon. If Syria resists, the issue should be taken to the United Nations.

We cannot repeat our error in Vietnam of picking our strongman and seeking to destroy all conceivable opposition. We cannot get bogged down supporting a leader who refuses to broaden his political base.

In its dealings with the groups in Lebanon, the United States needs to encourage all the factions in the country to make necessary concessions. Any government that emerges from the conference on reconciliation must fairly represent all the people, guaranteeing individual rights and freedoms.

Our position in Lebanon is different from our position in foreign countries in years past. It is different because we have survived the Vietnam experience. Its lessons are complex and entangled. We can learn one thing this time. Today we seek peace, not victory. We seek to develop peace with other nations struggling to achieve that aim. This time we work in concert with many others. Sometimes, partnership is better than going it alone. I urge passage of House Joint Resolution 364.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Chairman, I rise in support of the joint resolution.

Mr. Chairman, last year I had the opportunity to visit Lebanon during its struggle for independence from 7 years of the PLO and Syria. What I saw was a total devestation of a once beautiful and vibrant country, a major world tourist attraction. I learned of the storage of a massive unbelievable stockpile of arms in southern Lebanon. Obviously meant for an imminent invasion of northern Israel.

The country had been devastated not so much by the locals and the civil war but, rather from outside forces that are backed by none other than the Soviet Union. Which is supporting, arming, training, and pushing Syrians and the PLO and now the Druze Muslims into conflict with those who want a sovereign and independent Lebanon.

The United States helped end the PLO grip on the throat of Lebanon, but the Syrian-PLO actions have destabilized the region so much that a new powder keg could explode any minute.

Is peace possible? Can all those diverse forces in Lebanon ever come together for democracy, for unity, and with commonality of vision? My response is that for three decades the Christians in Lebanon and the various Muslim factions did live in relative peace under democracy and with prosperity. They worked together politically, economically, and socially and they still had freedom and diversity of religions. This lasted until 1975 when the PLO and Syria intervened in a civil struggle in Lebanon.

So, is peace possible? I would assure the Members of this Congress that the history of Lebanon would show that Lebanon left to itself can live in peace.

It should be obvious to all of us what really happened to destabilize Leba-

non. The situation has been brought about by the Soviet Union's disregard for peace and democracy. The Soviet Union was clearly distressed by the U.S. success in negotiating an end to the war in Lebanon last year. The Soviet Union lost a great deal of face when the Israelis wiped out the Syrian Air Force and the Soviet sophisticated surface-to-air missile batteries without losing a single plane of their own. Their attempts to establish a foothold in the Middle East was set back when the PLO was thrown out of Beirut.

Now, the Soviet Union is instigating violence in Lebanon as an attempt to regain that foothold in the region. The presence of 7,000 Soviet troops and the new SA-5's has put itself in a position of perpetrating untold disaster upon the Middle East.

Why are there 7,000 Soviets? Why have they deployed their most sophisticated SA-5 missile batteries near the Bekaa Valley? Mr. Chairman, I submit that we are facing in Lebanon a situation unparalleled in possibly the history of the world, a time when the mere misguidance of a jet fighter plane traveling at mach 1 speed in less than 4 minutes from Beirut to the Bekaa Valley, could fly over Syrian controlled airspace, and we all know how Soviet gunners feel about their airspace, an SA-5 could shoot down that plane. And that plane could be an American plane or a British, French, Italian—or even an Israeli plane. I would say that we are 4 minutes from a major explosion perhaps from a confrontation of the superpowers.

The Soviets show their callous disregard for human life when the ends justify the means. Their concern for human life, it has been proved, is not the same as ours. They are behind the PLO, they are behind the Syrians, and yes, they are supplying hostile forces despite the truce causing the turmoil in Lebanon today.

But still the question remains, Mr. Chairman, should we turn tail and run? I cannot minimize the concern that I have for American lives in Lebanon. As a matter of fact, I opposed the deployment of American troops before they were sent to Lebanon. I told the President and his staff that I felt it was not a wise idea.

Now that we are there, it is necessary to our national security and to the faith our friends have placed in American commitments around the world. We cannot turn tail and run, we cannot tell our friends around the world that we are not a reliable partner in any peacekeeping force.

The President is not bowing for the first time in American history to the Congress or to the War Powers Act, but rather he is living up to American commitment to freedom, cooperation in a bipartisan manner on foreign policy.

The President has made a commitment. We as the Republican Party have made a commitment. The Democratic leadership has made a commitment and Mr. Chairman, I submit that the actions of Congress on this resolution will show this Nation's commitment to the freedom and integrity of the people of the world.

I urge adoption of the resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, this is an occasion of double importance—1,600 marines, for whose support we are constitutionally responsible, are encamped at the Beirut International Airport, in a vulnerable position with a vague mission. Fifteen ships are stationed offshore, with awesome firepower, to protect those marines, and they need and deserve protection. In all, our forces in Lebanon number 10,000—a large commitment in my estimation, all of which has been made without consultation of this Congress. The danger of escalation is not just a risk; it is, in fact, occurring. As the Congress of this country, we ought to be asking ourselves now: What is the mission of these forces? Is it realistic? Can it be accomplished? And we ought to write that mission into this resolution. We should then restate the resolution throughout to make it clear to all that we intend for these forces to have a limited mission, and one which we will monitor closely as it is executed.

This is also a constitutional occasion of precedential importance. The War Powers Act was passed by a Congress which knew that there was something fundamentally wrong about the process by which we became engaged in Vietnam. The act has had a checkered history. No President has ever conceded that it is totally constitutional. The Supreme Court appears recently to have agreed with them. But though the War Powers Act may be imperfect, and may in some particulars be unconstitutional, it is a vital part of our constitutional system; and we should take care that we do not render it a dead letter. We have the power to declare war; and we have the power to raise and support the Armed Forces. My problem with the resolution presented is that it does not responsibly exercise those powers. In effect, we are leaving the definition of our role for another Congress in another crisis.

Read this resolution critically. It is not, in my opinion, the assertion of a Congress that insists on a substantive role in making the gravest of decisions this Government must make.

It extends the time for deployment for 18 months, with no conditionality; no statement of intent to withdraw if the Lebanese Government does not press on with a political solution; no conditions, just a parting reference to the possibility that we might alter our position later with a joint resolution.

It imposes reporting requirements that call for information that will be dated, stale, and useless, by the time we receive it—at 6-month intervals. At the least, we should require the President to report to us on a timely basis, not less often than every 2 months, and we should specify more precisely what we need to know if we are to be informed participants in this process. We should state, for example, that we expect to be advised of the rules of engagement, those rules by which these forces will execute their mission. How else can we keep abreast of the potential for escalation, for deeper and wider involvement, without monitoring these rules? How can we better say to the President that we will be watching our engagement, scrutinizing each step taken, to make certain that we are not drawn, slowly and by degrees, deeper and deeper into a Lebanese civil war?

Of most concern to me is the open-ended, undefined commitment of our marines and naval forces to Lebanon for a period of 18 months. It is true that this will tell the Syrians that we will stay the course; but it may also tell the Gemayel government that they can now mark time, dig in their heels, and not make the concessions and compromises they must make to broaden the base of their government, to reconstitute the Lebanese Government, which everyone agrees is the only way out of this civil war.

I am concerned that the longer we stay in Lebanon, and the more power we assemble there, the greater the danger that we will undercut our proper role, and that is to reconcile through diplomacy the factions who are now fighting. As we increase our firepower and presence, repel attacks with counterattacks, and subtly move from defensive counterattacks to preemptive strikes, we come closer and closer to taking sides in a civil war. Our European allies in the multinational force are warning us of that now. We are coming dangerously close to alienating as enemies the parties who must be placated if a national reconciliation government in Lebanon is ever to be created.

I am concerned also that the longer we stay in Lebanon, the more problematical our mission will become. Key proponents of this resolution have stated on the floor today that our forces there have a "peacekeeping mission," and this appears to be their construction of the mission we authorize in this resolution. But 1,600 marines cannot keep the peace in Lebanon, and they make no pretense of trying. They do not patrol Beirut or the country; it is too dangerous and the possibilities of some provocative incident are too great. They do not man checkpoints to

prevent the infiltration of combatants back into pacified areas, which is the typical function of a peacekeeping force. And above all, they are not so formidable in number as to compel peace by threatening any party who disrupts it. This morning, Admiral Wadkins, Acting Chairman of the Joint Chiefs of Staff, told the Armed Forces Committee that the JCS avoid use of the term "peacekeeping" to define the mission of our forces in Lebanon. Our mission there is to establish "presence," whatever that means, and I think we should ask what it does mean.

What commitments, what obligations does the mission of "presence" imply? If the marines are attacked with overwhelming force, and compelled to evacuate—and that is entirely realistic in the circumstances—what will we do? What does the mission of "presence" call for us to do? Will we seek retribution? Will we return with augmented forces and strike back? What role does the mission of "presence" call for us to assume? If it is a self-defensive role solely, will we defend just ourselves, or will we also defend some Lebanese positions, on the premise that their defeat could jeopardize our presence?

I have been to Lebanon over the past weekend, and I have seen the situation there firsthand. It is fraught with risk. There is a clear and present danger of some provocative incident—an engagement of U.S. and Syrian aircraft, a terrorist attack on one of our ships, or a barrage of our exposed marines—any of which could lead to an escalated response on our part and a wider involvement in this war.

In these circumstances, we should assert our proper constitutional role. We should give function to the War Powers Act, bring it to life, and not render it a dead letter, as I fear we may if we do not strengthen this resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Well, Mr. Chairman, here we are again. The chairman and I and a couple others were here 19 years ago when we had this same kind of debate.

In my 2 minutes, let me make one thing very, very clear. If you vote for this resolution, events will overwhelm it. Those little pieces of lines and words on paper will be as irrelevant to the future as the horseshoe is to modern transportation.

I am impressed with those who have had military experience who say that this is a disastrous matter.

We have no clear-cut goal. We have deployed troops, or the President has deployed troops in a tactically indefensible area. Eventually we are going to have to withdraw. Some hopefully believe it will be with honor and with peace.

That same event faced us in Vietnam and we learned bitterly that it was not possible.

If we are there to keep the peace, we are too few.

If we are there to fight, then we are far too few. If we are there to die, then we are far too many.

As one who sat here and voted with every other Member of the House to pass the Gulf of Tonkin Resolution, let me say there is no difference in its effect and the effect of this resolution. Your are requiring at least 1,600 Americans to spend 18 months in an indefensible position and, as I said before, events will overwhelm this little piece of paper, this skimpy resolution, and all of us will forget what was done and said in this debate but we are there and we had better face the consequences of our actions. Let us not make matters worse. I oppose this resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. BROWN).

Mr. BROWN of Colorado. Mr. Chairman, I invite my colleagues to consider the following policy statement. There is a lesson for all of us in Vietnam. If we are forced to fight, we must have the means and the determination to prevail or we will not have what it takes to secure the peace.

While we are at it, let us tell those who fought in that war that we will never again ask young men to fight and possibly die in a war our Government is afraid to let them win.

Mr. Chairman, those were the words of Ronald Reagan in 1980. In the President's own words we are again asking young men to fight and possibly die in a war that our Government is not committed to win. The men and women who fight for this country deserve far better than this resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, it appears to me that maintaining the peacekeeping force in Lebanon is in our national interest and in the interest of peace in the entire Middle East area. The withdrawal of French, British, Italian or U.S. peacekeeping troops, would indicate a weakening of our resolve to help bring peace to this war torn land. Therefore, I think we should vote for the 18-month extension. It is tempting to choose a shorter period of time—60 days or 6 months. But if we choose a shorter time period, the warring factions will just wait us out—and they have been waiting for centuries. I fully acknowledge that this is not an easy vote. Our instincts are to say—let us get out and get out fast. But I think the consequences for withdrawing too soon would be much worse. Let us give peace a chance to take hold in Lebanon. With a cease-fire now in place—as tenuous as it may be—it is still a cease-fire and one which we pray will be maintained. Now that the cease-fire has been agreed to, I hope President Gemayel will take this opportunity to broaden the base of his government by bringing in other factions outside his government.

Let there be no mistake that we will not permit our marines to be sitting ducks. There is a line between our role as peacekeepers and our legitimate right to defend ourselves. The decision to cross that line should be left to the Commander in Chief, and I still feel enough of an American patriot to believe he will make that decision only if it is in our national interest.

Mr. ZABLOCKI. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, a few weeks ago this body unanimously condemned the Soviet action in shooting down a civilian airliner.

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Let me remind my colleagues that what is behind the current fighting in Lebanon is again the Soviet Union.

This is, indeed, a dangerous world, and there are some of my colleagues who would like to stop it and get off. Well, you cannot get off.

My heart goes out to the families of the four marines who died as much as anyone's. But let me remind my colleagues that we lost four times as many diplomats this year in Lebanon than we lost military personnel.

Are we to close up our Embassies around this globe if a group of terrorists decides to blow up an American Embassy?

What we do here today will send out a message, and that message will be clear. That message, if we emasculate this resolution, will be a welcome message in Damascus, and it will be a welcome message in Libya, and it will be a welcome message in Iran, and it most certainly will be a welcome message in Moscow.

But it will create trembling among our friends in the Arab world. How would you like to be King Hussein and see a multinational force turn tail and disappear? How would you like to be President Mubarak of Egypt and see the United States moving out when the going gets tough? How would you like to be the pro-Western Government of Lebanon—which is fighting for its very survival—if a multinational force—critical for its very existence—decides to leave?

I rise in strong support of a policy which has the backing of the President of the United States and the Speaker of our own House of Repre-

sentatives. The alternative is a formula for failure.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Illinois.

Mr. HYDE. I want to say in the 9 years I have been a Member of this House, I have never heard a better speech, I have never heard a more insightful analysis of a very frightful, dangerous situation.

This country has responsibilities. We wish it were otherwise. We would like to pull a blanket over our heads. But if you abandon the Middle East to the Soviet Union, we will fight them, we will fight them only on much worse terms.

The gentleman is to be congratulated on a very brilliant statement.

Mr. LANTOS. I thank my friend for his remarks.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Texas.

Mr. KAZEN. Let me also commend the gentleman for his statement. I want to assure him of my support for this resolution, and I think that he is on the right track. I think this country cannot afford to back off at a time like this. It is far, far too serious in its ramifications. The word of this country all over this world will mean absolutely nothing if we do what the opponents of this resolution want done. I want to commend the gentleman for his statement.

Mr. LANTOS. I thank my friend. I would just like to say in conclusion that the alternative to our resolution is not a peaceful, placid, bucolic world. The alternative is to see the Persian Gulf, the oil resources of the whole Middle East in danger, the commitment of far greater numbers of American troops with far greater potential for disastrous consequences.

I urge my colleagues to support the resolution.

The CHAIRMAN pro tempore (Mr. NATCHER). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this resolution.

I think it is a serious mistake. I would like to refer back to a little legislative history. In June of 1981, we were anxious to praise Ambassador Habib for the "peace" he brought about in the Mideast. In that resolution there was a statement that the House endorsed overwhelmingly that actually set the stage for what we are facing today. That resolution said that:

The House of Representatives strongly encourages the President to pursue a comprehensive and coordinated policy in Lebanon including the development of an effective cease-fire, resolution of the issue of Syrian missiles, promotion of the independent sovereignty, unity and territorial integrity of Lebanon.

That resolution was passed 398 to 1. That literally set the stage for the involvement we have in Lebanon today.

This resolution, House Joint Resolution 364, I sincerely believe, is a capitulation. It is no compromise whatsoever on the war powers resolution. And we are literally reneging on our responsibilities as Congressmen and Representatives of the people. We are reneging on our responsibility that is given only to Congress that only we can declare war. I do not see how we can prevent the escalation if it is necessary in order to preserve the lives of the marines in Lebanon, and that we, by passing this resolution, literally give license to the administration to pursue a more extended war.

The American people I do not believe endorse the involvement in Lebanon and if a referendum was taken they would wholeheartedly endorse our getting out of Lebanon and not becoming increasingly involved as we have been.

For the past couple of years we have subsidized and helped both sides of the war over there. We have rescued the PLO when Israel was about to do the PLO in. And what do we find now? The PLO is back in Lebanon, shooting at our marines. And we actually financed both sides.

Israel at that time was able to take care of the PLO and yet we marched in, rescued the PLO and now we still have them to contend with.

During the bombing of Beirut, bombing with weapons that we paid for, we on this House floor had a bill with foreign aid in it where we tripled the foreign aid to Lebanon to rebuild Beirut during the time the bombs were still falling. This is a foolhardly policy.

It is time the American people woke up and decided there is a more sensible policy that we could pursue.

We have less peace in Lebanon now than a year ago. There is no peace and yet they say there is no war. If there is no war, there can be no victory. All we need today is one Russian-built missile to hit one of our ships and it be sunk, I believe we would face catastrophe, an international and world catastrophe. I do not know how we could prevent it.

Our purpose there is not definable because we do not know what our purpose is.

The policy of foreign involvement and interference is a policy the American people are questioning. It has failed us for the past 70 years and the sooner we admit it the better.

The numerous mutual defense pacts that we have committed our sons and tax dollars to are unwise investments. How many believe that there is anything mutual about our allies coming to our aid in a time of need? Yet our citizens are continually being drained of their resources and their lives in order to attempt the unachievable. How can we expect to buy peace in the Mideast when there has been war there for so many centuries?

But most importantly our unwise commitments and overextensions throughout the world serves to distract resources and energies that should be directed toward our national defense. Interference in the affairs of other nations precipitates conflicts and invites hostility directed toward the United States. It does not serve the interest of peace; it instead jeopardizes our security. The policy of global interference threatens the peace of the world and prevents the establishment of a policy based on adequate defense and self-confidence in our role in world affairs. Its time to bring the marines home and reconsider our policy of foreign entanglements.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, it is very difficult in 1 minute to sum up one's feelings, but let me try to just simply say a couple of very quick things.

First, I rise in strong support of the Obey-Long approach. I think we have to look at this question of the Marines in Lebanon in less than 18 months. The War Powers Act should kick in now. We ought to have an opportunity to thoughtfully look at the issue in a much more appropriate timeframe.

Second, if in fact we stay, whether we stay for 2 weeks, 3 months, 6 months, or 18 months, I think we ought to seriously take a look at the way in which we deploy our troops in Lebanon. The fact that we are not an international unit, under international command, we have no international uniforms for our troops, and little or no international direction makes no sense. The fact that we put our troops by the airport, and one or two terrorists with a hand-held rocket can pick a fight with the United States at will is irresponsible.

I would urge the administration, particularly the Defense Department and the State Department, to consider making it an international force if we stay.

Finally, I think the American people are looking to us for some leadership. The world is looking to us for leadership. We lead by supporting the Obey-Long approach.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LOWRY.).

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Long-Obey substitute. Like everybody else, I have the highest respect for the leadership of this committee and this House who I know are doing what they think is right. But to leave our Marines in Lebanon for 18 months is a tragic mistake.

To have our Marines as symbols in a cross-fire between an ages-old religious civil war where there are 35,000 to 40,000 Syrians in the country, where there are tens of thousands of different Lebanese faction troops in the country, where there are tens of thousands of Moslem faction troops in the country, and to think that 1,600 marines are to serve as anything but targets is a tragic mistake.

I urge this body to support the Long-Obey substitute.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

□ 1300

Mr. STUDDS. Mr. Chairman, I will oppose the resolution in its present form, because 18 months is far too long a period to authorize the deployment of Marines under the circumstances presently prevailing in Lebanon. I believe this time period should be shortened, both to force Congress to reexamine the situation periodically, and to leave open the question of whether a prolonged commitment of U.S. Forces in Lebanon will be either necessary or wise.

In testimony before the Foreign Affairs Committee, Secretary of State George Shultz said that the conflict in Lebanon is not a civil war. I think a more accurate statement would be that the Lebanese situation is among other things a civil war. If the Lebanese were a united people, the Syrians, the PLO, the Israelis, and for that matter, the French, British, Italians, Americans, and United Nations would no longer be present in their country.

I support present Reagan administration policy in Lebanon. I think the achievement of a cease-fire was a great accomplishment. I was encouraged by the desire of Secretary of State Shultz before the Foreign Affairs Committee to keep East-West rhetoric on this issue in its proper perspective. Syria has received help from the Soviet Union, but it is no puppet, and its reluctance to withdraw from Lebanon thus far does not mean it will refuse to do so in the future.

But events have dramatically altered circumstances in Lebanon—for the worse and now for the better—within the past 18 days. How can Congress act now with any confidence to authorize troops for 18 months.

Some have suggested that a lengthy authorization is necessary to demonstrate American will. Unfortunately, I think it would say more about our intelligence than about our will. Our role in Lebanon—as defined by the President—is that of peacemaker, not warrior. There are those on all sides who will be eager to modify this American role: To seek active military alliance on one side, to use the U.S. presence as an excuse for others to intervene on another. An 18-month authorization under the War Powers Act is not needed to demonstate American will to continue its peacekeeping role in Lebanon.

Our attitude toward the War Powers Act, itself, ought to be clear. It is the law of the land. The President has a constitutional responsibility to observe and to enforce that law. The proposal we have before us is consistent with the War Powers Act and, if the time period for troop deployment were significantly shortened, this bill would have my support.

If circumstances continue as they are now in Lebanon; if the U.S. presence remains both necessary and constructive; I—and I expect the vast majority of this Congress—would support a Presidential request for the deployment to continue. But that is a decision for another day.

The CHAIRMAN pro tempore. The Chair would like to state that the gentleman from Michigan (Mr. BROOMFIELD) has 14½ minutes remaining and the gentleman from Wisconsin (Mr. ZABLOCKI) has 17 minutes remaining.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I hope this House will support the Obey-Long substitute because I believe this substitute will keep the House and Congress involved in determining the best course in a very difficult situation.

We made a mistake in the first instance in the way in which we became involved and we have not been careful to define the limits of what it is we are trying to accomplish.

I think much that our troops are now doing in Lebanon is not consistent with what we expected when we first got involved. To now give an 18-month blank check to the administration to pursue its course, whatever that may be, in Lebanon would be a mistake and it would be dangerous.

Under the committee resolution, a joint resolution of this body would be required to remove troops from Lebanon. The joint resolution would require the signature of the President, and I do not have confidence that we have two-thirds of the votes in this House, and especially in the other body to change a decision once made to stay there for 18 months.

I am especially troubled by the fact that the President has said that he does not recognize Congress' responsibility under the War Powers Act. There are many imperfections in the Obey-Long substitute. It leaves questions unanswered to which we would like answers. Nonetheless, it would permit U.S. troops to remain in Lebanon as long as the current cease-fire lasts and permit the Congress to reconsider our role in Lebanon if armed conflict begins anew.

I hope the cease-fire will continue and that we will not again have to face this issue and that we can talk about a more constructive peacekeeping role for the United States.

But should the fighting flare up again, as many of us fear, at least the issue will then return to this House and we will once again confront the question of our most constructive role.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in support of the resolution on the floor today and am opposed to the Obey substitute. Because the alternatives are so bad, the choices are so bad, it is a reluctant support. But if you think the choices today are poor, wait until 90 days pass and there is absolute chaos in the Middle East and a probable takeover of the Lebanese free people by Syria as an agent for the Soviet Union, with all of the future ominous results that that portends.

I support the resolution for four main reasons.

One, it allows the President to determine our foreign policy in Lebanon, not 535 Secretaries of State/Secretaries of Defense that reside in these two bodies here on the Hill.

Second, it protects the marines who are already on the scene. We are not talking about deploying forces; we are talking about defending forces already there.

Third, it continues the peacekeeping role of the Marines without explicitly telling our adversaries of our plans.

Fourth and most importantly, it helps keep Syria and the Soviets from overrunning Lebanon, posing a threat not only to Israel and to the Saudis, but all of our vital interests in the Middle East.

The President needs our support on this resolution and I support him. The President should run the foreign policy of this country.

But the support that I give is qualified. We are concerned about what is our role in that country. We are concerned that we not get bogged down in the quagmire that exists in the political life in Lebanon.

So our objectives should be simple and straightforward. I think they are these:

One, let us help get Lebanon back on its feet. Second, let us keep the Soviets from interjecting themselves into the structure in the Middle East.

The very minute these two main objectives are accomplished, and I think we can accomplish them short of the 18 months, we should get out and leave Lebanon to the Lebanese.

And so although my support of this resolution is somewhat qualified, it still is strong. We have to support the President in this instance because he has to be the leader in our foreign policy and particularly with marines on the ground needing our protection today.

I yield back the balance of my time.

□ 1310

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, the committee resolution amounts to an abdication of the constitutional responsbility of the Congress to declare war, at least for the next 18 months.

In agreeing to this resolution the President, it seems to me, is asking for broad authority that the Congress should jealously withhold. If we pass this resolution, Congress will be washing its hands of the Lebanese issue for the next 1½ years and that is irresponsible.

The substitute charts a much preferable role for the Congress. It establishes a partnership with the President in the formulation of U.S. policy in Lebanon and periodic review of the execution of that policy.

The substitute may not keep us out of a Vietnam-style war, but it will assure that if the United States widens or restricts its military role in Lebanon, we will do so with the full knowledge of the American people, through an open public debate in the Congress, step by step, in response to changing circumstances, without an irrevocable commitment binding us in advance to the President to whatever policy he may pursue.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, I have been troubled on how to vote on this resolution, and to put it succinctly, I have concluded that it is in the interests of the people of my district to vote against it.

I do not want my vote against the resolution to be interpreted as an attack on the decision of the President of the United States in what he has done so far.

If this resolution goes down it does not require that we remove our Marines tomorrow, or in 6 month, or what have you; it puts us back to the bargaining table as to what we shall do.

In the President's judgment he has determined that is in the interests of this country that they be there. I support him in that endeavor.

But I also suggest that my remarks are based on the premise that the War Powers Act is unconstitutional. We can have one President at a time; we cannot have a President in the White House and a Presidential force in the Congress. The President in the White House is in charge of our foreign policy.

I support what he is doing, but I would encourage he and his advisers to determine that it is in the best interests of this country, America, that Israel has a direct interest in the controversy in Lebanon and the United States has an indirect interest in the area.

Mr. Chairman, this is a sobering moment. No Member of this House can view the decision we are about to make with complete equinimity. The continued deployment of U.S. Marines in Lebanon, under circumstances that can only be described as risky, is a serious business no matter how long they remain. The cease-fire that is in effect today could be gone tomorrow, and gone with it could be the lives of more young marines. Furthermore, there is no assurance that the objectives envisioned when the marines were sent to Lebanon can be achieved in the foreseeable future. Thirteen months have passed since the Marines first set foot in Lebanon and the conflict is no closer to resolution today than it was then. Indeed, many knowledgeable people will tell you that it is even further from the resolution, and it can even be argued that the introduction of peacekeeping forces has had the opposite effect from the one intended.

To my way of thinking, the question of whether Congress or the President or both should authorize the terms of U.S. military participation in Lebanon is of secondary importance to the question of whether or not U.S. troops should be in Lebanon at all. And for that reason, I am going to vote against House Joint Resolution 364. In my view, there is more to be lost than to be gained by keeping the marines in Lebanon and the best way to express that point of view is to oppose any resolution that would have the effect of endorsing their continued presence in that beleaguered, war-torn country.

More than anything else, what brings me to this conclusion is a sense of U.S. history. Americans have long been willing to fight for their rights and the rights of others if necessary. But they have also had a long-standing aversion to getting involved in conflicts where their own interests were not directly affected or when winning the fight was not the ultimate and obvious objective. In Lebanon, a lot of people's rights are being affected, and while it is clear that the Syrians have no business being involved, it is anything but clear as to what extent the rights of the Moslems, the Druze, the Maronite Christians, and the Greek Orthodox are being abused relative to one another. The struggle for power and influence among these and other groups in Lebanon has been going on for years. It is reflected in the Constitution under which the Government of Lebanon currently operates and it is not likely to be settled overnight, peacekeeping forces notwithstanding. Beyond that, American interests are not directly affected by the outcome of the ongoing struggle for power within Lebanon. We do have a direct interest in the survival of Israel dating back to World War II and the holocaust. And we have a direct interest in the primacy of the forces of moderation in the Middle East, not to mention the governments that are supporting those forces. But, in the absence of a threatened military assault on Israel, we can fulfill our moral and political responsibilities to the Israeli Government by providing military and economic assistance. We do not need to be a surrogate for Israeli military forces in order to fulfill those responsibilities. Moreover, it is difficult to understand how we can support the forces of moderation in the Middle East by asking one of those forces—Egypt—to help us maintain a military presence that is being perceived as propping up a Christian rather than a Moslem government there. Likewise, are we not using up our political capital in Saudi Arabia and Jordan by asking those nations to assist us in bringing about a compromise between Moslems and Christians in Lebanon when we are already asking them to support a peace agreement between Arabs and Jews in the Middle East? Which brings up one final point. The objective in Lebanon is not victory for any one side but a negotiated settlement which may be difficult to understand much less achieve. As a consequence one wonders—no, one doubts—if the American people are going to tolerate, much less support, U.S. military involvement for very long. Indeed, the polls are already indicating that Americans do not understand what we are doing over in Lebanon and do not favor our staying there. Perhaps if victory were in the cards, things might be different, but with the best prospect being that of more casualties, public opinion is likely to become even more pronounced in opposition to continued involvement. And that, in turn, could bring about a return of the destructive disillusionment that we, as a nation, suffered after Vietnam, the likes of which we do not need again.

Some Americans argue that, if we pull out now, not only will it precipitate a bloodbath by creating a vacuum

into which many will attempt to tread but we will compromise further international peacekeeping efforts. They point, with some justification, to the fact that the French, Italians, and British are involved in the peacekeeping effort right along with us. But these arguments fail to turn the coin over, fail to examine the potential risks to further peacekeeping efforts if this mission results in disillusionment, disaster or both. Let us face it, what happens if gunners in the mountains or in the suburbs keep on firing on United States, French, or Italian troops? We can keep firing back, but if that does not work, then what? Do we and our fellow peacekeepers send out search-and-destroy patrols into the suspected hideout areas? And if we do that, what do we do when, after all sides suffer casualties, the guerrilla fighers fade further into the mountains or into Syria? To follow them there might precipitate a world war, yet if they can operate out of sanctuaries, how can the peacekeepers ever be sure of keeping the peace. Surely, the experience of Vietnam, where sanctuaries were a problem as well, should make clear to all concerned the dangers of escalating involvement. The benefits are not worth the cost—or the risks—in which case we should cut our losses, even if it means urging our fellow peacekeepers to do likewise in the face of some criticism. Statesmanship means being able to make tough, objective decisions and in this case the statesmanlike thing to do is recognize that the chances of failure are at least as good as the chances of success and that the risks are far greater. And then we should act accordingly.

Mr. Chairman, let me make one final point. In the past, I have frequently spoken out against Soviet expansionism, pro-Communist subversion and the need for the United States to maintain a strong national defense and a strong stand in favor of the forces of freedom in the world. And I have questioned whether certain conflicts have indeed been civil wars. However, in the case of Lebanon, I think it is fairly evident that, while pro-Communist forces are actively trying to increase their influence there, the conflict is primarily civil in nature. Moreover, I suspect that even if the Syrians or some other pro-Soviet groups were to attain ascendancy in northern Lebanon, they would face the same kinds of opposition the peacekeepers and the present Government of Lebanon are now facing. The religious and ethnic differences in the Middle East run too deep and too much blood has been shed in Lebanon the past 8 years for things to be otherwise. At some point, the various factions will have fought themselves out and will be willing to make the compromises necessary to live together—or perhaps separately—but that time does not appear to have come. And until it does, those in the middle may only succeed in making everyone mad at them.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. SOLARZ. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. SOLARZ. Mr. Chairman, if this resolution, with or without the Obey substitute, is defeated it will mean that the War Powers Act now and forever more will be a dead letter.

The President will be utterly unfettered in terms of what he can do with our troops not only in Lebanon but in any other crisis situation in the future.

So what is at stake here is not simply our policy in Lebanon but whether or not the Congress of the United States is going to exert its rightful role in determining the disposition of American forces in hostilities abroad.

If this resolution is adopted, on the other hand, not only will we have asserted the applicability and relevance of the War Powers Act, not only will we have established an important precedent in terms of the right and the role of the Congress in the disposition of American forces in the future, but we will have established some very real and meaningful limitations on the use to which our forces in Lebanon can be put.

This resolution limits the number of troops that can be deployed in Lebanon; it limits the area in which those troops can serve; it limits the mission to which they can be put; and it establishes that in the event all of the other countries in the multinational force withdraw from Lebanon, our forces must be withdrawn as well. It also gives the Congress the right, through the adoption of a joint resolution, to order the withdrawal of our forces from Lebanon at any time.

So this resolution, whatever its inadequacies may be, and there are inadequacies, nevertheless establishes limitations on what the President can do in Lebanon that simply would not exist if the resolution is defeated.

And if the Members are concerned about what might happen to American forces that are in Lebanon, then I urge you to vote for this resolution, because without it there will be no restraints or limitations on what the President can do there.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, one of the problems in Congress is the fact that we have 100 people in the other body who think that they ought to be President and 435 people in this body who think they ought to be Secretary of State.

As a result of these ego problems, we tend to do some very shortsighted things around here. In my opinion we are doing a vry shortsighted thing on the floor today.

The resolution we have before us states "United States armed forces participating in the multinational force in Lebanon are now in hostilities." We are the only body in this country that has the power to declare war. Congress declares war.

By making that statement we are in fact in a quasi-way declaring war with this resolution.

I think that is shortsighted. I think that it makes very little sense to tell the American people that we, as a body, are bound and determined to retain our ability to act, that we ought to declare war.

Compounding that wrong is the fact that we are declaring war and then drastically limiting the President's ability to act in a timely and flexible manner to protect our troops.

It seems to me that the very least of what we ought to do is maintain a great deal of flexibility.

This resolution fails in that regard.

So I would hope that as we think about our vote in this matter we will not further tie the President's hands with amendments around here, but in the end will vote no on the resolution and not have this body go on record as quasi-declaring war in the Middle East.

Mr. Chairman, I yield back the balance of my time to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER of California. Mr. Chairman, I thank the gentleman for yielding.

I think it is important, since a number of our colleagues have tried to draw an allusion between the situation that existed several years ago in Southeast Asia for us to realize that there is a three-point objective that this administration has. It has been outlined very well by the Secretary of State. He has pointed out those three points in stating that the withdrawal of all external forces in Lebanon is one of the goals; the second, our quest of a sovereign, independent Lebanon which is dedicated to national unity and able to exercise control throughout its national territory; and of course the third point, security for the northern border of Israel.

For that reason, Mr. Chairman, I believe it is critically important that we provide support for this resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I rise in opposition to the resolution and will support the Long-Obey substitute.

The issue in this debate is not today whether we should withdraw our forces from Lebanon.

The gentleman from California (Mr. LANTOS) made a fine speech; it just was not a speech about what we are debating today.

What we are debating today is whether or not we are going to give a blank check to this President or any President for 18 months to deploy forces and place them at risk without defining what their purpose is.

Are our marines in Lebanon there for any purpose other than to be shot at? And if that is not the case, what is their purpose? Are they to join forces with the Lebanese Army and shoot at the Druze, or the Shiites, or the Syrians or the PLO and involve ourselves in that civil war?

The time has come for the President of the United States to define what that role is.

□ 1320

And the words that I hear today sound terribly like the words that were spoken in this Chamber and in the other body 19 years ago, even by some of the Members who are repeating those words today.

The fact of the matter is that we have got to make a decision as to whether or not we are going to write a carte blanche for this President or whether or not we are going to impose those limitations that say at least tell us why we are asking our men to die. Is that too much to ask?

Those forces went in about a year ago for 30 days, 60 days, with assurances that the armed factions would respect their presence. That does not exist. They are still there today and we are now talking about how we are going to secure the Middle East with 1,200 troops in Lebanon.

I say to my colleagues it is absurd. They are simply a lightning rod until their role is defined and I think it is reprehensible for us to expose these people without a mission.

Mr. BROOMFIELD. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I think that a threshold question needs to be answered and that question is: Are we protecting the marines that are presently stationed in Beirut?

To answer that question for myself I went to Beirut a couple of days ago and toured some of the positions of the marines, talked with their commanders and with the leaders of the naval force that is supporting them.

And the fact is that the marines are not sitting ducks in Beirut as has been stated on the floor. No. 1, they are dug in. They are stationed in bunkers. They are increasing those positions. They are undertaking no patrols. That is the time when soldiers are extremely vulnerable, when they are patrolling the city. They are taking no patrols. They have an immense availability of naval gun fire to support them and that includes the *John Rogers*, the *Virginia*, and now the *New Jersey* with its nine 16-inch guns that have a capability of throwing a 2,000-pound shell with great accuracy in excess of 24 miles. So the marines are protected.

It is true they are on the low ground around the Beirut area. They should be on the high ground. A political decision was made not to move them out of the airport. That was a mistake. But they are protected. And the naval protection that is manifested in the presence of those ships is extremely important.

No. 2, some people have talked about bringing the Marines home. Let us get something straight. The Marines are not coming home. Whether it is the 24th Marine Amphibious Unit or the 31st or another portion of the marines, we keep a marine amphibious unit, together with its supporting Navy unit in the Mediterranean at all times. That is its job. It patrols the Mediterranean. It undertakes joint exercises with our allies in the Mediterranean. It is protecting our vital interests in the Mediterranean. So we are not talking about a situation in we either leave the Marines in Beirut or bring them home. The Marines have a job to do in the Mediterranean out there and that is their beat.

One thing that I noticed when I looked at the Obey substitute is that the Obey substitute, I think, manifests a misperception that we have about the role of the U.S. Marines. As I read it, the Obey substitute basically requires the President, within a given period of time, to either declare war or declare peace. And the point is that the marines have been used historically by the executive branch to make peace, to maintain peace throughout the world. The Marines are not simply a force that hit the beach and attack. They are peacekeepers. That is their job.

In my estimation the passage of the Obey substitute would basically eliminate the power of the United States to use the Marines in that peacekeeping role, where it is not appropriate to either certify peace or decline war.

I urge support of the Zablocki resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in support of the Obey amendment and I do so for several reasons.

It seems to me that a vote for the Long-Obey substitute would do the following:

It would affirm the support of the Congress for President Reagan's quest for a negotiated settlement.

It would provide a meaningful way for Congress to exercise a role in the decision to leave the Marines in Lebanon as events change by the day, by the week, and by the month, as they surely will.

It would compel the President to abide by the law of the land.

It would preserve maximum flexibility for the Congress in responding to the progress of the negotiations.

It would more fully take into account the very tenuous prospects for achieving a reintegration of Lebanese society and Government.

And, finally, it would set the stage for the Congress to press the White House to pursue vigorously ways of substituting other forces for the U.S. Marines now assigned to the multinational peacekeeping force.

I do not think that we ought to take the Marines out precipitously, but I do think they should never have been there in the first place. I took to the well in May, as my colleagues may recall, to urge that the Marines be taken out at that time, as I think our involvement is inevitable when we have marines on the scene in a situation as volatile as Lebanon is. And it is also inevitable, in my view, that if they stay there, they will be involved in further hostilities for a war about which the American people have no understanding of the reason.

Mr. BROOMFIELD. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, America has never really gotten over its dose of isolationism which characterized this country certainly in the twenties and into World War II. And I got my education as a World War II young man who believed some of the things I heard then when Hitler was the enemy. That "No man is an island unto himself. The world cannot live half-slave and half-free" and that America had responsibilities in a world that was changing in the face of efforts to dominate it by dictators and the enemies of freedom.

Now I still believe those cliches. And I have asked myself what are our interests in Lebanon. What are we doing there in the first place?

Well, I think that question should be broadened to "What are we doing in the Middle East?" What are our interests in the Middle East?

First of all, and most elementary, is that we are there to preserve the peace, to prevent, if we can, the outbreak of World War III, which all of us recognize would be a cataclysmic disaster.

□ 1330

Second, I think we are there to preserve the resources of the Middle East for Europe, for Japan and for the West.

Now, in opposition to our interests, the interests of the West in the Middle East, is the Soviet Union, which has certain aims which are manifested by their support of Syria, which has a dream of Lebanon as Greater Syria, which are manifested by their 130,000 troops in Afghanistan, by their presence in South Yemen, by their presence in Ethiopia and by their watching and waiting to exploit whatever happens in Iran and Iraq.

The aim of the Soviet Union geopolitically is very simple: to isolate the resources of the Middle East from the West and by fomenting strife to deny us these resources.

Now, the projection of Soviet power further into the Middle East will set the stage, I suggest, for a bloody conflict, the likes of which history has not seen, or else the terminal shrinking of the free world.

Now, there is an old saying, "He who rides a tiger dare not dismount." Like it or not, we are the leader of the free world, and this leadership imposes sometimes very onerous responsibilities. I, too, wish we could pull a blanket over our heads, and let the rest of the world go by. Unfortunately, the rest of the world will not let us. And I suggest to abandon Lebanon, in the face of the resolve of France, Italy, and Great Britain, is to yield the area to the Soviet Union.

I have heard Vietnam mentioned time and time again. I tell you there is no petroleum in Vietnam, West Europe does not depend on Vietnam for its heat, for its industry, for its petroleum. Japan did not depend on Vietnam for their life's blood. So the situation is vastly different. Nobody is getting carte blanche. Congress still controls the purse strings, and no administration can persist in an adventure in a foreign country without public support and without congressional support.

We can do two things: We can cut and run, or call it "walk away and abdicate," or we can stay there and attempt to stabilize the area and to achieve a cease-fire so that the Soviet projection of power will be halted in an area which is vital to the free world. Otherwise, when the Soviets overwhelm the Middle East and its priceless resources, Europe and Japan will have to accomodate to the Soviets and we will literally stand alone in the world.

The CHAIRMAN pro tempore. All time of the gentleman from Michigan (Mr. BROOMFIELD) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Chairman, I rise in support of the Obey substitute. The problem is that once our troops are committed to a hostile situation, it is almost impossible to withdraw. We get in deeper and deeper. So our purpose at this time should be to obtain a negotiated settlement, to obtain a way for the people of this nation to be heard in negotiating that settlement, and not to get us deeper and deeper and not to take 18 months, to take a minimum amount of time to get our troops out of there, because they will be a source of trouble for the situation and for America while they are there.

Mr. ZABLOCKI. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Chairman, I rise in support of the Zablocki resolution and in opposition to the Obey substitute.

I would like to bring out two points to the Members of this House on this resolution.

First, the Obey substitute will, by its very wording, encourage the cease-fire to collapse, because there is a choice in this resolution. Either there is a cease-fire, at which point the War Powers Act is not invoked, or there is not a cease-fire and the War Powers Act is invoked.

If Obey passes, there will be every incentive for a faction of the PLO, a faction of the Syrians, a faction of the Shiites to shoot at American marines and end the cease-fire, hence triggering congressional action.

I think it is a grievous mistake to vote for the Obey amendment for that reason.

The second point: We have heard analogies about Vietnam. There is one major reason why this is not Vietnam, and that is because Vietnam has happened already. The American people during the early years of the Vietnam war were all for our committing troops and fighting communism. Having learned the lesson of Vietnam. The American people are against any long-term commitment to troops now. And our democracy works. As much as any President would want to send troops in, he cannot, because popular opinion is against him.

Mr. ZABLOCKI. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. HAMILTON).

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. HAMILTON) is recognized for 4 minutes.

Mr. HAMILTON. Mr. Chairman, I rise in support of House Joint Resolution 364, a resolution providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

INTRODUCTION

This resolution was the product of a bipartisan effort to provide statutory authorization for the continued presence of U.S. marines in Lebanon and to promote U.S. policy goals in Lebanon.

The resolution contains several important provisions;

First, it provides a congressional finding that U.S. Armed Forces in Lebanon are in hostilities requiring congressional authorization under the War Powers Resolution, and a congressional determination that section 4(a)(1) of the war powers resolution became operative on August 9, 1983; and authorizes the continued presence of U.S. Armed Forces under section 5(b) of that resolution;

Second, it stipulates that U.S. participation in the multinational force shall be authorized up to 18 months, unless the Congress extends such authorization.

Such authorization would terminate sooner:

If all foreign forces are withdrawn from Lebanon, unless the President determines and certifies to the Congress that continued U.S. Armed Forces participation is required after such foreign forces withdraw up to the end of the 18-month period in order to establish Lebanese Government Control of the Beirut area;

When the United Nations or the Government of Lebanon is able to assume the responsibilities of the force;

Upon the implementation of other effective security arrangements in the area;

If all other members of the multinational force withdraw;

Or if the President or the Congress directs the withdrawal of U.S. forces in Lebanon sooner.

Third, it limits the functions of U.S. Armed Forces in accordance with the September 25, 1983, international agreement between the United States and Lebanon except that this shall not preclude such protective measures as may be necessary to insure the safety of the multnational force in Lebanon. That agreement limits the Marine contingent to the Beirut area, limits its size, and allows only for self-defense.

Fourth, it requires a semiannual report requirement on: the status, scope, and duration of hostilities involving U.S. forces; the activities and present composition of the multinational force; the results of efforts to reduce and eventually eliminate the force; how continued U.S. participation in the force is advancing U.S. foreign policy interests in the Middle East; and what progress has occurred toward national political reconciliation among all Lebanese groups.

And finally, it declares that other countries should continue to partici-

pate in the multinational force, that the United States should promote continuing discussions to bring about the withdrawal of all foreign troops from Lebanon, and that the United States should discuss with the Security Council of the United Nations, on an annual basis, the replacement of the multinational force by a U.N. peacekeeping force.

U.S. POLICY OBJECTIVES

Mr. Chairman, this resolution is designed to support and promote important American policy objectives in Lebanon. Those objectives have, from the beginning, been essentially threefold:

The withdrawal of all external forces from Lebanon;

A sovereign, independent Lebanon dedicated to national unity and able to exercise control throughout its national territory; and

Security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery or rocket attacks.

These objectives are not changing. They are, and have been, a constant of U.S. policy and the outbreak of fighting over the last 4 weeks should not cause us to lose sight of them.

The insistence of Congress through this resolution to show strong support for these U.S. policy objectives in Lebanon must be considered among the reasons for the achievement of a ceasefire in Lebanon on Sunday. That fragile cease-fire now needs strengthening and nourishing in the days and weeks ahead: It remains a critical time for strong American leadership in Lebanon.

CONCERNS BEING EXPRESSED

Mr. Chairman, despite the broad support for U.S. policy objectives in Lebanon, it is clear that many Members are uneasy about this resolution which authorizes the Marines to stay in Lebanon for an 18-month period. Many well-motivated arguments have been advanced against this resolution:

Some are expressing constitutional concerns. They want the President to be forced to invoke the wars powers resolution directly;

Others have political concerns. They want to do nothing and do not want to give the administration political cover for policies in a small country which are not well understood and for actions in an extremely complicated political environment over which we have little control or influence;

Still others are concerned over the duration of authorization for troops. Some want to put more pressure on the administration to withdraw the Marines soon; some do not want any time period and others want a shorter time period than 18 months; and some want only to get all 1,600 Marines now in Lebanon out without consideration of strategic and regional interests.

And finally, other members are concerned about escalation of U.S. involvement. They want ironclad guarantees against such escalation without further authorization.

Each of these arguments has some merit, but it is clear to me, that on balance, they should be rejected and the resolution should be supported.

WHY THE RESOLUTION SHOULD BE SUPPORTED

Mr. Chairman, House Joint Resolution 364 should be supported because it supports U.S. interests and it effectively addresses some of the concerns being expressed. Six points should be highlighted:

First, war powers: This resolution does invoke the War Powers Act and it forces the President to acknowledge the War Powers Act. It provides a significant historical precedent for future executive-legislative actions on decisions to commit troops abroad. Most Members understandably would prefer to see the President invoke directly the war powers resolution. The fact of the matter is, however, that the President would not do so because to do so would, from his viewpoint, erode his constitutional powers.

As a practical matter, this resolution, under which the Congress invokes the War Powers Act, is as far as this administration will go. The President has indicated that he will sign this resolution. In doing so, the resolution would represent the most significant reaffirmation of the war powers resolution since 1973 when the resolution was enacted.

On the war powers issue, House Joint Resolution 364 represents a compromise. The administration wanted no reference to the War Powers Act: Congress wanted compliance with its full procedures. The compromise may not be all some wanted and what we would like, but it does represent some movement by the administration on an issue on which all other administrations over the last decade have refused to budge and have resisted any movement toward the prevailing congressional view.

This resolution clearly maintains a delicate balance between congressional control and executive feasibility.

Second, duration of authorization.

Mr. Chairman, some Members feel that the 18-month period authorized in House Joint Resolution 364 is too long and too open ended. On balance, the 18-month duration period is better than the alternatives being proposed.

A shorter period sends the wrong signals, weakens the American role in negotiations both in Lebanon and in the Middle East, and strengthens the influence of our political opponents in the Middle East, including the Soviet Union, Syria, and rejectionist forces in the Middle East.

Congress simply should not be sending the signals of doubt and indecision to the Syrians and the Soviets about U.S. intentions and policies in the Middle East. We should not send false signals about the resolve of the United States to maintain troops in Lebanon for a sufficient period of time to allow Lebanon to try to sort out its internal affairs, free of outside political vetos.

A 3- to 6-month period of authorization would enable both the Syrians and the Soviets to wait out the Marine presence and free Syria from serious negotiations over the next several weeks. A short period casts doubt on our staying power. It would only strengthen the hopes and resolve of our adversaries.

A period of 9 months or 1 year for the authorization would put this issue into American Presidential politics and that would not necessarily preserve a bipartisan environment on a delicate and sensitive foreign policy issue.

The 18-month authorizations shows a determination by the United States to achieve our objectives in Lebanon; it helps to take the issue out of domestic politics; and it demonstrates continuity of purpose and policy in Lebanon.

Members should remember that, during this period of authorization, a resolution to seek the early withdrawal of the Marines can be advanced by Congress at any time. Congress is not locked in.

Third, the Marine presence: By permitting the Marines to stay in Lebanon 18 months, the Marines will be able to perform important tasks which contribute vitally to U.S. policy objectives in Lebanon. The Marines were dispatched to Lebanon 1 year ago to participate in a multinational force requested by the Government of Lebanon. This force was designed:

To help insure the Lebanese Government's sovereignty and authority;

To further that Government's efforts to assure the safety of people in the area;

And to end the violence which occurred 1 year ago in the Palestinian refugee camps in Beirut.

Its task is a peacekeeping mission, not a war-fighting mission. Its job is, not to take sides in a war, but to provide a sense of security for the legitimate Government of Lebanon as it pursues its national sovereignty and national unity. The rules of engagement of the Marines are that they will defend themselves if military action from any quarter interferes with their mission.

The Marines cannot tip the balance of forces in the country alone and that is not their purpose, but the Marine contingent does represent a key element in efforts to achieve stability in Lebanon.

They must remain in order that diplomacy has an opportunity to work. They, along with the other members

of the multinational force—the Italians, the French, and the British—are symbols of commitment to a united sovereign Lebanon.

If they were to be removed, that commitment would become hollow, U.S. objectives in Lebanon would be unattainable, and the future of Lebanon would be in jeopardy.

Fourth, impact of Marine withdrawal: Some believe that the Marine contingent, under present circumstances, should be promptly withdrawn. We all have some misgiving about the continued presence of Marines in Lebanon. There are good reasons for keeping that presence and pushing for the attainment of our objectives in Lebanon. The likely implications of an early withdrawal of that Marine contingent must be examined.

Lebanon: The Government of Lebanon would be jeopardized, if not lost. We would be abandoning pursuit of U.S. objectives in Lebanon which are threefold:

A sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory; and

Security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery and rocket attacks.

Syria: An early withdrawal now would be giving a freer hand to Syria and the Soviet Union to try to accomplish their own goals to dominate Lebanon. Syria now has the largest army in Lebanon, but it has refused to negotiate the withdrawal of its forces, reneging on repeated pledges that it would do so once the Israelis did. At the same time, Syria is using its leverage within Lebanon and has instigated political opposition within Lebanon and armed several factions engaged in military actions against that legitimate government.

Moderate Arab states: A withdrawal would be harmful to U.S. interests in all friendly and moderate states in the region: Israel, Egypt, Jordan, and Saudi Arabia would all be adversely affected by a withdrawal, and alienated from the United States. The United States would see its influence and prestige radically reduced throughout the Middle East. Friends who rely on us will be disheartened, and will feel that much less secure. Moderates in the Arab world whom we are encouraging to take risks for peace will feel it far less safe to do so.

Soviet Union: Soviet efforts to disrupt our diplomacy will have scored a victory and radical and rejectionist elements will be strengthened. In short, if American efforts for peaceful solutions are overwhelmed by brute force, our role is that much weakened everywhere. The Middle East would become an unchallenged target of opportunity for the Soviet Union.

Israel: Israel's security on its northern border will be weakened and the cause of peace and justice will have suffered a setback.

Basic principles: Finally, at stake in Lebanon are some basic principles of international law and international morality that have wider relevance for American foreign policy. At stake is a small country's right to decide for itself how to achieve its sovereign objectives, free from outside pressure, threat, or blackmail.

At stake also is the principle that international disputes should be settled by peaceful means, not by the use of threat or force.

Fifth, limitations on escalation: House Joint Resolution 364 and its legislative history also puts constraints on possible future escalation of U.S. involvement.

First, Public Law 98-43, the Lebanese Emergency Assistance Act of 1983, which requires statutory authorization if there is a substantial increase in the number or role of U.S. Armed Forces in Lebanon. This means that Congress would have to approve any large expansion of the current marine contingent which is in Lebanon or any new mandate or role for that contingent.

Second, when the President signed Public Law 98-43 on June 27, 1983, he said:

> Section 4(a) of the Lebanese Emergency Assistance Act confirms this administration's announced intention with respect to congressional authorization concerning any future substantial expansion in the number or role of U.S. forces in Lebanon.

And third, only yesterday, the President reiterated in a letter to Chairman ZABLOCKI this commitment:

> My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act: It would be my intention to seek Congressional authorization—as contemplated by the Act—if circumstances require any substantial expansion in the number or role of U.S. armed forces in Lebanon.

Congress, thus, will maintain its ability to control and shape continued military involvement in Lebanon, even during the 18-month period of authorization.

Sixth, implication of the cease-fire: The September 25, 1983, cease-fire shows both that U.S. determination pays off and that the process in Lebanon is working. That cease-fire urgently needs more time. House Joint Resolution 364 gives the essential political process in Lebanon time to develop. That process is at a critical point. An initial success has been achieved. We must allow that process to proceed. It is time for a strong, clear, and consistent commitment to the task at hand.

SUMMARY

This resolution, then, should be supported for the following reasons:

One. It invokes the War Powers Act;

Two. It permits the marines to stay in Lebanon long enough for diplomacy to work and to help achieve stability in Lebanon;

Three. It gives the United States and its allies a chance to continue to work for America's longstanding foreign policy in he Middle East, including:

A secure northern border for Israel;

A free, united Lebanon without foreign troops;

And a Middle East peace settlement.

Four. It limits escalation of the American military presence and role in Lebanon without congressional statutory authorization; and

Five. It allows the United States time to try to build on the success of the September 25, 1983 cease-fire.

CONCLUSION

In conclusion, Mr. Chairman, I would urge my colleagues to support House Joint Resolution 364. There are no easy answers to the problems we confront in Lebanon. But it is clear that current U.S. policy seeks to achieve laudable objectives. Until it becomes impossible to obtain those objectives, the United States should remain in Lebanon and use all instruments available to us to achieve our goals.

House Joint Resolution 364 does present risks. There are no guarantees that, if enacted, our objectives will be achieved.

If Congress were to seek to avoid this debate and let the President stand alone, Congress would be shirking its responsibilities and its legitimate role on the question of the stationing of U.S. Armed Forces overseas.

The United States is a great power and we must accept the responsibilities of being a great power. The United States simply cannot walk away from its stated responsibilities and expect the world to be the same again.

Mr. Chairman, I urge adoption of House Joint Resolution 364.

● Mr. LEVINE of California. Mr. Chairman, the resolution we are considering today is one of the most important pieces of legislation likely to come before us this session. House Joint Resolution 364 invokes the war powers resolution and authorizes the continued presence of U.S. forces in Lebanon for the next 18 months.

Like many of my colleagues, I have reservations about the length of time we are committing U.S. forces in the region.

However, this resolution, as reported out of the Foreign Affairs Committee, on which I serve, will provide a clear indication to the parties to the conflict of U.S. resolve to find a negotiated settlement to the hostilities and bring stability to Lebanon.

It is important to remember that the U.S. Marines are just one part of the multinational peacekeeping force.

This multinational force is playing a crucial role in ending the turmoil and preventing the conflict from spreading to other nations in the Middle East.

A congressional expression of support for a continued U.S. role in the multinational force is vital to its success. It will demonstrate our determination to find a solution which addresses the legitimate concerns of the parties involved and which will endure the test of time.

The fact that this legislation has received the support of congressional leaders from both parties may have had a significant influence in achieving the current cease-fire. It is my hope that this cease-fire will help achieve a negotiated settlement to the conflict long before the 18-month time limit provided for in the resolution.

It is important to remember that Congress has not given the President an 18-month carte blanche. This legislation in no way signals any congressional support for an expanded U.S. role in Lebanon. It specifically expresses our disapproval of any unilateral U.S. role in Lebanon. Should the President try to increase the number of U.S. troops, expand their mission in Lebanon, or alter the terms of our participation in any way, he would be required to come back before Congress for our authorization.

The legislation clearly states that our role is to support the MNF and to help the Government of Lebanon restore full control of its country.

We would retain the right to withdraw U.S. participation at any time during the 18-month period by concurrent resolution.

In the meantime, Congress will continue to search for ways to end the conflict so that the presence of the multinational force is no longer necessary.

House Joint Resolution 364 will also insure Congress its continuing, rightful role in the foreign policy process and maintain the integrity of the War Powers Act. Its defeat will almost surely result in a clash between the executive and the legislative branches which could result in a diminished foreign policy role for this institution.

I urge my colleagues to support this important resolution. Congressional approval of it will demonstrate to the world our strong commitment to defending our interests in the Middle East, and to finding a just and lasting solution to the conflict.●

● Mr. ANDREWS of Texas. Mr. Chairman, I rise in support of the resolution (H.J. Res. 364). Although I have supported and will continue to support economic and military aid to Lebanon, I certainly share the concerns of most Americans about the safety of the U.S. Marines currently stationed in the Beirut area.

I had many misgivings when the troops were initially sent to Beirut last year on their mission. Clearly, one must recognize that the situation in Lebanon today is greatly different than it was 1 year ago. The current conditions in Lebanon raised the question of the invocation of the War Powers Act in order to provide for congressional support and participation in our Lebanon policy. The compromise worked out this week between the Congress and the President does, I believe, sufficiently provide for congressional input into the development of our Lebanon policy.

Specifically, the agreement that was reached calls for the following:

A joint resolution of the Congress which will declare that "U.S. Armed Forces participating in the multinational force are now in hostilities requiring authorization of their continued presence under the war powers resolution."

Congressional approval for the Marines to stay up to an additional 18 months.

Authorizes President Reagan to take "such protective measures as may be necessary to insure the safety of the multinational force in Lebanon."

Provides a legal precedent for the War Powers Act, which should help lay to rest questions about the constitutionality of this important piece of legislation.

The value of this bipartisan compromise is that the resolution makes it clear that Congress has an important role to play in the shaping of American foreign policy, as well as the fact that when it comes to the Lebanon crisis, the Congress stands by the Marines, and their mission. Therefore, those that oppose our policy goals in Lebanon cannot mistake the invocation of the War Powers Act as a sign that the United States does not have the resolve to stand behind its commitment to Lebanon's democratically elected government. We have also made it clear that Congress supports our Nation's current policy goals in Lebanon, which are: To insure the survival of Lebanon's pro-Western government; to assist in the stabilization and expansion of Lebanese central authority; and to guarantee that southern Lebanon is never again used by outside forces as a base for the operations of international terrorism or attacks on northern Israel. On these points there is almost unanimous agreement in Congress.

There is no question that a stable, pro-Western Lebanese Government is not yet strong enough to stand alone against the hostile factions, or the Syrians who still occupy over half the country and who do not recognize the sovereignty of the Beirut government.

Given these facts, it is clear that our immediate pullout of U.S. forces would have disastrous consequences. The move could cause the downfall of the Gemayel government, and its replacement, by a Syrian controlled puppet government, or perhaps even the outright annexation of Lebanon by Syria. Lebanon would once again become a base for the operations of terrorist groups, including the return of the PLO into the area. This would mean that the area could once again be used to launch attacks on northern Israel, something which I find completely unacceptable. Overall, the result would be that the withdrawal of the Marines would be viewed as a sign of weakness by both our allies and adversaries. It would bring into question our ability to stand behind our commitments to friendly governments in the Middle East and around the world. In short, it would be a victory for the Soviet Union and its surrogates.

I support this joint resolution of Congress for the reasons I have already mentioned, and because I feel that to prematurely withdraw our troops from Lebanon would be to reward Soviet backed Syrian aggression, and would cause us to suffer a serious setback in our long-term strategic and national interests. I urge my colleagues to vote in favor of this important resolution.●

● Mr. FRENZEL. Mr. Chairman, the Zablocki amendment is a good one. It will help to insure that this resolution will cause real Executive-congressional cooperation on the matter of our peacekeeping force in Lebanon.

I have remained uncommitted on House Joint Resolution 364, but it is no secret that I have been leaning toward an unfavorable vote. No one can be sure what the War Powers Act means, or how this resolution actually affects it. All we know is that the President, and the bipartisan leadership of the Congress feel it protects the rights and authorities of all parties, confirms our peacekeeping role in Lebanon, and expresses our intention to friend and foe alike.

My chief concern has been the safety of our Marines in Lebanon. The environment there, while rendered more pleasant by the current cease-fire, has not been one of safety. The President's promise to report to Congress and the Zablocki amendment would seem to help, but there is no escape from the conclusion that our people, and the whole multinational peacekeeping force are in a risky position.

Our mission in Lebanon is important. Our forces are concrete proof of our devotion to the cause of peace. Our allies have made similar sacrifices. We should walk the extra mile in search of peace. We are justified in accepting some extra risk for that cause.

I am still not wholly convinced that resolution does any good. I am now convinced that it has become an important symbol to our friends and allies, especially those who share

peacekeeping risks with us, that we are committed to peace seeking.

I shall cast a nervous vote for the resolution, and for the President who has assured us he needs it, and even for the Speaker who has assured us it grants no new authority, nor blank check to the President.●

● Mr. KOLTER. Mr. Chairman, I have had a great deal of difficulty with the issue of American troops in Lebanon. It is my duty to seriously question the risking of American lives on foreign soil in any but the most crucial of circumstances. Peace and stability in the Middle East is critical to U.S. interests.

The recent announcement of a cease-fire in Lebanon indicates that the presence of the multinational peacekeeping force has had a stabilizing effect on this strife torn region. The combatants have been convinced of our determination to maintain peace in the Middle East.

House Joint Resolution 364 authorizes the presence of U.S. Marines in Lebanon for 18 months and requires the President to submit reports to Congress once every 6 months on the activities of the multinational peacekeeping forces. Most important, it allows for the withdrawal of our Marines from Lebanon if there is an agreement for withdrawal of all foreign forces.

The purpose of peace is served if the Congress declares that the War Powers Act is involved, and it takes an active role in determining U.S. policy in Lebanon. I believe that we, the representatives of the people, by our involvement, will insure that the President acts responsibly before involving U.S. Armed Forces in foreign disturbances.●

● Mr. STARK. Mr. Chairman, we are engaging in an historic debate here today. Fortunately, as we speak, our Marines in Lebanon are enjoying the benefits of a cease-fire. Our President still contends that the Marines are not engaged in combat, although I am sure they would disagree. But at least the imminent threat of physical danger has subsided for the moment.

So here we are, making compromises about the degree of danger our Marines face, while they are holed up at the Beirut Airport. I must say, Mr. Chairman, I find this proposed compromise quite surreal. We are giving the President a blank check for 18 months, and all he is doing is admitting that the situation that exists in Lebanon is one that should be covered by the War Powers Act.

Mr. Chairman, we all know that. Of course the War Powers Act should have been invoked. At the very latest, it should have been in effect since August 29 of this year, when the first marine fatalities occurred. But that is all we have asked for, in return for our approval of an additional 18 months of U.S. combat presence in Lebanon. Mr. Chairman, I think we have been had.

Are we so naive that we believe that even if we do give the President a free hand in Lebanon for 18 months, that he will indeed find a solution and have our Marines home by March 28, 1985, the end of the 18-month period. This is the same President that finds it so easy to make and break other promises, and make the truth whatever suits him at the moment. Let me recall a few examples for you:

First, President Reagan promised us that the United States was not engaged in covert activities in Central America. This has proven totally false, although I suppose the activities are no longer "covert."

Second, President Reagan promised us that the only reason our advisers were in Honduras was to stop the flow of arms from Nicaragua to the rebels in El Salvador. It is now clear, and the Defense Department has basically confirmed, that the real reason we are there is to aid in the overthrow of the Sandinista government.

Third, the President promised, as early as his 1980 campaign, that he would pursue arms control agreements. After 17 months of indecision, he called off the SALT talks. Although he began his own START talks, no progress has been made at all on this front. Remember, this is the same man that at once said he thought a nuclear war was survivable—he of course retracted this statement fairly quickly.

Now, why should we expect a man with that kind of record to follow through in 18 months with promises he makes now? The answer is, we should not. I believe it is our responsibility to get our U.S. Marines out of Lebanon immediately. Let us not wait 18 months. We will only find the situation more difficult.●

● Mr. LIPINSKI. Mr. Chairman, I rise in support of the amendment in the nature of a substitute to House Joint Resolution 364 offered by Messrs. LONG and OBEY. From the very beginning of our involvement in Lebanon, I have been greatly concerned about the safety and well-being of our Marines being sent into that civil war torn country as members of a multinational peacekeeping force. The situation in Lebanon is one of longstanding trouble among many groups. It is a civil war between a Christian group and a number of Moslem groups. I do not feel that the United States or any other country has any business in trying to impose a political solution on these groups. Nor, do I believe that any nation can be successful in working a political solution in Lebanon. The government of Amin Gemayel has been steadily losing support, and must start to make serious attempts at negotiating with the Moslem groups.

We no longer live in a world, nor do I feel we ever really did, where the United States can act as a world policeman in quelling disturbances. The American people do not want this, nor, is the rest of the world willing to let the United States play this role any longer. It is unfortunate, but it appears that our motives will always be treated with suspect and mistrust. The trouble in Lebanon has existed for many hundreds of years and keeping a contingent of American Marines there for 90 days or 18 months will not, in my estimation, bring about a solution to the problem. It will take years of serious negotiations and compromises to bring about a lasting peace.

I feel that the U.S. presence in Lebanon is not helpful to us in improving our relations with the various factions involved in that country. The majority of the Lebanese Moslem groups feel that the United States is on the side of the Christians and that we are not serious about negotiating a true peace. The rival factions in Lebanon have long been at odds and I feel that they will have to eventually work out their differences by themselves. President Reagan should consult with the leaders of the other countries involved in the peacekeeping force and tell them of our intentions to withdraw our forces.

We must leave Lebanon before we become embroiled in a much more dangerous situation, and before there is any more loss of American lives. Many members of this body, today, believe that our Marines should not be in Lebanon, but they say unfortunately we are there and we cannot just walk away. But next time we should see to it that we do not get involved. Well I say that for me, this time is next time, and we should get the Marines out now. I urge all of my colleagues to support the Long-Obey substitute, it is not the best solution, but it is the best one we have before us today.●

● Mr. SNYDER. Mr. Chairman, back in 1964, after telling us that American vessels had been attacked in the Gulf of Tonkin, the President came to Congress and urged us to pass—in an atmosphere of emergency—a resolution "affirming the national determination that all such attacks will be met and that the United States will continue its basic policy of assisting the free nations of the area to defend their freedom." The resolution further stated that the United States is "prepared, as the President determines, to take all necessary steps, including the use of Armed Forces, to assist any member or protocol state of the Southeast Asian collective defense treaty requesting assistance in defense of its freedom."

Congress knew the wording of the resolution. We knew that the naked words could be construed to give the

President almost complete sanction to involve the United States militarily in anything he considered necessary to the national interest in Southeast Asia. But that was not the Nation's understanding of the administration's intentions in the summer of 1964, nor was that Congress understanding of the administration's intention.

In fact, Congress was repeatedly assured that the administration had no intention of enlarging the conflict and sending vast numbers of American boys to fight an Asian war.

Congress was assured that the resolution was not intended to serve as a perpetual letter of credit. It was intended to be a stopgap measure to let the world know that even though Congress might be dispersed around the country for 3 months of campaigning before the election of 1964, that the President could respond immediately and forcefully as the situation demanded.

So it was that Congress passed the Gulf of Tonkin resolution, recognizing the fact that we were granting or confirming vast power upon the President based upon assurances that he did not intend to use that power to expand the conflict or to extend our involvement in it.

On August 12, 5 days after Congress approved the Gulf of Tonkin resolution, President Johnson said:

Some others are eager to enlarge the conflict. They called upon us to do the job that Asian boys should do. They asked us to take reckless action which might risk the life of millions and engulf much of Asia and certainly threaten the peace of the entire world. Such action would offer no solution at all to the real problem in Vietnam.

Obviously, even after he had the Gulf of Tonkin resolution in his pocket, it was not the President's intention to use it to expand the American presence in Vietnam.

But as we all know, war is hell and, as we learned, it is really hell on good intentions. That conflict stretched to 9 years and the Gulf of Tonkin resolution was used to justify every action taken in Vietnam—action which raised the number of Americans engaged from a few hundred to a few thousand to more than half a million and nearly 50,000 Americans lost their lives.

Today, we are debating a similar resolution. We are told that the powers it grants or confirms are more limited than those given to President Johnson in the Gulf of Tonkin resolution, and on the surface that is true.

This resolution provides an authorization for U.S. participation in the multinational force for only 18 months. There were no time constraints in the Gulf of Tonkin resolution.

This resolution limits the number of U.S. troops involved to current levels. There was not such limit in the Gulf of Tonkin resolution.

This resolution limits the role of U.S. Marines to a defensive posture in the Beirut area. There were no such restrictions in the Gulf of Tonkin resolution.

But, Mr. Chairman, I contend that these limitations and restrictions are nothing more than good intentions—like the ones we heard from the administration in 1964—and we must recognize that a war in the Mideast can be just as hard on good intentions as a war in Southeast Asia was.

There is nothing in this resolution to guarantee that our Marines will come home in 18 months. There is nothing in this resolution to guarantee that the President will feel compelled to abide by the restrictions and limitations it contains. There is nothing in this resolution that guarantees we will not slide in deeper and deeper than we ever intended.

It is not honest or fair for us to pretend that this resolution is any different than the Gulf of Tonkin resolution. What we should be debating today is not time limitations that might not mean anything or troop limitations that might not mean anything. What we should be debating today is whether or not we should be in Lebanon at all.

Our Marines were sent into Lebanon on a peacekeeping mission but there is no peace to keep. They are in the middle of a war.

If Congress approves this resolution, it will be saying—"OK, we will take a piece of the action in this war, but we would like to limit our involvement to 18 months and 1,200 marines, who won't take part in actual combat unless they are attacked." Have we not learned that war is not like a game of parcheesi where the rules are printed on the box top? War is an unpredictable creature and you cannot dictate terms to it, even if you pass a congressional resolution. You are either in it or not in it.

And the question before us today should not be whether or not we would like the war in Lebanon to be short, sweet, and painless—but whether we should be in it at all.

Unfortunately, much of this debate seems to be centering around the age old question of what the proper role of Congress is in situations like this.

This Congress—as have all Congresses before it—correctly wished to protect its constitutionally mandated responsibility for declaring war.

This President—as have all Presidents before him—correctly wished to protect his constitutionally mandated responsibility to serve as Commander in Chief of our Armed Forces.

It would be nice, if we could resolve this question today and lay down specific ground rules so that both Congress and the President would know exactly where their responsibilities lay and where the responsibilities of the other began. It would certainly give the historians and constitutional lawyers something to talk about over their wine and cheese at the club this weekend.

But while we are pondering this question that has gone unanswered for 200 years, American marines are sitting on a powder keg and I think our first responsibility has to be to them. I think it is clear that our first responsibility has to be with those Americans—the vast majority of them—who question our presence in a Lebanon war.

This resolution before us begs the important question—this resolution says that since they are there, our marines can stay if certain conditions are met. It does not raise the overriding issue: Should we be there at all? For that reason, I intend to vote against it. It just reminds me too much of the Gulf of Tonkin resolution.●

● Mr. BIAGGI. I rise in reluctant support of House Joint Resolution 364 with respect to the future of our military presence in Lebanon. My support has three basic premises. The first is the importance to the continued security of Israel of maintaining our presence and that of the other nations in the multination peacekeeping force. The second is based on my longstanding support of the President and his power as our Commander in Chief to make determinations about the use of our military forces without the power being usurped by Congress. Finally, my third reason for support of the resolution is based on a concern about the alternative; namely, an immediate withdrawal from Lebanon which would place in jeopardy the security, even the lives, of those troops there presently.

These three reasons warrant a vote in favor of the resolution as reported by the House Foreign Affairs Committee. There are other reasons also. Thanks in some measure to the ceasefire announced by Syria this past weekend, the door has been opened which may be followed by a lasting and durable political solution. Our continued presence in Lebanon may be critical to keeping that process alive. To force a withdrawal could lead to a resumption of fighting, posing an even greater threat to the security of the Middle East. We are in the position of supporting the Lebanese Army and Government until it reaches a point where it can take matters into their own hands. It is consistent with our Nation's advocacy of the right of self-determination for all people. The presence of our marines has helped to stabilize the Lebanese Government and has allowed the army valuable time to develop as well.

Since the time this resolution was developed, there have been other steps taken to allay some of my other con-

cerns. I have reservations about the 18-month commitment of the troops, yet as everyone knows, the 18 months should be viewed as a ceiling, not a floor, in terms of time; they could be withdrawn at any point prior to the 18 months. I have concerns about the potential for escalation of our involvement if we adopt this resolution. Yet, the President has clearly certified to Congress that he would seek specific congressional authorizations were any increase in either the size or the role of the troops be required in this 18-month period.

I do not take this vote, though, without some serious concerns. Let us not forget that, all told, our marines have been there for almost 1 year. When they first went in, it was for a specific reason—to help in the evacuation of the PLO from Lebanon—a process I had the privilege to see firsthand while on an official visit. Later, they returned in a less specific role, but in response to the barbaric massacre of Palestinians by Phalangist militiamen and the fears about the stability of the government. It was then that the establishment of the multinational peacekeeping force was established.

Today, we have nearly 12,000 Navy and Marine personnel deployed offshore and onshore in Lebanon. These include 1,600 marines in the always precarious position near the Beirut Airport. As the fighting intensified between Druze and Syrian-backed forces, the U.S. Marines found themselves as targets, as compared to peacekeepers. When two brave marines were killed, followed soon after by two others, suddenly a wave of fear began to envelop our Nation over what the precise present and future roles of the marines would be in this new warcharged climate.

The need to be clear as to the precise roles of our marines in Lebanon both today and tomorrow is absolutely vital for the American people to know, for the marines in Lebanon do not want to suffer from the same perception problem as our forces did in Vietnam. This legislation should help clarify the situation as to not only the role of our forces but also the duration of our commitment.

I am persuaded today to vote for this resolution because it is important to the security of Israel for us to maintain our military presence in Lebanon. Clearly, the leaders and people of Israel, much like the rest of the world, would like to see the cease-fire, announced this past weekend, hold up. However, as the American Israel Public Affairs Committee points out, Syria's record in Lebanon leaves one apprehensive about their ability to honor a cease-fire. They have been responsible for the attacks on the multinational peacekeeping forces; they have fostered unrest and open warfare in Lebanon aimed at destabilizing the government. Syria can continue to be the aggressor in Lebanon, thanks to the generous support they receive from the Soviet Union. It is therefore imperative, if we are to maintain a balance of power in the Middle East, that Lebanon be able to attain independence and Israel remain strong. Only a continued American military and diplomatic presence in Lebanon can accomplish this.

I am distressed over the casualties we have already incurred in Lebanon and fervently hope that there will be no more bloodshed. I believe the continued U.S. military presence in Lebanon may contribute to the political and diplomatic solution we all want for Lebanon. I believe an immediate withdrawal will precipitate more problems than it solves and may embroil us in a far deeper conflict with far greater consequences to our national security. House Joint Resolution 364 is the most sensible road for the Congress to travel on. It invokes the War Powers Act and permits the continued presence and action by U.S. Marines for 18 months, but would allow for a shorter duration. It is legislation which respects the extreme sacrifice made by the four marines who have died for a principle. To withdraw would be to make their sacrifice in vain.

I support this resolution and the bipartisan spirit in which it was developed and presented to us. It is a compromise, yet it honors the basic integrity of our involvement in Lebanon. It may prove to be the legislative architect of a lasting peace in Lebanon which, if true, would make this one of the legislative milestones of this or any other Congress.●

● Mr. GAYDOS. Mr. Chairman, as a young Congressman, I watched as the older, wiser, and more experienced hands handled Vietnam; and today I am seeing and hearing the same things about Lebanon. The pattern is the same.

First, we send the marines.

Then we send ships to support the marines.

And then we send an aircraft carrier to support the ships and marines.

And now the battleship *New Jersey* has been sent there to support everything else.

All of these things are investments, and once heavy investments of blood and treasure are made, the demand is to follow it with more to prove the investment.

Five marines are dead in Lebanon and 43 have been wounded. As we debate, in the passing of a second, it could be 10 and 86.

Shows of force, if they do not work, are followed by the application of force; and if these do not gain what is desired, the temptation is to apply just a little more force to gain what is just out of reach.

And soon a battalion or a regiment is a brigade and a division.

And thus does a peacekeeping force become an army at war.

They say we have allies there whom we cannot let down. We had allies at the outset in Vietnam, but who bore the burden?

The compromise we are offered is no compromise because there is so much room to take these same steps up the ladder, to up the ante. There are far too many "unlesses" and "untils" in what is offered.

The War Powers Act is a proper law and the compromise erodes it. The United States has no business being in Lebanon, a land that has known no peace since Alexander the Great, and this is what this body should say without mincing words.

We have a War Powers Act. We passed it after due consideration for just such situations. Now let us use it and live by it.●

● Mr. HARKIN. Mr. Chairman, I believe that the presence of the multinational peacekeeping force with U.S. Marines is preventing a much wider civil war and is facilitating the possibility that a peaceful solution can be found in Lebanon. Today, I supported the Long-Obey substitute to the joint resolution invoking the war powers resolution and authorizing U.S. forces in Lebanon. It allows their continued presence, but also provides periodic congressional review.

The resolution brought by the Foreign Affairs Committee to the floor gives the President too much time to keep the troops in Lebanon without a congressional review. If the rule would have allowed for a vote on an amendment to authorize the continued presence of the marines for 6 months, instead of 18 months, I would have supported the resolution.

It is right for the multinational peacekeeping force to be in Lebanon to try to bring peace to the region. I have hoped this administration would try to get more countries to commit peacekeeping forces there. It is needed as a counterweight to Syria, which has never recognized a Lebanese Government and which clearly harbors ambitions for a "Greater Syria." The recent deaths of the four marines would not have happened if Syria had not been aiding its Lebanese allies with Soviet weapons. The United States cannot walk away from this challenge from Syria, and indirectly from the Soviet Union.

However, I would oppose the continued presence of the marines if the administration were opposing efforts to broaden the base of the Lebanese Government. In that case, the marines would be there forever since the present Government, while enjoying increasing popular support, is still to narrowly based. The Reagan adminis-

tration, in Lebanon—unlike in El Salvador—has said it would support negotiations which would broaden the base of the Government and bring about national reconciliation. And the presence of the marines had been vital in bringing the Syrians and their Lebaneses allies, first, to a cease-fire and, second, to the negotiating table.

However, and this is a big however, we do not know if it is going to work. The divisions in Lebanese society are very deep. Hatred has been intensified in the on/off civil war that has been going on for a decade. Every major and minor religious group has its own or two or three different private militia. In a population just over 2 million, there are 700,000 military weapons in private hands.

I support steps taken by the administration to encourage broad-based negotiations. I think most Members of Congress do. But the Constitution and the war powers resolution say that Congress is an equal partner in all decisions that bring American troops into a foreign war.

The Long-Obey substitute is not only good law, but it is good policy. I would have given the President a little more flexibility by voting for 6 months, but there is flexibility in this substitute. As long as the President can either certify that there is a cease-fire in place and that negotiations are continuing, or invoke the war powers resolution, the marines can stay.

If he invokes the war powers resolution, then there are 60 days for Congress and the American people to openly debate the continued presence of the marines. Congress then can decide, based on the circumstances at that time whether to authorize continued deployment. If the President certifies that a cease-fire is in effect, then the mutually agreed policy is continuing to work and there is no need for a congressional review.

I hope the administration succeeds with its efforts. If they do, I am sure all the American people will applaud. But if they do not, if the continued deployment of marines only leads to more American deaths without any movement toward a resolution, then we, in Congress, must be able to decide if the marines should come home. Only the Long-Obey substitute provides that opportunity.●

● Mr. BOLAND. Mr. Chairman, I rise in support of House Resolution 364.

I commend the distinguished gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the committee, for the careful and judicious weighing of executive and legislative interests which the resolution represents, but also because of the sensible limitations which it reinforces on the risks to which our Marine contingent may be subjected in Lebanon.

The lives of those Americans should be paramount in our consideration, whatever one's position on the war powers issue.

For me, however, the resolution of the war powers question is clear.

The Congress has the unchallenged constitutional authority to regulate the expenditures of our Government.

It has similarly unquestioned authority to declare war.

The war powers resolution implements this authority in a clearly permissible way when it restricts the period during which appropriated funds are available to pay for the deployment of troops overseas in hostilities or situations where hostilities are imminent.

Under the framework of the war powers resolution—which House Resolution 364 recognizes and upholds—open-ended commitments are not possible because Congress has limited their duration and asserted the right to be a full partner in the process that would continue to put the lives of our Armed Forces on the line.

I am sure there is no Member in this Chamber today who does not have some reservations about the position in which the marines now find themselves in Lebanon.

Some believe 18 months is too long a commitment, but as we all know, Congress could further restrict that period by subsequent legislation.

The President is conscious of this and will, to the extent that Congress speaks with a strong voice on the matter, respond to developments in ways that satisfy congressional concerns.

Certainly the provisions of this resolution provide particular restrictions—worked out in conjunction with the President—on the role of our peacekeeping forces, the conditions of their continued presence in Lebanon, and clear requirements for congressional approval of any expanded role for U.S. Forces.

This resolution represents a major assertion of sensible congressional control over a perilous deployment of U.S. troops overseas.

Most importantly, it is the fruit of a cooperative partnership between the executive and legislative branches—the kind of shared decisionmaking the war powers resolution was designed to achieve.

I applaud this very significant accomplishment.

It should not only preserve our Nation's influence in efforts to achieve a lasting Lebanese peace but serve as an excellent precedent for future applications of the war powers resolution.●

● Mr. BROWN of California. Mr. Chairman, as many of my colleagues know, during the 1960's I was frequently a vocal critic of my own administration's involvement and policies in Southeast Asia. To the best of my knowledge, I voted against every appropriation of funds which kept us embroiled in that unfortunate, divisive war. At first, mine was a very unpopular commitment. Patriotism was defined in extremely narrow terms, and many of my own values and convictions were called into question.

I continued my opposition, however, because I firmly believe that negotiation is the proper vehicle for resolving conflicts. When I returned to Congress in the early 1970's, I supported the passage of the War Powers Act, not because I believed it to be a vehicle for achieving peace or relieving tensions, but because I believed that Congress should have a substantial role in any military confrontation. War, under whatever euphemism, is deadly and destructive; war is not to be engaged in without deep and penetrating examination.

For over 1 year now, the U.S. Marines have been a part of a multinational force (MNF) in Beirut, Lebanon. At first, the marines were there to secure the evacuation of the Palestinian Liberation Organization (PLO). But after the MNF, consisting also of French and Italian troops, left in mid-September, 1982, chaos erupted. On September 14, the President-elect of Lebanon, Bashir Gemayel, was assassinated; on September 15, Israeli troops began to enter the former PLO stronghold in West Beirut; and between September 16 and 18, several hundred Palestinians, and some Lebanese civilians, were massacred by Christian Phalangist forces in two refugee camps, which were under nominal Israeli control.

On September 20, President Reagan announced that a force of 1,200 marines would return to Beirut, along with 3,600 other military personnel from France and Italy. These forces returned on September 29, with each responsible for a particular section of Beirut. The U.S. Marines are concentrated near the Beirut Airport. In February 1983, 100 British personnel were added to the MNF.

The administration has continued to work with the Lebanese Government and others to negotiate the withdrawal of all foreign troops in Lebanon, facilitating the self-determination of the Lebanese. There has been some nominal success. An agreement has been worked out with Israel on condition of the withdrawal of Syrian troops. Syria refused to withdraw under these terms. Meanwhile other factions continue their aggression.

On August 29, 1983, the first of several U.S. marines was killed in action. This violence severely altered American popular support for the commitment of U.S. Marines, even as a peacekeeping force, in Lebanon. The reaction by Congress and the American people underlines the failure of the administration to fully explain the rationale for the forces in Lebanon, in-

cluding their mission, role, and duration of stay.

In negotiations with Congress over the last few weeks, the administration regrettably has attempted to narrowly define the role of Congress as outlined by the War Powers Act. The War Powers Act was an attempt to insure congressional involvement in any commitment of the U.S. military in international hostilities. It is a wise provision. The 60-day trigger stipulation, prohibiting the continued commitment of troops unless approved by Congress, permits full and complete consideration of a military involvement which could potentially lead to more bloodshed. It was an attempt to avoid another Gulf of Tonkin resolution; 60 days would provide the administration ample time to fully explain its position and provide Congress the necessary information on which to base a decision.

While I am not fully cognizant of all the facts in this situation, I suspect that Congress will ultimately support our continued presence in Lebanon as long as the marines are preceived as a stabilizing force and a negotiated peace appears eminent. Important negotiations involving U.S. emissary Robert McFarlane, the Saudis, the Syrians, the Druze, and other groups are proceeding in Damascus and Cyprus. While Congress, as stipulated by the War Powers Act, should remain a full partner, we must also exercise patience. We must permit negotiations to continue; we cannot undermine the administration's attempts at negotiations.

For these reasons, I felt that the provisions of the substitute offered would provide a balance between the need for Congress to be involved and the need to continue efforts at the negotiating table. It would have provided a flexibility that this rapidly changing situation requires. Without this compromise, we in Congress will be challenged to keep close watch on progress in this area and be prepared, if needed, to take action in the future.

But we have had a vigorous debate today and I think that the message has been delivered that we are watching the situation closely. In spite of my earlier position I will support the passage of this resolution as a sign of my support for a negotiated settlement in Lebanon. I encourage the President to continue to work for a peaceful settlement in war-torn Lebanon. I also encourage the President to continue, as outlined yesterday in his letter to Congress, to work with us so that together we may develop a cohesive policy supported by the American people and aimed at resolving one of the many complexities of the Middle East.●

● Mr. PACKARD. Mr. Chairman, today we are considering one of the most important foreign policy measures that we will take up during this session of Congress. I strongly urge my colleagues to vote for House Joint Resolution 364, to provide for continued participation of U.S. forces in the multinational peacekeeping force in Lebanon for an 18-month period. While I am unsure how long it will be necessary for our marines to remain in Lebanon, I believe we should support this resolution because the President has determined that it is in the foreign policy interest of the United States for the marines to continue their peacekeeping role.

No one is more concerned than I about the loss of American life and limb in Lebanon. Many of the Marines in that country today were stationed at the Marine base in my district, Camp Pendleton, at some point in their careers.

I am committed to seeing our troops leave Lebanon as soon as possible and return to the United States. However, we must not remove our marines from that troubled part of the world if it would reduce the likelihood of world peace. Lebanon must be given the opportunity to rebuild itself as a free and democratic nation. In addition, every oil-consuming nation understands the sensitive, strategic, and economic importance of Lebanon and its neighbors. For these reasons, we must remain an active participant in Lebanon until a lasting, peaceful settlement can be attained.

The terms of House Joint Resolution 364 are reasonable and represent a bipartisan agreement between the Executive and Congress. It deserves the strong support of the Members of the House.●

● Mr. GONZALEZ. Mr. Chairman, we are now in the debate that should have taken place at the time when U.S. forces were first committed to the quagmire in Lebanon. This is the debate that should have taken place when it became clear that what had been announced as a short-term commitment had become open ended, and when it had become equally apparent that the dangers of that commitment were growing with each passing day.

Last June, I offered a resolution calling for withdrawal of U.S. forces from Lebanon. The month before that, I wrote the distinguished chairman of the Committee on Foreign Affairs to ask why the war powers resolution did not apply to Lebanon. I was told that my question was valid, that my concerns were well founded, but that the committee did not want to invoke the resolution unless there was some kind of crisis. But I felt that the only time when the Congress could reasonably consider the issues was in a time of relative calm—a time when we would not be presented with a demand for national unity in the face of danger. I was right. In the months since I raised the issue, Israel has withdrawn from its positions in and around Beirut, which set off the fighting that has cost the lives of four U.S. marines, a number of their French compatriots, and brought additional casualties to the Italian forces in Beirut. And sure enough, in the heat of the crisis, we are told that it would be wrong for Congress to insist on a withdrawal, getting out of the conflict. We are told that there must be unity and support for the President. And, so, in this crisis, the debate does not center on the real issue at all, but on the question of loyalty to the President's policy. Today we are not talking about how realistic that policy is, and we are not talking about how attainable it is. We are not talking about how possible it really is for this country to settle centuries of feuds and religious strife with a handful of marines who are pinned down to the Beirut Airport. But that is in fact the issue. That is in fact we ought to be discussing. If we had discussed this question in May or June, when I vainly tried to bring it to the consciousness of the House, that issue could have been addressed head on, and with dispassion.

Even though the conditions today are not conducive to a realistic assessment of the issue, I do not believe we can afford to lose sight of it.

Reality compels us to recognize that the conflict in Lebanon today is a civil war. The President says so, and every other observer says so as well. Any military step the marines take, even in self-defense, puts the United States on one side or another of that civil war. How can it be in our interest to take sides in such a conflict, when our role is supposed to be that of peacekeeper? But the situation is more complex than a mere civil war. It involves feuds between towns and other towns, families and other families, that go back for generations. It involves religious warfare that goes back centuries, and includes disputations between Moslems and Moslems, Christians and Christians, and each against the other. It involves the feudal, generations-old conflicts and blood feuds of warlords of one kind or another. And it is a contest for the sharing of governmental power among competing factions. But that is not all. The situation in Lebanon is complicated by the presense of Syria and Syrian forces, who enjoy the financial and military support of the Soviets. Furthermore, in the southern part of the country, Israel has established new settlements that it does not under any circumstance intend to abandon. In both the north and south of Lebanon, Syria, and Israel have consolidated their positions. The only part of Lebanon that could be said to be in government control is perhaps parts of the town of Beirut. The rest is contested territory, or held by Syria, or Lebanon, or one kind of religious

faction or another, or the Palestine Liberation Organization—the remnants of which are under Syrian control. In the midst of this quagmire sit 2,000 marines, and about an equal number of Italian and French peacekeepers. Among the peacekeepers themselves, there is not even clear agreement on what to do, let alone any kind of unified command structure. These forces are merely pinned into their respective areas, hoping not to become targets of one faction or another—unable to take aggressive action against those that threaten them, unable to leave, and unable safely to stay still, and unable to rely on clearly unified governments behind them.

It may well be that the United States, of all the combatants in Lebanon, has the least idea of what it wants and how to achieve its goals.

The Gemayel government knows what it wants, and that is to survive with a continued domination of the government by its own Christian factions. The Druze know what they want, and that is not to be excluded from the government any more, and to hold sway in their traditional areas. The Shiite Moslems know what they want, and that is to increase their share of power in any coalition government, while not giving too much to the Druze who are their allies now but only for the sake of opposing Gemayel. Syria knows what it wants, and that is to dominate Lebanon. Israel knows what it wants and that is to slice off and hold onto a piece of southern Lebanon. But the United States does not know what it wants from any of these contenders, nor do we have any plan to achieve whatever it is that we want.

For example, we say that we want foreign forces to leave Lebanon, but we do not appear prepared to ask Israel to leave the areas that it has occupied and substantially fortified. We say that we want the Syrians to leave, but their condition for leaving is of course for Israel to get out, which is not about to happen. What we should ask ourselves is how the marines sitting at the Beirut Airport are going to break that impasse.

Likewise, the administration says that it wants a government of national reconciliation in Lebanon, but has intervened—or is perceived as having intervened—in behalf of the Gemayel government, which has not been interested in reconciliation at all, at least up until recently, and there is considerable question in my mind that there is any interest in reconciliation even now.

And we must ask ourselves—most importantly of all, what is our policy if the marines are attacked? What would we do in the event that, say, our ships off the shore of Lebanon were attacked by antiship missiles that we know to be in Lebanon, and well within range of those ships? We cannot slide by with the assumption—the pious hope, really, that nobody would dare attack our forces. Such a hope is self-delusion. We have to ask the hard question now, because we are responsible for the consequences later, if the continued presence of the marines leads to a wider, deeper, more tragic conflict. We have to ask ourselves, if we had a son in Beirut, would we be willing that he die for whatever cause it is we are being asked to endorse here today?

The questions are many, and the answers few. That alone is reason enough not to vote for the resolution. We would be writing a blank check to cover a blank policy, a policy that no one can define or explain, and a policy for which no one has an identifiable strategy. We would be endorsing endless risks and setting the conditions for an endless involvement in what has been an endless conflict. I am opposed to the resolution, and urge my colleagues to reject it, in the name of commonsense, and in the name of our countrymen who are today risking their lives in a cause that not one of us can explain, understand, or reasonably defend. To those who are inclined to vote for the resolution in the name of national unity, I say, the real threat to national unity would be a wider and deeper involvement. The Nation would not long support—if indeed it does today—a policy that sacrificed American lives in the civil and feudal wars of another country. To those who say that we are being given a compromise, I say that this can be no compromise—not when the resolution is nothing more nor less than a granting of war powers to the President, a Gulf of Tonkin resolution supposedly bound up in promises and limits. It is not a compromise. It is a gift of power. Our only real choice is either to stay in Lebanon, with all the risk that it implies, or to get out. Nothing I have seen or heard to date tells me that there is any reason to stay. I oppose the resolution, and say that we ought to get our troops out of the middle of this quagmire. Let me add that we should not confine our questions to Lebanon, for the President is committing the United States to military adventures elsewhere—Central American, to be specific.

We are engaged in so-called maneuvers in Honduras that amount to an occupation of that country. We are turning that area into a battleground. And for what? Do we insist on democratic government, on reform, on justice? No; our forces are there to preserve a status quo that not one of us would be willing to live under, if we were ordinary citizens of that area. The administration misled Congress when it talked about a limited commitment in Lebanon. It is misleading us today when it claims that we are on a routine, limited training exercise in Honduras, or that we see the light at the end of the Central American tunnel. It may be too late in the day to ask the questions that should have been asked about Lebanon. But certainly it is not too late to ask questions about Central America. As matters now stand, the Congress is permitting the administration to start fires, when there are not enough fire engines to go around, and when our constituents have the deepest concerns and reservations about the whole matter—and worse, when we ourselves know that the administration has misled us. We have every reason to lack confidence. We have every reason to reject this so-called compromise. I urge that the House vote this resolution down, and let us bring the marines out of the quagmire that have been in for better than 1 year, with no end in sight, and the dangers growing apace.●

● Mr. HILLIS. Mr. Chairman, I rise in opposition to House Joint Resolution 364 which permits American marines to remain in Lebanon for up to 18 months.

I do so knowing the House leadership and the President have worked hard to forge this compromise resolution, which they sincerely believe is in the best interests of this Nation. I do so even though I supported the original commitment of marine units to Lebanon in the spirit of preserving the peace. But, above all, I do so because it has become apparent that our role of peacekeeper has become impossible.

The marines came to Lebanon a year ago at the invitation of the Gemayel government with the most noble goal: Keep the various warring factions apart long enough to give negotiators time to work out a compromise.

The administration talked in terms of the marines remaining in Lebanon for just a few weeks. It has now been a year and where are we now?

The Israelis have withdrawn to a relatively safe area south of the Alawi River, leaving the American marines and their French and Italian counterparts in the middle of a rapidly deteriorating military situation.

The promise of a negotiated settlement to the Lebanese war has faded and all sides in the fighting are pessimistic it will ever happen.

The multinational peacekeeping force has been unable to keep the warring sides apart. We have failed in our mission to keep the peace because the combatants themselves want no peace.

Four American marines have paid with their lives and, I fear, more will be killed as the fighting intensifies. It is apparent the marines were not merely caught in the cross-fire between Christians and Moslems. They were themselves targets of Druze artillery.

In the last 10 days, we have systematically escalated our involvement in the Lebanese war by shelling Druze positions that are not directly threatening our troops. We have changed our policy for the third time, and our latest stance paves the way for an even deeper military involvement.

It is true that the current cease-fire is reason for hope; however, history indicates that any cease-fire in Lebanon is short-lived. In fact, over the last 10 years there have been numerous ceasefires but they average only a few weeks in duration. Unfortunately, there is little reason to believe that the current cease-fire is anything but temporary.

We went to Lebanon strictly as peacekeepers. Then, after coming under attack, we told our marines, rightfully, to fire back but only in self-defense. Now, we are actively aiding the Lebanese Army in its drive to capture high ground east of Beirut.

Each change in policy has drawn us deeper into a war that is not ours to fight. My question is: How far will our involvement go if we remain another 18 months? How many more Americans will have to die before we realize that the United States cannot make the Lebanese get along with one another?

The time is now to extract ourselves from this no-win situation and turn the peacekeeping role over to the United Nations. To remain in our trenches as targets for Druze artillery is unacceptable. To take the offensive and become a party to the civil war is foolish, not to mention dangerous. Let us apply the lesson Vietnam taught us and pull out of Lebanon now before it is too late.●

● Mrs. SCHNEIDER. Mr. Chairman, recently I learned that a marine from my district had been wounded while on duty in Lebanon. Let me assure my colleagues that there is nothing that brings the horror of war home more quickly than a neighbor being a victim of hostile fire. Fortunately, the marine in question was not critically wounded and his father reports that after recuperating he is expected to return to duty in Lebanon.

As eager as I am to act today to insure that the warfare in Lebanon is ended, I have serious doubts that it can be without providing the option of a continued presence of a multinational peacekeeping force. I am disturbed that the burden of this peacekeeping mission has fallen so heavily on the shoulders of U.S. Marines. But certainly there are parents of soldiers in France and Italy who are also asking, "Why must our boys be involved?"

The alternative to the peacekeeping mission is, unfortunately, unknown. It would not be particularly difficult for the countries in the U.N. peacekeeping force to abandon their roles in Lebanon and recall their troops. If so doing would allow the Lebanese to establish a working Lebanese Government without interference from their neighbors, then we should endorse such a move.

Unfortunately, the events of the recent past suggest that this will not be the case. Both the Syrians and the Israelis feel that they have important security concerns with the eventual outcome of the ongoing power struggles in Lebanon. It is not only unreasonable to assume that the withdrawal of the peacekeeping forces would allow the Lebanese to settle their internal differences on their own, it is unreasonable to assume that its neighbors would allow such a settlement without interference.

I am particularly fearful of the potential for U.S. involvement in a foreign country, in a war in which the immediate consequences for the United States are not clear. Yet I would ask my colleagues to be careful in making comparisons between the deployment of U.S. troops as part of a well defined and internationally recognized peacekeeping force and the unilateral deployment of troops at the request of a ruler in search of military support for an unpopular regime.

Mr. Chairman, I do not like having U.S. Marines in Lebanon—I wish that they could be brought home immediately. I abhor the situation which has lead to their being there—the conflict in Lebanon which has brought into question that country's very existence. I am particularly distressed at the apparent escalation of U.S. involvement in that conflict. But I am also distressed at the possible consequences of the United States withdrawing from its peacekeeping role.

The President, for obvious reasons, does not wish to limit his options for ending the hostilities in Lebanon. Yet this Congress cannot and will not allow the executive branch to continue the involvement of U.S. Marines in hostilities in Lebanon unless some reasonable constraints are in effect. I feel that the time limitation placed in this bill constitutes a reasonable constraint and one that is open for review during its duration.

I would remind my colleagues that facts do change, and they will undoubtedly change in Lebanon. Let us not wash our hands of this matter—we have an important responsibility to oversee this situation on a daily basis, and, if necessary, bring the marines home forthwith. This resolution permits, but does not require the presence of U.S. troops in Lebanon. It permits the Congress to stop funds by passage of a concurrent resolution without the President's signature. That is our counterbalance to the flexibility we are giving the President today. I believe it is a fair balance and the best of a tough situation. I urge support of this resolution.●

● Mr. LENT. Mr. Chairman, I rise in support of House Joint Resolution 364, authorizing the continued presence of U.S. troops in Lebanon, as part of the multinational peacekeeping force (MNF). I commend the House leaders on both sides of the aisle for their effective efforts in achieving a truly bipartisan agreement on this very sensitive and very controversial issue. In resolving the controversy our House leaders have demonstrated exemplary statesmanship and deserve the highest praise for putting our Nation's best interests ahead of party politics.

For, certainly, it is in the best interests of the United States to do what it can to prevent further deterioration in the volatile Middle East situation. Indeed, it is in the best interests of world peace to resolve the many-faceted conflicts which have so disrupted normal life throughout the Middle East.

Lebanon, itself, has been embroiled in a civil war for nearly all of the past decade. Fanned by the terrorists of the Palestine Liberation Organization (PLO) and by intense religious conflicts between the Lebanese Moslems and Christians, Lebanon has been a hapless victim of its own divisions.

Israel's forthright move to clear the PLO out of Lebanon offered an opportunity to end the internal conflict through establishment of a strong central government, and withdrawal of all foreign forces from Lebanon.

Unfortunately, the opportunity was not realized. The new central government has struggled in vain to gain authority. The multinational peacekeeping force was established in Lebanon in an effort to maintain the precarious balance existing while new peace moves could be explored. In the main, the MNF has achieved its purpose. The recent cease-fire has opened another opportunity to attempt to reach a satisfactory settlement.

The presence of the U.S. Marines in Lebanon is essential to achieving this goal. If we here in the House were to vote to pull out the U.S. forces, as some of my colleagues are urging, it would be a disastrous blow to hopes for peace in the Middle East. It would encourage the PLO to move back into Lebanon. It would encourage Syria to strengthen its hold on the unfortunate nation. And it would bring new threat of conflict to Israel. All of these developments would only heighten tensions throughout the Middle East, and raise serious doubts as to the assurance of the continued flow of crude oil from the Middle East to Western Europe, the United States and Japan.

There is no area of the world in which U.S. interests are more deeply involved than the Middle East. There is no area of the world in which peace could bring more positive results for

our country. We must support the peacekeeping force in Lebanon, by maintaining the U.S. presence there.

Therefore, I urge my colleagues in the strongest possible terms, to join in keeping the peacekeepers in Lebanon by voting for House Joint Resolution 364. History will regard your favorable vote as a positive step toward world peace.●

● Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to House Joint Resolution 364, which would endorse the continued deployment of U.S. Marines in Lebanon for 18 months.

It was my recommendation last year to President Reagan that U.S. troops not be sent to Lebanon because of the very real possibility that they would become involved in the hostilities in that very volatile part of the world. And I continue to believe that the peacekeeping mission of our Marines should, instead, be handled by a U.N. multinational force.

The United Nations was formed with the expressed responsibility of insuring world peace and acting as a mediator in world conflicts. Unfortunately, throughout its existence, the United Nations has failed miserably to meet this obligation and the United States has been called in repeatedly to carry out this mission.

U.S. marines are now being killed and wounded in bunkers near Beirut. While shells are being lobbed into marine encampments, they are not keeping the peace. They are hunkering down in bunkers, once again not allowed to seek out and eliminate the threat to their safety. E. J. Dionne, Jr., a reporter for the New York Times, reported from Lebanon that our marines feel helpless. I would like to include his story in the RECORD following my remarks so that my colleagues can read about the frustration our marines feel as they are crouched helplessly in Beirut bunkers.

The resolution we are voting on today would extend the stay of the marines for another 18 months. It would give our approval to the placement of U.S. marines in the middle of a civil war halfway around the world. A continued deployment of troops would also further increase the problems associated with withdrawing them at a later date. As Bob Pittman, an editor of the St. Petersburg Times which publishes in the district I represent, said in a recent column, "The administration is dangerously close to being trapped in Lebanon."

Following my remarks, I also would like to have reprinted Mr. Pittman's column because it makes another important point about the placement of our troops in Lebanon. He writes of a conversation with Mrs. Joan Porter, a constituent of mine from Largo, Fla., whose son flies U.S. Navy supply helicopter missions to Beirut. She talks of her understanding of the need for U.S. peacekeeping troops in Lebanon, but she said "* * * the original purpose has disappeared."

Perhaps another constituent of mine from St. Petersburg, Fla., better expresses the bewilderment many Americans feel when they read about U.S. marines being killed in the midst of Lebanon's civil war. Kari Mulligan's only brother is a member of the marine company now deployed in Beirut. She wants to know, "How many more marines have to die? How many more have to be wounded?"

My answer to her is that no more marines should die or be wounded because we should defeat this resolution and bring our troops home. For the benefit of my colleagues, many of whom have relatives of the deployed marines living in their districts, I would like to include Kari's letter in the RECORD so that all may understand the fear associated with having a loved one involved fighting, for which there is little the United States has to gain.

By approving the resolution, we would also be setting in action the war powers resolution, which I opposed when it was enacted in 1973. As I said at that time, it would only serve to involve U.S. troops in attacks upon other nations or in "third party" hostilities without a specific prior authorization by Congress. While I totally support the President's powers as Commander in Chief to send troops anywhere in the world to defend our national interests or uphold our international treaty obligations, I opposed enactment of the war powers resolution, because I believed it would endanger the lives of U.S. troops in situations where the United States did not have a national interest.

As I said on November 7, 1973, when I voted to support the President's veto of the War Powers Resolution:

> The lessons of history have taught us that we cannot commit troops to a conflict and then arbitrarily withdraw them without damaging our national interest and jeopardizing the safety of the troops themselves. Once the commitment is made, the tendency is to continue on the deadly course of conflict.

It is that "deadly course of conflict" I hope our Nation can further avoid by successfully defeating this resolution and removing our troops from Lebanon.

[From the New York Times, Sept. 7, 1983]

SOME MARINES FEEL HELPLESS

(By E. J. Dionne, Jr.)

OUZAI, LEBANON, Sept. 6.—At 3:15 P.M. today, the call went out that no marine on the base here likes to hear. "Into the bunkers!" shouted a soldier to his comrades. "Condition One!"

A siren sounded to signal the danger—Condition One heralds the most serious of threats—and troops scrambled into holes in the ground covered over with metal, the walls reinforced by wood and steel and the entire shelter surrounded by sandbags.

NO SHELTER AGAINST DIRECT HIT

Bunkers provide protection against shrapnel and bullets, but not from a direct hit by a shell. And it is in just such a dank, cramped place, in the early hours before dawn that two marines lost their lives, bringing to four the number of marines killed in Lebanon in the last two weeks. Over the same period, Maj. Robert Jordan, a Marine spokesman, said, 24 have been wounded.

All four of the marines who were killed were members of Company A. As he crouched in a bunker during today's alert, Staff Sgt. Alfonzo Hernandez of Oceanside, Calif., said the deaths had cast a pall over any mission that involves visiting A Company's forward positions near Beirut International Airport.

"When somebody's going to go to Alpha Company," he said, "They always say, 'Well, I don't want to go, but I've got to go.'"

Just sitting in a bunker and taking fire is not what Marines are trained to do, and many of the 1,200 members of the peacekeeping force find their work less than fully satisfying.

WE ARE GUINEA PIGS

"You feel helpless," said Pfc. Sidney Decker of Conley, Ky. "We're guinea pigs. What are we doing here?" Then he paused, and his Marine training came into play. "They have reasons for all this stuff," he said, though he still did not sound entirely convinced.

"It's my second hostile duty," said Sergeant Hernandez. "But in Vietnam, I was allowed to shoot back."

The Marines are here as part of a peacekeeping force that also consists of Italian, French and British troops. Major Jordan said the Marines were being told that their mission is "to offset or balance the outside influence of other foreign powers"—an allusion to Israeli and Syrian troops—"and to support the Government of Lebanon and the Lebanese armed forces."

Major Jordan said the Marines were also given courses on the history of Lebanon and on the factional politics that have left this country a divided and violent place.

With such a sensitive, largely political and diplomatic mission, the restrictions on the troops are severe. Col. Timothy Geraghty described the operating procedures in case of attack as follows:

"We will try to limit the exchange to the lowest possible level, and terminate it in the shortest period possible."

That means that the Marines take a lot of fire that they do not return, and Colonel Geraghty acknowledged that the limitations can be dispiriting.

"Essentially we are an offense-oriented unit," he said, "We like to take the fight to the enemy. This mission does call for restraint. That causes frustration."

THEY RATIONALIZE IT AWAY

Perhaps the greatest frustration for the Marines comes from being unable to do as much as they would like for their comrades under attack. That made today's deaths a cause of particular anguish.

"If people knew the guy, they try not to talk about it," said Sgt. Tyrone Talbert of Willingboro, N.J. "They rationalize it away—that they could do anything about it. They keep it inside until later on."

Yet for all their frustrations and fears, the Marines' morale and mood today seems relatively high. One reason is that they have been firing back with heavy weapons

and small arms fire at least some of the time when they are attacked. During today's alert, the base rumbled with a loud report from four rounds fired from 155-millimeter howitzers.

Firing back, said James Davis, an electronic technician first class from Modesto, Calif., "was definitely a morale booster."

"The Moslems got used to firing at the Lebanese Army and hitting us and nobody fired back at them," he went on. "They realize now that they can't ignore us anymore."

The Marines also seem to be enthusiasts of gallows humor as a way of keeping up morale. Visitors to the Battalion Landing Team building—and heavily bombed remnants of a hotel—are surprised to find a long quotation from a Soviet newspaper on the bulletin board.

"The appearance of Marines on foreign soil," the quotation goes, "has always in the past indicated the beginning of dangerous military adventures."

Is that true? a marine was asked. "For us, it is," he replied.

For a large share of the marines, Lebanon represents their first combat experience, and Private Decker, who turned 18 years old this week ("I had a maplenut cake for a birthday cake," he said), asserted that no amount of training could fully prepare a soldier for the real thing. "You hear shells and say 'Oh my God, this is it,'" he said. "When you're practicing, you can't get killed."

Sergeant Talbert said most of the troops had volunteered for the duty.

"You've been trained all your time in the military for duty like this and so you want to use your training," he said. "Most marines are adventurers anyway. And it could be good for your career."

"These marines," said Major Jordan, "are probably some of the smartest and best qualified we've ever had. They're very anxious to see that their losses are not in vain."

Hanging on the wall of Major Jordan's cramped, ramshackle office is a Marine recruiting poster with an "I Love Lebanon" sticker pasted beneath the words: "Make it here and you can make it anywhere."

[From the St. Petersburg Times, Sept. 11, 1983]

LEBANON A DANGEROUS SPOT FOR UNITED STATES

(By Robert Pittman)

Joan Porter of Largo has a clearer understanding of what is happening in Lebanon than that being expressed by the White House. While Lebanon's ugly civil war slips in and out of the attention of most Americans, she lives with it every moment because it endangers the life of her son.

She felt better Friday afternoon after getting a telephone call through to David. "Don't worry," he told her bravely, but she can't help but worry.

David Porter is a Navy helicopter commander based in Sicily. He takes two-week tours of duty shuttling copters loaded with ammunition between the naval base on Cyprus and the U.S. Marines stationed in Lebanon. Flying a slow-moving helicopter full of explosives into bomb-and-bullet riddled Beirut is hazardous duty in the extreme.

Mrs. Porter fully understands that American soldiers sometimes are asked to risk their lives in the national interest.

"I appreciate and support the reason the Marines were sent to Lebanon," she said. "It was a peacekeeping mission. That was worthwhile. But the situation has changed now. It has deteriorated into a civil war, and the original purpose has disappeared."

The record bears out Mrs. Porter.

When Lebanon gained its independence from France in 1943, its national unity was created with a carefully balanced religious compromise. It was agreed, that, based on the census of 1932, each religious community would be fairly represented in the government and in public employment. By law the president would be a Maronite Christian, the prime minister a Sunni Muslim and the leader of the chamber of deputies a Shiite Muslim. Minor offices were similarly apportioned. The compromise held through Lebanon's years of prosperity during the 1950s, but it begn to break in the 1970s as increasing numbers of Muslims sought a larger share of authority. It was destoyed by the Palestinian buildup in Lebanon, by the Syrian invasion and finally by Israel's invasion last year to drive out the Palestinians. At that time, six armies were fighting for a piece of what had been Lebanon.

In the chaos that followed, U.S., French and Italian troops were sent into Beirut again last September. Their mission, as President Reagan explained it in a press conference Sept. 28, was to keep the peace "while the Lebanese government seeks to reunite its people . . . and bring about a united Lebanon with a Lebanese army that will then be able to preserve order in its own country."

That didn't happen. Instead, the nation disappeared. Israel's abrupt pullback to the Awali River means that Israel will protect its borders by contorlling part of Southern Lebanon, Syria's army will control part, while the Druze militia and the Christian Phalange militia fight over territory they hope to rule.

The U.S. Marines, the French and Italian soldiers no longer are peacekeepers. They are targets of the Druze and Syrians, who see them as trying to install a government of minority Christians. In the last 10 days, four Marines have been killed and 25 others wounded.

President Reagan has promised the Marines "whatever support it takes to stop the attacks on you." That sounds good, but it is not the essential point. The war around the Marines has changed, removing their initial purpose for being there.

The administration is dangerously close to being trapped in Lebanon. If it waits too long, it will appear weak if it pulls out the Marines. The alternative would be to send more troops and more firepower into a civil war where the United States has no national purpose. The fighting in Lebanon has only a remote geographical link to vital U.S. oil interests in the Middle East.

Mrs. Porter in Largo, her vision cleared by danger to own son, knows what should be done. "Our Marines have been there almost a year. They have done an admirable job. Now the whole complexion of the war has changed. It's a civil war now, and we don't have any business being involved in it."

SEPTEMBER 14, 1983.

THE HONORABLE C. W. BILL YOUNG: My brother, Patrick Mulligan, is a young marine on duty in Lebanon. I love my brother very much, and I think it is time for the marines to come home. I am very concerned for his safety.

The situation in Lebanon is deteriorating. Lebanon is on the brink of another civil war. Something should be done immediately to insure that my brother and the other marines return home soon and safely.

Is this going to be another Vietnam type war? In my opinion, we should have never gotten involved in Lebanon's troubles.

How many more marines have to die? How many more have to be wounded? My brother is the only son in our family and he is very special to all of us. Every day I pray for him. My brother has told me that he wants to come home. Do we have to sit back and watch our marines die one by one?

In my opinion, there is no peace in Lebanon to have. We and Lebanon are not going to obtain peace by sending more men and equipment to Beirut. Every day now the marines receive shelling. The marines are sitting ducks, and in the past, they have been fired at and they weren't allowed to shoot back.

Please, don't let my brother die over there or get injured! I love my brother so very much! Please, pull our marines out before more die. We don't have to be involved in the mess over there. Please I am begging you—do something so they can come home!!

Sincerely,

KARI MULLIGAN.●

Mr. WAXMAN. Mr. Chairman, because I support the role of the multinational forces in Lebanon in the attempt to bring peace and order to the Middle East, I find it necessary to oppose this so-called compromise resolution.

I believe that strict conformity with the war powers resolution of 1973 as it applies to the situation in Lebanon, is in the best interest of the United States. It is also in the best interest of our own reliable ally in the region, Israel. By following the provisions of the resolution, we can encourage all the parties to the conflict to focus on a political rather than a military solution.

All observers agree that the multinational force, to which our 1,600 marines belong, is absolutely incapable of accomplishing offensive military goals. The force cannot engage in combat with the 40,000 Syrian troops in Lebanon. Nor can it even hope to prevail over the Druze militia in the forbidding Shouf Mountains. More to the point, when President Ronald Reagan dispatched the marines, the clear understanding of the Congress and the American people was that they would serve in a geographically and militarily limited peacekeeping capacity. There is no indication that the President has formally altered this policy.

No one seriously disputes that the situation in Lebanon meets precisely the criteria of the War Powers Act. Four marines killed in combat, and more than 24 wounded in combat amply demonstrate that the standards of the act have been met.

Some have argued that the War Powers Act was an unsound measure passed in 1973 in irrational and even hysterical overreaction to the war in Vietnam. I am in absolute disagreement with this theory. The act responsibly and effectively clarifies the respective war powers of the President and the Congress. Under the act, the

President maintains all his power as Commander in Chief. Congress gains a firm hold on its constitutional prerogative to declare war and to make appropriations necessary to the conduct of war. The neglect of these congressional powers played a major role in the tragedy of Vietnam. It is not hysteria for a nation to draw obvious inferences from a disastrous chapter.

The War Powers Resolution does not unduly restrict the President's legitimate powers. During the initial 60-day period the President has a free hand in strategic and tactical matters. He also has access to an automatic 30-day extension. All the act requires is that he come before the Congress at reasonable intervals and submit for our approval his basic policy.

Events of the past few weeks have cast America in a position not of a peacekeeping force, but of an ally blindly committed to the survival of President Amin Gemayel's regime. Though this regime is technically the Government of Lebanon, it is important to note that it has no effective control over any Lebanese territory outside the city of Beirut. Further, there are substantial areas of the capital city over which the Gemayel government has no control.

The hope of the United States and Israel 1 year ago was that Gemayel would form a broadly based government which would share powers with the key ethnic and religious groups of the country. This hope was bolstered by explicit assurances by the Gemayel government. To date, these promises have gone unfulfilled. The Government and the army of Lebanon are dominated to an overwhelming degree by Maronite Christians affiliated with the Phalange Party run by the Gemayel family.

The myriad factions in Lebanon cannot possibly coalesce unless there is a wholesale reorganization of the Government. No informed party in Israel or the United States has ever suggested that the Maronites—even assisted by Israel and the United States—can, by sheer military power, impose order and unity on the Druze, Shiite, Sunni, and the numerous other forces in Lebanon—the term "forces" is used advisedly. Most ethnic and religious groups in Lebanon maintain large, trained, well-armed militias.

The only reasonable expectation we can have of the Lebanese Government is that it create an equitable political umbrella to end the bloody strife among its own people. Lebanon cannot, at this point in time, be a vehicle for reducing Syrian power. Nor can it be a vehicle for substantially diminishing Soviet influence over the Syrians. Even its ability to restrict the movement of Palestinians is limited.

Our close ties to the Gemayel government stem from the fact that President Gemayel was willing to enter into a formal cease-fire agreement with Israel. He won our support as a leader anxious to end the Arab-Israeli conflict. Naturally, our positive attitude toward him reflected the attitude of the Government of Israel. It is imperative that we note important changes that have occurred and are occurring right now between Israel and the various forces in Lebanon.

There is currently an open and bitter dispute between Israel's former Defense Minister, Ariel Sharon, and the current Defense Minister, Moshe Arens—both men are considered likely future candidates for Prime Minister.

Arens, who gave up the post of Ambassador to the United States to become Defense Minister, has accused Sharon of destabilizing the situation in Lebanon by giving too much Israeli support to Gemayel. It is Arens belief that the excellent relationship between Druze citizens of Israel and the Israeli Government provide the basis for Israeli-Druze cooperation in Lebanon.

Mr. Chairman, esteemed colleagues, I urge you to note the fiasco which may well be in the making. President Reagan is increasing our support for Gemayel—to help our ally Israel.

At the same time, Israeli Defense Minister Arens, and the new Prime Minister of Israel—probably Itzhak Shamir—may be decreasing Israel's support for Gemayel in a search for rapprochement with Walid Jumblatt's Druzes. I ask, is this a situation in which American troops should play any role beyond that of limited peacekeeping?

I personally support the role of the multinational forces in Lebanon. I do not believe our role should be expanded unless two conditions are met: the President wins congressional approval for a larger role, and the British, French, and Italians concur. In fact, should a larger force be required, it seems to me there are a number of other countries whose cooperation could be reasonably sought.

I further believe that President Ronald Reagan could win congressional approval for a clearly defined American military undertaking in Lebanon.

The failure of Congress to cope with the situation in Lebanon under the 1973 war powers resolution is an insult to the Constitution.

If we are unwilling or afraid to abide by the Constitution and to give the President a fair hearing and debate of his policies we are in fact saying that there is something so irrational or sinister about these policies that they cannot survive the scrutiny of open discussion.

I believe the Constitution and the 1973 statute clearly gives us responsibility for the conflict in Lebanon. Are we afraid to accept the ultimate burden of playing our proper role in reaching the ultimate decisions of war and peace?

The CHAIRMAN pro tempore. All time has expired.

Pursuant to House Resolution 318, the joint resolution is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which shall not be subject to amendment: First, the amendment recommended by the Committee on Foreign Affairs now printed in the resolution; second, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 27, 1983, by Representative OBEY, if offered by Representative OBEY or Representative LONG of Maryland, which shall be debatable for not to exceed 2 hours, to be equally divided and controlled by the proponent of the amendment and the chairman of the Committee on Foreign Affairs or his designee; and third, an amendment or amendments, which shall be considered en bloc, if offered by Representative ZABLOCKI, which shall be debatable for not to exceed 1 hour, to be equally divided and controlled by Representative ZABLOCKI and a Member opposed thereto.

The text of the joint resolution, House Joint Resolution 364, is as follows:

H.J. RES. 364

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every six months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

□ 1340

COMMITTEE AMENDMENT

The CHAIRMAN pro tempore. The Clerk will now report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 24, strike out the period and insert in lieu thereof "; or"; and on page 7, line 1, insert the following:

"(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon."

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HAMILTON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. Forty-nine Members are present, not a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 359]

Ackerman	Dyson	Kramer
Addabbo	Early	LaFalce
Akaka	Eckart	Lagomarsino
Albosta	Edgar	Lantos
Alexander	Edwards (AL)	Latta
Anderson	Edwards (CA)	Leach
Andrews (NC)	Edwards (OK)	Leath
Andrews (TX)	Emerson	Lehman (CA)
Annunzio	English	Lehman (FL)
Anthony	Erdreich	Leland
Applegate	Evans (IA)	Lent
Aspin	Evans (IL)	Levin
AuCoin	Fascell	Levine
Badham	Fazio	Levitas
Barnard	Feighan	Lewis (CA)
Barnes	Ferraro	Lewis (FL)
Bartlett	Fiedler	Lipinski
Bateman	Fields	Livingston
Bates	Fish	Lloyd
Bedell	Flippo	Loeffler
Bellenson	Florio	Long (LA)
Bennett	Foglietta	Long (MD)
Bereuter	Ford (TN)	Lott
Berman	Forsythe	Lowery (CA)
Bethune	Fowler	Lowry (WA)
Bevill	Frank	Lujan
Biaggi	Franklin	Luken
Billrakis	Frenzel	Lungren
Blilley	Frost	Mack
Boehlert	Fuqua	MacKay
Boggs	Garcia	Madigan
Boland	Gaydos	Markey
Boner	Gejdenson	Marlenee
Bonior	Gekas	Marriott
Bonker	Gibbons	Martin (IL)
Borski	Gilman	Martin (NY)
Bosco	Glickman	Martinez
Boucher	Gonzalez	Matsui
Boxer	Goodling	Mavroules
Breaux	Gore	McCain
Britt	Gradison	McCandless
Brooks	Gramm	McCloskey
Broomfield	Gray	McCollum
Brown (CA)	Green	McCurdy
Brown (CO)	Gregg	McDade
Broyhill	Guarini	McEwen
Bryant	Gunderson	McHugh
Burton (CA)	Hall (IN)	McKernan
Burton (IN)	Hall (OH)	McNulty
Byron	Hall, Ralph	Mica
Campbell	Hall, Sam	Michel
Carney	Hamilton	Mikulski
Carper	Hammerschmidt	Miller (CA)
Carr	Hance	Miller (OH)
Chandler	Hansen (ID)	Mineta
Chappell	Hansen (UT)	Minish
Chappie	Harkin	Moakley
Cheney	Harrison	Molinari
Clarke	Hartnett	Mollohan
Clinger	Hatcher	Montgomery
Coats	Hayes	Moody
Coleman (MO)	Hefner	Moore
Coleman (TX)	Hertel	Moorhead
Collins	Hightower	Morrison (CT)
Conable	Hiler	Morrison (WA)
Conte	Hillis	Mrazek
Conyers	Holt	Murtha
Cooper	Hopkins	Myers
Coughlin	Horton	Natcher
Courter	Howard	Neal
Coyne	Hubbard	Nelson
Craig	Huckaby	Nichols
Crane, Daniel	Hughes	Nielson
Crane, Philip	Hunter	Nowak
Daniel	Hutto	O'Brien
Dannemeyer	Hyde	Oakar
Daschle	Ireland	Oberstar
Daub	Jacobs	Obey
Davis	Jeffords	Olin
de la Garza	Jenkins	Ortiz
Dellums	Johnson	Ottinger
Derrick	Jones (OK)	Owens
DeWine	Jones (TN)	Oxley
Dickinson	Kaptur	Packard
Dicks	Kasich	Panetta
Dixon	Kastenmeier	Parris
Donnelly	Kazen	Pashayan
Dorgan	Kemp	Patman
Dowdy	Kennelly	Patterson
Downey	Kildee	Paul
Dreier	Kindness	Pease
Duncan	Kogovsek	Penny
Durbin	Kolter	Pepper
Dymally	Kostmayer	Perkins

Petri	Selberling	Taylor
Pickle	Sensenbrenner	Thomas (CA)
Porter	Shannon	Thomas (GA)
Price	Sharp	Torres
Pritchard	Shaw	Torricelli
Pursell	Shelby	Towns
Quillen	Shumway	Valentine
Rahall	Sikorski	Vandergriff
Rangel	Siljander	Vento
Ratchford	Sisisky	Volkmer
Ray	Skeen	Vucanovich
Regula	Skelton	Walgren
Reid	Slattery	Walker
Richardson	Smith (FL)	Watkins
Ridge	Smith (IA)	Waxman
Rinaldo	Smith (NE)	Weaver
Ritter	Smith (NJ)	Weiss
Roberts	Smith, Denny	Wheat
Robinson	Smith, Robert	Whitehurst
Rodino	Snowe	Whitley
Roe	Snyder	Whittaker
Roemer	Solarz	Whitten
Rogers	Solomon	Wilson
Rose	Spence	Winn
Rostenkowski	Spratt	Wirth
Roth	St Germain	Wise
Roukema	Staggers	Wolf
Rowland	Stangeland	Wolpe
Roybal	Stenholm	Wortley
Rudd	Stratton	Wyden
Russo	Studds	Wylie
Sabo	Stump	Yates
Savage	Sundquist	Yatron
Sawyer	Swift	Young (AK)
Schaefer	Synar	Young (FL)
Schneider	Tallon	Young (MO)
Schulze	Tauke	Zablocki
Schumer	Tauzin	Zschau

□ 1400

The CHAIRMAN. Three hundred ninety-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

PREFERENTIAL MOTION OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. JACOBS moves that the Committee do now rise and report the joint resolution, House Joint Resolution 364, back to the House with the recommendation that the resolving clause be stricken.

Mr. JACOBS. Mr. Chairman, I ask the question that every thoughtful American has on his or her lips at this hour. When did the 300-year-old religious war in Lebanon become important enough to the U.S. Government and the security of this country for the Congress to be willing to endorse a policy that sacrifices the lives of young Americans there?

I did not hear about the importance of that religious war in this administration's inaugural address. I heard nothing of the importance of that war to us a year ago or 2 years ago.

Needless to say, the Russians were already supplying equipment to the Syrians at those times, and needless to say, as history shows, the Syrians were already in the Lebanese religious war at those times.

Why then, the American people would like to know, has this religious war suddenly become vital to American interests?

I know what people across this country are thinking at this moment. They are thinking, many of them, what must have been thought in the early days of the Vietnam disaster. "Well, the President must know something that I don't know. The Members of Congress, the smart people in Washington must know something that I don't know."

My message to everybody in this country is that that is not true. The so-called best and the brightest are not necessarily knowledgeable about everything.

Take the case of the carpet salesman who came into a home, took a sack of dirt, dumped it upside down on the front room carpet and said, "Lady, if this vacuum cleaner doesn't pick up every bit of that dirt, I'll eat it."

And she said, "Well, you better get yourself a spoon, because we got no electricity."

It is possible for the mighty Government of the United States to overlook something. This administration and its calculations about the behavior of the Syrians in Lebanon from the start has been mistaken and all of the administration's lofty predictions have been falsified by events, as history has shown. The administration thought the Syrians would agree to withdraw with other foreign forces. That was a four times fatal miscalculation.

This resolution is nothing more than an endorsement of a blunder, a blunder not unlike the blunder made by the previous administration that brought about the Iranian hostage crisis.

The President has already repudiated this resolution and says it means nothing to him.

President Andrew Jackson, at the time of the Indian cases in Florida when the Supreme Court made an adverse decision, made the ringing quotation: "Marshall has made his decision. Now let him enforce it." That is the posture of the present administration with regard to any part of this resolution except for the part that endorses the blunder.

□ 1410

I hear people say that the important thing is to keep the "process" alive. I say the important thing is to keep these young men alive, the ones who have not been killed yet, and not to cover up this blunder with the graves of these young, laughing, breathing, happy marines. To die for something is noble. To die for nothing is ignoble. And in this case, the nothing is extra time desired by the administration to find a political figleaf to cover withdrawal. Pride goeth before the unnecessary fall of many more marines.

Buying this resolution is like buying cancer for cash.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, our greatest concern is that the war powers resolution, which was enacted in 1973 become operative. We struggled for weeks, in many meetings, in order to avoid a confrontation.

We all want the marines out of Lebanon. We all are deeply concerned about the loss, the casualties of our military men anywhere.

I submit if we adopt this motion we cut off all further consideration of this legislation. This legislation has been, I must again say very carefully structured. We have the bipartisan support of the House leadership and the President. If this resolution goes down the drain, we are endangering our marines in Lebanon, undermining our foreign policy in the Middle East. This resolution does not deal with only Lebanon or specifically Beirut. All of the Middle East and our interests in the gulf are involved.

The gentleman from Indiana has made a proposal that I believe is very irresponsible. And I hope that it is soundly and roundly defeated.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. HYDE. I want to thank my friend, the chairman, for yielding.

I would just like to state that I think the distinguished gentleman from Indiana has mischaracterized the struggle in Lebanon as a 300-year-old religious war. Indeed, centuries of religious strife has tainted the relationships between the various tribes and factions of Moslems and the Israelis over there. But the struggle is not a religious war primarily. The struggle is a struggle for the assets and the priceless resources of the Middle East. Petroleum is not more important than people, but petroleum runs the farm equipment which helps grow the food for the people of Western Europe and of Japan and many areas in the world. And that petroleum must be available so people can be kept warm and can be fed. And it is the struggle for that petroleum by the Soviet Union through its surrogate, Syria, and other troublemaking elements over there, that is at the bottom of this terrible conflict.

And, so, we hope and pray to stabilize that area and to being peace. Egypt, and who would have believed it, has made peace with Israel. That peace can be widened. But we cannot turn our back and walk away and expect to have a single ally left in the world. I thank the gentleman for yielding.

Mr. ZABLOCKI. Mr. Chairman, if I may reclaim my time.

The question here is are we going to encourage the negotiations that are taking place, in Lebanon, or are we going to pull the plug from those efforts. If we withdraw, we will find Lebanon in a very serious situation which would give Syria an invitation to come

into that area and cause more bloodshed. We would probably have the responsibility for the bloodshed of our Marines if the war was broadened.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. JACOBS. The gentleman from Illinois' reference to petroleum in the Middle East reminds me of when I was in college and troops were sent into Lebanon at that time. I wrote a couplet:

"Though we now send your boys to foreign soil, we will not spill a drop of American oil."

Mr. ZABLOCKI. Mr. Chairman, I urge a "no" vote on the motion.

The CHAIRMAN pro tempore. The question is on the preferential motion offered by the gentleman from Indiana (Mr. JACOBS).

The preferential motion was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LONG of Maryland: strike out all after the resolving clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "United States Armed Forces in Lebanon Resolution".

REPORTS TO THE CONGRESS

SEC. 2. (a) After the end of the 90-day period beginning on August 29, 1983, no funds appropriated by the Congress may be obligated or expended for peacekeeping activities in Lebanon by United States Armed Forces unless, before the end of that 90-day period, either—

(1) the President has submitted to the Congress the report required by section 4(a)(1) of the War Powers Resolution; or

(2) the President has certified to the Congress that a ceasefire is in effect in Lebanon and is being observed by all parties and that significant progress is being made in negotiations to broaden the base of the Lebanese Government and achieve a political resolution of existing differences.

(b) If the President makes a certification under subsection (a)(2), he shall, at the end of each 30-day period thereafter, submit a report to the Congress pursuant to section 4(a)(1) of the War Powers Resolution unless at the end of such 30-day period he makes the certification described in subsection (a)(2). If the President does not submit either the report or the certification required by this subsection at the end of any such 30-day period, then the report required by section 4(a)(1) of the War Powers Resolution shall be deemed to have been submitted for purposes of section 5(d) of the War Powers Resolution as of the end of such period.

INTERPRETATION OF THIS RESOLUTION

SEC. 3. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, which relates to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. LONG) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 1 hour.

The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, ladies and gentlemen of the House, the Long-Obey amendment has two broad features. First, it uses the power of the purse to force the President to invoke the War Powers Act.

□ 1420

That, in itself, has no limits on its constitutionality. That feature of the amendment which uses the power of the purse to force the President to invoke the War Powers Act passed the full Appropriations Committee, by a strong vote of 20 to 16.

Basically it cuts off funds unless the President does invoke that War Powers Act.

After that passed, it was scrubbed by the Speaker and by the chairman of the full committee. Since that time we have had the cease-fire. That created a new problem.

The gentleman from Wisconsin (Mr. OBEY) has brought up language and added language to this amendment which I think is very ingenious. What it does is to insist, insist that the President every 30 days either invoke the War Powers Act or report to Congress on the progress of the cease-fire. That is very important.

That puts the President on a very short leash intentionally. Just think, 30 days. Is that too short a time?

In the last 10 years, according to a Christian Phalange newspaper just published yesterday, there have been 179 cease-fires in Lebanon. The administration admits it is fragile. It does not admit it is that fragile, but that is pretty fragile. That means an average of 1½ cease-fires a month for the last 10 years.

Now, obviously we need something.

They will tell you that 30 days is too short a time; that forces the President to come back too often.

Just think what has happened in the last 30 days. This amendment begins on August 29 when the first marine was killed. Since that time we have had 40 casualties including 5 marines killed. We have had the marshalling of one of the greatest naval forces in the history of this country in the Mediterranean, off the shores of Lebanon. We have had another several thousand marines stationed there. We have had Air Force pounding and shooting up in Lebanon in support of our forces, as I think they quite properly should if they are fired on.

In addition to that, of course, we had a cease-fire just a couple of days ago, all in 1 month. Is it too much to ask the President to keep us posted on what he considers to be the situation in Lebanon?

What we have here, of course, the argument is that this is an admission by the President that the War Powers Act qualifies. As a matter of fact, the President has insisted that the War Powers Act is not going to be observed.

The argument is "Well, he signed it, didn't he?" But let me tell you, General McArthur signed the Japanese surrender; did he not? We were glad. We are always glad to get a total and unconditional surrender from the enemy. The President was glad to get that surrender, glad to sign it, but it does not mean a thing.

In fact, he said, the Secretary of State has said repeatedly, "We will not be bound by this time, by the time limit, or by the escalation."

That, of course, made it an absolute surrender.

Now, since that time they have conditioned it. They have conditioned it by saying they will come to Congress if there is a substantial escalation of the forces in the war.

But what is a substantial escalation? Is it 500 marines, 1,200 marines, 2,000 more marines? There is nothing in here to indicate what a substantial escalation would be.

Or does that include the naval and Air Forces and so on that are brought in?

So we are not told what a substantial escalation would be that he would have to come to the Congress for authorization.

Second, he said that if the war goes beyond 18 months he would work with Congress and meet with the leaders before taking action on a mutually acceptable basis. Does this ask for a war declaration? Will he agree to withdraw the forces if he does not get a war declaration at the end of that time?

I do not see anything, any admission in here that the President is willing to use the War Powers Act. So I think the War Powers Act is a surrender here. It is being surrendered by the gentleman, incidentally, who took the lead in passing it, and we are turning language upside down.

George Orwell ought to be turning over in his grave. He said, he wrote years ago in "1984" that totalitarians would take language and turn it upside down, "war is peace," "peace is war," and all of that kind of thing.

Here we call it a peacekeeping operation which is basically a military operation. We started out to take the side of one side in a war and now we call it peacekeeping operation in that area, in an area, Mr. Chairman, where there has never been from the very beginning any peace to keep.

I urge you to vote for this resolution.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) for 1 hour.

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield so that I may ask him a question?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Is it your intention to yield half of the time to our side in opposition to this amendment?

Mr. ZABLOCKI. The gentleman is correct.

Mr. BROOMFIELD. I would like to ask you one further question before you make your comments.

Mr. ZABLOCKI. It is also my understanding, if I may say to the gentleman, that the proponents of the amendment will also yield time to Members on the other side of the aisle who support the amendment.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. That is correct.

Mr. BROOMFIELD. Mr. Chairman, I wonder if I could address one question to you. There has been a change in the procedure here. It was my understanding that you were going to offer an amendment that would reduce the reporting time from 6 months down to 60 days, and also provide for the amendment by the gentlewoman from Ohio (Ms. OAKAR) which would say in effect that the Congress is opposed to any partition of Lebanon and the annexation of its territory by any foreign country.

The question I would like to ask the chairman of our committee is if the Obey amendment is defeated, is it your intention then to follow with the other amendment which would reduce the reporting from 6 months down to 60 days?

And also include the question on the partition of Lebanon?

Mr. ZABLOCKI. The intention of the gentleman from Wisconsin is to call up just such as amendment for consideration.

Mr. BROOMFIELD. I thank the chairman.

Mr. OBEY. Would the gentleman yield on that point?

Mr. ZABLOCKI. I yield to the gentleman from Wisconsin.

Mr. OBEY. I really do not want to get into an argument with my good friend and my dean. But I want to make certain that I heard what I think I just heard.

The gentleman from Michigan, I believe, and if I am wrong please correct me, the gentleman from Michigan, I believe, asked the chairman whether he intended to offer an amendment to the committee proposition which would relate to the Oakar language on separation or the division of Lebanon, and also which relate to the reporting cycle.

I think the gentleman responded in the affirmative, that that was the amemdment the gentleman intended to offer. Is that correct?

Mr. ZABLOCKI. That is correct. Of course, within that amendment there will be some further reporting requirements that would be requested every 60 days.

Mr. OBEY. If the gentleman will yield further, that is my problem, because, as the gentleman knows, those of us who are opposed to this resolution, were unhappy with the rule that was brought out because it gave the committee the theoretical option to offer almost any amendment they wanted, under which we would not be in a position to offer any amendments to our own alternative. This morning, during debate on the rule, I asked the gentleman what his intention was. I said as follows: "I want to say, however, that I have been given the assurance by the gentleman from Wisconsin (Mr. ZABLOCKI) who is the chairman of the Foreign Affairs Committee, that he does not intend to offer amendments which would change in any major way the content of the committee product that they are contemplating, probably only one amendment which would change the reporting cycle," not the reporting language, but the reporting cycle, "and another amendment which might have to do with the possible partitioning of Lebanon, and that he does not expect to see any other amendments offered.

"If that is the understanding," I went on to say, "then I have no problem 'with the rule' because the theoretical possibility for sandbagging would appear not to be real. We would appear to be in the position where those theoretical possibilities would not be exercised by the committee."

Then the chairman responded by saying: "The gentleman from Wisconsin has stated the intentions of the chairman of the Foreign Affairs Committee correctly."

□ 1430

Mr. ZABLOCKI. Mr. Chairman, could I get some time from the gentleman since he is consuming all of my time?

Mr. OBEY. It is the gentleman's time.

Mr. ZABLOCKI. I was going to argue against the gentleman's amendment. I am not prepared to debate with you as to what you understood me to say or what I actually said. I honestly responded to the gentleman's question. I certainly do not interpret adding certain requirements in the report as very substantive changes in the policy contained and the positions that I spelled out in the resolution. And I do not yield any further to the gentleman. I would be very happy to respond privately to any further questions.

I think I honestly responded to his question. I presume that he would have had in mind whether the gentleman from Wisconsin intended to change the 18-month authorization, or any amendment of that sort. And I honestly responded there would be no such major substantive changes. The amendment that I intend to offer is not a major substantive amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Yes; I yield.

Mr. OBEY. Mr. Chairman, will the gentleman yield for one more question?

Mr. ZABLOCKI. I yield to the gentleman.

Mr. OBEY. I thank the gentleman for yielding.

Is the gentleman saying that he intends to offer the amendment which he just showed to us, but that there will not be an amendment offered which would change the 18-month authority period to 9 months? Because under the rule, as the gentleman knows, only the chairman or his designee could offer any amendment.

Mr. ZABLOCKI. It was not my intention but since the gentleman raised the question and questioned my integrity, I wonder whether I should not withhold that commitment and not give him a definitive answer right now.

Mr. OBEY. Well, I will leave that up to the gentleman.

Mr. ZABLOCKI. But the gentleman does confirm what I am sure he understood and was seeking from the gentleman from Wisconsin as an answer to his question, which was honest at the time, and I stand by it.

Mr. Chairman, the amendment that is before us is almost as bad as the motion deleting everything after the enacting clause that we have just defeated. This substitute would really gut the resolution that is before us. This substitute is clearly unworkable and highly detrimental to U.S. foreign policy.

The substitute would force a series of confrontations between the President and the Congress. We could be arguing with the President virtually every month as to whether a cease fire was in effect or whether a report

under section 4(a)(1) of the war powers resolution was operative.

Do the Members of this body want to confront this issue every 30 days? This substitute would inevitably lead to a spasmodic "fits and starts" foreign policy that would seriously undermine our strategy in Lebanon. The substitute also would insure partisan wrangling and election-year politicization to the detriment of the U.S. foreign policy.

By contract, an 18-month extension would carry the authorization past the 1984 elections.

Mr. Chairman, House Joint Resolution 364 is based on hard, unavoidable foreign policy and political realities. It is not an open-ended authorization nor does it mean the U.S. Marines stay in Lebanon for 18 months regardless of the circumstances.

In fact, the resolution provides for termination of the marines' presence sooner under a number of different conditions and situations.

By contrast, the substitute effectively cripples Congress ability to exercise its rightful role in defining the scope and direction of the U.S. policy in Lebanon because it will lead to a Presidential veto and a continuation of the current constitutional impasse. It will effectively bury this legislation; it would effectively pull the rug out from under the war powers resolution.

Mr. Chairman, I urge its defeat.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. ZABLOCKI) yield 30 minutes to the gentleman from Michigan (Mr. BROOMFIELD)?

Mr. ZABLOCKI. Mr. Chairman, I so yield.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

PARLIAMENTARY INQUIRY

Mr. ZABLOCKI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. ZABLOCKI. Mr. Chairman, have the proponents of the substitute amendment yielded any time to the other side of the aisle?

Mr. LONG of Maryland. Mr. Chairman, we will be yielding time on an individual basis, not on a bloc basis.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, at the outset I want to join the chairman of our committee and say that this is probably the most important amendment we will be voting on in this matter. This amendment that is being offered would certainly undo the very careful and painstaking compromise worked out between the administration and the bipartisan leadership of the House, which the President has said he will sign.

I can almost assure you that if there is any major change in substance, that the President would veto it.

Mr. Chairman, first, the amendment would postpone the invocation of the war powers resolution by the Congress for at least 3 months. Then, it would establish a situation of potentially short-term, recurrent confrontation between the President and Congress, beginning at the end of November, when the President must recertify the existence of a cease-fire every 30 days or invoke the war powers resolution.

If the substitute is adopted, it will undercut the bipartisan legislative and executive commitment to crucial U.S. foreign policy objectives in Lebanon which the compromise embodied in House Joint Resolution 364 represents. It is fair to say that the negotiation of this compromise and its approval by a wide bipartisan majority in the Foreign Affairs Committee contributed significantly to convincing Syrian-supported elements in Lebanon to agree to the recently established cease-fire. Adoption of the substitute might very well encourage Syrian and Soviet-backed, armed factions to seriously break that cease-fire before the end of November.

Even if the marines are subsequently authorized to continue to participate in the Multinational Force (MNF), at a minimum, diplomats will have to start again back at square one trying to reinstitute a cease-fire. If the marines are forced to withdraw after the end of November under the substitute, which might well occur, it will seriously destabilize the situation in Lebanon, possibly destroy the MNF, and reward Syrian recalcitrance. If indeed Lebanon's Government should fall, this would amount to a strategic notch in Moscow's belt. Such a result will have grave implications for the security of Israel, our primary ally in the region and a democracy. Ultimately, it may lead to the permanent partition of Lebanon with increased influence in the area for Syria, the U.S.S.R., and Syrian-supported radical PLO elements.

Further, such results as appear likely to flow from adoption of the substitute will demoralize our allies, especially France, Italy, and the United Kingdom, and will severely damage our credibility with concerned moderate Arab States such as Saudi Arabia and Egypt. In short, the substitute could work directly against the objectives we all share and I urge my colleagues to oppose the substitute.

Mr. LONG of Maryland. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, just about a year ago American troops were first sent to Lebanon and their mission then was to fly the flag, to show their moral authority, to keep the lid on the situation by keeping the parties separated and to help prevent further massacres.

□ 1440

We all understood the necessity for that, although we had some misgivings about the clarity with which the Marines' mission was defined at that time and said so.

The mission has changed since then. It has now become, by the administration's own admission, an effort to support the creation of a strong central government in Lebanon. And over the last few months we have, for all practical purposes, been fighting on the Government's side against other Lebanese, as well as against other outside parties.

The inventory of the wide variety of competing forces in Lebanon, both internal and external, has already been mentioned today. We have now had 5 Americans killed and 38 wounded, I believe that is the number.

The law provides that as of August 29 the President had 48 hours to report to Congress that, in the words of the War Powers Act,

> U.S. forces were in hostilities or were in situations where imminent involvement in hostilities was clearly indicated by the circumstances.

And the House, as I indicated earlier, is now confronted with two problems. No. 1 is how to promote and protect the integrity of the existing law under which we are operating, the War Powers Act. While that is important, as I indicated, it is not enough for Congress simply to vindicate a procedural prerogative. There is a second, more important issue. That issue is what should our policy in Lebanon be.

The answer of the Foreign Affairs Committee is that Congress should authorize the presence in Lebanon and the involvement in Lebanon for the next 18 months, of American military forces.

Those of us who are offering this amendment believe that to be a profound mistake. We want Congress to withhold a commitment of that kind for the time being—underlining the words "for the time being"—and we are offering a substitute which does two things.

It says that the President must report as the law requires. It says the President must report under the War Powers Act that our forces are or have been engaged in military situations. The only difference is that we give him an extra 90 days to make that report and we also give him another option.

We say, "Mr. President, if you do not want to do that, then you do not have to if you can report to the House at that time that we are in a cease-fire situation which is holding and that decent and major progress is being made at the negotiating table in order

to broaden the base of the Gemayel government, without which none of our involvement can succeed, and to help assure that the divisions between the parties are being settled on a political basis."

If the President certifies as to that, then he must report under the terms of this amemdment every 30 days to the Congress. He must either report under the War Powers Act, if we are in situations of armed conflict and warfare, or he must report that we are in a cease-fire situation, if, in fact, that is the situation in which we find ourselves at the time.

This amendment, despite what has been said a number of times today, does not cut and run. This amendment does not withdraw troops. This amendment does not set short deadlines for troop presence in Lebanon because many of us believe that it would be a mistake to set an extremely short deadline because the Syrians could then simply wait out the U.S. resolve in that area.

So what we are saying instead is that under this proposal we create equal pressure on the Syrians to negotiate and on the Gemayel government to make the concessions that will be necessary to save itself.

This, we believe, is a compromise between an 18-month here-and-now, forever-more commitment and an immediate invoking of the War Powers Act.

It does recognize that we need most of all to have a political resolution to the problem. It does protect congressional prerogatives under the War Powers Act. And it does so by buttressing those powers with another constitutional power of the Congress; namely, the constitutional power of the purse, the most vital of all powers of this body.

We use that power not to force withdrawl at this time, but to enforce the law, to enforce the law as it exists today, and in fact we ease that law in two circumstances.

It gives the President more time to work out the problems before Congress must make a decision.

I just want to make one more point. I had the unpleasant duty to go to Minong, Wis., about 3 weeks ago to visit the father and the mother of one of the marines who was just killed in Lebanon, a marine by the name of L.Cpl. Randy Clark. And his father told me, he said, "Mr. Congressman, I appreciated the President's call after we lost Randy. But," he said, "I was bothered by that call because," he said, "the President kept saying, 'I want, I want, I want.'" He said, "I understand the jam he is in but I want to tell you something, if you fellows look at that situation hard and if you tell us that you have decided that it is necessary for us to stay involved, then I might be persuaded."

But I submit to my colleagues that if our answer to him is to give the administration 18 months carte blanche to do whatever needs to be done during that time, within the limitations laid out by the resolution, we will not have exercised our prerogatives, we will not have exercised our responsibility, we will not have defended the law, and we will have committed us to 18 months of possible chaos. I do not think the Members want to do that. There is no need to do that at this time.

And I ask my colleagues to recognize again that this proposal simply withholds for the moment the kind of long-term commitment that we are being asked to make by the Foreign Affairs Committee today.

I would urge the Members to give it serious consideration.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

I wonder how his amendment changes the constitutional power of the Congress which the gentleman from Wisconsin has correctly suggested is the power of the purse. I submit the greatest single constitutional power on the face of this Earth in a democracy is the power to withhold funds. Congress still has that power and the gentlemans' amendment does not alter or enhance our power of the purse.

The CHAIRMAN pro tempore (Mr. NATCHER). The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin.

Mr. OBEY. The answer is it does not change that power, it uses it to enforce the law.

Mr. KEMP. Does it change it? We still have it. Do we have it or not?

Mr. OBEY. That is correct. We have it, but if we want to enforce the law we must use it or we will lose not only our power to influence the Lebanon situation, we could lose, for all practical purposes, our power to save the War Powers Act.

Mr. KEMP. But we can use it any time we deem necessary, that is my point.

Mr. OBEY. That is correct.

Mr. KEMP. It does not change it one whit to have the Long-Obey amendment set up a procedural contest between the Congress and the President. We have the power of the purse. To accept this amendment undercuts our efforts to negotiate a settlement in the interest of an independent Lebanon.

Mr. OBEY. Except it states now that those funds would be cut off unless the President complies with the law. And if you believe in the War Powers Act, you ought to believe in compliance with the law or else admit now you are just trying to find a way to finesse it.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. LLOYD).

Mr. BEDELL. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in opposition to House Joint Resolution 364, and in support of the amendment offered by Mr. LONG and Mr. OBEY.

The situation in Lebanon is a complex one. The country, wracked by years of strife due to internal disorder and its central location as a staging ground for fighting between other powers in the Middle East, has been ravaged both economically and politically. Today it remains in a precarious state because of recent fighting among its several religious and political factions, its continued occupation by foreign forces, and its unwanted role as a buffer zone for opposing countries in the region.

However, if the situation remains a complex one, I believe that one thing is clear: No satisfactory resolution of Lebanon's internal problems can be reached unless the current Lebanese Government allows all those religious and political factions within the country a legitimate voice in determining that country's future.

In my opinion, there are two issues central to the debate surrounding this resolution. First, we must assure the safety of the U.S. Marines stationed in Lebanon as part of the multinational peacekeeping force. Second, we must make it clear to the Gemayel government that our role in promoting peace is contingent upon its making real progress in allowing the participation of all factions in Lebanon's political process.

It is in these two critical respects, I believe, that House Joint Resolution 364 falls alarmingly short. The resolution authorizes the commitment of U.S. troops for 18 months from the date of the measure's enactment. Thus, the resolution, if approved in its current form, would signal President Gemayel of a lengthy, open-ended U.S. commitment to the region. Once assured of U.S. involvement, I am fearful that President Gemayel would be less concerned about opposition from Syrian-backed factions in the country, and thus would feel less compelled to bring these factions into Lebanon's political dialog.

In addition, I believe that the resolution fails to provide the oversight and accountability that is necessary to assure that U.S. forces receive adequate protection and that their role is properly defined.

Despite the fact that four U.S. marines have been killed and several wounded as a result of our role in the multinational peacekeeping force, this administration has only recently, and very grudgingly acknowledged that U.S. forces are involved in hostilities or likely hostilities as required under the War Powers Act. Consequently, I am opposed to granting the same administration a nearly free hand in determining the future course of our role in Lebanon, as provided in the resolution.

The amendment offered by Mr. LONG and Mr. OBEY would properly assure that the Congress has a role in shaping our policy toward Lebanon, and that that policy remains flexible. The amendment would require the President to invoke the war powers resolution by the end of November or at the end of any month thereafter, unless he certifies to the Congress that a cease-fire is in effect and is being observed by all parties, and that significant progress is being made in negotiations to broaden the base of the Lebanese Government and to achieve a political resolution of existing differences.

Thus, the Long/Obey amendment would assure that continued United States involvement in Lebanon would be subjected to continued oversight and a regular accounting, and the Gemayel government would be put on notice that its failure to negotiate in a serious and timely way a broad-based resolution of its country's civil disorder will invite the withdrawal of U.S. troops.

I respectfully urge the adoption of the Long/Obey amendment.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Obey substitute. My decision to do so was not made in haste. This decision is one that has required many, many hours of consideration of the facts and some deep soul searching.

I wish with all my heart that we would never have to place our troops in this area, in the far reaches of this Earth. I remember as a teenager, the sorrow of my family when my brother's B-17 was shot down over enemy territory. He was in a prison camp for 20 months. And now I realize full that I have a 19-year-old son, who could also be involved in this present conflict.

□ 1450

But I also know that the freedoms we enjoy in this great Nation have never been free, and they are never going to be free, and that we have made a commitment to our allies that we would offer them support and back them up in their struggle.

I think they have a right to remain free, and I am convinced that the multinational peacekeeping force is the main tool to resolve the Lebanon crisis. I think that without it, it is very obvious that the Syrians are going to continue their shelling and the Soviets will continue to back the Syrians in their effort to destabilize Lebanon.

I think this will further isolate Israel and also deprive the United States of a valued ally in Lebanon. If our forces are pulled out at this time, we will have shown to the world that we cannot be relied upon to fulfill our commitments. One moment we are saying to our allies that, "We are going to help you," and the next moment we are saying, "Well, we have changed our mind and, therefore, we are going to leave you on your own."

If we let this happen in Lebanon, I am very sure that our adversaries will use it as a great propaganda speech to say that the United States cannot be trusted. We are in Lebanon now at the request of that Government. We have made a commitment to peace, to a moderate pro-American government and an ally.

I feel this commitment must be honored. I do feel, though, that we should not debate the importance of 18 months but rather that we must emphasize that the job must get done and to bring our forces home as soon as possible, be it 1 month or 18 months, and we must do so with honor.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I rise to strongly oppose the substitute amendment. If it were to be adopted, it would play into the hands of the Syrians and totally undermine our President's efforts in Lebanon to achieve our goals—and we do have some goals over there.

Mr. Chairman, we are really debating two issues today. One is whether or not our marines should be immediately withdrawn from the multinational peacekeeping force in Lebanon, and the other is if we are not to immediately withdraw, should Congress pass a resolution supporting the President's keeping our forces in Lebanon for up to 18 months, or for some shorter duration, and under stricter conditions than this resolution proposes.

Whether or not one believes we did the right thing in involving our marines in a multinational peacekeeping force with the Italians, French, and British in Beirut months ago, the question of whether the Congress should support the continued presence of these troops for several months to come as the President has requested must be decided by examining the probable consequences of withdrawing them under present conditions, and the realistic risks involved in keeping them and the chances of success in achieving the intended goals.

The whole reason for our involvement in the Middle East is to prevent the Soviet Union from dominating the entire region which would result in the loss to the Soviets of a very critical strategic region of the world and the closing down of the Persian Gulf oil supply to the United States and our allies. Short of direct United States troop involvement, the only real buffer we have to prevent this Soviet domination is Israel. We can debate all we want whether we agree with some of the things the Government of Israel does from time to time, but there should be no debate over the fact that Isreal is a critical and true ally of the United States, whose continued existence, strength, and vitality are essential to our national security.

Last year, the Israelis drove the PLO out of Beirut and occupied that portion of Lebanon from Beirut south to Israel. The Palestinian forces became factionalized, but they remained in that portion of Lebanon occupied and controlled by Syria. The United States tried to negotiate a peaceful settlement of the Lebanese question and in the process get both Syria and Israel to withdraw and allow a Lebanese Government to function again. To this end, we joined with the Italians, French, and British in forming a multinational peacekeeping force to occupy Beirut and the Israelis began a withdrawal to the south, which was demanded by Syria before they would agree to withdraw. The problem is that the Syrians have not withdrawn. Instead, they supported a civil war begun by the Druze, one of the tribal factions in Lebanon.

The Syrians and Soviets sensed an opportune time to destroy American public support for the presence of the peacekeeping force and take advantage of the Israeli Government change to seize Beirut and put the PLO back in business. If we were to withdraw now, this is exactly what would happen. In time, the Israeli forces might go in and retake the region, but damage to the United States by loss of confidence in it by its allies and from the signal of weakness that this gives to the Soviets who would then be encouraged to press forward that much harder is tremendous.

There are risks in leaving the marines in Lebanon, but it appears to me that the chances of succeeding in our immediate goals as evidenced by the recent cease-fire are fairly good and the odds against a complete collapse of the Lebanese forces or a decision on the part of the Syrians and Soviets to move directly against our marines are great. The administration adamantly assures Congress that it has no intention of sending more troops to Lebanon and should conditions deteriorate to the point that we could not continue a presence in Beirut without substantial loss of American lives we would withdraw—that is the worst

case unlikely scenario, but therein lies the risk.

The current American objective is to keep a presence in the critical Beirut area sufficient to deter the Syrian/Soviet aggression into the area until the Syrians become convinced that they cannot achieve their objective of taking over the area in the near term at which point it is believed that they will go to the bargaining table and agree to a settlement securing on favorable terms to us the strategic region which the United States is seeking to put in the hands of an independent Lebanese Government. Long term we hope for an independent Lebanon totally free of all foreign occupation. The real lever on Syria to come to an accommodition is the unstated threat they perceive that Israel will move back into the conflict and actually invade the Bakka Valley.

The Lebanese question is a complicated and serious one over which reasonable persons may disagree. However, it is my judgment that the responsible course of action at the present is to support this administration's efforts.

This includes the compromise worked out in the pending resolution for approval of a stay of our forces for a period of up to 18 months under stated conditions. Therefore, I support the resolution as introduced, and oppose all amendments thereto.

Mr. LONG of Maryland. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, I believe the United States has a role to play in Lebanon. I believe there is sufficient evidence of involvement by non-Lebanese influences to suggest that this is more than a civil war and that the United States does have a security interest to be protected in Lebanon. And I believe that the Congress of the United States should recognize that that interest exists and join with the President in working to achieve a solution that will: First, bring peace to Lebanon, and second, do so without damage to American interests.

How we achieve that result, however, is no less important than the result itself. One of the principal elements of American political conservatism is a belief in the sanctity of the Constitution. Some would argue that we must unconditionally accept the leadership of the President because we have only one President. The concept of an all-powerful head of state is not only foreign to the principles of constitutional government but a serious threat to it. And the concept that at times the details of the Constitution should be set aside if doing so will achieve a desired result is a dangerous concept.

The war power of the United States is vested not in the executive branch but in the Congress. The President, as the Commander in Chief of the Armed Forces, has the authority under the Constitution, to decide on the placement of American troops; he does not, however, have the authority to decide whether American troops may be committed to hostilities. That power resides in the Congress and in my opinion the War Powers Act is a perfectly proper exercise of that authority. It is simply wrong, and dangerous to the basic precepts of our Government to seek ways to avoid the clear mandates of law and the Constitution to achieve the goal we seek to achieve.

This amendment need not change in any way the result sought under the agreement between the President and the leadership of this House. Under this amendment, the President could report to the Congress immediately if he chose, and the Congress could then grant to him before the week is out the same authority now proposed by the Zablocki resolution.

I support the President. I believe he has good reason for wishing to show strength, resolve, and American commitment in Lebanon. I believe the Congress should support him in doing that. But there is a transcendent issue, an issue of constitutional government, that must frame the process by which we act. It is for that reason, not opposition to the President's policies, that I will vote for this amendment to require the President to obey a law enacted by this Congress in exercise of its clear constitutional power and authority.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, the war powers resolution was purchased at a terrible price: rivers of blood and mountains of dead from Vietnam. The American people, whether it be in Central America or in the Middle East or in any other part of the world, are determined not to have another Vietnam.

The most precious thing that we can preserve in this debate is what we have gained in the War Powers Act. I understand and appreciate the good motives of our President, I think 18 months is too long to commit ourselves to, but I am going to vote for that commitment in the pending resolution on one definite understanding, that that is by both the War Powers Act and this resolution, Congress may bring those troops home whenever it resolves to do so.

In 5(c) of the war powers resolution provides: "such forces shall be removed by the President if the Congress so directs by concurrent resolution."

□ 1500

The Foreign Affairs Committee evidently felt that the Chadha decision, the immigration case required us to act until a clarification of that decision can be obtained by joint resolution. So this pending resolution says:

SEC. 7(a) Nothing in this joint resolution shall preclude the Congress, by joint resolution, from directing such withdrawal.

I want it clearly known as a part of the legislative history of this act that many of us on this floor are voting for the 18 months for our troops in Lebanon with the definite understanding that we have express authority as Members of Congress to terminate the endurance of the troops in the Middle East whenever we choose to do so, either by concurrent or by joint resolution.

That is the important thing I think we must remember in this debate.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding this time to me.

Mr. Chairman, at this very moment there is in Lebanon a National Lebanese Cease-fire Committee that is meeting as a preliminary step toward forming an organization toward national reconciliation. Our hopes, of course, and our prayers go with that cease-fire committee, leading toward Lebanese reconciliation among the indigenous factions.

That effort is something, of course, that is tenuous and uncertain but nonetheless, it is something that ought not to be undercut. If that effort is to stand a chance of succeeding, this Congress must stand united with the President, and demonstrate strong bipartisan support for the President's determination to work in Lebanon for a rational reconciliation effort.

The statement has been made by the gentleman from Maryland as well as the gentleman from Wisconsin that somehow, by their involved and curious substitute amendment, they are invoking an act that implements the Constitution of the United States. Vietnam has been mentioned as an analogy several times. With all due respect, I think one of the most prevalent and erroneous myths in America today is that somehow Vietnam was done surreptitiously, without congressional control or support. I do not know how many votes were taken in Congress in authorizing and appropriating funds for Vietnam, but a reasonable guess would be approximately 100 votes, if not many more; and every one was taken in full view of the American people. I would dare say some of the strongest critics of our policy in Vietnam during the 1960's had several votes in which they, themselves, were supporting the incumbent administration in its conduct of the war.

The Congress of the United States has the strongest power that has ever

been given to a legislative body in history—the power of the purse. That power cannot be taken away or impaired by the War Powers Act or by any other legislation. It is part of our Constitution, integral to the system of checks and balances so artfully constructed by that document. The powers of Congress do not need strengthening; indeed I think they could be very well undercut by forcing a constitutional confrontation, as is set up in the Obey-Long amendment.

I just want to make one further point. The gentleman from Florida (Mr. MCCOLLUM) suggested that those who have the most to gain from a show of irresolution at this point would be the Soviet Union and Syria. What do we want in Lebanon? We want to see an independent, stable, and sovereign Lebanon, secure from foreign intervention and exploitation.

We hope that the Camp David peace process is enhanced by another democracy in the Mideast supporting Camp David. This would be in the interest not only of Lebanon; it would be in the interest of Israel; it would be in the interest of peace.

I would urge that there be a decisive vote against the Obey-Long amendment and a strong show of support for the President.

I support the Zablocki resolution, not because I concur in all its particulars, but because I believe that a successful foreign policy requires unity between Congress and the Executive, not disunity.

If we have learned anything from our recent past, it is the moral vacuity of sacrificing American lives in a cause we are not committed to win. Therefore, I believe there must be no mistake about our objectives in Lebanon, and our resolve and national unity of purpose in achieving those objectives.

I believe that our objectives are clear. Our presence in Lebanon is necessary to help give Lebanon the opportunity to reclaim its sovereignty and the integrity of its democratic government, to insure that Israel will have a secure northern border, and to facilitate the withdrawal of all foreign forces from Lebanon. If instead we were to abandon the cause of stability and allow hostile forces to reclaim Lebanese soil, we would be insuring the spread of Soviet influence and power in the Middle East, and we would forfeit any hope of stability or security or peace in the region.

In sending a multinational force to Lebanon to insure the peace, the free world recognized that the turmoil and foreign intervention in that country posed a threat to vital Western interests. The Zablocki resolution should be adopted so that the world will understand that the Congress of the United States is committed to securing our interests in the Middle East as surely as the administration and our allies are dedicated to that goal.

At the same time, this resolution is far from perfect. In particular, I must express my disagreement with the committee's decision to specify a set time limit on the deployment of U.S. forces in Lebanon. Either the stability and integrity of Lebanon are essential foreign policy objectives of the United States, or they are not. If they are, then setting an artificial time limit on our commitment makes no sense, and can only give false encouragement to Syria and others that we may tire of our responsibilities and falter in our resolve.

In this regard, amendments to the Zablocki resolution that would shorten the time period are doubly ill-advised. The Government of Lebanon is doing all it can to reassert its sovereignty and to effect national reconciliation. Israel has agreed to withdraw. Syria alone remains recalcitrant. Whose interests would be served by our pulling out at a set, early date: those who are working for peace, or those who are stalling for time, growing daily more entrenched and more bold in their efforts to thwart the peacekeeping mission of the multinational force?

The illogic of those advocating a shortened time period is carried to full absurdity by the Long-Obey amendment.

The Long-Obey amendment would substitute 30-day review periods and congressional micromanagement for the President's conduct of foreign policy. Elaborate reporting and certification requirements are no substitute for responsible evaluation of the requirements of our national interest. This amendment is a vehicle for instituting procedural divisiveness at the very time the need for national unity is uppermost.

By calling for an automatic cutoff in funds for U.S. Forces in Lebanon, unless the President submits the issue under the war powers resolution, the Obey-Long amendment would subordinate national security concerns to a procedural contest between the executive and legislative branches. The procedural reporting requirement is a separate question from the merits of our presence in Lebanon. There are many ways in which we in Congress can make our voice heard on foreign policy, short of handcuffing the country's ability to protect our security interests.

The cease-fire that was announced on Sunday was an important step toward the goal of national reconciliation. Let no one doubt that the interested parties will look to the action we take today to see whether this country stands united behind a firm policy in Lebanon, or whether we are uncertain and disunited. The chances for an enduring cease-fire and the eventual achievement of Lebanon's national reunification depend on our national unity as expressed in part in our vote here today.

America's leadership of the free world is not an easy undertaking. It demands sacrifices, as we have seen in Lebanon, and it incurs risks, as we continue to see in that country. Our resolve and unity of purpose in securing our interests and the interests of liberty in Lebanon become even more critical now, as opponents of freedom seek to deny our success.

President Reagan is determined to protect our interests in the Middle East, to pursue stability, freedom from terrorism and the curtailment of Soviet power and influence in that strategically vital region. And he knows that America's response to challenges in Lebanon will be seen by friend and adversary alike as a key test of our will as a nation to fulfill our role as leader of the free world. In this critical undertaking, the President deserves our steadfast support.

Adoption of the Zablocki resolution will not resolve the serious questions that remain about the constitutionality—or the wisdom—of the War Powers Act. But it will resolve any doubts that our friends and adversaries might have about America's will. It is time we put those doubts behind us. On that basis, I urge passage of the Zablocki resolution.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. I thank the gentleman for yielding this time to me.

Mr. Chairman, my staff tells me that I have cast more votes than anybody in the history of Congress. It is about 15,000 votes. If I were going to take back any of those approximately 15,000 votes that I have cast, it would be the vote that I cast for the Gulf of Tonkin resolution.

We have a good Constitution. I am an amateur historian. I write history books as a matter of hobby, and in my study of the Constitution it leads me to see that the President was made Commander in Chief of the military forces because of the experience between the militia and the regulars in the Revolution. It was in order to have a coordinated, combined activity under one person.

On the other hand, as far as war powers were concerned, it was clear that the President was not given that power and Congress was given that power. I, myself, did not vote for the war powers law because I thought it improperly gave power to the President.

The testimony before our Committee on Armed Services leads me to think that we are in a situation where things may well get worse as far as ourselves and other countries are con-

cerned in this particular area. Lebanon has had an adequate time, in my opinion, almost a year now, to come forth with some forthright ideas about how they are going to give and distribute democracy more thoroughly in that area. I am sympathetic with them, but it is not the responsibility of the Government of the United States.

The Obey-Long proposal requires Congress to make the decisions which the Constitution puts upon the Congress. It does not put them on the President; it puts then upon the Congress, and this was done for a very good, historical reason. The Constitution did it because of the experiences between Jefferson and Washington, Jefferson on the side of the French, Washington on the side of the British, during that period when we were arriving at the Consitution.

In order to keep that sort of thing out of the hands of the President, they gave it to the Congress. Congress has to make these decisions. Therefore, I am for the Obey-Long provision, which I think is a sounder provision in that direction.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Obey amendment. This is not the answer that we are looking for this very serious issue.

I think we should face this issue head on. I think that we should face it by, No. 1, recognizing the War Powers Act as it is and following it as best we can, and requiring the administration to follow it as well.

I also think because we have been in Lebanon 1 year already that any additional time, and the computation thereof, should have begun from the moment that they went there.

Mr. Chairman, I wrote three letters to the President, one last December, one this February, and one this March, saying in essence that the War Powers Act was being violated. I was very disturbed over the responses that I received, which were completely inadequate.

I would also like to point out, Mr. Chairman, that the purpose, that is, the mission of this force in Lebanon has been enlarged. From the moment that the President sent us a letter in September 1982, he set forth one mission. That mission was one of peacekeeping. Yesterday, before the Committee on Armed Services, we heard testimony by Rear Admiral Howe, representing the State Department, that set forth three reasons why our forces are there, one of them being that of training the Lebanese forces, which was entirely outside the scope of the President's letter initially, and the third one included was that in essence of being a participant in a civil war.

The letters to the President and the answers from the State Department are offered herewith:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 2, 1982.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was distressed to learn today of your consideration of a proposal to commit additional U.S. troops to the Multinational Peacekeeping Force in Lebanon.

During the past couple of months, our men in Lebanon have been in almost constant danger. One man has already lost his life, and three others have been seriously injured. The continued violence and bombings during the past several days demonstrate the increased dangers our men will be asked to face if we continue to station them in Lebanon.

While I support international efforts to bring peace to Lebanon by facilitating the withdrawal of all foreign troops from that nation, I believe we need to have the answers to two questions:

One, will increased U.S. participation bring a more rapid and smooth transition to peace, or merely place additional U.S. men in jeopardy while maintaining the status quo? and

Two, what contributions can we expect from other nations which have just as much at stake in bringing peace to Lebanon?

In the interest of the young men in our armed forces, I urge you to carefully evaluate the advisability of such a decision, and to "Keep our troops home this Christmas".

With best regards,

Very truly yours,

IKE SKELTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., January 7, 1983.

Hon. IKE SKELTON,
House of Representatives.

DEAR MR. SKELTON: Your letter of December 2 has been referred to me for reply. I deeply appreciate your concern for the interests of our young men in the armed forces. You can rest assured that the decision to send U.S. military personnel to serve in the Multinational Force (MNF) in Lebanon was made only after carefully weighing all relevant factors including the possible risks to which they would be exposed.

To date no decision has been made to expand the U.S. contribution to the MNF. If we pursue that course of action, it will be done only after careful review of the mission, the risks, and the prospects for success. We will, of course, continue to consult with the Congress as part of this ongoing process.

As you know, France and Italy are already deeply involved in the MNF and have been consistently supportive of this effort since the MNF was first introduced into Beirut. In addition, we are actively engaged in consultations with other allies and friendly nations about possible troop contributions and other support.

I hope this information is helpful.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 10, 1983.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Two weeks ago, I addressed my colleagues in the House of Representatives, urging them to reexamine the involvement of our 1,200 Marines in Lebanon. That action was prompted by news reports that many Marine leaders view the situation in Lebanon as "an accident waiting to happen". Last week's incident, where a U.S. Marine Captain faced off against three Israeli tanks, and a later incident involving a 75 mm tank round which exploded 50 yards from another Marine position, cause me to appeal to you personally to bring our troops home.

The current contingent of Marines was sent to Lebanon in September of 1982. At that time, you submitted a report to Congress in keeping with the 1973 War Powers Act. You stated that the deployment would be for a limited period and that there was no intention of our troops becoming involved in hostilities.

It has become apparent that neither of these criterion exists at this time. In his testimony before the House Armed Services Committee last week, Secretary of Defense Casper Weinberger reported that our troops have been involved in three hostile incidents, and that it was his "continuing worry" that they could escalate to the point of causing "serious loss of life". Similarly, Nicholas Veliotes, Assistant Secretary of State for Near East and South Asian Affairs, told a House Foreign Affairs Subcommittee that it was his "personal guesstimate" that the Marines would stay in Lebanon another year.

Under the War Powers Act, your authority to commit troops into hostilities or potential hostilities without a Declaration of War or statutory authority is limited to 60-90 days. It also requires reporting under section 4(a)(1), allowing for a Congressional veto, if troops are introduced into hostilities or imminent hostilities. Inasmuch as the situation in Lebanon is becoming increasingly precarious, I am compelled to ask under what exact circumstances will you determine that U.S. troops are in a hostile situation? Secondly, what do you envision as a "limited" time period? Your candid answers to these very important questions would be reassuring to those who are interested in preserving the integrity of the War Powers Act and to protecting the lives of American servicemen.

Thank you for your attention to this matter. I look forward, with you, to a speedy and equitable solution to the problems in the Middle East.

With best regards,

Very truly yours,

IKE SKELTON,
Member of Congress.

U.S. DEPARTMENT OF STATE,
Washington, D.C., March 1, 1983.

Hon. IKE SKELTON,
House of Representatives.

DEAR MR. SKELTON: Your letter of February 10 to President Reagan has been referred to me for reply. I appreciate your concern for the well-being of our Marine personnel serving with the Multinational Force (MNF) in Lebanon. The U.S. Marines are in Lebanon for the specific purpose of assisting the Lebanese Government to reassert its authority and control of its sover-

eign territory. Strengthening the central government of Lebanon is an important step which will facilitate the withdrawal of all foreign forces from Lebanon. The U.S. contingent to the MNF is a critical element in the restoration of peace and security to the capital city of Beirut. The U.S. role is an essential contribution toward a successful conclusion of the current negotiation efforts between Israel and Lebanon. As you know, Ambassadors Habib and Draper have been in Lebanon and Israel almost constantly for several months now as personal envoys of the President in an effort to lend our support to these important negotiations.

I can assure you that we are not unmindful of the continuing need to consult with the Congress on U.S. involvement in Lebanon and the Middle East situation in general. We have made a concerted effort to keep the Congress informed in a manner which I believe exceeds any requirement inherent in the War Powers Resolution.

In response to your specific questions, I would like to make clear that we certainly do not discount the danger inherent in any U.S. presence in Lebanon. However, as the President's report to the Congress under the War Powers Resolution stated, there was no intention or expectation that U.S. Armed Forces would become involved in hostilities. This remains the situation at this time. All parties involved clearly understand the guidelines under which the MNF was provided to assist the Government of Lebanon. With the MNF in Lebanon, there is additional assurance that hostilities will not resume.

The U.S. Marines are in Lebanon for a limited period of time. We do not envision an open-ended commitment. The U.S. component of the MNF will depart Lebanon as soon as the objectives of the MNF are achieved.

I hope this information is helpful.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1983.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am distressed to learn of your administration's speculation of increasing the size of the U.S. Marine contingent in Lebanon. Once again, I must appeal to you to bring our troops home.

At the time of their deployment in September of 1982, you advised Congress that the Marines would be in Lebanon for a limited period of time and that there was no intention of our troops becoming involved in hostilities. It has become apparent that neither of these criterion exists at this time. Inasmuch as the 1973 Wars Powers Act limits to 60-90 days your authority to commit troops to hostile or potentially hostile areas without Congressional approval or a declaration of war, and considering that your compliance with the War Powers Act has already been called into question, I think you would be poorly advised to increase the U.S. presence in Lebanon under current circumstances.

In the interest of protecting the lives of American Servicemen, I urge you to bring our boys home.

With best regards,

Very truly yours,

IKE SKELTON,
Member of Congress.

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Hon. IKE SKELTON,
House of Representatives.

DEAR MR. SKELTON: Thank you for your letter to the President of March 1 expressing your concern over the possibility of increasing the size of the U.S. Marine contingent in Lebanon.

During the recent visits to Washington of Lebanese Foreign Minister Elie Salem and President Gemayel's special emissary Sa'eb Salam, we were extremely gratified by the firm reiteration of their thanks for the assistance the Multinational Force (MNF) is rendering to Lebanon. They told us that virtually all segments of Lebanese society are deeply appreciative of the international backing the MNF symbolizes, particularly as it has afforded the Lebanese army the moral support it needs to re-assert its authority on behalf of a strengthened central government. The army has now assumed responsibility for control of greater Beirut, including the sensitive port area; it is providing a secure environment for the capital's inhabitants for the first time in over eight years. The presence of U.S. troops in the MNF is a crucial element in the emergence of a strengthened, independent Lebanon, and symbolizes U.S. determination to stand fully behind the Lebanese in their effort to regain control of their country.

The Lebanese government some time ago asked the MNF contributors to increase the size of their contingents. Lebanon did so in anticipation of possible new tasks that could emerge from on-going negotiations for the withdrawal of the Israeli, Syrian and PLO occupying forces. We have stated only that we would consider the request sympathetically. It is our view that no decision can be made on such a matter until withdrawal negotiations have been completed and we have a clear idea how international troops—MNF or UNIFIL— would be used.

It remains our firm position that the U.S. Marine contingent will remain in Lebanon for only a limited period of time. There is no expectation or intention that they will become involved in hostilities while in Lebanon. However, there may be isolated incidents perpetrated by those determined to undermine the withdrawal negotiations and the growing strength of the Lebanese authorities. Let me reassure you that we will continue our close consultations with the Congress on questions related to the deployment of U.S. forces in Lebanon.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

□ 1510

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the distinguished committee chairman for yielding me this time.

Mr. Chairman, having traveled extensively in the Middle East in the height of the Israeli bombardment of Lebanon during the summer of 1982 and having met with five heads of state and six foreign ministers, I know full well the low esteem in which American foreign policy in the Middle East was held during that summer of 1982. Respect for our foreign policy was greatly improved when in November 1982 I returned to Lebanon and spent time visiting with our Marines there.

Our presence in that country has improved respect for America. Our presence in that country is vital to maintain the current cease-fire. Now, today in this pending amendment before the Congress we are being asked by some of those very same individuals who helped further that policy in the Middle East that brought us such low esteem among our moderate Arab friends to abandon the country of Lebanon, a country that, because of the arms and the military aid that this Congress has provided certain countries in the region, has been destroyed via the misuse of that aid.

I think it is wrong for those same individuals to ask us to abandon the country of Lebanon and the Lebanese Government, a country that is trying to rebuild itself from the U.S. policies that have torn it apart over the past decades.

To those who say that we are giving a blank check to the President by the adoption of this resolution I say, "read the resolution." It is not a blank check. There is a limitation upon our Marines as to the number of Marines that the President can send, there is a requirement upon the President to invoke the War Powers Act, there is a requirement upon the President to report to this Congress more than he is willing to do today, and I say that we are not giving a blank check to the President by approving the Zablocki resolution.

We are faced with the difficult decision of defining the role of the United States in Lebanon and the role of our marines. While all of us would rather see these brave men safe at home with their families, we must remember why they were sent to Lebanon in the first place.

In an effort to remove all foreign forces from Lebanon following the events of last summer, the United States agreed to help form a multinational peacekeeping unit to establish the authority of the duly elected central government rather than allow the many warring factions to take control. The commitment of the United States was a vital element in negotiating the withdrawal of foreign forces from a country that has known nothing but constant war and occupation in recent years.

The future of any American influence in the Middle East would be jeopardized—if not completely eliminated—as a result of pulling the rug out from underneath our Marines. We have made a firm commitment to the

people of Lebanon, indeed the entire Middle East, to do all we can to work toward a just and everlasting peace. To renege on this pledge would demonstrate a lack of belief in our commitment. Whether or not that original commitment was correct is certainly debatable.

Today, in Beirut, a meeting is being held between the leaders of the Lebanese Army, the Phalange Militia, the Druze, and the Shi'ites. I see this as an important first step toward a national reconciliation that President Gemayel must pursue. He must pursue negotiation and not military conquest. President Gemayel is willing to reach out and has done so.

A national reconciliation will bring with it the peace that our marines are in Beirut to help keep. We cannot pull them out now when there is a glimmer of hope for a peaceful coexistence. The fact that the cease-fire has held for almost 3 days now is a very significant one. The meeting in Beirut will, hopefully, produce a solid agreement for a cease-fire and remove the danger facing our marines.

The CHAIRMAN pro tempore. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise in support of the substitute amendment.

The substitute provides the administration with the flexibility that it may need to extract our forces from Lebanon gracefully while making it clear that Congress will itself remove them if prudence so dictates.

Mr. Chairman, the small Marine contingent should not be in Lebanon. The United States, which is the world's preeminent economic and military power, must be cautious not to enter militarily in situations where our strength will likely be insufficiently utilized to achieve our objectives but where the presence of our forces will allow others to weaken or exploit us.

That is the prospect that we face in Lebanon. It may be that there is a need for a modest outside military contingent to buttress the Lebanese Government until it can gather sufficient strength to stand in its own country on its own, but the prospects of that happening are not assured. Should it not happen, then down the road we face either being pushed out, which a great power ought not to allow happen, or escalation merely to maintain ourselves in a deteriorating situation. This is a burden we should not permit ourselves to bear alone.

Therefore, if there is a need for a military presence in Lebanon, we should help fill that need by participating in an international brigade wearing its own uniforms and flying its own flag so as not to engage directly the prestige of the United States.

Mr. Chairman, as we negotiate to bring peace and stability to Lebanon, I ask that we also negotiate with other interested countries the creation of an international force to replace the national forces present in that country.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, there are a lot of people listening to this debate, but there are two people who are listening to this debate with extraordinary interest. They are Dr. Rafic Jouejati, the Syrian Ambassador, and Mr. Anatoly Dobrynin, the Soviet Ambassador, because in the ultimate irony of this debate, when we are allegedly discussing how much power the President has and how much power the Congress has in determining U.S. policy, we are surreptitiously transferring the decisionmaking authority to the Syrian and Soviet Governments. So I say to Dr. Jouejati and Ambassador Dobrynin, "If you are watching us here, do not think that we are going to hand over to you the decisionmaking power over U.S. foreign policy."

The substitute resolution is a victory for vacillation and a formula for failure. It is a procedural nightmare. It does not give the Congress or it does not give the President any power. It transfers to the Syrians and the Soviets authority to make decisions on the fundamental conduct of American foreign policy.

Mr. Chairman, I ask my colleagues to reject overwhelmingly this ill-conceived, counterproductive measure.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs BOXER).

Mrs. BOXER. Mr. Chairman, I rise in support of this amendment. This is not a run-and-hide amendment; this is not an immediate withdrawal amendment; this is not a weak-kneed amendment;

On the contrary the Obey amendment is a real true compromise between those who feel we should immediately withdraw from Lebanon—that this it is not our war—and those who feel that an 18-month blank check is a totally inappropriate congressional response.

The Obey amendment merely asks the President to declare to Congress and the people exactly what the status is in Lebanon. If the status is peace—I know of few who object to a peacekeeping force. If the status is war, then this Congress has a right to know. This amendment has teeth—the teeth being our appropriations power; to give that up is to be a paper tiger.

I believe there is hope for the Middle East and that Lebanon is an important element of that hope. This amendment keeps the heat on the Syrians because their is no firm withdrawal date; it keeps the heat on the Congress and the administration because of the reporting requirements and it keeps the heat on the Gemayel government to broaden its base. It deserves our support.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished whip on the minority side, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, over the years I have watched this body in effect dismantle in many instances our effective leadership team on both sides of the aisle. We have not always had strong leadership, and we certainly have not very often had very good followership around here.

In this instance our leaders are leading. I am talking about the Speaker, the majority leader, the minority leader, the chairman of the Foreign Affairs Committee, our ranking member on the Foreign Affairs Committee, the leaders in the Senate, and the administration, all of whom got together and hammered out this compromise resolution.

It is not a resolution that those Members on the other side of the aisle are all happy with, and I can assure them that we are not all happy with it over here. Probably we would prefer a multiple-choice opportunity, because as "leaders" each one of us has our own opinions, and we do not want to follow the leaders.

We do have strong leadership in this instance, and we need support because we have a good resolution. It is the best that we can provide right now. We cannot have 535 prima donnas deciding what we are going to have as foreign policy. We have got to have leadership from the Commander in Chief, we have got to have leadership in the House and the Senate, and we have got to pay attention to those leaders because they have done a good job here.

I urge the Members to vote no on the Obey-Long substitute and for this resolution. We do have a policy in Lebanon. The resolution does invoke the War Powers Act now. The Obey-Long substitute, as I understand it, would not invoke it until the end of November; the resolution we have before us as the base document does it now.

Our policy in Lebanon, I think, is very clear. It tries to give time to the Lebanese Government to get on its feet and survive with all the different factions involved. It tries to give stability to that region.

□ 1520

Now, when did we change our strategic and national interests in the Middle East, I ask my colleagues?

Lebanon is an important part of the overall strategy in the Middle East and we should not forget that.

Another policy in Lebanon is to try to find a way to get a coordinated withdrawal of our marines and get them out of there. The best way to do that is to support the Zablocki resolution, the compromise resolution we have before us.

I urge my colleagues to vote against the Obey amendment and for the original resolution as reported.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I rise in support of resolution 364 and against the Long-Obey amendment.

The odds for peace in Lebanon are long ones. The last decades give reason for despair.

The issue today is whether these difficult odds are worth pursuing and worth maximizing, and how.

The resolution does not provide a blank check. The amount on the check already has been written, with clear limits on the amount of money and the number of troops.

The issue is not whether we are giving the administration unlimited authority. It is whether we should maximize the chances that already limited authority can work effectively.

There is a cease-fire in Lebanon today. Cease-fires in Lebanon have been broken before, so the odds may be against the durability of this one.

I believe, however, that we should maximize these odds. However difficult, as long as we do so within a framework that—

First, does not allow the President to escalate substantially the U.S. military involvement without congressional approval.

Second, preserves Congress right to take a further look and to act at any point.

The resolution satisfies these two criteria—not in each detail, perhaps, but in major respects. It does by its incorporation by reference of the limitations on U.S. troops in Public Law 98-43 and by the terms of section 7(a).

It is not clear why the present ceasefire in Lebanon occurred, but it is likely that one factor was the continuing presence of the multinational peacekeeping force.

The Long-Obey amendment would cast a shadow over the role of the multinational peacekeeping force.

It would do so because the resolution would be vetoed and would set off confrontation within the U.S. Government.

It would do so on its own terms because it would establish conditions that could be read as signifying equivocation on our part and that would give some external forces now in Lebanon too much power to determine the course of events here in Washington.

I speak as one who believed and believes that our role in the Vietnam war was a tragic mistake and who believes that this administration has drastically over-relied on military means to the detriment of other factors in Central America. But easy analogies can be dangerous ones. We are dealing today with the particular situation in the Middle East, not Vietnam nor Central America. The particular circumstances in the Mideast today militate in favor of support of House Joint Resolution 364 and defeat of Long-Obey.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I rise in strong support of the Long-Obey substitute and in opposition to the proposed 18-months authorization contained in the original resolution.

I want to speak to those of my colleagues who suggest that we need the 18-month authorization in order to show sufficient resolve. Nothing could be further from the truth.

The substitute resolution offered by the gentleman from Maryland (Mr. LONG) and the gentleman from Wisconsin (Mr. OBEY) says nothing whatsoever with respect to the time frame within which American forces will be committed to Lebanon. It speaks only to the question of the method by which that decision shall be made.

Yes, American policy historically has been characterized by too many fits and starts, precisely because American administrations have gone their own way without regard to the feelings, sentiments, and understanding of the Congress and the American people.

The whole philosophy of the War Powers Act, embraced within the Long-Obey substitute, is that the Congress if it is to fulfill its clear constitutional responsibilities must be involved on a continuing basis in the decision to place American troops in a zone of conflict and hostility. Only by full congressional involvement and open public debate can we develop the kind of national consensus that is a prerequisite to a sustainable foreign policy.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, as the gentleman from Michigan just said, the Obey-Long substitute, which I support, is not seeking to hasten the withdrawal in its terms of our troops. Where it differs is that it insists on full congressional participation in the decisionmaking process.

What I am distressed by, what I find literally subversive of our Constitution, is the argument that has been made again and again that asking for congressional participation in the decision is equivalent to deciding that they withdraw.

We have had a carefully crafted substitute which seeks to insure that we can be continual participants in the decision about how long and under what terms they stay. We are told that that will signal that we are going to withdraw. Equating a desire by Congress to participate with a decision by Congress automatically that people withdraw will undercut our constitutional participation. When we have to make a decision, which is a terrible one for all of us, to send young Americans into a situation where they may be killed or may have to kill, the American public has a right to have it made with full constitutional participation.

The issue here is, on the one hand, do we give the President an 18 month—not blank check, but a check as big as the national deficit—because it is more than he asks for, and by which he says he will not be bound.

Do we acquiesce in a Presidential assertion that he, and he alone, will say where and how we commit troops, even into hostilities, or do we seek by this substitute to regularize the process of decision so that we can now and continuously join in that decision.

The young people who were sent, and I am for leaving them there now, but all of us ought to make that decision and remake it, and not put it off for the sake of convenience or for any other sake.

If there are those, whether it is Syria or the Soviet Union or in the White House or in this Chamber, who do not understand the American Constitution and who equate participation by Congress with a negative decision, then they are going to have to relearn the American Constitution. We cannot give away our prerogatives.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. HYDE).

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, in this debate today, our first concern should be to protect the U.S. Marines who are currently stationed in Lebanon as part of the multinational peacekeeping force. That should be our first goal.

The House today is considering the resolution authored by the gentleman from Wisconsin (Mr. ZABLOCKI) and an amendment by the gentleman from Wisconsin (Mr. OBEY).

I plan to vote against the resolution from the committee, because I believe it goes too far in giving carte blanche power to the President to permit the marines to remain on duty in Lebanon for an additional 18 months, too long a period of time.

I am in favor of extending their stay for a shorter period. This would give Congress the opportunity to fully review the situation and to determine

whether there exists a need for the marines to remain in Lebanon.

By passing this resolution, Congress would be abdicating to the executive branch its responsibility under the Constitution to develop and declare war policy. We must retain some control of congressional warmaking powers; this resolution would destroy that power.

However, I will also vote against the Obey amendment because I believe it goes much too far in tying the President's hands. The amendment places far too many restrictions on the President's power to direct the activities of the marines in Lebanon.

It would invariably lead to a constitutional confrontation between the President and Congress over actions to be taken in Lebanon and the Middle East.

If Congress is to authorize the presence of the marines in Lebanon, it is the President's responsibility to handle the day-to-day details of the U.S. peacekeeping mission in that country. In my mind, this is in keeping with the responsibilities of Congress and the executive branch, under the Constitution.

Mr. HYDE. Mr. Chairman, I think the real argument here is over the 18 months. It cannot be over insufficient genuflection toward the sanctity of the War Powers Act, because if you read the resolution of the gentleman from Wisconsin, House Joint Resolution 364, the War Powers Act is mentioned almost on every page. The title says, "Providing statutory authorization under the war powers resolution."

The last paragraph on page 7 says: "Nothing in this joint resolution modifies, limits, or supersedes any provision of the war powers resolution," and this will be signed by the President.

So what are we arguing about, that the White House is not going to comply with every jot and tittle of the war powers resolution? No. There is recognition here in a compromise that has been fashioned by the Speaker of the House, by the chairman of the Foreign Affairs Committee, and the White House, a carefully worked out compromise which preserves the constitutional posture and prerogatives of both branches of Government and it ought not to be lightly abandoned, despite the acknowledged expertise of the gentleman from Maryland (Mr. LONG) and the gentleman from Wisconsin (Mr. OBEY) of the Appropriations Committee. Because the Long-Obey substitute will subject our presence, and that means our marines, to constant uncertainty, it gives the troublemakers over in Lebanon a continuing ongoing incentive to disruption, by breaking the cease-fire just before the 30-day period is up or actively dragging their feet in the negotiations.

Under Long-Obey, the President must certify a cease-fire is in effect and progress is being made in the negotiations every 30 days, and the troublemakers have a blank check for disruption by simply breaking the cease-fire or dragging their feet in negotiations.

□ 1530

That is what the gentleman from California (Mr. LANTOS) meant by saying we are handing over the control of our foreign policy to the Syrian Ambassador or to the Soviet Ambassador.

There are many factors which create violence in Lebanon. Dr. LONG's and Mr. OBEY's substitute will create one more cause for causing violence in Lebanon, because the troublemakers can achieve their aims by initiating fighting every 30 days.

Unfortunately, conflict do not run like Amtrak, on a timetable. When you shorten the period of a possible congressionally mandated pullout, you destroy our credibility, our flexibility, our negotiating strength, and you handicap, you do not help, preserve the peace. The Zablocki resolution certainly does not capitulate to the White House.

Eighteen months is an outside perimeter. It is long enough to prevent Syria or any other country over there from doubting our resolve. It eliminates the involvement of this difficult issue in Presidential politics which will be all over the place next year, and of course, Congress always retains the power of the purse. We are a continuing body. We will be sitting next year. The President cannot continue maintaining troops in Lebanon without congressional support, without popular support.

So, I hope and pray that you will let the Speaker and let Mr. ZABLOCKI and his team, which negotiated this important compromise, have the day rather than precipitate a constitutional crisis while our marines are in difficulty in a very volatile part of the world.

I yield back the balance of my time.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. YATRON).

Mr. YATRON. Mr. Chairman, I rise in opposition to the Long-Obey amendment. The Zablocki-Hamilton resolution does not give the President carte blanche with our marines in Lebanon. The Zablocki-Hamilton resolution is a well-crafted compromise which invokes the War Powers Act and insures the role of the Congress in the formulation of U.S. policy in Lebanon.

Mr. Chairman, I am not at all pleased with the prospect of maintaining U.S. Marines in Lebanon for another 18 months. However, if we are to achieve peace and national reconciliation in Lebanon, it seems to me that we do not have a better alternative. A Lebanon free of foreign forces and united under a stable, democratic Lebanese Government clearly serves American security interests in the Middle East. These goals can only be realized through a political solution based on negotiations and diplomatic compromise. The recent cease-fire worked out by Saudi and U.S. mediators is the first step toward achieving a peaceful settlement in war-torn Lebanon. This cease-fire was brought about, in part, by the presence of our marines in the multinational peacekeeping force.

Maintaining our marines in Beirut sent a strong message to the Syrians that the United States will not abandon efforts to negotiate a peaceful settlement in Lebanon, hence opening the door to further military provocations.

If we pull our troops out of Lebanon prematurely or impose strict time limitations on their presence, we risk losing whatever leverage we have over the Syrians to participate in peace negotiations. The Long-Obey amendment weakens the U.S. commitment to a cease-fire and diplomatic mediation. The Syrians realize that they will not accomplish in negotiations what they have been trying to achieve militarily. If the Syrians believe that the U.S. commitment in Lebanon is lacking, it will give them the incentive to wait us out, thereby undermining the negotiating process and escalating the conflict.

Mr. Chairman, I am fairly optimistic that a diplomatic resolution can be achieved in Lebanon. However, it will be a very difficult and sensitive process. Thousands of innocent people have died in Lebanon and thousands more will perish if a political solution is not realized. The Zablocki-Hamilton resolution puts the U.S. Congress and the President squarely behind negotiations and peace in Lebanon. The resolution does set the war powers in motion and insures the role of the Congress in the decisionmaking process. Therefore I see no reason to adopt the Long-Obey amendment, and I urge its defeat.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Chairman, among the many points made this afternoon, I think one point bears underscoring, even for those, many of those very hesitant about the 18 months that is in the Zablocki resolution.

That is that the Obey resolution is the wrong way to show our concern and show our limitations. Because once again the Obey resolution will

encourage a breakdown of the cease-fire. Very simply, if the cease-fire continues, no War Powers Act is invoked; if the cease-fire ends, then the Congress must invoke the War Powers Act.

If I were a Syrian, if I were a Palestinian, if I were any of the groups that do not want to see the cease-fire, and want to see the partition of Lebanon, there would be one simple thing for me to do—shoot at our American marines and then invoke the War Powers Act.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, I rise in opposition to the Obey substitute and in support of the Zablocki amendment. I have watched this House for some 6 years in attempting to direct foreign policy from the floor of this House. I simply believe that it does not work, regardless of what we believe individually. It simply is not in the best interests for us as 435 Members of this institution to attempt to direct foreign policy on a day-to-day basis.

We must at least let the President, our President, whomever he may be, have the opportunity to formulate foreign policy. If we keep the executive branch in constant turmoil and confusion, then any President does not have the opportunity to direct foreign policy. I saw this happen when we attempted to implement the Panama Canal treaties and in many other instances. It simply does not work.

All of us want our troops out of Lebanon at the earliest possible moment. Most of us, including myself, believe that it was a mistake for us to commit troops there in the first place. Nevertheless, it would be a worse mistake to pass the Obey substitute and send the message to the Soviets that this Nation has no real policy in our foreign affairs and that they have a free hand in the Middle East. The risks are too great to allow that confusion.

I urge the defeat of the Obey substitute.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I had not intended to speak again at this point. But I just have to observe after the statement by the last speaker that both he and a previous speaker on the other side earlier this afternoon seem to be in the quaint position of telling us today that we ought to send the marines to Lebanon for an 18-month commitment, but on a previous vote a number of months ago, when we were voting on among other things the provision of assistance to Lebanon to build up their own army, I assume so that we do not have to send our marines there that both he and another speaker who are speaking in support of the Zablocki resolution voted against that resolution at that time. I do not think that it makes much sense to say no, we will not send money to buttress the Lebanese Army but we will send our own troops.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. Mr. Chairman, I rise to express my reservations about the proposed compromise resolution which would allow the administration to station U.S. combat forces in Lebanon for the next year and a half.

I believe the War Powers Act must be invoked because the Congress should participate in decisions affecting the lives of American troops.

The administration's contention that our marines are not involved in combat makes little sense. Four marines have been killed and more than two dozen have been wounded in recent weeks.

Congress has a fundamental constitutional obligation to insist that the President obey the law. I believe a better course of action would be to impose a 6-month time limit—that would be short enough to prevent the United States from being hopelessly bogged down in Lebanon's civil war, and it would allow the Congress to continually monitor our policy in that area.

This 6-month substitute would not only take advantage of the current cease-fire, but it would help preserve the full range of American options, and it would insure congressional review of Presidential actions in Lebanon.

Mr. LONG of Maryland, Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, on September 29, 1982, the President wrote the President pro tempore of the other body, Senator THURMOND, a letter announcing that the marines had been sent to Lebanon, "The presence of which will facilitate the restoration of Lebanese Government sovereignty and authority."

The President's letter went on to say:

> I want to emphasize that as was the case of the deployment of United States forces in Lebanon in August as a part of the early multinational force there is no intention or expectation that U.S. Armed Forces will become involved in hostilities.

Obviously, those two salient points of the President's letter of a year ago have not been achieved. The Gemayel government has made no progress whatsoever in restoring its sovereignty and authority, and the marines are obviously involved in hostilities as there have been 5 dead and 38 wounded.

As a result, our country is involved in a morass, and it is hard to tell on a day-to-day basis who our friends are and who the enemy is among the multifaceted factions and religious militia.

□ 1540

The only way to extricate ourselves from this morass is through the adoption of the Long-Obey resolution which sets definite timetables. It does not turn Lebanon over to the Syrians and the PLO through an immediate withdrawal of our forces, but it also does not grant an 18-month blank check to the adminstration to keep the marines there, as does the Zablocki resolution.

One thing we should have learned in our Vietnam experience is that the United States cannot become the world's policeman.

The failure to adopt the Long-Obey resolution will set the stage for another hostage crisis situation which did our country no good.

I urge the adoption of the Long-Obey resolution and the defeat of the Zablocki resolution.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I rise in strong support of the Long-Obey substitute. In my judgment it makes much more sense than the resolution that is before us.

It is a resolution that maintains flexibility. It assures that the Congress can come back, look at the issue, and maintain our options for what our future policy in Lebanon should be.

I have listened with intent interest to the arguments on behalf of the 18-month resolution. The primary argument that I hear is that we should adopt an 18-month resolution so that we do not have to deal with the issue of the War Powers Act again during an election campaign.

I would suggest to the Members of the House that if there is any resolution before us that is a cut and run resolution, it is the resolution that came out of the Foreign Affairs Committee. That resolution really asks the House to cut and run from its most fundamental responsibility to deal with the question of war.

I hope we do not do that. I hope we take the best alternative that is available to us today and that is to vote yes on the Long-Obey resolution.

Mr. LONG of Maryland. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, today I urge support of the Long-Obey substitute. It allows the cease-fire to grow. It protects the marines. It follows the law. It does not regulate time and it anticipates circumstances.

If Lebanon is anything, it is volatile. The Long-Obey substitute allows that if the cease-fire continues, as we hope, then the marines can stay.

But if there is, in fact, war, hostilities, then the clock begins to tick on the War Powers Act.

The Long-Obey substitute anticipates circumstances in which the President of the United States will have to report to the people and the people's Congress about why our marines should stay. The Long-Obey substitute does not tie the President's hands. It loosens his tongue.

The President cannot avoid in times of war a report to the American people.

Under no circumstances will I vote for an 18-month blank check. Under no circumstances will I vote to subject our marines to the roles of sitting ducks, fish in a barrel, or political hostages, if you will.

If I had to choose, frankly, given two choices: A, to bring them home; or B, an 18-month blanket extension, I would bring them home.

The value of Long-Obey is that it gives us a third and perhaps a better choice. That choice says that if the cease-fire continues, let it grow. If the cease-fire dies aborning, the President must report under the War Powers Act.

There are those who say we do not need 535 Secretaries of State. I agree.

What we need is a President willing to speak to the issue of war, and peace in times when American lives are at stake. The advantage of Long-Obey is not that it is perfect. It is not.

The advantage of Long-Obey is not that it is the key to success in Lebanon. It is not.

The advantage to Long-Obey is that on the question of war it requires the President to speak to the American people. If his voice is filled with reason and resolve, the people will hear him and will deem him right to risk American lives in Lebanon.

If, on the other hand, his voice does not ring true, the people will speak. "Bring our boys home," they will say.

Support Long-Obey, for it is the right thing to do.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I rise simply to stress that what we have with the Committee resolution is a situation where both Congress and the Executive are attempting to have their cake and eat it, too. The administration wants the political complicity of Congress and the legal authority of statute to sanction past and future policies in Lebanon, but it does not want statute to constrain future Middle Eastern options, nor set a precedent for intrusive congressional involvement in Central America or elsewhere. Congress, on the other hand, wants the President to recognize, however weakly and reluctantly, the existence of the war powers resolution but it does not want to share political responsibility for Presidential policy.

The Obey-Long substitute causes both branches of our Government to face reality. It forces the administration to recognize explicitly the limits of law and forces Congress to face up to its responsibilities, however unpopular, in foreign policy. It establishes the methodology by which a bipartisan, bi-institutional foreign policy can be drafted within our constitutional framework without either a declaration of war or Gulf of Tonkin-like resolution.

The Obey-Long approach represents above all a carefully balanced defense of the constitutional process. It should be adopted.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, I rise in support of the resolution.

I know that many Members of Congress—myself included—were skeptical of the original decision to send our marines into Lebanon as part of the international peacekeeping force. We were deeply concerned that, in effect, we would be left in the thicket of a complex internal dispute that we were not a direct party to, and which was not of our making. Moreover, we ran the clear risk that our own forces would become a lightning rod for the pent up anger and hostilities among the various feuding factions in Lebanon.

Unfortunately, today, we do not have the luxury of dealing with our involvement at an abstract or theoretical level. We must deal with the situation as it exists—not as we would like it to be.

That situation is one in which we have voluntarily assumed an active role as part of a multinational peacekeeping force. Having done so, it is incumbent upon us to act responsibly. There can be little question that the precipitous withdrawal of our troops at this time would create a major void—one that would quickly be filled by the Syrians on the pretext of quelling the violence and bloodshed that would inevitably occur—and call into serious question our credibility as a nation and reliability as an ally.

It is that predictament, particularly the possibility that Lebanon could become a Syrian clone, that the President is trying to avoid. We must avoid closing off any of our options. Denying to the President reasonable flexibility to deal with a very difficult and complex foreign policy dilemma would be a serious error.

By the same token there is a constitutional necessity for the Congress to maintain its proper role in any decisions that could lead our Nation into open hostilities. We must not allow ourselves to be drawn into any de facto or undeclared war—a war which does not have a consensus of support among our citizenry as reflected in a vote of this Congress.

The resolution before us today, while not totally satisfactory, represents the best means of dealing with our current situation responsibly. It does not put the President, who has the ultimate responsibility for carrying out our foreign policy, on so short a leash that the Syrians can just play a waiting game.

It does, however, make this Congress an active participant in any final military commitments. As amended it requires the President to provide us with status reports every 60 days. Any major change in the size or the role of our force must be authorized by Congress. The President is also directed to explore the possibility of replacing the current multinational force with a U.N. Force within 12 months.

More, importantly, however, this resolution leaves intact the power granted to the Congress by the war powers resolution to mandate the recall of our troops or simply cut off funding for military involvement in Lebanon at any time we deam it in the public interest.

At the same time, this resolution leaves the necessary room for the President to conduct American foreign policy in a manner that is responsible to our allies as well as to our troops. I urge my colleagues to support this resolution.

□ 1550

Mr. LONG of Maryland. Mr Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, I rise in strong support of the Long-Obey substitute. I am concerned that regardless of when American troops pull out of Lebanon we will then see after that a continuation of the same religious civil war that has gone on for centuries.

To say that 1,600 marines stationed in Lebanon is going to be able to maintain stability where warring factions have warred for years, have warred for centuries, which have troops in strong conflict now in the same area, our 1,600 marines will sit in a crossfire. That is a crossfire between 35,000 to 40,000 Syrians, 10,000 PLO's, 1,000 to 2,000 Shiites, 1,000 Sunni Muslims, 1,000 to 2,000 Jumblatts, the Druze, 4 different other factions of the Lebanese front in religious wars that have gone on for years and which the administration and House leadership want to put our troops on the ground in the middle of for 18 months.

American troops, American marines should not be symbols of a policy that the United States cannot possibly make work. Have we not learned? Have we not learned?

I rise in strong support of the Long-Obey substitute.

Mr. KAZEN. Mr. Chairman, will the distinguished gentleman from Washington yield?

Mr. LOWRY of Washington. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I was very interested in what the gentleman said about this being a religious war; religious war is all the gentleman has talked about.

Does the gentleman mean to say that Syria's part in this conflict is a religious rather than a political interest, than a desire to obtain additional territory, that of the sovereign country of Lebanon? Certainly the gentleman does not mean that.

Mr. LOWRY of Washington. What I mean to say, I would respond to my friend from Texas, is that there are warring factions that are religious factions that have been there for years and the Syrians and the Russians take advantage of that.

Mr. LONG of Maryland. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, it is with a deep sense of history and recognition that we are addressing a precedent-setting situation that I rise today. The Founding Fathers, fortunately for us, had a very clear sense of history. They had learned the lessons of the 18th century very well, the lessons of willful despots who had led their countries into one war after another, draining treasuries, and having innocent men and women slaughtered.

That is why they vested the authority to make war in the legislative body. That authority would rest with the Congress which was closest to the people.

Mr. BENNETT discussed the Commander in Chief's role, that the Founding Fathers wanted him to be one of coordinator between the standing Army and the Militia. Indeed, President Washington, in the Whiskey Rebellion, construed the role of Commander in Chief literally and actually led the forces of the United States against a group of willful and rebellious Americans.

It is clear that the lawmaking authority of the Congress is not subordinate to that of the Executive's prerogative as Commander in Chief. Let me quote one of the "fathers" of the War Powers Act on this question because it seems to me that we have forgotten the lessons of Vietnam; we have forgotten the fact that in order for us to cooperate, in order for us to jointly make policy we have to do it on an ongoing basis.

Mr. ZABLOCKI said about Presidential authority, in 1973:

> In recent years Presidents, in practice, illegally arrogated to themselves more and more authority. Congress therefore believes it necessary to pass war powers legislation which establishes a procedure, and close cooperation of the two branches consistent with the Constitution.

This 18-month resolution is not close cooperation, it is a copout.

It says to 1,600 men on a beach that we are prepared "to leave you there because we are not prepared in the House of Representatives to deal with this very meddlesome and difficult problem on a monthly or 6-month basis."

How can we say that to them? How can we suggest to ourselves that this is only an issue where the United States is going to confront the Syrians and the Soviets?

It is clear that the Syrians, the Russians, and their proxies are not interested in a united Lebanon or for real "peace" in the Middle East. But do we really believe that 1,800 marines are going to fight the 30,000 Syrians or the 7,000 Soviet troops?

That is not our objective there. Our objective should be simply one of extricating ourselves militarily from this situation and applying the greatest amount of political pressure in coordinations with our allies that we can.

The 18-month resolution does not provide the President with that flexibility. It does not recognize our constitutional prerogatives to make war and to set policy. It arrogates to the President the authority that, 10 years ago, right here, we refused to let him have.

We are rolling over on the question of war powers; we are not requiring a report; we are not requiring the sort of consultation that the visionary Members of this Congress 10 years ago wanted us to have.

I implore my colleagues, 10 years is too short a time to have forgotten the lessons of history. The dictates of the Long-Obey amendment require very difficult and ongoing consultation between the President and the Congress, and that is far preferable a situation to an open-ended commitment which is the alternative.

The CHAIRMAN pro tempore. The Chair would like to state that the gentleman from Maryland (Mr. LONG), has 18 minutes remaining, the gentleman from Wisconsin (Mr. ZABLOCKI), has 9 minutes remaining, and the gentleman from Michigan (Mr. BROOMFIELD), has 10 minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. WINN), a member of the committee.

Mr. WINN. Mr. Chairman, I thank the gentleman for yielding. I had not intended to speak, but I must speak against the Long-Obey amendment.

As a member of the Committee on Foreign Affairs, I spent many, many hours in hearings listening to arguments pro and con. This last week I spent the better part of 6 days with members of the European Parliament as a cochairman of that parliamentary delegation.

Certainly they questioned the reason that we are in this conflict and that we have our marines there. But, of the 23 members representing 10 European parliamentary countries, not one urged that we pull our troops out of there at the present time.

Mr. Chairman, I am concerned about the credibility of the United States in this world. We are just now securing some credibility with the Arab countries. We have not had much of that. We are working closely with them to secure a permanent cease-fire.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I thank the chairman and I rise to state my strong support for the Long-Obey amendment. It certainly does not do as much as I think we should do in restraining the activities that we are performing over in the Middle East but it does put on some of the needed controls that I think are necessary. It has been adequately explained here in the last several hours the great danger of having troops in the Middle East but I think that there is another good reason why we should not be involved.

I think in many ways this justifies the use of Marines any place and every place. If we can put the Marines in the Middle East today and keep them on this so-called peace mission, we justify their use any place any time.

□ 1600

I think also that we must consider the fact that this represents a policy of interference. Interference in a place in the world where I do not think we should be interfering. It literally restrains Israel from doing the kind of thing that they need to do to secure their own country.

So, with the policy of interference I think that we do great harm, not only to that area of the country by causing confusion and not allowing the balance of powers to develop adquately, but I literally think it harms and injures our own defense by taking resources and personnel that should be used for this purpose.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, whatever the merits of the Long-Obey amendment may be, it has at least one fatal flaw. Under the terms of their amendment it is entirely conceivable by the end of November that a situation could develop in which our forces were not engaged in hostilities, but where the cease-fire had broken down.

And under those circumstances, we would be obligated to withdraw our forces from Lebanon.

In other words, if the Syrians, the PLO, the Druze, the Shiites, if anyone in Lebanon who wants the U.S. forces to withdraw from that country, undertook to fire a few shots on October 31, our forces would have to be withdrawn. And to the extent that the withdrawal of U.S. forces would lead to the withdrawal of the other countries in the MNF, which in turn would lead to the collapse of the central government of Lebanon, it would mean that the prospects for peace in that country would go down the diplomatic drain.

This amendment is a formula for the continuation of conflict rather than for the achievement of reconciliation.

Mr. BROOMFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Chairman, do we really think that with the threat of troop withdrawal in November that the factions in Lebanon would be willing to carry on negotiations? This would be a disastrous change in our foreign policy.

This amendment will guarantee some things. It will guarantee violence. It will negate any opportunity for a cease-fire and destroy chances for a final agreement.

We are all aware of the political implications through this amendment forcing a final showdown between the President and the Congress on the War Powers Act in an election year. How will that demonstrate to the world that we are in unity and stand behind our commitments overseas? The Druze, the Syrians, the Soviets, will all sit back and watch us and what they do much depends on what we do. And that was demonstrated off the coast when we sent our Navy there resulting in people willingness to negotiate and with a cease-fire.

The sponsors should face up to the results of their amendment, making a mockery of our foreign policy and creating division with the President and Congress. This amendment will create the worst results with our international image.

The lack of consistency and firmness in our position will destroy credibility in forming foreign policy and our allies and the world will question if we have the ability to adhere to a policy that is trackable and longstanding. We cannot afford an amendment that will change with the drop of a report each 60 days. That is exactly what this amendment does. It changes our policy with the simple drop of report.

I urge its defeat.

Mr. LONG of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, this resolution presents a fundamental dilemma to each Member of the Congress. In voting for or against this resolution as it is presented, one is forced to choose between an 18-month troop commitment or withdrawal, between a limited implementation of the War Powers Act or no implementation at all, between supporting the marines now in Lebanon or undermining their position, between encouraging the effort to achieve a cease-fire and find a political solution or allowing the Syrians and the PLO the opportunity to destroy that effort.

For these reasons, this resolution is not a very satisfactory response to the dilemma facing each Member. In the end, I believe that some limitations on the President's power are better than none at all. And yet, the Long-Obey amendment provides what I believe is the most effective response to the situation facing the Congress and the Nation.

Mr. Chairman, the action taken by this body at the conclusion of today's debate will have profound implications not only for the prospect of peace in Lebanon, but for the future balance of authority between the executive and legislative branches of Government. The war in Vietnam has left an indelible mark on the American political landscape. Public assumptions about war and assumed invincibility of American might were among the casualties of the divisive conflict. Likewise, out of the anguish of that experience emerged new attitudes regarding the moral and political authority to wage war.

Reflecting this new national mood, Congress enacted the war powers resolution requiring the President to consult with and report to Congress concerning the introduction of U.S. troops abroad. The resolution represented the most fundamental effort to date by Congress to assert its authority in the formulation of U.S. foreign policy. The act was designed to provide enough flexibility for a President to respond to attacks, yet limit his ability to use troops abroad in hostilities or in potential hostilities without congressional authorization or a declaration of war.

In the context of today's debate, there are two central considerations that I believe ought to be kept in mind. The first involves the authority, under existing law, of the President and the Congress to decide the scope of any commitment of U.S. troops abroad. The second issue we must address is the wisdom of continuing the deployment of U.S. Marines in Lebanon. Before proceeding in this matter, however, we ought to take a moment to examine the terms of existing law with regard to American troop deployments abroad.

Briefly, the War Powers Act declares that "the President in every possible instance shall consult with Congress before introducing the United States armed forces" into hostile situations (section 3).

Section 4(a) of the War Powers Act declares that the President must inform the Congress when American Armed Forces are sent abroad in the following three situations:

First, "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances";

Second, into another country "while equipped for combat, except for training purposes"; or

Third, in numbers that "substantially enlarge" the number of American combat forces already in a country.

Once the President informs the Congress that troops have been introduced into a situation covered by section 4(a)(1), the troops must be withdrawn within 60 days unless Congress: First, declares war; second, authorizes deployment beyond the 60-day period; or third, is unable to meet as a result of an armed attack against the United States.

The President may have 30 additional days to withdraw the troops, section 5(b), if he submits a report to Congress to the effect that "unavoidable military necessity respecting the safety of U.S. Armed Forces" requires additional time, but not more than 30 days, to remove the troops.

Mr. Chairman, our marines were sent to Lebanon last September to participate in a multinational peacekeeping effort. This objective appears to have been substantially expanded in the wake of recent fighting. On August 29 and again on September 6 the American forces came under heavy attack and suffered combat fatalities—a total of 4 marines were killed, 25 wounded. One week later, on September 13, the President enlarged the scope of U.S. involvement by authorizing airstrikes against positions of forces hostile to the Lebanese Government.

As my colleagues are aware, the President and his advisers have persisted in denying that our present involvement falls under the terms of the War Powers Act—stopping just short of challenging the law's constitutionality altogether. In fact, reports from the White House concerning the status of U.S. Forces in Lebanon have contended that while the information was being provided "consistent" with the provisions of the War Powers Act, the administration was not bound by the terms of the law.

Frankly, I find such brazen disregard of existing law truly shocking. It is difficult to believe that the adminis-

tration can argue, in light of recent bloodshed, that U.S. marines are not now engaged in hostilities or at the very least face the prospect of imminent hostilities, and therefore meet the conditions for invoking the War Powers Act.

As my colleagues are well aware, the War Powers Act is the law of the land. It is incumbent upon this body to protect the integrity of our legislative process by asserting its legal and constitutional role in deciding the extent of our commitment in Lebanon. Failure to do so could have profound implications on the balance of power between the branches of government.

Finally, I believe we must take a hard look at the realities of Lebanon. While the current cease-fire is an extremely gratifying development, we must not ignore the circumstances which have engulfed Lebanon in civil strife for nearly a decade. Long before the present American involvement, Lebanon had dissolved into dozens of armed camps divided along religious and ethnic lines. It is not unreasonable to assume that the United States can impose unity on such a profoundly fragmented country with a limited number of troops.

Mr. Chairman, Congress must not abdicate its authority to participate in foreign policy decisions. The approval of unconditional deployment of marines for extended periods is neither consistent with existing law nor in keeping with the tradition of this body.

Had Congress or the American people truly understood the implications of the 1964 Gulf of Tonkin resolution legitimizing U.S. involvement in Southeast Asia perhaps we would not be assembled here today, deeply divided over the presence of U.S. Marines in Lebanon. Clearly, we must act now to insure compliance with existing laws. And in so doing, we must move with caution to avoid repeating the mistakes of the past.

I, therefore, strongly urge my colleagues to support the Long-Obey amendment requiring the President to invoke the War Powers Act within 90 days or certify to Congress that a cease-fire was in effect and that significant progress is being made in negotiations toward a political settlement.

Mr. OBERSTAR. Mr. Chairman, Congress passed the War Powers Act over a Presidential veto in 1973, not because it wanted to make every Member of the House and every Senator a Secretary of State, but rather, because the history of the Vietnam war had shown that one Secretary of State after another and one President after another had been willing to and had worked to bypass the unique constitutional role of Congress to declare war.

The framers of the Constitution entrusted the ultimate decision on war and peace to the Congress as a curb on the power of the Executive, out of recognition that on such a fundamental, awesome decision, the Nation must have the collective judgment of the people's body, the Congress. Decisions such as the ones we face today are never easy, but the Constitution intended they should be made here, in the people's body, in this public forum.

The year-long presence of marines in Lebanon shows th vast power of Presidents to take action which commits or, at least, limits the range of options open to Congress. For example, in the present situation, we do not start this debate with a clean slate in Lebanon. The troops are there; the President has committed them and put the Congress in the position of either ratifying that decision or rejecting it, without bringing to bear the kind of independent, far-ranging debate upon the decision to commit troops which should have been made months ago prior to the Presidential action. We are now in the position where there is an almost predetermined cast to this debate: That it is too late to bring to bear an independent judgment on a different course for our policy for Lebanon; there is an unspoken suggestion, an undercurrent to this debate that "pulling out would harm America more than continuing our military presence in Lebanon."

I disagree vigorously with that suggestion. I do not concede that it is too late for Congress to reverse an unfortunate decision, if the circumstances warrant such action. In fact, had Congress been consulted months ago, I very seriously doubt that we would be in the position we are in today, faced with the limited option which we are now debating.

As far as I am concerned, and in the view of most people in my district and elsewhere in Minnesota from whom I have heard in the last several weeks, the burden of proof is on those who argue for continued U.S. military presence under conditions of combat, or, as the War Powers Act calls it—hostilities. Such proof has not been given; withdrawing American troops under current circumstances would not necessarily be an act of abandonment or isolationism, but rather the thoughtful act of a democratic nation which has the strength of its convictions, the courage to change its mind and avoid a prolonged involvement in a foreign conflict to which we are not ideologically committed, behind which the mind of America is not united and from which we may have great difficulty extricating ourselves at a later date because we have so greatly widened and deepened our military involvement.

In addition to the constitutional questions I have raised, I ask a very fundamental and practical question which has in turn been asked of me by anxious parents back home: "When my son's or my neighbors' son's body comes home as a casualty of the conflict in Lebanon, will we be able to explain clearly and convincingly why he died?"

We must ask ourselves again and again and resolve the question in this and in subsequent debate: Will the continued deployment of U.S. Marines in Lebanon serve the interests of the American people; what are those interests in Lebanon; what is our policy in Lebanon? That policy must be clearly enunciated and fully understood by the American people and by this Congress before we can give this or any President an open-ended commitment for any period of time, no matter how long, to widen our military involvement in a distant land.

The debate we are engaged in today is a historic and monumental one. It should have taken place a year ago. The decision we reach will have profound consequences, not only for the American troops stationed on and off Lebanon's shores, but for the entire American people as we decide whether to extend our commitment in Lebanon and under what conditions.

The Obey-Long approach, of which I am a cosponsor and which I am proud to say I have helped fashion, gives the Congress and the American people a much tighter rein on U.S. military involvement in Lebanon, will help us continually review and, as necessary, reshape our policy to reflect changing circumstances and, finally, assure that the decisions we make and the actions taken in consequence of those decisions will have the support of acquiescence of the Congress and the American people. That is in keeping with our constitutional tradition and is in our best foreign policy interests. I urge support of the substitute.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Indian (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, this substitute requires the President to invoke War Powers Act by the end of November or at the end of any month thereafter unless he certifies to the Congress that a cease-fire is in effect. If the President has neither certified that a cease-fire exists nor invoked the War Powers Act, all funds for the U.S. military operations in Lebanon would be cut off.

There are several reasons why this substitute should be rejected:

First, the President will not invoke the War Powers Act.

In the event, a cease-fire does not exist, funds would be cut off. That means that all Syria—or any other party—would have to do to get America out would be to break the cease-fire. With this substitute, the United States, thus, hands over to its adver-

saries the decision about the presence of the marines in Lebanon. Under this substitute, Syria could determine American foreign policy in Lebanon by unilaterally breaking the cease-fire.

Second, this substitute has no policy framework. What are its objectives for the Middle East? For Lebanon? The substitute deals only with our domestic problems—the marines' presence and the War Powers Act. But it does not deal with the objectives of U.S. policy. It is long on tactics, but short on strategy and objectives. It offers no policy for the United States.

Third, this substitute sets up a complicated, cumbersome, and unworkable procedure of monthly evaluations. Our ability to evaluate the complicated situation in Lebanon will be harmed by the procedures this substitute proposes.

Fourth, because of the cumbersome and jerky process proposed, this substitute would make our policies and commitments in Lebanon and the Middle East unsure and vacillating and subject the U.S. policy process to stops, starts, and detours. Instead of showing consistency of purpose, we would project lack of credibility with this resolution. Instead of remaining steadfast on our intent to achieve our policy objectives in Lebanon, withdrawal of all foreign troops; a sovereign independent Lebanon; and security for northern Israel, we would make their attainment less likely.

Fifth, in many respects, this substitute is more open ended than House Joint Resolution 364: There is no termination of authorization; and there is no defined role for Congress if a report is made.

Sixth, much of this resolution hinges on one key word—cease-fire. There may be many cease-fires in Lebanon. The fragile cease-fire today obviously needs to be strengthened. What constitutes a cease-fire and when a cease-fire is broken involves judgments. Can a cease-fire be said to be in effect when there may be sporadic fighting from time to time? Does a cease-fire in Lebanon for the purpose of this resolution simply mean that the marines are not in danger?

Cease-fires as applied to Lebanon are as much a process as a static condition. What useful purpose is served by putting the President in the position of certifying something which is likely to be in the eyes of the beholder?

For these six reasons, I urge my colleagues to reject the proposed substitute.

□ 1610

Mr. BROOMFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

We are getting down to the end, and I think it is important to have all of the Members here.

The CHAIRMAN. The Chair will advise the gentleman from Michigan that before that would be in order the Chair would have to put the question on the pending matter before the Committee, since there has already been a quorum call in the Committee today.

Mr. LONG of Maryland. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Chairman, I think it is important, first of all, to stress once again what this Obey-Long substitute does not do. It would not require the withdrawal of American troops. It is not, therefore, a cut-and-run amendment. Indeed, the Obey-Long substitute would permit the President to maintain our troops in Lebanon. It recognizes the reality that we have some significant and serious interests in Lebanon, including an interest in promoting stability, an interest in promoting political accommodation, an interest in promoting a strengthening of the central government—all of the things that the proponents of the resolution have quite properly pointed out as American interests.

But this substitute resolution also recognizes the reality of the risks involved in our policy in Lebanon, and those risks, as everyone knows, include the military vulnerability of our marines in that situation. From a military point of view, their situation is untenable.

Second, and perhaps even more importantly, the substitute recognizes that if events do not go as hoped for, if stability is not promoted, if the factions in Lebanon cannot reach political accommodation, there is a significant risk that our military forces can be drawn into a war in Lebanon. In fact, our forces have already been used to defend not just our marines but the Lebanese Army itself.

Because there is a risk to the lives of our marines and because there is a risk of being drawn into a wider war, this substitute resolution reserves to both Congress and the President the responsibility, not just the right, but the responsibility to participate in the judgment as to whether those risks are justified as events unfold.

This is the significant difference between the Obey-Long substitute and the committee resolution. The committee resolution effectively turns over to the President that responsibility, and it may be politically convenient for some, but the fact is that we have a continuing responsibility.

My friend, the gentleman from Georgia (Mr. JENKINS), earlier said that it is the President's job to formulate foreign policy. I respectfully disagree. It is the responsibility of the President and the Congress. After the policy is formulated it is the Chief Executive's job to implement that policy. What we are talking about in this case is a fundamental policy decision, not just one of policy implementation.

I therefore urge my colleagues to support the substitute.

Finally, I would like to address one point raised by the opposition with respect to a cease-fire situation. Let us assume that as we approach November 29 the Syrians decide to break the cease-fire. On November 29 the President would then have to report under the War Powers Act that hostilities exist. That would not require us to withdraw our troops, as some have suggested. It would simply require Congress to consider within 60 days whether it should authorize the continued presence of our troops under those conditions of hostilities.

Now, I am sure that if we find that the Syrians have broken the cease-fire for the purpose of getting our troops out, there would be strong sentiment here in Congress and throughout this country to maintain a troop presence in the face of Syrian pressure. I seriously doubt that we would withdraw because the Syrians decided that they were going to try to intimidate us by breaking a cease-fire.

So, please do not be misled. This Obey-Long substitute is not a prescription for withdrawing our troops; it is a prescription for reserving to the Congress and the President the joint responsibility of formulating policy, particularly when it relates to conditions of war and peace. I think that is our responsibility. I think that is what the people of our country expect of us.

Therefore, I urge the Members in the strongest terms to support the Obey-Long substitute.

Mr. LONG of Maryland. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I rise in support of the Obey-Long amendment, and I urge my colleagues to do likewise.

As this debate draws to a close, with all of its fervor and emotion, let us be very clear about a few salient points.

First of all, let us understand how U.S. Marines came to be in Lebanon, to begin with.

As part of an arrangement last year to bring about the withdrawal of the PLO from Beirut, it was agreed that for a short period of time, 30 days, maybe 45, maybe 60 days, a multinational force would occupy certain territory to make certain that the withdrawing PLO fighters would not be descended upon either by the Israelis or the Lebanese Christian Phalangists and be slaughtered. And in that constructive, humanitarian way, we participated in that PLO program. But it was to be a temporary purpose. That temporary status no longer exists. Part of the agreement under which our marines came to Lebanon, spelled

out in the exchange of letters which were signed on September 25 of last year, specifically provided that the Government of Lebanon would take all measures necessary to insure the protection of American Forces and that they would obtain assurances from all armed elements that they will refrain from hostilities and not interfere with the activities of the MNF.

Now, those assurances no longer exist. The short term no longer exists. So the question arises: What is the role of our marines there today? What is that role?

I support American leadership in the world and in the Middle East and the strong presence that we need to have and the strong affirmative and constructive policy that we need to follow. I support Secretary of State Shultz' three points of our policy: First, withdrawal of all foreign troops; second, establishing an independent, sovereign Lebanon; and third, protection of Israel's northern border. But nobody, even as recently as an hour ago, in this administration has told me what the Marine's present mission is. Who are they to shoot at? Who is the enemy? Next week if the Syrians attack the Lebanese Government forces, are we going to join in shooting at the Syrians? Or the Druze? Or the Shiites? What is the Marines' mission other than to be shot at and return fire?

It is for that reason that I cannot support an 18-month blank check of military involvement to this President or any President. That is why we need to either have a shorter period of time of authorized deployment or an opportunity under the Long-Obey amendment to let the President explain what the military role of the American fighting men is other than being shot at. Since their original purpose for being in Beirut no longer exists, someone—the President—must define their role. To ask a marine to place his life in jeopardy at least requires a reason.

If we need to be there with military force, then we should be, and this Congress, and I along with it, would support it. But if their role is simply to be cannon fodder to be shot at, then I do not think we can support that, in good conscience.

And those who say that this is a call for a withdrawal of forces, I say you are wrong and you know it. That is clearly not the case. It is a call to find out what our military forces are doing there. And without the Obey-Long amendment or without a much shorter authorization period than 18 months, there is no way to ascertain that. For that reason we shall adopt the Obey-Long substitute.

If we need diplomacy to bring peace to Lebanon, let us pursue it. If we need marines to play a role, let us spell out that role and do it. I will support them and the President. But, too much of what I have heard here today sounds like the Gulf of Tonkin debate which I re-read this morning.

This country and its people will support a cause and President but we need to know what it is and give no 18-month blank checks for war.

□ 1620

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I rise in opposition to the Obey-Long amendment and in support of the resolution.

Mr. Chairman, our consideration of this resolution marks a major turning point in our policy toward Lebanon. If there was a national consensus on the administration's present posture in Lebanon, and particularly on the role of our Marines there, we would not have this resolution before us today. We are engaged in this debate precisely because the administration has failed to articulate to the American people what its policies and intentions are toward Lebanon. Rather than easing the doubt of the American people about the purpose of our Marines' continuing presence in Lebanon, Secretary Shultz' testimony last week before our committee only served to raise further, troubling questions.

Just as the President has reservations about this resolution, so do I and a number of us in Congress. Our reservations revolve, I believe, around the same central issues. One is the type of military commitment in Lebanon we are authorizing in this resolution. Another involves the much broader constitutional question of the executive and legislative branches' respective authorities in committing our Armed Forces abroad. And another relates to the magical 18-month time-frame for the resolution. I wish to share with my colleagues my thoughts on these matters.

First, I am deeply disturbed by the resolution's exception which says that it: "shall not preclude such protective measures as may be necessary to insure the safety of the Multinational Force in Lebanon." Secretary Shultz testified on September 21 that: "Those who seek to improve their position by force will probably not agree to a cease-fire until they run up against a stalemate on the battlefield." Although we now have an extremely fragile cease-fire, the phrase "protective measures" nevertheless appears to make this an open-ended authorization. Despite the President's remarks yesterday, we risk granting him an escape hatch to expand, as he sees fit, the scope or nature of our military involvement in Lebanon. This phrase could be the greenlight for the administration to increase the number of troops in Beirut, to authorize the Marines to undertake offensive ground action, or to launch retaliatory attacks.

In this connection, I wish to place in the RECORD an excerpt from the September 25, 1982, exchange of letters between the United States and Lebanese Governments: "the United States will deploy a force of approximately 1,200 personnel to Beirut * * *. In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense." This definition of the number of troops that may be committed, and of the nature and scope of our Armed Forces' involvement must serve as the parameter for our military involvement in Lebanon. Should the President contemplate any change in the Marines' numbers or role in Lebanon, I expect that he will abide by his assurance yesterday that he will consult with the Congress prior to making a decision.

With respect to my second point, I believe it is important to understand exactly what we expect to occur at the end of the 18-month period. Secretary Shultz answered that question last week by saying: "that's an unknown factor." Chairman ZABLOCKI, on the other hand, stated during committee markup that upon the expiration of this resolution, the continuing presence of our Armed Forces in Beirut will depend upon the criteria set forth in section 5(b) of the war powers resolution. In short, Mr. Chairman, the resolution's ambiguity on this issue has thus far allowed both sides to claim victory. Eighteen months from now I fear we will be in exactly the same place we are today.

I voted in favor of House Joint Resolution 364 in committee primarily because the chairman assured us that it would signify for the first time the executive branch's acceptance of the war powers resolution, and that the committee would act prior to the end of the 18-month period if the Marines' mission in Lebanon should be enlarged in any way. Since that vote, I have been dismayed and disturbed by the administration's adamant refusal to define the exact nature of the Marines' mission in Lebanon or to acknowledge that the war powers resolution governs and will govern the Marines' presence there at the end of the 18-month period. I continue to believe that the situation clearly demands, as was Chairman ZABLOCKI's position when the Marines were first introduced 1 year ago, that the President report to Congress under section 4(a)(1) of war powers.

Mr. Chairman, Lebanon is once again facing an extremely delicate and difficult time. We in the United States must do all that we can to assist in bringing about a peaceful withdrawal of all foreign forces and in fostering negotiations toward a government of

national unity. A unified Lebanon, in turn, will enhance the security of Israel. It is my hope that the multilateral initiative taken by the United States, United Kingdom, France, and Italy at the United Nations yesterday will prove fruitful. In view of the impact that our decision today will have not only on Lebanon, but on the region and on world opinion as well, our national interest would be best served at this time by acting in a bipartisan fashion and supporting the committee's resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I voted against the rule under which we are debating this resolution for a variety of reasons. One of those reasons is the fact that the time would be controlled and limited. This precludes free and open debate on a matter of grave consequences. I find myself limited to a request to revise and extend my remarks. That notwithstanding these are my thoughts.

Mr. Chairman, 10 years ago, many of us sat in this body and debated the merits of the war powers resolution. That debate pitted liberal against liberal; conservative against conservative, hawk against hawk; dove against dove. Today I would like to address my liberal colleagues who voted for the war powers resolution then and who are probably going to vote for this resolution.

At that time I offered these comments on the resolution:

> I am convinced it will actually strengthen the position of future Presidents.
>
> I believe many Congressmen will live to see the mistake they made in allowing any President a free hand for 60 days to commit troops anywhere in the world for any reason, with the same opportunity to put pressure on Congress that we saw during the Indochina War.

Many of my colleagues felt that the war powers resolution would prevent U.S. involvement in future conflicts without the expressed consent of Congress and the American people. It has not.

Many felt it would cause the President to consult Congress more thoroughly when commiting troops overseas. It is clear this President and probably future Presidents will disregard the provisions of the war powers resolution when it suits their purposes.

Many argued that the war powers resolution would set up a creaky machinery of reports and consulations that would somehow save us from the kind of imprudence and timidity that this body displayed during the Indochina war. This resolution today proves that they were wrong.

The War Powers Act was supposed to force the Congress and American people to debate U.S. troop involvement in foreign countries; we are now about to abdicate that responsibility.

I hope my colleagues will look deeply into their hearts and see whether we have learned from the past.

In 1973 I argued that the war powers resolution was no real limitation on the power of the President to commit troops or begin hostilities. Rather it merely allows him 60 to 90 days to pressure Congress for approval.

We should not try to find a legal gimmick to do the job that can only be done by our own political courage, foresight, and resourcefulness.

The resolution we are debating today, will allow this Congress to once again sidestep its responsibility to debate the issue of stationing U.S. troops in Lebanon. Who are we at war with? Are we willing to have our young men die in a foreign country once again without knowing why we have sent them and what they are expected to do? Will we allow this war to escalate to a level of fighting that makes it impossible to rationally debate the situation or has this already happened?

General Kelly made more than a fraudian slip the other day when he referred to Lebanon by saying Vietnam. If we do not have the courage to stand up and debate the issue of U.S. troops in Lebanon now, openly, before the whole country, we will see our country becoming deeper and deeper involved in this conflict without knowing why.

The young men who fight our wars deserve more.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the pending amendment, and in strong support of the resolution.

I ask this question: Where would we be in terms of what we are trying to accomplish in Lebanon either with the amendment or the resolution? Let us think about that for a minute.

The war powers resolution already exists—it is a fact. The Congress voted the war powers resolution 10 years ago. The war powers resolution is already the law, so do not tell me that by supporting the pending amendment as against the resolution that we will be doing something different because you are not fooling me and I do not think you are fooling anybody else.

Let us look at the other proposition, which is that the Congress should retain the right and the responsibility to enforce the provisions of the war powers resolution. The amendment, in my opinion, puts judgment day off once again. From the time of enactment of the law to this time we have not had a clear assertion by the Congress of the application of the law. We passed the Lebanon Supplementary Act. We gave the President the money to support the Marines in the multinational force, and set the limits and the guidelines by which he should do that. Now, do not tell me that we have not exercised our responsibilities with respect to the deployment of the Marines.

What do we do in the resolution? In the resolution, we say, "Mr. President, under our terms and conditions of the war powers resolution we hereby authorize you to keep the Marines in position for a period up to 18 months." But, at the same time, by applying terms and conditions of the war powers resolution to the current involvement of the Marines in hostilities in Lebanon, the Congress is invoking the resolution for the first time and the President has agreed to sign this measure.

On the other hand, the pending amendment does not immediately invoke the war powers resolution. It rather would set into motion a series of potential confrontations between the President and the Congress which could undermine the achievement of our foreign policy objectives in the Middle East.

I urge my colleagues to vote down the substitute and to support the resolution.

Mr. BROOMFIELD. Mr. Chairman, to conclude debate on our side, I yield the balance of our time to the gentleman from Illinois, Mr. BOB MICHEL, the minority leader.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Obey-Long amendment.

Mr. Chairman, adoption of the Obey-Long substitute resolution would poison the world-acknowledged commitment of the United States to the stabilization of the nation of Lebanon. I will vote against it and support the main resolution, giving the fullest latitude for the preservation of the ceasefire and the continuation of negotiations for the establishment of a viable central government in Lebanon.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Long-Obey amendment, but also in opposition to the committee resolution. If so strict a constructionist as Thomas Jefferson did not feel constrained to seek a declaration of war against Tripoli, today's action constitutes an unwarranted intrusion on the

foreign policy prerogatives of the Commander in Chief. Moreover, House Joint Resolution 364, in its statement of "Findings and Purpose," section 2(a.)(5) declares:

United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the war powers resolution.

Hostilities historically have described conditions thus far unmet by the U.S. presence in Lebanon. The date of August 29, 1983, is invoked to demonstrate that hostilities have since that time prevailed with regard to our Marines.

If the deaths, however lamentable, of Lieutenant Losey and Sergeant Ortega on August 29 constitute hostilities, by conventional definition, then the same condition was reached in El Salvador with the recent murder of U.S. Navy Lieutenant Commander Schaufelberger. That same condition has also existed in South Korea since 1976 with the brutal murder of U.S. Army Captain Bonifas and Lieutenant Barrett at the hands of North Korean soldiers.

When I say there is no valid basis for invoking the War Powers Act at this time—and there is a cloud as to its constitutionality since the Supreme Court decision overturning congressional vetoes—it is not because I am making a brief for our continued presence in Lebanon.

Whatever reasons there may have been for introducing the multinational force to maintain stability, while foreign forces were withdrawing and the infant Lebanese Government restored authority over that beleaguered nation. Those reasons have long since passed.

Sad to say, there is no telling when or if the sovereignty of Lebanon will ever be restored. One thing, however, is certain: no externally imposed solutions can secure peace in that region.

President Gemayel and the Israeli Government, of necessity, must determine what is in their mutual interest and we can be assured that they will act accordingly.

We can be equally assured that if PLO strengths are rebuilt in Lebanon and threaten Israeli lives and security, the State of Israel will act with dispatch to remove that menace.

We can also rest assured that if the Syrian involvement in Lebanon becomes a threat to the State of Israel, the latter will dictate terms of a settlement in Damascus in a matter of hours or at most days.

We all hope and pray that reason might prevail to make such actions unnecessary. But that determination is not ours to make. Rather, it must—and will—be made by those who are directly affected.

In the meantime, it is a legitimate exercise of the powers of our Commander in Chief to move U.S. forces to trouble spots throughout the world that advance overall U.S. interests, short of committing them to the waging of war without congressional approval.

The intent of the War Powers Act is admirable. After two undeclared wars within the past 33 years, fought without intention of winning, in part because of the absence of such a declaration, Congress sought to reclaim the constitutional responsibility it relinquished in 1950.

But this should not cause the Congress to go overboard and interfere with the legitimate exercise of Executive authority conferred upon the President as Commander in Chief.

If U.S. forces suddenly find themselves truly involved in hostilities, I am sure the President will make the decision to withdraw our forces, or will seek a declaration of war. That is the time to invoke the concept of the War Powers Act. That is the time each one of us in this body will have not just the right, but the constitutional duty to determine the wisdom of such a policy decision.

Mr. MICHEL. Mr. Chairman, conceding at the very outset that this amendment is probably going to produce the most criss-crossed, mixed-up bag of voting patterns of any resolution all year long, I rise in opposition to the amendment.

Mr. Chairman, I have heard some supporters of this amendment state that they do not want to get Marines out of Lebanon immediately. They reject any move to get us out as soon as possible.

I am glad this is the case.

But the amendment before us, while it does not specifically call for immediate withdrawal right now does provide a framework in which every 30 days the President of the United States would be hostage to the whims and the designs of hostile elements in Lebanon.

They could put pressure on negotiators simply by breaking the cease-fire whenever it suited their purposes.

This is foreign policy on the installment plan. Miss one payment and you lose everything you have been working for.

If I were a Syrian sitting on the high ground overlooking Beirut, looking down the barrel of my gun at U.S. Marines, I cannot think of anything I would rather have than the assurance given to me by the U.S. Congress—that I could control American options every 30 days simply by what I do or do not do.

This is no "middle ground" as its adherents claim. It is instead a muddled ground upon which the President of the United States of America cannot conduct foreign policy with the flexibility and freedom he obviously needs.

No, this amendment does not help things. It simply adds new complications to an already complicated situation.

When the Congress and the President act in a spirit of bipartisanship and present a united face to the world as the resolution does, we can work wonders in foreign affairs.

The very fact that Speaker O'Neill joined with the President, sent a clear message to the Syrians that they just cannot sit and wait for victory. And I might say parenthetically, moving up the *New Jersey* within the last few days and weeks did not do any harm either.

The Speaker has acted in the national interest and I just want to praise him for some good old-fashioned, unapologetic patriotism.

I rise in opposition to the pending amendment. But at the heart of the matter is the resolution itself.

Let us first deal with the most obvious fact, the resolution is a compromise. Most of us see something wrong with it but nobody has come up with a better solution. Thirty-day deadlines are no substitute for sound leadership and firm commitment.

We are not alone in Lebanon. The French, the Italians, and the British are also there. This is not a case of unilateral American intervention.

We are not there as self-appointed "gendarmes" of the world, but as voluntary partners of a Western alliance. Members of the multinational force have mutually beneficial interests and are willing to share the risks involved.

The fact that the West stood together in Lebanon made a significant contribution to the current cease-fire. That just had to be a condition precedent to sitting down and talking around the conference table.

I recall when I was a freshman Congressman way back in 1958, President Eisenhower sent 14,000 American troops to Lebanon, along with 70 ships of the 6th Fleet. That was a massive show of force, and accomplished our national objective. Now, we probably cannot do that kind of thing politically these days because of what has happened.

Realistically, we know that the circumstance in Lebanon today is radically different. The United States itself has gone through the dark valley of Vietnam. We have emerged from that valley with doubts about our capacity to use our power without getting involved in wars we cannot or will not win.

Those doubts have been mentioned over and over again on the floor during this debate.

I believe the time has come to get back to judging foreign affairs on the facts of each individual case and not on the Vietnam analogy. Whether Marines stay in Lebanon, and how long

they stay are relevant questions. But we must answer them on the facts—not on our fears of the past.

We do not know if the present cease-fire will last, but we have to hold out the hope that it will.

A government of national reconciliation in Lebanon can bring peace and freedom to the Lebanese people. The cease-fire only sets the stage for such a government. What we do today in agreeing to this resolution is to reemphasize our commitment to peace in Lebanon.

If our combined efforts fail in this regard, a Syrian-backed anti-American government in Lebanon would transform the entire Middle East. It would tell the world that commitments made by the United States are not worth taking very seriously.

If Syria gets what it wants, the Soviet Union will have backed a winner in the Middle East for the first time. They will surely attempt to take advantage of it.

A few weeks ago I met in my office with a group of distinguished Maronite Christian clergymen of Lebanese-American background.

They expressed to me the thanks of the Lebanese people for what our Marines have done. These visitors made quite an impression on me with their informed views and their sincerity.

This resolution is not perfect. But no other option I am aware of, addresses the situation as frankly as this one, and none provides a better mixture of caution and commitment.

The Obey-Long substitute has good intentions—but it also has an unexamined promise, which is the idea that legitimate congressional responsibilities for foreign affairs demand "hands-on" power by the Congress.

We all want peace in Lebanon. We all want our marines out of Lebanon. We all want a free and independent Lebanon.

But the Obey-Long amendment cannot accomplish all of these things. It can only serve to handicap our President to conduct sensitive and fast-moving foreign policy.

I would urge a vote against this amendment, and a vote for the resolution which the Speaker and President have joined together in formulating.

□ 1630

The CHAIRMAN pro tempore. The Chair now recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I trust that everyone understands, regardless of their position on this resolution, that this is a debate among friends, and it is a debate among Members, who on both sides care about the national interest, and care deeply.

I want to make clear again that the timetable on our substitute is not 30 days or 60 days, as has been suggested by previous speakers. The timetable says that by November 30, the President must report, as he is required to do under the law. It says if the President does report, if he does comply with the law, then under the existing processes of law he has an additional 60 days to persuade the Congress that we ought to stay in Lebanon further. Even if he fails that—and I doubt that he would, I suppose—even if he fails that, he would still then have another 30 days in which to withdraw the troops. So there is no 30-day limit or there is no 60-day limit; there is a much longer limit than that, even if the President does not obey the law, and if he obeys it, he has two options: He can either follow the practices under the War Powers Act or he can gain additional extensions so long as a cease-fire holds. And I think we want to keep our options open on that. That means that under our provision he has a longer timeframe than the existing law, the War Powers Act.

Some speakers have said that the cease-fire shows that the process is working. If so, then our substitute is benign. If it is not so, then our substitute is needed to retain our options.

I believe troops are going to be needed in the Middle East someday as part of an overall Middle East settlement to help as part of a multinational force to enforce the peace, if we ever do get one on the part of all parties, not just Lebanon.

I would hate to see us throw away that ability to provide that assistance at that time by an effort today to try to keep our troops in Lebanon in violation of law. Underline those last four words, "in violation of law," because this country would not accept it in the long term, and we would lose the ability, and we would lose the flexibility that we would need in the future.

I want to make one other point. We have had people who say that if the cease-fire breaks, we have to bring the troops home. That is not true. If the cease-fire breaks, that simply triggers the War Powers Act, as does existing law, and if you do not like that fact, then you have an obligation to stand here today and not pretend that you are trying to preserve the War Powers Act. You have an obligation then to admit that you do not like the terms of the present law, and you can amend the present law, but do not blame us for something that is in the present law.

We have been asked what our foreign policy objectives are in this amendment. Those objectives are three. Those objectives are to support the law at home, to keep the pressure on the Lebanese Government, to broaden its space, as well as keeping pressure on Syria, and to keep our options open in case the cease-fire which is now holding unravels.

If you are sure beyond the shadow of a doubt that you want troops in Lebanon for 18 months, vote no. If you are not sure, if you want to be able to make decisions on the basis of facts, at some time in the future, and defend the law at the same time, vote yes.

Mr. LONG of Maryland. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, a major aspect of this whole problem is constitutional, of course. Let me quote Supreme Court Justice Douglas:

> It has become popular to think that the President has power to initiate war on his own authority. There is not a word in the Constitution that grants that power. It runs only to Congress.
>
> (The framers) knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies. Aside from the suspension of the writ of habeas corpus in times of rebellion or invasion when the public safety may require it, they made no express provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work, and if we could, I am not convinced it would be wise to do so . . .

Justice Douglas continued: "If either branch contains more informed and experienced members, it is probably the Congress . . ." rather "than the more transient presidents and their advisers."

And we know how transient some of them are.

The primary reason for invoking the War Powers Act is constitutional. With nuclear war being destructive beyond imagination, all the doubts should be resolved in favor of not rushing into a peripheral war situation without full debate and the backing of the American people. Certainly a war in far-off Lebanon gives us that time for debate.

Actually, we know that Andrew Jackson came to Congress and asked for a declaration of war when we went to war against the pirates. When we were attacked by the Japanese at Pearl Harbor, President Roosevelt got Congress to declare war that very day. Now they say, "Well, times have changed. Things happen so fast we can't get to Congress on time."

Let me say something about the days in which the Constitution was passed. At just about that same time they had the same transportation problems they did at the time when Calhoun somewhat later had to go down to South Carolina to deal with the South Carolina Legislature. He could not get the boat because the Potomac was frozen over. He got a stagecoach, a relay coach, that rode for 9 solid days with relays, and he had to

sit on the top because he could not get any room inside. It ruined his health, but he got there in time. Those were the days in which Presidents went to Congress and recognized that Congress had to declare war.

On every single war we got into, up until the Korean war, Congress declared war. There was not one single case when Congress did not declare war. The first time was when Truman went into the Korean war without asking for Congress to declare war—the very first time.

So I say that we have time. The framers of our Constitution gave us a great document. Obviously, it takes courage to use it. That is what the Obey-Long resolution calls for.

Let us have the guts to stand up and use the great Constitution our forefathers gave us.

That is the highest constitutional ground on which I want to speak. Now let me get to a lower political level.

Mr. Chairman, I ask the Members, do you want to go back and tell your people next election that you voted to keep Marines as sitting-duck targets in a low-level area in Lebanon for 18 solids months? Do you want to go back and tell your people that? If you do, vote for the committee bill. If you do not, vote for the substitute amendment offered by the gentleman from Wisconsin (Mr. OBEY) and myself which sets no particular time and which leaves it up to the Congress entirely. It would have to come back to Congress. It would put the President on a short leash. Let him come back to Congress and find out what we think every time there is a real emergency.

We have had one and a half ceasefires a month in the last 10 years in Lebanon. We know what has happened in the last 30 days.

Mr. Chairman, Congress has the right to be informed by the President and be consulted on what is happening. I ask the Members to vote for the Long-Obey resolution.

The CHAIRMAN. The gentleman from Maryland (Mr. LONG) has consumed 4 minutes, and the gentleman still has 1 minute remaining.

Mr. OBEY. Mr. Chairman, we yield back the 1 minute that is remaining.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Chairman, I yield the remaining time on our side to our majority leader, the gentleman from Texas (Mr. WRIGHT).

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 4 minutes.

Mr. WRIGHT. Mr. Chairman, as everyone knows, I have high respect, great regard, and considerable personal affection for the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. LONG). Under no circumstances would I question their motives. Never would I impugn their patriotism. I believe what they are attempting to do proceeds from the finest of intentions.

However, I must rise to oppose the Obey-Long substitute and to ask for your support of the committee resolution. I oppose the Obey-Long substitute, and I think all of us, if we examine it carefully, must be constrained to do so on two fundamental bases: First, because it creates an unnecessary constitutional crisis at the very time when we need to resolve the constitutional differences in a decisive way. It creates the image and the message of indecision and division within our country at the very time when we need to present to the world a message of unity.

□ 1640

The second reason is that it would create the condition under which the Syrians or the Libyans or some other surrogate of the Soviet Union could determine the time and terms of the withdrawal of American forces from Lebanon. Please consider just how this substitute could produce that unintended effect.

Section 2 reads:

> After the end of the 90 day period beginning on August 29 . . . no funds appropriated by the Congress may be obligated or expended for peacekeeping activities in Lebanon . . . unless . . . the President has submitted to the Congress either the report required by section 4(a)(1) of the War Powers Resolution or . . . certified . . . that a cease fire is in effect and being observed by all parties.

In the first place, I think it unlikely that the President would sign this in the event it should pass both Houses. Most likely it would be vetoed, in which case we would end up with no controls whatever, no limits over the President's power to utilize troops.

If by some stretch of the imagination he were to sign this document, does anyone really believe that the President of the United States is going to submit a report under section 4(a)(1)? He has had that opportunity. He has not exercised it.

Do we want to create a constitutional crisis or do we want to assert, as is our prerogative under the war powers resolution, that on August 29 when our forces came under fire the war powers resolution became operative?

It is not up to us to give the President another 90 days in which to quarrel and quibble about it. I think it is up to us rather to do what we do wisely in this resolution as it comes from the committee, and that is to assert the powers of the Congress to place limitations upon the size, the role and the duration of American forces in Lebanon.

If we fail to pass this committee resolution, we shall have failed in our opportunity to do just that.

The second thing is that by permitting some trouble making intransigent who does not wish us well nor wish well the peace process in the Middle East the opportunity to break a ceasefire every 30 days, the substitute provisions could entirely disrupt the Congress of the United States. It could require us to come back at 30-day intervals to renew the right of the marines to stay or to demand their withdrawal; or it could provoke another crisis between the Congress and the President as to whether or not the truce were being observed. Surely we do not want that continued scenario of indecision.

Now, I ask you simply to bear in mind that this resolution as it comes to us from our committee is a strong resolution. It is the result of insistence by our Speaker and by the minority leader of our House and by the majority leader of the other body on two irreducible minimums, that the powers of the Congress must be protected and that the integrity of the war powers resolution must be preserved.

On no fewer than 10 specific places the committee resolution makes direct and unambiguous reference to the war powers resolution.

In the second section, Congress determines that the requirements of 4(a)(1) of the war powers resolution became operative on August 29, 1983.

In the very next subsection, Congress provides that the authorities granted are granted under that war powers resolution.

It sets limits on time, scope and duration and preserves without modification or amendment the Lebanon Emergency Act and the war powers resolution.

For those reasons, I think the course of wisdom and responsibility is to reject this substitute and to support the committee resolution.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 272, not voting 3, as follows:

[Roll No. 360]

AYES—158

Addabbo	Boucher	Conyers
Akaka	Boxer	Cooper
Albosta	Brooks	Coughlin
Andrews (NC)	Brown (CA)	Crockett
Applegate	Bryant	Daschle
AuCoin	Carper	de la Garza
Bates	Carr	Dellums
Bedell	Clay	Derrick
Bennett	Collins	Dingell

Dixon	Kostmayer	Roe
Donnelly	Leach	Roemer
Dorgan	Lehman (FL)	Rose
Dowdy	Leland	Roth
Downey	Levitas	Roybal
Durbin	Lipinski	Russo
Dwyer	Long (MD)	Sabo
Dymally	Lowry (WA)	Savage
Early	Luken	Schneider
Eckart	Lundine	Schroeder
Edgar	Markey	Seiberling
Edwards (CA)	Martinez	Sensenbrenner
Edwards (OK)	Mazzoli	Shannon
English	McCloskey	Sharp
Evans (IL)	McCurdy	Shelby
Fazio	McHugh	Sikorski
Feighan	McNulty	Snyder
Ferraro	Mikulski	St Germain
Florio	Miller (CA)	Staggers
Ford (MI)	Mineta	Stark
Ford (TN)	Minish	Stenholm
Frank	Mitchell	Stokes
Frost	Montgomery	Studds
Gibbons	Moody	Swift
Glickman	Morrison (CT)	Tauzin
Gonzalez	Murphy	Torricelli
Gradison	Nowak	Towns
Gray	Oberstar	Traxler
Guarini	Obey	Udall
Gunderson	Ottinger	Vento
Hall (OH)	Owens	Walgren
Hall, Ralph	Panetta	Watkins
Hall, Sam	Patman	Waxman
Harkin	Patterson	Weaver
Hawkins	Paul	Weiss
Hayes	Pease	Wheat
Howard	Penny	Williams (MT)
Hubbard	Perkins	Wirth
Jones (OK)	Petri	Wise
Kaptur	Rangel	Wolpe
Kasich	Ratchford	Wyden
Kastenmeier	Ray	Yates
Kennelly	Richardson	Young (MO)
Kildee	Rodino	

NOES—272

Ackerman	Conte	Hance
Alexander	Corcoran	Hansen (ID)
Anderson	Courter	Hansen (UT)
Andrews (TX)	Coyne	Harrison
Annunzio	Craig	Hartnett
Anthony	Crane, Daniel	Hatcher
Archer	Crane, Philip	Hefner
Aspin	D'Amours	Hertel
Badham	Daniel	Hightower
Barnard	Dannemeyer	Hiler
Barnes	Daub	Hillis
Bartlett	Davis	Holt
Bateman	DeWine	Hopkins
Beilenson	Dickinson	Horton
Bereuter	Dicks	Hoyer
Berman	Dreier	Huckaby
Bethune	Duncan	Hughes
Bevill	Dyson	Hunter
Biaggi	Emerson	Hutto
Bilirakis	Erdreich	Hyde
Bliley	Erlenborn	Ireland
Boehlert	Evans (IA)	Jacobs
Boggs	Fascell	Jeffords
Boland	Fiedler	Jenkins
Boner	Fields	Johnson
Bonior	Fish	Jones (NC)
Bonker	Flippo	Jones (TN)
Borski	Foglietta	Kazen
Bosco	Foley	Kemp
Breaux	Forsythe	Kindness
Britt	Fowler	Kogovsek
Broomfield	Franklin	Kolter
Brown (CO)	Frenzel	Kramer
Broyhill	Fuqua	LaFalce
Burton (CA)	Garcia	Lagomarsino
Burton (IN)	Gaydos	Lantos
Byron	Gejdenson	Latta
Campbell	Gekas	Leath
Carney	Gephardt	Lehman (CA)
Chandler	Gilman	Lent
Chappell	Gingrich	Levin
Chappie	Goodling	Levine
Cheney	Gore	Lewis (CA)
Clarke	Gramm	Lewis (FL)
Clinger	Green	Livingston
Coats	Gregg	Lloyd
Coleman (MO)	Hall (IN)	Loeffler
Coleman (TX)	Hamilton	Long (LA)
Conable	Hammerschmidt	Lott
Lowery (CA)	Oxley	Smith, Denny
Lujan	Packard	Smith, Robert
Lungren	Parris	Snowe
Mack	Pashayan	Solarz
MacKay	Pepper	Solomon
Madigan	Pickle	Spence
Marlenee	Porter	Spratt
Marriott	Price	Stangeland
Martin (IL)	Pritchard	Stratton
Martin (NC)	Pursell	Stump
Martin (NY)	Quillen	Sundquist
Matsui	Rahall	Synar
Mavroules	Regula	Tallon
McCain	Reid	Tauke
McCandless	Ridge	Taylor
McCollum	Rinaldo	Thomas (CA)
McDade	Ritter	Thomas (GA)
McEwen	Roberts	Torres
McGrath	Robinson	Valentine
McKernan	Rogers	Vander Jagt
McKinney	Rostenkowski	Vandergriff
Mica	Roukema	Volkmer
Michel	Rowland	Vucanovich
Miller (OH)	Rudd	Walker
Moakley	Sawyer	Weber
Molinari	Schaefer	Whitehurst
Mollohan	Scheuer	Whitley
Moore	Schulze	Whittaker
Moorhead	Schumer	Whitten
Morrison (WA)	Shaw	Williams (OH)
Mrazek	Shumway	Wilson
Murtha	Shuster	Winn
Myers	Siljander	Wolf
Natcher	Simon	Wortley
Neal	Sisisky	Wright
Nelson	Skeen	Wylie
Nichols	Skelton	Yatron
Nielson	Slattery	Young (AK)
O'Brien	Smith (FL)	Young (FL)
Oakar	Smith (IA)	Zablocki
Olin	Smith (NE)	Zschau
Ortiz	Smith (NJ)	

NOT VOTING—3

Coelho	Edwards (AL)	Heftel

□ 1700

Mr. RIDGE and Mr. VANDERGRIFF changed their votes from "aye" to "no."

Mr. YOUNG of Missouri and Mr. DOWDY of Mississippi changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. ZABLOCKI: Page 4, line 9, strike out "six months" and insert in lieu thereof "sixty days".

Page 4, after line 19, insert the following new paragraph (3) and redesignate existing paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively:

(3) the contributions of each participating country to the achievement of the objectives of the Multinational Force in Lebanon, and any other aid each such country has provided to Lebanon;

Page 4, line 25, strike out "and"; page 5, line 2, strike out the period and insert in lieu thereof a semicolon; and after line 2, insert the following:

(7) the progress made during the reporting period in the training of the Lebanese Armed Forces, with an assessment concerning when this national force will be capable of maintaining internal security in Lebanon;

(8) the level of fighting that has occurred during the reporting period and, if a ceasefire is in effect at the time of the report, the prospects for the continuation of this ceasefire;

(9) the estimated additional cost to the United States during the reporting period of participation in the Multinational Force in Lebanon;

(10) the number of United States military casualties during the reporting period as a result of participation in the Multinational Force in Lebanon; and

(11) the progress made during the reporting period in negotiations designed to lead to a political settlement in Lebanon.

Page 5, line 24, strike out "(3)" and insert in lieu thereof "(4)".

Page 5, after line 25, insert the following new subsection:

(d) The Congress is opposed to any partition of Lebanon and the annexation of its territory by any foreign country.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Is there any Member in the Chamber who opposes the amendment?

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, with the failure to approve the Long amendment, I intend to vote against passage of House Joint Resolution 364, legislation to authorize an 18-month extension for the participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon. I did so because of the administration's refusal to obey the law and recognize its responsibilities and the authority of the Congress under the 1973 War Powers Act.

The essence of the War Powers Act is a statutory reminder that the constitutional power to commit troops to combat is a power that is shared between the President and Congress. While the Constitution is precise in empowering only the Congress the right to declare war, the War Powers Act recognizes that in our modern era there are situations where U.S. forces may be thrust into hostilities that do not entail a state of war. In these situations, the shared responsibilities of the President and the Congress is clear. The most important duty entrusted to the President under the act is to faithfully consult the Congress as to the mission of the committed troops, and the mission of the policy

they are entrusted to defend, sometimes with their lives.

The President has failed to set out, to any satisfactory degree, the mission or long-range goals of U.S. troops in Lebanon. There is nothing in the legislation approved today that will insure that the President will tell the American people, through the Congress, what the mission of our troops is in Lebanon. The President, directly and through Secretary of State George Shultz, has already said that the administration's actions in Lebanon will not be bound by the War Powers Act or by any other legislation approved by Congress. To me this simply means that the President does not believe that he required congressional authorization before committing additional troops to Lebanon or substantially changing their role, despite clear authority in the War Powers Act for the Congress to approve or disapprove such actions.

I cannot support the enactment of the present legislation before the Congress to commit U.S. troops to Lebanon for an additional 18 months when the administration fails to comply with the most simplistic requirement of the War Powers Act to clearly set out our mission there.

More importantly, I am disturbed over the administration's refusal to recognize the responsibility of the Congress, under the War Powers Act, to ultimately determine the course of our action in Lebanon. The priority of the Congress must be to insure that our Nation is not again pulled into a quagmire like Vietnam by failing to exercise its responsiblity under the warmaking provisions of the Constitution. The actions of the administration, and the present legislation before the Congress, fail to insure that our Lebanon policies will be controlled according to the desires of the American people and their representatives in the Congress.

Mr. ZABLOCKI. Mr. Chairman, the amendment I am offering incorporates the suggestion of a number of Members which felt that certain provisions in House Joint Resolution 364 needed to be reinforced. These amendments will not change in any fundamental way the basic composition of the bipartisan compromise that has been reached between the President and the Congress.

The first element of the amendment changes the 6-month reporting requirement in section 4 to a 60-day reporting requirement. This will enable Congress and the Committee on Foreign Affairs to continually assess the viability of U.S. participation in the multinational force and whether U.S. foreign policy objectives served by the Marine presence are being achieved.

The second element of the amendment is incorporated at the suggestion of the gentleman from New York (Mr. STRATTON). It adds several provisions to the reporting requirement in section 4 of the resolution. The President, in addition to the current reporting requirements in section 4, would be required to report on the progress in training the Lebanese armed forces, the level of fighting that has occurred during the reporting period and the prospects for continuation of a cease-fire if one is in effect, the estimated U.S. cost and number of U.S. military casualties in Lebanon, and the prospects for negotiations leading to a political settlement.

The final element of the amendment restates current U.S. policy and expresses the congressional view that the Congress is opposed to any partition of Lebanon and the annexation of its territory by any foreign country. This part of the amendment incorporates the suggestions of the gentlelady from Ohio (Ms. OAKAR).

The amendment reinforces the responsible congressional controls already in House Joint Resolution 364 and I urge adoption of the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Alabama for purposes of debate only.

Mr. DICKINSON. Let me just say, if I understand the amendment, and I have read it, this is in substance almost identical to the amendment we sought to offer yesterday from the Armed Services Committee.

□ 1710

As the chairman of the Committee on Foreign Affairs knows, a group from the Armed Services Committee did visit Lebanon over the weekend. We spoke with most of the principals on the Lebanese side who are involved. What we proposed to do and asked for permission to do in the Committee on Rules is approximately what the chairman of the Committee on Foreign Affairs is seeking to do now.

We felt that 6 months was entirely too long with as fast moving as events are, with as volatile as the situation is; 6 months would be meaningless.

We had asked that it be limited to at least 60 days with more frequent reports as events would indicate and to define certain areas, such as casualties, such as costs, such as progress being made in the cease-fire, all of which are included here.

I think it makes sense and I would certainly support the gentleman and congratulate him for offering the amendment.

Mr. ZABLOCKI. Mr. Chariman, I yield 2 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, I rise in support of House Joint Resolution 364, which provides for the procedure under which U.S. marines would remain a part of the peacekeeping force in Lebanon.

During this debate, many have argued that keeping our marines in Lebanon would be a tragic mistake. It has been argued that this resolution is tantamount to a Gulf of Tonkin resolution. I would argue that the greatest mistake we could make would be to disapprove this resolution or amend it so as to weaken our commitment to our allies and our friends in Lebanon. And the issue today is really not whether the President should or should not have invoked the War Powers Act in the first place. It is whether a majority of the people in this House believe our commitment to Lebanon, via the peacekeeping force, should continue or not.

As much as we might like it to be otherwise, this Nation cannot retreat into an isolationist shell whenever events become unpleasant. To do so may very well allow us to forget unpleasant memories, but it would do absolutely nothing for our national interest or our credibility.

How this Nation responds in Labanon is bound to be viewed by friendly and hostile governments alike as a test of this Nation's credibility as a world power. To fail that test would have repercussions far beyond the borders of Lebanon. Why should anyone henceforth take American military power seriously if we abandon our commitments at the first sign of trouble? And how would the other nations of the multinational force—who have also suffered casualties—react? These are matters not to be taken lightly.

But there is another, more important, reason for continuing our presence in the region—the American national interest is at stake in the survival of Lebanon. The power vacuum which would be created by the removal of the multinational force would enhance to an extreme degree the opportunity for Syria to achieve its long/standing goals in Lebanon. It would enhance the possibility of an uncontrollable civil war which would surpass the violence Lebanon has already experienced. The undermining of the Lebanese Government which would result from the withdrawal of the multinational force would further destabilize an already unstable region.

I urge my colleagues to approve the resolution. It responsibly recognizes the interests of both the President and the Congress. It sends a clear signal to the rest of the world that the United States plans to abide by its commitments.

Mr. BROOMFIELD. Mr. Chairman, I merely want to indicate the strong support that we have for the amend-

ment offered by the chairman of the Committee on Foreign Affairs (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. I thank the chairman for yielding.

I, too, had the opportunity to join with nine of my colleagues this weekend and spent a very intent 48 hours in Lebanon. It was interesting to me because I had an opportunity in July over the 4th and 5th to spend 48 hours in Lebanon and the comparison was quite dramatic.

I rise very much in support of this amendment. I think it is one that is necessary. We have seen an escalation of the number of troops on the ground; originally 800, then 1,200, now 1,600. We also have 100 Army individuals in Lebanon.

I think the fact that this Congress should have a 60-day report is a very important issue and I concur with the chairman in support of this amendment.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I am going to support this amendment. I am also going to support the resolution reluctantly. But I would like to ask the chairman of the Committee on Foreign Affairs: This resolution would prohibit substantial expansion of our Armed Forces in Lebanon unless there is statutory authorization from the Congress. Yet I note that yesterday we were told that the numbers have been increased from 1,200 to 1,600 without any statutory authorization even though when the Lebanon Emergency Assistance Act of 1983, which imposed that limitation, was passed, the manager, Mr. HAMILTON, said:

> The addition of several hundred troops beyond the 1,200 would constitute a substantial expansion for purposes of this provision.

So I would like to ask the distinguished chairman of the Committee on Foreign Affairs just what would be a substantial expansion for purposes of this resolution.

I think we are entitled to know since evidently the President does not consider that the intent of the act which imposed that restriction is binding on him.

My colleagues, this is a very serious matter. We are about to vote on a limitation against any substantial expansion without statutory approval when obviously the President must consider that an expansion of 33 percent is not a substantial expansion, since just such an expansion was disclosed yesterday.

I wonder if the gentleman from Wisconsin can tell us what is the intent of this resolution in that respect.

Mr. ZABLOCKI. Does the gentleman refer to what constitutes a substantial increase for purposes of section 7?

Mr. SEIBERLING. Yes.

Mr. ZABLOCKI. Normally it would be several hundred, and it is my understanding that the substantial increase would be another unit introduced into the area.

Mr. SEIBERLING. Well, if he adds another 400, is that substantial?

Mr. ZABLOCKI. He has to come to Congress for additional authority.

Mr. SEIBERLING. I did not hear the chairman.

Mr. ZABLOCKI. The President would have to come to Congress for additional authority.

Mr. SEIBERLING. So if he adds another 400, that would be a substantial expansion which would require additional authority.

I think that is very important.

Mr. Chairman, I voted against the rule on this resolution, because I thought we should be free to offer more amendments. Unfortunately, the rule passed. I then voted for the Long-Obey amendment as the best option we were given. It lost. I now urge my colleagues to support this resolution, not as the best solution, but the only opportunity we now have to put any controls on the President with respect to future expansion of our military commitments in Lebanon.

By voting for this resolution, we also eliminate any excuse the administration might otherwise have if it fails to bring about a settlement in Lebanon. Any such settlement must be built around a government that fairly represents all the religious groups in Lebanon. If it appears that the Gemayel government is unable to construct such a government within a reasonable time, then the multinational force, including the American contingent, should be withdrawn.

In the meantime, efforts should be made to increase the already sizable contingents of our European allies, who already constitute over two-thirds of the MNF. Every effort should also be made to bring the United Nations in as the primary guarantor of the cease-fire.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. Mr. Chairman, I will support the resolution now before the house, which invokes the provisions of the War Powers Act and authorizes the continued presence of U.S. troops in Lebanon for a period of up to 18 months. I will support this resolution for three reasons.

First, because our troops are there pursuant to an agreement entered into with the Government of Lebanon on September 25, 1982, when U.S. marines became part of the multinational peacekeeping force. The multinational force continues to have a viable role. Indeed, the cease-fire, which holds today even as we speak, exists in large part because there is a multinational force. Under these circumstances, it seems to me that we must allow our troops to remain as part of it in order to keep faith with the people of the region, the imperiled Government of Lebanon and with our colleagues in the multinational force.

Second, because if we are to maintain our troops in the field, it would be a breach of faith with them and a failure of our responsibility as a government not to allow those troops to defend themselves and to take such measures as may be necessary for their own protection.

Third, because if our troops are authorized to remain, it is necessary that they be given a mandate of reasonable length. Otherwise, we would encourage the Syrians and their surrogates to refuse to negotiate since, from their perspective, all they would have to do is maintain a stalemate in the knowledge that our troops are shortly going away.

At the same time I think it is imperative that we understand what this resolution does not do.

First, it does not endorse the decision to send the marines into Lebanon in the first place. I believe that decision was a mistake. But it was made. The troops are there. This resolution attempts to deal responsibly with that fact. To avoid a similar situation in the future, I strongly urge the composition of multinational peacekeeping missions be restricted to forces of small, generally nonalined nations. Such nations are less likely to be drawn into an international confrontation and, if they are, the results of such a confrontation would have less potentially disastrous consequences for the peace of the world.

Second, it does not recognize the President's right to make unilateral use of American military forces in combat siutations. Rather, it is the result of a process of negotiation between the President and the leadership of the Congress which recognizes the legitimate congressional role in the decision to employ American forces and specifically invokes the authority of the War Powers Act.

Third, and most important, this resolution does not approve any greater number of troops or any wider range of activity for the American forces in Lebanon. If it did, I would vote against it. Like many of my colleagues, I was gravely troubled by the remarks of the Secretary of State before the Committee on Foreign Affairs. Had the Secretary's views remained the position of

this administration, it would have been impossible for me to support this resolution. However, I believe the assurances given by the President yesterday "to seek congressional authorization * * * if circumstances require any substantial expansion in the number or role" of U.S. troops in Lebanon.

This resolution is the result of a compromise, Mr. Chairman, and, by definition, it is not what any one of us would have written had we been left to the task ourselves. But it strikes a fragile balance in a very critical situation and at a very difficult time. While there may be no direct connection, none of us can deny that the shadow of Korean airliner 007 has fallen across this resolution as it has across the world. This is not a time in which the United States can be perceived as abdicating its responsibilities or as unwilling to enforce its commitments to the international community.

Today, Mr. Chairman, we authorize American peacekeeping participation in a military conflict in the oldest and holiest part of the world. We do so, I know, reluctantly. But we do so because we simply do not have any alternative. As we do, may we pray that the God of us all—of Muslim, Christian, and Jew—will look mercifully upon our decision and guide us upon the path to that true peace on Earth for which all men of good will continue to strive.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I rise in reluctant support of this joint resolution. I find it very difficult to vote to keep American military forces in a situation that could result in the further shedding of American blood. On the other hand, I also find it difficult to vote in such a way that hinders the President's ability to carry out his responsibility as this Nation's chief foreign policy spokesman, especially in light of the bipartisan effort undertaken to put together this delicately balanced resolution.

This resolution has been described in this Chamber as an 18-month blank check for the President. I would hope that the administration would not view it as such. I would hope that this 18-month period would be used to achieve the goal of the removal of all foreign military forces from Lebanese soil, a goal without which the passage of this resolution will be a fruitless exercise.

Consequently, after much discussion and careful thought, I have come to the conclusion that our own best interest and those of the Lebanese people may be best served by the approval of this resolution. I hope that the administration will use this authority wisely and prudently and continue vigorous pursuit of the removal of outside military forces in Lebanon. I further hope that this course will result in the Lebanese being allowed to solve the problems of Lebanon.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. I thank the chairman for yielding.

Mr. Chairman, I want to commend him for offering this amendment. It is an amendment that I proposed to the Rules Committee. I hope everybody knows what it is. It is an important amendment. It puts us on record as being opposed to partitioning Lebanon.

I would like to have you remember that 10 years ago Lebanon was the pearl of the Mediterranean. We think it can still be that, providing our country exerts a morale force in the Middle East. We must not continue to pour more and more arms to that region and expect then to propose peace.

I want to say a word to the Lebanese people themselves: You know, this is the year that we celebrate the 100th anniversary of Khalil Gibran, the very fine Lebanese poet. He wrote a beautiful poem concerning Lebanon many years ago. It can still apply today. He talked about the Lebanon that he wanted, which was the Lebanon of beauty and truth and the Lebanon that some people were dividing.

I hope that the people of Lebanon will put down their arms and engage in dialog. The people must unite and relate to each other irrespective of their religious or philosophical difference. The Lebanese people must take responsibility for their actions against each other. Only if they live together in peace and harmony can the dream of its greatest poet Khalil Gibran be fulfilled.

□ 1720

This is very, very important. Despite all the exploitation of that country by outside forces, it is very important that the people themselves realize that they have to forget some of the past and unite for a better Lebanon and make it once again what it once was, the "Pearl of the Mediterranean."

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, as we debate this resolution before us today, which authorizes continued participation of U.S. marines in the multinational peacekeeping force in Lebanon; we hear a good many references to our involvement in Vietnam. This has been the case with many of the foreign policy issues which the Congress has considered recently, including our goals and policies in Central America.

It seems that any decision to commit U.S. troops, advisers, or even nonpersonnel military assistance to our national security and foreign policy objectives around the globe is haunted by the specter of our Vietnam experience. Almost without exception, the critics of these commitments compare U.S. involvement in Lebanon or El Salvador to out involvement in Vietnam and express not just the fear but the conviction that our present actions will lead us down the same path that we have walked in the past. It is a fear that is very real for all of us, including those who have supported many of the President's foreign policy initiatives.

While Americans should never forget the lessons of the past, neither should we allow our Vietnam experience to paralyze us to the point where we are incapable of making decisions on which our present and our future depend. If Vietnam was truly a lesson for us, then we should learn from it. I am afraid, however, that it has become not so much a lesson as an excuse for refusing to make the difficult commitments that our foreign policy and national security objectives often require.

Comparisons of Lebanon with Vietnam may be emotionally effective, but they are not factually sound. The U.S. marines in Lebanon are part of a multinational peacekeeping force. British, French, and Italian forces are serving alongside our marines. The mission of this force clearly is to help keep the peace while the Lebanese Government goes about the business of removing all foreign troops from Lebanese soil and of undertaking the difficult task of establishing a stable, sovereign state. It is a peaceful mission but, yes, it is also a dangerous one for the men who comprise the force.

The United States has a legitimate interest in fostering a peaceful resolution of the Lebanese crisis for many reasons, not least among them our commitments to our own security, to world peace, and to a more democratic future for all people. The multinational character of the peacekeeping force is evidence that many other nations share an interest in this region and have also made a commitment. Yes, this is a world issue, but let there be no mistake that we are part of that world and that what happens in other nations on other continents does affect us.

We must be able to make and to keep our commitments, even the difficult ones, when they are in our own best interests, the interests of our allies, and the interest of that better world to which our great Nation has always been committed. Our participation in the peacekeeping force in Lebanon is one such commitment and I urge my colleagues to support it.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment pending.

Mr. Chairman, I am greatly encouraged by the vote that was just taken by the full House of Representatives and I see in the final resolution that is now pending before this body an effort to further enhance the basis that is being built in Lebanon for national unity.

The current administration of President Gemayel in Beirut is beginning to reach out and include all of the various militias within his Cabinet and within his government. It, of course, is impossible to include every political faction within the various religions that exist in the country of Lebanon, but those efforts are finally being made now and being made on a very successful basis.

I think the presence of our marines there is important in furthering that national unity and will bring about the day when all foreign forces can be expelled from that country and when, indeed, we can see a united Lebanon that can control its own destiny. And that is our purpose in being there.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I believe that what we are about to do here today, and I rise in support of this resolution, is to send a message to the Middle East that we are very serious about trying to unify the country of Lebanon.

It should be a message to the people of Lebanon to lay down their arms and start talking over the negotiating table and unite that country that at one time was unified, where all people's rights were respected where there was absolutely no distinction between any of the religious factions in that democratic process. And, at the same time, we are sending a message to the Syrians and all other foreign forces that are in Lebanon, that their presence will not be tolerated and that the American presence in Lebanon assures them that the American people are solidly behind Lebanon wishing it to again become the wonderful pro-Western democracy which it has a history of being.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL), to close debate.

Mr. O'NEILL. Mr. Chairman, I believe it was on September 3 when I received a call from the White House asking me to fly back to Washington to meet with the leadership on both sides of the aisle and with the administration.

We talked that day about the Korean matter and we talked about the Lebanon matter.

It was the first opportunity that I had ever had to meet with Ambassador MacFarlane. I must say he impressed me. He told about the diplomatic approach that he was making over there. He was working for a cease-fire, that he trusted that there would be a new Cabinet, broad in scope, that it may include all the factions in Lebanon. And we were hoping for a withdrawal of all forces and that Israel had already committed to a pledge that they would withdraw.

I have seen along the line what has happened. First of all, the cease-fire is in place, the Cabinet has resigned and they are going to have a new Cabinet. And I trust and hope in faith that that new Cabinet will think of human rights and think of the people of all of the various denominations, religious and otherwise.

And there is one thing left and it is the matter of the withdrawal of foreign forces.

I support the amendment as offered by the gentleman from Wisconsin. I rise in support of this resolution because I believe, first, that withdrawal of all foreign troops from Lebanon and the establishment of a free sovereign independent Lebanon is a very real possibility.

Second, I believe that the presence of the multinational force in Beirut promotes peace in the area and helps the process of national reconstruction of Lebanon.

I believe that under the War Powers Act—and I truly believe this—that the 90-day limitation on the presence of the U.S. marines in Lebanon began to run on August 31, 2 days after our forces were involved in hostilities.

The law is clear to me that a report should have been submitted on that day and therefore, if Congress does not take action by joint resolution to authorize the continued presence of the U.S. marines, they would have to be withdrawn.

I have put serious effort and thought into these remarks that I am making today. I believe that as a result of the current cease-fire and the resignation of the Cabinet in Lebanon, the government in Beirut will make every effort to show it will serve and represent the interests and the rights of all of the people in Lebanon.

I believe this resolution clearly limits the scope and the role of the U.S. forces in Lebanon so that the danger of a Vietnam-type escalation is avoided.

This resolution, believe me, is not a blank check as some have asserted.

On the contrary, it establishes unprecedented restraints on the deployment and mission of the U.S. Armed Forces overseas. While guarding against a rapid escalation of United States involvement in hostilities in Lebanon, it still sends a strong message to Syria that the United States is serious about securing the withdrawal of all foreign forces from Lebanon.

Now I am aware of the deep concern in this House regarding the length of times involved in this authorization. When the President was speaking to us on that particular day and I have reference to the fact that from the House there was only JIM WRIGHT and myself and BOB MICHEL on the other side, they asked and wanted an open ended resolution of support.

No way were we going to give an open end. No way, I said, Mr. President. And I used the words "no way." No way are you or anybody else ever going to have another Tonkin Gulf Resolution.

So we are the ones who came up, after consideration of our Committee on Foreign Affairs and our leaders and their staff, working with the White House, on the 18 months. It was a hard decision to make, but I thought it was the best one.

□ 1730

I believe sincerely that the diplomatic efforts currently underway will not only promote reconciliation and stability in Lebanon, but I believe in my heart that it is going to mean an early departure of our marines. I really truly believe that. And that is why I have supported this. I believe the President of the United States when he says to me head to head he has no plans to change the peacekeeping role of the marines. I believe that the Commander in Chief's first concern is for the safety of the fighting men in Lebanon. And I believe the President is expending every possible effort to see that the differences in Lebanon are settled through negotiations rather than through a force of arms.

Furthermore, if we accept this resolution, I would trust, and I assure my colleagues that I will personally monitor this situation and if at any time I have reason to believe that the spirit and the letter of this resolution is not being lived up to, I will do in my opinion whatever is necessary concerning Lebanon to get our men back.

My colleagues, I have risen on many occasions over the last 2 years to oppose the President, and on several occasions when I believed him to be right I supported him. In this case, he initiated contact with me. You, the Members on this side of the aisle, you elected me as the Speaker of the House and JIM WRIGHT as your leader. We were speaking for you not as Democrats, but what we thought was truly right as Americans, that it was time to act in a bipartisan manner. And so as he contacted me, he wanted congressional support for his policies in Lebanon. I am willing to pledge my

support as long as the War Powers Act is adhered to.

The debate here today is solemn and serious, and the concerns expressed are deeply held. The fate of a nation, Lebanon, awaits our action. This is not an easy decision for anyone. But, believe me, it is a necessary one, and a necessary one for our country and for the rest of the world.

Many of you may not like the War Powers Act, but it is doing today what it was intended to do. It is forcing the Congress to act rather than sit back and let the President act in its place. In this case, I hope we will act today to help the President to bring peace and stability in Lebanon, a country worthy of our attention, a country worthy of our assistance, a country worthy of our best efforts. I hope the resolution is adopted.

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from Wisconsin (Mr. ZABLOCKI).

The amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the joint resolution (H.J. Res. 364) providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon, pursuant to House Resolution 318, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. ROTH. In its present form, I am opposed to it, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROTH moves to recommit the joint resolution (H.J. Res. 364) to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 161, not voting 2, as follows:

[Roll No. 361]

AYES—270

Ackerman	Erlenborn	Lewis (FL)
Akaka	Evans (IA)	Livingston
Alexander	Fascell	Lloyd
Anderson	Fazio	Loeffler
Andrews (TX)	Feighan	Long (LA)
Annunzio	Fiedler	Lott
Anthony	Fish	Lowery (CA)
Aspin	Foglietta	Lujan
Badham	Foley	Lungren
Barnard	Ford (TN)	Mack
Barnes	Forsythe	MacKay
Bartlett	Fowler	Madigan
Bateman	Franklin	Markey
Bellenson	Frenzel	Marlenee
Berman	Frost	Marriott
Bethune	Fuqua	Martin (IL)
Bevill	Gejdenson	Martin (NC)
Biaggi	Gekas	Martin (NY)
Bilirakis	Gephardt	Matsui
Bliley	Gilman	Mavroules
Boehlert	Gingrich	McCandless
Boggs	Glickman	McCollum
Boland	Goodling	McDade
Boner	Gore	McEwen
Bonior	Gramm	McGrath
Bonker	Green	McKernan
Borski	Gregg	McKinney
Boucher	Hall (OH)	Mica
Breaux	Hamilton	Michel
Britt	Hammerschmidt	Mikulski
Broomfield	Hansen (ID)	Minish
Brown (CA)	Hansen (UT)	Moakley
Broyhill	Harrison	Molinari
Burton (CA)	Hartnett	Mollohan
Burton (IN)	Hatcher	Montgomery
Campbell	Hawkins	Moore
Carney	Hefner	Moorhead
Carr	Hightower	Morrison (WA)
Chandler	Hiler	Mrazek
Chappell	Holt	Murtha
Chappie	Hoyer	Nelson
Cheney	Huckaby	Nielson
Clarke	Hughes	O'Brien
Clinger	Hunter	Oakar
Coats	Hutto	Olin
Coleman (MO)	Hyde	Ortiz
Coleman (TX)	Ireland	Oxley
Conable	Jeffords	Packard
Cooper	Jenkins	Panetta
Corcoran	Johnson	Parris
Coughlin	Jones (NC)	Pashayan
Courter	Jones (TN)	Patterson
Coyne	Kazen	Pepper
Craig	Kemp	Pickle
D'Amours	Kindness	Porter
Daniel	Kogovsek	Price
Daub	Kolter	Pritchard
Davis	Kostmayer	Pursell
de la Garza	Kramer	Quillen
DeWine	Lagomarsino	Rahall
Dickinson	Lantos	Regula
Dicks	Latta	Reid
Dreier	Leach	Ridge
Duncan	Leath	Rinaldo
Dwyer	Lehman (CA)	Ritter
Dyson	Lehman (FL)	Roberts
Edwards (AL)	Lent	Robinson
Edwards (OK)	Levin	Roe
Emerson	Levine	Rogers
Erdreich	Lewis (CA)	Rose
Rostenkowski	Smith (NJ)	Vander Jagt
Roukema	Smith, Robert	Vandergriff
Rowland	Snowe	Vucanovich
Rudd	Solarz	Weber
Sawyer	Solomon	Whitehurst
Schaefer	Spence	Whitley
Scheuer	Spratt	Whittaker
Schneider	Staggers	Whitten
Schumer	Stangeland	Williams (MT)
Seiberling	Stump	Williams (OH)
Shaw	Sundquist	Wilson
Shumway	Synar	Winn
Shuster	Tallon	Wolf
Siljander	Tauzin	Wortley
Simon	Taylor	Wright
Sisisky	Thomas (CA)	Wylie
Skeen	Thomas (GA)	Yatron
Slattery	Torres	Young (AK)
Smith (FL)	Torricelli	Zablocki
Smith (NE)	Valentine	Zschau

NOES—161

Addabbo	Guarini	Pease
Albosta	Gunderson	Penny
Andrews (NC)	Hall (IN)	Perkins
Applegate	Hall, Ralph	Petri
Archer	Hall, Sam	Rangel
AuCoin	Hance	Ratchford
Bates	Harkin	Ray
Bedell	Hayes	Richardson
Bennett	Hertel	Rodino
Bereuter	Hillis	Roemer
Bosco	Hopkins	Roth
Boxer	Horton	Roybal
Brooks	Howard	Russo
Brown (CO)	Hubbard	Sabo
Bryant	Jacobs	Savage
Byron	Jones (OK)	Schroeder
Carper	Kaptur	Schulze
Clay	Kasich	Sensenbrenner
Collins	Kastenmeier	Shannon
Conte	Kennelly	Sharp
Conyers	Kildee	Shelby
Crane, Daniel	LaFalce	Sikorski
Crane, Philip	Leland	Skelton
Crockett	Levitas	Smith (IA)
Dannemeyer	Lipinski	Smith, Denny
Daschle	Long (MD)	Snyder
Dellums	Lowry (WA)	St Germain
Derrick	Luken	Stark
Dingell	Lundine	Stenholm
Dixon	Martinez	Stokes
Donnelly	Mazzoli	Stratton
Dorgan	McCain	Studds
Dowdy	McCloskey	Swift
Downey	McCurdy	Tauke
Durbin	McHugh	Towns
Dymally	McNulty	Traxler
Early	Miller (CA)	Udall
Eckart	Miller (OH)	Vento
Edgar	Mineta	Volkmer
Edwards (CA)	Mitchell	Walgren
English	Moody	Walker
Evans (IL)	Morrison (CT)	Watkins
Ferraro	Murphy	Waxman
Fields	Myers	Weaver
Flippo	Natcher	Weiss
Florio	Neal	Wheat
Ford (MI)	Nichols	Wirth
Frank	Nowak	Wise
Garcia	Oberstar	Wolpe
Gaydos	Obey	Wyden
Gibbons	Ottinger	Yates
Gonzalez	Owens	Young (FL)
Gradison	Patman	Young (MO)
Gray	Paul	

NOT VOTING—2

Coelho	Heftel

□ 1750

Mr. FRENZEL changed his vote from "no" to "aye"

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3648, AMTRAK IMPROVEMENT ACT OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-391) on the resolution (H. Res. 320) providing for the consideration of the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the rule adopted today, I call up the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 368

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1984, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, fund, or other authority would be available in the following appropriations Acts:

District of Columbia Appropriation Act, 1984; and

Military Construction Appropriation Act, 1984.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of October 1, 1983, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1983, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1983, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but as a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1983.

(4) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1983, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriations Acts as passed by the House of Representatives as of October 1, 1983:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended;

Department of the Interior and Related Agencies Appropriation Act, 1984: *Provided,* That no funds provided in this or any other Act to agencies funded by the Interior and Related Agencies Appropriation Act, 1983 (Public Law 97-394) may be expended to take actions related to termination of programs or closure of facilities until enactment of the Interior and Related Agencies Appropriation Act, 1984; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984.

(c) Such amounts as may be necessary for continuing activities, not othewise specifically provided for in this joint resolution, which were conducted in the fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, as enacted in Public Law 97-377, under the current terms and conditions and at a rate for operations not in excess of the current rate or at the rate provided for in the budget estimates, whichever is lower: *Provided,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1983 or prior years, for the increase in production rates above those sustained with fiscal year 1983 funds or to initiate or resume any project, activity, operation or organization which is defined as any project, subproject, acitivity, budget activity, program element, and subprogram within a program element for investment items which is further defined as a P-1 line item in a budget activity within an appropriation account and a R-1 line item which includes a program element and subprogram element within an appriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1983: *Provided further,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further,* That none of the funds appropriated or made available pursuant to this subsection shall be available for the conversion of any full time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by Active or Reserve Military Personnel, from civilian positions designated "military technicians" to military positions.

(d) Such amounts as may be necessary for continuing the activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1983, and which are under the purview of the Treasury, Postal Service, and General Government Appropriation Act, under the current terms and conditions and at a rate for operations not in excess of the current rate: *Provided,* That funds appropriated by Public Law 98-8 for payment to the General Services Administration, Federal Buildings Fund, for alterations and repairs shall be excluded from the current rate established under this subsection.

(e) Such amounts as may be necessary for continuing the activities under the purview of the Foreign Assistance Appropriations Act as provided for in Public Law 97-377 and Public Law 98-63, under the terms and conditions, and at the rate, provided for in those Acts or at the rate provided for in the budget estimates, whichever is lower, and under the more restrictive authority, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law: *Provided,* That amounts allocated to each country under this subsection shall not exceed those provided in fiscal year 1983 or those provided in the budget estimates for each country, whichever are lower, unless submitted through the regular reprograming procedures of the Committees on Appropriations, or unless otherwise specified in this paragraph.

(f) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1983, under the terms and conditions provided in applicable appropriation Acts for the fiscal year 1983, at the current rate:

Health planning activities authorized by title XV of the Public Health Service Act;

National Research Service Awards authorized by section 472(d) of the Public Health Service Act;

National Arthritis Advisory Board, National Diabetes Advisory Board, and National Digestive Diseases Advisory Board authorized by section 437 of the Public Health Service Act;

Medical Library Assistance programs authorized by title III of the Public Health Service Act;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501(a) and (b) of the Refugee Education Assistance Act of 1980: *Provided,* That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980 but for the application of paragraph (2)(B) thereof;

Child abuse prevention and treatment and adoption opportunities activities authorized by the Child Abuse Prevention and Treatment Act;

Rehabilitation and handicapped research activities authorized by the Rehabilitation Act of 1983 and the International Health Research Act of 1960;

Activities as at present of the Professional Standards Review Organization program authorized by titles XI and XVIII of the Social Security Act, as amended;

Activities under the Domestic Volunteer Service Act of 1973, as amended; and

Emergency feeding activities as authorized by the Temporary Emergency Food Assistance Act of 1983, as amended; and

Activities of the Department of Defense, Army National Guard and Army Reserve operation and maintenance and National Guard and Reserve equipment procurement.

(g) Such amounts as may be necessary for projects or activities, not otherwise provided for in this joint resolution, which were provided for in H.R. 3222, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, as reported to the House of Representatives on June 3, 1983, at a rate for operations and to the extent and in the manner provided for in such Act, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided*, That notwithstanding the preceding provisions of this subsection and the provisions of subsection 101(b) of this joint resolution, funds shall be available for Economic and Statistical Analysis, "Salaries and Expenses" and National Oceanic and Atmospheric Administration, "Operations, Research, and Facilities (Including Transfer of Funds)" in the Department of Commerce at a rate for operations and to the extent and in the manner provided for in H.R. 3222, as reported to the House of Representatives on June 3, 1983; and in addition, there shall be available for the administrative expenses of the Board for International Broadcasting at an annual rate of $1,075,000 and for grants for RFE/RL, Inc. at an annual rate of $104,980,000, of which not to exceed an annual rate of $52,000 may be made available for official reception and representation expenses.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1983, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 15, 1983, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for the fiscal year 1984 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 106. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Power and Administrative Services Act of 1949, as amended) which is in excess of 14 per centum higher than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

SEC. 107. No provision in any appropriation Act for the fiscal year 1984 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 102, there are appropriated to the Postal Service Fund sufficient amounts so that postal rates for all preferred-rate mailers covered by section 3626 of title 39, United States Code, shall be continued at the rates in effect on September 1, 1983 (step 14): Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That six-day delivery and rural delivery of mail shall continue at the 1983 level.

SEC. 109. Funds shall be available for school assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950, at an annual rate of $585,000,000, under the terms and conditions provided in the applicable appropriation Act for fiscal year 1983.

SEC. 110. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1984, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title, in an amount—

(1) during the period from October 1, 1983, unitl the next applicable wage survey adjustment becomes effective, which exceeds the rate which was payable for the applicable grade and step of the applicable wage schedule on September 30, 1983, in accordance with section 107(a) of Public Law 97-377; and

(2) during the period consisting of the remainder of the fiscal year ending September 30, 1984, which exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1984.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of Public Law 95-454, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to any prevailing rate employee to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of enactment of this Act.

(c) Notwithstanding any other provision of law, no prevailing rate employee described in paragraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the fiscal year ending September 30, 1984, at a rate which exceeds the rate which was payable for the applicable grade and step of the applicable wage schedule on September 30, 1983, except to the extent a higher rate would be payable under subsection (a) of this section were subsection (a) applicable to wage schedules and rates for prevailing rate employees described in such paragraphs (B) and (C) of section 5342(a)(2).

(d) For the purpose of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1983, shall be determined under regulations prescribed by the President.

(e) The provisions of this section shall apply only with respect to pay for services performed by any affected employee after the date of enactment of this Act.

(f) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 111. There is hereby appropriated $20,000,000 to be derived by transfer from funds available for obligation in fiscal year 1983 in the appropriation for "Guaranteed Student Loans", to remain available for obligation until September 30, 1984, to enable the Secretary of Education to comply with the consent decree entered in United States district court in the case of the United States of America against the Board of Education for the City of Chicago (80 C 5124) on September 24, 1980.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 368, and that I may include tabular and extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts (Mr. CONTE), for purposes of debate only, pending which I yield myself such time as I may require.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. WHITTEN. Mr. Speaker, I bring to the Members today a resolution that is urgent and essential.

On September 22, the Appropriations Committee reported a continuing resolution, which is necessary for various reasons because we had not completed work on all 13 appropriation bills making money available for the carrying on of the operations of the Government after this Friday. Under an opinion of the Attorney General, Government activities except those dealing with health, safety, and defense must cease as of midnight Friday, September 30, 1983, if appropriations for the agencies involved have not been enacted.

The resolution reported last week, as has been the case increasingly in the last few years, ended up as the vehicle where just about every controversy existing in Congress was addressed.

Mr. Speaker, because 19 amendments were adopted in the committee on the resolution last week, it attracted considerable controversy and it did not appear possible to have the resolution enacted by the end of the week. After consulting with some of the senior members of the Committee on Appropriations, a simplified continuing resolution (H.J. Res. 368) was introduced which in effect continues the operations of the Government basically at about the same level as we have now.

Mr. Speaker, it is unfortunate that this resolution has to be considered under somewhat unusual circumstances. May I say, though, that this is not the fault of the Appropriations Committee. Over the years, your committee has a fine record of fiscal responsibility and timely action. For 37 of the last 40 years, the Appropriations Committee has recommended funding levels below the President's budget requests.

The major reason we have had to resort to unusual practices this year is the inability of the legislative committees to resolve numerous controversial issues. I do not blame the legislative committees. But because certain issues are not resolved in the normal legislative manner, there is a growing tendency to try to resolve them in connection with the continuing resolution, which must be enacted by the start of the fiscal year. The amendments which the Appropriations Committee dealt with last week were almost exclusively concerned with legislative provisions and issues more properly addressed by the legislative committees. Very few of the amendments were concerned with money or spending rates.

We hate to be faced with this situation in which we find ourselves today, but with the end of the fiscal year fast approaching there was no other sensible way to proceed. The operation of the Government must not be suspended because legislative issues are not resolved properly and in a timely manner. Continuing resolutions, by their very nature, must be enacted promptly. But they are temporary, stop-gap measures and should not be used as vehicles for every legislative controversy.

Mr. Speaker, for the benefit of my colleagues, I would like to explain the various provisions of House Joint Resolution 368 which are before the House today.

House Joint Resolution 368 provides interim financing for the new fiscal year beginning October 1 for programs under 9 of the 13 regular appropriaton bills. The following four bills have already become law: HUD-Independent Agencies (Public Law 98-45), Energy and Water Development (Public Law 98-50), Legislative Branch (Public Law 98-51), and Transportation (Public Law 98-78).

The resolution becomes effective at midnight September 30 and expires November 15, a period of only 46 days. The provisions of the continuing resolution automatically disengage as additional appropriation bills become law.

However, since all appropriation bills will not be enacted by September 30, timely enactment of this joint resolution is absolutely necessary in order to provide for the orderly continuation of numerous essential governmental activities.

STATUS OF APPROPRIATION BILLS

Progress this year on appropriation bills has been much better than last year, principally due to the fact that the committee proceeded on many bills based on the House-passed version of the first budget resolution in lieu of waiting for a final conference agreement. This action saved a number of weeks. Procedures such as this will be necessary in future years if the Congress is to make further progress toward the objective of enacting all the appropriation bills by the beginning of the new fiscal year.

It is anticipated that by the beginning of the new fiscal year the committee will have reported and the House will have pased 10 of the 13 appropriation bills for fiscal year 1984. The remaining three bills are Defense, Treasury-Postal Service, and General Government and Foreign Assistance. The Defense bill is being prepared in subcommittee and will be reported next month. A schedule for the foreign assistance bill is uncertain at this time. It is expected that the Treasury-Postal Service bill will be considered by the House in the near future.

Mr. Speaker, I would like to stress that the committee continues to be dedicated to the principle of financing Federal programs under the traditional authorization and appropriations process, which includes individual appropriation bills. Therefore, we will continue our efforts to get regular bills signed into law as soon as possible.

I would again like to emphasize that when regular bills are signed into law, the provisions of the continuing resolution automatically disengage and the regular appropriation bills then become the funding device. This continuing resolution in no way precludes subsequent enactment into law of the regular appropriation bills.

Notwithstanding the sharply improved performance of the Congress in handling appropriation bills, the timely enactment of this resolution is absolutely necessary in order to provide orderly continuation of numerous national security and civilian programs.

LEVELS OF FUNDING UNDER THE RESOLUTION

As I have stated, this continuing resolution provides interim financing for numerous Federal programs from October 1 until November 15, a period of only a month and a half.

Section 101(a) provides continuing authority for programs under two appropriation bills at rates of the lower of the levels in the House or Senate passed bills. If an existing program has been omitted from either the House or Senate version of the bill, it is automatically continued at the lower of the current level or the level provided by the one body. Bills containing programs continued under this subsection are: District of Columbia and Military Construction.

Section 101(b) provides continuing authority for programs under four appropriation bills at the rates contained in the bills as passed the House of Representatives. Bills containing programs continued under this subsection are: Agriculture, Commerce-Justice-State, Interior, and Labor-Health and Human Services and Education.

Section 101(c) provides continuing authority for programs for the Department of Defense at either the rate of last year's bill (Public Law 97-377) or the budget estimate, whichever is lower.

Section 101(d) provides continuing authority for the Treasury-Postal Service appropriation bill at the current rate.

Section 101(e) provides continuing authority for foreign assistance and related programs at current levels or at the budget estimate, whichever is lower.

Section 101(f) provides continuing authority at the current level for a number of specific programs.

At this point I would like to read from the committee report on House Joint Resolution 367 dealing with the professional standards review organizations program (PSRO). These organizations were authorized in 1972 to review the necessity and quality of

medical care provided to medicare and medicaid beneficiaries. The Tax Equity and Fiscal Responsibility Act of 1982 mandates substantial changes in this program. Basically the PSRO's will be replaced in fiscal year 1985 by a new system of statewide peer review organization which the Secretary of Health and Human Services must designate and sign contracts with by October 1, 1984. The President's original 1984 budget did not provide any funding for the PSRO's or other utilization review activities during the transition period. On September 15, 1983, however, the President amended his budget request to include $9 million for this purpose. Section 101(f) of the resolution insures that the existing network of PSRO's will continue to carry out utilization review until the new system is in place.

Of special interest to various Members of the House is section 101(g), which provides continuing authority for those programs which were stricken from the Commerce, Justice, State, and the Judiciary appropriations bill on technical points of order when the bill was considered and passed by the House of Representatives, at the rates contained in the bill (H.R. 3134) as originally reported to the House by the committee.

Also the resolution provides for the continuation of the existing provisions of law regarding the prohibition against preventing the implementation of programs of voluntary school prayer and meditation in the public schools. This provision would remain in effect during the duration of the continuing resolution.

OTHER TECHNICAL PROVISIONS OF THE RESOLUTION

The accompanying resolution carries the usual necessary technical provisions including those relating to obligations or expenditures made during the duration of the continuing resolution, the time requirement for the apportionment of funds, and modification of apportionment procedure to accommodate certain existing provisions of law.

At this point I would like to insert in the RECORD some language included in House Report 98-374 dealing with the Defense Department:

DEPARTMENT OF DEFENSE

"In recent years, there has been a serious disagreement between legal interpretations by the Department of Defense and the intent of this Committee with respect to funding levels and new starts permitted under a continuing resolution. Much of the inconsistency centers around the interpretation of what is meant by a "project or activity". Therefore, the Department's legal opinions over the years have consistently held that the aggregate funds made available in each appropriation account, and not the projects and activities funded in each appropriation account, are the controlling factors with respect to new starts and funding level restrictions in continuing resolutions.

The report which accompanied the fiscal year 1983 continuing resolution passed by House prohibited the Department of Defense from funding new projects or activities which were not funded in fiscal year 1982. At that time, the Department was advised that it was the Committee's intent that no funds should be made available for new projects, new activities, new budget activities, new program elements, new subprojects within the program elements, new production of items not funded for production in fiscal year 1982, or for the increase in production rates above those sustained with fiscal year 1982 funds. It was stated that Congress should not be put in a position of being forced to fund programs on which it has not yet had an opportunity to express its will and therefore impinge on its flexibility in arriving at these final funding decisions.

Notwithstanding the above language, which the Committee felt was quite clear and unequivocal, a number of actions were taken by the Department which violated the intent of the fiscal year 1983 continuing resolution. Despite the Committee's descriptions of a project or activity, the Department interpreted a project or activity to be at the appropriation level.

A continuing resolution is a device designed to provide interim financing at restrictive rates for the forthcoming fiscal year until appropriation bills for certain departments and agencies covered by the resolution are signed into law by the President. It is a stop-gap measure that permits the operation of particular governmental entities covered under a continuing resolution until their individual appropriations become law. Because of previous legal interpretations by the Department of Defense as to congressional intent, the Committee deems it necessary to define a "project or activity" in the accompanying resolution.

Section 101(c) provides that during the period covered by this continuing resolution, the Department of Defense will be required to operate at a rate not in excess of the rate provided in last year's bill or at the rate provided for in the budget estimates, whichever is lower. No appropriation or funds made available or authority granted pursuant to the continuing resolution shall be used to initiate new production of items not funded for production in fiscal year 1983 or prior years, for an increase in production rates above those sustained with fiscal year 1983 funds, or to initiate or resume any project or activity. For purposes of this section of the resolution, a project or activity is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element. Such projects and activities are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during fiscal year 1983. In addition, for operating programs, such activities are further defined as new pay, allowances or programs. This new language should make it perfectly clear that the intent of the Committee is to prohibit the Department from utilizing the appropriation account level as a benchmark against which its funding restrictions apply.

Section 101(c) also provides that none of the funds appropriated or made available to the Department of Defense pursuant to the continuing resolution shall be available for initiation of multiyear procurement or for the conversion of any full-time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by active or reserve military personnel from civilian positions designated "military technicians" to military positions. The purpose of this proviso is to prohibit further conversions of civilian "military positions" to Active Guard/Reserve military positions until the Committee has had an opportunity to address this controversial matter during mark-up of the fiscal year 1984 Defense Appropriation Bill.

Furthermore, section 101(f) stipulates that such amounts as may be necessary for continuing Army National Guard and Army Reserve Operation and Maintenance and National Guard and Reserve equipment procurement, not otherwise provided for in this joint resolution, which were conducted in fiscal year 1983, under the terms and conditions provided in applicable appropriation acts for fiscal year 1983, may be funded at the current rate. The Committee has strongly supported our Reserve components as an integral part of the total force concept. In recent years, funds have been appropriated above the budget estimates in order to modernize and supply in an expedited manner our Guard and Reserve forces in a concerted effort to make more meaningful this total force concept. The exception provided in section 101(f) is to assure there is no diminution of this modernization program during the 46 days covered by this resolution."

POSTAL SERVICE

Mr. Speaker, since many of my colleagues have asked me how we treat the Postal Service in this resolution I would like to state that this continuing resolution provides for payments into the Postal Service fund for the revenue foregone subsidy for the purpose of holding the line on postal rates for preferred rate mailers at the level in effect on September 1, 1983—step 14. If the subsidy is reduced, the Postal Service would be required by law to increase rates to make up the difference between rates charged and the amount required to handle such mail.

Since the budgets of so many domestic programs are being cut and the charitable institutions of this country, such as the American Cancer Society, the March of Dimes, and the American Lung Association, are being asked to increase their contributions, I believe that the imposition of substantial increases in postal rates for these mailers would not be advisable at this time. The continuing resolution also directs the continuation of 6-day mail delivery and rural delivery of mail at the 1983 level, and continues free mail for the blind and for overseas voting.

1984 AGRICULTURE APPROPRIATIONS BILL

Mr. Speaker, I would like to take this opportunity to present for the record the funding levels for the Department of Agriculture and related agencies in the continuing resolution.

For purposes of this resolution we have selected the House-passed level, and that level on an annual basis is:

$54 million under the President's budget; $88 million under the Senate-passed bill; $2.7 billion under the budget resolution; and $7.6 billion under the fiscal year 1983 appropriation.

The $2.7 billion under the budget resolution is reserved for supplementals for the feeding programs, which will be required to fully fund those programs and for other anticipated supplemental requests. The very large difference, compared with the 1983 appropriation, is due to restoration of losses to the Commodity Credit Corporation, which was $6.5 billion higher in 1983 than in 1984.

Mr. Speaker, I would also like to stress that the continuing resolution carries with it those sections of the report from the Committee on Appropriations (H. Rept. 98-374, part 1) which are still applicable to this resolution. I would like to repeat the language that applies to the Department of Agriculture, since the committee intends that the Department comply with these instructions.

RELIEF NEEDED FOR AGRICULTURE

In order to restore the purchasing power of American agriculture, maintain the normal volume of domestic agricultural production, and protect our largest dollar earner in world trade, the committee will expect the Secretary of Agriculture to immediately take the following necessary steps:

First, as authorized by the Commodity Credit Corporation Charter, the Agriculture and Food Act of 1981 (Public Law 97-98), and other acts, the Secretary of Agriculture shall set target prices that accurately reflect increase in cost of production. The Secretary shall also set production targets at levels that meet domestic needs, allow for adequate reserves, and provide a dependable market for world demand at competitive prices as authorized by the charter of the Commodity Credit Corporation.

Second, to prevent otherwise unavoidable shortages of food and fiber for the consumer, the Secretary shall make disaster loans or payments and/or provide feed grains promptly from the Commodity Credit Corporation to farmer-producers and ranchers who have suffered from the recent disastrous drought in order to assist such farmer-producers and ranchers to remain in business. Delays in processing disaster applications are inexcusable in view of the severity of the drought. The committee believes the Secretary must act expeditiously to prevent widespread bankruptcies of farmer-producers and ranchers and to assure adequate supplies of food and fiber for the Nation's consumers.

AGRICULTURE ESSENTIAL

Mr. Speaker, it must be remembered that agriculture, as an industry, is bigger than the auto, steel, and housing industries combined. Agriculture is the biggest industry and employer in our country, and the farmer is in the worst trouble since the Great Depression. Industry and labor, nor the country, can afford to let it go further toward financial ruin.

Since 1945, after World War II, the farmer's share of the consumer dollar has dropped from 51 percent to 31 percent last year—while, of course, labor and industry's share has increased from 49 percent to 69 percent for the same period.

The farmer's cost, since he buys from industry and labor, has gone up almost 1,100 percent since 1945; his investment has increased almost 1,200 percent; but his price is only up 300 percent.

Yet we have refused to sell by not making our offering price competitive when we are dependent on exporting the production from 2 out of every 5 acres. This amounts to an embargo, all of which helps only our competitors. American industry and labor cannot afford to give up their biggest customer. The American consumer cannot afford to give up his best and least expensive supplier. And, our Federal Government cannot afford to give up its biggest dollar earner in world trade. Our Department of Agriculture can no longer claim that reducing prices and volume when costs continue going up and up is anything except disastrous to everybody.

In a hungry world, this country cannot afford to hold back on food for hungry people, while sending them guns and weapons of war which the people do not need but their leaders want—as status symbols or for civil war.

It must be remembered that agriculture represents our greatest advantage over the Communist world. An abundant supply of food and fiber is a material influence for international goodwill, our balance of trade, and improved relations with other nations, and absolutely vital to our domestic economy.

EXISTING PROGRAMS MAINTAINED

Mr. Speaker, the House-passed bill, which, by the way, differs only slightly from the Senate-passed bill, is almost the same as the bills enacted by the Congress and signed by the President for 1982 and 1983. To illustrate this I will, at this point, provide two tables for the RECORD which compare budget authority and loan levels for fiscal years 1982, 1983, and 1984.

AGRICULTURE APPROPRIATIONS BILL—COMPARISON OF NEW BUDGET AUTHORITY, FISCAL YEARS 1982, 1983, 1984

[In thousands of dollars]

	1982	1983	House bill, 1984
Title I—Agricultural programs	2,305,155	2,598,392	2,422,787
Title II—Rural development programs	1,269,877	1,599,439	1,373,523
Title III—Domestic food programs	13,572,951	15,370,792	13,813,671
Title IV—International programs	1,071,863	1,106,682	1,139,233

AGRICULTURE APPROPRIATIONS BILL—COMPARISON OF NEW BUDGET AUTHORITY, FISCAL YEARS 1982, 1983, 1984—Continued

[In thousands of dollars]

	1982	1983	House bill, 1984
Title V—Related agencies	359,044	375,576	411,734
Program totals	18,578,890	21,050,881	19,160,948
CCC restorations	12,043,229	16,173,514	9,673,636
Loan fund restorations	1,219,210	2,128,104	2,881,808
Total	31,841,329	39,352,499	31,716,392

AGRICULTURE APPROPRIATION BILL—COMPARISON OF LOAN AUTHORIZATION, FISCAL YEARS 1982, 1983, 1984

[In thousands of dollars]

	1982	1983	House bill, 1984
Rural housing loans	3,724,600	3,285,000	3,421,000
Farmer loan programs:			
Real estate	904,600	865,100	740,100
Soil conservation	30,000	30,000	30,000
Operating	1,375,000	1,560,000	1,910,000
Disaster	[b]1,600,000	[b]1,540,000	[b]1,540,000
Economic emergency		600,000	[a]600,000
Rural development loan programs:			
Water and sewer	375,000	825,000	375,000
B&I	300,000	300,000	300,000
Community facility	130,000	130,000	130,000
REA loan programs:			
Direct	1,100,000	1,100,000	1,100,000
Guaranteed	5,145,000	4,745,000	4,745,000
Total loans	14,684,200	14,980,100	14,891,100

[a] Available only if authorized by law.
[b] Bill authorizes "such sums as necessary."

Mr. Speaker, the Agriculture, Rural Development, and Related Agencies Appropriations bill for fiscal year 1984 maintains existing agriculture programs at the 1983 levels, provides needed funding for the feeding programs at the levels required under existing law, and provides the funding to meet the urgent needs of farmers and ranchers resulting from the recent drought.

In conclusion, Mr. Speaker, we offer to the Members this joint resolution as a means to hold things together, and merely continue operations for a brief period. That is the reason we asked the Rules Committee to go along with us. That is the reason I did not take it back to the committee and so all my friends might have to take the positions they took before. But I assure the Members that I talked to many people and there was general agreement this was the way to proceed. The Rules Committee cooperated, and the leadership on both sides of the aisle cooperated in an effort to keep the Government running and avoid having the Congress in session all weekend. We bring you a resolution that, insofar as I can tell, is the best that anyone could do under the very serious situation we face.

□ 1800

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I take this time to ask, as the gentleman knows, some 130 Members of this House signed a letter to the Rules Committee requesting that an amendment be allowed to prohibit funding for the Clinch River breeder reactor. That is not in the bill.

My question to the distinguished chairman would be, should the Senate add either language or funding for the Clinch River breeder reactor, what the distinguished chairman's position would be in conference.

Mr. WHITTEN. Let me say to my colleague on the committee, the gentleman from Pennsylvania, there is not a dollar in this bill for Clinch River. The gentleman from Alabama (Mr. BEVILL), who is chairman of the subcommittee with jurisdiction over the Clinch River project, has stated and I will confirm what he said, that if provision for Clinch River is made on the Senate side, it will be brought back for a separate vote in the House, and the gentleman has my assurance on that.

Mr. COUGHLIN. The chairman would assure us that the House conferees would suppport the position of the House?

Mr. WHITTEN. I cannot precisely predict the conferees' actions, especially even before they are appointed, but I am sure the House conferees would do their utmost to support the House position.

Mr. COUGHLIN. And we would have a separate vote in that case?

Mr. WHITTEN. That is right.

Mr. COUGHLIN. I thank the distinguished chairman.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to my friend, the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for yielding. I appreciate the fact that the continuing resolution is a slimmed down version of the continuing resolutions that we have had in the past and I appreciate that.

There is one question I would like to ask the gentleman and it refers to the funding in the bill for foreign aid as it relates to El Salvador. As I understand, there is some $64,800,000 that is available in the bill during the 45-day period that is covered by the continuing resolution. This is the whole amount for the entire year for aid to El Salvador.

The specific question that I am asking, Is it the intention of the Appropriations Committee that that $64 million would be expended over the course of the entire year or would it be apportioned and spent only in this 45-day period?

Mr. WHITTEN. May I say that special attention was paid to consideration of foreign aid in the continuing resolution. One of the difficulties we had was determining what the rate for operations should be when there was not yet action on a 1984 bill. We had a hard job deciding what would be fair. We used the level that we had this year, including the amounts in the 1983 supplemental and compared them with the budget estimates in determining the rate. So the gentleman is right about the amount of money.

I have a statement on the spending rates for El Salvador. The gentleman from Maryland (Mr. LONG) is in charge of that subcommittee and I will let him present it. We have been assured that as far as the administration is concerned, spending for El Salvador will be at the regular rate, unless something unexpected occurs.

Mr. LONG of Maryland, Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, this question was raised with William Schneider, Jr., the Under Secretary for Security Assistance, Science and Technology, of the Department of State. His response was that under any foreseeable circumstances, the administration would not obligate or spend the entire amount of money during the 45-day period covered by this continuing resolution. Rather, he stated that the administration would proceed approximately on a proportional annualized basis. This would result in a reduction of spending compared to the current level.

I might say, if they violate that intent, I think they will be running great risk to the future.

Mr. WHITTEN. Mr. Speaker, may I say to my colleague, that is not only true here, but if the executive branch wishes to cooperate with the Congress, and as far as I know they do, they will understand that what we want is for things to go along as they have been; so that while it may not be required in each instance we expect them to do that for the 45-day duration of this continuing resolution.

Mr. EDGAR. Mr. Speaker, if the gentleman will yield further just for one additional question, I understand and I appreciate the language that has been put in about phasing over the course of the year the commitment for the $64 million.

The question, though, also comes to me that we have operated in fiscal year 1983 under certain obligations of the President to report to us in terms of human rights violations. It is my understanding that those regulations that we put into the law in 1983 in fact expire as of September 30 and that this bill does not guarantee that during that 45-day period the President has to comply with those regulations.

Mr. WHITTEN. May I say again, as far as the executive branch is interested in cooperating with the Congress, it would go ahead for this period as they have in times past. It may not be specifically required in certain instances, but it is expected.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Since we have no report to refer to because of the procedure that was used, can the gentleman assure me that the fund limitations as they are now in the law with regard to abortion, school prayer, and other various matters, are included under the continuing resolution?

Mr. WHITTEN. May I say that the resolution here ties itself to the bill we passed on Labor-Health and Human Services and Education which included those prohibitions.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the funding levels that the gentleman describes sound to me to be within the budget figures. Are all the figures that are included in this appropriation within the annual budget request that has passed the Congress?

Mr. WHITTEN. I do not know that I could answer that in detail for every single budget account because this covers just about the whole Government, except for four bills which have been signed into law. Every effort has been made to carry things on as they are.

May I say that while it may not be item by item within the President's budget, the total is within the congressional budget, and for all nine of the bills covered here, we have been careful to stay within the section 302 plan of the Appropriations Committee and reserve to the Congress the allocation of resources among the various programs. So I say to the gentleman we have stayed within it.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, is the gentleman aware of any specific items where we are exceeding the budget in this particular bill?

Mr. WHITTEN. Well, as I say, this is a continuing resolution, and we have tried to be restrictive so that we can bring each of the regular bills up item by item and let the House work its will if they wish to make it up by reducing other items; so that is a matter for the people's branch of the Congress to determine. In the overall we stay within the limit.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the distinguished gentleman.

Mr. LONG of Maryland. Mr. Speaker, I would like to address and answer the question raised by the gentleman from Pennsylvania on the human

rights aspects of the El Salvador money.

It is true that we do not have anything specifically in the language, but we have informally received major concessions from the Salvadoran Government on the matter of human rights.

First, they have agreed to release and have released over 500 prisoners in various prisons and detention centers and they have given us the names.

Second, they have opened up the prisons and detention centers to let the International Red Cross come in on an unannounced and unrestricted basis to see whether prisoners are being mistreated or held without due process.

Mr. WHITTEN. Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Joint Resolution 368.

This resolution is being considered under a rule that effectively precludes amendments. The debate over the rule, and over individual amendments, has tended to obscure the underlying structure of the continuing resolution itself, which was carefully drawn to continue Federal programs at rates and conditions that reflect the most recent action by the Congress, and which allow the Congress and the executive branch to reach agreement on the seven appropriation bills which will remain to be considered during the period from October 1 to November 15.

In theory, continuing resolutions should be politically neutral, continuing programs at minimum levels so that the real political decisions can be made in the appropriations process.

This year, thanks to hard work by our committee, the leadership of the chairman, support from the leadership, and an attitude of accommodation in the administration, we have four bills enacted into law, and will have two more signed within a week. It is generally agreed that the continuing resolution should run only through November 15, and that 45 days will be used for consideration of the remaining appropriation bills.

It is important for Members to understand that because we have gotten so much done, so early, we face a situation which is fundamentally different from previous years, when the first continuing resolution carried virtually the entire Government, and when there was real disagreement and uncertainty whether the resolution would run for a short period, or far into the fiscal year.

There will be action on the remaining appropriation bills.

And there will be a second continuing resolution.

At that time we can address the problems of individual Members that have not been settled by the enactment of appropriations bills.

At this point I would like to review the provisions of the resolution itself.

The resolution covers nine appropriations bills, although two of these will be enacted within the week. Appropriations are made available until November 15, or until the appropriation is enacted, or until an appropriation bill is enacted without any provision for the item, whichever occurs first.

The rates and conditions for individual bills are generally consistent with past practice; that is, they reflect congressional action as of October 1.

D.C. and military construction are carried at the House rate or the Senate rate, whichever is lower, and under the more restrictive authority.

Agriculture, Commerce-Justice, Interior, and Labor-HHS are carried at the rate, and under the conditions, of the bill as passed the House. Those items in the Commerce bill which were stricken by point of order on the House floor are continued at the rate, and under the conditions, of the House-reported bill.

Defense is continued at the current rate, or the budget estimate, whichever is lower, and under the terms and conditions of the current fiscal year.

Foreign aid is continued at the rate provided in the 1983 continuing resolution and the 1983 supplemental, or the budget estimate, whichever is lower, and the more restrictive authority.

The Treasury bill is carried at the rate, and under the terms and conditions, of the current fiscal year.

Special provision is made for several unauthorized Labor-HHS programs, preferred rate mail, funds for the Chicago consent decree, and the Board for International Broadcasting.

All in all, this is a clean continuing resolution.

There is not a single provision in here which can be considered a special interest item.

Chairman WHITTEN and the Rules Committee have shown a great deal of political courage in standing up to the special interests that would have turned this resolution into a Christmas tree—or at least a Thanksgiving turkey.

They deserve your support, and this resolution deserves your vote.

If there is any doubt in the mind of any Member as to what will happen if this resolution is defeated, or delayed past October 1, I quote from the OMB memorandum of September 22, 1983, regarding "agency operations in the absence of appropriations":

> OMB will inform affected agencies at approximately 2:00 p.m., Friday, September 30, if it appears with reasonable certainty that an acceptable continuing resolution will be signed during the weekend of October 1-2. If it does not appear that one will be signed, agency shutdown plans should be implemented.

These agency shutdown plans will include the Department of Defense, administration of the social security program, payments to States for unemployment compensation, and all of the nutrition programs, including food stamps, to mention just a few of the more interesting consequences.

Vote yes, and let us send this resolution on its way.

Mr. Speaker, at this point I would like to review some of the individual subcommittees covered by the resolution.

The continuing resolution provides funding for foreign assistance programs at the fiscal 1983 funding level. Including supplementals, or the President's fiscal 1984 budget requests level, whichever is lower for each program or activity.

Congress has not enacted regular foreign assistance authorizing or appropriations bills since 1981. It is my hope that such legislation will be brought to the floor before the end of this session. Our Appropriations Subcommittee on Foreign Operations has tentatively scheduled mark up of the fiscal 1984 bill for next Wednesday, October 5. I strongly urge the Foreign Affairs Committee and the leadership to bring the authorization bill to the floor as soon as possible, so that our committee might have guidance as we recommend funding levels for these programs.

In the meantime, this resolution will provide interim funding until November 15 or until the regular appropriations bill is enacted. Annual funding levels for selected programs are as follows:

For Israel, $785 million in economic support funds and $1.7 billion in foreign military sales, $550 million of which is forgiven from repayment. Because of the funding formula of the resolution, the amount of forgiven FMS credits is $200 million less than Israel is receiving in fiscal 1983. The need for a regular fiscal 1984 bill is clearly evident in the case of Israel, as the expected funding levels in that bill would be $910 million in economic support funds and $1.7 billion in FMS, of which $850 million, or half, would be forgiven.

For Egypt, $750 million in economic support funds and $1.275 billion in foreign military sales, of which $425 million would be forgiven from repayment. The total assistance of $2.025 billion is $50 million less than Egypt will receive in fiscal 1983 and $25 million less than the President's request for fiscal 1984 due to the funding formula in this resolution. Again, we need to enact the fiscal 1984 appropriations bill.

For the International Development Association (IDA), the soft loan window of the World Bank, $945 million. This is the same amount provided

in fiscal 1983, but $150 million below the President's request for fiscal 1984.

For international organizations and programs, $240 million, the President's request. I regret that the funding formula results in reductions below fiscal 1983 levels for important U.S. contributions to the U.N. development program, UNICEF, the World Food Program and other agencies. I was successful in full committee in securing additional funding for this account in the resolution reported by our committee September 22, but that resolution was subsequently referred to other committees for a quiet burial. This is one more reason we need to pass the fiscal 1984 bill.

For American schools and hospitals abroad, $7.5 million, the President's request. This is a reduction of $12.5 million below the fiscal 1983 level for this program which provides important support for institutions such as the American University of Beirut, Beirut University College and many other American educational and health organizations located abroad. It is critical, especially in Lebanon, that we maintain or increase our support at this time. I intend to do what I can in getting the regular bill to include increased funding for this account.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

For the Departments of Labor, Health and Human Services, and Education, and related agencies, House Joint Resolution 368 provides funding for the programs considered in H.R. 3913, the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1984, at the levels provided in that bill as passed by the House, and under the terms and conditions provided in that bill as passed by the House.

In addition, House Joint Resolution 368 provides funding for the following programs which were not considered in H.R. 3913, because their authorizations were not in place, at the rate and under the terms and conditions applicable for fiscal year 1983:

Health planning;

Research training programs in the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, as well as nurse training fellowships;

Certain advisory boards in the National Institutes of Health;

Medical library assistance programs;

Refugee and entrant resettlement programs;

Child abuse prevention and treatment and certain adoption opportunities activities;

Vocational rehabilitation programs; and

ACTION.

For one program not funded under H.R. 3913, professional standards review organizations, funding is provided in House Joint Resolution 368 at the current rate.

For impact aid programs, action on which was deferred in H.R. 3913, funding is provided at an annual rate of $585 million, in conformance with the authorization recently enacted into law as part of the Defense Authorization Act, under the terms and conditions applicable in fiscal year 1983.

Finally, $20 million is provided by transfer from carryover guaranteed student loan funds, to remain available through September 30, 1984, in connection with an ongoing court case involving the United States and the Chicago Board of Education. No final disposition has yet been reached concerning the obligations of the Federal Government or the Secretary of Education with respect to a consent decree entered between these parties in 1980.

GENERAL PROVISIONS

Abortion: No funds in this act shall be used to perform abortions (sec. 204).

School prayer—Section 307: No funds under this act shall be used to prevent implementation of programs of voluntary prayer and mediation.

School busing—Section 305(b): No funds shall be used for the transportation of students or teachers in order to overcome racial imbalance in any school, or to carry out a plan of racial desegregation.

Section 306: No funds shall be used to require transportation of any student to a school other than the school which is nearest to the student's home (except for special education needs).

Sections 304, 305(a): No funds shall be used to force a school which is considered under the law to be desegregated to bus or otherwise transfer students from one school to another as a condition to obtaining Federal funds, or otherwise.

TREASURY/POSTAL SERVICE

Section 106: This section places a ceiling on the standard level user charge for square footage rates for all Government space in 1984, to the 1982 SLUC rates plus 14 percent. Under existing law, GSA charges Government tenants for Government occupied space, both commercial and Government-owned, at a rate comparable to the rate charged by the private sector in the same area.

Section 108: This section specifies that preferred rates for certain mailers (nonprofit organizations, charity groups, and so forth) are to be held at the step 14 level, which means a funding level of $879 million for fiscal year 1984. This is the figure which the various nonprofit groups hoped to attain.

Section 110: This section puts a cap on the pay increases for Federal blue collar and certain other workers, limiting such raises to the same percentage as that for white-collar workers. This is a money saving move the administration wants. Were it not for this provision, blue-collar workers would receive pay raises at the local prevailing rates (union scales), which in turn would cost around $1 billion in Federal funds.

□ 1810

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I want to thank the gentleman for his detailed explanation of what is in the bill. I think that is very helpful.

One of the problems that I have with his explanation was with the characterization of the bill on Commerce, Justice, and State, where he indicated that the House level figures would prevail. In some cases those House level figures were above budget. For those of us who would be concerned about that, what the gentleman is saying is those are places where we might find items that exceeded the budget, is that correct?

Mr. CONTE. That is exactly right. The gentleman is absolutely right. However, hopefully that is one of the target bills that we hope to clean up in these 45 days which will have time to go to conference with the Senate and try to clean those up. And we will all have a shot at it, we will have a vote on that bill when it gets back here out of conference.

Mr. WALKER. I want to thank the gentleman for his explanation. It is a little bit better than saying what is under was over and what is over was under.

I thank the gentleman.

Mr. CONTE. I worked very, very hard with the Senate on this continuing resolution. I told the gentleman from Florida (Mr. PEPPER) and a member of the Rules Committee please give us a clean bill. You see what happened downstairs before our full committee. We had 19 amendments. And if this thing was opened up today, I bet we would have 50 amendments here. And you would be here Saturday, and you would be here Sunday. And I went over to the Senate and talked to the leadership over there and said to them, look, we are going to have a clean bill here, the House has shown discipline, and it is high time that that other body start showing some discipline, too.

Mr. WHITTEN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank my colleague from Massachusetts (Mr. CONTE) who has worked very closely with us in this, and all our colleagues in the Congress. We are glad that you appreciate the problems that we have had here. I want to express my thanks to the Rules Committee and to the membership for their support in what we are presenting you with. It is like I

say, we have tried cleanly and fairly and promptly to meet our problems, continuing from now to November 15, substantially as we have been going. That is what a continuing resolution is supposed to be. We respect and thank you for your support.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Speaker, I respect the bipartisan nature of this. I certainly do not intend my remarks to be any criticism whatsoever to the hard work of the committee that put this together. But, I do feel compelled to point out to my colleagues that included in this continuing resolution, and we need to revise it later on because I think we will and I pray we have the opportunity to do so, there are substantial and significant changes to the doings of the Legal Services Corporation which adversely, in my judgment and the judgment of many others, will impact the doings of that organization.

As you recall, in the last Congress we passed some significant changes to Legal Services Corporation which would depoliticize them. This continuing resolution picks up on the Judiciary Committee passed bill this time for authorization of this which has never come before the floor of the House yet for debate. In that process we are adopting tonight changes which would do away with local bar control of Legal Services Corporation activities. We are adopting provisions which would allow Legal Services to go back into the lobbying business again, and we are opening the door for the 12 million or so illegal aliens here to be allowed to have the services of Legal Services lawyers and thereby spread the opportunity away from the poor people who this corporation was intended to serve.

I only take the time to point this out because I think it is unfortunate that this is here without the opportunity which I understand why for debate or for elimination, and I urge the leadership to allow us as quickly as possible through the authorization process as appropriate to have the time to come back and revise this as indicated.

Again, I commend the Members for their hard work and appreciate it, and thank the gentleman from Massachusetts for allowing me the time.

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Speaker, I take this time to enter into a colloquy with the distinguished gentleman from Kentucky (Mr. NATCHER). With regard to the refugee resettlement program, I understand that section 101(f) of the continuing resolution requires that this program be continued at the current rate under the terms and conditions provided in the applicable 1983 Appropriations Act. That would clearly mean that the Department of Health and Human Services must conduct the various grant activities of the refugee program under existing regulations during the continuing resolution. Have I correctly stated the statutory requirement of section 101(f)?

Mr. NATCHER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. ROYBAL. In light of this requirement, am I correct in stating that the Department lacks authority under the continuing resolution to block grant or consolidate the refugee program without specific legislative authorization?

Mr. NATCHER. Mr. Speaker, the gentleman is correct. Section 101(f) prevents such an administrative proposal from being implemented during the continuing resolution.

Mr. ROYBAL. I thank the gentleman.

Mr. PURSELL. Mr. Speaker, like Mr. YATES and others on the Appropriations Committee, I am concerned with a matter involving the Chicago city schools and the judicial impoundment of fiscal year 1983 education funds. In particular, my concern is with the status of frozen fiscal year 1983 funds once the current fiscal year ends. It is my understanding that these fiscal year 1983 education funds will be carried over into the next fiscal year and that they will not lapse as a result of the judicial impoundment. Second, it is also my belief that the transfer of $20 million from the 1983 "guaranteed student loan" account enables the Secretary of Education to comply with the consent decree concerning the Chicago city schools and, this transfer of funds also enables the Secretary to comply with the provisions of the fiscal year 1983 appropriations law and to fund all activities affected by the judicial impoundment in proportion to the amount they otherwise would have been funded.

I congratulate Mr. YATES of Illinois for his leadership and assistance on this matter.

● Mr. FRENZEL. Mr. Speaker, this continuing resolution looks pretty good on its face. The bill provides $187.9 billion in discretionary outlays, and $204.3 billion in mandatory outlays. Compared to the Appropriations Committee's own 302(b) targets, it is $16.5 billion under in outlays, and $36.4 billion under in budget authority.

Compared to the budget resolution adjusted yesterday to reflect current conditions, spending for fiscal year 1984, assuming enactment of this bill, House Joint Resolution 368, will be $881.2 billion in budget authority and $833.7 billion in outlays. If no other spending is appropriated, we will be under budget in fiscal year 1984 by $42.1 billion in budget authority and $19.2 billion in outlays.

Unfortunately, an annual costing out of this bill is misleading. If House Joint Resolution 368 were appropriating funds for the entire fiscal year, we could apply the $19.2 billion savings against the deficit and make some headway in bringing the threatening deficits down. But House Joint Resolution 368 will only appropriate funds through November 15. It is only a stopgap measure, and there is little doubt that the $19.2 billion and more will be spent in later supplementals or continuing resolutions.

For a stopgap measure, however, this continuing resolution is not bad. Some of the Christmas tree ornaments which adorned the earlier version were not included in this more restrained version. Representative WHITTEN should be applauded for introducing this second "skinnier" version of the bill. Unfortunately, we don't know how skinny it is.

A specific problem with House Joint Resolution 368 is the additional $20 million that has been quietly tacked onto this bill. Instead of debating and voting on the override of the President's veto of a $20 million for the highly controversial United States of America against Board of Education of the City of Chicago court case, the Committee simply buries it in the continuing resolution and hopes it squeezes by.

I agree that the discretionary education programs need their funding and should receive it. However, I understand that this $20 million appropriation is going to Chicago, not to the education programs. There is no written guarantee that with this appropriation for education funds will be unfrozen. Currently, Judge Shadur has agreed to free $4 million in funds so that the education programs may continue. It is the very minimum action he could take. It will allow the education programs to continue to provide their services while the courts continue to battle this case.

Yet instead of holding the line, and awaiting, the appeal of this case, we are simply giving our authority to the judge in a very questionable case. We are setting a dangerous precedent. I am disappointed that the Congress is attempting to resolve this important case in such a frivolous and arbitrary manner. I hope that this appropriation will be removed in conference.

In providing funds for the programs authorized for fiscal year 1984, it is essential that we enforce spending discipline. Unauthorized programs should not be funded, but House Joint Resolution 368 contains funding for a dozen or more unauthorized programs.

That is ample reason for a negative vote.

Another reason for a no vote is that we really do not know what is in this bill. The committee chairman either cannot, or will not, tell us. We know about the Chicago matter. We do not know how many other "little Chicagos" may lurk within this resolution.

With so little information, a no vote is always the safest course.●

Mr. WHITTEN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. MINISH). Pursuant to House Resolution 317, the previous question is considered as ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

□ 1820

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. MILLER of Ohio. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit House Joint Resolution 368 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 261, nays 160, not voting 12, as follows:

[Roll No. 362]

YEAS—261

Ackerman	Anthony	Bennett
Addabbo	Barnard	Bereuter
Akaka	Barnes	Berman
Alexander	Bateman	Bevill
Andrews (NC)	Bedell	Biaggi
Annunzio	Bellenson	Bliley
Boehlert	Hansen (UT)	Olin
Boggs	Harkin	Ortiz
Boland	Harrison	Ottinger
Boner	Hatcher	Owens
Bonior	Hawkins	Oxley
Bonker	Hayes	Parris
Borski	Hefner	Pepper
Boucher	Hightower	Perkins
Breaux	Hillis	Pickle
Brooks	Holt	Price
Broomfield	Horton	Pritchard
Brown (CA)	Howard	Quillen
Burton (CA)	Hoyer	Rahall
Byron	Huckaby	Rangel
Carney	Hutto	Ratchford
Chappell	Hyde	Ray
Clarke	Ireland	Richardson
Clay	Jeffords	Ridge
Clinger	Jenkins	Rinaldo
Coleman (MO)	Johnson	Robinson
Coleman (TX)	Jones (NC)	Rodino
Collins	Jones (OK)	Roe
Conable	Jones (TN)	Rogers
Conte	Kastenmeier	Rose
Cooper	Kazen	Rostenkowski
Coughlin	Kemp	Roukema
Coyne	Kennelly	Rowland
Crockett	Kindness	Roybal
D'Amours	Kogovsek	Rudd
Daniel	Kolter	Sabo
Daschle	LaFalce	Savage
Davis	Lantos	Sawyer
de la Garza	Leath	Scheuer
Dellums	Lehman (CA)	Schneider
Derrick	Lehman (FL)	Schulze
Dickinson	Leland	Schumer
Dicks	Lent	Seiberling
Dingell	Levine	Shelby
Dixon	Levitas	Simon
Dowdy	Lewis (CA)	Sisisky
Downey	Lewis (FL)	Skeen
Duncan	Lipinski	Skelton
Dwyer	Livingston	Smith (FL)
Dymally	Lloyd	Smith (IA)
Dyson	Long (LA)	Smith (NE)
Edwards (AL)	Long (MD)	Smith (NJ)
Edwards (CA)	Lott	Spratt
Erdreich	Lujan	St Germain
Erlenborn	Matsui	Staggers
Fascell	Mavroules	Stokes
Fazio	Mazzoli	Stratton
Ferraro	McCain	Swift
Fiedler	McCloskey	Tallon
Fish	McDade	Thomas (GA)
Flippo	McGrath	Torres
Florio	McHugh	Torricelli
Foglietta	McKernan	Vander Jagt
Foley	McKinney	Vandergriff
Ford (MI)	McNulty	Vento
Ford (TN)	Mica	Volkmer
Forsythe	Michel	Watkins
Franklin	Mikulski	Waxman
Frost	Mineta	Wheat
Fuqua	Minish	Whitehurst
Garcia	Mitchell	Whitley
Gaydos	Moakley	Whitten
Gejdenson	Molinari	Williams (MT)
Gephardt	Mollohan	Williams (OH)
Gibbons	Montgomery	Wilson
Gilman	Moody	Winn
Gonzalez	Morrison (CT)	Wise
Gore	Mrazek	Wolf
Gradison	Murphy	Wortley
Gray	Murtha	Wright
Green	Myers	Wylie
Guarini	Natcher	Yates
Gunderson	Neal	Yatron
Hall (IN)	Nichols	Young (AK)
Hall (OH)	Nowak	Young (FL)
Hamilton	O'Brien	Young (MO)
Hammerschmidt	Obey	Zablocki

NAYS—160

Anderson	Boxer	Coats
Andrews (TX)	Britt	Conyers
Applegate	Brown (CO)	Corcoran
Archer	Broyhill	Courter
Aspin	Bryant	Craig
AuCoin	Burton (IN)	Crane, Daniel
Badham	Campbell	Crane, Philip
Bartlett	Carper	Dannemeyer
Bates	Carr	Daub
Bethune	Chandler	DeWine
Bilirakis	Chappie	Donnelly
Bosco	Cheney	Dorgan
Dreier	Lowery (CA)	Roemer
Durbin	Lowry (WA)	Roth
Early	Luken	Russo
Eckart	Lundine	Schaefer
Edgar	Lungren	Schroeder
Edwards (OK)	Mack	Sensenbrenner
Emerson	MacKay	Shannon
English	Madigan	Sharp
Evans (IA)	Markey	Shaw
Evans (IL)	Marlenee	Shumway
Feighan	Marriott	Shuster
Fields	Martin (IL)	Sikorski
Frank	Martin (NC)	Siljander
Frenzel	Martin (NY)	Slattery
Gekas	McCandless	Smith, Denny
Gingrich	McCollum	Snowe
Glickman	McCurdy	Snyder
Goodling	McEwen	Solomon
Gramm	Miller (CA)	Spence
Gregg	Miller (OH)	Stangeland
Hall, Ralph	Moore	Stenholm
Hall, Sam	Moorhead	Studds
Hance	Morrison (WA)	Stump
Hansen (ID)	Nelson	Sundquist
Hartnett	Nielson	Tauke
Hertel	Oakar	Tauzin
Hiler	Oberstar	Taylor
Hopkins	Packard	Thomas (CA)
Hubbard	Panetta	Traxler
Hughes	Pashayan	Vucanovich
Hunter	Patman	Walgren
Jacobs	Patterson	Walker
Kaptur	Paul	Weaver
Kasich	Pease	Weber
Kildee	Penny	Weiss
Kostmayer	Petri	Whittaker
Kramer	Porter	Wirth
Lagomarsino	Pursell	Wolpe
Latta	Regula	Wyden
Leach	Reid	Zschau
Levin	Ritter	
Loeffler	Roberts	

NOT VOTING—12

Albosta	Martinez	Synar
Coelho	Smith, Robert	Towns
Fowler	Solarz	Udall
Heftel	Stark	Valentine

□ 1830

Messrs. CHANDLER, MORRISON of Washington, FRANK, BETHUNE, KOSTMAYER, GEKAS, BRITT, CONYERS, LUKEN, and ZSCHAU, and Ms. KAPTUR changed their votes from "yea" to "nay".

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to explain a vote on rollcall No. 357, the coal slurry pipeline legislation.

I fully intended to vote in the negative but was erroneously counted in the affirmative, and I wish this correction to appear in the permanent RECORD.

Mr. DAUB. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. Without objection, the gentleman's statement will appear in the permanent RECORD.

There was no objection.

REMOVAL OF NAME OF MEMBER AS SPONSOR OF H.R. 800

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to withdraw the name of Mr. COLEMAN of Missouri as a cosponsor of H.R. 800.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. CONYERS)?

There was no objection.

PARLIAMENTARY INQUIRY RELATING TO PERSONAL EXPLANATION OF MEMBER

Mr. DAUB. Mr. Speaker, may I make an inquiry of the Chair so I can get a clarification of the gentleman's request?

He requested unanimous consent, which the Chair ordered, and I had asked to be recognized under a reservation of objection.

The SPEAKER pro tempore. The gentleman did not correct a vote.

Mr. DAUB. To have the permanent RECORD reflect a change in vote or to record that he would have voted differently?

The SPEAKER pro tempore. The permanent RECORD will only carry a statement explaining the vote.

Mr. DAUB. I thank the Speaker very much.

INCREASES AND DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-113)

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Sept. 28, 1983.)

□ 1840

TRIBUTE TO DICK THORNTON

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I would like to pay special tribute today to Dick Thornton, who is retiring from the Grower-Shipper Vegetable Association in Salinas, Calif., after over 10 years of service to the agricultural industry in my district.

Dick Thornton's record reveals a keen understanding and knowledge of the issues important to California agriculture. After service as a naval aviator during World War II, Dick worked with Western Growers Association in Los Angeles, California-Arizona Farm Labor Association in Fresno, and as executive vice president of the National Council of Agricultural Employers in Washington, D.C., before moving to the Grower-Shipper Association. His hands-on experience ranges from the fields of California to the Halls of Congress, and covers the wide spectrum of issues which affect the lives and livelihoods of central California farmers.

What Dick's record cannot recognize fully, however, is his unique ability to represent those farmers—by nature independent, hard working, and dedicated to a strong agriculture—and to keep the vital lines of communication open. Dick has provided an invaluable service from California agriculture and for those in my district and throughout the State who are dependent on this vital industry.

Mr. Speaker, I would like to extend to Dick my heartfelt congratulations and best wishes for future success—as well as my hope and belief that when we need his wisdom and guidance in the future, he will not be too far away.

THE 50TH ANNIVERSARY OF UKRAINIAN FAMINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RITTER) is recognized for 45 minutes.

Mr. RITTER. Mr. Speaker, it is an honor for me to rise with my colleagues this evening in solemn commemoration of the 50th anniversary of the Ukrainian holocaust.

As cochairman of the Ad Hoc Committee on the Baltic and Ukraine and as a human being deeply sympathetic with the concerns of Ukrainian people the world over for the tragedy their ancestors endured I rise today.

As we mark this important event and remember those who suffered untold agony and deprivation, let us also think of Ukrainians today who are forced to live under totalitarian rule of the Soviet Government. Their suffering and continued struggle for freedom stands as a monument of strength to the Ukrainian people and the Ukrainian nation.

Names such as Mykola Rudenko, Myroslav Marynovych, Oles Shevchenko incarcerated, lives broken, residing in Camp No. 36 in Perm in the RSFSR. It is to these people and to their struggle that I dedicated my remarks today.

I would like to commend also in my remarks the English language Ukrainian Weekly which has devoted many a part of their issues this year to covering the events and the history of this famine of 50 years ago and I salute the Ukrainian Weekly on its 50th anniversary and editor Roma Sochan Hadzewycz.

I would like to thank my colleague and friend the gentleman from New York (Mr. SOLOMON) for joining me to cosponsor this special order.

My colleagues this century has been witness to gross crimes against humanity. And the terms genocide, holocaust appear all too frequently in the annals of recent history. We almost take these terms for granted.

Ukrainians, Jews, Cambodians, Afghans, and others have all been and are victims of the wanton destruction and death that is the result and that are results of totalitarian government. As a nation and as a people committed to humaneness amongst people it is our duty to do what we can so that such barbaric acts must never be allowed to occur again.

Throughout its history Ukraine has been the breadbasket for central Europe and Russia. The Ukrainian farmer was one of the most industrious farmers in the world and his work created a comfortable life for his family and others. And the sufficient supply of food was his trademark. The rich, black soil of the Ukraine has always been a tempting prize for invaders from the Mongols in the 12th century to the Germans several decades ago.

In all cases the invaders were eventually repulsed in some measure by the bravery of Ukrainians individually and united as a people.

However, the rise of the Soviet state and the rise to leadership of Josef Stalin gave prominence to a new type of enemy for the Ukrainian people. Viewing Ukrainians as too independent and coveting for his own control the potential of their rich farmlands, Stalin masterminded and orchestrated a diabolical way to wrest control of this rich land and then destroy the independence and the will of the Ukrainian people.

His plan, forced collectivization, sought to bring all these lands under state control. And in the bleak, dark years of 1932 and 1933 Stalin used every means possible to deprive Ukrainians of their harvests. Armed thugs, gangsters, murderers, reminiscent of Hitler's special guards, the SS, went about their work, went about their dirty work. They stole, destroyed, ruined all available foods in the Ukraine and when food was not brought in from elsewhere the result was predictable, the population starved.

Now mankind has known famine in different parts of the world, famine brought about by war, drought, flood and other natural disasters. But never and nowhere have any people suffered so devastating a famine as that inflicted as a matter of policy by the Soviet Government against the Ukrainian people in the years 1932 and 1933.

□ 1850

The horror of millions of people dying of starvation and malnutrition while available food was being taken

away and being exported from the Ukraine will never be forgotten. At the time newspapers throughout the world called on governments to force the Soviets to stop their continued starvation and famine policy. However, the Soviet Government responded in its usual way, no different from today: it ignored the outcry of world opinion.

During this 1-year period, over 7 million Ukrainians perished. It took the Nazis 5 years to destroy 6 million people, using sophisticated technology. It took the Soviet Government 1 year to destroy 7 million people. Unfortunately, this holocaust has not received the attention that it should, and unfortunately, while the Nazis were defeated and while their works against humanity have been widely distributed and communicated and published, this particular crime is less known. Few people except scholars and survivors know the suffering, the agony, people of whole villages lying around dying from hunger. This is a story that we must bring to the world and why I consider it an honor to speak today on behalf of those 7 million, on behalf of the survivors and on behalf of the Ukrainian nation which suffers under the Soviet yoke yet today. It is an honor to participate in the many events that will occur here and around the United States to commemorate what happened 50 years ago.

It is interesting to note that the Soviet Union outdid its moral twin, Nazi Germany, with time to spare.

Our Nation has been fortunate that war, surrender, famine has not been brought to our shores from foreign powers. It is hard for Americans to imagine the suffering of the Ukrainian people. Who would believe that a government would have a policy that would foster such a situation? It was hard for Americans to believe that this same government would shoot down an unarmed civilian airliner just a few short weeks ago. But I think now they believe it. It is hard for the American people to believe that a policy of genocide exists against the Afghan people to this very day, 4 million fleeing the country, 1 million dead. It is hard for the American people to comprehend that a government would have a policy of such brutality. But that is exactly what has happened and that is what is happening.

In the Ukraine 50 years ago, the old were the first to feel the severity of malnutrition and starvation.

Their tired bodies, as a result of a lifetime of hard work, slowly deteriorated into gaunt, featureless beings. They walked the streets and roads of the cities and villages, moving almost without motion or in slow motion, without purpose, and dying slowly, sometimes in a group, usually cold and alone. Death came to them without any dignity and without any justification and agonizingly, whole villages that at one time were thriving centers of activity slowly turned into abandoned shells. People began to move on in search of food and away from the growing groups of marauders that would attack towns and villages in gangs and kill wantonly. These marauders were driven to such depths by hunger, and they were many times motivated by the Stalinist forces. Men tried in vain to eke out some existence and to defend their homes and families, but slowly they began to lose their strength and die. This left then the women and the children. There are few sights more beautiful than a mother comforting her child, and there are few sights more shocking and sad than a mother trying to protect a child from certain death.

The children perhaps suffered the worst of the famine. Their eyes sunk into the hollow depths of their skulls, their stomachs were bloated beyond description, their mournful gaze searched beseechingly for someone to drop a few kernels of grain into their cupped hands. For some, death was quick; but for others, the scars and vivid memories would be something they would carry the rest of their lives.

There are stories told of slaughterhouses that would buy children for the purposes of killing them and then selling their salted meat as food under the guise of horse meat. One can only imagine the irony of a mother seeking food for her surviving family and eating meat that may have been at one time her child.

These are incredibly brutal stories. But they must be known. They must be known by the American people, by all free people. This is a legacy that lives on today. And if one is to come to grips with the perpetrators of this legacy, one must understand it and acknowledge it in detail. There are stories of trains racing through the Ukraine with their curtains drawn so that passengers would not have to witness the sight of mothers throwing half dead children under the wheels of the train to grant them a quick death. There are stories of bodies emaciated beyond description lying on the streets and roads, left to die alone.

Memories of the Ukrainian famine should haunt every civilized man, woman, and child, as the Holocaust against the Jews and other peoples of Eastern Europe haunt the memory of man today. These stories should not be left to scholars alone. They need to be told in schools and churches so that the horrible memory may in some way prevent this from happening again. And, yes, teach the survivors and the people today about the character of the perpetrators.

No people should have to suffer the kinds of horrors that Ukrainians did. Yet despite our best attempts, the best attempts of civilized people to eradicate this kind of barbarity, it still continues. As we speak, Soviet helicopter gunships capable of spewing 8,000 rounds of ammunition a minute are an instrument used in the destruction of Afghanistan. Everything from chemicals and biological weapons to small objects that appear as toys, a butterfly, a pin, that are capable of blowing off a limb of some small curious child in order to keep the parents at home. This is what the Soviets are committing today—another genocide, another holocaust perpetrated against the Afghan people.

I ask my colleagues and the people of this country: Will we some day stand at this podium, before this august body, and commemorate the 50th anniversary of some Afghan holocaust? Or will we have the courage to stand up today and demand that something be done? Will we ignore them, as we did the Ukrainians? Or will we give the Afghan freedom fighters the wherewithal to defend themselves from the same people who perpetrated the Ukrainian holocaust?

For my colleagues I would like to extend some things I have learned in our own hemisphere about another genocide that is being committed. In the country of Nicaragua the Miskito Indians are facing genocide at the hands of the totalitarian Sandinistas. The Sandinista regime, backed militarily and financially by the Soviet Union, and aided and abetted by the Soviet international fighting force consisting of Vietnamese, North Koreans, Czechs, Bulgarians, and Cubans, are using virtually every method they can to destroy the spirit and independence and bring the Miskito Indians into submission.

□ 1900

Of 259 churches, 162 have been closed, 59 burned to the ground, whole villages devastated and the people relocated into concentration camps, many of whom are starving the way Ukrainians starved 50 years ago.

Again, I ask my colleagues: Will we stand up and help or will we examine it from afar and watch it all happen? Mr. Speaker, the Ukrainian people are a brave people. We honor them today and share in their tragedy. But I can assure my colleagues that they are one people who will not give in to the destruction of their national identity. Attempts at Sovietization, Russianization, Russifying them, have all but failed because of the strength of their culture and their desire to pass on their rich history and tradition to their children.

This year has been set aside as an entire year of commemoration and it

is all fitting and proper that Congress recognizes this event and uses its wisdom to help prevent the recurrence of similar events. I commend my colleagues to participate in events of this kind, one of which will occur this Sunday in Washington, D.C., where there will be a major demonstration of Ukrainian-Americans coming from all over the country, speeches, and then a march on the Soviet Embassy.

As long as a free Ukraine exists in our hearts, hope for a free Ukrainian nation remains a reality. This is a struggle I, for one, accept and I welcome the participation of my colleagues.

Mr. Speaker, I would like to thank all of the Members who have participated in this special order and commend their contributions.

Mr. HANCE. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to my colleague, the gentleman from Texas.

Mr. HANCE. I thank the gentleman for yielding.

Mr. Speaker, I applaud the gentleman on his remarks and certainly join with him in the statements. I think they are very appropriate for this time.

Mr. RITTER. I thank the gentleman from Texas.

Mr. CARPER. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to my colleague, the gentleman from Delaware.

Mr. CARPER. I thank the gentleman for yielding.

Mr. Speaker, I would also like to commend the gentleman from Pennsylvania (Mr. RITTER) for his statements this evening and I would like to associate myself with his remarks. I would also like to make the following brief statement:

Mr. Speaker, the Soviet-perpetrated genocide of the Ukrainian people in the 1930's was one of the most heinous crimes in the history of mankind. Yet tragically, Russia's reprehensible action has gone completely unpunished and virtually unrecorded by historians.

Mr. Speaker, that is why we are here this evening—to set the record straight, to let the world know that America has not forgotten the plight of the Ukrainian people, then or now.

Led by our dedicated and determined Ukrainian-American community, the people of Delaware are planning a series of events to solemnly commemorate the 50th anniversary of the famine in the Ukraine. Their efforts and energy should be applauded.

October 9 through 16 in Delaware has been declared Ukrainian Famine Week. On October 13, the University of Delaware is hosting a special symposium on Stalinist genocide—a symposium in which I have the honor of participating. On October 16, a special ecumenical service will be conducted at the Ukrainian Orthodox Church in Wilmington.

In just a few days, Mr. Speaker, over 150 of my constituents will join thousands of other Americans in coming to the Nation's Capital to participate in a commemorative vigil for the victims of the Soviets' unspeakable atrocities in the Ukraine. Among the activities planned for the October 2 vigil are a rally and a march on the Soviet Embassy.

The people of the Ukraine continue to resist the yoke of Soviet totalitarianism. The world must never forget the horrible crimes inflicted on these brave people five decades ago, or their courageous resistance in the years that have followed.

● Mr. ZABLOCKI. Mr. Speaker, I welcome this opportunity to join my colleagues, the sponsors of this resolution, which commemorates the 50th anniversary of the pandemic famine in the Ukraine.

It is an established fact that this tragedy, which claimed over 7 million lives during 1932 and 1933, was directly attributable to the official policies of the Soviet Union during the worst excesses of the Stalinist era.

The Ukraine has been known traditionally as the breadbasket of Europe, and it is a supreme irony that this region, in particular, should have been the scene of such devastating starvation. While the term "genocide" has been used somewhat indiscriminately in modern times, the mass annihilation of an ethnic population on such a scale, through what can only be described as purposeful neglect, certainly would seem to fit that definition.

Ukrainians are the most numerous of non-Russian elements of the Soviet population and have a distinct cultural and intellectual identity. Ukrainian efforts to preserve their own unique ethnic heritage have been met with resistance and repression by the Soviet authorities—including such measures as deportation to slave labor camps, destruction of churches, religious persecution, and even death.

The Ukrainian yearning for cultural and spiritual freedom is a testament to the human spirit, which still survives amid adversity. It is a spirit—and an inspiration—which Americans especially admire, as they commemorate the inexplicable suffering of an entire nation.●

● Mr. SOLOMON. Mr. Speaker, three decades ago, Nikita Khrushchev declared "We will bury you." His comment distills in chilling terms the goal of the Soviet Union. It serves better than any other public statement as an illustration of the thinking of an evil empire bent on imperial conquest and totalitarian domination.

When I hear such such bald statements of intent from our sworn enemies, I am reminded of none other than "Mein Kampf," Adolf Hitler's own blueprint for world conquest. The parliaments of Europe chose to ignore his warnings and we were nearly engulfed by Nazism before we rallied our will and our might to defeat it.

The question we must now ask in this chamber is how many reminders we will need bedore we awaken to the inherent danger of Soviet-brand communism, an atheistic philosophy without regard for human rights, or indeed, for human life itself.

We received a fresh reminder of the despicable barbarism of the Soviet imperialists on September 1, when an unarmed commercial airliner was shot down, snuffing out 269 lives. This atrocity is added to the ringing reminders we have received of late from Afghanistan, from Poland, from Nicaragua, and Cambodia. The cruelties of communism are very much with us.

Today, we offer a reminder of a harrowing event that happened 50 years ago, a forerunner and a harbinger of current atrocities. I speak, of course, of the Ukrainian men, women, and children who were systematically starved by revolutionary butchers in the name of Stalin.

Alexander Motyl, writing in the August 1983, American Spectator, called the Ukrainian catastrophe one of the 20th-century's prime examples of mass destruction. An eyewitness report by Christian Science Monitor correspondent William Henry Chamberlin said that the famine "was not hardship, or privation, or distress, or food shortage, but stark, outright famine, with its victims counted in millions."

But the Ukrainian famine was not only a stark tragedy, it is also an object lesson about the excesses of Soviet-brand communism. For horror of horrors, the Ukrainian famine was not a natural disaster, but a man-made holocaust. in short, it was genocide.

The Ukrainian famine was a deliberate political act by the Bolsheviks. Just as the Nazis resorted to genocide as a tool of conquest, so too did the Soviet Communists turn to mass starvation as a blunt instrument in their ongoing plot to destroy the Ukraine as an independent state and culture.

The independent Ukraine, its fertile wheat fields, its proud peasantry, its deep-felt Eastern Orthodox faith, its language, its literature, and its culture—all stood as an affront to Stalin and his imperialist henchmen. From their hatred and their greed came this despicable and craven act that took the lives of 7 million innocent people.

I have sponsored a resolution (H. Con. Res. 111) which would reflect the sense of Congress that a proclamation should be issued in mournful commemoration of the great famine in the Ukraine in the year 1933. Together with this proclamation would be issued a warning that the continued

enslavement of the Ukrainian nation, and other non-Russian nations as well, constitutes a threat to world peace. Finally, my resolution would urge the establishment of a memorial or other official means by which the people of the United States could express their sorrow for the fallen people of the Ukraine, and their support of aspirations for the recovery of their freedom and national independence.

I respectfully urge the passage of this vital resolution. It is time that each and every American reflected on such deeds. It is time we asked what kind of regime would reduce its own bread basket to a barren wasteland. What kind of mentality would liquidate a nation in the name of a Socialist future and destroy a people in the name of progress. We must answer these questions before we can make decisions about the course of America's foreign policy.●

● Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to commend my colleagues, the Honorable DON RITTER of Pennsylvania and the Honorable GERALD SOLOMON of New York, for scheduling this special order to commemorate the 50th anniversary of the great man-made famine in the Ukraine.

After five decades, the moral and political relevance of the Ukrainian genocide is stronger than ever. We must understand that what the great famine represents to the American people and to people throughout the world, is the barbaric extermination of an independent-spirited people—their culture and their national heritage—for the purpose of extending the political homogeny of a brutal Soviet regime.

The free world has witnessed repeated expressions of the Soviets' commitment to imposing its system of government, ideology, and culture on sovereign states. The subjugation of Eastern Europe and the invasions of Hungary, Czechoslavakia, and Afghanistan are but a few episodes. However, the sheer atrocity of the great famine, in which an average of 10,000 men, women, and children died each day, makes the willful extermination of the Ukrainian people a leading symbol of the Soviets' blatant disregard for basic human rights.

Mr. Speaker, it is no surprise that all 37 members of the Ukrainian Public Group To Promote the Implementation of the Helsinki Accords are either in prisons, labor camps, internal exile, or have been deported by the Soviets for their support for human rights. May we make this commemoration of past atrocities imposed on the Ukrainian people a step toward bringing national attention to the continuing violations of human rights, not only in the Ukraine, but throughout the Soviet Union. We can only hope and pray that someday, these brave men and women will again be free.●

● Mr. BIAGGI. Mr. Speaker, at this time I would like to join with my colleagues in commemorating the 50th anniversary of the great famine in the Ukraine and express my concern for those people living in the Ukraine who still dream of one day recovering their freedom and national independence.

This anniversary marks a cruel episode in history. At this time I would like to give a brief account of this tragic episode.

On January 22, 1918, Ukraine proclaimed its full and unqualified independence after some 250 years of Russian domination. Despite their initial recognition of this independence the Soviet Government launched an armed aggression against Ukraine, thus initiating the Russo-Ukrainian War, which lasted from 1917 to 1920. Ukraine was conquered and a puppet Communist government was imposed by Moscow on Ukraine.

In 1932 and 1933 the Soviet Union attempted to collectivize all of its agricultural lands. This move met widespread resistance throughout the Soviet Union, especially in Ukraine. The independent-minded Ukrainian people resisted the brutal efforts of the Soviet Union to take over their lands. To break the indomitable will of the Ukrainian people, the Soviets confiscated all wheat and foodstuff and forced famine on the populace. Over 7 million Ukrainians died from this Soviet-enforced famine.

Tragically, because of the Soviet-imposed news blackout and subsequent Soviet efforts to prevent the mention of this famine anywhere, most Americans are unaware of this heinous crime against humanity.

By commemorating the anniversary of the great famine in Ukraine my colleagues and I are honoring the memory of the 7 million victims and the cause they gave their lives for. We are also demonstrating to the people of the Ukraine that we share their desire to become a free and independent nation.

Recognizing the important historical significance of the great famine in the Ukraine of 1933 and the continued enslavement of non-Russian nations inside the Soviet Union, I have cosponsored House Concurrent Resolution 111. This resolution would cite the history and background of the Ukraine famine of 1933, issue a proclamation commemorating this tragedy, issue a warning to the Soviets that their continued enslavement of the Ukrainian nation as well as other non-Russian nations constitutes a threat to world peace and harmonious relations among the peoples of the world. The resolution would also manifest to the captive peoples of the Soviet Union that the United States shares their aspirations for the recovery of their freedom and national independence.

In addition, I have also cosponsored H.R. 3993. This bill would establish a special commission to study the causes and effects of the great famine in the Ukraine in 1933. The commission would meet for 3 to 6 months and its purpose would be to increase people's knowledge of the great famine, document its history for the first time, and foster a better understanding of the Soviet system as it relates to the people of the Ukraine and other non-Russian people inside the Soviet Union.

It is important that we commemorate the anniversary of the great famine in the Ukraine. By doing so we display our great concern and unbending support for all captive nations throughout the world that so courageously seek freedom and self-determination.●

● Mr. GEKAS. Mr. Speaker, less than 1 month ago, the Soviet Union shot down an unarmed passenger airplane with 269 innocent people on board. As Americans, and members of the civilized world, we can never forget this act of coldblooded murder by the Soviets. We can also never forget the Soviets' other acts of atrocity throughout history, such as the invasions of Hungary, Czechoslovakia, and Afghanistan; the total control of other Eastern European countries; the persecution of religious beliefs; and the sending of innocent people to forced labor camps. But what may well be the worst act of brutality and violation of human rights by the Soviets is the man-made famine in Ukraine that took the lives of over 7 million Ukrainians.

Today, Congress is recognizing the 50th anniversary of this great famine, one of the most horrifying acts in history, yet one of the least known acts of Soviet communism. This reflection on Soviet morality shows clearly to what lengths they will go to insure their power and what little respect they have for value of human life.

Approximately 10,000 men, women, and children died every day in 1932 and 1933 in history's only man-induced famine in an area called the breadbasket of Europe. It was an effort by the Soviet Government to break the will of the independent minded and nationally conscious Ukrainian people. The Soviets forced all Ukrainian farmers to turn their grain over to the Government, which was then exported or sent to other areas of the Soviet Union. The Government also prevented anyone from bringing food into the Ukraine, nor would they allow the starving to leave. This act of inhumanity was used to insure a Russianized Soviet state, which could then control those whom they viewed as posing a serious threat to the ambitions of the Government.

Sadly, Soviet behavior has not changed in these 50 years and we should not forget that fact. As with the downing of the Korean airliner, the Soviet authorities at first denied their actions, and then after overwhelming evidence to the contrary, the Government defended their terrible deed. On this commemoration of the 50th anniversary of the great famine, and in special recognition to all Ukrainian Americans, we have a duty to remind all Americans that inhumane Soviet behavior has, indeed, not changed in all these 50 years.●

● Mrs. JOHNSON. Mr. Speaker, it is with great sadness that I participate in today's special order commemorating the 50th anniversary of the Great Famine in the Ukraine.

It is an outrage that this artificially created famine, which resulted in the massacre of 7 million Ukrainians, remains until today largely unrecognized. It is insulting to the survivors and a reprehensible blot on our collective conscience.

An act of horror such as this—whether it occurs 5, 50, or 500 years ago, will continue to enforce the influence of its depravity upon us until we, as individuals and as a society, acknowledge, condemn, and learn from it.

As the impact of man's inhumanity to man is perpetuated from generation to generation, and from one people upon another, we must confront ourselves and our history as we ask, "What price silence? What price indifference?" With each technological advance, the potential for horror increases, and the cost to humanity escalates beyond our comprehension.

We must not allow the memory of the anguish and suffering contained in such a tragedy to fade out of our minds, for there are those for whom the pain is seared onto their hearts. This memory is our only shield, our best defense against repetition. Let us resolve together that we will remember those victims of the Great Famine of the Ukraine by exercising constant vigilance—a vigilance that will assure that such a tragedy can never reoccur anywhere on this Earth.●

● Mr. STRATTON. Mr. Speaker, I am happy to join today with members of the Ukrainian-American community and with my colleagues in the Congress to commemorate the 50th anniversary of the Great Famine in the Ukraine, 1932-33. This famine was different from other famines in history because it was not the result of natural causes—bad weather, poor seed, or drought—but was instead manmade, caused by the Soviet Government which was then firmly in the hands of Joseph Stalin.

An estimated 7 million Ukranian peasants died as a result of Stalin's efforts to collectivize the agricultural economy and to crush the nationally conscious Ukrainian people. We gather here today so as not to forget this infamous famine of genocide.

One scarcely needs an example of Soviet brutality or the Soviet Government's disregard for human dignity, freedom, or even human life. The recent, unconscionable attack on the Korean Air Lines flight 007, still fresh in our minds and in the newspaper headlines, reveals the dangerously paranoid and violent nature of the Soviet Union. Commemoration of the Great Famine serves another purpose, and that is to bring this horrible chapter in Soviet history to light.

As is the usual practice, the Soviets denied the existence of the famine; and the misery in the Ukraine countryside did not receive much attention from the Western press. Around the world the years 1932-33 were grim as nations slid into the Great Depression and fascism rose in Europe. But those years were deadly in the Ukraine. People did not only starve to death, but weakened by hunger, fell prey to a number of diseases—pneumonia, typhus, tuberculosis.

The magnitude of the catastrophe in the Ukraine comes into sharp focus with the statistics on the Soviet population between the years 1926 and 1939. While the total population of the U.S.S.R. increased by 15.7 percent during that period, the population of the Ukraine actually decreased by almost 10 percent over the same period. The population was literally decimated.

We seek here to honor those 7 million people who died 50 years ago, and to express support for Ukrainian-Americans in this country and abroad in their efforts to bring this famine to the attention of all those who seek the truth about the Soviet oppression and violence against the peoples under their domination. We must commemorate the Great Famine and honor the dead so we can know the truth of what really happened and make sure that it never happens again.●

● Mr. GILMAN. Mr. Speaker, once again this body must turn to past events in order to crystallize present situations. Today our thoughts turn to commemoration of the Ukrainian famine of 1933, an artificial famine perpetuated against the Ukrainian people by the Communist domination of Joseph Stalin. I want to thank our colleague, the gentleman from Pennsylvania, DON RITTER, for calling today's special order. Recounting the deaths of so many men, women, and children by starvation in order to export the grain they had harvested, is a clear example that the Soviet Union will go to any lengths, including the decimation of its own citizens, in order to carry out the orders of the Soviet hierarchy.

Because Stalin wanted to insure industrialization, as well as collectivization of the Soviet Union, a conscious plan to deprive the Ukrainian people of the fruits of their labor was carried out. Soon, Stalin knew that his heinous plan was working, since statistics later showed that while the rest of the Soviet populace was increasing, that of the Ukraine decreased dramatically, fully 10 percent within 13 years. In conjunction with this starvation plan was the intent to keep the knowledge of this starvation from becoming known outside the region.

We see parallels today, where the Soviet Union commits an atrocity against 269 innocent passengers of a civilian airliner, yet does not inform its own citizenry of the facts. Such blatant inhumanity must be spoken out against as time and again the Soviet Union shows us its brutal face. The 50th year of commemoration of the famine is the center of legislation, that I cosponsored, House Concurrent Resolution 111, introduced by my colleagues, the gentlemen from New York (Mr. SOLOMON and Mr. FISH). I am pleased that this measure, as well as the special order we are conducting today, are among the reminders the world has of Soviet actions. History does not forget, and the thousands of individuals who will gather on Sunday at the Washington Monument have not forgotten either. This mass rally has been called so that everyone in our Nation can be witness to the commemoration of the unspeakable actions of the Soviet Union 50 years ago. Mr. Speaker, I urge my colleagues to attend that demonstration if they are able, so that together we might speak out against both past and present violations of human rights by the Soviet Union.●

● Mr. PORTER. Mr. Speaker, 50 years ago the Soviet Union deliberately put to death over 7 million Ukrainians by starvation. This needless slaughter is the only example of manmade famine in history. I join all of my colleagues in abhoring this and other dastardly acts of the Soviet regime.

The Korean airline incident is a timely reminder of the nature of the Soviet regime. Appropriately, there has been much outcry from the incident, yet little attention has ever been paid to the slaughter of Ukrainians in the Soviet Union during the years 1932-33. Stalin used the famine to collectivize Soviet agriculture, to destroy Ukrainian nationalism and independence and to make the Soviet Union into a fully Russian state.

Stalin perpetrated this murder by expropriating all of the foodstuffs of the peasants. Grain was either sold on the international market or sent to other parts of the Soviet Union. The Soviets set up checkpoints to insure that no food entered the Ukraine and that no one left the area.

Fifty years later the world still does not fully realize or comprehend this tragedy, which in magnitude approaches that of the Jewish Holocaust or the Cambodian massacre. Yet we can take the time to remember those who perished at the hands of the Communists on this 50th anniversary of the famine.

Let this anniversary serve as a reminder of the inhumanity of the Stalinist government and of its successors and realize incidents like the Ukrainian holocaust and the murder of 269 innocent people aboard the Korean airliner are, unfortunately, not accidents.

We join Ukrainian Americans throughout our country in grim remembrance on this 50th anniversary of the Ukrainian famine. Our hope is that its recognition will help all of us to work toward the establishment of a world where the preservation of human rights is our highest priority.●

● Mr. KOSTMAYER. Mr Speaker, I am proud to join my colleague from New York (Mr. SOLOMON), and many others for this week of September 25 to October 2, 1983, in commemoration of the Ukrainian man-made famine of 1933.

During this incredible famine holocaust, over 7 million Ukrainians were deliberately starved to death by the Soviet Government in an effort to crush Ukrainian nationalism and break down Ukrainian resistance to collectivization.

It is critical that we mark this event now, the 50th anniversary of the famine holocaust. Accounts of the famine, despite eyewitnesses from many countries, are only now beginning to appear in Western publications. As Americans, we must act to inform and educate the millions that know little or nothing of this silent genocide, denied at first by the Soviets and later covered up weakly. We must also take this time to remember the thousands of Ukrainian citizens still in the Ukraine, and countless others throughtout the world still suffering imprisonment and other punishment at the hands of dictatorial governments.

I support House Concurrent Resolution 111 in honor and remembrance of the genocide victims in the Ukraine, and I urge all others to do the same. By helping to disseminate the truth about this almost forgotten tragedy, we will each be performing an outstanding and deserved service for human rights everywhere.●

● Mr. DINGELL. Mr. Speaker, today I am pleased to join my colleagues and concerned citizens throughout the world in commemorating the 50th anniversary of the great famine.

In 1932 and 1933, the Soviet Union mercilessly imposed a devastating famine upon the Ukraine. Over 7 million Ukrainians died as a consequence of this cruel and abhorrent act of genocide. This famine, imposed on an innocent people, is reflective of the Soviet Union's total disregard for the value of human life, which is observed even today.

I believe it is fitting, on this anniversary of the suffering and starvation of millions of Ukrainian people, to recognize the ongoing struggle for freedom of our brothers and sisters throughout the world. As free Americans, let us join them in the fight for justice, liberty, and the freedom of all humankind.●

● Ms. FERRARO. Mr. Speaker, this week marks the 50th anniversary of one of the cruelest episodes in Ukrainian history—the great famine. More than 7 million Ukrainians died as a direct result of Stalin's effort to break the will of this proud and independent people.

As the Representative of some 4,000 Ukrainian Americans, the largest population of this ethnic group in New York City, I am well aware that few families have been left untouched by this shameful episode.

The great famine was not a natural disaster. It was a deliberte attempt by the Soviet regime to accomplish, by starvation and disease, what the political process could not achieve.

It is indeed fitting that this House take time out today to make sure that the world does not forget what happened in 1933. Only by remembering injustice and cruelty can we work effectively for freedom and independence.●

● Mr. ROE. Mr. Speaker, it is indeed a great honor to rise today to salute the brave Ukrainian people on the 50th anniversary of the great famine. It is most important that this artificially induced famine that killed millions of Ukrainian workers and peasants be remembered as another example of Soviet atrocities against freedom-loving people the world over.

Most Americans are aware of the tragic events that took place in the Ukraine during 1932 and 1933. But the tragedy of the Ukraine really began in 1922, when the Russian Communists brutally snuffed out 4 years of Ukrainian independence by taking control of the Ukraine.

From 1923 to 1930, the Ukrainian people struggled to maintain their ethnic identity and strong feelings of independent nationalism. Despite the efforts of their Soviet rulers, the Ukrainian people were able to make some great strides. The Ukrainian language became the official language of the region and Ukrainian literature flourished. In effect, Ukrainian national culture and identify was at its peak.

But it was in 1932 and 1933 that Stalin utilized food as a weapon to destroy the Ukrainian's quest for freedom and independence. The Ukrainian peasantry was chosen as the principal target for its strong resistance to the Russian's enforced collectivization of agricultural programs. Stalin placed unrealistically high grain quotas on the Ukrainian farmers to produce from areas where fields were mostly unproductive. When the farmers could not meet those quotas, as punishment, he ordered the confiscation of their crops, leaving them facing certain death from hunger.

Entire families were thrown out of their homes and forced to live in fields. Those suspected of stealing food were shot on the spot. While all this was taking place, the Soviets were able to keep the tragic situation a secret from the rest of the world, by barring newsmen from the Ukraine area.

Mr. Speaker, an estimated 8 million Ukrainians died as a result of the Soviet-created famine. It was indeed one of the greatest tragedies in modern history and it was an event that must never be forgotten.

I am a strong supporter of legislation that would establish a special commission to study the causes and the results of the great famine in the Ukraine. This commission would provide the first full accounting of the great famine.

Mr. Speaker, the recent Soviet downing of Korean Air Lines flight 007 is a current reminder that the Russians have not changed their tactics in their relationship with the free world. The deaths of those 269 passengers aboard that flight is a warning to us all that as far as the Soviet Union is concerned, not very much has changed since the murder of millions of Ukrainians during the great famine.●

● Mr. MORRISON of Connecticut. Mr. Speaker, 50 years ago, Ukraine suffered possibly the most devastating manmade famine in history. Six million Ukrainians died as a result of Stalin's order to have Ukrainian-grown food requisitioned to other districts of the Soviet Union.

Stalin's decimation of the Ukrainian peasantry was part of his attempt to completely strip Ukraine of its fragile claim on independence. Yet today, two generations later, Ukraine's sovereign spirit remains very much alive in the minds not only of the 50 million that still reside there, but also among people around the world whose heritage is distinctly Ukrainian.

During this year, the 50th anniversary of the famine, Ukrainian Americans are focusing worldwide attention on this tragedy so that an event of this kind may never happen again. I am proud to recognize their effort, and I hope that their proud and free tradition, shared by so many across the world, can someday be replanted in its own soil.●

● Mr. HERTEL of Michigan. Mr. Speaker, I would like to call to the at-

tention of my colleagues the 50th anniversary of the genocidal famine which occurred in the Ukraine from 1932-33. The famine resulted in the death of at least 6 million Ukrainians; 50 years ago, Joseph Stalin announced the collectivization of agriculture, and set out to implement this plan with particular ruthlessness toward the peasant farming communities of the Ukraine. If the peasant had produced only enough for his own subsistence, leaving none for the state, local enforcement under the orders of Stalin, took away their grain, and kept it for state use. In short, all food in the peasant's possession was requisitioned by authorities. Food was available in the cities, but the army and police kept starving peasants from entering them. State agents removed the last sacks of grain from the barns of peasant farmers. Those who resisted the seizure of food were immediately deported to Siberia.

As a result of Stalin's actions, a mass famine came about and in consequence, over 6 million men, women, and children in Ukraine died of hunger.

The famine can be blamed quite flatly on Stalin. The crop in 1932 was about 12 percent below average. This was far from being famine level. But State procurements of food from the peasantry were up by 44 percent. The result was, and could not have been other than, large scale starvation. It is perhaps the only case in history of a purely manmade famine.

It is also the only major famine whose very existence was ignored or denied by the Soviet governmental authorities, and even to a large degree, successfully concealed from world opinion. The Soviet authorities, as far as can be seen, let through only one accidental admission to creating the famine—an accusation that members of the People's Commissariat of Agriculture then on trial for sabotage, had used their positions to "create a famine in the country." The Ukrainian President Petrosky told a Western correspondent that millions were dying. Thirty years later, there was a brief lifting of the curtain in the Soviet press—as in the serial "People are not Angels," by Ivan Stadyuk, who sums up: "The men died first, then the children and finally the women."

I need not underscore the importance in recognizing and remembering the tragedy of this manmade famine which was so successfully concealed from world opinion. It must never be forgotten that one of Stalin's main objectives in the collectivization of agriculture was to crush, destroy, and eliminate the Ukrainian peasantry at any cost.

The tragic saga of the Ukrainian struggle for freedom and human rights has been a continuing testimony to the indomitable spirit of the Ukrainian people. The commemoration of the genocide famine provides a display of faith and nationalism which will be the source of consolation for descendants of the famine victims as well as a source of encouragement to those friends and relatives who still labor under the shadow of communism.

From time immemorial, the human spirit has longed to be free and to be able to take pride in its origins. I sincerely hope that we will all one day see freedom become a reality for Ukrainian people.●

● Mr. LIPINSKI. Mr. Speaker, I am proud to join with my colleagues, Mr. RITTER and Mr. SOLOMON, in commemorating the 50th anniversary of the great famine in the Ukraine. As a nation that enjoys so many freedoms, America cannot overlook the consequences of oppression and tyranny. It is only fitting that Congress join with the Ukrainian-American community, in honoring the people who 50 years ago fought against Soviet oppression, and that we recognize the struggle against oppression continues throughout the world.

The Soviet actions of 1932 and 1933 are unspeakable. In an attempt to break the spirit and will of the Ukrainian people, the Soviets extracted a larger and larger proportion of Ukrainian harvests, even as farm production was dropping. The result was famine. Soviet attempts at collectivization made this tragic situation even worse. Over 7 million men, women, and children died in the only recorded incident of a manmade famine. Those peasants who attempted to flee the region were ruthlessly turned back. I can think of no more brutal, heartless, and inhuman action than forcing innocent villagers to starve to death while their harvests are being sent to feed Mother Russia.

The rhetoric of the Soviet Union is that the rest of the world is out to destroy Russia. However, the facts of history show otherwise. The Soviet Union killed over 20 million of its own people before World War II. Russia conquered Eastern Europe in the mid 1940's, and has stifled any subsequent attempts by those conquered peoples to obtain freedom. Russia has invaded Hungary, Czechoslovakia, and Afghanistan in a ruthless attempt to keep the peoples of these countries shackled in the chains of tyranny. The Soviets have supported "workers' revolutions" in Third World countries, yet they put down the attempt to obtain workers' rights in Poland. In one of their most barbaric actions to date, the Soviets murdered 269 innocent people aboard the Korean Air Lines jetliner.

We must remember the Ukrainian famine, as we must remember these other tragic actions by the Soviet Union. The courage of the Ukrainians, Eastern Europeans, and other oppressed peoples of the past will inspire those people today who are not fortunate enough to live in the land of freedom. As our Eastern European brothers struggle for their freedom today, we must always remember how long their struggle has been. It is important to remember how high a price they have already paid, and continue to pay, even now. We must be inspired by the courage of the Ukrainian people, and continue our resolve to fight oppression anywhere in the world.●

● Mr. HOYER. Mr. Speaker, today we recognize, commemorate, and mourn the victims of one of history's most horrifying genocides. Fifty years ago, the Soviet regime under Stalin's leadership began an enforced famine in which it is estimated that up to 7 million Ukrainians and Cossacks died under the oppressive wheel of a State policy known as collectivization. Beginning in 1932, the peasantry of the Ukraine was given unreasonably high quotas of crops to be turned over to the State. In order to meet the quotas, the peasants were stripped of all means of self-sufficiency, of food, grain, and seeds. The Soviet Government, in its relentless drive toward power, consolidation, and industrialization, erected watchtowers to insure that humanity remained outside, that no food was taken from the land to feed the starving, and that no one escaped from the Ukraine into the Russian republic.

Left with nothing on which to subsist, the peasants and their families starved. The search for food was in vain. Corpses littering the streets were a daily, gruesome sight. This vicious and calculated government policy of forced famine was further testimony of the tryannical inhumanity of a State that would sacrifice human lives to further its goals. Collectivization proved to be an effective State mechanism for the liquidation en masse of Ukrainian nationalism.

In the face of mounting evidence that a deadly famine existed in Ukraine, the Soviet authorities characteristically denied its existence. It is ironic that the 50th anniversary of the Great Famine should fall during this time of strained relations with the Soviet Union. We should understand that the irresponsible downing of the Korean Air Lines jet is merely the latest addition to a long list of ignoble atrocities committed by the Soviet Union. Let this anniversary focus our attention on putting an end to the destruction of personal liberties, so that we will never again speak of survivors or victims, but only of people.●

● Mr. COYNE. Mr. Speaker, this week we commemorate the victims of the 1932-33 famine in the Ukraine.

The horrible experience of Ukrainians half a century ago is remembered today not as a natural catastrophe

that caused the death of thousands, but as an artificial, government-assisted famine which contributed to the deaths of millions.

Ukrainian resistance to the russification of their nation and the forced collectivization of their agriculture were major factors influencing the actions of the Soviet Government in those dark days. While grain harvests declined in the region, the Soviet Government continued to requisition and confiscate Ukrainian grain for export. Meanwhile, millions died of starvation.

The National Committee to Commemorate Genocide Victims in the Ukraine (1932-33) has designated September 25-October 2 as a week to honor those who suffered and died in the famine. In their memory, I would like to share with my colleagues an article which describes the events of 50 years ago, by Mr. Adrian Karatnycky, the research director of the A. Phillip Randolph Institute. The article, which appeared in the July 7, 1983, Wall Street Journal, follows:

[From the Wall Street Journal, July 7, 1983]

FORCED FAMINE IN THE UKRAINE: A HOLOCAUST THE WEST FORGOT

(By Adrian Karatnycky)

Fifty years ago this past spring, the normally bountiful fields of the Ukraine were filled with the odor of death. Crows flew over the steppe, awaiting their feast of human carrion. Corpses littered the streets and roadways. In the June 6, 1933, issue of the London Morning Post, Malcolm Muggeridge depicted the following scene:

"If you go now to the Ukraine or the North Caucasus, exceedingly beautiful countries and formerly amongst the most fertile in the world, you will find them like a desert; fields choked with weeds and neglected; no livestock or horses; villages deserted; peasants famished, often their bodies swollen, unutterably wretched.

"You will discover if you question them that they have had no bread at all for three months past; only potatoes and some millet, and they are now counting potatoes one by one. . . . They will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the government and hundreds of thousands exiled."

The devastation Mr. Muggeridge described wasn't caused by any natural catastrophe. It was an entirely new phenomenon—history's first artificial famine: a consequence of Stalin's effort to collectivize agriculture and crush the nationally conscious Ukrainian peasantry.

With the exception of Mr. Muggeridge's reports, William Henry Chamberlin's in the Christian Science Monitor, and the publication of several stories and a number of shocking photographs of starving children in the Hearst newspapers, the Western press was largely silent about the genocide that was occurring in the Soviet Ukraine. Europe and the U.S. were in the throes of the Great Depression. Violence in the streets was common. Fascism was on the march. The forced famine of 1933 had regrettably come at an inopportune time.

Some reporters from the West concealed the truth because of an ideological commitment to Soviet communism. Others, like New York Times correspondent Walter Duranty, were seduced by official favors and access to high government circles into deliberately and shamelessly attempting to suppress the story of the famine, while writing fawning articles on Stalin's rule. For this Mr. Duranty was rewarded with Pulitzer prizes and the Order of Lenin.

None of the day's newspaper reports was able to grasp the enormity of the cataclysm. Today, reliable academic estimates place the number of Ukrainian victims of starvation at 4.5 million to 7 million. This dark event, which rivals in its magnitude the Jewish Holocaust and the massacre of the Cambodians by the Khmer Rouge, is still largely unknown outside the private memories of some survivors.

The famine was in part the byproduct of Stalin's relentless drive to collectivize Soviet agriculture. That starvation was artificially induced is beyond dispute. The famine was a clear result of the fact that between 1931 and 1933, while harvests were precipitously declining, Stalin's commissars continued to requisition and confiscate ever-increasing quantities of grain, much of it exported to Western Europe. Peasants were shot and deported as rich, landowning "kulaks." Most livestock perished from the lack of feed, some as a result of peasant attempts to resist collectivization. Cannibalism was not uncommon. Although no medical quarantine was declared and non-Ukrainians were free to travel into and out of the area, starving villagers who sought to flee areas stricken with famine and its resulting outbreaks of pneumonia, typhus, and tuberculosis were turned back at checkpoints controlled by Soviet patrols that scrupulously enforced newly imposed internal passport regulations.

While the drive to collectivize agriculture was a wideranging phenomenon common to the entire U.S.S.R., only in the Ukraine did it assume a genocidal character. Indeed, there can be no question that Stalin used the forced famine as part of a political strategy whose aim was to crush all vestiges of Ukrainian national sentiment. As he wrote, "The nationality problem is by its essence a peasant problem." The attack against the "kulaks," therefore, was viewed as an attack against the social basis of Ukrainian nationalism. Moreover, the famine was accompanied by an extensive purge in the cities of the Ukrainian cultural and political elite—whose leading activists had been the precursors of a national communism similar to that which later emerged in Tito's Yugoslavia and Gomulka's Poland.

Some might ask whether today it is worthwhile to dredge up the memory of yet another act of Stalinist barbarism. What can this event from a dim and receding past tell us that Solzhenitsyn's "Gulag Archipelago" has not? One might be tempted to say that nothing new can be learned from this secret horror. Yet the 1933 famine is important for both moral and political reasons.

There is of course our moral obligation to honor the memory of the nameless victims by depicting the truth. Moreover, it is important to understand the forced famine as a pivotal event in Soviet history, whose consequences remain to this day.

For the famine created a disastrous situation in Soviet agriculture from which the U.S.S.R. still hasn't fully recovered. Moreover, the famine eliminated a substantial segment of the U.S.S.R.'s non-Russian population, thus ensuring that the Soviet Union would remain for the next five decades a state dominated by an absolute Russian majority. Finally, the famine caused an enormous rift within the Ukrainian nation, which has long been nationally assertive. To this day, independent and national sentiment among Eastern Ukrainians is much lower than among Western Ukrainians (who, in 1933, as part of Poland, were spared the trauma of the famine and the Great Terror).

Yet despite the pivotal importance of the forced famine, for 50 years its full story has remained untold. Not one serious book on this tragedy is available in English.

Today—at a time when some would recast Soviet communism in a friendlier mold, the better to negotiate arms reductions with—may once again be an inopportune time to bring up the terrible loss of life and the painful trauma of the brutally scarred Ukrainian nation. Yet 50 years seems too long to remain silent about one of the greatest crimes in mankind's history.●

● Mr. FORSYTHE. Mr. Speaker, even from a distance of half a century, it is impossible to reflect on the unspeakable atrocity of the Ukrainian genocide without feelings of horror and outrage. That the Great Famine of the early 1930's in the Ukraine was manmade, and forcibly imposed on millions of innocent victims, makes the memory even more distressing. The reprehensible actions of the Soviet Government, which sought to bolster its industry at the expense of its agriculture, the sole sustenance of millions of peasants, by brutally collectivizing their farms and expropriating their grain and livestock, served also to crush the spirit of Ukrainian nationalism which was perceived as a threat to government stability. An estimated 7 million men, women, and children died during the famine; most who submitted to the dictates of the government starved to death, while those who resisted were either executed or exiled to hard labor camps, a death sentence in itself.

This appalling genocide went practically unrecognized by the world at large during its length, due in part to the closer-to-home woes of the Great Depression and in part to the refusal of the U.S.S.R. to admit that millions of its citizens were being starved to death. Now, 50 years later, the world should be made aware of the callous and inhumane attitude of the Soviet Union, which caused so much unnecessary suffering and death then and seems to have persisted from the nightmare reign of Stalin into the present day. In commemorating the anniversary of the Ukrainian Famine, we, as a Nation, should ponder more deeply the consequences of allowing unopposed the actions of a government which signed the Helsinki accords, yet continues to display such contempt for human life and the higher principles of morality, freedom, and justice, lest we forget, and in forgetting, leave unobstructed the way for ever more horrifying atrocities.●

● Mr. GREEN. Mr. Speaker, I am grateful to have this opportunity to make a few remarks in commemoration of the 50th anniversary of the famine in the Ukraine; a famine which was planned and orchestrated by the Soviet Union, which resulted in the death of over 7 million Ukrainian men, women, and children, and which has been little noted by the world.

It is this fact of the world's inattention which makes this special order and the special exhibit currently in the Cannon Building so important. For sponsoring these events, we owe a debt of gratitude to our colleagues, the gentleman from Pennsylvania, Mr. RITTER, and my colleague from New York, Mr. SOLOMON.

It is unfortunate that the Cannon exhibit has not been circulated to every world history class in this country. Entitled "The Soviet Planned Genocide in the Ukraine, 1932–33," the exhibit is on loan from the Ukrainian Research Institute of Harvard University. In just 15 minutes at this exhibit, a viewer gains a vivid picture of this catastrophe of 50 years ago.

Impossible grain quotas were imposed on the Soviet Ukraine by the Soviet Union in an effort to break the will and independence of the Ukrainian people. The result was a famine which killed millions of people. The Harvard exhibit states that, "Beginning in January 1933, the Ukrainian countryside became a vast death camp." At the same time, the Ukrainian Orthodox Church was banned and many of its priests and religious laypersons were executed or died in the Gulag. While the genocide of the Ukrainian people was not well recorded then or now, the New York Evening Journal and a few other papers ran headlines at the time proclaiming, "Soviets Starve Peasants to Death as Punishment," and "Villages Depopulated by Hunger in Ukraine."

The incredible thing is not that so many died in the famine, but that the spirit of the Ukrainian people was not broken. While to this day, the Soviet Union is trying to wipe out the language and culture of the Ukraine, the Ukrainian people continue to resist. I urge my colleagues who have not yet cosponsored House Concurrent Resolution 111, introduced in April by Representative SOLOMON, to do so at this time. This resolution, which commemorates the famine and expresses solidarity with the freedom-loving people of the Soviet Union, and this special order represents a lifeline of hope to the Ukrainian people. Thank you.●

● Mr. McGRATH. Mr. Speaker, ever since the Soviets shot Korean Air Lines flight 007 out of the sky there has been a preponderance of commentary by people of all walks of life and all political persuasions, about the brutal nature of the Soviet Government.

This fact is old news, particularly to the millions of victims of Soviet repression. The murder of 269 innocent people was barbaric, but Soviet history is replete with cowardly acts of violence. Perhaps no clearer example is that of the Soviet-induced famine in the Ukraine 50 years ago, which took the lives of 7 million people.

The figure boggles the mind! For what crime were these victims sentenced to slow but sure death by starvation? Merely for desiring an independent Ukrainian nation. Freedom, in accordance with Soviet paranoia, must be snuffed out at all costs. Therefore, 7 million men, women, and children were forced to watch as their fertile land was raped and ravaged by Soviet authorities, and as their families, friends, and community were immediately wiped out for resisting, or slowly liquidated while trying to survive despite the inhumane suffering imposed upon them.

Little was known of this atrocity 50 years ago. For just as the Soviets attempted to deny shooting down flight 007, they tried to deny their alarmingly effective effort to "russify" the Ukraine. However, the overwhelming evidence in both cases would not permit them to hide cowardly behind the veil of innocence.

Today's special order which commemorates the tragedy of 50 years ago is of the utmost importance and significance. Focusing attention on this grisly deed assures that its millions of victims did not die in vain, while reminding ourselves of its occurrence, forces us to remain aware that the Soviet Union cannot be trusted. The concepts of human rights, dignity, and freedom appear only to exist in the Russian mentality in terms of their violation.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in commemorating the 50th anniversary of the genocidal famine in Ukraine caused by the Communists, who deliberately let almost 8 million men, women, and children starve to death.

In the early 1930's Stalin decided to transform the Soviet Union into a communistic industrial society in the shortest time possible, with absolutely no concern about the cost to human life. Ukraine was especially selected by the Kremlin to be punished for its strong opposition to Stalin's plans which included the collectivization of agriculture. This imposed communism-invoked massive resistance on the part of the brave Ukrainian people, for whom the principles of ownership of private property, self-determination, and freedom, were deeply embedded in their national, social, and religious upbringing.

In an attempt to break this resistance, the Communists resorted to brute force and oppression. Officials in Moscow issued stern decrees calling for the immediate execution by firing squard of those caught gathering wheat from the fields, and the Communist government of the Ukrainian SSR in Kiev extended this severe restriction to apply to the gathering of any crop. Ukrainians soon were dying by the thousands, as the Soviets attempted their "final solution" for terminating notions of Ukrainian independence and sovereignty.

At this point in the RECORD, I would like to include an excerpt from the publication entitled, "50 Years Ago: The Famine Holocaust in Ukraine; Terror and Human Misery as Instruments of Soviet Russian Imperialism," prepared by the World Congress of Free Ukrainians, which includes eyewitness accounts of this Communist atrocity committed against Ukrainians. The excerpt follows:

To implement these inhuman decrees during the harvest of 1932 Moscow dispatched to Ukraine thousands of Communist agents, members of the Comsomol and armed detachments of the Red Army, and the GPU, who indiscriminately confiscated all the grain and food products they could find anywhere. This food, literally a matter of life or death to the Ukrainians, was transported by freight cars to the Russian SFSR and subsequently exported abroad. From the proceeds of its sale, the Kremlin was buying industrial machinery and equipment abroad for the "rapid industrialization" of the USSR.

This barbarous genocidal policy soon led to a shocking and unprecedented famine in Ukraine! The average diet disintegrated to meager rations of potatoes, beets, and pumpkins.

An eyewitness, who is still alive on the North American continent and who was a teen-ager during the man-made famine, stated:

". . . I am a son of a farmer from the once prosperous Poltava region . . . We joined the collective farm when our neighbors did and our land, horses, cows and farm implements were taken away. Three months later we were notified that we had been classified as 'kurkuls' and that we had to vacate our house.

"Before we were hustled out of our home, my father managed to conceal some grain in the leggings of his boots, and we lived on this for a few days in the hamlet. Then came the ordeal of hunger.

"There was no food, and our bodies began to swell. This was at the time when hordes of 'grain collectors' invaded the villages and searched for concealed stores in the ground, in granaries, stables, orchards, fields, even wells.

"My father died on the road near the hamlet, and his body lay there for ten days: nobody buried him, for the dead lay scattered everywhere. My mother could not bury him because she too had become swollen with hunger; her body was covered with sores and she was very weak.

"I don't know where and when my father was buried. After his death, one day my mother and three little sisters joined him . . .

"All of us were small, we could not bury our mother and sisters, and their bodies lay

in the house a long, long time. Three other sisters and I were still alive, but we could not walk, only crawl.

"We could crawl thus to our mother and lie beside her. When about two weeks later, our mother's body began to move with a mass of maggots, we managed to roll it onto a ladder and drag it out of the house."

So did the Ukrainians die by the thousands. Despite police blocks, thousands upon thousands were fleeing to the cities in desperate search of food, but finding none, they collapsed and died on the streets of Kiev, Kharkiv, Odessa, and other cities of Ukraine.

From the "breadbasket" which Ukraine still was, starving people began traveling in ever-growing groups to neighboring areas, especially to the Russian SFSR, where there was no famine to speak of!

Macolm Muggeridge, noted British journalist—who is still with us today—traveled in Ukraine at that time. He wrote:

". . . A merciless war is being waged by the Soviet government against the peasants. The battlefield is truly ruined, but the struggle is going on. One can see . . . millions of peasants dying from hunger, and the soldiery of the GPU implementing the orders of the proletarian revolution. They have thrown themselves upon Ukraine as famished vultures. They have executed and deported millions of peasants, sometimes entire villages. Thus they have succeeded in transforming the richest country in the world into a desert, full of melancholy . . ."

The New York Times, reporting in its issue of September 21, 1953 on the Ukrainian "Memorial Manifestation" on the 20th anniversary of the man-made famine in Ukraine, held in New York City, quoted the late Prof. Rafael Lemkin, author of the U.N. Convention against genocide, as saying that the Moscow-instrumented famine in Ukraine in 1932-1933 was a deliberate and political genocide directed against the Ukrainian nation as such.

And, indeed, it was genocidal in its attempt to extirpate a whole people.

This manmade famine was a tragedy of tremendous proportions, as the Communists systematically tried to wipe out the culture and spirit of the Ukrainian people. Although today, hundreds of political prisoners are incarcerated simply because of their desire for freedom, the Soviets have been unable to crush Ukrainian aspirations for a free nation.

As we commemorate this famine, it is also fitting to remind the world about the plight of Yurij Shukhevych, who has been held a prisoner since 1948 because he has continually refused to denounce his late father, the Commander in Chief of the Ukrainian Insurgent Army. Despite his poor health and blindness, Shukhevych remains firm, and stands as a source of inspiration to Ukrainians all over the world. I urge the Soviet authorities to honor their obligations under international law, and immediately release him, and allow him to emigrate so that he may live the rest of his life free from tyranny and oppression.

Mr. Speaker, in commemorating the genocidal Ukrainian famine of 1932-33, it is my privilege to join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I am honored to represent, and Ukrainian Americans all over this Nation. The sad fate and memory of the innocent victims of Communist aggression will not be forgotten, as the Ukrainian people, and Ukrainian prisoners of conscience, continue in their heroic struggle to achieve freedom and sovereignty for their beloved country. We look forward to the day when democracy will ultimately triumph over tyranny, and Ukraine will once again take its rightful place in the community of free nations.

● Mr. GEJDENSON. Mr. Speaker, today I join with my colleagues in commemoration of the 50th anniversary of one of the most brutal crimes in human history—the Ukrainian famine of the 1930's. An estimated 7 million Ukrainians died in the man-made disaster, but despite its barbarity and its magnitude, the fate of the Ukrainian people under Stalin has often been forgotten by history.

The famine, which swept the Ukraine and other agricultural areas of the Soviet Union, was induced by Stalin's industrialization and collectivization policies, and callously manipulated to crush rural resistance. Starvation and the epidemics which accompanied it were used as a weapon of terror against the peasantry. While men, women, and children starved by the millions in the countryside, grain continued to be transported to the cities and shipped abroad to help finance a massive industrialization program. Soviet leaders refused even to acknowledge the famine's existence, and most of the rest of the world remained unaware of the truth.

But, if we forget this act and allow it to fade into obscurity, we compond its evil. The 7 million victims cannot write their own histories or prevent a recurrence of the crime. For the sake of those who died, and for those who continue today to struggle for human rights under the threat of repression and death, it is up to us to insure that this atrocity is not forgotten.●

● Ms. FIEDLER. Mr. Speaker, today we mark the 50th anniversary of the Soviet genocide in the Ukraine. Seven million Ukrainians died in famines and massacres inflicted by the Soviet regime. Millions more from other national groups—Jews, Byelorussians, Russians—also died in this horror, which may have cost up to 10 million lives.

William Butler Yeats wrote that "the ultimate reality of life is the horrible." The 20th century has been an era of genocide and killing. It started in 1915 when the Ottoman Empire first merged the technology of the modern world with the most ancient hatreds in the human soul. The Armenian genocide was where the world we live in now today began. The Ukraine became another step on the path of horror that has stretched across history since then, a path that includes the extermination camps of Hitler's Germany and the autogenocide of Pol Pot's Kampuchea.

The Soviet Government killed those millions of people because it thought it was inconvenient that they be alive. The collectivization of agriculture, in the Soviet views, required the liquidation of those who owned land or livestock. After all, they were "dying classes", because under the laws of Marxist-Leninist economics they were going to die out anyway, just as the Jews were a "dying race" under the equally insane laws of Nazi eugenics.

The Ukrainian genocide was not an aberration, a moment of Stalinist excess, something the Soviet Government regrets in its past. The Soviets do not reject Stalinism. They embrace it as glorious and a guide to future policy. The methods Stalin used in the Ukrainian famine and later in the Great Purge and a whole galaxy of greater and lesser horrors are an integral and intrinsic part of the nature of the Soviet state. They are as unrepentant over the deaths of 7 million Ukrainians 50 years ago as they are over the deaths of 269 people on Korean Air Lines flight 007. To the Soviets, human life is only valuable to the extent that it serves the Soviet state. Lives are basically meaningless. Only the state has meaning and value. Lenin himself wrote: "We must hate—hatred is the basis of communism." The men, women, and children who were killed in the Ukraine were, like the passengers on flight 007, or the Afghans, or the Jewish refuseniks, "class enemies." That is the essence of the Soviet totalitarianism.

When the Ukrainian genocide was going on, there were many who refused to believe in it, who thought that Soviet motives were only of the purest, that these 7 million people were not in any way fit to stand in the way of the march of socialism by the act of staying alive. The story of the Western apologists for Soviet crimes is a very discouraging one. Like the crimes themselves, they did not end in the Ukraine, but go on today. The apologists can do as much damage to freedom as the criminals themselves.

The struggle for human rights in the Ukraine is still going on. In 1976, the Ukrainian Helsinki Monitoring Group was founded to watch the human rights situation in the Ukraine. The group found there were no rights to monitor—all of its 37 members are now in prison or exile. Yet this shows that even the Ukrainian genocide and 60 years of Soviet repression have not killed the Ukrainian people's willingness to stand up for freedom and human dignity, whatever the cost. That is what we should remember on

this, the 50th anniversary of the Ukrainian genocide.●

● Mr. FISH. Mr. Speaker, several million people died of starvation in the Ukraine in 1932 and 1933. The Government of the U.S.S.R., although being fully aware of the famine, failed to take any relief measures. In fact, it is alleged that the Soviet Government was directly responsible for the curtailment of all food to the Ukraine.

The result of this artificial famine, was the destruction of the political, cultural, and national rights of the people of the Ukraine. To commemorate this atrocity, the League of Ukrainian Organizations to Commemorate the Genocide of 1932-33 gathered on May 22, in Phoenix, Ariz. It is important that we remember these events of persecution in our society, in order to guard against their reoccurrence.

On May 28, 1934, my father introduced a resolution in the House of Representatives, 73d Congress, to express the sense of the House that the U.S.S.R. should place "no obstacles in the way of American citizens seeking to send aid in the form of money, foodstuffs, and necessities to the famine-stricken regions of the Ukraine."

The resolution also stated "intercessions have been made at various times by the United States during the course of its history on behalf of citizens of States other than the United States, oppressed or persecuted by their own governments, indicating that it has been traditional policy of the United States to take cognizance of such invasions of human rights and liberties."

Congressman GERALD SOLOMON and I have introduced House Concurrent Resolution 111 to commemorate the Ukrainian famine of 1933. Fifty years after 6 million people died from an artificial famine, the horror still escapes the attention of the general public.

Mr. Speaker, a policy of murder is a blot on the public conscience. It is critical that such a ruthless act not be left unnoticed. The full light of public scrutiny must be cast upon the oppression of the Soviet system.●

Mr. RITTER. Mr. Speaker, some 20 or so Members have participated in this special order with me and I thank them and all the members of the Ukrainian American community offer their thanks.

GENERAL LEAVE

Mr. RITTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GOLDEN JUBILEE OF BISHOP JOHN J. DOUGHERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

● Mr. RODINO. Mr. Speaker, last Saturday, I had the honor and privilege to be among the many friends and admirers of the Most Reverend John J. Dougherty, auxiliary bishop of Newark, for the celebration of the golden jubilee of his ordination to the priesthood.

For 50 years, Bishop Dougherty has devoted himself to the well-being of his fellow man as a priest of God. I am grateful to him for his good works and his words of wisdom that have served to inspire so many of us and to guide so many of us in our own endeavors. I am honored to call him friend.

The observance of this momentous occasion began with a solemn and moving concelebration of a Mass of thanksgiving in the Cathedral of the Sacred Heart in Newark. The Most Reverend Peter L. Gerety, archbishop of Newark, presided and delivered the homily. Bishop Dougherty was the principal celebrant. Concelebrants were his brother bishops of the State of New Jersey and brother priests of the archdiocese.

That evening, there was a reception and dinner attended by some 1,500 persons honoring Bishop Dougherty and his illustrious career at Seton Hall University, the bishop's alma mater and the institution that he served as president for 10 years. At the dinner, the Most Reverend Joseph A. Francis, a fellow auxiliary bishop, delivered a most eloquent keynote address in which he beautifully captured the essence of this outstanding man as:

Theologian, scholar, university president, this international ambassador of good will, painter, poet, preacher, peacemaker, compassionate friend of the poor and the rich, counsel to those in high places and in lowly estates, comforter of widows, orphans and outcasts—educator and much, much more.

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At the dinner, I was singularly pleased to present personally to Bishop Dougherty a warm letter of congratulations from President Reagan.

Mr. Speaker, under unanimous consent, I would like to include in the RECORD at this point the letter written by the President, the text of Bishop Francis' grand tribute to his brother bishop, and the inspiring jubilee prayer written by Bishop Dougherty for this celebration.

THE WHITE HOUSE,
Washington, Sept. 23, 1983.

His Excellency,
Most Reverend JOHN J. DOUGHERTY,
Auxiliary Bishop of Newark, Newark, N.J.

YOUR EXCELLENCY: Nancy and I send our warm congratulations on the Golden Anniversary of your ordination into the priesthood.

There is no higher calling than the solemn purpose to which you have devoted your life—the spiritual needs of your fellowman. For the past half century, you have dedicated yourself to the service of God, and in so doing, you have brought countless souls closer to God.

With our prayers that the good Lord will continue to inspire and guide your ministry in His name. God bless you.

Sincerely,

RONALD REAGAN.

THE MOST REVEREND JOHN J. DOUGHERTY'S 50TH ANNIVERSARY, KEYNOTE ADDRESS GIVEN BY MOST REVEREND JOSEPH A. FRANCIS, D.D., SVD

Greetings: Bishop Dougherty's invitation to address you tonight has done several remarkable, frightening, enjoyable things to me. What remarkable things? Just to be invited to deliver this talk is remarkable—considering the source of the invitation and the large number of eloquent men and women from whom he could have selected as speaker—what frightening things? When one addresses the friends of Bishop Dougherty at his 50th sacerdotal anniversary banquet—one can actually feel the ears of the world are listening and the eyes of the world are focused on the speaker. What enjoyable things? I have relished every moment since my brother Bishop John asked me to do the honor—and tonight, I hope you will share my joy.

What shall I say about this bishop, this theologian, scholar, university president, this international ambassador of good will, painter, poet, preacher, peacemaker, compassionate friend of the poor and the rich, counsel to those in high places and in lowly estates, comforter of widows, orphans and outcasts—educator and much, much more?

I have known about Bishop Dougherty for many years, I have come to know Bishop Dougherty in the past seven and a half years. I had, for many years, loved what he said as a radio and television personality and preacher—as a writer and a scholar. I have admired and been motivated by what he accomplished in his efforts on behalf of peace and justice—but in the past seven and a half years I have learned to love not merely what he has said and done—I have learned to love the man John Dougherty.

During the past several weeks as this talk was bubbling inside of me—struggling to get on paper—I thought of so many impressive things I would say—scholarly things that would beguile this audience. But the closer I came to putting pen to paper—the more I was confronted with the visage of John Dougherty hovering over me, reminding me gently and saying to me: "Now remember Joe, my boy (I allow him to call me boy) less is often more. And if I had my choice between more or less of what you have to say—I would take less." Hence, I looked for less in order to say more. But where could I find a composite of the man—a composite stripped of shame and touching up—a composite that bared the soul of this priest of fifty years—this man—this lover? I remembered that one of my mentors once told me that the soul of a person is most easily and accurately discovered and viewed in a persons thoughts. Thoughts exposed in stone, on canvas, in song, in musical compositions, in essays, speeches, poems—prayers—yes, prayers. The most accessible thought of Bishop Dougherty available to me was in a prayer. I have prayed this prayer many times. The auxiliary bishops pray it before

all of their meetings. And so I turned to the prayer to catch a glimpse of the soul of the person in whose honor we are gathered this evening.

I began to understand how he could be like so many of the beloved men and women of the bible—wrestling with God like Jacob—wrestling to know God in the mysterious—ever evolving and revealing story of the Bible—leading his people like Moses even and especially when they were stubborn and reluctant to follow—standing like a small David against the Goliaths in Government, in the private sector and even in the church—because he believed so firmly in truth, justice, liberty and peace.

How so much like Job, my friend has been in the past several years when the hand of God touched him with illness. Of all the sermons you have preached, John: of all the speeches you have ever delivered: of all the learning you have shared with your students: of all the witness you have ever given—your lost eloquent sermon, your most profound speech: your most important lesson and your most authentic witness has been the sermon, the speech, the lesson, the witness you gave us by the manner in which you modeled for us a suffering, redeeming Christ. You could have, you must have cried out with Job.

"This I know: That my Redeemer lives and He, at last will take His stand on Earth.

"After my awakening he will set me close to Him, and from my flesh I shall look to God.

"He whom I shall see will take my part: These eyes will gaze on Him and find Him not aloof."—Job, 19:25–28.

I see John proclaiming with Mary his praise of the Lord—who has done great things to Him, through Him and with Him. Like Joseph—the foster-father—never the real Father, never being the real father of his own diocese—yet exercising a loyalty and commitment to his archbishops and serving his people in exceptional and marvelous ways.

Like St. Paul—preaching Jesus Christ crucified—in season and out of season—like St. John who understood all about loving people equaling loving God.

The following episode is but a pradigm a parable of what our jubilarian is really like—it is a glimmer of his soul—peeping out of his prayer—the window of that soul.

Bishop John Dougherty customarily greeted his people after services and often before services. On one occasion, a mother came bounding up the stairs with a five year old girl matching her step for step and bound for bound. There were laughter and merriment in the eyes of mother and child—something which is difficult for most of us to ignore and absolutely impossible for John Dougherty. So, as the couple approached John, he shouted—as only John can shout with dignity: "Hello, my dears—how are you today?" the little girl shouted back as only little girls with laughing eyes can shout: "Hi Jesus" if the mother was shocked, she didn't show it, her eyes didn't show it. They continued to laugh and smile, John's eyes did an Irish jig and he was obviously delighted. He had to know this perceptive child was obviously recognizant to character when she saw it. So John presed on. "What is your name, dearie?" he asked. "Nancy, Jesus; like Nancy with the laughing eyes," "Huh," responded John. For some strange, but explainable reason, as I shall soon explain, this episode repeated itself for almost three weeks in a row. In the fourth week, the young mother stopped short of the church, knelt beside Nancy and admonished her. "Look dear," she said solemnly, but ever so kindly, "We are going into God's house and Jesus is there, but the very kind and charming man who greets us whenever we come to church is not Jesus, he is a priest, a bishop and his name is Bishop John Dougherty, not Jesus." Nancy with the laughing eyes, said: "Yes mom, I know he is not Jesus, but he sure likes to hear me call him Jesus."

Yes, Nancy, like so many of us, had caught a glimpse of the soul of our honoree. She saw something which I found in his prayer. She recognized the Bishop, who is shepherd, she saw someone who has tried for so long, so well, has tried to heal the sheep who are wounded, who has again and again touched the sheep in pain, who at great personal involvment and with such care cleansed the sheep who were soiled and unattractive, who by his compassion and his love for others warmed the sheep who were cold.

Nancy, like those of us who know Bishop Dougherty, recognized in some small childish way the Father's love, through John the shepherd, because the spirit of the Lord is upon him. He had been called and responded so well to that call, that call so well articulated by the prophet Isaiah.

"Thus says God, Yahweh, he who created the heavens and spread them out,

Who gave shape to the Earth and what comes from it,

Who gave breath to its people and life to the creatures that move in it:

I Yaweh, have called you to serve the cause of right:

I have taken you by the hand and formed you:

I have appointed you as covenant of the people and light of the nations, to open the eyes of the blind, to free captives from prison and those who live in darkness from the dungeon."

Did Nancy with the laughing eyes really see all this? Maybe not, but all she had to see was the Jesus in John Dougherty, and surely that was not too difficult an image to bring into focus, not for Nancy, not for any of us.

A few weeks ago, I was doing what I am doing with a lot more frequency, studying the life and times and sayings of Dr. Martin Luther King, Jr. A friend of mine, a black sister by the name of Sister Roger Thibodeaux, from my home diocese, sent me a well worn and well read paperback entitled "The Wisdom of Martin Luther King in His Own Words." There are just two endorsements on the second page of the book. One is from the New York Times and the other which reads:

"May his spirit rise to haunt the hearts and minds of all Americans until we have won the victory for which he gave his life," signed by Auxiliary Bishop John J. Dougherty.

Yes, John J. Dougherty has been, is and will always be a part of our struggle, seeking to be victorious in the struggle for which Martin Luther King, Jr., gave his life, and Jesus before that and for which thousands of men and women, yes, even children gave their lives, not simply by dying, but by living and being prepared to die for the love of Jesus and Jesus' brothers and sisters.

The very last selection in the book is Martin Luther King's eulogy, written by himself. I want to quote that eulogy, because it helps me, at least, to grasp more fully the image of John's soul, which I have tried to share with you. In that self-articulated eulogy Martin Luther King, Jr., is saying what I said John would say: "Joe, my boy 'less is more.'"

"Every now and then I guess we all think realistically about that day when we will be victimized with what is life's final common denominator, that something we call death.

"We all think about it and every now and then I think about my own death and I think about my own funeral. And I don't think about it in a morbid sense. And every now and then I ask myself what it is that I would want said and I leave the word to you this morning.

"If any of you are around when I have to meet my day, I don't want a long funeral.

"And if you get somebody to deliver the eulogy tell him not to talk too long.

"And every now and then I wonder what I want him to say.

"Tell him not to mention that I have a Nobel Peace Prize, that isn't important.

"Tell him not to mention that I have 300 or 400 other awards, that's not important. Tell him not to mention where I went to school.

"I'd like somebody to mention that day that Martin Luther King, Jr., tried to give his life serving others.

"I'd like for somebody to say that day that Martin Luther King, Jr., tried to love somebody.

"I want you to say that day that I tried to be right and to walk with them. I want you to be able to say that day that I did try to feed the hungry. I want you to be able to say that day that I did try in my life to clothe the naked. I want you to say on that day that I did try in my life to visit those who were in prison.

"And I want you to say that I tried to love and serve humanity.

"Yes, if you want to, say that I was a drum major. Say that I was drum major for justice. Say that I was a drum major for peace. I was a drum major for righteousness.

"And all of the other shallow things will not matter. I won't have any money to leave behind. But I just want to leave a committed life behind. And that is all I want to say. If I can help somebody as I pass along, if I can cheer somebody with a well song, if I can show somebody he's traveling wrong, then my living will not be in vain."

Yes, my friends, yes John, I didn't go into an enumeration of all the great deeds you have done, all the honors you have received, the names of the schools you attended, the brilliant leadership you have exercised in national and international enterprises, the learned societies to which you belong. I only want to say that you are indeed, a drum major for the Lord, a drum major for peace, for racial equality, for all those who need a voice to amplify their cries for help, for recognition, for love and understanding. I only want to remind all of us and in so doing thank you for helping us to know the Father's love through Jesus the Shepherd and through the spirit in helping us to build love on justice and justice on love. In encouraging us, in challenging us, in leading us to believe mightily, to hope joyfully, to love divinely.

And so tonight, we offer you what is only ours to give, it's the most precious thing we can offer, we give you our love!

JUBILEE PRAYER

May my prayer rise
Like incense
With the fragrance of thanksgiving,

For Thee Jesus through whom I have known the Father,
For the Spirit
Gift of the Father and the Son,
For the Eucharist and Holy Orders;
For brother sun
And sister moon
And gentle rain,
For lilies of the field
And birds of the air,
For family and friends and little children
Companions of the pilgrimage;
For illness and healing,
For teachers and books and students
And strange and distant places.
And O my God
For Thee.—John J. Dougherty.●

GENOCIDE VICTIMS IN THE UKRAINE, 1933

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

● Mr. ADDABBO. Mr. Speaker, just over 50 years ago, the Soviet Union embarked upon a brutal policy of collectivization in an effort to unite the peasant countryside under the Soviet regime.

In the Ukraine, this policy meant deliberate genocide through manmade famine. The horrifying deaths of as many as 7 million Ukrainians, during this time, raises a terrible specter the world is reluctant to acknowledge or recall.

Disaster on such a scale is always difficult to comprehend, but we must do just that, for only that way can we guard against its recurrence. While the Soviets extracted grain from the area at a preposterously high rate that remained constant, despite drastic declines in the land's fertility, the Western World, incredibly, remained largely oblivious to the mass starvation and disease destroying the Ukrainian people.

The West closed its eyes to the pictures painted in excruciating detail by the few Western jounalists able to break through the lies of Soviet authorities and see for themselves the horror of an area gripped by famine.

It is our responsibility now, when the facts of this case can no longer be hidden, to let those facts be known. Fifty years later, we must recall those millions of nameless victims in such a way as to give meaning to otherwise meaningless deaths. We must understand this tradegy in its enormity, and denounce the capability of man to unleash such inhumanity against man.●

NATIONAL VETERANS SERVICE OFFICE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to assist our Nation's veterans in obtaining their rightful benefits. My bill would establish a grant program to assist State governments in providing veterans with advice and assistance concerning State and Federal veterans programs and benefits.

As Members of this body know only too well, congressional offices today shoulder an awesome responsibility in assisting constitutents in their day-to-day dealings with agencies of the Federal Government. We are all familiar with lost social security checks and relatives seeking entrance visas. The same applies to veterans and their dependents applying for benefits or enrolling in programs administered by the Veterans' Administration.

Such constituent services have become a vital function of every congressional office and have greatly improved the popular perception of government in general. At the same time, considerable expertise is required to advise veterans on the complexities of VA programs and to offer counsel in preparing or appealing claims. One is left with the impression, moreover, that there are literally hundreds, if not thousands, of veterans in every congressional district who are altogether unaware of services and benefits they may have earned, based on their military service.

In recent discussions with veterans' officials in my home district, it was stated time and again that benefits are continually denied because of poorly prepared claims. Outreach efforts by the Veterans' Administration to alert veterans to regulation changes or new programs are simply too limited to satisfy the present need. It should also be kept in mind that as the average age of veterans continues to increase, greater numbers of veterans will become eligible for "nonservice" benefits, such as the VA disability pension program.

My home State of California is one of but a handful of States to offer veterans, through a network of county veterans' service offices, advice and assistance concerning veterans programs. County offices around the State are open to advise veterans of benefits for which they may be eligible and to assist in preparing or appealing claims. Serving as an advocacy agency, county veterans service offices offer hope to veterans in approaching the formidable bureaucracy of the Veterans Administration which has discouraged many legitimate claims.

Despite recent reductions in State funding, the results of California's program have been dramatic: Veterans, long disenchanted with the Veterans Administration, have found new hope in seeking medical care and other services they have rightfully earned. Moreover, county offices work closely with local veterans' service organizations in providing a broad range of services—including job information and counseling—outside those sponsored by the Veterans' Administration.

Mr. Speaker, it is time that we expand upon the example of my home State and pool all available resources in counseling veterans concerning the myriad of ever-changing laws and regulations affecting their lives.

Accordingly, I am today introducing legislation which would provide a 3-year authorization for matching Federal funds to assist States in providing these needed services. Under my plan matching funds would begin with an 80–20 (Federal-State) contribution decreasing to a 50–50 match after 3 years. The higher Federal contribution in the early years would encourage those States presently lacking veterans service programs to offer such services, while assisting the other States in strengthening existing programs.

To be eligible for matching funds under the program I propose, State governments would be required to submit a grant request to the Veterans' Administration. Such a request would have to include a detailed description of services to be offered and plans for coordinating efforts with local veterans' service organizations. In keeping with the California model, the actual delivery of services to veterans under the program would be managed at the local level, tailored to local needs and resources.

Mr. Speaker, we as a Nation owe a special debt of gratitude to the men and women who have served in our defense. The many veterans programs enacted by Congress underscore the strength and depth of this unique commitment. It is time that we move forward to ensure that veterans receive all the benefits to which they are entitled by law, and which they so justly deserve.

I urge all my colleagues to join me in supporting this timely legislation.

The text of my bill is as follows:

H.R. 4016

A bill to amend title 38, United States Code, to establish a grant program to provide assistance to States in providing veterans with advice and assistance concerning veterans benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section.

"§ 247. Assistance to States in providing veterans information and assistance services

"(a) The Administrator shall establish a program to provide assistance to State governments in providing funding for programs of veterans services established by a State (or by units of local self-government of the State) for the purpose of advising and assisting veterans in matters concerning veterans benefits.

"(b) (1) Assistance under this section shall be provided by grants made after submission to the Administrator of an application

for such a grant. Any such application shall describe the State's existing program of veterans services (or describe the State's proposal for a program of veterans' services) for which the grant assistance is requested, shall specify the amount of grant assistance requested, and shall be in such form and contain such additional information as the Administrator may require. The application shall also include a plan for coordination of the State veterans services assistance program with the activities and programs of local veterans service organizations.

"(2) The state plan included in the application must show to the satisfaction of the Administrator—

"(A) that the actual delivery of services to veterans under the program will be managed at the local level;

"(B) that local authorities will determine the details of the advice and assistance to be provided to veterans under the State program; and

"(C) that local authorities will assume a portion of the costs of the administration of the program.

"(c) A condition of approval of a grant under this section shall be that—

"(1) during the first fiscal year for which funds are available for grants under this section, the State to which the grant is made must match the grant by an amount equal to one-fourth of the grant;

"(2) during the second fiscal year for which funds are available for grants under this section, the State to which the grant is made must match the grant by an amount equal to one-half of the grant; and

"(3) during the third and subsequent fiscal years for which funds are available for grants under this section, the State to which the grant is made must match the grant by an amount equal to the amount of the grant.

"(d) The Administrator shall prescribe regulations to be used in evaluating applications for grants under this section and to be used in the administration of the program established by this section.

"(e) There is authorized to be appropriated to the Veterans' Administration for grants under this section the sum of $10,000,000 for fiscal year 1984, $8,000,000 for fiscal year 1985, and $6,000,000 for fiscal year 1986.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"247. Assistance to States in providing veterans information and assistance services.".●

MAJOR DROUGHT RELIEF PROGRAMS CURRENTLY AUTHORIZED BY LAW

(Mr. JONES of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Tennessee. Mr. Speaker, as my colleagues in the House know, our farmers in 1983 have experienced the worst drought since the Dust Bowl. Probably about 2,000 agricultural counties have been impacted and at least half have serious losses.

Secretary John Block called a special meeting in Chicago Labor Day weekend to announce that the administration would take no extraordinary steps to address this problem. Last week the Secretary relayed that same message to the Agricultural Committees of the House and Senate.

At both meetings, I urged the Secretary to use his discretionary authority to help drought-stricken farmers. Some of my colleagues have introduced various legislative solutions but without administration support it appears it would be a wasted effort to proceed legislatively.

Under the circumstances I am asking my colleagues to contact President Reagan and Secretary Block and urge them to make appropriate use of existing authorities.

For your use here is a list of those emergency authorities and their status as far as I can tell:

MAJOR DROUGHT RELIEF PROGRAMS CURRENTLY AUTHORIZED BY LAW

(1) FmHA Emergency Disaster Loan Program.—Production loss loans available to farmers having 30 percent loss of production due to disaster, in amount equal to 80 percent of actual loss, at interest of 8 percent for those unable to obtain credit elsewhere and market rates for the creditworthy.

Status.—As administered, loans available only in designated disaster counties. (GAO and Committee believe Act makes loans available to farmers meeting eligibility standards without regard to county designation; H.R. 1190, passed by House and pending in Senate, makes this clear). As of September 15, designations requested for 964 counties; Secretary has designated 121 counties.

(2) CCC Disaster Payment Program.—Payments authorized to producers of wheat, feedgrains, cotton and rice who participate in acreage limitation or set-aside programs if Secretary finds the producers have, due to disaster, suffered substantial production losses creating an economic emergency and that crop insurance either is not available or is insufficient to meet emergency.

Status.—Program has not been implemented.

(3) Grazing and Haying of Conservation-Use Acreage.—Secretary authorized to allow grazing or haying of wheat, feedgrains, cotton and rice acreage retired from production under certain circumstances.

Status.—Program has been implemented in numerous areas.

(4) Crop Insurance.—Expanded crop insurance coverage available under 1980 amendments to Crop Insurance Act, though participation by farmers is low. No assistance available to those who did not acquire insurance prior to drought loss.

Status.—Program has been implemented.

(5) CCC Emergency Feed Program.—Secretary authorized to reimburse livestock and poultry producers for up to 50% of cost of feed purchased commercially if producers, because of disasters, have suffered substantial loss in feed production, lack adequate feed, and must, therefore, make larger than normal feed purchases.

Status.—Program has not been implemented.

(6) CCC Livestock Feed Program.—CCC is authorized to (1) donate its commodities to relieve distress in areas where Presidentially declared disaster exists (rarely done in case of drought); (2) make its feed available at reduced prices to those who, in areas where disaster emergency exists, do not have and cannot obtain without financial hardship sufficient feed for cattle; or provide for feed dealers to make feed available to such persons with CCC replacing with any feed it owns; and (3) purchase feed for disposition in connection with any emergency determined by the Secretary to warrant assistance. (While PIK has depleted regular CCC stocks, a 75 million bushel disaster reserve is authorized.) Federal Emergency Management Agency (FEMA) has similar authority.

Status.—Program has not been implemented.

(7) Small Business Administration Loans.—Through September 30, 1983, SBA Physical Disaster loans are available to farmers only if they are refused FmHA disaster loans. Unless legislation is enacted by that date, farmers will again become eligible for such loans on October 1.

Status.—As practical matter, program not now available to farmers.

(8) FmHA Economic Emergency (EE) Loans.—While technically not disaster assistance, EE loan program designed for farmers unable to obtain credit elsewhere due to economic stress, which could be attributable to drought. Interest rate on insured loans not to exceed cost of money plus one percent. For fiscal 1983, guaranteed EE loans are authorized (though Administration disagrees). U.S. District Court has held Secretary's refusal to implement program for fiscal 1982 was arbitrary, capricious, and abuse of discretion, and has indicated it will order Secretary to make insured and guaranteed loans available in the amount of $600 million which he failed to make available in Fiscal 1982.

Status.—Program has not been implemented.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

To Mr. COELHO (at the request of Mr. WRIGHT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WAXMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. RODINO, for 15 minutes, today.
Mr. ADDABBO, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, prior to final passage on House Joint Resolution 364, today.

Mr. PURSELL, to revise and extend his remarks before the vote on the continuing resolution, with respect to

the use of appropriated funds for the desegregation program.

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. FRANKLIN.
Mr. BETHUNE.
Mr. BILIRAKIS.
Mrs. JOHNSON.
Mr. KEMP.
Mr. FIELDS in two instances.
Mr. RUDD.
Mr. GILMAN in two instances.
Mr. COURTER.
Mr. KINDNESS.
Mr. MARRIOTT.
Mr. MOORHEAD.
Mr. PHILIP M. CRANE.
Mr. RINALDO.
Mr. CONTE.
Mr. SKEEN in two instances.
Mr. LIVINGSTON.
Mr. GRADISON.
Mr. PACKARD.
Mr. HILER.
Mr. BROOMFIELD.
Mr. BLILEY.

(The following Members (at the request of Mr. WAXMAN) and to include extraneous matter:)

Mr. PEPPER in two instances.
Mr. FLORIO in two instances.
Mr. MCHUGH.
Mr. GAYDOS.
Mr. LEVITAS.
Mr. MRAZEK.
Mr. FEIGHAN.
Mr. DORGAN.
Mr. FASCELL in three instances.
Mr. HAMILTON.
Mr. APPLEGATE.
Mr. ROWLAND in two instances.
Mr. MATSUI.
Mr. RAY.
Mrs. BURTON of California.
Mr. RODINO.
Mr. ROE.
Mr. RICHARDSON.
Mrs. SCHROEDER in two instances.
Ms. KAPTUR.
Mr. CONYERS.
Mr. STARK.
Mr. SHANNON.
Mr. BARNES.
Mr. HARKIN.
Mr. SISISKY.
Mr. GEJDENSON in three instances.
Mr. AUCOIN.
Mr. ECKART.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1146. An act to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes; to the Committee on Public Works and Transportation.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes; and

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, September 29, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1914. A letter from the Secretary of Defense, transmitting a report on the strategic significance of materials and minerals found in the "Special Mining Management Zone—Clear Creek" portion of the River of No Return Wilderness, pursuant to section 5(d)(2) of Public Law 96-312; to the Committee on Interior and Insular Affairs.

1915. A letter from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refunds of excess royalty payments totaling $115,498.20 to Sun Exploration and Production Co., Chevron U.S.A. Inc. and Mobil Oil Corp., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1916. A letter from the Secretary of Energy, transmitting the comprehensive technology application and market development plan for ocean thermal energy, pursuant to section 6(b) of Public Law 96-310; to the Committee on Science and Technology.

1917. A letter from the Chairman of the Board, U.S. Railway Association, transmitting the Association's determination of the fair market value of the Alaska Railroad pursuant to section 605(d)(1) of Public Law 97-468; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1918. A letter from the Comptroller General of the United States, transmitting a report on the Federal Government, private sector, and foreign competitor involvement in ocean mining (GAO/NSIAD-83-41; September 6, 1983); jointly, to the Committees on Government Operations, Foreign Affairs, Interior and Insular Affairs, Merchant Marine and Fisheries, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 884. A bill to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the U.S. Court of Claims (Rept. No. 98-389). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1148. A bill to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Mont., and the Assiniboine Tribe of the Fort Peck Indian Reservation, Mont., in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes (Rept. No. 98-390). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 320. Resolution providing for the consideration of H.R. 3648, a bill to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-391). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3044. A bill to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission; with an amendment (Rept. No. 98-392). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3932. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes; with amendments (Rept. No. 98-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3655. A bill to raise the retirement age for Superior Court judges in the District of Columbia; with an amendment (Rept. No. 98-394). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COURTER (for himself, Mr. DURBIN, and Mr. DENNY SMITH):

H.R. 4005. A bill to require that the Department of Defense increase the use of formal advertising in the procurement of property and services, to limit the circumstances under which such Department may award contracts by negotiation, to establish additional requirements with respect to the negotiation of contracts by such Depart-

ment, and for other purposes; to the Committee on Armed Services.

By Mr. DONNELLY:

H.R. 4006. A bill amending section 104(b)(5)(A) of title 23 of the United States Code; to the Committee on Public Works and Transportation.

H.R. 4007. A bill to amend title XVI of the Social Security act to provide that a recipient of SSI benefits who is in a medical institution for 6 months or less shall continue to receive full benefits if such individual maintains his or her personal residence while in such institution; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. BARNARD):

H.R. 4008. A bill to authorize certain financial institutions located in Maryland, Virginia, and the District of Columbia to acquire control of certain financial institutions throughout such area; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY:

H.R. 4009. A bill to modernize the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LATTA:

H.R. 4010. A bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes; to the Committee on the Judiciary.

By Mr. LIPINSKI:

H.R. 4011. A bill to direct the Secretary of Transportation to designate the Chicago-Calumet Skyway, Ill., as part of the Interstate System upon the elimination of tolls and payment of all debt on such road, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LIVINGSTON:

H.R. 4012. A bill to amend the Communications Act of 1934 to provide that television and radio broadcasting station licensees shall not refuse to sell advertising time for broadcast of editorial advertisements; to the Committee on Energy and Commerce.

BY Mr. MITCHELL (for himself and Mr. MCDADE):

H.R. 4013. A bill to extend the Small Business Development Center program administered by the SBA until January 1, 1985; to the Committee on Small Business.

By Mr. MOLLOHAN:

H.R. 4014. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to make certain changes in the membership and operations of the Benefits Review Board; to the Committee on Education and Labor.

By Mr. MOORE:

H.R. 4015. A bill to establish a special rule for the treatment under U.S. countervailing duty law of natural resources and byproducts provided at preferential rates; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 4016. A bill to amend title 38, United States Code, to establish a grant program to provide assistance to States in providing veterans with advice and assistance concerning veterans benefits; to the Committee on Veterans' Affairs.

By Mr. REID:

H.R. 4017. A bill to terminate the authority of the Administrator of General Services to accept land, buildings, and equipment as a gift to the United States for the purpose of creating a Presidential archival depository; to the Committee on Government Operations.

By Mr. RICHARDSON:

H.R. 4018. A bill to amend the Internal Revenue Code of 1954 to provide a declaratory judgment with regard to the extension of time for payment of estate tax; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 4019. A bill to continue the existing suspension of duty on water chestnuts and bamboo shoots until July 1, 1986; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 4020. A bill to amend titles 18 and 39, United States Code, to permit the mailing and broadcasting of advertising concerning lotteries or similar schemes conducted by nonprofit organizations in accordance with State law; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. SILJANDER:

H.R. 4021. A bill to provide for the issuance of a set of postage stamps commemorating the calendar year 1983 as the "Year of the Bible"; to the Committee on Post Office and Civil Service.

By Mr. SKEEN:

H.R. 4022. A bill to provide for compensation for certain ranchers in New Mexico for ranching units taken from them by the Department of the Army for the White Sands Missile Range, N. Mex.; to the Committee on the Judiciary.

By Mr. STENHOLM (for himself, Mr. BEDELL, Mr. BEREUTER, Mr. FRANKLIN, Mr. HANCE, Mr. HIGHTOWER, Mr. JEFFORDS, Mr. MORRISON of Washington, Mr. OLIN, Mr. PANETTA, Mr. PATMAN, Mr. SKEEN, Mr. SKELTON, Mr. STANGELAND, and Mr. WATKINS):

H.R. 4023. A bill to require the Secretary of Agriculture to conduct an opinion survey of the agricultural community as a first step in developing a Federal agricultural policy which will be appropriate for the remainder of the century; to the Committee on Agriculture.

By Mr. WILLIAMS of Montana (for himself, Mr. WRIGHT, Mr. FOLEY, and Mr. PERKINS):

H.R. 4024. A bill to authorize funds for the Maureen and Mike Mansfield Foundation; to the Committee on Education and Labor.

By Mr. YOUNG of Missouri (for himself, Mr. SHAW, and Mr. MINETA):

H.R. 4025. A bill to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. JONES of Oklahoma (for himself, Mr. LATTA, Mr. ASPIN, Mr. FRENZEL, Mr. LONG of Louisiana, Mr. ROSE, Mr. REGULA, Mr. HEFNER, Mr. GRADISON, Mr. SHARP, Mr. GEPHARDT, Mr. PANETTA, Mr. DONNELLY, Mr. FAZIO, Mr. FROST, Mr. NELSON of Florida, Mr. WOLPE, Mrs. MARTIN of Illinois, Mr. CAMPBELL, Mr. WORTLEY, Mr. BRITT, Mr. MOODY, and Mr. MACKAY):

H.J. Res. 375. Joint resolution to call on the President to convene a domestic economic summit conference to prepare a plan to reduce the deficit in the budget of the United States; to the Committee on Government Operations.

By Mr. AUCOIN:

H.J. Res. 376. Joint resolution to establish a bipartisan National Commission for a Responsible Budget; to the Committee on Government Operations.

By Mr. KEMP (for himself and Mr. LANTOS):

H. Con. Res. 177. Concurrent resolution expressing the sense of Congress that the Soviet Union should allow pianist Vladimir Feltsman freedom to travel with his family, to the United States to perform; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. MCKINNEY):

H. Res. 321. Resolution expressing the sense of the House that the President should request the resignation of the Secretary of the Interior, Mr. James Watt; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

269. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the assassination of Benigno S. Aquino, Jr.; to the Committee on Foreign Affairs.

270. Also, memorial of the Legislature of the State of California, relative to Soviet aggression; to the Committee on Foreign Affairs.

271. Also, memorial of the Legislature of the State of California, relative to Taiwan, the Republic of China; to the Committee on Foreign Affairs.

272. Also, memorial of the Legislature of the State of California, relative to revenue sharing; to the Committee on Government Operations.

273. Also, memorial of the Legislature of the State of California, relative to Vincent Chin; to the Committee on the Judiciary.

274. Also, memorial of the Legislature of the State of California, relative to the space station program; to the Committee on Science and Technology.

275. Also, memorial of the Legislature of the State of California, relative to the supplemental security income for the aged, blind, and disabled program; to the Committee on Ways and Means.

276. Also, memorial of the Legislature of the State of California, relative to aid to families with dependent children-working mothers; to the Committee on Ways and Means.

277. Also, memorial of the Legislature of the State of California, relative to salmon and steel head trout fishery; jointly to the Committee on Merchant Marine and Fisheries and Small Business.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. FISH introduced a bill (H.R. 4026) for the relief of Rafael A. Checa, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. MCKERNAN.
H.R. 132: Mr. MCKERNAN.
H.R. 375: Mr. MCDADE.
H.R. 408: Mr. RUSSO, Mr. CONYERS, Mr. HUNTER, Mr. MCGRATH, and Mr. KOGOVSEK.
H.R. 953: Mr. WIRTH.
H.R. 954: Mr. MRAZEK.

H.R. 1054: Mr. PACKARD and Mr. WIRTH.
H.R. 1092: Mr. CONTE.
H.R. 1146: Mr. COUGHLIN and Mr. CARNEY.
H.R. 1527: Mr. PETRI, Ms. FIEDLER, Mr. LAGOMARSINO, and Mr. GUARINI.
H.R. 1918: Mr. KOGOVSEK and Mr. DEWINE.
H.R. 1942: Mr. RICHARDSON, Mr. KILDEE, Mr. CHAPPELL, and Mr. KOGOVSEK.
H.R. 2053: Mr. EMERSON.
H.R. 2533: Mr. DONNELLY, Mr. CROCKETT, and Mr. BYRON.
H.R. 2562: Mr. SUNIA, Mr. MRAZEK, Mr. KEMP, Mr. FIELDS, Mrs. BOXER, and Mr. WILLIAMS of Montana.
H.R. 2883: Mr. CORCORAN.
H.R. 3170: Mr. FEIGHAN, Mr. MITCHELL, and Mr. LEVIN of Michigan.
H.R. 3264: Mr. LAGOMARSINO.
H.R. 3307: Mr. PETRI.
H.R. 3354: Mr. LOWERY of California and Mr. RUSSO.
H.R. 3405: Mr. BROWN of California, Mr. SEIBERLING, Mr. BEDELL, Mr. FEIGHAN, Mr. SIMON, Mr. FAZIO, and Mr. WILLIAMS of Montana.
H.R. 3498: Mr. FASCELL, Mr. GREEN, and Mr. DYSON.
H.R. 3694: Mr. WHITEHURST, Mr. DANNEMEYER, and Mr. BADHAM.
H.R. 3747: Mr. MOORHEAD.
H.R. 3775: Mr. HOWARD, Mr. SMITH of New Jersey, Mr. MINISH, Mr. DWYER of New Jersey, Mr. LENT, Mr. FORSYTHE, Mr. ROE, Mr. STRATTON, Mr. RANGEL, Mr. VANDERGRIFF, Mr. ORTIZ, Mr. FAUNTROY, Mr. MITCHELL, Mr. GREEN, Mr. LAFALCE, Mr. HARRISON, Mr. KASICH, Mr. O'BRIEN, Mr. STOKES, Mr. WILLIAMS of Ohio, Mr. CHAPPIE, Mr. KEMP, Mr. FRANK, Mr. SUNIA, Mr. GILMAN, Mr. LANTOS, Mr. CARNEY, Mr. PATMAN, Mr. WOLF, Mr. ACKERMAN, Mr. WINN, Mr. SISISKY, Mr. ADDABBO, Mr. HYDE, Mr. HORTON, Mr. BILIRAKIS, Mr. DURBIN, Mr. RICHARDSON, Mr. LONG of Louisiana, Mr. ERDREICH, Mr. WORTLEY, Mr. BROWN of California, Mr. BOEHLERT, Mr. BEREUTER, Mr. GEJDENSON, Mr. OWENS, Mr. ARCHER, Mr. RODINO, Mr. LELAND, Mr. OBEY, Mr. FAZIO, Mr. SMITH of Florida, Ms. KAPTUR, Mr. RATCHFORD, Mr. LEHMAN of Florida, Mr. FLORIO, Mr. SOLARZ, Mr. MCGRATH, Mrs. BOXER, Mr. SKELTON, Mr. LAGOMARSINO, Mr. MINETA, Mr. WEISS, Mr. FROST, Mr. KOGOVSEK, Mr. BEVILL, Mr. SIKORSKI, Mr. SHANNON, Mrs. SCHNEIDER, AND Mr. DE LA GARZA.
H.R. 3783: Mr. TAUKE.
H.R. 3846: Mr. ERLENBORN.
H.R. 3870: Mr. TORRICELLI.
H.R. 3878: Mr. BEREUTER.
H.J. Res. 215: Mr. SOLARZ, Mr. COLEMAN of Texas, Mr. MCKINNEY, Mr. DENNY SMITH, Mr. PETRI, Mr. HILER, Mr. LOWRY of Washington, Mr. WAXMAN, Mr. YATRON, Mr. WALKER, Mr. LEVIN of Michigan, Mr. BETHUNE, Mr. COATS, Mr. CRAIG, and Mr. DEWINE.
H.J. Res. 253: Mr. SISISKY, Mr. GEKAS, Mr. DYMALLY, Mr. DORGAN, Mr. HANSEN of Idaho, Mr. ROBINSON, Mr. HUTTO, Mr. WILSON, Mr. GREEN, Mr. MINETA, Mr. MARRIOTT, Mr. DYSON, Mr. WEAVER, and Mrs. ROUKEMA.
H.J. Res. 260: Mr. ACKERMAN, Mr. AKAKA, Mr. BONER of Tennessee, Mr. BOSCO, Mr. COOPER, Mr. COYNE, Mr. DEWINE, Mr. DREIER of California, Mr. EDWARDS of Alabama, Mr. FAZIO, Mr. FORD of Tennessee, Mr. GEKAS, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. KOLTER, Ms. MIKULSKI, Mr. SKEEN, Mr. SILJANDER, Mr. UDALL, Mr. WALGREN, Mr. WEBER, Mr. WHITLEY, Mr. WILLIAMS of Ohio, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. MINISH, Mr. KASICH, Mr. FOGLIETTA, Mr. DUNCAN, Mr. MARKEY, Mr. MATSUI, Mr. LAFALCE, Mr. BEDELL, Mr. CONTE, Mr. COELHO, Mr. OBERSTAR, Mr. LEACH of Iowa, Mr. HEFTEL of Hawaii, Mr. PORTER, Mr. PRITCHARD, Mr. MARTIN of North Carolina, Mr. SAWYER, Mr. CARR, Mr. DAVIS, Mr. DINGELL, Mr. GRAMM, Mr. GREEN, Mr. RODINO, Mr. ROBINSON, Mr. BEVILL, Mr. MOORHEAD, Mr. CHAPPIE, Mr. WON PAT, Mr. GILMAN, Mr. MCDADE, Mr. DOWNEY of New York, and Mr. BROOMFIELD.
H.J. Res. 278: Mr. HUNTER, Mr. JONES of North Carolina, Mr. HAWKINS, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. VANDER JAGT, Mr. STOKES, Mr. WATKINS, Mr. MOLINARI, Mr. HARTNETT, Mr. DAUB, Mr. DIXON, Mr. MURPHY, Mr. BILIRAKIS, Mr. ORTIZ, Mr. DELLUMS, Mr. MAZZOLI, Mr. KRAMER, Mr. MCHUGH, Mr. MCCAIN, Mr. MADIGAN, Mr. KOGOVSEK, Mr. FIELDS, Mr. CORCORAN, Mr. YOUNG of Missouri, Mr. LIPINSKI, Ms. SNOWE, Mrs. SCHNEIDER, Mr. SAVAGE, Mr. GEKAS, Mr. STANGELAND, Mr. THOMAS of California, and Mr. ACKERMAN.
H. Con. Res. 123: Mr. HAWKINS.
H. Res. 280: Mr. BONKER and Mr. DIXON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 800: Mr. COLEMAN of Missouri.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

240. By the SPEAKER: Petition of the city council, New York, N.Y., relative to famine relief to countries in Africa; to the Committee on Foreign Affairs.

241. Also, petition of the city council, New York, N.Y., relative to legislation declaring a Federal holiday in honor of the birthday of the Reverend Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. EDGAR:

—On page 59, after line 4 add the following new section:

NATIONAL GROUND WATER COMMISSION

SEC. 26. (a) ESTABLISHMENT.—There is established a commission to be known as the National Ground Water Commission (hereinafter in this Act referred to as the "Commission").

(b) DUTIES OF COMMISSION.—The duties of the Commission are to:

(1) Assess generally the amount, location, and quality of the Nation's ground water resources.

(2) Identify generally the sources, extent, and types of ground water contamination.

(3) Assess the scope and nature of the relationship between ground water contamination and ground water withdrawal and develop projections of available, usable ground water in future years on a nationwide basis.

(4) Assess the relationship between surface water pollution and ground water pollution.

(5) Assess the need for a policy to protect ground water from degradation caused by contamination.

(6) Assess generally the extent of overdrafting of ground water resources, and the adequacy of existing mechanisms for preventing such overdrafting.

(7) Assess generally the engineering and technological capability to recharge aquifers.

(8) Assess the adequacy of the present understanding of ground water recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

(9) Assess the role of land-use patterns as these relate to protecting ground water from contamination.

(10) Assess methods for remedial abatement of ground water contamination as well as the costs and benefits of cleaning up polluted ground water and compare cleanup costs to the costs of substitute water supply methods.

(11) Investigate policies and actions taken by foreign governments to protect ground water from contamination.

(12) Assess the use and effectiveness of existing interstate compacts to address ground water protection from contamination.

(13) Analyze existing legal rights and remedies regarding contamination of ground water.

(14) Assess the adequacy of existing standards for ground water quality under State and Federal law.

(15) Assess monitoring methodologies of the States and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

(16) Assess the relationship between ground water flow systems (and associated recharge areas) and the control of sources of contamination.

(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting ground water from contamination.

(18) Assess methods for abatement and containment of ground water contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

(19) Assess State and Federal ground water law and mechanisms with which to manage the quality and quantity of the ground water resource.

(20) Assess the adequacy of existing ground water research and determine future ground water research needs.

(21) Assess the roles of State, local, and Federal Governments in managing ground water quality and quantity.

(c) MEMBERSHIP.—(1) The Commission shall be composed of nineteen members as follows:

(A) Six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Energy and Commerce, two of whom shall be members of the Committee on Public Works and Transportation, and two of whom shall be members of the Committee on Interior and Insular Affairs;

(B) Four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) Eight appointed by the President as follows:

(i) Four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of ground water appropriation States and two of whom shall be representatives of ground water riparian States;

(ii) One from among a list of nominations submitted to the President by the National League of Cities and the U.S. Conference of Mayors;

(iii) One from among a list of nominations submitted to the President by the National Academy of Sciences;

(iv) One from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect ground water; and

(v) One from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to ground water; and

(D) The Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than three of the six members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d) DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e) POWERS OF COMMISSION.—(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) REPORT.—(1) The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

(2) Not later than one year after the enactment of this Act, the Commission shall complete a preliminary study concerning ground water contamination from hazardous and other solid waste and submit to the President and to the Congress a report containing the findings and conclusions of such preliminary study. The study shall be continued thereafter, and final findings and conclusions shall be incorporated as a separate chapter in the report required under paragraph (1). The preliminary study shall include an analysis of the extent of ground water contamination caused by hazardous and other solid waste, the regions and major water supplies most significantly affected by such contamination, and any recommendations of the Commission for preventive or remedial measures to protect human health and the environment from the effects of such contamination.

(g) TERMINATION.—The Commission shall cease to exist on January 1, 1986.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the fiscal years 1983 through 1985 not to exceed $7,000,000 to carry out this section."

By Mr. TAUZIN:

—Page 18, after line 2, insert:

EARLY LEAK DETECTION SYSTEM

SEC. 5A. Section 3004 is amended by adding the following new subsection at the end thereof:

"(1) Not later than 30 months after the date of enactment of the Hazardous Waste and Control Enforcement Act of 1983, the Administrator shall promulgate standards requiring that new landfill units, surface impoundment units, waste piles, underground tanks and land treatment units for the storage, treatment or disposal of hazardous waste identified or listed under section 3001 shall be required to utilize approved leak detection systems. For the purposes of this paragraph, the term 'approved leak detection system' means a system or technology which the Administrator determines to be capable of detecting leaks of hazardous constituents at the earliest practicable time and the term 'new units' means units on which construction commences after the date of promulgation of regulations under this paragraph.".

By Mr. TORRES:

—Page 28, after line 22, insert:

(e) HEALTH EFFECTS STUDIES.—Section 3005 is amended by adding the following new subsection after subsection (g):

"(h) HEALTH EFFECTS STUDIES.—(1) Each landfill which is operating pursuant to a permit under this section (or for which a permit is treated as having been issued under subsection (e)) shall be required by the Administrator (or the State in the case of an authorized State program under section 3006) to conduct a health effects study for the affected community of the hazardous waste associated with such landfill (including hazardous waste transported to or released from the landfill). The study shall include, for individuals residing or working in the affected community, a statistical analysis of the present and future health effects associated with the landfill. Such study shall include an analysis of health effects associated with all pollutant pathways through which hazardous waste may reach individuals in the affected community. Not later than one year after the date of the enactment of this subsection (or after the commencement of operations at the landfill, if later), the results of each such study shall be made available to the public and shall be submitted to the Administrator and to the appropriate State authorities for the State in which the landfill is located. The study

shall be periodically updated as determined by the Administrator.

"(2) For purposes of the study under this subsection, the affected community shall consist of individuals residing or working within such distance of the landfill as the Administrator determines to be appropriate based on a site specific analysis, except that in all cases, the surrounding community shall be treated as including at least those individuals working within the landfill and those residing or working within a 2.5 mile radius of the landfill. The Administrator shall specify the surrounding community for each landfill referred to in paragraph (1) as promptly as practicable after the date of the enactment of this subsection.".

H.R. 3231

By Mr. GLICKMAN:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3646).)

—On page 25, line 16, insert before the period the following: "and, in the case of contracts to export agricultural commodities, only in cases where export controls are made applicable on the same basis to all other goods and technologies".

—On page 37, after line 21, insert the following:

"SEC. 119. (a) Section 7(g)(1) of the Act (50 U.S.C. App. 2406(g)(3)) is amended by inserting after the first sentence thereof the following: "The Secretary of Agriculture shall not approve the exercise of such authority to carry out the policies set forth in subparagraph (B) of paragraph (2) of section 3 of this Act unless such export controls are made applicable on the same basis to all other goods and technologies.".

Delete lines 22 and 23 and insert in lieu thereof the following:

"(b) Section 7(g)(3) is amended by amending the second sentence to".

On page 38, line 4, delete the designation, "(b)", and insert in lieu thereof the following: "(c)".

By Mr. HUTTO:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 5, strike out line 1 and all that follows through page 6, line 20, and insert in lieu thereof the following:

"(2) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels who has reasonable cause to suspect that any goods or technology have been or will be exported from the United States in violation of this Act may—

"(A) stop, search, and examine, within or without his district, a vehicle, vessel, aircraft, or person, on which or whom he has reasonable cause to suspect there are any such goods or technology;

"(B) search, wherever found, any package or container in which he has reasonable cause to suspect there are any such goods or technology; and

"(C) seize and secure for trial any such goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container.

"(3)(A) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels may, while in the performance of, and in connection with, official duties, make arrests without warrant in the enforcement of the provisions of this Act.

"(B) Upon seizure of any goods or technology under paragraph (2) of this subsection, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.".

Page 7, line 4, strike out the semicolon and all that follows through line 10 and insert in lieu thereof a period, closed quotation marks, and a second period.

—Page 13, strike out lines 4 through 6 and insert in lieu thereof the following:

SEC. 107. (a) Section 5(1) of the Act (50 U.S.C. App. 2402(i)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by inserting "(1)" immediately before the first sentence; and

(3) by adding at the end thereof the following:

Page 13, line 7, strike out "(5)" and insert in lieu thereof "(E)".

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(F)".

Page 13, insert the following after line 18:

(b) Section 5(i) of the Act is further amended by adding at the end thereof the following:

"(2) The President shall inform the governments participating in the Committee that the United States Congress shall monitor enforcement by those governments of the export controls agreed to by those governments and will consider imposing sections against any of those governments that fails to enforce those export controls effectively.".

—Page 17, strike out line 1 and all that follows through page 20, line 2, and insert in lieu thereof the following:

MILITARILY CRITICAL TECHNOLOGIES

SEC. 109. Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Any disagreement between the Secretary and the Secretary of Defense as to whether a good or technology on the list of militarily critical technologies should be integrated into the commodity control list shall be resolved by the President not later than November 1, 1984. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in integrating the list of militarily critical technologies into the commodity control list pursuant to subparagraph (A), shall consider mechanisms to reduce the list of militarily critical technologies.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually after the integrated list is completed pursuant to paragraph (4)(A), for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may, after the integrated list is so completed, add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the commodity control list, the President shall resolve the disagreement not later than three months after the change is made in the list of militarily critical technologies.

"(6) The Secretary of Defense shall, not later than April 1, 1985, report to the appropriate committees of the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to countries to which exports are controlled under this section has had or will have on the military capabilities of those countries.".

By Mr. PICKLE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 13, line 18, strike out the quotation marks and second period.

Page 13, insert the following after line 18:

"(7) Agreement to provide for the imposition and enforcement of export sanctions by the governments participating in the Committee against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.".

By Mr. SMITH of Florida:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 13, line 2, strike out the quotation marks and second period.

Page 13, insert the following after line 2:

"(o) EXPORTS TO THE SOVIET UNION.—Notwithstanding any other provision of this Act, any validated license to export to the Soviet Union any good or technology sub-

ject to export controls under this section shall be denied.".

(g) Subsection (o) of section 5 of the Export Administration Act of 1979, as added by subsection (f) of this section, shall not affect any contract to export entered into before the date of the enactment of this Act.

H.R. 3648

By Mr. FOLEY:

—At the end of the bill insert the following new section:

RAIL EMPLOYEE TAXES

SEC. 214. Section 11504(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title to an employee who performs his regular assigned duties as such an employee on a railroad in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than a State or subdivision thereof described in paragraph (2) of this subsection.".

EXTENSIONS OF REMARKS

REDRESS FOR AMERICANS OF JAPANESE ORIGIN WHO WERE INTERNED DURING WORLD WAR II

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. MARRIOTT. Mr. Speaker, the Commission on Wartime Relocation and Internment of Civilians has released their recommendation for the steps the United States must take to correct one of the darkest moments of our Nation's history. Prejudice, war hysteria, and a lack of political courage resulted in the internment of 120,000 Japanese Americans in isolated camps during World War II.

I supported the establishment of the Commission on Wartime Relocation and Internment of Civilians so that Americans would be made aware of and remember this black mark in our Nation's past. Many people from even my generation do not know the extent of the injustices that occurred, and our children are not even aware of the injustices. It is imperative that the American people be educated as to the dangers of unbridled public rage indiscriminately directed at one sector of our population.

Additionally, it is important to note that my colleagues, Representative NORMAN MINETA and Representative BOB MATSUI along with Majority Leader JIM WRIGHT will be introducing legislation in the coming weeks which will offer redress to the many Americans of Japanese origin that were personally affected by this relocation—both in their personal and business lives. I have asked to be an original cosponsor of this legislation and look forward to its passage in the second session of the 98th Congress.

In the meantime, I have met with the Utah Japanese American Citizen League and have personally talked with many of the individuals who were interned and/or evacuated under the exclusionary order implementing Executive Order 9066. At my request, these individuals have submitted personal testimonies on their individual tragedies. I submit a selected few of these recountings which specifically address some of the key questions involved in this matter of reparation and justice.

The Commission on Wartime Relocation and Settlement of Civilians came to the following conclusion:

The promulgation of Executive Order 9066 was not justified by military necessity and the decision which followed it—detention, ending detention, ending exclusions—were not driven by analysis of military conditions.

By submitting some of the personal testimonies from those who were affected by this black period in our Nation's history, I hope that my colleagues will join me in recognizing the harm done to these Americans, and in recognizing that reparation should be granted to all those who were in the custody of Wartime Relocation Authority.

The material follows:

TESTIMONY OF MRS. MAY WATANABE

My name is May Watanabe. I reside at 560 Bothwell Street, Salt Lake City, Utah, 84104, with my husband. My son, Byron, who was only 11½ months old at the time we were evacuated from Los Angeles, is now married and lives at 352 Georgia Circle, Salt Lake City, Utah 84115. He is the father of three children, two sons and one daughter. The oldest child is now eighteen years old and the youngest is now thirteen.

The topic of my discussion is the evacuation in 1942 and of some of the events that happened to our family—my husband, my very young son and me. The war began on December 7, 1941, and it was the first part of 1942 when we were told that President Roosevelt had signed a proclamation to have all of the Japanese and Japanese-Americans residing in the West Coast States to be evacuated from their homes and incarcerated in camps for "safety sake of the country" and that the time was short and they (the government) would not be able to determine which of the Japanese could or could not be trusted. Eventually a notice came out that we would all be sent to camps on April 28, 1942.

This order then gave Roy and I only a part of January, February, March and the few weeks in April to settle all our business and personal affairs and do the best we could before we were sent to camp. On April 28th, we were all herded into buses and taken to our destination with only our three suitcases of clothing and personal goods with us. Since there were three of us—my husband, my young son and myself—we were allowed to take nine suitcases of clothing and treasured things from among all our personal properties which included our home and furnishings, our car, leases and inventories of three flourishing floral shops, and six new delivery vans. We had to settle the rest of our personal properties that we could not take with us. Not knowing how long we were to be incarcerated, we tried to get rid of everything we could. We had no place to store them.

And, as you know, if someone has to leave under government orders, who is going to come in and pay the correct price—the price that is the fair market value? I would like to cite an example. We had just remodeled one of our stores and we had spent a fortune on the building although we didn't own the building since my husband was born in Japan and could not buy property by California law even though he had been a long-time tax paying resident. Also, he could not, by law, become a naturalized citizen. Even though we didn't own the buildings to the floral shops, we had good leases on them. Our investments were all on the inside of these shops, and had we known what was going to happen, we wouldn't have done all of the extensive remodeling.

Additionally, we had just purchased six brand new Dodge 3/4 ton panel trucks to use for deliveries. We paid $800.00 each for the trucks—that's a total of $4800.00 for trucks alone, yet we couldn't sell them until just before we were to go to camp. People held back until we were desperate. Then we were offered $100.00 for each of the trucks. That was a total of $600.00 for all six trucks which didn't even cover the price we had paid for just one new one. We were forced to take the offer since we had no place to keep them and we could not take them with us. And that's the way it was. It was panic—a time of terrible panic.

Another example of how desperate we were is the brand new stove which I had purchased a few months before the war broke out. All I got was $5.00 for it. Someone came up to me and offered to give me $5.00 just to take it away for me. And, of course, I had to take it—what else could anyone do? We gave away most of our things although we had tried to sell whatever we could, but no one was willing to pay us. It was time of terrible panic—we had so little time and we had so much to settle, especially since we didn't know how long we were going to be held at camp or if we would ever be allowed to come back.

We tried to sell our leases to the floral shops. One of our leases was in the well known Farmers' Market. We were one of the thirteen original stores there and were thought of very highly at that time. Although some of the businesses didn't make it, we stayed through the hard times and the business was beginning to improve. Then when the war started, the Farmers' Market asked us to leave because the customers objected to seeing Japanese faces. Although I have a Japanese face, I am an American, a Japanese-American, and no one could have been more loyal to the United States.

I was born in San Francisco and graduated from high school there. My parents were from Japan. Just like so many other Americans, including those of you in Congress, my parents came from another country, but our family all had Japanese faces. After high school, I entered college in Los Angeles and left college when I got married to Roy in Los Angeles. My husband came over from Japan as a young man to live with his parents who were already in America. Roy was a florist and owner of a floral shop at the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

time we were married. Even then, as I feel now, I was a loyal American. I knew nothing about the politics of Japan. Today, perhaps because of my experience, it is a matter of personal choice to me to buy things made in America.

As I indicated, we tried to sell our stores, the leases and our inventories. The landlords who held the leases were good to us except for the Farmers' Market. An attorney held the lease to one of our shops, the Melrose Shop, and Mr. Harly J. Earle, Vice President for General Motors, held the lease to the Melvine Shop, which was our big one. These landlords held onto our leases until we had to leave. At the beginning of April 1942, we finally sold one shop for $500.00 and the other one for $600.00. All three shops were worth over $150,000.00 at that time. That was our investment. Plus that, we had our clientele which consisted of many Hollywood stars and movie producers. We lost very few customers even during the trying days. Most of them believed in us and stuck by us. Our clientele also included other studio people as well as well known and prestigious families such as the Summermeirs and the Caudells. We had a wonderful clientele. Errol Flynn was one of our steady customers and he remembered us while we were in camp and sent us remembrances from time to time. Our attorney would also drive to the camp to bring us some of his treasured items.

We even had an English "Nanny" for our young son since my husband and I both worked at the floral shops. She had worked for us several months prior to the war and had become deeply attached to Byron. She wanted to keep him with her while we were in camp, but the attorney could not get permission. The government wanted all of the Japanese interned even though my son was only 11½ months old and could not have been disloyal had he wanted to be. This woman had come to us a bit frightened about living and working for a Japanese family, but she found us no different than any other American family. Her offer to keep Byron was sincere and greatly appreciated during those times. She, like us, could not understand why the government had to herd us all into camps, especially little children.

We were taken by bus directly to camp, which was the Manzanar one located near the border of California and Nevada. When we arrived at the camp site, we were taken to the barracks. The buildings were in terrible shape. We could see air spaces between the floors and the walls while the wind and desert sand constantly blew through these crevices. And underneath the building were snakes—and even if they were considered harmless they were frightening. When we were shown our beds, they turned out to be rusty old cots from the World War I surplus. We were each given old musty Army blankets with moth holes. For those who did not bring coats with them, the Army issued them smelly worn-out pea coats that came from the World War I surplus.

In spite of the desolation surrounding Manzanar, many of the internees worked to make the buildings more habitable and also made the desert bloom with gardens and flowers. Gradually, the camp became a more pleasant place to stay. When we got to the camp, there were bugs and spiders everywhere. We were even forced to make our own mattresses. How would you feel to be taken out from your homes and made to endure these hardships just because your ancestors came from a country where your face characterizes your heritage? You are an American citizen, but because you have darker skin, black hair and slanted eyes, these were reasons enough to put you behind barbed wires indefinitely.

We, Roy and I, had paid plenty of taxes and abided by the laws, yet the color of our skin, the fold of our eyes and our ancestry were reasons to put us into prison camps. Everything we had worked for had been taken away as well as our livelihood, but all of the bills we owed we were made to pay every penny. Additionally, the tax collectors came with such feelings toward the Japanese that they fined them for every little thing. Fortunately, we had an attorney who had made sure that all of our books and records were accurate and up-to-date. Because of him we were spared the heavy penalties other business people in the camps had to pay. Instead of dealing with the income and sales tax collectors ourselves, the attorney had us refer them to him. Many of the Japanese in camp who had businesses were fined heavily, even fines that were based on ridiculous reasons, and the Japanese had to pay them even though they were incarcerated.

We had our attorney and a judge as friends. They were wonderful to us and made sure that our affairs were taken care of even though we were in camp. They have expressed their feelings that we were unjustly imprisoned. They knew us and have constantly stated that they knew that Roy and I were truly Americans. And they knew that we made many, many contributions to the community as well as other charitable organizations. While we were still at the Farmers' Market, I helped organize a fundraiser for the Chinese when Japan had invaded Manchuria. Yet in spite of all we did, we were still sent to camp. Because there was pro-Chinese sentiment in our community, we pitched in to help. All that didn't seem to matter. We were herded into camps just like cattle at the expense of the tax payers and that didn't seem to matter. I felt that all that was unnecessary because we were taxpayers taking care of ourselves and our community. We were self-supporting but now had to depend on the government while we were interned. We could not leave the area which was surrounded by guards and barbed wires. Caucasions could come and go, but the guards made sure that none of us left.

My husband, Roy, had started the floral business with one store in 1925. In 1928 or 1929, he acquired the second one. The first one was called the Melvine Floral, and the second, the Melrose Flower Shop. He insured that each store had maintained its own individuality matching the particular location. When we got married in July 1930, he was working in both shops. When Byron was born, Roy and I had been working long hours at both stores and began to build our clientele.

As the shops began to flourish, we invested the earnings from the two shops and began with twelve others, the area known as Farmers' Market. We worked for nearly two years at the Market without any returns and a few of the original group had quit business. After the two years, the shops began to attract good paying customers and the situation began to improve. We got back our investment within six months although we both worked long and hard hours to make the shop pay off. We were doing very well at the Farmers' Market, but when the war was declared, we were forced to leave. And in 1941, we had invested in both of our other two shops by remodeling the interior. In the one, we made a major investment by enlarging it. The people who bought our shops at ridiculous low prices were able to capitalize on the booming war economy and are now millionaires. We, on the other hand, were forced into camps and never recouped our losses.

The government began to consider releasing the qualified Japanese to live and work outside of the camps as long as it was East of Nevada and the coast states. We had a friend, Michi Tawa, who had gone to stay with some relatives in Utah. She got a part time job as a bookkeeper for the Brown Floral Company. She knew that we wanted to get out of the camp. When Leon Brown began to lose some of his employees to the better paying defense jobs, Michi told him about the two of us. Because of our experience, Mr. Brown offered to hire both Roy and me if we could get out of the camp. It took us nearly 1¼ years before we finally got the clearance to leave. We were released on October 15, 1943.

We arrived by train under escort to Ogden, Utah. From there we took the Bamberger line to Salt Lake City where we were met by Mr. Leon Brown. Housing for the Japanese was a problem during those years. We stayed at the Yellowstone Hotel soon after our arrival—this hotel has since been torn down and is the site of the Crossroads Plaza.

From the hotel, while Roy went to work, I took my son and went house hunting. I would read the rent ads in the paper and found that many, many people would not rent to Japanese. I still remember an incident that occurred at that time. In answer to a rent ad, I took my son and went to the address at Downington Avenue. While the taxi waited, I rang the doorbell. When the woman came to the door and saw me, she yelled. "Get off my property, you Jap. Get the hell off my property." She continued to yell that she wouldn't rent to any "Jap." I was so embarrassed and humiliated that I still have feelings when I hear "Downington Avenue." We found a small apartment with some Japanese family and stayed there until Mr. Brown rented a place for us.

When we moved into the house, the landlady was upset that Mr. Brown had rented it for a "Japanese." She was so angry that she turned off the water and for months I was forced to get buckets of water from a nearby store to use; even the toilet had been turned off. Eventually Leon Brown began to buy nearby houses because many of the Japanese workers were having problems getting houses. He had to endure the label "Jap-lover" and many acts of harassment because he had Japanese employees. We are still living in the house he bought and are assured we can stay there even though Roy will be retiring.

June 28, 1983, Roy will be retiring from Brown Floral where he has worked as the head designer for 41 years. This year he will also be celebrating his 85th birthday. I am in semi-retirement from Z.C.M.I. where I have worked for 34 years. I was the first Japanese to be hired to work in a public service area. There were two Japanese women who were working in the alterations department, but none in the sales area. I worked long and hard hours to prove to Z.C.M.I. that the Japanese are loyal and valuable employees. Since then, Z.C.M.I. has hired many more Japanese in both the service and the sales areas. I feel that the risk Z.C.M.I. took by hiring me has paid off for

them as well as for the other Japanese employees.

I did encounter racial hatred on part of some of the employees when I started at Z.C.M.I. and I feel, from time to time, there is still some animosity on part of some people. Still, Z.C.M.I. has been good to me and I believe that I have been good for the company. Although I have retired as the buyer for the floral area, I have continued to work as Z.C.M.I.'s head designer at their main store. I have enjoyed being in Utah, but when I learn about those who got our shops and our other properties, that they have become wealthy and prosperous, I still get angry and sad to think that this country did not think enough of its citizens with Japanese faces to give us fair treatment.●

TECHNOLOGY TRANSFER: A DELICATE BALANCE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. COURTER. Mr. Speaker, the issue of technology transfer to the Soviet Union has extraordinary national security implications. When the Soviets acquire our advanced technology, they gain a better understanding of our weapons systems and learn how to imporve their own weapons. This has an adverse effect on our security, and causes the United States and its allies to increase or accelerate their spending on weapons research, development, and procurement.

Because of its impact on national security, technology transfer was the subject for consideration of a panel established earlier this year by the chairman of the House Armed Servics Committee. The panel, charged with investigating the extent of the impact of technology transfer on Soviet and United States military capabilities, is convinced that the $187.5 billion recently authorized for the Department of Defense of fiscal year 1984 is affected substantially by the flow of technology.

Defense spending does not exist in a vacuum. It is affected by the threat we face, and that threat has increased dramatically as a result of the Soviets' ability to rely on U.S. technology as a major resource of its own. To the extent that our technology has helped the Soviets in developing their conventional and strategic military power, we have expanded the very threat we face. In turn, this increases the need for us to strengthen our own defenses.

The panel received testimony from the Departments of Defense, Commerce, and State, and the intelligence community that clearly indicates the Soviets and their surrogates have embarked on a systematic and centrally directed program to acquire the latest technology of the West for incorporation into the Soviet weapon system. Our academic exchange program is but one example of this effort. Americans at Moscow State University currently study issues such as musical genres in Russian music; the history of the Russian Empire under Catherine the Great, 1762-96; and the planning and design of the Soviet environment. Soviet students in the United States, however, engage in topics of study such as research in the theory and application of scientific experiments and testing power engineering objects; research in the field of automatic control as applied to spaceships; and development of recurrent methods for navigation in space and optimal filtration of hindrances.

The panel concluded that East bloc acquisition of United States and Western technology provides invaluable and incalculable benefits to the Soviet military capabilities. Evidence demonstrates that the Soviets and their East bloc allies are mounting a dedicated, coordinated effort to acquire such technology in order to increase the capabilities of selected systems and to avoid the expenditure of millions of dollars in research and development. The panel also concluded that, while the Soviets place a priority on collection through legal means, the majority of goods and technology are transferred to the Soviet Union through illegal and/or clandestine methods. The Soviet State Committee for Science and Technology establishes and identifies required technologies and attempts to acquire as much of the targeted technology as possible through legal means. When this method is not productive, the Committee for State Security (KGB) and the Intelligence Directorate of the General Staff (GRU) are tasked to obtain the technology by clandestine means. Such methods commonly include use of the diplomatic pouch, or the reexport of goods from the United States through the receiving country.

Soviet technology targets include computers, microelectronics communications, lasers, guidance and navigation systems, structural materials, jet engine fabrication technology, acoustical sensors and radar. As an example, it was estimated by one witness that Soviet acquisition of computer and microelectronic technology over the past decade has allowed the Soviets to reduce the U.S. lead in these technologies from 1,012 years in the mid-1960's to the present 35 years. We know that at least 30 percent of the known integrated circuits used by the Soviets are direct copies of U.S. design.

Make no mistake about the willingness of the Soviets to engage in these activities to embellish their interests. A nation that will shoot down an unarmed civilian airliner will have no compunction about using whatever means it can to acquire—legally or illegally—the technology to allow it to continue to act in such an arrogant manner. If the Soviets were not confident in their capabilities, one could only speculate as to their likelihood to act so aggressively. It is U.S. technology, at least in part, that has allowed them the opportunity to act with this brash barbarism.

The administration has stepped up enforcement activity against illegal diversions. Seizures of illegal diversions in fiscal year 1983 are up almost 50 percent over those in fiscal year 1982. Witnesses emphasized that if they had been prohibited from requiring the licensing of some West to West trade—as would be the case in H.R. 3231—this record seizure rate would not have been possible.

H.R. 3231 is an important bill addressing an important issue to the Armed Services Committee. Under the very narrow guidelines of the sequential referral, the Committee on Armed Services was only able to formally report on section 109 of H.R. 3231. That section relates only to the militarily critical technologies list or MCTL. While this section is certainly essential to the bill, there are a great many other provisions with which we must concern ourselves in finding that balance between the promotion of trade with our allies and effective administration of exports to those countries which are potential adversaries. With this in mind, I firmly believe that this bill must reflect, in greater degree, our commitment to our own national security by moving its substance back from its current laxness in administration of our export policies, and more toward a policy that can offer protection against illegal acquisition of those technologies.●

SOVIET ACTION BARBARIC

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RICHARDSON. Mr. Speaker, I applaud the world community for its persistence in continuing to examine the events that led up to the recent downing of a Korean Air Lines passenger plane by a Soviet jet fighter. I believe the Congress acted properly in condemning one of the most serious events of the decade. For the many people whose lives were affected by the loss of a loved one, my thoughts and prayers are with you during this time of grief.

Mr. Speaker, I think it is important that steps are taken to insure that such tragedy is not allowed to happen again. I would like to share with my colleagues a recent editorial that appeared in the Albuquerque Journal, a daily newspaper in my district, in which this shocking incident is discussed.

[From the Albuquerque (N.Mex.) Journal, Sept. 2, 1983]

SOVIET ACTION BARBARIC

Hungary. Afghanistan. Korean Airlines Flight 007—all barbarous reminders of reprehensible, outrageous behavior by the Soviet Union, behavior that in another time would have brought open warfare.

Flight 007, with 265 aboard—including Congressman Lawrence McDonald of Georgia—an unarmed 747 jetliner, was shot down by a missile fired from a Soviet SU-15 fighter after the jumbo jet strayed into Soviet airspace. No survivors have been found.

The Soviets claimed the plane violated Soviet air space, did not have navigation lights, did not respond to queries and did not make radio contact with Soviet air controllers.

Despite visual contact between the Soviet fighter and the jumbo jet, there were no radio communications between the planes.

After Soviet fighters trailed the passenger plane over Soviet territory for two and one-half hours, a jet pilot broadcast the fact he had fired a missile and had destroyed his target.

There are at least two possible explanations: The action was deliberate and premeditated or an inexperienced jet pilot—or his ground radar controllers—mistook the 747 for an American B-52. The aircraft have similar radar "signatures."

American officials have called for an immediate meeting of the U.N. Security Council to debate the shooting down of the South Korean airliner. Other than airing grievances in a public debate, there is little action the council can take against the Soviet Union. As a permanent member of the council, it has veto power over any decision.

The South Korean government should take the lead in protesting the tragic incident. The Soviet Union should give an immediate and full account to the world community. With the evidence already at hand, it will be difficult for the Soviets to convince anyone of their innocence.

President Reagan may find it difficult to resist the growing clamor at home for decisive U.S. action against the Soviets. Critics are calling for cancellation of massive sales of wheat to the Soviets.

Others suggest that all U.S. airports be closed to Aeroflot planes and that U.S. ports be closed to Soviet ships. Some go so far as to propose calling the U.S. ambassador home and expelling the Soviet ambassador. They also suggest technological, scientific and cultural exchanges be cancelled.

Conservatives even suggest that strategic arms talks with the Soviets be suspended.

The downing of South Korea Flight 007 is reprehensible and no explanation will ever be wholly satisfactory. While the Western community might be sorely tempted to ostracize the Soviet Union for its latest barbaric act, however, such action would severely threaten world peace, a price too high to pay.●

TIME TO LOOK AT OUR ROLE IN THE UNITED NATIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RUDD. Mr. Speaker, I rise today to again stress my concerns about the role of the United States in the United Nations.

I believe the failure of the United Nations to live up to its original goal of promoting peace, human rights, and freedom make it imperative for our Nation to reassess that role.

Many of my longtime concerns were expressed today in an article written by Smith Hempstone and printed in the Washington Times.

I urge my colleagues to read the article.

STRAIGHT TALK IN A CAVE OF WINDS

(By Smith Hempstone)

Should Ambassador Charles M. Lichenstein ever find himself down by New York City's dockside, bidding a fond farewell to the United Nations, he won't be alone. And there won't be many damp eyes in the crowd.

For when Lichenstein told the U.N. delegates they could either love the United States or leave it, he was a few hundred yards ahead of Ronald Reagan (who belatedly got in step with him), streets ahead of the White House and State Department spokesmen, light years in front of the 24 House Democrats who called for his resignation, and in the very good company of the mass of American citizens.

For the fact is that the international organization, 25 percent of whose budget is paid for by American taxpayers, is anti-American, anti-Western, anti-industrial and indifferent to democracy.

It denies full membership to real nations such as the Republic of China (Taiwan) and South Africa, while recognizing fictitious ones such as the Ukraine and Byelorussia. Its charter states it is open to "peace-loving nations," yet it grants observer status and funds to terrorist organizations such as the PLO and SWAPO.

The United Nations, which today has 158 members, is a very different organization from the one founded in 1945 with 50 members. In those days, it dared to fight for the preservation of a small nation, South Korea, against communist aggression. Can anyone imagine that happening today?

The so-called "nonaligned" nations—a group of about 120 Third World ministates, banana republics and military dictatorships that pays less than 9 percent of U.N.'s budget—votes 84.9 percent of the time with the Soviet Union. The organization to this day has not found it convenient to chastise by name the Soviet Union for its invasion of Afghanistan.

New York is a theater town and the United Nations in recent years has degenerated into a theater of the absurd in which the delegates shout ritualistic abuse at the United States, Israel, South Africa and Taiwan—and then try to pick the pockets of the industrialized nations. It is also perhaps the largest center for communist espionage in the world.

Literally millions of people have been butchered by totalitarian nations over the past 20 years while the United Nations has prattled on about "Zionism" and "racism." The organization is about as useful as teats on a boar; worse than useless, it has been used to cloak the deeds of evil men in the mantle of legitimacy.

Yet the mystique of the United Nations is such as to continue to mesmerize some otherwise rational people. My brother Kraft, usually among the more sensible of men, was so shaken by the faint prospect that the United Nations might abandon New York for the fleshpots of Pyongyang or some other Marxist El Dorado that he wrote the other day in fear and trembling:

"Indeed, if the rest of the world consented to move the U.N. at this juncture, it would mark the decline of this country as a great power."

That is, of course, pure, unadulterated horsefeathers. What the departure of 11,400 overpaid bureaucrats and a couple of thousand diplomats from these shores would mean would be fewer bills unpaid, legal summonses and lawsuits ignored, a hole in the heroin trade, a decline in espionage activity and harder times for Gotham's prostitutes. While New York City would miss the $700 million spent there annually by the United Nations, the rest of the nation would be none the worse for its departure.

Membership is another matter. While the common currency of debate at the United Nations is lies and distortions, it is worth having the United States there if only to refute them. The problem is that, with the noble exception of Sen. Daniel Moynihan, the United States until the Reagan administration had no delegate with enough guts (or political clout) to call a spade a spade within those hallowed halls.

It was Lichenstein's identification of just such a shovel that led him to point out that the world organization was at liberty to seek other premises if it was not happy with its accommodations in New York.

A Soviet delegate, Igor I. Yakovlev, had complained that, because the governors of New York and New Jersey would not allow Foreign Minister Andrei Gromyko's Aeroflot plane to land at either Kennedy or Newark airports, the United States had violated its responsibilities as host country. What Yakovlev ignored was the fact that the United States had agreed to let Gromyko use McGuire Air Force Base in New Jersey, where it would be easier to protect him from the righteous ire of those who feel the Kremlin was culpable in the shooting down of KAL Flight 007, murdering 269 people.

Lichenstein said a mouthful, for all of us. For which he deserves our thanks.●

H.R. 3668

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. KINDNESS. Mr. Speaker, several weeks ago I introduced H.R. 3668, the Contract Disputes Improvement Act of 1983. The bill corrects two problems in the Contract Disputes Act of 1978, one substantive, and one technical.

The Contract Disputes Act of 1978 has, since it took effect, generally improved the relationship between the Government and its contractors. One provision of the bill, however, has caused severe problems.

The certification provision in section 6(c) (1) and (2) requires that a contractor submitting a claim for a contract adjustment of more than $50,000 must certify that the claim is made in good faith, that the supporting data are ac-

curate and complete, and that the amount acccurately reflects what the contractor believes the Government is liable for.

On its face, certification does not sound unreasonable. Unfortunately, the provision was added as a Senate floor amendment without comment or explanation, and without any legislative history. As a result the certification provision has been the subject of judicial interpretation.

Since enactment of the Contract Disputes Act, there have been more than 6 court and agency board of contract appeals decisions construing the act's certification requirement. As construed by these forums, certification is a prerequisite to their jurisdiction to consider a claim in excess of $50,000. In addition, they have interpreted the certification requirement as controlling the start of the interest period on amounts awarded a contractor under the act. Both interpretations are contrary to the intent of Congress.

Last year the Congress passed an amendment to the Contract Disputes Act to correct these misinterpretations. However, the President vetoed the bill, stating the amendment was inconsistent with the purpose of the Contract Disputes Act and could result in large increases in Government obligations without any corresponding benefits to the claims resolution process so carefully estabished in the Contract Disputes Act.

Unfortunately, the President was misinformed. The amendment was consistent with the original intent of Congress. In enacting the Contract Disputes Act, Congress expressly provided that a contractor should be paid interest on the amount awarded from the date the contracting officer receives a claim submitted under the act until that amount is paid. Congress considered alternatives to the date on which interest should start, and chose the time that the Government was put on notice by submission of a claim to the contracting officer. There is no requirement in the interest provision of the act that a claim in excess of $50,000 had to be certified at that time.

Frankly, the certification provision of the act serves no useful purpose. There are statutory civil and criminal penalties for making false claims which cover contractor claims under the Contract Disputes Act; 31 United States Code section 231, 18 United States Code section 287, and 18 United States Code section 1001. Moreover, the Contract Disputes Act itself provides that if a contractor's inability to support any part of a claim is due to "misrepresentation of fact or fraud" the contractor will be liable for an amount equal to the unsupported amount plus all costs of the government in reviewing that part of the claim (section 5).

With respect to the start of interest, the Contract Disputes Act was intended to compensate a contractor for additional expenditures of money required by the Government and to provide an incentive to a contractor to put the Government on notice of a claim at an early time; thereby giving the Government an opportunity to correct the situation or resolve the claim before costs were incurred or grew. The certification requirement is inconsistent with this intent because it creates delay in notifying the contracting officer. We cannot expect a contractor to certify the amount of a claim until it is reasonably certain that the amount is correct. In the meantime, the contractor has spent its money and, as the Contract Disputes Act has been interpreted, cannot recover interest. In other words, the Government gets free use of a contractor's money.

By holding that certification is jurisdictional the courts and the BCA's also have created significant procedural delays in resolving disputes under Government contracts. For example, even though a contractor is willing to provide the certification after the contracting officer has denied the claim and the contractor has appealed, the court has held it cannot hear the claim. The contractor must start all over. The certification requirement also prevents a contractor from getting a decision on the Government's liability on a claim before expending the time and resources to develop the amount involved. This is contrary to normal legal proceedings and commonsense. It is particularly burdensome to small contractors who must spend money to develop the precise amount of a claim before they know whether the Government has any legal liability.

The second part of the amendment I am offering is strictly technical. At present, the Contract Disputes Act provides that the interest rate to be paid will be that established by the Secretary of the Treasury under Public Law 92-41 for the Renegotiation Board. As you know, this Board is now defunct. My amendment provides a new basis for the rate to be established by the Secretary. In addition, it makes clear that the rate may fluctuate for each 6-month period.

The Contract Disputes Act was intended to correct deficiencies in the system for resolving claims and disputes under Government contracts. It was intended to assure companies doing business with the Government that they would be treated fairly. Fairness is a basic ingredient to obtaining better competition for Government contracts. The certification interpretations of the Contract Disputes Act by the courts and the agency boards of contract appeals do not serve these interests.

H.R. 3668 will correct the mistaken interpretations of the Contract Disputes Act and will assure that the act continues to enhance the Government contracting process. I am hopeful that the Congress will join with me in passing this legislation which is good for the Government, small business, and the taxpayers.

The introduced bill follows:

H.R. 3668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Improvement Act of 1983".

SEC. 2. (a) Section 6(c) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)) is amended—

(1) in paragraph (1) by striking out the second sentence; and

(2) in paragraph (2) by striking out "certified".

(b) Section 8(b)(1) of that Act (41 U.S.C. 607(b)(1)) is amended in the first sentence by inserting ", examined," after "selected."

(c) Section 10(b) of that Act (41 U.S.C. 609(b)) is amended by striking out "so grossly erroneous" and all that follows through "evidence" and inserting in lieu thereof "clearly erroneous."

(d) Section 12 of that Act (41 U.S.C. 611) is amended to read as follows:

"SEC. 12. Interest on amounts determined to be due to a contractor on a claim under this Act shall be paid to the contractor for the period beginning on the date the contracting officer receives the claim pursuant to section 6(a) and ending on the date the claim is paid, except that no interest shall be paid for any period before the cost on which the claim is based is actually incurred by the contractor. The Secretary of the Treasury shall determine the rate of interest to be paid under this section for each six-month period beginning on January 1, 1984, taking into account the then current commercial rates of interest for new loans maturing in approximately five years. The Secretary of the Treasury shall publish each such rate in the Federal Register. Interest on a claim shall be paid at the rate or rates established pursuant to this section which are applicable for each six-month period during which interest is payable under this section on that claim.".

SEC. 3. The amendments made by this Act shall apply to claims filed on or after the date of the enactment of this Act.●

U.S. VISION LACKING IN THE IDA NEGOTIATIONS

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. McHUGH Mr. Speaker, 18 months ago the Reagan administration released a comprehensive assessment of U.S. participation in the multilateral development banks (MDB's) that many of us found internally inconsistent.

On the one hand, the assessment concluded that "continued U.S. participation in the MDB's is justified by a fundamental national interest in a

more stable and secure world;" that the MDB's make a "cost-effective contribution to LDC economic growth and stability;" that "the soft-loan windows of the MDB's, especially IDA, make a significant contribution to meeting U.S. humanitarian objectives;" and that the MDB's "are one of the major vehicles for pursuing * * * U.S. economic and political/strategic interests" in the developing nations.

In short, the Reagan administration's own assessment concluded that the multilateral development banks are important instruments for advancing a broad range of U.S. interests in a highly cost-effective manner. In making specific recommendations, however, the report then went on to suggest that "the United States should begin to reduce its participation in real terms in the soft-loan windows, especially IDA.* * *"

At the time the report was released, Mr. Speaker, many of us had difficulty understanding how this recommendation could be squared with the previous analysis. It was almost as if key decisionmakers within the administration had decided to simply ignore the facts turned up by their own assessment.

Unfortunately, since the administration's assessment was released 18 months ago, the world economic situation has deteriorated, with particularly negative implications for the poorest nations and regions.

In Latin America, for example, we know that economies are contracting rather than expanding. As the recent annual report of the Inter-American Development bank put it:

In all the years from 1964 to 1980, the annual increase in the rate of expansion in the region's gross domestic product (GDP) never fell below 4 percent. Preliminary estimates indicte, however, that in 1982 Latin American GDP declined by 1 percent, as the region suffered the effects of the sharp decline in the world economy to which it is so closely linked.

In Africa the situation is much worse. In its recent progress report on development prospects in Sub-Saharan Africa, the World Bank has noted that "the deterioration in the economic situation of African countries, which characterized the 1970's, has continued into the 1980's. All major economic indicators—GNP growth rates, agricultural growth rates, the level of exports and of food imports among other indicators—remain matters of extreme concern."

In the face of what is happening in Africa, Asia, and Latin America, the Reagan administration has chosen to ignore the need for an adequate flow of development assistance to the poorer nations of the world. For example, it has negotiated a real and substantial reduction in the resources of the Fund for Special Operations of the Inter-American Development Bank, and it has reduced the U.S. share of the most recent replenishments of both the Asian and African Development Funds.

In short, the consistent signal that this administration has been sending to the developing nations is that the United States is no longer prepared to continue critical support for the soft-loan windows of the multilateral development banks.

Nowhere is this move evident than in the current negotiations for the seventh replenishment of the International Development Association (IDA). The U.S. position in the current round of IDA negotiations is that there should be a real reduction from the $12 billion originally pledged by all donors in the last replenishment to $9 billion in the proposed seventh replenishment. This overall reduction in the resources available to IDA would result in a reduction of more than 25 percent in the U.S. contribution.

One significant result of such a policy would be to seriously undermine the commitment to Africa that President Clausen established as an IDA priority for the 1980's. As the Bank's progress report points out, "increased finanical support for Africa has been constrained by the shortage of IDA resources and by the limited creditworthiness of many African countries." While the World Bank would like to increase its commitments to Africa by 5 percent per annum in real terms in the immediate future, this will not be possible unless IDA funding is considerably increased.

Mr. Speaker, every other nation in the world now participating in the IDA negotiations disagrees with the U.S. call for a reduced level of funding for IDA. Many of those nations are close allies of the United States, with similar economic and political interests. Many respected leaders have joined in their expression of concern about the U.S. negotiating posture. For example, as the gentleman from Massachusetts (Mr. CONTE) pointed out last week, Cardinal Cooke of New York has written to President Reagan urging him to rethink the U.S. position. However, the administration has given no indication that it is prepared to do so. Lacking any substantive justification for its position, it has argued that congressional support for IDA is lacking.

As the New York Times has pointed out editorially, this is a rather limp excuse.

When it comes to deploying missiles—or imposing trade sanctions—President Reagan asks his allies to think globally and follow the American lead. But when it comes to urgently needed help for IDA, which Europeans favor, his administration ducks behind the frowns of Congress.

Mr. Speaker, there is no doubt that some in Congress oppose funding for IDA. They are certainly entitled to their views, but their opposition is likely to persist regardless of the funding level the administration negotiates. That level should reflect not so much the views of the persistent critics, but rather the real needs of the developing nations as well as our own national interests.

In the final analysis, what is lacking in this administration is a broader vision of the U.S. role in the world community as well as a willingness to articulate that vision to the American people and their representatives in Congress. As the Times notes, however, reconsideration by the administration of the U.S. position in the current IDA negotiations "would make the President a bigger man, and the world a better place."

Mr. Speaker, for the benefit of those of our colleagues who may not have seen the Times editorial, I am inserting a copy into the RECORD at this point.

The article follows:

[From the New York Times, Sept. 27, 1983]

GIVE IDA WHAT IT NEEDS

Seven is not a lucky number for the International Development Association, the World Bank's lending agency for the poorest and most populous nations. For the seventh time since its creation in 1960 (by the United States), IDA is asking richer nations to replenish its funds for a three-year cycle. But alone among the major donors, the United States proposes an absolute reduction, pleading lack of Congressional support.

It is a limp excuse for a dismaying decision. When it comes to deploying missiles—or imposing trade sanctions—President Reagan asks his allies to think globally and follow the American lead. But when it comes to urgently needed help for IDA, which Europeans favor, his Administration ducks behind the frowns of Congress.

If Mr. Reagan means what his Treasury says, the American contribution to IDA will be cut by at least a fourth, to $750 million a year. Since that sets the dues for other nations, the seventh replenishment from 33 donors would total about $9 billion. This contrasts with $12 billion pledged for IDA-6 (in which the United States commitment was reduced by stretching from three to four years) and with the $16 billion urged for IDA-7 by the World Bank.

First and foremost among the victims of any cut would be the world's poorest nations, which vitally depend on IDA's zero-interest, 50-year loans. But these are not the only IDA clients. As a new World Bank member, China is now eligible for loans, and India's growth hinges crucially on a continued flow of IDA money for at least three years.

IDA loans are generous, but not without benefit to the contributors. They generate trade and enhance political and financial stability. No sensible American purpose would be served by impelling India, for lack of IDA help, to turn to already overstretched private capital markets. Nor does it make sense to say that Americans can't afford more than $750 million a year when the Defense Department spends five times more in a week.

Treasury's assessment of Congress is hardly infallible. In any case, the Administration will never get an adequate IDA pledge without asking for it. That is the

course urged on Mr. Reagan by his European allies, by his own State Department and by the man he approved as head of the World Bank, A. W. Clausen. Reconsidering this paltry contribution would make the President a bigger man, and the world a better place.●

DIRE NEED OF EMPLOYMENT: A LETTER FROM A CONSTITUENT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. APPLEGATE. Mr. Speaker, like many of my colleagues who represent areas of high unemployment, I receive letters daily regarding the problems that my constituents face as a result of being laid off and who are in dire need of employment. After reading many of these letters, they take on many similarities. However, every once in a while, there is one that, while speaking of the same problems, addresses the matter in such a way as to make the reader truly understand and appreciate the severe difficulties having to be endured by those who are confronted with unemployment.

I would like to share one such letter with this House at this time. There is much to be learned by this letter and certainly contains food for thought. I encourage my colleagues and all readers of this RECORD to read this.

DEAR CONGRESSMAN: It has taken me quite awhile to finally decide to write this letter but I'm going to swallow my pride and let you know what it's really like to live with an unemployed steel worker and trying to keep the family together!

My husband was a Viet Nam Veteran who, after the Army, was hired by a steel company. He worked there 9 years, 8 months. After nine years of working and saving, we bought our first new home. (What we had always dreamed of.) We had a new car and truck and our life style seemed so perfect. Two months after we purchased our home, my husband came home from work and said he was laid off. He was working so well and just had a bonus that we could hardly believe he was actually laid off! Ten months went by then they announced the mill would close the doors for good. To keep making payments on our house, we sold our vehicles and any other item we thought we could live without. We put our house on the market for sale, which appraised for $64,000 but listed it at $58,000. Then on December 1, my husband fell from a tree out in the woods by himself as he was deer hunting. He broke his back in three places and broke his breast bone, among other problems. When the police first notified me of the accident, the first thing I thought of was he shot himself as he was very depressed over losing his job, etc. Thank God, he didn't. But to complicate the problems, we had no medical insurance and his unemployment stopped that day because he was unavailable for work. With no place else to turn, I had to swallow hard and go apply for welfare assistance. It took almost three months to even qualify! We had to cash in our life insurance policies which were ten years old. Every single thing we both worked for all our lives just went down the drain. We were lucky to unload our house after months of trying to sell. We lost over $13,000, but we kept good credit.

The doctor told my husband he would have to wear his back brace for seven months or longer, but being a proud man he continued to look for work which was like an obsession with him! He found a job in a core shop doing foundry work for $4.75 an hour. That barely kept the family fed, but he felt good about himself! He was laid off from there due to the lack of orders. Nobody knows what it is like to hear your husband repeat over and over every day "I have to find a job," "I'm no good, I can't even keep my family," or "What do you want me for? Nobody else does!" Sometimes he'll just sit and stare off into space and I know exactly what he's thinking! He gets very irritable with me and the kids which he never did before and I feel very guilty myself cause I feel it's me and the boys he's worried about.

Before he was laid off, he grossed $28,000 a year. In the last 12 months we have made approximately $4,000. That is quite an adjustment to make!

We had an old car that just couldn't be fixed any more. A family member loaned us some money to buy a 1977 Pinto but we needed $200 more. We called our two banks with which we did business for ten years and paid every loan off and not one payment was late. We believed if we made a loan we would pay it no matter what it took such as having a garage sale or whatever. Anyway, with our excellent credit we were denied the small loan due to his being *unemployed.* It just didn't seem fair!

With his unemployment due to run out very soon, we are praying that he will find a job that we can raise our family on. That's all he wants is a chance to earn a living again. He would love to get retraining but we have no money for that. Anyway, from what we were told only the men who worked in stainless steel can qualify for that.

My one son is an asthmatic and is to get a shot once a week by the doctor or nurse. It costs $15 a month for Antigen, plus $4 each time he gets a shot, plus the cost of liquid medications so I cut his shots down to every other week and I get my father to give him his shots so that we can save money. Also, I am to see a doctor twice a month for high blood pressure, which I can't keep doing. So you see I am totally for medical insurance for the unemployed! Will things ever get better around here?

These laid off men are hurting—not only pocket wise but are emotionally damaged and I feel these men should be taken into consideration.

I suppose I should send this letter to Ann Landers but I just felt the need to write to someone higher up and get it off my chest!

Thank you very much for reading this.

Please keep this letter personal though. I'm sure it would embarrass my husband to know that I told the truth behind his pretended smile!

Keep up the good work.●

BPW NAMES WOMAN OF THE YEAR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RICHARDSON. Mr. Speaker, I would like to draw the attention of my colleagues to a woman whose professional accomplishments have served as an inspiration to others in my Third Congressional District. Recently, Betty Buffington, coowner and one of the founders of Mr. John's Academy of Beauty Culture in Farmington, N. Mex., won the distinction of being named the Woman of the Year by the Business and Professional Women's Club in her city.

Over the years, Mrs. Buffington has given support and encouragement to many men and women who have made cosmetology their career. In addition to her business accomplishments, Mrs. Buffington has been active in community service work, politics, and has been a devoted wife and mother to her three children.

Mr. Speaker, I hope that my colleagues will take the time to read the following article which outlines her recent award, that recently appeared in a newspaper in my district, the Farmington Daily Times:

[From the Farmington (N. Mex.) Daily Times, Sept. 4, 1983]

BPW NAMES WOMAN OF THE YEAR

Highlight of the new year for Business and Professional Women's Clubs is the naming of the Woman of the Year.

Betty Buffington, co-owner and one of the founders of Mr. John's Academy of Beauty Culture in Farmington was tapped for the 1983 honor by a panel of outside judges and presented with the award at a dinner meeting Thursday.

Mrs. Buffington's interests are many; professional, political, community service and her family.

Professionally, in keeping with part ownership of Mr. John's, she has served as manager since the beginning of the business in 1973. In addition to the beauty culture business she is an associate real estate broker.

To Further professionalism in both areas, Mrs. Buffington has served the State of New Mexico as a member of the curriculum committee for the State Board of Cosmetology, is a member of the San Juan Hairdressers Association and is vice president of the New Mexico School Owners Association.

On a political level she is a member of The League of Women Voters, treasurer of the San Juan County Democratic Party and is on the Legislation Committee for the Board of Realtors.

She is the mother of three active Farmington citizens—son Richard Buffington is aide to Congressman Bill Richardson, son John Buffington, personnel director at San Juan Regional Medical Center and Joy Limback, a financial aides assistant at Mr. John's Beauty College.

Mrs. Buffington will represent the San Juan BPW at the New Mexico Federation of Business and Professional Women of Ameri-

can District meeting Oct. 8 in Albuquerque and will be a candidate for New Mexico State Woman of the year.●

U.N. NOT ABOUT TO RIDE OFF INTO THE SUNSET

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BILIRAKIS. Mr. Speaker, recently, the U.S. Representative to the Security Council of the United Nations, Ambassador Charles M. Lichenstein, had the temerity to suggest to U.N. members critical of our minor travel restrictions on Soviet Union Foreign Minister Andrei Gromyko that they could move the United Nations from New York City to somewhere else in the world if they so chose.

There are many Members of Congress who, along with me, would certainly support such a relocation, especially if it would allow the United States to reduce its contribution to that body.

For those Members of Congress who are opposed to Ambassador Lichenstein's view, I suggest they read the following editorial that appeared in the Tampa Tribune on September 21, 1983.

In addition to citing several articles of the U.N. Universal Declaration of Human Rights, a document agreed to by the Soviets and, at the same time, violated by the leaders of that country on an every day basis, the Tribune's editors suggest several reasons why United Nations delegates, whether happy with the United States or not, would be reluctant to move from New York City.

The Tribune editors' comment, while certainly tongue-in-cheek, merits careful reading by all of us, especially when it comes to remembering the untrustworthiness of the Soviet Union in its dealing with our country and the rest of the free world.

[From the Tampa Tribune, Sept. 21, 1983]

U.N. NOT ABOUT TO RIDE OFF INTO THE SUNSET

On Dec. 10, 1948, the United Nations General Assembly adopted an impressive document called the Universal Declaration of Human Rights, which "guaranteed" that nobody dwelling in a U.N.-member country would be subject to the iniquities that, in fact, continue to be routine practice in the overwhelming number of signatory states.

Consider Article 3: "Everyone has the right to life, liberty and the security of person". Or Article 4: "No one shall be held in slavery or servitude. . . ." Or Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment of punishment." Or Article 9: "No one shall be subjected to arbitrary arrest, detention or exile."

If the words are wanting the ringing measures of Jeffersonian prose, they are wanting even more the respect of the General Assembly itself, an institution that long ago deteriorated into a rookery of international renegades. And conspicuous even among that crowd are the delegates from the Soviet Union, one of whom suggested Monday—after his boss, Andrei Gromyko, ran into travel restrictions triggered by the wanton destruction of the Korean airliner—that the United Nations relocate in another country.

Far from expressing hurt feelings, Charles M. Lichenstein, the U.S. delegate, offered an inspired reply. Said he: "If in the judicious determination of the members of the United Nations they feel they were not welcome and treated with the hostly consideration that is their due, the United States strongly encourages member states to seriously consider removing themselves and this organization from the soil of the United States."

And for good measure Lichenstein added: "We will put no impediment in your way and we will be at dockside bidding you a farewell as you set off into the sunset".

Well, few things are certain but this probably is: The U.N. won't move from New York. The delegates, especially those from less stimulating places, would sorely miss the spiritual pleasures the city affords. U.N. diplomats, after a hard day of exchanging lies and insults, are famous for availing themselves of Gotham's swinging playpens. New York may not be everybody's cup of tea, but after growing up, say, in Accra or Assam, even Times Square probably looks spiffy.

Another thought arises: If the U.N. were to leave the United States, where would it go? Most developed countries have laws aimed at controlling air pollution, as well as zoning laws designed to keep out establishments likely to be public nuisances.

Perhaps the Soviet delegate thinks Moscow would be a fine new site, but that could be dangerous. Restaurant service in the Soviet Union is dreadful almost beyond description. Ravenous U.N. diplomats might be far more likely to accept the inevitability of nuclear war. And, after finally sampling a Russian steak, which has the texture of boiled rawhide, those diplomats might say the sooner the better.

Nevertheless, while there's no realistic chance that the U.N. will pull up stakes, it's just as well the organization has made a little news. Because we are reminded again that the United States pays 25 percent of the U.N.'s bills—$196 million this year—and it is time other countries paid their fair share, perhaps allowing Washington to cut its contribution by half.

That the U.N. annually pours $700 million into the New York economy is hardly an argument for not reducing the American donation. The U.N., after all, using New York services and, in the case of the local police, the institution is a sharp thorn in the side. The delegates enjoy diplomatic immunity from local prosecution for traffic and other violations. Thus they operate outside the law on the streets of Manhattan—even as most of them operate outside the law adopted by the General Assembly in 1948.

It's hardly surprising that the White House chose not to endorse Lichenstein's sardonic response to the Soviet proposal for relocating the U.N. The institution has its uses, even for civil and civilized nations. But the U.S. delegate's words were satisfying nonetheless.●

B'NAI B'RITH AWARDS BILL GUNTER

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. PEPPER. Mr. Speaker, it is a great pleasure for me to call your attention and the attention of all who read this RECORD to a prestigious award that will be bestowed upon one of the very distinguished former members of this great and civilized body.

Many here remember Bill Gunter as the outstandingly able young member from Florida who contributed so well to the work of the House Energy Subcommittee and the Agriculture Committee, performing dedicated, valuable, and thorough service in the interests of his district, the State of Florida, and the Nation. He, in fact, helped to promote in Congress a bill that was modeled on Florida's "Sunshine" statute, which Bill championed as an active member of the Florida Senate from 1966 until 1972, when he was elected to the U.S. Congress.

Since Bill left the House to seek higher office, he has served with energetic and competent devotion as a member of the State of Florida's cabinet, in the capacities of treasurer and insurance commissioner. His numerous accomplishments over the years have been substantial and lasting benefits for the people of Florida. Recently, for example, he got the State legislature to set a standard for the insurance industry to provide health insurance at reasonable rates for the uninsurable, the very old, the ill, those who cannot afford to buy insurance at normal rates.

Thus, I am very glad that B'nai B'rith has chosen to present its first public service award to this excellent and dedicated public servant, who strives to help all the people as much as he possibly can, and I want to add my high esteem and personal commendations to Bill, our former colleague and humane friend.

Bill has far to travel, yet, and I am convinced that in the years to come, his achievements and peerless performance will benefit many of our people and add great honors and credits to his already towering record in public life.

For all of us who have come to know and work with Bill and who share great admiration for his high goals, his excellent virtue, and his conscientious presence of mind, I have below inserted a brief sketch of Bill's life and career. I commend it as exemplary and uplifting reading.

BIOGRAPHICAL SKETCH

In the years Bill Gunter has served as State Treasurer, Insurance Commissioner and Fire Marshal, he has established a

record as one of Florida's most effective public officials.

Gunter was born in Jacksonville, Florida, on July 16, 1934, and raised on a dairy farm near Live Oak. He was educated in the public schools of Suwannee County and graduated from Suwannee High School where he was elected president of the student body. Active in the Future Farmers of America throughout his youth, he served as national president of the organization in 1954-1955.

Following his graduation from the University of Florida in 1956, Gunter taught school in Live Oak. He then served a tour of duty in the U.S. Army, during which he was an outstanding honor graduate of the basic Army Administration Course. Gunter next moved to Orlando, teaching for a semester at Edgewater High School before entering the general insurance business in Central Florida.

In 1966, Gunter was elected to the Florida Senate. He won reelection bids by overwhelming margins and served in the State Senate until 1972. As a State Senator, Gunter was the leader of a successful effort to broaden the state's constitutional initiative provision and was a vocal supporter of Florida's "government in the sunshine" law.

Gunter was recognized as a reform leader in the Florida Senate. Under his leadership as vice chairman of the Ways and Means Committee, chairman of an Appropriations subcommittee and co-chairman of the Legislative Auditing Committee, which reviews executive spending practices, Florida became one of the few states in the nation to show an actual budgetary surplus while continuing to expand state services.

In 1972, Gunter was elected to the United States Congress, representing Florida's Fifth Congressional District. He served on the House Agriculture Committee and on the House Science and Astronautics Committee, becoming deeply involved with our nation's agricultural problems and space program.

As a Congressman, Gunter gained respect as a leader on energy related matters. He was a member of the Energy Subcommittee of the House and actively promoted the development of alternative energy sources, particularly solar energy.

From 1975 until 1976, Gunter served as senior vice president of Southland Equity Corporation, and president of Southland Capital Investors, Inc., of Orlando. On November 2, 1976, Gunter was elected Treasurer-Insurance Commissioner of Florida. Two years later he was reelected overwhelmingly to a four-year term and in 1982 ran unopposed for reelection. In the same year, Gunter was elected vice president of the National Association of Insurance Commissioners (NAIC).

Gunter has been active for many years in religious and civic affairs. He has served as Sunday School teacher and deacon in the Baptist church and has worked as an officer or member of the Jaycees, Central Florida Fair Association, Orlando Area Chamber of Commerce, Orange County Farm Bureau, Sportsman's Association, Kiwanis Club, Masons (as member of the Scottish Rite and 1979 Grand Orator for the Grand Lodge of Florida), United Appeal and other service organizations.

His awards include election by the Florida Jaycees and one of the state's "Five Outstanding Young Men", election to the University of Florida Hall of Fame and Florida Blue Key, receipt of the 1972 State Jaycee Good Government Award for outstanding public service, and selection as 1979 Democrat of the Year by the Florida Young Democrats.

Gunter is married to the former Teresa Arbaugh of Aiken, South Carolina. He and Teresa have two sons, Bart and Joel, and two daughters, Rachel and Rebecca.●

NO, SAMANTHA, THEY ARE NOT "JUST LIKE US"

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FIELDS. Mr. Speaker, my good friend and colleague, JOHN HILER, recently prepared a weekly column for newspapers in his Third Congressional District of Indiana dealing with the Soviets' shooting down of an unarmed Korean jetliner. That action resulted in the death of 269 men, women, and children—61 of them Americans.

Congressman HILER expressed the sentiments of many of us in that weekly column, and I wanted to bring his comments to the attention of you and my colleagues.

Congressman HILER, in his weekly column, expressed what many of us have always believed: that basic differences in values exist between Soviet and American leaders. Those differences made themselves clear during and after the airliner tragedy, and I hope those differences are not soon forgotten.

NO, SAMANTHA, THEY ARE NOT "JUST LIKE US"

(By John Hiler)

The reaction expressed by most Hoosiers to the Soviet Union's deliberate destruction of an unarmed Korean civilian airliner mirrors that of countless others—shock and outrage.

And rightly so. Who can understand or justify the virtual slaughter of 269 innocent people in an unprovoked act of barbarism? Such an action might be expected of the PLO or Libyan leader Col. Muammar Quaddafy, but it was taken by a superpower which may control the world's most powerful and destructive nuclear arsenal.

But why should that surprise a world that watched a Soviet government murder an estimated 20 million of its own people during the 1920's and 1930's? This is the same Soviet Union that has militarily crushed people and freedom in Hungary, Czechoslovakia, and most recently in Poland and Afghanistan. They have exported their repression to countless other nations through puppet regimes such as Fidel Castro's in Cuba. What are 269 innocent people to the Soviet Union?

This was no accident, nor could it have been the action of a single, trigger-happy field commander acting without full knowledge or clearance from higher officials. Numerous flights are conducted every week between Anchorage, Alaska and Seoul, South Korea—four every week by Korean Air Lines. The sky was clear and well-lit by a half-moon the night of August 31st, and the markings of the Boeing 747 are clear and unmistakable.

Its navigation lights were operating, and other than being off course, the plane gave absolutely no evidence that its purpose was other than commercial. It is remarkable that the plane was not destroyed until some 2 hours after it first entered Soviet airspace and only a few minutes from leaving it, giving plenty of time for thorough investigation by Soviet officials and contact with Moscow.

Just as remarkable has been the way the incident has been handled by the Soviets. It took the Soviet Union five days to admit to their destruction of the airplane. In the meantime and even today, they have continuously lied to the world about their involvement in this massacre. The facts are just too clear. The Soviet Union has proven beyond a shadow of a doubt their disregard for truth, justice, freedom, and human life. They have not even offered an apology or the hint of restitution to the bereaved families.

On September 5th, President Reagan addressed the Nation with undisputable facts surrounding the incident. He outlined several measured responses to the atrocity, including:

We will not renew our bilateral agreement for cooperation in the field of transportation.

We have suspended negotiations on several bilateral arrangements we had under consideration.

We are working with the other 12 nations which had passengers aboard the airliner to seek reparations for the families of all those who were killed.

We are "redoubling our efforts" with our allies to end the flow of military and strategic items to the Soviet Union.

We also called an emergency meeting of the United Nation's Security Council, and 9 of 11 member nations voting (four abstained) supported our resolution condemning what the Soviets did. Unfortunately, the Soviets exercised their power of veto.

There are many who would like to see the United States take stronger actions. Ideas that have surfaced include:

Reducing the number of Soviet diplomatic personnel in the United States.

Adopting and enforcing a long-term policy restricting Soviet access to our Nation's technology and economic resources.

Breaking off arms limitation and reduction talks and other sensitive negotiations.

Breaking off the recently-signed grain agreement.

While some further steps might be called for, I am strongly opposed to breaking off the grain agreement. The disasterous Carter grain embargo should have demonstrated to us that a unilateral grain embargo only hurts U.S. farmers. I also oppose breaking off arms limitation and reduction talks. The guest for an equitable arms agreement remains of paramount importance.

It is disheartening that the world has to witness the murder of 269 innocent civilians before fully comprehending that the Soviet Union does not share the same values as the rest of us. However, if anything of value is to come of the airliner massacre, maybe it will be a new-found realization that peace, freedom, and protection of human and civil rights will only come from a strong America—strong in our resolve to protect and defend those values so important to human dignity, and strong in our capability to respond to and deter Soviet terrorism.

Recently, a young American, Samantha Smith from Maine, went to the Soviet Union at the invitation of Yuri Adnropov.

She was treated to a remarkable visit, one quite overwhelming for a young child. When she came back to the United States, the media reported her every word extensively. She was a guest on morning news shows. Probably the most succinct statement she made that reflected her youthful exuberance came when she blurted out in response to a question, "They are just like us."

No, Samantha, they are not "just like us."

If you have any questions or comments, please write to: Congressman John Hiler, House of Representatives, Washington, DC 20515.●

"BIAGGI'S BRONX BOMBERS" WIN THIRD STRAIGHT SOFTBALL CHAMPIONSHIP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BIAGGI. Mr. Speaker, it has never happened before and it may never happen again, but my own "Biaggi's Bronx Bombers" have won the Congressional "B" League softball championship for the third straight year. Hailing from the Bronx, an area rich beyond compare in baseball tradition, I view this accomplishment with a deep sense of personal pride.

My extraordinarily talented coed team, which has won the championship during each of their 3 years in existence, successfully defended their title this year by defeating the U.S. Chamber of Commerce team by a score of 16 to 1. The victory made the Bombers the only three-time winner of the coveted Robert V. Rota Championship Trophy, which is named in honor of House Postmaster Robert V. Rota, whose office has sponsored the playoff tournament for the past 5 years.

I would also like to take this opportunity to congratulate my distinguished colleague from New York, STEPHEN J. SOLARZ, whose "Solarz System" team won the Congressional "A" League softball championship for the second year in a row, posting a most impressive 18 and 1 won-lost record this season. The Solarz System and Biaggi's Bronx Bombers have now won five of the last six congressional softball championships, proving that winning is still very much a New York tradition.

It should be noted that the Robert V. Rota Championship Trophy, in just 5 years, has become one of the most coveted prizes on Capitol Hill. In fact, interest in the tournament was so great this year that the number of teams selected was expanded from 32 to 46. Needless to say, the competition was fierce. Having witnessed the growth of the tournament and its tremendous success over the past 3 years, I want to express a special word of thanks to Bob Rota for his sponsorship, and to tournament director Gary Caruso and the Association of House Democratic Press Assistants for running the tournament. They have provided a most enjoyable time for all participants and spectators.

Over 200 teams participate in the Congressional "B" League, with the 46 top teams this year being selected to play in the season-ending championship tournament. The league is comprised primarily of teams from congressional offices, but also includes teams representing Government agencies and lobbying groups.

The Bombers outscored their opposition during this year's five-game, single-elimination tournament by a lopsided margin of 70 to 18. Their toughest test came during their semifinal game when they battled back from a two-run deficit in the bottom of the 10th inning to win 9 to 8 over the "Outhouse Gang," a very talented team made up of Secret Service officers and former staffers for President Ford. The Outhouse Gang was the 1980 winner of the Robert V. Rota Championship Trophy.

At this time I want to individually acknowledge those Bombers who provided the heroics during this year's tournament. They include:

Donny Allison—a genuine star who hit .600 with numerous clutch hits, and played a solid shortstop;

Sandy Barros—who provided yet another dazzling pitching performance during this year's playoffs and batted a very respectable .333;

Bob Blancato—who was nothing short of awesome at the plate, leading the team with 2 home runs and 15 total hits in 20 at bats for a sizzling .750 batting average, as well as knocking in the tying and game-winning runs in our pressure packed extra-inning semifinal contest;

Mary Boyle—who played consistently in the field and batted .333, driving in three important runs in the first game;

Craig Floyd—who, for the third straight year, captained my team, batted .647, including six doubles, and turned in a sterling performance at second base;

Glenn Goldberg—who batted .688 and, as is his custom, played flawless defense at both shortstop and third base;

Terri Karamanos—who batted 1.000 and knocked in two key runs in the first playoff game;

Mike Lewan—a team leader who batted .550, scored seven runs, and drove in six others, in addition to an outstanding defensive effort at first base;

Ted Manjoras—a newcomer this year, who proved highly valuable as a steady performer in center field, as well as at the plate where he batted .556 and scored seven runs;

Nicki Phillips—who sparked the team as leadoff batter with a .700 batting average, 14 for 20, and 10 runs scored, not to mention a versatile defensive role at both third base and right field;

Cathy Ramsay—who displayed her superior athletic prowess and competitive spirit in short field and at the plate where she batted an impressive .385, tops among female starters;

Lois Rawson—an outstanding athlete who batted .364, including a two-run triple in the second playoff game;

Rich Rawson—who played a spectacular left field throughout the playoffs, hit a critical grand-slam home run in the tough second round playoff game, and led the team in runs batted in with 10; and

Jim Serafin—who turned in a remarkable performance at bat with seven hits in seven times at bat for a 1.000 average, and who was responsible for some equally impressive heroics in right field.

Other standouts on my championship team include catchers Edith Adams and Fritizi Armacost, both dependable performers in the field and at the plate; utility infielders Tom Fitzpatrick and Frank Washington, cagey veterans of the team; outfielder Greg Lange, who batted well and played flawlessly in the field throughout the year; rookie first baseman George Penny, who proved to be an important addition to the team providing dependable fielding and timely hitting; Bill Ziegler, a mainstay on the team from year one, who played spectacularly all season until he was forced to return to graduate school prior to this year's playoffs; and Fred Burns-O'Brien, a newcomer to the team who served as an inspirational leader and coach.

A very special mention must be made about two of the team's most valuable players, both on and off the field. In addition to their outstanding performances at bat and as catchers, Moya Benoit and Veronica Floyd were the real anchors of my team, adding stability and much-needed leadership to the Bombers. On reflection, their contributions were the intangibles that often go unnoticed, but are absolutely essential to any championship performance.

Mr. Speaker, since their formation 3 years ago, Biaggi's Bronx Bombers have amassed a 68 and 11 won-lost record, including a perfect 15 and 0 record in playoff competition, and a 16 and 3 record this year. These are very impressive numbers by any standard. Needless to say, the team has given me much pleasure over the past 3 years and I want them to know that I am very proud to be associated with such a classy group of young men and women. As we contemplate the future of Biaggi's Bronx Bombers, let me say

with all sincerity, "Thanks for the memories."●

WASTE, PRIVACY, AND COMPUTER MATCHING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for September 28, 1983, into the CONGRESSIONAL RECORD:

The report follows:

WASTE, PRIVACY, AND COMPUTER MATCHING

Everyone wants to eliminate waste and fraud in government programs. Everyone also wants to protect the right to privacy. With the extensive and growing use of computers in government, however, a conflict looms between these two worthy objectives of public policy. You can count on hearing more about this conflict in the years ahead. A few comments may assist you in evaluating it.

In an effort to save money, improve administration, and enforce the law, more than 250 state and federal government projects use computers to match names in one file with names in another. This "computer matching", begun by the federal government in 1977 and even earlier by a few states, is praised by some and condemned by others.

Without doubt, computer matching can be of enormous assistance in a variety of situations. Matching has been used by the federal government to identify civil servants whose student loans are in default. It has detected physicians who bill medicaid more than once for the same services. Computer matching is being used to identify cases in which insurance payments have been too high, to track down fathers evading their child support obligations, and to pick out young men failing to register for the draft. Perhaps the most famous use of computer matching took place in the State of Massachusetts, which identified welfare recipients who had savings accounts that made them ineligible for aid.

All of these uses of computer matching, and many others not mentioned, are legitimate. At is best, computer matching insures that benefits from government programs go only to the intended recipients. It guarantees that citizens will fulfill their legal obligations. Fewer errors and streamlined administration mean more resources for those genuinely in need and greater public confidence in the honesty and competence of government.

But computer matching is not without its problems. Individuals' rights under the United States Constitution may be violated by the unbridled use of computers. Computers can invade privacy in a thousand ways, especially when they are used to "fish" through files for purposes other than those for which the files were intended.

A serious problem involves the use of data on file with the Internal Revenue Service (IRS). Permitting the data collected by the IRS to be used for other purposes, no matter how valid, could induce people to be less willing to divulge information on their tax returns. In a system of taxation that relies on voluntary compliance, this suspicion could be devastating.

Another problem arises because of the way in which computer matching is conducted. Government agencies doing computer matching are accused of assuming that individuals identified by the computer are guilty. The agencies, it is alleged, do not fully investigate the cases first revealed by the computer. For example, a citizen losing his income due to computer error may appeal, but it would be better to check for error before action is taken.

Using computer matching without examining cost-effectiveness is yet another problem. Small pilot programs indicate the type of results that may be achieved by computer matching, but calculations must also include the costs of verifying the results. This reduces the range of situations in which computer matching may be cost-effective, but insures that it will not be misused.

Computer matching techniques and extensive data banks on individuals frighten many people. A massive amount of information about Americans exists in the data banks of the IRS, the Social Security Administration, the Department of Defense, the Department of Commerce, hundreds of state and local agencies, and private banks and credit card companies throughout the country. That computer matching could bring all these data together to produce a detailed file on any citizen is alarming.

Computer matching is particularly disturbing when individuals are not aware that information about them is being divulged. The problem could become more serious as the quantities of computerized information and the methods of collecting it increase. For example, the City of Columbus, Ohio, has a special two-way cable television system known as "cube". It is being used experimentally for viewers to respond to questions, to shop at home, and eventually to transact financial business. The potential for saving time and money is tremendous, but so is the potential for abuse. Political groups could easily compile files of individual's views on the issues they respond to. Commercial concerns might use data on peoples' buying habits and preferences to target advertising and focus pressure sales tactics. In the worst case, access might even be obtained to peoples' personal financial records. Most distressing of all, all this can be done with no knowledge on the part of the individual concerned.

The elimination of waste and fraud on the one hand and the invasion of privacy on the other are the basic values in conflict here. Proponents of computer matching assert that this administrative technique is in fact less intrusive and far more efficient than similar cross-checking performed by hand: a computer searches a file only for the information it is told to collect, while humans doing the same work inevitably cull other material, too. Opponents respond that computer matching simply means more checking, if for no other reason than the ease with which computers do their work. Each side is right, but neither wants to admit the validity of the other's views.

As government operations become more computerized, one thing is certain: for years to come, we will have to set ourselves to the task of balancing the enforcement of responsibilities with the protection of civil liberties.●

TRIBUTE TO BESS DICK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RODINO. Mr. Speaker, I was deeply saddened to learn of the death of Bess Dick. Bess, whose diminutive size and frail appearance belied a strong will, superior intellect, and immense courage, was the Staff Director of the House Committee on the Judiciary from January 19, 1949, to March 9, 1973. Not only is that an impressive record of longevity for a staff director in the legislative branch, but I am sure that it is a record for a staff director who is a woman. Bess Dick, by her deeds and example was certainly an outstanding role model for the generations of professional women and lawyers who have followed her.

Bess Dick was one of those unsung heroes who labor all of their lives in the service of their Government without seeking any public recognition or personal fame. She was selflessly devoted to good government, to this great institution, and to a search for the truth in the many dramatic and volatile issues that have always confronted the Committee on the Judiciary. Bess set an example of professional excellence for all of her staff to follow and which the staff of the Judiciary Committee still strives to emulate.

Bess was in the forefront of all the great legislative battles of the fifties and sixties. Those were the years of the great civil rights bills; immigration reform; judicial reform. Bess participated in the great antitrust investigations of those decades; the AT&T consent decree investigation, the Newspaper Preservation Act investigation. Bess was also involved in the passage of at least four constitutional amendments.

Nothing that was done by the House Committee on the Judiciary in those very productive legislative years was done without the guiding hand, the steady head, and sound advice of Bess Dick.

Bess was really the father confessor and mother superior not only to the entire staff, but also to all the Members of the Committee through all those years. She provided the institutional memory so important for an institution such as ours to continue and flourish.

Bess, barely 5 feet in height, was truly a giant of her time. I was privileged to know Bess; and to work with her all of the years she was here. When I became chairman, I asked Bess to stay on to facilitate the transition; which she did.

Even after retiring she never lost her love of service, her love of this in-

stitution. During the time that Richard Bolling was chairing the select committee to look into House Rules and committee changes, Bess agreed to assist as a consultant to that select committee to share her great experience and fund of knowledge of the legislative process.

Bess instilled in us all a love of the legislative process, an awareness of our broader responsibilities to the public good, and a real sense of the importance of our public service.

About Bess it can truly be said—she served us all, she served us well.

My sincerest condolences to her family. We will all miss her.●

PRESIDENT OF PHYSICIAN GROUP EXPRESSES SATISFACTION WITH COMMITTEE ACTION ON FTC BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FLORIO. Mr. Speaker, the Federal Trade Commission reauthorization bill, H.R. 2970, has been reported and may soon come to the floor of the House.

It has been gratifying that the major controversy regarding the Commission's jurisdiction over health professionals which stalled the bill in the 97th Congress has not reoccurred. Rather, a consensus has emerged among virtually all concerned regarding the principle elements of a compromise.

As an indication of the foregoing, I am here inserting in the RECORD a statement on this subject by the President of the American College of Physicians, a prestigeous national organization of doctors. The statement notes in detail the consistency of the Energy and Commerce Committee's action on the FTC bill with the recommendations of the American College of Physicians.

[From the American College of Physicians Observer, July/August]

UPDATE ON FTC—LAWMAKERS CONCUR WITH ACP ON KEY ASPECTS OF DEBATE

Editor's note: In late June, College President Richard J. Reitemeier, FACP, wrote to the Board of Regents and the Board of Governors, bringing them up-to-date on actions ACP has taken regarding the debate on the Federal Trade Commission (FTC) relationship to the medical profession, and the results of ACP's efforts. Following is the text of that memorandum:

As you will recall, the college's position is that:

The FTC has a legitimate role in monitoring the business aspects of health care delivery; and

The medical profession has a legitimate role and ethical responsibility in ensuring the quality of care and the quality of medical education and training.

Because even the most legitimate professional activities—such as quality assurance, accreditation; and credentialling—can on occasion be misused the College believes that it is in the best interest of both the profession and the public for there to be no complete exemption from examination by the FTC. As we noted in our testimony, the right of self-regulation "can only be maintained if it is not above valid public scrutiny."

As the College further stated in its testimony before committees of both the Senate and the House of Representatives, health care activities comprise a spectrum, from the clearly commercial at one end to the clearly professional at the other. Our testimony accepted that the threshold for FTC review of the commercial end could reasonably be low, but we argued that the threshold for FTC review at the professional end should be quite high. Further, we argued for a clear recognition by Congress and the FTC of those activities that are primarily professional in nature.

Subsequent to the College's testimony, the House Subcommittee on Commerce, Transportation and Tourism developed legislation (H.R. 2970) that was considered and favorably reported by its parent Committee on Energy and Commerce in early May. This measure, the "Federal Trade Commission Authorization Act of 1983," is designed to extend the authorization for funding of the FTC for Fiscal Years 1983-85. Of special interest to the medical profession are those provisions of the legislation regarding the relationship of the FTC to the profession. The measure seeks to clarify the role of the FTC with regard to the traditional activities of the medical profession.

In summary, the legislation provides that:

The FTC may not use its authority to invalidate any state law that establishes "training, education, or experience requirements for the licensure of professionals" or that establishes the "permissible tasks and duties that may be performed by professionals." However, it makes clear that any such delineation of "tasks and duties" under state law must be "based in fact on specialized training or education;" and

The FTC may continue to challenge "commercial or business acts or practices of professionals."

Those of us who had an opportunity to present the College's position during the congressional hearing process—Drs. Federman, Maynard, and myself—were particularly gratified by the uniformly positive response of the committee members to the College's delineation of the issues. The degree to which the information we provided has assisted the committee in the development of its legislation is underscored in the Report of the House Committee on Energy and Commerce on the bill H.R. 2970 (House Report 98-156, Part I, May 16, 1983). This report becomes a part of the official record of the congressional deliberation on this matter.

When in a position to set forth the views of the College on public matters, it is the intention of the Officers and Regents to make a constructive contribution. All policy is reviewed carefully and approved by the Board of Regents. We take seriously this opportunity and responsibility to participate in the national debate on health policy issues. I believe that the College has made a most constructive contribution to the debate on the relationship between medicine and the FTC in several ways:

The College opposed a flat exemption of all professional activities from FTC monitoring.

Result: The House Committee on Energy and Commerce agreed, its report stating that from the record compiled in its hearings, "The public consensus on this point is overwhelming." The Committee report quotes at length from the College's testimony: 'It is neither realistic nor appropriate for such a significant sector of the economy to be placed outside of the purview of laws governing methods of competition and unfair or deceptive practices affecting commerce. . . . Health care, taken as a whole, is in fact part of our national system of "commerce"—in the traditional and broad sense of that term.'

Other professional groups, including the American Medical Association, the American Dental Association, and the American Society of Internal Medicine, now no longer argue for exempting the profession from all FTC scrutiny, as they have in the past.

The College strongly urged a recognition of the value of professional activities.

Result: The House Committee agreed, stating in its report that, "This Committee recognizes that professional associations play an essential role in such useful self-regulatory activities as: board certification of professionals' competence and qualifications; accreditation of professional schools and training programs; and accreditation of institutions that deliver professional service, such as hospitals. . . . Another example of such self-regulation is peer review of the quality, cost, and necessity of services rendered by individual practitioners."

The Report goes on to note that "such voluntary self-regulation serves important public goals and should be encouraged. When properly structured and conducted, such activities by professionals are permissible under the antitrust and consumer protection laws. Offical FTC statements acknowledge the legitimacy of professional self-regulation. . . . Thus, the Committee finds no need for specific legislation to give new protection to legitimate professional self-regulation."

Further, the committee report quoted the College, that "underscoring existing law would go a long way toward easing the fears of many within the profession that the profession's ability to carry out its responsibilities is in jeopardy under antitrust law." The Committee further believed it desirable for FTC to "ensure that responsible self-regulatory activities are not discouraged. . . ."

The legislation now before the House would preserve valid state functions and professional activities.●

CREDIT CARD-COMPUTER FRAUD (H.R. 3570 AND H.R. 3181)

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. HUGHES. Mr. Speaker, on Thursday, September 29, 1983, beginning at 10 a.m. in room 2237 Rayburn House Office Building, the Subcommittee on Crime of the House Committee on the Judiciary will hold a hearing on credit card and computer fraud (H.R. 3570 and H.R. 3181, respectively).

The witnesses at the hearing will include HAMILTON FISH, U.S. House of Representatives, 21st Congressional District of New York; Hon. BILL NELSON, U.S. House of Representatives, 11th Congressional District of Florida; a panel consisting of Arturo Hoyo, incarcerated credit card violator, Federal Correction Institute, Tallahassee, Fla.; and Detective Alex Ortega, economic crime unit, Metro-Dade Police Department, Tallahassee, Fla.; a second panel consisting of Bernard Siegel, Esq., deputy district attorney, Philadelphia, Pa.; and August Bequai, Esq., attorney and lecturer on law and technology; and a third panel which will include Mr. William D. Neumann, vice president of security, VISA International, Inc.; Mr. Thomas Kelleher, vice president, Data Processing Management Association; and Mr. Robert I. Farnon, vice president, Mid-Lantic National Bank—Citizens, Englewood Cliffs. N.J., representing the American Banking Association.

Those wishing further information or wishing to submit a statement for the record of the hearing can contact the staff of the Subcommittee on Crime, 207 Cannon House Office Building, Washington, D.C. 20515, telephone (202) 225-1695.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FIELDS. Mr. Speaker, in 1935 the noted historian, Will Durant, wrote: "For barbarism is always around civilization, amid it and beneath it, ready to engulf it . . . Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost."

In all the history chronicled in Durant's monumental, volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930, "Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them . . . (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live."

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence.

[From the National Review, Sept. 30, 1983]

A SOVIET DESERTER TELLS WHY

(By V. Rybakov)

We met Anatoly Zakharov in a partially destroyed house not far from the Pakistani border. Zakharov, who had been a soldier in the Soviet occupational forces in Afghanistan, is now a prisoner of the Afghan patriots. I could not help thinking, as I approached the house in the middle of the night, that I, a former sergeant in the Red Army, could have found myself in his place.

Zakharov, a tall, husky 19-year-old, met us dressed in traditional Afghan robes, hands folded on his stomach in the typical Moslem fashion. He looked solemn, calm, somewhat sad. Our video-equipment operator was surprised both at the strangeness of Zakharov's appearance and because he looked healthy and well fed. Our conversation began at once, and we spoke freely, as if he were a free man, not a prisoner.

SOVIET ARMY LIFE

Zakharov's background is similar to that of millions of other young men in the Soviet Union: He went to school, got a job, was drafted into the army.

"When did you first hear of Afghanistan?"

"A long time ago. I was studying in Leningrad. One day a drunken stranger came up to me, pointed his finger, and said, 'You're going to be sent to Afghanistan.'"

"Did you and your friends talk about Afghanistan?"

"No. When I got drafted everyone said I wouldn't be sent to Afghanistan, but I was. You know, I wanted to go into the army; I thought that I would find friendship there and a good life. Some people argued with me, said that army life was bad, but I didn't believe them.

"Then, when we new draftees were being transported, we stopped off at a school gymnasium in the town of Kuybishev. There the sergeants and the elders [long-time servicemen] took away our watches, our money, all our valuables, and then they beat us up. I thought then that this was some kind of initiation—that they beat us and robbed us because we were still civilians. Things were better in Tashkent, at our training camp, where all the draftees lived together."

"How long were you kept in Tashkent?"

"A month, until we were sworn in. Then they took us right away, by plane, to Afghanistan. In Kabul they split us up into different units. I ended up in a unit that guarded warehouses. We lived in tents, in an army camp. The elders and the sergeants told us right away, 'We were beaten, now we're going to beat you.' They beat us, even while we stood in assembly, mostly with their feet and elbows. They tried not to let the officers notice. They did this every day, a few times each day. The sergeants in Kabul were worse than any we had run across yet—they were real animals. In Afghanistan everyone gets demoralized almost at once. They just kept saying, 'We were given a hard time, now it's our turn to make you suffer.' They would always try to hit us where it hurt the most. Mostly it was the career sergeants, who had already served some years."

"What about the officers?"

"The officers try to keep out of it, they depend on the elders and the sergeants. Our platoon leader, Lieutenant Galiapin, lived with his wife in a specially fenced-in tent. He was drunk most of the time. Most officers live with their wives, but I saw no children at all. They are all waiting for the houses that are being built for them to be finished."

"Were there any unusual incidents you would like to tell us about?"

"Sure, a lot. A few times the guys couldn't take the beatings anymore and would shoot at the sergeants. They would get 15-year sentences and get sent back to the Soviet Union, though Kabul has a military prison as well. Many of us smoked hashish. The Afghans would exchange it for all kinds of stuff. Once two guys swapped hashish for bullets; one was sentenced to nine years in prison, the other to six years."

"Did anyone sell weapons to the Afghans?"

"No, I haven't heard of that. But I too had an incident. We were supposed to pull guard duty 24 hours on and 24 hours off, but sometimes we would be on duty for two, maybe three days. The Afghan climate is lousy, and the Afghans keep shooting at you—once I myself heard bullets whistle by. And when you get back from duty, the elders and sergeants beat you. So once I just left my post. They wanted to court-martial me at first, but instead they just transferred me from Kabul to Kunduz. Then there were rumors that we were all going to be sent to Lebanon, but this never actually happened. I guess they wanted us to protect someone in Lebanon . . ."

BRUTALITY IN THE CAMPS

Zakharov's smile doesn't go beyond his lips; it seems as if all of this recent past happened a very long time ago. You get the feeling that this man is changed, that he is still hurting from the disappointment of military service. He had hoped it would be a fraternity of strong men, but it turned out to be a nightmare full of hatred and pettiness. Zakharov reminisces some more. Once, a sergeant, after smoking hashish, screamed that Zakharov had not done a good job of cleaning the showers and stabbed him with a bayonet. It happens a lot—"Ukrainians beat the Russians, the Russians beat the Tadzhiks, the Turkomans, the Tartars; the Turkomans also beat the Tadzhiks."

"Was there a lot of hashish smoked in Kunduz too?"

"No, very little hashish in Kunduz. There weren't many peaceful Afghans there. There was a lot of shooting, especially at our trucks. In Kunduz, the trucks travel at eighty miles an hour, but still a lot of guys get killed."

Zakharov has little to say about the Afghans, as he did not take part in battles or punitive actions. He talks more about the Soviet invasion (he is against it) but mostly about the spirit of the Soviet Army in Afghanistan.

"Even in the mess hall," he says. "Even there they gave us a hard time. They kept stealing our sugar and even the three-quarters of an ounce of butter we were supposed to get."

"Do you know anything about the Soviet Army's use of chemical weapons against the Afghans?"

"I didn't see it myself, but I heard a lot about chemical weapons. The soldiers talked about the smell of poison gas at the airports. One paratrooper told me about an engagement where they used gas. He said that the gas masks were poorly made—a lot of guys had their eyes hurt by the gas. When I

was in a hospital for a few days I saw soldiers who had gone blind from the gas and others whose skin had turned black from chemical weapons. That's all I know about it."

DECISION TO DESERT

"What happened in Kunduz? Why did you decide to desert?"

"I was assigned to a construction battalion—we were building helicopter hangars. The airfield there is very large. There were hardly any Russians; most of the men were Georgians, Tadzhiks, and Armenians. It was even harder there for the newcomers than in Kabul. We lived in barracks, but the officers already had new houses. They kept hitting us with belt buckles when we worked; you couldn't even walk to the latrine, you had to run. Just before I arrived two guys deserted to the Afghans. An officer told us, 'Two guys ran away, you don't know yourselves where you're running to. This nonsense has to stop.'

"And then I couldn't take it anymore. There was this sergeant . . . well, there were all kinds of perversions. The sergeant told me that tomorrow I would have to sleep with him. 'I'll give you money and cookies, and if you say one word to anyone, the elders will cut your throat at night.' So I left. I wanted to leave at night, but in the dark I could have been stopped by the Soviets, so I left during the day. In Afghanistan, the soldiers take a break from one to three o'clock. I chose that time, and I went over the hill and started running. I looked up, and there was a helicopter above me. I pretended that I was working, looking for something. It flew away, turned around and came back. I hid in a bale of hay, took off my uniform, just left on my underwear and boots; otherwise both the resistance and the soldiers would have been shooting at me.

"I walked for a long time, without hope. I kept thinking: Some Afghans could turn me over to the Russians, others could hang me for being a Russian. Then I couldn't take it anymore and went into a house. An Afghan gave me half a melon. I was very hungry, and they didn't feed us all that well at Kunduz, just soup, some black bread, and tea—that's it. And here the man gave me a whole half a melon.

"I ate, and then another Afghan saw me. He started yelling something and I ran. Afghans were chasing me and I just kept running, as long as I could. Then they caught me and took me some place where there was an Afghan who spoke Russian. I told them everything. Now I am with them."

AN UNUSUAL CASE

Prayer time came. Zakharov excused himself, put down a prayer rug, and began to pray.

Actually, he was not a captured prisoner of war, nor has he changed sides and joined them in their fight. He was found and picked up by the Afghans as yet another victim of the Soviet-Afghan war and of conditions in the Soviet Army. It was here that Zakharov came face to face, for the first time in his life, with a spiritual world, and it happened that this world was a Moslem one. In our conversations I was amazed by Zakharov's interest in Islam and his knowledge of the Koran (the Afghans managed to find a Russian-language translation for him). It's a paradox—only after joining the "enemy" did this Soviet soldier find people who treated him in a warm, humane manner.

Zakharov's case, of course, is not typical; most captured Soviet soldiers are killed by the Afghans, partly because of the conditions of guerrilla warfare.

"Did you know that a few Soviet soldiers captured by the Afghans are now living in Switzerland?" I asked.

"In Switzerland? What are they doing there?"

I explained that they had been turned over to the International Red Cross and were then interned by a neutral country—Switzerland. He listened carefully.

"If I am returned home they'll put me in prison for a couple of years, maybe longer," he said. And then he said, more to himself than to me, "What's the point of going back to the Soviet Union?"

"What is going to happen to you here?"

"I am already a Moslem. I will live here. I'll have a family, an Afghan wife, kids."

As we left, Zakharov thanked us for the books and magazines we had brought him, turned, and went back to the house, to his new life.

(This article originally appeared in Possev, a Russian-language magazine published in West Germany by Soviet emigrés. The interviewer, V. Rybakov, is a reporter for Possev. The article was translated for NR by Si Frumkin.)●

A GENEROUS DONATION TO MISSISSIPPI STATE UNIVERSITY

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FRANKLIN. Mr. Speaker, I am one of two Members of this body who is a graduate of Mississippi State University in Starkville, Miss. This past weekend, my fellow alumnus and colleague, Congressman G. V. "SONNY" MONTGOMERY, made a presentation to our university that will prove highly valuable to its educational program.

Congressman MONTGOMERY has donated a large number of his congressional papers to the library at Mississippi State, and this information will be of great benefit to students and researchers of contemporary American history. Congressman MONTGOMERY has been one of this country's foremost spokesmen for the rights of our Nation's veterans, a primary advocate in Congress for a strong national defense and National Guard program, and a key leader in the struggle to protect the interests and rights of American prisoners of war and their families. He has, in fact, made more trips to Vietnam on behalf of our POW's than any other Member of Congress.

Congressman G. V. "SONNY" MONTGOMERY has provided students of our alma mater with a valuable set of resource material which could never be gotten from a textbook on politics and government, and I want to commend him for his generous donation.●

AMENDMENT VOTE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. DORGAN. Mr. Speaker, an amendment that was offered on the HHS appropriation bill prohibited funding for abortions.

I voted for that amendment with the understanding by its sponsors that even though a point of order did not allow the amendment to include an exception for an abortion to save the life of the mother, that the House conferees would include that exception in the conference committee with the Senate.

I want to make it clear that I cannot and will not support a prohibition on funding for abortions unless the prohibition includes an exception to save the life of the mother.●

THE 50TH ANNIVERSARY OF SOVIET FORCED FAMINE IN UKRAINE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FASCELL. Mr. Speaker, this week, Ukrainian Americans are commemorating the 50th anniversary of the Soviet manmade famine in Ukraine which took the lives of over 7 million innocent people. The week's events will culminate this Sunday, when thousands are expected to gather at the Washington Monument to pay tribute to the famine's victims.

In 1932–33, Ukraine, a fertile country often called the granary of Europe, was a land devastated by the horrors of starvation. Deserted villages, neglected fields, starving peasants with swollen bodies, and countless corpses were common sights. Those peasants who refused to turn all grain into the state were deported or executed. Disease was widespread and even cannibalism was not unheard of. Starving villagers who attempted to leave areas stricken by the famine were turned back at border checkpoints.

This deliberate devastation was not the result of natural calamity; it was a matter of state policy. Indeed, the untold suffering of the Ukrainian peasant was a consequence of the Stalin regime's attempts to finance industrialization and secure collectivization through the forcible expropriation of grain. Ironically, during the period of 1932–34, when the famine was raging, the Soviet Union, in an effort to finance its rapid industrialization program, exported more than 4 million metric tons of grain.

The famine was not only designed to assure collectivization, it was also an attempt to break the will of the Ukrainian nation. Stalin saw the famine as an effective way of eradicating the independent spirit of the nationally conscious Ukrainian peasant. Ukrainians, the largest non-Russian nationality in the Soviet Union, represented a serious impediment to the Kremlin's plans to create a centralized and Russianized Soviet State. Not coincidentally, the famine also ravaged the territories inhabited by the Volga Germans and Don and Kuban Cossacks, who were also viewed as posing threats to the Soviet regime.

The demographic catastrophe suffered by Ukrainians starkly illustrates the magnitude of this crime. While the total population of the U.S.S.R. increased by 15.7 percent between 1926 and 1939, the number of Ukrainians decreased by almost 10 percent. The number of those who lost their lives as a result of the famine is conservatively estimated to be 7 million people.

Mr. Speaker, the same system which perpetrated this horrendous crime 50 years ago is today committing acts which are an affront to civilized people everywhere. Just as the Soviets at first denied shooting down the unarmed, civilian Korean airliner, the Soviets denied the existence of the famine, and then, when the evidence was overwhelming, defended their action. The parallel, indeed, is striking.

The Ukrainian famine, Stalin's massive purges during the 1930's, the invasions of Hungary, Czechoslovakia, and Afghanistan, the continuing and brutal repression of Soviet citizens, and the Korean airline tragedy indicate the Soviet regime's contempt of any standards of civilized behavior as well as for its international obligations.

The Commission on Security and Cooperation in Europe, on which I serve as Chairman, continues to be deeply concerned about Soviet violations of the Helsinki Final Act. The recently concluded Madrid meeting to the Conference on Security and Cooperation in Europe, which included members of the Commission, represented an important forum at which the United States and our Western allies gave critical attention to Soviet noncompliance.

It is important for us to remain determined in our efforts to promote adherence to international agreements such as the Helsinki Final Act and in our efforts on behalf of those whose rights are flagrantly violated. By actively remembering and vociferously condemning the tragedies of the past, we may be able to prevent similar tragedies in the future.●

IN HONOR OF JUDGE LORENZO E. PATINO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. MATSUI. Mr. Speaker, I would like to honor today the life of Municipal Court Judge Lorenzo E. Patino who recently lost his 4-year battle against leukemia. With his death, the Sacramento community has been deprived of one of its finest leaders. During his short 35-year lifetime, Judge Patino served as a shining model of leadership, courage and unflagging optimism. His legacy for all of us will be long lasting.

Judge Patino was born, one of eight children, in Juarez, Mexico. His family soon moved to the Sacramento area, where he grew up and attended Sacramento area colleges and law school at the University of California.

Early on, Judge Patino showed his commitment to community service. While still an undergraduate at California State University at Sacramento, he was elected president of Sacramento Concilio, which at the time was a family service center for Chicanos. During his tenure, Patino expanded the organization into a multiservice agency that now provides employment and training, research, and other public services.

Judge Patino continued his active community work after graduation from law school, when he became a leader of the California Trial Lawyers Association. In 1980, he was appointed municipal court judge—one of the youngest members ever appointed to the court. He became known for his tough stand against drunk drivers and his efforts to keep them off the highways. In 1981, he was voted judge of the year by the California Trial Lawyers Association.

Judge Patino's greatest battle began 4 years ago when he developed myelogenous leukemia. He never stopped fighting. Despite many setbacks, he continued searching for a cure for his condition while remaining ever optimistic. Most recently, before flying to Dallas for experimental cancer treatment, he told a municipal court clerk that he would be back in 2 weeks and ready to make the changes they had discussed for his courtroom. Unfortunately, he never made it back.

The life of Judge Patino is one that deserves the highest respect and honor. His dedication to the best interests of his community and profession, as well as his passionate will to live, embody the finest values of our Nation.●

DO NOT USE OUR FARMERS AS POLITICAL PAWNS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. ROWLAND. Mr. Speaker, in these difficult and stressful times for our Nation's farmers, I wish to express my strong opposition to imposing a unilateral embargo on the export of America's agricultural products. The Nation has suffered enough from the detrimental effects of the 1980 Soviet grain embargo with the loss of jobs, exports, and a $11.4 billion reduction in overall output, without taking such action.

It is through these imposed embargoes that the United States has lost its credibility as a reliable supplier of our agricultural commodities of which we are long proud. We need to assure our foreign buyers of our commitment to supply these commodities in order to rebuild our reputation in the world market. Let me assure you that I am seriously concerned about the recent tragedy of the Korean airliner which was a horrible atrocity committed by the Soviet Union. However, I do not believe a unilateral grain embargo would be the answer to the attack by the Soviet Union.

In my State of Georgia, as well as other parts of the United States, our farmers have been severely affected by the drought. At this point, it is not known what the long-term effects from the drought will be on agriculture. In view of these facts, it would in my opinion be ill-advised to cause any further reductions in anticipated income to our farmers. It is now time to show our farmers in America that we do not intend to use their livelihood as a vehicle of retaliation in these conditions, and we will stand behind them without further endangering the agricultural community.●

TOTAL MULTINATIONAL EMBARGO AGAINST SOVIET RUSSIA

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RAY. Mr. Speaker, I wish to register my opposition to a unilateral grain embargo against the Soviet Union.

The actions of the Soviets in blasting a civilian airliner out of the sky were outrageous and reprehensible. No amount of explanation, no amount of excuses will allow me to forget this horrible act. Instead, the Soviets have demonstrated in a shocking, vivid way

their disregard for individual life and liberty.

A response to the Soviet action is demanded, but that response should be multinational. President Reagan has acted remarkably in rallying world opinion on this issue. He has worked for a united, worldwide response to the Soviet action, and we must continue to present this united front.

We are all aware that unilateral action on the part of the United States would have little influence on future Soviet behavior. Instead, a unilateral grain embargo would be a severe setback for our farmers.

Those of us who represent agricultural areas know firsthand the harm such an embargo would have on the American farmer. At a time when he is struggling merely to survive, we cannot impose this hardship on the farmer. We cannot ask him to bear the burden of a foreign policy—especially when that policy would have little beneficial effect.

Since in the past our unilateral embargoes have failed to achieve much success, I could only support a multinational approach, involving as many nations as possible. Perhaps we should consider halting the exportation of all goods and services to the Soviet Union. Such an action would quickly isolate the Soviets from the rest of the world. A total, multinational embargo is the strongest possible statement of protest the world can make to a country which has so forcefully violated international standards of decency.●

PERSONAL EXPLANATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. SIMON. Mr. Speaker, last Thursday the House approved the Conte amendment to the Labor/HHS appropriations bill. The amendment will prohibit the use of Federal money appropriated under the bill to pay for abortion. I was unable to get back in time from another meeting for the vote but had I been present, I would have voted against the amendment. We simply cannot be applying rules as inflexible as the Conte amendment to a decision as difficult and personal as a woman's access to abortion.●

NICK CAPORELLA TO BE HONORED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FASCELL. Mr. Speaker, on October 8, a distingished Italian American and a fellow south Floridian will be honored in New York by the Columbus Citizens Foundation. On October 10, he will join other luminaries such as Gov. Mario Cuomo and actress Sophia Loren in leading New York's annual Columbus Day parade up Fifth Avenue.

Nick Caporella, president and chief executive officer of Burnup & Sims, Inc., of Fort Lauderdale, Fla., has built the company into the Nation's leading cable TV and telecommunications service company in a period of just 6 years. His is a true Horatio Alger story and, in fact, he is the recipient of the 1979 Horatio Alger Award. In 6 years, he increased Burnup & Sims' revenues from $59 to $237 million and the international company has offices in 40 States. Raised in a family that knew economic hardship, Mr. Caporella was the subject of a feature article in Forbes magazine in May 1982.

Mr. Caporella's theory for success is based on the strong belief that each employee must continue to grow and expand, that the entrepreneurial spirit will control, and that self-confidence, perseverance, and compassion be the rule. His is a true American success story that continues to unfold. I join in extending congratulations to him for the honors he will receive over the Columbus Day weekend.●

SUPPLEMENTAL SECURITY INCOME

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. DONNELLY. Mr. Speaker, today I have introduced legislation to amend title XVI of the Social Security Act on supplemental security income. As this section now stands, those citizens receiving this benefit are not eligible to maintain their benefits while receiving medicaid. Due to this depletion of funds, recipients are not able to maintain their residences while hospitalized.

For example, a 67-year-old woman who is blind lives alone and is the recipient of supplemental security income. Last year she was hospitalized for a 3-month period to receive hip surgery. During this time she was eligible for $25 per month from SSI based on the fact that she was temporarily absent from her residence. If SSI is reduced as drastically as such when a person is away from their residence for medical reasons, then there is small possibility of obtaining necessary money to afford the ongoing cost of rent and utilities during the period of absence.

The legislation I have introduced will allow the continuance of these benefits for up to a 6-month period. Should an extended amount of time be necessary for recovery, the 6-month period is apt time to find other means of retaining residency if it is so desired.●

JOE MANSOR WAS ONE OF TOLEDO'S FINEST CITIZENS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Ms. KAPTUR. Mr. Speaker, last week, the Toledo area lost one of its finest citizens. Joe Mansor died at the age of 75 after a life of service to this country, his community, his church, his union, and the Democratic Party.

It was a privilege and a pleasure to know and work with Joe Mansor. His vigor, clear-sightedness, and dedication were an inspiration to all of those he knew. He had a special place in his heart for young people—always eager to teach and to help. Joe Mansor made our community a better place in which to live and we will dearly miss him. On behalf of all Toledoans and the House of Representatives, I offer heartfelt condolences to this wife Rhea, his daughters Naomi and June, and his sister Marie.●

WATT: "CONTROVERSY MAKES THE MONEY FLOW"

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday I made reference to the Interior Secretary's boasting that he generates controversy in order to raise more money for the Republican Party.

While on a fundraising swing through Western States in 1981, Mr. Watt had this to say to a GOP convention in Coeur D'Alene, Idaho:

> . . . Watt was telling Western Republican leaders with relish that he knew the storm surrounding him is helping GOP fundraising, at least in the West.
>
> "Controversy makes the money flow," Watt told the GOP state chairmen.
>
> If he were in a different position, he said, he wouldn't have the same drawing power—"so let's use Jim Watt, while we can, to ratify the Reagan revolution."
>
> (Rocky Mountain News, Denver, Colo., Oct. 18, 1981.)

By the time he is finished, Mr. Watt will have made locoweed the Republican Party official flower.●

THE LETTER HARPER'S MAGAZINE WAS AFRAID TO PRINT

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. LEVITAS. Mr. Speaker, the August 1983, issue of Harper's magazine contained an item entitled "Dunces of the Month" listing the names of Congressmen who had voted for the nuclear "freeze" resolution, as well as for the MX missile authorization.

In response to that item, I wrote a letter to the editor of Harper's on August 10, 1983. I have now been informed that Harper's will not print my letter.

They are obviously afraid that their readers would see what a lousy journalistic piece that item was and Harper's would be embarrassed by itself ending up being the "Dunce of the Month."

At this point, I would like to insert my letter to Harper's for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1983.

Mr. LEWIS LAPHAM,
Editor, Harper's Magazine,
New York, N.Y.

DEAR MR. LAPHAM: Someone showed me an item which appeared in a recent issue of your magazine, entitled "Dunces of the Month." It related to a list of Congressmen who voted for the nuclear "freeze" resolution and later, for limited production of the MX missile.

The question is "Who's the Dunce?" I vote for you.

It concerns me that the editor of your magazine, which supposedly supplies information to the public, obviously has not read and/or does not understand the difference between the nuclear freeze resolution and the MX missile vote. If your publication is a source of information for the public, it is no wonder they are frequently misinformed.

(1) The nuclear "freeze" resolution has not passed Congress. It has passed one House and has no effect at all—whatever that effect may ultimately be—until it passes both Houses and is signed by the President or passed over his veto.

(2) The "freeze" resolution calls for a negotiated treaty and has no effect until the treaty is signed and ratified.

(3) By its own terms, the freeze resolution provides for no restrictions on any modernization, testing, deployment, etc. until the treaty is ratified:

"SEC. 5. Consistent with pursuing the overriding objective of negotiating an immediate, mutual, and verifiable freeze nothing in this resolution should be construed to prevent measures necessary for the maintenance of and credibility of the United States nuclear deterrent.

"SEC. 6. Until such time as the final instrument embodying the objectives set forth in section 1 has been fully ratified by both the Soviet Union and the United States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of United States weapons may be required to maintain the credibility of the United States nuclear deterrent.".

(4) The "freeze" resolution specifically talks in terms of overall reductions both in conjunction with and immediately following a "freeze" treaty, and negotiated nuclear arms reductions are a pre-requisite for any "freeze" to continue to exist. The U.S. arms reductions negotiating stance is based on the terms of the Scowcroft Commission's package which includes: (a) deployment of 100 MX missiles, (b) development of the single warhead Midgetman, and (c) a revised, flexible nuclear arms control negotiating position. Hence, it is obvious that the MX missile going forward on a limited and phased basis is not only consistent with the negotiated arms reductions portion of the "freeze" resolution but is an essential part of it.

This point was brought out in the debate on the nuclear freeze resolution on April 13 during a colloquy between Congressman Samuel Stratton and Congressman Clement Zablocki, the Chairman of the Foreign Affairs Committee:

"Mr. STRATTON. But does not the distinguished chairman recognize that if this resolution were to pass today . . . the gentleman from Wisconsin or at least many of his supporters today will immediately be urging that since the peoples' body of the Congress has not spoken out in support of a freeze, it would be morally improper for us to approve, for example, the new MX missile arrangement, the Pershing II and so on.

"Mr. ZABLOCKI. That is not the case.".

Immediately following this exchange, Congressman Thomas Downey, one of the primary sponsors of the nuclear freeze resolution, added:

"Nothing, as the gentleman pointed out, and I hope that my colleagues have heard that, nothing is frozen until the treaty is put into force by the Senate and the Soviet Union."

Since it is obvious your writers did not understand (or more likely never read) the text of the freeze resolution, it is understandable that they were writing about slogans rather than substance . . . which gives them the dunce award. Too bad for the theory of an informed public!

Very truly yours,

ELLIOTT H. LEVITAS,
Member of Congress.●

CHIEF RALPH DESANTO RETIRES FROM FORCE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. GAYDOS. Mr. Speaker, on October 15 in the home of Post 226, Brackenridge American Legion, more than 150 citizens of the community and police officers from the surrounding area will gather to honor one of their own—Police Chief Ralph DeSanto.

Chief DeSanto retires at the end of this month after 23 years on the Borough of Brackenridge's police force, the last 5 of which he served as the department's ranking officer. He leaves behind few regrets and many memories:

The borough gave me a good living, good enough to raise four kids. . . . If the good Lord gives me 15 more years, I'll be happy.

His value as a police officer will be chronicled at the testimonial dinner by his peers and partners. Among those scheduled to speak on his behalf are Robert Colville, Allegheny County district attorney; Eugene Coon, county sheriff; Robert Kroner, superintendent of county police; Charles Hanna, former mayor of the borough; Paul Davis, president of Lodge 39, Fraternal Order of Police.

Darrell W. Petz, present mayor of Brackenridge; Police Chief Frank Prazenica of Tarentum; Chief Fred Phillippi of Harrison Township. and Brackenridge police officers Jamie Bock, Carl Toscolani, and Guy Gula.

Now 60, Chief DeSanto was born and educated in the community of Springdale. Shortly after graduating from high school, he entered the Armed Forces, serving with the U.S. Air Force from January 19, 1943, until February 9, 1946.

Returning to civilian life, he held a variety of jobs before settling on a career in law enforcement. He joined the Brackenridge Police Department in 1960 and in 1977 became its chief.

A highlight of his work as a law officer was in 1969 when a prisoner escaped from the county workhouse, killed a police officer in a nearby town and became the target of a nationwide manhunt. Chief DeSanto was in the middle of that investigation. He also has encountered some rough moments in his career but, as he so often observed: "When you're getting paid to do this job, you've go to do it. You can't be a grudger."

Mr. Speaker, Chief DeSanto, I believe, epitomizes law enforcement officers everywhere and I take great pleasure on behalf of my colleagues in the Congress of the United States in wishing him a long and happy retirement.●

ROBERT GEORGE, SANTA FOR ALL SEASONS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. MOORHEAD. Mr. Speaker, his card says "Robert George, Presidential Santa." It could also say, without exaggeration, "Robert George, Santa for All Seasons," as this is a man who gives out Christmas cheer and hohos on a year-round basis.

As we all know, most men who play the role of Santa do so as a part-time hobby. Not so with Robert George who lives and breathes the part day in and day out.

Like Kris Kringle in the movie "Miracle on 34th Street," his white beard is real. Like Kris Kringle, his attitude is genuine and cheerful, helpful, and constant. Like Kris Kringle, his Santa

suits are owned not rented, tailored, not stuffed.

And like Kris Kringle of filmdom, Robert George, the Presidential Santa, has his doubters. But he also has an impressive list of appreciative supporters.

In his memorabilia, he has letters from John Kennedy, Richard Nixon, Gerald Ford, and Rosalynn Carter, each in their own way expressing gratitude for his good cheer and giving, and for the warmth he has brought to others.

Mr. Speaker, I too appreciate this unusual man and his unusual vocation.●

HONORING OUR SENIOR CITIZENS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. ROWLAND. Mr. Speaker, a unique event was held a few days ago in the city of Macon, Ga., in the heart of my congressional district.

More than 1,500 people attended a massive birthday party at the Macon Coliseum held for members of the "Over-80 Birthday Club," which is the invention of Bill Boyd, a columnist for the Macon Telegraph & News. Everyone who has reached the age of 80 is eligible to be part of the club, and everyone was invited to this wonderful party in honor of people who have contributed so much to their communities over a period of many years.

I congratulate Mr. Boyd and the Telegraph & News and everyone who contributed to the program. I hope their birthday party will serve as an example for others to follow in planning activities in appreciation of our senior citizens.

As Bill Boyd explains it, the "Over-80 Birthday Club" began last year when a reader asked him to wish her grandmother a happy birthday because "the only time her mother ever saw her name in the paper was when she was listed as a survivor in an obituary." He put her name in his column, and since then he has published more than 1,000 happy birthday wishes to his special group of Georgians.

The party, he said:

> Is the culmination of the efforts of many people. And the people who came are the most deserving in the world. To survive 80 years is a remarkable story. To survive 80 years and go out to a party is even more remarkable.

"Thanks," he told his guests, "for sharing an afternoon and a smile with us."

I saw many wonderful smiles that day. It was truly a remarkable event.●

MILLIONS MURDERED BY A GOVERNMENT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. FEIGHAN. Mr. Speaker, the tragic event that my colleagues and I commemorate today remains unthinkable. That perhaps as many as 10 million men, women, and children were starved to death by a brutal regime is now beyond question. That Stalin and the Soviet Government conducted a genocide of grotesque proportions is no longer open to doubt. Yet, even today, one strains to find words that adequately denounce the act. And one can only feel shock and shame that so few people remember the extent of the act.

At one time, the Ukraine was called "the granary of Europe." Its productive land and fertile harvests were the pride of Eastern Europe, and its peasant population lived in relative happiness. Yet, 50 years ago, the landscape was strewn with corpses—first with thousands and then with millions—murdered by a government that had orchestrated the first manmade famine in the history of the world.

The horror of the event is inconceivable. But the facts are clear. First, there was forced possession by the Government of all foodstuffs, grains, and seeds. Then, those who refused to obey the orders from Moscow were either deported or executed. Finally, the famine came and a genocide commenced. Incredibly, while setting up border checkpoints to keep food from entering the Ukraine, the Soviets were exporting more than 4 million metric tons of grain.

We speak today in memory of those tragic people. We speak in sorrow and in anger. Their deaths, and the senseless horror of their plight, moves us to remember the capacity for evil that exists in humankind.

In her memoir, "Hope Against Hope," the Russian writer Nadezhda Mandelstam reflected on the terror that engulfed her nation during the 1930's:

> Stalin ruled for a long time and saw to it that the waves of terror recurred from time to time. . . . But the champions of terror invariably leave one thing out of account—namely, that they can't kill everyone, and among their cowed, half-demented subjects there are always witnesses who will survive to tell the tale.

Today, we speak in the House so that the tale of the Ukraine famine will never be forgotten. Yet, in a larger sense, we speak for human rights, for those feelings of profound longing for justice that also exist in the human heart.

As we commemorate the lives of millions who suffered 50 years ago in the Ukraine, let us also make a commitment to those who suffer today. To those who face repression, and violence, and injustice around the world, let us continue to speak and to act with compassion and with courage. Only in this way can we be sure to honor our moral obligation to the unnamed millions whose lives were lost in the Ukrainian genocide.●

INSPIRING ADDRESS AT HISPANIC HERITAGE WEEK HEARINGS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RICHARDSON. Mr. Speaker, it is important that we set aside time each year to reflect on the many important contributions the Hispanic community has made to the history, culture, and development of this country.

During this year's recent celebration, Mr. Raul Yzaguirre, president of the National Council of La Raza, delivered an inspiring address at Hispanic Heritage Week hearings before the House Subcommittee on Census and Population.

Mr. Speaker, I hope that my colleagues will take the time to read this thoughtful speech on the Job Training Partnership Act and its implications on the crucial issue of Hispanic unemployment. As the Hispanic population grows in its importance, the need to improve their labor position will become more critical. Mr. Yzaguirre's comprehensive analysis will enlighten all of us to the benefits that can be derived from the Job Training Partnership Act.

TESTIMONY ON THE JOB TRAINING PARTNERSHIP ACT: IMPLICATIONS FOR HISPANICS

(Presented by Raul Yzaguirre)

I. INTRODUCTION

Chairwoman Hall, Congressman de la Garza, Congressman Torres, my name is Raul Yzaguirre and I am President of the National Council of La Raza. I would like to thank the Congressional Hispanic Caucus for inviting me to testify on such a crucial issue as Hispanic unemployment. Unemployment continues to be an extremely serious problem of national proportions. For our minorities and disadvantaged citizens, high unemployment rates aggravate already difficult employment barriers. The August 1983 unemployment rate for the White population was 8.2 percent; in sharp contrast, however, the unemployment rate for the Hispanic population was 12.9 percent. The Hispanic unemployment rate is consistently 60 percent higher than the rate for the White population. Whereas unemployment for the general population did not reach 10 percent until last year, the Hispanic unemployment rate has been above 10 percent since 1976. Hispanics are the youngest, and least-educated U.S. subpopulation, with an alarming poverty rate of 30 percent. Employment is thus a primary concern. The

House of Representatives will soon consider passage of H.R. 1036, the Community Renewal Employment Act. We support passage of that bill because it would provide employment opportunities in community improvement projects for the long-term unemployed. However, we are equally concerned with the implementation of the Job Training Partnership Act, and such issue will be the primary topic of my testimony.

The statistics reveal that Hispanics are a visible and growing constituency with multifaceted problems which require national attention. The National Council of La Raza, in its role as a national Hispanic civil rights organization representing Hispanic organizations in 20 states, the District of Columbia and Puerto Rico, supports a strong federal employment and training policy which focuses on providing disadvantaged individuals with the marketable skill necessary to compete in the labor market. As the Hispanic population grows in importance, the need to improve their labor market position will become more critical.

II. ROLE OF FEDERAL GOVERNMENT IN EMPLOYMENT AND TRAINING

The federal government has attempted to respond to the specific unemployment problems of youth, the economically disadvantaged and minorities. However, some of their programs have not been successful in meeting the needs of these populations. The federal government launched programs in the 1960's, namely the Area Redevelopment Act of 1961, designed to provide economic opportunities for economically depressed areas, and the Manpower Development and Training Act of 1962 (MDTA), designed to provide training to those persons who had become unemployed through technology or other structural changes in industry.

Not until 1965, however, was MDTA amended to shift its focus from the technologically displaced individual to the economically disadvantaged individual. The shift in focus occurred as a result of increased unemployment among economically disadvantaged individuals and President Lyndon Johnson's "War on Poverty" agenda. Due to the federal government's active targeting efforts, Hispanic participation rates during the MDTA era accounted for 15.7 percent.

The 1970's witnessed the birth of federalism and its decentralized policies. Thus, the federal government decentralized employment and training programs, giving increased responsibility to the states. In 1973, the Comprehensive Employment and Training Act (CETA) was enacted to provide job training and employment opportunities for the economically disadvantaged, unemployed and underemployed persons. CETA gave states and local governments the major responsibility for planning, administering and operating manpower programs in their jurisdictions. In 1978, with a population about 50 percent larger than it was during the 1960's, Hispanic participation under CETA accounted for 10.2 percent of total clients, a decrease of one-third from MDTA levels. CETA was amended in 1978 to increase federal oversight and targeting, and Hispanic participation increased to 14 percent of the total client population.

This experience leads to the clear conclusion that strong targeting and federal oversight are necessary to assure equitable access to employment programs by Hispanics and other disadvantaged individuals. Decentralized programs void of targeting provisions and federal oversight, such as the Job Training Partnership Act, are more than likely to underserve Hispanics.

III. THE JOB TRAINING PARTNERSHIP ACT

As you know, the Job Training Partnership Act (JTPA) will replace CETA as the primary federal employment and training legislation, effective October 1st. The Job Training Partnership Act seeks to prepare youth and unskilled adults for entry into the labor market and to afford job training to those economically disadvantaged who are in need of such training to obtain productive employment. Thus, its purposes are not unlike those of CETA. In order to accomplish such goals, the Act espouses four major principles:

A. Decentralization;

B. Private sector involvement in policymaking;

C. Training, not income maintenance; and

D. Performance, not process.

The National Council of La Raza has grave concerns that the principles embodied by the Job Training Partnership Act may limit the access to JTPA programs by Hispanic clients and Hispanic community-based organizations.

A. Decentralization

The Job Training Partnership Act illustrates a shift in duties between the federal and state governments. Whereas under CETA, employment and training programs were under the responsibility of the federal and local governments, under JTPA, these programs fall under the responsibility of the state and local governments, with the State as primary actor and the federal government assuming a less than minimal role.

JTPA decentralizes the employment and training programs. It represents a further delegation of federal authority to the states. It greatly increases state responsibility for the authority over local operations, imposing states as a layer between Washington and local programs. In addition, the Governor's authority to set statewide goals and objectives, enforce coordination criteria, and reorganize Service Delivery Areas (SDAs) represents a potentially important shift in authority from the local to the state level.

In line with the concept of decentralization, the Department of Labor (DOL), has issued regulations for JTPA which give states maximum authority to interpret most provisions of the law. The effect of DOL's approach is to create a policy and oversight void. Thus, it will be up to the states to fill this void in a manner consistent with the intent of the law. Granting such discretion to the States may result in a lack of uniform protections for Hispanics, other minorities, disadvantaged and powerless individuals who have relied on the federal government as the source for enforcement of protections such as nondiscrimination, targeting, and equal access to employment programs.

With federalism as its rationale, the Department of Labor (DOL) issued regulations much briefer than the law itself. These regulations grant an inordinate amount of discretion to states in interpreting the law. The result may be 50 different interpretations with hardly any uniformity. For example, the final regulations issued by DOL did not establish nationally consistent definitions of a participant's "family" and what constitutes "family income"—two constructs fundamental to determining participant eligibility. If there is no national standard by which individuals will be deemed eligible, each state has the authority to define eligibility differently. A possible scenario might be done in which a participant's "family income" is deemed too high to make him/her eligible for services in one state, whereas, in a neighboring state, the definition of "family income" may be flexible and thus make the same participant eligible for services. The Department of Labor's "hands-off" approach encourages varied and conflicting interpretations. Such may result in lawsuits based on inconsistent state definitions, thereby denying citizens equal protection of the law.

An effect of decentralization is the decrease in federal oversight to accomplish stated national goals. The 1978 amendments to CETA increased the federal role in targeting efforts. Whereas CETA prescribed services "to be made available" to "significant segments" of the population, JTPA merely suggests that local programs "shall make efforts" to provide equitable services to "substantial segments" of the eligible population. The differences in language illustrate a strong mandate for targeting in CETA versus a permissive approach to targeting the JTPA. JTPA is a training program whose content—including determination of the client population—is left to the discretion of the states.

The provisions regarding the job training plan further demonstrate the lack of targeting which accompanies JTPA. Under CETA, each prime sponsor was required to submit a plan to the Department of Labor detailing the services it planned and the manner in which those services would be delivered. Provisions of CETA specified 37 different elements that had to be included in the plan, including targeting provisions which established a requirement for affirmative services to one group or another: significant segments, low-income persons, veterans, youth, persons with limited English proficiency, offenders, etc. Although JTPA calls for a job training plan to be submitted to the Governor, not to the Department of Labor, it specifies only ten provisions that must be addressed by the plan and none of these call for targeted or affirmative or priority services. Under JTPA, the success of the job training plan, from an equal opportunity perspective, will depend on the commitment to this ideal by state and local officials. There is no federal oversight to prevent civil rights violations, thus the state is responsible and accountable for any acts of discrimination on the part of its subrecipients.

Since JTPA delegates to the service providers and the States discretion in deciding who is eligible to receive services, specific efforts to ensure equal opportunity and nondiscrimination become all the more critical. With the authority that is conveyed to the Governor to administer a job training program is a concomitant responsibility to see that the program is implemented free of any discrimination and provides equal opportunity for all.

B. Private sector involvement in policymaking

JTPA's strong focus on private sector involvement is useful since private business and industry are the primary sources of unsubsidized employment. The Act mandates that half the membership of the Private Industry Councils (PICs), which govern JTPA activities at the local level, be from private industry. The PIC, in partnership with the local elected official, has overall policy and oversight responsibility for local job training programs. JTPA differs from CETA by granting the PICs a far more definitive role

in the policy design of employment programs. However, it is questionable whether private industry alone can design a policy targeted to meet the needs of the economically disadvantaged and the long-term unemployed. Therefore, in order to achieve a responsive policy, it is necessary for the PICs to reflect constituencies such as small and minority businesses, community-based organizations, as well as minority individuals including Hispanics. Yet, initial information suggests that this is not the case.

Small business generates two-thirds of all new jobs in the United States. However, the language of JTPA is permissive on the issue of small and minority business representation in the PIC, simply providing for such interest to be represented "whenever possible." The possible exclusion of these groups in the PICs may result in a plan that ignores the dynamics of employment generation.

Community-based organizations (CBOs) play a dual role as advocates and service providers for their constituencies. They are known to have a high success rate in reaching the disadvantaged. Representatives from CBOs are to be chosen as part of a broad and extremely varied group that also includes representatives from organized labor, educational agencies, economic development agencies, and the public employment service. The statutory definition of a community-based organization is extremely broad, therefore, Hispanic community-based organizations which act as service deliverers may be excluded in favor of an organization which represents a more general constituency. Unlike specific provisions mandating private industry representation, the Act does not contain language which mandates specific numbers for CBO representation. Exclusion of CBOs may result in policies which do not effectively address the means for reaching the disadvantaged.

The language of the law with respect to PIC representation of small and minority business, minority individuals, and CBOs is therefore tenuous at best. Such ambiguity grants discretion to the local elected official, who may or may not appoint such groups to the PICs. For example, in Houston, Texas, where the Hispanic population in central Houston is 31.2 percent, there are only four Hispanics in a PIC of 42 members. In Long Beach, California, where the Hispanic population is estimated to be between 15 percent–18 percent, there is only one Hispanic in the PIC. These cases demonstrate the percentage of Hispanic PIC representation does not approximate the percentage of the Hispanic population in those cities. It is crucial that these interests are represented in the PIC planning and decision-making process. The law's ambiguity creates an excuse for local governments to exclude such groups. However, in order to create a true partnership, efforts must be made to include the public, private and voluntary sectors which is needed for a successful employment and training program.

C. Training, not income maintenance

The Job Training Partnership Act eliminates all public service employment slots and nearly eliminates funds for training stipends. CETA provisions relating to public service employment and mandatory allowances have been repealed.

JTPA requires that 70 percent of funds be spent on training. The remaining 30 percent of funds may be divided between a maximum of 15 percent for administrative costs (a 5 percent reduction from CETA) and 15 percent for supportive services, wages, and allowances.

Many Hispanic and other community-based organizations may want to participate in JTPA but are effectively excluded because they do not have the non-JTPA resources to absorb the administrative responsibilities required by JTPA, such as management information systems, fiscal accounting, or do not have the capacity to provide such systems while staying within the 15% cap on administrative costs. As a consequence, larger established organizations like the Employment Service, school systems, and training institutes which do have sizable administrative staff funded by other resources can absorb some of the administrative costs of a JTPA program. Therefore, the limits on administrative costs may preclude some of the most effective recruiters and service providers such as CBOs from participating in the Job Training Partnership Act. If CBOs are effectively excluded from JTPA, then there will be a lack of organizations which effectively reach the disadvantaged, such as the Hispanic community, thus causing Hispanic participation rates to plummet.

The lack of training stipends also affects the access to training programs by the truly disadvantaged, including many Hispanics. Due to family income needs, there may be a strong tendency for individuals to take any job which becomes available, rather than completing training. This is a particular problem for the Hispanic community which has a high poverty rate and also a high rate of underemployment. If the disadvantaged want to take advantage of a training program, they would have to incur additional expenses such as transportation and child care costs, and suspend personal job search efforts. The lack of training stipends may effectively exclude Hispanics and other minorities from participating in a training program. The law allows needs-based payments necessary for participation; however, they are to be determined under a locally developed formula or procedure, which will mean a lack of uniform standards, thereby resulting in 50 different needs-based payment formulas.

The 15 percent cap on supportive services may be waived if certain conditions are met and the waiver is requested by the PIC. This assumes, however, that the PIC will be sensitive to the needs of the disadvantaged and will want to extend greater service to those who might benefit most from training but who also can least afford the extra costs of child care or transportation. If a waiver is granted, however, the Service Delivery Area is still subject to meeting national performance standards. This may have a chilling effect because the continued application of performance standards regardless of a waiver may affect not only the local area's decision to apply for one, but also the Governor's decision to approve a waiver.

Asking for a waiver means that a local area needs more money to provide supportive services for its participants. This implies that the participants are economically disadvantaged. The economically disadvantaged are the clients with severe economic and educational problems. Thus, they are also the most likely to fail to meet performance standards based on positive placements. Consequently, Service Delivery Areas may be denied waivers because of their inability to meet performance standards due to the characteristics of the specific population they serve. As a result, the ability to serve the most disadvantaged will be severely constrained if supportive services are not increased through a waiver.

D. Performance, not process

In the past, the federal government prescribed at great length and detail how training programs were to be conducted, emphasizing the means rather than the ends. JTPA's emphasis on results is a major legislative shift in social policy. Performance standards, more than any other part of JTPA, are critical to the outcomes-based system. Their importance is emphasized by the fact that up to 6 percent of the funds allocated to the States can be used to reward high performers, and that sanctions must be applied to consistently poor performers. While the benefits of such accountability are obvious, the inherent danger of performance standards based on positive placement is that it may encourage "creaming." "Creaming" is the tendency to select as clients persons who are least disadvantaged and easiest to place. Unfortunately, Hispanics and other minorities do not fall in this category.

Community-based organizations (CBOs) are affected the most by performance standards emphasizing placement. It makes little sense to have performance standards which develop unit costs per placement without considering the nature of the client and any special problems such client may have. Clearly, the more disadvantaged the client, the more likely that effective program services will cost more and run longer. Consequently, CBOs, as well as other entities, may be encouraged to "cream" by serving clients who are least disadvantaged, have least need for employability development, and are easiest to place, in order to meet the performance criteria and get refunded. The practice of "creaming" would totally neglect the intended and most important beneficiaries of the Act, the disadvantaged and structurally unemployed. The mechanism for ensuring that services are delivered to those most in need is targeting, a mechanism which is nonexistent in the Job Training Partnership Act.

IV. CONCLUSION

The principles espoused by the Job Training Partnership Act may have a severe negative effect on Hispanic participation rates. The concept of decentralization erodes federal oversight over targeting and monitoring efforts, thus endangering equal opportunity to training programs by the disadvantaged and minorities. Hispanic, small and minority business and CBO representation in the PICs may be low due to the lack of strong language mandating such representation. The restriction on training stipends may have a chilling effect on those individuals who are most in need of training but who can least afford the extra costs associated with training such as transportation and child care. The emphasis on performance standards based on positive placements may cause organizations to "cream" participants, thus, ignoring the disadvantaged and long-term unemployed.

Factors affecting Hispanic participation, whether as clients or as service deliverers, must be identified early, and policy makers and community leaders must become aware of the need to remove obstacles to such participation and encourage full Hispanic involvement in JTPA planning and implementation. The manner in which JTPA was drafted, in such ambiguous and non-targeted language, may lead to a potential disaster. It also points out the shortsightedness of policy makers. Hispanics are the fastest-

growing constituency and the youngest subpopulation group in America. Therefore, Hispanics will be the bulk of the future labor market. It will be the salaries of future Hispanic workers that will support the Social Security system. Thus, in order to achieve a long-term benefit for society in general, it is critical to have a federal employment and training policy which effectively addresses the needs of the Hispanic community. The federal government has to assume the responsibility for assuring equitable Hispanic participation and nondiscrimination. The federal government has to develop a policy which meets the economic, educational and social needs of Hispanic and other minority clients. For until all groups are equitably served, then can we say that America is back on track to an economic recovery.●

RETIREMENT OF CARL "YAZ" YASTRZEMSKI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. CONTE. Mr. Speaker, I think that Boston Globe sportswriter Red Smith hit the nail right on the head when he wrote on October 2, 1967, the day after the Red Sox clinched the American League pennant:

This is the City of Boston
The home of the bean and the cod
Where Lonborg stands taller than Kennedy, Ted
And Yastrzemski is some kind of god.

The euphoria in the "Hub" the day after this historic game will be matched in magnitude on Saturday with sadness as the city, and all New England, turns out to thank Carl "Yaz" Yastrzemski for his years of giving them something to cheer about.

While not everyone will be able to witness this occasion, we can all share in paying tribute to Yaz's continued pursuit of excellence. At this time, I would like to insert for the RECORD two clips from the October 1, 1967 Boston Globe "Yaz Clutch Streak Has No Parallel" by Harold Kaese, and "Yaz Wins Triple—and Then Some."

The two clips follow:

YAZ CLUTCH STREAK HAS NO PARALLEL

(By Harold Kaese)

Like a rocket that starts from a spark, traces a fiery path into the night until it explodes in a shower of light, the Red Sox have dazzled a nation by winning the American League pennant.

Whoever thought that so modest a vehicle as this team guided by Dick Williams would climb into the baseball sky to deliver streamers of excitement and the incandescent confetti of inspired effort?

"I thought we would finish about 10 games over .500 and in fourth of fifth place," said Tom Yawkey seriously, as his players drenched each other with beer after the climactic 5-to-3 victory over the Minnesota Twins.

But Williams, his manager, quipped, "I said all along we'd finish over .500."

And now for the great anti-climax—the World Series.

No known Red Sox hitter ever had a final two weeks to compare with those the Yaz delivered in the hottest stretch of the American League's hottest pennant race.

The Series can do a lot for Boston, for the Red Sox, for still unidentified heroes who may be lurking in the wings, but what can it do for Jim Lonborg, for Carl Yastrzemski?

Tris Speaker may have done it, or Duffy Lewis, Chick Stahl or some other Red Sox giant of long ago, but Ted Williams didn't, nor Jimmy Foxx, nor Vern Stephens.

As the Sox won eight out of the last 12 games for their eighth pennant, Yaz made 23 hits in 44 times at bat for an average of .523, hit safely in 11 of the games, drove in 16 runs, scored 14 and hit five homers.

In the two all-or-nothing games against the Twins, he made seven hits in eight times up.

If any player in baseball history—Babe Ruth, Rogers Hornsby, Ty Cobb, Lou Gehrig—ever had a two-week clutch production to equal Yastrzemski's, let the historians bring him forth.

Certainly no other Globe writer has done anything comparable on the athletic field, even though Leonard Fowle and John Ahern have won boat races and Bud Collins owns some tennis trophies.

Of Yastrzemski, Dick Williams said, "I never saw a player have a season like it."

And Rico Petrocelli said. "You'll never know how much he meant to us. We just knew he was going to hit."

And Tom Yawkey said, "At no time has this club ever been close to trading Yastrzemski.

In the Red Sox clubhouse, Yastrzemski wept from joy; in the visiting clubhouse, the Twins wept from Yastrzemski.

On Yawkey's 35 Red Sox teams, he has had few inspirational players Joe Cronin, Ted Williams, Dom DiMaggio. These men wore the capes of baseball greatness—but none approached Yastrzemski for combining the qualities of baseball proficiency and on-the-field leadership. Baseball is a game in which individual players seldom fire up a lot of other players, but Yastrzemski did it this season.

He did it with his arms, legs and sharp eyes, with his desire, with his optimism and determination. And even though a ball rolled through him for an unearned run Sunday, how fitting it was for him to cut down Bob Allison trying to advance the tying run to second on what looked like a double into the left field corner.

The Red Sox put it together this season, which is why they won, but nobody put it together the way Yaz did, and not many in the annals of baseball ever have.

Strategically, the games with the Twins revolved around that fact that the Red Sox pitched around Harmon Killebrew, whereas the Twins did not pitch around Yastrzemski.

Killebrew got three walks and four hits; Yaz got no walks and seven hits. The Red Sox were careful; the Twins took chances. So today the Red Sox are champions of the American League, as they also were in 1903, 1904, 1912, 1915, 1916, 1918 and 1946.

Now they have a chance to even the score with the Cardinals for the only World Series they have ever lost, and while the Cardinals look like the better team on paper, I would no more bet against Yastrzemski, Lonborg and the Red Sox than I would bet against the United States Marines.

Carl Yastrzemski of the Red Sox won the American League's triple crown—homers, runs batted in and batting average—and then some.

This is how he finished the season:

Led the American League in batting, .326.
Led the league in runs batted in, 121.
Led the league in runs scored, 113.
Led the league in hits, 189.
Led the league in total bases, 360.
Led the league in slugging percentage, .622.
Tied in home runs, 44.

No wonder a man in defeat, Mgr. Carl Ermer of Minnesota, took time to praise his enemy. Ermer said, "I'd have to say Yastrzemski is the most valuable player" in the American League.●

BOLIVIA NEEDS OUR HELP

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BARNES. Mr. Speaker, October 1982, President Siles Zuazo of Bolivia was returned to his elected position following several years of military rule. Upon taking power, the Siles Zuazo government found an economy heavily in debt and on the brink of bankruptcy. Bolivia has suffered a 15 percent drop in GNP, 300 percent inflation, a doubling of unemployment, and a foreign debt of $3.1 billion. Roughly 74 percent of Bolivia's national income is currently earmarked to service that foreign debt.

As if this were not enough for a country struggling to regain its democratic traditions, earlier this year Bolivia was struck by a series of natural disasters. Over the last several months severe drought and flooding combined with hail and freezing temperatures struck eight of the nine departments of Bolivia, affecting the lives of 1.6 of the roughly 5 million population of the country. The immediate consequence has been a food shortage of 1.3 million metric tons for agriculture year 1982-83. As a result, Bolivia recently achieved the dubious distinction of having surpassed Haiti as the country with the leading infant mortality rate in the Western Hemisphere.

In response, the Reagan administration has resumed economic assistance to the Government of Bolivia, providing emergency disaster assistance and foodstuffs, and reactivating funds in the pipeline which were cut following the military takeover in 1980. However, due to enormous commitments of economic support funds to Central America and other regions, Bolivia has been denied ESF in this fiscal year, and there are no plans for commitments in fiscal years 1984 or 1985. Bolivia currently maintains $40 million in reserves, and requires $330 million this month alone in interest payments.

The Siles Zuazo government negotiated in good faith with the IMF and is attempting to address the crisis with

concrete measures for the short-term reactivation of the economy. However, the threat of another coup looms constantly, as the Government is hit from the left and right for the austerity measures imposed by the IMF. In fact, the right has tried to enforce a law passed by the previous military government which would declare President Siles Zuazo's term in office complete in 1984, even though he has been allowed to serve only 1 year of that term.

Notwithstanding these political pressures, President Siles Zuazo has taken several difficult political stands. He authorized the extradition of Klaus Barbie, a Nazi war criminal charged in France with numerous murders of French Resistance Forces in World War II, and has supported the Contadora initiative, offering Bolivia as a site for negotiations. These difficult political decisions have given additional fuel to rightist parties seeking to destabilize the present government.

These constant pressures from the right, coupled with the economic chaos in Bolivia, necessitate a strong response from the U.S. Government and the Congress. I urge the administration to propose ESF for Bolivia in the next fiscal year to ease the economic crisis, and thus to truly support democracy in Bolivia. Bolivia stands as an example to its neighbors in Argentina, Chile, Uruguay, and Paraguay, that a return to democratic processes is possible and that, hopefully, the United States will look upon that return favorably and benevolently.

Mr. Speaker, I attach for the information of my colleagues a report detailing the current situation affecting Bolivia prepared by the Bolivian Embassy in Washington.

THE CURRENT SITUATION IN BOLIVIA

INTRODUCTION: THE POLITICAL SITUATION

This coming October the democratic government of Bolivia will celebrate its first year in power following a long period of political instability and military control. Among the different democratization projects in Latin America, until now Bolivia has been the only country capable of bringing it about peacefully and doing so with widespread popular support. Located in the southern part of South America, Bolivia's democracy constitutes an outstanding exception to the generalized climate of violence and of human rights violations which prevail there. It also represents a realistic and mature effort towards attaining the objectives of social peace, political stability, and economic development, sought after in Latin America.

In ten months, the government headed by Dr. Siles Zuazo has been able to create a new national mandate. Without sacrificing the dynamic of a multi-party political system, his government has been consolidating the essential building blocks of democracy for the first time in more than a decade. Within a framework of absolute respect for human rights we see the normal functioning of the executive, legislative, and judicial branches of government. Opposition parties exercise their rights unimpeded by government interference; there is total respect for freedom of religion and for freedom of press and expression. There are no restrictions whatsoever on either civil or trade union rights. Unlike the other countries of the region where dictatorships prevail, Bolivia is a State of Law. Of equal importance, there are no political prisoners nor repressive political bodies as existed previously that publicly or secretly threaten the rights of the citizenry.

In function of being a State of Law, the Bolivian government has posited from the first the need to struggle resolutely against drug trafficking. The new government considers this one of its most important national and international ethical, social and political objectives. Over the past years the diverse democratic * * * have been able to verify for themselves the close relation of drug trafficking to a more generalized process of social, political, and economic deterioration. Notwithstanding the Government's unbending will, the struggle against drug trafficking requires substantial financial and technical resources in order to confront the economic and military power concentrated in the hands of the national and international mafia, whose resources markedly surpass those of the national budget of Bolivia. Fully cognizant of this situation, the current democratic government of Bolivia has reiterated repeatedly its willingness and desire to coordinate its national efforts in this area with those of international agencies.

In an unprecedented demonstration of a new national ethic Bolivia's government granted France extradition rights to Klaus Barbie, wanted for war crimes in WW II against French Jewry. The current govenment of Bolivia seeks the maximum consistency between its national postulates and those of universal justice.

Despite these significant advances and notwithstanding the support of the majority of the people, the Government faces an extremely difficult economic situation following 18 years of military dictatorship. In addition to this the Government must deal with recent natural disasters, political pressure from undemocratic sectors tied to drug trafficking, and that from regional dictators that employ economic destabilization as a vehicle to return the country to military dictatorship. This serves to project and fortify an anti-democratic political project in the Southern Cone. Plagued by famine which could be used to spark an extremely violent situation, international comprehension and colaboration is needed now more than ever.

I. THE ECONOMIC SITUATION

In October 1982, upon taking power, Dr. Siles Suazo's government encountered a dramatic economic situation characterized by the following: a 12% fall in GNP in relation to the previous year; a 12% fall in mineral production; a 15% decline in industrial production; a 40% fall in imports, resulting from a sharp decline in purchasing power; a 50% fall in real wages; a doubling of unemployment since 1980; a 272% inflation rate between January and October 1982; a $3.1 billion foreign debt in September 1982, which caused the Government's insolvency and led to a declaration of postponement in fulfilling its international financial obligations; 74.1% of national income is earmarked for foreign debt service.

Faced with this situation, the new government designed an economic strategy that prescribed concrete measures for the short-term reactivation of the economy and solution of basic social problems. This necessary step laid the groundwork for both medium and long-term national economic planning. Considering the mutual support of the public and private sectors, as well as the Government's social responsibility toward the poor, the plan has two major focal points:

(a) The industrial and agricultural sector: to provide economic imports to the productive sectors; to use $217 million outside financing to rehabilitate the mining, agricultural, and industrial sectors; to invest $51 million in infrastructure.

(b) The wage policy: to reactive internal demand by developing national industry; to stop the precipitous fall in wages, a minimum wage based on a sliding scale was established; to readjust wages in relation to the cost of living index.

This economic program began to bear fruits only six months after initial implementation. Its benefits were most clearly evident in the industrial sector, where a rash of bankruptcies were halted and where the signs of a recovery were visible. Simultaneous with the economic program, the Government proposed measures for normalizing foreign debt payments. These consisted in earmarking a large percentage of foreign currency for that purpose and in renegotiating part of its obligations. Thus it was able to defer payment of $900 million by dividing it in three separate parts: $542 million in 1983; $233 million in 1984; and $125 million in 1986. Foreign investors began to be attracted by the new political stability combined with favorable signs of an industrial recovery.

This picture was rudely changed when Bolivia was struck by a series of natural disasters. Over the last several months the country suffered severe drought and flooding combined with hail and freezes. Eight of the nine departments of Bolivia have been affected. These natural disasters have affected profoundly the lives of 1.6 million inhabitants (26 percent of the entire population or 46 percent of the rural population). The damage has been devastating in both qualitative and quantitative terms: 66 percent of the potato crop, the staple food of the highland population, has been lost in an area the size of the state of Texas; droughts and floods have savaged 35 percent of the national territory or 380,000 sq. kilometers—90 percent of the highlands, 70 percent of the valleys, and 10 percent of the plains; thousands of heads of cattle have already been lost and others are in imminent danger; Bolivia's farmers and peasants have lost the equivalent of $400 million income, more than 90 percent of which is directly attributable to the combined loss of 900,000 metric tons of grains, potatoes, and vegetables.

The immediate consequence of this terrible situation is that Bolivia faces a food deficit of over 1,300,000 metric tons for agricultural year 1982-1983. It is absolutely necessary to import prior to March 1984 agricultural products whose value equals 50 percent of the foreign debt payments for 1983, and 100% of the renegotiated part of the foreign debt for 1984. Without these imports the per capita caloric intake will drop from 2,000 in 1982 to 1,200 in 1983, a level which parallels that of the worst famines in the world today.

This situation has struck hard at the industrial sector, where it has set off a chain reaction comprised of widespread unemployment resulting from a lack of agricultural inputs, the irreversible deterioration of the

national industrial plant, and mounting rural to urban migration as thousands of peasants try to flee the afflicted areas, straining to the utmost public services. The current situation has led also to the impoverishment of the middle class.

The effect of this situation on balance of payments is profound. With current reserves of only $40 million it is now necessary to spend $219 million in order to import 550,000 metric tons of food, the minimum required to maintain the population's diet through the first trimester of 1984. The plunge in GNP directly affects the Treasury Ministry. Revenue has fallen at the same time Government social expenses directed at the afflicted population have risen.

II. EMERGENCY FOOD PROGRAM

Over the next 9 months 180,000 metric tons of dry food are needed to face the famine. This equals $111 million (CIF-La Paz). To address this critical situation the Government has solicited assistance from a broad range of international organizations and agencies:

(1) 60,000 metric tons of dry food have been requested from World Food Program;

(2) 120,000 metric tons of dry food have been requested from the international community through the Secretariat of the United Nations.

Until now, only 14 percent of the total needed has been confirmed; that means that 155,555 metric tons are still needed. With the exception of U.S. aid which will start arriving in September 1983, the other aid will only begin to arrive in November 1983. It is evident that the amounts of aid obtained so far are woefully inadequate to squarely face the magnitude of the problem.

Additionally, it will be necessary to import 375,000 metric tons of food for the urban population. This will be the first time that Bolivia has had to import potatoes, rice, corn, and milk. It is calculated that these imports will cost $108 million.

The aid requested is needed to fulfill three objectives:

(1) To supply the minimum food and water for the 1.6 million people affected by the disaster;

(2) To stave off a massive rural to urban migration by assuring the population's permanence in their original towns and villages;

(3) To provide the required means to reestablish productive levels in the afflicted zones.

However, it is impossible to meet the previously stated goals with only 14 percent of the required aid immediately available. It is imperative to resolve as quickly as possible the most urgent and dramatic food problems given that the bulk of assistance will not reach the country for another four months. Consequently, the Government must be able to obtain the cash required to purchase food over the next three months, and to be able to complement that with purchases in kind. The total amount immediately needed adds up to $62 million, $32.8 million of which must be in cash in order to purchase food and transport. The remaining $29.2 million must be obtained in kind.

To effectively control the aid received, the Government has proposed to the international community that all donating organizations and agencies be represented directly—or through the United Nations—in the International Commission of Food of the National Civil Defense Committee.

Bearing in mind the principles of solidarity and humanitarian aid that govern the international community when faced with natural disasters, as well as the critical situation confronting more than 1.5 million Bolivians, the current situation must be dealt with immediately and efficiently. A symbolic effort will not suffice. From both a humanitarian and scientific perspective the international community should act to defend its human, natural, and economic resources—a vital part of mankind's patrimony. Their destruction or deterioration affects the entire planet's equilibrium and productive potential.

Bolivia's hunger is not foreign. It should and must become the direct and conscious concern of the members of the international community. Aid to Bolivia is the responsibility of all those members of the international community devoted to democracy, development, and social peace. If this large responsibility is evaded, it will signify a capitulation before the defense of one of the most basic human rights: food. This would also mean the abandonment of democracy.

Bolivia's democracy is projected toward the Southern Cone and Latin America as a whole. Jeopardizing democracy in Bolivia would be a major setback in the entire continent.●

NEW MEXICO'S 150 RANCHING FAMILIES PATIENTLY WAIT FOR GOVERNMENT RESOLUTION OF OLD LAND PROBLEM

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. SKEEN. Mr. Speaker, when this Nation was engaged in the Second World War, some 150 New Mexico ranching families were asked to give up their ranch operations for the duration so that vital military testing could be conducted on their lands. Although it was at great personal and financial sacrifice, these families moved from their homes willingly in support of the war effort. At what then became known as the Alamogordo Bombing Range and is now the White Sands Missile Range our country detonated the first nuclear weapon that led to the end of World War II. Since that time, countless thousands of weapons and other military systems have been tested at the facility. The range also provided a safe landing field for our shuttle astronauts at what is now the White Sands Space Harbor. The people of New Mexico and the Nation are justly proud of the accomplishments of the White Sands Missile Range. But we cannot take similar pride in the way our Nation has treated those 150 families. For them, the duration has been postponed indefinitely. They have been reimbursed in piecemeal fashion over the years, but they have never been paid for the value of their ranches. In a manner that I believe is unique among the vast number of Federal Government land acquisitions, the White Sands ranchers were paid only for the U.S. Government to lease their operations. The sums were small and never enough to allow the ranchers to acquire similar operations elsewhere. The Government has in recent years admitted that the lands will never be restored to the original operators. Yet there has been no offer by the Government to now right the wrongs of the past by adequately paying these patriotic and patient Americans the moneys that are justly due them.

Because of this lack of action on the part of the Government, I have today introduced legislation that would provide funding for the settlement of this matter. This legislation seeks no money for damages nor any for loss of income over the years. It simply seeks to meet the obligation this country incurred during World War II. I believe it is time we brought this matter to a close. It is time that we recognize the wrong that was done and do what we can to right it. Thank you.●

FOR A SOUND MONEY POLICY SHOULD THE FED CONCENTRATE ON THE QUANTITY OF MONEY OR THE MARKETS?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. KEMP. Mr. Speaker, the Federal Reserve was forced last year, after a disastrous 3-year experiment, to abandon its attempt to target an arbitrary measure of the money supply. As many critics had warned, the relationship between the money supply and the economy is not predictable enough to pursue such a policy without serious side effects. And in fact, an unexpected shift in the demand for money brought our economy to the brink of depression before the Federal Reserve abandoned the policy.

Even so, many economists today are using precisely the same reasoning to predict a sharp rise in inflation next year. Once again ignoring the demand for money, they say that past increases in the money supply, by themselves, will necessarily result in sharply increased inflation at the end of 1984. In a recent article, economist Alan Reynolds looks at this argument, and concludes that it has already broken down. According to Reynolds, the "model predicts that prices in the second quarter of this year should have been 10 percent higher than a year before, and will now decline quite dramatically unitl late 1984. If this is the model that Milton Friedman uses to predict an acceleration of inflation in late 1984, it has not worked very well so far."

Moreover, Reynolds observes, if the monetarists are right, they seem to know something the markets do not. The dollar remains strong and the price of gold, an early warning signal

of inflation, remains weak. It is prices, not quantities, which matter.

I commend this timely and interesting article to the attention of my colleagues.

The article follows.

[From Polyconomics, Inc., Sept. 20, 1983]

REYNOLDS BEATS FRIEDMAN AT HIS OWN GAME

(By Alan Reynolds)

Milton Friedman, in The Wall Street Journal of September 1, explains "Why a Surge of Inflation Is Likely Next Year." Because of Professor Friedman's remaining influence in the Administration and media, his reasoning requires careful examination. It is not merely the merit of Friedman's forecast that matters—he could be right for the wrong reason—but his previously conspicuous effect on the political forces shaping Federal Reserve behavior. And Friedman is certainly not alone in predicting a quick return of rapid inflation—many influential Wall Street economists share that concern.

Friedman's article has been circulating among Administration policymakers, as a "confidential" memo, since July 16. It attempts to excuse the past breakdown of the monetarist model in order to restore confidence in current forecasts and policy advice. Friedman's first task is therefore to explain the unforeseen decline in velocity (GNP divided by M1) since late 1981. Explaining what happened in the past, however, does not explain the future.

In order to use some money stock to predict or control inflation, it would at least be necessary to predict velocity, the money supply and real growth in the future. Friedman did not do that successfully in the past two years and cannot do it now. Instead of predicting future velocity in order to predict inflation, he uses past inflation to explain past velocity: "Velocity is affected by the cost of holding cash balances. That cost fell sharply from 1981 to 1983 as inflation and interest rates declined."

By lumping together two separate events—the decline in inflation and the decline in interest rates—Friedman sneaks in Irving Fisher's seductively simple theory that interest rates are always dominated by inflation.[1] He thus evades the fundamental issue of the Fed's influence on real interest rates. Yet Friedman certainly appears to be advocating a tighter Fed policy, which has to mean higher interest rates on bank reserves. How else could a reduced supply of reserves be rationed among the banks?

Friedman thus advocates higher interest rates, and predicts higher inflation, only because he first assumes that velocity will rise. That is, we will supposedly get more inflation and higher interest rates because velocity will rise, and velocity will rise because of higher inflation and higher interest rates. These arguments are hopelessly circular, so Friedman offers three more. One is that any further decline in velocity "will simply build up more pressure waiting to be released." That kinetic analogy is no more precise or useful than "what goes up has to come down."

Another argument is that "uncertainty should raise the demand for cash balances, that is, reduce velocity. . . . Perhaps the most dramatic piece of evidence is that at the outbreak of both World War I and World War II, commodity prices fell * * *." [Emphasis added.] What is most surprising about that evidence is that Milton Friedman is using commodity prices as an indicator of periods in which the demand for money was more important than the supply. This is a position that Polyconomics has advocated for some time. Yet Friedman's specific argument would not explain why velocity (and commodity prices) would rise unless we expected monetary uncertainty to diminish. Abandoning "Friday Friedmania"—the fear of weekly M1 announcements—would reduce uncertainty, but the argument would then imply, paradoxically, that greater monetary stability would raise inflation by reducing uncertainty.

Finally, Friedman simply asserts that "velocity can be expected to rise, following its usual cyclical pattern during an expansion." The whole point of Friedman's article was to explain why the "usual cyclical pattern" has not worked for over two years. If it did, velocity would have already risen at a 6.3 percent annual rate in the first two quarters of the recovery, rather than a falling at a 3 percent rate. That is, the "usual cyclical pattern" would have overestimated nominal GNP growth in the first half of 1983 by more than 9 percentage points.

Using this same model which failed so badly in the first half, Friedman now speculates that nominal GNP will rise at a 14–17 percent rate in the second half. If he believed that, Friedman would have to predict a major acceleration of inflation right now—not a year from now. A 17 percent growth of nominal GNP, even with real growth of 6–7 percent, would require that we currently experience a 10–11 percent inflation.

The forecast of 17% growth of nominal GNP is simply the sum of 14% growth of M1 in the first half (with a six month lag) plus an assumed "typical" postwar rise of 3% in M1 velocity. But that uneven trend was based on a quite definition of money. In a recent Newsweek column (July 25), Friedman explained his switch from M2 to M1 because "the present M1 is a better approximation of the old M2." The velocity of the old M2, which Friedman compares to the new M1, did not rise by 3% a year. M2 velocity rarely rose at all, even in recoveries. On this primitive basis of historical trends. Friedman still has no credible reason to predict a sustained rise in velocity, and therefore no apparent reason to predict an inflation "disaster."

People will disinvest in money—that is, offer to exchange more money for fewer goods—if they believe the value of the monetary unit will be allowed to shrink. In that case, "velocity" would rise. But the inflation would not be "caused" by more frequent buying any more than it is caused by increased selling. Instead, as W. H. Hutt observes, "changes in the general rate of expenditure (the movement of money) are a consequence of changes in the value of the monetary unit and not its cause." [2]

Friedman's Newsweek column offered an entirely different Friedman model, here presented as Table 1, which ignores velocity altogether, and instead simply predicts the year-to-year increase on the GNP deflator by using the year-to-year increase in M1 from two years earlier. Note that the recent decline in inflation (understating by using the deflator) cannot be explained by Friedman's two-year lag. Only a brief fall in M1 due to the credit controls in the second quarter of 1980 shows up as a significant slowdown in M1 two years later. On that theory, Jimmy Carter would get all of the credit for the slowdown of measured inflation last year.

TABLE 1.—THE 1983 FRIEDMAN "LAG" MODEL [1]

[In percent]

	Predicted inflation	Actual inflation
1981:		
I	7.5	10.3
II	7.7	9.4
III	8.3	9.3
IV	7.4	8.9
1982:		
I	7.8	7.2
II	4.3	6.6
III	5.7	5.6
IV	7.2	4.4
1983:		
I	6.7	4.7
II	10.1	5.6
III	6.8	NA
IV	5.1	NA
1984:		
I	6.6	NA
II	5.1	NA
III	5.9	NA
IV	8.5	NA

[1] Year-to-year percentage change in the GNP deflator predicted from the year-to-year change in M, 2 years earlier.

Source: Milton Friedman, "The Needle Got Stuck," Newsweek (July 25, 1983); Federal Reserve Bank of St. Louis, Monetary Trends.

Friedman's lag model predicts that prices in the second quarter of this year should have been 10% higher than a year before, and will now decline quite dramatically until late 1984. If this is the model that Friedman uses to predict an acceleration of inflation in late 1984, it has not worked very well so far. If it works this time, then *Friedman's Wall Street Journal forecast of 14–17% growth of nominal GNP in late 1983 is obviously inconsistent with the slowdown of inflation implied by his two-year lag.* At least one of the two latest Friedman models has to be discarded.

Taken literally, this Friedman "lag" implies that people base spending decisions on the amount in their checking accounts six months earlier. If a corporate treasurer found a few million extra dollars accidentally sitting in a zero-interest account, then the company would eventually hire more workers and buy more inventory—about six months later. After another year and a half of brisk sales, everyone would simultaneously raise their prices (hence, Friedman's two-year lag). The theory is implausible at best, and it has led to extremely unpredictable predictions.

In a letter to *The Wall Street Journal* on June 28, 1982, Milton Friedman worried that money growth was "dangerously high." By August 23, in his *Newsweek* column, the recovery that he predicted had been "aborted by a drastic cut in monetary growth." Two months later, in an interview with *Barron's*, Friedman complained about a "monetary explosion" which should have already caused more inflation by now. If money growth was really "dangerously high" on June 28 last year, then the Fed should have tightened by August 23. But if that was "a drastic cut," there should have been a "monetary explosion" by October. Clearly, following Milton Friedman's advice would have produced exactly the results he later deplored.

Friedman's current advice, however, remains rather ambiguous. In the journal

[1] For contrary evidence see J. Carmichael & P.W. Stebbing, "Fisher's Paradox and the Theory of Interest" American Economic Review (Sept. 1983); Lawrence H. Summers, "The Non-Adjustment of Nominal Interest Rates: A Study of the Fisher Effect" NBER Working Paper No. 836 (Jan. 1982).

[2] W. H. Hutt, The Keynesian Episode (Liberty Press 1979). Chs. 8, 11 & 13.

piece of September 1, he advises that, "Continuation of present levels of monetary growth promises disaster. A sharp reduction of monetary growth would mean . . . recession. . . . There is no middle course." Friedman seems to argue that no number exists between, say, 5% and 14% growth of M1. He has offered no reason to expect monetary growth to continue at "present rates"—which means past rates— but he certainly appears to argue that we face a frightening, large inflation (he offers no number) unless Fed policy becomes tighter. If the demand for M1 slows down, as Friedman predicts, so will the so-called supply of M1. Even within a Friedmanite model, it would seem hard to worry about a "continuation" of rapid M1 growth while the St. Louis Fed reports that adjusted reserves fell at a rate of 1.1% from about June through August.

In fact, Friedman almost concedes that the seemingly rapid growth of M1 before this June may well have been an ideal response to lower inflation—not a signal of higher inflation. "The technically ideal disinflationary policy," he writes, "would not be the kind of pre-announced steady decline in monetary growth that I have always favored. Rather, it would involve . . ., as a decline in inflation and interest rates and the emergence of recession reduced velocity, raising sharply the rate of monetary growth. . . ." That is, of course, exactly what the Fed did from July 1982 to May 1983. The Friedmanites at the San Francisco Fed thus conclude that "the rapid growth of money since July 1982 . . . was required to permit nominal interest rates to fall to a level consistent with the slower rate of inflation. As such, it is not inflationary because the money is being willingly held by the public at lower nominal interest rates."[3]

Friedman's concern about the difficulty of steering a middle course is certainly correct, in the sense that any fiat money system is always potentially vulnerable to wild swings toward inflation or deflation. Indeed, a mathematical analysis by two economists from the Federal Reserve Board demonstrates that fiat money regimes are characterized by "knife-edge stability" in which "unstable price paths are fueled in part by speculative anticipations" which become self-fulfilling. "If the government fractionally backs the currency by guaranteeing a minimal redemption value for money," add the authors, "the problem of speculative hyperinflation disappears.[4]

From September 1977 to at least October 1978, for example, the dollar went into a free fall that is quite impossible to explain by the relatively temperate growth of monetary aggregates two years earlier, or by the small and declining budget deficit. Anticipating the consequences of Treasury Secretary Blumenthal's malign neglect of the dollar's value, people began dumping dollars in favor of gold, Swiss francs and antique vases. Given the importance of "knife-edge" expectations under the existing monetary arrangements, that sort of speculative flight from the dollar certainly could happen again. A relay of 1978–79 could not happen, however, without an equally enormous rise in the dollar price of gold and an equally precipitous collapse of the dollar. A monetary policy that would tolerate a sustained drop in the dollar's value against gold, and against relatively stable foreign currencies, would necessarily prevent a rapid and sustained inflation. Whether or not the U.S. has implicitly adopted such a system remains to be seriously tested, but so far the dollar is certainly not weak and speculative commodities are not strong. So long as that remains true, accelerating inflation is quite impossible.

Forecasts of an inevitable return of double-digit inflation have also been made by analysts who do not rely on tenuous estimates of money velocity or lags. Such predictions usually rely on commodity prices as a leading indicator of future price levels, or assume that recovery must be accompanied by accelerating inflation because that happened in 1973–74 and 1978–79.

Prices of commodities used in cyclical industries, such as lumber and metals, have been rising this year at a reasonable pace. If these prices did not rise by at least enough to cover production costs, the world's mines, mills and farms would still be going out of business. Just as raw materials prices fall more than prices of finished goods during deflations, they also rise relative to finished goods in recoveries. From early December through late August, the CRB index of industrial commodity prices rose by about 20%—bringing those prices back up to the level of late 1978—while producer prices of finished goods were actually reduced.

A cyclical rise in the relative prices of industrial commodities does not portend a sustained general inflation unless it goes too far. Before that happened, the price of speculative commodities, like gold, would soar. This is one reason why speculative commodities are a superior indicator or standard for monetary policy—cyclical swings are not likely to be confused with secular trends. When prices of cyclical commodities rise but prices of speculative commodities do not, that indicates a current recovery from past deflation that is not expected to reduce the absolute level of the dollar's future value.

Table 2 shows the change in measured inflation rates (GNP deflator) during the first and second four quarters of recent recoveries. It was not unusual to observe a slight increase in measured inflation during the first year, during recoveries that began with deeply depressed commodity prices. Contrary to the "restrained recovery" arguments, however, broad measures of inflation have usually declined in the second year of expansion (though this was misleading, of course, during the 1972 price controls fiasco). Any need for "restraint" does not appear after only one quarter of decent economic growth.

TABLE 2.—CHANGE IN THE INFLATION RATE DURING ECONOMIC RECOVERIES

[In percent]

Start of recovery	1st yr	2d yr
1958: II	0.9	−1.2
1961: I	1.3	−.3
1970: IV	−.3	−.4
1975: I	−5.1	−.8

Source: "Recovery Without Accelerating Inflation?" Federal Reserve Bank of New York, Quarterly Review (Summer 1983).

Before worrying too much about predictions of future inflation, it is essential to distinguish between the current level of prices, their rate of change, and their future level.

Consider two hypothetical monetary rules. In one case, a commodity price index (or gold price) would be allowed to rise only very gradually—forever. By the conventional definition of inflation, a policy of perpetual but slow price increases would seem to promise moderate inflation, but everyone would know that the value of the dollar would eventually decline toward zero at some unknown future date. Such a system would be vulnerable to speculative attack. Under a different hypothetical rule, the commodity price index might be allowed to recover quickly from, say, 270 to 320, but would then be constrained within a narrow band around the targeted level. Under this rule, the measured rate of current inflation might initially be more rapid than under the first rule, but the dollar would nonetheless be more valuable in the long run. That is, the rate of change could be faster but some future price level would nonetheless be lower. Since the long-term value of the dollar would be more secure, measured inflation would slow down as the limit was approached. The interest rate on long-term bonds and mortgages would decline immediately upon the believable announcement of even a high—but fixed—limit on some future price level, almost regardless of the rate of inflation between now and then.

An accurate concept of the value of the dollar must include its future value as well as current indexes of spot market prices. The "cost of life" is not measured by the changes in any monthly price index. Bond prices partly capture the uncertain expectations about the future level of the dollar's value, rather than its rate of change. But bond prices can at times be more influenced by immediate liquidity needs, default risk, interest rate volatility, or real opportunities to profit from the use of borrowed capital. The least ambiguous indicator of the expected long-term value of the dollar is not bond prices but rather the price of a storable and easily sold commodity, the supply of which is relatively fixed and the demand for which is not strongly influenced by cyclical industrial uses. As Jeffrey Frankel of the Council of Economic Advisers has shown, "commodity (and foriegn exchange) prices are good indicators of Fed credibility . . . particularly precious metals prices."[5]

Putting a floor under the future value of the dollar, which is the same as putting a lid on some ideal price, is far more important than the monthly rate of "inflation" at which we approach that limit. The Fed would have a great deal more room to maneuver in the short run if people knew the long-run limits. Otherwise, every weekly gyration tends to become extrapolated into the distant future—a little tightening or easing giving rise to exaggerated speculative behavior based on the expectation of prolonged tightening or easing. As a result, monetary policy has stumbled on the worst possible combination—it has neither long-term predictability nor short-term flexibility.

The year-old bull market has been reinvigorated lately by the prospect that actual declines in M1, together with weakness in several indicators of economic activity, allow the Fed no viable excuse not to ease. But how could long-term financial markets turn bullish at the prospect of easing if a serious

[3] Brian Motley, "Money, Inflation and Interest Rates" FRBSF Weekly Letter (August 5, 1983).

[4] Maurice Obstfeld & Kenneth Rogoff, "Speculative Hyperinflations in Maximizing Models: Can We Rule Them Our?" *Journal of Political Economy* (August 1983). With typical academic caution, a footnote adds that "our results would clearly carry over to a model in which currency is redeemable in terms of gold."

[5] Jeffrey A. Frankel & Gikas A. Hardovelis, "Commodity Prices, Overshooting, Money Surprises and Fred Creditbility" NBER Working Paper No. 1121 (revised July 6, 1983).

and sustained upturn in inflation is already "baked in the cake," as Milton Friedman's lag suggests?

The cyclical recovery in commodity prices that has already occurred may well involve a one-time upward adjustment in broad measures of "the" price level. In a sense, the spot market value of the dollar has already declined relative to the deflation of mid-1982, and price indexes are just slow to register that fact. The future rate of inflation will not accelerate because of past growth of M1, however, because that has already been incorporated in the current level of commodity prices. Accelerating future inflation would instead require a future increase in the supply of liquidity that exceeds the unknown future demand.

Misled by measures of the money supply which neglected money demand, the Fed tightened prematurely in the summer of 1975, then failed to tighten adequately from September 1977 through January 1980. The flight from the dollar after 1977 was due to the public's perceptions about current and future monetary policy, not due to lagged effects from previous years. If the Fed will now hold the future value of the dollar reasonably steady, as indicated by the prices of speculative commodities, then any cyclical uptick in broad measures of inflation must be mild and temporary. Prices would tend to converge around a relatively fixed level. There undoubtedly will be times in the next two or three years at which it is appropriate to tighten, but any rise in interest rates would then begin from a level substantially lower than today.●

THE CASE FOR THE IMF

HON. WILLIS D. GRADISON Jr.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. GRADISON. Mr. Speaker, yesterday the President gave what I consider to be an excellent speech on the world debt situation. I would like to follow up on the President's statement by calling my colleague's attention to an outstanding and thoughtful editorial in this week's issue of The Economist. The title of the editorial is "Needing Those Dollars."

The editorial follows:

[From the Economist, Sept. 24, 1983]

NEEDING THOSE DOLLARS

The United States is the biggest shareholder in the International Monetary Fund. It is acting like one of the smallest. Those visionary Americans who helped in the 1940s to build a world economic system to avoid the mercantilist madness of the 1930s must be in despair about congress's delay in increasing America's contribution to the IMF. Lead, they would say. Nobody else will.

THE $30 BILLION OF EXPORTS, $60 BILLION OF DEBT

The United States has the biggest stake—economic, financial, strategic—in those Latin American countries that the IMF wants to restore to health. The IMF is trying to persuade the governments of Mexico, Brazil and Argentina to change their policies in ways that most North Americans revere—freer markets, smaller budget deficits, fewer subsidies. It is trying to achieve largely American ends by international means, so that Uncle Sam will not carry all the blame for failure while he will benefit vastly from success. Without such changes in policy, the whole of Latin America will slide deeper into debt or, if nobody will lend it more money, into longer stagnation. The United States' exports to Latin America, worth $30 billion in 1982, would slump. Twice that amount owed to American banks would probably go for good. The messy politics of the Graham Greenelands of central America would seem tidy compared with what would happen if Mexico and Brazil started to rumble.

All right, say some congressmen, but the IMF's money is simply going to bail out those foolish American banks that lent $60 billion in the first place. The truth is the reverse. No bank is being bailed out. Unless the IMF gets more cash, most of them soon will be—since no government will allow the domino-like collapse of its banking system that near-simultaneous default by several big debtors would bring.

Individually, each bank knows that its interest lies in getting back what it can from Mexico or Brazil and then quitting. If they all tried to do that, all would be hammered. Debtors would have no incentive to service their loans, knowing they could not expect any more. The IMF stands lonely guard against a rush for the exit. By insisting that the banks go on lending, it is stopping the defaults that would lead either to wholesale bailouts of the banks, financed by the taxpayer in their home countries, or to a scary unknown.

The other reason why America-first congressmen should want to support the IMF has nothing to do with Latin America or Asia or Africa. Quick approval of more money for the fund would do wonders for America's relations with western Europe and Japan. Those allies have long been bored by how America sets its economic policies, through a labyrinth of congressional committees and an ineffectual White House. Boredom becomes frustration, turning to irritation. Why bother with the Americans, say the irritated, if they cannot make up their minds? Why should Europeans support the United States on foreign-policy issues that the White House rates important—sanctions against Russia, missile deployment, peacekeeping in Lebanon—if the support is not returned on economic matters? How come America is capable of prompt economic action which hurts Europe—like President Reagan's recent restrictions on imports of special steels—yet pleads congressional foot-dragging as a convenient excuse for helping little elsewhere?

The same threat hangs over the International Development Association. Ida is the World Bank agency that lends to the poorest countries. The Reagan administration wants to cut Ida's seventh replenishment—Ida-7—to $9 billion over three years, compared with the $12 billion for Ida-6 and the $16 billion that the World Bank wants. Few congressmen see votes in aid for Bangladesh or Mali, and most suspect such aid is wasted anyway. But that view is not shared by America's biggest allies, who are ready to support an Ida-7 of between $12 billion and $16 billion. They have seen the United States lag behind on each of Ida's six replenishments, and they are tired of it.

Bickering among friends is bad at any time. It is positively dangerous at a time when the state of the world economy remains very fragile. Each row feeds the same protectionist instincts that built Fortress America in the 1930s. Those American politicians who welcomed the IMF and the World Bank to Washington in 1946 knew that Fortress America had failed because the rest of the world mattered. May their successors, living in an era when America's trade dependence on the world has trebled and its share of world income halved, remember that lesson and act on it.●

DEFICIT SPENDING: WHAT AMERICA IS UP AGAINST

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. ECKART. Mr. Speaker, I applaud my colleagues, Mr. REGULA of Ohio and Mr. PANETTA of California, for originating the idea for this necessary and timely debate over the unprecedented Federal deficits we are facing. Clearly, the size of the deficits poses a clear and present threat to sound and lasting prosperity, economic growth that everyone shares in equitably.

Mr. REGULA and Mr. PANETTA could not have picked a more appropriate, or opportune, time to take this perplexing and politically troublesome issue off the back burner and put it where it belongs—on the front burner.

In the most articulate of terms Mr. REGULA and Mr. PANETTA have warned us against allowing our resolve to weaken as we come to grips with this most serious problem. Our worst enemy is our complacency. We cannot simply spend our way through recovery to sound economic expansion. We cannot sit idly by and anticipate that our economy, by itself, will outgrow a problem of structural deficits created by an inconsistent and clashing mix of tax, fiscal, and monetary policies. We cannot expect Paul Volcker and the Federal Reserve to come rushing to our rescue. Unfortunately, there is no simple, quick fix to our problem.

Mr. REGULA is entirely correct when he says if we fail to address the problem of large structural deficits we, as a nation, are in danger of consuming our seed corn. If we continue too long to neglect the consequences of $100 to $200 billion deficits we will be guilty of abandoning our responsibility to exercise commonsense and build for a sound and constructive economic future. The harm deficits of this magnitude will cause later is unacceptable. A path of no resistance, no political will or courage to take actions which are obviously going to be politically undesirable, relegates a more painful, more difficult solution to future generations of Americans.

Doing nothing will rob Americans of future job opportunities. Doing nothing leaves too many Americans to toil and search for dignity and the American dream amidst economic uncertain-

ty and stagnation. Doing nothing risks more inflation, more boom-and-bust cycles, beginning each time with more people looking for work and ending each time with ever higher levels of unemployment. Doing nothing virtually guarantees that America will never return to a full employment, full capacity economy and an enduring prosperity.

Most economists agree there is some good medicine and bad medicine in deficit spending. It all depends on the timing and circumstances. Higher Federal spending and lower tax collections in periods of slack in the economy spur demand and help reduce unemployment. We can, in effect, give birth to economic recovery and baby it along up to a certain delicate point. I like to compare it to my father buying a new house. Whether housing money to purchase a new house is worthwhile depends on his ability to service the debt. He must avoid robbing the family budget too much in other necessary areas. That is the good medicine.

If Government spending and tax receipts get too much out of kilter we create excessive demand when the economy is in full recovery and approaching capacity. The result is inflation. The rest of the bad medicine is that deficit spending when the economy is in full bloom creates intense competition and stress in the credit market. Massive Federal borrowing drains too much of our savings. We interrupt private sector investments in new plants, new equipment, and other worthy economic activities. We deny people job opportunities, once again interest rates shoot up, and inflation rears its ugly head. And off we go, again, on a roller coaster ride we have been trying to get off for too many years. Because our per capita savings rate lags behind many other industrialized countries the United States cannot finance its deficits and avoid the undesirable consequences of capital starvation.

For example, higher rates of per capita savings in such countries as Japan and West Germany allow their Governments to finance their deficits without having to absorb a disproportionate share of capital. They are in the enviable position of not having to starve the credit market.

Mr. Volcker, the Chairman of the Federal Reserve, is correct when he characterizes our huge deficits as posing the single most hazardous obstacle to our economic health and well-being. We cannot possibly expect interest rates, for example, to behave in a rational manner if the Government is competing and intruding too heavily in the credit market.

As I mentioned previously, interest rates will defy gravity, surely rising and depressing sectors of our economy that are extremely sensitive to interest rates. We will depress our auto industry at precisely the wrong time. We will depress further an already troubled steel industry. We will depress the rubber industry. We will depress the machine tools and equipment industries. We will depress housing, construction, and, perhaps worst of all, our small businessmen who create a majority of the new jobs in America.

Let us consider for a moment the enormous costs of our defense buildup. The rapid increases in defense spending are going to have to be financed by these deficits. In the long term the elephantine defense buildup is going to have an adverse impact on our economy. You cannot have a first-rate military with a third-rate economy.

Mr. REGULA deserves to be commended for advocating a greater sharing of the defense burden by our allies. We wound our economy too much by bearing an unfair burden of international defense spending. Our allies refuse to help pay their fair share of defense spending from which they benefit so greatly. We loot our economy of capital that should be invested more wisely and humanely in putting Americans back to work. If we cut just $10 billion from the defense budget for next year we could, by allocating that amount in capital to nondefense industries, create 250,000 new and more permanent jobs. We could begin generating new tax receipts at the Federal, State and local levels. We could begin to improve our productivity. We could begin to offset our deficits.

Clearly, it is time to face reality. We have ignored the reality of colliding fiscal and monetary policies for far too long. It is true the recession has added to the deficit problem. But so, too, has enactment of supply-side, trickle-down tax cuts that surrendered too much and resulted in a maldistribution of our wealth. Rosey economic predictions of higher rates of per capita savings and higher rates of investment by the private sector have never been fulfilled.

As I mentioned previously, doing nothing—maintaining the status quo or adopting a politically expedient position—is too risky. No action to lower the deficits keeps the value of the dollar artificially high and locks our export industries out of competitive international markets. Keeping the value of the dollar artificially high helps attract foreign investments. But none of these investments are tied to any strategic or coherent plan that addresses the long-term problems facing America's work force. Doing nothing is no remedy. It locks us into declining productivity. The standard of living for Americans will decline, again.

The real challenge we face is to make the tough political decisions and avoid playing the old political game of the double standard—one standard for those on the right, another for those on the left. We need to put the country on the course of a pay-as-you-go budget. We need to end the divorce of our fiscal and monetary policies. We need to marry them in a manner that begins to trim the deficits and at the same time thwarts the forces of inflation. We need a consensus somewhere in the middle. Each of us who serve in the Congress must engage collectively in the delicate game of political reconciliation if we are to keep America on a path toward genuine prosperity. The sacrifices imposed by our actions must be distributed as evenly as possible. We must not forget that too many of our people who are disadvantaged and out of work already are too isolated from the system.

The political choices are, of course, difficult and uncomfortable. But we must be willing to make them. If we fail to make them we will be inflicting, I believe, irreparable harm on our economy. We will show the American people that we are all too willing to accept the unacceptable—a simple solution of staying neutral, an act that tolerates the withering of Congress as a political institution.

SECRETARY OF STATE SHULTZ' REMARKS ON OUR OBJECTIVES IN LEBANON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. GILMAN. Mr. Speaker, today during the debate on House Joint Resolution 364, legislation pertaining to the war powers resolution authorization in Lebanon, I referred to the statement by Secretary of State George Shultz delivered before our Committee on Foreign Affairs on September 21, 1983. Secretary Shultz spoke in support of the war powers legislation (that is, the bipartisan compromise worked out that House Joint Resolution 364 represents).

I cosponsored and voted for House Joint Resolution 364 which the House passed. The remarks of the Secretary of State in underscoring the need for such legislation, thoughtfully and succinctly analyzed our goals in Lebanon. Accordingly, I request that the full text of the Secretary's statement be inserted at this point in the RECORD:

STATEMENT BY HON. GEORGE P. SHULTZ, SECRETARY OF STATE BEFORE THE COMMITTEE ON FOREIGN AFFAIRS

Mr. Chairman, members of the Committee:

I welcome this chance to talk with you about our objectives in Lebanon and about the importance President Reagan attaches to cooperating with the Congress in pursuit of these objectives.

The challenge in Lebanon is a challenge we face together, as a nation. The issues are not partisan issues. At stake are goals and

principles of American foreign policy on which I dare say there is a broad measure of consensus. Whatever legitimate differences there may be over tactics or prerogatives, our leadership in the world is clearly impaired if the President and the Congress attempt to conduct two different foreign policies. We must work together to meet our common, national responsibility or else our common, national interests in the world will suffer. In the last 15 years, there have been instances of deadlock between our two branches of government which resulted in harm to our foreign policy, and human tragedy. The President is determined that this will not be such a case.

This is the spirit in which we approach this problem, and I am heartened by the similiar spirit I have seen in the Congress. As President Reagan said yesterdy, we support the bipartisan leadership agreement that has been reached. This agreement, in my view, serves the national interest.

Let me explain the Administration's view of what is at stake in the Middle East, and in Lebanon; what our diplomacy is attempting to accomplish there; and why the presence of our Marines has been of enormous importance.

OUR POLICY IN THE MIDDLE EAST

It is almost ten years since the October 1973 war, and for the past decade the United States has been vigorously and almost continuously engaged in Middle East diplomacy.

Given our strong moral and political commitment to Israel and our many strong friendships in the Arab world, we have always perceived that a negotiated solution to the Arab-Israeli conflict was in the national interest of the United States. Israel and its Arab neighbors deserve to live in peace and security; the Palestinian people deserve a just solution to their legitimate rights and aspirations; all the nations of the region deserve a future free of external intervention or superpower confrontation.

The road to peace is long and hard, and we have no illusions about it. But we can be proud of the role our country has played in bringing about many significant steps toward peace in the past 10 years.

Just over a year ago, President Reagan addressed himself to the broader questions of Middle East peace in a major initiative, which offered—and still offers—the most practical and workable and hopeful basis for negotiation. Anyone in the Middle East who truly seeks a just, secure, and comprehensive solution to the conflict will have to turn in the direction of the President's initiative, firmly grounded as it is in the Camp David Accords and UN Security Council Resolutions 242 and 338.

The crisis in Lebanon cannot be isolated from the larger Middle East crisis. It involves many of the same parties concerned with the broader issues of Middle East peace. It involves similar questions of security, respect for sovereignty, and peaceful settlement of disputes. To advance toward a peaceful solution in Lebanon will contribute to the broader peace process; setbacks in Lebanon will make the broader effort that much harder.

OUR OBJECTIVES AND POLICY IN LEBANON

Our objectives in Lebanon have, from the beginning, been essentially threefold:

The withdrawal of all external forces from Lebanon;

A sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory; and

Security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery and rocket attacks.

The objectives are not changing. They are, and have been, a constant of our policy. The latest outbreak of fighting should not cause us to lose sight of them.

Lebanon is a proud and beautiful country, whose people have contributed much to the world. Yet it has also had a complex and turbulent history. The roots of enmity in that country go very deep indeed. Nevertheless, for many years Lebanon thrived because political rivalries were accommodated and a delicate balance maintained. Our country too suffered a tragic civil war, but we survived and overcame it. The people of Lebanon remember a happier time when their nation was a dynamic, progressive, and prosperous democracy. The yearning for peace, too, runs deep in Lebanon.

With the end of the terrible ordeal of Beirut last summer and the election of President Amin Gemayel shortly thereafter, it appeared that Lebanon would get a second chance after all.

Almost all of Lebanon's many confessional groups pledged their loyalty to their new leader and seemed ready to bury their differences in the name of political and economic renewal. War damage was quickly being removed from Beirut and reconstruction seemed well underway.

To consolidate this hopeful beginning, it was clear that Lebanon had, as a matter of top priority, to see to the withdrawal of all non-Lebanese armed forces from its soil. Whatever indigenous barriers to national reconciliation the Lebanese may face and however prepared they may be to overcome them if given a chance, that process can never really get underway so long as Lebanon remains occupied by foreign armies, foreign paramilitary forces, and foreign terrorist groups. The United States responded favorably to the request of the Lebanese government—and of many of our Arab friends—to help Lebanon and Israel reach an agreement that would be a first step toward this objective. Israel was prepared to withdraw, and Lebanon was willing to negotiate an agreement that also met Israel's legitimate need for security on its northern border. After lengthy negotiations, and with a great deal of goodwill on both sides, Lebanon and Israel reached such an agreement on May 17.

In parallel with this effort, we put our weight behind President Gemayel's movement toward political accommodation * * *. On August 31, President Gemayel, with his Council of Ministers, issued a call for key Lebanese leaders to join in a dialog on a new national approach to reconciliation and unity. He has made clear his willingness to broaden the base and composition of his government to reflect a true sharing of power. This is a policy we have strongly urged, supported, and assisted, and we have no doubt of President Gemayel's sincerity. Ambassadors Robert McFarlane and Richard Fairbanks have devoted considerable time and effort to this enterprise, as has Saudi Arabia.

The problem, of course, has been Syria. The two tracks of Lebanon's policy—foreign troop withdrawal, and national reconciliation—have both been blocked by Syria, which has been heavily rearmed by the Soviet Union since Syria's defeats in battle last summer. No one questions Syria's legitimate security concerns with respect to Lebanon. But Syria, unlike Israel, has been unwilling to negotiate with Lebanon over how to reconcile its security concerns with Lebanon's sovereign right to follow its own path. The question arises whether Syria's aim is to assure its security or assure its domination of Lebanon:

Syria now has the largest army in Lebanon, but it has refused to negotiate the withdrawal of its forces, reneging on repeated pledges that it would do so once the Israelis did.

Syria has persisted in this course even in defiance of the Lebanese government's formal requests at the beginning of September to Syria, the PLO, and the Arab League that all external forces withdraw. Israel has stated its unwillingness to withdraw totally as long as Syrian forces are there; thus Syria is in the ironic position of keeping Israeli forces in Lebanon. Syria is also permitting the reentry of armed Palestinian groups into the Aleyh/Shuf area in violation of the agreements reached through Ambassador Habib's mediation last year.

At the same time, Syria is using its leverage within Lebanon to obstruct the process of national reconciliation. Indeed, Syria has instigated political opposition within Lebanon and armed several factions engaged in military actions against the legitimate government.

Therefore, the immediate focus of our diplomacy, conducted by Ambassadors McFarlane and Fairbanks, is a creasefire between the various groups in Lebanon. Saudi Arabia has been actively pursuing the same goal. Jordan, Egypt, and other friendly Arab countries have been very supportive of these diplomatic efforts.

The outcome of this negotiation, as of any negotiation, will depend on the balance of forces. Those who seek to improve their position by force will probably not agree to a ceasefire until they run up against a stalemate on the battlefield.

This brings me to the military situation, and to the role of the Multinational force now in Lebanon, which includes, as you know, approximately 1,200 United States Marines on the ground in the Beirut area.

THE MULTINATIONAL FORCE AND THE U.S. MARINES

A year ago, President Reagan dispatched these Marines to participate in the Multinational Force requested by the government of Lebanon. The presence of this force was designed to help ensure the Lebanese government's sovereignty and authority; it was also intended to further that government's efforts to assure the safety of people in the area and to end the violence that had tragically recurred in the massacres of Sabra and Shatila.

British, French, and Italian forces are serving alongside our Marines, and thus the MNF is a truly multilateral, cooperative effort. Its task is a peacekeeping mission, not a warfighting mission.

Its job is not to take sides in a war, but, on the contrary, to help provide a sense of security for the legitimate government of Lebanon as it pursues its national sovereignty and national unity. Most of the key confessional groups and friendly Arab countries supported this role for the MNF when it was sent to Lebanon, and they continue to support this role.

Now the MNF is under challenge by those apparently determined to prevent an internal political accommodation. The President has augmented US Naval support forces offshore and has authorized US forces to exercise their right of self-defense should at-

tacks on them continue. Our MNF partners have taken similar or other measures to assure security and self-defense.

We are concerned that key strategic positions in the vicinity of Beirut, which are vital to the safety of our Marines, of other American military and diplomatic personnel, and to the security of Beirut, have recently come under attack. We have responded to these attacks in order to protect our personnel, and will continue to do so. General Kelley will be able to discuss the military situation in greater detail.

A ceasefire, as I have suggested, will come about only when all parties conclude it is in their interest.

Our strategy in Lebanon is to help create conditions that will make it in everyone's interest—to help produce a kind of equilibrium which will encourage a ceasefire, a political accommodation, and ultimately the withdrawal of all foreign forces. We are seeking to build a structure of stability, on the following pillars:

The first element is political negotiations to bring about national reconciliation within Lebanon, to ease or resolve the internal rivalries and mutual suspicions that are at the heart of Lebanon's agony. The United States has strongly supported this endeavor. We are also concerned for the safety of the Palestinian civilians in Lebanon.

The second element is diplomacy to organize international support for the legitimate government of Lebanon, for its efforts at reconciliation, and for a ceasefire. The United States is actively engaged in this effort.

In the military dimension, the primary responsibility rests on the Lebanese Armed Forces, which have acquitted themselves well. We have helped train and equip these forces, and we are pleased that these forces have been reconstituted * * *. An army that would be more than adequate for its mission of keeping order once foreign forces were removed, however, is now understandably under severe pressures because it is under assault by forces protected, armed, and encouraged by Syria. It is the external, non-Lebanese involvement that is enormously exacerbating the problem.

Israel continues to have influence with many groups in Lebanon, and has an interest in encouraging national reconciliation and stability. Events north of the Awwali River must be of concern to it, since its long-term security cannot but be affected by Syrian and PLO dominance of the rest of Lebanon.

The MNF, including our Marines, provide an added measure of stability in the overall equation, as I have described.

Our Marines, or the MNF as a whole, cannot tip the balance of forces alone—and it is not their mission to do so. But their presence remains one cruical pillar of the structure of stability. As a former Marine, I will not allow anyone to cast doubt on how formidable even this small number of Marines can be.

They are an important deterrent, a symbol of the international backing behind the legitimate government of Lebanon, and an important weight in the scales. To remove the Marines would put both the government, and what we are trying to achieve, in jeopardy.

This is why our domestic controversy over war powers has been disturbing. The uncertainty about the American commitment only weakens our effectiveness; doubts about our staying power can only cause the aggressors to discount our presence—or to intensify their attacks, in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our hand.

The Executive and Legislative Branches, as you know, have important differences of principle with respect to the War Powers Resolution. The Executive Branch has traditionally had questions about the requirement of Congressional authorization for Presidential disposition of our armed forces, both in light of the President's Commander-in-Chief power and on practical grounds. Congress, of course, has had a different view. We could not expect to resolve this basic difference definitively now, but the Administration has been prepared to consider practical proposals that enabled us to protect our common, national interest in Lebanon without prejudging our respective positions on the basic issue of principle.

In this regard, we are gratified that an agreement has been reached among the bipartisan leadership of the Congress to introduce and seek to enact a resolution authorizing the continued presence and mission of the U.S. peacekeeping forces in Lebanon. As the President stated yesterday, although he has substantial reservations about parts of this resolution, he would be willing to sign the proposed resolution while expressing those reservations. We are especially pleased that the proposed resolution not only supports our policies in Lebanon, but now enables us to advance our national interests on the solid bipartisan basis that has been the traditional hallmark of American foreign policy.

WHAT IS AT STAKE IN LEBANON

At stake in Lebanon are some basic principles of international law and international morality that have wider relevance for American foreign policy:

At stake is a small country's right to decide for itself how to achieve its sovereign objectives, free from outside pressure, threat, or blackmail.

At stake is the principle that international disputes should be settled by peaceful means, not by the use or threat of force.

At stake also are some concerns that affect our national interest and the security of our friends and allies. If American efforts for peaceful solutions are overwhelmed by brute force, our role is that much weakened everywhere. Friends who rely on us will be disheartened, and will be that much less secure. Moderates in the Arab world whom we are encouraging to take risks for peace will feel it far less safe to do so. The Soviet Union's efforts to disrupt our diplomacy will have scored a victory; radical and rejectionist elements will be strengthened. The cause of peace and justice will have suffered a setback. Israel's security on its northern border will be weakened.

What we are doing in Lebanon is right. There are risks involved, but any important undertaking involves risks. If we want the role and influence of a great power, we have to accept the responsibilities of a great power. Many millions of people around the world look to us as the strongest defender of freedom, justice, and peace; we cannot walk away from responsibilities without paying a moral and political price.

I prefer to look at it positively: After all the experience of the last 15 years, nothing would give more reassurance and hope to all our friends in the world than to see the President and Congress working in harmony, united behind a strong and purposeful national policy. This is our opportunity now. We cannot afford to let it slip away.●

TREASURY RESPONDS TO CRBR ALTERNATIVE FUNDING PLAN

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. SKEEN. Mr. Speaker, several congressional reviews of the administration's proposed alternative financing plan for the Clinch River breeder reactor have been offered or are in progress. Of particular concern to several Members has been the allegation by the project opponents that the private sector financing plan gives unprecedented tax advantages to private investors and lenders that would appear as a financial loss to the Government. I wish to provide for the RECORD a letter to Mr. Shelby Brewer, Assistant Secretary for Nuclear Energy of the Department of Energy, from Mr. John Chapoton, Assistant Secretary for Tax Policy, Department of the Treasury, that effectively refutes these allegations. Mr. Chapoton responds to three questions that relate to tax policy matters in joint Government/industry ventures. The Treasury concludes that there could be no financial loss to the Government incurred from the alternative plan. Indeed, with the private sector selling the Clinch River power at market rates, the Treasury concludes that "there would be a gain to the Government."

The letter follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., September 14, 1983.

Hon. SHELBY T. BREWER,
Assistant Secretary for Nuclear Energy, Department of Energy, Washington, D.C.

DEAR MR. BREWER: Thank you for your letter asking the Treasury Department's analysis of the revenue impact of the Clinch River Breeder Reactor Project. Your letter presents three technical questions, which I will answer directly.

(1) Q. In respect to the tax policy considerations involved in H.R. 3110, is there a difference between cases (a) where the government uses the output of the property and (b) where, as here, the output is sold into the private market?

A. Yes, because H.R. 3110, the Pickle Bill, deals with assets used by governments, and the use of services by governments. By contrast, the power generating assets of the Project would be used for private purposes. If the Pickle Bill were applied to this kind of situation, consumers would either have to pay higher than market price (which is unlikely) or the private investors would not invest as much and the government would have to stand the difference.

(2) Q. Assuming operating costs are equal and electric output and prices the same, is there any net loss to the government from moving ownership of a part of the project from the government sector into the private sector, as described?

A. No, although there may be some change in the timing of costs borne by the public and private sectors.

(3) Q. Assuming operating costs an equal but that the private owners would, as described, invest an amount which reflects the expectation that they sell the output for more than could the government, is there any gain or loss to the government?

A. There would be a gain to the government. Consumers would be covering costs in the price which the government would otherwise have to cover in expenditures.

Please understand that Treasury makes no judgment about which of the hypothetical cases in questions (2) and (3) is likely to prevail, nor do we draw any conclusions about the desirability of the project from the point of view of private investors. We do not, however, foresee any offsetting losses to the government resulting from private rather than public financing.

Sincerely,

JOHN E. CHAPOTON,
Assistant Secretary (Tax Policy).●

THE LANGUAGE OF THE FEDERAL BUDGET

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. CONYERS. Mr. Speaker, the Federal budget has become so steeped in economic jargon that it has become unintelligible to all but a few experts. The budget is written in a mind-numbing, bureaucratic language that conceals rather than reveals where and why we are spending the taxpayers' money. It is hardly a document that encourages democratic participation.

Celia Eckhardt, former director of the IPS Washington School and editor of Change magazine, discusses the language of the Federal budget and its antidemocratic character in a paper she wrote for a new institute budget study, that 60 member of Congress have requested. The study is part of a series following the publication of the 1978 study entitled, "The Federal Budget and Social Reconstruction." I recommend this essay to my colleagues.

THE LANGUAGE OF THE FEDERAL BUDGET

(By Celia Eckhardt)

The federal budget is a central ethical statement about American society. It tells what we collectively believe is worth paying for, suggesting our values by showing what proportion of our federal monies we spend for war, what for art, what for health, and so on. Since language is our most distinctively human expression, the language of the budget ought itself to be revealing. And when we look carefully at that language to find out what it can tell us about our society and the way it works, we discover indeed that it poses a threat—not merely to our need for grace, but to our essential humanity.

* * * * *

It was in 1949, in his appendix to "1984," that George Orwell described the language of the future as "Newspeak". It was Orwell's purpose to show how the pursuit of power led to the corruption of language, and although the language of our federal budget is not quite what he describes in that chilling fantasy, many of its characteristics have been realized. Clarity is not a virtue to these authors, nor precision of meaning, nor the evocation of historical context. "The intention," Orwell wrote of Newspeak, "was to make speech, and especially speech on any subject not ideologically neutral, as nearly as possible independent of consciousness."

We must also notice, as Orwell did, the abundant use of alphabetical designations. Observing that since the early twentieth century, telescoped words and phrases have been characteristic of our political language, particularly in totalitarian countries, Orwell realized that such abbreviations narrowed and subtly altered the title or phrase's meaning, cutting out most of the associations we might have had with it and leaving a reference with no human resonance. GNP therefore stands for the accumulated work of men and women. SBA refers to the coming together of people determined to work as nearly as they can by and for themselves. In these instances, everything human has been subtracted from the nearly universal experience of work, leaving us with no more than a squiggle of letters. People have been reduced to things. "Ultimately," Orwell wrote, "it was hoped to make articulate speech issue from the larynx without involving the higher brain centers at all."

The result of all this is to discourage people from knowing, much less understanding, what our society at its center is all about. It is to discourage them from trying to affect their world, because that word "affect" is essentially related to feelings: in one of its forms it appears as "affection." The language of the federal budget dulls all feelings. It obscures the fact that it is the product of individual human decisions inherently capable of being changed. It is wholly the product of the modern bureaucratic state, and it evokes no great modernist so much as Franz Kafka, who described a world in which doors open onto nothing; windows are blank; and corridors lead nowhere but to confusion.

Such a state of affairs is relatively recent and has causes—some of them obvious and some, obscure. This deterioration of language, so far as the federal budget is concerned, began sometime after the Second World War. Since the first budget message in 1921, the document has changed from a straightforward account of the government's finances—a kind of giant family account book with explanations where necessary—into an intensely political statement impossible to take at face value.

On December 5, 1921, President Warren G. Harding signed the message to accompany the budget for the fiscal year ending June 30, 1923. The message, including a chart of total receipts and expenditures, took up about three-quarters of a page. Harding recommended legislation releasing funds held by the Navy Department that would nearly cancel the $150 million deficit. The figures in the budget proper estimated the amount of money to be spent for listed items such as streetcar tickets, lace leather, the washing and hemming of towels and the removal of rubbish. * * *

It was of course the Great Depression that forced Americans to contemplate the proper role of the federal government, and the relationship between money and wealth. * * * In his 1936 budget message, Roosevelt gave two reasons for changing the document's form, one of them being that he wanted to "improve the usefulness of document from the citizen's standpoint." Apart from the occasional phrase that revealed the flair of the man, the language remained the same as it had been for twenty years. It was language that intended to be clear and asked to be understood. Roosevelt ended by stating his three major objectives: "(1) The normal functions of the United States Government can be carried on with economy and a high standard of efficiency, (2) the broad obligation of the Government to use all proper efforts to prevent destitution can be maintained under more practical methods than we are using at present, and (3) the excellent credit of the Government will be maintained for the common good."

When he submitted his budget for 1939, Roosevelt took the occasion to give the nation a gracious, if brief, lecture on the budget process, which he prefaced by saying, "In simple fairness to the Treasury of the United States, I am confident that the Congress and the public will bear in mind certain fundamentals relating to the making of the National Budget." He went on to explain how far in advance the estimates had to be made, and to insist that the government's experts "are at least of equal competence with the experts of the largest banks and industrial corporations of the United States." He invited people to make sense of the document, though he pointed to a process experts necessarily managed. His message was only fifteen pages long, and the document as a whole well under 1,000.

After the war the language of the budget became increasingly convoluted and politically charged, and its length grew apace. By 1954 the president's message was fifty-five pages, and the budget document had an appendix separately printed that was 492 pages. By 1960 the president's message had grown to seventy-eight pages, and by 1968 the appendix ended on page 1,316. In the introduction to the appendix of 1954, three terms were briefly defined. By 1975 we were offered a separate, eleven-page pamphlet defining seventy-five different terms. By 1975, too, the single document of the Roosevelt era had grown to four separate books, one of them featuring seventeen special analyses of matters such as research and development, federal aid to state and local governments, and environmental protection. Roosevelt's hope of making the budget useful "from the citizen's standpoint" had become a casualty of history.

The obvious explanation for the document's growing like Alice after she had drunk from the second bottle is that the federal government has taken an increasingly larger role in the nation's affairs. In 1930 federal spending accounted for only three percent of the national income. The projected figures for 1982 are a record twenty-four percent.

The obvious explanation for the arcane nature of the budget language is that we have given ourselves over to experts. And however inevitable this abdication of citizenship, it creates a situation that is dangerous to whatever claims America has to being the democracy I was brought up to believe it was. I would suggest, further, that the objuscations have yet another source, which lies in the failure of our political system to decide on the role of the federal government, and to define more clearly the relationship between money and wealth.

In 1944, in his annual message to Congress, Franklin Roosevelt proposed a new Economic Bill of Rights that included the "right to a useful and remunerative job in the industries or shops or farms or mines of the Nation." The full employment bill of 1945 declared accordingly that all Americans "able to work and seeking work have the right to useful, remunerative, regular, and full-time employment." The bill passed the Senate by an impressive 71 to 10. The Roosevelt Administration and the United States Senate had in effect declared that labor was wealth and that the federal government had an obligation to see that wealth was not wasted. The House saw matters differently, however, gutting important parts of the bill so that the Employment Act of 1946, according to Louis Fisher of the Congressional Research Service, "meant all things to all people." It was full of ambiguity. It was vague. It inclined to cant.

The political distance between two beliefs had become so great there was apparently no reconciling them. On one side were those who believed that the commonweal depended upon the free enterprise principle: we must allow those who can to make as much money as they choose because in the process of doing that they will create a world in which everyone else has an appropriate, albeit sometimes a difficult place. On the other side were those who believed that human societies are human constructions—not the arbitrary result of abstract "laws of the marketplace" or "supply and demand"—and that the whole is responsible for the parts.* * *

In 1946, the very year that the American Congress passed an employment act that men and women could interpret as they chose, George Orwell was writing, "In our time, political speech and writings are large the defense of the indefensible . . . political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness." The inflation of language, Orwell thought, became itself a kind of euphemism. "The great enemy of clear language is insincerity," he wrote. "When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish squirting out ink.

There are of course less theoretical and no doubt more germane ways of looking at the problem of speaking clearly on the subject of wealth. In the early 1960s, after more than a decade of national affluence, responsible men estimated the numbers of the poor in America at between thirty-two and fifty million people, or between twenty and twenty-five percent of the population. According to Michael Harrington, the wealthiest twenty percent of American families garnered forty-five and a half percent of the total family income. Such figures suggest that the language of free enterprise, however respectable its Enlightenment origins, had been used by those with financial and therefore cultural power to hold a dramatically disproportionate share of the national resources. Whether they had used it cynically or innocently is irrelevant. the language of raw power, like that of greed, makes most of us uncomfortable, and it is a relief to take refuge in philosophies that minimize human agency.

Another of the political realities that encouraged the postwar double-speak was the conflict between the United States and the Soviet Union. As Harry Truman put it in his message accompanying the 1954 budget, "In areas outside of Europe there are many friendly nations, containing nearly half of the earth's population and much of its material wealth, which are struggling against conditions that threaten their continued existence as free nations." Truman and his successors preferred to use the language of freedom to build intransigence against "the threat of communist imperialism," rather than to talk about the material wealth to which Americans were determined to retain access, no matter whether the foreign country that contained it were a despotism. "Free" came to be used selectively: it referred for the most part to countries that did not call themselves communist and that maintained friendly relations with the United States. Truman talked of our vital contributions to the strength of the free world without reference to the political character of our foreign allies: witness his satisfaction in our help to the colonialist French "and the Associated States of Viet Nam, Laos, and Cambodia in their fight against a powerful, communist-led revolt." The tenuousness of such claims began to require an unprecedented effort at persuasion.

For the first time in the history of presidential preface, Dwight Eisenhower's message trumpeting the 1960 budget was overt salesmanship. On the first page he listed its virtues in one-through-five fashion: it was balanced; it was responsible; it was confident; it was positive; it was attainable. The avuncular Eisenhower style turned out to be for the most part boilerplate: the nation would "move forward strongly and confidently"; we had to "help friendly nations foster their development"; we had to encourage economic growth and stability." He talked of the "mutual security program" designed "to meet the Communist threat and to help improve the standard of living of people in less developed nations." By now we are so inured to this kind of language that it may be hard to realize how recent is its vintage. As Orwell suggested, there has been a gap between our real and our delcared aims, and the result has been an exhausted idiom.

Falling easily into his predecessors' "defense of freedom against aggression" and the "search for international peace and cooperation," Lyndon Johnson's budget messages were even more deeply mired in self-aggrandizement and double-speak. In January 1967, he referred to $5.8 billion for Vietnam *and other national defense outlays* (emphasis mine). He declared that the "aims of our society" would be jeopardized by levying new taxes to pay for the war, a refusal now generally credited with beginning today's dangerous levels of inflation. Putting on the hard sell for which he had become notorious, he bragged of cutting "waste and nonessentials" and of scorning the "soft, easy answers to critical problems."

Richard Nixon, at the same time he was authorizing wiretaps of people in the White House and throughout the country, wrote in his 1975 budget message of "private citizens endowed with civil liberties that are secure from governmental encroachment," and of strengthening the role of the individual in American society. The absence of sincerity, as Orwell taught us to see, fathered the familiar succession of mindless phrases: "vigorous leadership," "flexible response," "effective performance," "unnecessary restrictions." We were to restore a proper balance of individual and governmental power. We were to revitalize individual initiative. And so on.

The fuzziness in Jimmy Carter's language came additionally from the fact that he and the people he brought to the White House seemed unable to decide on priorities. "The Federal Government," he said in his message accompanying the 1979 budget, "has an obligation to nurture and protect our environment." In the next paragraph, he wrote "The Federal Government must lead the way in investing in the Nation's technological future." A little further, he said "Public needs are critically important; but private needs are equally valid . . ." Therefore he and those who wrote for him devoted a good deal of money and rhetoric to putting matters off. The Energy Department, for example, enjoyed "a high-priority commitment to the completion of a thorough analysis." He wrote of establishing commissions and evaluating the current and future problems of whatever issue was at hand. Next year, he said, he would submit legislation about national health insurance. Meanwhile, America would be protected against foreign aggression and a favorable military balance would be preserved with the Soviet Union.

So Ronald Reagan's budget is the most recent of an established, if brief, tradition of documents constructed with dead prose, cliche, jargon, and euphemism. The peculiar barbarity of Reaganspeak slips easily into a context of language already stripped of most of its humanity and clarity. Reagan, however, is self-congratulatory and polemical to a degree unprecedented. Introducing the 1983 budget, he begins, "One year ago, in my first address to the country, I went before the American people to report on the condition of our economy. It was not a happy occasion." Those who oppose him seek instant relief and panaceas. He, on the other hand, refuses to promise the American people a miracle, but does promise them progress. Proposing that we "clean up this mess," he titles the second section of his message "A Year of Historic Achievement" and the third "No Time to Retreat." He concludes, "We must, in the end, roll up our sleeves, face our responsibilities squarely, and persevere at the unending task of setting, and keeping, the Nation's affairs in order." A triumph of banality, this is a language for those who have no historical memory and who refuse either to think or to feel. It is a triumph of image-making.

When Reagan wrote his preface to the budget, just under ten million men and women in the richest nation the world had ever seen needed to work and could not find jobs. For a government enjoined by its Constitution to "promote the general welfare," justifying that fact requires convolutions of thought and language of no meager order. It is one thing for a French monarch to say "Apres moi, le deluge," and prove himself right. It is quite another for a nation that declares itself to be of, by, and for the people to claim unalterable laws of economic behavior as a reason to look on while large numbers of people lack the means to sustain life decently.

But even in the more technical part of the federal budget, Reagan's scriptwriters are abstract and ideological: "Excessive intervention in the economy by the Federal Government," they say, has "resulted in major disruptions and imbalances and a virtual end to economic growth." Nothing in Reagan's budget message indicates that he knows the human cost of the program he says will eventually benefit all Americans, or that he understands or regrets who will pay it. He makes no reference to unemployment, and uses the term "jobless" only once. Franklin Roosevelt had wanted to "prevent destitution" and use government resources

"for the common good," and he clearly understood the difference between wealth and money. Reagan's four stated purposes refer to things rather than to people. For him, money apparently is wealth. His goals are to reduce federal spending and federal regulations, to reduce personal and business taxes, and to support "a moderate and steady monetary policy." He says, "The correction of previous fiscal and monetary excesses has come too late to avert an unwelcome, painful, albeit temporary *business slump* (emphasis mine)."

Brave are the critics who force themselves to endure and interpret this language because they know that American abundance can be used to nourish rather than divide our people, and to help rather than cripple our neighbors. But the enemy of those who deal with such language is a more insidious enemy than the bad man in the westerns. It threatens them because it makes them use its dehumanizing tools. Joseph Conrad said: into the destructive element immerse yourself. The struggle to maintain one's humanity in this element is an essentially modern struggle, and one that is central to the survivial of democracy. Language out of touch with hope and human experience masks the choice we have to live more just and more generous lives.●

THE ADMINISTRATION AND CIVIL RIGHTS: THE FIRST THOUSAND DAYS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. SHANNON. Mr. Speaker, in recent weeks there has been a great deal of public debate and comment focused on the record of the Reagan administration in the area of civil rights. In the September 24, 1983, issue of America, our former colleague, Robert Drinan, S.J., accurately describes the stagnation of the enforcement of existing civil rights laws that has been imposed by this administration and exposes the deficient legal underpinnings of its policies in this area.

I commend to all my colleagues who appreciate the importance of removing institutional barriers to equal opportunity, a goal this body sought to advance through the civil rights legislation and who have witnessed the failure of this administration in its responsibility to the powerless, this thoughtfully articulated piece by Father Drinan.

The article follows:

THE ADMINISTRATION AND CIVIL RIGHTS: THE FIRST THOUSAND DAYS

(By Robert F. Drinan)

A counterrevolution in the area of civil rights has been launched in the 34 months of the Reagan Administration. For the first time the bipartisan consensus that has existed in civil rights since at least the Eisenhower Administration has been fragmented.

This development was not unpredictable since Mr. Reagan has always been opposed to the government and the law establishing and enforcing goals of equal opportunity. In 1964 he opposed the enactment of the Federal Civil Rights law; only 6 Republican Senators and 34 Republican Members of the House agreed with that position. Mr. Reagan, moreover, also opposed the fair housing bill proposed in 1966 in California. In 1980 he insisted that the Republican platform adopted in Detroit disapprove of busing for the purposes of racial integration and ban quotas designed to increase the number of minorities in schools or businesses.

The whole world is watching to see the extent to which the long held consensus on civil rights can be harmed. The Economist, a conservative British weekly that supports the President, noted as early as September 1981 that the Reagan Administration was seeking to alter something fundamental in civil rights. The Economist predicted that the results would have immense repercussions all around the world since many nations have written into their own law the civil rights laws enacted by the Congress in the 1960's.

The moral dimensions are, of course, obvious. The Second Vatican Council in its pastoral on "The Church in the Modern World" has these striking words: "With respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language or religion, is to be overcome and eradicated as contrary to God's intent." This section is clearly an endorsement of legislation since it refers to an issue of public morality and calls for the "eradication" of any form of discrimination.

It is not easy to pinpoint the precise premises on civil rights on which the Reagan Administration operates. In reaction to the vehement and almost daily criticism of the 165 public interest groups that make up the Leadership Conference, spokesmen for the Reagan Administration have retreated from their position and altered their premises. But the core position of the Reagan Justice Department appears to be an insistence that a specific intent to discriminate be demonstrated before relief is granted and that nothing may be ordered or even permitted by the law which by affirmative action takes benefits away from members of the majority. These two positions are at odds with the statutory and decisional law that has developed over the past generation. But the assistant attorney general for civil rights, William Bradford Reynolds, justifies them by referring to the 1980 Republican platform. Civil rights activists are surprised and saddened by such a justification, since up to the time of the Reagan Administration it had always been assumed that the enforcement of civil rights was an issue above politics and one that derived from the post-Civil War amendments to the Constitution and the manner in which the Congress and the courts have implemented these guarantees.

No one denies that there are difficult questions as to the extent to which affirmative action can be employed without bringing about reverse discrimination. But the Reagan Justice Department is opposed even to voluntary agreements by which minority workers can be given a certain preference for the duration of a specific period of time. Such an arrangement was approved in 1979 by the U.S. Supreme Court, in a 5-to-2 decision, United Steelworkers v. Weber. Brian Weber, a white worker, claimed that he was discriminated against by a plan collectively bargained for by his union and his employer that reserved for black employees 50 percent of the openings in a craft training program until the percentage of black craft workers in the plant was commensurate with the percentage of blacks in the local labor force. The court held that this voluntary approach did not violate Title 7 of the Civil Rights Act of 1964. The dissent of Justice William Rehnquist and Chief Justice Warren Burger argued that Congress intended to forbid all voluntary race-conscious affirmative action. It is that dissent that the Justice Department has now made into its official and vigorously defended position. The Justice Department is now seeking to impose that point of view in a New Orleans case where the lower court had approved a voluntary race-conscious arrangement to increase the number of minorities in the police force.

The doctrinaire condemnation by the Justice Department of all color-conscious distinctions in employment has caused extensive confusion among employers, government officials and labor leaders, all of whom desire to redress racial imbalance by remedies that provide not rigid quotas but attainable goals and targets. In many industries programs agreed to in good faith to utilize race-conscious affirmative action have now been abandoned or put on hold.

If the Justice Department is convinced that all affirmative action plans based on race-conscious considerations are wrong it could, of course, ask the Congress to make that clear. It has not attempted to do so, knowing that Congress is not likely to reverse the findings of the Weber decision or condemn the vast array of legal and administrative techniques designed to redress massive discrimination in the past. Indeed Congress would have to condemn years of work by the Equal Employment Opportunity Commission (E.E.O.C.) and other Federal agencies that have carefully worked out plans to alter the colorblind attitudes that have resulted in the denial to minorities of their right to promotion and seniority. Congress is not likely, in other words, to set aside the positive and very successful techniques discovered by Federal agencies to carry out the objectives of those monumental civil rights laws overwhelmingly enacted by the Congress on a nonpartisan basis. For Congress knows that the existence of pervasive discrimination based on race can be corrected only by sophisticated techniques of recognizing race for benign purposes and using color-consciousness to rectify patterns of discrimination in the past.

Despite this fact the Justice Department continues to deny or to restrict the applicability of affirmative action to housing, education, employment and other areas in which the Federal Government has long maintained a vigorous program to bring about desegregation.

Why the Reagan Administration and the Justice Department continue to be adamant in pressing for a position not authorized by Congress or the courts is not entirely clear. Some extreme conservatives who have access to decision makers in the Administration no doubt want to resist or reverse racial gains. The intense pressure on the Administration to stop busing, furthermore, has apparently prompted the Administration to develop legal principles for that area which logically they have to extend to other situations. The commitment, moreover, of continued opposition to the Equal Rights Amendment may require in the mind of Administration spokesmen that all sex-conscious and race-conscious distinctions be disowned. But whatever the cause for the re-

versal by the Reagan Administration of convictions previously held on a bipartisan basis, the results as seen by the civil rights community have been catastrophic.

The negative attitude of the Administration toward curbing discrimination in housing typifies the reluctance to use the law to bring about equality of opportunity. In 1980, the House passed a bill tightening up the porous 1968 Fair Housing bill. The measure failed in the Senate. Civil rights activists thought that Samuel Pierce, the Secretary of Housing and Urban Development and the only black person in the Cabinet, might take advantage of the extensive work already done on the Fair Housing bill and move a bill banning bias in the sale or rental of housing. But it was not until mid-1983 that the Reagan Administration finally sent a fair housing measure to Congress. It was, however, a bill that was too weak to gain the support of even the Republicans who had endorsed a stronger measure sponsored by the Leadership Conference and filed by Senator Charles Mathias (R., Md.). That means, in effect, that it is unlikely that any fair housing bill will pass the 98th Congress.

There are comparable developments on other issues. The White House withheld its endorsement of the Voting Rights Act until it was obvious that it was going to clear the Senate. The Administration has filed a brief in the Supreme Court reversing prior policy and declaring that Title 9 of the 1972 Education Act that bans sex bias applies only to those programs specifically funded by the Federal Government. Grove City College in Pennsylvania claimed freedom from Federal regulations because it receives no Government money except the Federal aid which its students receive. To the astonishment of Senator Robert Dole (R., Kan.) and many others, the Solicitor General has agreed with Grove City College. If he prevails, the result will be that the ban on sex discrimination will apply to only 4 percent of the $13 billion which goes annually to higher education. Again the Administration could easily ask the Congress to clarify its intent if, as is claimed, the intent of Congress is ambiguous. But, as in the case of Bob Jones University, the Administration argues for a narrow view of civil rights without asking the Congress to broaden the scope and coverage of the law in question. The results is that inevitably the Administration appears to be taking the side of those who do not want the Federal Government to broaden the opportunities for minorities or for women.

In one instance, however, the Justice Department has elected to endorse an expansive view of a Federal law. Elizabeth Hishon spent seven years as an attorney in the Atlanta firm of King and Spalding, the former firm of Griffin Bell, Attorney General in the Carter Administration. Mrs. Hishon was not granted partnership in the firm and will argue her case before the United States Supreme Court in the near future. Her former firm will argue that the Civil Rights Act reaches corporations but not partnerships which, it is claimed, are by nature private, almost familial. The Justice Department has agreed with Mrs. Hishon, for reasons which seem inconsistent with its approach in comparable matters.

The titanic and unprecedented struggles going on between the civil rights community, as represented by the Leadership Conference, and the Administration have been obscured by the battles between the President and the U.S. Commission on Civil Rights. This tiny agency with a budget of $13 million has done its duty and denounced the deviations from accepted and sound civil rights practice by the Reagan Administration. The White House was so incensed that for the first time in history a President has removed three of the commissioners and named their replacements. The legal and political impasse that has resulted has tended to take the focus off the central questions of policy differences between the Administration and the civil rights activists.

The damage being done to the enforcement of civil rights can be documented by ever more abundant evidence. Here are just a few instances:

1. In every year prior to the Reagan Administration between 20 and 32 actions were brought by the Justice Department to enforce the Federal Fair Housing laws. As of April 1983, only 5 cases had been filed under the Reagan Administration.

2. The White House has cut the staff at the Department of Labor's Office of Federal Contract Compliance Programs by 50 percent.

3. According to the U.S. Civil Rights Commission, at the U.S. Department of Agriculture "civil rights enforcement has come to a virtual standstill."

4. The Justice Department has consistently refused to support the use of busing as a desegregation tool in any context. It has also advocated that Federal courts be deprived of their power to employ busing as a remedial device.

5. In fiscal year 1982 over $196 million went to programs for school desegregation efforts and for the Women's Educational Equity Act. The Administration desires to spend only $6.7 million on these programs in 1984.

The essential differences between the Administration's approach to civil rights and that of the Leadership Conference may become difficult to discern in the months prior to the 1984 election. The Administration continues to claim that it is enforcing civil rights vigorously. The Attorney General William French Smith recently blamed the constant criticism of the Administration's approach to civil rights as "irresponsible journalism." He asserted that "some of these critics desire to create hostility among minority Americans. The motivation can only be political."

The critics of the Administration will undoubtedly indulge in rhetoric of their own. They will tend to link charges of bias against blacks and women with criticism of the cutbacks in social programs for the poor and the handicapped. Careful and thoughtful evaluations of the legal and moral differences between the Administration and the advocates of civil rights are not likely to be numerous in the popular press.

What is clear, however, is that the Administration represents and may tend to exploit a deep feeling among many white Americans that they are in fact being denied opportunities in order that blacks can get ahead. This feeling may be largely unjustified. But it exists. It centers particularly on urban school systems, where the perception is often held that court-ordered integration has led to a decline in quality in the education offered.

The black community finds this feeling disappointing, even bewildering. They see it being used by the Administration as a justification for sharply curtailing programs that have brought significant advances to the 26 million black citizens of America. It is not surprising, therefore, that black leaders feel abandoned and deserted. They see the reverse in policy and practice of the Reagan Administration and they cry out for help. They have to recognize that the approach of the White House to civil rights will not change; the Administration will continue to be opposed to affirmative action, preferential hiring targets, school desegration by busing and expansive applications of Federal civil rights machinery.

So the black community reacts with anger and even rage. Some of those feelings account no doubt for the support which the Rev. Jesse Jackson is receiving in some quarters for his contemplated race for the presidency.

Longtime white civil rights activists are also experiencing a uniquely difficult time. The fear exists that attitudes toward integration may be permanently altered and that even the desire to bring about equality of opportunity by law may be sharply decreased in the minds of millions. But again there seems to be little hope of changing the minds of those in the Administration who are waging the counterrevolution against some of the fundamental policies of the civil rights revolution. But whites as well as blacks can be consoled that about $624 million will be spent next year in the major Federal programs established to enforce civil rights. This sum, however, (slightly less in actual dollars than in the year before) cannot achieve desirable results if much of it is being spent to finance changes and reversals rather than advances and improvements in the enforcement of civil rights.

Blacks, women and the advocates of civil rights are clearly planning to make the country's commitment to equality of opportunity a central issue in the 1984 campaign. The Administration will no doubt seek to make the changes it has brought about in civil rights policies and programs appear to be less radical than they are. The Administration may seek to make its policies appear to be less harsh by accepting the idea of a national holiday for Dr. Martin Luther King. But the record of the Administration has now been written. It is difficult if not impossible to undo the damage that has been done. Those who desire the "eradication" of prejudice, as called for by Vatican II, must seek to be well-informed so that in the forthcoming great national debate they can be calm and articulate defenders of the now challenged and threatened commitment that many years ago America made. That commitment pledged the United States Government to use in creative ways the full force of its civil and criminal law to make real equality available for all Americans.●

DUPLICITY: STANDARD SOVIET OPERATING TECHNIQUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, last October 22 I participated in a debate at Lake Zurich, Ill., High School with Valentin Berezhkov, whose son, Andrei, most recently attracted national attention by trying to defect to the United States.

At the time we shared the platform at Lake Zurich, Valentin Berezhkov

was presented as a scholar, an academic who had written several books as a first-hand observer of such historic developments as the unholy partitioning of Poland consummated between Hitler and Stalin in Berlin in 1939.

Since those early days, Mr. Berezhkov has held numerous positions and had a diversified career, one which has spanned almost 50 years of intensely dedicated service to advancing the cause of world communism.

What Valentin Berezhkov did not say to the high school students at Lake Zurich, however, was that while holding the title of first secretary in the Soviet Embassy, he was in fact directing and managing the covert operations of the feared Soviet sector police apparatus in the Western hemisphere.

In the September 15, 1983, issue of the Washington Times, Peter Deriabin, a former KGB colleague of Valentin Berezhkov, reveals a side of Mr. Berezhkov not routinely advertised. Mr. Deriabin is most qualified to give a proper assessment of Berezhkov's role with the Soviet Government. Deriabin was in charge of Soviet counterintelligence in Vienna in 1954 when he appeared at the U.S. military headquarters in that city and asked for asylum. Prior to that assignment he was a Communist Party functionary inside the Kremlin's secret Bodyguard Directorate of the KGB, within the headquarters of the Foreign Intelligence Directorate in Moscow and Europe. He is familiar with Berezhkov's career.

The man that Deriabin exposes is not at all the distinguished journalist or diplomat that the Soviet Union would have us believe, but a crafty, professional spymaster who concentrated his efforts on undermining our way of life.

Mr. Deriabin's article is further confirmation of the extensive surveillance network the Soviets maintain here under the pretense of diplomatic missions and academic delegations. I commend it to my colleagues as an informative and interesting report.

[From the Washington Times, Wednesday, Sept. 14, 1983]

ALL ABOUT ANDREI'S FATHER, VALENTIN BEREZHKOV, THE 'DIPLOMAT'

(By Peter Deriabin)

As a consequence of the escapade of his teen-age son, the first secretary of the Soviet Embassy in Washington, Valentin Berezhkov, was precipitately recalled to the U.S.S.R. With his son, Andrei, and his wife, Valeria, he left by air on Aug. 18. His diplomatic career, it was said, was ruined.

I should like your indulgence to say a few words about Valentin Mikhaylovich Berezhkov, my former colleague.

The press described V.M. Berezhkov as a professional diplomat. He is a professional, all right. As I can testify from personal knowledge, Berezhkov is a veteran spymaster, one who has spent over 40 years in the ranks of the Soviet secret police, the KGB.

"Diplomat" is hardly the word for this 67-year-old tiger of the KGB, protege of Stalin, Molotov, Beria and Dekanozov. His tasks in Washington were sophisticated tasks for the KGB, not for the Soviet Ministry of Foreign Affairs, which has plenty of young first secretaries available.

When Soviet Embassy strongmen paraded their captive 16-year-old Andrei in front of American television cameras, they offered a hint of the staged trials of past decades and a chilling reminder that fear and lies still govern the land the Soviets rule.

I never knew Berezhkov personally, although we met without being introduced, in the KGB in which we both served. (Its earlier designations, in our time, were NKVD, MGB and MVD). He worked mostly outside the precincts of the headquarters on Dzerzhinsky Square.

But while managing KGB secret work in Germany, I not only studied files on his activities—and worked under his old colleague there, KGB Gen. Aleksandr M. Korotkov—but I have also read Soviet books, never translated in the West, which describe highlights of Berezhkov's career. This old secret agent "wears a long tail," as they say.

For example, he helped Stalin help Hitler. As a "technical engineer" in the Soviet trade mission in Berlin, he helped negotiate the trade treaty signed on Feb. 11, 1940, which made it possible for Hitler to circumvent the British blockade.

Stalin thus assured Hitler the essential supplies for Nazi conquest of France, Belgium, Holland, Yugoslavia and Greece. He sent vast quantities of oil from Baku, iron and chrome ores, phosphate, grain from the Ukraine—and safe passage over the Trans-Siberian Railway of rubber from the Far East.

At the same time, Berezhkov was spying—using his good command of German in secret meetings with spies in Poland, Belgium and Holland during travels in 1940 "on trade matters" (as his autobiography puts it). And in Germany he was in contact with members of the network later to become famous as "The Red Orchestra."

In the fall of 1940, Berezhkov was called back from Berlin to change his cover from foreign trade to diplomacy and to join Foreign Minister Molotov and some of Stalin's top spies—Deputy State Security Chief Vsevolod Merkulov and former head of the foreign operations directorate, Vladimir Dekanozov—in a mission to Berlin to exploit Stalin's relations with Hitler and pave the way for bloody deportations from Poland, Bessarabia and the Baltic state.

Dekanozov stayed on in Berlin as Stalin's ambassador to Hitler, with Berezhkov as his "first secretary."

Berezhkov was still spying, of course. He claims in his memoirs that he even used his social contacts with Americans to meet useful German military men. When Hitler invaded the U.S.S.R. on June 22, 1941, the Soviet mission was interned.

But Berezhkov (using the alias "Kurt Huesker") bribed an SS oberleutnant to permit them a last excursion to town. There they eluded him, took a subway to meet and give final instructions and a radio set to an agent of the "Red Orchestra," Greta Kuckhoff.

After the interned Soviet and Nazi diplomatic missions were exchanged, Berezhkov worked in Moscow and accompanied the Soviet delegation to the 1943 Tehran Conference as an interpreter.

There he wrote in his memoirs, he incurred Stalin's displeasure when, caught with his mouth full of juicy steak, he couldn't translate a question Churchill asked Stalin. I sat there like a fool, my face red as a lobster. Everybody stared, then laughed. Stalin leaned over, his eyes gleaming and said through gritted teeth, '. . . this is disgraceful!' "

But his presence at Tehran permitted him, many years later, to perpetuate a famous Soviet lie: their alleged discovery of a German plot to assassinate Roosevelt at Tehran. Although by the time Berezhkov wrote his memoirs, this canard had long since been discredited, Berezhkov insisted that the NKVD had uncovered the plot. The fact is that Stalin and the NKVD invented it to induce Roosevelt to move over to the Soviet embassy—to Soviet microphones and away from Churchill.

Berezhkov came to the United States in 1944 as "interpreter" for the Dumbarton Oaks Conference drafting the United Nations Charter.

After the war Berezhkov again changed his cover—and entered a field which has probably been his specialty to this day. He became a "journalist" and used his "diplomatic" experience and contacts for KGB tasks of secret political influence.

He was assigned as special correspondent and deputy editor of New Times (Novoye Vremya), a magazine established by the KGB (the NKVD) in 1942 specifically to provide cover for Soviet intelligence officers abroad. One of its later correspondents, KGB Maj. Stanislav Levchenko, has recently testified that New Times reserves 12 of its 14 foreign bureaus for the KGB.

Berezhkov's moves back and forth between diplomacy and other work were not unlike those of his old boss in Berlin, Vladimir Dekanozov. Dekanozov had headed all the KGB's (then NKVD's) secret work abroad before he was sent to "sovietize" occupied Lithuania and then to be ambassador in Berlin. Later, Dekanozov was made KGB (then MVD) chief in the Georgian Republic. But his fate was to be less happy than Berezhkov's: When the notorious MVD chief Beria was arrested and shot, so was Dekanozov.

But this seems not to have hurt Berezhkov's career. He continued in his field of political influence, moving at the end of the 1960s, to a new institute which was to concentrate KGB and Central Committee work in this field—the U.S.-Canada Institute, now headed by Georgy Arbatov.

Berezhkov served 10 years there as editor-in-chief of its journal USA: Economics, Politics, Ideology. He cooperated with Arbatov in sophisticated efforts to mislead American scholars and policymakers. (The best account of "active measures"—the KGB's political influence operations—is to be found in the testimony before the U.S. Congress in 1982 by the former KGB major, Stanislav Levchenko.

And then Berezhkov came to the United States—as "first secretary of embassy." Now in his mid-60s, he clearly had other, special assignments of the sort he had had ever since earlier "first secretary" assignments 43 years ago.

He established social relations with American congressmen, government officials and scholars and kept in close touch with Arbatov and presumably with Gromyko and Andropov.

He was at least a very special adviser to Dobrynin and—who knows?—may have been foreseen as Dobrynin's successor.

Watching Berezhkov the father alongside his son, the American TV audience could hardly guess that of all the Soviet officials deciding young Andrei Berezhkov's fate, Va-

lentin Berezhkov was the least likely ever to let his son stay in the land of "the main enemy."

He himself had helped build the prison that is called U.S.S.R. and which builds walls and lays mines on its borders to keep its people in, and shoots down airliners to keep curious eyes out.

But young Andrei had, unwittingly, thrown a stick into the spokes of Soviet secret work in Washington. He doubtless brought to an end the last mission abroad of his spy father.●

THE TIMING IS RIGHT FOR A TRILATERAL, NORTH AMERICAN SUMMIT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mrs. JOHNSON. Mr. Speaker, much debate centers around the pressing economic difficulties our Nation must face as we reevaluate our global relationships with our friends and trading partners. In this regard, it would seem appropriate at this time to actively pursue strengthened ties and closer cooperation on economic and trade matters with our neighbors, Canada and Mexico, who also continue to suffer from the worldwide economic recession. I am pleased to have this opportunity to share with my colleagues the thoughtful perspective of my constituent and good friend, Donald W. Davis, chairman and chief executive officer of the Stanley Works Corp. in New Britain, Conn., who calls for such a trilateral North American summit in the following editorial for the Hartford Courant:

[From the Hartford Courant, July 29, 1983]

THE TIMING IS RIGHT FOR A TRILATERAL, NORTH AMERICAN SUMMIT

(Donald W. Davis)

We must recognize that both Mexico and Canada have long established love/hate relationships with the United States. These relationships are certainly understandable in view of the disparity in culture and power between neighboring countries with common borders.

For various reasons, including the public's lack of interest, it is not well known how close Mexico came to repudiating its overseas loans last August. Had it repudiated the $82 billion indebtedness owed primarily to U.S. banks, the shock waves throughout the world financial community would have been colossal.

There is clearly much at stake in having sound, mutually beneficial economic and trade relations between the United States and Canada, between the United States and Mexico, and, to some lesser degree between Canada and Mexico.

To this end, it would seem most timely to have a three-nation North American summit with a focus on economic and trade matters.

Canada, the United States and Mexico are all blessed with great natural resources. We are dealing with three countries which (in spite of economic stresses and intermittent antagonisms) have special feelings of closeness. With 3,000 miles of common borders to the north and 2,000 to the south, logic tells us that for the sake of economic well-being and security, we must have friendly relationships.

All three have recently been through unusually difficult economic times caused by a world-wide recession; the dislocations caused by volatile oil prices; inflation, ranging from double digit in the United States and Canada to 100 percent in Mexico; historically high interest rates and dramatic devaluation of the peso from 25 to the U.S. dollar to 150.

The resulting unemployment and political and social stresses have swung from serious in the United States and Canada to nearly catastrophic in Mexico. The United States and Canada seem to be on the verge of economic recovery, whereas Mexico is in the early stages of massive austerity. It will take, at best, two to three years to produce positive results in terms of increased employment or improved living conditions.

One symptom of Mexico's crisis is the illegal immigration of millions of Mexicans into the United States over the past few years. The political and emotional overtones for a neighbor with major unemployment problems of its own are obvious.

Over the past few years, these three North American neighbors have had a litany of economic confrontations. We all remember the headlines of tariff disputes with Canada on automobile parts; objections to U.S. investment in key Canadian industries—particularly of national resources, such as oil and mining.

We can recall our problems with Mexico over the price of its oil, when the U.S. government was sufficiently insensitive to offer less favorable prices for Mexican oil than for Canadian oil.

It is clearly in the best interests of all three countries to move away from this kind of myopic scrapping toward a new level of discussions based on mutually advantageous economic objectives.

The timing appears right to make such an effort through a trilateral summit. One agenda item could have as its focus something as primitive as barter.

Mexico clearly needs our agricultural products, products for which our supply greatly exceeds present market demand.

And, in spite of a seemingly adequate supply of oil and gas in the United States at the moment, greater use of Mexican oil vs. Mideast oil, and of Mexican gas—some of which is still being flared off at no benefit to anyone—would make sense for both the United States and Mexico.

How agricultural products could be exchanged for gas and oil—and how similarly advantageous trading arrangements between the United States and Canada and Canada and Mexico could be facilitated—could make up an important part of such a North American summit agenda.

It would be very important that a call for such a summit not be dominated or even initiated by the United States, but rather some means be found for a joint initiative.

Among the three countries, every effort should be made to keep and summit at a level of equality and respect.

While bilateral discussions between the United States and Canada or between the United States and Mexico generally are interpreted as having patronizing overtones, tri-partite discussions between the three North American countries could avoid such negative connotations.

Getting Mexico to recognize that it is part of North America would be the first hurdle. With the present disarray in Central America and Mexico's obvious need for more support and trade with the United States, this would seem to be surmountable.

We do not want Mexico to be drawn into the Central American malaise. It is important for all three North American countries to meet soon, on equal terms to ensure our friendship and to establish sound and equitable economic ties.●

LET US TALK ABOUT THE MONROE DOCTRINE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to strongly recommend to my friends here in the Congress an interesting and timely editorial from the Washington Post. The article presents some cogent arguments as to why the United States should resurrect the Monroe Doctrine and again use this pronouncement as a guide for America's foreign policy efforts in this hemisphere. I agree with the writer and want to share my personal thoughts on this issue with all of you.

Whether we realize it or not, this is an age of doctrines and our country will be naked and defenseless without a viable one which is supported by Congress and the American people. Let us take a look at Soviet doctrines. Initially, there is a Soviet doctrine which has been used to guide and justify Soviet territorial expansionism for years. The captive republics in the Soviet Union are mute testimony to the existence of that basic guiding principle.

This doctrine of expansionism also includes a justification for creation of buffer states to protect the inner areas of "Mother Russia." Afghanistan is the most recent victim of this doctrine. How many of us have read the Kremlin's incredulous explanation for why the Soviets invaded and dominated that lovely land. The Soviets claimed that they had been invited in to protect the Afghan people. I also believe that the Soviets made it quite clear that the United States should not interfere. They considered Afghanistan to be in their sphere of influence and vital to their national interests. I think that it is obvious that the Soviets and our other adversaries in the world have doctrines which give focus and direction to their foreign policy efforts. The record shows that in the last 65 years, the Communists have conquered 43 sovereign nations that now have a current combined population of 1.6 billion. The Communists have in the past and will in the future continue to expand their influence.

There is also a new doctrine called the Andropov Doctrine. Not unlike the

Brezhnev Doctrine, it is a program designed to continue spreading revolution, terrorism and violence to the nations in the Caribbean, Central America, and all of South America. Already, they are fomenting revolutionary wars in our own backyard and are using their Cuban and Nicaraguan surrogates to further their goals. At this very moment, leftist terrorist forces are attacking governments committed to democracy for the entire region. If most Americans knew the actual dimensions of the Soviet threat to our hemisphere, all of them would unequivocally support what our country is doing in that area. We are working to establish peace and freedom and want to eliminate terrorism, lawlessness, and intimidation. We are trying to establish a peaceful and stable environment in Central America which will foster the growth of democratic institutions in that region.

Few Americans realize, for example, that since 1962 the Soviet Union has shipped nearly 700,000 tons of arms to Cuba. Over 130,000 tons were shipped during the past 2 years. Every day, the Soviets provide Cuba with over $10 million in economic assistance. In addition, there are over 2,500 Soviet soldiers stationed in Cuba and over 9,000 Soviet military and civilian advisers and technicians. The array of sophisticated Soviet military equipment on that island is astounding. They have undertaken this massive military buildup in spite of the fact that President Kennedy promised that the United States would not invade Cuba.

With all of this in mind, I suggest that the administration bring back the Monroe Doctrine. It is time to again make clear to all parties that intrusion by totalitarian powers in our hemisphere will not be tolerated. As President Monroe did over 150 years ago, our President should announce to the world that keeping this hemisphere free of our enemies is vital to our national security. We must tell the world that we intend to defend the freedom, peace, and stability in this hemisphere with whatever means necessary against threats from totalitarian powers delivered from abroad.

[From the Washington Post, Aug. 18, 1983]

EXHUME THE MONROE DOCTRINE

(By William F. Buckley, Jr.)

Ten days after the missile crisis was resolved in October 1962, a half-dozen New Yorkers met (at my initiative) with Marvin Liebman, the principal anti-communist organizational entrepreneur of those days. The proposal was to found a Committee for the Monroe Doctrine. Our thesis was that the terms of the Kennedy-Khrushchev démarche had the effect of repealing the traditional American guarantee against colonization, a doctrine promulgated in 1823 and gradually modified during the 19th century.

You will recall that Khrushchev promised to take his missiles out of Cuba, restoring the status quo ante, in return for which Kennedy promised not to invade Cuba, thereby confirming the status of Cuba as a Soviet satellite, in defiance of the Monroe Doctrine. That was quite a diplomatic victory. Another one like that, and the Soviets will have an aircraft carrier on Lake Huron.

That was the point the committee wished to make. Capt. Eddie Rickenbacker accepted the chairmanship, and the committee worked for a year or so, attempting to get Congress to exhume the Monroe Doctrine for the purpose of declaring Soviet control of Cuba as—to use the pastoral diction of yesteryear—"the manifestation of an unfriendly disposition toward the United States."

What happened was not much. The country was too far gone in hagiolatry. JFK was the hero of the missile encounter, and that was that. The problem being, of course, that we are face to face with the Son of the Missile Crisis in El Salvador and Nicaragua right now, and having lost the Monroe Doctrine, we have lost our diplomatic gyroscope.

Here are facts no one this side of the Institute for Policy Studies would contradict, i.e., on one unpossessed by ideology. They are: 1) Cuba is receiving over $10 million of military and economic material from the Soviet Union every day. 2) A substantial part of that equipment Cuba is sending on to Nicaragua, which now has on tap about 100,000 soldiers, plus modern weaponry including 50 tanks. 3) Nicaragua has declared that it is engaged in a "revolution without frontiers." To dramatize its, point, every day Nicaragua is introducing weapons through Honduras overland, and by air drop across Honduras, into El Salvador. The material thus provided has sustained a protracted civil war in El Salvador. If it were not for Nicaragua, the civil war in El Salvador would be as threatening as the recent post-concert rampage in Cental Park. And if it were not for Cuba, Nicaragua would not be mounting a holy war in the name of Karl Marx against her neighbors. And if it were not for the Soviet Union, Castro would have to finance his own armies, only he'd be broke, like Pinochet.

Along comes Sen. Daniel Patrick Moynihan to tell the United States that we should face the problem at its source, namely the Soviet Union. That is a very good idea, because there is no question that the Soviet Union is behind it all. President Reagan reminded us of this in a recent speech in Orlando, Fla. But the trouble with protesting to Andropov is that such protests have a way of amusing him.

We don't have what it takes to challenge the Soviet Union, and it was an intuition of this order that led Presidents Monroe, and Polk, and Cleveland, to keep their sights down to countries in this hemisphere. It is Cuba we need to come to terms with. Our terms. The only other terms are theirs: continuing bloody revolution up and down the hemisphere.

We should obviously seek peaceful solutions to our problems. But this does not entitle us to say that these are not "our" problems. If Monroe considered it our problem back in 1823, when in order to reach Nicaragua you needed to sail across the ocean for 10 days or more, it is certainly our problem 160 years later, when missiles cover the distance between Managua and Washington in eight minutes.

But what is it we are supposed to use our Army and Navy and Air Force for, if not to keep the peace? One joins with those who express impatience at the disingenuous official explanation of what our fleet is up to on Nicaraguan waters. What it ought to be up to ought to be plain: cut out your war against the government of El Salvador, or we'll make war on you and your supplier.●

THE GROWING LIST OF CITIZEN SUPPORT FOR THE CLINCH RIVER BREEDER REACTOR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. ROE. Mr. Speaker, on September 15, 1983, the Science and Technology Subcommittee on Energy Research and Production heard testimony from more than a dozen witnesses on the Clinch River alternative financing plan now before the Congress. This plan would supplement Government funding arrangements over the next 7 years with $1 billion of private contributors', investors', and lenders' funds. This amounts to about 40 percent of the total funds required to complete the project.

I have been an ardent advocate of this invaluable technology development project throughout its controversial political history. I have maintained my support in spite of the project's rising costs—most of these cost increases, according to the Inspector General's Office, have been the result of politically induced delays. It has been my considered judgment that these costs are insignificant when measured in terms of the energy independence the breeder reactor will provide future generations of Americans. Lest any of my colleagues become complacent about this fact, please note the recent media reports on the Middle East situation. Iran is threatening to shut off the Persian Gulf to shipping. This could impact one-sixth of the free world's oil exports. The cost to complete Clinch River represents less than 2 weeks' worth of imported oil to the United States. Opponents of CRBR who testified at the hearing attempted to ignore this fact. They also gave the impression that the vast majority of Americans oppose the project. I wish to submit for the RECORD a recent compilation of organizational support—quite strong support I might add—for the Clinch River breeder reactor. Clearly a broad spectrum of our citizens perceive the inestimable value of the project to our Nation's energy future. They recognize the near term fiscal relief that the proposed private sector financing plan will afford the Government. I applaud their vision and their astuteness, and urge my colleagues to follow their lead.

The following organizations strongly support the Clinch River breeder reactor financing plan:

AFL-CIO.

AFL-CIO Building and Construction Trades Department.
National Association for the Advancement of Colored People.
American Association of Engineering Societies.
American Nuclear Energy Council.
American Nuclear Society.
American Public Power Association.
American Society of Mechanical Engineers.
Americans for Energy Independence.
Associated General Contractors of America.
Atomic Industrial Forum, Inc.
Committee on Jobs, Environment and Technology.
Edison Electric Institute.
Energy American Style.
General Federation of Women's Clubs.
International Association of Bridge, Structural and Ornamental Iron Workers.
International Association of Heat & Frost insulators and Asbestos Workers.
International Brotherhood of Electrical Workers.
International Brotherhood of Painters & Allied Trades.
International Union of Bricklayers & Allied Craftsmen.
International Union of Elevator Constructors.
Institute of Electrical and Electronic Engineers, Inc.
Laborers' International Union of North America.
National Association of Manufacturers.
National Black Caucus of State Legislators.
National Conference of Black Mayors, Inc.
National Constructors Association.
National Rural Electric Cooperative Association.
National Society of Professional Engineers.
New England Council.
Oil, Chemical and Atomic Workers International Union.
Operatives Plasterers' & Cement Masons' International Association of the United States & Canada.
Scientists & Engineers for Secure Energy.
Sheet Metal Workers' International Associations.
Subcontractors Suppliers.
Tile, Marble, Terrazzo, Finishers & Shopmen.
International Union.
United States Chamber of Commerce.
United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry of the United States & Canada.
United Brotherhood of Carpenters & Joiners of America.
United Union of Roofers, Waterproofers & Allied Workers.
Utility Workers Union of America.
Youth for Energy Independence.●

ALTERGATE—ANOTHER VIEW

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. HILER. Mr. Speaker, while I realize several of my colleagues would like the "Altergate" issue to go away, it is becoming increasingly clear that the American people do not tolerate and will not tolerate the Orwellian tampering of official documents.

The Elkhart Truth, a leading daily newspaper in the Third Congressional District of Indiana, which I represent, recently let its views be known on the Justice Department's decision to pursue its own investigation into this serious matter.

It is a well-written editorial, and one that I think accurately characterizes just what is at stake here. I submit the editorial to be published in the RECORD, and commend it to my colleagues.

The article follows:

[From the Elkhart Truth, Sept. 23, 1983]

RECORD ALTERED

The Justice Department has taken its time getting around to investigating the alteration of records of House committee hearings held back in July 1982.

There appears to be no question that the transcript of two days of hearings on the Environmental Protection Agency was changed, to make Republican speakers look silly and make Democrats look good. A committee staff member admitted making "unauthorized changes" and quietly resigned over the Labor Day weekend.

Rep. John Hiler and other congressmen whose words were changed can't be blamed for wanting an investigation to get to the bottom of it. For one thing, apparently a felony has been committed. And there is the arrogance of staff, hired by the majority party, taking liberties with the record at the expense of the other party.

Besides the possibility of criminal prosecution, among the questions still needing answers are what were the motives? how many people were involved? and have other committee transcripts also been tampered with?

There is politics here, to be sure. Some see it as getting back at Democrats for making an issue of the campaign briefing book. But something else sets this apart: Members of both parties have an equal interest in making sure that the record of what they say is dependable. The public also has an interest in that. Without a reliable record, we have no way to check up on our lawmakers. Whatever cause the zealous persons responsible for this thought they were serving, keeping the record straight is one of the essentials for running a democracy.●

OCCUPATIONAL CENTER'S 25TH ANNIVERSARY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. RINALDO. Mr. Speaker, our Nation has at long last recognized its commitment to provide millions of handicapped Americans the opportunity to lead productive, working lives. Being handicapped no longer means that people are resigned to a life of total dependency. As proof of this, the Occupational Center of Roselle, N.J., is embarked on its 25th year of training the handicapped to make their own living in useful occupations.

This private, nonprofit rehabilitation training agency and sheltered workshop for the handicapped has breathed new hope into the lives of handicapped workers and their families. They have a place to learn to work, to earn, and be respected as useful citizens working within the confines of their handicaps.

Founded in 1958 by a group of volunteer social service charitable organizations, the Occupational Center operates on the premise that disabled people could, in the proper setting, be employed to do productive work. Starting with four individuals in a storefront in Elizabeth, N.J., the Occupational Center has grown in 25 years to provide job training, mental health services, and employment to 300 handicapped people on a daily basis. In addition, over 600 others have been placed in jobs in the private sector since the center began operating.

Through its success in meeting the needs of the handicapped, the Occupational Center has expanded its program. Two workshops and training centers in Roselle and Berkeley Heights, N.J., serve residents of four counties in northern New Jersey. The Occupational Center recently began participating in the State's deinstitutionalism program by accepting for rehabilitation and employment those people who have spent most of their lives in confinement and are now living in the community. I have visited these residents and the Occupational Center on several occasions, and found it to be an experience in human dignity and human rights that makes me proud to be associated with the many fine people who have pioneered and supported this program.

The Occupational Center is not a charity. It is good business. After a handicapped individual is trained for employment, the center attempts to place the client in a private sector job. However, some of these people simply cannot make it in the outside world, but they can be productive workers in the sheltered setting the Occupational Center provides. For them, it may be their lifetime employment.

As the director of the Occupational Center, Mel Cook, points out,

> The workshops are a good value to the community. Institutional costs are 5 to 10 times the workshop costs, and an adult living at home in idleness requires more support and is a drain on our national economic life. The working handicapped are wage earners and taxpayers. It is simply good business to support handicapped workshops.

I wish to congratulate Warren Roche, president of the board of diretors, and the other board members, Nida E. Thomas, Ronald Goodrich, James S. Bell. John Kovalcik, Gerald DeBenedette, and Augustin Venero, for their commitment to the continued success of the Occupational Center and their compassionate understand-

ing of the desire of the handicapped to be useful and respected members of society.●

RECIPIENTS OF THE PRESIDENTIAL AWARDS FOR EXCELLENCE

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. SISISKY. Mr. Speaker, on September 13, the President of the United States announced the names of 104 teachers who are the 1983 recipients of the Presidential Awards for Excellence in Science and Mathematics Teaching.

Of the two awards bestowed upon the State of Virginia, I am proud to announce the name of an awardee from the Fourth Congressional District: Edna Hyke Corbett.

Ms. Corbett, who teaches at the I. C. Norcom High School in Portsmouth, Va., serves as an example of the outstanding contribution teachers have made and are still making to our country.

The future of our country is in the hands of today's youth. How lucky we are to have such a dedicated educator guiding them in the Portsmouth School District.

Ms. Corbett is an inspiration to other teachers who will follow her lead and renew our Nation's determination to improve the educational opportunities for all students.●

DRAFT HOSPICE REGULATIONS STILL UNACCEPTABLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BIAGGI. Mr. Speaker, the ongoing battle to provide hospice care to the terminally ill remains a direct source of concern to those of us who are committed to assuring that this service remains available to all of those who need it.

Draft regulations now being circulated by the Department of Health and Human Services are still unacceptable for they seek to delete the very essence of the same program we are trying to create.

The concerns with the draft rules are very succinctly articulated in the following letter sent to me by the New York State Hospice Association. I believe that this letter outlines the very special reasons why these draft regulations should be sent back to the drawing table. Clearly, closer consultation with Congress is essential if we are to provide hospice care in an appropriate fashion. I commend the New York State Association's letter to my colleagues for their attention.

In my capacity as an original member of the House Select Committee on Aging, I pledge to do all that I can to assure that hospice care becomes a right for all and not just a privilege for a few.

The letter follows:

NEW YORK STATE
HOSPICE ASSOCIATION,
White Plains, N.Y., September 21, 1983.

Hon. MARIO BIAGGI,
Chairman, Subcommittee on Human Services, House Select Committee on Aging, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: Because I know that you have a continuing interest in the development of hospice care, I am writing to share our concern over the proposed hospice regulations with you.

This draft of the regulations is an improvement over earlier versions and we are appreciative of the effort that has gone into making those improvements. However, the proposed regulations still contain a number of elements that may either exclude large numbers of patients who need care or make it financially impossible for hospices to operate. The following comments do not touch on all of the regulations' deficiencies or problems, simply those we have identified as the most serious.

1. The regulations state that only the patient may sign the election form. Such a requirement will bar many patients who are in need of care from participating, since, either as a result of the disease process or medication, many patients are not able to make an informed decision. Further, it leaves unanswered the question who may revoke the election if the previously competent patient is now not competent and the physician or family feel that some other form care has become appropriate. Clearly, a guardian or family member must be able to act for an incompetent patient.

2. Further, the regulations state that the patient must sign an election statement that indicates an "awareness that he or she is terminally ill." As hospice workers know, "awareness" comes and goes and often exists simultaneously with hope of getting well. Many, many patients who know they are dying and want hospice care, would not or could not sign a direct statement.

This "awareness" can be indicated by an election statement that simply states what the hospice does and does not do such as "since active curative treatment is no longer appropriate, hospice will provide only care aimed at comfort, not care aimed at cure or remission of the disease."

3. Reimbursement is to be calculated on 1981 figures with no adjustment for inflation. HCFA justified this on the grounds that the demonstration programs that generated these figures were not motivated to be cost effective. All of the motivation in the world will not allow hospices to hire staff or buy supplies or pay rent at 1981 figures. The caps on both the reimbursement and inpatient care are burden enough for programs to bear and are a sufficient guarantee of savings to the system.

4. The 80/20 ration of home to inpatient care that the hospice law established was meant as a basis for reimbursement, not as a condition of participation. Using this ration as a condition of participation will simply discriminate against patients who need care the most, those who live alone or with partners who are too old or ill to care for them.

5. The regulations would require that the bulk of the care rendered during continuous care periods be given by a Registered Nurse. It is often the case that the care needed can be rendered by a home health aide or practical nurse under the supervision of an RN. Mandating a more expensive level of care when it is not needed does not serve the best interests of the hospice or the patient.

6. A Masters degree in Social Work should be the minimum requirement, not a Bachelors. Working with multi-problem families under the stress of terminal illness requires higher levels of skill and experience.

7. The definition of the volunteers' role and training requirements are reasonable, straight forward, and HCFA is to be commended on them. However, the suggested methods of guaranteeing volunteer use are completely unworkable. Regional numerical standards, ratios of volunteers to paid staff or volunteers to patients are all extremely bad ideas. Clearly, levels of affluence, employment, education, age variations and many other factors enter into how many volunteers can be recruited and how many patient/families will want volunteer involvement.

Hospice programs rely on the quality of their volunteers, not the quantity. I suggest that the financial pressure that hospices operate under will be a sufficient incentive for volunteer use.

418.70(c) states "The hospices must document active and ongoing effort to recruit and retain volunteers." That standard is an adequate safeguard.

HCFA states that "The costs associated with implementation of volunteer services should be negligible." And hence declines to include the volunteer program as a part of the operating cost. The staff time involved in recruiting, screening, training and supervising volunteers is not negligible. It is at least a full time position for one person or a part time job for many staff members. Hence the cost is not negligible.

In summary, many aspects of the regulations seem aimed at limiting the number of patient families who will be able to participate or limiting reimbursement for hospices, rather than at assuring quality care for those who are dying.

Allowing hospices insufficient reimbursement to survive and limiting access to the program does not serve the best interest of patients or the health care system since patients will simply stay in the present acute care system and receive less appropriate care at greater cost.

I would welcome an opportunity to discuss these issues with you or a member of your staff.

Sincerely,

CAROL SELINSKE,
Chair, Legislative Committee.●

THE PRESIDENT SEES THE LIGHT ON THE UNITARY TAX SYSTEM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. STARK. Mr. Speaker, two cheers for the President for supporting the Supreme Court decision to uphold the right of States to use the unitary method of taxation. Unitary

taxation reduces State budget deficits, impedes corporate tax evasion and shifts the tax burden off of struggling small businesses onto huge, wealthy multinationals.

I say two cheers because the issue has not been resolved yet and I want to reserve final approval until it is settled favorably. The administration is establishing a Commission to study unitary taxation which I hope will bury the issue as deep as possible, and once and for all.

Nevertheless, let me give the President one cheer for agreeing with the unitary tax in principle and a second cheer for standing up to his misguided Council of Economic Advisers who seem interested in protecting the few at the expense of the weak. Mr. Reagan will earn a third cheer and my firm approval if he stands firm in the face of the inevitable lobbying blitz that will come from the multinationals and our trading partners—a blitz that will include declarations of impending bankruptcy, threats of trade retaliation, and shrill predictions of the imminent downfall of the world economy.

The President should stand firm to help the States be fiscally independent, and to protect small businesses and consumers from the tax burden caused but not funded by these corporate monoliths who play financial hide and seek with the tax collectors and then spirit their profits out of the country.

The President and I have not agreed often in the past but I am glad he has seen the light of fairness on this issue. I fervently hope he will demonstrate his strength and stand by his convictions.●

LEARN LATIN AMERICA'S CULTURE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BARNES. Mr. Speaker, our former colleague, Jim Symington, recently published an article in the New York Times that was of particular interest to me as a senior counselor to the National Bipartisan Commission on Central America (Kissinger Commission).

Jim's article speaks to what he calls "the one consideration that has frustrated earlier efforts in dealing with Latin America—our fundamental, dogged, appalling ignorance of the Latin mind and culture." His conclusion is that the Kissinger Commission should recommend "both an early exposure to Latin American language and literature in our schools and a vastly expanded student and teacher exchange program with our sister republics so that commissions of the future, diplomats—possibly even Presidents—might know something of the cultural lessons that stir our neighbors' hearts."

This is a sensible and important idea. I hope the Commission makes such a recommendation, and I hope Congress adopts it. And I hope my colleagues will read the article, which follows:

[From the New York Times, Sept. 23, 1983]

(By James W. Symington)

WASHINGTON.—The Kissinger panel on Central America doubts that its long-term recommendations can be ready before 1984. It might be excused for taking a bit longer if it addressed the one consideration that has frustrated earlier efforts in dealing with Latin America—our fundamental, dogged, appalling ignorance of the Latin mind and culture.

Foreign students and statement refresh their perceptions of the United States by reading our poets, essayists, novelists and humorists. But our approach is like that of the man who, when asked which hurt most, ignorance or apathy, replied, "I don't know and I don't care." Such indifference cannot be justified by our otherwise commendable concern for what people do rather than what they think.

Preoccupied with action, we seldom miss opportunities to ignore thought. I recall a vivid illustration of this at the 1967 Conference of American Presidents in Punta del Este, Uruguay. The conference was scheduled, as usual, to consider, yet again, mutual measures to enhance security, peace and economic progress throughout the hemisphere. President Otto Arosemena Gómez of Ecuador, who delivered the keynote address, said, in an introductory sentence: "May the genius of Uruguay which produced 'Ariel' guide our thoughts." I looked around. The reference produced no visible reaction among our diplomats, nor among our Latin-American counterparts. We, I surmised, did not understand it, and they did. What was "Ariel"?

Such curiosity apparently afflicted neither our officials who were sipping water and fingering their prepared responses, nor our press, which was exchanging banter and waiting for the "bottom line" (aid and trade figures). American society has become so dependent on bottom lines that it doesn't trouble to read the preceding ones.

During lunch, I caught a bus into town, found a bookstore and bought a paperback "Ariel," a touching and brilliant essay written in 1900 and addressed to Uruguayan youth. It urges them to revere the respect for truth in pagan Athens that early Christians refined with love and humanity but which modern "democratic puritanism" was burying under layers of stifling conformity.

The author of "Ariel" José Enrique Rodó (1872-1917), saw the United States as "Caliban." He wrote of "a mighty confederation realizing over us a sort of moral conquest." He cautioned young Uruguayans not to let admiration of North American material progress serve to "de-Latinize" them but rather urged them to preserve the integrity of their identity. Rodó was a visionary, a romatic. Whether his critique of the United States was accurate or fair, it certainly had been read and admired by many if not most of President Lyndon B. Johnson's fellow conferees.

That it drew upon the inspiration of Shakespeare, the most revered author in the English-speaking world, conferred upon its usage on this occasion a special irony.

Rodó was optimistic. Having acknowledged the United States as "the first to evoke our modern idea of liberty, and to convert it . . . into imperishable bronze and living reality," he dimly foresaw: "even a higher concord in the future, that will be due not to a one-sided imitation of one race by another, but to a reciprocity of influences and a skillful harmonizing of those attributes which make the peculiarities of either race."

Some recognition by the United States of this "genius of Uruguay" might have been useful—as well as astounding. But it is easier to pass a camel through the eye of a needle than alter a position paper. Moreover, we were interested in "substance."

It is not really the business of commissions to study cultures. Nonetheless, what the Kissinger panel could suggest to great advantage is both an early exposure to Latin-American language and literature in our schools and a vastly expanded student and teacher exchange program with our sister republics so that commissions of the future, diplomats—possibly even Presidents—might know something of the cultural lessons that stir our neighbors' hearts.

(James W. Symington, a lawyer, and a Democrat, represented the Second District of Missouri in the House from 1969 to 1977.)●

TRIBUTE TO JOHN F. HENNING

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mrs. BURTON of California. Mr. Speaker, one of the leaders of the California labor movement, Jack Henning, is being honored at a dinner in San Francisco on October 14. I would like to take this opportunity to bring to my colleagues' attention the career of this good friend and outstanding labor leader.

John F. Henning was elected in 1970 to the position of executive secretary-treasurer, the top elected post in the California Labor Federation. He has been unanimously reelected since then. The federation is the official State AFL-CIO organization and embraces approximately 1,700,000 union members.

Jack served as U.S. Ambassador to New Zealand from 1967 to 1969 and as U.S. Under Secretary of Labor from 1962 to 1967. He has been a member of the board of regents of the University of California since 1977.

Jack Henning's dedication to the labor movement and to progressive politics is matched only by his love of his Irish heritage. The dinner honoring him is being held at the United Irish Cultural Center in San Francisco and sponsored by the San Francisco-based American Irish Alliance. He is a cofounder and past president of the Irish Literary and Historical Society, cochairman of the American Labor

Committee for Human Rights in Northern Ireland, and executive committee member of the Irish American Coalition.

Jack was a friend and close political ally of my husband for many, many years. A native San Franciscan, he was immensely helpful in my recent election campaign and in Phillip's election last year. He understands the need for working people to be active in politics and has worked hard to build the California Labor Federation into a strong political force.●

PHYLLIS TROY FROM RICHMOND WITH LOVE

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. BLILEY. Mr. Speaker, October 15, 1983, marks a significant event for the people of Richmond and for the U.S. House of Representatives. On that day 30 years ago, Mrs. Phyllis Troy began a notable and significant career of service to the people of the Third Congressional District of Virginia and to the people of the United States.

During seven Presidential administrations from Eisenhower to Reagan, Mrs. Troy has served continuously the various Representatives from the Third District of Virginia. From 1953 until 1965 she was a member of the committee staff and the personal staff of Congressman J. Vaughan Gary. His successor, Congressman David E. Satterfield, had both the good sense and the good fortune to retain Mrs. Troy as his personal secretary for his entire tenure until 1980.

I consider myself and the people of the Richmond area to be most blessed that Mrs. Troy agreed to continue her service to the Commonwealth of Virginia by becoming a member of my personal staff upon my election to the Congress. Her skill, knowledge, and loyalty have been invaluable assets to my entire staff and most especially to me. After 30 years, Mrs. Troy continues to perform a multitude of duties with enthusiasm, energy, hard-nosed ability, and a keen sense of humor. She cracks the whip with a gentle hand.

But most important, Mr. Speaker, I consider Mrs. Troy to be a faithful and devoted friend. Her strong support and unswerving commitment have been a source of personal encouragement and gratification. It is, therefore, an honor and privilege for me on behalf of the people of the Third Congressional District of Virginia and her colleagues here on Capitol Hill to wish Phyllis Troy the heartiest congratulations on this her 30th anniversary. May her life continue to overflow with all the good things of this world, and may those around her continue to benefit for many more years from the abundant charm and beauty of such a marvelous lady.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 29, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.
SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to resume consideration of S. 1660, to assure nationwide telephone service at affordable rates, assure that costs for maintaining such service is allocated equitably among all users, and assure that States have sufficient regulatory authority to maintain universally available and affordable telephone service.
SR-253

Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects, and S. 970, to authorize funds through fiscal year 1988 for maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.
SD-406

Foreign Relations
To hold joint hearings with the Committee on Governmental Affairs, Subcommittee on Energy, Nuclear Proliferation and Government Processes to review nuclear nonproliferation organizational management policy.
SD-419

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold joint hearings with the Committee on Foreign Relations to review nuclear nonproliferation organizational management policy.
SD-419

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

10:00 a.m.
Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on issues relating to certain changes in the telecommunications industry.
SD-138

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 764, proposed Air Travelers Security Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

Judiciary
To hold hearings on S. 914, to revise certain provisions of the Gun Control Act of 1968 relating to the licensing of manufacturers, dealers, and importers of firearms and ammunition and prohibited activities concerning firearms.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family

unit, focusing on the role of government.
SD-628

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

2:30 p.m.
Select on Intelligence
Business meeting, to mark up S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SD-342

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in job corps reform.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-628

Joint Economic
To hold hearings on the emerging economics of agriculture.
SD-138

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on the European Economic Community (EEC) proposal to reform the common agricultural policy.
SR-328A

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and non catastrophic accidents for which the Government is primarily responsible.
SD-562

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1728, to establish a National Task Force on Organ Procurement and Transplant Reimbursement, and related proposals.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-328

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on ground water contamination.
SD-406

*Judiciary
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
SD-124

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628
Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

10:00 a.m.
*Judiciary
To hold hearings on S. 1841, proposed National Productivity and Innovation Act.
SD-226

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430
*Joint Economic
To resume hearings on job training needs of American workers.
Room to be announced

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on certain provisions of the Employee Retirement Income Security Act.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATION

OCTOBER 4

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1638, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects.
SD-608

SENATE—*Thursday, September 29, 1983*

(Legislative day of Monday, September 26, 1983)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Our Father, which art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven."

Gracious Father God, we thank Thee for struggle, out of which comes strength and truth. We thank Thee when good, strong, wise women and men struggle for the right way. We thank Thee for the sacrificial struggle of our Founding Fathers who gave us a document so fundamental and timeless that it continues to be the central issue in the contemporary struggle in Congress.

At this critical, historic moment in our national life, dear God, grant that this struggle will issue in truth, righteousness, justice, and peace. Whatever the Senators will wish they had done when it is too late to do it, help them to do it today. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized for 2 minutes.

Mr. BAKER. I thank the Chair.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the preliminaries this morning will be very brief, not only because we have reduced the time for the standing orders but, as far as I can tell, I am the only person here.

Mr. LEAHY. Mr. President, if the Senator will yield just a moment for that——

Mr. BAKER. Mr. President, it is an omission that I will regret until my dying political day. I will never hear the end of that, Mr. President, and I apologize to the Senator from Vermont because he was behind me and I was looking forward. But I can think of no one I would rather have behind me than the Senator from Vermont.

Mr. LEAHY. Mr. President, I would say standing respectfully behind the leader.

Mr. BAKER. To continue, Mr. President, I have no need for my remaining time under the abbreviated standing order except to say that at 9 a.m. we will be back on the resolution.

I ask unanimous consent that the time for the minority leader may be reserved for his use during the course of the day.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. BAKER. And I yield the remainder of my time and ask that the Chair place us in a period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 9 a.m. with statements therein limited to 1 minute each.

THE BIGGEST, FATTEST WASTE IN THE FEDERAL BUDGET

Mr. PROXMIRE. Mr. President, the Center for Defense Information has estimated that this country will spend $65 billion in the coming year in preparing for nuclear war. In the 6 years, 1983 through 1988 inclusive, we will spend a total of $457 billion for nuclear forces. This will constitute more than 22 percent of our military budget. Does this colossal investment increase the military security of this country or does it actually make us less secure? Do we need to spend this much or nearly this much to deter the Soviets from initiating a nuclear first strike against us? Listen to a military expert. Former Secretary of Defense Robert McNamara a few weeks ago said:

> I do not believe we can avoid a serious and unacceptable risk of nuclear war until we recognize—and until we base all our military plans, defense budgets, weapon deployments, and arms negotiations on the recognition—that nuclear weapons serve no military purpose whatsoever. They are totally useless—except only to deter one's opponents from using them.

Is McNamara right? Of course, he is right. Once a nuclear war starts, both the Soviet Union and this country are dead. Civilization is destroyed. The human species may or may not perish entirely. But at best life would revert to that human condition Hobbes described centuries ago as nasty, brutish, and short. This would be the case if nuclear war should break out today. As time goes by this hideous situation gets worse. Spending on nuclear weapons has more than doubled in the past 3 years. In the next decade the United States will build about 17,000 new nuclear weapons. And the Soviets will match our buildup. What an utterly incredible waste of resources by both super powers! On Monday, September 26, President Reagan spoke at the United Nations. He made three main points: First, the United States is willing to deploy some medium range nuclear warheads outside Western Europe if Moscow agrees to a global limit. Second, the United States would negotiate limits on aircraft that can carry nuclear arms in Europe. Third, this country would consider reducing its planned deployment of cruise and Pershing II missiles.

These three proposals may succeed in winning the support of NATO countries for our negotiating posture. The Soviets, however, have at this point reacted negatively. And at least temporarily they have offered no counter offers. But even if somehow we reach an agreement with the Soviet Union on the deployment of additional intermediate range nuclear weapons in Europe, and even if the Soviet Union also concurs in President Reagan's offer to limit the number of warheads deployed throughout the world by both sides, the effect on our nuclear buildup would be negligible. We would still even if the full Reagan arms control agenda goes into effect be spending $450 billion for nuclear weapons over the next 6 years. We would still immensely accelerate the nuclear arms race.

Mr. President, I believe that the overwhelming majority of Americans fully recognize this. The people who live in my State of Wisconsin cannot be very different from the American citizens who live in the other 49 States. We have a strong military tradition in Wisconsin. Our National Guard distinguished themselves in the Civil War, and again in World War I, and World War II. Our citizens are very proud of that record. The Wisconsin National Guard air arm has won competitions as the best Air National Guard in the country. Now in the judgment of many experts the U.S. National Guard Air Force is the best in the world. We also have an enthusiastic and highly successful Naval, Air Force, and Army Reserve in Wisconsin. So we in Wisconsin have a solid military tradition. And yet when

I go back to my State and talk to literally thousands of people on main streets, in supermarkets, at football and baseball and basketball games, in town squares in taverns and wherever our people congregate, I hear a single theme over and over again. It is a very logical question. It goes like this: "Proxmire, why are we spending tens of billions of dollars for more and more nuclear weapons when we already have enough to blow the Russians and everyone else off the face of the Earth?" Wisconsin people are hard working, thrifty people. They resent seeing their hard earned tax money wasted by being flushed down the rathole by a Federal Government that spent hundreds of billions of dollars buying nuclear weapons that—as Secretary McNamara has rightly said, "serve no military purpose whatsoever."

And, Mr. President, many thoughtful citizens in my State go considerably farther than this. They see the continued nuclear arms build-up, not as making them more secure, but actually making them less secure. They wisely recognize that as both the United States, and the Soviet Union, build up their nuclear arsenals, some human or computer error a misinterpretation of signals from our warning mechanisms could set off a nuclear catastrophe that becomes potentially more devastating with each passing year as we and the Soviets amass more and more lethal weapons. They also increasingly recognize that the arms race between the superpowers pushes the technology of nuclear war farther and farther ahead and makes it increasingly more practical for additional countries to build their own nuclear arsenal.

GENOCIDE BY FAMINE

Mr. PROXMIRE. Mr. President, this year marks the 50th anniversary of one of the most brutal and extensive acts of genocide the world has ever seen. I am referring to the conscious effort by the Soviet Government to systematically eliminate the independent Ukrainian peasants by deliberately starving millions of people. This week, several activities have been organized to commemorate this horrible, yet little known, example of genocide.

Displays have been set up in both the Russell Senate Office Building and the Cannon House Office Building to help the general public understand the magnitude of this atrocity. Our colleagues in the House this week scheduled a special order to provide Members with an opportunity to recognize this tragedy. The week's events will culminate in a mass rally at the Washington Monument.

Mr. President, it is truly fitting that we call attention to this unspeakable action. At the height of the famine, in 1932 and 1933, an average of 10,000 men, women, and children died of hunger each day. While this was occurring, Soviet officials denied that a famine existed, refused international aid, and increased grain exports from the region. Perhaps as many as 7 million Ukrainians lost their lives as a result of this premeditated policy to force collectivism and break the will of the Ukrainian peasantry. By forcing the peasants to turn all their grain over to the state, by confining the Ukrainians to their homeland, and by preventing any food from entering the Ukraine from Russia, the Soviet Government sought to remove a major impediment to Moscow's plans to create a centralized, totalitarian state.

We find it difficult to believe that the elimination of an entire segment of the population can be part of a conscious plan. And yet, such has been the case in the past, and such could be the case in the future. Stephan Procyk, the executive director of the Ukrainian National Committee on Genocide, defined the purpose of the 50th anniversary commemoration: We focus attention on the famine in the hopes that a holocaust of this nature will never happen again. But remembering is not enough. We must do all that we can to insure that genocide will never again be condoned. Ratification of the Genocide Convention would be a major step in this direction.

Mr. President, the repercussions of the Ukrainian famine are still being felt in the Soviet Union. An article in the July 7 Wall Street Journal by Adrian Karatnycky, entitled "Forced Famine in the Ukraine: A Holocaust the West Forgot" sums up the horror of this brutal action.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORCED FAMINE IN THE UKRAINE: A HOLOCAUST THE WEST FORGOT

(By Adrian Karatnycky)

Fifty years ago this past spring, the normally bountiful fields of the Ukraine were filled with the odor of death. Crows flew over the steppe, awaiting their feast of human carrion. Corpses littered the streets and roadways. In the June 6, 1933, issue of the London Morning Post, Malcolm Muggeridge depicted the following scene:

"If you go now to the Ukraine or the North Caucasus, exceedingly beautiful countries and formerly amongest the most fertile in the world, you will find them like a desert; fields choked with weeds and neglected; no livestock or horses; villages deserted; peasants famished, often their bodies swollen, unutterably wretched.

"You will discover if you question them that they have had no bread at all for three months past; only potatoes and some millet, and they are now counting potatoes one by one. . . . They will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the government and hundreds of thousands exiled."

The devastation Mr. Muggeridge described wasn't caused by any natural catastrophe. It was an entirely new phenomenon—history's first artificial famine: a consequence of Stalin's effort to collectivize agriculture and crush the nationally conscious Ukrainian peasantry.

With the exception of Mr. Muggeridge's reports, William Henry Chamberlin's in the Christian Science Monitor, and the publication of several stories and a number of shocking photographs of starving children in the Hearst newspapers, the Western press was largely silent about the genocide that was occurring in the Soviet Ukraine. Europe and the U.S. were in the throes of the Great Depression. Violence in the streets was common. Fascism was on the march. The forced famine of 1933 had regrettably come at an inopportune time.

Some reporters from the West concealed the truth because of an ideological commitment to Soviet communism. Others, like New York Times correspondent Walter Duranty, were seduced by official favors and access to high government circles into deliberately and shamelessly attempting to suppress the story of the famine, while writing fawning articles on Stalin's rule. For this Mr. Duranty was rewarded with Pulitzer prizes and the Order of Lenin.

None of the day's newspaper reports was able to grasp the enormity of the cataclysm. Today, reliable academic estimates place the number of Ukrainian victims of starvation at 4.5 million to 7 million. This dark event, which rivals in its magnitude the Jewish Holocaust and the massacre of the Cambodians by the Khmer Rouge, is still largely unknown outside the private memories of some survivors.

The famine was in part the byproduct of Stalin's relentless drive to collectivize Soviet agriculture. That starvation was artificially induced is beyond dispute. The famine was a clear result of the fact that between 1931 and 1933, while harvests were precipitously declining, Stalin's commissars continued to requisition and confiscate ever-increasing quantities of grain, much of it exported to Western Europe. Peasants were shot and deported as rich, landowning "kulaks." Most livestock perished from the lack of feed, some as a result of peasant attempts to resist collectivization. Cannibalism was not uncommon. Although no medical quarantine was declared and non-Ukrainians were free to travel into and out of the area, starving villagers who sought to flee areas stricken with famine and its resulting outbreaks of pneumonia, typhus, and tuberculosis were turned back at checkpoints controlled by Soviet patrols that scrupulously enforced newly imposed internal passport regulations.

While the drive to collectivize agriculture was a wideranging phenomenon common to the entire U.S.S.R., only in the Ukraine did it assume a genocidal character. Indeed, there can be no question that Stalin used the forced famine as part of a political strategy whose aim was to crush all vestiges of Ukrainian national sentiment. As he wrote, "The nationality problem is by its essence a peasant problem." The attack against the "kulaks," therefore, was viewed as an attack against the social basis of Ukrainian nationalism. Moreover, the famine was accompanied by an extensive purge in the cities of the Ukrainian cultural and political elite whose leading activists had been the precursors of a national communism similar to

that which later emerged in Tito's Yugoslavia and Gomulka's Poland.

Some might ask whether today it is worthwhile to dredge up the memory of yet another act of Stalinist barbarism. What can this event from a dim and receding past tell us that Solzhenitsyn's "Gulag Archipelago" has not? One might be tempted to say that nothing new can be learned from this secret horror. Yet the 1933 famine is important for both moral and political reasons.

There is of course our moral obligation to honor the memory of the nameless victims by depicting the truth. Moreover, it is important to understand the forced famine as a pivotal event in Soviet history, whose consequences remain to this day.

For the famine created a disastrous situation in Soviet agriculture from which the U.S.S.R. still hasn't fully recovered. Moreover, the famine eliminated a substantial segment of the U.S.S.R.'s non-Russian population, thus ensuring that the Soviet Union would remain for the next five decades a state dominated by an absolute Russian majority. Finally, the famine caused an enormous rift within the Ukrainian nation, which had long been nationally assertive. To this day, independent and national sentiment among Eastern Ukrainians is much lower than among Western Ukrainians (who, in 1933, as part of Poland, were spared the trauma of the famine and the Great Terror).

Yet despite the pivotal importance of the forced famine, for 50 years its full story has remained untold. Not one serious book on this tragedy is available in English.

Today—at a time when some would recast Soviet communism in a friendlier mold, the better to negotiate arms reductions with—may once again be an inopportune time to bring up the terrible loss of life and the painful trauma of the brutally scarred Ukrainian nation. Yet 50 years seems too long to remain silent about one of the greatest crimes in mankind's history.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, we have been in morning business for a little while. I think if there is a need for morning business, the leadership will make a provision for it later in the day.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. BAKER. Mr. President, I might announce that there is no way to tell, since there is no time agreement, but I would expect the first vote at 10 a.m., or shortly thereafter, on the pending question, which is amendment No. 2231, as modified. I do not know that, but I would suggest Senators take account of an early morning vote today.

Mr. President, there are no other Senators on the floor seeking recognition in morning business. I ask unanimous consent that the Senator from Vermont may proceed notwithstanding the time limitation so that he may begin his speech on the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

Mr. BAKER. Mr. President, I ask unanimous consent that the resolution now be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will now resume consideration of the pending business, Senate Joint Resolution 159, which the clerk will state.

The legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, I repeat that I expect there will be a vote on this amendment sometime this morning and my guess is it will be sometime shortly after 10 a.m.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I spent this past weekend in Vermont, a trip, I might add, that is even more pleasurable at this time of the year than at other times. It is always, of course, a great pleasure to go up there. I usually try each week to spend 2 or 3 days in Vermont, primarily going around the State, listening to people, talking to people. I will go back up there again either tomorrow night or Saturday morning, as I will do most weekends for the remainder of the year.

The thing I heard the most from voters this past weekend were discussions about Lebanon and our policy there.

Mr. President, I originally opposed President Reagan's decision to send U.S. marines into Beirut. In my view, we should have taken the lead, in cooperation with other friendly powers, in expanding the United Nations' peacekeeping force there instead. This would have avoided the terrible risk of our direct involvement in the morass of the Lebanese civil war.

However, once the President committed our men, I reluctantly gave my support, so long as the role of the marines was clearly understood to be carefully limited and short-term. You may recall they were going to be out by Christmas.

As I understood the President's policy, the marines were not to become engaged in the Lebanese civil war. They were only to help give the new Lebanese Government of President Gemayel a breathing space. Frankly, even then I was very uneasy about whether the marines really could be kept out of the fighting among the Lebanese religious and political factions.

Now, with a growing list of dead and wounded Americans, I see no convincing evidence that the President has a coherent policy, either for the marines in Lebanon or for the Middle East as a whole. As I travel through Vermont, I find, as I said before, my constituents see no justification for risking the lives of American young men. If Vermont is any indication—and I believe it is—the American people do not support this venture.

The marines in Lebanon are now in precisely the situation foreseen by the war powers resolution. That resolution was adopted to give Congress a share in any decision to send U.S. forces into hostilities. The counterarguments offered by Secretary Shultz notwithstanding, I have no doubt that the war powers resolution applies to the marines in Lebanon. Our marines are obviously in the midst of hostilities. They are drawing combat pay. They are being shot at. They are returning fire. They most tragically, as we have seen in watching the caskets being removed from airplanes here, are dying in Lebanon. Those are hostilities. There is no other way to describe it.

The President legally should begin withdrawing them within 60 days unless Congress specifically approves keeping them there longer.

We are now debating a resolution which would authorize the President to keep the marines in Lebanon for 18 months. Others, dubious of such a long blank check, want to specify some lesser time.

As far as I am concerned, the marines have already done what they were sent to do.

They were sent over, we were told, and the American people were told, to buy time for the Gemayel government. They bought time for the Gemayel government. We are reaching a point where we should say that this is a conflict of Lebanon's, not a conflict of the United States. We bought time for them and we should let them put their house in order.

Really, we should now do what that wise old Vermont Senator, George Aiken, said about Vietnam: Let's announce that we won and get out!

Obviously, the President is determined not to do that. He would like us simply to endorse his actions without any time limit whatever, or any application of the war powers resolution as though we learned absolutely nothing from Vietnam.

It bothers me and worries me that any President, Democratic or Republican, would assume that the war powers resolution does not apply, or that for some reason, the war powers resolution is not relevant.

Apparently, however, the President is reluctantly prepared to accept a time limit. After Secretary Shultz statement that the President would not necessarily feel bound by any congressionally-imposed time limit pro-

voked a furor across the country, the President now says his intention would be to seek legislative approval of any change in the marines' mission.

The President seems to ignore the fact that the marines mission has been carried out, at least as it was described to us before, thus giving us a reason to leave.

Mr. President, this is a game of words. It reminds me of the way we slid, step by step, into the Vietnam tradegy.

I am convinced the war powers resolution must be invoked and Congress must share responsibility for whether the marines stay or leave. The right way to do that is for us to invoke the operative clause of the war powers resolution since the President will not. We should not attempt to set any time limit. The President should come to this body and tell us what he intends to do and how long it will take. He must be very clear about what our forces are to accomplish by their presence.

I ask the question how he plans to avoid getting our marines dragged into Lebanon's civil war, a civil war that quite tragically and unfortunately I expect will probably outlast every one of us in this Chamber.

It is time Congress had a major debate on Middle East policy. Events have been drifting out of control there ever since the Camp David peace process ran out of steam. A year ago, heartened by President Reagan's attempt to revive the stalled peace negotiations, I offered my support in working out a bipartisan consensus on America's Middle East policy. I spoke to that effect on this floor. I wrote to the White House in that regard. I said that I wanted to be able to help do the impossible up here. I never even so much as received the courtesy of a form letter, not even the kind that schoolchildren get when they send a letter to the White House.

So much for any attempt on the part of the White House to seek bipartisan support in the Senate. There just was no response.

History has repeatedly shown that no policy in the Middle East can succeed without a broad, bipartisan consensus in Congress. Without that, the President will lack the essential political base for seeking the difficult compromises from all parties that are vital for peace. For the factions and parties in the Middle East must see a united American Government and people behind our policy if it is to have any chance to succeed.

If I could say what I wish Congress would do, it would be to invoke the War Powers Act without setting the 18-month time limit. The President should then come back and tell us specifically what he is going to do, why, and how, and then let us debate a time based on his estimates.

Absent that, I will vote against the 18-month time limit. I will vote for the resolution proposed by Senator BYRD and Senator NUNN and others which provides a shorter limit. If this passes, I will keep an open mind about what the President comes back with. I would hope the President would seek a bipartisan consensus for whatever policy is laid down in Lebanon, and I would work with my colleauges on both sides of the aisle to try to find a date and a time to do that. Quite frankly, had we done that years ago in Southeast Asia, we never would have ended up in Vietnam. We never would have ended up with 55,000 Americans killed and hundreds and hundreds of thousands of Vietnamese on both sides killed. We would not have ended up with the billions of dollars spent. We would not have ended up transforming the whole political system in Vietnam. We would not have ended up with the slipping of American prestige around the world, had we followed the same steps that we could follow here today.

I think, Mr. President, we ought to look back to that. It is hard to find anybody in this Chamber, or in the other body, who supported the war in Vietnam. Yet, of course, the war in Vietnam was funded every year by the Congress, usually by an overwhelming majority. Let us not start down that slippery slope. Even though we are told by the Joint Chiefs of Staff that they can now see the light at the end of the tunnel in Lebanon.

I am afraid that we are not only repeating old mistakes, but, unfortunately, we seem to be even repeating the old speeches which led to those mistakes. If we see the light at the end of the tunnel, next we will hear that we will win the hearts and the minds of the people, and on and on.

Now is the time to say, "Halt, enough." We have a War Powers Act passed by overwhelming majorities of both parties in the House and the Senate. Let us show that its passage was not just a political sop to constituents at the time. Let us show it really was intended to be the law of the land and each of us, having taken the oath of office in this Chamber, will uphold the law of the land. The law is the law is the law, and we will follow it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. BENTSEN. Mr. President, as we debate the War Powers Act, there are a few things we are not trying to do. Congress is not trying to run a war. That is the sole responsibility of the Executive, the President of the United States. We are not presupposing that Congress will decide to pull the troops out of Lebanon. We are debating whether or not our Founding Fathers decided it was the responsibility of one person to send our sons and daughters into war or whether they meant that question to be decided by the collective representatives of the people, the U.S. Congress.

This debate on Senate Joint Resolution 159 is important for several reasons. It is going to set the precedent for the future implementation of the War Powers Act. It will determine the question of Congress ability to measure up to its constitutional role on issues of war and peace. It is important because U.S. marines have been wounded and they have been killed in Lebanon without congressional authorization for their presence in that country.

As we began consideration of this resolution, we learned that the United States was instrumental in negotiating a cease-fire in Lebanon. I certainly think the President ought to be applauded for that. That is a substantial achievement and I join my colleagues in hoping that this accomplishment will lead to additional success in securing an enduring peace.

It would be a mistake, Mr. President, for anyone to believe that the substitute that was introduced by the minority leader presupposes that Congress will decide to remove the marines from Lebanon. What will happen is the White House will be guaranteed a vote on additional authorization for the troops' involvement. That is provided by the statute. Assuming that the President will make his case with Congress, which in my opinion he has not yet done, Congress would then share in the responsibility for keeping troops in Lebanon.

Senate Joint Resolution 159 is not the precedent that I hoped we would establish. If you will recall, Mr. President, the senior Senator from Maryland said this ought to be a corporate decision, one made by both Congress and the President. I think he is absolutely right. This resolution is more on the order of a solo act on the part of Congress. The administration still refuses to acknowledge the constitutional requirement that the Congress authorize deployment of our Armed Forces in case of hostilities, the President's letter to the senior Senator from Illinois notwithstanding. This is not what our Nation's forefathers intended.

I know the constitutional arguments, Mr. President. I have heard the assertions of those who would advocate, as this administration does, an unlimited power on the part of the Chief Executive to engage in war.

Studying the constitutional precedents, I believe that the greater weight of legal argument is against unilateral Presidential warmaking authority. Of course, the President is empowered to act as Commander in Chief of the Armed Forces, to direct the troops. But Congress alone is vested with the authority to initiate wars.

Mr. President, I have some serious reservations about this resolution. The President still has not notified Congress that our marines are involved in hostilities abroad, as section 4(a)(1) of the War Powers Resolution demands. The administration still refuses to acknowledge that our marines are involved in hostilities. Tell that to the marines.

The administration continues to reject the notion that Congress has a role to play in authorizing the deployment of troops in hostilities. The President refuses to be bound by this resolution. The Secretary of State holds the view that no congressional authorization is necessary to increase the number of troops or the scope of their involvement in Lebanon. He says that if we pass this resolution and the marines remain in Lebanon past the 18 months, then, in fact, no additional authorization will be needed.

Mr. President, 18 months is a very long time to authorize our marines to be involved in war. If you think it is a long time for us, think how long a time it is for those marines. Think how long a time it is for the mothers and fathers worrying about those marines.

During World War II, my unit in Europe lost 100 percent of its table of organization of flying personnel in 1 year's operation.

The senior Senator from Hawaii has referred to the fact that in World War I, 116,516 Americans gave their lives in 19 months, that only 11 months expired between the invasion at Normandy and the surrender of the Third Reich. I would add that in the Middle East, we are dealing with an area that has a history of short and very bloody wars. We are talking about high-technology warfare, massive losses of life. The Six-Day War in October of 1967 took the lives of 11,679 Israelis, Syrians, Jordanians, and Egyptians.

Mr. President, I join with my friend from Hawaii in saying that 18 months is much too long.

I listened to one of my friends the other day ask, what is the purpose? If the purpose is to win, then we do not have enough. If the purpose is to die, then we have too many.

Mr. President, this is a meaningless resolution. It places no bounds on the President's deployment of troops in the hostilities.

Yesterday I heard the chairman of the Foreign Relations Committee give us the vote on the House side by which they passed the House companion resolution. I read in this morning's paper the vote of the people and the latest poll overwhelming saying that 18 months is too long.

I will tell you how long 18 months are. That is long enough to see your mother's hair turn gray by the time you get back. The President says he is going to reluctantly sign this resolution, but he hardly acknowledges the principle of the role of Congress in decisions involving sending America's young men into war.

This resolution is no more than an act of congressional self-gratification. Once it is passed, and my guess is it is going to pass, the Congress can claim we have averted a great constitutional impasse. Baloney. We will have averted the impasse by sidestepping it. As the Secretary of State asserted in the hearing on this measure, the resolution preserves the constitutional question as a question.

This is a solo act by the Congress. The administration does not support this resolution. The best they can say about Senate Joint Resolution 159 is that they can live with it. The administration and Congress ought to be working together on this one, but unfortunately we are going our separate ways.

Mr. President, on matters as important as war and peace, at a time when American lives are at stake, the least this country needs is distrust between the administration and the Congress. Unfortunately, though, a kind of adversarial proceeding has sprung up: whenever Congress suggests that the President comply with the law of the land and notify Congress as required by section 4(a)(1) of the War Powers Act, it meets with an automatic rejection at the other end of Pennsylvania Avenue. Our intent, Mr. President, is to be cooperative, to work in tandem with the administration because the objective is the national good and not political gain. But the administration refuses to join in such a partnership, and that makes bipartisanship a pretty tough proposition.

This resolution has been billed as a bipartisan compromise. Now, that may be accurate in the other body but it sure does not apply in the Senate. To me, bipartisanship connotes a partnership in which the independence is equal, the dependence is mutual, and the obligations are clearly stated. That is not the case with our deployment in Lebanon, nor is it the case with this resolution.

Mr. President, our Nation is a government of laws and men, and those who have been chosen to lead us have an obligation to conduct the workings of government in a manner that commands faith and instills confidence. To be effective in America, Government must inspire trust and convince the governed that their interests are being served, protected, and represented.

It is also incumbent on our Nation's leaders to obey the law. That is what they are written for. No one in this country is above it, and that includes the President of the United States. Sure, each of us knows of some policy or rule we disagree with, but that does not give us the license to violate the law. The President has refused to obey the war powers resolution. This is not a question of procedure. This is a question of substance to our Nation. He has refused to notify the Congress as the law requires, standing behind a blatantly false notion that our marines are not involved in hostilities. Until the President complies with the law, I find it very difficult to offer my support on this issue. If he is not going to comply now, there is no reason to believe he is going to comply in the future, either with the war powers resolution or Senate Resolution 159.

Mr. President, I yield back the floor.

Mr. BYRD. Will the Senator yield?

Mr. BENTSEN. I am delighted to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, I compliment the Senator from Texas. He has made a very fine speech. I wish others were here to listen, but I am sure they are listening on their loudspeakers. That is where I first heard the Senator and listened for a while. I wanted to come to the floor and compliment him on his speech.

He is correct in what he says. No man in this country is above the law, and the President himself is included in that statement. The Constitution expressly states that the President shall see to it that the "laws are faithfully executed." Any President has the right to veto a bill, and any President has the right to base that veto on his constitutional viewpoint. He can say he is vetoing a bill because he does not think it is constitutional, but this bill that the Senator is talking about was passed during the tenure of one of the predecessors of this President; namely, Mr. Nixon. So it was no longer a bill that today's President could veto. In fact, it was a bill that President Nixon did veto. And it was overridden by a super majority of 4 to 1 in this Senate, and by 2 to 1 in the other body. So it is now the law, it has been the law, and this President should execute the law. At some point perhaps there will be a court case, but the American people are in support of the law and they are in support of its being upheld. They are concerned about the so-called bipartisan compromise that was worked out. I, like the Senator, would wish to support this President, but he refuses to observe the statute that was on the books when he was sworn into office.

I commend the Senator on his statement.

Mr. BENTSEN. Mr. President, I would like to say to the distinguished minority leader that the dedication, effort, and leadership that he has shown on this issue has been something that has been needed and which will well serve the Republic.

When I came to the Senate in 1971, they had a custom that carried a lot more weight in those days, and that was a Senator's maiden speech. For your maiden speech, you chose something you thought was the most important issue facing the Senate in that session. As a freshman that year I chose the War Powers Act.

If you are going to have representative government, where else do you want it but when you decide whether or not the citizens of this country live or die. I thought it was terribly important that we reaffirm that, particularly after Vietnam. I had just returned from being over there and hanging out of a helicopter at Quang Tri and going into Laos and Cambodia. I thought, "My God, this just must not happen again without the representatives of the people being a part of it and facing up to that responsibility."

Now, we could cop out like I think this resolution does, but that is not what we hired out for. We are supposed to face up to that responsibility. That is what I think we ought to do.

I think the Senator has shown the kind of leadership we need with his amendment. Mr. Leader, it is not going to pass, and that is unfortunate. The day will come when a lot of people will regret it did not pass. Those who say we are just talking about procedures could not be more wrong. We are talking about substance and we are talking about our Constitution.

Mr. BYRD. I thank the Senator.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, let me commend my colleague from Texas, Senator BENTSEN, for his statement and particularly his very last comment about the significance of this vote we are about to take on the substitute being proposed by the Senator from West Virginia (Mr. BYRD).

I was not a Member of this body in the early 1970's when the War Powers Resolution became the law of the land by the often-stated overwhelming majority of two to one overriding a Presidential veto. Not being privy to the intimate details of that debate but certainly aware of the momentous decision that Congress made in deciding to pass the War Powers Resolution, I suggest that the decision we are about to make this morning is in fact just as important as the decision to pass the War Powers Resolution in the first place. That was a procedural vote, a vote to determine whether or not a certain process ought to be in place to deal with a given situation. There may have been a number of instances since the early 1970's when one could have argued that the War Powers Resolution should have been invoked.

I suspect that there might have been significant debate whether or not the given fact situations actually merited the invocation of the War Powers Resolution.

I do not believe there is anyone in this body or in the other body or in fact anyone who has paid any attention at all to the events in Lebanon over the past 2 or 3 months who would argue that we are not confronted with the fact situation which was specifically envisioned by the framers of the War Powers Resolution. This is exactly the kind of situation that those who argued for the War Powers Resolution envisioned when they passed that historical resolution.

Therefore, for this body or the other to not invoke the provisions of that resolution at the very time we are confronted with the fact situation which the framers intended to be covered by that resolution, I think is to make a mistake which will be as historical a mistake as it would have been not to have passed the War Powers Resolution in the first place. So not having been present during those days, I am a little bit reluctant to make that kind of a statement, but I believe this decision we will make today is as important as the decision was to pass the War Powers Resolution in the first place.

I remind, although there are not many here this morning of those who will support the present resolution before us, that is the Baker-Percy resolution, that the day will come when another President maybe of another party confronted with a fact situation not dissimilar from the one we are confronted with today will have to look back on their votes today and question whether or not they did the right thing by opposing what the Senator from West Virginia (Mr. BYRD) has suggested by his substitute. And that is to put the Government on the right track when it comes to the War Powers Resolution and the provisions which would require the action that it envisioned.

Mr. President, this is not the first time that many of us in the Senate, Democrats and Republicans alike, have questioned the presence of U.S. Marines in Lebanon. I happen to have been in Beirut a year ago in July when the decision was made by President Reagan to send in the marines at that particular time. I recall then looking around Beirut, Tyre and Sidon, where I was and wondering how we are ever going to possibly make any sense out of the political chaos, putting aside the military chaos, that existed in the country. It was impossible for me to envision how you could possibly bring together the 13 various Christian factions, the Shiites, the Sunnis, the Druze, the Syrians, the various factions of the PLO. All of these various elements reminded me of the Rubik cube in effect trying to put this all together so that it made some sense. I expressed strong reservations about utilizing the U.S. Marines, simply because I thought it would complicate our primary role there, a diplomatic role, and that by bringing in U.S. forces we would have to be very conscious of their safety, we would have to be conscious of the potential role they would play in a military context at the very hour we were trying to serve a diplomatic function.

The Lebanese conflict remains as it has for hundreds of years, an internal one, a civil war waged by factions far too numerous to count, each heavily armed and each far too eager to shoot at each other. A bad decision has not been improved by time. The fact the marines have been deployed represents nothing more I feel than the implementation of a bad decision, as many, if not most of us realized at the time.

That decision has made us part of the Lebanese tragedy. The just-announced cease-fire obviously is welcome news but it must not blind us to the fact our participation is growing daily. Our troop strength has increased 25 percent from 1,200 to 1,600. In addition, 2,000 more U.S. combat forces wait offshore. Some press accounts based on Pentagon data assert there are at least 12,000 U.S. military personnel ashore or off the coast of Lebanon if you include all the military elements there. More than seven times the 1,600 figure. The battleship *New Jersey*, with a firepower capability in excess of all other warships in the area, has just arrived and is on station.

The tragedy is that American blood already has been spilled. We have watched the coffins come home. In fact, we have started a body count in Lebanon.

For what purpose? If the President knows what the purpose is he seems to be unwilling to say. If the Secretary of State knows what it is, then he has apparently decided to keep it a secret. If the National Security Advisor knows, he is unable to articulate it. And if the Secretary of Defense knows, he is refusing to talk. Nor can the media explain why we remain in Lebanon. It is as much a mystery to them as it is to the rest of us. Our policy in Lebanon, frankly is, a national mystery. It is a puzzle and a riddle.

Once again, for unknown and unclear reasons we find ourselves supporting yet another government which obviously does not find itself in command of a situation or apparently with the support of a great number of its own people—witness the willingness of

so many Lebanese to engage in the conflict that we find in Lebanon in the process, considering the chaotic path we are following, the tragedy pervading Lebanon becomes an American tragedy as well. Compounding one tragedy certainly with another will not help Lebanon and it certainly is not going to help the United States.

Mr. President, I am supporting the alternative being offered by the minority leader, Senator BYRD. It is far superior to the so-called compromise resolution now before us—a resolution I opposed as a member of the Foreign Relations Committee. The Byrd alternative—by explicitly invoking the War Powers Resolution, by demanding from this administration a sense of policy, purpose, and mission in Lebanon by imposing a more rational time limit—succeeds where the so-called compromise fails. It is not, however, the resolution I would have preferred to see before the Senate.

Mr. President, in my view we should be considering the safe and orderly withdrawal of U.S. troops from Lebanon, recognizing that the facts which made the marine deployment objectionable more than 1 year ago have not changed.

The resolution I would have preferred calls for the safe and orderly withdrawal of U.S. military forces from Lebanon beginning October 15 of this year, with such withdrawal to be completed within 90 days. This resolution would allow for an extension or other congressional disposition of the matter during this period if prior to the end of the 90 days the President reports to Congress pursuant to section 4a(1) of the War Powers Resolution.

This resolution would recognize the essential facts in the case: Our military forces in Lebanon are in an untenable and dangerous position; it is not within their power to resolve the Lebanese conflict; their continued presence in Lebanon may serve as much to heighten the conflict as to reduce it. If nothing else, this resolution would allow us to take advantage of the current cease-fire arrangement and begin the process of removing our forces under the best conditions we are likely to get.

Mr. President, I am not introducing this resolution. I do not want to further complicate an already complicated debate. Were this resolution introduced, those who support the President and who are prepared to expend more blood and more treasure in Lebanon will surely talk of cutting and running, of an unwillingness to stand by our friends, or of undermining the President. My response to them is straightforward: the charges do not apply.

No American elected to represent his or her fellow citizens—from the President down—has the right to put a single soldier in the trenches anywhere in the world without giving that soldier the best reason possible for being there. President Reagan, unfortunately, has failed to provide such a reason to the marines and to the American people, to provide any clear statement of policy or purpose, refusing to abide by the law of the land. The so-called compromise condones this silence. It leaves our marines dodging bullets in Lebanese foxholes for another 18 months—unclear about why they are there and why they are putting their lives on the line.

Those marines deserve a lot better and until we can give them more, until we can justify their sacrifices, I believe we have a moral and a national obligation to bring them home. Those marines are doing their duty. Until we bring them home or provide a clear and substantial reason for them to stay, we must admit that we are not doing ours.

Mr. President, I ask unanimous consent that the resolution of which I have spoken today be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, as I said earlier, I will not introduce this resolution for consideration but present it as the alternative I would have preferred to see the Senate approve.

Again, Mr. President, I commend the minority leader for what I think is a most thoughtful substitute to the 18 months. I think it not only preserves the constitutional process, but I think substantively it puts us in a far better position to make the kinds of decisions and resolve the questions which remain around the Lebanese conflict.

I yield the floor.

EXHIBIT 1

PROPOSED RESOLUTION

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Disengagement from Lebanon resolution".

FINDINGS

SEC. 2. Congress finds that—

(1) the continuing civil strife in Lebanon makes it uncertain whether the United States Armed Forces in Lebanon can fulfill the purpose of their mission as stated in the exchange of letters dated September 25, 1982, between the Government of the United States and the Government of Lebanon;

(2) the circumstances necessitating the continuing presence of the United States Armed Forces in Lebanon remain unclear;

(3) the constitutional and legislative authority for the continuing presence of the United States Armed Forces in Lebanon is undefined;

(4) the estimated scope and duration of the hostilities or United States military involvement in Lebanon are unspecified; and

(5) the President has refused to admit the obligation to comply with section 4(a)(1) of the war powers resolution which requires a submission by the President to the Congress of a report on the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

DISENGAGEMENT AND WITHDRAWAL OF UNITED STATES ARMED FORCES FROM LEBANON

SEC. 3. Beginning no later than October 15, 1983, the President shall initiate the disengagement and the safe and orderly withdrawal of United States Armed Forces from Lebanon, with such disengagement and withdrawal to be completed within a period of ninety days, unless prior to the end of such period the President has submitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report pursuant to section 4(a)(1) of the war powers resolution.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, the Baker-O'Neill resolution is entitled the "Multinational Force in Lebanon Resolution." I believe it is, in reality, the Tonkin Gulf resolution of the Middle East. It is my hope that somehow all of this will work out to our best interests, but the risks to the contrary are dangerous.

My colleagues need not rush to the Senate floor to explain the differences between Vietnam in 1964 and Lebanon in 1983. I assure the Senate that I am aware of the differences—and there are many. My point is that, regardless of the well-meaning intentions of the sponsors and supporters of this resolution, the end result could well be very much the same as the 1960's in Southeast Asia. We never seem to learn.

Fifteen months ago, who would have thought that U.S. ground forces would or should have been deployed in the Middle East? I dare say that none of my colleagues would have recommended such a course of action, yet look where we are today.

We have shied away from the further involvement of U.S. ground forces in the Middle East, Asia, and Africa since the experiences in Korea and Vietnam. Even in 1973, when our staunch ally Israel was in real danger of being overrun during the Yom Kippur war, we did not deploy our own ground forces. Exhaustive resupply—yes. Deployments of naval forces—yes. An increased U.S. defense readiness posture—yes. Deployment of ground forces—no.

Mr. President, the world has seen many different types of conflicts caused by many different aspirations—territorial ambitions. Communist desire to spread their ideology, dictatorial grand visions and many others. However, if warfare can be so classified, the worst kind is religious warfare. Lebanon is the classic case of the latter with the three major religions involved. The U.S. has no business being militarily involved in the middle of a Middle East civil war that has been going on for decades. It is true that to some extent in Lebanon

Soviet-American interests are involved. It is tragic that we have been maneuvered again into committing troops as we did in Korea and Vietnam, while they refused to do so.

Over a year ago, when we mistakenly took our first step to obligate troops, the President assured Congress that our marines would depart if fired upon and that there was no "intention or expectation" that U.S. forces would become involved in hostilities. What has changed since then to the time and place that we find ourselves involved today? As of the time of the latest cease-fire, 5 marines have been killed and 38 wounded. In short, our policy has failed. However, it has failed more because it was flawed in the first place than because of the changed circumstances which have occurred. Our so-called national interest in Lebanon has never been fully defined and we are plunging ahead as if it had been.

Whenever ground forces are introduced, a particular situation takes on a whole new meaning and future options are foreclosed somewhat. Ground forces are not withdrawn as easily as air or naval forces. If you deploy ground forces, they generally stay until the job is finished. Troops under such conditions become a tripwire where we are pulled in, deeper and deeper, to protect our investment in manpower. Pride oftentimes can get in the way of rational actions. Now I ask my colleagues, "when will Lebanon, indeed when will the Middle East, ever be secure and stable enough to remove our ground forces?" When I asked that question 1 year ago, there was no answer. The President, to this day, admits that even he cannot answer that question, nor has he ever outlined what his goals are and when it is likely to happen.

Mr. President, to be sure, the hand of the Soviet Union—this time through Syria—is being played in Lebanon. It must make the Kremlin leaders joyous to see the United States involved and bogged down militarily, with marines literally handcuffed in their foxholes as far as taking any real action to protect themselves. The Soviets must be delighted to see us involved in a Middle East conflict of long-standing duration with little hope for an end in sight. Once again, the Soviets have outfoxed us into a military involvement far from our shores pitted against their proxies. Once again American, not Russian, blood is being shed.

The introduction of U.S. ground forces has now set a terrible precedent from which there may be no acceptable escape. Other Middle East nations will ask in the future. "If you took that step for Lebanon in 1982 and 1983, why won't you do that for me during my time of trouble?" And trouble will surely come in the future in the Middle East. The introduction of U.S. forces in the Middle East will become the new "litmus test" of U.S. support and resolve much like the sale of AWACS aircraft to Saudi Arabia in 1981. Where does this road end?

The U.S. policy in the area is being shaped by events rather than the other way around.

Mr. President, I believe that we should continue our generous financial, material and diplomatic support Lebanon. An independent Lebanon free of external forces and made whole again has always been, and should still be, a U.S. goal. The tragedy of present day Lebanon is indeed great and we have a supporting role to play.

However, Mr. President, we are taking matters here in reverse order. I have heard more than one of my colleagues say that this resolution will settle the dispute between the executive and legislative branches of our Government so that we can get on with debating and deciding what our role in Lebanon and overall Middle East policy will be. Think of it—we are about to give the Senate's stamp of approval for a long-term commitment of ground forces and then figure out the reason for and duration of their stay and how it fits into our policy. This is where our decision-making has come up short and, in my mind, is not only flawed, but seriously confused. We indeed are putting the cart ahead of the horse.

Instead of authorizing our forces to stay in Lebanon at least another 18 months, we should be figuring out how best to remove them. We cannot immediately "cut and run." But we certainly should be involved in an all-out effort to keep from becoming further embroiled in a military way in the Middle East. True, this resolution does include the provision which invokes the proper clause of the War Powers Resolution. I thank the President for finally being persuaded to halfheartedly obey the law, although belatedly and only under pressure. We should stop there and review the situation again in 60 to 90 days as called for in the law. Instead, we are about to authorize an open-ended, somewhat blind commitment to a Middle East military involvement.

In closing, Mr. President, I understand the feeling that our forces have already been committed and that the "fat is in the fire"—like it or not. Many will support the President and the resolution offered by the majority leader, the chairman of the Foreign Relations Committee, and the Speaker of the House of Representatives. Many will support it despite their misgivings because of the prestige and the influence of the people who are the sponsors of this resolution. However, if Congress is to have no role, why do we try to participate in foreign policy? I thought the Senator from Tennessee brilliantly addressed this issue on the Senate floor yesterday.

The main thing that concerns this Senator is not the legalities of the situation and not whether someone's turf is going to be tramped on if the War Powers Resolution is not involved. I think entirely too much discussion has been on the legalistic side of this question, when we have policy and human lives involved.

Even though we only have one President, and he should be given the benefit of the doubt on tough questions involving close judgment calls, the stationing of U.S. forces in Lebanon for an extended period of time in these circumstances is not the proper course of action.

Mr. President, the Byrd resolution, of which I am a cosponsor, is before us. It is the only viable, workable alternative we have in view of the facts that confront us as of today. I urge its adoption.

(Mr. COHEN assumed the chair.)

VISIT TO THE SENATE BY HIS EXCELLENCY, THE FOREIGN MINISTER OF OMAN

Mr. BAKER. Mr. President, the distinguished chairman of the Foreign Relations Committee has a most prominent and distinguished visitor in the Chamber at this time. I wish to yield to the chairman so he may introduce our guest. After he has done so, I ask unanimous consent that the Senate stand in recess for 1 minute so we may greet our fellow Parliamentarian.

ONE HUNDRED AND FIFTY YEARS OF RELATIONS WITH THE SULTANATE OF OMAN

Mr. PERCY. Mr. President, September 21, 1983, marked the 150th anniversary of the establishment of treaty relations between the United States and the Sultanate. This was our first treaty with an Eastern Arab State. Relations between our two nations have been noted for true amity and a desire for mutually beneficial commerce.

Years ago I was honored to be the first U.S. Senator in history to ever visit Oman.

Ours was a relationship between two trading nations. For centuries, Omani sailors from Sohar, Muscat, and Sur had traded from China in the East to Africa in the West. They were among the preeminent merchants in the vast Indian Ocean region.

In 1833, Oman was significantly different. In that year, Oman included the East African coast from Cape Guardafui on the Horn of Africa to Cape Delgado on the Mozambique border. In South Asia, the Omanis held several key ports, the last of which they relinquished to Pakistan in 1958.

Relations with Oman have been unmarred for the past century and a half, although they have never been better or more extensive than they are today. His Majesty Sultan Qaboos, when he assumed power in 1970, began the transformation of his country into a modern state. One aspect of this process was to reinvigorate past international ties and play a more active role in the family of nations. In pursuing these goals, Oman has become an active friend of the United States and a proponent of moderation in a region of the world where outspoken friendship for the United States and moderation have often been criticized.

Regional radicalism has not curtailed Omani policy. The Government and people of Oman provide strategic facilities for American forces operating in the Indian Ocean region. Because of this cooperation, Oman is often criticized by radicals. When His Majesty Sultan Qaboos met with the Foreign Relations Committee last spring, he was asked why Oman stood firmly with the West when other regional states equivocated. He observed that Oman alone among the regional states had successfully surpressed a Soviet-backed attack. This experience sharply focused Omani attention on their shared security interests with the West.

The Omanis are also a moderating voice on Middle Eastern issues. Following President Sadat's signing of the Egyptian-Israeli Peace Treaty most of the nations of the Arab world sharply criticized the Egyptian President and severed diplomatic relations. The Omanis did not join the others. To the contrary, the Omani Government publicly commended the Egyptians. Moreover, the Omanis continue to speak out for a negotiated settlement to the Arab-Israeli dispute. They have supported direct negotiations with the Israelis as the proper course and have rejected radical demands for unending war.

Having friends like the Omanis is of great importance. Mutual interest and mutual respect have marked our relations for 150 years. I am certain that they will continue to do so for the next 150 years.

Mr. President, I thank the majority leader for at this time calling a 1-minute recess so that the Members of the Senate assembled may have the opportunity to personally shake hands with one of the great distinguished diplomats in the world today, His Excellency, the Foreign Minister of Oman, and his distinguished colleagues.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess for 1 minute.

Thereupon, the Senate, at 10:22 a.m., recessed until 10:23 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COHEN).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The Senate continued with the consideration of the joint resolution (S.J. Res. 159).

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise in support of the Byrd resolution and in opposition to Senate Joint Resolution 159 as reported from the Senate Foreign Relations Committee.

I support the Byrd resolution and oppose the Percy-Baker resolution for three basic reasons.

First, the Percy-Baker resolution does not set forth a clear and unambiguous foreign policy to govern our military involvement in Lebanon. That resolution perhaps offers a false hope that it may bring about a lasting peace in the poor, war-torn nation of Lebanon.

Second, Senate Joint Resolution 159, by its ambiguous wording, commits our country to play an ever wider role in Lebanon, something that was not clearly envisioned when the U.S. Marines first landed in Beirut to evacuate the PLO.

Finally, Senate Joint Resolution 159, which has been offered as a political compromise to the Lebanon situation, instead compromises the very nature of the War Powers Resolution.

Let me treat each of these points in some detail, Mr. President.

First, let us view the Lebanon situation for what it is. We are all heartened by the cease-fire that appears to be holding in Lebanon. But we also should not overlook the fact that since 1975, there have been more than 200 cease-fires in Lebanon. I certainly would like to see this cease-fire hold and peace come to the region, but the deep and enduring hatreds that have scarred this country are bound to surface again, and we should be prepared once again to see our Armed Forces being drawn into combat situations.

The Lebanon situation perhaps defies description. The Government of Lebanon probably holds a small part of the territory of this nation. Some have characterized President Gemayel as being only mayor of Beirut rather than President of Lebanon. The eastern portion of the country is occupied by Syrian troops and advisers. The northern portion of the country still feels the presence of the Palestine Liberation Organization, and Israeli forces remain strong in the south.

Lebanon has become a pawn in the ongoing struggles in the Middle East. The PLO has used Lebanon as a platform for staging raids into Israel. Syria has moved its armed forces into the region in order to maintain its influence in the factional struggles that have beset this nation, and Israel has taken strong, albeit temporary, measures to insure that adversaries do not use Lebanon as staging base to threaten Israel's security.

And in this international cauldron we call Lebanon, there is the continuing struggle between Christian and Moslem, a civil war that has bled this country for the past several years.

Sects of all description war on one another. Atrocities are commonplace, and there appears to be little organized effort to make Lebanon whole again.

This is a tragic situation, but we must accept the fact that peace for Lebanon must come fron within. The people of Lebanon must eventually put aside their hatreds and come together again if Lebanon is to survive as a sovereign state. And if the world community is to help the Lebanese in that effort, then the appropriate forum for that effort—the United Nations—should be called into play.

After all, the United Nations has had experience in dealing with such matters. It has helped keep the peace in Cyprus. It served with distinction in the Sinai.

In that regard, Mr. President, section 5(c) of the resolution states that not later than 1 year after enactment of this resolution, the United States shall discuss with the other members of the U.N. Security Council the establishment of a U.N. peacekeeping force to assume the responsibilities of the multinational force in Lebanon.

The timetable should be moved up. The world community would be best served if a large U.N. peacekeeping force were on the ground now in Lebanon. President Gemayel would also be well served, in the interests of national reconciliation, if he issued a call for the establishment of such a peacekeeping force to operate in Lebanon.

The multinational force that is now stationed in Lebanon certainly has tried to bring about a stabilization in the area. But the only truly multinational effort that may ever be fully successful in that effort should be a U.N. peacekeeping force.

I was interested to note that, just recently, the British Foreign Secretary, Sir Geoffrey Howe, said that a U.N. affiliation was desirable because of the experience and the readily available peacekeeping machinery of that body.

Hand in hand with that effort, of course, should be the process of reconciliation in Lebanon. President Gemayel is to be commended for his efforts in that regard.

But this process has a long, long way to go. Factions opposing the Gemayel government need to be brought into the reconciliation process perhaps

with the eventual hope that a truly representative government in the region might be formed. A representative government that can tend to the internal needs of Lebanon and not allow itself to be drawn into larger Middle East struggles.

Without a truly representative government and without the combined force of world opinion working for peace in Lebanon, this poor country may become partitioned, and simply cease to exist in its entirety.

Before that occurs, we must face the fact that our Armed Forces could be drawn deeper and deeper into situations of armed conflict and combat, the dimensions of which will remain a mystery to the American people.

American service personnel will be killed and wounded, and their friends and relatives will never know why they have made that sacrifice.

That is precisely why the War Powers Act needs to be invoked in its current form. That is why we should vote for the Byrd resolution. By doing so, the administration will have to make an official report about the extend of our involvement in Lebanon, and a national debate about our foreign and military policy in Lebanon could occur.

I have no doubt that the administration could make a case in that regard.

I am not sure it would be convincing to this Senator, but at least, it ought to be part of the national dialog. So I say, let them make it.

Let it be the subject of debate in the Congress. And by that debate, I am confident that a national consensus about Lebanon could be developed.

Without such a consensus, further involvement of armed forces in Lebanon is a perilous policy.

I received, just yesterday, a communication from one of my constituents, a former marine who had served in the Vietnam war from 1962 to 1965. His son is now in the Marine Corps aboard the U.S.S. *Fort Fischer* en route to Lebanon. The father, who served his country for 3 years in the Marine Corps in Vietnam, is asking me, why should we ask our men to die for a policy that is not supported by the people of the United States. The father says,

> It is ridiculous, placing our marines in Lebanon without the support of our people or without our people even knowing why they are there.

Mr. President, I think that is why it is imperative that we have a national debate about what we are doing in Lebanon. That is why I think it is imperative that this administration come to Congress and go to the American people and tell them what it is all about.

And Mr. President, in all fairness, the compromise Percy-Baker resolution is not a vehicle of national consensus.

It is a compromise put together in order to help the administration avoid invoking the War Powers Resolution. It is a compromise that says we should not carefully debate the situation in Lebanon and make our foreign policy after such careful debate.

Mr. President, there is a better way.

By invoking the War Powers Act by the Byrd resolution, we can make a deliberate determination about the extent of our military role in Lebanon.

Let us be truthful about it Mr. President.

Our military role has expanded in Lebanon.

First, we evacuated the PLO from Beirut. Then, we agreed with the Government of Lebanon to be part of a multinational force and try to assist the Lebanese Government in restoring their authority and sovereignty to the Beirut area.

Now, we find ourselves responsible for the safety and security of the multinational force stationed in Lebanon and assisting the Lebanese Government in selected circumstances.

And what are these circumstances?

Well, we are vitally concerned about the safety and security of Suq-El-Gharb. This area controls the heights over Beirut. The Lebanese Army is trying to drive the Druze out of the area and protect the Beirut area.

Well, what happens if Suq-El-Gharb is taken by the Lebanese Government but threatened at a later date by the opponents of the Lebanese Government?

Do we send in air strikes or order naval bombardment against those seeking to retake this town on the outskirts of Beirut?

Where does the Beirut area end?

Will we soon find ouselves in action beyond the Sheef Mountains and in the Bekaa Valley?

If that is our aim, the American people have a right to know about it.

We have a major military contingent in Lebanon. We have considerable sea and air power to insure their security. But these forces can also most assuredly be used to help the Lebanese Government regain sovereignty over their nation.

Our destroyers have shelled positions in the Sheef Mountains. The battleship *New Jersey* can send its shells some 20 miles into the vicinity of the Bekaa Valley. Our Air Force can certainly humble the opponents of the Gemayel government.

The question is, Is that our aim? Is that why we are there?

Is that what we set out to do when the marines first set foot in Beirut to evacuate the PLO? Many, many Americans are not sure, and this Senator himself does not know.

We are entitled to debate on this issue. We should not have to wait another 18 months to find out what the full extent of our foreign and military policy in Lebanon is.

Finally, Mr. President, I must oppose Senate Joint Resolution 159 because it compromises the war powers resolution itself.

Mr. President, when the marines first went into Beirut, the chairman and ranking member of the Foreign Relations Committee asked the administration to invoke the war powers resolution before doing so.

The administration refused.

When the marines went back into Lebanon with a multinational force over a year ago, the chairman and the ranking member renewed their request.

The administration once again refused to invoke the war powers resolution.

When the first marines were killed in Beirut, pressure mounted again to comply with the war powers resolution.

The administration demurred.

Now we have language which technically invokes the war powers resolution but in the same breath provides for an 18-month extension for our military presence in Lebanon.

We are not going to have any 60- or 90-day waiting period as called for in the War Powers Resolution.

We are not going to have the administration come forward with a full-scale official report on our military involvement in Lebanon as set forth in the war powers resolution.

No, we are being presented with a fait accompli.

We are being asked to station our troops in Lebanon for another 18 months and then we shall talk about a further authorization for our military involvement.

And the administration has already put us on notice that there could be greater involvement.

I am advised that, just yesterday, the Acting Chairman of the Joint Chiefs of Staff, Adm. James Watkins, in testimony before the House Armed Services Committee, said that if we must have a timetable for our presence in Lebanon, 18 months is OK, but the clear implication was that our marines could be in Lebanon for years.

July 1985, I am advised, is the time when seven brigades of the Lebanese Army will be fully fleshed out and be ready for action and effective. I have a hunch that some are planning on our American Marines remaining there until July 1985, when the Lebanese Army will be up to full strength. Is that the hidden agenda here? We do not know, and this Congress and the American people have a right to know.

My able and distinguished colleague (Mr. SARBANES), before the Foreign Relations Committee and in debate on this floor, has noted that Secretary of State Shultz indicates that the Presi-

dent would "consult" with the Congress after the 18-month authorization in Senate Joint Resolution 159 was concluded. Secretary Shultz would have the President "consult" with the Congress about the possible expansion of our military involvement in Lebanon.

I submit that, despite the recent "clarification" about Secretary Shultz' remarks before the Senate Foreign Relations Committee, the administration still contends that it needs an open-ended policy for later military involvement in Lebanon.

I feel that is most unfortunate, Mr. President.

The real casualty in this whole chain of events, beyond the young marines who have lost their lives in Lebanon, has been the War Powers Resolution.

The administration has defied the Congress and it has gotten away with it.

As in so many other cases with this administration, compromise is a one-way street.

By Senate Joint Resolution 159, the administration seeks to avoid the dictates of the War Powers Act. That is a law that has been on the statute books since 1973, and that law is being negated by Senate Joint Resolution 159.

There is a better way. We can support the Byrd substitute. Let us obey the law, the law that extends to each and every American, even the President of the United States. Let us invoke the war powers resolution. Let us have the open debate about our foreign and military policy in Lebanon that ought to occur in a free country. That is the way we should deal with this situation at this moment in history.

Let me end on a personal note, Mr. President. There are about 40 men from my State involved in the peacekeeping force in Lebanon. How do I answer their mothers and their fathers and their wives and their relatives when they ask me, "Senator, why is my son in Lebanon? How long is he going to be there? What does our Government seek to do with his presence there?"

Mr. President, in truth I cannot answer my constituents. I do not know what our policy is in Lebanon. So, it is time that we had a national debate on this issue. It is time that the American people knew why our marines have been put in Lebanon. It is time that they know what our policy is there. It is time they know what the rules of engagement are. It is time they know what our ultimate goals are in that war-torn land. Only the Byrd substitute resolution will keep the war powers resolution intact. It will provide the American people with the opportunity to develop a national consensus about our foreign and military policy in Lebanon.

Mr. President, after two disastrous wars in Asia in less than 30 years, if we have not now learned the bitter lesson, that we must have a national consensus that our vital interests are at stake before engaging our troops in combat, then we shall never learn.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of Senate Joint Resolution 159, which provides authorization under the War Powers Resolution for continued U.S. involvement in the multinational peacekeeping force in Lebanon.

This resolution specifically allows U.S. Marines to continue their participation in the multinational peacekeeping force in Lebanon for up to 18 months after enactment. The resolution also requires the President to make periodic reports to Congress on the situation in Lebanon.

Mr. President, this resolution is the result of a compromise between the executive branch and the leaders of both Houses of Congress. It represents a much-needed agreement on an extremely sensitive issue. This compromise gives our marines in Lebanon a vote of confidence, and it sends a strong message to the Soviets, who wish to extend their control in the Middle East and bring about a collapse of the present Lebanese Government.

Mr. President, for years the people of Lebanon have suffered war and anguish, mainly because of the presence of outside forces, such as those of the Palestinian Liberation Organization and Syria, within Lebanese borders. At this point in history, we have an opportunity to help maintain a democratic and free Lebanon, with a government strong enough to defend its borders against outside interference. If we do not take this opportunity and allow our forces to continue a peacekeeping role in Lebanon, we are inviting the Soviets and their surrogates, Syria and the PLO, to destroy the fragile Gemayel government and establish an oppressive, totalitarian regime.

Mr. President, I will back this resolution in an effort to help develop Lebanese unity, independence, and territorial integrity. No region of the world is more vital to the foreign affairs of the United States than is the Middle East, and this resolution clearly furthers the interests of peace and security.

While I support this compromise resolution, Mr. President, I do so as one who has serious reservations about the wisdom of the War Powers Act, which has brought this debate before Congress. The writers of our Constitution and founders of our Nation clearly placed the responsibility of conducting foreign policy on the shoulders of the executive branch. The constitutional responsibility of the legislative branch is to simply advise and consent on matters of foreign policy, not to formulate or dictate such policy.

Mr. President, in order to have an orderly and effective foreign policy, it is essential that Congress respect this wise and necessary separation of constitutional powers. With 100 U.S. Senators and 435 Members of the House of Representatives, it would be virtually impossible for Congress to formulate expeditious and effective decisions on issues dealing with foreign affairs. The President of the United States, regardless of his political party affiliation, should be given broad latitude in conducting a unified international policy for the Government and citizens of this great Nation. Congress should refrain from infringing on the authority of the executive branch, and, to the maximum extent possible, should support the President in developing foreign policies to carry out and protect the worldwide interests of our Nation.

Mr. President, in conclusion, the compromise we are debating today has been reviewed by the world community. It has undoubtedly had a wholesome effect on the situation in Lebanon and was a major factor contributing to the present cease-fire between the various factions involved in the conflict.

This past Tuesday, September 27, the Lebanese Ambassador to the United States said in a meeting which I attended with several other Senators here on Capitol Hill, that undoubtedly a cease-fire would not have been attained if this compromise authorizing an additional 18 months of participation by the U.S. Marines in the multinational peacekeeping force had not been formulated. We should not underestimate the positive effect the compromise will continue to have on the situation in Lebanon. It is an essential step in the right direction toward resolving the serious problems that plague the country of Lebanon, and I hope that my colleagues go on record in favor of this resolution.

Mr. President, I yield the floor.

VISIT TO THE SENATE BY PRESIDENT SIAKA STEVENS, PRESIDENT OF THE REPUBLIC OF SIERRA LEONE

Mr. BAKER. Mr. President, in a moment I will yield to the distinguished Senator from Kansas (Mrs. KASSEBAUM), who is the chairman of the Subcommittee on African Affairs of the Committee on Foreign Relations, so that she may introduce a fellow parliamentarian, the President of Sierra Leone, who was accompanied into the Chamber by the Vice President of the United States.

I ask unanimous consent that, after the introduction of our guest, the Senate stand in recess for 1 minute so

that we may greet the President of Sierra Leone.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. I now yield to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, it is a pleasure today to introduce to the Senate a fellow parliamentarian, the President of Sierra Leone, Mr. Siaka Stevens.

RECESS

The VICE PRESIDENT. The Senate will stand in recess for 1 minute.

Thereupon, the Senate, at 11:12 a.m., recessed until 11:14 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. KASSEBAUM).

AUTHORIZATION FOR FURTHER U.S. PARTICIPATION IN MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

The Senate continued with the consideration of the joint resolution (S.J. Res. 159).

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I rise in support of the Byrd amendment for a variety of reasons, but the first one is that I consider a resolution committing us to whatever the President chooses to do over the next 18 months as not only unconscionable but also an abdication of this body's responsibilities. The second reason I oppose the committee resolution is because I cannot stand idly by and not raise my voice as loudly as I can about the President of the United States ignoring the law of the land.

Maybe as a lawyer I have a tendency to overplay that point, but I believe that during the debate in Congress in 1974 before passing the War Powers Act, every possible constitutional objection to it was raised and was accommodated. Here we are 9 years after that lengthy and comprehensive debate, in which Congress was effectively saying no more Vietnams, no more undeclared wars, and no more Presidential wars. This law defines and demarcates the difference between executive and the legislative responsibilities. The law is as clear as any law I have ever read, and I read the law for 18 years before I came to Congress.

I am not going to belabor the legal questions because my colleagues who have spoken before me have already very precisely and definitively set out what the law says and how the President chooses to ignore it.

Our Founding Fathers debated these questions over 200 years ago. I know that we have had all kinds of undeclared wars—Vietnam, Korea, Formosa, and Central America. But after Vietnam, Congress finally stiffened its spine and said, "No more."

Alexander Hamilton was perhaps the brightest of all, or at least the most vocal on this issue, when our Constitution was being written. And anyone who engages in this debate without going back to read a little of what Alexander Hamilton said, and why the Founding Fathers decided that the President should not be allowed to declare war, abdicates his responsibility.

Alexander Hamilton said the the Chief Executive who is only allowed to spend money must not be allowed "to unleash the dogs of war."

Our Founding Fathers and all of those who came before us had had enough of the King's adventurism. In this drafting they had used and they even debated the terminology "make war"—only Congress can "make" war—and they had a big debate about the word "make," and they finally changed it to "declare war."

Ever since then it has been axiomatic that the Congress, the people who are going to get this country in war, must be the same pople who raise the revenues to fight that war.

The President has done everything in the world to thwart not just the letter of the law but the intent of the law. Why should I go down to Arkansas on Law Day, which a lot of us do who are lawyers, to speak to groups and tell them that we are a nation of laws and not of men, and that we must all abide by the law, when daily they see Secretary Watt abiding only by those laws he likes and declaring those unconstitutional that he does not like. And here you have the President being both judge and jury over the question of the consitutionality of the War Powers Act, which was as thoroughly debated by constitutional scholars in this country as any law has ever been debated.

He wants to accommodate so some of the Members on this side of the aisle will not take strong exceptions to his policies. Here on August 30, 1983, is a letter addressed to the President of the Senate, Senator THURMOND, in which he says:

> We have periodically provided Congress with updated information on the activities of these forces and on the circumstances of their deployment in Lebanon.

I missed all those meetings. I was not kept abreast. This letter says that they provided Congress with updated information periodically, but I missed it.

And the letter goes on to say:

> In light of recent events I am providing this further report on the deployment in accordance with my desire that Congress continue to be informed on this matter and consistent with section 4 of the War Powers Resolution.

This is not consistent with section 4 of the War Powers Resolution. No one here should hang his hat on this letter or be deluded into believing that this letter even comes close to complying with a mandate of section 4 of the War Powers Act, becuase it does not. This is nothing in the world but a diversionary tactic.

The War Powers Act says the President will report to us within 48 hours of introducing American troops into hostile situations or situations that imminently could be hostile. He is to report to us why he is using troops within 48 hours and unless Congress acts within 60 days he has to withdraw. It is clear as the nose on every face in this body.

This is not a compliance with War Powers Act, and the President admits it is not. He has said, and so has Secretary Shultz, that this is not in compliance with the War Powers Act.

There is nothing in here about why we are there and how long we expect to stay, our mission, our role, nothing.

We have not even been able to get the President to admit that our troops are in a hostile situation. But he sends the majority leader a letter and says:

> I want to assure you that there will be no "substantial expansion" of our role in Lebanon without congressional approval.

(Mrs. KASSEBAUM assumed the chair.)

Mr. NUNN. Madam President, will the Senator yield for just one brief observation?

Mr. BUMPERS. I yield.

Mr. NUNN. If the Senator would look at the resolution in the committee report—this is the Percy-Baker resolution—there is a statement of the goal and mission as seen by Congress of the marines in Lebanon. It is a statement that is so broad it goes beyond even what the administration has said. They have been very hard to pin down. As we have all said many times during this debate, we cannot get the administration to tell us what the mission of the marines is. They tell us the diplomatic goals in that area, and of the diplomatic goals, one of the main goals, of course, is to remove all foreign forces from Lebanon.

Another diplomatic goal is to help assure the sovereignty of the Lebanese Government over all its territory, which had not happened during the history of Lebanon to my knowledge.

Now what Congress has done, if we pass this Baker-Percy resolution, and if the Byrd resolution fails, is we have given a mission to the U.S. Marines in Lebanon. It is very clear here. We have said that the mission of the marines implicitly—I underscore the word implicitly because this is set forth in paragraph 1—is the removing of all foreign forces from Lebanon. That is a foreign policy objective, implicitly a goal also for our military forces but explicitly, and I think this is enor-

mously important and I really do not believe our colleagues have focused on this. If we pass this resolution, the Percy-Baker resolution, we are explicitly saying and I quote:

In order to restore full control by the government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force.

That becomes the goal. That is a worthy diplomatic goal. But it is an absolutely absurd military mission, absolutely absurd to believe that 1,200 or 1,400 U.S. marines plus their counterparts from three other countries could undertake to achieve a military mission of removing or of having full sovereignty of the Lebanese Government over all its territory when 40,000 or 50,000 Israeli forces were unable to help fulfill that goal.

That is what we are endorsing here today. This is in many respects a much broader delegation of authority in the President than anyone has ever envisioned. What we are really doing, as I see it, is we are setting up an unlimited mission that is virtually open ended, with unlimited goals with very, very limited military power.

That is the absolute reverse of what Congress ought to be doing under the War Powers Act. We should be trying to get the mission defined and if we agree with that mission, we should be giving the President of the United States the authority to use the military power necessary to accomplish it. So we are doing precisely the opposite and if Congress passes this Baker-Percy resolution, we are in my view setting up an extremely broad delegation of authority with a very limited military force.

It seems to me that we are reversing the real role that was envisioned by those who passed the War Powers Act, and it also seems to me that we are setting the stage as a nation by diplomatic errors and political mistakes. We are setting the stage or the scene for another perceived American military failure. To those who are concerned about what happened after Vietnam with military morale. I say they should think very, very seriously about what we are doing here today.

We are saying to those 1,400 marines in Lebanon, sitting there under all those guns from every direction, where they really do not even know who is firing and when they are fired on from populated areas, "Fellows, your mission now is to stay there until"—quoting again—"full control is assumed by the Government of Lebanon over its own territory."

That is their mission, and if I were the head of the Marine Corps on the Joint Chiefs, certainly if I were commanding those forces, I would say, "Mr. President, Members of Congress, if that is our mission, you better give us some more power, you better give us a lot more power; we better have the Army help, the Navy help, and the Air Force help because we are sitting here surrounded on three sides in an absolutely impossible military position. If this is our mission as expressed in this resolution the Senate is voting on today, then, Mr. President, Members of Congress, back us up. Give us everything we need to accomplish it." Those are the military implications of this.

I saw where Congressman SAM GIBBONS said yesterday, and I think he put his finger on it when he said what we have is a situation where we do not have enough marines there to fight but we have too many to die.

I think that is precisely the kind of military position we are put in. I hope, for the sake of our military, that the American people realize from the outset, as we are going into this, that this is not a militarily sound proposition.

The military is being put in this situation by political decisions, by diplomatic decisions; and if we pass this resolution as sponsored by Senator BAKER and Senator PERCY, Congress is fully participating and, if anything, expanding the mission.

I do not think there has been very much focus on what the breadth of this kind of proposition is that we are talking about today. It is clear. The administration has not been clear on its definition of mission, but this resolution is clear.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. SARBANES. Madam President, I want to follow along the line of thought of the distinguished Senator from Georgia.

He is absolutely correct to point to the findings and purpose contained in this resolution and the breadth of that mission.

However, to give us even more pause, there was a report of an interview that Secretary Shultz had over Cable News Network last weekend. I want to quote briefly from that newspaper account:

Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will every agree to pull out."

Later in the same article, it says:

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon.

As the Senator has pointed out, this resolution is a tremendously broad definition of the mission, and you have the Secretary of State, in this news account and in other comments which Members have heard, indicating that they envision a greatly broadened mission.

The Senator is absolutely right: You cannot square the breadth of the mission that is being talked about here, both in the resolution and by the Secretary of State, with the resources, the military resources, that have been committed at present into that area. In other words, to achieve this mission we are talking about, the broad one, they clearly will have to involve a much greater infusion of military resources.

Mr. NUNN. The Senator is correct.

What we have here is the worst of all worlds. We have Congress saying, if we pass the Baker resolution: "Hold what you have over there. We do not want you to put any more military forces in. Tell us if you are going to put any in. Get notice from us. Let us know. We want to debate that before you do it. We are going to give you 18 months. But here is the mission we are going to give you to restore the sovereignty of the Lebanese Government over all its territory." That is something that has not happened in history.

Then, in addition, we are saying implicity—I want to underscore that, because it is not directly—that we are going to participate in the removal of all foreign forces from Lebanon—again, a worthy diplomatic goal that is totally unachievable without tremendous military forces.

We have the last two administrations saying that we are already stretched thin all over the world. What commitments are we going to be diluting? We are going to keep our commitment in NATO, I assume. We are going to keep our commitment in Northeast Asia, Korea, and the Persian Gulf—and we read every day about problems there. We are adding another area by definition. We are implicitly saying that Lebanon is now in our vital interests, and we are going to do whatever is necessary.

Mr. SARBANES. Madam President, I ask unanimous consent to have printed in the RECORD the article from which I quoted.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 25, 1983]

SHULTZ TIES WITHDRAWAL TO LEBANON'S STABILITY

WASHINGTON.—Secretary of State George P. Shultz said yesterday that the mission of the U.S. marines and other Western forces should continue in Lebanon until there is stability in that country, which he indicated should include the withdrawal of Israeli, Syrian and Palestine Liberation Organization forces.

Given the chaotic situation in Lebanon, a senior administration official acknowledged, this could mean an indefinite commitment to remain there because "nobody knows if the Syrians will every agree to pull out."

Mr. Shultz's comments, which came in an interview over the Cable News Network, were likely to cause further concern in Congress because, as he did when he testified last Wednesday before two congressional committees, the secretary refused to guarantee that the marines now in Lebanon would be pulled out in 18 months or that the size of the contingent or the scope of its mission would be expanded.

A resolution pending before Congress that President Reagan has agreed to sign is meant by its congressional sponsors to put definite limits on the role of the marines under the authority of the 1973 War Powers Act.

When asked if he would guarantee that the size of the force would not be enlarged, Mr. Shultz said yesterday that although there was no plan for an increase, he would not provide a "guarantee, which is a flat, unequivocal, never-say-never type of things."

He said in defending his refusal to give a pledge of no change that "you can't foresee what the situation may be."

"And I don't want to be in the position of acting as though I know exactly what the situation will be," he said.

At one point in the interview, the secretary refused to provide details on the conditions for pulling out the approximately 5,500 American, British, French, and Italian members of the multinational force. But under questioning, he added:

"We have to judge the situation, and we want to have the marines continue their mission, and the other multinational force elements continue their mission, in supporting the emergence of stability in Lebanon. If we can find a situation in Lebanon that has stability in it, in terms of the structure of the government and removal of foreign forces, that's the objective."

When asked if that meant it would not be possible to achieve "stability" without the removal of the foreign forces, he agreed, saying: "I think that if you have a country with, say, 75 percent or so occupied by foreign forces, it's hard to see how the government of that country has control of it, and has stability."

Mr. Shultz also said that even if the foreign forces are withdrawn eventually, he could foresee the multinational force's being given another mission. Instead of being stationed in the Beirut area, "we've always had it in mind that if withdrawal of all foreign forces could be brought about and the Lebanese armed forces, which we've been helping train, can move in and take charge in those areas, that the multinational force, not just our marines, might occupy some strategic positions in Lebanon."

A senior official said that there has been planning for the Western forces to be stationed in such key areas as the Beirut-Damascus highway to ensure that Syrian or PLO forces do not reenter Lebanon. They also might be sent to port areas and other regions to serve as a political support to the Lebanese.

U.S. officials said yesterday they were not certain how many foreign troops are in Lebanon. But one official estimated there are about 15,000 Israelis in southern Lebanon, about 40,000 Syrians in eastern and northern Lebanon and 11,000 to 15,000 Palestinian forces, some of them attached to the Syrian army and others on their own. There also are small numbers of Iranians and Libyans in support of the anti-government forces in Lebanon.

Senator Charles McC. Mathias, Jr. (R.Md.), when told of Mr. Shultz's comments yesterday, said that he felt the administration was being "ungenerous" and "unresponsive," given the desire of Congress to be cooperative. But he said that although the administration does not want "to waive any of its rights," he believed that once the resolution limiting the time, scope and size of the U.S. involvement in Lebanon was passed and signed, the administration probably would be "willing to live with it."

Mr. SPECTER. Madam President, will the Senator yield?

Mr. NUNN. I have to say, in deference to my friend from Pennsylvania, that I do not have the floor.

Mr. SPECTER. I think we might use some time from this side as well.

Mr. BUMPERS. I yield.

Mr. SPECTER. Madam President, the Senator and I share concerns as expressed about the mission.

The question I pose to the distinguished Senator from Georgia, in searching for a definition of mission which is achievable with the size force that is present is this: I refer to the President's letter of September 29, 1982, to the President pro tempore of the Senate, in which the mission is defined as follows:

Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces.

Is this the mission?

The concern I have expressed in earlier debate on this subject is the problem of having the declaration of war by implication or by having Congress, through this war powers resolution, delegate the power to wage war.

In a colloquy with Senator PERCY on Tuesday, Senator PERCY agreed that what had been going on in Lebanon amounted to a war.

The concern which I expressed was that the war powers resolution might constitute a congressional declaration of war by implication or delegation to the President of the authority to declare war, which I think would be unconstitutional.

In further discussions with the executive branch, I have sought to find what their intentions are, and I expect to engage in a colloquy with Senator PERCY on this subject when he arrives on the floor. But it goes to the same issue which is being debated at this moment and is the reason I rise now to ask this question:

If the mission is limited to being only an interposition force, and that is all the 1,200 or 1,400 marines are to be and if the 2,000 marines offshore are not designed to do anything except prevent another Dunkirk, and if the air support is to do nothing except defend the 1,400 marines, and the naval power is to do nothing but defend 1,400 marines, then it may be that a narrow definition has indeed been arrived at with the agreement of the Executive that does not involve the Senate and then Congress delegating to the President the authority to declare war.

In looking at the word "interpostion," which is a very novel kind of word that is very seldom used, and referring to Webster's Dictionary "interposition" is defined as "to interpose." "Interpose" is defined, in turn, as "to place in an intervening position; to step in between parties at variance; stepping in to settle a quarrel or conflict."

If "mission" is defined in terms of "interposition" and the 1,400 marines are limited to "stepping in between opposing forces," and none of our other forces there—the 2,000 marines offshore or the air forces or the ships—are to have any role beyond self-defense, then is that kind of mission sufficiently limited to only be a "stepping in between parties at variance," and not to become involved in the fight of the parties at variance, but only to become involved in fighting to the extent of self-defense? Is that the kind of mission which is sufficiently limited so that 1,400 marines can, in fact, carry it out?

Mr. NUNN. Madam President, I say to the Senator that I think he asked a good question. He poses a much, much more limited mission than has been posed by the administration in their testimony—the Senator is referring to a letter. But I think the Senator should realize that that kind of word and that kind of description of a mission is not described in this resolution that is called the Baker-Percy resolution. This resolution says that the mission is to restore the full control by the Government of Lebanon over its own territory.

So what the Senator has described is a very limited, much more limited, mission, but what we have here is a very broad mission.

I would say that is what, in my view, the Congress ought to be doing. I think what we ought to be doing, under our war powers authority, is to pin the administration down, for the benefit of Congress and the American people, as to what the mission is and as to when the mission would be completed, not in terms of time but in terms of events. When would we be

able to say the marines had fulfilled their mission? Now, if somebody cannot answer that question, it seems to me what Congress is doing here, we are saying we have the authority under the War Powers Act to participate in this decision but if we pass this resolution with this kind of broad authority, not ever pinning down the administration on what they are talking about, we are pretty convincingly demonstrating we do not know what to do with the War Powers Act.

Madam President, I think the dialog with the Senator from Pennsylvania is helpful, because there is no doubt, when the original MNF was sent over to Lebanon, the definition in that exchange was much, much more limited. That definition has expanded tremendously, and we have the ultimate expansion of it before us today in the form of the Baker-Percy resolution.

I would say that if this body is serious about the mission of our forces being to restore full control by the Government of Lebanon over its own territory, if that is what we mean, instead of having amendments that are going to cut the time down, which we are going to have later in the day, from 18 months to 6 months, we better have an amendment that is going to give them 5 years or 10 years and we had better have an amendment that is going to give the administration the full power to use all military force necessasry to accomplish this mission.

The worst of all worlds is a congressional resolution that sets up a mission that is unlimited in scope, unlimited in duration, and yet restricts the hand of the Commander in Chief in terms of the time and in terms of the force that can be employed.

We talk about Vietnam—and I doubt there is an analogy directly in terms of Vietnam, as far as the position of our forces. It was much more dangerous in many respects. I do not think there is an analogy in any part of the world with Vietnam.

But, from the point of an analogy, what we did in Vietnam, we went in without knowing what we were going into, without having a clear mission, except expanding, expanding, expanding, and we never did give the kind of forces required to carry out that mission.

This is the most clear example, in advance of a disaster, I have seen of a repetition of that kind of mistake.

Mr. BUMPERS. Madam President, the Senator makes one of the most cogent points I have heard made. First of all, he has honed in on precisely what this debate is all about, and that is Congress passing a resolution saying what our foreign policy is, the President saying, "I don't like it, but I will accept it," and then the Secretary of State coming before the Foreign Relations Committee and saying, "Now, there is a difference between consult and authorize. We are saying that, if we broaden our role,"—which everybody knows, if this thing is worth the paper it is written on, we must do—"we will consult with Congress."

But he made a very clear distinction that this did not mean the administration was going to ask for authority to broaden their role. And the President had ratified that in his letter to the majority leader when he said, "We won't extend our forces there without consulting with Congress." Secretary Shultz went on to say: "The reason we will only consult with you is we are not about to abdicate our constitutional authority to do what we are doing." But then he closed out—and this was the most cynical of all—"Of course, we will be coming to Congress for the funds to wage this war."

Well, that is exactly what Hamilton said 200 years ago. The reason the Founding Fathers were not going to give the Chief Executive the power to declare war was because they know that the people have to support our military adventures and they are the ones who have to pay for it. We, in Congress, are their elected Representatives. We are the ones who have to raise the revenues for war. That is the reason they wanted us to be responsible to the American people so that we did not foster any unpopular, unwarranted wars on the American people.

Yet, the Secretary of State, no less, says, "We will consult with you and, of course, we will be coming to you to ask you to raise funds for this little adventure."

Well, I apologize for getting so loud. I do, indeed, get exercised. But the Senator from Georgia has eloquently stated, better than I ever could, precisely what we are getting ready to bog ourselves down in.

I might vote—if I really believe that our national security interest was directly on the line and it really involved our future security—I might vote for a resolution that gave the President even 10 years to implement all of these policies. But you tell me what is involved here, when the Secretary of State says we are going to stay until all foreign forces are withdrawn. This resolution says: "The removal of all foreign forces from Lebanon is an essential U.S. foreign policy objective in the Middle East."

Well, what if Syria decides to say: "We are not ever leaving"? Does that mean "We are not ever leaving," too? How can you reach any other conclusion if you vote for this resolution?

The distinguished Senator from New York, Senator MOYNIHAN, has pointed out time and time again on this floor what Walter Lippman said years ago: "Don't try to implement a foreign policy that you don't have the military strength to implement." Those who do not understand history are doomed to repeat the failures of the past.

That is precisely what we are about to do.

I cannot even name all the players in Lebanon. I ask the people in this body. If we were going to declare war tomorrow, who would you declare it on? There are so many players we do not know their names. We do not know what separates their religions, what separates the Druze from the Shiites. Are the Maronites and the Phalanges all the same?

When you consider all the parties there, I invite you to tell this body the kind of government that you envision stabilizing Lebanon.

You tell me. The Constitution adopted in 1943 for Lebanon, literally dictated by the French, says the Christians shall have a majority of the Members of Parliament in Lebanon. And they were using a 1932 census that was already 11 years old to prove that the Christians were in a majority in Lebanon, to write that into the Constitution. Today, everybody knows that the Moslems are a sizable majority in Lebanon. Are the Christians ready to repeal that portion of the Constitution of Lebanon? I have not seen any sign of it.

So I invite you to tell me what kind of a coalition and what numbers will make up the next Lebanese Government that can bring all of those diverse religious, political, socioeconomic factors together and stabilize that poor, bedraggled nation. If you believe somebody can do it and can do it within 18 months, vote for the resolution. But I will remind you, do not vote for the resolution in reliance on the existence of a cease-fire that has been holding for 48 hours, because that is the 179th cease-fire since 1975.

Madam President, if we are going to stay there until all forces are withdrawn, then that is a lot longer than 18 months. If we are going to stay until there is a free, independent Lebanon, which is what you are voting for, then let the President come and tell us how many troops it is going to take to guarantee that. Are we going to stay regardless of whether the British, French, and Italians stay? Are they going to stay regardless of whether we do? Are we going to prop up an unpopular government, as we did in Vietnam?

Those are questions that only the President can answer, and he has a legal as well as a moral duty to the people of this country to say what the situation is.

Madam President, I was opposed to our marines going there. Senator GOLDWATER, Senator JACKSON, and several Senators came here and said:

> We are getting ready to bog ourselves down into a situation from which we will not easily extricate ourselves and some Marines will surely die. The focus of hostilities is just as great on the American people and the U.S. Marines there as it is on Israel be-

cause they perceive us as being one and the same.

The down side of Vietnam was that the American people, for the first time, had developed a cynical attitude about a lying Government.

I have heard Senators in the cloak room despair that when they go home on weekends, people quite often ask them, "Are we getting the full story on this Korean airliner?"

Let me say for the benefit of all my constituents, I believe they are getting the full story. I believe the President and the Secretary of State have been absolutely truthful to the American people on everything we can tell them about the Korean airliner. But do not despair or dismay about the cynicism of the American people, when they were consistently lied to about whether we were bombing Cambodia, consistently lied to about whether we were bombing Laos, and consistently lied to during the whole Watergate episode from the President on down through Cabinet members in the highest echelons of Government. Why would they not be cynical now about whether they were getting the whole truth?

It is a price this country will pay and pay and pay again for decades to come.

That was the down side.

The up side is, the American people were literally demanding that the War Powers Act be passed to make sure the President did not just whimsically, capriciously, and arbitrarily involve our sons in foreign wars that had no popular support. Every person in this body, I promise you, has already seen the Washington Post poll reported in this morning's Washington Post. If you have not, go get it and look at it before you vote on this resolution.

People are saying, "If you can convince us that our national security is on the line, send our troops, send my sons." I have two. I cannot even talk about it without getting emotional because they are my life.

I am telling you, the people of this country do not want another 55,000 dead young sons over something they do not understand and they are saying in the Washington Post poll this morning, "We do not want it."

Well, that is the up side of Vietnam.

As the Senator from Gerogia said, the parallel is not perfect. I would not suggest for a moment that it is. But there are enough lessons to be learned from Vietnam that we ought not to do what we are about to do.

Let me just close by saying there are about 1,100 marines on shore and another 2,000 on ships and a lot of Navy people there. You see, I am happy, because I am one of those fathers who has two sons—one already practicing law, one in law school—and a daughter in college. They are happy and stable and they are not in Lebanon. But I am telling you, every parent in this body who understands the greatest love of all ought not to vote on this resolution without assuming that he does have a son there.

Madam President, I yield the floor.

Mr. BAKER. Madam President, I do not know how many other Senators wish to speak, but we do have a statutory deadline. I am advised that there are amendments other than this amendment to deal with. Therefore, unless some other Senator is prepared to speak, I am prepared to make a motion to table.

Mr. TSONGAS. Those of us who do have amendments would like to have the chance to have those amendments voted upon. We have 2½ hours remaining. We think these amendments are important and should be voted upon.

Mr. BAKER. Madam President, I see no other Senator wishing to speak on this amendment. I now move to table the Byrd amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2231, AS MODIFIED

The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 45—as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—55

Abdnor	Grassley	Percy
Andrews	Hatch	Pressler
Armstrong	Hatfield	Quayle
Baker	Hawkins	Roth
Boschwitz	Hecht	Rudman
Chafee	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Humphrey	Stafford
D'Amato	Jepsen	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
East	Mattingly	Warner
Evans	McClure	Weicker
Garn	Murkowski	Wilson
Goldwater	Nickles	
Gorton	Packwood	

NAYS—45

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Hart	Moynihan
Boren	Heflin	Nunn
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
Cranston	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Stennis
Dodd	Long	Tsongas
Eagleton	Matsunaga	Zorinsky

So the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I voted against the Byrd amendment not because I want our troops to stay in Lebanon longer than 2 months, but rather because I want to see them come home sooner.

As I said in a statement yesterday on the Senate floor, I believe our marines are serving no useful military purpose in Beirut and the President should withdraw them as soon as prudently possible.

I believe it is the responsibility of Congress to set the policy in this matter, but it is the responsibility of the President to carry it out. It would not be wise for Congress to, in effect, legitimize a 2-month stay by voting for thr Byrd amendment. Rather, I hope that the Senate will put the President on notice that the use of ground forces in Lebanon is not a viable one and it is the Senate's feeling that those troops should be removed, leaving to the President the time and method of removal.

Mr. BAKER. Mr. President, if we could have order for a moment, I have an announcement I wish to make.

The VICE PRESIDENT. The Senate will please be in order.

Mr. RANDOLPH. Mr. President, I suggest Members take their seats.

The VICE PRESIDENT. The Senators will please take their seats. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, it has been brought to my attention that all or virtually all of the time of those in opposition to the resolution has expired.

There is about 2 hours remaining before the statutory time for the vote.

I suggest that, as there are other amendments, we try to arrange time limitations and time certain to vote, notwithstanding the time has expired on that side. I am sure the chairman of the Foreign Relations Committee

would be glad to accommodate to that requirement.

I also have a request for a 5-minute colloquy, may I say to the minority leader, between the assistant minority leader and the Senator from Missouri. We are willing to yield time for that purpose.

Could I inquire, first, if we could arrive on a time agreement on the next amendment which I understand to be the Pell amendment.

Mr. PELL. That is correct.

I will be glad to accept a 20-minute time limitation, 10 minutes equally divided.

Mr. BAKER. Could I inquire of the minority leader if that is suitable on his side?

Mr BYRD. I should think an amendment of that importance should have at least 30 minutes equally divided.

Mr. PELL. I am trying to be fair with everyone because there are a lot of other amendments.

Mr BYRD. I will not stand in the Senator's way.

Mr. BAKER. Very well.

Mr. President, I ask unanimous consent that on the Pell amendment there be a time limitation of 20 minutes equally divided and at the end of that time or time yielded back the vote occur on or in relation to that amendment.

Mr. TSONGAS. Mr. President, I reserve the right to object.

The PRESIDING OFFICER (Mr. WEICKER). The Senator from Massachusetts reserves the right to object.

Mr. TSONGAS. Will the leader indicate what the procedure will be subsequent to the Pell amendment?

Mr. BAKER. Yes.

Mr. President, what I propose to do, assuming that the chairman of the committee is agreeable, and I feel he will be, what I propose to do is make other arrangements between now and 2 p.m. for other amendments in a similar way.

Mr. TSONGAS. I only wish to indicate I have two. I do not need any time to debate. I wish to have them voted on. They will need some debate but not extended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. RIEGLE. Mr. President, reserving the right to object, I only reserve to ask is the Pell amendment cutting from 18 months to 6 months?

Mr. PELL. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, now for the information of the Senate, I have been given this piece of paper, and that purports to say that there is a Pell amendment to be disposed of, a Levin amendment to be disposed of, an Eagleton amendment to be disposed of, and two Tsongas amendments, as well as a colloquy between Senators EAGLETON and CRANSTON.

Mr. President, may I say I wish to reserve 10 minutes on this side for a closing statement before the final vote. I am sure the minority leader will wish to do the same.

So I suggest that as this debate and vote is in progress on the Pell amendment, we try to arrange the remainder of the time on this measure.

AMENDMENT NO. 2228

(Purpose: To shorten the authorized period of participation of U.S. Armed Forces in the multinational force in Lebanon from eighteen months to six months)

Mr. PELL. Mr. President, I call up amendment No. 2228 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself and Mr. DIXON, proposes an amendment numbered 2228.

On page 7, line 9, strike out the word "eighteen" and insert in lieu thereof the word "six."

Mr. PELL. Mr. President, this amendment, which is cosponsored by Senator DIXON, is a very simple amendment indeed. It removes or reduces the 18 months in the Baker-Percy resolution.

Mr. RANDOLPH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. There are several votes scheduled. There will be no time for debate unless the Senate gets into order immediately.

This is the first and last time the Chair cares to make a comment.

Mr. HEINZ. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEINZ. Mr. President, the Senator from Pennsylvania notes that on this last vote, which was a straight party line vote, 55 Republicans voted in the affirmative. The Senator from Pennsylvania would appreciate a ruling of the Chair if that is not the first time 55 Republicans have been in the Senate in a half a century all voting together.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Chair.

This is a very simple amendment indeed. It accepts the Baker-Percy resolution but reduces the time from 18 to 6 months.

I know, speaking as one Senator on this side, if that 6 months is accepted I would support the Baker-Percy resolution. If it is not, I really could not do so.

In making this point and in introducing this resolution, I cannot help but remember the talk——

Mr. STENNIS. Mr. President, if I may make a point of order, this is certainly an important matter. The Senator is taking an important position. We cannot hear him, and we cannot even see each other.

The PRESIDING OFFICER. The Senator makes a point of order. The Senate is not in order. The Senator is correct. The debate will not resume until the Senate comes to order.

Senators take their seats or carry on their conversations in the cloakroom. The Chair requests that Senators converse in the cloakroom or take their seats.

Mr. PELL. I thank the Chair.

Mr. President, we are all products of our times. I think that those of us who were here at the time of Vietnam and at the time of the Gulf of Tonkin resolution have certain memories and certain worries and certain fears.

As I read the text of this resolution, it says that it shall not preclude such protective measures as may be necessary to insure the safety of the multinational force in Lebanon.

Then, I read a parallel phrase from the Gulf of Tonkin resolution: "To take all necessary measures to repeal any armed attack against the forces of the United States, to prevent further aggression."

While the words may be dissimilar, the objectives and the purposes are very similar.

I would be worried that what we are passing here is an 18-month Gulf of Tonkin resolution. I admit that a 6-month Gulf of Tonkin resolution is not a good idea, either, but I think it is better than an 18-month one.

I also add the Foreign Relations Committee, by its initial vote of 9 to 8, accepted the reduction to 8 months; and it was only after some further discussion, reconsideration, and persuasion that the committee reversed itself and voted the other by 9 to 8.

It seems to me that with such a close vote within the committee, which had studied the matter carefully, it would indicate the sentiment of all of us, particularly the initial vote.

That sentiment is bolstered by the poll in today's Washington Post which showed 29 percent of the American people in favor of 18 months or more, 58 percent in favor of 6 months or less.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post-ABC news poll.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. MAJORITY FAVORS LIMITING DEPLOYMENT TO 6 MONTHS OR LESS

(By Barry Sussman)

Demonstrating growing concern over the possibility of war, a majority of Americans say they want Congress to limit the continued deployment of U.S. Marines in Lebanon to six months or less, according to a Washington Post-ABC News poll.

Only 29 percent of those questioned nationwide last weekend were willing for Presi-

dent Reagan to keep the Marines in Lebanon for another 18 months, as authorized in the compromise resolution approved by the House yesterday, while 58 percent said the Marines should be brought home in six months or sooner.

Forty-three percent said they think the United States will become so involved in the conflict in Lebanon that this country will go to war there, but 46 percent say they think the United States will stay out of war.

The poll showed that overall anxiety about the possibility of war has increased dramatically in the weeks since four Marines were killed in Lebanon and since a Soviet pilot shot down a South Korean airliner, killing 269 people.

One in four Americans listed the threat of war as the nation's No. 1 problem. A total of 34 percent saw war, the Soviet Union, communism and international affairs generally as the nation's worst problem.

That is more than three times the magnitude of such concern since The Washington Post-ABC News survey began in February, 1981. It places fear of war on a level with economic problems as the greatest concern of the American public. Six of every 10 Americans cited the Middle East as the worst trouble spot in the world, the one most likely to drag the United States into war with the Soviet Union. By comparison, only 1 in 10 cited Central America or Europe as posing a similar threat.

Asked whether they feel that what happens in Lebanon is important enough to risk going to war, 21 percent said yes, while far fewer expressed a willingness to risk war in Central America. However, 67 percent said Lebanon is not important enough to risk war.

The poll showed Americans sharply divided over what role U.S. forces should play in Lebanon.

Thirty percent said U.S. warships and planes off the coast of Lebanon should be used to help the Lebanese government fight those trying to overthrow it, including Syria and the Palestine Liberation Organization. Thirty-six percent said the ships and planes should be used only to defend the U.S. Marines in the multinational force in Lebanon. And 31 percent rejected both those alternatives, saying that all American forces should be withdrawn from Lebanon.

The poll was conducted last Thursday through Monday, before and after a cease-fire was agreed on by the opposing forces in Lebanon over the weekend. Those interviewed after the cease-fire was announced showed hardly any change in views from those interviewed earlier.

The public's heightened concern is reflected in other poll findings as well. Reagan continued to be viewed negatively for his handling of foreign affairs overall, and, for the first time, he was rated negatively for his dealings with the Soviet Union.

Forty-nine percent of those polled said they disapprove Reagan's handling of relations with the Soviet Union, 44 percent said they approve, and 7 percent expressed no opinion. Forty-nine percent also said Reagan's manner of dealing with the Soviet Union is increasing the chances of war. Only 34 percent expressed that sentiment as recently as August.

Until now, Post-ABC polls have shown that a plurality or majority believed Reagan's way of dealing with the Soviet Union decreased chances of war or, at the least, made no difference. In the new poll, however, only 33 percent said they believed this.

Ironically, one result of the shifting mood is increased support for Reagan's emphasis on building up the military. In three earlier surveys this year, a majority said Reagan was "going too far" in his plans to increase military spending. Less than a majority said they feel that way now.

Fifty-one percent also said they now support development of the MX missile, a change from earlier this year, and more people said the United States "should spend whatever is necessary to achieve military superiority over the Soviet Union."

Most people still said they want spending kept to a level producing equality in strength between the superpowers. But 32 percent said the United States should spend enough to achieve superiority, compared with 22 percent in August.

Reagan also scored much higher in responses to the question: "Who do you think has better goals for increasing military spending: Reagan or the Democratic leaders in Congress?"

At the end of July and the beginning of August, when the Post and ABC News first asked that question, the response was: 45 percent for Reagan and 40 percent for Democratic leaders, with 15 percent unable to choose. In the new survey, 50 percent favored Reagan's goals, 35 percent favored the Democrats', and 15 percent offered no opinion. According to the poll, Americans are sharply critical of Reagan's conduct of foreign affairs but they appear to be drifting toward his policies, rather than toward those of his leading opponents.

At the same time, there is virtually no change on one key issue: overwhelming public support for a freeze on nulear weapons by both the United States and the Soviet Union. If anything, support for a freeze may be stronger than it has been.

When first asked if they approved of the freeze, 80 percent said yes. The Post-ABC News interviewers then listed arguments for and against the freeze to encourage more measured responses and asked once more whether people approved or disapproved of the freeze. In that second response, 77 percent said they approve.

Using the same procedure in April, 1982, the Post and ABC News found 76 percent supporting the freeze in response to the initial question about it, and 71 percent approving if after hearing the arguments on both sides.

The increase in those citing the possibility of war as the nation's No. 1 problem did not appear to be accompanied by a lessening of concern about the nation's economy. Instead, the poll indicated that optimism about the direction of the economy has leveled off.

Only 44 percent said they thought the economy is improving, compared with 50 percent who felt that way at the beginning of August. Only 15 percent thought the recession has ended. And Reagan is given slightly lower marks now than he was in August for his handling of the economy.

AMERICANS' VIEWS ON U.S. ROLE IN LEBANON

Question. Do you think the U.S. Congress should set a time limit on how long Reagan can keep the Marines in Lebanon or not?

	Percent
Should set a time limit	62
Should not set a time limit	28
Remove the Marines now	4
No opinion	6

Question. Suppose Congress did set such a time limit. How long should it be: two months, three months, six months, about 18 months or longer than that?

	Percent
2 months	19
3 months	9
6 months	27
About 18 months	15
Longer than 18 months	14
Remove the Marines now	3
No opinion	13

Question. Do you think the United States will become so involved in the fighting in Lebanon that we will go to war there or not?

	Percent
Will go to war	43
Will not go to war	46
No opinion	11

Question. Do you think what happens in Lebanon is important enough to the United States that we should risk going to war there or not?

	Percent
Yes, is important enough	12
No, is not important enough	67
No opinion/others	12

Question. I'm going to mention three methods of using the U.S. ships and planes stationed off the coast of Lebanon, and I'd like you to tell me which one method you approve of the most:

	Percent
(A) They should be used to protect only the U.S. Marines on land when those Marines are under attack	36
(B) They should be used to defend not only the U.S. Marines, but also to help the Lebanese government fight the groups that are trying to overthrow it, including the Syrians and the PLO	30
(C) They should not be used at all. Instead the ships and the Marines in Lebanon should be withdrawn	31
No opinion	3

Question. Would you say the U.S. should send more troops to Lebanon, leave the number of troops about the same, or remove the troops that are there now?

	Percent
Should send more troops	7
Leave the number about the same	48
Remove the troops	40
No opinion	5

Question. Which part of the world do you think is most important to the security of the United States: Africa, Asia, Central America, Europe or the Middle East? In which part of the world do you think conflict could most likely lead to war with the Soviet Union?

[In percent]

	Most important to U.S. Security	Most likely to lead to war with U.S.S.R.
Africa/Asia	4	8
Central America	23	10
Europe	19	9
Middle East	38	62
No opinion	16	11

Note: Figures are from a Washington Post ABC News telephone poll of 1,506 people nationwide from Sept. 22 to 26.

Mr. PELL. Mr. President, this indicates that almost twice as many of the American people are for 6 months or less, rather than 18 months or more.

Finally, we would go with marine troops, as Secretary Shultz has said, "to find a situation in Lebanon that has stability in it."

Well, except for the brief period between World Wars I and II, there really has not been stability in the land called Lebanon since the time of the Crusades, when the Christians settled there in the midst of Muslim territory; and I do not see any short-term solution to the problem.

For all these reasons, I hope my colleagues will vote to shorten the 18 months to 6 months.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I do not know who is in control of time on this side. I should like to be recognized on the time in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, several years ago, in the case of United States against Curtis Wright Export Corporation, Justice Sutherland wrote a very classic opinion that I think bears repeating here—at least in part. He said:

> Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Annals, 6th Cong., col. 613. * * * It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction were domestic affairs alone involved.

Mr. President, in my view, the Founding Fathers did not intend that Congress should intervene this actively in the conduct of foreign policy. The American military is an instrument of foreign policy, and one of its functions is to support the foreign policy objectives of the United States. In this connection, the President must have as much flexibility as possible.

We are not capable of formulating and implementing foreign policy in this body, and we are proving it in this very debate. With the numbers of different approaches and views on the whole matter of our involvement in the peacemaking process in the Middle East, we are clearly demonstrating our incompetence in the field of foreign policy. I hate to say it. But I believe that the Congress of the United States is appallingly unsophisticated in foreign policy matters.

Too often, we make judgments on such matters based on domestic political considerations, and that becomes evident when my distinguished friend from Rhode Island introduced into the RECORD a poll taken by the Washington Post to see what the popular whim of the moment is. If foreign policy is going to be conducted on the basis of the popular whim of the moment, the United States will be totally unable to maintain a credible and sustained foreign policy.

What question did the pollster ask? Simply, "Do you favor getting the marines out of Lebanon?" That is all. No explanation to the respondent about why they are there, about their significance to the peacekeeping process.

I wonder how they would have responded if the question was: "Do you think the United States should make every effort to preserve peace in the Middle East and to stabilize that unstable area of this world, particularly where American interests are vitally involved?" And, knowing of our great concern for the preservation of the territorial and political integrity of Israel, the national interests of Israel are also involved here.

Mr. President, if we fool around with this resolution, start putting in conditions, timetables, we run the very grave risk of making the United States irrelevant to the peacemaking process in the Middle East.

If we put a time limit of less than 18 months on this resolution, what we are doing is inviting hostile elements, who are uncomfortable with our presence there, to kill American marines. It is such an invitation. Any military man will tell you that. Anybody with any experience in such matters will tell you that. If we get to the point where you force the President to withdraw from Lebanon through congressional action, then I do not think we can be a credible part of any multinational force again.

A year ago, the marines went into Lebanon. Some voices were raised, questioning whether it was a wise idea; but there was no action by Congress, not even any considerable debate over the matter in Congress, and we knew what the risks were, and we were virtually silent.

If we now enter into an arrangement of this kind, as we are, with the multinational force and cut and run when the shots are fired, then we actually reduce to impotence the value of American military power as an essential element in the pursuit of our foreign policy objectives.

It is that serious. We better not be looking at polls in the Washington Post. We better not be listening to rhetoric. We better be considering the long-range implications of what we do.

You place a 6-month time limit in this resolution and you put the lives of American marines in jeopardy. We had better understand that.

Now, in my view, the War Powers Act is one of the worst pieces of mischief that the Congress of the United States has ever promulgated. I do not believe that it is constitutional. It has not been subjected to a test of the courts. I think we were unwise in the first place to pass it. I was 1 of the 18 who voted against it. And I might note that I think there are only about 30 of us here now in the Senate that were here when that act was passed. We were simply institutionalizing our disenchantment with the Vietnam war. That is what we were doing. We must consider the passions of the moment that prompted the passage of this act in the first place.

But I can cite time after time after time—and I will not go through that litany right now because of limited time—in the time I have been in the Senate, almost 23 years, that congressional intervention into the foreign policy implementation process has resulted in disaster. We had better consider carefully what we do. We better consider the long-term implications. We better consider the impact on the future influence of the United States of America in world affairs as we act on this matter.

I hope that the amendment that would limit by resolution our participation to 6 months will be roundly defeated. It is, in my view, an invitation of those who want us out to put the pressure on as the 6-month period moves toward expiration. It will result in the loss of American lives.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, I also would like to join my colleague from Texas. I underscore his remarks. I agree with his remarks.

I recognize the historical perspective that he brings to resolutions and considerations of this kind, not only because he has a little history and longevity here in the Senate but also because he is a former professor and has a sense of history prior to coming here to this body.

It is interesting to hear my friend on the other side, the distinguished Senator from Rhode Island, (Mr. PELL) talk about the Gulf of Tonkin resolution. I am not sure it has been brought to the attention of the body in the consideration of the President's desire to have an 18-month authorization of our peacekeeping force in Lebanon, but the Gulf of Tonkin resolution is so different, Mr. President, from the resolution we are considering at the moment.

The PRESIDING OFFICER. All time has expired.

Mr. BOSCHWITZ. Will the Senator from Rhode Island yield me some time?

Mr. PELL. I am glad to yield an additional minute to the Senator from Minnesota.

Mr. BOSCHWITZ. May I have 3 minutes?

Mr. PELL. We only have 4 minutes remaining on this side.

Mr. BOSCHWITZ. Does anybody else want to speak on the Senator's side?

Mr. DODD. Mr. President, if the Senator will yield, I would want about 45 seconds or a minute.

Mr. PELL. I yield 2 minutes to the Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, the Gulf of Tonkin resolution states, not only as the Senator from Rhode Island has said, that the President has the ability to "take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It also says,

> The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist a member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

That is an extraordinarily broad statement in that resolution.

Furthermore, the resolution goes on to say that:

> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

But the Gulf of Tonkin resolution, Mr. President, certainly cannot be analogized to this resolution that is limited, except for the end of one sentence in section 3 where it is limited to a small degree regarding protective measures. Also, the President has, by letters to this body, said that if he is required to make any substantial change he will come to Congress.

Therefore, Mr. President, I believe that the Gulf of Tonkin resolution really cannot be accurately brought up as an issue at this time. That resolution was at a different time, a different resolution, and certainly the wording of it was far broader and without the meaningful limitations as contained in this resolution, plus the letters that accompany it have limited it.

This resolution deals with the Tonkin Gulf concerns by putting limitations on the scope and involvement of the U.S. forces. It incorporates references to the Lebanon Emergency Assistance Act and the September 25 exchange of letters with the Government of Lebanon. Section 7(b) of the resolution specifically states that:

> Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of Section 4 (a) of the Lebanon Emergency Assistance Act of 1983, relating to Congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

That act, which President Reagan signed into law on June 27 of this year, requires congressional authorization for "any substantial expansion in the number or role in Lebanon of U.S. Armed Forces."

President Reagan, in his letter of September 27 to the chairman of the Foreign Relations Committee, Senator PERCY, reaffirmed his intention to seek congressional authorization "if circumstances require any substantial expansions in the number or role of U.S. Armed Forces in Lebanon."

I ask unanimous consent to place in the RECORD the text of the President's letter and the Tonkin Gulf resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Section 3 of this pending resolution states that the U.S. participation in the Multinational Force in Lebanon:

> * * * shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the multinational force in Lebanon.

This makes clear that the U.S. forces are to operate in the Beirut area. The exchange of letters says the role is "provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces in the Beirut area."

Furthermore, the text of Senate Joint Resolution 159 itself says that the congressional intent is to authorize the Marines for the Beirut area. Section 5(a) says that Congress believes it should continue to be the policy of the United States to help in the "* * * establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area."

Additionally the formal report of Committee on Foreign Relations on Senate Joint Resolution 159, Report No. 98-242 (printed on page 25748 of the CONGRESSIONAL RECORD of Sept. 26, 1983) states:

> The Committee understands that the role of the Marines is limited. The authorization of the presence of the Marines does not remove previous limitations on their deployment. Marine activities are restricted to the "Beirut area."

Thus it is misleading to portray the resolution as a blank check or Tonkin Gulf resolution.

EXHIBIT 1

A. TONKIN GULF RESOLUTION

[PUBLIC LAW 88-408 [H.J. RES. 1145] 78 STAT. 384, APPROVED AUGUST 10, 1964]

[A JOINT RESOLUTION To promote the maintenance of international peace and security in Southeast Asia.

[Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

[Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

[Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

[Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

[Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.]

EXHIBIT 2

SEPTEMBER 27, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR CHUCK: I know you were as gratified as I with Sunday's announcement of a cease fire in Lebanon. While there were many things that contributed to the cease fire, it is my belief that your agreement to advance the compromise resolution on war powers—and the favorable action by the Foreign Affairs and Foreign Relations Committees—were particularly important. At a crucial point, your agreement and the supporting committee actions expressed a commitment to bipartisanship in U.S. foreign policy. Please accept my thanks.

Let me also take this opportunity to clarify an issue with respect to the interpretation of the compromise resolution. The com-

promise resolution refers to the requirements of section 4(a) of the Lebanon Emergency Assistance Act; I gather that a question has arisen as to the Executive Branch's understanding and intention in this regard. My understanding and intent remain exactly as they were when I signed the Lebanon Emergency Assistance Act: It would be my intention to seek Congressional authorization—as contemplated by the Act—if circumstances require any substantial expansion in the number or role of U.S. armed forces in Lebanon.

In addition, regarding the Administration's intentions with respect to the 18-month time period, I can assure you that if our forces are needed in Lebanon beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms.

Again let me thank you for your support for the compromise agreement. I believe its prompt enactment will only further improve the chances for the stable peace we seek in Lebanon.

Sincerely,

RONALD REAGAN.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has no further time.

The Senator from Rhode Island.

Mr. PELL. The Senator from Illinois used up all of his time. I yield 60 seconds to the Senator from Maryland.

Mr. PERCY. Is it possible—we have an emergency time situation with Senator SPECTER. We would require, I think, no more than 3 minutes.

Mr. PELL. I only have 3 minutes remaining.

The PRESIDING OFFICER. The Chair has to point out that the Senator from Illinois has no further time. The Senator from Rhode Island has 3½ minutes remaining.

Mr. PELL. I yield a minute to the Senator from Maryland.

Mr. PERCY. If we could have 1 minute, we could put the statements in the RECORD.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Mr. MATHIAS. Mr. President, when I introduced Senate Joint Resolution 159 on the 12th of September, the original text provided for a 6-month extension, the statutory 60 days, plus an additional 120 days. In the committee, that was amended to 18 months.

I said at the time I introduced the resolution that there was nothing magic about 6 months. But I must confess to the Senate that I think there is something a little more magic about 6 months than about 18 months. The argument is made that if it is only 6 months, the Government of Syria will wait us out. But there is another side to that point. If it is 18 months, those parties to this dispute who prefer the status quo will hunker down and not make the best effort to reconcile the differences because of the extended period of time.

Mr. President, I am still of the view that 6 months is an adequate period of time. I am still of the view that 6 months will provide both the President and the Congress an adequate period to review the situation and to make a new decision.

The PRESIDING OFFICER. the Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Illinois and the remaining minute to the Senator from Connecticut.

Mr. DIXON. Mr. President, I rise in support of this amendment by my distinguished friend from Rhode Island and would point out two things.

First of all, 18 months is too long a time. I again would refer my colleagues to the remarks made by Senator INOUYE last Friday. I will quote from them.

Only 11 months passed from the Normandy invasions on June 6, 1944, to the unconditional surrender of the Third Reich on May 7, 1945, an 11-month period during which, in the European theater alone, 135,576 Americans were killed in action and 451,052 were wounded.

World War I should also be remembered. From the time Congress declared war on April 6, 1917, to the capitulation of the German high command on November 11, 1918, 19 months passed, and 116,516 Americans lost their lives in combat.

Mr. President, I ask unanimous consent to have printed in the RECORD, a poll published in today's Washington Post, which supports the fact that an overwhelming majority of Americans support shortening this period of time to 6 months.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

AMERICANS' VIEWS ON U.S. ROLE IN LEBANON

Question. Do you think the U.S. Congress should set a time limit on how long Reagan can keep the Marines in Lebanon or not?

	Percent
Should set a time limit	62
Should not set a time limit	28
Remove the Marines now	4
No Opinion	6

Question. Suppose Congress did set such a time limit. How long should it be: two months, three months, six months, about 18 months or longer than that?

	Percent
2 months	19
3 months	9
6 months	27
About 18 months	15
Longer than 18 months	14
Remove the Marines now	3
No opinion	13

Question. Do you think the United States will become so involved in the fighting in Lebanon that we will go to war there or not?

	Percent
Will go to war	43
Will not go to war	46
No opinion	11

Question. Do you think what happens in Lebanon is important enough to the United States that we should risk going to war there or not?

	Percent
Yes, is important enough	21
No, is not important enough	67
No opinion/others	12

Question. I'm going to mention three methods of using the U.S. ships and planes stationed off the coast of Lebanon, and I'd like you to tell me which one method you approve of the most:

	Percent
(A) They should be used to protect only the U.S. Marines on land when those Marines are under attack	36
(B) They should be used to defend not only the U.S. Marines, but also to help the Lebanese government fight the groups that are trying to overthrow it, including the Syrians and the PLO	30
(C) They should not be used at all. Instead the ships and the Marines in Lebanon should be withdrawn	31
No opinion	3

Question. Would you say the U.S. should send more troops to Lebanon, leave the number of troops about the same, or remove the troops that are there now?

	Percent
Should send more troops	7
Leave the number about the same	48
Remove the troops	40
No opinion	5

Question. Which part of the world do you think is most important to the security of the United States: Africa, Asia, Central America, Europe or the Middle East? In which part of the world do you think conflict could most likely lead to war with the Soviet Union?

[In percent]

	Most important to U.S. Security	Most likely to lead to war with U.S.S.R.
Africa/Asia	4	8
Central America	23	10
Europe	19	9
Middle East	38	62
No opinion	16	11

Note: Figures are from a Washingotn Post-ABC News telephone poll of 1,506 people nationwide from Sept. 22 to 26.

Mr. DODD. Mr. President, I reluctantly rise in opposition to this amendment. I voted for the 6 months when it was offered in the Foreign Relations Committee because, like many others, I felt that 6 months was better than 18 months.

But my own feeling is that we are focusing on the wrong issue here. The issue is not 6 months or 18 months or 9 months or any other period of time. The issue ought to be what is the purpose, what is the mission, what is the strategy of having U.S. marines stationed in Lebanon as part of the multinational peacekeeping force? I do not think that issue has really been addressed.

Senator NUNN, of Georgia, I think clearly and intelligently pointed out that until those issues are resolved, we

are really not doing ourselves justice or the peace issue justice in Lebanon by arguing over time.

If our purpose is clear, if our mission is clear, and our strategy is clear, I do not care whether it is 6 months, 18 months, 1½ years, 2 years, or 3 years, I think we would be able to support it if we understood why we were there and what we hope to accomplish.

So arguing about time agreements or periods of time I think is basically irrelevant; it is the wrong debate. Until we clearly decide what we are doing there the issue of time is secondary. Once that is decided, I would be willing to support whatever time is needed to achieve that mission, that purpose. For that reason, I will oppose the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. There are 15 seconds remaining to the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I would have strongly preferred a decision by the Congress to extend the authorization for our Armed Forces in Lebanon only until the end of November—and to decide at that time whether to extend the period of their presence further. That is why I cosponsored and strongly supported the amendment offered by the Democratic leader.

The Senate has unfortunately failed to accept this amendment, which would have required a congressional determination before the Christmas recess. I now believe that, absent this opportunity, we should insist that the Congress review the presence of our armed forces in Lebanon as the first order of business after we return from the Christmas recess. I therefore support the amendment offered by Senator PELL, which would require a further congressional determination no later than the end of March—and I would hope as soon as possible in the new year—if our forces are to remain in Lebanon after that time.

Surely the Congress should display a continuing sense of responsibility if our marines are to remain in Lebanon after this year. I hope my colleagues will recognize the importance of this responsibility, and refuse to give the President a virtual blank check to keep our forces in Lebanon until 1985.

As I have said earlier in this debate, this wisest course for Congress to follow is to insist on periodic review of our military role in Lebanon—and at intervals short enough to permit us to act quickly in the wake of sudden changes in the circumstances of our involvement or a flareup in the hostilities. That is why I supported the Byrd amendment and why I still prefer a 6-month to an 18-month authorization period. I therefore hope that, at a minimum, my colleagues will agree to support this amendment.

Mr. PELL. The issue has been pretty well spelled out. The issue is whether we want 6 months or 18 months in a very difficult situation. That does not mean that there will be an automatic end to hostilities at the end of the 6 months or the 18 months.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. MATHIAS. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move to table the Pell amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DURENBERGER). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—62

Abdnor	Goldwater	Nunn
Andrews	Gorton	Packwood
Armstrong	Grassley	Percy
Baker	Hart	Pressler
Biden	Hatch	Quayle
Boschwitz	Hatfield	Roth
Chafee	Hawkins	Rudman
Chiles	Hecht	Sasser
Cochran	Heinz	Simpson
Cohen	Helms	Specter
D'Amato	Humphrey	Stafford
Danforth	Jepsen	Stevens
Denton	Kassebaum	Symms
Dodd	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Trible
Durenberger	Mattingly	Wallop
East	McClure	Warner
Evans	Mitchell	Weicker
Exon	Murkowski	Wilson
Garn	Nickles	

NAYS—38

Baucus	Glenn	Melcher
Bentsen	Heflin	Metzenbaum
Bingaman	Hollings	Moynihan
Boren	Huddleston	Pell
Bradley	Inouye	Proxmire
Bumpers	Johnston	Pryor
Burdick	Kennedy	Randolph
Byrd	Lautenberg	Riegle
Cranston	Leahy	Sarbanes
DeConcini	Levin	Stennis
Dixon	Long	Tsongas
Eagleton	Mathias	Zorinsky
Ford	Matsunaga	

So the motion to lay on the table amendment No. 2228 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Now, Mr. President, we are rapidly running out of time, and according to the last count I have, we have five amendments yet to be disposed of. I urge Senators to proceed as fast as they can to avoid rollcall votes if they can, and, to try to further my own purposes, I will now sit down.

Mr. PERCY. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be recognized next for a colloquy that will avoid an amendment, and then the distinguished Senator from Connecticut (Mr. DODD) be recognized on an amendment that the managers of the bill can accept for a time not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. TSONGAS. Reserving the right to object; if the Senator could also include that my amendment will be next in line, I would appreciate it.

Mr. PERCY. I am sorry, I did not hear the Senator.

Mr. TSONGAS. That my amendment could then be the order.

Mr. PERCY. Mr. President, I would so modify my unanimous-consent request that the next pending amendment after the Dodd amendment would be the Tsongas amendment for a time limited to——

Mr. TSONGAS. Fifteen minutes.

Mr. PERCY. Fifteen minutes?

Mr. TSONGAS. Equally divided.

Mr. PERCY. Ten minutes.

Mr. TSONGAS. I have two amendments. I will only introduce one, so I am going to save the committee 25 minutes, so I would like 5 of those 25. Fifteen minutes, equally divided.

Mr. PERCY. All right, I so modify my unanimous-consent request, and then the distinguished Senator from Michigan (Mr. LEVIN) to be recognized next for a time not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought for the last 24 hours to have this colloquy with the distinguished chairman of the Foreign Relations Committee, pursuing an exchange which we had on Tuesday last when I expressed my concern about the possibility of having a declaration of war by implication or by having Congress delegate to the President our

constitutional authority to make war. In that exchange Senator PERCY acknowledged that the fighting which had been going on in Lebanon was in fact "war." I expressed my concern about this resolution which might grant too much power to the President.

Since that exchange on Tuesday, there have been conversations involving ranking members of the President's White House staff and a briefing by ranking State Department officials, including the Acting Secretary of State, which I think can resolve the matter. They relate to the mission which is set forth in the President's letter of September 29, 1982, where the mission is limited to being an interposition force. And "interposition" as defined by Webster means "to place, to step in between parties at variance or stepping in to halt or settle a quarrel or conflict." So the purpose of the 1,400-man marine contingent is limited to that kind of an interposition force, and any further force—the 2,000 marines offshore or air power or naval power—would only be used in self-defense.

Thus, by passing this resolution we are not expanding the mission of that force in any way beyond that very limited mission.

If that can be made plain in this colloquy and with the acknowledgement of the chairman of the Foreign Relations Committee that that is the Executive's agreement, then it is my view that the resolution does indeed sufficiently limit the Executive and is not a delegation of our responsibility to declare war or a declaration of war by implication.

I ask now the distinguished chairman of the Foreign Relations Committee if my statement is an accurate statement of the executive branch's intention and of his understanding of the intention of this resolution.

Mr. PERCY. Mr. President, the understanding of the Senator is exactly right.

The mandate of the MNF and the role of U.S. Forces have not changed since the MNF was introduced into Lebanon in September 1982. The Baker-Percy resolution does not expand it either.

The September 25, 1982, exchange of letters between the United States and Lebanese Governments states that the MNF mandate is "to provide an interposition force at agreed locations and, thereby, provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area." The letters further state that "in carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense."

None of this has changed since September 1982. Their mission is still to provide a presence in the Beirut area that is generally supportive of the Lebanese Government. U.S. forces in Lebanon have no combat role; they have used force only to defend themselves, other MNF personnel, and other U.S. personnel in the Beirut area. (In the case of the Suq-al-Gharb fighting, U.S. forces provided naval artillery support to help prevent hostile elements from taking high ground that would have directly endangered our forces.)

The resolution will not change any of this. Section 3 of the resolution clearly states that the authorization granted for the continued participation of U.S. forces in the MNF will be limited to performance of the functions set forth in the September 1982 exchange of letters, and will be subject to the limitations stated in those letters.

There are references in other parts of the resolution (such as in section 2 and in the title) to broader objectives, such as the removal of all foreign forces, the restoration by the Lebanese Government of full control over its own territory, and progress toward national political reconciliation. These are statements of overall U.S. policy objectives in Lebanon, and it is customary for a resolution of this kind to make such a statement of general policy objectives; they are the same objectives that we have had since the MNF was first introduced into Lebanon, and were clearly stated then. But they are not statements of the mission of the MNF and U.S. forces, which are more limited. It is clearly section 3 that defines the authorized role of U.S. forces, and not these other policy statements.

Therefore, Congress is not being asked to authorize the President to use military force to expel foreign forces from Lebanon, or to reoccupy those parts of Lebanon now controlled by non-Government elements, or to intervene on behalf of the Lebanese Government to suppress internal Lebanese factions. The resolution simply authorizes the President to continue the current role and mission of U.S. forces.

Mr. President, I do hope that the response that I have given, which is fully supported by the administration, and is my understanding of the situation as it exists, will be entirely responsive to the distinguished Senator's question. I thank him for the questions that have been put to the Senate and to the managers of the bill which help us clarify an issue that may have also troubled other Senators.

Mr. SPECTER. So the language "to restore full control by the Government of Lebanon over its territory" is not mentioned in mission authorization?

Mr. PERCY. That is right.

Mr. SPECTER. And the only mission is that of the multinational force itself, as set forth in the President's letter of September 29, 1982?

Mr. PERCY. That is correct.

Mr. SPECTER. I thank the Senator.

Mr. NUNN. Mr. President, will the Senator yield for a brief question on this very significant point?

The PRESIDING OFFICER. The time for the colloquy has expired. It will take unanimous consent.

Mr. NUNN. Mr. President, I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, if what the Senator from Illinois has said is accurate, it seems to me we have to change the resolution. We cannot change by a dialog in this Chamber the actual words of the resolution. They say, "in order to restore full control of the Government of Lebanon over its own territory."

If that dialog that just took place is accurate, it seems to me an amendment would be essential that would strike those words because that is what is stated is the purpose of the multinational force in section 2 finding and purpose of Congress.

I urge the Senator from Illinois to accept an amendment that would strike the words on page 3, line 12, "in order to restore full control by the Government of Lebanon over its own territory."

Mr. TSONGAS. Mr. President, if the Senator will yield, I simply point out I have an amendment that deals with this issue which we will be voting upon within a half hour.

Mr. NUNN. Mr. President, I am glad the Senator has that amendment. I hope the Senator from Illinois will strike those words.

This would not cure all the problems we have without a clear mission. But we will have not at least made the situation significantly worse by this resolution as it presently is.

Mr. PERCY. Mr. President, I wish to point out that the mandate is very clear.

I wish to repeat a basic point that I did make yesterday.

Some Members have argued that this resolution is too open ended because its title and policy sections indicate a series of broad objectives which go beyond the actual mandate of the current multinational force.

We do have broad objectives in Lebanon, as I pointed out yesterday, and it is entirely appropriate that we should say so in a resolution of this kind.

Every piece of legislation contains such a section, but as every Member knows, such provisions are not the sections which provide authority. We only go back to those sections which provide authority.

The actual authorization in sections 3 and 6 of this resolution is a limited one, in support of our broader objectives, but not extending to the open-ended fulfillment of those goals by the multinational force. I thought we made that point at length yesterday.

Mr. TSONGAS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. TSONGAS. Mr. President, I have an amendment that goes exactly to that point. I hope the chairman will accept it. If that indeed is the case, then there is no reason why the amendment would not be accepted. If the amendment is not accepted, then one would presume it is not the case.

The PRESIDING OFFICER. Under the previous order the time for the colloquy has expired.

AMENDMENT NO. 2238

Mr. DODD. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) for himself and Mr. KENNEDY proposes an amendment numbered 2238.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 25, strike out the period and insert in lieu thereof "; or"; and after line 25, insert the following:

(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. President, this amendment requires only a brief explanation. It is straightforward and self-explanatory. It adds one additional condition to those in section 6 which provide for the termination of the authorization of our participation in the multinational force in Lebanon short of the 18-month deadline. The other conditions are the withdrawal of all foreign forces from Lebanon which is, of course, one to the prime objectives of the whole undertaking; the assumption of the functions of the multinational force by the United Nations or the Government of Lebanon; or other security arrangements that would make the force's presence unnecessary.

To these conditions my amendment adds a fourth one, the withdrawal of all other countries from the multinational force. In that eventuality we, too, should withdraw as the rationale for our participation was built squarely on the existence of the multinational force and that rationale would cease to exist with the dissolution of the accord establishing the force. To put it a little more colloquially, we should not be left standing there holding the bag.

I think all of us deeply appreciate the importance of acting in accord with our French, Italian, and British allies. I hope our common undertaking will succeed soon and we can all withdraw. If, however, the situation deteriorates, for example, the multinational force were to suffer heavy casualties, it is certainly conceivable that our allies may decide to pull out. My amendment says that if the French, the Italian, and the British forces are withdrawn from Lebanon, we will not be left to carry on alone.

Mr. President, this amendment is identical to the one that was approved last week by the House Foreign Affairs Committee. It is, therefore, included in the resolution that was sent to the whole House of Represenatives by a 30 to 6 vote of that committee.

I urge my colleagues to adopt this amendment.

Mr. KENNEDY. Mr. President, the debate regarding the Baker-Percy resolution so far has centered largely on the application of the war powers resolution, the length of the period for which Congress should authorize the continued deployment of U.S. forces in Lebanon, and the definition of their mission. There is an additional area which requires attention: the interrelationship of our forces and those of our three European partners in the multinational force.

I am pleased to cosponsor with Senator DODD an amendment which was adopted by the House Committee on Foreign Affairs and is in the House version of our resolution. This amendment adds a fourth circumstance under which U.S. forces must be withdrawn before the end of the period for which we authorize them to be deployed in Lebanon. Section 6 of the resolution specifies three circumstances for early withdrawal—First, withdrawal of all foreign forces from Lebanon; second, the assumption by the U.N. or the Lebanese Government of the responsibilities of the multinational force, or third, the implementation of other effective security arrangements in the area. This amendment would add a fourth condition requiring withdrawal of U.S. forces if the other countries in the multinational force withdraw their troops. In this situation, U.S. forces could remain in Lebanon only with the specific reauthorization by Congress.

The stakes in Lebanon are international, as indicated by the presence of French, Italian, and British as well as American troops in the Beirut area. We all have an interest in insuring that a strong and representative central government is restored in Lebanon and that all external forces are withdrawn. However, recent press reports indicate some of our partners have raised questions over how much longer and under what circumstances they themselves are willing to participate in the multinational force. In view of these reports and recent developments, I believe it incumbent on the Congress to reemphasize that the multinational force must remain truly multinational. The burdens of defending common interests must be shared by all: They must not become the unilateral responsibility of the United States.

The United States is prepared to play its proper role in Lebanon. However, we must play this role in close cooperation with our allies who share our interests. We owe it to the American people and our marines in Beirut to insure that they have the international support they deserve and, failing that, they are not left to fight alone in circumstances that have changed completely.

The PRESIDING OFFICER. Is there further debate?

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I previously discussed this with the majority leader. He is not on the floor at this time. At the time, he indicated that so long as this is identical to the amendment which appears in the House bill and which the administration has accepted, he would have no objection to it. I have no objection to it. I know of no objections from other Members on this side of the aisle. Therefore, I accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. I yield back my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2238) was agreed to.

AMENDMENT NO. 2239

(Purpose: to state that U.S. participation in the Multinational Force in Lebanon is in order to maintain a secure area from which the Government of Lebanon can restore full control over its own territory)

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. TSONGAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. TSONGAS) proposes an amendment numbered 2239: on page 3, lines 12 and 13, after "(2) in order to", strike "restore full control by the Government of Lebanon" and insert in lieu thereof "maintain a secure area from which the Government of Lebanon can restore full control".

Mr. TSONGAS. Mr. President, this is not a new issue. In fact, it was the subject of a colloquy between the Senator from Pennsylvania and the Senator from Illinois, the chairman of the committee.

The administration has made it clear, and indeed I think everyone agrees, that the area of operation of our marines in Lebanon is restricted to the Beirut area. If one goes back and looks at the letters of exchange between the Government of the United States and the Government of Lebanon, dated September 25, 1982, one is struck by the fact that the reference to the Beirut area occurs four times in the letter of Robert Dillon, Ambassador of the United States, and is mentioned four times in the corresponding letter from the Lebanese Government.

That is something we are all in accord with, and the colloquy between the chairman of the committee and the Senator from Pennsylvania reaffirms that.

The question arises: How is that consistent with the testimony of Secretary Shultz before the Senate Foreign Relations Committee? If one looks at page 4, the Secretary stated three objectives in Lebanon: The withdrawal of all external forces from Lebanon, a sovereign, independent Lebanon dedicated to national unity, and able to exercise its authority throughout its national territory.

There is no reference in these objectives to the restriction geographically of our marines to the Beirut area. The question is, Are they restricted or are they not restricted? The colloquy says they are, and my amendment simply affirms in the legislative history that that, indeed, is the case. I would find it very difficult to understand how the colloquy could take place and this amendment would not be agreed to. The language under the findings section reads: "In order to restore full control by the Government of Lebanon over its own territory."

Implicit in that language is the capacity for the marines not only to operate in the Beirut area, as the letters of exchange would argue, but also, by these findings, they are now empowered to act beyond that. Indeed, you could read that to include all of Lebanon.

That is not what we intend; that is not what the American people want; that is not what the administration says it wants.

So I hope that if everyone is being reasonably true to their professed statements, the amendment will be agreed to. Simply put, the amendment puts into language the realization, I think, of everyone, that the mandate in support of our marines in Lebanon goes only to the Beirut area and does not extend throughout Lebanon. We do not want a wider war. We simply want a peacekeeping mission, and that is what the amendment seeks to insure.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. TSONGAS. I yield.

Mr. BIDEN. If the Senator's amendment is agreed to and this resolution is passed, does that bind the President not to use the marines outside the Beirut area?

Mr. TSONGAS. Yes, it does. The only possible exception to it would be the question of defense. No one would restrict that. It would restrict the operation to the Beirut area, which is mentioned eight times in the exchange of letters. My answer is, yes, it would.

Mr. BIDEN. I thank the Senator.

Mr. TSONGAS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SIMPSON). Who yields time?

If neither side yields time, it runs equally against both sides.

Mr. TSONGAS. Mr. President, while we are sitting here, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. TSONGAS. I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, I think that what the Senator from Massachusetts is attempting to do is laudable. My concern is that I believe this legislation, as it now stands, is so fatally flawed that even if this amendment were agreed to, it would not protect what I think is the most obvious concern I have. It would not correct the most obvious concern, and that is that we still have not had a clear definition of what constitutes the mission of the marines and whether or not that mission is the same as is stated in the preamble and the findings of this resolution—whether or not we are talking about still having as the three main objectives the requirement that there be control of all Lebanon, and so forth.

So I suppose my question is this, and I applaud the Senator for his effort: Does the Senator believe that if this amendment were agreed to and there were no perfecting amendments, this legislation would then be acceptable?

Mr. TSONGAS. Mr. President, I reserve the right on final passage, but I simply say that the question of mission bothers all of us. This, in essence, states that the mission is restricted in the letters to Beirut, and at least the parameters in which we can worry have been significantly reduced.

Mr. BIDEN. I thank the Senator.

Mr. TSONGAS. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, I see no other Senator seeking recognition. Accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I do not want to hurry anybody along, but it is 12 minutes after 1 and, by statute, we are going to have to vote at 2 o'clock on whatever is pending. Right at this minute there is an amendment pending and then the committee substitute is pending, and that is the end of that. So I urge, since there are other amendments, that we get on with the business at hand and not let the quorum call run any longer.

I also beseech Senators to keep their remarks as short as possible and to take voice votes if they can.

Mr. TSONGAS. Mr. President, I am prepared to vote. I will simply say there are some of us who would like to be able to vote for this resolution were it not a totally partisan resolution. The amendment simply codifies the statements that have been made. Rejection of the amendment, if indeed that takes place, will cause many of us to wonder what the mission really is, and, for that reason, we will not be able to support the resolution in final passage.

Mr. BAKER. Mr. President, let me just say this for 30 seconds, so nobody misunderstands. I am sympathetic to the Senator from Massachusetts. I hope he will consider supporting this resolution.

But I also want him to know, as I believe he does know, that this resolution has been the product of extensive negotiations between the White House, the Speaker, the minority leader in the House, and the majority leadership here. This language was indeed submitted to the Speaker and to others, Mr. MICHEL and Senator PERCY. So it is not just a partisan arrangement. It is one where a great deal of effort has gone into an arrangement that I hope the Senate will confirm. But there is no trace of partisanism involved in it. I hope the Senator from Massachusetts can see his way clear to support the resolution as it is finally presented on final passage.

Mr. PERCY. Mr. President, I yield back the remainder of my time on the Tsongas amendment. I ask unanimous consent that immediately following the Levin amendment, Senator EAGLETON be recognized for 1 minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? Without objection, it is so ordered.

Mr. TSONGAS. I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, I think the attempt being made by the Senator from Massachusetts is laudable. I think the fact that it is only amending the findings section and not the authorization section flaws it somewhat in terms of it being able to work. To quote one of the competent staff persons here when I asked about it, he said: "It is a little like attempting to fix a flat tire on a car that has been totaled."

For that reason, I will be voting against it.

Mr. TSONGAS. I no longer yield to the Senator from Delaware.

I yield back the remainder of my time.

Mr. BAKER. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table. All in favor say "aye." Opposed, "no."

Mr. TSONGAS. I object. The yeas and nays have been ordered.

The PRESIDING OFFICER. But the yeas and nays have not been requested on the motion to table.

Mr. TSONGAS. Then I demand the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER) to table the amendment of the Senator from Massachusetts (Mr. TSONGAS). The yeas and nays have been ordered, and the clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—56

Abdnor	D'Amato	Goldwater
Andrews	Danforth	Gorton
Armstrong	Denton	Grassley
Baker	Dole	Hatch
Boren	Domenici	Hatfield
Boschwitz	Durenberger	Hawkins
Chafee	East	Hecht
Cochran	Evans	Heinz
Cohen	Garn	Helms
Humphrey	Nickles	Symms
Jepsen	Packwood	Thurmond
Kassebaum	Percy	Tower
Kasten	Pressler	Trible
Laxalt	Quayle	Wallop
Lugar	Roth	Warner
Mattingly	Rudman	Weicker
McClure	Simpson	Wilson
Mitchell	Stafford	Zorinsky
Murkowski	Stevens	

NAYS—42

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Moynihan
Bingaman	Hart	Nunn
Bradley	Heflin	Pell
Bumpers	Hollings	Proxmire
Burdick	Huddleston	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
Cranston	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Specter
Dodd	Long	Stennis
Eagleton	Matsunaga	Tsongas

NOT VOTING—2

Inouye	Mathias

So the motion to lay on the table amendment No. 2239 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR 10-MINUTE ROLLCALL VOTES

Mr. BAKER. Mr. President, I ask unanimous consent that rollcall votes from this moment forward be 10 minutes instead of 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I urge Senators to remain on the floor. In this last rollcall, we missed two Senators because they were not here and we were 5 minutes over. We are now 23 minutes before the statutory time. We have 10-minute rollcalls ordered, so I beseech Senators to remain here on the floor.

ORDER OF BUSINESS

Mr. EAGLETON. Mr. President, with the permission of the Senator from Michigan, I ask unanimous consent that I be permitted to call up my amendment at this time. It is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, I understand there will be a unanimous-consent request to lay that aside. Is that correct?

Mr. EAGLETON. Yes, of course, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2233

(Purpose: To revise the contents of the report)

Mr. EAGLETON. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an amendment numbered 2233.

On page 5, line 4, strike out "protective" and insert "defensive".

On page 5, between lines 14 and 15, insert the following:

(1) the results of efforts to secure removal of all foreign forces from Lebanon and to restore full control by the Government of Lebanon over its own territory;

On page 5, line 15, strike out "(1)" and insert "(2)".

On page 5, line 17, strike out "(2)" and insert "(3)".

On page 5, line 21, strike out "(3)" and insert "(4)".

On page 5, line 23, strike out "(4)" and insert "(5)".

On page 6, line 3, strike out "(5)" and insert "(6)".

On page 7, line 1, strike out "(3)" and insert "(4)".

Mr. EAGLETON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that my amendment be laid aside for the Levin amendment and that the vote on my amendment occur after the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I want to make it clear that I have not forfeited my rights to move to table either the amendment of the Senator from Missouri or the Senator from Michigan. Will the Chair confirm that?

The PRESIDING OFFICER. Those rights are protected.

Mr. EAGLETON. I thank the Senator from Michigan. I thank the majority leader.

AMENDMENT NO. 2240

(Purpose: To establish that American troops in Lebanon are in a situation in which hostilities exist)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of Senator RANDOLPH and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) for himself and Mr. RANDOLPH, proposes an amendment numbered 2240.

On page 4, line 5, between "(b)" and "The" insert the following: "Actual or imminent hostilities involving U.S. Armed Forces came into being on August 29, 1983."

Mr. LEVIN. Mr. President, this amendment would add one sentence to section 2(b) as follows: "Actual or imminent hostilities involving U.S. armed forces came into being on August 29, 1983." This amendment is necessary because the resolution now

before us only asserts that the Congress declares that hostilities exist. That is very different from stating as a matter of fact rather than congressional finding that hostilities did in fact commence on August 29. If the President affixes his signature to language which asserts that Congress declares hostilities exist, he is not necessarily agreeing with that statement.

Our amendment, if adopted and signed by the President, would constitute a joint finding in the resolution that hostilities have existed since our marines were killed and wounded on August 29, 1983.

The rationale for such a clear statement of fact is simply this: The war powers resolution should be tested on constitutional grounds and not on the question of whether or not hostilities existed which would have triggered the war powers resolution procedures.

Our amendment focuses the question on the constitutional issues. It eliminates any escape clause which a dispute about whether hostilities existed might provide.

Mr. President, it is clear that the Congress is reluctant to force a constitutional confrontation with the President. The House has approved a resolution similar to the one we are debating today, and the Senate has defeated the amendment offered by Senator BYRD which would have required the President to recognize the constitutionality of the war powers resolution and bow to its procedures.

The President has made it clear that he is unwilling to do that because he believes the resolution is unconstitutional. The Byrd amendment which I supported would have resolved the constitutional dispute between Congress and the President, but the Congress is obviously not going to do that. So we are leaving the constitutional issue open asserting congressional authority under the war powers resolution but not requiring the President to formally acknowledge it.

However, that reluctance to force that issue should not extend to issues which do not involve constitutional interpretations. The question of whether hostilities existed since August 29 is only a matter of fact, and the answer to that question is clear. While our amendment would put the answer to that question in this resolution, it is important to note what it would not do. It would not tie the President's hands. It would not cast into doubt the authorization contained in this resolution for the commitment of American troops in Lebanon. It would not involve any delay in that commitment which becomes effective as soon as the resolution is signed. Let the test be the constitutionality of the war powers resolution, not whether there are hostilities in Lebanon. If the legislative and executive branches cannot agree on our respective powers, for Heaven's sake let us at least agree that hostilities existed as of August 29, 1983.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. Mr. President, I will reluctantly vote to take the amendment offered by the Senator from Michigan. My decision is taken only because the statutory time limits in the War Powers Act of 1973 mandate that we must obtain final passage of a joint resolution in the next 10 minutes. I am informed that Speaker O'NEILL will not bargain with the Senate over any differences between the House and Senate versions. What this means is that if we adopt any amendment at this stage, we will obtain no bill at all.

I am sure the authors of one War Powers Act did not have that kind of trap in mind 10 years ago, but we must live with it now.

Mr. President, I think the Senator from Michigan has—as often he does—recognized the key issue here. As I pointed out in my remarks 2 days ago, it is the foreign policy issues that we often debate when we talk about things like time limits, and other issues. But the crucial constitutional issues raised by this—the first test of the War Powers Act—have to some extent gone unnoticed in a debate over the Middle East.

As I stated earlier, I strongly believe in the War Powers Act. Congress must accept its responsibilities under that act. One such responsibility, of course, is to share in policy. Another, however, is to preserve congressional prerogatives in this murky area of shared powers.

By seeking to avoid any possible misinterpretations about when the War Powers Act comes into effect, the Senator from Michigan is being vigilant. In an area as crucial as the War Powers Act, we must avoid constitutional ambiguity. Although his amendment was tabled, I am certain that Senator LEVIN's efforts here will not go unnoticed. In that sense, he may very well have accomplished what he set out to do, for his arguments should make clear that this act became effective August 29. That means that authority will expire exactly 18 months thereafter, and no later.

Mr. President, I regret having to vote to table, but I thank Senator LEVIN for raising this crucial point.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute and 30 seconds.

Mr. LEVIN. I yield 30 seconds to my distinguished friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the amendment which has just been discussed by the able Senator from Michigan (Mr. LEVIN) is one of truth. It is one of realism. Members, regardless of the separation of the aisles, should recognize that we have a responsibility, and that is to follow the situation that has developed in the use of the marines in Lebanon. I agree with my able colleague's statement that this amendment will not tie the President's hands. It is important that the President and Congress equally acknowledge and recognize the period of hostilities.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

If neither side yields time, the time runs equally.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the yeas and nays be ordered in the event a tabling motion is offered to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. QUAYLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

(The bill clerk proceeded to call the roll.)

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move to table the Levin amendment, and I ask for the yeas and nays. I remind Senators of a 10-minute vote.

The PRESIDING OFFICER. The yeas and nays have been previously requested and ordered.

Mr. BAKER. On the tabling motion?

The PRESIDING OFFICER. On the tabling motion.

Mr. BAKER. I had not made the tabling motion. How did that work?

The PRESIDING OFFICER. By the Chair, by unanimous-consent.

Mr. BAKER. I thank the Chair. I am very grateful.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mrs. KASSEBAUM) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45—as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—54

Abdnor	Gorton	Packwood
Andrews	Grassley	Percy
Armstrong	Hatch	Pressler
Baker	Hatfield	Quayle
Boschwitz	Hawkins	Roth
Chafee	Hecht	Rudman
Cochran	Heinz	Simpson
Cohen	Helms	Specter
D'Amato	Humphrey	Stafford
Danforth	Jepsen	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Tower
Durenberger	Mathias	Trible
East	Mattingly	Wallop
Evans	McClure	Warner
Garn	Murkowski	Weicker
Goldwater	Nickles	Wilson

NAYS—45

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Hart	Moynihan
Boren	Heflin	Nunn
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
Cranston	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Stennis
Dodd	Long	Tsongas
Eagleton	Matsunaga	Zorinsky

NOT VOTING—1

Kassebaum

So the motion to lay on the table amendment No. 2240 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am going to propound a unanimous-consent request, in an effort to avoid chaos, because we have at least two amendments that I know of still pending. We have one other technical amendment that I think needs to be addressed, and it is 2 p.m.

Mr. President, I have not had time to consult with the minority leader yet, but I state a request now for his consideration and that of all Senators.

First, I ask unanimous consent that notwithstanding the hour of 2 p.m., the time be extended sufficiently to accommodate the vote on the technical amendment to be offered by Senator MATHIAS and next, of course, it requires no unanimous consent to have the vote on the Eagleton amendment, and final passage.

Mr. President, the minority leader and I have relinquished our time for final statements. I ask unanimous consent that he may have 1 minute and I may have 1 minute just before final passage.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield to the Senator from Missouri.

AMENDMENT NO. 2233

Mr. EAGLETON. Mr. President, this is a very simple amendment.

There has been much Senate floor debate on the "except" clause of section 3 of the resolution. That clause reads: "* * * except that this shall not preclude such protective measures as may be necessary to insure the safety of the Multinational Force in Lebanon."

During the debate it has been labeled as a "blank check," "a loophole a mile wide," et cetera, et cetera. The first part of my amendment seeks to tighten up that clause by substituting the word "defensive" for the word "protective" in the aforementioned "except" clause.

The word "defend" means "to take action against attack or challenge." The word "defensive" means "devoted to resisting or preventing aggression or attack." (See Webster's New Collegiate Dictionary.)

"Protect" or "protective" are, qualitatively speaking, broader words. "Protective" is a more ambiguous word and susceptible to a somewhat broader interpretation than "defensive."

Webster's New Dictionary of Synonyms defines "defend" as "implies the use of means to ward off something that actually threatens or to repel something that actually attacks." According to Webster's usage, "protect" is a more "indirect" term.

The greatest semanticist ever to serve in the Senate, our former colleague S. I. Hayakawa has analyzed the difference between "protect" and "defend." In Modern Guide to Synonyms (Funk & Wagnalls, edited by S. I. Hayakawa), Senator Hayakawa states "protect is the most general term." "Defend" is more specific; "it emphasizes present danger."

The second part of my amendment adds an additional section to section 4, the reports to the Congress section of the resolution.

It reads as follows:

"First, the results of efforts to secure removal of all foreign forces from Lebanon and to restore full control by the Government of Lebanon over its own territory;"

It is really nothing new in that it merely picks up sections 2(a)(1) and 2(a)(2) of the findings and purpose section of the resolution and requires the President to report thereon along with the other items in section 4.

Mr. BAKER. Mr. President, is the question now on the Eagleton amendment?

The VICE PRESIDENT. The question is on the Eagleton amendment.

Mr. BAKER. I move to table the Eagleton amendment.

The VICE PRESIDENT. The question is on agreeing to the motion.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—66

Abdnor	Glenn	Mitchell
Andrews	Goldwater	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Percy
Chafee	Hawkins	Pressler
Chiles	Hecht	Quayle
Cochran	Heflin	Roth
Cohen	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Humphrey	Specter
Denton	Jepsen	Stafford
Dixon	Johnston	Stevens
Dole	Kassebaum	Symms
Domenici	Kasten	Thurmond
Durenberger	Laxalt	Tower
East	Leahy	Trible
Evans	Lugar	Wallop
Exon	Mathias	Warner
Ford	Mattingly	Weicker
Garn	McClure	Wilson

NAYS—34

Baucus	Hart	Pell
Bentsen	Hollings	Proxmire
Biden	Huddleston	Pryor
Bingaman	Inouye	Randolph
Bradley	Kennedy	Riegle
Bumpers	Lautenberg	Sarbanes
Burdick	Levin	Sasser
Byrd	Long	Stennis
Cranston	Matsunaga	Tsongas
DeConcini	Melcher	Zorinsky
Dodd	Metzenbaum	
Eagleton	Moynihan	

So the motion to lay on the table amendment No. 2233 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to

Mr. BAKER. Mr. President, do I understand that one other amendment is qualified and in order, and that is the amendment of the Senator from Maryland (Mr. MATHIAS)?

The VICE PRESIDENT. By unanimous consent.

The Senator from Maryland is recognized.

AMENDMENT NO. 2241

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 2241.

On page 8, line 23, delete the phrase "the yeas and nays." and substitute the words

"pursuant to its rules", and place a period after the word "rules.".

Mr. MATHIAS. Mr. President, this is a technical amendment to conform to the House procedures. I know of no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS).

The amendment (No. 2241) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, the order provides for 1 minute to the majority and minority leaders, does it not?

The VICE PRESIDENT. Before final passage.

Mr. BAKER. Mr. President, at this point, the pending question is the adoption of the committee substitute?

The VICE PRESIDENT. It is the business at hand.

Mr. BAKER. Mr. President, we are going to have a vote on final passage. I hope we do not have two rollcall votes, one on the substitute and one on final passage. I am prepared now for the Chair to put the question on the substitute.

Mr. BYRD. Mr. President, I have no quarrel with that, because it would be voting on the same thing twice.

The VICE PRESIDENT. The question is on agreeing to the committee substitute, as amended.

The committee substitute as amended, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the committee substitute was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. MURKOWSKI. Mr. President, the issue before us today is how Congress should perform its most solemn responsibility under the Constitution. Congress has not just a right but an obligation to play a significant role in decisions affecting war, peace, and the provision and operation of our Armed Forces. It is vital that Congress fulfill this duty in a nuclear age. Therefore, I favor immediate invocation of the War Powers Act as stipulated in the Baker-Percy resolution.

Mr. President, if Congress wishes to insure the vitality of the War Powers Act, we cannot afford to adopt a wait-and-see attitude. Such a policy can only be interpreted as acquiescence and a shirking of our responsibilities.

It is not simply because of the provisions in the Constitution or in the War Powers Act that Congress must be involved in the continued presence of American forces in the hostilities in Lebanon. The American people have a right to a voice in decisions that affect their lives and those of their sons and daughters. The War Powers Act was originally promulgated to insure that. The Congress cannot now evade its obligations under the law to protect the people from involvement in an unnecessary or unwanted war.

My distinguished colleague, Senator DODD, will be interested to learn that earlier this month I received a letter from a mother in Connecticut whose son is a marine stationed in Beirut. Her frustration and anger were not easy to respond to. I, too, am frustrated when young Americans die in distant corners of the globe. Nevertheless, it is clear that we cannot withdraw the marines from Lebanon at this time. It is this Senator's hope that the administration's efforts will result in an agreement that allows us to bring our boys home soon.

In summary, Mr. President, let me reemphasize my support for the President's policy of maintaining and protecting our forces in Lebanon. Let me also reiterate my belief that Congress must act, and act now, by invoking the War Powers Act according to the terms of the Baker-Percy resolution.●

● Mr. WEICKER. Mr. President, I rise in opposition to the resolution before us on both substantive and procedural grounds. I believe it would be a grave mistake for the Senate to in one stroke expose the American people to the risk of involvement in a broad Middle East war and to surrender the hard-won reaffirmation of congressional warmaking power. The reality of these issues could not be greater, the best efforts of the President and the congressional leadership to clothe them in less momentous terms notwithstanding.

Mr. President, from the very beginning I have been leery of the presence of U.S. troops in the shooting gallery which has taken the place of a sovereign Lebanon. The irresistible force of historic grievances between various Lebanese religious and secular factions, between Syria and the Central Government and the PLO against them all, has not, can not and will not yield to the presence of this peacekeeping force. I do not want U.S. troops in a quagmire of historical differences when the Lebanese people themselves are unwilling to reconcile those differences into firmer ground.

The ominous presence of 2,000 marines offshore, a flotilla of ships, including the venerable U.S.S. *New Jersey,* and U.S. war planes on patrol over Beirut, all raise astronomically the potential for full-scale involvement. The specter of our escalating presence in the region for the extended period allowed in this resolution should give every Member of this Senate considerable pause.

As for the War Powers Resolution, I was moved by the statement of Chairman STENNIS on this floor yesterday. During most of his three decades in the Senate, JOHN STENNIS has presided over Senate defense policy, and he personifies the institutional memory of this body. He asked of the Vietnam tragedy: "How in the world did we get ourselves involved in this war?" His resolve in the aftermath of that war was to enact legislation to restore the constitutional place of the Congress when committing American lives and resources to armed conflict. That effort is the War Powers Resolution, which is being tested for the first time in this instance.

I submit, Mr. President, that should this resolution pass the Senate, the hope of past and future Chief Executives of the United States will be fulfilled: That the War Powers Act be rendered meaningless in application.

I assume the President hoped to improve the prospects of this resolution through the letter he wrote to the chairman of the Foreign Relations Committee. It has the opposite effect on this Senator. The doubts I have about the vagueness and latitude of this resolution are confirmed by the perceived need to clarify it. The Senate will not be voting on the President's letter. No future President would be bound by it. Nothing but what is within the four corners of this resolution matters.

And what lies therein is unacceptable. Eighteen months is an inordinate amount of time for the Senate to suspend its control over the situation. Regardless of what the resolution says about Congress reserving its right to withdraw the troops at any time by the concurrent resolution mechanism of section 5(c) of the war powers resolution, it is the expressed opinion of the Department of State that that authority was stripped away by the Chadha legislative veto decision. We should not depend on that mechanism.

The description of the role which our troops can play under this authorization is so vague as to invite flexible interpretation of this document by the administration. I was as flexible as I intend to be on this matter when I supported the President on the initial U.S. involvement in a multinational peacekeeping force. My flexibility was predicated on the minimal assumption that all the Lebanese—if not the Syrians, PLO, and Israelis—would dedicate themselves to a unified and peaceful Lebanon. That minimum requirement has not been achieved. I do not expect American lives to be sacrificed for a Lebanese people unwilling to sacrifice their age-old animosities.●

Mr. BOREN. Mr. President, we find ourselves once again in what seems to be an increasingly frequent event in the Senate—a protracted debate over

an exceptionally complex and emotional issue of foreign policy. The result will be a vote or a series of votes whose outcome will completely satisfy no one and, indeed, will prove to be more of a signpost along a continuing journey than any sort of definitive answer to the questions debated.

I cannot in good conscience vote for the Baker resolution, Mr. President, though I wish that I were able to do so. As my friend, the distinguished senior Senator from Mississippi, said earlier in the week, I have tried to convince myself to vote for it. But I just could not bring myself to it.

My inclination was to want to support the resolution because I strongly feel that issues of foreign policy must not be partisan. Any President of the United States, without regard to political party, is "Our" President and, in dealing with the world beyond the shores of the United States, he is and must be the spokesman for our interests.

No useful purpose can be served from pulling the rug from under the President. We must also realize that 535 Members of Congress cannot each act as Commander in Chief. I am willing to give the President more time to define our policy in Lebanon.

I do not favor a precipitous withdrawal of the international peacekeeping force in that tragic country. If we withdraw our troops in a hectic fashion, the other members of the force will likely do the same and the vacuum will be filled with more death and bloodshed.

However, when our goals in Lebanon have not even been clearly spelled out, I cannot justify giving a blank check authorization to commit American troops there for as long as 18 months. I would vote for a shorter period, but an 18-month authorization is too long. The total American involvement in World War I was only 19 months. Over 100,000 soldiers were killed in the last 18 months of World War II.

If the lives of Americans are to be put at risk, our goals and reasons need to be more clearly understood. If the goal is the removal of all foreign forces from Lebanon, it is naive to think that 1,200 marines can accomplish that result if it was not achieved by 40,000 Israeli troops with many casualties. Indeed, as Senator SAM NUNN has pointed out, there has hardly been a time in the entire history of Lebanon when such a goal was accomplished.

Whatever the outcome of the vote on this resolution, it is imperative that Congress and the administration work together to more clearly define our goals. The discussion should focus on why our troops are in Lebanon and what we hope to accomplish.

Mr. DOMENICI. Mr. President, the Senate is now considering an item of legislation that concerns one of the most important national issues to come before us in many years. I am referring to Senate Joint Resolution 166, invoking the 1973 war powers resolution with regard to our Armed Forces now stationed in Lebanon.

As Congress acts to reaffirm its pivotal role in questions of war and peace, a favorable vote on this resolution will be a constitutional landmark. President Reagan, our majority leader (Mr. BAKER), and Speaker O'NEILL worked together in the national interest on this resolution, and they deserve our thanks for the efforts that brought about this compromise. But it is clear that no one is entirely satisfied with the resolution before us today, or the situation in Lebanon. And I am not, either. Let us hope that the temporary cease-fire will work and become permanent.

The United States is clearly in favor of three objectives there: withdrawal of all foreign forces; a unified, independent Lebanon; and the stability and security of Israel's northern border. Whether presence of our marines and naval forces in Lebanon will guarantee these objectives is not clear as the Senate moves toward a vote on the resolution.

It is evident that 1,600 U.S. marines, a battleship, several destroyers, and their crews will never drive from Lebanon the heavily armed, deeply committed troops of Syria, the PLO, Iran, and Israel. President Gemayel and the brave soldiers of the Lebanese Army have shown fierce courage, but Lebanese unity seems difficult if not impossible.

The legitimate Government of Lebanon under President Gemayel is intact, but battered; and the brave, new Army of Lebanon is intact, but exhausted and under constant attack. If either fails before the 18-month term of the resolution expires, any hope for the United States to achieve its three objectives will also fail. I am confident that the President would then move without delay to withdraw our ground forces in Lebanon.

I understand the President's desire to keep his commitments to President Gemayel and the soldiers of the Army of Lebanon, but I believe that the U.S. contingent of the multinational peacekeeping force is in grave danger of becoming involved in the latest chapter of Lebanon's long civil war. In that event, we should withdraw our Armed Forces as quickly as possible.

Mr. President, the major attraction of the Lebanon resolution now before the Senate is its superiority over the status quo and it is better than doing nothing. It is better than continued American participation in the hostilities in Lebanon without limit of time, number, or purpose. It is better also than a constitutional confrontation at this time over the 1973 war powers resolution.

This resolution on American Armed Forces in Lebanon is an opportunity for the President. He can use the extension of time to convince Congress and the American people that the presence of U.S. Armed Forces in Lebanon under hostile circumstances clearly serves U.S. national interests. If that is not possible, and I question whether it is possible, the President now has an opportunity to withdraw U.S. forces at his own pace. But I hope the President's advisers do not interpret congressional support for this resolution as a blank check. It clearly is not.

Mr. KASTEN. Mr. President, I believe that the resoluton before us is a workable compromise on the issue of the marines in Lebanon. Like all compromises, it has its problems, and certainly it will not please everyone. But it strikes a balance between two extremes, and in the end achieves what most of us in the Senate desire: Congressional consultation of this extremely important matter.

Before we can appreciate the balance that this resolution achieves, we must look at the extremes. On the one hand are those who believe that the War Powers Act is unconstitutional, and that the President has no obligation to consult with Congress regarding the commitment of American troops on foreign soil. They argue that any interference in the conduct of foreign policy by the Congress provides an incentive to our adversaries to drag their feet on negotiations, and to attempt to use American public opinion for their own purposes.

The problem with this argument is that it does not take into account the importance of building public support for American foreign policy. Recently, a number of American military writers have stressed the importance of building public support for any commitment abroad of U.S. troops. It seems clear to me that it is necessary to build this support through the Congress.

On the other hand, there are those who believe that Congress must approve in advance every step taken by the President in the conduct of foreign policy. Their great concern is that the United States will become involved in another Vietnam, which they constantly invoke as the cause of great anxiety. This argument, too, is flawed because it ignores the obvious fact that the President is the Commander in Chief of the Armed Forces, and as such, has certain constitutional prerogatives. It also ignores the fact that, as Alexander Hamilton wrote in "Federalist 70": "Energy in the Executive is a leading character in the definition of good Government." particularly with regard to the conduct of foreign affairs. There can be such a thing as too much congressional interest in foreign policy, which can have the effect of

hamstringing the President, and undermining energy in the Executive.

It seems to me, Mr. President, that this compromise avoids the defects of both these extremes. It requires that the President acknowledge the role of the Congress in the conduct of foreign policy. It puts the President on notice that he must build public support for U.S. policy in Lebanon, and it helps to defuse the potential explosiveness of a catastrophic partisonship in our Middle East policy.

At the same time, this compromise gives the President the flexibility to deal with the exigencies of the situation, and the timeframe is right: Anything less would be likely to have the effect feared by critics of the War Powers Act. A shorter period allowed to the President might very well convince the Syrians that they have only to bide their time. It might also have the effect of increasing the danger to our marines, subjecting them to more frequent attacks by those who, by causing more American casualties, would hope to arouse American public opinion against U.S. participation in the Lebanon peacekeeping force. And it should be noted that nothing requires the President to keep the troops in Lebanon for the full 18 months if they are not needed. They can certainly be withdrawn earlier if the situation permits.

I would conclude by observing that it is of vital interest to the United States that Lebanon exist as a peaceful, stable nation. The multinational peacekeeping force is critical to the attainment of this goal. Our marines, as a part of this force, are performing an extremely important task. I believe it would be fatal to the cause of peace in the Middle East, not to say disastrous for the future of U.S. foreign policy, to precipitously withdraw our marines from Lebanon. The resolution accomplishes what Congress desires without unnecessarily burdening the President in the execution of his constitutional prerogatives, and I believe it should be adopted.

Mr. MATTINGLY. Mr. President, my primary concern is with the situation in which we now find ourselves militarily involved in Lebanon. Except to say that there are serious questions about the constitutionality of the War Powers Act, especially since the Supreme Court decision on the legislative veto, I will leave that argument to others.

At the present time we have a cease-fire in Lebanon. Our country is in a most delicate situation facing a host of very difficult problems that must be solved before a real peace can be achieved. A rejection of this bipartisan resolution, in my opinion, will make the cause of peace more difficult to achieve.

No one that I know is happy with the thought that our marines might still be in Lebanon in 18 months. We all hope and pray that they can be brought home as quickly as possible. If, however, we put a short limit on the congressional authorization, we would be encouraging factions to stay aloof from negotiations in the hope the marines or the multination force would be withdrawn. It would also not be in our best interest to have the resolution expire in the middle of a Presidential campaign. As much as possible, our actions should be bipartisan. This is difficult in the best of circumstances and would be nearly impossible in the midst of a hot Presidential race.

Mr. President, we are asking our U.S. marines to assume awesome duties in the most dangerous of settings. They must know that they have the full backing of this Congress. If we cannot give them that backing, we need to bring them home. Never again can our country allow American soldiers to be treated as they were in Vietnam.

There are obvious long-range dangers in Lebanon that concern me greatly. We must have realistic goals in Lebanon. This civil war has raged for many years. If the multination force can help bring about peace, the world will be a better, safer place. If this crisis seems destined to drag on for years, I do not believe the American people will tolerate using our marines as semipermanent buffers between the various rival factions in that country. I do not believe the American people would agree to massive increases in our military troops in Lebanon. Congress can maintain control through the appropriations process. Therefore, passing the resolution by no means gives the President a blank check in Lebanon.

The cease-fire is just the minimum beginning of a solution. The administration must develop and set forth their policies and objectives. When the policies and objectives are clearly set forth and aired before Congress, the administration can expect full public and congressional support.

The solution to this problem is not military. We must never forget that fact. All sides in this bitter war have to reach an agreement. The Government there has to broaden its popular support.

The Mideast has an opportunity for a chance at peace now. Withdrawing the multination force or indicating the United States is likely to withdraw them in 6 months would hurt that chance. For that reason, I will vote for this resolution. But I urge the administration to come forth with a more specific statement of our goals and objectives and how the U.S. presence in Lebanon will help achieve those objectives.

Mr. KENNEDY. Mr. President, I strongly oppose this 18-month extension for the presence of U.S. Armed Forces in the multinational peacekeeping force in Lebanon. Do we not ever learn? This is Gulf of Tonkin II, and it deserves to be repudiated by the Senate.

Congress won an extremely important showdown with the President last week over the application of the War Powers Act. How then can we give it all back today by bowing out of Lebanon for the next year and a half.

Are we too timid to exercise our constitutional responsibility? Did we write the War Powers Act into law because of Vietnam, only to write it off for 18 months in Lebanon?

Some say that Lebanon is not Vietnam. But I reply, we must not give the President the power to turn it into one. I reject any approach by Congress under the War Powers Act that says to President Reagan, "take 1,600 marines and the battleship *New Jersey* to Lebanon, and call us in 1985."

No one in this Chamber has a crystal ball clear enough to see the future of Lebanon. We do know, however, that America is deeply divided over our current role. There are fundamental questions not only about how long we should be there, but why we are there, and whether we should be there at all.

Our marines have a right to our support. But they also have a right to know that they are in Lebanon with the full approval of both Congress and the American people. They do not have that approval today, and it is irresponsible for Congress to write a blank check for the President over the next 18 months when we know he does not have the country behind him.

This resolution should be defeated.

Mr. BRADLEY. Mr. President, American soldiers have been deployed in Lebanon since August 1982. They were originally sent to Beirut as part of a multinational force to help evacuate the PLO from the Lebanese capital.

On September 11, 1983, the President withdrew those troops. But, on September 21, after the assassination of the newly elected president, Bashir Gemayal, President Reagan announced that he would send the marines back to Lebanon as part of an international peacekeeping mission.

At that time, several Senators, myself included, expressed serious reservations about the wisdom of this action. The President said that he did not expect the marines to become engaged in hostilities.

Unfortunately, that expectation has not been borne out by events. The evidence of hostilities is now unambiguous. Four marines have died within the past month. Over 30 have been wounded. Our troop presence in Beirut has expanded by one third. U.S. ships and aircraft have attacked suspected enemy positions. We have indicated

our intention to protect other contingents in the multinational force, some of which have suffered larger casualties than our own. Moreover, we have left open the possibility of extending our protective umbrella to the Lebanese Army. And, with the deployment of the carrier *Eisenhower,* the assult ship *Tarawa* with 2,000 marines on board, and the battleship *New Jersey,* we are clearly anticipating the possibility of mounting larger combat operations.

In view of this situation, there is not question that if American troops are to remain in Lebanon, their deployment should be in accordance with the war powers resolution. If this act were invoked, the President would have to report to Congress within 48 hours on the circumstances necessitating the introduction of U.S. forces, the estimated scope and duration of the hostilities and the role of American troops. This report would provide the information Congress needs if we are to make an informed judgment on the probable costs and risks of keeping our Armed Forces in Lebanon. In addition, the act would require regular consultations between the executive and legislative branches. These consultations would put Congress in a position to decide whether the terms of the deployment should be modified or whether and by what date the troops should be withdrawn. Without this information, Congress can only either defer blindly to executive decree or make critical decisions without the benefit of reviewing all relevant facts available to the Commander in Chief.

There has been a great deal of discussion about whether the war powers resolution is constitutional and whether it is an infringement of the President's prerogatives as Commander in Chief.

Mr. President, I for one am not a constitutional scholar. But I do know that when my constituents elected me to the Senate they certainly did not expect me and my colleagues to give the President a blank check on matters of war and peace. On the contrary, they expected me—and all the elected representatives of the American people—to help our Nation decide what causes are worth risking death for. Not to be involved in making these decisions would, for me, be an abrogation of my responsibilities as a Senator.

As I see it, that is what the War Powers Act is all about and why we should invoke it today. The conflict in Lebanon is precisely the kind of situation envisioned by the authors of the act. It is precisely the kind of situation that requires joint decisionmaking.

I do not believe the Congress should try to manage combat operations from Washington. That is the job of the generals and admirals on the scene. Nor do I believe we should impose our view of the diplomacy on the Secretary of State. But we should—indeed we must—be full partners in the decisions on when and for what reasons to continue deploying U.S. Armed Forces in Lebanon. We should not pretend that the marines' original mission has not changed over the past 12 months. They were initially sent to Lebanon to oversee the withdrawal of the Palestinian forces. They they were reintroduced to protest civilians after the refugee camp massacres and to allow the Lebanese Army to stabilize the countryside. It now appears that their purpose is to reinforce President Gemayal's government, protect the multinational force and secure the removal of all foreign forces in the belief that they can thereby guarantee Lebanon's independence, sovereignty and territorial integrity. But the marines' presence also makes them hostage to changing security conditions there.

The United States and our friends in the Middle East all have some stake in a peaceful, stable Lebanon. But we should have no illusions about how difficult it will be to secure a durable peace. Indeed it may simply not be possible. So before authorizing American forces to remain for any significant time, we owe it to ourselves, as well as to those who will be depending on our commitment, to reconsider whether that goal is attainable and at what cost. And we must think through at the outset how and by what date we and the other participants will end our involvement should Lebanon's national reconciliation fail.

Only by fully involving Congress in the resolution of these threshhold questions about what is our national interest in Lebanon; whether there is a threat to that interest, what is our specific mission and what are the probabilities of success for that mission under pessimistic and optimistic scenarios. Only after involving Congress in answering these questions first can America hope to avoid the divisive recriminations that could follow if hostilities escalate and casualties mount.

Moreover, since circumstances will change if the fighting resumes or spreads, Congress must be a partner in reassessing whether our interests are served by prolonging our role in the hostilities and if not how best to end our involvement.

The resolution before us does not allow for this kind of partnership. Moreover, it does not even commit the President to only 18 months nor circumscribe the scope of our involvement. The administration has made it abundantly clear that they do not consider themselves bound by the Baker-Percy resolution and that they intend to exercise independent judgment with respect to both the terms and duration of our forces' presence in Lebanon. Just last weekend Secretary Shultz not only reiterated that the troops will stay until all foreign forces Syrian, Israeli, and Palestinian have withdrawn from Lebanon, but then he also envisioned our troops moving out into Lebanon to assume wider responsibilities such as guarding the Damascus/Beirut highway and stopping the reintroduction of foreign troops once they have left.

Mr. President, I cannot in good conscience put my name to a blank check—especially where the lives of American soldiers and ultimately the national prestige and strategic credibility of the American people are on the line. And therefore I will vote against this resolution.

It is unfortunate that the President has chosen to make our overt military involvement in the international conflicts within Lebanon an occasion for challenging the War Power Act's constitutionality. Had he not done so, he could probably have counted on solid, bipartisan support for a continuing American peacekeeping mission in Lebanon. Not necessarily for 18 months, but for long enough to see more clearly whether our presence can help reunite that country and establish the foundation for political reform and national unity.

As it is, by insisting on limiting Congress' role to acquiesence in an open-ended commitment, the administration has made the goal of a stable and peaceful Lebanon all the more elusive.

Mr. DECONCINI. Mr. President, it surprises me that the administration is so confused about the applicability of the war powers resolution to the stationing of American marines in Lebanon. Under section 4(a) of the war powers resolution, the President is required to report to Congress within 48 hours if U.S. Armed Forces are introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

Now, it seems to me that there is little doubt in the minds of the vast majority of Americans or, I would guess, in the minds of the majority of my colleagues, that the U.S. Marines entered a situation where imminent involvement in hostilities was clearly indicated when they arrived in Lebanon on September 25, 1982, after the assassination of the President-elect of Lebanon and the massacres at Shatila and Sabra. Certainly, all doubt about the nature of the marines' role in Lebanon was erased on August 28 and 29 of this year, when the marines were fired upon and two were killed. At this point 4 marines have been killed and more than 30 have been wounded. And still, the President has not seen fit to comply with the War Powers Resolution.

My strong suspicion is that the President, like the three Presidents

preceding him, does not like the War Powers Resolution and does not believe that it should be the law of the land. Nevertheless, it is the law and he is obligated to comply with it. I supported the Byrd amendment to the resolution we are debating here today, because I believe that it is in keeping with the spirit and letter of the war powers resolution. I believe that the President was required by law to submit by August 31, 1983, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report which included detailed information about the situation in Lebanon and the rationale for sending our forces into Lebanon. The President did not submit this report.

The Byrd amendment would have required the President to submit this report not later than 48 hours after the enactment of the resolution. After the submission of this report, section 5(b) of the War Powers Resolution would be triggered. This would allow the President 60 additional days to keep the troops in Lebanon without congressional authorization. But after these 60 days, the Congress would be obligated to review in detail the situation in Lebanon and could at that point require the President to bring the marines home.

As written, the resolution we have debated for the past 4 days in essence excuses the President from his requirements under law. It authorizes the President to keep U.S. forces in Lebanon without any justification from the President regarding the purpose for the troops being there. It provides an extension for the stationing of U.S. forces in Lebanon that far exceeds the 60 days provided by the war powers resolution. And, although the President would have to report to Congress every 3 months, Congress would not be obliged to vote on the reauthorization of the deployment of troops after receiving these reports.

During these 4 days of debate, I have seen no reason for excusing the Reagan administration from the requirements of the War Powers Act. Indeed, I believe the law gives structure to the relationship between the Congress and the President regarding the use of our Nation's war-making powers as this relationship was envisioned by the Constitution. Although I personally opposed the original decision to deploy troops in Lebanon, I know that my colleagues and I would have been very willing to review the reports required of the President and to consider the deployment on the merits of the arguments presented therein.

Regrettably, action taken in this Chamber today and in the other body yesterday has not modified the resolution to make it more in keeping with what is already the law of the land. I cannot vote for this resolution as it stands because it does not impose requirements on the President's use of our forces in Lebanon in keeping with the War Powers Act. I am greatly saddened by the President's refusal to comply with the law, and I am gravely concerned at the effect that the precedent of this resolution will have on the ability of the Congress to exercise its power to oversee the Executive's use of our Armed Forces in foreign lands.

● Mr. HART. Mr. President, the deaths of five U.S. marines in Beirut have caused many in Congress to question continued American involvement in the multinational peacekeeping force. Although I continue to support a very short-term U.S. involvement in that effort as a responsibility incumbent upon us in our pursuit of a just and lasting peace in the Middle East, I am concerned that the Congress have a constructive voice in basic decisions affecting continued engagement in Lebanon. Moreover, the President's policy will gain international stature if it is backed by strong support from the people's representatives.

The Congress has the proper vehicle for playing such a roll on these fundamental questions of war and peace. That vehicle is the War Powers Resolution.

The War Powers Resolution is the centerpiece of congressional attempts to resurrect the authority of the legislative branch in the wake of excesses associated with Executive warmaking. The resolution was not written in a vacuum, it was not an attempt to usurp Presidential power—it is a reaction to the major foreign policy events of the past 35 years. Certainly a lesson of our searing experience in Southeast Asia must be that the Executive should not be able to commit the Nation to war without a declaration of war or specific congressional authorization. The War Powers Resolution is not only a symbol of congressional determination to assert its legal role—it also represents an effective deterrent to unilateral warmaking by the President.

The aim of the War Powers Resolution and its specific provisions—reporting, consultation, congressional authorization for long-term hostilities—is not to penalize the President. It is rather to allow the branches to work together on the question of sending American troops into foreign hostilities. In the words of the resolution:

> It is the purpose of this joint resolution to fulfill the intent of the Framers of the Constitution and insure that the collective judgement of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities.

The framers of our Constitution wanted the people's representatives to share important decisions on foreign policy with the Executive. For this reason, article I, section 8 of the Constitution gives Congress the power to declare war. Certainly, the Constitution divides authority over these issues between the branches. The President does need flexibility in responding to emergencies and fulfilling the powers of Commander in Chief. But the President does not have the sole power to commit our Nation to war. Congress must act soon to assert its role with regard to our involvement in Lebanon, or events might quickly overtake us. To do anything less is to be negligent of our constitutional responsibilities.

The War Powers Resolution is clearly not being observed with respect to American participation in the multinational force in Lebanon. According to provision (5)(b) of the resolution, Congress must authorize the use of Armed Forces personnel beyond a 60-day period "in situations where imminent involvement in hostilities is clearly indicated."

It makes a mockery of the law to suggest—as does the administration—that our forces are not engaged in hostilities. Our naval ships bombard enemy artillery positions, our Air Force flies over Beirut to demonstrate resolve—these signs and more indicate that the role of our marines in Beirut has clearly changed since their introduction over 1 year ago. It is time for the President to admit that we are engaged in hostilities and seek congressional authorization for such involvement consistent with the war powers resolution.

The Byrd substitute set the war powers clock ticking. It represented an attempt to get the administration on record as recognizing that the war powers resolution applies to our involvement in Lebanon. I supported this amendment and am disappointed that it failed to pass this body. Its passage would have forced the President to comply with the law. More importantly, the Byrd amendment represented an opportunity for the Congress—as the people's representatives—to strengthen the President's hand through its strong show of support. A consensus on our involvement in Lebanon will not be truly achieved until the President invokes the war powers resolution and abides by its provisions. Only then can it be said that the Congress has authorized our participation in the multinational force.

Mr. President, the United States is becoming more and more involved, and the people's representatives should have a say in that involvement. We need a national consensus on our participation in Lebanon, and the War Powers Resolution is the most efficacious means of achieving it—but not one that gives the President a free hand for the next 1½ years. We must build congressional support and forge national consensus on this issue. We must work in the true spirit of com-

promise legislation. Without this national consensus—foreign governments will be tempted to use domestic discard as a means of testing our will and resolve.●

Mr. GRASSLEY. Mr. President, I support the resolution of the Senate to authorize with certain limitations the continued participation of U.S. Armed Forces in the multinational peacekeeping forces in Lebanon. I am pleased that the President will be providing indepth, periodic reports on the crisis in Lebanon. The ultimate purpose of this resolution should be to help create an environment which sustains a democratic and free Lebanon, with secure borders and protected sovereignty.

I applaud the administration's work in urging a cease-fire in Lebanon, a nation suffering a profound national crisis which involves distinctly international implications. The movement of Israel forces southward seems to have unleashed a new reign of terror. The tempo of violence has picked up recently, urged on by the Syrians, who have consolidated their forces, the PLO, which has crept back in recent months, and the Druze forces, which have been bolstered by continued Soviet bloc and radical Arab support. Intelligence reports suggest that the original Israel invasion may well have averted a catastrophic military confrontation in the Middle East. The mountains of Soviet bloc military materials discovered in every section of Lebanon prove the PLO, Syrians, and Druze intended to launch a massive military action. Sadly, the temporary respite gained for a short time after the removal of some PLO forces from Beirut now has faded. Again we appear to be at the brink of a crucial stage in Lebanon and Congress is intricately involved because of the applicability of the War Powers Act.

I have expressed concern about the presence of U.S. combat troops in Lebanon since we were formally invited to send forces to oversee the departure of the PLO in August 1982. The international tensions and the importance of Lebanon to so many nations have long convinced me that a broad-based multinational force for peacekeeping will more effectively limit military confrontations. The decision to join with Italy and France on September 20, 1982, in forming a peacekeeping force did not, in my opinion, involve enough interested nations in the delicate process of peace. Again, the United States appears to be bearing an inordinate amount of the responsibility for lessening tensions in the region. As critical as the situation in Lebanon appears to be, Congress must complete its responsibilities in appropriately applying the War Powers Act. Congressional action, far from being subversive of constitutional authorities, is essential in situations like Lebanon, where the best that can often be hoped for is a temporary cessation of violence; where open warfare threatening the whole region is dangerously possible at any moment.

After reviewing the War Powers Act in the context of the Lebanese crisis, I am convinced that the dangers of the situation demand that Congress and the President carefully follow all procedures mandated: when the President "commits U.S. Armed Forces equipped for combat to the territory, airspace or waters of a foreign nation * * * and when the President "commits U.S. Armed Forces to hostilities outside the territory of the United States, its possessions and territories," under the War Powers Act. The debate over the extent to which the President must follow the reporting requirements of the act often revolves around the issues of: whether the conflict is hostility or imminently hostile as defined by the act and whether or not the peacekeeping role can be construed as combat. Setting aside for the moment the tragic fact that four marines have died from wounds received while carrying out their duties, it appears clear to me that hostilities under the act encompass: First, actual fighting, and second, a state of confrontation where no shots have been fired but where there exists a clear and present danger of armed conflict. "Imminent hostilities" denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict. Under the definitions detailed in the Report on the War Powers Resolution of 1973, the decision to commit U.S. Armed Forces to the peacekeeping force should have set in motion active congressional involvement in the decision regarding the extent and character of U.S. military commitment. The result would undoubtedly have been establishment of the peacekeeping force, just as it exists today. However, the tenuousness of the Lebanese crisis should have alerted Congress to its responsibilities.

I would prefer a more extensive multinational force which involves more nations than the United States, Italy, and France. In retrospect, I also believe the War Powers Act should have been fully implemented, providing a stronger foundation for the troop commitment. The present resolution resolves some of the difficulties which have not been squarely faced, but I will stress that it appears to me that such cooperative action between the administration and Congress should have occurred at the earliest states of our military commitment. There should of course not be any negative connotations connected with congressional involvement. Congress should be as profoundly interested in the peace process in Lebanon as the executive branch. These partners in foreign policy, the executive and legislative branches, must view the crisis in Lebanon as a serious geopolitical confrontation with intricate Soviet involvement. Thus, we must act under the War Powers Act with care—but indeed we must act, carefully monitoring the progress of the peacekeeping process and always urging the participation of more nations in the force, or better yet, a U.N. Peacekeeping Force.

Mr. DOLE. Mr. President, I support the resolution submitted by my colleagues, Senators BAKER and PERCY on the U.S. Marine presence in Lebanon as both a fulfillment of the War Powers Act and as an expression of support for our efforts to bring peace and stability to Lebanon.

In 1970, following the invasion of Cambodia by American troops, I cosponsored with Senator Javits an early version of the War Powers Act. I supported the final version of that act in 1973 and, believing the act to be constitutional and in the best interests of this country, voted to override the President's veto. Believing as I do in the principles embodied in that act and the procedural safeguards it includes, I see little merit and less to be gained haggling over who must act first for the War Powers Act to be invoked. What is at issue is whether Congress, recognizing the situation, concurs and supports the actions undertaken. I do.

It is in our interest and that of our allies and friends that Lebanon survive and survive independent of outside pressures and internal violence. To proclaim that as a policy is not enough though. Despite the desire of most Lebanese to live in peace and security, to get about the business of rebuilding their homes, their economy and their nation, other forces sought for their own reasons to continue the bloodshed, to disrupt the rebuilding and to insure that a Lebanese Government would never truly exist. It must be made clear to those who would destroy Lebanon, to those who have never recognized its existence in the first place and to those who for personal gain would participate in its destruction that we, the United States and our allies, will not tolerate that.

Time and conditions had to be created for Lebanon to rebuild itself, to heal its wounds and to build the strength—economic as well as military—to survive on its own. That, in essence, is why the multinational force was created, and why we agreed to participate.

The wisdom of that decision is evident in the cease-fire and the attempts at national reconciliation now underway. None of us here can predict how long that cease-fire will hold. The track record in Lebanon is not good. It may break down and have to be resurrected several times before it holds.

But the will to make it work is there, and I believe our presence and those of three of our NATO allies has measurably helped to create the conditions for its ultimate survival.

I would note here that we are not the multinational force. We are not even the largest component of force. The peacekeeping force, composed not only of our marines but of forces from three of our closest allies—France, Italy, and the United Kingdom—reflects in its very composition the concern and the commitment of the free world to the survival of Lebanon and to the importance of a free Lebanon to shared strategic and political interests in the region:

The territorial integrity of Lebanon directly affects the security of Israel's northern border.

The independence of Lebanon is a factor in the defense of the east Mediterranean.

The stability of Lebanon contributes directly to our efforts to avoid another Israel-Arab conflagration and to secure a lasting peace for all states in the region.

There is also the clearly humanitarian need for the peacekeeping forces, and their American component, to remain in Lebanon. Until the Lebanese Government has reconstituted itself sufficiently to extend its control and protection over all its citizens, to be accepted by all Lebanese as a rightfully representative government, and recognized and respected by its neighbors as a sovereign state, the potential exists for communal and ethnic animosities to flare once again, and again with tragic results.

We cannot solve Lebanon's problems ourselves. The peacekeeping forces cannot and should not mediate between the warring factions. That must be done by the Lebanese themselves and through active diplomacy. What the MNF can and has done is create the opportunity for those political processes to work.

It may take 1 week, 1 month or 1 year for the process to complete itself. It cannot be predicted either by the administration or the Lebanese, nor can it be legislated by Congress. The 18 months provided for in this resolution allows the breathing space, and the sense of commitment, to see this process through. We pray that it is more than enough time. In that case, the resolution allows for the termination of our participation, as it allows for an end to our role if either the United Nations or the Lebanese themselves are able to assume the mantle of responsibility. And, for those who are concerned that it may not be enough time, the President has confirmed that he will seek a mutually acceptable agreement with Congress, just as he has this time.

And, with the amendment proposed by the Senator from Illinois, reflecting the international character of the force, should the situation change and we find ourselves alone in the peacekeeping role, our participation will cease.

This resolution thus is clearly not a blank check. Should the mandate of the MNF be unclear to some of my colleagues, should the distinction between policy goals and mission objections appear fuzzy, I believe the safeguards built into this resolution and the assurances we have received from the White House on its understanding of its responsibilities should allay those concerns.

I would urge my colleagues to look beyond the legalisms and, commensurate with our duties and obligations to this country and to our national interests as laid down in the Constitution and as representatives of the people of this country, to recognize the vital interests involved, to give this resolution their serious consideration, and to support it fully.

● Mr. LEVIN. Mr. President, I would like to vote to authorize the marines to stay in Lebanon as part of a multinational force for a reasonably limited time under limited conditions and for limited purposes. But all efforts in the Senate to work out a reasonable time and to clarify the conditions of the stay of the marines have been beaten back on sharply divided partisan votes.

The merits of some of the efforts were clear. In some instances, they were not even debated—just beaten down.

The refusal to consider any changes to meet the legitimate and broadly felt concerns about the overly long 18-month life of the authority being given the President and the overly broad and open-ended military mission definition in the resolution causes me to vote no.

Rarely has there been such partisan cleavage on a foreign policy and defense matter in my few years in the Senate. Usually we try to accommodate broadly based concerns of the Members if those concerns do not compromise the thrust or the principle of the legislation.

Unrelentingly, these concerns have been ignored. What we are left with is an overly long and overly broad resolution of authority.

Our marines will stay in Lebanon even if we defeat this resolution. The President has made that clear because he denies the constitutionality of the War Powers Act.

It should be our goal to help the Lebanese Army gain control of the embattled land. Lebanon is the crossroads of an east-west and north-south conflict. It deserves a respite from the role of victim. It needs our help. We should not be precipitously withdrawing our marines. But, under the War Powers Act, we must, as a Congress, become involved in the approval process once hostilities begin.

If Senators are involved, it must be more than rubber-stamping a deal fashioned by others, as much as we may personally admire the people who fashioned the deal.●

Mr. MELCHER. Mr. President, the resolution we are here debating invokes the War Powers Act on our actions in Lebanon, but the larger question is, How long are the 1,400 U.S. marines to stay there and to what extent do we tacitly leave it to the President to decide how much more of our land, air and sea forces will be committed in Lebanon if he believes additional forces are needed?

U.S. foreign policy should be bipartisan and carried out by the President. Emergency military action for our national interest that require prompt decisions for emergency action is properly under the President's command. Hostile actions that endanger our Embassy in Beirut have been correctly defended by our military and naval forces.

At the time, I objected to committing U.S. forces to the multinational peacekeeping force because our involvement invites more opposition from Moslem groups in Lebanon than would the troops of another country not linked as closely as we are to Israel. There are other valid objections also, including the obvious one that from a military standpoint this small U.S. force can be overwhelmed by much larger armed groups should their hostile action be centered on our marines.

The cease-fire is evidence of our diligent efforts and our influence with Saudi Arabia has brought them into the negotiations as the key mediators with Syria and other Arab nations. That is essential for any long lasting peace in Lebanon.

In 1981, I supported the President in the AWAC sale to Saudi Arabia, because I believed it would strongly back and enhance the peaceful mediation of Saudi Arabia in the Middle East disputes. None of these defensive aircraft has yet been delivered to Saudi Arabia, but their influence in the Arab world has been the linch pin in the current fragile Lebanon cease-fire.

To stabilize Lebanon so a coalition of the divergent fueding sects will work together in a new government will require patience and time.

I do not support the President's policy of direct U.S. military involvement in Lebanon with our marines. I shall not vote for this resolution.

I do support a replacement of them by a similar contingent from another country not as involved as we are with Israel.

Today there are more than 125,000 heavily armed troops in Lebanon, which is a country of only 4,000 square

miles, about one-thirtieth the size of my own State of Montana.

The Lebanese Government has 14,000 soldiers in tactical units plus another 10,000 in support units.

The Phalangist Militia claims a standing militia of 10,000 plus about 15,000 reservists. They control much of the ground east of Beirut and the coastal sections north of the capital, as well as mountainous areas in north and south Lebanon.

The Druze claim a militia of 4,000 fighters, concentrated in the Chouf (shōf) Mountains.

The Amal Militia is made up of Shiite Muslims and has somewhat less than 10,000 trained troops.

The Mourabitoun are the militia of the Sunnite Muslims and is comprised of about 5,000 militiamen, heavily armed with Soviet equipment.

The Syrians have between 25,000 and 35,000 troops in the Bekaa Valley, also supplied by the Soviets.

About 6,000 Palestinian troops remain in Lebanon.

There are also 12,000 Israeli troops still in Lebanon.

Obviously, the presence of U.S. marines as a part of the peacekeeping force is symbolic of our intense concern. This is not sound military strategy that would be recommended by the Joint Chiefs of Staff. The U.S. marines reflect our determination to back the Lebanese Army and Government. This symbolism of U.S. marines and naval forces in the Mediterranean, off the coast of Lebanon warns all sides that the United States may commit a much greater striking force.

Neither 1,400 marines in Lebanon, nor many more, are going to settle the conflicts which exist among the Lebanese Christians, the Lebanese Muslims, the Syrians, the Palestinians, and the Israelis. These conflicts stem from ancient religious antagonisms and feuds which began centuries ago and are not likely to be resolved within a period of days or months.

I have prepared a synopsis of the history of conflicts in these lands now called Lebanon which follows at the end of my statement of the current situation.

Lebanon's latest nightmare began recently after Israel withdrew its forces from the Chouf (shōf) Mountains southeast of Beirut to safer positions farther south. The Druze and Christian Phalangist militias immediately engaged each other for control of the abandoned territory. The Druze, who have dominated the Chouf area backed by Soviet-built tanks supplied by Syria, drove the Phalangists down the mountains toward the Beirut-Damascus Highway. It has been a part of this struggle that the U.S. marines and the other elements of the peacekeeping force have come under direct fire.

The history of these conflicts now causes everyone who is Moslem to line up with the other Moslems and everyone who is non-Moslem to line up on the other side. We would like to think that the presence of U.S. troops will serve as a buffer to keep peace between the factions. I believe, however, that our reputation as a strong supporter and ally of Israel makes it impossible for us to effectively mediate between the opposing forces.

We should also give some thought to the function that the U.S. marines were intended to serve in Lebanon. They were first sent to Beirut to supervise the evacuation of the Palestine Liberation Organization fighters from that city. The President then announced on September 20, 1982, that he was again returning the marines to Lebanon for a limited period of time with the mission of enabling the Lebanese Government to assume full sovereignty over its capital. It was not fully explained how the marines' presence would serve to accomplish that goal, however. In fact, the role of the peacekeeping force in settling the conflict was not clear from the outset.

We should never have been in Lebanon to begin with. Now that the troops are there, and have been there for a little over a year, some people are arguing that once we have committed ourselves we cannot leave until we finish the task at hand. I would argue that the longer U.S. Armed Forces stay over there, the harder it will be to disengage those troops.

The resolution before us would limit the stay of the marines to 18 months; 18 months is far too long a period of time considering that, once the War Powers Act has been invoked, the designated time describes a limited period of time for disengaging troops. If we fail to set any time limit, however, I am concerned that our failure to set a deadline for withdrawal could be used in support of keeping the troops there for an indefinite period of time. I feel that they should be pulled out as soon as is logistically possible, within 60 or 90 days, while arrangements are made to substitute for these troops the troops of other countries which are perceived as being more neutral.

BRIEF HISTORY

To fully understand the difficult problems existing in Lebanon we must look at the origins of the conflict.

Lebanon's people comprise ancestry such as Phoenician, Greek, Byzantine, Crusader, and Arab. While the dominant strain in the mountains is related to the Armenians of Asia Minor and the Caucusus, inhabitants of the coastal towns are descended from inhabitants of Syria, Palestine, and Arabia.

Arabic has survived as the national language, although French and English are widely spoken in official and commercial circles.

The most distinctive feature of Lebanon's social structure is its religious composition. The population of Lebanon is almost equally divided between Christians and Muslims. Of the Christians, the Maronites comprise nearly 30 percent of the entire Lebanese population. In descending order of size, other Christian groups are Greek Orthodox, Greek Catholic, Armenian Orthodox, Armenian Catholics, Protestants, Syrian Catholics, Latin Catholics, Syrian Orthodox, and Chaldeans (kal-dee-ans).

Lebanon's three non-Christian religious groups are the Sunnis (Orthodox Muslims), the Shiites (non-Orthodox Muslims), and the Druze, an offshoot of the Shiites. The Sunnis make up almost 20 percent of the total population, the Shiites 17 percent, and the Druze about 6 percent.

The coastal areas of what is now the State of Lebanon were settled as early as 3,000 years before the birth of Christ by Phoenician sailor/traders. They controlled major areas of what is now Lebanon through their port cities of Tyre, Sidon, Byblos, and Beirut until the Romans invaded the region and exerted control in 60 B.C.

With the conquest of Syria-Lebanon by Muslim Arabs between A.D. 634 and A.D. 640, the mountain regions of Lebanon began to figure in politics. Toward the end of the 7th century, the Maronites, a Christian sect persecuted in their Syrian homeland, began to settle in the northern part of the Lebanese mountains. By the 11th century, northern Lebanon had become the seat of the Maronite patriarch. About 1180, the Maronites entered communion with Rome.

Meanwhile, dissident Muslims had penetrated southern Lebanon, where they formed the Druze community in the early 11th century. Taking advantage of their impregnable position in the Lebanese mountains, the Druze developed a tight feudal organization that became the nucleus for the subsequent political development in Lebanon.

In 1517, Lebanon became part of the far-flung Ottoman Empire. The Turkish control over Lebanon was never very tight. During the period under Turkish control, the Druze were the leading political element in Lebanon and were opposed to the Turks. Following Druze support for an unsuccessful attempt by Egypt to drive the Turks from Lebanon-Syria, the Druze chief was driven from Lebanon.

This was followed by a period of civil war between the Maronites and the Druze. The French backed the Maronites and the British backed the Druze. The Turks also played the Christians against the Muslims in a divide-and-control philosophy.

Following the massacre of Maronites in 1860, the major European powers

stepped in and set up an autonomous Lebanon with an administrative council made up of representatives of the various religious groups.

Following World War I, Lebanon was assigned to France as a League of Nations mandate. In 1926, greater Lebanon became a republic, though still under French control. When France fell to Germany, Lebanon surrendered to the allies in 1941 and was declared independent by the Free French Government.

The Christian and Muslim leaders in Lebanon reached an unwritten accord called the National Pact. Under the National Pact, the president was always to be a Maronite Christian who was elected by the Chamber of Deputies for a nonrenewable 6-year term. The president appoints a cabinet and premier who is a Sunnite Muslim. They are responsible to the Chamber of Deputies, headed by a Shiite Muslim.

The National Pact began to unravel with the rise of Nasser to power in Egypt in 1954. Nasser put Arab unity ahead of national unity. Armed insurrection broke out against the Lebanese Government in 1958. The United States eventually intervened at the government's request in July 1958.

Following the crisis, the Lebanese Government followed a course of appeasement of Egypt. This upset many Christians who had become military leaders over the years. A more and more serious division grew between the Christians and the Muslims, now bolstered by the Palestinian guerrillas. Open fighting broke about in 1975.

Several attempts were made by the government to put the National Pact back together. It failed, and things deteriorated to the point where Syrian troops entered Lebanon in 1976 to keep the peace. Shortly afterward, all Americans were evacuated from Beirut.

The latest round of fighting began on March 14, 1978, when Israel sent 20,000 to 30,000 troops across its northern border into southern Lebanon. Unlike other Israel incursions into southern Lebanon, the Israeli forces in March 1978 occupied the whole southern Lebanon region. This initiated a new round of fighting in Lebanon which continues even today and served to shake up and change the political and military alinement of the various groups in Lebanon.

The approximately 30 ethnic, religious, and political groups were originally polarized into two camps by the 1976 civil war. The Christian right camp is led by the Phalangists, who are primarily Maronite Christians—conservative, capitalist, and nationalist.

Opposing the Christian right is the national movement, a Muslim left coalition headed by Druze leader Walid Junblatt.

The Syrian Army intervened in Lebanon in April 1976 to protect the Phalangists, then fighting alone against the Muslim leftists and Palestinians. But in February 1978, the Phalangists joined with a Lebanese Army unit in an attack on Syrian troops in Lebanon. Since then, the Syrians and Phalangists have been rivals.

The most recent series of Syrian-Phalangist clashes began in January 1981. As a result of this fighting, the Syrians have pulled back to the Beirut-Damascus road in the Bekaa Valley, but since that time have forcefully resisted further expansion by the Phalangist Militia and Lebanese Army because they view the Bekaa Valley running northeast from Israel as an Israeli invasion route to Syria. The Syrians have dug in and are resisting all efforts to convince them to evacuate Lebanese territory.

Mr. WARNER. Mr. President, in the recorded history of mankind, our Nation is among a handful of nations, governed by laws, which are based on the consent of the people. Our relations are guided by and based upon the law.

As you know, Mr. President, the provisions of the Constitution relating to national defense are:

Article 1, Section 8: "The Congress shall have the power . . . to declare war . . . to raise and support Armies . . . and to provide and maintain a Navy . . . .

Article 2, Section 2: "The President shall be the Commander in Chief of the Army and the Navy of the United States . . ."

Thus the powers related to the security of our Nation are divided between the President's constitution responsibility as Commander-in-Chief to wage war and the judgment responsibility of the Congress to declare it, having provided the funds to support a military establishment. In situations requiring the presence and participation of elements of U.S. military forces, where Congress has not declared war, Congress then must exercise its responsibility through power "over the purse" and provide, or withhold, funds required to support military operations. With the passage of the War Powers Act, Congress codified its interpretation of constitutional provisions relating to foreign military operations. This interpretation has been consistently rejected by every President.

Americans have always distrusted unchecked and undivided power. That is why those who framed the Constitution imposed on our Government a unique system of checks and balances.

As a nation, we have discovered, on numerous occasions in our history, most recently in Vietman, that the respective powers of the Congress and the President are ill-defined in situations short of a declaration of war. To fill that gap, and to extend the logic of the Constitution in these gray areas, Congress passed the war powers resolution in 1973.

The purpose of the War Powers Resolution is to fulfill the intent of the framers of our Constitution to insure that the collective judgment of both the President and the Congress will apply to the introduction of the U.S. Armed Forces into hostilities.

Mr. President, I will not dwell on the technicalities of the war powers resolution, as that topic has been exhaustively explored by other Senators in the course of this debate.

Mr. President, I call on President Reagan to bring the question of the War Powers Act before our highest court to determine its constitutionality and resolve the ambiguity which has existed since its enactment.

I intend to support the resolution before us now because I believe that it will give the United States the greatest opportunity for a positive conclusion to our country's effort in Lebanon.

While there may be a question as to the constitutionality of this act, there can be no reasonable doubt that the multinational forces have been engaged in hostilities in Lebanon and that the act applies. By this resolution, Congress is acting under the act, the law of the land, until the Supreme Court may decide otherwise.

The current situation, and particularly the safety of our forces, requires we act now under the law.

A vital part of this debate is whether our objectives in Lebanon are achievable and, if so, at what cost.

President Reagan outlined the objectives of our forces last year as follows:

First. A cessation of Syrian, PLO, and Israeli hostilities;

Second. A secure northern border for Israel;

Third. The reestablishment of a strong Central Government of Lebanon, which could secure sovereign control of Lebanese territory; and

Fourth. The departure of all foreign forces from Lebanon.

The first of these objectives, the cessation of Israeli and Syrian hostilities, has been achieved. The Multinational Forces of the United States, France, Italy, and Great Britian, together with the heroic efforts of Ambassadors Phillip Habib, Richard Fairbanks, and William MacFarlane, have accomplished this objective.

Likewise, the second objective regarding the security of the northern border of Israel has improved.

But, Mr. President, I have serious doubts as to our ability to accomplish the remaining objectives.

The ability to achieve the balance of these objectives is beyond the ability of man to predict today. At most, we can unite, hopefully, in a bipartisan manner behind the President, who has

given Congress written assurances that he would:

> Seek Congressional authorization—as contemplated by the Act . . . if circumstances require any substantial expansion in the number and role of U.S. Armed Forces in Lebanon.

Mr. President, the resolution of the distinguished majority leader is a compromise that is the product of extensive negotiations involving the President, his administration, the leadership of the House of Representatives, and the leadership of the Senate.

Having had some personal involvement myself in three wars, I have the utmost compassion and concern for the welfare and safety of those who proudly wear the uniform of America's Armed Forces.

It has always been by hope that the United States would not have to commit military personnel into the Lebanese situation. But that decison was made 1 year ago; they are there and need our support. The President needs bipartisan support from Congress.

Hopefully, our Nation will join so that our united strength will show America's resolve to restore peace in Lebanon and enable the earliest possible withdrawal of U.S. forces.

Mr. HEINZ. Mr. President, Senate Joint Resolution 159 represents a compromise negotiated by the leaders of the Congress and the President of the United States. Testimony to bipartisan credentials are demonstrated by the support it has received from a Republican President, Ronald Reagan, and Democratic Speaker of the House, "TIP" O'NEILL. It recognizes both the President's right to conduct the foreign policy of this Nation and the right of the Congress to carefully evaluate and approve the commitment of U.S. troops to areas of the world where hostilities clearly exist.

In my judgment, this resolution carefully circumscribes our role and commitments in Lebanon. It does not, as some would suggest, provide the President with the authority to commit the United States to a deeper and more dangerous involvement in Lebanon. Indeed, we have learned much from our experience with the Gulf of Tonkin resolution. Our debate and the specifics of this resolution show that we have not forgotten the lessons of our involvement in Vietnam. Of particular importance is the fact that the President has agreed that the involvement of U.S. marines in Lebanon will be limited to the carefully defined peacekeeping mission of the multinational force. Equally significant, the President has made it clear that the number and role of the U.S. marines in Lebanon will not be altered without congressional authorization, as specified in section 4(a) of the Lebanese Emergency Assistance Act, Public Law 98-43. That provision categorically states: "The President shall obtain statutory authority from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces." In addition, the President has made it clear that he will not commit the use of U.S. marines in Lebanon beyond the 18-month period authorized by this resolution without consulting the Congress.

Mr. President, there is no doubt that achieving peace in Lebanon will be very difficult. The ability to achieve a long lasting political solution will depend on denying radical forces on all sides the ability to disrupt the peace process. The continuation of hostilities will make the creation of a government which is truly representative of all the people of Lebanon impossible.

The dependable presence of the multinational force at this time has been in major part directly responsible for the negotiated cease-fire which currently exist in Lebanon. The tenacity of that force, particularly exhibited by the U.S. Marines, has no doubt made it clear to the Syrians that they cannot satisfy unjustified, far reaching territorial arms in Lebanon by violent means.

Now is not the time to undermine the fragile peace which exists in Lebanon. It is not appropriate to shorten the proposed 18-month authorization for continued United States participation in the multilateral peacekeeping force in Lebanon. Such action to shorten the time period might well tempt others to make mischief. We would be well advised to avoid giving other forces that opportunity.

This resolution preserves the right of the Congress to authorize the commitment of troops into hostile regions. It preserves the right of the President to conduct the foreign relations of this Nation. It further protects this Nation against an unwise and unnecessary escalation in U.S. military activity in Lebanon. In doing so, it offers the most responsible means available to us for resolving the pitfalls and legalistic complexities posed at this time by the War Powers Act. But it is not a substitute for a sound and farsighted U.S. policy in Lebanon and the Middle East. At best it will help provide the time for a peaceful solution to be found and give Americans every possible assurance that our Government will not imprudently take steps that might irrevocably commit us to an unwise path.

Mr. MOYNIHAN. Mr. President, I should like to offer several observations respecting the resolution which has been introduced by the distinguished majority leader and the distinguished chairman of the Committee on Foreign Relations to authorize continued U.S. participation in the multinational peacekeeping force in Lebanon.

While there has been much learned in the Senate regarding the details of the War Powers Act and its applicability to the current situation in Lebanon, I should like to address my remarks to the first finding stated in the joint resolution before us:

> The Congress finds that . . . the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

I repeat this:

> The Congress finds that . . . the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East.

Mr. President, the thrust of my argument today will be that this congressional declaration is fundamentally at odds with the proposition set forth by Walter Lippmann in his classic study, "U.S. Foreign Policy: Shield of the Republic." This was published in 1943, in the middle of the Second World War. The title page contains a line from George Washington's 1796 Farewell Address, which is read here every February on the anniversary of his birth. Washington wrote of the moment—

> When we may choose peace or war, as our interest, guided by justice, shall counsel.

It is the fundamental thesis of Walter Lippmann's book that the controlling principle of foreign policy must be that the Nation maintain its commitments and its power in equilibrium.

Lippmann wrote of:

> The compelling and, once seen, the self-evident common principle of all genuine foreign policy—the principle that alone can force decisions, can settle controversy, and can induce agreement. This is the principle that in foreign relations, as in all other relations, a policy has been formed only when commitments and power have been brought into balance. This is the forgotten principle.

Lippmann wrote in 1943, though it is as true in 1983—

> Which must be recovered and restored to the first place in American thought if the nation is to achieve the foreign policy which it so desperately wants. . . . a foreign policy consists in bringing into balance, with a comfortable surplus of power in reserve, the nation's commitments and the nation's power.

My purpose this afternoon is to state that if the Senate should vote to adopt the resolution before us, an eventuality that seems quite probable, we shall be acting completely contrary to Lippmann's wise dictum. We will assert an objective in foreign policy that it is quite beyond our power to attain. Disequilibrium shall accordingly be the result, marked by turmoil, setbacks, even defeat—though that defeat may be postponed by deeper engagement and wider commitment of our Armed Forces.

To declare as essential what cannot be achieved is to insure failure.

It is astonishing to think that the White House would have sponsored this proposal, that a President—any President—could have agreed to sign this resolution. Yet, though one may be dismayed, one cannot act surprised. As I have said before, there is a leakage of reality in this administration that somehow seems impossible to overcome.

Were Congress and the President to find that it was desirable to have all foreign forces removed from Lebanon, or were we to state that we hoped they would leave, even that we would try to help them leave, then I would support that as a reasonable expression of American purpose and intent. But to establish this as an essential objective of American foreign policy is to embark upon a vast expansion of our commitment in Lebanon, indefinite and unlimited.

Consider for a moment what the United States will be saying with this resolution. We are saying that the removal of all foreign forces from Lebanon is the essential U.S. foreign policy objective. That means, in the first and most specific instance, that the Syrian Army must evacuate Lebanon.

In what reasonable circumstances could we contemplate that happening?

Mr. President, there is only one circumstance, and that is in the event a U.S. expeditionary force of some considerable size were sent to Lebanon to drive the Syrian Army to the borders of Syria.

Having attained the initial condition of this essential objective in U.S. foreign policy, how would we then maintain that condition? Only by leaving our expeditionary force on the borders of Syria indefinitely: For the moment we departed the Syrian Army would reappear, and our essential foreign policy objective would once again have failed of attainment.

There is a history here known to most Members of the Senate but perhaps not widely known in the country. It is a history of an obscure segment of the Ottoman Empire, and the mandates of the treaties of peace that followed the First World War.

The first thing to know, and I think the most important thing to know, it is that until September 1920, there never was a nation called Lebanon.

France, under the August 10, 1920 Treaty of Sevres that followed World War I, was assigned a portion of the Ottoman Empire as a mandatory power. Much as the British were to divide their nearby mandate in the area into the states of Palestine and Trans-Jordan, and the like, the French proceeded to create two new states in their mandate. The borders of the modern nations of Lebanon and Syria were drawn by functionaries in some department at the Quay D'Orsay.

In 1941, the Free French commander, General Catroux, formally declared Lebanon a sovereign independent nation. In 1943, a national pact organized the Government along confessional lines according to the 1932 census, the last one taken in that country, which seemed to give a majority to the Christian Maronite community.

It is important to note that the Government in Syria did not then, and has never since recognized the existence of a country called Lebanon. They have never exchanged ambassadors. Successive Syrian rulers have viewed Lebanon as simply part of a greater Syria with its capital in Damascus.

Note also that there had never been, until after the First World War, a country called Syria. Far back in biblical history there was a country we know as Assyria, and there is a Syrian culture and a Syrian people, much as there is a Levantine people. But a country with borders and constitutions and flags and great seals called Syria, no.

Like several of its neighbors, Syria is also one of the results of the League of Nations mandatory arrangements that followed the defeat of the Ottoman Empire in the First World War. Its independence came after the fall of France in the early part of the Second World War. Ironically, upon attaining its independence in 1946, Syria asserted an imperial claim of its own to the land and people of Lebanon. Through the decades of the 1940's, 1950's, and 1960's, Syria sought to assume control over Lebanon, variously through diplomatic overtures of subversion and overthrow of the Government of Lebanon.

In 1975, in an open, unabashed act of aggression, Syria invaded Lebanon, which until that time had maintained a precarious peace among its many different elements although by then the internal peace was in fact breaking down.

The West chose at the time to do nothing about this. I can report that I was then the American Ambassador to the United Nations. We knew the Syrians, armed by the Soviets, were moving in. We knew that the Soviets were providing significant amounts of aid to leftist forces through the Lebanese Communist Party.

The Lebanese Ambassador, a good man of great personal qualities, Edouard Ghorra, asked to see me. He said:

> My country is being invaded by the Syrians. Is there any hope of American help?

This conversation took place at the United Nations, where a clear violation of the charter was being observed almost daily on television and on the front pages of New York's newspapers.

Ghorra asked if there was any hope of American help. I had to say to him that there was none, that the United States and the West—this was in the administration of President Ford—would do nothing. And nothing was done.

I was not speaking on instructions from Washington. I was speaking from my understanding of the political atmosphere in our Capital and those of Europe. The next administration, that of President Carter, did nothing either.

Finally, as Syrian power extended down into the Bekaa Valley, as an extraordinary emplacement of PLO forces located themselves above the Litani River, there came a time when the Soviets had so militarized that region that it posed a clear and direct threat to the security of Israel. The Israelis responded as they have done before when attacked, and the situation we now see came into being.

Having watched Lebanon be ravaged from within and without by Syrian forces relying on the Soviets, over 8 years, we now suddenly decide in September 1983 the United States should do everything. At the moment of the invasion, when the crime was committed, we did nothing, said nothing, proposed nothing, expected nothing from anybody else.

I recall the French—and I do not mean to be derisory—sent their former prime minister, Pierre Mendes-France for a 2-day inspection tour 8 years ago. He returned to Paris and said there was nothing to be done.

We did as much at the time. Today we find ourselves declaring that undoing the events of 1975 has become an essential American foreign policy objective.

Are these serious persons who drafted this resolution? Had they ever heard Walter Lippmann's thesis, that a nation's commitments must be in equilibrium with its power?

Mr. President, we do not have the power to do what this resolution promises we shall do. We could gather together forces from around the globe and drive the Syrians back across their border, abandoning other strategic positions which should be protected. But this would require our forces to remain at that Syrian border indefinitely, because the moment we departed the Syrian Army would come right back into Lebanon and our essential U.S. foreign policy objective would be undone.

Ask what this means, this abrogation of a fundamental principle of sound foreign policy—that one's commitments must be in equilibrium with one's power.

After 8 years of absolute inaction; never asking the French to do anything serious—they were the mandatory power—never making clear to the

Syrians that there would be costs to them for their policies; never asking the Saudis to influence the Syrians whom they finance—what was a matter of indifference has become essential to American objectives.

Mr. President, I spoke earlier of a leakage of reality in the present administration. I believe that with great conviction. Time and again, one observes its highest officials making commitments they are in no way able to keep and then, upon learning of their inability, reversing themselves and American policy.

We have had a more than normally interesting experience here in the Senate and in the country within the past few days. Last week a deputy representative at the United Nations—who, one learns today, had already offered his resignation from the post—invited the members of the United Nations to leave the United States if they chose, and he offered some rather colorful language which has led some to observe that the State Department still seems to have not found out that the sun sets in the West. He as much as invited 156 members of the United Nations to sail off into the sunset, which of course would be toward Jersey City.

When the President, upon reflection, endorsed the suggestion that the United Nations think about leaving the United States, this aroused a great feeling of patriotism among the Members of this body. By the end of the day on which the President's remark was carried in the press, last Thursday, the Senate had voted overwhelmingly to cut our contribution to the United Nations in half. We showed those Reds. And then we showed them more—for the amendment we adopted, by vote of 66 to 23, went on to stipulate that if this unilateral action was not formally accepted by the United Nations we would cut off our contribution completely.

Mr. President, 20 years ago there was one institution in the world that wanted the United Nations out of the United States, and that was the John Birch Society. It has since been joined by the Government of the Soviet Union.

It would be my view that we should cooperate with neither.

Only in the dawn's early light did we recognize that if we did this we would soon lose our right to vote in the General Assembly.

Our having lost our right to vote, there would in very short order materialize an effort to have the United Nations depart from the United States, presumably to Vienna, where the Soviets would most like it to be.

We have violated a fundamental commitment made to the United Nations, which is to negotiate, as does every other nation, what we will contribute. This is done in the Fifth Committee of the General Assembly. We can negotiate a reduction in our contribution—and probably should—but we cannot simply declare it. That is what the Soviets do.

Shortly after the Senate vote, on this past Sunday, the President was obliged to declare his dismay that the Senate had followed his lead. One imagines all manner of officials at the White House having suddenly seen the light and saying to each other, "O Lord, what have we done this time!"

The President expressed this dismay to the Secretary General of the United Nations on Sunday.

Yesterday morning, Mr. President, we learned that George P. Shultz, our distinguished Secretary of State, a man who has won the respect of every Member of this Senate, is pursuing his difficult duties in New York, at the United Nations. With his counterparts from Britain, France, and Italy, Secretary Shultz is investigating whether we could not get the United Nations to contribute to the peacekeeping forces in Lebanon.

The same United Nations the administration had just told to sail off into the sunset, and the same United Nations for which, to show those Reds, the Senate had just voted to cut off every penny. This same United Nations found Secretary Shultz in its midst, hoping to secure the assistance of the United Nations in Lebanon. The Secretary of State's work has been rendered unnecessarily more difficult by the inclination of others in his administration to say what they cannot mean.

They do not seem to understand that, for good or ill, they won the last election. They are required now to govern.

Another illustration of the leakage of reality also occurred this week.

The President very much desires that we increase the funds available to the International Monetary Fund. This of course is to deal with a world financial crisis occasioned in large part by the economic policies of this administration. Having made a career of speeches against international globaloney, the President now recognizes that this country needs an international monetary system. We need it more than anyone.

Yet just 2 months ago the National Republican Committee was raising money for Republican candidates for the House of Representatives by accusing Democrats—Democrats who had helped the President defeat an amendment that would have immobilized the IMF—of supporting communism.

My very good friend, Representative DAVID OBEY of Wisconsin, has been very blunt on the meaning of this. He has said, in effect, "Mr. President, if you want this legislation passed, you owe an apology"—not personally, not in any undignified way, but simply to say the Republican campaign committee's position was wrong and does not represent the policy of the administration.

Note that yesterday morning on the front page of the New York Times a headline reports "Reagan Praises IMF and Warns Congress Over Delays in New Aid." The President is trying to fix the problem his supporters have caused the United States. Soon he will be coming here asking the Senate to reverse the action we took on Thursday night. He will have to. And I suppose we will do it. In the end we have to be responsible. After all it was we who acted the other night.

In conclusion, Mr. President, I state that the same thing will happen if we adopt a resolution declaring it to be an essential U.S. foreign policy objective that we bring about a military solution in Lebanon which we have not got the capacity to bring about. We will have to change our policy to comport with reality.

There has not been a wiser proposition set forward about American foreign policy than that offered by Walter Lippmann in 1943. This was the time America was beginning to realize it was going to have to have a foreign policy. The absence of one had brought Pearl Harbor to us. The absence of one had caused us to send our armies over the whole of the globe; The great fighting of the Second World War was about to begin in the summer of 1943.

Lippmann wrote:

> Without the controlling principle that the nation must mantain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs. Yet the history of our acts and of our declarations in the past fifty years will show that rarely, and never consistently, have American statesmen and the American people been guided by this elementary principle of practical life.

I propose, Mr. President, that the resolution before us will bring about disequilibrium and worse. And, as much as I regret to say this to the distinguished authors of the resolution, I propose to vote against it.

Mr. MITCHELL. Mr. President, as I stated 2 weeks ago, the situation in Lebanon is an example of what the authors of the War Powers Resolution had in mind in 1973 when the resolution was enacted. Hostilities exist and American troops have been introduced into those hostilities.

The War Powers Resolution now before the Senate requires the President to report to the Congress when such a situation occurs and further mandates that his report be specific. The resolution requires, among other things, that the President state the

mission of the deployed U.S. forces. It says that he must estimate the scope and duration of the hostilities or involvement, and shall provide whatever other information the Congress needs to fulfill its constitutional responsibilities.

The President of the United States has failed to obey this important law. In so failing, he is, in my judgment, subjecting himself and his Office to valid criticism, and he is placing in jeopardy the policy which he has failed to effectively present, but for which he seeks congressional concurrence.

One of the primary purposes of the War Powers Resolution was to reassert the constitutional right of Congress to commit U.S. forces to conflicts. In the absence of a clear statement of mission by our President, it will be extremely difficult to maintain support for his policy. All across this Nation, citizens are asking for an explanation as to why our men are in Lebanon.

This is a reasonable question which deserves—indeed, demands—an answer. Not only is the President of the United States the individual who should provide the answer, he is the single person in this Nation who can command the audience which the answer deserves.

In an effort to prompt the President to define for the American public and the Congress the exact mission of the U.S. forces now positioned in Lebanon, Senator BYRD offered an amendment, supported by me, which would have required the President to provide a complete war powers report to the Congress. That amendment failed. The question then became: In the absence of a Presidential declaration of mission, should the Senate provide continued authority for the U.S. troop presence?

Clearly, a majority of both the House and Senate perceive dangers in a precipitous withdrawal of the U.S. troops from Lebanon. I am among that group. As I stated 15 days ago, the United States has substantial interests in the region and should pursue those interests. I believe that those interests outweigh the need perceived by many of my colleagues to resolve the 10-year-old conflict between the legislative and executive branches over the President's reporting responsibilities under the war powers resolution.

A number of my colleagues have also suggested that in the absence of a clear statement of mission, the length of time for which authority is granted should have been reduced from 18 to 6 months. The amendment which encompassed this proposal reflects a fundamental deficiency in our debate. This deficiency is that we are focusing on time periods rather than policy objectives. Senator BIDEN, in the Foreign Relations Committee, correctly emphasized that the length of time is really a secondary concern. What is relevant are U.S. interests, the tools available to accomplish U.S. goals, and the criteria by which, at some point in the future, we can judge whether or not our poicy goals make sense and if our efforts to achieve these goals have been successful.

Unfortunately, what we are using is the wrong standard of measurement; it is as though we were using a ruler to measure someone's weight.

I hope and pray, as I know all Americans do, that our marines will be withdrawn before 18 months have passed. it should be noted that this resolution does not preclude an early withdrawal; it merely establishes 18 months as the maximum time the marines can remain in Lebanon without further authorization by Congress.

Having disparaged this debate's emphasis on time limitations, I must, for the RECORD, note my belief that a 6-month authorization is unwise. In my view such a "short leash" would have two immediate effects: First, it could result in the more intense targeting of the U.S. troops. The adversaries of the Lebanese Government know enough about our system to realize that public opinion affects legislative debate; they would certainly attempt to influence that debate by influencing public opinion. The comments of the Marine Commandant, Gen. Paul X. Kelly, before the Committee on Foreign Relations are relevant to this point. He emphasized that a shorter time period could result in increased fire on the marines. He stated:

> I am concerned that we would encourage hostile forces or forces inimical to the best interests, the life and limb of marines. It would encourage them to be more provocative in an attempt to arouse public sentiment.

Second, I believe that the 6-month authorization would provide Syria with a disincentive to reject violence and seek its objectives in Lebanon through negotiations.

Although the issue is imperfectly before us, due to the President's failure to state clearly his policy and objectives in Lebanon, and although we are using the wrong standard of measurement, it is nonetheless before us. My support for the resolution is based upon my belief that its failure could lead to disastrous results in Lebanon—not only for the marines but for the people of Lebanon and of this country.

Renewed fighting in Lebanon, a Syrian-PLO takeover of that tormented land, a new Syrian-Israeli war are surely possible if not likely should this resolution fail. These events would pose a severe threat to the stability of the entire Middle East, including the oil-rich Persian Gulf. Tragically, we remain highly dependent—and our European allies and Japan even more so—on that supply of oil.

Finally, I emphasize that this Congress decision to provide authority for the continued presence of United States forces in Lebanon should not be considered an open-ended commitment or "blank check" from which Congress cannot back away, should circumstances warrant such a course of action. As the President stated in his letter to Senator PERCY of September 27:

> I can assure you that if our forces are needed beyond the 18-month period, it would be my intention to work together with the Congress with a view toward taking action on mutually acceptable terms.

Indeed Congress will continue to have a say in our troop deployment policy. Moreover, should the legislative and executive branches disagree on our Lebanon policy, Congress may still assert itself through the appropriations process.

Mr. SPECTER. Mr. President, in considering this resolution, I have had a serious concern that, in effect, it could amount to a "declaration of war by implication" and that it delegated to the President the power to make war without Congress exercising its exclusive constitutional power to declare war. The resolution was vague and unclear as to the mission of the U.S. forces. Rather than defining the U.S. mission, the resolution merely incorporated by reference the statement of mission contained in the exchange of letters on September 25, 1982, between Presidents Reagan and Gemayel, which were drafted under circumstances far more secure for American forces than the circumstances of the past month in which our forces were shelled by artillery and fired back. During weeks of such exchanges, for the first time five American marines were killed and many more were wounded.

What was particularly unclear in the Statement of Mission cited above were the limitations governing use of American air and naval support. It was also uncertain whether the authorized role for the marines extended beyond self-defense and included defending the Lebanese Army from attack or even assisting the Lebanese Army regain control of any territories in the Beirut area from hostile Lebanese Militias.

Accordingly, on September 27, I made a floor statement setting forth my concerns. Following that, the chairman of the Foreign Relations Committee, the distinguished Senator from Illinois (Mr. PERCY) and I engaged in a colloquy in which I sought clear assurances that the role of the U.S. forces was "peacekeeping" and not warmaking.

In our colloquy on the Senate floor on September 27, the Senator from Illinois acknowledged that the exchange of fire in recent weeks amounted to war.

I have been satisfied by the explanations of the chairman of the Foreign Relations Committee that the resolution was neither intended to nor could be fairly interpreted to expand the mission of United States forces in Lebanon. On this basis, I concluded that the Congress was not delegating its duties to the President and allowing the President alone to initiate hostilities or make war without a prior authorization or declaration of war by the Congress.

In essence, the chairman of the Foreign Relations Committee stated that the role of our forces was interposition, not combat and use of firepower would be limited to self-defense.

Such a definition would preclude any possible interpretation of President Reagan's letter of September 25, 1982, as authorizing our forces to fight to assist the Lebanese Army to secure Lebanese territory.

In view of the chairman's clarification and limitation of mission in our exchange, I thought it would have been preferable to agree to the suggestion of the Senator from Georgia (Mr. NUNN) to strike the language in subparagraph 2 of the findings and purpose section, implying that the multinational peacekeeping force was established "in order to restore full control by the Government of Lebanon over its own territory."

I understand, however, that the chairman of the Foreign Relations Committee did not do so because of an agreement involving the Speaker of the House.

The shortness of time precluded modifying this language because a final vote was scheduled under the timetable required by the War Powers Resolution at 2 p.m., which was less than 2 hours later.

As the RECORD shows, two colloquies on this issue with the chairman of the Foreign Relations Committee established clear assurances that the mission of the marines was not combat. In a long answer to my question, the chairman of the Foreign Relations Committee specified that the marines were not authorized to fight on behalf of the Lebanese Army and its territorial objectives. The use of its own firepower and that of supporting air and naval forces was limited to defending members of the multinational force against attack.

From these colloquies, there is agreement on behalf of the President and the stated legislative intent that:

First, the 1,400 marines in Lebanon would not conduct offensive combat operations;

Second, the 2,000 marines offshore would be used only to defend the 1,400 marines onshore;

Third, the naval air and sea power would not be used except to defend the marines onshore.

Once possible misinterpretations of the U.S. marines mission was avoided by assurances from Senator PERCY and Executive officials I concluded I should support the resolution.

A DERELICTION OF CONGRESSIONAL RESPONSIBILITY

Mr. PELL. Mr. President, I strongly oppose the joint resolution on Lebanon sponsored by Senators Baker and Percy. In my judgment, its enactment would constitute: First, a dereliction of congressional responsibility to uphold the principles and procedures of the war powers resolution of 1973; Second, a failure to require of the administration a clearly articulated and persuasive statement of the mission which U.S. marines have been deployed in Lebanon to implement; and Third, an 18-month blank check under which the administration could pursue hitherto unspecified military objectives in Lebanon while asserting that it is operating with full congressional sanction. These gravely serious flaws warrant elaboration:

First, dereliction of congressional responsibility relating to the War Powers Resolution. The Baker-Percy language has been presented as a bipartisan compromise which, in the interest of avoiding a dispute over legalisms, would allow Congress and the Executive to affirm principles which are in conflict. This would present, it is argued, a united front regarding U.S. policy in Lebanon.

I do not believe that the issues surrounding proper implementation of the War Powers Resolution are mere legalisms. At issue are constitutional questions of immense gravity. The War Powers Resolution is law, a law passed over President Nixon's veto by overwhelming majorities in both Houses. The reservations expressed by the executive branch about the resolution's constitutionality do not diminish or compromise its legal standing. In the absence of a Supreme Court ruling, only Congress can change or nullify that law. But by failing to demand adherence to obligations prescribed in the resolution, Congress would abdicate its reponsibility to uphold the law. In any event, Congress must not concede to the executive branch the contention that the war powers resolution is not binding in all of its particulars.

One approach, first proposed by Minority Leader BYRD and advocated in committee by Senator CRANSTON, would have limited any joint resolution to a simple declaration that key provisions of section 4(a) of the war powers resolution were triggered by hostilities in Lebanon on August 29, 1983, which resulted in the deaths of two marines. Enactment of such a resolution would not entail a withdrawal of U.S. forces from Lebanon. It would, however, achieve the essential result of affirming unmistakably the applicability of War Powers Resolution procedures, including the requirement for congressional authorization for the maintenance of U.S. forces in Lebanon beyond 60 to 90 days. Unfortunately, this proposal was defeated in committee by a vote of 9 to 7.

The determined unwillingness of the administration to recognize that the procedures stipulated by the war powers resolution are now in fact required became starkly evident during the Secretary of State's testimony before the committee. Under questioning on September 21 about the relationship between the Baker-Percy resolution and future U.S. actions in Lebanon, Secretary Shultz was assiduously careful to reserve for the Commander in Chief a full range of options—regarding the scope of operations, the number of U.S. forces, and the duration of the involvement—even in disregard if necessary of the war powers resolution framework the Baker-Percy resolution would purportedly impose on the U.S. presence there. Congress cannot ignore what this means. The administration is prepared to participate in a procedure which would give some appearance of creating a war powers resolution framework without really conceding that any such framework exists.

Not only is the War Powers Resolution the law; its applicability to the situation in Lebanon is manifest. Accordingly, I believe strongly that any resolution passed should allow no ambiguity as to whether the procedures set forth in the War Powers Resolution are required. By intentionally sidestepping the issue, the Baker-Percy resolution fails to meet that test.

Second, the absence of a clearly defined policy. The constitutional ambiguity of the Baker-Percy resolution is paralleled by an alarming vagueness concerning the mission of the U.S. forces whose presence in Lebanon the resolution would purport to authorize. One year ago, on August 25, 1982, when U.S. marines were first introduced into Lebanon, their mission was limited and precise: to provide a temporary buffer that would allow the evacuation from Lebanon of elements of the Palestine Liberation Organization within a specified period of time. Shortly thereafter, when the marines were reintroduced into Lebanon, they were deployed to perform, as part of a multinational force, the less precisely worded mission set forth in the September 25, 1982, exchange of letters between the United States and Lebanese Governments. That agreement did, however, make clear that the U.S. military role would be confined to the Beirut area and would preclude involvement in combat.

While citing the September 25 agreement, the Baker-Percy resolution is drafted so as to be susceptible to an

extremely broad—almost infinitely elastic—interpretation of the mission associated with the presence of the U.S. forces in Lebanon. The purposes cited in section 2 include "the removal of all foreign forces from Lebanon" and the restoration of "full control by the Government of Lebanon over its own territory." Thus, over the period of 1 year, the stated mission of U.S. forces in Lebanon has expanded from a limited role, the feasibility of which Congress could evaluate, to a role too nebulous for Congress to evaluate and too far-reaching for U.S. miltiary forces alone possibly to accomplish. Consequently, the effect of the resolution is to provide congressional acquiescence in a policy involving American soldiers in a commitment the scope of which has yet to be defined even by its proponents.

A major advantage of the Byrd-Cranston proposal to invoke section 4(a)(1) of the war powers resolution is that it would require the administration to submit for congressional evaluation a clear statement of military mission. This the Baker-Percy resolution would not do. It is not an example of any Vietnam syndrome to find in that resolution a disturbing similarity to the Gulf of Tonkin resolution of 1964 which, being comparably vague and invoking the necessity of protecting American forces, was used by a different administration to assert that it possessed congressional support for an Indochina policy which proved to be one of everwidening involvement.

Third, an 18-month blank check. Since I take as serious the administration's patent unwillingness to be bound by the stipulations of the War Powers Resolution, the duration of the Baker-Percy authorization is technically a moot point. Practically, however, a shorter authorization would at least require that Congress face again the issues—constitutional and policy—which Congress faces now but which the Baker-Percy formulation would allow it negligently to defer. Accordingly, I proposed—but failed to succeed with—an amendment that would have substituted a 6-month authorization period, after which these issues would again necessarily be joined if U.S. forces remain in Lebanon. I reject the argument that a time period shorter than 18 months would endanger the lives of American soldiers by inviting hostile action against them intended to sway U.S. public opinion against a continued U.S. presence. If the administration had offered a clearly defined mission in Lebanon for the U.S. Armed Forces and had also acknowledged its legal obligations under the War Powers Resolution, such a limited authorization might be unnecessary. I regret that we did alter the Baker-Percy resolution so as to stipulate a duration short enough to require Congress to review soon the crucial questions surrounding the United States involvement in Lebanon. I must emphasize, however, that I believe in any case that to pass this resolution would represent a grave abdication of congressional responsibility. All efforts to improve this resolution having failed, it remains a deeply flawed piece of legislation, which I must oppose.

Mr. PERCY. Mr. President, this resolution is the product of long and difficult efforts by many dedicated people of strongly held views. It is a genuine compromise. Congress is not being asked to authorized the President to use military force to expel foreign forces from Lebanon, or to reoccupy those parts of Lebanon now controlled by non-Government elements, or to intervene on behalf of the Lebanese Government to suppress internal Lebanese factions. The resolution simply authorizes the President to continue the current role and mission of U.S. forces.

Mr. President, our distinguished colleague, Jacob Javits, is in the Senate dining room this afternoon. Jack Javits was the principal architect of the War Powers Resolution and deserves our enduring gratitude for insuring that we have the opportunity to have such a vote today as the Constitution intended.

As Senator EAGLETON said this morning, no President since the passage of the War Powers Resolution has liked it or wanted to do anything to concede its constitutionality. My colleague from Illinois, Senator DIXON, suggested the other day that President Reagan was hedging on the War Powers Resolution in his letter of August 30 because he said he was reporting "consistent with the War Powers Resolution," rather than reporting as required by the War Powers Resolution. Yet that phrase is identical to the phrase used by President Carter when he reported to Congress about the Iranian rescue mission.

Presidents have always resisted restrictions on their authority as Commander in Chief and have avoided having to accept the constitutionality of the War Powers Resolution. There is nothing new in that.

But what would be the alternative to the course of action we have undertaken here in this resolution?

Some have proposed that we should simply pass a resolution declaring that all the provisions of section 4 of the War Powers Resolution are triggered by the Lebanon operation. Then, presumably, we would sit and wait out the duration of the present 60-day period or a new 60-day period, and then take the President to court, arguing that he no longer had authority to keep U.S. forces in Lebanon. Assuming that the courts would take such a case, and assuming that we could win such a lawsuit, is that the posture we wish to assume? We would then be arguing in front of all the world that we oppose as a matter of law the continuation of an operation which most of us support as a matter of policy.

If, on the other hand, the President preempted such a resolution by sending up a report explicitly tied to section 4(a)(1) of the resolution, we would be right back where we are now—debating a resolution of specific authorization. We would really have accomplished nothing, since the President does not challenge the reporting provisions of this act. What he and his predecessors do not like is the requirement in 5(b) for an authorization.

Is it not more likely to strengthen the future operation of the War Powers Resolution to pass this authorization, reaffirming the procedures and requirements of that resolution, and getting a Presidential signature on it—no matter what statements he will make about its constitutionality? We cannot legislatively prohibit the President from having reservations about the War Powers Resolution. But we can collectively reaffirm its validity and its applicability and thereby assure that the next time around we will have a less difficult time reaffirming the clear intent of the Constitution.

As Senator Javits has said, both Congress and the President gain something in this compromise, but from our point of view in the Congress, it is on balance a step forward in maintaining the strength of the war powers resolution. I would argue that the alternative courses of action would be a step backward.

Mr. BAKER. Mr. President, I yield the floor now so the minority leader may seek recognition.

Mr. BYRD. Mr. President, logic, conscience, and lessons of history have led each Senator on this side of the aisle to the decision that he takes on this monumental legislation. Never—not once—was a political argument offered on this issue, even within the confidential confines of five caucuses that we held on this subject.

The consensus that is evident from our votes on this issue is a consensus of conscience. It is a consensus based on a concern that the law be faithfully executed, that our sons and daughters have a clearly defined mission with a light at the end of the tunnel, and that that mission be achievable. I continue to hope that the administration will present to the American people and the Congress a clear plan which will minimize our use of military force in the region and provide us with an understanding as to how and when our troops will be removed from hostilities. To date they have failed to do so. Instead, they have offered us a conpromise. Mr. President, politics is the art of compromise. War is not.

Mr. President, just last week the White House announced that a resolution authorizing the continued participation of U.S. marines in the multinational peacekeeping force in Lebanon had been worked out with key Members of the Congress. At the time of the announcement it was emphasized that the President would sign the resolution into law only in the form agreed upon in negotiations with the White House.

At the time of the announcement, I stated that I was uneasy over the 18-month time period authorized in the so-called compromise resolution. However, I emphasized that any final judgment I might make on this matter would await the administration's justification for requiring an 18-month authorization.

The administration testimony, and in particular, the appearance by Secretary of State George Shultz before the Senate Committee on Foreign Relations, raised more questions than it answered in my mind. Not only was the justification virtually nonexistent regarding the need to extend by 18 months the participation of the marines in the MNF in Lebanon, but also, and of more concern to me, this testimony revealed that the Congress might be going through a useless exercise. In other words, because of the continued assertion by the executive branch that the President, as Commander in Chief of the Armed Forces, should not, or could not, be bound by laws governing the introduction of U.S. forces into hostile situations abroad, Senate Joint Resolution 159 has been rendered nothing more than a useless piece of paper.

The Secretary's statements before the Senate Committee on Foreign Relations and his subsequent interview on Cable Network News have been addressed in great detail during the debate thus far. So I will not replow old ground by recapping what the administration spokesmen have argued quite strenously in opposition to any congressional role regarding the deployment of U.S. Armed Forces in Lebanon.

I think it has been made very clear by this administration that a U.S. military presence will be required in Lebanon for some time into the future. The U.S. Government is not any longer in the position of just participating in a multinational peacekeeping force until such time as the Government of Lebanon has been able to bring greater Beirut under its total control. The Government of the United States has committed itself to remaining in Lebanon until the withdrawal of all foreign forces, the achievement of national reconciliation, and until such time as the Government of Lebanon can exercise sovereign control over all of its territory. And the administration wants to continue that presence in Lebanon in the absence of any concerns on the part of the American people as expressed through their elected representatives in the Congress.

Mr. President, I have emphasized time and time again on this floor and directly to the President that the introduction of U.S. Armed Forces into hostile situations abroad cannot be sustained in the absence of the support of the American people. Passage of the War Powers Resolution in 1973 over a Presidential veto signaled congressional determination that American interests were best served if there was a national consensus regarding the deployment of U.S. forces on foreign soil. Open-ended commitments of armed forces in the absence of support from the American people, as expressed through their 535 elected Representatives in the Congress, pose grave dangers for U.S. policy.

Now, administration spokesmen tell us that despite the War Powers Resolution, despite Senate Joint Resolution 159 in effect being a war powers authorization for the continued participation of U.S. marines in the multinational peacekeeping force in Lebanon—despite these things—the President has a free hand to do what he alone determines to be in the national interests of this country.

In an effort to recoup some of the damage done through the public statements of the Secretary of State, the President on Tuesday of this week wrote the distinguished majority leader of the Senate, stating that he would abide by section 4(a) of the Lebanon Emergency Assistance Act. Section 4(a) stipulates that the President must obtain an authorization from the Congress to change the role and mission of our Armed Forces in Lebanon. As to the question of the congressional role under the War Powers Resolution, the President remained adamantly silent on this issue. He basically told the Congress that if there were a need to keep U.S. Marines in Lebanon beyond the 18 months provided for in Senate Joint Resolution 159, he would be prepared to negotiate another agreement, as long as the War Powers Resolution did not govern the outcome of that agreement.

Therefore, the handwriting should be clearly on the wall. With the passage of Senate Joint Resolution 159 and its companion bill in the House of Representatives, Congress is in effect giving the President his policy in Lebanon, whatever that policy might be, and an open-ended commitment of U.S. troops to that country. We are doing so because the administration has made it very clear that it will do whatever the President deems is necessary as Commander in Chief, despite what the law might say on this matter. Not only is the President ignoring the will and responsibilities of the Congress, but he also is thumbing his nose at the people of this country in matters of war and peace. He is stating that no matter what the elected Representatives of the people might say, he will deploy U.S. combat forces abroad, anywhere, in any numbers, with a minimum of justification because he is Commander in Chief.

I do not want to belabor this point for too long. But I do think the words of Abraham Lincoln when he was President are appropriate reminders of the seriousness of the situation before us. President Lincoln stated:

> The provision of the constitution giving the war making power to Congress was dictated, as I undertand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I want to underscore this observation with a slight paraphrase. President Lincoln was telling us that our Founding Fathers resolved that no one man should be vested with the power of bringing oppression upon the American people through the abuse of war making powers.

Mr. President, we are still a nation of laws and not of men. We still elect our Presidents, not crown them. Democracy is a very fragile form of government. But above all, our form of democracy, with its delicate checks and balances among the three branches of government, is even more vulnerable to dismantlement when abuses of authority go unchallenged.

The most serious and far-reaching decision any nation can make is to send its young men and women to fight and die in a foreign land. It is a decision that cannot be frivolous.

Mr. President, I commend the majority leader and the House leadership for their insuring that Senate Joint Resoluton 159 reflects the various provisions of the War Powers Resolution. And despite any expression of reservations by the President and any number of disavowals by the President's representatives, this will not alter the simple fact that without the expressed will of this body, and a majority in the other House, the President of the United States cannot act lawfully in the absence of congressional authority to continue our involvement in Lebanon for another 2 months.

I am confident that if the resolution were to pass, and if this administration, or a successor administration were to ignore its limitations, as the present Secretary of State has indicated they would, then they would do so at great peril. As all-too-recent history has shown us, no man, no matter what

his rank, is above the law. Over 100 years ago, Mr. Justice David Davis, speaking for the Supreme Court of the United States, declared:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protections all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

So while I am grateful to my colleagues for insisting that the War Powers Resolution is the law of the land, the compromise which is embodied in Senate Joint Resolution 159, includes an obligation which I am neither required, nor disposed, to fulfill. The acknowledgement—at least on paper—that there is a law on the books which must be obeyed, has been obtained in exchange for giving the President 18 more months to keep U.S. forces deployed in Lebanon in the absence of strong justifications. And I find it difficult to accept not only its terms, but also, in this case, the very concept itself. I repeat, Mr. President, politics is the art of compromise; war is not.

The decision to go to war or to send the youth of this country to die in foreign lands is the most awesome decision that any government is ever called upon to make. As a result, our Government must produce evidence of a preponderant nature to justify such a decision. That is why, almost two centuries ago, the Founding Fathers decided that this decision must be shared by the President and Congress alike. And that is why, 10 years ago, we enacted a law which breathed renewed life into that shared responsibility.

So, Mr. President, now we have the responsibility. Now we are called upon, by law, to exercise our judgment. History will judge us; history will judge the wisdom of the Founding Fathers; and history will judge the foresight of those of us who participated in the great debate in this Chamber a decade ago by examining how we acquit ourselves during moments such as these. On this, the first occasion of our invocation of the War Powers Resolution, let us not be found wanting—in our courage, in the strength of our convictions, or in the sincerity of our purpose.

We must ask ourselves what this constitutional struggle has really been all about. And once we have agreed that the purpose of the struggle has been to permit the people of this Nation, through their elected representatives, to be participants in this decision, then we must attempt to fulfill our obligations with all the diligence at our command.

Mr. President, the administration has not provided sufficient justification as to the national interests served by an open-ended commitment of U.S. combat forces in Lebanon. It has not provided preponderant evidence which would warrant risking the lives of American men and women in a foreign land. All Senators in this body must ask themselves one fundamental question. Can any of us explain to our children the compelling national interest at stake in Lebanon which would warrant their going to that country and sacrificing their own lives?

Do we have a right to expect less than a compelling case for those parents who have children in Lebanon today, or whose children may be sent to Lebanon in the future? I say the answer must be unequivocally no! We should not expect more from the American people when it comes to the possible sacrifice of their own flesh and blood, if we are not prepared to demand the same sacrifice from our own children.

Those parents back in our home States may be asking us, months from now, why their children had to die. They will be asking us what purpose was served, what goal was achieved, what vital national interest was at stake which required the sacrifice of young American lives. And our answers had better be a lot more meaningful than the mere assertion that the President wanted 18 more months.

Eighteen months! Why 18 months? Why not 6 months, 9 months, or a year? Nowhere in the record of administration testimony or public comments is there an adequate answer to that question. We have asked that question, over and over and over again. Yet, the only answer we get is that 18 months is the price we have to pay for the President of the United States to acknowledge that the war powers resolution is a Federal law.

For what purpose? Again we have asked in vain. And the mission? There is not any response to which I can ever point as justification for why our young people have been sent into a combat situation.

Do I point to the request for assistance by the Government of Lebanon in September 1982, when that Government asked for an "interpositional force" to be provided to facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area?

Do I point to the language of Senate Joint Resolution 159 which states that the purpose of our mission is "to obtain withdrawal of all foreign forces from Lebanon?"

Do I point to the congressional finding in section 2 of this resolution which proclaims that the purpose is "to restore full control by the Government of Lebanon over its own territory?"

Do I point to statements by the Secretary of State this past weekend that even after the withdrawal of all the foreign forces from Lebanon, our troops might be called upon to "occupy some (other) strategic positions in Lebanon?"

Do all these goals constitute the mission of the 1,600 U.S. marines presently on the ground in Lebanon? Or is it some of the above, or none of the above? I still do not have an answer to our baisc question. Why are they there, and what are they supposed to be doing? And the search for answers becomes complicated further by our awareness of what we see and what we hear. Our troops are positioned as sitting ducks around an airport. They have been shelled, injured, and killed. Is that their mission, to sit there and absorb shelling—to be caught in a crossfire?

Fortunately, a cease-fire is now in place. We all hope and pray that it will hold and that the killing will end. But we know how fragile it is. We know the history of that troubled land. We know the rivalries and the hatreds which have plagued that country for years and years.

And so now our young people sit, and wait, and hope, and pray, along with all of us that peace will take root in the Lebanese soil. But is that their mission now, to wait? For 18 months? And if the fighting breaks out again, is their task just to sit in the cross-fire, take more shelling, absorb more casualties, and just wait for the 18 months to run? Again, why 18 months? And again, the only answer we get is, "That's how it must be, because it was the only way we could get the administration to acknowledge that the war powers resolution is on the books."

Mr. President, that simply will not wash. For me to sign off on this agreement would be to make a mockery of the Constitution, the War Powers Resolution, and our responsibilities as Members of this body. We were not elected to send our young people off to foreign lands as bargaining chips in a high stakes game with another branch of our Government.

Politics is the art of compromise. War is not.

Mr. President, we are not haggling over a parochial institutional matter. We are demanding that there be a consensus in this country when we send our young men and women abroad to fight and die. We are demanding that the American people be fully supportive of our aims and goals when we make a decision as vital to the lives of our people as that of introducing U.S. Armed Forces into combat situations. We are demanding that the institutional checks and balances so laboriously constructed by our Founding Fathers to assure that this national consensus would prevail in matters of war and peace are not tossed aside in

disregard of the people just because the President wants 18 more months.

Edward Hyde, a 17th century British historian and statesman who was the First Earl of Clarendon observed:

> The law is the standard and guardian of our liberty; it circumscribes and defends it; but to imagine liberty without a law is to imagine every man with his sword in his hand to destroy him, who is weaker than himself; and that would be no pleasant prospect to those who cry out most for liberty.

Thus, Mr. President, while I am supportive of the continued U.S. presence in Lebanon at this time, I just cannot give the President a blank check over some nebulous definition of our national interest in Lebanon. It is not the President's to have under the Constitution. It is not ours to give under the Constitution.

We have a compact with the people of this Nation and that compact is the Constitution. I am not prepared to rend the fabric of this compact by turning over to one man, whether he be the President, or a U.S. Senator, the sole responsibility for making war. The people of the United States, through their votes, invest in us a trust. That trust manifests itself in the instrumentalities of governance. And the singular instrument of governance is law—law which is promulgated for the common good. I will not violate this trust.

The War Powers Resolution is the law of the land. And as the English statesman William Pitt the Younger warned nearly 200 years ago: "When law ends, tyranny begins."

Mr. President, in light of these deeply felt concerns which I have expressed in my remarks, the administration has not left me any choice but to oppose Senate Joint Resolution 159.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, I find myself in a unique position, for I was one of the 18 Members of this body who voted against the War Powers Resolution in the first instance. I find myself in a different position for another reason. I recall so clearly when the suggestion was first made that we should contribute American marines to a multinational force in the Middle East and I expressed my grave reservations and doubts about that action to the President and then publicly immediately after the first meeting on that subject in the Cabinet Room.

Mr. President, I still have grave doubts about the wisdom of American troops in the Middle East, but in my view that is not now the point. The point is the marines are there by the lawful acts of the Government of the United States. They are committed. They have a mission and a role. They are under fire. And I think it would be a mistake of tragic proportions if this Congress were to withdraw them, especially in the face of the first major bipartisan effort to enunciate and state a bipartisan foreign policy in this country in a long, long time.

I am as jealous of the prerogatives of the Congress in foreign policy as any person in this Chamber. I believe in the Congress. I believe in the inherent role of the Congress, and especially the Senate, in foreign policy matters. And I respect the War Powers Resolution because it is the law.

But, Mr. President, we have done something very precious here. We have bridged the gap of disagreement between the President, who did not wish to be the first to serve notice under the War Powers Resolution, and those of us who felt that as long as the act was on the record it should be invoked. In negotiations between the President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, my office, and other Senators, including the chairman of the Foreign Relations Committee, this resolution was crafted and put together invoking the War Powers Resolution.

Mr. President, it would be tragic, in my view, to sacrifice that beginning first step toward the reinvigoration of a bipartisan foreign policy for this country. I hope the Senate will support this resolution.

Mr. President, in a moment the Senate will express its will on the joint resolution to authorize, in accordance with the War Powers Resolution, the participation of U.S. forces in the multinational force in Lebanon. It was passed overwhelmingly in the House and it is my hope that it will receive the same broad bipartisan support here in the Senate.

This resolution reaffirms as the policy of the United States an important national endeavor, Mr. President. As an element of our efforts to contribute to a comprehensive peace in the Middle East, the United States has committed its support to the Government of Lebanon as that Government seeks to reestablish its sovereignty throughout Lebanon and to obtain the withdrawal of all foreign forces—Syrian, Israeli, and Palestinian—from that beleaguered land.

In order to enhance the climate under which those goals can be achieved, the United States, Italy, France, and Great Britain have established a multinational peacekeeping force to provide stability in and around Beirut. In August, as a result of renewed violence in the region, four U.S. marines died and a number were wounded. Since then, others have been wounded. That is a tragic price to pay for trying to keep the peace. But, peace is far from certain in Lebanon today, and it is obvious that the possibility of continued hostilities exists. It is our responsibility, therefore, both imposed by the Constitution and assumed by law, to reaffirm a commitment that may, and in this case has, cost American lives. This resolution is pursuant to that responsibility.

For well over a month, Mr. President, there has been continuous consultation between the White House and the leadership of the Congress on the subject of this resolution. The goal of these discussions was to devise a strong expression of congressional support for our Nation's policies with respect to Lebanon, taking into account the requirements of the war powers resolution. I believe that goal was achieved and I remain hopeful that my colleagues on both sides of the aisle can join in support of this effort.

I believe it is absolutely imperative that we send the strongest possible signal to all the parties involved that the United States is committed to assisting the Government of Lebanon in its efforts to find a resolution of the conflict in Lebanon.

In that regard, Mr. President, there is now substantial reason to believe that our progress toward a reaffirmation of our commitment to achieving a settlement in Lebanon has already had a positive effect. As a result of the negotiations sustained by the United States and Saudi Arabia, the fighting in Lebanon has stopped and efforts are underway to convene a conference of national unity in which the leadership of all Lebanon's major factions will participate. There are no guarantees, either that the cease-fire will hold or that the conference will succeed, but it is a critically important first step.

I am convinced that the commitment of the United States to this process was essential to the achievement of this milestone. I would hope that we will now join with the House in reaffirming the commitment by enacting this statement of support for the policy and of authorization of our participation in the multinational force, which is so essential to the implementation of the policy.

From the beginning of the deployment of the multinational force in Lebanon, the administration, in consultation with the Congress, has carefully sought to emphasize the limits to our participation. We and the other members of the multinational force are there to provide a peacekeeping presence—a measure of stability in areas under control of the Government. That presence has proved useful in freeing elements of the Lebanese Armed Forces to allow them to expand the areas under Government control, and we have also provided valuable assistance and training to those forces. This limited mission is spelled out in letters exchanged between the Governments of Lebanon and the United States and those letters are incorpo-

rated by reference in this resolution of authorization.

Moreover, Mr. President, the size and scope of our participation is required to remain so limited by other provisions of law; namely, the Lebanon Emergency Assistance Act of 1983. Since the introduction of this resolution, the President has reaffirmed his intent to comply with the strictures contained in that act and this resolution. My colleagues, therefore, should understand that this is by no means an open-ended authorization.

In the final analysis, we are attempting to enhance the prospects that the negotiating process will work. We should be under no illusion that this process will be easily concluded but at least it has begun. We should make every effort to strengthen the perception that we intend to see that process through to a successful conclusion.

I know that there are questions over which reasonable men and women might in good faith differ on the constitutionality of the war powers resolution. Until those questions are resolved, however, the war powers resolution is the law and it is entirely right and proper, and in fact our responsibility, to act in accordance with it. Without prejudicing anyone's right to argue the constitutional questions involved, this resolution and its companion measure in the House meet that responsibility.

The important thing now is to recognize that there are important national interests at stake in Lebanon, not the least of which is the safety and security of American marines stationed there as part of the multinational force. We owe them, the Government of Lebanon, and our negotiating team the strongest possible support and we should provide that support now while it still can be useful and while it appears already to be helpful.

The VICE PRESIDENT. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—54

Abdnor	Gorton	Nickles
Andrews	Grassley	Packwood
Armstrong	Hatch	Percy
Baker	Hawkins	Pressler
Boschwitz	Hecht	Quayle
Chafee	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Humphrey	Specter
D'Amato	Jepsen	Stafford
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Tower
Durenberger	Mathias	Trible
East	Mattingly	Wallop
Evans	McClure	Warner
Garn	Mitchell	Wilson
Goldwater	Murkowski	Zorinsky

NAYS—46

Baucus	Ford	Metzenbaum
Bentsen	Glenn	Moynihan
Biden	Hart	Nunn
Bingaman	Hatfield	Pell
Boren	Heflin	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Johnston	Roth
Chiles	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Stennis
Dixon	Levin	Tsongas
Dodd	Long	Weicker
Eagleton	Matsunaga	
Exon	Melcher	

So the joint resolution (S.J. Res. 159), as amended, was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 159), with its preamble, reads as follows:

S.J. RES. 159

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Leba-

non. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon;

(3) the implementation of other effective security arrangements in the area; or

(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this Act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine pursuant to its rules.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (1) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the RECORD or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

The title was amended so as to read "Joint resolution providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Madam President, I believe the business before the Senate should be the State authorization bill, is it not?

The PRESIDING OFFICER (Mrs. HAWKINS). The majority leader is correct.

Mr. BAKER. Madam President, as I announced earlier, we have the continuing resolution here from the House of Representatives. It just arrived. Since the expiration of the fiscal year is tomorrow at midnight, I really think it is urgently important that we go directly to the continuing resolution.

I have apprised the majority leader of this, and I now move that the Senate proceed to the consideration of House Joint Resolution 368.

Mr. BYRD and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Madam President, I know the Senator can get to it, but what I do not understand is why he is moving to go to it. He can do that. I would think he could get to it by unanimous consent, although that would involve the waiver of the 1-day rule.

But I cannot see all this business of going through an adjournment, which the majority leader can do and get to it, and which would take up a good bit of time, and he can still get to it.

As a matter of fact, I am concerned. I wish to see us go to it by unanimous consent, save that time, with the understanding clearly on the record that I want to see a vote on the Watt amendment, but I do not want to hold up the continuing resolution.

I do not want to hold up the extension of unemployment compensation. I do not want to hold up the King holiday measure.

I personally would give consent on my side, and others can object if they wish to, to proceeding to the continuing resolution, having the State Department authorization set aside, moving to the unemployment compensation measure, both of which have expiration deadlines of tomorrow night, with the State Department authorization set aside, and going to the King matter, with the authorization laid aside until then.

But I am just saying to my colleagues we can object if the majority leader proceeds to the continuing resolution, but he has the tools readily available to do what he wishes to in this regard.

I was just hoping he would not have to use them.

Mr. BAKER. I thank the minority leader.

May I say by way of explanation that I made the motion under the impression and I trust then it was a mistaken impression that there will be an objection to doing that.

I withdraw the motion, and I now ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 368, and before the Chair puts the request may I say that in making the motion I have no desire to prejudice the status of the State authorization bill.

The minority leader and I have discussed that matter and in this format it will recur as the unfinished business. I have no problem with that.

I do believe that we need to do the CR, the unemployment benefits, the King matter, and I would add to that the Labor-HHS appropriation bill which is available and one of the regular appropriations bills and will be up next week.

We may also have an emergency ag bill that may need to be taken care of.

But I am willing to cross those bridges as we come to them.

Mr. BYRD. Madam President, I think the majority leader will probably get an objection, but I hope he would not, but if he does, he can utilize certain rules which consume the time of the Senate and which would be most usefully spent on those items that have to be done by tomorrow night.

Mr. BAKER. I thank the Senator.

Mr. BRADLEY. Madam President, reserving the right to object, may I ask the majority leader a question con-

cerning his intention on the Labor-HHS appropriations bill.

I have an amendment that deals with education that I was going to attach or attempt to attach to the continuing resolution, and I wondered if, as I understand the majority leader wants to move this and not delay the deliberations on all the other bills, that the minority leader referred to, but if I were to defer, would we get a vote on this education amendment on the Labor-HHS bill and would this occur the next week.

Mr. BAKER. Madam President, let me answer the distinguished Senator from New Jersey in this way. It is the desire of the leadership on this side to go to the Labor-HHS appropriation next week. I cannot promise that, but it is one of the regular appropriations bills, and it is my full intention to do that after we take up the King holiday bill on Monday.

As to the amendment of the Senator from New Jersey, since I have not seen it, I do not know whether it qualifies or not as an amendment to an appropriations bill.

Mr. BRADLEY. I assure the Senator it does qualify.

Mr. BAKER. As far as I am concerned, I will make no effort to try to keep the Senator from offering his amendment which is not to say I would support it or I would not make a motion to table. I just do not know.

But the Senator certainly it appears to me will have an ample opportunity to offer the amendment to Labor-HHS since it apparently relates to the matter dealt with in Labor-HHS.

Let me also say to my friend from New Jersey that I hope Senators will withhold offering amendments to the CR as and when we get to the CR. I may be chief among those who had planned to offer an amendment to the continuing resolution. Indeed, I said to the Senate some weeks ago and announced publicly that I would not offer a funding amendment for the Clinch River Breeder Reactor until and unless there was a new financing program offered that I felt justified its continuation, and then I reserved the right to offer it to the CR, the continuing resolution.

But I am willing to forego that in the interest of trying to get a clean CR and get it out of here without amendments.

Now, for the benefit of the Senator from New Jersey and other Senators who may be listening, they should know that I have been assured by our colleagues in the House of Representatives, including the Speaker, and the ranking minority member of the Appropriations Committee, that they are going to get us a supplemental appropriations bill sometime next week.

So we are going to have the Labor-HHS bill, which seems to suit the purposes of the Senator from New Jersey. We will have a supplemental appropriations bill that may suit my purposes. And I am sure there will be ample opportunity for Members to offer their amendments to things other than the CR.

So, the long-winded answer to my friend from New Jersey, yes, I think he will have that opportunity.

Mr. BRADLEY. I thank the majority leader.

Mr. BAKER. I thank the Senator.

Mr. METZENBAUM. Madam President, reserving the right to object—and if forced to, I will object, but I hope I do not have to object—I want to explain to the majority leader the posture in which the Senator from Ohio finds himself.

At the time the Interior appropriations bill was before the Senate, I offered an amendment, and the manager of the bill asked me to withhold moving forward on that. He had to be absent from the floor that day. He made a firm commitment that he would protect my right to offer the amendment and actually was sympathetic to the concerns I had expressed, and he would recognize my right to do so on the continuing resolution.

As a matter of fact, as I have attempted to explain informally to the majority leader during the day, I have been in discussions with the chairman of the Appropriations Committee, who also happened to be managing the Interior appropriations bill at that time. Senator HATFIELD had just informed me that the Forest Service, which is the arm of Government I have asked for the letter, is willing to provide that letter but feels it necessary that they discuss the subject with their legal counsel.

Under those circumstances, if I can obtain that letter—and it now appears that I will—and Senator HATFIELD supports me in that effort, I would have no objection to the unanimous-consent request with respect to the continuing resolution proceeding nor with respect to proceeding without any amendments. Under the circumstances, though, until I am certain that I am going to get the letter, the majority leader would force me into the position of using the various parliamentary procedures that are available. I am frank to say to the majority leader that on occasion I have found it necessary to follow that procedure, but I hope I will not be forced into that posture at the moment.

I wonder whether or not this matter could be set aside for an hour or thereabouts. I am not trying to delay the majority leader. I hope we will work it out, and I think I speak for Senator HATFIELD as well in indicating that fact.

Mr. BAKER. I thank the Senator from Ohio. I have carried on a conversation with the Senator from Oregon as the Senator from Ohio was speaking, and I yield now to the Senator from Oregon.

Mr. HATFIELD. Mr. President, in response to the Senator from Ohio, as I had indicated to him informally, I think that within the next 5 minutes or so we can get a satisfactory response from the Forest Service. I see no reason why we could not proceed to take up the CR and dispose of it in a relatively short period of time.

This would then permit us to go to conference early in the morning with the House of Representatives and complete the conference early tomorrow, and get the report back to the floor, so that, for the first time in a number of years, we will not have to face the midnight hour or the possibility of shutting down the Government.

But we do need the cooperation at this point of every Member. The Senator from Ohio has been very cooperative in trying to work out this matter. I really feel that we can get him a satisfactory response very shortly—in fact, I hope in less than an hour—and I should like to get to the CR as soon as possible.

Mr. RANDOLPH. Madam President, reserving the right to object—and I shall not object—I am wondering if the able majority leader could inform the Members of the Senate as to the schedule or the possibility of a schedule of a Senate session on Saturday.

Mr. BAKER. Before I reply to the Senator from West Virginia—and I will be most happy to reply—I think the Senator from Ohio and the Senator from Oregon can work out their differences. They are awaiting a phone call or a letter. I should like to keep my request pending.

Therefore, in order to keep my request pending but to give us a little time to wait for a reply from the Forest Service, to see if the two Senators can work out their differences, I am inclined to put the Senate into a period for the transactions of routine morning business.

Mr. BYRD. What was the request?

Mr. BAKER. That we proceed to the consideration of House Joint Resolution 368.

Mr. BYRD. Personally, I have no objection to waiving the 1-day rule. The Senator from Ohio is perfectly right. I have no objection to leaving the request pending.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 3:45 p.m., in which Senators may speak for 5 minutes each.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

U.S. FORCES IN LEBANON RESOLUTION

Mr. RIEGLE addressed the Chair.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RIEGLE. I yield.

Mr. BYRD. Mr. President, I hope this time will not be charged against the Senator.

Mr. President, on the vote that just occurred, I want to congratulate Mr. PELL and Mr. PERCY on their expert handling of a very difficult and contentious matter. They did it with great aplomb, and I know the Senate can be proud of the way both of those men managed and comanaged the resolution.

I should like to say again that there was no effort in my caucuses at any time—and we had five of them—to urge Senators to vote for or against the resolution. I, personally, never went to any Senator and asked him to vote for or against the resolution. We tried our best to improve the resolution that was before the Senate.

The amendment I offered on behalf of Mr. NUNN, Mr. CHILES, and others would have done that. It would have given the President an additional 60 days from the date of enactment. It would have allowed him to send to the Congress the report required by section 4(a)(1) of the War Powers Act. It would have given the administration an additional opportunity to explain to the American people what the mission is, what the role is, what the reasons are for having the troops in Lebanon beyond the first 60 days, and it would have given Congress additional time to weigh and analyze the information that we think we should have on behalf of the American people in order to render a correct judgment on the resolution. We failed, and then we tried to reduce the 18 months, and again we failed.

So, every effort having been made to make the resolution a more tolerable and more acceptable resolution, there was no alternative on this Senator's part but to vote against it.

If my amendment had been adopted, I would have supported the resolution. Even if only the reduction in time had been adopted, I might have supported it. I am not going to say categorically that I would have supported it, but I might have. However, both those efforts went down, and to a considerable extent—at least in one of those two instances—went down on a strict party line vote. But at no time was my effort made on the basis of politics to get any Senator to vote one way or the other on the final resolution.

But there are circumstances in which the final resolution would have received more votes on this side than it otherwise did—if the Senate had accepted one or both of the basic amendments that we offered. In the one case, I would have voted for the resolution had my amendment been adopted. In the second case, I might have voted for the resolution. But it was strictly a matter, as I say, of conscience, of logic, and of commonsense.

The discussions in the five caucuses were intense; they were informed discussions. At no time was the political aspect ever mentioned, and the minutes of the caucuses will show that. At no time did I make the slightest effort to get any Senator to vote for or against the final resolution. It was not a matter of politics with me, and I do not think it was with the others on this side, because nobody in those caucuses ever referred to the matter in a political or partisan way, but always on the merits.

I want to compliment my colleagues for the fine way in which they discussed this serious matter and reached their conclusions, on the merits, on the logic, commonsense, and conscience. Yet, 43 Democrats and 3 Republicans reached the same conclusion.

I thank the Senator for yielding. I ask unanimous consent that the time I have used not be charged against him under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I rise to comment on the action that the Senate has just taken with respect to the authorization for continued American involvement in Lebanon. I think it is important to note for the record right now today that this resolution, although it passed, does not have the broad support of the Senate that I think is required to give this resolution sufficient meaning.

I think a vote of 54 to 46 on a matter of this gravity, showing that kind of nearly equal division in the Senate on this issue, is a very powerful illustration of the fact that this legislation is defective, and I think is clearly defective on its face in terms of an inability to marshal a substantial majority, if not an overwhelming majority, of the Members of the Senate.

It is important to note for the record something that may not be obvious otherwise because it will not show up in the debate and may not show up in the news reports. But as we were concluding the vote on the floor just moments ago and time had expired, the 15-minute voting period had expired, the final outcome of this issue was still in doubt and there were Members standing down in the well who had not yet voted and who were trying at the last minute to decide how they would vote on this issue. It was obvious that some of those Members were under tremendous pressure to cast a vote for the resolution, whether for reasons of supporting the President or supporting the party or what have you. And some minutes elapsed in which that process went on. Finally, the remaining votes were cast and by a very narrow margin, 54 to 46, this resolution passed.

It is significant to note that in that final vote total there were only two Members of this side of the aisle who saw fit to support the resolution and there on the other side who cast their votes in opposition.

I am confident that if this vote had been taken in secret by a secret ballot this resolution would have been voted down. It would not have passed. It would not have passed. I think the proof of that is just what we saw here, and that was the requirement for the persuasion, the arm twisting if you will, that went on at the end to produce the margin of victory on this particular issue.

Well, that is not the way in my judgment this kind of an issue ought to be decided. I think any time this country is going to commit itself with an open-ended authority of this kind, with the prospect of an expanded military effort by the United States abroad, out over the next 18 months, that there ought to be an overwhelming bipartisan show of support here in the U.S. Senate. Well that support is absent, because there is not that degree of consensus; there is profound division on this issue. And but for I think tremendous pressure in terms of lining up those last few votes this resolution would have been defeated today. It would have been defeated right here on this floor 10 minutes ago.

So I think it is important that the country understand what happened here. This was not an action in which the Senate, on any broad base, was saying, "Yes, let us go into Lebanon in the next 18 months and do whatever may be required and whatever the President in his judgment may think is needed." That is not what this Senate in any broad way is prepared to say. As a matter of fact, I think the vote shows quite to the contrary, that there is enormous apprehension, there is enormous uneasiness, and, as a matter of fact, 46 of the 100 Senators found themselves unable to vote for this measure on final passage.

So this resolution is not a license to Americanize this war in Lebanon. And if that should be the thought lurking in the mind of anyone who works for the President or is part of the foreign policy machinery in the executive branch of Government, then they better start thinking about it again, because there is not the support here for that kind of an action. And there are those of us here on the floor that if an effort is made to try to take and go beyond this resolution, we will use every means and I will at my command, to oppose that effort and to oppose those actions.

When the Secretary of State appeared before the Foreign Relations Committee just a week ago, under very pointed questioning, he was unwilling to commit himself to living within the letter and the spirit of this resolution, which was a good reason I think not to vote for it. It was defective in its own right, but that lack of a willingness by the administration to commit themselves to following it I think was another fatal defect.

So I would hope that the Secretary of State, and others who were part of the foreign policy machinery of this administration, would not mistake what has happened here, because it is not the desire, as I read it, of the Senate of the United States to plunge deeply into Lebanon in a military way with American efforts, although the risks of that, it seems to me, are very high and those risks will be with us for some time.

So while the final totals will show that the resolution passed today, I repeat again, it is my belief that if this vote had been taken in secret, a secret ballot, it would not have passed because it did not deserve to pass.

I yield the floor.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR BAKER AND SENATOR DOLE

Mr. GRASSLEY. Mr. President, earlier this year, U.S. News & World Report polled 1,717 opinion leaders in 29 fields, asking them to rank the 30 most influential Americans.

It was no surprise that our own colleague and distinguished leader, Senator HOWARD BAKER of Tennessee, ranked fifth from the top.

As Senator DOLE said recently in an open letter to the people of Tennessee, when their senior Senator retires from the Senate in 1985, he will leave a great vacuum in his wake.

For the record, I wish to share Senator DOLE's open letter with all in this body who have been privileged to serve under HOWARD BAKER'S leadership.

But first, I wish to add a few choice words regarding the letter's author—my chairman on the Finance Committee.

Certainly, the Lord threw away the mold when he made BOB DOLE. He is one of a kind, and as HOWARD BAKER himself admitted in a recent Newsweek interview, BOB DOLE's image has often not matched the man.

"I was not a BOB DOLE Admirer before 1980," HOWARD admitted in print read worldwide. "I thought he was caustic and harsh." But Senator BAKER has since come to describe his good friend from Kansas as a man of courage, vision, and rare compassion. His own painful encounter with suffering, after sustaining a severe wound in World War II, helped produce one of America's most outstanding leaders of this generation. Handicapped Americans, especially, have won a wonderful friend in this Kansas Senator: Earlier this year he established the Dole Foundation to help educate and train handicapped citizens, to help assure them richer lives.

Last year, radio station WMAL here in Washington asked reporters covering the Senate to rank its most outstanding Members. Topping the list was this pair of Republicans—HOWARD BAKER and BOB DOLE. So HOWARD, I join BOB DOLE in saying we will sorely miss you. But BOB—we are relieved to hang onto you. So do not get any big ideas about moving down to 1600 Pennsylvania Avenue.

I would like to insert Senator DOLE's entire letter in the RECORD. But first, an excerpt or two:

Andrew Jackson once defined the heart and soul of true leadership: "One man with courage makes a majority." For the past 16 years now, another Tennessean has embodied Jackson's concept. Since January 1967, he has lent grace as well as courage to the United States Senate. As you well know, he now prepares to return to the people who sent him to Washington. And the Volunteer State can take enormous pride in this citizen-politician from Huntsville, who volunteered his gift for leading at a special time in American history.

Quoting Senator DOLE, but speaking also for myself:

Howard, we will miss you.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRASSLEY. I yield to the Senator from Kansas, yes.

Mr. DOLE. I first want to thank my colleagues from the State of Iowa. I hope I may live long enough to deserve those kind comments.

I want to reiterate his comments concerning the distinguished majority leader who is now in the Chamber, if we could have the attention of the majority leader.

Senator GRASSLEY just made an outstanding statement concerning the leadership of this distinguished Tennessean. He has included in his remarks reference to an open letter I had written to a Tennessee paper. I just want to reiterate what I indicated in those remarks and what Senator GRASSLEY has indicated on the Senate floor, that Senator BAKER is truly an outstanding leader. We are very pleased on both sides of the aisle to have the privilege of his leadership.

Mr. GRASSLEY. Mr. President, I thank the Senator from Kansas for originating the article. It is a true statement of a true statesman. The title of the column is: "A New Title for Senator Baker: Statesman."

Mr. President, I ask unanimous consent that the column from the Knoxville News-Sentinel, dated August 2, 1983, be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD,

A NEW TITLE FOR BAKER: STATESMAN

(Sen. Bob Dole (R-Kan.) wrote this guest column as an open letter to the people of Tennessee about his colleague, Sen. Howard Baker.)

Andrew Jackson once defined the heart and soul of true leadership: "One man with courage makes a majority." For the past 16 years now, another Tennessean has embodied Jackson's concept. Since January 1967, he has lent grace as well as courage to the United States Senate. As you well know, he now prepares to return to the people who sent him to Washington. And the Volunteer State can take enormous pride in this citizen-politician from Huntsville, who volunteered his gift for leading at a special time in American history.

Howard, will will miss you.

THE MANDATE

I came to Congress myself back in 1961, when a vibrant president offered a new dream. Now that dream is being dusted off anew, thanks to Ronald Reagan, his faith in America, and his allies in Congress who share that faith. In all those years, believe me, Howard and I have seen a lot of changes. But perhaps none of them as dramatic as the people's mandate of 1980. I was lucky enough to be one of the early winners in my reelection bid at that memorable election year. Of course, if wasn't my race that captured the attention—Ronald Reagan's stunning landslide did that. But the change in control of the Senate was perhaps as important as the change at the White House. History was in the making and Sen. Baker telephoned me in Topeka to share the moment.

"Bob" he said enthusiastically, "if things keep going the way they seem to be, we'll take over the Senate for the first time in 26, and you're going to be chairman of the Senate Finance Committee."

"That's great, Howard," I replied, "But who's going to tell Russell Long?"

The Democrat senator from Louisiana had occupied that position for 14 years. To a lot of people, he was the Finance Committee. We didn't, of course, have to tell Russell Long or Majority Leader Robert C. Byrd—the voters did it for us. Eighty million had spoken, demanding changes of policy and a reordering of priorities. A new order was about to unfold—and Howard Baker was going to be the leader. Yet, that was only the beginning. When your senator called me on that November night some 20 months ago, I doubt if either one of us fully realized the awesome challenge entrusted to us by the voters of America.

THE LEADER

Since then, Sen. Baker has never forgotten the main function of a majority leader—to lead a majority. That principle requires compromise as well as courage. It demands the patience of a saint, the good humor of a sage, and the practical skills of a seasoned

tactician. It also requires about 24 hours of each day.

There have probably been more than a few of you who have found yourselves in Washington during the past couple of years, and visited the office of your senior senator only to be told that he was somewhere else. Well, let me tell you where he was. When the Senate is in session, he runs the show. When he isn't debating a bill or shaping a budget, he's probably at the White House, formulating legislative strategy, or lending the weight of his experience to the President of the United States.

If Ronald Reagan has launched a revolution, then Howard Baker has certainly been prominent in its front ranks. Thanks in small part to his efforts, your taxes have been reduced and reformed. Your government has been made more responsive to grassroots sentiment. Your nation's defenses have been strengthened. And your Congress—at least the Senate—has taken on a note of dignity and decorum in keeping with its historical standards.

THE STATESMAN

I have had the privilege of serving in Washington for more than 22 years. Through six presidencies and 11 Congresses, I have had the opportunity of working with and learning from some of the most powerful officials in our recent history. But of all the men and women that I have encountered since January of 1961, there are a precious few who stand apart. Gerald Ford, Hubert Humphrey and Everett Dirksen come to mind.

When the history of this era is written, there's no doubt the senator from Huntsville will take his place among the handful entitled to be called "statesmen." And that honor has already been determined in a career that is far from complete.

So, why have I written this letter to the people of Tennessee? To thank you from the heart for sending Howard Baker to the United States Senate.

Those of us who remain will miss him, but we have benefited greatly from his presence.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. BAKER. Mr. President, I must confess surprise. I did not know the Senator from Iowa and my good friend was about to make these remarks or that the Senator from Kansas was about to make remarks. I am grateful in the extreme. I thank them.

I have not read the article, but I assure him I will. I am sure I will be intoxicated with the wine that flows from it.

I really am grateful. Any time there are statements of approval or approbation for my actions in the Senate, I count it a great pleasure against those times when remarks might not be so kindly.

Seriously, it is a pleasure to serve with the Senator from Iowa. I express my special appreciation, too, to the Senator from Kansas.

Mr. President, I recall so clearly the first time I met Senator GRASSLEY, then Congressman GRASSLEY. He invited me to speak to a Lincoln Day district meeting in his State. I came back from that meeting knowing intuitively, instinctively, and certainly that this man had a strong bond of support with his constituents and was destined to go far. He has gone a long way in the Senate and will go further.

CHARLES GRASSLEY: A WORKHORSE FROM NEW HARTFORD

Mr. DOLE. Mr. President, the Senator from Kansas would like to offer a few words about his friend and colleague from Iowa, CHARLES GRASSLEY.

Earlier today, on the Senate floor, the Senator from Iowa was kind enough to make some flattering comments about HOWARD BAKER and an article that this Senator wrote in praise of the distinguished majority leader.

But Senator GRASSLEY, in his typically gracious way, also made some very complimentary comments about me.

Let me tell you, his unsolicited remarks are deeply appreciated. As every Member of this body knows, CHUCK GRASSLEY is one of the hardest working Senators in the history of the U.S. Congress. As chairman of the Finance Committee, I know firsthand the kind of dedication, energy, and ideas Senator GRASSLEY brings to work with him every day.

Of course, the hard work pays off for constitutents. But then, that is why Iowans, year after year, have elected CHUCK GRASSLEY to be their representative on Capitol Hill.

Do not underestimate this talented man from New Hartford. He is going to go far in this body.

REQUEST FOR THE PRINTING OF THE CONTINUING RESOLUTION FOR FISCAL YEAR 1984 (H.J. RES. 368)

Mr. HATFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 368, the first continuing resolution for fiscal year 1984, be printed with the recommended amendments of the Committee on Appropriations, in linetype and italicized, as shown in the committee print of the House joint resolution which I now send to the desk. I further ask unanimous consent that this reprint be deemed the official version of the measure for the purpose of Senate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, this unusual procedure is necessary to facilitate Senate consideration of the continuing resolution which passed the House only late last night. The Senate Committee on Appropriations also met yesterday and authorized Senator STENNIS, the ranking minority member of the committee, and myself, to offer these amendments on behalf of the committee when the House-passed joint resolution was received and considered by the Senate. My request will incorporate the substance of the committee recommendations in the House bill currently on the calendar so that it will be printed in the form as if it were reported by the committee. This will permit the usual Senate floor consideration of appropriations bills by clearly delineating the amendments recommended by the committee. To expedite its availability in the Senate, this reprint will be prepared in the service department rather than at GPO as is customary.

Mr. President, I would further like to make clear that this request in no way adopts or implies agreement with any of the committee amendments. Each amendment will have to be considered and voted upon when this measure is brought up in the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I am happy to report, according to my information, that the parties who wished to confer on the unanimous-consent agreement have resolved their problems. I will now state the request for the benefit of the minority leader and all Senators.

I ask unanimous consent that when the Senate turns to the consideration of House Joint Resolution 368, the continuing resolution, it be considered under the following time agreement: 2 hours on the resolution to be equally divided between the chairman of the Appropriations Committee and the ranking minority member or their designees; that no amendments be in order with the exception of amendments to be offered on behalf of the committee that were authorized by the full committee on Wednesday, September 28; that there be 5 minutes on any debatable motion, appeal, or point of order, if it is submitted to the Senate, and that the agreement be in the usual form with respect to the division and control of time.

Mr. President, I add to my request that the Senate proceed to the consideration of the continuing resolution, so there is one request, that the Senate now go to the continuing resolution by unanimous consent on these conditions.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I just want to say again that I am acceding to this request because I think the continuing resolution, which

is necessary because of the expiring deadline tomorrow night, is so important that we not hold up the Senate at the moment with respect to the amendment which I have on the State authorization bill concerning Mr. Watt and the request that the President ask for his resignation.

Second, I would agree to this if the Senator would include in his request that the expiration date on the resolution be moved from November 17 to November 10. Otherwise, you are shut out by the very request "no amendments be in order."

Mr. BAKER. Mr. President, I guess that is right. The committee did not report such an amendment, but I understand they are prepared to do so. So I amend the request so this only one amendment other than the committee recommended amendments be in order, and that be an amendment to change the date for the expiration of the continuing resolution from November 17 to November 10.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank all parties.

CONTINUING APPROPRIATIONS—1984

Mr. BAKER. I now ask, Mr. President, that the Chair lay before the Senate the continuing resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984 and for other purposes.

The recommended amendments of the Senate Committee on Appropriations are as follows:

On page 2, line 7, strike "Acts", and insert Act";

On page 2, strike lines 8 and 9, and insert the following:

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended: Provided, That notwithstanding any other provision of law or this joint resolution, authorities contained in Public Law 96-132, the "Department of Justic Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this joint resolution or until the effective date of a general Department of Justice Appropriation Authorization Act, whichever is earlier.

On page 3, line 15, after "1983", insert the following: *: Provided further, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the House or the Senate but not passed by that House as of October 1, 1983, it shall be deemed as having been passed by that House.*

On page 4, strike line 3, through and including line 2 on page 5, and insert the following:

(b)(1) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriations Acts as passed by the Senate as October 1, 1983:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984: Provided, That notwithstanding any other provisions of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": Provided further, That notwithstanding any other provisions of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers;

Department of the Interior and Related Agencies Appropriations Act, 1984: Provided, That no funds provided in this or any other Act to agencies funded by the Interior and Related Agencies Appropriation Act, 1983 (Public Law 97-394) may be expended to take actions related to termination of programs or closure of facilities until enactment of the Interior and Related Agencies Appropriation Act, 1984; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984, under the terms and conditions provided in such Act for fiscal year 1983.

(2) For the purposes of this joint resolution, when an Act listed in this subsection has been reported to the Senate but not passed by the Senate as of October 1, 1983, it shall be deemed as having passed by the Senate.

On page 6, strike line 11, through and including line 17 on page 7, and insert the following:

(c) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $253,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: Provided, That at such time as a Department of Defense Appropriation Act, 1984, is reported in the House of Representatives or in the Senate, the foregoing provision shall become inapplicable and the amounts and authority provided by this joint resolution shall be those that would be granted under the Act as reported, or, when such Act has been reported in both Houses, at the lower amount and more restrictive authority of each version: Provided further, That none of the funds provided by this joint resolution shall be obligated prior to November 17, 1983, to initiate production of a major weapons system, as defined in section 139a(a) of title 10, United States Code, if funds were not obligated in fiscal year 1983 or prior years for production of such weapons system.

On page 10, strike line 19, through and including line 21;

On page 11, strike line 9, through and including line 8 on page 12, and insert the following:

(g) Notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1984 (H.R. 3415), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (98-379), filed in the House of Representatives on September 22, 1983, as if such Act had been enacted into law.

(h) Notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in the Military Construction Appropriation Act, 1984, (H.R. 3263), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-378), filed in the House of Representatives on September 22, 1983, as if such Act had been enacted into law.

On page 13, line 7, strike "November 15, 1983", and insert "November 17, 1983";

On page 14, line 24, strike "continued", through and including "(step 14)" on line 25, and insert "the rates at step 15 of the rate phasing schedules as they existed September 1, 1982";

On page 15, strike line 5, through and including line 10;

On page 15, line 11, strike "110", and insert "109";

On page 16, after line 12, insert the following:

(c) Notwithstanding any other provision of law, including subsection (a) of this section, no part of any of the funds appropriated for the fiscal year ending September 30, 1984, by this Act or any other Act, may be used to pay any prevailing rate employee in the wage area described in section 780 of Public Law 97-114, at a rate of pay higher than the rate of pay for the applicable grade and step contained in the applicable wage schedule in effect on the date of enactment of this Act.

On page 16, line 21, strike "(c)", and insert "(d)";

On page 17, after line 5, insert the following:

(c) Notwithstanding the provisons of section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act, as amended (20 U.S.C. 903(c)), no part of the funds appropriated for the fiscal year ending September 30, 1984, by this Act or any other Act, may be used to pay rates of basic compensation for teachers and teaching positions in the military departments under such section 5(c) at rates which exceed by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1984, the rates which were paid for the school year beginning in August 1982.

On page 17, line 17, strike "(d)", and insert "(f)";

On page 17, line 22, strike "(e)", and insert "(g)";

On page 18, line 1, strike "(f)", and insert "(h)";

On page 18, after line 8, insert the following:

(i) Notwithstanding the limitations imposed on prevailing rate pay pursuant to subsection (a) of this section, such limitations may not apply to wage adjustments for prevailing rate supervisors provided by the supervisory pay plan published in the Federal Register on March 30, 1983.

On page 18, line 14, strike "111", and insert "110";

On page 18, after line 21, insert the following:

SEC. 111. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 112. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1983.

SEC. 113. No provision which is included in an appropriation Act enumerated in this joint resolution but which was not included in the applicable appropriation Act of 1983, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the Senate has now turned to the consideration of House Joint Resolution 368, the continuing resolution for fiscal year 1984. This measure passed the House last evening by a vote of 261 to 160 under a closed rule. It is a clean CR.

In anticipation of House action, the Committee on Appropriations met yesterday and authorized Senator STENNIS and myself to offer certain amendments on behalf of the committee to the House measure. As I indicated yesterday when I reported to the Senate on the committee's action. I am most proud that my colleagues on the committee withheld their extraneous amendments and did not press legislative provisions which intrude on authorizing committee jurisdiction and so often complicate the consideration of these resolutions. The amendments that Senator STENNIS and myself will offer on behalf of the committee pertain to the spending rates of the nine bills covered by the resolution, the expiration date, and other technical and boilerplate provisions required for a continuing resolution. Specifically, we have amended the House resolution to set the spending rates for Agriculture, Interior, and Labor-HHS at the level of the Senate bill, rather than at the House bill level established in the House CR; to set the rate for the Commerce bill at the lower of the House or Senate bill level, rather than the level of the House bill as proposed in the House CR; to set the rate for military construction and the District of Columbia at the conference report level rather than the lower of the House or Senate bill level; and to set the rate for Defense at an annual rate of $253,000,000,000, rather than the lower of the current rate or the President's request, as proposed by the House. The committee also recommended a change in the expiration date from November 15 to November 17. I understand that the leadership would like to revise that to November 10, and I will offer an amendment to that effect shortly.

I want to emphasize that this is an interim measure. The appropriations process is farther advanced than it has been since 1977. We have four bills signed into law, two more expected momentarily, one in conference today, another conference expected shortly, another four reported from committee and awaiting floor action, and the last, the defense bill, scheduled for subcommittee markup next week and full committee action after the October recess. There is every reason to believe that we will be successful in sending at least eight of the nine remaining regular appropriations bills, with the possible exception of foreign operations, to the President before this temporary continuing resolution expires. There is no reason for Senators to load this measure up with any and all amendments that may come to mind, because all the normal appropriations vehicles are moving. Senator STENNIS joins me in urging all our colleagues to refrain from amending this measure, so we can pass it expeditiously this afternoon, go to conference tomorrow, and clear the measure for the President, avoiding an all-night session, a weekend endurance contest, and the possibility of a Government shutdown come Monday. Now that we have the unanimous-consent agreement it makes it more possible for this to be achieved.

The Office of Management and Budget, in its official "Statement of Administration Policy" joins us in urging swift action on the CR.

And finally, before turning to some explanation of particular items, I want to be sure Senators know that the resolution recommended by the committee would provide a spending level for nondefense below that passed by the House, and is within the limits of the budget resolution.

DEPARTMENT OF DEFENSE

For programs covered by the Department of Defense Appropriations Act, the committee recommends a spending level formula similar to that adopted in the first continuing resolution for fiscal year 1983: an increased level based on an annual rate of $253,000,000,000, to be distributed among Department accounts on a pro rata basis subject to the terms and conditions of the regular and supplemental Defense Appropriation bills for fiscal year 1983. The recommended annual rate is midway between the fiscal year 1984 budget authority targets adopted by the Senate and House Appropriations Committees under the section 302(b) allocation process of the Congressional Budget Act.

Further, the committee recommends a provision adjusting specific spending program levels to those contained in a Defense Appropriations Act when reported in the Senate or the House, or at the lesser amount and more restrictive authority of the House or Senate versions when both Houses have reported bills. This provision is designed to encourage early enactment of a regular 1984 bill.

The committee also recommends a prohibition on any new production starts on major weapons systems until November 17, 1983, in order to preserve congressional options in the pending regular appropriation bill.

The House version of the Defense spending authority would have held the Department to the levels of fiscal year 1983 or the President's budget request, whichever were lower, with the restriction applied to the subprogram level. The Congressional Budget Office estimated this formula would constrain spending to a rate of $228,000,000,000—lower than that provided for Defense last year in the first continuing resolution for fiscal year 1983. There is evidence that a specifically applied rate so constrained could disrupt normal contracting and program management practices even over the brief period of the continuing resolution authority.

FOREIGN OPERATONS

Activities funded under the Foreign Assistance Appropriations Act are provided for at a rate of operations at the current level or the administration's budget request, whichever is lower. The committee expects that departments and agencies which receive funding under this section will avoid the obligation of funds for specific budget line items or program allocations on which congressional committees have expressed strong criticism. Specifically, the Senate Appropriations Committee reported a regular fiscal year 1984 bill on September 27,

1983, wich contains funding levels for some activities which are lower than would be provided under the formula of this continuing resolution. The committee expects that the rate of spending for those activities will not exceed that provided in the Senate-reported bill. Some of the accounts affected include the Inter-American Development Bank, the International Development Association, and the Economic Support Fund.

It is the committee's intent that the lower of the total amount contained in Public Law 97-377 for functional development assistance or the total for such assistance contained in the fiscal year 1984 budget estimate will be the rate for operations for functional development assistance under this resolution. It is also the committee's intent that the amount provided for each functional account will be the same as that contained in Public Law 97-377.

The charter of the Export-Import Bank expires on September 30, 1983. While new charter legislation is nearly completed by Congress, it is doubtful that this legislation will be enacted before September 30, 1983. some concern has been expressed, therefore, that the operations of the Eximbank would have to cease on October 1, 1983. The committee has included language, also included by the House, which provides funding for the Export-Import Bank "notwithstanding * * * any other provision of law." The committee intends that this language allow the Export-Import Bank to continue its operations during the period of the continuing resolution, and before enactment of a new charter.

REVENUE FOREGONE SUBSIDY

The funding provided in this continuing resolution allows rates for payment to the Postal Service fund is for the revenue foregone subsidy. The committee has allowed the Postal Service to adjust rates to step 15 of the phasing agreement. This is the same action proposed in S. 1646, the fiscal year 1984 Treasury, Postal Service, and general government appropriations bill. The House language would maintain rates effective on September 1, 1983 (step 14), or the current rate. The continuing resolution also directs continuation of 6-day mail delivery, rural delivery, and continues free mail for the blind.

BLUE-COLLAR PAY CAP

For the past several years the continuing resolution has included a provision to insure that Federal wage employees will be held to the same pay increase limit that applies to other Federal employees. The committee has continued that language in this continuing resolution. The House language continues the provision as the committee does, but excludes three areas included in the Senate provision. They are: Overseas teachers, individuals covered in the wage area described in section 780 of Public Law 97-114, and rate supervisors.

HEALTH PROGRAMS

The Supplemental Appropriations Act of 1983—Public Law 98-63—continued funding for health systems agencies for States without local planning agencies. The continuing resolution continues that eligibility through the period of the CR in section 101(f) by providing amounts "under the terms and conditions" of applicable appropriation acts for fiscal year 1983 and continuing health planning activities authorized under title XV of the Public Health Service Act.

Mr. President, I yield to the very distinguished ranking minority member of the committee, Senator STENNIS, of Mississippi, whose support has been absolutely imperative and necessary in order to achieve this rather remarkable feat up to this point.

Mr. STENNIS. Mr. President, I shall be brief in my remarks here.

I wish to greatly emphasize the importance of the work that has been done by the chairman and other members of the committee, including our valuable staff members, and it is a remarkable piece of work in another way, timewise, in that all this could be put together and gotten together and so thoroughly understood as to get virtually unanimous consent agreement with reference to the amendments or the absence of amendments, and those that have not been through this many times could hardly realize how much this leadership on the part of our chairman has meant and the good results that it has brought.

I certainly am pleased that we have a prospect here now of sending this continuing resolution on, not loaded down with a great number of amendments, even though any amendment proposed in the future is certainly going to have its day in court and can be taken care of.

This restores to a continuing resolution its original status and it is an original clean undertaking legislativewise, and it will be used for a very short time. We are apparently going to get it passed in a speedy manner now due to the previous work and it will serve its purpose here of serving for a few weeks, a very few weeks, into the new fiscal year that begins next Saturday morning.

Mr. President, at the outset of our consideration of this measure, I want to especially commond our fine chairman, the Senator from Oregon, and the members of the Committee on Appropriations for what I consider to be responsible and timely action in the committee's handling and processing of this highly important matter. I fully subscribe to and endorse what our chairman has said in explanation of the committee's action and the committee's amendments to be offered.

While I dislike resorting to continuing resolutions and, even more so, the most recent practices in the way the Congress has been using continuing resolutions, we are nevertheless, faced with this situation in which we find ourselves today. The end of the fiscal year is fast approaching—a little over 24 hours from now. Continuing resolutions by their very nature must be enacted promptly and this resolution is no exception.

We are all familiar with the recent growing tendency in the Congress to try to resolve numerous legislative matters, controversies and issues on continuing resolutions and we have all generally deplored that condition in committee and here on the floor. However, with this resolution, Mr. President, I am proud to say that we, as a committee, are reversing that bad habit. By not including these extraneous matters, the continuing resolution will be restored to its proper function and role and will once again be used as it was originally meant—to be a temporary, interim measure, not to be used as a vehicle for every legislative controversy.

So it is, Mr. President, that this resolution with the committee amendments to be offered is a clean and simplified measure and we urge that the Senate keep it that way. There will be a number of other appropriate measures coming before the Senate shortly on which Members will have an opportunity to offer amendments and I know of several meritorious matters that remain to be addressed in this body that will be offered on those vehicles. Members of our committee had highly important and meritorious matters and have deferred in offering them at this time and we again urge the Senate's cooperation and support.

I join with the chairman in the request that we keep this as a relatively clean and simplified resolution and pass it promptly.

Mr. HATFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments to House Joint Resolution 368 be considered and agreed to en bloc and provided that no points of order are waived thereon and the measure as amended be considered as orginal text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. STENNIS. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2242

(Purpose: To shorten the duration of the continuing resolution)

Mr. HATFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 2242.

On page 13 line 8 strike "November 17, 1983" and insert in lieu thereof "November 10, 1983".

Mr. HATFIELD. Mr. President, this was the one amendment incorporated in the unanimous-consent agreement on the request of the leadership that the date of expiration be changed from November 17 to November 10. The purpose of this is not to push the expiration up against the projected sine die date of November 18 for adjournment.

So at the request of the leadership that is the purpose of offering the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2242) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, let me make clear in the record the intent of Congress concerning the administration's proposal to distribute refugee and entrant assistance funds under a block grant. As the report language in the Labor-HHS appropriations bill specifies, it is the intent of Congress that the administration not proceed with any administratively proposed block grant, per capita grant, or similar consolidation of the refugee resettlement program in fiscal year 1984.

The Office of Refugee Resettlement (ORR), has already published in the Federal Register for the purpose of public comment a block grant funding proposal. Theoretically, ORR could proceed with the publication of regulations during the interim between the first continuing resolution and the second continuing resolution. While I do not believe ORR would pursue such a strategy, I do want to make manifest the will of Congress on this subject so that there can be no misunderstanding.

Permit me to summarize the current status of the administration's proposal in Congress. First, the House had placed language in the continuing resolution which would have forbidden ORR from publishing block grant regulations. The House removed this language from the bill to permit a clean bill to come over so that the Senate could swiftly process the continuing resolution before Saturday's deadline. Second, neither the Senate nor the House has reauthorized the Refugee Act, the authorizing legislation which governs the manner in which refugee assistance is channeled to the States. At this moment, both of the Judiciary Committees of Congress are reviewing the reauthorization legislation. The House Judiciary Committee has gone on record in opposition to the block grant/per capita proposal. The Senate Subcommittee on Immigration and Refugee Policy has not decided the precise direction it wishes to follow in its version of the reauthorization bill. At a minimum, however, one can conclude that it would be patently premature for ORR to proceed with the publication of block grant regs when the reauthorization bill has not been approved by either body of Congress.

I hope that this statement is an unnecessary amplification of congressional intent on this subject. Again, it seems unlikely that ORR would publish the regulations before the issue as to whether Congress wants block grant funding or refugee assistance has been decided. However, because many of the Governors of the States which have the largest refugee populations have come out in opposition to the block grant proposal, this precautionary effort seems warranted. I thank the Chair.

Mr. ABDNOR. Mr. President, I would like to ask the distinguished chairman of the Labor-HHS and Education Subcommittee, Mr. WEICKER, to clarify the intent of the committee with respect to funding for the impact aid program.

It is my understanding that the committee expects the Secretary of Education to make preliminary payments to eligible local educational agencies in accordance with the criteria established in the first continuing resolution making appropriations for fiscal year 1983.

Mr. WEICKER. The Senator from South Dakota is correct. In addition, the committee expects the Secretary to make preliminary payments—which will be utilized by federally impacted local educational agencies during the current school year—in a timely manner.

Mr. ABDNOR. This Senator also understands that the committee does not intend the Secretary of Education, in disbursing funds for both components of the impact aid program—Public Law 81-874 and Public Law 81-815—to take into consideration the terms and conditions set forth in the jobs bill—Public Law 98-8.

Mr. WEICKER. The Senator is correct. The committee intends to provide no more than the authorized level of $20 million for impact aid construction—Public Law 81-815. Remaining program funds are to be expended under Public Law 81-874.

Mr. ABDNOR. I appreciate the opportunity to clarify these matters and I thank the Senator from Connecticut for the continued help and cooperation of he and his able staff.

Mr. KASTEN. Mr. President, the continuing resolution before the Senate as it relates to items under the jurisdiction of the Foreign Operations Appropriations Subcommittee provides for a rate of spending which is the lower of the current rate or the President's request.

While there are a number of items of concern to the committee, as well as other Members of the Senate, which would receive significantly lower funding levels than desired, the committee is recommending that we accept the House version in light of the desire of the Senate leadership to move this matter quickly, and, of course, the duration of the continuing resolution is only for 45 days. A preferable action might have been to reference the foreign assistance bill that the committee reported last Tuesday, but to do so would have resulted in a protracted and probably not very successful conference with the House.

Therefore, Senator INOUYE, the ranking minority member of the Foreign Operations Subcommittee, and I, will resist amendments to the foreign operations section, as will the committee leadership, but I do wish to be straightforward in saying that if amendments adding other items succeed on the floor, we would be forced to add the provisions of the bill that we reported. Such an action would be necessary because of the possibility that certain add-ons would have the effect of reducing the incentive to either pass a regular bill during the 45-day period, or to provide a second continuing resolution which would provide for the additional needs requested by the administration and supported by the Senate.

Another factor in our recommendation is the desire, as expressed by the chairman of the House Appropriations Committee and the chairman of the House Subcommittee on Foreign Operations that we proceed on this matter and conference on all of the foreign assistance matters either through a regular bill or the second continuing resolution.

Mr. President, the distinguished chairman of the committee, Senator HATFIELD, has already presented an explanation of the continuing resolution, including the foreign operations section, but I would like to emphasize a couple of points. First of all, the committee has taken the position that departments and agencies which receive funding under the continuing resolution should avoid the obligation of funds for specific budget line items or program allocations on which congressional committees have expressed strong criticism. Specifically, with reference to items under the foreign operations section, the committee has reported a regular bill which contains funding levels for some activities that

are lower than would be provided under the formula of this continuing resolution. The committee expects that the rate of funding for those activities will not exceed that provided in the Senate reported bill. As the chairman has mentioned, some of accounts affected include the Inter-American Development Bank, the International Development Association, and the Economic Support Fund.

The second item I wish to highlight is a concern over the operations of the Export-Import Bank. It is clear that new charter legislation will not be completed before September 30, 1983, but the committee has included language in the continuing resolution, also included by the House, which provides funding for the Export-Import Bank "notwithstanding * * * any other provision of law." The committee intends that this language allow the Export-Import Bank to continue its borrowing authority and operations during the period of the continuing resolution.

The last item I want to mention, Mr. President, is that I am informed that there is some dispute downtown over the committee's intentions with respect to the funding for the International Fund for Agricultural Development. It is clear that the committee intends that IFAD receive $40 million under this continuing resolution, which is the lower amount as provided in Public Law 97-377 and Public Law 98-63.

Mr. ABDNOR. Mr. President, I rise to support this continuing resolution. I can assure you that I have strong feelings regarding amendments I would like to have adopted, however, I am fully cognizant of the time problems we are facing. I have therefore restrained from offering those amendments.

The Treasury, Postal Service and general government bill has yet to be passed. The Senate has reported a bill, however, the other body has failed at this time to take positive action. As subcommittee chairman, I would like to note that we are proposing that the agencies in this bill continue operations at the fiscal year 1983 level. There are some agencies which will face problems. The Customs Service is a prime example.

The Customs Service has been given new responsibilities with regard to the war on crime. The agency will have to make internal adjustments and I, along with my good friend and the chairman of the House subcommittee are committed to do what we can to see Customs carry out its responsibilities efficiently and effectively.

I might also add that the fiscal year 1983 rate in the 1984 continuing resolution for General Service Administration through November 17 is not intended to slow down or stop operations that are integral to the agency's basic functions, which includes but is not limited to operation of buildings and payments for leased space in the Federal buildings fund. In other words it is the subcommittee's observation that they should continue at current funding levels and should include reprogramings and organizational transfers approved by the Appropriations Committees even though the annualized cost for this period would exceed last year's rate.

In closing, I reiterate my support of the committee position and pay compliment to the chairman for his effort to expedite action on this measure.

THE CONTINUING UNRESOLVED DEFICITS

Mr. CHILES. Mr. President, the spending bill before the Senate is aptly named. It is a continuing resolution. It neither improves our deficit problem, nor makes it substantially worse. It just continues the operation of Government for several more weeks.

It really changes nothing. But if this spending resolution is not the vehicle to attack the deficit problem, the time for change better not be far off. We are running out of time.

Two weeks from now, we will begin to deal with the reconciliation steps designed to match the budget promises we made in June. By then, we will have just 10 weeks left in the year before the elections.

I am afraid we are getting ourselves into a situation where real action on the deficit will be prevented by a roadblock of excuses. Some will say, "You cannot do much in an election year." Some will say, "We are in an economic recovery. Let us not tamper with it."

Let us not invent reasons for inaction, Mr. President. Maybe we can slide by another few months with the numbers saying things are better. But the number that really counts—a $200 billion deficit—has not changed. It continues. And unless we do something this year to reduce it, I am afraid it will continue for years to come.

If that happens, I can tell you something that will not be continuing—economic recovery.

My reason for speaking today is to neither praise nor condemn the continuing resolution. It is really not much more than a mechanical device. What I really want to do is to remind my colleagues of a threat we cannot overlook any time we talk about money.

And that threat is the Federal deficit.

Mr. President, John Foster Dulles used to measure success by saying it is not whether you have a tough problem, but whether it is the same tough problem you had last year.

If you apply the Dulles definition of success to the condition of the Federal deficit it is enough to make him quake in the hereafter.

Not only do we have the same deficit problem, it is about twice as bad as last year's, and three times worse than the year before that.

Unless we do something about the deficit problem this year, it will be even worse next year, and worse still in the years that follow.

If we do not act against the deficits now, I am afraid we may permanently alter the nature of the economy, and I do not see it as a change for the better. If we surrender to deficits, we could cross into the brave new world of runaway debt, and we in Congress could be the first to be run over.

We have just got to understand that deficits are a threat to economic recovery. We hear that a lot; so much, in fact, that people just start tuning out. It becomes part of the political background noise. We hear Senators say that deficits matter, and people begin to think that it is just one Senator's opinion against another's.

But if you put your ear to the outside wall of the Senate, you can hear a growing number of people saying the same thing. I think we need to listen to what those voices beyond these walls are saying. And I want to give the Senate that chance.

Here is a roster of opinion with the same basic message: Deficits matter; deficits are a threat to economic recovery.

European Parliamentarians. On September 22, I invited 24 members of the European Parliamentarian Union to talk about the world economy. Every one of them told me that high interest rates were tied directly to high U.S. deficits.

And they told me that our high rates were drawing capital out of their own economies and into ours, making it that much harder for them to reestablish economic vitality in their own countries. Unlike many in this country, they were not mystified at all about why the United States seems to be in an economic recovery, in spite of a $200 billion deficit. They understand we have been able to finance Federal borrowing demands with their money. And we better understand what European nations already know: It cannot last forever.

If our high interest rates continue to take capital out of foreign economics, we will do fine for a while. But, if other nations cannot buy our goods, if our export market dries up, that in itself will threaten our economy.

National Association of Mutual Savings Banks. I spoke with these bankers on September 20 about deficits. They shared with me a copy of a letter they have circulated describing their concerns about deficits. Let me read you an excerpt:

The budget deficits create a crisis. There will be no political winners if the Administration and the Congress fail to accommo-

date differences and cooperate * * * to deal with current serious economic problems. The threat to our Nation requires prompt, effective, and bipartisan action now.

Of course, Mr. President, these are the people who loan much of the money for housing in the country. They are right in the middle. When big deficits push up interest rates, buyers cannot afford homes, and mortgage bankers are strapped themselves by the high cost of money. They say everyone is threatened by big deficits. And they are right.

Senator DOLE, the distinguished chairman of the Senate Finance Committee has a gift for getting right to the point. In August he said budget deficits are the most serious domestic concern facing the Nation. And he went on to say that a legislature that cannot mobilize itself to deal with the most serious domestic concern facing the Nation cannot be taken seriously.

He is right on both counts, and that reinforces the case to do something about deficits right now.

USA Today, on August 12, 1983, they ran an editorial, which ranged over the whole deficit problem. Let me read a few excerpts:

Washington's politicians are gambling with our economic future . . . If nothing is done about deficits, high interest rates could sap the housing industry, encourage imports to steal American jobs and drag down the recovery . . . The survival of this recovery depends on Congress and the President. So far, they have neglected their responsibility to negotiate a budget that lowers deficits and curbs interest rates.

That is a pretty sweeping indictment, Mr. President. But, unless we cut deficits now, we could prove them prophets.

State Governors. When the National Governors Association gathered in Maine this July, deficits were on their minds. Governor Matheson of Utah told the Governors:

If we're not willing to face up to some tax increases pretty soon, we might as well kiss the recovery goodbye. Governor John Carlin of Kansas said, If they don't make more progress on these deficits, our work will go down the tubes.

Both these respected Governors were right. And they are deeply worried about Federal deficits, and the damage they can do to our economy.

Paul McCracken. Mr. McCracken is a professor of business administration at the University of Michigan and a former chairman of the Council of Economic Advisers under President Nixon. Writing in the Wall Street Journal, McCracken pointed out how big Federal deficits put upward pressure on interest rates. Then he said:

The problem we face is fundamentally one of regaining our capability to discipline fiscal processes. Quite simply, the budget's revenue track and outlay track must be moved closer together, and both tracks must take some movement.

And Mr. McCracken warned that next year is an election year, meaning that we better act now. He, like all the others I have quoted so far, is exactly right.

Martin Feldstein. While Paul McCracken used to be the chairman for the President's Council of Economic Advisers, the current chairman, Martin Feldstein, also sees the deficits as a major problem. Listen to what he said this July to the Senate Banking Committee:

The fundamental reason for the high level of real interest rates is the widespread expectation of large budget deficits for the remainder of the decade.

And Mr. Feldstein is as right as Mr. McCracken.

Paul Volcker. Mr. Volcker, as Chairman of the Federal Reserve, has told us so many times that deficits are a threat; some people have tired of listening to him. But I ask you to hear him out one more time. He told Congress at the end of July: "Rising private credit demands . . . are beginning to clash with the continuing heavy financing needs of the Government."

That is a fairly plain statement. But it describes the key issue in whatever hope we have to sustain economic recovery. Mr. Volcker tells us that deficits will crowd out private borrowing. He has said that before. And he has been right.

Allan Greenspan. Mr. Greenspan, a widely respected economist, told a national television audience this summer that unless Federal deficits are cut, the Nation "will not have the type of very consistent long-term growth" we would normally respect in a continuing recovery.

I chose to quote Mr. Greenspan. But you can have your pick of other economists who will tell you the same thing; deficits are a threat to economic recovery. And each of those economists, in my judgement, is right.

Malcolm Baldrige. Mr. Baldrige, of course, is the Secretary of Commerce. As chief of that department, he follows economic indicators and statistics with some care. He, too, has paid close attention to the Federal deficit, and here is the verdict he rendered in July:

If the deficit is not reduced, Federal financing demands will begin to crowd the interest-sensitive sectors out of the credit markets, jeopardizing the prospects for further recovery of residential construction.

What more do you need to say about that view, Mr. President, other than that Secretary Baldrige is right?

Congressional Budget Office. So far, I've cited the opinions of both newspapers and experts sizing up the deficit threat. Let me give you the analysis, now, of the Congressional Budget Office. That Office has won respect in all party circles for their objectivity and expertise. Listen to their view of the Federal deficit problem:

Even if the economic recovery is stronger than projected, the budget deficits will remain very large without further deficit-reducing measures. The budget resolution enacted in June begins the process of reducing the deficits. But the resolution was merely the first step. Decisive action by the Congress and the Administration is necessary to ensure that these or other deficit-reducing measures are actualy put into effect.

CBO is right. We took the first step in June when Congress agreed to the budget. The second step is 2 weeks away, when we find out what committees will do in order to comply with the budget. The last step will be ours: To make sure that we stick with the promises we made this summer to cut the deficit.

Committee for Economic Development. The Committee for Economic Development is a group of leading business people and educators vitally concerned with the path of their American economic recovery. This June they offered their assessment of Federal deficits, and here is a sample of what they had to say:

Unless promptly steps are taken to bring about a sharp reduction in the enormous and successfully growing outyear budget deficits that are now projected in the absence of corrective actions, the prospects for a sound and sustainable recovery will be impaired.

Mr. President, I do not think you can put it any more clearly than that.

Aubrey G. Lanston & Co., Inc. Maybe it can not be put more clearly. But David Jones, a leading Wall Street economist has put it more bluntly. In their July 25 bulletin, Jones noted the large Federal deficit, and said it could lead to "credit strains and rising interest rates, which, in turn, could produce a premature economic collapse."

What more do you have to say, Mr. President? Economic collapse. The deficits are that large a problem, large enough, in fact, to move former President Ford to call this summer for cancellation of tax indexing as a means of lowering the deficit.

You would think that after all the warnings, the message would have gotten through to Washington. But I am afraid the evidence suggests the message has been lost in transit. In August a "senior White House aide" was quoted in the papers saying:

We do not want to hear another word about tax increases until November 15, 1984. Nobody here gives a damn about the deficit.

A few weeks ago, the tax policy expert at the Department of the Treasury said the contingency tax increase the President requested for 1986 is all but dead. What makes that statement all but unbelievable was that the midsession review by the Office of Management and Budget still forecasts $200 billion deficits through 1988—and they included in their analysis extra revenues from the contingent tax increase, the same one

the Department of the Treasury says is "all but dead."

That sounds to me like serious trouble. And just as troublesome was the Treasury Department study this year arguing that deficits have no measurable effect on interest rates.

That Treasury study, Mr. President, was garbage, a political wax job calculated to defend failure in advance.

Deficits count very much.

The minority staff of the Senate Budget Committee has produced a study called, "Deficits and Interest Rates," and, in contrast to the Treasury study, it shows forcefully just how much deficits count.

For one thing, our study showed that the Federal deficit is currently eating up 97 percent of all net savings in the United States. If that is not "crowding out," I cannot imagine what else is. Big deficits deny private borrowers access to credit, and overprice what remains by driving up interest rates.

The Senate Budget Committee pointed out something else of great importance. In the 1960's when the Federal deficit accounted for 0.8 percent of the gross national product, interest rates stood at about 4 percent. Between 1980 and 1982, when the deficit rose to 2.5 percent of GNP, interest rates shot up to 12.1 percent.

If Congress does not enforce the budget, the deficit could surge to 6.3 percent of GNP, and heaven only knows where that will take interest rates.

There is no single domestic problem more demanding of prompt action than enforcing the budget to stop the rise of Federal deficits. But some people still argue that adding any kind of taxes will be a drag on the recovery. In fact, they were saying the same thing a year ago. What has happened since then?

A year ago, with deficits climbing, we approved the President's $98 billion tax increase. By autumn, interest rates began to fall. By Christmas, recovery was underway. And the reason that happened is because the Federal Reserve saw the Congress was serious about cutting deficits, and they moved to lower the cost of borrowed money.

A year ago, economists were divided over which was the greatest threat to economic recovery, higher taxes or higher interest rates. They are not divided anymore. The full 25-percent tax cut is in place, the deficits are out of sight, and today the economists are all singing out of the same hymn book: Cut the deficits.

Just 2 weeks from the report on reconciliation, here is where we stand. Interest rates are up and climbing. Housing sales are down. That is exactly the situation we had a year ago, and then we called it "recession." Today, we can call it real trouble.

But it is trouble we can avoid, by sticking with a budget that called for $73 billion in reclaimed revenues spread out over 3 years. It is the same budget that called for $16 billion in spending restraint.

I know all those arguments from the White House about "no more revenues without more spending cuts." Well, I can tell you this. Without more revenues, we will lose even the spending restraint we have already agreed to. That is a recipe for impasse.

We can head off that prospect by going ahead with a reconciliation that sticks with the budget. It makes no sense for anybody to try and play politics with budget steps that require more revenues. If we do that, we will be underestimating the electorates' ability to sort out good sense from nonsense.

I will not detain the Senate much longer. But, in closing, I want to recall a visit I made to France earlier this year. France, as you know, has a Socialist government. But with a deficit projected to reach 3 percent of their gross national product, France has bitten the bullet, imposed austerity measures, and raised taxes.

Unless we in Congress act on our deficits, we will see over 6 percent of our own GNP eaten away by red ink by the end of 1986.

We must act now. We must approve a continuing resolution that does no further harm. And we must approve a reconciliation package which matches the budget goals we set in June.

If we will not act in 1983, and politics keeps us from acting in 1984, then I am afraid 1985 could be one of the most austere years in our economic history. We have still got a choice. And I hope we choose to cut the deficit right now.

VETERANS' EMERGENCY JOB TRAINING PROGRAM

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I would like to raise with the very able chairman of the Appropriations Subcommittee on HUD-Independent Agencies (Mr. GARN) a question regarding funding for the recently enacted Emergency Veterans' Job Training Act of 1983, Public Law 98-77.

This measure, which was signed into law on August 15, authorizes the appropriation in each of fiscal years 1984 and 1985 of $150 million to establish an emergency program of job training assistance for unemployed Korean conflict and Vietnam-era veterans. As my colleague from Utah will recall, on June 21, the Senate approved—as a result of an amendment offered in committee by the Senator from Arizona (Mr. DECONCINI)—full funding for the new program in the HUD-Independent Agencies Appropriations Act for fiscal year 1984. However, in conference on that measure and at the request of the Office of Management and Budget, that funding was deleted and it was not included in the measure as signed into law as Public Law 98-45.

At that time, the conferees on that measure noted that they took action to delete those funds "without prejudice" and that they wanted to "wait until enactment of authorizing legislation before funding is considered."

Mr. GARN. Mr. President, the distinguished Senator from California (Mr. CRANSTON) is correct. Indeed, on June 29, during the Senate's consideration of the fiscal year 1984 HUD appropriations bill, we discussed the funding for this new program. At that time, we all indicated our expectation that the enactment of the funds necessary for the new initiative would be accomplished in the context of the continuing resolution. However, in view of the effort to pass a resolution providing only continuation funding and to keep all amendments off this bill, I did not proceed, as I had intended, to add the $150 million in committee yesterday. I hope that the Senator can understand why the inclusion of funding for the new veterans' job training program will not be possible at this point.

Mr. CRANSTON. Mr. President, I do understand, unfortunately, in light of the emergency nature of the pending measure, which is needed to keep vital Government operations going, a line must be drawn. Nevertheless, I am deeply disappointed that it has been drawn in such a way as to prevent making available now the funding needed to initiate the new program—especially since that program itself is of an emergency nature. However, I am well aware of how "Christmas-treeing" can get out of hand and understand the leadership's desire to preclude any and all amendments in order to avoid that possibility.

Mr. GARN. Mr. President, I appreciate those concerns and know how eager the distinguished ranking minority member of the Veterans' Affairs Committee is to secure this funding. I fully share his desires to get this program underway.

In this connection, I am prepared to give him my assurance that I will support the funding of the program in the supplemental appropriations measure we anticipate receiving from the House next week. As the Senator may know, the House Appropriations Committee has included the full $150 million in that measure as reported—H.R. 3959.

Mr. CRANSTON. I am grateful for the Senator's assurance. However, in the event that the supplemental appropriations measure is not approved by the Congress or has been vetoed by the President at the time that the next continuing resolution is taken up in early November, I believe that action certainly must be taken at that time to provide funding for the Emer-

gency Veterans' Job Training Act through the second continuing resolution. Clearly, any delay beyond that point would just not be tolerable.

Mr. GARN. I fully concur with the Senator and pledge my full support for that approach.

Mr. HATFIELD. Mr. President, I have been listening with great interest to this discussion between the Senators from Utah (Mr. GARN) and California (Mr. CRANSTON) and would like to note that I concur with the views they have expressed on the issue of funding for the veterans' emergency job training program. I would also like to add my assurance that, like the chairman of the Appropriations Subcommittee on HUD-Independent Agencies, I will fully support the inclusion of funding for the program in the fiscal year 1984 supplemental measure or, if that legislation is not enacted by the time we take up the next continuing resolution for fiscal year 1984, in that second continuing resolution.

Mr. CRANSTON. Mr. President, I would like to thank the distinguished Appropriations Committee chairman and subcommittee chairman for those assurances. They are most welcome.

On a related issue, Mr. President, I would like at this time to note that the House Committee on Appropriations in approving funding for the new measure in H.R. 3959, the supplemental appropriations bill, has incorporated language that apparently is intended to override the targeting provisions of the measure as enacted into law. That committee's proposal would require $25 million of the fiscal year 1984 funds to be unavailable for obligation until July 1, 1984, and thereafter to "be obligated on the basis of those veterans unemployed for the longest period of time."

As my colleagues know, the Emergency Veterans' Job Training Act provides that the veterans eligible for participation in the new program are those who are unemployed and who have been unemployed for 15 out of 20 of the weeks preceding their application for the program. We adopted these eligibility criteria in order to focus on the needs of the long-term unemployed veterans. Unemployment for 15 out of 20 weeks has traditionally been widely accepted as a measure of long-term unemployment.

However, Mr. President, apparently, the House Committee on Appropriations is not content with that approach and has incorporated language that I believe is not only unwise but also unworkable. If enacted it could pose administrative problems that would be disruptive and confusing and have the effect of denying help to many of the veterans we intended to benefit. Where employers have jobs available and are ready and able to hire veterans under the new program, Congress should not create roadblocks keeping veterans who have been out of work for more than 15 weeks from filling these jobs.

In addition, I believe the language itself is subject to a point of order in the House as it represents legislation on an appropriations measure.

Thus, I would like to alert the distinguished chairmen of the subcommittee and of the full committee, the members of the Appropriations Committee, and all of my Senate colleagues to this issue. We on the Veterans' Affairs Committees of both House and Senate took great pains to fashion a measure that could be easily administered so that the program would be both attractive to the employers and available to help unemployed veterans—without any avoidable complications or disruptions. To the extent possible in the context of authorizing legislation—as opposed to a measure establishing a conventional entitlement—I believe we succeeded and am committed to keep the administrative aspects of the program clean and simple. Thus, in the event that the House Appropriations Committee targeting language, or any similar targeting language, is presented to the Senate in any appropriations measure, I am prepared to oppose it strenuously. I hope that those members of the Appropriations Committee who will consider this issue will look at it carefully before suggesting or approving any such limiting language.

Mr. GARN. I appreciate the Senator's concerns and will certainly take them into consideration.

FARMWORKER HOUSING FOR THE CONTINUING RESOLUTION

Mr. DECONCINI. It is my understanding that House Joint Resolution 368 contains the funds necessary to continue the Department of Labor farmworker housing program and that the Department should continue all the elements of the program through the term of the continuing resolution. Is my understanding correct?

Mr. WEICKER. The Senator is correct.

Mr. DOMENICI. Mr. President, I rise in support of House Joint Resolution 368, the resolution on continuing appropriations as amended on the floor by the committee.

House Joint Resolution 368 provides appropriations through November 10 for activities ordinarily funded in nine appropriations bills. These are:

Agriculture; Commerce-State-Justice; Defense; District of Columbia; foreign operations; Interior; Labor-HHS-Education; military construction; and Treasury-Postal Service general government.

I would like to commend my distinguished colleague and chairman, Senator HATFIELD, for offering a joint resolution which is below the Appropriation Committee's 302(b) allocation by $8.7 billion in budget authority and $1.1 billion in outlays.

I would also like to praise the chairman of the committee, Senator HATFIELD, for his steady determination this year to get regular appropriations bills enacted. I note that we now have conference agreements on two of the nine measures covered by this continuing resolution (military construction and District of Columbia). A third bill (Interior) is scheduled to be conferenced today. Of the remaining six bills under this continuing resolution, all but one has been acted on by the Senate Appropriations Committee. We will hopefully see many of these bills enacted before the expiration of this continuing resolution. If we continue to make the progress we have, few, if any, of these bills will need to be funded in a second continuing resolution. I think this shows an outstanding effort on the part of the Senate Appropriations Committee members and the chairman and the ranking member of the committee.

My fellow Appropriations Committee members have shown discipline and restraint on the measure before us.

Many members of the Appropriations Committee spoke during markup of amendments which they had considered offering to the continuing resolution.

But, recognizing that this is a temporary measure lasting only to November 10, and recognizing that the House as a whole would resist adding any extraneous amendments, my colleagues on the Appropriations Committee did likewise.

I urge all other Senators to exercise the same self-discipline exhibited by the members of the Appropriations Committee and to support the resolution as reported.

If the Senate is successful in this effort, I believe we can anticipate a speedy conference and a Presidential signature. Government services and operations will not be unduly disrupted.

Once again, I would like to express my pleasure as chairman of the Senate Budget Committee and as a member of the Senate Appropriations Committee in supporting a continuing resolution which fits within the budget totals approved earlier this year by this Congress.

Mr. President, I ask unanimous consent that tables showing the relationship of the reported bill, together with possible later requirements, outlays from prior appropriations, and adjustments to maintain mandatory programs at the budget resolution level, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—PRELIMINARY ESTIMATE: FISCAL YEAR 1984 SENATE-REPORTED CONTINUING RESOLUTION, HOUSE JOINT RESOLUTION 368 [1]

[In billions of dollars]

Subcommittee	Action to date plus other requirements [2]		302(b) allocation to subcommittee		Action to date compared to 302(b) allocation	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture	35.4	23.3	35.6	23.1	−0.1	0.2
Commerce/Justice/State/Judiciary	10.2	11.0	10.9	11.4	−.7	−.4
Defense	253.0	227.3	254.2	227.9	−1.2	−.6
District of Columbia	.6	.6	.6	.6	0	0
Energy and Water Development	14.4	14.6	14.9	14.7	−.5	−.1
Foreign Operations	11.6	9.6	12.1	9.8	−.5	−.2
HUD/Independent Agencies	56.3	58.6	57.8	58.2	−1.4	.4
Interior and Related Agencies	8.2	8.9	8.3	9.3	−.1	−.4
Labor/HHS/Education	105.4	109.1	107.5	109.0	−2.1	.1
Legislative Branch	1.5	1.5	1.5	1.5	0	0
Military Construction	7.1	7.1	7.3	7.1	−.2	0
Transportation	10.9	25.4	10.9	25.4	0	0
Treasury/Postal Service	12.2	12.1	11.9	11.8	.3	.3
Subtotal	526.9	509.2	533.4	509.8	−6.6	−.6
Unallocated to subcommittees	.8	.8	2.9	1.3	−2.1	−.5
Total	527.6	510.0	536.3	511.4	−8.7	−1.1

[1] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.
[2] Includes (1) the reported continuing resolution (H.J. Res. 368); (2) outlays from prior year budget authority and other actions already completed, including enacted regular appropriation bills; (3) possible later requirements; and (4) adjustments to keep mandatory programs at the levels assumed in the first budget resolution.

Note: Details may not add to totals due to rounding.

TABLE 2.—PRELIMINARY ESTIMATE: FISCAL YEAR 1984 SENATE-REPORTED CONTINUING RESOLUTION, DETAIL OF ACTION TO DATE PLUS OTHER REQUIREMENTS [1]

[In billions of dollars]

Subcommittee	Outlays prior and other actions		Fiscal year 1984 Senate reported continuing resolution		Possible later requirements		Mandatory program adjustment		Adjusted total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture	0.4	1.8	34.2	21.0	0.8	0.4	0.1	0.0	35.4	23.3
Commerce/Justice/State/Judiciary	.1	2.4	9.8	8.4	.4	.3	0	−.1	10.2	11.0
Defense	.1	77.7	252.9	149.6	0	0	0	0	253.0	227.3
District of Columbia	0	0	.6	.6	0	0	0	0	.6	.6
Energy and Water Development	14.4	14.7	0	0	0	0	0	−.1	14.4	14.6
Foreign Operations	0	5.9	10.9	3.5	.7	.2	0	0	11.6	9.7
HUD/Independent Agencies	55.8	57.9	0	0	.4	.5	.1	.2	56.3	58.6
Interior and Related Agencies	0	3.4	8.1	5.4	.1	.1	.0	−.1	8.2	8.9
Labor/HHS/Education	7.1	22.6	93.5	81.5	.6	1.1	4.2	4.0	105.4	100.1
Legislative Branch	1.5	1.5	0	0	0	0	0	0	1.5	1.5
Military Construction	0	4.7	7.1	2.3	0	0	0	0	7.1	7.1
Transportation	10.9	25.4	0	0	0	0	0	0	10.9	25.4
Treasury/Postal Service	0	.4	11.4	10.9	.5	.5	.3	.3	12.2	12.1
Subtotal	90.3	218.7	428.4	283.2	3.4	3.1	4.7	4.2	526.9	509.2
Unallocated to subcommittees	0	0	0	0	.8	.8	0	0	.8	.8
Total	90.3	218.7	428.4	283.2	4.2	3.9	4.7	4.2	527.6	510.0

[1] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.

Note: Details may not add to totals due to rounding.

Mr. STAFFORD. Mr. President, I want to call to the attention of the Senate provisions in the continuing resolution that will have a significant, deleterious effect on the Government's public buildings program. I do not intend to offer an amendment, but I want my colleagues to understand the serious nature of what we are doing. And I want to describe what action the Committee on Environment and Public Works is taking to prevent this problem from recurring.

The continuing resolution contains provisions placing a ceiling on the standard level user charge—or SLUC, as it is unfortunately called—that Federal agencies pay to the U.S. General Services Administration for the office space they occupy. The SLUC charges were established by Congress in 1972 on the theory that agencies ought to take into account the cost of the workspace they use. The SLUC payments are paid into a special account called the Federal building fund, and it is out of that fund—and not general revenues—that the entire GSA public buildings program is funded.

The SLUC charges are, by law, supposed to be equivalent to commercial rental rates, and it is on that basis that the GSA has figured the rental rates it establishes. Now the agencies, like the rest of us, do not like their rent increased. Unlike most Americans, however, the agencies have recourse to a form of rent control. They can have OMB or their appropriations subcommittees prohibit the GSA from collecting increases in SLUC charges that are dictated by the law's requirement that GSA charge commercially equivalent rates.

For 4 years out of the 10 that the fund has operated, the agencies have done just that. In 1975 and 1976, the first years of the fund's operation, a combination of OMB and appropriations cuts in the SLUC rate resulted in a decrease of $738.5 million in fund revenues. Appropriations action for fiscal year 1983 similarly cost the fund $337 million in anticipated revenue. The ceiling on SLUC in this current continuing resolution, if carried through the entire 1984 fiscal year, will cost the fund $280 million.

Let me put that in perspective. The President's budget originally estimated new authority for obligations from the fund for fiscal year 1984 at $2.1 billion. So this cut in revenues is a reduction of over 10 percent in the public buildings program. Moreover, the OMB proposed, and this bill implements, an intriguing sleight-of-fisc, further reducing the fiscal year 1984 budget by $125 million, the amount GSA was provided in fiscal year 1983 under the emergency jobs bill we passed last March.

So the public buildings program for fiscal year 1984 is $405 million below what it was originally estimated to need. Would my colleague from New York, who has shared the burden of overseeing this program, care to explain the practical effect of this reduction?

Mr. MOYNIHAN. The public buildings program has certain fixed expenses which cannot be deferred. Lease payments of $880 million will be paid in full to the ever-increasing number of private building owners who rent at favorable terms to the Government—while at the same time deducting from their tax liability depreciation and tax credits on the buildings. So will payments on so-called purchase-contract agreements under which GSA borrowed money from private investors to finance certain construction projects early in the 1970's. Utility bills for Federal offices will be paid.

What gets deferred are Federal construction projects and maintenance and renovation on existing Federal buildings. Let me explain what projects will not be carried out, due to our endorsing this rent control scheme for Federal agencies. On June 12, the Senate passed without objection, S. 1287, the Public Buildings Authorization Act of 1983, reported after careful consideration by the Committee on Environment and Public Works. The following major renovation projects listed in that bill will now not be carried out:

Suitland Md., Naval Intelligence Center	$9,760,000
Pittsburgh, Pa., Post Office	8,975,000
San Francisco, Calif., Appraisers Building	1,200,000
Denver, Colo., Federal Center Office Building	6,427,000
District of Columbia, Auditors Building 20	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Pension Building	2,650,000
Atlanta, Ga., Federal Annex	9,193,000
Chicago, Ill., J. C. Kluczynski Federal Building	3,319,000
Boston, Mass., J. F. K. Federal Building	2,499,000
Detroit, Mich., Pat McNamara Federal Building	5,474,000
Asheville, N.C., Grove Arcade Federal Building	8,364,000
Cincinnati, Ohio, Post Office and Courthouse	1,138,000
Cleveland, Ohio, Celebrezze Federal Building	3,951,000
San Antonio, Tex., Post Office and Courthouse	6,190,000

GSA would have to forgo small projects (those costing under $500,000 apiece) totaling $80 million in the coming year. New construction or purchases totaling $132 million are also in jeopardy. These projects include:

Waltham, Mass., Federal Archives	$1,621,000
Portland, Oreg., Bonneville Power Authority	67,475,000
Knoxville, Tenn., Federal Building	14,990,000
Seattle, Wash., Federal Archives	3,525,000
Pittsburgh, Pa., Purchase of Post Office	23,300,000
Other selected purchases	20,000,000

Let me tell you in more general terms what we are doing. By deferring major maintenance work on Federal buildings—it will be reduced $96 million—we are simply increasing the cost we will eventually have to pay to keep these buildings in working order. It is the same sort of neglect, of deferred maintenance in the interest of short-term and short-sighted budget-trimming, that is coming back to haunt us in the Nation's crumbling infrastructure of roads, bridges, sewers, and water systems.

Further, by failing to provide enough fund revenues to purchase or construct new Federal buildings and courthouses, we condemn ourselves to ever more Federal leasing. And any number of studies, the most recent published by CBO this past June, demonstrate that that is uneconomical in the long run.

Mr. STAFFORD. I thank my colleague. I recognize that we are not going to restore the SLUC rates to their proper, commercially equivalent levels. Nor are we going to appropriate general revenues into the fund to make up the difference between the reduced agency rents and the needs of our public buildings program.

Recognizing this recurring problem with the SLUC charges, the Committee on Environment and Public Works yesterday ordered reported legislation which, among other things, will abolish the Federal buildings fund and return us to a more orderly procedure of making direct appropriations for the public buildings program. The rationale for that decision will be explained more fully when the committee report on that bill, S. 452, is filed. I hope enactment of this legislation will prevent this reduction in resources for building maintenance from recurring in future years.

Mr. PROXMIRE. I understand that the Department is proceeding with its plan to terminate nearly two-thirds, or approximately 100 staff, of the Office of Community Services (OCS) workforce by tomorrow through reduction in force. Mr. Chairman, I was under the impression that the Appropriations Committee has made provision for maintaining at least the Headquarters OCS staff in the fiscal year 1984 appropriations bill markup. Is it your intent, in considering this continuing resolution, to extend the current mandate in the continuing resolution that the Secretary of HHS maintain OCS staffing at fiscal year 1982 levels until we can act on the appropriations bill?

Mr. WEICKER. The Appropriations Committee has made provision in its Labor-HHS-Education appropriations bill to maintain the existing 70 permanent OCS Headquarters staff. In the interim, this continuing resolution references the Senate bill which maintains the existing 70 permanent OCS Headquarters staff. We intend to maintain that provision in conference.

DOUBLE STANDARD ON SPENDING

Mr. PROXMIRE. Mr. President, on September 28 the Senate Appropriations Commitee met to mark up the fiscal year 1984 continuing resolution.

Given the lateness of the fiscal year and the need to complete this legislation expeditiously, the chairman and ranking minority member rightly stressed the need to move this bill without amendments.

Although almost every member of the committee had amendments ready to offer to the bill, there was a general consenus that a clean bill would stand the only chance of passage before the advent of the new fiscal year. So no amendments were offered.

That is to say, no amendments but one. There was an amendment to the language as proposed to the chairman of the committee by the chairman of the Defense Appropriations Subcommittee.

This amendment substituted new language for the House language dealing with the Department of Defense. The House language established strict provisions for spending at current rates or budget estimate rates, whichever is lower. According to the Congressional Budget Office, this totaled to an overall expenditure rate of $228.1 billion.

The Senate substitute language mandates a spending rate at the $253 billion level.

Therefore, while every other amendment was held off the bill, there was one exception made for the Department of Defense and this exception was an add-on over the House bill of the not-insigificant sum of $24.9 billion.

Now, Mr. President, I rather doubt that all the amendments which were held off this bill would even count for 10 percent of the add-on to the DOD section. There were many amendments dealing with domestic programs that merited the attention of the committee. All of these were kept off the bill in order to insure its passage in a timely manner. And at the same time, we added one amendment with a jump in annual funding rate of $24.9 billion.

When it comes to appropriations, there appears to be a double standard. Anything for defense, anytime, anywhere. Everybody else, stand in line.

We have a $200 billion deficit. Maybe $180 billion under optimistic conditions. But budgets in the $150 to $180 billion range, as far as the eye can see.

In my opinion, we cannot afford to treat defense and nondefense spending on this double standard. We must make sacrifices in both arenas. Both must be cut to reduce the deficit.

The problem is that we have some in our country who favor cutting defense and increasing domestic spending. And we have some who favor greatly in-

creasing defense spending and drastically cutting domestic spending. But we have very few who argue that we must cut all programs—the ones we favor and the ones we disagree with; the ones that respond to constitutent appeals and the ones that affect some other constituency.

Until we have consistency in our approach to Federal spending, until we have the discipline to make reductions across-the-board regardless of our philosophical commitments, then spending will remain out of control.

The $24.9 billion committee amendment just proves that case.

There is another specific reason for supporting the House language for the Department of Defense. The House language stipulates, in precise terms, that the Congress should not be put in a position of funding programs that have not undergone congressional review. There is a compelling need for this language. In prior years, the Pentagon has liberally interpreted continuing resolution language as being binding only on the aggregate amounts funded in each appropriations category. The intent of Congress has been to restrict new program initiation or any other modification beyond the scope of previously approved levels.

Given the track record of the Department of Defense, the Congress has no choice but to specifically detail what is allowed and what is prohibited under continuing resolution funding. That has been done in the House language but it is absent from the Senate bill.

PROPOSED HATCH-HATFIELD COLLOQUY ON CONTINUING RESOLUTIONS

Mr. HATCH. Mr. President, I would like to ask the distinguished Senator from Oregon what the timetable is for the regular Labor-HHS appropriations measure. Do you expect it to come before the Senate in the next week or so?

Mr. HATFIELD. Yes; I would hope the Senate would consider the bill before the mid-October recess.

Mr. HATCH. In terms of the differences between the Senate and House continuing resolutions, as they now stand, does the Senator plan to resolve each of the literally hundreds of different figures separately, or does he plan to adopt a general principle for the conference, such as taking the lower figure of the two bills, or taking the current rate of funding?

Mr. HATFIELD. We plan to supply a general principle.

Mr. HATCH. Mr. President, as the distinguished Appropriations Committee chairman knows, I have an amendment prepared to the continuing resolution co-sponsored by Senators QUAYLE, HAWKINS, and KENNEDY, to increase funds for certain programs of the Job Training Partnership Act to at least current levels. There are differences in the House and Senate bills for these programs. Can the Senator give me his assurance that he will apply the principle of current level funding for this bill when the two resolutions are conferenced?

Mr. HATFIELD. That is a position we will go into conference with, and speaking for myself, one with which I am in sympathy, but of course the Senate conferees always try to uphold the Senate-passed position to the extent that we are able.

Mr. HATCH. I thank the Senator.

Mr. QUAYLE. Mr. President, I understand the need for the unanimous consent agreement to not offer amendments to the continuing resolution, House Joint Resolution 367. I support that decision. However, I want to take this opportunity to draw my colleagues' attention to an amendment that would have been offered, if amendments had been permitted.

I was prepared to support Senator HATCH's amendment to maintain the current funding rate for training programs under the Job Training Partnership Act (JTPA) for the 45-day period of the continuing resolution or until enactment of the regular Labor, Health and Human Services, and Education appropriation. Under the continuing resolution as reported, the level for the basic job training program under (JTPA) would be $1.886 billion, compared to the fiscal year 1983 level of $2.181 billion for the comparable CETA (Comprehensive Employment and Training Act) program. The level for Job Corps would be reduced from $618 million to $553 million. The training programs for migrants and Indians would also be reduced.

This is the wrong time to cut job training funds: the problems of structural unemployment have not lessened. The business community is just getting involved in redesigning training programs. We give them the wrong signal by cutting the program before they have a chance to impact on it. Small businesses and large corporations have committeed themselves, both financially and personally, to the success of JTPA. Cutting the funding for JTPA is not a sign of support and confidence in the private sector.

The Job Corps is our most effective youth training program. It is just inefficient to reduce its level now when we know that this popular program enjoys such strong bipartisan support that it will be expanded again soon.

Training under the new program will be better training, training that will lead to real jobs. But better training is not cheaper training; the unit cost under JTPA is not lower than it was under CETA. The combined impact of cutting funds and increased training costs will be a significant reduction in the number of trainees that can participate.

I am pleased that in conference on the continuing resolution, the chairman of the Appropriations Committee is willing to support the general principle that the current rate will be used in cases where there are differences between the House and Senate figures. This will give us time to consider more carefully the full impact of funding reductions on these programs.

JTPA enjoyed strong, bipartisan support during its development and enactment. It passed the Senate unanimously. We do not want to jeopardize the success of JTPA. I believe it is important to send the private sector clear, unambiguous signs of support and confidence as they accept our challenge to make training programs for the disadvantaged a success.

EXTENSION OF THE EXPORT-IMPORT BANK

Mr. GARN. Mr. President, the lending authority of the Export-Import Bank expires on September 30. It is the intention of Senator HEINZ to amend the FHA mortgage insurance extension to include a 30-day extension of the Bank's authority and I understand this extension is agreeable to the House. There has been some discussion about the possibility of extending the Bank's authority in the continuing resolution. Such action would, of course, more properly be a matter for the Banking Committee. I would therefore ask the distinguished floor manager of the continuing resolution whether it contains any language which would in any way extend the statutory authority of the Bank.

Mr. HATFIELD. I say to my good friend from Utah that the continuing resolution merely provides budget authority and guarantee authority for the Bank subject to existing statutes. It does not extend any statutory authority of the Bank which would otherwise expire.

Mr. GARN. I thank the chairman for his response.

CLINCH RIVER BREEDER REACTOR FUNDING

Mr. BAKER. I would like to inquire of the distinguished floor manager of the continuing resolution his understanding of the status of the funding for the Clinch River breeder reactor project. The regular energy and water development appropriation for fiscal year 1984 does not contain any new appropriated funds to continue the project. The Senate Appropriations Committee report for that measure indicated that appropriated funds for the project had not been included in the bill in light of the then pending development of an alternative financing proposal. Since that appropriations measure was enacted on July 14, 1983, the administration on August 1, 1983, formally transmitted an executive communication to the Congress submitting a proposal for a $1 billion alternative financing mechanism. To date, the Senate has not yet taken

action on the necessary appropriations language to implement the proposal, although there have been hearings on the proposal in both the Senate and the House of Representatives. I note that this continuing resolution also does not contain any appropriated funding for the Clinch River breeder reactor project in fiscal year 1984. Consequently, I would like to ask the distinguished manager of this resolution as to the intended status of the project and the committee's intent for its funding pending final congressional action on the alternative financing proposal?

Mr. HATFIELD. I thank my colleague for his summary of the current situation regarding CRBR funding and his question about its status. The Appropriations Committee has deferred consideration, without prejudice, of additional funding for the CRBR project. By use of funds previously appropriated for CRBR but unobligated, or private contributions, the project should be continued so as to maintain all options of the Congress in considering the DOE's August 1, 1983, CRBRP alternative financing plan during the period of this continuing resolution. Furthermore, the Department should take no action with regards to project contracts, site preparation, manufacturing fabrication activities, engineering and design work, nuclear licensing proceedings with the Nuclear Regulatory Commission, or any other project activity that would constrain or inhibit proceeding with the project with appropriated funds or alternative financing, should Congress act to continue funding for the project. Additionally, the Secretary should insure that any possible negative impact on existing or planned employment associated with the project is minimized to the maximum extent possible while Congress is considering the alternative financing proposal.

Mr. BAKER. I thank the distinguished manager of the resolution and I would hope that the Department of Energy will act promptly and aggressively to carry out the mandate articulated in his statement. It is imperative that the Secretary of Energy preserve the full scope of the project to the absolute maximum extent possible within available funds to insure that the ultimate will of the Congress can be pursued without any further impediments, should Congress act to continue the project.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, we have reached the point of third reading.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HATFIELD. I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The joint resolution having been read a third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 368) was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Messrs. HATFIELD, STEVENS, WEICKER, MCCLURE, LAXALT, COCHRAN, ABDNOR, KASTEN, STENNIS, PROXMIRE, INOUYE, HOLLINGS, EAGLETON, CHILES, and DECONCINI conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

RECON OPTICAL/CAI GAO REPORT

Mr. DIXON. Mr. President, in April 1982, I addressed this body regarding a sole-source contract that the Navy was preparing to award for a low-altitude aerial reconnaissance camera for the RF-4B marine aircraft. I pointed out in my statement that:

> My extensive inquiries indicate strongly that the Navy is circumventing both competitive procurement procedures and U.S. industrial sources in acquiring this camera. It has created a purchase requirement that can be met only by a single foreign manufacturer, and it intends to buy the camera on an "urgent basis" from that manufacturer, to the detriment of U.S. workers and the domestic mobilization base.

Mr. President, the Navy had published an announcement on September 1, 1981, in the Commerce Business Daily, seeking suppliers for an off-the-shelf low altitude reconnaissance camera meeting a list of detailed specifications. No U.S. firm was able to respond, because of the specifications listed and the short 14-day period for response. The Navy had made a decision to procure these cameras for the RF-4B on a sole-source basis before test and delivery of the camera was complete and long before the U.S. companies were notified of the need for such a camera.

In a letter to me dated March 26, 1982, Assistant Secretary of the Navy George A. Sawyer, stated:

> There is not sufficient time to develop a camera from U.S. sources for use in the RF-4B before the end of the projected service life of the aircraft even if time permitted, we could not justify the expenditure of funds to develop such a camera when one has already been developed and can be procured off the shelf.

Mr. President, I strongly disagreed with that statement and pointed out that there was a U.S. company that could have acted on this requirement back in 1979, when the Navy first indicated a need for this type of camera. A company from my own State, CAI, a division of Recon/Optical, Inc., was prepared to develop a camera meeting the Navy's current requirements at its own expense if it was assured of a fair opportunity to compete.

Then, Mr. President, in December 1983, during consideration of 1983 defense appropriations legislation, my colleague, Senator PERCY, and I on behalf of Congressman CRANE, and after speaking to the other members of the Illinois delegation, offered an amendment that would have prohibited the use of funds for the procurement of this aerial reconnaissance camera until a report by the General Accounting Office had been submitted to Congress. This action was forced on us when the Navy would not agree to a competition between the American camera company and the Carl Zeiss Foundation of Germany. I pointed out during the debate, "The Navy's purchase request justifying procurement on a sole-source basis is complete with errors."

I indicated then that CAI was developing a camera, the CA810, at its own expense and that the Zeiss camera was not an off-the-shelf camera as the Navy purported. I urged the Navy to agree to hold an open and fair competition, because the first operational "off-the-shelf" camera from Zeiss was not to be delivered to the Marine Corps for 2 years.

Our amendment lost 48 to 46. However, Senator PERCY, Congressman CRANE, and I requested on behalf of ourselves and the Illinois delegation the General Accounting Office review

the events leading to the Navy decision to award Zeiss Avionics Systems, Inc., of California, a marketing organization for the Carl Zeiss Foundation of Germany, a sole-source contract for 38 aerial reconnaissance cameras.

Mr. President, I have mentioned a few times on this floor my admiration for Secretary of the Navy Lehman, but I am going to quote a letter he wrote me on December 13, 1982, and that my good friend, Senator WARNER, had placed in the RECORD during our debate in December:

The Navy Department has worked hard for four years in a competitive environment to procure a camera that satisfies the Marine Corps low altitude camera requirement at lowest possible cost to the taxpayer.

The facts show that CAI Recon/Optical, Inc., was involved in the competitive process from the beginning. In 1978, the Navy began to work with industry—including CAI—to improve the performance of low altitude cameras. CAI was fully aware of Navy's interest and met with Navy on numerous occasions during 1978 and 1979 to discuss how their KS-87B might be modified for low altitude use. The Navy even put funds in the budget to cover expected modification costs. However, CAI chose not to pursue the photo system development. Zeiss Avionics on the other hand invested their own funds to modify an existing off-the-shelf KA-107 camera to meet the USMC need. This development effort proved successful and later testing verified that the camera meets requirements. Even after we determined that the modified Zeiss camera was satisfactory, in September, 1981, the Navy announced by Commerce Business Daily (CBD) the intent to produce a low altitude camera, CAI did not respond to the CBD announcement or ask for additional time to respond.

Mr. President, the GAO's final report was given to Senator PERCY, Congressman CRANE, Senator WARNER, and me on September 22, 1983. In it, the GAO found that the Navy:

Did not seek the participation of alternative suppliers as provided by the Armed Services Procurement Act (10 U.S.C. 2304(G)) and defense acquisition regulations (DAR 1-300.1 and 3-101(d) and (the Navy) worked exclusively with Zeiss to develop a camera, which resulted in Zeiss being the only supplier that could have reasonably been expected to respond to a source solicitation.

Mr. President, I ask unanimous consent that the September 22, 1983, General Accounting Office report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., September 22, 1983.

Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: In response to your December 21, 1982, request, we reviewed the events leading to the Navy's decision to award Zeiss Avionics Systems, Inc.,[1] a $10 million, multiyear, sole-source contract for 38 aerial reconnaissance cameras to be used in the Marine Corps RF-4B reconnaissance aircraft. The contract, awarded on November 16, 1982, provides for the total Marine Corps requirement.

We found that the Navy—

Did not seek the participation of alternative suppliers as provided by the Armed Services Procurement Act (10 U.S.C. 2304(g)) and Defense Acquisition Regulations, (DAR 1-300.1 and 3-101(d)) and

Worked exclusively with Zeiss to develop a camera, which resulted in Zeiss being the only supplier that could have reasonably been expected to respond to a source solicitation.

In response to a draft of this report, the Department of Defense concluded that the lack of documentation to support the Navy's assertions gives rise to an appearance of bias (see app. III). As requested, we obtained information on the questions you originally posed to the Navy and attached to your request (see app. II.). A chronology of events leading to the sole-source award is shown in appendix I.

SCOPE AND METHODOLOGY

Rather than assessing each element of the sole-source justification, we compared the Navy's actions leading up to the procurement with actions that should have been taken had the Navy adhered to the Defense Acquisition Regulations providing for competition in defense procurement.

We interviewed officials and reviewed various files applicable to the procurement at the following organizations: (1) the Reconnaissance and Photographic Systems Division of the Naval Air Systems Command which was responsible for coordinating the procurement, (2) the Naval Air Rework Facility, North Island, California, which tested the Zeiss Cameras, (3) the Naval Supply Center, San Diego, California, which was responsible for contract administration, (4) the Air Force Air Logistic Center, Hill Air Force Base, Ogden, Utah, which conducted the laboratory tests of the Zeiss cameras and awarded the final contract, and (5) Headquarters, Marine Corps, which was responsible for generating the requirement. We also met with officials of CAI to determine the availability of documentation regarding their communications with the Navy. We confirmed information obtained from the Navy with officials of Zeiss Avionics, Inc. Our review was made in accordance with generally accepted government audit standards.

NAVY DID NOT SEEK ALTERNATIVE SUPPLIER PARTICIPATION

According to the Marine Corps requirements officer, in 1976, the Marine Corps changed the tactics it had been using to carry out its photographic reconnaissance mission. The Marine Corps believed that survivability and mission success were improved by flying very low and fast during reconnaissance missions when surface to air missiles were a threat.

The Marine Corps had been using two cameras, the KS-87B and KA-56, for low altitude reconnaissance. The KS-87B is produced by CAI and the KA-56 is produced by Fairchild. Both suppliers have produced reconnaissance cameras for the Navy for many years and are considered by the Navy to be the major U.S. suppliers of such cameras. However, in December 1978, the Navy decided that neigher the KA-56 nor the KS-87B provided the capability needed for a very low and fast reconnaissance mission. The KA-56 is a panoramic camera, which is subject to distortion, and therefore, it was judged unsuitable. The KS-87B had been in use for some time and the Navy believed it did not provide sufficient resolution or area coverage.

The Reconnaissance and Photographic Systems Division of the Naval Air Systems Command (NAVAIR-547) is responsible for initiating programs for procuring cameras to meet the Marine Corps needs. In response to the new requirement, NAVAIR-547 began looking for a camera with the capability needed for low and fast reconaissance missions. According to the NAVAIR-547 technical specialist who coordinated this project, Zeiss was the only manufacturer with a camera that appeared to have the capability of filling the need. He told us that Zeiss had developed two cameras under North Atlantic Treaty Organization (NATO) contracts, a KA-107A used for low altitude reconnaissance and a KA-108 for stand-off reconnaissance. He also told us that he knew CAI and Fairchild did not have new reconnaissance cameras because of his routine contracts with these firms.

The technical specialist said he did not specifically discuss with either CAI or Fairchild the Navy's need or plan to buy a new camera to satisfy the requirement. Further, he decided the requirement was too small to justify development by the Navy. He also did not discuss with either supplier whether it would be interested in undertaking a development effort with its own funds to meet this specific need. Using this as his rationale, the technical specialist initiated the process that culminated in the sole-source award to Zeiss.

While we believe it was appropriate for the Navy to consider Zeiss, the Navy's decision not to contact other suppliers (CAI and Fairchild) to at least verify that they were not interested in funding their own development was not in accordance with the provision of the Armed Services Procurement Act (10 U.S.C. 2304(g)) and the Defense Acquisition Regulations (DAR 1-300.1 and 3-101(d)), that specify the use of competition to the maximum extent practical. Had the Navy adhered to this requirement, it would have advised these suppliers of its needs and provided them with an opportunity to decide whether or not they wanted to compete. Further, by obtaining their responses the Navy would have been in a better position to decide whether competition or a sole-source award was more appropriate.

THE NAVY'S ACTIONS FAVORED ZEISS

DAR 3-106.2(C), 3-504.2(C), and 3-507.2(b) require that potential suppliers be treated equitably. However, between December 1978 when the Navy asked the Marine Corps to flight test Zeiss cameras and September 1981 when it publicly announced the Marine Corps requirement, the Navy took actions that put Zeiss in a position of being the only supplier that could reasonably be expected to respond to the source solicitation.

It did this in two ways. First, it worked exclusively with Zeiss to develop a new camera, and second, it waited until a prototype of that camera had been tested before it publicly announced its requirements for an off-the-shelf camera.

Advance information led to the development of a new camera

In September 1978, NAVAIR-547 made arrangements with the North Island Naval Air

[1] Zeiss Avionics Systems, Inc., of California is a marketing organization for the Carl Zeiss Foundation of Germany. Zeiss Avionics was established to sell and distribute Zeiss cameras in the United States.

Rework Facility to prepare and conduct the tests of two reconnaissance cameras, the Zeiss KA-107A and KA-108. The KA-107A is a tri-lens, low altitude camera with a mechanical film drive. The KA-108 is a single lens, stand-off camera with an electronic film drive. The tests are part of the process required to obtain approval for service use which must be obtained before any camera can be purchased. In March 1979, the Navy awarded Zeiss a contract (NOO123-79-C-0495) for the two cameras to be used in the test and evaluation to be conducted by North Island.

In January 1980, to further expedite the approval for service use, the Navy wrote and asked Zeiss for test results it had obtained while performing the NATO contracts. In that letter, the Navy stated:

"* * * As you are aware the Navy program plans for the KA-107C and KA-108A cameras to be delivered under contract NOO123-79-C-0495 lead to procurement in quantity in FY82, for the RF-4B application * * *.

Apparently, Zeiss was made aware of the Navy's plan before January 1980. Also, the letter indicated that the Navy planned to begin buying Zeiss cameras in 1982.

Because of a minor change in wiring, the KA-107A camera provided to the Navy for testing was designated the KA-107C. Testing of the KA-107C began in June 1980. During the tests, Zeiss engineers observed that the Marine Corps was pleased with the quality of the photography but was concerned about the speed at which the camera advanced film. The Zeiss engineers concluded that the Marine Corps wanted a faster film advance than that offered by the KA-107C.

Earlier, in May 1980, Zeiss had briefed the Navy about future plans for an electronic drive camera system. The Navy was, therefore, aware that Zeiss had plans for a new camera. Accordingly, the Navy and Zeiss met in August 1980 to discuss the possibility of a new camera. Then in September 1980, before tests of the KA-107C were completed, Zeiss submitted a proposal to define the new camera, which combined features of the KA-107C and the KA-108. Despite these changes the proposed new camera was still referred to as the KA-107C.

In the meantime, the tests were completed on the original KA-107C. The test report concluded that this camera met the Marine Corps' operational requirement and recommended that it be procured. According to the officials at the North Island Naval Air Rework Facility, who conducted the test and evaluation, the camera performed as well or better than claimed. They stated the film advance problem was caused by a failure in the RF-4B to provide the camera with accurate speed and altitude data and was not a problem in the camera. Notwithstanding the test results, the Marine Corps stated it preferred the new camera, which had an electronic film drive, rather than the mechanical KA-107C.

In November 1980, the Commanding General of the Third Marine Aircraft Wing requested purchase of what he called the electronically cycled KA-107C, which, in effect, was the camera Zeiss had proposed in September 1980. In December 1980, a representative of the North Island Naval Air Rework Facility went to Germany to discuss the proposed camera with Zeiss officials and to reach an agreement on its specifications. The Navy approach had thus evolved from testing the existing KA-107A and KA-108 to developing a new hybrid camera with Zeiss.

The Navy deferred public announcement until the new camera was developed and tested

Rather than publicly announcing the requirement for a new camera at this time (November, 1980), the Navy decided to get approval for service use for the new camera by modifying the scope of the existing contract. The modification included the agreed upon specifications for the new camera, although still called the KA-107C, and provided data necessary to fulfill the requirement for approval for service use.

Normally, when a modification of an item results in a material change in the scope of a contract, the item should be competitively procured. The Navy, however, chose to treat this effort as a continuation of its evaluation of the KA-107C camera. It said the technology for the modified camera existed in the KA-107C and KA-108 cameras. Our review confirmed this. However, the changes worked out between the Navy and Zeiss resulted in a substantially different camera.

The new camera was not off-the-shelf equipment. An off-the-shelf item, according to DAR 14.001.7, is one produced and placed in stock by a contractor before receiving orders for the item. Therefore, because the camera did not exist at this point, it was not an off-the-shelf item.

By approaching this as a continuation of its original evaluation, the Navy deferred public announcement of its requirement for the new camera until September 1, 1981, when it issued a solicitation. This was the first public disclosure by the Navy of its requirement. The solicitation stated that the Navy was looking for suppliers with "off-the-shelf" equipment that met what are essentially the specifications of the new Zeiss camera. It also stated that responses were to address all conditions in the solicitation and provide certification by either government or independent laboratory of all claims regarding performance. Zeiss was the only supplier to respond to the solicitation. It was quite unlikely that any other suppliers would have a camera meeting those specifications because the Navy had been working exclusively with Zeiss to define the new camera.

CURRENT STATUS OF THE CAMERA PROCUREMENT

On December 13, 1982, the Secretary of the Navy wrote to Senator Dixon and stated "* * * Assuming CAI or another contractor develops a camera that satisfies the [Marine Corps'] RF-4B requirements, the Navy will welcome competition to satisfy these future requirements * * *."

The Navy, however, had awarded a multiyear contract on November 16, 1982, to Zeiss for 38 cameras, the Marine Corps total requirement. The contract provides funding for 10 cameras in fiscal year 1982, 8 in fiscal year 1983, 14 in fiscal year 1984, and 6 in fiscal year 1985.

In compliance with the Secretary's commitment, NAVAIR-547 published a source solicitation in the Commerce Business Daily during the week of July 4, 1983. The solicitation called for prospective suppliers to submit two cameras for evaluation. The evaluation will determine if the cameras perform as claimed and if approval for service use can be obtained. Zeiss is expected to submit a letter stating its cameras have been subjected to evaluation.

The Navy intends to complete the evaluation by October 15, 1983. If any of the cameras pass the evaluation and are considered competitors to the Zeiss cameras, the Navy will conduct a competition. If Zeiss loses out in the competition, the Navy will terminate that portion of the November 16, 1982, contract governing the 1984 and 1985 requirements of 20 cameras. If termination action is taken, the Navy will have to pay termination charges.

CONCLUSIONS

The Navy did not determine the willingness of potential suppliers to participate and worked exclusively with Zeiss. These actions are contrary to regulations requiring the use of competition of the maximum extent practical. Further, NAVAIR-547 disclosed specific requirements and procurement plans to Zeiss that it did not provide to U.S. suppliers. These actions are also contrary to the regulations requiring equitable treatment of potential suppliers.

NAVAIR's public announcement of its requirements and the specifications to be met by potential suppliers took place after a Zeiss prototype had been developed, delivered, and tested. These specifications were essentially those agreed to by NAVAIR-547 and Zeiss for the new camera. As a result, Zeiss was the only supplier that could have reasonably been expected to respond to the source solicitation.

We are also sending this report today to Senator Charles H. Percy and Representative Philip M. Crane. As arranged with your office, we are sending copies of this report to Senator Warner. Unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

FRANK C. CONAHAN,
Director, National Security and International Affairs Division.

APPENDIX I.—CHRONOLOGY OF EVENTS LEADING UP TO THE SOLE SOURCE CONTRACT WITH ZEISS AVIONICS SYSTEMS, INC.

1978

June: Navy visited the facilities of Carl Zeiss Oberkochen, West Germany, and recommended the KA-108 for the P-3 stand-off system. The KA-107 was recommended for test and evaluation for future consideration. It was also pointed out that over 50 percent of the system was American made (primarily ground support equipment).

July: Zeiss Avionics Systems, Inc., became a distinct corporate entity under Carl Zeiss, Inc., New York, Zeiss' American holding company.

September: A program was proposed for Navy service use evaluation of KA-107A and KA-108 cameras in RF-4B aircraft.

October: The Navy initiated purchase request for KA-107 and KA-108 cameras.

Memorandum of understanding that exempted the Federal Republic of Germany from the requirements of the Buy American Act was approved.

December: Coordination memorandum prepared to document request for Marine Corps support for the flight test and exclusion of the Naval Air Development Center.

1979

March: Contract awarded (NOO123-79C-0495) for one KA-107A camera and KA-108 camera.

June: Amendment one to NOO123-79C-0495 changed the camera designation from a KA-107A to KA-107C.

Unsolicited proposal for automatic test set from Zeiss.

July: A draft of the program budget to begin procurement of KA-107 and KA-108 cameras in 1982 was provided to the Naval Air Rework Facility.

September: A copy of the Marine Corps' operational requirement was provided to Naval Air Rework Facility.

1980

January: Navy letter to Zeiss "As you are aware the Navy's program plans for the KA-107 and KA-108 lead to procurement in quantity beginning in FY-82".

May: Zeiss briefed the Navy on plans for electronic camera with interchangeable lenses.

June: Flight test began on mechanical KA-107C.

July: A contract for $320,000 to develop a universal test set was awarded sole source to Zeiss Avionics Systems, Inc. (Outcome of unsolicited proposal of June 1979.)

September: Zeiss submitted a proposal to define an electronic KA-107C.

November: Commanding General of the Third Marine Aircraft Wing requested that the Naval Air Rework Facility purchase the electronic KA-107C.

December: Zeiss prepared proposals for design modifications to the KA-107C for future production. Proposals resulted from observations by Marine, Navy, and Zeiss personnel during flight tests.

Naval Air Rework Facility sent a representative to Germany to discuss the KA-107C modifications and to assure compliance with Navy requirements for future procurements for the RF-4B and other follow-on programs.

1981

May: Test and evaluation plan approved for electronic KA-107C.

June: A test version of the new camera was delivered to the Navy.

Commandant of the Marine Corps approved operational requirement.

July: The Navy decided to change the universal test set to include testing the KA-107C electronic camera.

August: The Air Force completed lab tests on the new camera.

September: Commerce Business Daily source solicitation stating the Navy's requirements for a new camera purchase was published.

APPENDIX II.—INFORMATION ON THE QUESTIONS ATTACHED TO THE REQUEST

As requested, we are providing information that is relevant to some of the 18 questions you originally addressed to the Navy. We have used the same number for each question that was used in your original request.

Question 3: Why did naval personnel state to representatives of CAI Recon/Optical in the Spring of 1979 that the sole purpose of the initial acquisition of the Zeiss KA-107 camera was an unsolicited routine technical evaluation directed at no specific requirement?

Repsonse: We cannot provide a definitive answer to what was or was not said during discussions between the Navy and CAI. Although NAVAIR-547 officials denied making such a statement, they could not provide any documentation (i.e., minutes of meetings, memoranda of records, or informal notes) to indicate that they had not. Similarly, CAI officials could not provide documentation indicating they had made specific inquiries.

Question 4: Was there collusion between naval personnel and Zeiss to the exclusion of U.S. industry?

Response: We did not find evidence of collusion or conflict of interest. However, as discussed in the report, we did find that the Navy's actions precluded U.S. camera manufacturers from a fair chance to decide whether they wanted to compete.

Question 5: What is the Navy's justification for (a) awarding to Zeiss in July 1980, a $320,000 sole source contract for an automatic test set for the KA-107/KA-108 cameras, and (b) developing with Zeiss and approving in April 1981 an Integrated Logistics Support Plan for the KA-107C camera, when the Navy admits the Marine Corps formal request for a new camera was not made until June 1981?

Response: (a) The $320,000 contract awarded in July 1980 was for the development of a universal test set that could test all cameras. These test sets are being purchased under the November 1982 camera contract. However, we found that in June 1979, Zeiss submitted an unsolicited proposal for unique test equipment to the NAVAIR-547 technical specialist who then sent it to the North Island Naval Air Rework Facility. The unique test equipment could only be used to test the KA-107 and KA-108 cameras. In August 1979, Zeiss awarded a letter contract to TRICOR Systems, Incorporated, its subcontractor, to begin development of the unique test equipment. Between August 1979 and July 1980, an official of the Naval Air Rework Facility advised Zeiss that the Navy was interested in the universal test set, not in the unique test equipment. Zeiss then advised TRICOR that its development should lead to a universal set. The Navy then awarded the July 1980 sole-source contract to Zeiss for the development of the universal test set.

(b) An integrated logistics support plan is required for all procurements. Usually, a support plan is not prepared until the requirement has been formally approved. However, the process of obtaining formal approval for the operational requirement (the camera) was initiated by the Commanding Officer of the Marine Corps reconnaisance squadron located in El Toro, California, in March 1980. In fact, a draft of the requirement had been provided to the North Island Naval Air Rework Facility in September 1979 to aid it in planning the test and evaluation of the KA-107 and KA-108 cameras scheduled for May 1980. The Commanding Officer forwarded the operational requirement to the Commanding General, Third Marine Aircraft Wing, for endorsement. The Commanding General approved the requirement in April 1980 and submitted it to the Commandant, Headquarters, Marine Corps. Since the Commandant did not approve the requirement until June 1981, there was a delay of 14 months. One reason for this delay, according to one Marine Corps headquarters official, was that the requirement was misplaced. Another headquarters official stated that if the approval took 14 months, the requirement probably did not have a high priority. Since the process of obtaining approval for the operational requirement was initiated in March 1980, it appears NAVAIR-547 obtained agreement with Zeiss on a support plan under the assumption that formal approval would subsequently be obtained.

Question 12: Why did the Navy proceed without informing Congressional representatives as the Navy had promised to do with further flight tests of the Zeiss camera in September 1982, when Assistant Secretary Pyatt explicitly stated to the Congressional delegation that there would be no further activity of any kind on this procurement until the delegation's questions were resolved?

Response: NAVAIR-547 officials believed that the Assistant Secretary meant no further procurement action would be taken and that this agreement did not extend to flight test activity. These officials stated that funds had already been committed for the September 1982 flight test.

Question 13: In the Determination and Findings (D&F) required by the Armed Services Procurement Act of 1947 and the implementing Defense Acquisition Regulation, what basis is cited as justifying a sole source procurement to Zeiss? When was the D&F signed? By whom?

Response: There were two D&Fs prepared for the camera procurement. One D&F, dated April 12, 1982, justified awarding a multiyear contract on a sole-source basis. It was signed by Paul H. Reid, Contracting Officer, and approved by Colonel Alan R. Williamson, Director, Contracting and Manufacturing, Ogden Air Logistics Center, Ogden, Utah. The D&F states "(ii) the items are expected to be obtainable only from a sole source, Zeiss Avionics Systems, Inc. during the entire multiyear period. (See attached sole source justification.)" The sole-source justification referred to was a Navy Military Interdepartmental Purchase Request (MIPR).

Because the Air Force is the buyer of all aerial reconnaissance cameras for the Department of Defense, the Navy submitted a MIPR to the Air Force, requesting the procurement and justifying the sole-source award to Zeiss. Air Force personnel did not question the sole-source justification even though reconnaissance cameras had been purchased for many years from CAI and this was Zeiss's first contract, they said that they do not normally question Navy MIRP's however, they agreed it would have been appropriate to do so.

The sole-source justification relied on by the Air Force states: "* * * the sole source procurement of the K-107C is justified based on (a) the absence of an alternate supplier of the type camera required, (b) the dollar value of the procurement versus the cost of RDT&E plus procurement, and (c) the small force level (i.e. 28 A/C) and programmed service life of the host aircraft, the RF-4B. (RDT&E would not result in the delivery of a production item until the RF-4B phase out.* * *"

The second D&F, dated October 12, 1982, was signed by James C. McCowan, Contracting Officer, and approved by Captain Debra A. Blagg, Chief Photographic Section, Directorate of Contracting and Manufacturing, Ogden Air Logistics Center. This D&F justified using the negotiation method of procurement instead of formal advertising.

When we asked why Paul H. Reid did not remain the contracting officer through contract award, Air Force officials stated that he was transferred to another group.

Question 14: Why is the Navy continuing to insist that only the KA-107C camera meets the RF-4B requirements, knowing of the problems with the Zeiss camera, when CAI can produce a competitive camera satisfying the Navy's publicly stated criteria and meeting the Navy's announced production delivery schedule?

Response: The Navy is not buying the original KA-107 but rather a KS-153A that Zeiss specifically designed to meet Navy/

Marines Corps' needs. As explained on page 5 the Navy's approach evolved from testing the existing KA-107C and KA-108 cameras to developing a new camera with Zeiss. The Navy referred to this new camera as a KA-107C. However, the Air Force, in preparing the justifications for a sole-source contract award to Zeiss, designated the camera as KS-153A.

As to whether CAI can produce a competitive camera, the Navy has stated that it will hold a competition if CAI produces a camera that meets the stated criteria.

Question 17: With respect to the Navy's assertion that the sole source contract with Zeiss Avionics captures the majority of total price for U.S. business and provides for production expansion and technology transfer to Tricor Systems, Inc. located in Dundee, Illinois, has the Navy satisfied itself that such offers are credible?

Response: As indicated earlier (see questions 5), Zeiss and has awarded Tricor a letter contract for test equipment in August 1979, earlier than your inquiries. The Navy provided data indicating U.S. suppliers would receive about 57 percent of the total contract price and Zeiss of Germany would receive about 43 percent ($5,130,000). Of this amount, $700,000 is for materials and camera components purchased from U.S. vendors. The camera is produced and/or assembled 100 percent by Zeiss of Germany. The remainder of the contract price, about $5,000,000, is for subcontracts awarded by Zeiss Avionics of California to U.S. suppliers. The data, as presented, assumes the currency fluctuation provision contained in the contract will have no impact on payments.

We did not verify the data because it was received late in our review.

Question 18: Has the Navy at any time disclosed sensitive or classified information to Zeiss Avionics, a company owned and controlled by the Carl Zeiss Foundation of Germany?

Response: NAVAIR-547 officials, North Island Naval Air Rework Facility personnel, and the contracting officers said that there was no classified information relating to the contract. In addition, we did not observe any classified information or documents during the course of our review.

APPENDIX III

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., August 18, 1983.

Mr. FRANK C. CONAHAN,
Director, National Security and International Affairs Division, U.S. General Accounting Office, Washington, D.C.

DEAR MR. CONAHAN: This is the Department of Defense (DOD) response to your letter to the Secretary of Defense transmitting the General Accounting Office (GAO) draft report, "Sole Source Award of a Contract for Aerial Reconnaissance Cameras to Zeiss Avionics Systems, Inc.," (GAO Code No. 942241/OSD Case No. 6307).

Based on DoD's review of this procurement, it has been concluded that while no illegalities have occurred, the lack of documentation to support the Navy's assertions gives rise to an appearance of bias. Accordingly, the Navy will be requested to investigate the adequacy of its guidance to nonprocurement personnel on the preferred means of conducting engineering development and requirements definition activities involving the private sector and to take any necessary corrective action.

The Navy and all other procuring activities will be advised that in the future, for any procurement where there is an appearance of bias and the acquisition record cannot be adequately documented, the case will be thoroughly evaluated with a view toward possible cancellation.

Your interest in bringing this matter to our attention is appreciated.

Sincerely,

JAMES P. WADE, Jr.

Mr. DIXON. Mr. President, the GAO concluded that the Navy did not look beyond Zeiss for other suppliers, that the Navy gave specific information to Zeiss and not to U.S. suppliers, that the Navy's so-called Commerce Business Daily's September 1981, announcement took place after Zeiss' prototype had been developed, delivered, and tested. Therefore, Zeiss was the only supplier that could submit a bid.

The Acting Under Secretary of Defense for Research and Engineering Lane P. Wade, Jr., in a letter to the GAO which appears in appendix III of the GAO report states:

The lack of documentation to support the Navy's assertion gives rise to an appearance of bias.

He further states—

The Navy and all other procuring activities will be advised that in the future, for any procurement where there is an appearance of bias and the acquisition record cannot be adequately documented, the case will be thoroughly evaluated with a view toward possible cancellation.

Mr. President, the draft of this report was circulated early in July. At that time Senator PERCY, Congressman CRANE, and I spoke with Secretary Lehman. He advised us that after reading the GAO draft report he had directed that a second Commerce Business Daily source solicitation be published which would seek sources by October for low-altitude aerial reconnaissance cameras to be supplied to the Navy. The prototype cameras will be evaluated and if the cameras pass the evaluation and are considered competition to the Zeiss camera, there will be a direct competition for the fiscal year 1984 and 1985 requirement of 20 cameras. I applaud the Secretary for his actions and I point out that much of what went on regarding the Zeiss contract prior to the September 1981 Commerce Business Daily notification was before his stewardship as Secretary of the Navy. I would also like to point out that the GAO staff complimented the Navy on its cooperation with them during this investigation.

But, Mr. President, I would suggest to Secretary Lehman that he take one further step if a camera is submitted to the Navy and that camera meets or exceeds all specifications. The Secretary should cancel the existing contract with Zeiss and initiate a new procurement which would be for all 38 cameras.

For if a different camera manufacturer wins the fiscal year 1984-85 procurement it would mean the Marine Corps would be forced to establish training systems, spare parts inventories, maintenance programs for two different cameras in the same operational organization. The first Zeiss camera is not due to be delivered for another year or more.

Also, we are not talking of 38 cameras just for the Marines. This camera can be used by the Navy itself and possibly the Air Force. I sincerely hope Secretary Lehman will consider rebidding all 38 cameras. Senator PERCY, Congressman CRANE, and I will be sending a letter to Secretary Lehman suggesting just such a cancellation.

Mr. President, it has been suggested by some that the entire Illinois delegation "were pork barreling on behalf of an Illinois concern." We fought this $11 million contract because we want our companies and every State's companies to have a chance to bid openly on projects.

The Navy's reliance on a sole-source contract in this case is representative of the approach used all too often by Federal procurement offices. Sole-source procurements are not evil per se, but when they become so prevalent that competition is cutoff, then, Mr. President, our Nation's economy suffers, our national defense suffers, and the taxpayers suffer.

Mr. PERCY. Mr. President, both Senator DIXON and I are taking the opportunity this morning to report to the Senate on a matter we originally raised late last year. This is, in a sense, a progress report because the entire matter has yet to run its course.

On December 8, 1982, during debate on the continuing resolution, my distinguished colleague and I offered an amendment which would have prohibited the Navy from proceeding with a sole-source contract for aerial reconnaissance cameras for the RF-4 fighter. We wanted the Navy to wait until the General Accounting Office (GAO) had had an opportunity to conduct a review of the contract award. Senator DIXON and I attempted to point out to the Senate that the circumstances surounding this particular contract raised serious questions about the propriety of the contract award—circumstances which we felt warranted the full scrutiny of the GAO.

It is, therefore, with a sense of vindication, but also with deep disappointment and sadness, that we report the results of the General Accounting Office review of the events which led up to the Navy's decision to award Zeiss Avionics Systems, Inc., a $10 million, multiyear, sole-source contract for 38 aerial reconnaissance cameras.

I realize that $10 million spread over 3 years is not that much money to a defense establishment accustomed to spending billions and billions of dollars every year. Apparently, the De-

partment of the Navy considers this loose change, small peanuts. But the principle involved here goes to the heart of a debate which has been raging in this country for the past several years—how much money does the Defense Department really need to adequately and cost effectively maintain our vital defenses? I can assure my colleagues that if this kind of sloppy, deceitful, and arrogant procurement had occurred in a company that I was responsible for running, heads would roll.

Let me quote from the GAO report:

We found that the Navy did not seek the participation of alternative suppliers as provided by the Armed Services Procurement Act and Defense Acquisition Regulations, and worked exclusively with Zeiss to develop a camera, which resulted in Zeiss being the only supplier that could have reasonably been expected to respond to a source solicitation.

In other words, Mr. President, a sweetheart deal for a foreign camera company.

Senator DIXON, Congressman PHIL CRANE, and I met with the Secretary of the Navy almost 1 year ago. We urged him then to agree to halt the sole-source procurement and to have in effect a "fly-off" competition between the German camera and one developed by CAI Recon/Optical, of Barrington, Ill., which originally brought this matter to the attention of the Illinois delegation. It is unfortunate that it has taken 12 months for the Department of the Navy—following reams of correspondence, numerous meetings, legislative action and now the results of a GAO investigation—to essentially agree to the very terms we had urged on them originally. Our only objective through months of negotiation has been to secure fair and honest competition in this procurement. We pursued this matter because we believe in competitive bidding and the savings it can produce, and because the Navy said one thing but did another.

I want to pay particular tribute to my colleagues, Senator DIXON and Congressman PHIL CRANE, who never waivered in their determination to see this matter through. In addition, my staff has worked closely with Mr. Dave Allen, formerly of Congressman CRANE's staff, and with Charles Smith of Senator DIXON's staff.

We are all extremely pleased that the Navy has now agreed to allow CAI Recon/Optical to submit a camera for this particular procurement. It will be tested equally against the German Zeiss camera. The best camera will then be awarded the balance of the contract award. This is the fairest and most proper way to handle this matter. My only regret is that it took this long to happen.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARL YASTRZEMSKI

Mr. BAKER. Mr. President, I have two things. First, let me say that what I am about to do has been cleared with the minority leader, with Senator KENNEDY, the principal sponsor, and the Senators on our side. I ask that the Senate proceed to the consideration of Senate Resolution 232, which is Calendar Order No. 438, a resolution in honor of Carl Yastrzemski.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 2327) in honor of Carl Yastrzemski and the Boston Red Sox.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, this weekend, Carl Yastrzemski plays in his final baseball game for the Boston Red Sox.

All of us in Massachusetts will miss him, and so will the Nation. No one has played more major league games than Yaz. No one has matched the consistency and quality of his performance, no one has matched his team leadership, and no one has matched his sportsmanship.

Yaz leaves the game as one of the all time greats in hits and in the hearts of Boston fans. He earned seven Gold Gloves for his extraordinary fielding prowess, and he was selected to play in 18 all-star games in his brilliant career.

Patrolling the outfield, he was the master of the legendary "Green Monster"—the left field wall in Fenway Park that has played havoc with even the best of other fielders in the game.

In a recent article, William Nack of Sports Illustrated told how Carl Yastrzemski played "the Green Monster like a fiddle, quite literally by ear." The bottom 15 feet of the wall was then cement. As Yaz said:

When you heard it hit the cement wall, you stayed back a ways because it came off there hard. Above the cement, you had squares of tin with rivets in them. If the ball hit the tin, it made a thud, and the ball dropped straight down. If it hit the rivets, it could do anything, come straight down, shoot to the side.

But wherever the ball fell, Yaz could always field it and throw a runner out.

Most of all for Boston, it was Yaz who led the Cardiac Kids to the "impossible dream" of the American League Pennant in 1967.

The famous poem by Ernest Lawrence Thayer, a son of Massachusetts, helps convey the extraordinary sense of loss we feel over his retirement. Perhaps we may be forgiven now for adapting the poet's words to this occasion:

Oh! somewhere in this favored land the Sun is shining bright,
The band is playing somewhere, and somewhere hearts are light;
And somewhere men are laughing, and somewhere children shout,
But there is no joy in Fenway—mighty Yaz is bowing out.

For all of us who ever saw him play, and millions more whose hearts he won, Yaz will always be remembered as a winner. I am proud today to offer this Senate resolution in tribute to one of the greatest baseball figures who ever played the game, Carl Yastrzemski of the Boston Red Sox.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 232

Whereas Carl Yastrzemski will soon complete his twenty-third and final season as a baseball player for the Boston Red Sox;

Whereas Carl Yastrzemski has played in more major league baseball games than any other player in the history of the sport;

Whereas "Captain Carl" won baseball's honored triple crown and led his Cardiac Kids to the "Impossible Dream" of an American League Pennant in 1967; and

Whereas "Yaz" will be remembered always as one of the finest players in baseball history and a leader of great compassion and ability both on and off the field: Now, therefore, be it

Resolved, That the Senate of the United States of America joins with the people of Massachusetts and sport fans throughout the World in honoring Carl Yastrzemski for his outstanding career, his outstanding sportsmanship, and his outstanding contribution to baseball and the Nation.

Mr. BAKER. Mr. President, I am happy to say that apparently, we can go to the Federal supplemental compensation bill, which is S. 1887. The distinguished chairman of the Finance Committee is here. The distinguished ranking minority member is here.

I belatedly wish the ranking member a happy birthday on yesterday and say facetiously, somewhat, that the banquet last night was to celebrate not only his birthday but his long service as chairman of the Finance Committee. May I say I mean to ask the minority leader who it was that ever convinced RUSSELL LONG he is not still chairman of the committee.

Mr. President, he says it is not his birthday. I am tempted to take the remarks out of the record, but in deference to the enormous respect I have for the Senator from Louisiana, I shall not.

FEDERAL SUPPLEMENTAL COMPENSATION AMENDMENTS OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar Order No. 404, S. 1887.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, may I say that the managers are here and prepared to proceed. This is one of those measures that must be done before midnight tomorrow night. That means not just the Senate, but through the conference and adoption by both Houses and the Secretary of the Treasury. I think, therefore, it is important that we try to finish this bill tonight. I do not intend to ask the Senate to stay very late, but if we can finish this bill by 6 p.m., we ought to do that, and I think we can. Tomorrow, then, can be given over to the conference and acting on the conference report.

May I say to all Senators who may be listening in their offices, especially to my friends who are managers on both sides, that we earnestly urge them to try to finish this bill evening.

Once again, I have obtained the clearance of the minority leader in respect to this request. I think he concurs and I recommend that others concur in the action.

Mr. DOLE. Mr. President, I rise to urge my colleagues to support S. 1887, the Federal Supplemental Compensation Amendments of 1983. This bill was reported by the Finance Committee on Thursday, September 22. Quick action is essential to continue the payment of Federal supplemental compensation benefits beyond the current expiration date of September 30.

The bill contains other timely provisions which received strong support in the committee. First, the bill provides for a 1-year extension of an important foster care voluntary placement funding provision which would otherwise end on September 30. Additionally, this bill contains an increase in the entitlement level for the Title XX: Social Services Block Grant. This increase of $200 million is effective for fiscal year 1984 and brings the funding level for the social services block grant to $2.7 billion.

The Federal supplemental compensation (FSC) program provides emergency benefits to Americans experiencing prolonged periods of unemployment. Unless Congress acts without delay, the program will expire. Benefits currently being paid under the program will not cease totally on October 1 as there is a phaseout feature which permits present recipients to receive up to one-half of the remaining weeks of benefits to which they are entitled. However, this phaseout does nothing for individuals becoming newly entitled to FSC benefits. Only an extension, passed by both Houses and signed by the President, can assure that these important payments will continue.

On September 13, the Reagan administration announced its strong support for an 18-month extension of the FSC program. On September 15, the Secretary of Labor, Ray Donovan, appeared before the full Finance Committee to describe the administration plan and to assure the committee of the President's support for an FSC extension, within certain responsible fiscal limits. Since September 15, I have met with the Secretary and with the Director of the Office of Management and Budget, Dave Stockman, to discuss the FSC program and its entension. The staff of the Finance Committee, minority and majority, worked with staff of the Secretary and the Director to develop the proposal eventually approved by the Finance Committee. I am convinced that this proposal is sound, both on policy and fiscal grounds.

BACKGROUND

The FSC program was part of last year's Tax Equity and Fiscal Responsibility Act. Unemployed individuals began receiving benefits under the program on September 12, 1982. The Surface Transportation Assistance Act, last December, increased the maximum number of weeks available in the States and increased individual entitlements. Finally, the Social Security Amendment of 1983 reauthorized the FSC program for 6 months, through September 30. Additional weeks of benefits were again provided for the program's so-called exhaustees.

FEDERAL SUPPLEMENTAL COMPENSATION AMENDMENTS OF 1983

S. 1887, the Finance Committee bill, would extend the FSC program for 18 months. No additional benefits are provided to those who have exhausted earlier entitlements, recognizing that providing unemployment benefits of up to 65 weeks in as many as 21 States, represents the outer limits of what we can expect on unemployment program to provide. The Department of Labor estimates the program's cost to be $3.7 billion. The Congressional Budget Office cost estimate is $2.595 billion. The Labor Department also estimates that benefits would be paid to approximately 3.8 million individuals during the period of October 1, 1983 to March 31, 1985.

The Finance Committee bill recognizes the fiscal restraints we face. The administration has proposed a generous, responsible extension. The Finance Committee program while exceeding the administration level of $3.16 billion, is still within the acceptable range. The American taxpayers have already made a significant contribution to the Nation's unemployed. The FSC program will have paid benefits of at least $5.6 billion to approximately 5 million individuals.

The Finance Committee bill takes account of the special problems facing States which have experienced prolonged periods of unemployment. Rather than introducing a never before used and statistically unsound measure (total unemployment rate) as the House bill has done, the Finance Committee bill permits an alternative calculation based on the insured unemployment rate—a real measure of the number of individuals eligible for benefits. If the insured unemployment rate for a State equals or exceeds 6 percent when averaged over the period since January 1982, that State will qualify for the maximum duration of benefits (12 weeks). This provision recognizes the seriousness of long-term unemployment in the States which were first to enter the recession and have been slower to experience recovery.

The Finance Committee bill provides a rational restructuring of the FSC program. An extension of 18 months introduces a greater degree of certainty for both the claimants and for the administrators of the program. Many of you have heard from the employment security agencies in your States regarding the complexity of the current program. S. 1887 would set benefit duration levels for a 13-week period. In the 18-month program, then, the duration levels would be redetermined only five times. This would eliminate the current situation in which a number of States have had to redetermine individual entitlements as many as 10 times.

Mr. President, at this point, I set forth for in the RECORD a brief summary of the FSC extension.

FEDERAL SUPPLEMENTAL COMPENSATION (FSC) EXTENSION

DURATION OF EXTENSION

18 months, from October 1, 1983 to March 31, 1985.

CURRENT FOUR-TIERED PROGRAM TO BE REPLACED WITH THE FOLLOWING PROGRAM

12 weeks of benefits in States with an IUR greater than or equal to 5 percent.

12 weeks of benefits in States with an IUR greater than or equal to 5 percent.

10 weeks of benefits in States with an IUR greater than or equal to 4 percent, but less than 5 percent.

8 weeks of benefits in States with an IUR greater than or equal to 3 percent but less than 4 percent.

6 weeks in all other States.

OTHER MODIFICATIONS INCLUDE

No additional benefits (reachback) for those who have exhausted or are currently drawing FSC benefits.

No phaseout of benefits at the end of the 18-month period; all FSC benefits would cease on March 31, 1985.

No restrictions on the extent to which benefit durations could be reduced or increased in a State as a result of changes in the IUR. However, a State's duration could not change more often than once every 3 months.

The maximum weeks of benefits (12 weeks) would be payable regardless of current IUR if the State is likely to have an unusually high number of exhaustees because of prolonged high unemployment. States would qualify for this provision for any calendar quarter if the average IUR equals or exceeds 6 percent for the period from January 1982 through the end of the most recent quarter for which IUR data are available.

Any State meeting the criteria in current law for eligibility for 14 weeks of benefits as of the end of the current program, will remain at that level so long as the State continues to meet that criteria.

REASONS FOR EXTENDING FSC

Given the cost of the FSC program to date, and the potential cost of the extension, it makes sense to examine whether or not a need continues to exist for an emergency program of unemployment benefits.

When the Federal supplemental compensation (FSC) program was enacted a year ago to address high levels of unemployment, the national unemployment rate was 9.9 percent and rising. The unemployment rate peaked in December 1982 at 10.8 percent.

Since December, there has been substantial economic growth, a lowering of inflation and significant reductions in unemployment. Real gross national product rose at an annual rate of 5.9 percent in the first half of 1983, while industrial production rose at an annual rate of 17.5 percent. At the same time, the unemployment rate has fallen from its peak of 10.8 percent to 9.5 percent in August, reflecting an employment growth of 2.5 million jobs. Moreover, these gains were achieved with very little inflation; the Consumer Price Index rose only 2.4 percent in the 12 months ending in July 1983.

We are all optimistic that the economic recovery will continue on its present course and that we will continue to achieve significant economic growth, low inflation, and declining unemployment. At the same time, there is no doubt that the current high level of unemployment represents one of our most serious problems. Despite the impressive economic gains in the last 9 months, more than 10 million Americans continue to be unemployed for more than 6 months.

It is also clear that continued economic expansion is not likely to reduce unemployment as quickly as we would like. The experience of past recessions indicates that high levels of unemployment are likely to persist for much of the early stages of the recovery. Moreover, since it is our intention to come out of the recession with a steady recovery that can be sustained over the long run, it is unlikely that unemployment will plummet in the near future.

I believe we all agree that the burden of unemployment must not fall entirely on those unable to find work. At the same time, we must balance our concern for assisting unemployed workers against the need to maintain policies that will foster and sustain the economic recovery. A permanent reduction in unemployment can only be achieved by long-term vigorous economic growth.

The appropriate way to address the problem of high unemployment over the coming months is through an extension of the FSC program for a substantial period of time. Therefore, an 18-month extension of the FSC program is a proper and rational step for Congress and the administration to take. An 18-month extension of FSC from October 1, 1983 to March 31, 1985 would recognize the likelihood, based on past recessions, that unemployment is likely to remain high during this period of the economic recovery.

In such circumstances, it is inappropriate to continue to extend the FSC program every 6 months. The consideration of FSC on a 6 month basis adds unnecessary uncertainty to the lives of the unemployed, creates problems for determining benefit durations, and in general makes the program difficult to administer. An 18-month extension would assure needed financial assistance to the long-term unemployed during this period, while permitting Congress to address the full costs of the program.

I applaud the administration for proposing this historic extension and I commend my colleagues on the Finance Committee for approving it. Currently unemployed individuals or those who may face layoffs would be assured that these emergency unemployment benefits will be available beyond some arbitrary date. An 18-month extension also enables the Congress to evaluate the program now and provide an extension of sufficient length to provide some degree of certainty for the beneficiaries and the administrators of the program.

As chairman of Finance Committee which has jurisdiction over the entire Federal unemployment insurance system, I appreciate the fact that the FSC program represents a significant financial commitment on the part of all American taxpayers to assist unemployed workers during a difficult period. As I mentioned earlier, the FSC program will have paid benefits to over 5 million people at a cost of some $5.6 billion by the end of September. The extension proposed by the administration would add another $3 billion to that commitment. This is not an expenditure which can be taken lightly and it deserves serious consideration by the House and the Senate.

EXTENDED BENEFITS PROGRAM CHANGES

Beyond this FSC extension, it is difficult to see that further action, as some have proposed on the permanent extended benefits (EB) program, can be justified. Some, in the Senate and in the House, would roll back the EB program reforms which passed as part of the 1981 Omnibus Budget Reconciliation Act. Such reversals of sound policy reforms would not only add to the Federal and State government costs for unemployment programs, but would also increase the payroll tax burden which already threatens the prosperity of many small- and medium-sized businesses. This is surely not an action to be taken at this delicate point in the economic recovery.

CONCLUSION

I hope my colleagues in the Senate will keep in mind the progress already made toward improving the employment picture when considering the FSC extension. I would remind them that when the FSC program was put into effect just 1 year ago, the total unemployment rate nationally was 9.8 percent and rising. By December of 1982, that rate had peaked at 10.8 percent. At one point in the recession, 11.4 million Americans were out of work. Steady economic growth has occurred since December and economists are basically optimistic that continued improvement is in our future. Unemployment has experienced a steady decline. This summer the unemployment rate had its largest 1-month decline since 1959 with the rate dropping from 10 to 9.5 percent. This represents employment growth of more than 2.5 million jobs and the increase in production in many sectors should lead to significant improvement in the months ahead.

Yet there can be no denying that unemployment is the most serious problem facing the country on the domestic front. Long-term unemployment has grown and the problem of dislocated workers has been well documented. The administration, through its support of the Job Training Partnership Act and its efforts to develop programs for retraining, has initiated the appropriate response to what must be considered structural unemployment. For those unlikely to return to previous jobs, this retraining can make a real difference.

The Federal supplemental compensation program is designed to provide limited financial support on a short-term basis, the proposal we are considering today improves the current program by targeting benefits more effectively and simplifying program administration.

The FSC program clearly represents a significant financial commitment of

the part of the American taxpayer. I believe that the Finance Committee bill reaches the acceptable expenditure limits. It is my view that to depart significantly, either in policy or in cost, from the Finance Committee bill, risks a Presidential veto. S. 1887 can be defended as good policy and as fiscally sound. I urge you to support this bill.

Mr. President, at this point in the RECORD, I ask unanimous consent that the CBO cost estimate be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 27, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1887, a bill to extend the Federal Supplemental Compensation Program for eighteen months and for other purposes, as reported by the Senate Committee on Finance, September 26, 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: S. 1887.

2. Bill Title: A bill to extend the Federal Supplemental Compensation Program for eighteen months and for other purposes.

3. Bill Status: As reported by the Senate Committee on Finance, September 26, 1983.

4. Bill Purpose: The bill would extend the Federal Supplemental Compensation (FSC) program through March 31, 1985, and would revise the number of weeks of benefits payable. It would extend the authority to fund voluntary placements in the foster care program for one year. In addition, it would increase the current 1984 entitlement ceiling for Title XX block grants to states for social services by $200 million to $2.7 billion.

5. Estimated Cost to the Federal Government: This bill would result in additional future liabilities through an extension of existing entitlements that would require subsequent appropriation action to provide the necessary budget authority. The figures shown as "Required Budget Authority" represent an estimate of the additional budget authority needed to cover the estimated outlays that would result from enactment of S. 1887.

[By fiscal year, in millions of dollars]

	1984	1985	1986	1987	1988
Federal supplemental compensation extension:					
Unemployment compensation:					
Required budget authority	1,810	785			
Estimated outlays	1,810	785			
Food stamps:					
Required budget authority	−90	−40			
Estimated outlays	−90	−40			
AFDC:					
Required budget authority	−25	−10			
Estimated outlays	−25	−10			
Revenue	25	115	30		
Title XX block grants:					
Required budget authority	200				
Estimated outlays	200				
Total:					
Revenue	25	115	30		
Required budget authority	1,895	735			
Estimated outlays	1,895	735			
Change to deficit	1,870	620	−30		

Note: The costs of this bill fall within budget functions 500 and 600.

BASIS OF ESTIMATE

The following discussion addresses only those sections of the bill that would be expected to have a significant budgetary impact.

FSC Extension (Under CBO economic assumptions of August, 1983, as shown above).

The estimate of the cost of extending the FSC for 18 months is based upon estimates of states' insured unemployment rates, weeks compensated, and average benefit payments. The estimates of states' insured unemployment rates are derived from CBO's assumptions regarding the civilian unemployment rate projected for 1984, 1985 and 1986. These assumptions were published by CBO in August, 1983. CBO estimates that any FSC extension would result in a reduction of AFDC and food stamp outlays as individuals who exhaust unemployment benefits and would otherwise draw benefits from these means-tested programs continue to collect jobless payments. It is estimated that the extension would cause AFDC and food stamp expenditures to drop by $115 million in fiscal year 1984 and by $50 million in fiscal year 1985. According to information from the Joint Tax Committee, the increase in FSC benefits would result in an estimated rise of income tax revenues of $25 million, $115 million, and $30 million in fiscal years 1984, 1985, and 1986.

FSC Extension (Under the Economic Assumptions of the First Concurrent Resolution on the budget for 1984.)

The CBO economic assumptions of August 1983 project the civilian unemployment rate to be 8.9 percent in the first quarter of fiscal year 1984 compared to 9.9 percent rate assumed in the First Budget Resolution. The actual civilian unemployment rate has been declining since the Budget Resolution was agreed to and was 9.5 percent in August of 1982. CBO estimates that an 18 month FSC extension would cost $2,585 million in fiscal year 1984 and $1,120 million in fiscal year 1985, based upon the unemployment rate assumptions underlying the Budget Resolution. This estimated cost would be partially offset by an estimated $170 million decline in AFDC and food stamps in fiscal year 1984 and $75 million in fiscal year 1985. Revenues are estimated to rise by $40 million in fiscal year 1984, $160 million in fiscal year 1985, and $40 million in fiscal year 1986.

TITLE XX

The required budget authority level of $200 million reflects the increase in the ceiling as stated in the bill. Outlays reflect current spending patterns in the Title XX program.

6. Estimated Cost to State and Local Governments: In fiscal year 1981, States received approximately $3.0 billion in federal Title XX funds to operate a wide variety of categorical social services programs. In 1982, a new Title XX block grant was instituted and federal funds were reduced by $600 million to $2.4 billion. In 1983, Title XX was funded at $2.625 billion. Although the block grant has given States more flexibility over the services provided, they have had to either increase state and local social service funding to maintain 1981 program levels or cut back on services in order to compensate for the reductions in federal funds. Data is not yet available on the extent to which States substituted funds versus cutback services. However, some preliminary surveys have indicated it was more the latter. The increase in the 1984 Title XX ceiling to $2.7 billion would allow States some flexibility to either reduce their current funding or increase total program spending.

7. Estimate Comparison: The Department of Labor (DOL) has estimated that the FSC extension would cost $2,580 million in fiscal year 1984 and $1,170 million in fiscal year 1985, without taking offsets into account. The difference between DOL and CBO estimates is due to differences in assumed total and insured unemployment rates.

8. Previous CBO Estimate: On September 21, 1983, CBO provided the House Ways and Means Committee with a cost estimate for H.R. 3929, a bill to extend the FSC program for seven weeks. The $915 million estimated cost of that bill differs from the present estimate due to the fact that the House bill would provide benefits to individuals who have exhausted jobless benefits as well as new beneficiaries and would extend the program for only seven weeks, whereas this bill covers only new beneficiaries and would extend the FSC program for 18 months.

9. Estimate Prepared By: Richard Hendrix and Deborah Kalcevic (226-2820)

10. Estimate Approved By:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

Mr. LONG. Mr. President, the Nation has now suffered through a prolonged recession. We have been experiencing a recovery, but the rate of unemployment throughout much of the country remains unacceptably high. The best long-range solution to this unemployment is a sustained economic recovery which will provide jobs for those who are now out of work. Until those jobs are available, however, we must continue to see that an adequate duration of unemployment benefits remains available. To meet this need, the Committee on Finance has reported legislation to extend the Federal supplemental compensation program.

The supplemental compensation program makes available additional weeks of unemployment benefits for those who are still unable to find work after using up all of the benefits provided by the permanent unemployment programs. This supplemental program is now scheduled to expire at the end of this month. The Finance Committee bill would extend the program for an additional 1½ years, through March 1985. The benefit structure is similar to the existing structure, with benefit duration varying among the States according to the levels of insured unemployment in each State. In recognition of the improving economy, the highest duration of benefits—14 weeks for States with insured unemployment rates above 6

percent—would be eliminated and States would receive only 6 weeks if their insured unemployment has declined below 3 percent. However, any States currently at or above 6 percent insured unemployment would continue to qualify for 14 weeks until their rates fall below that level.

During the committee's hearings on this legislation, particular attention was focused on the measure of unemployment used in this program. The Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Mr. LEVIN) both presented very helpful testimony before the committee pointing out a particular problem which can arise in States which have experienced an especially long period of extremely high unemployment.

Ordinarily, the best measure of unemployment among those who are served by the unemployment benefits program is the insured unemployment rate. This is based on the number of people drawing regular State unemployment benefits as a percent of the number of persons working in covered jobs. This measure, however, becomes less reliable when a State faces massive levels of unemployment over a protracted period of time, as has happened in States like Michigan and West Virginia. In such circumstances, the insured unemployment rate grows to a relatively high level as the early impact of the recession is felt. However, it may later drop, not because of a recovery, but because significant numbers of workers remain out of work well beyond the point where they are drawing regular State unemployment benefits. And since they are not drawing benefits, they are not included in computing the insured unemployment rate.

While there does not exist any statistically valid measure of those who have exhausted their benefit eligibility, the committee found a way to count these long-term unemployed workers on an implicit basis. This is done by averaging the insured unemployment rate over a longer period than the usual 13-week rolling average. Under the committee provision, an insured unemployment rate will be computed over a period starting with January 1982—when several States had reached extremely high insured unemployment levels—and continuing through the most recent calendar quarter for which there are data available. As long as a State's insured unemployment over this longer period averages 6 percent or higher, that State will continue to qualify for the maximum weeks of benefits provided under the usual schedule—that is, 12 additional weeks.

I believe this alternative provision meets the problem of those States that have suffered the severest impact of the recession and for whom the current insured unemployment rate may not be an accurate measure of distress relative to other States. It does so, moreover, in a way which continues to base benefit eligibility on a measure which is statistically valid and which is related directly to the population served by the program.

I believe the Finance Committeee bill represents a thoughtful and appropriate response to the continuing problem of high unemployment which is faced by this country, and I hope that the Senate will approve it.

Mr. DOLE. Mr. President, the Senator from Louisiana outlined, I think very well, the bill reported by our Committee on Finance. We have tried to come up with a measure of the IUR which takes account of the long-term unemployment which has occurred in a number of States. We think the committee bill does this.

I know whenever you bring an unemployment compensation bill to this floor, everybody grabs it to see how many weeks every State is going to get and they all try to figure out some way to go get more weeks of benefits.

If we want to keep this bill within range as far as cost is concerned, I urge my colleagues not to try to load up this bill with a lot of amendments. We spent a lot of time on this bill in our committee. The House has passed a 45-day extension. Ours is an 18-month extension.

I have a letter from Secretary Donovan, Secretary of Labor, and Dave Stockman, Director of the Office of Management and Budget, which I will read to my colleagues. I do not quarrel with the fact that everybody has the right, of course, to offer amendments, but I suggest that we have a problem. The problem is we do not have any money. The problem we are facing, according to Mr. Feldstein, between now and October 1987, is about $1,000 billion in new debt. The present debt is about $1.3 trillion. I am told that the interest on the new debt, the debt we are going to create between now and October of 1987, is going to be $90 billion a year. We are already paying interest on the debt of some $130 billion a year.

I am also advised that the tax receipts from individuals in fiscal year 1988 will be about $457 billion. So you can compare the $457 billion in revenues from individuals who pay taxes and the $90 billion in new interest on the new debt. You could be talking about a tax increase for individuals somewhere in the range of 20 percent.

I am not suggesting that has to happen. What really needs to happen is for the Congress to start looking at spending. Stop trying to justify every $100 million or $300 million or $400 million expenditure on some parochial concern that might affect our States. Because if we do not get a handle on Federal spending and a handle on the projected deficits, there is very little chance we are going to have a strong, robust, and long-term recovery.

I say that because this FSC bill is always easy to load up. Senators say they have one amendment that only costs $200 million or $300 million, and it may be justified. But today we intend to examine carefully the amendments that Members may have. The majority leader's concern is that we finish this bill, which I doubt that we can do, by 6:30 tonight. I suggest we are going to try. We do have to go to conference and I do not anticipate an easy conference.

At this point, I would like to include in the RECORD the letter signed by David Stockman, the OMB Director, and by Secretary Donovan, the Secretary of Labor, and particularly quote two paragraphs.

> We endorse your efforts to enact a program that will assure benefits through March 1985, that uses the proved-in-practice insured unemployed rate triggers, and that does not contain a "reach-back" provision. While there are may be some technical adjustments to improve equity in the distribution of benefits, the Administration would opposed any major structural change in the bill.
>
> The committee's bill calls for FSC spending which is at the absolute outer limit of acceptable bounds. Any change to the bill which increases its cost would seriously jeopardize Administration support of the measure.

I suggest that letter should not be taken lightly. Obviously, there may be some areas that we are going to have to address but I think the letter pretty well lays out the parameters.

I think we should also be aware of the consequences of failing to act on a bill which can be signed by the President before the Federal supplemental compensation program expires at midnight tomorrow night. I stress that Congress must approve a bill which will be acceptable to the administration as I am convinced the President will not sign a bill similar to the one approved by the Ways and Means Committee which is substantially more expensive than the Finance Committee bill, S. 1887. Unless extended, the current FSC program, which provides extra weeks of unemployment benefits for the long-term unemployed, will expire on Friday. While such an expiration would cause hardship to some beneficiaries and considerable administrative confusion, most current FSC recipients will continue to receive benefits after the expiration date as a result of the phaseout provision that was enacted as a part of the extension of the FSC program contained in the social security bill last month. Under this phaseout provision, all persons who have not exhausted their FSC entitlement on September 30 will be eligible to receive up to 50 percent of their remaining entitlement. For example, if a claimant had 8 weeks of FSC entitlement re-

maining under the FSC program terminated on September 30, he could receive up to 4 weeks of FSC benefits after the 30th. However, persons who first exhaust their regular unemployment benefits after September 30 would receive no FSC benefits under the phaseout. The only way for such unemployed workers to receive FSC payments is for the program to be extended.

The Department of Labor estimates that this phaseout will insure that about 600,000 of the current 700,000 FSC recipients will continue to receive phaseout benefits at the end of the first week following the expiration of the FSC program. About 39,000 new potential recipients will be denied benefits during the first week after the expiration of the program.

I point that out to indicate we do have a sense of urgency in this matter. We have not yet received the House-passed bill, the 45-day extension which was passed earlier today. That bill will be at the desk and we will properly amend it later.

According to the Labor Department this week, the States have begun to notify FSC recipients of the possible termination of the FSC program and its benefits. Hopefully, the States have also advised FSC recipients of the phaseout feature of the current program.

Also, during the week of September 25, the States began to review and test procedures under the phaseout. For the week of October 3, the States will suspend regular FSC payments and continue payments under the phaseout. States will issue monetary determinations of all affected individuals under the phaseout payment procedures. Finally, during the week of October 10 the States will begin making payments under the phaseout procedures. Remember that as of October 1 no new FSC recipients will have been accepted.

The Department of Labor has provided the following possible timetable for continuing FSC payments should legislation be passed and signed by the President. I urge my colleagues to take careful note of the assumptions made.

First, we assume Congress amends the FSC Act by September 30.

Second, we assume the extension includes no reach-back to add weeks of benefits for claimants who have exhausted FSC including reach-back benefits which create additional administrative problems and confusion and could delay swift implementation of the extension.

Third, we assume that some States will have changes in maximum duration. I would point out that this is less of a problem with the Finance Committee bill than with the Ways and Means Committee bill which not only changes just about every State's duration but also uses a TUR trigger never used before and which is not readily available for all States.

Fourth, we assume that the enrollment and signature of the new law occurs within 7 days.

Fifth, we assume that action on the continuing resolution, or the Department of Labor appropriation bill is taken for fiscal year 1984.

Should all these steps take place in an expeditious fashion, the Labor Department provides the following timetable for administrative implementation:

5-7 working days or by (Oct. 7), Labor Department prepares and signs FSC agreements under new law for signature of Governors.

Labor Department prepares implementing instructions for States.

5-10 days or by (Oct. 12-17) Governors receive, sign, and return FSC agreements reflecting new law.

9-21 days or by (Oct. 10-Nov. 4) States implement FSC amendments.

Develop and issue State FSC procedure; reprogram FSC changes into State; automated systems.

Train payments staffs of non-automated States; provide advance notice to claimants of any change in entitlement or monetary determination.

9-24 days or by (Oct. 10-Nov. 7) States begin paying benefits under new FSC law.

From this timetable, it is evident that the more amendments to S. 1887 which are offered and adopted, the more difficult it will be for FSC benefits to continue without interruption.

As I mentioned earlier, the national association which represents State UI administrators believes the Finance Committee bill can be implemented without serious delay.

The Ways and Means Committee bill would cause tremendous disruptions and would likely not be fully implemented during the 45-days of the bill's program.

This is all technical in nature but the important point is that we must move quickly on this legislation.

Mr. President, the first thing we would like to proceed with would be an amendment by the distinguished Senator from Pennsylvania, a member of the committee, who would also like to make a statement, is that correct?

Mr. HEINZ. Mr. President, first, before we get to the question of the IUR and the TUR, which we will in a second, I compliment the Senator from Kansas, the chairman of our committee, on moving very rapidly on a program that is very, very important to my constituents.

This program, the Federal supplemental benefit program, expires tomorrow night. People are depending on these benefits to pay mortgages, car bills, doctor bills, and grocery bills, and they are worried that Congress will not reauthorize this program.

Our mailbag is full. Our telephones have rung off the hooks.

It seems to this Senator we should act expeditiously in providing an 18-month extension of the FSB program before us.

We do not want to be back here this winter, this spring, this coming summer or this fall. We all want to be back in November, I suppose.

It is my hope that this extension will prevail and that we do not find ourselves sometime next year working on another 11th-hour extension.

Mr. President, the Senate and House of Representatives are going to go to conference on the differences between the House and the Senate bill.

I also urge my colleagues to expedite that consideration as well.

I would not want my colleagues to think that the Senator from Pennsylvania is unmindful, however, of some of the problems that we have in our existing program.

I, for one, am convinced that our existing unemployment compensation program is deeply flawed and in need of major revisions. It was to that end that the minority leader, Senator BYRD of West Virginia, and I introduced a comprehensive bill. We believe that the system requires careful review and complete overhaul, but I would also add that I do not believe that this piece of legislation which is so vital to so many is the bill on which to do that.

We should not jeopardize it by trying to enact comprehensive reforms on it here today.

So I urge my colleagues to keep that in mind.

AMENDMENT NO. 2243

(Purpose: To revise the FSC provisions and use the total unemployment rate instead of the rate of insured unemployment)

Mr. HEINZ. Mr. President, principally for the purposes of discussion, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 2243.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out sections 3 and 4 of the bill and insert in lieu thereof the following:

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in such account shall be equal to the lesser of—

"(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which

he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

"In the case of weeks during a:	The applicable limit is:
10-percent period	12
8-percent period	10
6-percent period	8
Low-unemployment period	0

"(B) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983 and prior to October 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after October 1, 1983, shall be equal to such individual's additional entitlement.

"(D) For purposes of subparagraph (C) and this subparagraph the term 'additional entitlement' means the lesser of—

"(i) 16 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(ii) 4 times the individual's average weekly benefit amount for his benefit year.

"(3)(A) For purposes of this subsection, the terms '10-percent period', '8-percent period', '6-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the total unemployment rate in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the total unemployment rate for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
10-percent period.	A rate equal to or exceeding 10 percent.
8-percent period.	A rate equal to or exceeding 8 percent, but less than 10 percent.
6-percent period.	A rate equal to or exceeding 6 percent, but less than 8 percent.
Low-unemployment period.	A rate less than 6 percent.

"(C) Each 10-percent period, 8-percent period, 6-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, shall last for a period consisting of all weeks beginning in October and November 1983. Succeeding periods shall begin with the first week beginning in December, and every second month thereafter, and remain in effect for all weeks beginning in that month and the following month (but subject to the termination provision under subsection (f)(2)).

"(D) For purposes of this subsection the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970.

"(4) For purposes of this section, the term 'total unemployment rate' means—

"(A) the seasonally adjusted total unemployment rate with respect to any State for which the Bureau of Labor Statistics compiles such rate on a month-to-month basis; or

"(B) the total unemployment rate (unadjusted) with respect to any other State.".

(b) Section 602(d) of such Act is amended by striking out "or (D)(ii)".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount in his Federal supplemental compensation account) before the first week beginning after September 30, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

Mr. HEINZ. Mr. President, I would just say to my colleagues one of the issues we discussed at length in the Finance Committee was the adequacy of the insured unemployment rate, the so-called IUR, for accurately giving us a measure of the difficulty in finding a job. It is, of course, the measure for triggering-on the Federal supplemental benefits, the program before us. It is also the measure of triggering-on and off for the extended benefits.

The amendment before us would substitute the total unemployment rate on an appropriate table to trigger Federal supplemental benefits instead of the insured unemployment rate.

Mr. President, I will say to my colleagues I do not intend to press this issue to a vote, but I think it is important that we understand what some of the problems are with the IUR and get a consensus of how in the weeks and months ahead we can work toward a better solution than the IUR.

But I wish to engage with my friend from Kansas in a colloquy on this subject and let me ask the distinguished chairman of the Finance Committee.

It is this Senator's view that currently the gap between the TUR and IUR is extremely wide by historical standards. The bill before us, our Finance Committee bill, does not employ the total unemployment rate.

Indeed, the chairman of the Finance Committee has opposed the use of the TUR and further the committee, after considerable debate, decided to omit the use of the TUR instead of the IUR. Most of our colleagues were not privileged to participate in that debate, and I have earlier enumerated the problems we have with the IUR to state the case for an alternative to it.

This amendment, of course, would propose such an alternative so that we can have a concrete example before us.

Let me, therefore, ask the Senator from Kansas to state his views on the TUR as a substitute for the IUR.

Mr. DOLE. The Senator has correctly indicated that the Finance Committee proposal does not employ the TUR. Let me also say that, as indicated earlier in the Chamber, a major overhaul is needed in this whole area, and this is being spearheaded right now by the distinguished Senator from Pennsylvania (Mr. HEINZ) along with the distinguished minority leader, Senator BYRD. Their approach is a very comprehensive unemployment compensation revision which does employ the TUR.

We have had hearings that touched on their proposal and heard about some of its potential. We promised to approach the TUR in a more realistic way in this new legislation or some version of new legislation.

First of all, the TUR measures unemployment among all workers or individuals seeking work while the IUR measures unemployment among those workers eligible for unemployment benefits. Second, the bases for computing the rates are different. The TUR is computed using the unem-

ployed individual's place of residence while the IUR is based on a place of work concept.

In addition, the State TUR is derived from a sample for the 10 largest States, and a complex process involving various estimates and assumptions for the remaining States. The numbers are benchmarked at various times of the year often with significant shifts occurring. The TUR is thus subject to a great degree of error and variation.

The TUR is not available for over 2 months after the measurement period.

Those are some of the reasons we believe that we must be cautious about changing the unemployment measure.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from Kansas. If he would allow me to propound one other question and allow me to address the converse issue, why does the Senator from Kansas think that the insured unemployment rate, the IUR, is a better method.

Mr. DOLE. There is some doubt about which may be the better. Maybe it is the IUR or the TUR, or maybe it is some other measure.

It is important to note, however, that the IUR is an actual count of individuals who file for unemployment compensation benefits. These individuals are defined in each State law as those who have significant attachment to the labor force and who are actively seeking work. The TUR, as I mentioned before, is based on a sample and a complex process of estimation and adjustments. The IUR counts individuals who may benefit from the FSC program before they exhaust their regular UC benefits. These individuals are counted each week from the time they enter the program until they become eligible for EB or FSC.

Mr. HEINZ. I appreciate the thoughtful comments and learned comments of the chairman.

May I say that because many of us voiced concerns about the shortcomings of the conventional use of the IUR in measuring the difficulty in finding a job compared to the TUR, the Finance Committee has used the IUR in this bill quite different from either current law or the House bill.

Could the Senator from Kansas explain how the committee proposal uses the IUR to measure the long-term unemployment problems in a State?

Mr. DOLE. Let me say that we were trying to find some way to deal with the concerns raised by the Senator from Pennsylvania—the Senator from West Virginia is now in the Chamber, Senator BYRD—and other Senators from States with high unemployment of long duration.

So in addition to the normal extended benefit IUR, the committee proposal has included a second IUR defined over a longer period of time. Initially this second IUR will be computed using data from January 1982 through June of 1983. By using this longer measure, individuals who have drawn UC but are not included in the most recent IUR are included in determining a State's FSC duration. Thus, a State which has had continued high unemployment may be eligible for additional weeks of FSC.

Mr. HEINZ. Mr. President, I commend the chairman of the committee, Senator DOLE, for that explanation.

His last point is particularly important. We have, all of us, who have studied this somewhat obtuse technical issue, realized that after an individual is on the basic benefit program, the State program for what in most States is a 26-week period, that person stops being counted, drops from the rolls. What the chairman of the Finance Committee has done is to reach back to the greatest depths of the recession and start the count of those individuals back to January 1982.

I think that while that may not be the ultimate or the perfect solution to the problem, it is a very good solution to the problem. It is a solution which I know is going to work at least for the duration of this bill, 18 months, and therefore because it is extremely important to the unemployed workers who depend upon the program I think it is a good solution.

I also am convinced that we must go ahead and move ahead with our comprehensive review of the unemployment compensation system.

Senator BYRD, the author of the bill I am privileged to cosponsor, and I do believe that last year has demonstrated that our existing permanent program is insufficient to meet our commitments during times of high unemployment, but at the same time we should examine how best to link unemployment compensation and retraining efforts to facilitate the rehiring of displaced workers.

I hope that the Finance Committee and the other responsible committees of Congress will be able to undertake that view and that overhaul in the future.

Mr. President, I thank my friend from Kansas, the chairman of the committee, for his responses, which have been full, detailed, and quite responsive.

I withdraw my amendment.

Mr. COCHRAN assumed the chair.

Mr. DOLE. Mr. President, I thank the Senator from Pennsylvania.

As I indicated earlier, we have tried to move very quickly because September 30 is not far away. Until we have more opportunity for full-fledged hearings on the Byrd-Heinz proposal, we felt it best to try to find some other way to modify the IUR to reach back further, to take care of some of these areas and provide extra weeks of benefits.

I thank the staff for coming up with a balanced proposal and one that touches on the concerns expressed by Senator BYRD, Senator HEINZ, and others.

I appreciate the Senator withdrawing the amendment. I also appreciate the record we have made, which indicates that there are going to be full, extensive hearings on the proposals of the two principal sponsors, Senator HEINZ and the distinguished minority leader, Senator BYRD, who are now on the floor.

Mr. BYRD. Mr. President, first, I thank the chairman of the committee, the ranking minority member, and other members of the committee for the consideration and the courtesies that have been extended to those of us who have joined in sponsoring the bill which Senator HEINZ and I have sponsored. We had good hearings, and we had an opportunity to make our case.

I think the chairman and the committee are striving to come to grips with this problem. What they have done here will certainly be helpful to my State of West Virginia.

So what I have to say beyond that is certainly not in any criticism of the committee. I think it is striving to find a fairer way and a better formula than the one that is presently being used, and by virtue of which only two States—I believe my State and the State of the distinguished ranking minority member, Mr. LONG—and possibly Puerto Rico qualify for extended benefits. That may not be for long, however.

I commend Senator HEINZ for bringing before the Senate today the pressing need for some unemployment benefit determinant other than by the insured unemployment rate, or IUR.

I have explored the IUR quite carefully as I have prepared the form of legislation I introduced with Senator HEINZ and other Senators on August 4—S. 1784. It was not hard to conclude that it failed miserably as the sole eligibility determinant in the extended benefits program and as the determinant of how many weeks States may qualify for the Federal supplemental compensation program.

As Chairman DOLE, Mr. LONG, the ranking minority manager, and Mr. HEINZ know, ultimately we incorporated the total unemployment rate, TUR, as a suggested alternative determinant in S. 1784.

I have noted the arguments that have been made against the use of the TUR for this purpose. I and others who today seek use of the TUR are among the first to acknowledge that there are some valid criticisms. When I introduced the bill, I stated that the TUR had weaknesses, and I urged that the determinant be strengthened and that a careful search be made for a

better determinant than either the IUR or the TUR.

The chairman of the committee, Mr. DOLE, has just indicated a recognition of this problem and a determination to proceed expeditiously in the effort to resolve the problem in such a way as would be more fair to the States throughout the country, and I hope the committee, with its expertise, will be able to improve over the suggestions in the bill.

I wish to remind the Senate that at the current time, almost half the States have total unemployment rates above 9 percent. Only two States, as I have said earlier, are eligible for the EB program because the IUR's that other States have are not high enough. Several States with among the highest total unemployment rates—far above the national average—are eligible for the minimum weeks of FSC benefits because they do not have sufficiently high IUR's.

It is ironic that the IUR is used to determine need for additional weeks of benefits for the long-term unemployed when it deliberately does not count the long-term unemployed. It counts only those who receive the first tier of benefits—State basic benefits. It omits recipients of EB and FSC as well as those who have exhausted all benefits.

The worse unemployment becomes in a State, and the longer the average jobless person remains unemployed, the more the IUR understates unemployment. In fact, the IUR is a perverse measure of the need for benefits beyond those in basic State programs. Yet, it is now the only determinant that is used by which States may qualify for extended benefits and the only determinant, I believe, by which States may determine the number of weeks of supplemental benefits to which they may be entitled.

Scholarly studies have concluded the IUR is flawed. A recent study by Gary Burtless stated:

> The IUR has apparently lost much of its value as an indicator of employment prospects for job losers. . . . The IUR should be temporarily retired as a serious measure of labor market conditions.

In addition to the more obvious shortcomings and effects, the IUR of each State is dramatically responsive to the choices the State makes with respect to the size, benefit amounts, and eligibility in its own State basic unemployment insurance program. As a result, the long-term unemployed in a State are penalized when that State experiences high unemployment if the State has tightened eligibility for its basic program, because the IUR will fall from its level if the change has not been made. This is hardly fair. And it hardly is the proper incentive for prudent, tightly managed unemployment insurance programs.

So I am pleased to see that the Finance Committee, in formulating the bill now before us, acknowledged the inadequacy of the current law benefit determinants employing the IUR, and attempted to compensate for that inadequacy by employing an 18-month IUR average as an alternative determinant. Unquestionably, the immediate, practical effect of this change would be an improvement over current law, and the committee is to be commended for moving to address the IUR's problems. But I am very concerned by the fact that this is inescapably only a temporary solution.

Of course, sometimes we have to reach a final solution of problems by, for the time being, utilizing temporary measures. It is one that just compensates for the inadequacy of the IUR rather than correcting the inadequacy. So I believe the TUR is a more appealing determinant. It certainly is not guaranteed to become obsolete, as the committee acknowledges will happen to the 18-month IUR average.

The TUR has its problems, as has been pointed out, but the IUR has even more problems. For every problem with the TUR that is noted, I can cite a problem with the IUR. Neither is very good for its purpose—which is why Senator HEINZ and I and other Senators believe we should try using a combination of the two until we can find or devise a more suitable determinant of the need for benefits for the long-term unemployed. I hope the Senate will agree to that trial.

Mr. DOLE. Mr. President, I thank the distinguished minority leader. I appreciate his kind remarks. We did seek to address most of the concerns he expressed. We may not have gotten as far as some want us to go, but I think when we finish our hearings on the Byrd-Heinz or Heinz-Byrd comprehensive legislation, we may have a different formula.

Mr. President, I would like to yield to the Senator from Arkansas who has an amendment that we can accept, if that is satisfactory. Senator MOYNIHAN has one we cannot accept.

The PRESIDING OFFICER. The Chair announces that the amendment of the Senator from Pennsylvania is withdrawn.

The Senator from Arkansas.

AMENDMENT NO. 2246

(Purpose: To require that arrangements be entered into to ensure that unemployment compensation is not paid to Federal retirees or Federal prisoners)

Mr. PRYOR. Mr. President, I send an amendment to the desk on behalf of myself, Mr. DOLE, and Mr. COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself, Mr. DOLE, and Mr. COCHRAN, proposes an amendment numbered 2246.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 6 of the bill and insert in lieu thereof the following:

ARRANGEMENTS TO PREVENT PAYMENTS OF UNEMPLOYMENT COMPENSATION TO RETIREES AND PRISONERS

SEC. 6. (a) The Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General are directed to enter into arrangements to make available to the States, computer or other data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

(b) The Secretary of Labor shall report to the Congress, prior to January 31, 1984, on arrangements which have been entered into under subsection (a), and any arrangements which could be entered into with other appropriate State agencies, for the purpose of ensuring that unemployment compensation is not paid to retired individuals or prisoners in violation of law. The report shall include any recommendations for further legislation which might be necessary to aid in preventing such payments.

Mr. PRYOR. Mr. President, I believe this amendment has been accepted and is agreeable to the various parties.

Mr. President, this amendment would simply direct that the Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General enter into arrangements to make available to the States computer data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

It would assure implementation of the findings of a recent General Accounting Office study (GGD-83-99) that computer matches result in substantial savings to Federal and State governments.

The GAO study, which only performed computer matches involving the governments of Maryland, Virginia, and the District of Columbia, located potential overpayments in excess of $700,000 in the field of unemployment compensation.

Nationwide use of computer matches could easily result in savings of millions of dollars.

I ask unanimous consent that the excellent General Accounting Office report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT TO THE HONORABLE DAVID PRYOR, UNITED STATES SENATE

(By the U.S. General Accounting Office)

COMPUTER MATCHES IDENTIFY POTENTIAL UNEMPLOYMENT BENEFIT OVERPAYMENTS

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., August 24, 1983.

Hon. DAVID H. PRYOR,
U.S. Senate.

DEAR SENATOR PRYOR: On November 10, 1982, you asked us to determine if retired Federal civilian and military personnel pensions were being deducted from State unemployment benefits as required by Federal and State laws. You were concerned these laws were not being enforced because of our October 29, 1982, report to you [1] in which we found that pensions to five former employees at the Departments of Labor and Energy were not being deducted from their District of Columbia unemployment payments. To determine if this was a problem in other agencies, we performed a computer match of Federal civilian and military retirees with persons receiving unemployment benefits from the District, Maryland, and Virginia.

Also, as discussed with your office, we performed a computer match to determine if District of Columbia prisoners were receiving District, Virginia, or Maryland unemployment benefits to which they were not entitled, since State unemployment laws require that recipients be available for work. Your concern was based on our July 22, 1982, report [2] which found that some prisoners were improperly receiving various Federal benefits, such as veterans' pensions.

In addition, we matched District, Virginia, and Maryland computer files of unemployment recipients to identify (1) persons receiving unemployment benefits simultaneously from more than one State and (2) persons receiving more than one unemployment payment for the same period from the same State. Our findings are summarized below and discussed in detail in the appendix, as are our review objectives, scope and methodology.

Through our matches, we identified 604 persons who may have improperly received unemployment payments: 323 in the District, 169 in Virginia, and 112 in Maryland. Maryland officials advised us that none of the persons we matched and referred to them improperly received unemployment payments. However, District and Virginia officials have tentatively confirmed that 271 of the 492 persons (55 percent we referred to them improperly received $734,916 in unemployment payments. These potential improper payments consisted of $703,870 to 238 Federal retirees; $26,982 to 30 District prisoners; $2,206 to two persons simultaneously receiving unemployment benefits from the District and one State; and $1,858 to one person receiving more than one unemployment payment for the same period from Virginia.

The actual amount of improper payments may change as District and Virginia officials continue to interview individual claimants and investigate potential fraud cases. Unemployment officials have agreed to advise us of the final results.

We believe that computer matches like the ones we performed are useful and cost-effective ways to identify overpayments. Both District and Virginia unemployment officials said that, in the future, resources permitting, they would consider performing similar periodic computer matches.

Department of Labor officials advised us that they recently arranged with the Office of Personnel Management to provide States with computer tapes of current and retired Federal employees. Labor plans to notify States that the computer data will be available for them to perform computer matches and encourage them to perform such matches. In addition, the Secretary of Labor has acted on our October 29, 1982, report recommendation to alert Federal agencies of the need to, among other things, notify State unemployment offices when former employees who apply for unemployment benefits are retired and receiving pensions. This should reduce agencies' future unemployment costs.

In response to your request, we did not obtain agency comments on this report. However, we did discuss its contents with District, Maryland, and Virginia unemployment officials and, in preparing the report, we considered their views.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to interested parties, including the President's Council on Integrity and Efficiency, and the Secretary of Labor. We will make copies available to others upon request.

Sincerely yours,

WILLIAM J. ANDERSON,
Director,
General Government Division.

APPENDIX

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives were to determine if improper unemployment benefits were being paid to (1) Federal military and civilian retirees, (2) District of Columbia prisoners, (3) persons simultaneously receiving unemployment benefits from more than one State or (4) persons receiving more then one unemployment payment for the same period from the same State.

District of Columbia unemployment officials provided us with computer tapes containing data for all persons who received unemployment benefits from January through March 1982. Virginia and Maryland unemployment officials provided the same type of computer data for persons receiving unemployment payments during March 1982.

To determine if Federal retirees' pensions were being deducted from their State unemployment payments, the Office of Personnel Management (OPM) and the Department of Defense (DOD) provided us with computer tapes listing all civilian and military retirees receiving pension checks during March 1982,[1] the dollar amount of the pensions and other identifying data such as social security numbers and dates of birth. We then matched these tapes with the District, Virginia and Maryland unemployment tapes and, when we found names appearing on both tapes, asked the appropriate State unemployment offices to answer the following questions:

Were the retirees' pensions being deducted from State unemployment benefits as required by Federal and State laws?

How much in unemployment benefits was improperly paid to Federal retirees whose pensions were not being deducted?

Had the Federal retirees accurately reported to the State unemployment offices that they were retired and had applied for or were receiving their pensions?

Were the identified overpayments charged to the Federal agencies from which the employees retired or to the private employers for whom the retirees worked after leaving Federal service?

To determine if District of Columbia prisoners were improperly receiving unemployment benefits, we asked the District's Department of Corrections to provide us with a cumputer tape of District prisoners for March 1982. We then matched the names on this tape with the names of persons receiving District, Virginia, or Maryland unemployment payments. When the same names appeared on both tapes, we referred them to the appropriate State unemployment office to determine if these people had indeed received unemployment benefits improperly. Since prisoners are unavailable for work, they are not entitled to receive unemployment benefits.

To determine if anyone in our sample was improperly receiving unemployment benefits from more than one State or receiving more than one unemployment payment for the same period from the same State, we matched the names and addresses from the District, Virginia, and Maryland computer tapes. When we found names that matched, we gave them to the appropriate unemployment officials for verification.

State unemployment offices computed potential overpayments for the period of time the persons first received unemployment payments up until about January 1983 when the State unemployment offices calculated the amount of potential overpayments.

We performed our review in accordance with generally accepted government audit standards except that we did not independently verify information on the computer tapes.

BACKGROUND ON UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

Since January 1, 1955, Federal civilian employees have had unemployment insurance protection under Chapter 85, Title 5, of the U.S. Code. In addition, Public Law 96-499, the Omnibus Reconciliation Act of December 5, 1980, requires each Federal agency to pay the costs for all unemployment benefits paid to eligible former Federal employees by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands (hereafter referred to as States).

The Department of Labor, through its Employment and Training Administration's Unemployment Insurance Service, is responsible for (1) developing administrative procedures and forms for States and Federal agencies to use and (2) advising State offices and Federal agencies of their responsibilities under the law. The Secretary of Labor has entered into agreements to require all States to pay unemployment compensation to former Federal employees in the same amount and under the same terms and conditions that apply to unemployed private industry claimants. Generally, the paying State will be the one in which the claimant's last official duty station was located.

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[1] "Federal Agencies' Unemployment Compensation Costs Can Be Reduced Through Improved Management" (GAO/FPCD-83-3)

[2] "Prisoners Receiving Social Security and Other Federal Retirement, Disability, and Education Benefits" (GAO/HRD-82-43)

[1] We did not ask for information on pensions paid to retirees' survivors because Federal law does not require States to deduct these payments from unemployment benefits.

All States require that, to receive payments, a claimant must be unemployed from lack of work but be able and available for work. State unemployment compensation laws and policies vary regarding eligibility requirements, amount of payments, and duration of payments.

Public Law 96-364, section 414, dated September 26, 1980, states the specific circumstances under which States must deduct certain types of pensions from unemployment benefits if employers in the State are to be entitled to Federal tax credits for amounts paid into the State unemployment funds. However, this law does not prevent States from deducting other types of pensions. For example, District and Virginia laws generally require that pensions from any prior employment be deducted, a requirement not dictated by Federal law.

A Department of Labor official advised us that from October 1982 through March 1983, nearly 31,000 former Federal civilian and 22,000 former military personnel had collected unemployment payments. The estimated unemployment costs for former civilian and military personnel for fiscal year 1983 are $232 million and $178 million, respectively.

RESULTS OF PENSION MATCH

Our computer match identified 434 Federal civilian and military retirees who may have received unemployment benefits to which they were not entitled. We gave their names to the appropriate unemployment officials to determine whether the unemployment payments had been improper.

Maryland unemployment officials advised us that the 88 Federal civilian and military retirees we referred to them did not receive improper unemployment payments, primarily because Maryland law is not as restrictive as Virginia or District laws regarding the deduction of pensions. However, as shown in Table I, District and Virginia unemployment officials have tentatively confirmed that 238 of the 346 retirees (69 percent) we referred to them had improperly received $703,870 in unemployment payments. Of this amount, District overpayments were $612,723 (87 percent) and Virginia overpayments were $91,147 (13 percent). Fifty percent of the District's potential overpayments resulted from the failure to deduct civilian pensions, while 89 percent of Virginia's potential overpayments resulted from failure to deduct military pensions.

TABLE I.—POTENTIAL OVERPAYMENTS RESULTING FROM PENSIONS NOT BEING DEDUCTED ACCORDING TO STATE LAWS

Types of pension received	Number of names referred by GAO	Number of tentative confirmations	Amount of potential overpayments
District of Columbia:			
Civilian	156	102	$307,276
Military	86	77	305,447
Total	242	179	612,723
Virginia:			
Civilian	14	4	10,046
Military	90	55	81,101
Total	104	59	91,147
Total:			
Civilian	170	106	317,322
Military	176	132	386,548
Total	346	238	703,870

The remaining 108 retirees whose names we referred to the District and Virginia unemployment offices did not receive improper unemployment payments for various reasons (e.g. their pensions were being deducted as required).

District and Virginia unemployment officials cannot make final determinations on the propriety of the potential overpayments for the 238 persons discussed above until they (1) obtain additional information through their normal adjudication processes and (2) investigate potential fraud cases. They agreed to advise us of their final determinations.

Initial findings, however—as shown in table 2—reveal that $213,244 (30 percent) of the total amount of potential overpayments was attributable to claimants not notifying the unemployment offices that they were retired and were receiving or had applied for pensions. An additional $425,274 of potential overpayments (60 percent) was attributable to administrative errors. Claimants had informed the unemployment offices in the District and Virginia that they were receiving or had applied for pensions, but the offices had not deducted the amounts from the unemployment payments. At the completion of our audit work, District officials were not able to explain the remaining potential overpayments of $65,352 (9 percent). A District unemployment official advised us that a recent upgrading of the District's computer facility should help reduce future overpayments to retirees resulting from administrative errors.

TABLE 2.—CAUSE OF POTENTIAL OVERPAYMENTS TO RETIREES

	District	Virginia	Total
Retiree did not report pension	$152,862	$60,382	$213,244
Unemployment office administrative error	394,509	30,765	425,274
No cause indentified	65,352		65,352
Total	612,723	91,147	703,870

As table 3 shows, $284,596 (40 percent) of the overpayments resulting from not deducting retirees' pensions were charged to Federal agencies and $386,216 (55 percent) of the overpayments were charged to private employers that retirees had worked for after leaving Federal service and $33,058 (5 percent) were allocated between Federal and private employers. The Departments of Defense, Labor, Energy, Housing and Urban Development, the Office of Management and Budget, OPM, and the General Services Administration were among the agencies charged.

TABLE 3.—AMOUNT OF POTENTIAL OVERPAYMENT TO RETIREES CHARGED TO FEDERAL AGENCIES AND PRIVATE EMPLOYERS

	Federal agencies	Private employers	Federal and private employers	Total
District of Columbia	$262,090	$317,575	$33,058	$612,723
Virginia	22,506	68,641	0	91,147
Total	284,596	386,216	33,058	703,870

According to a District unemployment official, the District periodically adjusts its unemployment tax rate for private employers, basing such adjustments on the amount of unemployment benefits paid to the employers' former employees. The District official pointed out that, as a result of a large amount of potential overpayments charged to private employers, some private employers in the District may have paid more unemployment taxes to the District than they should have.

RESULTS OF PRISONER MATCH

As table 4 shows, District and Virginia unemployment officials have tentatively confirmed that 30 of the 50 prisoners (60 percent) whose names we identified through the matches may not have been entitled to the $26,982 they received in unemployment payments. Ninety-three percent of the potential overpayments were paid by the District, and all were charged to private employers except for $585. We did not identify any District prisoners receiving Maryland unemployment payments.

TABLE 4.—POTENTIAL OVERPAYMENTS TO DISTRICT PRISONERS

	District of Columbia	Virginia	Total
Number of names referred by GAO	48	2	50
Number of overpayments tentatively confirmed by States	28	2	30
Total dollar amounts of potential overpayments	$25,001	$1,981	$26,982

RESULTS OF MATCH FOR DUPLICATE PAYMENTS

We referred the names of 25 persons who may have received unemployment benefits from more than one State to the appropriate State unemployment officials. District unemployment officials tentatively confirmed that two of these persons improperly received a total of $2,206 in unemployment benefits; that is, they were receiving benefits from the District and from Maryland or Virginia simultaneously.

We also referred the names of 95 persons who may have received more than one unemployment payment for the same periods from the same State to the appropriate unemployment officials. Virginia unemployment officials tentatively confirmed that one of these recipients may have improperly received an overpayment of $1,858 in unemployment benefits.

Mr. PRYOR. Mr. President, finally I wish to thank very much the distinguished Senator from Kansas, the chairman of the Finance Committee, and the Senator from Mississippi (Mr. COCHRAN)—who, at this time, is presiding in the Chamber—for their support on this amendment.

Mr. COCHRAN. Mr. President, I want to compliment the distinguished Senator from Arkansas (Mr. PRYOR), for his excellent work in discovering this blatant waste of tax dollars in the unemployment compensation program.

There is every reason to believe that the adoption of this amendment will result in much needed savings to both the Federal and State Governments.

Over payment of benefits from Federal programs is a troublesome and serious problem. Computer matching is a helpful way to reduce the costs of errors and omissions.

I am pleased to be a part of the effort to bring this to the attention of the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the ques-

tion is on agreeing to the amendment of the Senator from Arkansas (Mr. PRYOR).

The amendment (No. 2246) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2247

(Purpose: To revise the FSC provisions to include new benefits for individuals who have exhausted their entitlement, to allow an alternate measurement based upon the total unemployment rate, and for other purposes)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk on behalf of myself, Mr. BYRD, Mr. SPECTER, Mr. LEVIN, Mr. DIXON, Mr. RIEGLE, Mr. METZENBAUM, Mr. LEAHY, and Mr. SASSER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. BYRD, Mr. SPECTER, Mr. LEVIN, Mr. DIXON, Mr. RIEGLE, Mr. METZENBAUM, Mr. LEAHY, and Mr. SASSER, proposes an amendment numbered 2247.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out sections 2, 3, and 4 of the bill and insert in lieu thereof the following:

EXTENSION OF FSC PROGRAM

SEC. 2. (a) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after June 30, 1984.".

(b) Section 605(2) of such Act is amended by striking out "October 1, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "July 1, 1984".

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in such account shall be equal to the lesser of—

"(i) 55 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

In the case of weeks during a:	The applicable limit is:
5-percent period	14
4-percent period	12
3-percent period	9
Low-unemployment period	7

"(B) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, but has not exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the dermination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983 and prior to October 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after October 1, 1983, shall be equal to such individual's additional entitlement.

"(D) For purposes of subparagraph (C) and this subparagraph—

"(i) the term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account; and

"(ii) the term 'additional entitlement' means the lesser of—

"(I) 60 percent of the subparagraph (A) entitlement, or

"(II) 4 times the individual's average weekly benefit amount for his benefit year.

"(E) Any individual who would qualify for Federal supplemental compensation solely by reason of subparagraph (C), and who, prior to September 30, 1983, has applied for, and established eligibility for, any form of cash or in-kind assistance (including food stamps, aid to families with dependent children, supplemental security income, or medical assistance under a State medicaid plan), may decline eligibility for Federal supplemental compensation if payment of such compensation would result in a loss of eligibility for such other assistance. For purposes of eligibility for, and the amount of, such other cash or in-kind assistance, the Federal supplemental compensation declined by the individual shall not be considered as available to such individual. The choice to decline eligibility for Federal supplemental compensation shall terminate any rights to such compensation.

"(3)(A) For purposes of this subsection, the terms '5-percent period', '4-percent period', '3-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such work and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
5-percent period	A rate equal to or exceeding 5 percent.
4-percent period	A rate equal to or exceeding 4 percent, but less than 5 percent.
3-percent period	A rate equal to or exceeding 3 percent, but less than 4 percent.
Low-unemployment period.	A rate less than 1 percent.

"(C) No 5-percent period, 4-percent period, 3-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, or any week thereafter, shall last for a period of less than 13 weeks (but subject to the termination provision under subsection (f)(2)).

"(D) For purposes of this subsection—

"(i) the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; and

"(ii) the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.

"(4)(A) If the application of the provisions of this paragraph results in a higher applicable limit for a State under paragraph (2), the applicable limit for such State for purposes of paragraph (2) shall be determined under this paragraph, rather than under paragraph (3).

"(B) A State shall be deemed to be in a '5-percent period', '4-percent period,' or '3-percent period' for a week if—

"(i) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the most recent month for which such rate is available preceding the month in which such week begins falls within the applicable range described in subparagraph (C); or

"(ii) in the case of a State not described in clause (i), the average monthly total rate of unemployment for such State for the most recent 3 calendar months for which data are available preceding the month in which such week begins falls within the applicable range described in subparagraph (C).

"(C) For purposes of subparagraph (B), the applicable range is as follows:

In the case of weeks during a:	The applicable range is:
5-percent period	A rate equal to or exceeding 11 percent.
4-percent period	A rate equal to or exceeding 10 percent but less than 11 percent.
3-percent period	A rate equal to or exceeding 8 percent but less than 10 percent.".

(b) Section 602(d)(3) of such Act is amended by striking out "subparagraph (A)(ii) or (D)(ii) of".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount of his Federal supplemental

compensation account) before the first week beginning after September 30, 1983.

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

STUDY OF UNEMPLOYMENT STATISTICS

SEC. 4A. The Secretary of Labor, in conjunction with the Congressional Research Service, shall conduct a study, and shall report the results of such study to Congress not later than May 15, 1984, with respect to alternatives to the rate of insured unemployment which would be available, or should be made available, with respect to all States, which would provide a more accurate measurement of the employment and labor market situation in each State and a more accurate and equitable determinant of the extent of need in each State for unemployment insurance benefits beyond regular compensation.

SENSE OF CONGRESS WITH RESPECT TO UNEMPLOYMENT COMPENSATION STRUCTURAL CHANGES

SEC. 4B. It is the sense of the Congress that the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives should each expeditiously undertake studies and conduct hearings concerning the need to reform the fundamental structure and benefits of those unemployment compensation programs which are in addition to State regular compensation, and that each committee should report appropriate legislation necessary to carry out the committee's findings prior to June 1, 1984.

Mr. MOYNIHAN. Mr. President, as a preliminary matter, although my discussion will not be that long, while there are Members on the floor, I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, on behalf of the distinguished minority leader and a number of colleagues on both sides of the aisle, I offer an amendment which represents an interim proposal. We believe this proposal will be an appropriate measure for the next 9 months until the Senate has an opportunity to review the comprehensive proposal that the Senator from Pennsylvania (Mr. HEINZ) and the distinguished minority leader will offer. My amendment embodies the simple notion that we are no longer satisfied with the insured unemployment rate, upon which we determine the weeks of Federal supplemental benefits for which a State is eligible.

Several Members of this body have expressed reservation concerning the total unemployment rate. Different States, of course, have quite different situations. Yet, I argue that the total unemployment rate is superior to the insured rate. The basic problem of the insured rate is that it does not count those whose eligibility has expired. One major problem is that there may be a situation during which the insured unemployment rate declines, while economic activity declines as well. The statistics, then, often do not reveal the true unemployment problem.

Mr. President, unemployment insurance is an old story. It dates back to Great Britain, the first country to introduce unemployment insurance. The first unemployment insurance bill was carried in the House of Commons by Winston Churchill, at that time a very young man. He accomplished something that it was said could not be done. His opponents argued that one could not accurately measure unemployment.

As a matter of fact the statisticians already knew enough about sampling to argue that unemployment could be measured. What could be measured was the insurance coverage of employed persons and the firms providing that insurance.

We did not adopt unemployment insurance until 1935. We created unemployment insurance based on the principle that one is insured if the employer met certain requirements, such as the number of employees. At first, agriculture employees were left out, as were small firms. Gradually the system became more universal.

After World War II, we began to perfect our sampling techniques, enabling the Bureau of Labor Statistics to state with considerable accuracy the total unemployment rate. It might interest the Senate to know that we used to measure that rate only once every 10 years in the decennial census. The decennial census takes place in the spring. We conducted the decennial census in the spring of 1930 and the spring of 1940. By the spring of 1930, the Great Depression had not truly started. By the spring of 1940, however, employment began to increase, so we went through the whole depression and never were able to measure the real unemployment rate. Scholars still argue today over the level of unemployment.

After World War II, the Bureau of Labor Statistics began introducing the first total unemployment rate statistics. Then the total rate was broken into various categories: by sex, race, age, and finally on a State-by-State basis. This represented a normal development in math and statistical science. It is now fully developed. The Bureau of Labor Statistics each month reports a total unemployment rate for each of the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia.

The distinguished minority leader has called attention to the fact that we still continue with the arrangements which are similar to those in place in 1935 when we had no alternative. We knew little about the total rate in 1935. We only knew the number of persons who went to an employment office, which later came to be known as unemployment offices, to apply for unemployment insurance. A record of applications and certifications was kept, indicating the total number of insured workers. From this, we could easily derive the rate of insured workers. We could not measure any other index of employment.

That was in 1935—a full half century ago. The situation today is vastly different. Today, we can define the total unemployment rate with considerable accuracy.

I would offer the Senate advice in the theory of sampling with great trepidation. I do not pretend to grasp the theory in its entirety. Yet it happens to be the case, that a well drawn sample provides sound measurement of the total unemployment rate. We know there is not a person in this body who has not dealt with samples and polling, knowing how accurate they can be. The legislation I offer, on behalf of the minority leader and several of my colleagues, addresses a profound problem. I believe that we adequately address that problem.

We are dealing here with a lay issue of considerable impact.

Mr. Gary Burtless recently published in the Brookings papers on economic activity findings about the startling difference between the experience of American workers in the recession of 1975 and, if I may use Dr. Stigler's designation, the depression of 1982.

In 1975, more than 78 percent of all unemployed Americans were receiving unemployment benefits. In 1982, only 45 percent of our jobless were covered by the unemployment system.

These are startling figures, worthy of our utmost attention. That is why some of us in this body are advocating

comprehensive revision of the unemployment system.

Let me cite just one example. The Senator from Pennsylvania and the Senator from Kansas have already said that they recognize the problems we confront.

In 1983, the insured unemployment rate has dropped from 4.5 to 3.2 percent. That is a decline of 29 percent. But the total unemployment, the real unemployment, has declined from 10.2 to 9.5, a mere 7 percent.

Perhaps nothing is more confusing than to talk about percents of percents, but there is a 4-to-1 ratio in the decline of the insured rate against the real unemployment rate. The real unemployment rate is not reflected in the statistics we now use to calculate the weeks of benefits.

We propose that during the next 9 months the States be given the option to use their insured unemployment rate, if they think that is best, or their total unemployment rate. The State would use either rate, whichever was more favorable. Mr. President, I know it is difficult to keep in mind a scale, but I will read one so the record will show the options proposed: If a State's insured rate is 5 percent or more, or if its real rate is 11 percent or more, there will be 14 weeks of supplemental compensation; between 4 and 5 percent insured unemployed or 10 and 11 percent real unemployment, there will be 12 weeks; between 3 and 4 percent insured unemployed and 8 to 10 real unemployed, there will be 9 weeks, and, finally, under 3 percent insured unemployment or under 8 percent total unemployment there would be 7 weeks of FSC benefits.

This adds for States with the insured rate above 5 percent IUR an extra 2 weeks of benefits, and it adds similar amounts down to the second tier. Its would add 1 week to the two lowest tiers, compared with the Finance Committee bill.

My amendment also has a reach-back provision for those who have exhausted all benefits after April 1, 1983. Those unfortunate unemployed persons will get an additional 4 weeks of benefits, providing assistance to those long-term unemployed who have exhausted their insurance and do not yet have a job.

Mr. President, I do not wish to prolong the debate. I would only point out that because this is a 9-month measure, the cost is well below the bill we have before us. It will enable us to give consideration to a more comprehensive bill.

My amendment also mandates the Secretary of Labor to study and report to Congress on alternatives to the present unemployment system and states that it is the sense of the Congress that the Finance Committee and the Ways and Means Committee expeditiously undertake studies and conduct hearings concerning general reform of the unemployment insurance system. We must undertake these studies. Every half century or so a social insurance program needs to be reevaluated and restructured. That is what we have in mind.

For the moment, we have a measure which is fair. No one can say it is not fair. If you feel the insured rate is best, then use it. If you feel the real unemployment rate is best, then the States will be able to use that measure. States will have the option to optimize their circumstance. There is also an increase in the number of weeks of eligibility in each category. In the main, I think we will be doing right for the work force which did not bring about this extended period of economic decline, the deepest since the Depression of the 1930's.

Mr. President, I yield the floor. I see the distinguished Senator from Kansas is prepared to speak.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I am certain the Senator has properly stated the case, but I simply hope he loses.

Mr. MOYNIHAN. Would the Senator be kind enough to let me correct my own error? I said an amendment but I should have said an amendment in the nature of a substitute.

Mr. DOLE. In either event I am opposed to it.

Mr. President, I would just say that we have a good bill here, an 18-month extension. We were told by some of the labor witnesses they would like to have a permanent FSC program. I say very honestly that we have an election coming up in 1984. I think the last thing we ought to do—and I do not suggest this is the intention of the Senator from New York—is to bring this up every 3 months, 6 months, or 9 months. But a short duration means we have to address the issue again.

We believe we have provided a pretty sound piece of legislation. We believe we have almost reached the maximum cost that some of those in higher authority will accept. This bill for a 9-month duration would cost about $2.86 billion. That is the CBO estimate based on the first resolution employment assumptions. Over the 18-month period, the Finance Committee bill would cost about $3.6 billion.

As I understand, the cost would rise in this amendment to about $4.7 billion over an 18-month period.

We have just discussed the TUR, the total unemployment rate. We had a good colloquy with the distinguished Senator from Pennsylvania. It is an area we are studying. There may be a better way to go. But it seems to me that we modified the IUR to take care of some of the concerns of the States with heavy unemployment, long and enduring unemployment. I would hope we would not launch into some new way to measure it.

Third, the amendment provides reach-back benefits for individuals who have already exhausted their earlier entitlements under the program. This is an expensive proposition with a cost ranging from $60 to $80 million per week.

The provisions of the bill using a TUR trigger and adding additional benefits would create serious administrative problems for the States already confused by the multitiers and constantly changing nature of the FSC program.

I have a letter from ICESA—the Interstate Conference of State Employment Security Agencies. It indicates that this program is so complicated now because Congress changes direction every 3 to 6 months. We say, well, you get this much every 4 or 6 weeks, then we change that to 8 to 12 weeks. The bottom line that ICESA believes the House program could not be administered if it is enacted. The ICESA letter follows:

DEAR SENATOR DOLE: We are aware that the House Ways and Means Committee has adopted a 45-day extension of the Federal Supplemental Compensation program that includes substantial changes in its structure. Our organization and others testified before both the Senate Finance Committee and the Ways and Means Committee about the complications and confusion that have resulted from the three different versions of the program that have been implemented in the last year. Each time the program is changed, computers have to be programmed, new procedures developed, staff trained, and explanations made to unemployed workers. This is a massive undertaking in each of the fifty-three (53) states and jurisdictions. Asking the system to implement a new program in less than a week, with no assurance that it will not change six weeks later, will only multiply the existing confusion.

In attempting to implement a new program by October 1, there will likely be delays in issuing checks since the number of weeks each unemployed worker is entitled to will have to be re-calculated under the new program's provisions. Because we will be under pressure to make payments as quickly as possible, there will be more errors and inaccurate payments than we would like to see.

If the Congress intends to make a brief extension of the FSC program, we urge you to simply extend the provisions of current law. More substantial changes should be made far enough in advance to permit us to implement them in an orderly fashion and avoid disruptions in the payment of benefits.

ICESA's staff an membership would be pleased to work with you and provide advice from our perspective as administrators of the unemployment insurance program, as you consider extending the Federal Supplemental Compensation Act.

Sincerely,

A. BARCLAY GARDNER,
President, ICESA.

They are suggesting that if we start some new program now on October 1,

there will be delays in getting checks out. That is clearly going to be a hardship on unemployed workers. I just suggest that we not launch into some new untried formula called TUR or whatever else at this late date. We will have, as I have indicated, extended hearings on the resolution introduced by Senator BYRD and Senator HEINZ.

I hope we might defeat this amendment and move on to the few other amendments that are remaining.

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senator from New Mexico (Mr. BINGAMAN) be added as a cosponsor. May I also ask that Mr. DIXON be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia, the Democratic leader.

Mr. BYRD. Mr. President, I do not want the distinguished chairman of the committee or the ranking member to feel offended that some of us are trying to deal with the problems of our States which have very serious problems. I would most want them to feel that this Senator is ungrateful for the actions of the committee in attempting to alleviate the problem. I can only be most appreciative of what the committee has done.

At the same time, I hope the chairman will understand that as the Senator from West Virginia, which has the highest unemployment rate in the Nation, I first have to be conscious of the needs of my people and their problems and what they expect of me as their Senator. For that reason, I commend the Senator from New York, who can speak on almost any subject—and does—and with a tremendous grasp of the historic background of whatever the subject may be. He was talking about Winston Churchill when he was in the House of Commons and how some of those who opposed Winston's position on the matter would say, "Well, those fellows will just spend their money on drink," and how Winston said, "Well, it is their money; let them spend it however they wish."

I did not originate that comment, because I knew nothing about it. But I just want to compliment him. He comes to the floor and joins the debate in a very engaging manner, one which reflects tremendous knowledge of the subject.

I am pleased to cosponsor the amendment. The unemployment insurance system is one of the most important protections for American workers. It is an essential contributor to national economic stability. I can remember when we did not have it. This is no spring chicken here talking. I may not have learned as much as the distinguished Senator from New York has learned in his years, but a great deal of what I learned, I learned the hard way and it has stuck with me. I can remember when we did not have any unemployment compensation program at all. So it is a contributor to our national economic stability.

One need not have looked very closely to see this amply demonstrated during the past 2 years of economic stagnation. For tens of thousands of Americans and their families, the unemployment system is all that stood between them and immediate destitution when they were laid off from their jobs.

Sadly, however, it has been all too obvious during this same period that the system has distressing flaws—I referred to a few moments ago, flaws that have been referred to by the chairman, by Mr. HEINZ, Mr. DIXON, Mr. MOYNIHAN, Mr. LEVIN, and others, either on the floor or off the floor, or both. They are most destructive when unemployment is the highest and a stable unemployment insurance system is most badly needed: The way in which the system has determined how many weeks of unemployment benefits will be available to the jobless in various States has defied all logic. At particular points, States with unemployment rates as high as 15 percent have been eligible for only 34 weeks of benefits when the system professes to provide a maximum of 53 weeks of benefits to areas with high unemployment. Currently only two States are eligible for the extended benefits program despite the fact that half the States have total unemployment rates 9 percent or higher—severe unemployment by historical standards. Studies have established that only 45 percent of the unemployed received benefits during 1892, compared with 78 percent in the recession year of 1975.

Only a total overhaul of the system will offer a really satisfactory remedy for these problems. On August 4, with Senator HEINZ and several cosponsors, I introduced a bill that would restructure the system coherently. That bill currently is before both the Senate Finance and the House Ways and Means Committees. They have concluded that they must devote more time to study its provisions before acting on it, and I respect there determination in this regard. Consequently, the only provisions before us today pertain to extending the Federal supplemental compensation of FSC program before it expires tomorrow night at midnight.

Yet, even if comprehensive reform of the UI system must be delayed, I join Senator MOYNIHAN and the other cosponsors of this amendment from both parties in the belief that it would not be responsible to delay taking any steps to remedy the serious deficiencies that have appeared in the UI programs.

The amendment before the Senate does five things, principally. Two of its objectives are to increase the aid the bill provides. Three of its objectives are directed to the fundamental problems begging for reform.

First. It is my opinion that the reductions from current law in weeks of benefits provided under the committee bill are simply unacceptable. Although the 7, 9, 12, and 14 weeks provided under the amendment are not as much as I believe is warranted, particularly for areas of highest unemployment, they are more nearly so than the 6, 8, 10, and 12 weeks the committee provides.

Second. I also am persuaded that this Congress has a responsibility to aid the most distressed of the unemployed—those who have been unemployed for so long that they have exhausted all available benefits including FSC, but still cannot find work. The Congress included a so-called reachback provision in the FSC amendments contained in the social security bill in March of this year to help exhaustees. The House Ways and Means Committee has included such a provision in the FSC extension it has reported. The Finance Committee did not include such a provision. The reachback in the Moynihan amendment is extremely modest—only 4 weeks to those who have exhausted benefits since April 1. But those 4 weeks will be a matter of economic life or death for many who will receive them if the Congress makes them available. Its cost is only $185 million. In my view, it is the least the Congress can do for these poor victims of a malfunctioning economy.

Third. The bill also addresses head on one of the most damaging flaws the system demonstrated over the past year—the total inadequacy of the insured unemployment rate or IUR as the sole determinant of how many weeks of FSC a State can receive. The gap between the IUR and the total unemployment rate or TUR has been growing steadily over the past several years. The IUR has proven itself to be unreliable as the benefit duration determinant in the FSC program and the eligibility determinant in the extended benefits program.

Several Senators, including Senator HEINZ and me, earlier in the debate on this bill went into much greater detail on the inadequacy of the IUR, and I do not intend to consume the time of the Senate now to recover all of that discussion.

To ameliorate the results of that inadequacy, although the Moynihan amendment does not reject any use of the IUR—which I believe would be an imprudently hasty step to take at this time, the amendment does allow a State to use its TUR as an alternative determinant of benefit duration in the FSC program. This will prevent recurrence of the situation all too frequent

during the past year where States with the highest total unemployment rates were eligible for only the minimum number of weeks of FSC benefits. In my own State of West Virginia, where the TUR remains above 17 percent, the IUR continues to fall. In the absence of this amendment's adoption, my State could fall to a lower benefit level while still having oppressive total unemployment—despite the presence of the alternative eligibility determinant included by the committee in the bill.

I am quite aware of the criticisms leveled at the TUR as a benefit or eligibility determination device in unemployment insurance programs. I readily admit that it is far from ideal for this purpose. But I submit that the IUR is a proven failure in delivering benefits the Congress intended to provide to States with demonstrable need, and I am convinced that the TUR will help remedy this problem even if imperfectly. Further, the alternative calculation incorporating the IUR that the committee proposes to permit is simply not a sufficient response to the severity and permanence of the problem. Although I appreciate what I believe was the committee's good faith attempt to address the IUR's problems, adopting it would be something like applying weak, water-soluble ointment to injuries. As long as the injured persons can stay out of the water—and as long as it does not rain—the ointment may work suitably. But when the first storm breaks, those that get wet are out of luck. The Senate should not be satisfied with that kind of solution, and should try using the TUR.

Fourth. The other step the Moynihan amendment takes in response to the inadequacy of the IUR is to require the Department of Labor and the Congressional Research Service to conduct a study, and report findings to the Congress by May 15 of next year, concerning preferable benefit duration and eligibility determinants. Both those seeking alternative use of the TUR today, as well as many of those opposing its use, admit that the IUR is flawed and the TUR is not a perfect replacement. But we are stymied by the fact that none of the program experts has been able to devise a better determinant. I can assure the Senate that we not only will be stymied if we again are forced to consider this issue without careful study and research having been conducted in the meantime; we will look extremely foolish. Wisdom demands that such a study begin now.

Fifth. The final element of the Moynihan amendment is similarly important. I noted earlier that the UI system needs fundamental reform. And yet, understandably in many respects, the Congress often finds itself consumed by the crises of the moment and unable to address simmering problems which later became conflagrations. It is my fervent hope that the Congress will not let the need for UI reform slide until we again are pushed face-to-face with the system's inadequacies when another recession stretches the system beyond its ability to contend as occurred over the past 2 years. We should act soon, while the memory of the system's failings is fresh in our minds. The Moynihan amendment expresses the sense of the Congress that the Ways and Means and Finance Committees should undertake a careful examination of the program and should report legislation by June 1 of next year to their respective houses reflecting their judgments on how it should be reformed.

The Moynihan amendment is a reasonable package. Its cost is modest. It will cost only approximately $580 million more than the committee's bill over the 9 months of its duration. Its adoption will give the Congress added incentive to act next spring to adopt needed basic systemic reforms, and will assure that the information with which to make sound, careful judgments is available. And in the meantime, it will provide more adequate levels of benefits to those who have exhausted all other unemployment benefits.

Having said that, Mr. President, I support the amendment offered by Mr. MOYNIHAN. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Mr. President, before we vote, I wish to express my appreciation for the minority leader's gracious remarks and add my own to those which he extended to the chairman of the committee. He has introduced an important piece of legislation. If by chance, we are not successful in this regard, all of us will be very happy to support his measure.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Mr. President, I think we are prepared to vote. I say to my colleagues who may be listening that, following disposition of the amendment, we hope to move quickly on a couple of amendments that there is no dispute on. Then there will be, I think, three or four other amendments that there may be votes on.

I say this again: This is a very sensitive issue. Obviously, if we had a lot of money, we could do a lot of things and pay everybody more money over longer times and reach back farther and have formulas to liberalize the program. If we extended this beyond 9 months, this is $2.9 billion for a 9-month program. Ours is $3.6 billion for an 18-month program. Let us face it, if we find some areas that have to be addressed, even in an 18-month program, we can do it. I hope we can defeat this amendment and move on to other amendments that are pending and try to conclude action on this bill by 7 o'clock, or 7:15. If not, we shall take it up again tomorrow.

UNEMPLOYMENT INSURANCE—A SYSTEM IN NEED OF REPAIR

Mr. DIXON. Mr. President, I have stood on this floor and addressed the problem of the unemployment system often in the past year and a half. It is not an easy matter to discuss—the terminology is technical, the program is made up of tiers of benefits and tiers of triggers, calculations and percentages, billions of dollars and a complicated tax structure. Further, a majority of States have borrowed from the Federal Government to pay benefits to their jobless workers and are deeply in debt.

Unfortunately, in all of the rhetoric and technical discussions, the people who have worked hard their whole lives and find themselves out of work—the people for whom the system was created—often are overlooked. They are superceded by IUR's and TUR's. By EB and FSC, by reachbacks and grandfather clauses.

There is one thing that continues to be painfully apparent to me, as well as to many others. The current method of calculating how these people qualify for the benefits they so desperately need is wholly inadequate. The insured unemployment rate, or IUR, does not represent the difficulty a person has in finding work. It does not bear the slightest resemblance to the total number of people who are unemployed, or those who were eligible for benefits but have long since exhausted them.

I have sponsored legislation with Senator LEVIN to address the inadequacy of the IUR—S. 1589. We believe that until a better way can be devised, the total unemployment rate, or TUR, is the best measure of which States are in the deepest distress. I have joined Senators BYRD and HEINZ in S. 1784, a comprehensive reform of this complex and piecemeal system, which I believe is greatly needed and should be addressed so that a permanent system that works is in place during all phases of the business cycle to address the changing needs of people.

My own State of Illinois had a total unemployment rate of 11.5 percent in July of this year. In contrast, the State's average insured unemployment rate was 4.87 percent. In August, the State's TUR rose to 11.7 percent, while the IUR fell to 4.46 percent. In the week ending September 10, Illinois IUR was 3.55 percent and is continuing to fall. A ridiculous situation, I am sure you will agree.

In a sense, I am happy to see some recognition on the part of the distinguished chairman and ranking member of the Finance Committee

that the insured unemployment rate does not work as it is. The committee bill incorporates an alternative trigger, which attempts to address the long-term distress of many of our States. By reaching back to January of 1982, when insured unemployment rates were higher, and including all those months rather than limiting it to a current 13-week average, it does, in a sense, count those who later exhausted their first 26 weeks of benefits—those who are or were eligible for extended benefits and Federal supplemental compensation. It is not the alternative trigger that I would prefer—the total unemployment rate—but it does give credence to the cries of many of us in this place that the system is in desperate need of attention.

Another point I feel that it is necessary to make here is that the original basis for the Federal supplemental compensation program was that 10 high unemployment States were no longer qualified to pay the 13 weeks of extended benefits—the second tier of the system, which is funded equally by the States and the Federal Government. It was meant as a replacement, in a sense, for the long-term unemployed who were still unable to find work, but had a significant attachment to the work force. That system has now totally deteriorated. Only two States—West Virginia and Louisiana—are eligible to pay these benefits, and the latter is painfully close to losing its eligibility.

Therefore, any FSC program that we devise should address the loss of weeks of benefits that are now a reality. A replacement of 12 weeks, as suggested by the committee proposal, is fewer weeks than we lost under the EB program. Many States, 26 to be exact, will receive fewer weeks than are currently available under FSC.

At this point, I would like to insert into the RECORD a table showing each State's most recent total unemployment rate, its cumulative insured rate from January of 1982 through June of 1983, the number of weeks of FSC currently available to each State, the number of weeks which would be available under the committee bill, and the number of weeks available under our proposal.

Finally, I would like to mention a provision of our amendment which I believe to be most constructive: The requiring of a study by the Labor Department and the Congressional Research Service of alternatives to the insured unemployment rate, which would provide a more accurate measure of the employment and labor market situation in each State. This is long overdue, and would help Congress address this program and its problems with a more enlightened calculation.

We must not lose sight of why we are here, and who we are attempting to serve, in the passage of an extension of this program. There are 647,000 people in my State who are waiting for us to help them. There are 11 million unemployed workers throughout this great land who need for us to come to grips with this program and with our responsibility. There are faces and tragic stories behind these numbers and acronyms and percentages. We must not forget them.

The table follows:

State	July TUR (percent)	Cum. IUR (percent)	Current weeks	S. 1887 weeks	Moynihan weeks
Alabama	13.0	5.53	10	10	14
Alaska	8.5	6.62	10	12	12
Arizona	10.2	4.01	8	8	12
Arkansas	9.2	5.77	10	8	9
California	9.5	5.28	10	10	12
Colorado	6.7	3.20	8	6	7
Connecticut	6.3	3.48	8	6	7
Delaware	7.6	3.45	10	6	7
Florida	8.2	2.40	8	6	9
Georgia	7.3	3.28	8	6	7
Hawaii	7.1	3.54	8	8	9
Idaho	9.3	7.20	10	12	12
Illinois	11.7	5.78	12	10	14
Indiana	9.2	4.93	8	6	9
Iowa	7.4	4.70	8	6	7
Kansas	5.7	3.98	8	6	7
Kentucky	11.4	6.12	10	12	14
Louisiana	12.4	5.05	12	12	14
Maine	10.0	4.96	10	8	12
Maryland	6.3	4.34	8	8	9
Massachusetts	6.2	3.95	8	6	7
Michigan	13.1	7.19	10	12	14
Minnesota	7.5	4.18	8	6	7
Mississippi	13.4	6.09	12	12	14
Missouri	9.4	4.40	8	6	9
Montana	8.3	5.42	10	10	12
Nebraska	5.4	3.02	8	6	7
Nevada	9.0	4.74	8	8	9
New Hampshire	5.6	2.84	8	6	7
New Jersey	8.3	4.70	8	8	9
New Mexico	10.6	4.06	10	8	12
New York	8.7	3.88	8	8	9
North Carolina	8.6	4.52	8	6	9
North Dakota	4.3	3.78	8	6	7
Ohio	10.9	5.92	10	8	12
Oklahoma	8.6	3.22	8	6	9
Oregon	9.5	7.19	12	12	12
Pennsylvania	10.9	6.95	12	12	14
Rhode Island	9.3	5.89	10	10	12
South Carolina	9.8	5.29	8	6	9
South Dakota	4.8	2.36	8	6	7
Tennessee	10.8	4.95	8	6	12
Texas	8.3	2.27	8	6	9
Utah	8.7	4.85	10	8	9
Vermont	6.3	5.23	10	8	9
Virginia	5.7	2.43	8	6	7
Washington	10.5	6.71	12	12	14
West Virginia	17.4	8.12	14	14	14
Wisconsin	9.4	6.09	10	12	9
Wyoming	8.7	4.43	12	8	9

Mr. SPECTER. Mr. President, I support of the amendment offered by Senator MOYNIHAN because it takes into account the total unemployment rate (TUR) and not just the insured unemployment rate (IUR). Under the Finance Committee bill, some States with unemployment rates well in excess of 10 percent would be penalized because their IUR is as much as 10 percent or more below the TUR.

In addition, this amendment includes a "reach back" provision which would provide 4 weeks of unemployment compensation to those workers who have exhausted benefits since the current program was authorized on April 1, 1983. Historically, as many as 70 to 80 percent of unemployed workers have been eligible for unemployment compensation. This figure has dropped to an alltime low of 38 percent. The current system, whereby fewer unemployed workers than anytime in history are actually eligible for benefits, is clearly unacceptable. Throughout my travels in Pennsylvania, including town meetings and visits to unemployment offices in all segments of the State, I have heard of many great human suffering caused by the cutoff of these benefits.

In my judgment, the unemployment of more than 10,000,000 Americans, including 620,000 Pennsylvanians, calls for passage of the amendment.

Mr. LEVIN. Mr. President, I rise in support of the amendment offered by the Senator from New York. It directly addresses two difficiencies in the Finance Committee's bill.

First, it breaks new ground by utilizing the concept of the total unemployment rate—TUR—as an alternative to the measure of insured unemployment rate—IUR—which is in current law and in the committee bill. The total unemployment rate focuses on the number of people out of work and looking for jobs. It is the figure normally referred to when people talk about unemployment. The insured unemployment rate focuses on people who are out of work and receiving State unemployment benefits.

In the course of the recession, it became increasingly clear that the IUR is woefully inadequate as a measure of State's economic distress and need for unemployment benefits. The use of the IUR has resulted in a reduction in the number of weeks of benefits for the unemployed in States which still have extraordinarily high unemployment rates. Let me cite the example of my own State of Michigan. In May the total unemployment rate in Michigan was 14.9 percent and Michigan was eligible for 53 weeks of unemployment benefits. By August, unemployment in Michigan had dropped only by about half a percentage point, but the maximum number of weeks of eligibility for unemployment benefits had dropped precipitiously to 36 weeks. In other words, there was a 17-week drop in the number of weeks of unemployment compensation available in response to only a very modest decline in Michigan's unemployment rate.

This dropoff in the number of weeks resulted from Michigan's triggering off in June from the 13-week extended benefit program and the loss of 4 weeks of Federal supplemental compensation. And this decline in benefits was mandated by a decline in Michigan's insured unemployment rate. Mr. President, it is impossible to tell someone who has just been told that their unemployment benefits have been cut that such a reduction is necessary due to an obscure governmental formula which he neither understands nor which comports with the unemploy-

ment situation which they see around them. Here in Congress we work with formulas, we crunch numbers, we worry about legislative style. And we have to do this. But through the eyes of many of the unemployed, we have sacrificed compassion for the benefit of mathematical equations.

But it is not only through their eyes that things have gone wrong. In the words of a study conducted on behalf of the U.S. Department of Labor with respect to the divergence between the IUR and the TUR, "the Insured Unemployment Rate should be temporarily retired as a serious measure of labor market conditions."

Therefore, the amendment before us takes the reasonable and realistic step of providing the total unemployment rate as a measure of a State's eligibility for FSC benefits.

Second, this amendment recognizes that we are now providing the continuing victims of the recession far fewer weeks of unemployment benefits than we did during the 1975 recession. In 1975, when unemployment was in the 8-percent range we provided 65 weeks of unemployment benefits. In 1983 when unemployment is over 9 percent—and likely to remain there for quite some time—most States are eligible for 36 weeks or less of unemployment benefits. I would like to see even more weeks of benefits than are provided for in this amendment for the hardest hit States. But I think that it is a significant improvement over the assistance provided in the committee bill, and worthwhile of our support.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from Georgia (Mr. NUNN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—34

Baucus	Ford	Matsunaga
Bentsen	Glenn	Melcher
Biden	Heflin	Metzenbaum
Bingaman	Heinz	Moynihan
Boren	Hollings	Pell
Bradley	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Kennedy	Sasser
DeConcini	Lautenberg	Specter
Dixon	Leahy	Tsongas
Dodd	Levin	
Eagleton	Mathias	

NAYS—59

Abdnor	Goldwater	Nickles
Andrews	Gorton	Packwood
Armstrong	Grassley	Percy
Baker	Hatch	Pressler
Boschwitz	Hatfield	Proxmire
Bumpers	Hawkins	Pryor
Chafee	Hecht	Quayle
Chiles	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Jepsen	Simpson
D'Amato	Johnston	Stennis
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallop
East	Mattingly	Warner
Evans	McClure	Wilson
Exon	Mitchell	Zorinsky
Garn	Murkowski	

NOT VOTING—7

Cranston	Sarbanes	Weicker
Hart	Stafford	
Nunn	Tower	

So Mr. MOYNIHAN's amendment (No. 2247) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if we may have order, I wish to tell my colleagues what we think we might be able to do rather quickly.

There are two or three amendments that are not controversial. Senator BAUCUS has an amendment. Senator HAWKINS has an amendment. Senator STAFFORD has a technical amendment. I know that Senator MITCHELL has an uncontroversial amendment with reference to judges. The amendment by Mr. COHEN might be controversial.

We hope we may dispose of the noncontroversial amendments and then take up those that may require extended debate or a rollcall vote. I think Senator BAUCUS is ready to offer his noncontroversial amendment.

AMENDMENT NO 2248

(Purpose: To authorize funds for the Maureen and Mike Mansfield Foundation)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. MELCHER, Mr. BAKER, Mr. BYRD, Mr. INOUYE, Mr. SASSER, Mr. BENTSEN, and Mr. DOLE, proposes an amendment numbered 2248.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

MAUREEN AND MIKE MANSFIELD FOUNDATION

SEC. . (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this section to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

(b) No financial assistance provided under this section may be made except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this section shall remain available until expended.

Mr. BAUCUS. Mr. President, this amendment is the same as the bill I introduced, S. 1905, to establish the Maureen and Mike Mansfield Foundation. The bill has been cosponsored by Senators BAKER, BYRD, INOUYE, MELCHER, SASSER, BENTSEN, and DOLE.

The Maureen and Mike Mansfield Foundation has been created to support two important organizations: the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

Together, these two centers will honor the career of Mike Mansfield, the longest-serving majority leader in the history of the U.S. Senate. Currently the American Ambassador to Japan, Mike Mansfield is truly an American statesman and a world leader.

The centers also honor the contributions of Mike's wife, Maureen Mansfield. As Mike said upon his retirement from the Senate:

My conclusion has been reached in this instance with my wife, Maureen Hayes Mansfield, who has been with me through all these years and whose sensitive counsel, deep understanding, and great love have been so much a part of whatever may be the sum of my contribution.

The Mansfield Center for Pacific Affairs, to be constructed at Flathead Lake in northwestern Montana, will bring leaders in business, government, and cultural affairs from nations of the Pacific to participate in conferences and seminars on the developing economic and cultural ties in this region. We expect that the center will host more than 60 such meetings each year on subjects ranging from agricultural trade to educational exchange programs.

The center's progress is keyed to the unparalleled growth which has characterized trade in the Pacific basin during the past two decades. This growth is expected to continue into the 21st century. The center will work to foster economic growth through trade, and will also be a leader in improving international understanding and in eliminating cultural barriers

which have impeded exchanges across the Pacific.

The Maureen and Mike Mansfield Center at the University of Montana will conduct academic programs related to Pacific area studies, ethics, and public affairs. The university programs will open new opportunities for research and study, and attract leaders from academic and public life.

These two centers will sponsor cooperative programs designed to build upon their complementary relationships, such as hosting major conferences on Pacific area political, cultural, and trade relations.

The State of Montana has already appropriated $1 million to the Mansfield Foundation, which will coordinate fundraising activities for these two centers. This bill authorizes an additional $5 million to be appropriated from Federal funds, as a one-time appropriation to help establish the centers.

The foundation will seek additional funds from individual donors, and we expect substantial donations from Japanese and other Pacific sources once Ambassador Mansfield retires from his post in Japan.

I believe it is fitting and proper that the United States should honor Mike Mansfield in this way. These two centers will honor his career by supporting and continuing his lifelong efforts to achieve close relations with Pacific nations in every sense.

Mr. President, many friends of Mike and colleagues of ours have joined in this effort. The majority leader, Mr. BAKER, and the minority leader, Mr. BYRD, served on the founding committee for the foundation, along with Senator DANNY INOUYE, the late Senator Scoop Jackson, and House Speaker TIP O'NEILL.

Stan Kimmit, former Secretary to the Senate, served on the initial planning group and is a member of the board of the Mansfield Foundation. The foundation is chaired by the Honorable Ted Schwinden, Governor of Montana.

Mr. President, I hope my colleagues will support this amendment. I plan to ask the Senate to include funds for this important foundation in the 1984 Labor/HHS appropriations bill. I am sure the Senate will want to support this effort, to honor Mike Mansfield and to continue the important work he has started.

Mr. DOLE. Mr. President, this amendment has been reviewed and cleared on this side. We are willing to accept the amendment. I understand the Senator from Louisiana has no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Montana (Mr. BAUCUS).

The amendment (No. 2248) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2249

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) proposes an amendment numbered 2249.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8 after line 7 add the following:

SEC. . TREATMENT OF CERTAIN AGRICULTURAL LABOR

Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

Mrs. HAWKINS. Mr. President, I rise to offer a noncontroversial amendment extending the treatment of H-2 guest workers under the unemployment insurance program for 2 years. Since the beginning of the H-2 program many years ago, Congress has recognized that it would be unfair to force employers to pay unemployment taxes on workers who by law cannot collect unemployment benefits. Since these workers return to their own countries after completing their work here, and are not U.S. residents, they do not qualify for unemployment benefits and therefore receive none.

This amendment extends current law until January 1, 1986, and is identical to the provision which is in the House passed version of this bill.

I understand that the chairman of the committee has agreed to accept it.

Mr. DOLE. Mr. President, this exemption will expire December 31, 1983. The Hawkins amendment, is contained in the House bill H.R. 3929. This has been an exemption of long standing. I know of no objection to the amendment. I think it was an oversight that it was not included in the bill.

Mr. LONG. Mr. President, reserving the right to object, I am not familiar with the amendment. I would appreciate it if someone would show it to me.

Mr. President, I have now had an opportunity to examine the amendment. I do not object.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Florida (Mrs. HAWKINS).

The amendment was agreed to.

Mr. DOLE. Mr. President, I do not know whether the distinguished Senator from Maine is ready. I probably gave him misinformation. Does the Senator want to do his amendment now?

Mr. MITCHELL. I can have it in just a moment.

Mr. DOLE. Mr. President, I wonder if we might take that amendment and then move on to the amendment of the other Senator from Maine, Senator COHEN.

AMENDMENT NO. 2250

(Purpose: To delay for two years the coverage under social security for retired Federal judges on active duty)

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) proposes an amendment numbered 2250.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

Sec. . Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

Mr. MITCHELL. Mr. President, my amendment would delay by 2 years the recently enacted provision that would treat as earnings for social security purposes compensation received by retired Federal judges who continue to perform judicial services. This provision is currently scheduled to take effect on January 1, 1984.

My amendment would restore the law to what had been previously.

I believe that this provision was hastily enacted and that the Congress needs more time to evaluate fully the potential impact of this measure.

Upon retirement, Federal judges can choose to enter senior status. When they do so they voluntarily offer to continue performing their judicial services. These services are a major contribution to the Federal judiciary, as retired judges share the ever-in-

creasing workload of the Federal courts.

Title I of the Social Security Amendments of 1983 has two provisions affecting Federal judges. The first extends social security coverage to Federal judges. My amendment would not change this provision. The second provision treats as wages, for purposes of the social security system, compensation paid to retired judges who continue in active duty. My amendment would delay this provision for 2 years.

I believe that this provision creates significant financial disincentives for retired judges to continue their judicial work. First, most obviously, they will be subject to the social security payroll tax, beginning in 1984. Second, because of the earnings limit, most retired judges between the ages of 65 and 70 will not receive whatever social security benefits they are entitled to receive.

Because of these disincentives, I am concerned that we run the risk of losing the services of many retired judges. To compensate for the loss of these services, Congress may well have to add additional judgeships to cope with existing caseloads, at a considerably greater expense. In addition to these undesirable effects on the judicial system and on the budget, this provision is simply unfair as it applies to current retired judges, who had agreed to continue service on terms that did not include social security coverage.

I do not believe that these factors were adequately taken into consideration when the social security bill was approved by the Congress. In fact, the Senate did not debate this provision at all; it was a provision of the House bill that was accepted in conference.

Earlier this year I introduced S. 1276, which contained an outright repeal of this provision. Nine other Senators have cosponsored S. 1276.

I recognize, however, that given differing views on this issue and the need to act soon, a 2-year delay is a reasonable step. I urge my colleagues to support my amendment.

Mr. DOLE. Mr. President, let me thank the distinguished Senator from Maine. I would be happy to join as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I would say, in the first instance, this was not in the Finance Committee bill, the Senate bill, or in the social security compromise reached by the National Commission on Social Security Reform. It was insisted upon by the House in conference.

I discussed this matter with the Chief Justice several months ago in his quarters. It is a matter of some urgency and certainly no one can better articulate that than the distinguished Senator from Maine, who has been a Federal judge himself. This amendment would correct what I consider to be a potential mistake in the legislation, and I hope it can be accepted.

Mr. President, the amendment offered by the distinguished Senator from Maine will delay the effective date of section 101(c) of the Social Security Amendments of 1983. The provision in the new law, effective January 1, 1984, modifies the treatment of compensation for certain Federal judges. In particular, senior judges—those who have retired from regular active service, but who still sit and perform judicial duties by assignment—would have their compensation treated as earnings for purposes of the social security retirement-earnings test and FICA taxes.

I believe this provision could have unintended and undesirable consequences. Beginning January 1, the 236 senior judges throughout the Nation would be provided with a strong financial incentive to retire. Because Federal judges receive the salary of the office for life, whether or not they perform judicial duties or fully retire, they effectively volunteer their services to the courts as senior judges. They receive no extra pay for their efforts, nor do they receive any less by fully retiring. Under the new provision, senior judges will be able to increase their total incomes by retiring, because while their compensation remains fixed, they would no longer pay FICA taxes or—until age 70—suffer any reduction of social security benefits under the retirement-earnings test.

Certainly there will be a strong incentive for Federal judges in senior status to cease performing judicial services rather than remain in senior status. Valuable services may be lost; the courts' backlog of cases may increase.

Mr. President, this provision was not adopted by the Senate Finance Committee, nor was it included in the Senate version of the Social security bill. The issue was not even raised during the deliberations of the National Commission on Social Security Reform. This was a House provision adopted in conference.

The amendment being offered is a simple one; it would delay the effective date of section 101(c) of the Social Security Act for 2 years—until January 1, 1986. This would allow us time to consider carefully the ramifications of this provision. I should point out that the coverage of Federal judges under social security will not be affected in any way by this amendment. All Federal judges will be covered under the social security system as of January 1, 1984.

Finally, it should be emphasized that we do not have the luxury of waiting until January to address this problem. The courts had planned to complete, this month, the process of setting their calendars for next year and deciding how many law clerks need to be hired. Clearly, they must be in a position of knowing just what their judicial resources will be, and how many senior judges will be available to perform judicial duties. At this point, everything is on hold, I am advised, pending some action by Congress. Several senior judges have already notified the Chief Justice of their intention to retire because of what they perceive to be the adverse economic consequences of section 101(c). Others have yet to make final decisions.

I urge my colleagues to support this amendment. The 2-year delay will provide us with the time we need to assess the ramifications of this provision on both social security and the Federal courts.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I am not opposed to the amendment, but I am familiar with the problem.

The PRESIDING OFFICER. The Senate is not in order. The Senator cannot be heard. The Senate will please be in order.

The Senator from Louisiana.

Mr. LONG. There is a very severe problem, created by the so-called social security compromise that became law during this last year. Part of it is that when a retired Federal judge seeks to do some work on the call of his Government, he actually loses money.

While all those dedicated retired judges love this country, they do not love it so much that they want to have to pay or accept a cash penalty for the privilege of working for their Government.

The Senator seeks to strike at a problem and I hope he has properly formulated his amendment to correct it. In the event it fails to fully correct the problem, maybe we can correct it in conference.

I would hope that he has prepared it well enough so that he has found the answer to it because I am satisfied that the real problem should be corrected.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS. Mr. President, I rise in support of the amendment offered the distinguished Senator from Maine. Our senior Federal judges perform invaluable and selfless service to this country, and we can ill afford to lose their services because of a penalty which we inadvertently placed on them in our efforts to insure the solvency of the social security system. I would like to bring to the Senate's attention just a few facts concerning the work of the senior district and circuit judges, and I would like to especially

call the Senate's attention to the work of two of Arkansas's most distinguished citizens who now serve as senior judges.

In the year ending June 30, 1982, in all of the U.S. district courts, senior judges conducted a total of 2,072 trials involving a total of 23,128.5 courtroom hours, and 10,914 noncourtroom hours. These proceedings terminated a total of 16,249 civil cases and criminal proceedings involving a total of 2,396 criminal defendents. In the same period, senior judges participated in 5,811 cases in all of the circuit courts of appeals. It could well be said that all this work was done at virtually no cost to the taxpayers, since each of these judges could just as easily have gone home and drawn his or her full retirement salary. In fact, the only cost associated with service by any of the senior judges is the cost of their staffs.

The Administrative Office of the U.S. Courts estimates that the 236 senior judges (both district and circuit) perform the workload of 40 to 50 active judges. For the court year ending June 30, 1983, senior judges terminated 8.6 percent of all civil cases closed that year and 5.5 percent of all criminal cases. These statistics, however, seriously understate the importance of senior judges in those courts which have particularly high caseloads, such as the eastern and western districts of Arkansas.

In this connection, one of Arkansas' most distinguished sons, Judge Oren Harris, deserves special commendation. Judge Harris' contributions to public service are almost without parallel. You will recall that he was elected to Congress in 1940 and served in the 12 succeeding Congresses—77th through 88th Congress—including a distingushed tenure as chairman of the House Committee on Interstate and Foreign Commerce. In 1965, Judge Harris retired from the House and was appointed U.S. district judge by President Johnson. Judge Harris is now 80 years old, and continues to carry on a workload which would overwhelm most younger men. It is no exaggeration to say that the district court for the Western District of Arkansas would be unable to function without Judge Harris' work. On June 30, 1983, he had 265 cases on his docket in the Western District of Arkansas and 11 cases in the Eastern District of Arkansas. In the year ending June 30, 1982, Judge Harris closed 253 cases in the western district and 41 cases in the eastern district. In the year ending June 30, 1983, Judge Harris had actually increased his productivity and closed 294 cases in the western district and 35 cases in the eastern district. It should be noted further, that during this time, Judge Harris also found time to sit by special designation on the court of appeals on more than one occasion.

Arkansas' other distinguished senior judge, Hon. J. Smith Henley, also deserves special mention. Judge Henley was appointed U.S. district judge in 1957, and was elevated to the Court of Appeals for the eighth circuit in 1975. He has been a senior circuit judge since June 1, 1982. Since that time, Judge Henley has continued to perform the workload of an active judge. In the year ending June 30, 1983, Judge Henley authored 100 opinions and orders, disposing of cases before the court of appeals, and also heard cases in the district court for the Western District of Arkansas. In those 100 cases in the court of appeals, Judge Henley wrote 42 signed opinions, 19 published per curiam opinions, 41 unpublished per curiams, and 6 dissents. Judge Henley's service to the courts during the past year came at an especially crucial time since the eighth circuit was short one active judge because of the administration's failure to name Judge Henley's replacement until very recently.

Section 101(c), which subjects senior judges to the social security system, imposes a tremendous disincentive to public service. The cost to each senior judge between the ages of 65 and 70 of continuing to work has been estimated at from $5,000 to $10,000 annually if retirement salary continues to be treated as wages for FICA purposes. The cost varies somewhat, because for those judges under age 70, there is the added penalty against social security benefits to which the judge might be entitled from previous private sector employment—there is an offset against social security benefits for wages earned for those between 65 and 70. In addition, there is the cost of FICA deductions from wages. On the other hand, if the judges do not accept any work assignments, retirement salary is not considered FICA wages; there is no offset against social security benefits and, of course, there are no FICA taxes withheld.

I urge my colleagues to correct this disincentive to this great public service and support Senator MITCHELL'S amendment.

Mr. PERCY. Mr. President, I rise to support the amendment of the Senator from Maine. There is an inequity as it pertains to Federal judges who go on senior status. A number of the judges in Illinois have communicated with me about this problem. I compliment the Senator—who is a former Federal judge himself—for recognizing and acting on this matter.

Mr. SPECTER. Mr. President, I support the distinguished Senator from Maine, Mr. MITCHELL, and commend him for his initiative in offering an amendment to the Federal supplemental compensation bill, which will delay for 2 years the impact of the recently enacted Social Security Amendments of 1983, insofar as they apply to retired Federal judges.

I am the sponsor of similar legislation, S. 1375, also intended to preserve this important element of the Federal judiciary, which daily renders invaluable services to this Nation's courts.

This amendment would help insure that there is not an immediate and drastic reduction in the number of senior Federal judges who now provide substantial and crucial services to the Federal courts of appeal and district courts. In so doing it attempts to insure the continued efficient operational of the Federal judiciary.

Federal judge who, having taken senior status, voluntarily agreed to perform any service for the courts. The provisions do so by characterizing as "wages" a senior-status judge's retirement salary, if he or she voluntarily chooses to render service to a court, thereby making that salary subject to FICA taxes. The irony is that if that same judge chooses not to work, his or her retirement salary is not subject to such taxes.

Federal judges who are appointed for life under article III of the Constitution are permitted by statue to retain their judicial offices, but retire from regular active service at the age of 65 or 70. The same statute provides that a retired judge shall continue to receive the salary of the office for life. It is clear that in so structuring this system of compensation for the Federal bench, Congress intended to encourage able Federal judges to retain the incidents of office after retirement, and to provide services as needed. Statistics maintained by the Administrative Office of the U.S. Courts, as well as testimony from active judges and administators, indicate that services rendered by senior-status judges sitting by assignment have enabled courts of appeal and the district courts to manage ever-increasing case loads, and allowed the reduction of the number of new judgeships requested of Congress by the Judicial Conference. Senior-status judges for instance, terminated 8.6 percent of the civil cases, and 5.5 percent of the criminal cases, before the lower Federal courts in the last court-management year.

The Nation and the Federal judiciary derives great value from senior judges. I believe fairness dictates that compensation received by retired Federal judges be treated as retirement income, the assumption on which those judges agreed to continue active service. I urge my colleagues to support this simple and cost-efficient measure which will go far toward insuring the continuing assistance of an important element of the Federal bench.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator HATFIELD be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2250) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2251

(Purpose: To correct a technical problem with the cash flow loan provisions of the unemployment insurance fund)

Mr. DOLE. Mr. President, I have a technical amendment I offer for the distinguished Senator from Vermont (Mr. STAFFORD). I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), on behalf of Mr. STAFFORD, proposes an amendment numbered 2251.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

SEC. . (a) Section 1202 (b)(2) of the Social Security Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advances";

(2) in subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) in subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were"; and

(4) in subparagraph (B), by striking out "advance" the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

Mr. DOLE. Mr. President, the purpose of this amendment is to correct a technical problem with the language of section 1202 of the Social Security Act. Section 1202 provides the authority for the unemployment insurance trust fund to grant cash flow loans to State UI funds and to allow such loans to be paid back to the trust fund before the end of the fiscal year without an interest charge. This was the intent of the Congress.

A technical problem has arisen in the choice of the word "advance" in the singular form because the Department of Treasury interprets this to mean only one advance can be given in a year's time. Thus, a State that might get an advance in January, pay it back in February, and then get another in March and pay that back before September 30 would be charged interest on both.

This is not the intent of the committee or the Congress when we adopted section 1202.

The technical amendment will change the word "advance" to the plural form "advances" where necessary in section 1202 to conform the section to congressional intent.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. HEINZ. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, this change may sound modest, just adding a little "s" to a word, but it will mean quite a different thing to some States.

Mr. DOLE. I am pleased that the Senator from Vermont has called this to our attention. I understand he has discussed it with the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator is correct. I have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2251) was agreed to.

Mr. DOLE. Mr. President, so our colleagues may be informed, as far as this Senator is aware there are still the following possible amendments: An amenment by Senator PERCY, an amendment by Senator BYRD on reach-back, an amendment by Senator SPECTER—I think that is an amendment on a matter we do not have jurisdiction over in our committee. I would hope we would not get into that one.

Senator LEVIN has an amendment and Senator QUAYLE has a possible amendment. Then Senators COHEN and LEVIN have an amendment on disability. I think we are prepared now to move to that amendment.

Mr. FORD. Mr. President, will there be a vote on that amendment?

Mr. DOLE. There is a possibility.

AMENDMENT NO. 2227

(Purpose: To extend for 6 days the provision allowing payment of disability benefits during appeal)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself, Mr. LEVIN, Mr. HEINZ, Mr. RIEGLE, Mr. DURENBERGER, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. PRYOR, Mr. HOLLINGS, Mr. BOREN, Mr. KENNEDY, Mr. QUAYLE, Mr. COCHRAN, Mr. MELCHER, Mr. MATSUNAGA, Mr. RANDOLPH, Mr. TSONGAS, Mr. GLENN, Mr. EAGLETON, Mr. INOUYE, Mr. ANDREWS, Mr. FORD, Mr. CRANSTON, Mr. PELL, Mr. BURDICK, Mr. DODD, Mr. SASSER, Mr. HEFLIN, Mr. PRESSLER, Mr. LEAHY, Mr. SARBANES, Mr. KASTEN, Mr. BUMPERS, Mr. BINGAMAN, Mr. HATFIELD, Mrs. HAWKINS, Mr. WARNER and Mr. CHAFEE proposes an amendment numbered 2227.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 9. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 1, 1983".

Mr. COHEN. Mr. President, this amendment is quite simple. It would extend for a period of 60 days, until December 1, a temporary law that allows social security disability recipients to continue to receive their benefits while their appeal is pending and a decision determining their eligibility will be continued during that period of time.

In addition to Senator LEVIN are the following cosponsors: Mr. HEINZ, Mr. RIEGLE, Mr. DURENBERGER, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. PRYOR, Mr. HOLLINGS, Mr. BOREN, Mr. KENNEDY, Mr. QUAYLE, Mr. COCHRAN, Mr. MELCHER, Mr. MATSUNAGA, Mr. RANDOLPH, Mr. TSONGAS, Mr. GLENN, Mr. EAGLETON, Mr. INOUYE, Mr. ANDREWS, Mr. FORD, Mr. CRANSTON, Mr. PELL, Mr. BURDICK, Mr. DODD, Mr. SASSER, Mr. HEFLIN, Mr. PRESSLER, Mr. LEAHY, Mr. SARBANES, Mr. KASTEN, Mr. BUMPERS, Mr. BINGAMAN, Mr. HATFIELD, and Mrs. HAWKINS.

Mr. President, what we are trying to do is to rectify a problem in our social security disability law which has been pending for some time. Senator LEVIN and I held hearings a year ago last May as a result of those hearings we discovered that a lot of innocent people were being harmed by a policy that was forcing them to go off the disability rolls without an adequate face-to-face determination of the nature of their disability, without any showing of medical improvement on the part of the Government, without uniform standards, without a definition of pain in the law, and putting them at considerable pain and expense for a period ranging anywher from 6 months to 18 months, only to have a great majority of those decisions reversed on appeal and then reinstated after they had to undergo tremendous mental and physical pain and anguish.

The PRESIDING OFFICER. The Senate is not in order. The Senator has a right to be heard. The Chair will ask those conducting conversations to retire to the cloakroom.

Mr. COHEN. Mr. President, I ask unanimous consent that I may add Senators THURMOND and D'AMATO as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Originally, we proposed a comprehensive revision of the law that would have established a medical improvement test or a medical technology improvement test that would have been borne by the Social Security Administration, to insist upon a definition of pain being in the law, to insist that we have uniform standards, that we have a face-to-face interview at the initial stage and the determination for review process, that we make permanent the benefit continuation requirement, and that we make the Social Security Administration follow the Circuit Court of Appeals decisions.

Senator DOLE and others raised the question of whether or not we needed more time to review the implications of such a comprehensive approach to our disability laws.

I agreed with that.

We agreed to pass a temporary measure continuing benefits during that appeal stage so that innocent people would not be denied their benefits.

Senator DOLE wrote to me on August 2 of this year as follows:

> Because of the many matters being dealt with by the Finance Committee in July, it was not possible to schedule a hearing and begin the legislative process at that time. I am now in the process of scheduling hearings for September and disability legislation is a priority. I hope to schedule such a hearing early after the recess. That will give us the opportunity to study the House Social Security Subcommittee bill, which should be completed by then, and also give us time to complete action by October 1.

Mr. President, October 1 is almost here, and action has not been completed. I understand there have been delays. I know Senator DOLE is one who is truly concerned about the problems the handicapped and disabled in our society are confronted with. What I recommend is that we extend this period, this temporary legislation that we agreed to last spring, another 60 days. I point out that the House of Representatives has already acted this morning. They have extended it only 45 days because they believe the time has come to revise our social security disability laws consistent with the elements I mentioned before.

Mr. President, I hope there will be no great controversy that we continue the policy which has been put into effect on a temporary basis, but not make it so extensive that it becomes part of a permanent deferral of the problem. It seems to me where the House has already acted to extend it for 45 days, we can act to extend it 60 days. It means we have to go to conference, but we ought to insist upon a high priority being placed upon revision of this law.

It seems to me a year and a half of the current crisis and chaos that exists in our system—at least nine States have put holds on all review cases right now. One State has put a total review on any of the mental disability cases. We have a system where the Governors now are complaining about the chaotic system we have in the Federal establishments. I think 60 days is a reasonable timeframe to extend this. I hope it has the support of my colleagues.

Mr. LEVIN. Mr. President, the distinguished Senator from Maine and I and 35 other Senators are offering this amendment for two reasons—to ease the hardship on our disabled workers while they are reviewed by the Social Security Administration (SSA) for their continued eligibility in the title II social security disability program, and to create an action-enforcing mechanism for Congress to pass comprehensive reform legislation this year, before we adjourn the 1st session of the 98th Congress.

Last year we passed and enacted into law a short-term provision, requiring the payment of benefits through appeal to an administrative law judge (ALJ), as a stop gap measure while we worked on comprehensive legislation to reform the disability program. At that time there was a commitment to get the comprehensive bill passed before the October 1, expiration date for the benefits payment provision. Well we have not been able to do that. The bill in the House, introduced by Congressman PICKLE, chairman of the Social Security Subcommittee, has just been reported by the House Ways and Means Committee. S. 476, the bill introduced by Senator COHEN and myself in the Senate, with 29 cosponsors, is presently under consideration in the Senate Finance Committee. In either case, these bills will not be passed by both Houses and presented to the President for signature before the October 1 deadline, this Saturday. We need another extension, but, we do not need a long one.

Congress must address the critical substantive issues contained in these comprehensive reform bills this year, before we adjourn, for several important reasons.

First, the protection of judicial review legislatively mandated for persons terminated from the disability program is in jeopardy. Numerous courts have held that SSA must show medical improvement before an individual beneficiary can be terminated from the program. The bills in both the House and the Senate would legislatively impose such a requirement. Yet, SSA has adopted a policy of nonacquiescence to these court decisions, which means that SSA will follow such decision only in the case in which it was decided, and will not use it as precedent for subsequent cases or claimants. This policy of nonacquiescence has been challenged successfully at the district court level in the 9th circuit and SSA has been ordered to reevaluate persons in the 9th circuit terminated without a showing of medical improvement. That case is on appeal. However, with SSA being forced to apply the standard of medical improvement in the 9th circuit, but through its policy of nonacquiescence refusing to apply that standard to persons in other circuits, we have a Federal program which will be run on an unequal basis. It is not fair to other disabled beneficiaries in the other circuits who, despite perhaps similar court decisions in circuits with no such court decisions will still have to litigate to get a medical improvement standard applied to their review decision.

Congress must promptly decide this issue. It is a substantive question for the disability program—not one of legislative interpretation, and we should address it immediately to eliminate the doubt and confusion that has resulted from these numerous court cases.

Second, several States presently defy the SSA directives on the implementation of the continuing disability reviews and apply their own standards to determine eligibility and to correct egregious problems. The situation is so bad that States are simply assuming control of the program. Some States are following the decisions of the courts on medical improvement. Others have imposed their own moratoriums until this program gets straightened out. This means that an individual's treatment again may depend upon the State in which he or she lives. That is not fair. It violates our notion of due process. This is a national program and should be administered the same way in all States. I ask unanimous consent that the article that appeared in the September 11, New York Times describing the actions that some States have taken be printed in the RECORD at this point.

We should not let this problem fester longer than absolutely necessary.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW YORK AND OTHER STATES FLOUT U.S. RULES FOR DISABILITY BENEFITS

(By Robert Pear)

WASHINGTON, Sept. 11.—New York and other states, eager to help people retain Social Security disability benefits, have begun to flout Federal rules for the pro-

gram, and so far the Reagan Administration has taken no action to penalize them.

States administer the program on a local level, but they are supposed to follow policies and eligibility criteria set by the Federal Government.

In a variety of legal and political actions over three months, the Governors of New York, North Carolina, Massachusetts, Arkansas, Kansas, West Virginia and other states have challenged the Reagan Administration's restrictive interpretation of the law. In some places state officials have cooperated with beneficiaries suing the Federal Government.

Last week Gov. James B. Hunt Jr. of North Carolina ordered a moratorium on the removal of people from the rolls, except in cases of fraud.

374,000 DROPPED FROM ROLLS

Nationwide, 374,000 people have been removed from the rolls since March 1981, Federal officials said. The program costs $18 billion a year and provides monthly cash benefits to 3.9 million people. A 1980 law requires the Social Security Administration to re-examine beneficiaries once every three years unless they are permanently disabled.

Social Security officials insist that a "crackdown" was needed to remove ineligible people from the rolls. But the officials now acknowledge that the process should have been more "humane" and that errors were made.

Two major reasons that Federal officials have not penalized the states are that doing so would be politically awkward for the Administration in light of its pledge to be more humane and that it would be difficult to suddenly disrupt the "partnership" that has existed between Federal and state agencies over the years in administering the program.

The action taken by Governor Hunt resembles a moratorium announced in July by Cesar A. Perales, the New York State Commissioner of Social Services, who asserted that the Federal Government was not meeting its "legal and moral obligations" to the disabled. Peter P. DiSturco, the Regional Commissioner of Social Security, then sent a letter to Mr. Perales saying New York was "not in compliance" with the Federal law. But he did not indicate what action, if any, the Federal Government might take.

New York State has also joined New York City in a lawsuit challenging Federal standards used to determine whether people with mental disabilities are eligible for benefits. The state and the city filed a second lawsuit last month charging the Federal Government had improperly denied disability benefits to thousands of people with severe heart disease.

Gov. Michael S. Dukakis of Massachusetts said his state was joining in another lawsuit against the Reagan Administration, was reopening cases in which disability benefits had been cut off and was insisting on proof of medical improvement before removing anyone else from the rolls. The Reagan Administration contends that, under the law, it can cut off benefits without having to show that a person's medical condition has improved.

The National Governors Association last month called for major changes in this and other Federal policies governing the disability program. Social Security officials said they were studying the state actions but had not imposed any penalties.

In June, Margaret M. Heckler, the Secretary of Health and Human Services, announced changes designed to end what she said were the "hardships and heartbreaks" that had occurred in the program. But state officials, considering those steps inadequate, have gone further.

Representative Edward R. Roybal, Democrat of California, chairman of the House Select Committee on Aging, who has held several hearings on the program, said the state actions sent a clear message to the Federal Government that "the current policy is wrong and will no longer be supported by the nation's governors."

ORDER IN WEST VIRGINIA

States have a financial incentive to keep people on the rolls because the Federal Government pays all the costs of Social Security disability benefits. People who lose those benefits often turn up on state or local welfare rolls.

State officials also have political reasons for asserting more control over the program. Gov. Bill Clinton of Arkansas has said that state officials receive many complaints about the program but have "virtually no real power" to affect decisions on individual cases.

He said that when state employees tried to keep people on the rolls they were often overruled by Social Security officials. This, he said, was "counter to the Administration's own philosophy," which generally calls for Federal officials to respect the judgment of state officials running social welfare programs.

In West Virginia, Gov. John D. Rockefeller 4th ordered the state rehabilitation agency to follow "Federal court decisions most favorable to beneficiaries." He said this "would generally require a showing of medical improvement" before a person could be removed from the rolls.

Several Federal courts have ruled that the Federal Government must show such improvement, but Mrs. Heckler has announced she "does not acquiesce" in the decisions and has directed lower-level officials to disregard them. The legality of such a policy is now before the courts.

In July, Governor Clinton directed Arkansas officials to comply with Federal court decisions holding that severe pain by itslf could be a disabling condition. Mr. Clinton said Federal officials had "ignored" the decisions. The United States Court of Appeals for the Eighth Circuit, which includes Arkansas, said that "for some unexplained reason" the Secretary of Health and Human Services "insists upon ignoring this court's statements with respect to the proper evaluation of pain."

Social Security officials said they would obey a court decision in the case of a specific individual but did not have to apply the court's interpretation of the law to other similar cases.

In Kansas, Gov. John Carlin said the disability program had "exceeded the bounds of acceptability" in denying benefits to the truly disabled. The state has decided to reexamine cases in which benefits were cut off in the last year and has said it will no longer follow unreasonably strict Federal guidelines.

The Governors of New Jersey and Connecticut have not announced any major challenge to the Federal rules. But a New Jesey state agency, the Department of the Public Advocate, is working with Legal Services of New Jersey, the federally financed program for the poor, in a lawsuit to assist people who face possible loss of benefits. They are trying to force the Federal Government to give greater weight to evidence of pain and to the medical opinion expressed by a claimant's regular physician.

In Washington, the House Ways and Means Committee is considering a bill that would alleviate many of the problems cited by the nation's governors. The bill would require the Government to comply with appellate court rulings and would make it more difficult to cut off benefits.

Social Security officials expressed concern about the bill, saying it could increase Federal spending by several billion dollars. The sponsor of the bill, Representative J. J. Pickle, Democrat of Texas, is also concerned about program costs, but he said the Administration had been too "hasty and harsh" in its efforts to prune the disability rolls.

Mr. LEVIN. Mr. President, third, last year, when we passed the provision requiring the continuation of the payment of benefits through the ALJ, we also passed a requirement that SSA implement a face to face evidentiary hearing at the reconsideration level by January 1, 1984. Both the Pickle bill and our bill, S. 476, reverses that legislative mandate and replaces it with a personal interview at the initial determination level by State officials. SSA has been and continues to gear up for the earlier requirement. Given the momentum in Congress to change that earlier requirement, it will waste a significant amount of staff time and money to let that process continue when we know that there is great likelihood that it might be changed.

Fourth, although the payment of benefits eases the pain of the ordeal of these continuing disability reviews and covers individuals until the hearing by ALJ's we have found that under the current system the ALJ may no longer be a guarantee of an impartial hearing. Our Subcommittee on Oversight of Government Management recently issued a report finding that SSA is exerting pressure on ALJ's to reduce their allowance rates. In fact, the allowance rate of ALJ's has declined dramatically in the past 2 years, from 67.2 percent to 51.9 percent. The strict standards imposed by SSA on the State offices is being imposed by SSA on its ALJ's and as a result the decisions of the ALJ's are changing. Comprehensive legislation addresses the legitimacy of these standards and would make them subject to public notice and comment.

Last, Mr. President, the horror stories have not gone away. The human impact of these continuing disability reviews is as serious as ever. I refer my colleagues to a recent article in a Michigan paper, the Detroit Free Press, dated September 8, 1983. I quote from that article and ask unanimous consent that the entire article be printed in the RECORD at this point. The article states in part:

Many who were left in this financial limbo, such as Joe Taylor, a former worker at General Motor's AC Division in Flint, who retired on disability after injuring his back twice on the job, feel real desperation.

A review by the state Department of Social Services last year concluded that Taylor was fit to do some type of semi-skilled work, although after two spinal laminectomies he cannot sit or stand for more that 10 minutes at a time without intense pain or lie in bed more than two or three hours a night. A CAT scan and four myelograms have given doctors evidence that Taylor will never improve.

The 56-year-old Davison man appealed for a state review and was denied again. He had a hearing before an administrative law judge in Flint and was again denied, although the Social Security Administration's own doctor testified that Taylor was disabled and the disability appeared permanent.

Taylor's case is now before the SSA's Appeals Council in Washington. If he loses again, his only recourse will be to take his case to federal court.

"I have my house up for sale because I can't afford to pay for it any more," Taylor said, "I can't drive. I can't even help my wife mow the lawn. I'm down to the last $3,000 in savings and I just don't know where to turn."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISABLED—BUT CAST OFF PENSION ROLLS

(By Jean Heller)

The Madison Heights soldier came home from Vietnam in 1967 after a bullet penetrated his brain. Over the years, he developed seizures, neurotic and paranoid behavior, hearing and memory loss and severely diminished vision. A board-certified Detroit neurologist diagnosed him as totally disabled.

But in January 1982, just a month after the veteran had been hospitalized for treatment of his problems, the Social Security Administration notified him that they would cut off his benefits. After a review of Social Security benefits ordered by Congess, authorities deemed the veteran fit to return to work.

A young Union Lake woman, Mary Rubenacker, now 20 years old, began trying in May 1981 to collect disability benefits under her father's Social Security. She has a severely limited capacity to learn and has to lean against walls to walk. She also has poor vision and very limited dexterity.

A vocational counselor who worked with her for four years diagnosed her co-ordination as that of a kindergartner, and said she would need an advocate or guardian for the rest of her life.

Twice she was denied disabiltiy benefits on the grounds she could do some work. Finally in July, an administrative law judge reversed the decision and wrote in his opinion, "It is extraordinary that the claimant could have been denied benefits . . . It is ludicrous to imagine her attempting to function in the workplace."

Richard Kage of Reed City, Mich., had been a diabetic since age 12, suffered a stroke and hemorrhages that left him blind in his left eye and virtually sightless in his right. A Social Security medical examination concluded that some minor tunnel vision in his right eye "gives him some reprieve from being a total cripple."

On that basis, Kage's benefits were ended in July 1981, and pending an appeal that would take months, Kage found a job as a caretaker in a cemetery.

In November 1981, days before Kage was scheduled for a second medical examination he suffered a heart attack and died.

These cases, and hundreds of thousands of others across the country, are the result of a massive sweep of the Social Security disability pension rolls begun by the Carter administration and accelerated by the Reagan administration.

The huge increase in pension reviews began after Congress passed the Disability Insurance Amendments of 1980 requiring that recipients have their physical conditions and benefits reviewed every three years, with the process beginning in 1982. Budget Director David Stockman accelerated that process, ordering the reviews to begin in 1981. Some recipients were later exempted from the reviews.

The review process is an attempt to clear at least 700,000 people—ostensibly those who have regained, or never lost, the ability to work—from the more than 4.3 million Americans on the pension rolls at any one time.

So far, 22,217, or 44 percent, of the 50,498 Social Security recipients in Michigan undergoing reviews have had their benefits terminated. Another 28,281 Michigan recipients were authorized to continue receiving benefits after their reviews.

The reviews are posing major problems for both Michigan residents and the state budget.

The State Inter-Agency Task Force on Disability issued a report earlier this summer which estimated that about 2.5 percent of Michigan's population, or more than 230,000 people, receive Social Security disability pensions, totaling just over $1 billion a year.

The report projected that about 40 percent of Michigan's disabled would lose their benefits by 1984 and that 30 percent of those terminated would wind up dependent on state welfare programs or in state institutions.

"Should these estimates prove to be accurate, Michigan will eventually be called upon to replace $123 million in benefit payments which should rightfully be paid from federal moneys," the report concluded.

Even critics of the disability reviews concede there were, and still are, people receiving disability pensions who shouldn't be. But those critics also contend that the magnitude and intent of the review result in woefully inadequate counseling services and arbitrary, callous decisions that deny benefits to many who deserve them.

Several members of Congress, including Democratic Sens. Don Riegle and Carl Levin of Michigan, have called the disability reviews an exercise in bureaucratic cruelty that heaps hardship on those already heavily burdened.

But Social Security Administration officials insist they have no choice; that both the review process and the nature of what qualifies as a disability are mandated by law.

In an interview, Paul Simmons, deputy director of the Social Security Administration, said: "The Social Security Act provides that a claimant's impairments must be so severe that he is not only unable to do his previous work, but cannot—taking into considerable his age, education and work experience—engage in any other kind of substantial gainful work which exists in the national economy.

"So long as this work exists in the national economy, it does not matter whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for the work. This is statutory language, not the SSA's interpretation."

Gerald Benjamin, a Detroit lawyer whose case load is made up almost entirely of the disabled who have been cast off the federal pension rolls, sees the entire review process as "a major, major scandal in the United States."

"The yardstick used to define what constitutes a disability is so narrow," he said, "that a person doesn't qualify unless he's in an accident involving a 1967 Ford pickup truck on the southeast corner of Eight Mile Road at high noon on Tuesday accompanied by both parents celebrating their golden wedding anniversary.

"And the work they claim the people can do is pure fiction. The SSA vocational statistics go back to 1968. They claim there are hundreds of thousands of jobs out there fitting widgets together, and maybe there were in 1968. But now all those jobs are in Korea and Taiwan and Japan, but nobody at Social Security knows that."

Alarmed by the potential fiscal burden, the National Governors Association earlier this month unanimously passed a resolution calling on Congress to pass remedial legislation to correct the abuses in how the disability program is administered.

The association is concerned about estimates, such as one by William Copeland, a Washington consultant on disability insurance, that by next year, the cost to the states of covering terminated disability benefits will be $1.6 billion nationwide, with large annual increases thereafter.

Although the congressional uproar and public outcry has since prompted the Department of Health and Human Services to exempt about one million beneficiaries from reviews, state agencies that act as the SSA's case agents were swamped by the enormous new workload.

The results have been staggering.

Early in the program, inundated state examiners made so many misjudgments about who qualified for benefits that, on appeal, more than 75 percent of the decisions to deny benefits were overturned. That reversal rate has dropped in the past year, but still is well above 50 percent.

Meanwhile, in the months, even years, it takes to complete appeals, thousands of claimants have lost their homes, their families, even their lives.

Many who were left in this financial limbo, such as Joe Taylor, a former worker at General Motors' AC Division in Flint, who retired on disability after injuring his back twice on the job, feel real desperation.

A review by the state Department of Social Services last year concluded that Taylor was fit to do some type of semi-skilled work, although after two spinal laminectomies he cannot sit or stand for more than 10 minutes at a time without intense pain or lie in bed more than two or three hours a night. A CAT scan and four myelograms have given doctors evidence that Taylor will never improve.

The 56-year-old Davison man appealed for a state review and was denied again. He had a hearing before an administrative law judge in Flint and was again denied, although the Social Security Administration's own doctor testified that Taylor was disabled and the disability appeared permanent.

Taylor's case is now before the SSA's Appeals Council in Washington. If he loses

again, his only recourse will be to take his case to federal court.

"I have my house up for sale because I can't afford to pay for it any more," Taylor said. "I can't drive. I can't even help my wife mow the lawn. I'm down to the last $3,000 in savings and I just don't know where to turn."

Taylor's problem is similar to those of other disability claimants with back injuries, according to Detroit attorney Benjamin.

"A lot of people who have cervical or lumbar laminectomies aren't better afterwards," he said. "But the law assumes surgery cures all back problems. It's very difficult for a person to prove he's not better. His level of pain can't be measured."

According to Benjamin and several other attorneys who specialize in disability cases, the medical criteria for evaluating claimants often are based on accepted practice and diagnosis of the 1950s and 1960s and actually require that case reviewers disregard more modern, accurate techniques.

"A person applying for disability with a respiratory problem only meets the Social Security criteria as last rites are being administered," Benjamin said. "The pulmonary function criteria require a degree of impairment that not only precludes work, it precludes survival.

"The criteria in cardiology give more weight to a stress test than to a heart catheterization which is a far better diagnostic tool. But the catheterization procedure didn't exist when the Social Security regulations were written, so it simply isn't recognized. Some heart patients are so sick it could constitute medical malpractice to put them on a treadmill. But SSA says you've got to do it."

Another inequity comes at the third level of the review process, during the hearing before an administrative law judge. A person's Zip Code can determine whether he or she is disabled; some declared eligible for a pension in Detroit would be denied in Oakland County.

There are five offices in Michigan hearing the reviews, and the rate at which judges in those offices reverse benefit denials varies considerably.

In fiscal year 1982, Detroit judges heard 3,254 cases of denied benefits and reversed 56.3 percent of them. Judges in the Southfield office heard 3,554 cases and reversed 40.6 percent.

Flint judges heard 1,531 cases and reversed 53.8 percent. Lansing heard 2,757 cases and reversed 70 percent. And, in Grand Rapids, judges heard 927 cases and reversed 59 percent.

Around the state, rates of reversal vary from barely over 20 percent to nearly 90 percent.

An anomaly in the review procedure is that during the five stages of review and appeal, the criteria for determining disability broaden, so an individual denied at the initial agency level may find a judge later in the appeals process who will be broader in interpreting what constitutes a disability and will grant benefits.

But under current law, three years after the initial state agency review, a claimant must be reviewed again by the same state agency that denied benefits originally, and under the same criteria by which he or she failed to qualify in the first place. Any intervening decision by an administrative law judge or federal judge to grant benefits may carry no weight at all.

Nor does a decision by an administrative law judge or a federal court to grant benefits in one case create a precedent for other cases, no matter how similar.

"Social Security is the only area of law where legal precedent isn't recognized," said Benjamin.

As a result, the appeals process is clogged with people whose cases might otherwise have been disposed of quickly. In areas of heavy disability claims, like Michigan, judges have had to hire magistrates to help with their case loads and magistrates have had to hire assistants.

As a result, "Social Security disability has become a major growth industry," Benjamin said.

The unending progression of review and appeal has created such a huge new bureaucracy that consultant Copeland believes there will be no $11 billion savings to the federal government, as the program projected, and there could actually be a net loss of as much as $400 million, when costs for appeals and other procedures are included.

There also is some evidence that the sweep of the disability rolls wasn't even necessary from a fiscal standpoint.

According to Lowell Arye of the House Select Committee on Aging, the disabilty trust fund was the only one of the three Social Security trust funds (the others are old age pension and Medicare) that has been solvent, and it was expected to remain so well into the 21st Century.

In 1981, the Social Security trustees projected that in 1985, the disability fund would be running at a $14.9 billion annual surplus.

Mr. LEVIN. The horror stories are still out there. The program remains a national disgrace.

Mr. President, in all good conscience, we must not extend the serious problems of which we are all aware in this program beyond the term of this session. We have the momentum now to get comprehensive legislation passed. This 60-day extension commits us to do just that—to take action to substantively and permanently revise the procedures currently used in the disability program.

I know the chairman of the Finance Committee shares my concern over this program. He has expressed his support for comprehensive reform legislation in the recent past, and I know these bills could not be in more capable hands.

I thank Senator COHEN for his continuing good leadership on this issue and I thank the cosponsors of this amendment for their support. I urge its adoption.

As the Chair and others will remember, we have a temporary program in effect now, a program which allows for payments to be made during appeal. This is a temporary program pending a comprehensive reform of our system. That reform is desperately necessary. We cannot continue to hold off that reform, given the circumstances in our States, where we have some States simply flouting the Social Security Administration, ignoring national standards and going their own way. We have a system where we have courts that are ruling that the Social Security Administration—Mr. President, we have a situation in this country that really borders on lawlessness. Right now, in the social security disability arena, we have some courts which have ordered the SSS to apply the law in a certain way. The SSS is refusing to do that in cases other than the case at hand. In other words, we have some people getting one style of justice and other people getting a different type of justice depending on what State they are in or what circuit they are in.

We have a situation now which is so bad in the social security disability arena that we have, believe it or not, States that are actually flouting the national standards of the Social Security Administration, saying they are going their own way, they are applying their own standards, they are going to ignore the Social Security Administration standards because they are so irrelevant and, in some cases, so unjust.

We are all working on a comprehensive reform. the Senator from Kansas is committed to it. The Senator from Louisiana is committed to it. The only question is how long can we cope with the present system? Is it fair to all of our people to put over comprehensive reform until next year? Or should we prod ourselves, should we give ourselves an action-enforcing mechanism and say to ourselves, let us do this in 60 days?

We are a country of laws. We want people all to be bound by the same law, by the same rule. We now have a situation in this country where people in one circuit are getting one kind of relief, in another circuit, they are getting another kind of relief. In one State, they are getting relief; in another State, they are not. It is all because Congress has not yet acted. It is that simple. I think our hearts are all in the right place, by the way. I do not think we have any doubt, I think that we all agree we must reform this system. We cannot tolerate this patchwork, crazy-quilt system we have in disability. The only question is what is tolerable?

Is it tolerable to say wait until next year, which is what all of us say after our favorite baseball teams lose their respective races? Is it tolerable in the social security disability arena to say wait until next year? Or has the time come when we must say let us do it this session?

My good friend, the chairman of the Committee on Finance, hoped we could do it by October 1. I know he has tried, I give him credit for that effort. I know my friend from Louisiana has said we must reform the system and he has tried.

I would say 60 days is plenty long. The House decided 45 days is plenty long. Let us not take ourselves off the hook until some undetermined time next year while we have people who

are truly disabled who are on the hook in all of our States.

● Mr. RIEGLE. Mr. President, I am pleased to join with Senators LEVIN, COHEN, and others in offering an amendment to extend for 60 days the soon-to-expire law that provides for the continuation of benefits for social security disability beneficiaries who are appealing a decision to terminate their benefits.

As we all know, the continuing disability investigations in the social security disability insurance (SSDI) program have been a matter of extreme controversy ever since the Reagan administration started reviewing SSDI beneficiaries several months prior to time mandated by Congress. The concern has always centered around whether the large number of individuals who are being terminated from the disability rolls are actually not eligible for benefits under law. Since these reviews started in 1981, over 90,000 disabled individuals have had their SSDI benefits reinstated by an administrative law judge (ALJ). In essence, these ALJ's have found that over 90,000 incorrect decisions where made by the State disability examiners in reevaluating continuing eligibility of SSDI beneficiaries. This is a serious problem and one that clearly needs congressional attention. I am pleased that the House has recognized this problem and has crafted a comprehensive legislative proposal designed to correct the wrongful termination of SSDI beneficiaries from the disability rolls.

Mr. President, the proposal, which we are offering today, to provide for a 60-day extension of benefits through the appeals process is needed until both Houses of Congress can act on comprehensive legislation. I strongly urge all of my colleagues to join us in supporting this amendment.●

● Mr. DURENBERGER. Mr. President, unless we act now to extend social security disability benefits, thousands of beneficiaries and their families will be confronted with financial chaos and personal tragedy. The amendment we are considering is imperative if we are to reduce the suffering that many beneficiaries have been forced to endure because of the loss of benefits. This amendment would extend social security disability benefits for an additional 60 days, through the administrative law judge appeals level. This measure is entirely consistent with action taken previously by this Congress.

I believe the 60-day extension only sets the stage for comprehensive reform. It is my sincere hope that the Senate Finance Committee will act quickly to mark up disability reform legislation and we will not be required to repeat these stop-gap measures.

The need for change within the disability review process cannot be underestimated. A number of us have been working for months and months to resolve this very troubling situation. While more comprehensive changes are needed in the appeals process, this amendment will temporarily protect innocent disability recipients.

The disability review process, mandated by Congress in 1980, has become a major concern for 80,000 Minnesotans who are severely disabled. There is nothing intrinsically wrong with reviews every 3 years. We cannot, and should not, continue payments ot persons who are no longer disabled. While our original intent should remain unchanged, we must change the process by which we carry out this intent.

We must take great care to insure that those who are truly qualified are not terminated from the disability rolls. By continuing payments through the administrative law judge level, we can alleviate the financial affliction that many have suffered.

I urge my colleagues, however, to work for comprehensive disability reform and long-term answers to these serious problems. I am hopeful that the Senate will successfully enact this amendment, as an interim measure, and benefits will be extended for 60 days.●

Mr. DOLE. Mr. President, I have just been visiting with the distinguished majority leader. He would like to stay not much beyond quarter to 7. There ought to be some way to resolve this problem. This amendment contains a 60-day extension. I would prefer a 6-month extension. Senator SASSER has a 90-day bill. The House bill has 45 days. Others might prefer a longer time. I do not see why we need a rollcall on whether or not to extend this important provision by 60 days, 120 days, or 180. If we could agree on a 90-day extension, I believe that would be reasonable. We need time to develop a consensus approach to more comprehensive disability legislation.

If we are going to do justice to the disability insurance program and the amendments enacted in 1980, then we are going to have to have some extensive hearings on the House-passed bill. Representative PICKLE has been working on a bill for months. It has just been approved by the Ways and Means Committee, but has not yet gone to the floor. Mr. PICKLE held extensive hearings, heard many witnesses, and did a lot of work. Let us face it, though, the Ways and Means Committee approved a very expensive bill.

It seems to me that changes are possible without destroying what I think is a good effort to review and monitor the disability rolls. I want to be part of the solution, not part of the problem. I hope we might reach some agreement on the extension.

Mr. COHEN. Mr. President, if the Senator will yield, I would have no objection to modifying the amendment to reflect a 90-day period, if that would meet with the agreement of the chairman.

Mr. LEVIN. Mr. President, I also thank the chairman and we have not yet heard from our friend from Louisiana. Assuming that is agreeable with them, I certainly concur with so modifying the amendment. I am confident our cosponsors also would concur in it. At least I believe they would.

The PRESIDING OFFICER. The amendment now pending is so modified.

The amendment, as modified, is as follows:

At the end of the bill add the following new section:

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 9. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "January 1, 1983".

Mr. HEINZ. Mr. President, I am pleased to support this amendment, which would extend for 60 days the temporary provision we passed late last year, allowing disabled social security beneficiaries the option of having their benefits continued pending their appeal before an administrative law judge.

The merits of the provision itself have been well documented. In fact, over the course of the continuing disability reviews that began in the spring of 1981, roughly two-thirds of those disability beneficiaries who appeal their terminations before the administrative law judges have been reinstated. But the reinstatement became effective only after a long period of time—frequently from 9 months to 1 year after the erroneous termination. Indeed the merits of this provision have been so well established that S. 476, which I have cosponsored, would make it a permanent provision.

I am, however, advocating only a short-term extension at this point because I believe it is time that we in the Congress squarely face our responsibility to correct the obvious problems that have resulted from the heavy-handed administration of the disability legislation we passed in 1980.

We have witnessed these problems for more than 2 years. Last year we passed a short-term bill, because we said that the Senate's schedule did not permit consideration of a long-term, comprehensive reform bill. We agreed in the floor debate that comprehensive legislation would be passed by the Congress by the expiration of the temporary provision on October 1, 1983. Today, however, we are here again, on the eve of that target date, telling the American people that Congress does not have the time to pass comprehensive legislation before October 1—so

we have to extend this provision to give Congress time to act.

Well, I say to my colleagues—Let us make the time to deal with this issue. Let us stop slipping past deadlines. Let us stop resorting to temporary bandaids and face the real issue.

The preferred course of action, in my judgment, is to pass this short-term extension so that no social security beneficiaries suffer in the interim. But then let us sit down immediately after we pass this amendment and start marking up a comprehensive disability bill in October. And, before Thanksgiving, let the Senate vote on a comprehensive measure. There are really only two comprehensive legislative proposals being considered by the Congress: S. 476 by Senators COHEN and LEVIN, and H.R. 3755, the Pickle bill. Let us get to work on these reforms and bring a bill to the Senate floor, this year, before more damage is done to those most vulnerable members of our society.

It is time we face the issue and put it to rest, once and for all.

Let me simply review the key issues in this debate.

Why is it important not to delay comprehensive disability reform?

The first answer is that large numbers of beneficiaries are going through a process that results in the termination of their benefits, only to be reversed by an administrative law judge. Even with continuation of benefits pending appeal, disabled Americans are being put through the mill, needlessly and unjustifiably, at great expense to the taxpayers and to the trust funds. For example, even with continuation of benefits pending appeal, because SSA has not adopted a medical improvement standard, some 22,000 disabled workers will be terminated in fiscal year 1984, who would not be terminated at all if S. 476 or the Pickle bill, H.R. 3755, were enacted. Moreover, even though they can continue their benefits pending appeal, there are documented cases where individuals have committed suicide as a result of the stress. For example, last August in Eugene, Oreg., a social security beneficiary who suffered from a mental disability put a 22-calibre automatic pistol to his head and killed himself. This man, because he was not psychotic, was not protected by Mr. HECKLER's two-third moratorium on mental disabilities; and even though he could have his benefits continued pending appeal, the stress was just too much for him. All beneficiaries who are terminated live through a terrifying period awaiting their appeal; and the continuation of benefits is a help, but it is really not the answer. The answer is to stop terminating people who end up being put back on by the same Social Security Administration that kicked them off.

Second, because Congess has failed to act, there are now six circuit courts of appeal that have ruled that SSA has to show medical improvement or a clear error in the original award before terminating benefits. But the administration refuses to abide by these court decisions. And beneficiaries rightly ask why they continue being put through the process and terminated illegally.

Third and fourth, because of Congress failure to pass comprehensive legislation, there is no longer a single, Federal disability program; there is chaos. State imposed moratoriums are in effect in New York, Alabama, North Carolina, and Virginia.

The Western States in the ninth circuit are under a moratorium as a result of an important court decision, Lopez v. Heckler. And Secretary Heckler has imposed a partial, nationwide moratorium on reviews of people with mental disabilities who comprise 11 percent of disabled workers. As a result of a court decision in Minnesota, beneficiaries in five Midwestern States, who had mental disabilities, are having their cases re-reviewed. The States of Kansas, Arkansas, and West Virginia have begun re-reviewing people terminated during the last 2 years.

Mr. President, there is something wrong when you have a program as strictly defined as social security disability, and nearly half of the people who met that definition are told that they can go back to work. There is something wrong when about two-thirds of those who appeal their decisions are put back on by the administrative law judges. There is something wrong when the GAO pulls a sample of termination cases and finds that two-thirds of those terminated were put back on the rolls by the same Social Security Administration that took them off.

And because Congress has failed to face up to what is wrong in a thorough, comprehensive way, there is chaos in the administration of this program, and people are being treated very unfairly, very unevenly. And the American public has cause to wonder why Congress cannot find the time to deal with the problem, except by default.

Mr. President, I support the amendment. I commend Senator COHEN for offering it. I hoped we could reach this accommodation.

● Mr. DOMENICI. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Maine and the other cosponsors. As my colleagues know, one of the most important changes passed by the Congress in the lameduck session of 1982 allowed individuals who were terminated from the social security disability program to continue to receive benefits through the administrative law judge level of appeal. I supported that bill, H.R. 7093. It was clear that Congress and the President had to alleviate the trauma suffered by many of the disabled when they temporarily lost their benefits pending appeal.

But this change was only temporary. The benefit extension expires at the end of this month for newly terminated cases. The amendment offered by the Senator from Maine extends the deadline for 3 months, so that Congress may continue to work toward comprehensive reform in the social security disability program.

In addition to giving Congress sufficient time to work on longer range measures, the amendment accomplishes two major goals. First, it alleviates any confusion that may exist in the minds of social security disability recipients about what benefits are provided under the law. Many recipients who now receive benefits while they appeal mistakenly believe that their October check will be their last. In fact, they will continue to receive benefits until their appeal is decided by an administrative law judge. This amendment entitles beneficiaries removed from the rolls from October 1, 1983, through January 1, 1984, to continue to receive benefits while they appeal their loss of disability benefits.

Second, it continues a benefit that many of the disabled who are later reinstated to the program could not live without. I doubt that many healthy Americans would be able to survive financially if their sole source of income vanished for periods of 4, 6, or even 8 months. Yet, that is what happened before Congress passed H.R. 7093, and that is what will happen if we do not pass this amendment.

Let us be clear that this amendment, by itself, does not solve all of the problems in the social security disability program. Despite congressional efforts last year on H.R. 7093, and the changes made by the administration this summer, there are still gaps in the protection that social security provides to some of our most vulnerable citizens, the disabled.

In the 3-month grace period that this amendment provides, we must redouble our efforts to close this gap. At the same time, we must be mindful of the delicate financial balance in the social security trust funds. Any solution to these problems must not threaten the long-range solvency of the social security program.●

● Mr. PRYOR. Mr. President, as a result of the implementation of the Social Security Disability Amendments of 1980, which required triannual reviews of nonpermanently disabled beneficiaries, reviews which the administration began in March 1981, over 400,000 individuals have been removed from the disability rolls. Far too many of these terminated individ-

uals have been found to be truly deserving of benefits after appeal for anyone to consider such wrongful termiantions as isolated incidents in an otherwise smooth running system. And for all of those who have been wrongfully removed from the rolls, there are many more friends, relatives, and dependents who have been affected by the physical, emotional, and financial hardship of benefit terminations.

Last year the problem of wrongful terminations reached crisis proportions, and every Member of Congress was literally deluged with constitutent cases. Some of these individuals were so discouraged and hopeless at the termination of benefits—which provided their only means of support—that they committed suicide. In response to overwhelming concern, many Members urged that the Congress turn its full attention to consideration of comprehensive disability reform. Unfortunately, we were unable in the closing days of last year to address the issue fully. Instead, we were successful in enacting legislation which provided for benefits through the ALJ level, to provide to individuals who appealed their cases.

This extension of benefits was allowed through October 1 of this year, in hopes that comprehensive action would take place during the first 9 months of this year. It is obvious, and most unfortunate, that the Congress has not yet been able to achieve that goal, although we do expect a comprehensive bill to be acted upon by the House of Representatives in the very near future.

During Finance Committee discussion of the Federal supplemental compensation program there was discussion of extending these benefits for a time period, although no final extension date was agreed upon.

I would like to urge my colleagues to support a brief extension of these benefits. I believe that it is imperative that we extend these benefits and thereby provide the bare minimum of insurance against wrongful terminations to the hundreds of thousands of individuals currently on the disability rolls. However, I would like to stress that the time is now long past due for the Congress and the administration to turn their attention to comprehensive reform. I am hopeful that today we will approve an extension, with an understanding that we will see more comprehensive action before the close of 1983.

At this point, I would like to put the Senate on notice that if there is not progress soon toward comprehensive reform, I may at some time in the future offer an amendment on an appropriate bill which would address the problems in the disability program. This reform is too important to postpone. I would hope that it is a priority on everyone's agenda. It is certainly a priority on my agenda and I will work toward early Senate action.●

● Mr. KENNEDY. Mr. President, today I join my colleagues in the Senate as cosponsor of this important amendment to extend for 60 days the temporary legislation which assures disabled individuals under the SSDI program of their benefits while they are appealing a Social Security Administration decision to terminate these benefits. Failure to extend disability benefits pending final determination would cause needless and unfair suffering for over 90,000 beneficiaries whose termination is inherently found to be erroneous by administrative law judges. Mr. President, it is simple justice that no disabled person should be cut off from his meager benefits and left without means of support until a final determination is made of his eligibility for those benefits.

The temporary law we wish to extend was enacted in the closing days of the 97th Congress in order to protect over 340,000 disabled people across the Nation who have been denied their social security disability benefits because of abusive and unfair procedures implemented by the Reagan administration. Today, we are called on to extend this critical provision because Congress has failed to fully address the grave situation which exists in the social security disability program, particularly the continuing disability insurance review process.

The administration's continuing disability reviews under SSDI have resulted in the needless suffering of hundreds of thousands of disabled citizens.

Since 1981, the Social Security Administration has been using insensitive and stricter guidelines to determine disability than legislated by Congress in 1980. The 1980 amendments required the SSA to institute a disability review process. But no one anticipated that this would result in the kind of abuses that the administration has fostered through its use of severely restrictive review guidelines, its speed-up of these reviews, and the encouragement of reviewers to terminate so capriciously that over 70 percent of all denials have been reversed by the administrative law judges.

In my home State of Massachusetts, disabled citizens testified to these injustices before a special Commission on Social Security Disability. One woman testified that her benefits were terminated despite 12 recent operations on her stomach, hand, neck, and back. Another young man born with cerebral palsy testified that he was examined by a contracted physician who totally ignored this medical history. Another person who had an artificial leg and an abscessed lung lost his benefits while he was in the hospital.

People who are mentally impaired—the most vulnerable group of all, have suffered the most. In some States, up to 50 percent of the mentally ill have had their benefits terminated—many left without the means to obtain shelter and food and forced to return to hospitals and institutions. Even Health and Human Services Secretary Margaret Heckler referred to this review system as "an awkward, bureaucratic, insensitive, paper-oriented process".

We have a commitment to all Americans who are disabled and we must alleviate the needless suffering of those individuals who have been unfairly denied benefits or who have suffered needless mental anguish as a result of fear of loss of benefits.

I urge my colleagues to adopt this amendment and to support swift and equitable action on comprehensive legislation to reform this system.

I commend my fellow cosponsors for their bipartisan efforts to deal with this critical problem, and I urge the distinguished chairman of the Finance Committee, Senator DOLE, to address comprehensive legislation in this regard before December.●

Mr. SASSER. Mr. President, I would like to take this opportunity to voice my support for the amendment offered by the Senators from Maine and Michigan, Mr. COHEN and Mr. LEVIN.

The amendment addresses an issue which is vitally important to any discussion of the social security disability insurance program and is the centerpiece around which all reforms, either permanent of temporary must revolve. I am referring to the provision in the disability program passed by this Congress last year, and signed by the President in January, which allows for the continuation of benefit payments through the administrative law judge level of appeal.

The gross inequities and injustices resulting from the hasty acceleration of continuing disability investigations (CDI's) in March 1981 has been well documented and requires no further elaboration here. Suffice it to say that the overwhelming and broad support afforded the temporary disability legislation passed by Congress last year is clear testimony of the crucial need for changes in the DI program.

But the nature of that legislation was strictly temporary. For those of us who have been intimately concerned with this issue over the past 2 years, and I would like to especially compliment Senators COHEN and LEVIN for their outstanding efforts in this area. There is a clear and resounding realization that permanent reforms in the disability program are desperately needed. When H.R. 7093 passed Congress in the waning hours of the lame-duck session last December, it was generally acknowledged by those of us

who had worked hard to secure its passage that comprehensive disability reforms would be forthcoming this year.

I am sorry to report that the progress of this comprehensive legislation has been disappointingly slow. In fact, H.R. 7093 contained a stipulation that continuation of benefits through the ALJ level of appeal would expire on October 1, 1983. Since it is highly doubtful that comprehensive legislation will make its way through Congress by Saturday, it is necessary to seek an extension of this important provision.

The extension would effectively accomplish the following objectives: First, it would alleviate any unnecessary confusion in the minds of disability recipients as to the extent of protection afforded them under disability law; and second, it would further serve to strengthen and clarify Congress intention to make this provision a permanent part of the disability process.

It should be noted here that the House has moved a comprehensive disability bill (H.R. 3755) through the Ways and Means Committee and is scheduled to take it up on the floor within the next few weeks. Consequently, they have included in their version of the Federal supplemental compensation bill a 45-day extension of benefits through the appeals process.

It is quite evident, then, that the House expects a quick and speedy resolution to the problems in the administration of the disability program. Why should the Senate expect anything less?

Now, Mr. President, I really do not think that we should get tangled up in an extensive debate over the length of time of such an extension. However, I do believe that it is within the scope of our responsibility to report out a comprehensive disability bill before the end of this year. It was for this reason that I offered S. 1843 some 2 weeks ago which called for a simple 3-month extension. A 3-month extension would give us time to look at the issue and report out a comprehensive bill before the end of the year. I personally have grave reservations about extending the provision by 6 months because it significantly relieves the pressure to act this year. Too often we delay till tomorrow what could be accomplished today. Thus, I would hope that we could settle on an extension of less than half a year, and whether it be 60 or 90 days, the concept of providing the extension itself is truly the important consideration.

I would also hope that whatever extension we agree on would not be necessary and that the Finance Committee would act quickly to resolve the problems facing the disability system. H.R. 3755 is a good starting point and I would hope that the Senate would have an opportunity to express itself on this legislation before we adjourn sine die for this year.

Mr. HELMS. I say to the Senator from Kansas (Mr. DOLE) that I have been extremely concerned over the plight of disabled Americans and I want to make sure I understand exactly what this amendment will do for these good people.

Mr. DOLE. This amendment will extend the time period in which a disabled individual can opt to receive benefits pending an appeal from a disability cutoff.

Mr. HELMS. Well, how long will this extention last?

Mr. DOLE. The extention is proposed to last 90 days.

Mr. HELMS. As I am sure the Senator is aware, I have introduced legislation which would go to the heart of the social security disability review problem. I am dedicated to seeing something is done to correct the problems with arbitrary cutoffs of disability payments to so many deserving Americans as soon as possible.

Mr. DOLE. I completely agree with the Senator. I too, am working toward that goal and am pleased that the Senator has taken the lead to introduce legislation of this nature.

Mr. HELMS. I assume the Senator also knows that Representative PICKLE's bill regarding this matter was marked up in the House Ways and Means Committee this week. The Pickle bill contains the same provisions as my legislation however, the Pickle bill increases the cost to the social security system, which my bill does not do. Because of this fact I feel strongly that my legislation, Senate Bill No. 1888 should be considered as a viable way to rectify the problems now existing with disability reviews.

Mr. DOLE. The Senator's bill, I believe, is now in the Senate Finance Committee where we will be giving it full consideration. However this amendment is needed to allow us time to carefully look at measures to solve the problems disability recipients are now facing.

Mr. HELMS. I am glad to know the Senator is also concerned about these individuals. I do not want a single deserving disabled American to be cut off from benefits unjustifiably. If this amendment temporarily insures that these individuals have their benefits continued until they are given due process of law through a hearing, I am in favor of it. I am also glad to hear that a permanent solution will be addressed by your committee in the near future. I thank the Senator.

Mr. DOLE. Is that 90 days satisfactory to the Senator from Tennessee?

Mr. SASSER. It certainly is satisfactory to this Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the amendment offered by the Senator from Maine, as modified.

The amendment (No. 2227) as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as I said, I think we could lay down the other Levin amendment. Maybe that is about all we can do with this evening.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. DOLE. Yes.

Mr. BAKER. I thank the Senator for making that suggestion. I do think that is all we ought to do tonight. It is clear we cannot finish, and there are commitments that I know Senators must keep. I would hope we could be off this in the next few minutes.

Mr. President, based on the representation made by the manager on this side, and I gather with the concurrence of the manager on the other side, I wish to announce there will be no more record votes tonight.

Mr. BYRD. Mr. President, before the Senators leave, I should like to ask Mr. DOLE and/or Mr. LONG if there would be any objection to my asking unanimous consent that upon the disposition of the amendment by Mr. LEVIN, I be recognized to call up an amendment to the bill?

My amendment, for the information of the managers, would simply extend additional benefits for up to 8 weeks to all who have exhausted their benefits.

Mr. DOLE. Reachback?

Mr BYRD. Yes; and if the Senator will have no objection, I would like to ask unanimous consent that my amendment be considered following the amendment by Mr. LEVIN on tomorrow.

Mr. DOLE. Does the Senator from Louisiana have any objection to this?

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, while the majority and minority leaders are on the floor, and the ranking member, we have, as I understand it, only about three or four additional amendments. I think the amendment by the Senator from West Virginia will require a rollcall, and I assume the one by the Senator from Michigan will require a rollcall. We are trying to negotiate with the two Senators from Illinois, and Senator SPECTER has an amendment, as I have indicated, but we do not have jurisdiction of that area, so we are hopeful that will not be offered.

So I think we might be able to conclude tomorrow morning in a couple of hours, go to conference and get back

hopefully tomorrow afternoon so that we might not be here on Saturday.

Mr. BYRD. If the Senator will yield, I would not need over 10 or 15 minutes as far as I am concerned on mine, and if he will yield that I might ask unanimous consent that the amendment be entered and printed overnight, I would so make that request.

(The text of the amendment is printed later under routine morning business.)

Mr. GOLDWATER. Will the Senator yield? He mentioned early tomorrow afternoon. Does the Senator have any guess right now?

Mr. BAKER. If the Senator will yield further, I think that if we could finish this bill—I misspoke myself a minute ago; I thought we passed the House CR. We did not, and there will be a conference on that. We will have to act on that tomorrow.

I would hope we could be out tomorrow by 2 or 3 o'clock. Would the Senator from Kansas agree?

Mr. DOLE. If we could finish the bill pending by noon, go to conference, say, by 1, we would probably end the conference by 3 o'clock. But if we could work it out, there might not be any reason for a rollcall vote. That depends on one Member.

Mr. BAKER. I thank the Senator.

AMENDMENT NO. 2252

(Purpose: To provide an optional alternative trigger for extended benefits)

Mr. BAKER. Mr. President, has the Levin amendment been laid down?

The PRESIDING OFFICER. It has not.

Mr. BAKER. Would the Senator from Michigan be inclined to offer his amendment at this time?

Mr. LEVIN. I would be happy to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend, the majority leader.

I send an amendment to the desk on behalf of myself, Senators SPECTER and RIEGLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, Mr. RIEGLE, and Mr. SPECTER, proposes and amendment numbered 2252.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

OPTIONAL TRIGGER FOR EXTENDED BENEFITS

SEC. ——. Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new subsection:

"OPTIONAL STATE EXTENDED BENEFIT PERIODS

"(f)(1) Any State may provide that an extended benefit period may be in effect in such State in accordance with the provisions of this subsection, for weeks which are not otherwise in an extended benefit period as determined under the preceding provisions of this section.

"(2) For purposes of this subsection there shall be a State 'on' indicator for weeks beginning in a calendar quarter if the rate of insured unemployment in the State equals or exceeds the applicable percentage (determined under paragraph (3)) for the period consisting of all weeks which begin on or after January 1, 1982, and in or before the second preceding calendar quarter. For purposes of this subsection there shall be a State 'off' indicator for weeks beginning in a calendar quarter for which there is no 'on' indicator.

"(3) For purposes of paragraph (2), the applicable percentage shall be—

"(A) 6 percent, in which case there shall be a 10-week benefit period in effect for eligible individuals in such State;

"(B) 5 percent, but less than 6 percent, in which case there shall be an 8-week benefit period in effect for eligible individuals in such State; or

"(C) 4 percent, but less than 5 percent, in which case there shall be a 6-week benefit period in effect for eligible individuals in such State.

"(4) Notwithstanding any other provision of this Act, the amount established in the account of an eligible individual who has a period of eligibility solely by reason of this subsection shall be equal to—

"(A) 1⅔ of the amount which would otherwise be established in such account under section 202(b) in the case of an individual in a 10-week benefit period;

"(B) ⅔ of the amount which would otherwise be so established in the case of an individual in an 8-week benefit period; and

"(C) ⅓ of the amount which would otherwise be so established in the case of an individual in a 6-week benefit period.

"(5) Any State which chooses to allow extended benefit periods in accordance with this subsection shall provide that any individual eligible for extended compensation solely by reason of this subsection may decline eligibility for such compensation, and for purposes of the State's plan under part A of title IV of the Social Security Act such compensation shall not be considered to be available to such individual. Any choice to decline eligibility for such compensation shall terminate any rights to such compensation.

"(6) The provisions of this subsection shall apply only to calendar quarters beginning on or after October 1, 1983, and ending on or before March 31, 1985.".

Mr. LEVIN. Mr. President, this amendment would, at a State's option, make a State eligible for 10 weeks of extended benefits, if that State's average insured unemployment rate from January 1982 is 6 percent or above.

That is exactly the same measure that the committee used to make sure that some States would indeed qualify for the highest tier of Federal supplemental benefits.

Further, the amendment would prove 8 weeks of extended benefits if the State's average insured unemployment rate over that period is between 5 and 6 weeks, and 6 weeks of benefits if the average IUR is between 4 and 5 percent.

Based on current data, 34 States would benefit from this amendment immediately at their option.

I ask unanimous consent to have printed in the RECORD a list of those States.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

States that would benefit as of September 1983

States 6 percent or above: 10 States plus Puerto Rico (10 weeks):	
Alaska	6.62
Idaho	7.20
Kentucky	6.12
Michigan	7.19
Mississippi	6.09
Pennsylvania	6.95
Washington	6.71
Puerto Rico	8.84
West Virginia	8.12
Wisconsin	6.09
Oregon	7.19
States 5 percent but less than 6 percent: 10 States (8 weeks):	
Alabama	5.53
Arkansas	5.77
California	5.28
Illinois	5.78
Louisiana	5.05
Montana	5.42
Ohio	5.92
Rhode Island	5.89
South Carolina	5.29
Vermont	5.23
States 4 percent but less than 5 percent: 14 States plus Virgin Islands (6 weeks):	
Indiana	4.93
Iowa	4.70
Maine	4.96
Maryland	4.34
Minnesota	4.18
Missouri	4.40
Nevada	4.74
New Jersey	4.70
North Carolina	4.52
Tennessee	4.95
Utah	4.85
Virgin Islands	4.81
Wyoming	4.43

Mr. LEVIN. Mr. President, I yield the floor and would be happy to pick up in the morning.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business to extend not past 6:55 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. In view of the report of the Senator as to the number of amendments and those requiring rollcall votes, I think it would be best to change the convening hour from 11 to 10 a.m. tomorrow to give us a little more time and improve the prospects that we can get out fairly early tomorrow afternoon.

I make that request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I am told that two Senators have requested special orders for in the morning. I ask unanimous consent that special orders be granted in favor of Senators METZENBAUM and NUNN of not to exceed 15 minutes in length and in that order to be placed immediately after the time for the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, in addition to the special orders previously authorized for tomorrow, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized, as third in sequence after the other special orders tomorrow, for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUBREY SHERWOOD

Mr. PRESSLER. Mr. President, an outstanding South Dakota citizen—Mr. Aubrey Sherwood of De Smet—was inducted recently into the South Dakota Western and Cowboy Heritage Hall of Fame in Pierre. Mr. Sherwood was cited for his contributions to the communications field during his 57 years as a reporter, editor and publisher at the De Smet News. He richly deserved this honor. Mr. Sherwood has long been recognized as a pioneering newspaperman. I regard him personally as one of the most colorful figures in the weekly newspaper world.

In addition, Aubrey Sherwood is known as an intensely community-minded citizen who has worked for decades to promote civic, cultural, and commercial activities in De Smet and elsewhere in South Dakota.

An editorial in the September 21, 1983, edition of the De Smet News mentions some of the contributions he has made over the years. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the De Smet News, Sept. 21, 1983]

OUR HAT IS OFF TO AUBREY SHERWOOD

(By Dale Blegen)

Our hat is off this week to Aubrey Sherwood on his induction into the South Dakota Western and Cowboy Heritage Hall of Fame in Pierre.

Sherwood was inducted in the communications category. A dozen or so others were inducted last week in other categories.

This is but one of many awards Sherwood has received for his 57 years as reporter, editor and publisher at The De Smet News. He is modest about this latest award and says such an honor may well come to anyone who has spent that many years in newspapering.

We don't think that is a correct observation and it downplays the significant contributions Sherwood has made to De Smet and to South Dakota.

The Sherwood family published The De Smet News for 93 years. The sale of the paper in 1977 encompassed a period that began four years before South Dakota became a state and grew through the pioneering era, the Great Depression and into the space age of the late 20th century.

Aubrey Sherwood was a part of the newspaper from 1919 until he sold it in 1977. During that time he amassed a long list of accomplishments.

He promoted civic activities, commerce and the cultural heritage of his hometown.

He enjoyed a long and lasting friendship with Harvey Dunn, the prairie painter, and used his newspaper to promote interest in Dunn and his works. Sherwood was instrumental in getting Dunn to bring a collection of his paintings to De Smet in 1950.

The artist made a permanent gift of 35 of those paintings to South Dakota State University after that exhibition. He would have permanently displayed them in De Smet had there been a suitable building.

Aubrey Sherwood gets much of the credit for that contribution to South Dakota.

And Sherwood used his newspaper to promote the writings of Laura Ingalls Wilder, author of the "Little House" books which provided the basis for the recent television series, "Little House on the Prairie."

He was instrumental in forming the Laura Ingalls Wilder Memorial Society which has preserved the author's heritage in De Smet and forms the nucleus of De Smet's tourist industry based on interest in Mrs. Wilder.

It's true he spent many years in the newspaper field. Perhaps that alone is worth recognizing. But many have spent long years in a profession; few have made significant, lasting contributions to both community and state.

Aubrey Sherwood is one who has made those contributions and has deserved the honors given him.

Our hearty congratulations.

AGENT ORANGE STUDIES

Mr. CRANSTON. Mr. President, as you know, there has been a great deal of concern among Vietnam veterans, their loved ones, and the American public as to what the long-term health effects of exposure to agent orange, the herbicide sprayed in Vietnam, really are.

Since the concern about the health effects of exposure to agent orange first came to national attention in 1978, a number of studies on agent orange and dioxin, the toxic contaminant contained in it, have been undertaken. Although the major studies—including the epidemiological study of Vietnam veterans mandated by Congress in Public Law 96-151—have yet to be completed, two studies of interest to the Congress have recently been released and have received considerable publicity: These are the Australian Government's birth defects study and a paper by Dr. A. Milford Ward of Sheffield, England, on the immune capability of industrial workers exposed to dioxin.

Because of the great interest in these studies, I asked the Office of Technology Assessment (OTA) to review and comment on them, with specific reference to their relevance for Vietnam veterans exposed to agent orange.

Mr. President, I also want the Senate to be aware of two other matters pertaining to agent orange studies. First, on receiving the OTA's July 8, 1983, review of the protocol prepared by the Centers for Disease Control for the epidemiological study of Vietnam veterans that I referred to earlier, I was pleased that the OTA had approved the protocol. However, I was concerned by certain points raised in this review and wrote to the study's principal investigator, Dr. David Erickson, at the CDC to outline my concerns.

Second, I have been concerned for some time now that as much as possible be learned about the health of our Vietnam veterans from the Veterans' Administration Agent Orange Registry. The registry contains information on those veterans who have reported for an agent orange examination at a VA medical center. It has never been made clear for what purposes it was appropriate to use the registry. After recent press reports which quoted a VA official as announcing findings based on the registry—a practice our committee had been informed was not scientifically sound—I wrote on September 26 to the VA's Chief Medical Director, Dr. Donald L. Custis, point out this lack of clarity about the registry and urging that the appropriate uses of the registry be clearly spelled out.

Mr. President, I ask unanimous consent that my correspondence with the OTA and its reviews of the two studies, as well as a document prepared by the Centers for Disease Control, in response to a hearing question I asked regarding Dr. Ward's study, and my recent letters to the VA's Chief Medical Director and the CDC principal agent orange investigator be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., April 27, 1983.

Dr. JOHN H. GIBBONS,
Director, Office of Technology Assessment, U.S. Congress, Washington, D.C.

DEAR JOHN: As you know, the Commonwealth Institute of Health, University of Sydney, conducted a study entitled "Case-Control Study of Congenital Anomalies and Vietnam Service". The report was submitted to the Australian Minister for Veterans' Affairs on January 24, 1983.

The study's conclusion, as stated in the summary of the report, that "[t]here is no evidence that Australian Army service in Vietnam has increased the risk of the birth of a [veteran's] child with an anomaly", is naturally of great interest to those members of the U.S. Armed Forces in Vietnam concerned about any excess risk of parenting birth-defective children. Thus, I would very much appreciate your review and comment on this study, particularly your evaluation of the methods used and the conclusions drawn from the data collected.

I have always found the OTA's reviews of studies and surveys related to the health effects of exposure to phenoxy herbicides most valuable and have appreciated the opinions and perspective they provide on such matters.

Thank you for your continuing cooperation with the Committee.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, D.C., June 14, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR ALAN: Enclosed is OTA's review of the Australian Government's "Case-Control Study of Congenital Anomalies and Vietnam Service," which you requested. If you have any questions about the review or would like further information about the study, please contact Michael Gough or Hellen Gelband in the OTA Health Program, at 226-2070.

Sincerely,

JOHN H. GIBBONS.

REVIEW OF THE AUSTRALIAN "CASE-CONTROL STUDY OF CONGENITAL ANOMALIES AND VIETNAM SERVICE"

(Staff Memorandum Prepared by the OTA Health Program)

Description of the study

The Australian Government released the results of its study of congenital anomalies (birth defects) and Vietnam service in January of this year. Begun in 1981, the study was conducted by the Australian Veterans Health Studies, an independent unit of the Commonwealth Institute of Health. The investigators conclude: "There is no evidence that Army service in Vietnam has increased the risk of the birth of a child with an anomaly."

The Australian study uses a case-control design. "Cases" are babies born with birth defects, both live births and stillbirths, between 1966 and 1979 inclusive. "Controls" are babies born without birth defects, including only live births. Cases were identified from all births in 34 selected hospitals and from the records of four cytogenetics laboratories in two regions of Australia. Several potential controls were chosen for each case, matched according to hospital, birth date and maternal age. An attempt was made to ascertain the father's name for each case. If the case father was successfully identified, a similar effort was made to identify one potential control father. In all, 8,517 case-control pairs, for which information about both fathers was available, were included in the study.

To determine whether an association exists between service in Vietnam and fathering a child with a birth defect, the fathers of all case and control babies were classified according to whether or not they had served in the Army, and further whether or not they had served in Vietnam. The number of Vietnam veteran fathers among cases and controls was then compared. One hundred twenty-seven fathers of cases and 123 fathers of controls had served in Vietnam. The report states:

"According to the standard statistical estimation procedure, there is a 95 percent chance that the true value of the risk of a Vietnam veteran fathering a malformed child compared with that of a non-veteran lies between 0.78 (a 22 percent decrease) and 1.32 (a 33 percent increase). The most likely estimate of the risk is 1.02, only 2 percent greater than no difference at all in risk."

The Australian study was designed to be a relatively simple, quick way to find out if serving in Vietnam increased the risk of fathering a child with a birth defect. Some of the features that allowed a rapid completion also place limitations on what can be found out from the study, even in the best case. These limitations are described below. The actual conduct of the study and the biases that might have been introduced into the study are then taken up. Lastly, the relevance of the study to U.S. servicemen is discussed, including a brief comparison of the Australian and CDC birth defects studies.

We have made no attempt to reanalyze the data presented in the report or to obtain additional data. We understand that the Science Panel of the Agent Orange Working Group is planning to request the original data from the study, and some additional information from the Australian government.

Limits imposed by the study design

The study considers all major birth defects together in the analylsis. It was designed to have a very good chance ("high power") to detect even a moderate increase in total birth defects. The study does not have a high probability (it has lower power) of detecting any but extremely large effects in individual birth defects or categories of defects.

It is unlikely that having served in Vietnam would cause a generalized increase in birth defects, though it is reassuring to find out that it did not appear to do so. If an effect exists, it would be more likely to occur in specific categories of defects. This is because birth defects are a heterogeneous group of conditions with many different, though largely unknown, causes. Most are probably associated with exposures of mothers and of fetuses in utero, rather than exposure of prospective fathers.

The study was designed to look at the risk factor of Vietnam service, with no information about specific aspects of that service. Most notably this means no information about Agent Orange exposure. No personal interviews were conducted with either the mothers or the fathers, so little could be done to determine the presence of absence of other risk factors, except for basic information contained in birth records.

The study did not address all adverse reproductive outcomes but was limited to birth defects. Effects on rates of stillbirths and decreased fertility could not be determined.

Concerns arising from the conduct of the study

In case-control studies there exists the possiblity that the selected cases are not representative of the total case population. This is not a problem when *all* cases arising in a defined population are included. The Australian study took all cases from selected hospitals, but no information is given about what proportion of all cases are included in the 34 hospitals. If the fathers of cases in the study are not representative of all case fathers in terms of their Vietnam veteran status, bias would be introduced which could affect the validity of the results. If veterans are underrepresented among cases, the effect of serving in Vietnam would be underestimated. Selection bias can also work through contols not being representative of the total control population.

Determination of veteran status for cases and controls was accomplished by reviewing records only. Misclassification, assigning non-veteran status to veterans, and vice-versa, can introduce bias, particularly if one group, cases or controls, is subject to greater misclassification than the other. It is not possible to determine the extent of misclassification from the report.

One weakness of the study is that in the overall calculations, men who served in Vietnam only after conception of the child (both cases and controls) are counted the same as men who served before conception. The question of interest surely must be whether service in Vietnam increases the risk of later fathering a child with a birth defect. When the investigators reanalyzed the data including only fathers serving before conception, the results were not changed, but the power to detect an overall increase declines from the values stated in the report.

Relevance of the Australian study to U.S. servicemen

The Australian study provides a measure of assurance that service in Vietnam has not caused a generalized increase in birth defects among the children of veterans. Beyond that, there are difficulties in drawing conclusions about the study's relevance to Americans.

To a large extent, the relevance of the Australian study to American servicemen rests on the degree of similarity of the experiences of American and Australian servicemen and their exposures. A November 1982 report of the Australian Senate Standing Committee on Science and the Environment entitled, "Pesticides and the Health of Australian Vietnam Veterans" made the point that the Australian Government does not believe that Australian servicemen were much exposed to Agent Orange, and that was one reason for not focusing on Agent Orange in this study. If Agent Orange exposure and other exposures were indeed different for Americans and Australians, the extent to which the results of this study can be applied to Americans is lessened. Based on the study report, it is not possible to assess the degree of similarity between conditions of American and Australian service.

The CDC birth defects study should provide information of more direct importance

to American veterans. The CDC study includes a larger number of veterans than does the Australian sample. An estimate of Agent Orange exposure for each veteran is being provided by the Army Agent Orange Task Force, and Agent Orange will be studied as a specific risk factor for fathering a child with a birth defect. In addition, a great deal of information from interviews of both mothers and fathers will allow the consideration of other risk factors. The accuracy of information about Vietnam service, because it will be cross-checked from records and inteviews, may also be greater in the CDC study. The problem of selection bias should be less in the CDC than in the Australian study because cases include *all* children born with birth defects in the Atlanta area, and not just a sample of them. The CDC study, like the Australian study, considers only birth defects, however, and other adverse reproductive outcomes, mainly stillbirths and decreased fertility, will not be addressed.

Summary

In summary, the Australian study revealed no association between Vietnam service and fathering of children with birth defects. While this was appropriate for a first look at the subject, the study did not address specific exposures that might be associated with birth defects and it did not have sufficient power to detect any but very large increases in specific birth defects. This means that if specific exposures, not common to all veterans, did cause an increase in birth defects, or if the increases were only in specific categories, the probability of detecting the association would be low in this study.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
June 23, 1983.

Dr. JOHN H. GIBBONS,
Director, Office of Technology Assessment, U.S. Congress, Washington, D.C.

DEAR JOHN: As you know, on June 2, 1983, Congressman Tom Daschle released certain parts of a study entitled "Investigation of the Immune Capability of Workers Previously Exposed to 2, 3, 7, 8-Tetrachlorodibenzo-para-dioxin, TCDD" conducted by Dr. A. Milford Ward of the Department of Immunology, Royal Hallamshire Hospital, Sheffield, England. A copy of this study as released by Congressman Daschle is enclosed for your convenience.

It has been suggested that this study documents that exposure to dioxin can cause a long-term breakdown in the human body's immune system, which, according to Congressman Daschle, "would explain the wide-ranging maladies reported for years by veterans exposed to Agent Orange." A New York Times article of June 3, 1983 (copy enclosed) reported that when Dr. Ward was reached by the Associated Press in Sheffield, England, he "said he found that workers exposed to large doses of dioxin in a chemical plant explosion about 14 years ago suffered depression of their immune systems that 'leaves them open to minor infection,' such as the common cold, but added that there was no evidence of any increased incidence of more serious diseases."

In view of the interest in this study and its findings in terms of the question of the long-term adverse health effects of Agent Orange, confusion about the meaning of the study's results should be cleared up as soon as possible. Thus, I would very much appreciate the review and comment on this study by the Office of Technology Assessment, including an appraisal of what conclusions regarding the effects of TCDD on the human immune system can be drawn from it and the significance, in lay terms, of Dr. Ward's findings. I would also appreciate learning your views on what follow-up work, if any, to Dr. Ward's study would be appropriate and what entity should carry out such work.

I have always found the OTA's reviews of studies and surveys related to the health effects of exposure to substances contaminated by dioxin most valuable and have appreciated the opinions and perspective they provide on such matters. I look forward to receiving the results of your review of Dr. Ward's study.

Thank you for your continuing cooperation with the Committee.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
August 5, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR ALAN: Enclosed is the review of Dr. A. Milford Ward's paper, "Investigation of the Immune Capability of Workers Previously Exposed to 2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)," which you requested. Because Dr. Ward's study was commissioned as part of a larger study, the paper reporting the full study is also briefly reviewed. That paper is titled "Tetrachlorodibenzodioxin: a Survey of Subjects Ten Years after Exposure," written by George May. As requested, the review also includes a suggestion for further research which might logically follow Dr. Ward's study.

A copy of this review is also being sent to Congressman Montgomery, as he requested in a letter to me earlier this month.

If you have any questions about the review or further questions about the studies, please contact me, or Michael Gough or Hellen Gelband in the OTA Health Program (6-2070).

Sincerely,

JOHN H. GIBBONS.

OFFICE OF TECHNOLOGY ASSESSMENT REVIEW OF TWO PAPERS REPORTING ON LONG-TERM EFFECTS OF EXPOSURE TO DIOXIN

Two papers which report details of examinations of workers exposed to dioxin are reviewed. The first, "Investigation of the immune capability of workers previously exposed to 2,3,7,8-tetrachlorodibenzo-paradioxin (TCDD)" was carried out by Dr. A. Milford Ward as part of a survey of workers ten years after they had been exposed in an industrial accident. It is of special interest because of the importance attached to his finding differences between the immunologic profiles of exposed and unexposed individuals. As the review points out, it is by no means clear what the small differences mean in terms of the health of the workers.

The second paper, by George May, "Tetrachlorodibenzodioxin: a survey of subjects ten years after exposure" (British Journal of Industrial Medicine 39:128135, 1982) provides the context in which Dr. Ward's work was carried out. It reports additional health information and the results of laboratory tests other than the immunologic tests.

The individuals studied were employees of the English firm, Coalite Oils and Chemicals Ltd., who were present during a 1968 accident in the manufacture of 2,4,5-trichlorophenol (TCP). The accident released crude TCP containing a "higher than normal concentration" of TCDD (May, 1982). As a result of the accident, 79 people developed chloracne, including cases among workers exposed at the time of the accident and others exposed during clean-up of the plant. Over the next several years, through 1973, additional cases of chloracne arose from new exposures in the plant, bringing to 90 the total number of individuals (including one wife and two children of workers) diagnosed with chloracne since 1968.

Both papers reviewed here are based on a survey, carried out in 1978, that included three groups of individuals: Group A, 31 "controls" with no history of dioxin exposure; Group B, 54 workers with possible exposure to dioxin but no history of chloracne; and Group C, 41 of the original 90 individuals with a history of chloracne.

DR. WARD'S STUDY

Dr. Ward analyzed blood samples from each individual in the three groups for certain immunologic information. (His groups i), ii), and iii) correspond to May's Groups, C, B, and A, respectively.) The study reports results from examining levels of five immunoglobulins; total lymphocyte counts; T-cells and B-cells; and a lymphocyte transformation assay in response to phytohaemagglutin (PHA). Differences between study groups and the "reference ranges" were reported for two of the immunoglobulins (IgM and IgD) and the PHA assay. The sources and numerical values of reference ranges are not given.

IMMUNOGLOBULIN M (IGM)

Although the range of values and the median value for all groups were not significantly different, Group C, the chloracne group, had a higher proportion of individuals with values below the fifth percentile of the reference range.

IMMUNOGLOBULIN D (IGD)

Groups B and C had higher than expected numbers of results below the fifth percentile of the reference range.

PHA

PHA activity was depressed in Group C, though not at a level that would normally be considered "statistically significant."

INTERPRETATION

The meaning of the differences found by Dr. Ward are by no means self-evident. The differences were relatively small, and certainly for none of the individuals in the study were the immunologic profiles diagnostic of any clinical or known pre-clinical condition. Compared with a severely immune-impaired individual (an AIDS patient, for example) the values obtained in this study are unremarkable.

The functions of the immunoglobulins themselves are not well understood, but IgM is relatively better understood than is IgD. IgM initiates the immune response to foreign substances and provides the immune response to certain types of substances. The functions of IgD are largely unknown at this time, so the clinical meaning of a deficit, if one exists, is unclear. Based on May's paper, there is no excess morbidity in any of the groups, though, as discussed below, there are problems with drawing inferences from the study. This does not mean that Dr. Ward's study should be taken as a negative. It suggests further testing of the hypothesis that exposure to dioxin causes some long-

term immunological changes in a population.

DR. MAY'S STUDY

The survey consisted of: medical and employment histories, blood and urine testing for a number of biological indicators or markers, some genetic testing based on blood cells, and the immunologic studies that are the subject of Dr. Ward's paper.

Based on all testing, Dr. May concluded, "Apart from persisting minor chloracne in half the subjects, it has not been possible to show any essential difference in any of the parameters studied between those individuals who evinced clinical evidence of dioxin exposure and their colleagues." He does not present Dr. Ward's data in the article.

Any generalization drawn from Dr. Ward's findings about the long-term effects of exposure to dioxin on immune status depend, to a large extent, upon a critical appraisal of May's study design. Several aspects of the design bear examining.

First, fewer than half of the individuals who developed chloracne were included in the survey. Participation depended first upon being still in the employ of the Coalite company, and second upon agreeing to participate. Forty-six, about half of the workers who had had chloracne, still worked for the company, and 41 agreed to participate. The status of the remaining individuals is not discussed, and does not, from the article, appear to be known. Also, it is not clear how many of the 41 were exposed in 1968 and how many were from the later-developing cases. Those who developed chloracne in 1973 would have 5-year followups, the ten years of the article applying only to the 1968 cases.

A worst case scenario for the 44 (of the original 90 chloracne cases) uncontacted individuals is that they are no longer employed by the company because of severe morbidity or because they have all died. While that appears unlikely, it may be that the individuals participating in the study represent the healthier end of the spectrum of workers who originally contracted chloracne. Because of this, conclusions from the studies apply only to the individuals studied, and cannot be generalized to the total population that developed chloracne.

A second major concern is that Groups A and B were formed differently from Group C. Group C was a fraction of a cohort exposed in 1968 (plus some individuals who developed chloracne during the years after the accident). Group A, termed "controls," was drawn from 1978 laboratory and management personnel. These people had no dioxin exposure, according to May. They do not belong to a 1968 cohort of any kind, as far as one can tell from the paper. Because of the different way they were chosen in comparison with Group C, they would not be considered a valid control group for an epidemiologic study. Aside from differences in cohort formation, the individuals in Group A were different in their work history, being drawn mainly from laboratory and management. Their social class, educational level and other demographic features probably differ from Group C, as May acknowledges, and those differences are known to affect some health characteristics.

Group B are termed "possibly exposed" plant workers with some laboratory and management staff. There is too little information in the paper to determine just how the cohort was formed or how probable their exposure to dioxin was.

SUGGESTED FOLLOW-UP

Dr. Ward's findings are suggestive of a long-term change in the immunological profile of individuals exposed to dioxin. His study has been used in public forums to support much stronger claims about major breakdowns of the immune system that presumably lead to clinical disease. Dr. Ward's study alone does not support such claims. The differences he found are small and their importance is unknown. However, because of the importance of immunologic contributions to disease, the idea that TCDD has effects on the immune system deserves further examination.

A starting point would be to review the literature for similar studies that may have been done. OTA is not aware of any other published studies, but Dr. Joseph K. Prince, who appeared with Congressman Daschle at a news conference in June of this year, mentioned that Dr. Ward's study corroborated his own findings in a study of railroad workers exposed to dioxin during an accident in 1979. Information from that study might be useful in working out the details of a followup, as suggested below.

The hypothesis that long-term immunologic changes are initiated by exposure to dioxin can be tested. To do this, a suitable battery of tests should be developed with the advice of immunologists. The tests may include those Dr. Ward used, but because a great deal of progress in immunology has been made in the past few years, there may be more appropriate and certainly additional tests that should be considered. A well-designed epidemiologic study with a cohort known to have been exposed to dioxin and an unexposed, but otherwise similar, cohort should be tested and the results compared.

Assembling the exposed cohort might be facilitated by using the NIOSH dioxin worker registry as a source. The registry attempts to include all U.S. workers who have been engaged in the production of 2, 4, 5-T, including all known to have been involved in industrial accidents similar to the one at the Coalite plant. Controls would be a group with similar backgrounds and work experience but no dioxin exposure. The study would not necessarily include all workers in the registry. It might focus, for instance, on workers exposed during accidents. The size of the study would have to be worked out by the study designers, depending on the size of the effect expected, and the desired power to detect an effect.

There is a focus of immunologic expertise at NIH at present. The possibility of a joint NIOSH-NIH study might be explored to capitalize on the occupational epidemiologic experience of NIOSH, and the immunologic experience of NIH, specifically the National Institute of Allergy and Infectious Diseases (NIAID).

At this time it appears premature to include a much expanded immunologic component in CDC's Agent Orange or Vietnam Experience studies. CDC does plan to include some immunologic testing in those studies, but as far as OTA is aware, the exact tests have not yet been decided upon. Some immunologic testing was included in the Ranch Hand study, and those results, when they are available, might suggest an appropriate direction for CDC.

SUMMARY OF WARD AND ERICKSON MEETING ON JUNE 15, 1983

I met with Dr. A. Milford Ward, Royal Hallamshire Hospital, Sheffield, UK, in his office at the Royal Hallamshire on June 15, 1983. Dr. Ward and I discussed his immunological studies of men who were exposed to TCDD in the coalite Oils and Chemicals accident of 1968. The health experience of these men since the accident has been summarized by G. May (*British Journal of Industrial Medicine* 1982:39:128-135). Dr. Ward and I also briefly discussed what immunological analyses CDC might incorporate into its studies of Vietnam veterans.

Dr. Ward began the meeting by saying that he had not found much in the way of significant immunological differences between TCDD exposed and non-exposed workers at the Coalite Plant. In summary, he felt that there was some evidence of alterations in immunological "short term memory" capability and some relatively minor differences in absenteeism, with the exposed group experiencing slightly more absenteeism (2 or 3 days, I believe).

Dr. Ward and I discussed the discrepancy between his statement that exposed workers had somewhat more work absences than the unexposed group and the statement in May's 1982 paper of just an opposite effect. May's data derived from "certified" absences only; whereas, Ward included data on uncertified absences. In addition, Ward cannot be sure that he was in possession of complete data.

We spoke of 2 design issues: 1) Dr. Ward knew to which group his study subjects belonged but he did not know the exposure studies of the 3 groups (i.e., he knew which study subjects belonged to groups A, B, and C but he did not know which of the groups were composed of exposed men and which were not).

The "unexposed" group A, comprised primarily managers and chemists, whereas groups B and C were primarily production workers. Dr. Ward did not believe that this difference would be important for the laboratory analyses of immunological competence but did feel that it might be of concern insofar as the comparisons of absenteeism are concerned.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 2, 1983.

Dr. J. DAVID ERICKSON,
Centers for Disease Control,
Atlanta, Ga.

DEAR DR. ERICKSON: I am writing in connection with the Office of Technology Assessment's (OTA) July 8, 1983 review of the Centers for Disease Control's protocol for the epidemiological study of Vietnam veterans required by Public Law 96-151, as modified by Public Law 97-72. I was pleased by the many positive comments of OTA on the protocol and the fact that the protocol was approved by OTA. After reviewing the OTA comments, four points, in particular, concern me.

First, on pages 11-12 of the review, OTA discusses the premise—on which OTA states the Vietnam Experience Study is based—that, once classified into a particular military occupational specialty, whether an individual went to Vietnam or served elsewhere was simply a matter of luck. As OTA points out, and I am sure you are very aware, if the "luck of the draw" premise is not sound and there was some explicit or implicit basis for selection for Vietnam service, the preexisting differences between those who did and did not go to Vietnam might be related to differences in their health status today. According to OTA, "there is little hard evidence" on this issue and the "luck of the draw" premise is "basically taken on faith." Because the validity

of this premise could be of such great importance to the validity of the results of the entire study, I believe that every effort should be made to ensure that all evidence that might support or rebut the premise is discovered and fully evaluated. Thus, I would greatly appreciate your advising me as to the efforts that have been made to ascertain what the Army's personnel policies and practices were during the Vietnam war with respect to selecting troops for assignment to Vietnam and what those policies and practices were. I would also be interested in learning what difficulties you may have encountered in discovering how troops were selected to be sent to Vietnam and whether you have been satisfied with the assistance and cooperation that the Army has provided. In addition, please let me know the degree to which you are satisfied that the "luck of the draw" is a valid premise on which to base the Vietnam Experience Study and whether you believe that any further steps should be taken to learn the factors that may have influenced the selection of an enlisted man for duty in Vietnam.

Second, on page 18, OTA recommends that additional consideration be given to including birth defects in the interview questionnaire. The possibility that Vietnam veterans' exposure to Agent Orange could cause birth defects in their children is a matter of deep personal concern to many of the veterans and their spouses. Thus, I would be interested in the CDC response to and comments on this OTA recommendation. Does the fact that CDC is very close to completing a birth defects study designed to detect increases in birth defects among the natural children of Vietnam veterans have any bearing on the advisability or desirability of including birth defects in the questionnaire?

Third, in the discussion of chromosome studies on page 19 of the review, OTA suggests that CDC reconsider its decision not to carry out chromosome analyses. Although OTA notes that it is correct that no medical conditions are associated with chromosomal aberrations, it believes some useful information might still be gained from the information. Thus, OTA stated:

"[I]f chromosomal analyses for gaps, breaks, and other abnormalities were done on, say, 500 of each cohort in the Agent Orange study and no differences were found, it would answer questions about whether or not there were any such effects. On the other hand, if elevated frequencies of abnormal chromosomes were found, it might be possible to relate the elevated frequencies to other effects in the cohorts. These analyses cannot be carried out on stored blood samples; they would have to be begun within a day of drawing blood from the veteran."

As with the recommendation to include birth defects in the study, I would appreciate knowing your response to this suggestion.

Finally, on page 24, in the discussion of the power of the soft tissue sarcoma study, OTA raises a question as to the prevalence of Vietnam veterans in the National Cancer Institute's Surveillance, Epidemiology and End Results (SEER) population from which the cases for the study will be obtained. OTA suggests that a survey in some or all SEER areas to determine the prevalence could be incorporated into the pretest of this study and notes that, without that determination, there appears to be a risk of starting the study and finding out after a year or two that the study lacks the expected power. This would seem to be a most unfortunate result, and I urge you to consider conducting such a pre-study survey.

I appreciate and support CDC's effort to get this study under way as quickly as possible and to consult with as many interested parties as possible in the process of doing so. I look forward to receiving your comments on the four aspects of the OTA's review described above.

With best wishes,

Sincerely,

ALAN CRANSTON,
Ranking Minority Member.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 26, 1983.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C.

DEAR DON: I am writing to express my great disappointment over statements attributed to Dr. Alvin Young of the VA's Agent Orange Projects Office as reported in articles in the Washington Post (August 30), the New York Times (August 30), and the Chemical and Engineering News (September 11), copies of each of which are enclosed. According to these press reports, Dr. Young, basing his remarks on information gathered from the VA's Agent Orange Registry, stated to the American Chemical Society, "Nothing stands out as related to dioxin or Agent Orange exposure. . . . There were a wide variety of health problems, but they were of the sort that one sees in a population of males growing older." He is also reported to have made statements comparing the incidence of certain diseases found in the Registry to the incidence that would be predicted to be found in a comparable, unexposed population of American males.

Dr. Young's statements directly contradict prior stated positions of agency officials regarding the purpose and appropriate use of the Agent Orange Registry data. On numerous occasions, the VA has strongly emphasized—perhaps most recently in written responses to questions I submitted in connection with this Committee's June 15 hearing—that it is not meaningful to use the Registry to draw conclusions as to the health of Vietnam veterans or the possible health effects of exposure to Agent Orange. (Specific examples of such VA statements are quoted below.) I am deeply concerned that public confidence in the sincerity of the VA's efforts to learn about and disseminate information regarding the health effects of Agent Orange exposure may be seriously eroded by this kind of apparently inconsistent VA practice on this point.

This incident reinforces the need—which was previously highlighted by the recommendation of the General Accounting Office's October 25, 1982, report (HRD 83-6) that the agency discontinue the Registry—to define precisely what are the appropriate uses and limitations of the Agent Orange Registry.

The following two types of analyses using Registry data have been the cause for considerable confusion in the past:

Proportionate Morbidity Analyses: On April 27, 1983, Dr. Barclay Shepard, Director of the VA's Agent Orange Projects Office, testifying before the House Subcommittee on Compensation and Pension, described how the Agent Orange Projects Office had determined the number of soft tissue sarcomas in the Registry and had compared this number to the total number of malignancies in the Registry. Dr. Shepard noted that these results were then compared to the prevalence of soft tissue sarcomas among malignancies generally.

However, in connection with the Senate Committee's June 15 hearing, I specifically asked (question No 3(i) and (ii)) for a comparison of the number of soft tissue sarcomas and the total number of malignancies in the Registry, and the agency replied: "This number means little, even as relative to the occurrence of other malignancies . . . Such as comparison is not meaningful and any figures would be misleading."

In response to a further question (question No. 3 (iii)) as to the relationship between the numbers of soft tissue sarcomas and malignancies in the Registry as compared to the proportion of soft tissue sarcomas among malignancies in the general population, the agency replied: "The Agent Orange Registry contains a self-selected sample that is not representative even of the Vietnam veteran population. Any comparison with the general population would be fallacious."

Has this type of analysis now become appropriate and meaningful, and, if so, what qualifications should be attached to any presentation of the results of such analysis?

Standardized Morbidity Analyses: Comparisons of the incidence of certain diseases (such as soft tissue sarcoma or lymphoma) in the Registry with the incidence of those diseases in U.S. male populations of similar age.

The New York Times article stated:

"[Dr. Young] said that 20 lymphomas had been found among the 85,000 veterans, whereas 15 might have been expected in a comparable population of young males who had not been exposed to the herbicide.

"However, soft tissue sarcomas, a rare form of cancer that has often been attributed to dioxin, actually showed up in smaller numbers than expected; there were only 11 cases where 16 might have been predicted in a population of comparable size and characteristics, he said."

In contrast, a prior statement by Dr. Shepard at the November 11, 1981, hearing before this Committee would suggest that such comparisons should not be made. In response to a question I asked about the value of the registry, Dr. Shepard replied:

"I think it's a valuable source of information, but I would caution the registry participants consist of self-selected group of individuals. Therefore, one cannot readily use the registry data as an epidemiological tool because the principal factor that this group has in common is that they are worried about exposure to agent orange. It would be difficult to establish a control group against which to compare this group of individuals. We certainly can provide descriptive materials as to what the problems are and what complaints these veterans have registered."

These inconsistent approaches by agency officials need to be clarified. On this point, I would also appreciate learning if there does presently exist a "control" population for the Agent Orange Registry as the Chemical and Engineering News article reports.

For the government to respond conscientiously to the concerns raised about Agent Orange, as much information as possible must be learned about the present health of our Nation's Vietnam veterans. The debate over what the Registry can be used for has continued far too long. Certainly, the maximum amount of suggestive information that

can possibly be gained from the Registry should be developed, and I urge you, as soon as possible, to address specifically the questions of what information—such as trends, groupings of symptoms, and comparative analyses—can and should be derived from the Registry. A description of the Registry's intended uses and the information gained from it should be made public, and Congress should be informed, on a periodic basis, of the progress in making the necessary analyses.

I am equally concerned about the need to guard against inappropriate and conflicting interpretations of Registry data by the VA and strongly urge that you act to prevent such occurrences. There is already more than enough misleading information about Agent Orange.

As always, I greatly appreciate your cooperation in matters involving America's veterans. I look forward to hearing from you on these matters.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

Enclosures.

[From the Washington Post, Aug. 30, 1983]

AGENT ORANGE STUDY RESULTS

A government scientist reported yesterday that a major Agent Orange study has found no unusual rates of illness among Vietnam veterans, but he cautioned that it may be too soon to draw any firm conclusions.

The scientist, Dr. Alvin Young of the Veterans Administration's Agent Orange Projects Office, said researchers found "a wide variety of health problems" in a study of 85,000 veterans who may have been exposed to the dioxin-contaminated herbicide but the problems were "the kind we see in a population of males growing older."

[From the New York Times, Aug. 30, 1983]

STUDY OF 85,000 VETERANS CALLS PESTICIDE EFFECT VAGUE

WASHINGTON, Aug. 30.—The Veterans Administration reported today that medical examinations and laboratory tests of 85,000 Vietnam veterans who fear they may have been exposed to Agent Orange have revealed no adverse health effects clearly related to the chemical defoliant or to its toxic contaminant, dioxin.

"There were a wide variety of health problems," said Alvin L. Young, an Agent Orange expert at the agency, told a news conference at the national meeting of the American Chemical Society, "but they were of the sort that one sees in a population of males growing older."

"Nothing stands out as related to dioxin or Agent Orange exposure," he added.

SLIGHT INCREASE IN LYMPHOMAS

Dr. Young acknowledged that the medical examinations, conducted since 1978, did find "a slight increase" in one form of cancer, known as lymphomas, but he said it is too early to know "if the lymphomas are important." He said that 20 lymphomas had been found among the 85,000 veterans, whereas 15 might have been expected in a comparable population of young males who had not been exposed to the herbicide.

However, soft tissue sarcomas, a rare form of cancer that has often been attributed to dioxin, actually showed up in smaller numbers than expected; there were only 11 cases where 16 might have been predicted in a population of comparable size and characteristics, he said.

Dr. Young said that there was no scientific consensus on whether dioxin can cause soft tissue cancers. A Swedish medical study has suggested it could, he said, but studies in New Zealand and Finland found no strong correlation with soft tissue cancers.

BRIEF TIME FOR DEVELOPMENT

Dr. Young said it had only been 10 to 15 years since many of the veterans were exposed, a period that "may not be long enough" for some cancers to develop. But "at this point in time," he added, "we don't see anything" that confirms a health problem.

The agency's report appeared to have only limited significance in scientific efforts to determine whether exposure to Agent Orange has caused illness among Vietnam veterans. Dr. Young said that the study was not a true epidemiologic study in which a group of veterans known to be exposed to Agent Orange were compared with a carefully matched control group of males not so exposed.

UNCERTAIN ABOUT EXPOSURE

He said many of the 85,000 veterans who feared they were exposed to Agent Orange may not have been; about three-fourths of them said they were not sure.

Many of the people in the control population who were supposedly not exposed to dioxin or similar chemicals may have been exposed at some time. Other papers delivered at the convention reported that dioxins and related chemicals have been found in the fatty tissue of people in the United States and Canada who had not served in Vietnam.

Alastair Hay, a lecturer in chemical pathology at the University of Leeds, in England, noted that if the number of veterans exposed to Agent Orange was significantly fewer than 85,000 then the finding of 11 soft tissue sarcomas might actually be significant.

The Federal Government is sponsoring major epidemiological studies designed to measure whether troops exposed to Agent Orange have suffered more cancer, birth defects or other ailments compared with control groups that were not exposed.

[From Chemical and Engineering News, Sept. 11, 1983]

SYMPOSIUM UPDATES HEALTH EFFECTS OF DIOXINS, BENZOFURANS

New findings on several fronts highlighted the Environmental Chemistry Division's three-day symposium on the origin and fate in the environment of the polychlorinated dibenzo-*p*-dioxins and dibenzofurans. Some of the new developments include:

A report from the Veterans Administration comparing the health of some 85,000 veterans who served in Vietnam with that of other U.S. males of the same age.

Several efforts to develop methods that will establish who actually has been exposed to polychlorinated dioxins or dibenzofurans either in Vietnam or at some other time.

Evidence that dioxin probably does have the capacity to initiate cancer in addition to promoting it.

A historical study showing that although some dioxins and dibenzofurans have been in the environment for a long time, most of what is there now can be traced to the manufacture of synthetic chemicals.

The question of whether dioxins are ubiquitous in the environment or whether their presence comes principally as a consequence of the manufacture of other chemicals has attracted scientific attention since 1978. At that time, Dow Chemical researchers first proposed that many naturally occurring combustion processes produced small, but measurable quantities of dioxins. The company argued that detecting trace levels of dioxins in fish and water samples near its Midland, Mich., manufacturing plant did not mean that the plant was discharging dioxin. Instead, certain low levels of dioxins could be expected anywhere in the environment since the compounds are formed in ordinary combustion processes (C&EN, Feb. 12, 1979, page 23).

The Dow proposals have been viewed with skepticism by many environmental scientists. Basically, the argument of the critics has been that although it may be possible to form dioxins in almost any combustion process, the closer the fuel material is in structure to dioxins, the more likely it is that these compounds will form as combustion products. Dow, too, has modified its view in this direction as more data have become available.

Ronald A. Hites and Jean M. Czuczwa of the school of public and environmental affairs and the department of chemistry at Indiana University presented new findings that add support to this view. They have analyzed four sediment core samples taken from southern Lake Huron to find when polychlorinated dibenzo-*p*-dioxins and dibenzofurans first began appearing in this region. Using isotope ratios for lead and cesium in the cores, they determined the rate at which sedimentation occurred in these samples. Hites and Czuczwa then measured the concentrations of dioxins and dibenzofurans at various depths in the core samples to determine when these compounds were deposited in the sediments.

"The depth versus concentration profiles in the four cores show that the concentration and presumably the input of polychlorinated dibenzo-*p*-dioxins and dibenzofurans increased dramatically at a depth corresponding to approximately 1940, grew steadily, and remained high until the present time," Hites says. "Obviously a change occurred in the 1940s resulting in a new source of dioxins and furans," he adds.

This pattern of dioxin deposition corresponds well with historical production trends for chlorinated aromatic compounds, the researchers say, and does not fit other possible sources of dioxins and furans such as coal burning. "We believe that the observed historical increase in polychlorinated dibenzo-*p*-dioxins and dibenzofuran in the sedimentary records is the result of the combustion of chlorinated precursors present in combustion fuels," the researchers say. "Background levels before 1940 may reflect coal or natural combustion processes."

The validity of these conclusions depends, in part, on the preservation of trapped dioxins and dibenzofurans in sediments for decades. To check this point, the researchers determined the isomer ratios of the various polychlorinated species at different depths in one of the samples. Degradation of dioxins and dibenzofurans in the soil leads to increases in the more highly chlorinated species, but the core sample showed a constant isomer ratio down to the sediment layer that was deposited in about 1870.

Another long-standing scientific question concerning dioxin is whether it can initiate the cancer-forming process in cells. Animal tests, particularly in rats, show clearly that 2,3,7,8-TCDD is an extremely potent carcinogen, but scientific opinion is divided as to whether it can cause cancer by itself or

whether its only action is to promote cancer in cells that have already somehow been started on the path to carcinogenesis.

The question revolves around whether dioxin acts on cells by damaging their DNA, thereby causing mutations. Such danger is generally thought to be the first step in the process that leads to cancer, and chemicals that cause it are called mutagens. Alastair W. M. Hay, a chemical pathologist at the University of Leeds, England, presented data from his laboratory that show dioxin to be mutagenic, and therefore an initiator, as well as a promoter, of carcinogenesis. "I believe dioxin actually has the ability to cause cancer by itself," Hay says.

Hay, along with colleagues John Ashby, J. J. Styles, and B. Elliot of Britain's Imperial Chemical Industries, uses a cell transformation test similar, but complementary, to the well-known Ames test to determine dioxin's mutagenicity. This test, called BHK (for baby hamster kidney, the source of the cells used in the test), showed a 90% accuracy rate in discriminating between carcinogens and noncarcinogens in an earlier study of 120 chemicals. "When we used the BHK cell transformation assay with various dioxin isomers, tetrachlorodibenzo-*p*-dioxin gave a clear, positive response," Hay says. 2,8-Dichlorodibenzo-*p*-dioxin and 1,3,7-trichlorodibenzo-*p*-dioxin were both weakly positive in their tests, and the nonchlorinated dibenzo-*p*-dioxin gave a negative response. These findings parallel the carcinogenic effects expected for these compounds based on tests in animals.

Dioxin's performance as a mutagen in the Ames test is not clearcut, Hay points out. At least two laboratories have reported positive results for dioxin in this test, but many others get a negative finding. "Not all initiators are mutagens in the Ames test," Hay says. Diethylstilbestrol (DES) is one such example. "DES is currently thought to exert its carcinogenic effect through some kind of chromosome damaging action," he says. "2,3,7,8-TCDD may act the same way, and our data in the cell transformation assay indicate that the chemical can transform cells. The mechanism of transformation is still not resolved."

The 85,000 Vietnam veterans whose concerns about the effects possible agent orange exposure may have had on their health led them to join the Veterans Administration's agent orange registry seem to be just as healthy as other U.S. men of the same age, says Alvin L. Young of the VA's agent orange projects office. Though the group has a variety of health problems, Young says, "nothing stands out and says: This is something that is really related to exposure to dioxin."

This does not mean that the dioxin contaminant in agent orange did not cause health effects, Young stresses, but that no effect has been found in the veterans so far. There may have been some transient effects that were gone by the time a veteran was examined or were not recognized by the examining physician at the time and could not be followed up years later when concern about agent orange health effects made physicians more alert for certain symptoms. There may also be long-term health effects that have not developed yet.

The agent orange registry is a compilation of health information on Vietnam veterans who came to VA hospitals concerned about the effects exposure to agent orange and its dioxin contaminant might be having on their health. VA has not confirmed that the people in the registry actually were exposed to agent orange during their Vietnam service; in fact, roughly one quarter of the men in the registry are themselves unsure whether they were exposed to the herbicide. Young points out that since the registry is a self-selected group and people with health problems are more likely to consult a physician, such people are very likely to be overrepresented in the registry. Consequently, VA is careful not to call the registry an epidemiological study. It is merely a compilation of health information on a group of men who served in Vietnam.

Still, it may ease the minds of some Vietnam veterans to know that the very people who were most concerned about the health consequences of their service experience appear to be just about as healthy as the general male population of the U.S. of the same age.

In particular, the registry finds that soft-tissue sarcomas, a very rare cancer type that has been associated with exposure to dioxin-contaminated herbicides in certain Swedish studies, are no more common among registry participants than among the control group. Eleven cases of soft-tissue sarcoma were found among the veterans and 16 in the matched control.

Another finding from examining the registry is that the distribution of people in the registry parallels very closely the distribution of personnel in Vietnam by branch of service. In other words, Army personnel, who made up 67.2% of the armed forces in Vietnam, make up 67.0% of the registry. Similarly, Navy people were 6.3% of the forces in Vietnam and are 6.0% of that registry. This is not the trend that would be expected if agent orange exposure had a large effect on veterans' health, Young says, since Army personnel were much more likely than those of the Navy to have been exposed to agent orange.

There are two classes of cancers for which men in the registry have a slight, but statistically significant, increased incidence over the control population. These are cancers of the buccal cavity and pharynx (with 7.9% of the tumors in the registry in this class compared with 4.5% in the control group) and lymphomas (20.0% in the registry compared with 15.0% in the control). It is too early to tell what these differences mean, Young says, but they will be watched very closely in the future.

The registry's greatest problem is that there is no way to know whether the people in it actually were exposed to agent orange. It seems likely, in fact, that many of them were not exposed to any measurable level of the herbicide or the dioxin in it. Inclusion of such people in the statistical analysis of the registry serves only to mask any effects agent orange or dioxin might have on health. As Alistair Hay points out, for instance, the 11 cases of soft-tissue sarcoma found among people in the registry is not a large number for a group of 85,000. But if only half that number, say, were actually exposed to agent orange and all of the soft-tissue sarcomas were in that group, then the incidence would be high.

Many laboratories are tackling the problem of trying to find some biological marker that can serve to identify just who has been exposed to dioxin. The VA is one of them, and Young described preliminary work on a study to see if adipose tissue could serve as such a marker.

Both dioxins and dibenzofurans concentrate in the fat of laboratory animals, and several scientists have suggested that these compounds might remain concentrated in this tissue in humans long after it has become impossible to detect them in other parts of the body. The VA has made a pilot study along with Michael L. Gross, a chemistry professor at the University of Nebraska, Lincoln. Three groups of male volunteers were included: 20 men who believed they had been exposed to agent orange in Vietnam, 10 who had not been in Vietnam or had other contact with agent orange, and three Air Force officers who had definitely worked with either agent orange or TCDD.

Samples of 10 to 30 g of adipose tissue from the abdominal wall were taken from each volunteer by VA surgeons and analyzed by gas chromatography and high-resolution mass spectrometry by Gross. Fifteen of the samples were re-examined by chemists at the Environmental Protection Agency to confirm Gross' findings.

"The results showed that it is indeed possible to detect and quantify to some degree, at least, 2,3,7,8-TCDD in human fat," Young says. "To be specific, it was present in fat from 13 of the 20 exposed veterans, from nine of the 10 controls, and from all three Air Force officers." The amounts ranged from 3 to 99 parts per trillion. Probably equally significant, however, is the finding that what people thought had been their dioxin exposure did not correlate with the dioxin in their tissues.

The mean dioxin level in the 10 control subjects, who thought that they had not been exposed to agent orange in any way, was 5.7 ± 3.1 ppt, which might be thought of as a very crude estimate of the background level of dioxin in the U.S. population. The mean of the Vietnam veterans was 8.3 ± 6.9 ppt.

Removing 10 to 30 g of adipose tissue is a significant surgical procedure and quite painful. Thus, it is not very promising as a large-scale screening technique to find people whose health might be at risk because of dioxin exposure. A test that might work better for screening purposes is the one being developed by John F. Gierthy and coworkers at the New York State Department of Health.

The assay being developed by the New York scientists is based on work by Joyce C. Knutson and Alan Poland of the University of Wisconsin, Madison. Knutson and Poland demonstrated in 1980 that dioxin and related compounds caused cultures of mouse skin cells to undergo a greater than normal keratinization in vitro. The keratinization process is a normal function of skin cells. It is increased keratinization that is thought to be responsible for the development of chloracne, one of the most common clinical manifestations of dioxin exposure in humans.

In developing a biological screen assay for dioxin, the New York group applied the skin cell model to detection of activity in extracts of soot from a state office building in Binghamton, N.Y., that was involved in an electrical transformer fire. The transformer contained polychlorinated benzenes and polychlorinated biphenyls, which when heated under certain conditions form polychlorinated dibenzo-*p*-dioxins and other similarly toxic compounds such as polychlorinated dibenzofurans.

Extracts of 10 soot samples, Gierthy says, all caused increased keratinization in the skin cell cultures and all have been shown by chemical analysis to contain polychlorinated dibenzo-*p*-dioxins and dibenzofurans. The relative keratinization-inducing activity varied among samples, and this variation corresponded well to their degree of contamination as determined by chemical anal-

ysis. Thus, Gierthy concludes, the specificity and sensitivity of the in-vitro keratinization assay make it useful as a screen, with high-resolution chemical analysis reserved for identifying specific isomers and congeners in relevant samples.

KANSAS SENDS GOVERNOR CARLIN AND STAFF BEST WISHES FOR A SPEEDY RECOVERY

Mr. DOLE. Mr. President, the Senator from Kansas rises today to offer best wishes for a full recovery to Kansas' first family, Governor John Carlin and his wife, Karen, as well as the Governor's administrative assistant, Shirley Allen, and security aide, George Bruce.

Early this morning, the Carlins and staff members were riding in a taxicab on their way to National Airport to catch a flight back to Kansas. The automobile was unfortunately involved in an accident when it slammed into the back of a stalled truck. The Governor and his administrative assistant both suffered back injuries and were rushed to an area hospital. Mrs. Carlin and Mr. Bruce, thankfully, were not seriously injured.

Governor Carlin and Ms. Allen are now recuperating in Arlington's National Orthopaedics Hospital.

This Senator can speak for all Kansans in sending our best wishes for a speedy recovery.

HENRY JACKSON EULOGY

Mr. HATFIELD. Mr. President, in the loss of Henry Jackson, we once again see clearly that death cancels everything but truth. He is no longer with us in the flesh, but we know assuredly that even though his passing cancels our earthly interaction with him and the vigorous contribution he daily made to his family, friends, and constituents, it does not cancel, indeed cannot cancel, the truth of his words and deeds. And what a comfort it is to know that in faith the sleep of death is only a temporary hiatus in our fellowship with him. I am reminded of the words of Samuel Butler that "To die completely, a person must not only forget but be forgotten, and he who is not forgotten is not dead."

Scoop was the chairman of the old Interior Committee when I came to the Senate. Much has been said about his concern for the individual and his helpfulness to colleagues of whatever political persuasion. I personally found that true as a freshman Senator and throughout the years of our association. He oriented me to the realities of life in the Senate and encouraged me in my discouragement more times than I can now even recall. He was never limited in his vision for solutions merely to what was good for Washington State, although never was there a more eloquent advocate for the needs of his constituents. In a very real way, the Northwest was his State as the Columbia River was never a barrier. He came across it numerous times, as easily as though it were a county line, to work with the Oregon delegation on matters of mutual interest. And, as we all know, in like manner his love and advocacy for the Native American, the handicapped, the unemployed, and others in need made the Nation his State. Rightly there has been much stated about Scoop's contributions in the areas of energy policy and strengthening our Armed Forces, but from my perspective as a neighbor and friend, his greatest legacy will be framed in the context of his role in the American Indian Health Care Act and his work for the handicapped.

As many of us attended the services for Scoop, our hearts were tugged by the loss that Helen, their children, many relatives, friends and colleagues were suffering. It is a comfort, that I am sure is not lost on Scoop, that we who are left behind are suffering much more than he is. The old parable is always instructive at a time like this which tells of the cheering, laughter, and joy at the launching of a new voyage of life at birth; but the weeping and sorrow at the coming into port of the ship at the end of the cruise of life. Should it not be at least in a measure reversed that we cheer and laugh and rejoice over the fruitful and successful and faithful life of the humble servant who arrives at the end of his life with his reputation intact and his memory revered. Certainly, it is the reality that our repugnance to death is in proportion to the consciousness of a life being lived in vain. Henry Jackson's life was surely not lived in vain. His efforts were monumental. His memory will be a treasure to me the remainder of my days. His faith encourages me all the more to trust that "in fact Christ has been raised from the dead, the first fruit of those who have fallen asleep." And that "He must reign until He has put all His enemies under His feet. The last enemy to be destroyed is death * * *. What is sown is perishable, what is raised is imperishable. It is sown in dishonor, it is raised in glory. It is sown in weakness, it is raised in power. It is sown a physical body, it is raised a spiritual body." (I Corinthians 15: 20–25, 42–44).

COMMEMORATING THE 50TH ANNIVERSARY OF THE FORCED FAMINE IN THE UKRAINE

Mr. MOYNIHAN. Mr. President, this week the "National Committee to Commemorate Genocide Victims in the Ukraine is holding a host of events here in Washington to commemorate the 50th anniversary of the infamous forced famine that took the lives of nearly 7 million Ukrainians in 1932 and 1933.

It is altogether fitting and proper that we should mourn the victims of this terrible tragedy. We have an obligation also to remind the world of the kind of rule that perpetrated one of the greatest crimes civilization has ever known.

For in 1933 the world community was largely silent, and otherwise passive, as Stalin sentenced the entire people of the Ukraine to cruel starvation. Their offense had been to insist upon being Ukrainian, and to want to keep their own plots of land. We must raise our voices in honor of those who were lost and affirm our determination that the world shall never be silent again. The atrocities of Stalin must never be forgotten to history.

Thanks to the "National Committee to Commemorate the Genocide Victims in the Ukraine" the story of this great injustice—virtually ignored by the media and the history books—will be told. The shameful silence of 1933 will never be repeated.

I ask that a July 7, 1983, essay in the Wall Street Journal regarding the forced famine of 1932–33 be printed in the RECORD at this point as well as a collection of press reports from 1933.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 7, 1983]

FORCED FAMINE IN THE UKRAINE: A HOLOCAUST THE WEST FORGOT

(By Adrian Karatnycky)

Fifty years ago this past spring, the normally bountiful fields of the Ukraine were filled with the odor of death. Crows flew over the steppe, awaiting their feast of human carrion. Corpses littered the streets and roadways. In the June 6, 1933, issue of the London Morning Post, Malcolm Muggeridge depicted the follwing scene:

"If you go now to the Ukraine or the North Caucasus, exceedingly beautiful countries and formerly amongst the most fertile in the world, you will find them like a desert; fields choked with weeds and neglected; no livestock or horses; villages deserted; peasants famished, often their bodies swollen, unutterably wretched.

"You will discover if you question them that they have had no bread at all for three months past; only potatoes and some millet, and they are now counting potatoes one by one. . . . They will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the government and hundreds of thousands exiled."

The devastation Mr. Muggeridge described wasn't caused by any natural catastrophe. It was an entirely new phenomenon—history's first artificial famine: a consequence of Stalin's effort to collectivize agriculture and crush the nationally conscious Ukrainian peasantry.

With the exception of Mr. Muggeridge's reports, William Henry Chamberlin's in the Christian Science Monitor, and the publication of several stories and a number of shocking photographs of starving children

in the Hearst newspapers, the Western press was largely silent about the genocide that was occurring in the Soviet Ukraine. Europe and the U.S. were in the throes of the Great Depression. Violence in the streets was common. Fascism was on the march. The forced famine of 1933 had regrettably come at an inopportune time.

Some reporters from the West concealed the truth because of an ideological commitment to Soviet communism. Others, like New York Times correspondent Walter Duranty, were seduced by official favors and access to high government circles into deliberately and shamelessly attempting to suppress the story of the famine, while writing fawning articles on Stalin's rule. For this Mr. Duranty was rewarded with Pulitzer prizes and the Order of Lenin.

None of the day's newspaper reports was able to grasp the enormity of the cataclysm. Today, reliable academic estimates place the number of Ukrainian victims of starvation at 4.5 million to 7 million. This dark event, which rivals in its magnitude the Jewish Holocaust and the massacre of the Cambodians by the Khmer Rouge, is still largely unknown outside the private memories of some survivors.

The famine was in part the byproduct of Stalin's relentless drive to collectivize Soviet agriculture. That stavation was artificially induced is beyond dispute. The famine was a clear result of the fact that between 1931 and 1933, while harvests were precipitously declining, Stalin's commissars continued to requisition and confiscate ever-increasing quantities of grain, much of it exported to Western Europe. Peasants were shot and deported as rich, landowning "kulaks." Most livestock perished from the lack of feed, some as a result of peasant attempts to resist collectivization. Cannibalism was not uncommon. Although no medical quarantine was declared and non-Ukrainians were free to travel into and out of the area, starving villagers who sought to flee areas stricken with famine and its resulting outbreaks of pneumonia, typhus, and tuberculosis were turned back at checkpoints controlled by Soviet patrols that scrupulously enforced newly imposed internal passport regulations.

While the drive to collectivize agriculture was a wideranging phenomenon common to the entire U.S.S.R., only in the Ukraine did it assume a genocidal character. Indeed, there can be no question that Stalin used the forced famine as part of a political strategy whose aim was to crush all vestiges of Ukrainian national sentiment. As he wrote, "The nationality problem is by its essence a peasant problem." The attack against the "kulaks," therefore, was viewed as an attack against the social basis of Ukranian nationalism. Moreover, the famine was accompanied by an extensive purge in the cities of the Ukrainian cultural and political elite—whose leading activists had been the precursors of a national communism similar to that which later emerged in Tito's Yugoslavia and Gomulka's Poland.

Some might ask whether today it is worthwhile to dredge up the memory of yet another act of Stalinist barbarism. What can this event from a dim and receding past tell us that Solzhenitsyn's "Gulag Archipelago" has not? One might be tempted to say that nothing new can be learned from this secret horror. Yet the 1933 famine is important for both moral and political reasons.

There is of course our moral obligation to honor the memory of the nameless victims by depicing the truth. Moreover, it is important to understand the forced famine as a pivotal event in Soviet history, whose consequences remain to this day.

For the famine created a disastrous situation in Soviet agriculture from which the U.S.S.R. still hasn't fully recovered. Moreover, the famine eliminated a substantial segment of the U.S.S.R.'s non-Russian population, thus ensuring that the Soviet Union would remain for the next five decades a state dominated by an absolute Russian majority. Finally, the famine caused an enormous rift within the Ukrainian nation, which had long been nationally assertive. To this day, independent and national sentiment among Eastern Ukrainians is much lower than among Western Ukrainians (who, in 1933, as part of Poland, were spared the trauma of the famine and the Great Terror).

Yet despite the pivotal importance of the forced famine, for 50 years its full story has remained untold. Not one serious book on this tragedy is available in English.

Today—at a time when some would recast Soviet communism in a friendlier mold, the better to negotiate arms reductions with—may once again be an inopportune time to bring up the terrible loss of life and the painful trauma of the brutally scarred Ukrainian nation. Yet 50 years seems too long to remain silent about one of the greatest crimes in mankind's history.

CONTEMPORARY PRESS ACCOUNTS OF THE 1932-33 FAMINE IN THE UKRAINE

"On a recent visit to the Northern Caucasus and Ukraine, I saw something of the battle that is going on between the government and the peasants . . . On the one side, millions of starving peasants, their bodies often swollen from lack of food; on the other, soldier members of the GPU carrying out the instructions of the dictatorship of the proletariat. They had gone over the country like a swarm of locusts and taken away everything edible; they had shot or exiled thousands of peasants, sometimes whole villages; they had reduced some of the most fertile land in the world to a melancholy desert." (Malcolm Muggeridge, THE FORTNIGHTLY REVIEW, London, May 1, 1933)

"Since the fall of 1932 the food problem has deteriorated in a catastrophic manner. In some localities 20-30 persons are dying daily. Entire houses are deserted. The government officials are not at all interested in the hunger misfortune." (Walter Eidlitz, DIE NEUE ZUERICHER ZEITUNG, September 1, 1935)

"The famine started when the authorities took all the grain away from the people. Children under 14 years were first to feel the pangs of hunger. Only the strongest are managing to exist, the majority are dying." (DAILY TELEGRAPH, London, September 9, 1933)

"The famine in Ukraine was created by Moscow artifically from political considerations. In order to completely destroy all aspirations toward independence, the Soviet government organized a man-made famine with the purpose of destroying the entire people whose only sin is the longing for freedom." (Suzanne Bertillion, LE MATIN, Paris, December 31, 1933)

"New censorship measures exclude accredited foreign correspondents from . . . Ukraine, and the Northern Caucasus, where a great famine was known to have raged during the winter and spring . . ." (P. B. Barnes, THE NEW YORK HERALD TRIBUNE, August 21, 1933)

"Yes, . . . we saw it with out own eyes in Ukraine—real unrestrained famine ravaged . . . along with hunger, typhus, swollen naked corpses, empty villages whose inhabitants have been deported, died or run away, and with cannibalism that has ceased to be a punishable crime." (JEWISH DAILY FORWARD, New York, December 27, 1933)

MIDDLE CLASS DRUG ABUSE

Mrs. HAWKINS. Mr. President, we tend to forgive and forget many of the people who are most conspicuous in their use of illicit drugs. I mean, of course, the actors, actresses, sports figures, rock stars. We overlook and excuse them because they are not "one of us"—they do not move in our polite circles; they are "fringe types," not "establishment." But what we are just beginning to realize, in our own stuffy and secure existences, is that illicit drug abusers are very much with us—they socialize with us; they are our friends, our business associates; they marry our children. We should now face the ugly fact that illegal drug abusers have moved in and become part of the family. To use Pogo's expression, "We have met the enemy, and he is us."

Mr. President, on September 13, 1983, Senator HELMS entered into the RECORD an excellent article by the Wall Street Journal on the subject of cocaine abuse by the upper middle class, specifically, stock traders in our Nation's financial centers. I would like to add to this and enter into the RECORD at this point an article on the increase in heroin abuse by the middle class.

[From the New Brunswick (N.J.) Home News, Apr. 3, 1983]

MIDDLE CLASS HEROIN USE REPORTEDLY ON INCREASE

(By Todd B. Bates)

Heroin, the urban scourge of the 1970s, is maintaining its way into the middle classes of Middlesex and Somerset counties, according to local drug treatment officials.

More and more middle income people have been getting booked on heroin in the past few years, eventually showing up an local methadone clinics for treatment, officials said.

"So many people out there want to buy the stuff," said Detective Michael Buchinski, head of Somerset's Narcotic Task Force.

His assessment comes in the wake of a drug raid last week in Franklin, which uncovered perhaps the largest heroin operation ever in Somerset County, according to officials.

But, while overall heroin usage appears to be increasing in Somerset, the opposite seems to be happening in Middlesex, according to law enforcement officials.

SUCCESSFUL CRACKDOWN

That's because of a recent successful crackdown on drug use in Perth Amboy and an effort to keep organized heroin operations out of Middlesex, officials said.

The 15-month Perth Amboy crackdown that ended in January resulted in more than 400 arrests, a huge jump in business at

the Perth Amboy Addiction Center and a 33 percent reduction in crime in 1982, according to officials. Heroin use had been increasing until the crackdown, said Detective Steve Polaka.

In any case, hundreds of addicts in the two counties may each be responsible for several hundred crimes a year, committed to support $50 to $200 a day habits, according to estimates.

Many burglaries, armed robberies, thefts and muggings are attributed to heroin addicts, law enforcement officials said.

Joseph Guadagnino, executive director of the New Brunswick Counseling Center in Morris Street, estimates that 2,000 to 3,000 regular users live in Middlesex County. Somerset officials declined to offer estimates.

An estimated 35,000 users live in New Jersey compared with 30,000 in 1978 and 42,000 in 1975, according to John French, chief of research and evaluation for the state Department of Health's Division of Narcotic and Drug Abuse Control.

Heroin supplies reached a low point in 1978, French noted.

Middlesex and Somerset users apparently get most of their stuff in, or from, New York City, where supplies are increasing, officials said. The heroin flowing into New York is mainly coming from Lebanon, Turkey and Pakistan, they said.

Observers differed on the purity of heroin used in the area, but several described most of it as "garbage."

LOWER PURITY

Det. Thomas Maltese, head of Middlesex County's Narcotics Task Force, said purity is only 1 to 1.5 percent compared with "at least 4 percent" in 1970 to 1974. Heroin is always diluted many times in the distribution process to create larger quantities for sale.

Many users in both counties also combine heroin with cocaine, a practice called speedballing, officials said. Cocaine gives heroin users more energy—keeps them from "nodding off," they said.

The actor John Belushi, star of the movie "Animal House" and the TV show "Saturday Night Live," died in March 1982 from speedballing.

Another problem, which appears to be confined to New Brunswick, is the use of "hits," a combination of codeine and doriden to produce a heroin-like high, officials said.

In 1980 and 1981, 45 people died of hits overdoses in the state, compared with 143 heroin overdose deaths, French said. Seven of the deaths overlapped and involved both heroin and hits, he said, and 70 percent of the heroin overdose victims also had alcohol in their systems.

Several New Brunswick residents have died of hits overdoses in the past few years. Maltese said he can't recall many heroin overdoses in Middlesex in recent years.

Somerset's heroin problem became apparent last week with six arrests in Franklin and New Brunswick, revealing a large distribution operation.

The ring had allegedly been operating for about a year in Franklin and three or four months in New Brunswick, according to officials. Drug deliveries were made about twice a week from New York to Franklin, they said.

"I could say there was a large number of people buying the drugs" from five or six "mules"—people who sold heroin to street users for a dealer who would not touch the contraband, said Detective Richard Thornburg, chief of detectives.

AVAILABILITY, USE UP

He estimated that perhaps 100 people were buying the heroin in Franklin and New Brunswick.

Buchinksi said it appears that "a good many" of Somerset users in general are unemployed and poor, although "children or higher income people are also involved."

He said users were generally in their early to mid-20s, with "quite a few people in their 30s." The recent increased availability in heroin has a lot to do with the increased use, he added.

Richard Coles, director of the Somerset County Drug Abuse Clinic in Somerville, said the average age of addicts who seek treatment at the Somerset clinic at Somerset Medical Center is 23, he said.

They come to the clinic to get off heroin and go on methadone, an addictive drug with a weaker narcotic effect than heroin. It allows people to function normally and hold jobs.

The clinic has a detoxification program and 65 people on methadone on an outpatient basis, up from 40 to 43 three or four years ago, Coles said.

Methadone maintenance is "a last resort kind of process" with the goal of keeping a person from going to jail and committing crimes, he said. "I know it's an extremely controversial subject" he added.

Denis Mansmann, executive director of the Perth Amboy Addiction Center, which also offers methadone programs, said addicts become as psychologically addicted to methadone as heroin.

Describing the thinking of addicts, he said: "I got a problem, take a drug. I got a drug problem, take a drug. They're very, very afraid to come off (methadone)."

The former heroin addicts using the Somerset clinic include students and homemakers, white and black males and females, Coles said. Many "graduated" from pills such as Valium, Librium, Quaaludes and amphetamines (speed), he added.

"Supplies are increasing. The profit motive keeps it turning. Immense kinds of profits can be made," he said.

"It's spreading like wildfire," even in suburban and rural communities, Coles said, "The thing is like a terrible cancer in a community."

Maltese of Middlesex's Narcotics Task Force said no known organized heroin distribution groups are based in Middlesex and that heroin use appears to be on a downswing.

Heroin usage is down in Perth Amboy and staying at about the same level in New Brunswick, the two Middlesex cities with the highest concentrations of users, law enforcement officials said.

Business is booming at the New Brunswick Counseling Center, which has methadone detoxification and maintenance clinics in New Brunswick and Plainfield, Guadagnino said.

About 130 are in the Plainfield maintenance program, up from 60 two years ago, while 140 to 150 are in the New Brunswick program, up from 55 two years ago, he said.

CLIENTS PAY SHARE

Clients pay a share of the costs because of increasing operating costs and dwindling state and federal dollars, he said, noting that services were free two years ago.

Guadagnino said he's seen "a great increase" in heroin use among white middle-class people in the New Brunswick area in the past three or four years. They can be found in East Brunswick, Highland Park, Edison and other towns, he said.

Detective Paul Schuster, one of four men assigned to narcotics investigations in New Brunswick, said probably several hundred users live in the city.

Schuster said heroin addicts are thought to be responsible for many of the burglaries, robberies and thefts in the city.

"It's very easy to get rid of stolen stuff," said Schuster. "A lot goes right to New York."

Meanwhile, 55 people are on methadone maintenance at the Perth Amboy Addiction Center, said Mansmann, up from 15 a decade ago.

The recent Perth Amboy "war on drugs was very, very effective," he said. "We saw the result of that. The word was out on the street to either clean up or you're going to jail."

Only about 40 addicts remain in Perth Amboy, down from several hundred in late 1981, when the crackdown started, Polaka said.

CHAIRMAN'S NOTIFICATION TO THE SENATE OF A CROSSWALK CHANGE FOR THE RESERVE FUND

Mr. DOMENICI. Mr. President, pursuant to section 2(c) of the first budget resolution for fiscal year 1984 (H. Con. Res. 91), I hereby report to the Senate on behalf of the Committee on the Budget an adjusted allocation to the Committee on Finance under section 302(a) of the Congressional Budget Act. The details of this adjustment are contained in the following letter from the Committee on the Budget to the Committee on Finance.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., September 28, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of an adjustment in the spending totals allocated to your Committee under the First Budget Resolution for fiscal year 1984 (H. Con. Res. 91). This adjustment is made pursuant to section 2(c) of the First Budget Resolution dealing with reserve programs.

In accordance with section 302(a) of the Congressional Budget Act, the budget authority and outlay totals in the First Budget Resolution were allocated among the committees of the Senate. These allocations, contained in the statement of managers accompanying the conference report on the First Budget Resolution, excluded amounts set aside in a budget reserve for identified new initiatives in domestic programs.

Section 2(c) of the First Budget Resolution provides that the amounts in the budget reserve are to be allocated to the appropriate committees of the Senate upon enactment of authorizing legislation or at the point the Senate proceeds to consider entitlement or other direct spending legislation. The programs in the budget reserve and the amounts in the reserve fund for each program are set forth in the statement of managers accompanying the conference report on the First Budget Resolution.

Your Committee has reported and the Senate will shortly proceed to consider S. 1887, a bill that includes an extension of federal supplemental compensation benefits for the unemployed, one of the programs contained in the budget reserve. Accordingly, the section 302(a) allocation to your Committee under the First Budget Resolution is hereby adjusted as follows:

[Dollars in millions]

	Fiscal year 1983		Fiscal year 1984	
	BA	O	BA	O
Direct spending jurisdiction:				
Original committee allocation [1]	$409,060	$389,550	$426,162	$412,088
Adjustment for Federal supplemental compensation benefits for the unemployed			1,500	1,500
Adjusted committee allocation	409,060	389,550	427,662	413,588
Entitlements funded in annual appropriation acts:				
Original committee allocation	50,408	56,303	52,863	52,929
Adjustment for Federal supplemental compensation benefits for the unemployed			1,500	1,500
Adjusted committee allocation	50,408	56,303	54,363	54,429

[1] Includes technical corrections transmitted to the committee on July 19, 1983.

The adjustment for the Federal supplemental compensation program reflects the amount for that program in the reserve fund.

Sincerely,

PETE V. DOMENICI,
Chairman.

H.R. 3263, THE MILITARY CONSTRUCTION APPROPRIATION CONFERENCE AGREEMENT

Mr. DOMENICI. Mr. President, last night, the Senate passed the fiscal year 1984 military construction appropriation bill conference agreement.

I would like to commend my distinguished colleague, Senator MATTINGLY, and the members of the military construction conference for the work they did to produce the agreement.

The conference agreement on H.R. 3263 provides $7.1 billion in budget authority and $2.3 billion in outlays for fiscal year 1984.

With outlays from prior-year budget authority and other actions completed—including the jobs bill—the Military Construction Subcommittee is $0.2 billion below its 302(b) allocation in budget authority and right on its 302(b) allocaton in outlays.

Mr. President, I ask unanimous consent that a table showing the relationship of the conference agreement to the congressional spending budget and the President's request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		4.7
H.R. 3263, conference agreement	7.1	2.3
Total for Military Construction Subcommittee	7.1	7.1
Subcommittee 302(b) allocation	7.3	7.1
Senate-passed level	7.2	7.1
House-passed level	7.0	7.0
President's request	8.7	7.3
Total compared to:		
Subcommittee 302(b) allocation	−0.2	
Senate-passed level	−0.1	−(*)
House-passed level	+0.1	+(*)
President's request	−1.6	−0.2

(*) Less than $50 million.

Note: Details may not add to totals due to rounding.

EXTENSION OF JAPANESE AUTOMOBILE IMPORT RESTRAINTS

Mr. CHAFEE. Mr. President, 3 years ago, Japan agreed to a 2-year program of so-called voluntary restraints on it automobile exports to the United States.

I say "voluntary" restraints with some irony, because this arrangement was agreed to under considerable pressure from U.S. negotiators and under the real threat that Congress would otherwise enact more drastic retrictions. Had the Japanese restraints been other than voluntary, of course, U.S. efforts would have been in violation of the General Agreement on Tariffs and Trade.

At the end of the 2 years, Japan agreed to an extension of an additional year. Now, months before the current extension expires, U.S. pressure is already intensifying for yet another extension—a 4th year.

Japanese International Trade and Industry Minister Uno's remarks several weeks ago that Japan might not extend its restraints precipitated an avalanche of protests from Members of Congress along with threats of import quotas and domestic content legislation. I understand there have been scores of letters from Members of Congress to the administration and Japanese officials and with them an abundance of hyperbolic rhetoric. One Senator scaled the oratorical heights when he declared that this "Japanese attack" was "another Pearl Harbor." Voluntary restraints, first sought as a temporary respite, are apparently now pursued as a renewable matter of right.

In my view, Mr. President, the Japanese are correct to question the expectation of perpetual protection for the American auto industry, especially in view of its dramatic recovery in recent months. It is my hope the Japanese will resist the pressure to renew the agreement, for the sake of our own dedication to free trade, for the sake of the American consumer, and for the sake of the American auto industry itself.

Let us take a look at what all the shouting is about. Between 1970 and 1980, U.S. imports of Japanese passenger cars rose from 381,338 to 1,991,503; Japanese imports captured 21.3 percent of the U.S. market. The popularity of the Japanese cars, Mr. President, is what the shouting is about.

The Japanese manufacturers were producing attractive, efficient, reasonably priced cars, and the Americans were buying them. Indeed, while American management sat back complacently planning more big cars with built-in obsolescence, the Japanese were turning out smaller, more reliable, more fuel-efficient cars, suited to the new reality of high-cost fuel. While American auto unions were demanding still higher wages for workers—who have been earning 50 percent more than the average U.S. manufacturing wage earner—Japanese auto workers were turning out cars at a rate of productivity almost two-and-a-half times that of their American counterparts.

Although one might never know it from the rhetoric surrounding this issue, there was nothing unfair about the market penetration of Japanese cars. The Japanese automakers were not benefiting from government subsidies. They were not dumping their cars below cost. They were simply offering a product that was responsive to changing consumer preferences. In fact, in 1980, when the industry applied to the International Trade Commission for protection from Japanese competition, the ITC denied relief. Competition fair and square.

Nonetheless, contending that they needed time to retool, the American auto industry succeeded in generating sufficient political support to win 3 years of import protection.

In its July 27 editorial entitled, "Ready or Not, Let Cars Compete," the New York Times said it aptly:

> Their (the automobile industry's) case could never bear much examination. More capital, effective management and union cooperation were critical requirements—not protectionism. And in any event, it was never clear why consumers should bear the burden of this adjustment while stockholders cotinued to receive dividends and workers continued to receive 50 percent more in wages than other manufacturing workers. The United States should never have forced restraints on the Japanese as long as American companies and their workers were unwilling to make comparably significant concessions.

Regardless of the justification for import restrictions, the domestic industry did make use of the time. Undoubtedly, the threat that export restraints might not be renewed induced real improvements. U.S. automakers have invested over $43 billion since 1979 in introducing new fuel-efficient

cars, in modernizing their plants, and in improving efficiency. At the same time, the industry's recent efforts also show just how indulgent it had become and just how much room there has been for improvement. For example, U.S. automakers have cut overhead to the point where their break-even point is, by some reports, 50 percent below prerecession levels. I would say a Japanese Diet certainly had some healthful effects on that kind of fat.

Labor, too, has touted its quality and productivity reforms. At a newly reopened General Motors plant in Framingham, Mass., absenteeism exceeding 20 percent over a 6-month period will now be penalized. One wonders what was tolerated before such "reforms."

American-made cars are now selling at an annual adjusted rate of 7 million, compared to last year's actual total of 5.8 million. General Motors made a profit of $1 billion in the second quarter of this year, Ford made $542 million, and Chrysler made $310 million. Domestic car production in August was up 37 percent over last August—the best August since 1978. Laid off workers are returning to the job, and manufacturers now have the small car capacity and the resources they said they needed to compete. All estimates point to sustained growth.

No productive purpose can be served by further shielding the industry from Japanese competition. I note the United Auto Workers have already seized upon the domestic auto prosperity as an opportunity to return to business-as-usual—an invitation to seek further wage increases. And 5 months before expiration of its union contract, Chrysler has acceded to a $1 billion package, increasing salary and benefits 25 percent over 2 years. By October 1985, Chrysler workers will earn $26 an hour in wages and benefits.

Although one Senator reacted to the possibility of an end to import restrictions by blasting the Japanese as being "narrow and selfish," in my view it is the American auto industry—management and labor—that is selfish, indeed greedy, not the Japanese.

It is the American industry that wants a government sanctioned shield from legitimate competition—so manufacturers can keep as much as possible of the revived automobile market to themselves, so that labor might press for still more increases, and so that the consumer will be left to bear the burden through higher prices and restricted choice.

U.S. Trade Representative Brock recently told the Joint Economic Committee that the UAW's renewed push for wage increases is inconsistent with U.S. demands for further Japanese restraints. While the simultaneous demands might make negotiations more difficult, I submit there is really nothing inconsistent about them. To the contrary, it is restraints that make higher wage demands possible. If forced to operate in a competitive marketplace, the UAW would find it much harder to get away with the excesses it demands, and management could never afford its characteristic aquiescence.

Well, Mr. President, I cannot countenance telling the people in Rhode Island, where the average wage earner makes $9 an hour, that they cannot buy the Japanese automobile they may prefer so that $22.50-an-hour, soon-to-be $26-an-hour, autoworkers can get another raise.

Make no mistake, it is the consumer who truly bears the burden of auto import restraints. It is the consumer who, if he seeks a U.S.-made car, pays for the excesses and inefficiencies quotas allow. And it is the consumer who, if he seeks a Japanese-made automobile, is hurt by the limited selection and premium prices quotas mandate.

Let me say a few words about the effect of quotas on the sale of Japanese cars in the United States.

As is their intended effect, the quotas have put Japanese-made cars in very short supply. Consumers often must look hard and wait long to purchase Japanese-made cars. The smaller economy models are especially difficult to find, as manufacturers understandably prefer to fill their quota with the more expensive, and profitable models. Beyond this, consumers are often forced to swallow an additional $1,000 to $2,000 premium above list price that dealers impose to offset the quota-reduced volume.

Truly, it is the consumer who pays—and a very hefty price it is—for auto industry protection.

Now there is one argument made by spokesmen for the industry that I would like specifically to refute. That is the argument that restraints are necessary because of the overvaluation of the dollar vis-a-vis the yen.

I agree that the dollar is too highly valued, and I also agree that this has hurt American exports and helped imports. But this problem is one which all U.S. industries face. Singling out one industry for special relief for this reason is certainly not the answer to the problem. The correct answer is to control budget deficits which do so much to keep U.S. interest rates high, leading to an over-valued dollar.

This administration, which has prided itself on an open-trade policy, has in recent months given in to political pressures for protections in a number of areas where I think protection was inappropriate. But at least in such cases as Japanese motorcycles and foreign specialty steel imports, there was the agrument that the domestic industries needed time to get back on their feet.

In the case of automobiles, the industry has had that time and by all accounts is firmly back on its feet. If protection was justified before, more protection will be counterproductive now. Competition from the Japanese has induced improvements in the American auto industry. The assurance of perpetual restraints will erode these improvements. By shielding the American auto industry from competition, we encourage the very practices that make the need for further protection an annually self-fulfilling prophecy.

Mr. President, while import restrictions may provide the protected industry a "free ride," protectionism is not without heavy cost. It comes at the expense of not only our trading partners, but also our trade relations and credibility as a free trading nation. More concretely, it comes at the real expense of the American consumer.

We have a good many legitimate concerns about Japanese trade policies and practices. But their auto exports are not among them. These exports represent fair and salutary competition. They have provided the American consumer with a choice and have shaken our own industry from its torpor, resulting in a better American car as well.

Let us not dissipate our energies and our trading partners' good will over the narrow interests of a now-healthy industry.

I urge the administration to resist the pressure for renewed auto import protection, and I pledge to fight such proposals in Congress.

FEEDING EVERYBODY—HOW FEDERAL FOOD PROGRAM GREW AND GREW

Mr. GARN. Mr. President, an interesting article recently appeared in the fall 1983 issue of Policy Review entitled "Feeding Everybody—How Federal Food Program Grew and Grew," by James Bovard.

According to the author:

This is the story of how a handful of isolated incidents became justification for vastly increasing dependency in America; how a trivial number of examples stampeded Congress into a sweeping expansion of the welfare state; how congressmen repeatedly exaggerated the extent of hunger in order to justify trying to feed everybody; and how government, even though it increased spending twentyfold, still could not achieve its original goals. This is also the story of government at loggerheads, as one program spends $18 billion a year to subsidize diets while other programs and regulations do everything possible to raise food prices, in effect preventing the poor from getting adequate nutrition as cheaply as possible.

As a cosponsor of legislation to reign in the soaring costs of the food stamp program alone, a program which by itself costs every taxpayer in this

country about $127.66, I was very interested to see that until 1980, Congress was still recruiting for participation in this program, in spite of the fact that for almost every targeted group there was already a special Federal program designed to help poor people feed themselves.

Mr. Bovard points out that: "the great myth underlying the growth of food assistance is that nutrition is largely dependent on income." Yet study after study has concluded that for the most part there is no correlation between income and nutrition. The author concludes with the observation that:

Despite a thirtyfold increase in food aid for the poor since 1955, there has been little or no improvement in their diets. Food programs have wasted billions, lured millions onto the dole, and perpetrated the myth that a low income is automatically debilitating.

Mr. President, this article should persuade all of us that there is ample room to properly care for the poor without bankrupting the Nation's taxpayers. I urge the support of my colleagues for reforming legislation, and recommend this article to all of them. I ask unanimous consent that the article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEEDING EVERYBODY—HOW FEDERAL FOOD PROGRAMS GREW AND GREW

(By James Bovard)

It was 1967. In the previous five years, the number of people receiving food stamps or surplus commodities had declined by 38 percent, the number of poor had declined by almost 30 percent, the economy was booming, and incomes were rising 2 or 3 percent per year. But the Great Society was floundering: Liberals took a beating in the 1966 congressional races, urban riots were eroding middle-class guilt, and Vietnam was beginning to overshadow domestic events. The War on Poverty, begun with such fanfare in 1964, was petering out, and the liberal agenda appeared out of gas.

And then hunger was discovered.

This is the story of how a handful of isolated incidents became justification for vastly increasing dependency in America; how a trivial number of examples stampeded Congress into a sweeping expansion of the welfare state; how congressmen repeatedly exaggerated the extent of hunger in order to justify trying to feed everybody; and how government, even though it increased spending twentyfold, still could not achieve its original goals. This is also the story of government at loggerheads, as one program spends $18 billion a year to subsidize diets while other programs and regulations do everything possible to raise food prices, in effect preventing the poor from getting adequate nutrition as cheaply as possible.

Congress first vastly overestimated the amount of poverty-related hunger, then set food assistance eligibility levels far above the poverty line, and then insisted that anyone eligible for food aid would go hungry unless government fed them. From the late 1960s to 1980, Congress continually expanded eligibility, redoubled benefits, and ordered campaign after campaign to recruit people for the dole. Yet the federal government today knows almost as little about the extent and causes of malnutrition as it did in 1967.

The history of food assistance programs since the late 1960s marks an important change in the American welfare state, from self-sufficiency as an honor and a right to government exhortations that people accept handouts and relinquish their pride. The expansion of food assistance is as much a revolution of principle as of policy.

Now one knows the total number of people government is feeding today. Federal food programs have roughly 70 million enrollees—more than quadruple the 1960 enrollment of 16 million. Families can simultaneously participate in seven food programs, and many get more from the government than self-supporting families spend on their food.

Now that the federal government has entered the "feed everybody" business, as one group after another has become eligible to eat at everyone else's expense, government takes responsibility for feeding people under 20 and over 60 regardless of their or their family's income. The cutoff income for federal food assistance for a family of four ($18,315) is now close to the median annual income for a full-time, year-round worker ($16,955 in 1981). Forty-five percent of pregnant women and infants in America are eligible for food handouts.

BAD PRECEDENT

From 1939 to 1943 the U.S. Department of Agriculture distributed food stamps to 13 million people, largely to help dispose of agricultural surpluses. The original food stamp program was chock-full of fraud and abuse; the USDA estimated that 25 percent of all coupons were abused, and the program was discontinued.

For some years afterward, the poor somehow managed to feed themselves. A 1955 USDA dietary survey found that only 25 percent of America's roughly 43 million poor had bad diets—diets containing less than two thirds of the recommended daily allowance for essential nutrients. Seventy-five percent of the poor provided themselves with adequate diets even though only a third were on public assistance.[1]

Nevertheless, in 1958 sixteen bills were introduced in Congress to bring back food stamps. At 1958 House Agriculture Committee hearings, during the worst recession since World War II, Representative Victor Anfuso (D.-New York), apparently going for the headlines, declared, "* * * ten million people in the United States * * * have inadequate incomes to buy the food they need * * *"[2] Representative George McGovern urged a food stamp program to provide benefits to 7 million or 8 million poor folk. There was no feeling among the committee or witnesses that tens of millions of Americans needed free or subsidized food. And it was not surprising that some of the poor were having trouble buying food, since the USDA was spending more than $2 billion a year to drive up food prices through price supports, acreage allotments, cropland set-asides, and the Food for Peace program to dump surplus commodities overseas.

In 1961 President Kennedy's first executive order initiated pilot food stamp programs in West Virginia and other states. Kennedy also doubled the number of surplus commodities that government distributed to the poor; enrollment in this program jumped to 6.4 million.

Kennedy's pilot food stamp program was tightly run, included nutritional education, and required participants to buy stamps at an average of 60 percent of face value, depending on family income. When counties converted from surplus commodity distribution to food stamps, many families dropped out because they were afraid the USDA would check their incomes too closely, or because the program was no longer worth their while. In St. Louis, for example, a person simply had to declare himself needy to be eligible for free commodities.[3] A 1967 General Accounting Office report found that between 30 and 40 percent of participants in the commodity distribution program had incomes exceeding program-eligibility limits.[4] Also, many families did not want to tie up their money in food stamps even though the stamps paid on the average a 66 percent bonus over cash costs; that is, for $6 one could receive $10 worth of stamps.

There was a widespread consensus that the limited federal food assistance programs had alleviated what little severe hunger existed. Michael Harrington, the self-proclaimed socialist whose book *The Other America* did more than anything else to make poverty a public issue again, wrote in 1962, "To be sure, the Other America is not impoverished in the same sense as those poor nations where millions cling to hunger as a defense against starvation. This country has escaped such extremes." Harrington's book openly sought to inflame public opinion, but even he would not contend that America's poor were hungry.

From 1963 to 1966 the New York Times did not run a single article on hunger in America. President Johnson sought to raise his sagging political fortunes in 1966 by declaring a war on hunger, but he was concerned solely with foreign hunger, and his campaign appeared to be largely intended both to justify dumping our agricultural surpluses on the world market and to distract attention from Vietnam. In a March 1967 Look magazine article, Senator George McGovern declared, "We are losing the race against hunger," but the article dealt with world hunger and did not even mention hunger in America.

Then, in April 1967, Senator Robert Kennedy and the Senate Subcommittee on Employment, Manpower, and Poverty held hearings on the War on Poverty in Mississippi. At the time, 20 percent of Mississippians were already receiving surplus commodities or food stamps. Kennedy found examples of acute poverty and malnutrition. The Field Foundation, a nonprofit organization concerned with poverty and race relations, quickly sent a team of physicians to examine 600 children in the Mississippi Delta, and they found sufficient suffering to justify a wholesale expansion in government aid.

Now it happens that in 1967 there probably were many hungry people in the Mississippi Delta—largely because of the federal government. Most blacks there worked on cotton plantations. Wages were low, but so was the cost of living. But in 1966 agricultural labor fell under the benevolent protection of the minimum wage, which made it more attractive for many planters to harvest their crops mechanically. The USDA estimated that the expansion of the minimum wage left 40,000 to 60,000 people in the Delta with little or no cash income.[5] To ice the cake, the USDA sharply increased

Footnotes at end.

cotton set-aside payments, thus idling once-busy fields. Field Foundation physicians found many families with zero income who could not afford to pay $2 per person to get $12 worth of food stamps. Congress first wrecked the local labor economy and then was shocked that men without jobs had trouble feeding their families.

The hunger issue was heating up, but it needed more credibility to play in Peoria. The Citizens Crusade against Poverty sponsored the Citizens Board of Inquiry into Hunger and Malnutrition in the United States. The chairman of the crusade was Walter Reuther, head of the United Auto Workers. The board rounded up a handful of doctors, held hearings in Alabama, Texas, South Carolina, and Kentucky, and issued a report in April 1968 entitled "Hunger U.S.A." The report was largely anecdotal, including a picture of a scrawny dog with the caption, "Where you see a starving dog such as this one, you'll find hungry people." The report concluded with a shot-in-the-dark estimate that there were "10 million or more" Americans who could not afford adequate diets. The report offered few facts or statistics to back up its estimate. It listed 256 "hunger counties" in the United States, chosen solely on the basis of statistical data on infant mortality rates and the number of poor on the dole and food assistance programs.

A WAY OF LIFE

The Citizens Board report was the basis of a CBS documentary in May 1968, which found a few people who said they were going hungry because government would not feed them and concluded by denouncing our callous society. Dr. Raymond Wheeler of the Citizens Board announced, "Slow starvation has become part of the Southern way of life." Together, the board report and the CBS documentary made hunger a national issue.

More than any other single document, the board report was responsible for the food assistance explosion. It is surprising that the report was so respected. It used infant mortality figures from 1951 to 1960 even though statistics for 1965 were available. It contrasted the number of poor in 1960 with the number getting food assistance in 1967 even though the number of poor had declined by 12 million in the interim.[6] In 1968 House hearings Dr. Leslie Dunbar, cochairman of the board, said that only about half of the "hunger counties" had food assistance programs; in fact 194 of 256 did. Under questioning, board physicians admitted that their estimates were hypothetical and defended numerous inaccuracies and mistakes by saying that the report was a rush job and that the important thing was for Congress to act immediately. Much of the suffering the board attributed to malnutrition due to hunger was actually due to parasites.

Nationwide, many localities were amazed to find themselves designated hunger counties. The Milwaukee Journal on May 25, 1968, after investigating reports that Sawyer County, Wisconsin, was a hunger county, concluded, "In talks with a variety of residents, no one could be found who believes this to be true." The chairman of the House Agriculture Committee, Robert Poage, wrote to health officers in each of the 256 so-called hunger counties, and almost all responded by reporting little or no known hunger or malnutrition due to poverty. Even under the guidance of Secretary Orville Freeman, a New Deal liberal, the USDA in 1967 contended that only 6.7 million of the poor—not 10 million, as estimated by the Citizens Board—had bad diets or would have had bad diets in the absence of food programs.

The board's reasoning was epitomized by a statement by Dr. Dunbar. After observing that only 18 percent of the nation's 30 million poor were getting federal food handouts, Dr. Dunbar concluded, "We cannot assume that any of the remaining poor—those on neither program [food stamps or commodity distribution]—are getting food." [7] This little gem of logic became the guiding light for food assistance for the next decade.

But what was the dietary status of the poor in the mid-sixties? In February 1968 the USDA released results of its 1965 dietary survey, showing that 64 percent of the poor had good or adequate diets. The number of poor with bad diets increased from 25 percent in 1955 to 36 percent in 1965 despite sharp increases in public assistance enrollments. The two nutrients in which the poor were the most deficient were vitamin C, supplied by fresh fruits and vegetables, and calcium, supplied by milk. The New York Times reported on March 27, 1968, that the "downturn in nutritional value was attributable largely to a national turning away from milk and milk products, fruits and vegetables."

And why should that have occurred? USDA marketing orders kept the price of fruits and vegetables high, and price supports helped inflate the cost of milk. In fact, the same year that the dietary survey showed that 36 percent of the poor had calcium deficencies, the USDA effectively ended the sale of reconstituted milk. Dairies had previously mixed milk powder, butterfat, and water to produce a drink that tasted like milk but cost 20 percent less because of savings in transport costs. But the USDA decreed that reconstituted milk could not be sold for less than the price of whole fluid milk, a regulation intended solely to protect dairy farmers' income and help reelect Wisconsin congressmen.

So, instead of modifying policies that artificially increased the price of nutritious foods, the government accelerated its across-the-board feeding approach. On May 6, 1969, President Richard Nixon declared, "That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable . . . The moment is at hand to put an end to hunger in America itself for all time." The programs that had remained manageable under the Johnson administration—food stamps, school lunch subsidies, and others—went into orbit during the Nixon years. President Nixon sponsored a White House conference on food and nutrition, which urged the President to declare a national emergency and give food stamps to anyone who said he needed them. In 1970 and 1971 food stamp eligibility was expanded; in 1973 legislation was passed mandating that every jurisdiction in the United States offer food stamps by June 1974.

SWALLOWING PRIDE

Even though food stamp enrollment quadrupled between 1968 and 1971, Congress mandated an outreach program for states to recruit people for food stamps. A USDA magazine reported that food stamp workers could often overcome people's pride by saying, " 'This is for your children' * * * the problem is not with welfare recipients but with low-income workers: It is this group which recoils when anything even remotely resembling welfare is suggested." By early 1972 the magazine could announce, "With careful explanations * * * coupled with intensive outreach efforts, resistance from the 'too prouds' is bending. More and more are coming to the conclusion that taking needed assistance does not mean sacrificing dignity." [8] But according to USDA surveys, most of the poor did not need federal aid to have an adequate diet.

In March 1972 President Nixon announced Project FIND to locate and recruit 3 million elderly poor for food assistance. Despite mass mailing of information to almost 30 million retirees, and despite home visits and telephone campaigns by 36,000 Red Cross volunteers, only 190,000 elderly signed up. The GAO found that in most countries surveyed, recruiting efforts enticed fewer than 3 percent of the elderly poor onto the food dole.[9] Apparently, many felt that despite having been labeled poor by some bureaucrat, they could feed themselves.

In 1973 the Senate Select Committee on Nutrition and Hunger Needs, chaired by George McGovern, released Hunger 1973, a report intended as "a profile of the half-full, half-empty plate which the federal food programs represent to the nation's poor * * * after reaching the halfway mark * * *." The report observed, "Whether the real poverty count is 25, 26, or even 30 million persons, the fact that only 15 million of the poor participate in any food assistance program * * * indicates that the hunger gap is far from closed either for the country or the individuals concerned." The New Republic editorialized "* * * almost half (48%) of the poor still do not receive adequate food * * * 12.7 million people who ought to be getting either food stamps or commodities have not been." [10] The Senate Select Committee published a list of "failure to feed" counties in which fewer than a third of the poor were on food doles. This sufficed for evidence of the committee's claims of widespread hunger.

In five years the definition of hunger changed from insufficient food to low income and no federal food handout. Even though the USDA reported that almost two thirds of the poor did not have bad diets, congressmen insisted that any poor person not being fed by the government must be hungry and malnourished. A radical change occurred in the concept of the poor. No longer people who occasionally needed a helping hand, they became a social class by definition incapable of feeding itself. The fixation on food program enrollments is even more surprising, considering that many of the poor not enrolled were receiving some other kind of public assistance intended to help cover food costs, such as Aid to Families with Dependent Children.

In 1974 the Senate Select Committee held a conference to rescue the hunger issue from oblivion. Conference participants agreed that despite a fourfold increase in federal food aid since 1968, "we have moved backwards in our struggle to end hunger, poverty, and malnutrition." The New York Times gave the conference a front-page headline: "U.S. Needy Found Poorer, Hungrier than Four Years Ago." [11] Even though food stamp enrollment had zoomed from 3 million to 16 million and the number of poor was roughly the same, things had somehow worsened. As usual, the evidence was anecdotal, with no nationwide survey to back up claims.

In 1974 the Food Research and Action Center, a federally funded lobby, successfully sued USDA to require the agency to increase its food stamp outreach efforts. The

USDA suggested sending food stamp workers to unemployment offices to distribute leaflets, and in Pennsylvania food stamp aides went to supermarkets to hustle shoppers. By 1976 twelve states had conducted door-to-door recruiting campaigns, and seventeen had conducted telephone campaigns. Door-to-door food stamp advertising became a favorite project for Comprehensive Employment and Training Act (CETA) workers.

In Wisconsin 2,000 copies of the Food Stamp Nursery Rhyme Coloring Book were distributed. In Kentucky a traveling puppet show told folks how and why to sign up for benefits. The USDA enlisted Dustin Hoffman, Joyce Brothers, Count Basie, and other notables to do promotional radio spots for good stamps and the national school lunch program.

GRILLED STEAKS

A typical 1975 USDA brochure announced, "You are in good company. Millions of Americans use food stamps." A leaflet distributed in Maryland and paid for by the federal government showed a gaunt face on the cover with the question, "Did you know some people would rather starve than seek help * * *" On the inside, the brochure said, "pride never fills empty stomachs * * * Are you one of thousands of Maryland residents who * * * have too much pride to consider applying for help? Then you need to know more about the Food Stamp program. Food Stamps should not be confused with charity! In fact, food stamps are designed to help you help yourself."

The Community Services Administration funded scores of local and national food stamp advocate organizations to increase enrollment in food programs. The Office of Economic Opportunity called in 1971 for community action agencies to "prick the public conscience" over the need for more food handouts, declaring, "* * * food stamps are not used as often as they ought to be, particularly by the intermediate income families among the poor." [12] Total funding for food advocacy organizations probably exceeded $100 million in the 1970s.

In 1975, when food stamp enrollment neared 20 million, public outcries over food stamp recipients who drove Cadillacs and grilled steaks broke the political sound barrier. A full-page ad in Parade magazine offered a booklet telling how people earning $16,000 a year could qualify for food stamps. The General Accounting Office reported in 1975 that 18 percent of all food stamp benefits were fraudulent or excessive.[13] The Joint Economic Committee estimated that up to 73 million Americans were eligible, and a USDA assistant secretary said that under current rules, participation could rise to 110 million. The Ford administration tried to reduce benefits sharply for half the recipients, but Congress resisted.

RIDICULOUS STIGMAS

In 1977 the purchase requirement for food stamps was abolished, and the program became a straight handout. Congressional supporters did this explicitly to increase enrollment by 3 million; the Congressional Budget Office estimated that the change would add up to $2.7 billion a year to food stamp costs. In 1977 the head of USDA's Food and Nutrition Service declared—

I'm aware that there is a welfare stigma for people who use food stamps, but it's ridiculous . . . It is, in fact, far more desirable that people meet their nutrition needs with food stamps than that they drive their cars over federally financed roads.[14]

In 1979 USDA Assistant Secretary Carol Tucker Foreman complained, "There are areas of the country and particular age groups in which participation levels are outrageously low." [15] The USDA continued trying to round up and enlist anyone who chanced to fall under eligibility guidelines. Also in 1979, Congress expanded enrollment by broadening eligibility and allowing additional deductions for medical and shelter expenses.

Between 1977-78 and 1979-80, the poor suffered another significant reduction in their calcium intakes—by an average of nearly a cup of milk per week. Calcium was already the most widely deficient nutrient among the poor in 1977, but that did not deter Congress from increasing the dairy support price from 75 to 80 percent of parity in 1977, nor did it deter President Carter from further increasing the support price on the eve of the 1980 election. Almost 40 percent of the poor do not get sufficient calcium in their diets.

Under pressure from the Reagan administration, Congress in 1981 and 1982 sought to reduce food stamp expenditures, tighten eligibility, and cut fraud. But the food stamp program will cost $1.6 billion more in fiscal year 1983 than in fiscal year 1981. Enrollment has surged from 20.6 million to 22 million, and the average monthly benefit has increased from $39.49 to $42.67. Food assistance spending has increased 34 percent since 1980 despite President Reagan's promises to cut back welfare spending.

We now have thirteen food assistance programs, including ten for children. Among them:

The Summer Feeding Program, begun in 1967, now feeds 3 million youngsters each summer. There are no income eligibility limits for this program: As long as a child lives in or visits a low-income neighborhood with a feeding site, he can have a free lunch. In 1977 the GAO reported that since centers were reimbursed by the meal, some were serving the same children five times a day. Nationwide, fraud and abuse were rampant: Contractors were collecting for nonexistent meals, adults were eating meals designated for children, and kickbacks were enriching the sponsoring organizations.[16]

The Child Care Food Program, begun in 1968, subsidizes food in day-care and other child-care centers. In 1978 Congress removed all income eligibility standards, and the program's cost quadrupled in the following four years. The GAO recently estimated that more than 70 percent of participants now come from families with incomes about 185 percent of the poverty line. The GAO also found that meals served at 62 percent of participant centers failed to meet USDA nutritional standards, and 20 percent of centers had unhealthy conditions, including vermin.[17]

The Supplemental Feeding Program for Women, Infants, and Children (WIC) provides food coupons for specific dairy, cereal, and infant formula items for pregnant mothers and children under 5 who are judged to be at "nutritional risk." The GAO reports that according to one survey of physicians, only 29 percent of WIC participants showed noticeable nutritional improvement from WIC foods, and 53 percent showed either no deficiency or no benefit.[18] The third most prevalent nutritional deficiency justifying free WIC food is obesity. Roughly 80 percent of WIC participants are already on food stamps.[19] The Commodity Supplemental Food Program serves the same clientele as WIC but provides food instead of coupons; in Washington, D.C., only about half the enrollees bother to pick up the free food.[20]

The Congregate Feeding for the Elderly, begun in 1966, provides free meals five times a week for citizens over 60, regardless of income, and for their mates, regardless of age. Along with Meals on Wheels, it fed 3 million elderly in 1982.

The School Breakfast Program serves breakfast to an average of 3 million children each school day. Congress thought that low-income families could not afford to feed their youngsters breakfast, even though 84 percent of participants come from families already eligible for food stamps. The federal government also pays 14 cents per breakfast for middle-class students who eat at school.

The National School Lunch Program serves 23 million children a day—9.9 million for free, 7 million at reduced prices, and 6 million who "pay" but still eat federally subsidized lunches. The federal subsidy per "paid" lunch amounted to $65 per middle-class child (from a family earning 185 percent of the poverty level) in fiscal 1981; the Reagan administration has since reduced the subsidy. George McGovern, Hubert Humphrey, and other liberals pushed hard in the early 1970s for a universal free lunch program, and in 1977 Congress authorized special subsidies to schools that provided free lunches for all children, regardless of income.

HUNGER HOAX

For fifteen years politicians have insisted that the main purpose of food programs is to fight hunger, and for fifteen years the programs' main effect has been to raise the incomes of tens of millions without appreciably affecting their nutrition. Liberals and the media have perpetrated a hunger hoax to justify sharply increasing the income of the welfare class.

Two thirds of the 8 million new food stamp recipients between 1968 and 1972 were public assistance recipients who were automatically added to the rolls, thanks to vigorous federal and local recruiting. Until 1977 public assistance recipients were automatically entitled to food stamps, regardless of their income. Food stamps were extended to public assistance recipients even though public assistance was already supposed to be covering or helping cover food costs. Charles Hobbs, Governor Reagan's welfare director, estimated, "In 1976 the welfare family of four received, on average, cash and in-kind benefits totalling $14,960—an amount slightly higher than the median family income in that year." [21]

Food stamps are also generally available to the unemployed, whether they quit work or were discharged. This is because the program calculates eligibility solely on present income: If a person quits a $50,000-a-year job and has few assets, he is eligible to receive food stamps the following month. The GAO estimated that 70 percent of food stamp errors stemmed from recipients' misreporting their incomes, and the USDA inspector general's office found that 30 percent of the recipients of free and reduced-price lunches were ineligible.

A 1983 GAO report found that food stamp fraud and abuse averaged a billion dollars a year. The report noted, "Officials in the states GAO visited said they had not tried to identify more overissuance cases because there have been no requirements and few financial incentives." [22] In 1980 and 1981, when roughly $2 billion in stamps was overissued through error and fraud, state gov-

ernments managed to recover only $20 million—just 1 percent of the loss.[23] In Los Angeles and New York City, people who finagled excess benefits received a single letter telling them to pay money back; there was no followup. In Washington, D.C., where 15 percent of the population received food stamps and, according to the GAO, abuse was widespread, not a single person was prosecuted for fraud between 1978 and 1980. The GAO also reported that the federally funded Food Research and Action Committee "advised food stamp recipients that they did not have to make restitution for receiving too many benefits."[24] (FRAC received $150,000 from the federally funded Legal Services Corporation in 1982 and has been given $50,000 so far this year, money it is using to help people sue the USDA and bring class-action suits to block proposed cutback in nutrition spending.) In testimony before the Joint Economic Committee in May 1983, Office of Management and Budget Director David Stockman said, "In 1981, fully 42 percent of all dollars expended on low-income benefits went to households which, when that aid was included, had incomes above 150 percent of the poverty level."

Until 1981, strikers were allowed to get food stamps immediately after going on strike. In some places, such as the Illinois coal fields, special food stamp offices were set up to handle the rush after a major walkout. Students easily qualified for food stamps until 1980; a GAO study in 1975 found that 13 percent of the students at one university were on the dole.[25]

Many farmers complain that because of food stamps it is difficult to find people willing to help harvest crops. The San Juan Journal editorialized on August 22, 1975, that the food stamp program "is cultivating, encouraging, and abetting a generation of loafers in Puerto Rico." (Almost 60 percent of the island's residents were receiving food stamps.) Treasury Secretary William Simon in congressional testimony cited the views of the director of the Puerto Rico Manufacturers Association and the president of the Association of General Contractors, "who say some industries are in danger of shutting down operations because they cannot find workers. This is occurring in spite of the fact that unemployment on the island is 20 percent."[26] One 1975 study found that "recipients of food stamps with some wage income choose to work fewer hours when food stamps are available. The decrease in income from work is roughly equal to the subsidy so that the two cancel out and there is no net gain in income."[27]

The farcical work registration requirements are another example of how income redistribution masquerades as food stamps. The GAO reported in 1978 that of 620 able-bodied adult food stamp recipients required to register for work, only three actually got jobs.[28] Until 1981 the only penalty for refusing to work was suspension of benefits for thirty days. Thus someone could refuse a job and still get benefits every other month; his or her family was entitled to receive benefits even though the head of the household refused work. The USDA is known for being rough on its workers; the GAO noted, "Merely showing up at the worksite constituted compliance with the workfare obligation."[29] Federally funded legal service programs often sue local governments to stop food stamp work programs.

WHERE DOES THE MONEY GO?

Federal food programs largely replace food that people would have bought for themselves. A Congressional Budget Office study found that a dollar's worth of food stamps increased a family's food expenditure by only 57 cents; the other 43 cents simply replaced money the person would have spent on food anyway.[30] A recent study of Supplemental Security Income recipients whose food stamp allotments were cashed out found that each additional dollar of food stamp payments increased food purchases by only 14 cents.[31]

Despite a thirtyfold increase in federal spending for food assistance for the poor since 1955, there has been little or no major improvement in lower-income diets. As the table below shows, the average poor person in 1955 was already getting adequate nutrition. The poor's intake of essential nutrients in 1955 already exceeded the National Academy of Science's recommended daily allowance for 1980.

	1980 RDA	Average intake in lower income diets	
		1955	1979–80
Vitamin A	5,000 I.U.	8,120 I.U.	8,391 I.U.
Thiamin	1.4 mg.	1.58 mg.	2.07 mg.
Riboflavin	1.6 mg.	2.21 mg.	2.62 mg.
Ascorbic acid	60 mg.	94 mg.	137 mg.
Calcium	800 mg.	1.11 g.	1.05 g.
Protein	56 g.	100 g.	101.9 g.
Niacin	16 mg.	17.1 mg.	
Calories	2,700	3,180	2,897

The 1980 RDA is for males aged 23 to 50. The 1979–80 survey included other nutrients not surveyed in 1955.[32]

The Food and Nutrition Board of the National Academy of Science notes, "As there is no way of predicting whose needs are high and whose needs are low, RDA (except for energy) are estimated to exceed the requirements of most individuals, and thereby insure that the needs of nearly all are met."[33] And the USDA 1977–78 survey of low-income household diets concluded, "Food used both by households participating in the food stamp program and by those not participating was sufficient, on the average, to provide the 1974 RDA for food energy and the 11 nutrients studied."[34]

The 1979–80 study showed a sharp drop in the number of low-income households (both users and nonusers of food stamps) meeting the RDA for all nutrients and food energy—from 42 percent in 1977–78 to 39 percent in 1979–80.[35] This occurred despite a 3.6 million rise in food stamp enrollment, a 6.4 percent increase in the real value of the average food stamp benefits, and a 60 percent increase in federal monthly expenditures on food stamps (from $404 million to $642 million).

NUTRITIONALLY ADEQUATE

Further evidence of the irrelevance of food stamps to lower-income nutrition comes from a 1982 USDA study on food stamps and lower-income elderly:

After using regressional analysis to control for the effects of other variables, there were no statistically significant differences between program participants and eligible nonparticipants in the intakes of the nine nutrients studied.[36]

The 1979–80 survey of lower-income household diets revealed that the average low-income person eligible for but not using food stamps achieved the RDA for nine of thirteen nutrients; the average food stamp user met the RDA only for eight. Of those nutrients in which both groups were deficient, there was a significant difference between users and nonusers on only one—vitamin B_6 (food stamp users consumed 79 percent of the RDA, and nonusers 72 percent; nutritionists say that any diet with 70 percent of the RDA is adequate though not ideal). Nonusers had higher average intakes than food stamp users for three nutrients for which one or both groups fell short of the RDA (calcium iron, and magnesium).[37]

If federal food assistance was intended to fight hunger, then it was an abject failure, since the poor consume fewer calories now than in 1955. The decline in calorie consumption among the poor stems largely from decreased fat intake and is mainly a result of personal choice. If hunger was widespread among the poor today, they would buy more calorie-dense, fatty foods, and fewer fruits and vegetables. Scattered cases of individual hunger may exist, but it makes no sense to make 40 million people eligible for food stamps because of half a dozen families shown on the evening news.

If food stamps were necessary for the majority of the poor to feed themselves, then the poor who do not use food stamps would not eat as well as those who do. In fact, a 1967 USDA study showed little difference in the nutritional status of food stamp users and nonusers of similar income and background. A 1972 USDA Consumer Expenditure Diary Survey reported that food stamp households "spent approximately four times as much for nonalcoholic beverages (excluding fresh whole milk) than did non-food stamp households"—largely for soft drinks. Kenneth Clarkson observed in his 1975 book, Food Stamps and Nutrition, that food stamp recipients frequently buy more sweets and convenience or packaged foods instead of fresh fruits and vegetables and dairy products. The 1977–78 USDA survey of low-income household diets found that food stamp participants consumed more luncheon meats, sausages, soft drinks, cereals, and fruit punches than nonparticipants; low-income nonusers ate more eggs, tomatoes, dark-green vegetables, and grain mixtures.[38]

The National School Lunch Program receives $3 billion a year in federal money to provide one third of the recommended daily allowance for schoolchildren. But the GAO has repeatedly pointed out that the government's lunches do not even meet the government's standards. In 1977 the GAO noted, "The absence of any indication that the program is having a benefit upon the health of either needy or nonneedy children raises questions about the nutritional value of the lunch."[39] In 1978 the GAO reported that lab tests found that a random sample of school lunches "were significantly short in as many as 8 of the 13 nutrients tested . . . Separate tests in New York showed that at least 40% of the lunches did not meet USDA requirements as to quantities served."[40] In a 1981 followup, the GAO concluded, " . . . all types of lunches fell short of providing the recommended levels of many as 7 of the 14 nutrients tested, some to a serious extent."[41]

INEFFECTIVE

Nor has the school breakfast program proved its salt. The American Journal of Public Health reported in 1978 that only two studies of the school breakfast program had reported beneficial effects; five others had found no difference.[42]

The GAO's conclusion on WIC was that "reliable assessments of its overall results and benefits have not been made."[43] Dr. George Graham of Johns Hopkins University told the Senate Agriculture, Nutrition, and Forestry Committee in 1982 that ". . .

most of the apparent benefits of the WIC program are the result of its usefulness in increasing utilization of prenatal and pediatric health services by some groups who habitually do not make regular use of them."[44] Since families of four with incomes up to $18,318 are eligible, most participants either get food stamps already or can afford to feed themselves. And more than 81 percent of recipients share WIC food with the family, thus minimizing nutritional effect on the pregnant woman and young child.

While government is doling out free food worth billions, federal efforts at nutritional education have been a singular failure. The USDA spent millions of dollars a year on nutrition education between 1955 and 1965, when American diets sharply deteriorated. The GAO reported that conflicting federal regulations on food labeling contribute to consumer confusion on healthy eating habits and that "federal efforts to inform the public [about nutrition] are sometimes unduly complex, duplicative, and contradictory."[45] Instead of teaching people how to get their money's worth out of their food dollars, government tries to rain perpetual subsidies upon them with the vague hope that they will eat better.

A recent New York Times editorial, entitled "Poorer, Hungrier," cited a list of statistics on infant mortality, short-statured 4-year-olds, and declining school lunch enrollment. The editorial naturally concluded, "Given what's happening to the hungry in America, this administration has cause only for shame."[46]

For a decade and a half, food politics has been dictated by fear of shame—by the dread that somewhere, somehow, some journalist will find a child with a bloated stomach and provoke another national uproar. Liberals still have close to no understanding of how programs actually work. The Times castigated President Reagan for wanting to trim the Child Care Food Program by over 25 percent. Yet over 70 percent of the benefits go to families with incomes above 185 percent of the poverty line. The Times says of WIC, "Nine million needy women and children are eligible for the program"—as always, eligibility in itself is taken as proof of need. Yet families of four with annual incomes of $18,315 are eligible; that figure is roughly equal to the national median for full-time, year-round workers.

The news media are repeating the same errors that they made ten and fifteen years ago. There is still a rush to portray all lower-income people as being in dire need and incapable of feeding themselves. Even though food stamp enrollment has increased by 2 million since President Reagan took office, popular accounts portray budget cuts as threatening millions with starvation.

Food policy has been shaped by waves of hysteria, by rarely verified accounts of elderly people who eat dog food, and by politicians competing to appear generous. Politicians have another motive besides: By raising eligibility levels, they have helped dispose of government's embarrassing agricultural surpluses. Politicians have long acted as though government can feed people better than people can feed themselves. Programs like school lunches continued growing despite repeated proof that government meals fail to provide good nutrition at least as often as—and for the nonpoor, more often than—private meals.

The Congressional Budget Office, which is staffed largely by liberal Democrats, conceded in 1980:

Despite some limited cases of severe malnutrition found by the Senate Subcommittee on Employment, Manpower, and Poverty in the Mississippi Delta in 1967, statements that severe malnutrition exists on a national scale have never been documented, even during the early years of the "War on Poverty" programs.[47]

"Ten million" was the rallying cry of the late sixties; but since almost twice as many poor people had good or adequate diets as had bad diets in 1965, it is likely that at least half of the 10 million poor with bad diets ate badly because of habit rather than sheer need. And of those, several million were probably already receiving food stamps and surplus commodities. Thus, although in 1968 there may have been 2 million or 3 million people with poor diets who were not receiving federal food assistance, Congress responded by increasing food stamp enrollment by 20 million and increasing nutrition spending twentyfold. Yet malnutrition still exists, and it will exist as long as eating is a matter of individual choice. In diet, as in everything else, some people will always make bad decisions. We cannot end malnutrition without ending people's control over their own diets.

CHARADES

Pulitzer-prize-winning journalist Nick Kotz wrote in 1969 that "hunger provided a meaningful new metaphor for the issue of poverty in affluent America * * *"[48] Liberals realized in the late 1960s that handouts had lost their appeal to the majority; a new cover was needed for increasing redistribution. Thus the myth of mass hunger was born—largely as a tactical move to evade the backlash against the Great Society. Probably many of the people clamoring for massive increases in the late 1960s sincerely believed that more free food was really needed. But many others—especially some of the leaders—were probably aware of the charade.

Proof that redistribution alone was the main motivation is that the programs continued expanding long after they had reached the levels that proponents originally said would end hunger in America. Office of Economic Opportunity Director Sargent Shriver said in 1967, when the federal government spent roughly $700 million on food assistance, that another billion dollars would be sufficient to end the problem. Another billion dollars was appropriated, and then another, and still another—and yet the more money spent, the hungrier the poor supposedly became. Eventually, only government provision of a full diet for all citizens with low incomes was seen as satisfactory.

The issue of mass hunger has emotionalized and muddled American politics for the past sixteen years. It is easy to understand why politicians and much of the media cling to the myth: If it were widely recognized that most of the poor are not severely deprived and not tottering on the edge of starvation and not utterly helpless, the rationale for a vast array of welfare programs would disappear. Politicians made a mockery of the definition of need and denigrated the poor in order to expand the pork barrel. We now have a hodgepodge of ineffective food programs because congressmen believe they can win votes by supporting subsidies for people who can feed themselves.

If government is resolved to take care of everyone, it would make far more sense to fight malnutrition than hunger. Hunger can usually be rectified by individual effort, but malnutrition is more often the result of ignorance or sheer poverty. The Congressional Budget Office noted in 1980 that "specific nutrients could be added to children's diets through targeted fortification schemes. Vitamin fortification could provide for 100% of a child's RDA for less than $3 a year in ingredient costs."[49] In 1975 Stanley Lebergott wrote in *Wealth and Want*, "Fifty dollars worth of milk plus vitamin pills annually would bring every poor family up to the U.S. nutrition average."[50] Indeed, passing out vitamin pills to the poor would be far cheaper and more effective nutritionally than current programs and would not destroy anyone's incentive to provide for himself.

Charles Schultze, President Carter's chief economic adviser, estimated in 1971 that federal agricultural policies add 15 percent to the retail cost of food. Journalist Nick Kotz observed in his 1969 book, *Let Them Eat Promises*, that the Food and Drug Administration and the USDA prohibit domestic marketing of many super-enriched food products being marketed by American corporations in Third World countries. The FDA prohibits manufacturers from adding nutrients to candy and soft drinks—or to any other food that in its opinion lacks "nutritional logic" to justify the enrichment.[51]

DEBILITATING DEPENDENCE

The working and elderly poor who are too proud to go on the dole are caught in a crossfire as social workers beg them to abandon their independence while politicians destroy the purchasing power of their food dollar. It is farcical to hear politicians sobbing over the poor's plight while they try to raise food prices by hook or by crook or by PIK. George McGovern, the leading advocate for increased food assistance during the 1970s, pushed high price supports for almost all commodities. Though he was generous to the poor who surrendered their independence and went on the dole, he showed no sympathy for low-income families who tried to feed themselves.

There are probably still a handful of hungry people in the United States despite the federal government's efforts to foist food on them. But the answer is not to increase food assistance—if that would abolish hunger, then hunger would have become extinct long ago. Many of the stories in the press about hungry kids deal with families who get food stamps or other food aid but fail to budget properly. When individual irresponsibility or imprudence is the cause of hunger, it makes more sense to provide soup kitchens rather than a month's worth of food stamps. National policy should not turn on the most sensational examples the evening news team can find.

The great myth underlying the growth of food assistance is that nutrition is largely dependent on income. But in 1955—when half the poor lived in rural, non-metropolitan areas—the Household Food Consumption Survey found, "In farm diets, most nutrients other than ascorbic acid were little affected by income."[52] The CBO concluded in 1977, "It still remains unclear if increased food purchases * * * means improved nutritional status."[53] The great majority of bad diets, now as in 1955, are due to ignorance and bad habit, not low income.

The astounding thing about the growth of food aid is that for almost every targeted group, a federal program already existed to help the poor feed themselves. Most of the surge in the food stamp program in the late sixties and early seventies came from automatically enrolling the recipients of public

assistance—a program that was supposedly helping the poor buy food. Throughout the 1970s, Congress strove to increase food stamp enrollment among the elderly, whose increased Social Security benefits were supposedly justified by their need for a decent standard of living. (And in 1974, Supplemental Security Income payments were added to give a decent income to any elderly who missed the Social Security bonanza.) Food stamp advocates insist that food stamps are vital for the unemployed—for whom unemployment compensation benefits were created in 1935, specifically to prevent them from going hungry. Either food stamps are unnecessary for the vast majority of recipients, or every other major federal assistance program is a failure.

The other food assistance programs—from WIC to school lunches to school breakfast to child care—feed people who either are already eligible for food stamps or do not need a handout to feed themselves. We can be humanitarian without paying for eight meals a day for poor people. If Congress cannot summon the courage to tighten the food stamp program, it should at least end duplicate benefits and abolish food handouts for anyone above the poverty line. Taxpayers should not be coerced to feed those who can feed themselves.

Hunger has become an issue to conjure with—a political magic wand to mesmerize the public's critical faculties. Despite a thirtyfold increase in food aid for the poor since 1955, there has been little or no improvement in their diets. Food programs have wasted billions, lured millions onto the dole, and perpetrated the myth that a low income is automatically debilitating.

FOOTNOTES

[1] USDA, "Household Food Consumption Survey," 1955

[2] House Committee on Agriculture, "Food Stamp Program, 1958, p. 1.

[3] House Committee on Agriculture, "Amend the Food Stamp Act of 1964," 1968, p. 28.

[4] GAO, "Review of Distribution of Government-Donated Food Commodities in Selected Countries in Pennsylvania," 1967, p. 1.

[5] Senate Committee on Labor and Public Welfare, "Hunger and Malnutrition in America," 1967, p. 131.

[6] Census Bureau figures.

[7] House Education and Labor Committee, "Malnutrition and Federal Food Service Programs," 1968, p. 1132.

[8] USDA, "Food and Nutrition," February 1972.

[9] GAO, "Effectiveness of Project FIND," 1974, p. 12.

[10] New Republic, May 26, 1973. The magazine editorialized on October 31, 1971, that "at least 11 million are going hungary" because eligible poor were not on the food dole.

[11] New York Times, June 20, 1974, p. 1.

[12] Office of Economic Opportunity, "The Food Stamp Program and How It Works," 1971, pp. 18, 41.

[13] GAO, "Observations on the Food Stamp Program," 1975, p. iii.

[14] USDA, "Food and Nutrition," August 1977, p. 3.

[15] USDA, "Food and Nutrition," April 1979, p. 4.

[16] GAO, "The Summer Feeding Program—How to Feed the Children and Stop Program Abuses," 1977, p. i.

[17] GAO, "Child Care Food Program: Better Management Will Yield Better Nutrition and Fiscal Integrity," 1979, p. ii.

[18] GAO, "Special Supplemental Program for Women, Infants, and Children—How Can It Work Better?" 1979, p. 38.

[19] USDA estimates that 975,000 food stamp households also receive WIC; the average WIC household has two members; thus, roughly 1.95 million of the 2.4 million WIC recipients also receive food stamps.

[20] Washington Post, July 12, 1982, p. B1.

[21] Harper's, February 1980, pp. 22, 24.

[22] GAO, "Need for Greater Efforts to Recover Costs of Food Stamps Obtained through Error or Fraud," 1983, p. ii.

[23] Ibid., p. 29.

[24] Ibid., p. i.

[25] GAO, "Student Participation in the Food Stamp Program at Six Selected Universities," 1976, p. i.

[26] Senate Select Committee on Nutrition and Human Needs, "Food Stamps: Statement of William Simon," 1975, p. 21.

[27] "Food Stamps and Nutrition," by Kenneth Clarkson (American Enterprise Institute, 1975), p. 4.

[28] GAO, "Food Stamp Work Requirements—Ineffective Paperwork or Effective Tool?" 1978, p. i.

[29] GAO, "Insights Gained in Workfare Demonstration Project," 1981, p. 4.

[30] Congressional Budget Office, "Food Stamps—Income or Food Supplementation?" 1977, p. xiv.

[31] USDA, "Food Stamp SSI/Elderly Cashout Demonstration Evaluation," Vol. 1, 1982, p. vii.

[32] USDA, "Dietary Levels of Households in the U.S.," Report No. 6, Table No. 3, 1957; USDA, "Food Consumption and Dietary Levels of Low-Income Households," November 1979—March 1980, unpublished research results from the Human Nutrition Information Service, USDA. In 1955 there were significant differences between $2,000-$2,999 and under-$2,000 income groups in protein (93g.), vitamin A value (7,000 I.U.), and ascorbic acid (81 mg.). But the poorer group was not hungrier, as they consumed more calories than did the $2,000—$2,999 group (3,210 vs. 3,180).

[33] National Academy of Science, Food and Nutrition Board, "1974 Recommended Daily Allowance," 1974, p. 3.

[34] USDA, "Food Consumption and Dietary Levels of Low-Income Households," Report No. 8, 1981, p. 2.

[35] USDA, "Food and Nutrient Intakes of Individuals in 1 Day, Low-Income Households, November 1979—March 1980," Table 3.01, 1982.

[36] USDA, "Food Stamp SSI/Elderly Cashout Demonstration Evaluation," Vol. 1, 1982, p. vii.

[37] USDA, "Food Nutrient Intakes of Individuals in 1 Day Low-Income Households, November 1979—March 1980," 1982.

[38] Ibid.

[39] GAO, "The National School Lunch Program—Is It Working?" 1977, p. iii.

[40] GAO, "How Good Are School Lunches?" 1978, p.i.

[41] GAO, "Efforts to Improve the School Lunch Program—Are They Paying Off?" 1981, p. i.

[42] American Journal of Public Health, May 1978, p. 481.

[43] GAO, Speical Supplemental Program for Women, Infants, and Children—How Can It Work Better? 1979, p. ii.

[44] Senate Committee on Agriculture, Nutrition, and Forestry, "Reauthorization of the Food Stamp Program," 1982, p. 238.

[45] GAO, "Informing the Public about Food—A Strategy Is Needed for Improving Communication," 1982, p. 6.

[46] New York Times, April 10, 1983, p. E20.

[47] Congressional Budget Office, "Feeding the Children—Federal Nutrition Policies in the 1980s," 1980, p. 15.

[48] Nick Kotz, "Let Them Eat Promises," 1969, p. 147.

[49] CBO, "Feeding the Children," pp. xx—xxiii.

[50] Stanley Lebergott, "Wealth and Want," p. 82.

[51] Code of Federal Regulations, § 104.20.

[52] USDA, "Dietary Levels of Households in the U.S.," 1957, p. 2.

[53] Quoted in Food Stamps and Commodity Distribution Amendments of 1981, Senate Committee on Agriculture, Nutrition, and Forestry, p. 180.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:41 a.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

At 3:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 602. A bill to provide for the accurate broadcasting of accurate information to the people of Cuba, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate::

S. 216. An act to amend title 18, United States Code, to combat, deter, and punish individuals who tamper with household products with intent to cause personal injury, death, or other harm, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2780) to extend and amend the provisions of title 31, United States Code, relating to the general revenue-sharing program; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BROOKS, Mr. WEISS, Mr. CONYERS, Mr. LEVIN of Michigan, Mr. MACKAY, Mr. TOWNS, Mr. HORTON, Mr. WALKER, and Mr. MCCANDLESS as managers of the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the

disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984; it has receded from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 9, 10, 11, 13, 14, 16, and 20 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

At 5:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

HOUSE MEASURES PLACED ON THE CALENDAR

Under the authority of the order of the Senate of September 28, 1983, the following joint resolution was read twice by unanimous consent, and placed on the calendar.

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 1765) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes (Rept. No. 98-251).

By Mr. DOLE, from the Committee on Finance:

Special report regarding allocation of funds pursuant to the Budget Act (Rept. No. 98-252).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. RES. 218. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1762.

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 1837. A bill to designate the Federal Building in Seattle, Wash., as the "Henry M. Jackson Federal Building."

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment and an amendment to the title:

S. 552. A bill to designate the Federal Building in Fort Meyers, Fla., as the "George W. Whitehurst Federal Court Building."

By Mr. TRIBLE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 1852. A bill to extend the expiration date of the Defense Production Act of 1950.

DEFENSE PRODUCTION ACT EXTENSION

● Mr. TRIBLE. Mr. President, in view of the short time available to the Congress to extend the Defense Production Act, which expires September 30, the Banking Committee has reported S. 1852 without a formal report. In order that Members may be informed of the Banking Committee's action on the bill, I would like to ask unanimous consent that a summary of the committee's action on S. 1852 be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY AND EXPLANATION OF S. 1852, THE DEFENSE PRODUCTION ACT

I. HISTORY OF THE LEGISLATION

On September 19, 1983, Senator Trible introduced S. 1852, which was referred to the Committee on Banking, Housing and Urban Affairs. Due to the non-controversial nature of the legislation and the need for prompt enactment before the September 30 expiration of the Defense Production Act, the Committee agreed, through a poll of its members to report the bill.

II. PURPOSE OF THE LEGISLATION

The purpose of S. 1852, the Defense Production Act Extension of 1983, is to extend the expiring titles of the Defense Production Act of 1950 for a period of 5 years from the present termination date of September 30, 1983 until September 30, 1988. These titles provide the sole authority for a number of programs designed to maintain the national defense industrial production base in peacetime, prepare mobilization programs and provide a pool of trained manpower for war production management.

S. 1852 is also intended to insure that project proposals submitted to the Committee under Sections 301, 302 and 303 of Title III of the Act are carefully evaluated in accordance with specific standards, which are established in the bill. These standards are virtually identical with those formulated by the Defense Department for the Department's use in developing project proposals. Inclusion of these standards in the bill will insure that DOD, and all other agencies proposing to use Title III authorities will seriously evaluate proposals using established uniform criteria. Among the criteria established in the bill for Title III project proposals is one requiring that such proposal be the most cost effective means of addressing a particular problem. The determination of cost effectiveness is intended to include, where appropriate, considerations of the availability of supplies from foreign sources, the probability for interruptions in supply, and probable impacts of such interruptions on the price of a particular commodity. The Committee understands that these evaluations involve projections of future supply, demand and other factors, and as such are not expected to be exact estimates of future costs and benefits of Title III programs.

S. 1852 also establishes a means for Congressional approval of Title III proposals to replace certain legislative veto provisions in the Act, which are no longer operable as a result of the Supreme Court's decision in Chadha v. Immigration and Naturalization Service. Under current law, loans and loan guarantees in excess of $48 million and $38 million, respectively, are subject to a legislative veto by one house of Congress. There is no provision for a legislative veto of purchase guarantees. The bill provides for all loans, loan guarantees and purchase guarantees to be approved by the Congress through the authorization process or by Joint Resolution. This change will eliminate the current uncertainty over whether these provisions of the DPA require an authorization before funds are appropriated and will insure that the expenditure of public funds for Title III programs is subject to Congressional scrutiny by the Committee before appropriations are made.

The administration's fiscal year 1984 budget request

The Administration requested $200 million in fiscal year 1984 for programs under Title III of the DPA. The Committee reviewed the program proposals submitted by the Department of Defense (DOD) and requested a thorough evaluation of these proposals by the General Accounting Office. GAO determined that the DOD projects had not been adequately justified either in terms of national security or economic benefits. Moreover, the cost-effectiveness of DPA proposals compared to other alternatives was not adequately justified for any of the nine projects, according to GAO. In summary, the General Accounting Office found that the projects submitted did not meet DOD's own self-imposed criteria. The Committee agrees with these findings. The Committee has therefore determined that action on the Administration's $200 million request for fiscal year 1984 will be deferred until such time as the Committee receives adequate justification for these or other proposals. The Committee will review with care any resubmission of the DOD's project proposals in the future.

III. SYNOPSIS OF THE LEGISLATION

Titles I, III and the non-permanent sections of Titles VII of the Defense Production Act (DPA) have regularly been renewed by the Congress. Title I provides authorizations for the Defense Priorities System, an energy priorities system and for the management of these systems. Title III authorizes the President to guarantee loans and to take other financial measures necessary to expand productive capacity and supply in the interest of national defense. Title VII prohibits discrimination against small business firms in achieving the objectives of the DPA, provides for the National Defense Executive Reserve, establishes other authorities regarding personnel carrying out programs under the Act and provides for oversight of the programs under the Act. The permanent provisions of Title VII, which are not affected by this extension legislation, authorize the promulgation of cost accounting standards to cover government contractors and permit the President to grant antitrust immunity to industrial defense purposes at the request of the President.

The remaining provisions of the Act, contained in Titles II, IV, V and VI, have not been renewed since the period following the end of the Korean War and are not affected by this extension of the Act. These standby provisions provide wartime authority for condemnation, price and wage stabilization, the settlement of labor disputes and control of consumer and real estate credit.

IV. THE NEED FOR AND EXPLANATION OF THE LEGISLATION

The Defense Production Act is the sole statutory vehicle for insuring that the Nation's industrial base is kept in a state of readiness in peacetime so that new programs may be initiated and standby programs may be expanded in the event of mobilization. The preparedness functions served by the DPA are evident in the many programs authorized by the Act. An expiration of the Defense Production Act could lead to a costly disruption of these programs which are vital to the national defense.

Impacts of the Expiration of the Defense Production Act

Highest National Urgency Priority Rated Weapons Programs

Approximately 25% of defense procurements receive the highest national urgency DX priority ratings. These programs could experience delay and setbacks in production schedules due to the slower delivery of essential materials and equipment. DX programs can include such high priority projects as the B-1 bomber, Trident submarine, the MX missile program, command-control and communcations systems, and the Abrams tank. The negative impact of the loss of priorities support for these weapon systems can severly affect our strategic posture.

Defense Priority Rated Programs

All other defense procurements receive DO priority ratings to help ensure the timely delivery of the goods and equipment and early completion of production schedules. Priorities support is extended for all military and atomic energy production and construction, foreign military assistance, and space projects. Expiration of the Act could stretch out delivery dates on all these programs. For example, the resulting slowdown in the delivery on foreign military assistance could negatively impact on our relations with friends and allies.

Deployment of Military Forces

The deployment of military forces in a major emergency would be severely hindered because the necessary transportation assets are made available for defense use under DP Act, Title I authorities. The Civil Reserve Air Fleet (CRAF), the Contingency Response Plan (CORE), and other rapid deployment plans and programs would be unable to operate without these authorities, and consequently the mobility of military forces is severely hampered.

Increased Procurement Costs

The lapse in DP Act extension or its termination would add to the costs of defense procurements because of the additional risk to the contractors in obtaining critical and scarce materials and equipment. Contracts let without priorities support could have difficulty in obtaining materials and equipment in future years especially if the economy heats up again as was the case in the late 1970's.

Transportation Strikes

Title I of the DP Act is the only Presidential authority (Section 101(b)) available to priorities transport movements in the civil economy in the event of a rail or truckers' strike. This authority was used three times in the early 1970's and its use was planned in the recent air traffic controller and railroad strikes to ensure the movement of defense goods and personnel. Its absence will severely limit the President's ability to alleviate the impacts of a national transportation strike.

Machine Tool Trigger Order Program (MTTOP)

The basic authority for the establishment and maintenance of the Machine Tool Trigger Order Program (MTTOP) is Title III of the DP Act. Without this authority the program would have to be terminated and existing standby purchase agreements would have to be cancelled. To date, thirty-five companies have been invited to participate and approximately one-third of these standby agreements have been signed (16 agreements) covering 940 items with contract values of $222 million. The program is a government/industry cooperative effort to cut mobilization lead-times by speeding delivery of machine tools essential to defense production. Cancellation of the program would set back our mobilization preparedness effort with this industry by 12 to 18 months, if a mobilization occurred.

Loss of Mobilization Preparedness Lead Time

Dismantling the DP Act priorities and allocations systems and other contingency programs would seriously hinder any mobilization effort during the first 12-18 months because of the lack of trained personnel and administrative systems between government and industry.

Critical Materials and Forging Presses

New contracts for the guayule project would be prevented and DOD's overall project would be in danger.

National Defense Executive Reserve

The 11 NDER units would have to be disbanded and the reserve membership terminated by the departments and agencies with the resulting loss of talent and experience necessary for adequate mobilization preparedness.

V. COST ESTIMATE

Enactment of S. 1852 would entail no new or different costs from those incurred in administering DPA programs in the past.

VI. REGULATORY IMPACT

This bill, the Defense Production Act Extension of 1983, does not create any new regulatory requirements within the meaning of rule XXVI, paragraph 11(b) of the Rules of the Senate. It merely extends the authority for existing regulations issued for the administration of title I priorities and allocation systems and for reporting requirements under section 705.

Existing regulatory impact, extended by this legislation, is significant. Any defense contractor or potential defense contractor may be required to perform government contracts in preference to commercial work under title I. Producers of "controlled materials," regardless of whether they hold defense contracts, are also required to set-aside a portion of their production under the Defense Materials System authorized by title I.

VII. EXECUTIVE COMMUNICATIONS

The executive branch transmitted to the Committee on Banking, Housing, and Urban Affairs, the following letter, endorsing the extension of the Defense Production Act of 1950.

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, D.C.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Defense Production Act of 1950 is the cornerstone of the present legal structure for ensuring that we are prepared to meet national emergencies requiring the mobilization of the Nation's industrial and material resources. Its continuation is essential to the national defense. Enclosure A is proposed legislation which would extend the Defense Production Act for an additional 5 years.

Title I of the Defense Production Act provides authority to require priority treatment for vital defense contracts as well as authority to allocate materials and facilities for defense programs. It is under these authorities that the Departments of Commerce, Energy, and Transportation have established specific resources priority and allocated systems. Failure to extend the Act will lead to severe and costly impacts on our weapons acquisitions and defense preparedness programs. See Enclosure B.

A 5-year extension will provide orderly programming for expansion of essential industrial capacity and resource supply projects which require several years for completion. In addition, the Administration has authority in Fiscal Year 1983 and is seeking funding in Fiscal Year 1984 to carry out the purposes of Title III of the Act. This funding will help to expand productive capacity and supply beyond levels needed to meet civilian demand in order to reduce the time required for full mobilization.

The Office of Management and Budget advises that there is no objection to the submission of this proposal for the consideration of the Congress and that its adoption would be in accord with the program of the President.

Sincerely,

GEORGE JETT,
General Counsel.

VIII. COMMITTEE RECOMMENDATION

The Committee on Banking, Housing and Urban Affairs agreed, unanimously to poll S. 1852, and agreed by a vote of 18 to 0 with one abstention to report the bill favorably.

By Mr. SYMMS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes (Rept. No. 98-253).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 482. A bill to provide relief for certain desert land entrymen in the State of Idaho (Rept. No. 98-254).

S. 862. A bill to amend the act of May 31, 1962 (76 Stat. 89) (Rept. No. 98-255).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 807. A bill to amend the boundaries of the Cumberland Island National Seashore (Rept. No. 98-256).

S. 1042. A bill to convey certain lands in Lane County, Oreg. (Rept. No. 98-257).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 672. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations, and for other purposes (Rept. No. 98-258).

Mr. McCLURE, from the Committee on Energy and Natural Resources:

Special report on allocation of budget totals (Rept. No. 98-259).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 234. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 672; referred to the Committee on the Budget.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Terence A. Todman, of the Virgin Islands, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to Denmark.

FEDERAL CAMPAIGN (POLITICAL) CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Terence A. Todman.

Post: Ambassador to Denmark.

Contributions, amount, date, donee.

1. Self, None.
2. Spouse, None.
3. Children and spouses names, None.
4. Parents names, None.
5. Grandparents names, None.
6. Brothers and spouses names, None.
7. Sisters and spouses names, None.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FOR THE PERIOD JAN. 1 TO MAR. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James H. Lofton:									
Germany	Deutsche mark	1,216.18	511.00					1,216.18	511.00
United Kingdom	Pound	275.30	423.96					275.30	423.96
United States	Dollar				1,125.00				1,125.00
David E. Holliday:									
Germany	Deutsche mark	1,216.18	511.00					1,216.18	511.00
United Kingdom	Pound	275.30	423.96					275.30	423.96
United States	Dollar				1,125.00				1,125.00
Total			1,869.92		2,250.00				4,119.92

JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Apr. 5, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard B. Ladd:									
France	Franc	4,351.20	588.00			1,776	240.00	6,127.20	828.00
United States	Dollar				759.00		100.00		859.00
J. Keith Kennedy:									
France	Franc	2,900.80	392.00			1,776	240.00	4,676.80	632.00
United States	Dollar				759.00		50.00		809.00
Senator Mack F. Mattingly:									
Spain	Pesata	20,760	150.00					20,760	150.00
Italy	Lire	880,228	588.38					880,228	588.38
Frank Sullivan:									
France	Franc		490.00						490.00
Germany	Mark		450.00						450.00
The Netherlands	Guilder		255.00						255.00
Luxembourg	Franc		150.00						150.00
Belgium	Franc		82.00						82.00
United States	Dollar				2,091.64				2,091.64
James D. Bond:									
United States	Dollar				2,920.00				2,920.00
Italy	Dollar		172.00						172.00
Kenya	Pound	825	75.00					825	75.00
Kenya	Dollar		375.00						375.00
Total			3,767.38		6,529.64		630.00		10,927.02

MARK O. HATFIELD,
Chairman, Committee on Appropriations, July 21, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William E. Cresswell:									
Federal Republic of Germany	Deutsche mark		450.00						450.00
Belgium	Franc		82.00						82.00
The Netherlands	Guilder		255.00						255.00
France	Franc		490.00						490.00
Luxembourg	Franc		150.00						150.00
United States	Dollar				2,091.64				2,091.64
Senator John Tower:									
France	Franc	1,182.7	159.85					1,182.7	159.85
Carl M. Smith:									
France	Franc	6,785.80	917.00					6,785.80	917.00
Israel	Shekel		300.00						300.00
James F. McGovern:									
France	Franc	6,785.80	917.00					6,785.80	917.00
Israel	Shekel		300.00						300.00
Total			4,020.85		2,091.64				6,112.49

JOHN TOWER,
Chairman, Committee on Armed Services, July 12, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jake Garn:									
Germany	Mark	954.99	393.00					954.99	393.00
M. Danny Wall:									
Mexico	Peso	23,625	150.00					23,625	150.00
Peru	Sole	91,425	75.00					91,425	75.00
Brazil	Cruzeiro	147.073	354.00					147.073	354.00
Richard Ribbentrop:									
Spain	Peseta	20,760	150.00					20,760	150.00
Italy	Lire	880,228	588.38					880,228	588.38
Total			1,710.38						1,710.38

JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 25, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kathy L. Meier:									
France	French franc	4,986.24	672.00					4,986.24	672.00
Marilyn S. Richmond:									
Germany	German mark	780.80	320.00	4,013.80	1,645.00			4,794.60	1,965.00
Total			992.00		1,645.00				2,637.00

BOB PACKWOOD.
Chairman, Committee on Commerce, Science, and Transportation, July 14, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FOR THE PERIOD APR. 15 TO APR. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martha S. Pope:									
Botswana	Pula	507.18	474.00		2,096.00				2,570.00
Steven Shimberg:									
Botswana	Pula	507.18	474.00		2,096.00				2,570.00
Total			948.00		4,192.00				5,140.00

ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, July 13, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FOR THE PERIOD JAN. 1 TO MAR. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George W. Ashworth:									
Lebanon	Lebanese pound	2,565.64	686.00					2,565.64	686.00
Syria	Syrian pound	702.60	180.15					702.60	180.15
Jordan	Dinar	27.61	79.00					27.61	79.00
Israel	Dollar		270.00						270.00
United States	Dollar				2,227.00				2,227.00
M. Graeme Bannerman:									
Lebanon	Lebanese pound	2,565.64	686.00					2,565.64	686.00
Syria	Syrian pound	717.60	184.00					717.60	184.00
Jordan	Dinar	27.61	79.00					27.61	79.00
Israel	Dollar		270.00						270.00
United States	Dollar				2,227.00				2,227.00
Charles Berk:									
Czechoslovakia	Crown	1,527	145.50					1,527	145.50
Romania	Lei	2,812.50	225.00					2,812.50	225.00
France	Dollar		79.00						79.00
United States	Dollar				1,630.00				1,630.00
Gerald E. Connolly:									
Lebanon	Lebanese pound	2,565.64	686.00					2,565.64	686.00
Syria	Syrian pound	692.60	177.58					692.60	177.58
Jordan	Dinar	26.61	76.14					26.61	76.14
Israel	Dollar		270.00						270.00
United States	Dollar				2,227.00				2,227.00
Sheldon Himelfarb:									
West Germany	Deutsche mark	540.15	219.50					540.15	219.50
United States	Dollar				1,562.70				1,562.70
Michael Kraft:									
Lebanon	Lebanese pound	2,565.64	686.00					2,565.64	686.00
Syria	Syrian pound	717.60	184.00					717.60	184.00
Jordan	Dinar	27.61	79.00					27.61	79.00
Israel	Dollar		270.00						270.00
United States	Dollar				2,227.00				2,227.00
Alison Rosenberg:									
Zimbabwe	Kenya dollar	341	375.00					341	375.00
South Africa	Rand	406.35	387.00					406.35	387.00
Kenya	Kenya shilling	5,698.75	450.00	230	18.16			5,928.75	468.16
Kenya	U.S. dollar				134.60				134.60
Unites States	Dollar				3,111.00				3,111.00
Alan P. Safran:									
Czechoslovakia	Crown	1,527	145.50					1,527	145.50
Romania	Lei	2,812	225.00					2,812	225.00
France	Franc		79.00						79.00
United States	Dollar				1,630.00				1,630.00
Nancy H. Stetson:									
Czechoslovakia	Crown	1,527	145.50					1,527	145.50
Romania	Lei	2,812	225.00					2,812	225.00
France	Dollar		79.00						79.00
United States	Dollar				1,630.00				1,630.00
Casimir Yost:									
Belgium	Belgian franc	15,142	320.00					15,142	320.00
United States	Dollar				1,590.00				1,590.00
AMENDMENT TO 2D QUARTER 1982									
Senator Claiborne Pell:									
Israel	Skelel	5,795	270.00					5,795	270.00
Lebanon	Pound	150	30.24					150	30.24
Jordan	Dinar	29.105	84.00					29.105	84.00
United States	Dollar				1,987.00				1,987.00
AMENDMENT TO 3D QUARTER 1982									
Carl W. Ford, Jr.:									
Israel	Dollar		360.00						360.00
Syria	Dollar		240.00						240.00
Jordan	Dollar		168.00						168.00
United States	Dollar				2,108.00				2,108.00
AMENDMENT TO 4TH QUARTER 1982									
Margaret Daly Hayes:									
Honduras	Dollar		80.00						80.00
United States	Dollar				487.48				487.48
Total			9,195.11		24,796.94				33,992.05

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Apr. 27, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Charles Mathias:									
Federal Republic of Germany	Deutsche mark	208.12	86.00					208.12	86.00
United States	Dollar				871.00				871.00
France	Franc	725.20	98.00	4,700.03	635.13			5,425.23	733.13
United States	Dollar				658.00				658.00
Senator Claiborne Pell:									
United Kingdom	Pound	113.10	180.07					113.10	180.07

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland	Franc	612.55	295.91					612.55	295.91
United States	Dollar				662.00				662.00
Broadus Bailey:									
Japan	Yen	171,386	714.11					171,386	714.11
China	Yuan	747.72	375.74					747.72	375.74
Hong Kong	U.S. dollar		94.27						94.27
United States	Dollar				2,167.37				2,167.37
Alex Gliksman:									
Belgium	Franc	8,008	166.00					8,008	166.00
Switzerland	Franc	535	258.00					535	258.00
United Kingdom	Pound	197.07	294.00					197.07	294.00
United States	Dollar				1,195.00				1,195.00
Margaret Daly Hayes:									
El Salvador	Colone	1,613.5	413.70					1,613.5	413.70
Mexico	Peso	22,519.8	155.30					22,519.8	155.30
United States	Dollar				715.74				715.74
Barry Sklar:									
El Salvador	Colone	1,658	425.12					1,658	425.12
Mexico	Peso	19,575	135.00					19,575	135.00
United States	Dollar				715.74				715.74
Casimir Yost:									
France	U.S. dollar				1,563.00				1,563.00
AMENDMENTS TO 1ST QUARTER 1983									
Senator Christopher Dodd:									
Mexico	Peso	33,525	225.00					33,525	225.00
El Salvador	Colone	676.76	180.47					676.76	180.47
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeiro	40.771	157.00					40.771	157.00
United States					3,965.85				3,965.85
Senator Paul E. Tsongas:									
Egypt	Pound	376	376.00					376	376.00
Israel			570.00						570.00
Jordan			79.00						79.00
United States					2,000.00				2,000.00
Dennis Kanin:									
Egypt	Pound	376	376.00					376	376.00
Israel			570.00						570.00
Jordan			79.00						79.00
United States					2,000.00				2,000.00
AMENDMENTS TO 3D QUARTER 1982									
Senator S. I. Hayakawa:									
Liberia	U.S. dollar		26.00						26.00
Kenya	Shilling	634.65	58.00					634.65	58.00
South Africa	Rand	279.54	246.00					279.54	246.00
Zimbabwe	Dollar	170.84	225.00					170.84	225.00
Botswana	Pula	68	62.00					68	62.00
United States	Dollar				3,956.00				3,956.00
Patricia White:									
Liberia	U.S. dollar		46.00						46.00
Kenya	Shilling	634.65	58.00					634.65	58.00
South Africa	Rand	279.54	246.00					279.54	246.00
Zimbabwe	Dollar	170.84	225.00					170.84	225.00
Botswana	Pula	59	54.00					59	54.00
United States	Dollar				3,956.00				3,956.00
AMENDMENT TO 1St QUARTER 1982									
Chris Manion:									
Costa Rica			35.00		190.80				225.80
United States					444.66				444.66
Tobias Seggerman:									
West Germany	Deutsche mark	580.56	246.00					580.56	246.00
Total			7,980.69		25,696.29				33,676.98

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, July 22, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), ON SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Barry Goldwater			924.00		1,427.00				2,351.00
William W. Quinn			924.00		1,427.00				2,351.00
Robert R. Simmons			924.00		1,427.00				2,351.00
Total			2,772.00		4,281.00				7,053.00

BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, June 30, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, AMENDED REPORT, FOR TRAVEL FOR THE PERIOD OCT. 1 TO DEC. 31, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kathy Zebrowski:									
Switzerland	Swiss franc	1,927.05	891.00	137.40	62.81			2,064.45	953.81
Federal Republic of Germany	Deutsche mark	600	250.00	311	124.40			911	364.40
Total			1,131.00		187.21				1,318.21

STROM THURMOND,
Chairman, Committee on the Judiciary, June 15, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Arnold Leibowitz:									
Lebanon	Lebanese pound	886.20	210.00					886.20	210.00
Israel	U.S. dollar		200.00						200.00
Jerry M. Tinker:									
United States	Dollar				2,083.00				2,083.00
England	Pound	124.17	196.00						196.00
Total			606.00		2,083.00				2,689.00

STROM THURMOND,
Chairman, Committee on the Judiciary, June 15, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ronald Preston:									
United Kingdom	Pound	434.30	686.00					434.30	686.00
United States	Dollar				901.00				901.00
Total			686.00		901.00				1,587.00

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, July 14, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FOR THE PERIOD APR. 1 TO JUNE 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles H. Bradford:									
United States	Dollar		1,129.00		1,221.23		100.00		2,450.23
Richard F. Kaufman:									
United States	Dollar		623.00		886.00		100.00		1,609.00
David A. Smith:									
Greece	Drachma	43,433	525.00					43,433	525.00
Total			2,277.00		2,107.23		200.00		4,584.23

ROGER W. JEPSEN,
Chairman, Joint Economic Committee, July 25, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT COMMITTEE ON PRINTING, FOR TRAVEL FOR THE PERIOD MAY 8 TO MAY 11, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Oleszewski:									
Panama	U.S. dollar		320.00		828.20				1,148.20
Fletcher Herring:									
Panama	U.S. dollar		320.00		828.20				1,148.20
Total			640.00		1,656.40				2,296.40

AUGUSTUS F. HAWKINS,
Chairman, Joint Committee on Printing, June 22, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR THE PERIOD JAN. 1 TO MAR. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Mexico	Peso	22,200	150.00					22,200	150.00
Brazil	Cruzeiro	147,073	354.00					147,073	354.00
Peru	Sol	91,425	75.00					91,425	75.00
Steven Moore:									
Cuba	Dollar		220.00						220.00
Michael R. Hathaway:									
Italy	Lira	630,565	445.00					630,565	445.00
United States	Dollar				715.00				715.00
Total			1,244.00		715.00				1,959.00

HOWARD H. BAKER, JR.,
Majority Leader, June 14, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MINORITY LEADER FOR THE PERIOD JAN. 1 TO MAR. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lawton Chiles:									
Spain	Peseta	9,750	75.00					9,750	75.00
Federal Republic of Germany	Deutsche mark	737.10	315.00	213	88.38			950.10	403.38
France	Franc	535.60	79.00					535.60	79.00
United States	Dollar				4,068.50				4,068.50
Richard Brandon:									
France	Franc	2,142.40	316.00					2,142.40	316.00
Federal Republic of Germany	Deutsche mark	737.10	315.00					737.10	315.00
United States	Dollar				3,696.00				3,696.00
J. Michael Willard:									
Mexico	Dollar		225.00						225.00
El Salvador	Colone	1,170	300.00					1,170	300.00
United States	Dollar				726.85				726.85
Richard McCall, Jr.:									
Mexico	Dollar		225.00						225.00
El Salvador	Colone	1,170	300.00					1,170	300.00
United States	Dollar				726.85				726.85
Daniel Craig:									
United States	Dollar				897.81				897.81
Mexico	Dollar		225.00						225.00
El Salvador	Colone	1,170	300.00					1,170	300.00
Total			2,675.00		10,204.39				12,879.39

ROBERT C. BYRD,
Minority Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL COHEN (ARMED SERVICES) FOR TRAVEL FOR THE PERIOD FEB. 3 TO FEB. 14, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William S. Cohen:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	189,703	133.50					189,703	133.50
West Germany	Deutsche mark	209.70	170.00					209.70	170.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL COHEN (ARMED SERVICES) FOR TRAVEL FOR THE PERIOD FEB. 3 TO FEB. 14, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dan Quayle:									
Israel	U.S. dollar		390.00						390.00
Italy	Lira	126,469	43.50					126,469	43.50
West Germany	Deutsche mark	409.70	170.00					409.70	170.00
Senator Pete Wilson:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	189,703	48.50					189,703	48.50
West Germany	Deutsche mark	409.90	170.00					409.90	170.00
Drew Harker:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	379.407	267.00					379.407	267.00
West Germany	Deutsche mark	624.19	259.00					624.19	259.00
Lester Rosen:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	379,407	267.00					379,407	267.00
West Germany	Deutsche mark	409.70	170.00					409.70	170.00
Henry J. Steenstra:									
Israel	U.S. dollar		390.00						390.00
Italy	Lira	252,938	178.00					252,938	178.00
West Germany	Deutsche mark	409.70	170.00					409.70	170.00
James Dykstra:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	379,407	267.00					379,407	267.00
West Germany	Deutsche mark	409.70	170.00					409.70	170.00
Tom Daffron:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	379,407	267.00					379,407	267.00
West Germany	Deutsche mark	309.70	170.00					409.70	170.00
Wayne Arny:									
Israel	U.S. dollar		300.00						300.00
Italy	Lira	632,345	445.00					632,345	445.00
West Germany	Deutsche mark	204.8	85.00					204.8	85.00
Delegation expenses: [1]									
Israel	U.S. dollar				2,596.75		1,017.92		3,614.67
Italy	Lira				1,053.76		894.45		1,948.21
West Germany	Deutsche mark						894.45		894.45
Total			6,330.50		3,650.51		2,806.82		12,787.83

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, S. Res. 179, agreed to May 25, 1977.

WILLIAM S. COHEN,
Chairman of Delegation, June 10, 1983.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRANSTON (for himself, Mr. EAGLETON, and Mr. STENNIS):

S. 1906. A bill to amend the war powers resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. DIXON (for himself, Mr. HELMS, Mr. HUDDLESTON, Mr. PERCY, Mr. ZORINSKY, Mr. DOLE, Mr. BOREN, Mr. LUGAR, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. JEPSEN, Mrs. HAWKINS, Mr. ANDREWS, Mr. WILSON, Mr. EAGLETON, Mr. DANFORTH, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. SASSER, Mr. PRESSLER, Mr. BAUCUS, Mr. COHEN, Mr. BUMPERS, Mr. ABDNOR, Mr. DURENBERGER, Mr. BURDICK, Mr. GRASSLEY, Mr. MATTINGLY, Mr. NICKLES, Mr. QUAYLE, and Mr. TRIBLE):

S. Res. 233. A resolution to express the sense of the Senate concerning the adverse effect on United States agricultural exports of proposals to modify the Common Agricultural Policy of the European Community; to the Committee on Foreign Relations.

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 234. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 672; to the Committee on the Budget.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 235. A resolution authorizing testimony of Daniel Meyer; considered and agreed to.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 236. A resolution to direct the Senate Legal Counsel to represent David Keaney and Suzanne A. Bingham in "D. J. Haughton, et al., v. Unigard Mutual Insurance Co., et al."; considered and agreed to.

By Mr. HOLLINGS (for himself and Mr. DOMENICI):

S. Con. Res. 70. A concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. EAGLETON, and Mr. STENNIS):

S. 1906. A bill to amend the war powers resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Relations.

WAR POWERS ACT OF 1983

Mr. CRANSTON. Mr. President, I rise to speak briefly of a measure Senators EAGLETON and STENNIS are introducing to amend the War Powers Act to correct its obvious deficiencies.

U.S. involvement in Lebanese hostilities shows that the War Powers Resolution has serious limitations. It does not stop a President from sending troops into hostilities whenever and wherever he chooses. And as we have seen, Congress is very reluctant to consider withdrawing American troops once they have been deployed, even if their deployment appears open ended, is poorly justified and is inconsistent with the requirements of the War Powers Resolution. Thus does America gradually become embroiled in wars through deployment of troops into

hostilities and through investments, of money and advisors, in war-torn countries.

We would not be faced with this type of situation in Lebanon if the Senate version of the War Powers Resolution had been adopted when this matter was orginally considered. That measure—primarily the work product of Senators Javits, EAGLETON, and STENNIS—passed the Senate on July 20, 1973, by a 72-to-18 vote. It would have precluded the President from introducing troops into hostilities or areas of imminent hostilities without the prior consent of Congress, except in certain specified circumstances—in order to rescue U.S. citizens or to respond to armed attack. It would have insured that the collective judgment of Congress and the President be provided in such key decisions of war and peace.

Had the original Senate bill prevailed in conference and become law, we would not now face the current crisis over U.S. military involvement in Lebanon. If I judge the mood of the American people, and the mood of the House and Senate, correctly, Congress would never have authorized President Reagan to send the marines into direct involvement in hostilities in Lebanon in the first place.

That Senate bill represents a far wiser, safer, more prudent course.

Therefore, with Senators EAGLETON and STENNIS, I am today introducing the proposed War Powers Act of 1983, a bill to amend the War Powers Resolution of 1973, restoring the War Powers Resolution to its original strength along the lines provided under the Senate-passed measure which was the result of 3 years of development by the Foreign Relations Committee.

Under the leadership of my two distinguished colleagues and Senator Jacob Javits, the Senate took the lead in developing and creating war powers legislation. Throughout its consideration of the War Powers Act during 1971-73, more than two-thirds of this body consistently voted for this legislation. A majority of these supporters were also cosponsors.

The Senate made a clear-cut delineation of the war powers of the legislative and executive branches of government. Our bill codified that constitutional balance and, to meet modern contingencies, granted limited emergency authority to the Commander in Chief. Extensive testimony by leading historians and constitutional scholars supported the constitutionality of the Senate bill.

Under the Senate-passed bill in 1973, the decision to initiate engagement in hostilities was a joint executive-legislative responsibility. Under the current war powers resolution, the responsibility for committing troops, and for justifying that commitment, is entrusted solely with the President.

Historically, the war powers resolution of 1973 was an important first step in congressional reassertion of its war powers. But it was only a first step.

The War Powers Resolution has proved inadequate and of limited effectiveness.

This law simply never comes to grips with the fundamental issue of codifying a constitutional balance between the executive and the legislature in warmaking.

The Founding Fathers vested the warmaking power exclusively in Congress, refusing to confer it upon the President.

The question of whether our Nation shall be at war or peace is far too awesome a decision for one person to make. Such unbridled power in the hands of one individual is dangerous to peace and to our free society.

In Abraham Lincoln's words, "no one man should hold the power of bringing this oppression upon us." In our nuclear age, preserving the checks and balances of our constitutional system is more crucial than ever before.

The framers of our constitutional system greatly mistrusted any executive having such power. They therefore created a tight framework for congressional control over warmaking. Under article I, section 8, of our Constitution, both Houses of Congress are vested with the power to declare war and to raise and support armies, and are imbued with all power necessary and proper for carrying out these functions and the functions of the other branches.

The framers were, to paraphase delegate George Mason, for clogging war and facilitating peace.

In the oft-quoted debate, the Constitution's drafters substituted "declare war" for "make war" in the listing of Congress powers to insure that the executive could protect American forces in wartime and could repel invasions. The change was in no way a grant of power for the President to take the Nation to war.

Under our Constitution, the President has a restrictive power to conduct wars as Commander in Chief. Within that sphere he is supreme, and Congress may not interfere with his command of authorized military involvements.

Alexander Hamilton, a strong proponent of executive power, fully agreed, however, that the authorization power—the decision to make war or peace—rests with Congress. In fact, during the Philadelphia debates Hamilton used the words "declare," "authorize," and "begun" interchangeably.

Hamilton emphasized this point in Federalist No. 69:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

When the Senate War Powers Act was being debated a decade ago, Senator Jacob Javits warned that the balance between the executive and the legislature in warmaking had been practically obliterated.

To quote Senator Javits:

> I doubt that there is anything now that an American President, if he simply wanted to cite precedent, might not feel he can do to plunge the U.S. into the broadest scale war without reference to Congress.

This is still too true today. The emergence of the United States as a superpower since World War II has seen a dramatic shift in actual Presidential power over war and peace—but not a shift in constitutional authority.

It is essential that Congress assert its constitutional role of primacy in the area of declaring and initiating war. We must establish our authority at the outset of U.S. involvement in hostilities.

This is what our bill—based on the original Senate-passed legislation—would accomplish.

Much of the interpretation and explanation of this act can be found in the very thorough Senate Foreign Relations Committee report of June 14, 1973 (Report No. 220). Let me just outline the main provisions of this act.

The key provisions insure that the President must come to Congress first—I repeat, first, before committing troops into hostilities or areas of imminent hostilities. Section 3, spells out the emergency circumstances where the President may—without the prior consent of Congress—introduce troops into hostilities or situations where imminent introduction into hostilities is clearly indicated by the circumstances.

Thus, the first three clauses of section 3 codify the President's authority to repel sudden attacks and protect U.S. nationals—powers based on the intention of the constitutional convention and on precedent.

Clause (4) permits the use of the Armed Forces in hostilities, or situations where hostilities are clearly imminent, "pursuant to specific statutory authorization." Under no other circumstances would the President have the authority to introduce our Armed Forces into hostilities or imminent hostile situations in the absence of a congressional declaration of war.

Section 5—which along with section 3 has been called the heart and core of the original Senate bill—would provide that the use of Armed Forces under any of the emergency conditions listed in section 3 shall not last more than 30 days unless Congress adopts legislation specifically authorizing such continued use. Thus, the President would be forewarned against any use that would be unlikely to command the support of majorities in both Houses of Congress.

In addition to these provisions of the original Senate act, section 5(b) of the proposed War Powers Act of 1983 incorporates a 1975 amendment proposed by Senator EAGLETON that would prohibit the expenditure of any funds for any use of the Armed Forces in violation of this act, unless specifically otherwise provided by a law making specific reference to section 5(b) of this act.

The War Powers Act of 1983 would take effect upon enactment, but would not apply to any use of our Armed Forces being made on that date. However, the provisions of the War Powers Resolution of 1973 as in effect would continue applying to any use of the Armed Forces to which these provisons were applicable on the day before the date of enactment of this Act.

This proposed War Powers Act of 1983, in our era of undeclared wars, thus would provide for the conditions of modern warfare. It does so in such a way as to fulfill—not to alter, amend or adjust—the intent of the Constitution and its framers regarding the war powers.

Our bill would restore the intended constitutional balance of power over warmaking.

In closing, I think it appropriate to heed the warning of Thomas Jefferson nearly two centuries ago:

> Confidence is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions to bind down those we are obliged to trust with power . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief with the chains of the Constitution.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "War Powers Act of 1983".

SECTION 2. The War Powers Resolution (Public Law 93-148, 87 Stat. 555 et seq.) is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'War Powers Act'.

"PURPOSE AND POLICY

"SEC. 2. It is the purpose of this Act to fulfill the intent of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States into hostilities and to the continuation of the use of such armed forces in such hostilities. Under Article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution not only its own powers but also 'all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof'. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to respond to attacks or the imminent threat of attacks against the United States Armed Forces, and, under proper circumstances, to rescue endangered citizens of the United States located in foreign countries.

"EMERGENCY USE OF THE ARMED FORCES

"SEC. 3. In the absence of a declaration of war by the Congress, the United States Armed Forces may be introduced into hostilities or into a situation where the imminent introduction of such forces into hostilities is clearly indicated by the circumstances, only—

"(1) to repel an attack upon the United States or its territories or possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

"(2) to repel an attack against the United States Armed Forces located outside of the United States and its territories and possessions, and to forestall the direct and imminent threat of such an attack;

"(3) to protect citizens of the United States while evacuating them as rapidly as possible from any country in which such citizens, there with the express or tacit consent of the government of such country, are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control: *Provided,* That the President shall make every effort to terminate such a threat without using the United States Armed Forces: *And provided further,* That the President shall where possible, obtain the consent of the government of such country before using such armed forces; or

"(4) pursuant to specific statutory authorization.

"SEC. 4. The introduction of the United States Armed Forces into hostilities, or into a situation described in section 3 of this Act, under any of the circumstances described in section 3 shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances necessitating such introduction, the constitutional and legislative authority for such introduction, the estimated scope and duration of the use of such armed forces in the hostilities or situation involved, and the consistency of such use with the provisions of section 3. Whenever the United States Armed Forces are engaged in hostilities outside of the United States and its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such engagement as well as the scope and expected duration of such engagement and such hostilities, but in no event shall such report be submitted to the Congress less often than every six months.

"THIRTY-DAY AUTHORIZATION PERIOD

"SEC. 5. (a) After the introduction of the United States Armed Forces into hostilities, or into a situation described in section 3 of this Act, under any of the circumstances described in section 3, the use of such armed forces in the hostilities or situation involved shall not be sustained beyond thirty days from the date of such introduction except as provided in a specific law enacted by the Congress and pursuant to the provisions thereof.

"(b) Notwithstanding any other provisions of law unless such law specifically otherwise provides by specific reference to this subsection, no funds made available under any law may be obligated or expended for any use of the United States Armed Forces prohibited by subsection (a) of this section, by section 3, or by a law or joint resolution described in section 6 of this Act.

"TERMINATION WITHIN THIRTY-DAY PERIOD

"SEC. 6. The use of the United States Armed Forces in hostilities, or a situation described in section 3 of this Act, under any of the circumstances described in section 3 shall be terminated prior to the thirty-day period specified in section 5(a) of this Act of Congress by a law or joint resolution so directs.

"CONGRESSIONAL PRIORITY PROVISIONS

"SEC. 7. (a)(1) Any bill or resolution (pursuant to section 5(a) of this Act) authorizing the continuation of the use of the United States Armed Forces after their introduction, in any of the circumstances described in clause (1), (2), or (3) of section 3 of this Act, into hostilities or a situation described in section 3 of this Act or (pursuant to section 6 of this Act) directing the termination of such use, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported out no later than one day following its introduction unless such House shall otherwise determine by yeas and nays. Any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported out in the other House within one day after it is so referred, unless such House shall otherwise determine by yeas and nays.

"(2) Any bill or resolution so authorizing the continuation of such use of such armed forces or so directing the termination of such use shall, if not sponsored or cosponsored by one-third of the Members of the House in which it is introduced, be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such bill or resolution shall be reported out by such committee together with its recommendations within seven calendar days, unless such House shall otherwise determine by yeas and nays. Any such bill or resolution, if not so sponsored or cosponsored, which has been passed by one House and is to be referred to a committee of the other House shall be referred in such other House to the committee named in the preceding sentence and shall be reported out by such committee together with its recommendations within

seven calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

"(b) Any bill or resolution described in subsection (a) of this section shall, immediately upon being reported to the floor, discharged from Committee, placed on the calendar, or held at the desk, become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

"(c) In the case of any disagreement between the two Houses of Congress with respect to a bill or resolution described in subsection (a) that is passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such bill or resolution within three calendar days after such bill or resolution is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the RECORD or concerning any delay in the consideration of such reports, such conference reports shall be acted on by both Houses not later than three calendar days after being filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

"INTERPRETATION OF ACT

"SEC. 8. (a) Statutory authorization to introduce United States Armed Forces into hostilities or into situations where imminent introduction of such forces into hostilities is clearly indicated by the circumstances (or, after such introduction, to sustain the use of such armed forces in the hostilities or situation involved) shall not be inferred—

"(1) from any provision of law (whether or not in effect before the date of the enactment of this Act), including any provision contained in any appropriation Act, unless such provision specifically authorizes such introduction (or use) of such armed forces and states that it is intended to constitute specific statutory authorization within the meaning of this Act; or

"(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by a law specifically authorizing such introduction (or use) of such armed forces and stating that it is intended to constitute specific statutory authorization within the meaning of this Act.

"(b) Nothing in this Act shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the military forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

"(c) For the purposes of this Act, any reference to the introduction of the United States Armed Forces shall be deemed to include a reference to the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany regular or irregular military forces in or of any foreign country or of any foreign government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

"(d) For the purposes of this Act, the terms 'introduced into hostilities' and 'introduction into hostilities' each include commitment, engagement, and involvement in hostilities, including bombardment.

"SEPARABILITY CLAUSE

"SEC. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

"EFFECTIVE DATE

"SEC. 10. This Act shall take effect on the date of the enactment of the War Powers Act of 1983, but shall not apply to any use of the United States Armed Forces being made on such date.".

SEC. 3. Notwithstanding the amendment made by section 2 of this Act, the provisions of the War Powers Resolution shall continue in effect with respect to any use of the Armed Forces of the United States to which the provisions of such Resolution were applicable on the day before the date of the enactment of this Act.

SEC. 4. The title of the War Powers Resolution is amended to read as follows: "An Act to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress."

Mr. EAGLETON. Mr. President, I have a distinct sense of deja vu. Back in 1975, when I first introduced war power amendments, there was little interest in rectifying the omissions of the War Powers Act. The war in Vietnam was over. America, after its long agony in Vietnam, was at peace. Senators, like the American people they represented, were no longer interested in war, war-making, war-declaring, war-circumscribing. Why waste time improving a now arcane subject like the War Powers Act. Let us move on to new, happier things.

Now, once again, we are involved in war—in Lebanon, in Nicaragua, in El Salvador. The War Powers Act is no longer arcane. Every Member of the Senate now knows section 4(a)(1) and section 5(b) as if it were part of his or her psyche. Every Member of the Senate worries about how we get into war and worries even more about how we get out.

The War Powers Act of 1973 was an imperfect compromise between a House that was not really all that much interested in the subject and a Senate which wanted a War Powers Act—any War Powers Act—at any price.

As we seek to apply the act to the situation in Lebanon, we see its shortcomings.

If Congress truly and deeply wants to recapture its rightful constitutional role in the war-making decision process, it must consider rectifying the inadequacies of the War Powers Act.

Today, I yield to Senator CRANSTON, a member of the Foreign Relations Committee, in introducing a revised War Powers Act based on the original Senate-passed version of the War Powers Act and my subsequent amendments offered in 1975. He has, through his seat on Foreign Relations, the jurisdictional forum to pursue this subject matter.

I hope, now that we have debated war powers in the context of Lebanon, that we will now consider the subject matter in its broadest and fullest context.

There is no sense waiting for Nicaragua or El Salvador to blossom into even more worrisome crises before we reevaluate and, perhaps, recast the fundamental structure of the War Powers Act. While Lebanon is fresh in our minds, now is the time to act.

Mr. President, I ask unanimous consent to put the following material in the RECORD.

First, my original 1975 amendments to the War Powers Act and a statement before the Senate Foreign Relations Committee and a Senate floor speech thereon.

Second, a comparison of the key operative provisions of today's War Powers Act with the original Senate-passed version of the act—passed July 20, 1973.

Third, the evolution of the war powers bill from Senate to House and, thence, out of conference.

Fourth, the final half of chapter 11 and all of chapter 12 of my book entitled "War and Presidential Power," by Thomas F. Eagleton, published by Liveright in 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2(c) of the War Powers Resolution (Public Law 93-148; 87 Stat. 555) is amended by—

(1) striking out the word "or" in clause (2) thereof; and

(2) striking out the period at the end thereof and inserting in lieu thereof the following: "or (4) the necessity of protecting the constitutional rights of citizens of the United States by rescuing such citizens, as rapidly as possible, from any country in which such citizens are being involuntarily held with the express or tacit consent of the government of such country or by expeditiously evacuating such citizens from any country in which such citizens are voluntarily present and are being subjected to a direct and imminent personal threat, either sponsored by the government of such country or beyond the power of such government to control. In using the Armed Forces of the United States to protect the rights of any United States citizen pursuant to clause (4) of this subsection, the President shall do so only with the degree of force required to remove such citizens from personal danger.".

SEC. 2. Section 3 of the War Powers Resolution is amended by—

(1) striking out "consult with Congress" and inserting in lieu thereof "seek the advice and counsel of the Congress";

(2) striking out "consult regularly with the Congress" and inserting in lieu thereof "regularly seek the advice and counsel of the Congress"; and

(3) adding at the end thereof the following new sentence: "For purposes of this section, the words 'seek the advice and counsel of' mean that the President, before taking any steps which would firmly commit United States Armed Forces to hostilities, shall in every possible instance discuss fully the proposed decision for using such Armed Forces with Members of Congress, including but not limited to the majority and minority leaders of the Senate and the House of Representatives, the chairmen of the Armed Services and Foreign Relations Committees of the Senate, and the chairmen of the Armed Services and International Relations Committees of the House of Representatives and shall fully consider their advice and counsel before committing the United States Armed Forces to any such proposed decision.".

SEC. 3. Section 8 of the War Powers Resolution is amended by adding at the end thereof the following new subsection:

"(e) Any person employed by, under contract to, or under the direction of any department or agency of the United States government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act.".

PREPARED STATEMENT OF SENATOR THOMAS F. EAGLETON

WAR POWERS

Mr. Chairman, I appreciate the opportunity to participate again in the important discussion of one of the most complex and sensitive issues Congress has had to address in the history of the Republic—war powers legislation. This is the fourth time I have been privileged to testify on this subject before this Committee. But it is the first opportunity, as the distinguished Chairman of this Committee, Senator Sparkman has said, "to reflect on normally heated questions in a period of peace and tranquility." In my judgment, the existing War Powers Resolution is tragically flawed. If we take this opportunity to amend the legislation in order to restore to Congress its rightful and constitutional role in the process by which we go to war, at some near or distant occasion, when our nation's will is again being tested in the international arena, we will be glad we took this quiet time to strengthen our constitutional system.

The effort to write war powers legislation in the late 1960's and early 1970's resulted from the excessive claim of Presidents of both parties of unilateral, inherent powers to commit the nation to war to the exclusion of any congressional role in the decision-making process.

With respect to Southeast Asia, our nation has suffered a series of frustrating deceptions—from the Tonkin Gulf to the illegal secret bombing of Cambodia. A phrase coined by Anthony Austin, in his prize-winning chronicle of our official entry into the Vietnam War, The President's War, seemed to sum up our fears: "the war-bred tyranny of kinds." After the 1970 Cambodia invasion had driven home with a vengeance the congressional erosion of war powers, a number of bills were introduced to restore the balance.

The bill that emerged from this Committee in 1971 was premised on the central principle that the decision to go to war, under our Constitution, is a decision for Congress alone to make. It sought to fulfill the intent of the framers of our Constitution, expressed so well by Alexander Hamilton, who said the war-making power "is the peculiar and exclusive province of Congress." Our founding fathers had had good reason—direct experience with the tyranny of a monarch with ultimate powers at his disposal—to assign matters of war and peace to the most representative branch of government.

The Senate bill was faithful to the original intent of the framers of our Constitution. The framers' central premise on war-making authority was clear: the decision to go to war, under our Constitution, is a decision for Congress alone to make.

Under our Constitution it is the Congress vested with numerous war-related powers: "to declare War," "to provide for the common Defense," "to define and punish . . . offenses against the Law of Nations," "to raise and support Armies . . .," "to provide and maintain a Navy," "to make Rules for the Government and Regulation of the land and naval forces," "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions," "to provide for organizing, arming and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States." Congress also has the exclusive power to appropriate funds from the Treasury, and "to make all Laws which shall be necessary and proper for carrying into Execution . . . all powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof."

The President, under our Constitution, is vested, not with independent authority as sovereign, but with "executive power" of the United States. He has the duty to "take care that the Laws be faithfully executed." And the President is the commander-in-chief of our armed forces. James Maidson has these words to say about who would decide questions of war and peace under our system:

"Every just view that can be taken of this subject, administers the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is fully and exclusively vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemed requisite or proper . . . "

I fail to see how our Constitution could have made it clearer that Congress would provide prior authorization when American forces were committed to battle.

The legislation endorsed by the Senate in 1973 was consistent with our Constitution. We recognized that in certain emergency situations requiring immediate response—fast-moving crises where events would certainly overtake the deliberative nature of legislative response—the President had a limited unilateral power to respond. These exceptions were carefully circumscribed to avoid Presidential misuse. They were enumerated as follows:

First, the President could repel an armed attack upon the Central States, it territories and possessions; he could take necessary and appropriate retaliatory action in the event of such an attack; and he could act to forestall the direct and imminent threat of such an attack.

Second, he could respond to an attack on American forces legally deployed abroad.

And, third, under specified conditions the President could rescue American citizens abroad to provide for their immediate evacuation from a danger zone.

Each of the exceptions is a defensive action. Even those actions would have been submitted in time to Congress. Within 30 days, unless Congress acted to provide continued authority, the action was to have been terminated.

But it was a different sort of law which emerged from Conference with the House in October-November 1973. That law, now the existing War Powers Resolution, does not involve Congress in the decision-making process until after forces were committed to battle. The words about emergency authority are nonbinding and nonenforceable. The President has the unilateral authority to commit American troops anywhere in the world, under any conditions he decides, for 60 to 90 days. He gets a free 60 days, and a self-executing option for an additional 30 days, making it 90. Congress must be notified only 48 hours after the deployment of our forces.

In retrospect, we can see how difficult were the circumstances when the War Powers Resolution was passed. Between October and November 1973 Vice President Agnew resigned after pleading no contest to a charge of income tax evasion. President Nixon fired Watergate special prosecutor Archibald Cox and abolished the office—the now infamous "Saturday night massacre." The President found it necessary to go on television to announce "I'm not a crook," then the 18½ minute gap was disclosed. The House Democratic leadership agreed to have the Judiciary Committee begin an impeachment inquiry, and Republican Senators began discussing resignation in public.

We in Congress were frustrated with our failure to override eight successive Presidential vetoes, and, considering the tremendous pressures then created by the Watergate scandal, it is understandable how this Congress overrode President Nixon's war power veto. The irony, of course, is that we were actually expanding, not limiting Presidential war-making powers.

I believe the question of prior constitutional restraints is so essential to our system of government that the original legislation which twice passed the Senate should be passed again. In the coming days I hope to cosponsor such legislation with several of my colleagues. I have had a draft proposal prepared which, with a section by section analysis, I ask to be placed in the RECORD. I am not wedded to every detail of this draft. It will have served its purpose if it can help this Committee in these deliberations.

In addition, the commendable oversight hearings which this Committee is currently conducting may produce some other good ideas which may well strengthen the Resolution. Certainly, the *Mayaguez* crisis and the Cambodian and Vietnam evacuations carried out in 1975 under the terms of the existing War Powers Resolution show clearly there is room for improvement.

In those crises of 1975 the executive branch did not feel bound by the existing statute. The consultation process was inadequate and incomplete; many months after the *Mayaguez* rescue, for example, a House subcommittee oversight investigation was faced with delays and procedural obstacles in simply obtaining factual information on how the crisis had been managed. The Administration's report to the Congress of May 15, 1975 merely took note of Section 4(a)(1) of the Resolution, which calls for information on the introduction of U.S. forces into hostilities. Section 4(a)(3), which calls for a report on the enlargement of U.S. forces in another foreign nation, in this case Thailand, was ignored. Even more important, the President felt free to engage in retaliatory bombing of targets on the Cambodian mainland apparently unconnected with the rescue operation—which appears to run against the grain of our constitution.

In preparing these remarks I had the opportunity to review my closing remarks from April 12, 1973, the last time I was honored to participate with this Committee in this discussion. I concluded that testimony with these words:

"It is unfortunate that we in Congress, and Americans in general have a tendency to overlook serious situations until they erupt into crisis. There should be little doubt that the gradual erosion of congressional war powers has grown to crisis proportions. If we fail to act now after the horrors of Vietnam have so clearly exposed the danger of individual war-making, we may never again see the questions of war and peace being decided by the sobering and deliberative processes inherent in the concept of collective judgment."

I believe those words are still appropriate, and that this Committee has performed a most praiseworthy service by again deliberating the most vital of questions—how do we go to war?

WAR POWERS RESOLUTION AMENDMENTS—S. 1790

Mr. EAGLETON. Mr. President, four times since April 3 the President has reported to Congress under the war powers resolution that he ordered American forces into a hostile—or potentially hostile—situation. On each occasion the President cited the Commander in Chief clause of the Constitution as authority for ordering the military operation.

Controversy will accompany any use of military force, and this is especially true in this post-Vietnam era. Debate over a President's judgment—over whether he used too little or too much force, or whether he needed to use force at all—is, in my opinion, a healthy after-effect of our Vietnam experience.

It is not my intention today, however, to engage in a retrospective analysis of or to quibble over President Ford's judgment in using U.S. forces. I believe it is more important at this time to objectively assess these recent experiences to see whether and how Congress became involved in the decisionmaking process—to see how the war powers resolution operated—and to suggest improvements both to better involve Congress in the future and to further define and proscribe the President's unilateral emergency power to use force.

Toward that end I am today introducing these amendments to the war powers resolution. Two of these amendments relate directly to the President's recent actions, and another simply broadens the coverage of the law without affecting its procedural provisions.

Before discussing these amendments in detail, I want to reiterate my basic disagreement with the approach taken in the war powers resolution and to modify that criticism somewhat by placing it in the context of recent events.

My opposition to the legislation when it emerged from the conference committee stemmed mainly from its failure to define in legally binding terms the emergency powers of the President and to insist that in all other cases Congress must authorize and initiate the introduction of U.S. forces into hostile situations.

The effort to write war powers legislation resulted from the excessive claims of President of unilateral, inherent powers to commit the Nation to war to the exclusion of any congressional role in the decisionmaking process.

The specter that faced Congress as it considered this issue after the invasion of Cambodia in 1970 was the complete usurpation of its war powers. Presidents began simply to order the troops into battle in the name of national security, claiming an "inherent" right to do so. And the courts refused to act on what was labeled a nonjusticiable "political question" between the other two branches of Government. Congress was left to its own means to recapture its most important constitutional prerogative.

Congress own means are considerable, for under the Constitution Congress can make "all laws which shall be necessary and proper" in carrying out the provisions of the Constitution. And the "necessary and proper" clause went further: Congress could also make laws "for carrying into execution—all other powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

Especially in areas of the Constitution where the assignment of responsibility is vague or undefined, Congress has the necessary power to clarify and define. The war powers area is just such an area. Certainly Congress could act here to protect its own prerogatives while being careful not to impinge on the President's recognized right to act in emergencies to "repel sudden attacks."

Yet Congress did not so act. The reason, according to a brief prepared by House conferees considering war powers legislation, was that the "necessary and proper" clause did not give "Congress the right to define the powers of the President." I believe that the acceptance of such a statement is equivalent to a declaration of congressional impotence.

Nonetheless, my concern over the war powers resolution was grounded on practical as well as constitutional considerations. The procedure established by the resolution did not involve Congress in the decisionmaking process until after forces were committed to battle. I was concerned that such a procedure would tie Congress hands and contribute to rather than inhibit the derogation of warmaking responsibilities that had characterized the congressional performance in recent years.

It is not my purpose today to rehash the debate on this issue or to assert that recent experience has proven my case. I am here because I sense a very positive desire on the part of those who supported the war powers resolution to involve Congress in the decisionmaking process at the outset, even before the provisions of the statute come into play. I am encouraged, for example, that such leading advocates of the war powers resolution as Senator Javits, and Representatives Zablocki, Morgan, and Fraser, fought to inject the concept of congressional authorization into the Vietnam evacuation. Congress eventual failure to act on this matter cannot, therefore, be ascribed to any of those who worked so long and hard on the war powers resolution.

The amendments I offer today do not go to my central criticism of that resolution. I recognize that reversing the House on such a fundamental matter as the issue of prior authority would be next to impossible. And I will add, on the positive side, that as long as there is a growing awareness of Congress constitutional responsibility to initiate war and a growing resolve to invoke that power, there is, concomitantly, a diminishing requirement for a statutory approach to the problem.

Which leads me to my first amendment relating to the "Purpose and Policy" section of the resolution. Subsection 2(c) cites situations wherein the President can commit U.S. forces to a hostile situation without the prior approval of Congress. These situations as currently listed are: First, to repeal an attack upon the United States or its territories and possessions; and second, to repel attacks on U.S. forces stationed aboard.

Subsection 2(c), which of course is not binding on the President, can represent the policy of Congress as to the allocation of war powers. To the extent that 2(c) might exclude a generally accepted emergency power of the President, however, it loses standing as a legitimate policy statement.

Such a denigration of 2(c) has taken place over the past 2 months as Presidents have claimed an "inherent" right to use military forces to rescue American citizens. And Members of Congress, including me, have publicly acknowledged this right. Yet, subsection 2(c) states that in the absence of a declaration of war or a statutory authorization the President can commit U.S. forces to battle "only pursuant to . . . a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces."

When I questioned Senator Javits as to whether the words "only pursuant" were meant to exclude the right to rescue, he conceeded that they did. Mr. President, I ask unanimous consent that my colloquy with Senator Javits on this subject on October 10, 1973, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. EAGLETON. Mr. President the President's right to introduce U.S. forces to rescue endangered citizens was thoroughly debated during consideration of the Senate war powers bill. While American case law was not particularly convincing one way or the other, historical precedent and international laws governing the use of force strongly supported the citation of such an emergency power. And there was little controversy over the provision in the Senate since the legislation carefully circumscribed the President's actions. The Senate considered the right to rescue to be a logical extension of the President's responsibility to "repel sudden attacks."

It is clear from the recent cases and from the Senate debate on war powers that Congress recognizes the traditionally exercised right of the President to rescue endangered Americans. It is also clear from the Senate war powers bill and from the recent action

taken in both Houses on the Vietnam evacuation bill that Congress wants to carefully circumscribe the President's unilateral action. The amendment I am introducing today will satisfy those two considerations. More importantly, it should enhance the integrity of the resolution's policy section by making it all-inclusive.

This amendment carefully circumscribes the President's action by requiring him to determine:

First, that the citizens to be rescued are being involuntarily held with the express or tacit consent of the foreign government; second, that there is a direct and imminent threat to the lives of such citizens; third, that the foreign government in question either cannot or does not want to protect these individuals; and fourth, that the evacuation take place as expeditiously as possible and with a minimum of force.

These requirements trace the guidelines established in international law for the rescue of a nation's citizens endangered and without protection in another country. Waldock, in "The Regulation of the Use of Force by Individual States in International Law," cites the right to protect nationals abroad and states:

". . . The landing of forces without consent, being unmistakably a usurpation of political authority, is prima facie intervention. The question is whether it is an intervention which is justifiable as an exceptional measure of self-protection. That must depend on whether it satisfies the principles laid down in the Caroline incident. There must be (1) an imminent threat of injury to nationals, (2) a failure or inability on the part of the territorial sovereign to protect them and (3) measures of protection strictly confined to the object of protecting them against injury. Even under customary law only an absolute necessity could justify an intervention to protect nationals. But, where such necessity existed, intervention seems to have been legally justifiable in the period before the Covenant."

Mr. President, the emergency powers of the President, even if only defined as a matter of congressional policy, should be all-encompassing. There is today, with one or two notable exceptions, a consensus that the right to rescue is inherent in the Commander in Chief. Even those who would not concede that such a right is inherent would probably agree that Congress, as a practical matter, should delegate the power to cover such emergencies while at the same time carefully circumscribing his possible actions. The amendment I propose today would satisfy those objectives.

I would like here to add a contemporary note concerning powers the President might possess to use force without prior congressional approval. These powers to the extent they exist, are strictly defensive in nature, deriving from the assumed power of the President to repel sudden attacks on the Nation, its forces or its citizens when endangered abroad. Under no circumstances should a President take offensive action of a punitive or retaliatory nature without the express approval of Congress.

At this point Mr. Stevenson assumed the chair.

Mr. EAGLETON. In this regard, I have read press accounts of the military operation employed to rescue the crew of the *Mayaguez*. Leaving merit completely aside, I am disturbed by reports that punitive action unrelated to the rescue itself might have been taken against Cambodia. If, for example, the bombing of Ream Airport and port facilities at Sihanoukville—bombing which took place a half hour after the crew of the *Ma-aguez* was safely aboard the *Wilson*—was unrelated to the need to protect U.S. forces, then the President, in my opinion, exceeded his authority under the Constitution and violated specific prohibitions against combat activity in Indochina. I have asked the General Accounting Office today to investigate this possibility.

The *Mayaguez* incident also afforded an opportunity to assess the effectiveness of the consultation provision of the war powers resolution. This provision states: "The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations."

It is clear now that little if any real consultation took place prior to the *Mayaguez* military operation. At most a number of Senators and Congressmen were notified or informed of action already planned or underway. As I understand the procedure employed by the White House to satisfy the consultation provision, no opportunity was given to Congress to provide advice prior to the introduction of forces.

This confusion over the word "consultation" should not exist. Definitions of the word have been established in case law and the standard dictionary meaning leaves little doubt that to "consult" is to seek advice.

Mr. President, I ask unanimous consent that a number of legal definitions of the word "consultation" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EAGLETON. The second amendment I propose should clear up any confusion as to the intent of Congress in this area. My amendment would replace the phrase "consult with Congress" in section 3 with the words "seek the advice and counsel of Congress." So that there can be no misunderstanding as to what this phrase means, I have included a definitional section stating that the President "shall discuss fully the proposed decision for using—the Armed Forces" with designated Members of Congress. I am hopeful that this amendment will assure that, even in emergency situations when the President is operating within his constitutional powers, Congress view will be represented and considered prior to the introduction of forces.

The third amendment I propose today is one that I presented during consideration of the Senate war powers bill. The purpose of the amendment is to assure that the war powers resolution does, in fact, cover all possible uses of force by the President. The amendment would circumscribe the President's use of American civilian combatants in the same manner uniformed Armed Forces are currently circumscribed by the law.

Under this amendment a President would be bound to report the engagement of American civilians, either directly or as advisers, in a hostile situation within 48 hours.

Mr. President, we have heard much in the past months about the covert activities of the Central Intelligence Agency—of the hiring of contract employees to advise foreign military forces—and of the use of contractors to engage in dangerous missions when the use of American uniformed personnel might be politically prohibitive.

It is time to recognize that American involvement in hostilities cannot be obscured by semantics. If we become involved in combat to pursue a policy objective other than the emergency defense of the United States, its forces or its citizens, then Congress should authorize that involvement. Either we are involved in hostilities or we are not involved. And that should be the operating principle of the war powers resolution.

The potential for use of covert civilian forces by a President to achieve military objectives is currently restricted only by the imagination of man.

We have already seen CIA personnel used as pilots and combat advisers. And if we fail to pass this amendment, we may see an even more wide-ranging use of civilian combatants in lieu of uniformed personnel whose activities will be circumscribed by the reporting provisions of the war powers resolution.

I believe it is time for Congress to acknowledge the vast potential available to the President to expand his warmaking options beyond the scope we have thus far envisioned by using civilian combatants. Congress can protect its prerogatives by assuring that the war powers resolution covers this possibility.

Mr. President, we have learned much from our experience in Vietnam and we have continued to learn as the exigencies of the contemporary Indochina situation have forced us again to use military force in that region. As we look more dispassionately at President Ford's use of force in the past 2 months, I am hopeful that Congress and the President can work together to improve the decisionmaking process. As the late Alexander Bickel often asserted—

"There is no assurance of wisdom in Congress, and no such assurance in the Presidency—The only assurance there is lies in process . . ."

Mr. President, much can be done to improve the process by which we go to war. I am hopeful that the Senate will consider carefully the amendments I have introduced today which are intended to make the war powers resolution a more utilitarian mechanism for protecting Congress unique power to declare war.

Mr. President, I ask unanimous consent that a Library of Congress memorandum entitled "Interpretation of War Powers Resolution" which refers to the legal status of subsection 2(c) of the resolution, be printed in the RECORD at this point.

There being no objection the memorandum was ordered to be printed in the RECORD, as follows:

INTERPRETATION OF WAR POWERS RESOLUTION

This is in response to your request whether §2(c) of the War Powers Resolution, P.L. 93-148, 87 Stat. 555, is a binding restraint upon the exercise of the President's powers. That section provides:

"The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United

States, its territories or possessions, or its armed forces."

Questions are raised because of a paragraph in the conference report on the Resolution, H.Conf. Rept. No. 93-547, 2 1973 U.S. Code Congressional and Administrative News 2364, stating:

"Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations were imminent involvement in hostilities is clearly indicated by the circumstances. Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill (section 3)."

The heading of § 2 of the Resolution is headed "Purpose and Policy." The general understanding of such policy sections, or preambles as they were frequently known in older legislation, is that they "state the reason or occasion for making a law or to explain in general terms the policy of the enactment. . . . The function of the preamble is to supply reasons and explanations and not to confer power or determine rights." 1A Sutherland's Statutory Construction, §§ 20.03, 20.12 (4th ed. 1972). Preambles customarily preceding the enacting clause, while in modern legislative practice the use varies.

In any event, the language of the statute, as clarified by the legislative history to reveal legislative intent, if resort to it is necessary, is determinative and axions of statutory construction are only useful guides. Upon consideration of the statute as a whole, including the placement of § 2(c) under its particular heading and the failure to refer to it in subsequent sections clearly meant to have binding effect, and further upon consideration of legislative history, which is instructive in this respect, it appears that Congress meant § 2(c) only as a, to use the conference committee's word, "statement" of its understanding of the scope of presidential powers and that the sections of the Resolutions which impose binding obligations are not structured in terms of the limitations set out in this "statement."

That is, while § 2(c) sets out a limited number of instances affording the President the constitutional power to use United States troops, the provisions of the Resolution require the President to consult with Congress prior to any introduction of troops into hostilities or into situations where imminent involvement in hostilities is indicated (3) and, to report to Congress any introduction of troops into hostilities or imminent hostilities, absent a declaration of war (§ 4), and provide for time limitations and congressional actions with regard to any commitment of troops. While, therefore, the President in Congress' understanding may only use troops under certain circumstances, any commitment of troops qualify under the Resolution is subject to it provisions. Congress has seemingly constructed a system by which it may require extraction of United States forces without regard to the constitutionally of the President's action in the first place.

This construction is supported by the legislative history. The Senate bill, S. 440, 93rd Congress, also contained a § 2 headed "Purpose and Policy," setting forth the view that the constitutional balance of the war powers had been disturbed and needed redressing. In § 3 of the bill it was provided that "[i]n the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced . . . only" and there was set out four situations, including the repulsion of an armed attack, the protection while evacuating United States citizens in situations of danger abroad, and pursuant to specific statutory authorization. Thereafter each section of the bill, requiring reporting, setting the period off commitment, providing termination dates, and setting forth congressional procedures was specifically tie 1 to § 3. Thus, § 4, the reporting section began: "The introduction of the Armed Forces of the United States . . . *under any of the conditions described in section 3 of this Act* shall be reported promptly . . ." Language identical to that in italic appeared in each section.

On the other hand, the House bill, H.J. Res. 542, 93rd Congress contained no such language. It provided simply for the reporting of the committing of United States troops, termination dates, and congressional action with regard to any commitment of troops coming within the specifications, in language basically similar to that in § 4(a) of the Resolution as adopted.

The version reported by the conference committee was therefore close to the original House version, with the principal exception that § 2(c) was included and the conference report, as quoted, makes clear that it does not qualify the sections following on it. In debate on the conference report in the Senate, Senator Eagleton opposing, Senator Javits defending, this construction is the one urged by the former and accepted, not without some qualification, by the latter. 119 Cong. Rec. S18, 992-S18,995 (daily ed. Oct. 10, 1973).

This construction, therefore, would leave unsettled the basic question of the balance of powers as between Congress and the President, while Congress would have claimed to itself the power to override any Presidential action after a stated period and would have in effect claimed the power to make sure that any extended use of United States troops abroad would be pursuant either to a declaration of war or to some form of lesser specific statutory authorization.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Oct. 10, 1973]

Mr. EAGLETON. First, Mr. President, let me ask this of the distinguished Senator from New York, who is not only the initial author of S. 440, but manager of the bill on the floor, a conferee, a former attorney general of New York, and a distinguished lawyer: With respect to this word "only" in section (2)(c), he has laid great emphasis on the word "only," the Senator said the Presidential powers are only, pursuant to this section, used to react to emergencies such as an attack upon the United States, its territories, and its possessions.

I take it that the Senator's current position is that under the Constitution the President has no emergency authority with respect to American nationals endangered abroad.

Mr. JAVITS. I said no such thing. I said—

Mr. EAGLETON. The Senator emphasized the word "only."

Mr. JAVITS. I understand. I said "is exercised only." That takes in what we understand the current situation to be and what we are willing to accept is the current situation.

I would tell the Senator this: There was a very long argument about including the concept of rescuing nationals. It was felt that whatever was specified on that score, in order to be conservative in respect of the President's power, would have to be so hedged and qualified that we were better off just not saying it, in view of the fact that it is a rather rare occurrence, and just leaving that open; and that is what we did.

Mr. EAGLETON. Then I take it, from that answer, that the word "only" is interpreted to mean "more or less only"?

Mr. JAVITS. No; only means only, and sometimes in life something is so de minimis in terms of its occurrence or likelihood, and the President can always come to us for authority—

Mr. EAGLETON. Does the Senator mean to say that the rescue of American nationals in danger abroad is de minimis?

Mr. JAVITS. He can always come to us for authority if he is in any doubt.

Mr. EAGLETON. I ask the Senator, as a respected constitutional lawyer, in his view does the President have or does he not have authority to act unilaterally to rescue American nationals in danger abroad who might be found in the midst of rebellion or the threat of war?

Mr. JAVITS. I think the normal practice which has grown up on that is that it does not involve such a utilization of the forces of the United States as to represent a use of forces, appreciably, in hostilities so as to constitute an exercise of the war power or to constitute a commitment of the Nation to war. The Constitutional Convention spoke only of "repelling sudden attacks."

Mr. EAGLETON. With all due respect, Mr. President, I find that incredible. The Dominican Republic—Lyndon B. Johnson's memorable adventure—was that action not predicated on emergency authority to rescue American citizens in Santo Domingo?

Mr. JAVITS. It may have been so predicated, but I do not think it was justified. Any President, so long as the Army, Navy, and Air Force will obey him, can seek to assert authority which may not be justified under constitutional law. We could not help that even if we passed the Senate bill as the conference report. He would still do the same thing.

Mr. EAGLETON. I take it, then, by the word "only," on which the Senator laid great emphasis, that "only" means only, truly, honestly only?

Mr. JAVITS. Yes.

EXHIBIT 2

WORDS AND PHRASES, PERMANENT EDITION, VOLUME 9

Consult-consulting

After Consultation

"To 'consult' is defined as to apply to for direction or information; to ask the advice of—as to consult a lawyer; to discuss something together; to deliberate." Hewey v. Metropolitan Life Ins. Co., 62 A. 600, 602, 100 Me. 523.

The word "consult" means to seek the opinion or advice of another; to take counsel; to deliberate together; to confer; to apply for information or instruction, C.I.R. v. John A. Wathen Distillery Co., C.C.A. 147 F.2d 998, 1001.

The adjective "consulting" is defined as designating one called in conference regarding some case or project, such as consulting engineer. Goldenberg v. Village of Capitan, 203 P.2d 370, 372, 53 N.M. 137.

"Consult" means to seek opinion or advice of another; to take counsel; to deliberate to-

gether; to confer; to deliberate on; to discuss; to take counsel to bring about; devise; contrive; to ask advice of; to seek the information of; to apply to for information or instruction; to refer to. Teplitsky v. City of New York, 133 N.Y.S.2d 260, 261.

BALLENTINE'S LAW DICTIONARY

Consult: To seek advice, as to consult a lawyer.

Consultation: The deliberation of two or more persons on some matter; a council of conference to consider a special case. Dunbar v. Fant, 170 SC 414, 170 SE 460, 90 ALR 1412; a writ awarded by the superior court upon its refusal to issue a writ of prohibition for the removal of a cause from the ecclesiastical court to the superior court. See 3 Bl Comm 114.

WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY

Consult

1. (a) to deliberate on; (b) to take counsel to bring about; 2. (a) to ask advice of; seek the opinion of; apply to for information or instruction (consult a doctor about an ailment); (b) to refer to esp. for information (consult a dictionary); 3. to have prudent regard to: have an eye to: consider (consult one's pocketbook before buying); to take counsel; deliberate together; confer (the doctors consulted together about the nature of the disease) (after consulting with a lawyer) (the three powers could consult on how to ameliorate the internal political conflict.

Consult

1. *archaic:* the act of consulting or deliberating; (2a) CONSULTATION (Puritan consults deliberated the king's execution) (b) *archaic:* a secret meeting for devising treasonable or seditious actions: CABAL.

Consultant

1. one who consults another; 2. one who gives professional advice or services regarding matters in the field of his special knowledge or training (as a consulting physician or engineer): EXPERT.

Consulatory response

The opinion of a court of law on a special case.

Consultation

1. a council or conference (as between two or more persons) usu. to consider a special matter (holding frequent consultations with his lawyers to discuss the case): *specif:* a formal deliberation between two or more physicians on the diagnosis of a disease or its treatment in a patient; 2. the act of consulting or conferring: deliberation of two or more persons on some matter (the two firms were in consultation over the construction of the new airplane).

Consulative

Of or having to do with consultation: having the privilege or right of conference: ADVISORY (employed in a consultative capacity only) (the committee's duties were consultative rather than administrative).

Consulatory

Of or having to do with consultation: ADVISORY, CONSULTATIVE.

MAJOR DIFFERENCES BETWEEN KEY OPERATIVE PROVISIONS OF THE SENATE WAR POWERS BILL AND THE CONFERENCE REPORT

1. Prior authority: The Senate bill carefully enumerated the President's emergency powers in explicit language. It cited three emergency situations into which the President could commit troops: an attack on the U.S. or its possessions, an attack on American forces legally deployed abroad, and the rescue of American nationals abroad. Only in these situations was the President given prior limited unilateral authority to deploy troops (for a 30-day period). The House bill simply required the President to consult and report with Congress when U.S. forces were committed pursuant to his understanding of his powers (for a 120-day period). The divergence in these two basic approaches, the so-called authority versus performance tests, proved to be the undoing of the Act in my opinion. The Conferees settled on language similar to an authority test but, tragically, placed it in a meaningless "Purposes and Policies" section of the Act that is totally without effect.

2. Automatic cutoff provision: The Senate bill allowed troops deployed under the Act to remain so deployed only for 30 days unless Congress acted to authorize a further deployment. The Conferees settled on a 60-day period (with an additional 30 days for safe disengagement). The practical effect of this compromise, taken together with the gutting of the prior authority provision outlined above, was to permit Presidential war to be waged for 90 days.

3. Rescue of American citizens abroad: The Senate bill provided prior authority to the President to use troops to rescue Americans in danger abroad, a Presidential prerogative that has been upheld by the courts. The Conferees dropped that provision.

EVOLUTION OF WAR POWERS BILL FROM SENATE TO HOUSE AND, THENCE, OUT OF CONFERENCE

Senate	House	Conference
1. Authorities of President described in detail.	So-called "performance test": President simply reports on deployment.	"Authorities" described in nonbinding section.
2. 30-day period within which President can act without Congressional approval, with additional time for safe removal.	120-day period.	60-day period, with 30 additional days for safe withdrawl.
3. A bill or statute could force withdrawl of troops before 30-day period expired.	A concurrent resolution could force withdrawl.	A concurrent resolution could force withrawl.
4. Suggested need for collective judgment.	Required Presidential consultation in emergency situations.	Required Presidential report within 48 hours of commitment of troops.
5. No peacetime deployments affected.	Peacetime deployments covered as well as into hostilities.	Peacetime deployments covered by reporting provision but not automatic termination.
6. Operative any time President acted, even in defending against direct attack.	Excluded military actions within territory and possessions of United States.	Operative anytime forces involved.
7. Use of US forces in hostilities triggers 30-day period.	Final decision to commit forces to be followed within 72 hours by report to Congress triggers 120-day period.	Introduction into hostilities or imminent hostilities.
8. Introduction of troops to include military advisers directly involved in combat-related activities.	Military advisers not covered.	Military advisers or other hostilities-related personnel covered.

WAR AND PRESIDENTIAL POWER

(By Thomas F. Eagleton)

CHAPTERS 11 AND 12

The House-Senate conference committee [1] on war powers legislation was convened the last week of July. Senator Javits graciously asked that his staff assistant keep me informed of developments in the conference negotiations. The conferees met once before the long August recess, mainly to identify contentious issues and to get acquainted with each others' views. Although both sides were said to be courteous and accommodating, the dispute over prior athority sharply separated them, and it appeared that they were in for several months of debate.

Before the conference committee's next meeting, a position paper was prepared by Senator Javits and sent to each conferee. It was an excellent legal memorandum and expressed serious reservations about the House bill. "The House text appears to be predicated on the assumption that the President will continue unilaterally to commit the Armed Forces to hostilities . . . without a declaration of war or prior specific authorization of the Congress." This assumption was challenged as a distortion of the Constitution. "Clarification of the underlying issue of authority is the essence of meaningful war powers legislation, for in recent years Presidents, in practice, have virtually monopolized the exercise of the war powers of the nation." I thoroughly agreed with Senator Javits' analysis.

But the House side was not going to submit peaceably. The House conferees prepared a rebuttal to the Senate position, which I received on September 18. The House seemed to accept literally the executive branch argument on the question of authority. In doing do, it rendered moot the "necessary and proper" clause, which enables Congress to legislate within the intent of the Constitution. "Even if the 'necessary and proper clause' is given its broadest construction, the House conferees said, "it is difficult to see it giving Congress the right to define the powers of the President. . . . [H.J. Res. 542] takes as granted that the Presidents will act on what they perceive to be their legitimate powers granted by the Constitution, or powers which they infer have been given them by past Congressional actions."

But the cardinal point was that we had been faced with a succession of Presidents who had boldly exercised their power to the exclusion of any congressional right to initiate war. The only leverage available to Congress under these circumstances was to use its power to legislate. The executive branch and the House conferees, however, believed that his power, found in the "necessary and

[1] The Senate conferees were Senators Fulbright, Mansfield, Symington, Muskie, Aiken, Case, and Javits. The House conferees were Representatives Zablocki, Morgan, Hays, Fraser, Mailliard, Fascell, Findley, Broomfield, and Frelinghuysen.

proper" clause of the Constitution, should be forsaken.

On September 25 Senator Javits' assistant sent over a text of a counterproposal Senator Javits intended to make the following day "for the purpose of preserving the minimum essentials of the Senate position respecting the authority issue . . ." The key language defined the authority of the respective branches in the initiation of war:

"The emergency powers of the President to introduce the United States Armed Forces into hostilities or situations likely to lead to hostilities being to (1) repel attacks upon the United States, its territories and possessions; (2) defend the United States Armed Forces abroad from attack; (3) rescue citizens and nationals of the United States; in any case in which the United States Armed Forces without a declaration of war by the Congress, or specific prior statutory authorization are introduced."

Following this statement were the procedures to be observed after entry into emergency hostile action. It was a minimally acceptable compromise from my standpoint, for although it was weak in circumscribing the President's power to rescue American citizens in danger abroad, it contained no reference to a "forestall" power, and that was potentially worth the trade-off. Most importantly, the congressional prerogative to authorize hostilities except in limited emergencies would have been preserved. If the House accepted the proposal, we would be well on the road to sending the bill to the President.

The conference committee staffs met frequently the following week, and the conferees convened again on October 3. By evening, they were close to agreement. When House Conference Chairman Zablocki left the meeting, he put his thumb and forefinger close together and said jubilantly, "We're only this far apart." The next morning the Washington Post reported that a "tentative agreement" had been reached, and that "the President would be authorized to take military action against foreign nations without the advance consent of Congress in certain emergency situations, but he would have to come back to Congress and obtain its express consent to continue the action beyond 60 days." (Emphasis added.) This was the general formula of the Senate bill, and while I was unsure what definition of the President's emergency powers had been used, I was pleased by what I read.

Senator Javits' staff assistant called that morning elated that the fundamental principles of the Senate bill had been preserved. Senator Javits had even insisted that the legislative language emphasize that the President could initiate action without prior congressional consent "only pursuant" to the emergency categories listed in the bill.

Then I obtained a draft copy of the bill. It contained a significant surprise. The authority provision was no longer under the "Reporting" section, it was now a part of a "Purpose and Policy" clause of the bill along with other general pronouncements of legislative intent. The authority languange, found under Subsection 2(c) of the "Purpose and Policy" clause, seemed specific enough, authorizing only a limited range of presidential action. The addition of the word "only" seemed to make the clause even more restrictive. But why put the most important provision in a "Purpose and Policy" section, a section usually reserved for broad statements which are used for interpretive purposes in resolving questions relating to other sections? In this context it didn't seem possible that Subsection 2(c) was intended to be governing language, as was the case in the Senate bill. It didn't even track well with the provisions that followed. Something wasn't quite right and I asked my staff to thoroughly research the draft bill.

The conference report was by now printed, and it left little to the imagination. The key sentence describing the authority provision in Subsection 2(c) read as follows: "Subsequent sections of the joint resolution are not dependent upon the language of this subsection [referring to Subsection 2(c)], as was the case with a similar provision of the Senate bill." There was no longer any doubt about the conferees' intent. They were explicitly divorcing the interpretive definition of the President's emergency authority in the "Purpose and Policy" section from the legally binding portions of the bill. The authority language was not only not legally binding, but now even its value as a statement of policy was questionable.

What had finally been agreed to in conference did not simply water down the bill; it turned the Constitution on its head. By failing to define the President's powers in legally binding language, the bill provided a legal basis for the President's broad claims of inherent power to initiate war. Under the formula, Congress would not participate in the warmaking decision until after forces had been committed to battle. No specific congressional consent was required for ninety days (the bill called for congressional approval before sixty days but the President could simply certify that "unavoidable military necessity respecting the safety of U.S. Armed Forces" required their continued use to extend his unilateral power for thirty more days). Congress could act by concurrent resolution to withdraw his authority at any time, but the fact remained that Congress could act only after the troops were deployed. Rather than tying the President's hands—as the White House surprisingly claimed—the bill would tie Congress' hands.

A disclaimer was added to the bill stating that it was not "intended to alter the constitutional authority of the Congress or of the President," but this was a meaningless statement since the judicial branch had historically refused to rule on challenges of authority by one branch against another when Congress had failed to pass a statutory definition of that authority. In addition, a provision was included to assure that a President could not cite the bill itself as statutory authority. But he had no need to cite the bill, since the only authority cited by recent Presidents was an "inherent" power derived from the commander-in-chief clause of the Constitution. Such a claim was improper and unconstitutional in my opinion, but no court would challenge it. It was a "political" question.

In brief, the conference bill was a dangerous piece of legislation which, if enacted, would effectively eliminate Congress' constitutional power to authorize war. It did contain the automatic cutoff provision, but Congress had been notoriously incapable of stopping a conflict once the flag had been committed. Once a battle is underway, the commander in chief controls the flow of vital information; the reins of power, political and military, are in his hands. Under these circumstances, it was unrealistic to expect a majority of Congress to oppose U.S. participation in an ongoing war, especially during the first weeks and months of the conflict when the President monopolizes public opinion. After all, it took nine years after the Gulf of Tonkin Resolution for Congress finally to stop the most unpopular war in our history. And that only after the troops had been withdrawn! If the conference bill passed, Congress would, for the first time, be surrendering its war powers by legislation.

12. Surrender

After three years of work, I now, sadly, had to oppose a war powers bill that would almost surely go to the President. It was not a decision that I relished.

Before speaking against the bill on October 10, I yielded time to Senator Barry Goldwater, who had been the staunchest opponent of the original Senate bill. Goldwater consistently held that Congress could not constitutionally restrict the President's actions, either before or after troops are committed to battle. But now he put forward an unexpected thought: "This conference report, Mr. President, I could probably actually vote for, because it gives the President even broader powers than the authors of the original bill thought they were correcting." I asked Goldwater to elaborate.

"Mr. EAGLETON. Did I correctly hear the Senator say that in some respects he even considered voting for the measure, because this bill as presently drafted gives the President greater powers to wage one-man war than he had before?

"Mr. GOLDWATER. I would not vote for it under any circumstances.

"Mr. EAGLETON. I commend the Senator.

"Mr. GOLDWATER. But I do think that from the conference report, for example, it appears to me that the President is no longer prohibited from initiating original actions. He needs only to report during the first 60 days.

"Mr. EAGLETON. The Senator is precisely correct.

"Mr. GOLDWATER. This language puts into the law language that is not contained in the Constitution, but only assumed to be there because of the delegation of Commander-in-Chief powers to the President. If I were looking for a reason to change my mind, that would be it.

"Mr. EAGLETON. I agree with the Senator completely on that point."

I later told the senator that I hoped all one hundred of our colleagues had read the bill as carefully as he had.

And so we reached the beginning of the end. As debate opened, I conceded that the conferees must have had a hard time negotiating the authority issue, since both sides "marched down separate and distinct roads. . . ." Nonetheless, the final product was "a near-total abrogation of the Senate position on war powers." The authority provision contained under the "Purpose and Policy" section was "no more binding than a 'whereas' clause in a Kiwanis Club resolution." I then read what I considered the most telling sentence in the conference report, the sentence stating that subsequent sections of the bill were "not dependent upon" the authority provision. "If I were arguing a case to a jury of 12 good men," I said, "I would probably rest my case on that one sentence." The conference bill was "worse than no bill at all," and I tried to explain why:

"It fails to address directly the question of just what authority the President has to engage our forces in hostilities without the approval of Congress. It is of questionable constitutionality in that it creates a 60-to-90-day period of Presidentially declared war,

in derogation of the war powers conferred by the founders on Congress. And it creates a legal base for the continuing claims of virtually untrammeled Presidential authority to take the Nation to war without a prior congressional declaration.

"[The bill's] practical effect would be to enshrine, to make permanent by statute, the President's current misuse of power through a procedure which seeks only to limit that misuse rather than to prohibit it altogether."

Senator Javits disagreed with my interpretation that Section 2(c), the authority section, was nonbinding language and sought to disavow the perplexing definition of that section in the conference report: "There is nothing in the managers' report that makes the legislative history exclusively or which binds the Senate only to those confines. I am just as much a manager . . . as the managers of the House."[2] If the senator could successfully divorce himself from the conference report he signed, then his contention that the definition of authority in Section 2(c) was legally binding might seem credible. He persisted with his central point, that the entire bill had equal legal force: "If this is a statute, every part means something, whether it is written in Section 2(c) or in Section 3, as in the Senate bill."

The issues were joined. Was Section 2(c) legally binding? Was the Senate bound to the "confines" of the sentence in the conference report stating that subsequent sections of the bill were "not dependent" on Section 2(c)? Could Senator Javits disavow the conference report he signed? The answers to these questions would only come clear in debate:

"Mr. EAGLETON. . . .with respect to section 2(c), . . . the Senator realizes and has stated in his remarks that language relating to emergencies was in the operative section of the Senate bill, S. 440. Is that not correct?

"Mr. JAVITS. I do not agree with the Senator as to the definition of the "operating section." I think every section of this bill is operative, including the declaration.

"The PRESIDING OFFICER. The Senate will be in order.

"Mr. JAVITS. So I cannot accept the fact that the Senator chooses to make his own definition as to what is operative.

"Mr. EAGLETON. The Senator realizes, does he not, that it is an established legal doctrine? I have one "hornbook"[3] here—I could quote the Senator a hundred—that a preamble or a policy section is:

"To supply reasons and explanations and not to confer power or determine rights. Hence it cannot be given the effect of enlarging the scope or effect of a statute."

"Is that not pretty standard, garden variety legislative law?

Mr. JAVITS. But nonetheless this is a statute, and every word in the statute, in my judgment, has equal effect, no matter what took place at the head of the column; in this case it is "purpose and policy."

"Mr. EAGLETON. Did not the conferees on the House side, the Zablocki side, fight very vigorously to keep it out of the operative sections and put it in the purpose and policy sections?

"Mr. JAVITS. 'The operative sections' is strictly the Senator's definition. What they fought was making the touching-off point for the number of days the question of authority rather than the question of performance, and upon that, as I have stated before, we had to give ground, and we did.

"Mr. EAGLETON. I have one other question, and then I shall yield to the distinguished Senator from Mississippi, and then after that I shall have some concluding remarks of my own.

"The Senator, in his presentation, said something to this effect—and I want to get it straight—that we are not to pay any attention to the managers' report; is that the gist of it?

"Mr. JAVITS. No.

"Mr. EAGLETON. The Senator signed the managers' report?

"Mr. JAVITS. I signed the report of the conferees. That does include the managers' report. We do not sign, as I understand it, the managers' report per se. The signatures appear at the end of the measure.

"Mr. EAGLETON. The signatures appear both at the end of the bill and at the end of the managers' report.

"Mr. JAVITS. That is right."

At this point, Senator Marlow Cook came over and whispered, "The Vice President has just resigned." The galleries were buzzing with the news and senators were coming to the Chamber seeking more information. Spiro T. Agnew, the thirty-ninth Vice President of the United States, had just pleaded nolo contendere to a charge of income tax evasion and had been given a suspended sentence of one year and a ten-thousand-dollar fine.

When order was restored, the debate continued with more discussion of the report and the conferees' responsibility for it. Senator Javits now argued that he was not trying to disavow the report, he was elaborating on it. But a subsequent judicial review would refer only to the bill and its conference report. Senator Javits' elaboration could not be accepted as the official congressional definition of the provisions.

Having exhausted that topic we went back to the bill itself. Despite the compromise with the House, was it still an effective control over presidential power? Senator Javits thought it was:

"Mr. JAVITS. . . . I say to the Senator from Missouri, as one of its original sponsors and one of the stalwarts with respect to the bill, let us not miss the forest for the trees. The fact is that never in the history of this country has an effort been made to restrain the war powers in the hands of the President. It may not suit my colleague 100 percent, but it will make history in this country such as has never been made before.

"Mr. EAGLETON. Mr. President, . . . we are not here to make history. We are here to make law. We are here to make important law, the most important law that can be made by man on this earth; namely, when to go to war—how, why, and when to go to war. . . . The fact is, we have a War Powers Act. It is what it says. That is important, not the title and not even the length of time that has gone into the making of the bill, as long as that has been. That is important, yes. But what is truly vital is how this Nation goes to war and what this bill says, not what the . . . intent of the Senator from New York was when he managed the bill on the floor of the Senate, but what this bill says now after it has come back from conference.

"Yes, I helped to give birth to the Senate bill three years ago, but the child has been kidnapped. It is no longer the same child that went into the conference. It has come out a different baby—and a dangerous baby, Mr. President. Because this bill does not go one inch in terms of restricting the unilateral war-making of the President of the United States.

"Try as he may, and able lawyer that he is, the Senator from New York cannot get around the language of the statute. He cannot get around the fact that the purpose and the political effect of section 2(c) is "nothing." Noble in concept but worthless in execution. He cannot get around the fact that the managers' report of both houses said as much when it said that subsequent sections of the joint resolution are not dependent on the language of section 2(c). The managers went so far as to say, "We want to show you this is not the Senate bill." So they took that out. . . . What we have here today is a 60- to 90-day open-ended blank check which says, "You fight the war for whatever reason, wherever you want to, Mr. President." That is what we are legislating here today."

The conference bill passed the Senate, 75–20. Few senators were in the chamber to hear the full debate; some, I later learned, assumed that the original Senate bill was fundamentally intact. The comments of senator after senator were directed at the original Senate bill rather than the conference bill. The change made by the conference committee seemed minor to most, a technically, not important enough to change long-held positions. But without a legally binding delineation of authority, "the essence of meaningful war powers legislation," in Senator Javits' words, had been sacrified. The President's claim of inherent power to initiate war would be given the color of legality.

On October 12, the House passed the conference bill by a vote of 238–123 and the war powers resolution went to the President for the expected veto.[4] A number of congressmen repeated arguments similar to mine before voting against the bill. But of the appropriately thirty members previously opposed to the Indochina War who voted against the original House bill, only half opposed the new bill. Were the changed votes the result of satisfaction with the conference bill? Or did they reflect a growing resolve to defeat Richard Nixon on something?

On Saturday, October 20, the President's political stock hit a new low. After refusing for months to provide the grand jury investigating the Watergate matter with tape recordings of his conversations with key figures in the affair, he devised a plan to have Senator Stennis review the tapes personally and endorse a summary which would be given to the Court. When Archibald Cox, a former Harvard law professor of mine who had been appointed as special prosecutor in the case, learned he would have to cease his pursuit of the tapes and other key documents, he publicly announced his refusal to accept the President's compromise. That Saturday night the President asked Attorney General Elliott Richardson to fire Cox. Richardson resigned instead. When Deputy Attorney General William Ruckelshaus refused to fire Cox, he was fired. Solicitor General Robert Bork then fired Cox and the "Saturday-night massacre" was over. But in the week ahead the demand for impeachment came from all corners of the country and the House Judiciary Committee

[2] "Managers' report" and "conference report" were used interchangeably during the debate, as were the words "managers" and "conferees."

[3] A "hornbook" is a law-school textbook which summarizes the study of case law.

[4] The White House had long before publicly announced that the President would veto either the House or Senate bill.

began to seriously consider the question. There were fewer and fewer congressmen who wanted to be identified as supporting the President, especially on a separation of powers dispute.

The anger and dismay over the precipitious firing of Special Prosecutor Cox had not yet subsided on October 25, when President Nixon vetoed the war powers resolution. Called H.J. Res. 542 unconstitutional, he charged that it would "seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis." There was nothing new in the message. The President was accustomed to operating in an extraconstitutional fashion, and any apparent restriction of his warmaking powers, even though his board claim to initiate war was left untouched, was unacceptable. It didn't seem to matter that the bill would not stop the President from beginning a war single-handedly. That generous grant of authority would be acknowledged later, but now the President was complaining about an attempt to tie his hands ninety days after committing American forces to battle.

House advocates of the war powers resolution put on an major drive to secure the votes of those few dissident doves who had voted against the conference bill. A two-thirds majority was needed to override the veto. The pressure was on to defeat Richard Nixon and, ironically, the key swing votes were the President's most dedicated opponents. The New Republic and the St. Louis Post Dispatch opposed the conference bill, but most other national publications supported it editorially. The political forces, were pulling strongly to override the veto. The rather dry legal arguments put forth were not making much headway. The President had vetoed eight bills in the Ninety-third Congress and eight times Congress failed to override him. It was an embarrassing record for the Democratic leadership, which was under fire in the media. The war powers vote would be its best chance yet to begin to even the score.

The override vote in the House took place on November 7. Newsweek magazine called it a tense scene with high-pressure lobbying carried on by both sides. The President himself called a number of key congressmen. The leadership leaned on those Democrats who claimed that the bill extended the President's powers. "This is no time to support Nixon," they said. Only seconds before the final tally a small group of liberals switched their votes in favor of the override. The final vote was 284-135. The House overrode the veto by four votes. One of the liberals who reluctantly switched her previous vote was Congresswoman Bella Abzug. She reflected the attitude of many:

"Until today, Congress has not been able to override any Presidential veto in this session. But today's vote comes at a time of revulsion of the people against the crimes and corruption in this administration. . . . This could be a turning point in the struggle to control an administration that has run amuck. It could accelerate the demand for the impeachment of the President."

The bill then came immediately before the Senate and I went to the chamber to urge my colleagues to reject it. As I came onto the floor, a respected senior senator called me aside and said, "Tom, we wish you would keep quiet on this vote. We simply have to slap Nixon down and this is the vote to do it on." I said that I could not keep quiet about a bill that gave the President more power than the Constitution bestowed upon him. It was, to say the least, an awkward confrontation.

I glanced toward the press gallery and began my speech: ". . .the media coverage of the bill still says that [it] limits the President's war powers. It does not. The bill gives the President unilateral authority to commit American troops anywhere in the world, under any conditions he decides, for 60 to 90 days. . . ."

Many senators understood this, but thought that the provisions allowing Congress to stop a war by a majority vote were worth the sacrifice. I again tried to make the point that Congress had been conspicuously reluctant to stop the President after American forces were committed to battle. I related a 1969 conversation with the late Senator Richard Russell of Georgia:

"In one of the early days after I had come to the Senate, I was seated, having lunch, in the little dining room where Senators sometimes dine. I was so new that I sat at the head of the table by mistake. I sat in the chair that, by custom, was reserved for the late Senator Richard Russell, of Georgia. No one told me to the contrary. Senator Russell came in to eat. He took another chair, he being the very fine gentleman that he was. Finally, somebody winked at me and told me I was in the wrong place. So I traded chairs, but I sat next to Senator Russell.

"Somewhere in the conversation, the discussion turned to war, how we get into it, and how hard it is to get out of it. It perhaps is not very well known, but Senator Russell had personal misgivings in the sense of why we were there and what national security interests were being served by our massive presence there.

"But he said:

" 'Whatever misgivings I had about that war—and I counseled with President Eisenhower about it in the early days; I counseled with President Kennedy about it; and I counseled with President Johnson about it—whatever misgivings I had, whatever doubts I had, so long as our flag is committed and our troops have been sent, I have got to support those troops and I have to support the flag when the decision is made.'

"That was what Senator Russell told me. He was a very wise man, one of the wisest ever to serve in this body. Those words of his are better than any that I could summon. Once the commitment has been made the die is cast."

Javits and Muskie seemed more intent on demonstrating that the bill would not overly restrict unilateral presidential action than on what it would do to Congress' role. They sent a "Dear Colleague" letter to all senators, which had been printed in the Congressional Record the day before. The letter referred to an October 6 outbreak of fighting in the Middle East. When a temporary cease-fire between Israeli and Arab forces broke down, the Soviet Union threatened to send ground forces to reimpose it. President Nixon reacted with a worldwide alert bringing our military forces to the brink of war. He never did commit them to battle, but the near-confrontation was an apt backdrop for the war powers debate. In their letter, Javits and Muskie used this situation to show how the war powers bill would work:

"Nothing in the war powers resolution could have hampered the President in his handling of the recent Middle East crisis. The bill would have allowed the President to put our armed forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. *The bill would have required the President only to report to the Congress within 48 hours with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters.* (Emphasis added.)"

Senator Javits, who had earlier argued that the bill would not permit the President to introduce forces into battle without prior congressional consent, appeared in the letter to contradict himself. He explained the contradiction this way: ". . . nothing in the war powers resolution could have hampered the President in his handling of the recent Middle East crisis. . . . Of course, if he had introduced our forces further than he did . . . the bill would have and should have been operative."

Nevertheless, the important question remained: How would the bill operate? What would the President be required to do under its provisions? Javits contended that the President would be circumscribed by the knowledge that Congress could step in and stop him within ninety days. He would have to "take his chances" if his action was not legally correct, Javits argued. I addressed this contention in my summary argument:

"If this becomes law we have given a predated declaration of war to the President and any other President of the United States, courtesy of the U.S. Congress. This is not a question of the President taking his chances. The chances he will be taking are our chances, our country's chances, chances with life and death.

"What the President should do, in the mind of the Senator from New York, is to come to Congress. What does the bill provide? I served at one time in the Missouri Legislature. We had a member of the house there at one time get up and say, 'I see what the bill say, but what do it do?' What does this bill do?

"Section 2(c) is nonoperative and nonenforceable, not only by its policy section but by the very interpretation in the managers' report which was signed by the chief sponsors of the legislation, the Senator from Maine (Mr. Muskie) and the Senator from New York (Mr. Javits). They said in that report very clearly what section 2(c) did not do. It is here on page 8 of the manager's report.

"The chance the Senator from New York is willing to have the President take is the chance to deploy our forces to a hostile area. And the President, under this measure, could deploy those troops in Israel, Syria, Egypt, Chile, Bangladesh, or wherever he wanted, tomorrow. There is a 60-day period but the troops are there. They are deployed, being shot at, dying, and the flag is committed. . . .

"That is not what the Constitution of the United States envisaged when we were given the authority to declare war. We were to decide ab initio, at the outset, and not post facto.

"This is no historic moment of circumscribing the President of the United States insofar as warmaking is concerned. This is an historic tragedy. It gives to the President and all of his successors in futuro, a predated 60-day unilateral warmaking authority. All the words spoken here today cannot change what this law does, and what it does is wrong."

But the train had already left the station, powered by the notion that an override would be a rebuke of the President. One senator came up to me after the debate and said, "I heard your argument. I agree with you. I love the Constitution, but I hate

Nixon more." Another said, "You were right as a matter of policy. But what you failed to recognize was that this had become a symbolic issue insofar as the public's perception of limiting the President's warmaking."

So the President was defeated, symbolically, 75–18. Sam Ervin and Jim Abourezk, who both opposed efforts to legislate in the war powers area, were the only other Democrats to vote with me to sustain the veto. Congress had answered the President's usurpation of its most solemn power by legitimizing it. The enactment of the war powers bill was the culmination of an era of congressional surrender.

On November 9, I wrote to Secretary of State Henry Kissinger and asked him for the State Department's legal interpretation of the newly enacted law. The debate over the meaning of the legislation was a tangle of contradictory assertions. The only practical way to expose the real effect of the bill, short of actually going to war, was to ask how the executive branch would implement its provisions. Would the President feel legally constrained by the definition of his emergency authority contained in the "Purpose and Policy" section of the bill?

The answer came prematurely and unexpectedly in an Associated Press bulletin reporting the comments of Secretary of Defense James Schlesinger at a November 30 press conference. I read the bulletin as it came over the wire service ticker near the Senate floor:

"WASHINGTON (AP).—Defense Secretary James Schlesinger said today war powers legislation passed by the Congress may make it possible for President Nixon to order new bombing in Indochina in the event of a new major North Vietnamese offensive in South Vietnam.

"Though indicating he would likely oppose the idea, Schlesinger said the State Department is examining such a possibility.

"The war powers legislation he referred to would give Nixon the authority to send U.S. forces into combat abroad for sixty days before Congressional authorization had to be obtained.

"The bill became law over President Nixon's veto earlier this month."

It was now plain that the administration was reading the War Powers Resolution for what it was, an undated declaration of war. It was an unconstitutional delegation of congressional war powers, but in the context of continuing usurpations of these powers, the President would be the last to protect Congress from its own legislative formula. The ninety-day grant of authority would apparently be taken at face value, to be used to augment the increasingly discredited presidential claims to initiate war unilaterally.

The War Powers Resolution was a blank check to be used as legal tender for claims of inherent executive power, but according to its provisions it could not be used as "specific authorization." It could not, therefore, be used to supersede the Church-Case provision in the State Department authorization bill stating that no funds may be expended for combat activity in Indochina "unless specifically authorized hereafter by Congress." Secretary Kissinger publicly conceded this point the following week, but by then it was quite clear how the administration would implement the War Powers Resolution in areas of the world where specific restrictions did not apply.

On December 1, I received the State Department's response to my request for a legal interpretation. "It is the Department's opinion that Section 2(c) does not constitute a legally binding definition of the President's Constitutional power as Commander-in-Chief," the letter stated. "Section 2 does not contain language which requires or prohibits any particular action. . . ." The department was still studying the implications of the operative sections of the bill (calling for consultation, reporting, and congressional authorization to continue a war beyond ninety days), but whether or not the President decided he would abide by those legally binding sections or challenge them as unconstitutional, his State Department clearly saw the bill as a ninety-day open-ended grant of authority.

How did it happen? How could Congress formalize its surrender to executive power in the warmaking area in the immediate aftermath of a tragic presidential war? I have given that paradox considerable thought but have no final answer. Had Congress lost confidence in the Constitution and the institutional mechanisms created by that document? There is a pervasive feeling that principles espoused by the founders simply don't apply to the modern age. The New York Times reflected this attitude in its November 8 editorial acclaiming the enactment of the War Powers Resolution:

"The war powers bill itself is not the revolutionary measure that Mr. Nixon and other critics have attempted to make it out to be. It does not in any way curtail the President's freedom, as Commander in Chief, to respond to emergency situations. If any thing, it gives the Chief Executive more discretionary authority than the framers of the Constitution intended in order to deal with modern contingencies that they could not have foreseen."

Life has changed since the time of the founders, but the necessity for deliberation and collective judgement is, if anything, more important today. In 1787, the most likely threat to the United States was the British fleet storming the east coast. In the 1970s the American military presence is everywhere. War could break out involving any of the more than two thousand military installations overseas, and war could begin with the push of a button. We continue to require a commander in chief who can act expeditiously to "repel sudden attacks," but we require more than ever a responsible Congress to decide when national "interests" and "commitments" should lead to war. If the experience of Vietnam has taught us anything, it should have taught that the choice between war and peace is best left to the collective judgement of Congress and the President. There is no guarantee of perfection in such a system, but it is infinitely safer than one man acting alone. The admonition of Supreme Court Justice Joseph Story in 1833, is still relevant today:

"The power of declaring war is not only the highest sovereign prerogative; but it is in its own nature and effects so critical and calamitous, that it requires the utmost deliberation, and the successive review of all the councils of the nation."

Implicit in the argument that Congress cannot perform its function of declaring war in the modern world is the frustration over Congress' inability to step in and take over for a weak President in other areas. Congress is comprised of 535 members. It can never be as dynamic and decisive as the one man to whom the great powers of the presidency are assigned. But the founders understood that the line between dynamism and arrogance, between decisiveness and tyranny, is a precariously thin one. They purposely devised a deliberate, diverse, and accessible body that would subject the most important questions facing us to the scrutiny of collective judgment. Much can be done to improve the process of deliberation, but progress will be slow if Congress misunderstands its own fundamental role.

The primary resonsibility of the legislature in this instance is to declare war, not stop it after it has begun. Congress is at a distinct disadvantage in trying to terminate a conflict over the objections of the commander in chief.

The founders could not have anticipated the contingencies of a modern America, but they were studied in the arrogance of excessive power and they knew well how to limit it. I suspect that if Hamilton and Madison and Jefferson could be brought back to view contemporary America, they would be less alarmed by the modern tools of mass destruction than by the erosion of the constitutional means they created to control their use.

Many have grown cynical over the failure of Congress to curb presidential power. If this book feeds that cynicism, its message has been missed. I labored to enact war powers legislation, because I believed that the intent of the Constitution could be recaptured by statute. It can still be done, but it will require a wider conviction that the system can work. It will require faith in law over the transitory desires of politicians. And it will require a keener awareness by the public that the most important decision a free society makes is the decision to go or not to go to war.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 400

At the request of Mr. MATHIAS, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

S. 450

At the request of Mr. PRYOR, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 551

At the request of Mr. ROTH, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 551, a bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion

from gross income of the cancellation of certain student loans.

S. 573

At the request of Mr. DODD, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 573, a bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits, to require the timely payment of interest on deposits to interest bearing accounts, and for other purposes.

S. 1262

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1271

At the request of Mr. CHAFEE, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Florida (Mr. CHILES), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Pennsylvania (Mr. HEINZ), was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving funds, and for other purposes.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Mississippi (Mr. STENNIS), the Senator from Delaware (Mr. ROTH), the Senator from Oklahoma (Mr. BOREN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. DIXON), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 1578, a bill to clarify the application of the Federal antitrust laws to local governments

S. 1627

At the request of Mr. DANFORTH, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1627, a bill to amend section (1)(f)(3) of the Internal Revenue Code and for other purposes.

S. 1746

At the request of Mr. RUDMAN, the names of the Senator from Nevada (Mr. LAXALT) and the Senator from California (Mr. WILSON) were added as cosponsors of S. 1746, a bill to require that the Federal Government procure from the private sector of the economy the goods and services necessary for the operations and management of certain Government agencies and that the Director of the Office of Management and Budget and the Comptroller General of the United States identify the activities of the Federal Government to produce, manufacture, or otherwise provide goods and services which should be provided by the private sector and prepare a schedule for transferring such activities to the private sector.

S. 1748

At the request of Mr. EAST, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1869

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1869, a bill to provide assistance to local educational agencies and institutions of higher education to promote computer literacy among elementary and secondary school students and their teachers, and for other purposes.

S. 1873

At the request of Mr. SIMPSON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Georgia (Mr. MATTINGLY), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1873, a bill to require the President to report to Congress by July 1, 1987, concerning the need for a new educational assistance program for service members to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to provide for the expeditious consideration of proposed legislation establishing such a program.

S. 1885

At the request of Mr. METZENBAUM, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 1885, a bill to provide special relief for the payment of Federal income taxes and interest on income attributable to a new home which was won in a radio contest and which was specially designed for the handicapped child of the winner.

S. 1893

At the request of Mr. D'AMATO, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1893, a bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploring the Soviet attack on Korean Air Lines Flight 007, or has failed to vote in favor of such resolutions already considered.

S. 1895

At the request of Mr. BENTSEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1895, a bill to amend the Consolidated Farm and Rural Development Act to provide for emergency feed assistance on natural disaster areas, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 73, A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 137

At the request of Mr. KENNEDY, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 137, a joint resolution to designate April 7, 1984, as "World Health Day".

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 168

At the request of Mr. CRANSTON, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. BENTSEN), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 168, a joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month."

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. JEPSEN, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. DODD, the names of the Senator from Tennessee (Mr. SASSER) the Senator from Maine (Mr. COHEN), the Senator from Ohio (Mr. METZENBAUM), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. REIGLE), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution urging the Secretary of Education to postpone further action on reorganization of certain programs in the Department of Education until a study by the General Accounting Office determines that such reorganization would not reduce the ability of the Department of Education to achieve the goals intended by Congress when it authorized the affected programs.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the study group on Senate practices and procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 149

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Resolution 149, a resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 220

At the request of Mr. HUDDLESTON, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Resolution 220, a resolution expressing the sense of the Senate that immediate action should be taken to provide temporary emergency assistance for farmers and others adversely affected by the drought.

SENATE RESOLUTION 229

At the request of Mr. CHAFEE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 229, a resolution relating to the America's Cup yachting series.

AMEDMENT NO. 2227

At the request of Mr. COHEN, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Ohio (Mr. GLENN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. ANDREWS), the Senator from Kentucky (Mr. FORD), the Senator from California (Mr. CRANSTON), the Senator from Rhode Island (Mr. PELL), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. SASSER), the Senator from Alabama (Mr. HEFLIN), the Senator from South Dakota (Mr. PRESSLER), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KASTEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. HATFIELD), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), the Senator from New York (Mr. D'AMATO), the Senator from Virginia (Mr. WARNER), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 2227 proposed to S. 1887, an original bill to extend the Federal supplemental compensation program for 18 months, and for other purposes.

AMENDMENT NO. 2228

At the request of Mr. PELL, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of amendment No. 2228 proposed to Senate Joint Resolution 159, a joint resolution to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon.

SENATE CONCURRENT RESOLUTION 70—RELATING TO THE ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932-33

Mr. HOLLINGS (for himself and Mr. DOMENICI) submitted the followng concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 70

Whereas more than seven million Ukrainians in the Ukrainian Soviet Socialist Republic, one of the member republics of the Union of Soviet Socialist Republics, died of starvation during the years 1932-1933;

Whereas the famine was the consequence of deliberate policies of the Government of the Union of Soviet Socialist Republics aiming to destroy the political, cultural, and human rights of the Ukrainian people, and the economic, social, and political consequences of this famine are still manifest among the Ukrainian population;

Whereas the Government of the Union of Soviet Socialist Republics, although fully aware of the famine in the Ukraine and having complete control of the entire food supplies within its borders, nevertheless failed to take relief measures to check the famine or to alleviate the catastrophic conditions resulting from it, and, furthermore, ignored the appeals of international organizations and other nations; and

Whereas intercessions have been made at various times by the United States during the course of its history on behalf of citizens of other countries who are oppressed or persecuted by their governments, indicating that it has been the traditional policy of the United States to take cognizance of such invasions of human rights and liberties: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby condemns the systematic disregard for human life and for human rights and liberties that characterizes the policies of the Union of Soviet Socialist Republics, expresses sympathy for the millions of victims of such policies, and urges the President—

(1) to proclaim May 28, 1984, as a day to commemorate the 50th anniversary of the introduction of the original resolution by Congressman Hamilton Fish in the House of Representatives which focused attention on the Ukrainian famine;

(2) to call, through public and diplomatic channels, the attention of the world to the policies of the Government of the Soviet Union which caused the slow death by famine of seven million Ukrainians during 1932 through 1933 and to other similar policies of the Government of the Soviet Union; and

(3) to urge the Government of the Soviet Union to remove current restrictions on the shipment of food parcels and other necessities to Soviet citizens by private individuals and charitable organizations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

FAMINE IN UKRAINE

Mr. HOLLINGS. Mr. President, when the Soviet Union destroyed a commercial Korean airliner with its 269 innocent civilians on board, we were all shocked. But we should not have been surprised.

Today, I join with my good friend, the Senator from New Mexico (Mr. DOMENICI) in introducing a resolution which commemorates another Soviet atrocity—one which must be counted as one of history's great genocides. Fifty years ago, over 7 million Ukrainians died a horrible, lingering death during 1932 and 1933 in the first artificially engineered famine the world has known.

The purpose of this coldblooded extermination was to break the backbone of the peasantry in the drive to collectivize agriculture and to destroy all vestiges of Ukrainian nationalism, as expressed in the culture, industriousness, productivity, and pride of the Ukrainian people. Similar devastation was visited on the independent-minded Don and Kuban Cossacks and the Volga Germans. Recent Soviet statistical work leads to the conclusion that in the longer period between 1926 and 1937, at least 14 million people died during collectivization. The only harvest in what was known as the breadbasket of Europe, was that of death, and it was collected in the name of the lofty ideals of Russian Communist hegemony.

All grain was confiscated by the state, and most of it—4 million metric tons—shipped to Europe. Livestock perished, and not even seeds remained for future sustenance. Cannibalism was not unknown as starving villagers, fleeing their homes, were turned back at gunpoint to their prisons of hunger. Those who resisted were shot or exiled. The rest starved to provide an economical solution to the nationality problem. No assistance, domestic or international, was permitted, and in the West, the cries of the famine's victims were muffled as Western journalists, enamored of the romance and promise of the Russian revolution, remained largely silent about its unspeakable toll in human rights and human life.

Mr. President, it is time to break the silence and recognize the enormity of what occurred in the Ukraine at that time. We must also understand it as a clear and brutal expression of Soviet behavior and policies which, in fundamental aspects, have changed little in over half a century. A government willing to exterminate an average of over 10,000 of its own people a day does not hesitate to kill another 269 for reasons of state or whim. A sober awareness of the motivations and values informing Soviet behavior is an absolute requirement for all aspects of an effective U.S. policy toward the U.S.S.R., including disarmament talks.

On May 28, 1934, Congressman Hamilton Fish introduced a resolution in the House of Representatives decrying the suffering of the Ukrainian people and calling on the Soviet Union to alter its policies and alleviate the terrible consequences of the famine. Our resolution urges the President to designate May 28, 1984, the 50th anniversary of congressional recognition of the tragedy, as a day to commemorate the great Ukrainian famine. It also calls on the President to focus world attention on the famine through public and diplomatic channels and to urge the Soviet Government to lift restrictions on food parcels and other necessities sent to Soviet citizens by private individuals and charitable organizations.

Our resolution is a demonstration of solidarity with the Ukrainian Americans who are observing the 50th anniversary of the tragedy this year. It is offered as an expression of moral outrage and sympathy for the 7 million Ukrainians who starved to death, and for the millions of other individuals of other nationalities who have died for Soviet reasons of state.

Mr. DOMENICI. Mr. President, I join with the Senator from South Carolina, Mr. HOLLINGS, in sponsoring this resolution commemorating the 50th anniversary of the Soviet manmade famine in Ukraine. In the period 1932-33, an estimated 7 million Ukrainian men, women, and children lost their lives in a manmade famine in Soviet Ukraine, a fertile country often called the granary of Europe.

In an effort to break the will of an independent-minded and nationally conscious Ukrainian peasantry, and to secure collectivization and insure industrialization, the Soviet regime, under Stalin, ordered the expropriation of all foodstuffs in the hands of the rural population. The grain was shipped to other areas of the Soviet Union or sold on the international market to finance the Government's rapid industrialization program. In the years 1932-34, while the famine was taking place, the Soviet Union exported more than 4 million metric tons of grain.

Peasants were ordered to turn all grain over to the state. Those who refused were deported or executed. Without food, without grain, without seeds, the peasants began to starve. Within months, millions of men, women, and children were dead or dying. Soviet authorities even went so far as to establish border checkpoints to prevent the starving from entering the Russian Republic and prevent anyone from Russia bringing food into Ukraine.

Stalin saw the famine as the "final solution" in his attempt to eradicate the independent spirit of various nationalities in the Soviet Union. Ukrainians, the largest non-Russian nationality in the Soviet Union, represented an impediment to Moscow's plans to create a centralized and Russianized Soviet state. Not coincidentally, famine also ravaged the territories inhabited by the Don and Kuban Cossacks, and Volga Germans. These people were also viewed as posing serious threats to the Soviet regime's ambitions.

It is ironic that the most recent Soviet atrocity of shooting down an unarmed civilian aircraft occurred as Ukrainian-Americans are commemorating the 50th anniversary of the manmade famine. Just as 269 innocent people died on September 1, 1983, an average of about 10,000 Ukrainian men, women, and children died every day in 1932 and 1933 in history's only man-induced famine.

Just as the Soviets at first denied shooting down the Korean Air Liner and then defended their action, the Soviets denied the existence of the famine and then, when the evidence was overwhelming, defended their action. Nothing has changed in Soviet behavior during these past 50 years. The brutal murder of 269 people a month ago was not a mistake or an aberration but the policy of the Soviet Union just as the murder of 7 million Ukrainians 50 years ago, the invasions of the Baltic States, Hungary, Czechoslovakia, and Afghanistan, the subjugation of Eastern Europe, and other atrocities were also Soviet policy.

Mr. President, the famine in Ukraine has been described as the "holocaust the West forgot." It took place at the same time that the United States was extending recognition to the Soviet Union and many in Government did not want to upset the newly developed relations. Many Western correspondents stationed in Moscow refused to report the famine and, in some cases, denied that it existed. In a recent interview for Canadian television, Malcolm Muggeridge, who was stationed in Moscow for the Manchester Guardian at that time, stated that too many Western correspondents allowed their ideological sympathy for this new "world order" to interfere with their obligations as journalists. To his credit, Mr. Muggeridge did report the events at that time as did the Hearst chain of newspapers.

Former Congressman Hamilton Fish introduced House Resolution 399 on May 28, 1934, condemning the Soviet engineered famine in Ukraine. In an interview on September 18, 1983, Mr. Fish stated that of all the tragedies and holocausts of this century, the famine in Ukraine was the worst because it entailed a slow death with much suffering.

Mr. President, I join with my Ukrainian-American friends in commemorating this tragic event in their history and the history of the world. The death of 7 million innocent people is difficult to comprehend but we must never let it be forgotten. Through this resolution, the United States can help focus attention on this "forgotten holocaust."

REMEMBERING THE UKRAINIAN FAMINE

Mr. RIEGLE. Mr. President, the history of the world is scarred by the seemingly endless acts of inhumanity committed by one individual, group or nation against another. Most recently, citizens of this Nation and the world were shocked by the Soviet Union's brutal destruction of a civilian airliner, resulting in the tragic loss of 269 innocent lives.

This week, we mark the anniversary of another human tragedy. Fifty years ago, the world witnessed the starvation of millions of Ukrainians—victims of history's only man-induced famine.

Mr. President, 50 years ago this month, the normally bountiful fields of the Ukraine were filled with the stench of death and decay. This devastation was not caused by any natural catastrophe. It was an entirely new phenomenon—history's first manmade famine.

To achieve his goal of rapid industrialization, Stalin had decreed the focible collectivization of agriculture and the adherence to rigid, unrealistic quotas. When the collectivized farms in the "breadbasket of Europe," the Ukraine, were inevitably unable to meet their quotas, the farmers were accused of such crimes as stealing, sabotage and hoarding. Stalin, in an attempt to crush all vestiges of Ukrainian national sentiment, ordered all the food be confiscated, leaving the Ukrainian peasant families to face certain death by starvation.

The resulting famine eliminated a substantial segment of the U.S.S.R.'s on-Russian population, thus insuring that the Soviet Union would remain for the next five decades a state dominated by an absolute Russian majority. At the height of the famine, the Soviet authorities continued to deny that a famine existed, refused international assistance, and increased its grain exports. Reliable figures indicate that 7 to 14 million peasants died as a result of this manmade disaster.

Mr. President, 50 years seems to me too long a time to remain silent about one of the greatest crimes in the history of mankind. In commemorating the anniversary of the famine this week, Ukranian Americans do this country and the world a great service. For only by recalling the painful memories of the past can we hope to insure that history does not repeat itself.

SENATE RESOLUTION 233—RELATING TO THE COMMON AGRICULTURAL POLICY OF THE EUROPEAN COMMUNITY

Mr. DIXON (for himself, Mr. HELMS, Mr. HUDDLESTON, Mr. PERCY, Mr. ZORINSKY, Mr. DOLE, Mr. BOREN, Mr. LUGAR, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. JEPSEN, Mrs. HAWKINS, Mr. ANDREWS, Mr. WILSON, Mr. EAGLETON, Mr. DANFORTH, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. SASSER, Mr. PRESSLER, Mr. BAUCUS, Mr. COHEN, Mr. BUMPERS, Mr. ABDNOR, Mr. DURENBERGER, Mr. BURDICK, Mr. GRASSLEY, Mr. MATTINGLY, Mr. NICKLES, Mr. QUAYLE, and Mr. TRIBLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 233

Whereas the Commission of the European Community has proposed modifications to the European Community's Common Agricultural Policy (CAP);

Whereas the CAP proposals announced by the Commission call, among other things, for restrictions on imports of nongrain feed ingredients, including corn gluten feed and citrus pellets, and for a consumption tax on vegetable oils and fats, including soybean products;

Whereas United States exports to the European Community in 1982 totaled over $4 billion of soybeans and oilseed products and nearly $700 million of corn gluten feed and other nongrain feed ingredients, representing over 50 percent of United States agricultural exports to the European Community and over 10 percent of total United States farm exports;

Whereas the European Community has bound in the General Agreement on Tariffs and Trade (GATT) that it will impose no import duties on soybeans, soybean meal, corn gluten feed, and citrus pulp, and such zero tariff bindings were agreed to in return for United States trade concessions to the European Community during earlier rounds of trade negotiations;

Whereas the Administration has expressed deep concern and disappointment in the proposals for CAP modification advanced by the Commission and has declared its strong opposition to the adoption of any measures calling for new restrictions on United States exports to European Community markets;

Whereas the adoption of proposed CAP modifications by the European Community would impair access of United States agricultural products to the European Community markets and would shift the financial burden of needed CAP adjustments from the Community to other nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should urge the Council of European Community Ministers to reject the proposals of the Commission that seek to shift to other countries the financial bruden of disposing of European Community agricultural surpluses;

(2) the President should continue to vigorously oppose any of the proposed CAP modifications that would adversely affect access of United States agricultural exports to the European Community markets; and

(3) if the European Community adopts any of these proposed CAP modifications, strong measures should be implemented immediately to protect the legitimate trade interests of the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to the President, the Secretary of State, the Secretary of Agriculture, and the United States Trade Representative.

Mr. DIXON. Mr. President, today I am submitting, along with 30 of my distinguished colleagues, a resolution expressing the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the common agricultural policy of the European Economic Community.

Mr. President, I would have hoped that a resolution of this type would not be necessary, but with the proposals to modify the common agricultural policy now being considered by the European Economic Community, it seems there is no choice. Decades of cooperation are now being challenged by the proposed tax on vegetable oils and fats, and the import restrictions on nongrain feed ingredients.

This resolution is straightforward and to the point. First, it asks the President to communicate with the Council of European Community Ministers, urging them to reject the proposals of the Commission, which seek to shift to other countries the burden of disposing EC agricultural surpluses.

Second, the resolution asks the President to vigorously oppose any of the proposed cap modifications that would adversely affect our access of agricultural exports to the EC.

This resolution also expresses the sense of the Senate that strong measures should be implemented immediately to protect the legitimate trade interests of the United States if the proposed cap modifications are adopted.

This issue is of great importance to the American farmer and to the citizens of the United States. It is of great importance to my own State of Illinois, which is the No. 1 State in the production of soybeans and in agricultural exports.

In 1982, nearly half of the U.S. $8.4 billion in soybean and soybean product exports were exported to the EC, where they entered duty-free. If the proposed tax on fats and oils is implemented, we will lose much of the EC soybean and soybean product market.

The United States exported less than $200 million of soybean and soybean products to the EC when the zero binding for soybeans and soybean meal was negotiated in 1962. Because imported soybeans and soybean meal are exempt from EC duties, and are less expensive, European feed manufacturers have increased the soybean meal share of processed products.

The use by the EC of soybean oil, which is processed from imported soybeans, has increased in salad oil, cooking oil, and margarine. Soybean oil competes with locally produced EC olive oil and butter.

The EC is proposing to use a discriminatory tax on fats and oils instead of discontinuing the use of import barriers and lowering minimum internal price guarantees. The revenue generated by the tax would be used to fill the depleted coffers of the EC treasury to continue to support their present agricultural policy. By taxing

fats and vegetable oils at a higher rate than olive oil, and imposing no tax on butter, the effect would be to reduce the use of soybean oil which would also have a similar effect on soybeans and soybean meal.

The net effect of this proposal would be a loss of soybean and soybean meal exports by the United States. This would correspond to a reduction in price to the more than 600,000 American soybean farmers.

In addition to the consumption tax on vegetable oils, which is being contemplated by the EC, there is also under consideration some form of import restrictions on nongrain feed ingredients including corn gluten feed and citrus pulp. This proposal is contained in the EC discussion of reforms in the cereals program. The Commission calls for "a rapid and effective limitation of imports" of these ingredients.

A limit on imports of corn gluten feed by the EC would violate longstanding GATT agreements and threaten a $500 million per year U.S. export market without materially affecting the internal grain support problems faced by the EC.

Around 3 million tons of corn gluten feed are exported to the EC annually for use as protein ingredients in feeding livestock. Under GATT rules, these imports, as well as the import of a number of other protein materials, are bound duty-free under agreements reached during the Kennedy round of multilateral trade negotiations.

Corn gluten feed is one of many products used by European animal feeders as protein supplements. Restrictions on its import will not result in a concurrent increase in the amount of EC-produced grains which are fed to livestock. Further, since corn gluten feed exports are only a small part of the total amount of nongrain feed ingredients used by EC animal feeders, other major ingredients, such as soybean meal, could face similar threats in the future when restrictions on corn gluten feed fail to have a material impact on the EC grain situation.

Mr. President, it is imperative that the U.S. Senate be on record objecting to the potential threat by the Commission of the European Economic Community that would further restrict our access to the EC market.

We should make our position clear and the best way to do this, is to adopt this resolution. I urge my colleagues to join with me in taking this important, and necessary, step.

Mr. HUDDLESTON. Mr. President, I am pleased to join my colleagues in submitting the resolution relating to the common agricultural policy of the European community.

Modifications of the common agricultural policy have recently been proposed by the EC commission that will effectively restrict agricultural imports to Europe to protect the domestic agricultural economies of EC members. If adopted by the Council of Ministers of the European Community, the modifications will create real problems for U.S. farmers.

The resolution expresses the sense of the Senate that the U.S. Government should vigorously oppose the cap modifications and, if they are adopted, take appropriate measures to insure that our trade interests are protected.

EXPORT MARKETS

U.S. farmers are in financial trouble. Following 2 years of disastrously low prices, this year the farm economy is being adversely affected by the drought and a continuation of the weak demand in export markets.

During fiscal year 1982, the value and volume of U.S. farm product exports declined for the first time in 13 years. Export volume declined by 2 percent from the previous year, and the value of these exports fell 11 percent. The Department of Agriculture forecasts that U.S. farm exports may decline further in this fiscal year.

In the 1970's, our agricultural exports grew fivefold. However, from 1981 to 1983, they have declined about one-fifth, from more than $44 billion in 1981 to a projected total of $34.5 billion in 1983.

We must reverse this trend, and to do so, we must protect the ability of the United States to sell its products abroad.

The proposed modifications of the cap—a consumption tax on oils and fats, and restrictions on imports of corn gluten feed and similar feeds—jeopardize our export sales to a major market. In 1982, the United States exported over $4 billion of soybean and oilseed products, and nearly $700 million of corn gluten feed and other nongrain feed ingredients, to the EC. In total, U.S. agricultural export sales to the EC amount to almost one-quarter of all U.S. agricultural export sales.

Further, the proposed action will effectively abrogate the EC's commitment under the GATT accords not to impose import duties on soybean products and corn gluten feed.

While we ought to strive for free trade throughout the world, looking toward the elimination of tariffs and trade barriers of all sorts, it is becoming increasingly clear that other nations, at the present time, do not support the concept of free and fair trade.

I do not think the United States should sit back and allow its producers to be put at a disadvantage by the practices of other countries that unfairly reduce opportunities for the sale of agricultural products.

CONCLUSION

Mr. President, the costs to governments and consumers of protectionist policies are great. Further, such policies distort patterns of trade and divert resources from better economic uses. No one gains from such inefficiencies and the list of those who are hurt is long.

I am hopeful that the council of ministers of the European Community will reject the proposals of the Commission. I urge my colleagues to support this resolution that makes clear the position of the Senate in this regard.

Mr. HELMS. Mr. President, this resolution is a signal that the U.S. Congress will not stand idly by as export markets are taken from U.S. farmers.

The Commission of the European Community has proposed several changes in the EC's common agricultural policy, and some of these proposed changes would adversely affect U.S. agricultural exports. The United States should adamantly oppose such proposals, which will restrict vital markets for American farmers—particularly producers of corn and soybeans.

I commend our distinguished colleagues from Illinois, Senators DIXON and PERCY, the distinguished ranking minority member of the Agriculture Committee, Senator HUDDLESTON, and the other cosponsors of this resolution for their leadership on behalf of American agriculture.

Specifically, we are concerned about two measures: restrictions on imports on nongrain feed ingredients such as corn gluten feed and citrus pellets, and a consumption tax on vegetable oils including soybean products. If these measures are imposed, U.S. farmers will lose a valuable outlet for their commodities and derivatives of those commodities.

Corn gluten is a by-product of the corn milling industry. It is exported from the United States to the EC as a low energy, fibrous, medium protein feedstuff which is used in dairy and beef cattle rations in Europe.

In 1982, the U.S. exported $437 million worth of corn gluten feed and meal to the 10 EC member nations. Restrictions on these shipments would deprive American farmers of valuable markets.

Pelleted citrus pulp is another type of nongrain feed ingredient exported to the EC. In total, the U.S. exports about $700 million of nongrain feed ingredients to the EC every year.

In a sense, these proposals are not new. Several times in recent years some member states of the European Community have proposed such measures. As recently as April 15, 1982, the Senate adopted a resolution objecting to an earlier EC proposal for restrictions on corn gluten feed. In fact, such restrictions could adversely affect related industries in certain European countries, and they were not implemented by the EC.

However, there is renewed impetus behind the proposals. Although they

would likely be rejected individually, there is a chance that these restrictions could be implemented as part of a more comprehensive package.

The uneconomic results of the common agricultural policy have escalated the costs of EC agricultural programs to the limits of their resources, and changes in these programs could well occur.

In June of this year, the heads of state of the EC member countries met in Stuttgart to discuss their budget problems. They directed the EC Commission to prepare proposals for controlling the cost of EC agricultural programs. The Commission's proposals were published July 29, 1983. Another summit meeting of EC heads of state is to occur in Athens in December.

As a result, Mr. President, this resolution is especially timely. There should be no mistake on the part of the Europeans how seriously we view these restrictions.

In all fairness, Mr. President, it should be noted that there are some elements of the EC proposals which appear to be commendable. For example, the EC has vaguely proposed some constraints on milk production and a "more restrictive" price support policy, which would be constructive and responsible adjustments. However, these proposals are quite unspecific and do not appear to provide the real restraints which are needed on EC subsidies and surpluses.

It is true that the EC remains a major purchaser of U.S. agricultural commodities, but that is no excuse for the existing trade policies in Europe. In fact, the growth in trade has occurred despite the Common Agricultural Policy—not because of it—in those commodities which are not subject to the EC's variable levy. During the decade of the 1970's, U.S. exports of nonlevy items to the EC increased at almost twice the rate of levied imports.

Now the EC is proposing to further expand these costly and restrictive levies. If these new proposals were to be accepted, EC restrictions on agricultural imports would then cover virtually all major products. We must not let free trade be shut out entirely.

American farmers cannot afford to have these markets taken away from them. Last year the U.S. exported over $4 billion worth of oilseeds and products to the EC, including $2.8 billion worth of soybeans and nearly $900 million worth of soybean cake and meal.

North Carolina farmers produced nearly $300 million worth of soybeans in 1981, which represents 7 percent of all farm cash receipts in our State. Not only is the crop economically important, it is one which represents a classic example of successful free enterprise.

The rapid advance of the U.S. soybean industry has predominantly occurred apart from Government commodity programs, in contrast to other crops. During the last 40 years, demand for high protein soy products has increased and U.S. farmers have responded to the market incentive by increasing production dramatically. Soybean production increased from 5 million bushels in 1925 to over 2 billion bushels last year.

At the same time, Government programs and controls for soybeans are very limited. Soybean growers have requested that soybeans maintain their traditional freedom from Government regulations by not being included in any farmer-owned reserve, land diversion, or acreage reduction.

Soybean price supports are set as a percentage of recent year's market prices, so as to keep U.S. soybeans competitive in world markets. In terms of protection from low prices or natural disaster, soybeans growers have generally taken the initiative upon themselves to use marketing strategies or otherwise protect themselves through the private sector, rather than using the Government. Reserves of soybeans are entirely held by farmers and industry in the private sector, without a frame-work of Government storage payments and controls. This encourages individual initiative, is more efficient than Government controls, and is less costly to the taxpayers.

The industry has already been active on trade-related matters. On April 6, 1983, the National Soybean Processors Association submitted a petition to the U.S. Trade Representative seeking relief from unfair foreign trade practices.

In short, the soybean industry has not asked for much from the U.S. Government. Surely the least we can do is to support the soybean industry in its efforts to keep our world markets free. That is vitally important, not only to corn and soybean farmers, but also to the future of a free and fair world trading system.

Mr. President, Secretary Block has responded to the EC proposals in a firm and timely fashion. I ask unanimous consent that an excerpt of Secretary Block's statement before the American Soybean Association be printed in the RECORD at the conclusion of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

I am deeply concerned and disappointed to learn that the Commission of the European Community has proposed to restrict imports of corn gluten feed and impose a tax on vegetable oils as part of an effort to solve its farm budget problems.

We have not had time to examine in detail the proposals made public by the Commission on Friday, but it appears that once again the EC is ready to deal with its internal problems by transferring a major part of the burden of adjustment to other countries.

Despite years of intense debate on these same issues—during which we have made it abundantly clear that we are opposed to any action affecting our access to the EC market—the EC is again proposing to restrict imports of corn gluten feed and to impose a tax on vegetable oils.

The result of these proposals would be to expand EC restrictions on agricultural imports to cover virtually all major products.

These are drastic policy decisions; we are gravely concerned, and we will make our concerns known to EC officials in detail as we undertake a complete review of the proposals.

In this process, we will be very clear on one essential point: Should the EC take, action to apply new restrictions on our trade, this would leave us no other choice but to consider whatever counter measures are necessary to defend our legitimate trading interests.

SENATE RESOLUTION 234—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 234

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 672, to amend the Reclamation Safety of Dams Act of 1978 to authorize additional appropriations, and for other purposes. S. 672, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of S. 672. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The likelihood that the Committee on Energy and Natural Resources would report such a legislative initiative was reflected in its March 1983 report to the Committee on the Budget pursuant to section 301(c) of the Congressional Budget and Impoundment Control Act of 1974. Therefore, the Appropriations Committee of the Senate has had adequate notice of this authorization. Enactment of S. 672 is not expected to interfere with or delay the appropriations process.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT AMENDMENTS

GARN AMENDMENT NO. 2237

(Ordered to lie on the table.)

Mr. GARN submitted an amendment intended to be proposed by him to the bill (S. 979) to amend and reau-

thorize the Export Administration Act of 1979; as follows:

On page 53, after line 9, insert the following:

REPEAL OF LIMITATION ON EXPORT CONTROL AUTHORITY

SEC. 19. The last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) is repealed.

● Mr. GARN. Mr. President, the Senate will soon be turning to the consideration of S. 979, the Export Administration Act Amendments of 1983. That bill contains a provision that would require the President to repect the sanctity of existing contracts at the time of the imposition of new foreign policy export controls. Such protection is currently provided under law only with regard to agricultural exports.

I do not believe that it is either fair or wise to give one sector of the economy protections unavailable to other sectors. This situation is remedied by the contract sanctity provision of S. 979, which would apply its protections to all sectors of the economy. With this more adequate contract sanctity provision in S. 979, it is appropriate to delete the contract sanctity provision for agriculture alone that was added to the Commodity Futures Trading Commission legislation last Congress. I am today introducing an amendment to S. 979 that would make that change, and I ask that it be printed in the RECORD.●

WAR POWERS RESOLUTION

DODD (AND KENNEDY) AMENDMENT NO. 2238

Mr. DODD (for himself and Mr. KENNEDY) proposed an amendment to the joint resolution (S.J. Res. 159) to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon; as follows:

On page 7, line 25, strike out the period and insert in lieu thereof "; or"; and after line 25, insert the following:

(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

TSONGAS AMENDMENT NO. 2239

Mr. TSONGAS proposed an amendment to the joint resolution Senate Joint Resolution 159, supra; as follows:

On page 3, lines 12 and 13, after "(2) in order to", strike "restore full control by the Government of Lebanon" and insert in lieu thereof "Maintain a secure area from which the Government of Lebanon can restore full control."

LEVIN (AND RANDOLPH) AMENDMENT NO. 2240

Mr. LEVIN (for himself and Mr. RANDOLPH) proposed an amendment to the joint resolution Senate Joint Resolution 159, supra; as follows:

On page 4, line 5, between "(b)" and "The" insert the following: "Actual or imminent hostilities involving U.S. Armed Forces came into being on August 29, 1983."

MATHIAS AMENDMENT NO. 2241

Mr. MATHIAS proposed an amendment to the joint resolution, Senate Joint Resolution 159, supra; as follows:

On page 8 line 23 delete the phrase "the yeas and nays." and substitute the words "pursuant to its rules", and place a period after the word "rules."

CONTINUING APPROPRIATIONS, 1984

HATFIELD AMENDMENT NO. 2242

Mr. HATFIELD proposed an amendment to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes; as follows:

On page 13 line 8 strike "November 17, 1983" and insert in lieu thereof "November 10, 1983".

FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM EXTENSION

HEINZ AMENDMENT NO. 2243

Mr. HEINZ proposed an amendment to the bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes; as follows:

Strike out sections 3 and 4 of the bill and insert in lieu thereof the following:

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in such account shall be equal to the lesser of—

"(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

"In the case of weeks during a:	The applicable limit is:
10-percent period	12
8-percent period	10
6-percent period	8
Low-unemployment period	0

"(B) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983 and prior to October 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after October 1, 1983, shall be equal to such individual's additional entitlement.

"(D) For purposes of subparagraph (C) and this subparagraph the term 'additional entitlement' means the lesser of—

"(i) 16 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(ii) 4 times the individual's average weekly benefit amount for his benefit year.

"(3)(A) For purposes of this subsection, the terms '10-percent period', '8-percent period', '6-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the total unemployment rate in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the total unemployment rate for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
10-percent period	A rate equal to or exceeding 10 percent.
8-percent period	A rate equal to or exceeding 8 percent, but less than 10 percent.
6-percent period	A rate equal to or exceeding 6 percent, but less than 8 percent.
Low-unemployment period.	A rate less than 6 percent.

"(C) Each 10-percent period, 8-percent period, 6-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, shall last for a period consisting of all weeks beginning in October and November 1983. Succeeding periods shall begin with the first week beginning in December, and every second month thereafter, and remain in effect for all weeks beginning in that month and the following month (but subject to the termination provision under subsection (f)(2)).

"(D) for purposes of this subsection the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970.

"(4) For purposes of this section, the term 'total unemployment rate' means—

"(A) the seasonally adjusted total unemployment rate with respect to any State for which the Bureau of Labor Statistics compiles such rate on a month-to-month basis; or

"(B) the total unemployment rate (unadjusted) with respect to any other State.".

(b) Section 602(d) of such Act is amended by striking out "or (D)(ii)".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

"(b) In the case of any eligible individual—

"(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount in his Federal supplemental compensation account) before the first week beginning after September 30, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

CONTINUING APPROPRIATIONS, 1984

HATCH AMENDMENTS NOS. 2244 AND 2245

Mr. HATCH submitted two amendments intended to be proposed by him to the joint resolution, H.J. Res. 368, supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. 125. (a) This section may be cited as the "Dairy Production Stabilization Act of 1983".

(b) Effective on the sixtieth day following the date of the enactment of this Act, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended by the Omnibus Budget Reconciliation Act of 1982, is amended—

(1) by striking out subsection (d);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level, not less than $11.60 per hundredweight for milk containing 3.67 per centum milkfat, as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs, taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. Such level shall be established by the Secretary at the beginning of each fiscal year.".

AMENDMENT NO. 2245

At the end of the joint resolution, add the following new section:

SEC. 112. (a) This section may be cited as the "Dairy Production Stabilization Act of 1983".

(b) Effective on the sixtieth day following the date of the enactment of this Act, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended by the Omnibus Budget Reconciliation Act of 1982, is amended—

(1) by striking out subsection (d);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level, not less than $11.60 per hundredweight for milk containing 3.67 per centum milkfat, as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs, taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. Such level shall be established by the Secretary at the beginning of each fiscal year.".

FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM EXTENSION

PRYOR (AND OTHERS) AMENDMENT NO. 2246

Mr. PRYOR (for himself, Mr. DOLE, and Mr. COCHRAN) proposed an amendment to the bill S. 1887, supra; as follows:

Strike out section 6 of the bill and insert in lieu thereof the following:

ARRANGEMENTS TO PREVENT PAYMENTS OF UNEMPLOYMENT COMPENSATION TO RETIREES AND PRISONERS

SEC. 6. (a) The Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General are directed to enter into arrangements to make available to the States, computer or other data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

(b) The Secretary of Labor shall report to the Congress, prior to January 31, 1984, on arrangements which have been entered into under subsection (a), and any arrangements which could be entered into with other appropriate State agencies, for the purpose of ensuring that unemployment compensation is not paid to retired individuals or prisoners in violation of law. The report shall include any recommendations for further legislation which might be necessary to aid in preventing such payments.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2247

Mr. MOYNIHAN (for himself, Mr. BYRD, Mr. SPECTER, Mr. LEVIN, Mr. DIXON, Mr. RIEGLE, Mr. METZENBAUM, Mr. LEAHY, and Mr. SASSER) proposed an amendment to the bill S. 1887, supra; as follows:

Strike out sections 2, 3, and 4 of the bill and insert in lieu thereof the following:

EXTENSION OF FSC PROGRAM

SEC. 2. (a) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after June 30, 1984.".

(b) Section 605(2) of such Act is amended by striking out "October 1, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "July 1, 1984.".

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in such account shall be equal to the lesser of—

"(i) 55 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

In the case of weeks during a:	The applicable limit is:
5-percent period	14
4-percent period	12
3-percent period	9
Low-unemployment period	7

"(B) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, but has not exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983 and prior to October 1, 1983, the amount established in such account for compensation payable for

weeks beginning in or after October 1, 1983, shall be equal to such individual's additional entitlement.

"(D) For purposes of subparagraph (C) and this subparagraph—

"(i) the term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account; and

"(ii) the term 'additional entitlement' means the lesser of—

"(I) 60 percent of the subparagragh (A) entitlement, or

"(II) 4 times the individual's average weekly benefit amount for his benefit year.

"(E) Any individual who would qualify for Federal supplemental compensation solely by reason of subparagraph (C), and who, prior to September 30, 1983, has applied for, and established eligibility for, any form of cash or in-kind assistance (including food stamps, aid to families with dependent children, supplemental security income, or medical assistance under a State medicaid plan), may decline eligibility for Federal supplemental compensation if payment of such compensation would result in a loss of eligibility for such other assistance. For purposes of eligibility for, and the amount of, such other cash or in-kind assistance, the Federal supplemental compensation declined by the individual shall not be considered as available to such individual. The choice to decline eligibility for Federal supplemental compensation shall terminate any rights to such compensation.

"(3)(A) For purposes of this subsection, the terms '5-percent period', '4-percent period', '3-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
5-percent period	A rate to or exceeding 5 percent.
4-percent period	A rate to or exceeding 4 percent, but less than 5 percent.
3-percent period	A rate to or exceeding 3 percent, but less than 4 percent.
Low-unemployment period.	A rate less than 3 percent.

"(C) No 5-percent period, 4-percent period, 3-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, or any week thereafter, shall last for a period of less than 13 weeks (but subject to the termination provision under subsection (f)(2)).

"(D) For purposes of this subsection—

"(i) the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; and

"(ii) the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.

"(4)(A) If the application of the provisions of this paragraph results in a higher applicable limit for a State under paragraph (2), the applicable limit for such State for purposes of paragraph (2) shall be determined under this paragraph, rather than under paragraph (3).

"(B) A State shall be deemed to be in a '5-percent period', '4-percent period', or '3-percent period' for a week if—

"(i) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the most recent month for which such rate is available preceding the month in which such week begins falls within the applicable range described in subparagraph (C); or

"(ii) In the case of a State not described in clause (i), the average monthly total rate of unemployment for such State for the most recent 3 calendar months for which data are available preceding the month in which such week begins falls within the applicable range described in subparagraph (c).

"(C) For purposes of subparagraph (B), the applicable range is as follows:

In the case of weeks during a:	The applicable range is:
5-percent period	A rate equal to or exceeding 11 percent.
4-percent period	A rate equal to or exceeding 10 percent but less than 11 percent.
3-percent period	A rate equal to or exceeding 8 percent but less than 10 percent.".

(b) Section 602(d)(3) of such Act is amended by striking out "subparagraph (A)(ii) or (D)(ii) of".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount of his Federal supplemental compensation account) before the first week beginning after September 30, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purpose of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

STUDY OF UNEMPLOYMENT STATISTICS

SEC. 4A. The Secretary of Labor, in conjunction with the Congressional Research Service, shall conduct a study, and shall report the results of such study to Congress not later than May 15, 1984, with respect to alternatives to the rate of insured unemployment which would be available, or should be made available, with respect to all States, which would provide a more accurate measurement of the employment and labor market situation in each State and a more accurate and equitable determinant of the extent of need in each State for unemployment insurance benefits beyond regular compensation.

SENSE OF CONGRESS WITH RESPECT TO UNEMPLOYMENT COMPENSATION STRUCTURAL CHANGES

SEC. 4B. It is the sense of the Congress that the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives should each expeditiously undertake studies and conduct hearings concerning the need to reform the fundamental structure and benefits of those unemployment compensation programs which are in addition to State regular compensation, and that each committee should report appropriate legislation necessary to carry out the committee's findings prior to June 1, 1984.

BAUCUS (AND OTHERS) AMENDMENT NO. 2248

Mr. BAUCUS (for himself, Mr. MELCHER, Mr. BAKER, Mr. BYRD, Mr. INOUYE, Mr. SASSER, Mr. BENTSEN, and Mr. DOLE) proposed an amendment to the bill S. 1887, supra; as follows:

At the end of the bill, add the following new section:

MAUREEN AND MIKE MANSFIELD FOUNDATION

SEC. . (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this section to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

(b) No financial assistance provided under this section may be made except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this section shall remain available until expended.

HAWKINS AMENDMENT NO. 2249

Mrs. HAWKINS proposed an amendment to the bill S. 1887, supra; as follows:

On page 8 after line 7 add the following:

SEC. . Treatment of certain agricultural labor.

Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking

out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

MITCHELL (AND DOLE) AMENDMENT NO. 2250

Mr. MITCHELL (for himself, Mr. HATFIELD, and Mr. DOLE) proposed an amendment to the bill S. 1887, supra; as follows:

At the end of the bill add the following new section:

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

SEC. . Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

STAFFORD (AND HEINZ) AMENDMENT NO. 2251

Mr. DOLE (for Mr. STAFFORD and Mr. HEINZ) proposed an amendment to the bill S. 1887, supra; as follows:

At the end of the bill add the following new section:

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

SEC. . (a) Section 1202(b)(2) of the Social Security Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advances";

(2) in subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) in subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were"; and

(4) in subparagraph (B), by striking out "advance" the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

LEVIN (AND OTHERS) AMENDMENT NO. 2252

Mr. LEVIN (for himself, Mr. SPECTER, and Mr. RIEGLE) proposed an amendment to the bill, S. 1887, supra, as follows:

At the end of the bill add the following new section:

OPTIONAL TRIGGER FOR EXTENDED BENEFITS

SEC. . Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new subsection:

"OPTIONAL STATE EXTENDED BENEFIT PERIODS

"(f)(1) Any State may provide that an extended benefit period may be in effect in such State in accordance with the provisions of this subsection, for weeks which are not otherwise in an extended benefit period as determined under the preceding provisions of this section.

"(2) For purposes of this subsection there shall be a State 'on' indicator for weeks beginning in a calendar quarter if the rate of insured unemployment in the State equals or exceeds the applicable percentage (determined under paragraph (3)) for the period consisting of all weeks which begin on or after January 1, 1982, and in or before the second preceding calendar quarter. For purpose of this subsection there shall be a State 'off' indicator for weeks beginning in a calendar quarter for which there is no 'on' indicator.

"(3) For purposes of paragraph (2), the applicable percentage shall be—

"(A) 6 percent, in which case there shall be a 10-week benefit period in effect for eligible individuals in such State;

"(B) 5 percent, but less than 6 percent, in which case there shall be an 8-week benefit period in effect for eligible individuals in such State; or

"(C) 4 percent, but less than 5 percent, in which case there shall be a 6-week benefit period in effect for eligible individuals in such State.

"(4) Notwithstanding any other provision of this Act, the amount established in the account of an eligible individual who has a period of eligibility solely by reason of this subsection shall be equal to—

"(A) 10/13 of the amount which would otherwise be established in such account under section 202(b) in the case of an individual in a 10-week benefit period;

"(B) 8/13 of the amount which would otherwise be so established in the case of an individual in an 8-week benefit period; and

"(C) 6/13 of the amount which would otherwise be so established in the case of an individual in a 6-week benefit period.

"(4) Any State which chooses to allow extended benefit periods in accordance with this subsection shall provide that any individual eligible for extended compensation solely by reason of this subsection may decline eligibility for such compensation, and for purposes of the State's plan under part A of title IV of the Social Security Act such compensation shall not be considered to be available to such individual. Any choice to decline eligibility for such compensation shall terminate any rights to such compensation.

"(5) The provisions of this subsection shall apply only to calendar quarters beginning on or after October 1, 1983, and ending on or before March 31, 1985.".

BYRD AMENDMENT NO. 2253

Mr. BYRD proposed an amendment to the bill, S. 1887, supra as follows:

Strike out sections 3 and 4 of the bill and insert in lieu thereof the following:

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4), by redesignating paragraph (5) as paragraph (4), and by inserting after paragraph (1) the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in any account shall be equal to the lesser of—

"(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

In the case of weeks during a:	The applicable limit is:
5-percent period	12
4-percent period	10
3-percent period	8
Low unemployment period	6

"(B) If the applicable limit in effect for a State for the week beginning September 25, 1983, was 14 (as determined under the provisions of subparagraph (A) as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983), the applicable limit for such State shall remain at 14 for any consecutive week thereafter for which such limit would have remained at 14 under such prior provision. Paragraph (3)(D) shall not apply in the case of an applicable limit determined under this subparagraph.

"(C) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, but who has not exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provision of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(D) In the case of the account of an individual to whom Federal supplemental compensation was payable for any week beginning prior to October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983, and before October 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after October 1, 1983, shall be equal to the lesser of the subparagraph (A) entitlement or such individual's additional entitlement.

"(E) For purposes of subparagraph (D) and this subparagraph—

"(i) the term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account; and

"(ii) the term 'additional entitlement' means the lesser of—

"(I) 75 percent of the subparagraph (A) entitlement, or

"(II) 8 times the individual's average weekly benefit amount for the benefit year.

"(3)(A) For purposes of this subsection, the terms '5-percent period', '4-percent period', '3-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
5-percent period	A rate equal to or exceeding 5 percent.

"In the case of a:	The applicable range is:
4-percent period	A rate equal to or exceeding 4 percent, but less than 5 percent.
3-percent period	A rate equal to or exceeding 3 percent, but less than 4 percent.
Low-unemployment period.	A rate less than 3 percent.

"(C) A State shall qualify for a 5-percent period without regard to paragraph (2) and subparagraphs (A), (B), and (D) of this paragraph, for weeks beginning in a calendar quarter if the rate of insured unemployment in the State equals or exceeds 6 percent for the period consisting of all weeks which begin—

"(i) on or after January 1, 1982, and

"(ii) in or before the second preceding calendar quarter.

"(D) No 5-percent period, 4-percent period, 3-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, or any week thereafter, shall last for a period of less than 13 weeks (but subject to the termination provision under subsection (f)(2)).

"(E) For purposes of this subsection—

"(i) the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; and

"(ii) the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.".

(b) Section 602(d)(3) of such Act is amended by striking out "or (D)(ii)".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who extended his rights to such compensation (by reason of the payment of all the amount of his Federal supplemental compensation account) before the first week beginning after September 30, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

HOUSING AND COMMUNITY DEVELOPMENT

HEINZ AMENDMENT NO. 2254

Mr. BAKER (for Mr. HEINZ) proposed an amendment to the joint resolution (H.J. Res., 366) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes, as follows:

At the end of the joint resolution add the following:

SEC. . That section 8 of the Export-Import Bank Act of 1945 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 31, 1983".

COMMERCE, STATE, JUSTICE APPROPRIATIONS, 1984

PRESSLER AMENDMENT NO. 2255

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, as follows:

At the appropriate place in the bill insert the following: The Administrator of the Small Business Administration is hereby directed to ensure that all funds appropriated for the veterans direct loan program are disbursed.

VIETNAM VETERAN DIRECT LOAN PROGRAM

Mr. PRESSLER. Mr. President, today I am introducing an amendment to H.R. 3222, which funds the Small Business Administration (SBA) and other agencies. My amendment will direct the Administrator of the SBA to insure that all funds appropriated for its Vietnam veteran direct loan program are disbursed.

As one of the 22,000 South Dakota Vietnam veterans, I am well aware of the difficulties our servicemen and women face on their return to civilian life. This worthwhile program was intended by the Congress to provide Vietnam veterans with loans to help them establish or expand small businesses.

Vietnam veterans from South Dakota and other States have complained that the SBA is being less than cooperative in making these loans. In fact, of the $25-million appropriated for this program in fiscal year 1983, only $3 million in loans were given out. As a result, the Appropriations Committee has recommended that the program be funded for 1984 by carrying over the remaining $22 million from 1983.

The administration opposed this program from its inception. But the Congress has made its support quite clear, and it is not the job of the SBA to thwart that decision. I believe the Congress should send a strong signal to the SBA that their lack of cooperation should not continue. I hope my colleagues will join me in supporting this much needed amendment.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Subcommittee on Energy Regulation on the marketing alternatives for Alaska natural gas.

The hearing will be held on Wednesday, November 16, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to review today's gas markets and alternatives to the Alaska Natural Gas Transportation System for the delivery of Alaskan gas to those markets.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Regulation, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider the following bills:

S.J. Res. 139, a resolution to commemorate the centennial of Eleanor Roosevelt's birth;

S. 1868, a bill to add $17,996,558 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore;

S. 1775, to repeal the designation of the Georgia O'Keefe National Historical Site;

S. 1790, to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia;

S. 806, to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corp. for the costs incurred in installing electrical service to Cumberland Island National Seashore;

S. 1389, to transfer administration of certain lands in California and Nevada to the Bureau of Land Management;

S. 1654 and H.R. 451, to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.;

S. 1547 and H.R. 1191, to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes;

S. 1860, to clear title to certain lands along the California-Nevada boundary; and

S. 1688, to amend the act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes.

The hearing will be held on Thursday, October 6, beginning at 9 a.m. in room SD-628 of the Dirksen Senate Office Building. Those wishing to testify or who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, D.C.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Friday, September 30, at 9 a.m., to hold a hearing to consider S. 837, a bill to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Friday, September 30, 1983, to consider and act on legislation to preserve universal telephone service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SECRETARY JAMES WATT

● Mr. GOLDWATER. Mr. President, several days have passed since Secretary of the Interior James Watt made his famous remark.

It has been amazing to me how many people have charged into the situation. These people do not understand the importance of the Department of the Interior being run by a man with Western orientation. Of equal interest is how these Members of Congress, who so vociferously are calling for Watt's resignation have made similar slips of the tongue. I do not think there is a one of us who has not from time to time said, "Oh I should not have said that, I wish I could call it back." I remember, for example, the time that President Jack Kennedy called the presidents of the steel companies, "SOB's." Now, frankly, that is a far worse statement than the one that Jim Watt used.

I do not, for one instant, condone what the Secretary said, nor do I think it proper, nor would I defend it, in fact, I would not even defend his right to say it. The fact is, however, James Watt has been an exceedingly fine Secretary of the Interior. Oh, he may not please everyone who lives in parts of the country not touched by the Interior Department, particularly, those people who want to see the West stay as the West was, when the first explorers went that direction. However, to those of us who live in that area of the United States, Secretary Watt has been a good Secretary and, in my opinion, he has done a very good job and I do not want to see him quit and I would be quite upset with the President if he even suggested that he resign.●

NOTIFICATION OF A CROSSWALK CHANGE FOR THE RESERVE FUND

● Mr. DOMENICI. Mr. President, pursuant to section 2(c) of the first budget resolution for fiscal year 1984 (H. Con. Res. 91), I hereby report to the Senate on behalf of the Committee on the Budget an adjusted allocation to the Committee on Finance under section 302(a) of the Congressional Budget Act. The details of this adjustment are contained in the following letter from the Committee on the Budget to the Committee on Finance, which I ask be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., September 28, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of an adjustment in the spending totals allocated to your Committee under the First Budget Resolution for fiscal year 1984 (H. Con. Res. 91). This adjustment is made pursuant to section 2(c) of the First Budget Resolution dealing with reserve programs.

In accordance with section 302(a) of the Congressional Budget Act, the budget authority and outlay totals in the First Budget Resolution were allocated among the committees of the Senate. These allocations, contained in the statement of managers accompanying the conference report on the First Budget Resolution, excluded amounts set aside in a budget reserve for identified new initiatives in domestic programs.

Section 2(c) of the First Budget Resolution provides that the amounts in the budget reserve are to be allocated to the appropriate committees of the Senate upon enactment of authorizing legislation or at the point the Senate proceeds to consider entitlement or other direct spending legislation. The programs in the budget reserve and the amounts in the reserve fund for each program are set forth in the statement of managers accompanying the conference report on the First Budget Resolution.

Your Committee has reported and the Senate will shortly proceed to consider S. 1887, a bill that includes an extension of federal supplemental compensation benefits for the unemployed, one of the programs contained in the budget reserve. Accordingly, the section 302(a) allocation to your Committee under the First Budget Resolution is hereby adjusted as follows:

[Dollars in millions]

	Fiscal year 1983		Fiscal year 1984	
	BA	O	BA	O
Direct spending jurisdiction:				
Original committee allocation [1]	$409,060	$389,550	$426,162	$412,088
Adjustment for Federal supplemental compensation benefits for the unemployed			1,500	1,500
Adjusted committee allocation	409,060	389,550	427,662	413,588
Entitlements funded in annual appropriation acts:				
Original committee allocation	50,408	56,303	52,863	52,929
Adjustment for Federal supplemental compensation benefits for the unemployed			1,500	1,500
Adjusted committee allocation	50,408	56,303	54,363	54,429

[1] Includes technical corrections transmitted to the Committee on July 19, 1983.

The adjustment for the federal supplemental compensation program reflects the amount for that program in the reserve fund.

Sincerely,

PETE V. DOMENICI,
Chairman.●

KARL ARMSTRONG, 1927-83

● Mr. MURKOWSKI. Mr. President, a very important Alaskan died on September 11 at age 56, after a painful bout with cancer. Karl Armstrong, a lifelong resident of Kodiak, Alaska, was extraordinarily active in Kodiak affairs, as publisher of the Kodiak Times and executive vice president of Koniag, Inc., the regional Native corporation.

Born on Woody Island, Karl attended the University of Alaska at Fairbanks, where he began his newspaper career as editor in chief of the university paper. After graduation, he went to work for the Anchorage Daily News, first as a reporter then as city editor.

Karl returned to Kodiak in 1957 to work for the Kodiak Daily Mirror and eventually became chief editor. The 1964 earthquake forced the temporary closing of the Daily Mirror, so Karl started his own paper, the Kodiak Marine Pilot, and later in 1976, established the Kodiak Times.

Karl is remembered not only for his enormous energy, but for his willingness to stir people up when he felt something had to be done. I can give Karl Armstrong no better eulogy than to quote his friends and colleagues:

The courage of his convictions combined with a puckish sense of humor to keep things in perspective—[and] served him well in his unending efforts on behalf of this community. He was first, last and always an advocate of whatever he felt was best for Kodiak, for the fisheries, for the Native people. He was a colorful, controversial character whose shoes will not easily be filled.

In Native affairs, also, Karl was tireless. In 1972 he joined the staff of Koniag, the regional Native corporation. He served as its director of natural resources, edited and published the Koniag Islander newsletter, and participated in enrollment, village certification, and lands selection. He became the corporation's executive vice president and chairman of the board of directors. He was also active in statewide Native affairs, serving as a member of the Alaska Federation of Natives board of directors and as vice president of the Tundra Times, a statewide Native newspaper. A close associate of his has said, "Time will prove Karl to be one of the foremost and dedicated leaders of the Native movement and the regional corporations as a whole."

I had the pleasure of serving with Karl in the State government when he was director of information for the State of Alaska and special assistant to Gov. Walter Hickel.

Karl's efforts were officially recognized last week when the KANA board of directors unanimously nominated him to the Alaska Federation of Natives to be AFN Citizen of the Year.

Alaskans shall all remember Karl Armstrong. Indeed, it will be hard to forget him as we look around at the result of his efforts for the State and the people of Alaska.

Thank you, Mr. President.●

BACKING THE VOICE OF AMERICA

● Mr. HUMPHREY. Mr. President, again I bring to my colleagues' attention the dire state of transmitting facilities at the Voice of America and the extreme need to improve conditions at VOA.

The list of inadequacies due to insufficient staffing and decrepit transmitting facilities is long. For instance, the VOA has only six 500-kilowatt superpower transmitters, all of which are patched together from 250-kilowatt transmitters. In contrast, the Soviet Union has 37 modern superpower transmitters, France 11, West Germany 9, and Great Britain 8. Because of lack of transmitter time and inadequate staffing, VOA's hours of broadcasting do not reflect America's place and influence in the world. VOA broadcasts 956 hours per week in 42 languages. The U.S.S.R. broadcasts 2,158 hours in 82 languages; China, 1,430 in 43 languages; West Germany, 787 in 37; and the United Kingdom, 721 in 36.

VOA has proposed a long-term modernization program, as the GAO has recommended. This program includes the replacement of antiquated facilities, hiring of programing personnel to eliminate the critical staff shortages and improve quality of VOA broadcasts, and installing important computer equipment.

In urging passage of the supplemental request last December, President Reagan wrote to key Members of Congress that—

It is vital that we undertake initiatives now for the modernization and strengthening of our international radio broadcasting operations. The time has come to give these operations—for too long systematically underfunded and neglected—the attention they deserve. Particularly at this time of critical change in the Communist world, having these improved capabilities as soon as possible is a matter of vital national interest.

Just this month, the President reiterated this conviction. I request that the President's September 10 radio address remarks to the Nation be inserted in the RECORD at this point, to be followed by a New York Post article urging support of VOA's modernization program.

The material follows:

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

My fellow Americans: During my first press conference, nine days after being sworn in as your President, I was asked a question having to do with Soviet intentions. In my answer, I cited their own words, that they have openly and publicly declared the only morality they recognize is what will further world communism, that they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that. And I pointed out that we should keep this in mind when we deal with them.

I was charged with being too harsh in my language. I tried to point out I was only quoting their own words. Well, I hope the Soviet's recent behavior will dispel any lingering doubt about what kind of regime we are dealing with and what our responsibilities are as trustees of freedom and peace. Isn't it time for all of us to see the Soviet rulers as they are rather than as we would like them to be.

Rather than tell the truth about the Korean Air Lines massacre, rather than immediately and publicly investigate the crash, explain to the world how it happened, punish those guilty of the crime, cooperate in efforts to find the wreckage, recover the bodies, apologize and offer compensation to the families, and work to prevent a repetition, they have done the opposite. They have stonewalled the world, mobilizing their entire government behind a massive cover-up, then brazenly threatening to kill more men, women and children should another civilian airliner make the same mistake as KAL 007.

The Soviets are terrified of the truth. They understand well and they dread the meaning of St. John's words, "You will know the truth, and the truth will set you free." The truth is mankind's best hope for a better world. That's why in times like this, few assets are more important than the Voice of America and Radio Liberty, our primary means of getting the truth to the Russian people.

Within minutes of the report of the Soviet destruction of the Korean jet, the Voice of America aired the story in its news programs around the globe. We made sure people in Africa, Asia, the Middle East, Europe and, most important, the people in the Soviet Bloc itself knew the truth. That includes every Soviet misstatement, from their initial denials through all the tortured changes and contradictions in their story, including their UN representative still denying they shot down the plane even as his own government was finally admitting they did.

Accurate news like this is about as welcome as the plague among the Soviet elite. Censorship is as natural and necessary to the survival of their dictatorship as free speech is to our democracy. That's why they devote such enormous resources to block our broadcast inside Soviet-controlled countries. The Soviets spend more to block Western broadcasts coming into those countries than the entire worldwide budget of the Voice of America.

To get the news across to the Russian people about the Korean Air Lines massacre, the Voice of America added new frequencies and new broadcast times. But within minutes of those changes, new Soviet jamming began. Luckily, jamming is more like a sieve than a wall. International radio broadcasts can still get through to many people with the news. But we still face enormous difficulties.

One of the Voice of America's listeners in the Middle East wrote: "If you do not strengthen your broadcasting frequencies, no one can get anything from your program." Our radio equipment is just plain old, some of it World War II vintage. I don't mind people getting older; it's just not so good for machines.

More than 35 percent of the Voice of America's transmitters are over 30 years old. We have a similar problem at Radio Free Europe and Radio Liberty. We have 6 antiquated 500-kilowatt shortwave transmitters. The Soviets have 37, and theirs are neither old nor outdated. We regularly receive complaints that Soviet broadcasts are clearer than ours. One person wrote and asked why it's not possible for a Nation that can send ships into space to have its own voice heard here on earth.

The answer is simple. We are as far behind the Soviets and their allies in international broadcasting today as we were in space when they launched Sputnik in 1957.

We have repeatedly urged the Congress to support our long-term modernization program and our proposal for a new radio station, Radio Marti, for broadcasting to Cuba. The sums involved are modest, but for whatever reason this critical program has not been enacted.

Today I am appealing to the Congress, help us get the truth through. Help us strengthen our international broadcasting effort by supporting increased funding for the Voice of America, Radio Free Europe, Radio Liberty, and by authorizing the establishment of Radio Marti.

And I appeal to you, especially those of you who came from Eastern Europe, Russia, and Soviet-dominated countries, who under-

stand how crucial this issue is, let your representatives hear from you. Tell them you want Soviet rulers held accountable for their actions even by their own people. The truth is still our strongest weapon. We just have to use it.

Finally, let us come together as a Nation, tomorrow is a National Day of Mourning, to share the sorrow of the families, and let us resolve that this crime against humanity will never be forgotten anywhere in the world.

Until next week, thank you for listening, and God bless you.

[From the New York Post]

MOSCOW FEARS OUR VOICE—LET US MAKE IT STRONGER

Secretary of State George Shultz says the Soviet Union's paranoid form of government is a system which fears foreign radio broadcasts even more than it fears missiles.

There is no need to tell that to the Voice of America.

If ever there were proof that President Reagan should ask Congress to give the VOA the tools with which to do its job it was provided by the Korean airliner tragedy.

The Soviets intensified their jamming to block every attempt by the VOA to broadcast Washington's meticulously detailed version of the shooting down of the airliner—including the shocking tapes of the Soviet pilots actually firing their missiles.

By straining every available resource the VOA managed to pierce the Soviet jamming. It brought in equipment that was in need of maintenance. It boosted the power of foreign transmitters beyond their normal levels. It will be able to keep up its present stepped-up rate of 17 hours of broadcasts a day to the Soviet Union, however, for only another week.

The VOA was helped in getting its broadcasts through by prevailing conditions. Jamming is difficult during twilight periods in the summer months of northern Europe.

There are places in Moscow and other East European cities where people go specifically during those periods to hear the few VOA and other Western broadcasts which get through.

We pointed out here last week that the Soviet action in shooting down the Korean airliner had already proved to be a huge defeat for Moscow's prolonged campaign to present the Soviet government as "peace-loving" and the United States as a threat to peace."

The defeat would have been more substantial and more lasting if the VOA were not handicapped by inadequate funds and obsolete equipment.

The Soviets spend more money jamming the VOA and other Western broadcasts than the VOA's budget to broadcast to the entire world.

The Soviets have 37 high-powered 500-kilowatt shortwave transmitters. The VOA has six make-shift affairs, clobbered together from 250-kilowatt transmitters.

Further, many of the VOA transmitters in Washington, and its relay transmitters around the world, are more than 15 years old.

Anyone who travels abroad and listens to a shortwave radio knows the result of this cheeseparing in Washington. The airwaves are flooded with Soviet and Eastern European propaganda broadcasts.

Indeed, the Soviets are on the air around the world in 82 languages for 2157 hours a week.

By contrast, the VOA broadcasts in only 42 languages for a total of only 956 hours.

As a result, many countries which should be receiving an American version of what is going on get only an hour or so of information daily.

The VOA broadcasts for only an hour a day to Laos, for 1½ hours to Bulgaria and Cambodia, for 1 hour 50 minutes to Yugoslavia and the Baltic states—Estonia, Latvia and Lithuania—seized by the Soviet Union after World War II. It broadcasts for only 1½ hours in Pashtu and a further 1½ hours in Dari to Afghanistan—compared with round-the-clock propaganda by the occupying Soviet Forces.

The worst result of Washington's penny-pinching is in the paucity of VOA broadcasts to Central and South America. It broadcasts for only 5½ hours a day in Spanish to that area. The Soviets broadcast in nine languages for 19 hours and Cuba broadcasts in six languages right round the clock.

There is an urgent need for the Reagan Administration to change this dismal performance. The VOA has the leadership and the staff to deliver. All it needs are the tools.●

DAN HARLAN

● Mr. COHEN. Mr. President, it would be difficult to suggest two groups of people whose lives are more different than farmers and bureaucrats.

A farmer's life is clear and direct: Crops are planted and harvested, cows are milked; there is an endless pattern of chores and tasks which must be done with hard work and good cheer.

A bureaucrat's life revolves around paperwork, meetings, cost/benefits ratios, and tattered phone messages. The ultimate product is far less tangible than what a farmer produces. Bureaucrats can work on projects for years which amount to little more than sound and fury, signifying nothing. Most farmers have a friendly disdain for the daily grind which compromises the life of a bureaucrat. President Eisenhower put it well when he said, "Farming looks mighty easy when your plow is a pencil, and you're a thousand miles from the cornfield."

The government of the State of Maine is quite fortunate to have an employee who easily bridges the many gaps between farmers and the government. Dan Harlan, Maine's deputy commissioner of agriculture, has worked on behalf of Maine's farmers for 14 years. In that time, he has given of himself time and time again to help farmers understand the government and vice versa.

Last week, Dan Harlan received the 1983 honor award for excellence from the National Association of State Departments of Agriculture. The association could not have made a better choice. Talk to anyone even remotely involved in farming or government in Maine, and they will all tell you the same thing: No one does it better than Dan.

I have a great deal of respect for Dan Harlan as a professional. But I will also confess to having a personal interest as well. One of Dan's four daughters, Rachel, serves as the assistant chief clerk of the Senate Subcommittee on Oversight of Government Management, of which I am chairman, and she performs her duties with the same quiet professionalism as her father. Dan's youngest daughter, Natalie, worked this summer as the receptionist in my Senate office and also was extremely competent and friendly. They are apples who have fallen very close to the tree.

David Bright, of the Bangor Daily News, wrote a profile of Dan recently, and I ask that the article be included in the CONGRESSIONAL RECORD so that my colleagues can learn more about Dan Harlan, a patient and professional bureaucrat who has come to have the trust and respect of a very independent group of people, the farmers of Maine.

The article follows:

[From Bangor (Maine) Daily News, Sept. 26, 1983]

DAN HARLAN: ALWAYS A HELPING HAND

(By David Bright)

Whenever they decide at the Maine Department of Agriculture it's time to pray for rain, they turn to Dan Harlan, but not because he's an ordained minister.

Last week Harlan deputy commissioner of the department received the 1983 Honor Award for Excellence in Administration from the National Association of State Departments of Agriculture. It was an award he has surely earned.

For 14 years Harlan has been the answer to the question, the solution to the dilemma, at the Maine Department of Agriculture. He was the predominant—if not the divine—guidance behind the metamorphosis of the "old" department (a/k/a Department of Farmer Regulation) into the Maine Department of Agriculture, Food and Rural Resources, a too-long name which loosely translates to friend of the farmer.

Now those who this week have been digging inch-and-seven-eighths potatoes might not agree, but the state ag department as currently established is truly dedicated to strengthening Maine agriculture and much of the credit for that belongs to Harlan.

It is perhaps a comment on the subtle way he goes about his job that the only photograph of him in the NEWS files was over 10 years old which is why his friends may think Tom Hennessey's portrayal doesn't quite capture that greyed and wisened air Dan now carries with him.

In the illustration, Hennessey added a farm background, something Harlan came into government service without. The son of a minister, be grew up in Ohio, and then lived in Alaska before coming to Maine. He served several congregations aluations in Maine, most recently Greene Street Methodist in Augusta. He became associated with the department while doing a potato transportation study, and while he now works full-time for the state, it isn't uncommon to find him putting in a guest appearance at church while the regular minister is ill or on vacation.

At the Department of Agriculture, Harlan's forte has always been knowing how to

help, and he quickly became known as the person to see when answers were needed.

To a reporter covering agriculture, Harlan is invaluable, especially when it's discovered late in the afternoon there's a key detail missing from the story. A call to Harlan will produce the answer, even if it means he has to stay after hours getting it.

The department recently got a new information officer, Bob Deis, who's also heads up when it comes to news. But it's a good bet Deis turns to Harlan when he's really got to find something fast.

The Maine Department of Agriculture, et al, is, in fact, one place in Dome City's where the beat goes on after the clock has stopped. It is not uncommon to find both Harlan and his boss, Commissioner Stewart Smith, still at their desks long after the janitor has gone home.

It was not until the department's reorganization that the post of deputy commissioner was created, but Harlan has held that position on a de facto basis for some time. In the last two transitions he served as acting commissioner.

When asked if he'd mind seeing in print the statement that Dan Harlan really runs the department, Smith jokes that he guesses that wouldn't upset him too much.

In truth, Smith and Harlan run the department together, sharing the responsibilities, the praise, and the heat. Smith, as the gubernatorial appointee, is the one out front, making the headlines and suffering the stings and arrows of outraged farmers—or anti-spray advocates—who want to take a poke at state government.

As his minister's training would suggest, Harlan takes the quiet path. He is the one who gets the delicate tasks. He is the negotiator, the bridge builder.

And it is Dan Harlan who can walk through the shadow of the Valley of the Legislature and fear no evil perhaps the greatest of his many talents.

It is the Legislature where the job of state government really gets done, and Smith can impose rules and regulations, promote markets and work to conserve farmland only if the Legislature says so.

If you assume for a minute that the Legislature is the sum total of all knowledge, that means each individual solon has a grip on only one one-hundred-and-eight-fourth of the whole story. It is Dan Harlan's task, therefore, to put together enough fractions—and factions—to produce support for the programs he and Smith need. Harlan does so by operating calmly, always sure of himself. He likes people and he can bring them together to work for a common goal, be they legislators, farm leaders or just plain folks.

Regardless of who is the incumbent commissioner of agriculture it's easy to find someone who doesn't like him. That's the nature of holding a political job. In the past 14 years there have been those who despised Maynard Dolloff, detested Joe Williams and downright hate Stew Smith.

But you'll have to travel far and wide to find someone who doesn't like Dan Harlan. He's a friend to anyone who's a friend of Maine agriculture.

Especially those who have to pray for rain every once in a while.●

WISCONSIN NATIVE GETS HER STAR

● Mr. KASTEN. Mr. President, I rise today to salute a Wisconsin native whose promotion to the rank of Brigadier General in the U.S. Army was approved last week by the Senate. What is really unusual about this promotion, although it should not be, is that Connie Slewitzke of Mosinee, Wis., has become only the second female active duty general in the Army today.

Ever since her childhood days, General Slewitzke had dreamed of becoming a nurse. After completing her training at St. Mary's Hospital School in Wausau, she realized her dream as she worked in hospitals from Wisconsin to California.

But she had another dream: the dream of seeing the world. What better way to see the world, she thought, than to serve her country through the Army Nurse Corps. Indeed, she not only served in the United States, but she also served in Europe, Korea, and Vietnam. Now that her remarkable career of 26 years has been duly recognized through promotion, she will now serve as the chief of that same Army Nurse Corps.

Mr. President, Gen. Connie Slewitzke serves as an inspiration, not only to the thousands of other women who have made the military the focal point of their lives, but to us all. She is proof that with dedication, we can all realize the biggest of our dreams and attain the loftiest of our goals. I am proud of her achievements, and I am pleased to pay tribute to her distinguished service to her country.

I would also like to call to the attention of my colleagues an article on General Slewitzke which appeared in the Milwaukee Journal on September 24. I ask that it be printed in the RECORD.

The article follows:

[From the Milwaukee Journal, Sept. 24, 1983]

WISCONSIN NATIVE GETS HER STAR

(By John W. Kole)

WASHINGTON, D.C.—Connie Slewitzke got her star Monday at a Pentagon ceremony marking here appointment as the Army's second female general on active duty.

Slewitzke, a 52-year-old native of Mosinee, Wis., officially became a brigadier general last week, when the Senate confirmed her as chief of the Army Nurse Corps.

The promotion was recognized Monday when Lt. Gen. Bernhard Mittemeyer, the army's surgeon general, symbolically gave Slewitzke her uniform stars.

A CHILDHOOD DREAM

In an interview, Slewitzke said she had wanted to be a nurse since her school days in Mosinee, a small community on the Wisconsin River south of Wausau.

Her father, the late Leo Slewitzke, operated a meat market there.

Slewitzke completed her nurse's training at the old St. Mary's Hospital School of Nursing in Wausau and worked in hospitals in Eau Claire, California and Chicago before deciding to join the Army.

Two of her sisters had once been in the Women's Army Corps.

"I decided to be an Army nurse because I wanted the opportunity to travel all over the world," she said. "And I liked the educational and retirement benefits."

Since joining the Army 26 years ago, she has had assignments all over the United States, including posts in Hawaii, plus two tours in Korea and service in Europe and Vietnam.

Her one-year stint in Vietnam in 1967 and 1968 was during some of the heaviest US military involvement there, but she did not see the worst cases because she was assigned to hospitals that specialized in evacuation and convalescence.

In her new post, Slewitzke will receive $63,468 a year in salary and allowances.

As chief nurse, she will supervise the activities of 4,000 Army nurses. 2,300 civilian nurses and 25,000 other full-time employees.

She also will have jurisdiction over 6,000 nurses who work part time in Reserve and National Guard units.

In December, she will preside over a strategic conference the corps has scheduled.

One of the advantages the corps offers, Slewitzke said, is a close working relationship with doctors—closer than the relationship usually found in private practice.

But, she said, "we aren't going to attract the people who don't want to travel or who want to stay in their home communities, and some people don't like the restriction of being subject to call."

Slewitzke got her bachelor's degree in nursing from the University of Maryland in 1971. A degree is now a requirement for all members of the corps.

A PHOTOGRAPHY BUFF

In her spare time, Slewitzke likes to travel and take pictures. One of her recent vacations was a photography safari to Africa.

Her plans are to retire after a four-year term as commanding officer, but she concedes that she could, at age 56, decide to continue work after that with a private concern.

Although her three sisters and a brother are in the Midwest—two in Mosinee, one in Barneveld, Wis., and one in Chicago—she does not plan to retire there.

Confessing to a lack of fondness for the Midwest's cold winters, she plans instead to head for Texas—probably the San Antonio area, where she still has many friends from her early days in the corps.

"I don't know if I'll be ready to really retire in four years," she said, "but whenever I go to Texas, I know I'll find lots of good friends there."●

REIMBURSEMENT FOR PRESCRIPTION DRUGS

● Mr. BAUCUS. Mr. President, the Department of Health and Human Services has recently completed 2 days of hearings on how reimbursement for prescription drugs would take place under a number of Federal programs.

I would like to bring to the attention of my colleagues the thoughtful remarks of the new president of the National Association of Retail Druggists, Mr. John A. Johnson. Mr. Johnson, a native of Bellevue, Nebr., has been a practicing druggist for 20 years. His comments bring a unique perspective to the problems of reimbursement for prescription drugs and I would urge my colleagues to review his comments carefully.

Mr. President, I ask that Mr. Johnson's remarks be included in the RECORD at this point.

The remarks follow:

STATEMENT OF MR. JOHN A. JOHNSON BEFORE THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TASK FORCE ON REIMBURSEMENT FOR PRESCRIPTION DRUGS

Mr. Chairman, Members of the Task Force: [1] I am John A. Johnson of Bellevue, Nebraska. I serve as President of the National Association of Retail Druggists. Since 1963, I have owned and operated an independent retail pharmacy. Additionally, I served on the first PRAC Board. Thus, I have had ample opportunity to observe the pharmacy Medicaid program. My associate this morning is John M. Rector, Director of Government Affairs.

The National Association of Retail Druggists (NARD) represents owners of more than 30,000 independent pharmacies, where over 75,000 pharmacists practice their profession. Independents dispense more than 70 percent of the nation's prescription drugs. Together, they serve 18 million persons daily and provide nearly 85 percent of the Medicaid pharmaceutical services.[2] NARD has long been acknowledged as the sole advocate for this vital component of the free enterprise system.

NARD members are primarily family businesses. They have roots in America's communities. The neighborhood independent druggists typifies the reliability, stability, yet adventuresomeness that has made our country great. Unlike some in pharmacy academia, the independent advocates the basic tenants of the entire small business community: a fair profit and a return on investment.

As owners of independent pharmacies, our members are committed to legislative and regulatory initiatives designed to provide them a fair chance to compete. We appreciate the opportunity to appear before the Task Force and present our recommendations on the Department of Health and Human Services program, especially Medicaid.

We believe that one of the major strengths in the health care system is the thousands of independent community pharmacies readily accessible to virtually every segment of the population. In many areas this segment of the health care community represents the most accessible form of health care. In too many areas, particularly large urban areas, the retail druggist represents the only available health care professional. Any revisions in the Medicaid health care program should capitalize on the strengths of the existing retail distribution network for drugs. This network provides maximum access and professional services unknown to non-professional government dispensaries or mail-order vendors. In many areas with high Medicaid utilization, we independents are the only health professional.

In contrast to most, if not all other medical services delivery systems, competition in retail pharmacies is alive and well. Not only have prescription drug price increases been well below the general consumer price index for the past two decades, but they are significantly below the increases for every other medical care service reimbursed by Medicaid.

CONSUMER PRICE INDEX FOR MEDICAL CARE ITEMS IN THE UNITED STATES

Calendar year	All medical care items	Physicians' fees	Dentists' fees	Hospital room	Prescription drugs	Over the counter drugs
1967	100.0	100.0	100.0	100.0	100.0	100.0
1972	132.5	133.8	132.3	173.9	100.9	111.3
1977	202.4	206.0	185.1	299.5	122.1	148.5
1982	328.7	327.1	283.6	556.7	192.7	234.2

We maintain this is significant evidence that independents, who are filling 70 percent of the nation's prescriptions, have kept faith with the public and the government. We believe these results emphasize American competition is still a tribute to our democracy. Competition is an incentive for efficiency and the price competition in retail pharmacy is greater than that found among the other providers of health services.

PHARMACY REMITTANCE

Today, there are many problems confronting independent pharmacies which serve Medicaid patients. The fixed fee reimbursement, however, far overshadows other problems encountered by pharmacists participating in the Medicaid pharmacy program.[3]

States reimburse pharmacists on a product cost plus a dispensing fee basis. Fees are determined and fixed by state Medicaid agencies. States are required by HCFA regulations to conduct surveys of the cost of filling prescriptions; but since they are not required to use the survey findings, states are able to fix the dispensing fee on whatever basis they choose. It has been reported to us that many state Medicaid agencies are unaware of the exact division of responsibilities between the Federal government and the state government in this area. It is NARD's understanding that although the surveys must include consideration of data on operations, professional services, overhead and profit, the actual fee fixed by the state(s) need not reflect such components of the total cost of dispensing a prescription for retail. Our members doubt the sincerity of those responsible for this program since many states have never conducted the surveys or implemented their findings. In fact, we have been told that HCFA has never collected or reviewed the states' surveys. Little wonder it appears to many of our members that the regulation requiring the surveys were but another anti-small business maneuver—a cruel hoax—intended to perpetuate an inequitable fixed fee.

Exacerbating the failure of many states to use required surveys to provide pharmacists with adequate compensation for dispensing Medicaid drugs, is the fact that when used, it is not rare for dispensing fees to be three or more years out-of-date by the time any increase is granted. Providing an increase based on a three year old survey of then current costs hardly meets the pharmacists' needs.

To date, fixed fees have usually been established below the average dispensing cost. At the same time dispensing fees have been set far below pharmacists average cost ingredient price inflation by drug manufacturers continues unabated, and largely unchanged, thus, many of our members are providing both products and services at costs higher than Medicaid remittance.

You may have heard some suggest that pharmacy's number one concern with Medicaid is the Maximum Allowable Cost (MAC) Program.[4] Some manufacturers would certainly benefit by its repeal and drug wholesalers stand to profit significantly by the repeal of this cost-containment program since they, unlike the pharmacists bound by Medicaid programs, can increase profits because they are based on a mark-up of the product. Thus, by selling higher priced products, a wholesaler's profits significantly increase. This is not true in the pharmacy profession where a practitioner's reimbursement is locked into a fixed fee system and where the pharmacists' net profit decreases as product costs accelerate. Thus, pharmacists are being asked to maintain an inventory of high cost products with no adjustment in compensation for dispensing them. In periods of high interest rates this has a devastating consequence.

As a result of the fixed fee system the continued viability of independent pharmacists in areas with high concentrations of Medicaid recipients is put in jeopardy. The consequences of the demise of independents due to the fixed fee can best be understood through a review of the role of prescription products and services in health care other than Medicaid. As noted, this service is far more cost effective than other components in the health care system. Such cost effectiveness is a direct outgrowth of marketplace competition. Thus, the bottom line in non-Medicaid pharmacy programs is that marketplace pricing yields both cost effectiveness and quality preventive care.

A recent profile of NARD members found that 35 percent of their time is spent in direct patient consultation.[5] In fact, this is the hallmark of the independent pharmacist. It is also well documented that such activity by pharmacists increases patient drug compliance and reduces unnecessary, costly hospital and emergency room fees. Another recent study demonstrated that thousands of dollars per patient are saved annually

[1] Task Force: Deputy Assistant Secretary for Planning and Evaluation/Health, Robert Helms, Ph.D., Chairman; Public Health Service Deputy Assistant Secretary for Health Planning, Glenna Crooks, Ph.D.; Deputy General Counsel for Regulations, Terry Coleman; and Health Care Financing Administration Reimbursement Bureau Director, Larry O'Day.

[2] In 1982, independents filled 1,039,893,000 and chains filled 421,989,000 prescriptions of the total prescriptions (1,461,822,000) filled in the U.S. The average prescription price in 1982 for independents was $8.22 and for chains $8.29. Of the 210,493,000 prescriptions filled under the Medicaid program, chains filled 34,849,000 and independents filled 175,644,000. See American Druggist prescription survey, May 1983.

[3] NARD Survey, Medicaid: Fixed Fees Hurt the Worst, July 1983:

Results of the NARD Newsletter survey confirm that, of seven different aspects of the Medicaid program, fixed fees levy the heaviest burden on independent retail pharmacists. Once again, NARD members ranked fixed fees the number one Medicaid problem. MAC prices were ranked number one by only 13 percent of respondents. Both paperwork and delayed reimbursement were pegged number one more frequently than MAC prices.

Overall, the Medicaid program is either a serious or a somewhat serious problem in the daily operations of 81 percent of our respondents. This finding is corroborated by the sheer volume of mail the survey provoked—the largest survey response in 15 years.

[4] In the past NARD has expressed its concern with whether MAC drugs were available to independent retail druggists at the MAC prices. This problem involved both a question of the general availability of the specific drug on a national basis and the fact that MAC pricing in many instances were based on purchases in sizes greater than that normally used by independents.

[5] The NARD Pharmacy Study, Healthcare Communication, Inc., Fort Washington, Pa; March, 1983.

when the pharmacist is not stifled in delivery of services by the fixed fee.

Services such as 24-hour emergency prescription service, free delivery, maintenance of patient medication profiles, and direct patient consultations are given no value according to state Medicaid bureaucrats. Yet, Medicaid patients expect and should be able to receive and depend upon these services, the same as cash-paying customers. By not recognizing these services in Medicaid reimbursement to the pharmacist, the Medicaid agency relegated the Medicaid recipient to the status of a second class citizen or else seeks to tax pharmacists by expecting them to provide these services gratis.

Thus, in stark contrast to the exemplary record of pharmacy in the marketplace, the Medicaid pharmacy reimbursement scheme works as a disincentive. The professional services, which yield greater levels of consumer drug compliance resulting in fewer experiences with the more costly components of health care delivery, are denied to Medicaid recipients.

To add insult to injury, after pharmacists fill prescriptions and submit claims to the state, they must wait for reimbursement and wait and wait. HCFA has promulgated regulations requiring states to pay 90 percent of all "clean" claims within 30 days. However, since these regulations have no enforcement provisions, when a state runs out of money, as a number of states have, pharmacists are being asked to continue underwriting the Medicaid system until money becomes available. Because of a shortfall in one state budget, for example, pharmacists were recently reimbursed only 85 percent of the total dollar amount of their claims. The normal delay in payment in Medicaid programs also increased the costs of those programs to independents. This is particularly true in times of high interest rates when borrowings to cover cash flow may eliminate and profit.

Medicaid was designed to provide health care to those who could not afford it and to allow reasonable profit for the providers of services. Certainly, Medicaid has seriously shortchanged pharmacy providers. It is equally important, however, to emphasize that in turn, through inappropriate reimbursement, the states have likewise shortchanged others: (1) the Medicaid recipient; (2) the patients who pay cash for pharmacy services who experience increased personal expenses through the cost shifting (a form of indirect taxation is little understood by your constituents); and (3) the taxpaying public who eventually underwrite an increase in total public health costs due to unnecessary utilization of hospitals, physicians, and emergency room services.

IS THERE A BETTER WAY?

We believe there is a better way. NARD has established the following criteria for a successful Medicaid pharmacy program:

a. The program should not disrupt the present cost effective drug-distribution system which has provided our nation the best health care record in the world;

b. Medicaid recipients must not be relegated to second class health care either through denial of freedom of choice or indirectly through a pharmacy fixed fee system which fails to recognize services available to other citizens and therefore denies them to the Medicaid patient;

c. The program should reject disgraceful discrimination against small business;

d. Any alleged savings in Medicaid appropriations must be real, not merely the result of a shell game which shifts additional economic burdens to pharmacy providers, non-Medicaid providers, or the public; and

e. The Medicaid payment for pharmacy services must include an economic index percentage at least comparable to the increase in ingredient cost.

Accordingly, our members support elimination of the fixed fee system and support legislation requiring states to pay marketplace prices [6] in the Medicaid pharmacy program. Marketplace pricing would not only assure that participating pharmacies receive appropriate payment but would be of particular benefit to Medicaid recipients who would then receive the same pharmaceutical services as private citizens. Additionally, NARD recomends a direct payment system for pharmacy products and services. The implementation of direct payment would address the second two most important concerns of NARD members participating in the Medicaid programs: delayed payments and excessive paperwork.

The high administrative cost of the pharmacy program, relative to the cost of other Medicaid programs could be greatly reduced through adoption of a direct payment plan. State Medicaid agencies now, in most cases, contract with a private company to administer the prescription drug program. Under the innovative Alabama pharmacy bank draft program,[7] the administrative cost per claim was less than one-third of the cost incurred by other states with traditional systems and attendent bureaucracies. In Alabama, under the instant pay program, pharmacists received reimbursement from the local bank upon presentation of a voucher. In addition to the significant savings for the state in administrative cost, this "instant pay" or direct payment approach eliminated the chronic problems associated with late Medicaid payments.

Adoption of the direct payment pharmacy draft would, as it did in Alabama, also result in the reduction of needless, though costly, paperwork and red tape. For pharmacists involved in Medicaid the potential benefit is particularly attractive. At NARD's 1982 Conference on Legislation, pharmacy leaders were shocked when former Deputy Administrator of HCFA, Paul Willging, reported that HCFA data revealed that 50 percent of the total Medicaid paperwork is generated by the unnecessary bureaucracy which administers the pharmacy program. This is in context of a program which accounts for less than six percent of the total Medicaid budget. Important to pharmacists, however, is the fact that in most states, if not all, the pharmacy fee share of that six percent is approximately one-fourth, and falling dramatically with ever-increasing drug prices.

NARD also submits that marketplace pricing and direct payment would enhance competition and encourage prudence amongst Medicaid recipients, and lastly that fraud and waste made possible solely because of the unnecessary, complex way in which the program has been implemented would be eliminated.[8]

MEDICAID COPAY

In 1982, Congress established a Medicaid copay designed, according to the conference report, to allow states to deter unnecessary utilization while not imposing an unreasonable hardship on beneficiaries. Yet, under this approach no Medicaid provider may deny care or services to an individual because of inability to pay the required cost-sharing charges!

In retail pharmacy this provision, as interpreted by HCFA, has created a furor. As a practical matter, all recipients can avoid the copayment and thus avoid the 1982 congressional objective. Further, HCFA employees are incorrectly informing state officials and pharmacy providers that, the copayment differential must be absorbed by the pharmacy providers. Understandably, states are rejecting or deleting copay for prescription drugs, a result which we suggest is opposite that intended by of the 97th Congress.

NARD recommends the repeal of this section (Section 1916C). The section falls far short of what Congress intended and any so called cost savings will come directly out of the pockets of pharmacists who are already shortchanged by Medicaid. If implemented, the inherent danger of this copay forgiveness is that it will very likely bankrupt pharmacy providers and, therefore, the Medicaid pharmacy program.

CONCLUSION

Pharmacy products and services have helped to cut hospital, nursing home, and physician costs and continue to be the most cost-effective component of the health-care delivery system. To improve the Medicaid pharmacy program, it is essential that the competition responsible for the successful cost-effective private distribution system be incorporated into the Medicaid program. The fixed fee is not a professional fee. It is an insult to the pharmacy profession and to Medicaid recipients. It should be rejected.

The use of adequate incentive programs can save a great deal of money to the various Medicaid programs. However, the only way these will work is by having the practicing pharmacist help in their design. There is a great untapped wealth of knowledge and experience in the health marketplace: the working pharmacist. The entire Medicaid program can benefit. If we work together with mutual trust, and respect for that experience under the shackles of an often-confusing program, with pharmacists' help, there can be cost savings and benefits to the Medicaid program; and we stand ready to provide that help.

NARD seeks the support of the Task Force. We believe our recommendations are

[6] That marketplace pricing be defined as that charge for dispensing prescriptions reflecting all current operating costs, a reasonable profit and a return on investment. NARD Statement of Positions, January, 1983.

[7] In 1976, the Department of Health, Education and Welfare recognized the accomplishments of this program and presented the state an award with the following citation: "In recognition of demonstrating extraordinary awareness and front-end management in the development and implementation of an innovative bank draft system of drug payments that has significantly reduced many problems experienced by other states."

[8] In the event marketplace pricing is not immediately established, NARD also supports the following steps:

a. Full implementation of the "cost of filling a prescription service" survey;

b. Interest and penalties for late Medicaid payment;

c. Compensation for the variety of services, including patient profiles and 24-hour delivery, that are provided by professional pharmacies;

d. Reinstatement of the 60-day public notice for state changes in the Medicaid reimbursement method or level of reimbursement; and,

e. Most importantly, a HCFA demonstration project, preferably statewide, designed to perfect the NARD direct payment/marketplace pricing pharmacy concept.

f. Payment to Medicaid pharmacy providers of a percentage of the cost of a product.

sound and workable. We look forward to working with you in the refinement of these proposals with the aim of making the Medicaid pharmacy program more cost effective and assuring that Medicaid recipients are provided quality pharmaceutical products and services.●

REMARKS OF ANTHONY M. SOLOMON, PRESIDENT OF THE FEDERAL RESERVE BANK, BEFORE THE ECONOMIC CLUB OF NEW YORK

● Mr. GARN. Mr. President, I want to call the Senate's attention to an important speech delivered on September 20 by Anthony M. Solomon, president of the Federal Reserve Bank of New York.

Most public discussion of international lending and capital flows recently has focused on short-term steps needed to handle the immediate debt service problems confronting certain developing countries. Mr. Solomon's speech takes a longer term perspective in focusing on the actions needed to avoid a recurrence of today's problems while, at the same time, preserving a market-oriented international financial system.

The staggering economic costs to our economy that would accumulate over the years from failure to address the problems outlined by Mr. Solomon can be glimpsed by looking at the costs of the debt crisis to the U.S. economy in 1982 alone: $10 billion in lost exports, 300,000 lost jobs, and $1 billion in lost profits.

Critics of legislation now before Congress to increase the U.S. contribution to the International Monetary Fund allege that this would "bail out" commercial banks that have made unwise foreign loans. Such a conclusion is simply incorrect. Loans by the IMF are contingent upon additional commercial bank lending; they cannot be used to reduce aggregate outstanding bank loans.

Such unfounded criticism of the IMF quota increase also diverts attention from the key long-term issues surrounding international lending and capital flows. As chairman of the Banking Committee, I have a particular interest and responsibility in the proper role of commercial banks in these processes.

Mr. Solomon's speech is important because of what it has to say on this subject. He is correct in his conclusion that long-term capital investments in developing countries should not be financed with commercial bank loans funded with short-term deposits.

Mr. Solomon also is correct in his conclusion that Government agencies should not be substituted for the private sector in allocating funds for international capital investment; the loss in efficiency would be too great.

Mr. Solomon believes that new financial instruments are needed to finance international capital flows, and I agree. Such financial innovation is needed to protect our commercial banks as well as to protect our exports and domestic jobs.

I commend Mr. Solomon's speech to the Members of the Senate because his comments intelligently address a subject that is not receiving sufficient attention: how our international financial system should evolve over the long term. I ask that his remarks be printed in the RECORD.

The remarks follow:

REMARKS BY ANTHONY M. SOLOMON, PRESIDENT, FEDERAL RESERVE BANK OF NEW YORK

I feel certain that a great many of you here tonight—and, in fact, thoughtful people throughout the business and financial community—have been following the twists and turns of the LDC debt problem extremely closely over the past year or so. The press and other media have provided extensive coverage. And there have been several excellent analyses of how the debt problems came about, both in general and for individual countries. Overall, I conclude that public understanding of the current situation is unusually good, given the enormous complexity of the issues at stake.

What I think is less familiar, and worthy of more attention, is the discussion of what the world will be like after the current emergency is behind us. We all want to feel confident that, when something closer to normal circumstances is restored, we will have built a stronger, more resilient international financial system. No one wants a recurrence of debt disturbances like those of the past year. No one wants prolonged stagnation or inadequate growth in the developing countries of Latin America and elsewhere. That would worsen our own growth prospects and inhibit world trade. And prolonged stagnation—as distinct from the temporary setbacks associated with emergency adjustment programs—would raise a greater danger of serious social and political consequences in a number of the LDCs.

Before discussing the post-emergency period, I must make clear that I'm not complacent about the immediate task of completing the necessary debt restructurings and carrying through basic economic adjustments. We have to make sure we sustain the kind of concerted effort by all the principal participants which has yielded the tentative progress that's been made so far. The borrowing countries, the commercial banks, the governments in the industrial countries, and the International Monetary Fund have all had to make tough decisions and hard compromises. In particular, I think we should respect the painful measures that have already been taken and the sacrifices that have been endured by Mexico and some other countries. Under IMF guidance, these countries have, by any reasonable standard, made impressive efforts to adjust. But more hard work and political will must be marshalled, and more new financing will be required, before anyone can afford to relax.

Obviously, this concerted effort must go forward and must succeed. But make no mistake about it. That can't happen unless the IMF can continue to play the pivotal role it has in binding together the different parts of this effort. And the Fund will be unable to play that role if it's starved of adequate financial resources and political support.

Frankly, I find it baffling that there are elements in this country, and especially in our Congress, who can ignore the catastrophic effects that would result from not acting now to make resources available to the IMF quickly. Without the IMF at the pivot, the whole debt restructuring effort would be undermined, and needed new credits would be blocked. Outright defaults could actually happen. In the longer run, the consequences could also be grave. Debtor countries could be forced into disorderly adjustments that would almost certainly include more protectionist measures, credit controls, price distortions, and severe damage to local private sectors. It would injure the world trading system and seriously impair the prospects for economic growth, not only in the debtor countries but here and everyhere else.

The direct cost to the United States alone would be enormous. Until last year, our exports to LDCs that now have debt servicing problems had been averaging $50 billion a year—almost a quarter of our total exports. Already last year, exports to these countries fell by over $10 billion (more than 20 percent), costing us nearly 300 thousand jobs and $1 billion in profits. How can it be rational for this country to risk giant price tags like these in the future and oppose the quota increase?

I know that there are those who don't see it this way. Some look at the issue entirely in narrow financial terms and conclude that the IMF can squeak by without the quota increase for the time being. That view is wrong, and it misses the central point. In the absence of clear, unequivocal support for the institution by the United States government, including the Congress, the Fund will be permanently crippled.

What's even more baffling is that, among those who would cripple the Fund, there are people who claim to be strong advocates of free markets. What they entirely fail to see is that the IMF, in its efforts to get countries to pursue market-oriented policies and to minimize the hodge-podge of distortions that undermine economic performance, is the best friend that market-oriented people have in the kind of world we live in.

My strong sense is that the misguided opposition to the IMF quota legislation, and the mischievous amendments that undercut it, will not prevail. I believe that ultimately the Congress will support the IMF and act positively to meet the international responsibilities of the United States. It is both in our own immediate and longer term interest.

Suppose that we all do what we need to do in the short-term. Then, it's worth raising the question of what kind of economic prospects the LDCs, especially in Latin America where the debt burden is greatest, can look forward to in a couple of years when the immediate emergency is behind, but not forgotten. Can they return to rates of economic growth that are reasonably satisfactory and broadly meet their aspirations for achieving social and political progress? I don't want to put specific numbers on this, because growth potential differs from one country to the next. But I am talking about growth rates that would not be too far below the historical experience of most of the countries before the debt problems materialized.

It seems to me that it is certainly not impossible to get that outcome. But we have to face reality. There are going to be continuing constraints that will limit the scope for expansionary policies for some time to

come. We can identify ways of easing some of these constraints and softening their impact. And we can be heartened by more optimistic developments lately in the industrial economies, where the prospects for higher growth seem to be improving. But there still must be an extended period in which the heavily indebted LDC governments are going to have very little margin for error.

The most obvious constraint will be with respect to external financing. Conventional commercial bank lending will be much harder to come by. In the first instance, that would limit countries' ability to import. And lower imports, particularly of capital goods, will hamper growth.

The natural question is whether that shortfall can be replaced by greater official assistance from industrial country governments. In my view, that is not likely. While government officials have the will and resources to provide temporary support in a crisis, there really isn't much chance of legislatures going along with increases in long-term official funding in amounts large enough to significantly offset lower commercial bank lending. After all, it was partly because of the difficulty of obtaining official financing that borrowing from banks grew so much in the first place.

Another question is whether the central banks of industrial countries—in particular, the Federal Reserve—should provide large-scale infusions of liquidity so as to ease credit availability for LDCs. Certainly, in a crisis, central banks have a traditional responsibility, as lenders of last resort, to insure stability. But any assistance of that sort must be strictly temporary. Central banks simply cannot be viewed as a source of medium and longer term financing.

So what's left? By process of elimination there are really only two alternatives: Either funds will have to find their way into LDCs through channels other than commercial banks, or borrowing countries will have to run their economies in ways that make them less dependent on external financing. In fact, the LDCs will have to move on both fronts at the same time if they hope to be able to achieve the satisfactory growth rates we are talking about.

Traditionally, direct investment has been an alternative to bank financing. In calmer times, greater direct investment inflows should be an effective source of capital. To be sure, we know that the internal political opposition to direct investment has been strident from time to time in the past and certainly could resurface as soon as the debt emergency starts to fade. Yet, it seems to me that this manifestation of economic nationalism must be challenged and overcome if the LDCs are going to be serious about economic development in a period when new borrowing from commercial banks is constrained.

Improving financial management offers another important way for borrowing countries to cope with the constraints they are going to face. This should especially include efforts to diversify the currency composition of a country's debt. By choice or by necessity, too much of the debt of many LDCs was in dollars. That left them vulnerable to a period of high dollar exchange rates and high dollar interest rates. We calculate that if from 1979 to 1982 developing countries had borrowed currencies in a diversified way—that is, in proportion to their import shares—the LDCs as a group would today be over $30 billion better off. I am not saying that kind of benefit can be repeated in any particular time period in the future. But the clear lesson is that a more balanced and skillfully drawn portfolio of debt is important. Of course, that requires not only a willingness of borrowers to diversify, but equally a willingness of market participants to modify their operations and of the authorities in other industrial countries to allow it.

In addition, both borrowers and lenders have an interest in taking some potentially valuable financial instruments off the drawing board and getting them to market. To take one example, perhaps commercial banks could shift at the margin toward originating loans and then selling them off into a secondary market, where price fluctuations could give useful, early disciplinary signals to borrowers. Or, to take another example, I can visualize variable maturity obligations that offer a constant debt service flow in the face of any unexpected jump in interest rates, a kind of built-in rescheduling. There may also be a place in the market for securities with the equity-like features, on which some part of the total yield to the investor could be calibrated, for instance, to the borrowing country's real GNP or export earnings growth, or some similar measure of economic performance.

Finally, there are a number of tools and techniques that are used by corporate borrowers here but are not yet being used by borrowers in developing countries. Just to give two illustrations, these instruments range from futures contracts to hedge against commodity fluctuations to interest rate swaps that can add another way of gaining fixed rate funding. In a period of restricted access to credit, it is worthwhile developing the expertise and sophistication to take advantage of the array of novel financing tools that are now available.

Innovations like those in the private capital markets would be helpful in ameliorating the financing problem. But I wouldn't want to overstate the role that these mechanisms can play. It will not eliminate the need for major changes and reforms in general economic policies so that dependence on external financing is lastingly reduced.

The way I see it there are three broad areas where policy reform in borrowing countries is called for to reduce dependence on external financing and promote domestic savings. After all, on average, gross domestic savings finance 90 percent of LDC investment.

The first is in the balance of payments area. It seems to me that heavily indebted developing countries have to be resolute in keeping their exports competitive in world markets. First and foremost, this means following realistic exchange rate policies and not letting the domestic currency get out of line. It also means realistic interest rates to deter damaging flight of domestic capital.

The second broad area is reform of government budgeting. To begin with, though it's getting harder for an American to preach to others on the subject, excessively large structural deficits have to be reduced. In addition, LDC governments must have tighter oversight of spending agencies, closer financial monitoring of projects, better and more timely budget numbers, and improved regulatory capabilities over their own financial institutions.

The third broad area is reform of the domestic price system. Every subsidy, every credit allocation scheme, every price distortion has to be tested against the standard of what it costs, both in budgetary terms and in terms of economic efficiency. These are long-standing problems that existed well before the debt crisis. And fixing any of them inevitably pits a government against powerful vested interests at home. But in the aftermath of the debt problem, there may be no alternative to meeting the task head on, because of the huge toll distortions take in limiting productivity and growth.

The governments in the industrial countries and the IMF both have to support LDC efforts to bring about market-oriented reforms and better financial management.

The industrial countries obviously have a major role to play in sustaining growth, in lowering global interest rates by reducing their own government deficits, and in keeping markets open for LDC goods. At the same time they have to open up their financial markets further so that the LDCs can diversify their sources of credit more effectively. They must help create a healthy world environment within which the LDC efforts can pay off.

As for the IMF, its role in managing crises is well recognized and indispensable. But treatment and cure are not enough; it must work harder and more effectively at prevention. What I see as close to being essential is that its surveillance role under more normal circumstances be enhanced. This has two dimensions:

First, the IMF should be assisting countries in improving their financial management. It can help them monitor their debts. It can work with countries to develop financial strategies covering the currency and maturity mix of borrowing as well as the degree of reliance on bank debt, bond finance, direct investment, and so on.

Second, appropriate IMF surveillance should extend well beyond matters of finance. The Fund is not just a lender. It is a force for promoting sensible policies. I believe it should put its weight behind governments which are committed to a transition toward more efficient domestic price, interest rate, and exchange rate policies. And it must reject the argument that the IMF should focus only on a balance of payments target, regardless of how it's achieved.

These broader efforts by the Fund should be an integral part of its regular consultations with all members. We don't want to go back to a situation where the IMF becomes deeply involved only after serious payments disruptions have occurred. That's too late.

Instead, a more continuous relationship would have some important advantages. It would improve the Fund's detailed knowledge of the constraints that regularly confront policymakers in each individual country. And it would provide a type of involvement by the Fund that might head off some of the resentment and occasional hostility that can occur when the IMF is seen as an outsider always prescribing austerity at a time of trouble.

To encourage movement in this general direction, I would go even one step further. It would be worthwhile considering whether access to funding could be made more readily available by the IMF to countries that voluntarily participate in these financial and economic policy reviews should they have a balance of payments need later on.

In summary, we must plan for a world of tighter financial constraints and less margin for error. The approach I am recommending boils down to a combination of stronger market institutions and better market instruments developing alongside better economic policies and stronger financial controls. In my approach, there is no quick fix. There is no single scheme or gimmick that

will put things right and allow everybody to go back to business as usual. To the contrary, I feel that those debt reshuffling schemes that you hear about, which look to industrial country governments to pick up existing exposure from the banking system, are fanciful. They would be unjustifiably costly to the taxpayers. And in fact, they would give just the wrong signals, convincing people at home that a government bailout will always be there and whipping up pressures abroad in developing countries to ask for bailouts.

What I am recommending is rooted instead in pragmatism. It basically seeks to build a more resilient system on the best features of what we have now.

And what we have now pivots on the IMF. That is the institution which in practical terms binds the system together and which must play a more comprehensive role in the future. Therefore, the first step toward that kind of system is for the Congress to act quickly and positively on the IMF quota legislation and put to rest doubts about the commitment of the United States to a common sense, multilateral approach to dealing with the world's financial problems.●

BEST WISHES TO JOE McCAFFREY

● Mr. DOLE. Mr. President, Washington and the broadcasting industry will miss a familiar and respected voice with the departure of Joe McCaffrey's insightful commentaries, formerly carried on radio station WMAL.

This Senator from Kansas is surely joined by every Member of the Senate in wishing Joe the best of luck. We are glad his wisdom will still be available through Joe's weekly newspaper, the Culpeper News.

The Senator from Kansas asks that the RECORD include an article about Mr. McCaffrey from the September 29 edition of the Washington Times.

The article follows:

VETERAN JOE MCCAFFREY SIGNS OFF

(By Dennis John Lewis)

Say it ain't so, Joe. That was the tone of the many calls from radio listeners to WMAL-AM (630) last Friday upon hearing that veteran newsman/commentator Joseph McCaffrey would be leaving broadcasting.

The news came suddenly, as McCaffrey and WMAL had agreed it should, during the station's daily commentary spot. Although it wasn't announced at the time, Morrie Siegel has succeeded to the 5:45 p.m. timeslot. Siegel is well-known for his sports coverage at The Washington Star, WRC-TV, WJLA-TV and WRC radio.

McCaffrey, 68, expresses modesty and gratitude after being told of the affectionate reaction by WMAL listeners. "I hope people miss me. And I hope I was able to help straighten them out or shape their opinions in some way. That makes me feel good and, in another way, that makes me feel sad. But the nice thing is that now I can devote full time to my weekly newspaper, The Culpeper News."

There were no hard feelings between the commentator and the radio outlet as they parted. Though his sponsorship by GTE ran until the end of the year, the sponsor complained to WMAL that McCaffrey's commentary show no longer focused on Congress. Asked by WMAL officials two weeks ago when he would be willing to give up the show, McCaffrey said anytime. And the station executives suggested Sept. 23. "These things are inevitable," he rationalizes. "You are eventually going to come to the end of your rope. And if this satisfies them, then that's fine with me. I would just as soon have done the show until the end of the year. But if that's how it is, then that's okay."

After many years of "pointing with pride" or "viewing with alarm," the radio commentator says his true pride is rooted in his independent stands. "Probably the thing I'm proudest of over the years is that people haven't been able to figure out a label for me. They don't know if I'm liberal or conservative, Democrat or Republican. Sometimes I appeared to be on side of an issue and another time the other. But that's the way I wanted it. I vote no straight party lines. And former President Jerry Ford once said of me that I was the fairest reporter he ever dealt with—and I still cherish that remark."

On the negative side of the ledger, McCaffrey shrugs off those who had strong criticism of his opinion, often accusing him of being a liberal. "I suppose if I had the time and if I were mean enough, I could talk about some of the weird people that have attacked me over the years on the phone. I remember doing TV commentary during the integration turmoil in the South and getting copies of letters accusing me of being a communist with other copies of the letters sent to J. Edgar Hoover. So I know that somewhere at the FBI there is information there that I am not a true patriot."

But in more recent times, McCaffrey has been thought to be conservative, too. "I'm rather concerned now by the heavy uncontrolled immigration. And while years ago, I was accused of being a communist, I've lately been called a mossback." He doesn't hesitate to confess he's changed his mind on U.S. immigration policy. "I was always opposed to the immigration standards of 15 or 20 years ago. I was always for bringing people to this land. But over the last 10 years I've changed my mind. I feel we may at some point be overcome by an innundation of Asiatics and Latin Americans. Without being mean in any way, I think we should seriously consider why the House hasn't acted on the Simpson-Mazzoli bill which was passed twice by the Senate. Yet because of the pressure Hispanics are bringing to bear, which is much greater than their numbers, the House Democratic leadership has not acted."

McCaffrey usually avoided taking a stand on issues that could result in what he called "endless argument" topics. "When those topics come up, there's nothing you can do by taking either position because the debate just goes on and on. And really, there's nothing you can offer that could act as even a partial solution. So I always stayed away from those things. I'd rather get involved in something of greater immediacy."

Nevertheless, on his last broadcast, he couldn't resist the chance to criticize WMAL for both the music it plays and the vehemence of the station's frequent anti-handgun editorials. Labeling the station's "get-the-guns-off-the-streets" stance as "hysterical," McCaffrey added that the other point of view, as expressed by the National Rifle Association, is usually "paranoid."

His commentaries often related to community issues and sometimes served to involve him in speaking up for victims of individual injustice. McCaffrey says these instances yielded the greatest satisfactions. One case involved a doctor denied admission to a medical school because he was found to be over-age. Another concerned a policeman who lost his job as a result of an error. Both situations were reversed after McCaffrey stated his views.

Currently observing his 50th year as a reporter, Joe McCaffrey's strongest identification comes from his insightful coverage of the U.S. Congress. That coverage started in 1944 and ended a year ago. "I have to say I loved covering the Congress because it's truly the eye of the needle. And eventually everything comes through that eye."

"No matter what the issue, it always seems to come up to Capitol Hill. And though there are a great many issues—more than that you have a great many personalities. I've always felt that while we have a reputation for being a nation governed by law, we are actually governed by personality. That was true when I first started in journalism as a smalltown political reporter in Poughkeepsie, N.Y. and again, I was always dealing with people. I have since that time always tried to keep my reports on a people basis."

Explaining why he looked more toward personalities than to laws or issues, McCaffrey says, "For one thing, you can make these matters more clearly understood by your public by telling about the people and personalities. And I think the average person is much more interested in personalities than in an issue by itself. If you can relate the two together, I'd say you would do better."

Does he miss covering Congress? "I thought I would, but honestly I've covered it long enough. Besides, Congress is a different creature than the Congress that I knew originally and grew up with. It's much more mechanical today. I suppose it's computerized more. The newer members are not the warm one-on-one individuals that I used to meet years ago. Since 1970, I'd say the makeup of Congress has changed greatly. Now I readily admit they are more intelligent and better educated. But I feel there's a little something missing and that is the human touch. The majority of people on the hill today I feel are all for the people *en masse*. But I think they might well neglect the people next door to them."

As for the public's traditional low opinion of Congress, McCaffrey isn't optimistic that that will ever change. "Congress' greatest role is taking the heat for everything. People tend to blame Congress no matter what happens. That's why Reagan looked so miraculous in his first two years. He was fighting the battle against Congress and Congress is the big boogeyman to the people. The surprising thing is that most of the people who have a low opinion of congress usually know nothing of Congress as a whole and very little about their own member."

Asked about the idea that there are crooks in Congress, McCaffrey quips, "Some of my best friends have gone to jail. But, more seriously, I've always said not to worry about crooks in Congress or people embezzling money. The real concern in government should be focused on stupidity. There are just so many people who really don't have a full deck of cards to play with and yet they are involved in some of the decisions we eventually have to live by."

But is the public right to be concerned about crooks in Congress? "The attitude is wrong because any generalization is wrong.

And for every member who was indicted and sent to prison in the Abscam affair there were 75 or so to one whose records are clean. After 39 years of covering Congress I've known, say, probably 2,300 members of Congress. Most are sincere and hardworking. And if I disagreed with their politics, I respected them for having the guts to get out there as candidates, and take the stands they chose to take.

"Today it seems that it's getting harder and harder to get good people to run for political office. There's a general cynicism about public office and this is very unfair. And it's especially unfair to we voters because we are the ones who suffer if we don't get good grade people to hold public office."

Not surprisingly, McCaffrey has a cureall to recommend to Congress—better public relations. "You know, Congress is a kind of a strange thing to most people. Individually they seem all right but when you put them together, God-only-knows what will happen. They are an easy target. I've always thought Congress should have a spokesman who when these columnists attack it, this guy could say here's why that column is wrong and here's what Congress actually did. Rarely do Congressmen defend the institution. Instead, they usually want to defend themselves."

McCaffrey's 50-year career in journalism had very modest beginnings. "I was paid 10 cents an inch when I started out in Poughkeepsie; later I moved up to getting $5 a week. And eventually that became $15 when I was drafted in January 1941."

He says he felt no strong impulse to enter broadcasting in 1944, his first year on the air here for CBS Radio. "I've found that people's careers are determined more often than not by chance. I wanted to go to law school but I wasn't able to because of finances and in other ways. So I turned to my second choice, which started when I was a reporter on my high school newspaper.

"After I was mustered out of the service here at Walter Reed, a friend suggested I apply at WTOP. I did an audition and they accepted me. If it hadn't been for that, who knows? I might have gone back to Poughkeepsie and gone to embalming school."●

"A CHORUS LINE" MAKES BROADWAY HISTORY

● Mr. MOYNIHAN. Mr. President, I wish to announce a splendid occasion taking place this evening. The American musical, "A Chorus Line" will become the longest running musical in the history of Broadway. Tonight's performance will be the 3,389th of this grand production surpassing the record of "Grease."

"A Chorus Line," conceived, directed, and choreographed by Michael Bennet, opened at the Shubert Theater July 25, 1975. This Pulitzer Prize winning drama is a fine representation of the American musical art form of the 20th century.

The play, an exposé of Broadway auditions, presents the job of a choreographer, his decisions, his frustrations, and his results. Zach, the choreographer, must choose a chorus of 8 drawn from a field of 17 applicants. By watching the applicants' dancing, and listening to their moving life stories, the audience develops a clear idea of just what a Broadway audition entails, with an emphasis on the sagas of neurosis and frustration of those involved.

After its opening in 1975, the musical proceeded to win almost every major award, a tribute to the work of all involved, including the Shubert Organization, which produced this show. The Shubert Organization is chaired by Gerald Schoenfeld and has Bernard Jacobs as its president. This outstanding work of art continues to add to the artistic richness and legacy of New York and Broadway. The immense success of this musical is a fine example of the many productions that provide a source of entertainment, maintaining New York as the cultural capital of the Nation.

Mr. President, I extend my best wishes to everyone involved in this splendid work of art. I wish them all many more years of success.●

HONORING GLADYS REED ROBINSON

● Mr. D'AMATO. Mr. President, I rise today to honor Gladys Reed Robinson of Lansingburgh, N.Y. She has the unique ability of making things grow. She grows plants in her house, her yard, and her greenhouse. Gladys Robinson recently was honored by the Garden Writers Association of America for helping make the membership grow from fewer than 300 to over 1,000 people. The Garden Writers Association now represents 50 States, Canada, England, Africa, and South Australia.

Mrs. Robinson received the association's Distinguished Service Award at the annual meeting at Longwood Gardens, Kennett Square, Pa. She was given a standing ovation after a tribute by the group's president, Theodore R. Marston of West Chicago, Ill. She was first elected to membership in GWAA in 1959.

Mrs. Robinson has published in Gardeners' Chronicle in London and Farmers' Weekly in South Africa. She has written for Popular Gardening, Flower Grower, and Organic Gardening, among others. Mrs. Robinson is still writing short gardening articles for two publications. She later decided that publications were impractical to write because of the complications in cashing her foreign checks.

She has also put effort into working with the Second Avenue Association in the neighborhood beautification program.

Mrs. Robinson has done extensive research in horticulture. She has investigated the origins of Plectranthus oertendahli, a close relative of Plectranthus australis or Swedish Ivy. The plant she discovered looks like the familiar relative, but the leaves are not as shiny. Mrs. Robinson's unyielding commitment to the art of horticulture has contributed to knowledge which is of inestimable value to the people of New York.

A plant called Tansy has also interested Mrs. Robinson. She has done many things with this plant, such as baking bread and cookies and brewing Tansy for tea.

Mrs. Gladys Robinson must be commended on her superlative achievements in the last 20 years. Her perception of the value and worth of others and her innate and ingenuous concern for the enhancement and preservation of human dignity must not be overlooked. The State of New York praises Mrs. Gladys Robinson on her outstanding achievements. I think we can all learn a lesson from someone who works so diligently, for so long, and with such great success.●

TRIBUTE TO JOHN JOHNSON OF BELLEVUE, NEBRASKA

● Mr. ZORINSKY. Mr. President, it has been said that, "To find a career to which you are adapted and then to work hard at it is about as near to a formula for success as the world provides."

I wish to draw my colleagues' attention today to an individual who, for three decades, has worked hard in his chosen field of pharmacy and who is unquestionably a success in his home community of Bellevue, Nebr.

This individual, Mr. John A. Johnson, recently capped his long career by serving a 1-year term as president of the National Association of Retail Druggists, which represents the owners of more than 30,000 independent pharmacies nationwide.

NARD is the sole advocate for this vitally important segment of the small business community. Its members serve more than 18 million people each day, dispensing 70 percent of the Nation's prescription drugs.

Mr. President, John Johnson is well suited to have served as president of such a group. He is a 1948 graduate of Creighton University School of Pharmacy in Omaha, Nebr., and has owned an independent pharmacy since 1963.

He had previously served NARD for 12 years in leadership posts including treasurer; first, third, and fourth vice president, and member and chairman of its executive board.

Closely identified with the community of Bellevue for more than 30 years, John has been credited with developing its business base as a city council member and chamber of commerce president.

He has been instrumental in assisting numerous small business owners in the areas of management and in raising capital with which to continue in business or to expand into other fields.

His other civic accomplishments include chartering a bank badly needed by local businesses and raising funds

to build Midlands Community Hospital, where he dedicated many hours of service on its board of directors.

A regional delegate to the White House Conference on Small Business in 1979–80, John later was proclaimed the Small Business Administration's Family Owned Business Advocate of the Year for 1980.

His numerous professional honors include the NARD-Merck Service to Society Award, the Harland Lewis Memorial Award, and the Creighton University Alumni Merit Award.

Mr. President, testifying before a task force of the U.S. Department of Health and Human Services shortly before completing his term as NARD president, John made the point that members of his group are primarily family business owners who have their roots in American communities.

"The neighborhood independent druggist," he said, "typifies the reliability, stability, yet adventuresomeness that has made our country great."

It occurs to me, Mr. President, that John Johnson typifies that same "reliability, stabililty, and adventuresomeness" that has made this country great.

I am proud to be able to call him a friend and I am sure my colleagues will want to join me in congratulating him on the completion of his term as president of the National Association of Retail Druggists.

He has indeed worked hard in his chosen field of pharmacy and found a formula for success in his hometown of Bellevue, Nebr.●

MEDICAL TECHNOLOGY

● Mr. BAUCUS. Mr. President, last spring Congress made a significant change in the way medicare reimburses hospitals for the health care they provide.

Congress replaced the retrospective cost reimbursement system that had been used since medicare was created in the mid-1960's with a payment system based on prospective rates.

This new prospective payment system will strongly encourage hospitals to lower their costs. No longer will hospitals have a financial incentive to provide more services than are necessary, or to perform more tests, or to extend a patient's length of stay.

Under the new system, hospitals will receive a flat payment per case. This payment will be based on a patient's diagnosis, not on the services a hospital provides.

This new payment method will work properly only if:

The payment levels for each diagnosis related group, or DRG, are set at a fair level;

The payment levels are allowed to increase over time as actual costs increase;

The various DRG categories are periodically recalibrated.

During the Finance Committee's work on the prospective payment plan, I proposed creating a Prospective Reimbursement Assessment Commission to address these issues.

I am pleased that such a commission was authorized.

The Commission will assure that the payment levels under the new system are consistent with the legitimate fiscal needs of hospitals. The Commission will collect and assess information about medical procedures, including regional variations in medical practice.

And the Commission will give special attention to treatment patterns that appear to involve excessively costly or inappropriate services that do not add to the quality of care provided.

The Commission, in conjunction with the HHS Secretary, will give special attention to updating existing DRG's, establishing new DRG's, and recommending new payment rates for specific DRG's as changes occur in technology and hospital resource consumption.

In short, there is no easy national solution to rising hospital costs. I want to make sure the prospective payment system recognizes that hospitals in Montana's small communities face different problems than do those in Manhattan, N.Y.

This Commission is designed to help us achieve this goal.

A recent article in the New England Journal of Medicine examines these issues, as well as the broader question of technology assessment. I ask the article be printed in the RECORD.

The article follows:

[From the New England Journal of Medicine, Aug. 25, 1983]

HEALTH POLICY REPORT

(John K. Iglehart)

ANOTHER CHANCE FOR TECHNOLOGY ASSESSMENT

New forces on the political landscape, rooted largely in the economics of medical care, are pressing federal officials and private interests to develop more adequate mechanisms to assess the safety and efficacy of emerging medical technologies. One force stems from expressed congressional concern over the resistance of some third-party payers to finance liver transplantation because, the payers argue, its efficacy has not been sufficiently well demonstrated. A second force is represented by a draft report of an Institute of Medicine committee, which recommends creation of a private-public technology-assessment body. A third force, which will probably prove to be the most enduring, is the advocacy by technology manufacturers for a new, congressionally mandated technology-assessment commission.

At this time, support for the new entity, called the Prospective Payment Assessment Commission, derives most forcefully from the Health Industry Manufacturers Association. Its advocacy, which represents a sharp reversal in policy from its successful 1981 effort to kill the National Center for Health Care Technology, stems from a recognition that Medicare's new hospital-payment approach incorporates new incentives into the financial affairs of hospitals.

Under the previous cost-based payment approach, the additional hospital costs of new technologies were essentially covered by third parties; as a consequence, hospitals had no financial incentives not to adopt innovations and had every encouragement, from physicians who demanded the latest technologies, to do so. Under Medicare's new per-case payment approach, the adoption of cost-raising technology is not met with an automatic increase in revenues to cover the additional cost. New technology will have to compete with alternative uses of scarce hospital funds. The implications of this policy turnabout are obvious: with limited resources, hospitals will need to assess new technologies and the added costs of their operation and maintenance far more closely and will have to allocate resources with greater prudence.

Technology manufacturers fear that unless some effective counterweight is available, the Health Care Financing Administration, which is dominated by cost-control considerations, will not give adequate consideration to new technologies when it periodically adjusts Medicare prices in the future. (The Heath Industry Manufacturers Association has sought to enlist the influences of community, investor-owned, and teaching hospitals and organized medicine in this struggle, but so far these interests have not paid much attention. Their attitudes are likely to change after the Health Care Financing Administration publishes Medicare's new prospective hospital prices in the Federal Register about September 1.)

Several congressional staff members who were instrumental in designing the new prospective-payment law and shared this concern spoke to it by persuading Congress to create the new commission for assessment of prospective payment. The central staff figure was Robert Hoyer, a longtime staff member of the Senate Finance Committee. The commission's chief congressional advocate was Senator Max S. Baucus (D-Mont.). The commission, whose 15 members have yet to be named, will be charged by Congress with making recommendations to the Department of Health and Human Services (DHHS) on the appropriate payment rate for services rendered to Medicare patients. The commission also has responsibility for conducting assessments of medical technology and will provide Medicare with guidelines for appropriate patterns of health care. All these activities will be advisory.

The American medical-care system has not settled on a mechanism to evaluate technology that is satisfactory to the disparate interested parties; as a consequence, an increasing number of organizations, public and private, are engaging in assessment in one fashion or another. Manufacturers of drugs and devices develop products and are required by the Food and Drug Administration (FDA) to conduct tests for premarket approval of them. Teaching hospitals and clinics have long led the way in determining the effective use of medical technologies.

The American Academy of Pediatrics has developed recommendations concerning immunization practices, and the American Public Health Association periodically compiles a list of effective preventive and therapeutic procedures for infectious diseases. The American Hospital Association and the American College of Radiology have been involved in similar activities, as has the American Medical Association (AMA). Most recently, the AMA has sought to fill the

vacuum left by the demise of the National Center for Health Care Technology—an end that the AMA abetted—with a new project, the Diagnostic and Therapeutic Technology Assessment Program. This is a mechanism designed to enable the AMA, with the use of physician panels, to answer quickly questions that arise concerning the safety and effectiveness of medical technologies.

The American College of Physicians is engaged in what is perhaps the most ambitious private exercise in technology assessment: its Clinical Efficacy Assessment Project. This project is funded largely by a three-year grant of $650,412 from the John A. Hartford Foundation and is directed by Dr. J. Sanford Schwartz. The college, which endorsed more readily than most professional societies the concept that medical practice should be sensitive to cost, has worked closely with the Blue Cross and Blue Shield Association's Medical Necessity Project since 1976. The Clinical Efficacy Assessment Project, which focuses on procedures, tests, and therapeutic interventions within the purview of internal medicine, represents an expansion of this earlier work. As the funding runs out, its stewards now seem bent on scaling down the project, even though they concede that the need for technology assessment is greater than ever.

Obviously, there are other organizations engaged in forms of medical-technology assessment that I have not catalogued in this short list. But even a comprehensive compilation, as the congressional Office of Technology Assessment noted in a recent publication, does "not constitute a coherent system for assessing all classes of medical technologies. The present approach is characterized by multiple participants from the public and private sectors, and by uncoordinated activities. Complicating matters further is the large number of medical technologies appearing every year. The result is an overload and confusion among decisionmakers and consumers." [1]

This report will focus on new expressions of concern over the chaotic state of medical-technology evaluation in the United States. These expressed concerns may further complicate an already complex mix of forces at work in technology evaluation, but they also hold some promise for increasing the importance attached to technoloigy assessment in polilcy circles. In other words, such concerns may represent the beginnings of a more influential constituency for technology assessment—an important political ingredient whose absence has thwarted development of a more coherent assessment process.

Politicians, like most Americans, have an abiding faith in the value of medical care. Thus, it came as something of a surprise to members of the House Science and Technology Subcommittee on Oversight and Investigations when they learned at recent public hearings that some third-party payers were not financing liver transplantations because they still regarded the procedure as "experimental," even though survival rates for patients who had recently received transplants had improved dramatically. Vivid in the minds of legislators were newspaper accounts of children suffering from biliary atresia who needed liver transplantations to have a chance for survival.

Representative Albert Gore, Jr. (D-Tenn.), subcommittee chairman, expressed the greatest concern over the failure of current evaluative mechanisms to review expeditiously the efficacy of liver transplantation. Gore articulated his view as the leadoff witness on July 29 before the House Energy and Commerce Subcommittee on Health and the Environment. (Representative Henry A. Waxman, [D-Calif.], chairman of this subcommittee, organized the hearing in order to build a record that would document the need to develop more effective procedures for procurement of human organs. Waxman will soon introduce a bill that he hopes will achieve this goal.) In a subsequent interview, Gore pinpointed his concerns:

"There are serious shortcomings in the national system of health-care technology assessment. Among these is the fragmentation between the federal government, a variety of professional groups and third-party insurers, all with distinct, overlapping priorities. In this fragmented system, technologies selected for review do not reflect a systematic identification process but rather a reaction to questions of fiscal reimbursement. Thus, new technologies such as organ transplants are disproportionately selected for review while equally expensive, older procedures with questionable outcomes are uncritically reimbursed. . . . I believe that a vigorous and broadly based health-care technology process must be put in place as soon as possible. Ideally, such a process should include the federal and private sectors, should provide authority and ample funding for a systematic and ongoing review of all technologies, old as well as new, and should be separated from reimbursement decisions."

The Reagan administration requested no budget and Congress appropriated no funds for the National Center for Health Care Technology, and as a consequence, it folded in 1981. Since then, the DHHS has lodged its principal technology-assessment activities within the National Center for Health Services Research, in a tiny enclave called the Office of Health Technology Assessment. Headed by Dr. Harold Margulies, it has four professionals—two registered nurses and two health-service researchers—working on assessment issues. These four staff members turn out judgments for the Health Care Financing Administration on the safety and efficacy of technologies. The office does not calculate economic, ethical, or social considerations in its assessments.

Because of the size and standing of the Office of Health Technology Assessment in the bureaucratic pecking order of the DHHS, It cannot begin to accomplish in a timely fashion the technology-assessment task that it faces. The office draws on other entities within the DHHS, the most important of which is the Office of Medical Applications of Research at the National Institutes of Health, but it is nevertheless overwhelmed by its mandate. It is worth mentioning in passing that the Health Care Financing Administration is highly dependent on the judgments of the National Institutes of Health concerning scientific issues that involve technology and its value in medical care.

Exacerbating the plight of the Office of Health Technology Assessment is the presence of a staff that is basically not trained in the complex ways of assessment. Most of the staff members ended up in this office because they had lost jobs in other DHHS programs that were curtailed by the administration. Also, the process of assessment is very cumbersome and time-consuming; in most cases, an assessment takes more than one year to complete. For example, in April 1982 the Health Care Financing Administration requested that the Office of Health Technology Assessment evaluate the safety and efficacy of liver transplantation. The office anticipates that the DHHS will render a judgment by this fall. In testimony given on April 27 before the Gore panel. Dr. Edward N. Brandt, Jr., assistant DHHS secretary for health, conceded that "there is no defined accepted process for assessing new medical technologies except devices and drugs, fundamentally, which go through the FDA. . . . I do not argue with the fact that our process for looking at technology assessment needs re-examination. To that end, over a year ago, we convened a meeting involving professional societies, insurance carriers, and other groups to look at that whole question, and then went with the results of that to the Institute of Medicine, and we have asked them . . . to look at the issue."

Expressing the Reagan administration's philosophy, which favors less rather than more federal involvement in the Nation's medical-care system, Brandt testified that technology assessement "is not really a federal responsibility. This is a private sector responsibility, and one that the federal government should certainly participate in, because we have a fairly major stake in the outcome of it, but it is one that ought to be done on the outside."

Reflecting its own concern over the absence of an adequate assessment mechanism, the Institute of Medicine of the National Academy of Sciences last year constituted the Committee to Plan a Private/Public Sector Entity in Technology Assessment in Medical Care. Unlike most of the institute's study committees, which approach subjects without an end result fully in mind, this one was given a name that left no doubt about the intended outcome of its deliberations.

The committee, which is chaired by Dr. Jeremiah A. Barondess, a professor of clinical medicine at the Cornell University Medical College, has drafted a report that calls for the establishment of a technology-assessment consortium that would be affiliated with the Institute of Medicine. The consortium would be directed by a board of 15 members drawn from the public and private sectors. The initial governing board and its chairman would be appointed by the president of the National Academy of Sciences. Thereafter, the consortium's board would nominate and elect its own members, according to its own bylaws.

The consortium's scope as an assessor of technology would include the development and evaluation of evidence concerning the efficacy, safety, cost, cost-effectiveness, and when appropriate, policy implications of the development or use (or both) of a specific technology. The consortium's role would involve not only the promotion of effective technologies but the retirement of inappropriate or obsolete medical technologies as well. Perhaps its central function would be to serve as a clearinghouse of information on medical technologies and their assessment—a role that reflects the Institute of Medicine committee's recognition that coordination among public and private assessment bodies does not now exist.

The committee's recommendation for creation of a private-public assessment body derives from a concern that some balance be achieved between the two sectors if both are

[1] United States Congress, Office of Technology Assessment. Strategies for medical technology assessment. Washington, D.C.: Government Printing Office, 1982.

to accept the new organization. The draft report spoke to this delicate political consideration:

"In medical technology assessment, a strong federal authority backed by generous appropriations would have the potential of unquestioned dominance in the area. Along with that potential for dominance, however, there are distinct liabilities for government technology assessment entities. The potential for industry-government antipathy is high. . . . it is very difficult to draw in industry and the private sector generally to a governmental entity so that those nongovernmental parties really feel a partnership exists. Governmental technology assessment entities inevitably are seen as regulatory. This is not to suggest that such governmental initiatives are inappropriate or are de novo doomed to failure. The possible need for an expanded unilateral governmental effort in medical technology assessment was not specifically addressed by the committee. It was, however, the sense of the committee that a unilateral governmental initiative in this area probably could not meet the need for an entity that could assure parity in representation, control and responsiveness between the public and private sectors."

Assuming that it is approved by the governing bodies of the Institute of Medicine and the National Academy of Sciences, the committee's recommendation will face an uncertain reception once it has been unveiled publicly. The leading questions are these: What organizations will be willing to provide funds to underwrite the consortium—an amount that, at a minimum, will total $1 million annually? Will the federal government and private organizations accept the Institute of Medicine as a neutral sponsor of a new assessment organization? How will the private and public enterprises that are already in the assessment business react to the prospect of a new organization intended to serve as a clearinghouse?

Brandt has expressed his support for creation of a private-public assessment body that would operate under the aegis of the Institute of Medicine. Although Brandt, who is a member of the institute, is a central figure in the administration's health-policy-making apparatus, he is only one of many voices. Other administration officials, both within the DHHS and at higher levels, view the Institute of Medicine more skeptically, as either an organization that leans toward government solutions or an organization whose policy council is dominated by academic medicine, which has its own interests to preserve.

The precipitate action of Congress, in enacting legislation to reform the system that Medicare uses to pay for hospital care, has reverberated through the healthcare sphere in a variety of ways, as recently reported in the Journal.[2] The fundamental consequence of this policy judgment was to change Medicare's hospital-payment approach from cost-based, retrospective reimbursement to per-case payment. Under this new approach, hospitals are paid a specific amount for each patient treated, regardless of the number of types of services rendered. Thus, on October 1 hospitals will be rewarded for reducing the cost of treating a patient over the course of a hospital stay.

In the present context, however, the important consequence of per-case payment will be its effect on the diffusion of technology and the new interest it has generated in technology assessment. Per-case payment will remove the incentive to provide more technologies and will encourage hospitals (and perhaps physicians, though this payment method is not directly applicable to them) to consider explicitly the benefit of additional services against their added costs. Medicare will use 467 disease categoreis, called "diagnosis-related groups" (DRGs), as a measure on which to base its per-case payment.

The Office of Technology Assessment, in an instructive technical memorandum, prepared by Senior Analyst Judity L. Wagner, on the implications of DRG payment for medical technology, estimates that technology use will be affected in several ways.[3] The memorandum enumerates the following ways:

"Overall, the number and intensity of ancillary procedures provided to inpatients can be expected to decrease, but the use of procedures that can be shown to lower the cost per case will increase. The settings of technology use are likely to be influenced by DRG payment, but the incentives work in conflicting directions and are sensitive to the key features of program design. It remains to be seen which incentive will dominate for which procedures. DRG payment will encourage the movement of technologies into the home, particularly those for post-hospital care. DRG payment is likely to influence the specialization of services, but the magnitude and direction of these effects is unknown. The incentives to reduce costs encourage concentration of capital-intensive technologies in fewer insitutions. Conversely, the increasing competition among hospitals for physicians and patients will create incentives for the widespread acquisition of some technologies. A change in technology product mix is likely to result from downward pressure on the price and quantity of supplies and, if capital is included in the DRG rate, capital equipment. Greater product standardization can be expected as more expensive models and producers are eased out of the market through competition."

Perhaps even more important than how DRG payment affects the use of current medical technologies is how this payment mode will affect technological change in medicine—that is, the adoption of new technologies and the discarding of old ones. As Wagner notes, there are essentially three basic approaches to recalibrating relative DRG payment rates: empirical cost-estimation techniques central policy-decision adjustments, and provider appeals. The new Medicare law calls for changes in DRG rates at least every four years, but the methods to be used to recalibrate the DRG's are unspecified. During the brief congressional debate over the prospective pricing provision, DHHS went out of its way not to dicuss possible payment rates under a DRG system, but there seems to be little likelihood that the subject will be kept out of the political arena for long.

Indeed, even before DHHS unveiled its DRG rates, Senator John Heniz (R-Pa) introduced legislation on July 14 that would eliminate what he characterized as "excessive payments" by Medicare for heart pacemakers. Heinz said the bill could save the Medicare program $200 million by reducing the amount that the program pays for the purchase of pacemakers, their insertion, and follow-up services. Heniz, who chairs the Senate Special Committee on Aging and is also a member of the Senate Finance Committee, which oversees Medicare, said that "fraud by physicians and others in the pacemaker industry totalled more than $1 billion, and had triggered investigations by 35 FBI field offices and two federal grand juries."

As noted earlier, the new Medicare law establishes an independent panel of experts to recommend changes in DRG prices to DHHS. The director of the Office of Technology Assessment, John H. Gibbons, was charged by Congress with appointing the 15 members of the commission—a task he hopes to complete by November. However, two key questions concerning the future of the commission remain unanswered: How much money will Congress appropriate to operate it? Where will the commission ultimately reside in the bureaucracy? The law is not altogether clear on these questions.

Washington lobbyists for the Health Industry Manufacturers Association and their member companies have aggressively lobbied the House and Senate Appropriation Subcommittees on the Departments of Labor, Health and Human Services, Education, and Related Agencies. These panels must approve an appropriation. The association's president, Harold O. Buzzell, said in a June 3 memorandum to member companies: "The new prospective payment law signals emergence of health care economics as the industry's chief priority."

The Association of American Medical Colleges has also urged Congress to approve an appropriation for the commission. The association's president, Dr. John A. D. Cooper, said on July 14 in his "weekly activities report":

"I wrote Representative William H. Natcher [D-Ky.], chairman of the Labor/HHS Appropriations Subcommittee, and all the other subcommittee members July 1 urging that they vote to appropriate funds for the new Medicare Prospective Payment Assessment Commission. * * * I pointed out that it is imperative that a body such as the commission exist to monitor the changes in the health delivery system brought about by the switch to DRG-based prospective payments 'to ensure that they do not adversely affect the quality of care rendered to Medicare beneficiaries or unintentionally jeopardize the fiscal stability of needed hospitals.' I reminded the subcommittee members, 'absent this commission, the DHHS would be payer, regulator and evaluator' simultaneously."

At this point, certainly more questions than answers abound on the future configuration of medical-technology assessment in the United States. Brandt has expressed concern over the adequacy of the current instruments, but other administration officials have been silent. One development seems certain, though. As the purchase of technology is tied more directly to payment approaches that change the traditional incentives of providers to acquire innovation without serious regard to its cost, interest in technology assessment will grow. This phenomenon has already been well demonstrated in the unfolding saga of DRG payment.●

[2] Iglehart JK. Medicare begins prospective payment of hospitals. N Engl J Med 1983; 308:1428-32.

[3] United States Congress, Office of Technology Assessment. Diagnosis related groups (DRGs) and the medicare program: implications for medical technology. Washington, D.C.: Government Printing Office, 1983.

CARGO PREFERENCE

● Mr. BOSCHWITZ. Mr. President, on Tuesday I testified at hearings held by the Senate Merchant Marine Subcommittee. The hearings continue today and focus on several bills dealing with cargo preference. Two of the bills, S. 1616 and S. 1624, would subject an expanded proportion of U.S. oceanborne trade to cargo preference. Most importantly, these bills would affect U.S. commercial trade, not just Government cargoes. I ask that my testimony at Tuesday's hearing be printed in the RECORD.

The statement follows:

STATEMENT BY SENATOR RUDY BOSCHWITZ, MERCHANT MARINE SUBCOMMITTEE, SEPTEMBER 27, 1983

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee on Merchant Marine to discuss the implications of several cargo preference bills. Cargo preference laws are a major interest to all of those who are concerned with U.S. commercial trade: shippers, trading companies, domestic industry and agriculture and the merchant marine. Their interests and their concerns about cargo preference are especially aroused whenever there are proposals—bills, resolutions, etc.—which alter the application of existing cargo preference laws to U.S. commercial trade. This helps to explain why two of the bills before this subcommittee, S. 1616 and S. 1624, have been the subject of a great deal of discussion. Very simply, these two bills dramatically alter the application of cargo preference to U.S. commercial trade, to the detriment of many concerned. Mr. Chairman, I ask that two items be added to the Record: the first is a letter to me signed by 19 agricultural groups and associations urging my support for S. Con. Res. 56, which I have cosponsored and which expresses the sense of Congress that cargo preference should not be expanded; the second contains the views of the U.S. Great Lakes Shipping Association, and indicates that shipping in the Great Lakes would be adversely affected by legislation such as S. 1616 and S. 1624 and would threaten the viability of all ports in the Great Lakes region. These two items are just a sampling of the widespread opposition to expanded cargo preference under S. 1616 and S. 1624.

This is not to say that these bills are intended to impact negatively on those involved in U.S. commercial trade. The underlying objective of both S. 1616 and S. 1624 is to promote a strong and viable U.S merchant marine and shipping industry. This is a laudatory objective. Proponents of these bills argue that cargo preference is a useful tool for promoting the U.S. merchant marine and the shipping industry and that other U.S. industries will benefit from strengthening of the U.S. maritime industry. For example, the U.S. steel industry, and labor, would benefit from increased domestic U.S. shipbuilding. By this reasoning, the proponents of these bills conclude that an increase in the proportion of U.S. oceanborne trade subject to cargo preference will generate net economic benefits for the United States.

In my view, and in the view of many others, existing cargo preference laws have not accomplished their original objective—promoting a strong and viable U.S. merchant marine and shipbuilding industry. It follows, therefore, that expansion of cargo preference laws to cover a larger volume of U.S. oceanborne trade will likewise not promote a more strong and viable U.S. shipping industry. At the same time, other sectors of the U.S. economy involved in and dependent on commercial trade will be adversely affected by more comprehensive cargo preference laws. For these reasons, legislation such as S. 1616 and S. 1624 would not accomplish the objective of promoting a more viable U.S. shipping industry and would simultaneously disrupt and disadvantage many trade dependent sectors of the U.S. economy.

CARGO PREFERENCE HAS NOT PROMOTED A STRONG AND VIABLE MERCHANT MARINE AND SHIPPING INDUSTRY

There is nothing in the historical record to suggest that cargo reservation for U.S. flag vessels has promoted a strong and viable U.S. merchant marine and shipping industry. As a result, there is no reason to believe that expanded cargo preference, as provided for in S. 1616 and section 104 of S. 1624, would help strengthen the U.S. merchant marine and shipping industry. Indeed, there is good reason to deduce that the opposite will occur. Let's just take a look at the numbers.

Comprehensive statistics are available on the transportation costs of the P.L. 480 program (Food for Peace). The P.L. 480 program was enacted at nearly the same time as P.L. 664, the Cargo Preference Act of 1954. P.L. 664 for the first time attached mandatory cargo preference requirements to non-military shipments. These requirements pertained primarily to the P.L. 480 program. The objective, quite similar to that in the legislation under discussion at today's hearing, was to promote the U.S. merchant marine and shipping industry by assuring that U.S. flag ships had cargoes. This was to offset the trend, at that time, of a declining proportion of U.S. oceanborne trade moving on U.S. vessels.

What has happened since the enactment of P.L. 480? The transportation costs of the P.L. 480 program escalated from $9.6 million in fiscal year 1955 to $314.4 million in fiscal year 1982, a more than 30-fold increase.[1] During the same period, the value of commodities purchased under P.L. 480 increased only moderately, from $206.2 million in 1955 to $1,033 million in 1982.[2] What this means is that during the first year of operation of the 1954 Cargo Preference Act, transportation charges for using U.S. flag ships comprised only four percent of total P.L. 480 program costs, but by fiscal 1982 these transportation charges had zoomed to nearly 25 percent of total P.L. 480 program costs.[3]

Unfortunately, the burgeoning transportation charges resulting from the Cargo Preference Act of 1954 had not served to promote a strong and viable U.S. maritime industry which is competitive in international markets. In 1955, the United States flag merchant marine comprised 27 percent of the world's total deadweight tonnage and 22 percent of the world's total number of vessels.[4] By 1982, the United States flag merchant marine comprised only 3.3 percent of the world's total deadweight tonnage.[5] The proportion of U.S. oceanborne foreign trade carried on U.S. flag vessels declined by a comparable magnitude, from 23.5 percent of total volume in 1955 to about 3.5 percent of total volume in 1982.[6] Employment numbers for the merchant marine likewise declined percipitously, from 57,500 in 1955 to 18,000 in 1982.[7] Finally, the number of merchant vessels completed by U.S. shipyards, declined from an average of 30 during the late 1950's to an average of 10 during the 1980's.[8] These numbers clearly show that a precipitous and rapid decline in the U.S. maritime industry has accompanied the enactment in 1954 of permanent cargo preference legislation. Either this legislation was the cause of the declines or it was not the proper prescription for alleviating the maladies of the U.S. maritime industy.

Not only has the enactment of permanent cargo preference legislation been followed by major declines in the size and viability of the U.S. maritime industry, but it has also been accompanied by a decline in U.S. competitiveness, most especially in terms of U.S. shipping rates. In 1955, the year following enactment of the Cargo Preference Act, the average differential between U.S. flag shipping rates and foreign flag shipping rates under P.L. 480 was $2.35 per ton.[9] By 1982, this differential had skyrocketed to $60.50 per ton, nearly a 30-fold increase.[10]

What I am saying here is that we had better rethink our original prescription, that outlined by the 1954 Cargo Preference Act, before we apply larger and larger doses of the same medicine under the expanded cargo preference provisions of either S. 1616 or S. 1624. It is clear to me, and the numbers support this very well, that cargo preference has not been and will never be the source of recovery and rejuvenation for the U.S. maritime industry.

EXPANDED CARGO PREFERENCE UNDER S. 1616 OR S. 1624 WOULD ADVERSELY AFFECT THE TRADE DEPENDENT SECTORS OF THE U.S. ECONOMY

Both S. 1616 and S. 1624 would expand the proportion of U.S. oceanborne trade subject to cargo preference. Section 104 of S. 1624 would increase this proportion from its current level of about 3.5 percent to at least 20 percent by the year 2000. More important, S. 1624 extends cargo preference to all U.S. oceanborne trade—including for the first time, private commercial sales. Since U.S. commercial imports and exports have never been subject to cargo preference laws, section 104 of S. 1624 is unprecedented in scope.

Section 4 of S. 1616 expands existing cargo preference laws to shipments which indirectly involve the U.S. Government. Section 4 essentially makes Public Resolution 17 mandatory. Previously, Public Resolution 17 had only been applied toward Eximbank generated shipments. Section 4 of S. 1616 would mandate that any U.S. commercial shipments which have been facilitated in any way by U.S. government financing must be shipped on U.S. flag vessels. This would make any government credit or financing program—loans, credit guarantees and direct credits—subject to cargo preference.

Proponents of S. 1616 and S. 1624 argue that there will be beneficial multiplier effects which will result from the increased shipbuilding that is expected to be encouraged by expanded cargo preference. For example, the maritime trades department and the seafarer's international union of the AFL-CIO estimate that S. 1624 will add 112,000 jobs to the economy, in shipbuilding and related industries.[11]

There are two problems with this argument, one of which I've already touched on. The first problem is in the presumption that cargo preference will promote increased shipbuilding. As I indicated earlier, there is nothing in the historical record to

[1] Footnotes at end of article.

lead one to believe that such a correlation exists. In fact, the numbers lead you in the opposite direction.

The second problem is in attempting to estimate "beneficial multiplier effects" for the U.S. economy by concentrating only on one of the sectors affected by cargo preference, namely, shipbuilding and related industries. By relying on this type of approach, one gets what amounts to severe tunnel vision and cannot possibly begin to appreciate the ramifications of more comprehensive cargo preference laws.

The S. 1624 requirement that, eventually, 20 percent of U.S. commercial exports and imports must be shipped on U.S. flag vessels, translates into an enormous volume of trade. During the 1980's, the U.S. trade volume has averaged about 800 million metric tons, of which less than 30 million tons on average has been transported on U.S. vessels.[12] The 20 percent requirement translates into at least 160 million tons on U.S. flag ships, and this assumes that the U.S. trade volume stagnates over the next 15 years.[13] This S. 1624 provision would do one of two things:

(a) increase the overseas landed cost of U.S. products and decrease the foreign demand for U.S. products; or,

(b) increase the budgetary outlays necessary to offset any sort of adverse impact that the S. 1624 cargo preference provisions have on U.S. exports.

There could, of course, be some sort of combination of these two effects.

The potential decline in exports has a "multiplier effect", namely, a corresponding decline in U.S. domestic employment in the trade dependent sectors—agriculture, mining and certain manufacturing industries. The number of domestic jobs associated with each $1 billion of exports varies, from 20,000 for various industrial sectors to over 30,000 for agriculture.[14] The 20 percent requirement under S. 1624 would, assuming that about half of the affected 160 million tons were exports valued at average 1982 prices per ton, translate into about a $5.7 billion decline in U.S. exports (more or less depending on whether or not foreign demand for U.S. products is more or less "elastic").[15] This, in turn, implies a decline in U.S. domestic employment of 114,000 to 171,000 depending on which sectors of the economy were most affected.[16] Of this amount, agricultural exports would comprise about $2 billion of the export decline and generate about 60,000 of the employment decline.[17]

These numbers are cursory, at best, but they show that we must simultaneously consider all of the sectors affected by this legislation. For example, S. 1624 would also affect importers and employment and prices in import dependent sectors. The American Petroleum Institute estimates that the 20 percent requirement would increase domestic energy costs by $29 billion ($125 per person) a year, all because of the increased cost of importing petroleum of U.S. flag vessels.[18] The rise in energy costs would lead to price increases and employment impacts in energy dependent sectors of the economy. The same would be true for other imports, but most likely the effects would not be nearly as large as those which would be associated with petroleum imports.

In any event, the economic implications of S. 1624 are negative not only in terms of potentially declining employment, declining exports and increased inflation, but also in terms of the massive disruption and dislocation of individual lives which would follow. This legislation entails a tradeoff which should be closely examined and scrutinized, namely, under what justification do we attempt to promote and support the maritime industry at the expense of production and employment in the efficient, trade dependent sectors of the economy? How, in this day and age, can we justify support for legislation which has the clear potential for causing a net decline in jobs, a net increase in prices and a net decrease in exports?

Some of the employment and trade effects of S. 1624 could be offset, but only with increased budgetary outlays. For example, the government could dole out an ocean freight differential to importers and exporters. The cost: Based on the 20 percent requirement and 1982 ocean freight differentials and trade volumes, about $4.5 billion a year for exports and about $5.1 billion a year for imports—or an annual outlay of $9.6 billion for ocean freight differential subsidies alone.[19] This is 80 times as much as fiscal 1982 outlays of $120 million for ocean freight differential subsidies.[20] There would also be increased government outlays for shipbuilding, which have been estimated at nearly $6 billion a year.[21] That is, under S. 1624 it would cost $15.6 billion annually just to subsidize shipbuilding and to offset the negative trade effects of higher shipping rates for U.S. flag vessels. This compares with an outlay of about $10 billion dollars in total to subsidize the maritime industry over the past 45 years—that is, one year of government subsidization for programs offered under S. 1624 would exceed by over 50 percent the costs of subsidizing the maritime industry over the past 45 years.[22]

S. 1616 would have the same basic economic effects as S. 1624. That is, it would lead to some combination of reduced exports, increased unemployment and increased budgetary outlays. It is not possible to detail all of the government credit programs that would be affected by S. 1616. The legislation would invite a great deal of research and investigation in determining the number of programs to be covered by cargo preference.

However, in order to get an idea of the potential magnitude of impact that S. 1616 would have on exports, it is worthwhile to take a look at just one sector—agriculture—which would be particularly adversely affected. Section 4 of S. 1616 applies directly to certain export credit programs administered by the Department of Agriculture. These are the credit guarantee (GSM-102) and direct credit (GSM-5) programs. In fiscal year 1983, $4.8 billion was authorized for credit guarantees and $350 million was authorized for direct credits.[23] All the credits are used to finance overseas commercial sales of U.S. farm products.

The fiscal 1983 credit authorizations are particularly large. This is because exports are projected to decline for the second year in a row, from $39.1 billion in fiscal 1982 to $34.5 billion in fiscal 1983.[24] Financial constraints in certain importing countries are responsible for the decline, and additional export credits help to alleviate the downward pressure on exports.

Furthermore, part of the export decline derives from price cutting and export subsidies practiced by our export competitors. To counteract this practice, a "blended credit" program was developed. This program mixes credit guarantees at commercial rates of interest with direct credits at a zero rate of interest to produce a lower rate of interest on an overall credit package. The two types of credit are "blended" at a five-to-one ratio (guarantees to direct credits). As a result, in fiscal 1983, $2.1 billion was used for blended credit ($1.75 billion of credit guarantees and $350 million of direct credits) and $3.05 billion was used for credit guarantees. These two programs helped to assure that U.S. agricultural exports did not decline any further than they did.

The $5.15 billion in total credits financed commercial, not concessional sales of farm products. This $5.15 billion in sales would have been subject to section 4 of S. 1616, had S. 1616 been enacted during fiscal 1983. If that had been the case, then exports would have declined even lower than $34.5 billion. Blended credits could facilitate sales of 14.0 million tons of grain at an average of $150 per ton.[25] The credit guarantees could facilitate commercial sales of 20.33 million tons of grain at an average of $150 per ton.[26] There is no provision in S. 1616 which would offset the ocean freight differential of $60.50 per ton. However, S. 1616 applies cargo preference to the entire tonnage and, moreover, requires the credit recipient to agree to terms of 100 percent cargo preference. The only way that any of these cargoes would have moved is if the U.S. government paid the ocean freight differential. This is because the $60.50 per ton differential on a $150 per ton commodity translates into an additional 40 percent interest for one year credits and an additional 19 percent interest for two year credits.[27] After adding on commercial rates of interest of about ten percent, the lending institution would have ended up offering the commercial customer for U.S. farm products a credit package with either 50 percent interest on one year terms or 29 percent interest on two year terms.[28] In short, no one would have asked for credits, $5.15 billion in commercial sales would have been lost and exports would have declined to $29.35 billion.[29] The additional $5.15 billion decline in exports would also have led to a 154,500 decline in U.S. domestic employment.[30]

The loss in commercial export sales which would be caused by S. 1616 could be counteracted only by increased budgetary outlays. If the outlays were made additional to the $5.15 billion in export credits, and the ocean freight differential was paid on the entire volume of shipments, then commercial exports would not decline. However, there would be an additional budgetary outlay of $2.08 billion.

CONCLUDING REMARKS

I have concentrated in my testimony on the economic implications of S. 1616 and S. 1624. Of course, this legislation has other, very specific implications, perhaps of equal importance. For example, section 105 of S. 1624 outlines a procedure for calculating "guideline rates" on U.S. flag vessels. MARAD's previous experience with guideline rates (1955-1917) indicates straightforward that administration of the rates will be a bureaucratic nightmare. The red tape and paperwork associated with administering the rates could easily interfere with and interrupt normally smooth trade flows.

However, I have tried to concentrate on more basic issues, including the costs and benefits to our society of more comprehensive cargo reservation schemes. I am thoroughly convinced that cargo preference is a crutch which prevents the U.S. maritime industry from becoming fully viable and competitive in international markets. I am equally convinced that giving maritime industry and additional crutch—expanded cargo preference—will perpetuate the indus-

try's inability to become competitive. More importantly, it would affect a broad spectrum of American society—workers, shippers, traders, industry, agriculture—in ways which are detrimental to the U.S. economy and society as a whole. In all likelihood, legislation such as S. 1616 and S. 1624 would increase prices, decrease employment and depress exports.

What we should be looking at and developing is a method to make the maritime industry more competitive. What we need is an alternative to cargo preference, not more cargo preference.

FOOTNOTES

[1] Actual ocean transportation outlays, Titles I and II, U.S. Department of Agriculture.

[2] Actual commodity costs, Titles I and II, U.S. Department of Agriculture.

[3] Actual ocean transportation outlays, Titles I and II, divided by the sum of actual ocean transportation and actual commodity costs, Titles I and II, U.S. Department of Agriculture.

[4] U.S. Department of Transportation, MARAD ("Merchant Fleets of the World"). The U.S. numbers, and the corresponding percentages are upward biased because they include U.S. government owned vessels.

[5] Ibid.

[6] For 1955, U.S. Department of Transportation, MARAD (1970 Yearbook); for 1982, U.S. Department of Commerce, Bureau of the Census.

[7] U.S. Department of Commerce (Statistical Abstract of the United States, various years).

[8] Ibid.

[9] For Title I sales; U.S. Department of Agriculture.

[10] Ibid.

[11] AFL-CIO, Testimony on H.R. 1242, May 4, 1983.

[12] U.S. Department of Commerce, Bureau of the Census.

[13] The 160 million tons is 20 percent of 800 million tons.

[14] U.S. Department of Agriculture.

[15] The $5.7 billion is a "ballpark" figure, as indicated in the next paragraph. Primary source for calculating the decline is U.S. Department of Commerce, Bureau of the Census, data on 1982 U.S. oceanborne export volume and value (f.a.s. basis). An export unit value for U.S. oceanborne exports is derived from the latter data. the export unit value is comparable to an "average price" of U.S. exports, and for 1982 it was about $310 per metric ton. Current ocean freight differentials on PL-480 are equivalent to about 23 percent of this export unit value. The $5.7 billion figure is derived by assuming that there is a "unit elasticity of demand" for U.S. products in overseas markets. It could be more or less—no one has made such an estimate, that's why this one is a "ballpark" figure. The 23 percent ocean freight differential would amount to a 23 percent price increase on the exports subject to cargo preference. Under S. 1624, this is conservatively estimated as one-half of 20 percent of the annual 1980's average of 800 million metric tons of U.S. oceanborne trade (20 percent is the S. 1624 requirement, or 160 million metric tons, and it is assumed that one-half of this is exports, or 80 million metric tons). The "unit elasticity of demand" tells us that the 23 percent rise in the effective price of this tonnage will lead to a decline in export volume of 23 percent, or a volume decline of 18.4 million metric tons. Finally, 18.4 million metric tons times a 1982 average f.a.s. export unit value of $310 per metric ton (in this analysis, the export unit value does not change) equals $5.704 billion, the figure in the statement.

[16] 20,000 per $1 billion drop in exports times $5.7 billion equals 114,000, the lower range of the employment decline, and 30,000 per $1 billion drop in exports times $5.7 billion equals 171,000, the upper range of the employment decline.

[17] Calculated using the same procedure as that outlined in note 15. In 1982, the f.a.s. agricultural export unit value was about $245 per metric ton and export volume was about 160 million metric tons. Under S. 1624, 32 million metric tons would be subject to cargo preference. Recent ocean freight differentials are equivalent to about 27 percent of this unit value. Thus, there would be an effective 27 percent price increase on 32 million metric tons of agricultural commodities, implying, using the unit elasticity, a 27 percent volume decline on the 32 million metric tons—or, a decline of 8.64 million metric tons. The 8.64 million metric tons times $245 per metric ton equals $2.117 billion, or "about $2 billion" as indicated in the text. 30,000 per $1 billion decline in exports times $2 billion provides the employment decline of 60,000.

[18] American Petroleum Institute, Testimony on H.R. 1242, May 5, 1983. The $125 per person figure is $29 billion divided by 230 million.

[19] The $60 per metric ton fiscal year 1982 ocean freight differential under Title I, PL-480 (U.S. Department of Agriculture) times 20 percent of an average 800 million metric tons of U.S. oceanborne trade (or about 160 million metric tons; U.S. Department of Commerce, Bureau of the Census) gives the total ocean freight differential subsidy of $9.6 billion. The distribution between costs for imports and exports is based on oceanborne export volume as a percentage of total oceanborne trade volume (U.S. Department of Commerce, Bureau of the Census).

[20] Rounded off from $120,119,970 in fiscal year 1982 ocean freight differential subsidies for Title I, PL-480, U.S. Department of Agriculture.

[21] Rounded off from $5.87 billion in total government outlays, Federation of American Controlled Shipping, Testimony on H.R. 1242, May 5, 1982.

[22] U.S. Department of Transportation, MARAD (1981 Yearbook) lists total subsidies during 1936-1981 as $9,704,805,160.

[23] Office of Management and Budget, Appendix to the Budget for Fiscal Year 1984.

[24] U.S. Department of Agriculture; fiscal year 1983 figure is latest forecast.

[25] $2.10 billion divided by $150 per metric ton.

[26] $3.05 billion divided by $150 per metric ton.

[27] $60.50 is 40.33 percent of $150 on a one year basis and $60.50 as a percent of $150 when discounted for two years is 18.56 percent (compounded).

[28] 50 percent on one year terms is 40 plus an assumed commercial rate of 10 percent and 29 percent on two year terms is 19 plus an assumed commercial rate of 10 percent.

[29] U.S. Department of Agriculture fiscal year 1983 forecast of $34.5 billion, minus $5.15 billion.

[30] 30,000 per $1 billion in export decline times a decline of $5.15 billion.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there are one or two items that need to be cleared in the wrap-up, and then I think we are ready to go.

Mr. BYRD. The Senator has stated, has he not, there will be no more rollcall votes tonight?

Mr. BAKER. Yes; I have so stated.

Mr. President, I have a few things in the wrap-up file today.

If the minority leader is prepared to consider all or any part of these, I wish to go forward with them at this time.

First, we have now completed the clearance on this side on the sequential referral requests earlier submitted by the Senator from Idaho (Mr. SYMMS) and I am prepared to make that request if the minority leader is similarly prepared.

Mr. BYRD. Mr. President, I am delighted to state that there is no objection on this side of the aisle.

Mr. BAKER. I thank the Senator.

ORDER FOR SEQUENTIAL REFERRAL OF H.R. 3103

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 3103 as reported by the Senate Environment and Public Works Committee be sequentially referred to the Senate Committee on Banking, Housing, and Urban Affairs to consider section 7, for the period of 1 week. The sequential referral will enable the Senate Banking, Housing, and Urban Affairs Committee to review and approve the portion of the interstate substitute cost estimate relating to transit substitute projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF H.R. 3103

Mr. BAKER. Mr. President, in that same connection, I ask unanimous consent that the reported bill H.R. 3103 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

H.R. 3103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to any amounts authorized to be appropriated by section 125 of title 3, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.".

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges; or

(2) by construction of drainage ditches,

at a cost of not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to natural disasters and catastrophic failures occurring in the States of California and Utah in the fiscal year ending September 30, 1983.

SEC. 4. (a) Subsection (f) of section 120 of title 23, United States Code, is amended by striking "shall not exceed 100 per centum of the cost thereof:" and inserting in lieu thereof "on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: "Provided, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within 30 days after the actual occurrence may amount to 100 per centum of the cost thereof: and further".

(b) Section 120(f) of title 23, United States Code, as amended by this section is effective for all natural disasters or catastrophic failures which occur subsequent to enactment of this Act.

SEC. 5. Upon application by the State of Maryland, and after approval of withdrawal by the Secretary of Transportation of unbuilt portions of Interstate route I-83 in Baltimore, Maryland, under section 103(e)(4) of title 23, United States Code, the Secretary shall transfer $100,000,000 from the apportionment of such State under section 104(b)(5)(A) of such title to the apportionment of such State under section 104(b)(5)(B) of such title. Upon transfer of such funds, the estimate of the cost of completing substitute highway projects in such State prepared under section 103(e)(4) of such title shall be reduced by $100,000,000. Of funds apportioned to such State under section 104(b)(5)(B) of such title, $100,000,000 shall be obligated for resurfacing, restoring, rehabilitating, and reconstructing portions of such Interstate route open to traffic. Any funds transferred under this section shall continue to be available for expenditure in such State until the last day of the second fiscal year following the fiscal year in which such transfer is made. Any amount of funds so transferred which have not been obligated by such last day shall lapse and shall be made available by the Secretary for projects under section 118(b)(3) of such title.

SEC. 6. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1985, and September 30, 1986, the sums authorized to be appropriated for such fiscal years by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table of the committee print numbered of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 7. (a) The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1984, and September 30, 1985, the sums authorized to be apportioned for such years by section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered of the Committee on Public Works and Transportation of the House of Representatives.

(b) Section 103(e)(4) of title 23, United States Code is amended—

(1) in the fifteenth sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984";

(2) in the sixteenth sentence by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and";

(3) in the twenty-first sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984"; and

(4) in the twenty-second sentence by striking "1984" and inserting in lieu thereof "1985" and by striking "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and".

SEC. 8. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for Federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under way on the date of enactment of this Act;".

SEC. 9. Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104" the following: "and section 103(e)(4) for highway projects".

SEC. 10. (a) The last sentence of section 139(a) of title 23, United States Code, is amended to read as follows: "The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of the Surface Transportation Technical Corrections Act of 1983.".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended to read as follows:

"(a) The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System designated under sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of the Surface Transportation Technical Corrections Act of 1983 under section 139(a) of this title; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978. Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title. The Federal share for any project under this subsection shall be that set forth in section 120(c) of this title.".

SEC. 11. Section 165 of the Highway Improvement Act of 1982 (23 U.S.C. 101 note) is amended to read as follows:

"BUY AMERICA

"SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act and administered by the Department of Transportation, whose total cost exceeds $500,000, unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

"(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

"(1) their application would be inconsistent with the public interest;

"(2) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

"(3) supplies of the class or kind to be used in the manufacture of articles, materials, and supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.".

SEC. 12. (a)(1) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available

for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(2) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

(b)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "Sec. 126." and iserting in lieu thereof "Sec. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apprortioned".

(4) Section 415 of such Act is hereby repealed.

(5) The third sentence of section 108(d) of such Act is amended by striking "this title," and inserting in lieu thereof "title 23, United States Code,".

(c)(1) The analysis of chapter 1 of title 23, United States Code, is amended (1) in the item relating to section 127 by striking out "and width", and (2) by striking out the item relating to section 146 and inserting in lieu thereof: "146. Carpool and vanpool projects.".

(2) Section 120 of such title is amended by redesignating the second subsection "(i)", and subsections "(j)" and "(k)" as subsections "(j)", "(k)", and "(l)", respectively.

(3) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(4)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(5) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(6) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(7) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on right-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of ths Act, plus the amounts, if any, available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

'(2) the amount of obligational authority distributed to such State for fiscal year 1983 under section 3(b) of the Federal-Aid Highway Act of 1981.'.

(2) Section 145(e) of such Act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) By striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on public highways built after such date with speed limits posted as 55 miles per hour,".

SEC. 13. This Act may be cited as the "Surface Transportation Technical Corrections Act of 1983".

Mr. BAKER. Mr. President, next I propose to ask the Senate to turn to the consideration of the conference report on H.R. 3415 if the minority leader is prepared to do so.

Mr. BYRD. Yes.

DISTRICT OF COLUMBIA APPROPRIATION, 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 3415 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conference.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 22, 1983.)

Mr. SPECTER. Mr. President, the conference report now before us contains $600.8 million in Federal funds portion of the bill and $2.2 billion in District of Columbia funds. The House conferees were led by Congressman JULIAN DIXON and my colleague from Pennsylvania Congressman LARRY COUGHLIN. Mr. DIXON and Mr. COUGHLIN represented the House positions very ably and with the support of their able staff, Migo Miconi, Mary Porter, and Kenny Kraft.

Mr. President, the entire conference report and statement of the managers appears in the CONGRESSIONAL RECORD of September 22, 1983, at H7423 to H7426. Thus, I will not ask that it be reprinted here but will summarize the key items for my colleagues.

The conferees agreed to the Senate level of $386 million for the Federal payment to the district. This is the same as the budget request and amount authorized by Public Law 98-65, approved on August 2. In addition the conferees agreed to two initiatives which were contained in the Senate bill.

The first addresses an emergency in the criminal justice system in the District. The Senate provided $22.3 million for the D.C. Department of Corrections to take immediate measures to manage the severe overcrowding that exists at the D.C. jail and to expand the basic educational and vocational training programs at the city's prison facilities.

Like many other jurisdictions the District has a number of habitual offenders who were released from detention after the first or second offense without a trade or a skill and had little expectation that they could avoid further criminal activity. These funds are intended to reach those individuals with an opportunity to learn basic skills that will enable them to survive in the community.

In addition the conference report includes language included in the Senate

report asking that the Department of Justices' Bureau of Prisons, possibly utilizing the expertise of the National Institute of Corrections, in cooperation with the District study the limits of growth at the prison facilities in Lorton, Va. And of housing future growth at alternative facilities, and eventual transfer of prisoners to facilities within the District of Columbia.

The Senate had included $2.8 million for seven new judges on the superior court. At the insistance of the House conferees this amount will be made available only after authorizing legislation is enacted. It is our hope that those committees can begin work at the earliest possible date since the resources are already available.

The second initiative concerns the public education system of the District. The conferees included $350,000 for the Board of Education to explore the various alternatives for recognizing outstanding teachers. This will permit the Board to evaluate the differing approaches and points of view giving all concerned, including representatives of the teachers a chance to be heard.

The conference agreement includes funds to maintain the District's fire boat, the *John H. Glenn*, operating on a full time basis rather than requiring land based crews to be sent before the boat could be dispatched. Also included is $1.4 million to continue the operation of the police and fire clinic as a separate organization during fiscal year 1984.

Another issue that the conference confronted was the level of the District's payment to St. Elizabeths Hospital. This Federal hospital for the mentally ill faced a $25 million budget shortfall, however, in what we hope is beginning of a truly cooperative commitment between the Federal and District governments over this hospital's future, the Department of Health and Human Services announced that administrative savings of $14 million could be found, reducing the potential shortfall to $11 million. Subsequently the District of Columbia announced steps that would save the hospital $5.3 million leaving $5.7 million unfunded. The conferees in an effort to insure the hospital's continued accreditation and service to those in need, has provided that amount as a special Federal contribution through the District of Columbia's budget.

The House accepted the Senate recommendation of adding $900,000 to the District's budget for vocational rehabilitation program, bringing the program to its 1981 funding level and forestalling a reduction in those placed in jobs by half.

The conference agreement contains up to $15 million to reduce the District's accumulated deficit. This deficit has been reduced in each of the last 3 fiscal years through appropriated set asides and sound management practices by the city government.

Finally the conference agreement includes two items included by the House but stricken by the Senate. The first item appropriates $31,800 additional for the Commission on the Healing Arts Licensure to fully fund all authorized positions; and $33,200 and one position for the National Guard. This keeps the Guard at its current strength. We were persuaded by their reasons for these increases and receded to them.

Mr. President, that concludes my summary, but before I yield the floor I want to note the support that I have enjoyed from the Senator from Vermont as the ranking minority member of the subcommittee, a responsibility I know he did not seek but has discharged with good humor and thoughtful consideration.

Mr. President, I yield the floor.

Mr. BAKER. Are there amendments in disagreement?

The PRESIDING OFFICER. There are amendments in disagreement.

Mr. BAKER. Yes.

I ask that the Chair put the question on the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments in disagreement be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, $25,171,600 of which $11,735,400 shall remain available until, expended: *Provided*, That $2,841,300 for the Superior Court of the District of Columbia shall be made available only upon enactment into law of authorizing legislation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, $350,000.

SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, $5,700,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,603,700".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,103,700 (including $200,000 for obligations incurred in fiscal year 1983)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert:

$487,068,100 (including $2,841,300 for the Superior Court of the District of Columbia which shall be made available only upon enactment into law of authorizing legislation)

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$483,532,900".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$326,350,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$503,236,600".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert "shall not exceed $5,700,000 and an additional".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

1982, $15,000,000, of which not less than $10,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both)

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment,

Sec. 131. (a) That part of the Legislative Branch Appropriation Act, 1984 (Public Law 98-51), under the heading "SENATE" is amended, in the paragraph with the heading "SECRETARY OF THE SENATE", by striking out "$390,000" and inserting in lieu thereof "$537,000".

(b) That part of such Act, under the heading "HOUSE OF REPRESENTATIVES" is amended, in the paragraph with the heading "SALARIES, OFFICERS AND EMPLOYEES", by striking out "$44,639,000" and inserting in lieu thereof "$44,787,000"; and by striking

out "$6,185,000" for the "OFFICE OF THE DOORKEEPER" and inserting in lieu thereof "$6,333,000".

(c) That part of such Act, under the heading "JOINT ITEMS" is amended, in the paragraph with the heading "EDUCATION OF PAGES", by strking out such heading and paragraph.

Mr. BAKER. Mr. President, I move to concur in the House amendments No. 2, 3, 4, 5, 7, 9, 10, 11, 13, 14, 16, and 20.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

TWENTY-FIFTH ANNIVERSARY OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. BAKER. Mr. President, next I propose to go to the consideration of House Joint Resolution 284 if the minority leader has no objection.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

House joint resolution (H.J. Res. 284) commemorating the 25th anniversary of the National Aeronautics and Space Administration.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GORTON. Mr. President, I take this opportunity to commemorate the National Aeronautics and Space Administration (NASA) by introducing, along with a number of cosponsors, a joint resolution, which designates October 1, 1983, as the "Twenty-fifth Anniversary of the National Aeronautics and Space Administration." The profound and spectacular achievements of NASA in aeronautical and space research and development call for a tribute to NASA on this occasion.

Since NASA's establishment 25 years ago, this Nation has achieved the preeminent world position in aeronautics and space. NASA has contributed immeasurably to advancing for all mankind our understanding of the planets and our universe and has captured the imagination of people the world over. The Agency's feats have been a special source of pride to Americans; all of us have drawn inspiration from NASA's accomplishments.

NASA was created by the adoption of the National Aeronautics and Space Act on October 1, 1958; 10 days later NASA launched *Pioneer 1*, its first satellite, into Earth orbit. Within 4 years NASA had launched the first U.S. astronaut, Col. JOHN GLENN, into orbit around the Earth, aboard the *Friendship 7* Mercury capsule.

Other dramatic events in NASA's first 25 years reflect the Agency's preeminence in space. The world thrilled to the first global telecasts of a human being walking on the lunar surface. The six Apollo manned lunar landings from 1969 to 1972 still stand out as perhaps the most ambitious space project ever attempted.

When they were launched in 1975, *Vikings I* and *II* were the most sophisticated planetary spacecraft ever developed. In their search for life on Mars, these *Viking* missions answered some of the most provocative questions ever asked in exploring the possibility of life on a planet other than Earth.

With the first launch and return of the space shuttle in April 1981, this Nation has achieved a new and unmatched flexibility in operating in space. The *Columbia* and *Challenger* space shuttle orbiters have now completed a total of 8 missions, with each succeeding mission demonstrating new capabilities of the space shuttle and reminding us of just how remakable this spacecraft actually is. The spectacular revelations of *Voyagers I* and *II* disclosed the asteroid belt surrounding Jupiter and the complex ring structure encircling Saturn, discoveries that are milestones in planetary exploration. And in June of 1983, *Pioneer 10* became the first manmade object ever to leave this solar system. Further, 2 months ago, the infra-red astronomical satellite (IRAS), a joint NASA-British-Dutch effort, uncovered the first evidence of a planetary system other than our own—the orbiting Vegas, a star 26 light years from Earth.

NASA's pioneering work in aeronautics has carved out for the United States a position of world superiority in aviation, as well. The altitude and speed records set by the X-15 in the 1960's were significant contributions to the evolution of manned space flight. The development of NASA's supercritical wing in the mid-1960's has proven to be one of the most significant improvements in aeronautical fuel efficiency. Further, NASA and the Army have just completed the demonstration of a revolutionary concept in aeronautical design, the tiltrotor research aircraft, which takes advantage of the vertical performance of a helicopter and the horizontal flight component of conventional aircraft.

NASA's history and its present capabilities point to a very promising future for the Agency and the United States. Spacelab, a joint NASA-European Space Agency project, is scheduled for launch later this year. This mission should reveal new opportunities for exciting research in many fields of science, as well as serve as a catalyst for additional international cooperative space efforts.

The launch of the space telescope in 1986 will certainly unravel many mysteries of the solar system while giving rise to new questions as it peers out to the edge of the universe. Also, becoming increasingly likely is a permanent manned presence in space. A project of this nature could open up space for mankind to embark on adventures that offer unique challenges and potential.

The ramifications of NASA's impact on our national security and economic well-being have served our Nation well. NASA's efforts reflect America at its best; peacefully pursuing scientific knowledge and technological advancement with courage and skill. Its efforts, shared to some extent by all Americans, reveal America's confidence, pride, enthusiasm, hope, expectations, its ability to innovate, and to organize great tasks. Therefore, it is with a sense of pride in the past and anticipation of the future that I introduce this resolution to designate October 1, 1983, as the "Twenty-fifth Anniversary of the National Aeronautics and Space Administration."

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 284) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER INDEFINITELY POSTPONING SENATE JOINT RESOLUTION 170

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order 408, Senate Joint Resolution 170, which is the Senate companion bill to this measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY EXTENSION OF INSURANCE PROGRAMS

Mr. BAKER. Mr. President, I propose to go to the consideration of House Joint Resolution 366, if the minority leader has no objection.

Mr. BYRD. There is no problem.

Mr. BAKER. I thank the minority leader.

Mr. PRESIDENT, I ask the Chair to lay before the Senate House Joint Resolution 366.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A House joint resolution (H. J. Res. 366) to provide for temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 2254

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Pennsylvania (Mr. HEINZ).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HEINZ, proposes an amendment numbered 2254:

At the end of the joint resolution add the following:

SEC. . . That section 8 of the Export-Import Bank Act of 1945 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 31, 1983".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

Mr. BAKER. Mr. President, I ask for third reading.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION AUTHORIZING TESTIMONY OF DANIEL MEYER

Mr. BAKER. Mr. President, I send to the desk, for myself and the distinguished minority leader, a resolution dealing with a matter involving the Senate Legal Counsel and the giving of testimony, and I ask unanimous consent for its immediate consideration.

Mr. President, this resolution would authorize testimony by Daniel Meyer, an employee in Senator BOSCHWITZ's office, in the case of Little Earth of United Tribes, Inc., et al. against United States Department of Housing and Urban Development, et al., which is pending in the U.S. District Court for the District of Minnesota, Third Division. This testimony has been requested in connection with pending motions in the case. This resolution would authorize Mr. Meyer to provide the requested testimony.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 235) authorizing testimony of Daniel Meyer.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the case of *Little Earth of United Tribes, Inc., et al.* v. *United States Department of Housing and Urban Development, et al.*, Civ. 3-82-1096, is pending in the United States District Court for the District of Minnesota, Third Division;

Whereas counsel for the plaintiff has requested the testimony of Daniel Meyer, a Senate employee in Senator Boschwitz's office;

Whereas the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the testimony under the control of or in the possession of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Daniel Meyer is authorized to appear and testify in the case of *Little Earth of United Tribes, Inc., et al.* v. *United States Department of Housing and Urban Development, et al.*, except concerning matters that are privileged from disclosure.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION AUTHORIZING CERTAIN ACTION BY SENATE LEGAL COUNSEL

Mr. BAKER. Mr. President, I send to the desk, on behalf of myself and the minority leader, a resolution which deals with the Senate Legal Counsel and the authority of that counsel to represent certain persons, and I ask unanimous consent for its immediate consideration.

Mr. President, a subpena has been served for documents generated 7 years ago by the Committee on Banking, Housing and Urban Affairs and the Subcommittee on Multinational Corporations of the Committee on Foreign Relations, in their investigations of alleged foreign payments. The case for which the documents are sought is pending in State court in California, and a proceeding for obtaining the documents has been commenced in Federal court in the District of Columbia. This resolution would authorize and direct the Senate Legal Counsel to represent the chief clerks of these two committees regarding the subpena. The resolution does not authorize the release of any document.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) to direct the Senate Legal Counsel to represent David Keaney and Suzanne A. Bingham in *D. J. Haughton, et al.*, v. *Unigard Mutual Insurance Co., et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 236

Whereas, in the case of *D.J. Haughton, et al.*, v. *Unigard Mutual Insurance et. al.*, No. C 165151 pending in Superior Court for Los Angeles County in California, the defendants are seeking documents concerning alleged payments by Lockheed Aircraft Corporation;

Whereas, the defendants in the California action have filed the proceeding of *D.J. Haughton, et al.*, v. *Unigard Mutual Insurance et. al.*, Misc. No. 83-0397, pending in the United States District Court for the District of Columbia, and served in it a subpoena duces tecum for records, concerning alleged payments by Lockheed Aircraft Corporation and others, generated in 1975 and 1976 by the Committee on Banking, Housing and Urban Affairs, and the Subcommittee on Multinational Corporations of the Committee on Foreign Relations;

Whereas, Suzanne A. Bingham, chief clerk of the Committee on Banking, Housing and Urban Affairs, and David Keaney, chief clerk of the Committee on Foreign Relations, have been substituted for the Secretary of the Senate as subpoena respondents;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C., §§ 288b(a) and 288c(a)(2) (Supp. V 1981), the Senate may direct its counsel to defend any member or employee of the Senate in any proceeding with respect to any subpoena or order directed to such member or employee in his official or representative capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David Keaney and Suzanne A. Bingham, and any other committees, members, officers or other employees of the Senate, in the cases of *D.J. Haughton, et al.*, v. *Unigard Mutual Insurance et. al.*, No. C 165151 (Calif. Super. Ct.) and *D.J. Haughton, et al.*, v. *Unigard Mutual Insurance et. al.*, Misc. No. 83-09397 (D.C.C.).

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLINCH RIVER BREEDER

Mr. BAKER. Mr. President, I told the minority leader a moment ago that there was a colloquy for the continuing resolution record in respect to the Clinch River breeder, which has no effect except to establish we have not disturbed the present status of the project that has been submitted to the chairman of the Appropriations Committee. I ask unanimous consent that the colloquy be placed in the RECORD as if given at an appropriate place in the debate on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE RECORD TO REMAIN OPEN UNTIL 8 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open tonight until 8 p.m. for the purpose of inserting statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 7:07 p.m. the Senate recessed until tomorrow, Friday, September 30, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1983:

DEPARTMENT OF STATE

Ronald I. Spiers, of Vermont, a career member of the Senior Foreign Service, class of Career Minister, to be Under Secretary of State for Management, vice Jerome W. Van Gorkom.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Maj. Gen. Paul W. Myers, [redacted] FR, United States Air Force.

UNITED NATIONS

The following-named persons to be Represenatives and Alternate Representatives of the United States of America to the Thirty-eighth Session of the General Assembly of the United Nations:

Representatives

Jeane J. Kirkpatrick, of Maryland.

John Langeloth Loeb, Jr., of New York.

Joel Pritchard, U.S. Representative from the State of Washington.

Stephen J. Solarz, U.S. Representative from the State of New York.

Jose S. Sorzano, of Virginia.

Alternate Representatives

Constantine Nicholas Dombalis, of Virginia.

Alan Lee Keyes, of California.

Charles M. Lichenstein, of the District of Columbia.

Lyn P. Meyerhoff, of Maryland.

William Courtney Sherman, of Virginia.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Hugh W. Foster, of California, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years, vice George R. Hoguet, resigned.

HOUSE OF REPRESENTATIVES—*Thursday, September 29, 1983*

The House met at 10 a.m.

The Reverend Richard A. Carpenter, senior minister of the Broadway Christian Church of Lexington, Ky., offered the following prayer:

Our Father, we come to You with thanksgiving and praise. We keep asking You to bless America and You keep honoring our prayer.

You have formed our Nation with a wide variety of people and have shown us how to live together. Thank You for our neighbors.

You have caused us to be sensitive to the needs of others. Thank You for the resources You give us to meet those needs.

You have provided competent people to work in government. Thank You for people who put service above self.

You have given us life itself. Thank You for letting us live it in these United States.

Thank You for being so good to us and help us to be good to each other.

Thank you for blessing America. Help us to continue to be a blessing to our world.

In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 7, 15, 21, 53, 55, 56, and 57 to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2840) entitled "An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska."

The message also announced that the Senate agrees to the amendments of the House with an amendment to the bill (S. 461) entitled "An act to extend the authorization of appropriations for the Office of Government Ethics for 5 years."

THE REVEREND RICHARD A. CARPENTER

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, it is my pleasure to welcome to the floor of the House of Representatives my good friend and our guest chaplain, Richard A. Carpenter, senior minister of the Broadway Christian Church of Lexington, Ky.

Brother Carpenter has been an important, respected, and well-loved member of the communities he has served for the past 23 years. He was graduated from Milligan College in Johnson City, Tenn., and the Southern Baptist Theological Seminary in Louisville, Ky. He has served congregations in Kentucky and Ohio, including 6 years at the Hillsboro Church of Christ, my hometown church in Ohio.

Always a firm believer and supporter of the young people of our Nation, Brother Carpenter was the founder of the Christian Student Fellowship at the University of Kentucky.

Reverend Carpenter also has a wonderful family. His wife, Eileen, and two sons—Stephen, who was a legislative assistant in my Washington office, and David, who is a staff assistant in the office of our colleague and friend, the gentleman from Kentucky, Mr. LARRY HOPKINS.

I want to extend my thanks to Chaplain Ford for inviting Reverend Carpenter to offer today's prayer and to Reverend Carpenter for his important words of inspiration.

I am deeply proud and honored to introduce my friend, Rev. Dick Carpenter, to my colleagues today.

SECRETARY WATT'S POLICIES THREATEN FUTURE OF OUR NATURAL RESOURCES

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise to urge President Reagan to reconsider his decision to allow Secretary of the Interior James Watt to retain his office. At some point Secretary Watt's policies and conduct become President Reagan's responsibility. We have reached that point.

Secretary Watt's policies threaten the future of our precious natural resources. In my district alone, his obsession with offshore oil drilling has imperiled the future of the most heavily used recreational beaches in the country. He has attempted to sell for profit large portions of irreplaceable wilderness areas. He has tried to weaken the Endangered Species Act, one of the most successful pieces of environmental legislation ever enacted.

In addition to his misdirected policies, he has repeatedly insulted large segments of our population.

He has called environmentalists Nazis and Communists, compared those who do not oppose abortion to the burghers of Nazi Germany, labeled supporters of the nuclear freeze as threats to our national security, likened the criticism of him to the Holocaust, and insulted American Indians.

Most recently, he has insulted the members of a commission appointed to review changes in his coal sale policy which have already cost taxpayers more than $100 million.

He is an embarrassment to the people of our country and is not fit to hold public office. I urge my colleagues to demand that the President fire Secretary Watt immediately.

□ 1010

TAXPAYERS' MONEY IS NOT ALWAYS USED FOR CONGRESSIONAL TRIPS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, if Members of Congress were told a newspaper has been critical of one of the four U.S. Senators and/or the one House Member who traveled safely to Seoul, Korea, recently for the now famous conference celebrating the 30th anniversary of the mutual defense treaty between the United States and the Republic of Korea, you might assume the newspaper would be either Pravda or Izvestia.

We would assume it was another attempt by the Soviet Union to counter worldwide opinion regarding the tragic killing of 269 innocent persons aboard Korean Air Lines flight 007.

But no, the editorial writers of a Kentucky newspaper, the Louisville Times, are the men who wrote on Sep-

tember 16 about this Kentucky Congressman who did attend the conference:

. . . the Congressman might consider easing up on the junkets. He wouldn't have been headed to distant South Korea at taxpayers' expense if he hadn't determined that his presence, along with that of nearly three dozen other Congressmen, was essential in marking the 30th anniversary of a U.S.-Korea defense treaty . . .

Here are the facts: The expenses of the five Members of Congress making the Korea trip were paid totally by the Asiatic Research Center of Korea University at Seoul and the Institute of American Relations in Washington, D.C.

The Louisville Times is wrong again. Not 1 penny of taxpayers' money was used for the expenses of the five Members of Congress attending the conference.

THE "REGAN AWARD"—AND NOW THE "RONALD REAGAN" AWARD

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, some time back Treasury Secretary Regan offered facetiously to give a huge financial bounty to anyone who could prove to him the connection between continuing high deficits and inflated interest rates.

The Washington Post, among others, took Mr. Regan seriously and periodically names a recipient of what it calls the Regan Award. Vast numbers of renowned economists and public servants—both Democrats and Republicans—have so far qualified for the honor. Indeed, the winners of the Regan Award constitute almost a "Who's Who" of prominent American economists.

The practice of naming an award after the personality who embodies its meaning is, of course, an American tradition. I suggest that, since Ronald Reagan's past, present, and projected deficits put him in the top four places on the alltime Presidential deficit list, and, since as his Budget Director David Stockman points out, these deficits will continue "as far as the eye can see," we have no choice. We must retire the award in Mr. Reagan's honor.

Henceforth, heads of state who run enormous deficits in their countries should be presented with the Ronald Reagan Award. And Interior Secretary James Watt should always be the master of ceremonies at the awards banquet.

THE 98TH CONGRESS SHOULD GET TO WORK TO REDUCE THE DEFICIT

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERT F. SMITH. Mr. Speaker I rise to join with my fellow Republican Members in trying to make sense—or at least bring a touch of honesty—to the harangue of remarks we have been hearing in recent days about the budget, the deficit, and whatever blame needs to be placed for those.

Today's debt is yesterday's promises In light of the fact that spending has been the personal plaything of a liberal congressional leadership for more than a generation, I think it is pretty silly to hear those same big spenders here today crediting huge deficits to this President, or any President, for that matter.

I admit he is an amazing man, but even Ronald Reagan cannot amass a cumulative national debt of $1½ trillion in just 2½ years. It was done by some real specialists, over a long time. You know who you are.

All through the previous administration, we heard the same folks declaring that entitlements were to blame, unchanging and impossible to reduce. Today, we are supposed to believe that the entitlements—the promises which your generation of liberal spenders made—are no longer the problem. Now the President is the problem.

I suggest most Americans are not buying this nonsense any more than we are.

I urge that the Members of this 98th Congress go to work to reduce the deficit and resist this beguiling temptation to simply shift the blame.

NOW IS THE TIME FOR ACTION ON THE ACID RAIN PROBLEM

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, a New York Times article Tuesday reported some administration officials are still questioning the need for swift action to combat acid rain. That is disturbing.

The article indicated that EPA Administrator Ruckelshaus had proposed a program of reducing sulfur dioxide emissions by about 5 million tons, but that other officials were balking at that, viewing the proposal as too costly. My reaction: "Say it ain't so."

Such shortsighted thinking should not persist at this late date. The cost of reducing emissions is far less than the cost of sitting idly by, watching the destruction of our lakes, farms, and forests. The White House's own science council, the Acid Rain Peer Review Panel, has warned that unless action is taken immediately, our environment could suffer irreversible damage. To do nothing is to court disaster.

Scientists say that emissions must be cut by at least 10 million tons to make a dent in the acid rain problem. A 5 million ton cut would be little more than cosmetic. It would entail spending billions of dollars on a plan that would solve nothing. Is this the thinking of an administration that worries about wasting money? I hope not.

There is only one real solution to the acid rain problem—the one embodied in H.R. 3400, which a number of us are cosponsoring.

The Northeast, which is suffering most from acid rain, is not going to quietly accept half-hearted solutions or worse.

The administration has slowly altered its rhetoric on acid rain, finally acknowledging that it is not created in heaven by divine providence, but rather is manufactured here on Earth by we mortals.

We have had plenty of words. Now it is time for action, real action.

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except amendments recommended by the Committee on Ways and Means, and said amendments shall not be subject to amendment. It shall be in order to consider the amendment recommended by the Committee on Ways and Means printed in the Congressional Record of September 27, 1983, by Representative Rostenkowski of Illinois, and if offered by Representative Rostenkowski or his designee, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. Said amendment shall not be subject to amendment but shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by the proponent of the

amendment, and a member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) and pending that, I yield myself such time as I may consume.

Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA). Pending that I yield myself such time as I may use and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, House Resolution 319 is a modified closed rule providing for the consideration of H.R. 3929, a bill to modify and extend the Federal supplemental compensation program for 7 weeks to November 16, 1983. As the Clerk has stated, the resolution provides 2 hours of general debate and specifies that the bill shall be considered as read for amendment. No amendments to the bill shall be in order except Ways and Means Committee amendments which are not amendable.

Mr. Speaker, the rule makes in order the committee amendment printed in the Congressional Record of September 27 by Representative ROSTENKOWSKI and provides 30 minutes of debate for the amendment to be equally divided between the proponent and a member opposed thereto.

To permit consideration of the amendment, the rule waives clause 7 of rule XVI—the germaneness rule. The amendment increases the cap on Federal title XX social services funds to $2.8 billion effective October 1, 1983—a $75 million increase above the current temporary cap. The States would be required to use $200 million of these additional funds to address unemployment related problems. The purpose of the amendment is to bring the funding levels for these very important and valuable social service programs more into agreement with the funding levels contained in the fiscal year 1984 budget resolution. The germaneness waiver is necessary because the bill as introduced did not contain such amendments to title XX and the programs authorized by title XX of the Social Security Act are not directly related to the Federal supplemental compensation program.

Upon conclusion of consideration of the bill, one motion to recommit would be in order.

Mr. Speaker, H.R. 3929 extends, with certain modifications, the Federal supplemental compensation program from October 1 to November 16, 1983. This program provides additional 7 weeks of unemployment benefits to jobless workers who have exhausted all of the State and Federal unemployment benefits.

The program modifications made by H.R. 3929 to the Federal compensation program include: Extending the maximum payment period from 14 to 16 weeks in high-unemployment States; allowing States to use a different trigger mechanism which is the unemployment rate—in order to determine the Federal supplemental compensation payment period; and allowing individuals who have exhausted or are receiving the Federal supplemental compensation benefits to receive 75 percent of their new Federal supplemental compensation entitlement, up to a maximum of 8 weeks.

Mr. Speaker, the legislation also conforms the Federal Unemployment Tax Act (FUTA) definition of taxable wages with the social security tax definition for the purposes of determining whether Federal supplemental compensation payments made to the estates or survivors of deceased individuals should be subject to the FUTA tax.

H.R. 3929 extends the current law exemption of wages paid to certain alien farmworkers from the unemployment tax until January 1, 1986. In addition, the legislation requires the Secretary to report to the Congress no later than April 1, 1984, on targeting Federal supplemental compensation benefits to sub-State areas and identifying structurally unemployed workers.

Finally, an amendment adopted by the Ways and Means Committee would extend for 46 days the provision of Public Law 97-455 which allows beneficiaries terminated from the rolls because of a review of their eligibility to continue receiving benefits until an administrative law judge has rendered a decision on the case.

Mr. Speaker, the program will expire tomorrow, September 30 and it is unlikely that the House and Senate can reach agreement on this controversial and complex issue in time to prevent disruption in the program. This short-term extension would allow us to address the serious problems with the Federal compensation program without imposing a hardship on its current participants.

Mr. Speaker, House Resolution 319 provides for timely and expeditious consideration of H.R. 3929. I would urge my colleagues to adopt this rule so that the House may proceed to the consideration of this important legislation.

Mr. Speaker, I yield to the gentleman from Ohio for debate only.

Mr. Speaker, I move the previous question on the resolution.

□ 1020

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule makes in order a somewhat controversial piece of legislation, even though it appears to be only a 45-day extension of the Federal supplemental compensation.

First, the 45-day length of the extension creates problems. Such a short extension will be disruptive to the orderly administration of the program.

The legislation does not merely extend the current Federal supplemental compensation program for 45 days but also establishes a new benefit structure.

This new structure could well be revised again at the end of 45 days. At that time a new bill could be loaded down with additional, unnecessary, and unrelated spending, plus new taxes.

A second problem with the 45-day extension is that it hides the true cost of the Federal supplemental compensation program. The reserve fund portion of the first concurrent budget resolution for fiscal year 1984, passed by this House, included $1.5 billion for a contemplated 6-month extension of this program, whereas the bill before us today will cost $1.2 billion for 45 days.

Now, I ask you, Mr. Speaker, what happened to this budget resolution that was passed and the $1.5 billion limitation that was anticipated for this program.

Mr. Speaker, according to the information provided at the time of the Rules Committee meeting by the Office of Management and Budget, the administration strongly opposes this bill. The OMB estimates that if H.R. 3929 were to become an 18-month extension of the Federal supplemental compensation program, it would cost $6 billion.

Finally, OMB concludes that if this bill were to reach the President's desk in its present form it would be recommended for disapproval.

Mr. Speaker, like most rules from the Ways and Means Committee, this one restricts amendments. In this case no amendments will be in order except committee amendments and one nongermane amendment to be offered by the chairman of the Ways and Means Committee.

Yes, Mr. Speaker, you guessed it. When you talk about nongermane amendments you talk about additional spending by this Congress.

According to testimony presented in the Rules Committee the purpose of this amendment is to increase the cap on Federal title XX social services funds to $2.8 billion, effective October 1, 1983.

This is a permanent increase in the title XX cap for fiscal years 1984 and 1985. The amendment is printed in the RECORD of September 27.

Mr. Speaker, we are going to hear a lot of rhetoric around this place in the next couple of days about all of the deficit financing that has been going on in the last few years.

This type of legislation is typical of the type of legislation that has been getting us into the deficit position that we are in.

The rule provides a total of 2 hours of general debate plus 30 minutes of debate on the amendment by the gentleman from Illinois, Mr. ROSTENKOWSKI.

Mr. Speaker, I have no requests for time and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COLEMAN of Texas). Pursuant to House Resolution 319 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3929.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3929, to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, with Mr. MOAKLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 1 hour, and the gentleman from South Carolina (Mr. CAMPBELL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

H.R. 3929 would extend and modify the Federal supplemental compensation program (FSC). The FSC program provides additional weeks of unemployment benefits to jobless workers who have exhausted all other State and Federal unemployment benefits. The program will expire on September 30, 1983.

With a nationwide unemployment rate of 9.5 percent, representing 10½ million jobless Americans, the need to extend the FSC program beyond September 30, is readily apparent. There is disagreement, however, over how the program should be structured. It will take the House and the Senate longer than the few days remaining before the program expires to reach agreement on the appropriate structure of a longer term extension.

For this reason, the bill provides a 7-week extension of the FSC program. This will prevent any disruption in the program and immediately provide additional weeks of FSC to over 1 million jobless workers who have exhausted their FSC entitlement. This short-term extension will also give the House and the Senate time to address the serious problems that exist in the program and reach agreement on the specific provisions of a longer extension.

Under the extension approved by the Ways and Means Committee, the FSC program would be modified as follows:

First, the maximum number of weeks of FSC payable in the highest unemployment States would be increased to 16;

Second, the number of weeks of FSC payable in a State would be determined by either the State's insured unemployment rate or its total unemployment rate; and

Third, individuals who have exhausted FSC by October 1, 1983, or who will exhaust soon after that date, would be eligible for 8 additional weeks of FSC.

In addition to the extension and modification of the FSC program, the bill contains two amendments to the Federal Unemployment Tax Act. The first would exclude from Federal unemployment taxes payments made to the estate or survivors of a deceased employee, The second amendment would extend the current exclusion from Federal unemployment taxes of wages paid to alien farmworkers.

The bill also extends, for 45 days, the authority to continue payments of social security disability benefits during the appeal to an administrative law judge of a decision to terminate such benefits. This authority expires on October 1, 1983. The Committee on Ways and Means will report a major disability reform bill within a few days. One of the provisions of that bill will make permanent this authority to continue payments through the appeal to an administrative law judge. In order to prevent any lapse of this authority while the Congress considers the larger disability bill, we extend the authority for 45 days.

The Committee on Ways and Means approved a committee amendment to H.R. 3929 that has been made in order under the rule. This amendment will permanently increase the cap on the amount of Federal title XX funds to $2.8 billion, effective October 1, 1983. In fiscal year 1984 and 1985 at least $100 million of the additional title XX funds provided under this amendment would have to be used by States to address unemployment related problems.

At this time, Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. FORD), chairman of the Public Assistance and Unemployment Compensation Subcommittee, who will give us a more detailed explanation of the bill.

□ 1030

Mr. FORD of Tennessee. Mr. Chairman, I thank my distinguished chairman for yielding.

Mr. Chairman, the FSC program provides additional weeks of unemployment compensation to individuals who have exhausted all other State and Federal unemployment benefits. Under current law, the FSC program provides a maximum of 8, 10, 12, or 14 weeks of benefits, depending on a State's insured unemployment rate. Unless we act this week, the program will expire.

There is little disagreement that this program should be extended. While there has been a slow decline in the Nation's unemployment rate, the rate remains intolerably high. Economic projections indicate that unemployment levels will only gradually decline over the coming months.

As the chairman of the Ways and Means Committee indicated, there is disagreement over how the program should be structured. Serious issues exist concerning the method of determining how many weeks of benefits will be payable in a State. In addition, there are serious administrative problems due to individuals and States losing benefits as a result of changes in their insured unemployment rates. For this reason, we extend the program for only 7 weeks. Such an extension will prevent any disruption in the payment of benefits while giving us time to reach agreement on the basic structure of the program.

The bill does modify the FSC program in three significant ways:

First, the maximum number of weeks payable in a State would be increased to 16, so that the basic FSC program would provide 8, 10, 12, 14, or 16 weeks of benefits;

Second, the number of weeks of benefits payable in a State would be determined by either the State's insured unemployment rate or its total unemployment rate. This alternative trigger, using the total unemployment rate in a State, is necessary to assure that those States experiencing the highest rates of real unemployment become eligible for the higher number of FSC weeks. A State such as Michigan, for example, which has a current total unemployment rate of over 14 percent, has an insured unemployment rate of only 3.7 percent. A number of high unemployment States are experiencing a similar gap between

their insured and total unemployment rates; and

Third, individuals who received FSC prior to October 1, 1983, and who have exhausted their benefits or will exhaust their benefits soon after that date, would be eligible for up to 8 additional weeks of FSC. This reachback provision is designed to provide additional help to the long-term unemployed whose prospects for reemployment remain bleak. Over 1 million jobless workers would be eligible for these reachback weeks.

In addition to the extension and modification of the FSC program, the bill contains two amendments to the Federal Unemployment Tax Act (FUTA). The first would exclude from Federal unemployment taxes payments made to the estate or survivors of a deceased employee after the year in which the employee died. This amendment conforms the Federal unemployment tax treatment of such payments with their treatment under social security tax law. The second amendment would extend the current exclusion from Federal unemployment taxes of wages paid to alien farmworkers for 2 years, from January 1, 1984 to January 1, 1986. These farmworkers are admitted to the United States under the Immigration and Nationality Act for a specified period of time to harvest certain crops. They return to their native countries after the harvest season and do not qualify for unemployment compensation.

The bill also directs the Department of Labor to submit two reports to the Congress no later than April 1, 1984. The first would be on the feasibility of identifying structurally unemployed workers. The main purposes of this report are to determine if we can establish objective criteria to identify such workers and what special programs might be established to assist such workers. The second report will be on the feasibility of targeting FSC benefits on the basis of unemployment levels in sub-State areas. The issue of sub-State triggers is one that many members are concerned about. Currently, FSC and extended benefits are based on statewide insured unemployment rates. Many States have relatively low statewide insured rates as well as total unemployment rates. Certain areas of these States, however, have extremely high unemployment rates. The Department's report will discuss how such areas might be defined, the kind of unemployment measures available for such areas, and how long it might take and how much it would cost to develop adequate unemployment measures in such areas.

In addition to the unemployment measures in the bill, as the chairman mentioned, we extend the current authority to continue social security disability payments through the appeal to an administrative law judge of a decision to terminate such payments. This 45-day extension will prevent any disruption of this authority while we consider a larger disability reform bill which takes this authority permanent.

Mr. Chairman, this legislation is vitally important to jobless workers who are still struggling to make ends meet. They are anxious to return to work. They need this help in the meantime. I urge my colleagues to support this bill so that these needed benefits will continue to be paid.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina (Mr. CAMPBELL) will be recognized for 1 hour.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the extension of the FSC but that is not the question before us. The question is how and how much. I think that is what we have to address.

I believe that H.R. 3929 has serious flaws and should not pass in its current form. At the proper time I intend to offer a motion to recommit the bill with instructions designed to correct those flaws.

Before I describe the features of the instructions in my motion to recommit, let me first outline the flaws in H.R. 3929 which make it unacceptable. First, the 45-day extension of the Federal supplemental compensation program (FSC) is too short. The short extension will disrupt the orderly administration of the program by the States. The committee chairman has acknowledged that the 45-day extension will be used to develop still further changes in the structure of the FSC program. Thus, our State agencies will be forced to implement the revised FSC program contained in H.R. 3929 for 45 days and then be forced to implement a significantly different program after November 16.

H.R. 3929 perpetuates instability in the FSC program. The States cannot plan their social service programs for the long term when we extend the FSC program in small increments. Likewise, unemployed persons do not have the peace of mind that the FSC program will continue for a meaningful time.

Next, the cost of H.R. 3929 is excessive. The reserve fund of the first concurrent budget resolution for fiscal year 1984 included $1.5 billion for a contemplated 6-month extension of the FSC program. The Department of Labor estimates that H.R. 3929 will cost $1.2 billion for a 45-day extension. Over a full year it would cost about $4 billion and over 18 months it will cost at least $6 billion. Numerous extensions of a shorter duration program hide the true cost of the overall program. It is not an honest way to budget.

Some persons might envision our action in mid-November to extend further the FSC program as an attractive lure to induce some Members to vote for an unpopular tax package or omnibus reconciliation package. But any such extension will drive the FSC cost far above the mark in the budget resolution. It is ironic and contradictory to use an FSC extension which is likely to be $2.5 billion overbudget for the full year as the lure to pass a deficit-cutting tax package or reconciliation bill.

Next, H.R. 3929 moves in the wrong direction. The unemployment rate is falling and we should be moving gradually to disengage this temporary program. Instead, H.R. 3929 increases and reinforces the program. For example, when the current FSC program was last amended this spring the unemployment rate was 10.3 percent and the program provided a maximum of 14 weeks of benefits. In the intervening 6 months unemployment has fallen to 9.5 percent but the committee bill increases the maximum benefits to 16 weeks. The committee bill moves in the direction of establishing a permanent new layer of Federal unemployment benefits.

Finally, the administration has expressed its strong opposition to H.R. 3929. H.R. 3929 steers a deliberate collision course with the administration and invites a veto. The Department of Labor and the OMB will recommend strongly that the President veto H.R. 3929. I do not believe it is responsible for us to jeopardize an FSC extension in this manner. The committee bill puts short-term political gamesmanship above the interests of the unemployed.

This outline of the faults in H.R. 3929 is useful to understand why the FSC extension contained in my motion to recommit is superior. My motion to recommit would replace the 45-day extension in H.R. 3929 with an 18-month FSC extension modeled on the bill which passed the Senate Finance Committee on a strong bipartisan vote.

The recommittal motion provides an 18-month extension of the FSC program, or until March 31, 1985. This will insure a stable, far-reaching program of benefits for the long-term unemployed. It avoids all the instability and uncertainty inherent in the committee bill.

The benefit schedule in the recommittal motion ranges from 6 weeks to 12 weeks based on a sliding scale correlated to the unemployment rate in a State. The 12-week maximum falls half-way between the 14-week maximum in current law and the 10-week maximum in the administration's requested extension.

I appreciate the situation which exists in several States which have

high total unemployment but whose insured unemployment rates recently have fallen unrealistically low. Under the conventional program such low insured unemployment rates would prevent those States from receiving the maximum weeks of benefits. My extension addresses this legitimate concern. The recent sharp drop in the insured unemployment rate in the high unemployment rate States would be offset by making them eligible for the maximum number of weeks based on their average unemployment rate over the last 78 weeks. States such as Michigan, Ohio, Illinois, Pennsylvania, Wisconsin, Kentucky, Arkansas, Rhode Island, Idaho, Oregon, Alabama, Washington, Alaska, and West Virginia would be assured of receiving the maximum benefits. Other high unemployment States such as Louisiana would receive the maximum benefits under the basic criteria in the extension without reference to this special, saving provision.

The next remarkable feature is that the recommittal motion accomplishes all this without an excessive cost overrun. The cost of the extension in the recommittal motion is $3.8 billion for 18 months. This is $2.2 billion less than the committee's bill over an 18-month period. In fiscal year 1984 it would cost $2.5 billion.

I do not pretend that this cost saving does not come from slightly reduced benefits. While the maximum benefits in the recommittal motion are 4 weeks less than the maximum benefits in H.R. 3929, over two-thirds of the States would sacrifice only 2 weeks or less in benefits.

The administration has indicated that such an extension is acceptable. While my extension will cost about $500 million more than the administration's proposal, it has signaled its willingness to compromise. We should not reject an accommodation which provides continued FSC benefits, and long-term stability at an acceptable cost.

In summary, I believe the FSC extension in my recommittal motion corrects each of the flaws in the committee bill. It provides an extension of meaningful length. This assures long-term stability and continued benefits to the unemployed. It addresses the special situation of States with high unemployment rates but low insured rates by making them eligible for the maximum number of weeks. Finally, it accomplishes all this at an acceptable cost. I believe this demonstrates that the recommittal motion is preferable to the committee bill and merits our support.

□ 1040

Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. MOORE), a member of the committee.

Mr. MOORE. Mr. Chairman, I serve as a member of the Subcommittee on Unemployment Compensation and as a member of the full committee. I supported this bill in the subcommittee, in the full committee, and I rise to do so now.

There may be some problems with this bill. I certainly think it should have been extended for 16 weeks, as we did in the subcommittee, instead of 45 days. There may be other problems as the gentleman from South Carolina has outlined.

But I do not think the issue today is what might have been. The issue is what is before us and what we must do.

The unemployment compensation program is going to expire at the end of this month, a few days away, unless this House takes action today on this bill. I think that is the crucial consideration.

I think it is of utmost importance that the House do act and we do extend these benefits.

In a State like mine, Louisiana, we were, perhaps, the last State to enter the recession. We will probably be the last State to leave the recession. Our unemployment, up until a few weeks ago, was 12.4 percent, the fourth highest in the country.

If this program was to end now, we would find ourselves not being able to get the benefit of what is necessary to help our people withstand that recession.

Therefore, Mr. Chairman, I think this bill needs to be extended. We need to go ahead and assist the unemployed workers in this country to come out of the recession. And I think that this 45-day extension, with whatever problems it may have, is certainly better than the alternative.

So I strongly support this bill.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

I take it from what the gentleman has stated that as a member of the committee that you intend as a committee to act between now and the 45 days which is contemplated by the bill to shore up some of the problems which have been outlined. Is there a plan to do that or are we going to be facing another deadline 45 days from now in which we are going to be asked to take precipitate action again?

Mr. MOORE. I am not sure I can answer the gentleman's question. It probably ought to be asked to the subcommittee chairman or the full committee chairman. My answer would be that I assume by the fact that the subcommittee was willing to extend unemployment compensation benefits for 16 weeks and this bill only does so for 45 days, that at some point prior to the ending of this first session of this Congress we will readdress that issue to extend those benefits for the difference. That has not been done in this bill, but that is only my assumption.

□ 1050

Mr. GEKAS. But the gentleman agrees that future action will have to be taken if we pass this bill, which in real terms is only a short-term solution?

Mr. MOORE. This gentleman's opinion is that, yes, there ought to be an additional extension beyond those 45 days.

Mr. GEKAS. I thank the gentleman.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD), the subcommittee chairman.

Mr. FORD of Tennessee. I thank the chairman.

Mr. Chairman, I would like to just point out to the gentleman who was in the well a moment ago that his State is one of two States that is still receiving extended benefits under the program, with the exception, I think, of Puerto Rico, and the other States have all triggered off.

There are some plans within the next 45 days for the subcommittee to move in this direction, to report out some legislation that will certainly respond to the problems that we are faced with as they relate to the Federal supplemental compensation program itself.

I would also like to point out that the gentleman from South Carolina (Mr. CAMPBELL), who is the ranking minority member on the committee, used the figures by the Labor Department. I would just like to point out for the record that the Congressional Budget Office, based upon their most recent economic projections, estimates the cost of the Federal supplemental program itself at the tune of $795 million. That $795 million will include both the extension of 7 weeks for the Federal supplemental program, as well as 7 weeks in the reach-back program as well.

Also, under the bill that is before us, the continuation of the disability payments through the ALJ's at the tune of $35 million, and the FUTA wages paid to alien farmworkers is only at the cost of $1 million, which gives us a total cost of $831 million for the bill that is before the Committee today.

Once again, Mr. Chairman, I would like to urge my colleagues to support the 45-day extension. We have already mentioned earlier that as of September 30, midnight tomorrow night, the FSC program will expire. In order for us to continue the program for those unemployed workers who are the recipients of unemployment of Federal supplemental compensation benefits, this bill is needed today. The Congress

should act upon it and, hopefully, the Senate will respond today, as well. If we are going to have a conference we can go to conference tonight or tomorrow and work out all of the problems. But the Congressional Budget Office cost figures show that the total dollar amount is $831 million for the 45-day extension, which includes the reach-back, the 7 weeks for the Federal supplemental program, as well as the FUTA provision in it, along with the disability provision.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

The figures we have are from the Department of Labor. The report figures, which are carried in the committee report, report a different figure still from the one that the gentleman from Tennessee (Mr. FORD) had or that I had. They report $915 million.

So I think that we can look at all of those to see exactly what your end figure is.

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I think the report will also show that the cost of the reduced food stamp and AFDC cost would also lower that $915 million to the $831 million that I talked about.

In the committee report it will show that after they take into consideration the AFDC cost and food stamps, the $831 million is the figure that the Congressional Budget Office is using.

Mr. CAMPBELL. I thank the gentleman. I think we have two different sets of figures with Labor and CBO. I hope the gentleman's figures are right.

Mr. FORD of Tennessee. I am only using the report that the gentleman made reference to.

Mr. CAMPBELL. I certainly understand that, and when you do apply the deductions that the gentleman mentioned, his figure does come out from the gross figure, and I certainly concede it, but their figures and Labor's are different, and I think we have pointed that out very well on both sides.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON. Mr. Chairman, I rise in support of this bill to extend the Federal supplemental compensation program for the Nation's jobless. I am especially supportive of the study mandated by this bill which would explore the possibility of allocating benefits according to substate area unemployment data rather than statewide jobless statistics. I commend the subcommittee for including this study in the bill, and thank my colleagues on the unemployment insurance task force for supporting this study in testimony.

Mr. Chairman, the concept of using substate triggers to determine unemployment benefit eligibility is an important one to the people I represent. During February of last year, for example, no fewer than 10 towns in my district reported unemployment rates exceeding 12 percent with Thomaston, Conn., posting one of the highest at 18.2 percent and Torrington at 16.1 percent.

The statewide unemployment rate for February, however, Mr. Chairman, stood at 7.5 percent, meaning that Connecticut received a level of benefits inconsistent with the needs of many of her residents. The people living in the hard-hit communities I represent were forced to accept benefit levels below those that would have been provided had local unemployment statistics which reflect the reality of people's lives, been considered

Mr. Chairman, while the authors of this legislation thoughtfully included the Labor Department study on substate eligibility criteria, I believe that a more thorough analysis of this concept could be obtained by enlisting the services of the Commerce Department as well. The Commerce Department's Bureau of Economic Analysis has already done substantial work on the concept on economic areas—segments of the country where economic activity can be accurately monitored—and has developed statistical measures for approximately 200 such areas throughout the United States.

The concept of an economic area is an important one because within an economic area one can determine where individuals work, where they live, what industries are prevalent, and in general what level of economic activity is present. Economic areas can be used to define a labor market, and in this respect the Commerce Department could provide the Labor Department's Bureau of Labor Statistics guidance in developing an appropriate unemployment triggering mechanism.

Mr. Chairman, in addition to requiring the Commerce Department's participation in this study, I believe we must enlarge and better define the bill's existing provisions concerning the kind of study ordered. In my opinion the language in the bill which now states that the Secretary of Labor "shall submit a report to the Congress on the feasibility of using area triggers in unemployment compensation programs" gives broad discretion to the Labor Department and invites rejection. I believe the substate trigger concept is workable, and urge the Secretary of Labor to work with Commerce Department specialists to jointly develop and submit to the Congress a model system of area triggers to be used in unemployment compensation programs.

Mr. Chairman, the Members of this body deserve the opportunity to debate a potentially workable system to more responsibly allocate our scarce public assistance dollars so that they serve the most economically depressed areas of our Nation and the people who have suffered most severely from unemployment. I commend the distinguished minority leader for his work in developing legislation which uses metropolitan statistical areas as substate triggers and I urge the Commerce Department involvement in this mandated study and submission of a model system for our consideration.

Mr. FORD of Tennessee. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I want to assure the gentlewoman from Connecticut that the committee anticipates that the Department of Labor will utilize the information and expertise of the Department of Commerce in preparing the study on the substate triggers.

Mrs. JOHNSON. I thank the gentleman.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the Delegate from Puerto Rico (Mr. CORRADA).

□ 1100

Mr. CORRADA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 3929, which would extend the provisions of the Federal Supplemental Compensation Act of 1982 for an additional period of 45 days.

This program is of critical importance to unemployed workers throughout the country whose search for employment continues longer than the period insured by basic and extended unemployment benefits. In an economy of 9.4 percent unemployment, competition for available job slots is high. For many individuals, there are simply no alternatives for work in their communities following the shutdown of a large industry or relocation of a major employer. Consequently, through no fault of their own, these individuals find themselves out of the work force for extended periods of time.

Under more favorable economic conditions, the average length of unemployment is shorter, and most workers are sufficiently covered by basic and extended benefits during transition periods between jobs. But these are not normal times. In August, almost 2.5 million people had been out of work for 27 weeks or more. Average duration of unemployment is 20 weeks—and these figures include only those who are still actively in the job market. If we were to include those who have become discouraged in their search for work—which after 6

months would be understandable—this figure would rise considerably.

I commend Chairman ROSTENKOWSKI and Chairman HAROLD FORD for making several vital changes to the formulas for determination of State entitlements. Previously, only the insured unemployment rate of each State was used in fixing FSC benefits for workers in that State. This meant that only those individuals actually receiving State unemployment benefits were counted, effectively ignoring countless long-term unemployed workers. For example, Puerto Rico, which has had unemployment rates over 20 percent every month since 1981, is currently eligible for only 11 of a possible 14 weeks of supplemental benefits, because many of our unemployed have exhausted their initial 30 weeks of benefits.

H.R. 3929 allows calculation of benefits to each State under FSC to be based on either IUR or the State's nonseasonally adjusted total unemployment rate (TUR). This is a fairer formula, which will more effectively target funds to those who need them, the long-term unemployed.

In addition, H.R. 3929 wisely requires the Department of Labor to report on the feasibility of using substate unemployment figures as a basis for distributing unemployment compensation funds. It is obvious that persons in Flint, Mich., are in dire need of extended assistance, while the average unemployment rate for Michigan many not reflect that need. If we are to truly help those individuals whose employment status is at risk, we must be able to easily identify and target those groups.

H.R. 3929, as reported, will provide a welcome 16 weeks of Federal supplemental compensation benefits to the more than 90,000 long-term unemployed workers in Puerto Rico who are about to exhaust available benefits.

It is my first hope that we might see an increase in GNP, and a strengthening of the labor market on the island and throughout the country. In the meantime, however, we must be careful not to penalize the worker who is caught in a dilemma far beyond his control.

Mr. Chairman, I wholeheartedly support H.R. 3929, and urge my colleagues to act favorably on the measure to fulfill the commitment of this Government to work for the well-being of each of its citizens.

Mr. CAMPBELL. Mr. Chairman, may I inquire as to how much time I have remaining on this side?

The CHAIRMAN pro tempore. The gentleman from South Carolina (Mr. CAMPBELL) has 41 minutes remaining, and the gentleman from Illinois (Mr. ROSTENKOWSKI) has 44 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 3929 and I hope very much the House will pass it overwhelmingly today. It is an important bill, extremely important for the thousands of workers in this country who are still, unfortunately, unemployed and who have not been able to enjoy the benefits of our modest economic recovery.

As my colleagues in the House know, normally when a worker becomes unemployed, he or she first collects 26 weeks of basic or regular State-paid unemployment benefits, and then in previous times, a worker who was unemployed beyond 26 weeks would be eligible for an additional 13 weeks of extended benefits paid half by the Federal Government and half by the States. Then only in times of extreme high unemployment has there been an additional program, the Federal supplemental compensation program, or FSC, such as we are considering today.

The FSC program is especially important now because the extended benefits program, the second-tier program, is essentially not operative in the United States today, essentially because of changes made in 1981 in the Reconciliation Act pushed through by President Reagan. Most States have triggered off of extended benefits and, indeed, only 2 States of of the 50 are now eligible for extended benefits.

That means that when an unemployed worker in 48 States exhausts his regular 26 weeks of unemployment benefits, he or she is out of luck except for the FSC program, which expires tomorrow. So I think it is especially important that we extend this program and that we follow the committee's recommendation to make workers eligible for up to 14 or 16 weeks of FSC, acting as a bridge, a temporary substitute, for extended benefits.

H.R. 3929 contains another provision which I think is extremely important and precedent-setting.

For the first time in this legislation we make it possible for a State, in considering whether it is eligible or not for FSC, to use either the insured unemployment rate or the total unemployment rate. Giving States that option will allow a number of States to collect some weeks of Federal supplemental compensation that they would not otherwise be able to collect.

I would like to take just a minute to inform the House of the severe disparity between the insured unemployment rate which is supposed to be the measure of unemployment in a State and the actual or total unemployment rate. Keep in mind that we have been using the IUR, the insured unemployment rate, which only counts as unemployed those people who are actually collecting State unemployment benefits. Since the change in the law in 1981, it does not even count those who are collecting extended benefits.

Just selecting a few States at random, comparing the IUR, which is the only measure that has been available in the past, and the TUR, the total unemployment rate, which will be available in the future, thanks to this bill, I think will show why it is important to make this change.

Louisiana in August had an IUR of 5.2 percent, but a TUR of 12.4 percent, over twice as great.

Maryland had a 3.1 IUR; a TUR of 6.3 percent, again twice as great.

Michigan had an IUR of 3.7 percent, but a TUR of 13.1 percent, over three times as great as the IUR.

With disparities like that, it is no wonder that States have been triggering off of extended benefits.

For that reason, it is very important, as I say, that we go to this dual option for States.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. PEASE) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, another area which I think is important is that of reach-back benefits. There are many, many States, despite the recovery, where the unemployment rate is still distressingly high, and in those States, a lot of them in the Midwest and Northeast, we badly need to give some helping hand to those workers who have exhausted all of their unemployment benefits. This bill does that. I think it is an important feature of the bill.

We considered briefly in the subcommittee a bill introduced earlier this month by Senator BYRD and Senator HEINZ in the other body, and by the gentleman from California (Mr. STARK), and myself here in the House to, in effect, merge EB and FSC into one program. I think that approach has a lot to recommend it and it is my hope and expectation that the subcommittee will use the 45-day extension that we have to look at that proposal in more detail to see whether or not it makes sense and is worth implementing.

Mr. Chairman, the unemployed persons in my State and across the country are not freeloaders or deadbeats. They do not want handouts or Government benefit programs. They want jobs and the dignity and self-respect that employment gives a worker, but until the unemployed are able to return to jobs they have held faithfully for sometimes 15 or 20 years, we owe them the minimum life-support-

ing benefits of this bill and I very strongly urge its passage.

Mr. CAMPBELL. Mr. Chairman, I yield 5 minutes to the ranking minority member on the Committee on Ways and Means, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support H.R. 3929 because it is important that we extend the Federal supplemental compensation program, FSC as it is called, before it expires on October 1, 1983.

The 45-day extension contained in the committee bill will avoid an abrupt conclusion to a program which assists the long-term unemployed. Unemployment has been falling as the economic recovery takes hold, but it is a lagging indicator as we all know. There remain some long-term unemployed who would benefit from an FSC extension to tide them over until the employment level catches up with a more robust economy.

My position on this 45-day extension, as embodied in H.R. 3929, may differ from that of my colleagues on both sides of the aisle. For example, I think a preferable approach to the impending expiration of FSC would be a long-term extension structured to phase out gradually this supposedly temporary program. Such an extension would give the long-term unemployed the peace of mind that the program would be continuing for an extended period. It also would provide a stable program for the States to administer. The administration made such a request, but it was not accepted.

The only politically viable alternative was the Public Assistance and Unemployment Compensation Subcommittee's 9-month extension, which obviously would have provided a relatively longer term than this bill offers. However, I had some misgivings about the cost and structure of the extension approved by the subcommittee. Over a full year, the subcommittee bill would cost some $1 billion more than the extension requested by the administration, for a comparable time. It would have increased and reinforced the FSC, instead of moving it toward a phase-out, which is a logical direction for a temporary program.

Therefore, I feel it probably is better to support a 45-day extension than a 9-month extension. Since it is highy unlikely that the FSC program actually will be allowed to end in 45 days, we might have an opportunity to entertain a more disciplined proposal, possibly in a more favorable environment, when we consider a further extension in early November.

The majority members may well have a different motivation for a 45-day extension. It could be a part of a tactical maneuver unrelated to the substance of the extension. The need to act in mid-November to extend an expiring FSC program could be used as the inducement for some Members to vote for an omnibus tax package which may be developed in the intervening 6 weeks. Members might recall that the FSC program began as an amendment to the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA). Soon, thereafter, FSC benefits were expanded in an amendment to legislation increasing gasoline and highway excise taxes. Early this year, the FSC program was enhanced further in an addition to the social security financing legislation. Thus, recent history shows that action to expand and extend the FSC program can be an attractive lure to gain support for an unpopular tax bill. This 45-day extension of the FSC thus could lead to history repeating itself in mid-November, when another tax bill comes along.

□ 1110

The tax bill, Mr. Chairman, will have to stand on its own feet, in my view, but I acknowledge the possibility that this will be a part of such a piece of legislation.

The strong likelihood that FSC will be further extended is underscored by examining the benefit structure in this bill. It provides 8 to 16 weeks of benefits based on a sliding scale correlated to the unemployment rate in a State. It is anomalous to speak of someone receiving 16 weeks of benefits in a 7-week program.

Other features of the bill include up to 8 weeks of additional benefits for persons who have exhausted their current FSC entitlement. There is also a 2-year extension of the Federal Unemployment Tax Act exclusion applicable to certain alien agricultural workers, commonly referred to as H–2 workers. The Department of Labor is directed to undertake a 6-month report on the feasibility of substate area triggers for the FSC program. Numerous Members have expressed support for substate area triggers and this report should give us a better basis for subsequent legislation which inevitably will follow within the 45-day period.

Mr. Chairman, H.R. 3929 may not be the best of bills, but it is preferable to allowing the FSC program to expire abruptly or to extending a temporary and imperfect program for a significantly longer period of time, which was the real alternative the committee faced at the time this measure was approved.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

I say to my colleague, the gentleman from New York (Mr. CONABLE), that I do not know about hidden agendas and other goals or objectives of the committee in reporting out this 45-day extension of the FSC benefits, but I do know about thousands of people in northern Minnesota and elsewhere around the country who have exhausted their unemployment benefits and who desperately need some financial help. We must put aside other agendas and focus on the real need for this legislation which is vitally important for the people of northern Minnesota whom I represent, where we have in some towns 80 percent unemployment, through no fault of the unemployed, where people have exhausted their unemployment benefits and where, very likely, a good many of the jobless are not going to find work opportunities in the future unless we have a massive recovery in the total economy, a restructuring of the steel industry, and a whole new outlook on the auto industry where one-fifth of our steel used to go.

I have testified at virtually every House hearing on unemployment compensation in the past 2½ years. I do want to compliment the Members on both sides, specifically the gentleman from South Carolina (Mr. CAMPBELL), who has attended those hearings and given a lot of his time and attention to them, and the chairman of the subcommittee, the gentleman from Tennessee (Mr. FORD), who has worked diligently to shape responsible legislation.

The gentleman from Ohio (Mr. PEASE) and the gentleman from Pennsylvania (Mr. CLINGER), who, as cochairs of a task force of the Northeast-Midwest Coalition, presented very thorough testimony to the Unemployment Compensation Subcommittee recommending a number of changes in the FSC program which are incorporated in the present legislation.

H.R. 3929 includes:

First, use of the total unemployment rate (TUR) as an alternative means of determining the number of weeks of benefits paid in a particular State. The insured unemployment rate is totally inadequate during periods of prolonged recession because it, in effect, loses the long-term unemployment in its measure of unemployment. The longer the recession, the lower the IUR;

Second, a reach-back provision to assist those workers who have run out of benefits in recent weeks. In Minnesota, over one-half of FSC recipients exhausted their FSC benefits in one week in August, a phenomenon common throughout the United States; and

Third, a provision requiring the Secretary of Labor to submit reports to Congress in six months on the feasibility of targeting FSC benefits to substate areas, and the feasibility of iden-

tifying structurally unemployed workers for extended benefits.

I am pleased that the Ways and Means Committee has set in motion the process by which we can institute substate triggers in recognition of the tremendous differences in unemployment which can exist in economically diverse States.

I want to express my appreciation to my colleague from Minnesota (Mr. FRENZEL) for his support for the substate trigger concept. He recognizes that the statewide trigger does not allow workers in northeastern Minnesota, where unemployment is the worst in the State, to qualify either for EB or for a higher level of FSC benefits.

This year, and last year, I introduced legislation a major provision of which would permit the use of substate triggers. I introduced this legislation after a review of unemployment figures within my home State of Minnesota. Throughout the past 2 years, unemployment in Minnesota has been below the national average; in my district, it has averaged two to three times the State average, and has consistently been close to twice the national average. Unfortunately, the substate trigger will not be available for the allocation of the FSC benefits to be authorized in H.R. 3929. Workers in my district where unemployment remains high will receive the number of weeks determined by the overall State rate.

Nevertheless, the provision requiring the report from the Department of Labor is a sound one, which will enable us next year to act to make the EB and FSC programs more responsive to the Nation's unemployed.

The unemployed of my district and throughout the United States desperately need congressional action on this legislation. It would be the height of insensitivity and irresponsibility if we fail to pass this legislation before the expiration of the FSC program tomorrow at midnight.

I have listened to the expressions of concern over the budgetary consequences of this legislation. I share the concern of my colleagues, but I must ask about the economic consequences for individuals and for distressed communities of the failure to enact this legislation. Furthermore, in this discussion of the budgetary impact of this legislation, I hear little mention of the adoption 2 weeks ago of the record $187.5 billion defense authorization which will do far more to the deficit than the bill now before the House.

The unemployed of Minnesota and the Nation desperately need this legislation. I urge an overwhelming vote in favor of the FSC extension.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I rise today in strong support of H.R. 3929, a bill to extend the Federal supplemental compensation (FSC) program to November 16, 1983. I believe this bill is vital for the unemployed in Michigan and throughout the Nation.

It is becoming increasingly clear that high levels of unemployment will be with us for the foreseeable future. The administration's own forecast projects a national unemployment rate that will not fall below 9 percent until the last quarter of next year. Last month the number of jobless in Michigan actually rose by 47,000 to 616,000 while the unemployment rate jumped from 13.1 percent to 14.3 percent. Around the country, 10.7 million Americans, 9.5 percent of the labor force, are looking for work without success.

For well over a year now, we have been watching as the Department of Labor each month rolls out another set of astonishing unemployment figures. I am afraid that some have become inured to the tremendous waste and human suffering implicit in a number like 9.5 percent. Let me remind my colleagues that despite some slight improvement, this figure is still one half percentage point above the highest level reached during any recession since the Great Depression of the 1930's.

The Federal supplemental compensation program has been critical in providing support for the unemployed since its inception in 1982. The length and depth of the current recession have made looking for work the hardest job around. The 26 weeks of regular State benefits simply do not provide sufficient time for a successful job search for thousands of individuals in the present economic environment. For this reason I urge my colleagues to join me in supporting this legislation.

In addition to providing additional weeks of benefits, H.R. 3929 recognizes one of the appalling truths of the current recession: only 36 percent of the unemployed are receiving unemployment compensation. Compare this to the last deep recession in 1975 when 76 percent of the jobless were receiving benefits. The bill before us today provides for up to 8 weeks of "reach back" payments to those who have exhausted all of their benefits. In Michigan alone, I have been informed, 80,000 to 100,000 individuals may be eligible for these benefits. These are the long-term jobless who are facing economic extinction without our assistance.

H.R. 3929 makes two important modifications in the present FSC program. The first is the inclusion of an alternative "trigger" based on the total unemployment rate (TUR), the familiar measure of unemployment, for determining the number of weeks of benefits payable in each State. Under present law we have had the absurd situation in which many of the States with the highest unemployment levels qualified for only the minimum number of weeks of benefits. I believe that the new TUR trigger will provide a rational benefit structure in which those States with the highest unemployment levels will be eligible for the maximum number of benefit weeks as Congress intended.

The second important modification is the stricture on the loss of weeks. An individual will receive the number weeks he or she qualifies for initially, even if the number of benefit weeks available in a State falls. Also, a State can only have its benefit weeks reduced once every 3 months. Having spoken with numerous bewildered constituents and beleaguered administrators, I can personally attest to the confusion and administrative burden of the present system which reduced benefits sometimes as often as twice in a single month.

It is my understanding that the other body will shortly consider similar legislation which does not contain a reach back provision, a TUR trigger, or a limitation on the loss of individual benefit weeks. I would like to strongly urge the House Conferees to insist on these provisions. I believe that each of these points addresses a real and important need.

Finally, I would like to note that while H.R. 3929 will provide important assistance to the unemployed, it does not address the problem in the extended benefit (EB) program, which is designed to provide the first tier of Federal support for the jobless. This program, which unlike the temporary FSC program is permanently authorized, is practically defunct. Only two States are currently eligible for the 13 weeks of compensation EB is intended to pay in high unemployment States. This is true despite the fact that 15 States currently have unemployment levels of 10 percent or higher.

The reason so many States with high unemployment are ineligible for extended benefits is the same reason the FSC program was not providing a rational benefit structure under the current formula. The insured unemployment rate (IUR) that is used to trigger on benefits is no longer a good measure of labor market conditions. The Ways and Means Committee recognized the failings of the IUR in the legislation before us today. I hope that the committee will also take up the question of the extended benefit program and make the appropriate modifications in the near future. I believe the Members of this body should be allowed to address the full scope of the Federal unemployment compensa-

tion programs when the House again takes up this issue in 45 days.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Chairman, I rise in support of H.R. 3929, a bill to extend for 45 days the Federal Supplemental Compensation Act of 1982.

In my State of Pennsylvania, unemployment, at 11.5 percent, is higher than it was a year ago. In the four-county Pittsburgh area, 13.3 percent of the workforce is jobless.

These statistics indicate that unemployment is not a problem which will go away simply by wishing it so. It is a problem of such proportion and severity as to require a major overhaul of our unemployment compensation system.

Extending the Federal Supplemental Compensation Act for 45 days, as the bill before us provides, is an important first step in the process. The bill would provide a reachback provision of 8 weeks for individuals whose compensation has expired, with the maximum number of Federal supplemental compensation weeks ranging from 8 to 16.

Under a formula which takes into account the State's insured unemployment rate, as in the current program, or the seasonally adjusted total unemployment, which is not now a factor, Pennsylvania would be eligible for 14 weeks of Federal supplemental compensation benefits. In addition, the bill requires a study by the Department of Labor on the feasibility of substate, or area, triggers rather than State or national triggers.

Let us consider what the bill does not do. For those members of this House with constituents who must rely on the extended benefits program, this bill offers no resolution to a situation in which 48 of the 50 States do not now qualify for extended benefits.

The reason many States do not qualify is due to changes made to the law in the 1981 budget reconciliation bill, popularly known as "Gramm-Latta." Before 1981, the mandatory trigger for extended benefits was a statewide insured unemployment rate of 4 percent. Gramm-Latta raised this requirement to 5 percent. The optional State trigger, which is now used by all but 13 States, was raised to 6 percent. In addition, States must meet a surge requirement, which measures current unemployment against that of the past 2 years.

As result of these changes, major industrial States, which suffer from staggering unemployment, no longer qualify for extended benefits. I would like to include in the RECORD a chart which lists the insured unemployment rate for selected industrial States as well as the date the State went off the extended benefits program. Each of these States failed to meet the 6-percent trigger.

	13-week insured unemployment rate (as of Aug. 6, 1983)	Extended benefit program ending date
California	4.47	July 2, 1983
Illinois	4.61	June 25, 1983
Indiana	3.20	Apr. 30, 1983
Maryland	3.22	July 31, 1983
Michigan	3.93	June 11, 1983
Pennsylvania	5.63	Aug. 6, 1983
Ohio	3.73	May 14, 1983

Source: Department of Labor, Division of Actuarial Services.

Unemployment is not easily adjusted by season in a State such as Pennsylvania. Those without work in industries such as steel are often jobless 6 months or longer. Yet Pennsylvania, a State with high unemployment, does not qualify for extended benefits. The pattern is repeated nationwide.

Thousands of workers have been unemployed for such a duration they have exhausted all benefits. Thirty thousand Pennsylvanians lost all benefits in June, 47,000 in July. Where are they to turn, jobless and without the minimal means of support compensation provides?

As we fashion a more comprehensive unemployment bill in the coming weeks, a bill which should address this and several other pressing questions, I hope the House considers revisions to the law contained in two bills I introduced earlier this month.

My first bill, H.R. 3886, would extend Federal supplemental compensation benefits through March 31, 1984. In addition, it contains a 13-week reachback provision to cover those workers whose benefits have expired.

A second bill, H.R. 3887, would provide a federally funded, 26-week extended benefit program for workers who have exhausted their regular State benefits. In determining whether a State is eligible for extended benefits, the Secretary of Labor is directed to count as unemployed those who now receive extended benefits. This very logical direction, to count those who receive unemployment benefits as among the unemployed, would repeal changes in the law made in the 1981 budget reconciliation bill.

These bills propose a reasonable legislative response to an increasingly desperate situation. We cannot allow the burden of recovery in the recession to be borne mainly by the jobless. The Federal role in providing unemployment assistance should be changed to make the system truly national, simple and fair.

I am pleased that 25 of my colleagues have joined me in sponsoring this legislation. I look forward to working with members of the Ways and Means Committee and others in the coming weeks as we craft a comprehensive unemployment compensation bill which necessarily corrects the mistakes of the past in order to address the problems of the present.

At this point, I would like to include in the RECORD a short summary of the two bills:

SUMMARY OF COYNE UNEMPLOYMENT LEGISLATION

H.R. 3887

(1) Counts workers who are on the extended benefit program in the trigger calculation.

(2) Lowers the State option trigger from 6 percent to 5 percent and lowers the mandatory trigger from 5 percent to 4 percent.

(3) Drops the Federal requirements that workers have 20 weeks of unemployment in their base in order to qualify for the EB program. Instead eligibility would be the same as State's requirements.

(4) Workers would be eligible for a training opportunity without forfeiting their eligibility to receive extended benefits.

(5) Eliminates the 120 percent "surge mechanism".

(6) Reinstates the national trigger.

(7) Requires a study by the Department of Labor to determine the feasibility of substate triggers, to be completed within 2 years.

(8) Establishes a 26 week federally funded extended benefit program for workers who have exhausted their State benefits, effective April 1984.

H.R. 3886

(1) Reauthorizes the Federal supplemental compensation program from October 1, 1983, to March 31, 1984. 14, 12, 10 or 8 weeks.

(2) Thirteen week reachback provision for individuals whose benefits have expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise today in support of H.R. 3939, the Federal supplemental compensation program extension.

My support for this bill is strong, but it is not, frankly, without qualifications. The bill provides much-needed relief to our Nation's long-term unemployed, but it by no means fully addresses their problem.

To understand this, we have to understand that two distinct and fundamentally different unemployment problems exist in this country today. There is, first, the problem of traditional unemployment which fluctuates as a normal part of changes in the Nation's economy. The regular unemployment compensation and extended benefits programs were developed in response. They were to act as stabilizers of fluctuating unemployment: Their accounts would accumulate money in times of high economic productivity, and the accounts would pay benefits in times of normal, temporary economic downturns. The expectation was that the unemployment rate would fluctuate up and down in the short term but remain more or less constant over the long term.

This recession, however, added a new dimension to the problem. Not only did the unemployment rate increase in its usual cyclical fashion, a new class of unemployed—the so-called structurally unemployed—caused it to remain high. As a Representative from West Virginia, I can attest to this. Unemployment in my State remains over 17 percent, largely because the economy in West Virginia has traditionally rested on those basic "smokestack" industries—coal, steel, glass, and chemicals—that are hard hit in any recession but have been especially hard hit by this recession. I know men and women who have worked 20 or 30 years in the coal mines or the steel mills who have been out of work for over 2 years now.

Mr. Chairman, these people need unemployment compensation but they do not want unemployment compensation. They want jobs, they want to be able to work, they want to contribute their skills to their communities and their country. The real solution to their needs lies not in extending unemployment compensation but in recognizing the Federal Government's responsibility to help them put skills to work. We need job-training programs, we need a good education system, we need sane fiscal and monetary policies that do not disrupt our economy.

I urge my colleagues to vote for the bill before us today, while I would also urge them to remember this is just the first step needed.

□ 1120

Mr. ROSTENKOWSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman for yielding.

If I can have the attention of the subcommittee chairman, as we know, the chairman is aware that Vermont has found itself in an unusual situation. They recently received notice from the Department of the Treasury that the State allegedly owes some $100,000 in interest on advances made to the State and subsequently repaid in full prior to the end of this fiscal year. This notice was received roughly a week ago. These advances were made in the first two quarters of the calendar year 1983. These advances were made and repaid in reliance upon the statutory provisions of the Omnibus Reconciliation Act of 1981.

Section 2407 of this law states in the pertinent part that no interest shall be required to be paid with respect to any advance made during any calendar year if such advance is repaid in full before the close of September 30, the calendar year in which the advance is made.

The next section is the one which the Solicitor General is relying upon. It says basically that if you have a subsequent advance then interest is due. The obvious meaning is that you cannot have a balance at the end of the year. Vermont made the mistake of trying to save the Treasury money by repaying when they had the money and then taking another advance and repaying it, so they made apparently more than one advance. All of this occured within the first two quarters. Vermont repaid them all in the same fiscal year.

There certainly was no intent to penalize a State for trying to save the U.S. Government money.

Now, I believe the other body is going to take care of this by an amendment. I would hope that the subcommittee chairman would feel disposed to accept that Senate language which would clarify this problem, which obviously was not the intention of the original drafters of this legislation.

I wonder if the gentleman from Tennessee (Mr. FORD) would comment on that? I yield to the gentleman.

Mr. FORD of Tennessee. Mr. Chairman, I want to thank the gentleman for yielding. I want to let my colleague know that I am aware of the problem that the gentleman is faced with in the State of Vermont.

I do not believe that it was our intent to impose an interest penalty when a State repays its loans by the September 30 date or within that given year.

The CHAIRMAN pro tempore. The time of the gentleman from Vermont has expired.

Mr. CAMPBELL. Mr. Chairman, I yield 2 additional minutes to the gentleman from Vermont.

Mr. JEFFORDS. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman again for yielding.

I would hope that the Department of Labor and the Department of the Treasury can resolve their different interpretations of the law.

Labor supports the State's position that no interest is due. If we do not resolve the issue, I will assure my colleague, the gentleman from Vermont, that I will work with him and the full committee chairman, the gentleman from Illinois (Mr. ROSTENKOWSKI) to resolve the issue.

Mr. JEFFORDS. Mr. Chairman, I appreciate the comments of the gentleman very much.

Mr. CAMPBELL. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in opposition to H.R. 3929, a bill which extends, perhaps reasonably, and expands, probably irresponsibly, the Federal supplemental compensation (FSC) program for 7 weeks beyond the current expiration date of September 30. The extension is an obviously temporary 45-day stop gap.

The current FSC program was created as part of the Tax Equity and Fiscal Responsibility Act of 1982. It was enacted at a time when unemployment was reaching its peak levels, and authorized 6 to 10 weeks of additional unemployment compensation benefits. These new benefits, unlike the regular unemployment compensation program and the extended benefits (EB) program, were, and are, entirely federally funded.

The FSC program was expanded in our highway tax bill in December 1982, to provide a total of between 8 to 16 weeks of benefits to eligible individuals. In March of this year, the FSC program was extended once again for 6 months. However, in recognition of the large costs of the program and of the fact that unemployment was declining, the total number of weeks an individual could receive was reduced to between 8 and 14 weeks.

The administration recognized that, although the economy is showing steady improvement and the unemployment rate continues to decline, unemployment will continue to be relatively high over the next 18 months. The administration therefore proposed an additional 18-month extension of the FSC program. However, due to the budgetary limits, and due to the fact that unemployment continues to decline, the number of weeks provided for in the proposal ranged from 6 to 10 weeks of additional benefits. Even with the reduced number of weeks of benefits, which would potentially provide an unemployed individual with a total of 49 weeks of unemployment compensation benefits, the extended program would have cost $2.2 billion for fiscal year 1984, $.7 billion above the amount provided for in the fiscal year 1984 budget contingency fund.

H.R. 3929 ignores the fact that unemployment is falling. It also ignores any of the limits of fiscal responsibility set forth in the fiscal year 1984 budget. At a time when the economy is improving, H.R. 3929 lays the groundwork for the most expensive, least restrictive unemployment compensation program ever created.

Under H.R. 3929, an individual who has already received 65 weeks of unemployment compensation will be eligible for up to 8 weeks more, for a total of 73 weeks of benefits. Some claimants may have only worked 20 weeks to qualify. Current unemployment compensation recipients will be entitled to a total 55 weeks of unemployment. The committee is being more generous now with the taxpayers' money, at a time of record deficits and declining unemployment, that it was when the FSC program was origi-

nally enacted, and unemployment was climbing.

H.R. 3929 purports to be a temporary, 7-week extension of the FSC program, which will cost only $1 billion, or a little less, according to the subcommittee chairman.

This limited extension is consistent with congressional traditions. It is unnecessarily expensive, and shatters our already outrageous budget-spending limits.

What will happen is that in 6 weeks we will be right back where we are now, extending the FSC program for another yet to be determined period of time. Except then there will be one major difference. We will not be extending the current, reasonable FSC program. We will instead be extending the FSC program which provides an excessive number of weeks of benefits, using a deficient index for determining which States receive what number of weeks. Worst of all, we will be putting into place a program whose full fiscal year cost is $4.2 billion. That is more than $2.5 billion over the highest figure in our budget resolution.

The comments on substate triggers already expressed today are accurate. Some of us have been demanding regional triggers for years. The idea is to put the money where the problems are. The problems do not always follow State lines. My own State of Minnesota is a good example. Just because my area has relatively good employment, unemployment people in the district of my friend, Mr. OBERSTAR should not be triggered off the program.

The Campbell motion to recommit, a device made necessary by the customary gag rule which prohibits amendments, would extend the current program. When unemployment is falling, it would seem unwise to expand unemployment benefits. The maintenance of present benefits would seem to be openhanded enough in such times.

But if the Campbell motion fails, the entire bill should be scrapped and replaced with a responsible, realistic, FSC program. I urge the defeat of H.R. 3929.

□ 1130

Mr. CAMPBELL. Mr. Chairman. I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I want to ask a question of the distinguished ranking member of the subcommittee.

The distinguished ranking member of the full committee, Mr. CONABLE, was explicit, as were you in your opening remarks on the bill. I would just like to repeat again, if I heard correctly, your suspicion that this may be an engine for a tax bill of some kind that may come to this body in November.

Mr. CAMPBELL. I think that both the ranking member of the full committee and myself and others are keenly aware that an FSC extension in the past has been part of an engine to pull a tax bill. It did it on TEFRA, it did it on the gasoline tax. And a 45-day extension puts us right at the proper time to do that. I think it is a distinct possibility.

Mr. DAUB. Just before adjournment for the Christmas holidays?

Mr. CAMPBELL. Something like that.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL), the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding me this time.

Mr. Chairman, in the heart of Illinois, throughout my district there are thousands of unemployed men and women who have been out of work for a long time. They want work, but they cannot find it.

The unemployment rate in some parts of my district is around 17 percent. The fastest growing sector of unemployed, according to the most recent figures I have seen, is among the long-term unemployed.

In the Peoria-Tazewell area, the insured unemployement rate decreased by 11 percent over the last year. That is not good news. It is bad news because most of that decrease was due to people who had run out of benefits altogether.

That is the problem in west central Illinois and a number of other pockets of high unemployment all across the industrial belt.

Even though recovery is moving at a brisk pace nationally, there are those areas of the Nation like mine that will be slow to recover, that will lag behind. And there are thousands of unemployed in those areas whose future is still very much in doubt.

There is a legitimate, urgent need to extend Federal supplemental compensation and include in that extension special relief for the long-term unemployed whose future remains in doubt.

The goal of the legislation before us is good.

The manner in which the legislation seeks to achieve the goal, however, leaves something to be desired. It does not combine the need to help the long-term unemployed with the equally critical need to control spending and avoid exacerbating the deficit.

The unemployed do need help, but they do not want the kind of so-called help that will hurt them in the long run.

Under the bill before us, increased benefits are payable regardless of whether the unemployment rate in an area is 2 or 20 percent. Whole States are also eligible for extra benefits under the formula section, based on the State unemployment rate, even though many areas within the State may actually have low rates of unemployment.

The total cost of this bill, on an annualized basis, is expected to run in the neighborhood of $4.5 billion over a billion dollars more than the current FSC program.

With the level of deficit facing us, we simply cannot afford expenditure increases of this magnitude. The broad-brush approach may be acceptible during better times, but at this time it simply requires too much funding to accomplish the intended objective.

We have to begin thinking of how we can rifle shot unemployment funds on the most severely impacted areas.

Last week I introduced a bill which provides for a targeting of FSC benefits on substate areas with the highest unemployment rates. Unemployed individuals in high unemployment areas would in fact receive a longer duration of FSC benefits than what is provided in the committee bill.

Under my bill, a total of 26 weeks of FSC benefits would be available for the unemployed residing in metropolitan statistical areas or counties with unemployment rates of 15 percent or greater. Such individuals would thus be eligible for a minimum of 52 weeks of unemployment benefits, compared to the committee bill minimum of between 34 and 42 weeks, and a maximum of 65 weeks if they have received extended benefits.

In areas with unemployment rates of between 13 and 15 percent, lesser increases in benefits would be provided. For all other areas, the current program would apply.

By targeting benefits in this manner, we would provide extra assistance where the needs are the greatest, and at the same time avoid the higher costs associated with the across-the-board approach of the committee bill.

The Labor Department estimates that, on an annual basis, this targeted approach would cost only about $100 million more than the current program, or $1 billion less than the committee bill.

I had considered offering this proposal here today, but will not do so because I believe the committee should have a chance to consider it. I do note that the bill requires a 6-month study of the issue by the Labor Department. While that might be appropriate, I would hope that we can move faster in implementing this targeted approach.

The proposal has been developed so that it can be implemented immediately. It uses counties or metropolitan statistical areas as the substate areas. The Bureau of Labor Statistics currently collects and publishes monthly unemployment data for both counties and MSA's.

Second, by simply folding the targeted approach into the current FSC program, we enable the program to be carried out through the existing ad-

ministrative machinery and under basically the same rules and regulations.

I intend to vote for the committee bill today, not because I agree with its approach, but because we do need to extend the FSC program and because we need to assist those in high unemployment areas.

I would hope, however, that when this legislation goes to conference, the conferees will come back with no more than a 45-day extension, so that we can consider and move ahead with cost effective changes in the next go around.

I believe the time has come to adopt the targeted substate approach, and I would hope the committee will move in this direction during the interim 45-day period.

● Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 3929, the Federal supplemental compensation extension.

The FSC program was established in August 1982 as part of the Tax Equity and Fiscal Responsibility Act and was extended for an additional 6 months by the Social Security Act of 1983. The current program expires on September 30, 1983.

It is of the utmost importance that the Congress expeditiously act to extend the FSC. The bill before us today would extend the program for 7 weeks, from September 30, 1983, to November 16, 1983.

In West Virginia, the State with the highest level of unemployment in the Union, approximately 20,700 unemployed workers have completely exhausted their regular State Unemployment compensation which is 28 weeks and their extended benefits which is 13 weeks in the State. There are currently 7,700 unemployed workers receiving FSC. Covered employment in West Virginia is 563,081 workers.

Under H.R. 3929, unemployed workers who begin to collect FSC benefits after October 1 will be able to obtain benefits for 14 weeks in States with an insured unemployment rate of 6 to 7.9 percent or a total unemployment rate of 10 to 11.9 percent. At this time in West Virginia, the IUR is 6.1 percent and the TUR is 9.2 percent.

Those workers who are receiving or have exhausted benefits under the existing FSC program—approximately 28,400 in West Virginia—would be eligible under H.R. 3929 for additional benefits of up to 8 weeks.

Mr. Chairman, I urge favorable and speedy adoption of this most important measure.●

● Mr. CLINGER. Mr. Chairman, I rise in support of H.R. 3929 which seeks to extend unemployment benefits to America's jobless through the Federal supplemental compensation (FSC) program. The time is upon us to act to aid those Americans who still suffer the financial hardships of long-term unemployment The FSC program is scheduled to expire at the end of this week, so it is essential that Congress take swift and effective action. The department of Labor estimates that on the final day this program is scheduled to operate, 800,000 unemployed persons will be receiving benefits under its provisions. It is unconscionable for us to refuse continued assistance to thousands of other long-term unemployed persons and their families. I therefore urge my colleagues to support this sorely needed legislation.

In the last few weeks leading up to introduction of this legislation, I have had the pleasure of working with many of my colleagues on both sides of the aisle as cochair of the Northeast/Midwest Coalition's Task Force on Unemployment Insurance. I want to commend my cochair, the gentleman from Ohio, DONALD PEASE, and the other members of the task force for the time and efforts they have devoted to helping move this extension along toward passage.

H.R. 3929 contains a number of provisions which the task force feels are indispensable to responsibly carrying on the work of the Federal supplemental compensation program. The "reach back" provision in this legislation would provide some additional weeks of assistance to those who already have exhausted FSC benefits. In States such as Pennsylvania—where the long-term unemployment rate was recently calculated at 40 percent—this reach back is essential to soften the effects of a recovery which is only just beginning to be felt. Because of the concentration of basic industries such as steel and related industries in Pennsylvania and across the Northeast and Midwest, there are still many workers who remain jobless.

Although there are those of my colleagues who criticize this legislation on the grounds that it will prove too costly to the taxpayers, I just want to point out that H.R. 3929 extends the program for only 45 days in anticipation of a comprehensive unemployment compensation program to be taken up by Congress. This is in essence a bridge to help those persons caught in the cracks between the recent recession and a delayed economic recovery in my region of the country.

Another provision of H.R. 3929 which is worthy of positive action by this body is section 203 which directs the Secretary of Labor to study the feasibility of using area triggers for unemployment programs. This topic has been extensively debated today and is one designed to target unemployment compensation to areas smaller than whole States which are particularly hard hit by unemployment. Although the concept is one of high merit, I believe it would be premature to enact substate triggers at this time, without the study on feasibility provided for in this legislation. I would hope that those of my colleagues who, like myself, support the idea of substate triggers see the need for a detailed analysis of the ways to best achieve the ends envisioned. I fear enacting substate triggers without a detailed study could lead to inequitable distribution of taxpayer dollars, and thus irresponsible legislation.

This issue is one on which emotions run high. On the bottom line, however, we are dealing here with the next meal, the next pair of shoes, and the next winter coat for great numbers of able bodied Americans who have a desire to work but are prevented from doing so, in most cases due to circumstances entirely beyond their control. This legislation is not perfect, but it is needed. We are responsible for aiding those who have yet to benefit from an economic recovery which is just begining to gather steam in many regions of this country. I urge my colleagues not to let this chance pass by and therefore to vote in favor of extension of the Federal supplemental compensation program.●

● Mr. CONTE. Mr. Chairman, I rise in support of H.R. 3929, a bill to extend the Federal Supplemental Compensation Act of 1982.

The FSC program was enacted as a part of last year's tax bill, and pays additional weeks of unemployment benefits to individuals who have exhausted their State benefits and any extended benefits they may have been eligible for. The program expired at the end of March, but was extended through a provision of the Social Security Act amendments. As the Ways and Means Committee members have told us, FSC benefits are paid based on a State's insured unemployment rate.

I am aware of the differences between the House committee's bill and the other body's legislation—which is identical to the motion to recommit that will be made by the ranking minority member of the subcommittee, Mr. CAMPBELL. Yet I am going to have to support this committee bill.

First, under the committee bill, more weeks of benefits will be paid depending on the insured unemployment rate than under the proposed motion to recommit. The committee bill also uses the total unemployment rate in the formula, which is getting to be a more accurate representation of those individuals out of work across a State.

Under the committee bill, there is also a reachback provision for those who have exhausted FSC benefits or have some type of entitlement remaining. The motion to recommit contains no such language, despite the fact that the long-term unemployment rate is higher than it has been in many years. What about those poor people who have been out of work for over a year—how do they get by?

The committee bill also has a benefit-reduction guarantee which is not matched, as I understand it, in the other proposals, and, the committee bill requires a study of the use of "substate triggers" for areas of States with high unemployment rates. That report would be due in 6 months.

I do have problems with the fact that this is only a 45-day extension. But I think all of us agree that major reforms are needed in the entire unemployment compensation area, and these 45 days will give the Ways and Means Committee time to study those changes. What would probably be better is a 45-day extension of the current program—at least that would make the work of the State employment agencies a little easier. But this bill is a good alternative.

Finally, Mr. Chairman, this legislation extends the provision of current law which provides social security disability benefit payments through to a hearing by a law judge. That is the most important provision of the disability amendments we enacted last year, and I hope to see it extended.●

● Mr. HANCE. Mr. Chairman, the committee amendment to the bill extending the FSC program includes increased funding for title XX. The Subcommittee on Public Assistance and Unemployment Compensation and the full committee both feel that this increase is needed because of increased demand for social services and employment training that are directly or indirectly caused by the impact of unemployment on individuals and families. $100 million of the increased title XX funding in the amendment is targeted for a 2-year period to high unemployment areas within the various States.

The committee examined the problem of high unemployment in substate regions and considered legislation to address this problem. Often, high unemployment pockets are hidden in statewide statistics because of the general healthy economic condition of the State as a whole.

The committee, however, was unable to address this problem through the FSC program because of the lack of uniform unemployment data by substate areas and because of the administrative problems with this approach. The increased title XX funding in this amendment is targeted to high unemployment areas within a State and is intended to at least partially make up for the inability to target the UI program in this manner. These targeted title XX funds would have to be used to address problems directly or indirectly related at increased unemployment.

Mr. Chairman, in June of this year the subcommittee held hearings in McAllen, Tex., to examine the effects of the 1982 peso devaluation on the communities in south Texas that border Mexico. In April 1983, the total unemployment rate in the McAllen, Tex., SMSA was 19 percent and 27.4 percent in the Laredo, Tex., SMSA. These extremely high unemployment rates in south Texas, however, are masked by the nationally reported statewide figures of total unemployment for Texas of 8.1 percent in April and an insured unemployment rate of 3.1 percent.

During the hearing, the subcommittee learned of dramatic increases in applications for AFDC benefits, food stamps, and social services in this area of south Texas. Most alarming was information presented at the hearing concerning the increase in child abuse cases reported in Laredo, Tex. During 1982, 1,119 cases of child abuse were reported for the entire year. For the first 2 months of 1983, 745 cases had already been reported. This situation is compounded by the fact that Laredo has been forced to reduce the number of child welfare caseworkers because of budgetary constraints. This amendment would help address the initial problems of this region.

Another example of statewide unemployment figures not giving a true indication of the severe impact of unemployment in areas and counties within a State was presented at the September 13, 1983 hearing held by the Subcommittee on Public Assistance and Unemployment Compensation. During the period between July 1982 and June 1983, Virginia's unemployment rate ranged between 6 percent and 8 percent. The State's insured unemployment rate remained below 3 percent. The healthy statewide figures are largely the result of the heavy military presence in Virginia's Tidewater area and the large Federal civilian employment in northern Virginia.

In the coal producing counties in southwest Virginia, however, unemployment ranges between 18 and 25 percent. In Buchanan County, unemployment has been as high as 36 percent.

According to a survey of the States' use of increased title XX funds under the emergency jobs bill, Virginia has been spending about a third of the additional title XX funds it received for social services for the unemployed and particularly to meet emergency needs. The increase in the permanent title XX funds provided for in this bill will enable the State of Virginia and other States to continue to target a portion of their total title XX allocation to the areas of their States with high unemployment and for those services particularly related to the needs of the unemployed.

Mr. Chairman, I urge adoption of this amendment.●

● Mr. ALBOSTA. Mr. Chairman, I rise in strong support for this measure to extend the Federal supplemental compensation program. I am especially supportive of this bill because of the important and desperately needed changes it makes in the computation of the eligibility of these benefits. The unemployed in my own State of Michigan, where we continue to have a high unemployment rate of 14.1 percent, do not qualify for extended benefits and only qualify for a minimum amount of Federal supplemental compensation due to the presently used eligibility formula. Clearly, this formula does not accurately reflect a true unemployment picture. H.R. 3929 would allow eligibility to also be based on a State's total unemployment rate and grant the necessary relief to those suffering from high and long-term unemployment.

While supportive of this measure, I want to point out the irony of Congress periodic gatherings to extend this program. Due to the administration's opposition to a strong jobs program, we are not able to provide our unemployed with that which they most want: Jobs; instead, we continue to pay benefits. Certainly it makes more sense to reduce our unemployment rate with jobs, rather than having to change eligibility formulas to reflect the continually high rate. Although our unemployed will hopefully continue to receive these benefits, at least for another 45 days when we will have to gather again to consider an extension, they are faced with the prospect of yet another bleak winter with no jobs in sight to help them and no constructive assistance from their Federal Government except the platitude that economic recovery supposedly is here. People in Michigan have been faced with double-digit unemployment for almost 4 years now—have not they suffered long enough without substantive jobs action from this administration?●

● Ms. KAPTUR. Mr. Chairman, I strongly support the adoption of H.R. 3929, which revises and extends the Federal supplemental compensation program. This program provides a necessary helping hand to the millions of Americans who not only remain unemployed but who have exhausted all their unemployment benefits. As of August 1983, roughly 2.4 million Americans had been unemployed for 27 weeks or more; less than 40 percent of these individuals were receiving FSC benefits. By the end of this month, some 200,000 persons will have exhausted all their benefits in my State alone, while 8,500 persons will have exhausted their benefits in my district.

These grim statistics illustrate that the recent economic upturn has not helped many, many Americans. I suggest to those who advise us to sit back and wait for this upturn to come to the aid of the unemployed that they do not understand the continued desperation and hardship that so many of

these individuals must endure. Let me quote from just one of my constituents:

I know there are no jobs out there to be had because I'm out every week looking for one. In one week, I went to 13 different places seeking employment and only 2 of the 13 would even take an application. If any of the people in Government power, including the President, think things are so good in the job market that unemployment benefits should be cut back, I would personally like to invite any of them to spend a day with me looking for a job. If they have any human feelings at all, by the end of the day they would be just as depressed, discouraged and disheartened as I am when I give up at the end of the day and go home.

I may sound bitter or angry and I guess I am, but mostly I'm just plain scared. How am I going to provide for my wife and two children when the benefits run out? Where are we going to sleep when the landlord throws us out for being behind in our rent? Are we going to freeze this winter if we have a place to live and can't afford utilities?

We should not eliminate this individual's FSC benefits. The current need for assistance remains pressing.

In the future, FSC assistance will also be badly needed. Even if this present upturn continues, and there are valid reasons—the huge budget and trade deficits foremost among them—why it may not, the resulting increase in jobs will not be sufficient. The latest CBO projections estimate that the number of unemployed will be 10 million at the end of this year and 9.4 million at the end of the next. Furthermore, given the structural adjustment occurring in our economy, the number of long-term unemployed will also stay at high levels. My district, which is heavily dependent on the auto and glass industries, is only one example of the many areas where a substantial portion of the long-term unemployed lack the appropriate skills for today's job market. They require this crucial income support until they can make the necessary adjustment.

I would like to emphasize my support for two aspects of the legislation before us. First, the reachback provision is an absolutely essential part of this legislation. Those individuals who have exhausted their benefits prior to September 30 should be eligible for additional benefits. It is these individuals who, having been unemployed for great lengths of time, often face the most painful personal situations. The March FSC extension included a reachback; we should continue to apply that principle in this legislation.

Second, the alternative total unemployment rate trigger mechanism provided for by H.R. 3929 would result in a fairer, more rational FSC program. The current trigger does not consider persons who are receiving supplemental benefits or who have exhausted all unemployment benefits. The exclusion of the longest of the long-term unemployed from this formula has a perverse effect. The length of FSC benefits in any State is not always correlated to the amount and duration of unemployment.

As examples of how inaccurately the current formula—called the IUR—now reflects a State's unemployment picture, Michigan has the second highest unemployment rate, but its IUR is the 19th highest. Ohio has the 6th highest unemployment rate, but its IUR is 23d highest. Finally, Tennessee has the 9th highest unemployment rate, but its IUR is 29th highest. As a result, the unemployed in States like Ohio are significantly shortchanged when it comes to the weeks of FSC benefits received.

An optional total unemployment rate trigger (TUR) would not decrease the weeks of FSC benefits any State would receive. Instead, in States where the IUR does not reflect the true unemployment picture, a TUR trigger would offer a more equitable alternative. This trigger not only better reflects the unemployment situation in a State, its use would result in an unemployment insurance program more comprehensible to all. We should be able to explain to beneficiaries why their FSC benefits may have dropped or are low. This, however, is not very easy to do under the current unemployment insurance system.

I think it is also important to address the costs of the program. First, the bill does not provide for an excessively generous unemployment insurance program. FSC benefits would still, on average, equal 40 percent of a recipient's past wages. Second, deficit arguments should not defeat programs targeted to helping the desperate long-term unemployed. The unemployed have had to suffer long and terribly for our economic upturn. We have the responsibility to provide them with a decent level of income support until they can obtain unemployment.

Finally, I would like to endorse future efforts to undertake comprehensive reform of the three-part unemployment insurance system. The existing three-part unemployment insurance system is cumbersome, confusing, and not well targeted. The continued use of short-run extensions of the FSC program is not the best solution. While I support the bill before us today, I strongly believe that the next time we debate unemployment insurance that we should be discussing a comprehensive reform proposal.

Mr. Chairman, I urge the passage of H.R. 3929.●

● Mr. BOUCHER. Mr. Chairman, I rise in strong support of H.R. 3929, legislation to extend the Federal supplemental compensation program which provides up to 8 weeks of additional unemployment benefits to jobless people in Virginia who have exhausted their previous unemployment insurance benefits. In July of this year, the latest month for which data is available, 890 people in my district exhausted their basic unemployment benefits and began receiving FSC benefits. In that same month, 627 people exhausted their FSC benefits and were still without work. During June of this year, 1,305 of my constituents exhausted their basic benefits and 1,895 exhausted their FSC benefits. H.R. 3929 will provide some much needed relief.

I am particularly pleased that the Ways and Means Committee has included in the bill a provision directing the Secretary of Labor to report to the Congress on a mechanism for activating on a substate basis the Federal-State extended benefit program, which provides up to 13 weeks in extended unemployment benefits. The extended benefit program, which is separate from both the basic benefit program and the Federal supplemental compensation program, is now activated only by a measure of statewide unemployment. Since only a statewide trigger is used to activate the program, pockets of high unemployment, such as my district, in otherwise low unemployment States are not eligible for the extended benefits available in other States with high overall unemployment.

I was pleased to testify earlier this month before the Ways and Means Committee in support of the Unemployment Compensation Fairness Act, legislation I have introduced to provide for the payment of extended benefits on a substate basis, and I look forward to the Labor Department's study of this proposal.

There is a clear need for additional weeks of FSC benefits for individuals who have exhausted their basic unemployment benefits and have still not found work. There is also a need to allow those who have exhausted their FSC benefit without finding employment to reach back into the FSC program for additional benefits. I commend the Ways and Means Committee for their work on this matter, and I look forward to working with Chairman ROSTENKOWSKI, Chairman FORD, and the other members of the committee to implement a substate mechanism for the payment of extended benefits under the EB program.

I urge my colleagues to support H.R. 3929, and I include my testimony before the Ways and Means Committee in support of the Unemployment Compensation Fairness Act (H.R. 2169) at this point in the RECORD.

STATEMENT OF CONGRESSMAN RICK BOUCHER BEFORE THE COMMITTEE ON WAYS AND MEANS, SEPTEMBER 13, 1983

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you today in support of H.R. 2169, legislation I have introduced to amend the Federal-State Extended Unemployment Compensation Act to provide for the payment of extended unemployment benefits in

substate areas and to replace the Insured Unemployment Rate (IUR) with the regular unemployment rate for the purpose of triggering extended benefits.

My legislation is designed to remove the inequities of the current extended benefits program which arise from the use of a statewide trigger to activate the EB program. Because the payment of extended benefits is activated only by a measure of statewide unemployment (the IUR) extended benefits are not available in regions of very high unemployment located within states that have low overall rates of unemployment.

My own state of Virginia provides an excellent example of how the current program fails to serve those most in need of extended benefits. The heavy military presence in Virginia's Tidewater area and the large federal civilian presence in Northern Virginia has served to stabilize Virginia's economy even during periods of high national unemployment. The table below indicates how Virginia's statewide unemployment rate has compared to the national rate of unemployment:

Month	Virginia	United States
July 1982	7.8	9.8
August 1982	7.6	9.9
September 1982	7.4	10.2
October 1982	7.6	10.5
November 1982	7.8	10.7
December 1982	8.1	10.8
January 1983	9.0	10.4
February 1983	8.6	10.4
March 1983	7.7	10.3
April 1983	6.6	10.2
May 1983	6.0	10.1
June 1983	5.5	10.0

During the period between July, 1982 and June, 1983 when the recession was deepest, Virginia's unemployment rate ranged between 6% and 8%, and the state's Insured Unemployment Rate remained below 3%. Despite the state's relatively low unemployment rate throughout the twelve-month period, regions within the state experienced unemployment at more than triple the national rate and more than quadruple the state's rate. In the coal-producing counties of Southwest Virginia, unemployment currently ranges between 18% and 25%, and in one county, unemployment has been as high as 36%.

Notwithstanding these devastatingly high levels of unemployment, no extended benefits have been available to assist jobless people in my district due to Virginia's relatively low level of unemployment. Although the situation is particularly acute in Virginia, virtually every state that did not activate its extended benefit program during the depths of the recession had regions of unemployment far above the state's average unemployment rate. Reliance only on a statewide measure of unemployment for the extended benefits trigger denied the long-term unemployed in those regions the benefits they needed to provide for their families while they searched for new employment.

The unfairness of the current law is striking. At one point earlier this year, Buchanan County, Virginia had an unemployment rate of 32.8%, and at the same time, Detroit, Michigan had an unemployment rate of 20.4%. Because Virginia's IUR was below the extend benefits trigger, unemployed coal miners in Buchanan County did not receive the extended benefits payable to the unemployed auto workers in Detroit.

At the same time earlier this year, the unemployment rate in Duluth, Minnesota was 20.9% while the unemployment rate in Pittsburgh, Pennsylvania was 11.6%. But because Minnesota's IUR was below the statewide trigger level used to activate the extended benefits program, iron-ore miners in Duluth were not eligible to receive the extended benefits available to the unemployed steel workers in Pittsburgh.

By using a statewide measure of unemployment, pockets of high unemployment are, in effect, balanced out by regions of low unemployment. No matter how deep and sustained the recession in a given region of a state, extended benefits are not available unless the state's overall unemployment rate rises high enough to activate the extended benefits program.

Under the provisions of H.R. 2169, the payment of extended benefits would still be activated on a statewide basis if a state's overall unemployment rate is 9% or above for at least three consecutive months. If the statewide program is not activated, however, extended benefits may be payable on a substate basis if the unemployment rate in any given "economic area" exceeds 9% for three consecutive months. The economic areas to be used for this purpose have been devised by the Bureau of Economic Analysis of the Department of Commerce and reflect common economic interests within states.

There are 189 economic areas in the nation, but, for the purposes of the extended benefit program, some realignments to the areas will be necessary. For example, although the boundaries of economic areas follow existing county and city lines, they often cross state lines. H.R. 2169 provides for those areas which are comprised of jurisdictions from more than one state to be divided into separate areas and considered as independent areas within their respective states. Use of the economic area system will allow for the payment of extended benefits in substate areas and will alleviate the inequity caused by the use of only a statewide trigger for the extended benefits program.

The principal problem in implementing a substate mechanism for the payment of extended benefits is data collection. H.R. 2169 solves this problem. Use of the economic areas as contemplated by H.R. 2169 would require that the Department of Labor obtain from state employment commissions or by other means unemployment rates for each county and city in the country. This data would then be analyzed to determine unemployment rates for each of the economic areas in the country. Once the data collection procedures are established, I am confident that the system could operate smoothly and that benefits would be targeted to those most in need.

While there are early indications that the national economy may be improving, the coal industry, the auto industry, the steel industry and other sectors of the economy remain severely depressed. Because of the prospects for another resurgence in interest rates, it is clear that unemployment will remain a severe problem in many parts of the country. To help assure equitable unemployment compensation for jobless persons living in pockets of high unemployment, I strongly urge the Committee to act favorably on H.R. 2169, the Unemployment Compensation Fairness Act.●

● Mr. PICKLE. Mr. Chairman, section 204 of H.R. 3929 will extend for 45 days the period during which social security disability recipients may continue their benefit payments while appealing a decision to terminate those benefits.

Public Law 97-455, passed by Congress in December 1982, included a provision to allow beneficiaries whose benefits had been ceased because of a medical review of their eligibility to elect to continue receiving benefits until an ALJ has rendered a decision on the case. If the case is denied, then the benefits, except for medicare, are subject to recoupment, subject to the hardship waiver standards already in law. This provision, however, was adopted on a temporary basis only—until further consideration could be given to the CDI issue in the cessations occurring before October 1, 1983. For cessations after that date the program will revert to prior law, which provided benefits for the month of cessation and 2 additional months. Since January, approximately 113,000 individuals have elected to continue benefit payments during appeal.

Section 204 of the bill provides for a temporary extension of this provision through November 15, 1983.

The full Ways and Means Committee on Tuesday of this week also approved H.R. 3755, legislation which will make these extended benefits permanent and which will address major policy and procedural aspects of these disability reviews. We hope this bill will be before the House within a few weeks.

Mr. Chairman, when we enacted Public Law 97-455 last December we made it clear it was a temporary measure to provide relief for those whose disability benefits are terminated under a medical review of their eligibility. The measure was passed in order to give us time to develop more comprehensive legislation.

We thought at that time that October 1 would be sufficient time to complete action on a larger bill, but we are regrettably running a little bit short. I say regrettably because we need to have a full statement in this area in the very near future in order to insure a smooth and equitable operation of the disability program.

H.R. 3755 has been approved in committee, however, and we believe that a 45-day period will be entirely sufficient to allow Congress to complete action in this area.●

● Mr. KOLTER. Mr. Chairman, I strongly support H.R. 3929, the extension of the Federal supplemental compensation program.

Mr. Chairman, this legislation addresses a very real and clear emergency in my district. There are thousands of people throughout my six-county area who are completely out of unemployment benefits. These are the long-term unemployed who have not been part of our modest economic recovery. In fact, the entire Fourth Congressional District has had no part in an economic recovery.

The human costs associated with long-term unemployment have been pointed out time and time again on the House floor: mortgage foreclosure, divorce, spouse and child abuse, alcoholism, and even suicide. We have a responsibility in this Congress to help alleviate these terrible human costs of long-term unemployment. This extension of the Federal supplemental compensation program is a step in the right direction.

In taking this step, let us not forget that these people do not want unemployment compensation but they need unemployment compensation. What they obviously want is a job. Yet when this House passed a reasonable, responsible, and modest $3.5 billion jobs bill that would help the long-term unemployed, the Republican-controlled Senate refused to act on it and President Reagan emphatically stated he would veto it. They refuse to give the long-term unemployed any real hope for the future. Even the administration's most optimistic projections foresee unemployment remaining above 8 percent through late 1984. But even given this disastrous level of unemployment, the Reagan administration will not support job-creating legislation.

This fact makes it even more important that we pass this Federal supplemental compensation bill in the House and work out the differences with the Senate as soon as possible. These individuals who will be eligible for the additional weeks provided in this bill have earned them. And they desperately need them.

Let us not abandon our responsibility to provide the benefits our unemployed constituents need and to provide them with some hope for the future, even though that hope will be temporary. In the meantime, I urge my colleagues to join me in continuing to call for legislation that will give our unemployed what they really want: jobs.●

● Mr. STOKES. Mr. Chairman, Members of the House, the Federal Supplemental Compensation Act extension is a bill whose passage would demonstrate our intentions to the American people. Extending the Federal supplemental compensation program for 7 weeks, from September 30 to November 16, would show the Nation that we intend to recognize the true state of the economy so that we can take action to improve it.

There is no point in pretending that this extension is not necessary. It is. The August unemployment rate held tenaciously to 9.5 percent. For black Americans the unemployment rate was more than doubly tenacious at 21 percent. Are these statistics that suggest an extension of compensation is not needed?

Mr. Chairman, the Federal supplemental compensation program was initially a temporary program enacted in response to the recession. Its purpose is to provide unemployment benefits to workers who have exhausted all other unemployment compensation. Had the Federal Government responded to the recession in an effective manner, this extension would not be necessary. But the fact of the matter is that the Reagan administration has not done its job. As a result, millions of our citizens cannot regain theirs. In this light, it seems only appropriate to extend the program to those who are helplessly paying the price of a failure in national policy.

This legislation is a realistic response to an unhappy unemployment horizon. The bill requires the Labor Department to report to Congress by April 1, 1984, on the feasibility of establishing triggers to target Federal supplemental compensation benefits to local areas of high unemployment within a State. It also requires a report on the feasibility of identifying structurally unemployed workers. My constituents, who live in a State that ranks ninth nationally in its unemployment rate, can relate to these features of the bill. In short, passage of H.R. 3929 would show the people who elected us that at least one branch of their Government acknowledges the truth about our economic and unemployment problems and is willing to take systematic and effective action to alleviate these problems.

Mr. Chairman, the President of the United States insists that "the economy is beginning to sparkle." Do you think he is talking about the same economy that we are? One-sixth of the American labor force is now either unemployed, discouraged, or underemployed. The average unemployed worker has been out a job for just short of 20 weeks and there are 2.4 million people who have been unemployed for more than 6 months. Can we fail to pass this legislation and leave our citizens to the judgment of a man who sees a sparkle where the rest of us see soup kitchens?

In 1975, 76 percent of the unemployed received unemployment benefits. In 1976, 67 percent of the unemployed received benefits. Today, with the optimistic, open-hearted Mr. Reagan in charge of our country, 36 percent of the unemployed are receiving unemployment compensation. More than anything else that I can say, these figures speak to the need for an extension of the Federal supplemental compensation program.

Mr. Chairman, my colleagues, I urge you to vote in favor of H.R. 3929 to restore the confidence of the American people in our ability to recognize this situation for what it is. The unemployment situation is severe. It needs immediate alleviation. Ultimately, it needs correction. In the meantime, it needs our compassion.●

● Mr. HAYES. Mr. Chairman, I would like to join my colleagues in support of H.R. 3929. While this legislation provides much-needed relief and will allow many of America's nearly 11 million unemployed people to continue to meet a portion of their financial responsibilities, it is a Band-Aid measure that falls far short of the goal that we must seek to reach. Unemployment at this time is worse than at the worst point of any other recession since the 1930's. We must do more to address the root causes of unemployment and to offer serious prospects of hope for the future of those who are now in this predicament.

In communities like the First Congressional District of Illinois, where one out of every three people lives below the poverty level, where 60,000 are out of work, and where nearly 60 percent of all youth are unable to find jobs, this legislation will allow the unemployed to breathe a fleeting sigh of relief before tightening their belts and worrying about their future, especially during the coming winter. This measure, which I hope we will pass today, will in no way eliminate the life-threatening plagues of economic and emotional uncertainty and instability caused by prolonged joblessness.

While I support this legislation, I am well aware of its severe limitation, and I call on the Congress to provide more sensitive and realistic programs to address the needs of our unemployed workers. We have this responsibility and we must address it with urgency.●

● Mr. RIDGE. Mr. Chairman, I rise today to ask why the leadership of the majority party is proposing to extend a vital unemployment benefits program for only 45 days. Last week, I heard that the Committee on Ways and Means was ready to extend the Federal supplemental compensation program for 9 months. However, it was then reported that the chairman of that committee had the bill changed to a 45-day extension. Why is it that after many of my esteemed colleagues in the House, who are Members of the majority party, spent over 3 hours on the floor decrying the plight of the unemployed during a special order this summer, that we are now playing games with the very program that the long-term unemployed need most? Where are the voices that so recently lambasted the President for "his lack of concern about the unemployed"? Why are they now silent and not protesting this travesty?

To say the least, there is something very hypocritical about criticizing the President for a lack of compassion for the unemployed worker and then changing a 9-month extension of FSC to 45 days. Yet I have not heard any great uproar about this display of politics as usual. Where are all those Members who so recently protested

high unemployment and a lack of responsive and responsible action on the part of the Federal Government?

The unemployed need and count on the assistance provided them through FSC benefits. Now we are telling them that they are going to have to wait an even longer time before they know whether there will be any benefits to collect after mid-November. These people have spent the last month worried about benefits being paid after September 30, and now this body is telling them the uncertainty will continue for another 45 days. Where is the compassion in this act?

If this body is truly concerned about the unemployed and if it wants to show compassion, then the 45-day extension of the FSC program should at least be restored to the 9 months that the Ways and Means Committee originally authorized, or even better an extension approaching the 18 months suggested by the Reagan administration. It is not fair to our unemployed to put them through mental suffering every few months by forcing them to wonder whether or not Congress will reauthorize the FSC program. We need to be more concerned about the effect our actions have on the unemployed and pay attention to what our policies are doing to the people of this country and not just make speeches on the floor of the House about what a terrible problem this country has with unemployment.

Unemployment is a major problem and we must take steps to correct this problem. While taking these needed actions, we must assist the many people who are unemployed while they look for new jobs. For some of them this will take longer than the assistance provided by the regular benefit unemployment compensation program. Without relief being provided by the extended benefit program—as most States are no longer eligible for it—the unemployed need the aid provided by FSC more than ever. The House of Representatives must be responsive to this need. Mr. Chairman, a 45-day extension of the FSC program is being anything but responsive.

I call on my colleagues, with whom I earlier joined, to speak out about the problem of high unemployment, to join with me now in calling on the leadership of the majority party to provide meaningful and lasting relief for the many people who now count on the FSC program for their only source of income. As we approach the end of fiscal year 1983, we should not play games with this vitally needed program. And we most certainly should not put the unemployed people of this country through unnecessary suffering so that the majority party leadership can use a longer term extension of the FSC program as a vehicle to raise taxes in the coming weeks.●

The CHAIRMAN. Pursuant to House Resolution 319, the bill is considered as having been read for amendment under the 5-minute rule.

No amendments are in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment. It shall be in order to consider the amendment recommended by the Committee on Ways and Means printed in the CONGRESSIONAL RECORD of September 27, 1983, by Representative ROSTENKOWSKI, and if offered by Representative ROSTENKOWSKI, or his designee, which shall not be subject to amendment, but shall be debatable for not to exceed 30 minutes equally divided and controlled by the proponent of the amendment and the ranking minority member of the Committee on Ways and Means.

The text of the bill, H.R. 3929, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 101. EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM.

(a) GENERAL RULE.—Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after November 15, 1983."

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 605 of such Act is amended by striking out "October 1, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "November 16, 1983".

SEC. 102. INCREASE IN NUMBER OF WEEKS FOR WHICH BENEFITS ARE PAYABLE.

(a) GENERAL RULE.—Subsection (e) of section 602 of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) In the case of any account from which Federal supplemental compensation is first payable to an individual for a week beginning after September 30, 1983, the amount established in such account shall be equal to the lesser of—

"(i) 65 per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

"In the case of a:	The applicable limit is:
16-week period	16
14-week period	14
12-week period	12
10-week period	10
8-week period	8

"(B) In the case of any account from which Federal supplemental compensation was payable to an individual for a week beginning before October 1, 1983, the amount established in such account shall be equal to the lesser of the subparagraph (A) entitlement or the sum of—

"(i) the subparagraph (A) entitlement reduced (but not below zero) by the aggregate amount of Federal supplemental compensation paid to such individual from such account for weeks beginning before October 1, 1983, plus

"(ii) such individual's additional entitlement.

"(C) For purposes of subparagraph (B) and this subparagraph—

"(i) The term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account.

"(ii) The term 'additional entitlement' means the lesser of—

"(I) ¾ of the subparagraph (A) entitlement, or

"(II) 8 times the individual's average weekly benefit amount for the benefit year.

"(D) Except as provided in subparagraph (B)(i), for purposes of determining the amount of Federal supplemental compensation payable for weeks beginning after September 30, 1983, from an account described in subparagraph (B), no reduction in such account shall be made by reason of any Federal supplemental compensation paid to the individual for weeks beginning before October 1, 1983.

"(E)(i) Except as provided in clause (ii), in determining the amount established in any Federal supplemental compensation account, the applicable limit used for purposes of subparagraph (A)(ii) shall be the applicable limit in effect in the State for the later of—

"(I) the first week for which compensation is payable from such account, or

"(II) the first week beginning after September 30, 1983.

"(ii) If the applicable limit in effect in any State for any period is higher than the applicable limit used by reason of clause (i), such higher limit shall be used for purposes of determining the amount of Federal supplemental compensation payable to the individual from the account for the week for which such higher limit takes effect and all weeks thereafter (unless another higher limit takes effect under this clause).

"(3)(A) For purposes of this subsection, the terms '16-week period', '14-week period', '12-week period', '10-week period', and '8-week period', mean, with respect to any State, the period which—

"(i) begins with the third week after the first week for which the applicable trigger is on, and

"(ii) ends with the second week after the first week for which the applicable trigger is off.

"(B)(i) In the case of a 16-week period, 14-week period, 12-week period, 10-week period, or 8-week period, as the case may be, the applicable trigger is on for any week if—

"(I) the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable insured unemployment range, or

"(II) the rate of total unemployment in the State for the most recent 3 calendar months for which data are available before the beginning of such week falls in the applicable total unemployment range.

"(ii) In the case of a 16-week period, 14-week period, 12-week period, 10-week period, or 8-week period, as the case may be, the applicable trigger is off for any week if both

subclauses (I) and (II) of clause (i) are not satisfied.

"(iii) In the case of any 14-week period, 12-week period, 10-week period, or 8-week period, as the case may be, notwithstanding clauses (i) and (ii), the applicable trigger shall be off for any week if the applicable trigger for a period with a higher week designation is on for such week.

"(C) For purposes of this paragraph—

In the case of a:	The applicable insured unemployment range is:	The applicable total unemployment range is:
16-week period	A rate equal to or exceeding 8 percent.	A rate equal to or exceeding 12 percent.
14-week period	A rate equal to or exceeding 6 percent but less than 8 percent.	A rate equal to or exceeding 10 percent but less than 12 percent.
12-week period	A rate equal to or exceeding 5 percent but less than 6 percent.	A rate equal to or exceeding 9 percent but less than 10 percent.
10-week period	A rate equal to or exceeding 4 percent but less than 5 percent.	A rate equal to or exceeding 8 percent but less than 9 percent.
8-week period	A rate less than 4 percent.	A rate less than 8 percent.

"(D)(i) No 16-week period, 14-week period, 12-week period, 10-week period, or 8-week period, as the case may be, shall last for a period of less than 12 weeks unless the State enters a period with a higher applicable limit.

"(ii) The applicable limit in any State shall not be reduced by more than 2 during any 12-week period beginning with the week for which such a reduction would otherwise take effect.

"(E) For purposes of this subsection—

"(i) The rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

"(ii) The amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act."

SEC. 103. EFFECTIVE DATES.

(a) GENERAL RULE.—The amendments made by this title shall apply to weeks beginning after September 30, 1983.

(b) TRANSITIONAL RULE.—In the case of any eligible individual who exhausted his rights to Federal supplemental compensation (by reason of the payment of all of the amount in his Federal supplemental compensation account) before the first week beginning after September 30, 1983, such individual's eligibility for additional weeks of compensation by reason of the amendments made by this title shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before the beginning of the first week beginning after September 30, 1983 (and the period after such exhaustion and before the beginning of such first week shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) MODIFICATION OF AGREEMENTS.—The Secretary of Labor shall, at the earliest practicable date, after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses within the three-week period beginning on the date the Secretary of Labor proposes such modification to such State, to enter into such modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the close of such three-week period.

TITLE II—OTHER PROVISIONS

SEC. 201. PAYMENT TO SURVIVORS OF DECEASED EMPLOYEES.

(a) GENERAL RULE.—Subsection (b) of section 3306 of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph:

"(15) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 202. TREATMENT OF CERTAIN AGRICULTURAL LABOR.

Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

SEC. 203. REPORT BY SECRETARY OF LABOR.

Not later than April 1, 1984, the Secretary of Labor shall submit a report to the Congress on—

(1) the feasibility of using area triggers in unemployment compensation programs, and

(2) the feasibility of determining whether individuals filing claims for unemployment compensation are structurally unemployed.

SEC. 204. EXTENSION OF PERIOD FOR WHICH THE PROVISIONS CONTINUING PAYMENT OF SOCIAL SECURITY DISABILITY BENEFITS DURING APPEAL ARE APPLICABLE.

Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "November 16, 1983".

□ 1140

Mr. ROSTENKOWSKI. Mr. Chairman, I designate the gentleman from Tennessee (Mr. FORD) to offer an amendment.

AMENDMENT OFFERED BY MR. FORD OF TENNESSEE

Mr. FORD of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Tennessee: At the end of the bill, add the following new section:

SEC. 205. INCREASE IN TITLE XX SOCIAL SERVICES FUNDS.

Section 2003 of the Social Security Act is amended—

(1) by adding "and" after the semicolon at the end of paragraph (2) of subsection (c);

(2) by striking out paragraphs (3), (4), and (5) of subsection (c) and inserting in lieu thereof the following:

"(3) $2,800,000,000 for the fiscal year 1984 or any succeeding fiscal year."; and

(3) by adding at the end thereof the following new subsection:

"(e) In order for any State to receive an allotment for the fiscal year 1984 or 1985 in excess of the allotment to which it would be entitled if the amount specified in subsection (c) for that fiscal year were reduced by $200,000,000, the Governor of such State shall submit to the Secretary and make available to the public (prior to January 1, 1984, in the case of the fiscal year 1984, and no less than 3 months prior to October 1, 1984, in the case of the fiscal year 1985) a report certifying that at least one-half of any additional funds received from the State's allotment for the fiscal year involved (over and above the funds to which the State would be entitled if the amount specified in subsection (c) for such year were reduced by $200,000,000)—

"(1) will be used for social services directly related to the impact of unemployment on individuals and families in the State, and

"(2) will be allocated among the various areas and localities in the State in amounts which bear a direct relationship to the respective levels of unemployment in those areas and localities.

Such report shall set forth the manner in which such additional funds will be used within the State for social services needs related to unemployment, and shall include a description of and justification for the criteria to be used in making the allocations referred to in paragraph (2) of the preceding sentence.".

Mr. FORD of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I would ask, is the subcommittee chairman going to describe the amendment?

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. The gentleman is correct; yes.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. FORD) will be recognized for 15 minutes and the gentleman from South Carolina (Mr. CAMPBELL) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. Mr. Chairman, this is the title XX amendment that is before the House.

For this fiscal year, which ends tomorrow, $225 million in additional title XX social service funds has been available to States. These funds were

added by the jobs bill which this Congress acted on earlier this year. They must be used for State programs that address problems directly related to unemployment. This includes job training, job placement activities, day care for working single parents and other unemployment related programs.

A survey of the States shows that they have made good use of these temporary funds and that they have been indispensable in the efforts of States and counties to deal with the serious problems caused by the high levels of unemployment we have experienced.

The title XX social service amendment that is before the House would make these funds permanently available to the States.

For fiscal year 1985 the amendment would increase title XX funds from $2.675 billion to $2.8 billion. The cap on Federal title XX funds will then remain at $2.8 billion on a permanent basis.

For fiscal years 1985 and 1986 States must use at least $100 million of the additional title XX funds for job and unemployment related programs. They must target these funds to areas within each State with the highest levels of unemployment.

This targeting will provide badly needed assistance to the pockets of extremely high unemployment that exist in almost all States, even those with relatively low unemployment. States will use these funds for job placement, job training, and other employment related services in these high unemployment counties and other areas within the States.

States can also use these funds to increase child abuse and other child welfare programs that increase dramatically whenever unemployment increases.

The additional title XX social service funds contained in this amendment, which are partially targeted to high unemployment substate areas and must be used for unemployment related programs, are an essential part of the unemployment compensation bill that is before the House today.

It will also allow States and counties to address issues and help unemployed workers that will not be helped by additional weeks of unemployment benefits which are in this bill which we have before us today.

I urge my colleagues to support the amendment that is before the House and I urge my colleagues to support this amendment because it will increase the title XX appropriations for keeping it at a permanent level.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Tennessee (Mr. FORD) has consumed 4 minutes.

The Chair now recognizes the gentleman from South Carolina (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the ranking minority member, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I oppose this committee amendment. It is a proposal which in serious consideration has to be deemed primarily political. Certainly it is casual in a fiscal sense.

I would like to review the history of title XX somewhat for the Members so that we can recall what that is all about.

Title XX has to do with social services. Social services generally, unlike cash welfare, which is usually on a matching grant basis of 50–50, are at the level of 75–25 Federal funds.

Starting in the early 1970's we discovered that many States, notably California and New York, were converting their cash welfare into social services in order to take advantage of 75-percent money instead of 50-percent money they had if they gave cash welfare instead.

One of the difficulties was that we did not have clear definition of social services. Social services could be defined in a wide range of definitions to include a great many things, and it was assumed that when we put a cap on the use of social services in title XX that we would define what social services were acceptable and what were not at some point in the future, then remove the cap.

The problem was that there was such a wide range of practice that we have never been able really to define social services in any limiting way. The result is that for years we have left a cap on the total amount of social services. Without the cap, social services would be a pure entitlement.

Then this is the classic entitlement with a cap and it has been used for some time. The cap was reduced in the Gramm-Latta reconciliation proposals and now we are seeing it expanded, somewhat casually, in a bill unrelated to social services, although some effort is made to tie those social services that are somehow related to unemployment to the FSC extension bill on the theory that those can be specifically defined also.

They have not been. In fact, you can make a pretty good case for a higher title XX cap than we already have, but to do it in this way, through a committee amendment, without more careful thought, is I think fiscally irresponsible.

My impression is that the money in title XX will be divided as the rest of the title XX money is but that it will be very difficult to police the targeting, so-called, of this 3-year $600 million misuse of special social services money as an extension of title XX to those social services which are specifically job related.

I would much prefer to see a much more careful handling of the cap on title XX than we are doing in this manner. It seems to me there may be other social services that have a greater claim on expansion than the ones which are included in this particular measure. Maybe it will go for day care, maybe something else.

I would prefer, therefore, to see the House vote down the committee amendment and to instead have that kind of careful review of title XX that will insure that we have the appropriate balance between cash welfare and social services as far as our Federal contributions are concerned.

□ 1150

The CHAIRMAN pro tempore. The gentleman has consumed 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield myself 2 minutes.

There are several things that concern me. One, not only are we adding in a couple of hundred million dollars more when we profess to being concerned with budget deficits. Later on, according to published reports in national magazines, there will be an organized effort to take to this floor, by Members of the other party, in order to lambaste the Reagan administration for deficits; yet we keep getting this spending which increases deficits. After all, the President cannot spend what we do not appropriate. This is of great concern to me. We are misleading the people.

I am also very concerned that title XX allows States discretion. They have discretion in how they handle a program. The title XX program is operated with a designated State agency and a designated State agency operates and sets up a program which generally is then implemented through other State agencies or substate agencies on the basis of an overall program or goal. I do not know about other States but to target, in my State, this money would be an extremely difficult matter because the mechanism is not there.

Why is it not there? Because the substate reporting figures are not there in a lot of States in the country.

Now, we need to get into substate reporting as both the gentleman from Minnesota and others have said, on FSC and other items.

We have not done it. We are going to throw out some money to the States when they do not even have, in many instances, substate reporting that is in place, that will allow them to target, and we are going to tell them that we are doing something when in fact we may be throwing money away again.

Therefore, I oppose the program.

Mr. Chairman, I yield back the balance of the 2 minutes which I had yielded to myself.

I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, this amendment proposed to add $200 million to the social services spending in title XX. That spending has already been described as child welfare services, day care services, and so forth.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I am told the amendment calls for $225 million, not $200 million, as we originally thought.

It is $200 million? I thank the staff for that clarification because it was spoken of as $225 million by the subcommittee chairman originally, and I thought the amendment had been changed.

I thank the gentleman.

Mr. FRENZEL. The $200 million would be expended in so-called social services functions.

Most Members are aware that the largest single service within the title XX realm of services is day care.

Now day care is a service that is more normally associated with employment than with unemployment. In fact, other than anecdotal evidence, I am not sure that any of the services offered under title XX are normally and naturally more associated with high unemployment.

A few moments ago on this floor I stood very strongly in favor of a substate regional trigger for unemployment compensation benefits. This amendment has been described as trying to put that principle into effect.

In my judgment it does so in a very clumsy manner, which nearly always occurs when a subcommittee or committee takes no time to discuss the matter, nor to figure out what it is doing.

What the committee did was simply throw in $200 million for luck or perhaps to accommodate a sector or a Member someplace.

We did not have any hearings on this. We do not know how the States are prepared to assign this money to high unemployment areas. We do not know if they have the ability or the information to do so.

What we do know, however, is that this is $200 million of unbudgeted money, which is proposed and going to be supported by the group that is complaining that the President is responsible for all of our deficits.

Here we have a bill that, in unemployment compensation, is almost $2.5 billion over deficit, and now we are adding some more to make it more than $2.5 billion; $2.7 billion over the budget.

Mr. FORD of Tennessee. Mr. Chairman, would the gentleman yield?

Mr. FRENZEL. I would yield to the gentleman from New York if he seeks recognition first, and then I will yield to my friend from Tennessee.

Mr. CONABLE. Mr. Chairman, will the gentleman yield to me?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

I think further clarification is necessary about the exact amount of this amendment.

Mr. FRENZEL. I thank the gentleman for the latest news bulletin on the amendment.

Mr. CONABLE. I now have before me the comparison of Federal title XX spending levels, prior law, present law and proposed law.

I do not think it is necessary to look at the prior law. But for fiscal year 1984, the present law would put $2.5 billion in title XX, and $2.6 billion for fiscal year 1985, and $2.7 billion for fiscal year 1986.

What this amendment would do is fix the ceiling at $2.8 billion for fiscal year 1984 or $300 million more than the current level. Then for 1985, they would leave it at $2.8 billion which would then be $200 million more than the current law provides as the level for the fiscal year 1985 and would leave it at $2.8 billion thereafter, which means in fiscal year 1986 and thereafter it would raise the cap by $100 million.

So it is not a flat rate, but a declining rate relative to present law; and for this year $300 million above any previously suggested budget figure.

Mr. FRENZEL. I thank the gentleman. I must say I am shocked to think that the amendment is 50 percent higher than I thought it was. And what I thought it was was outrageous to begin with.

I will yield to my friend from Tennessee in just a moment, if I may complete.

These social services have been administered by the States without restriction, other than the services that fall within that general category.

Now we are instructing them as to how to do it. I think one of the secrets of the success of social services programs is that the States have been able to do their thing and to treat the problems they thought were important in their own areas.

The amendment is premature. It beats the budget and generally is bad policy.

Now I yield to my friend, the gentleman from Tennessee.

Mr. FORD of Tennessee. I thank the gentleman for yielding, but I would like to get my own time.

I believe the time of the gentleman has expired.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

Mr. CAMPBELL. Mr. Chairman, I would be glad to yield additional time to the gentleman from Minnesota (Mr. FRENZEL) so that he may yield to the gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. I would be happy to use my own time now.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to try to respond to my colleagues who serve on the Committee on Ways and Means, and Mr. FRENZEL who serves on the subcommittee which marked up this bill.

Mr. FRENZEL talked about the cost factors involved and I would like to say to my colleagues that the budget resolution, itself, carried the dollar amount we are speaking about today for the increase in the title XX social services.

We also, on the subcommittee level, heard witnesses who testified before the committee.

We reported this legislation out of the subcommittee to the full committee.

The full committee acted on this legislation and sent this legislation to the House floor.

We had hearings on this matter, Mr. FRENZEL. To go back to prior law, I must state that the 1983-84 recommendations in this amendment certainly would be less than what prior law would have been in 1980.

We go back and look at 1983, we see present law at $2.67 billion. We are only asking for an increase in fiscal 1984 of $125 million, making it permanent for $2.8 billion.

Under prior law in fiscal year 1984 it would have been $3.391 billion.

□ 1200

Mr. Chairman, that fiscal year 1985 would have been $3.391 billion and under present law it would be $2.6 billion and under the amendment which is offered by the committee here, it would bring it to the level of $2.8 billion.

We are talking about $125 million over present law for fiscal 1984. We are talking about $200 million in fiscal year 1985 and $100 million in fiscal year 1986.

I urge my colleagues to adopt the amendment that is before the House today. And even after the adoption of this amendment we will still be below the 1980 fiscal year under the title XX social services.

I urge my colleagues to adopt the amendment.

Mr. CAMPBELL. Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Tennessee (Mr. FORD).

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with and amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR CAMPBELL

Mr. CAMPBELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMPBELL. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CAMPBELL moves to recommit the bill H.R. 3929 to the Committee on Ways and Means with instructions to report back forthwith the following amendments:

Strike title I and insert in lieu thereof the following:

TITLE I—EXTENSION OF THE FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 102. (a) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after March 31, 1985."

(b) Section 605(2) of such Act is amended by striking out "October 1, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "April 1, 1985".

NUMBER OF WEEKS OF BENEFITS

SEC. 103. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in such account shall be equal to the lesser of—

"(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

"In the case of weeks during a:	The applicable limit is:
5-percent period	12
4-percent period	10
3-percent period	8
Low-unemployment period	6

"(B) If the applicable limit in effect for a State for the week beginning September 25, 1983, was 14 (as determined under the provisions of subparagraph (A) as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983), the applicable limit for such State shall remain at 14 for any consecutive week thereafter for which such limit would have remained at 14 under such prior provision. Paragraph (3)(D) shall not apply in the case of an applicable limit determined under this subparagraph.

"(C) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(3)(A) For purposes of this subsection, the terms '5-percent period', '4-percent period', '3-percent period', and 'low-unemployment period' means, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
5-percent period	A rate equal to or exceeding 5 percent.
4-percent period	A rate equal to or exceeding 4 percent, but less than 5 percent.
3-percent period	A rate equal to or exceeding 3 percent, but less than 4 percent.
Low-unemployment period.	A rate less than 3 percent.

"(C) A State shall qualify for a 5-percent period without regard to paragraph (2) and subparagraphs (A), (B), and (D) of this paragraph, for weeks beginning in a calendar quarter if the rate of insured unemployment in the State equals or exceeds 5.5 percent for the period consisting of all weeks which begin—

"(i) on or after January 1, 1982, and

"(ii) in or before the second preceding calendar quarter.

"(D) No 5-percent period, 4-percent period, 3-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, or any week thereafter, shall last for a period of less than 13 weeks (but subject to the termination provision under subsection (f)(2)).

"(E) for purposes of this subsection—

"(i) the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; and

"(ii) the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.".

(b) Section 602(d) of such Act is amended by striking out "or (D)(ii)".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 104. (a) the amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3—week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3—week period.

Mr. CAMPBELL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, the motion to recommit carries an FSC extension for 18 months. This motion to recommit recognizes that a 45-day extension would create disruption in the State services. States would have to modify what they already have, and then 45 days later be faced with another modification if we do not pass the motion to recommit or otherwise modify this legislation.

How can we realistically tell people out there that there may not be a disruption of their checks in the process? I think that we are fooling ourselves. This motion to recommit recognizes that there are special problems in many States and we have taken into consideration those special problems. Under my motion to recommit the States with the high unemployment rates would receive the maximum benefits, regardless of what their insured unemployment rates were. So there is no reduction when there is a total un-

employment rate that is high and an insured unemployment rate that is low.

I believe that there is another overriding factor and that is the cost. I realize that there will be those from the other side of the aisle going to the floor in the next few days with an organized effort to place blame for deficits in this country. They are going to talk about the Reagan deficits. It is a great strategy, but how in the world do you get deficits if it is not by spending. And when we come in here with a bill that is going to cost, according to the Department of Labor, some $6 billion over the next 18 months, then I think that those who would take the floor and complain about defects are certainly speaking with forked tongue.

I would also say that we must be very, very concerned with the fact that we are opening Pandora's box with a 45-day extension. A 45-day extension does provide the vehicle for a tax bill. Do not fool yourself. It is an engine to help pull it. It pulled the TEFRA bill, it pulled the gasoline tax, and it can be utilized here.

I do not think it is fair to play with the people who are unemployed so we can get another bill through, a tax bill that many of us may be concerned with or opposed to.

And I should point out that the difference in the cost between this bill and my motion to recommit is the difference of about $2.2 billion over the 18-month period. That is a substantial amount of money. And that is what we are really voting on. Do we want to go out and extend and spend another $2 billion or more that we do not have, add on to the deficit, and continue down the road, while we give voice to concern over deficits and interest rates.

Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Tennessee. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from South Carolina (Mr. CAMPBELL).

Mr. Speaker, the program expires tomorrow at midnight. Any delay in the passage of this bill would delay the benefits to those who have exhausted their benefits, as well as those who are now recipients of the Federal supplemental program and those who have exhausted their State benefits.

There are complex issues that need to be resolved over the structure of this program. We do not have the time to resolve these issues before the program expires. This bill gives us time to address these issues. We do not and should not rush to resolve the matter today.

I urge my colleagues here in the House to oppose this motion offered by the gentleman from South Carolina (Mr. CAMPBELL) and defeat it. And let us bring up the bill that is before the full House today and pass it at final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 141, nays 278, not voting 14, as follows:

[Roll No. 363]

YEAS—141

Archer	Hansen (UT)	Pashayan
Badham	Hartnett	Paul
Barnard	Hatcher	Petri
Bartlett	Hiler	Porter
Bateman	Holt	Quillen
Bereuter	Hopkins	Ray
Bethune	Hunter	Roberts
Bilirakis	Hyde	Robinson
Bliley	Ireland	Roemer
Breaux	Jenkins	Rogers
Brown (CO)	Kasich	Roth
Broyhill	Kemp	Roukema
Burton (IN)	Kindness	Rowland
Campbell	Kramer	Schaefer
Carney	Lagomarsino	Schulze
Chandler	Latta	Sensenbrenner
Chappie	Lent	Shaw
Cheney	Levitas	Shumway
Coats	Lewis (CA)	Shuster
Coleman (MO)	Lewis (FL)	Siljander
Conable	Livingston	Skeen
Coughlin	Loeffler	Smith, Denny
Craig	Lott	Smith, Robert
Crane, Daniel	Lowery (CA)	Snyder
Crane, Philip	Lujan	Solomon
Dannemeyer	Mack	Spence
Daub	Marlenee	Stangeland
DeWine	Marriott	Stenholm
Dickinson	Martin (NC)	Stump
Dreier	Martin (NY)	Sundquist
Edwards (AL)	McCain	Tauzin
Edwards (OK)	McCandless	Taylor
Erlenborn	McCollum	Thomas (CA)
Fiedler	McGrath	Thomas (GA)
Fields	McKinney	Vander Jagt
Forsythe	Miller (OH)	Vandergriff
Franklin	Molinari	Vucanovich
Frenzel	Montgomery	Walker
Gekas	Moorhead	Weber
Gingrich	Morrison (WA)	Whitehurst
Goodling	Myers	Whittaker
Gradison	Nelson	Winn
Gramm	Nielson	Wolf
Gregg	Olin	Wortley
Gunderson	Oxley	Wylie
Hammerschmidt	Packard	Young (FL)
Hansen (ID)	Parris	Zschau

NAYS—278

Ackerman	Andrews (NC)	Aspin
Addabbo	Andrews (TX)	AuCoin
Akaka	Annunzio	Barnes
Albosta	Anthony	Bates
Anderson	Applegate	Bedell
Bellenson	Gore	Ottinger
Bennett	Gray	Owens
Berman	Green	Panetta
Bevill	Guarini	Patman
Biaggi	Hall (OH)	Patterson
Boehlert	Hall, Ralph	Pease
Boggs	Hall, Sam	Penny
Boland	Hamilton	Pepper
Boner	Harkin	Perkins
Bonior	Harrison	Price
Bonker	Hawkins	Pursell
Borski	Hayes	Rahall
Bosco	Hefner	Rangel
Boucher	Hertel	Ratchford
Boxer	Hightower	Regula
Britt	Horton	Reid
Brooks	Howard	Richardson
Broomfield	Hoyer	Ridge
Brown (CA)	Hubbard	Rinaldo
Bryant	Huckaby	Ritter
Burton (CA)	Hughes	Rodino
Byron	Hutto	Roe
Carper	Jacobs	Rose
Carr	Jones (NC)	Rostenkowski
Chappell	Jones (OK)	Roybal
Clarke	Kaptur	Russo
Clay	Kastenmeier	Sabo
Clinger	Kazen	Savage
Coelho	Kennelly	Sawyer
Coleman (TX)	Kildee	Scheuer
Collins	Kogovsek	Schneider
Conte	Kolter	Schroeder
Conyers	Kostmayer	Schumer
Cooper	LaFalce	Seiberling
Corcoran	Lantos	Shannon
Courter	Leach	Sharp
Coyne	Leath	Shelby
Crockett	Lehman (CA)	Sikorski
D'Amours	Lehman (FL)	Simon
Daniel	Leland	Sisisky
Daschle	Levin	Skelton
Davis	Levine	Slattery
de la Garza	Lipinski	Smith (FL)
Dellums	Lloyd	Smith (IA)
Derrick	Long (LA)	Smith (NJ)
Dicks	Long (MD)	Snowe
Dingell	Lowry (WA)	Solarz
Dixon	Luken	Spratt
Donnelly	Lundine	St Germain
Dorgan	MacKay	Staggers
Dowdy	Madigan	Stark
Downey	Markey	Stokes
Duncan	Martin (IL)	Stratton
Durbin	Martinez	Studds
Dwyer	Matsui	Swift
Dymally	Mavroules	Synar
Dyson	Mazzoli	Tallon
Early	McCloskey	Tauke
Eckart	McCurdy	Torres
Edgar	McDade	Torricelli
Edwards (CA)	McEwen	Towns
Emerson	McHugh	Traxler
English	McKernan	Udall
Erdreich	McNulty	Valentine
Evans (IA)	Mica	Vento
Evans (IL)	Michel	Volkmer
Fascell	Mikulski	Walgren
Fazio	Miller (CA)	Watkins
Feighan	Mineta	Waxman
Ferraro	Minish	Weaver
Fish	Mitchell	Weiss
Flippo	Moakley	Wheat
Florio	Mollohan	Whitley
Foglietta	Moody	Whitten
Foley	Moore	Williams (MT)
Ford (MI)	Morrison (CT)	Williams (OH)
Ford (TN)	Mrazek	Wilson
Fowler	Murphy	Wirth
Frank	Murtha	Wise
Frost	Natcher	Wolpe
Fuqua	Neal	Wright
Garcia	Nichols	Wyden
Gaydos	Nowak	Yates
Gejdenson	O'Brien	Yatron
Gephardt	Oakar	Young (AK)
Gibbons	Oberstar	Young (MO)
Gilman	Obey	Zablocki
Gonzalez	Ortiz	

NOT VOTING—14

Alexander	Hillis	Pickle
Glickman	Jeffords	Pritchard
Hall (IN)	Johnson	Rudd
Hance	Jones (TN)	Smith (NE)
Heftel	Lungren	

□ 1220

Messrs. TAUKE, SAWYER, LEHMAN of California, and MOORE changed their votes from "yea" to "nay."

Mr. GRAMM and Mr. NELSON of Florida changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will remind the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 92, not voting 14, as follows:

[Roll No. 364]

YEAS—327

Ackerman	Coughlin	Gonzalez
Addabbo	Courter	Goodling
Akaka	Coyne	Gore
Albosta	Craig	Gradison
Alexander	Crockett	Gray
Anderson	D'Amours	Green
Andrews (NC)	Daschle	Guarini
Andrews (TX)	Davis	Gunderson
Annunzio	de la Garza	Hall (OH)
Anthony	Dellums	Hall, Ralph
Applegate	Derrick	Hall, Sam
Aspin	DeWine	Hamilton
AuCoin	Dicks	Hammerschmidt
Barnes	Dingell	Harkin
Bates	Dixon	Harrison
Bedell	Donnelly	Hatcher
Beilenson	Dorgan	Hawkins
Bennett	Dowdy	Hayes
Berman	Downey	Hefner
Bevill	Duncan	Hertel
Biaggi	Durbin	Hightower
Boehlert	Dwyer	Hiler
Boggs	Dymally	Hopkins
Boland	Dyson	Horton
Boner	Early	Howard
Bonior	Eckart	Hoyer
Bonker	Edgar	Hubbard
Borski	Edwards (AL)	Huckaby
Bosco	Edwards (CA)	Hughes
Boucher	Emerson	Hutto
Boxer	English	Jacobs
Breaux	Erdreich	Jenkins
Britt	Evans (IA)	Johnson
Brooks	Evans (IL)	Jones (NC)
Broomfield	Fascell	Jones (OK)
Brown (CA)	Fazio	Kaptur
Bryant	Feighan	Kasich
Burton (CA)	Ferraro	Kastenmeier
Burton (IN)	Fiedler	Kazen
Byron	Fish	Kemp
Carper	Flippo	Kennelly
Carr	Florio	Kildee
Chandler	Foglietta	Kindness
Chappell	Foley	Kogovsek
Clarke	Ford (MI)	Kolter
Clay	Ford (TN)	Kostmayer
Clinger	Fowler	LaFalce
Coats	Frank	Lantos
Coelho	Frost	Lehman (CA)
Coleman (MO)	Fuqua	Lehman (FL)
Coleman (TX)	Garcia	Leland
Collins	Gaydos	Lent
Conable	Gejdenson	Levin
Conte	Gekas	Levine
Conyers	Gephardt	Levitas
Cooper	Gibbons	Lewis (FL)
Corcoran	Gilman	Lipinski
Livingston	Obey	Slattery
Lloyd	Ortiz	Smith (FL)
Long (LA)	Ottinger	Smith (IA)
Long (MD)	Owens	Smith (NJ)
Lowry (WA)	Oxley	Smith, Robert
Luken	Panetta	Snowe
Lundine	Pashayan	Snyder
MacKay	Patman	Solarz
Madigan	Patterson	Spratt
Markey	Pease	St Germain
Marlenee	Penny	Staggers
Marriott	Pepper	Stark
Martin (IL)	Perkins	Stokes
Martin (NY)	Petri	Stratton
Martinez	Porter	Studds
Matsui	Price	Swift
Mavroules	Pursell	Synar
Mazzoli	Rahall	Tallon
McCloskey	Rangel	Tauke
McCurdy	Ratchford	Tauzin
McDade	Regula	Thomas (GA)
McEwen	Reid	Torres
McGrath	Richardson	Torricelli
McHugh	Ridge	Towns
McKernan	Rinaldo	Traxler
McKinney	Ritter	Udall
McNulty	Rodino	Valentine
Mica	Roe	Vander Jagt
Michel	Rogers	Vento
Mikulski	Rose	Volkmer
Miller (CA)	Rostenkowski	Walgren
Miller (OH)	Roukema	Watkins
Mineta	Rowland	Waxman
Minish	Roybal	Weaver
Mitchell	Russo	Weiss
Moakley	Sabo	Wheat
Mollohan	Savage	Whitley
Moody	Sawyer	Whitten
Moore	Scheuer	Williams (MT)
Morrison (CT)	Schneider	Williams (OH)
Morrison (WA)	Schroeder	Wilson
Mrazek	Schumer	Wirth
Murphy	Seiberling	Wise
Murtha	Sensenbrenner	Wolf
Myers	Shannon	Wolpe
Natcher	Sharp	Wright
Neal	Shelby	Wyden
Nichols	Sikorski	Yates
Nowak	Siljander	Yatron
O'Brien	Simon	Young (AK)
Oakar	Sisisky	Young (MO)
Oberstar	Skelton	Zablocki

NAYS—92

Archer	Hansen (UT)	Roberts
Badham	Hartnett	Robinson
Barnard	Holt	Roemer
Bartlett	Hunter	Roth
Bateman	Hyde	Schaefer
Bereuter	Ireland	Schulze
Bilirakis	Kramer	Shaw
Bliley	Lagomarsino	Shumway
Brown (CO)	Latta	Shuster
Broyhill	Leath	Skeen
Campbell	Lewis (CA)	Smith (NE)
Carney	Loeffler	Smith, Denny
Chappie	Lott	Spence
Cheney	Lowery (CA)	Stangeland
Crane, Daniel	Lujan	Stenholm
Crane, Philip	Mack	Stump
Daniel	Martin (NC)	Sundquist
Dannemeyer	McCain	Taylor
Daub	McCandless	Thomas (CA)
Dickinson	McCollum	Vandergriff
Dreier	Molinari	Vucanovich
Edwards (OK)	Montgomery	Walker
Erlenborn	Moorhead	Weber
Fields	Nelson	Whitehurst
Forsythe	Nielson	Whittaker
Franklin	Olin	Winn
Frenzel	Packard	Wortley
Gingrich	Parris	Wylie
Gramm	Paul	Young (FL)
Gregg	Quillen	Zschau
Hansen (ID)	Ray	

NOT VOTING—14

Bethune	Hillis	Pickle
Glickman	Jeffords	Pritchard
Hall (IN)	Jones (TN)	Rudd
Hance	Leach	Solomon
Heftel	Lungren	

□ 1230

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Lungren against.

Mr. Hance for, with Mr. Rudd against.

Mr. BURTON of Indiana changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RADIO BROADCASTING TO CUBA ACT

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 312, I call up the Senate bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the Senate bill, as follows:

S. 602

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

SEC. 2. The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba;

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad policy of the United States and in accordance with high professional standards, would be in the national interest; and

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provides news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided*, That no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs: *Provided*, That not less than 30 per centum of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommerical educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programming broadcast shall be regular Voice of America broadcast with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(e) Any person of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America; Cuba Service" or "Voice of America: Radio Marti program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

BOARD FOR RADIO BROADCASTING TO CUBA

SEC. 5. (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Informaiton Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on, or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulation shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984 and $11,000,000 for fiscal year 1985 to carry

out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

SEC. 9. The United States Information Agency shall arrange, by contract if necessary, and independent evaluation of Cuba Service programing, the results of which are to be set forth in a report to be prepared and transmitted to the Agency eighteen months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than thirty days after the date of receipt of such report, transmit to the Congress such report, together with any recommendations for legislative action.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 312, the gentleman from Florida (Mr. FASCELL) will be recognized for 30 minutes, and the gentleman from New York (Mr. GILMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 602, to authorize radio broadcasting to Cuba.

This bill, which passed the Senate on September 13 by a voice vote, represents a significant compromise among U.S. domestic broadcasters, the National Association of Broadcasters, the administration, and concerned Members of Congress on a formula for radio broadcasting to Cuba. This compromise will enable the United States to provide accurate and objective news and information to the people of Cuba through a new broadcasting service to be known as Radio Marti while protecting U.S. broadcasters from possible Cuban radio interference.

Mr. Speaker, briefly, this bill provides that Radio Marti will operate within the U.S. Information Agency as a separate broadcasting service subject to guidance from the USIA Director and from the Associate Director for Broadcasting. So in that sense it is entirely different from the bill that this body considered last year.

It will share with the Voice of America those frequencies used by VOA for its own broadcasts to Cuba and may, in the event of Cuban jamming, lease time on commercial or noncommercial educational radio broadcasting stations.

So in that sense it is quite different from the bill originally considered in this House. It will not only be under VOA but will be using its facilities and its frequencies, which was one of the contentious aspects that had been raised in the House. That provision has been agreed to in the other body and is being brought back in this bill.

□ 1240

The bill also provides for a nine-member advisory board to oversee Radio Marti activities in much the same manner as the Board for International Broadcasting has in the past exercised oversight with respect to Radio Free Europe and Radio Liberty.

The bill authorizes $5 million for compensation to domestic broadcasters who might be injured as a result of Cuban interference and the bill authorizes the money for 1984-85 to carry out the purposes of the bill.

This issue has been before the House, as I said, Mr. speaker, for a couple years now. I am pleased that we have finally reached a compromise which is acceptable to most of the concerned parties; I do not say all, because some people are opposed to any increase in the broadcasting activity of the United states in any way; but as many Members know, I have advocated for many years as chairman of the International Operations Subcommittee, which has authorization jurisdiction over the budgets of the USIA, the State Department, and the Board for International Broadcasting, an increase in the international radio broadcasting that is done by the U.S. Government.

We have generally had support from our colleagues on the Appropriations Committee, including the gentleman from Iowa and other members of the Appropriations Committee in the House, in trying to do that.

We have made some progress, I might say, Mr. Speaker, in modernization of the VOA equipment that we use, but I must say that we still have a problem in that some of the equipment that we use for this very important broadcasting service is 30 years old. We still are repairing it in-house. We really have not made as a nation the kind of commitment that I think the majority of the members of our committee feel is essential if the United States is going to do a first-rate job in this business of carrying information to people around the world, particularly those people who do not have free access to the news of the day.

This is a very important part of the programs of diplomacy for the U.S. Government. I would hope as we consider these matters, not just this bill, but the whole question of the foreign policy budgets, that we will keep this in mind and engage in a long-range program which has now been recommended by two administrations to increase the capability of the people of the United States to get their message across to other peoples of the world as to who we are, what we are, why we think we are good people, why we think we have a system that works best for us, why we think we have more liberties, and what the truth is with respect to what is going on, not only in our country, but in their countries.

Now, in this competition for knowledge and information, we must remember that many countries of the world outspend us tremendously and devote a great amount of air time to getting their message across. We for some reason have been reluctant to match that air time. I have not understood that.

I know we are under budget constraints that are very, very serious; but I cannot think of anything that is more important than trying to get the message of the American people across to other people. If we decide here in this body that we cannot go around fighting everybody in the world and that arms are no solution to our differences of opinion, then for goodness sake, the least we can do is talk to other nations. I have never understood the reluctance of people to want to talk to other people where there is a difference of opinion and where it might help resolve the misunderstandings that exist, so that it will be unnecessary to have to resort to the forces of arms.

This bill just makes one small addition to the capability of the U.S. Government to broadcast in an area where we need to broadcast in the Western Hemisphere and where the United States is outbroadcast by almost every broadcasting service, starting with the Soviet Union right on down to some of the other countries, not only in Western Europe, but in other places where they devote more time and attention, money, and hours on the air, to get their message across to those people. Furthermore, many of these countries are broadcasting right in our hemisphere, where we have vital security interests and both economic and political reasons to be talking to our neighbors. This bill makes some small progress toward that goal.

I would hope my colleagues would now understand that with this compromise we have gone a long way toward dealing with the concerns that were expressed by the National Association of Broadcasters, and by some of my colleagues who were here in the Congress expressing their justifiable concerns about their own radio stations, as well as some of the other concerns that were expressed in the

debate when the bill was originally before this body.

So this compromise deals with those concerns, Mr. Speaker, I think in a fair way. It is not my preference particularly, but that is the very nature of compromise. I think it is the best that we can do. I think it is essential that we go forward with this slight increase in our broadcasting capability and that we understand that we do have a problem of interference in this hemisphere and that we have worked very hard in trying to deal with the problem of radio interference.

Let us face it, if we do not try to negotiate and reach an agreement on the use of the airwaves, we will have chaos. That is the reason we have the International Telecommunication Union and regular World Administrative Radio Conferences. That is the reason we have regional groupings within that organization so that nations can come together in a peaceful manner and try to adjust their differences with respect to the allocation of the airwaves.

Right now the Government of Cuba is not a signatory to the hemispheric AM broadcasting agreement. They should be. They should not be a renegade forever. We need to keep working on that problem so that we can get the adjustment necessary, so that our domestic broadcasters do not have to continue to carry the brunt of this problem, which they have carried now for 15 years.

I am hopeful that the negotiations which are ongoing right now will be fruitful and that the Government of Cuba will agree to the allocations that are presented when the next regional conference meets. This is a problem that commands the attention of our Government and all of us who have dealt with this problem have urged this administration to lend its full weight and support to reaching some accommodation on the question of the allocation of the airwaves.

Mr. Speaker, in the interests of increased comprehension of this bill, I include a section-by-section analysis.

I urge my colleagues to support S. 602.

SECTION-BY-SECTION ANALYSIS OF S. 602

SECTION 2—FINDINGS AND PURPOSES

Section 2 sets forth a series of Congressional findings relating to the need for radio broadcasting to Cuba. Many of these findings reflect, and are derived from, the Board for International Broadcasting Act of 1973. Section 2(1) restates long-standing U.S. policy concerning freedom of information, which is reflected in article 19 of the Universal Declaration of Human Rights, of which the United States is a signatory.

Section 2(2) states that radio broadcasting to Cuba is consistent with this policy, and also furthers the policy by enhancing the open communication of ideas and accurate information, particularly about Cuba, to the people of Cuba.

Section 2(3) states that it is in the U.S. national interest to broadcast to Cuba in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards.

Section 2(4) recognizes the unique character of the Voice of America as the national broadcaster of the United States, whose mission is worldwide and whose primary purposes are to present world news and to express and explain U.S. official policy and American society and institutions. The subsection also recognizes that VOA now broadcasts to Cuba, but that there is a need for a surrogate radio service to provide Cubans with news, information and commentary about events in Cuba, which the Voice of America is not authorized or structured to undertake.

SECTION 3—ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

Section 3 sets forth the structural requirements for the operations of the new radio broadcasting service.

Section 3(a) authorizes the U.S. Information Agency to provide for radio broadcasting to Cuba. The subsection requires that radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective and comprehensive news about Cuba. These standards reflect those under which the Voice of America, Radio Free Europe, and Radio Liberty now operate.

Section 3(b) states that the new Cuban radio service will be part of Voice of America radio broadcasting to Cuba and will reflect VOA standards. This means, among other things, that section 501 of the U.S. Information and Educational Exchange Act of 1948 (P.L. 80-402) prohibiting domestic dissemination of USIA products, is also applicable to this new radio service, in the same manner as it is applicable to VOA.

Section 3(c) states that the new radio service will use the 1180 AM frequency now used by the VOA and will share with the Voice of America any other frequencies which VOA uses for its broadcasts to Cuba. In practice, this authorizes the new radio service to use only the 1180 AM frequency, since VOA does not now use other AM or shortwave frequencies to broadcast to Cuba. However, In the future, if the VOA uses a shortwave frequency to broadcast to Cuba, the new radio service will also be permitted to do so.

In addition, the subsection permits the leasing of time from nongovernmental shortwave radio stations for the new Cuban service broadcasts, provided that not less than thirty percent of the programs are regular VOA broadcasts which meet the requirements of section 503(2) of Public Law 80-402, the United States Information and Educational Exchange Act of 1948. That section sets forth the mission of the VOA to represent the United States. The full section reads as follows:

VOICE OF AMERICA BROADCASTS

SEC. 503. The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective and comprehensive.

(2) VOA will represent America, not any single segment of American Society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.

Section 3(d) provides for the leasing of time on commercial or non-commercial educational AM radio broadcasting stations in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25% or more than the average daily jamming or interference in the twelve months preceding September 1, 1983. The Federal Communication Commission is directed to monitor the levels of interference on the 1180 AM frequency. This subsection also requires that, in the event that more than two hours a day of time is leased, not less than 30% of the programming shall be regular VOA broadcasts reflecting VOA's mission under Public Law 80-402, cited above.

Section 3(e) requires that the programs of the new Cuban radio service be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti Program."

Section 3(f) provides for the use of other U.S. government-owned transmitter facilities for Radio Marti broadcasts in the event that the broadcasting facilities at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction. This includes, for example, causes beyond the control, or not in the fault of, the U.S. Information Agency, its officers, employees or agents. Such use is permitted for a period not exceeding 150 days.

SECTION 4—CUBA SERVICE OF THE VOICE OF AMERICA

Section 4 authorizes the establishment of a Cuba Service within the Voice of America, which is to be responsible for all broadcasts to Cuba authorized by section 3. The Director of the U.S. Information Agency is directed to appoint a director of the Service and such staff as may be necessary. The Cuba Service shall be administered separately from Voice of America operations and the director is required to report both to the USIA Director and to the Associate Director for Broadcasting (who is also the Director of the Voice of America). It is expected that the Cuba Service, or Radio Marti as it is also called, will have a separate budget and will otherwise operate separately from the VOA so as to assure the integrity of both radios and to facilitate oversight by the Advisory Board established under section 5, below, and by the already-constituted U.S. Advisory Commission on Public Diplomacy.

SECTION 5—BOARD FOR RADIO BROADCASTING TO CUBA

Section 5(a) establishes within the Office of the President the Advisory Board for Radio Broadcasting to Cuba. The Board would consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom no more than five shall be members of the same political party. The President is directed to designate the Chairman of the Board.

Section 5(b) sets forth the mission of the Board, which is to review the effectiveness of the activities carried out under this legislation. The Board is directed to make such recommendations to the President, the Director of the USIA, and the USIA's Associate Director for Broadcasting as the Board deems necessary.

Section 5(c) provides for staggered terms for the initial members of the Board. The

President is authorized to designate three members to serve for three-year terms, three members to serve for two-year terms, and three members to serve for one-year terms. Thereafter, the term of each member would be three years. The President is also authorized to appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term. Members so appointed are authorized to serve until a successor has been appointed and has qualified.

Section 5(d) provides that the director of the Cuba Service shall serve as an ex-officio member of the Board.

Section 5(e) provides for compensation to be paid to Board members while on official business. Such compensation is equal to the daily equivalence of the compensation prescribed for level V of the Executive Schedule. Travel expenses are permitted as authorized under 5 USC 5703 for persons employed intermittently in Government service. The ex-officio member of the Board is permitted travel expenses, but no other compensation under this section, since he or she would be a regular U.S. government employee.

Section 5(f) authorizes the Board to procure supplies, services and other equipment as necessary to its functions. It is expected that, to the extent practicable, such items will be provided by the Office of the President and reimbursed from the funds appropriated to the Board.

Section 5(g) provides that the Board shall be a permanent entity.

Section 5(h) authorizes $130,000 to carry out the provisions of this section.

SECTION 6—ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

Section 6(a) permits any agency of the United States to loan, sell, lease, or grant property, and to perform administrative and technical support and services, at the request of USIA, on a reimbursable basis in order to carry out the purposes of section 2.

Any reimbursement shall be credited to the appropriation from which the property, support, or services were derived.

Section 6(b) provides that USIA may carry out the purposes of section 3 by means of grants, leases or contracts, subject to the availability of appropriations, or by other appropriate means.

SECTION 7—FACILITY COMPENSATION

Section 7(a) states Congressional intent that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with domestic U.S. broadcasting. The subsection states further that interim assistance to adversely affected broadcasters would be appropriate, pending the settlement of such claims. Since the question of appropriate levels of compensation depends on a number of factors, the budgetary limitations on such compensation are left to determination by regulation.

Section 7(b) provides for compensation to U.S. radio broadcasting station licensees, upon application to the U.S. Information Agency for expenses which they have incurred or will incur in mitigating—pursuant to special temporary authority from the Federal Communications Commission (FCC)—the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses are limited to the cost of equipment replaced, less depreciation, and associated technical and engineering costs which are involved in increasing transmitter power, making antenna alterations, and taking other mitigating actions pursuant to FCC authority.

Section 7(c) provides that the Federal Communications Commission shall issue regulations and establish procedures to carry out the requirements of this section. Such regulations are to be issued no later than 180 days following enactment. This will permit review of the regulations prior to the effective date of this section.

It is expected that the FCC will consult with the Department of State, the U.S. Information Agency, the National Telecommunications and Information Administration at the Department of Commerce, and affected broadcasters to seek workable rules and regulations under which compensation can be provided. The question of whether Cuba is engaging in activities which violate international law and which may interfere with the U.S. domestic broadcasting operations is a foreign policy issue which is properly determined by the Secretary of State. The questions of the level and kind of interference and its technical effects on U.S. broadcasters lend themselves to the expertise available at the Federal Communications Commission.

Under this new compensation authority, both the U.S. Information Agency and the Federal Communications Commission will be undertaking novel new responsibilities. It is recognized that Cuban interference with U.S. domestic broadcasting has been a long-standing, 10-15 year problem; that the nature and extent of Cuban radio interference is highly intermittent and fluid, and that further funds may be required in the future. Therefore, in issuing any regulations and establishing any procedures for carrying out this section, the FCC should establish criteria to evaluate the financial claims of affected licensees. Such criteria may include the duration, stability and extent of Cuban interference, including the establishment of a threshold loss of service prior to any compensation recommendation. The Commission may also consider establishing limits on the type and extent of reimbursable expenses, pro-rating Cuba's share in situations involving multiple interference sources, and requiring affected licensees to revert to original station parameters without further compensation whenever Cuban interference ceases.

Section 7(d) authorizes $5 million to be appropriated for use in compensating broadcasters under this section, to remain available until expended. This includes the administrative expenses of the FCC and the USIA in carrying out this section.

Section 7(e) stipulates that funds appropriated for implementation of this section shall be available for no more than four years following the first broadcast under this legislation.

Section 7(f) expresses the sense of Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem. The task force should include relevant government agencies and representatives of the U.S. broadcast industry. The task force can be a resource of information and technical expertise in the determination of compensation levels. It might also be used as a coordinating entity to carry out the activities required under section 7(a). Members would include such agencies as the Department of State, the International Communication Agency, the Board for International Broadcasting, the Department of Commerce, the Federal Communications Commission, and the Department of Defense, as well as representatives of the U.S. broadcast industry.

Section 7(g) provides an effective date of October 1, 1984, for this section. It is noted, however, that the FCC regulations are to be issued 180 days following the date of enactment of this legislation.

SECTION 8—AUTHORIZATION OF APPROPRIATIONS

Section 8(a) authorizes $14 million for fiscal year 1984 and $11 million for fiscal year 1985 to carry out sections 3 and 4. These funds are not available for use by the Advisory Board established under section 5. The subsection states that the amount obligated by the U.S. Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this legislation at rates no less than the fiscal year 1985 level.

Section 8(b) authorizes $54,800,000 in each of the fiscal years 1984 and 1985 for modernization of the facilities and operations of the Voice of America.

Section 8(c) provides that amounts appropriated under this section are authorized to remain available until expended.

It should be noted that this authorization is intended to restore the funds requested by the executive branch for VOA modernization, which were cut by the Senate Committee on Foreign Relations from S. 1342, the authorization bill for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. This authorization is, therefore, within the President's budget request.

SECTION 9—INDEPENDENT EVALUATION OF THE CUBA SERVICE

Section 9 requires the U.S. Information Agency to arrange an independent evaluation of Radio Marti programming. The results of the evaluation are to be reported to the U.S. Information Agency eighteen months following the date of enactment and at intervals of one year thereafter for the following three years. The USIA is directed to transmit each report no later than thirty days after the date of receipt.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the chairman of the full committee first, if I may.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 602, the Radio Broadcasting to Cuba Act.

At the outset, I want to commend the gentleman from Florida, the chairman of the Subcommittee on International Operations, the gentleman from Florida (Mr. FASCELL), and as well the ranking member of the subcommittee, the gentleman from New York (Mr. GILMAN) for their efforts in bringing this important legislation to fruition.

I would also like to take this opportunity to commend the distinguished chairman of the Rules Committee, the gentleman from Florida (Mr. PEPPER) for facilitating the expeditious consideration of S. 602.

Mr. Speaker, as the gentleman from Florida has explained, this is compromise legislation which balances the interests of the foreign policy of our country and the American radio broadcasting industry.

□ 1250

In doing so, S. 602 represents a much-needed expansion of reliable broadcasting information to the Caribbean and the Latin American nations. As the gentleman from Florida also stated, this measure is just the first step in our efforts to close the gap between the United States and the Soviet Union and its allies in worldwide radio broadcasting.

Much, much more remains to be done to improve and expand the Voice of America and Radio Free Europe and Radio Liberty. And I hope this administration will heed the words of the chairman, and indeed exert more effort and support for these radios.

Mr. Speaker, I strongly urge the adoption of S. 602.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 602, legislation authorizing radio broadcasting to Cuba. As the ranking minority member on the Subcommittee on International Operations, the subcommittee originally holding hearings on this measure, I wish to associate myself with the remarks of our distinguished chairman, the gentleman from Florida (Mr. FASCELL).

I commend the gentleman, and the distinguished chairman of the Rules Committee (Mr. PEPPER) for their continued efforts to bring this measure to the floor.

As the gentleman from Florida (Mr. FASCELL) explained, and as those who are familiar with the legislative history of this measure will recognize, the bill before us is compromise legislation reflecting the concerns of those seeking to bring an effective news reporting initiative to the Cuban people and those who have raised concerns about the foreign policy implications and the possible consequences for our domestic broadcasters of such radio broadcasting to Cuba.

I believe the measure before us, S. 602, as amended by the Senate, is a thoughtful approach to the matter. I might add that the administration supports this legislation, and that S. 602 is not opposed by the National Association of Broadcasters. It is my hope that our Committee on Foreign Affairs can monitor closely the implementation of S. 602 so that the legislation's objectives are clearly met.

Accordingly, I urge my colleagues to support S. 602, so that we may begin efforts to further the open communication of information and ideas to the people of Cuba.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished ranking Member of the Subcommittee on Telecommunications, Consumer Protection and Finance of the Energy and Commerce Committee, the gentleman from New Jersey (Mr. RINALDO), who has been a staunch supporter of this measure from its initiation.

Mr. RINALDO. I think the gentleman for yielding, Mr. Speaker, and I rise in support of S. 602, the Radio Broadcasting to Cuba Act.

The bill before us today is a compromise measure which is agreeable to those who have had strong feelings both in favor of and in opposition to the establishment of Radio Marti. I am satisfied that this bill will provide for the effective operation of Radio Marti and am pleased that the major concerns of both sides have been met and that we can now move forward to enact this vitally important piece of legislation.

I would like to emphasize that Radio Marti is an extremely important, peaceful, and nonconfrontational foreign policy objective of the administration. Fidel Castro has controlled Cuba for 24 years. Half of the Cuban people are under 25 years of age and have never known another form of government. They have never received information about their government and its policies, except what has been fed to them by the Castro regime.

This bill is strongly supported by the Cuban Americans in my district, particularly in the city of Elizabeth. They are people who have lived under the oppressive Castro regime. They are people who know what it is like to live in Cuba. They want their friends and relatives who remain there to be able to hear the truth about the Castro regime and its policies and activities throughout the world.

The establishment of Radio Marti will provide a surrogate home radio service for Cubans to provide them with objective news programing. Its purpose is similar to that of Radio Free Europe and Radio Liberty, which have broadcast behind the Iron Curtain for many years. Although Radio Marti will be formally a part of the Voice of America and will operate in accordance with the VOA standards of accuracy and objectivity, it will be run by a separate Cuba Service within the Voice of America. I am satisfied that this organizational arrangement will preserve the special purpose of Radio Marti and allow its programs to have a separate and distinct entity.

This compromise legislation, I might point out, in addition to being acceptable to the administration, has also been endorsed by the National Association of Broadcasters. I urge the House to pass S. 602, and I thank my friend and distinguished colleague from New York for yielding to me.

Mr. GILMAN. I thank the gentleman from New Jersey for his support throughout the consideration of this measure.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York (Mr. KEMP) who has long supported this measure.

Mr. KEMP. I thank the gentleman for yielding and rise in very strong support, Mr. Speaker, of Radio Marti.

I want to particularly express my gratitude to the gentleman from Florida (Mr. FASCELL) for his efforts that have been untiring, unswerving, toward an end that would give this country and the friends of freedom in the Caribbean a chance to express the truth. Those young people to whom the gentleman from New Jersey referred that are in Cuba and other parts of the Caribbean need to hear that truth, and to know that there is a beacon of hope in the world.

I want to thank my friend from New York (Mr. GILMAN) and Congressman PEPPER and others who recognize that ideas rule the world—for good or bad, there is no stronger army on the Earth than a right idea whose time has come. This country should be more positive, it should be more aggressive, and I mean that in the highest sense of the word. We should be offensive with regard to the principles and ideals for which our Nation stands. That does not mean to say that we are always right, for surely we are not. But there is no question of the rightness of our efforts to export the American idea to the rest of the world.

A recent example: My wife was on the Voice of Israel a number of weeks ago with an individual who had emigrated from the Soviet Union to Israel. My good friend Senator BILL ARMSTRONG got a letter the other day from the son who still is in Leningrad, who had heard his father from Israel, and my wife Joanne, in an interview beamed all the way to Leningrad. He wrote to Senator ARMSTRONG, please tell the Congressman how much that meant to us, and tell him that hope is still alive here in Russia. That same hope is something this country has to stand for behind the Iron Curtain in Eastern Europe, in the Caribbean, in Cuba. And I just want to again express my gratitude to you, Mr. GILMAN, and also to Mr. FASCELL for your efforts, because this is an important part of making the American idea, which has as its roots the universal Jeffersonian truths, applicable to other countries and other people who are looking for that hope. And I just want to thank you.

Mr. GILMAN. We thank the gentleman from New York for his continuing support of this extremely important legislation.

I reserve the balance of our time.

The SPEAKER pro tempore. The gentleman has consumed 8 minutes.

Mr. FASCELL. Mr. Speaker, what is the time remaining at this point?

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) has 16 minutes remaining. The gentleman from New York (Mr. GILMAN) has 22 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. I thank the gentleman for yielding me this time.

Mr. Speaker, my colleagues, I want to first commend the gentlemen from Florida (Mr. FASCELL and Mr. PEPPER), the gentleman from New York (Mr. GILMAN) and, of course, the gentleman from New Jersey (Mr. RINALDO) for their efforts in bringing this bill to the floor.

During the debates on El Salvador and Nicaragua, there were a number of comments about this administration's emphasis on military solutions to fighting communism in this hemisphere. I believe those charges are false, and I believe the record demonstrates that they are false.

The administration has sought and obtained the approval of its Caribbean Basin Initiative, has provided far more economic and military aid, has sought the advancement of its democracy program, and the authorization of Radio Marti.

Mr. Speaker, Radio Marti would fight the lies of communism in this hemisphere through ideas—not through military aid. For all those who have said there should be an alternative to military aid, "support for Radio Marti is an obvious and appropriate choice."

The administration proposed the creation of this new radio station for broadcasting to Cuba as one of the few peaceful options available to the United States in confronting the insidious penetration of Cuban aggression in this hemisphere. By broadcasting news reports and commentaries to the people of Cuba, Radio Marti would serve the same vital role as Radio Free Europe and Radio Liberty serve in broadcasting to the Soviet bloc in Europe.

For tens of millions of East Europeans, the most reliable information about their country comes from the outside world. There is no comparable source of news for those living in Cuba. The Radio Marti project is consistent with international law, which is in contrast to the Cuban Government's practice of jamming U.S. domestic stations. The illegal Cuban broadcasts have already continued more than 10 years and are a serious problem; however, we cannot base U.S. policy on some threat from the Cubans that they will increase their jamming activities. The creation of Radio Marti is an important ingredient in bringing to the Cuban people the reality of their Government's failure at home and its subversive activities abroad.

Even with the establishment of Radio Marti, the United States will still remain far behind the Soviet Union in the amount of resources and time devoted to international radio broadcasts. I believe it is essential that we meet this challenge and provide for the creation of this new voice of truth for the Cuban people.

Last December, a joint hearing of the Subcommittees on Inter-American Affairs and International Economic Policy and Trade focused on U.S. relations with Cuba, Appearing at that hearing was Armando Valladares, a Cuban poet who came to the United States in October after being imprisoned in Cuba for 22 years. At the hearing, Chairman JACK BINGHAM asked what the United States could do to promote change within Cuba. Valladares replied,

> At the present time, the United States could do the best service by giving the Cuban people access to information. That could lead to change. That is why I consider Radio Marti so important.

Valladares also said the Cuban people have become disenchanted with communism, and said the United States should condemn Castro's imprisonment of dissenters and other human rights violations "in all possible forums," He called the Castro regime

> A dictatorship—the most violent, the most ruthless known to mankind. It is maintained in power only by bayonets and a secret police that has under surveillance all the citizens of the island.

Radio Liberty and Radio Free Europe have been a beacon for freedom and a source for bringing the reality of the repressive Soviet regime to peoples of Eastern Europe. Radio Marti would serve the same purpose for the people of Cuba.

Radio Marti is intended to serve as an alternative Cuban radio station offering the Cuban people the truth about their government's mismanagement of their society and economy and Castro's role in promoting subversion and terrorism not only in the Western Hemisphere but also in Africa and the rest of the world.

I urge my colleagues to remember the recommendation of the Cuban poet Valladares and "give the Cuban people access to information" by supporting Radio Marti".

□ 1300

Mr. GILMAN. I thank the gentleman from California, who happens to be the ranking minority member on the Subcommittee on the Western Hemisphere, for his supportive statements on this issue.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Mr. Speaker, there were times during the last 2 years when I never thought it would be possible for me to endorse the Broadcasting to Cuba Act. But through the leadership of the gentleman from Colorado (Mr. WIRTH), and with the cooperation of the gentleman from Florida (Mr. FASCELL), we have been able to develop legislation that embraces all of the concerns of individuals of this body and commands the support of this body.

This legislation achieves the primary goal, which is to get the American message to the Cuban people. And it does insure that it will be a message that is credible because it meets Voice of America standards.

I think in addition it is important to note that this foreign policy initiative is going to be achieved without inflicting on individuals in our own country substantial damages. We must always be mindful when we take foreign policy initiatives that we should not only look at the benefits that can be achieved from those initiatives but also the possible damages that will be inflicted upon our own people.

When we initially looked at this legislation we were concerned that there would be damages inflicted upon American broadcasters. But with the compromise that has been achieved, I think we have mitigated those damages and we have been able to insure as much as possible that American broadcasters will not be adversely affected.

As we pass this legislation, however, we must not diminish our efforts in any way to work on the problems that currently affect Florida broadcasters arising from interference from the country of Cuba.

So I commend those who have been involved in this legislation for putting together a workable compromise that achieves American interests abroad without hurting our interests here at home.

Mr. GILMAN. I thank the gentleman from Iowa and particularly for underscoring the concerns of our broadcasting industry.

Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH) who is the chairman of the Appropriations subcommittee that deals with this matter.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I want to say first of all that I think this bill is certainly a vast

improvement over the bill that was on the floor last year. I am not ready to embrace it, but I think it is a vast improvement and I think it is a good thing to have made the changes that have been made.

I would like to ask the gentleman from Florida some questions with regard to funding especially, and a couple of other things.

To start with, we do have radio broadcasts to Cuba at the present time. Primarily is this going to increase the number of hours per day?

Mr. FASCELL. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FASCELL. Yes.

Mr. SMITH of Iowa. And at the present time we have 5½ hours. This will increase it to how much?

Mr. FASCELL. Whatever the administration decides is an optimum period. There is no limitation.

Mr. SMITH of Iowa. But the quality of the broadcasts or the content of the broadcasts will be essentially the same; is that correct?

Mr. FASCELL. I cannot guarantee the content or quality. That depends on the director of the service.

But the intention is, of course, to have broadcasts going to Cuba which are truthful and credible and which would do the kind of job that is envisioned by the gentleman from Iowa. Otherwise, broadcasts would not be of any use.

Mr. SMITH of Iowa. I agree with that. But some of the speakers here had indicated Cubans have not been receiving truthful news and apparently they did not think much of what VOA has been doing.

Mr. FASCELL. I have never heard anyone accuse VOA of falsehood, but VOA's mission is decidedly different from that of Radio Marti. VOA, as it presently exists, is not normally considered a surrogate news service, whereas the additional hours of Radio Marti broadcasting would be of that character.

In other words, they would have more of the news of what is happening in Cuba than what is happening outside of Cuba. I will say to the gentleman that is the only difference. Radio Marti still must meet the same standards and criteria. Otherwise it would be a waste of money.

Mr. SMITH of Iowa. On page 10 you have an authorization of $14 million for fiscal 1984 and $11 million for fiscal 1985. As the gentleman I am sure knows, the total appropriation for all of Latin America at the present time is $1,350,000 and that includes the Radio Cuba broadcasts at the present time.

Mr. FASCELL. That just goes to show, if the gentleman will yield, how sadly lacking we have been in our broadcasting to Latin America.

Mr. SMITH of Iowa. Where does the $14 million figure come from? Is that any well thought-out figure?

Mr. FASCELL. Mr. Speaker, you and I both know that it is only an estimate, put into the bill in the Senate, and that it is the best estimate that we have at this point, made by reasonable people who are in the business.

Hopefully, the startup costs will be less than that and we will receive a revised request from USIA. I know that with your personal scrutiny and that of your subcommittee, every dollar will be well accounted for and will have to be carefully justified. We intend to do the same in the Foreign Affairs Committee.

□ 1310

Mr. SMITH of Iowa. I am sure the gentleman, being from Florida, is acquainted with CID which now broadcasts from 10 stations to Cuba, all outside the United States.

But they tell me that their total budget is $750,000.

Mr. FASCELL. How much did the gentleman say?

Mr. SMITH of Iowa. $750,000 per year.

They have nine news programs per day. I just could not figure out where this $14 million comes from.

Mr. FASCELL. Well, I am familiar with the organization of course, they do shortwave broadcasting.

Mr. SMITH of Iowa. They are also on AM, they have one AM station.

Mr. FASCELL. They do have one AM? I did not know that.

Now I do not know, Mr. Speaker, that it is useful to make a comparison between a private broadcasting service and U.S. Government broadcasting activities. But I will say that that certainly might be a basis for inquiry by the Subcommittee on Appropriations on what it is that the VOA intends to do and how they intend to do it and how their costs will be justified.

I would guess, I would just guess, without being an expert in the business that it would be very hard to make a comparison between the VOA type operation and the type operation that CID is running.

Mr. SMITH of Iowa. I am also told that the clear channel stations in the United States which are the big ones, their budgets are between $1 million and $2 million per year.

Mr. FASCELL. Well, if that is their operational budget, the only thing I can say would be that you would have to consider, and I hope you will, startup costs and some equipment because I want to make a case for that. Furthermore, the maximum transmitter size available to U.S. broadcasters is 50 kW, while the U.S. Government uses 150 kW, 250 kW, and 500 kW transmitters, which are considerably more expensive to build, operate, and maintain, and cover a much greater target area.

Mr. SMITH of Iowa. This is separate from equipment.

I am not talking about equipment now, I am talking about operating costs.

Then in addition to that on page 8, at the bottom about this $5 million for radio broadcasting licensees, for expenses they have incurred before or after the effective date of this act.

Now that is a retroactive grant of some kind apparently. What is the intention there? Are they to come in and say that last year "I had some expenses and we should be reimbursed for those?"

Mr. FASCELL. The gentleman is correct. We have always had that in the legislation. That has not changed from day one, through all of the committees. The reason for that is that this hemisphere has not been able to conclude a satisfactory regional AM broadcasting agreement, and the Cubans are still interfering with the broadcasting activities of the United States, as well as of other nations.

It seemed just a question of fairness to allow those who have been damaged due to Cuban interference at least to be able to make a case for assistance.

Now the gentleman understands that in order for a broadcaster to obtain relief, he or she must go to the FCC to get that relief. The bill provides that the FCC will make the technical determinations while the USIA provides the compensation.

The estimates have run anywhere from $50,000 to $250,000.

Mr. SMITH of Iowa. At the top of page 10 you seem to be saying, and is this true or not, but you seem to be saying that Radio Cuba broadcasting appropriations will not be reduced even if there are reductions in all the other VOA broadcasting in the world.

You surely did not mean that but that is the second line in section 8, it says:

> The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

What if the total amount appropriated is less than necessary to continue the same level of activity?

Mr. FASCELL. That was a Senate amendment. I interpret "rates" to mean rates, or levels, of broadcasting. It is ludicrous to think that, in these days of budget stringency, and with the USIA and VOA lagging behind in meeting the requirements of their own missions, that we could single out any one entity at the expense of others.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. I thank the gentleman, and appreciate the gentleman yielding to me.

I want to compliment the gentleman and Mr. PEPPER and others for reaching the best possible agreement, working out a solution to what in my opinion was initially a bad idea and remains a bad idea. We worked out the interference problem, that is good; we worked out the control problem, that is good. I think Mr. SMITH was just right on the button when he talked about some of the open-ended nature of the money that is involved here.

Here is an administration which knows that we have got some very severe interference problems with the Cubans. They have been going on for years.

But rather than sitting down with the Cubans, as we have on fishing rights, and sitting down as we have on airline hijacking, and seeing if we can work it out, what we do is to get into this potential broadcasting shootout with the Cubans, which only, under the earlier legislation, was only going to exacerbate the problems, hurt our broadcasters and come to no solution whatsoever.

The solution here is better. I think Mr. FASCELL and Mr. PEPPER have done a terrific job in making the best possible solution to what, as I suggested, was initially and remains a bad idea.

Cubans do not have to listen to a new U.S. station to know what is going on. Havana is 90 miles off of our coast. They already listen to American broadcasting, and listen to it all the time.

I am sure they would much rather listen to our commercial broadcasting rather than our propaganda station. Radio Marti is not needed.

Let me finally point out that I am troubled by the priorities in all of this.

Mr. FASCELL talked a little bit about this and Mr. SMITH referred to it.

It is much more important in the overall level of priorities that we be broadcasting to the Soviet Union, that we be broadcasting into Central and Eastern Europe, places that are not 90 miles off our shore and are not receiving American broadcasting.

That is where our priorities ought to be.

Yet for some ideological reasons, we are going ahead and building a new facility and spending an enormous amount of money.

The whole thing is a bad idea. But this is the best job that could be done under the circumstance, and again I commend the two gentlemen from Florida very much.

Mr. Speaker, I rise to commend Mr. FASCELL, Mr. PEPPER, and others, in bringing forth S. 602, the Radio Broadcasting to Cuba Act. We should all thank the distinguished chairman of the Rules Committee, Mr. PEPPER, and the distinguished chairman of the Subcommittee on International Operations for their leadership on this issue, for bringing us out of what was a real tangle. This is the best solution for a bad idea.

Throughout the debate on the issue of broadcasting to Cuba, the concerns of the Energy and Commerce Committee have been:

The allocation of a frequency that will have the least negative impact on American broadcasters;

The impact on American radio broadcasters and the radio listening public that might stem from Cuban retaliatory countermeasures.

During our consideration of H.R. 2453, authored by Mr. FASCELL, the Energy and Commerce Committee adopted several amendments which were aimed at making sure that the frequency on which Radio Marti operated would result in the least amount of Cuban interference for American broadcasters and be least disruptive to the listening public.

The delicately balanced compromise reached in the Senate legislation will assure that radio broadcasting to Cuba operates as an entity within the Voice of America. One of the amendments adopted by the Energy and Commerce Committee, offered by Mr. TAUKE, also would have permitted Radio Marti to operate as a part of the VOA or on a shortwave frequency. The compromise is consistent with the Energy and Commerce Committee's overall approach to the frequency that should be authorized for Radio Marti. By insuring that the broadcasting to Cuba service would be a VOA station, operating under the VOA charter, and on a VOA frequency, this approach should greatly minimize the potential for harmful Cuban retaliation that could be devastating to the American radio broadcasting industry.

It is my feeling, Mr. Speaker, that the frequency allocation and interference issues are satisfactorily handled by the compromise bill. The compromise does address the issues that fall under the purview of the Energy and Commerce Committee. I am pleased to lend my support to those particular sections of the legislation.

An issue that the Energy and Commerce Committee was also extremely concerned about is insuring that the Federal Communications Commission—the expert agency—be the entity to make determinations relative to frequency use and to broadcaster compensation for damage suffered due to Cuban retaliation. The compromise recognizes that the FCC, as a independent agency, divorced from the administration's foreign policy apparatus, is the most appropriate agency to deal with these issues.

Again, I would like to thank the gentlemen for their leadership on this issue.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr CORRADA. Mr. Speaker, I thank the gentleman for yielding.

I would like to commend Mr. FASCELL, Mr. PEPPER, Mr. GILMAN, and Mr. RINALDO for bringing this legislation to the floor.

After almost 2 years of discussions and efforts on this issue, we have finally come to the resolution of the Radio Broadcasting to Cuba Act.

It has been said that a good compromise leaves everybody a little unhappy and certainly the Radio Marti bill we consider today lives up to these expectations.

I believe the vital interests of Radio Marti supporters have been preserved while steps to remove the objections raised against the original proposal have been taken.

This bill reflects a compromise which addressess the concerns of everyone involved, and at the same time will allow us to broadcast accurate, objective and comprehensive programing to the people residing in Cuba. We will have an important instrument to break the ignorance blockade imposed by Dictator Fidel Castro upon the Cubans who live there.

Even though I still would have preferred the establishment of a separate radio station, I believe the need for commencing the dissemination of the truth about Cuba to Cubans overrides our desire for the enactment of a stronger bill, particularly in a situation in which time is of the essence.

I fully support this bill and on behalf of my fellow Puerto Ricans and the Cuban community in Puerto Rico, I urge all my colleagues to support it. I think that by the passage of this legislation we will be sending a very clear signal throughout the world that we really do care about the human rights of the enslaved people of Cuba.

I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I do not like to rise in opposition to this bill, but I am constrained to do so. Despite the best efforts of all involved in improving the bill it is still a bad idea.

We have a situation now where we are going to broadcast propaganda to Cuba in the hopes that somehow or other we will bring about the downfall of the Castro government.

Well, the Cubans hear all of our good stuff here in America anyway. We do not need this other effort.

In addition to that, have we forgotten what we did with Hungary

In 1956, we were exhorting the Hungarians to rise up and revolt against the Russians.

And when they did, they started crying for help, "Where are the Americans? When are they coming in?"

The Americans never showed.

Suppose we create that same kind of a situation in Cuba, are we prepared to send Americans in to support some kind of Cuban revolt? I would think not. To the best of my knowledge the Cubans are planning to construct a 500-kilowatt station, 10 times bigger than anything we have got. And that station is going to jam us to death.

□ 1320

It is going to interfere with broadcasting in some 30 States once it is constructed. You have some money in to compensate for loss of value to our radio stations, I think it is $1 million or $5 million, but you are almost going to have to triple that if the Cubans build their 500 kilowatt station. We are not going to have enough money in this bill to reimburse our American broadcasters who are going to suffer exorbitant losses because of the jamming.

And the last thing is: $14 million in the first year. For what? What is it for? I think they have already built the station. When we voted this thing down last year, the military was building the station without the approval of this Congress. What is the $14 million for? And what is the next $11 million for? I have not gotten any answers. I think it is a bad idea.

Please vote this one down. I rise in opposition to the measure before us, S. 602, the Radio Broadcasting to Cuba Act. This bill directs the U.S. Information Agency (USIA) to establish a Cuba Service within the Voice of America (VOA) which will be responsible for all radio broadcasts to Cuba authorized by this initiative.

The radio station, Radio Marti, is authorized to the tune of $14 million in fiscal year 1984, and $11 million in fiscal year 1985 in an effort to purportedly provide the Cuban people with accurate information about Cuba and Cuban activities worldwide; I submit that this is indeed an inefficient allocation of limited Federal resources since the Cuban Government incorporates the technology necessary to prevent the reception of Radio Marti's broadcasts by the Cuban people.

I would further submit that, contrary to Radio Marti's stated purpose, this administration plans to use it as an instrument to encourage revolt on the island of Cuba. I wish to remind my colleagues that the United States exhorted the Hungarian people to revolt against communism in the fall of 1956. Yet, the United States refused their urgent requests for military aid when the Soviet Union invaded Hungary and ruthlessly repressed the uprising. As a result, many Hungarians lost their lives believing that the United States would support their struggle. I am certain that the same fate awaits any Cuban who may be deceived by Radio Marti broadcasts into believing that the United States would send troops into Cuba to support a popular uprising.

It should also be noted that, with the establishment of Radio Marti, we run the risk of a radio war with Cuba, and thereby, the ultimate infusion of even more funds into this ineffective program. Currently, Cuba plans to construct a radio station which will operate at 500 kilowatts—10 times more powerful than domestic U.S. stations which are limited to a maximum power level of 50 kilowatts. Consequently, during a radio war, Cuba would be capable of interfering with and reducing the listening areas of AM radio stations in 32 States plus the District of Columbia.

When we realize the potential threat to our own radio stations, we must be concerned that the legislation before us today does provide compensation for broadcasters which might be affected adversely by increased Cuban interference. The resulting revenue loss to these stations, along with the devaluation of broadcast properties, could be devastating.

Such compensation notwithstanding, it is just ironic that we would create a program with an exorbitant base cost, and then anticipate such additional expenditures. The radio was inevitable, and the substantial harm to our domestic stations is unquestionable, yet we are about to sanction this needless use of funds which can only lead to additional costs to our Government.

I would submit that the Voice of America Radio is quite capable of beaming propaganda to Cuba. This confirms that Radio Marti is just not needed. Moreover, I doubt seriously that the counter propaganda to be broadcast will have any effect.

I would urge my colleagues to consider the savings involved in not creating Radio Marti. We are talking about well over $14 million over the next few years—an amount we can ill afford in the face of continuing high deficits and severe economic instability.

On a final note, I maintain that clearly, Radio Marti's primary and sole purpose is to decrease the propaganda gap which exists between the United States and Russia. Currently, the Soviets outspend the United States about seven to one in their broadcasting and information efforts around the world. Surely, the Congress cannot justify the cruel denial of vital moneys for such domestic programs as school lunches, health care for the elderly, and student loans, and, simultaneously, authorize moneys for a propaganda contest with the Soviets.

A vote in opposition to S. 602 is a vote against the authorization of Federal funds for a futile and impotent program. I urge emphatically that we reject the ideological whims of the President and defeat this measure.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, may I express my sincere gratitude to the gentleman from New York for his generosity and say that I rise in very reluctant opposition because of the three men I revere the most, the distinguished chairman of the subcommittee and the distinguished chairman of the Rules Committee, two of the greatest stalwards I have ever had the honor to know and work with and revere; and the gentleman from New York (Mr. GILMAN), but I do so impelled by the same feelings that impelled me to speak against this when the bill first came up in the House.

I see with great foreboding that what we are entering into is another contest here in which we are actively prodding the Castro regime into retaliation, in which we cannot win.

I foresee a sort of an electronic Bay of Pigs adventure. And with a great deal of foreboding I see this thing going on. Especially at this time when all through Latin America—forget about Cuba—all through Latin America this is interpreted as one further North American insensitive and mistaken perception of that part of the world that our immediate neighbors live in. We are now occupying Honduras. We can call it whatever we want to. Latin American countries, as expressed in their press, conservative and liberal press, are calling our present operations in Honduras an occupancy. And right they should. We are there not with the will and the consent of the representatives of the Honduran people and are there despite a great deal of indignation and protest. I foresee the necessity of soon having to invoke the War Powers Limitation Act with respect to the Presidential incursions into Central America.

So the thing here is a total mistake.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, I rise in support of the bill.

Mr. PEPPER. Mr. Speaker, this bill adds a new instrument to the effectiveness of the foreign policy of our country to strengthen the cause of freedom and curtail the influence of communism in the Western Hemisphere.

At the present time the Voice of America is only supposed to tell the

rest of the world about what we are doing in America, about ourselves. This measure authorizes us to tell the Cubans the truth about what Castro is doing to them in Cuba. We do not have that instrument now.

Therefore, I say it adds a new instrument of great need to the authority of our country.

I can imagine a tearstained mother, sitting in a little cottage, somewhere in Cuba, with her face close to the photograph of a dear son who lost his life in Angola or in Ethiopia, sent there by Castro to further the imperial interests of the Soviet Union. And that tearstained mother wondering why her son had to be used by Castro as a servant of Soviet imperialism.

We, through this instrumentality, can tell the people of Cuba about the aggression of Castro as an instrument of the Soviet Union in areas of Central America today. We are told that there are Cuban soldiers in Nicaragua. Well, it would not hurt to tell the people of Cuba, "Why do you have to send Cuban soldiers into Nicaragua? Why do you have to spend the money of our country to further the cause of Soviet communism in Central America or somewhere else in the Western Hemisphere?"

So this is a very much-needed authority of our country. There has been now, I think, a desirable compromise in respect to what had been heretofore controversial aspects of this legislation. Now it will only speak under the aegis of the Voice of America. It will be required to follow the same high professional standards that are observed and required by law for the Voice of America. This instrumentality will primarily emanate from the Marathon station of the Voice of America, which presently broadcasts to Cuba. There may be certain other frequencies that may be employed, but primarily these broadcasts will come from Marathon, down in the Keys in Florida.

But the important thing is, Mr. Speaker, that what we are trying to do is not to equalize, but to make some impact upon Cuba by this broadcasting. I ask my colleagues do they realize that Cuba is broadcasting to the Western Hemisphere about three times as much material as is the United States broadcasting today? They broadcast 214 hours a week to Western Hemisphere areas. We only broadcast 86 hours a week at the present time. This simply gives us a little more authority, a little stronger voice, a little more to be heard from those in our country and those in the Western Hemisphere who we think really basically at heart want to enjoy the freedom that is ours, want to enjoy the democracy that we enjoy in this country.

□ 1330

I want to commend my distinguished colleague, the gentleman from Florida (Mr. FASCELL), for his long and able advocacy of this great cause; the distinguished chairman of the Foreign Affairs Committee of the House, Mr. ZABLOCKI; Mr. GILMAN, the distinguished minority leader of the Foreign Affairs Committee; my distinguished colleagues from Florida, Mr. SMITH and Mr. SHAW, and all my other colleagues from the State of Florida; and all those who have been in accord with this measure, and those who have opposed, for the fairness with which they have contemplated this measure.

Mr. Speaker, this is a vote for strengthening democracy and putting communism on the defensive in Cuba and in Latin America.

I ask you to give this measure your overwhelming support.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Florida (Mr. PEPPER), the distinguished chairman of the Rules Committee, for his long-standing commitment to this initiative and for his efforts in bringing the measure to the floor at this time, and we thank the gentleman for his remarks.

Mr. Speaker, at this time I yield 1 minute to the gentleman from Pennsylvania (Mr. KOSTMAYER).

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Speaker, the only good thing about this bill is its sponsor, my good friend from Florida (Mr. FASCELL). I would not want the occasion to pass, also, without recognizing Mr. FASCELL's colleague from Florida (Mr. SMITH). While I disagree with the viewpoint taken by these gentleman, I must commend Mr. SMITH in his first term for his very hard work on behalf of this piece of legislation.

Mr. Speaker, this bill could be a good deal worse. In fact, it was. When it left our committee, this bill deserved an "F." It is a little bit improved now, but not much. It is up to a "D minus" at best. And that is only because very significant changes were made in the Senate. Most of those changes, I am happy to say, were based on an amendment which I had offered in the full committee.

What the committee failed to do when we had jurisdiction, the other body has managed to do, I am happy to say. But the fact, Mr. Speaker, is that this bill is still a dog. But it is not quite as mangy as it was when it last left us.

Let me say to the House that as an opponent of the original bill in the Foreign Affairs Committee and author of the so-called VOA option, I can only note with some awe the dedication that the chairman of the International Operations Subcommittee (Mr. FASCELL) demonstrated in working to expand broadcasting to Cuba.

As the gentleman from Florida noted, S. 602 is a compromise bill, with significant changes from the bill reported by the Foreign Affairs Committee.

That legislation, Mr. Speaker, I believe would have been a major mistake for those technical broadcasting reasons noted by the National Association of Broadcasters in their testimony before the House and Senate. But more importantly, the Radio Marti legislation would have been bad foreign policy.

What was so bad about the original Radio Marti concept? Really nothing in the abstract; in fact, the Government-financed Voice of America (VOA) broadcasts 5½ hours of programing a day that is directed at Cuba, and heard all over Cuba, from its facility at Marathon Island, Fla.

It was less the substance than the style of the Radio Marti proposal that was potentially so damaging to our relations with Cuba, which are badly in need of repair. For almost a quarter of a century, Cuban-United States relations have gone almost steadily downhill, beginning with a total economic embargo, to an American-backed invasion of the island, to the ridiculous assassination attempt on Fidel Castro concocted by the CIA.

The administration's original Radio Marti proposal was intended only to widen—not bridge—the gap that already divides the two countries.

The United States and Cuba have demonstrated the capacity to deal with each other where it serves our mutual purposes. Over the last 10 years we have negotiated agreements with the Cubans on maritime boundaries, fishing rights, aircraft hijackings, and on the establishment of the interest sections that operate out of the Swiss and Czech Embassies in Havana and Washington, respectively.

There are many other areas where agreements would be useful, such as on the return to Cuba of convicts who emigrated during the Mariel boatlift and on eliminating commercial radio interference between Cuban and United States stations. Radio Marti would have done nothing to encourage the Cubans to cooperate. In fact at the 1981 Rio de Janeiro conference to settle commercial radio issues the Cubans walked out in reaction to the Radio Marti proposal.

I am hopeful that passage of S. 602 will not jeopardize the possibility of bettering relations with Cuba in the future, but Mr. Speaker, I have my doubts. The VOA does a fine job of providing news and information—objective news and information—to the island of Cuba, to supplement the Cubans access to regular commercial broadcasts from the mainland United States. While I think this compromise proposal giving ultimate jurisdiction

over expanded broadcasting to Cuba to the VOA to insure its integrity and objectivity is far superior to the original measure, I am still unconvinced of the wisdom of this venture in the first place. The needs of the Caribbean Basin, and the need for positive foreign policy accomplishments to try to bring solutions to the myriad economic, social and political problems of Latin America cry out for more prudent and more promising initiatives than this.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman from New York for yielding.

Mr. Speaker, in listening to the remarks of my friend, Congressman PEPPER, I cannot help but try to accent and emphasize that part of his speech when he said this is our commitment to democracy. We are talking about nothing more than broadcasting the truth to Cuba. It has long been our position, and I think the position of every Member of this Congress, that if the truth were known by those beyond the Iron Curtain, they would not stand for the continuation of the type of government that they have gotten for years.

And, yes, there is an Iron Curtain in the Caribbean, and it is around the Island of Cuba.

It is vitally important that we support this bill.

It is also interesting to note that the Members of the south Florida delegation, in which I, of course, include muself, are in complete support of this bill. This is because we know the Cuban people well. We know their longing and their hunger for freedom, which is very real. They are hard working, industrious people who are longing to be free. And this is the best thing that we can do. This is our investment in democracy. This is our investment in truth.

I urge support of the bill.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida for his strong supportive statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Speaker, I am most interested in the contrast between the debate yesterday in dealing with Lebanon and, of course, in dealing with the reality of the influence of the Soviet Union. There were many of us who do not want to get engaged militarily but find as a part of our policy and of the diplomatic thrust of the United States, there are occasions when, unfortunately, our men must be deployed around the world for one reason or another. But there were those who say there are other ways to fight. And then a bill like Radio Marti comes along, a perfect opportunity to wage a war with words, to wage a war for democracy by letting people know the truth without firing guns, without sending mediators over, or without doing anything resembling confrontation. And do you know what happens when we present this alternative, that alternative which those who opposed yesterday's bill wanted to put in its place? We proposed that alternative, and they say, "No, this is not the way, either; you should not talk, you should not let anybody know what the truth is, you should not do it this way. Our broadcasters will not like it. This group will not like it."

The reality is, if you are not going to wage a war, which none of us want, and you are not going to let the people know the truth with words and you are not going to do the diplomatic things that need to be done, how are you going to forge democracy around the world? How are you going to let people know the truth, what the right way is to live from the wrong way?

If we believe that we have a society in the United States which best represents the people of the world, if this is the system that we think is the best in the world, then what is wrong with telling the world the way it is in the United States? And what is wrong with telling the people in Cuba that there is a better way than the way under which they live.

I suggest that everyone who feels that this country is the greatest society and would like to see everyone accorded the basic human rights and civil liberties that we have, think twice before voting "no" against something like this, because what you are doing is voting against telling people that the United States is proud enough of the way it lives to tell people around the world what their leaders are doing to cut off their ability to live like the people in the United States. And I would urge very strongly, my colleagues, to consider voting "yes" on Radio Marti, because it is an extension of democracy. And for those people in Cuba, it is the right thing to do.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his strong supporting argument.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. Mr. Speaker, I rise in support of this bill today which is the culmination of months and months of hard work. The passage of this legislation will enable the Voice of America to bring a new voice of truth to Castro's Cuba.

By placing Radio Marti—named after the great Cuban liberation fighter—under the umbrella of the U.S. Information Agency, broadcasting can begin almost immediately. In addition, the excellent reputation of the Voice of America will assure that Radio Marti will be taken seriously as a source of reliable and accurate information.

Since Castro established his Communist dictatorship in Cuba in 1958, the Cuban people have had no access to real news about the world and about Cuba itself. The average Cuban knows almost nothing about the Cuban soldiers who are deployed in Angola and Ethiopia on behalf of Soviet military and political aims. Castro has closed off the people from this basic human right. We can utilize modern radio technology to open the door that he has sought to close around the minds of the Cuban people.

The Voice of America has brought factual information to people in many countries behind the Iron Curtain. It has offered an alternative information source for those who refuse to accept the mind-binding propaganda of these totalitarian regimes.

As an integral part of the VOA, Radio Marti will expand this effort to the crucial Caribbean area. The truth will penetrate Castro's mental prison and will enhance the chances that the people of Cuba will once again be free.

Thank you, Mr. Speaker, and I urge all of my colleagues to support this important legislation.

Mr. GILMAN. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 4 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BROYHILL), the distinguished ranking minority member of the Committee on Energy and Commerce.

Mr. BROYHILL. I thank the gentleman from New York for yielding.

Mr. Speaker, I want to compliment the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. FASCELL) for the great work that they have done in bringing this legislation to the floor and in helping to formulate this compromise, which does, I think, answer the concerns that many have expressed about the operation of this important radio service.

Today we have heard arguments that we cannot put this radio operation into service, that we cannot tell the Cubans the truth about their Government. And at the same time we see the Cubans broadcasting hundreds of hours a week of propaganda not only to America but to countries throughout the Caribbean. Arguments are made that we can do nothing to counter those programs and those lies that are put on the airwaves, that we cannot put into effect a modest program of transmitting objective information to the Cuban people.

We see the Cubans who are engaged in destabilizing policies throughout the Caribbean and South America,

Central America, not only sending troops but training troops, and we hear arguments that we cannot send the voice of truth to the Cuban people. I reject these arguments and I hope that most Members of this House will reject them also.

I think, on the argument that Cuba will cause interference with American radio broadcasters, that the interference is going on now and that it will continue no matter what we do with respect to Radio Marti.

The compromise which has been agreed upon answers the concerns that the operation of Radio Marti may provoke Cuban interference with American radio broadcasters. At the same time, it preserves the need for an identity for Radio Marti separate from programing broadcast by the Voice of America.

The establishment of Radio Marti is an important foreign policy initiative proposed by the administration. Its purpose is to foster the cause of freedom in Cuba by providing the Cuban people with accurate, objective, and comprehensive programing about their country, its policies, and its role in world affairs. Such information has not been available to them since Castro came to power 24 years ago. Radio Marti will act as a surrogate home radio service for the Cuban people.

The compromise legislation before us today, which was passed by the Senate on September 13, 1983, would establish Radio Marti as a separate Cuba service within the Voice of America. As part of the VOA, Radio Marti will operate in accordance with the standards of accuracy, objectivity, and balance for which the voice is so well known and respected. However, Radio Marti will be administered separately from the VOA. The Cuba service will have a separate staff which will be appointed by and report directly to the Director of the U.S. Information Agency.

In addition, the bill establishes an Advisory Board for Radio Broadcasting to Cuba within the Office of the President.

The Board will have only an advisory function. The Director of USIA is the official with primary responsibility for overseeing the establishment and operation of Radio Marti.

The Energy and Commerce Committee, on which I serve as ranking minority member, spent a great deal of time reviewing legislation to establish Radio Marti. The compromise bill before us today in large part meets the concerns which were expressed during this lengthy deliberation. I am pleased that agreement has been reached on this important measure. I urge the House to pass S. 602.

Mr. GILMAN. I thank the gentleman for his remarks.

Mr. Speaker, this measure has been worked on for a lengthy period of time and an effective compromise has been finally worked out. This measure will be of significant help in providing factual information to the people of Cuba. Accordingly, I urge my colleagues on both sides of the aisle to support it.

● Mr. BROOMFIELD. I thank the gentleman for yielding. I support S. 602, as amended, legislation authorizing radio broadcasting to Cuba. I commend those who have worked long and hard on bringing such a measure, which is supported by the administration, to the floor.

S. 602 is a proposal designed to provide to the Cuban people a source of objective reporting and analysis. Such an undertaking can help break Castro's virtual monopoly on the news and information disseminated within Cuba. At the same time, the legislation is designed to minimize any adverse affects upon our domestic broadcasting industry as a result of Cuban transmission practices and is not opposed by the National Association of Broadcasters.

Mr. Speaker, I believe that the legislation before us provides a satisfactory framework for initiating a special radio broadcasting service to Cuba.

I believe such a service warrants careful scrutiny during the next few years so we can assure that this initiative effectively advances our Nation's foreign policy concerns while protecting the legitimate interests of our domestic broadcasters. I urge my colleagues to support S. 602, as amended.●

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 312, the previous question is considered as ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 109, not voting 22, as follows:

[Roll No. 365]

YEAS—302

Ackerman	Fowler	Minish
Akaka	Frank	Moakley
Albosta	Franklin	Molinari
Alexander	Frenzel	Mollohan
Anderson	Fuqua	Montgomery
Andrews (TX)	Garcia	Moore
Annunzio	Gekas	Moorhead
Archer	Gephardt	Morrison (WA)
Aspin	Gibbons	Murphy
Badham	Gilman	Myers
Barnard	Gingrich	Natcher
Barnes	Goodling	Neal
Bartlett	Gore	Nelson
Bateman	Gradison	Nichols
Bennett	Green	Nielson
Bereuter	Gregg	Oakar
Bevill	Guarini	Obey
Bilirakis	Gunderson	Olin
Bliley	Hamilton	Ortiz
Boehlert	Hansen (ID)	Oxley
Boggs	Hansen (UT)	Packard
Boland	Harrison	Pashayan
Boner	Hartnett	Patterson
Bonker	Hatcher	Pease
Borski	Hefner	Pepper
Bosco	Hightower	Perkins
Boucher	Hiler	Petri
Breaux	Holt	Porter
Britt	Hopkins	Price
Brooks	Horton	Pursell
Brown (CO)	Howard	Quillen
Broyhill	Hoyer	Rahall
Bryant	Hubbard	Ray
Burton (CA)	Huckaby	Regula
Burton (IN)	Hunter	Reid
Byron	Hutto	Richardson
Campbell	Hyde	Ridge
Carney	Ireland	Rinaldo
Carper	Jeffords	Ritter
Chandler	Jenkins	Roberts
Chappell	Johnson	Robinson
Chappie	Jones (OK)	Rodino
Cheney	Kaptur	Roe
Clarke	Kasich	Roemer
Clinger	Kemp	Rogers
Coats	Kennelly	Rostenkowski
Coelho	Kindness	Roth
Coleman (MO)	Kolter	Rowland
Coleman (TX)	Kramer	Sawyer
Collins	LaFalce	Schaefer
Conable	Lagomarsino	Schulze
Conte	Lantos	Sensenbrenner
Corcoran	Latta	Sharp
Coughlin	Leach	Shaw
Courter	Leath	Shelby
Coyne	Lehman (CA)	Shumway
Craig	Lehman (FL)	Shuster
Crane, Daniel	Lent	Siljander
Crane, Philip	Levine	Simon
D'Amours	Levitas	Sisisky
Daniel	Lewis (CA)	Skeen
Dannemeyer	Lewis (FL)	Skelton
Daub	Lipinski	Slattery
Davis	Livingston	Smith (FL)
de la Garza	Loeffler	Smith (NE)
Derrick	Long (LA)	Smith (NJ)
DeWine	Lott	Smith, Denny
Dickinson	Lowery (CA)	Smith, Robert
Donnelly	Lujan	Snowe
Dowdy	Mack	Snyder
Dreier	MacKay	Solarz
Duncan	Madigan	Solomon
Durbin	Marriott	Spence
Dwyer	Martin (IL)	Spratt
Dyson	Martin (NC)	Staggers
Early	Martin (NY)	Stangeland
Edwards (AL)	Matsui	Stenholm
Edwards (OK)	Mavroules	Stratton
Emerson	Mazzoli	Stump
English	McCain	Sundquist
Erdreich	McCandless	Synar
Erlenborn	McCloskey	Tauke
Evans (IA)	McCollum	Tauzin
Fascell	McCurdy	Taylor
Fazio	McDade	Thomas (CA)
Feighan	McEwen	Thomas (GA)
Ferraro	McGrath	Torricelli
Fiedler	McKernan	Traxler
Fields	McKinney	Udall
Fish	Mica	Valentine
Flippo	Michel	Vander Jagt
Florio	Mikulski	Vandergriff
Foglietta	Miller (OH)	Volkmer

Vucanovich	Whittaker	Wortley
Walgren	Whitten	Wright
Walker	Williams (MT)	Wylie
Watkins	Williams (OH)	Young (FL)
Weber	Wilson	Young (MO)
Wheat	Winn	Zablocki
Whitehurst	Wise	Zschau
Whitley	Wolf	

NAYS—109

Addabbo	Hall (OH)	Panetta
Andrews (NC)	Hall, Ralph	Parris
Anthony	Hall, Sam	Patman
Applegate	Hammerschmidt	Paul
AuCoin	Harkin	Penny
Bates	Hawkins	Rangel
Bedell	Hayes	Ratchford
Beilenson	Hertel	Rose
Berman	Hughes	Roukema
Biaggi	Jacobs	Roybal
Boxer	Kastenmeier	Russo
Brown (CA)	Kazen	Sabo
Carr	Kildee	Savage
Clay	Kogovsek	Scheuer
Conyers	Kostmayer	Schroeder
Cooper	Leland	Schumer
Crockett	Levin	Seiberling
Daschle	Lloyd	Shannon
Dellums	Long (MD)	Sikorski
Dicks	Lowry (WA)	Smith (IA)
Dingell	Luken	Stark
Dixon	Lundine	Stokes
Dorgan	Markey	Studds
Downey	Martinez	Swift
Dymally	McHugh	Tallon
Eckart	McNulty	Torres
Edgar	Miller (CA)	Towns
Edwards (CA)	Mineta	Vento
Evans (IL)	Mitchell	Weaver
Foley	Moody	Weiss
Ford (MI)	Morrison (CT)	Wirth
Ford (TN)	Mrazek	Wolpe
Frost	Murtha	Wyden
Gaydos	Nowak	Yates
Gejdenson	Oberstar	Yatron
Gonzalez	Ottinger	
Gray	Owens	

NOT VOTING—22

Bethune	Heftel	Pritchard
Bonior	Hillis	Rudd
Broomfield	Jones (NC)	Schneider
Forsythe	Jones (TN)	St Germain
Glickman	Lungren	Waxman
Gramm	Marlenee	Young (AK)
Hall (IN)	O'Brien	
Hance	Pickle	

□ 1350

The Clerk announced the following pair:

On this vote:

Mr. Hance for, with Mr. Jones of Tennessee against.

Mr. SLATTERY, Mr. SCHEUER, Mrs. LLOYD, and Mrs. BOXER changed their votes from "yea" to "nay."

Mr. TAUZIN, Mrs. BYRON, and Messrs. McCANDLESS, SLATTERY, and GORE changed their votes from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore (Mr. WHITLEY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1400

CONFERENCE REPORT ON H.R. 3415, DISTRICT OF COLUMBIA APPROPRIATIONS, 1984

Mr. DIXON. Mr. Speaker, I call up the conference report on the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 22, 1983.)

The SPEAKER pro tempore. The gentleman from California (Mr. DIXON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. DIXON).

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 3415, and all amendments in disagreement, and that I be permitted to include a tabulation and summarization of the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Speaker, the conference report now before the House will provide the District of Columbia government with Federal funds totaling $600.8 million. This amount, Mr. Speaker, is $31.2 million above the budget estimates; $56.2 million above the House Bill, and $4.5 million above the Senate allowance.

In District funds, the conference agreement provides a total of $2.2 billion in new budget authority. This is $31.1 million over the budget estimates; $56.1 million above the House allowance, and $4.4 million higher than the Senate bill.

FEDERAL FUNDS

At this point, Mr. Speaker, I would like to take a few minutes to explain this conference agreement to the House, It is true that the Federal funds part of the bill we bring back from conference is $56.2 million above the House-passed bill. However, $25 million of that amount is due to the increase in the regular annual Federal payment which was anticipated at the time of House action on this bill. That $25 million is included in this conference report and is earmarked for three major items. They are first police, fire, and teacher's pension funds, for which $12.2 million is allocated; second, St. Elizabeths Hospital which will receive $4.7 million; and third, D.C. General Hospital which will receive $8 million.

Mr. Speaker, as Members of this House can see, the $25 million is split almost down the middle between pension programs and health care, two very important areas.

CRIMINAL JUSTICE EMERGENCY INITIATIVES

In addition to the additional authorized Federal payment of $25 million, the bill as agreed to by the conferees provides a one-time special Federal payment of $25.2 million for criminal justice emergency initiatives. Mr. Speaker, there is no question that the District's prison facilities are crowded, and $22.3 million of this special Federal payment will be used to hire additional correctional officers as well as expand vocational and educational programs and make needed capital improvements to the city's prison facilities. We have also included report language recommending that the Attorney General of the United States develop and submit a plan to Congress by January 30, 1984, to cap the growth of the prison population at the city's correctional facilities in Lorton.

The balance of $2.8 million of this special Federal payment is to provide seven new judges and related positions and capital programs for the District's superior court subject to approval of authorizing legislation. Mr. Speaker, we are asking for an orderly process so that hearings can be held by the authorizing committees to review the criminal justice system and determine what improvements should be made in addition to evaluating the need for additional judges. So while we have included funds required for additional judges, we leave it to the authorizing committees to make a final determination.

EDUCATION INITIATIVE

The bill includes a one-time Federal payment of $350,000 for the Board of Education to perform a study to explore various alternatives to recognize outstanding teachers through incentives of both a financial and career nature. The Senate bill included $1.5 million for this purpose.

ST. ELIZABETHS HOSPITAL

And finally, Mr. Speaker, the conferees recommend a one-time Federal payment of $5.7 million as the last remaining link in bridging the $25 million deficit in the fiscal year 1984 budget for St. Elizabeths Hospital. This deficit has been resolved through the mutual efforts of Federal and District officials. The Federal Government recently announced the implementation of management improve-

ments to save $14 million; a proposal has been made by the District government to save $5.3 million by transferring patients from St. Elizabeths to existing city facilities; and now in our action we recommend the balance of $5.7 million. In doing so, Mr. Speaker, we want to make it absolutely clear that at no time will we again recommend a special Federal payment for this purpose. In fact, we are disappointed that Federal and District officials have not been able to resolve their problems, and have directed them to do so and indeed expect them to have their problems resolved prior to the submission of next year's budget.

HUMAN SUPPORT SERVICES

For the city's vocational rehabilitation programs, the conferees recommend an increase of $900,000 for a total of $2.8 million in fiscal year 1984. This merely restores the budget for this program to the fiscal year 1981 level. Without this increase Mr. Speaker, we were informed that a one-third reduction would be made in the number of severely and nonseverely disabled persons served. We were also informed that a 50-percent reduction would occur in the number of disabled persons placed in employment. Mr. Speaker, I am convinced that an investment in vocational rehabilitation is an investment in America's future, and I believe we should do all we can for these programs.

For the District of Columbia General Hospital, the conference agreement provides a total of $43.1 million. This allowance, Mr. Speaker, is $8 million above the House allowance and is funded from the additional Federal payment authorization of $25 million I referred to earlier.

PENSION FUNDS

Mr. Speaker, the conferees recommend a total of $181,117,000 for the police, fire, teachers and judges pension funds. As noted earlier, the increase of $12.2 million above the House allowance reflects the amount included for this purpose in the additional Federal payment authorization of $25 million approved in Public Law 98-65. The Retirement Board appears to be doing an excellent job in performing its fiduciary responsibilities. Through investments, the permanent fund has increased from $323 million in November 1983, to $382 million as of June 30, 1983, the date of the latest performance report.

DEFICIT REDUCTION

The conferees have agreed to require the District to reduce its accumulated general fund deficit by $15 million in fiscal year 1984 instead of $20 million as proposed by the House and $5 million as proposed by the Senate. We believe it is important that the city continue its efforts toward reducing its accumulated deficit in an orderly and disciplined manner.

At this point in the RECORD, Mr. Speaker, I will insert a tabulation summarizing the conference action.

The table referred to follows:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1984 (H.R. 3415)—CONFERENCE SUMMARY [1]

Item	New budget (obligational) authority, fiscal year 1983	Budget estimates of new (obligational) authority, fiscal year 1984	New budget (obligational) authority			Conference action prepared with—			
			House bill	Senate bill	Conference	Fiscal year 1983	Budget estimates, 1984	House bill	Senate bill
DISTRICT OF COLUMBIA FUNDS									
FEDERAL FUNDS									
Federal payment to the District of Columbia	$361,000,000	$386,000,000	$361,000,000	$386,000,000	$386,000,000	+$25,000,000	.....	+$25,000,000	.....
Payment in lieu of reimbursement for water and sewer services to Federal facilities	11,800,000	16,520,000	16,520,000	16,520,000	16,520,000	+4,720,000	.....	.....	.....
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	52,070,000	52,070,000	52,070,000	.....	.....	.....	.....
Criminal justice emergency initiatives	.....	.....	.....	25,171,600	25,171,600	+25,171,600	+$25,171,600	+25,171,600	.....
Education initiative	.....	.....	.....	1,500,000	350,000	+350,000	+350,000	+350,000	−$1,150,000
St. Elizabeths Hospital	.....	.....	.....	.....	5,700,000	+5,700,000	+5,700,000	+5,700,000	+5,700,000
Special Crime Initiative	3,142,600	.....	.....	.....	.....	−3,142,600	.....	.....	.....
Loans to the District of Columbia for capital outlay	145,000,000	[1] 115,000,000	115,000,000	115,000,000	115,000,000	−30,000,000	.....	.....	.....
(Rescission)	−48,832,500	.....	.....	.....	.....	+48,832,500	.....	.....	.....
Total, Federal funds to District of Columbia	524,180,100	569,590,000	544,590,000	596,261,600	600,811,600	+76,631,500	+31,221,600	+56,221,600	+4,550,000
DISTRICT OF COLUMBIA FUNDS									
Operating Expenses									
Governmental direction and support	(66,863,500)	(44,176,400)	(44,352,400)	(44,176,400)	(44,251,400)	(−22,612,100)	(+75,000)	(−101,000)	(+75,000)
Economic development and regulation	(55,946,600)	(56,571,200)	(56,603,000)	(56,571,200)	(56,603,000)	(+656,400)	(+31,800)	.....	(+31,800)
Public safety and justice	(418,372,700)	[3](460,151,300)	(457,840,300)	(487,322,900)	(487,068,100)	(+68,695,400)	(+26,916,800)	(+29,227,800)	(−254,800)
Public education system	(436,853,100)	[3](483,182,900)	(473,597,100)	(484,682,900)	(483,532,900)	(+46,679,800)	(+350,000)	(+9,935,800)	(−1,150,000)
Human support services	(468,977,900)	[3](499,536,600)	(486,778,600)	(497,536,600)	(503,236,600)	(+34,258,700)	(+3,700,000)	(+16,458,000)	(+5,700,000)
Public works [2]	[2](168,000,300)	(190,562,100)	(190,562,100)	(190,562,100)	(190,562,100)	(+22,561,800)	.....	.....	.....
Personal services	(8,538,300)	.....	.....	.....	.....	(−8,538,300)	.....	.....	.....
Repayment of loans and interest	(142,204,200)	(158,735,600)	(158,735,600)	(158,735,600)	(158,735,600)	(+16,531,400)	.....	.....	.....
Repayment of general fund deficit	(20,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(−15,000,000)	.....	.....	.....
Short-term borrowings	.....	(3,750,000)	(3,197,000)	(3,750,000)	(3,750,000)	(+3,750,000)	.....	(+553,000)	.....
Contingent services fund	.....	.....	.....	.....	.....	.....	.....	.....	.....
Energy adjustment	.....	(−3,871,300)	(−3,871,300)	(−3,871,300)	(−3,871,300)	(−3,871,300)	.....	.....	.....
Additional gross pay adjustments	.....	(−361,800)	(−361,800)	(−361,800)	(−361,800)	(−361,800)	.....	.....	.....
Total, operating expenses, general fund	(1,785,756,600)	[3](1,897,433,000)	(1,872,433,000)	(1,924,104,600)	(1,928,506,600)	(+142,750,000)	(+31,073,600)	(+56,073,600)	(+4,402,000)
Capital Outlay									
General fund	(68,702,000)	(111,587,400)	(111,587,400)	(111,587,400)	(111,587,400)	(+42,885,400)	.....	.....	.....
Enterprise Funds									
Water and sewer enterprise fund:									
Operating expenses	(107,195,900)	(114,383,100)	(114,382,100)	(114,383,100)	(114,383,100)	(+7,187,200)	.....	.....	.....
Capital outlay	(4,575,000)	(11,220,000)	(11,220,000)	(11,220,000)	(11,220,000)	(+6,645,000)	.....	.....	.....
Total, water and sewer enterprise fund	111,770,900	125,603,100	125,603,100	125,603,100	125,603,100	+13,832,200	.....	.....	.....
Washington Convention Center enterprise fund	(8,404,700)	(9,617,000)	(9,617,000)	(9,617,000)	(9,617,000)	(+1,212,300)	.....	.....	.....
Lottery and Charitable Games enterprise fund	(2,184,500)	(2,772,500)	(2,772,500)	(2,772,500)	(2,772,500)	(+588,000)	.....	.....	.....
Total, enterprise funds	(122,360,100)	(137,992,600)	(137,992,600)	(137,992,600)	(137,992,600)	(+15,632,500)	.....	.....	.....
Total, District of Columbia funds	(1,976,818,700)	[3](2,147,013,000)	(2,122,013,000)	(2,173,684,600)	(2,178,086,600)	(+201,267,900)	(+31,073,600)	(+56,073,600)	(+4,402,000)
RECAPITULATION									
Grand total, new budget (obligational) authority	524,180,100	569,590,000	544,590,000	596,261,600	600,811,600	+76,631,500	+31,221,600	+56,221,600	+4,550,000

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1984 (H.R. 3415)—CONFERENCE SUMMARY [1]—Continued

Item	New budget (obligational) authority, fiscal year 1983	Budget estimates of new (obligational) authority, fiscal year 1984	New budget (obligational) authority			Conference action prepared with—			
			House bill	Senate bill	Conference	Fiscal year 1983	Budget estimates, 1984	House bill	Senate bill
Consisting of:									
Federal funds to the District of Columbia..	524,180,100	569,590,000	544,590,000	596,261,600	600,811,600	+76,631,500	+31,221,600	+56,221,600	+4,550,000
District of Columbia funds	(1,976,818,700)	[3](2,147,013,000)	(2,122,013,000)	(2,173,684,600)	(2,178,086,600)	(+201,267,900)	(+31,073,600)	(+56,073,600)	(+4,402,000)

[1] Includes budget amendment of −$6,010,000, submitted in H. Doc. 98–50.
[2] Included under "New budget (obligational) authority, fiscal year 1983" are amounts previously appropriated for "transportation services and assistance" and "Environmental services and supply".
[3] Includes following budget amendments in H. Doc. 98–50: District of Columbia funds: Public safety and justice, $2,656,200; Public education system, $9,585,800; Human support services, $12,758,000; Total, budget amendment $25,000,000.

Let me say to the Members that in the few minutes I have taken here, I have tried to highlight the conference agreement. The full text has been printed in the CONGRESSIONAL RECORD of last Thursday, September 22, beginning on page 25515.

Mr. Speaker, all of the conferees except one who happened to be out of town signed the conference report, and I want to take this opportunity to express my appreciation to all of them for their cooperation in forging this compromise.

I want to especially thank the gentleman from Pennsylvania (Mr. COUGHLIN) for his dedication and support throughout the proceedings on the District's fiscal year 1984 appropriations bill.

I can truly say, Mr. Speaker, that he always has the best interest of the District in mind—whether we are in hearings; in markup; or in conference.

He is always fair and openminded, and it is truly a pleasure to work with such an outstanding individual.

Mr. Speaker, this is a good conference report and I urge its adoption.

I reserve the balance of my time.

Mr. COUGHLIN, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the very distinguished chairman has very well summarized the results of the conference. As always, the very able gentleman from California has done an outstanding job in upholding the will of the House.

As the chairman has pointed out, although there is $25 million in the bill that was not considered by the House, these funds were considered subsequent to the House passage of the appropriations bill and are now authorized.

The only outstanding provision, as the chairman has also pointed out, that is over and above the President's request is some $25 million for the Senate's criminal emergency justice provisions. This was supported in the conference as a necessary addition to our criminal justice system in the District of Columbia, that would provide for 35 new positions and seven new judges, but pending authorization only, and would provide $22.3 million and 422 positions for additional correctional officers, parole officers, education, vocational, and capital programs for the Department of Corrections.

As the Members of this House know, your subcommittee has made a major responsibility on its part the fact that the District should run its budget on a balanced basis and should provide for the retirement of its debt in an orderly fashion so that it will be in good fiscal condition. Indeed, the bill does provide for a $15 million repayment of the general fund deficit.

The Office of Management and Budget has announced that they will not object to the bill. Although they had some reservations about the $25 million criminal justice initiative, the administration applauds the diligent efforts of the committee to resolve the St. Elizabeths Hospital funding issue and will support the bill.

Mr. Speaker, I yield to the distinguished gentleman from Massachusetts (Mr. CONTE).

□ 1410

Mr. CONTE. Mr. Speaker, I want to take this opportunity to congratulate the chairman and the ranking minority member for a job well done.

Mr. Speaker, I rise in support of this conference report making appropriations for the District for fiscal year 1984. In the face of some troublesome questions before the conferees, I think a very reasonable agreement has been fashioned.

At the outset, I would like to commend Chairman DIXON and Mr. COUGHLIN, the ranking minority member, for their interest in the District's budgetary affairs, and their efforts in producing a conference agreement worthy of this body's support.

Under the Federal payment to the District, which compensates the District for the presence of the Federal Government, the conferees have agreed to a figure of $386 million as requested by the administration. The $25 million difference between the conference amount and the House-passed figure of $261 million, reflects a $15 million increase in the Federal payment authorization as stipulated in Public Law 98–65, that authorization bill was not approved until after the House had passed its version of the D.C. appropriations bill.

The conferees have provided $25 million for a special criminal justice emergency initiative. Among other things, these initiative funds will go toward the hiring of additional judges for the D.C. Superior Court, once appropriate legislative authority has been passed, and for the enhancement of the D.C. Department of Corrections.

Within the Department of Correction initiative, new vocational education teachers will be hired for job training for certain inmates, and there will be an increase in the number of parole officers to handle the processing of eligible cases.

Elsewhere in the public safety and justice category, the conferees have provided funding to continue the operation of the police and fire clinic, which provides quality health care to police and firefighters, and funding for fully staffed operations of the D.C. fireboat.

In another area, the conferees have provided funds for a study by the D.C. Board of Education to explore the alternatives, both financially and promotionwise, to recognize outstanding teachers.

I think this a constructive initiative which is certainly parallel to the thoughts of the administration, and in the interests of education of our young people in general.

In the category of human support services, the conferees have allowed for $503.2 million for the funding of agencies which provide health care, day care, job training, vocational education, disability compensation and other services and activities associated with the well-being of the local citizenry.

In the category of reducing the District's accumulated general fund deficit, associated with a working capital shortfall built up in the 1970's, the conferees have provided that $15 million is to be applied toward reducing the cash portion of the general fund accumulated deficit. Of that sum, $5 million is approved as requested by the District, and $10 million is directed to be funded through savings identified by the Mayor, or revenues available to the District.

Mr. Speaker, I think the conferees' action in raising the figure to be applied to repayment of the deficit is consistent with the efforts in the fiscal year 1983 bill, and consistent with encouraging good financial management.

Finally, Mr. Speaker, I would like to briefly touch on a subject in this bill which has been of concern to me—that being the financial posture of St. Elizabeths Hospital.

The conferees have restored the language cap on the amount which the

District can pay to St. Elizabeths from its general fund. I personally would have preferred to see this cap eliminated, and I know the administration wanted to see the same.

However, like the administration, I too, am encouraged by the managers' statement language which makes clear that the St. Elizabeths problem of money shortfalls must be resolved, and that future Federal assistance is not to be automatically expected.

I commend the efforts of Mr. DIXON and Mr. COUGHLIN for securing a raise in the amount to be paid to St. Elizabeths which in turn will prevent the shortfall we expected. I hope this effort, and the expressions of concern on the part of myself and other Members, will encourage the District government to move forward with attending to this problem more closely.

In closing Mr. Speaker, I can tell the membership that I have received a statement from the administration on the 1984 District of Columbia bill, and they do not intend to object to it. I urge the House to pass this conference report.

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

I would like to take this opportunity to congratulate the chairman of the District of Columbia Subcommittee and the conferees for their excellent work on this bill. I know there were many difficult issues facing the conference committee which by and large have been resolved in a fair and equitable manner. This is a good bill, a prudent bill, and a testament to the District's and the Congress ability to work together.

I have been very concerned over the level of funding of St. Elizabeths Hospital in the District and the hospital's ability to continue to provide consistent and ample services to area residents. I am also concerned over the future of the employees at St. Elizabeths, and if I may, Mr. Speaker, I would at this time like to enter into a colloquy with the chairman of the subcommittee.

Mr. Speaker, am I correct that the conference report adds an additional $5.7 million over the Senate amount of $29.4 million and $10.5 million over the House figure of $24.7 million for St. Elizabeths Hospital?

Mr. DIXON. The gentleman from Maryland is correct.

Mr. HOYER. Am I also correct, Mr. Speaker, that the amount of $35.1 million for St. Elizabeths implies approximately $14 million in administrative savings?

Mr. DIXON. Yes, the Federal Department of Health and Human Services has reported that it would initiate management improvements which should result in savings of $14 million.

Mr. HOYER. I also understand, Mr. Speaker, that the conference committee has incorporated provisions protecting employees of St. Elizabeths from any adverse effects of these savings and also requiring the District to report to Congress prior to any transfer of functions at St. Elizabeths on the measures they are taking to protect these employees from possible adverse effects due to a transfer of function. Would the gentleman comment on those provisions and would the gentleman explain what steps will be taken by St. Elizabeths, the District, and the Congress to insure the continued high level of services rendered to patients in the drug and alcohol abuse program?

Mr. DIXON. Let me say to the gentleman from Maryland that the conference members were very much concerned that present employees of St. Elizabeths Hospital not be adversely affected, and language was placed in the joint statement of the managers—and this can be found on pages 5 and 9 of the slip copy of the conference report, House Report No. 98-379—expressing this concern. We fully expect all employees in the programs affected at St. Elizabeths to have first right of refusal for any hirings by the District government for the programs that it transfers from St. Elizabeths. We expect this to take place notwithstanding the city's residency requirements. These individuals are not new employees—they are dedicated people caught up in a problem not of their own doing. We have asked city officials to provide the Congress with a report 60 days prior to the effective date of any transfer, and let me assure you that we have the same concerns about these employees as the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for his assurances and for his explanation.

Again, I would like to commend the chairman, the ranking member and the members of the committee on both sides of the aisle for their efforts on this legislation and urge my colleagues to support the adoption of the conference committee report.

Mr. DIXON. Mr. Speaker, I have no further additional requests for time. I would reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the adoption of the conference report, and additionally to express to the chairman and members of the subcommittee and of the full committee my sincere appreciation for their consideration of the suggestions and requests that I have made as a Member of this body and other Members representing districts in the Washington metropolitan area have made concerning this matter.

Those things that impact on my district, being in close proximity to the District of Columbia, may be regarded as local matters by the balance of the Members of the Congress but for us they are important. The members of this subcommittee have invariably been most accommodating and although we have not always gotten all that we may have wanted they have been totally fair in their consideration. I want to publicly express my sincere gratitude to each of them for that.

I yield back the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I have no further requests for time.

Mr. DIXON. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 177, not voting 25, as follows:

[Roll No. 366]

YEAS—231

Ackerman	Davis	Hefner
Addabbo	Dellums	Hertel
Akaka	Derrick	Holt
Alexander	Dixon	Howard
Andrews (TX)	Donnelly	Hoyer
Annunzio	Dorgan	Hubbard
Aspin	Dowdy	Hutto
Barnes	Downey	Hyde
Bateman	Dwyer	Jeffords
Bates	Dymally	Johnson
Bedell	Dyson	Jones (NC)
Beilenson	Early	Kaptur
Bennett	Edgar	Kastenmeier
Berman	Edwards (AL)	Kemp
Bevill	Edwards (CA)	Kennelly
Biaggi	Erlenborn	Kildee
Bliley	Evans (IL)	Kogovsek
Boehlert	Fascell	Kolter
Boggs	Fazio	Kostmayer
Boland	Ferraro	Lantos
Boner	Fiedler	Lehman (CA)
Bonior	Fish	Lehman (FL)
Bonker	Florio	Leland
Borski	Foglietta	Levin
Boucher	Foley	Levine
Boxer	Ford (MI)	Lipinski
Britt	Ford (TN)	Long (LA)
Brooks	Frank	Long (MD)
Brown (CA)	Frost	Lowry (WA)
Bryant	Fuqua	Lundine
Burton (CA)	Garcia	Markey
Carney	Gejdenson	Marriott
Carr	Gekas	Martin (NY)
Chappell	Gephardt	Martinez
Clarke	Gibbons	Matsui
Clay	Gonzalez	Mavroules
Coleman (TX)	Gore	Mazzoli
Collins	Gradison	McCloskey
Conte	Gray	McDade
Conyers	Green	McHugh
Coughlin	Guarini	McKernan
Courter	Harkin	McKinney
Coyne	Harrison	McNulty
Crockett	Hawkins	Michel
Daschle	Hayes	Mikulski

Miller (CA)	Reid	Stratton
Mineta	Richardson	Studds
Minish	Ridge	Sundquist
Mitchell	Rinaldo	Swift
Moakley	Rodino	Synar
Molinari	Roe	Tallon
Mollohan	Rogers	Thomas (CA)
Moody	Rose	Thomas (GA)
Mrazek	Rostenkowski	Torres
Murphy	Rowland	Towns
Murtha	Roybal	Traxler
Natcher	Russo	Valentine
Neal	Sabo	Vento
Nowak	Savage	Walgren
O'Brien	Sawyer	Weiss
Oakar	Scheuer	Wheat
Oberstar	Schroeder	Whitley
Olin	Schumer	Whitten
Ortiz	Seiberling	Williams (OH)
Ottinger	Shannon	Wilson
Owens	Sikorski	Wirth
Parris	Simon	Wise
Pashayan	Sisisky	Wolf
Patterson	Smith (FL)	Wolpe
Pease	Smith (IA)	Wright
Penny	Smith (NJ)	Wyden
Pepper	Solarz	Yates
Perkins	Spratt	Yatron
Porter	St Germain	Young (FL)
Price	Staggers	Young (MO)
Rangel	Stark	Zablocki
Ratchford	Stokes	Zschau

NAYS—177

Albosta	Hall, Ralph	Nielson
Anderson	Hall, Sam	Obey
Anthony	Hamilton	Oxley
Applegate	Hammerschmidt	Packard
Archer	Hansen (ID)	Panetta
AuCoin	Hansen (UT)	Patman
Badham	Hartnett	Paul
Barnard	Hatcher	Petri
Bartlett	Hightower	Pursell
Bereuter	Hiler	Quillen
Bethune	Hopkins	Rahall
Bilirakis	Huckaby	Ray
Breaux	Hughes	Regula
Brown (CO)	Hunter	Ritter
Broyhill	Ireland	Roberts
Burton (IN)	Jenkins	Robinson
Byron	Jones (OK)	Roemer
Campbell	Jones (TN)	Roth
Carper	Kasich	Roukema
Chandler	Kazen	Schaefer
Chappie	Kindness	Schulze
Cheney	Kramer	Sensenbrenner
Clinger	LaFalce	Sharp
Coats	Lagomarsino	Shaw
Coleman (MO)	Latta	Shelby
Conable	Leach	Shumway
Cooper	Leath	Shuster
Corcoran	Lent	Siljander
Craig	Levitas	Skeen
Crane, Daniel	Lewis (CA)	Skelton
Crane, Philip	Lewis (FL)	Slattery
D'Amours	Livingston	Smith (NE)
Daniel	Lloyd	Smith, Denny
Dannemeyer	Loeffler	Smith, Robert
Daub	Lott	Snowe
DeWine	Lowery (CA)	Snyder
Dickinson	Lujan	Solomon
Dicks	Luken	Spence
Dreier	Mack	Stangeland
Duncan	MacKay	Stenholm
Durbin	Madigan	Stump
Eckart	Marlenee	Tauke
Edwards (OK)	Martin (IL)	Tauzin
Emerson	Martin (NC)	Taylor
English	McCain	Torricelli
Erdreich	McCandless	Vander Jagt
Evans (IA)	McCollum	Vandergriff
Feighan	McCurdy	Volkmer
Fields	McEwen	Vucanovich
Flippo	McGrath	Walker
Franklin	Mica	Watkins
Frenzel	Miller (OH)	Weaver
Gaydos	Montgomery	Weber
Gilman	Moore	Whitehurst
Gingrich	Moorhead	Whittaker
Goodling	Morrison (WA)	Williams (MT)
Gregg	Myers	Winn
Gunderson	Nelson	Wortley
Hall (OH)	Nichols	Wylie

NOT VOTING—25

Andrews (NC)	Gramm	Pickle
Bosco	Hall (IN)	Pritchard
Broomfield	Hance	Rudd
Coelho	Heftel	Schneider
de la Garza	Hillis	Udall
Dingell	Horton	Waxman
Forsythe	Jacobs	Young (AK)
Fowler	Lungren	
Glickman	Morrison (CT)	

□ 1430

Messrs. MICA, MACKAY, ALBOSTA, OBEY, and HUGHES changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 2: Page 2, after line 20, insert:

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, $25,171,600, of which $11,735,400 shall remain available until expended.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, $25,171,600 of which $11,735,400 shall remain available until expended: *Provided,* That $2,841,300 for the Superior Court of the District of Columbia shall be made available only upon enactment into law of authorizing legislation.

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 2, after line 20, insert:

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, $1,500,000.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of matter proposed by said amendment, insert the following:

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, $350,000.

SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, $5,700,000.

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 5: Page 3, line 21, strike out "$2,403,700" and insert "$2,328,700".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$2,603,700".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 7: Page 3, line 25, strike out "$1,802,700" and insert "$1,903,700".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$2,103,700 (including $200,000 for obligations incurred in fiscal year 1983)".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 9: Page 5, line 15, strike out "$457,840,300" and insert "$487,322,900".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$487,068,100 (including $2,841,300 for the Superior Court of the District of Columbia which shall be made available only upon enactment into law of authorizing legislation)".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 10: Page 6, line 17, strike out "$473,597,100" and insert "$484,682,900".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$483,532,900".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 6, line 19, strike out "$326,000,000" and insert "$327,500,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$326,350,000".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 13: Page 8, line 5, strike out "$486,778,600 and insert "$497,536,600".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$503,236,000".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 14: Page 8, line 25, strike out "shall not exceed".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: "shall not exceed $5,700,000 and an additional".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 10, line 22, strike out all after "30," over to and including "both)" in line 2 on page 11, and insert "1982, $5,000,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: Restore the matter stricken and inserted by said amendment amended to read as follows: "1982, $15,000,000, of which not less than $10,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both)".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 20: Page 23, after line 14, insert:

SEC. 132. (a) That part of the Legislative Branch Appropriation Act, 1984 (Public Law 98-51), under the heading "SENATE" is amended, in the paragraph with the heading "SECRETARY OF THE SENATE", by striking out "$390,000" and inserting in lieu thereof "$537,000".

(b) That part of such Act, under the heading "JOINT ITEMS", is amended, in the paragraph with the heading "EDUCATION OF PAGES", by striking out "$295,000" and inserting in lieu thereof "$148,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 131. (a) That part of the Legislative Branch Appropriation Act, 1984 (Public Law 98-51), under the heading "SENATE" is amended, in the paragraph with the heading "SECRETARY OF THE SENATE", by striking out "$390,000" and inserting in lieu thereof "$537,000".

(b) That part of such Act, under the heading "HOUSE OF REPRESENTATIVES" is amended, in the paragraph with the heading "SALARIES, OFFICERS, AND EMPLOYEES", by striking out "$44,639,000" and inserting in lieu thereof $44,787,000"; and by striking out "$6,185,000" for the "OFFICE OF THE DOORKEEPER" and inserting in lieu thereof "$6,333,000".

(c) That part of such Act, under the heading "JOINT ITEMS" is amended, in the paragraph with the heading "EDUCATION OF PAGES", by striking out such heading and paragraph.

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2780, STATE AND LOCAL FISCAL ASSISTANCE AMENDMENTS OF 1983

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2780) to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program, with a Senate amendment thereto, disagree to the Senate amendment, and agree to a conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FRANKLIN. Mr. Speaker, reserving the right to object, this side would like to know whether this has been cleared with the ranking minority member.

The minority would like to know whether the ranking minority member on the committee has been advised as to this and whether he agrees to it.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, I believe the staff has been advised. They agreed, I believe, to the recommendations that the gentleman from New York (Mr. HORTON), who is the ranking minority member, and the two other minority members on that subcommittee be appointed. We used the same procedure for the Democrats.

Mr. FRANKLIN. Mr. Speaker, further reserving the right to object, I will ask the gentleman whether the gentleman from New York (Mr. HORTON) has agreed.

Mr. BROOKS. If the gentleman will yield, Mr. Speaker, I think he has no objection to it. That was my understanding.

Mr. FRANKLIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

The Chair hears none and, without objection, appoints the following conferees: Messrs. BROOKS, WEISS, CONYERS, LEVIN of Michigan, MACKAY, TOWNS, HORTON, WALKER, and MCCANDLESS.

There was no objection.

FEDERAL ANTITAMPERING ACT

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 216) to amend title 18, United States Code, to combat, deter, and punish individuals who tamper with household products with intent to cause personal injury, death, or other harm, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

□ 1440

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SAWYER. Mr. Speaker, reserving the right to object, I do so in order to get a further explanation of what the gentleman from New Jersey is doing.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have an amendment at the desk. It is my intent to offer the amendment and seek the passage of an amendment to the anti-tampering bill.

Mr. SAWYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. HUGHES)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 216

An Act to amend title 18, United States Code, to combat, deter, and punish individuals who tamper with household products with intent to cause personal injury, death, or other harm, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Anti-Tampering Act."

SEC. 2. Chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1365. Tampering with household products

"(a) Whoever, with intent to kill, injure or otherwise endanger the health or safety of any person or to cause significant damage or injury to the business of an individual, partnership, corporation, association, or other business entity, tampers with and thereby taints, or tampers with and thereby renders materially false or misleading the labeling of, or container for, any household product which is in, is intended to be in, or continues to affect interstate or foreign commerce, or attempts, threatens, or conspires to do so, shall—

"(1) be imprisoned for not more than ten years or fined not more than $20,000, or both;

"(2) if serious bodily injury results, be imprisoned for not more than twenty years or fined not more than $50,000 or both; and

"(3) if death results, be imprisoned for any term of years or for life or fined not more than $100,000, or both.

"(b)(1) Whoever imparts or conveys false information, knowing the information to be false, concerning an act or attempted act which, if true, would constitute a violation of subsection (a) shall be imprisoned for not more than one year or fined not more than $10,000, or both.

"(2) Whoever willfully and maliciously imparts or conveys false information, knowing the information to be false, concerning an act or attempted act which, if true, would constitute a violation of subsection (a) shall be imprisoned for not more than five years or fined not more than $25,000, or both.

"(3) Whoever willfully and maliciously imparts or conveys false information, knowing the information to be false that a household product as described in subsection (a) is or has been tainted shall be imprisoned for not more than one year or fined not more than $10,000 or both.

"(c) A violation of this section may be investigated by the Federal Bureau of Investigation and by any other Federal agency which has investigative jurisdiction over such violation under title 21 of the United States Code.

"(d) A person has the intent required for an offense under this section if the person knows or has reason to know that the normal and usual consequence of the actual, attempted, planned, or threatened tampering would be to kill, injure, or otherwise endanger the health or safety of any person or to cause significant damage or injury to the business of an individual, partnership, corporation, association, or other business entity.

"(e) As used in this section—

"(1) the term 'household product' means—

"(A) any food, drug, device, or cosmetic; or

"(B) any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use;

"(2) the term 'food' has the definition given such term in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)) and also includes 'meat food product' as such term in defined in section 2(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j)), 'poultry' as such term is defined in section 4(e) of the Poultry Products Inspection Act (21 U.S.C. 453(e)), 'poultry product' as such term is defined in section 4(e) of the Poultry Products Inspection Act (21 U.S.C. 453(f)), 'egg product' as such term is defined in section 4(f), of the Egg Products Inspection Act (21 U.S.C. 1033(f)), and 'egg' as such term is defined in section 4(g) of the Egg Products Inspection Act (21 U.S.C. 1033(g));

"(3) the term 'drug' has the definition given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1));

"(4) the term 'device' has the definition given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h));

"(5) the term 'cosmetic' has the definition given such term in section 201(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(i));

"(6) the term 'labeling' has the definition given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m)); and

"(7) the term 'serious bodily injury' means bodily injury to a person which involves—

"(A) a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

SEC. 3. The table of sections at the beginning of chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1365. Tampering with household products.".

SEC. 4. (a) The following new section shall be added to title 35 of the United States Code:

"§ 155A. Patent term restoration

"(a) Notwithstanding the provisions of section 154, the term of each of the follow-

ing patents shall be extended in accordance with this section:

"(1) Any patent which encompasses within its scope a composition of matter which is a new drug product, if during the regulatory review of the product by the Federal Food and Drug Administration—

"(A) the Federal Food and Drug Administration notified the patentee, by letter dated February 20, 1976, that such product's new drug application was not approvable under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act;

"(B) in 1977 the patentee submitted to the Federal Food and Drug Administration the results of a health effects test to evaluate the carcinogenic potential of such product;

"(C) the Federal Food and Drug Administration approved, by letter dated December 18, 1979, the new drug application for such product; and

"(D) the Federal Food and Drug Administration approved, by letter dated May 26, 1981, a supplementary application covering the facility for the production of such product; and

"(2) Any patent which encompasses within its scope a process for using the composition of matter described in paragraph (1).

"(b) The term of any patent described in subsection (a) shall be extended for a period equal to the period beginning February 20, 1976, and ending May 26, 1981 and such patent shall have the effect as if originally issued with such extended term.

"(c) The patentee of any patent described in subsection (a) shall, within ninety days after the date of enactment of this section, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent Trademark Office.".

(b) The analysis for chapter 14 of such title 35 is amended by adding at the end thereof the following:

"155A. Patent term restoration.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HUGHES: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Anti-Tampering Act".

SEC. 2. Chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1365. Tampering with consumer products

"(a) Whoever, with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk, tampers with any consumer product that affects interstate or foreign commerce, or the labeling of, or container for, any such product, or attempts to do so, shall—

"(1) in the case of an attempt, be fined not more than $25,000 or imprisoned not more than ten years, or both;

"(2) if death of an individual results, be fined not more than $100,000 or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, be fined not more than $100,000 or imprisoned not more than twenty years, or both; and

"(4) in any other case, be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(b) Whoever, with intent to cause serious injury to the business of any person, taints any consumer product or renders materially false or misleading the labeling of, or container for, a consumer product, if such consumer product affects interstate or foreign commerce, shall be fined not more than $10,000 or imprisoned not more than three years, or both.

"(c)(1) Whoever knowingly communicates false information that a consumer product has been tainted, if such product or the results of such communication affect interstate or foreign commerce, and if such tainting, had it occurred, would create a risk of death or bodily injury to another person, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(2) As used in paragraph (1) of this subsection, the term 'communicates false information' means communicates information that is false and that the communicator knows is false, under circumstances in which the information may reasonably be expected to be believed.

"(d) Whoever knowingly threatens, under circumstances in which the threat may reasonably be expected to be believed, that conduct that, if it occurred, would violate subsection (a) of this section will occur, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(e) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties intentionally engages in any conduct in furtherance of such offense, shall be fined not more than $25,000 or imprisoned not more than ten years, or both.

"(f) In addition to any other agency which has authority to investigate violations of this section, the Food and Drug Administration and the Department of Agriculture, respectively, have authority to investigate violations of this section involving a consumer product that is regulated by a provision of law such Administration or Department, as the case may be, administers.

"(g) As used in this section—

"(1) the term 'consumer product' means—

"(A) any 'food', 'drug', 'device', or 'cosmetic', as those terms are respectively defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

"(B) any article, product, or commodity which is customarily produced or distributed for consumption by individiuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which is designed to be consumed or expended in the course of such consumption or use;

"(2) the term 'labeling' has the meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m));

"(3) the term 'serious bodily injury' means bodily injury which involves—

"(A) a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(4) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.".

SEC. 3. The table of sections at the beginning of chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1365. Tampering with consumer products.".

SEC. 4. (a) Title 35 of the United States Code is amended by inserting after section 155 the following new section:

"§ 155A. Patent term restoration

"(a) Notwithstanding section 154 of this title, the term of each of the following patents shall be extended in accordance with this section:

"(1) Any patent which encompasses within its scope a composition of matter which is a new drug product, if during the regulatory review of the product by the Federal Food and Drug Administration—

"(A) the Federal Food and Drug Administration notified the patentee, by letter dated February 20, 1976, that such product's new drug application was not approvable under section 505(b)(1) of the Federal Food, Drug and Cosmetic Act;

"(B) in 1977 the patentee submitted to the Federal Food and Drug Administration the results of a health effects test to evaluate the carcinogenic potential of such product;

"(C) the Federal Food and Drug Administration approved, by letter dated December 18, 1979, the new drug application for such product; and

"(D) the Federal Food and Drug Administration approved, by letter dated May 26, 1981, a supplementary application covering the facility for the production of such product.

"(2) Any patent which encompasses within its scope a process for using the composition of matter described in paragraph (1).

"(b) The term of any patent described in subsection (a) shall be extended for a period equal to the period beginning February 20, 1976, and ending May 26, 1981, and such patent shall have the effect as if originally issued with such extended term.

"(c) The patentee of any patent described in subsection (a) of this section shall, within ninety days after the date of enactment of this section, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.".

(b) The table of sections at the beginning of chapter 14 of such title 35 is amended by adding at the end thereof the following:

"155A. Patent term restoration.".

Mr. HUGHES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Speaker, I am pleased to bring before you the so-called antitampering bill, which will protect the consumers of this country from foods, drugs, cosmetics, and medical devices that have been tampered with. A year ago today, as I'm sure you all recall, the first of 7 people in the Chicago area died when they took a pain killer laced with cyanide. Since that time, the Congress has been engaged in a surprisingly difficult effort to draft legislation that will protect consumers from such occurrences and punish those who perpetrate such crimes. In fact, last December both Houses of Congress passed such a bill as part of a general crime package. Unfortunately, the entire package was vetoed by the President, and the Congress was forced to begin anew the process of drafting a bill that is satisfactory to all concerned. I believe that S. 216, with the amendments I am proposing, is that bill.

Last May, the House passed H.R. 2174 by a unanimous vote. That bill is the basis for the amendment to the Senate bill that I offer today. Its provisions are described in House Report 98-93. A few changes have been made, many of them technical or stylistic. For example, while H.R. 2174 as passed by the House required that the defendant "knowingly" tamper with certain products, the amendment deletes the word "knowingly." No substantive change is intended by the deletion of "knowingly." The change simply conforms the bill to the general drafting convention of title 18 of the United States Code. Title 18 generally does not explicitly set forth the state of mind required for an offense. Where it is not explicitly set forth, the state of mind required is "knowingly." This amendment therefore conforms the bill to that general drafting convention.

In addition, while H.R. 2174 used the term "covered" product to describe the products whose tampering the bill proscribes, the amendment uses the term "consumer" product. This change emphasized that the bill is designed to protect consumers. That is its primary focus and, with one basic exception which I will describe in a moment, that is what the bill does.

The amendment makes 3 significant substantive changes in H.R. 2174 as passed by the House. The first creates a new subsection (b), and relates to protection of a business that is the victim of a tampering or other tainting. New subsection (b) punishes both a person who, with the requisite intent, "taints" any consumer product and one who renders "materially false or misleading the labeling of, or container for, a consumer product." The amendment is narrowly drawn: A defendant may be convicted of this offense only if he or she acts "with intent to cause serious injury" to the business. The defendant need not, however, commit conduct that poses a risk to human safety. While there was significant debate about whether this bill should proscribe such conduct since, as I have noted, the bill is primarily designed to protect consumers, it is clear that in many cases, the results of such conduct are the same as when a tampering with risk to human safety occurs. Consumer confidence may be impaired if word gets out that a product is tainted. Also, the tainting may spawn copycat taintings that may cause risk to human safety, even if the original tainting did not.

Subsection (b) requires that the defendant intend that serious injury to a business result. The requirement of materiality insures, as does the requirement that the defendant intend serious injury to a business, that the defendant's actions do not simply constitute mild or insignificant harrassment. Thus in general the subsection will cover those instances where the business sustains significant financial loss, as from a major recall, or significant damage to its good will through loss of consumer confidence in the product.

The maximum penalty for violating new subsection (b)—3 years in prison and a $10,000 fine—reflects the fact that the defendant's conduct may not pose a risk to human safety. The penalty is considerably lower than for a violation of subsection (a), which does require that the defendant's conduct create a risk to human safety. Under subsection (a), A defendant may be sentenced to up to life in prison if death results from the tampering.

The second change, which is closely related to the first, concerns false claims that a product has been tainted in a way that would cause death or serious bodily injury. Concern was expressed that the false claims section of H.R. 2174 left a loophole in its coverage. A person who falsely claimed that a product had been tainted, but who did not allege that it had been tampered with in a manner that would violate subsection (a), would not have been liable under subsection (c) of H.R. 2174. The effect on the business and on consumer confidence will in all likelihood be the same as when a claim of tampering has been made—a false claim that a product has been tainted could lead a company to institute a major recall and could cause consumers legitimate reluctance to buy needed products. The new language therefore broadens the false claims section somewhat, to insure that claims involving tainting are prohibited. The section is, however, still narrowly drawn, so that only those false claims that cause a significant disruption are covered. The claim of tainting must be of such a nature that it creates serious and justifiable concerns of a risk of death or bodily injury to another person. False claims that a product has been tainted in insignificant ways that would not create such risks are not prohibited by subsection (c). The clearest example of a false claim that is not covered by new subsection (c) is that milk has somehow been tainted by a harmless red dye, which makes the milk unpalatable to the taste and displeasing to the eye, but in no way dangerous to another human being.

Thus, the new false claims section is carefully drafted to exclude coverage of disgruntled consumers who defame a company or its products, or who complain about products that are not satisfactory to them, but whose claims, if true, would not cause a risk of death or bodily injury. A consumer who grumbles that a particular hamburger is made with horsemeat, even if that consumer knows that the claim is false, and makes the claim with the intent to destroy the reputation of the company, or the confidence of consumers in it, is not liable under new subsection (c) because horsemeat in hamburgers will not cause a risk of death or bodily injury.

An example of a false claim that would, in appropriate circumstances, be covered by new subsection (c) is that a can of tuna is infected with botulism. Pursuant to paragraph (c)(1), such a claim would be covered if the person knows that the information is false and if the information is in fact false. In addition, the false claim must be made under circumstances in which the information may reasonably be expected to be believed. A more detailed explanation of these limiting provisions is provided in the report accompanying H.R. 2174.

"Tainting," as used in both subsections (b) and (c), is a new term in the House bill. It is broader than the concept of "tampering," as used in subsection (a). "Tampering" requires affirmative human conduct that changes the nature of the product, in a manner that causes a risk of death or bodily injury. "Tainting," as described in the Senate Report on S. 216, means "to modify with a trace of something offensive or deleterious, or to infect, contaminate, or corrupt * * * such an 'offensive' or 'contaminating' result would be the addition of an unsightly or nauseating substance, as well as a dangerous substance."

The third change, the so-called "Airco amendment," extends Airco's patent term on a new drug. Airco was entitled to a patent for the period beginning February 20, 1976, but the Federal Food and Drug Administration, acting on erroneous information, rejected its patent application. The error was not corrected until May 26, 1981. The amendment extends Airco's patent term for the amount of time

the application had been erroneously rejected.

I believe that the changes made in H.R. 2174 are good ones. They cover conduct that has caused great concern to a number of people who have commented on the anti-tampering legislation. The changes clarify that such conduct is prohibited by the law, but they are drafted to insure that they do not prohibit legitimate conduct, or conduct that should not be dealt with by the Federal criminal law. As every day goes by without an anti-tampering bill, and as halloween approaches once again, the risk increases of an occurrence such as the one in Chicago last year. It is important to the consumers of this country that an anti-tampering bill be passed now. I urge your support for this bill.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the amendment.

This rather fittingly, on the eve of Halloween where a lot of these problems are apt to occur, is being brought to the House. It is the first crime bill that we have had from our subcommittee get to the floor, although we have five others in float between the Senate and the full committee and expect to bring more. But this one has come up very timely since this is the anniversary of the first death of the Chicago Tylenol victims of tampering. And it is certainly aimed at the sick minds and methods of people who would wreak terror on whole communities, killing people and injuring people whom they do not even know, destroying or badly damaging the reputations of fine companies, and shaking the confidence of people in products they buy with reputable names and from reputable sources.

Seven Chicago victims were lost through the kind of activity which is brought within the scope of this bill. And it is unbelievable that people would engage in this kind of terrorism and it certainly calls for swift and stringent legislation which this product represents.

The penalties are severe on only threats or false claims up to 10 years with heavy fines, $50,000 fines where injuries occur and up to 20 years in prison, and if death results, $100,000 fine and any term of years including life.

The chairman of the Senate Judiciary Committee, Chairman HUGHES of the Subcommittee on Crime and myself have cosponsored this bill and were able to, I think, put together a joint bill compromising points of differences into a very strong and very effective bill that will enable people to walk out of grocery stores and drugstores with confidence that what they have bought is what they intended and is safe to consume. And will continue what I think is a very appropriate monopoly of terror on Halloween in the little ghosts and goblins and not in some crackpots that do the kind of things that brought about this legislation.

Mr. Speaker, there is one point of clarification that I wish to make with regard to the provisions of the Federal Anti-Tampering Act for the purpose of establishing legislative history. I took a personal interest in insuring that the new law adequately encompassed those products that consumers purchased with particular reliance on safety. To define "food," "drug," "device," and "cosmetic," the subcommittee relied on the definition now contained in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). The subcommittee language is now part of the definition of the term "consumer product" in the Federal Anti-Tampering Act. Title 21, United States Code, section 321(f) states: "The term food means: First articles used for 'food' or drink for man or other animals; second, chewing gum: and third, articles used for components of any such article." Some persons raised the concern that the plain language of subsection (f) would be read as modified by other limiting sections within the Federal Food, Drug, and Cosmetic Act. For the record, I wish to clarify that it has been our intention and remains our understanding that, for the purposes of the Federal Anti-Tampering Act, the term "food" is defined by the plain language of 21 U.S.C. 321(f), and subsection 321(f) should not be modified by any other section. We intend to incorporate the discussion and all of the foods listed in the Senate Report 98-69 as well.

In addition to this specific comment, I concur with the remarks of Chairman HUGHES regarding the Federal Anti-Tampering Act.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to compliment the chairman, the gentleman from New Jersey (Mr. HUGHES) and the ranking minority member, the gentleman from Michigan (Mr. SAWYER) for a very important bill and a bill that I am pleased to say that I am a cosponsor of.

It is pitiful to think that this country needs a bill, but the awful activity of 1 year ago certainly bears proof that this is exactly what this country needs.

This is a most important bill and I think on a very sad day, a very sad anniversary, is a very appropriate time for this Congress to take action to see what we can do to see that this never happens again.

I vigorously support this bill.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Speaker, I, too, would like to rise in support of this bill. This is something that I think is most important and most needed. The fact that it is not in the headlines today does not mean that this is not happening today. It is happening. There are isolated incidents, but nevertheless they are happening. And the particular incidents which happened last year could be repeated.

I commend the gentleman from New Jersey (Mr. HUGHES), the chairman of the subcommittee and the gentleman from Michigan (Mr. SAWYER), both of whom I have the pleasure of serving with on the subcommittee, for their interest and efforts on behalf of this bill. I am proud to be a cosponsor.

I urge all my colleagues to vote for this. This is something that needs to be placed in the law and needs to be placed in the law now.

Mr. HUGHES. Mr. Speaker, I just want to say in closing that a great deal of work went into the bill and I want to commend in particular, the gentleman from Michigan, HAL SAWYER, the ranking Republican on the Subcommittee on Crime, for his outstanding work; the gentleman from Florida, CLAY SHAW, and the gentleman from Florida, LARRY SMITH, for their efforts; our colleague in the other body, Senator THURMOND, whose work was essential, and finally, the gentleman from New Jersey, PETER RODINO, the chairman of the full committee and the gentleman from New York, HAM FISH, the ranking Republican, who were all extremely helpful in securing passage of this important legislation.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HUGHES).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes."

A motion to reconsider was laid on the table.

□ 1450

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, September 26, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the text of H.R. 3646 shall be considered by titles as an original bill for the purpose of amendment under the 5-minute rule, and each title shall be considered as having been read. It shall be in order to consider an amendment to section 109 of said substitute consisting of the text of the amendment recommended by the Committee on Armed Services printed in H.R. 3231.

The Clerk will designate section 1.

The text of section 1 reads as follows:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1983".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I reads as follows:

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

VIOLATIONS

SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App. 2410(b)) is amended by inserting after paragraph (2) the following new paragraphs:

"(3) Any person who conspires or attempts to export anything contrary to any provision of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of a violation of an export control imposed under section 5 of this Act, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(4) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control; or

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall, in the case of a violation of an export control imposed under section 5, be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6, be subject to the penalties set forth in subsection (a).

"(5) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of a foreign policy or national security control, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.".

(b) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.".

(c) Section 11(e) of the Act is amended by inserting "or any property interest or proceeds forfeited pursuant to subsection (f)" after "subsection (c)".

(d) Section 11 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—Any person who is convicted of a violation of an export control imposed under section 5 of this Act shall, in addition to any other penalty, forfeit to the United States (1) any property interest that person has in the goods or technology that were the subject of the violation or that were used to facilitate the commission of the violation, and (2) any proceeds derived directly or indirectly by that person from the transaction from which the violation arose.".

(e) Section 11(h) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

ENFORCEMENT AUTHORITY

SEC. 103. Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authorities under this Act:

"(A) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(B) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(C) Search without warrant or process any person, place, or vehicle on which, and any baggage in which, the officer or employee has probable cause to believe there are goods or technology being exported or about to be exported in violation of this Act.

"(D) Seize without warrant or process any goods or technology which the officer or employee has probable cause to believe have been, are being, or are about to be exported in violation of this Act.

"(E) Carry firearms in carrying out any activity described in subparagraphs (A) through (D).

"(3)(A) Notwithstanding any other provision of law, the authority of customs officers with respect to violations of this Act shall be limited to (i) inspection of or other search for and detention and seizure of goods or technology at those places in which such officers are authorized by law to conduct such searches, detentions, and seizures, and (ii) any investigation conducted prior to such inspection, search, detention, or seizure. Upon seizure by any customs officer of any goods or technology in the enforcement of this Act, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.

"(B) In conducting inspections of goods and technology in the enforcement of this Act, the United States Customs Service shall limit those inspections to goods and technology with respect to which the Customs Service has received specific information of possible violations of this Act, and shall not conduct random inspections which would result in the detainment of shipments of goods or technology that are in full compliance with this Act.

"(C) Notwithstanding any other provision of law, not more than $14,000,000 may be expended by the United States Customs Service in any fiscal year in the enforcement of export controls.

"(4) All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection or section 11(f) of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subsection or section 11(f) of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this subsection and section 11(f) of this Act, be exercised or performed by the Secretary or by such persons as the Secretary may designate.".

FINDINGS; DECLARATION OF POLICY

SEC. 104. (a)(1) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(2) Section 2 of the Act is further amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign

policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment that are banned or severely restricted for use in the United States, which exports could affect the international reputation of the United States as a responsible trading partner.".

(b) Section 3 of the Act (50 U.S.C. App. 2402) is amended by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so requires protecting the ability of scientists and other scholars freely to communicate their research findings by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as the credibility of the United States as a responsible trading partner.".

TYPES OF LICENSES

SEC. 105. Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of a validated license for each such export, including but not limited to the following:

"(A) A qualified general license, authorizing exports of goods for approved end uses.

"(B) A distribution license, authorizing exports of goods to approved distributors or users of the goods.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.

"(E) A comprehensive operations license, authorizing exports of goods or technology between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.".

NATIONAL SECURITY CONTROLS

SEC. 106. (a) Section 5(a)(1) of the Act (50 U.S.C. App 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of countries to which exports of such goods or technology are controlled under this section.".

(b) Section 5(b) of the Act is amended by adding at the end thereof the following new sentence: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation. The Secretary may also by regulation require any person exporting any such goods or technology otherwise subject to export controls under this section to notify the Department of Commerce of those exports.".

(c) Section 5(e) of the Act is amended by adding at the end thereof the following:

"(5) The export of technology and related goods subject to export controls under this section, including items on the list of militarily critical technologies developed pursuant to subsection (d) of this section, shall be eligible for a comprehensive operations license which would authorize, over a period of years and to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961, multiple exports and reexports between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.

"(6) The export to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961 of goods and technology subject to export controls under this section shall be eligible for a distribution license or other licenses authorizing multiple exports. The Secretary shall periodically monitor exports made pursuant to such licenses in order to insure compliance with the provisions of this Act.".

(d) Section 5(g) of the Act is amended—

(1) in the second sentence by striking out "by the latest such increase" and inserting in lieu thereof "by the regulations"; and

(2) by inserting after the first sentence the following: "The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of countries to which exports are controlled for national security purposes.".

(e) Section 5(k) of the Act is amended—

(1) by inserting ", including those countries not participating in the group known as the Coordinating Committee," after "other countries"; and

(2) by striking out "section 3(9)" and inserting in lieu thereof "paragraphs (9) and (10) of section 3".

(f) Section 5 of the Act is amended by adding at the end thereof the following new subsections:

"(m) REMOVAL OF CERTAIN CONTROLS.—(1) In any case in which, during any 1-year period in which export license applications have been filed for the export of a good subject to an export control under this section, all such license applications have been approved to a country group, the Secretary shall, at the end of that 1-year period, remove the export control on exports of that good to that country group, except that the Secretary may require an export license for the export of that good to such end users in that country group as the Secretary may specify by regulation.

"(2) This subsection shall not apply to export controls which the United States maintains cooperatively with any other country.

"(n) GOODS CONTAINING MICROPROCESSORS.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing such a microprocessor only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.".

COORDINATING COMMITTEE

SEC. 107. Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended by adding at the end thereof the following:

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the benefit of all participants.".

FOREIGN AVAILABILITY

SEC. 108. (a) Section 5(f)(4) of the Act (50 U.S.C. App. 2404(f)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall take the necessary steps to conduct negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved.".

(b) Section 5(f)(3) of the Act is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, and intelligence information.".

(c)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which shall be under the direction of the Assistant Secretary of Commerce for Trade Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office during that 6-month period. Such information shall include a description of every determination made under this Act during that 6-month period that foreign availability did not exist, together with an explanation of that determination.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(d) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1983.".

(e) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall take the necessary steps to conduct such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 109. Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a similar good or technology, and the good or technology or similar good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of sufficient quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph. In any case in which it is determined that a good or technology should be included on the commodity control list completed pursuant to this subparagraph notwithstanding foreign availability, the report to Congress shall specify why inclusion of that good or technology would significantly benefit United States military or national security.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies, and representatives of the General Accounting Office designated by the Comptroller General may attend any meetings held in the executive branch with respect to such list. The appropriate officers or employees shall notify the General Accounting Office of when and where any such meeting will be held. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in completing the commodity control list pursuant to subparagraph (A), and the General Accounting Office, in conducting the evaluation pursuant to subparagraph (B), shall consider mechanisms to reduce significantly the list of militarily critical technologies, including evaluating for possible removal from the list those goods or technology which are in one or more of the following categories:

"(i) Goods and technology the transfer of which would not lead to a significant near-term improvement in the defense capability of a country to which exports are controlled under this section.

"(ii) A technology that is evolving slowly.

"(iii) Technology that is not process-oriented.

"(iv) Components used in militarily sensitive devices that in themselves are not sensitive.

"(D) The reports submitted pursuant to subparagraphs (A) and (B) shall each include the results of the evaluation of the goods and technology set forth in subparagraph (C) and an evaluation of the feasibility of effectively imposing export controls on technologies as opposed to goods which are the products of those technologies.".

CRITERIA FOR FOREIGN POLICY CONTROLS; CONSULTATION WITH OTHER COUNTRIES; REPORT TO CONGRESS

SEC. 110. (a) Section 6(b) of the Act (50 U.S.C. App. 2405(b)) is amended to read as follows:

"(b) CRITERIA.—When imposing, expanding, or extending export controls on goods or technology under this section, the President shall consider whether—

"(1) the intended foreign policy purposes of the proposed controls can be achieved through negotiations or other alternative means;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(3) the proposed controls will have an adverse effect on the economic or political relations of the United States with other friendly countries;

"(4) the proposed controls will have a substantial adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a reliable supplier of goods and technology, or on the economic well-being of individual United States industries, companies, and their employees and communities;

"(5) the United States has the ability to enforce the proposed controls effectively;

"(6) the proposed controls are likely to achieve the intended foreign policy purpose; and

"(7)(A) the good or technology, or a similar good or technology, is available in sufficient quantity from sources outside the United States to the country to which exports are to be subject to the proposed controls, or (B) negotiations have been successfully concluded with the appropriate foreign governments to ensure the cooperation of such governments in controlling the export of such good or technology to the country to which exports are to be subject to the proposed controls, except that the preceding provisions of this paragraph shall not apply if the President determines that the proposed controls are necessary to further efforts by the United States to counter international terrorism or to promote observance of internationally recognized human rights.".

(b) Section 6 of the Act is amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH OTHER COUNTRIES.—Before export controls are imposed under this section, the President should consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b) and such other matters as the President considers appropriate.".

(c) Section 6(f) of the Act, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

"(f) CONSULTATION WITH THE CONGRESS.—(1) The President may impose, expand, or extend export controls under this section only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) Following consultation with the Congress in accordance with paragraph (1) and before imposing, expanding, or extending export controls under this section, the President shall submit to the Congress a report—

"(A) indicating how the proposed export controls will further, significantly, the foreign policy of the United States or will further its declared international obligations;

"(B) specifying the conclusions of the President with respect to each of the criteria set forth in subsection (b), and any possible adverse foreign policy consequences;

"(C) describing the nature, the subjects, and the results of the consultation with in-

dustry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

The concerns expressed by Members of Congress during the consultations required by this subsection shall be specifically addressed in each report submitted pursuant to this paragraph.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.".

(d) Section 6(i) of the Act, as redesignated by subsection (b)(1) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES

SEC. 111. (a) Section 6 of the Act (50 U.S.C. App. 2405), as amended by section 110 of this Act, is further amended by adding at the end thereof the following new subsection:

"(m) EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed or any export license issued under this Act before such date. The preceding sentence shall not apply in a case in which the export controls imposed relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, in which case the President shall promptly notify the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls. Any export controls described in the preceding sentence shall affect existing contracts and licenses only so long as the acts of aggression or terrorism, violations of human rights, or nuclear weapons tests continue or remain imminent. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(b) Section 7 of the Act (50 App. 2406) is amended by adding at the end thereof the following new subsection:

"(k) EFFECT OF CONTROLS ON EXISTING CONTRACTS.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from State lands, the performance of which contract would make the red cedar available for export. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(c) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act. The amendment made by subsection (b) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed after such date.

EXEMPTION FROM FOREIGN POLICY CONTROLS

SEC. 112. Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(b)(1) of this Act, is amended—

(1) by inserting after the first sentence the following: "This section also does not authorize export controls on donations of goods, such as food and clothing, intended to be used to relieve human suffering."; and

(2) by adding at the end thereof the following: "The President may impose export controls under this section on medicine, medical supplies, food, and donations of goods without regard to the other provisions of this subsection in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

FOREIGN POLICY CONTROLS AUTHORITY

SEC. 113. (a) The first sentence of section 6(a)(1) of the Act (50 U.S.C. App. 2405(a)(1)) is amended to read as follows: "In order to carry out the policy set forth in paragraph (2)(B), (7), (8), or (13) of section 3 of this Act, the President may prohibit or curtail the exportation from the United States of any goods, technology, or other information produced in the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations.".

(b) Section 6(a) of the Act is further amended by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity.".

(c) Section 6 of the Act, as amended by sections 110 and 111 of this Act, is further amended by adding at the end thereof the following new subsection:

"(n) EXPANDED AUTHORITY TO IMPOSE CONTROLS.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on a determination of the President under section 6(n)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(d) The amendments made by subsections (a), (b), and (c) of this section shall not apply to export controls imposed under section 6 of the Act before the date of the enactment of this Act which are extended in accordance with such section 6 on or after such date of enactment.

CRIME CONTROL INSTRUMENTS

SEC. 114. (a) Section 6(k)(1) of the Act (50 U.S.C. App. 2405(k)(1)), as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any determination of the Secretary—

"(A) of what goods or technology shall be included on the list established pursuant to subsection (l) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, or

"(B) to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any such determination, the matter shall be referred to the President for resolution.".

(b) The amendment made by subsection (a) shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

REIMPOSITION OF EXPORT CONTROLS

SEC. 115. (a) Section 6 of the Act, as amended by sections 110, 111, and 113 of this Act, is further amended by adding at the end thereof the following new subsection:

"(o) EXTENSION OF CERTAIN CONTROLS.—Those export controls imposed under this section which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20,

1983 (except those controls with respect to the 1980 summer Olympic games), shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.".

(b) Section 6(j) of the Act, as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Any such determination which has been made with respect to a country may not be rescinded unless the President first submits to the Congress a report justifying the rescission and certifying that the country concerned has not provided support for international terrorism, including support for groups engaged in such terrorism, for the preceding 12-month period.".

(c) The amendment made by subsection (b) shall apply with respect to any export control made effective by the amendment made by subsection (a).

PETITIONS FOR SHORT SUPPLY CONTROLS

SEC. 116. (a) Section 7(c)(1)(A) of the Act (50 U.S.C. App. 2406(c)(1)(A)) is amended to read as follows:

"(c) PETITIONS FOR MONITORING OR CONTROLS.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled (i) with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, and (ii) with respect to which a significant increase in exports is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.".

(b) Section 7(c)(1)(B) of the Act is amended—

(1) in clause (i) by striking out "and" after "supply,"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (iii) that the criteria set forth in paragraph (3)(A) of this subsection are satisfied.".

(c) Section 7(c)(1) of the Act is further amended by adding at the end thereof the following:

"(C)(i) For purposes of this subsection, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(ii) Before March 1, 1984, the Secretary shall issue regulations, in accordance with section 553 of title 5, United States Code, which define the operative terms contained in section 3(2)(C) of this Act and in this subsection, including but not limited to the following: 'excessive drain', 'scarce materials', 'serious inflationary impact of foreign demand', 'domestic shortage', 'increase in domestic prices' and 'increase in the domestic price', 'representative of an industry or a substantial segment of an industry', 'domestic industry', 'specific period of time', 'national economy or any sector thereof', 'significant increase in exports', and 'adverse effect'.".

(d) Section 7(c)(3) of the Act is amended to read as follows:

"(3)(A) Within 45 days after the end of the 30-day or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material which is the subject of the petition, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material and exports are a substantial cause of such domestic price increase or domestic shortage;

"(iii) exports of such material are or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry; and

"(iv) monitoring or controls or both are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.".

(e) Section 7(c)(6) of the Act is amended to read as follows:

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary shall not consider any other petition with respect to the same material or group of materials which is filed within 6 months after final action on the prior petition has been completed.".

(f) Section 7(c) of the Act is further amended—

(1) by striking out paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively;

(2) by amending paragraph (8), as redesignated by paragraph (1) of this subsection, to read as follows:

"(8) The authority under this subsection shall not be construed to affect the authority of the Secretary under any provision of this Act other than this section."; and

(3) by adding at the end thereof the following:

"(10) Notwithstanding subsection (a) or (b) of this section, no action in response to an informal or formal request by any entity described in paragraph (1)(A) of this subsection to impose controls on or monitor the export of metallic materials capable of being recycled shall be taken under this section except pursuant to this subsection. The Secretary, in any other case, may not impose controls on or monitor the export of metallic materials capable of being recycled unless the Secretary makes the determination required by paragraph (3)(A) of this subsection with respect to such controls or monitoring and complies with paragraph (3)(B) with respect to that determination.".

(g) Section 13(a) of the Act is amended by striking out "section 11(c)(2)" and inserting in lieu thereof "sections 7(c)(1)(C)(ii) and 11(c)(2)".

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 117. Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution approving such exports on the basis of those findings which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1987.".

REFINED PETROLEUM PRODUCTS

SEC. 118. Section 7(e)(1) of the Act (50 U.S.C. App. 2406(e)(1)) is amended in the first sentence by striking out "No" and inserting in lieu thereof "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

AGRICULTURAL EXPORTS

SEC. 119. (a) Section 7(g)(3) of the Act (50 U.S.C. App. 2406(g)(3)) is amended by amending the second sentence to read as follows: "If the Congress, within 60 days after the date of its receipt of such report, does not adopt a joint resolution approving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective at the end of that 60-day period.".

(b) The third sentence of section 7(g)(3) of the Act is amended by striking out "30-day" and inserting in lieu thereof "60-day".

LICENSING PROCEDURES

SEC. 120. (a) Section 10(c) of the Act (50 U.S.C. App. 2409(c)) is amended by striking out "90" and inserting in lieu thereof "60".

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof a period and the following: "Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended—

(1) in the first sentence—

(A) by inserting "the proposed" before "denial" the first two places it appears; and

(B) by striking out "denial" the third place it appears and inserting in lieu thereof "determination to deny the application"; and

(2) by inserting after the first sentence the following new sentence: "The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; OTHER INQUIRIES" after "APPLICATIONS"; and

(2) by adding at the end thereof the following new subsections:

"(k) CHANGES IN REQUIREMENTS FOR APPLICATIONS.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) OTHER INQUIRIES.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the commodity control list, the Secretary shall, within 10 days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.".

ANNUAL REPORT

SEC. 121. Section 14 of the Act (50 U.S.C. App. 2413) is amended—

(1) by redesignating paragraphs (11) through (20) as paragraphs (12) through (21), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) the removal of export controls on goods pursuant to section 5(m);".

TECHNICAL AMENDMENTS

SEC. 122. (a) Section 7(i)(1) of the Act (50 U.S.C. App. 2406(i)(1)) is amended in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs".

(b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(c) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 123. (a) Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1983; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1983 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for each of the fiscal years 1984 and 1985, of which for each such fiscal year $15,000,000 shall be available only for enforcement, $2,100,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $7,500,000 shall be available for all other activities under this Act; and

"(2) such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

TERMINATION OF AUTHORITY

SEC. 124. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1985.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 125. The Secretary shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters.

AMENDMENT OFFERED BY MR. HUTTO

Mr. HUTTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTTO: Page 17, strike out line 1 and all that follows through page 20, line 2, and insert in lieu thereof the following:

MILITARILY CRITICAL TECHNOLOGIES

SEC. 109. Section 5(d) of the Act (50 U.S.C. App. 240(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Any disagreement between the Secretary and the Secretary of Defense as to whether a good or technology on the list of militarily critical technologies should be integrated into the commodity control list shall be resolved by the President not later than November 1, 1984. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in integrating the list of militarily critical technologies into the commodity control list pursuant to subparagraph (A), shall consider mechanisms to reduce the list of militarily critical technologies.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually after the integrated list is completed pursuant to paragraph (4)(A), for the purpose of removing from the list of military critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may, after the integrated list is so completed, add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the commodity control list, the President shall resolve the disagreement not later than three months after the change is made in the list of militarily critical technologies.

"(6) The Secretary of Defense shall, not later than April 1, 1985, report to the appropriate committees of the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to countries to which ex-

ports are controlled under this section has had or will have on the military capabilities of those countries.".

Mr. HUTTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HUTTO. Mr. Chairman, I rise in support of the Armed Services Committee amendment to section 109 of H.R. 3231.

H.R. 3231 was reported by the Committee on Foreign Affairs on June 22, 1983, and was sequentially referred to the Committee on Armed Services for a period ending not later than July 22, 1983, for consideration of such portions of section 109 of the bill as fall within the committee's jurisdiction.

The Committee on Armed Services reported the bill with an amendment to section 109 of H.R. 3231 as reported by the Committee on Foreign Affairs. The purpose of the committee amendment is to clarify the authority of the Secretary of Defense to develop and maintain the militarily critical technologies list and to clarify the Secretary's role in the overall process of export controls for national security reasons.

The Committee on Armed Services does not disagree with the primary intent of section 109. The committee supports the general concept in H.R. 3231 of integrating the militarily critical technologies list and the commodity control list and efforts to reduce the size of the list. However, a careful reading of section 109 led us to recommend some modest changes in the language of that section.

The section of the bill that this amendment refers to is a very limited section within the context of the overall bill; it addresses the list of militarily critical technologies. This list is developed and maintained by the Secretary of Defense and consists of those goods and technologies that he considers would significantly improve the military capabilities of our adversaries.

Related to this list—but within the jurisdiction of the Department of Commerce—is the commodity control list. This list is used to administer the export licensing system that restricts export of goods and technologies for national security, short supply, or foreign policy reasons. Only a portion of the commodity control list is related to items that are militarily critical and, therefore, controlled for national security reasons.

The section of the bill referred to the Committee on Armed Services requires that the list of militarily critical technologies be integrated into the commodity control list by April 1, 1985.

The amendment offered by the Committee on Armed Services would also require the integration of these two lists. In fact, one of the problems in integrating this list in the past has been disagreement between the Secretary of Commerce and the Secretary of Defense as to which items on the militarily critical technologies list are appropriately included in the commodity control list. The amendment recommends that this problem be resolved by referring disagreements to the President.

From an overall perspective, the Committee on Armed Services believes that the bill as reported by the Foreign Affairs Committee would reduce the influence of the Secretary of Defense with regard to this list, first, by limiting the determination of whether or not a good or technology is available from a foreign source and, thereby, automatically decontrolled and, second, by specifying certain criteria for removing items from the list.

This amendment would move the section slightly back toward the present situation—but not all the way. The committee recommends that determination of foreign availability be based on the availability of goods and technologies that reflect the same characteristics, performance, and capabilities as the goods or technologies we are attempting to control.

This amendment would also delete certain criteria incorporated in the bill as reported by the Committee on Foreign Affairs that could lead to reductions in the list of militarily critical technologies. This amendment would support a reduction in the list in order to provide better controls over a smaller number of truly high technology items; however, this amendment stresses the fundamental criteria for reducing or adding items on the list should be on the basis of whether the items are militarily critical.

Mr. Chairman, I urge the Members adopt the amendment to section 109.

Mr. BONKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman in the well, Mr. HUTTO. The gentleman headed up a task force on behalf of the Armed Services Committee, which has shared jurisdiction over this legislation. The gentleman and his task force took a close look at the bill, its ramifications on technology transfers and how it may or may not enhance the military capability of an adversarial nation.

I would like to say that they have done a responsible job, and they have put forth a constructive amendment and one which I can support. I would like to make one observation, however.

On page 17, regarding the definition of "foreign availability," an amendment would change the word "similar" to "functionally equivalent," and then on line 21, the word "sufficient" would be replaced with "comparable."

I would only note that, as it relates to the militarily critical technologies list and the possible integration of that list with the commodity control list, that that is a proper definition and one which needed to be strengthened. But when it comes to licensing by the Secretary of Commerce, I think we also need to recognize the flexibility that is needed there and that the present definition, which is outside the scope of the amendment offered by the gentleman, should be retained as "sufficient" in lieu of "comparable."

I support the amendment.

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Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from Florida (Mr. HUTTO), and also the gentleman from Washington (Mr. BONKER) with regard to their comments on this particular amendment.

I was the ranking minority member who worked very closely with the gentleman from Florida, and we worked very constructively, I believe, together hammering out and making, I think, substantial improvements in their particular section under which the Committee on Armed Services was given sequential referral.

Mr. Chairman, I rise in support of the amendment recommended by the Committee on Armed Services to section 109 of the bill. Although the committee generally agreed with the intent of section 109 as reported by the Committee on Foreign Affairs, we believed that the authority of the Secretary of Defense was changed too much and that, under the change, the effective balance between the Department of Defense and the Department of Commerce was modified in an adverse manner. The committee amendment reestablishes an appropriate balance.

First, although the committee agrees that the commodity control list and the militarily critical technologies list should be integrated, the bill as reported by the Committee on Foreign Affairs provides for no way to resolve disagreements between the Secretary of Defense and the Secretary of Commerce regarding the items that should be incorporated in the commodity control list. The committee recommends that any disagreements between the secretaries regarding whether goods or technologies on the militarily critical technologies list should be initially integrated into the commodity control list be resolved by the President by November 1, 1984—6 months before the lists are to be fully integrated.

Second, because the militarily critical technologies list is a dynamically

changing document, the committee recommends that a formal procedure be established by the Secretary of Defense for review of the contents of the list at least annually with a view toward reducing the number of items on the list or adding to the list items determined to be militarily critical. As with the case of the initial integration of the militarily critical technologies list and the commodity control list, disagreements between the secretaries regarding whether items added to or removed from the militarily critical technologies list should be added to or removed from the commodity control list should be resolved by the President within 3 months of the change to the militarily critical technologies list.

Third, the committee recommends that, in determination of foreign availability, "functionally equivalent" goods and technologies be considered instead of "similar" goods and technologies and that the goods and technologies that are available be of "comparable" quality instead of "sufficient" quality. The determination of foreign availability results in items not being placed on the commodity control list and, thereby, decontrolled. The committee believes that such decontrol should occur only if the same capabilities are available from some other source.

The objective of this part of the committee amendment is to clarify the meaning of "a similar good or technology." The committee amendment would base foreign availability on possession of the good or technology, or a functionally equivalent good or technology, or availability, in fact, from a foreign source of the good or technology, or a functionally equivalent good or technology. Because the list relates to goods and technologies that have a military as well as a civilian use, an item available from a foreign source would be "functionally equivalent" if the function it performs in a military use is equivalent, in terms of characteristics, performance and capabilities to the function of the U.S. item.

Fourth, the committee agrees that the General Accounting Office should evaluate the efforts to integrate the lists and be given access to all information relating to the list of militarily critical technologies. However, section 109 of H.R. 3231 as reported by the Committee on Foreign Affairs also directs that the General Accounting Office be admitted to all meetings in the executive branch regarding the list. The committee believes such authorization to be unnecessary to conduct the evaluation and recommends that such authority not be granted.

Fifth, the committee supports the general effort to find mechanisms for reducing the militarily critical technologies list. However, the specific criteria suggested by the Committee on Foreign Affairs could imply that the Congress intends that certain militarily critical technologies be removed because they happen to possess one of the characteristics listed as criteria for possible removal. The committee believes that the removal of items for the list should be based primarily on the assessment of military criticality, taking into account the level of comparable technology available to proscribed countries. Because the committee emphasizes the use of military criticality as a criterion for reducing the list, the committee recommends that the Secretary of Defense increase efforts to assess the effect on the military capabilities of proscribed countries if they were to receive items included on the militarily critical technology list. The committee directs the Secretary of Defense to report by April 1, 1985, on such efforts.

Mr. Chairman, these changes are modest, but necessary, and I urge the members to support the amendment of the Committee on Armed Services.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too, wish to compliment the Committee on Armed Services for their extensive hearings and work on this legislation. The Armed Services Committee members recognize the serious consequences of the hemorrhaging of our technology. I rise in support of section 109 because I believe it is among the most important in the entire bill.

However, I have two reservations. First, we want to insure that the General Accounting Office has unrestricted access to information within the executive branch related to military critical technologies and has access to the administration documents pertaining to MCTL. After all, if GAO is going to be an intermediary and is going to help work out the solution, it must have the necessary information to make the proper judgments.

Mr. HUTTO. Mr. Chairman, will the gentleman yield on that point?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Chairman, I certainly understand the gentleman's concerns, and we have left that provision in where the General Accounting Office shall have accessibility to all of the information that they need.

We only struck the part where GAO would have been able to sit in on executive meetings. We thought that went a little too far, but we still allow them full access to information.

Mr. ROTH. I thank the gentleman for his explanation. His point is well taken.

My second reservation would be that we, in our committee work, found the National Academy of Sciences to have what I thought was good criteria. It was a goal, it was a target for people to keep in mind as they are making these very complicated decisions.

I would hope that we would continue to have the various groups looking at this legislation keep the National Academy of Sciences' recommendations in mind as they are integrating these lists.

With that, Mr. Chairman, I am very much in favor of and enthusiastically support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HUTTO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTTO

Mr. HUTTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTTO: Page 5, strike out line 1 and all that follows through page 6, line 20, and insert in lieu thereof the following:

"(2) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels who has reasonable cause to suspect that any goods or technology have been or will be exported from the United States in violation of this Act may—

"(A) stop, search, and examine, within or without his district, a vehicle, vessel, aircraft, or person, on which or whom he has reasonable cause to suspect there are any such goods or technology;

"(B) search, wherever found, any package or container in which he has reasonable cause to suspect there are any such goods or technology; and

"(C) seize and secure for trial any such goods or technology on or about such vehicle, vessel, aircraft, or person, or in such package or container.

"(3)(A) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels may, while in the performance of, and in connection with, official duties, make arrests without warrant in the enforcement of the provisions of this Act.

"(B) Upon seizure of any goods or technology under paragraph (2) of this subsection, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.

Page 7, line 4, strike out the semicolon and all that follows through line 10 and insert in lieu thereof a period, closed quotation marks, and a second period.

Mr. HUTTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I think there has been some modification of this amendment. Is it a long one? Could we hear it read?

Mr. HUTTO. Mr. Chairman, if the gentleman will yield, there has been no change to my knowledge. It is the same one that was printed in the RECORD of yesterday.

Mr. FRENZEL. I am sorry; I do not have that right here.

Mr. HUTTO. It is relating to Customs.

Mr. FRENZEL. Does it relate to Customs solely? Does it have any reference to import controls?

Mr. HUTTO. No.

Mr. FRENZEL. None at all?

Mr. HUTTO. No; just enforcement. Enforcement is all.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HUTTO. Mr. Chairman, this is a simple amendment that, in essence, improves the ability of the U.S. Customs Service to enforce the laws prohibiting the illegal export and diversion of critical technology to our adversaries.

Mr. Chairman, H.R. 3231 does serious injury to Custom's ability to enforce this legislation, and my amendment would rectify that damage. As my colleagues may be aware, there has been an ongoing debate within the administration between Customs and the Department of Commerce over who should have the primary role in enforcing the Export Administration Act. In my opinion and in the opinion of the members of the technology transfer panel of the Armed Services Committee, the primary responsibility for enforcement should continue to reside with the Customs Service.

Over the years, the Customs Service has built up a very effective international organization for this purpose and has had very impressive results in controlling illegal exports. The Customs Service—and only the Customs Service—has built up a vast network of overseas contacts in foreign custom services and law enforcement agencies which are invaluable in enforcing laws relating to illegal technology transfer.

The Customs Service has, since October 1981, pursued a domestic effort known as Operation Exodus which entails random and surprise inspections of many shipments destined for overseas. Operation Exodus has been a remarkable success; 346 cases of attempted illegal exports have been accepted for prosecution from these surprise inspections; there have been 220 indictments to date and 211 convictions.

Mr. Chairman, my amendment would allow the Customs Service to continue that record of excellence.

This amendment would delete the limitation on authorization of expenditures for the Customs Service's Operation Exodus that is contained in H.R. 3231. The Foreign Affairs Committee report on the bill claims "Operation Exodus has not been very cost effective * * * [and] has resulted in few prosecutions of serious violations under the Export Administration Act * * *."

Mr. Chairman, I submit that 346 cases accepted for prosecution, 220 indictments and 211 convictions is a record to be proud of and is exceptionally cost effective.

This amendment would also delete the section of H.R. 3231 that would prohibit custom's officials from making random, surprise searches. This technique is essential to the continued success of Exodus. This amendment directs that upon seizure, the matter then must be referred to the Department of Commerce for further action.

Mr. Chairman, in summary, my amendment attempts to preserve the exceptional record of achievement of the Customs Service by continuing the procedures under which such success was obtained.

I urge support of the amendment.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Florida (Mr. HUTTO), the chairman of the technology transfer panel of the Committee on Armed Services.

Mr. Chairman, this amendment also was spawned out of the work of the special panel of the House Committee on Armed Services, although it falls outside the actual jurisdiction given to the committee in the sequential referral.

As my colleague from Florida indicated the Customs Service has compiled what we believe is a distinguished record of enforcement of the Export Administration Act. It would make no sense to destroy that capability now. Unfortunately, that capability, in fact, would be destroyed under the bill as originated without the amendment offered by the gentleman from Florida.

The bill as reported by the Committee on Foreign Affairs would prohibit the Customs Service from conducting random searches of exports. The random search and seizure effort of Operation Exodus has resulted in over 2,000 seizures of attempted illegal exports of items worth over $134 million. Critics of the Customs Service claim this record is insignificant compared to the unnecessary delays caused by the searches. I disagree on this point. In fiscal year 1982 only 0.025 percent, that is one-quarter of 1 percent, of shipments were delayed because of random inspections. I submit this is a very small price to pay if we can stop a small part of what has been described as a "hemorrhage" of technology to the East-bloc.

Additionally, I have been impressed with the overseas activities of the Customs Service in attempting to stem this illegal flow of technology. For example, Customs has 21 agents assigned to eight foreign countries and Hong Kong, and they regularly travel to other locations to conduct investigations. They are well known to foreign customs services and law enforcement agencies and have established a firm foundation of information exchange.

Mr. Chairman, provisions of H.R. 3231 would do irreparable harm to this fine organization by reducing its funding and putting unnecessary restrictions on its operations.

I urge the adoption of the amendment so that the Customs Service can continue its outstanding work in stemming the illegal flow of technology to our potential adversaries.

□ 1510

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

As a member of the panel, I congratulate the gentleman and the gentleman from Florida (Mr. HUTTO) on their excellent leadership in this area.

I would like to remark simply that I think it makes a lot of sense to allow the President to control any disputes or decide any disputes between the two Secretaries, the Secretary of Commerce and the Secretary of Defense. He obviously has both interests in mind, that of increasing exports and also that of national security.

Also I think the area of taking away the right to make random searches is extremely deleterious to our efforts to keep critical technologies from going out of the country, because it basically gives probable cause rights to would-be smugglers.

So, Mr. Chairman, I commend the gentlemen on their work, and I think this amendment has a lot going for it. I urge its adoption.

Mr. COURTER. Mr. Chairman, I thank the gentleman for his contribution. I would like to add that without this amendment the bill as written would restrict Customs to inspections in situations where specific information on a possible violation has been received. Therefore, through their normal operation, if Customs sees a violation of the Export Administration Act, unless they are first told about the violation, they have no right to make arrests or continue the search. It seems rather ridiculous to take away from Customs, an organization that is there at the border and often inspects items on a random basis, their jurisdiction to continue their search or make arrests if they stumble on violations of the Export Administration Act.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I feel that it is one

that is extremely important. The fact is that the Customs Service has a long history of addressing these issues. Now is not the time to take those functions away from that service.

We currently have a situation where the enforcement functions belong in an area where they currently reside. We are trying to not streamline government but to make it more effective. I think this is not the right move, to remove it from the Customs Service. I think it should remain in that area, and I commend the gentleman from Florida (Mr. HUTTO) for offering this amendment.

I also commend the gentleman for chairing the panel that has done an excellent job in addressing an issue that I think is extremely important, and that is our technology transfer.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to compliment the gentleman from Florida (Mr. HUTTO) for the excellent leadership he provided as chairman of our technology transfer panel of the Armed Services Committee and also the gentleman from New Jersey for the benefit of his wisdom as our minority leader, I rise in support of this amendment. As a member of the panel I have spent a great deal of time in reviewing this bill, especially the area dealing with enforcement authority. We have, on the panel, debated extensively the need to increase Commerce's function versus keeping enforcement where it is today—with Customs. The result to me is obvious—why duplicate functions between two Federal agencies. That is our problem today in so many areas of the Federal Government—duplication. Customs has been designed to search, seize, arrest, and carry firearms. Commerce is designed to encourage, serve, and promote the Nation's international trade, economic growth, and technological advancement. Mr. Chairman, I submit this policy is working, there is no need to change it, and therefore I ask my colleagues to support this amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to say that I oppose this amendment and remind my colleagues that we have for the first time given Customs specific authority, and indeed Customs does operate under two different jurisdictions, the Arms Export Control Act being one of them, and they would continue to be able to operate in this manner.

I might point out that the statistics that we were given indicate that a number of these seizures that were made were made under that authority of the Export Control Act and not the Export Administration Act.

So I would oppose this amendment. I think there is room in this Nation for active efforts on the part of both agencies, but I think this legislation is designed to give that authority and does focus for the first time that authority to the Customs Service. So I do not think the amendment is necessary.

Mr. HUTTO. Mr. Chairman, will my colleague, the gentleman from Florida, yield?

Mr. MICA. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, would the gentleman not agree that we are creating actually a new law enforcement agency, another layer of enforcement, by putting Commerce into the authority that the committee has given them under this bill?

Mr. MICA. No. Let me say that I think that Commerce is already involved in this issue. What we are trying to do is say that for the first time we give Customs direct control. I do not think it is a duplicative effort at all. I think it is a needed effort that has been focused on by this committee.

Mr. HUTTO. But the Department of Commerce may not search, seize, arrest, or carry firearms at the present time. So that committee is giving this authority to Commerce.

Mr. MICA. Commerce is already doing the job. We want to give them the authority to do the complete job.

Mr. HUTTO. But how can they do it without a lot more money and a lot more personnnel and without creating another layer of enforcement?

Mr. MICA. The bill does have money, authority, and personnel in it.

Mr. HUTTO. Could the gentleman tell us how much?

Mr. MICA. It is $15 million, I believe.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, the Commerce Department has statutory authority for enforcement of the Export Administration Act. The Customs Service lacks that statutory authority. Indeed, they have been funded more or less through the back door to the tune of nearly $30 million.

What we have attempted to do is more clearly define the functional tasks of each of the departments and then to provide a budget that is sufficient for each to do its respective job.

So Commerce had the authority, and as the gentleman from Florida notes, we have tried to give them the enforcement resources to do their job effectively and also to recognize for the first time the Customs Service.

What the gentleman's amendment does is to wipe out those new tools that are there so that Commerce can do the job they are expected to do under the Export Administration Act.

Mr. MICA. And again I would like to point out that a number of the activities that were cited in the statistics were taken care of under dual jurisdiction of the Export Administration Act.

Mr. HUTTO. Mr. Chairman, will the gentleman yield further?

Mr. MICA. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I think the gentleman heard in my earlier statement that Customs, through the years of their service and expertise in the enforcement relative to exports, has gained friendly or a working relationship, I should say, with organizations overseas. They know how to handle this problem.

To take Customs out of the enforcement, as the gentleman would do under this bill, would, I think, negate all these years of experience we have gained, and I think we ought to let the experienced people handle this sort of operation.

□ 1520

Mr. MICA. Let me say again, Customs has other authorities to operate under.

I commend the gentleman for his concern and his commendations that have been put forth on the work of Customs. They do an excellent job. We for the first time give them some authority, but we also allow $15 million for Commerce to do the job right that they have already been charged with doing; so I do believe that we are both seeking the same goal.

Mr. HUTTO. Mr. Chairman, if the gentleman will yield further, in this bill the ability of Customs is eliminated in their enforcement function of random search. The gentleman does not think this is a needed part of this?

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I do not know how we can eliminate Customs authority when it has not been properly defined in statute. This Operation Exodus has developed as a result of executive branch discretion. We have attempted to provide explicit definition of enforcement responsibilities for both the Customs Service and the Department of Commerce. If we did nothing at all, there would be no reference in the statute whatsoever about the Customs Service role.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, I think there is or has been demonstrated here an inflated opinion of the capability of the Customs Service to serve as the administrator of this particular act. We will notice that in the bill itself, beginning on page 5 under "Enforcement Authority" there is provided a beefed up enforcement authority, which includes

both the Treasury and the Customs Service, and that specific language governs the authority of the Customs Service at the bottom of pages 6 and 7.

The Bonker bill is an improvement over what we have today. The authorizing committee for the Customs is the Ways and Means Committee. We spend a fair amount of time trying to figure out what they can do, what they cannot do, and what they should do.

Our judgment on Project Exodus was that it was a failure. It resulted mostly in the delay of U.S. shipments abroad which were harmless. In fact, in one port, inspection of four out of five seizures were for material that later went forward and was released.

The reason, of course, is that Customs does not have the competence to understand the operations of this law and the kind of equipment we are talking about. Commerce which administers the list, coordinates with the Defense Department works on the definitions, is the agency that understands the kind of goods we are talking about. In my own Customs district there was alleged to be one agent that knew something about hi-tech equipment that might require a license.

Other districts may not be so fortunate. But one person cannot know all things and cannot be everywhere. In every case, Customs must go back to the Commerce Department to render the final decision.

All those press releases that Customs sent out about the good things that happened in Exodus were inspiring, but the actual record was not. Mostly, they uncovered technical violations or licenses that were missing for products that should never have required licenses in the first place.

The real mischief that was done by those random searches was that companies had their letters of credit run out or the sales canceled. In my own district we had large layoffs in two companies because of shipments that were seized without good reason by Project Exodus and later released, at which time either the credit or the sale was gone.

So I believe it is a good thing to follow the intent of the bill, and to defeat this amendment.

Our committee recommended that no more than $14 million be given to customs for the enforcement of Project Exodus. We said, yes, they could go ahead under certain conditions. That is how the Foreign Affairs Committee picked up the number that is in this particular bill. It was our recommendation.

We hope that the Senate will act on that authorization bill and preserve that amount. We do not know if they will or not; but in the meantime, it seems that it may be a little presumptuous for others who may or may not know the capability of Customs, particularly dealing with hi-tech items, to want to give a greatly expanded more authority.

The Bonker bill demands "probable cause" for investigation by the Commerce Department. The Hutto amendment says "reasonable cause."

Mr. Chairman, I can assure the Members there are worlds of difference between the two. Reasonable cause is a much lower standard. And it seems to me, giving a license to poke around at random among shipments and perhaps delay shipments and cause layoffs and so on.

I believe that the Bonker bill strengthens enforcement under the Export Administration Act. Going back to the Hutto language would be a terrible mistake for this body to make, because I think Customs has not had the demonstrated ability to manage this particular item of its shared jurisdiction effectively. It will be covered under this bill. It will be involved.

Most of the seizures that made any difference in the indictments referred to earlier probably came from tips. Those will still be part of the process. They will be followed up both by Commerce and by Treasury.

I think it is important to maintain the primacy of the agency of Commerce which must administer the law, rather than have another group out working on the side, as might occur under the Hutto amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to take my time to ask the gentleman from Minnesota who just spoke a few questions about this deletion or this reduction to $14 million in enforcement moneys to the customs agents. I would ask the gentleman to answer a few questions for me.

As I understand, and we sat on this panel in the Committee on Armed Services and listened to the chairman make his pitch for this bill. One problem that has occurred is that a lot of shipments have waited on the docks, so to speak, while Customs made random searches and by the time the searches were finished, contracts had expired and we had foreign customers who were angry. Is that accurate?

Mr. FRENZEL. In my judgment, it is.

Mr. HUNTER. All right. My question is, why in that case did they move to solve that problem by reducing the President's request for Customs from I think it was $34 million or $35 million down to $14 million, because obviously enforcement is to a large degree a function of dollars spent?

Even if you add up the extra money that has been requested for Commerce in moving this turf battle to a situation in which Commerce takes a bigger chunk, if you put in total enforcement dollars, as I recall, the total Commerce and Customs dollars that are allocated under this bill are still less than the President requested. So the point is that if you are going to have searches and if you are going to do a reasonable job, you are going to have less dollars to do the job and that would imply to me that unless you absolutely forget about your duties, or Customs and Commerce both forget about their duties in trying to keep this flow of export technology down, we are going to see a lot more delays.

I think my question is, why did we not fund more money for this thing so we could do a good job with enough people and we could go in without having given probable cause protection to would-be smugglers and take care of all the problems—more money.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield, the problem we had to deal with is that Customs embraces a good deal more than Project Exodus. As the gentleman knows, we have drugs, we have contraband articles coming in everywhere.

We gave the Customs Service in our authorization a good deal more than the President suggested, more than I wanted to give them. We decided that the least effective work they were doing was Project Exodus and we desired not to have the random search go on, because it was quite obvious from the evidence that we had that it was not effective and it was resulting in delayed shipments and the loss of jobs. So we felt since Exodus was not an effective function the money should be used elsewhere. Actually, we gave the Customs Service more than the President wanted.

Mr. HUNTER. All right. My second question is, the thrust of the testimony we heard from your leadership and their testimony was that one reason we do not need the licenses to Cocom nations is because most of the violations that take place, most of the flow of critical technology to the Soviet Union, for example, comes about because of crime, because of smuggled goods, because of illicit movement of technology.

Again, if that is true, how can we possibly stem that flow of illegal technology, forgetting how inefficient one might think Customs is, with a total expenditure for Customs and Commerce of something under $35 million, if this is, indeed, the lifeblood of the Western democracies?

□ 1530

Mr. FRENZEL. If I may answer, the $14 million we have provided for Customs was strictly for Project Exodus. We wanted less of a random search but did not ban it. There is nothing to prevent the Customs Service from using all the rest of its resources to do its mission and whatever it thinks is necessary and most effective. We tried,

however, to guide it away from the random searching of Project Exodus, but we did not deny it the ability to do what it thought it needed to do.

Mr. HUNTER. The last question. Under your bill, does anybody have the right to random searches?

Mr. FRENZEL. Yes. Well, I am sorry, you will have to ask the gentleman from Washington. Under his bill, Customs does not have the right to random searching, as I understand it. But I think you will have to talk to him.

Mr. BONKER. The gentleman is correct. It precludes random searching by the Customs Service. But I do not believe there is any language that would preclude the Department of Commerce, which really has the expertise to do this kind of work. So, they could carry out that kind of activity without any legislative restraint in this bill.

Mr. HUNTER. I thank the gentlemen for their answers.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

I have three or four observations.

Obviously what we are dealing with here is a turf battle, a war between Commerce and Customs in performing certain security functions that are important for the national defense of the United States. We are dealing with something that is very, very important.

(On request of Mr. COURTER and by unanimous consent, Mr. HUNTER was allowed to proceed for 4 additional minutes.)

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield further to the gentleman from New Jersey.

Mr. COURTER. I think it is important to note we are dealing with a very sensitive and important area.

First of all, I would like to observe that generally the purpose of the creation of the Department of Commerce in the very beginning was to encourage exportation, encourage the sale of U.S. products to various countries, encourage therefore job creation in this particular country through those exports. That is one of its functions.

To say that the enforcement power to prevent exports should be placed into the Commerce Department, whose main function is to make sure that those items are exported, seems to be giving the authority to the exact wrong person. The purpose of Commerce is to encourage exports, not to discourage them.

So, I think this bill gives the authority to the exact wrong organization.

Second, it seems to me that the Customs people are there on site. They are all over the country. They have expertise. They can size individuals up, because they are on the job, they are streetwise. They are similar to the cop that has been on patrol for 10 or 15 years. They can spot unusual circumstances and situations. To say that this organization, Customs, with their expertise, with their experience, with the fact that they are spread all over the country, in all the ports of disembarkation should not be permitted to prevent the exporting of technology seems to be absolutely an absurd policy.

Third, I would like to draw the attention of the Members to the language in the bill. It says on page 6 as follows, on line 9:

> In conducting inspections of goods and technology in the enforcement of this Act, the United States Customs Service shall limit those inspections to goods and technology with respect to which the Customs Service has received specific information of possible violations.

So, what you are doing is telling Customs Service that even if they stumble upon a clear violation of the export of technology they can do nothing, they have got to turn their backs. Certainly there is not going to be someone from Commerce, nearby to effect the arrest, thus creating an awkward situation, an unworkable situation.

That seems to be the worst part of this bill, and of course that is a part that once again the gentleman from Florida's (Mr. HUTTO) amendment changes and improves.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. What do you suppose Customs would be doing when they would find this export violation? Most of their work, as the gentleman knows, is involved in trying to verify, and to check out, and to rate, imports so that we can collect the duties and keep nasty substances that we do not want out of this country.

So, they are not routinely running around inspecting exports where they are going to notice these kinds of violations.

As a matter of fact, their successes in Exodus have almost invariably been due to tips, which the Bonker bill permits.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

The response is not really complete. What you are doing is eliminating from the Customs Service the jurisdiction, the power, the capability of making arrests under many, many circumstances. I think that is absolutely the wrong way to go.

I see that the gentleman who is the sponsor of the bill stood up. I would like to ask the gentleman, how many people from Commerce does he figure will be in the field at the places of disembarkation throughout the United States under this particular legislation?

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

One of the problems has been that the Department of Commerce has lacked the resources to do an effective job.

Last year, Customs spent $30 million in its operation Exodus program. The Department of Commerce, I think, spent $3.5 million. No wonder the track record is not very good.

What we have attempted to do in this legislation is to not only increase their enforcement authority but to increase their budget from $5 million, which is being requested by the President, to $15 million.

(On request of Mr. COURTER and by unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. BONKER. If I may proceed, you can imagine how we could double and even triple their enforcement capability if we increase their budget from $5 million to $15 million. I might add that we are not disrupting or taking away any explicit authority that Customs traditionally has had in this area. We are trying to define its proper role. The bill addresses the problem of random inspections. It states that, "The Customs Service shall not conduct random inspections which would result in the detainment of shipments of goods or technology that are in full compliance with this act."

What we are trying to correct here is this problem of going out on a dock and just looking at boxes and detaining them for 3 or 6 or 10 weeks, thereby putting our manufacturers at a considerable disadvantage.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. COURTER. I asked a very, very specfic question and you answered the question by saying, well, we are increasing the wealth and the resources of the Department of Commerce from $5 million to $13 or $15 million and therefore their capabilities will increase by a factor of three. But in the same breath, you indicated that their capabilities are very, very low.

My position is that increasing their resources by $10 million is not going to stop the flow of technology. It is not going to place enough Commerce people in the field such that they are onsite to make the type of arrests and inspections that are necessary.

Therefore, I ask the question again. With the resources provided under the legislation, how many inspectors from the Department of Commerce are going to be at the various places and ports of disembarkation and exporting facilities that we have in the United States? Will they all be covered? How many people?

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. BONKER. There are presently 60 enforcement personnel under the Department of Commerce in its budget of $3.5 million. So, I rather imagine you could triple that to perhaps as many as 200 enforcement personnel who would have the authority to do the job. But I do not think you are necessarily going to have better enforcement if you have two Federal agencies with two separate programs out there doing essentially the same thing.

□ 1540

What we have attempted to do in this legislation is make our enforcement program more effective, utilizing both the Customs Service and the Department of Commerce.

Mr. COURTER. If the gentleman would yield once more, my problem, and I would not be so concerned as much as I am about this section of the bill if it did what you said, if it would permit the cooperation between these two organizations that do have expertise, but it does not. It clearly shifts jurisdiction when it comes to interception and arrest in the export of military critical technologies from Customs to a different department.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(On request of Mr. FRENZEL and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. I think the answer is that Customs and Commerce have had to cooperate for years on the administration of this act. The very language on pages 6 and 7 provide that they are going to continue to cooperate.

I doubt you are going to have Commerce officials permanently on station in any port. Maybe you will, but I doubt it. I think that when they have reason to believe, the probable cause, information, they are going to ask Customs to go in just as they are doing today and that is where you read those Project Exodus press releases.

Mr. COURTER. It is Commerce.

Mr. FRENZEL. Commerce is going to send Customs in and say, take care of it.

The problem arose because there was poor coordination.

We sent Custom agents out doing a job for which we had not trained them.

Over the last year and one-half, there has been better and better coordination between Customs and Commerce. Remember, Commerce is the agency charged with that act. It is the lead agency that deals with the Defense Department and Treasury. This is a "Tinkers, to Evans, to Chance" operation here. Proper administration requires cooperation between Defense, Commerce, and Customs and has to be in the driver's seat with respect to Treasury.

You cannot put Customs out there on its own operating without the direction of Commerce.

So I think you are still going to have those Customs agents do much of the physical work at the request and direction of the Commerce Department. But you are going to have Commerce and Defense working better together. You are going to have the Customs people punching into computers and getting much more prompt answers from Commerce, so you will not have equipment sitting on the docks for long periods of time.

I thank the gentleman for yielding.

Mr. HUNTER. I thank the gentleman.

I would like to conclude simply by saying that I have spent a lot of time looking at this bill and at the Hutto amendment. It still appears to me that the one way that we could combine, we could take care of two goals: thorough searches to see that our vital technology is not going, and expeditious treatment to industry, is to fund more money, and that is the one thing this bill does not do.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Let me say one thing to my friends that are concerned about a strong national defense but are concerned about our defense budget. I think the one thing we can do to see that we do not have to have an extremely large defense budget is to see that vital technology does not flow out of this country into the Soviet bloc.

The best vote you could make today, one of the best votes you will be able to make this year for a strong national defense is to support the Hutto amendment.

I yield back the balance of my time.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words.

I would like to make a concluding statement on this amendment, which I oppose.

Mr. Chairman, I think all of us want the same thing. We want more effective enforcement of our technology transfer laws.

I think, in that sense, I can support the gentleman from Florida in his efforts to more clearly define those authorities and to make possible the resources so that whoever is charged with enforcement responsibility has the resources to do the job.

What we have attempted to do in this legislation is to not only strengthen the law enforcement capability but to provide the resources necessary to do the job for both the Customs Service and the Department of Commerce.

We had to, at some point, be more definitive in these responsibilities. Otherwise, we would continue with overlapping jurisdiction and possibly a waste of money.

So what is at stake here is not whether we are going to have the Commerce Department or the Customs Service charged with responsibility. Both of them will be involved. Both have inherent statutory responsibilities. Both will have the resources necessary to do their work.

In fact, if we were to adopt the gentleman's amendment, it would not change in any way the authorizations now involved for both departments. Indeed, if we pass it, what we will do is maintain the same level, which is $14 million for Customs and $15 million for the Department of Commerce. But we will have removed Commerce's enforcement capability.

In other words, we are saying, here is the money to do the job but we are taking away your tools to do it effectively.

The committee has put a lot of thought into this legislation. We have consulted with everybody involved. We worked closely with the Ways and Means Committee, which I think supports our efforts, and I think we have come up with a balanced approach, one that will avoid duplication and give our enforcement agencies the tools to do an effective job.

I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the enforcement and police powers of this provision because I believe that the Department of Commerce is the appropriate agency to have primary enforcement responsibilities.

The reason I say that is because Ted Wu, the new Deputy Assistant Secre-

tary of Export Enforcement, who is highly experienced in export control matters, having prosecuted the major export enforcement cases which have arisen in recent years. Mr. Wu's investigating staff at Commerce has been increased significantly. In fact, they have hired more than 35 criminal investigators and these people have the experience, they have the intelligence, they have the analysts and the program professionals, and I think that they can do the best possible job.

In export violations we are often in a very fast-moving and unpredictable position. The violators are often foreign nationals who must be arrested quickly before they can flee the country.

That is precisely why I think Commerce needs this authority. There is no other agency that I think can do the job as efficiently.

The U.S. Marshals Service often does not have adequate time because of all of the other programs they are connected with. That is why I think in this case I feel that the agents at Commerce could do the best job for us. That is why I am reluctant in opposing this.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. HUTTO. Would the gentleman not agree that this is really adding an additional law enforcement agency? Can the gentleman tell me: Are the Commerce agents now uniformed agents; are they plainclothesmen or what?

Mr. ROTH. I can see the gentleman's point. Your point is well taken.

But I would not agree that we are adding an additional layer here because these people have the responsibility now. If they did not have the responsibility now I would say that the point was more valid.

But I do not see that because they really have the responsibility.

Mr. HUTTO. Would you not agree that there has been expertise over the years gained by Customs and, if you are going to make this drastic change from one department to another, would it not have been better to have a lateral transfer of some of these agents over to Commerce?

Mr. ROTH. As I said, the gentleman heard what I said and this is the way I feel about it. I suppose you make value judgments here. I would be repeating myself. The gentleman heard what I said before and that is pretty well the way I feel about it. Commerce has done a very credible job preventing illegal diversions and improved the licensing system.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding to me and just would like, by way of example, to once again express my frustration on the way the bill comes to the floor and my enthusiastic support for the amendment offered by the gentleman from Florida (Mr. HUTTO).

The way the bill is crafted now it means that the Customs Service is going to have to de facto prior authorization from the Department of Commerce before they can interrupt a transfer of technology to a foreign country under which controls are placed.

That seems to be the folly of the particular section that we are dealing with. What is going to happen is that if someone from the Customs Service finds hashish in a boot, in one ski boot, and finds high tech computer chips in the next boot, he is going to have to call up Commerce and they are going to have to fly in from some other place to make a determination as to whether that is a violation of the Export Administration Act.

It seems to me this ridiculous specialization is going to cause a great deal of problems and slowdown rather than speed up the process at our various borders, first.

Second, and finally, I repeat the fact that there is a section that actually specifically limits the amount of resources for Customs Service and that is found on page 6, lines 17 through 20. That limitation is placed at $14 million, a totally arbitrary figure.

It seems to me it is a figure that not only is arbitrary but is impossible to make a determination as to how much of the resources of the Customs Service during the year reached $14 million.

□ 1550

When do you know? When they are performing two, three, four different functions at the same time.

So that limitation on the resources of the Customs Service also I think is a monstrous truck hole and flaw in the legislation as it is brought to the floor.

I thank the gentleman for yielding.

Mr. ROTH. Mr. Chairman, if I may respond to that in a very curt way: Resources also, you have to look at qualifications when you look at the resources. The Commerce officers are certainly more qualified—to detect high technology than would be Customs.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I was going to say the same thing, Mr. Chairman. Customs officers who have begun to develop some competence have all been trained by officials of the Commerce Department to whom they report, and they report on their work and tell them whether they are doing it right or not. So obviously this bill has authority in the right place.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. ROTH was allowed to proceed for 3 additional minutes.)

Mr. ROTH. I will yield a little later, but I just want to thank the gentleman from Minnesota for his contribution because I think that is the logic that we have to draw.

Mr. HUNTER. Let me ask the gentleman, the standard now is that unless Customs has probable cause they cannot search a particular container, is that right, unless they are given probable cause?

I know the gentleman from Minnesota (Mr. FRENZEL) mentioned probable cause.

Mr. ROTH. That is the way the law is written now in the statute, as I understand, yes.

Mr. HUNTER. That is contrasted with reasonable cause.

Mr. ROTH. Right.

Mr. HUNTER. I think it is important for Congress to understand what the difference is. Let us say somebody calls up on the phone, you get an anonymous call that says there are some laser lenses stacked in a container three rows from the last row on the dock ready to go. Can Customs come in and search that container for those laser lenses?

Mr. ROTH. To answer the gentleman's question, I am not an attorney, but before I think the gentleman from Minnesota already made a distinction between reasonable and probable cause.

Mr. HUNTER. Maybe the gentleman from Minnesota could speak to that.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I would be happy to yield to the chairman.

Mr. BONKER. I think present statute gives Customs broad authority to exercise its enforcement responsibilities in this respect. I do not think the bill really limits or inhibits the Customs Service except for the problem of random samplings.

If anybody has to do that, it should be the Department of Commerce which has the expertise in this high technology area, to know what it is doing when it goes on an inspection tour.

Mr. HUNTER. Mr. Chairman, I thank the chairman of the subcommittee.

Let me read a little section in the report here that says, section 103 of the bill which it says amends section 12:

To limit enforcement activities by the Customs Service to pre-seizure targeted inspections, detentions, preliminary investigations and seizures, and to require that upon seizure.

Then it goes on to refer to the Department of Commerce.

My question is, Is a matter of commonsense in this scenario when you get the anonymous call that there are some laser lenses contained in a certain container in the third row from the right on the dock, does Customs Service have the right to go in and break that package open and maybe some other packages?

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I think the language in the bill is absolutely clear. To answer your question, I do so as follows: In fact, the Customs Service could not make an arrest, could not detain.

The language on page 6 clearly limits the authority of the Customs Service. That is the form the bill is written.

Mr. HUNTER. If the gentleman will continue to yield.

Mr. ROTH. I yield to the gentleman.

Mr. HUNTER. What you are saying is that if flight 83 has taken off and they have to go back and check with Commerce to get the OK, that is going to impede them?

Mr. COURTER. That is correct.

(On request of Mr. MICA and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MICA. I would disagree very strongly with the interpretation that has been given. Customs does not need prior authority from Commerce to do its job. Customs operates under a number of authorities.

Under this specific legislation Customs has certain duties that it must follow, certain responsibilities. They operate under numerous jurisdictions. Only for random searches under this particular piece of legislation.

If the gentleman will allow me to continue a moment, I think the people of this country want to see more enforcement and they would like to see a good job done by Customs and Commerce. That is why I am opposing the Hutto amendment.

Mr. ROTH. Mr. Chairman, I think it is important to remember that Customs is not an enforcement agency like Commerce is. Commerce sets the policy, in fact, it is training the Customs officers. I think that is a difference that we must also recognize.

Mr. MICA. I appreciate the gentleman's comment.

The CHAIRMAN. The time of the gentleman (Mr. ROTH) has again expired.

(On request of Mr. COURTER and by unanimous consent, Mr. ROTH was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman.

Mr. HUNTER. I would ask the gentleman simply this: He mentioned that he wants to see Customs and Commerce people do their job. If you add up the total amount of moneys that are available for execution of their job under Customs and Commerce, regardless of the division, the difference in the division, it looks like it is what, $14 million for Customs and $15 million for Commerce, something like $29 million, which is considerably less than what the President asked for.

If in fact efficiency in running this thing in an expeditious manner and making thorough checks is to some degree a function of money, why did you cut the bucks off? Why is there a lower amount of money than what the President asked for?

Mr. ROTH. Well, as I said, it is not so much the money, it is not how much money you have, it is the kind of personnel you have. And I think the people at Commerce, quite frankly, the job that they have done is commendable. I think with the amount of money we have allocated, they can do the job that is expected of them.

I think that is one more reason why the provision in the bill should stand.

Mr. HUNTER. I thank the gentleman.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding and I will stop now.

It seems to me we have a classic case when the proponents of the bill as written say that the bill says one thing, and when those people who are concerned with it, the clear reading, it seems to me, says something else.

If the bill says what the proponents of the legislation say it did, I would not have any problems with it.

But I think the gentleman from California (Mr. HUNTER) clearly put the question when he raised the question as to whether the Customs Service could make an arrest or interfere or stop the export of these laser lenses, when they were given an anonymous phone call or something.

Under the legislation as written, clearly they could not.

I urge the body to vote for the Hutto amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HUTTO).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 8, noes 14.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1610

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

□ 1620

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. HUNTER) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 13, line 18, strike out the quotation marks and second period.

Page 13, insert the following after line 18: "(7) Agreement to provide for the imposition and enforcement of export sanctions by the governments participating in the committee against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.".

Mr. PICKLE. Mr. Chairman, I have submitted this amendment to the chairman of the subcommittee and to the ranking member of the subcommittee. It appears on page 26205 of the September 28, 1983, CONGRESSIONAL RECORD.

Mr. Chairman, the amendment would seek an agreement to provide for certain export sanctions by the governments participating in the committee as against the Soviet Union or any other country if they commit violent acts against unarmed civilians of other countries.

Mr. Chairman, over the past several years, the United States has attempted, largely unsuccessfully, to impose economic or other sanctions against the Soviet Union as a means of expressing our displeasure with Soviet acts of aggression against the world.

I am sure the Members of this House share my disappointment in the

uneven and unpredictable nature of Western support for U.S. efforts to retaliate against the Soviets for these acts of aggression. The brutal attack on Korean flight 007 is only the latest example of how this lack of Western solidarity serves to make the entire civilized world appear impotent in the face of Soviet violence.

In 1980, in response to the Soviet invasion of Afghanistan, the United States stopped licensing exports of strategic goods and high-technology items, deferred consideration of SALT II, boycotted the 1980 Olympic games and placed an embargo on grain sales. However, the support from other Western nations and our allies was less than enthusiastic.

In 1981, the United States imposed sanctions against Poland and later against the Soviet Union in response to the imposition of martial law in Poland. The sanctions included termination of the Export-Import Bank credit insurance; suspension of Polish airline landing rights; suspension of Polish fishing rights in U.S. waters; and a request that our allies restrict high-technology sales to Poland. Again, the support from our allies was less than enthusiastic.

In both cases, the unwillingness of our allies to join us in imposing sanctions against the Soviets undermined our efforts to retaliate effectively against Soviet aggression.

But as so many of the Members of this House noted just 2 weeks ago, we do need to do something. I think we can. Mr. Chairman, my amendment calls on the President to negotiate an agreement with the Cocom governments if he can that assured sanctions to be negotiated will be invoked in the event of any future Soviet attack on unarmed civilians of another nation. I think this amendment is a constructive proposal in the wake of one of the most brutal attacks on civilians in peacetime in recent history. We need to seek some kind of agreement in advance with our Cocom members so that we might be able to excise our collective will—I do it together, of course, we may not be able to get our committee together, but we ought to try.

I ask for your support.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Chairman, I would like to congratulate the gentleman for attempting to deal with a very difficult issue, and that is how can we involve our allies in collective action on future occasions when we attempt to use economic sanctions and we find ourselves really the only country willing to take that step. The result often is that we do more punishment to our own exporters than we do to the adversarial nation.

So I think the gentleman is on the right track, and although the Cocom organization deals primarily with national security controls, and generally we are talking about foreign policy controls, I do think that the gentleman's amendment in this case is relevant.

Mr. Chairman, I would like to suggest one change, and perhaps it can be accomplished by unanimous consent, and that is that on line 2, it refers to enforcement of sanctions by the governments.

Mr. PICKLE. The wording is the enforcement of "export" sanctions. That is in the amendment.

Mr. BONKER. All right. If the gentleman is offering in his language "export sanctions" or "export controls," I think that is completely agreeable.

Mr. PICKLE. That is the wording.

Mr. BONKER. I would be pleased to support it.

Mr. PICKLE. That is the wording at the desk.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. PICKLE. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I also want to commend the gentleman for this amendment. It seems to me that the gentleman makes a very good point when he talks about deciding in advance what kind of action we would take. Unfortunately, however, it really is not that kind of a situation in many respects, because although the gentleman mentions Afghanistan as being a 1980 phenomenon, it goes on today, and I suspect that even as we speak there may well be violations that would come within the coverage of the gentleman's amendment, that is, attacks on unarmed civilians.

So I think it is very important that we do this. I think it is important that we have agreements with our allies ahead of time if we possibly can, although we can never foresee exactly what the Soviets are going to do. Had we had that kind of consultation, for example, prior to the 1980 invasion of Afghanistan, it is very likely that we would have had much better cooperation from our allies and others than we ended up having. That, of course, affects the effectiveness and, as has been pointed out, the way it is now, most of the burden falls on American business and that is not only unfair, it is ineffective.

But could we have the cooperation of other countries in the world, perhaps it would be more effective, so I hope the gentleman's amendment is adopted.

Mr. PICKLE. I hope we can get that cooperation. Certainly if we do nothing, we will be just like we are, and that is not very helpful.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has again expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman on his amendment. I think it is a very good amendment. I think it sets a goal. It gives a target to shoot for so that we are not always caught off guard.

It provides for some forward looking thinking, which is something that we in this body must always appreciate.

Another purported concept I like about the amendment, it accepts foreign policy controls. As the chairman of our committee has pointed out, foreign policy control is one very important element of this legislation.

So I wanted to compliment the gentleman on his amendment and his forward thinking.

Mr. PICKLE. I thank the gentleman.

Mr. Chairman, I ask for support of the amendment.

□ 1630

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my opinion that the amendment offered by the gentleman from Texas (Mr. PICKLE) transcends the bounds of germaneness in that it goes beyond the purposes of the bill.

I did not raise a point of order because I felt the gentleman's amendment was a good idea, and, in addition, was not forcing on anyone and not mandating any particular action. It was simply calling for the best effort on the part of the President to do something that we would all like him to do if he can.

In the future, however, if there are amendments that seem to go beyond the rules of the House, and are forcing, or do establish bars or prohibitions, I simply want to serve notice that I will attempt in those cases to raise points of order.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SNOWE

Ms. SNOWE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SNOWE: Page 3, line 14, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 3, line 21, strike out the quotation marks and second period.

Page 3, insert the following after line 21:

"(4) Any individual or business concern that violates any national security control imposed under section 5 of this Act which the United States maintains cooperatively with other countries, or any regulation, order, or license related thereto, may be subject to such controls on the importing of its goods or technology into the United States or its territories and possessions as the President may prescribe.".

Ms. SNOWE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, if the gentlewoman from Maine (Ms. SNOWE) would like to proceed, I will reserve my point of order.

The CHAIRMAN. The gentleman from Minnesota (Mr. FRENZEL) reserves his point of order.

The gentlewoman from Maine (Ms. SNOWE) is recognized for 5 minutes in support of her amendment.

Ms. SNOWE. Mr. Chairman, as we begin to mark up the Export Administration Act, I do believe that the committee should give consideration to a serious problem, and that is, of course, the leakage of militarily critical technology to the Soviet Union and other Eastern bloc nations. As the situation currently exists, we find that there are companies that indeed sell sensitive technology to the Soviet Union. These sales are in direct violation of Cocom agreements, not to mention the fact that these violations are done at the expense of law-abiding U.S. companies.

There is no effective deterrence mechanism within Cocom or within the Export Administration Act to prevent the diversion of technology to the Soviet Union. So what I am seeking to do by this amendment is not only to insure the security interests of the Western alliance, but also, I believe, to establish the principle of fairness, that is, that U.S. companies should no longer have to suffer the loss of foreign markets because foreign firms evade our international agreements simply to increase their sale of goods.

So what my amendment does is to provide the President of the United States with the discretionary authority to impose import restrictions upon any company or individual who violates multilateral agreements concerning national security controls.

The purpose of my amendment is essentially twofold: First, to put our Cocom partners on notice that we adhere to Cocom agreements and we expect them to do so as well; and second, to provide firm enforcement language to indicate that the United States expects compliance by all parties to Cocom agreements.

Cocom was formed in 1949. The United States joined with our allies to form what was called the Coordinating Committee for Multilateral Export Controls, and the stated goal of that committee is to insure that high technology goods with direct and indirect military applications be denied access to our adversary nations. We find that the United States has faithfully abided by all of these agreements; unfortunately, some of our allies have not.

As examples, businesses operating abroad, supposedly operating under the restrictions of Cocom, have been found to sell strategic technology to the Soviet Union, so the Soviet Union has profited, not only in saving millions of dollars in research and development but also in time and effort and in many other ways that give them the advantage in military security, not to mention the fact that it also jeopardizes our national security interests.

The present Export Administration Act does not provide a solution to this problem. The purpose of the import control penalty that I advocate is to give the United States a strong new role to deter these companies and individuals who persistently, deliberately, and willfully violate Cocom. I believe that in a sense this amendment would strengthen Cocom and the security interests of the free world. As we have noted, in the past Cocom has not been entirely effective because no government has been willing to challenge the violators.

We have indeed documentation of many cases where foreign governments have chosen to look the other way rather than interfere with the economic gain of a particular company that lies within its jurisdiction and is in violation of Cocom agreements.

To quote Jim Mack of the National Machine Tool Builders Association, he said this before a committee of the Congress: That the threat of the imposition of import sanctions "may well be the only effective tool to insure that there is a more effective Cocom." He went on to say this:

Experience has taught us that simple persuasion and endless negotiations have not been effective in assuring multilateral compliance with multilateral agreements to control exports for the protection of the mutual security of the Western Alliance.

The domestic machine tool industry provides a perfect illustration of the dilemma that we face today. Machine tools have been essentially regulated under the Export Administration Act because they have been important to our defense production. Take, for example, the fact that in 1981 the Soviet Union imported more than 1 billion dollars' worth of machine tools. The United States only supplied $17 million of that market. But comparable equipment manufactured by our Cocom partners entered the Communist countries in clear violation of Cocom agreements.

Therefore, my amendment would not only insure that our allies would be required to uphold their obligations to deny potential adversaries access to essential technology, but, I also believe that my amendment would undercut any monetary gain as a motivating force for violating national security controls and would also serve to further enhance the effectiveness of Cocom as an organization.

The CHAIRMAN. The time of the gentlewoman from Maine (Ms. SNOWE) has expired.

(By unanimous consent, Ms. SNOWE was allowed to proceed for 2 additional minutes.)

Ms. SNOWE. Mr. Chairman, this amendment, I believe, would not cause any problems for our trading partners. It is limited in scope to those countries that participate in Cocom. This important control penalty that I advocate would impose restrictions only on U.S. companies, U.S. subsidiaries, and U.S. licensees of the U.S. technology that violates multilateral agreements or violates national security controls.

That is all we are talking about here. It would not extend the extraterritorial reach of the U.S. Government beyond those individual violators. In fact, it would not restrict the imports of a country as a whole. It would only restrict the imports of a company or an individual who happens to violate these agreements.

I am convinced, Mr. Chairman, I say to the members of this committee, that we must put Cocom on notice that we are not going to tolerate or accept these violations, and that we in the United States are willing to take meaningful action against those who are willing to turn export controls to their own advantage at the expense of Western security goals.

I might also say that the Commerce Department informed me that in 1982 there were 10 companies in violation of national security controls. That is 10 too many. Certainly one is too many. I believe if this amendment were in place, we would have an effective deterrence against those violators

who are willing to breach national security controls.

Finally, I might add two other points. One is that if a company had a choice between illegal trade and losing lucrative U.S. markets, I do not believe it would be a difficult decision for them to make.

□ 1640

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Ms. SNOWE was allowed to proceed for 1 additional minute.)

Ms. SNOWE. Finally, I might add, Mr. Chairman, that as we begin to relax some of the trade restrictions under the Export Administration Act, I think it is even more essential that we have an effective mechanism in place to insure that we do not jeopardize Western security interests.

Therefore, I would urge that the committee would support and adopt this amendment.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I renew my point of order and I would like to be heard on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, I make a point of order that the amendment is in violation of clause 7, rule XVI, and is not germane to the bill.

The tests of germaneness include whether the fundamental purpose of an amendment is germane to the fundamental purpose of the bill or title and whether an amendment contemplates a method of achieving that end that is closely allied to the method encompassed in the bill.

Another test of germaneness is whether an amendment, when considered as a whole, is within the jurisdiction of the committee reporting the bill and whether the amendment demonstrably affects a law within another committee's jurisdiction.

The Ways and Means Committee is the committee with jurisdiction over restrictions on the importation of goods and services. Also, section 232 of the Trade Expansion Act of 1962 governs the control of imports that have an effect on national security. The gentlewoman's amendment clearly seeks to establish a separate mechanism and authority for controlling imports if the effect on the national security is related to high technology exports and, therefore, demonstrably affects a law within the jurisdiction of the Committee on Ways and Means.

Mr. Chairman, because I believe the amendment violates both of those tests of germaneness, I make a point of order that the amendment violates clause 7, rule XVI.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. SNOWE. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. SNOWE. Mr. Chairman, I certainly rise in opposition to the point of order made by the gentleman from Minnesota.

First of all, let me indicate that the amendment I have offered meets the test of germaneness, I believe, as outlined in rule XVI, clause 7:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The subject that we have under consideration is a bill that modifies the Export Administration Act. This act deals with the flow of goods between the United States and foreign countries, and with an organization we maintain cooperatively with other countries to regulate the flow of goods and technology between all countries of the world. Specifically, the report of the Foreign Affairs Committee states as the purpose of the act:

The Export Administration Act of 1979 provides broad authority for controlling the export from the United States to potential adversary nations of civilian goods and technology.

The report goes on to state:

The broad policy provision of the act allows considerable latitude to the executive branch to implement national security and trade policies.

The subject of my amendment, similarly, deals with the flow of goods between the United States and foreign countries. My amendment allows the executive branch authority to protect national security and to conduct a coherent trade policy.

My amendment provides the President certain powers, namely, the imposition of import controls, as a means of enforcing the cooperative agreements we maintain with other countries.

The amendment is offered to the violations section of the bill and, as such, merely extends the already existing powers available to punish violations under the Export Administration Act.

My amendment also meets the fundamental purpose test of germaneness. The Rules of the House under rule 16 indicate that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. In this instance, the fundamental purpose of both the bill and the amendment is to allow the United States to effectively regulate the flow of goods between countries. Deschler's Procedure, chapter 28, section A6.1 indicates:

In order to be germane, an amendment must not only have the same end as the matter sought to be amended, but must contemplate a method of achieving that end that is closely allied to the method encompassed in the bill . . .

I would point out to the Chair that the bill we are considering contains language in section 322 of title III prohibiting the import into the United States of South African Krugerrands or other gold coins minted in South Africa. Thus, the bill already contains specific language imposing import restrictions. The import control language in my amendment follows the purpose of the bill as reported by the Foreign Affairs Committee—that of controlling sensitive technology which is vital to our national security.

The House rules further indicate that a general subject may be amended by specific propositions of the same class. As elaboration, I cite section A9.21 of chapter 28 of Deschler's Procedure:

Where a bill seeks to accomplish a general purpose by diverse methods, an amendment which adds a specific method to accomplish that result may be germane.

In this instance, the general purpose of the bill is to authorize U.S. participation in Cocom and to regulate the flow of sensitive technology between countries. My amendment sets forth a specific method, that of import control authority, as a means to accomplish the general purpose of the bill.

Deschler's Procedure further states in chapter 28, section A5.1:

In determining the fundamental purpose of a bill and of an amendment offered thereto, the Chair may examine the broad scope of the bill and the stated purpose of the amendment and need not be bound by ancillary purposes that are merely suggested by the amendment.

I would point out to the Chair that my amendment has as its broad purpose the strengthening of our export policy and our relationship with our Cocom partners. That, as well, is what is addressed in the scope of the bill before us.

My amendment also meets the test of committee jurisdiction in determining germaneness. The Foreign Affairs Committee, under rule X, is given jurisdiction over:

(1) Relations of the United States with foreign nations generally,

(2) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad, and

(3) Measures relating to international economic policy.

My amendment falls generally under these jurisdictional grants, and specifically is covered by the authority of the Foreign Affairs Committee "to foster commercial intercourse with foreign nations and to safeguard American business interests abroad."

The purpose of my amendment is to strengthen our Cocom alliance and to bring about a better system of international commerce. My amendment, in addition, seeks to safeguard American businesses and to make certain they are put on an equal footing with foreign competitors.

I am not, I might add, seeking to establish overall trade policy. The intent

of the amendment is to simply strengthen the provisions of this bill. My amendment only provides import authority under a very limited set of circumstances, and that is when a company or an individual violates a national security control of Cocom. The provision is directly related to the Export Administration Act, and is clearly within the jurisdiction of the Foreign Affairs Committee.

I might add that the committee just accepted an amendment by the gentleman from Texas that essentially does the same thing that my committee amendment purports to do.

I thank the Chair.

The CHAIRMAN (Mr. SEIBERLING). The Chair is prepared to rule.

The Chair has examined the sanctions contained in the Export Administration Act and is satisfied that the act as amended by the pending bill does not contain authority to impose import sanctions, that the matter is within the jurisdiction of the Committee on Ways and Means.

The gentlewoman has cited a general jurisdictional claim of the Committee on Foreign Affairs; however, the specific jurisdiction over imports is within the jurisdiction of the Committee on Ways and Means.

The Chair would cite the precedent appearing at chapter 28, subsection 4.34 of Deschler's Procedure:

To a title of a bill reported from the Committee on Interstate and Foreign Commerce containing diverse petroleum conservation and allocation provisions, an amendment imposing quotas on the importation of petroleum products from certain countries was held to be a matter within the jurisdiction of the Committee on Ways and Means and was ruled out as not germane.

The Chair would also cite chapter 28, subsection 4.30 of Deschler's Procedure wherein:

To a section of a bill reported from the Committee on Agriculture providing a 1-year price support for milk, an amendment expressing the sense of the Congress that the President shall impose certain tariff duties on imported dairy products was held to go beyond the purview of the pending section and to involve a matter within the jurisdiction of the Committee on Ways and Means, and was ruled out as not germane.

There are other similar precedents, but it seems to the Chair those are sufficient for purposes of supporting this ruling.

Accordingly, the Chair rules that the amendment of the gentlewoman is not germane, to title I and, therefore, it is ruled out of order. The point of order is sustained.

□ 1650

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 13, insert the following after line 20:

SEC. 108. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after the second sentence the following new sentence: "For purposes of the preceding sentence, the term 'detrimental to the national security of the United States' means likely to result in a significant reduction in the military capabilities of the United States or likely to result in a significant advance in the military capabilities of countries to which the goods or technology involved are controlled under this section."

Page 13, strike out line 20 and "2404(f)(4)" on line 21 and insert in lieu thereof "(b) Section 5(f)(4) of the Act".

Mr. COURTER. Mr. Chairman, I had the amendment read because it is not a long one. Basically, the amendment adds a definition to words that have already been in the act.

Right now, as we know, the act permits the export of militarily critical technologies, to controlled countries if they are available in sufficient quantity and quality to make the requirement of a validated license ineffective. The bill goes on and says that, "Unless the President determines that the absence of export controls would prove detrimental to the national security of the United States."

In other words, there is an overriding exception that is designated in the act. Now, I felt, and also, Mr. Chairman, the ladies and gentlemen of the special panel of the House Armed Services Committee that reviewed the act felt that we should have a definition of what is meant by "detrimental to the national security of the United States." We define that simply by using the following words:

Those actions that would result in a significant reduction in the military capabilities of this country or a significant advance in the military capabilities of the country receiving the technology.

Therefore, the amendment is a very simple one. It simply attempts to clarify what we mean by detrimental to the national security of the United States. It does not in essence add a new feature to the act, it does not change the act significantly. We think that as members of the Armed Services Committee it clarifies really what we mean by national security.

I yield to the gentleman who is the chairman of the committee who has jurisdiction over the matter (Mr. BONKER).

Mr. BONKER. I thank the gentleman for yielding.

We have had an opportunity to examine the gentleman's amendment. I would like to ask, on page 13 you strike language beginning on line 20. Can you explain the intent of that deletion?

Mr. COURTER. Mr. Chairman, I noticed that myself. I ask unanimous consent at this particular time to strike from my amendment the last three lines which is exactly applicable to the language that the gentleman from Washington (Mr. BONKER) referred to. That was not intended to be part of my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BONKER. So what we are faced with now is the amendment as you have presented it which adds language on page 13 that relates to the term "detrimental to the national security of the United States"?

Mr. COURTER. That is correct. We are left with that particular language. The language simply defines what we mean by detrimental to this country as two instances.

First, reducing our capabilities, or increasing the capabilities of a country on which controls are placed.

Mr. BONKER. I have no problems with the gentleman's amendment. I think it is consistent with what we are attempting to achieve in this bill.

Mr. COURTER. I thank the gentleman for his agreement.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 5, strike out lines 3 through 24.

Page 6, line 1, strike out "(3)" and insert in lieu thereof "(2)".

Page 6, line 24, strike out "(4)" and insert in lieu thereof "(3)".

Page 6, lines 24 and 25, strike out "seizure, forfeiture," and insert in lieu thereof "forfeiture".

Page 7, line 3, strike out "seizures and".

Page 7, line 5, strike out "this subsection or".

Page 7, line 7, strike out "this subsection or".

Page 7, lines 10 and 11, strike out "this subsection and".

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BONKER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Washington reserves a point of order against the amendment.

Mr. HUGHES. Mr. Chairman, the bill before us is one of a series of bills in which other committees of the House have authorized wide-ranging law enforcement authority for departments or agencies of the Government

without the opportunity for the Committee on the Judiciary to make an in-depth analysis of these provisions. This is, as I stated in the committee debate on the RCRA bill, another example of the unnecessary proliferation of law enforcement authority.

The bill provides that the Secretary of Commerce may designate any officer or employee of the Department to execute warrants, make arrests without warrant, search without warrant, seize without warrant, and carry firearms. My amendment would strike these authorities.

Before we permit this proliferation of law enforcement authority to continue, the Congress, and specifically this committee, should take a close look at whether it is justifiable in each instance and, even if it is justifiable in a particular instance, whether an omnibus coordinated approach would make much more sense.

The granting of law enforcement authority to the Commerce Department and to other Federal agencies raises questions of efficiency and coordination. The question is whether it is efficient for Commerce Department officials to begin conducting searches and seizures. Their primary function in the enforcement of this particular statute is to investigate the export trading cases. It is the job of other law enforcement authorities, specifically the Customs Service, to conduct searches and seizures and make arrests. I believe it is inefficient to duplicate law enforcement efforts and training for these agencies. I believe that duplicative training of officers is unnecessary and a waste of the taxpayers' money. The situation compounds the problem of inefficient use of time when one considers that frequent retraining in law enforcement techniques is essential.

Mr. Chairman, I believe that this type of request from various agencies of the Government teaches us one thing: Our law enforcement efforts are not efficiently coordinated. Rather than continuing to expand the number of agencies that have law enforcement authority, I believe that we should strive to utilize the law enforcement resources that we have in a much more efficient manner. This, of course, would require a termination of the turf battles that exist between and among agencies and require them to coordinate their activities and work in an efficient manner. The amendment which the Members have before them seeks to encourage that end. I urge the support of the Members.

The CHAIRMAN. Does the gentleman from Washington (Mr. BONKER) insist upon his point of order?

Mr. BONKER. Mr. Chairman, I withdraw my reservation of a point of order, and would like to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. BONKER. Mr. Chairman, this committee has already debated and voted on the law enforcement provisions that are contained under title 1. We were able to determine, I think by a division vote, that the Commerce Department needs the resources and the authority to do an effective job on enforcement.

Now the gentleman says that the Judiciary Committee has not had the opportunity to consider whether this new enforcement authority is justified. Actually the Judiciary Committee had referral of this bill but they never considered it, or at least they never reported out an amendment as the Armed Services Committee has done as a result of its sequential referral over the legislation.

So, I feel that to come in now with an amendment, after the Judiciary Committee failed to exercise its proper role in our consideration of this section of the bill, and the fact that the Committee of the Whole has now had an opportunity to debate the enforcement sections contained in title 1, that this amendment ought to be defeated.

Therefore, I propose that we oppose the gentleman's amendment.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from New Jersey.

□ 1700

Mr. HUGHES. The gentleman is correct.

The Committee on the Judiciary did not take this up, but that is because, first of all, the Judiciary Committee did not have very much time. It fell at a very bad time. We were unable to get a quorum, as the gentleman perhaps may know. So we were not able to deal with the problem.

But we have taken a very similar position as other agencies have endeavored to proliferate law enforcement authority. The Environmental Protection Agency now wants to have law enforcement authority. The Department of Labor wants certain law enforcement authority for certain aspects of their enforcement authority and, frankly, it is a question of where do you stop.

We have law enforcement agencies that have primary responsibility for enforcement.

Mr. BONKER. I would just say we are attempting to give the Commerce Department new enforcement authority and the resources to do the job. If we fail to make that complete, then they are not going to do the job effectively.

AMENDMENT OFFERED BY MR. BONKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HUGHES

Mr. BONKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BONKER as a substitute for the amendment offered by Mr. HUGHES: Page 5, strike out lines 1 through 22 and insert in lieu thereof the following:

"(2) The Secretary may designate any officer or employee of the Department of Commerce who is carrying out enforcement functions under paragraph (1) to execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act, and the Secretary may designate any certified law enforcement officer to carry firearms in executing such warrant or process. The Secretary shall ensure that the officers and employees designated under this paragraph have the appropriate training to exercise the authorities for which they are so designated.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. The amendment says that it strikes out lines 1 through 22. The copy of the bill I am working off of goes through line 24. Have I gotten a bad copy?

The CHAIRMAN. The Chair understands the amendment strikes out through line 22 and that lines 23 through 25 are a separate subsection.

Mr. FRENZEL. We are on page 5 of the bill?

The CHAIRMAN. The amendment is a substitute for the amendment offered by the gentleman from New Jersey (Mr. HUGHES).

Mr. FRENZEL. Mr. Chairman, may I further inquire, then does it strike out section 103(1)(2)(A)(B)?

The CHAIRMAN. It strikes out page 5, lines 1 through 22 and it inserts in lieu thereof the language in the amendment offered by the gentleman from Washington (Mr. BONKER).

Mr. FRENZEL. I thank the Chairman.

Mr. BONKER. Mr. Chairman, I will not consume the 5 minutes.

What the substitute attempts to do is to retain the authority in the bill for the Commerce Department to engage in searches, seizures, and arrests, but it will require a warrant. In other words, what we want to do is address what I think is the Judiciary Committee's concern that any officer of the Commerce Department can engage in this activity freely but that it must seek and gain a warrant before it carries out its duties under this law.

I hope the gentleman could accept that as a compromise.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to reluctantly oppose the amendment. Basically all it does is just eliminate the authority to make warrantless arrests.

I do not see that as an improvement. If anything, I think that that would be counterproductive.

If you are going to grant arrest authority then it seems to me you have to grant full arrest authority. So I would find that the worst of all worlds.

But it does not take away from the fact that we have a proliferation of law enforcement functions in a number of agencies. It is not a question that the Customs Service cannot provide the function. They can. They have the jurisdiction. The Customs Service is in a law enforcement agency and they have jurisdiction.

The fact of the matter is we have a turf battle between two agencies and we have it every day of the week between law enforcement agencies. We are proliferating that type of confrontation between agencies that have law enforcement functions.

Where are you going to stop? Just about every agency and department of Government has enforcement authority. Are you going to give them police authority to boot? Are you going to give each and every agency that has some enforcement authority the right to make arrests, the right to make searches and seizures?

It seems to me that we have got to stem the tide of creating this kind of authority in every agency. This is a situation that I think is just going to proliferate the kind of confrontation that works against law enforcement in this country.

We have situations where they fight over who is going to make the arrests. Fistfights take place between agencies as to who in fact is going to make the arrest under given circumstances because we have created a proliferation of this authority.

It seems to me what we have to do is defeat this amendment.

We have a law enforcement agency that has primary responsibility for it. If they do not have enough resources, we should provide for the resources for the Customs Service. But the enforcement authority remains in Customs and that is where we should keep it.

Mr. BONKER. Will the gentleman yield to me?

Mr. HUGHES. I yield to the gentleman from Washington.

Mr. BONKER. The Customs Service does not have the statutory responsibility in this case to administer and enforce the Export Administration Act.

What we have attempted to do in the earlier debate was to properly define the role of those two agencies. We have done that and we have now authorized money for both agencies to do their work.

But if now we accept the gentleman's amendment we withdraw the authorities that are in this bill and then they will not have the tools necessary to do an effective enforcement job.

The gentleman keeps talking about the proliferation of law enforcement agencies but he is not looking at the merits of this particular bill. The Department of Commerce is charged with the responsibility of enforcement action under the Export Administration Act. If you withdraw this authority I do not know how they will equip themselves to do the job we ask of them.

Mr. HUGHES. The fact of the matter is the Customs Service has the authority to enforce the Export Administration Act.

Mr. BONKER. The Customs Service does not have the responsibility. There is no statutory reference whatsoever for the Customs Service to enforce the act.

This program was conceived by the White House in cooperation with the Defense Department to get the Customs Service into random inspections. The Department of Commerce has always had the responsibility.

The criticism has been that they did not do it effectively. If we do not give them the personnel and if we do not give them the authority, then they cannot be effective in the job that we ask of them.

So we are giving them new authority. The responsibility is already there. It does not rest with the Customs Service. They already have law enforcement authorities under other statutes.

Mr. HUGHES. The Customs Service, as I understand the law, has ample authority to enforce the Export Administration provisions that have been violated.

Mr. BONKER. I will have to correct the gentleman. There is nothing in the existing Export Administration Act that makes any reference whatsoever to the Customs Service. This Operation Exodus program was developed within the administration. The law charges the Department of Commerce with enforcement.

Mr. HUGHES. The fact remains that the Customs Service has arrest authority to enforce the general laws dealing with the borders, to the export of the technology, which falls within the parameters and jurisdiction of the Customs Service.

If in fact there are specific situations that occur where an official within the Commerce Department needs to be deputized, we have the authority to do that. If specific individuals need specific authority on specific cases, why do we have to grant broad law enforcement authority to Commerce at this point?

□ 1710

Mr. BONKER. Well, the gentleman is correct. The Customs Service has broad authority to enforce trade laws, but it does not have any specific authority to date in the Export Administration Act. And that is what we are attempting to deal with here.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New Jersey has phrased the situation correctly, I believe. It is a matter of turf.

The committee of jurisdiction, however, the Committee on Foreign Affairs, has looked at the law and decided that the agency that is in charge of administering the law should also enforce the law.

I do not see why the rest of us should second-guess the jurisdictional committee's decision and I hope that the amendment of the gentleman from Washington will be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BONKER) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HUGHES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HUGHES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 367]

Ackerman	Bereuter	Bryant
Addabbo	Berman	Burton (CA)
Akaka	Bethune	Burton (IN)
Albosta	Bevill	Byron
Alexander	Biaggi	Campbell
Anderson	Bilirakis	Carney
Andrews (TX)	Billey	Carper
Annunzio	Boehlert	Carr
Anthony	Boland	Chandler
Applegate	Boner	Chappell
Aspin	Bonker	Chappie
AuCoin	Borski	Cheney
Badham	Bosco	Clarke
Barnard	Boucher	Clinger
Barnes	Boxer	Coats
Bartlett	Breaux	Coleman (MO)
Bateman	Britt	Coleman (TX)
Bates	Brooks	Collins
Bedell	Brown (CA)	Conable
Beilenson	Brown (CO)	Conte
Bennett	Broyhill	Conyers

Cooper
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Zablocki
Zschau

□ 1720

The CHAIRMAN. Three hundred ninety-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

□ 1730

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New Jersey (Mr. HUGHES) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 246, not voting 23, as follows:

[Roll No. 368]

AYES—164

Albosta
Alexander
Annunzio
AuCoin
Badham
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Berman
Bilirakis
Boggs
Boland
Bonker
Breaux
Brown (CO)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Coughlin
D'Amours
Daub
Derrick
Dickinson
Dicks
Dingell
Donnelly
Duncan
Durbin
Edgar
Edwards (AL)
Emerson
English
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Fields
Foley
Frank
Franklin
Frenzel
Gejdenson
Gingrich
Gore
Gradison
Gramm
Hall (OH)
Hamilton
Hammerschmidt
Harkin
Hiler
Hillis
Horton
Ireland
Jacobs
Johnson
Jones (OK)
Kemp
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lewis (CA)
Lipinski
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Mack
Madigan
Markey
Marlenee
Martin (IL)
Martinez
Matsui
McCandless
McCurdy
McKinney
McNulty
Mica
Mineta
Minish
Mitchell
Moody
Moore
Morrison (WA)
Nielson
Packard
Panetta
Pashayan
Patterson
Paul
Pease
Petri
Pickle
Porter
Quillen
Regula
Ridge
Roberts
Roemer
Roth
Sabo
Schaefer
Schneider
Shannon
Sharp
Shumway
Shuster
Sikorski
Simon
Skeen
Smith (IA)
Smith (NE)
Snowe
Solarz
Staggers
Stenholm
Sundquist
Swift
Tauke
Tauzin
Taylor
Thomas (CA)
Traxler
Udall
Volkmer
Vucanovich
Walgren
Watkins
Whittaker
Williams (MT)
Winn
Wirth
Wise
Wolpe
Wright
Wyden

NOES—246

Ackerman
Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Anthony
Applegate
Aspin
Barnard
Bates
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boner
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Carper
Carr
Chappell
Clarke
Collins
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Davis
de la Garza
Dellums
DeWine
Dixon
Dorgan
Dowdy
Downey
Dreier
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Erdreich
Fazio
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Ford (MI)
Forsythe
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gray
Guarini
Hall (IN)
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kramer
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Livingston
Lloyd
Long (MD)
MacKay
Marriott
Martin (NC)
Martin (NY)
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McDade
McGrath
McHugh
McKernan
Michel
Mikulski
Miller (CA)
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Parris
Patman
Penny
Pepper
Perkins
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Sensenbrenner
Shaw
Shelby
Siljander
Sisisky
Slattery
Smith (FL)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Spratt
St Germain
Stangeland
Stark
Stokes
Stratton
Studds
Stump
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Valentine
Vander Jagt
Vandergriff
Vento
Walker
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (OH)
Wilson
Wolf
Wortley
Yatron
Young (FL)

NOT VOTING—23

Archer
Bonior
Broomfield
Clay
Coelho
Corcoran
Ford (TN)
Fowler
Gibbons
Hance
Hawkins
Heftel

Lungren	Pritchard	Weber
McEwen	Rudd	Young (AK)
Nelson	Schulze	Young (MO)
Oxley	Skelton	

Messrs. BURTON of Indiana, CRAIG, MILLER of California, WAXMAN, and MAVROULES, and Mrs. BOXER changed their votes from "aye" to "no."

Mr. WALGREN and Mr. WILLIAMS of Montana changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, in order to conform my amendment to the amendment in the nature of a substitute, I ask unanimous consent to modify the amendment as follows:

Page 5, strike out lines 1 through 22.

Page 5, line 23, strike out "(3)" and insert in lieu thereof "(2)".

Page 6, line 21, strike out "(4)" and insert in lieu thereof "(3)".

Page 6, lines 21 and 22, strike out "seizure, forfeiture," and insert in lieu thereof "forfeiture".

Page 6, line 25, strike out "seizures and".

Page 7, line 2, strike out "this subsection or".

Page 7, line 4, strike out "this subsection or".

Page 7, lines 7 and 8, strike out "this subsection and".

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. COURTER. Mr. Chairman, reserving the right to object, I wish to solicit an explanation as to what the gentleman from New Jersey (Mr. HUGHES) has done by his unanimous consent request.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, this is what I have done: This merely conforms my amendment to the amendment in the nature of a substitute, the amendment that was drawn to the original bill. That is all it does.

Mr. COURTER. Mr. Chairman, I withdraw my reservation of objection.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from New Jersey to modify his amendment?

Mr. SAWYER. Mr. Chairman, reserving the right to object, I would, under my reservation of a right to object, ask the gentleman to just explain the gist of his amendment. After all that we heard on the last amendment, I kind of lost track of what it does exactly.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, I might say to the gentleman that the amendment strikes the arrest and the warrant and warrantless arrested party that is in the legislation. It would provide basically for a police department within the Department of Commerce when in fact the Customs Service already has a broad law enforcement authority.

There basically is a turf battle between some enforcement officers within Commerce and basically the Customs Service, and I just do not think that it is well for us to continue to proliferate law enforcement authority in every agency and department that has some enforcement function.

Mr. SAWYER. Mr. Chairman, I thank the gentleman, and let me say that I agree with the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey (Mr. HUGHES) to modify his amendment?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes in support of his amendment.

Mr. HUGHES. Mr. Chairman, I think that all the Members understand the amendment. I am not going to take a great deal of time.

I just think that this is an important principle. Every agency and department in the Government of the United States has some enforcement function. If we were to give each and every agency the authority to make arrests, warrant and warrantless arrests, and the right to make searches and seizures, we would be proliferating the law enforcement function into every nook and cranny of every agency and department of the Government.

We do have right now sufficient authority in the Customs Service to enforce the Export Administration Act. To try to single out this special group over in the Department of Commerce for this type of authority is, I think, not the right way for us to go. We should stem the hemorrhage of law enforcement authority and shore up the agencies and departments that already have law enforcement functions. The Department of the Treasury already has enforcement authority in this area of the law.

Mr. Chairman, I yield back the balance of my time.

Mr. BONKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I disagree with the gentleman's assertion that Members understand this amendment. I do not believe they understand the amendment unless they have had the benefit of being here for the past hour and engaging in the debate.

Mr. Chairman, the Department of Commerce has the statutory responsibility for enforcement of the export Administration Act. The U.S. Customs Service presently is not recognized by the act. It charges the Department of Commerce to carry out the enforcement responsibilities.

What the Hughes amendment does is to remove Commerce's ability to carry out its enforcement responsibilities, and if that occurs, then the Customs Service that has general law enforcement authority moves in.

If Members are in favor of exports, if in their districts they have run across examples of the Customs Service unnecessarily detaining exports through its Operation Exodus program, then they have to vote against this amendment. If we are going to have an efficient export control policy, it is the Department of Commerce that must have that authority because they have the expertise.

So, Mr. Chairman, if Members are for exports, if they are for more efficiency in the enforcement of this program, they have got to vote down the Hughes amendment and stay with the committee.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

The gentleman and his subcommittee and his full committee have reaffirmed that the Department of Commerce is the administrator of the Export Administration Act, which has been a fact for many years. They have been obliged to rely on the Customs Service for enforcement. They will continue to rely on the Customs Service for a good deal of their enforcement.

However, the gentleman's committee and other committees of Congress have decided that we would be more effective in our enforcement of this act and we could prevent illegal imports if the Commerce Department had a little extra authority to enforce what it must administer. In this bill we give the Commerce Department a little money for enforcement, and now if we accept the Hughes amendment, they will not be able to execute that enforcement.

Mr. Chairman, if Members want to protect our country against illegal imports, if they want the best administration of the Export Administration Act, they will vote down the Hughes amendment.

□ 1750

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, as I understand the situation, the language that is found in the bill on page 6, line 17, is still a part of the legislation, which says that notwithstanding any other provision of law, not more than $14 million may be expended by the U.S. Customs Service in

any fiscal year in the enforcement of export controls.

Now, is it not the case that if the Hughes amendment is adopted that we will be saying to the Customs Service, "You have the entire con here, but you only have $14 million."

How are we going to enforce the law that we have written and put on the books if that were to occur?

Mr. BONKER. The gentleman is precisely correct. Furthermore, we have given the Commerce Department the money to do an effective job. To remove the law enforcement authority, I think, is to waste the money.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

I would like to just point out, Mr. Chairman, that there are some footnotes to this that ought to be made plain.

First of all, this reenactment bill contains a good deal of new language. The language which is the subject of the amendment offered by the gentleman from New Jersey is not language that was ever contained in the existing act. This is new authorizing language to allow for the Department of Commerce to acquire law enforcement capability which they do not now have the authority to continue on with.

In addition, there is no requirement that anyone under this act carrying firearms be a certified law enforcement officer. There is no requirement that anybody making a warrantless arrest be a certified law enforcement officer. There is nobody even required when making an arrest, not even a warrantless arrest, to be a certified law enforcement officer.

This bill greatly expands the power of the Department of Commerce, which now exists, to enforce their laws to the point where they enforce them by law enforcement, rather than legal enforcement.

The difference is that the Department of Commerce may now attempt to make a case, bring the legal proceedings to the Justice Department, and have the people who violate it brought to trial.

The problem with this bill is this provides for the Department of Commerce to get law enforcement capability in effect to be able to be a law enforcement agency. They do not have the men, the materiel, the personnel or anyone else right now to do this.

I would suggest to my colleagues here that this is not the appropriate way to have the Government run. Every agency should not be able to be a police agency.

There needs to be a comprehensive approach. This would be the worst possible way to get a comprehensive approach. You will have people under this bill carrying firearms because the Secretary of Commerce provides for it to these people, without ever having been certified or trained in the use of those firearms. The language is very clear.

I would suggest that at some point in time there may be a need for this kind of agency having its own law enforcement. Right now the Customs Service provides it. It can do the law enforcement work and the agency, the Commerce Department, does the legal work subsequent to the enforcement having been provided by a constituted agency with law enforcement personnel.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Chairman, I want to joint in the statement of the gentleman from Florida. There is a tendency recently to proliferate arrest authority. We are not talking about enforcement authority. Every department has the duty to enforce something, but they do not run around with guns and the power to make arrests. They go to the agencies operating in their fields that are police agencies to make those arrests if it deemed necessary.

We just recently in our committee turned down the Environmental Protection Agency who wanted to arm its agents and send them out making arrests.

I said, not totally jocularly, "Imagine Rita Lavelle with the power to carry a gun."

I think we have enough armed people around. Customs is operating right in this area with the authority to make arrests. The Coast Guard is operating very closely to it with the power to make arrests.

It strikes me that every department wants their own armed police force. I think we have gone far enough. I support the gentleman's amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I just urge support for the position that has been expressed by the gentleman from Florida. I join in support of the remarks he has made. If the trend that we have been tending to follow were to be continued, you might as well arm all the bureaucrats and give them arrest powers, because they all have some duties relating to the enforcement of law. Perhaps we have too much law enforcement power being exercised by the Federal Government, but it does not always require arrest authority and the authority to carry firearms.

I am afraid it is a very mistaken impression that is being fostered by the committee in this bill with regard to the particular aspect that we are talking about now.

Let us not go further in creating a police state. Let us rely upon the existing law enforcement authorities.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

I think we need to know exactly what we are dealing with. The Export Administration Act is before this body, not the EPA.

We just have had a lot of discussion about technology leakage, items going to the Soviet Union. We are not playing games here. We are talking about technology transfer. The only body charged with enforcement in this law now or in the new law is the Department of Commerce, not Customs.

We just had a resolution here and we are about to vote on one to strip their ability to do their jobs.

Again, we are talking about the one agency in our Government that knows anything about high technology, technology transfer, the major issue of this decade. I think they are the ones that should do the job.

We just defeated, and I think some Members misunderstood this, an amendment that would have modified those powers. Certainly if we could do it over again right now, we should go back and pass the amendment that we just defeated, but that is too late. If we need to do anything right now, it is to defeat the Hughes amendment. If we want to make some adjustments in the future, certainly, but do not strip the only body in our Government that has the ability, the expertise, to look at high technology items and make a determination and to enforce the ability to do their job.

I think there has been a tremendous misunderstanding. It is the Commerce Department who deals on a day-to-day basis with high technology and international trade and it should be the Commerce Department that has every ability for law enforcement to do that job.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I am happy to yield.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding. The gentleman is entirely accurate on his point.

I would like to ask the Members of this body, how many have had contacts from firms in your own districts who have their products end up on docks and other holding places because the people they are supposed to be dealing with in Customs do not have the technical expertise to make an evaluation.

When you have that kind of factor of unreliability added, can you imagine whether or not they are going to go to a French firm that has the opportunity to deliver products on time? I can tell you that is the case and that is why we have to keep the people involved who do have the expertise, the

people from the Department of Commerce.

Mr. MICA. Mr. Chairman, let me say, I think Customs has a role. Obviously, it has a role. We are not trying to eliminate the role of Customs. Customs should play a part. Commerce should play a part. The expertise and the ability of both should be used; but the gentleman is right. This is a turf battle. Some are saying, "Just give it all to Customs. They don't involve themselves in international trade. They are not high technology experts, but give it all to Customs."

I think the American people want to see a stop in this flow of technology transfer and we know that the Commerce Department is the department with that expertise.

□ 1800

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Chairman, I think the Members need to know that we are greatly increasing the role of Commerce as an enforcement agency which they do not now possess. Is that not correct?

Mr. MICA. As I have said several times here today during the debate, all afternoon, Customs is not in any way charged with the authority in this legislation for export administration. Commerce has that role. We are simply giving them the ability to fulfill that role.

Mr. HUTTO. Through general law Customs has been doing that. Now you are trying to give Commerce a greater role and duplication and more enforcement by the Commerce Department.

Mr. MICA. I would respectfully disagree with the gentleman. What we are trying to do is take everything out of Commerce, give it all to Customs, and I think that is inappropriate. I think this body recognizes if they understand the issue that both bodies, Commerce and Customs, should be involved in this issue. You do not just give it to one agency that does not have the expertise to do the job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HUGHES), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUGHES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 243, not voting 30, as follows:

[Roll No. 369]

AYES—160

Ackerman	Guarini	Morrison (CT)
Addabbo	Hall, Sam	Murphy
Akaka	Harrison	Murtha
Alexander	Hatcher	Nichols
Anderson	Hefner	Nowak
Annunzio	Hertel	O'Brien
Applegate	Holt	Oakar
Aspin	Hopkins	Obey
Bedell	Howard	Olin
Bethune	Hoyer	Ortiz
Bevill	Huckaby	Ottinger
Boggs	Hughes	Owens
Borski	Hunter	Pepper
Boucher	Hutto	Price
Boxer	Hyde	Rahall
Britt	Jeffords	Rangel
Brooks	Jenkins	Ray
Bryant	Jones (NC)	Reid
Burton (CA)	Jones (TN)	Richardson
Byron	Kaptur	Rodino
Carper	Kastenmeier	Rogers
Carr	Kazen	Rose
Clarke	Kemp	Rostenkowski
Conte	Kildee	Rowland
Cooper	Kindness	Roybal
Courter	Kogovsek	Russo
Daschle	Kolter	Savage
de la Garza	Kramer	Sawyer
Dellums	Leath	Scheuer
Derrick	Lehman (FL)	Schroeder
DeWine	Leland	Schumer
Dixon	Lent	Seiberling
Donnelly	Levin	Shelby
Dowdy	Levine	Sisisky
Downey	Levitas	Smith (FL)
Dwyer	Lloyd	Snyder
Dymally	Long (LA)	Spratt
Dyson	Luken	St Germain
Early	MacKay	Stark
Edgar	Marlenee	Studds
Edwards (CA)	Matsui	Synar
Erdreich	Mavroules	Tallon
Ferraro	Mazzoli	Thomas (GA)
Fish	McCloskey	Towns
Flippo	McCollum	Udall
Foglietta	McGrath	Vandergriff
Ford (MI)	McNulty	Vento
Forsythe	Mikulski	Waxman
Fuqua	Miller (OH)	Weiss
Garcia	Moakley	Wheat
Gekas	Molinari	Whitley
Gephardt	Mollohan	Wortley
Gilman	Montgomery	
Gray	Moody	

NOES—243

Albosta	Coleman (TX)	Frank
Andrews (TX)	Collins	Frenzel
Anthony	Conable	Frost
Archer	Conyers	Gaydos
AuCoin	Coughlin	Gejdenson
Barnard	Coyne	Gingrich
Barnes	Craig	Glickman
Bartlett	Crane, Daniel	Gonzalez
Bateman	Crane, Philip	Goodling
Bates	Crockett	Gore
Beilenson	D'Amours	Gradison
Bennett	Daniel	Gramm
Bereuter	Dannemeyer	Green
Berman	Daub	Gregg
Biaggi	Davis	Gunderson
Bilirakis	Dickinson	Hall (IN)
Bliley	Dicks	Hall (OH)
Boehlert	Dingell	Hall, Ralph
Boland	Dreier	Hamilton
Boner	Duncan	Hammerschmidt
Bonker	Durbin	Hansen (ID)
Bosco	Eckart	Hansen (UT)
Breaux	Edwards (AL)	Harkin
Brown (CA)	Edwards (OK)	Hartnett
Brown (CO)	Emerson	Hayes
Broyhill	English	Hightower
Burton (IN)	Erlenborn	Hiler
Campbell	Evans (IA)	Hillis
Carney	Evans (IL)	Horton
Chandler	Fascell	Hubbard
Chappell	Fazio	Ireland
Chappie	Feighan	Jacobs
Cheney	Fiedler	Johnson
Clinger	Fields	Jones (OK)
Coats	Florio	Kasich
Coleman (MO)	Foley	Kennelly
Kostmayer	Nielson	Snowe
LaFalce	Oberstar	Solarz
Lagomarsino	Oxley	Solomon
Lantos	Packard	Spence
Latta	Panetta	Staggers
Leach	Parris	Stangeland
Lehman (CA)	Pashayan	Stenholm
Lewis (CA)	Patman	Stratton
Lewis (FL)	Patterson	Stump
Lipinski	Paul	Sundquist
Livingston	Penny	Swift
Loeffler	Perkins	Tauke
Long (MD)	Petri	Tauzin
Lott	Pickle	Taylor
Lowery (CA)	Porter	Thomas (CA)
Lowry (WA)	Pursell	Torres
Lujan	Quillen	Torricelli
Lundine	Ratchford	Traxler
Mack	Regula	Vander Jagt
Madigan	Ridge	Volkmer
Marriott	Rinaldo	Vucanovich
Martin (IL)	Ritter	Walgren
Martin (NC)	Roberts	Walker
Martin (NY)	Robinson	Watkins
Martinez	Roemer	Weaver
McCain	Roth	Whitehurst
McCandless	Roukema	Whittaker
McCurdy	Sabo	Whitten
McDade	Schaefer	Williams (MT)
McHugh	Schneider	Williams (OH)
McKernan	Sensenbrenner	Wilson
McKinney	Shannon	Winn
Mica	Sharp	Wirth
Michel	Shaw	Wise
Miller (CA)	Shumway	Wolf
Mineta	Shuster	Wolpe
Minish	Sikorski	Wright
Mitchell	Siljander	Wyden
Moore	Simon	Wylie
Moorhead	Skeen	Yates
Morrison (WA)	Slattery	Yatron
Mrazek	Smith (IA)	Young (AK)
Myers	Smith (NE)	Young (FL)
Natcher	Smith (NJ)	Zablocki
Neal	Smith, Robert	Zschau

NOT VOTING—30

Andrews (NC)	Franklin	Pritchard
Badham	Gibbons	Roe
Bonior	Hance	Rudd
Broomfield	Hawkins	Schulze
Clay	Heftel	Skelton
Coelho	Lungren	Smith, Denny
Corcoran	Markey	Stokes
Dorgan	McEwen	Valentine
Ford (TN)	Nelson	Weber
Fowler	Pease	Young (MO)

□ 1810

Mr. HUNTER, Mrs. HOLT, and Mr. JEFFORDS changed their votes from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of H.R. 3231, the Export Administration Act of 1983.

I would like to commend the gentleman from Washington (Mr. BONKER), a member of the Foreign Affairs Committee on which I serve, who is Chairman of the International Economic Policy and Trade Subcommittee for his efforts in reporting this legislation to the floor. This is a carefully drafted bill, Mr. Chairman, which responsibly balances the national security interests of our country with the need to increase our export competitiveness.

During Foreign Affairs Committee consideration of this legislation, members heard much testimony about the

good intentions of the current law, but the fact that its provisions set up unreasonable barriers to American exports. As evidence of this I would like to share with my colleagues excerpts of a letter I recently received from Alexander B. Trowbridge, president of the National Association of Manufacturers. The NAM represents many exporting corporations, and Mr. Trowbridge's letter evidences just why the law needs to be changed:

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, D.C., July 29, 1983.

Hon. PETER H. KOSTMAYER,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CONGRESSMAN: Soon, the House will vote on H.R. 3231—The Export Administration Act of 1983. This is very important legislation for the American business community and NAM strongly endorses it as a balanced approach to U.S. export control policies.

From the perspective of my NAM position as well as from my former service as Secretary of Commerce, I have had an opportunity to gauge the increasingly harmful impact of our export control policies on U.S. commerce over the past two decades.

Just as one recent and specific example, we received a call several months ago from a small mid-western manufacturer of scientific equipment. The firm has exported for about ten years, with 35-40% of its gross annual sales derived from its export business. One of the firm's newest product lines, an electrochemical analyzer, incorporates an embedded non-reprogramable microprocessor. To the company's knowledge, no similar instrument is produced anywhere in the world and it has no conceivable military use. In developing this innovative instrument to include a non-reprogramable microprocessor the company had no idea that they were throwing themselves into the morass of U.S. export control policies.

Scientific instruments with embedded microprocessors are controlled for national security purposes even though the microprocessor involved is readily available from suppliers in the U.S. and almost anywhere else in the world. Similar integrated circuits are used in such ordinary products as kitchen appliances, automobiles, and television sets. It is possible to export the latter products without a special license; it is not possible with the former. The rationale applied in the case of automobiles or refrigerators is that no one would buy a product costing thousands of dollars just to obtain a microprocessor costing a few dollars. It is puzzling why the very same practical approach cannot be applied to products such as scientific instruments which contain similar embedded microprocessors and which do not have end-use capabilities of significant military importance.

Is such a policy an export disincentive for U.S. firms? I'll let the small mid-western manufacture speak for itself: "We have not introduced any product previously which required licensing or other controls. As we learn more about the procedure and strain involved, we can understand the very great need for change in the export control legislation."

The irrational nature of our export control policies is hardly a revelation. It was only a year ago that the U.S. was embroiled with our Western European allies in a dispute over the U.S. controls on equipment for the Soviet gas pipeline. NAM member companies since then have reported that foreign invitations to bid often specify non-U.S. equipment. The British Credits and Guarantee Department (EGCD) has announced it will no longer insure losses on sales to the Soviet Union arising from actions by the U.S. Government. Decisions such as these cannot help but make U.S. manufacturers suppliers of last resort in transactions involving any politically sensitive area of the world.

Spectacular confrontations such as the pipeline happen only so often. Cases similar to the small scientific manufacturer's occur daily.

The Export Administration Act of 1983 (H.R. 3231) addresses some of the most fundamental issues which American industry has raised concerning U.S. export control policies. The most important provisions in the bill would:

(1) limit the interference of U.S. foreign policy controls with existing contracts and restrict these controls to goods and technology produced in the U.S.;

(2) provide a clear statutory basis for various types of multiple export licenses so that in certain instances companies would not have to receive licenses for each individual export transactions;

(3) lift the burden of U.S. licensing procedures on U.S. exports to nations such as Japan, France, Great Britain, and other major U.S. trading partners;

(4) require that foreign availability of competing products be taken into account in maintaining U.S. national security controls; and

(5) maintain Commerce Department responsibility for implemenatation of the Act and enhance the Department's power to enforce the law.

The letter goes on to say, that although there are provisions in H.R. 3231 that the association would like to see altered, the NAM expresses overall support for H.R. 3231, and concludes:

This legislation makes necessary and long overdue changes in U.S. export control policies. In fact, if H.R. 3231 were law today, the small, mid-western manufacturer mentioned earlier would find exporting its new equipment a lot easier. Section 106(f) of the bill addresses the type of problem this company is now having with U.S. control laws.

I hope that you will support H.R. 3231 as it is voted upon in the House.

Sincerely,

ALEXANDER B. TROWBRIDGE.

Mr. Trowbridge refers in his letter to a midwestern manufacturer, but exports have a tremendous impact on the economy in my own State, Pennsylvania. According to the Department of Commerce some 284,000 Pennsylvania workers owe their jobs to exporting. This is 6.5 percent of private sector employment in Pennsylvania, a figure well in excess of the U.S. national figure of 5.6 percent.

These export-related jobs are spread throughout the Pennsylvania economy. The same Department of Commerce statistics show that exports account for 171,000 jobs in the manufacturing sector, and 112,000 jobs in trade, business services, transportation, communications, utilities, and agriculture.

Because of the importance of enhancing our country's competitiveness in the world market, and because of the importance of exports to job creation in Pennsylvania, I am pleased to support strongly H.R. 3231. I look for ways to continue to work with the National Association of Manufacturers, the Chamber of Commerce, the Electronic Industries Association, the Scientific Apparatus Makers Association, and other business groups that have worked closely with the Foreign Affairs Committee on this legislation.

I urge my colleagues to support H.R. 3231.

● Ms. KAPTUR. Mr. Chairman, I rise in support of H.R. 3231, the Export Administration Act extension. This bill strikes the proper balance between our national security interests and our need to enhance export competitiveness.

Exports, and the jobs generated through exporting, are critical to the health and security of our domestic economy. In my district, the greater Toledo, Ohio, area, which has an unemployment rate of 11.4 percent, decreases in exports have resulted in the loss of thousands of jobs. The U.S. share of world exports has been steadily declining in recent years. Our export policies which cause foreign customers to view American companies and farmers as unreliable suppliers are part of the reason for this decline. The Export Administration Act will improve the day-to-day implementation of U.S. export controls and create jobs without compromising our national security.

The Export Administration Act of 1983 addresses some fundamental problems faced by American exporters:

First, it limits the interference of U.S. foreign policy controls over existing contracts.

Second, it provides clear statutory basis for various types of multiple export licenses so that in certain instances companies would not have to receive licenses for each individual export transaction.

Third, it lifts the burden of U.S. licensing procedures on U.S. exports to nations such as Japan, France, Great Britain, and other major U.S. trading partners.

Fourth, it requires that foreign availability of competing products be taken into account in maintaining U.S. national security controls.

We can no longer afford to give away our export markets. Passage of the Export Administration Act is crucial. It will enable U.S. business to compete more effectively in the international arena.●

● Mr. LELAND. Mr. Chairman, I rise in strong support of the amendment to the Export Administration Act introduced by the distinguished gentle-

man from Pennsylvania (Mr. GRAY). The effect of this amendment would be to direct the President to develop regulations prohibiting new investments in South Africa. Subsequently, the President would be able to lift this economic sanction only with a formal determination that the South African Government has made substantial progress toward full participation by all of its people in the social, political, and economic life of the country and toward an end to the explicitly racist development policy commonly known as apartheid.

With U.S. investment comprising over 17 percent of all foreign investment in South Africa, we are supporting, to a substantial degree, the minority white population—which represents less than one-fifth of the total population—in its use of political and economic power, and physical force, to further its notions of white supremacy and entrench it privileged position against the demands, and basic human rights, of the majority nonwhite population.

By passing the Gray amendment, we would demonstrate to the world that we are no longer willing to subsidize a regime that blatantly and brutally discriminates against the majority of its citizens.

Until the South African Government begins to alter, dramatically, its social, political, and economic structures, its policies must be recognized for what they are and for what they represent, and rejected by the world.●

Mr. BONKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. WRIGHT) having assumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is going to make an announcement for the benefit of the Members so that we know what faces us in the immediate offing, the next some minutes.

The Chair is about to receive a message from the Senate. The Chair anticipates that it will include a message transmitting a Senate joint resolution—the Lebanon resolution.

The Chair will recognize then the gentleman from Wisconsin (Mr. ZABLOCKI) for a motion.

Following the disposition of that resolution, we will entertain a motion to send to conference the continuing resolution.

Those two items of business will be attended to tonight and I hope on an expedited procedure.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 368) entitled "Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes," request a conference with the House on the disagreeing votes of two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. COCHRAN, Mr. ABDNOR, Mr. KASTEN, Mr. STENNIS, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, and Mr. DECONCINI to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 159. Joint resolution providing statutory authorization under the war powers resolution for continued United States participation in the Multinational Peacekeeping Force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

PERSONAL EXPLANATION

Mr. DANIEL. Mr. Speaker, earlier today, on rollcall No. 363, to recommit H.R. 3929, with instructions, I mistakingly voted "nay" when I intended to vote "yea."

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1820

MULTINATIONAL FORCE IN LEBANON RESOLUTION

Mr. ZABLOCKI. Mr. Speaker, pursuant to House Resolution 318, I call up from the Speaker's table the Senate joint resolution (S.J. Res. 159), providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon, and ask for its immediate consideration.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 159

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no

event shall he report less often than once every three months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail-

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force on Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area; or

(4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this Act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine pursuant to its rules.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (1) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

The SPEAKER pro tempore (Mr. WRIGHT). The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate-passed resolution (S.J. Res. 159) is essentially the same as the House-passed version except for the provision of an amendment offered by this gentleman yesterday, and that amendment required a Presidential report every 60 days; the Senate version requires the report every 90 days.

House Joint Resolution 364, which passed yesterday, included an amendment which called for a Presidential report every 60 days and an amendment offered by the gentlewoman from Ohio (Ms. OAKAR) which placed the United States in opposition to the partition of Lebanon. Neither are included in the Senate version before us.

With respect to the reporting requirement we have, however, received a commitment from the President that he will report in accordance with the House resolution; that is, every 60 days, instead of every 90 days as required in the Senate-passed resolution.

And he also will include the additional information required by the amendment which was adopted by the House.

This assurance we have received verbally will be followed up with a letter to the Speaker from the President.

The Senate bill also provides for an expedited procedure on any future resolutions on this subject.

It is our understanding that this procedure that the Senate has written in is consistent with the rules of the House with respect to the committee's jurisdiction.

In my view, this provision is an improvement in two important respects.

First, it enhances our oversight capability.

Second, it given the Congress a tool with which to act even more expeditiously in the event conditions change in Lebanon.

As I referred to earlier, one regrettable and unavoidable loss as a result of the Senate's action involves the language suggested by the gentlewoman from Ohio (Ms. OAKAR).

As the Members know, that language expressed the congressional view that Lebanon should not be partitioned. Despite the absence of this language, we remain committed to the important objective it states. And I can assure the gentlewoman from Ohio we will take some action in the immediate future to insure that the Congress will have a chance to state its opposition to the partition of Lebanon.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. Mr. Speaker, would the gentleman let me finish?

Mr. STRATTON. Mr. Speaker, I just wanted to express my appreciation to the gentleman for his efforts in getting the so-called Stratton amendment approved by the White House. And I wanted him to know that if I were to vote against the resolution in the revised form, it would not be because of any want of gratitude for the gentleman's efforts, but because I deeply

feel that the 18-month provision is not satisfactory.

Mr. ZABLOCKI. The gentleman, I presume, is going to vote for this resolution. In my opinion, he will amend his ways thereby.

Mr. Speaker, we had a long and fruitful and constructive debate yesterday on this legislation. I believe there is no further need for further discussion or delay. I urge the adoption of Senate Joint Resolution 159.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, I, too, feel as the gentleman does that it was regrettable that the statement indicating the sense of Congress not to partition Lebanon is not in this resolution. I still intend to vote for it, however. And I am glad to hear the gentleman's commitment to have another resolution similar to the one that the gentleman introduced regarding that amendment in the near future.

The reason I think that is important, I think it is a very important signal to signal to all interested parties, including the internal factions of Lebanon and to the occupiers of that country that Lebanon will not be partitioned and that our Congress stands behind that.

So, I will go along with the resolution as it is, Mr. Chairman, with the stated commitment that the gentleman made publicly. And I appreciate it.

Mr. ZABLOCKI. I thank the gentlewoman.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I appreciate the gentleman yielding to me.

Mr. Speaker, I appreciate that it is late in the day and Members have planes to catch and places to go, but we also have 1,600 young Americans in Lebanon whose lives are at risk.

And so I hope that the Members will excuse my taking 2 minutes to talk about them, because I think that the American people are looking to us, not as to whether we get out of here 5 minutes earlier or 5 minutes later, but whether, in fact, we are doing all we can to protect their lives an the lives of other Americans who may be placed in that situation.

I simply want to state that on the basis of what the President has said that he understands this resolution to be there is no commitment on his part as of now that the period of time for keeping American forces in Lebanon is limited to 18 months. Indeed, the best that he says about it is that he will at the end of that time be sure to have further conversation with the Congress about it.

What we are doing truly by this resolution is giving the President a blank check to do whatever he desires to do for as long as he desires to do it.

The American people do not want that done; we ought not to be doing it.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the resolution and I urge a "no" vote.

Mr. Speaker, the other body improved the Lebanon resolution in only minor ways. The bill should be defeated.

The basic defect in the legislation remains the same—the Congress is effectively dismissed from its constitutional responsibility over the Nation's warmaking. The Constitution has been turned on its head.

Article I section 8 of the U.S. Constitution requires that Congress decides if and when the country goes to war. This is what our founders intended, and this interpretation is supported by all of the proceedings of the Constitutional Convention and the Federalist papers.

This exclusive congressional responsibility was observed faithfully by all the Presidents of the 18th and 19th centuries. President Thomas Jefferson even requested and got congressional permission before he attacked the Barbary pirates.

It is in our century, the 20th, that Congress began to turn over to the President the Power to go to war.

Without the Congressional consent required by the Constitution, Presidents sent troops to China, Panama, Honduras, Dominican Republic, Cuba, Haiti Mexico, Korea, Cambodia, and Vietnam.

It was only after the disasters of Laos, Cambodia, and Vietnam that Congress began to see how irresponsible and dangerous this practice was, and in 1973 enacted the War Powers Act.

It is my view that the surrender to the President of Congress warmaking power has us in a fix in Lebanon. The President has refused even to comply with the War Powers Act which would require a congressional vote on our involvement in Lebanon. Instead, we are asked to approve an agreement that authorizes the President to make war in Lebanon for at least 18 months.

The Secretary of State tells us last Wednesday that the agreement is a one-way deal—that Ronald Reagan reserves the right to increase the size, the mission, or the deployment of our military forces without any authorization from Congress.

We are asked to license bombs from our airplanes and 16-inch shells from the battleship *New Jersey* that will be fired into Arab villages and town squares. The Tomahawk cruise missiles from the *New Jersey* can reach not only Suk Al Gharb but also Damascus and perhaps Bagdad.

Does that not suggest the ominous possibility, even if not today a probability, of an escalated war in the Arab world?

We are told that we must trust Ronald Reagan and his team of amateurs, whose total experience in foreign affairs is less than that of a junior Member of Congress and whose conduct of our foreign affairs has been a dismal disaster.

Others have explained the complexities of Lebanon and the naivete of accepting Ronald Reagan's assurance that it is the responsibility of the United States to bring peace to a region that has seen 20 centuries of hatreds and bloodshed and in the conflict of 1975-76 more than 50 ceasefires.

There is no assurance of wisdom if the Constitution is respected and Congress decides by majority vote, after public debate and deliberation, if the United States should go to war.

But that is the process established by the people who wrote the Constitution. They considered it essential that warmaking decision be subject to a process requiring debate, explanation and justification.

Process is really what our country is all about. Our respect for process makes it possible for Congress to operate. Process rules our system of justice.

I suggest that we should have no choice but to comply with the constitutional process our founders established to determine the most important decision—whether to go or not to go to war.

I urge a no vote on this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I want to urge my colleagues to support this resolution. I commend the chairman for the fine work that he has done.

I want to reiterate his statement that we, too, have talked to the White House and that they have said that they would voluntarily report every 60 days to meet the request and the requirements of many Members of both Chambers.

I wanted to tell my colleagues, particularly on this side, that we are in agreement with that.

I urge my colleagues to support the resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, in addition to those assurances it is my understanding that the State Department has agreed to brief the Speaker, and the leadership every 2 weeks on the situation in Lebanon.

● Mr. DYMALLY. Mr. Speaker, in August of 1982 President Reagan sent a contingent of 800 U.S. marines to Lebanon, as part of the mulitinational peacekkeeping force, to supervise the PLO evacuation of Beirut. On September 10, the PLO left. On September 29, 1982, President Reagan sent 1,200 U.S. marines to Lebanon—again as part of the multinational peacekeeping effort.

On August 29 of this year, two of our marines were killed. On September 6—two more. Since that time 2,000 more of our soldiers have been sent to Lebanon. We have begun supplying weapons to the Lebanese Army and supporting them in combat—in a civil war.

On last Wednesday, our Secretary of State, Mr. Shultz, testified before the House Foreign Affairs Committee. His purpose was to facilitate the striking of the compromise—so-called—that is now before this body. Mr. Shultz made some rather uncompromising statements. Among them was the following—while the President has agreed to sign House Joint Resolution 364, he still has some reservations. The President, in Mr. Shultz' words, "is not going to get himself in the position as Commander in Chief, where his hand are tied." In other words, the President will not be bound by this so-called compromise.

House Joint Resolution 364 is not a compromise. It is a continuation of the status quo. The President will not be bound by the War Powers Act in the future, just as he has not been bound by it in the past. Mr. Shultz told us nothing new last week. Our marines will continue to be shot at and killed in the future, just as they have been over the past year.

For the Congress to affix its stamp of approval for a continuation of this business as usual—with the President taking the unilateral decision to commit our Armed Forces to an increasingly hostile situation in Lebanon so that they can get shot at and killed—is a travesty.

We, in this House, represent the American people. They do not want their sons killed in Lebanon. Under article I, section 8 of the Constitution of the United States, we, the Congress, have the power to declare war. We have not done so. We have not done so—and we cannot do so because the people who elected us—the people whom we represent would not allow us to do so. We, therefore, cannot sit in this Chamber and ratify the continuation of our military involvement in the civil war in Lebanon.

To vote for this so-called compromise would be just that—a vote for the continuation of the status quo. I, therefore, urge you to join me in voting no to House Joint Resolution 364.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1830

Mr. Speaker, I move the previous question on the Senate joint resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WRIGHT). The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 156, not voting 24, as follows:

[Roll No. 370]

YEAS—253

Ackerman	Coats	Gingrich
Akaka	Coleman (MO)	Glickman
Alexander	Coleman (TX)	Goodling
Anderson	Conable	Gore
Andrews (TX)	Cooper	Gramm
Annunzio	Coughlin	Green
Anthony	Courter	Gregg
Aspin	Coyne	Hall (OH)
Barnard	Craig	Hamilton
Barnes	D'Amours	Hammerschmidt
Bartlett	Daniel	Hansen (ID)
Bateman	Daub	Hansen (UT)
Beilenson	Davis	Harrison
Berman	DeWine	Hartnett
Bethune	Dickinson	Hatcher
Bevill	Dicks	Hefner
Biaggi	Dreier	Hightower
Bilirakis	Duncan	Hiler
Bliley	Dwyer	Holt
Boehlert	Dyson	Hoyer
Boggs	Edwards (AL)	Huckaby
Boland	Edwards (OK)	Hughes
Boner	Emerson	Hunter
Bonker	Erdreich	Hutto
Borski	Erlenborn	Hyde
Boucher	Evans (IA)	Ireland
Breaux	Fascell	Jeffords
Britt	Fazio	Jenkins
Brown (CA)	Feighan	Johnson
Broyhill	Fiedler	Jones (NC)
Burton (CA)	Fish	Jones (TN)
Burton (IN)	Foglietta	Kazen
Campbell	Foley	Kemp
Carney	Forsythe	Kindness
Carr	Frenzel	Kogovsek
Chandler	Frost	Kolter
Chappell	Fuqua	Kostmayer
Chappie	Gejdenson	Kramer
Cheney	Gekas	Lagomarsino
Clarke	Gephardt	Lantos
Clinger	Gilman	Latta
Leach	Mrazek	Skeen
Leath	Murtha	Slattery
Lehman (CA)	Nielson	Smith (FL)
Lehman (FL)	O'Brien	Smith (NE)
Lent	Oakar	Smith (NJ)
Levin	Olin	Smith, Robert
Levine	Ortiz	Snowe
Lewis (CA)	Oxley	Solarz
Lewis (FL)	Packard	Solomon
Livingston	Panetta	Spence
Lloyd	Parris	Spratt
Loeffler	Pashayan	Staggers
Long (LA)	Patterson	Stangeland
Lott	Pepper	Stump
Lowery (CA)	Pickle	Sundquist
Lujan	Porter	Synar
Mack	Price	Tallon
MacKay	Pursell	Tauzin
Madigan	Quillen	Taylor
Markey	Rahall	Thomas (CA)
Marlenee	Regula	Thomas (GA)
Marriott	Reid	Torres
Martin (IL)	Ridge	Torricelli
Martin (NC)	Rinaldo	Valentine
Martin (NY)	Ritter	Vandergriff
Matsui	Roberts	Vucanovich
Mavroules	Robinson	Weber
McCandless	Rogers	Whitehurst
McCollum	Rose	Whitley
McDade	Rostenkowski	Whittaker
McGrath	Roukema	Whitten
McKernan	Rowland	Williams (MT)
McKinney	Sawyer	Williams (OH)
Mica	Schaefer	Wilson
Michel	Scheuer	Winn
Mikulski	Schneider	Wolf
Minish	Schumer	Wortley
Moakley	Seiberling	Wright
Molinari	Shaw	Wylie
Mollohan	Shumway	Yatron
Montgomery	Shuster	Zablocki
Moore	Siljander	Zschau
Moorhead	Simon	
Morrison (WA)	Sisisky	

NAYS—156

Addabbo	Gaydos	Nichols
Albosta	Gonzalez	Nowak
Andrews (NC)	Gradison	Oberstar
Applegate	Gray	Obey
Archer	Guarini	Ottinger
AuCoin	Gunderson	Owens
Bates	Hall (IN)	Patman
Bedell	Hall, Ralph	Paul
Bennett	Hall, Sam	Pease
Bereuter	Harkin	Penny
Bosco	Hayes	Perkins
Boxer	Hertel	Petri
Brooks	Hillis	Rangel
Brown (CO)	Hopkins	Ratchford
Bryant	Horton	Ray
Byron	Howard	Richardson
Carper	Hubbard	Rodino
Collins	Jacobs	Roemer
Conte	Jones (OK)	Roth
Conyers	Kaptur	Roybal
Crane, Daniel	Kasich	Russo
Crane, Philip	Kastenmeier	Sabo
Crockett	Kennelly	Savage
Dannemeyer	Kildee	Schroeder
Daschle	LaFalce	Schulze
de la Garza	Leland	Sensenbrenner
Dellums	Levitas	Shannon
Derrick	Lipinski	Sharp
Dingell	Long (MD)	Shelby
Dixon	Lowry (WA)	Sikorski
Donnelly	Luken	Smith (IA)
Dorgan	Lundine	Smith, Denny
Dowdy	Martinez	Snyder
Downey	Mazzoli	St Germain
Durbin	McCain	Stark
Dymally	McCloskey	Stenholm
Early	McCurdy	Stratton
Eckart	McHugh	Studds
Edgar	McNulty	Swift
Edwards (CA)	Miller (CA)	Tauke
English	Miller (OH)	Towns
Evans (IL)	Mineta	Traxler
Ferraro	Mitchell	Udall
Fields	Moody	Vento
Flippo	Morrison (CT)	Volkmer
Florio	Murphy	Walgren
Ford (MI)	Myers	Walker
Frank	Natcher	Watkins
Garcia	Neal	Waxman

Weaver	Wirth	Wyden
Weiss	Wise	Yates
Wheat	Wolpe	Young (FL)

NOT VOTING—24

Badham	Franklin	Pritchard
Bonior	Gibbons	Roe
Broomfield	Hance	Rudd
Clay	Hawkins	Skelton
Coelho	Heftel	Stokes
Corcoran	Lungren	Vander Jagt
Ford (TN)	McEwen	Young (AK)
Fowler	Nelson	Young (MO)

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Nelson of Florida for, with Mr. Stokes against.

Mr. LUKEN and Mr. UDALL changed their votes from "yea" to "nay."

Messrs. BEILENSON, HANSEN of Idaho, and CRAIG changed their votes from "nay" to "yea."

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 364) was laid on the table.

□ 1850

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 368, CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MCHUGH). Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and, without objection, appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, YATES, ROYBAL, CONTE, MCDADE, EDWARDS of Alabama, and MYERS.

There was no objection.

MAKING IN ORDER AT ANY TIME TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON HOUSE JOINT RESOLUTION 368, CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order at any time tomorrow or any day thereafter to consider the conference report and amendments in disagreement on the joint resolution (H.J. Res. 368) making continuing appropriations for fiscal year 1984, and for other purposes, and that said conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CHANGING DISTRICT DAY FROM OCTOBER 10 TO OCTOBER 4, 1983

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that District Day be observed under clause 8, House rule XXIV, on Tuesday, October 4, instead of October 10, 1983, because the House will not be in session on October 10 because of the legal holiday, Columbus Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DAUB. Mr. Speaker, reserving the right to object, I do not intend to object, but I would inquire only if this has been cleared with the minority.

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, the minority can speak for itself.

Mr. DAUB. Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ACTION IS NEEDED ON NATURAL GAS LEGISLATION

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, during this summer we seem to have forgotten that colder weather is just around the corner. When it gets cold, people have to heat their homes. And unless Congress takes up legislation soon to address the problems of natural gas prices, many of our constituents are going to face impossible personal budget problems paying their gas bills.

I recognize that changing our natural gas laws is a complex subject. Many of the existing statutes were enacted when natural gas was thought to be in short supply and at a time when we needed to encourage new exploration and production.

But today, our supplies of gas are up and our consumption is down. Nevertheless, prices have increased 20 to 60 percent in many areas and seem to be defying traditional laws of supply and demand. While this is a complex issue, our decisions are not going to get any easier by waiting.

Mr. Speaker, I urge my colleagues on the appropriate committees to take whatever steps are necessary to bring a bill to the House floor so that we may take action before the winter winds begin to blow.

So far, over 50 different bills have been introduced on this subject. They vary in their treatment of several important points. Since these bills will likely be modified in the course of the legislative process, I want to take this opportunity to outline my views on these various issues.

NO DECONTROL OF OLD GAS

Gas which was discovered prior to April 1977 is referred to as old gas. I am convinced that old gas must be kept under price controls. According to the Amnerican Gas Association, old gas accounted for about 45 percent of all the gas delivered to the Nation's 160 million gas consumers in 1982. They estimate that decontrolling old gas would increase the cost of this gas by 75 percent by 1985. This rapid price increase to the already high cost of gas is unacceptable.

Decontrolling old gas would also reduce the existing incentives to explore for new sources of natural gas and bring them into prodcution. Today these incentives exist because gas producers are permitted to charge higher rates for new gas than they can for old gas. If this difference in price is not maintained, why should a producer produce more costly gas? By selling old gas at new prices he would greatly increase his profit without the risks and costs of exploration. Studies of the Energy Information Administration, the Department of Energy, and the General Accounting Office all indicate that overall gas supplies would be greater and average gas prices would be lower if old gas controls are retained. I believe this is a vital feature which must be provided for under new natural gas legislation.

NO MANDATORY CARRIAGE

Some bills before Congress include a provision forcing gas pipelines with available capacity to transport gas not owned by the pipeline company from producers to other buyers—such as industrial gas users. This provision is called mandatory carriage. Under these provisions, to the extent that the pipelines have room to transport additional gas, they would be required to assume the role of a common carrier. This is similar to a railroad which carries products it does not own from the seller to the buyer. Under these provisions, the allocation of the pipeline capacities would be handled by the Federal Government.

While this might sound good at first, one of the potential problems with this proposal is that the cost of transporting gas to utilities might be increased as other gas customers compete for the available pipeline space in order to bypass their local utilities.

Another concern which has been raised is that the local utilities would

no longer be able to charge industrial gas purchasers, who use this mandatory carriage provision, for their fair share of the gas utility's fixed costs in its distribution system. The result could be that we would see a dramatic increase in gas costs to residential and commercial gas consumers. These consumers would not really be in a position to contract for their gas independent of the utility and would end up paying for a greater share of the utility's fixed distribution system costs.

Finally, these mandatory carriage provisions would greatly increase the involvement of the Federal Government in routine transportation questions because someone would have to make the determination on how much pipeline capacity is available and which independent purchasers would be able to move their gas using this additional pipeline capacity.

For all of these reasons I believe that natural gas legislation should not contain mandatory carriage provisions. With them there is too great of a potential that residential and commercial natural gas consumers would see unnecessary increases in the cost of their gas.

RENEGOTIATING CONTRACTS

One of the reasons natural gas prices have been increasing is that the contracts between the producers, the pipelines, and the end purchasers often contain provisions which do not reflect today's realities.

In the mid-1970's, natural gas was in short supply and many priority customers—such as hospitals and schools—were in danger of running out of gas. At that time, newly discovered gas and more elaborate gas recovery technologies offered the hope for reliable future supplies of gas. In many cases, though, this newly discovered gas was more difficult and more costly to recover.

Part of the Natural Gas Policy Act of 1978 (NGPA) attempted to encourage new gas production by decontrolling new gas prices and establishing price incentives for harder to recover classes of gas.

To insure that the producers would take steps to make this new gas available, many pipelines signed take-or-pay contracts. These essentially said that pipelines were committed to pay for this more expensive gas in anticipation of future growth in sales. This guaranteed the producers that this more expensive gas would be purchased and they then had the incentive to bring this gas into production.

Since then we have seen a major change in our supply and demand picture—consumption has dropped as prices increased and supplies have increased.

Many of the bills which have been introduced in Congress attempt to encourage the renegotiation of these contracts to reflect today's realities and to restore reason to natural gas prices.

TAKE OR PAY

Under the take-or-pay contracts much of the gas moving through the pipelines is made up of a mix of high priced and lower priced gas. The higher the precentage of more expensive gas in the mix, the higher—and more distorted—prices are to consumers. In many cases this mix is not determined by the availability of lower priced gas, which is usually not a part of the take-or-pay contracts. Instead, it is determined by changes in consumption levels of end users and the previously entered into commitments to purchase an agreed amount of higher priced gas.

Any legislation on this subject must balance the need to moderate today's high gas prices while maintaining sufficient incentives to encourage new gas exploration and production. The fairest solution is for legislation to provide that during a 3-year period these take-or-pay contracts should be renegotiated to provide that purchases are obligated to buy no more than 50 percent of the gas they had contracted for.

One way to accomplish this in an equitable manner would be for the renegotiated contract to retain the buyer's original commitment to purchase the total volume previously contracted for, but to stretch out the time period in which the gas would actually be delivered and consequently paid for.

MARKETING OUT

This legislation should also recognize that in some cases it might be in the best interests of either the purchaser or the producer to terminate an existing contract and seek other suppliers or purchasers. The legislation should give both parties this option by granting one-time only authority to withdraw—or marketing out—of an existing contract within a specified period of time.

This authority, in combination with a provision lowering take-or-pay clauses to 50 percent, would provide producers the leverage to bring down artificially high gas prices. At the same time, it would provide producers the ability to get out of any contract which might be renegotiated to the extent that they could not receive a fair return. They then would have the option to seek other purchasers.

In providing natural gas purchasers the tools to moderate existing contracts to bring down current prices, it is important to insure that these changes will occur through renegotiations and be fair to all parties. I believe a 50 percent take-or-pay provision and a one-time only marketing out provision will accomplish this objective.

RESTRICT NEW MAJOR UTILITY CONTRACTS

While we currently enjoy adequate supplies of natural gas, we must recognize that there is the potential for future supply shortages. Efforts are now underway requiring utilities to shift away from oil and natural gas as fuels to generate electricity. Congress would be shortsighted if it allowed utilities to return to natural gas as a fuel for electricity. In times of short supply this would only increase the demand for gas, forcing residential and commercial customers to pay even more for their gas. It would also increase the cost of electricity to these same consumers.

Legislation to address our current natural gas price problems must not contain language which would make it easier for utilities to enter into major new contracts to purchase gas to generate electricity, unless overwhelming environmental benefits can be demonstrated.

NO FAVORED NATION CLAUSES

Many gas contracts contain clauses requiring that gas prices escalate to the highest prices paid for gas produced in a given region. These clauses do not reflect the real cost of the gas that is actually being delivered. They are artificial price escalators which ignore reasonable returns on investment. These clauses should be declared null and void in any bill brought before Congress.

Similarly, legislation should repeal price escalators which are based on prices paid for other commodities.

Mr. Speaker, I believe that if legislation is brought to the House floor reflecting these points, the American natural gas consumers will see significant moderation in their natural gas bills without jeopardizing the existing incentives for producers to continue to explore for new gas and to bring new gas into production.

As I mentioned at the outset, we must bring a natural gas bill to the House floor soon so that it has a chance of being enacted before the colder weather arrives. I am prepared to do whatever I can to help bring legislation of this type to the floor, and I urge my colleagues to join with me in resolving the current impasse.

THE INTERNATIONAL MONETARY FUND

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, on Tuesday I was present to hear the President of the United States address the annual meetings of the World Bank and the International Monetary Fund. Once again I was pleased to hear President Reagan state his strong sup-

port for the International Monetary Fund, an institution he correctly describes as the "linchpin of the international financial system." The President flatly stated, "I have an unbreakable commitment to increase funding to the IMF." Like many of us in Congress, the President recognizes that the IMF legislation is crucial for a sustained recovery in the United States and abroad.

I also was pleased to read the lead editorial in yesterday's Washington Post, which underscored the President's challenge for Congress to put aside its partisan concerns and work in a bipartisan fashion to pass the IMF legislation. Only in that way can we avoid the mistakes of the late 1920's which, as the Post editorial recalls, led us on the path to economic isolationism.

Mr. Speaker, the distinguished chairman of the House Banking Committee, FERNAND ST GERMAIN, and I have spent many, many hours working closely together on this important legislation. I fully expect the spirit of bipartisanship to continue and pledge my best effort to continue to work with the chairman as we complete legislative consideration to fulfill the U.S. commitment to the International Monetary Fund.

I include the Washington Post editorial in my statement as well as excerpts from the President's address before the IMF:

[From the Washington Post, Sept. 28, 1983]

MR. REAGAN ON THE IMF

President Reagan delivered a well-deserved kick to Congress yesterday for its recalcitrance in strengthening the International Monetary Fund. Here's one issue that's pretty simple: the president is right and Congress is wrong. Congress, and particularly the House, has allowed itself to be intimidated by a cuckoo alliance of the least reliable elements of right and left, united in a dim populist resentment of the banks and isolationist hostility to the rest of the world.

The rest of the world is currently well represented here in Washington at the annual meetings of the IMF and the World Bank, which Mr. Reagan was addressing. But it would be a great mistake for congressmen to think that the reasons for expanding the IMF's resources are mere sweet charity, to help other countries and to make the United States more popular abroad. The reasons for lending that $8.4 billion to the IMF lie much closer to home, and Mr. Reagan put them well. The basic purpose of a sound financial system is to support trade, and more than 2 million American jobs—one out of every eight jobs in manufacturing—depend directly on U.S. exports.

If the United States defaults on its responsibility, no other country has the economic power to take it up. There would be an imminent threat of the whole financial network's coming unraveled—the "economic nightmare" of which Mr. Reagan spoke. Congressmen might usefully remind themselves that it's not a hypothetical case. It's what happened in the years after 1929.

Congress, in the 1940's, remembered the Depression with bitter clarify and worked strenously to build the bulwarks against any repetition. The system has worked so well that a later generation's congressmen have forgotten what the danger was. Fortunate lives make short memories. The congressmen of the 1980s—with some notable exceptions—have grown careless. They seem to think that American economic strength is now so great that the country doesn't have to worry about exports, or credit, or the stability of the banking system. But of course that's what the congressmen elected in 1928 throught too.

Mr. Reagan's vigorous endorsement of the IMF—the "linchpin," he called it yesterday, of the world's financial system—shows a clearer understanding of it than he had three years ago. As a candidate, he was no particular friend of the IMF or the World Bank. But in office, working close to the practical necessities of the moment, he has changed his view. He knows that, without the IMF, Latin America's trade might already have collapsed with terrible repercussions in this country. Upon closer acquaintance he has come to a warmer appreciation of the job that the IMF is doing. It's a message that Congress will ignore only at the country's peril.

EXCERPTS FROM THE REMARKS BY HON. RONALD REAGAN, PRESIDENT OF THE UNITED STATES, AT THE 1983 ANNUAL MEETINGS OF THE BOARDS OF GOVERNORS OF THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND

The IMF is the linchpin of the international financial system. Among official institutions, it serves as a counselor, coaxing the world economy toward renewed growth and stability. At various times in its history, the IMF has provided important temporary balance of payments assistance to its member nations—including my own. At times, it must play the "Dutch uncle," talking frankly, telling those of us in government things we need to hear, but would rather not. We know how significant the IMF's role has been in assisting troubled debtor countries, many of which are making courageous strides to regain financial health. We warmly applaud the efforts of Mr. de Larosière and his staff.

My Administration is committed to do what is legitimately needed to help ensure that the IMF continues as the cornerstone of the international financial system. Let me make something very plain: I have an unbreakable commitment to increased funding for the IMF. But the U.S. Congress so far has failed to act to pass the enabling legislation. I urge the Congress to be mindful of its responsibility, and to meet the pledge of our government.

The IMF quota legislation has been pending for several months, and I do not appreciate the partisan wrangling and political posturing that have been associated with this issue during recent weeks. I urge members of both political parties to lay aside their differences, to abandon harsh rhetoric and unreasonable demands, and to get on with the task in a spirit of true bipartisanship. The stakes are great. This legislation is not only crucial to the recovery of America's trading partners abroad and to the stability of the entire international financial system, it is also necessary to a sustained recovery in the United States.

The sum we are requesting will not increase our budget deficit, and it will be returned with interest as loans are repaid to the IMF. What's more, it will keep the wheels of world commerce turning and create jobs.

Exports account for one out of eight manufacturing jobs in the United States. Forty percent of our agricultural products are exported. I am afraid that, even today, too few in the Congress realize the United States is interdependent with both the developed and developing world.

Examine the record: the United States has been a dependable partner, reaching out to help developing countries who are laboring under excessive debt burdens. These major debtor countries have already undertaken difficult measures in a concerted effort to get their economic houses in order. Most of them are working closely with the IMF to overcome economic hardships. They continue to demonstrate a commendable willingness to make necessary adjustments. That is why I can state that our participation in the IMF quota increase is not a government bailout of these debtor countries or of the banks which are sharing the burden. On the contrary, IMF plans to assist financially troubled countries call for the banks to put up more new money than the IMF itself.

This is by nature a cooperative enterprise. If the Congress does not approve our participation, the inevitable consequence would be a withdrawal by other industrial countries from doing their share. At the end of this road could be a major distruption of the entire world trading and financial systems—an economic nightmare that could plague generations to come. No one can afford to make light of the responsibility we all share.

THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a provision order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I was told earlier today that our Republican colleagues in the House have called for a special order this evening to deal with the question of the Federal deficit, and I have taken the time this evening to congratulate my colleagues on the other side of the aisle.

I say this because President Reagan's rampant, runaway, recordbreaking, revolutionary deficits are one of the gravest problems our Nation faces today, and since this administration apparently cannot deal with them, it is high time that somebody in the Republican Party addresses the problem.

Assuming this Republican effort is serious and not rhetorical, their willingness to talk about the ever-mounting Reagan Republican deficits will give heart, of course, to all of us. Perhaps now the Soviets will come clean about the Korean air massacre and Mr. Nixon about Watergate, and maybe Mr. Reagan's election team on the 1980 Debategate. Yet if our Republican friends wish to admit the error of their party's ways over the past 20 years and to work seriously with us Democrats to put the Nation back on course to fiscal solvency, I say to all of you, "Welcome."

But if they come here tonight to cover up the deficit problem or to explain it away or, even worse, to try to

blame it on someone else, I say to them, "I am here to warn you. I am here to say to you that Mr. Reagan's red ink won't wash off of any of you."

President Reagan is merely the latest and, by all odds, the most accomplished of a long line of Republican Presidents who have proven adept at swelling the deficit beyond manageable proportions.

□ 1900

Now, let us take a look at some figures which make clear the difference between Democrats and Republicans on this important question of national solvency.

Now, these are the facts, attested to by the actual record of Mr. Stockman's Office of Management and Budget and by the Congressional Budget Office, which is of course a nonpartisan institute in this Congress.

From World War II through the projected fiscal year of 1984, including the 1976 transition quarter, when the fiscal year calendar was changed, Democrats were Presidents for 20 years and, coincidentally, Republicans were Presidents for 20 years. In eight of those years, there were Federal surpluses. Five of the eight surplus years were presided over by Democrats. The Democratic surpluses totaled $25.8 billion; the Republican surpluses, $7.6 billion. These, gentlemen, are the facts. You, of course, should frown at those facts, because they are most revealing.

The Democratic surpluses were larger than the Republican surpluses by a margin greater than 3 to 1.

Now, I see the distinguished minority leader, my good friend, the gentleman from Illinois, and the distinguished minority whip, my good friend, the gentleman from my neighboring State of Mississippi, are present in the Chamber this evening. So I would ask you, how would you respond and account for these facts?

Projecting through fiscal year 1985, the record shows 17 years of Republican deficits; 16 of Democratic deficits. The Democratic deficits totaled over these years $316 billion. The Republican deficits—now get this—$920 billion.

Once again, the actual amount of the Republican deficits were three times greater than the amount of the Democratic deficits.

My colleagues on the Republican side of the aisle, how do you account for these facts? I hope you will respond to this this evening during your special orders.

Mr. Speaker, according to the Congressional Budget Office, 1983 projections, as reported in August of that year, the average Reagan deficit over 4 years will be $179 billion per year in his administration.

Now, this average for one Reagan year at a time, all by itself, one Reagan year, is more than one-half the total Democratic deficits for the entire 40 year period—a half of the Democratic deficits for the entire 40 year period. How about that? You will have the opportunity this evening to respond to that question.

By the CBO estimates, the Reagan deficits will average 5.5 percent of the gross national product by the end of his term.

Now, it was this fact that Martin Feldstein, the President's own chief economic adviser, observed, and I quote: "Peacetime deficits of that magnitude are unknown in the United States," he observed.

Mr. Speaker, now this alarming statistic is known in the United States. How do you respond to that, my friends on the other side of the aisle?

Mr. Speaker, perhaps the proportions of the national deficit emergency under Mr. Reagan's administration will even be more clear if we can visualize them, and I have brought a chart into the Chamber in order to assist us in visualizing the magnitude of the Reagan administration's deficits.

Now, on this chart which is compiled entirely from statistics furnished by David Stockman's Office of Management and Budget and by the Congressional Budget Office, we can clearly see the trouble that we are in. These lines here beginning in 1982-83 projected out through 1988 were all caused from the Reaganomics economic policy that governs the fiscal policy of this Nation today.

It is obvious that the deficit problem became radically worse as soon as Mr. Reagan's economic plan went into effect. It took about a year for it to go into effect.

I see the gentleman from Ohio (Mr. LATTA) standing there. He was instrumental in bringing about Reaganomics as the national economic policy in our Nation and what we now characterize as the Gramm-Latta amendment that has dramatically impacted upon our deficits, as illustrated by this graph which shows the red-ink that is mounting every day since the President's economic policy came into effect.

Mr. LATTA. Mr. Speaker, will the gentleman yield to me?

Mr. ALEXANDER. I do not yield at this time. I will yield to the gentleman in a few minutes as soon as I finish my remarks.

It is obvious that the deficit problem became dramatically worse in 1982 as soon as Mr. Reagan's economic policy came into effect, which produced a deficit of more than $110 billion, which was Mr. Reagan's first deficit—$110 billion.

Now, I remember back in 1980 when Mr. Reagan was running for President, I was out on the campaign trail in Mountainview, Ark., and I heard Mr. Reagan blister Mr. Carter for having a $30 billion deficit.

Now, here just 3 year later, Mr. Reagan has produced himself a $110 billion deficit, almost four times greater than the deficit that Mr. Reagan was criticizing Mr. Carter for having produced back in 1980.

For fiscal year 1983, $200 billion—$200 billion and the figures are even worse after that time, mounting up and up, with projections for 1988 of about $300 billion, caused from Reaganomics—$300 billion 10 times greater than the $30 billion that Mr. Carter produced in deficits just back in 1980.

You remember how Ronald Reagan, the candidate, was ranting and raving about a $30 billion deficit just 3 years ago? And look, in 1988, if the current economic policy continues in effect, he will produce almost a $300 billion deficit.

Now, that is a monumental achievement in all record books of all time.

Mr. Speaker, these are not just deficits. These can best be characterized as mega-deficits, deficits which Mr. Stockman himself has stated go out as far as the eye can see. Well, we are looking at worse than that. I do not think the eye can see that far.

I will give Mr. Reagan credit for one thing. He is an achiever. All his life he has been an achiever. On the subject of deficits, gentlemen, he is an overachiever. He is a tremendous success. There has been no head of State ever before in the history of the world to produce the deficits that Mr. Reagan has produced.

□ 1910

I will give credit where credit is due.

Now, it is not by accident that Mr. Reagan is in a league all by himself as the world's greatest deficit maker. And more than that, it is not an accident that over a 10-year period Republican Presidents have had fewer and smaller surpluses and more and greater deficits than Democratic Presidents. Add it up. It is in the RECORD. I will say it again.

Republican Presidents over the last 20 years have had fewer and smaller surpluses than Democratic Presidents, and the Republican Presidents have had greater and more deficits than Democratic Presidents. It is all in the RECORD. Add it up.

Now, ironically—but I might and must add tragically—tragically, tomorrow is September 30, the end of the current fiscal year. It is the deadline, gentlemen—I am sure that you all remember it—it is the deadline that Mr. Reagan and the Republican party set for themselves as the time that the budget would be balanced. Tomorrow is the day. Tomorrow is the day that Ronald Reagan promised to balance the budget. But instead of balancing

the budget, we have, according to the Government projections, a $200 billion deficit. It is a tragedy. And that was the day that Mr. Reagan had promised to balance the budget.

Now, how did this catastrophe happen? It was no accident. I ask how did it happen. You might answer this question, gentlemen, tonight, when you take your time—how did this happen?

When Mr. Reagan entered office in 1981, it was his choice, between balancing the budget as he had promised or rewarding the wealthiest Americans with his giveaway tax package, Reaganomics' tax package. They chose fiscal insolvency, and they chose the course on purpose. It was no accident. It was a conscious choice to spend and borrow the Federal Government into oblivion.

Debated, the Republicans won, they carried their own bill, they got everything they asked for. It was a conscious choice. And they chose for the worst possible reason to mortgage the national future of our Nation to the interests of the Nation's fat cats. And instead of a tax cut, what we had—instead of the largest tax cut which was promised, we had the largest tax shift in American history, maybe in the history of the world—a 10-percent shift, 10-percent tax cut for the corporate America over a 10-year period, and a 10-percent tax increase for middle America over a 10-year period, gentlemen. You ought to address that when you take the well this evening.

Mr. Speaker, we Democrats have run deficits over the last 40 years, although only one-third as much as Republicans have. We have had deficits, but only one-third as much as the Republicans have. It is all facts and figures. Have your economists study those figures, add them up, produce the facts and figures for yourself. Do not trust my figures. I am getting them from the Congressional Budget Office and from the Office of Management and Budget. But get your own figures. They will produce the same results.

Mr. Speaker, it is a truth, it is a fact that I state here this evening. But at least we have always been able to provide both for national defense and for the welfare of our people. The Republicans under Mr. Reagan have run up these outlandish, tragic deficits while mercilessly cutting at the heart of the programs that benefit the poorest people in our Nation. That is the difference. Democrats have provided for both defense and welfare whereas Republicans have increased defense spending—and I supported some of those increases—but they have cut at the heart of the programs that are intended for the poorest people in our Nation.

The record will show these facts to be correct. We Democrats have never neglected either the internal or the external welfare of our Nation. How is it possible that Mr. Reagan has achieved these astronomical deficits while failing to achieve either.

I have heard the rhetoric on numerous occasions—I have heard it, all of us have heard it—we have seen the slick television ads claiming fiscal responsibility. You have heard the slogan, they even have a little refrain—tax and spend, tax and spend, tax and spend. I will expect it to be put to music during the next election. But, Mr. Speaker, I do wish that the Republicans in this body, this evening, would account for all of these facts which I have spread upon the record this evening. They will speak soon to this problem of the deficit. And I wonder what they will say in response to these things that I have said this evening.

What it all means to me is that the people have not been shown the facts. And I am grateful for this opportunity to be here this evening in this forum, broadcast over television, for people to see for themselves the facts which have caused these gigantic and tragic deficits.

BUDGET DEFICITS SINCE WORLD WAR II

President	Average deficits per administration [1]	Cumulative budget deficits as a percentage of GNP
Truman	+$6	[2] +0.8
Eisenhower	6	0.4
Kennedy	16	1.0
Johnson	17	0.9
Nixon	34	1.5
Ford	80	3.2
Carter	55	2.0
Reagan	[3] 179	[3] 5.5

[1] In 1981 billions of dollars
[2] Surplus.
[3] CBO estimate.

UNIFIED BUDGET DEFICITS AS A PERCENT OF GNP, FISCAL YEARS 1983–86 [1]

	Estimate 1983	CBO projections 1984	1985	1986
As a percentage of GNP	6.4	5.5	5.3	5.1

[1] As reported in the Economic and Budget Outlook: An Update (Congressional Budget Office, August 1983).

I yield to the gentleman from California (Mr. MILLER).

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, I just want to inquire whether or not it is not true that referring to broadcasting of the proceedings of the House on television is not a violation of a rule of the House.

The SPEAKER pro tempore. The gentleman (Mr. ALEXANDER) should direct his remarks to the Chair.

Mr. MILLER of California. Mr. Speaker, 9 years ago the Congress enacted the Budget Act in order to control spending. The Federal deficit in that year was a little more than $4½ billion.

Two years later, under Republican Presidents, the deficit had grown to more than $66 billion.

Two years later, the deficit loomed at nearly $50 billion under a Democratic President.

Tomorrow, we end another fiscal year, this time under a Republican President who campaigned on the promise of a balanced budget, and who demanded that this Congress enact a balanced budget amendment to the Constitution.

The deficit for this fiscal year, under the economic program of this administration, will be more than $200 billion.

Two conclusions are apparent:

First, the Budget Act has not worked. After 10 years of record deficits, huge spending, and irreponsible tax policies, we face the largest deficits in American history. Indeed, during the 4 years of this administration we will record higher deficits than in all the administrations since World War II.

It is also obvious that deficits are not the exclusive responsibility of any party.

Deficit spending is no less the underwriter of Reaganomics than it was the financier of the Great Society.

But after 10 years of the Budget Act, it is evident that the current budget policy is really no policy at all.

There is no discipline in our spending and tax decisions. We are not forced to choose among priorities, because we choose all priorities and charge the cost off to the deficit.

I, for one, am tired of financing the spending splurges of this generation by sending a trillion dollar IOU to my children.

It is time to tear up the national credit card by adopting a new, bold and effective budget strategy which will force this Congress, and our constituents, to make hard decisions.

That new strategy is the pay-as-you-go budget.

Pay-as-you-go prohibits the Government from spending any more money next year than it did this year, unless Congress is willing to totally offset that new spending either by raising revenues or by cutting spending elsewhere in the budget.

Pay-as-you-go says to the Congress, to the President, and to our constituents that we must have the courage to pay for our spending decisions.

Under pay-as-you-go, we would establish a spending baseline at the current year's budget outlay total.

Unlike a strict budget freeze, which prohibits the Congress from making future spending decisions, pay-as-you-

go permits additional spending above this baseline—for education, defense, social security Cola's, highways, or any other program—but only if we are willing to pay for those new spending decisions.

According to the Congressional Budget Office, this plan will rapidly and assuredly shrink our deficits. Had we accepted pay-as-you-go when I first proposed it in 1982, our deficit this year would have been about half the $200 billion we are going to have to explain to our deficit-conscious constituents.

Had we accepted pay-as-you-go for the fiscal year we are beginning on Saturday, our deficit for 1984 would be $150 billion rather than the $169 billion now projected.

By 1986, the pay-as-you-go budget would shrink the deficit to less than $50 billion—less than half the level optimistically predicted in the budget resolution we just passed.

Adoption of the pay-as-you-go budget process would be a historic moment for this Congress. No longer would we continue to spend billions of deficit dollars to conceal waste, special-interest benefits, or outdated and lavish programs that the economy cannot afford, the voters do not support, or the Congress does not have the courage to pay for.

Pay as you go is a workable and nonpartisan plan. It is similar to the budget procedures used by over 40 of our State governments. It does not mean that spending cannot increase; it does mean that new spending will not mean new deficits.

It does not mean that there will be no new taxes; but it does mean that if taxes are needed, they will be used to finance specific spending priorities that are essential to the people of this country.

Mr. Speaker, over 150 years ago, Thomas Jefferson wrote that it is incumbent on every generation to pay its own debts as it goes. I think the time has come to follow Mr. Jefferson's instructions.

Later this month, this House is going to vote on the reconciliation bill for 1984. Like most of our past reconciliation bills, this legislation will illustrate that the budget resolution which we recently passed bears little resemblance to the real budget we will be reviewing 1 year from tonight.

So let us begin the next budget cycle on a different basis. To begin that effort, I plan to offer an amendment to the reconciliation bill which will commit the Congress to follow a pay as you go budget beginning in 1984. I welcome the support of the many Members of the House—both liberals and conservatives—in calling for adoption of this amendment when we vote on the reconciliation bill.

Rhetoric on balancing the budget and reducing the deficit comes cheap. I believe that what the American people want is not just a balanced budget amendment, but a process that will produce a balanced budget.

After all the pie-charts, delta squares, M-1's and other assorted budgetary hokus-pocus, the pay as you go budget process is the only way to honestly and effectively shrink the deficit and control spending. It is time we committed ourselves to pay as you go.

□ 1920

Tonight as we hear charges and countercharges about who is responsible for the deficit, let us not forget that it is this Congress on a bipartisan basis, year in and year out, that has voted for more spending than the people of this country could ever possibly pay for in each year.

So the challenge to this Congress in the reconciliation bill will be whether or not they want to start out the next cycle with very strict limitations on our ability to spend beyond what this Nation can afford. We had full Democratic support for pay as you go in 1982, but only two Republican votes in that budget process. In fact, pay as you go I think received the highest number of votes of any budget resolution, but no Republican support.

We could have had a deficit much smaller had we had support from the other side of the aisle.

We saw overwhelming support the other day for pay as you go on the jobs bill by the gentleman from the other side of the aisle. So I think the time has come to test that will and to see whether or not, in fact, we want to tear up the national credit card and start a procedure by which we can get rid of these inordinately heavy deficits we are asking the American people to carry around.

I want to thank the gentleman form Arkansas for taking this time to deal with the discussion of the deficit. I will be most happy to read the response of my colleagues in the Record to the pay as you go budget.

Mr. ALEXANDER. I thank the gentleman from California for his contribution.

I now yield to the gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Speaker, the administration's promise of a balanced Federal budget by 1984 is proving to be its most serious and spectacular failure. That failure is the result of massive miscalculation. What is certain is that our economy cannot continue to endure $200 billion deficits. The administration simply must face up to this monster.

In plain English, we will never have a complete economic recovery if we do not reduce the deficits. We will never have full employment. Interest rates will go back up. We will go back to the days of economic stagnation. And we will be powerless to stop what is happening to us.

Mr. Speaker, huge deficits per se are not as tangible an enemy for Americans as unemployment, recession or inflation. But huge deficits underlie economic sickness of the worst sort. We must act to reduce these deficits now, or we will be paying for them the rest of our lives.

To finance this year's deficit the Government will have to borrow more than 60 percent of all private savings—60 percent of all the money that is available for lending and investment—in the United States. And in an economy that is trying desperately to recover, as ours is now, that money should be available for lending and investment. It should go to business and industry for new plants, equipment and jobs, and to consumers for houses and automobiles. Instead, we are squandering more than half our available investment capital paying for our inability to live within our means.

If the Government continues to require more than half of all available credit, even during economic recovery, interest rates will go up. Rising interest rates will ultimately choke off a recovery, and the result inevitably will be economic stagnation.

Mr. Speaker, the size and scope of these staggering budget deficits indicate several things to me. They indicate that this administration is not sufficiently serious about its commitment to bring Federal spending into line with Federal revenues an important commitment—the administration seems to believe that cutting taxes, increasing defense spending, and cutting into domestic programs is enough, and that it is unfortunate that the balanced budget part of their equation never materialized. These deficits indicate that the administration believes it can proclaim itself fiscally responsible, and that it will be so, even as it submits to the most enormous deficits that we have ever seen.

Mr. Speaker, I am hopeful that the administration will awaken to the huge problem created for the American economy, and will begin to exert the leadership it can provide to move us away from the brink of disaster. Without that leadership, it will be up to us in the Congress to do something with difficulty to correct this deficit crisis. Either way it will be long and difficult, but crises of this magnitude are best approached in a cooperative manner. I claim since my campaign last summer to have invented the term "a new national bipartisan fiscal policy."

This is to let the administration know that I sense that many in the Congress are serious, open to such a policy, and ready to go to work.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Arizona.

I now yield to the gentleman from Oklahoma (Mr. WATKINS).

□ 1930

Mr. WATKINS. I appreciate the gentleman from Arkansas for having this special order and I appreciate very much his yielding to me.

Mr. Speaker, I came to this Congress 7 years ago out of a business community. I was a businessman. And I stand in all sincerity and very genuine in my concern about the recordbreaking deficits that occurred during the last 3 years.

Having been a businessman in Oklahoma, a businessman in the building business, where I built family homes, and also apartments, I know the tragic problem that we have had with high interests. And I know with the record-breaking deficits that we have now and as far as our eyes can see, that we are in for a rough and bumpy road ahead. And this is why I have taken these few moments to address this problem as I see it as a businessman, not as a politician.

My banker, who happens to be a Republican, as I visited with him on numerous occasions and unfortunately I had to borrow a lot of money when I was in business and nearly every time my banker would say to me, "Wes, are you cautious with this particular financing, with this particular land development, with this particular building program? Are you cautious?"

I know what my banker was saying to me. He was saying, "Wes, have you got everything covered? Have you got it figured correctly?"

And I would always say, "Yes, I have it figured correctly."

Now to some people it may be a surprise to them why we have $200 billion deficits and $110 billion record deficit last year and probably $300 billion deficits in the future if the program and policy does not change. It should not surprise us and we should not try to shake our responsibility.

A President who was here, who headed the administration in the past with a record-breaking deficit, was an honorable man, a good man and a Republican, Gerald Ford. Gerald Ford had $66 billion deficits and that was the highest deficit until this administration. Yes, Jimmy Carter had a $30 billion deficit, in his last year of $58 billion.

So the question may come to your mind, why have deficits tripled in just 3 years. Why have deficits just tripled in three years?

Under this administration, $110 billion last year, over $200 billion this year, and $200 billion next year, and on and on.

Well, I think it is easy if we stop and recall we were not cautious in 1981, to put it in the words of my Republican banker. We were not cautious. I have talked to business person after business person, good friends from both sides of the aisle, in my district Republicans and Democrats, and I have asked the businessmen, "How many of you would cut your income to your business three times greater than you would cut your budget?"

And I have not had one single businessman tell me that they would do that.

I have asked my banker if I brought in a financial prospectus on where I cut my income 3 times greater than my overhead and my expenses, would they loan me the money. And they said, "No." And most of the bankers said they could not stay in business either.

But that is what we did in 1981.

Let there be no mistake. In many of the domestic programs we have cut back, we have cut back in health care. The Congress and the President have cut back in nutrition programs for the elderly. They cut out the artificial limbs for the handicapped. There have been many programs that have been cut back on the domestic front. However, at the same time, the budget has increased 39 percent in foreign aid, the budget has increased a record-breaking increase in financing the military, a record-breaking budget for the military in all peacetime and nearly equivalent to many times we have had in war.

But, at the same time, we have cut the income coming to operate the business of Government $1.6 trillion over the next 5 years. That is the income, just as your income in operating your household budget, or the budget of your business. There is where we made a mistake. Yes; we should hold the line on a lot of the budget increases. I am not saying that we should not hold the line there.

But let me say if this President in his great ability to communicate to the American people, if he had gone before the American people and said, "Ladies and gentlemen of this great country, I want to give you a tax cut, but ladies and gentlemen, I have got to wait one year. I want to wait one year and apply that income to the deficits." And with the power of communication of this President, the power in his hands at that time, the power of the President over the Congress at that time, he could have got that program across to the American people and we could have balanced the budget in America, we could have balanced the budget in 1981.

But now we are further and have dug ourselves a deeper hole with a $200 billion deficit and we have gotten ourselves further behind the eight ball. We cannot balance the budget by cutting the budget alone. We know that. I do not think anyone—no one from the President's own party would introduce his budget plan when he introduced it this year, no one.

We will not accept cutting the budget that severe to balance the budget. We cannot raise taxes enough to balance the budget now with the $200-odd billion deficit.

But we could have, in the words of my banker, if we had been more cautious and more businesslike in 1981. This should not surprise anyone. Some of my very close friends know on that side, I developed a form of four simple steps of figuring the deficit. And I handed it out in 1981. And every person in my Third Congressional District, using the assumptions that David Stockman used—and he admitted in the Atlantic Monthly that he used erroneous figures—and I was glad, because David Stockman is a friend and David Stockman has a brilliant mind. And I asked my friend from Michigan, David Stockman, that I could not come up with those figures he was using, those economic assumptions, and I asked him, "David, tell me where you got the figures?" And he did not reveal that at that time. And when he revealed it in the Atlantic Monthly, I want to tell you the truth, I was relieved. And I am sincere when I say that. Because I know David Stockman is a smart and brilliant and capable person, but when he had said he had used erroneous figures to cram it through Congress, I was relieved, because I could not come up with those figures literally. I worked on the budget 125 hours and some of my good friends know that I developed a form that I took back to my district and I let a number of my colleagues figure in four simple steps the deficit. And let me say every single person in the Third Congressional District of Oklahoma, who utilized that form in figuring the deficit, came up with well over $100 billion this past year and had over $200 billion this year. The people in the Third District of Oklahoma were right. They were correct. And after I had them fill out, using the economic assumptions that Dave Stockman had used there and using what they thought the economic assumptions would be, every single one of them came up with over $100 billion in deficits and $200 billion this year.

They were correct. And not one, mind you, not one told me to go back up here and vote for that budget. And I did not. And I did not vote for that tax cut, because as a businessman I could not. And as a businessman, not only could I not vote for that, it bothered me. The fairness and equity that we were giving to the upper 5 percent in this country, we were borrowing the money. We did not have the money to give that tax cut. All of us know that. We were running deficits. We did not have the money. We had to borrow that money to give that tax cut to the 5 percent wealthy of this country.

I do not understand that. I have a problem with that particular fact.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I have the time and I would be glad to yield as soon as the gentleman has finished.

Does the gentleman from Oklahoma wish to yield to the gentleman from Pennsylvania?

Mr. WATKINS. I will yield.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from Pennsylvania for the purpose of responding to the gentleman from Oklahoma.

Mr. RITTER. As I understand it, first of all, the gentleman from the Third District of Oklahoma voted for the tax cut.

Mr. WATKINS. Oh, no, sir. You go back and look at the record.

Mr. RITTER. All right. I would like to ask the gentleman if he is aware of the statistics on who is paying what share of Federal income taxes in this country and if he is aware that the top 3 percent of the population, those earning over $50,000, are paying 31 percent. And that tax receipts to this point indicate that the incoming revenues may well be larger, because people have moved their funds out of shelters, out of speculative interests, and have moved them into the taxable investment market.

□ 1940

Now, I am wondering, is the gentleman aware that the tax receipts for that upper 5 percent may well be running ahead of previous years after the tax cut?

Mr. WATKINS. Yes, I realize that. But let me tell you what has happend. We did not just have a tax cut, we had tax reform. All my farmers are paying 5 cents more per gallon for gasoline. They are not making money. All my small truckers have a thousand percent increase in their taxes, and they are going bankrupt; 25,000 businesses went bankrupt.

Mr. RITTER. That was not part of the tax cut bill. That was simply another tax bill.

Mr. ALEXANDER. I yield to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Let me ask the gentleman this question: The little waitresses in my district are paying 8 percent on withholding of taxes. Yes, Peoples Savings got off of that. But the little waitresses in my district, I have two or three of them in McAlester, Okla. going on welfare because they held their taxes back, with withholding.

Mr. RITTER. That was a different tax bill, and that was certainly participated in by the Democratic leadership.

Mr. ALEXANDER. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ALEXANDER) has the time.

Mr. ALEXANDER. Mr. Speaker, I have yielded to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I was trying to be polite and courteous, just as I had been in trying to address this situation. But it concerns me, this tax reform. The little waitresses who are trying to make minimum wage in my district, they are going on welfare. I do not think that is right. I cannot complain, any of us in this room cannot complain, because we got a tax cut. I got more back in taxes this year than most of my people make per capita income in my district. And it is kind of hard for me to accept that situation. That is literally the truth. All the people making about $75,000 and above have more back in taxes this year than the median family income of all my people. That is hard to explain.

Let me go ahead and continue. I do not want to be just partisan. I am deeply and sincerely concerned about where we are, and I am concerned, literally, about how we get out of it.

As I mentioned, I know that my friends on the other side of the aisle did not introduce the President budget this year, and I think that was unfortunate. I wanted to have, hopefully, a debate one way or the other. I do not know exactly how I would have come down on it. But I wish we would have had the opportunity to debate that situation.

Yes, we have had a revision in the tax structure of this country. We have had a revision in the budget of this country. Yes, we had to borrow the money to give the wealthy a tax cut. But at the same time, what makes it difficult is that is was wrong to borrow the money to try to get artificial limbs for the handicapped, it was wrong to borrow the money to have nutrition programs for the elderly. But yet we borrowed the money to give a tax cut to the wealthy.

Now, I ask this: If we are sincere—and I am sincere as I stand here and address this matter——

Mr. RITTER. Will the gentleman yield if he is sincere?

Mr. WATKINS. I will not yield any longer.

Mr. RITTER. The gentleman voted for the tax cut.

Mr. WATKINS. Let me say this to the gentleman, because I am sincere about this.

If we are all sincere, I ask the gentleman to address the President of the United States, ask for an economic conference—I plead with the gentleman to address that—an economic conference of the President, the leaders of both sides of the aisle. I am sincere when I ask that. I ask the gentleman to ask the leadership——

Mr. RITTER. Was the gentleman sincere when he said he did not vote for the tax cut?

Mr. WATKINS. That is correct.

Mr. ALEXANDER. Mr. Speaker, I reclaim my time, and I request regular order.

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ALEXANDER) has the time, and the gentleman from Pennsylvania (Mr. RITTER) will desist, please.

Mr. ALEXANDER. Mr. Speaker, I have yielded to the gentleman from Oklahoma (Mr. WATKINS), and I request regular order.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield briefly to the gentleman from Illinois.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, 1984

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow night to file a conference report on the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Mr. Speaker, I have cleared this with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I shall not object, it does defy some tradition around here from time to time to engage in this, but I take full responsibility on my part to interrupt this special order because I know the gentlman's sincerity in making the request and that it is done with the thought in mind of expediting the business of the House, and I applaud the gentleman for making the request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I yield further to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I would like to close my remarks by saying that there is no one any more sincere than I am right tonight in saying we must work together. And I plead with the President of the United States and I plead with the leadership on both sides of the aisle, the leadership of my party, the leadership of the opposing or other party, that we ask the President, we ask the leadership of the Senate, we ask the leadership of the House on both sides of the aisle, we ask the Federal Reserve Board to convene an economic conference on how we can cut the budget, how we

might reduce the budget. I am not just saying to increase revenues alone, but whatever combination, whatever formula we have to use, that we look at the budget and we also cut the budget and we work some fairness in tax policy.

So again I make the plea in my closing remarks that this President and the Congress are obligated to the future of this country, our children and our grandchildren, to try to get together to solve this problem.

I appreciate very much the gentleman's convening this special order to discuss this problem that is facing the future of our country.

Mr. ALEXANDER. I appreciate the remarks of the gentleman from Oklahoma and the contribution that the gentleman from Oklahoma is making to this important issue on the deficit.

Mr. WATKINS. If the gentleman will yield further, in addressing the remarks about the vote, if you will look at the previous vote, the first vote on the tax, you will find I vote against it.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Speaker, first of all I would like to take a moment to put to rest the assertion that budget deficits result from Democratic spending policies. I will not take long, for the facts are acknowledged and the analysis is not difficult. In 1981 and 1982 the President—with the cooperation of a Republican-led Senate and a de facto Republican-led House—presided over the largest deficits this country has ever suffered. This is true however one measures their size: in absolute dollars, as percentages of the GNP, or as percentages of the national debt. The fiscal year 1981 deficit, the last one occurring in a budget written by Democrats, was $58 billion; the fiscal year 1982 deficit, by contrast, was $111 billion; the fiscal year 1983 budget is somewhere in the neighborhood of $200 billion; and the fiscal year 1984 deficit does not promise to be improved.

This administration, unable to dispute the facts, is reduced to arguing that—magically—these deficits—created in fiscal years whose budgets were written by members of the other party in the White House, the Senate, and the House of Repesentatives—are really the fault of those free-spending Democrats. This is absurd. We Democrats did indeed write budgets in the 1960's and the 1970's. They were for the most part good budgets. As a Democrat, I am proud of adequate funding for social security, for education programs, for health maintenance. I am also pleased that Republicans in those years often cooperated with our budget policies. Sure, they had different priorities, but we managed to work together, and the results were some of America's greatest accomplishments.

Unfortunately, we often forget that our country is now led by what used to be a small splinter group of the other party. Before its successful conclusion, the Reagan campaign was ridiculed even by other members of the Republican Party. Supply-side economics—the idea that we can cut taxes, increase defense spending, and balance the budget—was accurately labeled "voodoo economics" by a subsequent convert, GEORGE BUSH. Even with the President firmly ensconced in the White House, Mr. BAKER, the majority leader in the other body, called the program a river boat gamble. And none of us have forgotten David Stockman's Trojan horse.

So, in 1981 this country embarked on a dramatic policy shift based on an economic theory kindly labeled "illogical" by most traditional economists and more explicitly decried as voodoo economics by our current Vice President. The river boat gamble failed, which is bad enough, but the gambler refuses to admit defeat and insists on staying the course.

Mr. Speaker, I noted earlier that, while disagreeing with traditional Republican priorities, I can respect the honesty of their views. The Republican Senate has seen the failure of Reagonomics and has, in an admirable step, risen to the occasion by cooperating with the House on a budget resolution. President's behavior is not understandable. The President of this country, the man who was to have balanced our budget by the next fiscal year, refuses to even sit down and talk about how to get us out of this mess. Many of my colleagues have proposed a bipartisan economic commission devoted to solving the deficit crisis. The President refuses to participate because, rightly enough, he supposes such a commission would certainly endorse some type of tax reform and limitation on defense spending.

Mr. Speaker, I do not particularly enjoy debating deficts. We should avoid partisan bickering, because we cannot afford to waste time. These deficits are truly frightening and I implore my colleagues on the other side of the aisle to join us in seeking a solution. Such a solution will totally please no one, but that should not deter us.

□ 1950

Mr. ALEXANDER. I thank the gentleman from West Virginia.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The Chair would advise the gentleman from Arkansas that he has 4 minutes remaining.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Arkansas on his efforts to try and get this Congress and this administration to come to grips with this very significant problem of budgetary deficits.

I am sure the record is full of acrimonious charges about who is responsible. The point is, we have to do something about it or we risk aborting the economic recovery that we have waited so very long to see occur. So I would challenge the President and the Republican leadership in the Congress to work with all of us to try and come up with a solution to this problem, because if we do not, then I think interest rates could well go up and the recovery could be aborted. I think it should be our No. 1 priority now that we have taken care of Lebanon and the continuing resolution to see what we can do, through reconciliation, a process that was used devastatingly just a few years ago, in a constructive way to use it to see if we can get these deficits under control.

I think it has to be a high priority. I think we have to look at taxes. I think we have to look at defense spending. Our Subcommittee on Defense will cut defense spending year. And finally, we have got to look at entitlements and it has got to be done in a fair and comprehensive way. It is going to take a lot of courage from both parties to come up with a solution.

But the red ink down there that we are looking at simply cannot be allowed to go, and both parties have got to pull together and come up with a constructive solution.

Mr. ALEXANDER. I thank the gentleman from Washington.

Ms. FERRARO. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentlewoman from New York.

Ms. FERRARO. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman from Arkansas for taking this special order to discuss the deficit.

Mr. Speaker, keeping track of who is saying what in Washington is a confusing way to spend your time when things are going well. Different individuals have different views, both within and between the major political parties. There are routinely shifting positions and coalitions, and people change their minds.

But the current posture of the Reagan administration on the subject of Federal deficits goes well beyond the normal level of reassessing, reappraising, reconsidering, and reestimating.

Basically, the administration has gone from frantically calling for a constitutional amendment to balance the

budget—that was last year—to saying that deficits do not matter. Actually, Treasury Secretary Donald Regan seems to be saying, "Deficits do not matter, you can't prove they matter, and anyway, it's somebody else's fault."

It is easy to understand why Secretary Regan is so anxious. When the Reagan tax and budget programs were passed, the Secretary said, "The monkey is on our back now. The administration will take the blame or the credit for whatever happens to the economy."

Secretary Regan was right. It is on their back. And it is a monkey.

There is not any dispute among respected economists that the huge Federal deficits we now face cause serious problems for the economy.

The $200 billion a year deficits Reaganomics has caused have introduced a new buzzword into our political-economic vocabulary.

It is really two words—crowding out. Crowding out, as we have all come to know too well, is the phenomenon of Federal borrowing absorbing so much of the available credit that private investment is adversely affected, either by higher interest rates or the lack of funds to borrow.

Crowding out means higher interest rates. Higher interest rates mean less private investment, slumping housing and auto sales, and increasing trade deficits as foreign goods become cheaper for U.S. buyers and American goods become more expensive for foreign buyers.

It is a formula for economic stagnation.

There is not any serious question that huge deficits will cause these and other economic ills.

So the question is what can we do about it?

The answer from the Reagan administration? Nothing. Total silence. In fact, the only sound heard from the White House has been the absolute refusal to do any of the things that might help.

The two things the administration specifically refuses to consider are raising taxes and slowing the growth of the defense spending, which has raged out of control in the Reagan years.

The administration says the deficit will take care of itself as the economy rebounds, and that the real problem is domestic spending.

To some extent, they have a point. The Reagan recession contributed to the big deficits in two ways. Unemployed people do not pay taxes, and they cost the Government money in additional benefit payments. It has been estimated that each 1 percent rise in unemployment increases the deficit by $25 to $30 billion.

As for the domestic spending part of their pitch, though, it is a red herring in two ways. First, if you divide domestic spending into entitlements and discretionary spending, you learn that less than a quarter of the Federal budget is something other than defense, entitlements, and interest on the national debt. So the discretionary spending side of domestic spending cannot yield much in the way of savings.

As for the entitlements, there are two kinds—means tested and nonmeans tested. The administration has already made brutal cuts in means-tested programs. Food stamps, child nutrition, AFDC, and subsidized housing have been cut too deeply. It would be unconscionable to consider further cuts. It would be cruel not to adopt some increase.

That leaves the nonmeans-tested entitlements. These are the various retirement programs, including social security, military retirement, and civil service retirement, plus medicare, plus crop price supports, plus various other programs that are equally politically protected.

What is clear is that reducing the deficit will require raising taxes and less defense spending than the administration has planned.

When the administration denies that their tax and defense policies have caused these deficits, you have to wonder whether they understand the situation we are in. Do they think it is some kind of coincidence that the deficit went from $58 billion the year before Reaganomics took effect, to $110 billion the year after, and $200 billion the year after that?

You just cannot get around the fact that even after including the President's 1982 tax increase bill and the gas tax bill, the 1981 Reagan tax cut has produced a net revenue reduction of $750 billion in fiscal years 1984 to 1988. In fact, the net revenue reduction in 1984 has been estimated by CBO to be $94 billion, which is half the projected deficit for next year.

As for defense, the defense budget in 1980 was $145 billion, and in 1984 it will be almost $280 billion. That incredible rate of growth, which is planned to continue for the next 5 years, is a major contributing factor to the deficit crisis.

The deficit problem is a serious one. We cannot solve it by political sleight of hand. There are some things we can tell from the numbers that give us guidance in formulating possible solutions. One thing we can tell from the numbers is what the problem is, and what it is not. Whether the administration will get off the dime and start working in a good faith way in trying to solve the mess caused by its policies is not something we can tell from the numbers. But at least we can understand what is real and what is not.

Mr. ALEXANDER. I thank my good friend, the gentlewoman from New York.

Mr. DONNELLY. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Massachusetts.

Mr. DONNELLY. I thank my friend for yielding.

Mr. Speaker, I had no intention of taking part in this special order, but when I heard that the leadership of my party and the distinguished members of the minority party would be here tonight to chit-chat about the deficit problem, I could not help but come over and observe and participate maybe for one moment.

Mr. Speaker, I would hope that we all come to the same conclusion after this exercise tonight, that the growth in deficit spending will inhibit economic recovery and that as deficits grow as a percentage of our national product, as debt service grows as a percentage of budget outlays, as savings of the average American diminish, that interest rates will rise and the economy will not recover.

I think there is a lot of political rhetoric that surrounds the deficit problem, but the reality is that to deal with the deficit problem we have to deal with it in as antiseptic a political way as possible within this institution. I look forward to hearing from some of the most distinguished leaders in this Nation as tonight they talk about the deficit problem, because to deal with spending we really deal in four areas. We deal with the military, we deal with discretionary domestic spending, we deal with the entitlement problem, and we deal with revenues. It is not one piece over another; it is four pieces together.

To take advantage and to do something about this deficit problem, we will need courage and we will need leadership to solve these problems, and unanimity in this Congress, where there is no unanimity in the administration on this issue.

Mr. ALEXANDER. I thank the gentleman for his participation.

● Mr. OTTINGER. Mr. Speaker, I would like to commend the leadership for calling this special order on the deficit. It is absolutely imperative that Congress act to reduce the swollen deficit; failure to act will invite economic ruin.

It is usual and proper to suffer a deficit during an economic slump, although the size of Mr. Reagan's deficit is unprecedented in our history. As employment declines, the Government spends more to compensate the unemployed and collects fewer revenues. But as the economy begins to improve, the deficit, under normal circumstances, should decrease. Yet despite the current "recovery" which the Reagan administration is touting,

there are no signs of a shrinking deficit. On the contrary, the administration projects triple-digit deficits for the forseeable future and there are indications that the recovery could very well be strangled by this deficit before it takes hold.

This enormous deficit has been brought on by President Reagan's misdirected economic policies. He decimated the tax base, eliminated vital social programs, instituted a restrictive monetary policy that discouraged investment and poured billions into an already bloated Pentagon. The outcome was the worst recession since World War II, double-digit unemployment, a decimated revenue base and $200 billion deficits as far as the eye can see. Only recently has this country begun to recover from this onslaught, though the so-called economic recovery continues to remain weak by historical standards.

In order to shrink the deficit which is plaguing our economy Mr. Reagan's economic priorities must be redirected. Reducing the deficit requires a full-scale recovery which will produce a stable and thriving economy. We must institute an economic program which promotes high investment, high production, and the creation of jobs in every community for those who need work.

I have been working with a group of Democrats in the House on a maximum production plan: The National Economic Recovery Project. The principles of the project are outlined in a statement "A high production strategy to rebuild America" which has been endorsed by 153 House Democrats. We are currently drafting legislation, based on these principles, which will be introduced by the end of the session.

The central belief behind the project is: high production, High investment and maximum employment is the means by which we can bring about economic recovery, restore the tax base and reduce the deficit. Nancy Barrett, chairman of the department of economics at American University and formerly with the Congressional Budget Office, developed a preliminary series of economic scenarios based on the project's principles. Under a variety of high production policy assumptions, the study indicated that by 1984 deficits could be reduced to as little as $84 billion and by 1987, to $67 billion. The CBO estimates for the same growth path, the deficit will remain at an intolerable $179 billion under current Reagan spending policies.

Let me briefly outline for you the goals of the project which will bring about economic recovery and ultimately reduce the deficit:

The Federal Government will nurture investment, innovation and growth in the private sector. Business, labor, and government will work together to rebuild our aging industries and promote new technologies. Funds will be provided to rebuild the national infrastructure. Meanwhile the Fed will respond to national economic policy by reducing interest rates and insuring there is sufficient capital for investment.

The tax base will be restructured to close unnecessary loopholes, encourage investment, generate new tax revenues and ultimately shrink the persistent deficit.

An inflation-fighting program will be drafted aimed at controlling volatile prices in the necessities which plagued us in the 1970's namely health, food, housing and energy.

The billions of dollars which have been poured into the Pentagon by the Reagan administration will be redirected to creating jobs and rebuilding industry. The defense budget will be cut to 3 percent real growth thereby forcing the Pentagon to eliminate its blatant waste.

These policies will foster strong economic growth in the next 5 years. As our industrial capacity is rebuilt, as workers are rehired, the direct result will be a decrease in the deficit. The tax base will be rebuilt as the economy begins to grow and produce revenue.

President Reagan invited economic collapse, our job is to reverse his inane economic policy. Rather than pouring scarce capital into a bloated Pentagon, we advocate rebuilding the basis of our economy. As factories are retooled and workers rehired, there will once again be the demand for goods which our system requires.

The $200-billion deficit will be brought under control. Through a maximum production economy, new tax revenue will be generated as productivity increase and workers are once again able to contribute to the economy. The new funds will be used to shrink the deficits which threaten to ruin any chance of a full recovery.●

● Mr. WINN. Mr. Speaker, I am glad to have the opportunity to join my colleagues today to discuss the growing problem of the deficit. We are told every day of the negative impact its very size is having on the economy—from our constituents to the editors of our local newspapers to business leaders to leading economists. Perhaps in this Chamber more than anywhere else, there are continuing expressions of woe about the problems of the deficit. Yet nothing has happened. We are facing a $200 billion deficit in the face of a strong economic recovery, and have talked and talked about doing something to reduce the size of the deficit. Still nothing has happened.

I believe all of us here, both Republicans and Democrats, agree that the growing deficit is a problem which must be dealt with soon—quickly and effectively. Most of us agree that we must work together, and not separately, in order to succeed. We are all concerned. Our constituents are concerned. If the deficit is not reduced, it will undermine all of the positive things we have worked so hard to achieve over the past few years.

One of the most important steps is to raise public awareness about this issue, both the problem and the solutions available. If we can achieve that today, then we will have made great strides.

It is crucial to understand the budget in order to understand the deficit. When you stop and look at the fiscal year 1984 budget, you have about $850 billion to work with. Right away, 30 percent of that goes to defense; 46 percent goes to entitlement programs, programs that people have paid into. Those people are entitled to those benefits. It is important to note that entitlement programs have grown over 400 percent over the last 10 years, and are expected to be 50 percent of the budget in a very short time. Payment on the national debt consumes about 12 percent of the budget. All of that together is about 85 percent of the total budget. What you have left is discretionary spending, or about 12 to 15 percent of the remaining budget. If you close that down, you still run a deficit of about $160 billion.

What is our strategy? What are our options? I see three options. None of them are particularly appealing and certainly none of them will appeal to everyone in this Chamber. One is to raise revenues to pay the additional bills. Another is to limit the growth in entitlement spending. And the third is to limit the growth of defense spending.

We have to develop a consensus, an agreement with each other on a solution that is fair. The size of the deficit is very real, and will have an adverse impact on the economic recovery if something is not done very soon. I am willing to work with my colleagues toward developing a real solution to reducing the size of the deficit. If we fail to work together, if we fail to address this severe problem conscientiously, we will face even bigger problems in the long run. I believe we can do it, and hope in the days to come we will work out an equitable and realistic solution to reducing the size of the deficit.●

SPENDING AND THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and

extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LOTT. Mr. Speaker, it has been very interesting to hear the tongue-in-cheek remarks by the gentleman from Arkansas. We could tell by the smile on his face that he obviously could not have been serious, but it is pleasing to me to learn that after all these months and years the Democrats have discovered that there is a deficit, and that they care about deficits at all. But I think the record needs to be corrected just a bit.

We heard, earlier here tonight, the gentleman from Arkansas (Mr. ALEXANDER) and the gentleman from Oklahoma (Mr. WATKINS) condemning the tax cuts for the American people as if it were a sin to let the American people keep some of their money. Yet, the RECORD shows, and I have it here before me, that on a vote on a motion by the gentleman from Illinois (Mr. ROSTENKOWSKI) to suspend the rules and adopt the conference report on the bill to cut individual income tax rates by 25 percent across the board over 33 months, and to require that individual income taxes be adjusted or indexed annually to offset the effects of inflation starting in 1985, et cetera—this was the motion on the law that is on the books that Members of Congress voted on and that the President signed—and the gentleman from Arkansas voted for it. Yet he stands in this well tonight and condemns that legislation. And the gentleman from Oklahoma, the RECORD clearly shows, also voted for it.

In addition, just this year, on 21 major votes in 1983, the gentleman from Arkansas, when given a chance to cut the deficit, voted to increase the deficit, to increase spending by $48,738 million. The gentleman from California (Mr. MILLER) who wants to pay as you go, voted for 18 of the 21 increases in spending—not the total amount, just the increases—which add up to $43,591 million.

□ 2000

The gentleman from Oklahoma, from the Third District of Oklahoma (Mr. WATKINS) voted for 18 of the 21 increases in spending this year alone, for a total of $46,721 million plus. And, of course, the champ of all, the leader in spending increases in this year alone, which certainly does not cut a deficit, was the gentlewoman from New York (Ms. FERRARO), who voted for 20 of the 21 increases, for a total of $45,778 million.

This is just the beginning, Mr. Speaker. The RECORD is replete with inaccuracies, and there is no way to describe what we heard here tonight, but we are going to set the record straight.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, is the gentleman saying—I had trouble getting my good friend, the gentleman from Arkansas, to yield while he was in the well—is the gentleman saying that the gentleman from the third district of Oklahoma, who went on and on about the inequitous tax cut for the rich, actually voted for that tax cut?

Mr. LOTT. I have the RECORD here before me. That is the bill that went into law, and he voted for it.

Mr. RITTER. He voted for it, and yet he was there denouncing it. Is there not some contradiction in the activities on the floor tonight of the gentleman from the third district of Oklahoma?

Mr. LOTT. Well, I would have to let the RECORD speak for itself. Maybe the gentleman will have something further to say later on.

Mr. RITTER. Mr. Speaker, is the gentleman from Mississippi saying that the gentleman from Arkansas, who also denounced this inequitous tax cut, also voted for the final measure that took this tax cut and made it into the law of the land?

Mr. LOTT. Unless there is a mistake in the RECORD. I am looking at it right here. He voted for it.

Mr. RITTER. Well, I think it is interesting for the American people to observe the deficit discussion on the part of the Democrats. I am not sure that they themselves are as familiar with the RECORD as they should be.

Mr. LOTT. Well, I might put my colleagues on notice, too, that if we hear additional speeches later on today or tomorrow, or anytime, from our colleagues, about how they are concerned about the deficit, we have already researched the RECORD. We know which ones and how many of these spending increases they voted for, and the increases they voted for will be placed in the RECORD.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the distinguished minority leader, the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I hope that within the next few minutes I can maintain my balance. I have really become so nauseated by the drivel I have heard from the gentleman from Arkansas (Mr. ALEXANDER). He leaves out one important component about what contributes to deficits. Blaming the President for deficits is just unconscionable.

No President, Republican or Democrat, whatever, can spend one dime unless this Congress first appropriates, and only then can a President spend, after the Congress has appropriated.

I am serving my 27th year in this Congress, always as a member of the minority party, and I will tell the Members that I have been down in this well supporting amendments to cut funding, and I will stack that record of mine up against that of the gentleman from Arkansas and any other Member who spoke on the Democratic side tonight.

When I first heard that the Democratic leadership was going to initiate a name-calling, finger-pointing campaign on the deficit issue, I was completely dumbfounded. Who in his right mind is going to believe Democrats blaming somebody else for high deficits? If there are any generally adhered to truths in American politics and government, one must be that the Democratic Party has done more to destroy our economic vitality and our hopes for balanced budgets than any other individuals in America.

Look back over the landscape of the last decade. Massive increases in Federal spending, uncontrolled growth of entitlements and off-budget commitments, the disruption of America's productive capacity——

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. The proliferation of meddling, costly, and cumbersome Federal regulation.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will accord the gentleman the same courtesy he gave me. I will wait until the end of my remarks.

Mr. ALEXANDER. Well, the gentleman mentioned my name. I assert a point of personal privilege.

Mr. MICHEL. I know. And the gentleman referred to my name, too, so we will just accord him the same courtesy.

Mr. ALEXANDER. Mr. Speaker——

Mr. MICHEL. I refuse to yield, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, I assert a point of personal privilege. The gentleman used my name, and I would like to assert a point of personal privilege.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. LOTT) controls the time and cannot be taken from the floor by a point of personal privilege.

Mr. LOTT. I do not yield, Mr. Speaker. I yielded to the gentleman from Illinois.

The SPEAKER pro tempore. The time is that of the gentleman from Mississippi.

Mr. LOTT. And I continue to yield to the gentleman from Illinois.

Mr. MICHEL. The Democratic Presidential contender, ERNEST HOLLINGS, said it best, I think: "Every time a spe-

cial interest appeared, we responded. Every time a problem arose, we offered a single solution, money."

House Speaker O'NEILL, back in 1981, said the following about the 1970's: "Sure, in the 1970's my party made mistakes. We overregulated. There was too much redtape and probably too much legislation."

The mistakes he refers to threw us into the worst economic mud-slide since the Depression. By the end of the decade we were wrestling with record-high inflation, record-high interest rates, record-high taxes, record-high spending, record-low productivity, and record-low savings and investment. Those conditions pushed us off the economic cliff into the depths of a terrible recession, and that recession is responsible for two-thirds of the deficit problem that we face today.

In 1982, after 1½ years of attempts to thwart every single move to cut Federal spending that we initiated, the Democrats said that high deficits would prevent economic recovery. The Democratic Study Group said in September of last year, "The Reagan GOP deficits are undermining the economy and chances for economic recovery."

Were they right? Of course not. When it comes to the economy, they never are.

The third quarter of this year showed the economy growing at a healthy 7 percent, well above anyone's expectations. Inflation is holding steady at just above 3 percent. The economy is producing 400,000 jobs a month. Housing starts in August were the highest since 1978. Car sales are up. Auto-makers plan to recall 15,000 workers in the next few months. Industrial production went up again last month almost a full percent. Personal income rose $6.5 billion in August. Savings went up to 5.2 percent.

We are not out of the woods by any means, but the recovery is robust and it is here to stay.

Now, this year the Democrats are saying deficits will not hurt the economy until sometime off in the future. But what do the Democrats want to do about the deficit, now that they have finally discovered it? They want to tax the American people to death. The Democrats cut deficits by raising the taxes of lower and middle-income taxpayers.

In March of this year they published their tax increase "wish list," and the suggestion of dozens of ways to mug Americans reads as follows: Repeal the third year of the tax cut, repeal indexing of tax brackets, restrict the homeowners' right to deduct interest on their mortgages, eliminate deductions for State and local taxes paid, limit charitable contributions deductions, and taxing fringe benefits, to name a few.

Mr. Speaker, I say to my friends that I am also reminded of the charge that the Reagan tax bill in 1981 was a bill favoring the rich, but I will say frankly that when the President proposed his tax reduction, it was straight reduction across the board for low income, high income, everybody equally. But do you know who changed that tax bill considerably? I think it was Mr. BRODHEAD of Michigan, a liberal Democrat, who said, "Let us reduce the 70 percent rate down to 50 percent." Not in 3 years. He said, "Let us do it all in 1 year."

And who was it that moved to reduce the capital gains tax in the Ways and Means Committee? Not a Republican. No, it was again Mr. JONES of Oklahoma in that case—from 28 to 20 percent.

Who was it that proposed adding onto the tax bill a reduction in corporate income taxes? Mr. ROSTENKOWSKI, the chairman of that committee. Then there were estate taxes, then the marriage penalty and all the other goodies for oil and what not.

And you say Mr. Reagan is responsible for the kind of tax bill we got? Why, of course not. It was promoted right here in this House where all revenue bills have to be initiated under the Constitution. And no one who spoke here tonight prior to my taking the floor can now weasel out of any responsibility for enactment of that tax bill.

The real solution to deficits is not taxes. It is spending. Let us look at the Democratic record. If you go back over the last 2½ years and take the top 20 spending bills before the House, you will find that the Democrats did not put their vote where their deficit rhetoric is today.

□ 2010

In 1981 the most Democratic support we got for spending restraint was 26 percent and the record will show that. The low was 4 percent.

In 1982 it ranged from 39 to 9 percent and this year the top was 20 percent.

Time after time after time in just the last few months Democrats have been spending the taxpayers' money like drunken winners at the Irish Sweepstakes. There was $100 million here, $300 million there. It just happened this last week, $1 billion for this and $4 billion for that.

It has been disgraceful. The Democrats have voted in the last 2 years to add billions of dollars to the deficits they are crying about today. Their record spending sprees are shameful. In too many instances they have deliberately tried to deceive innocent Americans into believing they are doing something good for them, when in fact they knew full well the bills they passed would never see the light of day and the programs they created would never help the people who needed them.

Now, this weekend the Democrats are kicking off their 1984 campaign with shabby half-baked, poorly done advertising fling, designed more to attract free publicity from the press than anything else.

I think the gentleman from Pennsylvania also, if he stays for the extensions of remarks, will have a very important insertion in the RECORD having to do again with the gentleman from Arkansas and how he perceives this system and this orchestration of advertising through the medium of flow.

I regret that, but the problem with the campaign that the Democrats are now going to conduct is not how it is done or who is the target. Of and by itself, it is a drop in the ocean. The problem is that it is being done at all. This kind of theatrics will poison the well from which any bipartisan effort to hold down deficits could be drawn.

Politicizing the deficit issue is the worst that could happen. We will never be able to solve the deficit problem in that kind of an atmosphere.

I would like to hear the Speaker say that he has no part in making the deficit a partisan free-for-all, but I doubt that he will. I would like to hear the Speaker say that he wants to meet on neutral ground and seek ways to reduce the deficits.

I would have to remind those on the other side of the aisle when they abrogated their responsibility 2 years ago to formulate a budget, there were those of us in the minority roll on this side who really put the act together, bringing together the dissident factions from right and left and middle and whatever grounds we could. We were calling them boll weavils, gypsy moths, yellow jackets; but that is the way you have to make this House work is bringing everybody together.

I have to say that in this last year with the budget debacle that we have had, the gentleman from Illinois was really never asked to contribute, nor were any significant number of Republicans asked to participate in that process.

I guess I would like to see us all sit down together and do what needs to be done, talk, negotiate, compromise, and ultimately agree on a solution. I would like to think there is still an opportunity to do that, because that is the only way we are going to get any good accomplished out of the kind of debate that will ensue on who causes deficits, how they are caused, who is responsible and all the rest.

Mr. Speaker, I thank the gentleman from Mississippi for yielding. I am sure there will be others who will have valuable contributions to make to the debate this evening.

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, when I read that the Democrat strategists were about to launch a campaign to try to con the American people into believing that the Republicans in the Congress and the Reagan administration are the big spenders and the Democrats are the protectors of the public purse and against deficit spending, I just could not believe it. I just could not believe it.

Such a campaign will be an effort to the intelligence of the American people. Do they honestly believe that the people do not possess memories and that such a campaign could possibly succeed?

Do they actually believe that the people do not know what goes on in this Chamber day after day, week after week, and which party's members, with few exceptions, consistently vote for more and more spending without regard to its impact on the deficit, or do the Democrat Members actually believe that their votes for ever increasing spending measures day after day do not impact on the deficit and go unnoticed by the people? I think not.

Certainly the people know and they are not about to be fooled by a last minute media campaign to rewrite history to save my Democrat friends from the rightful blame, and yes, scorn, if you please, for the ever-mounting deficits this country has been accumulating. Shame, shame on them.

I stood in the well of this House many, many times over the years and pointed out how unfair it was to be putting more and more debt on the backs of our grandchildren. Remember? Of course, you remember. But did the big spenders in the Democratic party take heed? Of course, they did not. They thought it was better politics to be for more and more spending and not being recorded as voting against an overfunded measure or against a politically attractive new measure, even though they knew we would have to borrow the money to pay for it.

Oh, I know our time is limited, but let us just look at the record.

Mr. Speaker, look at what has happened around here just since we got back from the summer recess 2 weeks ago.

The Democratic leadership decided to completely ignore the September 23 deadline for reconciliation. Never mind that reconciliation is the only means we seem to have left of forcing this Congress to make even a slight reduction in spending.

In fact, this House has refused during the last 2 weeks to take any action whatsoever to reduce spending.

When Congressman MCDADE offered us an opportunity to cut 4 percent across the board from the fiscal year 1984 Interior appropriations bill and trim $300 million from deficit spending, 84 percent of the Democrats in this House voted against it.

When Congressman BARTLETT offered us an opportunity to cut 10 unrelated programs from the vocational rehabilitation bill and save $1.6 billion in deficit spending, 97 percent of the Democrats voted against it.

When Congressman FRENZEL wanted to send the Trade Adjustment Assistance Act back to committee to save $83 million—the amount the bill was over budget—97 percent of Democrats refused to do it.

Oh, I know the big spenders believe their actions have nothing to do with deficits. The deficits are caused by low taxes. Well, let me tell you that increasing taxes will not reduce deficits. Experience over the past 27 years while the Democrats have been in control of this House proves that any decline in the deficit resulting from higher taxes is likely to evaporate even before the ink is dry. The Democrats do not want to raise taxes to lower the deficit. They want to raise taxes to pay for new or enlarged spending programs.

I am surprised that some liberal Democrats have just learned we have a deficit problem. Where have they been while the Reagan administration has been urging restraint on spending for the past 33 months? They have been voting against restraint and now want to blame the administration for the increased deficits which have occurred.

Well, I do not have to tell this body that the administration does not spend one red cent which is not authorized to be spent by this spend thrift Congress. The budget resolution which is supposed to set limits on spending does not even go to the White House for the President's signature. No, we do not have to look any further than our own front door to see where all this spending comes from.

The truth is that this Congress for the past 30 years has shown no desire to control spending. Except for the 83d Congress, control of this House has been in the hands of the Democrats.

From 1950 through 1954 Federal outlays averaged 17.6 percent of gross national product. Since then they have risen steadily upward: 18.7 percent in the early 1960's, 20.1 percent in the early 1970's, and 23.0 percent of GNP when the Reagan administration took over.

The Congressional Budget Office has estimated the fiscal year 1983 deficit at $207 billion although the Treasury Department now says it might be slightly less. The fiscal 1984 deficit under the budget resolution passed in June is estimated at $192 billion. I agree. These deficits are intolerable. The question is, who is responsible?

Despite what the Democratic leadership would like the American people to believe, much of our current deficit problem goes back to the days of President Johnson's Great Society and the birth of the "entitlement" programs as we know them today. The Democratic-controlled Congress gave President Johnson everything he wanted and then some without regard for the economy's ability to provide.

Let me quote from President Johnson himself. These are comments he made at an October 5, 1965 White House meeting. I found them very revealing.

When I came in, in January (1964) I said, "I want a poverty program and I want $800 million. That's more than Roosevelt had on PWA or WPA—all those lumped together. He'd turn over in his grave if he thought we could get that much—but I got $800 million. The next year I got $1 billion $500 million. Next year I asked for $1 billion $750 million, up $250 million.

Johnson ended his talk by saying: "We haven't gone as far as we're going to go in the next two years of my office if the Good Lord is willing and the creeks don't rise."

Well, the Lord was willing, but we now are drowning in the red ink.

I ask my Democratic friends. Do you really want to control the deficit? Then do something about cost-of-living increases and entitlements. The total cumulative cost of automatic COLA's paid by this House since 1970 is $510 billion, according to the Department of Commerce. By the end of fiscal 1968 the total cumulative cost of COLA's will be $2.7 trillion.

Entitlement programs, on which COLA's have a significant impact, have had unbelievable growth. In 1965 entitlement programs cost the Federal Government $23 billion. By 1984 the cost entitlement programs will be $338 billion. That is an increase of more than 1,300 percent.

If anyone in this Chamber has a poor memory, let me remind you. These programs we are talking about were not started under President Reagan. Many were born in the Great Society. Others have been created and nurtured by the Democratic-controlled Congresses since then.

So, if nothing else, I think we can say that the spending habits of the Democratic Party since the days of the Johnson administration have been consistent.

Let us look, for example, at the debate over the first budget resolution for fiscal year 1979. It shows the Democrats in their true colors as deficit spenders.

During that debate, House Republicans offered an amendment that would have cut $13 billion in outlays from the Democratic budget resolution. The amendment represented a fundamental Republic attack on the way budgets are put together. Repub-

licans argued that you should decide the appropriate overall spending total, and then divide it up among the various programs.

The amendment was opposed by a number of Democrats who said it would eliminate needed spending programs. I think our former Republican leader in the House, John Rhodes, put it best during the debate:

"To the Democrats in Congress," John said, "Budgeting requires only an adding machine without a subtract button. Nowhere in the Democrat-engineered budget process does a fiscal policy appear."

In the end, the big spenders prevailed in 1978 with 78 percent of Democrats voting for more deficit spending, while over 99 percent of the Republicans voted for their party's efforts to promote fiscal responsibility.

Two other major efforts were made to curb runaway spending in that resolution. Our late colleague, John Ashbrook of Ohio, offered an amendment to cut HEW programs by $3.15 billion. John said his proposal was prompted by a recent report that HEW misspent between $6 and $7 billion in 1977 due to "waste, fraud, and mismanagement."

John won a surprising 198 to 189 victory on that issue. However, through parliamentary sleight-of-hand and intense overnight arm twisting the Democratic leadership managed to get and win a second vote on the Ashbrook amendment. In the end, 75 percent of Democrats voted to overturn Ashbrook and spend more, while 86 percent of the Republicans voted for fiscal prudence.

In a last ditch effort to restore fiscal responsibility, Democrat Joe Fisher offered an amendment to reduce spending across-the-board by $7 billion. He appeared to have won when the 15-minute voting period expired. However, a strenuous 10-minute effort by the Democrat leadership managed to produce enough vote changes to convert what had appeared to be a 10 or 12 vote victory margin into a 195-203 defeat. Seventy-two percent of his own Democrat party deserted Joe on that vote, while 89 percent of Republicans supported him.

Later on, during the appropriations process, our Republican colleagues CLARENCE MILLER of Ohio and SILVIO CONTE of Massachusetts offered a series of amendments to the fiscal year 1979 appropriations bills which would have provided a 2 to 5 percent across-the-board spending reduction—a modest amount. Only two of these passed, and in each case more than 60 percent of the Democrats voted against the reduction, while more than 75 percent of voting Republicans supported fiscal responsibility.

So, I ask you, Who wants to control defict spending and who does not?

Let us look at the record for 1981—the first year of the Reagan administration. During the debate on the first budget resolution for fiscal year 1982 the lines were soon drawn. The difference between the bipartisan Gramm-Latta resolution and the Democratic leadership's resolution was that ours attempted to control defict spending while they wanted more spending.

Beyond the debate in 1981 on the economic assumptions, beyond the debate on tax cuts, beyond all of that was the fact that our budget resolution mandated spending cuts of $37 billion through reconciliation. The plan of the Democratic leadership called for cuts through reconciliation of only $16 billion—less than half.

If you do not recall, let me read you a very vivid colloquoy between the chairman of the Budget Committee and the chairman of the Education and Labor Committee that took place during debate on the resolutions.

Mr. Perkins, "Now lastly in the gentleman's bill and the Latta substitute, what is the discrepancy insofar as reconciliation is concerned for all of the programs over which the House Committee on Education and Labor has jurisdiction?"

Mr. Jones, "If the gentleman will yield, under the committee resolution, the Committee on Education and Labor would reconcile $1.8 billion. Under the Latta substitute, the reconciliation required of the gentleman's committee would be $11.2 billion."

Every single House Republican saw that issue clearly and voted for the deficit-reducing Gramm-Latta resolution as did 23 percent of the Democrats. But, 74 percent of Democrats ignored the will of the American people who had themselves voted for reduced deficit spending when they elected Ronald Reagan President. Those Democrats voted for business as usual.

How important was that vote? Well let me just repeat the remarks of our Republican leader, Mr. MICHEL, as he closed debate that day:

> Let history record that today we set the pace, a new pace, and we showed them the way, a new way. But most importantly, let history record that we provided the margin of difference that changed the course of American government.

That's what we were trying to do, to change the course of Government.

But old Democratic habits do not die easily.

As the gentleman from California (Mr. LOWERY) put it so well in the debate on the first budget resolution, "Our constituents are paying more for the Government now, and enjoying it less."

Some of us may forget where the economy was back in 1981. Let me just read to you the remarks of the Chairman of the Post Office and Civil Service Committee, Mr. FORD:

> It seems to me that a prime rate of 19 or 20 percent gives us plenty to worry about. We all know what these historic high interest rates have done to the housing and automobile industries. In Michigan we do not have a recession, we have a depression.

I would just remind my friends that those "historic high interest rates" were about 5 percent in 1977 when the last Democratic administration took over. They more than tripled in 4 years. And as Chairman FORD is well aware, under the Carter administration the prime rose to 21.5 percent and the prime is now back down to 11 percent. They're building and selling cars in Michigan and Ohio again.

When we came to the reconciliation bill that year, 1981, it was the same story. Where the Republican substitute, Gramm-Latta II it was called, came up with some real controls on entitlements, the Democratic version was mostly window dressing.

We all know what the difference in those bills was. The Republican leader BOB MICHEL put it pretty accurately when he said, "Either we come to grips with the question of entitlement programs now, or we will have broken our compact with the American people."

Gramm-Latta II tightened regulations on Government programs and achieved real savings in entitlements and authorizations of $135 billion over 3 years.

Republicans voted 100 percent for reduced spending in Gramm-Latta. Only 23 percent of the Democrats joined us. If it had not passed, where would we be today? I will tell you. If the Democratic version had passed, the Federal deficit would have increased by an additional $74 billion by 1984.

That 1981 vote on Gramm-Latta II was one of the most historic votes in the past 30 years.

The record is very clear on who has voted to reduce Government spending and who has voted to increase it. The astonishing thing is how consistent it has been. I have a table which starkly illustrates what I am saying. It shows the voting patterns on some of the key votes over the past 3 years and documents the fact that the majority of the members of the other party have consistently voted to increase deficit spending while opposing all efforts by Republicans to control spending. I ask permission to include it in the RECORD at this point.

The table follows:

THE DEMOCRATS' DISMAL RECORD ON DEFICIT SPENDING

[Figures in percent]

Key vote description	Voting for reduced deficit spending	
	House Republicans	House Democrats
Key 1981 votes:		
First Budget Resolution—House Concurrent Resolution	100	26

THE DEMOCRATS' DISMAL RECORD ON DEFICIT SPENDING—Continued

[Figures in percent]

Key vote description	Voting for reduced deficit spending	
	House Republicans	House Democrats
Reconciliation—H.R. 3982	99	12
Labor-HHS Appropriation—H.R 4560	78	12
Interior Appropriation—H.R.4035	96	13
Continuing Appropriation—House Joint Resolution 357	90	14
Continuing Appropriation—House Joint Resolution 357	100	4
Key 1982 votes:		
Latta-Michel I—First Budget Resolution	90	9
Latta-Michel II—First Budget Resolution	92	19
Urgent Supplemental—Veto Override	71	9
Reconciliation—Post Office Committee	78	9
Reconciliation—Conference Report	82	39
Balanced Budget—Amendment	89	29
Key 1983 votes:		
First Budget Resolution—House Concurrent Resolution 91	98	14
First Budget Resolution—Conference Report	94	13
Emergency Housing—H.R. 1983	96	16
HUD Appropriation—H.R. 3133	76	18
Interior Appropriation—H.R. 3363	100	16
Housing Urban-Rural Appropriation—H.R. 1	83	9
Health Insurance Unemployment H.R. 3021	78	17
Trade Adjustment—H.R. 3391	90	20

But let us get back to 1981 for a minute. There were other important votes that year. The real work, as you probably remember, started when the spending bills came to the floor.

The Labor-HHS appropriations bill, the largest of our spending bills, came to the floor in 1981 $1 billion over budget. When Republicans attempted to recommit the bill—send it back to committee to come up with the required savings—88 percent of Democrats opposed us and committed themselves to yet more deficit spending.

When the Interior Department appropriations bill came to the floor $1.1 billion over budget in November, 87 percent of Democrats opposed our motion to recommit and it lost on a tie vote. Remember that? Fortunately, after threat of a veto by the President, cooler heads prevailed. We achieved a 4-percent across-the-board cut in that bill.

By the fall of 1981 an even bigger battle developed over the continuing appropriations bill. Because Congress had passed only one regular appropriations bill, and because it was obvious that even further spending reductions would be needed, the President proposed across-the-board cuts in appropriations to come up with $8.5 billion in savings.

Do you remember what happened then? The Democratic leadership decided to give the President one-quarter of the savings he needed. The opportunity to show whether we supported the President or not came on the vote to recommit. While 90 percent of Republicans supported the spending cuts, 86 percent of Democrats voted to increase deficit spending.

As I am sure we all remember, the President vetoed that bill, and most of the savings later were achieved. But when the conference report on the bill came to the floor, the act was replayed. Again we tried to send the matter back to conference. Once again 100 percent of Republicans supported the effort. Once again 96 percent of Democrats voted for higher deficit spending.

All this talk from the Democratic leadership about deficits is nothing more than an attempt to convince the American people that they must support higher taxes—taxes, the Democratic leadership promises them, will be levied against someone else. This must be done, the Democrats say, to solve the deficit problem. The truth is they want new taxes so they can spend more—not less.

Well, they first tried to use that phony argument about taxes and deficits during debate on the fiscal year 1983 budget resolution last year. I am sure you all remember last year. That was when we had no fewer than seven different resolutions on the House floor at one time and failed to pass any of them. We had to come back a month later when we finally adopted a resolution that had the lowest deficit spending of the two resolutions considered.

During the first attempt to pass a budget resolution—in May 1982—the Democrats offered us a budget calling for $19.8 billion more in nondefense spending than the President wanted. Seventy-three percent of the Democrats voted for that resolution, but it was not enough and the measure was defeated. But, despite the support of 90 percent of Republicans, the GOP measure also was defeated.

"This is horrible," complained the Democratic leadership. "We must compromise and come up with a budget resolution." Remember that? Remember the "Gang of 17"? That is what the newspapers called those who tried to negotiate a compromise between the House, the Senate, and the White House. When it failed, I was not surprised because nothing ever changed on the Democratic side.

When they came back to the floor in June, the Democratic proposal actually called for $3 billion more in spending than did their first proposal. This time they proposed cutting the deficit by reducing defense spending by $40 billion over 3 years and by raising taxes by $150 billion over 3 years to feed the spending machine.

Luckily, enough Democrats joined our side in saying, "No" to that proposal and "Yes" to the substitute I offered which cut $52 billion in deficit spending for fiscal year 1983.

As I said, I am sure you remember much of that. But I am afraid there is one thing about last year's budget resolution which many of my Democratic friends have forgotten—or pretend to forget.

During negotiations with the Senate on the conference report—and later on the tax bill—there was a general agreement that for every dollar in taxes raised there would be $3 cut from spending. That was the 3-for-1 agreement. But, what happened to those spending cuts? The tax bill was passed, but most of the promised spending cuts seem to have disappeared. In place of the promised cuts we are getting calls from the Democratic leadership for more spending and even higher taxes.

These are facts I am giving you. Go back and check the voting records.

Let me quickly go through some other key votes which clearly demonstrate the longstanding fascination the Democratic leadership has had with deficit spending.

Remember when President Reagan vetoed the supplemental appropriations bill last year? He did it for a good reason. It would have added $1.3 billion to the fiscal year 1983 deficit. When the vote came to override his veto, Republicans supported the President with a 71-percent vote while 91 percent of Democrats voted for the $1.3 billion in deficit spending.

When it came time for reconciliation, the Democrats had a new twist. Instead of one omnibus reconciliation bill, the Democratic leadership decided each committee with reconciliation instructions could have a separate vote on the House floor. This, the leadership admitted, would make it harder to achieve the mandated savings.

They were right. When the Post Office and Civil Service Committee brought its bill to the floor it called for savings of only $32 million. The budget resolution had mandated $3.2 billion. The committee had flatly rejected the cuts ordered by the resolution.

We lost that vote, but more important, the budget process was damaged in the process. Congressman Derwinski of Illinois offered the motion for the Republicans to recommit the bill; 78 percent of Republicans voted for this reduction in deficit spending while 91 percent of the Democrats supported additional deficit spending.

One way to control deficit spending, of course, is to require a balanced budget each year. Yet, last year, when Congress was given a chance to vote for a balanced budget amendment—not a commitment to a balanced budget but just a commitment to allow the American people to decide whether they wanted the budget balanced—71 percent of the Democrats in this House voted against it. The balanced budget amendment was supported by 89 percent of Republicans.

I think President Reagan stated it correctly when he said following the defeat of the amendment that: "This vote makes clear who supports a balanced budget and who does not. Voters across America should count heads and take names."

This year things are even worse. I am afraid my friends on the other side of the aisle think they can convince the American people that the budget problem is the fault of those tax cuts President Reagan wanted for them. Where would the economy be had those tax reductions not been made? Would people be going back to work? Of course not!

The Democratic leadership bulldozed through this House a budget resolution for fiscal year 1984 that they admit had two purposes: First, to repeal Gramm-Latta and restore the budget cuts in domestic programs; and second, to restore leadership control over rank and file Democrats by mandating that they vote for the Democratic budget.

Well, they succeeded. They succeeded beyond their own expectations. They got a budget that even they did not expect to be enacted, one that mandated changes in the entitlement programs such as food stamps, AFDC, and child nutrition that could add countless billions to deficit spending over the years to come.

How much will it add? Even the sponsors do not know. Can you believe that? They voted changes, and they do not know how much they will cost. Time and time again Budget Committee Democrats were asked how much these changes would cost, and they failed to come up with the answers.

Representative SILVIO CONTE called this budget resolution, "The Jealous Sister." President Reagan raised defense spending in 1981, and Chairman JONES cut defense spending in 1983. President Reagan reined in entitlements in 1981, and Chairman JONES proposed cutting them loose in 1983. President Reagan lowered taxes in 1981, and Chairman JONES proposed raising them in 1983.

The Democratic leadership got its budget resolution this year, but it has failed to live up to it or to accept responsibility for it. The leadership has let the reconciliation deadline slip by twice. It has failed to hold to its own spending ceilings, and it has failed to enact the taxes the leadership insisted upon.

When we were in conference on the budget resolution, even Senate Democrats sent word to the House Democratic leadership not to be greedy and not to persist in its attempts to ram the budget resolution through Congress. A $30 billion tax increase in 1984 would be impossible, warned DAN ROSTENKOWSKI of the House Ways and Means Committee. Added Senator RUSSELL LONG of the Senate Finance Committee:

> To try to pass a tax increase with those kind of numbers without the support of the President is just ridiculous.

But the spending appetite of the Democratic leadership could not be satisfied. They cut $9.5 billion out of defense spending and added $14 billion in domestic spending.

A new twist was the so-called reserve fund. Insisted upon by the House Democrats, it symbolizes the ultimate breakdown of the budget process this year. What message did it send to Wall Street? It said that we planned to spend $850 billion in fiscal year 1984, unless, of course, we decided to spend $858 billion.

The so-called reserve fund could not be more misnamed. There is nothing reserve about it. As soon as it was enshrined in the resolution, the House Democrats fell all over themselves to appropriate funds for these wish list programs.

In a few short weeks the Democrats in the House have just about spent everything in the reserve fund without having any idea where the money will come from. They remind me of nothing so much as a compulsive spender who goes on a credit card binge and ends up having to declare bankruptcy.

But, how is the House today holding the line on that outrageous budget resolution? It is not.

When our Republican colleague from Pennsylvania, Congressman MCDADE, offered an amendment to the Interior appropriations bill to cut funds 4 percent across-the-board, 100 percent of the Republicans supported this $300 million deficit cutting measure, while 83 percent of the Democrats opposed it.

The Democratic leadership made it clear it wanted no part in negotiating its position on the bill. Congressman WYLIE, the ranking Republican on the House Banking Committee, called the bill so excessive as to be ludicrous. The bill repudiated the 1981 Reconciliation Act by reducing the amount of income a tenant must pay toward rent in subsidized housing from 30 to 25 percent.

The average taxpayer today pays 33 percent of his income in rent. This means that he gets hit twice. He pays more for his rent than the tenant of subsidized housing, and he helps that subsidized tenant with his rent through taxes. I do not know about the rest of you, but the people in my district do not understand such arithmetic. Something is basically wrong here.

Do you remember the Vocational Rehabilitation Act? We had that one on the floor just a week ago. I am sure the majority leader remembers it. He offered a whole new title to the bill on the floor to provide for financing to educate illegal alien children. Under his plan each school district in the country would get $500 a year for each alien child. The majority leader claimed that the Supreme Court had mandated that illegal alien children must be educated and that the schools need more money to do this.

The amendment, which passed by voice vote, permits "such sums as may be necessary" to carry out its objective. But, as our colleague Congressman FISH of New York said, "Nobody can estimate the number of children this program will serve but that for every million children, it would cost the Government half a billion dollars."

There was another important amendment offered to that bill by Chairman JONES which would have lowered the authorization for the entitlement portion of the vocational rehabilitation State grant to the level authorized in the budget resolution. This would have provided an assumed 5 percent cost-of-living increase in 1985 and the outyears.

But that did not satisfy the Democratic leadership. The leadership went along with a new precedent whereby the grant program would get the entitlement plus COLA increases, plus "such sums as may be necessary" discretionary appropriation. This was despite the fact the grant program had already received an increase of 9.9 percent between 1983 and 1984 and a 9.4-percent increase between 1982 and 1983.

Clearly the purpose here was to repeal the 1981 Reconciliation Act and to make up for the caps on the grant program placed there by OBPA.

How about the Trade Adjustment Act? That was last week, too. Representative FRENZEL, of Minnesota, offered a motion to recommit—send the bill back to committee—because it was $83 million over the level of the Democrats' own budget resolution. But 80 percent of Democrats voted against the savings. Need I remind anyone that the budget resolution that bill violated is the same resolution the Democratic leadership pushed through this House last June? That was the Democratic plan for economic recovery which seems to translate into the Democratic plan for deficit spending. I might add that 90 percent of Republicans supported Mr. FRENZEL's motion.

Just because the economy is improving is no reason in the eyes of the House Democratic leadership to stop the spending machine. The emergency housing assistance bill was pulled from the House floor several times because the problem of foreclosure on homes was fast becoming a nonissue as the recovery gained strength. Even some Democrats feared it provided relief to the undeserving.

But that did not stop it. Efforts to cut the bill's cost in half were defeated by voice vote, even as Representative WYLIE warned that the program could easily become an entitlement program. "Boy, will your mail burn if your next door neighbor is left out and somebody across the street is paid government money to pay their mortgage," he warned.

In the end, 84 percent of the Democrats voted to add new deficit spending while 96 percent of the Republicans had the courage to vote against the bill.

And, how about health insurance for the unemployed? For all their moaning about the growth of nonmeans tested entitlements, the Democratic leadership could just not keep its authorizing committees from turning the measure into a kind of entitlement—in this case one in the form of a block grant to the States.

Now, had we had some cooperation around here, we could have had a good bill to help those really in need. But no, the Congress had to produce a bill that Congressman CONTE complained would serve "a relatively affluent group of Americans" who lost their well-paying jobs, while leaving the minimum wage worker without help.

Congressman TAUKE of Iowa, a Republican who was sympathetic to the bill, tried to make it subject to an appropriation. He failed with 83 percent of the Democrats voting against him and for more deficit spending.

And so it goes. Last week we were told that the country needs a $3.5 billion jobs bill to create public works employment for the unemployed. This came at a time when the economic recovery is producing an average of 400,000 new jobs in the private sector each month—10 times as many as would be produced under the bill.

But the Democratic leadership said the bill must be passed quickly and House Democrats followed orders with 87 percent of them voting to spend the money.

That brings us up to yesterday when the House passed the continuing appropriations bill. That bill contained a little item that particularly concerns me, and is an excellent example of how a program can get out of hand.

When the Congress established the Legal Services Corporation, the intent was that it would provide individual legal representation for the poor. Instead, the Corporation now spends much of its efforts in class action suits and lobbying efforts in an attempt to thwart the will of Congress. In recent weeks the newspapers have been full of stories about how Legal Services has been engaging in blatant lobbying efforts at the expense of representing the poor.

Under the circumstances, you would think that stricter rules against lobbying would be written into its charter, and that its budget would be cut in order to make these lobbying activities more difficult.

But, no, the Democratic leadership is attempting to weaken the antilobbying provisions in the reauthorizing legislation for the Legal Services Corporation.

The Democratic leadership also is rewarding Legal Services financially for violating the law. Instead of freezing its funds, the continuing resolution passed yesterday provides for a $50 million increase from $241 million in fiscal year 1983 to $290 million in fiscal year 1984. This is a 21-percent increase in 1 year. Few, if any, other items in the budget have been treated so generously.

How about this morning? The House adopted the Federal supplemental compensatin bill which extends Federal unemployment benefits for 45 days at a cost of $1.2 billion and liberalizes the benefits at a cost of $6 billion if extended 18 months. It doubles the number of weeks that are made available in the original September 1982 program.

Congressman CAMPBELL of South Carolina offered a motion to recomit. Need I tell you how it came out? Democrats voted against it—93 percent of them—while 78 percent of Republicans voted to support Congressman CAMPBELL.

As I said, the record is all there in black and white.

I do not believe it is as easy to fool the American people as the Democratic leadership seems to believe. The American people know who is responsible for voting for all of these spending bills which have caused the deficits in force today.

□ 2020

Mr. LOTT. Mr. Speaker, I now yield to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman especially for his interest in this special order tonight that is indeed commencing I think clearly to demonstrate that the record can indeed be set straight.

Mr. Speaker, after many years of ignoring the deficit, the partisans of the Democratic Pary have discovered it, and hope to make a political issue out of it. This is truly a remarkable situation. A party that has fought and continues to fight for every domestic spending program that can be devised without regard to the consequences to the economy now claims to be the watchdog of the American purse. I sincerely do not believe that the American people will for a minute accept the notion that Ronald Reagan is spending us into bankruptcy while the House Democrats are counting pennies.

The idea that they could pass themselves off as concerned with budget deficits is mindful of those propagandists who espouse the theory of the "big lie." If you absolutely ignore what stands in front of all and claim instead what is clearly untrue or unreal, there are bound to be people that will be unable to accept the fact that anyone could lie on such a scale and actually begin to believe the untruth.

What is truly unfortunate is that the deficits have not been harmless. In fact, unaffordable Government spending with or without deficits is not harmless. The spending of the last 20 years has accomplished nothing else but secured the reelection of many Members of Congress who have exchanged promises of more social spending for votes. But at the same time they have created the misery, the hunger, and the unemployment today that they now claim cries out for more spending.

The argument is not very complicated. They would have us believe that President Reagan has created the deficit by large increases in military spending and tax policies that have drained the National Treasury. Let us just take a quick look at the fact.

Are we spending too much on the military as opposed to social spending? In fact the percentages of Federal budget devoted to these two areas are just about the reverse of what they were when John Kennedy was President. It was during the administration of Richard Nixon that we first spent more than half of the budget on social needs. The defense budget proposed by President Reagan even if fully enacted would not have brought the Pentagon share of the Federal budget above 30 percent.

Those Democrats who have come out for the most dramatic reductions in military spending have suggested that $50 billion could be reduced but this would result in every procurement program being junked and a dramatic reduction is the size and capability of our Armed Forces. In fact, very few have gone this far and those who have probably do not really believe such a reduction prudent or even sane in the light of world events. But even a reduction of this amount would not solve our budget deficit. We would still be looking at $200 billion in a few years.

Where is the rest of the money going to come from? From taxes of course. We are told that the 1981 Tax Act is the culprit and that the rich have somehow made off with the Treasury of the United States. As painful as it may be for some, let us look at the facts.

The 1981 act would have reduced taxes by $1.138 trillion over 8 years. But since that time we have seen social security payroll taxes increased by $270 billion, bracket creep brings in another $439 billion, the 1982 act took back $281 billion of the 1981 act. The gas tax passed last year will bring in $21 billion. That means that the net tax cut over 8 years is about $77 billion. Compare that with deficits in the area of $200 billion per year and the accusation that Americans are getting

away with something falls a little flat. Add to this the fact that both the House Ways and Means Committee and the Senate Finance Committee are currently engaged in a process that is certain to yield more taxes and it is not an exaggeration to say that by the end of this year the 1981 Tax Act will have been entirely consumed.

A cornerstone of the Democratic deficit campaign is this notion of low taxes but in fact by any standard Americans are paying more and will continue to pay more than ever before. As a percentage of GNP Federal tax revenues rose from 18.2 percent in 1976 to 20.9 percent in 1981—the highest level since 1944. From 1983 through 1986 the percentage of GNP will average about 19.2 percent. This compares with the sixties when the average was 18.6 percent. The average for the seventies was 18.9 percent. Again these figures do not contemplate any further increases in taxes but increases I am certain will occur.

If the new foes of the deficit were honest they would point out that what they really want to see is higher taxes on working people so that they will have more dollars to fund politically popular spending programs that will insure their reelection. They do not really want to see the defense budget reduced. Even Senator CRANSTON wants the B-1 bomber as long as it is built in California. They do not mind higher taxes on America's working people. With the top 50 percent paying 93 percent of the taxes it is relatively easy to get away with punishing our society's most productive citizens and still get a majority of the votes. But even those who do not pay taxes or who pay a very small amount ought to be indignant over the efforts of those who would seek to increase taxes.

The greatest cause of unemployment today is not because Government does not spend enough money but because it has sought to tax so much. Those American industries that have been on the ropes during the last few years are there because they did not have the capital to modernize and compete. Our Government has pursued tax policies that frustrate exports just as surely as Japan and other countries have pursued policies that encourage exports.

The human misery of our cities can very much be laid at the feet of a government that tried to do too much. The high interest rates of recent years have brought about unemployment in all parts of our country but no doubt have had their greatest impact in urban, manufacturing areas.

I am not really concerned with this new partisan effort to rewrite history. The American people—even those who favor greater social spending—know who spends and who saves. How can a party that has railed against the so-called cuts in social spending of the Reagan administration, and who respond with ever greater budgets, be believed when they don the role of fiscal integrity?

How can a party that has fought tax reductions for the working men and women time and again hope to be believed when they claim their tax policies are in the best interests of those same folks?

The American people will see the effort for what it is. The big lie. And I cannot imagine they will find it a comforting notion to get behind a party that wants to raise their taxes, disarm a military that stands between this country's freedom and a mentality that murders as casually as it did when it shot down a civilian airliner, and expand upon a myriad of social programs that have accomplished little at enormous cost.

In the recent months we have seen more real jobs created in the private sector by virtue of the economic recovery than have been created and could be created by every so-called jobs programs as yet devised. It is true, the jobs the recovery is responsible for are real jobs, jobs with a future, and jobs which can support a family. The jobs contemplated under the various schemes presented before this body in the last year would have been dead-end jobs that would contribute to a lack of self-respect by the people who possessed them. The fact that the recipient of the Government-created job could look to Congress for thanks would have meant little to these people because they would know that these jobs gave them no future and no hope for advancement.

The American people are smarter than some would believe. The sales pitches of the born-again budget balancers will be ignored by a people too busy enjoying the excitement of a recovery fueled by lower interest rates, great increases in purchasing power, and the lowest inflation in 17 years.

If they can figure out a way to convince working people whose average real hourly earnings fell between 1978 and 1981 by 8.5 percent and which rose in 1982 for the first time in 4 years that their lot would be improved by raising taxes and spending, then I say good luck. You will need it.

Unemployment rose from 6 percent to 8 percent during the Carter years—a 33⅓-percent increase from 6 million to 8 million people. Acknowledging the cycle of 21½-percent interest rates—13-percent inflation rates—the legacy of lower but accelerating deficits produced this result. At $25 to $32 billion in revenues for each 1 percent of unemployment, $100 billion, at least, of the deficit would never had occurred.

□ 2030

Mr. LATTA. Will the gentleman yield?

Mr. LOTT. I am happy to yield.

Mr. LATTA. I want to thank the gentleman from Nebraska (Mr. DAUB) and commend him for the remarks he is making.

Before we go on to the next subject I would like to ask a question to clarify the matter of taxes. We hear the statement being made from the other side that that tax bill was for the rich. Did not every single taxpayer get the same rate reduction?

Mr. DAUB. The rate of marginal reduction was the same for every single working person in America.

Mr. LATTA. I wonder how they can make this claim when every taxpayer first got that 5 percent, even though the President had requested the 10 percent retroactive until January 1 and the Democratic-controlled Ways and Means Committee gave them 5 percent effective the 1st of October, which meant for that whole year they got 1¼ percent.

Everybody got that 1¼ percent, did they not?

Mr. DAUB. The gentleman is correct.

Mr. LATTA. Whether the richest or the poorest taxpayer, every taxpayer got the same amount.

Mr. DAUB. That is correct.

Mr. LATTA. The second year the President requested a 10-percent tax reduction the first of the year. The Democratic-controlled Ways and Means Committee said you will have it in July, July 1, so that cut that 10 percent in half for the year and made it 5 percent.

Mr. DAUB. The gentleman is correct.

Mr. LATTA. But everybody, rich, poor, alike, who are taxpayers got the same rate reduction; is that correct?

Mr. DAUB. Absolutely fair, and the gentleman is correct.

Mr. LATTA. Then for the third year they amended the President's tax proposal. he wanted an effective 10 percent the first of the year and the Democratic-controlled Ways and Means Committee made it effective the first of July of this year.

Mr. DAUB. The gentleman is correct.

Mr. LATTA. So everybody gets that 5 percent evened out for the whole year, this year, rich and poor taxpayers alike; is that correct?

Mr. DAUB. The gentleman is absolutely correct.

Mr. LATTA. I just thought I ought to set the record straight.

I thank the gentleman for his comments.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from California.

Mr. PASHAYAN. I would say to the gentleman, as a member of the California delegation of this esteemed body that he is not saying that the in-

terests of the State of California are put above the national interests in regard to the B-1 bomber?

Mr. DAUB. I thank the gentleman for his question.

The SPEAKER pro tempore. If the gentleman will suspend, please, the Chair is advised that Members should not refer to any specific Member of the other body nor the other body other than by the term "the other body."

The gentleman should revise his remarks.

Mr. DAUB. I want to thank the gentleman for his question. The record was doublechecked and it does appear that is true.

I thank the gentleman again for this special order and for the time.

Mr. LOTT. Mr. Speaker, I now yield to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. Mr. Speaker, I welcome this opportunity to rise and speak tonight on the problem of Federal budget deficits. The Republican leadership of the House is to be commended for having the wisdom to set aside special time for discussion of this serious national issue. Further, I believe this to be a most appropriate and timely occasion for this discussion, as the Congress is now faced with some difficult budgetary choices with severe economic short-term as well as long-term ramifications.

I was not a Member of this distinguished body during the now famous debates on the Gramm-Latta budget resolutions of the 97th Congress. I do understand, however, that there existed a truly bipartisan concensus on the need for cutting the growth of Federal spending. It is also my understanding that this concensus was successful in making some real and necessary reductions in Federal outlays. These savings were accomplished despite some severe structural problems in the congressional budget process, and in entitlement programs with their built-in spending increases. Furthermore, these reductions were made despite the impassioned cries from protectors of special programs and special interests. This body acted out of concern for the larger economic health of the Nation—and in the process reversed a generation of tax and spend, high-deficit Congresses.

Critics of the legislative branch were temporarily stunned. Perhaps, they said, our elected Representatives have seen the light and are making long-overdue corrections. As we have all seen, record high interest and inflation rates returned to comprehensible levels, real economic growth increased, and progress was made in expanding employment roles.

This is why it is all the more disturbing to find that this consensus has eroded here in the 98th Congress. Is this body going to prove its critics correct by not carrying out the remainder of the battle? Has this body refocused its attention upon pet projects and appeasing special interests? I certainly hope it has not. The House committee-approved appropriations bills have repeatedly been millions and billions of dollars over President Reagan's budget requests. At a time when the economy is gaining strength, the Democratically controlled House is abandoning the President's recovery program. For my part, I have found few major spending bills that I have been able to wholeheartedly support. Despite the direct benefits these measures have to my district, I cannot in good conscience approve overbudget expenditures which are in a larger sense damaging to the Nation's economic health. My constituents understand that reasonable sacrifices will have to be made. They also understand that the Congress needs to exercise further discipline in controlling spending, and in cutting areas of waste, fraud, and abuse. These must be understood to be ongoing concerns, not one-time projects.

I would like to take this opportunity to urge a renewed spirit of responsibility and leadershp in my fellow colleagues on both sides of the aisle. As we continue to carry out our responsibilities in our committees, as well as in the use of our voting cards, I would like to emphasize an awareness of the larger fiscal consequences of these day-to-day activities. Perhaps more importantly, however, I would like to urge my colleagues to focus attention upon constructive approaches to addressing the deficit problem. True leadership by all is extremely important at this time as the Congress is in the midst of a difficult juncture. Individually or collectively, we can continue to improve upon recent successes, or we can take a step backwards for electoral or special interest considerations. I would hope that my colleagues are aware of the choices we are currently faced with. Please, let us respect the intelligence of our constituents, put partisanship and special concerns aside, and make some real progress on Federal deficits. The high road is available for traffic—let us choose as a body to take it.

□ 2040

Mr. LOTT. Mr. Speaker, I want to take this opportunity to thank the gentlewoman from Nevada (Mrs. VUCANOVICH) for her very fine remarks. She is certainly a most valued Member of the House of Representatives and is going to make a tremendous contribution in the process as we go forward in the next year and a half.

At this time I would like to yield to the gentleman from California (Mr. MCCANDLESS).

Mr. MCCANDLESS. Mr. Speaker, after reading the intent of the Democrats to place the blame for the budget deficit on Republicans, I was amazed. Absolutely amazed. For almost 3 years, the Democratic Party has been deriding the Republican Party for its budgetary austerity, claiming that to keep spending down is cruel and inhuman. Now the Democrats are blaming us for the deficit which is caused by Government spending.

In trying to understand the Democrats' rationale blaming the deficit on Republicans, I went back and examined my own voting record this year.

I found there have been votes on 13 appropriations bills, including a supplemental and the continuing resolution, plus the 1984 budget resolution. Of these 14, I could not agree with 13. The one exception was the energy and water appropriation bill which provided for a general 3 percent reduction in most of the bill's programs.

I voted against the others for the same reason: excessive spending levels.

All were drafted in the Democratic Party mode of thinking: spend, spend, spend, tax, tax, tax.

I also want to point out that all House committees are controlled by Democrats. The most Republican House Members, such as myself, could hope for was compromise legislation. That is hardly any consolation.

After concluding that the decision to blame Republicans for the deficit could not be based on our spending patterns, I set out to examine the revenue side of the issue.

The Republican Party stood united against the repeal of the third year of the tax cut and, in general we do not want to repeal tax indexing.

But, the notion that raising taxes to reduce the defict will also encourage savings to finance capital formation is ridiculous and wrong. History bears out the fact that tax increases inhibit private savings and crowd out capital formation.

For example, the income tax surcharge enacted in 1968 caused savings as a percentage of the GNP to fall during the surcharge years by twice the amount of revenue raised.

Also, most all taxes raise the cost for providing labor or capital services by increasing the cost of production.

How this can possibly promote and maintain economic recovery is unknown to me.

The essence of recovery is to increase production and, hence, output and income.

Raising the cost of production by increasing taxes only burdens an already strained economy, rather than helping it.

In the end, higher taxes will lead to larger deficits by shutting off the economy's means of growth.

In conclusion, after thinking about this, I was no closer to understanding

how the Republicans caused the deficit than I was when I began.

Be assured, that if I ever come up with an answer, I will be back on the floor of the House the very next morning to explain this mystery to my colleagues.

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAEFER).

Mr. SCHAEFER. Mr. Speaker, I read with surprise and concern the Newsweek article about the impending Democractic campagin to take the Federal budget deficit problem, one of our most pressing national dilemmas, and damage the chances for bipartisan efforts to solve the problem by politicizing the issue.

Why the surprise? Because the Democrats have as much to do with our current deficits as anyone. Newsweek's dubbing them born-again deficit-fighting Democrats is appropriate, because their past activities have certainly helped create the problem and I have seen no indication that they have magical solutions of their own.

That is why I am concerned. The tax-and-spend policies that the Democrats gave us for the best part of the last 50 years brought economic growth to a grinding halt during the Carter administration. Couple that with estimates that their fiscal policy would have left deficits today of around $200 billion, and I think it is obvious that we took the right course: The economy grew at an annual rate of 9.2 percent during the second quarter—the fastest quarterly growth in 5 years.

Inflation during the Democrat administration hit 13.3 percent and was running out of control, severely damaging the economy and threatening our society. The Reagan administration put on the brakes and reduced inflation to its current level below 5 percent. Admittedly, the Carter administration left us with an unemployment rate of 7.4 percent, which has risen to 9.5 percent, but their misery index, inflation plus unemployment, of 19.1 percent has dropped about 5 percentage points since the new administration took office. Apparently, if we followed the advice of our Democrat colleagues, we would be worse off today.

The Reagan administration has set upon a fiscal policy that reduces the Federal Government's role in free markets and has given, through tax reductions, new incentive to productivity in our economy. I think huge tax increases, suggested by many of my Democrat colleagues, would come at a significant cost to our economic recovery. This would be a foolish mistake when, by reducing Federal spending, we can fight the deficit problem, provide additional incentives to free enterprise, and build upon the economic progress we have made.

Today I would like to ask those who Newsweek calls born again deficit fighters to prove their faith not with polarizing rhetoric but with responsible legislative actions and a show of fiscal restraint.

□ 2050

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I believe that the discussion by the Democrats regarding their shock and disgust at the large deficits was surely done tongue in cheek. It seems that the Democrats are rapidly running out of issues on which to criticize the President and are now attempting to create a new hysteria over the deficit situation. We were deluged with rhetoric on the deficit levels and how these deficits can all be traced to President Reagan's unwillingness to support major tax increases.

There may exist some sort of humorous irony in noting that the Members who are currently wringing their hands over the deficit are the same politicians who, time after time, continue to vote for billions of dollars of funding increases for spending programs. However, there is little humor in the fact that, although they are in the best position to initiate a bipartisan effort to reduce the deficit, the Democrats instead find it easier simply to continue with their tradition of spending increases. While they point and scream at the so-called Reagan deficits, the only alternative they offer is a return to the spending programs and the failed economic policies of the past 25 years.

I think it is obvious to everyone that a hypocritical attempt to blame the President for the deficits is a thinly disguised cover to draw attention away from the benefits that the economic recovery is now bringing to every segment of society. Lower inflation rates, lower tax rates, lower interest rates, and renewed confidence within the private sector are the undeniable results of President Reagan's economic recovery plan. These are the factors that are leading to real growth, prosperity, and a better standard of living for all Americans.

The hundreds of Government-spending programs, each with its special-interest groups and interested constituency, are great for getting votes and for sustaining the egos of politicians. Admittedly, it is difficult to resist the emotional pleas of those interest groups and it is not enjoyable being labeled as uncompassionate. But, I would suggest that if we are truly concerned about long-lasting benefits for all our constituencies, we will not increase Government spending, we will not politicize serious issues, and we will work together to bring down the existing budget deficits.

Mr. LOTT. Mr. Speaker, I yield to the gentleman from California (Mr. PASHAYAN).

Mr. PASHAYAN. Mr. Speaker, since the Federal budget has not been balanced in the last 15 years and the public debt stands at $1.3 trillion, it is something of an understatement to say that it is time to take a serious look at the problem. I am pleased that my colleagues on the other side of the aisle seem to share the opinion that deficit spending is not all that it is cracked up to be, something that many of us here have been concerned about ever since balanced budgets went out of vogue. I trust that this new interest in deficits will allow us to work in a spirit that is necessary if we are to take any constructive action to contain them—a spirit founded in the Republican approach to government.

Deficit spending is the result of Federal spending that is out of control. Federal spending continues to grow as a share of the gross national product. Two-thirds of the budget are spent on open-ended social entitlement programs and interest payments on the national debt. It is the Democrats who have preferred to curtail entitlements. Contrary to what some of my colleagues would have us believe, this condition was not created by this administration but by the majority political party in the Congresses of the past who believed mistakenly that our working taxpayers could always carry the burden of increasing taxes and Federal spending. Unfortunately, growth in Government spending has exceeded growth in the economy. Today, we are faced with a $200 billion deficit for this fiscal year and the prospect of an accumulated deficit of $1.3 trillion over the next 5 years, if no action is taken.

But raising taxes in order to reduce the deficit and balance the budget is not the answer. Despite the fact that tax revenues have increased 193 times over the last 52 years and that Congress has raised the tax burden 30 times in real terms, the budget has been balanced only 8 times. I am aware that, politically, voting to reduce spending is painful to say the least. But unless we are willing to confront the tough choices such as entitlement reform and make a commitment to balanced budgets, talking about the problem is not going to solve it.

One solution is to approve a budget that cuts spending equally across the board so that no program or programs are singled out for cuts while others are increased. If this approach is the fairest way to deal with spending reductions on a comprehensive basis and offers the best possibility of regaining control over the budget for the short- and long-term, then let us do it.

Across-the-board spending cuts, however, shall require across-the-board bipartisan support.

But from what I have heard from the Democratic Members tonight, their one-half of the equation will be missing—again, as always.

Mr. LOTT. Mr. Speaker, as we wrap up this first hour of discussion on the economy and the deficit, I want to advise our colleagues we will have at least another hour, and even another one after that, if necessary. But for the Democrats to talk about the deficit, to complain that the deficit is being created by any other individual or group is unbelievable hypocrisy and fraud. I think we should give them the Golden Goose Award. And I might suggest that we select some of our Democratic colleagues who have been speaking on the deficit as recipients of this Golden Goose Award.

As a matter of fact, since the beginning of the year, the Democratic majority here in the House has voted consistently to increase deficit spending. In 21 major deficit spending votes this year, a vast majority of the Democrats have voted to increase deficit spending by a total of $49.5 billion.

But let us be positive. I have been around here 15 years, beginning as a staff member, and 11 of those 15 years as a Member of Congress, and I have watched the Democrats year, after year, after year add to the deficit with Federal spending, and more spending, and more spending. And if it got a little bit too high, raise taxes, and raise more taxes. That is always the answer.

Now, some people are saying: "Well, if you cannot control the spending, let us just go out and borrow it." That is not the answer either. Let us not deal with the deficit by raising taxes, the way it is always tried to be done, and not very successfully, or borrowing money either. Let us cut Federal spending. That is the answer. That is where the problem is.

THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LOEFFLER) is recognized for 60 minutes.

Mr. LOEFFLER. Mr. Speaker, I rise this evening to continue the debate with respect to the transparent facade that is now being placed before us by the Democratic Party in this Chamber.

It is indeed ironic that those who are now saying the deficit is a problem are the very ones who put it into place. And I guess one could say a positive note, that the liberal Members of this body have finally recognized that a deficit is a problem and that deficit spending does cause the inertia that brings down an economy. So I applaud them. But then I would like to say: "Please learn the solution to the deficit." And the solution is not greater spending and greater taxes. It is restraint of Government here in Washington.

I must recall, just for a moment, what happened during the budget process earlier this year, for fiscal year 1984, and that is that in the Budget Committee, on which I serve, the Democratic majority came up then with what I suspect is a blueprint for their address to reducing the deficit. Over 5 years, as compared to what the President asked for Congress to consider, the Democratic majority in the Budget Committee said: "We will increase domestic spending over and above what the President asked for by $181 billion. We will increase taxes over that 5-year period by $235 billion," and in the end they will drive up the deficit even higher because by doing that we choke down the ability of an economy to provide the assets and characteristics that are necessary to bring about real and lasting jobs, an economy that can allow productivity to increase, an economy that is not confiscated by the choking of high tax policies.

□ 2100

Indeed, this evening then it is those of us who are responsible and who are concerned who say: "Look out, America. Here comes the transparent facade of rhetoric."

Now, if you want to hone it down a little bit more, America, look at the budget resolution that was passed by this body ultimately that gives you an indication of what the majority reflects here, and that is, for a 3-year period of fiscal year 1984, fiscal year 1985, and fiscal year 1986, the liberal element of this body has called for an increase in domestic spending of $77 billion and an increase in taxes of $73 billion. This all points out the fact that while they are now talking about the deficit, they do not know how to deal with it, because they are going to continue to increase Federal spending the they are going to continue to increase taxes if they have their way.

This evening, I stand before each and everyone in this body to say, over my dead body will they have their way.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, it is incredible and outrageous that the leading Democrats have the unmitigated gall to try to blame President Reagan and the Republicans for our staggering deficits. For all but a couple of the last 40 years, the Democrats have controlled this Congress and dictated a national agenda of bigger government.

Their runaway tax and spend policies put in motion a runaway train, accumulating a trillion dollar public debt by 1981, and this runaway train's momentum is so great that we are headed for the second trillion dollars by 1986, in just 5 years, with the deficits the way they are.

All of this is happening despite the best efforts of President Reagan and the Republican minority in the U.S. House. It is happening because Democrats fail to understand the cause of record deficits and fail to understand the reason why deficits are a problem and why they are bad. We are told that taxes are too low and need to be raised. I think our taxpaying constituents disagree. We are told that defense spending is too high. I think that those who serve our country's defense, using equipment older than they are, would disagree.

Deficits thrive because social spending is uncontrolled and taxes cannot keep pace. We can raise revenues all we want, but we will not lower the deficit 1 cent unless we control social spending.

From 1976 to 1981, revenues increased by $300 billion, or 100 percent, but the Federal debt actually grew $361 billion. It is easy to see how this can happen when we recall the vote in the 1984 concurrent budget resolution just this year. Democrats overwhelmingly supported this bill which raised taxes by $10 billion, cut defense by $12 billion, but increased the deficit by $13 billion.

How could this happen? It is simple. We added another $29 billion to social spending. You cannot have a solution if you are blind to the problem, and until my colleagues from the other side of the aisle open their eyes, all Americans, especially low- and middle-income Americans, will suffer the consequences.

The real interesting problem in all of this is the fact that they do not seem to see why deficits are bad. Deficits are bad or evil in our country today because they are one of three ways that the Federal Government has been taking money out of the American pocket and absorbing it out of our economy so there is not enough credit and not enough money to go around for you and I and businesses in this country to borrow and spend. The absorption, according to Business Week a few months ago, is as great as 70 percent of the entire pie of all money that is available in this country. Now, the Chairman of the Federal Reserve Bank says that may be a little high, but he says it is somewhere a little over 50 percent. It does not make any difference whether it is 50 percent or 70 percent. We were only taking out an average of about 6 percent a year of all the available money and credit in this country, the Federal Govern-

ment was just taking about 6 percent a year, in the 1960's and now we are taking out somewhere between 50 and 70 percent.

The real crux of this problem is that when we take that amount of money out of the economy, and the laws of supply and demand come into play, and money is a commodity, the price of money is going to go up, and the price of money is interest rates. If they do not go up and if we do not have a tight money supply like the Fed let happen over year after year after year in previous recessions when these tax and spend policies were running rampant, we have inflation because we create more money. More money means inflation.

So we either have high inflation or high interest rates, or we have both, which we had when President Reagan took office in 1981.

The gist of this is very simple: Economists can talk all they want about the complexities of it, but the simple fact is, the problem we face today is the fact that there are three ways: One of the three ways, we are taking all of this money out of the economy. We are borrowing to cover the deficit, yes, but we are equally borrowing almost an exact amount for off-budget items that are not even counted on the budget, and the Democrats on this side of the aisle are quick to add to those as well.

Then there is a third way, besides borrowing to cover the deficits and besides borrowing to cover off-budget items, that we take money out of the economy. The third way is, very simply, by raising taxes.

So we get down to robbing Peter to pay Paul. We raise taxes. That is what the Democrats say they want to do to balance the budget. But when we have a $200 billion deficit, are we going to raise taxes by $200 billion? Are we going to cut spending on the defense side of the ledger by anything close to that? The answer is, of course not.

I do not think most Americans realize on the defense side of the ledger that in this fiscal year that we are now ending tomorrow, in this fiscal year, in real dollars, we will have spent less on defense than we spent in 1969, the last year we had a balanced budget. Over the last 20 years we have doubled social spending in this country as a portion of the budget and we have cut in half defense spending.

So we cannot take it out of defense, and we cannot realistically get it by raising taxes, by robbing Peter to pay Paul.

Then there are those economists who want to say, well, it is better to raise taxes than it is to have these deficits going on and borrow. Maybe that is true for $10 billion. Maybe it is true for $20 billion. But as Everett Dirksen used to say, when you raise a dollar here and a dollar there, a million here and a million there, a billion here, pretty soon you have real money.

I will tell you, folks, when we get to the point we have these trillion dollar debts, $200 billion deficits, we cannot begin to do that. We have to cut spending, and that is what the Democrats do not want to face. That is what they have not been willing to do. It is their tax and spend, tax and spend programs that is going on and on, and this program they are launching off tomorrow is just more of exactly the same. Tax and spend, tax and spend, cloaked in another name, in the name of somehow solving the deficit problem, when the real problem is not just deficits; it is what they cause. There is no solution going to come about until we face the real problem, and that is overspending by this great big Government of ours. That side of the aisle over there has not been willing to face up to it. I do not think the American public is going to be fooled by their campaign now. We need to get some commonsense back into this body and do what is right to balance the budget.

GENERAL LEAVE

Mr. LOEFFLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the distinguished gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I want to thank my illustrious colleague for allowing me some time to discuss this. We have heard some very eloquent remarks from my predecessors up here at the microphone, and I will not take much time, but I would like to just make a few points.

I hope this House is not polarized by this debate. It seems to have been hot and heavy tonight. I know that the Democrat opposition left the Chamber, some of them, in quite a heated state, and I hope that that does not mean that we are going to have real problems in reaching agreement on some very important issues in the future.

Since 1938, the year I was born, and I do not admit that very often, this House has been controlled by the opposition party for all but 4 of those years, and yet they point the finger at the Republican President in the White House and tell us that he is responsible for the huge deficits and the economic problems we are facing today. That could not be further from the truth. The majority party in this House has added between $40 billion and $50 billion to what the administration has requested this year, $40 billion to $50 billion, and yet they have the unmitigated gall to tell this House and the people of this country who are watching tonight that the President of the United States is responsible for the deficits and for the economic problems we are facing.

□ 2110

The President was so concerned about the problems facing this country and because of the overspending policies of this House that he asked Members of this House to sign a letter guaranteeing that he would have the votes necessary to sustain a veto should he veto these budget-busting bills, and I was one of 146 members of the Republican Party who, along with a few responsible Democrats, signed that letter to make sure we would have fiscal responsibility.

I will tell the Members that one of the best organizations in this country to listen to when we talk about big spenders is the National Taxpayers Union. They have done an analysis of the Members who are voting in this body on all the spending bills that have come before us this year, and the 25 percent, the biggest spenders of this House, the 25 percent which are the highest spenders, the biggest spenders in this body, are all members of the Democratic majority. They are all members of the Democratic Party.

So when they tell us they are being fiscally responsible, look at the record. Look at the National Taxpayers Union's records which are available for public consumption, and you will see without any doubt that they are the ones who are taking us down the economic drain.

Why do we have huge deficits in this country? Obviously we have huge deficits in this country because we are seeing big spending policies on the part of the majority in this House.

But in addition to that, we must look to the previous administration to see what happened when it was in power. When Jimmy Carter was President of the United States, we saw inflation go to 13-plus percent. Interest rates went to 21½ percent. When interest rates went to 21½ percent, people quit buying cars, people quit buying houses, and people quit buying refrigerators and big ticket items. And when they quit buying those big ticket items, the people who made those big ticket items—cars, houses, refrigerators, appliances, whatever they happened to be—started laying people off because they could not sell their products, they certainly were not going to make them. And the unemployment rate went up because of the economic policies of the Carter administration, and as a result we saw unemployment go to 11-plus percent.

The normal unemployment rate in this country has been 4 to 6 percent. So we are at least 5 percent above what the normal unemployment rates were, and for each 1 percent of unemployment it costs this country $30 billion. So I submit that at least $150 billion of the economic problem in this deficit we face today is directly attributable to the previous administration, and we must do everything in our power to make sure that this does not occur in the future.

I hope the Democratic Party in the House will join with the Republican Party to make sure that this does not recur, because if we do not get together and cut spending, then the problems we faced in the past will be a cakewalk compared to the problems we will face in the future. I predict that we will see interst rates above 21½ percent, inflation rates above 13 to 14 percent, and unemployment above 11 to 12 percent if we do not get spending under control. All of the economic leaders of this country agree with that.

The No. 1 problem facing America is the huge Federal deficit, and the problem will not be solved until the members of the Democratic Party in this House start accepting their responsibilities.

Mr. BROWN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the distinguished gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker, I listened to the first hour of this debate with some care. I must say frankly that I have seldom heard someone speak the opposite of the truth with such precision.

The Democratic leadership, which has led the fight on this very floor for higher and higher spending, appeared as born-again advocates of reducing the deficits.

Let us not make any mistake about it. I think the vast majority of Republicans and Democrats in this country want a balanced budget. But let us not be deceived. The Democratic leadership has fought for enormous increases in spending and higher deficits.

As the Members know, we have a budget process that limits spending. We are required to vote to waive that budget whenever we exceed it. Those votes are nothing more than a response to the question, "Will you waive the requirements of the Budget Act? Are you willing to spend money on a project that has not been authorized? Are you willing to spend more than the budget calls for?

With the enormous increase cranked into that budget, who would be willing to exceed the budget? The truth is that this body has done that consistently. As I watched the first hour of debate, I checked the record of recent months. Here is what the record shows: There have been eight times in recent months when this body has voted to waive the Budget Act. Six of those votes were record votes.

The Members who spoke earlier tonight have a record on those votes. Each and every one of them has voted on those issues or has had an opportunity to vote on those issues.

On four of those six votes, there was a difference in how the parties voted. In each one of those four instances, the Democratic Party voted by a large majority to waive the Budget Act and the Republican Party members voted by a large majority to stay within the Budget Act. The record is clear. It could not be clearer.

The gentleman who led the presentation tonight, on our six recent votes on whether or not to waive the Budget Act voted five out of six times to waive the budget. And on the sixth time he did not vote.

Do you really believe that that gentleman wants to stay within the budget, that he wants to reduce the deficit? The American people know better.

The first election I voted in was in 1962. I suppose each of us remembers the time when we first had an opportunity to cast a ballot. In 1962, the budget of this country was just over $100 billion.

I have heard so many times in recent years on this very floor that the American people are undertaxed. But in the 21 years since 1962 the taxes on working men and women of America have gone up almost sixfold. That is right, we now pay almost six times the taxes we paid in 1962.

Is there anyone who honestly believes that the American working men and women are undertaxed? The truth is we are overtaxed. The reason we have an enormous deficit is not because we have been unwilling to tax the American people. We have taxed working men and women far more than we should.

Part of our economic problems come from the disincentives for working Americans involved in taxes. The truth is that we have a deficit not because we fail to tax but because we fail to control spending.

Spending now is near eight times as high as it was in 1962. That is only 21 years. The stark truth is that this Congress has been unwilling to say no.

□ 2120

Mr. Speaker, I would hope all of us would join together. We can face this issue and solve it. We can solve it as Democrats and Republicans working together.

The American people are going to demand an accounting. I hope they will choose to change the course this country is on. This Nation needs a new beginning and it cannot be a beginning that starts in deceits or half truths. It must be a new beginning that starts with the truth.

Mr. LOEFFLER. Mr. Speaker, I yield to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding. I also would like to thank my colleagues for their understanding and forebearance.

I have to say that Monday morning when I received my Newsweek magazine, I was a little nonplussed when I flipped to the Periscope section of that publication and saw that the Democrats were going to resort to this kind of television coverage as an effort to focus light on the problems of the budget. I have to say, it was difficult for me to contain myself, because I recall very well that having read the Constitution and, in fact, having stood in the well of this House and sworn to uphold this Constitution, I found no place in that, no place in that Constitution at all, an explanation as to where the executive branch played a role in either taxing or spending. In fact, in reading the Constitution, I found that article II, section 7, clearly states that all bills for raising revenue shall originate in the House of Representatives.

Then, of course, it goes on directly to section 8 and section 8 very clearly states that the Congress, not the President of the United States, the Congress shall have the power to levy and collect taxes, duties, imposts, and excises and, of course, it goes on to point out under section 8 that the Congress shall have the power to borrow money on the credit of the United States. Well, is that not exactly what has happened?

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I would be more than happy to yield to my friend, the gentleman from California.

Mr. PASHAYAN. Mr. Speaker, I should just like to reflect a point to underscore the most sound position that the gentleman in the well is establishing, my friend and colleague, the gentleman from California (Mr. DREIER), that sections 7 and 8 to which the gentleman refers are part of article I of the Constitution, which describes the legislative branch, the Congress of the United States; is that not correct?

Mr. DREIER of California. Absolutely correct.

Mr. PASHAYAN. And, of course, later in the Constitution, under article II where those two sections do not appear, nor are there any references made to those two sections, that is where in the Constitution under article II the descriptions there of the duties of the President, as the gentleman says, having nothing to do with sections 7 and 8 of article I, which has

to do and only to do with the Congress.

Mr. DREIER of California. And as the gentleman knows, there is absolutely no reference whatsoever in that section referring to the executive branch, the President or Vice President, to either spending or taxing.

Mr. PASHAYAN. Absolutely.

Mr. DREIER of California. I thank the gentleman very much for his contribution.

I have to say, and I do not often point this out, but for virtually my entire lifetime this body has been controlled by one particular philosophical segment of the Democratic Party which believes, and I think they are very sincere, that for the most part the solution to the ailments of Society are cured by throwing more and more money at those problems.

Now, that is why I said when I picked up the Newsweek magazine and read those who are born again in their efforts to balance the budget, it really was to say, the very least, quite amusing.

Would the gentleman from Texas (Mr. LOEFFLER) again yield to my colleague, the gentleman from California (Mr. PASHAYAN)?

Mr. LOEFFLER. I am happy to yield to the gentleman.

Mr. PASHAYAN. Just further to underscore the constitutional theme of the comments of the gentleman in the well, would the gentleman agree with me when I say that as well the Constitution is absent any reference to that particular philosophic branch of the particular party the gentleman had reference to?

Mr. DREIER of California. Absolutely. In fact, I believe that that philosophy is anathema to the Consititution itself.

Mr. PASHAYAN. At least, it is an anathema to the history of the Constitution.

Mr. DREIER of California. Well, that is very true. I appreciate the gentleman again making this fine contribution.

I do believe that having been a Member of this body for 2½ years and having had this body controlled by that particular philosophic section which believes in more taxes and more spending, that we have to fight to make a change in the leadship of this body. We are very fortunate that the veto power does, however, lie over at the executive branch.

I think we have a chance to turn things around, but it is going to be a struggle and a real real difficulty.

As my friend, the gentleman from Colorado pointed out, it has to be done due to the leadership in the House in a bipartisan way.

I thank the gentleman from Texas for taking out this special order. I believe that his contribution here has been most helpful. I hope that we are able in our efforts over the next several hours to point out the kinds of advantages to bringing about a balanced budget in the way that we want to do by reducing the kinds of waste, fraud and abuse, which exist in the Federal Government.

Mr. LOEFFLER. Mr. Speaker, I thank the distinguished Member from California for his very direct and candid remarks.

Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Speaker, I appreciate the gentleman from Texas yielding to me.

As we gather here tonight to hear these speeches, which remind us of the person who went into the courtroom and was accused of shooting his mother and father and declared that because he was an orphan, he should receive some sort of good grace.

It appears to me that reference to the facts should be considered. If we look at the spending side of what has occurred over the last 2 or 2½ years as versus the tax side, because there has been a lot of representation that taxes and the cut in taxes is the reason we have had this great deficit thrown upon us, we will note that taxes have stayed as a percentage of the gross national product at approximately 19.5 percent, while spending has increased from about 22.5 to 24.5 percent.

Further, that spending increase has not been driven primarily by defense, as has also been argued here by some of our more liberal colleagues. Defense spending during that 2½-year period has gone up by about $78 billion, while social spending has gone up by $111.5 billion, or 1½-times faster than defense spending. What has basically driven that social spending? It has been primarily the attitude of the House of Representatives and the leadership of the House of Representatives and the majority of the Members of the House of Representatives, that in order to get reelected they have to spend money on constituencies and those constituencies then become dependent upon those dollars and in order to get reelected, they must continue to spend the dollars, so that those constituencies will continue to vote for them.

This has been a pyramiding effect within the Congress and within the Nation as a whole. We have seen year after year, program after program added to the Federal budget, the purpose of which is to create a constituency which becomes dependent upon those Federal dollars and which as a result of becoming dependent upon those Federal dollars will elect individuals to the House of Representatives.

It becomes almost obscene for the people who have paraded this phenomenon of geometric growth in social spending to then come to the Congress and to the people of the United States and claim that they are against deficits and that it is the Republican Party which is the creator of deficits.

We have heard tonight a whole series of facts which have shown that the voting patterns of this House over the last 2 years, and especially over the last 6 months, have been those where Republican Members have voted for fiscal restraint and liberal Democratic Members have voted for spending. In fact, if you look at just some of the most recent votes, you will see a dramatic increase that has resulted from this sort of attitude.

Specifically, I would point to the rehabilitation amendments bill which we just passed. This was a bill which was your classic add-the-kitchen-sink-on bill for every little group that you can think of type of language. It had a basic underlining bill which was essential, the Rehabilitation Amendment Act; but on top of that bill there was added $11.1 billion of additional spending, which spending was created without any reference to rehabilitation, but primarily as add-ons to programs which were already fully funded. This bill, which passed this House, did not pass as a result of Republican support, but rather of heavy Democratic support.

□ 2130

It was a bill passed for the purposes of political posturing, and for the purposes of developing constituencies which generated votes.

It is just plain fallacious, and it is political puff to claim, for the Democrats to claim especially, the liberal Democrats, to claim that they are concerned about the deficit. This is political hyperbole of pure hypocracy. It creates an atmosphere which I do not believe the American people have any belief in, and certainly the people of this House should not have any belief in.

In fact, if there are 10 people in the House of Representatives today who actually believe this presentation that the Democrats have suddenly become concerned about the deficit and that this deficit is driven primarily by the policies of the conservatives or the Republicans in this House, I strongly suspect this well will disappear out of sight and the walls will fall upon us. Because this is just an action of medicine men. And I do not believe that this medicine is going to sell in Arkansas, it is not going to sell in Texas. The simple fact is that this is a transparent attempt to shift the blame for actions which people have created to those people who have tried to act responsibly. And it seems to me that as we move down this road, where the leadership of the other side is promoting itself as those people who are concerned about the deficits, that those

of us on this side have an obligation to the American people to point out, as each one of these Members comes to this well and talks about how they are trying to reduce the deficit, we have an obligation to point out to the American people the specific votes which those individuals have cast over the last 2 or 3 months which have added approximately $45 billion to the Federal deficits and have not been in line with the budget as proposed by the President of the United States.

Thank you very much.

Mr. LOEFFLER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, we have been having a lot of partisan fun tonight. The Democrats thought they had found a cute gimmick in talking about deficits, which was a new idea for them, and something of great excitement. The press has been asking them to become a party of new ideas and they thought talking about deficits would prove they found a new idea. The Republicans have been having a lot of fun talking about the fact that all the Democrats that have stood up created the deficit they have talked about.

I would like to talk seriously as a former history teacher of some of the mood I got watching earlier.

It is little wonder that the American people have a sense of despising politics and politicians, of contempt for the process as it has degenerated.

The deputy whip for the majority party, a man who in 18 out of 21 major votes voted to increase spending by a total of $48 billion, has the gall to come over and talk about deficits.

Now, the truth is he was talking about raising taxes. He would love to raise taxes. And he has found a new battle cry, much like a man who has found he can no longer seduce girls with candy is now shifting to liquor, and it is an entire new world. So, just as he can no longer seduce the American people by promising services, he has found the latest thing to threaten the small farmer and the small businessman—"Oh, my gosh," he yells, "the Republicans are creating deficits," and he creates fancy charts. He shows us the truth, which is that there is an enormous, unspeakable, incredible, banana-republic-style deficit which would be unthinkable in a Ronald Reagan campaign speech before 1981. And then he acts rather like the bartender who upon discovering his victim the following morning says, "I do not understand how you got that hangover, why do you look so bad, why do you not come around tonight and I will give you some gin and you will feel better immediately."

And that is the great problem for the American Nation. The majority party in this country, a party which has been in power in this House for some 31 years, consistently and deliberately distorts, demagogues and deceives the country that it has governed. It talks about tax loopholes when it has controlled the Ways and Means Committee. It talks about Reagan spending when every single penny spent by this Congress has to pass the House of Representatives and TIP O'NEILL has to approve it first. Not a dime can be spent—and I thank the gentleman from Pennsylvania for reminding me that in the Constitution it is in fact this House which comes first. The people who have presided over the decay of this country, the people who have presided over the collapse of the steel industry and the auto industry, the people who have presided over the creation of all of the social programs which are creating the deficit they now complain about, those people want to rob your pocketbook; they are against you having take-home pay, they would like to take all of it and then send you a Government check so you could have whatever they think you should have for whatever they want you to spend. And they have not got the guts to tell you that. Not a single one of them has the guts to come on this floor and say, "I want to raise taxes on working Americans, I love taking more money away from them, please give me more power in Washington."

Not a one of them can tell you the truth because if they told you the truth, if they went back to Arkansas or Oklahoma, to pick two examples, they would be defeated decisively, if they honestly stood on a platform and said, "You are not smart enough in Oklahoma to spend your own take-home pay, give me the money, I will take it to TIP O'NEILL and he and I will spend that for you."

So, they have resorted to a technique which has led to the decay of belief in politics in this country. It is little wonder people do not register to vote when they assume people are scoundrels, that they will deceive you, that in fact all politicians lie. And it is sad tonight that the majority party once again came out and proved the people are all too often correct.

Thank you.

Mr. LOEFFLER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. I thank the gentleman for yielding.

I think we need to take a look back at where we were in January 1981 and kind of trace things as we went along in this body and as the American people watched the chain of events occur.

When this President entered office in January 1981, as I think many of us have heard before, the interest rates were 21.5 percent, the inflation rate was at 13.5 percent, unemployment was at 7.5 percent, and this President campaigned saying that we needed to have a change, that we needed to reduce the growth in Federal spending in order to get a handle on the kind of problems that stem from spending more than what you take in.

This President went forward and talked about the need for regulatory reform and he has moved forward in this area. But when he was campaigning he said we could not tolerate a 21.5-percent rate of interest and a 13.5-percent rate of inflation. So, he went forward with a program, and he brought many Members to Congress with him at the time, and their program was very simple: First, we were going to have a program that was going to reduce the growth in Federal spending, and second, we were going to reduce the tax rates for all Americans. And everyone who is watching tonight understands if you look back over the period of the last 10 years what has happened to your tax brackets, what has happened to your pocketbook. It seems as though the harder you work the farther you fall behind. The more you try to save, the more your dollar was taken away by the process of inflation. And this President said he had enough.

And what happened in January 1981 is we had a revolution in America. We had conservative Democrats and Republicans working together to reduce the tax rates for Americans, so that again just like my parents used to teach me, the harder you work, the farther you can get ahead. If you are willing to save, you are going to be rewarded. But up until January 1981 it did not seem to work that way.

But then these conservative Democrats and Republicans came together and they reduced the taxes, 25 percent over a 3-year period, and at the same time cut the growth in Federal spending.

Now, let us talk about 21.5-percent rate of interest.

Would anybody, any of my colleagues, like to borrow some money from me and I am going to loan it to you at 21.5-percent rate of interest? Well, of course no one here is going to do it. And what happens when you have a 21.5-percent rate of interest? No one is going to borrow money to do anything; to buy a car, to build a home, no one is going to borrow money to buy their appliances. So, essentially what happened in January 1981 is that the economy of America was beginning to be shut down.

And so, we went forward with a program, again to reduce the taxes and to reduce the growth in spending. And at this point in time it is starting to pay off. As you know, instead of having a 21.5-percent rate of interest, we are now down to about 11 to 11.5, certainly not acceptable, and if we will make additional progress on the spending

side those interest rates will come down, and if we follow a stable monetary policy those interest rates will also be reinforced in terms of coming down.

But essentially what happened was from 1982, from the election in November 1982, the American people to some degree lost patience

□ 2140

They did not understand the fact that with a 21.5-percent rate of interest there was going to be economic slowdown, people were not going to buy those products, and because no one was going to buy products we were going to have millions of Americans ultimately thrown out of work.

This President recognized this in January 1981.

What happened was we were making progress and we started to see it happen but the American people lost some patience. January 1, 1983, we lost that vital coalition of conservative Democrats and Republicans who were willing to continue on a program of reducing spending, and I mean reducing spending so that those who really are in need could still continue to receive the benefits and the benefit from the programs that the Federal Government provides.

We lost that coalition and so what happened? When I came here in Congress I watched the construction of this budget. I hear liberal Democrats talk about these giant deficits but let us look at the facts. That is what I want you to do. I want you to look at the facts.

Under the Democrat budget, budget authority was $936.6 billion. The President's budget was $900.1 billion. Let me repeat it again. The liberal budget in the House was $936.6 billion. The Reagan budget was $900.1 billion. That is over $36 billion more in higher spending.

The Democrat liberal budget not only had higher spending but it had higher taxes and it had higher deficits. That is why I find it so inconceivable as to how anyone on the liberal side of the aisle can make an argument that somehow this Democrat Party, this liberal Democrat Party is interested in lowering deficits.

They called for higher spending, higher taxes, and higher deficits.

But let me tell you one interesting story when I was here. There was a debate going on on raising the debt ceiling which I think many of my colleagues will remember. At that point in time our whip of the Republican Party offered an amendment so that the 1983 budget would be cut by $7 billion.

Let us trace the history here of spending in this country. As was pointed out earlier, 1962 was the first year the Federal budget reached $100 billion. Eight years later it was $200 billion. Four years after that it was $300 billion. We are starting to approach $900 billion now.

When the minority whip offered an amendment to cut $7 billion out of the 1983 budget, the chairman of the Budget Committee got on the floor and said, "How can we ever find the money to cut $7 billion," and that was rejected.

We raised the debt ceiling to about $1.4 trillion and those are the same people who are going to get up and talk about these massive deficits.

Now, remember, when we had a 21.5-percent rate of interest we saw this economic slowdown and, as was pointed out earlier, every 1 percent increase in unemployment contributes to about $30 billion in a higher Federal deficit.

We were at 7.5 percent unemployment in January 1981 but we knew it was going to be higher because of the 21.5-percent rate of interest. We went up to almost 11 percent unemployment, a staggering level, as almost a full result of the 21.5-percent rates of interest.

Now we are on our way down and because we are on our way down we are going to see improvements on those budget deficits.

But what is really needed at this point in time, in addition to a stable monetary policy that will guarantee in the long run that the dollar will be good as gold is a Congress that is willing to operate like a family, willing to operate within a budget.

Everyone knows you cannot continue to spend more than what you take in, and as you continue those policies you get yourself in trouble.

Now let me tell you about the appropriations bills that came through this Congress so far, passed, I might remind you, by the liberal Democrats who are complaining about budget deficits.

The Commerce and Justice budget is $946.3 million over the President's request. The HUD budget is $9.5 billion over the President's requests. The Interior budget is $1.4 billion over the President's request. The Labor-HHS and Education budget is $2.5 billion over the President's budget. The military construction is $1.6 billion over the President's budget. And the transportation budget is $389.4 million over the President's budget.

How can this liberal party talk about budget deficits when they propose budgets that have higher spending, higher deficits, higher taxes, and bring appropriation bills through this House that are at this point in time somewhere in the area of $13 billion over the President's request?

Then they have the gall to talk about budget deficits.

But let me remind you of one other thing, and that is, my colleagues, that while the Democrat budget proposal has higher Federal deficits, they were still not calculated properly because, as you tax more and as you deprive Americans of the ability to spend money to get this country moving again, they took money again out of the pockets of hard-working Americans—that is right—hard-working Americans who over the period of the last 10 years has seemingly fallen farther and farther behind until this President and this coalition of Republicans and conservative Democrats who saw fit to try to restore initiative in this country, until these folks came forward with tax increases that would, believe me, have blunted the growth in the American economy so not only would their deficit have been higher as they projected it themselves but it would have been additionally higher because the raising of taxes would have shut down the economic recovery.

I ask you to do one thing, to understand that this liberal party spends more, taxes more, and you understand the implications of that.

When your Congressman comes home you ask him or her about the record. You ask him or her about their vote on the HUD bill that was $9.5 billion over the President's request. You ask them about the Labor bill that was $2.5 billion over the President's request. You ask them how they voted on that budget resolution that provided for more taxes on you, higher spending, and higher deficits, and then you will get the true story.

Mr. LOEFFLER. Mr. Speaker, at this time I yield to the distinguished gentlewoman from Illinois (Mrs. MARTIN).

Mrs. MARTIN of Illinois. Mr. Speaker, every number that is quoted is accurate. But somehow if you are an average person the numbers begin to wash in that flood of red ink.

It is said actually that our brains cannot visualize above probably about 2,000 items. So for many of us a million becomes a billion becomes a trillion. It is just all too much.

So while every fact is true and while the fear of that deficit is what moves us this evening, because of our love for this Nation and the people therein, perhaps it would be wise to humanize exactly what that deficit means.

Most often the spending is there for good intention; the intention is to help people. So, if you are an average person, perhaps you wonder if you are not better off with a deficit. After all, a Government program may be something of use to you.

If you are a minority, if you are a woman, you have been told again and again that those programs are for you and that it is indeed my party that would put you on the rack, that would use you as the feed, that would ignore your own humanity, and that indeed the deficit, when it is a problem, is a

problem of taxation rather than of spending.

I think it appropriate that I answer that statement, which is both ludicrous and a cruel use of the men and women in America.

Let us assume for a moment that you are black and that you are a woman and you are trying to raise a family. You do depend upon Government money and there is never going to be enough to raise you out of that bare existence.

There is not one mother in Chicago that would not move from Robert Taylor Homes, who longs for a better life for her children, who wants someday to do better and to have those children do better.

□ 2150

What do those Government programs mean? Well, they are a kind of ghettoizing. We, in effect, have set up a new paternalistic society and in effect are saying in the most racist and sexist manner possible, we will give you just enough, we will use you. And that cruelty cannot continue.

Because with that deficit that mother will never be able to leave Robert Taylor homes. The woman who starts later in life, again, left alone with children, the single head of household, the fastest rising group in this Nation, what does the deficit mean?

Well, it surely means she cannot buy a car to get to a job that may make a better life for her children. More importantly, the American dream is a house and what person who was not born with either Kennedy or Rockefeller money can afford interest rates of 20 and 19 and 18 percent, and higher demands for downpayment. And that is that deficit, those are those small crumbs of programs that were fed and continued to be fed to women, to blacks, to Hispanics, but they are not that foolish and I am not that foolish.

I say to you that this party is going to continue to open the doors on these rather dark holes of what Government programs really are and really mean and that new paternalism, not a new America, but the new paternalism that will lock those in the poverty cycle forever, that will mean that women cannot join the entire economic pie of America and that, indeed, because of that deficit, whole sections of America will be told that the American dream must be different for them.

This party does not believe that. This is the party that does believe in not just the right of each individual, but the ability of each individual and the wants of each individual and the heart and the brain of each individual.

So we will continue to speak. We will speak for blacks, we will speak for women, because that deficit just as inflation is the most destructive on those elements in our society who are least able to fight back. And this, although seldom will you hear it, will be the party of those who cannot fight back. It will be the party that believes the American dream belongs to everyone.

Mr. LOEFFLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, at times there are many of us around here who would like to escape reality and I am sure there are some members of the staff and people around the floor here tonight who would like to escape the reality of the fact that we are here so late, but if ever you want to escape reality, I would suggest that you indulge the urge and read tomorrow's CONGRESSIONAL RECORD where the Democrats try to blame the Republicans for the deficit.

If ever there was a massive escape from reality, it will be printed in those words. It reminds me of a constituent of mine who once told me, after we had passed one of our big budget deficits, that there ought to be a sign out in front of the Capitol Building reading, "Home of the Whopper."

Well, that is absolutely right, because at least that constituent had one basic fact straight and that is that this place produces deficits. It is here that deficits are created. It is here the money is spent. It is not spent in the White House, it is spent here. The Constitution says it.

The gentleman from California earlier this evening talked about the Constitution. It is here. It is right here in this book. It says it very plainly. The Constitution gives the authority to the Congress to appropriate money, to spend money, to put the Government into debt, to collect on debts. That is a power of the Congress, not of the President. And I defy anyone to come and show me one section in this Constitution that says that the President creates deficit. Come on out, come on out. Where are the Democrats? We sat here earlier and listened to them. Come on out guys. Come out of hiding. Where are you? Back in the Cloakroom somewhere? Come out and tell me where in the Constitution does it say that the President creates deficits?

You know, you swore to uphold and defend this Constitution. Come on out here and tell me. I would like to see it. Show me the section that says President Reagan can create a deficit.

When you were out here rattling the garbage cans earlier this evening, we listened to it. Nobody would yield to us. I am perfectly willing to yield right now to anybody who can come out here and show me a section of the Constitution that says that the President can create anything in the form of a deficit. And I see no one coming. Of course not. There are no words in the Constitution that say any such thing. You cannot find that language there.

We do it right here. We are the creators of every dime of deficit. The $1.4 trillion worth of deficit, that is deficit that was created here. The $200 billion of deficit this year, that was deficit that was created here and is continuing to be created here.

The Constitution makes it our responsibility. So what we have got to say is that what took place here earlier this evening is a political charade. It was a comedy of contradictions. What we had were the Democrats coming out here playing politics. You do not have to take my word for it. Listen to what the Congressional Quarterly said in their newsletter, Congressional Insight. They told us exactly what was going to take place. And I quote:

Democrats eye House TV as a new campaign weapon against Reagan.

Special orders and one-minute floor speeches would be the forum.

Sophisticated use of cable TV would channel rhetoric to voters.

It's the brainchild of Rep. Bill Alexander (D. Ark.), who has used the House broadcasting system before to get public attention. He arranged a bipartisan floor debate after Reagan's El Salvador address to a joint session of Congress . . . provided "institutional response" to the president.

Here's how the system would work: members reserve time for debate on certain topics . . . the economy and education are hot right now. Local TV news bureaus are tipped off, could pick up the free video signal from the House TV broadcast. Members get on TV and score political points

Cable TV helps target the message to specific districts because most cable systems provide regional and local coverage, not national. That makes it easier to produce debates that will interest the local outlets.

Early tests encourage Democrats. Freshman Rep. Fred Boucher (Va.) has had good pickup of his one-minute speeches at the beginning of House floor sessions. Alexander is drafting a detailed study of the proposal.

That is what Congressional Quarterly says.

What you saw this evening was political campaigning right here on the House floor.

ADDITIONAL INFORMATION ON THE BARTLETT FHA NEGOTIATED RATE AMENDMENT TO HR-1

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTLETT) is recognized for 60 minutes.

● Mr. BARTLETT. Mr. Speaker, I respectfully submit into the RECORD a letter dated this date from me to the Honorable HENRY B. GONZALEZ responding to his requests made on the House floor on September 12, 1983. I know that this letter will clarify the issues raised by Chairman GONZALEZ in his letter to me and in his statements on the floor.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 29, 1983.

Hon. HENRY B. GONZALEZ,
Chairman, Subcommittee on Housing and Community Development, Committee on Banking, Finance and Urban Affairs

DEAR CHAIRMAN GONZALEZ: Please excuse the delay in getting back in touch with you regarding your letter of August 30, and your comments on the floor September 12. I appreciate your sincere concern about the public policy implications of the FHA negotiated rate amendment which was adopted by the House in July. Thank you for the opportunity to respond to your concerns.

The FHA negotiated rate amendment to H.R. 1 is a significant piece of legislation for America's home-owners and would-be homeowners. One of my greatest priorities as a Member of the House of Representatives is to help the largest number of Americans possible to be able to own their own homes. The FHA negotiated rate amendment will help prospective home owners to obtain lower "effective rates" on their mortgage loans, and, most importantly, will give them needed flexibility to find the mortgage loan terms that best suit their individual needs. By having a maximum FHA interest rate ceiling, we limit would-be home buyers' ability to buy homes because mortgage lenders will obtain their targeted profit levels by charging excessive up-front points or by finding more lucrative investment markets elsewhere, limiting available mortgage credit. Our colleagues and I who supported this amendment seriously feel that it will help more Americans to own their own homes.

I noted your feelings that I and other Members who supported the amendment had made untrue statements about the effect of the amendment. I got the impression you felt we had misled the House with regard to the result of the experimental pilot project, the need for points to be charged on loans, and the opportunity for home buyers to benefit from the amendment.

Mr. Chairman, I take my responsibility as a participant in debate on the floor of the House of Representatives quite seriously. I recognize the importance of giving a thorough and accurate representation of legislation being offered and it is my solemn commitment to do so.

I appreciate the chance to review the record on this matter.

I will discuss the experimental pilot program matter first. (For your convenience, I will note the page numbers from the Record of July 13, 1983, in parenthesis for reference.)

I believe that I and other supporters of my amendment made it quite clear that analytical statistics from the program were not available at the time of the debate and that the early numbers of loans made under the program were evidence of a strong demand for negotiated FHA loans in the marketplace (H5071, H5076). In answer to questions regarding the demonstration program, I said, "We do not have the statistics back yet. it was well received in the marketplace, but as far as a specific study as to what happened to the rates, we have not been able (to draw any conclusions) it just took effect." (H5076). Throughout the debate, my colleagues and I relied on experiences from past FHA market trends and from conventional market experience with negotiated rates to support our substantive claims along with the fact that the FHA experimental pilot program showed that there was a demand in the marketplace for negotiated rates. (H5071, H5079).

I reviewed the data in the Record of September 12 on the FHA negotiated rate pilot program from the Department of Housing and Urban Development and respectfully submit that the data obtained by your staff is totally inadequate to prove any tangible results from the pilot program or to reach the conclusion as you stated on the floor on September 12, (H6718) that the negotiated loan program would not eliminate or even minimize points on FHA loans. The data you have provided merely shows the total interest spread and the total point spread charged on FHA loans in certain regions with no comparisons showing what points were charged with what interest rates and what effect other loan terms may have had on those transactions. Any conclusive analysis must take into consideration all of these factors and must also compare "effective rates" charged to the borrower.

The current data we obtained shows that the FHA negotiated rate pilot program produced a greater average percentage of FHA mortgages for home buyers with lower "effective rates," a greater percentage of FHA mortgages with fewer up-front points, and a greater percentage of FHA mortgages with shorter terms than did the regular FHA program for FHA mortgages for similar time periods and regions.

According to current information we obtained from HUD the week of September 19, the experimental pilot program for FHA negotiated rate mortgages is an overwhelmingly strong statement in support of the FHA negotiated rate amendment. As I mentioned, any conclusive analysis must take into consideration the effects of points, interest rates, and other loan terms on each loan in a comparative analysis. "Effective rates," which translate the combined effect of both up-front points and interest rates into one comparable "effective rate" charged on each mortgage loan, must be ascertained for any definite conclusions. The interest rate or the number of points charged to the borrower without reference to the other is meaningful in showing the net cost to the borrower.

Although there is not yet a final written analysis on the FHA negotiated rate pilot program, my staff requested and obtained specific analytical data on the program to date which is available upon request from HUD and shows that the FHA negotiated rate pilot program produced a greater percentage of FHA mortgages with a lower effective rate for home buyers. The following statistical data was provided me by a HUD FHA analyst and was developed from a computerized data base containing the first 5,000 mortgage loan records under the FHA negotiated rate mortgage program:

Comparison of "effective rates" FHA negotiated rate loans versus FHA maximum rate loans for 30 year loans—percent distribution

	Homebuyers
Negotiated rate lower (total)	38.2
Negotiated rate equal	26.1
Negotiated rate higher (total)	35.7

(We were advised that about 90 percent of the loans were made to home buyers buying homes other than their first home. The average mortgage loan made under the program was about $53,000.)

The following data was provided with regard to the difference between commitment rates under the FHA negotiated rate pilot program and the FHA maximum rate by type of transaction:

[In percent]

Difference	Purchase	
	First-time home buyer	Prior homeowner
More than FHA	31.0	28.8
Same as FHA	31.3	29.3
Less than FHA	37.7	41.9
Total	100.0	100.0

Both the first-time home buyers and prior home owners paid a lower interest rate a greater pecentage of the time under FHA negotiated mortgage pilot program as compared to the FHA maximum rate program.

With regard to average points charged on mortgage loans to borrowers refinancing their home, buying their first home, and buying a home other than their first home, points charged under the FHA negotiated rate pilot program were less than or equal to the FHA maximum rate 64.6% of the time according to statistics given me by a HUD analyst, and greater than the FHA maximum rate program 35.4% of the time. Of the 35.4% of the cases where the points were higher under the FHA negotiated rate pilot program, 64% had terms for less than 30 years and 74% had a rate less than the FHA ceiling rate, which benefits the borrower.

It is important to note that certain factors influenced the FHA negotiated rate pilot program to effectively increase points to a higher degree than they otherwise would have been. A much larger percentage of borrowers under the FHA negotiated rate pilot program received shorter term loans and lower interest rates than those under the FHA maximum rate program. Such benefits to the borrower usually mean increased points to the mortgage lender. Further, the negotiatied rate pilot program was at a disadvantage with regard to the secondary mortgage market. Since the Government National Mortgage Association, GNMA, would only allow mortgage pools consisting of mortgages with common interest rates, the primary mortgage lenders did not have enough volume to be able to sell many of their FHA mortgages in the GNMA market so their marketing costs were increased which they in turn try to make up by charging more points or higher interest rates.

It should be remembered that the biggest advantage of the FHA negotiated rate pilot program is the individual flexibility given to home owners to best tailor financing to their individual needs. "Effective rates" were lower for more home buyers under the FHA negotiated rate pilot program than under the FHA maximum rate program.

With regard to the future need for points to be charged, I feel we clearly did not misrepresent to the House that points would be eliminated for all FHA loans as a result of the negotiated rate amendment.

You did quote one Member as stating that the negotiated interest rate program would eliminate the need for a lender to charge a seller points. In reviewing the entire context of that statement, it was pointed out that the average number of points charged in the FHA market was higher than that in the conventional market, indicating that there would be a similar reflection of points for

FHA loans as there are for conventional loans if the FHA negotiated rate amendment were to pass (H5078). I, myself, stated the amendment would allow "lessening the need for those excessive points which are too often charged at the closing . . ." (H5071).

Throughout the debate we stated that points would be determined as they are in the conventional market whereby home buyers can negotiate or search for loan terms that best fit their individual needs. As you know, with negotiation, a home buyer often may negotiate for higher points up front to obtain a lower interest rate, a shorter term, or some other benefit from the mortgage lender. This amendment, however, will lessen the need or requirement that excessive points be charged to compensate for an interest rate that is lower than the market. There will still be a normal demand for points in the marketplace. Points will be negotiable as a function of rates and term. The FHA negotiated rate amendment adds the flexibility needed to allow home buyers to obtain the financing terms that best suit their individual needs.

I noted your concerns about the ability of home buyers to negotiate with the mortgage lenders to the ultimate benefit of the public. The mortgage lending community is one of the most competitive industries in America today. It is possible at any given time to obtain many different quotes as to interest rates and points from contacting many mortgage lenders listed in the yellow pages. In most areas, prospective home buyers may even obtain listings from real estate agents, home builders, and local title companies quoting numerous local mortgage lenders as to interest rates and points being offered. I am attaching a copy of a current mortgage loan quote sheet (Attachment A) which was provided to my office by the San Antonio Board of Realtors as a good example of this service.

I am quite confident about the ability of individual citizens to make appropriate purchase decisions when buying a home.

On another point, the reaction of mortgage lenders to artificially low maximum rates is an important question. There is ample evidence in recent mortgage lending history and current mortgage lending practice showing that where maximum allowable interest rates are set artificially low there is a substantial reduction in mortgage lending if the "effective rate" needed for the mortgage lender to achieve a satisfactory profit cannot be obtained by charging additional up-front points or if additional revenues can be earned from making the loan in some other manner. The bottom line is that either more points will be charged, home prices will be higher, or less mortgage money will be available for home buyers. Throughout the debate on the FHA negotiated rate amendment opponents of the amendment claimed that mortgage lenders were just "out to make a profit." That's true, and it is an excellent argument for the need for the FHA negotiated rate mortgage. We cannot expect mortgage lenders in a free market economy to loan money at interest rates lower than the cost of money to them just because the Secretary of Housing and Urban Development has set an artificially low rate.

As you know, a mortgage's yield is the return paid to investors by borrowers. Yields are determined by supply and demand in the credit markets. The yield to a mortgage is composed of the periodic interest payments paid over the life of the loan and any lump sum payments, or discount points, paid upon origination of the loan. Those discount points effectively reduce the amount loaned so that the periodic interest payment represents a larger percentage return to the investor than it would in the absence of discount points.

The effect of a maximum FHA interest rate set below the mortgage yield needed by the market is to require that discount points be charged to raise the mortgage yield to the market level. Without a sufficient yield, lenders would be losing money in committing funds to the mortage market. The result is clear why either points will increase or funds will not be readily available to home buyers, since mortgage lenders cannot be forced to loan money to home buyers.

I am attaching a copy of a letter (Attachment B) dated September 22, 1983, from Dr. Warren Matthews, Senior Economist for the Mortgage Bankers Association, which I found to be a good explanation of how mortgage bankers determine a mortgage yield from the interaction of mortgage interest rates and points in a potential loan.

I also obtained information on the effect on mortgage lending of the 1980 federal preemption of state usury laws. As you know, state usury laws prior to the federal preemption were analogous to the FHA set rate in that they were often at rates lower than the current types of investments because of usury limits. I am enclosing another letter from Dr. Matthews (Attachment C) with data showing that the state usury limits for many states prior to 1980 distorted the flow of mortgage credit making the capital markets less efficient, and raising required yields and interest rates to borrowers in general in those states.

This example shows the welcome effect on interest rates of increasing competition through the removal of usury restraints. Rates dropped because the supply of mortgage funds increased relative to demand for funds.

It seems apparent that outside funds will not flow into markets where maximum interest rate ceilings are set below the nationally-determined market rate, because those funds are worth more used elsewhere. Moreover, even funds derived locally will be invested elsewhere where an adequate return is assured. Investors who ordinarily place funds in mortgages will turn to other investments, or to mortgages in markets unencumbered by government mortgage interest rate ceilings, until interest rates decline and mortgage lending at permissible local interest rates again becomes the most profitable use of investment funds.

A significant concern to home buyers as pointed out by the newly-appointed Under Secretary for the Department of Housing and Urban Development, the Honorable Philip A. Abrams, is that the current maximum FHA rate ceiling tends to drive up the price of homes.

Under the current FHA program, sellers (including home builders) attempt to include all or some portion of the points they pay into the sale price of the home. Sellers and home builders typically expect to pay about four to five points when selling their home with FHA financing, and will increase their asking price by about this much. Although the seller's success in doing so may be constrained by the amount of competition in the market area, usually some points are shifted to the buyer. The immediate effect is that home buyers often end up paying more for their homes than they otherwise would because of FHA financing. Over the longer term, this practice only serves to further drive up housing costs and add to inflation.

This practice creates a no-win situation for the home buyer, regardless of whether the prevailing level of points is at seven or three, since the mark-up in the sale price occurs well before the actual payment of the points. I offer an example to illustrate this point. If the buyer agrees to the price, what happens at closing if the lender is forced to charge seven points? More than likely the seller walks away from the deal, and the buyer does not get his home. What happens if the points drop to three? In this case, while the deal will close the seller would not drop the sale price. As a result the home buyer ends up paying more and the seller gets a windfall. Either way the home buyer loses.

Your concern, as I understand it, is that had the Members known the true facts, they might have voted differently on my amendment. I feel that our statements are founded upon and supported by an understanding of experience with the conventional and FHA mortgage markets. The overwhelming evidence bears out our position in support of FHA negotiated rate mortgages including experience with past mortgage markets and recent analytical data concerning the FHA negotiated rate experimental pilot program.

I am quite sure you are sincere in your beliefs against the FHA negotiated rate amendment as I am in support of it, both towards the goal of helping more people to own homes. I respect your views in opposition to my amendment, and I know of your sincerity in arguing against it. Please excuse the length of this reply, but I wanted to demonstrate that I acted in good faith as well. If you have any further questions or comments please do not hesitate to contact me. Thank you for your attention and concern with regard to this important matter.

Sincerely,

STEVE BARTLETT,
Member of Congress.

ATTACHMENT A

MORTGAGE BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., September 22, 1983.

Mr. JIM DEPETRIS,
Legislative Assistant/Counsel to Congressman Steve Bartlett, Washington, D.C.

DEAR MR. DEPETRIS: This letter is in response to your inquiry concerning discount points charged in connection with mortgage loans.

Mortgage yields are the return paid investors by borrowers, and they are determined by supply and demand in the credit markets. The yield of a mortgage is composed of the periodic interest payments paid over the life of the loan and any lump sum payments, or discount points, paid upon origination of the loan.

Discount points, paid to the lender upon loan origination effectively reduce the amount loaned, so that the periodic interest payment represents a larger percentage return to the investor than it would in the absence of discount points.

The effect of a maximum FHA interest rate set below the mortgage yield required by the market is to require that discount points be charged to raise the mortgage yield. Without such points, lenders would not commit funds to the mortgage market.

The following table shows how points and mortgage rates interact to produce a mortgage yield of 13 percent:

	Discount points charged	Yield
Mortgage rate:		
13.0	0	13.0
12.88	0.75	13.0
12.75	1.50	13.0
12.63	2.22	13.0
12.25	4.44	13.0
12.0	5.94	13.0

When no discount points are charged, the mortgage rate equals the yield. If the rate is reduced below 13.0 percent, additional points must be charged to raise the yield back to the 13 percent example used here. If, for example, the rate is required to be held down to 12 percent, then almost 6 discount points (6 percent of the mortgage amount or $6,000 on a $100,000 mortgage) must be charged to produce a 13 percent yield.

If the mortgage rate were free to be determined by market forces, as it is in the 80 percent of the market that is the conventional loan market, then points would be lower by the amounts suggested in the above table. There is no historical or theoretical reason to believe that a free or market determined FHA interest rate would raise the overall yield paid by borrowers for credit. Instead, such a reform would remove uncertainty from the mortgage markets, enabling them to operate more efficiently at slightly lower yields.

Sincerely,

WARREN MATTHEWS,
Senior Economist.

ATTACHMENT 8

MORTGAGE BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., September 23, 1983.

Mr. JIM DEPETRIS,
Legislative Assistant/Counsel, to Congressman Steve Bartlett, Washington, D.C.

DEAR MR. DEPETRIS: This letter is in response to your inquiry concerning the effect on mortgage lending of the 1980 Federal preemption of state usury laws. We have reviewed the usury limits in effect in each state when the Federal preemption became effective in 1980, and have grouped twenty of the states into two groups based on their usury limits. The attached table shows ten states with the most restrictive usury limits, followed by ten states with no effective usury limit.

The table shows the percentage of national residential mortgage lending in each state during the full year before and after the Federal usury preemption of 1980. As expected, the data show that in states with a usury limit, their share of all residential lending increased from 13.5 percent in 1979 to 17.0 percent in 1981, an increase of more than 25 percent in share. On the other hand, states with no usury limit lost share of mortgage dollars lent over these years, from 36.3 percent in 1979 to 30.7 percent in 1981. This change in the distribution of mortgage lending shows that the usury limits had been distorting the flow of mortgage funds prior to the Federal preemption. In order to determine if this redirection of mortgage funds after 1980 might be due to the changes in population or economic growth, we compared real personal income in each state group in 1979 and 1981. We found that in the states without usury limits, this measure held constant at 27 percent of the US total, while in the states with usury limits, real personal income remained at 13.9 percent of the US total.

We believe these data show that the state usury limits prior to 1980 distorted the flow of mortgage credit. Such a distortion makes the capital markets less efficient, raising required yields and interest rates to borrowers in general.

Please call Burton Wood, Legislative Counsel, or me if we can provide more information.

Sincerely,

WARREN MATTHEWS.

STATE DISTRIBUTION OF RESIDENTIAL MORTGAGE LENDING BEFORE AND AFTER THE MARCH 1980 PREEMPTION OF STATE USURY LAWS

[In percent]

States	Residential mortgage lending as a share of U.S. total	
	1979	1981
With usury limits [1]		
Arkansas	0.6	0.6
Hawaii	0.7	0.8
Kansas	0.9	1.1
Mississippi	0.7	0.6
Nebraska	0.7	0.6
New Mexico	0.5	0.5
Oregon	1.4	1.3
South Dakota	0.2	0.2
Texas	6.0	9.7
Wisconsin	1.8	1.6
Total	13.5	17.0
Without usury limits [2]		
California	21.6	17.1
Colorado	2.7	2.5
Illinois	5.4	4.1
Kentucky	1.0	0.9
Maryland	1.9	2.4
Massachusetts	1.4	1.2
Nevada	0.8	0.7
New Hampshire	0.3	0.4
South Carolina	0.9	1.0
Wyoming	0.3	0.4
Total	36.3	30.7

[1] The 10 States with the most restrictive usury laws during 1979, generally limiting mortgage rates to 11 or 12 percent.
[2] Ten States with no restrictive usury limit during 1979.

Source.—U.S. Department of HUD, survey of mortgage lending activity, State estimates prepared by Mortgage Bankers Association of America, September 1983.●

ADDITIONAL VIEWS ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PASHAYAN) is recognized for 60 minutes.

Mr. PASHAYAN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, as I was saying, the question here is what kind of politics are we playing. There is no doubt we are playing politics. And what do they propose to do about these deficits that they come to the floor and deplore?

Well, the majority leader let the cat out of the bag the other day on the House floor. He was out here defending the fact that they were going to vote for another big new spending program that did not have enough money in the budget to pay for it, and he told us the way in which we could do something to speak to deficits was to make certain that we taxed the rich and took the money out of defense.

□ 2000

That is the cure. When you ask them what they are going to do to cure deficits, they are going to tax the rich and take the money out of defense.

Well, to show you how phony their so-called facts are, let us take a look at that. We have approximately 90 days' worth of deficit in the Federal Government today. In other words, at the spending levels of Government, you cold spend out about 90 days' worth of deficit. Now, let us say we wanted to tax the rich to get some of that deficit brought down. If you taxed the rich, the people making over $75,000 worth of income in this country, if you took every penny away from them, totally confiscated every dime that they make over $75,000, every penny, somebody wins the lottery in their State, you take away every penny over $75,000, tax away every bit of it, you would be able to run the Government for 14 days. That would leave 76 days' worth of deficit you have to take out of defense. That would be a defense cut of $175 billion.

Is there any Democrat who seriously believes that his party or this Congress is willing to cut the defense budget, which stands at $274 billion, by $175 billion? I doubt it.

But let us change the figures for a minute. Let us say that you really think that is too high a figure. Let us say that $75,000 is a little bit too high a figure, and let us make it every cent over $50,000, take away every penny everybody earns in this country over $50,000, total confiscatory taxation, not one dime over $50,000 would anybody be able to keep. You would get enough money to run the Government for 40 days. That leaves 50 days that you would have to take out of the defense budget. That is a $115 billion cut in defense. Does anybody really believe we are going to cut that much?

Well, some people might say, "Yes, we could find $115 billion. Let us cut the MX missile, the B-1 bomber, the Trident submarine, let us do some things like that."

All right, I will tell you what we do, let us cut the Pershing missile, the Cruise missile, the B-1 bomber, the Trident submarine, the MX missile, let us cut out all Army munitions, give the Army no bullets to fire, totally take away all of the bullets from their guns, let us eliminate the M-1 tank and let us eliminate all of the missiles that go on the Trident submarine, too, let us eliminate every one of those. Do you know what you save? You save $16.5 billion. That means you have got to still find $100 billion more if you be-

lieve what the majority leader told us the other day. And that is after taxing every penny over $50,000.

What are you going to do for the extra $100 billion? Are you not going to pay the troops? Are you going to stop paying the retirement? Are you going to take away the money from military construction? Are you not going to house the families? Are you not going to feed the troops? Where are you going to come up with $100 billion more? That fact is, you cannot. The fact is, it is a phony for anybody to suggest that you can solve our deficit problems in this country by taking it away from only defense and taxing the rich.

So what they really mean when they say tax the rich is that they are going to tax everybody from about $10,000 a year up, and they are going to tax them with major new tax increases, and they are going to find ways to raise big new money out of the working people of this country. That would be terribly wrong.

It is also a real phony for them to suggest that somehow it has been Republican Presidents that have produced deficits. As I pointed out before, Presidents do not produce deficits. Congresses do.

A little earlier this evening I heard the talk that Jerry Ford produced a deficit of $66 billion. I hope America's memory is little longer than obviously the institutional memory of this body is, because I remember well Jerry Ford vetoing bill after bill after bill that an overspending Democratic Congress sent down to him, sending those bills back up here only to have his vetoes overridden and that spending put in place. The $66 billion deficit was not Jerry Ford's deficit. It was the deficit of this body who not only passed the deficit, in the first place, but overrode the Presidential vetoes to keep them in place. And now they come along and they call them Jerry Ford's deficits. How phony. How ridiculous.

Well, in summation, Mr. Speaker, I would simply say that if you believe the Democrats have seriously become inflation fighters, then you are also someone who believes that Jabba the Hut needs food stamps.

● Mr. FRENZEL. Mr. Speaker, with deficits in the range of $200 billion expected for the next 4 years, this Congress cannot afford to spend time pointing fingers and playing political blamesmanship.

I have been disappointed by attempts to blame the President for the deficit. It seems to me to be an unnecessary scam destined for failure. Our job is to reduce the deficit. Those who waste time trying to fix unwarranted blame will not be considered heroes in the deficit battle. They will be judged by their votes on spending issues.

By 1988, our total public debt outstanding may reach $2.6 trillion unless Congress and the administration act now to bring the yearly deficits down. The deficit issue is the most severe and threatening national issue that most Members of this body have ever faced. Yet while deficits threaten to rot the financial, economic, social, and moral fibers of our Nation, the problem is continually and easily ignored by the Nation's legislators.

As Representatives of the United States we cannot afford to sit back and hope that the current recovery will bring in sufficiently higher revenues to offset and reduce the enormous deficits. We cannot postpone the difficult decisions to implement deficit reduction measures just because the good news about the present recovery has softened the pressure on us to make those needed decisions.

Bringing deficits down and sustaining a strong and steadily growing economy requires our ongoing efforts. Now that there is recovery, we cannot afford to sit back complacently patting our backs. Relaxing after the battle may cost us the war. Moreover, if we fight within our ranks, party against party, we will also lose the economic prosperity war. No time can be spared in addressing the deficit problem. A committed, strongly united, bipartisan offensive against deficits is needed right now.

Whatever method is chosen for breaking down the huge deficits is not nearly as important as is the congressional resolve to take action. Lack of action and the continuation of enormous deficits will create a clash in the credit markets which will drive interest rates back up. The Nation's resource pool is limited. There is simply not room for the Federal Government to be borrowing to accommodate $200 billion per year deficits at the same time that private investment needs are also being accommodated.

Money will still be available for private financial needs after the Government has taken care of its borrowing needs. However, businesses and private individuals will have to compete furiously for those remaining resources. In response to the excess demand situation interest rates will slide back up. Remaining available credit will be extremely expensive.

As interest rates move back upward, some private investments will have to be forgone. Forgone private investment means less productivity improvement, less new technology development, and fewer new jobs. Interest sensitive industries, such as housing, autos, and consumer durables, will be hurt again.

As another manifestation of deficit induced high interest rates, the too-strong dollar will make it harder to sell our overpriced exports abroad, and easier to buy cheap imports at home. Trade deficits have already risen from a record annual rate of $46 billion in the first half of 1983 to a likely $70 billion by the end of this year. Without action against deficits, trade deficits will continue to increase, as will the tide of protectionism and the likelihood of another trade war. If world trade declines as worldwide protectionist sentiments grow, consumers everywhere will lose as prices for goods once again go up.

Should the Fed succumb to the inevitable public outcry to ease up on the interest rate squeeze by monetizing the debt, the increased money supply would boost the already overheated economy, sending inflation spiraling back up into the double digits. Our future outlook is grim. Inflation and high borrowing costs promise to obliterate any economic gains now being made unless structural reductions in the deficits can be implemented now.

We can do something about deficits. The recession has widened the differential between reduced tax revenues and increased transfer payments, thereby increasing projected deficits. However, had there been no recession, deficits would still be too high. The structural deficit, that which would exist if the country were operating at full employment, must be addressed. Structural deficits will account for 54 percent, 62.5 percent, and 60 percent of the respective unified deficits in fiscal years 1984, 1985, and 1986.

Using CBO figures for fiscal year 1984, 43.9 percent of projected outlays will go toward entitlement and other mandatory spending. Another 11.9 percent will go toward interest payments on the national debt, and 27 percent will be spent on defense. Only 17.8 percent of the budget will be spent on nondefense discretionary programs.

There is not much fat left to be cut out of the nondefense discretionary portion of the Budget. Therefore, we are faced with the extremely difficult task of finding savings in entitlement spending, defense spending, or through increased revenues. The decisions will not be easy, but they are unavoidable.

There is much talk of bringing down the deficits by increasing revenues. However, almost without exception, every economist who testified before the House Budget Committee early this spring told us that taxes should not be raised during the beginning of a recovery. The $73 billion in 3-year revenues included in this year's budget resolution could reduce investments and savings, and since investments and savings are important elements in our effort to sustain and strengthen the recovery they should not be severely reduced. In my judgment, revenues of the magnitude called for in this year's budget resolution should be avoided.

Clearly, despite my contrary inclinations, revenue increases will eventually

have to be a part of any comprehensive deficit reduction package. It is important, though, that the new revenues raised are used to reduce the flow of red ink and are matched with larger proportions of spending reductions. They must not be used to finance more profligate and unrestrained spending.

We have at least one tool to streamline and reduce entitlements. Reconciliation is that tool. Reconciliation is our single most effective mechanism to bring existing law into conformity with the current budget decisions. Through reconciliation we can get at uncontrollable spending and at the budget base. Without reconciliation, spending that was authorized in earlier years is locked in.

Supplementary to reconciliation, we have other options for deficit reduction. The best and most simple option is to discipline ourselves. We can force ourselves to stay within the budget assumptions and the Appropriations Committee's 302(b) allocations when passing individual spending bills. We can eliminate unnecessary supplemental appropriations and backdoor spending. We can stick to the Budget Act schedule and avoid the undisciplined continuing resolutions. We can require reconciliation within 60 days of the first budget resolution. In enforcing discipline upon ourselves, there is not room for parochial interests and/or partisan backslashing. Bipartisanship is needed now more than ever.

Another option is the CPI minus 3-percent proposal which would provide a deficit reduction over a 4-year period of $126.8 billion. CPI minus 2 percent, as proposed in the House, would not provide nearly as much deficit relief as CPI minus 3 percent, but with a projected deficit reduction of $77.5 billion, it is nothing to sneeze at.

Earlier this week, a number of my colleagues and I introduced a joint resolution calling on the President to convene a domestic economic summit conference to prepare a plan to reduce the budget deficits. Such a Commission may not be the best answer for determining the proper and fairest strategy for battling the deficits. But at least it is a try. Nothing else has worked.

Without any single Member's head or any one party being placed on the public chopping block, the Commission could develop and introduce a list of alternatives for resolving the deficit crisis.

If it works together, Congress can succeed in bringing deficits down and insuring lasting growth and economic prosperity in the United States for many, many years to come. We can insure increased capital investments, increased new technologies, increased productivity, new jobs, lower interest rates, lower inflation, and overall economic growth.

But first we must get past the hurdle of partisan politics. The record on the deficit question is clear. It will speak for itself. The people do not want buck passing and scapegoating. They want deficit reduction.

With courage and farsightedness we can beat back the raging deficits. Through our bipartisan efforts we can significantly improve the quality of life for all Americans.●

● Mr. FORSYTHE. Mr. Speaker, this fiscal year will soon be gone. Unfortunately, its legacy will not. We face the prospect of the largest budget deficit ever—$210 billion. The citizens of this country justly ask how the deficit became so large and why we do not reduce it. The answer is not very complicated and lies partly in this Chamber. The Congress has consistently overspent the Nation's income. The deficits have succeeded one another, growing larger each year, for the past 15 years and there have been Federal deficits in 45 of the past 53 years.

The reasons why the Congress spent more than the taxpayers could pour into the Treasury vary in detail, but have a common theme. Too often, Members were persuaded to vote for the special interests of their constituents. Sometimes, most of the Members agreed a program was necessary for the well-being of their constituents, which is how we have ended up with so many entitlement programs which are so enormously costly and upon which million of Americans rely for various benefits.

Obviously this is a simplistic explanation and does not take into account differences in political philosphy or the genuine concern which compels elected officials to act to correct inequitable situations. Nevertheless, the fact remains that for more than 40 years, under Democratic control, the Congress readily appropriated more than the taxpayers provided. Then the Congress played catch up. It raised taxes. The problem that then became apparent was that the newly imposed taxes never seemed to provide enough money for the next round of congressional spending. We became deeply mired in the tax and spend cycle.

When President Reagan was elected, he vowed to lead us to economic recovery. He made an excellent start as a result of his skill in forging coalitions within the Congress and because many Members of Congress recognized the peril of the economic path the country had followed for so many years. We passed legislation reducing the rate of Government spending and tax cut legislation to provide the necessary capital to spark the economic recovery. The results are encouraging:

The inflation rate for the past 12 months is 2.4 percent, which is the lowest 12-month rate for more than 17 years;

The prime interest rate is down from its record 21.5 percent during the Carter administration to 11 percent; and

The economy grew at an annual rate of 9.2 percent last quarter, which is the fastest quarterly growth rate in 5 years.

When the President designed his economic program, budget deficits were anticipated and, as the economy continues its growth, additional moneys should be generated which will help reduce the deficit. However, the deficit is so huge and self-perpetuating we need to consider further action. Our choices are not many. The budget deficit can only be eliminated by reduced Government spending or raising taxes. A tax increase could stifle the recovery, as well as unduly penalize hard-working Americans. In the area of reduced Government spending, too many of us in Congress seem to have lost the resolve we had 3 years ago to say no to spending.

That being the case, perhaps we should consider the possibility that the Congress is institutionally incapable of sustained denial of spending to appease constituent interests. It is a secret 42 of our 50 States, including my home State of New Jersey, have already discovered about the legislative branch of Government. These States have reacted by giving the Governor the authority to veto line items in the budget. This authority gives the Governors the power they need to achieve a balanced budget. Perhaps the States have seen the sense of this method because they do not have the option of printing more money when dollars become scarce. The line item veto also keeps the Governors from the dilemma the U.S. President regularly faces concerning appropriations bills in which he must buy all the bill or none of it. I think we, as Federal legislators, should seriously consider following where so many of our State governments have already gone. It would provide the President with a real means of limiting unwise spending, since the Congress does not seem to be able to impose that sort of restraint upon itself.●

● Mr. SOLOMON. Mr. Speaker, as the British came forward to surrender to Washington's Continental Army at Yorktown, their band played a tune called, "The World Turned Upside Down."

Two hundred years later, the tax-and-spend liberals here in Washington have had their world turned upside down by the Reagan revolution. President Reagan took the helm of an economy from them, an economy plagued by excessive taxes, bloated domestic spending and declining economic

growth, and he has steadied America's course to recovery.

Inflation, which hit 12.4 percent under Jimmy Carter, is now 2.6 percent. The prime interest rate is 11 percent, about half Mr. Carter's prime rate. Mortgage rates have also dropped, awakening the housing industry from its sleepy Carter slump. Our index of leading economic indicators has gone up for 11 consecutive months, and this upswing is matched by a upbeat, optimistic mood among the American people.

I sensed that mood among my constituents during the August recess. I sensed it among the elderly who are relieved that inflation no longer ravages their fixed incomes. I sensed it among small businessmen, among supermarket shoppers, among countless people who want this Congress to stay the course that President Reagan has put America on toward economic recovery.

That is what I heard from the people of my district. Yet there are those who say they heard something different. They claim they heard a vast outcry of concern over the Federal budget deficit.

Our political and economic world has indeed been turned upside down if these big spending liberals have suddenly been born again as deficit-fighting fiscal conservatives.

Because let us face it, Mr. Speaker—the one cause for today's Federal deficit is the chronic refusal of this House to curb domestic spending. And the only cure for these deficits is to put to rest once and for all this idle chit-chat about tax increases, and go about the business of making the cuts needed to sustain economic growth.

The first act this Congress performed upon our return from our trips home—trips when we supposedly heard so much about budget deficits—was to add $1.6 billion to our social services budget. This may startle students of logic, but it comes as no surprise to students of the 98th Congress, which has been busting the budget since shortly after most of us took our oath of office.

On March 24, for example, with recovery already launched, this House passed a $4.6 billion Emergency Jobs Act that has not done a thing to create lasting jobs for American workers. Why, it has not even succeeded in making make-work jobs.

The New York Times studied the effects of this act, and concluded in a July 5 article that the early beneficiaries of the act were not the men and women in declining industries, but the lawyers, the accountants and the consultants—otherwise known as the "beltway bandits"—who have gotten a few feathers from the plucked taxpayer by way of Federal contracts for proposals, projects and public hearings.

It is not that we do not have ample historic evidence of the futility of these Government boondoggles. For that little object lesson, we have President Carter's dear CETA program to thank. My colleague from Pennsylvania (BOB WALKER) presented a litany of CETA horror stories a few weeks ago—money tossed away on such meaningful projects as constructing training rocks for rock-climbers, manuals on gay life styles, and modern dance lessons for Montgomery County matrons.

So what does this House do? Why it passes the "son of jobs bill" boondoggle, and another $3.5 billion is added to the deficit.

We have been stoking our little spending engines for 9 months now. We have got a $8.4 billion big bank bailout, a $1.8 billion reincarnation of the Civilian Conservation Corps, and appropriations bills that add billions to the executive budget request. We even have a $17 billion housing program as a payoff for the bank bailout program that is a taxpayer rip-off to begin with.

The biggest irony is that we also have some big spending programs that are needed to correct the damage of other big spending programs. I speak of course of the bills to provide $860 million for emergency mortgage assistance, $4 billion for health insurance for the unemployed, and $375 million for the Trade Adjustment Act. These programs would not be necessary if we could just get about the business of slowing the growth of governmental spending and promoting economic growth.

In fact, there are those of us who maintain that the only way to reduce the Federal deficit is through sustained, noninflationary growth. Every 1 percent drop in unemployment swells governmental revenue by about $30 billion. Faster economic growth, in fact, led Treasury Secretary Donald Regan to predict last July that our deficits will be trimmed by a total of $110 billion over the next 5 years.

Tax hikes, as our born-again deficit-fighting liberal friends advocate, would only slow down economic growth. And besides, not 1 cent of these tax hikes would go to close the budget gap. It would go toward increased spending. Everyone knows that what Congress gets, Congress spends.

Last year, President Reagan swallowed hard and signed the Tax Equity and Fiscal Responsibility Act, lured by a promise that we would cut spending $3 for every $1 in tax hikes. This promise has been roundly broken. Instead, for every dollar in taxes, we have cut spending a scant 25 cents.

That is no way for this Congress to run an economy. We have seen the enemy of balanced budgets, and it is us.●

● Mr. REGULA. Mr. Speaker, article I, section 7 of the Constitution reads:

All bills for raising Revenue shall originate in the House of Representatives.

I am distressed that there are those who would shirk off our responsibility for the budget deficit. In the words of Harry Truman the buck does stop here. This is not a time to point fingers. Commonsense and good nature will do a lot to insure a bipartisan response to this problem.

I suggest to the members of Congress that this is not a time to play politics. The stakes are too high and the challenge too great. Last week my distinguished colleague from California, LEON PANETTA, and myself cosponsored two special orders on the budget deficit. The response was overwhelming. Members from both sides of the aisle came forward to express their concern.

Nothing is a greater impediment to solving the deficit crisis than if the Members of this body are unable to join together in a bipartisan effort.

No doubt, each of us have our own particular ideas on solving the budget crisis. For the past 2 weeks my colleagues, and I, have attempted to define the problem and offer some possible solutions. The formula is simple. Spending reductions and/or increased revenues equal a reduced deficit. The difficulty is determining the correct blend.

Compromise is the key. Every worthwhile law on the books is the result of this form of human interaction. We have done it so often. Why not now? I dare say that my response is somewhat different from others who participated in the Special Orders on September 14 and 21. But I am willing to compromise and I believe they are too.

Briefly, I would mention a joint resolution introduced by House Chairman JIM JONES, of which I am a cosponsor, that would call on the President to convene a summit conference with congressional leadership to address the budget deficit problem. The uncontrollables must be controlled swiftly and decisively. An economic summit will send a message to the American people that Congress is going to act promptly.

Continued high deficits have manufactured a confidence gap between government and people. Recovering from years of ballooning inflation and high interest rates, business is wary of another one-two punch in the form of a dwindling supply of capital at a reasonable cost. This fear is a threat to a prolonged recovery.●

● Mr. BROOMFIELD. Mr. Speaker, the October 3 Newsweek magazine informs us that this distinguished body is in store for quite a show tomorrow.

According to the magazine, in a very political ploy, born-again deficit-fighting Democrats will denounce the

budget gap in a series of 1-minute speeches on the floor of the House.

In response one could marvel at the great degree of patient practice this exercise requires for our colleagues on the other side of the aisle to learn how to pronounce terms such as fiscal responsibility and budget deficit smoothly and clearly.

One could also point to the record of the Democrat-controlled House in passing spending bill after spending bill that exceed administration requests. The House's record in pushing through new programs—such as the $3.5 billion jobs bill at a time when our economy is expanding and the unemployment rate is dropping—must also be explained by our colleagues who plan to be so critical of the administration.

In reply, one might discuss how successful the President's economic policy has been these past 3 years. The President's policy has reduced inflation and lowered taxes to a point that a typical family income has about $3,200 more in purchasing power than it would have had without the tax breaks and the reduction in inflation.

The prime interest rate has dropped dramatically since the Carter administration, and the average real hourly earnings in 1983 rose for the first time in 4 years. The economy itself has grown at an annual rate of 9.2 percent which is the fastest quarterly growth rate in 5 years.

However, Mr. Speaker, none of these responses seem appropriate to what is in store for us tomorrow if the Newsweek article is correct.

The budget deficit is truly a serious problem facing our Nation, and it should not be subject to political gamesmanship.

The Congress and this body, which contributed so greatly in creating the deficit problem, must now seek a solution in a bipartisan manner. What, to some, may be good politics, may not necessarily be good policy nor good for the national interest.

It is time to lay politics aside and get down to the real business of reducing the deficit so that our economy can continue to grow and our unemployed can find real, long-term productive jobs.●

● Mrs. HOLT. Mr. Speaker, our economy is growing briskly, generating more and more revenues, and the budget deficit could be reduced very substantially if every Member of this House would do what he or she knows to be right.

I have watched the action on the authorization and appropriations bills. I have watched with sadness the playing to special interest groups with add-on running to billions of dollars.

Too many Members of this House are using the appropriations process to collar the votes of special interest constituencies in next year's elections. They are the same Members who are loudly complaining about the deficit and trying to blame it on President Reagan.

They are the same Members who talk about tax increases to reduce the deficit, but experience shows they would spend every dime that might be raised by a tax increase.

A responsible Congress concerned about the economic future of our country could reduce the deficit. If we would simply try to wring out all the waste and unnecessary spending, we would have enough for all our needs. Instead, fiscal policy has become an arena for playing raw politics.

Even though we differ in our priorities, I truly believe that if we would put crass, political motivation behind us we could solve all our economic problems.●

NATIONAL ADULT CONTINUING EDUCATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, I am introducing today a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

Nothing better describes the importance of continuing education than the motto of National Adult Continuing Education Week, "Education for Tomorrow's Opportunities." Today, perhaps more than at any other time in our Nation's history, education is playing a vital role in meeting the challenges of tomorrow. With the decline of certain industries, the growth of service-oriented businesses, and the increase of new technologies, education is certainly a key to our future.

When we talk of education, far too many people think only of schoolchildren in the elementary grades or of college students earning their bachelor or graduate degrees. What we fail to recognize, however, is that over 21 million adults are currently enrolled in continuing education programs throughout the United States. These more than 21 million participants in adult education, nearly 12 million of which were women and over 9 million were men, took over 37 million courses during the year ending May 1981. This is an average of 1.8 courses per participant, and 60 percent of these courses were taken for job-related reasons. Furthermore, it is noteworthy that approximately 54 percent of the adult education courses were taken in a school setting; the rest were provided by business or industry, community and government agencies, and other nonschool settings. More importantly, the whole adult continuing education effort is growing.

From displaced factory workers learning new skills to physicians studying the most recent advancements in medicine, millions of Americans are furthering their education, increasing their skills, and expanding their knowledge. For some, this is just another step to greater knowledge, but for many it is a new beginning. This is especially true for women, minorities, and some of our older citizens who, for various reasons, have long been unable to further their education.

In my opinion, Congress has a responsibility to foster and strengthen education at all levels. In particular, we must encourage our adult population to take advantage of the many opportunities afforded through continuing education. After all, education is a lifelong process.

I have always been a strong supporter of adult education. It is the purpose of this resolution to recognize the value of continuing education and to commend those individuals involved in adult continuing education who make so many important contributions to our country. I ask my colleagues to join me in this effort by cosponsoring this resolution.●

MEDICARE BENEFIT IMPROVEMENT AND COST CONTAINMENT ACT OF 1983

● The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, in 1962 President John F. Kennedy in a special message to Congress concerning health insurance for the aged said:

> Good health is a prerequisite to the enjoyment of the pursuit of happiness. Whenever the miracles of modern medicine are beyond the reach of any group of Americans, for whatever reason—economic, geographic, occupational or other—we must find a way to meet their needs and fulfill their hopes. For one true measure of a nation is its success in fulfilling the promise of a better life for each of its members. Let this be the measure of our nation.

President Kennedy's statement came near the conclusion of a 30-year debate initiated by President Franklin D. Roosevelt's Committee on Economic Security concerning the inclusion of health insurance in the social security system. Three years later, following President Lyndon Johnson's landslide victory in an election where health insurance for the aged was a principal issue, Congress adopted the medicare and medicaid programs. Their intended goal was to assure access to quality health care would not be limited by income or age.

In the intervening years, medicare and medicaid have done a great deal to guarantee medical miracles are equally available. Many who would be immobile walk on manmade hips. Hearts

that might have stopped, pump with fresh arteries. Kidney patients survive with the aid of machines that clean their blood. Americans are justly proud that their medical system is the best in the world.

But recently, the rising costs of this care have led some to wonder whether the country can sustain its commitment to the poor and elderly. Coronary bypass operations cost from $20,000 to $40,000 each. Hip replacements with associated hospitalization and therapy run from $5,000 to $10,000 per patient; and the costs of renal dialysis now exceeds $2 billion a year.

In the aggregate, health care expenditures have increased by 3,000 percent from 1950 to the present. They will double again in the next 7 years. The Government's share has increased from 24 percent in 1973 to 29.3 percent in 1981. Health expenditures now constitute 12.2 percent of total Federal Government expenditures compared to 4.5 percent in 1965. At this rate, the Congressional Budget Office has estimated the medicare hospital insurance trust fund will be bankrupt within 4 years.

Extending the challenge to our health care commitment is the fact that access to care is denied many who need it; 1 out of every 10 Americans is without health insurance. The poor are three times as likely to lack insurance as people with high incomes and twice as likely as people with middle incomes. In fact, over half those classified as poor under Federal guidelines are not covered by medicaid.

At the same time, the burden on the elderly has grown to premedicare levels. Seniors now pay an average of 20 percent of their income for health care—the same amount as they did in 1965 when medicare and medicaid were enacted.

Clearly, as I said earlier this year in initiating a review of these problems by the Subcommittee on Health and Long-Term Care of the House Aging Committee, health care in this country is at crisis. The magnitude of the problem will not yield to simple solutions and easy answers. It cannot be addressed by cost shifting and program reductions designed to balance the books. Our revisions must be more fundamental and progressive.

Today, I introduce legislation which I believe to be a step in the right direction. This legislation, the Medicare Benefit Improvement and Cost Containment Act of 1983, would extend necessary services to medicare beneficiaries while restraining costs. This will be accomplished by allowing providers more flexibility in dealing with medicare while providing incentives for these providers to operate efficiently.

The Medicare Benefit Improvement and Cost Containment Act of 1983 would encourage the development of preferred provider organizations and allow these organizations to contract with medicare for specified services. These organizations, which at minimum must be prepared to offer existing medicare part A and B services, would be given the flexibility of adding services which they deem appropriate and cost-effective. The organization could add benefits designed to emphasize preventative care, community services or any other desirable service so long as these services are disclosed in the contracting process and the rate negotiated does not exceed current program expenditures (calculated at the AAPCC).

In addition, the legislation provides incentives for physicians to accept assignment and tests "Freedom of Choice" health maintenance organizations (HMO's). Physicians would be encouraged to accept asssignment by provisions which would expedite the payment process for physicians who accept assignment (defined for purposes of this act as preferred providers) and authorizing the payment of interest on valid claims not paid within 30 days of submission by a preferred provider.

The freedom of choice HMO demonstration would test an approach which would simplify enrollment for HMO's and eliminate restrictive lock-in provisions which have hindered the growth of HMO's. Beneficiaries would retain the right to see specific physicians and other providers as they wish, preserving their freedom of choice and encouraging the HMO to maintain internal services of the highest quality. Under this option, beneficiaries would continue to be responsible for coinsurance and deductible amounts.

At the same time, the beneficiaries enrolled in the demonstration would have the option of receiving services from the HMO's panel of providers. In the event beneficiaries exercized this option, they would receive more comprehensive services without the obligation of existing copayment and deductible amounts.

This legislation would not result in increased program costs. Payment for services under the demonstration would be at the 95 percent AAPCC rate and result in a 5-percent saving to the program. Other program costs would be unaffected.

In summary, this legislation represents an affirmative approach to one of our most pressing problems. It provides providers of services under medicare with greater flexibility and independence in their organization, prescription of appropriate therapies and patient management. It provides beneficiaries with additional options and the possibility of receiving more comprehensive services at a reduced cost.●

ON THE LAND REMOTE SENSING SATELLITE AUTHORIZATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, yesterday the Committee on Government Operations Subcommittee on Legislation and National Security held a hearing to examine the international implications of the administration's proposal to commercialize our Government's land remote sensing satellite known as Landsat. During these hearings it was noted repeatedly that Landsat has been a valuable tool of American foreign policy. In addition, it was noted that the effort to sell it at this time could cause irreparable damage to the international stature of the United States.

For 25 years the United States has fought for the open skies policy which allows all of our Nation's satellites to fly without restrictions over every nation in the world. Maintenance of this policy hinges directly on the fact that this country has made the information acquired from civilian remote sensing satellites freely available to all the nations of the world.

To commercialize Landsat, this administration has proposed to renege on our Nation's commitment to nondiscriminatory data distribution policies. This fact is causing considerable alarm among the nations of the world.

Over 40 developing nations now rely on Landsat to provide them with vital information on their natural resources. Over a dozen nations have invested their own resources in building Landsat receiving stations, having recognized the considerable value of this data, and more important, have made these expenditures in direct reliance on the fact that the Landsat program was backed by the U.S. Government.

These nations fear that there will no longer be Landsat data available. Unfortunately, this concern is not without foundation because mechanical difficulties in our present satellite, combined with the decision of this administration to build no further Landsat satellites, will inevitably result in substantial gaps in data.

I am not sure what we can do at this point to minimize these gaps in data transmissions from Landsat, but it is vitally important that the United States assure the other nations of the world that Landsat data will still be available, even after the last Landsat satellite we now have is launched.

Today I am introducing a bill to assure the nations of the world that rely on Landsat data that the United States intends to see that this program continues and to insure them that the data obtained from Landsat

will continue to be distributed in a nondiscriminatory fashion.

I urge each of you to join me in this effort to make these assurances to our friends around the world.●

SOME FURTHER THOUGHTS ON THE SOVIET GRAIN DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I have thought for some time that President Reagan has been wrong to commit so much of our grain to the Soviet Union. I am bothered, first of all, that we may be putting profits ahead of principles when we supply grain to feed Soviet troops that remain in Afghanistan, Vietnam, and other places, and are ready, on a moment's notice, to march into Poland should the Soviet stranglehold on that nation seem to be slipping.

Beyond that, Mr. Speaker, I am concerned for at least two other reasons:

First, we had a very bad experience in selling grain to the Soviet Union in 1972, when President Nixon made an unwise deal with the U.S.S.R. and we were struck, simultaneously, with a bad crop year. The result was a devastating blow to the American family's food budget. Because of this year's severe drought in most parts of the country, we are facing crop shortages again this year and should we have unfavorable weather next year, President Reagan's shortsightedness could cause even greater disaster than that created by President Nixon.

Second, Mr. Speaker, is the havoc that we are wreaking upon our farmland by the continuing demand to overproduce. Through unwise cultivation practices, we are depleting our soil of nutrients, causing it to erode, and in many cases wiping out the small farmer.

This past Sunday, an article by Ward Sinclair in the Washington Post's "Outlook" section focused clearly on the second of these contentions. I would like to call the article to the attention of my colleagues, and at this time to enter it into the RECORD.

BY HAWKING OUR GRAIN WE GAMBLE OUR FUTURE

(By Ward Sinclair)

American farmers are being sold down the river.

You can actually see it happening by standing in a Missouri midnight at Lock 22 on the Mississippi, right in Mark Twain's Hannibal backyard, watching a late August traffic jam of grain-laden barges waiting to be shuttled on toward New Orleans and then to overseas customers.

Sights such as this gladden the hearts of politicians and farm organization leaders who see grain exports as the road to salvation for the faltering farm economy. But on the corn and soybean farms just a stone's throw from the lock, this traffic doesn't bring the elation you might expect. There's restrained pleasure that the Russians are buying more grain again this summer, but no real sense of salvation—most farmers know better.

There is increasing evidence that the policies promoting massive exports of American farm products, down from record highs a couple of years ago but still in the $35 billion range this year, have only worsened the crisis in U.S. farming.

The crisis is social, economic and environmental. The pressure to produce more and more food is rapidly changing the shape of rural America, creating larger and larger farms, undermining community structure and businesses. it is driving farmers to make indefensible investment decisions. And it is forcing them to squander the resource base of soil and water that must be kept whole to feed future generations.

Export agriculture has become so vital to the American farmer that the crops from about two of every five acres he harvests now are sold abroad. An astounding 65 percent of the wheat, 55 percent of the soybeans and 35 percent of the coarse grains—corn, sorghum, barley—produced in this country go to buyers overseas.

This is achieved at high cost. With little regard for the future, farmers are mining the soil and water to grow still more grain to add to the surplus that depresses their price. Some of the nation's best topsoil is eroding at shocking rates because of the pressure farmers feel to produce more. The vast underground reservoir known as the Ogallala aquifer, underlying the Great Plains grain belt, is being depleted rapidly to irrigate fields that were meant only for dryland farming. Rich hardwood forests of the lower Mississippi Valley are being cleared systematically for conversion into land for cultivation of crops that add to the glut. At the same time, urban encroachment is eating away some of the most productive farmland, and shrinking the base for future production.

"We can see evidence of a depleting resource base," Sen. Roger Jepsen (Iowa) said this month, pointing out the soil erosion each year wipes out the productive capability of enough land to feed, clothe and provide lumber for a population the size of San Diego, a city of roughly 1.8 million people. "Preservation of the resource base for present and future . . . production should be paramount. This is basic to national security."

As they deplete the resources, these same farmers go deeper into hock, expanding their debt and their size just to keep pace. They continue to spend billions of dollars annually for unrenewable oil, petrochemical fertilizers and pesticides, seeds and expensive machinery that help them grow grain that sells for less than it costs them to produce. The good times of the mid-1970s, when prices were high and export demand was rising, have become the bad times of the 1980s, with recession and foreign competition leaving farmers high, dry and frightened.

Soil conservationist R. Neil Sampson has put it this way: "Farmers face a constant level of inflation in the cost of the things they purchase, without an offsetting steady rise in the price of the goods they sell . . . The impact on young farmers, or those trying to overcome cash flow deficits, is devastating."

This litany might be understandable, although hardly acceptable, if farmers in general were getting fat and rich from exports. But precisely the opposite is the case. In the dizzying decade of farm export growth that began in 1970, sales went from $7 billion to more than $40 billion. Yet farm income actually has gone down, farmers' debt-interest costs are about equal to their income and the cost of federal support programs has zoomed to record proportions.

The American farmer, in effect, ends up subsidizing foreign countries, which find it more convenient to buy cheap U.S. food than to invest in their own self-sufficiency. American topsoil and water, used up to grow food, is sent off to places like the Soviet Union, China and Japan in the form of grains that those countries cannot produce in adequate amounts to feed their populations. Contrary to popular notions that American farmers are feeding the world's hungry, the bulk of the exports go to the more developed nations that can afford to pay cash.

U.S. taxpayers further subsidize these same clients by providing cheap irrigation water that adds to the agricultural bounty, and by underwriting the cost of the river transportation system and ports so vital to moving the grain.

Something obviously is very wrong with farming, American-style, and it's generating wide concern among policy makers. The $21 billion price tag of federal farm-support programs this year, in league with the political and social stress of agricultural recession, have ignited a full scale debate over the future of U.S. farm policy.

The issue takes on timeliness with a presidential election next year and with Congress scheduled to write a new four-year farm bill, the basic roadmap for agriculture, in 1985. Farm groups are holding policy forums. Secretary John R. Block this summer held a "summit" to get agri-business thinking about policy changes.

But with the exception of a few boat-rockers like Rep. James H. Weaver (Ore.), former Iowa Gov. Robert Ray and Walter W. Goeppinger, a respected Iowa farmer, most of the politicians, farm organization leaders and agribusiness executives who presume to speak for American farmers are talking and marching in lockstep.

As they have done virtually without exception for 25 years, they urge more exports as the most expedient way of unloading American surpluses. This approach became graven into policy after the Soviets made huge, unexpected grain purchases here in 1972. The Nixon administration urged farmers to expand their plantings and count on a continuing upward surge of income and exports.

The talk today points in the same direction: more market development, more credit gimmicks for the developing countries, more federal subsidization of exports, more vending of processed food overseas, more punitive measures against competing nations that are crowding American farmers out of their traditional "safe" markets.

For the sake of argument, let's call this bankrupt thinking, literally and figuratively.

The Carter administration, in its final days, suggested as much in its controversial "Time to Choose" study of the changing structure of U.S. farming. Exports in the 1980s, the report said, "will tend to have high additional costs—both for farmers . . . and in a broader social and economic sense, in raising food prices, intensifying the use of renewable and nonrenewable resources, and putting further stress on the environment." The entire report was so antithetical to

market-oriented Reaganites that Block's USDA has allowed it to go out of print.

Farm exports unquestionably are important to the American economy and the foreign buyers who rely on U.S. farmers. Even with imports of roughly $16 billion worth of food this year, we will be left with an agricultural trade balance of $20 billion. That balance is crucial in the country's ability to pay for its oil and other necessities.

But basic questions remain avoided or unasked. For example, at what point do these export proceeds become diminishing returns? At what cost to the American natural resource base of rich soil and abundant water do we produce food for the world? Why should the American farmer be required to subsidize a world over which he has no control and which dictates his prices?

Congress, for one, and the Reagan administration, for another, have shown little inclination to grapple with questions of that sort in their debating of farm policy. Bright ideas get shot down with regularity. In 1981, for example, Weaver was virtually laughed out of the Agriculture Committee when he resurrected an idea he had floated on a number of occasions.

Arguing that export prices ought to reflect the stress on the natural resource base, Weaver wanted to create an export grain bank that would set an official U.S. price for commodities sold abroad. Free-marketeers were aghast at the idea of intruding in markets that way. Never mind that global agriculture is basically protectionist. Never mind that several other major exporting nations handle their agricultural sales through government boards, or through government-mandated price ceilings and subsidy programs.

Weaver's proposal was defeated in the Agriculture Committee, then voted down as a floor amendment after the big private grain-trading firms put out the word against it. He still picked up 135 votes.

Ray, the former Iowa governor, was so frustrated over the sight of his state's eroding topsoil being sluiced down the Mississippi that he raised the idea of a special tax on export crops to help pay for repair of the land. Ray left office early this year before he could follow up and his idea has gone to pasture.

More interesting, perhaps, is the thinking of Walter Goeppinger, an Iowa farmer who feels that the intense pressure put on the land by export farming may be the ruination of American agriculture. He worries about the ability of U.S. farmers to maintain markets if their best soil washes away.

What makes this important is that Goeppinger long has been a champion of expanded agricultural exports. He was a founder and president of the U.S. Feed Grains Council, which promotes overseas sales and new markets.

"Fence-to-fence, free-market-oriented policy has turned into an economic disaster for the farmer and a soil-loss tragedy for the nation," he wrote recently in the Des Moines Register. He proposed a mandatory idling of 20 percent of all soil used to produce field crops, resting the soil for three years by planting it in grass. In 15 years, all U.S. cropland would have been rested and rebuilt.

"A 20 percent cut in our crop acreage would still produce more than enough for the domestic needs of the United States and leave ample quantities of grain for export," he wrote "Foreign cash customers should be given first place at our export-buying window and credit customers could come after them in buying any that is left."

If the policymakers would stop and listen, they would understand that Weaver, Ray, Goeppinger and others like them are saying it is time for the United States to approach its most important industry with the same rationale the OPEC nations have applied to their petroleum. They justify their prices by arguing that their oil is a nonrenewable resource. Mine it, sell it, it's gone.

In agriculture, the rationale has tended to be the opposite: a bushel of wheat is a renewable resource. Grow it, sell it, grow it again, sell it again, but that is arguable. If the soil and water base is depleted, as is increasingly the case, the bushel of wheat becomes a nonrenewable resource.

There will be no cheap solutions, or easy answers, to the problems that American agriculture now faces. In seeking them, it will be necessary to consider the interests of a diverse group: consumers at home and abroad, and, above all, less developed nations for which America remains a granary of last resort. These groups have a common interest in seeing that American farmland remains as fruitful in the future as it is now. That hope will be threatened if unbridled exports continue to sell farmers down the river.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at his own request), for September 30 and October 1, 1983, on account of district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. LATTA, for 60 minutes, today.

Mr. PASHAYAN, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. MOLLOHAN, for 15 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. OTTINGER, for 5 minutes, today.

Mr. FOLEY, for 60 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STRATTON, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,449.

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. COURTER.

Mr. BETHUNE.

Ms. FIEDLER in three instances.

Mr. KEMP in two instances.

Mr. HILLIS.

Mr. CLINGER.

Mrs. SCHNEIDER.

Mr. GUNDERSON.

Mr. FIELDS.

Mr. HYDE.

Mr. LAGOMARSINO in two instances.

Mr. CORCORAN in three instances.

Mr. ERLENBORN.

Mrs. ROUKEMA.

Mr. CONABLE.

Mr. PARRIS.

Mr. MCKERNAN.

Mr. CAMPBELL.

Mr. GOODLING.

Mr. FISH.

Mr. RIDGE.

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. SMITH of Florida.

Mr. LANTOS.

Mr. FLORIO.

Mr. HOWARD.

Ms. MIKULSKI.

Mr. MINETA.

Mr. SYNAR.

Mr. LUKEN.

Mr. LEVINE of California.

Mr. ACKERMAN.

Mr. SWIFT.

Mr. LAFALCE.

Mr. DORGAN.

Mr. GUARINI.

Mr. OBERSTAR.

Mr. STOKES.

Mr. HUBBARD.

Mr. JENKINS.

Mrs. LLOYD in two instances.

Mr. SOLARZ in two instances.

Ms. KAPTUR.

Mr. EDGAR.

Mr. MARKEY.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

ADJOURNMENT

Mr. DONNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House ajourned until tomorrow, Friday, September 30, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1919. A communication from the President of the United States, transmitting a draft of proposed legislation entitled the "Pension Equity Act of 1983" (H. Doc. No. 98-114); jointly, to the Committees on Education and Labor and Ways and Means and ordered to be printed.

1920. A letter from the Secretary of the Treasury, transmitting a report on activities relating to the minting of the 1984 Los Angeles Olympic games coins; to the Committee on Banking Finance and Urban Affairs.

1921. A letter from the Secretary of Health and Human Services, transmitting the ninth annual report of the Department on the status of handicapped children in Head Start programs, pursuant to section 604(d) of Public Law 97-35; to the Committee on Education and labor.

1922. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report covering fiscal year 1982 on the status and accomplishments of the runaway and homeless youth program, pursuant to section 315 of Public Law 93-415; to the Committee on Education and Labor.

1923. A letter from the Director, Office of Minority Economic Impact, Department of Energy, transmitting a draft of proposed legislation to amend section 211(f) of the Department of Energy Organization Act to clarify the definition of the term "minority" for purposes of determining who is eligible for participation in the Department's Office of Minority Economic Impact (MI) programs; to the Committee on Energy and Commerce.

1924. A letter from the Acting Assistant Secretary of State, Intergovernmental and Legislative Affairs, transmitting a report of political contributions by Nicholas A. Veliotes, Ambassador-designate to Egypt, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1925. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of June 13, 1956 (70 Stat. 274), to delete the requirement for congressional review of contracts in excess of $200,000; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Allocation of budget totals to subcommittees under the first amendment budget resolution for fiscal year 1984. (Rept. No. 98-395). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 4027. A bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. SMITH of Florida, Mr. GILMAN, Mr. SHAW, Mr. SCHUMER, Mr. RODINO, Mr. RANGEL, Mr. MICA, Mr. GUARINI, Mr. YOUNG of Missouri, Mr. ENGLISH, Mr. ALBOSTA, Mr. FORSYTHE, Mr. ROE, Mr. TORRICELLI, Mr. GLICKMAN, Mr. LEVINE of California, Mr. FASCELL, Mr. FEIGHAN, Mr. MCGRATH, Mr. MATSUI, Mr. FAUNTROY, Mr. CHAPPIE, Mr. TOWNS, Mr. COUGHLIN, Mr. ORTIZ, Mr. PARRIS, Mr. SCHEUER, Mr. OXLEY, Mr. SAM B. HALL, JR., Mr. LEWIS of Florida, Mr. AKAKA, and Mr. PRITCHARD):

H.R. 4028. A bill to amend the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. BARNARD:

H.R. 4029. A bill to amend the Internal revenue Code of 1954 to provide that interest on Eurobonds sold outside the United States will not be subject to the 30-percent tax on interest received by foreign persons; to the Committee on Ways and Means.

By Mr. BROOKS (for himself, Mr. HORTON, Mr. WRIGHT, and Mr. BROWN of California):

H.R. 4030. A bill to authorize the continuation of the land remote sensing satellite program (Landsat), and to insure the U.S. role as the world leader in developing and utilizing land remote sensing space technology through the Landsat program; to the Committee on Science and Technology.

By Mrs. BURTON of California:

H.R. 4031. A bill to facilitate economic adjustment of communities, businesses, and workers; to require business concerns to give advance notice of plant closings and permanent layoffs; to provide assistance, including retraining, to dislocated workers, and for other purposes; jointly to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. ERLENBORN (for himself, Mrs. ROUKEMA, Mr. CONABLE, Ms. FIEDLER, Mrs. HOLT, Mrs. JOHNSON, Mrs. MARTIN of Illinois, Mrs. SCHNEIDER, Mrs. SMITH of Nebraska, Ms. Snowe, and Mrs. Vucanovich):

H.R. 4032 a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equity in the provision of retirement income, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. FASCELL:

H.R. 4033. A bill to amend title 28, United States Code, to provide for three additional district judges for the Southern District of Florida; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 4034. A bill to amend the Internal Revenue Code of 1954 to require the Internal Revenue Service to notify State or local governments of sales of property seized from delinquent taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 4035. A bill to suspend temporarily the duty on a certain chemical intermediate; to the Committee on Ways and Means.

By Ms. MIKULSKI:

H.R. 4036. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4037. A bill to amend the Federal Water Pollution Control Act to require the States to identify areas which have water quality control problems as a result of pollution from nonpoint sources and to establish plans and priorities for controlling those problems, to provide assistance to the States for implementing such plans, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PAUL:

H.R. 4038. A bill to amend the Internal Revenue Code of 1954 to repeal the provision limiting nonbusiness casualty loss deductions to the amount by which such losses exceed 10 percent of adjusted gross income; to the Committee on Ways and Means.

H.R. 4039. A bill to amend the Trade Act of 1974 and the Export-Import Bank Act of 1945 to prohibit extensions of credit, credit guarantees, investment guarantees, or grants by any agency of the U.S. Government to any Communist country; jointly, to the Committee on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. WAXMAN, Mr. BIAGGI, Ms. OAKAR, and Mr. BONKER):

H.R. 4040. A bill to amend title XVIII of the Social Security Act to permit negotiated rates with preferred providers under the medicare program and to permit group health care payors to provide for alternative rates with providers of health care, to provide for an intra-HMO competition demonstration project, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.J. Res. 377. Joint resolution designating the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey:

H.J. Res. 378. Joint resolution to designate December 1, 1983, as "National Civil Air Patrol Day"; to the Committee on Post Office and Civil Service.

By Mr. HILLIS:

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese auto export restraints beyond March 31, 1984 at carry-over levels, without any exceptions; to the Committee on Ways and Means.

By Mr. SAWYER:

H. Con. Res. 179. Concurrent resolution expressing the sense of the Congress with regard to the defense responsibilities of the United States and Japan; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress concerning human rights in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. DURBIN (for himself, Mr. MADIGAN, Mr. EVANS of Illinois, Mr. EVANS of Iowa, Mr. BEDELL, Mr.

SKEEN, Mr. STAGGERS, Mr. LEACH of Iowa, Mr. ERDREICH, and Mr. ENGLISH):

H. Res. 322. Resolution to express the sense of the House of Representatives concerning the adverse effect on U.S. agricultural exports of proposals to modify the common agricultural policy of the European Community; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 323. Resolution to request that the President provide certain information as to Henry Kissinger & Associates and the business activities of Henry Kissinger; to the Committee on Government Operations.

By Mr. KOSTMAYER:

H. Res. 324. Resolution expressing the sense of the House of Representatives that the President should request the resignation of Secretary of the Interior James Watt; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

278. By the SPEAKER: Memorial of the Legislature of Guam, relative to Richard Montoya's appointment as Assistant Interior Secretary for Territorial and International Affairs; to the Committee on Interior and Insular Affairs.

279. Also, memorial of the Legislature of the State of California, relative to the Santa Barbara marine area; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

280. By Mr. JONES of North Carolina: Memorial of the Legislature of the State of California, relative to the Santa Barbara marine area; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FRANK introduced a bill (H.R. 4041) for the relief of Herbert Tichauer, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mrs. BOXER, Mr. PHILIP M. CRANE, Mr. DONNELLY, Mr. DURBIN, Mr. FISH, Mr. HOWARD, Mr. MATSUI, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. PEASE, Mr. RAHALL, Mr. RODINO, Mr. ROEMER, and Mr. SAWYER.

H.R. 647: Mr. AKAKA.

H.R. 1016: Mrs. LLOYD, Mr. MCEWEN, and Mr. HATCHER.

H.R. 1136: Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SCHAEFER, and Mr. ASPIN.

H.R. 1543: Mr. LEVINE of California.

H.R. 1881: Mr. DEWINE, Mr. DOWDY of Mississippi, Mr. ERDREICH, Mrs. HOLT, Mr. MCEWEN, Mr. MCKERNAN, Mr. MONTGOMERY, Mr. NICHOLS, Mr. OXLEY, and Mr. PENNY.

H.R. 1905: Mr. FROST, Mr. CORRADA, Mr. DAUB, Mr. WILLIAMS of Montana, Mr. WATKINS, Mr. FORSYTHE, Mr. SKEEN, Mr. FUQUA, Ms. KAPTUR, and Mr. TORRICELLI.

H.R. 1965: Mr. WHEAT, Mr. DYMALLY, and Mr. RATCHFORD.

H.R. 2032: Mr. PHILIP M. CRANE.

H.R. 2053: Mr. KILDEE.

H.R. 2714: Mr. DURBIN.

H.R. 2916: Mr. HANSEN of Idaho.

H.R. 2977: Mr. DAUB, Mr. DANNEMEYER, Mr. BARNARD, Mr. MCEWEN, and Mr. YOUNG of Alaska.

H.R. 3027: Mr. LEATH of Texas.

H.R. 3072: Mr. DICKINSON, Mr. GREGG, and Ms. KAPTUR.

H.R. 3099: Mr. BADHAM.

H.R. 3245: Mr. GOODLING, Mr. GUNDERSON, Mr. CHANDLER, Mr. JEFFORDS, Mr. ERLENBORN, Mr. BIAGGI, and Mr. PACKARD.

H.R. 3309: Mr. HARTNETT, Mr. BADHAM, and Mr. DREIER, of California.

H.R. 3420: Mr. WYLIE, Mr. BEILENSON, Mr. LAGOMARSINO, Mr. WISE, and Mr. LUNGREN.

H.R. 3545: Mr. TAUKE.

H.R. 3581: Mr. WEBER, Mr. DREIER of California, Mr. HEFTEL of Hawaii, Mr. CHAPPIE, Mr. ENGLISH, Mr. MORRISON of Washington, Mr. RICHARDSON, Mr. BEVILL, Mr. LEHMAN of California, Mr. MCCANDLESS, Mr. FAZIO, and Mr. ECKART.

H.R. 3633: Mr. CONYERS, Mr. DELLUMS, Mr. FEIGHAN, Mr. STARK, Mr. CORRADA, Mr. CROCKETT, and Mr. ROYBAL.

H.R. 3642: Mr. CLINGER, Mr. DERRICK, Mr. YOUNG of Florida, Mr. OLIN, Mr. ZABLOCKI, Mr. PORTER, Mr. MCCOLLUM, Mr. LONG of Louisiana, Mr. BETHUNE, Mr. STENHOLM, and Mr. WRIGHT.

H.R. 3755: Mr. BROYHILL and Mr. BIAGGI.

H.R. 3790: Mr. ROSE and Mrs. LLOYD.

H.R. 3870: Mr. RITTER.

H.R. 3886: Mr. HARRISON, Mr. CONYERS, Mr. FRANK, Mr. WALGREN, Mr. FOGLIETTA, Mr. WILSON, Mr. KILDEE, Mr. WEISS, Mr. RANGEL, Mr. MURPHY, Mr. KOLTER, Mr. FEIGHAN, Mr. WIRTH, Mr. KOSTMAYER, Mr. RAHALL, Mr. MURTHA, Mr. FAUNTROY, Mr. EDGAR, Mr. GAYDOS, Mr. ASPIN, Mr. MITCHELL, Mr. GRAY, Mr. YATRON, Mr. BORSKI, and Mr. DIXON.

H.R. 3887: Mr. HARRISON, Mr. CONYERS, Mr. FRANK, Mr. WALGREN, Mr. FOGLIETTA, Mr. WILSON, Mr. KILDEE, Mr. WEISS, Mr. RANGEL, Mr. MURPHY, Mr. KOLTER, Mr. FEIGHAN, Mr. WIRTH, Mr. KOSTMAYER, Mr. RAHALL, Mr. MURTHA, Mr. FAUNTROY, Mr. EDGAR, Mr. GAYDOS, Mr. ASPIN, Mr. MITCHELL, Mr. GRAY, Mr. YATRON, Mr. BORSKI, and Mr. DIXON.

H.R. 3936: Mr. SIKORSKI, Mr. HANSEN of Idaho, Mr. CRAIG, Mrs. LLOYD, Mr. MOLLOHAN, and Mr. ORTIZ.

H.R. 3972: Mr. CRAIG and Mr. LAGOMARSINO.

H.J. Res. 20: Mr. CLINGER, Mr. GORE, Mr. SMITH of New Jersey, Mr. WEBER, Mr. LONG of Louisiana, Mr. KRAMER, Mr. RAY, Mr. ERDREICH, Mr. MATSUI, Mr. FOLEY, Mr. BARNARD, Mr. CLARKE, Mr. ANDERSON, Mr. EDWARDS of California, Mr. GRADISON, Mr. NATCHER, Mr. RALPH M. HALL, Mr. GUNDERSON, Mr. BILIRAKIS, Mr. WHITEHURST, Mr. FEIGHAN, Mr. STOKES, Mr. SCHAEFER, Mr. HUBBARD, Mr. REGULA, Mr. COLEMAN of Texas, Mr. DAVIS, Mr. ROTH, Mr. LEWIS of Florida, and Mr. HAWKINS.

H.J. Res. 71: Mr. CONTE, Mr. WYLIE, and Mr. WINN.

H.J. Res. 93: Mr. SAM B. HALL, JR., Mr. DANIEL B. CRANE, Mr. DIXON, Mr. SOLARZ, Mr. WATKINS, Mr. ENGLISH, Mr. MCCURDY, Mr. SHARP, Mrs. KENNELLY, Mr. ROSE, Mr. FASCELL, Mr. GEJDENSON, Mr. BONKER, Mr. BETHUNE, Mr. VOLKMER, Mr. FOLEY, Mr. LEATH of Texas, Mr. HANCE, Mr. YOUNG of Missouri, Mr. NOWAK, Mr. MITCHELL, Mr. TAYLOR, Mr. GARCIA, Mr. APPLEGATE, Mr. COLEMAN of Texas, Mr. LEHMAN of California, Mr. BENNETT, Mr. ASPIN, Mr. COOPER, Mr. RITTER, Mr. WISE, Mr. STAGGERS, Mr. HUCKABY, Mr. MONTGOMERY, Mr. TORRES, Mr. DANIEL, Mr. SWIFT, Mr. MCHUGH, Mr. CARR, Mr. OBERSTAR, Mr. GONZALEZ, Mr. IRELAND, Mr. LUJAN, Mr. FIELDS, Mr. ORTIZ, and Mr. PICKLE.

H.J. Res. 103: Mr. FORD of Michigan.

H.J. Res. 121: Mr. EMERSON.

H.J. Res. 282: Mr. ANNUNZIO, Mr. BATEMAN, and Mr. ACKERMAN.

H.J. Res. 296: Mr. WISE and Mr. LONG of Maryland.

H.J. Res. 322: Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. MINISH, Mr. MARRIOTT, Mr. LONG of Louisiana, Mr. DANIEL, Mr. PRITCHARD, Mr. MACKAY, Mr. PATMAN, Mr. NATCHER, Mr. SWIFT, Mr. COELHO, Mr. EVANS of Illinois, Mr. MCCOLLUM, Mr. SILJANDER, Mr. HAMILTON, Mr. TORRES, Mr. HYDE, and Mr. MADIGAN.

H.J. Res. 349: Mr. SUNIA, Mr. ACKERMAN, Mr. LUKEN, and Mr. WALGREN.

H.J. Res. 352: Mr. FROST, Mr. SUNIA, Mr. LENT, Mr. SMITH of Florida, Mr. MURPHY, Mr. LUKEN, and Mr. WALGREN.

H.J. Res. 375: Mr. AUCOIN, Mr. WATKINS, Mr. PRITCHARD, Mr. WYDEN, Mr. DASCHLE, and Mr. FORSYTHE.

H. Con. Res. 107: Mr. LEACH of Iowa, Mr. WOLFF, and Mr. BONKER.

H. Res. 310: Mrs. BOXER, Mr. CONYERS, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. HARRISON, Mr. HAWKINS, Mr. KASTENMEIER, Mr. KILDEE, Mr. LELAND, Mr. LEVINE of California, Mr. MATSUI, Ms. MIKULSKI, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. OWENS, Mr. RANGEL, Mr. RICHARDSON, Mr. SAVAGE, Mr. SEIBERLING, Mr. SIMON, Mr. STARK, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. WALGREN, Mr. WEISS, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MINETA, Mr. OTTINGER, Mr. GRAY, Ms. KAPTUR, Mr. FORD of Tennessee, Mr. EDGAR, Mr. DYMALLY, Mrs. SCHROEDER, Mr. WIRTH, Mr. FORD of Michigan, Mr. BATES, Mr. SWIFT, Mr. WEAVER, Mr. STUDDS, Mr. CLAY, Mr. HALL of Ohio, Mr. DOWNEY of New York, Mr. STOKES, Mr. EVANS of Illinois, Mr. WILLIAMS of Montana, Mr. BEDELL, Mr. FOGLIETTA, Mr. KOGOVSEK, Mr. MITCHELL, Mr. MCKINNEY, Mr. WOLPE, Mr. RATCHFORD, Mr. PEASE, and Mr. KOSTMAYER.

H. Res. 311: Mr. MITCHELL, Mr. DANNEMEYER, Mr. BATES, and Mr. NIELSON of Utah.

PETITIONS, ETC.

Under clause 1 of rule XXII,

242. The SPEAKER presented a petition of the National Treasury Employees Union, San Francisco, Calif., relative to Federal compensation and benefits; which was referred to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. ECKART:

—Page 58, after line 14, insert:

ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

SEC. 24A. (a) Subtitle D is amended by adding the following new section at the end thereof:

"ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

"SEC. 4010. (a) STUDY.—The Administrator shall conduct a study of the extent to which the guidelines and criteria under this Act (other than guidelines and criteria for facilities to which subtitle C applies) which are applicable to solid waste management and disposal facilities, including, but not limited to landfills and surface impoundments, are adequate to protect human health and the environment from groundwork contamination. Such study shall include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect groundwater and shall also include recommendation with respect to any additional enforcement authorities which the Administrator, in consultation with the Attorney General, deems necessary for such purposes.

"(b) REPORT.—Not later than 36 months after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall submit a report to the Congress setting forth the results of the study required under this section, together with any recommendations made by the Administrator on the basis of such study.

"(c) REVISIONS OF GUIDELINES AND CRITERIA.—Following submission of the report required under subsection (b), the Administrator shall revise the guidelines and criteria referred to in subsection (a) to the extent necessary to insure that such guidelines and criteria are adequate to protect human health and the environment from ground water contamination.".

(b) The table of contents for such subtitle D is amended by adding the following new item at the end thereof:

"Sec. 4010. Adequacy of Certain Guidelines and Criteria".

And make the necessary conforming changes in the table of contents.

By Mr. MARKEY:

—Page 57, after line , insert:

DISPOSAL OF HAZARDOUS WASTE ON FEDERAL LANDS

SEC. 23A. Section 3004 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(1) USE OF FEDERAL LANDS FOR LAND DISPOSAL OF HAZARDOUS WASTE.—(1) No Federal lands may be used for the treatment, storage or disposal of hazardous waste other than hazardous waste which is—

"(A) generated by a department or agency of the United States, or by a person or entity generating such waste in the course of carrying out a contract or other arrangement pursuant to a Federal project or program, or

"(B) obtained by the Administrator (or by any other person or entity acting pursuant to a contract or other arrangement with the Administrator)—

"(i) in the course of carrying out removal action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; or

"(ii) for the purpose of carrying out research relating to hazardous waste treatment.

Clause (i) of subparagraph (B) shall permit treatment, storage, or disposal of hazardous waste on Federal lands only if the Administrator determines that there is no other reasonably available facility for the treatment, storage, or disposal of such hazardous waste.

"(3) As used in this subsection, the term 'Federal lands' means lands owned or leased by the United States other than—

"(A) lands on the Outer Continental Shelf, and

"(B) lands which are held in trust by the United States for an Indian or Indian tribe.".

And make the necessary conforming changes in the table of contents.

By Mr. MOLINARI:

—Page 59, after line 4, insert:

DOMESTIC SEWAGE

SEC. 26. (a) DOMESTIC SEWAGE.—Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"DOMESTIC SEWAGE

"SEC. 3014. (a) REPORT.—The Administrator shall, not later than 15 months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, submit a report to the Congress concerning those substances identified or listed under section 3001 which are not regulated under this subtitle by reason of the exclusion for mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works. Such report shall include the types, size and number of generators which dispose of such substances in this manner, the types and quantities disposed of in this manner, and the identification of significant generators, wastes, and waste constituents not regulated under existing Federal law or regulations in a manner sufficient to protect human health and the environment.

"(b) REVISIONS OF REGULATIONS.—Within 18 months after submitting the report specified in subsection (a), the Administrator shall revise existing regulations and promulgate such additional regulations pursuant to this subtitle (or any other available authority) as are necessary to ensure that substances identified or listed under section 3001 which pass through a sewer system to a publicly owned treatment works are adequately controlled to protect human health and the environment.

"(c) REPORT ON WASTEWATER LAGOONS.—The Administrator shall, within 36 months after enactment of the Hazardous Waste Control and Enforcement Act of 1983, submit a report to Congress concerning wastewater lagoons at publicly owned treatment works and their effect on groundwater quality. Such report shall include:

"(1) the number and size of such lagoons;

"(2) the types and quantities of waste contained in such lagoons;

"(3) the extent to which such waste has been or may be released from such lagoons and contaminated groundwater; and

"(4) available alternatives for preventing or controlling such releases.

The Administrator may utilize the authority of sections 3007 and 3013 for the purpose of completing such report.

"(d) APPLICATION OF SECTION 3010(a) AND SECTION 3007.—The provisions of section 3007 and 3010 shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

(b) AMENDMENT TO SECTIONS 3007 AND 3010.—(1) Section 3007 is amended by adding the following new subsection at the end thereof:

"(e) APPLICATION TO SOLID OR DISSOLVED MATERIALS IN DOMESTIC SEWAGE.—The provision of this section shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

(2) Section 3010 is amended by adding the following new subsection at the end thereof:

"(c) APPLICATION TO SOLID OR DISSOLVED MATERIALS IN DOMESTIC SEWAGE.—The provision of this section shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

(c) TABLE OF CONTENTS.—The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"Sec. 3014. Domestic sewage.".

Amend the table of contents of H.R. 2867 to insert the following new item after the item relating to section 25:

"Sec. 26. Domestic sewage.".

By Mr. SPRATT:

—Page 58, after line 14, insert:

SEC. 24A. Section 3011(b) is amended by inserting at the end of that subsection the following: "In developing an allocation formula, the Administrator shall give special emphasis to the quantities of hazardous wastes disposed of in each State and the corresponding State administrative obligations.".

Make the necessary conforming changes in the table of contents.

H.R. 3231

By Mr. COLEMAN of Texas:

(Amendment of the amendment in the nature of a substitute (test H.R. 3646).)

—Page 43, line 17, add the following after the period: "The Secretary of Commerce shall ensure that qualified officers or employees of the Department of Commerce authorized to issue export licenses under the Export Administration Act of 1979 are located at ports and other points of exit from and entry across the borders of the United States, in order to reduce delays in the issuance of those licenses.".

By Mr. COURTER:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 13, insert the following after line 6:

"(5) Agreement to accord treaty status to the agreement of the Committee on multilateral export control.".

Page 13, line 7, strike out "(5)" and insert in lieu thereof "(6)".

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(7)".

—Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22.

By Mr. GLICKMAN:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—On page 45, delete the word, "and", on line 9; delete the period at the end of line 12 and insert in lieu thereof a semicolon followed by the word "and" and the following:

"(5)(a) establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

"(i) initiate technical assistance programs with the aviation authorities of other governments; and

"(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

"(A) use of United States firms in technical assistance programs initiated with foreign governments;

"(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

"(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

"(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

"(b) The Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and federal departments or agencies."

By Mr. SOLOMON:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 8, line 19, insert "(a)" after "SEC. 105.".

Page 9, insert the following after line 16:

(b) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "comparable"; and

(2) by inserting after "those produced in the United States," the following: "so as to render the controls ineffective in achieving their purposes,".

Page 13, insert the following after line 19:

SEC. 108. (a) Section 5(f) of the Act (50 U.S.C. App. 2404(f)) is amended in paragraphs (1) and (2) by striking out "sufficient" each place it appears and inserting in lieu thereof "comparable".

Page 13, strike out line 20 and "2404(f)(4))" on line 21 and insert in lieu thereof the following:

"(b) Section 5(f)(4) of the Act.".

Redesignate succeeding subsections accordingly.

—Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22.

—Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of two years if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States.".

Page 16, line 22, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of two years if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States.".

—Page 14, line 17, insert the following immediately after the first period: "Each applicant shall submit information in support of any such representations, including information on the following: cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, technical data packages, backup packages, durability, quality of end products produced by the item proposed for export, and scale of production.".

By Mr. STENHOLM:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 41, insert the following after line 7 and redesignate existing subsection (c) as subsection (d):

(c) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

By Mr. WEAVER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 38, insert the following after line 6 and redesignate succeeding sections accordingly:

PRICES FOR EXPORTS

SEC. 120. Section 7 of the Act, as amended by section 111(b) of this Act, is further amended by adding at the end thereof the following new subsection:

"(1) MINIMUM PRICES FOR EXPORTS.—The President may establish minimum prices for exports of wheat, corn, soybeans, soybean meal, oats, barley, grain sorghum, and rice.".

—Add the following at the end of the bill:

TITLE IV—GENERAL PROVISIONS

PRICES FOR EXPORTS

SEC. 401. The President may establish minimum prices for exports of wheat, corn, soybeans, soybean meal, oats, barley, grain sorghum, and rice.

EXTENSIONS OF REMARKS

DEFICITS BLOCK ECONOMIC RECOVERY

HON. LES AuCOIN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. AuCOIN. Mr. Speaker, as I travel through the First Congressional District in Oregon, the question most often asked by millworkers in Toledo, by fishermen in Astoria, and by small businessmen in Beaverton is this, Is the recovery going to be a strong one, is it going to be sustainable, and is it one that can bring us out of one of the deepest economic holes we have been in for decades?

When we look at the statistics of what we have been through in terms of bank failures, financial institutions which have been merged, jobs which have been lost, some of which, frankly, will never come back, I think we have paid a very dear price to reach this point at which we might just be able to see economic recovery.

Those who have survived the recession have every right to expect a recovery that rewards them for one of the sharpest sacrifices the economy has been put through in decades. And I believe the recovery can be sustained. I believe the policymakers in Congress and in the executive branch owe those who have survived by being as skillful as they have during this recession a recovery which rewards their enterprise and nurtures those who are picking up the pieces now and are trying to put it all back together again.

But to be quite frank, Mr. Speaker, there is one thing standing in the way of a prolonged and sustained economic recovery—deficits. Structural deficits, deficits which are estimated, conservatively, at $200 billion. Not only this year, but next year, the year after that, and, in David Stockman's words, as far forward into the future as the eye can see. These Federal budget deficits have driven up interest rates, which have in turn devasted the automobile industry, the housing industry, the wood products industry, and other credit sensitive businesses.

This is a problem which knows no political bounds. It does not matter whether you are a Republican or a Democrat. It does not matter whether your world revolves around capital formation or whether it revolves around providing social services to help the needy. Neither of those things will happen if budget deficits of $200 billion are allowed to occur. If, in 5 years' time, we amass an additional $1 trillion to the national debt, on top of the current accumulated $1 trillion debt, neither of those things will occur. Neither of those things will occur if Government borrowing absorbs 78 percent of the total savings pool of this country, which is where we will be if our deficits grow unabated.

You cannot help your fellow man and you cannot form capital to get the business machinery of this country going if debt service alone becomes one of the major items in the Federal budget. And neither of those things will happen if interest rates destroy the principal source of wealth needed to make this country the kind of society I think we all want it to be. This is why I feel it is so important for responsible Members of both parties to join in an effort to bring our fiscal policy under control. If we fail in this effort, or even worse if we continue on our present course as if there were no problem, we will be courting a financial and economic crisis which will shred the social fabric of this country, making the riots of the 1960's and 1970's look like small potatoes.

And what stands in the way of decisive action which can reduce the size of the deficits which loom on the horizon? There has certainly been no lack of ideas as to how the deficit can best be reduced.

My conservative friends suggest that we only need to cut nondefense discretionary spending further in order to bring the budget into balance, although with the magnitude of the deficits which we face you could shut down every function of the Federal Government with the exception of the Department of Defense and the Social Security Administration and still face a $20 to $30 billion deficit. Some would even advocate amending the Constitution to require balanced budgets as if by magic that would provide the votes to pass legislation which will cut these deficits.

My liberal friends, on the other hand, similarly refuse to consider changes in entitlement programs which will be necessary to provide the substantial savings needed to reduce the deficit. There are still too many sacred cows, despite substantial budget cuts, in the area of domestic spending.

What we have on our hands is a state of paralysis, legislative gridlock, in which the political muscle of various factions within both political parties has been applied skillfully enough to bring both sides to this state of paralysis.

It is imperative that something be done to break through. There are dogmas on both sides of the aisle which must be broken. Something has to give.

But if we can form a Presidential commission to deal with the impossible task of social security, and we did, and if we can form a Presidential commission to deal with the intractable and vexing problems of Central America, and we have, and if we can form a Presidential commission to deal with strategic forces—the Scowcroft Commission—which we have done, then it seems to me there is an argument for using this secret weapon on the most critical problem facing not only the domestic structure of this Nation's economy and strength, but also, ultimately, its foreign strength as well.

We should be able to bring the leadership together from both parties, in the executive branch and on Capitol Hill, and have a national commission composed in a way that represents balance to come forward with a deficit reduction package which will be balanced and, most importantly, will command the support necessary to pass both the House and the Senate.

Some would say that this approach circumvents the committee system and the budget process established to deal with this matter.

I would answer, first of all, that this simply would not be the case. Any set of legislative recommendations proposed by such a commission would come before the Congress and be referred to the appropriate committees. While significant alterations could upset the balance struck by such a commission, the Congress would still have the opportunity to work its will.

Second, I would say that the problem we face is extraordinary in nature. Its solution requires extraordinary steps be taken.

I feel a solution to this is critical and I am alarmed by the prospect that the inertia which has set in will continue. This is why, today, I am introducing a joint resolution setting up such a commission. Patterned after the National Commission on Social Security Reform, the National Commission for a Responsible Budget calls upon the President, the Senate majority leader, and the Speaker of the House to nominate a 15-member commission charged with reviewing all elements of fiscal and monetary policy with particular emphasis on the causes of the cyclical

and structural budget deficits and come forward with a set of options for the President and the Congress.

This is the most difficult task facing Congress, and the most important. I urge my colleagues who may be interested in breaking this gridlock and setting up such a commission to contact me and cosponsor this resolution. It is crucial that we act now.●

THE DENVER POST: "JAMES WATT SHOULD RESIGN"

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mrs. SCHROEDER. Mr. Speaker, the Denver Post has been one of James Watt's most consistent supporters during his tour of duty as Interior Secretary.

Today, the Denver Post had enough and called for Mr. Watt to step down.

The editorial, "The Record Is Clear: James Watt Should Resign," September 28, 1983, follows:

[From the Denver Post, Sept. 28, 1983]

THE RECORD IS CLEAR: JAMES WATT SHOULD RESIGN

James Watt's big moment has arrived.

He can now step to front and center, with the klieg lights focused on his familiar profile, and, after a long and laborious explanation that places primary blame with the media, announce that he has resigned.

Somehow, in the season of the Emmy's, it's all appropriate.

It became clear several months ago that Watt must be jettisoned from the Reagan cockpit if the 1984 mission were to be completed.

However, Watt refused to bow out without applause. He needed the recognition of center stage. That, essentially, was Watt's problem. The stage meant more to him than the job.

For months, he has declared that he would resign as interior secretary "when I become a burden to President Reagan."

It is interesting to note that the secretary's loyalties were with the political office, not with the public interest and not with his employees in the Deparment of Interior.

Accordingly, what Watt had to say as a public official—whether he prefers John Phillip Sousa to the Beach Boys or whether he feels freed or persecuted as a born-again Christian—all were more important to him than the task assigned him by President Reagan. His primary job was to serve as the chief trustee of our lands, and he crassly manipulated that job into a personal political soapbox for unrelated causes.

After four years of pro-environmentalism by his predecessor, Cecil D. Andrus, Watt assumed a mandate from President Reagan's smashing election victories in the public-land states. He unwisely translated Reagan's general-election promises into a policy sympathetic to commercial developers of the public domain, and into a forum of personal political views.

But there were many reasons Westerners favored Ronald Reagan over Jimmy Carter, and few of those reasons had anything to do with advancing commercial development of the public lands, which Secretary Watt has adopted as a mandate.

Most Western resource experts and Interior officials agree that he has been a good administrator—he "runs a tight ship" and he deserves credit for launching an ambitious program to develop offshore oil and gas resources. With a third of this nation's oil supply coming from abroad, it is clear that domestic energy development is in the public interest.

But Watt has not been effective in his overall administration of the public lands.

While he launched an ambitious restoration of facilities in the national parks, he did so at the cost of a sharp reduction in the purchase of additional tracts. And in one case, his aides are advocating that those facilities be made available—for the first time—to wild-game hunters licensed to kill in the national parks of Alaska.

Watt boasts that he has "not leased any wilderness" for mineral development, but the fact is that House Democrats blocked him from doing so.

Meanwhile, he has increasingly used his Interior post as a pulpit to attack his critics, to orchestrate fundamentalist statements on such highly-charged issues as abortion and to overstate his policies on Indian tribes.

The secretary also found time to precipitate a selfish feud with Rep. Morris Udall, D-Ariz., one of the most powerful men in Congress.

Although his responsibility was to administer the public resources, he approached the job as the regulator of a mythical corporation, intent on dismantling a "monopoly" that unfairly held title to vast resources. Such rash conduct equates to a misuse of the high trust delivered into his hands by President Reagan and the U.S. Senate in early 1981.

If Watt possessed some irreplaceable genius in the governance of public deeds, our judgment might be different. But he has posted no such record. His record as administrator of our resources is, at best, mediocre. Additionally, there are his repeated, tasteless forays into misguided humor.

If all this were incidental, it might be different. But it is intentional. In his many public appearances, Watt plainly has enjoyed his self-perceived role as Reagan's court jester. While he clearly delighted in creating statements to taunt the press over the past few months, he will now blame the press for his demise.

Watt knew where he was going on his carefully mapped journey to resignation. Unfortunately, he had little regard for the Interior Department in the process. While he was conducting his sideshow comedy act, there were legions of dedicated bureaucrats, forest managers and park rangers who were out in the field dutifully doing their jobs. They were managing the public resources according to the laws of the land.

James Watt lost sight of that duty.

He was busy on the lecture circuit, creating the controversy that newspaper cartoonists survive on. He was in the headlines. He was playing to the radical right. He was the last remanant of the Reagan campaign. He was loving every minute of it.

Unfortunately, he also was the director of Interior, our ambassador—our representive—in Washington.

And he didn't represent us very effectively.

James Watt was entrusted with the custody of America's coal reserves, its timberlands and its grazing pastures, its scenic vistas, its grand canyons and its majestic mountains. But he chose, instead, to worry about whether he was becoming a political liability to his president, and he measured his performance by that yardstick.

Watt not only has burdened his president, but he has burdened the nation and the West as well.

He should now do his president a favor—and, coincidentally, as he sees it, he should do us all a favor—and resign immediately. Let's get on with the serious business of protecting our public resources.●

A BILL TO EXEMPT EUROBOND INTEREST FROM TAXATION

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. BARNARD. Mr. Speaker, I am today introducing legislation that would amend the Internal Revenue Code by permitting U.S. corporations to sell so-called Eurobonds, on a tax-free basis, to foreign persons directly from the United States. Present tax law requires that Eurobonds be sold only through Netherlands Antilles finance subsidiaries if the interest is to be exempt from the 30-percent withholding tax normally imposed on U.S. source income sent abroad. The ability to sell Eurobonds on a tax-free basis is vitally important to hundreds of U.S. corporations as a relatively low-cost method of raising capital in foreign markets. Total Eurobond debt currently stands at approximately $40 billion.

The problem, Mr. Speaker, is that use of the Netherlands Antilles for issuing Eurobonds creates enormous tax compliance problems for the Internal Revenue Service and results in a huge loss each year to the U.S. Treasury. This is because the Netherlands Antilles is the world's principal tax haven/tax secrecy jurisdiction and is being utilized by U.S. residents and third country "treaty shoppers" to evade payment of billions of dollars of U.S. taxes on income earned in the United States. The Antilles tax haven status derives from its tax treaty with the United States—a treaty that our Treasury Department has been trying, unsuccessfully, to renegotiate for the past 3 years. The Antilles has been able to resist efforts to tighten the treaty against tax abusers precisely because it is the only jurisdiction from which Eurobonds can currently be sold on a tax-free basis to foreign purchasers. If the United States terminates the treaty, interest paid on Eurobonds will be taxable and U.S. corporations will be forced to pay unacceptably high and inflationary interest rates to foreign purchasers of their debt.

The legislation I am introducing today—which draws on extensive hear-

ings held into the tax haven issue by the House Commerce, Consumer and Monetary Affairs Subcommittee, which I chair—eliminates the need for Antillean finance subsidiaries by permitting the direct sale of Eurobonds on a tax-free basis. It would therefore permit the U.S. Government to cancel our tax treaty with the Antilles if secrecy abuses—which shield the identities of U.S. investors—are not ended and it would result in the recapture of an estimated billion dollars a year in tax revenues.

My legislation is distinguishable from a similar bill introduced by our colleagues SAM GIBBONS and BARBER CONABLE in that mine exempts from taxation only interest on Eurobonds. Their legislation would create new categories of tax-exempt U.S. source interest income, at an annual loss of approximately $100 million. By contrast, my legislation creates no new tax exemptions. Their bill would produce a net tax gain of approximately $35 million. My bill would produce a net tax gain of $120 million.

So that Members can fully understand the need for this amendment to the Internal Revenue Code, I am attaching a brief memo describing the problems the bill seeks to resolve and explaining the differences between this bill and the Gibbons/Conable bill.

I. THE TAX COMPLIANCE PROBLEM

The Treasury Department has been trying for the past 3 years to revise the United States-Netherlands Antilles income tax treaty so as to prevent tax evasion on U.S. source income by Americans and by third country treaty shoppers who invest here through "bearer share" Antillean corporations and financial accounts. The negotiations have been stalemated for one overriding reason: Under the treaty, the Antilles is the only country in the world through which the finance subsidiaries of hundreds of major U.S. corporations can sell Eurobonds to foreign persons on a tax-free basis. If Treasury were to cancel the treaty, the Internal Revenue Code would require the immediate imposition of a 30-percent withholding tax on the interest income from future sales of Eurobonds and from the $40 billion currently outstanding. This would shrink the Eurobond market—a major source of capital for U.S. corporations—increase interest costs to American Eurobond issuers and otherwise cause a dislocation in U.S. capital markets.

However, my bill amending the Internal Revenue Code—exempting from taxation interest paid on Eurobonds issued directly by U.S. corporations to foreign bonds holders—would remove the leverage now enjoyed by the Antilles over the treaty negotiations and allow Treasury to cancel the treaty if nonabuse provisions are not significantly strengthened. Approval is desirable for several related reasons:

First. The U.S. Treasury could begin to collect $1 billion or more a year in revenue now lost because Antillean secrecy laws shield from the IRS the beneficial owners of taxable U.S. source income. Moreover, the U.S. Treasury should gain an additional $120 million annually in tax revenues—the dollar value of tax credits American corporations currently receive for taxes paid the Antillean Government by their Antillean finance subsidiaries, according to a leading U.S. investment banking firm;

Second. Because the United States-Netherlands Antilles treaty already exempts from taxation Eurobond interest paid to foreigners, the amendment would not cause any new tax loss to the U.S. Treasury; and

Third. Direct issuance of Eurobond by American corporations would eliminate the need for and significant costs of Antillean finance subsidiaries and result in substantial savings to U.S. firms issuing such bonds.

The Subcommittee on Commerce, Consumer, and Monetary Affairs, which I chair, has extensively investigated and on April 12 and 13, 1983, held hearings into the use of the Netherlands Antilles for tax evasion purposes by U.S. taxpayers and foreign persons subject to U.S. taxation. The hearing record, including internal IRS and Florida Department of Law Enforcement documents, demonstrates the following:

First, $1 billion or more per year in taxes go uncollected because thousands of U.S. and foreign persons not resident in the Antilles use that offshore country to escape taxes on U.S. source income;

Second, as a result of three factors—the United States-Antilles tax treaty provisions eliminating or reducing withholding on U.S. source income; the strict Antilles secrecy laws which shield the indentities and financial transactions of beneficial owners of U.S. source income; and, the low or zero rate of Antillean taxes on financial transactions emanating from or passing through the country—the Netherlands Antilles has become the world's largest tax haven jurisdiction for U.S. residents and treaty shoppers seeking to evade payment of U.S. taxes. In 1981, $1.4 billion in U.S. source income reported to IRS was sent to the Antilles. The effective tax rate on this U.S. source income was only 1.85 percent—$26 million out of $1.4 billion. Had the regular 30-percent withholding been applied to this income, it would have produced more than $400 million in tax revenues to the United States. Even these figures greatly understate U.S. source income sent to the Antilles and the potential tax loss to the Treasury, because income reports sent to IRS exclude all interest paid by financial institutions, real estate capital gains, and, of course, all income earned in the $300 billion underground economy; and

Third, the Antilles has systematically failed to cooperate in a meaningful way with IRS and State law enforcement authorities on tax fraud and tax evasion cases.

II. COMPARISON WITH THE GIBBONS-CONABLE BILL, H.R. 3025

The essential difference is that my bill would exempt only interest on Eurobonds. Gibbons-Conable would exempt from taxation almost all types of interest payments. I believe my bill is preferable for the following reasons:

First. The Gibbons-Conable bill would create a new tax loss to the U.S. Treasury of $91.5 million per year, based on 1980 data. The 1983 annual tax loss would likely be in excess of $100 million. Future tax losses could be substantially greater. By contrast, my bill would result in no additional tax loss because Eurobond interest paid through Antillean finance subsidiaries is already tax-exempt.

The overall effect of Gibbons-Conable would be a net tax gain to the Treasury of approximately $35 million. By contrast, my bill would produce a new tax gain of approximately $120 million.

Second. By creating additional tax loopholes—for no valid public policy purposes—during a period of looming budget deficits, Gibbons-Conable will attract substantial political and public opposition. By contrast, my bill does not carry such political liabilities.

Third. The administration's support for a tax exemption for Eurobond interest seems to be predicated primarily on its desire to remove from the Netherlands Antilles, leverage over the treaty negotiations. Gibbons-Conable does this but with the serious liability of creating new tax exemptions and losses.

These points are enumerated below in more detail.

TAX REVENUE LOSS UNDER GIBBONS-CONABLE BILL

IRS data for 1980 show that $96.1 million of tax revenue was collected by IRS from U.S. paying agents on interest income paid to foreign persons. Of this amount, $78.5 million would have been lost—not collected—if Gibbons-Conable, as presently written, were enacted. This is because the Gibbons-Conable bill exempts from taxation the following categories of interest income paid to foreign persons:

[Tax loss in millions, 1980]

1. Interest on U.S. real property mortgages	$11.5
2. Interest on corporate bonds, U.S. Treasury securities and other general interest payments	65.0
3. Miscellaneous interest such as that paid by a U.S.-based branch of a foreign corporation	2.0
Total tax loss	78.5

In addition to the tax revenue IRS collects from U.S. paying agents on interest income paid to foreign persons, certain tax treaty countries such as Switzerland collect and remit to IRS additional tax revenue on income received by persons in the treaty country at treaty reduced tax rates who are ineligible to receive the reduced rates. The amount of tax remitted to IRS by U.S. tax treaty countries applicable to interest income during 1980 that would be exempt from taxation under the Gibbons-Conable bill was about $13 million.

As a result, the total tax revenue loss for 1980 that would have occurred under the Gibbons-Conable bill is $91.5 million.

NO TAX LOSS UNDER THE BARNARD BILL

My bill to amend the Internal Revenue Code would not result in any tax revenue loss because Eurobond interest income paid to foreign persons is now exempt under the United States-Netherlands Antilles tax treaty. Furthermore, there are very good tax compliance reasons for including the Eurobond interest exemption in the Internal Revenue Code, while no similar justification exists for exempting from taxation the other types of interest under the Gibbons-Conable bill as noted below:

First. The cost-benefit justification for including in the Internal Revenue Code a tax exemption for Eurobond interest paid to foreign persons instead of through the Antilles Tax Treaty as is now done—is that U.S. companies could issue Eurobonds without having to incur the cost of establishing and maintaining finance subsidiaries in The Netherlands Antilles. No similar costs are incurred by corporations for the other types of interest that would be tax-exempt under Gibbons-Conable.

Second. From a tax compliance point of view, allowing direct issuance of Eurobonds would remove the major hurdle that now prevents the Treasury Department from terminating the Antilles Tax Treaty. Treaty termination would enable IRS to track down tax cheats who now use the Antilles to evade U.S. income taxes. No comparable advantage is obtained by exempting other types of interest from taxation, as proposed in Gibbons-Conable.

Third. One final point—since both the Gibbons-Conable bill and my bill would eliminate the need for U.S. companies to maintain Antilles finance subsidiaries, Morgan-Stanley of New York estimates there would be a tax saving of $120-million annually since U.S. companies would no longer be able to offset against their U.S. tax liability the foreign tax credits attributed to their Antilles finance subsidiaries. As a result, Morgan-Stanley, and the Treasury Department estimate that passage of the Gibbons-Conable bill will result in a net revenue gain to the Treasury of $35 to $50 million—$120-million foreign tax credit savings minus the $78.5-million tax loss on interest income exempted under the bill. This revenue gain estimate does not include the loss under Gibbons-Conable of $13 million in taxes collected by and remitted to the United States by our tax treaty partners. However, my bill would result in a tax revenue gain of the entire $120 million because no interest income presently taxed would be made exempt.●

THE PENSION EQUITY ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing legislation on behalf of the administration entitled the "Pension Equity Act of 1983." I am pleased that Representatives ROUKEMA, CONABLE, FIEDLER, HOLT, JOHNSON, MARTIN of Illinois, SCHNEIDER, SMITH of Nebraska, SNOWE, and VUCANOVICH are joining as original sponsors of this bill. Mr. Speaker, I think it is important to state at the outset of my remarks that the legislation I am introducing today contains provisions comparable in scope to those in S. 19, the Retirement Equity Act, which was introduced by Senator DOLE. It is also similar in many respects to H.R. 2100, the Private Pension Reform Act of 1983.

As you and my colleagues already know, women, as a group, have traditionally received a lower level of retirement income than men for a number of reasons. Further, married women are often dependent on their husband's pensions for retirement income. In many cases, however, the wife never receives any of the husband's retirement pension. This may be due to divorce or because the husband elected not to provide survivor coverage for his wife. The legislation that is being introduced today is designed to correct some of these inequities.

Specifically, the Pension Equity Act of 1983 does the following:

First, lowers the minimum age of participation under ERISA from 25 to 21;

Second, lowers the minimum age for vesting under ERISA from 22 to 21;

Third, insures that individuals on maternity or paternity leave would not incur a 1 year break in service for participation and vesting;

Fourth, requires that joint and survivor benefits be the normal form of benefits even if an individual continues working past the plan's early retirement age;

Fifth, requires that the election out of joint and survivor converage must have the consent of the spouse;

Sixth, requires that in the case of a divorce after a joint and survivor annuity starts, the ex-spouse be eligible to receive survivor benefits;

Seventh, repeals the ERISA requirement allowing a plan to void an election of joint and survivor benefits if the participant dies within 2 years of the election;

Eighth, requires that a joint and survivor annuity be the normal form of benefit payout for any plan which offers an annuity as an optional form of benefit payment;

Ninth, provides that a spouse can directly attach the employee's pension in child support, alimony, and marital property cases and requires that the plan, to the extent the court orders, split the participant spouse's pension account between the divorced husband and wife, and provide the nonparticipant ex-spouse with the option for an annuity based on her own life expectancy—at the plan's early retirement date for the participant;

Tenth, requires that individual benefit statements include a notice to participants that vested benefits may be forfeited upon death; and

Eleventh, increases the level at which plans may cash out benefits from $1,750 to $3,500.

Mr. Speaker, while I fully support the thrust of the administration's proposal, I am, however, concerned about two specific provisions. First, I am greatly concerned that lowering the participation age from 25 to 21 will substantially and unnecessarily increase the administrative costs for certain plans, particularly those in industries such as retail sales. As you know, industries such as these experience a high turnover of employees at young ages, and most of these employees will not stay long enough to become vested and receive benefits.

Rather than forcing plans to unnecessarily increase their paperwork burden and PBGC premiums, I would like my colleagues to consider a provision which would provide plans of the defined benefit type with an option to age 21 participation but which would also provide the same benefit and vesting as age 21 participation. This alternative which a defined benefit plan would have to elect, would require pension benefit accruals to be credited for service from age 21, but such accruals would not have to be granted until age 25—the current law minimum age of participation. This would allow plans to avoid burdensome paperwork for employees who may only work a short period of time and leave before vesting, but would still provide employees who stay with benefit credit for those years. This proposal would accomplish the same goal as the

administration's bill but at what I believe to be a lower adminstrative cost. This is important if we are to continue to encourage the improvement and expansion of defined benefit plans.

The other provision that I am concerned about is one which changes the court ruling in BBS Associates; that is, requiring that the joint and survivor annuity requirement be the normal form of benefit payment. Here, Mr. Speaker, I am very concerned that reversing this decision might result in plans abandoning any annuity options in order to avoid the joint and survivor annuity requirement. This could create far greater harm to participants and their beneficiaries than the help this provision is intended to provide. I fear that defined contribution plans may become just glorified savings accounts paying lump sums, rather than provide the monthly retirement income such plans now pay or should be paying.

While the bill is improved technically over similar legislation introduced to date, I invite comments from all parties concerned in order to make the legislation as beneficial to participants and as workable to plans as possible.

Mr. Speaker, while I have concerns about the two aforementioned provisions, I believe that the time has come to eliminate those provisions in pension law which could be considered to treat women workers and beneficiaries unfairly. The Pension Equity Act of 1983 represents a reasonable and responsible approach to achieving the goal of enhanced pension equity for the growing number of women workers and beneficiaries dependent on private pensions for their retirement income security.●

PENSION EQUITY ACT OF 1983

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am pleased to join as an original cosponsor of the Pension Equity Act of 1983, sponsored by my distinguished colleague JOHN ERLENBORN on behalf of the administration. While there may be some room for improvement, which I will discuss later, I consider this bill a significant step toward removing the existing inequities in the pension laws.

Several months ago, I and other Republican Congresswomen began meeting with the White House to address issues of economic equity for women. One of the key issues was the need to address pension equity issues. Shortly thereafter, the administration agreed to a comprehensive review and this measure is the product of that policy analysis. The President is to be commended for this, as I believe this legislative proposal will be a crucial factor in expediting needed reforms.

The problem this bill addresses is one that principally affects one particular segment of our population: women of retirement age. It is disturbing to note that 81 percent of all women over the age of 65 who live alone are living in poverty. While there is no single reason for this, the fact that less than 10 percent of all surviving spouses receive pension benefits is certainly a major contributing factor. The importance of a pension is underscored by the fact that, while 32 percent of those who receive only social security benfits are at or below the poverty level, only 98 percent of those receiving social security and pension benefits are above that level. This is one measurement of the so-called feminization of poverty.

Nevertheless, we cannot ignore the progress that has been made overall in pension coverage for both men and women. Since 1958, the percent of private sector employees covered by pension plans has grown from 32.4 percent to 50 percent. In addition, with enactment of ERISA in 1974, some progress was made for women with the inclusion of provisions such as that which requires credit to be given for service before a "maternity leave" (under certain conditions). In addition, any pension plan which offers benefits in the form of an annuity must also offer a "joint and survivor annuity" option, which provides continuation of benefits for the employee's spouse after the worker has died and must provide that option to a married employee unless he or she specifically indicates otherwise.

This bill contains several major equity reforms in the area of joint and survivor annuities:

For an employee to opt not to receive a joint and survivor benefit, that employee's spouse would have to provide witnessed or notarized consent;

The minimum age of participation and vesting in a pension plan would be lowered from 25 (participation) and 22 (vesting) to 21 in both cases;

An employee on maternity or paternity leave would, under certain conditions, continue to receive vesting credit in the pension plan; and

Survivor benefits would be required to be paid to a divorced ex-spouse as long as the divorce did not take place until after the annuity starting date. These and other provisions of the bill would correct many of the inequities in the existing law.

However, the bill does not adequately address another situation which I believe calls for additional action. That is the situation of the spouse of the vested employee who has died prior to the beginning of the annuity payments. The surviving spouse receives nothing unless the employee took a qualified joint and survivor benefit option, which is normally only available when the employee reaches the age of 55.

In other words, an employee could begin working for an employer at the age of 25, vest at the age of 35, and die at the age of 55 and the surviving spouse would receive absolutely no portion of those vested benefits. Meanwhile, she may have been doing her own work in the home, which leaves her without a husband, pension, or any other form of income support. True, she may receive an insurance payment which may tide her over for a couple of years but, by the time she reaches the age where the annuity would have begun, that insurance money is gone.

I believe that reform in this aspect of pension inequity must be addressed and resolved by this committee prior to congressional action.●

THE PENSION EQUITY ACT OF 1983

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. CONABLE. Mr. Speaker, I am pleased to join with a number of my colleagues today in introducing the Pension Equity Act of 1983, the administration proposal to provide greater equity in retirement income for women.

As an original sponsor of the Women's Equity Act earlier this year, I welcome this indication of the willingness of the administration to become involved with this important issue. In sponsoring the administration's proposal, I do not necessarily endorse all its provisions and recognize there are differences with the earlier measure. But the important first step is to address these issues actively and the administration bill contributes to that progress.

I am pleased that the administration is offering the Pension Equity Act of 1983 and am confident it will add to the necessary dialog among the interested parties that can result in substantive pension reform legislation.●

SYNTHETIC FUELS WITHOUT THE CORPORATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. CORCORAN. Mr. Speaker, next week the Fossil and Synthetic Fuels

Subcommittee of the House Energy and Commerce Committee will hold hearings on the issue of the role of the Federal Government in the synthetic fuels industry. Discussion of the U.S. Synthetic Fules Corporation will undoubtedly be part of these hearings. A recent Wall Street Journal editorial draws attention to the fact that private industry can and will build sensible synfuels projects without assistance from the Synthetic Fuels Corporation or any other Federal agency:

The editorial follows:

[From the Wall Street Journal, Sept. 22, 1983]

SINFUL SUBSIDIES

The nation's first coal-gasification synthetic-fuels plant is now coming on stream in Kingsport, Tenn. The project is on time and on budget. But the really amazing part is that it has been done without a dime of government money.

Tennessee Eastman, a unit of Eastman Kodak, will use the plant to convert about 900 tons of coal a day into chemicals for Kodak film and other plastic products. The project, built by Bechtel, is estimated by industry observers to cost about $300 million and was planned in 1978-1979 on the basis of $12-a-barrel oil; at the current oil price of $29 a barrel, the Kodak project may be highly profitable.

If Kodak can build a profitable, privately financed synfuels project, why does anyone else need government funding? Is there any genuine need for the grossly over-funded federal U.S. Synthetic Fuels Corp., to provide tax dollars for energy projects?

For instance, SFC already has provided $120 million in guarantees for the Cool Water Coal Gasification Project in Daggett, Calif. That project, being built by a consortium led by Texaco, will use a similar coal-gasification technique as the Tennessee Eastman, although it will produce electricity instead of chemicals. Another project getting government help is an oil-shale plant being built by Union Oil near Parachute, Colo. Under a 10-year price-guarantee contract now administered by SFC, the project will supply diesel and aviation fuel for the Defense Department at a floor price of $42.50 a barrel, indexed for inflation.

SFC is eagerly trying to dole out what remains of its $14.9 billion in Phase I appropriations, due to end next June 30, before it can ask Congress for the rest of its $88 billion authorization. It recently signed letters of intent for four projects amounting to about $2.75 billion in loan and price guarantees.

Kodak has found that it can build a synfuels plant without government funds and still turn a profit. Other companies are turning to the federal dole to build their plant, while many major oil companies have simply abandoned synfuels as viable projects despite the availability of SFC monies.

All of this confirms what we thought all along—that there is no need for a federal synfuels program. If these energy projects are economical, industry will finance them. If not, taxpayers will be out a lot of money. If Congress really wants to make a dent in the deficit, here's a good place to start.●

WINDS OF WAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following oped piece to the attention of my colleagues. The piece, from the Wall Street Journal, Monday, September 26, 1983, is entitled "Winds of War," and deserves special attention, particularly its comments concerning the recent speech given by Under Secretary of Defense Fred Ikle, which calls for a victory for the forces of democracy in Latin America.

WINDS OF WAR

We suspect Americans were shocked by the Soviet murder of the 269 people on KAL Flight 007 for reasons going beyond horror. There is a subdued awareness that our conflicts with the Soviets in two arenas, Lebanon and Central America, are becoming more dangerous. And doubts, reminiscent of the Vietnam era, exist over whether the U.S. is capable of sufficient national resolve to cope with the latest Soviet manifestations of aggressiveness.

There is fear of new embarrassment, an ignominious Marine withdrawal from Beirut, for example, or a Bay of Pigs debacle for the anti-communists we are supporting in Nicaragua. American democracy's traditional distaste for war and the American left's award of moral standing to communist "wars of national liberation" also have helped thwart "consensus." The uncertainties have been manifested in Congress, which before the KAL shootdown was flagrantly hostile towards Nicaraguan anti-communists. Even now, it has just severely restricted the ability of the Marines in Lebanon to influence the outcome of the fighting there.

The fight in Lebanon has the most potential for embarrassment, but thanks to the strong presence of the Israelis, less potential for serious harm to U.S. interests. A U.S. failure in Central America, however, will be far more damaging, forcing national leaders south of the Rio Grande to seek accommodation with the Soviet-Cuban axis, thus diminishing U.S. security. It also need not happen.

The debate over whether to employ military power in this region often has been presented as pro-war vs. anti-war. So-called hawks are seldom credited with their basic premise, that a strong posture reduces rather than increases the chances for a broadened conflict. Lately, however, the debate has been getting clearer definition.

Zbigniew Brzezinski, Jimmy Carter's hawk, spoke recently in Ottawa about the centuries-old expansionist impulses of the Great Russian people, who today number about 135 million but are the dominant nationality in a Eurasian empire of 385 million. (Surrogate regimes guided by Russian commissars control other millions in Cuba, Africa, the Middle East and Southeast Asia.)

As an economic and political cripple, Russia has little to offer the world. But its growing ability—and perhaps willingness—to project military power, a result of weapons modernization and airlift expansion, threatens major disruption of other political and economic systems. Mr. Brzezinski believes Soviet disruption will become more serious, and particularly so in the Middle East and Central America, unless the U.S. learns to cope with it effectively.

Eileen Scully, a Heritage Foundation analyst, sees the Soviet-Cuban conquest of Nicaragua as having greatly emboldened Fidel Castro and the Russians. Their hopes of greater influence in the Caribbean Basin and South America had often been thwarted—by the utter failure of Allende's economic policies in Chile, by a similar disaster for the military left in Peru, by government strength in Venezuela and Colombia, and by the power of the people at the ballot box in Jamaica, to cite a few examples. Holding the Nicaraguan beachhead and expanding it to El Salvador, Guatemala and Honduras thus have become major Soviet-Cuban goals.

Congress after the KAL shootdown seems less receptive to the Boland-Dodd efforts to undermine Nicaraguan anti-communists and that is progress of a sort, American liberals—at least those who can see some connection between the murder of airline passengers and the murder of Nicaraguan Indians—may finally be losing, albeit slowly, their romantic vision of war in Central America as a peasants' war. It has never been. The assaults are being conducted by well-armed professionals trained in Cuba and the Soviet Union, using deception and intimidation to recruit young fighters on the scene. These cadres, often multinational in makeup, are part of a world-wide war-making conglomerate encompassing the PLO, the M-19 in Colombia, the Tupamaros of Uruguay, the Montoneros in Argentina and dozens of others. They are not trying to win the hearts and minds of people, they are trying to *subjugate* people, using time-honored methods employed successfully against Czechs, Poles, Afghans, Vietnamese, Laotians, Estonians—make your own list. And because of the weak U.S. response in Central America, at least up until President Reagan began military maneuvers in the region, they are boldly pushing ahead for victory.

The clearest U.S. statement of the problem, and most shocking to liberal diehards, has just been presented by Fred C. Ikle, under secretary of defense for policy. He told the Baltimore Council on Foreign Affairs that this administration seeks a *victory* for the forces of democracy in Latin America. "And that victory has two components: defeating militarily those organized forces of violence that refuse to accept the democratic will of the people; and establishing an adeqaute internal system of justice and personal security."

He believes that the U.S. is at least united in its desire to see open and genuine democracy and social betterment for the people of Central America. "Equally important is what we want to prevent . . . the expansion of totalitarian regimes, particularly Leninist ones, since they will import Stalinist police systems, bring in Soviet arms and even invite Soviet military bases."

Mr. Ikle's assertion that military victory is vital will jolt Americans who have been hoping that the problem will go away or that we can brush it off by saying that Salvadorans and Nicaraguans and Hondurans are not worthy of their concern. We must then ask whether any democratic aspirations, including our own, are worth defending. That task today will cost relatively little in money and lives compared with what it could cost eventually if postponed. The appropriate response to the latest dem-

onstration of Soviet ruthlessness is not dumb shock but action in defense of this nation's values.●

THE IMPORTANCE OF TRAINING

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. GUNDERSON. Mr. Speaker, the recent debates on the floor of the House of Representatives during consideration of H.R. 1036, the Community Renewal Employment Act, and H.R. 3520, the Rehabilitation Act reauthorization, have again brought into focus the rivalry between Federal funding of training versus public service jobs.

While I do not intend to again raise this now age-old question, I submit that training and retraining of our labor force must be our first priority. The simple fact of our Nation's employment situation is that the face of American labor is changing.

Only 1 year ago, the benefits of high technology and its accompanied employment boom were being sung across the Nation. While this expanding industry is still expected to provide a significant number of new jobs, it is not seen as the panacea it once was.

Regardless of the number of new jobs that it may provide, the high technology industry provides the sharpest example of how our labor force is changing, and will continue to change. We continue to make constant reference to the influence of high technology and the trend toward service industries but the impact of these changes fail to sink in. More importantly, this is a problem which will only grow. The simple fact is that American business and industry are changing—so must its labor force.

We are constantly confronted with statistics that indicate the magnitude of this change, yet we fail to grasp its effects and consequences. In 1981, a year when between 10 and 11 million Americans were unemployed, the Bureau of Labor Statistics estimated that 1 million skilled jobs went unfilled because employers could not find qualified workers. John Naisbitt, in his book, "Megatrends," has presented a detailed account of the changes we face, while Lane Kirkland of the AFL-CIO, has forecasted that 25 percent of the people who are presently unemployed will never get their old jobs back because they no longer exist, having been replaced by technology. Finally, still others have argued that the average American in the coming decades will change careers four times during their lifetime.

What do all these studies and statistics indicate? Unquestionably, they demonstrate that a wide-ranging and forward-looking retraining and training effort is required in this country. The construction or factory worker who refuses to change with the times could well be left behind. We must stick with programs such as the Job Training Partnership Act and the Vocational Education Act to aid these individuals.

The AFL-CIO, in its August 1983 report, "The Future of Work," stated that

> The service-producing sector will continue to be the major source of new jobs. From 1940 to 1980, business and personnel service industries such as health care, education, wholesale and retail trade, repair and maintenance, government, transportation, banking and insurance increased their share of total employment from about 45 percent to about 70 percent.

This trend is expected to continue.

Both the new Job Training Partnership Act—taking full effect on October 1—and the Federal Vocational Education Act provide the vital training which is now necessary. In addition, they place emphasis on private sector participation. These are the very people who will hire our future workers and know best where our training effort should be focused.

The final goal of this training, of course, is the placement of these workers in long-term, private sector jobs. But it is a process which will require a commitment from the Federal Government. While we must continue to be aware of our spending limits, funding for these programs is an investment which will return funds to the Treasury by reducing our unemployment rolls and returning workers to real jobs. As such—on the eve of the full implementation of the Job Training Partnership Act—this strategy to higher employment requires our support.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. FIELDS. Mr. Speaker, I insert Mr. Roberts' thoughtful article for the consideration of our colleagues.

[From the Washington Times, Sept. 29, 1983]

SOVIETS RESTORE THE RULE OF POWER TO POLITICS

(By Paul Craig Roberts)

When Western indignation over the Soviet's downing of the civilian airliner dies away, so will the illusion that the Soviet government has been harmed by its callous disregard of life. As incredible as it may seem, by murdering 269 people in midair the Soviets have established the preeminence of their power. Like the Roman tribune in the movies who crushes innocents beneath the wheels of his chariot, the Soviets have demonstrated that "the strong do what they will and the weak suffer what they must."

This unpleasant maxim was banished by the supremacy of the United States. Its return is a clear indication that the Soviets have restored the rule of power to international politics.

By degrees the crumbling West has been conditioned to accept whatever actions the Soviets deem appropriate, whether the invasion of a country, use of outlawed bacteriological weapons or shooting down a jumbo jet. In the past the United States applied (short-lived) sanctions. But this time before the White House could react, our European allies expressed hopes that "the incident" would not jeopardize East-West relations.

The occasion calls for a review of the nature of these relations. To hear businessmen, bankers and farmers speak, it is all profits and jobs for the United States and Europe. The Soviets have to sell valuable commodities like gold and oil to pay for things nobody else wants like surplus grain crops and otherwise unmarketable products from an excess industrial capacity. In fact, East-West trade did not begin for economic reasons, but for political ones. It was part of détente and an attempt to enmesh the Soviets in dependency on the West. However, it is the West that has become enmeshed—and in more ways than one.

The conservative American farm community has been turned into a Soviet lobby group, to the extent that President Reagan's only options for dealing with the Soviets is to scold them. Western businessmen, neglected by their own governments, are astutely cultivated by the Soviets who bestow on them flattering nicknames and take them drinking with the political brass.

The results are predictable, and I recently witnessed them at a Stanford conference on East-West trade. The U.S. businessmen present took strong exception to a speaker's implication that the Soviets are an adversary and hotly maintained that all problems would be solved if the U.S. government would just sit down and talk with the Soviets. When told that this was not an unusual activity, the businessmen challenged the academics and government officials present "to name just one person in this government who is talking to the Soviets."

To get the trade going a large amount of credits and loans were extended—more than there are foreign exchange earnings to repay. In the Polish case it amounts to a wealth transfer from the West of approximately $25 billion.

East-West trade might be expected to decline now that it is obvious that the East is short of hard currency. More likely, however, exporters will pressure their governments to extend more credit with the argument that jobs are dependent. Once exports are protected as a domestic jobs program, the potential for subsidies is enormous.

A country that feels secure enough to shoot down an airliner and then stonewall the world while warning protesters against conducting "a rabid anti-Soviet campaign," is likely to view trade credits and subsidies as tribute and to succeed in extracting more.

To the extent that trade fills the agricultural and technological gaps in the Soviet system, we help to make them a greater threat to ourselves. If as a result we have to upgrade our own defenses, East-West trade can result in a net loss for Western countries. The taxable profits of individual firms might sum to half a billion dollars, for example, but higher defense outlays might run to tens of billions.

The standard economic case for free trade does not hold if it imposes net costs on society in general. It would be cheaper for taxpayers to pay exporters not to export.

A decade of détente not only made the defense of the West politically problematical; it also may have made it economically unfeasible. Détente allowed the rapid expansion of social welfare spending at the expense of both the defense budgets and economic growth potential of Western economies. An adequate defense of Europe by Europe is precluded by what appears to be an irreversible commitment to the welfare state. The United States so far has made up the difference but is beginning to run out of resources itself as a result of an explosion in entitlements and transfer payments.

The American commitment to the defense of Europe will struggle along even though it has been made more costly due to the Soviet's successful campaign against deployment of the neutron bomb. But an adequate defense of liberty requires more than a rethinking of the costs and benefits of East-West trade.

Throughout the post-war period the United States has assumed that war with the Soviet Union would break out as a result of a Soviet attack on Europe, and we have focused on containing a Soviet invasion in order to avoid going nuclear.

In the context of Soviet war doctrine this strategy makes little sense, because Soviet doctrine precludes the outbreak of war in Europe unless the Europeans start it—an unlikely event. A cardinal principle of Soviet war doctrine is never to alert a stronger adversary by attacking a weaker one. If war becomes necessary to the attainment of political ends, it can only begin with a pre-emptive strike against the principal adversary. In the context of this doctrine NATO is not relevant unless our allies are prepared to respond to a Soviet attack on the United States by attacking the Soviet Union. As long as we expect any war to begin in Europe, we remain completely vulnerable to Soviet doctrine.

This doctrine itself has an intimidating effect and, given the disillusionment of the West with its own principles, is likely to produce an expansion of tribute in the guise of East-West trade.●

ZIMBABWE OPPOSES UNITED STATES IN THE UNITED NATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. HYDE. Mr. Speaker, recently Prime Minister Robert Mugabe of Zimbabwe visited the United States and an article of commentary appeared in the September 24 issue of Human Events.

I believe the information in this article ought to be brought to the attention of the Members and so I share it herewith:

[From Human Events, Sept. 24, 1983]

MUGABE IS AMERICA'S MORTAL FOE

Prime Minister Robert Mugabe, the Marxist-Leninist leader of Zimbabwe, was in the United States last week, trying to rustle up some more economic assistance, apparently believing the $225 million or so that we've given him since independence hasn't been enough.

Mugabe was given a royal welcome. President Reagan hailed him as a "wise" leader, whom we can look to for "leadership in southern Africa." Both of our nations, the President contended, have "much in common," including a "revolutionary" heritage and the fact that both "our constitutions offer protection to all our citizens, black and white, ensuring their political freedoms as well as their individual rights."

What was extraordinary about this glowing tribute is that the U.S. and Zimbabwe are on totally different political wave lengths. While America is democratic, Zimbabwe is becoming a murderous, one-party state that brooks virtually no significant dissent. While the U.S. pursues an anti-Communist foreign policy, Zimbabwe has become one of our most determined foreign policy foes.

Zimbabwe's constitution may pay lip service to human rights, but those rights are not respected in practice. Mugabe's North Korean-trained Fifth Brigade, as many may recall, went on a murder spree in Matabeleland last February, apparently in an effort to suppress rebellious followers of Joshua Nkomo. In seeking the guilty, however, the Fifth Brigade slaughtered the innocent, causing the country's Catholic bishops to stress in a pastoral letter that Zimbabwe is becoming a place "where violent reaction against dissident activity has, to our certain knowledge, brought about the maiming and deaths of hundreds and hundreds of innocent people who are neither dissidents nor collaborators. We are convinced that many wanton atrocities and brutalities have been and are still being perpetrated." The facts, the bishops added, "point to a reign of terror caused by wanton killings, beatings, burnings and rapings. . . ."

Sen. Jesse Helms (R.-N.C.) delivered several written questions about alleged human rights violations in Zimbabwe to Assistant Secretary of State Chester Crocker earlier this year. Crocker's written responses showed the violations were massive.

Helms wrote Crocker: "Wallace Stuttaford, a member of the Zimbabwe Parliament . . . met with eight leaders of black parties to discuss in private this trend toward a one-party state. He was subsequently arrested, his home searched without warrant, he was put in jail for a year, tortured, according to affidavits, deprived of medicines necessary for his physical condition—all without charges being brought against him.

"The government witnesses who had signed sworn statements against him recanted in court, saying that they had been forced to swear falsely. Mugabe's own judge was forced to acquit him and award him damages, which were subsequently taken away by *ex post facto* law." Was this, asked Helms, in accord with the Declaration of Rights that Mugabe had pledged to adhere to before he took office?

Crocker responded: "The overall handling of the Stuttaford case was not in accord with the Declaration of Rights and the charges of torture during his interrogation appear to be true. . . ."

How many persons, asked Helms, "are in detention without trial. . . ?" Crocker replied: "Several opposition members of Parliament have asked the Minister of Home Affairs to provide figures for the numbers of persons being detained in Zimbabwe. He has repeatedly refused to do so and our embassy is unable to provide a figure."

Zimbabwe, in short, is hardly the type of country we should be extolling as a respecter of political freedoms and individual rights. Well, some liberals might argue, Zimbabwe is no less authoritarian than South Africa, and the U.S. is still friendly with that country. But South Africa, for all its faults, is allied with the West. Zimbabwe is one of our most tenacious foreign policy *foes.*

Zimbabwe had a chance to prove its friendship for the U.S. in the Korean airliner incident where 269 passengers were shot from the sky by a Soviet jet fighter. But Mugabe flunked this test just one day before he came passing his tin cup for more American funding.

At the U.N. Security Council on September 12, nine nations—the bare minimum needed to adopt a resolution—voted to deplore the Soviet destruction of Korean Air Lines flight 007 on August 31. The Soviets then vetoed it.

Facing possible political humiliation, the U.S. had to scramble to get nine nations to approve, with only eight in favor on the morning of the vote. The resolution was adopted 9 to 2, with Poland and the Soviet Union opposed. Four countries—China, Nicaragua, Guyana and Zimbabwe—abstained, "thus," in the words of the New York *Times,* "weakening the United States' attempt to demonstrate that most of the world condemned the Soviet deed."

In order to win support, furthermore, the U.S. agreed to a "soft" resolution which only once referred to the Soviet Union and avoided condemning it directly. Even so, Mugabe couldn't see fit to support us. As United Nations Ambassador Jeane Kirkpatrick lamented: "I very much regret that Zimbabwe decided, as it so often has in the Security Council, to tilt its vote toward the Soviet Union. I regret that very much."

In his talks with President Reagan, Mugabe not only defended that vote, but tried to persuade the President to take harsher measures against South Africa, charging in his departing statement that only that country "continues to destabilize our region." He refused to criticize Communist Cuba's role in Africa, however, and, in fact, condemned the Reagan Administration for insisting that the Namibian issue could not be settled until the Cubans agreed to withdraw from Angola.

Indeed, Mugabe's Zimbabwe has one of the most anti-American voting records in the United Nations. In Senate Report No. 98-146, put out by the Senate Foreign Relations Committee, there is a table (pages 111-113) comparing the support each country in the U.N. gave to the U.S. position during the 1982 General Assembly session. (See HUMAN EVENTS, Sept. 10, page 14.)

Zimbabwe, on all U.S. votes, supported us just 12.8 percent of the time, less than just a handful of nations. The Soviet Union supported us 20.6 percent of the time, or nearly 40 percent more than Zimbabwe. The entire Soviet bloc in Eastern Europe—including Poland, East Germany, Romania, Hungary and Czechoslovakia—backed us more than Zimbabwe did.

Nevertheless—and despite Mugabe's continued insistence that he's going to use our aid to socialize his country—the Reagan Administration has decided to lionize a man who is a major foe of America. The only time he smiles is when he's asking us for another couple of million.●

THE FEAR OF WINNING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial by political columnist William Safire to the attention of my colleagues. Mr. Safire discusses the seemingly prevalent attitude in the liberal movement today in America. They seek, Safire explains, defeat for the forces of freedom and democracy. The article raises some interesting questions as to the nature of these politicians. The editorial appeared in the September 26 edition of the Los Angeles Herald Examiner.

THE FEAR OF WINNING: ISN'T IT ALWAYS A LOSING PROPOSITION?

(By William Safire)

WASHINGTON.—The fear that I fear is the fear of winning.

A new confidence can be found in the legion of self-doubt. Isolationist legislators and dovish pundits sense that their brand of defeatism is gaining the upper hand in the formation of public opinion. In debates and polls on our involvement in Lebanon and El Salvador, we have been witnessing the triumph of Losers Inc.

Defeat is its flight plan, dialogue its panacea, the quagmire its symbol.

In Central America, Losers Inc. assured us, the dispatch of 55 military advisers to El Salvador would be the beginning of a new Vietnam; the socially progressive guerrillas were certain to win the hearts and minds of the peasants; and resistance by our thuggish allies, with their right-wing death squads (there are never any left-wing death squads), was futile. Therefore, our goal must be negotiations for peace, not (ugh!) military victory by the elected government.

However, even the limited military supplies sent to El Salvador seem to be helping to stop the communists from overthrowing the government. Military pressure on Nicaragua through overt-covert aid to insurgents in that country has discouraged Sandinista assistance to El Salvador's communists. In the face of this, Losers Inc. has been trying to cut off the overt-covert CIA help and has been holding down military and economic aid to the Salvadoran government to a level that prevents clear-cut success.

Spokesmen for Losers were furious at the ploy adopted by the Reagan administration to conceal its support for the thugs chosen by the people in elections replete with Western observers. Our roaming ambassador, Richard Stone, invited the communists to a "dialogue," which Losers think of as the ultimate goal. Most reluctantly, the guerrillas came, only to make it clear that a free election was not their cup of coffee. They wanted "power-sharing," imposed by the United States over their people's heads, which was an embarrassment to negotiation-niks.

However, Losers' strategists were delighted at the speech made by Undersecretary of Defense Fred Ikle, who actually said "we seek victory for the forces of democracy," which included "defeating militarily those organized forces of violence that refuse to accept the democratic will of the people."

That gladdened dovish hearts because it proved that the administration goal was to win. Not to negotiate endlessly, not to have a dialogue as an end in itself, not to not lose and to bug out after a decent interval, but to (ugh!) win. To the growing army led by Losers Inc., "victory" is not only a quaintly Goldwateresque word, but is (a) impossible, (b) immoral for us to seek, and thus (c) must be ripped out root and cause. To Losers Inc., winning is losing.

Apply that same approach to our involvement in Lebanon. A year ago, when Israel struck out at the decadelong Syrian-PLO takeover of Lebanon, Losers Inc. suddenly discovered the "territorial integrity" of that Syrian-occupied land. In its war with the PLO, Israel was out to win: To Losers, that was unacceptable.

Accordingly, a firestorm of protest was loosed against the Israelis, who did not understand that in a world dominated by Losers, victory is villainy. Reagan and his national security adviser were swept away in that tide; in a blunder comparable only to Eisenhower's Suez mistake in 1956, the U.S. president ordered the Israelis to stop winning. In a colossal misjudgment, he accepted Losers Inc.'s assumption—abetted by the State Department's Philip Habib—that the problem would be to get the Israelis, not the Syrians, out of Lebanon.

Today, some of the same anti-victorians who urged Reagan to intervene in Lebanon when the Israelis had the Syrians and PLO reeling are now demanding that he pull out our Marine contingent because we are in a no-win situation.

Their litany is familiar: It's none of our business; the locals are all corrupt; the Syrians, with Soviet backing, cannot be beaten; as in Central America, the U.S. public won't stand for an escalation of our involvement. And now some defeatists are adding a new, ironic twist: Why can't the Israelis take care of this and let our Marines come home?

The answer to all the predictions of failure, and the sure cure for the prevailing defeatism in American public opinion, is one success. To achieve that success, the administration and its supporters in Congress must go against the tide of public opinion led by Losers Inc., today. Some evidence is needed to show that perseverance pays, that winning—yes, even local military victory if necessary—is possible.

We do not have to win everywhere. Nor do we have to take the military route everywhere. But we do need to win somewhere for the possibility of our victory to change the nature of negotiations everywhere.●

REPORT OF THE HOUSE ARMED SERVICES COMMITTEE DELEGATION TO LEBANON

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. STRATTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REPORT OF THE HOUSE ARMED SERVICES COMMITTEE DELEGATION TO LEBANON

A delegation of 10 members of the House Armed Services Committee visited Lebanon this past weekend to assess the American participation in the peacekeeping role as part of the Multinational Force (MNF) there and to question the U.S. political and military officers who deal with the complex situation presented in Lebanon on a day-to-day basis. A list of the senior officials the delegation met with is attached to the end of the report.

Initially, the diplomatic officials on the scene did all they could to discourage the delegation from visiting the area, principally by suggesting that we would be endangered by traveling there. We insisted that if it were unsafe for a group of Members of Congress to visit Lebanon for a matter of hours, then it was clearly not reasonable to order more than a thousand Marines to stay there for months on end. The American officials relented and were exceedingly helpful during the two days that we spent on ships of the Sixth Fleet off the Lebanese coast and the afternoon that we spent with the troops in their sandbagged positions at the Beirut International Airport (BIA).

In this report, we present the views of the members of the delegation in three parts: first, the positive findings of the delegation; second, the issues that concerned us and, third, some specific conclusions that we reached.

FINDINGS

The delegation has a number of positive observations that deserve attention and ought not to be submerged beneath more critical remarks that will appear later.

(1) U.S. military personnel in and around Lebanon have been acquitting themselves superbly. U.S. forces are playing a lead role in support of establishing peace and stability in Lebanon under extremely difficult conditions.

The Marines in the MNF are filling a necessary role in the steps to stability in Lebanon, but under hazardous conditions.

Army personnel are assisting the Lebanese Armed Forces (LAF) training its own forces and in doing so providing an invaluable service to the Lebanese government. The delegation heard nothing but the highest praise for the professionalism and the insight of U.S. Army personnel.

Sailors aboard the naval flotilla operating off Lebanon are providing the support necessary for the maintenance and safety of the Marines ashore.

One could not help but be extremely impressed and proud of the performance of U.S. military personnel under such difficult and complex circumstances.

(2) The bulk of Marine Corps and Navy personnel assigned to the area appear to be decidely in favor of our remaining in Lebanon. We could not take a scientific survey, but members of the delegation broke up and spoke individually—in many cases out of the presence of officers—with literally hundreds of men, including more than 100 of the 1,600 Marines onshore. A minority was opposed to our continued presence in Lebanon—some because they saw no reason for our being in Lebanon and believed our presence there served no American interest; others because they did not wish to be there if they were kept on a leash and forbidden to attack non-government positions that threaten their Beirut Airport encampment. The overwhelming majority of those questioned, however, supported our presence there. Marine Corps and Naval officers, as well as American diplomats, emphasized that the MNF presence helped to hold down the level of fighting and reduce the death toll. They were convinced that withdrawal would increase turmoil and perhaps damage America's credibility and effectiveness worldwide. Morale was high among both of-

ficers and men. Although there has been criticism in the United States that our Marines have been left in exposed positions, the Marines questioned complained mostly of not being able to respond more aggressively when fired upon. They praised the naval gunfire support they have received.

(3) The LAF have shown considerable improvement, partly as a result of an intense American training program run by U.S. Army personnel, and partly as a result of the leadership of their commander. In the movement into West Beirut and the fighting around Suq el-Gharb in recent weeks, the LAF has shown far more professional ability and stamina than had been expected by many Lebanese and American analysts. The Lebanese 8th Brigade, which is engaged at Suq el-Gharb, a strategically located mountain village overlooking the Beirut Airport, had not even completed all its training before it was committed to battle. The 8th Brigade, however, had advanced further through the training program than any of the other six brigades of the planned total of seven. Despite the common criticism of the Lebanese Armed Forces as a Christian force used against non-Christians, the LAF is actually 60 percent Moslem and Druse and only 40 percent Christian, reasonably close to the ethnic composition of Lebanese society. Certainly, the Lebanese military is representative of Lebanese ethnicity at the enlisted, junior officer and general officer levels. Only at field grade level is the LAF predominately Christian.

(4) There is no question that "hostilities" are underway and that serious risks are involved. Some may quibble over the interpretation but it is clear to the Marines at the Beirut Airport that they have been "introduced into hostilities."

In military terms, our position on flat land, immobilized at the base of a high mountain range, is clearly unsatisfactory. The position was not chosen for military utility, however, but was originally selected as the most appropriate place to interpose Americans between the Israelis and the Lebanese at a time when mere "presence" was the chief concern. Another key consideration was that possession of the airport could expedite the evacuation of American and allied personnel if required.

The Marines are exposed. It is important to note, however, that the officers in the field judged that only a relatively small portion of the fire that struck Marine positions was specifically aimed at the Marines. Intelligence indicated that many rounds hitting the area were strays while others were aimed at Lebanese forces located in close proximity to the Marines. For example, until just a few days before the delegation visit, a large portion of the Lebanese Air Force was located at the Beirut Airport. Opposition forces fired a few hundred yards over the Marine Headquarters to reach the Lebanese aircraft. Sometimes those rounds fell short. In other instances, reports suggest that the Marines were fired at by "freelance" artillerymen of various militia groups violating specific directions from their headquarters.

(5) U.S. forces involved in the Lebanese operation are substantial. In addition to the 1,600 Marines and 100 Army personnel ashore, there is another battalion landing team offshore (2,000 Marines) and 15 Navy ships ranging from LST's to a guided missile cruiser just offshore and the carrier USS Eisenhower and its battle group, less than 100 miles offshore. Of particular note was the arrival of the battleship USS New Jersey. Its naval gunfire capabilities provide a major improvement in our ability to protect the Marines ashore. Its presence alone, with its capability to fire 2,000 lb. shells up to a range of 23 miles, must give pause to those with aggressive intentions ashore.

All told, the United States has in excess of 15,000 military personnel poised in the area.

(6) The principal problem facing Lebanon is its division into hostile factions based primarily on religious (confessional) affiliations. The MNF clearly cannot resolve the frictions developed throughout a millennium by the imposition of military authority. The solution to Lebanon's ills is not military, but primarily political. The delegation was pleased to discover that every military officer questioned recognized this and none—not one—suggested that the U.S. military be unleashed to set things right.

On the diplomatic front, it is possible that the good offices of the United States may help effectuate a compromise that would bring real peace to troubled Lebanon. We are making that effort. The U.S. military forces see their goal as acting in support of the diplomatic effort. They recognize the diplomatic effort as primary. It is undisputed that our military presence provides a necessary framework for the diplomatic efforts that would collapse if these military forces were withdrawn.

(7) The Multinational Force (MNF)—comprised of more than 2,200 French, more than 2,000 Italians, about 1,600 Americans and 100 British on the ground in Lebanon—is working extremely well together and has been effective in its peacekeeping role. Other MNF contingents have taken as much or more fire than the U.S. contingent and are contributing a great deal. The French support their force with five ships and the Italians with three ships. In addition, the British have moved fighter aircraft to Cyprus, approximately 80 miles away. The American public does not realize how much the other Multinational Force nations are doing because American news coverage understandably concentrates on the American role. What is more, it is not generally known, but the French have taken more casualties than the U.S. Marines. It is by no means true that the United States is bearing most of the burden and our allies are sitting on the sidelines.

CONCERNS

While we found many positive points to record, we also found a number of things that disturbed us and that should be legitimate cause of concern for the U.S. Congress and the American public.

1. The diplomatic and political process has placed the Marines stationed in Beirut in a highly-exposed position.

2. In such a situation there is always a danger of slow, incremental escalation that could lead us more or less rapidly from peacekeeping role to an intractable military involvement. A year ago, we were told our forces were there for but a brief period. Now we are debating an extension of their presence for another year and a half. The numbers of our onshore forces have increased, albeit only modestly from 1,200 to 1,600.

Of greatest concern to the delegation was its discovery that responses to threatening situations have escalated significantly in accordance with the use of force under the Rules of Engagement (ROE). The ROE are classified and cannot be discussed in the open. (The delegation will discuss them in more detail for the committee during closed session.) The delegation was concerned, however, that alterations in the ROE could result in incremental growth in our involvement.

3. There has been a major increase in the quantity of artillery largely provided by and sometimes operated by the Syrians within firing range of U.S. Marine forces at the Beirut International Airport. Just before the arrival of the delegation, U.S. intelligence found that a number of artillery positions increased from 72 to more than 100 in a three-day period. By no means does this indicate necessarily that there are plans for a major artillery assault on Marine positions. But the fact that they would effect such a major augmentation raises legitimate concerns.

4. The Lebanese Armed Forces, while performing exceptionally well to date, lack much depth. If their operations are expanded any in the future beyond their employment in the recent fighting, their ability to commit reserves will be critically affected and could lead to an unacceptably high proportion of losses to key members of their forces. Furthermore, training efforts of the LAF have been suspended during the recent fighting. These conditions obviously threaten to delay the planned July 1985 date by which all seven brigades are in a sufficient state of readiness to ensure security and stability throughout Lebanon.

A competent, ethnically balanced military able to maintain internal security is a key ingredient for the future of Lebanon.

A ceasefire, if it holds, could provide the opportunity to resume training of the LAF. A fully-trained LAF would largely remove the requirement for the MNF.

A ceasefire could also provide an opportunity for the U.S. Marines to strengthen their defensive position.

5. The success of the negotiations is not entirely in the hands of the government and its Lebanese opposition. Syria is a player in the negotiations. The delegation uncovered suggestions that the Syrians had been intentionally sabotaging peace talks. On more than one occasion when the Lebanese participants appeared to be nearing an agreement that would bring about a ceasefire in the Suq el-Gharb/Aley area and lead to talks on a long-range political solution, the Syrians suddenly interjected demands that were patently unacceptable to the Lebanese government.

6. The Lebanese government of President Amin Gemayel, while interested in starting talks on a long-range solution, at least in part to demonstrate its good faith to its foreign supporters, may not be sufficiently committed to completing the talks. Successful negotiations would require significant concessions by Gemayel's Christian backers. Christian power in the Lebanese government, including the exclusive right to occupy the presidency and the 53 percent built-in majority in the Parliament, is based on the 1932 census that showed Christians comprising 53 percent of the population. No one doubts that the Lebanese Christian population is far less than 53 percent today, in part because of the higher Moslem birth rate and in part because of the greater Christian propensity to emigrate. Thus, the Christians must concede more authority to the Moslems if Lebanon is ever to be reconstituted as a stable and united state. Virtually everyone with whom we conferred agreed on this point. Yet President Gemayel's Christian political faction appears at this time to prefer to dig in its heels. An open-ended commitment by the United States to the Lebanese central government could relax the pressure on the Gemayel

government that appears necessary to obtain the concessions by the various factions needed to achieve a stable government.

An authorization for 18 months may be a signal to the Syrians that we will stay the course, but it may also tell Gemayel that he can mark time and not pursue the political solution which everyone agrees is the only way out of the civil war.

7. An uncertain number of troops from the Palestine Liberation Organization (PLO), ranging up to a few thousand, have joined the fighting in the Suq el-Gharb/Aley area in recent weeks or infiltrated into Beirut. The Israeli attack of one year ago that was supposed to have eliminated the PLO threat did so only for a brief period. The potential for the PLO once again to become an influence for the worst on the Lebanese scene is growing. Intelligence reports show an increasing number of PLO attempting to reenter the Beirut area each evening. There was evidence, however, that the PLO were principally if not exclusively from the rebel group opposed to the leadership of Yasser Arafat.

8. Our Marines can be endangered by discussion of pulling out. That is not meant to suggest that democratic debate of our involvement in Lebanon should be silenced. But it is still incumbent upon us to recognize that if the forces opposed to a political settlement in Lebanon feel that the American commitment is tenuous, those forces could be encouraged to attack the U.S. Marines in hopes that casualties will result in our withdrawal.

9. This is not just a civil war into which the United States and other Western powers have interposed themselves. Lebanon is a small nation whose more powerful neighbors have decided to take advantage of its troubles. Syria and Israel have both put their forces in Lebanon. Syria is directly involved in the recent fighting. Syrian-accented voices have been heard on military radios giving commands. Lebanon is a nation that was the most democratic in the Arab world before its governmental system collapsed. It provided greater individual freedom and opportunities for personal development than even many western nations. As a powerful nation that claims to speak for a higher morality in world affairs, the United States cannot simply ignore what is happening in Lebanon.

10. Our goals and reasons for being in Lebanon are not clear to the American public. That is understandable since there is not a direct and immediate threat to obvious American interests such as a military attack on a neighbor or the closure of access to key resources such as Persian Gulf oil. The fact that American interests are not direct or dramatic does not mean that those interests do not exist, however. There is a potential threat to our long-term interest if unfriendly foreign forces seize control of the country. We think that Secretary Shultz made a reasonable assessment of American interests in Lebanon in his testimony before the House Foreign Affairs Committee on September 21, 1983:

"At stake also are some concerns that affect our national interest and the security of our friends and allies. If American efforts for peaceful solutions are overwhelmed by brute force, our role is that much weakened everywhere. Friends who rely on us will be disheartened, and will be that much less secure. Moderates in the Arab world whom we are encouraging to take risks for peace will feel it far less safe to do so. The Soviet Union's efforts to disrupt our diplomacy will have scored a victory; radical and rejectionist elements will be strengthened. The cause of peace and justice will have suffered a setback. Israel's security on its northern border will be weakened."

The delegation agrees that our present level of activity will serve the long-term interest of peace.

11. It was the assessment of most diplomatic officials and military officers in contact with our Italian and French allies that, if we pulled out, one and probably both of those contingents would soon be removed as well. The delegation did not meet with any allied official and so cannot make its own assessment, but was impressed with the strength of the views held by American military and diplomatic officers. The delegation recognizes that there is more than one militia organization that would try to fill the void left by such an evacuation. The ensuing fighting would likely make what has occurred in recent weeks appear but a skirmish by comparison. The long-term political effects are impossible to detail but it is difficult to imagine that they would be in any way favorable to American interests.

CONCLUSIONS

(A) An immediate pullout from Lebanon could very likely lead to the collapse of the present government, most of those interviewed agreed. This in turn could bring about a bloodbath as various factions fight for control and could possible end in the partition of Lebanon into a rump Christian state, an annex to Syria and an annex to Israel. This is obviously not an appropriate course.

(B) A long-term or open-ended commitment would not be in the United States' interest nor in that of Lebanon since it might simply tempt the Gemayl government to avoid making the hard but necessary political compromises while in effect, hiding behind the MNF shield. The Lebanese Christian community must realize that it cannot have business as usual; and all sides must realize that an acceptable compromise means no one gets everything that it wants.

(C) The United Nations peacekeeping force in Lebanon lost its credibility by allowing itself to be pushed aside. Past lessons must not be ignored. One lesson is that other forces—any forces—must be made to realize they cannot attack U.S. forces with impunity. It must also be very clear that no one firing on U.S. Marines will enjoy the protection of an untouchable sanctuary. In bald terms, that means this country must never, by statement or action, lead Syria to think that it might be able to fire artillery at our troops without generating a response at least in kind, or a much stronger one.

(D) The U.K., France, and Italy are making major contributions to the Multi-National Force in Lebanon, and have earned the respect of the Lebanese people. But other allies are capable of aiding Lebanon in other ways. It is not acceptable that the U.S. is the only country supplying the Lebanese Armed Forces with equipment and munitions.

(E) Israel's unilateral withdrawal from the Suq-el-Gharb/Aley area to a line south of the Awali River—a move which the U.S. had earlier urged on the Israelis in line with an agreement with Lebanon, but had subsequently asked Israel to delay, created a vacuum which led to problems that had not been fully foreseen.

(F) An overriding goal of American policy in Lebanon must be to get all foreign forces out. When Syrian, PLO, Israeli, Iranian and Libyan forces cease meddling in Lebanon, the Lebanese people will have a much better chance of solving their own problems.

(G) Lebanon is an international problem. We have not made it our problem alone to date and we must not do so in the future. We can provide assistance to the Lebanese in solving their problem, but we cannot solve it for them.

(H) We are concerned that the size of the job is staggering. Along with others, we are trying to help keep the peace by sitting on a piece of Lebanese territory. We are seeking to assist in the training of an Army of 65,000 by July 1985 that was largely a nonexistent force one year ago that had not functioned out of its barracks since 1975. We are trying to bring together warring parties who have fought with one another many times over the last millenium—but who have often worked together quite well for long periods also—while outside powers have fanned the flames of sectarian animosity for their own ends. At the same time, we debate in the halls of Congress and in the editorial pages committing ourselves to wrap all this up in a specified period of time. If we have correctly understood our national goals, then we wonder if it is not overzealous to think we can see these goals reach fruition in any specific period. Rather it seems to us that the time required cannot be clearly determined now and setting a deadline too short or too long might be detrimental. We believe continued monitoring of the U.S. commitment and Lebanese progress is mandatory for the U.S Congress and that such monitoring will be advisable even after the U.S. contingent is withdrawn.

(I) To extend the U.S. commitment to the MNF for another year and a half without at the same time requiring verifiable progress in such goals as the training of the LAF and an agreement on broadening the "confessional" base in the Lebanese government would run the risk of involving U.S. forces more deeply than the circumstances would justify. After all, other major U.S. interests may be threatened and may merit a higher priority than Lebanon in terms of direct U.S. national security.

To prevent this, the Delegation recommends that regular reports be made to the Congress on such matters as:

(1) the expansion and training of the LAF and improvement in its capacity to carry out its mission;

(2) broadening the political base of the Lebanese government; and

(3) any indication of Syrian willingness to reduce the level of tension.

(J) In view of the importance of these reports, the delegation further believes that they should be made at least every 60 days, and more frequently if events warrant special comment.

The achievement of a ceasefire in Lebanon is most encouraging to the delegation. Such a ceasefire, if it continues to hold, will not only increase the opportunity for further training of the LAF, but would also make it easier to pursue negotiations for a broadened Lebanese government.

Since a ceasefire makes the issue of "hostilities" involving U.S. Marines moot, it would appear to be appropriate to defer consideration of the Zablocki resolution until it can be determined if the ceasefire holds.

In addition to the hundreds of service personnel that individual delegation members spoke with, the delegation as a whole met with the following persons:

Vice Admiral Ed Martin, Commander, Sixth Fleet.

Rear Admiral Jerry Tuttle, Commander, Task Force 60.

Captain Morgan France, Commander, Task Force 61.

Ambassador Richard Fairbanks, Special Ambassador.

Ambassador Robert Dillon, Ambasssador to Lebanon.

Colonel Tom Fintel, Office of Military Coordination (U.S. Embassy, Beirut).

Colonel Tim Geraghty, Commander, 24th Marine Amphibious Unit.

Respectfully submitted,

SAMUEL S. STRATTON,
Delegation Chairman.

SEPARATE OBSERVATIONS OF CONGRESSMAN WILLIAM DICKINSON

While concurring with what has been said above as a committee report, the undersigned feels constrained to voice some personal reservations and areas of concern.

The facts are that when American troops were first sent ashore we sent 800 Marines with the public announcement and assurances that if they came under fire or attack they would be withdrawn. This was a commitment to the American people to allay their concerns about another "involvement."

They were in fact withdrawn for a short period but later, under agreement with the Government of Lebanon on September 25, 1983, 1200 Marines were reinserted ashore to participate in a peace keeping mission with the Multinational Forces of France, Italy and, later, the U.K.

Slowly, but steadily, our involvement has increased, the rules of engagement have been apparently broadened to cover new circumstances and our announced reaction if coming under hostile fire has changed. The official line is that the ROE have not changed but only "interpreted." But the fact is our involvement has increased with new interpretations.

There are no longer 1200 Marines ashore, it is nearer 1600, with more than 2000 aboard ship as back-up.

We no longer withdraw if fired upon but we respond in kind—at least.

We have fired from Naval ships at least once in support of the LAF—not just in self defense. (While deemed necessary in the long run for our defense, it was in fact a preemptive strike.)

We no longer have a small force in the area, we have, about 1600 Marines ashore, another 2000 Marines back-up aboard ship, and another 100 U.S. Army ashore; we have 15 Naval ships involved in the area, including a battleship, a nuclear carrier, a nuclear missile destroyer and others consisting of a total of 15 Naval ships and over 10,000 men—and perhaps still growing. Standing on the ship's bridge and looking at all the Naval ships in sight, it looks like we are getting ready for World War III.

We are also supplying tons of ammunitions and other supplies to the LAF (while our allies in the MNF apparently contribute nothing.)

The bottom line is that our involvement is continuing to grow, the fighting is escalating between all parties ashore (at least until the last cease fire) and all hopes are pinned on the ability of a few men to bring order to the country of Lebanon. All our eggs seem to be in one fragile basket.

The undersigned believes we should reduce both our physical presence and involvement at the present time in terms of ships—to the minimum force necessary to support the troops ashore. We should not increase the troops ashore.

We should maintain our flexibility to support the efforts for peace so long as the probability of success exists without a commitment for a fixed period of time. Any announcement of withdrawal in the near term would be counter-productive.●

POLL CLOSING TIMES NOT THE ANSWER

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. SWIFT. Mr. Speaker, I am pleased to say that T.V. Guide has recently run two articles and an editorial on a variety of issues that relate to the conduct of Federal elections, and especially to the involvement of television in our political process. Among the subjects addressed in this series are declining voter turnout, early projections of election returns, convention coverage, candidate debates and campaign funding.

As chairman of the Task Force on Elections of the House Administration Committee, and as a member of the Telecommunications Subcommittee of the Energy and Commerce Committee, I have been deeply involved in many of these same issues, and I want to heartily applaud the editors of T.V. Guide for drawing attention to these important subjects in their September 24 and October 1 issues.

My one concern, Mr. Speaker, is that T.V. Guide suggests that 24-hour voting with uniform poll closing times would solve the problem of early projections of election returns by the television networks. Unfortunately, it is quite clear from extensive congressional hearings on this subject that that is not the case, because the use of exit polls by the networks has made poll closing times irrelevant to their ability to project election results.

In order to dispel any misconceptions that might arise with respect to 24-hour voting and uniform poll closing times, I would like to include in the RECORD at this point, both the T.V. Guide editorial and a copy of the letter I have sent in response to the editorial.

Again, I commend T.V. Guide for their leadership in highlighting these issues.

AS WE SEE IT

The time has come for drastic change in the way we elect our Presidents. Among the needed reforms, two should be enacted at the earliest possible moment, preferably before the 1984 election year heats up.

Election Day should be shifted from Tuesday to Sunday.

Polls should remain open for 24 hours and close at the same moment everywhere in the country irrespective of time zone.

Those changes would go most of the way toward solving two of the most troublesome problems besetting the Republic, namely: the appallingly low number of eligible voters who actually go to the polls to cast ballots for President of the United States; and, the distortion of our electoral process that results from the networks' compulsion to project election winners before the polls are closed everywhere.

These solutions are not new. TV GUIDE did not invent them. Theorists inside and outside the television industry have been advocating their adoption for two decades. No reasonable argument has ever been advanced to refute their desirability. And still, nothing is done. Why? Inertia and apathy. During election campaigns, everybody is too busy to deal with it, and in the long periods between Presidential contests, nobody is sufficiently concerned. It's rather like the farmer whose barn had a leaky roof that never got fixed: "When it's raining, I can't go up there to fix it," he explained. "And when it ain't raining, it don't need fixin'."

Our two-part lead article beginning this week, by TV GUIDE's New York bureau chief Neil Hickey, lays out the whole shameful story and points to the urgent need for reform of all our electoral procedures, many of which derive from an age of gas lamps, paper ballots, chalkboard reporting of election returns and other flotsam of the pre-electronic era.

If asked who is responsible for the ills of our society, many Americans would be quick to blame the "politicians"—or the "media," that catchall for the organizations that bring them everything they see on TV, hear on radio, or read in newspapers and magazines. But there is another, much larger group that deserves at least as much criticism—the more than 70 million Americans who could vote if they wanted to, but don't.

Sunday voting—combined with permanent, electronically stored voter registration—is the surest and most enlightened way to raise our current, pathetically small voter turnout (little more than half in 1980) to a level approaching that of other democratic nations, some of which have turnouts of more than 90 per cent.

Similarly, closing the polls at the same instant nation-wide rather than one time zone at a time would end forever the fear that early TV projections of winners are causing voters to stay away from the polls and thus altering the outcomes of some West Coast contests. Voters in the West—including Hawaii and Alaska—deserve to have the sense that their votes matter. No American should have to suffer that symbolic disenfranchisement that comes with the news that it's "all over," and his or her vote is not needed.

Congress should act—and act soon—to make Sunday voting and uniform poll closings the law of the land. These are two simple and much needed measures that would make our electoral process more lucid and effective. As former CBS president Frank Stanton says, "We need to recast this decrepit, self-defeating system all along the line."

And the time to do that is now. We urge our readers to let Congress know that they favor Sunday voting and uniform poll closings by writing to: Hon. Al Swift, H326 Capitol, Washington, D.C. 20515.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 26, 1983.

Mr. DAVID SENDLER,
National Section, TV Guide,
Radnor, Pa.

DEAR MR. SENDLER: I would like to applaud the attention T.V. Guide is giving to the relationship between television and federal elections. There is no question that television affects the outcome of our elections, and thus our democratic government, in many ways. And it is entirely appropriate that the relationship between the two should be examined often and carefully. It is particularly encouraging to see a magazine with your broad readership giving the subject a good airing.

Furthermore, I would agree with many of the points that are made in the article or the editorial, with respect to the need for changing the way presidential debates are televised, with the effect of early projections of election returns, and with the need to examine carefully any measures that we might take to reverse the trend of declining voter turnout.

At the same time, however, as chairman of the elections Task Force of the House Administration Committee, and as a member of the Telecommunications Subcommittee of the Energy and Commerce Committee, which have jointly held a series of hearings on the subject of early projections of election returns, I must take issue with your proposal of uniform poll closing times as a solution to the problem of early projections. I wish it were that simple.

The concern of many of us in Congress is that the use of exit polls to project elections is a relatively new news phenomenon, which raises electoral problems that defy simple legislative solutions, including 24-hour voting and uniform poll closing times.

Exit polling has been used by the networks for some time to describe voting patterns—to analyze which kinds of people voted for which kinds of candidates and why. Used in that way, exit polls have contributed greatly to our understanding of the American electorate.

What was new in 1980 was the use of exit polls by one network to actually project the results of the Presidential election. By 1982, all three networks were projecting election results based on exit polls. The problem that raises for the voting public and for the Congress is that poll closing times are no longer relevant. With partial returns, sample precincts or any of the other traditional ways to project election results, the networks could not get the information they needed until at least some polls were closed. With exit polls, however, networks interview voters all day long as they leave the polls and, as a result, they can project elections within a matter of hours after the polls have opened—and well before any polls have closed anywhere.

The stated policy of the networks is that, although they have the capacity to do so, they will not project elections within a given state until the polls have closed in that state—except. Except in states like those with two time zones (which is about one state in four). Except if there are just a few minutes until the polls close (which was the case when the 1982 Senate races were called in several states, including my own State of washington).

Now, on the one hand, the Congress is being urged to make radical changes in the election process, like 24-hour voting and uniform poll closing times. (In our Congressional hearings last year, state and local election officials outlined the enormous difficulty, disruption and expense of shifting to that kind of system.) And on the other hand, the networks cannot guarantee either that they will follow their present policy more rigidly, or that they—or some competitor—will not in the future follow a different policy, and simply project election results regardless of the poll closing time.

In short, we could easily find ourselves in the situation of having caused great dislocation and expense by changing traditional polling hours, only to find competitive factors causing the media to use exit polls to project results ever earlier—before polls are closed—and thereby to short-circuit that legislative solution completely. Uniform poll closing times, to be successful would be totally dependent on voluntary restraint by the news media. Yet if the media were serious about a voluntary solution to the problem, they could implement one now.

At the same time, many in Congress recognize that Cable News Network (which projected the 1982 gubernatorial race in California before the polls had closed), Direct Broadcast Satellite and other technologies will expand news sources, and that competition to be first will continue to increase the pressure to use exit polls to project elections prior to any poll closings.

It is difficult to believe this would not have a profound effect on citizens' attitudes toward their votes and toward our entire electoral process, which is fundamental to our system of government. Congress has begun considering the problem of early projections, and exploring workable solutions—but, unfortunately, they do not include 24-hour voting, or uniform poll closing hours, or any of the other ideas the networks have so far indicated they might support.

Sincerely,

AL SWIFT,
Member of Congress.●

A SALUTE TO ED KELLY OF THE BUFFALO NEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. KEMP. Mr. Speaker, last week Ed Kelly, the distinguished columnist for the Buffalo News, retired after 42 years of prominent public service in western New York. His thoughtful, balanced, and indepth coverage of labor and economic issues, in a region that has witnessed tremendous economic change over the last several decades, has been a major contribution to public understanding and official reflection of tough issues in a time of great trial.

I commend to my colleagues two tributes to Mr. Kelly. The first, by Murray Light, the distinguished editor of the Buffalo News, clearly sums up Ed Kelly's philosophy, skills and hard work in the newspaper business. The second is by Erie County Executive Edward Rutkowski, who praises Mr. Kelly's "honesty and fair play," the central attributes of a great reporter, which Ed Kelly has always been.

We in western New York, Mr. Speaker, are the beneficiaries of Ed Kelly's legacy of integrity and excellence.

The tributes follow:

[From the Buffalo (N.Y.) News, Sept. 13, 1983]

ED KELLY: A LABOR OF LOVE

(By Murray B. Light)

Ed Kelly tomorrow ends a 42-year love affair with his job of reporting and with The Buffalo News. He's wrapping up a distinguished career that has brought him many accolades but more importantly has brought him fulfillment.

Perhaps he best summed it up in a January 1956 memo to the editor of The News in which he noted that he had passed up an opportunity to leave the newspaper business for a job with a higher salary. He wrote: "I believe writing is the most creative job on a newspaper, that the reporter is the most important man on a newspaper. I am far more interested in reportorial work than in any type of desk work."

Typical of Kelly's dedication to his work and the newspaper on which he spent his entire professional career is the fact that he held off his retirement date so that he could supervise compilation of the primary election tabular matter The News will publish tomorrow. He's been overseeing this complex primary and election night job for many years.

This facet of Kelly's work was not known to many. He is well known throughout the United States for his work as a labor reporter, one of the finest in the newspaper business. He has spent almost all of his working time in that field for the past 34 years and for seven years prior to that covered labor as well as doing other reporting.

Ed Kelly's departure from the newsroom is a major loss. You can't readily replace a man with his expertise in a most difficult field. Labor reporting is an extremely sensitive field, and Kelly moved through dangerous minefields for decades without ever losing the respect and admiration of labor and management.

Fortunately, The News has on staff Joe Ritz, who covered the labor beat for the Courier-Express.

He has been working with Kelly for the past few weeks and now is prepared to take over. We are confident Ritz, an experienced, careful reporter, will carry on in the Kelly tradition.

In addition to his regular reporting in the area of labor relations, Kelly has written a weekly Labor Comment column since 1958, providing him an outlet for commentary in his field. The column will continue to run until October, Kelly's formal retirement date.

On the 20th anniversary of that column, Kelly wrote, ". . . the local labor-management community never runs out of substantial problems. And . . . it never runs out of those with enough vigor and courage to overcome them."

This respect for the men on both sides of the bargaining table typified Kelly's approach to his job and indicates why he was so good at it.

Through the years, Kelly has received awards from groups representing management and labor. Recently the AFL-CIO Council honored him with its community service award for union coverage, and the Buffalo chapter of the International Association of Personnel did the same. He's been cited by the Industrial Relations Research

Association, the state Labor Department and the Diocesan Labor School, among many others. He's been the recipient of numerous Buffalo Newspaper Guild awards for excellence in his craft and has addressed many prestigious groups involved in labor and industrial relations throughout the country.

The News, its readers, union leaders and management personnel all will miss the high quality work of a top quality man, Ed Kelly.

COUNTY OF ERIE

On behalf of all the citizens of the County of Erie, I hereby extend congratulations and best wishes to Ed Kelly on the occasion of his retirement from the Buffalo News.

Throughout his career, Ed Kelly has been totally dedicated to responsible, in-depth news reporting and has been devoted to truth and knowledge in an effort to help us understand the events and changes occurring in our community. During his 42 years of service with the Buffalo News, he consistently selected and presented news on the basis of significance and genuine benefit to the public. He has been respected in the field of labor-management for honesty and fair play, which has in fact brought him national acclaim. His retirement will now enable him to serve the community in other ways. It is a pleasure to have this opportunity to join Ed Kelly's family and friends in wishing his many more years of good health, happiness and prosperity.

EDWARD J. RUTKOWSKI,
County Executive.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was not present and voting when the House considered various legislation on the following days:

THURSDAY, SEPTEMBER 22, 1983

Had I been present, I would have voted against an amendment to add $300 million to the Labor-Health and Human Services-Education appropriations bill for fiscal year 1984 (H.R. 3913) for job training and education programs. I was paired against this amendment. Also, I would have voted against final passage on this appropriations bill, which was over the President's budget request.

TUESDAY, SEPTEMBER 27, 1983

Had I been present, I would have voted for passage under suspension of the rules of H.R. 3962, Export Administration Act temporary extension until October 14, 1983.

I would have voted against an amendment to H.R. 1010, Coal Pipeline Act of 1983, which sought to clarify downstream States' water rights and mandate creation of a compact among affected States in determining sale or diversion of water for coal pipelines. I was paired against final passage of this ill-conceived bill.●

NEW JERSEY EXPERIENCE SHOWS NEED FOR MINIMUM DRINKING AGE OF 21

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. FLORIO. Mr. Speaker, I recently introduced H.R. 3870, a bill to end the carnage on our highways by establishing a national drinking age of 21.

I am proud of the fact that my own State of New Jersey has taken the lead in demonstrating the importance of the 21-year-old drinking age and in educating our youth on the fatal dangers of mixing drinking and driving. I am here inserting in the RECORD two articles on recent New Jersey efforts and experience.

I commend Essex County, the National Council on Alcoholism, and the many others working on the October 7 educational program described in one of the articles. Also, I note for the information of my colleagues the positive impact of the 21-year-old drinking age described in the other article. This provides further support for the importance of our extending the 21 year age limit nationwide as my bill, H.R. 3870 would do.

[From The Star-Ledger, Newark, N.J., Sept. 20, 1983]

POLICE SEE "IMPACT" OF 21 LAW

(By Mike Piserchia)

Fatal drunk driving accidents involving motorists ages 18 to 20 have shown a dramatic decrease in the six months since the state raised the legal drinking age to 21.

In addition, the number of drivers under 21 who were drunk at the time of fatal accidents also decreased, according to State Police statistics obtained yesterday.

For the first six months after the drinking age was increased from 19 to 21 on Jan. 1, there were 52 fatal drunk driving accidents involving motorists between the ages of 18 and 20. This compared with 79 fatal accidents involving the same age group during a similar period the year before.

Meanwhile, the number of 18-to-20-year-old drivers who were drunk at the time of fatal accidents also decreased, according to the figures. During the first six months of this year, 13 drivers were found to be drunk at the time of the crash compared with 34 during the same period last year.

"During the first six months since the 21-year-old drinking law went into effect, the number of fatalities involving 18-to-20-year-olds has substantially decreased," said Sgt. Robert Aldrich, supervisor of the State Police Fatal Accidents Investigation Unit. "Raising the drinking age to 21 seems to be having an impact."

Figures on the number of drunk driving deaths in the 18-20 age group were not available. However, it was the first time that State Police officials had been willing to assert publicly that the new law is having an effect on the number of fatalities involving youthful and less experienced drivers.

Aldrich said that State Police are continuing to closely monitor the situation and that nine-month fatality figures will be released in October.

Last Month, State Police released four-month figures that showed a decrease in the number of fatalities involving youthful drivers.

The figures showed there were nine intoxicated drivers under age 21 killed in car crashes, compared with 21 drivers killed during the same period last year.

In addition, State Police officials said that the number of drunk driving arrests involving youthful motorists has also decreased in recent months.

So far this year, State Police have been arresting an average of 482 youthful motorists each month for drunk driving, compared with 600 each month the year before.

State Police Superintendent Col. Clinton Pagano said that State Police have targeted areas where young drivers congregate, such as the Shore and other recreational areas, in their effort to crack down on drunk drivers and, particularly, those who sell alcoholic beverages.

But New Jersey's war on drunk drivers is not limited to the young. State Police officials have beefed up overall enforcement in recent months.

So far, the effort seems to be paying off with a lower number of fatalities than the year before.

According to the New Jersey Office of Highway Safety, there were 563 people killed on New Jersey's highway during the first eight months of this year, compared with 659 traffic fatalities during the same period last year.

Pagano attributes the lower figures to increased enforcement. He said police expect to arrest more than 40,000 motorists this year for drunk driving, many more than they arrested in previous years.

The New Jersey Office of Highway Safety, however, estimates that during the course of a year as many as 100,000 drivers operate motor vehicles while drunk.

[From The Star-Ledger, Newark, N.J., Sept. 20, 1983]

FESTIVAL TO ENLIST TEEN SUPPORT FOR SOBER DRIVING

ESSEX RALLY ORGANIZERS HOPE YOUTHS GAIN "UPBEAT REASON" TO SHUN BOTTLE

(By Donna Leusner)

"Don't do what I did."

That's the message an 18-year-old former athlete—now confined to a wheelchair after driving while drunk—will bring to thousands of fellow teenagers next month during an anti-drunk driving rally.

Hector Del Valle, a senior at Dover High School last fall when he was paralyzed from the waist down after an accident, will be among the speakers during the National Council on Alcoholism's SOBER festival Oct. 7 at South Mountain Arena in West Orange.

But rather than focus on the tragic results of drunk driving, the SOBER (Stay Off the Bottle, Enjoy the Road) festival will attempt to give young people positive and upbeat reasons not to mix drinking and driving.

The teenage audience will also hear from 18-year-old Richard Potter of Branchburg, who was seriously injured when a van driven by a drunken friend collided with another vehicle. A poem Potter wrote before the accident about his desire to resist peer pressure has been set to music and will be played during the festival.

Giants quarterback Scott Brunner, U.S. Senator Bill Bradley, Gov. Thomas H. Kean, Essex County Executive Peter Sha-

piro and County Freeholder President Jerome D. Greco will also address the youngsters in an effort to encourage them not to drive after drinking.

Robert Bell of South Orange, the leader of the popular rock group Kool and the Gang, will perform with other members of his group to a videotape of their hit, "Celebration." Bell will also urge the teenagers not to mix drinking and driving.

"The SOBER fest will give young people a solid rationale for not drinking, but will do so in a festive format," explained Nancy Brach, executive director of the National Council on Alcoholism for the North Jersey area.

"We believe that by making young people feel good about themselves and their lives, they'll have the motivation they need to resist societal pressure to drive after consuming alcohol," Brach said.

"The message to the 4,000 students who will attend the SOBER festival is that alcohol is not their friend, that it's dangerous and irresponsible to drive while drunk or drive with someone who has been drinking, and that the tragedy of a drunk driving accident can happen to them just as it did to Hector Del Valle and Richard Potter."

The National Council on Alcoholism is producing the festival along with numerous public and private organizations and the Essex County government, which is donating the use of the South Mountain arena.

"Essex County is pleased to donate the use of the South Mountain Arena and to work with the National Council on Alcoholism for a program which we believe will persuade a lot of young people to think twice before driving after drinking," County Executive Peter Shapiro said.

The rally will be taped for replay in public and private high schools and edited for use on commercial and cable television stations throughout the state. Brach also urged Newark high school officials, who have not yet responded to invitations to the rally, to plan to bring their students to the Oct. 7 festival.

Brach also pointed out that while the rally has received the enthusiastic backing of dozens of groups and individuals, the cost of the event has still not been covered and the council needs donations to ensure that the show will, in fact, go on.

"We're asking corporations, organizations and individuals who are concerned about the carnage on our roadways due to drunken driving to support an event which aims to give young people positive and upbeat reasons not to mix driving with alcohol," Brach said.

"We believe the slaughter of young people on our highways can be curbed by motivating young people not to drink through forums such as the SOBER fest, and we're asking those who share our view to lend us their support," the executive director added.

Donations may be made to the National Council on Alcoholism, North Jersey Area, Inc., 60 South Fullerton Ave., Montclair, 07042.●

THE MASSACRE AT BABI YAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the 42d anniversary of the massacre at Babi Yar, in the Ukraine. This tragic event took place on September 29 and 30, 1941. On those 2 days alone, the Nazis murdered over 33,000 Jewish men, women, and children.

Beginning a few weeks earlier, German troops began to arrive in Kiev. Overpowered by the Germans, the Soviet troops were forced to withdraw. But before their departure, they were able to commit one last retaliatory act against the Germans by laying mines and delayed action bombs in downtown Kiev. Naturally, the Jews were blamed.

Needing little provocation, the Germans ordered the Jews to gather at the Russian and Jewish cemeteries with all of their possessions and documents, thus leaving the clear impression that they would be resettled elsewhere. The sad truth is that there were no plans at all to resettle the Jews; the only plan was to murder these defenseless people.

But this story has significance that goes beyond the unbelieveable number of Jews killed, and the complicity of their neighbors, an occurrence not uncommon at the time in Europe. The long-range importance of the event lies in the Soviet Union's unrelenting attempts to remove this tragedy from the annals of history—to prevent the remembrance of Babi Yar by the sons and daughters of those who died at the hands of the Germans and their accomplices in 1941.

To the credit of many brave Soviet Jews, there have been repeated efforts to commemorate this tragic event. In typical Soviet fashion, however, the attempts to say Kaddish—the traditional prayer for the dead—have been stymied by the Soviets at every turn, resulting in the brutal harassment of Jews who refuse to forget.

In 1972, 27 Jews were arrested for placing flowers in the area where the murders took place. These arrests were not a deterrent, but instead inspired an attempt by 1,000 Jews to gather at the site in 1973. The police stopped this religious service and prevented the lighting of Yizkor candles, the religious symbol of mourning for the dead. Faced with the determination of Soviet Jews to mark the deaths of their relatives, the Soviets ultimately erected a monument in 1976. This monument, of course, makes absolutely no mention of the 75,000 Jews who eventually died at Babi Yar. As recently as 1981, the 40th anniversary of Babi Yar, the Soviets arrested five people on charges of hooliganism, and prevented others from traveling to the site.

The horrors of Babi Yar and the entire Holocaust dictate that we remember the crimes which were committed against the millions of innocent victims of that grim era. We will not forget. But we must also look ahead.

Mr. Speaker, those of us who are committed to a policy which places a high priority on human rights are obligated to apply the lessons of the Holocaust to the present condition of World Jewry. As Americans who live with the freedom to practice our religion, we have a responsibility to see that all oppressed Jews—be they in the Soviet Union, Ethiopia, Syria, or Nicaragua—are spared the persecution that has resulted in all of the Babi Yars throughout history. We must always remember the past; but we must also take whatever action is within our power to help all oppressed Jews and, indeed, all oppressed peoples, who depend on our efforts to gain their freedom.●

CONGRESSIONAL AUTO CAUCUS BREAKFAST

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. HILLIS. Mr. Speaker, the Congressional Automotive Caucus had the extreme pleasure to host a breakfast this morning with Philip Caldwell, chairman of the board and chief executive officer of the Ford Motor Co. Mr. Caldwell's comments provided the caucus with an excellent insight into some of the current issues affecting the U.S. auto industry.

I believe every Member of the House will benefit from Mr. Caldwell's comments. Therefore, I am placing a copy of Mr. Caldwell's prepared statement in the RECORD at this point. I commend it to anyone's reading who has an interest in the automobile industry.

[Sept. 29, 1983]

Good morning. I'm delighted to have this opportunity to be here in an informal atmosphere, with congressmen who share the concerns of our industry and its employees. Although this caucus and its predecessor—the House Auto Task Force—were formed during some of Detroit's darker hours, let me assure you that the need for such a group to focus on automotive concerns has not diminished with the industry's present resurgence.

Originally, I had planned to use this opportunity to focus almost entirely on long-range competitiveness—hoping to enlist your aid and counsel in getting some strategies out of the idea stage and into the action stage. That is still my goal today; but first, there are some pressing "current events" on the agenda. In the last several weeks, three issues have been receiving a great deal of both media and congressional attention—safety, fuel economy, and Japanese export restraints.

Turning first to safety. At Ford, we're proud of our ongoing commitment to safety and our recent developments in safety technology:

We're the only bidder on a contract to supply the GSA with 5,000 driver-side air bag-equipped cars.

We have an on-the-road test fleet of cars equipped with new generation antilacerative windshields, which will also be installed on the GSA fleet.

Ford's 1983 and 1984 cars offer 5 mile an hour bumpers. These stronger bumpers, as well as other design and engineering features, have convinced one insurer to offer discount rates for two-thirds of our cars—by comparison, only one car from our five major Japanese competitors has earned a discount, and many are charged an extra premium.

Recent breakthroughs in microprocessor technologies and improved sensing systems will permit us to put new faster acting and more efficient anti-skid brakes on our 1985 luxury cars.

Over on the Senate side, the Commerce Committee recognized many of these technologies as having potential benefits. But they chose an unfortunate method of demonstrating this recognition—they want to mandate them. For a long-lead industry like ours, this approach leaves us no choice but to oppose the legislation vigorously because—among other reasons—the timing is impracticable. The judgments on the technologies are premature and legislating highly technical requirements so early may preclude development of the best approach.

We hope this is an idea whose time won't come. All of the safety technologies included in the Senate Commerce Committee bill are under development in the industry, and DOT has them under consideration and has the authority to accelerate this development and can regulate the timing and details of implementation, if needed.

My second "current event" is fuel economy.

At Ford we have improved our average fuel economy by more than 70 percent since 1975, and we're the only manufacturer with cars on all three of the EPA 1984 highest fuel economy lists—top ten overall, top ten gasoline, and top ten domestic.

In real world driving, the 1984 Ford Escort and Mercury Lynx with their lively 2-liter diesels will give 1,000 miles of city driving for just over 24 gallons of fuel at a cost of about $29 at present prices. Most drivers will need to fill the tank only once a month.

Our full-size sedan for 1984 has better fuel economy than our smallest 1975 car.

Put another way, fuel economy improvements have more than offset real fuel price increases—the inflation-adjusted fuel cost to operate today's full-size car is 28 percent less than a comparable 1975 model. It's no wonder then that there has been some shift back toward larger cars. But it's not a return to the pre-OPEC way of living and driving. Large cars today only account for about 12.3 percent of new car sales.

Yet press reports have seemed to focus not on progress we've made, but on the fact that we will be short of CAFE standards. Ford expects to comply with the law by using the flexibility provided in the law to apply credits from those years in which we exceed the standards. Let me assure you that the reason we're short of the standard is not a lack of technology or any diminished financial or engineering commitment to new fuel efficient products, but rather it is directly attributable to a change in what consumers are buying today.

As you know, you have provided NHTSA with administrative authority to make some adjustments; therefore, we have not urged any specific changes to the law at this time. Surely manufacturers—after all of our efforts and success in completely revamping the country's vehicle fleet—will not be unduly berated for something that is largely a matter of consumer preference.

The third of the three current issues is also the most critical to the recovery and competitiveness of the industry. We consider it imperative that Japanese auto restraints continue at the present level for at least the Japanese fiscal year beginning April 1, 1984. The September 15 letter to Ambassador Brock from your Caucus cochairmen couldn't have said it better:

It cited the handicaps of the current dollar/yen ratio and the beneficial commodity tax treatment granted Japanese manufacturers by their government as prohibiting the marketplace from correcting our automotive trade imbalance.

It called for an aggressive political response if we are to prevent further deterioration of our domestic automobile manufacturing industry.

It strongly recommended that Ambassador Brock insist that the Japanese agree to an extension of the current 1.68 million annual rate with no exceptions.

I urge you to keep the pressure on in case there is a tendency for backsliding. Your support is needed and timely; in the last few weeks it has become obvious that there are some in the Administration who would like to use the modest auto recovery as an excuse not to redress the obvious trading inequities under which we're operating.

As your letter to Ambassador Brock indicated, there's not much that auto manufacturers can do about the windfall advantage the Japanese get as a result of an out-of-joint exchange rate that reflects an undervalued yen and an overvalued dollar. That's the province of government. And so is the tax problem, which gives the Japanese an unfair advantage in this market and penalizes us in their market. Together, the dollar/yen misalignment and the tax inequity account for well over half of the Japanese "cost" advantage. This is a very serious problem for the domestic producers.

At Ford, we believe that the lion's share of the responsibility to be competitive belongs to us in the private sector and we're working hand in hand—management and labor—as hard as we know how:

When other industries were cutting back in recessionary times, we accelerated the pace of product innovation, introducing 8 new cars and trucks in the brief span of 18 months—products which are leading the industry in quality, value, technology and fun.

Our quality has improved by more than 50 percent since 1980, and independent surveys show we are better than our U.S. competition and as good as, or better than, most of our foreign competition.

By reducing operating costs, raising productivity and moderating compensation, we have reduced our break-even point sharply, which is why we're in the black even with sales levels that aren't really worth celebrating yet.

But while we in industry pursue those product, quality, cost and productivity factors within our control, government has to make the same sort of progress in the areas only it can control. The long-term answer is to have a fully competitive auto industry in a competitive United States. The way to get there is to have a business environment and government policies that are competitive with those of our foreign rivals. I believe the top priorities for policy change are to correct distortions in exchange rates and inequities in tax treatment.

Although the dollar is overvalued against most major currencies, the greatest damage comes from the misalignment with respect to the yen. The misalignment is a problem for all industries competing with Japanese imports at home and abroad. The dollar/yen misalignment alone gives the Japanese an artificial advantage or subsidy of $750 a car. The first step toward resolving the problem is to get the Administration to pay attention—serious attention—to the impacts involved.

Loss of competitiveness in international trade reduces U.S. production and increases unemployment—both of which further increase the budget deficit. The $100 billion deficit in trade projected for 1984 means $25 billion in lost tax revenues and $15 disappear.

Your support of the "Williamsburg" yen resolution shows you understand the importance of this misalignment. I hope you will continue to urge U.S. policies to deal with this issue.

Further, the Japanese with their commodity tax, and most other industrial nations with their value-added taxes, have also discovered how to make their tax systems competitive in world trade. The United States has not.

Unlike the United States, our major trading partners hold down their income and payroll taxes (which are themselves burdens on production costs) by imposing substantial sales taxes on consumption. Under GATT rules, these sales taxes may be rebated on exports and imposed on imports, whereas income and payroll taxes may not.

This really hits U.S. products and jobs where it hurts. United States cars shipped to Japan carry a full load of taxes when they leave our shores, and then Japan adds a sizable commodity, or consumption-type tax when they get there.

Conversely, when a Japanese car is exported to the United States, Japan doesn't levy the consumption tax—which amounts to 17½ or 22½ percent—and there is no commensurate tax collected in this country. That's worth something like $600 a car to the Japanese. It's all legal under GATT regulations, but U.S. producers and their employees get hurt, and all taxpayers in the United States have to pay the bill.

These are the reasons—tax inequities and currency misalignment—that explain why the United States can't compete on equal terms against imports at home or in markets abroad.

I know there are some tax writing experts on the Caucus. It seems to me that short of recasting our entire tax system, the United States has to find a way to treat some of our taxes in a manner similar to Europe's and Japan's—that is, to reduce the burden on United States exports and to equalize the burden on goods imported into this country. The idea of a reciprocal tax came up in a House Banking Committee hearing on industrial policy—placing a U.S. tax on any imported goods that carry an unfair tax advantage. John Nevin of Firestone has offered another approach: adopt a federal excise tax and allow credit against excise tax liability for other U.S. taxes paid on domestic production.

Well, that's a pretty lengthy list of issues and I know you have other priorities, as we do. We still think, for example, that some of the Clean Air Act changes we supported make sense for the industry and consumers. Also, we understand that the House is waiting for the Senate to act on the issue of product liability reform, which is essential if this country is to provide a measure of certainty for the engineers and managers who

make design decisions as to what they can expect to be held accountable for. When these issues get farther along I would like to meet with you again to discuss them.

We've seen examples of what can be done when government, industry and labor come together on critical issues in other countries and in other industries. By working together I am sure we can make progress here as well.

Now let me recap those items that I have mentioned today . . .

Continued Japanese auto restraint at present levels is top priority. This is the quickest, surest way to get U.S. auto workers back on the job and keep them there.

Action on yen and tax are critical if we're to get away from short-term remedies and have a competitive U.S. business environment. Perhaps you would consider establishing a working group to move these issues into the action phase.

We hope you'll help us get the message across about the progress being made in safety and fuel economy; surely we don't wish to revert to the adversarial way of addressing these mutual goals.

Clean Air Act revisions and product liability reform continue as issues of high importance to us and we hope that you will assist us when these items come before you.

One thing is clear: America is in a worldwide competitive race and running behind. It is up to all of us to do our part to put our country back in the running. We in the auto industry are glad to have you on our team.

One final note, we have our all-new Mark VII outside . . . I hope you'll take the opportunity to take a quick look. It is the most technically advanced luxury car built in America. It literally rides on air.●

H.R. 1010

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LEVINE of California. Mr. Speaker, I voted in favor of H.R. 1010, the Coal Pipeline Act 1983, following considerable deliberation and careful study of the arguments on both sides of the issue.

The United States must continue to move forward to reach its goal of energy independence. During the last decade, our country and other industrialized nations suffered greatly due to dependence on energy supplies subject to interruption. With instability in both the Middle East and Latin America growing, we must lessen our dependence on foreign fuel and thereby serve as a stable source of energy for our allies.

Coal is the most abundant resource in this country. The competition from coal pipelines could assist us in attracting foreign markets and could help assure that U.S. markets use U.S. coal. As the cost of rail transportation of coal escalates, more and more domestic utility companies are purchasing or looking to purchase their coal overseas. The National Coal Association projects that coal imports will increase from the current level of 1 million tons to 2 million tons in 1985, 4 million tons by 1990, and 6 million tons by 1995. Imports will continue to come from Australia, South Africa, and Poland and will begin to come from new exporting countries such as Colombia. Colombian marketing representatives are currently meeting with utilities in the United States offering cheaper coal delivery than our domestic market can provide.

Our Commerce and State Departments have concluded that the enactment of coal pipeline legislation granting access to Federal eminent domain could be a strong incentive to our trading partners to purchase U.S. coal. The European Community and the Japanese have specifically stated that the high cost of inland transportation is a major deterrent to increased purchases of United States coal. Competitive pricing of our coal is essential for the United States to achieve and maintain its role as a stable and reliable source of energy.

Consumer-owned utilities and individual consumers would benefit from the competitiveness of the coal market. Presently, a small number of railroads have a virtual monopoly on hauling coal needed by electric utilities. Coal slurry lines could compete with railroads and encourage them to modify their coal hauling rates, which in turn would benefit consumers. Recently, the Arkansas Power & Light Co. signed a coal transportation contract with the railroads, who underbid the ETSI pipeline project. Had there been no slurry line, the railroads would have set their own rate unchallenged. The utility estimates that the savings over present fuel transportation costs projected through the year 2016 would be $16.5 billion.

Additional benefits from enactment of coal slurry pipeline legislation would be realized in the potential of providing thousands of construction and related jobs, as well as creating the need for steel and other equipment used in pipeline construction. Direct construction jobs for the proposed pipelines are estimated at 46,000, with 5,000 jobs for operating and maintaining the systems. Indirect manufacturing jobs to provide valves, pumps, heavy duty equipment, and steel would be approximately 100,000.

Pipeline construction would provide a market for thousands of heavy-duty vehicles, light-duty trucks, pumps, and electric motors. It is estimated that 3 million tons of steel would be needed for the main pipelines, as well as additional pipes and conveyor belts. And, over a 20-year period, the amount of State, local property, and excise taxes paid would be approximately $2.9 billion.

In sum, Mr. Speaker, I supported the Coal Pipeline Act of 1983 for the employment opportunities it would provide, for the savings to consumers it could generate, and most important, for the vital boost it would give our Nation in attaining its goal of energy independence.●

BROTHER PATRICK GREGORY O'BRIEN DAY PROCLAIMED BY CITY OF CINCINNATI

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LUKEN. Mr. Speaker, it is a pleasure and a privilege to recognize and commend Brother Patrick Gregory O'Brien F.S.C. for his outstanding service to Cincinnati's religious, educational, and cultural communities. Brother O'Brien, who is celebrating the twenty-fifth anniversary of his profession of vows and the beginning of his high service, has recently been honored in a special event that recognizes his many contributions to the city of Cincinnati.

Cincinnati paid special tribute to him by proclaiming September 24, 1983, as Brother Patrick Gregory O'Brien Day. This appreciation day will acknowledge Brother O'Brien's caring for all humanity and depict his honorable character.

At a time in our Nation's history when many would rather take than give, we find a man who is devoting his time and effort to something meaningful. Brother Patrick Gregory O'Brien had devoted 25 years to his religious vocation. During these years he has been a prominent member of the Cincinnati community and has participated in the cultural and artistic life of our city through his active involvement in the Cincinnati Art Museum, the Museum of Natural History, the Ancient Order of the Hibernians, and many others. Brother O'Brien has used his knowledge of the greater Cincinnati community and his upbringing in Price Hill to further an appreciation of Cincinnati's citizens in general. He has spent the last decade in service to the Cincinnati educational community at LaSalle High School. Moreover, Brother O'Brien has carried his vocation to other States and foreign countries during his years of service to his faith.

We in Cincinnati are privileged to have a man who seeks to help his fellow citizens. Brother Patrick Gregory O'Brien has waved a banner of sensitivity, compassion, and service and deserves a day of honor for immeasurable public service. Speaking for the people of the First District of Ohio and the city of Cincinnati, I would like to thank Brother O'Brien for his dedicated and distinguished service to his faith and our city.●

GOD, MAN, AND WAR: CHRISTIANITY VERSUS ISLAM VERSUS JUDAISM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LaFALCE. Mr. Speaker, one would think the news of Lebanon is emanating from a time warp and today's headlines should highlight the feats-at-arms of Saladin, St. Louis of France, and Richard the Lionheart. Lebanon has become, par excellence, the land of global deja vu. We all look at Lebanon and wonder if we and those fighting there have learned anything since the days of the Crusades.

Certainly, today's battles over the Middle East involve, as the Crusades involved, political and financial interests not directly related to religiously inspired intolerance. However, without the official excuse and smugly held belief that "God is on our side," there could long ago have been a peaceful resolution of the conflict instead of further atavistic massacres and eternally bloody reprisals.

The history of mankind's wars is replete with belief in "God" as their motivation and justification. More precious human life and potential have been lost in fighting for a claim to exclusive relations with the Deity than any other reason. Neither human greed nor lust nor envy can match religious conflict as the preeminent cause of mankind's killing each other. Even the United States-Soviet confrontation has an undertone of theism versus atheism.

Pharoah Akhnaton's ruthless purges of Egypt's polytheism, its priests and followers was followed quickly after his assassination by efforts to wipe both his memory and followers off the face of the Earth. Christianity was finally granted toleration by the Roman Empire in A.D. 313, but in very short order was using that same Empire as its secular arm in persecuting heterodox Christians.

As the Moslem Empire spread over the Near and Middle East, North Africa, and most of Spain, the cry was of "Jihad!" against the infidel Christians. Islamic paradise was to be won by killing enemies of the true religion in "holy war." Today, the same cries of "Jihad" echo near the Persian Gulf as the Iranian Shiites and the Iraqi Sunni die by the thousands, clinging to their version of the message left by the Prophet.

The Sunni, Druze, and Shiite moslem sects of Lebanon have temporarily left off shooting at each other and have united—very warily—in shooting at the Christian Phalange, which temporarily is representing the Christian Maronites, Greek Orthodox, and Uniates, and Catholic Armenians.

Christian intolerance, however, has not taken second place to that of our Islamic brethren. From persecution of the Donatists in the fourth century—through both Catholic and Protestant Inquisitions, the Wars of Reformation, the Thirty Years War, St. Bartholomew's Day Massacre, the Battle of the Boyne, brutal persecutions in both North and South American colonies, up to today's sickening fratricide in Northern Ireland—Christians have continued to kill each other with frightening regularity and efficiency. All of this killing has been in the name of the same Christian God of love in whom they all professed belief. The Holocaust has written its own incredible and sad chapter in mankind's inhumanity and murderous intolerance.

Fortunately, we Americans have been blessed with a Constitution and a tradition of tolerance derived directly from an immigrant people—devout believers in diverse faiths who sought in America the religious freedom denied them in the original homelands from which they fled. That Constitution and tradition prohibit any law "respecting an establishment of religion, or prohibiting the free exercise thereof."

We Americans, while experiencing some religious intolerance in our history, do not reflect sufficiently on how fortunate we are and how rare such a benign separation of church and state is in a world driven by religious hatred and violence. Man himself cannot be separated neatly into body and spirit—nor can the insitutions he creates to serve his temporal and spiritual needs be separated absolutely.

However, America has achieved what might literally be called a modus vivendi between church and state—the ministers of God going about His business and the ministers of Caesar going about theirs—cooperating where possible but also trying never to interfere. We have come to realize that government can best protect religious freedom and encourage a moral citizenry by passing and enforcing fair laws in consonance with our Constitution.

The churches can best foster and help protect democratic principles by encouraging strong faith, good works, and an inviolable tolerance of the beliefs of others. Working separately and successfully each in their own earthly vineyard is the best way a fortunate and blessed America can benefit most from church and state. Would that Lebanon and all the Middle East could be so fortunate.●

PENSION EQUITY ACT OF 1983

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Ms. FIEDLER. Mr. Speaker, I am proud to join today as one of the original sponsors of the Pension Equity Act of 1983. This legislation is the result of long meetings between White House officials and many of the Republican Congresswomen. It is designed, in part, to correct some of the inequities which currently exist in the private pension system.

I believe most of my colleagues understand the importance of this legislation—and the need for its swift enactment. Women have been the recipients of much lower levels of retirement income for too many years. The reasons for this lower level of income are many. Among them are that women's wages are lower than men's wages; women's labor force participation is lower than men's; entry into the labor force in many instances is more recent than men's; and women's job turnover is greater than men's. As a result, many more married women are dependent on their husband's pension for retirement income. More importantly, there are too many examples of women who never receive any of their husband's pension because of the inequities of the current pension system. Thus, the need for the Pension Equity Act of 1983 is even more pronounced.

Mr. Speaker, in 1978, the average annual pension for a woman was more than $1,000 less than that of the average male benefit. Even worse are the horror stories which we all continue to hear about, where a husband dies 1 year before being eligible for early retirement benefits, and as a result, his spouse receives no survivor benefits. Mr. Speaker, these inequities simply cannot continue.

No one questions the positive impact that the Employee Retirement Income Security Act (ERISA) has had on some—it has significantly increased the ability of women to receive pension benefits based on their own or their husband's earnings. But, as I have stated earlier, much more needs to be done.

Finally, while I would like to see the Pension Equity Act of 1983 go further in some areas, I nonetheless believe that there is a great need for reform of the private pension system to eliminate those pension provisions which discriminate against women. While the legislation that we are introducing today moves us one step closer, we must continue to carefully examine other pension areas where we might be able to achieve equality by eliminating discrimination while at the

same time continuing to assure a healthy private pension system.●

TRIBUTE TO STEPHEN ROSEMAN, ESQ.

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. COURTER. Mr. Speaker, recently, there has been a great deal of discussion on the issue of legal services for indigent Americans in connection with the Legal Services Corporation and the Older Americans Act. Although some may disagree over the vehicle for providing such services, I believe this debate has helped focus congressional attention on the pressing need for the poor to have access to legal representation.

The need for legal services is particularly evident in the case of senior citizens. The elderly are especially susceptible to the kinds of civil legal complications—for example, tenant/landlord, welfare and pension benefits—which legal service programs are designed to assist. Furthermore, whereas one-quarter of our elderly population is poor or near poor, it becomes evident that senior citizens, as a group, have special requirements for legal assistance.

Stephen Roseman, Esq., president of the Bar Association for Sussex County, understands this situation. Sussex County's Senior Legal Resource Center has only one attorney and one paralegal to handle the legal needs of hundreds of indigent senior citizens. The inadequacy of these resources has led Mr. Roseman to urge all members of the Sussex County Bar Association to contribute financially toward the creation of another staff attorney position. Here is an example of the true spirit of cooperation and philanthropy which is needed to insure all Americans are afforded the opportunity to safeguard their own legal rights and liberties. Stephen Roseman deserves commendation for working toward this modest, but significant, objective. The members of the Sussex County Bar Association have demonstrated that small gestures can mean a great deal to the less fortunate. I applaud Mr. Roseman for his efforts to show that equal justice under the law is not an empty phrase in this country.●

THE 42D ANNIVERSARY OF BABI YAR

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. SMITH of Florida. Mr. Speaker, it is with great sadness that I rise today to remind my colleagues of the atrocities committed 42 years ago during World War II at Babi Yar. Babi Yar geographically can be described as a ravine outside of Kiev. It is now realized, however, that Babi Yar is far more than a ravine. It is an eerie, black abyss, a cemetery where thousands upon thousands of Ukrainian Jews were slaughtered by being stripped naked of their clothes and belongings, lined up to face a Nazi firing squad, machinegunned down, or buried alive.

On September 29, 1941, the Jews of Kiev were called to assemble by the Nazi invaders. Many of the Jews believed they were being evacuated to Palestine. The Soviet Jews knew nothing of the anti-Semitic legislation enacted by Nazi Germany against the Jews or of Hitler's final solution. With their destination unknown the Jews gathered to be led to an incomprehensible fate. On September 29 and 30, during a 36-hour period, a total of 33,771 Jews were executed. Babi Yar was applauded by the German High Command because in 2 days the Jewish death toll was statistically higher than before was thought conceivable. The gas chambers of Auschwitz at their peak could not duplicate this feat. And at Birkenau only 6,000 Jews were killed daily utilizing their four gasing and cremating plants.

After World War II and the murder of 6 million European Jews, the Soviet Union labeled Jews as unpatriotic, rootless, and cosmopolitans since they sympathized with world Jewry. Thus, Soviet Jews suffered a backlash of anti-Semitism. International attention was focused on Babi Yar in 1961 when the Soviet Government was planning to build a park over the ravine. Soviet poet Yevgeny Yevtushenko wrote of Babi Yar, "Here all things scream silently." The Soviet Union had denied that Babi Yar was a gravesite of Soviet Jews. The Soviets even went so far as to charge that Zionists were conspiring with Hitler and were in part responsible for Babi Yar. In 1976, the official monument at Babi Yar finally was erected, even though it makes no mention that most of the victims were Jews.

Today, Babi Yar has become a symbol of a lost Jewish identity for Soviet Jewish dissidents. The Soviets continue to rewrite history. According to the National Conference on Soviet Jewry, a Soviet film was recently released abroad entitled "Babi Yar: The Lessons of History." It is a film linking Nazism, racism, apartheid, and other forms of rabid nationalism with Zionism. The tragedy of Babi Yar is that there is no mention of Jewish victims, only Soviet heroism.

This Sunday at Temple Sinai of Hollywood, Fla., the Jewish Federation of South Broward will be remembering Babi Yar with a special program. Presentations will be given by two couples who recently visited Babi Yar and by guest speaker Dr. Franklin Littell, professor of religion at Temple University and founder of the National Institute on the Holocaust in Philadelphia. Also, the regional B'nai B'rith youth organization will share their Holocaust project with the community. They intend to collect 6 million pennies to remember the victims of the Holocaust and then make an allocation to Jewish agencies in south Florida. Thus far, 1 million pennies have been collected over a 2-year period.

Babi Yar is more than a Nazi massacre, it illustrates the kaleidoscope of the Jewish experience in Russia, the harsh and bloodstained history of a people who still have no freedom from harassment today.●

TRIBUTE TO HART AND SIMONA HASTEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. LANTOS. Mr. Speaker, it gives me great pleasure to pay tribute today to Hart and Simona Hasten of Indianapolis, two people whose interests span the globe, ranging from philanthropy to sports.

Hart Hasten exemplifies the American success story. He was born in Poland and came to the United States in 1951, later graduating from the University of Minnesota Institute of Technology.

His business career has been long and distinguished. Perhaps his most outstanding business commitment was to the elderly, through his founding of the Colonial Crest nursing centers, which he operated with his brother Mark.

He later became president of the First National Financial Corp. of Martinsville, Ind., and as chairman and director of the executive committee of two prominent banking institutions.

But the business side of Hart Hasten is only part of the story. He is a devoted husband and father. This year he and Simona celebrated their 22d wedding anniversary. They have three lovely children, Renee, Barnard, and Joshua.

Hart Hasten's devotion to improving the lives of others literally covers the world. His involvement with philan-

thropic and educational organizations reaches from the heartland of America to the Middle East. His work to improve human understanding can best be exemplified by his past membership on the National Conference of Christians and Jews.

Throughout his life, Hart Hasten has been a good natured, but determined competitor, whether in business or on the tennis courts he loves so much.

I wish him and his family all the best in all their future endeavors.●

BILL TO ELIMINATE MANDATORY RETIREMENT FOR TAX COURT JUDGES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. MATSUI. Mr. Speaker, in 1967 Congress passed the Age Discrimination in Employment Act (ADEA) which prohibited discrimination in employment on account of age. It applied generally to individuals in the private sector. In 1974 Congress amended the ADEA to include within its scope Federal, State, and local government employees, and in 1978 Congress further amended the ADEA by eliminating mandatory retirement in Federal employment. The legislative history makes it clear that Tax Court judges were intended at least by the House to be within the group of Federal employees for which mandatory retirement was eliminated.

* * * Mandatory retirement would be eliminated for the great majority of jobs in the civil service, for positions in the foreign service, for tax court judges, District of Columbia public school teachers, District of Columbia judges, the United States Comptroller General, and the Director of the Federal Judicial Center among others. However, the current provision in section 15(b) which allows the Civil Service Commission to establish maximum age requirements when such age is a bona fide occupational qualification necessary to the performance of job would remain * * * (H. Rept. No. 95-527, 95th Cong., 1st Sess. 11 (1977).)

Yet, the statute appears not to exempt Tax Court judges; it refers only to units of the legislative and judicial branches of the Federal Government having positions in the competitive service; 29 U.S.C. 633(a).

SEC. 633(a). Nondiscrimination on account of age in Federal Government employment.

(a) Federal agencies affected. All personnel actions affecting employees or applicants for employment who are at least 40 years of age (except personnel actions with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code (5 USC § 102), in executive agencies as defined in section 105 of title 5, United States Code (5 USC § 105) (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

Thus, the present status of Tax Court judges, of whom several are rapidly approaching the age of 70, is unclear.

In eliminating mandatory retirement for employees generally, the Senate recognized that a new awareness has developed concerning discrimination against the elderly, and public attention has focused on the inequity and lack of wisdom of mandatory retirement. It further recognized that older employees may, in fact, be better employees because of experience and job commitment, and that an age limitation unfairly assumes that age alone provides an accurate measure of an individual's ability to perform work. See Senate Report No. 95-493, 95th Congress, 2d session 505-506 (1978). The express purpose of this legislation supports the view that Tax Court judges should likewise be exempt from mandatory retirement. However, section 7447(b)(1) currently imposes a mandatory retirement age of 70 on Tax Court judges. That section, which was enacted long ago, is effectively obsolete in light of the intent and purpose of the recent legislation prohibiting discrimination in employment solely on account of age. Thus, I urge the amendment of section 7447(b)(1) to eliminate any mandatory retirement imposed on Tax Court judges.

This position is further supported by recent legislation. In 1981 Congress amended section 7443, Internal Revenue Code 1954, to eliminate the ban on initial appointments of individuals age 65 or older as U.S. Tax Court judges. The reason for the change was that such a ban conflicted with Federal policies against age discrimination and could deprive the Tax Court of experienced personnel. Senate Report No. 96-993, 96th Congress, 2d session 3949 (1980). This legislation and the reasons behind it simply reflect congressional concern that qualified and able judges should be allowed to continue in the same capacity irregardless of their age. Moreover, it would seem to me highly unusual to allow the appointment of a Tax Court judge older than 65 only to require him to retire at age 70.

One further note. Recent social security amendments, although clearly applicable to active Tax Court judges, raise certain questions with respect to judges who stay on after retirement. Although retired pay is not salary for social security purposes, it is unclear whether a retired judge is thereby precluded from acquiring social security quarterly credits necessary for qualification. Therefore, the mandatory retirement provision may prevent some of the older judges from fully qualifying for social security coverage although they are required to pay into social security up to age 70. I understand any tampering with the social security provisions is a politically sensitive issue, and I do not suggest amending those provisions. However, amending the mandatory retirement provision in the Internal Revenue Code would appear to be a reasonable solution. Then a judge would have the option of continuing on a salary basis and acquire the necessary credits. Federal district court judges do not have any upper age limit and almost without exception are known to carry out their duties efficiently and capably well past the age of 70. To be sure, judges grow with age and experience. I further note that special trial judges of the Tax Court who hear small tax cases, deficiencies less than $5,000, as Federal employees in the competitive service, are exempt from mandatory retirement. I would like to see the elimination of mandatory retirement for all Tax Court judges, and I believe such a provision is entirely consistent with recent legislation. Indeed, it appears that it may be an inadvertent omission that Tax Court judges have not already been exempted.●

A TRIBUTE TO 50 YEARS OF EXCELLENCE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. FLORIO. Mr. Speaker, I would like to take a moment of the House's time to offer my congratulations to two constituents of mine who are celebrating a doubly special occasion.

This October 17, Mary and Joseph Stafford will commemorate the 50th anniversary of their wedding as well as their restaurant business in Camden, N.J.

Chubby's Restaurant, which is owned and operated by the Stafford family, has remained at its present location since its opening a half century ago.

Since then, Chubby's has developed a widespread reputation for its special steak dinners. During the peak years of the nightclub era, Chubby's was one of the most popular nightclub restaurants in the Northeast. At that time it was considered comparable to the famed Copacabana nightclub in New York City. Many of the Nation's top entertainers appeared at Chubby's during that period.

Today it continues to provide the Philadelphia metropolitan area with

an excellent dining opportunity time after time.

Combined with the 50th wedding anniversary of the restaurant's founders, this occasion becomes an extra special one for the Stafford family, and the community of Camden where they continue to reside in the area known as Fairview.

I believe this is truly a golden time for these two fine people, and I want to wish them the very best for many years to come.●

RAILROADS MUST KEEP THEIR BARGAIN WITH THE AMERICAN PEOPLE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. DORGAN. Mr. Speaker, the land grant railroads continue to renege on their bargain.

Over a century ago the railroads received vast tracts of public land—over 130 million acres—and in return agreed to build and operate railroad lines for the public benefit.

Some of the land grant railroads now want to walk away from that bargain. They want to abandon 155 branch lines, with almost 3,000 miles of track, in 22 States over the next 3 years.

The people served by these branch lines need railroad service. Farmers need to ship their products. Manufacturers need to receive raw materials and ship the finished goods. The small towns along each of the branch lines are dependent on regular railroad service. When service is abandoned the economies in these towns suffer a depression that makes the 1930's seem like boom times.

A recent Wall Street Journal article, which I submit for the RECORD, describes how some States are stepping into the railroad business by taking over branch lines. They are trying to preserve needed service, but without the benefit of the land grant assets entrusted to the railroads.

States should benefit from the land grant assets when they take over branch lines. It would help them out, and it is only fair. I introduced the Railroad Service and Accountability Act of 1983 to accomplish this. Let us hold the land grant railroads to their bargain and preserve rail service across America.

WORRIED STATES ENTER THE RAILROAD BUSINESS TO SAVE BRANCH LINES

(By Bill Richards)

DENTON, MONT.—In the gathering gloom of a late Sunday afternoon, Jack Sparks directs a steady stream of heavily laden farm trucks toward a 20-foot-high mound of wheat and barley spreading across the ground at Cargill Corp.'s grain elevator here.

Mr. Sparks, manager of the elevator, is clearly unhappy about the dumping, but he hasn't any choice: The harvest isn't over yet and the nine-story elevator is already crammed with 415,000 bushels of wheat. With similar scenes taking place around the region, Mr. Sparks lays most of the blame squarely on the Burlington Northern Railroad, which ran its last train down the 74-mile branch line into this rural area last February.

Pigweed and thistle sprout between the tracks here now, and the grain is piling up faster than trucks can haul it to the railroad's main line, 30 miles away. "We could be skiing down those piles before they get it all out of here," Mr. Sparks grumbles. "If we had a railroad, we could handle it."

To forestall such problems, Montana and other states are taking steps that harken back to the days of prairie populism. The states themselves, or public authorities they have helped create, are moving toward the purchase of thousands of miles of threatened branch lines, in effect putting themselves into the railroad business. In some states, purchases have already been made.

A MATTER OF SURVIVAL

"A few years ago, this wouldn't have gone over too well in a politically conservative part of country like this," says John Conrad, a transportation official for the state of Washington. Now, he says, "it's a matter of survival."

Wheat and railroads in this part of the country are like the chicken and the egg: It is difficult to say which came first, but they are inextricably linked. In June, the Burlington Northern declared its intention of abandoning 111 branch lines of mostly rural track through the Midwest and Northwest, including nearly 475 miles in Montana. The move, coming on top of recent abandonments by the bankrupt Rock Island line and by the Chicago, Milwaukee, St. Paul & Pacific Railroad, has state officials worried.

They say the abandonments will burden farmers with stiff trucking charges, overload inadequate local road systems and possibly kill of some of the same small trackside communities that the railroads once helped spawn.

It is such fears that are spurring the move by states and agenices into the railroad business. The state of Washington, where the Burlington Northern plans to drop 29 branch lines, is working on a program to save at least half a dozen rural spur lines. It has already helped set up two "port districts" that have purchased branch lines and is working on a third.

OTHER STATES ACT

Similar branch-line rescue programs are under way in Oklahoma and Wisconsin. In Kansas, the legislature amended the state's 1859 constitution—which banned public dabbling in railroading—so that the state could guarantee part of an $18 million loan to purchase and rehabilitate 460 miles of former Rock Island track slated for abandonment. An authority, composed of 14 counties along the line's right-of-way, plans to lease the track to an independent short-line operator.

Deregulation of railroads has made branch-line abandonments easier, and the railroads have been seizing the opportunity, particularly west of the Mississippi. The Association of American Railroads estimates that an average of 4,900 miles of track is being dropped annually. "This isn't what deregulation was all about," says U.S. Sen. Mark Andrews, the North Dakota Republican who heads the transportation subcommittee of the Senate Appropriations Committee. In 1981 he pushed through a bill limiting, to 340 miles, the amount of branch line that railroads can abandon in his home state. "I imagine other states may seek the same form of protection," he says.

In South Dakota, Gov. William Janklow headed up a drive that raised $30 million and allowed the state to buy 799 miles of threatened Milwaukee Road branch line. "We have public schools, public hospitals, public airports—why not a public railroad?" says the Republican governor.

BETTER THAN YELLING

South Dakota pruned about 300 miles of money-losing branch—including a line to Mr. Janklow's home town of Flandreau—and leased the rest back to the Burlington Northern to operate. Mr. Janklow says that the action saved his state's grain industry. "You can yell and sue all you want when a railroad abandons it tracks," he says, "but that isn't going to get your grain to market."

Montana has moved more cautiously. "If you'd have tried to get this state involved in railroading even a year ago, you'd have gotten murdered in the legislature," says William J. Fogarty, head of Montana's department of transportation. But in April, after it became known that the Burlington Northern planned to drop 18 branch lines in Montana, the legislature authorized Mr. Fogarty's department to look into buying several of the threatened lines. No line has been purchased yet.

The Burlington Northern's role as monopoly railroad in the state since the Milwaukee Road shutdown has made Montanans particularly touchy. Farmers' groups say that the railroad is using its position to charge grain shippers here more per mile to the West Coast than it charges farmers in Nebraska, where it has competition from the Union Pacific. The railroad denies being unfair and is fighting a lawsuit filed in federal court by four farm groups over its grain-hauling rates.

Still more hard feelings have surfaced over the Burlington Northern's status as a land-grant railroad. When it was formed in a 1970 merger, one of the original railroads was the Northern Pacific, largest of the federal and state land-grant recipients with nearly 38.6 million acres—including nearly 16% of Montana. Over the years, the railroad has sold much of the land but retains valuable mineral rights. Members of Congress from Montana and North Dakota are seeking federal legislation to force railroads to plow back some of their revenue from such rights into operations and branch-line maintenance.

"Part of the land-grant concept was to provide service to rural Amercia, and that's something the Burlington Northern isn't doing these days," says Keith Kelly, head of Montana's department of agriculture.

Burlington Northern officials say the railroad long ago repaid whatever debt it owned under the land-grant system. "There's nothing in the land grant that says we have to continue to maintain railroad lines that aren't profitable," says Darius Gaskins, the railroad's senior vice president for marketing and sales.

The railroad says that the branch lines proposed for abandonment are "losers" that don't fit into its plans for streamlining its grain hauling by using more 52-car unit trains—trains that are fully loaded at one point and fully unloaded at another—

moving along profitable east-west main lines.

"Some communities would like the railroad to continue to make a contribution to them," Mr. Gaskins says. "That isn't the business we're in."

Denton is one of those towns. "We ship five million bushels of wheat out of here every year and we're entitled to a railroad," says Robert Barber, a local farmer and member of the Fergus County Board of Commissioners. On a recent evening, Mr. Barber and several of Denton's 400 Citizens gathered in John Musik's International Harvester dealership here, trying to explain to a visitor the delicate rural ecology that depends on the railroad.

For Mr. Musik, who has operated the only farm-implement dealership in Denton for the last 16 years, the shutdown of the branch line means a 60-mile round trip to pick up every carload of machinery that arrives by rail—20 so far this year. If the line isn't reestablished here, he says, he may have to relocate to another town with rail service. That would cost Denton 10 full-time jobs and two part-time positions.

"And if John leaves," adds wheat farmer Gene DeMars, "I'd end up traveling 50 miles every time I needed a piece of machinery repaired." As it is, Mr. DeMars is paying an extra $10,000 to $15,000 this year to have his grain hauled by truck. "Some of us won't last with expenses like that," he predicts.

Without a rail link, Cargill has indicated it may have to move its local operation from Denton to Stanford, Mont., the nearest community on the Burlington Northern main line. That would idle two of Denton's three grain elevators, raising concern here that not enough business would be left to support the town's bank and hardware store.

What's more, Mr. Barber estimates it will cost nearly $40 million to upgrade the county's roller-coaster, two-lane highway system to handle thouands of extra truck-loads of grain. And formal abandonment of the branch line will cut Denton's high-school-district tax base by nearly 5%. "We've only got 42 kids in the high school now," Mr. Barber says. "Pull a dozen or more families out of a town this size and you lose the whole thing. So much depends on the railroad."

The Burlington Northern says it shut down the branch line and scheduled it for abandonment because it could cost $30 million to bolster the track to handle much heavier unit trains. In 1980, when it bought the branch line from the Milwaukee Road, the Burlington Northern pledged in writing to continue service here and spend $7.4 million on repairs. The money was never spent, says Lawrence Kaufman, a railroad vice president. "We reneged," he admits. "It doesn't pay out. But I don't think any corporation is in a position to dump $30 million just to honor a commitment."

Some people here don't see it that way. Last week Montana sued the Burlington Northern in state court, charging that the railroad had breached its agreement on the branch line. "This is still a state where people feel they can do things on a handshake," says Mr. Fogarty. "No one's shaking hands with Burlington Northern anymore."●

PERSONAL EXPLANATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. SYNAR. Mr. Speaker, last night, September 28, 1983, the House passed House Joint Resolution 368, making continuing appropriations for the fiscal year ending September 30, 1984. I was not able to be present for this vote. Therefore, I would like to make it clear for the record that I would have voted "yea" on this measure, rollcall No. 362.●

THE CONTINUING PRESENCE OF MARINES IN LEBANON

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. HUBBARD. Mr. Speaker, I have received a copy of an excellent letter to President Ronald Reagan from my longtime friend and constituent, Arnold Ligon, of Madisonville, Ky., with regard to the continuing presence of U.S. marines in Lebanon and the downing of Korean Air Lines flight 007. I believe Arnold Ligon's comments to be thought-provoking and as the House has just passed House Joint Resolution 364, regarding the multinational force in Lebanon, I want to share my friend's views as directed to the President. His letter follows:

ARNOLD LIGON CO.,
Madisonville, Ky., September 12, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I do not want our American people killed on foreign soil such as recently happened in Lebanon. I want us to be a strong nation with all the military might that we can. But as far as killing our people, we should be very careful about that. We can furnish knowledge but not lives.

This letter is certainly not meant to be critical—just my personal observation. Had Begin been allowed to do as he wanted, he would have had all of those people attended to—the PLO's would have been annihilated by now. We did not only let them slip out of there, we have now let them slip back.

I know I should have written this letter sooner but you have been on vacation as well as Congress. I just believe we should furnish the weapons to the guys over there and do the training and be the brains.

Another subject of recent interest is the shooting of the Korean airplane. I had a company commander tell me when I was in the National Guard that someday we would have to fight Russia—the sooner the better. Maybe we should just get it over with. Today I am sure we do not intend to fight Russia. I think your grain contract needs to be lived by. I really believe the power nations of the world should boycott Russia from everything—stop their airplane flying—just let them sit over there by themselves. We should not send them anything. I am tired of them grabbing our people. I guess it would be a little too tough to say we should bomb Moscow, but I guess if we dug up Harry Truman he would not have to be told to bomb them—he would probably do it.

I really think we should boycott Russia off of every piece of soil in the world except maybe for the Embassy in Washington and send the rest of the Communists home. Let them get out of there—cancel all of their passports—everything. You could even close the Embassy if you wanted to.

This may be a little tough but I think we have a right to voice our opinion.

Sincerely,

ARNOLD LIGON,
President.●

TRUCKERS' 50TH ANNIVERSARY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. HOWARD. Mr. Speaker, it has been said that the United States is a nation on wheels. In a very real sense, that is true. Our population is the most mobile in the world. To a degree, unmatched in any other country, the materials which fuel the economy, and the food that sustains our people move across an unparalleled system of highways.

Mr. Speaker, I have said all of this by way of preface, to call to the attention of the House the fact that this week will mark the 50th anniversary of the American Trucking Associations, a federation with affiliates in every State of the union. We have seen the trucking industry grow from its infancy in the post-World War I days to the point where, today, more than 80 percent of all fresh fruits and vegetables move by truck; more than 70 percent of all clothing; and almost 60 percent of all manufactured goods.

Obviously, no great segment of the transportation industry can function without the dedicated service of tens of thousands of men and women, both in management and labor. It is their effort, repeated on a daily basis, which makes it possible for people in the United States to enjoy a standard of living unprecedented in history.

On behalf of my colleagues I congratulate the ATA on its 50th anniversary and extend my best wishes for the future.●

A TRIBUTE TO O. K. ARMSTRONG

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. KEMP. Mr. Speaker, today I rise to extend my congratulations and best wishes to former Congressman O. K. Armstrong, a great American and a good friend, who is celebrating his 90th birthday on October 2.

The book of Proverbs tells us that "a good name is rather to be chosen than great riches and loving favour rather than silver and gold." O. K. Armstrong has earned both in his lifetime, gaining a national reputation as a U.S. Congressman and Missouri State legislator, a Christian leader and educator, and a widely read and influential author, while at the same time earning the loving favor of everyone he meets. His daughter-in-law Judy was my first legislative assistant and was a tremendous help to me in my first two terms in Congress. Judy and her husband, Stanley, remain good friends of my family to this day.

O. K. Armstrong was born on October 2, 1893, in Willow Springs, Mo., the son of Rev. William Calvin Armstrong and Agness Brockhaus Armstrong. He was educated at Drury College in Springfield, Mo., and graduated summa cum laude before moving on to Cumberland Law School and the University of Missouri School of Journalism to complete his education. O. K. served the United States patriotically as a lieutenant in World War I, and represented the American Legion at the FIDAC Congress in Paris, France.

O. K. Armstrong has a strong calling to serve his fellow man, and he has fulfilled this calling in many different ways. As a Christian leader and educator in Missouri, Florida, and Washington, D.C. he has spread the word of God to many generations. In his role as State legislator, U.S. Congressman and adviser to Taiwan, Vietnam and Germany he has spread the American message of peace and democracy. His speechwriting and lecturing for the Republican Party, and his literary contributions have enlightened thousands of people throughout our country.

O. K. Armstrong is a man of great faith, extraordinary patriotism, and exceptional talent. I am honored to be able to stand here today to pay tribute to his accomplishments, congratulate him on his 90th birthday, and extend my best wishes to O. K. and his beautiful family on this very happy occasion.●

INCOMPLETE REPORTING BY THE NEWS MEDIA

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mrs. LLOYD. Mr. Speaker, in today's environment, a citizen must depend to a great extent on the news media for enlightenment in world affairs and particularly for understanding the affairs of his Government. Today, in the media and elsewhere, we see many and frequent criticisms of our defense procurement practices: waste, fraud, inefficiency. Some of these criticisms are undoubtedly valid; many are not.

I would like to cite, Mr. Speaker, a recent example of how incomplete reporting contributes to the public's misunderstanding of defense procurement practices.

Recently you may have noticed that there were a number of articles in the newspapers deploring the operational test failures of the recently deployed air launched cruise missile system. They reported that the ALCM missile had failed every flight test since it attained initial operational capability last December. The headlines groaned, "Cruise Missile Tests Suspended." Surely this was yet another example of Government waste, deploying a weapon that does not work. Subsequent articles cited these failures as examples of the Air Force's failure to adequately test in a complete system environment before procuring a weapon.

It is interesting to note that in the few weeks since those articles were published, the Air Force has systematically reviewed the test results and determined the cause of the most recent failure. They have resumed flight testing and there have been three consecutive totally successful, full duration ALCM flight tests in a period of 8 days. To the best of my knowledge there has been no coverage in the media of these three flight successes—no reexamination of their previously expressed concerns.

Mr. Speaker, I might also note here that the ALCM flight testing has experienced 16 successes out of the last 19 flight tests. The weapon achieved its initial operational capability last December at Griffiss Air Force Base in New York, meeting a schedule set over 3 years earlier. A second base is now operational at Wurtsmith Air Force Base in Michigan, also on schedule. The remaining deployments of the ALCM apparently will be attained on schedule through full operational capability.

These achievements hardly seem to be an indictment of the process by which this particular weapon was tested and procured. Rather, it appears in this instance that the country has acquired and is deploying an effective strategic deterrent—and a weapon that works. If I may rephrase an old adage, it seems that "Good news is no news."

Date	Flight number	Missile	Launch position	Flight duration	Termination	Notes
August 3, 1979	1	FTM 1	LP-2	44m [1]	Impact	Max lift data.
September 6, 1979	2	FTM 2	LP-2	4h, 9m	Mid air recovery (MAR)	Total success.
September 25, 1979	3	FTM 3	LP-5	4h, 24m	Soft landing	Cross country landing.
October 9, 1979	4	FTM 6	LP-3	1h, 47m [1]	FTS	Fail-safe tone.
November 21, 1979	5	FTM 7	R/L	2h, 33m [1]	Impact	Engine.
November 29, 1979	6	FTM 10	R/L	4h, 25m	Soft landing	Pacific launch.
December 4, 1979	7	FTM 9	LP-1	4h, 20m	MAR	Survivability.
December 18, 1979	8	FTM 4	LP-5	4h, 27m	Impact fuzing	Maintainability.
January 5, 1980	9	FTM 12	LP-5	4h, 29m	Soft landing	Production missile.
January 22, 1980	10	FTM 5	R/L	19m [1]	Impact	RCC software.
June 12, 1980	11	FTM 15	R/L	4h, 7m	Impact	Full rotary launcher.
July 22, 1980	12	FTM 13	LP-4	3h, 25m [1]	FTS	Engine oil pressure.
August 21, 1980	13	FTM 8	LP-4	1h 4m [2]	FTS	Carbon buildup.
October 23, 1980	14	AV 1	RP-1	3h, 33m	Impact fuzing	First fiscal year 1978 missile.
November 12, 1980	15	FTM 14	LP-1	3h, 30m	MAR	Totally over water.
November 20, 1980	16	FTM 9R1	LP-6	8s [2]	Pacific	Jettison.
February 19, 1981	17	AV 2	LP-3	34m [2]	Impact	Fuel controller.
March 25, 1981	18	FTM 14R1	RP-6	3h, 52m	MAR	RCC, 1st production engine.
April 16, 1981	19	AV 10	RP-6	4h, 1m	Impact fuzing	1st MRA.
April 24, 1981	20	FTM 10R1	RP-4	4h, 9m	MAR—almost	1st Canadian INE. JP-1.
April 30, 1981	21	FTM 12R1	RP-3	4h, 5m	MAR	Survivability.
July 25, 1981	22	AV 9	LP-2	4h, 19m	Impact fuzing	1st OAS, MRA.
September 13, 1981	23	FTM 12R2	LP-3	4h, 12m	MAR	Survivability.
December 2, 1981	24	FTM 14R2	LP-4	4h, 3m	Soft landing	Survivability.
December 11, 1981	25	FTM 12RS3	LP-4	4h, 1m	MAR	Survivability.
January 7, 1982	26	AV 8	LP-6	4h, 8m	MAR	Pacific launch.
January 27, 1982	27	AV 24	LP-2	3h, 57m	MAR	Icing test.
August 10, 1982	28	AV 13	LP-6	3h, 5m [1]	Impact	False fix.
September 21, 1982	29	AV 71	LP-4	3h, 53m	Soft landing	Pacific launch.
October 1, 1982	30	FTM 12R4	LP-3	3h, 17m [1]	Hard landing	Pacific launch.

Date	Flight number	Missile	Launch position	Flight duration	Termination	Notes
October 10, 1982	31	AV 14	LP-6	3h, 50m	MAR	Production Knollsman MRA.
December 19, 1982	32	AV89	LP-4	2h, 28m [1]	FTS	OAS navigation S/W.
May 24, 1983	33			2h, 59m	Impact	FCSE.
June 14, 1983	34			4h, 30m	Soft landing	UTTR-,[3]
June 16, 1983	35			4h, 25m	Soft landing	UTTR-,[3]
June 23, 1983	36			4h, 30m	Impact fuzing	UTTR-,[3]

[1] Partial success.
[2] Failure.
[3] Full successful operational test launch.
Note: h = hours; m = minutes; s = seconds.●

EDUCATION SAVINGS ACCOUNTS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Ms. MIKULSKI. Mr. Speaker, time and time again, my constituents ask me about the cost of college tuition. The fundamental right to learn, to make a better life for himself or herself is an integral part of the American dream. Yet I see that dream of educational opportunity for all Americans fading with the rising cost of higher education.

There are 12 million Americans from all income brackets, all ages, and all walks of life who today are students at our colleges and universities. Those numbers must not be diminished because of lack of funds.

Every democratic society needs a literate population that can read and make decisions for themselves. Our greatest threat is ignorance. Our greatest defense is a population that can read and make decisions for themselves. Our greatest defense is a people that can go beyond their own personal experience for information. Colleges and universities give people those skills. It is the responsibility of this Government to make sure that the funds will be there to teach those skills.

For these reasons, today I am reintroducing a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

This bill is the result of a study done by the Citizens League of Baltimore to determine additional ways to help students and their families pay for higher education. The citizens league has recommended a higher education investment plan that is practical, administratively simple, and economically sound.

Essentially, this legislation would amend the IRS Code to permit individuals to set aside for educational purposes up to $2,000 per year per student beneficiary and be allowed a corresponding income tax deduction. The funds would not be taxed until after the student has graduated and then the funds would be taxed as income to the beneficiary over a 10-year period in 10 equal parts. The legislation sets aside 5 percent of the money placed in these accounts for a State scholarship fund.

Such legislation could only be beneficial to all our attempts to make this country one where education is a right, not a gift to the wealthy. Education is the greatest gift we can give our children, and our country.

The bill follows:

H.R. 4036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATION SAVINGS ACCOUNTS

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. EDUCATION SAVINGS ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there is allowed as a deduction the sum of—

"(1) amounts paid in cash, and

"(2) the fair market value at time of transfer of stock, bonds, or other securities, which are readily tradeable on an established securities market, transferred.

during the calendar year which ends with or within the taxable year by such individual to an education savings account established for the benefit of an eligible individual.

"(b) LIMITATIONS.—

"(1) ACCOUNT MAY NOT BE ESTABLISHED FOR BENEFIT OF MORE THAN 1 INDIVIDUAL.—An education savings account may not be established for the benefit of more than 1 individual.

"(2) INDIVIDUAL MAY NOT BE BENEFICIARY OF MORE THAN 1 ACCOUNT.—An individual who is the beneficiary of more than 1 education savings account during any calendar year shall not be treated as an eligible individual for that calendar year.

"(3) MAXIMUM DEDUCTION PER ACCOUNT.—The amount allowable as a deduction under subsection (a) to an individual for amounts paid or transferred to an account for any calendar year shall not exceed $2,000.

"(4) CONTRIBUTIONS BY MORE THAN 1 PERSON.—If more than 1 individual makes contributions to an education savings account during a calendar year, the $2,000 amount under paragraph (3) shall be allocated proportionately among all individuals contributing to the account during that year on the basis of the amounts contributed by each such individual.

"(5) ADJUSTMENT OF LIMIT FOR INFLATION.—

"(A) IN GENERAL.—Beginning in 1984, the dollar amounts in paragraph (3), paragraph (4), and subsection (c)(2)(A) shall each be adjusted by multiplying such amounts by the inflation adjustment factor for the 12-month period ending on July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amounts for taxable years ending with or within the calendar year next beginning after such 12-month period.

"(B) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(i) DETERMINATION AND PUBLICATION.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1983), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(ii) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average monthly Consumer Price Index (all items—United States city average) published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period ending on July 31 and the denominator of which is the average monthly Consumer Price Index (all items—United States city average) for the 12-month period ending on July 31, 1981.

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means the taxpayer or a child of the taxpayer (within the meaning of section 151(e)(3)) unless the taxpayer or child—

"(A) has attained the age of 21 before the close of the calendar year for which the contribution is made, or

"(B) is enrolled as a full-time student at an eligible educational institution for more than 4 weeks during that calendar year.

"(2) EDUCATION SAVINGS ACCOUNT.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an eligible individual, but only if the written governing instrument creating the trust meets the following requirements.

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and contributions will not be accepted for the taxable year in excess of $2,000.

"(B) The trustee is a bank (as defined in section 401(d)(1)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is

the trust and the face amount of which does not exceed the amount by which the maximum amount which can be contributed to the account exceeds the sum of the amounts contributed to the account for all taxable years).

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day before the date on which the individual for whose benefit the trust is established attains age 26 will be distributed on that date to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum of all such contributions.

"(G) The trustee is required to transfer 5 percent of the amount of any contribution to the trust to a qualified State educational fund.

"(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with or within which the calendar year ends.

"(4) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(5) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(C) a reasonable allowance for meals and lodging.

"(6) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education, or

"(B) a vocational school.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 120(a) or 491(b) of the Higher Education Act of 1965.

"(8) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in section 195(2) of the Vocational Education Act of 1963 which is in any State (as defined in section 195(8) of such Act).

"(9) Special rules relating to transfers to qualified state educational fund.—

"(A) QUALIFIED STATE EDUCATIONAL FUND.—The term 'qualified State educational fund' means a fund established by State law or the chief executive officer of a State the assets of which are used to provide scholarship assistance to individuals attending eligible educational institutions within the State.

"(B) TIME PAYMENT MADE.—The trustee shall make the transfer described in paragraph (2)(G) with respect to any contribution not late than 30 days after the last day prescribed by law for filing the return (including extensions thereof) for the taxable year—

"(i) of the individual making the contribution, and

"(ii) within which the contribution was made or deemed to be made.

"(C) STATE TO WHICH MADE.—An individual making a contribution with respect to which a transfer described in paragraph (2)(G) is required shall designate the qualified State educational fund to which such transfer shall be made.

"(d) TAX TREAMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an education savings account shall be included in gross income by each individual who has contributed to the account, in an amount which bears the same ratio to such payment or distribution as the amount contributed by that individual for all taxable years bears to the amounts contributed by all individuals for all taxable years, for the taxable year in which the payment or distribution is received, unless such amount is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established.

"(2) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable as a deduction under subsection (a) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no deduction is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(3) QUALIFIED DISTRIBUTIONS INCLUDED IN BENEFICIARY'S INCOME OVER 10-YEAR PERIOD.—The gross income of an individual for whose benefit an education savings account was established for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent of the sum of the amounts paid or distributed out of the account which were used exclusively to pay the educational expenses incurred by that individual.

"(4) AMOUNTS TRANSFERRED TO QUALIFIED STATE EDUCATIONAL FUNDS.—The gross income of any individual shall not be increased by reason of any amount paid or distributed out of an education savings account to a qualified State educational fund if such amount is required to be so paid or distributed under subsection (c)(2)(G).

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An education savings account is exempt from taxation under this subtitle unless such account has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of an individual who contributes to an education savings account, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be an education savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution from an education savings account is made, and not distributed to a qualified State educational fund or used in connection with the payment of educational expenses of the individual for whose benefit the account was established, the tax liability of each of the individuals who has contributed to the account for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includable in his gross income for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includable in the gross income of an individual for a taxable year under subsection (d), his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) DISABILITY CASES.—Paragraphs (1) and (2) do not apply if the payment or distribution is made after the taxpayer becomes disabled within the meaning of section 72(m)(7).

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (c). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an education savings account shall make such reports regarding such account to the Secretary and

to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.".

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Paragraph (10) of section 62 of such Code (relating to retirement savings) is amended—

(1) by inserting "or education" after "Retirement" in the caption of such paragraph, and

(2) by inserting before the period at the end thereof the following: "and the deduction allowed by section 223 (relating to deduction of certain payments to education savings accounts)".

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "EDUCATION SAVINGS ACCOUNTS," after "ACCOUNTS," in the caption of such section,

(2) by redesignating paragraphs (2) and (3) of subsection (a) as (3) and (4), and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 223(c)),", and

(3) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable as a deduction under section 223(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the education savings account and a distribution to which section 223(d)(2) applies shall be treated as an amount not contributed.".

(d) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(f) EDUCATION SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual for the benefit of his child to an education savings account described in section 223(c) shall not be considered a gift of a future interest in property to the extent that such payment is allowed as a deduction under section 223.".

(e) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR EDUCATION SAVINGS ACCOUNTS.—An individual for whose benefit an education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 223(e)(2)(A) to such account.", and

(2) by inserting "or an education savings account described in section 223(c)" in subsection (e)(1) after "described in section 408(a)".

(f) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "OR EDUCATION SAVINGS ACCOUNTS" after "ANNUITIES" in the caption of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 223(i) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of $10 for each failure unless it is shown that such failure is due to reasonable cause.".

(g)(1) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 223 and inserting in lieu thereof the following:

"Sec. 223. Education savings accounts.
"Sec. 224. Cross references."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, certain individual retirement annuities, and certain retirement bonds."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on education savings accounts."

(h)(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 130 as section 131 and by inserting after section 129 the following new section:

"SEC. 130. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 223(d)(1), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 223(c)(5)).".

(2) The table of sections for such part III is amended by inserting after the item relating to section 129 the following new items:

"Sec. 130. Education savings account distributions.
"Sec. 131. Cross references to other Acts."

(i) Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 223(c)) is established from that account which is excluded from the gross income of that individual under section 130 shall not be taken into account in determining support for purposes of this section.".

(j) The amendments made by this section shall take effect with respect to taxable years beginning after December 31, 1983.●

A SALUTE TO MARION GENE CLEMONS

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. STOKES. Mr. Speaker, I take this opportunity to join with the members of the Tower of Prayer Church of God in Christ in Akron, Ohio, in saluting Mrs. Marion Gene Clemons. On Saturday, October 1, the church members and other friends of Mrs. Clemons will sponsor a banquet in her honor in the city of Akron. This is a fitting tribute to a Christian woman who has a special place in the hearts of everyone who has come in contact with her.

I ask my colleagues, at this time, to join with me in sending congratulations to Mrs. Clemons on an exceptional career of service to her church, community, and family.

Marion Gene Clemons is the wife of Rev. Burton D. Clemons, pastor of the Tower of Prayer Church of God in Christ. Together, they have made an indelible mark on the members of that great church in Akron. I am sure that Reverend Clemons would agree with me in saying that his lovely wife has been his primary supporter in the church and during his entire 25 years in the ministry.

She has worked tirelessly and eagerly in promoting the program of the church within the membership and throughout the community. She has been a pillar of strength and faith within the Tower of Prayer Church of God in Christ.

She produces the church bulletins and coordinates a cadre of church programs. Her unceasing imput has enhanced the effectiveness of the church's programs. Put succinctly Mr. Speaker, Marion Gene Clemons has been a part of the decisionmakers and workers in her church.

However, Mr. Speaker, not only has she been an advocate for her husband and the church, but also an innovator and leader in her own right. Mrs. Clemons developed many programs within the church which emerged as a tradition. Her weekly sermonette for the children in the church called Brown Bag has gained notoriety throughout the community and the city. She also founded and currently serves as the chairwoman of the Ministers' Wives Auxiliary which sponsors spiritual and support services to the church members.

Her love for the church and her fellowman extend beyond the physical walls of the Tower of Prayer Church. A 20-year resident of my district in Shaker Heights, Mrs. Clemons is known throughout the community for her dedication to her neighbors and

particularly to the young people in her area. Her volunteer efforts and coordination of groups of volunteers has earned Mrs. Clemons recognition from many groups. She has gained a significant amount of attention for her efforts as a mathematics and English tutor for children with learning disabilities.

In addition to her demanding schedule in serving the church and her community, Mrs. Marion Gene Clemons is a dedicated wife and mother of seven children. Mr. Speaker, she has instilled in each of her children a love for God and mankind.

In closing, Mr. Speaker, in my estimation, Marion Gene Clemons has been a role model in her church, community, and family. She is a rare and good human being. I ask my colleagues to join me in saluting Mrs. Clemons on this momentous occasion.●

SENATE—*Friday, September 30, 1983*

(Legislative day of Monday, September 26, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The prayer today is the very familiar, much loved prayer by St. Francis of Assisi.

"Lord, make me an instrument of Thy peace: where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning after the leader time and special orders, I think we should have a time for the transaction of morning business.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders there be a time for the transaction of routine morning business of 5 minutes, in which Senators may speak for not more than 1 minute each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for the short time, and I will say parenthetically that we can provide additional time for morning business if there is a need for it, was so we can get to the pending business, which is the supplemental compensation bill, S. 1887, as soon as possible.

When we do that, the Levin amendment will be the pending question, to be followed by the Byrd amendment, and based on the statements of the distinguished chairman of the Finance Committee last evening there are a number of amendments yet to be disposed of.

But I talked to him this morning. He indicated the hope that he and his counterpart could finish the management of this bill by noon or thereabouts.

We also must deal with the conference report on the continuing resolution.

I misinformed a few Senators yesterday in the well, not on the floor, but in the well when I said I thought we had passed the House bill without amendment. That is almost right, but almost right is not good enough. We did not. There were amendments added by the committee and that necessitates a conference. The conference began 3 minutes ago with the House of Representatives if they were on time, and I talked to Senator HATFIELD this morning who said he thought they could have the conference report back to us by noon and that the staffs of the two Houses had already done most of the work he hoped and thought, and he did not expect to ask for a rollcall vote on the conference report.

So I hope that is the case and we can have the CR conference report out of the way and on its way to the other body as soon as possible and to the President.

Mr. President, there are several items that we should do today since this is the last day of the fiscal year, but one in particular has been called to my attention, and that is the Export Administration Act.

We have on our side a number of notations on our calendar of Senators who do not wish to do that bill at this time. But I am going to try to talk to them later in the day because it has been brought to my attention that if this act expires tonight, as it will, unless we act, the authority of the Government of the United States to regulate and restrict the export of goods, equipment, and material from this country to other countries expires.

That may not sound terribly bad, but what it means is the United States loses all of its authority to regulate even the export of strategic material to other nations, and that is a serious matter and one that I wish to discuss further with Senators in the course of the day.

My hope would be that we could arrive at an arrangement to take the House bill, to amend it in only one respect, that is, to extend the measure for 30 days instead of 15 days since we will be out of town at the end of 15 days, to pass it without any other amendments and send it back to the House of Representatives with the hope that they would concur in that single Senate amendment.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I concur with the majority leader. This is an act that has to be passed, with the expiring date being today at midnight. The majority leader was just informed of this. I cannot understand why the majority leader was not informed of it until the last minute. I was sitting with him when he was informed of it.

So we knew we had the continuing resolution. We knew we had the extension of the unemployment compensation expiring. But we did not know anything about this.

I agree with the majority leader that we need to get it done, hopefully without any amendments, change the dates slightly to get us through the holiday break, and I will endeavor on this side to help accomplish that.

I cannot keep any Senator from offering an amendment if he wishes to do it, but I will certainly do my best to check the matter out, in view of the urgency of the situation.

Mr. BAKER. I thank the minority leader.

Mr. President, I also wish we had notice of this earlier, but in this situation we have to deal with facts as we find them, and I intend to try to see that we have a better notification system.

Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it to the minority leader if he wishes it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. JEPSEN). The minority leader is recognized.

Mr. BYRD. Mr. President, does either Mr. METZENBAUM or Mr. PROXMIRE need any time?

I yield my time to the Senator from Ohio.

RECOGNITION OF SENATOR METZENBAUM

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio (Mr. METZENBAUM) is recognized for not to exceed 15 minutes.

Mr. METZENBAUM. I thank the minority leader.

Mr. BYRD. Would the Senator not be recognized for longer than 15 minutes?

The PRESIDING OFFICER. With the leadership time, the Senator from Ohio is recognized for 25 minutes.

Mr. METZENBAUM. I thank the Chair.

HAPPY FISCAL NEW YEAR

Mr. METZENBAUM. Mr. President, and all Americans, happy fiscal new year. I take this occasion to express to my colleagues and to all Americans my best wishes for their health and happiness in the new fiscal year.

Tonight, after all, is fiscal New Year's Eve.

But, sad to say, there is not much to celebrate.

For the first time ever, we are ending a fiscal year with a budget deficit in excess of $200 billion. Let the bells ring out. The previous record, set by the Reagan administration in 1982, was $110 billion.

What a wondeful occasion it is that, in 1 year, President Reagan has succeeded in almost doubling that deficit.

In his fiscal 1983 budget, the President predicted that corporate income tax revenues for that year would total $65.3 billion. But in fact, Mr. President, it now appears that corporate receipts will total not $65.3 billion, but only $35.3 billion—a $30 billion shortfall.

In 4 of the 12 months of fiscal 1983, corporations got back more in refunds than they paid in taxes.

Mr. President, that, to me, is so significant that I am going to repeat it.

In 4 of the 12 months of fiscal year 1983, corporations had refunds that exceeded the total amount that they had paid in Federal taxes. It is unbelievable.

An as we move into fiscal 1984, we face more—much more—of the same.

The Budget Committee estimates a deficit of $170 billion.

The President says $185 billion.

CBO puts it at $183 billion.

Most people, Mr. President, if asked to name the fastest-growing item in the Reagan budget, would probably single out defense spending.

But it is probably shocking to learn that they would be wrong.

The fact is that the fastest-growing item in the budget is interest on the national debt.

In fiscal 1983, which is mercifully ending tonight, we paid $127 billion in debt service.

That is a whale of a lot of money.

Think of it as $4,000 a second—$14.5 million an hour—just under $348 million a day.

Think of it as equal to the total of the annual personal savings of every man, woman, and child in America.

And what will be the effect on our economy of this massive drain?

Well, Mr. President, it depends on who you ask.

On September 5, 1981, Ronald Reagan said:

> We know now that inflation results from all that deficit spending. Government has only two ways of getting money other than raising taxes. It can go into the money market and borrow, competing with its own citizens and driving up interest rates, which it has done, or it can print money and it's done that. Both methods are inflationary.

On January 27, 1983, President Reagan told the Nation that "Deficits have now reached towering levels that cast a pall of uncertainty over the financial markets and threaten to slow and weaken the economic recovery ahead of us."

"Well," the President said, "I don't intend to let that happen."

But it has happened.

It has happened on an extraordinary, unprecedented scale.

And, Mr. President, this administration has no policy—no policy whatsoever—to deal with a potential economic catastrophe.

Just look back, Mr. President, on what this administration claimed would happen as a result of its supply-side policies. And compare that with what did in fact, take place.

We were told back in 1981 that the Reagan tax program would stimulate business investment.

It did not happen—and what we have right now in the way of a recovery has been carried almost entirely by consumer spending.

We were told that the savings rate would increase.

In fact, Americans are saving less now than they were before the Reagan tax program was enacted.

We were told that economic growth spurred by supply-side incentives would actually increase Federal tax revenues.

That is a joke. As I have already mentioned, corporate tax receipts for fiscal 1983 are $30 billion below the administration's budget projection.

And, Mr. President, we were told that supply-side prosperity would provide jobs for the 7 million Americans who were out of work at the time Mr. Reagan took office.

Today, 10.7 million Americans are without jobs—an increase of more than 50 percent.

And so, Mr. President, I do not think there is much to look forward to in this fiscal new year.

I do not think that much champagne will flow at midnight tonight.

And I must say, Mr. President, that I am deeply pessimistic about the ability of this administration to deal with problems for which cocktail napkin economics has no answers.

Happy fiscal new year.

Mr. President, I ask unanimous consent that the remainder of my time may be turned over to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Without objection, the Senator from Wisconsin may proceed out of order. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank my good friend from Ohio. I do not expect to use all of the time, but I appreciate very much his graciously yielding the remainder of his time.

LET US HEAR ONE FOR THE BANKER

Mr. PROXMIRE. Mr. President, I am going to speak this morning on something that is a little unusual for a Democrat or for any other person in political life. But I think it is about time that someone said a good word about the banker in this country and the remarkably competent job bankers do in our economy. I doubt if there is any occupation that is more consistently and unfairly demeaned, degraded, denounced, and deplored than banking. Before almost any kind of a crowd you can always get a warm and encouraging response when you describe the bankers as grubbing, money-mad millionaires with hearts of stone, cold, and glassy eyes, and the annoying willingness to loan only when you do not need it. Labor leaders or Federal bureaucrats or Members of Congress are sometimes handy targets but none of them are always available any time, any place, under any circumstances as objects of scorn and denunciation. Bankers are. Bankers are specially useful for those hornswogglers who have a weak case and need an easy, can-not-miss scapegoat. It is always open season on bankers.

Consider the astonishing attack by the Secretary of the Treasury Donald Regan a couple of weeks ago on bankers for being to blame for high interest rates. How utterly ridiculous. That charge must rate as one of the most transparently self-serving as well as phony of recent years. After all—who is Donald Regan? He is Secretary of the Treasury. and what does the Secretary of the Treasury do? He serves at the very top, the man in command

of the Federal Government's fiscal policy. He more than any other official is responsible for our tax system. When it comes to managing the national debt, he is Numero Uno. No one, but no one, can come close to the Secretary of the Treasury in responsibility for the fact that last year the Federal Government ran by far the biggest deficit in the history of the country, a deficit of over $100 billion. This year ends today. And for this year the Reagan-Regan deficit makes last year's recordbreaking deficit look like the kind of a take from your kid's piggy bank. This year the deficit will be a teeth-rattling $200 billion. And for the next 4 or 5 years it is likely that the deficit will be flirting with that appalling level.

Secretary Regan knows this better than any man in America. And, as the former top banana in the country's biggest brokerage house, Merrill Lynch, he also knows that his friends and former colleagues in Wall Street overwhelmingly blame the Federal Government's massive deficits for the level of interest rates and the probability that they will rise and choke off recovery. And no one knows better than Regan that the consensus among economists also attributes the level of interest rates to this massive Federal borrowing driving up the price of that borrowing—or interest rates. So what a laugh when this highly knowledgeable, financial expert blames high interest rates on the banks. That, my colleagues, is a real boob pitch. It is a flagrant appeal to the ignoramuses who believe that any banker can raise interest rates at will. Secretary Regan knows he will get nothing but laughs from Wall Street and savvy economists. He is making his pitch in the know-nothing league. But how grossly unfair.

This country has without question the most efficient and responsive capital markets in the world. And that is not an accident. Those markets are the product of competent, capable, and expert work, day after day, year after year, by thousands of American bankers. Now, there are many countries with four, or five, or six huge banks that control 90 percent of the financial assets. In such countries on occasion one bank may be able to raise interest rates at will. But in the United States? No way, absolutely no way. After all, what proportion of bank assets do our 10 biggest banks control? Answer: less than 30 percent of our banking assets. And those 10 banks compete vigorously among themselves. We have in this country more than 30,000 financial institutions and in the past 3 years the Congress has made them more competitive than ever. Savings and loans, mutuals, credit unions now all compete to make personal loans, offer checking accounts, and WIN savings deposits. Neither the bankers at Bank of America or at National City Bank, or any other bank in this country, can raise interest rates no matter how desperately they would like to do so, and I am sure that Don Regan knows that.

Why, then, did he accuse the bankers of raising interest rates? Because he knew that populist bunkum has gone down easily and smoothly for years. Liberal Democrats have used it and gotten away with it, so why should not conservative Republicans play the same game?

At this moment both Republican and Democartic Members of the Congress are playing that beware-of-the-banker-boogie-man game in opposing the appropriation of $8.5 billion by this Government for the International Monetary Fund. Those who favor this apparopriation argue that our $8 billion will match more than $32 billion that other countries will provide for the IMF. That means the IMF will play the critical role in reviving this country's priniciple trading partners. And we will put up less than one-fifth of the money the IMF will use for this revival. But even this bonanza for the country only begins to tell the story. The IMF will help but where will the major job fall for reviving these trading partners of ours? Answer: with the denounced, demeaned, deplored banks. The fact is that the banks some Members of Congress denounce have made an absolutely critical contribution to the economies of these struggling countries. These banks have loaned far more than the IMF has loaned to these countries. Furthermore, far from bailing the banks out, the IMF would bail the banks in. That is right. Not bail the banks out, but bail them in, by insisting that the banks provide more funds for these hard-pressed countries. And both the banks and the IMF are playing the tough, unpopular but essential job that bankers play better than anyone else. That is the IMF and the bankers will require that the countries follow austere policies that will enable them to recover on a sound basis. The lending banks as well as the IMF are making an absolutely critical contribution not only to the recovery of these countries but to the hundreds of thousands of American jobs that depend on those exports.

To be sure, the banks have not been entirely blameless in the international debt situation. With the benefit of hindsight, it is clear that some banks were too generous in the amount of credit they extended to some foreign countries. But much of that overlending can be attributed to weak and inconsistent regulation. We have three bank regulatory agencies and they often compete among themselves for clients. Under these circumstances the most lax regulator generally prevails.

It is important to note that the IMF quota bill which has been unfairly tagged as a big bank bailout, actually strengthens our bank regulatory system so that we will not have a repeat performance. For the first time, the bank regulators are given a clear mandate from the Congress to prescribe minimum capital ratios for all banks. Unpaid foreign loans must be taken off the books. Fees must be amortized over the life of the loan.

Mr. President, bankers make an easy target because they often are prosperous. In small towns or big cities the banker is not only often the richest guy in town, he also has that critical power to determine which business survives and which does not. But because he is more competitive now than ever, he must not and cannot make that decision on the basis of whim or favoritism, but on the basis of sound business judgment. Many critics of bankers do not even know that bankers provide more than credit. They provide sound business advice and guidance for businesses. After all where does the typical American businessman get his expert advice in making vital decisions that determine success or failure in the use of capital? The fact is he usually gets more such advice and better advice from his banker than from any other source.

With all of our economic problems, this country is still the richest, most productive country the world has ever seen. There are many reasons why we are. One of the most important reasons is the role that bankers have played in this country throughout our history. And yes, they have in many cases profited from their competence and judgment. But as a group they have suffered demeaning and wholly unjustified denunciation as everybody's favorite scapegoat. It is a phoney and it is time it stopped. Let us hear one for your friendly or even your unfriendly banker. If you really want an unsung hero he is it.

PRIME CASUALTY OF NUCLEAR WAR: FREEDOM

Mr. PROXMIRE. Mr. President, the prime quality of American life for which many Americans would die is the freedom, the personal freedom, that gave birth to this country in our struggle for independence and is expressed in our Declaration of Independence. One State speaks in its motto for millions of Americans when it shouts: "Live Free or Die," the motto of New Hampshire.

I can recall some 25 years ago when John Kennedy served in this body. I asked him to appear with me on one of my weekly television reports to Wisconsin. In the course of that report I said that the prime purpose of our foreign policy must be to achieve peace in the world. The then Senator and later President Kennedy promptly correct-

ed me—and added that the purpose of America in our foreign relations must be peace with freedom. Mr. President, that was in 1958. Could President Kennedy or anyone else make that same distinction today? It is the same distinction the motto of New Hampshire makes when it cries out: "Live Free or Die." But today the question and the answer is different. The question no longer can be, Do we go to war and end the peace so we can preserve freedom? We have lost that option. We go to war that is a nuclear war now and we not only lose peace—we lose freedom.

Oh, sure, there may be some survivors of a nuclear war. There might even be something that the survivors would call the United States of America. But freedom? No way. First, a nuclear war involving the United States and the Soviet Union would probably kill and leave dying half our population. It would destroy most of our communications and a great deal of our transportation. It would not only destroy virtually all of our hospitals and medical care, but it would contaminate our drinking water. It would also destroy a great deal of our food supply and drastically diminish our capability of producing food. Many of those who survived the nuclear attack would literally die of starvation.

But the surest and most dramatic difference between our present lives in America and the lives of the survivors in postnuclear war America would be in the total loss of personal freedom. This country would necessarily and inevitably become a military dictatorship. In the fierce struggle to keep our surviving Americans alive, the Government would have to make heartbreaking decisions in allocating limited food and medical supplies and in commandeering the work and property of all the remaining Americans. The Government could not and would not brook dissent. Would we have free elections with contending and disagreeing political parties, with those out of power able to denounce and criticize those who occupied office? Are you kidding? In the chaos of a destroyed nation? Free democratic institutions have been very rare in world history, and the ashes of a war-devastated nation would be the least hospitable soil for freedom.

So Mr. President, the stirring choice between peace and freedom no longer exists when we choose between peace and nuclear war. It is very hard for us as American citizens to accept that grim and terrible fact. But in a nuclear war, we no longer can fight to be free. From the moment the first nuclear missile is launched we Americans lose our most precious legacy: freedom.

Those who believe we can somehow forego arms control or rely on limited arms control, while we let the nuclear arms race speed ahead with a limitation here or there, should ponder what happens to freedom in the aftermath of nuclear war.

DO DEFICITS MATTER?

Mr. PROXMIRE. Mr. President, I recently raised the question in an article I wrote for the New York Times:

> If deficits are so bad, why is the economic recovery so strong? Why did it seem to actually benefit from the staggering deficits run up during World War II to end the Great Depression?

Do not get me wrong. I still believe we must reduce the $200 billion deficits facing the Federal Government for the foreseeable future. They threaten to weaken the recovery, to ignite another round of inflation or to do both. But I also pointed out that I would feel more comfortable believing that way if the economics profession could explain, clearly and precisely, why those deficits were so dangerous.

Mr. President, I received a number of responses to my appeal in that New York Times article. Some came from respected economists, others from interested citizens, and one from a New York Times editorial. Let me summarize first the responses of those who believe that deficits do matter.

Mr. Lawrence Chimerine, who is chairman and chief economist of Chase Econometrics, cogently presented this argument:

> In my view, these deficits are so large that they cannot occur simultaneously with a sustained, vigorous economic recovery because the combined current demands needed to support the recovery and to finance the deficit will inevitably lead to much higher interest rates.

The New York Times took a similar position and pointed out that the Fed could hold firm on credit in which case, "The Treasury sucks up funds that would otherwise be lent to businesses to purchase goods and services." But if the Fed does not hold firm and increases the supply credit," the competition shifts from the credit markets to the product markets, as too many dollars chase too few goods. The inevitable result is inflation."

Others pointed out that conditions have changed since World War II. Prof. Manuel Gottlieb wrote that the Fed accommodated the deficits during World War II at "near zero short-term interest rates." This Fed policy as complimented by "a scheme of elastic managed controls of wages and prices supported by overt rationing of essential consumer and industrial materials in short supply."

Now for the other side, one of the most thought-provoking responses came from Prof. Richard Ruggles and Nancy Ruggles who is a senior research economist. Both are now at Yale University—a place I know well—and they wrote.

> Thus discretionary household savings is not (and never has been) the primary source of investment finance. Depreciation, retained earnings, and the accumulation of funds by pension and insurance companies are the primary sources.

They ended by saying that:

> Certainly a better understanding of the process of saving and investment and the empirical magnitudes involved is needed before economists can make pronouncements about how saving and investment contribute to the growth and productivity of the economy.

Prof. Herb Stein wrote a response, originally entitled "Right on, Senator Proxmire," which also appeared in the New York Times. He said that, "The balanced budget is a flag more often saluted than followed," and offered as a reason ". . . the case for balancing the budget is different, more conditional and weaker than commonly said." He argues that even if we accept the proposition that deficits crowd out private investment we do not know the quantities involved or what effect it will have on long term growth.

Mr. President, I have quoted from only a few of the responses I received. All were informative and stimulating but I wanted to highlight a limited number of issues for my colleagues.

First, the American economy is an enormously complex, ever-changing and vibrant beast. We know far less about it than we like to pretend. When we debate economic policy, I sometimes think of us as 100 ants who found sanctuary on an uprooted oak tree floating down the mighty Mississippi. Each of us is certain that he is steering that tree.

Second, although a majority of economists would probably agree with the crowding-out thesis, that agreement is by no means overwhelming. Sound, logical arguments can be made that deficits will not crowd out private investment, at least not to a damaging extent.

Third, numbers give an impression of precision which may be misleading. How many of us knew, as the Ruggles pointed out, that:

> The BEA personal saving estimates in the national income accounts differ significantly from the FRB household saving estimates in the flow of funds accounts, both in magnitude and in direction of change, and not much can be said with confidence about which figures present the truer picture.

Yet, we confidently assert that the deficit will absorb such and such a percentage of savings.

Fourth, the hardest habit to change is a habit of thought. We get used to using certain words—savings, investment, crowding out—to describe what are complex processes. These words serve us well at first or they would not be used so often. But then the economy changes, the processes behind the words are no longer the same, but we keep on using the same words. By habit, we continue using the same words, the same thought patterns,

even though they may no longer be an accurate respresentation of reality.

Mr. President, after reading these responses, I am more than ever convinced of the virtue of keeping an open mind. I believe that those who argue that the deficits will damage the economy have the more persuasive case. But that case is not conclusive and we should all remember Learned Hand's admonition, "The spirit of liberty is the spirit which is not too sure that it is right."

IMAGE AND REALITY: JEWISH LIFE IN TEREZIN

Mr. PROXMIRE. Mr. President, on November 9, the B'nai B'rith Klutznik Museum will open a new exhibit entitled, "Image and Reality: Jewish Life in Terezin." The exhibit will feature a variety of artifacts and artwork from Theresienstadt, the Nazi "paradise ghetto" for Jews in Czechoslovakia.

Terezin was a prime component of Nazi propaganda. Following the Nazi takeover of Czechoslovakia, the town was converted into an internment camp. The Nazis claimed it to be a wonderful place for Jewish refugees, a place where they could live "normal and productive lives." They gave the Red Cross tours of the town and boasted of its very reasonable living conditions. There were art classes, sporting events, and religious services for all observers to behold. It was in reality, of course, all a show. The classes were nominal while the religious and sporting events were staged for outsiders. Worse yet, the town was more than just a new home for uprooted, innocent people—it was more importantly a transfer point for the eastern death camps.

According to the B'nai B'rith International, over 140,000 Jews were deported to Terezin from Prague between 1941 and 1945. At least 33,000 died while residents of this so-called showplace, and 88,000 others were "relocated" to the death camps of Auschwitz, Treblinka, and elsewhere. Needless to say, few, if any of these transferees survived their ordeal. Included in this estimate are 15,000 children under 15 years of age. Less than 100 survived.

Despite the pangs of death and despair in the air, the residents of Terezin produced and collected what can serve as the documented history of the camp. The B'nai B'rith exhibit contains paintings and drawings by both adults and children; there are photographs and pieces of jewelry produced by the residents. There is a Scroll of Esther, used during the Jewish holiday of Purim, and a collection of medals from staged sporting events. In addition, we find works done by Terezin's own set of professional and amateur artists—among them such names as Norbert Troller, Leo Haas, Fritz Fabian, Henry Behr, and Jo Spier—who vividly depicted the harsh life they were leading in Terezin. We see a pastoral countryside in the distance, yet we see starvation, torture, disease, and executions in the foreground. Yes, this is quite a paradox.

Mr. President, creating such a paradox seems to be the goal of most perpetrators of genocide. They seem to have an incessant need to prove to the world that they are doing no wrong. Thus, they expend a token amount of money and manpower to try to create a myth of goodness, a myth which says that they are not really hurting people. The collection from Terezin shows us that the residents of this model camp quickly saw through this sham. We, too, must see through these genocidal paradoxes. The victims cry out for justice. Ratification of the Genocide Treaty is a giant step in the direction of this justice.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR NUNN

The PRESIDING OFFICER (Mr. DENTON). Under the previous order, the Senator from Georgia (Mr. NUNN) is recognized for not to exceed 15 minutes.

Mr. NUNN. I thank the Chair.

SENATOR HENRY M. JACKSON

Mr. NUNN. Mr. President, with the death of Senator Henry M. Jackson, the country has lost a leader of unusual vision and ability, the Senate has lost one of its giants, and many of us have lost a trusted personal friend.

My heartfelt sympathy goes out to Scoop's family, to his wife Helen, and to his children, Peter and Anna Marie. My wife Colleen and I felt especially close to Scoop's family and to his beloved State of Washington, because Colleen is from Olympia. My thanks go out to the people of Washington State for sending Scoop Jackson to serve this Nation.

Though Helen and his children grieve at his loss, they can rejoice that they were privileged to know him as a loving husband and father. The time and attention he devoted to his children—which Peter and Anna Marie described so eloquently at his funeral—has given them a solid foundation on which to build.

It would be impossible for me to summarize adequately the life and achievements of Senator Jackson. Like all truly great men, the magnitude of his accomplishments will undoubtedly loom larger with the passing days and years. His unrivaled effectiveness as a Senator stemmed from the trust, respect, and admiration he inspired in each one of us, regardless of our party or our political philosophy.

I was 2 years old when "Scoop" Jackson was first elected to the House of Representatives, and I was a boy of 14 when he came to the Senate. By the time of my own election in 1972, he was an established leader in this body and in the country as a whole. I considered it a great honor to serve with him, a great benefit to share his knowledge and experience, and a great privilege to be his friend.

I had the good fortune to be assigned to two committees—Armed Services and Governmental Affairs—on which Senator Jackson sat as a senior member. He became my adviser and my mentor from the day I arrived in the Senate. I know from personal experience that he was a loyal and untiring ally when he agreed with you—and a formidable but honorable foe when he did not.

One of the first pieces of legislation that I was involved in was the Jackson-Nunn, offset amendment requiring that our allies offset the balance of payments deficit created by the stationing of U.S. forces in NATO. I recall working with him on a wide array of other issues as well, ranging from draft registration to strategic arms. Scoop Jackson was the expert I looked to for advice in so many areas—national security, foreign policy, energy, and the environment, to name only a few. I never ceased to be impressed by the soundness of his judgment and the breadth of his knowledge.

I had the privilege of working closely with Senator Jackson on the Senate Permanent Subcommittee on Investigations. Under his chairmanship between 1973 and 1979, the subcommittee investigated a wide range of important topics—from the energy crisis to the effectiveness of the Federal Drug Enforcement effort to the transfer of high technology to the Soviet bloc. I worked at his elbow during most of those investigations, and he gave me the opportunity to conduct a number of them as either acting chairman or vice chairman of the subcommittee. I had the distinct honor of succeeding him as chairman in 1979, and I will be forever grateful for the support he gave during the 2 years that I tried to fill his very large shoes.

Scoop was the consummate student of world politics, one of the greatest geopolitical thinkers in the history of the U.S. Senate. His understanding of global issues flowed partly from his love of history, which he studied devotedly. He was always able to apply the lessons of the past to the challenges of the present and future.

The historical insights and anecdotes that he offered up in discussion and debate enlightened, charmed, and sometimes humbled us. Many will recall that at the time of the revolution in Iran, when all of Washington

was seeking knowledge about that country, Scoop turned hearings into informal seminars to which administration officials and Senators came to hear him expound on the history of Persia, on Iranian ethnic groups, and on the history of Soviet designs on and intrigues in that part of the world. He was just that kind of man, someone who always added to a discussion or debate by his knowledge and grasp of issues.

Scoop Jackson not only was a great student of history—he made history. He was always too modest to speak of his own role in shaping our postwar world, but it was considerable. Scoop was elected to Congress more than a year before Pearl Harbor, and at the time of his death he had served more years continually in the Congress than any other incumbent Congressman or Senator.

Scoop was one of the first Americans to enter the German concentration camp at Buchenwald after the war, and the searing memory of that experience inspired his passionate efforts to aid and sustain the state of Israel. He never wavered in this support.

Scoop was a central architect of our postwar nuclear programs. As a member of the Joint Committee on Atomic Energy, he witnessed numerous nuclear tests and gained an appreciation for the awesome power man had discovered. He played a key role on many occasions in assuring that the United States maintained an adequate nuclear deterrent—pressing successive administrations not to allow the Soviets to gain superiority and literally keeping alive our nuclear submarine program in its early, uncertain days.

Senator Jackson firmly believed that strength is the best deterrent to the Soviet threat. In this regard, I believe he subscribed to the words that Elizabeth Barrett Browning wrote:

Happy are all free peoples,
Too strong to be dispossessed.
But blessed are they among nations,
Who dare to be strong for the rest.

Scoop was a statesman and a Senator, playing a unique role on the world stage which few Members of this body have ever attained. Scoop became deeply involved in the struggle for Europe's heart and mind in the 1950's, working to insure that radical forces did not take over the labor movements in Western Europe and that the NATO alliance remained strong and firm in a democratic tradition. He became so well-known in Europe that in later years Kings and Prime Ministers would alter their schedules to meet with him.

Nor were Europe and the Middle East the only stages on which he walked. In his first term as Senator, Scoop visited the Soviet Union and Afghanistan, and even at that early date warned our Nation of Soviet designs on that country and of the strategic implications of the highway Moscow was building in Northern Afghanistan.

Interestingly enough, I heard him on several occasions explain the history of that highway and his warnings to the Afghan leaders about the Soviet's intentions and use of that highway. Certainly his prophecy became reality tragically for Afghanistan when the Soviets used the highway they built to invade and occupy that country.

In the last decade of his life, Scoop worked to establish better relations between the United States and the People's Republic of China, developing close personal ties with a number of Chinese leaders. His last visit abroad, in fact, was to China. Scoop felt strongly that this relationship was essential to America's strategic interests, and he helped to keep our Nation on this course even when diplomatic mistakes and domestic politics produced serious obstacles.

But it was not only world leaders and strategic issues that dominated Scoop's attention. He was deeply concerned also about the human rights and liberties of people everywhere in the World. He was particularly well known for his close ties with many Soviet dissidents and their families and his voice was raised again and again for human rights and against tyranny and oppression wherever they surfaced. No man spoke more boldly or more often about the terrible realities of our era.

At home, Scoop was a champion of civil liberties. He resisted the excesses of the House Committee on Un-American Activities when he was a Congressman, and later, as a Senator, stood up to Joseph McCarthy at a time when few dared to do so.

The son of Norwegian immigrants who worked for everything he ever obtained, Scoop was dedicated to the ideal of equal opportunity for all. He imbued the hundreds of people who worked on his staff over the years with a love of country, a devotion to duty, and a sense of loyalty. Many of them have gone on in public service and are one of his finest legacies to this Nation.

In these and all his other endeavors, right up to the end of his life, Scoop Jackson always gave 100 percent of his mental and physical capabilities to the great challenges that we face as a nation.

He was in the front rank of leaders in the Senate, and he was in the front rank of leaders in the history of our country.

I leave it to others to explain to future generations why this great American leader was never elected to our Nation's highest office. For myself, I will say simply, he would have served this Nation well in that capacity, but I wish to add and emphasize that he also served our Nation well as a Senator. Scoop proved that one does not have to become President to leave indelible footprints on U.S. history.

Upon the death of Harry S. Truman in 1972, Senator Jackson said of that great American:

With the passing of the years, his place in history—and in the hearts of his countrymen—is ever more assured.

With the passing of the years, the same will be said of our friend, Henry M. Jackson.

Mr. President, I yield back the remainder of the time I may have.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a 5-minute period for the transaction of routine morning business where Senators may speak for 1 minute each.

SENATOR HENRY M. JACKSON

Mr. LAXALT. Mr. President, I rise today to express my sorrow at the passing of my colleague and fellow American, Henry M. "Scoop" Jackson.

For nearly one-half century he served the people of the State of Washington and this country with unwaivering and unequaled dedication. The length and exceeding quality of his public service insure him a place in history beside this country's great statesmen. Indeed, I am honored to have served with Scoop Jackson in the U.S. Senate.

While working with Scoop over the past 8 years, I knew him as a respected statesman, a great American, and a valued friend. Scoop had the rare ability to stand hard and fast by his principles while remaining open to reasoned opposition. Scoop had another refreshing quality I have always admired and for which I will probably remember him best: Though he was among this Nation's most influential and powerful men, he always maintained the charm and simple ways that make up the common touch.

Although I will always miss Senator Jackson the man, I find some solace in knowing that the things he stood for will live on in an America made better by his work and accomplishments. Simply put, Senator Jackson was a man of unparalleled decency and integrity whose wisdom and leadership the world will sorely miss.

FRINGE BENEFIT TAXATION

Mr. JEPSEN. Mr. President, the time has come for action on the issue of fringe benefit taxation.

Yet another extension of the moratorium, banking Treasury Department action in this area, would constitute procrastination on an issue whose resolution is long overdue.

The question before us is: Do we intend to change the tax status of some, or all, of the employer-paid benefits which are currently tax favored? Or, do we wish to leave these benefits in their respective tax-exempt or tax-deferred categories?

The issue is not concerned with all fringe benefits since only 28 percent of all benefits are tax favored. Of these fringe benefits approximately half are tax exempt, while the other half are merely tax deferred. Tax-favored benefits constitute only 8.8 percent of total wages and salaries.

The use of many of these fringe benefits, such as parking, child care, and subsidized food and accommodations, reflects the changing needs of our work force. These forms of remuneration have become common practice in some industries. Taxing these benefits, which are often provided for the convenience of both employers and employees, may have a disruptive effect on relations between these two groups.

Furthermore, any reduction in the number of tax-favored benefits will result in a loss of disposable income for recipients of those benefits.

Who are these people whose income may be threatened with reduction? The majority are average white-collar and blue-collar workers.

I cannot, with a clear conscience, ask them to give up still more of their incomes.

A bill, entitled the "Fringe Benefits Tax Act of 1983," has been proposed in the Senate.

The bill does not address all possible forms of fringe benefits because the information which would allow prudent decisionmaking in all areas of this subject is not currently available.

It does, however, cover numerous forms of fringe benefits in a reasonable, practical, and equitable manner. Furthermore, it provides uniform treatment for a matter previously settled on a regional basis.

I would like to quote my colleague, the distinguished Senator from Idaho (Mr. SYMMS), when he introduced this bill in early August:

> The lack of a national uniform policy on the treatment of fringe benefits imposes costs, burdens, uncertainty, and inequity among taxpayers. These adverse consequences are beginning to be felt, and I believe the time has come to find a permanent solution to this problem.

Mr. President, this should not remain as a cloud over the heads of taxpayers. This issue must be resolved now, not be postponed to surface and threaten taxpayers in the future.

It should be underlined that a large proportion of fringe benefit recipients are members of the middle class. This group has consistently borne a very heavy tax burden. They have neither the tax shelters of the rich nor the Government assistance—especially in the area of education—of the poor. Their only relief from taxation consists of the few tax-favored fringes they receive.

Taking more money from these overburdened taxpayers can hardly be viewed as equitable.

Mr. President, in previous years Government policy has been geared toward promoting more retirement income security and greater health insurance benefits. In response to tax incentives designed to reflect this policy, corporate and union finance managers have sought to improve health insurance benefits and pension plans.

Now it appears that Government officials are willing to forsake these beneficial socioeconomic goals in an attempt to balance the budget. To increase fringe benefit taxation would be inconsistent, as well as poor public policy.

The assertion that the revenues generated by the new taxes would be sufficient to significantly reduce Federal deficits is questionable. Even more dubious is the idea that with increased revenues, Congress would suddenly embark on a course of fiscal responsibility.

Mr. President, I wish to join my colleagues in cosponsoring S. 1817. It deals fairly with the issue at hand without imposing a greater burden on our taxpayers.

NATIONAL ASSEMBLY OF KOREA ADOPTS RESOLUTION ON KAL 007 TRAGEDY

Mr. HELMS. Mr. President, the National Assembly of the Republic of Korea has joined in the worldwide condemnation of the shooting down of the Korean Air Lines jetliner, flight 007. The civilized world has reacted in shock and revulsion over this act of barbarity, but the people of Korea, as is most proper, feel the greatest burden of horror.

On September 8, the National Assembly, in the first plenary meeting of the 118th extraordinary session, passed a resolution expressing in the most explicit terms its condemnation of the act. The people of the United States, and the Members of the Congress of the United States, stand in sympathy with those feelings.

Mr. President, I ask unanimous consent that the resolution of the Korean National Assembly be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION CONDEMNING THE SAVAGE ACT OF THE SHOOTING DOWN OF A KOREAN AIRLINES JETLINER BY THE SOVIET UNION

The National Assembly of the Republic of Korea,

Expressing a profound shock and anger over the brutal shooting down of a Korean Airlines Boeing 747 jetliner on September 1, 1983 by a missile launched by a Soviet fighter plane;

Infuriated and reacting with revulsion to the barbarous action taken by the Soviet Union in wantonly killing 269 innocent and precious human lives, despite the sincere efforts on the part of the government of the Republic of Korea to pursue friendly and peaceful policy to all nations of the world;

Condemning most stringently in the name of the forty million Korean people the savage, inhumane act, unprecedented in the annals of mankind, of massacre in the air committed by the Soviet Union;

1. Demands to the Soviet Union to provide a full and detailed account of the incident and publicly apologize not only to the Republic of Korea and the bereaved families but to all peace-loving peoples of the world;

2. Also demands to the Soviet Union to promptly comply with the requests made by nations of victims and international organizations for public investigations of the incident, and to make as speedily as possible just and full compensation for all losses;

3. Further demands to the Soviet Union to bring those responsible for the incident to justice by sternly punishing them, and to solemnly and publicly declare that it would guarantee against a recurrence of such an appalling and barbarous action;

4. Calls upon all freedom and peace-loving nations of the world to come forward and positively support and cooperate in worldwide disciplinary measures directed against the Soviet Union unless our just demands are met.

NATIONAL EMPLOY THE HANDICAPPED WEEK

Mr. HATCH. Mr. President, next week our Nation will be involved in recognizing the achievements of handicapped persons within our "world of work."

President Reagan has declared October 2 to 8 as "National Employ the Handicapped Week" to increase awareness of how the Nation can utilize the abilities and talents of handicapped citizens.

To help President Reagan launch his commemorative week, HHS Secretary Margaret M. Heckler announced two special exhibits during National Employ the Handicapped Week. They feature some of the aids and devices available to help disabled persons in their jobs.

John Kemp, director of human resources, National Easter Seal Society, will deliver the keynote address during an opening ceremony for the departmental observance of the week, His speech will be at 10:30 a.m. Monday, October 3, in the great hall of the Hubert H. Humphrey Building, 200 Independence Avenue SW. Kemp, a disabled attorney, has gained an international reputation in the field of disability rights.

Also participating in the program will be Jay Rochlin, human resources manager, American Telephone & Telegraph Co.

The special exhibits are:

Technology in the Workplace, October 3 and 4 from 10 a.m. until 4 p.m. in the Humphrey Building.

Tools to Independence, October 5 and 6 between 10 a.m. and 2 p.m. in the Social Security Administration Headquarters, 6401 Security Boulevard, Baltimore, Md.

Both events are open to the public. I encourage the participation of all my colleagues and their staff in this worthwhile endeavor.

A SUSTAINED RECOVERY

Mr. HELMS. Mr. President, I have at hand some enlightening comments by John Welch, chairman and CEO of the General Electric Co., concerning the prospects of a sustained economic recovery.

Speaking to participants in the 51st Annual Edison Electric Institute Convention in Minneapolis, Mr. Welch outlined his perception of the respective roles of private industry and government in the economic recovery.

Corporations, he says, should concentrate on providing the highest-quality, lowest-cost products. In the process, they will not only develop a competitive edge in the world economy, but also provide the stable, long-term jobs our Nation so badly needs.

The proper role of Government—and this should strike close to home for all who truly believe in the free enterprise system—is to give business a chance to compete, he said. Instead of searching for ways the Government might solve problems for businesses—which the Government cannot do—legislators ought to give the private sector an opportunity—if not the incentive—to solve its own.

I could not agree more. If we really believe in the private enterprise system, we should step aside and let it work.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEW COMPETITIVENESS: CAN IT SURVIVE THE RECOVERY?

Thank you for the opportunity to speak to so many good friends of General Electric.

My talk today is not going to be focusing on just General Electric and the utility industry, important as that relationship is. It's going to be about something else I think critical to both of us, and also to our country. I want to talk this morning about whether we as a nation are going to be led by our feelings of the moment, the bright optimism at the beginning of this recovery, or are we going to be drawn by a deeper understanding of what we have to do for the long term. Are we going to have the will to do what's necessary so the glow we are beginning to experience can last beyond its early stages?

There's no question about it: Many people are feeling better today. And no doubt, there are reasons to be optimistic. Most forecasters see real GNP growing three to four percent per year between now and 1985. Inflation, by recent standards, may stay relatively low, maybe four to six percent. Most people think, at least for the next year or so, we may even see reductions in long-term interest rates.

Americans are feeling better about themselves. Many say we learned our lesson from the competitive shocks of the last decade: OPEC, inflation, last place in productivity growth, loss of share everywhere we looked. It was a decade when the contingency scenario suddenly became the base case, and Americans "stopped dreaming in color."

Some believe our experience of the last ten years brought shock, yes, but also revelation. They say it forged a new set of business attitudes, a new sense of reality. The decade, they say, has been restorative, awakening our consciousness, knocking us out of our complacency.

But did it—or more importantly, will it?

Fourteen months ago, I gave a talk at the University of Chicago in which I remarked, "We're having our Dunkirk," referring to the recession. After the talk, a fellow came up to me and said, "Nice speech, but we haven't had a Dunkirk. We're not even close. When we get a recovery, managment will forget cooperation with labor; labor will forget competitiveness and just clamor for more; companies won't reinvest profits, they'll load up obsolete, noncompetitive plants, and it will be business as usual."

Well, let's examine the recovery as we see it this morning: Housing starts are up, automotive sales are looking brighter, banner headlines proclaim the good news. But are we ready for it? Awful as it sounds, was the experience of the last ten years sharp enough to get the issue of world competitiveness in focus for many of us?

Are Americans finally ready, do we now have the will, to do what is necessary to be competitive? Or, seeing good times ahead, will we do as we've done the last couple of recoveries: take the easy way out? It's a very big question.

Said simply, are we as a nation ready to accept that what was good enough ten years ago, what may have been good enough five years ago, just isn't good enough today. And this applies with equal force to a broad spectrum of business and its managment—including service industries like yours—and to government and labor, because the worldwide challenge of competitiveness is no longer simply a problem that the U.S. manufacturer, competing against foreign multinationals and their countries, can solve by himself.

In looking at what we have to do, a number of things are paramount. One of the first is that, with a world economic pie expanding more slowly and with more people after it, the successful marketing concepts which many abandoned in the seventies, perhaps unconsciously in favor of super-subtle planning systems, now need to be revived and used to hone the cutting edge of our businesses. I know that you have also seen this problem and many of you are now placing greater emphasis on the need for marketing your own products and services.

In this more competitive world, it's also clear that U.S. business must be leaner and more agile. For a company like General Electric, this has meant paring away bureaucracy, subjecting every activity to the most rigorous and continuous review, distinguishing between those things which we absolutely need to do and know versus those which would be merely nice to do and know.

It has meant breaking down the barriers of corporate protocol so that anyone with a good idea feels he or she has the freedom to communicate it with anyone else.

Competing in a world marketplace that puts a premium on innovation, on response time, on entrepreneurship, also means that big is not necessarily beautiful. Big can go bust, as The Economist magazine put it. In the recent difficult period, many large corporations realized how crucial it was to come up with new models of entrepreneurial effectiveness—often, decentralized smaller units with a sense of ownership and reward.

Today, as business starts to feel better and better about this recovery, the questions for each of us mount. Will our offices again fill up with staff? Will we once again bureaucratize our companies? Will we re-create the formalities that reward status instead of ideas? Will we revert to the memos that need to be signed-off by ten layers of authority, that make a mockery of entrepreneurship . . . that make big go bust? Will we forget so quickly our drive to be competitive?

With a leaner company, with break-even points lowered, will we be satisfied just to leverage the short-term volume that's going to occur no matter what we do? Or, will we assume the longer view, and take advantage of a host of new productivity-enhancing technologies like computer-aided design and manufacturing, which offer us the possibility of structural breakthroughs—a dramatic discontinuity—in the industrial sector?

Will our manufacturers find the vision to invest in these technologies, to create what I call "new factories in old shells"? Or will manufacturers sit this recovery out, let these exciting new technologies collect dust while feeling awfully good about filling up relatively empty plants, leveraging the reduced cost base which we've all developed during the downturn, and building products in what often are rather obsolete factories?

In the short term, that would make our balance sheets a little healthier, our margins a little better, our bonuses a little higher, but by the end of the cycle, not leave the country any more productive than it was at the beginning.

That's not the kind of recovery any of us wants for America. We desperately need what I call a "quality recovery." By that I mean a recovery bent on growth, but not just any kind of growth: growth based on investment. A recovery that has a major investment component to provide for sustainable, long-term gains in productivity and real income.

Are we headed for a quality recovery? Or, could the unthinkable once again become the inevitable? Well, look at the so-called consensus forecast. This recovery, to a much greater extent than previous ones, appears to be driven, overwhelmingly, by housing and consumer spending. The magnitude of the potential problem is clear when we realize that capital spending in 1984—two years into the recovery—will be only slightly above 1979 levels. That would mean hardly any real growth in five years, and actually a decline in capital stock relative to the size of a larger economy!

Will U.S. businesses reinvest some of their recovery profits?

Many will. At General Electric, one of our most important strategic moves has been to reaffirm our commitment to a number of our large, profitable core businesses—such as those that serve your industry. That commitment has taken the form of heavy technological investments in productivity to help assure our long-term, worldwide competitive leadership.

We believe these core businesses can have a great future, even in slow times, if we can

increase productivity, if we are prepared to make the investments to allow us to be very good at what we do.

Consider our locomotive business. The largest single automation investment in GE's history—$300 million—isn't being made in our robotics business or integrated circuits but in locomotives—a mature core business that's seventy years old. That plant is running well under capacity now, yet we're confident we can justify this investment even if it takes time before domestic volume increases, because of the long-term competitive cost and quality improvement we'll be gaining.

Our power systems sector—the sector that serves your industry—is another example. As you well know, we have enormous excess capacity. Our Schenectady facility, alone, has enough capacity to supply the entire world market for large steam turbines. What are we doing? Without a single domestic order for a large steam turbine in twenty-one months, we're investing. Not in capacity, but in productivity, technology and quality: $80 million for large steam turbine over the past two years—$700 million for all our energy-related businesses.

This investment underscores GE's long-term commitment to being a world-competitive supplier in your industry. It's a deep, but also a wide-ranging, commitment—from enhancing our services to GE's BWR nuclear plants, to helping you with plant-life extension and other approaches to competitiveness and productivity growth.

A renaissance in productivity in your industry could have a disproportionate impact on the competitiveness of this nation. In 1980, American manufacturers spent almost $22 billion for electricity. This was nearly four percent of their value-added and almost forty percent of their profits.

I recognize that you've got a tougher productivity challenge than most: a regulatory environment where the rules in many cases do not provide incentives for upgrading older plants, for making existing capacity more efficient, for converting from expensive foreign oil to cheaper domestic coal, or even for taking a good marketing idea and bringing it, entrepreneurially, to life.

You face the added challenge of public debate, of political education to change the rules. But if it's any consolation, in entering the lists of public debate, you have a start on the rest of us. Because more and more, the issues of competitiveness will be decided in public forums all across this country. You're already in it, and we are all going to need your experience, your insight, your skills to forge public understanding.

Critical to achieving competitiveness will be developing the institutional framework, the social and political consensus, that makes it possible. But the myopia that recovery can bring, could now make even more difficult the acceptance of the short-term social costs of some of the actions necessary to make America more competitive.

Little solace to Lilco, which is trying to get a plant opened at Shoreham, or Con Edison, which is trying to keep one open at Indian Point, but for a manufacturer, the most difficult social issue is closing a non-competitive plant to keep a healthy but vulnerable business healthy for the long term.

It's very simple to look at a discounted rate of return and know that a business is in trouble. And, once that business is losing money, it seems, our society can come to grips with the terrible tragedy of closing a plant, provided that business takes the responsibility to recognize the pain, demonstrate compassion and offer support for the people affected. But in more and more cases, the competitive challenge faced by American business today involves something else. It involves taking still-profitable businesses and reinvesting in them, creating those new factories in old shells, to assure world competitiveness—to assure that these plants won't become candidates for closing five or even ten years from now. These productivity investments, of course, result in better, but often fewer, plants.

Understanding of the productivity investment issue started to build in the recession. Will it grow, or even survive, the recovery? Once good times are here, will political pressures inhibit the flexibility business needs to be competitive? Or, will our memories of competitive struggle prevail, allowing responsible management to retain the right to increase the world competitiveness of the factories we will need?

A few other things we presumably learned in recession and may soon forget in recovery:

In labor-management relations, after we went through a sharp increase in wages in the early seventies, we talked a lot about labor-management cooperation, about quality of work life, wages, and productivity. And back in 1975—again, at the bottom of a recession—it seemed that both management and labor had agreed on common goals and had understood that wage settlements must have a sensible relationship to improvements in productivity, profitability and international competitiveness.

But by 1979, all that had been forgotten. Management and labor were not focusing on cooperation. Wages were running away from productivity, running away from profitability, running away from competiveness—one of the main causes of inflation—forcing the government to tighten the money supply, resulting in higher interest rates and a painful recession.

Now, again on the threshold of recovery, do management and labor remember this recent experience, or are we condemned to management-labor divisiveness, condemned to make agreements that have no connection to world competitive realities, condemned to repeat the same painful process one more time? Some of the early signs here are not encouraging.

How about the government? Our political leaders are beginning to feel pretty good about this economy. But that good feeling may take them in some unpromising directions. For example, we hear some in Washington saying, or at least acting as if, budget deficits don't matter. Well, nobody really quite understands what a $200 billion annual deficit means, but experience suggests how short-lived this recovery might be if deficits, or the fear of them, result in a reversal of recent interest rate trends.

And recently, some in the administration have suggested we not worry about the overvalued dollar. Well, try competing in manufacturing exports with it. How quickly people forget—and it never was a front-page headline—that our overvalued dollar helped contribute, between the first quarter of 1981 and fourth quarter 1982, to a decline in our net exports of $21 billion. Now, while it's impossible in today's complex world economy to identify all the cause-and-effect relationship, it's worth noting that the $21 billion was equal to two thirds of the decline of our entire Gross National Product over the same period.

These vignettes should help sharpen our memories. A lot of pain was endured in that difficult, deep recession. But what an opportunity we have if we can bring forward those memories, those attitudes, that were shaped in the recession to serve us now as the underpinnings for fundamental, long-term recovery. We just can't have gone through that pain for nothing! We can't let it happen. We all have to make sure it doesn't happen.

You have a great part to play. Your industry represents a major portion of our national wealth. Almost two trillion dollars would be required to replace your 600 thousand megawatts of electricity generation, transmission and distribution capacity. To employ that investment more productively, to have it run at higher efficiency and reliability, is a significant national challenge and one that GE wants to be a part of.

American corporations have a great responsibility to be the lowest-cost, highest-quality producers of goods and services, to provide the stable, long-term jobs that this country deserves. But beyond that, they have the task to speak out on this issue of world competitiveness.

Your challenge, too, extends well beyond producing electricity at the lowest possible cost. Your task—because you are leaders in your communities, in your states and in this nation—is to carry this issue everywhere, to keep competitiveness out in front of all the constituencies you deal with every day.

And the government's job? The government's role—and that includes the PUCs—is to give business a chance to be competitive, by facing up to the tough issues that affect competitiveness—whether deficits, spending, revenue enhancement; to face them, not walk away from them. And it's government's job to provide the atmosphere, the incentives, to bring forth the high-risk innovations that competitiveness demands.

Can we do it? Frankly, I thought I'd be a lot more optimistic today, June 8, 1983, than I was a year ago in June of 1982, in the depths of the recession. A year ago, I saw us starting to develop a real understanding of the world competitiveness issue. I saw momentum building. A sense of urgency was in the air. Today, I still see some of this, but I also see signs of how easy it would be for all of us to slip back into our old habits. In these early recovery days, it seems to me that we are by no means out of the woods.

Already, there are more than subtle hints of a gridlocked government; troubling signs of a management that isn't sure how fast it ought to invest; inklings of management and labor undecided between cooperation or confrontation.

Let me assure you, that is a battle worth fighting for. This competitiveness issue demands, and is worth, so much of our energies—and more than that, our courage to do what's right for the long term.

If you and I, and government and labor, don't do what's right, if we don't drive to be competitive, we may be responsible for the first generation of Americans to live less well than their parents. But we don't have to be. We don't have to settle for that. The opportunities for courage are there for every one of us.

PRIME MINISTER MARGARET THATCHER'S SPEECH AT CHURCHILL AWARD DINNER

Mr. TOWER. Mr. President, last evening a few of us were privileged to be in attendance at a dinner of the Winston Churchill Foundation of the

United States held at the British Embassy, in which an award was made to Prime Minister Margaret Thatcher, of the United Kingdom.

This is a speech that I think should be shared with all of my colleagues. Mrs. Thatcher is a personality of Churchillian proportion herself. The remarks that she made last night should be an inspiration to people everywhere who value freedom and people everywhere who seek self-determination and look to the West as providing some reasonable hope of realizing that aspiration.

These very eloquent and lucid and forceful words, I think, will serve as an inspiration to my colleagues. I ask unanimous consent that Prime Minister Thatcher's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRIME MINISTER'S SPEECH AT CHURCHILL AWARD DINNER SEPTEMBER 29, 1983

INTRODUCTION

I am deeply grateful to the Winston Churchill Foundation of the United States for honouring me with this award.

It is my great pride that when I first entered the House of Commons nearly 25 years ago Winston Churchill was still a Member. I remember him then; small, a little deaf, a little hunched, yet towering above the rest of us as he has done ever since.

He was always concerned to keep the courtesies of the House. I remember the day when he left it. Supported by two friends he slowly turned and for the last time bowed to the Speaker and to the Parliament he loved. Then he was gone.

No one, least of all a Conservative Prime Minister, can receive an award that bears his name without an abiding sense of humility. In doing so, I am conscious that Churchill belongs to you in the United States as well as to us in the United Kingdom.

He began life with an American mother and an English father. By the end of his life he had been made an Honorary American citizen by the United States Congress. At his funeral the Great Battle Hymn of the Republic was sung.

Churchill knew before his death that you had set up this splendid foundation as a tribute to him. Already eight of your Churchill fellows have won Nobel Prizes. I congratulate you on that magnificent achievement. The presence of the Churchill fellows in Cambridge helps to sustain and enrich the close personal links between the United Kingdom and the United States which are the bedrock of our enduring friendship. Nothing would have delighted Churchill more.

He was a giant. He saw clearly. He warned clearly. He did what had to be done. His steadfast attachment to fundamental principles, his heroic indifference to the pressures and expediencies of the moment, and his unbending determination both saved his own country and helped to save the world. It was he who said:

"Once you take the position of not being able in any circumstances to defend your rights against aggression, there is no end to the demands that will be made or to the humiliations that must be accepted."

True in the face of the Nazi menance in the 1930s. True in the face of the threats to our way of life today.

True, too, in the South Atlantic last year when with the most heartwarming support and encouragement of the people of America, Britain again had to demonstrate that aggression must not be allowed to succeed and that international law and the right of people freely to choose their own way of life must be upheld.

The best memorial we can offer to the life of that man of destiny is to treasure the matchless gift of freedom which his leadership preserved for us and to pass it on to generations yet to come, both in those countries which already know freedom and to those which yearn for it.

That is the great role of the Western democracies in this age. It is our duty to understand the threat we face; to be strong enough to deter any aggressor to engage in and win the battle of ideas; and, as Churchill always sought to do, to bind ever more closely those nations who cherish the dignity of man and the power of the human spirit.

THE THREAT

First, the threat. We have to deal with the Soviet Union. But we must deal with it not as we would like it to be, but as it is. We live on the same planet and we have to go on sharing it. We stand ready therefore—if and when the circumstances are right—to talk to the Soviet leadership.

But we must not fall into the trap of projecting our own morality onto the Soviet leaders. They do not share our aspirations; they are not constrained by our ethics; they have always considered themselves exempt from the rules that bind other states.

They claim to speak in the name of humanity, but they oppress the individual. They pose as the champion of free nations, but in their own empire they practice total control. They invoke the word "democracy", but they practice single-party rule by a self-appointed oligarchy. They pretend to support the freedom of the ballot box, but they are protected by a system of one man, one vote, and one candidate.

Their power is sustained by myth. Presenting themselves to the world as the fount of progress and revolution, they preside over a modern version of the early tyrannies of history. A structure so rigid that it totally precludes the normal processes of questioning, discussion, and change. They have little contact with their own people, still less with the free-world.

This would-be revolutionary power has an unparallelled arsenal of nuclear and conventional weapons at its disposal. Its governing principles are force and dictatorship. It sees the expansion of communism as inevitable, a logical step in the march of history, and the rest of the world as its rightful freedom.

We have watched the depredations of the Soviet Union in the 66 years since its creation. While the Soviet Union has imposed its rule on its neighbors and drawn an Iron Curtain between East and West, we in Great Britain have given freedom and independence to more than 40 countries whose populations now number more than one thousand million—a quarter of the world's total.

The readiness of Russia to use force outside its borders is manifest. It is active in every continent, reaching deep into the domestic affairs of independent countries—openly or covertly, by using the tools of subversion.

Less than a month ago, we saw fresh evidence of the nature of the system with which we have to deal. The destruction of the Korean airliner was an act of atrocity, and of profound contempt for their fellow human beings.

Mr. Chairman, it is disturbing but not surprising that the system I have described should be capable of such acts. The lesson for us is that our policies should recognise that system for what it is.

We are confronted by a power of great military strength, which has consistently used force against its neighbours, which wields the threat of force as a weapon of policy, and which is bent on subverting and destroying the confidence and stability of the Western World. That is the threat we face.

What is our response?

THE ALLIED RESPONSE

Mr. Chairman, after the Second World War, when optimism gave way to the sombre realisation that the democracies faced a new danger, a few far-sighted men, inspired by the wartime collaboration of Churchill and Roosevelt, established the Western Alliance.

Its aim was then, and remains today, entirely defensive—to safeguard the democratic ideals and way of life of its members. Its membership was then, and remains today, entirely voluntary.

It has been an unqualified success. The member countries of NATO have preserved their freedom and provided material prosperity for their people on a scale that only 50 years ago would have seemed like a dream. And peace has reigned secure.

Why? Because potential aggressors know that we in the West are strong and that we have the will to use that strength to defend what we believe.

Does it need saying that the Soviet Union has nothing to fear from us? For several years after the war the United States had a monopoly of nuclear weapons. But was a threat to no one. Democracies are naturally peace loving. There is so much which our people wish to do with their lives, so many uses for our resources other than military equipment. The use of force and the threat of force to advance our beliefs are no part of our philosophy.

The radical proposals for disarmament now on the table come from the West. It is the response from Moscow which is deficient. This week we have seen yet again genuine proposals from the West peremptiorily rejected.

No amount of propaganda, of spurious half truths can disguise the determination of the Soviet Union to maintain or gain numerical advantage in weaponry, men and materials.

No amount of facile argument can conceal the fact that Soviet flexibility to date has been designed to beguile public opinion, not to make progress by genuine negotiation at Geneva.

Some may recoil at the thought of negotiating with men whose theories and actions have been responsible for so much suffering. Yet the character of modern weapons, not only nuclear but conventional, obliges us to do so. So we must persist in our efforts, but resolved to do nothing that would hand an advantage to the other side, nothing to put at risk the credibility of the Western Alliance and nothing to unsettle that military balance on which peace itself depends.

THE BATTLE OF IDEAS

Mr. Chairman, the facts of nuclear life have—we profoundly hope—ruled out war as

an instrument of national policy, provided, of course, that there is no military weakness on our side which would tempt the other into ill-considered action.

But there is another battle. In June 1983 Mr. Andropov told the Central Committee of the Communist Party: "A struggle is under way for the minds and hearts of billions of people on the planet, and the future of mankind depends, to a considerable extent, on the outcome of this ideological struggle."

That is Mr. Andropov's challenge. I accept it, and I do so with the confidence which Winston Churchill would have shared that in this battle we in the West hold the cards.

Here, in the West, the peoples of the world find creative thinking, creative art, and inventive genius. Standards of excellence in literature and music, indeed in that whole great area of human reflection, and expression that we call culture.

It is to the West that friend and foe come for investment capital: Grain supplies; science and technology; medical research, methods to protect environment, and to preserve wildlife—and for so much else. People turn to the West because we are free. It is our human values to which men aspire.

"You in the West", said an Hungarian poet, "Have a special duty because you are free. That freedom is both a blessing and a burden, for it makes you spiritually responsible for the whole of humanity." He was right. For if we do not keep alive the flame of freedom that flame will go out, and every noble ideal will die with it. It is not by force of weapons but by force of ideas that we seek to spread liberty to the world's oppressed. It is not only ideals, but conscience that impels us to do so.

Is there conscience in the Kremlin? Do they ever ask themselves what is the purpose of life? What is it all for?

Does the way they handled the Korean airliner atrocity suggest that they ever considered such questions? No. Their creed is barren of conscience, immune to the promptings of good and evil. To them it is the system that counts, and all men must conform. Nevertheless in Poland they have seen that communism, even when disguised as military government, cannot suppress the soul of the people.

Do they ever wonder, nay even fear, whether the day will not dawn when their own people will give voice to their feelings and frustrations. Freedom of conscience is a natural right which laws did not give and which law can never take away. It is the countries of the democratic West which recognise the limits of the power of the state, and which enshrine the conscience of man in the very structure of their institutions.

It is this which is the burden of our responsibility to mankind. Surely this was what Churchill meant when he said in a wartime broadcast to this country: "united we can save and guide the world. Divided the dark ages return." Those words are as true today as they were in June 1941.

Our ideals and our values are our living strength. Soviet ideology teaches that we in the West are like ripe apples, ready to fall into their laps. That all they have to do is shake the tree. As someone else might have said: "Some apple, some tree".

ANGLO/AMERICAN RELATIONSHIP

Mr. Chairman, I yield to Winston Churchill in many things but not in his admiration and affection for this country. The American commitment to freedom is the lynchpin of the West. You have shown incomparable generosity to others as we, in Europe, have good cause to know. By promoting post-war economic recovery through the Marshall plan, by offering the shattered European democracies your military protection, by contributing your resolve and strength to the Western Alliance you have made possible that remarkable renaissance of Western Europe which stands in such stark contrast to the Eastern half of our continent.

Differences between us? Yes. We have a few. But they are as nothing compared with the things we share; our resolve to defend our way of life, to deter all threats and to ensure in the end that triumph of freedom which America and Britain work for, long for, and believe will one day come.

Mr. Chairman, I began with Winston Churchill, and I will end with him. Who better? Churchill wrote: "Where we are able to stand together and work together for righteous causes, we shall always be thankful, and the world will always be free."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FEDERAL SUPPLEMENTAL COMPENSATION AMENDMENTS OF 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 1887, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 2252 of the Senator from Michigan (Mr. LEVIN).

Mr. DOLE. Mr. President, it is my understanding there might be a change in the order of amendments. We will not object to that if that is a fact. Senator BYRD may want to proceed before Senator LEVIN.

I would indicate that there are not really that many amendments pending, but we still have to go to conference today on this very important bill. This Senator was supposed to be in Philadelphia tonight for a meeting of the nonpartisan national waterlines with Senator DECONCINI and Senator DURENBERGER. The point I guess I would make is if, in fact, we get bogged down here and nothing happens for a couple of hours, we are going to be looking at probably being here tomorrow to wrap up the conference report. Maybe that will not require a vote.

But we have at least started at the staff level some contact with the House side to see what the major differences will be between the 45-day extension passed by the House and what I hope to be an 18-month extension passed by the Senate.

So I would urge, since we have two amendments agreed upon to be brought up in the order of either LEVIN and BYRD or BYRD and LEVIN, that after that we move to the remainder of the amendments. There are only a couple of those. We could finish within the next couple of hours if everybody would come to the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the order of yesterday pertaining to amendments to be offered by Mr. LEVIN and myself be reversed, and that I be permitted to call up my amendment at this time, and Mr. LEVIN to follow after the disposition of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2253

(Purpose: To provide for up to 8 weeks of additional benefits for individuals who have exhausted their benefits)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2253.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out sections 3 and 4 of the bill and insert in lieu thereof the following:

NUMBER OF WEEKS OF BENEFITS

SEC. 3. (a) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2), (3), and (4), by redesignating paragraph (5) as paragraph (4), and by inserting after paragraph (1) the following:

"(2)(A) Except as otherwise provided in this paragraph, the amount established in any account shall be equal to the lesser of—

"(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

In the case of weeks during a:	The applicable limit is:
5-percent period	12
4-percent period	10
3-percent period	8
Low-unemployment period	6

"(B) If the applicable limit in effect for a State for the week beginning September 25, 1983, was 14 (as determined under the provisions of subparagraph (A) as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983), the applicable limit for such State shall remain at 14 for any consecutive week thereafter for which such limit would have remained at 14 under such prior provision. Paragraph (3)(D) shall not apply in the case of an applicable limit determined under this subparagraph.

"(C) The total amount established in any account of an individual who received Federal supplemental compensation for any week beginning prior to October 1, 1983, but who has not exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to October 1, 1983, shall not be less than the amount of compensation to which such individual would have been entitled under the provisions of this subtitle as in effect prior to the amendments made by the Federal Supplemental Compensation Amendments of 1983, including the termination date and reduced compensation amount contained in subsection (f)(2) as then in effect.

"(D) In the case of the account of an individual to whom Federal supplemental compensation was payable for any week beginning prior to October 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) after March 31, 1983, and before October 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after October 1, 1983, shall be equal to the lesser of the subparagraph (A) entitlement or such individual's additional entitlement.

"(E) For purposes of subparagraph (D) and this subparagraph—

"(i) the term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account; and

"(ii) the term 'additional entitlement' means the lesser of—

"(I) 75 percent of the subparagraph (A) entitlement, or

"(II) 8 times the individual's average weekly benefit amount for the benefit year.

"(3)(A) For purposes of this subsection, the terms '5-percent period', '4-percent period', '3-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
5-percent period	A rate equal to or exceeding 5 percent.
4-percent period	A rate equal to or exceeding 4 percent, but less than 5 percent.
3-percent period	A rate equal to or exceeding 3 percent, but less than 4 percent.
Low unemployment period.	A rate equal to or exceeding 3 percent.

"(C) A State shall qualify for a 5-percent period without regard to paragraph (2) and subparagraphs (A), (B), and (D) of this paragraph, for weeks beginning in a calendar quarter if the rate of insured unemployment in the State equals or exceeds 6 percent for the period consisting of all weeks which begin—

"(i) on or after January 1, 1982, and

"(ii) in or before the second preceding calendar quarter.

"(D) No 5-percent period, 4-percent period, 3-percent period, or low-unemployment period, as the case may be, which is in effect for the week beginning on October 2, 1983, or any week thereafter, shall last for a period of less than 13 weeks (but subject to the termination provision under subsection (f)(2)).

"(E) For purposes of this subsection—

"(i) the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; and

"(ii) the amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.".

(b) Section 602(d)(3) of such Act is amended by striking out "or (D)(ii)".

EFFECTIVE DATE OF FSC PROVISIONS

SEC. 4. (a) The amendments made by sections 2 and 3 shall apply to weeks beginning after September 30, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount of his Federal supplemental compensation account) before the first week beginning after September 30, 1983.

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by sections 2 and 3. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the first day of such 3-week period.

WE MUST HELP THOSE UNEMPLOYED THE LONGEST

Mr. BYRD. Mr. President, it is all too easy for us to forget the tragedy that confronts those who have worked all their adult lives, lose their jobs, cannot find new jobs, and finally exhaust all available unemployment insurance benefits. At that point, these persons—who are accustomed to being responsible, taxpaying citizens who meet their financial obligations—are faced with the prospect of utter destitution.

In this recession, that has been happening with growing frequency. Not only has the unemployment rate soared up to levels not seen since the Great Depression, but virtually all the statistics concerning the length of unemployment have reached record levels, including the average duration of unemployment and the number of persons unemployed for over 1 year. The results are clear—and devastating. Home foreclosures have skyrocketed. Welfare and food stamp rolls have grown dramatically, and the free cheese and soup kitchen lines have stretched out the door and around the corner, as proud people who have never before needed or accepted charity find they have no choice.

And yet, as we have debated the extension of the Federal supplemental compensation program—the "last gasp," final tier of unemployment benefits—at no point have we contemplated providing any aid for those who have been unemployed longer than 57 weeks, a period only a little longer than a year. I truly regret that the Senate has not accepted any proposal to provide additional benefits for those who already have exhausted all benefits for which they are eligible, including supplemental compensation.

Mr. President, yesterday I complimented the manager of the bill, who is dedicated to trying to come up with the kind of a system and the reform of the system which will be more fair and which will allow more States to participate on the basis of need. Obviously, he cannot do that in 24 hours. It will take some time.

What we are about to do on this bill is to set in place a program that provides fewer weeks of benefits in a number of States than does the program that expires at midnight tonight, and which does nothing for those who previously have exhausted all benefits but still cannot find a job.

I find that totally unacceptable, Mr. President. I am a realist—and so I recognize that we must depend on the House in conference to insist on providing a more nearly adequate level of benefits in this bill, out of a sense of responsibility to the unemployed and

their families which neither the administration nor the majority in this Chamber seems able to muster. But I am not prepared to leave the longest of the long-term unemployed high and dry—with the Senate of the United States having ignored them completely.

Consequently, I have offered an amendment to address this problem. My amendment is short and quite simple. For any person who has exhausted all available unemployment benefits, including supplemental compensation benefits since April 1, but remains unemployed and continues to meet all applicable requirements for the supplemental compensation program, my amendment provides that he or she will be able to receive three-fourths of the number of weeks of benefits new FSC beneficiaries will receive in that State, up to a maximum of 8 weeks. This is the same number of weeks of "reachback" benefits contained in the House version of the bill.

I know beyond any doubt that this will not be a complete solution for the problems of many of the long-term unemployed. But I also know that, for them, any assistance is desperately needed and will be of great help. In many cases, this additional assistance could keep families afloat economically until they can find a job as the economy slowly begins to warm up.

Surely we should take this minimal step as a matter of decency and compassion—and an acknowledgement that most of these unfortunate people were the victims of national and international economic forces far beyond their control. But that is far from the only reason. I hope my colleagues who are inclined to look at such amendments through green eyeshades will keep in mind the following: This amendment will reduce the movement of the long-term unemployed onto the welfare and food stamp caseloads and therefore its net cost to the Federal and State governments will be less than its gross cost. More important but along the same line: we are talking about workers with long-term attachment to the work force—stable members of our society who have responsibly paid taxes and who have formed the backbones of our communities. If we shrug our shoulders and walk away, instead of helping to tide them over until they can find work and get back on their financial feet, many of these people and their families will break the last thread in the safety net. They will lose their life savings, their homes, and everything they have worked for—an economic and emotional blow from which they may never recover. This is the true-life story of how dependency is born—and we all should recognize that taxpayers at all levels of government pay ceaselessly to support those who have fallen into that state. I should think we would do everything within our power to keep the number of persons in that condition from growing larger.

My amendment has a modest cost, Mr. President. The Congressional Budget Office projects it will cost approximately $285 million after adjusting for expected savings in food stamps and AFDC. I believe that the importance of what this amendment can do for the long-term unemployed more than justifies this expenditure.

Mr. President, I urge Senators on both sides of the aisle to support this amendment.

I ask unanimous consent that a table be printed in the RECORD showing the number of weeks of benefits—I am not sure that such a chart can be printed in the RECORD, but I shall try to supplement my remarks in ways that will demonstrate the number of weeks of benefits exhaustees will receive in each State under my amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Exhaustees will receive	
	Finance Committee bill	Byrd amendment
State:		
Alabama	0	7.5
Alaska	0	8.0
Arizona	0	6.0
Arkansas	0	6.0
California	0	7.5
Colorado	0	4.5
Connecticut	0	4.5
Delaware	0	4.5
Florida	0	4.5
Georgia	0	4.5
Hawaii	0	6.0
Idaho	0	8.0
Illinois	0	7.5
Indiana	0	4.5
Iowa	0	4.5
Kansas	0	4.5
Kentucky	0	8.0
Louisiana	0	8.0
Maine	0	6.0
Maryland	0	6.0
Massachusetts	0	4.5
Michigan	0	8.0
Minnesota	0	4.5
Mississippi	0	8.0
Missouri	0	4.5
Montana	0	7.5
Nebraska	0	4.5
Nevada	0	6.0
New Hampshire	0	4.5
New Jersey	0	6.0
New Mexico	0	6.0
New York	0	6.0
North Carolina	0	4.5
North Dakota	0	4.5
Ohio	0	6.0
Oklahoma	0	4.5
Oregon	0	8.0
Pennsylvania	0	8.0
Rhode Island	0	7.5
South Carolina	0	4.5
South Dakota	0	4.5
Tennessee	0	4.5
Texas	0	4.5
Utah	0	6.0
Vermont	0	6.0
Virginia	0	4.5
Washington	0	8.0
West Virginia	0	8.0
Wisconsin	0	8.0
Wyoming	0	6.0

Mr. BYRD. Mr. President, I ask unanimous consent at this time that the following Senators be added as cosponsors of my amendment: Senators DIXON, LEVIN, BINGAMAN, RIEGLE, MOYNIHAN, and RANDOLPH.

I also ask unanimous consent that any other Senators who wish to do so may do so by going up to the desk and so indicating.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank the distinguished minority leader for his discussion. Again, it is very difficult. Obviously, he has made some good points and I guess if we did not have a lot of other problems, this would certainly be a place to invest more money. Again, I think at the end of his statement, the minority leader indicated that we are going to conference. The bill passed by the House—a 45-day extension, I might say—costs about $1.2 billion. The 18-month extension we are looking at is about $3.7 billion. In the past year, I think we have expended for unemployment benefits about $5.6 billion. So I want the record to show that the Congress, with the support of the administration, has been very generous in this area.

Certainly, there are hardships in every State. I know many Senators who are running around trying to put together some formula to give their State 2 more weeks or 4 more weeks or open up the extended benefit program. That is not very difficult to do. It is not very difficult to stand up and say, I want to take care of something that has only a nominal cost, a couple of hundred million dollars—for the Labor Department, this will be about $400 million.

The labor cost is not the most important thing, though it is a factor, obviously. It seems to this Senator we need to resolve this issue. We need to have a comprehensive review of unemployment compensation. That has been triggered on the Senate side by the introduction of the bill by the distinguished minority leader (Mr. BYRD) and by the distinguished senior Senator from Pennsylvania (Mr. HEINZ). We have already had one brief hearing—at least we have had the highlights pointed up at a hearing by Senator BYRD 2 weeks ago. That does not address the concerns of those who are unemployed or whose benefits have expired. But again, I think there has to be some restraint. This is a total federally funded program. The States are not involved. The States do not pay anything under this program.

It would seem to me that when we are debating the FSC program or the reach-back amendment, I would hope that, notwithstanding the motivation and good intentions of those who have a different view, my colleagues would oppose the amendment.

The amendment would provide additional FSC benefits—commonly known as reach-back—to individuals who first began receiving FSC benefits on or after April 1, 1983. We have different cost estimates than those of the Senator from West Virginia. The Congressional Budget Office estimates the cost at some $305 million, using the optimistic August assumptions. The Department of Labor has estimated that each week of reach-back costs between $60 and $100 million per week. This would obviously increase the cost of the Finance Committee bill and jeopardize the administration's support for the bill. The Byrd amendment, according to the Labor Department, will add $421 million to the committee bill.

Whether it is $300, $400, $420 million, it is a lot of money.

The FSC extension reported by the Finance Committee provides basic levels of benefits, tiered to the insured unemployment rates in each State, which are rational and affordable. Earlier FSC extensions did provide reach-back benefits, but that was at a time when unemployment was high and rising. Unemployment is certainly not low at this time, but it is clearly falling.

Remember that when the FSC program was first enacted in September 1982, the total unemployment rate, TUR, was 9.9 percent and going up to its December 1983 peak of 10.8 percent. Now the TUR is 9.5 percent and going down. In fact, the CBO August assumptions project a rate of 8.9 percent by year's end.

Also, State insured unemployment rates (IUR) are low. As we discussed yesterday, the IUR is a count of those who may be eligible for FSC. Currently, 24 States have IUR's at 3 percent or below and only 2 States are above 5 percent. Rates are now as low as 1 percent in Virginia. With rates this low, it is difficult to justify additional benefits.

Even total unemployment rates are low in many States. For instance, 13 States have a TUR below 7.5 percent and 36 States are less than 10 percent. New Hampshire and North Dakota show a June TUR of 4.7 percent with Maryland at 6.5 percent and Massachusetts at 7.5 percent.

So, Mr. President, I just suggest that for a lot of reasons, we are emerging from the recession. This Senator happened to turn on CSPAN last night and were able to watch Democrats and Republicans on the House side castigating each other for big deficits and which party spent more money than the other party, the inflation rates, the tax rates, and where the deficit was going. I say very candidly, the Republicans were on the defensive. They are being charged with increasing the deficit.

Again, I suggest that every time we add on another $200 or $300 million, maybe in some cases, they are justified, but we certainly are not lowering the deficit. I hope that not just on those general grounds but on the grounds that we have a good, solid package, we have made an effort to really take a hard look at States like West Virginia, Michigan, and others, where they have long-term high unemployment, hard-core unemployment.

Perhaps we did not do as well as some would want, but it just seems to me that our best thing to do is pass this bill and go to conference. There will be some adjustments made. Perhaps we can accommodate some of the States that have serious problems. But to start doing it on the floor one at a time or two at a time or six at a time, in my view, would not be fair to the other States.

I might suggest that my State gets the lowest 6 weeks. I could figure out some reason to make that 8 or 10 or 12.

We have tried to be objective in the formula. We believe that we have addressed the problem fairly, and I would hope that we might defeat this amendment and then move on to the amendment of the distinguished Senator from Michigan.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The monority leader is recognized.

Mr. BYRD. Mr. President, the manager of the bill Mr. DOLE, as usual is very considerate. He knows how to criticize without appearing to be critical, and he is one whom I greatly admire in that respect. I do not know anyone who has a keener wit, who can even poke fun at himself at times, as can Mr. DOLE. I have a great fondness for him.

But, Mr. President, we are talking here today about spending some money. If this amendment is not adopted, it would not make any bigger dent in the deficit than dropping a grain of sand in the Potomac.

I am talking about people who have exhausted all benefits under all programs—State basic programs, extended benefits program, supplemental compensation. They have exhausted all benefits. There are thousands of them in West Virginia. West Virginia is not alone in having this problem. West Virginia just happens to have the highest unemployment rate in the state of the Union at this point. We are talking about food and the basic necessities of life. These people have exhausted all benefits. They cannot pay their rent, they cannot make payments on their homes, the cannot make payments on their cars. Where are they going to eat? What are they going to eat? Are they going to have to get food stamps? Are they going to have to go on welfare? What is going to happen to them? Their children need clothes, their children need food.

Mr. President, this is simply an amendment that is born of great necessity. It is a humane amendment. As I said, the net cost, according to the CBO, will be $285 million. True, using the same economic assumptions, CBO estimates the gross cost of the amendment to be $305 million, from which CBO subtracts $20 million in AFDC and food stamp savings attributable to the amendment, which would yield the $285 million net cost.

Mr. President, we contribute to organizations that make available loans to the Soviet Union and loans to other Communist countries—loans at very low interest rates. We make grain available to the Soviets when our own people are going to be paying higher prices this fall for grain. Of course, it will partially result from the drought, but the Soviets are going to get theirs. We are also asked for money by the administration to support a program in the Caribbean. I think it is time that we consider the helpless people in our own States who have helped to build this country, who have helped to mine the coal, make the steel, and do the other important things that are conducive to a normally viable economy and a strong Nation with a high standard of living.

I hope that we would not look at this purely on a dollar basis. Admittedly, it will cost in the area of $300 million, but charity begins at home, when we have people who have exhausted every dime of unemployment compensation. They have exhausted every dime. In some cases it has caused broken homes. So in order to alleviate those hardships for a while longer until, hopefully, we can work out an overall program that will be more fair, that will operate more on the basis of need and utilize a better formula than the one we have been using, I hope Senators will vote for this amendment.

Those States that are not so seriously affected today may be before long. But it does not make any difference what States in this context are so vitally affected. The point is that there are human beings in Gary, W. Va., where the unemployment rate is 90 percent—90 percent unemployment—and they have long ago exhausted their benefits. People are selling their belongings in yard sales in order to pick up a little money that will temporarily hold them from falling through the safety net entirely. I do not think that that argument can be answered by quoting dollar figures and talking about deficits. This money when compared with the deficit of this year could hardly be picked up on a microscope. I hope that Senators will vote for the amendment.

Mr. President, I am ready for a vote if the Senator from Kansas is ready.

Mr. DOLE. Do you want the yeas and nays?

Mr. BYRD. I would like to have the yeas and nays.

The PRESIDING OFFICER (Mr. QUAYLE). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the amendment of the Senator from West Virginia. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 37, nays 54, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—37

Baucus	Ford	Metzenbaum
Bentsen	Hart	Mitchell
Biden	Heflin	Moynihan
Bingaman	Heinz	Pell
Boren	Huddleston	Pryor
Bradley	Inouye	Randolph
Bumpers	Kennedy	Riegle
Burdick	Lautenberg	Sarbanes
Byrd	Leahy	Sasser
Chiles	Levin	Specter
Cohen	Mathias	Stennis
Dixon	Matsunaga	
Eagleton	Melcher	

NAYS—54

Abdnor	Gorton	Percy
Andrews	Grassley	Pressler
Armstrong	Hatch	Proxmire
Baker	Hatfield	Quayle
Boschwitz	Hawkins	Roth
Chafee	Hecht	Rudman
Cochran	Helms	Simpson
D'Amato	Jepsen	Stafford
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Tower
Durenberger	Lugar	Trible
East	Mattingly	Wallop
Evans	McClure	Warner
Exon	Murkowski	Weicker
Garn	Nunn	Wilson
Goldwater	Packwood	Zorinsky

NOT VOTING—9

Cranston	Glenn	Johnston
DeConcini	Hollings	Nickles
Dodd	Humphrey	Tsongas

So Mr. BYRD's amendment (No. 2253) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2257

(Purpose: To provide an alternative method of qualifying for the maximum number of weeks of compensation)

Mr. PERCY. Mr. President, I ask unanimous consent that the Levin amendment be temporarily set aside so that I might offer an amendment for immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PERCY. Mr. President, I send and amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY), for himself and Mr. DIXON, proposes an amendment numbered 2257.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 602(e)(3)(C) of the Federal Supplemental Compensation Act of 1982 (as amended by section 3 of the bill), strike out "exceeds 6 percent" and insert in lieu thereof "exceeds 5.5 percent,".

Mr. PERCY. Mr. President, I send this amendment to the desk on behalf of myself and Senator DIXON. I am offering this amendment to S. 1887, the extension of Federal supplemental unemployment compensation bill, which would keep benefits from being cut in States that have suffered high unemployment the longest. It would provide that unemployed workers in States where insured unemployment rates (IUR) for the past 18 months exceeds 5.5 percent would receive 12 weeks of benefits. In 1 year, the IUR requirement would drop to 5 percent.

I believe that we have turned the corner on high unemployment and are heading for a sustained recovery. However, this does not mean that we can turn our backs on those who are still out of work, and on those areas hardest hit by severe unemployment. In Illinois, for example, total unemployment stands at 11.5 percent, and remains even higher in some cities. For example:

Joliet 23 percent;
Rockford 18.7 percent;
Peoria 18.2 percent
Danville 17.4 percent;
Moline 17.1 percent;
Decatur 16.5 percent; and
Kankakee 16.1 percent.

Mr. President, we must recognize that it will take longer for these cities, where just a few months ago unemployment topped 25 percent, to get back on their feet again. While it is difficult for many Americans to find work, in these areas it can be next to impossible considering that one out of every four to five persons is searching for employment. In spite of these conditions, S. 1887 would cut Illinois' benefits by no less than 4 weeks—more than almost any other State in the Union. I simply cannot stand idle while the rug is being pulled out from under the thousands of unemployed people of my State. I will not turn my back on them.

I fully understand the need to reduce Federal spending to cut the deficit, and have opposed unreasonably expensive unemployment compensation programs. My amendment will add approximately $67 million to the cost of the FSC program as proposed in S. 1887. I feel that this is a small price to pay for the substantial relief it will bring to States that have suffered high unemployment over the past 1½ years.

Mr. President, Illinois has the sixth highest unemployment rate in the Nation, yet it is possibly having more benefits cut than 47 other States. There is simply no way I can go back to my State this weekend and explain this inequity, this unfairness to those who are out of work in Illinois.

I am not asking that we increase Illinois' benefits; I am not suggesting that we provide for those who have already exhausted benefits—there are over 100,000 of these exhaustees in Illinois—realistically, with this program expiring tonight, we will not be able to address their plight today in the Senate; I'm not proposing that we do away with the insured unemployment rate even though it is grossly unfair to States such as Illinois.

All I am asking is that the unemployed of Illinois be treated with the compassion and fairness they deserve. Illinois has 11.7 percent unemployment now. It has gone up in the last month. There are some States that deserve and desperately need more than they are getting in this bill.

I would be honored indeed and pleased to hear from the distinguished manager of the bill, the chairman of the Finance Committee, Senator DOLE, who is thoroughly familiar with this situation. We have discussed it at considerable length.

I am happy to yield to the distinguished Senator from Pennsylvania, Senator HEINZ.

Mr. HEINZ. Mr. President, if the Senator will yield for a comment, I hope we can find a way to accommodate the Senator from the State of Illinois. I am well aware of the problems faced by the State of Illinois.

I commend the Senator for his amendment and his approach. I have examined his amendment and also his earlier dear colleague letter rather carefully. I join him in any effort to work with Senator DOLE, the chairman of our committee, to accommodate the

really special problems in the State of Illinois.

Mr. PERCY. I thank my distinguished colleague very much indeed.

Mr. RANDOLPH. Will the Senator from Illinois yield to me for a comment if he has the floor?

Mr. PERCY. I do have the floor, and I am happy to yield for that purpose.

Mr. RANDOLPH. Mr. President, the conditions of unemployment in Illinois are well known to all of us. Throughout the country, we looked at unemployment figures State by State and we understand and feel compassion for those workers that are not gainfully employed at this time.

I feel that, when I hear certain figures of high unemployment, they are very graphic and they cause concern to me and every Member of this body.

I wish to speak not only of West Virginia, except to say that we have the highest unemployment rate in the Nation—not Illinois or any other State—at the present time. Of course, we are a State of basic industries, we realize that—coal, steel, glass, and chemicals. But we are very, very severely hit by unemployment at the present time. Our people are suffering.

Unemployment in the State of West Virginia stands at 17.4 percent today. We have communities that have 30- and 35-percent unemployment, and we have communities with 90-percent unemployment. We have communities that have percentage of 25 and 30 and more of the men and the women who need jobs that are unable to secure them, partially because of the closing of plants and mines and the reduction of work opportunities and also by the basic industries which I have mentioned being severely curtailed in production, including aluminum, at this time.

I would like to ask a question of the Senator from Illinois. I commend him and his colleague for presenting this amendment.

Is this an across-the-board amendment for all the States? I did not hear the amendment read. Or is it an amendment that seeks to help, understandably, the situation in Illinois?

Mr. PERCY. It seeks to help those States which are in the same position of Illinois, which have unemployment levels which have been the longest sustained. Of course, the assistance offered in the present bill for Illinois is very limited, compared to West Virginia, for instance, which has a 14-week extension, the longest of any other States. I am fully in sympathy with the deep plight of West Virginia, its State economy, and its people. I am aware of the deep concerns my colleague from West Virginia, the senior Senator, the minority leader, and the Governor and first lady of West Virginia have for the people of West Virginia. But the particular amendment. I am offering now takes care of States such as Ohio, Illinois, Rhode Island, and Alabama, which are not taken care of as well as West Virginia is in the present bill.

Mr. RANDOLPH. I thank my colleague.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. BRADLEY. I am seeking the floor in my own right.

Mr. PERCY. I would like comments on the pending amendment. Otherwise, I would first appreciate whatever thoughts the distinguished chairman of the committee has on the pending amendment so I will be better advised as to the outcome.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. How much more time does the Senator wish?

Mr. PERCY. One or two minutes.

Mr. DOLE. Will the Senator yield to me?

Mr. BRADLEY. I yield to the Senator from Kansas.

Mr. DOLE. Let me say the Senator from Illinois has stated the case, saying that there are a number of States, Alabama, Illinois, Rhode Island, and maybe others.

We understand that there are States with pockets of unemployment which are suffering great distress. This has also been called to my attention by the two Senators from Indiana. Other Senators are coming in with the same problem, from States having pockets of unemployment. The House bill does mandate a study of the feasibility of some State triggers. I support such an effort, as I know the Senator from Illinois does. The two Senators from Minnesota also are vitally interested in this subject, as well as other Senators.

We know there are differences between the House and Senate bills. I cannot stand on the floor and promise we will take care of this State or that State because every State has a problem. In my State of Kansas we have high unemployment in Wichita. The airline industry is practically on its knees.

I would say to the Senator from Illinois and others, we are aware of the special concerns that a few States have and we are going to try to address those in conference. If we can find a way to do it without disrupting parameters of the overall cost of the program, it will be done.

Mr. PERCY. I very much appreciate the assurance of the distinguished Senator from Kansas. He is well aware of our problem. He knows the solution we are seeking now is not a costly solution and is targeted strictly at those which are the most hard pressed and have been hard pressed the longest. The figures I have given speak for themselves. I have every confidence that something can be worked out to take care of our situation.

With that, Mr. President, I ask unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois withdrawing his amendment?

Mr. METZENBAUM. Reserving the right to object and I certainly will not object, I wanted to note the comment of the Senator from Kansas. I know that he attempts to be very fair in the handling of this matter. I would point out to him the extreme sense of urgency that exists in my own State of Ohio. Under this bill, there will be an inequity and the supplemental benefits would be cut from 10 weeks to 8 weeks. I would urge upon the chairman in as strong as possible terms that the milk of human kindness might run forth in Ohio in regard to this subject. I am grateful to him for his consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Illinois is withdrawn.

The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I am pleased to report that there has been some improvement in the economy over the past few months. Unemployment has dropped from 10.8 percent to 9.5 percent. But unemployment still remains a very critical problem. There are 10.7 million Americans who are still out of work. And if you take those who have become too discouraged to be presently seeking a job you can add a million or two more who still are out of work.

Last year, 22 percent—more than 1 in 5 workers—were unemployed at some time during the year. A recent public opinion poll indicated that between 40 and 50 percent of the families in this country either had one member of their family or a friend who was out of work.

Mr. President, last month almost 25 percent of the unemployed, 2.5 million workers, had been out of work for 27 weeks or longer. Four years ago only 500,000 workers were out of work longer than 27 weeks. In other words, five times as many workers are out of work today for longer than 27 weeks than 4 years ago.

So it is clear that we cannot turn our backs on the plight of unemployed workers.

Yesterday, the Senate rejected an amendment to increase the number of weeks of unemployment benefits to be provided to workers who lost their jobs due to the current recession. The unemployed in New Jersey would have received 5 extra weeks of unemploy-

ment benefits. Unfortunately, less than 40 Senators voted in favor of the increase.

Today there are several other proposals before us to provide additional aid to jobless workers. We should not leave here until we have provided some extra help for these deserving Americans.

Until now the debate on the Senate floor has centered on important but technical matters, such as the insured unemployment rate, extended benefit triggers, and so forth. We need to cut through the technical jargon and get to the heart of the matter.

The fact is that unemployment benefits are much scarcer than they were in past major recessions. At the height of the recession in 1975, over two-thirds of the jobless were receiving unemployment aid. Today, considerably less than half are being helped.

This is due to two conditions: First, because of the prolonged downturn—really a 4-year recession—many people have exhausted all benefits to which they were entitled. Second, the tighter rules for unemployment have reduced the number of people receiving benefits.

Currently, Mr. President, in New Jersey, the maximum number of weeks of benefits stands at 34. In 1971, when the unemployment rate nationally was just 6 percent, unemployed New Jersey workers were eligible for 52 weeks of benefits.

We clearly need to do more for the unemployed.

That is why I will support both current efforts underway to increase the number of weeks of benefits. First, the reach-back proposal to provide extra weeks of benefits to persons who have already exhausted their benefits, as proposed by Senator BYRD. And second, the Levin amendment to provide extended benefits in the 34 hardhit States, including New Jersey.

The President, in addition to unemployment benefits, we need to provide proper health care coverage for unemployed workers. The Congressional Budget Office estimates that over 10 million persons lack health insurance coverage because of job loss. In New Jersey, this amounts to over 300,000 persons, nearly 5 percent of the State population.

In the recently concluded August recess, when I was in New Jersey, moving around the State at town meetings and meeting groups all over the State, I came in contact with any number of New Jerseyans who were in this predicament—who had exhausted their unemployment benefits, who were unable to get health care because they had, and who had very serious family illnesses and, therefore, faced bankruptcy. Mr. President, I think this is unacceptable.

To help remedy this problem, on July 25, over 2 months ago, the Senate Committee on Finance reported out a $1.7 billion measure to provide health care coverage for the unemployed. The House has already passed a similar measure, but the Finance Committee bill languishes on the Senate docket, apparently because some do not want to see this program enacted.

Mr. President, it is time to act. We need to provide additional aid for the unemployed through unemployment benefits and we need to insure that those Americans who have been unlucky enough to lose their jobs and their health care benefits do not face the option of bankruptcy and do not face the possibility of being unable to care for their sick family members.

So, Mr. President, I urge my colleagues to join with us in our efforts to aid the unemployed, both through increasing unemployment benefit levels and providing health care benefits for the unemployed.

Mr. CHAFEE. Mr. President, I wish to join with the distinguished senior Senator from Illinois in his plea to the distinguished chairman of the Finance Committee, the floor manager of the bill, to give the problem raised by the Senator from Illinois the utmost attention in conference, as has been promised by the manager of the bill, the distinguished Senator from Kansas.

I join in the concerns that have been expressed. As was noted by the Senator from Illinois, my State is one of those affected.

Second, Mr. President, I support the 18-month extension of the FSC program. There are few experiences more discouraging than to be unable to find a job. The unemployment problem has not yet been solved, and we must provide continued relief to those who are out of work. The temporary provision of additional benefits, however, is not the answer to the unemployment problem and should not be considered as a solution. The solution lies in a better economic environment and in training and retraining.

Mr. President, I would also like to mention that section 8 of S. 1887 increases the fiscal year 1984 authorization for title XX, the social services block grant, from $2.5 billion to $2.7 billion. The first concurrent budget resolution allowed for a $300 million increase in the program.

Senator BRADLEY and I offered this amendment during the Finance Committee's consideration of the unemployment compensation extension. Senators DURENBERGER, HEINZ, MATSUNAGA, and MOYNIHAN cosponsored the $200 million increase.

This measure would provide additional authorization for those who are concerned with the social services block grant, namely children, providing day care centers for those who are low-income working families and to women with work or training programs.

The 1981 budget cut in title XX decreased its funding by 21 percent. One result of the cut has been well-documented by the Children's Defense Fund. According to CDF, fewer children are receiving title XX child care. Those hurt most by these cuts have been those low-income working families and women in work or training programs.

States have made, through necessity, the difficult choice between providing title XX assistance either to children from severly troubled families, or to children from low-income working families. Unemployment and budget cuts have added to the pressures already felt by low-income families. The result has been an increase in reported child abuse, neglect, and requests for foster care placements.

The importance of title XX cannot be overstated. Title XX provides vital funds for a range of services for children and their families, disabled persons, and the elderly. The committee amendment will certainly help to meet the original goals of the program—helping people attain or maintain economic self-sufficiency.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I can assure the Senator from Rhode Island that I appreciate his comments. We shall look at that problem carefully in conference as I have indicated to the Senator from Ohio (Mr. METZENBAUM), both Senators from Illinois, and others have raised questions about similar pockets of unemployment in their States. We are going to try to address those with the next bill we have in the conference.

Mr. President, as I understand, Senator LEVIN is prepared to offer his amendment. Following that, I think there is a colloquy with Senator SPECTER on health care for the unemployed, which was just addressed by the Senator from New Jersey. Then I think Senator SPECTER has another amendment which he is in the process of clearing with Senator KENNEDY, Senator LONG, and Senator HATCH. There may be another amendment by Senator QUAYLE. I hope we can have consideration of these amendments and go to passage. I do not know if there is any request for a rollcall on passage, but if there is, I hope we can get to that.

The PRESIDING OFFICER (Mr. CHAFEE). Who seeks recognition? The Senator from Michigan.

AMENDMENT NO. 2252

Mr. LEVIN. Mr. President, the pending amendment was introduced last night. I ask unanimous consent that the Senator from New Jersey (Mr. BRADLEY) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, in a nutshell, this amendment keeps the extended benefit program alive. Without this amendment, our extended benefit program is going to die. Only two States presently benefit by it, the States of Louisiana and West Virginia. Even though there are other States that are in as desperate need, we do not qualify for the extended benefit program because of the way the benefit program is triggered and the manner in which it is now figured. States such as Michigan and Pennsylvania, Kentucky, Washington, Wisconsin—States with very, very high unemployment, long-term unemployment—do not qualify for the extended benefit program. This amendment would, at a State's option, make a State eligible for 10 weeks of extended benefits if that State's average insured unemployment rate since January of 1982 is 6 percent or above—in other words, long-term unemployment, still using the insured unemployment rate.

This would be exactly the same measure that the committee used in its bill to make sure that some States in need qualify for the highest tier of supplemental benefits.

Further, the amendment would provide 8 weeks of extended benefits if the State's average insured rate over that period is between 5 and 6 percent, and 6 weeks of benefits if the average insured rate is between 4 and 5 percent. Based on current data, this would affect 32 States.

Last night, we submitted for the RECORD a list of States which would benefit by the survival of the extended benefit program.

This is a targeted amendment. It is not subject to the criticism that was leveled against the last amendment, that it applied in every State. This looks at the States with the longest term unemployment.

I see my friend from Rhode Island is in the Chamber, presiding. Rhode Island has had long-term unemployment of almost 6 percent since the beginning of last year. Yet, it is not eligible for the extended benefit program the way it is now triggered.

This amendment, as I indicated last night, is a bipartisan amendment. Senator SPECTER is its principal cosponsor. It is an amemdment which I hope will receive the consideration of this body, because if nothing else, we should be loath to see the demise of the extended benefit program—when we still have, in this country, national unemployment of 9.5 percent.

The bill before us today would extend the Federal supplemental compensation system in a somewhat modified form. I support that extension, although I believe that the States which are still among the hardest hit in terms of unemployment should receive more weeks of benefits than the committee's bill provides.

The unemployed in this country deserve more than just the continuation of the Federal supplemental compensation program, known sometimes as FSC. They also deserve to have the extended benefit program continue in a realistic way, some way to keep the extended benefit program alive when we have 9½ percent unemployment nationally.

That program is supposed to provide 13 weeks of unemployment benefits to individuals in the high unemployment States.

For those States, the FSC program was originally designed to be an additional layer of benefits on top of the extended benefits program.

What we have seen with the exception of two States, Louisiana and West Virginia, is the effective atrophy, the elimination, the irrelevance of the extended benefits program because of the way its triggering mechanism has been modified.

The way this program is worked out, the FSC program for almost every high unemployment State is now a replacement for the extended benefits and not in addition to, the way it was originally intended.

As I have indicated, only two States now qualify for extended benefits. My home State of Michigan with 14.3 percent unemployment, Illinois with 11.7 percent unemployment, Pennsylvania with 11.5 percent, Ohio with 11.1 percent, just to mention some of the most outrageous examples, do not qualify for extended benefits.

This situation does not only fly in the face of commonsense, it flies in the face of the clear intent of the extended benefits program when it was originally enacted and in the face of the intent behind recent changes to that program.

On August 7, 1970, when Senator LONG was the floor manager of the legislation which established the extended benefit program, he stated, "The Committee bill, like the House bill, would establish a new permanent program to pay extended benefits during periods of high unemployment to workers who exhaust their basic entitlement." Certainly that test is applicable now. Further, in a statement by the Office of Management and Budget in April of 1981, in which it described its proposed changes to the extended benefit program, it was stated, "The proposed shift to State triggers at modestly higher threshold levels will redirect benefits to areas where they are needed."

Who, I ask, would say that States which have unemployment in the range of 11 percent or above are not States experiencing "periods of high unemployment" or are not "areas where they—extended benefits—are needed?" I do not think that anybody in this Chamber would try to say that today. And if no one can deny that States like Michigan, Pennsylvania, Ohio, and Illinois are areas of high unemployment, then the only other possible reason why they are not eligible for extended benefits is that the measure which determines eligibility is no longer a valid indicator of a State's economic distress. Furthermore, if the measure is no longer valid as evidenced by the absurd results it produces, then it is incumbent upon the Congress to modify or offer an alternative to that measure.

I am all too familiar with the absurd results which require us to make a change. In my own State of Michigan, the unemployment rate in May was 14.9 percent and Michigan was eligible for 53 weeks of unemployment benefits. By August, unemployment had dropped only by half a percentage point, but the maximum number of weeks of eligibility for unemployment benefits had precipitiously dropped to 36 weeks. In other words, there was a 17-week drop in the number of weeks of unemployment compensation available in response to only a very modest decline in Michigan's unemployment rate. This dropoff in the number of weeks of benefits resulted from Michigan's triggering off in June from the 13-week extended benefit program and from the loss of 4 weeks of Federal supplemental compensation. The decline in benefits was mandated by a decline in Michigan's insured unemployment rate.

Of course, that differs from the actual rate, the total unemployment rate, which focuses on the people who are unemployed and looking for work, and that is the most commonly reported unemployment statistic and the one which makes the most sense, since people who have exhausted their benefits but are still unemployed are not even counted for the insured employment rate. So, clearly, any program which relies solely on the IUR as a measure of the need for unemployment benefits beyond the basic 26 weeks of State benefits, is relying on an indicator which does not adequately measure economic distress. But the problem, as has already been discussed today, is that the TUR outside of the 10 most populous States may also be of dubious reliability on a month-to-month basis.

However, we are not elected by the people to throw our hands up in the face of difficulty or at a time of need. They expect us to deal with the anomaly that most States are eligible for only slightly more than half the weeks of unemployment benefits in 1983 than they were in 1975 even though the nationwide unemployment rate then was significantly lower than it is today.

I know that the Finance Committee under the leadership of its distinguished chairman has recognized this problem and has indicated its willingness to try an innovative approach to deal with it on a limited basis. The bill before us today includes a safeguard to make sure that States which have been paying out unemployment benefits at a high rate for a prolonged period of time qualify for the maximum number of weeks of FSC benefits. The presumption is that these States have the greatest need for additional weeks of benefits because they are the most likely to have a relatively high percentage of unemployed who have exhausted all 26 weeks of State benefits. I appreciate the committee's application of this measure to the FSC program and its positive impact on the State of Michigan.

I want the chairman to know personally that I do appreciate his efforts to make the FSC program more relevant to areas of long-term unemployment. While I believe we should keep the extended benefit program alive in more than just two States, while I believe we should have as many weeks of unemployment benefits now as we did in the middle seventies, and while we may disagree on that issue, I still am, indeed, grateful and appreciative to the chairman for the kind of effort he, Senator LONG and others have made in the Finance Committee to make the FSC program relevant to areas of long-term unemployment who have that long-term IUR. I hope that in the conference the chairman would see fit to continue to apply that same sensitivity on the long-term IUR to whatever level of FSC benefits are finally arrived at.

It seems to me that if that long-term uninsured measure is good enough for the FSC program, we ought to use it as well as an alternative measure on the extended benefits program.

Both programs have the goals of providing unemployment benefits to people who have exhausted their State benefits. Our amendment would simply apply the concept embodied in the Finance Committee bill to the extended benefit program. The Levin-Specter amendment would not repeal any of the current provisions of the extended benefit program. Therefore, any State which would receive 13 weeks of benefits under the law's current criteria would still be eligible for those benefits. Our amendment would provide an alternate means for a State to qualify for extended benefits.

At the same time it would recognize that there are degrees of distress and of need for additional weeks of benefits. In that sense it is like the committee's FSC bill which provides for four basic tiers of benefits, depending on a State's IUR.

Our amendment will revitalize the extended benefit program. It does it in a targeted manner. It utilizes a measure of need that even the committee recognizes is an innovative approach worthwhile pursuing.

Specifically, this amendment would, at a State's option, make a State eligible for 10 weeks of extended benefits if that State's average IUR from January of 1982 is 6 percent or above. This would be exactly the same measure that the committee used to make sure that some States in need qualified for the highest tier of FSC. Further, the amendment would provide 8 weeks of extended benefits if the State's average IUR over that period is between 5 percent and 6 percent; and 6 weeks of benefits if the average IUR is between 4 percent and 5 percent. Based on current data, this could affect 32 States, and I ask unanimous consent that a list of those States be included in the RECORD following my statement.

This amendment would, thus revitalize the extended benefit program in a targeted manner utilizing a measure of need that even the committee recognizes as an innovative approach worthwhile pursuing on a temporary basis.

I do not believe that either the original authors of the extended benefit program or those who succeeded in making modifications in 1981 intended that it be a nullity when national unemployment was 9.5 percent and is exceeding 11 percent in many of our States. That is what the extended benefit program has become. It has become a nullity for all of us, except those who happen to live in Louisiana or West Virginia. It has become a nullity for us in States that have unemployment as high as Louisiana has. The extended benefit program has become a nullity for us even though we have actual unemployment in some of our States in the area of 14 percent—14.3 percent unemployment in Michigan; yet we have triggered off the 13-week extended benefit program.

I hope all of us can support this bipartisan amendment. It costs $1.6 billion. That is a significant amount of money. The principal we are talking about is a significant principal.

The issue really is this: Is it worth $1.6 billion to preserve the extended benefit program? That is the issue. If we want the extended benefit program to die, if we are willing to see it die, then we will do nothing. If we want to keep that 13-week period alive, a period that has always been available in times of high unemployment, then we must make this investment in this $1.6 billion.

Mr. President, I thank my friend from Pennsylvania, who has been active in the cosponsorship of this amendment. I express my appreciation to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment by the distinguished Senator from Michigan (Mr. LEVIN), and I congratulate him on his leadership with respect to this amendment. He has been a leader in the field of unemployment benefits generally.

In supporting the amendment, I do so fully mindful of the fact that unemployment compensation benefits are very expensive and that we live in a time of an escalating Federal deficit which is very troublesome for the promotion of the country's economic recovery.

Nevertheless, it is my judgment that this amendment is necessary. I say this based upon the findings I have made on extensive travels throughout the State of Pennsylvania, where the unemployment currently is 10.8 percent; and in some counties in Pennsylvania, such as Cameron County, the unemployment rate is 29 percent. Among the 620,000 Pennsylvanians who are unemployed, it is really a national emergency and a national disaster.

During the August recess, I had occasion to visit unemployment offices in Pittsburgh, Wilkes-Barre, and Scranton. I stood in a line in Pittsburgh during the week of August 8—I believe it was Wednesday, August 10—and saw the people coming to apply for unemployment benefits and face the disappointment of finding that their benefits had expired.

Oddly enough, on the triggering factor, on August 6, Pennsylvania fell one-twentieth of 1 percentage point below the average to qualify for the extended benefits program. Because of that triggering off, some 25,000 Pennsylvanians and their families lost unemployment compensation benefits.

So it is my judgment that it is our responsibility to move in this field, and that is why I joined the distinguished Senator from Michigan in cosponsoring this amendment and in urging that, notwithstanding the costs involved and the problems of deficit, this is a basic necessity and one which should be adopted by this body, by Congress, and signed by the President.

I yield the floor.

Mr. DOLE. Mr. President, I rise in opposition to the amendment offered by the Senator from Michigan. As I understand his amendment, it would provide an optional trigger for the extended benefits (EB) program. The Senator is to be commended for his persistence and for his creativity in this area. This is a battle which has been fought several times in this Chamber, and I know that it will occur again. However, I do believe that this is the wrong time for an amendment of this kind.

We are presently debating an important bill which must be acted on by midnight tonight. It is a bill which

provides necessary benefits for about 700,000 long-term unemployed workers at the present time and for many more in the next 18 months. In fact, the Department of Labor estimates that approximately 3.8 million people will receive FSC benefits by the end of March 1985.

Aside from the continuation of FSC benefits, S. 1887 contains other time-sensitive provisions. First, S. 1887 extends for 1 year a provision of the foster care program which permits Federal matching of funds used to support children placed in foster care without the benefit of a judicial determination. This is an important provision which insures protection for children who must be removed from their homes as a result of child neglect and validated reports of child abuse.

Second, the bill contains an amendment which increases the entitlement level for the title XX, social services block grant, by $200 million. This increase is effective for fiscal year 1984. I know that my colleagues are aware that title XX has considerable support in every State and community.

I remind my colleagues that just yesterday, this body approved an amendment to extend an important disability provision which would otherwise expire tonight. This extension is important to thousands of social security disability beneficiaries.

Aside from time problems, I am opposed to the Senator's amendment on the basis of substance. It is my view that changes to the extended benefits program are neither necessary nor desirable. Such changes are costly both to the Federal taxpayers and to State taxpayers since the benefits are financed equally by the Federal Government and the State governments.

My colleague from Michigan is very well aware of the serious financial problems many of the State unemployment trust funds are experiencing. Twenty-five States and three territories have borrowed a total of over $13 billion from the Federal Government to continue paying benefits; 16 of those 28 have defaulted on their loans, triggering escalating increases in the UC tax for employers in those States.

Interest is now charged on Federal loans and this has forced a number of States to increase the State payroll taxes and to tighten and otherwise limit UC benefits.

I also point out the fact that Michigan has tried to face up to some of these programs at the State level. Michigan is an excellent example of a State which was forced to enact massive changes in its UC program to avoid continued bankruptcy. I know the author of the amendment would argue that his proposal would not require a State to opt for the alternative trigger, but I think he must be aware that the Governors and legislatures in many States would feel irresistible pressure to select the alternative. This could only add to the financial woes I have already mentioned.

I might say, as an aside, that this is a program that is paid for on a 50-50 basis. It has been whispered—I do not think Governors will tell you openly—that they are not so anxious to have the program. They do not know where they are going to get their 50 of the 50-50.

It seems to me that we have a vehicle that has been introduced on the Senate side, the Byrd-Heinz proposal, to have a comprehensive change in unemployment compensation. Maybe that is the answer; maybe it is not; maybe there is another answer. Maybe we will end up doing what we do now, after extensive hearings.

I must oppose the amendment, and I hope it will be defeated, for the reasons I have given.

The Finance Committee has not been unresponsive on the issue of the EB program. On August 1 of this year, a hearing was held by Senator ARMSTRONG'S Social Security and Income Maintenance Subcommittee, on the subject of the EB program. I do not believe a convincing case was made in support of EB changes.

Finally, I remind the Senator that the Department of Labor projects Michigan triggering on the EB program in the second quarter of fiscal year 1984. At that time, the additional 13 weeks of benefits will become available—not only in Michigan, but in 9 additional States as well. Until that time, the FSC program benefits will be available—financed 100 percent by the Federal Government.

Senator LEVIN'S amendment has a potential cost of $1.65 billion in fiscal year 1984. We just cannot afford it—nor can the States. We have the FSC program in place to provide benefits for the long-term unemployed. This amendment is not needed.

I urge my colleagues to oppose this amendment and let us move on to final passage on this important measure.

Mr. President, I have listened carefully to the statement of the Senator from Michigan and, as usual, it is thoughtful and reasoned.

He made the point that this is a costly amendment—$1.65 billion, more or less—but there is also a matter of great principle involved.

We hope we have made the right decisions in the Senate Finance Committee. There is no doubt in my mind that if we go to conference, certain adjustments will be made. The House bill is substantially different. It is a 45-day extension. There is the TUR. There are a number of things not contained in the Senate version.

I oppose the amendment because I am certain that if it were adopted and we added that much cost to the total program for the total package, it would probably be vetoed. But that does not indicate that I disagree with either Senator SPECTER or Senator LEVIN in raising the issue. Their States have problems that we do not experience in other States. As pointed out by the Senator from Michigan, we have attempted to address some of those concerns from time to time, whether interest or loans, in trying to figure out some way to address the concerns of the hard core, long-term unemployed in some States, such as Pennsylvania, Michigan, Ohio, Illinois, and a number of others.

S. 1887 contains some very time-sensitive provisions. It extends for 1 year the provision of the foster care program.

I am also advised that in the second quarter, a number of States will trigger on EB—Alaska, Idaho, Michigan, Mississippi, Oregon, Pennsylvania, Puerto Rico, Washington, West Virginia, and Wisconsin. They are coming back on in January of this coming year.

I hope this amendment is defeated, for the reasons I have outlined.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to associate myself with the remarks that have just been made by the Senator from Kansas.

The news that came out this morning, that unemployment claims have started going up once again, indicates clearly that we are a long way from being out of the woods with regard to the desperate unemployment situation that still plagues many sections of our great country.

It seems to me that the sponsors of this amendment should look at the fact that, as the chairman of the Finance Committee, the Senator from Kansas, has just pointed out, there is plenty of leeway to work out something in conference with the House of Representatives that would not be too expensive.

Therefore, it seems to me that if this resolution is put to a vote I think that there is a high degree of likelihood, based on the other votes that we have had on this measure, that it would be defeated. Going to conference with a defeat by the Senate likely would not strengthen the hand of the Senate conferees on coming to some kind of an agreement.

I, therefore, suggest that in this case discretion might be the better part of valor, and if we do want to do something for these people that are being hurt very badly because of the deep recession and high unemployment a defeated rollcall vote on this issue might not be in the best interests of the very worthy and very thoughtful proponents of the amendment.

Mr. LONG. Mr. President, I can appreciate what the Senator from Michi-

gan is attempting to do in his amendment. He would like to make Michigan and additional States eligible for extended unemployment benefits.

There are only two States, Louisiana and West Virginia, whose insured unemployment rates are currently high enough for them to qualify for 13 weeks of extended unemployment benefits funded from State and Federal payroll taxes on employers. In most States, the new Federal supplemental compensation benefits have, to a large extent, taken over the function that extended benefits have served in the past, and the new benefits are 100 percent federally funded.

The pending amendment would allow States that have had sustained high insured unemployment since January 1982 to qualify for extended benefits, with the duration depending on the degree of unemployment.

Mr. President, I regret that I cannot support the amendment of the Senator from Michigan. The Labor Department estimates that it would cost $1.65 billion over the next 12 months.

However, I do want to compliment the Senator from Michigan (Mr. LEVIN) on his efforts on behalf of unemployed workers in Michigan. The committee bill contains a provision which allows a longer duration of Federal supplemental benefits in States like Michigan with sustained high insured unemployment rates. This provision is directly due to the efforts of the Senator from Michigan. He first educated us and then persuaded us that States in Michigan's situation had a good case for specific treatment.

Mr. LEVIN. Mr. President, I wish to thank the distinguished Senator from Louisiana (Mr. LONG) for his gracious comments and for the leadership he has so ably demonstrated.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. JEPSEN). Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 26, nays 64, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—26

Biden	Huddleston	Moynihan
Bradley	Inouye	Pell
Bumpers	Kennedy	Randolph
Byrd	Lautenberg	Riegle
Dixon	Leahy	Sarbanes
Eagleton	Levin	Sasser
Ford	Matsunaga	Specter
Hart	Melcher	Weicker
Heflin	Metzenbaum	

NAYS—64

Abdnor	Garn	Packwood
Andrews	Goldwater	Percy
Armstrong	Gorton	Pressler
Baucus	Grassley	Proxmire
Bentsen	Hatch	Pryor
Bingaman	Hatfield	Quayle
Boren	Hawkins	Roth
Boschwitz	Hecht	Rudman
Burdick	Heinz	Simpson
Chafee	Helms	Stafford
Chiles	Jepsen	Stennis
Cochran	Kassebaum	Stevens
Cohen	Kasten	Symms
D'Amato	Laxalt	Thurmond
Danforth	Long	Tower
Denton	Lugar	Trible
Dole	Mathias	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Wilson
East	Mitchell	Zorinsky
Evans	Murkowski	
Exon	Nunn	

NOT VOTING—10

Baker	Glenn	Nickles
Cranston	Hollings	Tsongas
DeConcini	Humphrey	
Dodd	Johnston	

So Mr. LEVIN's amendment (No. 2252) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as I understand, the Senator from Pennsylvania has an amendment that I have just discussed with Senator HATCH and Senator KENNEDY. They have no objection to the amendment. I have no objection to the amendment. I do not think Senator LONG has objection.

The amendment deals with the railroad retirement, money that has been appropriated but not spent. Then there will be a colloquy with the Senator from Pennsylvania.

I hope there are no other amendments after that. Senator QUAYLE has one that he may offer, though I hope he does not.

Mr. MELCHER. Mr. President, I had intended to offer an amendment to this bill, but will not do so under the pressure of circumstances which demand speedy action. However, I am deeply concerned that these stop gap measures, such as extension of emergency supplemental compensation, do not reach the heart of the problem for many Americans.

There are in this country many small communities which are victims of the economic recession, whose most solid citizens have been devastated by termination of their lifelong employment in mining or mine-related industries. Our tax policies have encouraged their employers to terminate production in the United States in favor of developing facilities abroad, or importing foreign raw material to the further imbalance of trade.

Aside from the negative economic impact of this practice, and aside from the obvious danger in the event of an international emergency which I fear will find the United States dangerously short of strategic metals, there is a human factor involved which we ignore repeatedly in our discussions of unemployment, compensation, job training, jobs bills and such worthwhile but inadequate proposals, at least as far as those I speak of today are affected.

There are untold numbers of workers who spent their entire adult lives working for the same company in the same small one-industry town—where as much as 25 percent of all workers were employed by the same employer.

The company, for whatever reason, closes down operations.

Those workers with enough years to accrue a partial pension take retirement benefits. Fair enough. But those with not enough retirement benefits are out. They draw unemployment until all benefits are exhausted. The younger ones may be picked up on a job training program such as the Joint Partnership Training Act provides. Fair enough, again.

But what about those too young to retire, too young for social security, too old to be deemed successful in JPTA programs. And their employment benefits stopped before the magic date of June 1, 1982(?), so they do not qualify for the provisions of the Emergency Supplemental Compensation Act, including the extension we are considering today.

Mr. President, these people are the third or fourth generation of their families to work in the mine or smelter. They have mortgage payments to meet on nearly paid-for homes. They have families to feed, clothe, and educate. They have no income. And they have no job prospects at this time locally or anywhere else. There are no buyers for their homes. Their neighbors are in the same boat. Outsiders are certainly not attracted to the communities which are hardly the garden spots of America. Generations of extraction of ore or processing thereof without regard to modern environmental safeguards have left unsightly scars on the landscape. And what do we offer them? Our sympathy and

that is about all. Sympathy does not pay the mortgage, the doctor bill, or put food on the table. Sympathy does not provide a job.

Mr. President, my amendment, which I am not proposing at this time, would have provided additional unemployment benefits to workers whose benefits have expired before June 30, 1982 (and thus, not covered by S. 1887), who were employed for at least the last 5 years in a factory, mine or mining-related industry in a community where 10 percent or more of the working population were employed by a single employer in 1979. If you believe this describes the situation in Butte and Anaconda, Mont., you are right. But it also describes similar situations in many other States. Unfortunately, I have not been able to find out how many situations of this type exist, or how many families are in these dire straits. Thus, even a ball park figure on the amount of money involved is impossible to determine.

So, Mr. President, instead of proposing an amendment at this time, I have asked the Committee on Finance, in cooperation with the Committee on Labor and Human Resources, be aware of this problem for long-time workers in one-industry towns who are ineligible for any additional unemployment compensation and determine how Congress could deal with this problem in an orderly and constructive way.

Mr. President, I have no delusions that we can easily find an answer to the problem.

What we must face up to is the obvious need to provide jobs for people and at the same time repair the infrastructure of our country—our bridges, our highways, clean up of hazardous waste sites, stream pollution, and water and sewer needs.

If we demand, as we should, that our allies of Japan and NATO carry their fair share of the cost of defending themselves, we could well afford to invest, as we must, our own resources in restoring the infrastructure of the United States. I still hope we awake to that fact. In the meantime, we cannot tolerate the present circumstances in which we say to the Americans I speak for here: "Abandon hope—your country doesn't care."

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2259

(Purpose: To extend the supplemental railroad unemployment benefits for one year)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I offer the amendment on behalf of Senator HEINZ, Senator DIXON, Senator SASSER, and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) for himself, Mr. HEINZ, Mr. DIXON, and Mr. SASSER, proposes an amendment numbered 2259.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

EXTENSION OF SUPPLEMENTAL RAILROAD UNEMPLOYMENT COMPENSATION

SEC. 9. (a) Section 17 of the Railroad Unemployment Insurance Act is amended—

(1) in subsection (a)(2), by inserting ", or the benefit year beginning July 1, 1983" after "July, 1983";

(2) in subsection (e), by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984"; and

(3) by amending subsection (f) to read as follows:

"(f)(1) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) March 10, 1983,

and consisting of five consecutive registration periods 22 (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before the date of the enactment of the Federal Supplemental Compensation Amendments of 1983, shall not be taken into account for purposes of payment of benefits, or in determining the consecutiveness of registration periods.

"(2) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) the date of the enactment of the Federal Supplemental Compensation Amendments of 1983,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.".

(b) The amendments made by this section shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act.

(c) Amounts appropriated under section 102(b) of Public Law 98-8 shall remain available without regard to fiscal year limitation for purposes of carrying out the amendments made by this section.

Mr. SPECTER. Mr. President, this amendment will reinstate the program of supplemental benefits for railroad workers, which was authorized in the emergency jobs bill and expired on June 30, 1983. Those unemployed workers who exhausted all available benefits on June 30, or who were receiving supplemental benefits on that date, will now receive a full 10 weeks under this amendment made available by that provision.

This amendment is the same as S. 1717, which I had previously introduced on August 1, 1983, along with Senators SASSER and DIXON, entitled "The Unemployment Railroad Workers Supplemental Benefits Extension Act of 1983."

The Railroad Retirement Board estimates that the extension would provide assistance to some 50,000 individuals and cost $60 million to $65 million, with administrative costs running in the neighborhood of $800,000.

In the jobs bill, the Congress appropriated $125 million for the initial program of supplemental benefits, and some $83 million, as I understand it, remains in the special unemployment insurance trust fund at the Department of Labor.

An additional $80,000 remains from the original outlay of $750,000 for administration.

I have conferred with the distinguished chairman of the Committee on Health and Human Services (Mr. HATCH), who has agreed with the provisions of this amendment, and I have conferred with the distinguished Senator from Kansas, the chairman of the Finance Committee, who has thought well of this amendment and will speak for himself in just a moment.

An estimated 5,600 railroad workers, Mr. President, who live in Pennsylvania, would benefit from this provision, as well as some 5,000 in Illinois, 4,600 in Ohio, and 2,000 in Kentucky. Every State has railroad workers who qualify.

The Congress has repeatedly extended the program of Federal supplemental compensation for workers in the general economy, and railroaders ought to be in a comparable position. That is the reason for the offering of this amendment.

Mr. President, I ask unanimous consent that Senator FORD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DIXON. Mr. President, last March, we were able to give railroad workers with less than 10 years of service an additional 10 weeks of unemployment compensation. As you recall, with the abolition of the national trigger, we inadvertently eliminated the mechanism by which these workers qualified for extended benefits.

That program expired on June 30, 1983, however, and many people were unable to collect the full 10 weeks.

There is ample money available from the March appropriation to cover this amendment, which is estimated to cost between $60 and $65 million.

Five thousand railroad workers in Illinois will benefit from this extension, which I introduced with Senators SPECTER and SASSER last month, as S. 1717.

The amendment will provide for 10 weeks of Federal supplemental compensation for railroad workers who have less than 10 years of service, and who lost their jobs after June 30, 1983. In addition, it would allow those who were eligible for the program prior to June 30, but who did not collect their full 10 weeks, to have that opportunity.●

RAIL WORKER AMENDMENT

Mr. PRYOR. Mr. President, I am pleased to be a cosponsor of the amendment offered by the distinguished Senator from Pennsylvania (Mr. SPECTER), which provides relief in the form of supplemental unemployment benefits for those rail workers with less than 10 years of railroad service.

Earlier this year, Congress passed similar legislation as part of the emergency jobs bill. However, this particular legislation expired on June 30 leaving thousands of rail workers with less than 10 years of service in the lurch.

Mr. President, I am sure everyone here is very familiar with the problems our Nation's rail workers have experienced in the last few years. It has only been a little over a month since Congress passed legislation enabling the railroad retirement system to remain solvent and thereby avoid cuts in benefits for railroad retirees. These cuts became necessary in large part because of the severely reduced number of rail jobs and the subsequent loss of employee contributions which fund the railroad retirement system.

It has been estimated that between 30,000 to 50,000 rail workers with less than 10 years of service are no longer employed and are in need of financial assistance. This legislation extends benefits for those workers who have already received their initial 26 weeks of benefits an additional 10 weeks.

There are approximately 700 rail workers in my State that will qualify for these extended benefits and I know that they are very anxious to go back to work. It is my hope that my colleagues will provide them temporary financial assistance until those jobs are reestablished or new employment may be found.

Mr. SPECTER. Mr. President, I thank the Chair and I yield the floor.

Mr. DOLE. Mr. President, the Senator from Pennsylvania has accurately described the amendment. I will say I discussed this with both Senator LONG and Senator KENNEDY, the ranking member of the Labor Committee. They have no objection.

Very quickly, as pointed out by Senator SPECTER, the emergency jobs bill in June of this year contained a provision appropriating $125 million to finance unemployment benefits for unemployed railroad workers. As I understand the situation, this amount has not been fully expended by the Railroad Retirement Board which administers the railroad unemployment insurance program.

Although as the Senator from Pennsylvania pointed out, we do not have jurisdiction in the committee on this matter, we have cleared it with the Labor Committee and they have no objection. It would be a good place to insert the amendment.

I am not certain what the attitude of the House will be because it will be going to the Ways and Means Committee where they may not have jurisdiction either.

Having cleared it with the principals, we have no objection to accepting the amendment. I think I can speak for the distinguished Senator from Louisiana, Senator LONG, in this regard.

The PRESIDING OFFICER. Is there further discussion?

Mr. PRYOR. Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 2259) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2260

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2260.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

TITLE —HEALTH CARE FOR UNEMPLOYED WORKERS GRANTS TO STATES

SEC. . (a) Title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"HEALTH CARE FOR UNEMPLOYED WORKERS

"SEC. 2008. (a)(1) Notwithstanding section 2005(a)(4) and any other provisions of this title, any State (as defined in paragraph (4)) may establish a program under this section for providing health care coverage for unemployed workers, subject to the provisions of this section.

"(2) The State may choose those groups of individuals (and their immediate families) who shall be covered under the program, the duration of such coverage, and the duration of the program, as the State determines to be appropriate, except that—

"(A) no coverage may be provided to any individual (or his immediate family) unless such individual (i) is receiving regular, extended, or Federal supplemental compensation, railroad unemployment compensation, or any other Federal unemployment compensation, or (ii) is unemployed and has exhausted his rights to such compensation (other than for cause) by reason of payment of all such compensation for which he is eligible, within the prior 6 months, or (iii) was eligible for such compensation within the prior 30 days but lost such eligibility on account of employment;

"(B) no coverage may be provided for the first 6 weeks during which an individual is eligible for compensation (referred to in subparagraph (A)) in a benefit year (as determined under the applicable unemployment compensation law);

"(C) no coverage may be provided to any individual unless such individual was enrolled in a group health plan of the employer by whom he was employed at the time he last became eligible for compensation described in subparagraph (A) (and in making a determination with respect to prior enrollment, and with respect to coverage described in subparagraphs (F) and (G), the State may use the broadest possible determination of proof);

"(D) no coverage may be provided with respect to any services provided prior to October 1, 1983, or services provided for an individual prior to the time such individual is determined to be eligible under such program, or inpatient services provided in a continuous period which began prior to such date or such eligibility;

"(E) no coverage may be provided for any individual who is otherwise eligible for medical assistance under the State plan under title XIX or who is eligible for benefits under title XVIII;

"(F) no coverage may be provided for any individual who is covered under a group health plan for which a contribution toward the cost of the plan is being made by an employer, former employer, union, or any entity other than the individual, or who could have been so covered if an election had been made and premiums had been paid on a timely basis;

"(G) no coverage may be provided for any individual who is covered under a group health plan of such individual's spouse for which a contribution toward the cost of the plan is being made by an employer, former employer, union, or any entity other than such spouse, or who could have been so covered if an election after the date of the enactment of this section had been made and premiums had been paid on a timely basis; and

"(H) no coverage may be provided for any individual whose family income exceeds an amount equal to 100 percent of the median family income in such State for a family of the same size as such individual's family (and in making a determination with respect to an individual's family income, the State shall determine the declaration or proof of income to be required, the type of income to be included, and the time period over which the income is to be measured).

"(3)(A) The Secretary may waive the requirements of paragraph (2)(H) to the extent that special circumstances permit

presumptions about the family income of applicants which make it unnecessary to apply the means test described in such paragraph on a case-by-case basis.

"(B) the provisions of paragraph (2)(H) shall not preclude a State from imposing a means test that is more restrictive than the test described in such paragraph.

"(4) Notwithstanding section 1101(a)(1), for purposes of this section the term 'State' means the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

"(b)(1)(A) Services under the program established under this section may include only—

"(i) inpatient hospital services;

"(ii) emergency outpatient hospital services;

"(iii) routine and emergency physician services (including those provided in health clinics but not including those provided in nursing care or intermediate care facilities);

"(iv) prenatal, delivery, and post partum care;

"(v) laboratory and diagnostic X-ray services;

"(vi) X-ray, radium, and radioactive isotope therapy;

"(vii) services of a nurse midwife, described in section 1905(a)(17); and

"(viii) home health services in cases where the State determines that the coverage of such services is cost effective.

"(B) The State must include under the program some ambulatory and some institutional services.

"(C) No drugs or biologicals shall be included within the covered services described in subparagraph (A) unless provided as part of inpatient hospital services.

"(2) The State shall determine the amount, duration, and scope of the covered-services described in paragraph (1) which shall be included under the program, but in no event shall the amount, duration, or scope of such services under the program under this section exceed the amount, duration, or scope of such services included under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(3) Services may be provided through various arrangements made with providers by the State, but no such arrangement may provide services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(4) No cash payments may be made under the program to individuals participating in the program.

"(c)(1) The State may provide for a weekly contribution for any individual participating in the program under this section, without regard to whether such individual is receiving compensation (referred to in subsection (a)(2)(A)), but no such contribution may exceed an amount equal to 8 percent of the amount of compensation (referred to in subsection (a)(2)(A)) for which such individual is eligible for such week or for the last week for which he was eligible for such compensation. Such contributions may vary for individual coverage and family coverage and by provider arrangement.

"(2)(A) The State may require that deductibles and coinsurance amounts be imposed for users of services under the program. If the State chooses to require such deductibles and coinsurance amounts, they shall be at least the same amounts imposed under the State plan for medical assistance for individuals described in section 1902(a)(10(A), subject to the limitations in this paragraph.

"(B) The estimated average monthly amount of such deductibles and coinsurance amounts for outpatient services may not exceed an amount equal to 5 percent of the average monthly benefit amount in such State for unemployment compensation referred to in subsection (a)(2)(A).

"(C) The amount of such deductibles and coinsurance amounts for inpatient services may not exceed the maximum amount of deductibles and coinsurance amounts which could be imposed by the State under its State plan for medical assistance for individuals described in section 1905(a)(10(A) consistent with the provisions of title XIX, subject to the limitations in subparagraphs (D) and (E) of this paragraph.

"(D) No deductibles or coinsurance amounts may be imposed for prenatal, delivery, or post partum care.

"(E) No deductibles or coinsurance amounts may be imposed until after public hearings which provide adequate notice and opportunity for public participation have been held by the State with respect to such imposition.

"(F) Subject to the limitations specified in this paragraph, such deductibles and coinsurance amounts may vary with respect to different groupings of eligible individuals, and various coverage periods.

"(3) Any contribution amount imposed by the State must be used by the State to pay the State share of the cost of the program under this section, or to provide additional services or periods of coverage to individuals eligible for coverage under such program.

"(d)(1) Payment by the State for services provided to individuals eligible for the program under this section shall be made through the same administrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX; however, the State may provide for arrangements with carriers or providers which provide for cost effective financing and delivery systems, and may selectively make arrangements with a specific group or provide for capitation reimbursement, but no such arrangement may provide for services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A). Services provided through a prepaid capitation arrangement need not be provided through an organization meeting the requirements of section 1903(m).

"(2) Any limitations under the State plan for medical assistance on the amount that provider of services may charge the recipient of such services shall also apply to the program under this section, except that contributions, deductibles, and coinsurance may be charged in accordance with subsection (c).

"(e)(1) Determinations of qualification for coverage under the program under this section shall be made by the State agency administering the State's unemployment compensation law approved under section 3304 of the Internal Revenue Code of 1954. The State may administer the services program under this section directly through the State agency administering the State plan for medical assistance under title XIX of this Act, or through arrangements with others.

"(2) Upon becoming eligible for compensation (referred to in subsection (a)(2)(A)), an individual shall be informed of the eligibility criteria for coverage under the program established under this section and the benefits provided, and shall have four weeks in which to voluntarily enroll in such program. Such individual shall also be informed of the possibility that such individual may be eligible to enroll in a health plan of his spouse. If the individual declines the opportunity to enroll, or later voluntarily terminates his enrollment, he may not again enroll in such program unless he subsequently becomes eligible for compensation (referred to in subsection (a)(2)(A)) for a new benefit year (as determined under the applicable unemployment compensation law).

"(3) In the case of any State which chooses to require the payment of a contributor, the State may deduct the amount of the contribution from the amount of such compensation paid to an individual enrolled in such program.

"(4) Any State which chooses to cover under its program individuals residing in such State who are or were receiving railroad unemployment compensation, may enter into an agreement with the Railroad Retirement Board under which—

"(A) the Railroad Retirement Board shall notify those unemployed railroad workers who may be eligible under the program of the availability of the program in accordance with paragraph (2);

"(B) the Board shall furnish the State agency making eligibility determinations with such information as the State agency may require in order to make eligibility determinations with respect to such unemployed railroad workers or shall, to the extent feasible, perform such determinations for the State agency;

"(C) the Board shall deduct contribution amounts from any railroad unemployment compensation payable to such unemployed railroad workers in the same amounts as if such workers were receiving unemployment compensation under the State unemployment compensation law, and transfer such amounts to the State; and

"(D) the State shall reimburse the Board for administrative costs incurred under such agreement, and such amounts shall be paid into the railroad unemployment insurance administration fund.

"(5) The Railroad Retirement Board is authorized to carry out those functions required of it under any agreement entered into under paragraph (4).

"(f)(1) Notwithstanding sections 2002 and 2003, payments to States having programs established under this section shall be made in accordance with the provisions of this subsection, but subject to subsection (g). Payments under this subsection are in addition to any amounts to which a State is entitled under section 2002, and payments made under section 2002 may not be used for purposes of this section. An amount, not to exceed the State's allotment determined under paragraph (2), equal to the Federal percentage (as determined under paragraph (6)) of the amount expended by such State for its program established under this section (excluding administrative costs) shall be paid to the State in the same manner as payments are made under section 1903(d).

"(2) The Secretary shall allot $750,000,000 to carry out this section for each of the fiscal years beginning on October 1, 1983, and October 1, 1984, among the States as follows:

"(A) One-half of such amount shall be allotted among the States on the basis of the relative number of insured unemployed individuals who reside in each State as compared to the total number of insured unemployed individuals in all the States.

"(B) One-half of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 26 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(3) Allotments shall be made on the basis of the most recent 12-month period, preceding the month in which the Secretary makes such allotments, for which adequate data is available.

"(4) Funds shall be allotted at the beginning of each fiscal year referred to in paragraph (2), but payment shall be made as described in paragraph (1). Amounts allotted for the fiscal year beginning October 1, 1984, may be paid to States for expenses incurred in providing services under the program for individuals who are enrolled in the program on September 30, 1985, until their eligibility for such program terminates, or March 31, 1986, whichever is earlier.

"(5) Any funds allotted for a fiscal year to a State which did not establish a program under this section shall be reallotted to those States having a program, at the end of such fiscal year. Such funds may be expended in the same manner as described in paragraph (4).

"(6)(A) For purposes of this section, the Federal percentage is 100 percent with respect to services provided prior to April 1, 1984, and, with respect to services provided on or after April 1, 1984, is—

"(i) 95 percent with respect to services provided in any State during a week for which State's rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 5 percent;

"(ii) 80 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 4 percent but is less than 5 percent;

"(iii) 65 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 3 percent but is less than 4 percent; and

"(iv) 50 percent with respect to services provided in any State during a week for which the State's insured unemployment rate for the period consisting of such week and the preceding 51 weeks is less than 3 percent.

"(B) The Federal percentage otherwise applicable under subparagraph (A) for any week beginning on or after April 1, 1984, shall be increased by 15 percentage points (but not to a percentage greater than 95 percent) with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 120 percent of the average of such rates for such State for the corresponding 52-week period ending in each of the preceding 2 calendar years.

"(C) Any State which qualifies for a particular matching percentage under clause (i), (ii), (iii), or (iv) of subparagraph (A), or under subparagraph (B), shall continue at such percentage for a period of not less than 6 months, unless it subsequently qualifies for a higher percentage under such provisions, beginning with the first week in which such State so qualifies, and may subsequently requalify for a particular higher matching percentage upon reaching the required rate of insured unemployment after the end of such 6-month period. No such period may extend beyond March 31, 1986. Notwithstanding the first sentence of this subparagraph, the matching percentage for each State with respect to services provided after September 30, 1985, and before April 1, 1986, shall be the matching percentage in effect for such States with respect to services provided on September 30, 1985.

"(7) The Secretary shall make payments for administrative costs incurred in carrying out the program established under this section, in a total amount not to exceed $150,000,000 for each of the fiscal years beginning on October 1, 1983, and October 1, 1984, $70,000,000 of such reimbursement for each fiscal year shall be made to the State agencies administering the services program under this section in accordance with the allotment formula in paragraph (2), and $80,000,000 of such reimbursement for each fiscal year shall be made to the Department of Labor for payment to the State agencies (of those States having a program under this section) administering the State's unemployment compensation law in accordance with the distribution formula used for purposes of title III of this Act. Payments under this paragraph may be made with respect to program costs incurred after March 31, 1986.

"(g)(1) Only a State having a rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for a period consisting of any week and the 51 preceding weeks, of 2 percent or more, may enroll new individuals in the program under this section during such week. If a State qualifies to enroll new individuals under the preceding sentence, such qualification shall continue for a period of not less than 6 months beginning with the first week in which such State so qualifies, and any State may subsequently requalify upon reaching the required rate of insured unemployment after the end of such 6-month period, but no such period may extend beyond March 31, 1986.

"(2) During a period in which a State may not enroll new individuals in its program by reason of paragraph (1), payment under this section may be made with respect to individuals previously enrolled in such program until their eligibility expires, or, if sooner, March 31, 1986.

"(h) Any State establishing a program under this section shall submit a report to the Secretary on August 1, 1984, on the program's implementation and impact. A final report shall be submitted in May 1986 by any State which carries out its program for any period after March 31, 1984, upon expiration of its program. The form and content of the reports required under this subsection shall be determined by the Secretary.

"(i) The State shall provide that the payment for any services received by an individual under the program shall be secondary to, and shall be reduced by the amount of, any other payment which is or could be made with respect to such services under any other health plan or public program, or from a third party, including any workmen's compensation law or plan, any automobile or liability insurance policy or plan (including a self-insured plan), and any no fault insurance. The State shall require each individual enrolled in the program to assign all rights to such payments as he may have to the State as a condition of enrolling in the program.

"(j)(1) No payment may be made under this section to any State unless such State provides, subject to paragraph (2), that any group health plan for employees of such State, provided by such State or to which such State makes a contribution, provides for open enrollment in accordance with section 4912(b) of the Internal Revenue Code of 1954.

"(2)(A) Except as provided in subparagraph (B), the requirements of paragraph (1) shall apply to enrollment periods for employees whose spouses are involuntarily laid off or separated more than 60 days after the date of the enactment of this section.

"(B) In the case of a group health plan which was subject to a collective bargaining agreement in effect on the date of the enactment of this section, the date on which such agreement expires (determined without regard to any extensions agreed to after such date of enactment) shall, if later, be substituted for the date (60 days after such date of enactment) referred to in paragraph (1).".

(b) Section 3304(a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (18) as paragraph (19), by striking out "and" at the end of paragraph (17), and by inserting after paragraph (17) the following:

"(18) if the State establishes a program under section 2008 of the Social Security Act, the State agency administering the State unemployment compensation law shall carry out the functions required of it under such section; and".

(c) Section 3304(a)(4)(C) of the Internal Revenue Code of 1954 and section 303(a)(5) of the Social Security Act are each amended by inserting "or health care" after "health insurance", and by inserting "or a contribution amount under section 2008 of the Social Security Act" after "program approved by the Secretary of Labor".

OPEN ENROLLMENT REQUIRED FOR EMPLOYERS HAVING UNEMPLOYED SPOUSE

SEC. . (a) Chapter 41 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER B—HEALTH PLANS OF LARGE EMPLOYERS WHICH DO NOT MEET OPEN ENROLLMENT REQUIREMENTS FOR SPOUSES OF THE UNEMPLOYED

"Sec. 4912. Tax on health plans of large employers which do not meet open enrollment requirements for spouses of the unemployed.

"SEC. 4912. TAX ON HEALTH PLANS OF LARGE EMPLOYERS WHICH DO NOT MEET OPEN ENROLLMENT REQUIREMENTS FOR SPOUSES OF THE UNEMPLOYED.

"(a) TAX IMPOSED.—In the case of a large employer, there is hereby imposed for each taxable year a tax equal to—

"(1) $500, multiplied by

"(2) the aggregate number of failures to meet the requirements of subsection (b) during such taxable year under any group health plans offered by such employer.

"(b) OPEN ENROLLMENT PERIOD.—

"(1) IN GENERAL.—A group health plan meets the requirements of this subsection only if it provides a qualified open enrollment period for each married employee—

"(A) who is (or at a previous time was) eligible to enroll or is enrolled under the plan, and

"(B) whose spouse loses eligibility for coverage under a group health plan due to the involuntary layoff or involuntary separation (other than for cause or mandatory retirement) from the spouse's employment.

"(2) TERMS AND CONDITIONS SAME AS FOR ENROLLMENTS FOR NEW EMPLOYEES.—

"(A) IN GENERAL.—The terms and conditions of an enrollment during a qualified open enrollment period shall be the same as the terms and conditions which would be offered by the group health plan to the married employee described in paragraph (1) if such employee began employment for the employer on the first day of such period.

"(B) EMPLOYEES ALREADY COVERED MAY NOT INCREASE LEVEL OF BENEFITS.—In the case of an employee who is covered under group health plan before the qualified enrollment period, subparagraph (A) shall not require a group health plan to allow such individual to elect a higher level of benefits than that provided by such coverage.

"(C) COMMENCEMENT OF COVERAGE.—Any enrollment during a qualified open enrollment period need not take effect before the date on which the loss of coverage described in paragraph (1)(B) takes effect.

"(c) DEFINITIONS; NONTAXABLE ENTITIES.—For purposes of this section—

"(1) QUALIFIED OPEN ENROLLMENT PERIOD.—For purposes of this paragraph, the term 'qualified open enrollment period' means the 30-day period beginning on the day on which an appropriate State agency notifies the spouse of a married employee described in subsection (b)(1) that such spouse has become eligible for receipt of unemployment compensation under any Federal or State law by reason of the separation or layoff described in subsection (b)(1)(B).

"(2) LARGE EMPLOYER.—The term 'large employer' means an employer who, on each of some 20 days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed for some portion of the day 10 or more individuals.

"(3) EMPLOYER.—The term 'employer' does not include the Government of the United States, the government of the District of Columbia or any territory or possession of the United States, a State or any political subdivision therof, or any agency or instrumentality (including the United States Postal Service and Postal Rate Commission) of any of the foregoing, except that such term includes nonappropriated fund instrumentalities of the Government of the United States.

"(4) Group health plan.—The term 'group health plan' has the meaning given such term by section 162(i)(2).

"(5) Nontaxable entities.—In the case of a large employer who is not subject to tax under this title, the calendar year shall be treated as such employer's taxable year.

"(d) Cross References.—

"(1) For provision denying deduction for tax imposed by this section, see section 275(a)(6).

"(2) For provisions making deficiency procedures applicable to tax imposed by this section, see section 6211 et seq.".

(b)(1) Chapter 41 of such Code is amended by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 41—PUBLIC CHARITIES; CERTAIN HEALTH PLANS OF LARGE EMPLOYERS

"Subchapter A. Public charities.
"Subchapter B. Health plans of large employers which do not meet open enrollment requirements for spouses of the unemployed.

"Subchapter A—Public Charities".

(2) The table of chapters for subtitle D of such Code is amended by striking out the item relating to chapter 41 and inserting in lieu thereof the following:

"Chapter 41. Public charities; certain health plans of large employers.".

(3) Subparagraph (B) of section 6104(c)(1) of such Code is amended by striking out "or chapter 41 or 42" and inserting in lieu thereof ", subchapter A of chapter 41, or chapter 42".

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall apply to enrollment periods for employees whose spouses are involuntarily laid off or separated more than 60 days after the date of the enactment of this Act, in taxable years ending after such date.

(2) In the case of a group health plan which was subject to a collective-bargaining agreement in effect on the date of the enactment of this Act, the date on which such agreement expires (determined without regard to any extensions agreed to after the date of enactment of this joint resolution) shall, if later, be substituted for the date provided by paragraph (1).

STUDY OF PRIVATE SECTOR HEALTH CARE COVERAGE FOR UNEMPLOYED WORKERS

SEC. . The Secretary of Health and Human Services is directed to conduct a study of changes which might be made in employer-provided health care coverage which would provide adequate continuing health care coverage and conversion privileges for employers who are involuntarily terminated from employment. Such study shall include estimates of the costs which would be incurred by employers in providing continuing health care coverage of various durations, and at various contribution levels by the former employee (including a zero contribution level). The Secretary shall report the results of the study to Congress not later than January 1, 1985, and shall include any recommendations for legislation which would provide for such continuing coverage.

TITLE —INCOME AVERAGING

SEC. . Percentage by Which Income Must Exceed Base Income Increased from 120 to 140

(a) INCREASE MUST EXCEED 140 PERCENT OF AVERAGE BASE PERIOD INCOME.—Sections 1301 and 1302(a) of the Internal Revenue Code of 1954 (relating to income averaging) are each amended by striking out "120 percent" and inserting in lieu thereof "140 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

Mr. SPECTER. Mr. President, this amendment would provide for health insurance coverage for the unemployed and is being offered at this time to generate a colloquy with the distinguished chairman of the Finance Committee. I intend to withdraw the amendment after my presentation and that colloquy.

Mr. President, by way of a brief explanation, health insurance for the unemployed is a measure which has attracted considerable attention from the distinguished chairman of the Finance Committee (Mr. DOLE); from my colleague from Pennsylvania (Mr. HEINZ); from the chairman of the Health Subcommittee of Finance (Mr. DURENBERGER); by the chairman of Labor and Human Resources (Mr. HATCH); by the chairman of the Employment and Productivity Subcommittee of the Labor and Human Resources Committee (Mr. QUAYLE), as well as many other Senators and Members of the House of Representatives.

This matter first came to my personal attention during an open house which Senator HEINZ and I attended in Midland, Pa., on March 5 of this year. The residents of that community, which had been decimated when the sole employer of the community, Crucible Steel closed, made the point that health insurance for the unemployed was the most pressing item on the agenda. Following that, Senator HEINZ and I introduced legislation which has gone through an elaborate period of consideration. It was considered by the President when Senator HEINZ, Governor Thornburgh of Pennsylvania, and I had occasion to bring it to his attention and it received his personal interest and later the blessing of the administration, as evidenced by the Director of OMB, David Stockman.

There have been extensive deliberations on this matter, where leadership has been provided by Senators DOLE, HEINZ, DURENBERGER, HATCH, and QUAYLE.

We have worked out, I think, the mechanism for paying for this program, which will be a 2-year block grant to the States, at a cost of some $1.8 billion. I believe there has been an agreement that the measure would be paid for by modifying income averaging, which would provide for full payment for this bill.

I have discussed the matter, as has Senator HEINZ, with Senator DOLE prior to submission, with the goal being to find a date certain when this body can take up this bill. I am aware that it is considered a fast track to have a major piece of legislation like this acted on within 1 year, but for those people who are unemployed and not covered by health insurance, this risk weighs very heavily on them. Those who have needed immediate care and not had it are, of course, very much in need of action by the Congress and the signature of the President. That is the reason for its submission at this time.

Mr. President, I yield the floor to my colleague and distinguished senior Senator (Mr. HEINZ).

Mr. HEINZ. Mr. President, I thank my distinguished colleague for yielding. I want to commend my colleague for offering this amendment and in view of the discussion, indeed the announcement, that Senator DOLE made to the Finance Committee on Friday, I am optimistic that we can make progress on not only having legislation

that will meet the needs for health care of people who are unemployed, but will do so in a responsible way by paying for it, as my colleague (Mr. SPECTER) has outlined.

I also simply want to say that the Senator from Kansas, the distinguished chairman of our committee (Mr. DOLE) has been extraordinarily helpful at every twist and turn of what seems to many as perhaps an unduly long road. If my constitutents were represented by the Senator from Kansas, they would be fortunate, indeed, because at every opportunity, he has tried to work out differences in approach to avoid problems that might be caused by the House to find an acceptable means of paying for it and even he, in all his efforts, which have been considerable, has not been able to achieve total unanimity. We do know the administration still wants to have its tax cap instead of income averaging. The tax cap simply is not going to happen this year, as far as this Senator can tell. Senator DOLE is not only a man of commitment to his principle; he has been very realistic in what can and cannot be achieved. I would be remiss, Mr. President, if I did not thank him and commend him most sincerely for it.

Let me say, in just 60 seconds, again I think I speak for Senator SPECTER as well as myself, that it is true that economic recovery is continuing. It is also true that in some States, like Pennsylvania, it is pretty hard to find it. We have too many towns with 10-, 15-, 20-percent unemployment—Johnstown, Lock Haven—many communities in the Mahoning Valley, many in Beaver County.

We have terrible problems in our State, and we hope that we can quite promptly lock into an appropriate time to address the issue in full. Obviously, the FSB program needs to be extended today. I think that Senator SPECTER and I shall understand that. We look forward to discussing this and having a colloquy here with Senator DOLE.

Mr. DOLE. Mr. President, there are three good reasons we should not act on this matter at this time. First, because a process is underway which will result in the presentation of a better program of health benefits for the unemployed; second, because the program should be financed; and third, because we need to move ahead with the FSC extension.

Currently, there are two bills on the Senate calendar which would provide health care benefits for the unemployed. Both S. 951 and S. 242 address the urgent needs of the unemployed and their families for health benefit protection during a period of economic difficulty. Although the bills address the problem somewhat differently, we have been working to resolve those differences.

That process is almost complete. As a result, we will have put together features from both bills so that the program we will then propose is better defined and provides a better basis for administration and service delivery.

The health benefits for the unemployed we seek to provide must be financed. Both the Finance Committee and the Labor and Human Resources Committee have recognized that funds need to be made available to meet this commitment. A spending program such as this should not be created simply by raising the deficit. The committees agree and the administration agrees on this point. The Finance Committee meets next week to take up possible revenue-raising provisions which can be used to pay for this program.

I am led to believe that this amendment is needed because without it there will be no health benefits program for the unemployed. That is just not so. The Senate will have plenty of opportunity to move on this matter. What is important here is the extension of the FSC program. This amendment can slow down and complicate the extension of this needed program. Unless the FSC program is acted on by September 30, there will be a loss of cash benefits for many unemployed workers in this Nation.

There are a number of measures which will be coming out of the Finance Committee—several of which can be used as the vehicle to move on health benefits for the unemployed. I am committed to seeing that we so move on this important program and give you my assurance that the matter will come to the floor for our consideration.

I am not certain I can give a date certain, because I have checked with the majority leader and it is very difficult to do. We have been negotiating, as Senator HEINZ pointed out, Senator SPECTER and others who have an interest in this, with the Labor Committee and the Finance Committee. As I understand it, nearly every issue has been resolved. There is one question of jurisdiction, which is rather important. But I think that may be resolved.

I think the one area we agree on is if we are going to pass this bill, we ought to find a way to pay for it, not just do as the House did, pass out a program without a means of financing it.

We did provide some means in our committee to pay for it, but that was not satisfactory to the administration. Now we are looking for some other way to pay for it, from revenue, that is satisfactory to the administration.

There has been one administration request, I think a proper one, that we not pass a bill out here that just creates a program without proper financing. I think on a bipartisan basis we can agree to do that, or this program is never going to come into fruition.

I know that Senator HEINZ of Pennsylvania has a matter he wants to bring up the first week we are back, the Export Administration Act. There is going to be a farm bill pending, I assume, about that time. But it seems to me that in the second week—I cannot say for certain—but the second week after we return, which would be the week of the 24th, we ought to be able to bring this matter to the floor.

Mr. HEINZ. If the Senator will yield for a question, we anticipate that we shall act on this matter before we act on the debt ceiling.

Mr. DOLE. Knowing what would happen if we did not, I would say yes, because someone is going to offer it on the debt ceiling. I would like to act on it on its own. I think it has merit and ought to be done. I think we can do it before that.

Mr. HEINZ. I thank the Senator. I think he understands the situation better than anybody else except maybe the Senators from Pennsylvania.

Mr. SPECTER. Would the Senator yield for a further inquiry?

Mr. DOLE. Yes, Mr. President.

Mr. SPECTER. Assuming it is acted on in the week of the 24th, what kind of chronology does the Senator from Kansas anticipate with respect to the other body? My concern is that we move through to final passage and submission to the President before we adjourn, which is now, apparently, set for mid-November, before Thanksgiving. That has been the announcement of the majority leader, that he and the Speaker have come to that understanding.

I know the concern Senator HEINZ shares with me is that we act on it early enough to go to conference, iron it out, and submit it to the President so we do not have this matter as pending business when we come back on January 23, which the majority leader has announced is our date of return.

Mr. DOLE. Mr. President, I would like to say yes, that we are going to make certain the President signs it. I think I can assure both Senators from Pennsylvania that we are going to bring it up on the Senate floor, we are going to dispose of it on the Senate floor, I hope favorably. But there are some Members who are opposed to anything at this time.

As I have indicated, the majority leader is just not able to say we are going to bring it up on the 17th, the 18th, or the 22d, but generally it seems to me that we can do it in the second week.

I hope that will satisfy the Senator.

Mr. SPECTER. What kind of timetable does the Senator anticipate?

Mr. DOLE. I should not think it would take too long. We would have to work out our differences with the committee, any amendments that might

be offered, and we should be able to dispose of it in a couple of days.

Mr. SPECTER. I realize the chairman of the Finance Committee cannot make any assurances as to what the President is going to do by way of signature, but is it his expectation that we would be able to conclude the matter before we adjourn in mid-November?

Mr. DOLE. That is my expectation, yes.

Mr. SPECTER. With that assurance, I thank the Senator from Kansas. I thank him for his leadership on this important matter.

Mr. DOLE. Mr. President, I thank both Senators from Pennsylvania.

As far as I know, the only other amendment is an amendment that may be offered by the Senator from Indiana.

The PRESIDING OFFICER. Is there any further debate? That amendment has not been withdrawn.

Mr. SPECTER. Mr. President, I announced my intention to withdraw the amendment, and I do withdraw it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, I hope the Senator from Indiana could resolve a serious problem he has in his State in the conference rather than through the amendment route. We need to go to conference yet this afternoon and report back to the Senate either today or tomorrow. I would like to do it today. I know other Senators would like to leave.

Mr. RIEGLE. Mr. President, it is imperative that we act today to extend the Federal supplemental compensation (FSC) program, which is scheduled to expire tomorrow night. This emergency supplemental program has provided needed benefits for hundreds of thousands of unemployed who have lost their jobs through no fault of their own. Congress enacted this program on a temporary basis a little over a year ago to address the problem of disastrously high levels of unemployment. The disastrous 9.8-percent rate that existed then does not differ much from the 9.5-percent rate reported last month. Clearly, the need for this program exists today as it did 1 year ago.

The continuing need for a supplemental program in my State of Michigan is also evident. The 14.5-percent unemployment rate that plagued Michigan when Congress enacted the FSC program is virtually the same as the 14.3-percent rate that Michigan reported last month. Nearly 30,000 Michigan unemployed currently receive FSC benefits and they will find these benefits cut off abruptly if the program is not extended. Another 95,000 currently receive regular benefits and many of them will be left without benefits this winter should they remain unemployed and without a FSC program. While the slight upsurge in the number of employed in Michigan in the past few months is heartening, we must recognize that a large group of unemployed will be unable to secure employment in the next few months. Since Michigan and virtually all other States cannot qualify for the extended benefits program because of the unfair and irrational eligibility requirements, a FSC program is absolutely essential.

I believe that most of my colleagues in this body support the extension of this important program. The substance of the program that we extend, however, is the real issue to be addressed today. We in Congress cannot pat overselves on the back for supporting a FSC extension if the program we extend lacks certain necessary elements. The long-term unemployed, who have already suffered through endless weeks of fruitless job searches, depend on us to construct a fair and complete program to aid them through this difficult period.

I believe that the FSC program that we extend must contain certain provisions to address the problems of the long-term unemployed. While the bill reported out by the Finance Committee contains some of these provisions, I am cosponsoring certain amendments today to rectify some of the bill's deficiencies. Let me outline what I believe this FSC program must include.

SUFFICIENT WEEKS OF BENEFITS

Mr. President, providing a sufficient amount of protection to aid unemployed individuals' survival during their temporary period of unemployment constitutes the basic reason for having an unemployment insurance system. During long recessionary periods, such as the one we have suffered through during the past 3 years, a supplemental program is necessary because employment is that much more difficult to secure. When we extended the FSC program last winter, we felt that 16 weeks of FSC benefits were needed to provide sufficient protection for the unemployed in high unemployment States such as Michigan. When the program was extended last spring, 14 weeks constituted the maximum entitlement for the unemployed in high unemployment States. The bill reported by the Finance Committee before us advocates a maximum of 12 weeks of basic FSC benefits. While Michigan qualifies for the maximum in contrast to the original administration proposal under which Michigan was delegated to the minimum tier despite having the second highest unemployment rate in the Nation, the 12-week maximum is not acceptable.

As I have stated earlier, Michigan's unemployment rate remains nearly as high as when the FSC program was enacted. Furthermore, because of the misplaced reliance on the insured unemployment rate to determine the number of benefit weeks, Michigan unemployed have lost a significant amount of needed protection during the past few months. An unemployed worker in Michigan today can qualify for a maximum of 10 weeks of benefits beyond the regular program compared to a maximum of 29 weeks as recently as last March. At the very least, the long-term unemployed today deserve the maximum of 14 FSC weeks that was provided in last spring's extension. Consequently, I am supporting efforts on the floor today to increase the number of weeks provided.

REACH-BACK PROVISION

Mr. President, as Michigan has suffered through 44 consecutive months of double-digit unemployment, thousands of unemployed have exhausted their unemployment benefits without being able to find a job. In fact, estimates indicate that nearly 100,000 unemployed in Michigan have exhausted their FSC benefits. These unemployed need our support as much today as they did a few months ago. While I agree that we must increase our efforts to retrain many of these workers and to increase the number of local job opportunities, these efforts will take time. We cannot simply withdraw our support and delegate many of these proud workers to the welfare rolls when they cannot find jobs in their communities today. Yet, that is exactly what the administration advocates by opposing a reach-back provision that provides additional weeks of benefits to FSC exhaustees.

The bill before us today does not include a reach-back provision. With nearly 100,000 FSC exhaustees in my State alone depending on further assistance, I find this omission unconscionable. I strongly urge my colleagues to join me in supporting those amendments that provide for a reach-back provision. We cannot turn our backs when jobs remain difficult to find.

TOTAL UNEMPLOYMENT RATE (TUR) OPTION

The number of FSC weeks for which a State qualifies depends on its insured unemployment rate (IUR). As I have noted in my bill (S. 1663) to extend the FSC program and in several statements, reliance on the IUR to determine eligibility is unfair. The IUR, which excludes FSC recipients and exhaustees, gives an inaccurate picture of many States' unemployment problems. This is certainly true in Michigan where the gap between the most recent IUR—3.54 percent—and the seasonally adjusted TUR—14.3 percent—is nearly 11 percent. I have advocated the use of the TUR as a State option in addition to the IUR. While the use of the TUR also poses some problems, I would support its use as an option until a better indicator than it or the IUR can be found.

The Finance Committee has agreed with us that the use of the IUR is often unwarranted. In fact, the report that accompanies the bill before us states that:

When a State experiences a prolonged period of extremely high unemployment, the validity of the current insured unemployment rate as an indicator of its relative unemployment situation compared with other States is weakened • • •

In order to correct this problem, the committee bill includes a special provision that grants a State the maximum FSC benefits if the State's average IUR over the period since January 1982 exceeds 6 percent. This alternative insured unemployment measure takes account of the many unemployed who have exhausted their regular benefits and who, therefore, are not included in the IUR. Since this answers many of the problems associated with the use of the IUR, I can support that provision.

Since the committee admits that the use of the IUR is often flawed, logic dictates that its use to determine eligibility for the extended benefits (EB) program is similarly flawed. Reliance on the IUR caused nearly 57,000 unemployed Michigan workers to trigger off the EB program this June even though Michigan had the second highest rate of unemployment in the Nation. No good reason exists to require that all States rely on this flawed measure to be eligible for the EB program. Consequently, I believe that the special provisions included in the committee bill should apply at each State's option to determine eligibility for the EB program.

LENGTH OF EXTENSION

Mr. President, it is time that we address the problems associated with the Federal unemployment insurance programs. We should consider the Byrd-Heinz proposal to combine the EB and FSC programs into a permanent program. We need to find a better measure than the IUR to determine eligibility for these benefits. These are problems that this Congress should address. Frankly, I am fearful that an 18-month extension of the FSC program will remove the incentive for this Congress to act.

Consequently, I support a 9-month extension of a more complete FSC program than the Finance Committee has proposed. In this way, this Congress will have to address the problems facing the EB and FSC programs without letting the FSC program expire. Moreover, we will not lock the long-term unemployed into a deficient program for 18 months.

Mr. President, we must extend the FSC program to aid the millions of Americans who remain unemployed today. We must also extend a FSC program that will truly address the problems of the long-term unemployed. Consequently, I urge my colleagues to support those amendments to the committee bill that address the problems that I have noted.

● Mr. BOSCHWITZ. Mr. President, I rise to express my support for S. 1887, the Federal supplemental compensation amendments of 1983. This bill will extend the FSC program for an additional 18 months through March 31, 1985. Without this extension FSC will expire at midnight tomorrow.

Mr. President, the FSC program was enacted in 1982 as we recognized the severity of the unemployment problem and the inadequacies of the existing unemployment compensation program.

Since then, we have extended FSC twice, once in December 1982 and then again in March 1983. Now, once again we face the termination of the program.

I firmly believe that we should extend FSC—given that the extended benefit program has been so ineffectual. Thus, I am very pleased to see that the administration and the Finance Committee moved so quickly to push this extension along.

We need to take a good look at the overall unemployment compensation program—however, until this occurs we need something to fill the gap.

This is why the continuation of FSC is so important. FSC has assisted over 41,000 Minnesotans in the past year alone, and without this extension, thousands of Minnesotans will face falling off the unemployment compensation rolls.

The economy is clearly in the midst of a recovery. Unemployment is dropping. In fact, the unemployment rate in Minnesota has fallen over 3 full percentage points in the last 9 months. Also, optimism about next year and employment opportunities is increasing.

But because unemployment is a lag indicator, there still are many people—like those on Minnesota's iron range—who are not able to find work. And unfortunately for those on the range, until the steel industry picks up, this problem will persist. It is people in this position who need FSC.

I urge my colleagues to speedily pass this important legislation.●

Mr. DOLE. Mr. President, as far as the manager of the bill knows, there are no further amendments, and I suggest we go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was orderd to be engrossed for a third reading and was read the third time.

Mr. DOLE. Mr. President, I move that the Senate proceed to H.R. 3929, Calendar Order No. 440.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. DOLE. Mr. President, I move that all after the enacting clause be stricken and the language of S. 1887, as amended, be substituted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the engrossment and the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. BYRD. I announced that the Senator from Califorina (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—89

Abdnor	Boren	Cochran
Andrews	Boschwitz	Cohen
Armstrong	Bradley	D'Amato
Baker	Bumpers	Danforth
Baucus	Burdick	Denton
Bentsen	Byrd	Dixon
Biden	Chafee	Dole
Bingaman	Chiles	Domenici

Durenberger	Kennedy	Quayle
Eagleton	Laxalt	Randolph
East	Leahy	Riegle
Evans	Levin	Roth
Ford	Long	Rudman
Garn	Lugar	Sarbanes
Goldwater	Mathias	Sasser
Gorton	Matsunaga	Simpson
Grassley	Mattingly	Specter
Hart	McClure	Stafford
Hatch	Melcher	Stennis
Hatfield	Metzenbaum	Stevens
Hawkins	Mitchell	Symms
Hecht	Moynihan	Thurmond
Heflin	Murkowski	Tower
Heinz	Nunn	Trible
Helms	Packwood	Tsongas
Huddleston	Pell	Wallop
Inouye	Percy	Warner
Jepsen	Pressler	Weicker
Johnston	Proxmire	Wilson
Kasten	Pryor	

NOT VOTING—11

Cranston	Glenn	Lautenberg
DeConcini	Hollings	Nickles
Dodd	Humphrey	Zorinsky
Exon	Kassebaum	

So the bill (H.R. 3929), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I move that the Senate insist on its amendment and appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. DOLE, Mr. ARMSTRONG, Mr. ROTH, Mr. CHAFEE, Mr. LONG, Mr. MOYNIHAN, and Mr. BOREN conferees on the part of the Senate.

Mr. DOLE. Mr. President, I ask that S. 1887 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. BYRD. Mr. President, I have sought recognition and received it for the purpose of asking the distinguished majority leader what the program is for the rest of today and for next week, insofar as he can at this point tell us.

Mr. BAKER. Mr. President, I thank the minority leader.

First of all, Mr. President, I wish to congratulate the chairman of the Finance Committee and the ranking minority member for managing a difficult bill in good time and bringing it to a unanimous conclusion.

Mr. BYRD. In good will and good humor.

Mr. BAKER. In good will and good humor.

I hope they can complete the conference report in the same spirit and do so promptly because I would like to get this thing back and out of the way in the next couple of hours, if we can.

PROGRAM

Mr. BAKER. Mr. President, I just talked to the chairman of the Appropriations Committee. The conference on the continuing resolution is completed. The House must act first. Our best estimate is that we will have the conference report here about 4 o'clock.

I hope that we can do the conference report on this bill about the same time, in which event, except for a few other things that may be available, I would ask the Senate to go out then until Monday.

There will be no session tomorrow unless—and I do not mean this as a threat, but just to stay honest—unless there is a hitch in this conference or in the passage of the CR conference report in one or the other of the houses. But I think that is a tiny possibility. So I think Senators are safe in assuming that we will not be in on Saturday.

On Monday, October 3, Mr. President, I previously announced that it will be the intention of the leadership on this side to try to go to the Martin Luther King holiday bill. That was postponed, as Members will recall, through a variety of requests by the sponsors of the resolution and the concurrence of all Senators who had noted their particular and special interests on our calendar and I believe on the other side.

Mr. BYRD. And people on the outside.

Mr. BAKER. And people on the outside. Indeed, I announced at the time that a number of civil rights groups that were vitally interested in this, including the Black Leadership Roundtable, had urged that the matter be postponed until the 3d of October because of the absence of several Senators, I think on both sides of the aisle, who wanted to be here at the time the measure was brought up.

Mr. President, next week is going to be a busy week. With the Martin Luther King holiday bill, we also have the Labor-HHS appropriations bill to be done. We have perhaps an agriculture bill to deal with target prices, dairy and tobacco. I hope that can be worked out so it will take a minimum of time. We also have the State-Justice-Commerce appropriations bill.

We have three authorization bills that are here. We have the intelligence authorization bill, the FTC authorization bill, and the defense production authorization bill. It looks like we are going to have about 2 hours this afternoon and maybe we can do one or two of those authorization bills today. But we ought to try to do those next week if we can. And, of course, we have the State authorization bill, which is the unfinished business.

Mr. President, that, I expect, will be up next week, also. It may not be, depending on other circumstances, because there may be emergencies to be dealt with or there may be a rule XXII situation to be dealt with. But it must be added to the list of those things that may be up during the coming week.

Mr. President, in addition to that, we have the Export Administration bill which expires at midnight tonight. It is my hope that something can be worked out to get that bill up and passed today. That is not yet fully worked out, but I will have a further report for the minority leader and other Senators a little later in the day.

Mr. BYRD. Mr. President, how many rollcalls, if any—I am asking the majority leader now the $64 question—how many rollcalls would he expect might occur or are likely to occur today?

Mr. BAKER. I hope there will be no more rollcalls today. I would say there is about a 50-50 chance of that. Of course, there is a possibility of a rollcall on the CR conference report or on the conference report on the bill we have just finished.

Mr. BYRD. How about Export Administration?

Mr. BAKER. Export Administration, perhaps; although I hope we can avoid that. I really do not know how to do it much better than that. I cannot guarantee us against a rollcall this afternoon. I would say the chances are about 50-50.

Mr. BYRD. About 50-50; or does that mean 60-40 in favor of a rollcall?

Mr. BAKER. Probably. Let me put it this way: if I were listening to that advice, I would stay.

Mr. SARBANES. Will the majority leader yield for a question.

Mr. BAKER. I yield to the Senator from Maryland.

Mr. SARBANES. Do I understand we will complete the CR and the unemployment bill today?

Mr. BAKER. Both of them expire tonight and we have to do that.

Mr. SARBANES. And it is on those two measures that there is a 50-50 chance of a vote?

Mr. BAKER. Yes; and the export bill. I do not expect to do that, but it is possible.

Mr. President, I might also announce I plan to ask the Senate to come in at noon on Monday. I expect to adjourn today. I have not presented a unanimous-consent request in that connection, but I expect to do so. I expect we will adjourn at the close of business today.

Mr. METZENBAUM. Will the majority leader indicate on Monday, when we come in at noon, what will be the possible hour for the first rollcall?

Mr. BAKER. It is hard to say. My information is not firm, but I understand there may not be opposition to a motion to proceed to the Martin Luther King holiday bill on Monday. I

expect the first vote may occur on a motion to commit that bill to the Judiciary Committee. That could come as early as 2 or 3 o'clock. But if we come in at noon and go through the usual formalities plus an hour for morning business, I would say the chances are that it would be 2 p.m. before the first vote.

Mr. METZENBAUM. I thank the Senator.

Mr. BAKER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we would now like to move to consider the extension of the Coffee Agreement. We have a House bill which is a 2-year extension and the Senate bill which is a 6-year extension. We have agreed informally to take a 3-year extension that the House will accept. There will be one amendment offered to the Coffee Agreement, and that will be the extension of the trade adjustment assistance, $95 million the first year and $98 million the second year.

We are also advised by the House that if that amendment is agreed to in the Senate, they will accept that amendment. I might say that we met on this yesterday. Senator DANFORTH offered the amendment and discussed the amendment. If there is no objection, I would like to move that now.

Mr. BAKER. Will the Senator permit me to suggest the absence of a quorum while we check our cloakrooms?

Mr. DOLE. I yield.

Mr. BAKER. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

ECONOMIC POLICY

Mr. DANFORTH. Mr. President, yesterday the Senate Finance Committee agreed to a sense-of-the-Senate resolution which was a major statement on economic policy. The sense-of-the-Senate resolution was offered by Senator WALLOP, Senator BOREN, and myself. We had originally intended to press for a vote on the so-called CPI minus 3 proposition. CPI minus 3 is a concept of reducing the Federal deficit by approximately $120 billion in the years 1985 through 1988 by adjusting indexing formulas for both tax and spending purposes downward by 3 percent.

We made the decision not to press that to a vote because we have no illusions that it would be adopted at an early date. We do plan to keep pressing that issue.

But the sense-of-the-Senate resolution reads as follows:

It is the sense of the Senate that:

(1) The Federal budget deficits now expected to occur in the 1980s pose a serious threat to America's economic future;

(2) The deficits cannot be expected to be brought under reasonable control solely by a strong economic recovery, a reduction in defense spending, and reduced spending for discretionary domestic spending programs; and

(3) The goal of reducing Federal deficits to levels that do not threaten America's economic future will require some reduction in the growth of Federal non means-based entitlement programs and some increase in Federal revenues.

(4) The staffs of the Joint Committee on Taxation and the Senate Committee on Finance are hereby instructed to identify measures for increasing tax revenues and reducing the growth in non means-based entitlement programs. This analysis shall include such options as temporary modification of the "indexing" that both increases spending on entitlements and foregoes the growth in revenues that would otherwise occur in response to inflation; consumption taxes; improvements in tax compliance; elimination or modification of unjustified tax preferences; restricting tax shelters; measures to broaden the tax base; correcting inequities in the distribution of benefits under Federal entitlement programs, including Medicare; and improvements in the administration of such entitlement programs.

(5) For each measure so identified, the impact on low-income persons shall be considered. The staffs are instructed to report to the Committee on Finance on or before March 15, 1984.

Mr. President, there are several significant items in this resolution which was passed overwhelmingly by the Senate Finance Committee yesterday.

The first matter that should be highlighted is that the Finance Committee, on a bipartisan basis, stated: "The Federal budget deficits now expected to occur in the 1980's pose a serious threat to America's economic future."

Now there has been a debate on that question, Mr. President, a debate between the Secretary of the Treasury, Mr. Regan, and the chairman of the Council of Economic Advisers, Mr. Feldstein.

Secretary Regan claims the deficits really do not matter that much; that we can accommodate them. Mr. Feldstein does not agree with the Secretary of the Treasury.

The Senate Finance Committee yesterday by an overwhelming margin weighed in in favor of Mr. Feldstein and stated its adamant position that Secretary Regan is incorrect and that the position that he takes poses a major threat, a serious threat, to America's economic future; not just the short range of America's economy, but economic future for years to come.

Further, another point of notable interest in this resolution is the finding of the Finance Committee that deficits cannot be expected to be brought under reasonable control solely by a strong economic recovery. Now the point has been made that the economy is on the mend and that as the economy mends itself the deficit will be reduced.

Well, the point was made yesterday that no matter how strong the economic recovery, under even the most optimistic projections of what will happen in the economy, the deficit will still be in the neighborhood of $150 billion to $200 billion. Therefore, not only will the economic recovery not lower the deficits to a manageable level but in fact the high deficits will stunt the economic recovery.

Further, it was pointed out in the resolution that the deficits cannot be brought under reasonable control solely by a reduction in defense spending.

A lot of people feel that defense spending should be stretched out and that the President should not get everything he wants in defense spending. But even under the lowest projections of defense spending, even within the view of those who believe that defense spending should be held to the minimum level, still we are going to face deficits in the $150 billion to $200 billion level.

It was also said in the resolution that the deficits cannot be brought under reasonable control by reduced spending for discretionary domestic spending programs. This is what we have been trying for the last 2 years. We did do some good in trying to trim the budget in a whole series of specified areas. However, this business of creating laundry lists and trying to attack one spending program after another is not sufficient. Therefore, we must try a broader-based approach to reducing the size of the deficit.

And so the Finance Committee agreed yesterday that: "The goal of reducing Federal deficits to levels that do not threaten America's economic future will require some reduction in the growth of Federal nonmeans-based entitlement programs and some increase in Federal revenues."

Mr. President, nobody likes to hear those words. Everyone would like to believe that we do not have to either check the growth rate of nonmeans-based entitlements nor do we have to increase Federal revenues. The Finance Committee said yesterday that we have to do both. And I think that this resolution, therefore, points the way to a new realism in economic policy for our country.

I do not have any illusions that between now and the next election we will take responsible action. I believe that we should. I think that the American people are ahead of their politicians. I believe that the American people are willing to take the steps

necessary to bring the deficit under reasonable control.

But we are so timid here in Washington that we seem unwilling to do that.

In the Finance Committee yesterday, we at least stated the fact that it is not going to be possible to have deficits at a reasonable level unless we check the growth rate of entitlement programs and unless we increase Federal revenue, a major statement of policy by the Senate Committee on Finance, a major statement of policy at odds with the position taken by the President, at odds with the position taken by the Secretary of the Treasury.

It is the opinion of the Senator from Missouri the sooner we get to work on the budget deficit, the healthier will be the economic future of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL COFFEE AGREEMENT ACT AMENDMENTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 425, H.R. 3813.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, we have cleared this matter with Members on this side the best we know how. We have gone through our Cloakroom lines. It is a matter that can be taken care of expeditiously. There is no objection on this side.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we have also gone through the same clearance process on this side.

Mr. President, I will let the Senator from Missouri explain in detail the amendment he intends to offer.

The International Coffee Agreement expires at midnight tonight and the trade adjustment assistance has the same expiration date. We have been assured by our House colleagues that if, in fact, we extend the coffee agreement for 3 years and add an extension of trade adjustment assistance, as Senator DANFORTH will explain momentarily, as amended by an amendment of the Senator from Louisiana, Senator LONG, they might accept that package.

Mr. President, I hope that we can move quickly to resolve this matter, so that we can meet the midnight deadline.

Mr. President, the Committee on Finance yesterday approved and ordered favorably reported H.R. 3391, as amended, a bill to reauthorize for 2 years trade adjustment assistance programs for workers and firms. As the current authorization for these programs expires today, it is important for the Senate to act without delay to approve the committee's action.

I will offer this reauthorization, however, with Senator DANFORTH as a committee amendment to H.R. 3813, the House-passed enabling legislation for the 1983 International Coffee Agreement. The President's authority to carry out U.S. obligations under the current coffee agreement also expires today. The Finance Committee favorably reported S. 1847, enabling legislation for the agreement, on September 27. Thus, it is my intention to combine the two reauthorizations that have passed the House and our committee.

The committee vote to reauthorize the programs represents a compromise between the House-passed version of H.R. 3391, which would have greatly expanded the scope and cost of the worker program, and those of us who agreed with the administration that the programs should not be reauthorized at all. Members will recall that in the 1981 Budget Reconciliation Act, the Congress enacted a number of measures in an effort to reduce the spiraling costs of the programs and to render them more effective in accomplishing their intended purposes—adjustment of workers and firms. Between 1975 and 1980, the costs of the worker program alone rose from $25 million to well over $2 billion. The 1981 changes wrought significant discipline in the program; nevertheless, the worker and firm programs together continue to cost over $100 million per fiscal year. According to administration estimates, a simple reauthorization of both programs, as the committee has voted to do, will cost about $128 million in both of the next 2 fiscal years.

Mr. President, in my opinion there have been few Government programs ever that promised so much but delivered so little to so few. TAA programs have not adjusted either many workers or firms, while being enormously costly. Worse, they are patently unfair in their arbitrary distinctions among beneficiaries of Government assistance: who can justify providing one group of workers with extra Federal assistance because of their poor competitive position, while at the same time denying this largess to very similarly situated groups who unfortunately cannot demonstrate a tenuous connection of job loss to import competition? In the firm program too, the Government is forced by this program to offer a very few firms cash and technical assistance that is not available to the vast majority of businesses that share the same problems. I am attaching to this statement a list of worker program benefits that shows by State how few areas benefit from the program. I am also including a breakdown of the firm program that shows its own dismal history of operation for the benefit of a very few.

I must also note that there are numerous Government programs that render TAA programs redundant, and are much better administered. Title III of the Jobs Training Partnership Act provides worker training benefits to all workers, regardless of the connection of their job loss with import competition. The Small Business Administration and the Commerce Department offer numerous technical assistance programs and financial assistance programs that also are not discriminatory in their availability. In my opinion, they provide more than an adequate substitute for the empty symbolism of TAA programs.

Nevertheless, the committee as a whole believes that it is important to continue the TAA programs in their current form, and I am committed to accomplishing that goal. The programs are operating at levels significantly below their pre-1981 levels, and seem to be much better managed in this administration. I am hopeful that the House and the President will accept the committee's compromise. If so, we will continue to operate TAA as is the case now, while taking a long look at whether to fold them into other programs, or make other improvements in them.

Mr. President, the second part of this committee amendment would authorize the President to carry out and to enforce U.S. obligations under the 1983 international coffee agreement—ICA. That agreement comes into force on October 1, 1983, and will be the fifth in a series of such agreements dating back to 1963. The Senate unanimously gave its advice and consent to ratification of the new agreement last July 27. Current authority to carry out the 1976 ICA expires today; the President needs authority to carryout the obligations of the new agreement.

The ICA establishes a system of export quotas among the coffee producing nations to stabilize prices within an agreed range. If prices rise above the ceiling, quotas are suspended. The committee is satisfied that the ICA generally has worked in a satisfactory way, to the benefit of U.S. consumers and to the stability in world

markets that is so important to the developing countries dependent on coffee exports for earnings of foreign exchange. The National Coffee Association and the consumer advisers to the U.S. negotiating team support the agreement and this enabling legislation. I am attaching a letter from Ambassador Brock expressing the administration's strong support.

Finally, I am supplementing this statement with the text of the committee report that would have accompanied H.R. 3391, the committee's bill to reauthorize TAA. Because we are asking the Senate to reauthorize these programs on a different vehicle, there will be no report. I therefore include this report in this form.

Mr. President, I urge my colleagues to approve reauthorization of both the trade adjustment assistance programs and the coffee agreement enabling legislation as proposed by the Committee on Finance.

Mr. President, I ask unanimous consent that the items to which I have referred in my statement be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION, TRADE ADJUSTMENT ASSISTANCE SYSTEM

[Summary by State, cumulative April 1975 through August 1983, amount of TRA through June 1983]

State	Cases certified	Workers receiving TRA	Amount TRA	Cases denied	Workers denied
Alabama	100	28,937	50,935,338	154	22,621
Alaska	1	2	5,882	3	94
Arkansas	68	13,434	21,427,475	67	9,071
Arizona	37	12,152	28,080,906	47	11,023
California	161	49,140	224,086,622	292	53,706
Colorado	33	2,858	5,845,999	44	5,237
Connecticut	66	12,729	31,022,634	129	10,120
District of Columbia	2	6	4,599	5	64
Delaware	10	10,745	24,377,879	22	14,143
Florida	53	5,024	11,434,493	74	4,674
Georgia	60	24,148	71,064,801	94	20,592
Hawaii	14	825	2,314,700	29	1,487
Iowa	15	3,453	3,746,782	28	8,138
Idaho	6	450	1,087,136	6	496
Illinois	116	39,529	84,608,645	237	52,651
Indiana	118	77,881	274,144,285	304	67,906
Kansas	12	7,814	29,392,183	26	7,861
Kentucky	50	14,339	35,887,116	115	23,594
Louisiana	24	3,679	7,098,462	31	3,265
Massachusetts	266	34,282	79,090,594	463	35,660
Maryland	51	21,435	52,751,447	95	4,092
Maine	55	10,481	11,066,242	59	6,923
Michigan	287	348,627	1,212,518,332	1,332	152,513
Minnesota	44	7,031	15,795,391	84	6,521
Missouri	139	63,983	233,963,028	285	34,892
Mississippi	36	8,593	15,679,695	37	3,771
Montana	11	1,947	8,159,905	21	3,454
North Carolina	48	6,141	4,687,378	78	10,510
North Dakota	1	1	2,210	3	66
Nebraska	8	1,618	1,351,690	18	416
New Hampshire	45	4,519	7,042,156	61	7,623
New Jersey	449	46,605	126,554,395	881	58,368
New Mexico	7	634	1,163,308	12	2,552
Nevada	11	918	5,994,193	11	376
New York	699	106,319	277,968,746	861	67,830
Ohio	204	185,656	533,724,828	733	117,415
Oklahoma	8	723	1,631,131	30	11,090
Oregon	13	696	1,478,697	47	4,284
Pennsylvania	486	124,467	193,698,399	915	132,772
Puerto Rico	66	3,575	6,362,192	40	3,516
Rhode Island	19	3,337	9,455,509	44	3,137
South Carolina	33	8,084	11,948,805	64	13,003
South Dakota	3	235	235,032	2	176
Tennessee	127	29,960	60,512,419	214	28,394
Texas	119	14,407	24,828,931	139	9,408
Utah	17	620	1,776,924	16	2,187
Virginia	67	21,568	29,696,947	123	13,857
Vermont	9	273	496,655	3	290
Washington	79	3,284	9,733,813	132	9,747
Wisconsin	90	50,220	116,447,665	158	25,750
West Virginia	154	11,910	36,957,488	539	41,318
Wyoming	3	123	132,480	10	1,128
Total	4,599	1,429,417	3,999,472,562	9,214	1,129,688

TAA DIRECT LOANS—WITH OUTSTANDING BALANCES

[Dollars in thousands]

	Current		Delinquent		Liquidation		Servicing management		Active total	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Year made:										
1972							1	$600	1	$600
1973	1	$180					1	7,408	2	7,588
1974	1	511							1	511
1975	1	2,188							1	2,188
1976	4	1,534	1	$750			1	178	6	2,462
1977	1	356	3	1,189	3	$1,088			7	2,633
1978	8	3,116	7	1,718	13	3,144	3	866	31	8,844
1979	22	12,730	6	2,735	16	10,233	11	4,419	55	30,117
1980	17	9,207	8	4,757	20	12,249	6	3,806	51	30,019
1981	23	8,547	8	2,579	9	2,976	4	1,940	44	16,042
1982	7	2,527							7	2,527
Total	86	40,896	33	13,728	61	29,690	27	19,217	206	103,531
Percent of total	42	40	15	13	30	29	13	18	100	100

Notes: These figures represent only loans still in effect—i.e. do not include loans that were paid off or written off. Written off.—112 direct loans at a cost of $60.8 million. Paid off.—5 direct loans at a value of $3.1 million.

THE U.S. TRADE REPRESENTATIVE,
Washington, D.C., September 21, 1983.
Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, D.C.

DEAR BOB: I am writing in regard to S. 1847, legislation currently pending before the Senate Finance Committee which would continue U.S. participation in the International Coffee Agreement (ICA).

The Senate unanimously ratified the International Coffee Agreement on July 27, 1983. In order for the United States to comply with its obligations under the treaty, implementing legislation amending the 1980 Coffee Agreement Act must be passed by October 1, 1983. If not, our authority to implement the Agreement and comply with our treaty obligations will expire and U.S. Customs will no longer be able to monitor imports of coffee.

International Coffee Agreements have aimed at balancing the economic interests of producers and consumers, and each has been an improvement over the predecessor in this regard. Like the previous Agreements, the 1983 Agreement is intended to stabilize coffee prices for short-run periods along long-term market trends. The Agreement itself contains no fixed price objective; rather, each year the members of the Agreement will establish a price range based on current production and consumption trends, inventory levels, and other factors that influence the market.

Failure to pass the legislation by September 30 would have adverse consequences not only for the world market but the operation of the domestic coffee industry. Most U.S. roasters, brokers, and importers have concluded business deals on the assumption that the United States would continue to implement the Agreement. The failure of the United States to extend its participation in the Coffee Agreement would also have catastrophic economic effects on coffee-producing countries. Many developing countries depend on coffee exports for the greater share of foreign exchange revenue. The collapse of the Coffee Agreement which could occur as a result of U.S. nonparticipation in the Agreement could trigger economic collapse in these countries. Coffee export earnings are valued at $3 billion per year, and three-quarters of this amount goes to Caribbean, Central and South America countries.

Pending Congressional approval of the implementing legislation, U.S. participation in the new Agreement becomes effective for 6 years on October 1, 1983. The 1983 Agreement, negotiated by 71 countries, is similar to that of the 1976 Agreement. It contains the following major elements:

Its objective is to stabilize the price of coffee within a range that is acceptable to both consumers and producers.

The principal economic provision is a system of country export quotas which are decreased when prices are declining and increased when prices are rising in order to keep the price of coffee within an agreed range. In periods of high prices, quotas are suspended altogether in order to encourage maximum exports. The quota system is enforced by the importing members.

The ICA promotes the maintenance of adequate coffee stock levels by making each producing country's export quota partially dependent on its level of stocks. These stocks can be released in a period of high prices to put immediate downward pressure on the market.

The Coffee Agreement does not harm U.S. consumers. The ICA has had some effect in supporting world prices, but coffee prices over the past two years—since export quotas have been put into effect—have been well below price levels in the immediately preceding years. U.S. delegations have been vigilant in ensuring that the Agreement does not adversely affect U.S. consumers and/or consuming industries. Indeed the delegations have included representatives of consumer organizations. These representatives have stated their support for the ICA.

We consider it critical that legislation be approved in time to allow the United States to fulfill its obligation under the new International Coffee Agreement, and I urge your support for swift Committee approval.

Very truly yours,

WILLIAM E. BROCK.

REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS

I. SUMMARY

The Committee bill would: (1) authorize the present trade adjustment assistance programs for workers and firms for fiscal years 1984 and 1985; (2) make permanent the standard of causation by which the Secretary of Labor determines whether particular groups of workers are eligible to apply for adjustment assistance; and (3) include a preference, among certified, equally qualified firms applying for adjustment assistance, for firms proposing utilization of an employee stock ownership plan in their adjustment proposals.

II. GENERAL EXPLANATION

In order to authorize current trade adjustment assistance programs beyond their currently scheduled expiration date of September 30, 1983, the Committee approved H.R. 3391 with amendments.

Present law

Trade adjustment assistance (TAA) programs for workers and firms were originally authorized in the Trade Expansion Act of 1962. The programs are now authorized in Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as substantially amended by the Omnibus Reconciliation Act of 1981 (Pub. L. No. 97-35, 95 Stat. 357). The latter act provided that the programs would expire after September 30, 1983.

A. Worker Program.—The Secretary of Labor operates the TAA program for workers. Groups of workers are eligible for cash and training benefits if the Secretary determines—

(1) That a significant number or proportion of workers in the worker's firm or appropriate subdivision of the firm have been, or are threatened to be, totally or partially laid off;

(2) Sales and/or production of the firm or subdivision have decreased absolutely; and

(3) Increased imports of articles like or directly competitive with articles produced by the firm or subdivision "contributed importantly" to both the layoffs and the decline in sales and/or production.

The term "contributed importantly" means "a cause which is important but not necessarily more important than any other cause." Pursuant to section 404 of the 1981 Omnibus Reconciliation Act and Public Law 97-362, the standard "substantial cause" will apply after September 30, 1983.

Individual workers within approved groups are then certified for assistance within these groups. They are eligible for:

1. Weekly cash payment entitlement (trade readjustment allowances (TRA)) equal to the worker's most recent unemployment insurance (UI) weekly benefit amount and payable only for weeks of unemployment after a worker has exhausted his regular UI, extended UI benefits (EB), as well as Federal Supplemental Compensation (FSC) entitlements. A worker cannot receive more than 52 weeks of UI and TRA benefits combined, except workers in approved training may receive up to 26 additional weeks to complete training if application for benefits is made within certain time limits. Basic TRA benefits can be paid only during the 52-week period following the week in which the worker has exhausted regular UI; additional benefits while in training are payable only during the 26-week period following the last week of entitlement to basic TRA.

2. Approved training under other Federal programs under certain conditions.

3. Job search and relocation allowances.

All TAA benefits are authorized to be funded from general revenues through annual appropriations.

B. Firm Program.—The Secretary of Commerce, through his Department's International Trade Administration, is responsible for operating the firm trade adjustment assistance program.

Under the 1974 Trade Act, the Secretary certifies a firm as eligible to apply for assistance if he determines—

(1) That a significant number or proportion of the workers in the firm have been, or are threatened to be totally or partially laid off;

(2) Sales and/or production of the firm have decreased absolutely; and

(3) Increased imports of articles like or directly competitive with articles produced by the firm "contributed importantly" to both the layoffs and the decline in sales and/or production.

A firm's assistance application cannot be approved unless the Secretary determines that the firm—

(1) Has no reasonable access to private financing; and

(2) The proposal reasonably will materially contribute to adjustment, it adequately considers workers' interests, and shows reasonable self-help efforts.

Once certified, a firm is eligible for financial and technical assistance. Financial assistance consists of direct loans and loan guarantees; technical assistance includes developing and implementing a viable economic adjustment proposal.

The committee bill

Like the House bill, the Committee bill would reauthorize the current programs for both workers and firms for two years. The Committee bill, however, does not adopt the amendments to existing programs included in the House bill that would significantly expand the current program.

Besides extending the programs' authorization for two years, the Committee bill includes two amendments to existing law.

The first would restore permanently the "contribute importantly" standard by which the Secretary of Labor determines whether imports are a cause of the layoffs or threatened layoffs entitling workers to benefits. Pursuant to a change in the 1974 Trade Act made in the 1981 Omnibus Reconciliation Act, the standard "substantial cause" would otherwise have been applicable to determinations beginning October 1, 1983. The Committee amendment would eliminate this impending change, and continue the standard of current law.

The second amendment adopted by the Committee relates to the firm program.

Section 3 of the bill provides a preference among certified, equally qualified loan applicants for applicants that include in their adjustment plans proposed to the Secretary a provision to utilize an employee stock ownership plan (ESOP) as the financing vehicle for repayment of 25 percent of the principal amount of the loan. Nothing in this provision requires the Secretary to grant any preference in certification or to make loans that are not otherwise economically sound. This preference for ESOP financing reflects a continuation of the ESOP preference originally established in the community assistance portion of the Trade Act of 1974. Some experience suggests that distressed companies with employee stock ownership have a higher likelihood of survival than more traditionally-owned companies. In addition, ESOP-type financing raises the likelihood that assisted companies will be able to repay the trade adjustment assistance loan because principal payments on an ESOP loan are tax deductible (up to 25 percent of payroll each year). Thus, the Committee felt that an ESOP preference would reflect the Committee's concern that this program be structured in such a way as to raise the likelihood that assisted companies will succeed and that these loans will be repaid. The Committee also felt that equity suggests that where taxpayer funds are used to assist a private company, there should be a preference for companies willing to share the benefit of that assistance with their employees.

This provision requires that the employee stock ownership portion of a company's adjustment plan must meet certain requirements before the Secretary may grant the preference. Those requirements are as follows:

Paragraph (1) would provide that 25 percent of any loan made to a corporation to provide firm adjustment assistance be made to a qualified trust established under an employee stock ownership plan. Repayment of such loans would be guaranteed by the firm receiving such assistance.

Paragraph (2) would require that the proceeds of such loans be used by qualified trusts for the purchase of employer securities and that annual employer contributions to the trust be utilized to repay the outstanding balance on these loans. It also would require that, as the qualified trust repays the loan, employer securities, once they are paid for, be allocated to the individual accounts of plan participants.

Paragraph (3) would impose specific requirements which employee stock ownership trusts must meet. The agreement establishing the rights and obligations of the employer maintaining the qualified trust, the lender and the qualified trust must be unconditionally enforceable by all parties to the agreement. The qualified trust is not to be required to make loan repayments in excess of the amount of required contributions made by the employer and actually received by the trust. This section would also require that funds transferred by the qualified trust for the acquisition of employer securities would be used for the same qualified purposes as are such other sums which are made available in the form of direct loans to the firm qualifying for such assistance.

In addition, the equity capital of a corporation receiving payment for its securities from a qualified trust may not be reduced for the one-year period beginning on the date of such purchase to insure that such funds are used solely for expansion and other legitimate corporate purposes rather than for refinancing existing debt obligations. The Committee has made the employee stock ownership provision a part of its trade adjustment assistance program to provide additional funds for current productive capital assets or other operating needs of the corporation and intends that no part of these funds should be "leaked" from the company to redeem its securities.

Finally, a corporation would be required to make such contributions to the qualified trust as are necessary for the repayment of the loan made to the trust for the acquisition of employer securities, whether or not the corporation may deduct such contributions for Federal income tax purposes and regardless of any other amounts that the corporation is obliged to contribute under any employee stock ownership plan in effect.

Paragraph (4) would require that there shall be allocated to the accounts of participating employees for each plan year their share of employer securities which are paid for and released for allocation. This allocation is based on the annual rate of compensation for that participant compared to total compensation paid all participants during that year. The intent of this provision is to insure that benefits under the employee stock ownershp plan are not in any way reduced or otherwise offset by benefits provided under Social Security (i.e., benefits under the plan are not to be "integrated" with Social Security benefits). However, this does not mean that allocations cannot be on a per capita or some other more equal basis under the plan.

Section (5) contains the following definitions: (A) "Employee stock ownership plan" means a technique of corporate finance that utilizes a stock bonus plan or a stock bonus plan in combination with a money purchase pension plan qualified under section 401 of the Internal Revenue Code of 1954, and which is designed to invest primarily in qualifying employer securities. In addition, the plan must meet such other requirements as the Secretary of the Treasury may prescribe by regulation.

(B) "Qualified trust" means a trust established under an employee stock ownership plan which meets the applicable requirements of the Internal Revenue Code and of the Employee Retirement Income Security Act of 1974.

(C) "Qualified employer securities" means common stock issued by a corporation receiving firm adjustment assistance under this Act or by a parent or subsidiary of such corporation. Such stock must have voting power and dividend rights no less favorable than the voting and dividend rights on other common stock issued by the issuing corporation. In addition, participants must be permitted to direct the voting of stock allocated to their accounts in the plan.

(D) "Equity capital" means in the case of a corporation receiving firm adjustment assistance the amount of its pre-existing invested capital and tangible assets (equal to the adjusted basis of such properly exclusive of depreciation on such pre-existing property during the year in which qualified employer securities are purchased by the trust) less the amount of that corporation's pre-existing liabilities.

III. BUDGETARY IMPACT OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, sections 308 and 403 of the Congressional Budget Act of 1974, and paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the following statement is made relative to the cost and budgetary impact of the bill. The Committee provides as its estimates the report of the Congressional Budget Office under section 403 of the Congressional Budget Act, as follows: (Letter follows.)

The Committee, however, further notes that the Administration provided the Committee with significantly higher cost estimates. The Department of Labor, based on its recent experience with higher rates of certifications for assistance in the worker program, estimates that the fiscal year 1984 cost of both programs will be $127 million, and in fiscal year 1985 will be $128 million.

IV. REGULATORY IMPACT OF THE BILL

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee states that the provisions of the Committee bill will not regulate any individuals or businesses, will not significantly impact on the personal privacy of individuals, and will result in no additional paperwork. The bill authorizes continued funding of two Government adjustment programs without substantially modifying the law governing their operations.

V. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the changes in existing law made by the bill are shown below (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman).

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 29, 1982.

Hon. ROBERT DOLE,
Chairman, Committee on Finance,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 3391, a bill to improve workers training under the Trade Act of 1974, and for other purposes, as ordered reported by the Senate Committee on Finance, September 29, 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RUDOLPH G. PENNER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 29, 1983.

1. Bill number: H.R. 3391.

2. Bill title: A bill to improve workers training under the Trade Act of 1974, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Finance, September 29, 1983.

4. Bill purpose: This bill would reauthorize the cash benefit, training, and firm assistance parts of the Trade Adjustment Assistance (TAA) program through fiscal year 1985.

5. Estimated cost to the Federal Government: This bill would result in additional future liabilities through an extension of existing entitlements that would require subsequent appropriation action to provide the necessary budget authority. The figures shown as "Required Budget Authority" represent an estimate of the additional budget authority needed to cover the estimated

outlays that would result from enactment of H.R. 3391.

[By fiscal year, in millions of dollars]

	1984	1985	1986	1987	1988
Reauthorization of current program—cash benefits:					
Required budget authority	40	40			
Estimated outlays	40	40			
Employment services:					
Estimated authorization level	26	28			
Estimated outlays	25	27			
Firm assistance:					
Estimated authorization level	29	30			
Estimated outlays	24	29	2	−2	−2
Total:					
Required budget authority/authorization level	95	98			
Estimated outlays	89	96	2	−2	−2

The costs of this bill fall within budget functions 370, 500, and 600.

Basis of Estimate: The estimates of the costs of reauthorizing the current law cash benefit and training parts of the TAA program are consistent with the assumptions underlying the CBO baseline and the First Budget Resolution. Recently, there has been both a surge of certification approvals and the Federal Supplemental Compensation (FSC) program has passed the House of Representatives and is currently under consideration in the Senate. The net result of these two events would be to reduce the estimated cost of the cash benefit part of the program by $2 million in fiscal year 1984 and $6 million in fiscal year 1985.

For purposes of this cost estimate, the estimated authorization level for trade adjustment assistance to firms reflects CBO's baseline assumptions for this program, which is administered by the International Trade Administration (ITA) in the Department of Commerce. In fiscal years 1984 and 1985, it is assumed that approximately $13.1 million and $13.8 million, respectively, would be available for direct loans. The ITA share of the guarantee loan program is assumed to be an estimated $29.8 million in 1984 and $31.2 million in 1985. Outlays in each fiscal year reflect disbursements for direct loans and guarantee repurchases, offset by loan repayments.

6. Estimated cost to State and local governments: The Congressional Budget Office has determined that the budgets of state and local governments would not be affected directly by the enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 28, 1983, CBO prepared a cost estimate for H.R. 3391, as ordered reported by the House Committee on Ways and Means, June 23, 1983. The difference between that estimate and the present one reflects the fact that the House committee reported bill contains several additional provisions.

9. Estimate prepared by: Richard Hendrix (226-2820), Mary Maginniss (226-2860).

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Mr. DOLE. I have never known a program that promised so much and gave so little as the trade adjustment program. But there is a great deal of interest in it by Senator DANFORTH and other members of our committee. We were able, in a meeting yesterday of the Senate Finance Committee, to agree on a more conservative version of trade adjustment assistance than the House-passed bill, and this compromise was supported by the committee by a vote of 17 to 0.

AMENDMENT NO. 2261

(Purpose: To amend the International Coffee Agreement Act of 1980, to reauthorize trade adjustment assistance for workers and firms, and for the other purposes)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) proposes an amendment numbered 2261:

Strike out all after the enacting clause and insert in lieu thereof the following:

NEGOTIATING AUTHORITY INVOLVING THE INTERNATIONAL COFFEE AGREEMENT, 1983

SECTION 1. The International Coffee Agreement Act of 1980 (19 U.S.C. 1356k, et seq.) is amended—

(1) by striking out "1976" in sections 2, 3, and 5 and inserting in lieu thereof ", 1983", and

(2) by striking out "for such period prior to October 1, 1983 as the agreement remains in effect" in section 2, and inserting in lieu thereof "before October 1, 1986".

REAUTHORIZATION OF PROGRAMS FOR WORKERS AND FIRMS

SEC. 2. (a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking out "each of fiscal years 1982 and 1983" and inserting in lieu thereof "each of the fiscal years 1982 through 1985".

(b) Section 285 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

"CONTRIBUTED IMPORTANTLY" TEST FOR GROUP ELIGIBILITY

SEC. 3. (a) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in paragraph (3), by striking out "were a substantial cause of such total or partial separation, or threat thereof, and of such decline" and inserting in lieu thereof "contributed importantly to such total or partial separation, or threat thereof, and to such decline"; and

(2) by amending the last sentence to read as follows: "For purposes of paragraph (3), the term 'contributed importantly' means a cause which is important, but not necessarily more important than any other cause.".

(b) The amendments made by subsection (a) shall apply with respect to petitions for certification filed under section 221 of the Trade Act of 1974 on or after October 1, 1983.

PREFERENCE FOR FIRMS HAVING EMPLOYEE STOCK OWNERSHIP PLANS

SEC. 4. (a) Section 255 of the Trade Act of 1974 (19 U.S.C. 2345) is amended by adding at the end thereof the following new subsection:

"Preference for Firms Having Employee Stock Ownership Plans

"(i)(1) When considering whether to grant a direct loan or to guarantee a loan to a corporation which is otherwise certified under section 251, the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

"(A) 25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation,

"(B) the employee stock ownership plan meets the requirements of this subsection, and

"(C) the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.

"(2) An employee stock ownership plan does not meet the requirements of this subsection unless the governing instrument of the plan provides that—

"(A) the amount of the loan paid under paragraph (1)(A) to the qualified trust will be used to purchase qualified employer securities,

"(B) the qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation, and

"(C) from time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with the provisions of paragraph (4).

"(3) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this subsection unless—

"(A) it is unconditionally enforceable by any party against the others, jointly and severally,

"(B) it provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (2)(B) which are actually received by such trust,

"(C) it provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this subsection will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender,

"(D) it provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this subsection, and

"(E) it provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of the Internal Revenue Code of 1954 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

"(4) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (2)(A) of this subsection as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust

during the term of such loan. Qualified employer securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

"(5) For purposes of this subsection, the term—

"(A) 'employee stock ownership plan' means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954,

"(B) 'qualified trust' means a trust established under an employee stock ownership plan and meeting the requirements of title I of the Employee Retirement Income Security Act of 1974 and section 401 of the Internal Revenue Code of 1954,

"(C) 'qualified employer securities' means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts, and

"(D) 'equity capital' means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in paragraph (3)(D)), less the amount of its indebtedness.".

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

Mr. DANFORTH. Mr. President, this is an amendment in the nature of a substitute. It does two things.

First, in connection with the extension of the International Coffee Agreement, it would extend the coffee agreement by 3 years rather than 2 years as provided in the House bill.

Second, it would reauthorize the current trade adjustment assistance program for an additional 2 years.

Both programs will expire tonight unless reauthorized. This will accomplish the objective of keeping both alive. With respect to the trade adjustment assistance program, the Finance Committee met yesterday and agreed to a committee amendment which is incorporated in this amendment, to reauthorize the trade adjustment assistance program for an additional 2 years.

Mr. LONG. Mr. President, I would like to comment on one aspect of the committee amendment to H.R. 3813 which is particularly important, the employee stock ownership plan. But first I would like to make two general comments, one about the coffee agreement and one about trade adjustment assistance in general.

COFFEE AGREEMENT

First with respect to the coffee agreement: Several Louisiana constituents have written to me to report that the agreement has resulted in stability in world coffee prices helping both consumers and processors of coffee. However, one of my constituents has expressed concern that provisions of the agreement are not being completely enforced to the disadvantage of U.S. brokers and buyers. I have addressed these concerns expressed by the International Coffee Corporation to our U.S. Trade Representative, Ambassador Bill Brock, who has responded by saying essentially he would expect International Coffee Agreement members to adopt strong measures to meet problems of such violations if they persist and expressing commitment of the administration to solving these problems.

Notwithstanding Ambassador Brock's letter, I continue to be concerned that the provisions of the coffee agreement be adhered to by producing countries. Such violations undermine the very stability that is the reason most Louisiana constituents who are concerned with this matter are in favor of the agreement. Therefore, I intend to monitor closely the operation of the agreement with this particular concern in mind.

TRADE ADJUSTMENT ASSISTANCE

Now with regard to the trade adjustment assistance program: Mr. President, I would have supported an expanded program along the lines of the bill as it passed the House. I believe Congress made an agreement with the American labor unions to maintain this program to compensate in part for our policy of reciprocal tariff reductions.

Mr. President, I do not suggest that trade adjustment assistance would make American workers happy with the world trading system. Those workers know that system is slanted against them, and that basic change in it is necessary. Eventually, we will need to revert to the original purposes of our open trade policy, mainly a renewal of the fundamental principle of reciprocity.

However, the trade adjustment assistance program as proposed by the Finance Committee, while paltry, nevertheless keeps alive the idea that it is possible to work out policies which make an open, reciprocal trading system both economically sound and politically acceptable.

EMPLOYEE STOCK OWNERSHIP PERFERENCE

Mr. President, there is one aspect of the extension of trade adjustment assistance that I would like to address for a moment in order to call it to the attention of Senators. The Finance Committee agreed to an amendment that I think could prove to be very helpful in making a success of that portion of this program dealing with the trade adjustment assistance provided to firms.

When the Trade Act of 1974 was enacted, the committee included in the community assistance portion of the bill a program of loan guarantees to help trade-impacted firms. In evaluating applications for loan guarantees under that section, the Secretary of Commerce was directed to give a preference to loan applicants willing to establish an employee stock ownership plan (ESOP) meeting certain requirements.

The community assistance portion of the 1974 act expired in September 1982. However, this bill extends the direct loan and loan guarantee program of prior law as it applies to assistance to firms, and the amendment agreed to by the committee provides that the ESOP preference formerly provided under the community portion of the act will now be provided under the firm program.

I believe that we will find that this amendment results in an improvement in this program. The evidence indicates that distressed companies that adopt programs for employee ownership have a better survival rate than more traditionally owned companies. Researchers at the New York State School of Industrial and Labor Relations at Cornell University and at the National Center for Employee Ownership indicate that, to the knowledge of researchers in the field, more than 90 percent of companies that have been bought by the employees are still in operation.

This is not to suggest, Mr. President, that a company should propose an employee buyout as part of its application for trade adjustment assistance. It does suggest, however, that some degree of employee ownership can be a helpful factor to those firms attempting to make it through difficult times.

Mr. President, the Congress first began to encourage employee stock ownership plans 10 years ago when we were considering Government assistance to the distressed railroad industry. The resulting railroad, Conrail, was subsequently required to establish an ESOP as part of the additional financial assistance provided in 1978. The Congress also required that the Chrysler Corp. establish an ESOP as a condition of the loan guarantees granted to that trade-impacted company.

We would be well advised to continue this policy whenever Government assistance is provided to companies. Equity suggests that where taxpayer funds are used to assist a private company, there should be a preference for companies willing to share the benefit of that assistance with their employees.

In addition, by encouraging the use of employee stock ownership plans as the financing vehicle through which such loans are funded, we will be raising the likelihood that such loans will be repaid because principal payments on a company's ESOP loan may be de-

ducted, up to 25 percent of payroll each year. Thus, distressed firms need not generate as much revenue to service their debt.

An ESOP operates as a technique of corporate finance that also serves as an employee benefit plan. The Tax Code provides incentives for ESOP's in order to encourage employers to finance their capital requirements in such a way that employees have an opportunity to earn a stake in the company for which they work.

Mr. President, although employee stock ownership plans have only been a part of the Internal Revenue Code since 1974, we now have enough evidence concerning their effect to say with confidence that they can be very advantageous to companies and to employees—and particularly to those companies and those employees attempting to make the changes necessary to respond to economic adversity.

Let me mention just three studies indicative of the experience we have had with employee ownership.

First, in 1977, five MBA candidates at UCLA conducted a survey of 180 companies with ESOP's and found that improved employee motivation was the most commonly cited benefit of establishing an ESOP.

Second, a 1977 Commerce Department-funded survey of companies with employee ownership found such companies to be 1.5 times more profitable than more conventionally owned firms, and the more stock held by the employees the better the company performed.

Third, a 1981 survey of 229 ESOP companies by the Journal of Corporation Law at the University of Iowa found that while other companies' productivity was declining during the 1975–79 period, the productivity of ESOP companies was increasing.

Mr. President, I want to assure Senators that this amendment that I offered in committee is in no way intended to suggest a model solution to the many complex problems facing firms that must compete in today's international environment. The evidence, however, indicates that companies with employee ownership outperform their competitors.

Just as the company with employee ownership will have an advantage over a more traditionally owned firm, so, too, should trade-impacted companies gain in competitive strength with an adjustment assistance policy that encourages employee stock ownership. A sense of ownership is crucial to the efficient and successful functioning of our private enterprise system—a system based on individual initiative and on sharing in the gains that one's efforts bring about.

Employee stock ownership provides a healthy new dimension to the trade adjustment process. It enables those affected to examine the issue in a different frame of reference, one in which the effect on them becomes much more real, and one in which they can realize how important their productive efforts are to that process.

In short, Mr. President, the coupling of trade adjustment assistance with employee ownership can help to provide an adjustment context in which such assistance is more likely to succeed and in which more people in the assisted firm have an opportunity to share in that success.

Mr. President, for the convenience of those interested in this particular portion of the bill, the following is the Finance Committee explanation of the ESOP preference provided under this portion of the bill:

PREFERENCE FOR LOAN APPLICANTS UTILIZING EMPLOYEE STOCK OWNERSHIP PLANS

Section 3 of the bill provides a preference among certified, equally qualified loan applicants for applicants that include in their adjustment plans proposed to the Secretary a provision to utilize an employee stock ownership plan (ESOP) as the financing vehicle for repayment of 25 percent of the principal amount of the loan. Nothing in this provision requires the Secretary to grant any preference in certification or to make loans that are not otherwise economically sound. This preference for ESOP financing reflects a continuation of the ESOP preference originally established in the community assistance portion of the Trade Act of 1974. Some experience suggests that distressed companies with employee stock ownership have a higher likelihood of survival than more traditionally owned companies. In addition, ESOP-type financing raises the likelihood that assisted companies will be able to repay the trade adjustment assistance loan because principal payments on an ESOP loan are tax deductible, up to 25 percent of payroll each year. Thus, the committee felt that an ESOP preference would reflect the committee's concern that this program be structured in such a way as to raise the likelihood that assisted companies will succeed and that these loans will be repaid. The committee also felt that equity suggests that where taxpayer funds are used to assist a private company, there should be a preference for companies willing to share the benefit of that assistance with their employees.

This provision requires that the employee stock ownership portion of a company's adjustment plan must meet certain requirements before the Secretary may grant the preference. Those requirements are as follows:

Paragraph (1) would provide that 25 percent of any loan made to a corporation to provide firm adjustment assistance be made to a qualified trust established under an employee stock ownership plan. Repayment of such loans would be guaranteed by the firm receiving such assistance.

Paragraph (2) would require that the proceeds of such loans be used by qualified trusts for the purchase of employer securities and that annual employer contributions to the trust be utilized to repay the outstanding balance on these loans. It also would require that, as the qualified trust repays the loan, employer securities, once they are paid for, be allocated to the individual accounts of plan participants.

Paragraph (3) would impose specific requirements which employee stock ownership trusts must meet. The agreement establishing the rights and obligations of the employer maintaining the qualified trust, the lender and the qualified trust must be unconditionally enforceable by all parties to the agreement. The qualified trust is not to be required to make loan repayments in excess of the amount of required contributions made by the employer and actually received by the trust. This section would also require that funds transferred by the qualified trust for the acquisition of employer securities would be used for the same qualified purposes as are such other sums which are made available in the form of direct loans to the firm qualifying for such assistance.

In addition, the equity capital of a corporation receiving payment for its securities from a qualified trust may not be reduced for the 1-year period beginning on the date of such purchase to insure that such funds are used solely for expansion and other legitimate corporate purposes rather than for refinancing existing debt obligations. The committee has made the employee stock ownership provision a part of its trade adjustment assistance program to provide additional funds for current productive capital assets or other operating needs of the corporation and intends that no part of these funds should be "leaked" from the company to redeem its securities.

Finally, a corporation would be required to make such contributions to the qualified trust as are necessary for the repayment of the loan made to the trust for the acquisition of employer securities, whether or not the corporation may deduct such contributions for Federal income tax purposes and regardless of any other amounts that the corporation is obliged to contribute under any employee stock ownership plan in effect.

Paragraph (4) would require that there shall be allocated to the accounts of participating employees for each plan year their share of employer securities which are paid for and released for allocation. This allocation is based on the annual rate of compensation for that participant compared to total compensation paid all partici-

pants during that year. The intent of this provision is to insure that benefits under the employee stock ownership plan are not in any way reduced or otherwise offset by benefits provided under social security, that is, benefits under the plan are not to be "integrated" with social security benefits. However, this does not mean that allocations cannot be on a per capita or some other more equal basis under the plan.

Section (5) contains the following definitions: (A) "Employee stock ownership plan" means a technique of corporate finance that utilizes a stock bonus plan or a stock bonus plan in combination with a money purchase pension plan qualified under section 401 of the Internal Revenue Code of 1954, and which is designed to invest primarily in qualifying employer securities. In addition, the plan must meet such other requirements as the Secretary of the Treasury may prescribe by regulation.

(B) "Qualified trust" means a trust established under an employee stock ownership plan which meets the applicable requirements of the Internal Revenue Code and of the Employee Retirement Income Security Act of 1974.

(C) "Qualified employer securities" means common stock issued by a corporation receiving firm adjustment assistance under this act or by a parent or subsidiary of such corporation. Such stock must have voting power and dividend rights no less favorable than the voting and dividend rights on other common stock issued by the issuing corporation. In addition, participants must be permitted to direct the voting of stock allocated to their accounts in the plan.

(D) "Equity capital" means in the case of a corporation receiving firm adjustment assistance the amount of its preexisting invested capital and tangible assests—equal to the adjusted basis of such property exclusive of depreciation on such preexisting property during the year in which qualified employer securities are purchased by the trust—less the amount of that corporation's preexisting liabilities.

Mr. President, I ask unanimous consent that a letter to me from the U.S. Trade Representative concerning the International Coffee Agreement be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, D.C., June 15, 1983.

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR RUSSELL: I appreciate receiving your letter of May 27, 1983, conveying the concerns of Mr. Alan V. Bories over continued U.S. participation in the International Coffee Agreement (ICA).

Mr. Bories makes four principal points regarding the ICA: that it is not in the interest of the U.S. consumer, that it adversely affects the U.S. trade balance, that nonmembers of the ICA enjoy advantages over ICA members, and that the quota system of the ICA violates U.S. free trade principles. I would like to address these issues in turn.

It is our view that the ICA provides substantial benefits to both consumers and producers who are members. The ICA attempts to ensure that producers receive remunerative prices for their coffee and that consumers are assured of a stable supply of coffee at reasonable prices. While it is true that ICA members are currently paying more for coffee than nonmembers, we are assured that in the future there will be a sufficient supply of coffee (both through maintenance of production levels and through the encouragement of stockholding) to moderate price increases brought about by an eventual price disruption. Our experience with extraordinarily high prices following the 1975 Brazil frost has impressed on all ICA members the importance of having sufficient stocks to make available to the market.

The U.S. coffee industry recognizes the significant contribution the ICA can make toward reducing coffee price instability. The National Coffee Association, which represents 90 percent of the U.S. coffee importing, roasting, and grinding industry, is on record as supporting the 1983 ICA. The consumer advisors who were accredited to the U.S. delegation which negotiated the new ICA also support the Agreement and have noted that it provides benefits to consumers.

It is difficult to assess how the ICA affects our balance of trade. To the extent that purchases by ICA member exporters of U.S. goods depend on their receiving remunerative prices for their coffee, I would conclude that the ICA has a positive effect on our balance of trade. Furthermore, since the ICA is designed to moderate price increases as well as price decreases, over time, our balance of trade vis-a-vis coffee-exporting countries should even out.

Given today's unusual coffee market situation characterized by an excess of supply over demand, producers are seeking markets for the coffee they cannot sell to ICA members. Some exporters have found markets in nonmember consuming countries. We understand that coffee being exported to nonmembers is for the most part being sold at a lower price than that paid by member countries. However, the amount of coffee being sold in this manner represents only 5 to 10 percent of the total amount of coffee traded in the world. As Mr. Bories points out, this situation is contrary to Article 2(3) of the ICA. Exporting and importing members are working together to address this problem. Measures have recently been taken to strengthen the control system which monitors the flow of coffee from members to nonmembers. This system is continually being reviewed and improved to increase its effectiveness. If the problem of nonmember sales persists, we expect ICA members to adopt even stronger measures when they next meet in plenary session in September 1983. The United States remains committed to finding an equitable solution to this problem.

Finally, Mr. Bories comments that quotas are contrary to free trade. To this I can reply that we consider coffee, along with several other commodities, to be a product which warrants the use of some sort of economic stabilization mechanism to attenuate extreme price fluctuations. Coffee production is subject to the vagaries of weather, disease, and civil strife, and therefore coffee prices often exhibit dramatic ups and downs. We believe that all those truly concerned about coffee (growers, exporters, importers, roasters, and consumers) agree that under these particular circumstances an ICA quota system which serves to dampen price movements is justified.

I hope this information will assist you in responding to Mr. Bories' letter.

Very truly yours,

WILLIAM E. BROCK.

Mr. DOLE. Mr. President, I am advised that the distinguished Senator from North Carolina (Mr. HELMS) would like to be present before further action is taken on this matter. I suggest the absence of a quorum.

Mr. MATSUNAGA. Will the Senator withhold that for a moment?

Mr. DOLE. Yes, Mr. President.

Mr. MATSUNAGA. Mr. President, it is a little known fact that Hawaii is the only State in the Union which produces coffee commerically. As the Senator from Hawaii, I rise in support of the Danforth amendment and of the bill itself and urge its passage.

Mr. SPECTER. Mr. President, I support extending the trade adjustment assistance program for an additional 2 years. This program is essential to helping import-injured firms adjust to changing market conditions, as well as to aid workers laid off due to increased import competition.

I have long been a supporter of trade adjustment assistance, which has been of substantial benefit to hundreds of firms and workers in my State. To this extent, I cosponsored Senator MOYNIHAN'S legislation to extend the program and, along with Senator HEINZ, I wrote to the chairman of the Senate Appropriations Subcommittee on State, Justice and Commerce, Senator LAXALT, to protest a deferral of $20,100,000 for this program.

Mr. President, with 620,000 Pennsylvanians out of work, and an unemployment rate in my State of 10.9 percent, I feel that the attempts to "zero out" the trade adjustment assistance were ill-advised, and I commend this body for taking the necessary steps to extend its authorization for 2 more years at $95,000,000 per year.

● Mr. METZENBAUM. Mr. President, I support the Senate Finance Committee's amendment to reauthorize the current trade adjustment assistance program for the next 2 years.

Many of today's unemployed workers—and those threatened by layoffs in the future—will not be able to return to their old jobs. As a nation, we have an obligation to help these people who have been adversely affected by U.S. trade policies and a changing international economy. We must help give them the tools to fill the jobs of the eighties and beyond.

That is what the trade adjustment assistance program is designed to do. But, Mr. President, this program is set to expire at the close of business today.

We must not let this happen. We must move quickly to pass this amendment and subsequently enact an appropriations measure to prevent the demise of this important program. Otherwise, we will be causing more hardship for thousands of American workers who have lost their jobs because of imports and who depend on the assistance provided under this program.

The amendment before us is extremely modest. It is a simple reauthorization which will cost less than $100 million for each of the next 2 years. It does not expand, liberalize, or change the current program.

Quite frankly, I am sorry it does not. I believe more, not less, is urgently needed in this area.

More than 70 percent of all goods produced in this country must compete with foreign-made products. Unemployment has not dropped below 9 percent since February 1982. Unemployment in the U.S. steel and auto industries—two basic industries which have been extremely vulnerable to foreign competition—has been between 30 percent and 40 percent for the same period. Many of the jobs in these industries are simply gone forever.

Unlike the administration, however, I do not believe the Job Training Partnership Act can help all of these Americans.

As enacted last year, this program cannot possibly provide adequate funds to meet the demand for training and other types of assistance among employees who have lost their jobs because of imports.

CBO estimates that in early 1983 approximately 750,000 workers had lost their jobs as a result of imports. Other estimates go much higher. Yet the Job Training Partnership Act was only expected to help 31,500 workers in fiscal year 1983 and only 170,000 in fiscal year 1984.

So, Mr. President, while I and several of my colleagues would have liked to enact a greatly revamped trade adjustment program with more emphasis on training—and I introduced legislation to that end—we understand that such was not in the cards.

Nevertheless, Mr. President, we must not leave a void for the thousands of U.S. workers hurt by foreign imports. We must not let the current trade adjustment assistance program die. It is far too important. I urge adoption of the amendment before us.●

TRADE ADJUSTMENT ASSISTANCE

Mr. MOYNIHAN. Mr. President, I rise today to express my strong support for the trade adjustment assistance (TAA) program. The amendment we have before us would reauthorize TAA for an additional 2 years.

Trade adjustment assistance represents a commitment made to the American worker two decades ago at the time of the Kennedy round of multilateral trade negotiations. We recognized then that while a policy of free trade is essential to a healthy domestic economy, important segments of the work force are adversely affected by import competition. Trade adjustment assistance is for these workers. It helps them pay the bills while they are unemployed and it enables them to receive training for new jobs in different sectors of the economy.

I am pleased to note that my colleagues on the Finance Committee registered their continued support of TAA by voting on September 29 to extend the program for 2 more years. I expect that the full Senate will do the same.

Mr. President, the measure we are proposing reaffirms the commitment we made to working men and women 20 years ago. The premise upon which trade adjustment assistance was based—that some will suffer from a free trade policy and that they should be compensated—is as valid today as in 1962. We cannot renege on our commitment. We must not let TAA die.

Mr. BYRD. Mr. President, I am pleased to lend my full support to the extension of the trade adjustment assistance program—a program which has provided, and will now continue to provide, assistance for many troubled domestic firms and unemployed workers, hurt by foreign import competition.

The recent recession has resulted in an appalling level of unemployment throughout the country. The extension of this program will assure that assistance to injured firms and workers will be available in order that they may help themselves to deal with new economic realities by providing training and/or technical assistance. In this way, the unemployed who qualify for this program, as well as injured firms, can be enabled once again to contribute to the economic prosperity of the country.

In my home State of West Virginia, many industries have been severely injured by import competition. These range from footwear to glassware to steel. Many plants have been closed or have had to greatly reduce their production because they have been unable to deal successfully with the twin problems of import competition and recession.

Nationally, during the period of fiscal year 1978 through fiscal year 1982, 1.1 million workers have received aid from this program.

During the period of April 1975 through August 1983, 154 petitions have been filed by West Virginia firms, and 11,900 West Virginians have received assistance.

One innovation in this newly approved legislation which gives me particular encouragement is the amendment which gives preference to firms and workers who participate in employee stock ownership plans.

The 8,000 employees of Weirton Steel, located in Hancock County, W. Va., just recently approved overwhelmingly the establishment of an ESOP for the purpose of purchasing their plant from National Steel, which had earlier announced that it would sell or "harvest" the facility.

While this program has mainly benefited small firms in competition with imports, it is my hope that the Weirton plant and its employees will not only benefit from this amendment, but that Weirton's ESOP will set an example for others throughout the country to follow in remaining viable and in retaining jobs for our citizens. Hopefully this legislation will help.

Mr. DANFORTH. Mr. President, I think we are ready to proceed with the vote on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2261) was agreed to.

Mr. DANFORTH. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3813) was passed.

Mr. DANFORTH. Mr. President, I move to reconsider the vote.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I ask unanimous consent that S. 1847 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

11-059 O-87-30 (Pt. 19)

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 4:05 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in my folder of items to be done routinely are a number of things. I wonder if the minority leader is prepared to consider them as I go through the folder at this time.

Mr. BYRD. Yes, indeed.

Mr. BAKER. I thank the minority leader.

The first is S. 1424, if there is no objection.

Mr. BYRD. That is one I see Mr. INOUYE is interested in, and that is clear on this side.

PACIFIC FISHERIES DEVELOPMENT FOUNDATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 276, S. 1424.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1424) to amend Public Law 92-444 to reflect the change in the name of the Pacific Tuna Development Foundation to the Pacific Fisheries Development Foundation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-444; 16 U.S.C. 758e) is amended by striking out "Pacific Tuna Development Foundation" and inserting in lieu thereof "Pacific Fisheries Development Foundation".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUPPORT FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. BAKER. Mr. President, the next item on my list is Senate Resolution 118. I inquire of the minority leader if he is prepared to consider that matter at this time.

Mr. BYRD. Yes, we are prepared.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 118.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) to express the sense of the Senate in support of continued integrity of the National Oceanic and Atmospheric Administration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HOLLINGS. Mr. President, I urge passage of Senate Resolution 118, which expresses the sense of this body in support of the continued integrity of the National Oceanic and Atmospheric Administration.

Back in April, when I introduced this resolution, I described the regrettable impact on NOAA of the administration's budget cutting and asked my colleagues to evaluate NOAA's budget in light of the fundamental requirements of this Nation's people and businesses. I urged consideration of the great expense that will be required in the future to rebuild the Federal Government's capacity to provide the important services proposed by the administration for elimination or major reduction. This resolution was offered to emphasize the many ways that NOAA touches our lives and to point out the need to maintain its standards of professional excellence.

Now, as we take up this resolution on the floor, I am gratified to note that the Senate Appropriations Committee has approved a Commerce-Justice-State bill which restores a substantial portion of the proposed reductions. The level of funding in the Senate bill would at least permit NOAA to limp along. It is my hope that my colleagues will see fit to support the committee's version of the appropriation bill.

The words of Senate Resolution 118 are just as true today as when it was introduced. NOAA has responsibility for a wide spectrum of important scientific services that the public depends on.

The truth has not yet registered on the administration. The fiscal year 1982 proposal by the administration included a number of reductions in key NOAA programs. The Congress restored most of these. For fiscal year 1983, the administration ignored the restorations by Congress and submitted a budget based on their fiscal year 1982 proposal, with additional cuts. The fiscal year 1984 budget submission followed a similar pattern—lower than the previous year's submission and bearing no relation to the annual congressional restorations of programs like sea grant and coastal zone management. Perhaps with this resolution we can send a message that will help induce the administration to submit more realistic budgets for NOAA.

The resolution was agreed to.

The preamble was agreed to.

The resolution and the preamble are as follows:

S. RES. 118

Whereas the National Oceanic and Atmospheric Administration is one of the foremost scientific agencies in the United States and throughout the world;

Whereas the oceanic and atmospheric research, weather services, environmental expertise, coastal management knowledge, and fishery conservation and management skills of National Oceanic and Atmospheric Administration scientists, engineers, and technical experts benefit all Americans;

Whereas the administration has recommended the elimination of nearly one thousand six hundred National Oceanic and Atmospheric Administration jobs for the next fiscal year and a reduction of well over $100,000,000 in annual funding for the National Oceanic and Atmospheric Administration;

Whereas for the third consecutive year, the President has proposed termination of the highly successful coastal zone management and sea grant programs (including the very effective marine extension service), the closing of the top-rated Great Lakes Environmental Research Laboratory, and the elimination of the undersea research program;

Whereas the President's budget calls for deactivation of nearly half the oceanic research fleet, serious reductions in geodesy programs, and heavy reductions in ocean pollution and ocean dumping research;

Whereas the President proposes a 40 per centum cut in the National Marine Fisheries Service, including the termination of Saltonstall-Kennedy funding for development of our fishing industry, the closure of nineteen fish hatcheries on the Columbia River, cuts of almost 60 per centum in funding for the Regional Fishery Management Councils, elimination of State grant programs involving commercial and anadromous research, termination of nonhatchery aquaculture research, the undermining of fishery habitat work, and the deep cutback of data collection and analysis;

Whereas the President's budget recommends the elimination of agricultural weather services and the fruit frost program, a 50 per centum cut in fire weather services, and the elimination of the second polar-orbiting satellite;

Whereas the effectiveness of the National Oceanic and Atmospheric Administration's highly regarded, world-class laboratories is being impaired by funding cuts, reflected by the administration's proposal to reduce the National Oceanic and Atmospheric Administration's research and development to $149,000,000 in fiscal year 1984, from a high of $204,000,000 in fiscal year 1980;

Whereas the administration has curtailed severely the weather modification research and development program in the National Oceanic and Atmospheric Administration that could some day save countless lives, avoid injuries, and save billions of dollars;

Whereas improvements in weather forecasting have been hindered and thereby

public safety threatened because necessary research and development in advanced satellite sensing of the atmosphere and oceans has been curtailed;

Whereas the President has decided to transfer to the private sector the weather satellites essential to the productivity, health, and safety of our Nation, without having performed cost analyses or consulted with the Congress or experts in satellite meteorology;

Whereas the Department of Commerce has announced a review of three thousand five hundred jobs in the National Oceanic and Atmospheric Administration to determine whether they can be eliminated and their duties shifted to private contractors;

Whereas the administration is conducting a contract study of the National Weather Service to determine how to pare back its full-time staff; and

Whereas the services and programs of the National Oceanic and Atmospheric Administration exemplify the kind of public infrastructure that is essential for the well-being of the Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the National Oceanic and Atmospheric Administration shall be maintained as a scientifically sound, reliable, world-class Federal institution with adequate funding and personnel to provide the science and services necessary to safeguard the American people's interests and the Nation's future in the oceans and the atmosphere, so that—

the production of protein desperately needed by this Nation and the world can be maintained for years to come through wise fisheries management and utilization;

the use of our coastal resources can be conserved for future generations and the Nation's economic development enhanced through balanced coastal zone management and through coastal and ocean research;

the lives and property of the American people can be safeguarded and economic losses reduced through the maintenance of a strong National Weather Service and meteorological satellite systems operated by the Government in the public interest;

the health of our ocean and atmospheric systems which provide the fundamentals of life on this planet can be maintained, through knowledge and understanding;

our research and protection systems for those intelligent life forms dependent on the seas can be furthered as a sign of our being a civilized and caring Nation; and

the existing partnership between Federal, State, and private universities and research institutions can be enhanced to pool resources and knowledge of our coastal, ocean, and atmospheric resources for the greater good of the Nation; and be it further

Resolved, That it is the sense of the Senate that the National Oceanic and Atmospheric Administration's institutional integrity be preserved and enhanced through comprehensive authorization legislation for all National Oceanic and Atmospheric Administration responsibilities and through sufficient appropriations pursuant to such authorization legislation.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, next are two items, the first of which is a budget waiver, and then the subject of the waiver, which is S. 1499. The budget waiver is Senate Resolution 214.

Mr. BYRD. There is no objection on this side.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 419, Senate Resolution 214, which is the budget waiver to accompany S. 1499.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 214) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1499.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 214

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1499. Such waiver is necessary because S. 1499 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to provide for the settlement of Indian claims in the town of Ledyard, Connecticut.

S. 1499 provides an authorization of $900,000 for a fund to be known as the Mashantucket Pequot Settlement Fund which will be administered by the Secretary of the Interior in accordance with the Settlement Act.

S. 1499 is a successor bill to S. 366 which was vetoed on April 5, 1983. The Senate Appropriations Subcommittee on Interior has included funds in its fiscal 1984 markup for implementing the settlement authorized by S. 1499. The Appropriations Committees of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

THE MASHANTUCKET PEQUOT INDIAN CLAIMS SETTLEMENT ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1499, Calendar No. 369.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1499) to settle certain claims of the Mashantucket Pequot Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WEICKER. Mr. President, I rise today to urge my colleagues in the Senate to again support the Mashantucket Pequot Land Claims Settlement Act.

A similar bill was passed by the Senate by unanimous consent on February 23. It was passed by the House of Representatives on March 22. However, the legislation was subsequently vetoed by the President on April 5.

With the assistance of the majority leader, extensive negotiations were entered into between Congress and the administration in order to reach an acceptable resolution of the Pequot land claim.

The bill under consideration today would settle this claim to 800 acres of land in eastern Connecticut. It would authorize the appropriation of $900,000 for the purchase of the land and extend Federal recognition to the Pequots as part of the settlement. It would also credit the State of Connecticut with a contribution of $450,000 based on the provision of past services to the tribe, a contribution of 20 acres of land, and extensive road work on the reservation by the Connecticut Department of Transportation. This latter provision represents a substantial increase in the State's contribution, which meets one of the objections the administration had to the original bill.

In addition to this increase in the State's contribution to the settlement, the Select Committee on Indian Affairs held a hearing on the bill to give the administration the opportunity to testify on several aspects of the legislation which were of particular interest to the Bureau of Indian Affairs.

I understand that the administration now supports the bill. And I would also like to point out that S. 1499 has been, and continues to be, supported by the entire Connecticut delegation, the Mashantucket Pequot Tribe, the affected property owners, and the Connecticut State government.

I thank Senator BAKER and his staff for their assistance in reaching this agreement. I also extend my sincere thanks to Senator ANDREWS and the Select Committee on Indian Affairs for helping with the negotiations and conducting a second set of hearings on this bill.

It is my hope that my colleagues will assist the State of Connecticut in a final resolution of this land claim by supporting S. 1499.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mashantucket Pequot Indian Claims Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(a) there is pending before the United States District Court for the District of Connecticut a civil action entitled "Western Pequot Tribe of Indians against Holdridge Enterprises Incorporated, et al., Civil Action Numbered H76-193 (D. Conn.)," which involves Indian claims to certain public and private lands within the town of Ledyard, Connecticut;

(b) the pendency of this lawsuit has placed a cloud on the titles to much of the land in the town of Ledyard, including lands not involved in the lawsuit, which has resulted in severe economic hardships for the residents of the town;

(c) the Congress shares with the State of Connecticut and the parties to the lawsuit a desire to remove all clouds on titles resulting from such Indian land claims;

(d) the parties to the lawsuit and others interested in the settlement of Indian land claims within the State of Connecticut have reached an agreement which requires implementing legislation by the Congress of the United States and the Legislature of the State of Connecticut;

(e) the Western Pequot Tribe, as represented as of the time of the passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe which years ago claimed aboriginal title to certain lands in the State of Connecticut; and

(f) The State of Connecticut is contributing twenty acres of land owned by the State of Connecticut to fulfill this Act. The State of Connecticut will construct and repair three sections of paved or gravel roadways within the reservation of the Tribe. The State of Connecticut has provided special services to the members of the Western Pequot Tribe residing within its borders. The United States has provided few, if any, special services to the Western Pequot Tribe and has denied that it had jurisdiction over or responsibility for said Tribe. In view of the provision of land by the State of Connecticut, the provision of paved roadways by the State of Connecticut, and the provision of special services by the State of Connecticut without being required to do so by Federal law, it is the intent of Congress that the State of Connecticut not be required to otherwise contribute directly to this claims settlement.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Tribe" means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes and all its predecessors and successors in interest. The Mashantucket Pequot Tribe is represented, as of the date of the enactment of this Act, by the Mashantucket Pequot Tribal Council.

(2) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including without limitation minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(3) The term "private settlement lands" means—

(A) the eight hundred acres, more or less, of privately held land which are identified by a red outline on a map filed with the secretary of the State of Connecticut in accordance with the agreement referred to in section 2(d) of this Act, and

(B) the lands known as the Cedar Swamp which are adjacent to the Mashantucket Pequot Reservation as it exists on the date of the enactment of this Act. Within thirty days of the enactment of this Act, the secretary of the State of Connecticut shall transmit to the Secretary a certified copy of said map.

(4) The term "settlement lands" means—

(A) the lands described in sections 2(a) and 3 of the Act To Implement the Settlement of the Mashantucket Pequot Indian Land Claims as enacted by the State of Connecticut and approved on June 9, 1982, and

(B) the private settlement lands.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "transfer" means any transaction involving, or any transaction the purpose of which was to effect, a change in title to or control of any land or natural resources, and any act, event, or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources, including any sale, grant, lease, allotment, partition, or conveyance, whether pursuant to a treaty, compact, or statute of a State or otherwise.

(7) The term "reservation" means the existing reservation of the Tribe as defined by chapter 824 of the Connecticut General Statutes and any settlement lands taken in trust by the United States for the Tribe.

APPROVAL OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLES AND INDIAN CLAIMS

SEC. 4. (a) Any transfer before the date of enactment of this Act from, by, or on behalf of the Tribe or any of its members of land or natural resources located anywhere within the United States, and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians of land or natural resoruces located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, sec. 4, 1 Stat. 137, 138), and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer.

(b) By virtue of the approval and ratification of a transfer of land or natural resources effected by subsection (a), any aboriginal title held by the Tribe or any member of the Tribe, or any other Indian, Indian nation, or tribe or band of Indians, to any land or natural resources the transfer of which was approved and ratified by subsection (a) shall be regarded as extinguished as of the date of such transfer.

(c) By virture of the approval and ratification of a transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, any claim (including any claim for damages for trespass or for use and occupancy) by, or on behalf of, the Tribe or any member of the Tribe or by any other Indian, Indian nation, or tribe or band of Indians, against the United States, any State or subdivision thereof or any other person which is based on—

(1) any interest in or right involving any land or natural resources the transfer of which was approved and ratified by subsection (a), or

(2) any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b).

shall be regarded as extinguished as of the date of any such transfer.

(d) Nothing in this section shall be construed to affect or eliminate the personal claim of any individual Indian (except for Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(e)(1) This section shall take effect upon the appropriation of $900,000 as authorized under section 5(e) of this Act.

(2) The Secretary shall publish notice of such appropriation in the Federal Register when the funds are deposited in the fund established under section 5(a) of this Act.

MASHANTUCKET PEQUOT SETTLEMENT FUND

SEC. 5. (a) There is hereby established in the United States Treasury an account to be known as the Mashantucket Peqout Settlement Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be held in trust by the Secretary for the benefit of the Tribe and administered in accordance with this Act.

(b)(1) The Secretary is authorized and directed to expend, at the request of the Tribe, the Fund together with any and all income accruing to such Fund in accordance with this subsection.

(2) Not less than $600,000 of the Fund shall be available until January 1, 1985, for the acquisition by the Secretary of private settlement lands. Subsequent to January 1, 1985, the Secretary shall determine whether and to what extent an amount less than $600,000 has been expended to acquire private settlement lands and shall make that amount available to the Tribe to be used in accordance with the economic development plan approved pursuant to paragraph (3).

(3)(A) The Secretary shall disburse all or part of the Fund together with any and all income accruing to such Fund (excepting the amount reserved in paragraph (2)) according to a plan to promote the economic development of the Tribe.

(B) The Tribe shall submit an economic development plan to the Secretary and the Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the Tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing and with particularity, the reasons for his disapproval.

(C) The Secretary may not agree to terms which provide for the investment of the Fund in a manner inconsistent with the first section of the Act of June 24, 1938 (52 Stat. 1037), unless the Tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment.

(D) The Tribe may, with the approval of the Secretary, alter the economic development plan subject to the conditions set forth in subparagraph (B).

(4) Under no circumstances shall any part of the Fund be distributed to any member of the Tribe unless pursuant to the economic development plan approved by the Secretary under paragraph (3).

(5) As the Fund or any portion thereof is disbursed by the Secretary in accordance with this section, the United States shall have no further trust responsibility to the Tribe or its members with respect to the sums paid, any subsequent expenditures of these sums, or any property other than private settlement lands or services purchased with these sums.

(6) Until the Tribe has submitted and the Secretary has approved the terms of the use of the Fund, the Secretary shall fix the terms for the administration of the portion of the Fund as to which there is no agreement.

(7) Lands or natural resources acquired under this subsection which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(8) Land or natural resources acquired under this subsection which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such land and natural resources. Such land and natural resources shall not be subject to any restriction against alienation under the laws of the United States.

(9) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (25 Stat. 357, chapter 738), as amended, and the first section of the Act of February 26, 1931 (46 Stat. 1421, chapter 307), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner.

(c) For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such Code.

(d) The Secretary may not expend on behalf of the Tribe any sums deposited in the Fund established pursuant to subsection (a) of this section unless and until he finds that authorized officials of the Tribe have executed appropriate documents relinquishing all claims to the extent provided by sections 4 and 10 of this Act, including stipulations to the final judicial dismissal with prejudice of its claims.

(e) There is authorized to be appropriated $900,000 to be deposited in the Fund.

JURISDICTION OVER RESERVATION

SEC. 6. Notwithstanding the provision relating to a special election in section 406 of the Act of April 11, 1968 (82 Stat. 80; 25 U.S.C. 1326), the reservation of the Tribe is declared to be Indian country subject to State jurisdiction to the maximum extent provided in title IV of such Act.

LIMITATIONS OF ACTIONS: FEDERAL COURT JURISDICTION

SEC. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of the enactment of this Act, or

(2) an answer contained in a reply to a complaint before the end of such period.

(b) Notwithstanding any other provision of law, exclusive jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any State may be removed by the defendant to the United States District Court for the District of Connecticut.

(d) Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

RESTRICTION AGAINST ALIENATION

SEC. 8. (a) Subject to subsection (b), lands within the reservation which are held in trust by the Secretary for the benefit of the Tribe or which are subject to a Federal restraint against alienation at any time after the date of the enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot Housing Authority, or any successor in interest to such Authority.

EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

SEC. 9. (a) Notwithstanding any other provision of law, Federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nation, tribes or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) The Tribe shall file with the Secretary a copy of its organic governing document and any amendments thereto. Such instrument must be consistent with the terms of this Act and the Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved June 9, 1982.

(c) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

OTHER CLAIMS DISCHARGED BY THIS ACT

SEC. 10. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe or the United States as trustee therefor.

INSEPARABILITY

SEC. 11. In the event that any provision of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect.

Mr BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF THE LIBERTY SHIP "JOHN W. BROWN"

Mr. BAKER. Mr. President, next is H.R. 1556 that I wish to proceed to if the minority leader is agreeable.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. Mr. President, then I ask the Chair to lay before the Senate Calendar Order No. 407, H.R. 1556.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1556) to authorize the conveyance of the Liberty ship *John W. Brown.*

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment on page 3, line 4, insert:

SEC. 4. Section 202 of the Act of July 12, 1983 (Public Law 98-44), is amended by striking "July 1, 1983," and substituting "August 1, 1983,".

So as to make the bill read:

H.R. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary") may convey, subject to such conditions he deems appropriate and subject to the conditions set forth in section 2, the right, title, and interest of the United States in the vessel John W. Brown to a nonprofit corporation (hereinafter in this Act referred to as the "recipient") for use as a merchant marine memorial. If such a conveyance is made, the Secretary shall deliver the vessel to the recipient at the place where the vessel is located on the date of the enactment of this Act, in its present condition, without cost to the United States.

SEC. 2. The conveyance of the vessel John W. Brown under the first section of this Act shall be subject to the following conditions:

(1) The recipient shall use the vessel as a nonprofit merchant marine memorial museum and may not use it for commercial transportation purposes.

(2) If the United States has need for the vessel at a later date, the recipient, at the request of the Secretary, shall make the vessel available to the United States without cost to the United States.

(3) In the event the recipient no longer requires the vessel for use as a merchant marine memorial museum, the recipient shall, at the discretion of the Secretary, reconvey the vessel to the United States in as good a condition as when it was received from the United States, except for ordinary wear and tear, and shall deliver it to the United States at the place where the vessel was delivered to the recipient.

SEC. 3. Nothing in this Act shall require the Secretary to retain this vessel in the Reserve Fleet for a period longer than two years from the date of enactment.

SEC. 4. Section 202 of the Act of July 12, 1983 (Public Law 98-44), is amended by striking "July 1, 1983," and substituting "August 1, 1983,".

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1556) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL BUS SAFETY WEEK OF 1983

Mr. BAKER. Mr. President, House Joint Resolution 137, which is Calendar Order No. 426, is cleared on this side. I ask the minority leader if he is prepared to clear that item.

Mr. BYRD. Mr. President, that item has been cleared.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate House Joint Resolution 137.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 137) authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983.".

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 137) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER INDEFINITELY POSTPONING CONSIDERATION OF SENATE JOINT RESOLUTION 172, NATIONAL SCHOOLBUS SAFETY WEEK OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that calendar order No. 427, Senator Joint Resolution 172, which is a Senate companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ANTI-TAMPERING ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 216.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 216) entitled "An Act to amend title 18, United States Code, to combat, deter, and punish individuals who tamper with household products with intent to cause personal injury, death, or other harm, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Federal Anti-Tampering Act".

SEC. 2. Chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1365. Tampering with consumer products

"(a) Whoever, with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk, tampers with any consumer product that affects interstate or foreign commerce, or the labeling of, or container for, any such product, or attempts to do so, shall—

"(1) in the case of an attempt, be fined not more than $25,000 or imprisoned not more than ten years, or both;

"(2) if death of an individual results, be fined not more than $100,000 or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, be fined not more than $100,000 or imprisoned not more than twenty years, or both; and

"(4) in any other case, be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(b) Whoever, with intent to cause serious injury to the business of any person, taints any consumer product or renders materially false or misleading the labeling of, or container for, a consumer product, if such consumer product affects interstate or foreign commerce, shall be fined not more than $10,000 or imprisoned not more than three years, or both.

"(c)(1) Whoever knowingly communicates false information that a consumer product has been tainted, if such product or the results of such communication affect interstate or foreign commerce, and if such tainting, had it occurred, would create a risk of death or bodily injury to another person, shall be fined not more than $25,000 or imprisoned not more than five years or both.

"(2) As used in paragraph (1) of this subsection, the term 'communicates false information' means communicates information that is false and that the communicator knows is false, under circumstances in which the information may reasonably be expected to be believed.

"(d) Whoever knowingly threatens, under circumstances in which the threat may reasonably be expected to be believed, that conduct that, if it occurred, would violate subsection (a) of this section will occur, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(e) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties intentionally engages in any conduct in furtherance of such offense, shall be fined not more than $25,000 or imprisoned not more than ten years, or both.

"(f) In addition to any other agency which has authority to investigate violations of this section, the Food and Drug Administration and the Department of Agriculture, respectively, have authority to investigate violations of this section involving a consumer product that is regulated by a provision of law such Administration or Department, as the case may be, administers.

"(g) As used in this section—

"(1) the term 'consumer product' means—

"(A) any 'food', 'drug', 'device', or 'cosmetic', as those terms are respectively defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

"(B) any article, product, or commodity which is customarily produced or distributed for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which is designed to be consumerd or expended in the course of such consumption or use;

"(2) the term 'labeling' has the meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m));

"(3) the term 'serious bodily injury' means bodily injury which involves—

"(A) a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(4) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.".

SEC. 3. The table of sections at the beginning of chapter 65 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"1365. Tampering with consumer products.".

SEC. 4. (a) Title 35 of the United States Code is amended by inserting after section 155 the following new section:

"§ 155A. Patent term restoration

"(a) Notwithstanding section 154 of this title, the term of each of the following patents shall be extended in accordance with this section:

"(1) Any patent which encompasses within its scope a composition of matter which is a new drug product, if during the regulatory review of the product by the Federal Food and Drug Administration—

"(A) the Federal Food and Drug Administration notified the patentee, by letter dated February 20, 1976, that such product's new drug application was not approvable under section 505(b)(1) of the Federal Food, Drug and Cosmetic Act;

"(B) in 1977 the patentee submitted to the Federal Food and Drug Administration the results of a health effects test to evaluate the carcinogenic potential of such product;

"(C) the Federal Food and Drug Administration approved, by letter dated December 18, 1979, the new drug application for such product; and

"(D) the Federal Food and Drug Administration approved, by letter dated May 26, 1981, a supplementary application covering the facility for the production of such product.

"(2) Any patent which encompasses within its scope a process for using the composition of matter described in paragraph (1).

"(b) The term of any patent described in subsection (a) shall be extended for a period equal to the period beginning February 20, 1976, and ending May 26, 1981, and such patent shall have the effect as if originally issued with such extended term.

"(c) The patentee of any patent described in subsection (a) of this section shall, within ninety days after the date of enactment of this section, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the offical file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.".

(b) The table of sections at the beginning of chapter 14 of such title 35 is amended by adding at the end thereof the following:

"155A. Patent term restoration.".

Amend the title so as to read: "An Act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes.".

Mr. THURMOND. Mr. President, it is with great enthusiasm that I urge my colleagues to concur in the House amendment to S. 216 and vote in favor of final passage of this landmark legislation. This bill, which addresses the heinous crime of product tampering, represents a year of hard work and careful deliberation.

One year ago, as we are all too sadly aware, seven persons met untimely deaths in the city of Chicago after ingesting Tylenol capsules laced with poison. Following that unfortunate event, there was a rash of episodes involving actual or alleged tampering. Most recently, there was a tampering incident involving the Gravymaster product in New Jersey.

In the last Congress, in an attempt to promptly respond to the Tylenol tragedy, a skeletal version of S. 3048, the predecessor of S. 216, was included in a House package sent to the President. Although we were disappointed at that time that the package was vetoed for unrelated reasons, the benefits of further deliberation have been considerable. S. 216 is a vast improvement over the bill which was sent to the President in that, among other things, it covers a wider range of consumer products and contains a business-damage offense.

The House amendment, in which I urge concurrence, resolves the differences between the versions passed by the House and the Senate in May. Most of the differences between the amendment and the Senate bill are technical and editorial improvements. Let me touch upon the major substantive changes which have been made.

The Senate-passed version of S. 216 required that the involved product be in, intended to be in, or continue to affect interstate or foreign commerce. The House amendment requires that the product affect commerce. As a practical matter, there is no substantive difference between these approaches and the House language is less cumbersome.

Under section 1 of title 1 of the United States Code, the present tense includes the future. Thus, section 1356(a), when enacted. will cover products which affect, or which will effect, commerce. This will include all cases where the offender intends to place the tainted product back on the drugstore shelf or into a restaurant. However, it will not, under any circumstances, cover the purely domestic situation where the tamperer intendes to kill a family member or acquaintance. These are situations which are clearly within the purview of State and local homicide laws and Federal intervention here would certainly not be appropriate.

The second major difference involves the state of mind which the prosecution would be required to prove in connection with the tampering offense. The language which passed the Senate required an intent to kill, injure or otherwise endanger the health or safety of any person, which was defined to include all situations where the "person knows or has reason to know that the normal and usual consequences of the * * * tampering would be to kill, injure, or otherwise endanger the health or safety of any person." The House amendment requires a showing of reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk. While this is a slightly more demanding state of mind for the jury to find in these cases, I do not believe that the change will make much practical difference. If a person has reason to know that the normal consequence of his tempering activity will be death or injury, it is hard to imagine how he would not be acting with the requisite reckless disregard and extreme indifference.

With one notable exception, the House amendment is generally designed to take the higher of the penalties in the two versions across the board. Thus, for instance, there will be a $100,000 fine where serious bodily injury results. The one case where the lower penalty from the House bill was retained is the 5-year term of imprisonment for threatening to commit a tampering offense. Although this is clearly a serious crime, it would not be appropriate if the term of imprisonment were higher than that imposed for threatening to assassinate the President under 18 United States Code 871(a).

Under the Senate version, the Food and Drug Administration and the Department of Agriculture would have been granted concurrent jurisdiction over tampering offenses which would also violate title 21. The House amendment would authorize concurrent jurisdiction over all tampering-related offenses involving products within their respective jurisdictions. Their involvement should not be limited because of title 21 distinctions which were not crafted with the efficient investigation of tampering situations in mind. We are aware of no objection to this change.

When this body passed S. 216 in May, the bill included a cumbersome definition of food, which referenced, in addition to the Food and Drug Act definition, definitions of products such as meat and poultry in related acts. Upon careful examination, it was determined that such a list was decidedly unnecessary.

The definition of food in the Food and Drug Act covers first, articles used for food or drink for man or other animals, second, chewing gum, and third, articles used for components of any such articles. This very broad definition clearly incorporates meat, meat food products, poultry, poultry products, eggs, and egg products, as they are defined elsewhere. While the regulatory aspects of the Food and Drug Act are admittedly applicable to only some of the products covered under the definition of food in that act, those limitations are not incorporated by references in the House amendment.

The universe of products covered under the House amendment is slightly larger than that contained in the bill which we passed in May. In addition to food, drugs, cosmetics, and devices, S. 216 included language taken from the Fair Packaging Act. The House amendment makes two modifications which are appropriate in the tampering context. First, the prosecution will not be required to show that the product is produced or distributed for sale through retail sales agencies or instrumentalities. This will insure that products which are produced for restaurants, for instance, will also be covered. Second, it covers products designed to be expended in the course of consumption or use, rather than prod-

ucts usually so expended. This will be a clearer requirement for the prosecution to prove.

The fundamental difference between the tampering bills passed by the House and the Senate is that the latter version penalized tampering for the purpose of causing damage to the business of another person. The urgent need for such an offense is clearly demonstrated by the Gravymaster case, where the offender publicly announced his intention to damage that business. Furthermore, the committee received an overwhelming amount of testimony in strong support of such a provision.

A business damage provision encompassing conduct which is not a threat to life and limb is appropriate for three reasons. First, the resulting financial losses to a business, including investigation costs alone, could be enormous. Second, the effect on consumer buying would be substantial and copycats would be encouraged by the publicity. Third, an offender who engages in conduct designed to cause significant or serious damage to a business is acting as reprehensibly as one who tosses an explosive into an empty building or commits embezzlement. Individuals who step outside the boundaries of fair, vigorous, and lawful competition, and maliciously set out to ruin the business of another should be punished severely, irrespective of their imaginative means.

The House amendment offense differs from the Senate-passed version in several respects. First, it requires an intent to cause serious damage, rather than significant damage. No substantive difference is intended between these terms, both of which are designed to exclude situations where the offender desired merely to cause mild annoyance. It is important to note, however, that the prosecution need not prove that the offense actually resulted in any damage, such as a product recall. It need only show that significant damage was intended by the offender. As a result, the offense will cover the situation where the offender is apprehended before an actual recall takes place.

The second difference between the original and amended versions of the offense is that the penalties are lowered to 3 years of imprisonment and/or $10,000. This decrease is appropriate in light of the fact that the offense is primarily intended to cover tampering incidents directed at a business which do not create a risk of death or injury. Those which do, irrespective of the offender's ultimate motive, would be covered under the more severe penalties provided in section 1365(a). These penalties, which are identical to those authorized under the Food and Drug Act for fraudulent adulteration, should prove a sufficiently strong deterrent.

The House amendment deletes the references to tainting and material misbranding in the basic tampering offense, but retains them in the business-damage offense. Since the basic offense involves a risk of death or injury, the tampering activity will necessarily encompass a tainting or material label alteration, and those requirements need not be spelled out. Where no such risk is required as in the business damage provision, references to tainting and material changes and appropriate for the reasons outlined in the Senate Judiciary Committee report to accompany S. 216.

Finally, the House amendment differs from the Senate-passed version in that the three false information offenses included in the latter have been consolidated, and the highest penalties retained. The prosecution is no longer required to prove that the conduct was engaged in willfully and maliciously. This is unduly burdensome on the prosecution, particularly in light of the fact that the damage caused by false information is unrelated to the intensity of the declarant's motives. To insure that this deletion does not have any unfair harsh results, there is a new requirement that the alleged tainting involve a risk of death or bodily injury.

By specifying that the allegation must relate to the tainting of the product, rather than to an offense under subsection (a), the House amendment, like the original Pryor amendment, insures that the offender will not escape because he did not clearly allege that another individual had tampered with the product. Thus, false remarks such as there is a nail in my hotdog, or untrue allegations that a product contains rodent hairs, will clearly be covered.

The false information provision in the Senate-passed bill referenced the commerce nexus which was included in section 1365(a). The House amendment retains this nexus by requiring that the false information relate to a product which affects commerce. However, it also authorizes prosecution where the results of the false communication affect commerce. Allegations about a tainted product which came to rest in the home would not involve a product which affects commerce. However, if that same false communication led to the removal of the product from a drugstore shelf, it would be covered under the expanded commerce connection.

The House amendment includes a requirement in both the threat and false information offenses that the communication be such that under the circumstances, it would reasonably be expected to be believed. This addition does not limit either offense in any way, since it merely codifies a requirement that would be judicially imposed under case law which has developed in connection with existing air hijacking and Presidential assassination threat and false information offenses. Similarly, certain case law elements of the conspiracy offense, which were not spelled out in the Senate-passed version, are specified in the House amendment.

Mr. President, I am pleased that the House amendment includes, with minor technical changes, the Airco amendment which was successfully sponsored on this floor by Senator JOHN EAST and myself in May. This provided limited patent term restoration to a company which suffered unfairly at the hands of the Washington bureaucracy. I am hopeful that we will be able to report the more comprehensive Patent Term Restoration Act of 1983 out of the Committee on the Judiciary in the very near future, so that other companies will enjoy a fairer patent term under our Federal laws. This measure, in my view, has been delayed for far too long and I pledge my determined cooperation in the effort to bring it out of the Committee on the Judiciary before much more time has passed.

Mr. President, in the memory of those who died 1 year ago and in the spirit of protecting other innocent consumers and business people, I strongly urge this body to concur in the House amendment and to pass S. 216 immediately.

Mr. LEAHY. Mr. President, I cannot adequately convey how pleased I am with the legislation we are about to pass. I have been keenly interested in this bill from the start, and I know the extraordinary work that the Chairman of the Judiciary Committee and my good friend, Senator THURMOND, performed to bring us here today. I also know that Senator THURMOND's staff worked tirelessly to improve the bill at all stages of its consideration and to bring about a fair and effective compromise between the Senate and House versions of the bill.

There is one small question of interpretation that would be well to clear up. The words "training," "taint," and "tainted" are used in sections 1365 (b) and (c). In the Senate-passed bill, they were used in conjunction with the word "tampering." I believe it would be appropriate to clarify the meaning of these terms, since they appear alone.

The definition of taint is discussed at length on page 7 of the Senate Judiciary Committee report on S. 216 (No. 98-69). The explanation in the last two paragraphs made it clear to me that tainting does not imply that the offensive or contaminating substance which is added to the consumer product must be dangerous. It might or might not be. The use of the term "tainting" does not require proof of an associated danger. Such proof is only required

where it is specifically stated. Let me give a couple of examples on point.

Where someone taints milk by pouring dye into it with intent to seriously injure a dairy company, and the product affects commerce, a section 1365(b) offense has been committed, even though there is no risk of death or bodily injury.

By contrast, if a false allegation is made that milk is tainted with dye, it would not constitute an offense under section 1365(c) because there is no such risk. This is due to the fact that section 1365(c), unlike section 1365(b), specifically requires the risk of death or bodily injury. Where someone communicates false information that there are nails inside a batch of hot dogs, and the product or the communication affects commerce, we have a false information offense under section 1365(c), because of the risk that this tainting might cause death or bodily injury.

Mr. THURMOND. I appreciate the kind words from my distinguished colleague from the State of Vermont. His assistance and the work of his able staff on this important legislation have facilitated its consideration and improved our final product.

My colleague's understanding of the meaning of taint as used in the House amendment is the same as my own. It is the general understanding of everyone who has considered the matter.

Mr. LEAHY. I thank the Senator for this clarification.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

TECHNICAL AMENDMENTS TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. BAKER. Mr. President, next I propose to go to the consideration of S. 1530, if the minority leader has no objection.

The PRESIDING OFFICER (Mr. COHEN). Is there objection to the request of the Senator from Tennessee.

Mr. BYRD. Mr. President, I have no objection.

Mr. BAKER. Mr. President, then I ask the Chair to lay before the Senate S. 1530, Calendar Order No. 417.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1530) to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2262

Mr. BAKER. Mr. President, I have an amendment to be offered on behalf of the distinguished junior Senator from Alaska (Mr. MURKOWSKI) and I send it to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. MURKOWSKI proposes an amendment numbered 2262.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the conclusion of the parentheses on line 8, page 1, strike the period, quotation mark, and second period and add the following proviso:

"*Provided,* That a grant agreement or a cooperative agreement may be utilized in lieu of a contract under sections 102 and 103 of this Act when mutually agreed to by the appropriate Secretary and the tribal organization involved."

Mr. ANDREWS. Mr. President, S. 1530 is a bill to make technical amendments to three laws enacted in the 97th Congress and a fourth law enacted in the 93d Congress. Two of the amendments correct land descriptions situated in the State of Kansas and the State of Arizona. A third amendment corrects certain references to the short title of an amendment to the Federal statute of limiations which was passed last year. The fourth amendment provides a new section to Public Law 93-638.

Mr. President, this bill is identical to S. 973 which was passed by both the Senate and the House of Representatives earlier in this session of Congress with the exception of an amendment of Senator HELMS offered on the floor of the Senate which triggered a veto. In his veto message, the President stated that he had no objection to the technical amendments provided in this bill and he urged their prompt enactment.

Mr. MURKOWSKI. Mr. President, section 1 of S. 1530 provides that the provisions of Public Law 93-638, the Indian Self-Determination and Education Assistance Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act. There is concern that this provision could be construed to preclude Indian tribes, Alaskan Native villages, regional corporations or other Indian entities from utilizing a grant or cooperative agreement when they deem it to their best advantage. It is my understanding that such agreements are in common usage in Alaska. The amendment I have sent to the desk does not alter the provisions of section 1 of S. 1530, but will add a proviso that will allow use of a grant agreement or a cooperative agreement in lieu of a contract when it is mutually agreed to by the appropriate secretary and the tribal or Indian organizations involved.

Mr. President, I would urge the adoption of this amendment.

Mr. ANDREWS. Mr. President, I have consulted with my colleague on this amendment and pose no objection to its adoption. Title I of the Indian Self-Determination and Education Assistance Act contains authority at this time for grants to tribal organizations for a wide variety of activities. The regulations implemeting this provision of the act tend to place limits on the purposes for which grants may be given which may be more narrow than originally intended by the act. The amendment proposed by Senator MURKOWSKI will make clear that grants or cooperative agreements may be utilized by any agency with programs that are subject to Public Law 93-638. I would stress, however, that such grants or cooperative agreements may not be forced upon the tribes, but may only be utilized with the mutual agreement of the Indian organization involved. Public Law 93-638 was explicit in expressing its intent that the primary mechanism for tribal assumption of program management responsibility was to be the contract mechanism. The amendment proposed in section 1 of S. 1530 and the amendment of Senator MURKOWSKI in no way limits the right of tribes to contract under Public Law 96-638. The amendments simply open an additional avenue of funding if the tribes or Indian entities so desire.

Mr. President, I believe this is good legislation and I urge my colleagues to support this bill with the Murkowski amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 2262) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1530) was passed, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203) is amended by inserting after section 8 the following new section:

"SEC. 9. That provisions of this Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement

Act of 1977 (Public Law 95-224; 92 Stat. 3): *Provided*, That a grant agreement or a cooperative agreement may be utilized in lieu of a contract under sections 102 and 103 of this Act when mutually agreed to by the appropriate Secretary and the tribal organization involved.".

SEC. 2. The Act of October 15, 1982 (Public Law 97-344; 96 Stat. 1645), relating to certain restricted land in Kansas, is amended by striking out "the southeast quarter northwest quarter" in paragraph (2) and inserting in lieu thereof "the south 20 acres of the east 60 acres of the northwest quarter".

SEC. 3. The first section of Public Law 97-386, relating to the reservation of the Pascua Yaqui Tribe of Arizona, is amended by inserting "located in township 15 south, range 12 east, Gila and Salt River Meridian," after "tracts of lands".

SEC. 4. (a) Subsections (a) and (b) of section 2415 of title 28, United States Code, is amended by striking out "Indian Claims Act of 1982" each place it appears and inserting in lieu thereof "Indian Claims Limitation Act of 1982".

(b) The last proviso in the first paragraph under the heading "Administrative Provisions", relating to the Bureau of Indian Affairs, of title I of Public Law 97-394 is amended by striking out "The following" and inserting in lieu thereof "Sections 2 through 6 of this Act".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I propose to go to the consideration of S. 1009, but before I can I also propose to go to the consideration of the budget waiver, which is Senate Resolution 195.

Could the minority leader clear both of those measures at this time?

Mr. BYRD. Mr. President, both have been cleared.

Mr. BAKER. I thank the minority leader.

Mr. President, first, I ask the Chair to lay before the Senate the budget waiver, Calendar Order No. 397, Senate Resolution 195.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 195) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1009.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 195

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1009. Such waiver is necessary because S. 1009 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) if necessary to permit congressional consideration of statutory authority for the agencies of the United States Government.

S. 1009 provides an authorization for fiscal year 1984 of such sums as may be necessary for reauthorization of the Federal physicians comparability allowances program, first authorized in 1978.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCES

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1009.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1009) to reauthorize Federal physicians comparability allowances.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert:

That (a) the second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

SEC. 2. Section 5383(b) of title 5, United States Code, is amended by striking out "4507, 5382, 5384, and 5948" and inserting in lieu thereof "5382 and 5948".

SEC. 3. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5382, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	*Column II:*
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment under section 538(b) of title 5, United States Code, collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid to such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. BAKER. Mr. President, I ask that the bill be read the third time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 2077, the House companion measure.

The assistant legislative clerk read as follows:

A bill (H.R. 2077) to amend title 5, United States Code to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause of H.R. 2077 and insert the language of S. 1009.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2077), as amended, was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1009 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO INDEFINITELY POSTPONE H.R. 1043, SMALL BUSINESS PROCUREMENT INFORMATION

Mr. BAKER. Mr. President, if the minority leader concurs, I ask unanimous consent that H.R. 1043, which is now at the desk, be indefinitely postponed.

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

Mr. BAKER. Mr. President, next I propose to go to S. 1894, which is Calendar Order No. 411, if the minority leader does not object.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1894) to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine", and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2263

(Purpose: To amend references in title 10, United States Code, to the Foundation for the Advancement of Military Medicine)

Mr. BAKER. Mr. President, on behalf of the distinguished chairman of the Armed Services Committee, the Senator from Texas (Mr. TOWER), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. TOWER, proposes an amendment numbered 2263.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. 2. (a)(1) Section 178 of title 10, United States Code, is amended—

(A) by inserting "The Henry M. Jackson" before "Foundation" in the section heading; and

(B) by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" in subsection (a).

(2) The item in the table of sections at the beginning of chapter 7 of such title relating to section 178 is amended to read as follows:

"178. The Henry M. Jackson Foundation for the Advancement of Military Medicine.".

(b) Section 2113(j) of title 10, United States Code, is amended by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" each place it appears.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2263) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Foundation for the Advancement of Military Medicine established pursuant to section 178 of title 10, United States Code, shall be designated and hereafter known as the "Henry M. Jackson Foundation for the Advancement of Military Medicine", in honor of the late Henry M. Jackson, United States Senator from the State of Washington. Any reference to the Foundation for the Advancement of Military Medicine in any law, regulation, document, record, or other paper of the United States shall be held and considered to be a reference to the "Henry M. Jackson Foundation for the Advancement of Military Medicine".

(b) The Council of Directors referred to in subsection (c) of section 178 of such title shall take such action as is necesary under the Corporations and Associations Articles of the State of Maryland to amend the corporate name of the Foundation for the Advancement of Military Medicine established under such section to reflect the designation made by the first sentence of subsection (a).

SEC. 2. (a)(1) Section 178 of title 10, United States Code, is amended—

(A) by inserting "The Henry M. Jackson" before "Foundation" in the section heading; and

(B) by inserting "The Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" in subsection (a).

(2) The item in the table of sections at the beginning of chapter 7 of such title relating to section 178 is amended to read as follows:

"178. The Henry M. Jackson Foundation for the Advancement of Military Medicine.".

(b) Section 2113(j) of title 10, United States Code, is amended by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" each place it appears.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, S. 1837 is cleared on this side, if the minority leader is prepared to consider it.

Mr. BYRD. Mr. President, S. 1837 is cleared on this side.

Mr. BAKER. I thank the Senator.

HENRY M. JACKSON FEDERAL BUILDING

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 431, S. 1837.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1837) to designate the Federal building in Seattle, Washington, as the "Henry M. Jackson Federal Building."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 915 Second Avenue, Seattle, Washington, known as the Federal Building, shall hereafter be known and designated as the "Henry M. Jackson Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Henry M. Jackson Federal Building".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, S. 552 appears to be cleared on this side. Is the minority leader prepared to clear it, as well?

Mr. BYRD. Mr. President, the measure has been cleared on this side.

Mr. BAKER. I thank the Senator.

GEORGE W. WHITEHURST FEDERAL COURT BUILDING

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 432, S. 552.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 552) to designate the Federal building in Fort Myers, Florida, as the "George W. Whitehurst Federal Court Building."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 1, line 5, strike "George W. Whitehurst Federal Court Building" and insert "George W. Whitehurst Federal Building and United States Courthouse".

On page 2, after line 4, add:

SEC. 2. Section 3(b) of Public Law 98-1 is amended by striking the words "six months" and substituting therefor "two years."

So as to make the bill read:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2301 First Street, Fort Myers, Florida, known as the Federal Building, shall hereafter be known and designated as the "George W. Whitehurst Federal Building and United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "George W. Whitehurst Federal Court Building".

SEC. 2. Section 3(b) of Public Law 98-1 is amended by striking the words "six months" and substituting therefor "two years".

Amend the title so as to read: "A bill to designate the Federal Building in Fort Myers, Florida, as the 'George W. Whitehurst Federal Building and United States Courthouse'.".

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to designate the Federal Building in Fort Myers, Florida, as the 'George W. Whitehurst Federal Building and United States Courthouse'.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NAVAL ARCTIC RESEARCH LABORATORY

Mr. BAKER. Mr. President, I send to the desk a joint resolution (S.J. Res. 175) on behalf of the Senator from Alaska (Mr. MURKOWSKI) and I ask unanimous consent that it be placed on the calendar.

Mr. BYRD. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the joint resolution will be placed on the calendar.

NAVAL ARCTIC RESEARCH LABORATORY

● Mr. MURKOWSKI. Mr. President, the purpose of this joint resolution is quite simple. It will prevent the Navy from disposing of the Naval Arctic Research Laboratory (NARL) at Barrow, Alaska, until the full range of alternative uses for the facility can be explored.

It will cost millions of dollars to dismantle and dispose of NARL as the Navy is currently planning. I have been informed that costs totaling some $420,000 for a variety of preliminary demolition studies will be incurrred before the actual demolition, expected to cost between $10 and $20 million, can even begin.

I believe it is imprudent to spend these funds when Congress is actively considering legislation to coordinate, upgrade, and fund U.S. research activities in the Arctic. The Senate has passed this legislation, the Arctic Research and Policy Act, in both 97th and 98th Congresses. I am informed that the House Science and Technology Subcommittee on Science, Research and Technology is preparing to mark up the bill in the very near future. After this legislation is enacted, it is possible that a Federal research or support facility near Barrow will be determined to be necessary. If the Navy proceeds with its disposal plans, we may find ourselves in the embarrassing position of having to rebuild a facility very similar to NARL 3 or 4 years down the road.

I might also mention that there are other alternatives for the use of the NARL facilities. One proposal by the local Native village corporation would free the Navy from future obligations, put the facility to immediate and productive use, and would result in a net savings to the Treasury.

I believe we need to insure ourselves an opportunity to explore these alternatives, and I would ask for the support of my colleagues in the adoption of this joint resolution.

Thank you Mr. President.●

ORDER FOR H.R. 3222 TO BE PRINTED WITH COMMITTEE RECOMMENDATIONS

Mr. BAKER. Mr. President, on behalf of the Senator from Nevada (Mr. LAXALT), I ask unanimous consent that H.R. 3222, the Commerce, Justice, State, and the Judiciary appropriations bill, be printed with the committee recommendations as submitted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, on today's Executive Calendar, the items under nominations on page 1, the nominations beginning with the heading Army on page 2, the nominations on page 3, together with the nominations placed on the Secretary's desk in the Air Force have been cleared on this side for action at this time. One item, Calendar No. 316, is not available at this time since I believe there is no report yet to accompany that nomination. But if there is no problem on the minority side, I would like to consider that one as well.

Mr. BYRD. Mr. President, this side of the aisle has no objection to the nominees beginning with Department of Commerce.

Mr. BAKER. Mr. President, I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering nominations beginning with Calendar Order 315 under Department of Commerce, which is Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce; to include all of the nominations of page 2, which are Calendar Nos. 316, 317, 318, and 319; all of the nominations on page 3, which are Calendar Nos. 319, 320, and 321, and the nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE

The PRESIDING OFFICER. The first nomination will be stated.

The legislative clerk read the nomination of Richard L. McElHeny, of Arizona, to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

BOARD FOR INTERNATIONAL BROADCASTING

The PRESIDING OFFICER. The clerk will state the next nomination.

The legislative clerk read the nomination of Michael Novak, of the District of Columbia, to be a member of the Board for International Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I ask unanimous consent that the remainder of the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the remainder of the nominations are considered and confirmed en bloc.

The nominations confirmed en bloc are as follows:

IN THE ARMY

The following-named Army Medical Department officers for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. William P. Winkler, Jr., 322-24-8918, Medical Corps, U.S. Army.

Brig. Gen. Tracy E. Strevey, Jr., 337-24-1446, Medical Corps, U.S. Army.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Jerome F. O'Malley, 171-24-0533FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Lawrence A. Skantze, 060-20-8707FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Russ, 537-28-9188FR, U.S. Air Force.

DEPARTMENT OF STATE

Terence A. Todman, of the Virgin Islands, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE

Air Force nominations beginning Philip N. Brown, and ending Sal A. Leone, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 20, 1983.

Air Force nominations beginning Gary J. Abbate, and ending Wayne R. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 20, 1983.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to move once to reconsider the votes by which all nominations were confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I make that motion, Mr. President,

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT EXTENSION

Mr. BAKER. Mr. President, I am told there is one other item that can be taken care of on this side, S. 1852. Is the minority leader prepared to consider that bill?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 433, S. 1852.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs with amendments, as follows:

On page 2, line 17, after "capability", insert "which is reasonably determined to be available for national defense";

On page 3, line 13, after "capability", insert "which is reasonably determined to be available for national defense";

On page 3, line 19, strike "borrower.", and insert "borrower.";

On page 3, line 22, strike "take an action", and insert "execute a contract";

On page 4, line 11, after "capability", insert "which is reasonably determined to be available for national defense";

On page 4, line 24, strike "such guarantee", and insert "the industrial resources shortfall which such guarantee is intended to correct";

On page 5, line 3, strike "explaining", through and including "law" on line 5, and insert the following:

demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section, and if guarantees to correct such industrial resource shortfall have been authorized by law.".

On page 5, strike line 13, through and including "law" on line 17, and insert the following:

the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section, and unless such loans to correct such industrial resource shortfall have been authorized by law".

On page 6, line 5, strike "such action", and insert "the industrial shortfall which such action is intended to correct";

On page 6, line 9, strike "explaining", through and including "law" on line 11, and insert the following:

demonstrating that the budget submission is in accordance with the provisions of the preceding sentence, and unless actions to correct such industrial resource shortfall have been authorized by law.".

So as to make the bill read:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1988".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner.

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in a specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) the material or service has been identified in a specification agreed to by the United States and the borrower".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be estab-

lished through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"(e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section, and if guarantees to correct such industrial resource shortfall have been authorized by law.".

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section, and unless such loans to correct such industrial resource shortfall have been authorized by law".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence, and unless actions to correct such industrial resource shortfall have been authorized by law.".

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agree to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended sufficient to permit the recognition of the Senator from New Jersey for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. CIVIL RIGHTS COMMISSION

Mr. BRADLEY. Mr. President, I cannot let this day go by without noting my concern that we have failed to act on a matter of great importance to me and to millions of other Americans: The continuation of the U.S. Civil Rights Commission.

Although I am not a member of the Judiciary Committee, I have followed with great interest the efforts to reach a compromise on the membership of the Commission. A proposal is now before the President but he has not yet given his approval. Because of that uncertainty, the Judiciary Committee did not vote out the compromise.

Unfortunately, the issue has too frequently been portrayed as a fight over specific members of the Commission. As far as I am concerned, nothing can be further from the truth.

I am not here today to say that current members of the Commission whom the President wishes to fire are more or less qualified than the members the President wishes to appoint. I know and have the deepest respect for one of the President's nominees, Morris Abram. But individual qualifications are not the issue.

The first and most immediate question is whether the Civil Rights Commission will survive at all. The next question is whether it will survive as the credible, independent institution that every President and every Congress since its creation has pledged to preserve.

The authorization for the Commission runs out at midnight tonight. The statute itself, I understand, provides 60 days after this expiration date for the Commission to wind down activities. I do not intend to stand idly by and watch the Civil Rights Commission wind down.

If by early next week the President has not given his support to the compromise reached by the Judiciary Committee, I hope a sufficient number of my Republican colleagues will join with Members of my party to make clear that the Senate will not turn back the clock on the progress we have made in civil rights.

Our lack of action on the reauthorization of the Civil Rights Commission is not a record to be proud of. But the President's actions to obstruct action can simply no longer be tolerated.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I indicated earlier, the other body will turn to the consideration soon of the conference report on the continuing resolution, I am told between 4:30 and 5 p.m. I am also advised that it will be at least 5 p.m. or more likely 5:30 before that measure reaches us.

I am also advised that the conferees on the unemployment compensation matter have not yet met. We must do the conference report on that matter this evening.

It seems to me the better part of discretion suggests we recess the Senate to await the outcome fo the House on those two matters.

Therefore, if the minority leader has no objection, in a moment I will make a request that the Senate stand in recess. At this point, I yield to the minority leader.

RECESS UNTIL 5:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 5:30 p.m.

There being no objection, the Senate, at 4:17 p.m., recessed until 5:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

RECESS UNTIL 6 P.M.

Mr. BAKER. Mr. President, I have been advised that the House has not yet finished action on the items in disagreement accompanying the conference report on the continuing resolution. I believe they have done three and maybe have two more to go. I get mixed signals on how long it will take, but I think we could safely go out until 6 p.m. Therefore, I now ask unanimous consent that the Senate stand in recess until the hour of 6 p.m.

There being no objection, the Senate, at 5:31 p.m., recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COCHRAN).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Mississippi suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate the conference report on the continuing resolution.

The PRESIDING OFFICER. The conference report will be stated.

Mr. MELCHER. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Montana reserves the right to object.

Mr. MELCHER. Mr. President, the conference report, as I understand it, references the Interior appropriations as agreed to in the conference concluded yesterday. Is that correct?

Mr. STEVENS. Will the Senator state that again? I am sorry. I was listening to a staff member.

Mr. MELCHER. This conference report references and uses the figures agreed to in the Interior appropriations conference committee that was concluded yesterday; is that correct?

Mr. STEVENS. The Senator is correct.

Mr. MELCHER. Does the language included in that conference report on Interior contain the provisions on the Bumpers amendment dealing with coal leasing?

Mr. STEVENS. I cannot answer that question directly. I can tell the Senator that we have included in the resolution the Interior conference report, with the exception of the provision relating to the date. Under this provision, it states:

"Department of Interior and Related Agencies Appropriations Act, 1984, notwithstanding any other provision of this joint resolution, except section 102," which is the date "such sums as may be necessary for programs, projects, or activities provided for in such act," which was the Interior Appropriation Act "to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference filed in the House of Representatives, as if such act had been enacted into law."

So that it is the sums necessary for the projects, programs, and activities set forth in the act that are incorporated by reference.

Mr. MELCHER. Perhaps I could review that language. I would like to suggest the absence of a quorum.

Mr. STEVENS. I would be happy to suggest the absence of a quorum and have a discussion with the Senator. I do not think the problem he perceives exists, but I want to be fair about it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to my friend from Montana so he may further explain his situation here and we can clarify this matter for him before we proceed with the conference report.

Mr. MELCHER. Mr. President, I thank the assistant majority leader for yielding to me. I will be very brief.

Our problem in Montana arose on the Interior appropriations bill regarding the moratorium on Federal coal leasing. At the time the Bumpers amendment was offered, I asked Senator BUMPERS if his amendment would leave maintenance tracts of Federal coal available for mining operations that we are mining now and would need at some point a maintenance tract in order to keep a steady planning and a steady progressive arrangement for their mining operation. Senator BUMPERS told me that, yes, maintenance tracts would be exempted from the moratorium and I was satisfied at that point. He later told me he was in error after we had adopted the amendment. We suggested language that would straighten out the error and leave maintenance tracts available for ongoing coal mining operations.

The fact was, however, in the conference, the House insisted that that not be changed and so we are faced with a dilemma in Montana of possibly needing maintenance tracts for the Montana Power Western Energy operation of a coal strip in Montana.

I have only brought this matter to the attention of the Senate at this time because of the fact, within this conference report on the continuing resolution, there is reference to the amounts and sums of money that are in the Interior appropriations conference report, which we have not acted upon yet.

Mr. STEVENS. Let me state to the Senator my understanding of what has been done. This is a continuing resolution to provide internal funding for the agencies of the Government until November 10. The provision the Senator is questioning that relates to the Interior Department takes the conference report on Interior and related agencies that is pending before both Houses and adopts it by reference for the purpose of providing guidance on the expenditure of the sums that may be necessary in this interim period.

But there is no intention in this agreement on the continuing resolution to adopt by reference that conference report on Interior and related agencies and adopt into permanent law all of the provisions that are in that pending conference report.

It is only to the extent—and if you will examine it you will see—that such sums as may be necessary for programs, projects or activities provided for in that act, to the extent and manner provided in the conference report as if such act had been enacted into law.

We are not foreclosing consideration of the Interior conference report during the period between now and November 10. As a matter of fact, we have every hope that that conference report will become law during this period and that the dispute that the Senator mentions can be resolved in connection with that conference report. We are not prepared to debate that conference report now. I hope the Senator would realize that that conference report will be before us.

It is a matter that can be pursued in connection with the Interior conference report itself. This reference is for the purpose of providing guidance as to how the moneys that are made available to the Interior Department and these related agencies can be used for this interim period between now and November 10.

I do not know if the Senator from Wisconsin would agree with that, but that was my understanding.

If you look at the defense portion, for example, that I happened to manage as part of my job as chairman of the Subcommittee on Defense, it relates to the 1983 appropriation's bill in terms of the funds that can be expended between now and November 10.

So there are different standards for each agency and each department. This standard for the Interior Department is the conference report pending before the Congress, but we do not foreclose the Senator from raising the point he wishes to raise about any amendment or any portion of the conference report on the Interior appropriations bill when it is presented to the Congress.

Mr. MELCHER. I thank the assistant majority leader for his explanation. I feel sure that nothing in the next 45 days would be disadvantageous to this problem under any circumstances. As long as we have separate action on the Interior appropriations conference report, my discussion can be had at that time on the Montana problem.

Mr. STEVENS. I thank the Senator.

Mr. President, I renew my request that the Chair lay before the Senate the conference report on House Joint Resolution 368, the continuing resolution.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, September 30, 1983.)

Mr. STEVENS. Mr. President, members of the House and Senate Appropriations Committees met this morning at 10 a.m., to confer on the disagreeing votes of the two bodies on House Joint Resolution 368, the continuing resolution for fiscal year 1984. Because of the outstanding cooperation of all Senators in withholding amendments to that measure, we went to conference with only 26 Senate amendments. The majority of those were technical in nature, dealing with section and subsection changes and conforming amendments.

I can report to the Senate on behalf of the distinguished chairman of the Senate Appropriations Committee—and I think the Senate owes a great debt to Senator HATFIELD for the manner in which he handled this—that the House conferees were delighted with the Senate's restraint, as we were with theirs, and we all agreed that we were dealing with a continuing resolution in the manner that it should be dealt with and not in the wee hours of the late night on the deadline before the current appropriations expired.

The conference agreed to several changes in the spending rates provided in this continuing resolution, which will expire on November 10, the date proposed by the Senate. The spending rates for the Interior, military construction, and District of Columbia bills are set at the levels established by the conference agreements on those three bills. The rate for Commerce is at the lower of the two bills, with some exceptions and that is also the case for the Labor-HHS-education bill. Agriculture is funded at the level of the House bill, with some exceptions, and defense is pegged at an annual rate of $247,000,000,000—which is approximately the level of the House subcommittee bill that was reported to the full committee—with a special provision of $5,000,000 for activities concerning the 1984 Olympic games in Los Angeles. The rates for treasury and foreign operations were not amended by the Senate, and were not in conference. The Treasury bill is at the current rate, while the foreign operations bill is at the lower of the current rate of the budget request.

The net result of these actions in conference produces an annualized spending total for the life of this resolution that is $6,724,338,000 below the level passed by the Senate. The reduction in the spending level for defense accounts for $6.000,000,000 of that difference, while nondefense spending is $724,338,000 below that passed by the Senate. The administration has stated that on an overall funding basis, they will support this resolution.

All of these spending levels are established ony for the life of the resolution, which will expire on November 10. As the regular appropriations bills are enacted into law, they will fall out from under the coverage of this CR.

I believe that summarizes the pertinent elements of the conference agreement.

I will be happy to yield to my good friend from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the assistant majority leader for yielding.

Mr. President, I am delighted that we have reverted to the once common practice of treating the continuing resolution as a simple housekeeping measure to keep the Government functioning until we can pass all the regular appropriations bills. I think the chairman of the Appropriations Committees in both Houses deserve a great deal of credit for resisting amendments that could have turned the resolution into a grab bag of special interest legislation of the kind that has become all too familiar to this body. I also want to thank the many Senators who agreed not to introduce amendments that they felt strongly about so that the Federal Government could continue to operate in an orderly fashion.

I hope this resolution sets a precedent that we will follow in the months and years ahead. I urge its rapid adoption.

Mr. DOMENICI. Mr. President, I commend the chairman of the Appropriations Committee, my distinguished colleague Senator HATFIELD, and the Senate conferees for a quick resolution of our differences with the House on this measure. Tomorrow starts the new fiscal year. Our expeditious action on this continuing appropriations resolution provides the funding necessary to assure the continuation of essential Government functions beyond tonight. In fact, our action on this resolution has been so expeditious, we have beat the system for producing final numbers on this conference agreement. The Congressional Budget Office (CBO) is working on that, and I will insert a final scoring of this conference agreement into the RECORD early next week. Based on our preliminary estimates however, I can assure the Senate that this conference agreement is below the Appropriations Committee's 302(b) allocation under the first budget resolution.

Mr. President, I support this conference agreement. I hope my Senate colleagues will act as swiftly and with as much restraint to assure the enactment of the regular appropriation bills covered by this measure before its November 10 expiration date.

Mr. BAKER. I would like to inquire of the distinguished chairman of the Appropriations Committee the intent of the conferees with regard to language which addresses the Clinch River Breeder Reactor in the conference report. Does the conference committee intend that the language be consistent with the colloquy which we entered into yesterday prior to the passage of the continuing resolution, which appears on page S13183 of the CONGRESSIONAL RECORD?

Mr. HATFIELD. I am pleased to respond to the distinguished majority leader with regard to CRBR funding. The language in the conference report is intended to be consistent with that which we stated yesterday. The conferees have instructed that all options should be maintained until such time as Congress acts on the alternative financing proposal. Furthermore, the Appropriations Committee will work closely with DOE to insure that the instructions are implemented.

● Mr. LAXALT. Mr. President, my good friend and distinguished colleague Senator HOLLINGS and I are delighted that the first continuing resolution has proceeded so rapidly and cleanly. However, whenever funding levels are determined primarily by a formula, certain items fall between the cracks. I would like to take this opportunity to develop some legislative history on a few points on the Commerce, Justice, State, the judiciary and related agencies portion of the continuing resolution. In this, I speak for Senator HOLLINGS, as well as myself.

First, and most important, the figures in the continuing resolution are not binding on the Senate when it considers the regular 1984 bill. We did not foreclose the rights of any Senator on any account. We hope to bring our bill to the floor in the near future, and will carry the Senate-passed provisions into conference rather than any figure on the continuing resolution. The amounts in the CR are only effective for the life of that resolution.

Second, although the continuing resolution only includes $10,100,000 for the U.S. Travel and Tourism Administration, we believe it has sufficient funds to operate the full gateway receptionist program. The Senate-reported bill, S. 1721, recommended $12,870,000 for USTTA and earmarked $255,000 for the gateway receptionist program. We fully intend to push for the Senate-reported figure on the Senate floor and in conference. However, even at the $10,100,000 level in the continuing resolution, we feel the resources are available to operate the gateway receptionist program and expect to see the agency immediately enhance this exciting program.

Third, the continuing resolution includes the Senate recommended figure of $151,399,000 for the Equal Employment Opportunity Commission. The Senate directed in its report for S. 1721 that a total of $19,000,000 shall

be set aside for State and local grants. Although that direction is not operative in the continuing resolution, we are putting the agency on notice that we eventually expect to pass a bill that will maintain the $19,000,000 level and we expect the agency will have that level of resources available.

Finally, although the continuing resolution provides $520,515,000 for contributions to international organizations within the Department of State, recently the Senate reduced the authorized level for this account when it considered the State authorization bill. That decision may later be altered, but if it is not, the 1984 appropriation would have to be amended to reflect the lower authorization ceiling. We expect that the department will respond to these realities when it obligates funds in this account during the duration of the continuing resolution.

Again, Mr. President, we appreciate the opportunity to discuss these points.●

Mr. STEVENS. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion to adopt the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments in disagreement be considered en bloc, with the exception of amendment No. 6.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments in disagreement, except No. 6, be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments in disagreement, except No. 6, are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid resolution, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

(c) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for elsewhere in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $247,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1984 amended budget request as the base for such distribution and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: *Provided,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further,* That none of the funds appropriated or made available pursuant to this subsection shall be available for the conversion of any full time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by Active or Reserve Military Personnel, from civilian positions designated "military technicians" to military positions: *Provided further,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate or resume any project, activity, operation or organization which is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for investment items is further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1983: *Provided further,* That notwithstanding any other provision of this joint resolution, $5,000,000 is appropriated for the XXIII Olympiad as authorized by Section 304 of Public Law 98-94, and in addition the Department of Defense may provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with the proceeds to be credited to the current applicable appropriation accounts of the Department.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid resolution, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

(g) Such amounts as may be necessary for the following projects or activities, were provided for in H.R. 3222, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, as reported to the House of Representatives on June 3, 1983, to the extent and in the manner provided for in such Act, and at a rate for operations, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as follows:

Department of Commerce: General Administration, "Special Foreign Currency Program", $693,000;

Economic and Statistical Analsysis, "Salaries and Expenses", $39,337,000;

Economic Development Administration: "Economic Development Assistance Programs", $250,000,000; "Salaries and Expenses", $30,141,000;

International Trade Administration, "Operations and Administration", $169,893,000;

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities", $942,871,000; "Fisheries Loan Fund", $5,000,000;

Federal Communicatins Commission, "Salaries and Expenses", $86,383,000;

Federal Trade Commission, "Salaries and Expenses", $63,500,000: *Provided,* That these funds are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding sections 10(e)), 11(b), 18 and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374), notwithstanding the previous provisions of this subsection;

International Trade Commission, "Salaries and Expenses", $20,737,000;

Securities and Exchange Commission, "Salaries and Expenses", $92,500,000;

Small Business Administration, "Salaries and Expenses", $236,000,000;

Department of Justice: Immigration and Naturalization Service, "Salaries and Expenses", $527,257,000;

Notwithstanding the previous provisions of this subsection, Legal Services Corporation, "Payment to the Legal Services Corporation", $275,000,000: *Provided,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 115 relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies

of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further,* That none of the funds appropriated in this Act shall be available to any recipient to be used—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official:*Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal government or any State or local government unless (1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient; (2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and (3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that reponsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided further,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a)(1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in 1984 at the annualized level at which each such grantee and contractor was funded in 1983, or in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations; *Provided further,* That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service;

Department of State: Administration of Foreign Affairs: "Salaries and Expenses", $1,120,000,000; "Reopening Consulates", $2,500,000; "Representation Allowances", $4,148,000; "Acquisition, Operation, and Maintenance of Buildings Abroad", $202,889,000; "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", $10,012,000; "Payment to the American Institute in Taiwan", $9,380,000; "Payment to the Foreign Service Retirement and Disability Fund", $102,753,000;

International Organizations and Conferences: "Contributions to International Organizations", $520,515,000;

International Commissions: International Boundary and Water Commission, United States and Mexico, "Construction", $672,000; "American Sections, International Commissions", $3,426,000; "International Fisheries Commissions", $8,876,000;

Other: "Asia Foundation", $9,900,000;

United States Information Agency: "Salaries and Expenses (Special Foreign Currency Program)", $10,450,000; "Center for Cultural and Technical Interchange Between East and West", $18,362,000; "Acquisition and Construction of Radio Facilities", $34,013,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid resolution, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

SEC. 109. Funds shall be available for school assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950, at an annual rate of $585,000,000 under the terms and conditions provided in the applicable appropriation Act for fiscal year 1983; and funds shall be available for Departmental Management, "Salaries and Expenses" under the Department of Education at the current rate of operations.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to call up the amendment in disagreement to Senate amendment No. 6.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid resolution, and concur therein with an amendment as follows:

Strike out the matter striken by said amendment, and insert:

(b) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agricultural, Rural Development, and Related Agencies Appropriation Act, 1984 at a rate for operations and to the extent and in the manner provided for in the Act as passed the House of Representatives as of October 1, 1983: *Provided further,* That appropriations or loan authorization for the following agencies or activities are available at not to exceed the following rates and the totals are adjusted accordingly:

Agricultural Research Service:	
Salaries and expenses	$478,000,000
Buildings and facilities	28,602,000
Cooperative State Research Service:	
Special grants	25,234,000
Competitive grants	17,000,000
Animal health and disease grants	5,760,000
Animal and Plant Health Inspection Service: Salaries and expenses	263,259,000
Federal Crop Insurance Corporation:	
Administrative and operating expenses	200,000,000
FCIC fund	110,000,000
Office of Rural Development Policy	2,000,000
Rural Housing Insurance Fund: Moderate income loans	0
Agricultural Credit Insurance Fund:	
Insured soil and water loans	30,000,000
Economic emergency loans	0
Rural Development Insurance Fund: Water and waste disposal loans	270,000,000
Rural Water and Waste Disposal Grants	90,000,000
Rural Electrification Administration: Guaranteed loans, not less than	3,360,000,000
Commodity Futures Trading Commission:	
Salaries and expenses	26,400,000
ADP limitation	3,626,000

: *Provided further,* That notwithstanding any other provision of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": *Provided further,* That notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, non-

profit drug addiction or alcohol treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers: *Provided further,* That notwithstanding other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the first three months of the fiscal year ending September 30, 1984: *Provided further,* That, hereafter, in order to restore and maintain U.S. share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and Department of Interior and Related Agencies Appropriations Act, 1984 (H.R. 3363) notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in such Act (H.R. 3363), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives, as if such Act had been enacted into law.

Mr. HELMS. Mr. President, inasmuch as the distinguished occupant of the Chair has some interest in this amendment, I hope another Senator will be able to take the Chair so that Senator COCHRAN may have access to the floor.

The PRESIDING OFFICER (Mr. WEICKER). The Senator from North Carolina.

Mr. HELMS. Mr. President, I move to concur in the House amendment with a further amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2264 to House amendment to Senate amendment No. 6.

In lieu of the language proposed to be inserted, insert the following:

(b) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984 at a rate for operations and to the extent and in the manner provided for in the Act as passed the House of Representatives as of October 1, 1983: *Provided,* That appropriations or loan authorization for the following agencies or activities are available at not to exceed the following annual rates and the totals are adjusted accordingly:

Agricultural Research Service:	
Salaries and expenses	$478,000,000
Buildings and facilities	28,602,000
Cooperative State Research Service:	
Special grants	25,234,000
Competitive grants	17,000,000
Animal health and disease grants	5,760,000
Animal and Plant Health Inspection Service: Salaries and expenses	263,259,000
Federal Crop Insurance Corporation:	
Administrative and operating expenses	200,000,000
FCIC Fund	110,000,000
Office of Rural Development Policy	2,000,000
Rural Housing Insurance Fund: Moderate income loans	0
Agricultural Credit Insurance Fund:	
Insured soil and water loans	30,000,000
Economic emergency loans	0
Rural Development Insurance Fund: Water and waste disposal loans	270,000,000
Rural Water and Waste Disposal Grants	90,000,000
Rural Electrification Administration: Guaranteed loans, not less than	3,360,000,000
Commodity Futures Trading Commission:	
Salaries and expenses	26,400,000
ADP limitation	3,626,000

: *Provided further,* That notwithstanding any other provision of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": *Provided further,* That notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers: *Provided further,* That, hereafter, in order to restore and maintain U.S. share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and Department of Interior and Related Agencies Appropriation Act, 1984 (H.R. 3363), notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in such Act (H.R. 3363), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives, as if such Act had been enacted into law.

Mr. HELMS. Mr. President, this amendment is identical to the conferees' language, with one exception. It deletes an extraneous amendment added by the conferees which was mystifying to this Senator, at least, in terms of its having been considered at all. It was sprung on the conference, as I understand it, with no advance knowledge or notification. It has not been considered by the authorizing committee in either the House or the Senate.

It was included without consultation with, or even notification to, the Senator from North Carolina, chairman of the relevant authorizing committee. Frankly, without being unduly critical of anybody, it is not the way we ought to do business in Congress.

The provision by the conferees delays for 3 more months a very important antifraud provision adopted in 1981. That provision requires the States to establish monthly reporting and retrospective budgeting for certain food stamp households—not all households, but for certain households, those most likely to have changes in their monthly income.

Mr. President, every State has had 2 years to implement this regulation, which was approved by Congress, both House and Senate, and signed by the President, in 1981. Several States have already implemented it. Parts of my State have implemented it. I know the State of the distinguished Senator from Alaska (Mr. STEVENS) has implemented it. I know the State of Wisconsin has implemented it. I just do not understand why Congress would allow some States to drag their feet in implementing a very clear mandate by Congress to work toward eliminating some of the fraud in the food stamp program.

Mr. President, inaccurate reporting of income is the No. 1 problem in the food stamp program. Monthly reporting is scheduled to begin tomorrow—and bear in mind, let me repeat for the sake of emphasis, everybody has known about this for 2 years. Effective tomorrow, this monthly reporting and retrospective budgeting provision would be required. This is an important tool to combat the kind of fraud that is ripping off the taxpayer.

As I say, most States have already begun this provision and I, for one, see no reason to permit other States to escape implementation of this antifraud measure.

Let me say again for the purpose of emphasis that there has not even been a bill—not one—introduced in the Senate relating to this subject, Mr. President, a subject which has been clear in terms of the law for 2 years. There has been no consideration of any extension of time by the Senate Committee on Agriculture, which I have the privilege to chair. Rather, this issue was sprung on us at the last minute, without hearings, without committee consideration.

All of a sudden, the conferees say, "Well, some States have been unable to implement it." I will tell you why they have not implemented it: Because they do not want to spend a nickel that they do not have to, even to cut down on fraud in one of the most enormously expensive welfare programs that one can conceive.

Therefore, Mr. President, I believe the conferees' action, and I say this with all due respect to the conferees on both sides, is, to say the very least, quite premature. We permitted the States 2 years to prepare for this. I just cannot see any reason to postpone it another 3 months.

The only way we can clean up fraud in any governmental program, be it food stamps or legal services or whatever, is to clean it up. Sometimes it is unpleasant to do what I regard as my duty as a Senator. It is not popular to crack down on these people who are engaging in fraud or on the States which are not doing what they should be doing in terms of eliminating fraud. I know it is not popular. But we have the duty to do it, and the Senate took the action 2 years ago, the House agreed to it, and I say again that the States have known for 2 years that, come midnight tonight, it would be their responsibility to implement this very reasonable provision of law.

So, Mr. President, that is why I have offered the amendment to concur with the House amendment with a further amendment deleting this unnecessary delay.

Mr. COCHRAN. Mr. President, I am sympathetic to the concerns raised so eloquently by the distinguished Senator from North Carolina. I think a great deal has been done in the past 2 years under his leadership as chairman of the Committee on Agriculture to eliminate waste and abuse in the food stamp program. I think he deserves the compliments of Americans everywhere whose tax dollars support this program, because much in savings has been realized because of initiatives that he has brought to the attention of Congress and has had implemented through legislation. I regret, frankly, to have to rise in opposition to the effort that the Senator makes here tonight.

When this conference report was being negotiated and conferees of the House and the Senate were meeting together to discuss the various provisions of the agriculture section, the Senate had included in its part of the bill two food stamp amendments. Both had been included in the passage of the regular appropriations bill for fiscal year 1984. One was a suspension of a deadline that would have occurred on October 1, 1983, suspending for 90 days the termination of the cash-out program of food assistance in Puerto Rico. The committee was advised that it was not possible to make the change required by law on that deadline date. With advice and counsel from the legislative committee, that amendment was included in the fiscal year 1984 appropriations bill.

There was another amendment as well which this Senator offered to the bill, which technically, I suppose, is legislation. It is designed to ease a burden that had been imposed upon publicly run mental health centers which operate alcoholic and drug addiction rehabilitation centers in my State of Mississippi. These centers would not qualify to redeem food stamps for its recipients who are otherwise eligible, because of the technical interpretation of the law.

With that clarification, the Senate went to conference with two food stamp amendments. The House conferees argued that if they were going to accept these two amendments, the Senate should consider accepting a 90-day postponement of another deadline, which was the monthly reporting and retrospective budgeting provision. The House had included a 1-year postponement, Mr. President, in the first continuing resolution that was approved by the House Committee on Appropriations, and that 1-year postponement was again urged upon the conference. We did not accept the 1-year postponement but, rather, agreed that the 90-day postponement would be appropriate, inasmuch as we had requested that they accept a 90-day postponement of a deadline date for the cash-out program for food assistance in Puerto Rico.

Now, this conference report is going to expire by its own terms on November 10. The legislative committee will have an opportunity to address this issue, which I may say is one that is serious, and I think should properly be brought to the attention of the committees with appropriate jurisdiction.

I have heard personally from my State with respect to the expensive administrative burden that has been imposed by this change in the law which occurred in 1981. There are several States which we are advised are unable to comply with this October 1 deadline. There are others who are able to comply. Aside from the fact that we agreed, in good faith, based on solid reasoning, with the 90-day postponement, we think there is merit to the suggestion that a 90-day postponement would be appropriate.

In 1980, Congress enacted legislation making monthly reporting and retrospective budgeting systems a State option in the food stamp program. However, in 1981 Congress reversed gears, and—at the request of the administration—made the use of these systems a mandatory Federal requirement, rather than a State option beginning October 1, 1983.

This requirement is causing serious problems for many States across the country. Numerous States have found these systems to be cost ineffective and expensive to administer. Findings recently made available from a number of federally sponsored demonstration projects provide confirmation that monthly reporting and retrospective budgeting systems generally do not reduce errors—but do increase administrative costs, and result in the denial of benefits for some needy families.

Congress made an effort to alleviate these problems last year. Congress included in the 1982 Reconciliation Act a provision authorizing the Secretary of Agriculture to allow States to exempt certain categories of households from monthly reporting where the States could show that monthly reporting would cause unwarranted administrative costs. Nearly a year after this provision was passed, however, USDA has yet to implement it fully. Some requests for such exemptions, or waivers, have still not been ruled on. It remains unclear whether the administration will elect to utilize this authority to ease State burdens in this area.

What the language in the conference report on the continuing resolution would do is postpone the October 1, 1983, deadline for 3 months, or 90 days, to allow the Agriculture Committee and the Congress time to ascertain whether the Department intends to utilize its waiver authority in a manner that can resolve the serious problems now facing the States or whether further legislation is needed.

Mr. President, I might also say that among those States having difficulty is the State of North Carolina, which was expressed in a letter to a House Member in May of this year urging the delegation from that State to seek legislation to either repeal this mandated October 1 deadline or at least make it optional.

So there are many States having difficulty with the provision, but the Senator from North Carolina is fully aware of that, and I know that in this capacity as chairman of the committee he will address that at the appropriate time.

I hope the Senate will approve of the actions of the conferees as reflected in the report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I appreciate the comments of my friend, the distinguished Senator from Mississippi. It is a privilege to serve on the Committee on Agriculture, Nutrition, and Forestry with him. He is such a valuable member. I hold him in such great affection and respect. This is one of those rare times that we disagree. I might emphasize that we have agreed to disagree agreeably.

The rationale cited for the 3-month delay for monthly reporting is that a 3-month delay was provided in the Senate-passed agriculture appropriations bill for Puerto Rico to have to convert to a noncash program.

The point is—and I am saying this for the record so the position of the

Senator from North Carolina will be clear—that provision relating to Puerto Rico was itself a compromise because the Senate Appropriations Committee attempted to repeal the provision altogether without consultation with the chairman of the Agriculture Committee under whose jurisdiction the matter clearly lies.

In any event, I concurred with a 3-month extension during earlier Senate consideration on the agriculture appropriations bill pending resolution of the problem, which I might add originated in the House of Representatives with the House Agriculture Committee. I hope the earlier, compromising spirit of the Senator from North Carolina is not being abused.

I have attempted to follow procedure in every possible way. I advised the chairman of the full committee and the subcommittee of my concerns about several extraneous matters which had been included in the original House Appropriations Committee bills, House Joint Resolution 367. I indicated to them that I would be constrained to object to the inclusion of legislative matters properly under the jurisdiction of the Committee on Agriculutre, Nutrition, and Forestry, including this issue.

I sincerely regret that the House conferees have, Mr. President—I do not know exactly how to say this because I want to say it respectfully—but they "slipped it through." [Laughter.] And I understand the pressures under which the Senate conferees were working, but I regret that this kind of thing happens time and time again in the few remaining hours before the expiration of the fiscal year.

The truth of the matter is that the House of Representatives constantly does the Senate in. They have a favorite little trick of putting something in and then recessing, going home and saying to the Senate, "If you want to shut down the Government, be my guest."

I might add, one of these days the House of Representatives is going to wake up and find the Senate standing up and saying, "OK, we will shut down the Government." As a matter of fact, Mr. President, sometime when I am out among the real people of this land and I mention the possibility of shutting down the Government, I get a big round of applause. And that shows the cynicism with which actions of this Congress are greeted among the people who pay the bill, the taxpayers.

Mr. President, the projections on the cost of this extension—based on original CBO projections from 1981—will be $60 million—$60 million more fraud in the food stamp program for the 90-day period.

Let me state a proposition to my friend from Mississippi and to my friend from Alaska and my friend from Wisconsin, the distinguished managers of the bill. If the Senator from North Carolina will back off, withdraw his amendment, can I expect the full support when the next continuing resolution comes up—what is it, 41 days from now—to put an end to this business of extending the capability of fraud—in other words, say to the States, "Now, you get ready by November the 10th or we are going to sock it to you"?

Now, if I could have some sort of assurance from my friends that they are going to stand with me in conference or whatever with the House of Representatives and say enough is enough, then I will be willing to withdraw this amendment, even though it will cost the taxpayers about $30 million of that $60 million that I mentioned, because of the shortened delay. Would the Senator be interested in that proposition?

Mr. COCHRAN. Will the Senator yield?

Mr. HELMS. I yield.

Mr. COCHRAN. Mr. President, of course I am convinced that one of the motivations for every Member of this body is to try to make sure that tax dollars are wisely and efficiently spent and that there are no Federal programs that are contaminated with fraud, waste, or inefficiency.

Mr. HELMS. I know that.

Mr. COCHRAN. And this Senator is going to work as hard as he can and as enthusiastically as he can to make sure that not only the food stamp program but every other program under the jurisdiction of this Appropriations Committee is administered in a way that is consistent with the law and every dollar is accounted for that is spent. The Senator has my assurance that my every effort will be put into that endeavor.

As for whether or not I am going to support one suggestion or another in a conference or any piece of legislation will depend upon the circumstances and the terms of the situation and whether it is consistent with those basic principles of mine.

I also say to the Senator that this provision in the conference report does not prohibit any State from going ahead with its compliance with this October 1, 1983, date.

There are some problems with waivers being granted by the USDA now, we understand, and this will grant some period of time in which they can act on requests for waivers or exceptions under certain circumstances. I know that my State is one of those.

However, beyond that, I have no quarrel with the fact that the law is the law and that after the expiration of that 90 days, unless the law is changed, there should not be different actions of any other committee, any further postponements.

Mr. HELMS. Mr. President, if the Senator will allow me to interrupt him, let me say that there is no Senator more diligent in trying to reduce the cost of Government and waste of expenditures by the Government than the able Senator from Mississippi.

Let me just follow up on one of the distinguished Senator's comments. Let the record be clear that States that have already implemented, or may yet implement, monthly reporting and retrospective budgeting (or either provision) may do so, during this interim period with regular matching funds provided in this appropriation bill. We certainly do not intend to preclude those States that wish to proceed immediately from doing so.

I guess all I am saying to him and Senator STEVENS and Senator PROXMIRE is this: Will you help me send a message to the States saying, "You had better get ready and comply with the law that is 2 years old"? If the answer to that is, "Yes," I am going to withdraw the amendment.

Mr. STEVENS. Mr. President, I say to the Senator that it is my understanding that some States are proceeding. My State has been in contact with me, and I know it is proceeding.

Mr. HELMS. My State is, and the State of the Senator from Wisconsin is. The other States are saying, "We won't buy any computer equipment. We'll drag our feet, and we'll not do this or that."

As long as we let them get by with that, I do not think we are going to be fair to the people in the States that are proceeding.

Will the Senators help me send a signal saying:

On November 10, when the next CR comes, you are likely to see an amendment by Senator HELMS or somebody else, or a combination of them, to go back to this 2-year-old law that has been on the books, about which everybody has known, about which there is no mistake?

If the Senators can assure me of their support in that regard, I have no problem with the action that was taken by the conferees today. I am just asking, in good faith, will the Senators give me the assurance of their support in that regard?

Mr. STEVENS. Mr. President, I certainly will give the Senator my assurance of support for the proposition that the date that was set in the original law should be adhered to.

I have the feeling, however, that under the provisions in this bill, that date now is 90 days from that date. It would be January 1.

I think we should send a message that January 1 is the date we need to have the States in compliance with the new provisions, and that it certainly would be the intent of Congress to see to it that it is done by that time and no later than that time.

Mr. PROXMIRE. Mr. President, I support the position taken by the distinguished Senator from Mississippi,

the chairman of the subcommittee. I think he is absolutely right that there is great merit in what Senator HELMS has argued. It is hard to dispute the terms in which he puts it.

On the other hand, I think we have to keep something of an open mind on this, and I have great faith in the Senator from Mississippi. As I understood his response to the Senator from North Carolina, he indicated that he would oppose fraud in every way he possibly could but that he would reserve his judgment on this specific recommendation of the distinguished Senator from North Carolina—the amendment by the distinguished Senator from North Carolina—until he had a chance to study the details and see what the situation was as it developed over the next 30 days.

Is that a correct interpretation?

Mr. COCHRAN. Mr. President, if the Senator will yield, my reservation about making that firm commitment was the fact that the Senator was suggesting that, on November 10, I join him in a statement or an action that would terminate at that point the period of time within which States have to comply.

I have no quarrel with the fact that this is going to end in 90 days and that on January 1, 1984, States will have to be in compliance with the terms of the law, and that this suspension is a 90-day suspension only. I will join the Senator in resisting any further extensions.

Mr. HELMS. Mr. President, I believe we have made some progress here, not in terms of the distinguished Senator's attitude, because he has always been a stalwart in opposing fraud and trying to get to the root cause of it, but in making the record. I hope I have made it clear that what I want to do is to serve notice on the States that enough is enough, no more footdragging, if I withdraw this amendment.

Let me serve notice in an open, gentlemanly fashion. If we do not tighten up and enforce this monthly reporting requirement, I will be forced to press—through the appropriations and authorizing process—other means of reducing fraud, waste, and abuse.

We must say to the States, "You have to get busy, because time runs out on January 1, 1984. You had better get ready to comply with the 2-year-old law."

If I have made that clear, I have accomplished a little something, and I have gained the support of the Senator from Mississippi—which I have had all along, as a matter of fact.

I have the support of the Senator from Alaska. I do not know where the Senator from Wisconsin is, precisely.

It reminds me of when I was serving on the Raleigh City Council many years ago. I made a proposal and made one of my usual eloquent speeches; and one of the members of the council said, "Mr. Mayor, I agree with Jesse in principle but not in practice." [Laughter.]

That is the problem we have around this place. Sometimes we agree in principle, but when it comes down to practice, it is a little different. Allow me to summarize the facts.

As noted by the Congressional Budget Office, "monthly reporting and retrospective budgeting (MR/RB) is one of several initiatives to reduce fraud, waste, and abuse in the Food Stamp Program." These are important provisions that were originally estimated in 1981 to save $257 million annually when fully implemented (in fiscal year 1984).

The 1981 law provides flexibility for the Secretary of Agriculture to waive provisions of the act in order to permit States to maintain consistency with provisions for calculating income required under the aid to families with dependent children (AFDC) program. Monthly reporting and retrospective budgeting have been required in AFDC since October 1, 1981.

In order to accommodate further the compatibility of the two programs, additional waiver authority was established under the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253). The Secretary is now authorized to waive any provision of the act—except the provisions excluding certain categories of households from monthly reporting—in order to develop requirements similar to those used for AFDC. Additionally, waiver authority was granted to enable State agencies to have selected categories of households report less frequently (than monthly) if the State agency could demonstrate that requiring monthly reports from such households would result in unwarranted administrative expense.

It should be remembered that the original and fundamental purpose of monthly reporting is to obtain the most current income information from food stamp recipients. Historically, investigative audits have demonstrated time and time again that the single largest cause for overissuances of food stamps comes from recipients underreporting their actual income. Inasmuch as monthly food stamp benefits are based on a household's monthly income, understatement of income results in overissuances of food stamp benefits. Most recent figures indicate that over $1 billion, or 10 percent of all food stamp benefits, are overissued, most of which is caused by underreported income. The Committee on Agriculture, Nutrition, and Forestry has been especially concerned with this area of fraud in the food stamp program, and has made a number of recommendations, subsequently adopted, to prevent and detect such underreporting of income. Monthly reporting and retrospective budgeting are two such tools intended to improve this situation.

At the same time, the committee's legislation has permitted the necessary flexibility to target such requirements on housholds that are likely to have income, and experience frequent changes in income. There is not the same urgency to include households that have no income, or are not likely to have changes in income—such as those on fixed incomes. For example, households in which all adult members are elderly or disabled are exempt from these requirements. As noted earlier, States may seek to exempt other categories if they can demonstrate that their incorporation in monthly reporting would not be cost effective.

Frankly, I was somewhat surprised and disappointed at the last minute flurry of activity to avoid this requirement. The committee has received only scattered reports of complaints. In my home State of North Carolina, for example, most of the few counties that complained had not even attempted to seek waivers for those categories of recipients for which they felt reporting would not be cost effective. Some apparently felt, without having studied the matter closely, that the requirement was "more bother than it was worth" or would result in a "paperwork glut."

Since that time, States and counties have petitioned the Secretary to grant waivers in certain cases. By all reports, the Secretary has been very judicious in granting waivers where the evidence presented warranted such an exception.

As I say, little opposition to the proposal had emerged prior to the House Appropriations Committee action. Indeed, there has been no legislation of any kind introduced in the Senate to amend these requirements.

Obviously, the committee will continue to monitor the situation to insure that the requirement provides the kind of improvements that were intended at the time of enactment in 1981.

As I noted earlier, both monthly reporting and retrospective budgeting have been required in the AFDC program since October 1, 1981.

Frankly, I see no reason to expect a less stringent provision of monthly income verification in the food stamp program than is already required in the AFDC program, and which States have been doing in that program for 2 years.

I continue to be distressed by the reaction of some State and local officials to this and other reforms in the food stamp program. As I have emphasized on past occasions, unlike almost any other Federal program, the food stamp program is funded 100 percent by the Federal Government. The only

contribution to the food stamp program made by State or local governments is that they bear 50 percent of the administrative costs of the program. Inasmuch as food stamp benefit costs are currently $12 billion, and total administrative costs are approximately $1 billion (of which the Federal Government pays half), it is clear that the Federal Government shoulders the great cost of this program. Indeed, the program is the second most costly Federal needs-based program—second only to medicaid.

Because the Federal Government bears these costs, State and local officials have been reluctant to improve the administration of the food stamp program, for which they are responsible. They have rationalized that "since improvements do not save our money, why bother?"

An example of this attitude was expressed in a recent letter from a local official who was complaining about monthly reporting:

We are obviously distressed that local funds (50%) are required to provide for staff costs in order that the Federal Government may reduce their own cost. It would appear that a reasonable solution would be for the Federal Government to provide all funds necessary to increase local staff in order to meet a program that would perhaps result in Federal savings. We applaud the purpose of this regulation (i.e., monthly reporting), but we also believe that local governments ought not be required to expend local funds for the increased effort required.

Mr. President, this is precisely the wrong attitude. The tax dollars that are overspent in the food stamp program are those of all taxpayers. State and local officials and administrators must take a more active role in improving their administration of the food stamp program.

In my view, this fundamental attitude must be corrected. States must be held accountable for overissuance errors that result, as the administration has proposed. Another option, is that States be permitted to have optional block grants so that they have the flexibility they desire as well as the accountability that would accompany a specified amount of Federal funds for such a program.

I make these observations at this time to point up an inherent shortcoming in the present program. We have attempted to provide remedies to the obvious problems of fraud, waste, and abuse, and will continue to do so. We need the cooperation of State and local officials that administer the program, not their intransigent resistance.

I think we all understand each other. I have no wish to pursue the matter further, and I certainly would not call Senators back in for a rollcall at 4 minutes before 7 on Friday evening. I think we have served the taxpayers pretty well by making this record, because somehow it is going out to the States that "You had better get ready, because we're not going to have any more of this."

So with that understanding, Mr. Leader, I am going to withdraw the amendment, and I thank the Senator very much for his patience.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. COCHRAN. Mr. President, I wish to compliment the Senator from North Carolina. It is my observation, having been in the Senate 5 years and serving with him, that he not only makes a point but also makes a difference, and he does it very effectively.

Mr. HELMS. I thank the Senator.

Mr. COCHRAN. Mr. President, in keeping with the spirit of both Houses of Congress that we keep this continuing resolution as clean as possible, the Agriculture Subcommittee members of the Appropriations Committee have been most cooperative by refraining from offering extraneous amendments to our portion of the resolution. I express my appreciation to our members for their participation in this prime example of bipartisan teamwork.

Mr. President, the continuing resolution, as passed by the conference committee, contains amounts for appropriations and loan authority which were derived through negotiations intended only for the purpose of this continuing resolution. These negotiations were not an attempt to produce an agreement for our regular fiscal year 1984 appropriations bill. We simply wanted to carry our share of the load in attempting to meet the administration's request for this continuing resolution, while maintaining our position to the greatest extent possible in funding levels for our programs.

The appropriation for the Agricultural Research Service (ARS) is $6 million less than the Senate-passed mark in the regular fiscal year 1984 appropriations bill. It is the Appropriations Committee's intention that any programing decisions which deviate from the committee report on the regular fiscal year 1984 appropriations bill be made with the advice and consent of the committee.

The appropriation under this continuing resolution for the Extension Service is $4 million less than the Senate-passed mark. It is the intention of the conferees that the Renewable Resources Extension Act, however, is to be carried out within the funds provided for the Extension Service.

The brucellosis program under APHIS will be funded, under the terms of this resolution, at $69,500,000. We have been assured that, although this is well below the fiscal year 1983 appropriation, brucellosis State agreements and indemnity rates will not be reduced.

The conference report shows a funding level for the Federal Crop Insurance Corporation below both the House- and Senate-passed bills. This appropriation is based on the fiscal year 1983 participation rate, and the conference agreement reflects the reduced growth assumptions for fiscal year 1983 participation.

Mr. President, it is my firm belief that this is a fair compromise which warrants both approval by the Senate and approval by the administration. I urge the adoption of this conference report.

Mr. STEVENS. Mr. President, the Senate is indebted to the Senator from North Carolina.

I think the message has gone out to the States that they had better get in line by January 1 or "Old Jesse" is going to get them. That is for sure.

Mr. President, I move that the Senate concur in amendment of the House to amendment No. 6 of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I move to reconsider the vote by which the motion was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, have we disposed of all the amendments and the conference report?

The PRESIDING OFFICER. The Senator from Alaska is correct.

Mr. STEVENS. Mr. President, I thank the chairman of the Senate Appropriations Committee, Mr. HATFIELD and the ranking Democratic Member, Mr. PROXMIRE, for their leadership and cooperation in achieving the final product in this continuing resolution. I would also like to express my appreciation to the Appropriations Committee staff on both the Republican and Democratic sides of the aisle for their diligence and swift preparation. I do not remember when a continuing resolution was acted upon so smoothly on the eve of a new fiscal year. I hope this action is an example for such measures in the future.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, for the information of Senators, that means there will be no further votes this evening.

We do have several minor items of a unanimous-consent nature to handle, which we will handle expeditiously in just a few moments, pending the arrival of the distinguished Democratic leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

MONEY LAUNDERING

Mrs. HAWKINS. Mr. President, in earlier floor speeches I have tried to emphasize the seriousness of the illicit drug problem and how it pervades all our lives—not just the lives of common criminals or "fringe types." In fact, more and more tax lawyers, stockbrokers, bankers, and accountants are cleaning up the illegal profits of drug traffickers by falsifying documents and shuttling bales of money across international boundaries. The journalists call it "laundering" the loot. I like that image: It reminds me once again that the IRS—and the American taxpayer—is being taken to the cleaners.

Millions and millions of tax dollars are lost in this money laundering, and it is the respectable banks and white-collar professionals, out of business school and law school, who are doing it. The National Republic Bank of Chicago was recently fined $15,000 and put on 5-year probation for failing to report currency transactions linked to a nationwide cocaine-distribution network. The bank was indicted along with its former vice president and 20 other persons on charges of running a cocaine ring out of Chicago, Los Angeles, and Florida.

It does not really surprise me that dishonest dealings and "dirty" money keep a few cogs greased in the workings of our economy. A more shocking trend is the increased involvement of ordinary professionals with the criminal underworld, especially drug traffickers—particularly vicious and venal breed. I wonder how these "laundry service" lawyers, bankers, and accountants reconcile their actions with their natural desire to bring up their children in a healthy and secure environment.

Mr. President, I request permission to enter into the RECORD an article from the Wall Street Journal on money laundering of illegal drug profits.

[From the Wall Street Journal]

LAUNDRY SERVICE—MORE PROFESSIONALS LIKE LAWYERS, BANKERS SAID TO HIDE DRUG LOOT

(By Robert E. Taylor)

W. Stephen McConnell was the picture of a successful lawyer.

Within a decade of opening his own law practice in Annandale, Va., a suburb of Washington, he acquired a pair of Mercedes-Benz cars, a 33-foot sailboat, a large home on a wooded lot and also a new wife. He speculated in real estate and gambled in the Caribbean.

It was a rich life style. Too rich, thought Stephen Cochran, one of his law partners. "I knew he wasn't making that much from the firm," Mr. Cochran says. "My wife and I looked at the money he was spending and wondered where he was getting it."

The federal government says the answer is that Mr. McConnell had expanded his tax practice into a lucrative new area: helping drug smugglers invest and conceal their profits.

Mr. McConnell, 41 years old, denies any illegal money laundering. In a plea bargaining, however, he pleaded guilty to helping prepare false tax returns. In return, the government dropped other charges against him. He is serving an 18-month prison sentence.

Hiding profits of illegal dealings isn't new. It has been necessary for crooks ever since the Internal Revenue Service jailed mobster Al Capone in 1931 for tax evasion.

LEGAL IMPLICATION.

What is new is the growing number of lawyers, bankers, accountants, brokers, and other professionals who are being charged these days with laundering money for drug operators. As a result, says Rudolph Giuliani, associate attorney general, dope trafficking "is looking more and more like a white-collar crime."

To make concealing of drug profits more difficult, federal agencies in 1980 stepped up enforcement of a little-known law requiring financial institutions to report all transactions of $10,000 or more to the IRS. The idea was that this would help agents trace large, unexplained money flows to drug traffickers and other criminals.

Sometimes they have. But as pioneered in Miami, these financial investigations also are leading to others who are paid to help launder huge sums of cash. Originally, most of those charged with laundering money were low-level bank employees who would omit or falsify federal currency reports. But greed doesn't end at the bank teller's window, and criminal investigations have increasingly traced laundered money trails to law offices and executive suites.

Federal undercover agents posing as drug traffickers also "are getting solicited with all kinds of offers" from business and professional people willing to provide them with false documents to give them an apparently legitimate source of income or to avoid taxes, says Roger Markley, an assistant U.S. attorney in Chicago.

DE LOREAN DEAL

Professional involvement often goes well beyond handling and hiding drug profits. Undercover work collared auto executive John DeLorean last year on charges of conspiring to sell cocaine. His case wasn't unusual. In Miami last year, for instance, federal agents posing as money-launderers produced charges against three lawyers for conspiracy to import cocaine and three bankers and a physician for referring clients to the launders.

Alabama State Circuit Judge Thomas Coggin was caught flying 98 pounds of marijuana into Florida; he didn't contest the charge, resigned and was sent to jail. Former Florida Supreme Court Justice David McCain is a fugitive, accused of conspiring to import 30,000 pounds of marijuana from Colombia.

Investigations have also focused on brokerage houses. Millions of dollars in cash transactions handled in 1981 by Merrill Lynch & Co.'s New York offices have been subpoenaed by federal investigators, apparently because of suspicions that many required reports on large transactions weren't filed. And J. B. Hanauer & Co., a New Jersey municipal bond dealer that settled money-laundering charges filed by the Securities and Exchange Commission, remains under Justice Department investigation.

Recently, prosecutors have begun to turn their attention more to lawyers. Since 1980, lawyers have been accused of laundering schemes in Florida, Georgia, Virginia, Maryland, Illinois, Arizona and California. And with federal task forces still getting under way in many parts of the country, prosecutors say these cases are just beginning.

A BETTER LAUNDRY?

Some investigators believe that with all the heat on banks, lawyers' escrow accounts are becoming a more popular laundering vehicle. Sometimes, attorneys simply deposit bales of drug money in their law firms' bank accounts, then buy property or cashier's checks for clients, thus avoiding the federal currency reports.

But lawyers also can provide more sophisticated help. Some pass cash through a maze of foreign corporations and bank accounts shielded from U.S. agents by strict financial secrecy. This can make it "virtually impossible to find out whose money it is," says Richard C. Wassenaar, assistant IRS commissioner. He says about half of the IRS's narcotics-related investigations find that the money is moved offshore.

Many attorneys under investigation come from marginal law firms. But some are reputable lawyers like Stephen McConnell.

Mr. McConnell was a trial attorney in the U.S. Justice Department's Tax Division from 1967 until 1971, when he opened his private practice. Four years later, federal prosecutors said in federal court in Alexandria, Va., he started depositing large sums in the secrecy of Cayman Island trust accounts for a young man named Julian Pernell. In a few more years, the connection helped make him the largest moneymaker in his law firm.

The convicted drug smuggler's use of Mr. McConnell's law firm also helped cause the lawyer's downfall. The firm maintained two bank accounts to hold clients' cash in escrow for short periods while they completed transactions such as real-estate purchases. According to prosecutors, Mr. McConnell set up a brace of U.S. corporations for Mr. Pernell and began depositing large amounts of cash in the firm's accounts on behalf of these companies. Usually, the money would be paid out in a few days, the government claimed, often to the Cayman trusts or to U.S. investments.

Karen Tandy, the assistant U.S. attorney who prosecuted Mr. McConnell and several associates, says this arrangement allowed Mr. Pernell to use the law firm's escrow accounts "like personal bank accounts," without leaving the financial fingerprints of federal currency reports that are routinely required of banks. By passing the money through the Cayman trusts, Mr. McConnell made it even harder to trace.

In its court papers, the government charged that Mr. Pernell and his associates took in abut $30 million over seven years of importing many tons of marijuana and hashish. Of the 20 persons charged in the case, 19 have been convicted, and one remains a fugitive.

Prosecutors say Mr. McConnell handled about $3.5 million of the cash, mostly for Mr. Pernell and his relatives. He is alleged to have passed about half of that through the Cayman Island trusts and his firm's accounts to a real-estate investment in Hilton

Head, S.C. Miss Tandy says that alone would have been worth $5 million by 1990.

DRUG-WAR WEAPONS

Moving money through law firms or Caribbean tax havens isn't normally a crime. But the government demonstrated in the McConnell case that it has an arsenal of weapons to bring such activity into criminal courts when it is linked to drugs.

The government charged Mr. McConnell under a racketeering statute with being part of a conspiracy to make and conceal profits from importing illicit drugs, conspiring to defraud the government of taxes and helping prepare false tax returns for two years. The government even maintains that lawyers, like banks, often must report to the IRS transactions through their escrow accounts of more than $10,000, and even smaller accounts if fragmented to slip under the threshold. This was part of the tax-fraud charge against Mr. McConnell.

In the tax charges that Mr. McConnell admitted, the government said he ordered tax returns prepared showing Mr. Pernell and his wife made $157,794 in 1977 and 1979 combined (1978 wasn't mentioned in the charges), though they passed almost $500,000 through his law-firm accounts in those years.

In a telephone interview from prison, Mr. McConnell says he didn't know whose money the Pernells sent to his firm and didn't know until 1981 that they had been drug smugglers. "I was used," he says.

INHERITANCE-TAX PLOY?

Mr. McConnell also contends that the purpose of the Cayman trusts was legally to avoid U.S. inheritance taxes for Mr. Pernell, who he says is in his late 30s. "It's never too early to think about estate taxes," he says. His attorney, Louis Koutoulakos, complains that Mr. McConnell was targeted for prosecution "because it is open season on lawyers."

The government cited evidence in court that Mr. McConnell knew more than he admitted. Prosecutors claimed that Mr. McConnell was told in 1978 that Mr. Pernell had been convicted of drug smuggling. The prosecutors also claimed that Mr. McConnell had been receiving large bags of the drug operator's cash at the law firm for years. Prosecutors also said that when local bank tellers and the law firm's bookkeeper became suspicious, Mr. McConnell tried to avoid federal reports by breaking large deposits into multiple small cashier's checks from an assortment of banks. He denies this.

Yet at his sentencing last October, Mr. McConnell admitted that "I intentionally turned my head" and became "a knowing puppet."

Offshore-banking expert Richard Blum says lawyers are part of "an impressive movement of respectable professionals into association with less respectable members of the community," especially in drug dealing.

OTHERS IMPLICATED

In Mr. McConnell's case alone, one other lawyer handling the drug ring's money was convicted of tax fraud and perjury, and a legislative expert for a trade association escaped prosecution only by cooperating with the government.

But while many are investigated, few are charged. And acquittals aren't uncommon. Prosecutors say it is hard to prove that high-ranking bank officials, lawyers or accountants are knowingly involved in laundering. Bank executives are insulated by layers of bureaucracy, they say. Lawyers sometimes try to shield themselves behind the legal confidentiality of communications between attorney and client. To convict, prosecutors say, they usually need testimony from an insider or undercover agent.

How valuable a sharp lawyer can be to drug traffickers was illustrated by Nathan Markowitz, a Los Angeles lawyer and one-time Securities and Exchange Commission attorney who agreed, after his arrest, to cooperate with federal agents.

He bragged that he had laundered millions of dollars for people in cities across the country.

Mr. Markowitz paid the officers of local Garfield Bank to accept large deposits without filing federal reports. The lawyer then wired money to Bermuda trust accounts controlled by Liberian companies. The money would return in the form of tax-deductible loans to corporations established for Mr. Markowitz's clients. The corporations could provide them with seemingly legitimate salaries, expense accounts, pensions and company cars.

Mr. Markowitz, like some of the other attorneys in his business, appeared to be involved in more than laundering. As recorded on tape, he offered to help an undercover agent arrange to import marijuana from South America. "I can give you buys, if you have to buy it down there," he said. "I can give the airstrips. I can give you the guys that press it, package it. I can give you the street (dealers). . . . I've done it for those people for years."

To avoid prison, Mr. Markowitz agreed to help federal agents who were after suspected large-scale drug traffickers and organized-crime figures among his clients. But an enterprise like his is as hazardous as it is lucrative. He was found shot to death, gangland-style, in a parking garage two years ago. His murder remains unsolved.

THE CONFERENCE REPORT ON H.R. 3415, THE DISTRICT OF COLUMBIA APPROPRIATION ACT, 1984

Mr. DOMENICI. Mr. President, last night, the Senate passed the fiscal year 1984 District of Columbia appropriation bill conference agreement.

I support the conference report and commend the subcommittee chairman for keeping spending within the budget.

The conference report provides $0.6 billion in new budget authority for fiscal year 1984. Including prior-year outlays, fiscal year 1984 outlays associated with the conference report would be $0.6 billion.

These amounts are consistent with the subcommittee's section 302(b) allocation under the first concurrent resolution on the budget for fiscal year 1984.

I ask unanimous consent that two tables comparing the spending and credit totals of the conference report to the first budget resolution, the House level, the Senate level, and the President's request be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA SUBCOMMITTEE SPENDING TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1984	
	BA	O
Outlays from prior-year budget authority and other actions completed		(1)
H.R. 3415, conference agreement	0.6	0.6
Subcommittee total	0.6	0.6
Subcommittee 302(b) allocation	0.6	0.6
Senate-passed level	0.6	0.6
House-passed level	0.5	0.5
President's request	0.6	0.6
Subcommittee total compared to:		
Subcommittee 302(b) allocation		
Senate-passed level	+(1)	+(1)
House-passed level	+0.1	+0.1
President's request	+(1)	+(1)

[1] Less than $50 million.

District of Columbia Subcommittee credit totals—conference agreement

[In billions of dollars]	*Fiscal year 1984* [1]
H.R. 3415, conference agreement	0.1
Subcommittee total	0.1
Subcommittee first budget resolution assumption	0.1
Senate-passed level	0.1
House-passed level	0.1
President's request	0.1
Subcommittee total compared to:	
First budget resolution assumption	—(2)
Senate-passed level	
House-passed level	
President's request	

[1] New direct loan obligations.
[2] Less than $50 million.

INTERNATIONAL HARVESTER'S RESURGENCE

Mr. PERCY. Mr. President, International Harvester is a company known throughout the world as the leading U.S. manufacturer of heavy trucks and one of our major manufacturers of agricultural equipment. International Harvester, with its headquarters in Chicago, was founded in 1831 by Cyrus McCormick who revolutionized farming with his invention of the reaper. The company marked its 150th anniversary just 2 years ago. It has always been one of this country's most important manufacturers.

I am pleased to tell my colleagues that after several years of financial difficulties, Harvester is again on the way to regaining its title as one of America's great corporations.

The main reason that Harvester has been able to come back from a major strike while simultaneously weathering the deepest recession in 50 years is the extrordinary leadership of Don Lennox, Harvester's president. Don Lennox has brought his company from the brink of bankruptcy to a point where Wall Street confidence in his company has seen a fivefold increase in the price of Harvester's stock from its 1982 low.

This increased confidence in the financial community is due in no small

part to the style and experience that Don Lennox has brought to the job. By trimming staff and selling off or closing inefficient plants, he has reduced Harvester's debt considerably.

The resurgence of Chrysler Corp., under the aegis of Lee Iacocca is well known throughout the United States. But not as well known is the tremendous effort Don Lennox and other Harvester executives have made in the last few years to bring Harvester back to health. I might add that this major corporation brought about this restructuring without any Government assistance.

We are proud of this achievement in Illinois and we are proud of Don Lennox for this accomplishment.

When Business Week chose Don Lennox as its cover story for its August 15 issue, it was no surprise to those who knew how instrumental he has been in the company's recovery. In big, bold letters, Business Week's cover proclaimed, "Harvester's Tough Boss."

Mr. President, so that my colleagues can appreciate the leadership and decisiveness that Don Lennox has brought to Harvester, I ask unanimous consent that this article be printed in the RECORD at the close of my remarks.

One successful contribution of Don Lennox during the rebuilding at Harvester has been his own personal interest in the dealers. Don Lennox has made it his policy to visit dealers and suppliers to personally keep them up to date on Harvester's recovery. This has done a lot to increase confidence in the company. Edson P. Wilson, general manager of Ford's truck operations says in the Business Week article that "we've had an excellent relationship with Harvester as a supplier . . . we sense the organization is pulling together again, and Don is no small part of that." A dealer in Indiana is quoted as saying, "Most of us are extremely confident the company is going to make it."

This confidence is embodied in the driving style of Don Lennox. It is a style that is helping Harvester get back on its feet while at the same time providing American business with an example of managerial excellence.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Aug. 15, 1983]

CAN DON LENNOX SAVE HARVESTER?

When Donald D. Lennox and three other International Harvester Co. executives struck up a poker game aboard their corporate airplane not so long ago, Lennox was stuck with a series of losing hands. Only after the plane began its descent toward Midway airport in Chicago, Harvester's headquarters, did his luck begin to turn. Leaving his seat briefly, Lennox coaxed the pilot into slowing his approach. By the time the aircraft touched down, Lennox not only had recouped his losses but was ahead by $100. "Don absolutely can't stand to lose," says one of the players.

Today, Lennox—named president of Harvester 15 months ago— is playing his toughest hand ever as he strives to save the company from bankruptcy. It still is too early to predict the outcome, and Lennox himself acknowledges that the final result will depend on an economic turnaround. But at least the odds have changed. When he took over at Harvester, the bet was that he had no course open to him other than filing for Chapter 11. The country's leading manufacturer of heavy- and medium-duty trucks and the No. 2 maker of agricultural equipment had gone the way of many other old-line industrial corporations: Its plants were outdated, markets and sales were shriveling, and debt stood at more than $4 billion.

But since then, the straight-talking operations man, who won his stripes as a manager of a Ford Motor Co. plant and a successful manufacturing executive at Xerox Corp., has sold off 17 businesses, slashed headcount and payroll by more than 32%, and shuttered inefficient operations, including the mammoth Fort Wayne (Ind.) truck plant. Altogether, he has cut Harvester's costs by at least $1 billion a year, stripping the company back to its traditional businesses of making trucks and agricultural equipment.

ANOTHER IACOCCA?

Lennox also has bought time while waiting for the economic turnaround by his nononsense leveling with dealers, suppliers, employees, and, especially, Harvester's big creditors—the 200 banks that now hold Harvester's IOUs. To all of them, Lennox's bluntness comes as a welcome change from the pie-in-the-sky pronouncements of former Chief Executive Archie R. McCardell: Whereas McCardell was forever promising an imminent recovery, Lennox at his first meeting with the bankers showed production figures that made it clear that Harvester would need further debt restructuring.

There are many who clearly believe that Lennox is on track. Wall Street in particular seems to like him: Harvester stock has spurted to $12⅞ a share this year, up fivefold from its 1982 low.

"Investors smell another Chrysler-style turnaround," explains a vice-president at one New York bank that has more than $20 million riding on Harvester's future. "Some of that is rubbing off on us bankers, even if the numbers indicate only that the bottom isn't falling out quite as quickly. A lot of it is just a feeling of confidence in Don Lennox."

That confidence is not universal, of course. "Nothing's changed," insists a former high-ranking Harvester executive. "They continue to liquidate the company to stay alive." And to be sure, Harvester keeps piling up heavy losses. In the second quarter of 1983, it lost $84 million from continuing operations (chart, page 83). Although that was half the level of the same period in 1982, it still represents an enormous drain on the company's limited resources.

Nonetheless, the very scale of Lennox's problems seems to encourage further comparisons with Chrysler Corp. and its dynamic chairman. Lennox, though, is quick to brush off any suggestion that he has ambitions to cast himself as another Lee A. Iacocca. "I don't have Lee's charisma—or, for that matter, his brashness," he insists. Something else Lennox does not share, of course, is Iacocca's $1.5 billion ace in the hole—the government bailout in the form of a loan guarantee. Even so, says one of Lennox's closest associates: "Don wants nothing more than to make a mark on industry and to earn recognition from the business community. He wants to be recognized to the same degree as Iacocca."

A GROUP OF OUTSIDERS

That Lennox, 64, is even in a position to have such a dream is remarkable. In 1978, as a senior vice-president at Xerox, his career seemed to be winding down. Xerox, in fact, had gone so far as to make an exception to its rule of retiring senior managers at 60 and kept him on. His job, however—representing the company in Rochester (N.Y.) area civic affairs—was scarcely dramatic. (Rochester is Lennox's hometown, and he keeps his sailboat at Lake Canandaigua.)

Then Archie McCardell called. The two had known each other for 29 years, first at Ford and then at Xerox, where Lennox had reported in various capacities to McCardell, who was president and chief operating officer. His former boss, who was now heading Harvester, wanted Lennox to work for him again, albeit as a part-time consultant. Lennox, chafing for action, jumped at the offer. And in 1979, he started to work full time, first as a special assistant to McCardell and then, in 1980, as senior vice-president in charge of Harvester's operations staff and executive vice-president of the Components Group, which makes parts for Harvester product lines.

It seemed to be perfect time to be at Harvester: 1979 had been its best year ever. It earned $369 million on $8.4 billion in sales. Even so, top management was scarcely a team, since most were outsiders with differing backgrounds. President Warren J. Hayford, for example, came from Continental Group Inc. and was associated with high-volume can production. To Harvester's operations people, only Lennox seemed to understand the business the company was in. He was spotted quickly as someone who clearly loved the complex world of assembling large machinery.

Because of the mishmash of expertise at the top, important decisions were delayed or, worse, sometimes not made at all. In addition, Hayford often rode roughshod over Lennox and other operations people. The differences between the two finally ignited over a proposal that Harvester build 6.9-liter diesel truck engines for Ford. Lennox championed the idea; Hayford tried to stomp on it. They went to McCardell, who backed Lennox. Hayford was overruled by McCardell on other occasions and finally quit in March, 1982.

So Lennox could not have been too surprised to be summoned to the Chicago Club that May—the board was meeting there—and to be offered the Harvester presidency. But what did surprise him, he admits, was that the offer came from Louis W. Menk, an outside director and the retired head of Burlington Northern Railroad Co. Lennox's first thought, he says, was' "Why isn't Archie asking me?" Then Menk told him the rest of the news: McCardell was out, and he, Menk, was the new chairman.

The selection of Lennox raised eyebrows because of the long friendship between him and the deposed chairman—a friendship that seemed to have been further cemented in Lennox's time at Harvester. Menk, 65, explains the decision this way: For his No. 2 he wanted someone who knew Harvester's markets and operations and, preferably, someone who could quickly succeed him as chief executive, which Lennox did in De-

cember. "We couldn't afford the trauma of bringing in another outsider," Menk says. "We needed someone who knew where some of the bones were buried and who could make the hard decisions that prior management wouldn't make."

"PRETTY DAMN BLEAK"

Lennox was stunned by the axing of his former boss. Still, he went home making plans. "That same night I sat down and made a two-page list of the things I thought needed to be done, regardless of who had a personal stake in them." (There were 10 items. No. 1: "Sell constuction equipment business." No. 2: "Get rid of six Cadillacs and drivers.") The list also "included some pet projects of McCardell's," Lennox adds. "It wasn't so much that I had no compassion or feeling. It was just that the situation was pretty damn bleak. I still consider him a friend," he says.

Menk and Lennox wasted little time in setting a new course at Harvester. Menk remembers how the two of them decided early that top management style would have to change dramatically. "We didn't have to look far to find some of the problems," says Menk. While Harvester was on its way to losing $1.6 billion on sales of $4.2 billion that year, "there was layer upon layer of staff, everybody had a secretary, and executives rode around in limos." Those luxuries were abruptly discontinued. "This place now looks like a bowling alley with desks," says Menk of company headquarters. "We are not rich enough to have people at all those desks." And although Lennox still plays poker, his airborne games these days usually are on commercial flights.

The reforms in the executive suite set the stage for Lennox to launch a massive move to shrink Harvester's operating expenses. "There were things that had to be done that had been obvious for a long time, but management"—unwilling to endure the stigma of big writeoffs—"was reluctant to move," says Lennox. "There was a psychological block about doing things that would cause us to approach a negative equity position," he explains. "To me it just doesn't mean that much whether you're $200 million positive or $200 million negative in a multibillion company like this. The important thing was to get rid of the nonperforming assets."

He did. The biggest sale was of the construction equipment unit. Its sales had peaked at $1 billion in 1979, but earnings were feeble, and the division never was big enough to compete with industry leader Caterpillar Tractor Co. McCardell and Hayford used to argue about what to do with the unit. Adds Jack D. Michaels, a longtime Harvester executive who now heads the Agricultural Equipment Group: "Even though it never made much of a contribution to the company, it was not sold. For a number of years it was difficult for top management to come to a decision." In contrast, this was the first decision Lennox made—it was, after all, No. 1 on his list—and he finally sold the unit in November to Dresser Industries Inc. for about $70 million. Lennox also took Harvester out of the manufacture of truck axles and transmissions, airliner tow trucks, and off-highway haulers. And he got out of life insurance and numerous joint ventures, such as mining.

BRUTAL CUTBACKS

At about the same time, Lennox turned his sights on the Fort Wayne truck plant. Although only one of three major truck assemply facilities, it had been a company fixture since 1923. "To some old-timers," Lennox recalls, "Fort Wayne was International Harvester, but in the end I just concluded we had to get rid of the thing. Some people said we could simply manage that plant back to profitability. But I just had to say if we hadn't done it in 20 years, we didn't know how to do it." So he closed the plant and laid off 2,000 workers, all that remained of the 10,000 who had worked there in 1979.

Then he bit the bullet on several of McCardell's "pet projects," including a Louisville plant that recently had been retooled at a cost of $6 million to build tractor transmissions and differentials. Next was the corporate science and technology group, which was headed by another old friend, Robert J. Potter. Lennox says he asked himself: "In the long run do we need that activity? Yes. Can we afford it? No." So he shut it down. Potter quit.

Neither man will disclose the details of their conversations over the decision, though Potter says he understands it. But he adds: "In the long run, Harvester will have to rebuild its research operations if it is to develop new products."

Making those brutal cutbacks, Lennox says, was the most unpleasant task in his life. "I'd sit and have a Scotch and water at the end of the day and say to myself: 'Damn, this is a depressing way to operate. When will we ever have something pleasant to work on? Like announcing a new plant?'"

That mood was deepened by the dire cash shortage that hit the company last summer. Lennox survived those early months, colleagues believe, because he kept in mind that his harsh actions were the key to saving as many Harvester jobs as possible. Even so, the ruthlessness he perceived as necessary took its toll: "He is not the happy-go-lucky guy he was," says one colleague.

"TWO-HEADED MONSTER"

This is particularly obvious at staff meetings. He listens well, insiders say, but does not tolerate sugarcoated analysis from his subordinates. "If you launch a windy, formalized report, he will quickly say, 'Cut out the crap' and insist on moving to the important issues," says one vice president. And once he has the information he is looking for, Lennox makes fast decisions, sticks to them—and demands that others do the same.

Lennox insists that he pushes his subordinates to express opinions that contradict his own. "There have been major disagreements on some issues about what should be done," he says. "I encourage people to disagree and discuss their viewpoints. On the other hand," he adds, "I'm not running a come-to-Jesus meeting here." When other people have had their say and he disagrees, he closes the subject. "I say, 'I heard you. You made good points. But here's the way we're going to go.'" That was what happened when the agricultural group tried to get funding to work on new products.

Despite occasional ill-feeling, executives prefer Lennox's rule to that of McCardell and Hayford—described by one as "a two-headed monster." With Lennox, he says, "you get crisper decisions, and you do move more swiftly. Today we have one leader, not two."

Even after the bloodletting of the past 15 months, Lennox has kept a sense of humor. He uses it, too, to put people at their ease. A favorite joke involves his old friend Bob Potter, now a consultant. During a visit to Tokyo last year, Lennox was out jogging one morning when—quite literally—he bumped into Potter, also a runner. "We both thought we were heading toward the same hotel," says Lennox. "But I was pointed in the wrong direction."

This always serves to leaven the somber mood at meetings. Another joke he told went down very differently. After hearing an executive from a Canadian subsidiary extol the performance of his staff, Lennox said: "That proves one point, doesn't it? If you set your objectives too low, you're bound to exceed them." There was a stunned silence.

Lennox accepts with good grace jokes at his own expense, even if they are close to the bone. A high-energy man who not only jogs but also ice skates, sails, and plays golf (handicap 19—and he bets on his game), Lennox took time off last February to play in an American Airlines Inc. golf tournament in Hawaii. Some friends from Rochester noticed that Bethlehem Steel Corp. has just posted a loss larger than Harvester's. They sent him this telegram: "Forget American tourney. Harvester needs you. Bethlehem now in first place."

A DEAL WITH FORD

Lennox has turned increasingly to outside suppliers to provide many of the parts that Harvester previously made in-house. For example, Dana Corp., a longtime Harvester supplier that bought the truck axle and transmission business, now also will supply Harvester with harvester-designed parts and will service them as well.

"We had a lot of bad feelings about Harvester," says Gerald B. Mitchell, chairman of Dana. "We saw their problem getting worse and couldn't see them fixing it." But after a 2½-hour meeting with Lennox, Mitchell recalls that he was convinced that Lennox understood the basic restructuring job needed in the entire heavy- and medium-duty truck industry. "He realized that there were too many assets around, too much capacity, and that if you consolidate operations, you eliminate a lot of waste."

Similarly, Harvester's Springfield (Mo.) engine and component remanufacturing plant was bought by an employee group. It will continue to supply rebuilt engines to Harvester truck dealers.

Lennox got attention by backing such cooperative ventures even before he became president. One example was the agreement to make the 6.9-liter diesel truck engines for Ford, which, after all, makes competing products. Moreover, "there was concern that the deal would be tying up some of our cash," says Jack D. Rutherford, president of the International & Components Group. "But the facts said you couldn't afford not to do it. Don put his job on the line for the 6.9, and it is now one of our most profitable areas." And by capitalizing on a rapid shift from gasoline to diesel engines in medium-duty trucks, Harvester has ended up selling more than the 30,000 engines a year it agreed to supply to Ford in a five-year contract. It now expects to surpass the $500 million in revenues originally forecast for the deal.

"We've had an excellent relationship with Harvester as a supplier," beams Edson P. Williams, general manager of Ford's truck operations. "We sense the organization is pulling together again, and Don is no small part of that."

DOOR-TO-DOOR VISITS

While Lennox is most at home working on just such manufacturing arrangements, he is also proving adept at juggling. Harvester's other key constituencies, including its deal-

ers, suppliers, and banks. In each case, he has been able to win financial concessions aimed at easing Harvester's cash bind—despite recurring newspaper speculation that the company was about to file for bankruptcy.

"Two years ago, there was an awful lot of feeling that Harvester would go down the tubes," admits Bernard Uhl, a Harvester truck dealer in Palmyra, Ind. "That feeling is gone now. Most of us are extremely confident the company is going to make it." One encouraging sign, he says, is that Lennox and his line managers have eliminated more than half of the regional staff people who were constantly calling on dealers. "That was mostly wasted money. Now more is being spent to service the accounts of customers who bought on credit, a function that had been cut too much in the past and caused us some expensive delinquencies."

Nowadays, Lennox himself pays many of the door-to-door visits as he continues to meet with suppliers and dealers to keep them abreast of his activities. This practice originated last summer, soon after he took over. To calm nervous suppliers, Lennox produced confidential internal reports showing that Harvester was reducing, not increasing, inventories. "If we had been planning to file [for Chapter 11]," he told the dealers, "we'd have been building inventory as fast as possible before we pulled the plug, so we would have a large backlog of machinery and parts to sell."

Following that presentation, Lennox personally called on the 10 largest suppliers to press his case. He was persuasive enough to win more than $100 million in concessions last fall, most of them in the form of stretched-out payment schedules from suppliers. That, in turn, triggered an agreement with some lenders that permitted conversion of $350 million in interest and debt principal into Harvester equity.

A CLOGGED MACHINE

Whenever he has a free spot on his schedule (usually several days a month) he sets up appointments to call on dealers. Hayford did this, too, of course. But he traveled with an entourage. Lennox perfers to drop by either unaccompanied or with only the district sales manager.

Recently he and a manager spent several hours with an agricultural equipment dealer in Arkansas. Hearing that a local farmer was not completely happy with his Harvester planter, Lennox went with the dealer to take a look at the problem. It turned out that the heavy clay soil was clogging the machine. When he got back to Chicago, Lennox told Jack Michaels about the difficulty. He in turn assigned several people to develop a "fix," which they did. Even Hayford admires the way Lennox has "preserved the fine distribution network Harvester has."

Lennox feels increasingly optimistic that Harvester is positioned to turn the corner, especially since truck sales perked up in late spring and summer. Thanks to the timely sale of assets and cost-cutting efforts, the company's cash crisis has abated. By Oct. 31, the end of its fiscal year, Harvester will have about $300 million in cash, enough to see it through another year of depressed markets if necessary.

But other problems continue to surface. Lennox is wrestling with a ticklish problem in France, where Harvester's two agricultural plants are overstaffed by about 700 workers. Because of government policies, it cannot lay them off. Since Harvester's overall European operations depend on the French plants for parts—and on the French market for sales—a failure in France could topple much of Harvester's overseas business.

The company also faces the need for a third major restructuring with its banks this fall. Lennox is "quite confident" that the banks will agree to some form of restructuring. But he refuses to predict whether he can win the long-term agreements that he wants. In the meantime, he hopes that they will go along with a package that would relieve the company's debt problem through an exchange for equity.

It is still too early to declare a full-fledged recovery in the truck market. Nevertheless, the truck division's return to profitability was reported in July. That, together with the consolidation of Fort Wayne production, was celebrated at the Springfield (Ohio) plant.

Prospects for a similar celebration at the tractor and combine division are far more remote. Farm equipment sales have been plummeting for three years industrywide—particularly in the U.S. where farmers, beset by depressed crop prices and high interest rates, are reluctant to buy. Moreover, the government's payment-in-kind program has further depressed demand because there is less acreage to farm. It may be that the PIK program and this year's hot, dry weather will boost crop prices next year, which would help. Even so, Harvester will face aggressive competition from the largest and best-financed producer, Deere & Co. Lennox may be under pressure from bankers this fall to accelerate consolidation of farm equipment facilities. The company already has held discussions with Massey-Ferguson Inc. to share certain manufacturing plants.

A GOOD CHANCE

Overall, even skeptical members of the financial community believe there is reason for optimism for Harvester. Larry D. Hollis, a machinery analyst with Milwaukee's Robert W. Baird & Co. and one of the first to predict the magnitude of Harvester's problems, has recently begun to see signs of a revival. "If the economic recovery continues, there is a good chance that both Harvester's markets will be moving up in 1984," he says. "If that happens, the company could earn an operating profit—and maybe a small net profit."

Even Lennox, who steadfastly resists the urge to make optimistic predictions, is starting to voice encouraging words: "We've made super-conservative estimates, and one of these days I think we'll be able to surprise people with some good news for a change."

SENATOR HENRY M. JACKSON

Mr. BYRD. Mr. President, though words cannot adequately express the sense of loss we feel concerning the death of Senator Jackson, I, nonetheless, ask unanimous consent that several eulogies which have appeared in the press be printed in the RECORD at the close of all eulogies by Senators.

These articles attempt to span the breadth of this man's impact on the Nation and the Senate, but most importantly, on each of those of us who were fortunate enough to feel that we knew Henry M. Jackson, the man * * * as well as the politician.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Everett (Wash.) Herald, Sept. 2, 1983]

TO REPORTER FROM HOME, JACKSON WAS A REAL SWEETIE

(By Jeanne Edwards)

EVERETT.—It was always difficult to be an objective reporter covering Senator Henry M. Jackson. It was especially hard when I was the reporter from The Herald assigned several times to write about Scoop in Washington, D.C., and in New York during his 1976 bid for the presidency.

He was such a nice guy.

Although in April 1976 he was in the midst of a riproaring campaign to grab the presidential nomination from Jimmy Carter, he took time daily to be concerned about the lady reporter from Everett whom he feared didn't know how to take care of herself in the Big Apple.

Secret Service men assigned to protect Jackson finally got used to the senator hauling me out of massive crowds into which I'd try to melt to get reactions to the senator from Washington state. It was unsafe for a woman alone to mix with any New York City crowds, he repeatedly nagged. It sure made it hard to get an unbiased story with the subject acting as my guardian angel.

As we sped in a caravan across New York City the Sunday before the vital primary election, Scoop sat on my left and New York City Mayor Abraham Beame sat on my right. I was trying to complete an interview for a story for Monday's editions. Beame couldn't quite grasp the fact that I was a reporter from Scoop's hometown. Where were ABC and CBS? Beame wanted to know. And what the dickens was the Snohomish Valley that Scoop kept referring to? Why would he want to talk about floods there on this important day?

Beame wanted to discuss the plight of Russian Jews and the political problems in New York City. Those were subjects on Scoop's mind, too. Important ones.

But the senator wanted to relax a few minutes and chat with someone who knew about the bridge over the "Stilly" and firsthand gossip about some of his Everett High School classmates.

That's the kind of guy the senator was. In New York or in Washington, D.C., running for the office that was his lifelong dream, he always seemed more interested in home and hometown folks than in the national and international VIPs who peopled his life, day in, day out.

Reporting that presidential primary was a series of struggles. It was a struggle for a reporter from Everett to be a member of the working press instead of a source for national newspeople.

Jackson was a curiosity. He'd run a presidential primary campaign in 1972. They knew all the Scoop stories but the good-guy and warmonger images just didn't compute.

Was it true, they asked, that his sister named him "Scoop" after a comic strip in The Herald? Was it true that as a kid the senator won an award for never missing a delivery all the time he carried papers on a Herald route? Was it true that the money he collected for making speeches went into a fund that helped innumerable kids in the Everett area go to college? Was it true that he often came to Everett in the summer and led a quiet life with his wife and kids in a

house near downtown—a house with no guards and no gates?

Yes, yes and yes, I'd tell them. I told one national newsman that about the worst thing I knew for sure about Scoop was that he was a holy terror of a back-seat driver, that he drove his drivers crazy when he interrupted any conversation to impatiently rattle off directions: "Turn right at this corner; no, turn left at this corner. No, no, not that lane."

The next-worst thing I knew about Jackson was that he was demanding of his staff. Yet they were unquestionably loyal, frequently defending Jackson's position. "Scoop isn't a hawk; he isn't a dove. He just doesn't want this country to be a pigeon," said Don Donohue, the senator's friend, bodyguard and patient driver.

It was difficult to equate the hawkish senator that some reporters portrayed with the rumpled, relaxed father who stopped everything during his critical New York presidential primary campaign to celebrate son Peter's ninth birthday at Ringling Brothers, Barnum & Bailey Circus at Madison Square Garden. The carnival was turned into a press circus as reporters jumped at the rare opportunity to portray a usually starchy senator as a father at play.

It was difficult to equate the warmonger image with the good sport who gamely climbed astride an elephant that night because that's what Peter wanted to do on his birthday.

Those of us assigned to cover Jackson routinely dealt with the Jackson paradox time and again:

Jackson the hawk. Jackson the concerned man whose greatest pleasure was in retelling stories about people like Seamus Kadrinka, whom he helped get out of a Siberian prison camp.

Jackson, a strong supporter of arms buildup. Jackson, the man who lectured his kids on the value of studying history and learning from it.

Jackson won that New York campaign but lost in his bid for the presidency. His staff members, by their own admission, took the end of that dream harder than Jackson did.

With Carter as president, Jackson returned to Washington and worked at the day-to-day tasks of a senator. The defeat rankled a bit. Four years after the New York primary, he sat in his Maryland home, rumpled suitcoat off and rumpled brown sweater on, and reminisced:

"The president (Carter) used to call me once in a while to talk things over. But he doesn't anymore.

"There's nothing boring about this job. It's a killer to a lot of people but not to me. People ask, 'How can you stand it?' or 'Why don't you have a heart attack?' Well, if you enjoy what you're doing, you don't have to worry about that.' "

Scoop makes it hard for this hometown reporter to write an objective, dispassionate story when my memories are of a gentle, kind man, a paradox who fought to the end for what he believed in and whose worst habit was back-seat driving.

[From the Tacoma (Wash.) News Tribune, Sept. 2, 1983]

SCOOP: A GIANT AMONG GIANTS

We in the Puget Sound area knew him so well, this neighborly, plain-spoken man, that it was often hard to sense his stature. Like people who live at the foot of a mountain, we could not appreciate the presence and force of this statesman who was so much a part of our lives without occasionally standing back and seeing how he dominated the greater landscape.

When we did stand back, we were in awe of Henry Jackson, in awe of his intelligence, his abilities, his integrity.

He was one of us, a son of our shores. Armed with little more than a Northwesterner's devotion to hard work and an unyielding sense of decency, he went to do political battle with giants, and became a giant among them, a leader not only of the Senate in which he served but of the nation and the free world. All the while, though, to us, he remained "Scoop," the guy from down the street who looked more like a harried small-town lawyer than one of the preeminent Americans of our time.

Scoop twice sought the presidency and twice failed. His defeats in those campaigns were blamed on what was called his lack of charisma. He didn't have a "golden Kazoo," one political analyst said. Scoop's reply to that sort of observation was always that the American people wanted more than bells and whistles from a president. "I believe the country's looking for solutions," he once told The News Tribune, "and they're not looking for charisma as a solution." The public did itself a profound disservice by proving the senator wrong.

But even though he was never president, Scoop, in his methodical, decent, hard-working, undramatic way, left a legacy that will be the envy of many presidents to come. He gave America strength and humanity, stature and maturity.

Yes, one had to stand back to appreciate Scoop. We will have to stand back even more to appreciate how much we have lost with his passing.

[From The Tower, Catholic University, Sept. 9, 1983]

A MAN OF AND FOR HISTORY

(By Lisa Marchese)

Henry Martin Jackson has many honorable achievements to his name. Since his sudden and tragic death, much attention has been given to what he did throughout his distinguished career of public service. Senator Jackson was deeply respected by his colleagues in Congress and he held the admiration of the world community-at-large. His constituency extended far beyond the borders of Washington State.

In many ways, Senator Jackson's death concludes an important chapter in American political history. It was a chapter written by the ideology and will of one man. We cannot deny that Scoop Jackson will be painfully missed as an enduring and guiding political force. As we mourn the loss of this prominent statesman we cannot help but focus upon his life and his work. His accomplishments alone, however, are not what made his life meaningful. Those who knew Scoop Jackson know why he did what he did. They understand the driving force behind his actions and through them, his ideals must live on.

Strength of conviction and clarity of purpose were consummate to Jackson's style. He had a vision far beyond short-term objectives which was always focused on his long-range goals. His image of America was never blurred for political expediency.

Senator Jackson was an avid student of history and he saw the world from an historical perspective. He was one of the few remaining members to have served before Pearl Harbor. He remembered all too well the travesties of World War II. He understood that freedom as we now know it could only be protected through military preparedness.

Throughout his career, he tried to make others understand this too. He once said, "I wonder sometimes whether the so-called peace movement may not be related to our American tendency to neglect the study of history. I wish every student could be exposed to a thorough study of that fascinating but shameful decade when Hitler was building the German war machine while the democracies were preaching disarmament and neglecting their military preparedness."

Senator Jackson was seldom wrong in his assessments. Long before the nation knew there would be an energy crisis, Jackson warned of the inevitable and initiated efforts to create a strategic petroleum reserve. He never waivered in his support for Israel nor in her right to exist as a free democratic nation, even when it became politically unfashionable to do so. He was deeply concerned with human rights. Due to his efforts, thousands of Soviet Jews were able to emigrate from the Soviet Union. He was shocked but not surprised when the Soviets recently shot down a civilian aircraft on a commercial mission.

Senator Jackson's foresight was based on hindsight as he knew we could learn from mistakes of the past. His approach to an issue or crisis always seemed to be the most viable. This was because he did his homework well and he understood why things were the way they were in the world.

Senator Jackson was best known for his foreign policy expertise, however, he was also a leading congressional figure on various domestic issues. He wielded great influence in both these areas because he always knew the facts and his positions were always based on what he saw was in the best interests of the nation. He lived for America and he was a true patriot. He dedicated his work to the preservation of our democratic way of life. Scoop Jackson loved people and he loved being a Senator not because of the power or the prestige but because he cared.

His world view shaped his political philosophy. He couldn't be labeled as merely a liberal or a conservative. Furthermore, he never felt the need to redefine himself as a neoliberal or neoconservative to stay in vogue. He was never uncomfortable with his views because he was always true to himself. Senator Jackson's ideology was a type of liberal-conservatism. Where most would see this as contradictory, Jackson saw their necessary connection. He was believed to be a liberal because he wanted an active federal government to improve the life of the average American. Yet, he was considered conservative because he wanted a strong national defense.

To these categorizations Jackson would simply say that if we believe in America and in what we stand for as a nation, then survival above all else must be our first priority. He believed there could be peace in the world and he was very idealistic, but he was an idealist without illusions.

Another political era has come to an end and another chapter of history has been written. As we look back we can remember a great man who did great things. There is much we can learn from the life of Senator Henry M. Jackson. More than anything he showed us that we have the strength within ourselves to become better than what we are. Those who were inspired by him and loved him can carry on his work for they will never forget why Scoop Jackson strove endlessly in the strength of great will and

determination to be his best and do his best the only way he knew how.

[From the Seattle (Wash.) Times/Post-Intelligencer, Sept. 4, 1983]

A DECENT MAN—WHATEVER SCOOP JACKSON HAD WASN'T CHARISMA, BUT IT WORKED

(By Rick Anderson)

A short man, he talked tall. War, missiles, shock troops, whatever might spread a little well-meaning paranoia around the Kremlin. Scoop Jackson did not practice my kind of politics, but he was my kind of politician.

There was a magazine piece I used to keep around. I took it out every so often and read it for a good laugh. It was a profile of the senator. It said what a boring man Scoop was.

A sawed-off Scandinavian with a closetful of lifeless black suits and matching wing tips, Henry Jackson's idea of a good time, he allowed, was to impetuously drop canned crab into the bowl of tomato soup he had every day for lunch.

What else do you do for excitement, Mr. Jackson?

Read.

And?

Some TV, maybe.

And?

Can you count sleeping in on Saturdays?

It was not a long article. It concluded that all work and no play had made Scoop a dull boy. But what puzzled the writer was how this boy had gotten to the House, the Senate, and within spitting distance of the Oval Office. It worked, but whatever Henry Jackson had, it sure didn't sound like charisma.

Not, that is, as charisma is commonly, politically defined. If Ronald Reagan is the Great Communicator, Scoop was the Little General, the guy who seemed to have to jump up on his toes and wave his sausage hands to be heard.

He was not one to be described in elegant, romantic tones or known to possess a charming knack for turning phrases. Churchill they'll remember for blood, sweat and tears; Scoop, for blood, bombs and bombast.

Then why was I going into the voting booth all these years and pulling for Henry Jackson? What made me always hop aboard his steamroller that flattened Lloyd J. Andrews, Charlie Elicker, George M. Brown and all the other Republicans he returned to oblivion?

Among the few superlatives used to describe Henry Jackson was extremist—ace quarterback for the Pentagon who, should he ever see the right opening, was sure to drop back and throw the bomb.

I was never certain that wasn't true. But as I stood time and again before those hallowed voting machines, I ruminated in my mind and then voted with my heart.

It's that last-second feeling, when everything whirs, beeps and instantly computes. Fleetingly, you are left with the paramount question:

Is he, or is he not, a decent man?

In the years I've been writing for newspapers, I encountered a number of people who could not get help or satisfaction from their senator, Henry Jackson. People who did not like—who indeed hated—him.

But what I encountered more often were people who were aided, quietly, privately, through the efforts of his office, his staff, and him.

I understand it may have something to do with being small-town Norwegian, but Jackson, I came to learn, had strong feelings about justice, fair play and what was right.

In politicians, I don't know of a quality more important.

So he was unexciting. He was unprofound. He dressed like Robert Hall and talked like Muzak Man.

They can have all that.

When the grave is full and the stone is up, let the inscription say:

Here lies a decent man.

For Henry Jackson, there'll be no hell to pay.

[From the Washington Post, Sept. 7, 1983]

HUNDREDS ATTEND MEMORIAL SERVICE FOR SENATOR JACKSON

(By Blaine Harden)

Sen. Henry M. (Scoop) Jackson, who served in Congress for nearly 43 years before his death Thursday, was eulogized last night by his colleagues and friends as an honest, no-frills politician, who, more than any of his contemporaries, combined a passion for military strength with an unwavering tenderness toward the poor and disadvantaged.

"In an era of slick images and slack ideas, Scoop Jackson was a real man," said Sen. Edward M. Kennedy (D-Mass.).

"He mastered . . . the art of being a servant to a vast public . . . without being servile to any part of it," Columnist George Will said.

"His decency placed him steadfastly in the corner of the underdog in American society," said Lane Kirkland, president of the AFL-CIO.

On a steamy September night, more than 1,000 people crowded into the National Presbyterian Church on Nebraska Avenue to listen as Jackson, who died of a heart attack at 71, was praised as one of the most important and effective members of the U.S. Senate in this century.

"He was the finest public servant I have ever known," said Will, a longtime friend of Jackson's. Will said a portrait of Jackson deserves to be hung in the Senate chamber along with other "hall of fame" senators such as Henry Clay, John C. Calhoun, Robert M. LaFollette and Robert A. Taft.

Will said that a Senate hall of fame without Jackson, whom he called "my hero," was as unthinkable as a baseball hall of fame without Babe Ruth.

In his eulogy, Kennedy, who served with Jackson on the Senate Armed Services Committee, said that his colleague committed his life to a "strong military and to a just society." But he added that Jackson never believed in paying for missiles "at the expense of a hungry child."

Referring to Will, who spoke before him at the memorial service, Kennedy said that on non-military domestic issues, "Scoop had such good sense that he always seemed to disagree with George."

Sen. Daniel P. Moynihan (D.-N.Y.), who called Jackson a "just" man who "knew the terrible danger in the age in which he lived," said it was fitting that Jackson's last public act was a denunciation Thursday of the Soviet Union for the shooting down a South Korean passenger jet.

Grenville Garside, who worked with the late Washington senator as counsel to the Senate Energy Committee, recited a list of Jackson's accomplishments. He mentioned that Jackson was a key force behind Alaskan statehood, national wilderness legislation, the Environmental Protection Act, the creation of a strategic petroleum reserve and the formation of the Youth Conservation Corps.

"Scoop's legacy touches our lives in many, many ways, Garside said.

Ben J. Wattenberg, an author, pollster and campaign adviser to Jackson's unsuccessful presidential bids in 1972 and 1976, began his eulogy last night by saying that "Scoop liked his own nickname." It was given to him by his sister when he was a boy in his hometown of Everett, Wash., because she thought he looked like a cartoon-strip character in the newspaper that Jackson delivered.

In the five days since Jackson's death, Wattenberg said, he and others who knew the senator well have been trying to come up with an appropriate memorial. But Wattenberg said he decided that no one memorial could suffice.

"Scoop has his own memorial," Wattenberg said. It is, he said, a long list of legislation that has profoundly changed the way Americans live.

[From the New York Times, Sept. 3, 1983]

SENATOR ALMOST

Who, in 1956, was a leading candidate for the Vice Presidential spot on the Democratic ticket?

Who, in 1960, almost beat out Lyndon Johnson to become John Kennedy's running mate?

Who, in 1972, came in second behind George McGovern for the Democratic nomination?

Which Democrat, at the start of 1976, was running dead even in the polls with President Ford?

Whom did senators once choose, overwhelmingly, when asked which of them was best qualified to be President?

The answer, in each case, is Henry M. Jackson, the Washington Democrat who died Thursday at the age of 71 after 42 years in Congress, 30 of them in the Senate. Indeed, Scoop (thus dubbed, in childhood, for a cartoon character) Jackson was so much and so long in the forefront of national politics that one wonders why he was not better known.

In recent years he was thought of as a neo-conservative, or as just conservative, or as the Last Cold Warrior. He surely was a leading Democratic hawk. He opposed the 1963 test-ban treaty, for instance. Of Vietnam he said, "If we don't stop Russia in Southeast Asia, we might as well sign a quitclaim deal to the rest of Asia and grant Soviet entry into the United States."

But he was not a political primitive. Yes, he started out as a hard-bitten prosecutor who pushed liquor out of Snohomish County, Wash. But he also quit the Senate Investigations subcommittee to protest Joseph McCarthy's red-baiting. Yes, he pushed for the United States to build a supersonic transport. But he was a sensitive conservationist who also pushed for the first Environmental Protection Act. Yes, he campaigned against school busing. But he was a father of conservation corps programs for disadvantaged youth.

Scoop Jackson personified the industry and practicality of working people in his home town of Everett. Small wonder he was re-elected so often and so overwhelmingly. Still, as a national candidate, people judged him wooden, lacking charisma, and, what may have stung most, rigid.

"I'm not that," he said in 1975. "My ideology is very simple: 'Let's see what the problem is and what we need to do.' . . . I've been called a conservative by some, a liberal and a radical. But the main thing is, what

are you getting done. I believe in trial and error. If something won't work, let's try something else."

Scoop Jackson did not make it to the White House, but his own words describe, proudly and honorably, the next best thing: a lifetime of industry and excellence in Congress.

[From the Los Angeles Times, Sept. 5, 1983]

DECENCY KNIT JACKSON'S PHILOSOPHY INTO A COHERENT WHOLE

(By Ben J. Wattenberg)

Sen. Henry M. (Scoop) Jackson (D-Wash.), who died at his home last week at age 71, was the most decent, professional and idealistic man whom I have known in American political life. In a unique way those traits intertwined to create a legislative giant whose legacy here and around the world may well surpass that of many who held the presidency—which is the job that he trained for, and surely deserved.

He was so unpompous that it was almost laughable. He was so unphony that it could be politically painful. He was a religious man—and it was pointed out to him that it would be helpful to allude to this in his campaign speeches. But he declined; that's private, he said.

He never took a dime for a speech. The money went directly (and quietly) into a scholarship fund. He cared deeply about his staff members and their problems. More than one of them regarded him as a father.

There are many decent men in the world, but Scoop Jackson had a personal decency with a political dimension. It ended up writ large on the international scene. Those who didn't know him, or where he came from, called him a "cold warrior" and a "hawk." They thought him obsessed with weaponry.

In fact, as I say, he was an idealist. He was obsessed, all right—about indecency. He had fought fascists (the Silver Shirts) back when he was a young prosecutor in Washington state in the late 1930s. He was with the American forces that liberated the concentration camp at Buchenwald. He loathed totalitarianism, of the right and of the left, because it was indecent. He was not surprised that the Soviet Union was capable of shooting down a civilian airliner.

And so it came to pass that this man who some thought cared mostly about military hardware became the father of the human-rights movement.

There are arguments pro and arguments con about the particular efficacy of the Jackson Amendment, which stipulated that the United States would not grant trade benefits to nations that did not allow free emigration.

But when all is said and done, and when all the charges and countercharges are set aside, two facts remain: Several hundred thousand people, Jews and non-Jews, were able to emigrate from the Soviet Union because of the Jackson Amendment. And the United States went on record as saying that human rights mattered to us. We were prepared to reward those who were moving toward a recognition of human rights, and to punish those who would not.

In 1975 I visited Andrei Sakharov at his *dacha* outside Moscow. The Jackson Amendment was controversial then, as it is now. I asked him what he thought about it.

"Jackson knows how to make things happen," he said. "He is our champion."

The bedrock premise of the Jackson Amendment has energized much of American foreign policy ever since, and for the better. Finally, we Americans said that we care about decency.

Jackson cared enough about what his politics meant: to become a consummate professional politician. He never lost touch with the voters back home in Washington state. He raised plenty of money, and raised it early. He campaigned for Democrats all over the country, including those whose politics did not always appeal to him. He knew that you couldn't get help unless you gave help.

He was elected to the Senate in 1952 with 56 percent of the vote. That was too close. In the next five elections he averaged 72 percent of the vote. One year he got 82 percent. He rather liked that one.

Jackson's decency drove his idealism, and his professionalism bolstered his idealism. He ended up at a unique spot in the firmament of U.S., and global, politics. He was a liberal on domestic affairs; that was the decent thing. And he was the man who understood that we had to be strong if we were to promote the values of decency around the world.

It is the tragedy of recent American politics that such a position—combining domestic and international decency, which is the essence of what most Americans believe—has had such a difficult time finding a home in Scoop's party, let alone in the other party.

However, the battle is not over. There are millions of people out there who believe in what Scoop believed. They call themselves Jackson Democrats.

[From the Tacoma (Wash.) News Tribune, Sept. 2, 1983]

SCOOP—THE MAN FOR ALL SEASONS—HARDWORKING, SINCERE, UNSWERVING

(By John Komen)

Forever, it seemed, it was "Maggie and Scoop." The news releases would flow in a steady stream from Washington, D.C.—"Sens. Warren G. Magnuson and Henry M. (Scoop) Jackson announced today . . ." and there would be another shipyard contract, another federal grant to the University of Washington, another something for the state—and always the joint credit shared by Maggie and Scoop.

The voters broke up the team when they retired Maggie in the election of 1980. And now Scoop is gone, dead of a heart attack at his home high on the bluff overlooking Everett's Port Gardner Bay.

Twice that home on Grand Avenue had been seriously talked about as a possible Western White House. Once, in 1975, a newspaper displayed a photograph of the Jackson home juxtapositioned over a picture of the White House in Washington, D.C. Scoop Jackson was then making his second try at winning the Democratic presidential nomination, and his chances looked good.

At least, they appeared better than in 1972, when the times were not ready for Scoop Jackson as president. The peace movement had the Democratic National Convention in its grip, and Jackson "the hawk" was unacceptable. George McGovern became the Democratic nominee, and Jackson almost immediately geared up for 1976. But again it was not to be. This time the party chose Jimmy Carter, and Jackson's hopes of ever becoming president were gone forever.

Actually, the closest Jackson had come to the presidency occurred a decade earlier. In 1960, John F. Kennedy had Jackson at the very top of his list of potential vice presidential running mates. Had Kennedy followed through, and not chosen political expediency and Lyndon B. Johnson, Henry M. Jackson would have succeeded to the presidency upon JFK's assassination in 1963.

His home state seemed to accept it as a matter of course that this small town boy from Puget Sound was of presidential stature. They knew Scoop Jackson for what he was—hardworking, sincere, unswerving in his dedication to a strong America. Washingtonians just assumed that was what presidents were made of. To them Jackson personified the American ethic, and so it seemed only natural that the presidency would beckon.

Nor were Scoop Jackson's fellow Washingtonians unduly surprised when the prize never became his, for they knew that the chances were always long. Living out here in the far Northwest corner of the United States, they understood how little this state figured in the machinations of the power brokers back East. It was always a matter of some pride and no little amazement that one of Washington's own had broken through that Eastern bias and risen so far.

It was perhaps Jackson's steadiness of purpose that so impressed others beyond Washington's borders. Here it was taken for granted. But in a world of political expediency where men were constantly testing the winds to adjust their course, Scoop's solid ideals came to be recognized as something of real value to America.

It became almost routine for thoughtful men to turn to Jackson for guidance and reassurance when times were particularly difficult. Ernest Cuneo, a national columnist, once called him "a man for all seasons."

"In the deepening winter of our country's affairs," Cuneo wrote in 1974, "Henry M. Jackson has demonstrated he already is a very great *de facto* president of the United States."

He had his detractors, of course. The 1972 presidential compaign in his own home state can be remembered for its particular bitterness toward Scoop Jackson by many of his fellow Democrats. They were McGovern Democrats, out to take away Jackson's home state favorite-son delegates, and they hated as only fanatics can. They campaigned with a venom that still lingers among some of the old peace-movement protesters of that day. To them, Jackson was a thunderbolt-hurling warlord, a minion of Boeing and the CIA.

It was a simplistic view, a refusal to recognize that Jackson was many other things besides a "hawk." There was Jackson, the liberal proponent of civil rights; Jackson, the environmentalist; Jackson, the believer in education, and Jackson, the quietly compassionate human being.

For years, until disclosure laws required otherwise, it wasn't known that he had endowed thousands of dollars to a scholarship fund for underprivileged youngsters. He had quietly contributed every cent received in honorariums for speaking appearances.

You could disagree with Jackson's views. You could even dislike him. But even his most fervent enemies would have to admit that Henry M. Jackson served his country and its people with great distinction.

[From the Washington Post, Sept. 8, 1983]

LAST OF A BREED . . .

(By Joseph Kraft)

Any number of senators can replace Scoop Jackson in such specialized areas as energy, defense, civil liberties and Great Power poli-

tics. But nobody else can draw all these themes together in ways that make things happen.

So his untimely death represents a genuine national loss. The more so as it comes against a general decline in the caliber of public servants.

The Scandinavian heritage marked Jackson in palpable fashion. He was a self-reliant individual, not, as so many politicos, a groupie. He liked to work things out for himself. While he was not a subtle or deep thinker, his convictions, once established, held firm.

Much fuss has been made as to whether he was a liberal or a conservative. In fact, his shaping political experience was the New Deal. Like all New Dealers, he believed in the power of government to solve problems. He looked to government to redress the balance between rich and poor, to protect the rights of labor and minorities, to make available cheap power and abundant water and recreation. He also counted on government to manage national security in a robust way.

Because his views were so steadfast, he developed over time a personal constituency of extraordinary depth and reach. He won six terms as a congressman from the state of Washington, and six as a senator—the last with 69 percent of the vote. No one was closer to the Jewish community. Nor to labor. So unlike almost all other senators and congressmen, Jackson did not merely speak for himself. He commanded big battalions.

His New Deal connections, moreover, carried him beyond narrow support of the congressional prerogatives to a presidential perspective. He knew the ins and outs of the federal agencies better than most of their leaders. He sought the White House twice himself, and worked hand in glove with two Democratic presidents—Kennedy and Johnson. A Republican, Richard Nixon, offered him the post of secretary of defense.

Because he had troops and a feel for the presidential viewpoint, he exerted extraordinary influence on the course of events. He practically determined energy policy. He shaped basic legislation on the environment and the development of water resources. His insistence on tying relations with Russia to explicit guarantees on Jewish emigration frustrated the policy of détente undertaken by Henry Kissinger under Nixon and Ford.

Most important, he personified bipartisan support for a strong defense. Other senators—notably John Tower, the Texas Republican who now heads the Armed Services Committee, and Sam Nunn, the Georgia Democrat—set as much store by efficient military force as Jackson. But he alone crossed ideological lines. He fostered trust between the Pentagon and the unions. He kept labor patriotic and the generals in touch with ordinary people. He thus served as a potent factor in the building of national consensus.

Had he lived slightly longer, the true extent of his influence might have been made manifest. For the chances are the Democrats will carry the Senate in 1984. Jackson would have become chairman of the Armed Services Committee. He would have dominated the Appropriations Committee, for the likely chairman, John Stennis of Mississippi, is over 80 and not in the pink. The combination would have given Jackson far more power than any senator has held since Richard Russell some 30 years ago.

As it is, he is the last of a breed. New senators are made on television, and in an age where ideological fashion is turned against government. They do not build loyalties quietly from within. They go for the evening news, usually by profiling themselves, from right or left, against the powers that be. More and more, the Senate is a collection of egos.

Leadership in the Senate, accordingly, has lost its appeal to men of large views and high ability. Howard Baker, the majority leader, is stepping down in large part because the petty quarrels of the Senate afford him scant springboard for the presidency. John Tower is quitting at least in part because of wounds sustained in a nasty debate over the MX missile last month.

The corrosive forces at work in the Senate operate throughout government. The quality of Cabinet officers, and governors, and mayors, has slipped. Private satisfaction exerts, particularly for intelligent people, a stronger appeal than public glory.

Just why is hard to say. There seems to be, as Ablert Hirschman has pointed out, a kind of "private-public cycle." "Societies," he writes in his fine work "Shifting Involvements," are in some way predisposed toward vacillation between periods of intense preoccupation with public issues and almost total concentration on private improvement."

If so, the frustration fostered by selfishness will eventually breed a new realization that the "pursuit of happiness" means a quest for public good. When that happens, we may see again the likes of Henry Jackson.

[From the Washington Post, Sept, 8, 1983]

(By George F. Will)

. . . AND HERO

Painted on the walls of the Senate reception room are portraits of the five men who were selected by a special committee, a quarter of a century ago, to constitute a kind of Senate hall of fame. The portraits are of Clay, Calhoun, Webster, La Follette and Taft. There is no more space on the walls of that room, but there is a nonfunctional door. That door should be removed, and the wall filled in, and adorned with a portrait of a sixth senator. A Senate hall of fame without Henry Martin Jackson is as unthinkable as Cooperstown without George Herman Ruth.

A silly person once said that only silly persons have heroes. But only exceptionally small persons will not pay homage to the exceptionally large persons among us. Heroes make vivid the values by which we try to live. I say, unabashedly, and with many others: Henry Jackson was my hero.

Because he was magnificently uninterested in the cosmetics of politics, dull persons considered him unexciting. But discerning persons by the millions recognized that his kind of character is as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensively. They came to the absurd conclusion that he had departed from the liberal tradition.

He was a pioneer of environmentalism. He was the preeminent champion of civil rights. He fought for the full domestic agenda and authored legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

The ironic truth is that Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring fact at home and government with a stern face toward adversaries.

Jackson was an anchor against weariness, wishful thinking and apostasy in his party, and his country. He nurtured in this republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary, looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clearsighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly calm, that is because he had the patience of a mature politican—a gift for planning, thirst for detail and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness was a rebuke to the less industrious and a refutation of the theory that in politics fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

I remember a day, nearly a decade ago, when I went panting along in the wake of Jackson on a campaign swing from Washington to Philadelphia to Shreveport and back. When I was decanted from the little plane after midnight, I was a broken shell of my former self. Henry Jackson, twice my age and fresh as a tulip, bounded off into the night.

His legendary energy flowed as much from his spirit as from his physiology. His biography is an essay on the sources of American vitality. He was the son of immigrants, and of the American West. He had the stamina of parents who crossed an ocean and then a continent, and he had the optimism of his region.

For longer than I have been alive, Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character. Why? Consider.

If you wonder who real leaders are, find out who has real followers. By real followers I mean persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he has taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. Today, in numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being a servant to a vast public without being servile to

any part of it. He was the finest public servant I have known.

CONSTITUENTS DIDN'T KNOW HIM PERSONALLY, STILL FEEL VOID

(By Ned Carrick)

The common people—who knew Sen. Henry Jackson mostly by reputation, the people he once delivered newspapers to—felt the same loss this morning as did Jackson's close friends and political colleagues.

Everett's downtown, still waking-up for the business day, was quiet and mournful, and the early arrivals of the regular coffee-and-donut crowd expressed unanimous feelings of grief and sadness.

"This is an awful shock," said Frank Taylor, sipping coffee with fellow GTE employee Fred Hanenburg at Karl's Bakery on Wetmore Avenue.

"This is a loss to the state and the country." Hanenburg added. "And he's put a lot into this county."

Four women, employees of nearby businesses and professional offices who were seated in another booth, agreed that Jackson's death is a major loss to the state and nation.

"I was in deep shock. I didn't think we would ever lose him," said Sharon Michel.

"He was a good balance and took strong stands when they were needed," added Donna Wirt.

Dottie Seigal, whose husband is a retired military man and who has two sons in the military, said she feels Jackson was a key figure in keeping this country strong.

"He could make a decision immediately when it was needed," she said.

Having learned of the senator's death only this morning, Betty Knight said she was "still trying to digest the fact that he's gone."

In Lynnwood, Judy Schlegel, a clerk at the Fred Meyer auto licensing window, said, "It's terrible. It's going to be a great loss. It's not going to be easy to find anybody to replace him, that's for sure."

Kristie Bolding, Schlegel's co-worker, said: "I think it's going to be really bad for the state. It's going to have an effect on the economy. He had a lot of power and authority and he could do things somebody else new won't be able to do."

Ron Peluso of Lynnwood said he was shocked when he picked up his morning newspaper to learn Jackson had died. Just the night before, he heard Jackson talking on television about the Korean Air Lines jet that was shot down.

"He was definitely an asset to all of us," Peluso said. "He'll be missed."

Ed Soulds, a federal government worker from Lynnwood, said it would be "very difficult to replace" Jackson. "I think it's going to be a tremendous loss to the Pacific Northwest."

Jewell Hartnell, a retired nurse from Edmonds, never met Jackson but felt she knew him better than many people. Hartnell's roommate for many years, May Moore, died last June at age 100. Moore had been a close friend of the Jacksons and each year since they had married the senator sent Moore a Christmas card with a portrait of his family, Hartnell said. The collection was one of Moore's prized possessions.

"I got to know him that way," Hartnell said. "I felt very bad about it. I think he was a great senator."

On Colby Avenue in Everett, at Rick's Donut and Coffee Shop, Jim Bradley, an Everett Mall clothing-store employee, added his feeling of shock.

"He was pretty much a critic of the Soviet Union," Bradely said as he read Thursday's Herald account of the downing of the Korean jet. "That is a bad business," he said of the air disaster.

Nearby, dentist Harold Fey noted that Jackson was a "very dedicated man."

"He served his country well and he had time to visit with the people. He listened," Fey said.

"He will be sorely missed," added Don Wallin, an auto parts salesman. "He was a dedicated man."

Al Cooper, a plumbing and heating tradesman, said Jackson's death is "very definitely a loss to this country."

"He was a grass-roots person," Cooper said. "I didn't always agree with what he said—but, then, we shouldn't always agree all the time. This is very definitely a loss to the country."

Walking to her job at a Colby Avenue bank, Barbara Lindberg described Jackson's death as a "great loss."

"We've lost a people person," she said. "It is a great loss to our state and to the nation. He had real insight to issues.

"He was Mr. Everett."

[From the Everett (Wash.) Herald, Sept. 2, 1983]

FELLOW POLITICIANS SAY OF SCOOP—NOBODY ELSE LIKE HIM

(By Peter Callaghan)

EVERETT.—Flags flying at half-mast throughout Washington state today were the visible signs of tribute to Sen. Henry Jackson. State political leaders and friends honored him with their words.

Gov. John Spellman, who ordered the traditional sign of mourning late Thursday night, called Democrat Jackson a "great patriot who fervently believed in and lived the highest ideals of our American way of life."

"People throughout the world knew him as a defender of freedom and an enemy of tyranny," the Republican governor said in an official statement issued moments after the announcement of Jackson's death.

"Sen. Jackson was a strong and effective advocate of the best interests of our state and our nation," Spellman said. "He was a respected leader in both national and foreign affairs. The people of Washington mourn his passing."

Paul O'Connor, the governor's press secretary, said Spellman has directed that all flags in the state be flown at half-mast beginning immediately and lasting until after Jackson's funeral.

Former U.S. Sen. Warren Magnuson, contacted late Thursday at his Seattle home, said the shock of Jackson's death left him almost speechless.

"I always thought of Scoop as indestructible," Magnuson said. "He kept good care of himself and he worked hard.

"I'm very distressed—both Germaine and I are," he said. "We were not only colleagues but friends."

Magnuson preceded Jackson to Congress and was the state's senior senator until his defeat in 1980. While in the Senate, Jackson and Magnuson complemented each other politically—Magnuson as the expert on domestic affairs, Jackson as the master of foreign policy.

"Our spheres of influence covered everything," Magnuson said.

Magnuson gave testament to Jackson's prestige as an expert on foreign affaris and defense.

"All the Senate would go to him for advice," Magnuson said. "Oh, they're going to miss him. . . . I'm going to miss him."

He called Jackson prophetic.

"He'd size up the situation, and they'd take his word," Magnuson said. "He was quite concerned about the Marines in Lebanon: He said that would be a disaster, and it was.

"But he wasn't an 'I told you so' kind of person," Magnuson said.

Jackson was well liked in the Senate and able to help solve the problems of the state and the region because of his ability to work with other senators, Magnuson said.

"If there was a problem in the state, people would listen," he said.

Washington state will miss his prestige and his seniority," Magnuson said of Jackson.

Rep. Al Swift, the Bellingham Democrat who now holds Jackson's old seat in the 2nd Congressional District, said that the senator's great love for and knowledge of Everett and Snohomish County gave him perspective on national and international issues.

"I had dinner with (Seattle mayor) Charles Royer Saturday," said a saddened Swift, who was vacationing on Guemus Island near Anacortes. "I told him then that if there were no health problems, that I thought Scoop might run again and would win again (in 1988)."

Four members of the state's congressional delegation who received the news in Tokyo expressed shock and surprise.

The four are on a good will-educational mission to Japan sponsored by the Japan-American Society of Washington.

"We're all shocked and deeply sorrowed at the news," said Rep. Rod Chandler of Redmond by telephone from Tokyo. "It's a terrible loss to all of us—Democrats and Republicans alike.

"It's fair to say a political era in the state of Washington has passed on," Chandler said.

Reps. Joel Pritchard, R-Seattle; Mike Lowry, D-Seattle; and Sid Morrison, R-Yakima, all spoke of the kindness Jackson showed to them when they entered Congress as freshmen lawmakers.

"Everyone in the delegation looked to him for leadership," Chandler said. "That's lost. One heartbeat stops, and we lose much more than just one man."

Republican Morrison said Jackson considered state congressmen from both parties part of the team.

"He called me the night of my election in 1980 when it became obvious I would be part of the team and welcomed me aboard," Morrison said. "He was most generous with his staff. He shared everything . . . including his home. He went out of his way to make us feel welcome."

Lowry said Jackson was a famous political campaigner, working hard for Democratic candidates. But once the election was over, Jackson became a statesman, Lowry said.

"He had many doors open to him that he made available to anyone in the congressional delegation," Lowry said. "It was a tremendous advantage to be from the same state as Scoop.

Lowry said legislation to designate state wilderness areas and make rules regarding its use was at the top of the delegation's list of goals for the next session. Its passage now is clouded.

"Jackson was a key because of his good relationship with both Republicans and Democrats in the Senate," Lowry said.

"Losing someone with Scoop's power makes it more difficult to accomplish our agenda."

Pritchard, who served with Jackson for 11 years, called Jackson a legend. He said the shock of his death was heightened by Jackson's appearance of health.

"When I think of Scoop, I think of someone who was always on the job—Saturday, Sunday, always," Pritchard said. "He was going like a 30-year-old when he was 70.

"During the last campaign, we were flying back to the state together," Pritchard remembered. "I asked him, For heaven's sake, you have no serious challenge this year, can't you ease off a little?' "

"He said, 'At may age, you can't change your ways.' "

Rep. Wayne Ehlers, speaker of the Washington House of Representatives, said, "I don't think anyone knew he had a heart problem. . . . He was so energetic. People who tried to keep up with him were amazed at him."

Ehlers was set to meet with Jackson this week to discuss possible congressional action regarding the Washington Public Power Supply System.

"Everyone assumed Sen. Jackson was going to take the lead on it," Ehlers said. "This isn't going to help."

Ehlers said a tribute was paid to Jackson's knowledge of foreign affairs just Thursday. After Soviet fighers shot down a Korean passenger liner, the national news media sought out Jackson's comments.

"People always wanted his reaction," Ehlers said. "We lose that as a state and as a nation."

"It's such a big loss—a real loss for our party and our state," state Democratic Chairwoman Karen Marchioro told the Associated Press.

"Scoop and I became close friends, and he helped me so much. I feel real, real bad about this. He was already helping us make plans for the '84 elections."

[From the Everett (Wash.) Herald, Sept. 2, 1983]

MILESTONES WERE MANY IN HENRY JACKSON'S CAREER

Some milestones in the life of Henry Martin Jackson:

Born in Everett on May 31, 1912.

Was graduated from Everett High School in 1930.

Received a University of Washington law degree in 1935.

Practiced law with Everett's Black and Rucker firm from 1936 to 1938.

Declared his candidacy for Snohomish County prosecuting attorney in July 1938, saying, "My duty under the oath of office is clear-cut and well-defined and I will do my best to comply with such oath of office and the duties pertaining to it."

Elected prosecutor in November 1938, after a then-innovative campaign of door-to-door canvassing by the candidate and volunteers. The 26-year-old proved that he meant what he said about complying with the duties of office, quickly launching raids on illegal liquor sellers and gambling joints. He acknowledged that he had been offered payoffs to lay off, but, in what would be a pattern of his career, he refused to be swayed from the straight and narrow.

Elected to the U.S. House of Representatives in November 1940. He became an early backer of publicly owned electric utilities.

Elected to the U.S. Senate in his first statewide race in 1952, unseating Harry P. Cain, Republican incumbent. Jackson was assigned to work on a committee headed by Sen. Joe McCarthy of Wisconsin, who was conducting a witch hunt for communists in government. Jackson took a minor role in opposing McCarthy's excesses and voted for censure in December 1954. Soon after, Jackson was hospitalized and doctors attributed his health problems to tension. He began a daily regimen of exercise that helped keep him fit in years to come. He continued his diligent work habits and built a liberal record of supporting federal spending for education, welfare, health care and dams.

Pushed by a number of party leaders and the press as a potential Democratic vice presidential candidate in the weeks leading up to the party's 1956 convention. One magazine called him the West's top hope. But when presidential nominee Adlai Stevenson threw the choice open, Jackson was not nominated.

Re-elected to the Senate in November 1958 by 300,000 votes. He returned to the Senate to concentrate more on questions of national defense.

Withheld his support for John F. Kennedy's presidential bid until the last minute as another push for Jackson as a vice presidential candidate developed. Sen. Warren Magnuson switched his support from Lyndon B. Johnson to Kennedy to help Jackson get the vice presidential spot. Kennedy chose LBJ as his running mate, but got a reluctant Jackson to become chairman of the Democratic National Committee. Jackson quit the position, one he never really liked, before Kennedy's inauguaration.

Married to Helen Hardin of Albuquerque, N.M., on Dec. 16, 1961. The couple would have a daugher, Anna Marie, on Feb. 7, 1963, and a son, Peter Hardin, on April 3, 1966.

Re-elected to the Senate in 1964 by 538,000 votes.

Introduced legislation that led, in 1968, to creation of the North Cascades National Park.

Achieved perhaps his greatest national legislative victory with passage of the National Environmental Policy Act in 1969, the first major piece of environmental legislation.

Won Senate re-election in 1970 with 83 percent of the vote.

Formally announced his candidacy for presidency on Nov. 19, 1971. He described himself as "a law, order and justice man" and said that "putting people back to work must rank as a key priority."

Gave up his campaign for the presidency, after a series of disastrous showings in primaries and depletion of campaign funds, on May 3, 1972.

Was rated one of the two top contenders for the 1976 Democratic nomination in mid-1975.

Won the Massachusetts primary on March 2, 1976, taking 23 percent of the vote, but finished third in the Florida primary a week later and dropped out of active campaigning after Jimmy Carter beat him in Pennsylvania.

Re-elected to the Senate in 1976 with 74 percent of the vote.

Helped keep the proposed SALT II nuclear arms limitation treaty negotiated by the U.S and the Soviet Union from reaching the Senate floor for a ratification vote in 1979.

Re-elected in 1982 with 69 percent of the vote.

Cast his 11,000th roll call vote, as he helped keep financing for nerve-gas production in the Pentagon's 1984 authorization bill, in July 1983. Colleagues gave him an ovation to mark the occasion.

Made his fourth trip to China in August, getting a warm reception from Chinese leader Deng Xiaoping.

Died in his Everett home, Sept. 1, 1983

[From the Olympia (Wash.) Olympian, Sept. 2, 1983]

PLAIN FOLKS RECALL JACKSON AS FRIEND

(By Patrick Connolly)

EVERETT, WASH. (AP.)—Plain folks recalled a past with a powerful friend and expressed concern about a future without him when they reflected today on Sen. Henry Jackson's death.

They said that he rose to power without forgetting his hometown roots in Everett. He hobnobbed with the mighty without forgetting the neighbors, they said.

He was always good for a handshake when he brought his family into a local restaurant for brunch.

"Every year I got a personal Christmas card from him," said Steve Davis, 24, a La-Conner police officer who was Washington state's national Boy's Club "Boy of the Year" in 1977. That's when he went to Washington, D.C., and met "Scoop."

Davis said, "Scoop established his career but he kept his ties at home."

Larry Hart's mother went to school with Jackson and Hart, 47, said he agrees with what his mother told him—Jackson was honest and "always for the working man.

"It was a shock to hear he died. I've always voted for him. He was a good man," said Hart, a bowling alley employee.

Michelle Miller, a cocktail waitress in an Everett hotel, said she met him several times when he brought his family in for Sunday dinner. "I didn't get to know him, but he seemed like a nice guy," she said.

Jackson's absence spells less clout for Washington state in general and Everett in particular.

Everett was in the running along with Seattle as the possible home port for a Navy task force eventually to be based in Puget Sound, said Chuck Pederson, an Everett taxicab driver. But without Jackson, "I don't think the Navy will come here," said Pederson.

Washington state lost it's last vestige of Senate seniority with Jackson's death, noted Stephen Conner, 24, an Everett restaurant clerk. The state's senior senator is now Slade Gorton, a first-term Republican.

"As far as seniority, we'll be up a creek for a few years," said Conner.

Anne Renfro, an Everett bartender, said Jackson's office "helped get me going in the right direction" when she once asked him to straighten out a state industrial accident claim for her former husband. "I was very upset to hear he died," she said.

So was Tom Upshaw, 24, a marine electrician who grew up in Everett. He called Jackson's death "a total loss.

"I felt it inside. I didn't know him but I used to bicycle past his house to go fishing. It's a loss to everybody," he said.

[From the Olympia (Wash.) Olympian, Sept. 2, 1983]

HENRY M. JACKSON, GREAT AMERICAN

At times, noting his inflexibility on certain issues, Henry M. Jackson would describe himself as a "stubborn Norwegian."

Norwegian by ancestry he was, but in a career that climbed from a newspaper delivery boy in Everett to highly respected senior U.S. senator, he was a great American.

Even those who bitterly opposed some of his social policies voted for him because they knew that in one area, love of country and the desire to keep it strong, there was no one who surpassed "Scoop" Jackson.

It is ironic, and tragic, that a heart attack felled the senator at the moment of crisis over the shooting down of the Korean passenger plane. His last public statements were on this issue and surely by this morning the president, the Pentagon, the State Department and the people would have been calling Sen. Jackson to get his counsel. It had happened so many times over so many years—"Let's hear what Scoop thinks about this."

Beyond the loss of a wise and experienced senator though, many, particularly in this state, feel personal grief. No matter how much time Sen. Jackson spent in the power centers of the world, when he came back among his relatives and friends here in our Washington, he became "old shoe," ready to listen to home-town problems.

The measure of a man is how much he will be missed when he is gone. Henry "Scoop" Jackson will be missed all the way from the world's capital cities to the smallest crossroads in his home state.

But he left a legacy of love for and service to his country and state that should serve as an inspiration to those who must now try to take his place.

[From the Olympia (Wash.) Olympian, Sept. 2, 1983]

WASHINGTON HAS LOST POWER AND A FRIEND

(By David Ammons)

With "Scoop" Jackson's unexpected death Thursday night Washington state lost a powerful, silver-tongued advocate in the nation's capital, a master politician and backslapping friend.

His death, coupled with the 1980 defeat of his longtime collegue and friend Warren G. Magnuson, marked the end of a political era—an era of persuasion politics, porkbarrel and power.

Their one-two punch, coupled with a powerful House delegation, gave the Evergreen State what many observers called the strongest single delegation in Congress.

Scoop and Maggie delivered. For years, Washington residents got back more federal dollars than they paid out in taxes.

Democrat Henry M. Jackson had a national and even international reputation as an anticommunist foe of the Soviet Union, as an outspoken ally of Israel and as a supporter of a strong defense.

His two runs for the White House, his onetime chairmanship of the Democratic Party and his frequent appearances on network television kept him in the limelight and put Washington on the map.

Even when the Democrats lost control of the Senate in 1980, he remained a power to reckon with, frequently consulted by the Reagan Administration and the majority Republicans.

Jackson was ranking Democrat on the Armed Services Committee and had strong influence in foreign affairs, energy, environment, budget and other issues. His legislation created the Environmental Protection Agency now headed by another homestate boy, William Ruckelshaus.

Between Jackson and freshman Sen. Slade Gorton, Washington state could "work the system" in the Capitol, with Jackson retaining his power to sway colleagues in both parties and Gorton enjoying his instant role as member of the majority.

Defense contracts and military appropriations, so crucial to a state so dependent on defense, regularly went Washington's way. Research grants rolled in, particularly at the University of Washington.

Jackson was known as the "senator from Boeing" by both critics and admirers for the way he looked at the interests of the homestate aerospace firm.

Washington was often chosen as a pilot state for various federal programs.

But for many Washington residents, he was simply "the senator," the son of Norwegian emigrants, a man who could shuck his suit jacket and pump hands at the plant gates, a man who would pound the podium and rail against the Soviets or inflation or other bugaboos.

Jackson, the cosmopolitan who moved in elite circles and dined with kings and presidents, could enjoy a beer with the boys at the union hall or walk the waterfront of his beloved Everett.

Scoop Jackson was a Democrat—and often a partisan one—but voters elected him 12 times to the House and Senate, always with a bipartisan landslide sendoff. Elections became more like coronations.

Power, and a friend: that's what Washington lost.

[From the Spokane (Wash.) Spokeman Review, Sept. 3, 1983]

JACKSON WILL BE MISSED

Sen. Henry M. Jackson was more than an enormously talented man. He also was a very dedicated one.

In a political career that spanned more than 40 years, Washington state's senior U.S. senator served both his state and nation with distinction.

He was one of the most effective and respected members of the Congress.

In his death Thursday at age 71, our nation lost a political giant; whose experience and influence will not be replaced easily.

Jaskson worked with nine presidents in a congressional career that began in 1940. The Democrat spent six terms in the House and was elected last year to his sixth term in the Senate.

Through the years, he offered his constituents an interesting study in contrasts.

Though he received mostly liberal ratings from the various special-interest groups, his hard-line stands on national security issues earned him the admiration of many Republicans and conservatives.

He was an expert on national defense and an outspoken advocate of military preparedness.

He was, however, a man of peace.

Mutual arms reductions were a Jackson priority long before nuclear weapons struck the public consciousness. As a member of the House in 1951, Jackson sponsored a resolution calling on the United Nations to pursue "an effective and enforceable system of worldwide disarmament."

Such an agreement, he said, should cover conventional and biological weapons, chemical agents and atomic and hydrogen bombs—the same weapons that concern us today.

And Jackson's commitment to meaningful arms reductons never wavered.

In 1979, he flatly stated that the SALT II treaty negotiated by the Carter administration did not go far enough in achieving genuine arms cuts. He even accused the administration of following a policy of "appeasement."

In 1982, Jackson again was the driving force behind a Senate resolution proposing a long-term, mutual and verifiable nuclear arms freeze with the Soviet Union.

Jackson came to the fore once again this summer when he introduced a resolution advocating massive American aid to Central America. He, along with Republican Sen. Charles McC. Mathias of Maryland, proposed a social development program not unlike the Marshall Plan that rebuilt Europe following World War II.

Jackson warned that if not corrected, the social and economic problems of Central America could jeopardize American economic and security interests.

Jackson frequently was ahead of the pack in identifying problems and recommending solutions, and he always was effective in articulating his design for world peace.

His wide view and clear vision will be sorely missed.

[From the Washington Post, Sept. 3, 1983]

HENRY MARTIN JACKSON

Sen. Henry M. Jackson, who died Thursday night at his home in Everett, Wash., showed a consistency and clarity of purpose unusual in politicians. First elected to the House in 1940 and then to the Senate in 1952, he was one of the few members of the current Congress to have served before Pearl Harbor. From those days, Mr. Jackson drew the lesson that freedom depends on preparedness and military strength.

He was interested from the beginning in nuclear energy and atomic weapons, and he believed that the United States must never let the Soviets gain advantage. That theme runs straight through his service on the Joint Committee on Atomic Energy in the 1940s. It explains the defense commitments he extracted for supporting the limited test ban treaty and the conditions he demanded for supporting the first strategic arms agreement—otherwise neither would have been ratified—as well as his misgivings about SALT II.

From the beginning, he was interested as well in natural resources and the environment. He turned down the position of undersecretary of the interior in 1950, and he was a force behind environmental laws in the 1970s. As chairman of the Senate Interior Committee, he balanced environmental and economic interests skillfully.

On domestic issues, he started off as "a 100 percent New Dealer" and never wavered in his faith that an active federal government could improve the lot of the ordinary person. But he always understood that government could abuse the civil liberties of its citizens. In his first years in the Senate, he stood up to Joe McCarthy when few others dared, never flinching.

He ran unsuccessfully for the Democratic presidential nomination in 1972 and 1976. But he gained in his career a more elusive victory; ideas he championed have held up over time. In the last four decades, Americans and their government have generally advanced freedom, increased prosperity and improved the quality of life. In dozens of ways, Henry Jackson served those goals.

In the process, Scoop Jackson remained unpretentious and good-humored. He lived modestly and always gave his outside earnings to charity. He was one of the few public officials in the 1970s to send his children to D.C. public schools. A Senate insider, he took on his colleagues and got them to limit their outside earnings. He leaves behind an example of honorable and effective public

service, responsive to events but informed by conviction and steadiness of purpose.

[From the Sarasota (Fla.) Herald-Tribune, Sept. 3, 1983]

SENATOR HENRY M. JACKSON

The unexpected death of Sen. Henry M. "Scoop" Jackson, 71 in his native state of Washington is a blow not only to his constituents—whom he served in the nation's capital for 43 years—but to his colleagues in the Senate and to the several causes for which he was the outstanding spokesman.

Jackson, a firm anti-communist and defense expert, commented in his last press conference—12 hours before his death—that no barbarism by the Russians could surprise him. He had reference to the brutal destruction of a Korean airliner, with at least 265 aboard, by a Soviet fighter plane.

The senator got his nickname early in life—when he was a newsboy for the Everett Herald—and he went on from one personal "scoop" to another all his life. He was a racket-busting prosecutor in his home county—Snohomish—and was elected to Congress after three years in that post. He served six terms in the House before being elected and re-elected to the Senate.

He was offered cabinet posts by Democratic President Harry Truman and Republican Richard Nixon, but he chose to stay on Capitol Hill except for a couple of forays into the presidential sweepstakes—in which he might have done better if his Norwegian conscience had not kept him pinned to the job he already had rather than going all-out for another, on the taxpayer's time.

When last re-elected to the Senate—last fall—he had such a landslide victory it was very nearly a unanimous stamp of approval from his state's voters.

The senator was a liberal on domestic affairs—especially civil rights—and a steadfast friend of Israel.

He was also so dedicated to a strong defense that he was at times called "the senator from Boeing," but his colleagues knew that he was much more: a sharp, hard-working legislator who paid intense attention to his work. In recent years, this meant primarily the Armed Services Committee, of which he would undoubtedly have become chairman next year if the Democratic Party should regain its majority in the upper chamber.

Senator Jackson cast his 11,000th rollcall vote in the Senate last July—and received a standing ovation from his colleagues. It was a record of devotion to duty that will stand for years to come.

He may also be remembered as the powerful political supporter of Adm. Hyman Rickover throughout the latter's long task of building a nuclear Navy while staying, productively, on active duty far past normal retirement age. And the senator was also the floor manager for the bills which brought both Alaska and Hawaii their statehoods.

It has been of "Scoop" Jackson that he was so consistent in his attitudes that he was "boring." Yet he was among the kindest and most considerate of senators, as his peers today are attesting.

With policy-changing and fashionable-view-adopting becoming an ever faster and more bewildering game—in Washington as elsewhere—the country will sadly miss Henry Jackson, who knew where he stood. And stood there come hell or high water!

[From the Everett (Wash.) Herald, Sept. 3, 1983]

WE KNEW THIS STORY, AND WERE ALL THE MORE SADDENED

(By Joann Byrd)

It was a story we would have to tell someday.

But Scoop Jackson's mortality hadn't been evident at his hometown newspaper, and we began the story Thursday night in something like shock.

It was only after The Herald's first edition was off the press and in our hands Friday that some of us grasped the truth of what we had been writing:

Henry M. Jackson, whose nickname and childhood were associated with this newspaper, whose career had helped put our community on the international map, who never forgot his hometown newspaper in the crush of attention from the influential and glamorous national media, was dead.

We knew instinctively the immensity of the story, because we had watched Jackson as closely as any newspaper in the country. As wire services dispatched stories from Washington, D.C. and the wire services, television stations, newspapers and magazines from across the continent sought The Herald's help in capturing the Jackson story, our measure of his global stature was reinforced.

But Jackson was more to our readers than an international figure. He was a hometown boy who made very, very good, and never forgot his roots. Many reporters, editors and photographers at The Herald had interviewed or photographed him time and again, and he had made himself accessible to us at home and in Washington, D.C., whenever we wanted comment on the news, his views on a subject, a look at Henry M. Jackson.

Most of us had memories of our encounters with Scoop Jackson, war stories we found inspiration to tell. We indulged ourselves in those only fleetingly as we set about our task Thursday night.

And though journalists routinely cast a skeptical eye toward politicians, there were no skeptics in this newsroom. It took a third of the staff working through the night, and another third of our people beginning their day long before daylight, to produce a news package worthy of Jackson and of his hometown.

Writers, photographers and editors spent the night interviewing, photographing, phoning, searching voluminous files, compiling, cross-checking, locating people, dredging up memories and negatives, designing pages and revamping our plans.

About the time our first edition began rolling off the press—as we were looking for staff members who had had enough sleep to continue through the day—The Herald became a news subject and a source.

Three television stations filmed late morning in our newsroom, composing room and pressroom, interviewing Herald people who had risen to the occasion almost as if this were the thing they could do in recognition of the man.

Two wire services called back, asking for more. A Midwest paper wanted to commission a Saturday morning story. Two newspapers asked for a color portrait. A Canadian magazine called to ask, "Can you confirm that Henry Jackson once was given an award for delivering 7,362 Heralds without a customer complaint?" An out-of-state newspaper asked for our perspective on the man. Newspapers we stopped counting asked to reproduce old photos from our files. Reporters we stopped counting asked us to suggest people they could interview about Jackson.

And we helped them the best we could—proud, I suppose, to be the experts on a major story, but wishing nonetheless this were a story none of us had had to tell.

[From the Tucson (Ariz.) Star, Sept. 3, 1983]

HENRY M. "SCOOP" JACKSON

"Scoop" Jackson, who gained his nickname as a newsboy and who gave 45 years of his life to Congress, 30 of them as a senator, is gone. His energy, his dedication, will be missed by both liberals and conservative.

He'll be missed by the liberals because he fought fiercely for the poor, the downtrodden and for social programs to aid them. Conservatives will miss his consistent, unswerving support for a strong defense, and the wary eye he never took off the Soviet Union.

Sen. Henry M. "Scoop" Jackson, a Democrat who never lost an election in his home state of Washington, was a political paradox.

Jackson was noted for his tough anti-Soviet stands. His death at 71 Thursday came only a few hours after he had learned that a Soviet fighter pilot shot down the Korean jumbo jetliner killing 269 people. The shock, his distress, may well have brought on the death of this man who did not smoke, drank little and exercised religiously.

For years, few Americans outside of his state knew who he was, or for what he stood. In the early 1970s, he came into the limelight with his unswerving support for Israel, his distrust of the Soviets. He became known among colleagues as "the last of the cold warriors."

But he refused to allow politics to interfere with his principles, his common sense.

Jackson became the darling of the environmentalists, when, as chairman of the Senate Interior Committee, he pushed through the Environmental Protection Act that created the EPA.

Jackson was twice a candidate for the Democratic presidential nomination. But voters could not bring themselves to buy the blend of Cold War foreign policy and New Deal economics of this senator who served in the House under Franklin Delano Roosevelt.

He summed up his creed in his brief 1975 announcement that he was seeking the Democratic presidential nomination: "I would like to help the people in this country who are getting hurt. The little people—little business, the elderly, the young—across the board—who have been the one who have taken the beating."

Of his hard-line foreign policy attitude he once said: "I'm not a hawk or a dove, I just don't want my country to be a pigeon."

[From the Columbian (Wash.), Sept. 4, 1983]

SCOOP'S DEPARTURE A "MAJOR BLOW"

(By Steve Forrester)

WASHINGTON.—Let it be recorded that the life of Sen. Henry Jackson, D-Wash., ended on the day his arch-adversary, the Soviet Union, jolted world politics in what Jackson had called "an act of barbarism."

Let it also be recorded that Jackson's departure from the Senate is a major blow to the political fortunes of the Pacific Northwest. Even as a member of the Senate minority and without committee chairman-

ship, Jackson remained a very influential senator and critical to the success of many regional endeavors. It will simply be much more difficult to accomplish some things of regional importance without Jackson's clout, which ranged across party lines, to the House of Representatives and to the White House.

The most obvious endeavor in which Jackson's absence will be noticed is the campaign to rescue the Washington Public Power Supply System (WPPSS) nuclear plant 3. It was a key moment in that fight when Jackson abandoned his silence and committed himself publicly to rescuing the WPPSS plant. Jackson's successor as chairman of the Senate Energy Committee, Republican James McClure of Idaho, simply does not command the trust of his committee or Senate colleagues as Jackson had. The third Northwest senior senator, Republican Mark Hatfield of Oregon, has remained neutral of the WPPSS issue.

Washington state wilderness legislation will probably not fall together as easily without Jackson's hand. He and Sen. Slade Gorton, R-Wash., had invited Washington state House members to discuss the wilderness question on Sept. 13.

The environmentalist community has lost a very important friend in Jackson. He was critical to passage of the National Environmental Policy Act and the Alaska Lands Act. One of the large items on the environmentalist agenda for the remainder of 1983 is the bill to allow sport hunting in Alaskan wilderness areas. That battle would have pitted Jackson, who opposed the hunting, against McClure.

Jackson's death suddenly pushes Sen. Slade Gorton into a position of new prominence. Gorton has gotten considerable national attention, because he is one of the few bright lights among Senate freshmen of 1980 and 1982. But now Gorton becomes cochairman of what some here would call Washington State, Incorporated—the bipartisan House-Senate group which attempts to get Washington state more than its share of federal largesse. The other cochairman is Rep. Tom Foley, D-Wash., the House Majority Whip.

Among regions and states, the Northwest and Washington state have won a phenomenal share of federal appropriations over the last four decades, largely because of the persistent cohesion and clout of this group. It is remarkable that in just three years the Washington state delegation has lost its two kingpins—former Sen. Warren Magnuson, D-Wash., whom Gorton defeated in 1980, and Jackson.

One of the historic ironies in Jackson's unexpected death is that he leaves office while there is widespread expectation that the Democrats will regain control of the Senate in 1984. That victory would have given Jackson chairmanship of the Senate Armed Services Committee, a post he longed for and would have relished.

Few men in Congress have served as long as Jackson, and he was, in many ways, marked by an earlier era of congressional politics when the first lesson a newcomer learned was how to count votes.

Jackson's death will make it all the more apparent how fractured and without direction the Senate has become. He had served long enough to understand the Senate's special role in our government and he was one of few senators who knew the historic context of many domestic and international issues.

He was a master legislator.

[From the Time magazine, Sept. 12, 1983]

A HAWK'S HAWK, A LIBERAL'S LIBERAL

SENATOR HENRY JACKSON: 1912–83

(By Kurt Andersen)

Most of Congress had something to say about the downing of Korean Air Lines Flight 007, but in the state of Washington, Senator Henry ("Scoop") Jackson's reactions had a double resonance: his constituents at the Boeing Co. built the 747 airliner, and during his 42 years on Capitol Hill, he had been more profoundly and articulately wary of the Soviet Union than any other national Democrat. Last week Jackson was recovering at home from a chest cold picked up during a trip to China, but on Thursday morning, he shrugged it off and drove into Seattle to talk to reporters about the aerial atrocity. It was "an act of barbarism," he said, and could have been planned in advance.

But for all his characteristic harshness, he was, as usual, thoughtful and careful. The U.S. should not strike back militarily, he said, adding, "The strongest arm of response is the moral one, one of outrage." Then should the matter be brought before the United Nations? Replied Jackson: "I would rather call a prayer meeting." Afterward Jackson, 71, went back to his wife Helen in Everett (pop. 54,400), the lumber-mill town north of Seattle where he was born and raised. And where, a few hours after he got home, he suffered a heart attack and died.

"Jackson," said Sam Nunn, his Democratic colleague from Georgia, "truly was a giant in the Senate." He had decisively won six elections to the Senate, the latest last November, and had been the de facto leader of his party's conservative wing. Jackson felt that his onetime comrades had turned too easy on Communism, or in some cases too hard on social programs, while he remained the archetypal cold war liberal, determined that the U.S. spend generously on guns and butter. "I don't worry about ideologies," he said. "I've been called a Communist, a socialist, a conservative." In 1972 and 1976, he was a credible contender for the Democratic presidential nomination.

His death surprised those who knew him. Jackson was fit and industrious, and never smoked. He had no history of heart trouble, and lived prudently.

The habit of prudence was bred by his parents, Norwegian immigrants, Nicknamed Scoop after a comic-strip character who appeared in the Everett Herald (which he delivered for years), Jackson practiced frankness young: in the third grade, asked what he wanted to be when he grew up, he admitted he wanted Warren G. Harding's job.

He started at the University of Washington as the Depression began and returned to Everett with a law degree, taking a job with the new Federal Emergency Relief Administration. But his notions of public service were more ambitious. At 26, he was elected Snohomish County prosecutor; then in 1940, a year after "Mr. Smith Goes to Washington," Mr. Jackson was sent there for real, elected to the House. He caught the nation's eye by speaking out early on against the witch-hunting excesses of the House Un-American Activities Committee. In 1952 Jackson won election to the Senate over a Red-baiting Republican, and sat on the committee that grilled Wisconsin's Joseph McCarthy in the 1954 Army-McCarthy hearings.

It is telling about Jackson, and political fashions, that in 1961, on the eve of Viet Nam (and the year he finally married), Jackson's rating from the liberal Americans for Democratic Action was a perfect 100, but by 1972, when he was still a diehard supporter of the war, his rating had fallen to 56. The times, not Jackson, had changed. The ill will between Jackson and the New Left grew worse when he ran for President, encouraged by the so-called ABM (Anybody But McGovern) movement among Democrats. Jackson was never noted for charisma or stump-speech eloquence, and his 1972 candidacy fell apart quickly. Although his well-organized 1976 run showed some life—he won the Massachusetts primary—the old cold warhorse was trounced by his fresh friend Jimmy Carter.

In the Senate, Jackson was not a superb legislative craftsman, but intelligent and consistent. He always favored an expansive military to counter the Soviets (he was the ranking Democrat on the Senate Armed Services Committee), resolutely supported Israel (his 1974 amendment made U.S.-Soviet trade contingent on a freer Kremlin emigration policy, mainly toward Jews) and nuclear power. He was also a dependable ally of organized labor, and happy to vote for social welfare programs or civil rights bills. Perhaps his zenith as a powerbroker came in the past decade, when he worked to kill or modify SALT arms-control treaties.

Jackson was a tried-and-true conservationist as well. In the 1950s, before ecology became trendy, he introduced a politically risky wilderness-protection bill, later spearheaded the epochal 1969 National Environmental Policy Act, and last year sponsored legislation to prevent mineral leasing on wilderness lands. Jackson never settled into rigid predictability. Says Nunn: "He was willing to take on the Pentagon when he thought it was wrong." Recently the hawk's hawk sounded almost dovish about Central America. "If we don't pay attention to the history of social and economic oppression there," Jackson said, "the military shield is bound to crumble."

The party may have lost more than an elder statesman. Lately the Democrats have entertained hopes of gaining a Senate majority in 1984. They may still get control, but Jackson's heretofore safe seat in Washington is now up for grabs: if Republican Governor John Spellman appoints Dan Evans, a popular G.O.P. predecessor, to fill in for a year, Representiative Thomse Foley of Spokane, the most likely Democratic challenger, would face a tough race. In any event, Washington State will be without its supremely formidable champion in Washington, D.C.

But Henry Jackson was not simply a power wielder, he had a stubborn vision of America well armed and its people well cared for. He seldom roused voters, but served them ably and decently. He was more reasonable than passionate, more clearheaded than inspiring. His dreams were humansize. "Other may seek to make America great again," he said during his last run for President. "I seek to make America good again."

[From the Seattle (Wash.) Times, Friday, September 2, 1983]

INTEGRITY STOOD OUT MOST ABOUT "SCOOP"

Sen. Henry M. Jackson was the greatest political figure this state has produced. But for thousands of Washingtonians, that is of secondary importance. What thousands feel today is a sense of personal loss.

Just as he was "Scoop" to prime ministers and other dignitaries around the world, he

was also "Scoop" to uncounted numbers of humble constituents from Forks to Walla Walla.

Jackson aimed high. For most of his political life, his goal was the White House. He was of unquestioned presidential timber. Comparatively few people nowadays would challenge the proposition that he would have made a better chief executive than either of the men who beat him for the Democratic nomination—George McGovern in 1972 and Jimmy Carter in 1976.

Yet Jackson was unable to command the same vote-getting magic beyond the borders of his state that he exercised in election after election at home. To our mind, the chief reason for that is simple: It was impossible nationally to cultivate the personal touch—the "my neighbor" feeling that solidified his hold on Washington voters.

It was characteristic of Jackson that once his life's ambition had slipped forever beyond his grasp, he threw himself more enthusiastically than ever into the work of the office he did hold.

Those activities spanned as fine a balance between home-state constituent concerns, on the one hand, and global problems, on the other, as was achieved by any of his Senate colleagues.

With equal intensity, he approached flood control on the Cowlitz River and the defense of Western Europe. He knew all about logging in Enumclaw and the deepest secrets of military-intelligence gathering in the Soviet Union. He worked as hard as anyone on the Hill.

Yet what stands out most about Henry M. Jackson is integrity: His 45 years in elective politics without a touch of scandal.

His nation and his state will sorely miss him.

[From the Seattle (Wash.) Post Intelligencer, Sept. 3, 1983]

HENRY JACKSON A 'TRUE PATRIOT'

It was fitting, and perhaps ironic, that Sen. Henry M. Jackson's last public appearance was in connection with another in the long series of crises in United States-Soviet relations, about which he had come to be regarded as an expert, nationally and internationally.

Characteristically, his comments at his final news conference in Seattle Thursday were firm and resolute in their denunciation of the Soviet Union and what he perceived to be that nation's global ambitions but they were tempered with restraint. Widely regarded as a leading hawk, Jackson was neither a saber-rattler nor a warmonger.

In his remarks on the Soviet attack on the Korean airliner and the tragic deaths of 269 innocent passengers and crew members, Jackson said the incident demonstrates the difference in the nature of this country which values human life and that of the Soviet system, which he called barbaric. But he advised against either a military or an economic retaliatory U.S. response.

As prominent as Jackson was in the field of foreign and military affairs, citizens of his home state of Washington knew him best for his efforts on behalf of civil rights, economic development and preservation of our natural environment. In the latter area, he was awarded the Sierra Club's John Muir Award in 1968 for his key role in drafting of legislation that created the North Cascades National Park.

Among the most revealing insights into a person's character traits are those of his working colleagues and the flood of tributes yesterday from his fellow senators, on both sides of the political aisle, were unanimous in their expressions of praise and affection.

Sen. Edward Kennedy, D-Mass., said, "A quarter of a million Soviet Jews who have left the U.S.S.R. owe him a special debt for the famous amendment bearing his name, which spurred the Soviet government to release them from a modern day bondage." Sen. Howard Baker Jr., R-Tenn., called Jackson "a staunch supporter of a strong national defense and a seasoned politician who understood the need for a bipartisan cooperation on issues of vital national interest."

President Reagan termed Jackson "a true patriot."

The P-I extends its sincere condolences to Jackson's wife, Helen, and to their children, Peter and Anna Marie. Their grievous loss is shared by the state and nation Henry M. Jackson served with unswerving loyalty and dedication.

[From the Bellevue (Wash.) Journal American, Sunday, Sept. 4, 1983]

SCOOP JACKSON WASN'T YOUR USUAL POLITICIAN

When death calls a person like Henry Jackson, it is like an eagle being struck down in full flight. He hadn't been ill. He hadn't grown old. Life wasn't dwindling away. He could look forward to being a senior statesman—an American Churchill.

But it was not to be. Suddenly he is gone. Inside his otherwise healthy body must have been clogged arteries. That was bad luck. That is hard to avoid.

Now I know, as do so many others, that never again will I get a call from the person who runs his schedule, asking when it would be convenient for "Scoop" to drop in for a visit. He was a great visitor and after the first few years I knew he was not just another politician coming around periodically to keep his fences mended with the local editor. He welcomed friendship. He sincerely enjoyed renewing old acquaintances.

Maybe other high office holders are like that but I haven't known any. A year or so ago his office called and set up a breakfast get-together. Fine. It was a particularly pleasant visit because by unspoken mutual consent we didn't talk about national affairs—just family and people we both knew in Everett, Longview and Bellevue.

Everett was Jackson's home town and he loved it. He liked to reminisce about the Best family, which owned the Everett Hearald. "Ma" Best was the publisher when he was a kid and got a Herald paper route. With the bag on his shoulder he reminded someone of a paperboy in a comic strip whose nickname was "Scoop." They started calling Henry Scoop. It stuck and he liked it. He was elected at an early age to the exalted office of Congressman and he was Scoop. Later a United States senator, Senator Scoop Jackson. It sounds perfectly natural to us. We wonder how it sounded to heads of state in Europe who had dealings with him.

I can't remember if I supported Scoop Jackson the first time he ran for the Senate, but I think so. Our paper didn't back many Democrats in those days. They were a scruffy lot. Mon Walgren. Martin F. Smith. A lot of others. But Jackson was a different kind of Democrat. He wasn't self-conscious about it. Nobody ever accused him of being anything but a good politician, but he always came across as having something more worthy on his mind than manipulating the voters.

One time he made a resounding Fourth of July speech on the banks of Lake Sacajawea in Longview without once referring to a note. I asked him afterward how he did it. The speech was so well organized, so well spoken. He grinned and looked at me sideways and just said: "That's my job, the way I earn a living."

Scoop Jackson was thoroughly professional in the way he operated. His life and daily schedule were as well organized as the text of his speeches. Even those who may not have liked his politics had to admire him, many so much so that they voted for him. In at least two elections I suggested he file in the primaries on both tickets and win them both, as Hiram Johnson did once in California. Again he just grinned.

It was bad luck that kept Jackson from being president. He was John Kennedy's first choice to be his running mate in 1960. But the campaign pros said that just couldn't be. It had to be a Southerner to guarantee the Southern vote. Jackson was from the wrong state. So Lyndon Johnson was nominated and, by a quirk of fate, became president.

Jackson was philosophical about this. If he had been the vice presidential candidate, he said, Kennedy very likely would not have won.

Scoop Jackson was a national and international figure who was involved in the highest order of affairs. But he never forgot that he came from the state of Washington and that Washington came first. The people at home were his friends. They trusted him and they elected him and he did not neglect them or let them down. Those who knew him well are left deeply sad and sorry that this eagle among us has been struck down.

[From the Everett (Wash.) Herald, Friday, Sept. 2, 1983]

HENRY JACKSON, 1912–1983

Sen. Henry Jackson died Thursday at 71 doing what he did best: serving his country with courage, conviction, intellect and integrity. He did that for 44 years, for six terms in the House of Representatives and seven in the Senate. He did that as a major candidate for president.

Henry Jackson died in the place he loved best: here in Washington, in Everett, the city where he was born and grew up. They knew him from boyhood as "Scoop," the industrious kid who faultlessly delivered each and every Everett Daily Herald. And they knew him as Snohomish County prosecutor in 1938, and congressman in 1941, and senator-elect in 1952.

The nation knew Jackson as an early opponent of the McCarthyism, the redbaiting that blighted American politics at the dawn of the cold war. Jackson, moreover, was an early proponent of protecting the environment. He was the father of the Environmental Policy Act, the law that established national procedures to safeguard all living things and the places they live.

Americans also knew the senator for his rare expertise in energy and national security matters. He championed the public interest in limiting the economic power of the oil industry and fostering healthy competition in the energy marketplace.

What's more, the senator made invaluable contributions to the cause of strengthening national security—an effect that included not only building a strong military posture but also building a framework for better relations between East and West. In all of

that, Jackson's clear and constant focus was to promote a climate for peace in the world.

And the world will miss him.

[From the Bellevue (Wash.) Journal American]

JACKSON'S DEATH IS OUR GREAT LOSS

When Senator Henry Jackson ran for re-election to the U.S. Senate in 1982, the big question wasn't whether he would win (he did, easily), but whether he would run again in 1988, when he would have been 76.

It is a great misfortune—to his family, his friends, his colleagues in Congress, the state and the nation—that death took that decision away from Scoop Jackson Thursday night.

With Warren Magnuson, Jackson formed one of the most powerful delegations ever to represent one state in the Senate. They brought project after project to their home state—to the point that some citizens complained that too much federal largesse was pouring in.

When Magnuson was finally defeated (by Slade Gorton) in 1980 after 44 years in Congress, Jackson became Washington's senior senator, at last. But many of his perquisites were lost in 1980 when Ronald Reagan was elected president and the Republicans captured control of the Senate. Instead of being chairman, Jackson was only ranking minority member on his most important assignment, the Senate Armed Services Committee.

Jackson held his convictions firmly, unwaveringly. There was never any question where he stood on the primary issues: Communism, civil rights, the environment. His popularity cut across the traditional lines of liberal or conservative. The result was easy re-election, every six years.

Jackson exuded honesty. For example, all his speaking fees were donated to a foundation.

He was the personification of probity. He didn't smoke, seldom drank, displayed little wit or humor. His speeches were straightforward but not noted for their grace or felicity. He gave the impression of a bulldog, chewing presistently at an issue, or sometimes of a tugboat, plowing determinedly ahead with little regard for the shoals ahead.

Jackson, although a Democrat from the start, parted company with many of his colleagues over the war in Vietnam, which he supported vigorously. So vigorously, in fact, that Richard Nixon offered him the post of secretary of defense, which Jackson turned down for fear he would become the scapegoat of the Vietnam debacle.

For younger voters, their memory starts with Jackson taking unyielding stands for strong national defense. It is hard for them to realize that Jackson was once seen as liberal and progressive. So he was—on domestic issues. But he had become rigid in foreign affairs and seemed less willing to concede there might be two sides to the armament issue.

Henry Jackson was first elected to office in 1938, when he was chosen prosecuting attorney in Snohomish County. He subsequently was elected to the U.S. House for 12 years, and was serving his sixth term in the Senate.

He never lost an election. It is our joint sorrow that he never will have the opportunity to decide whether to run one more time.

[From the Spokane (Wash.) Chronicle]

JACKSON PUT PRINCIPLE FIRST

There is a touch of irony in the timing of Sen. Henry M. Jackson's unexpected death Thursday, coming as it did while the nation and the world were expressing outrage at Jackson's most bitter antagonist, the Soviet Union.

Only hours before his fatal heart attack, Jackson had denounced the Soviets' shooting down of a South Korean jetliner in predictably strong terms. It amounted to "barbarism," said Jackson whose deep distrust of the Russians had marked his lengthy public career.

But Jackson, the third-ranking U.S. senator in terms of seniority at the time of his death, was far more than the red-baiter and defense hawk some of his critics alleged while he was alive.

He was, in a word, a pragmatist. A fierce anti-communist, yes, but he was among the first to recognize and openly deplore the tactics of Sen. Joseph McCarthy.

He was a conservative when it came to defense matters, aligning himself almost always on the side of increased military strength and against conciliation to the Soviet Union. His strong advocacy of better relations with the People's Republic of China—which he had visited only days before he died—underscored his belief in keeping the Russians off guard.

But on domestic matters, Jackson's policies were more in keeping with his fellow Democrats' liberal inclinations. He was a powerful friend of labor and supported social programs designed to assist the underprivileged.

He was the author of the National Environmental Protection Act but was known to seek a balance between economic development and ecological safeguards.

Even now, as the tributes and expressions of shock pour in, the terms in which they are couched are evidence of "Scoop" Jackson's greatest political strength—he shunned party doctrine and addressed himself to issues according to what he perceived were their individual merits.

While he was alive, some of his harshest critics were liberals within his own party who believed his foreign policy attitudes were unacceptable. It is to Jackson's credit—as it is to the credit of any public luminary—that his rivals in life were able to spar with him over philosophy while maintaining a healthy respect for him as a worthy adversary.

From a more parochial perspective, Jackson's death marks another step in the profound restructuring of Washington state's representation in the Senate. Following as it does Republican Slade Gorton's defeat of Warrent G. Magnuson in 1980, Jackson's death completes a turn from the most senior delegation to one of the most junior, from two Democrats to (assuming Republican Spellman does as expected and appoints a fellow party member to succeed Jackson) two Republicans.

So far, Gorton is proving to be a capable senator with immense potential, largely because of a trait similar to Jackson's—he is willing to stand for what he believes in, even if it means breaking party lines.

That is a proud tradition to which Henry Jackson has contributed immensely.

[From the Auburn (Wash.) Globe News]

THE NATION'S LOST A VALUED FRIEND

There was everything to applaud and little to criticize in the life of Sen. Henry M. Jackson, whose death Thursday night shocked and saddened friends and political foes.

Scoop Jackson was a man all of us can emulate.

He was one of those rare political specimens, a man dedicated to the service of his state and country, a tireless worker—some would say a workaholic—a skilled legislative craftsman who could bring both sides of the aisle together in compromise, a man of integrity and principle who would sooner quite public life than alter his basic beliefs and values in favor of political expediency.

And in a political career spanning nearly 45-years beginning with his election as prosecuting attorney in Snohomish County, there was no hint of scandal, no tarnish.

In the past two days, one official after another has lauded that one predominant trait in Jackson, the fact that whether or not you agreed with him on a particular issue, his word was everything. You trusted the man.

Through the years, his peace-through-strength philosophy and his ever-suspicious view of Soviet intentions fell in and out of fashion, but he never betrayed those values. And it was those beliefs which prompted him to visit Red China, his fourth visit, during the last half of August.

On that trip, Jackson wore himself out campaigning for better relations between the two countries, something he strongly felt was vital to world stability.

Quite literally, he died in the line of duty.

The 71-year-old Jackson returned from the two-week trip with a heavy cold he caught toward the end of the tour. Despite the nagging cold and a cough which punctuated his conversations, he maintained a full schedule of appointments, telephone calls and a press conference Thursday to express his shock over the Soviet Union's jet fighter attack on a civilian Korean airliner.

His last press conference, fittingly, was vintage Scoop, with his expressions of deep-felt moral outrage over the Soviet act and a call for a firm response mixed with restraint.

He then went home, complaining of a tightness in his chest, and retired early. The heart attack probably came when he was asleep.

His death is a unestimatable loss for the people of the state; as the third-highest ranking member of the Senate, he wielded tremendous power and influence advantageous to Washington. The nation, too, has lost a strong, unflinching voice for world peace through strength.

And all of us have lost a valued friend.

[From the Seattle (Wash.) Post Intelligencer]

HENRY JACKSON, A SENATOR WHO LOVED THE GRIND

(By John Marshall)

It was just another Monday morning for Sen. Henry Jackson, a clear February day in 1980 that he would spend in the Eastside suburbs. But for the reporter covering him, the assignment was less routine: the chance to observe a legendary political whirlwind in action for hours.

I had covered other major politicians, including Jimmy Carter, Gerald Ford and Richard Nixon. But never had I watched one who took such singular delight in the mundane minutiae of a politician's life as Jackson did.

Being a United States senator might seem to be a glamorous life to many people, especially those who have never watched one up close. To them, being a U.S. senator is an

endless stream of people currying your favor and seeking your counsel, reporters beckoning, limousines waiting, parties galore, plus worldwide travel and free postage. What a life!

But much of being a U.S. senator is a never-ending replay of a dull script that would drive most people to distraction. For hours on end, it is one more meeting to attend, one more face to recognize, one more hand to shake, while being constantly watched, constantly on stage. The only time to catch one's breath is in the car between meetings, or perhaps in the privacy of a lavatory stall.

It was that kind of Monday for Jackson—a breakfast speech followed by a plant visit and a press conference, followed by a newspaper interview, followed by a luncheon speech. But it was a Monday that would show why Jackson was such a politician's politician, a master of the trade. There seemed to be no person too insignificant, no detail too trivial for the senator's full attention.

To secretary and senior vice president alike, Jackson gave a look straight in the eye and a firm handshake. To a crowd of reporters, Jackson concluded a press conference with a cheery "Got all you need, troops?" To a news photographer, Jackson flashed an unexpected, impromptu wink.

LITTLE THINGS THAT PEOPLE REMEMBER

They were all little things, really, things Jackson had no doubt done thousands, if not millions, of times. But they were also the kinds of little things that people would remember, especially at election time. They were what separated Jackson from the politicians who were just going through the motions, doing what was expected.

Jackson, it was obvious, did all that because he loved it. He so reveled in being a senator that he seemed born to the position. If much of the job was dreary detail work, so much the better. Jackson was the Protestant work ethic personified and refined to its ultimate expression: a no-nonsense, nose-to-the-grindstone Norwegian.

He had gotten up that Monday at 5 a.m. in his house in Everett, the beginning of another 19-hour day that most other 67-year-olds would have the sense not to attempt. But there was more than just his usual devotion to duty motivating the senator that morning.

For one thing, Jackson's first week on the Scarsdale Diet had knocked 10 pounds off his frame and it was much easier now to button the vest of his blue suit. For another thing, Russian tanks rolling into Afghanistan in the last two months had made Jackson a vindicated man, perhaps for the first time since Vietnam went sour and his hawkish views fell from repute.

COLLEAGUES ALL PLAY CATCH-UP

Behind him were the months when he had been a lonely Democratic voice decrying the "inequities" of the SALT II agreements when "detente" was a sacred word for many. Now his congressional colleagues were all playing catch-up to the "Senator from Boeing," a bunch of born-again hawks expressing shock at the Soviet aggression.

Jackson kept his "I told you so" smirk under control, but did say at every stop: "There's no surprise about the Russians going into Afghanistan. What's new about the Russians lying? Just ask the Chinese. The Russians have been lying to them for the last 400 years."

And buttressing Jackson's credentials as the country's most persistent Soviet critic was a press secretary well-stocked with year-old Jackson speeches about the Russian threat in Afghanistan. Plus, wonders of wonders, a yellowed clipping of a newspaper article Jackson had written 25 years ago about that very same subject.

Yet Jackson was no single message man that Monday either and that said something about why he never lost an election in Washington. He was careful to spread bouquets wherever he went, with some subtlety but unmistakable persistence.

WORRY ABOUT THE FIRST AMENDMENT

At Roccor headquarters in Redmond, the completion of a gasohol contract gave Jackson the chance to publicly praise the company and its employees. At the Journal-American newspaper in Bellevue, a meeting with the publisher and top editors gave Jackson the chance to worry aloud the future of newspapers and the First Admendment.

Along the way, too, Jackson gave glimpses of his encyclopedic mind, his Facts on File memory. Pointing his finger for emphasis, Jackson was the stern father professor, who remembered every trip he'd ever taken to some obscure corner of the globe, who remembered direct quotes from every history tome he'd ever read. He was only too happy to share the insights he'd gained.

And for good measure, Jackson sprinkled in tidbits of trivia, gleaned from his decades in office that death, not the voters, would ultimately end.

Jackson spewed forth a torrent of facts, figures and opinions with oracle-like authority that February morning. And he displayed the distinctive talent that was the secret of his success: Cover so much territory that everyone likes something you've said.

[From the Washington Times, Sept. 8, 1983]

SCOOP SAID WHAT HE BELIEVED, AND STUCK TO IT

(By Elliott Abrams)

Scoop Jackson came to Washington in an earlier era of American politics, and to the end he reminded us of its virtues.

He had the courage to propound his fundamental beliefs in the teeth of political fashions. During the period of "detente," he warned of a Soviet military buildup; during the years of cheap energy, he talked of the potential energy crisis.

He believed conscience had a place in politics and world affairs when that view, too, marked him for attack: He was an early, visible, effective opponent of Joe McCarthy and the Jackson Amendment on freedom of emigration was the most significant example of modern human rights legislation.

Scoop was above all, a senator, and in this age when the presidency has seemed so often to overwhelm all other elements of our national government, he showed us that it need not be so. Hard work, for him a matter of theology, was joined with commitment to principle to create of a single senator what seemed at times an alternate government.

Fighting the Nixon administration on SALT I or the Jackson Amendment, he embodied a very different view of American politics and government from that of the White House. Jackson, like LaFollette or Taft, showed that a senator could play a public role as large as that usually reserved for presidents.

Scoop came to lead a wing of the Democratic Party—indeed it was eventually named for him. The "Jackson Wing" claimed descendance from Truman and John Kennedy and, allied with George Meany and later, Lane Kirkland, combined New Deal beliefs in government's role as a problem solver with a deep distrust of the Soviets and dedication to military strength as a prerequisite for peace.

Jackson, who with these views had been at the center of the party from the 1940s, felt by the late '60s that he was fighting to keep it in the center. Intellectuals, supporters of Israel, labor leaders coalesced around Scoop as their natural leader.

He did not seek this position; it fell to him to assume it, and he did so with energy and integrity, never in the process developing grandiose visions of himself. There is no one in the Democratic Party who can fill the terrible gap his passing leaves.

Ranking Democrat on the Senate Armed Services Committee (and perhaps its next chairman, had he lived), Scoop was passionately dedicated to protecting our nation's security. There would be no peace without preparedness, he believed.

He used to talk of his father's native land, Norway, and remind us that its just and democratic society could not resist Hitler. His absolutely staunch support of Israel, too, reflected his understanding that strength and will safeguard peace, while weakness invites others to create crises, conflict and war.

Scoop was, in his personal affairs as well, from another time. In the 1970s, Washington's scandals led to new financial-disclosure requirements aimed at deterring vice. In Scoop's case, their effect was to expose virtue.

For 20 years, he had lived on his salary and anonymously donated every cent of earnings from speeches—sometimes $50,000 a year—to a charity. He had established a scholarship fund in honor of his late sister, a teacher, and it provided help for students in his home town, Everett, Wash. They never knew who their benefactor was, and all these facts were never disclosed to Scoop's staff—much less Washington's voters—until federal law required it. This extraordinary act of private, even secret, charity gives a flash of illumination as to the character of Scoop Jackson. Charity, like religion, was something he never talked about, but it was something he practiced.

He was like that. He was accused of being stubborn, or old-fashioned or narrow because he had the older virtues. He said what he believed, and stuck to it, and he treated people well, and over time he became a public man of enormous influence. Last Wednesday, after a hard day's work—much too hard for a 71-year-old with a bad cold—he went home to his wife.

It was just Scoop to live like that, and to die like that.

[From the Los Angeles Times, Sept. 4, 1983]

JACKSON: HE STOOD IN THE OPEN

Henry M. Jackson reflected much of his native Washington state in his independent manner of thinking and in the objects of his thought and concern. The Democratic senator, who died Thursday at 71, was the product of a state with an active, vocal labor-union constituency and fiercely protective environmentalists. He spoke for them and for staunch advocates of a strong national defense throughout a distinguished career spanning more than 40 years.

You may not always have agreed with Jackson—and we didn't always on the best ways to deal with the defense budget and with the Soviet Union—but you always

knew where he stood, and you respected the thought and integrity that had gone into his position. Jackson was at times called the "senator from Boeing" because of the presence of the major aircraft builder in his state, but even a critic such as former Sen. Eugene J. McCarthy had to acknowledge that Jackson would have taken the same stands on defense no matter where he was from.

Jackson was a man of foresight who saw the energy crisis coming well before it happened. A skilled legislator, he was a conservationist years ahead of the rest of the country, wrote the Environmental Protection Act and resolutely defended the natural legacy as the chairman of the Senate Interior Committee for many years.

There are certain politicians who have a manner about them that makes them truly senatorial—a sense of authority and intelligence, yet of helpfulness to younger colleagues and others who follow the intricacies of government as well. Henry Jackson was one of those people.

[From the Wall Street Journal, Sept. 6, 1983]

THE FALLEN GIANT

Occurring amid the other horrors of the day, the sudden death of U.S. Sen. Henry Jackson may not rank in the top of the headlines. But it is a major loss to us, to his home state of Washington and to the Republic. In his unpretentious way, Scoop Jackson was an undisputed giant of the Senate and worthy of the presidency he twice unsuccessfully pursued.

Sen. Jackson was a decent, just and above all clear-sighted man. We disagreed on some issues like energy policy where his social Democratic background led him to a different analysis than ours. But even then he was "our favorite senator." And his contribution to national defense was unparaelleled. As a descendant of Norwegian socialists, he inherited the best elements of a humane political tradition and a vivid awareness of what can happen to decent countries without an adequate defense. As one of the first Americans to see Auschwitz after World War II, he knew firsthand the most horrible possibilities of the 20th century.

In a sense, his passing is part of the fading of the World War II political generation, which learned so many lessons the hard way in a very short time. This common experience underlaid a bipartisan foreign policy that served this country, and the world, extremely well. By the time Sen. Jackson came to run for president in 1972 and 1976, however, this memory was lost in the wallow of Vietnam, and much of his Democractic Party was busy repudiating its own distinguished past.

Daily events are now confirming that Scoop Jackson was right about the Soviets and his critics were wrong. But this unwelcome validation of his views provides bleak replacement indeed for his rich experience and warm, homespun personality. We'll miss him badly.

[From the Christian Science Monitor, Sept. 6, 1983]

JACKSONIAN DEMOCRACY—"SCOOP"-STYLE

Not many senators have had a political species named for them. Sen. Henry M. Jackson of Washington did. A "Jackson Democrat" has for years been as identifiable as a "Taft Republican" used to be, when rock-solid conservative Robert Taft was the last previous senator whose name was similarly enshrined.

In the midst of the eulogies to Senator Jackson, following his sudden passing last week, it might be noted that the kind of Democrat he was could not be separated from the kind of man he was. He was in the American grain of the immigrants' son who became a hard-working paperboy, a union member, a working-his-way-through-college dishwasher, a law student, a lawyer, and on into public life.

Here were the roots for Jackson the Democrat. Protect this glorious land that can do so much for so many. More than enough military might is better than the risk of too little to keep the nation safe. More than enough government is better than the risk of too little to keep the rights of the people secure, meet their needs, preserve the environment in which they live.

This simplified version of Henry Jacksonian democracy hardly suggests the difficulty of affixing the conservative and liberal labels that were always being thrown at one side or another of what he said and did. Allowing for all the political considerations in a political career, Mr. Jackson seemed to seek the difficult path of judging each decision on its merits. Sometimes this made it equally difficult for the same people to agree with him twice in succession. Unless, of course, they were Jackson Americans.

[From the Seattle Weekly, Sept. 13, 1983]

THE SCOOP WE KNEW

(By Gerry Hoeck)

The newspapers will say that Henry Martin Jackson was laid to rest this week. Don't you believe it. For those of us who had the good fortune to live and work with that remarkable man, the thought is unthinkable. Scoop *never* rested. The papers are wrong.

Sixteen hours a day, seven days a week, for 45 years, he pursued with joy and zeal his only goal—*the helping of others.*

In February 1976, we were in Los Angeles filming a five-minute network TV show to announce his second try for the presidency. We had him alone in David Wolper's studio and decided to fire a few simple questions to throw him off his guard, to get candid, off-the-cuff answers. That was usually Jackson at his best.

The first question: "Why in heaven's name do you want to be president, Scoop?"

There was not a second's hesitation. "To help people."

As flat as that. Corny, sure. A cliche, sure. With 99 out of 100 politicians, it would be a self-serving declaration that you could take with a large tablespoon of salt. But with Scoop, it was straight and honest. He meant it, brother, *he meant it.*

That was the trouble with Scoop. He was so decent and direct and honest that many of his critics misread him. There was not an ounce of deceit or deception in his body. I felt sorry for people who kept looking for a mean motive.

Last fall we were shooting a series of television spots around the state for Scoop's reelection campaign. We drove down to Grays Harbor one morning to do a sidewalk spot about the impact of high interest rates. A few miles short of Aberdeen we stopped at a small gas station in the woods.

While the tank was being filled, Scoop started talking to the operator. The usual questions—how's business, how long have you had the station, etc. Finally Scoop sensed the man was a little nervous or embarrased. He stuck out his hand and said, "I'm Scoop Jackson."

"I know who you are," the man said. "I was in the service overseas and my mother was very sick in Tacoma and you got me home. I know who you are."

Yes, the people of the state of Washington knew who Henry Jackson was. He was their friend. They never forgot it. All you had to do was look at the numbers on election night.

Later that morning we finished filming Scoop on the streets of Aberdeen and looked for a place to catch a sandwich. There was a small sidewalk cafe on the main street, with two or three tables, and the owner rushed out and set up the chairs for us. Later we learned the owner had been driven out of his lumber business by the sagging economy and he and his wife had opened this hole-in-the-wall restaurant to make ends meet.

Then it began. The parade of people. They came streaming from all over town. Our visit had been unannounced, but they had all suddenly heard that Scoop was in town. Scoop is sitting at a table downtown on Main Street—right now. . .the telephone grapevine had been working.

They came by the dozens—housewives, labor leaders, Democratic committeemen and women, bankers, businessmen, reporters, plain ordinary citizens. They wanted to talk to one of their favorite people. A few had problems they wanted to talk about—like a harbor project Scoop was working on—but mostly, they wanted to shake his hand, say hello, talk about their families. And Jackson knew their names, remembered the old gettogethers, and asked about friends.

It is perhaps my favorite memory of Scoop. Sitting there at that sidewalk table in Aberdeen, laughing, talking, the sun on his face, surrounded by his people, trying to drink his milk and munch down a sandwich. Later the restaurant owner brought out some fresh hot wild-blackberry pie. And it was perfect.

I had told Scoop going down in the car that the latest survey showed him getting a maximum of 62 percent of the vote in November. He just smiled. Five weeks later he got almost 70 percent of the state vote.

That September day in Aberdeen there were no computerized mailings going to residents, no sophisticated telephone banks alerting Aberdeen to Jackson's presence, no clever television spots spinning an aura about the man. It was unnecessary. They knew Jackson. What they knew about Jackson was based on performance and years of observation. And they trusted him. He was their guy.

It gives strength to the hope that the American public will always be able to sort through the non-sense associated with elections and select the best man or woman for an office—based on ability and integrity. Not on all the silly paraphernalia.

That scene could have been duplicated anywhere in the state of Washington. The sidewalk table could have been moved to Othello, or Winthrop, or Wenatchee, or Duvall, or Fourth and Pike in Seattle, and the same spontaneous outpouring of respect for Scoop would have occurred. Because Scoop was one of them. It's that simple.

Son of emigrant Norwegian parents in Everett, he never forgot his roots. But he grew. God, how he grew,

Picture a snowy night at Union Station in Washington DC in January 1941.

Two wide-eyed 28-year-old men from Everett, Washington climbed off a train. Their names were Henry M. Jackson and John L. Salter. Neither had ever traveled east. They were green and untested but they had managed to get Scoop elected to Congress.

They picked up their bags, walked out into the night, and shouted to a cabbie: "Where's the Capitol?

"Right over there, you dummies," came the answer.

Three blocks away the Capitol dome was ablaze with lights. I wonder if that cabby ever found out what happened to those two young men. In 20 years they were shaping a major part of the policy coming from Capitol Hill—and even influencing events at the White House.

They were a great combination—Scoop and John. Scoop, with his hard work and dedication to the job. Salter, with his sharp perception of people and his Irish gregarious nature. They complemented each other—much the same as Maggie and Scoop complemented each other in the Senate. Tom Foley said last weekend that he doubted that *any* state would ever again have a pair of senators as powerful and effective as Scoop and Maggie. I believe that's true.

Scoop matured steadily through the first 20 years. He did his homework. He learned more about issues and more about Congress than most of his colleagues. It is true he was not a member of the Club—he was not one of the boys. But members on both sides of the aisle respected his intelligence, his steadfastness, his rock-granite honesty. He was never bitterly partisan and they trusted his word. So he became one of their leaders.

By the time 1960 rolled around, Scoop was a leading candidate for the vice-presidential nomination at the party convention in Los Angeles, Jackson and Salter were friends of the Kennedys, and Bobby was openly for Scoop. He gave us marching orders on which delegations to talk to. Bobby's loyalty to Scoop went back to the time when Joe McCarthy fired him from his committee and Scoop quickly said, "Come on, Bobby, go to work for me." Bobby never forgot.

A few days before Jack Kennedy's nomination in Los Angeles, Kennedy told Jim Bishop, the writer who was documenting the presidential story, that Scoop would probably be his choice. So Bishop joined us in Scoop's suite the morning after Kennedy's nomination, fully expecting Jackson to be the nominee.

The call came.

"Scoop, this is Jack. I'm sorry, but I have decided to go with Lyndon. If you will, I'd like you to be national chairman."

Scoop said, "Of course, Jack. Whatever you want me to do."

He came that close.

There were many other memories that those of us who worked for Jackson will long remember. Like the buoyant night in Boston in 1976 when we won our first presidential primary.

We had set up phones in a special hotel room to get early vote counts from key precincts. As phones started ringing and we tallied the results, it became obvious. We were going to win.

I walked down the hall to the Jackson suite with the figures in hand. The election party was just starting. Pat Moynihan was talking in the middle of the room. I sat down beside Helen Jackson and said quietly, "Helen, Scoop's going to win."

She said: "Thank God. He's worked so hard."

Yes, he'd worked so hard. And she had, too. Few wives of men in public life have given more of themselves than Helen Jackson. She and Scoop raised two marvelous children—Anna Marie, who entered Stanford last year, and Peter, a senior in high school who is working this summer on the Enumclaw weekly. It wasn't easy with the time demands of two presidential campaigns and the normal rigors of senatorial life. She's a magnificent lady.

Last Friday afternoon a group of us gathered in a favorite Everett bistro—shocked, benumbed, tears in our eyes. John Stalter was there and we reminisced.

John said something that many people do not know. He said, "The key event was Buchenwald. It changed him." As a young congressman in 1945, Henry Jackson had walked through the gates of Buchenwald a few days after that horror camp was opened. He was never the same. He not only championed the cause of Israel throughout his life but he detested bigotry and prejudice and cruelty in every form. He demanded fairness, equality, freedom. It shocked him that people could act uncivilized. It explains his perfect civil rights record. It partly explains his attitude toward the Soviet Union.

So there you have it. Scoop Jackson was not a perfect man. He had his flaws. But he was a supremely kind and unpretentious man. He traveled with presidents and prime ministers but he drove an old Chevrolet. He never worried about his clothes or material things. He spent his entire life working for other people and fighting for what he believed—never wavering. What more can you ask of a man?

After Scoop's re-election last fall, there were some of us who felt he should never run again. Go out ahead. Give yourself a rest. Enjoy life. We never said anything to him and, to my knowledge, he never mentioned his future intentions.

But I must make a confession to Scoop today. If he had rung the bell once more, if he had asked us to mount one more campaign in 1988 or whenever, all the troops would have come running. They'd leave their husbands and wives and children, they'd climb on those lousy buses and airplanes, they'd drag out their old typewriters, they'd sleep on those busted-down beds in crumby hotels, eat the tasteless food, and give up a thousand hours of decent sleep.

And do you know why they'd do it, Scoop? I'll tell you why.

Because—damn it—we loved you.

[From the Everett (Wash.) Herald, Sept. 8, 1983]

JACKSON EULOGIES REPLETE WITH PRAISE, MEMORIES

Henry Jackson's family, his closest friends, and colleagues filled Everett's First Presbyterian Church at noon Sept. 7. This is how they remembered Jackson the father, Jackson the statesman, Jackson the man.

ORGAN PRELUDE BY ORGANIST ALAN VILLESVIK

Invocation by Rev. James R. Hervey, associate pastor, First Presbyterian Church:

Our help is in the name of the Lord who made the heavens and the earth. It is he whom we worship. Honor and majesty are due his name. Let us pray together. O great and eternal God who loves us with an everlasting love and has turned the shadow of death into the brightness of your glory, help us now to wait upon you with reverent and submissive minds and hearts. In the silence of this hour, speak to us of eternal things that through the patience and comfort of the scriptures we may find hope and be lifted above our darkness and distress into the light and peace of your presence, through Jesus Christ our Lord. Amen.

Congregation, accompanied by church choir, sang the hymn, "Joyful, Joyful, We Adore Thee."

Rev. Hervey:

Helen, Anna Marie, Peter, members of the family, staff and associates. I speak on behalf of friends of this church, community, the state, nation, yes, even the world when I say that our deepest sympathy and concern is with you. Our prayer is for God's comfort and strength in your lives as you experience this grief and this loss.

From my own perspective, Senator Jackson had no difficulty in finding his place in life. He seemed to be able to take charge, to set others at ease. Whether talking with the former head of state or helping a pensioner from this community with a Social Security problem. Whether expressing sympathy to a grieving neighbor or sharing the joy of Christmas with a group of neighborhood carolers.

National and international in his concern and commitments, his influence and his prestige, Scoop was also a hometown American. While we all join you in mourning his loss, we cannot help but be just a bit envious of the treasure of memories which you share as you celebrated life together with him as a family.

We have all read and heard much of his honesty and his integrity, his concern and his compassion. But perhaps his greatest legacy to you, and to us all, is that he is a man who lived out the ancient motto "to be," rather than "to seem to be."

Helen, Anna Marie, Peter, may God bless and comfort you as you treasure his memory in your minds and in your hearts. Amen

Old Testament readings: Psalms 46:1-3 and 11; Psalms 24:1-5.

Anna Marie Jackson:

Most people knew my father as a public personality—in his official role. I, however, knew him as a very special person—a father who always made time for his family and who knew how important a father-daughter relationship is.

He was the kind of father that would leave from in the middle of one of his important meetings to take time to make a phone call and talk to me and answer some of the questions that I was having trouble with in one of my political science classes.

I remember one night when he called me from New York, after a tiring day of speeches, while trying to recuperate from a cold. He insisted on staying right on the phone—as he said, no matter if it would take all night—until I understood the history of the New Deal backwards and forwards. That particular phone call took 2½ hours.

He was a proud father as well. This past Christman he flew out to my debutante ball even though the Senate was in session and there was a possibility that he might miss a vote. And one thing my father did not want to do was to miss a vote.

But he told me the debutante ball was a very special moment in my life and he wanted to be a part of it. What I recall most vividly from that evening was waltzing with Daddy, and he kept stepping on my toes. But he whispered in my ear and said: "Keep smiling, we make a good team."

Peter Jackson:

It's impossible to summarize how much the guidance, love and understanding of a father means to a son. And it's going to take

some time to fully realize what Dad in his long, productive life means to me.

But above all, I knew him as a compassionate father dedicated to his family. When I was 5 years old, my dad learned that I had memorized a list of all the presidents of the United States.

He was so enormously proud of my accomplishment that he would often stop photographers and voters at random, forcing them to stand still and endure my recitation of every one of the presidents from Washington to Nixon. When it was all over he would say: "This is my son Peter and everything he does makes me proud of him."

I'll always recall our hours together Saturday mornings at the Senate gymnasium. It was our special time for relaxing, swimming and just talking. Whenever anyone came by. Dad would stop, put his hand on my shoulder and say: "This son of mine—he's pretty special, don't you think?"

Perhaps what I'll miss most is our long discussion on political and foreign-policy issues. I would go to the library and thoroughly research a topic he was deeply involved with. On returning home I would quietly sit down in our library and explain to him why I thought Ralph Nader was right on nuclear energy.

Immediately his eyes would light up. There was nothing he enjoyed more than engaging in an active, lively debate. Nevertheless, no matter how much research I did he always came up with better arguments. He told me: "Equip yourself with the facts, be honest and be a good listener, then you'll receive respect."

When I think of my dad I'll always best remember that advice, in our spirited debates. I realize that he was not only a generously caring father, but also an experienced and skillful teacher.

New Testament reading: portions of Romans 8 by Dr. Edward L. R. Elson, chaplain emeritus, U.S. Senate.

Special music: "America Our Heritage" by Helen Steele, sung by the Northwest Boy Choir, directed by Steve Stevens.

Warren G. Magnuson, former senator and long-time Jackson colleague:

First of all I want to join with Helen and the family and the people of the state of Washington to welcome our guests who came from far and near today to pay tribute to Henry Jackson.

This is a sad occasion, but we welcome you to the state of Washington—Scoop's beloved state. And Helen, I know that the hearts of all of us turn towards you and your family in this time of your greatest grief.

I naturally was shocked and stunned when I was informed of Senator Jackson's death—untimely as it was. I often thought of Scoop as being indestructible. His personal habits, his way of life just made him that indestructible to me.

It's almost unreal, that as I stand here . . . well, I couldn't sleep that night. I tried to go to sleep, hoping I'd wake up and it was just a dream. But it's real. As I stand here beside the casket, I know it's real.

He lived a great life. But he's going to leave a great void that I doubt any person can fill. It's going to take a big man to fill even partially his shoes.

We served together in the House and the Senate almost a half a century. That's a long, long time. We worked as a team, shoulder-to-shoulder, on different projects and different contests and such and such.

Now that team is dissolved. I don't know when it will ever come back again—44 years in the Congress of the United States and 28 years in the United States Senate. It not only is a long, long time, but it brings back many episodes and memories to me, that if I tried to list them all I'd have you here all afternoon. So we mourn his loss and that void. I don't know when it's ever going to be filled.

There was a funeral in Rome years ago in which a prominent Roman stood up and said, "I've come to bury Caesar, not to praise him." I'm going to paraphrase that and reverse it: "I come not to bury Henry Jackson, but to praise him." Because his achievements, his contribution to world peace, to human rights and to the people of this state and the nation will be going on and on forever, and he'll be immortal by them.

His private and personal life, and his political life, were almost immaculate. And do you people realize, like I do, that there's never been one breath of scandal that's ever hovered around Henry Jackson in half a century of public service? That's something in this day and age.

I was always amazed and marveled at his knowledge and grasp of foreign affairs. And I watched him over the years grow up to be a giant, not only in the Congress with my colleagues over there, but in international affairs. And he geared his defense posture to foreign affairs.

He always said to me over the years, I'm going to vote tomorrow—whenever the vote would be in the Senate—to what I think is in the best interest of these United States. Sometimes he was criticized for it, but he never wavered; he never swayed to the winds of popular opinion.

And people sought and went to him for advice and wisdom on foreign affairs. He was almost a prophet—a prophet in his time. He was pretty nearly always right, and that's what made him what he was.

But there's another side of Scoop that I knew very well. That is his human side. There never was a problem in all the years we were together, never too small for Scoop not to take time out of his busy world to help that person. And there's scores of incidents, hundreds, that I went through with him.

He used to drop by my office—we officed down the hall from one another—pretty nearly every morning when we were in session. "He'd say "who's in trouble today? Who at home is in trouble? Who can we help?" And we'd get together and work it out the best we knew how.

So, when the headstone is written, I hope they'll say, well, he was a humane, compassionate man. I hope they'll say "Here lies Henry Jackson, a decent man, a loyal public servant—but above all, a man of the people." God bless you, Scoop.

Daniel P. Moynihan, democratic senator from New York:

Helen, Anna Marie and Peter, may I continue what Maggie has so well begun? Last evening in the National Presbyterian Church I had occasion to recall an old belief in the Judaic tradition that at any moment in history, goodness in the world is preserved by the deeds of nine just men who do not know that this is the role the Lord has given them.

It is a thought to which one has returned these last days, for if it be so—and of course in the large sense, it is so—Henry M. Jackson was one of those men. There could be no more telling evidence than that this would never had occurred to him.

He lived in the worst of times—the age of the totalitarian state. It fell to him to tell this to his own people and to the world and he did so full-well knowing that there is a cost for such truth-telling. But he was a viking also and knew the joy of battle. Of all things human, the only emotion he never knew was fear. The only weakness he could never comprehend was the love of ease.

The poet Yeats wrote once of a man who was blessed, and had the power to bless. Scoop was such a person also. To know him and to love him as generations of men and women in American public life have done, is to have been touched by that abounding grace which he brought to the affairs of the republic. He never took; he only gave. And he never stopped giving.

To Helen, to Anna Marie, Peter—wishing in no way to intrude—we would even so say that as we shared your love of him we share your loss. And yet, now it is over, we may celebrate his life as much as we mourn his death.

The third item in the public papers of John F. Kennedy, following the inaugural address, following the briefings to the Soviet leadership, is the transcript of the remarks at the meeting of the Democratic National Committee on Jan. 21, 1961. At this meeting, Senator Jackson stepped down as chairman of his party, a post he had assumed in order to run the campaign to win the election for his friend and colleague who now, as president, recounted and thanked him and ended saying, "so I hope we will all stand up and give a good cheer to Scoop Jackson."

Let us do that in our hearts and may the echo linger. And leader, farewell.

Edward M. Kennedy, Democratic Senator from Massachusetts:

Those of us who had the joy of sharing Scoop's life must now share the sorrow of his loss. Yet after the time of requiem has passed, we will remember with gratitude the life of this great leader, whom all of us knew as a good man.

His legacy lives in the lesson he taught us that national defense means not only a strong military but a just society. He was an advocate of modern weaponry and great security. But he never believed that he could or we should pay for a missile or a bomber by taking food from a hungry child or hope from a jobless worker. He was a champion of labor, even when unions are said to be out of style. He was a tribune of civil liberty even at the McCarthy era. Some said he lacked charisma. In reality, he had a special charisma of conscience.

An so his legacy will live as well in the great causes that were his abiding concern. There was no greater friend of Israel than Scoop Jackson, who helped the Jewish people as much as any American ever had to hold their promised land. Some individuals have planted a tree in Israel: Scoop helped to plant an entire nation.

He heard and heeded the cry for liberty from countless human beings who are the victims of Soviet tyranny and who depend on us to defend their human rights. And he was always there for his beliefs, despite the trends of the moment or the tides of a political season.

I like to think one reason we were close all these years, even though we sometimes disagreed, was because we both knew what it meant to sail against the prevailing winds. Scoop did not wish it this way. He would have preferred to be president. But he would not, could not, be false to his own vision of what was right.

And through it all he kept his sense of perspective and of humor. During his 1972 presidential campaign there were reporters who complained that Scoop's voice was a monotone. Eight years later, when I was running and the reporters claimed I was shouting too much, Scoop and I conferred on the Senate floor. Maybe, he suggested, we could take an average of our speaking styles and claim the perfect modulation.

I first came to know Scoop in the early years of my brother's presidential campaign when I was traveling to the state of Washington and of course, the West. And from that moment on, for nearly half of my life, Scoop Jackson was with me and with my family in the best and darkest of days.

And on that day that Jack died, he was a friend who comforted me. On more days than I can count I felt his happy clasp on my shoulder, I saw his crinkled smile. I enjoyed his counsel and his company. We talked frequently of our families and, more than any piece of legislation or political achievement, he treasured Helen and Anna Marie and Peter. The three of you kept him young at the age of 71 until the very end of his days. And I believe he loved you more than he could ever say.

Others will recall Scoop, and history will record him for his significance and his stand of national service through the terms of nine presidents from Franklin Roosevelt to Ronald Reagan. For his service encompassed more than a fifth of the entire existence of this great republic. We all knew that and we honor him for it.

But in this dark time for his family when suddenly we must say our farewill, I recall and salute Scoop, most of all, as among the best of friends.

Rep. Thomas S. Foley of Washington state, a member of Jackson's staff in the late 1950s and early '60s;

Among the great number who honor Scoop Jackson's life, who mourn his passing, are many special people. The family—Helen, Anna Marie and Pete—the heads of all the branches of our state and national government, his beloved fellow citizens of Washington and of Everett, the friends of his childhood, those in public and private life in great office and great position, to whom he gave counsel and received it.

But among those that feel especially close to him and especially close to one another are those who, at some time in their lives, had the great honor of sharing his life in service with and for him.

The Jackson staff, present and past, has grown rather large. He was in public life for over 40 years. And they span generations, and they are scattered, in many cases some retired, some in universities, in the professions, some in other positions in public and private life.

But all join, particularly at this time, by the great sense of honor and pride that they have in spending part of their life with this great man. For as he was to his family, he was to his staff—not a lonely leader, but a teacher.

And he taught mainly by example. The example of a man of tremendous integrity and commitment, of constancy and courage. A man who infused the professions of a long public service which he had chosen with the greatest dignity. A man who cared for his staff and who received from them in return a fierce loyalty, because for all of us who served him, it will remain to the end of our days a matter of enormous pride. (I guess you're never too old to shed a tear for a friend.)

And so many people today owe so much, as I do, to Scoop Jackson, that can never be repaid. There are millions in fact who scarcely know his name, but have reason to bless his memory.

There will never be another Jackson staff. There will never be another generation of young men and women who will have an opportunity to learn the best of our country, its institutions and its great leaders—from this man.

He is gone, but his work continues. And, as Scoop would be the first to have us realize, life must go on. He gave his life to the security of his country, to the maintenance of peace, to the protection of the physical treasures of our nation, to the protection of the young and the old, those who were disadvantaged and destitute.

He fought for a just society, a fair society. He fought for a better world, and he believed passionately that government could be an instrument of that improvement.

I think we can best remember him by carrying the lessons of his life and character, of his commitment and belief, forward. I think he would understand if we believe that the best memorial to Scoop is to carry on his great work.

And he would be the first one to say that there is much to be done—that there are tasks to be finished, there is a peace to be maintained, a country to be made more secure—not just by weapons and strength, passionately though he believed that—but by strengthening its institutions, by protecting its future, by supporting its economy, and by most of all speaking out everywhere at home and abroad for the rights and the spirit and dignity of humanity.

He would understand, perhaps, if we pause today to remember his memory. But as those who work for him will assure you, Scoop would remind you that if you were going to carry on an important work, tomorrow is a working day. Farewell, Scoop, God bless you.

Chaplain Elson:

Let us pray. Almighty God, father of mercies and giver of all comfort, deal graciously, we pray thee, with all who mourn this day, especially Helen, Anna Marie and Peter. That casting every care on thee, they may know the consolation of thy love, the healing of thy grace and the companionship of thy presence.

We thank thee, our father, that deep in the human heart is an unquenchable trust that life does not end with death, that the God who made us will care for us beyond the bounds of vision and that our hope has been so wondrously confirmed in the life, the words, and the resurrection of our Lord Jesus Christ.

We thank thee, our Father, for those quiet moments apart from the clash and clamor and tumult of our days, when the vale is lifted and pure love and thanksgiving fills our hearts.

So it is with us this moment, in this, thy house, we thank thee for thy servant Henry, for the nobility of his manhood, for the integrity of his person, for his sensitiveness and his tenderness, for his love and his joy, for his wit and his wisdom, for his transparent spirituality and for his Christian testimony.

We thank thee for his peerless public service to this state, to the nation, to the multitudes of many races and varied faiths across the world, who this day rise up to call him blessed.

Help us to prize highly and to guard carefully the gifts which his loyalty and devotion to duty have passed on to us. Grant, oh Lord, that we may be true as he was true, that we may be loyal as he was loyal, and that we may serve our country and our God all the days of our lives, and leave the world better as he did for having lived in it through Jesus Christ our Lord.

Oh thou King of King and Lord of Lords, take this nation in thy holy keeping, raise up leaders for every age and endow her with the sinews of the spirit so she may advance thy kingdom of justice and righteousness and peace throughout this world.

Lord support us all the day long until the shadows lengthen and the evening comes and the busy world is hushed and the fever of life is over and our work is done. Then in thy mercy, grant us safe lodging and holy rest and peace at the last through Jesus Christ our Lord. Amen.

The congregation repeated "The Lord's Prayer" and then stood and sang the hymn, "God of Our Fathers" with Sue Shawger providing trumpet accompaniment.

Rev. Hervey followed with the benediction. The dignitaries filed from the church, and the pallbearers escorted the coffin to the waiting hearse.

SCOOP

His life was noble, and the elements
so mixed in him that Nature might
stand up and say to all the world:
"This was a man."

And when he shall die,
Take him and cut him out in little stars,
And he will make the face of heaven so fine
That all the world will be in love with night
And pay no worship to the garish sun.

Henry Martin Jackson, United States Senator from Washington State, died last Thursday. Those of us who had the privilege and the job of working with Scoop Jackson learned a lot about him and even more from him.

Short, grey-haired, youthful and vigorous at 71, and frequent wearer of the "Jackson uniform" (blue blazer, grey slacks, blue button-down shirt, striped tie, and black penny loafers), Scoop dearly loved his wife, Helen, and his children, Anna Marie and Peter. He took great pride in his children's accomplishments. He also practiced diagnostic medicine without a license.

Scoop taught us how to remember things we had to do by writing them on many little slips of paper that are kept folded together in your pocket. He taught us how to maintain a quick-retrieval file system using brown manila envelopes that are kept stacked on your desk and chairs. He regularly demonstrated that it was possible to hold, simultaneously, three different meetings and two telephone conversations—each about different subjects—and achieve remarkably coherent results all around.

Scoop believed that the study of history and English literature were the best preparation for a political career. As he once put it: "History teaches us how things got the way they are, and the great writers give us insight into human nature and behavior. Both help us make better public policy."

He consistently reminded us of the need for thorough professionalism in an all too often hurried and slapdash world. When we performed well, he gave us the ultimate Jackson accolate: "Good work, troops!"

His national reputation came from his magnificent record on defense, foreign policy, economic, environmental, human rights, energy and natural resources issues, and two tries for the Democratic Presiden-

tial nomination. But when asked what he regarded as his single most important accomplishment, Scoop said it was when, in 1960, as Democratic National Chairman for John F. Kennedy's successful Presidential campaign, "We put an end to religious bigotry as a major factor in American politics."

Scoop was not our boss, he was our leader, our teacher, and above all, our friend. He showed us how to disagree without being disagreeable. He believed that civility is not a sign of weakness, and that character is as important as competence. He taught us to lower the level of rhetoric and raise the level of reason. That willingness to compromise is not capitulation.

He demonstrated that one can accomplish more by openness, patience, and persistence than by cunning and surprise. He taught us that in government, good people are even more important than good policy, and that idealism is still a viable force in the frequently cynical world.

Most importantly, he reminded us that honor and decency are essential ingredients of a truly civilized society. That each man and woman, regardles of his or her station in life, is entitled to be treated with dignity on the basis of our fundamental equality as human beings.

Our work with him exemplified John Kennedy's view of public service as "a proud and lively career." We respected him, we admired him, and we loved him. When he died, we cried, not for Scoop, but for ourselves and for our country.

From now on in whatever we do, if we follow the lessons Scoop taught us, we may not always be winners, but we will never be losers. And, from time to time when we have done our professional best, I'm willing to bet that we will hear a distant, but still penetrating voice saying a cheery: "Good work, troops!"

REMARKS OF GRENVILLE GARSIDE AT MEMORIAL SERVICE FOR SENATOR HENRY M. JACKSON, WASHINGTON, D.C., SEPTEMBER 6, 1983

Those of us who worked with Scoop over the years find it hard to believe he is gone. We thought he would live forever.

Scoop did nothing to discourage this thinking. He was proud of his Norwegian ancestry and took pains to remind us that longevity was part of this heritage.

And, of course, he had the looks, the vitality and the intellectual curiosity of a man of fifty, with a wonderful wife and two lively children to keep him young.

You would think that a man—after 45 years in public life—would succumb to cynicism and fatigue, but not Scoop. He practiced the art of politics with vigor, enthusiasm and hope right to the end.

And he was a born politician who thrived on people and the hurly-burly of public life. His constituency spread far beyond the borders of Washington State. Five years ago, on a freezing February afternoon, I watched him campaign through the Shengli oil fields in China. Had an election been held that day, he would have been elected to the Central Committee in a landslide.

His life in the Senate seemed at times chaotic and disorganized but it worked. He was invariably juggling three meetings and two telephones and the subject matter might range from a new charter for the CIA to someone's missing social security checks.

He had a personal filing system—consisting of dozens of brown manila envelopes—which defied repeated attempts at organization. We will never know what vital bits of history disappeared into those envelopes.

He was—some of us thought—almost too accessible to everybody. He had the disconcerting habit of seeking policy advice from people with no known expertise on the subject. And his sources of information were legendary. It was a rare moment when you could surprise him with fresh information.

He was always talking to his colleagues—in committee, in the cloakroom, in Capitol hideaways, on the Senate subway, and this was a crucial element in his success. He had a tremendous ability to work with his fellow Senators. He always seemed to know their special concerns and problems and how to accommodate them.

Much of his most successful work was accomplished in the Senate gymnasium. It was an ironclad rule that Scoop went to the gym in the late afternoon every day. He went there, I am convinced, for three reasons: to get away from us; to exercise, and most important, to wheel and deal in the privacy of the steam room.

We joked with him about his role in the decline of the legislative process but he left behind a remarkable record of legislative achievement.

Scoop's influence on the defense and foreign policy issues of the past thirty years was immeasurable but his contributions in other areas of national policy will also be long remembered.

One thinks, for example, of his leadership in achieving statehood for Alaska and Hawaii in the 1950s, at the time not a simple matter at all. Or, in the 1960s, his skillful leadership in securing passage of controversial legislation to create the National Wilderness System, the great Redwoods National Park in California and the magnificent Cascades Park in his home state. More recently he crafted the compromises which made possible the monumental Alaska Lands Act. No one else had the credibility to do it.

Scoop thought the government should be more concerned about the impact of its actions on the environment and so Congress enacted the National Environmental Policy Act, certainly the most significant environmental legislation of our time.

He thought we ought to have a Strategic Petroleum Reserve to protect our economy from foreign oil embargoes and Congress acted to create one.

He thought we ought to give young people a chance for productive work in our national parks and forests, and so Congress enacted the Youth Conservation Corps to do just that.

The list is much longer but the point is clear. Scoop's legacy touches our lives in many ways. It spans the continent and stretches to the farthest reaches of Alaska and Hawaii. We are all the richer for his creative use of the legislative process.

Emerson wrote that the "high prize of life, the crowning fortune of a man, is to be born with a bias to some pursuit which finds him employment and happiness, whether it be to make baskets or broadswords or canals or statues or songs. . . ."

It was Scoop's crowning fortune—and ours—that he was born to the pursuit of politics, a pursuit which found him happiness and fulfillment over a remarkable career in public life. Those of us who had the chance to join him on this happy journey mourn the loss of our leader and friend.

[KOMO Television, Sept. 3, 1983]

EDITORIAL

(By Pat Chapman)

SEATTLE, WASH.—The loss of Senator Henry "Scoop" Jackson will be felt here in Washington and in our Nation's Capitol for years to come.

Mostly, he will be remembered for having the courage of his convictions. Scoop Jackson never swayed with ideological or political currents. His views concerning the Soviet Union never changed throughout his political career. At the same time he was championing the cause of the military, Senator Jackson was also working hard on progressive environmental issues in the Interior and Energy Committees. Doing what he thought was best: That's how Scoop Jackson approached his job.

It was a credo based on hard work and determiniation. The Senator's expertise in foreign affairs was widely respected whether one agreed with him or not.

With Senator Jackson, there was never a facade put on for political purposes. What you saw was what there was. And his commitment to people ran over into his personal life. Throughout his career, all proceeds from speeches went to a special scholarship fund.

It is ironic, given recent events, that we need Scoop Jackson now more than ever before.

[From the Miami Herald, Sept. 3, 1983]

HENRY JACKSON

When Henry M. "Scoop" Jackson first took a seat in Congress, Franklin D. Roosevelt was President. It was January 1941. The nation still suffered from the Great Depression. The name Pearl Harbor would remain unfamiliar for another 11 months.

Since then, America and the world have undergone vast transformations. Throughout them all, Scoop Jackson played a continuous leading role in guiding this nation. He died suddenly of heart failure at age 71 on Thursday. Before death ended his 43 years of distinguished service, Henry Jackson compiled a record of achievement and influence seldom equaled in the history of American Government.

On foreign affairs he was a hard-line conservative, and it was for those views, perhaps that he was best known. A profound, undeviating distrust of the Soviet Union made him one of the most consistent champions of Cold War hostility toward Moscow. That same conviction fueled his enthusiasm for a strong national defense, achieved by generous spending for weapons and armed forces.

After the Nixon Administration negotiated SALT I with the Soviets, it then had to negotiate it anew with Henry Jackson. Before he gave his assent—necessary to win Senate approval—he forced concessions. He later denounced the SALT II accord as "appeasement" and was instrumental in blocking Senate ratification of it. His unstinting support of U.S. intervention in Vietnam and espousal of the "domino theory" alienated him from many of his fellow Democrats, but Henry Jackson always insisted that he, not they, was the true adherent to Roosevelt-Truman-Kennedy liberalism.

And liberal he was on domestic affairs, consistently. He was a proud New Deal Democrat; he believed in Big Government. He was pro-civil rights: His children attended integrated public schools, and he first gained national notice by leading Senate critics against the demagoguery of Sen. Joseph McCarthy.

He was pro-labor and pro-consumer: Unions could count on his vote, and he fought tirelessly to restrain energy prices and to impose a windfall profits tax on oil.

As chairman of the Senate Interior Committee, later named the Energy Committee, Senator Jackson was perhaps the big oil companies' most formidable foe during the 1970s.

He was pro-environment: He authored the 1969 National Environmental Policy Act, which created the Environmental Protection Agency and is perhaps the nation's most important environmental law. He was skilled at balancing environmental needs against requirements for economic growth.

No official in Washington was more dedicated to Israel. He also co-authored the Jackson-Vanik Amendment, which denied the Soviets trade concessions unless they eased Jewish emigration.

The list of his achievements, lengthy as it is, could not show what a political professional Henry Jackson was. Voters in Washington state never gave him less than a mandate. His peers in Washington, D.C., marveled at his skill as a legislator, a powerbroker, a builder of coalitions.

President Kennedy considered making him his running mate. President Nixon asked him to be his Secretary of Defense, but was turned down. Henry Jackson himself twice sought the Presidency, in 1972 and 1976, but the times did not match the man. Though never President, Scoop Jackson influenced America perhaps as much as any recent leader outside the Oval Office. His leadership will be missed.

[From the Catholic Northwest Progress, Sept. 8, 1983]

HENRY M. JACKSON, R.I.P.

(By George Weigel)

In his now-classic essay on Tolstoy, Sir Isaiah Berlin discussed the difference between the hedgehog and the fox. Most of us are foxes; we are interested in many things, driven by no one compelling passion, content to bounce from issue to issue and concern to concern, rarely worried about how it all fits together. The hedgehog, on the other hand, is slower, uglier, much less romantic. But the hedgehog knows one great thing, and sticks doggedly to that truth in and out of season, to both praise and criticism. A world comprised only of hedgehogs would not be a very attractive, or even healthy, place. But a world without hedgehogs is perhaps in even greater peril.

Henry M. Jackson was a hedgehog in an era dominated by political foxes. The one great truth he knew—that totalitarianism was the most dangerous form of tyranny known to human history, and that the Soviet Union uniquely incarnated the totalitarian antiethic—was popular in the 1950s when Jackson first came to national attention, unpopular in the late 1960s and early 1970s when he tried to become president, and on the comeback in the 1980s when Jackson was taken from us so suddenly.

There is a kind of savage irony in the now-unbreakable linkage between the day of his death and the confirmation of his direct warnings about the nature of the Soviet leadership, which had just sacrificed 269 innocent travelers' lives on the altar of its xenophobia.

The consistency of Jackson's resolute anti-communism almost certainly helped cost him the presidency. For, in an age dominated by the politics of accommodation, Henry Jackson could come across like the legendary fundamentalist minister who was once haranguing a congregation about the evils of sin and the pains of hell. After an hour of fire and brimstone, the minister ended with the familiar Gospel text, "There will be great weeping and gnashing of teeth!" At which point an old woman said in a loud stage whisper, "But I don't have any teeth." To which the minister replied, "Teeth will be provided!" This is how much of the media post-mortem on Jackson is being written: Jackson as anti-communist fundamentalist, the "last Cold Warrior," the consummate "hawk."

There can be no doubt about the depth of Jackson's anti-communism and his firm belief that democracy required a stable, effective military shield against Soviet aggression. But to reduce Jackson's worldview and policies to the bumper-sticker level of "last Cold Warrior" is an exercise in laziness, ignorance, or political malice. For Henry Jackson remained, throughout his entire public life, a liberal internationalist as well as an anti-communist.

Like the forces in the American trade union movement with which he was so long allied, Jackson knew that an exclusively military response to Soviet power, particularly in Third World situations that cried out for social change, was certainly bound to fail. Over the past year, Jackson has been bringing this kind of thinking to bear on the tortured region of Central America. He clearly understood the Soviets' stake in a destablized isthmus on our southern borders. But Jackson insisted that the "security shield" we should help erect in the region be shielding genuine social, economic, and political reform, and not the power of the oligarchs.

Those who are ready to dismiss Henry Jackson as merely another hardware-crazed militarist tend to forget that it was Jackson who, with other like-minded Democratic centrists, reestablished human rights as a central goal of U.S. foreign policy (long before Jimmy Carter was visible on the national radar). And it was this commitment to human rights, I think, that was the deepest level of Jackson's anticommunism. Henry Jackson knew, in his heart and in his bones, what totalitarianism did to people; and it revolted him.

Not for him the back-slapping exchanges with the masters of the Gulag in which so many "conservative" businessmen have engaged. Henry Jackson was willing to do business with the Soviet Union; but political business, the business of blunting the course of Soviet power and getting agreement between our two countries on the rules that would govern international behavior.

Jackson's genius, too often obscured by both his rhetoric and the national media's stereotyping, was to understand that the problem of Soviet power and the urgent problem of war were inextricably linked in our age. One had to face the full measure of the Soviet threat; but one also had to consider (as he would surely have had us consider in the wake of the Korea Air Lines crime) that other-than-military responses to the threat were often most effective. Neither accommodation to Soviet power nor hysterical dis-engagement from dealings with the U.S.S.R., but a careful, long-term effort to change the way the Soviet leadership dealt with the world, so that the words "international community" would mean something more than bland piety; that was the Jackson perspective and prescription.

That wisdom, which Jackson at his best represented better than any other public figure, must not be allowed to die with him.

[From the Albuquerque Tribune, Sept 6, 1983]

HENRY 'SCOOP' JACKSON

The death of Sen. Henry Jackson removes one of the giants from the national legislature.

The Democrat from the state of Washington was not among those flamboyant legislators who are more froth than substance. He was solid, hard-working, honest—one of those men who forms the backbone of Congress.

It was a mark of the respect in which he was held that he had strong support from elements ranging across the political spectrum. Organized labor, the Jewish community, civil rights activists, hard-liners on defense, staunch anti-communists—all liked the cut of his job. Democratic and Republican presidents alike sought his counsel.

Jackson's diligence accounted for the acquisition of his nickname. As a 15-year-old in Everett, Wash., he delivered so many copies of the hometown newspaper without complaint from subscribers that they started calling him "Scoop."

Many of his political colleagues thought Jackson was among the most qualified Americans for the presidency. But that job eluded him, though he tried for it twice.

He was an expert on energy matters, a staunch supporter of Israel, a friend of organized labor. He was a strong supporter of civil rights; it was typical of Jackson that he quietly sent his children to public integrated schools while many other politicians who bragged about their civil rights records sent their children to private schools.

Perhaps he is best known for his support of a strong defense. He knew the nation needed it in a world in which one of the superpowers was the Soviet Union. He once said the Soviet leadership reminded him of "burglars walking down a hotel hallway, trying every door."

A friend who is a heart specialist said Jackson's anger over the Soviet's downing of a Korean commercial airliner may have contributed to his fatal heart attack. Just hours before, he had appeared at a press conference in Everett to denounce the Soviet attack.

Jackson's presence will be missed on Capitol Hill. He was a superb legislator. He also was one swell fellow.

[From the Albuquerque Journal, Sept. 3, 1983]

WASHINGTON'S SENATOR JACKSON DIES

Death has robbed the U.S. Senate of an eloquent voice for a strong national defense in the passing of Sen. Henry "Scoop" Jackson, D-Wash., in his home state Thursday.

One of the most influential senators on the Democratic side of the aisle, Jackson twice sought his party's nomination for the presidency. He was an articulate friend of Israel and was instrumental in the creation of the Environmental Protection Agency.

On a personal level, he had a tie to Albuquerque and New Mexico. His widow, Helen Hardin Jackson is a former Albuquerque resident. She and Jackson were married in Albuquerque in 1961 after Jackson met her working as a receptionist for the late Sen. Clinton P. Anderson, D-N.M.

Considered one of "the last of the cold warriers" by his colleagues, Jackson died shortly after holding a news conference to condemn the Soviet Union for shooting down a civilian airliner.

His death leaves a void in the national leadership that will not be quickly or easily filled.

[From the Albuquerque Tribune, Sept. 10, 1983]

FOND MEMORIES OF SCOOP JACKSON

(By Eileen Grevey Clifford)

In 1973-74, as a staff member on the U.S. Senate Committee on Interior and Insular Affairs, I came to know Sen. Henry "Scoop" Jackson. It was a rare privilege that stirs fond memories of him in the wake of his unexpected death last week.

Sen. Jackson, as the Tribune noted editorially, was a true giant in Congress. He generally took on only those issues in which he was very knowledgeable and to which he was extremely committed.

Once involved, he would doggedly pursue his objective, even if it took years, to its successful resolution. It was this tenacity for "doing his homework" and then getting the job done that earned the respect of his colleagues and made him one of a handful of powerful senators.

Ironically, the same qualities that made him so effective as a senator kept Scoop from being a viable presidential candidate. He was a man of substance, not charisma, and he was neither interested in nor capable of image-making.

Through two bids for the presidency, Sen. Jackson handicapped himself by refusing to go the last mile with the image makers. He would not master the glib cliches that can get a candidate through a subject he wants to avoid.

While quite warm in person, Jackson came across as very somber on TV. Well-wishers often suggested he should smile more in front of the cameras.

I was there once when someone made this suggestion to him and he replied: "Look, I'm not running for cheerleader. I'm seeking the office of president of the United States and in general, that's pretty serious business."

One of the few concessions he did make to television ended in abject, if somewhat humorous, failure. It involved the design of a man's suit so that when he has a long sit-down interview, the suit collar doesn't bunch up in the back, making him appear hunched over.

Such a suit was tailored for Scoop. The only problem was that this suit was dark blue and not easily distinguishable from most of his other suits. Somehow, Scoop always managed to wear the sitting-down suit when standing up and standing-up suits while being interviewed sitting down.

Is it possible that such shenanigans could have cost him—and the country—this chance to be president?

Through he was generally considered liberal, Jackson was known as a hardliner on defense. When questioned on this, he would reply, "I don't know if I'm a hawk or a dove. I just don't want my country to become a pigeon."

How sad that the author of this remark should die within hours after delivering publicly a scathing attack on the Soviet Union for downing a civilian jetliner.

The nation has suffered a great loss in the death of Sen. Jackson. However, it is my sincere belief that his legacy is a government that is stronger for his having been a part of it.

[From the Palo Alto (Calif.) Times Tribune]

A BIG GAP IN THE SENATE

Sen. Henry "Scoop" Jackson was a profound asset to his fellow Washington state residents, nine U.S. presidents and the masses of America during his 43 years of congressional service.

The lawmaker's death last week at 71, shortly after his return from an exhausting mission to the Peoples Republic of China, has brought a torrent of tributes from those who knew the man and the politician best of all. The best of these eulogies fittingly have been devoid of partisan overtones.

Jackson deserves this nation's everlasting praise and respect for a lifetime of unswerving patriotism and demonstrable concern for Americans at all economic levels. He was an unbudging hawk on military readiness and outspoken against this countries enemies. But liberalism also was prominent in his long elective service, for his basic humanitarianism was never in doubt.

A Senate colleague, Patrick Moynihan, D-N.Y., perhaps summmed it up best in a simple eulogy to the son of Norwegian immigrants:

"There is a great emptiness in the Senate with him gone."

Jackson, a two-time contender for the presidency, made huge contributions in the Senate and far beyond its confines.

[From the Seattle (Wash.) Post Intelligencer, Sept. 8, 1983]

I'LL MISS THE CALLS FROM SCOOP

(By Miner Baker)

No doubt hundreds of individuals knew Scoop Jackson better than I did. Many will chronicle his legislative accomplishments, his tireless campaigning, his political acumen, and his power.

I write of a man who made me his friend and revealed a facet that may not have been immediately apparent to the others. Does this account of Senator Jackson belong in the business section? You bet . . . because no one in public life had a more thorough understanding of the practical operation of the American business system. No one was a better friend of business, as he was also a friend of labor and consumers. He saw that the whole was greater than the parts.

Friends and foes alike marveled at Scoop's ability, with a voting record as liberal as any in the Senate, to maintain an almost unparalleled base of personal and financial support from corporate executives. He could do it becauses he did not dissemble. He was straight-forward about the need for legislation on environment, working conditions, civil rights and welfare.

He was working to improve the system not change its nature. He respected the business establishment as he cherished the United States Senate. He got things done for the business establishment but he was never a flunky.

FIRST CAMPAIGN

How do I know these things? Scoop and I were contemporaries at the University of Washington but I didn't know him then. I met him first during his first campaign for Congress, and I was moved by his sincerity. The feeling was reinforced by later occasional and always brief encounters.

During my years as economist for the bank, he sometimes sent me an item of interest—a clipping with a scrawled note, "Maybe you should look into this. Scoop."

His staff made appointments for me when I wanted access to the leading economists in government. Once I had lunch with him in the Senate dining room. He talked mostly about the remarkable ability of Hubert Humphrey, then vice-president, to juggle nine or ten political balls at once without a miscue. His praise for a fellow-pro was fulsome and sincere.

This was the sum total of my association with Henry Jackson before my retirement from the bank four years ago. But I felt he was a friend. And the little dibdabs of correspondence revealed something of what was on the senator's mind.

Not many months after we settled into our new home in the foothills, he called from Washington. "This is Scoop Jackson." I would have said, "You're kidding," but I knew the voice. He asked about personal things, said he hoped we'd get better acquainted now, then rambled a bit about some current legislation.

A WILLING BACKBOARD

The next time it was Tora who answered the phone. My wife is not easily awed but she said, "Oh, Senator Jackson!" "No," he said, "this is Scoop." What did he want that time? My opinion about a prominent economist.

This was all very heady for me. Each time Scoop called I was afraid I wouldn't hear from him again. Two, three months later he would call.

I kidded about this, told my friends that Scoop would call and tell me what he thought, then say, "That's right, isn't it?" And if I agreed, then it was right; and if I disagreed, then it was still right.

But it wasn't really like that. Like all of us, the Senator had some uncertainties in his mind, and it was my good fortune that he found me a willing backboard against which to bounce his ideas.

He was concerned, as every political figure should be, with resolving the apparent contradiction between security for individuals and incentives for business.

Scoop has been described as a workaholic. That's not an appropriate term, because his work was also his recreation. He worried about adjusting to life without that work. Was his death untimely at 71? For us, yes. For him, I say thank God he didn't have to retire.

[From the Yakima (Wash.) Herald-Republic, Sept. 4, 1983]

JACKSON'S DEATH SHOCKS THE STATE

He was the stuff which legends are made.

With the passing of Sen. Henry M. "Scoop" Jackson last week certainly an era in state, national and international politics ended. During the course of an illustrious career that began with election as Snohomish County Prosecutor at age 26 and subsequently spanned 43 years in the Congress of the United States, Scoop Jackson served his state and country well.

It would take reams of paper to chronicle that unbelievably effective career as a public servant. But what is unquestionably the most noteworthy accomplishment is the reputation Scoop Jackson built as a fearless campaigner for human rights, a champion of his country and for just plain being an honest, hard-working, no-nonsense solon of unquestioned integrity.

It was always somewhat amusing when referring to that long-time Senate delegation from this state to point out Scoop Jackson was the "junior" senator until after the 1980 election. That, of course, was because the "senior" man was venerable Warren G. Magnuson, who won his trip to the Senate several years before Jackson moved over from the House in 1952. But for the decades that followed before Magnuson's defeat in 1980, the Magnuson-Jackson team in the U.S. Senate was to become, hands down, the

most powerful, effective tandem in the history of this nation. There was nothing "junior" about Jackson's performance and record.

As newspaper folk, we were keenly aware of Jackson's accessibility when in the state. On numerous occasions the Herald-Republic editorial board discussed local, state, national and even international issues at length with him and we were always impressed with his grasp of those issues.

Jackson was something of a paradox in his legislative career. He was an unabashed liberal on social issues, a man who could spearhead the writing of the nation's first major piece of environmental legislation—the national Environmental Policy Act in 1969. At the same time he was one of the Senate's most outspoken hawks on defense matters, a man who could block Senate ratification of the SALT II treaty because he thought it was weighted too much in favor of the Soviets. Dubbed one of the last of the cold warriors, it was ironic, but perhaps fitting, that on the day he died Scoop Jackson held one last press conference to denounce the Soviet Union for shooting down an unarmed commercial jetliner Thursday.

Soon the scramble to replace him will begin, with the task of appointing a new senator falling on Gov. John Spellman. Then will come the election in November to pick a permanent replacement. But in the meantime, before politics as usual, let us honor the memory of a man who was indeed a legend in his own lifetime.

A Washington State congressional delegation with neither Magnuson nor Jackson? Somehow it just doesn't seem possible . . .

HENRY "SCOOP" JACKSON: A LEGEND AND A LEGACY

(By Mayor Frank Ivancie, Portland, Oreg.)

The title on the door was: "Henry M. Jackson, United States Senator, State of Washington." And, indeed, for 43 years he served that state well.

He brought irrigation and reclamation projects to the eastern part of the state and defense contracts to its western cities. He helped bring the shipyard to Bremerton, the nuclear reactor to Hanford, and the navy base to Oak Harbor. He looked after his own.

The door could have had other titles. It could have said: "Henry M. Jackson, United States Senator for the Pacific Northwest." It was his understanding, his knowledge, his determination that, in large measure, were responsible for bringing regional projects like the Columbia River hydroelectric system and the 40-foot channel to completion.

The door could have had a third title: "Henry M. Jackson, United States Senator for the People of the United States." He had a fervent dedication to a strong nation and a nation that spoke with authority and firmness. He also had a fervent dedication to the environment, parks and energy independence. He was the driving force behind the Environmental Quality Act of 1968 and the establishment of Washington State's North Cascades National Park and the Alaska pipeline.

Finally, the door could have had the title: "Henry M. Jackson, United States Senator for the World." He had a compassion for the dispossessed, the hungry Third World nations and human rights.

He was a quiet man, serious without being stern. Hardworking. The son of Norwegian immigrants, he worked his way through college and law school during the heart of the Depression as a dishwasher and waiter. He was only 28 when first elected to Congress in 1940. As a liberal Democrat, he served six terms in the House of Representatives—with time out for Army duty during World War II—before beginning his long term in the Senate in 1953.

He was one of the very powerful political figures of our time—and certainty one of the least pretentious. The working man could approach him as easily as the president of a corporation. He was more given to action than rhetoric. He was a strong supporter of labor (his father had been a union man and so had he, in his youth), of civil rights, of the American Indian, of the poor and the unemployed.

For many he represented the American dream—the son of an immigrant laborer/carpenter from a small, smokey mill town on the Western frontier (that was Everett at the start of the century). He was a United States senator and almost became president of the United States. He wanted very much to be president and he would have been a good one.

He lost his bid for the presidency twice. It saddened him. But it didn't sour him or slow him down. He was a great senator.

He was also a friend. When I needed help, it was Henry M. Jackson who came to my rescue as speaker for my fundraiser. When I visited Washington, D.C., his door was always open and I took advantage of it. He was an inspiration. It was an education to discuss regional, national and international affairs with him. I shall never forget the sincerity and earnestness of the man.

The monuments to Henry M. Jackson are his accomplishments and the public service legacy he leaves behind. Miss him, we may; but we should give thanks for his time among us.

Washington state claims him as a native son. The Democratic party claims him as one of their own. But, first and foremost, he was a great American.

[From the Gilroy (Calif.) Dispatch, Sept. 9, 1983]

"SCOOP" JACKSON: ONE OF THE BEST

It seemed oddly apt, if unfair, that Henry Jackson died in the shadow of a major news event that all but obscured his passing. For more than four decades, Jackson toiled in public service and achieved a great deal without gaining the public notice he deserved. His bland, straight-arrow style may have been partly responsible for that.

No hint of scandal or double-dealing ever tainted Jackson, but honesty was not his only strong suit. Early on, he fought Joseph McCarthy at a time when that took great courage. He authored legislation creating the Environmental Protection Agency. And he wrote the Jackson-Vanik Amendment, which forbade the U.S. from granting trade concessions to countries restricting emigration, an act aimed at Moscow's treatment of Jews that foreshadowed Jimmy Carter's human rights policy. Jackson was not a wealthy man, but he donated all his earnings from speeches to a scholarship fund for needy students.

Critics called him the "senator from Boeing," a jibe Jackson took in stride. The fact the manufacturer is the largest employer in Washington state obviously had something to do with it, but so did the senator's unshakeable conviction that the Soviet Union is an untrustworthy adversary and that the best guarantee against war is a strong defense establishment. He also endorsed this country's participation in Vietnam, a position that forever deprived him of support from the left wing of his party, a price he paid willingly for holding—as he always did—to his convictions.

Henry Jackson never achieved his highest aspiration—the presidency—but his long and distinguished career, and his uncompromising dedication to the principles he held, constitute an enduring memorial to one of the finest United States senators of our time.

[From the Port Angeles (Wash.) Chronicle, Sept. 7, 1983]

HENRY M. JACKSON: 1912-83

(By Del Price)

It is hard to believe that Sen. Henry M. Jackson is dead. "Scoop" has been part of our lives for so many years that it seemed he would go on forever. Even at 71 he appeared healthy and vigorous. He took care of himself with good living habits and regular exercise. While we mourn his death, we can give thanks that he died suddenly and at his home in Everett, close to family and friends. It would have been tragic to see a man of such outstanding qualities and intellect linger on, perhaps incapacitated.

Scoop leaves many friends here on the Peninsula as well as throughout the world. Only a few days ago he sent a letter of condolence after the death of Mary Brown, his long-time friend and supporter in Sequim. He always remembered old friends like Mary, Emerson Lawrence and Frank Feeley. People who campaigned for Scoop in the early days before his band wagon grew into a political juggernaut.

He liked people and they like him. The lopsided victories at the polls proved that. He greeted people with a sincere, straightforward manner no matter what their station in life was. Perhaps it was part of his working class roots that gave him the ability to mix comfortably with world leaders and ordinary folks alike.

He took his work seriously from the time he delivered newspapers as a boy in Everett, to the time he became one of the most powerful members of the U.S. Senate. While his serious nature endeared him to Washington state voters, it hampered his two presidential bids. Scoop just did not make it in national politics where twenty seconds of television time turns voters on or off.

Thousands of words have been said about Scoop Jackson since his death Thursday night. His life and his accomplishments will fill history books, and students will read about an era in Washington state history that will never be matched. The years of the "Gold Dust Twins," Jackson and Magnuson in the U.S. Senate were extraordinary, but now they are gone.

We join in thought and spirit the many friends and relatives at his funeral today in Everett. He will be missed by all.

[From the Catholic Northwest Progress, Sept. 8, 1983]

SENATOR WILL BE MISSED

(By Father D. Harvey McIntyre)

The death of Sen. Henry M. Jackson, understandably a deep loss to his family, also constitutes a significant void for the people of Washington state and the nation.

Senator Jackson's continued service in Congress, stretching well over four decades, has elevated him to senior status on the Hill, which earned him key committee assignments. As a result, issues of deep concern to Washington citizens received more

attention and response in Congress because of his influential advocacy. Just as the absence of that influential voice brings a void into the promotion of concerns for the general community, so too will it bring a void into the promotion of several issues within the church community.

While the senator's positions were not consistently in harmony with church organizations like the Catholic Conference or Network, a Catholic lobby for social justice, his office was always just as accessible to discuss those areas of disagreement as those where there was agreement. The senator held an opposite position to the Catholic Conference on abortion, and lately has held some differences on tuition tax credits. In recent years the divergency on defense issues became much wider. At the same time, on domestic social issues, the senator was frequently on a common footing with the Conference and Network on such federal issues as the budget, jobs, legislation, voting rights and immigration.

My first personal experience of the senator's influential advocacy on behalf of social programs occurred in the 1960s' anti-poverty programs initiated by the Economic Opportunity Act (EOA) during President Johnson's administration. As a founder of Project CARITAS, located at St. Peter Claver interracial Center, I served as a member of the Seattle-King County Economic Opportunity Board. When national funding for the EOA legislation was in jeopardy, I was sent by the local board to lobby the state congressional delegation for support. Senator Jackson offered total support for the legislation and called other members of the delegation off the floor of Congress to meet with me in an effort to solicit their support. Congress supported the necessary level of funding for the Economic Opportunity Act.

My last experience of the senator's concern for the social needs of our society occurred March 30 of this year when he was endeavoring to respond to the emergency housing requirements of the needy in Washington state. He invited me to join with a dozen community leaders, local government officials and military officers he had assembled in an effort to secure the use of all available military facilities as temporary emergency housing sites.

Washington state indeed will notice for years to come the absence of this energetic, influential voice on Washington, D.C.'s Capitol Hill.

Archbishop Raymond G. Hunthausen has issued the following statement concerning the death of Sen. Henry M. Jackson:

"Sen. Jackson was an outstanding public servant, an uncommonly dedicated and capable political leader. His passing is a severe loss to the people of this state and of our nation as well. He will long be remembered as a man of courage, compassion and unswerving conviction. His wife and family have my heartfelt sympathy and prayerful support at this difficult moment."

The archbishop sent a telegram of condolence to Mrs. Jackson on behalf of the people of the Archdiocese of Seattle.

[From the Pierce County Herald, Sept. 6, 1983]

A STATESMAN PASSES

With the passing of "Scoop" Jackson last week, the country lost another of a rapidly disappearing breed—the statesman.

America has a long history of political statesmen. They spend their lives as revered, even loved, members of their constituencies, becoming almost legendary in reputation. Their characters are almost above reproach—even their foibles are remembered with humor instead of disgust—and if you disagreed with their opinions you at least had to respect them. A statesman, after all, knows about such matters: "You keep the shop, we'll take care of the ship of state."

Sometimes the rarely checked power of a member of Congress can ruin a character and wipeout a career of public service—some people are not cut out to be statesmen. But Washington residents were fortunate enough to have two unquestionable statesmen serving them in the U.S. Senate concurrently: Henry Jackson and Warren Magnuson.

As many have noted since Jackson's death last Thursday, it is strangely ironic that Magnuson, 78, was retired by Washington voters in 1980 largely because they perceived the elder statesman was in poor health and was getting too old to be effective despite his mammoth clout in the Senate. Jackson, then 68, in comparison was almost a health fanatic, seeemingly indestructible. Voters made the choice to replace Magnuson with Slade Gorton; after all they still had Jackson's prestige and seniority, and most likely would have had it for at least five more years. Fate, however, blinds the foresight of men.

Barring a remote scenario in which Magnuson is restored to the Senate, Washington now has less than two years of political experience in that body and, more important, only two years of seniority. It is truly the end of a powerful era for the state. Truthfully, much of what Washington is today has depended on the Congressional influence of Magnuson and Jackson.

Beyond Washington's loss, though, Jackson's passing means the country will have one less free-thinking public servant. The senator's grip on the Washington electorate allowed him to speak his mind without fear of reprisal at the polls. Over the years his most remembered posture was his fierce mistrust of the Soviet Union and the intentions of its government. A frontline "cold warrior," Jackson alternately drew praise and scorn for what many felt was a pro-military philosophy of government.

In actuality, however, many claim Jackson was much more pro-freedom than pro-military or anti-Soviet. It was his love of the freedom his country afforded him that spurred his attacks on the Soviet Union according to those who knew him best.

Now that he is gone, Washington state will be hard-pressed to find another of his calibre. During a time when paranoid presidents lie to protect themselves and their office, when members of Congress use their position for personal monetary or material gain, when the media is full of stories questioning the moral character of our elected leaders, it was nice to have good old steady, cantankerous "Scoop" Jackson around to look out for our interests.

Now he's gone. As a senator, the state must replace him. As a statesman, he cannot be replaced.

[From the Peninsula Times-Tribune, Sept. 7, 1983]

A BIG GAP IN THE SENATE

Senator Henry "Scoop" Jackson was a profound asset to his fellow Washington state residents, nine U.S. presidents and the masses of America during his 43 years of congressional service.

The lawmaker's death last week at 71, shortly after his return from an exhausting mission to the Peoples Republic of China, has brought a torrent of tributes from those who knew the man and the politician best of all. The best of these eulogies fittingly have been devoid of partisan overtones.

Jackson deserves this nation's everlasting praise and respect for a lifetime of unswerving patriotism and demonstrable concern for Americans at all economic levels. He was an unbudging hawk on military readiness and outspoken against this country's enemies. But liberalism also was prominent in his long elective service, for his basic humanitarianism was never in doubt.

A Senate colleague, Patrick Moynihan of New York, perhaps summed it up best in a simple eulogy to the son of Norwegian immigrants:

"There is a great emptiness in the Senate with him gone."

Jackson, a two-time contender for the presidency, made huge contributions in the Senate and far beyond its confines.

[From the Reporter, Sept. 6, 1983]

LIFETIME OF SERVICE WON'T BE FORGOTTEN

Even in this community where the GOP traditionally reigns supreme, Scoop Jackson was a sure-win in the ballot box. Islanders gave him close to a 2-to-1 edge over Doug Jewett in 1982; in 1976 he did even better than that against George Brown.

That really doesn't come as any surprise; this state's most popular vote-getter spent most of his adult life serving the people of Washington. In those decades of service, he touched the lives of many, as tributes to the senator in recent days have indicated. It says something about the man that those fond remembrances and words of sympathy have come from near and far: the Reagan White House; neighborhood taverns in his hometown of Everett; world capitals; the Seattle chapter of Hadassah.

While Jackson was well-known internationally for his strong stance on defense issues, he was known at home for his concern about people. On his last public appearance on the Island just prior to the 1976 General Election Jackson talked about the need to get people back to work. Maintaining a high unemployment level among young people in this nation's cities is "inviting disaster," he warned. He talked about putting together a public works jobs program, which finally happened several years later.

Partisan battles are already shaping up over a replacement for Jackson, although Democratic and Republican leaders alike seem to agree fillings his shoes may be an impossible task.

But as we ponder the election season upon us and study the host of local candidates who have agreed to put their names on the ballot, we're glad there are people who will carry on, who are willing to commit themselves to public service as Scoop Jackson did so unselfishly for so long.

[From the World, Sept. 5, 1983]

KARL STOFFEL REMEMBERS PVT. JACKSON

(By Bob Woods)

When a friend dies, there seems always to be that question: "I wonder if he really knew how much he was appreciated?"

It is like that with the passing of Senator Scoop, forty-year friend.

I'd like to share with you one little story about Scoop which I think tells something

more than the regular political and friendly commentary.

I met Scoop when he was a 2nd District congressman in 1942, when we were just becoming immersed in World War II. I was an assistant to the late Walt Horan, newly elected 5th District congressman. Scoop was a bachelor, good looking, and very knowledgeable about the Capitol. He and his own chief assistant, Johnny Saltar, although on the opposite sides of the political fence, were tremendously helpful and many times while playing penny-ante poker they smoothed the way for a greenhorn.

But the point of the story is that as the war progressed and the manpower shortage become acute Capitol Hill became more and more deserted of eligible military and governmental workers. Even over-age congressmen were besieging the Army and Navy for commissions or for opportunities to serve.

Congressman Scoop Jackson was different. He very quietly straightened out his affairs, turned over the representative correspondence and chores to John Salter, and joined the Army, not as a commissioned officer but as a buck private.

Who knows what sort of a military career Scoop might have had? He didn't get the chance. After a short while in jungle warfare training in and around Florida, and with dozens of his Capitol Hill co-horts gone and leaving, President Roosevelt called an end to it. He recalled Scoop and others to civilian duty. In other words, Scoop Jackson's G.I. duties were summarily ended by presidential edict.

I was flying home to check with my own draft board (and believe me to get on a transcontinental airline at that time was something else), when I was displaced in Cincinnati by some brass-wearing VIP and told to wait for another flight.

Sitting around in the rather barren airport waiting room on wooden benches were half a dozen other lesser important travelers. Among them, dressed in Army fatigues with a duffel bag by his side was Congressman (Private) Scoop Jackson. He'd taken a "bump" along with the others and was waiting his turn to get on another flight. He was going home before going back to his Capitol Hill desk and civilian duties. We eventually flew together back to Washington State.

Many times afterward I reminded Scoop of his passing up VIP status and his only reply was the famous half smile. He was a very fine, very human sort of a man and I'm happy to have had the opportunity to know him as a friend and senator.

[From the Snohomish (Wash.) County Tribune, Sept. 7, 1983]

HE GAVE POLITICS A GOOD NAME

The Tribune joins the people of Snohomish County, the state, country and world in mourning the death of Senator Henry Jackson.

He gave politics a good name.

The senator served with distinction in a career choice frequently viewed with suspicion in these cynical times. Even though his politics weren't always popular with everyone there was never any doubt he represented his constituents, state and country with honesty, intelligence, hard work and determination—maintaining the highest standards of public service.

The last time we met him was at the opening of the First Heritage Bank in Snohomish. That occasion was not the "grand opening" of the new building. The event took place in a tent adjacent to a mobile structure serving as the bank's temporary headquarters. The surroundings were not "plush" but Jackson, one of the most powerful men in the country, was there.

At that time he praised the people of this area for having the confidence to undertake the challenge of developing a home-owned, independent bank in bleak economic times. He related his background and his confidence in this country's future and its roots in self-reliance and determination. He was at home with the small town businessmen, the farmers, the people he represented.

He gave politics a good name.

[From the Mt. Vernon (Wash.), Skagit Valley Herald, Sept. 7, 1983]

THE WORLD WILL MISS HENRY M. JACKSON

The world is bidding farewell to an institution in Everett today. Sen. Henry M. "Scoop" Jackson, one of the greatest men this state has ever produced, is gone.

The sudden death of Jackson comes as a shock, for he was seemingly a tireless man who hardly had begun to show his 71 years. On the one hand, it seems best that he died while he was still going strong—on a day when the world had looked to him for guidance during its most recent crisis. On the other, one can't help but think that he deserved some pleasant retirement after his long career in Congress.

Henry Jackson stood apart from lesser political figures because he was tough enough and brave enough to tell his constituents exactly what he thought. Few of his constituents agreed with him on every issue, but they always knew where he stood.

Jackson worked hard to improve education and protect the environment. He pushed urban development and human rights. He also understood what makes Washington's economy tick and did his share to keep it ticking.

Most Americans, however, will remember Jackson for his commitment to national defense, his impact on arms control talks and his strong support for Israel.

Henry Jackson was a man of honor and strength who expected his country to operate with those attributes. He was a great friend of Skagit and Island counties, and he will be greatly missed here.

At present it's unclear how Jackson's replacement in the Senate will be chosen, much less who it will be. Whoever it is will be measured against a monumental yardstick.

[From the Auburn (Wash.) Globe, Sept. 4, 1983]

OPINION

THE NATION'S LOST A VALUED FRIEND

There was everything to applaud and little to criticize in the life of Sen. Henry M. Jackson, whose death Thursday night shocked and saddened friends and political foes.

Scoop Jackson was a man all of us can emulate.

He was one of those rare political specimens, a man dedicated to the service of his state and country, a tireless worker—some would say a workaholic—a skilled legislative craftsman who could bring both sides of the aisle together in compromise, a man of integrity and principle who would sooner quit public life than alter his basic beliefs and values in favor of political expediency.

And in a political career spanning nearly 45 years beginning with his election as prosecuting attorney in Snohomish County, there was no hint of scandal, no tarnish.

In the past two days, one official after another has lauded that one predominant trait in Jackson, the fact that whether or not you agreed with him on a particular issue, his word was everything. You trusted the man.

Through the years, his peace-through-strength philosophy and his ever-suspicious view of Soviet intentions fell in and out of fashion, but he never betrayed those values. And it was those beliefs which prompted him to vist Red China, his fourth visit, during the last half of August.

On that trip, Jackson wore himself out campaigning for better relations between the two countries, something he strongly felt was vital to world stability.

Quite literally, he died in the line of duty.

The 71-year-old Jackson returned from the two-week trip with a heavy cold he caught toward the end of the tour. Despite the nagging cold and a cough which punctuated his conversations, he maintained a full schedule of appointments, telephone calls and a press conference Thursday to express his shock over the Soviet Union's jet fighter attack on a civilian Korean airliner.

His last press conference, fittingly, was vintage Scoop, with his expressions of deep-felt moral outrage over the Soviet act and a call for a firm response mixed with restraint.

He then went home, complaining of a tightness in his chest, and retired early. The heart attack probably came when he was asleep.

His death is a unestimatable loss for the people of the state; as the third-highest ranking member of the Senate, he wielded tremendous power and influence advantageous to Washington. The nation, too, has lost a strong, unflinching voice for world peace through strength.

And all of us have lost a valued friend.

[From the Seattle (Wash.) Post Intelligencer, Sept. 9, 1983]

SCOOP LEAVES US WITH FITTING LEGACY

Good law is so obvious that we wonder how—and why—we ever lived without such legislation before it was passed.

The U.S. Environmental Policy Act of 1969 is good law, excellent law. If history recognizes merit after the meritorious are dead, the Environmental Policy Act would be known as the Jackson Environmental Policy Act.

For it was Sen. Henry M. (Scoop) Jackson of Washington state, now eight days dead and richly eulogized, who created the Environmental Policy Act and who used his power and prestige 14 years ago to move his bill through Congress and onto the desk of President Richard Nixon.

It was a measure of Jackson's persuasive abilities, sometimes lost to outside observers, that President Nixon, with ceremony and gusto, made signing the act his first official action of 1970, saying it was "now or never" for the United States to move against pollution and unregulated highway building and the following urban sprawl.

HIGH IN NIXON'S REGARD

Nixon's political advisers, of a party different and of views certainly different from Jackson's on most matters, had wanted the president to seek something less than Jackson has wrought.

But the president knew Jackson, trusted him, indeed had considered him for his Cabinet, so high was Nixon's regard, and became converted to what was for many Republicans then and is still a disturbing notion:

That the federal government should interpose its power in what had previously been an exercise of private or state power—regulation of actions that might affect the quality of air, water, wilderness, human space and values.

It was typical for Jackson that on the day that Nixon signed EPA, Jackson jogged the president to do more than just speak of a healthy environment.

No one could ever say that Jackson was generally eloquent of speech, but no one ever denied that he could politely press the points of pressure that forward action in a democracy.

The act was a radical measure in the history of the republic. For the first time it declared it federal policy "to create and maintain conditions under which man and nature can exist in productive harmony." Up to Jan. 2, 1970, when Nixon signed the act, federal policy had been mainly to stand aside and let the actions of private persons, corporations and government agencies fall where they might on the general population so far as damaging the environment was concerned.

Jackson's bill, designed for passage by the then Senate Interior Committee, which Jackson chaired, went far beyond lofty aims, however.

It created and directed the president to listen to an independent council of advisers on environmental policy, thus ensuring that the nation at its highest levels would get constant and objective information on matters impinging on the public health and welfare.

It led to the creation of the Environmental Protection Agency, thus pulling together but giving vastly more power to what had been a hodgepodge of agencies with concerns about environmental quality.

Perhaps most importantly of all—but mainly overlooked in the press reports of the time—EPA directed that all federal agencies be required to write environmental impact statements and genuinely evaluate their conclusions before taking many major actions.

The importance of these statements cannot be overrated. For the first time agencies like the Army Corps of Engineers had to gather and report and hold hearings on information about the effects of what they proposed to do before they did it. If they do not, then, as a thousand legal cases have proved, they are vulnerable to attack in the courts and to delay and perhaps the ultimate demise of a project.

PUBLIC CAN EDUCATE SELF

Writing an EIS requires that windy promises by officialdom be replaced by science—by exact information about the costs of air, water, wildlife, human society. And the law requires that an EIS must list and detail alternatives to the proposed action.

Thus the public can educate itself before a highway or a dam or a dock is imposed upon it.

This section of EPA has, if nothing else, resulted in a vast body of new knowledge about the things that many large-scale human actions impact, including about human beings. It is not enough any more for an agency routinely to justify pollution or the extinction of a rare species.

By federal law, and by extension through like state and local laws, the public's right to know has been increased vastly.

Scoop Jackson knew that, acted on it and defended it until the day he died. "He protected the environment" would be a fitting epitaph.

[From the Bellingham (Wash.) Herald, Sept. 2, 1983]

HENRY JACKSON, SENATOR

Sen. Henry M. Jackson was a politician in the best sense of the word. He spent a lifetime practicing the science of democratic government with skill and intelligence.

In return, the people of this state trusted him in a way that is unmatched by any other public official. Election after election they voted for him, whichever way the political winds blew.

Not that Henry Jackson shifted with the political winds. He was a man of his roots and his times. Born in Everett, May 31, 1912, the son of Norwegian immigrants, he combined the tradition of social consciousness of his ancestry with its stubborn adherence to principle.

He earned the nickname "Scoop" as a paperboy in Everett and managed to work his way through the University of Washington during the Depression. Fresh from law school, he was elected Snohomish County prosecutor and from there on never lost an election.

Jackson entered Congress in 1938 with a wave of young liberal disciples of President Franklin Roosevelt that included Lyndon Johnson of Texas. They and their country went to war three years later. The Depression and World War II shaped their thinking.

Out of the Depression came Jackson's commitment to social and economic action by government. Out of the war came a commitment to strong defense.

Jackson, like most of his generation, believed that World War II would never have started if the Western allies had stood up to Hitler and Tojo, that the terrible price paid in blood by the small, ill-equipped forces of the allies and by their civilians early in the war could have been prevented.

Despite the unpopularity in recent years of Henry Jackson's advocacy of a strong military, he never had any trouble at the polls. One reason was that he liked campaigning; he liked people. It was a pleasure to watch him work a Whatcom County crowd, picking out faces and names, recalling previous meetings.

To Jackson, the voters were never mass statistics to be reached by scientifically adjusting positions to the prevailing winds. Voters were reached by shaking their hands and patiently explaining what was the right thing to do.

Henry Jackson never reached the presidency, although he came close a couple of times. Nevertheless, he shaped his country's government in a way that only a few in history have. The state of Washington can be proud of its son.

[From the Pullman (Wash.) Herald, Sept. 3, 1983]

SENATOR HENRY JACKSON, 1912–1983

(By Floyd Larson)

The unexpected death Thursday night of U.S. Senator Henry M. "Scoop" Jackson is a loss to the state and nation—and marks an end of an era which saw the rise to political preeminence of several western politicians out of the economic and social ashes of the Great Depression.

Jackson was one of that breed, who, like Sen. Mike Mansfield of Montana, former majority leader and now U.S. Ambassador to Japan; former Sen. Warren Magnuson of our state; and former Sen. Frank Church of Idaho, were able to strike a successful balance between the parochial and national politics.

Their perennial success at the polls often transcended party lines because they used their tenure powers and influences bipartisanly for the most part.

This is not to say that any of them, and Sen. Jackson in particular, could not be the most intense of partisans when the occassion demanded it. He served as national party chairman in the Kennedy years.

The West has always been wary of the so-called Eastern Establishment, yet Jackson was able to win a modest, but respectable, following in the East in his two unsuccessful bids for the democratic presidential nomination, without undermining his home political base.

Always distrustful of the Soviet Union's intentions, Jackson appealed to many conservatves by maintaining a strong hawkish stance on national security issues despite a significant shift in the other direction by many in his party.

He made no apologies for the epithet bestowed on him by some critics that he "was the senator from Boeing." This consistent support had nothing to do politically with Boeing management. Jackson was a pragmatist and to him Boeing success translated into thousands of jobs for his constituents.

Although, his political foes disagreed with him—often quite sharply—on many, many issues; there is no question that he commanded their respect, and at times envious admiration.

Once elected to the Senate, he was returned three times with 70 percent or plus pluralities—which has to be a tribute to his political acumen which enabled him, like many of his contemporary colleagues who are now too gone from the scene, to attract voters from both parties and attain power through tenure.

His death diminishes the state's political clout in the nation's capital.

His stature as an expert in foreign affairs, national defense and energy conservation reflected three major areas of federal impact in our state.

Historians will place Sen. Jackson in a more realistic perspective than we—political friends or foes—can today.

But, we are confident the balance will favor him and his record will show he served his state and his nation well.

We, and other citizens of this state, now join his family in mourning his untimely passing. Honest political differences aside, Sen. Henry M. "Scoop" Jackson was a giant of our time.

[From the Portland Sunday Oregonian, Sept. 4, 1983]

OREGON WILL MISS JACKSON

The death of Sen. Henry M. Jackson of a heart attack at age 71 is a serious national loss. His unexpected death will be felt particularly in his own state of Washington, but neighboring states like Oregon also will miss and mourn the Democrat who labored without recompense on countless regional tasks now caught in the web of history.

Jackson's impact on the nation was far-reaching during his more than 40 years in the Congress, which included 30 Senate years. The senator from Everett, Wash., set standards for excellence of performance admired by presidents, his colleagues in all parties and the countless ordinary people he knew and genuinely liked, and for whom he gave much of his life's work.

Washington voters responded, electing him by unprecedented margins. Although his two efforts to get a presidential nomination failed, he continued to exercise great power in the Senate. He was third on the Senate seniority list at the time of his death and the ranking minority member of the Armed Services Committee.

Jackson was deeply informed on weapons systems, foreign affairs, energy, the environment, civil rights and the big and small problems of his region. Perhaps the biggest regional problem of all, the Washington Public Power Supply System's default on bonds for two nuclear power plants, will sorely miss Jackson's expertise and influence as the region struggles back from the disaster.

Oregonians appreciated Jackson's efforts. when he was alive. One of them, Edith Green, the former congresswoman, recommended Jackson for president in 1972. One can speculate that the nation would be a far better place today had Jackson brought his integrity, his genuine honesty, humility and wide range of talents to the White House at that time.

Oregon's debt to Jackson was enormous. He helped business people, ordinary citizens with problems and the state's leaders as if Oregon were his own state. And prior to the emergence of Sens. Mark Hatfield and Bob Packwood to leadership posts in the Congress, Jackson often was Oregon's only really influential senator.

The Oregonian supported Jackson's Democratic nomination bid in 1972, citing among the reasons his efforts to develop a defense second to none and his authorship of the most influential piece of legislation of the decade, the Environmental Protection Act.

Hardly a major issue of the last 30 years, whether he was affirming a new understanding with Peking where Jackson visited this summer to confer with the Chinese leaders, or sorting out baffling weapons systems choices, the great oil embargo disruptions or trying to save the environment, suffered from his neglect or lacked his informed support.

Henry Jackson set personal standards in the conduct of politics that made all who knew him feel better for the experience. It is a legacy of excellence, compassion and national concerns that he leaves, and it is matched by few of the nation's political leaders.

[From the Everett (Wash.) Herald, Sept. 7, 1983]

THE JACKSON LEGACY

This is not to mourn Sen. Henry Jackson in death, but to celebrate in life the vibrant legacy of a great American.

That legacy rededicates America to the values that allow it to endure: equality under law, justice and liberty.

It is a legacy of commitment to American institutions: education, free enterprise, ethical public service and democratic government.

Jackson's legacy reminds the nation of its broader place in the world community: a temple of democracy, a bastion of freedom, a shrine of human rights and peace.

It is a legacy of vision: to protect the environment that sustains all life; to provide the energy that powers the nation's economic engines.

His legacy teaches Americans to practice those simple virtues that make them such a genuinely decent people: Caring, kindness, anonymous charity, reverence and hard work.

And finally, the Jackson legacy is one of history: that the nation must not lose sight of the American experience; and that so instructed, these United States must seek a destiny that is not manifest but that embraces manifestly the highest principles of humankind.

[From the Salem (Oreg.) Statesman-Journal, Sept. 4, 1983]

JACKSON AN EFFECTIVE PATRIOT

His detractors called him "the senator from Boeing," but Sen. Henry M. Jackson was really the senator from the Pacific Northwest. He was an able advocate and friend for the entire region. Jackson, the ranking Democrat on the Senate Armed Services Committee, died Thursday night at the age of 71.

"Scoop" Jackson, who got his nickname delivering newspapers as a boy, had served in the U.S. Senate since 1952 after six terms in the House of Representatives. Jackson and Sen. Warren Magnuson, who served 28 years in Congress, became effective and powerful advocates for the Northwest during Democratic and Republican administrations.

Jackson was hawkish on defense and viewed the Soviet Union with distrust. He also was an outspoken defender of Israel. Despite his views on arms, Jackson was respected by friend and foe for his dedication and high moral character.

Jackson hours before his death had called the destruction of a Korean Air Lines jumbo jetliner "an act of barbarism" by the Soviet Union.

Jackson had worked effectively with Oregon congressional representatives over the years in winning appropriations for Northwest projects. The level of federal spending in Washington state was largely the result of work by Jackson and Magnuson.

Gov. Spellman will name a successor to Jackson and that successor, who will serve until the 1984 general election, almost certainly will be a Republican although Spellman has said he will not talk about a successor until after Jackson's services.

[From the Baker (Oreg.) Democrat-Herald, Sept. 5, 1983]

JACKSON WAS A MAN FOR ALL OF THE PEOPLE

Yesterday, U.S. Sen. Henry Jackson was here, characteristically taking on the Soviet Union for another of its transgressions against mankind.

Today he is gone from us, the victim of a sudden, massive heart attack.

The death of the veteran senator, 71, on Thursday evening in his hometown Everett, is a shocking loss to the people of this state and to the nation.

During his more than 30 years in the Senate, Jackson rose to be one of the most powerful and respected men in that body, and in the United States.

While he lost two bids to be president of the United States, he never lost an election in his 45 years in Congress, more often than not winning by bipartisan landslides, burying his sacrificial Republican opponents.

But Jackson was much more than a partisan Democrat. Although he associated with world leaders and royalites, he was a man for all of the people, down to the most common, every-day citizen.

He never forgot his roots and never forgot his allegiance and responsibilities to his constituents, the people of this state.

He came to the Lewis County area a number of times, making public appearances and visiting with the media, including stopping in at this newspaper to share with us his viewpoints.

He was a Democrat in the very finest traditions of that party, a man with deep compassion for the common working man and a patriot's patriot, consistently favoring a strong national defense to keep our free nation free.

Indeed, the fervent displeasure and anger he expressed at a news conference, just hours before his death, against the Soviet Union for shooting down an unarmed South Korean passenger plane is said by one of his doctors to have very likely contributed to his fatal heart attack.

When Congress reconvenes after its Labor Day recess, there will be a big pair of empty shoes in the halls of Congress reminding all who knew and worked with the senator that they will no longer have his long years of experience and wise counsel to call upon.

Jackson was the ranking Democrat on the Armed Services Committee and was a powerful and influential member of the Energy and Natural Resources, Governmental Affairs and Intelligence Committees.

We offer our heartfelt condolences to the senator's family. The attention after Jackson is laid to rest (the speculation has already begun) will shift to who Gov. Spellman will name as a successor to fill the position until the 1984 general election.

It's expected by all that Spellman will name a Republican.

We trust the governor will choose one who shares the views the late senator had on national defense and foreign affairs. That would be a fitting memorial to the departed senator and to the people who elected him.

Goodbye, Scoop.

NUMBER ONE CITIZEN

The untimely death of Senator Henry M. Jackson robbed the free world of one of its greatest leaders, and took from Washington State its number-one citizen. Scoop Jackson served in public office for almost half of the 94-year history of Washington State.

When he died he ranked as the number-one Washingtonian of all time, and probably one of the 10 most influential and effective leaders of the free world.

His statesmanship transcended partisan politics so much that voters returned him to the world's most important legislative body by unprecedented majorities.

His loss will be felt a bit more keenly in Prosser because Henry Jackson was the intimate friend of Prosserite Herb Davis with whom he remained in close touch from the time their friendship was formed in college and law school. Others in Prosser became closer to Mr. Jackson because of the bond between Scoop and Herb.

Twice Senator Jackson turned down cabinet appointments. Twice he came close to receiving his party's presidential nomination and twice he was close to being nominated for vice president.

Senator Jackson was a powerful advocate for public power, nuclear energy, national defense, social programs, unions, farmers and business. He was a Communist fighter. Many disagreed with some of his positions. Virtually none questioned his straight out honesty and integrity.

Although his loss is sudden, unexpected and painful, it will be good to remember that he spent his last day on earth not in a

sick bed, but up on his feet fighting for his state and his country.

SCOOP JACKSON

(By Joseph Kraft)

Any number of senators can replace Scoop Jackson in such specialized areas as energy, defense, civil liberties and Great Power politics. But nobody else can draw all these themes together in ways that make things happen.

Much fuss has been made as to whether he was a liberal or a conservative. In fact, his shaping political experience was the New Deal. Like all New Dealers, he believed in the power of government to solve problems.

Because his views were so steadfast, he developed over time a personal constituency of extraordinary depth and reach. He won six terms as a congressman from the state of Washington, and six as a senator—the last with 69 percent of the vote. No one was closer to the Jewish community in this country. Nor to labor. So unlike almost all other senators and congressmen, Jackson did not merely speak for himself. He commanded by battalions.

Because he had troops and a feel for the presidential viewpoint, he exerted extraordinary influence on the course of events. He practically determined energy policy. He shaped basic legislation on the environment and the development of water resources. His insistence on tying relations with Russia to explicit guarantees on Jewish emigration frustrated the policy of detente undertaken by Henry Kissinger under Nixon and Ford.

Most important, he personified bipartisan support for a strong defense. Other senators—notably John Tower, the Texas Republican who now heads the Armed Services Committee, and Sam Nunn, the Georgia Democrat—set as much store by efficient military force as Jackson. But he alone crossed ideolcgical lines. He fostered trust between the Pentagon and the unions. He kept labor patriotic, and the generals in touch with ordinary people. He thus served as a potent factor in the building of national consensus.

He is the last of a breed. New senators are made on television, and in an age where ideological fashion is turned against government. More and more, the Senate is a collection of egos.

Leadership in the Senate, accordingly, has lost its appeal to men of large views and high ability. Howard Baker, the majority leader, is stepping down in large part because the petty quarrels of the Senate afford him scant springboard for the presidency. John Tower is quitting at least in part because of wounds sustained in a nasty debate over the MX missile last month.

The corrosive forces at work in the Senate operate throughout government. The quality of Cabinet officers, and governors, and mayors, has slipped. Private satisfaction exerts, particularly for intelligent people, a stronger appeal than public glory.

Just why is hard to say. There seems to be, as Albert Hirschman has pointed out, a kind of "private-public cycle." Societies," he writes in his fine work "Shifting Involvements," "are in some way predisposed toward vacillation between periods of intense preoccupation with public issues and almost total concentration on private improvement."

If so, the frustration fostered by selfishness will eventually breed a new realization that the "pursuit of happiness" means a quest for public good. When that happens, we may see again the likes of Henry Jackson.

"SCOOP" WAS FRIEND TO OREGON

Most Northwesterners can't remember a time when Henry "Scoop" Jackson wasn't in Congress. His career in national politics spanned 42 years, 30 of them in the Senate, where he climbed to the third rung on the seniority ladder. Jackson made himself a fixture of the American political scene, and now, after his sudden death Thursday, the people of his state and his region will have to make a painful adjustment. His energy, integrity and experience will be missed.

Some people who spend a lifetime in Congress owe their political longevity to an ability to avoid controversy. Others owe their lasting popularity at the polls to an ability to avoid personal compromise. Jackson was one of the latter type. He was a Democrat, but he followed no one's party line but his own. His was a unique voice in the Senate—liberal on some issues, conservative on others, but always speaking from well-informed conviction.

Jackson was Washington's senior senator, but Oregonians also looked to him for leadership. Indeed, during the years when Oregon Sen. Wayne Morse was giving the word "maverick" a modern definition, Jackson was often the only influential political figure to whom Oregonians could turn. Jackson always answered Oregonians' calls. And though those calls have become less frequent with the emergence of Sens. Mark Hatfield and Bob Packwood as powerful spokesmen for their state, Oregon should not forget its debt to "Scoop" Jackson.

The states of the Northwest are tied together by a shared interest in water, power and timber resources. For good and for ill, Jackson's efforts to develop and preserve those resources have left their mark far beyond his own state's borders. Regional energy issues are only one example of the extent of Jackson's influence: he deserves part of the blame for the Washington Public Power Supply System fiasco, but he also deserves a large measure of credit for regional efforts to conserve energy and coordinate future power development plans.

On national issues, Jackson once summed up his political philosophy better than anyone else could: "I'm a liberal, but I'm not stupid." That philosophy led him to support his party's efforts to promote civil rights, clean up the environment and invest in education and anti-poverty programs. It also led him to become one of the Senate's most vocal advocates of a strong military, a no-nonsense attitude in relations toward the Soviet Union and steadfast support for Israel.

Jackson twice sought the Democratic presidential nomination, losing in 1972 to George McGovern and in 1976 to Jimmy Carter. The country might be better off today if Jackson had won. He had the stamina, the intelligence and the character to make a good presidential candidate. Washington, the Northwest and the nation have lost a leader and a friend.

"SCOOP" JACKSON

The Ship of State has strong characters aboard, and many who are just along for the ride.

Sen. Henry "Scoop" Jackson of Washington is one who had a hand in steering the ship in his long tenure as a congressman and senator. Bold, aggressive, and outspoken, he took a stand on issues according to his basic beliefs. One of his basic beliefs was that the nation must move with strength.

Classified as a liberal be believed the nation must have a strong social program. However, he held the commonly conservative position that the nation must have military strength, which was a position in conflict with his fellow Democrats.

Although necessarily involved in politics, in his devotion to a desirable program as he saw it, he had an element of statesmanship. His attacks were for or against programs rather than against political foes.

His openness and strength won him increasing numbers of backers. Certainly such strength and openness is sorely needed in our legislative bodies.

Jackson died last week at the age of 71. Rightly, the nation mourns his loss. His devotion has been unflagging; he has given far more than his share of effort for the common good; his leadership has been strong.

We need many more with his type of devotion in our legislative halls.

[From the Bend, (Oreg.) Bulletin, Sept. 2, 1983]

HENRY "SCOOP" JACKSON

One of the Northwest's strongest voices in Washington, Sen. Henry "Scoop" Jackson, is dead today at the age of 71. Jackson had served his home state of Washington in the U.S. House and Senate for nearly 45 years.

He served his state well, so well that, when he tried to gain the Democratic party's nomination for President in 1972 and 1976, he found precious little enthusiasm for his effort, even in the neighboring state of Oregon.

Jackson gained a reputation for being a rare combination—fairly liberal on social issues, yet one of the Senate's most vocal proponents of a strong defense establishment. He felt, for example, that Henry Kissinger conceded too much in this country's Strategic Arms Limitation Talks with the Soviet Union, and he continued to oppose Jimmy Carter's efforts to negotiate a second SALT treaty in 1979. At the same time, he managed to garner the support of labor unions and, occasionally, environmentalists.

Washington staters adored Jackson, and well they should have. Thanks to his efforts and those of his colleague, Sen. Warren Magnuson, the state became the federal government's home base for the region. A variety of federal agencies have regional headquarters in Seattle, for example, thanks to them. Sometimes called "the Senator from Boeing," his ability to bring federal dollars home helped that company become the nation's ninth largest defense contractor.

But Jackson's attention to his state had a negative side, as well, and that sometimes hurt him. His devotion to Washington, sometimes at the expense even of so close a state as Oregon, diminished his popularity in the region. Thus, when he ran in several presidential primaries in 1976, most Oregonians were cool to his candidacy.

Jackson was a strong voice in the Senate, a recognized authority on defense and military spending. Such a voice will not be easy to replace.

[From the Pocatello (Idaho) Idaho State Journal, Sept. 6, 1983]

HENRY JACKSON

Sen. Henry Jackson, who died last week, was one of a disappearing breed of politi-

cians, a kind badly needed in the U.S. Senate.

Jackson had for many years been one of the nation's most skillful and prolific legislators. He was a natural lawmaker, in fact: he understood the details of legislation, the political realities involved and the process of putting together coalitions to get results.

In recent years, increasing numbers of confrontation-oriented lawmakers have entered Congress; Jackson was one of the few left who understood a better way to meld public policy.

He was honest and decent—no scars on a congressional record reaching back to 1941—and contributed positively on a variety of issues, from energy and the environment to the national defense.

He will be missed.

[From the Hood River (Oreg.) News, Sept. 7, 1983]

OUR LOSS, TOO

Death of U.S. Sen. Henry Jackson of Washington state is a loss that has an impact far beyond the boundaries of the state he represents.

The Everett, Wash., Democrat had become known as a solid leader for a strong America who assumed a leadership role supporting that position both through Republican and Democratic administrations. His stance was not that of a warmonger, but instead of a leader who saw clearly that dealing through strength was the way to assure peace and freedom. Importance of his attitude was never more clear than in the time just before his death, when Soviet fighters shot down an unarmed South Korean airliner with 269 people aboard.

In many cases, it would have been good if Oregon's Congressional delegation had emulated Jackson.

In many other ways, his influence crossed state lines. That was clear at the Bonneville Dam second powerhouse dedication, Jackson's last appearance in this area. It was apparent that the influence and prestige Jackson had brought to bear, working with Oregon Sen. Mark Hatfield, were important for regional development. He was no gadfly, and his colleagues knew it.

Jackson was a man for the Northwest and for the nation, and it is difficult to see how Washington State can produce a replacement anywhere near his ability and perception. We can only express gratitude for having had a Jackson in Washington, D.C., and wish them luck in selecting a replacement.

[From the Seattle (Wash.) Post Intelligencer, Sept. 12, 1983]

JACKSON STOOD FOR SPECIAL BREED

WASHINGTON.—As the bells tolled a sad farewell last week for Sen. Henry Jackson, they also seemed to toll the departure of a very special breed of American whose perspective reached far beyond the myopic limits of Vietnam and Watergate.

That breed, its numbers now reduced almost to zero in Congress, understood what it was to fight and win a massive war, to rehabilitate battle-ravished nations, to establish an enlightened system of cooperation among allies and to utilize the powers of the federal government to help the downtrodden.

The members of that breed were not narrow ideologues. They were men and women who, while loyal to the political party of their choice, had the vision and the courage to cross party lines in quest of a strong, compassionate America that was determined to escape the bondage of a society dominated by inequity and isolationism.

BUSINESS AND LABOR LEADERS

Through a trying time, they—mainstream Democrats and Republicans—helped construct a foreign and domestic policy structure that remains remarkably strong—despite attempts to shatter its underpinnings.

Over four decades, their number has included presidents, members of Congress and the Cabinet, leaders of business, labor, industry, academia and religion. But often over that period of time their primary bastion has been the United States Senate.

There remain in the Senate men and women of talent and wisdom. But those whose service in public life or whose personal standards of reference reach back across the years to World War II, the Marshall Plan, the establishment of NATO, the McCarthy era and the Korean Conflict have, with very few exceptions, died or retired from public life.

Among the members of the proud breed, which Jackson had come to symbolize, there were policy differences and sometimes conflicts of ambition. But on the major issues that have shaped the United States and the Western world during the past 40 years they generally stood as one.

Two of that breed—Edmund Muskie, an unsuccessful presidential aspirant who became Jimmy Carter's secretary of state, and John Sherman Cooper, a Republican senator who served as Dwight Eisenhower's ambassador to India—were among 1,700 friends of Jackson who gathered to memorialize the senator.

Among its members were Republicans like Arthur Vandenberg, George Aiken, Warren Austin, Margaret Chase Smith, Clifford Case, Leverett Saltonstall, Thomas Kuchel and Everet Dirksen.

On the Democratic side of the aisle, its numbers included John Kennedy, Lyndon Johnson, Tom Connolly, Hubert Humphrey, Alben Barkley, Paul Douglas, Walter George, Richard Russell, Stuart Symington, William Fulbright, Estes Kefauver, Albert Gore and John Sparkman.

To young Americans of today, those may sound like obscure names out of the past. But it is because of that special breed that young Americans live in a nation that stands as the great bulwark of freedom in the world.

Long ago, Walt Whitman wrote: "There is no week nor day nor hour, when tyranny may not enter upon this country, if the people lose their roughness and spirit of definace—Tyranny may always enter—there is no charm, no bar against it—the only bar against it is a large resolute breed of men."

The special breed which Jackson symbolized may not have exhibited the roughness of which Whitman wrote, for they lived in an era far removed from the frontier of Whitman's day. But its members were defiant and resolute in their determination to move America and the world toward a brighter future.

[From the Oakland (Calif.) Tribune, Sept. 4, 1983]

HENRY M. JACKSON

Sen. Henry M. "Scoop" Jackson, who died Thursday of a heart attack at the age of 71, possessed a strong anti-Soviet suspicion that commanded respect because he was consistent and thoughtful.

His conservative approach to foreign affairs was tempered by a liberal social conscience, and enhanced by a keen sense of foresight.

He spoke with pride of flying over the Soviet construction of a highway between the Russian border and Kabul, Afghanistan in 1954, telling a colleague the highway would be the route for a Soviet invasion of that country someday.

He uncovered details of the 1972 Strategic Arms Limitation Treaty that embarrassed the Nixon administration. Over the years, his thorough critiques bolstered the suspicions that prevented Senate approval of the SALT II treaty during President Carter's administration.

He was an unsuccessful Democratic presidential candidate in 1972 and 1976, but his policy stands were more consistent with his principles, not his partisanship.

To the dismay of anti-Vietnam War activists who were Democrats, Jackson supported President Nixon's controversial bombing of North Vietnam in 1972. Jackson had the courage to correct himself in 1974, and led the opposition to the Nixon administration's request for continuing aid to what Jackson called the "repressive" American-backed Thieu regime.

With the power and respect he commanded in Congress Jackson was a thorn in the side of Jimmy Carter, chiding the Democratic president for his overtures to Cuba, and for foreign policy that was not "aggressive" enough.

While Jackson was too hawkish for the former president, the current president was too hawkish for Jackson.

Though a supporter of the defense buildup (he was known affectionately by colleagues as the "senator from Boeing") Jackson was part of the Senate's one-vote majority that killed funding for nerve gas weaponry requested by the Reagan administration this year.

Though staunchly anti-communist, his Central America approach showed an understanding of social factors that was probably based in his early background.

He denounced Reagan's reliance upon a "military shield" against the spread of Latin American communism because that approach ignores the burning economic inequities of the oligarchies in the region.

Jackson recently denounced Reagan's alarmist assertions of a Soviet nuclear superiority, despite his own tough stand on defense.

Jackson expressed little surprise over the "barbaric" attack by the Russians upon Korean Air Lines Flight 007 at a news conference hours before his fatal heart attack. As has been the case before, his tough skepticism about Soviet intentions may gain wider acceptance after such incidents as the air murder.

Henry Jackson was a non-partisan sage and statesman who could cry "Wolf!" and be believed, because he was uncommonly principled, and often right.

[From the San Francisco Chronicle, Sept. 6, 1983]

"SCOOP" JACKSON

Senator Henry (Scoop) Jackson, the powerful Washington Democrat, was a distinguished political figure of felicitous contradictions. He was known for his liberal views on domestic social issues and for a tough, hawkish stance on national defense.

Jackson was elected to the Senate in 1952, the year of the Eisenhower landslide and quickly caught the national spotlight when he and two fellow senators resigned from

that body's Permanent Investigation Subcommittee in protest against its red-baiting chairman, Joseph McCarthy of Wisconsin.

He was strong both for nuclear energy and conservation—many consider him the father of the Environmental Protection Agency. He took a tough, no-nonsense line toward expansionist efforts by the Soviet Union, and was also a lifelong liberal in matters dealing with civil rights and labor.

It was characteristic of Jackson that just before his fatal heart attack, he had called a press conference to denounce the Soviet Union's attack against a Korean airliner as "a dasterdly, barbaric act against humanity." He served his community and nation with notable distinction. His death is a great loss.

[From the Tacoma (Wash.) News Tribune, Sept. 11, 1983]

JACKSON'S SILENT TREATMENT LASTED SIX YEARS

(By Emily Walker)

The sudden and unexpected death of U.S. Sen. Henry M. (Scoop) Jackson shocked not only his family, friends and constituents but the nation as well. Friends and political foes alike were quick to express their adminration for his honesty, straightforwardness and political know-how.

It's too bad that a man has to die before such a widespread surge of admiration and respect comes to the surface. However, the senator would have probably agreed that it may have been better for him to have gone now than to perhaps been thrown out of office after a distinguished career because in the eyes of his constituents he had become too old or too ill to serve.

Way back when then-Congressman Jackson was campaigning (successfully as it turned out) to unseat Sen. Harry P. Cain, for whom I was working, Cain had me attend a meeting in Tacoma which Jackson was to address.

Purposefully I sat in the front row immediately below the dais. I didn't want to appear as though I were trying to hide.

Following Jackson's speech I had to hurry back to Cain's office to report what I had heard. However, Harry Smith, who was an aide to the late Congressman Thor Tollefson and was in town to work on Tollefson's campaign, lingered once Jackson's speech was finished.

Smith appeared in Cain's office a few hours later to tell me that following the speech he overheard a man tell Jackson "that wretched Emily Walker from Cain's office" had been there to monitor what Jackson had to say. Jackson's reply was "I knew she was here and let me tell you something, she's doing a good job in Washington, D.C., and all of us like and respect her and are happy to have her there."

You can imagine what that did for my ego despite what may have been political overtones.

I was working for Tollefson after Cain was defeated when Jackson's marriage was announced in the Washington Post. I suggested to Tollefson that he immediately call Jackson and congratulate him. For some reason Tollefson didn't want to, but I kept after him until he did.

I happened to hear him tell the senator, "Emily insists that I call you and offer my congratulations," thereby revealing his hesitancy in doing so.

As we all know Jackson was extremely careful to take good care of his health, I remember one evening I was sipping coffee at some "do" at the Shoreham Hotel in Washington, D.C. when Jackson walked by. He tapped me on my shoulder and warned me, "That stuff'll kill you."

It was nearly six years before Jackson forgave me (but I sure never forgot) for a dirty trick I played on him. I had gone to Tollefson's office one Saturday morning to catch up on some work when I received a call from the late Ernie Knight, then editor of The News Tribune. Knight was checking on a rumor that a project involving new facilities at Mount Rainier had been approved.

I knew that Jackson had been working on this for months. However, I felt that this was a chance to help Tollefson, which I was being paid to do. I knew that the Rockefeller Foundation was involved, but when I called their office in New York to get the details I was told that the Department of the Interior had all the documents.

I called the department, which was closed for the weekend. A fellow who happened to be there told me that the document was there but he didn't think he was free to give out the information. I finally convinced him that if he'd send it up to Tollefson's office by messenger I'd have it mimeographed and sent back to him within the hour.

It worked.

As a result, the Sunday edition of The News Tribune front page carried a story giving Tollefson credit for announcing that the project had been approved. Although the story did not specifically give Tollefson credit for the project, it didn't mention Jackson at all. Thus it was implied that Tollefson who had little or nothing to do with the project got the credit.

Tollefson had no more than come to the office Monday morning than he had to face a telephone call from an angry and hurt Jackson. Tollefson, who had nothing to do with the story, put the blame on me (which was mine and which I was also paid to take), explaining that often I was beyond his control. He also explained that I had done it without consulting him—which was true.

For years after that Jackson wouldn't have anything to do with me. I couldn't blame him. Finally, the senator and I ran into each other in the middle of the street between the House Office Building and the Capitol.

"Look, Senator," I said, "If I had done something like that and had I been on your staff, you'd have thought I'd done you a service."

I hand it to him that he smilingly, although grudgingly, agreed and we were back at last on friendly terms. Actually, I wouldn't have blamed him if he had drummed me out of the Congressional working staff forever.

Right or wrong, I felt one's loyalty (and trickery if necessary) is due the person who has hired you. Perhaps I went too far and probably did, but after the confrontation all was well between us. I doubt that I would have been that magnanimous had the shoe been on the other foot.

While writing this column, I looked over the many Christmas cards picturing him and his family which I have always valued and will now keep. Like memories of Jackson, they'll always be treasured.

[From the San Francisco Chronicle, Sept. 12, 1983]

REAGAN EMULATES SCOOP'S BEST TRAITS

(By David Broder)

The Members of Congress are returning to a capital strikingly different in atmosphere from the one they left at the start of their recess in early August. Death is in the air, and its sobering effects can be felt everywhere.

The summer ended with trip-hammer blows: the systematic shelling and killing of the Marines on "peacekeeping duty" in Lebanon; the murderous Soviet destruction of the Korean airliner, killing 269 persons, including Representative Larry McDonald of Georgia; and the sudden, unexpected death of Senator Henry M. Jackson of Washington.

As is always the case, such tragedy has shamed the pettiness out of Washington politics. The atmosphere of soured partisanship Congress left behind when it took its August break has been transformed into a sense of shared concern and sobered realism.

President Reagan has been at his finest through this ordeal. Whether comforting the families of the slain Marines, expressing the nation's regrets at Scoop Jackson's death, or voicing the outrage everyone felt at the cold blooded attack on the Korean airliner and its innocent passengers, his words, tone and demeanor have been exactly right.

What gave special poignancy to Reagan's impressive performance was that it so perfectly embodied the principles and even the personal style of Scoop Jackson, the man he mourned as "a true patriot."

Jackson was the least theatrical of public men. His friend and colleague, Senator Daniel Patrick Moynihan of New York, once described Jackson as having "the charisma of competence."

Probably it took a long time for one to appreciate Scoop Jackson's qualities. I came to value them in 1960, when I saw him set aside his personal disappointment over the Kennedys' last-minute decision to pull back the implied offer of the vice-presidential nomination, when they decided Lyndon Johnson would be a stronger political asset. Far from sulking, Jackson accepted the lesser post of Democratic National Chairman and worked his head off in the campaign.

That same year, he issued a report on national security organization, convincingly demonstrating the risks of letting a White House operator, the national security adviser, usurp the role and functions of the secretary of state.

He was right about that, just as history proved him right on other issues. Infallible he was not, but on most of the large questions to which he turned his ever-active intelligence, his judgment was awfully good. Most of all, he was realistic. He allowed himself few illusions, which made him especially valuable in a week like last week, when so many others found themselves disillusioned to the point of distraction.

"He lived in the worst of times," his friend Pat Moynihan said at last week's memorial service, "the age of the totalitarian state. . . He wanted his country strong because he knew the terrible danger of the age in which we live. Where others lurch from one issue to another with the attention span of a five-year-old, he sustained this understanding and this vision through five of the most awful decades in the history of mankind."

Reagan was displaying those "Jacksonian" qualities last week—steadiness, strength and clarity—at a time when we needed them most.

[From the Vancouver (Wash.) Columbian, Sept. 2, 1983]

JASKSON TRAITS: CLASSY, POWERFUL, WITTY, SMART

(By Jewett, Van Arsdol & Beck)

Todays Column offers anecdotes, vignettes and personal recollections about Washington Sen. Henry "Scoop" Jackson, provided by regular INK columnists and others in The Columbian newsroom.

It's always a shock when someone close to us dies, but particularly when that person is as healthy as Henry Jackson.

Columbian City Editor Gregg Herrington noted that Jackson always watched his cholesterol intake. For breakfast, he usually shunned eggs, but nonetheless, often ordered a small steak and a glass of juice.

Just last year, Jackson's wife, Helen, mentioned to us that her husband was healthy and vigorous.

"He gets to bed early, keeps to his diet, doesn't smoke and swims every day in the Senate gym when he's in Washington," she said. "He comes from a hardy stock."

One of the things we remember most about Jackson is that he knew how to laugh.

Some politicians will make an effort to laugh at something they think they recognize as a joke, but you can tell their hearts aren't really in it—you can see in their eyes that they aren't really sure if the punchline has been reached, and they wait nervously for a clue from those around them that it's time to laugh.

Scoop Jackson knew how to laugh, especially at himself. The last time we talked with him for a couple of minutes, he told a little story about walking into the wrong room for a meeting, finding some unknown group in session, and not knowing how to walk back out gracefully with everyone watching him and wondering what was going on.

"I just gave them a little wave and turned around," he said.

The Senator was closely identified with nuclear energy development, and although he became identified considerably with the weapons aspect of atomic energy, he also maintained a big interest in its peaceful uses.

He was a frequent visitor to the Hanford atomic plant in Central Washington, and was one of the most knowledgeable individuals in the country on the problems and issues of that complex.

During the 1950s, Jackson's office was besieged with complaints from Richland residents when the federal government decided to sell the town, particularly after the sales prices of the federally owned houses had been announced. In one of the most turbulent periods of the Richland transition to private ownership, Jackson told one of the present INK writers:

"Sometimes I feel like I'm mayor of that town."

Scoop always took things in stride, even if he was upstaged.

Columbian writer John Harrison recalled the day Scoop walked into the newsroom at the same time a former Mr. Universe was flexing his muscles in the photo studio. The photo studio curtains had been drawn, but there was enough of a gap to give a tantalizing view. Columbian employees were naturally intrigued and a sizable number went to peek between the curtains. In the midst of the excitement, no one saw Scoop, who was standing at a reception desk waiting for someone to notice him.

Jackson had a knack for making people feel at ease with him.

Columbian writer Jim Stasiowski remembered meeting Jackson last June at the dedication of the second powerhouse at Bonneville Dam.

"By chance, I ran into Jackson in one of the powerhouse's huge passageways. He was running a hand through his hair, talking to a couple of his advisers. He wasn't smiling.

"I decided, as a reporter, I had to butt in even though the talk seemed to be pretty heavy, I stuck my hand out and introduced myself. Jackson looked a little startled, but returned the handshake and listened carefully to my name. He and his aides were getting into an elevator. Jackson invited me to ride along, and I did. He asked where I was from and how I liked the Northwest. Then he opened his briefcase, pulled out a copy of his speech and gave it to me. That's usually the kind of mundane activity press aides handle.

"Before the ceremony and after it, crowds came to Jackson's side asking for autographs. He was the one celebrity among all the others most people wanted to talk to.

"I had to interrupt again, to clarify something he'd said in his speech. He was gracious and answered my questions. I thanked him, and he said, "See you later, Jim,' as he hurried away to his car."

Columbian editor Tom Koenninger said he was often amazed at the Senator's encyclopedic knowledge" of foreign issues.

When Jackson would meet here with Columbian editors, he invariably covered the spectrum of current foreign policy matters, occasionally stopping to chide gently the editors if they showed the slightest indication of not being up to the same level of knowledge on those issues.

As one of the most powerful members of Congress, Jackson impressed many Clark County residents.

Before he was assistant city editor, The Columbian's David Kern spent nearly six years trailing politicians, and Kern remembers that few had as classy a style as Jackson.

"I remember the fall of 1980 when Jackson was stumping for Ron Dotzauer, the former Clark County auditor was narrowly defeated for Washington secretary of state that year," Kern said.

"On the front lawn of the beautiful home owned by Larry Cassidy, which overlooks Vancouver Lake, Jackson gazed out and noted that the Washington delegation had worked hard to get millions of federal dollars to help clean up the lake. He wasn't boasting, simply detailing how the delegation did not forget things important to folks at home.

"Jackson also noted that he had pushed through a proviso that Columbia River water not even be studied for possible diversion to the Southwest until 1988.

"To get the proviso through, Jackson told the crowd, 'I told Bobby Byrd (then Senate majority leader from West Virginia), 'Now don't talk loud. Mumble a lot.'

"Jackson gave a short speech that night from the elevated dining area, a couple of stairs higher than the adjoining room. Jackson, not a tall man, always tried to position himself above the crowd."

[From the Columbian, Sept. 5, 1983]

SENATOR JACKSON TOTALLY DEDICATED LIFE TO JOB

(By Jewett, Van Arsdol, and Beck)

We got several responses from our request for recollections about the late Sen. Henry Jackson on Friday, so here are a few more:

Columbian City Editor Gregg Herrington covered Jackson while he worked for the Associated Press in Washington., D.C., for five years, and travelled with him on some of his 1972 campaign trips.

Jackson was a physical fitness buff who liked to swim in the Senate Office Building pool, which was reserved exclusively for senators. Jackson said the senators often swam in the nude although that was always subject to change depending on whether women were elected to the Senate.

In general, Herrington said, Jackson presented a bit of an "old-shoe" image.

"He lived and breathed his work, not marrying and starting a family until relatively late in life. A Washington, D.C., friend said his bachelor apartment was always strewn with newspapers. Jackson worked until late at night, then came home and read papers and went to bed for a few hours before going back to work again.

"His staffers said he simply had had no interest in anything excpet his job. Sterling Munro, Scoop's former administrative assistant, said Jackson couldn't even go fishing without taking his work with him. He said Jackson would call in by ship-to-shore radio to see what was going on.

"But he had his unpleasant side, too. Critics said he was so entrenched in Washington—state and district—that he developed a bit of a holier-than-thou attitude regarding many public issues. He showed little patience for people who challenged his views during news conferences or public forums. He also was found of saying that he had earlier predicted some course of world politics that had eventually occurred."

Columbian reporter Bob Sisson was an intern at The Columbian in 1974 when he met Jackson at Al Hunziker's Douglas Service Station, 6510 Mill Plain Blvd.

That was during the worst of the gasoline shortage. Jackson told a small group of gas dealers who gathered at the station that they might get more fuel to sell within a few days.

A few days passed, and no gas arrived. By coincidence, Sisson's girlfriend, Mary, (now his wife) was on a college study tour of Washington, D.C., and her group was scheduled to meet with Jackson. So, Mary asked the senator what had happened with his efforts to get more gas in Clark County.

Emergency gas allocations arrived here within a few days. The Sissons never did find out if they had anything to do with it.

Columbian photographer Dave Olson remembers that Jackson came across as a personal friend, rather than as just another political candidate on a public relations tour.

When Olson photographed Jackson during a tour of Alcoa, Jackson made it a point to stand in the best light.

"He obviouisly knew something about photography, probably from many years of being photographed. If he saw me miss a shot, he would hold up until I could get it," Olson said.

"He asked my name and when he found out I was of Norwegian descent, he started talking to me in some broken 'Norsky,' mostly kind little idioms. And on one occasion, when he found out a man was just retiring from the plant, he said, 'Come on over

here, Ole, and take a picture of me with this retiring gentleman.' "

"Ole," said Olson, "is a nickname that I haven't heard in years."

Few people realize it, but Jackson was instrumental in helping many people up the ladder to positions of power.

In 1978, Seattle attorney John Salter, for years a Jackson aide and confidant, noted the influence of Scoop.

"Jackson was mainly responsible for the election of four Democrats in 1964—(Lloyd) Meeds, (Tom) Foley, Floyd Hicks and Brock Adams," said Salter, who was executive director of the National Democratic Committee in 1960, the year Scoop chaired the panel. "He more or less selected them, drafted them and used a great deal of his campaign money because he had very little opposition."

Of his staff members, Jackson said: "I have always followed a rule, in my own self-interest, that I should get the very best I can. I try to pick people that are smarter than I am."

Columbian reporter Pat Moser met Jackson in the spring of 1972, when it had become apparent that George McGovern was winning the Democratic nomination for president as an anti-Vietnam War candidate.

Hawkish Henry Jackson was ready to withdraw from the race, but he put off his announcement so he could keep a promise to meet with farmers and ranchers in Pendleton.

At a lunch and reception, Jackson wore a cowboy hat. He slapped backs and swapped stories about the various regional issues they had faced together.

Moser had the impression that Jackson was happier with a bunch of cowboys than he was explaining to anti-war demonstrators on the presidential campaign trail his support for the Vietnam War effort.

[From the Oregonian, Sept. 13, 1983]

ROLE MODEL

(By Jonathan Nicholas)

Henry M. "Scoop" Jackson will be missed for lots of reasons. Not the least of them is the fact that he served as a role model of the kind of moral character a community has every right to expect in its public servants.

We live at a time when political figures (especially those who recently have been discredited and/or imprisoned) command outrageous sums on the lecture circuit. From 1952, when he was first elected to the U.S. Senate, Jackson anonymously gave to charity every penny that he earned from his public speaking engagements.

In recent years, Jackson gave away as much as $50,000 annually to the Gertrude Jackson Memorial Fund, a trust he established in his sister's name to grant scholarships to children in the school district of his Everett home. Some skeptics might view this sort of generosity as public posturing. So sometimes we have to take note of the little things to give the truest indication of the character of a man.

When Ken Lewis, president of Lasco Shipping Co. of Portland, was flying from Japan to China last month, he shared a flight with Jackson, who was en route to Peking for a meeting with Deng Xiaoping. No sooner had the plane taken off from the Tokyo airport than a stewardess approached Jackson inviting him to go forward into the plane's first-class cabin. Politely, the senator declined.

A few minutes later, the chief steward stopped by, urging Jackson to permit the cabin staff to upgrade his seating. Again Jackson declined. Finally, the co-pilot himself came back. The staff really would be honored, he explained, to be able to serve the senator in the first-class cabin. Jackson turned to one of his aides. "Would you mind doing me a favor?" he asked. "Go sit in the first-class section so I can stay here and chat."

[From the Daily News, Sept. 11, 1983]

JACKSON'S DEATH A SETBACK FOR ALASKA, NATION

(By Guy Martin)

WASHINGTON.—Somehow, I guess I expected Scoop Jackson to live forever. His gave us the kind of bedrock leadership and graceful exercise of power that created confidence that he was here to stay—a fixed part of American life and politics.

For me and many others, his death was the uncommon event, the one that grabs at your guts and tells you unmistakably that, this time, things are really going to change. Clearly, those who eulogized him, and they were many, diverse and eloquent, were not prepared for his loss. People across an unbelievable spectrum of political beliefs and roles in American life created an outpouring of respect and affection for the senator which was as unrestrained and genuine as I can recall.

The warmth felt by so many toward Senator Jackson transcended a diverse, and to some a politically contradictory, set of political accomplishments and beliefs. As was often acknowledged, it was the personal qualities of the man and his ability to be a forceful advocate without making enemies which allowed both conservatives and liberals to remember him as a great man.

Historians will search diligently through Sen. Jackson's career for unifying themes, attempting to reconcile his unswerving support of the military, new weapons systems and a hard line towards communism with his strong support of social welfare programs and the traditional domestic programs of liberal Democratic politics. They will struggle to rationalize his energy policy leadership, his support of nuclear energy and a highly subsidized federal synthetic fuels development program with his acknowledged record of accomplishment in the environmental and resource management areas where he was either the author or the major factor in the passage of dozens of landmark laws, such as the National Environmental Policy Act.

For those struggling for the central theme in all this, let me suggest that Sen. Jackson was, first and foremost, convinced of the power and creativity of the federal government to solve serious problems, whether through a firm foreign policy backed by a strong military capability, special programs to help the poor and disadvantaged, support of the American labor movement, or strong federal laws to protect the environment or promote the development of energy resources.

Sen. Jackson's record with respect to Alaska bears the same hallmarks as his national career. Four federal actions have shaped the modern history of Alaska, and on each, Sen. Jackson played a key role. He was an acknowledged leader and supporter in the statehood movement, ultimately joining with an earlier generation of Alaska leaders to win the victory in 1958. Beginning in the mid 1960s, when the aboriginal land claims of Alaska Natives were too controversial within the state for the Alaska delegation to take strong advocacy positions in Congress, it was Sen. Jackson to whom Alaska Natives turned for leadership on the issue. He responded, and ultimately made the difference in the passage of a federally dictated settlement in 1971. Although time has exposed some defects in the act, it stands unquestioned as an act of justice toward Alaska Natives, and clearly laid the foundations for the two remaining federal actions which sculpted modern Alaska—The Trans-Alaska Pipeline Act and the Alaska Lands Act.

The development of Prudhoe Bay, made possible by the construction of TAPS, stands as the most important economic event in modern Alaska history, yet it proceeded on the schedule it did over the objections of Henry Jackson. His dissent was grounded in the belief that the National Environmental Policy Act, of which he was correctly called the father, should not be waived even for a project as important as TAPS. With Alaska senators on one side and Jackson on the other an historic Senate floor debate took place in 1975, decided finally by a tie vote broken by Vice President Spiro Agnew in favor of the NEPA waiver. The resolution of this single issue is felt by many to be the determining event in the early completion of TAPS and its contribution to the national energy supply.

Depending on one's perspective, it can be debated whether the contribution of TAPS is greater than the damage to NEPA, but there is little doubt that Jackson's position was consistent with his overall view of federal supremacy and sound environmental laws to control such decisions, rather than the political exigencies of the time.

Although less visible, Jackson's role in the final chapter of federal land allocations in Alaska, the Alaska National Interest Lands Conservation Act, also was profound. Cast in extreme terms in Alaska as an "us versus them" fight against national environmentalists, Jackson would have none of it. Rather, he was the skillful advocate for passage of a bill, and the shaper of compromises, which protected vast portions of federal land in Alaska for future generations. While it must have been-confusing for some Alaskans to see the "Senator from Boeing" apparently moving against Alaska commercial interests, his role was no surprise to those who understood his dedication to environmental values, or knew, as he did, that the best path to Alaska's future would be to end the political bloodshed over the d-2 issue.

Considering it all, how you mark your Alaska scorecard on Scoop Jackson allows for some perspective, but not much. His contributions and dedication to the state were immense, and he was often a leader on Alaska issues when our own delegation was not enough. Search as you will for his successor as "Alaska's Third Senator," and you will learn all you need to know.

[From the Journal American, Sept. 11, 1983]

JACKSON PROVED RIGHT IN DISTRUST OF SOVIET UNION

(By John McClelland)

Yes, remember him—remember Jackson, a towering leader on the American scene—but also remember what he kept saying—what he admonished us about. With that resolve I dug out my Jackson file after the funeral and began to read.

A recurring theme runs through his writings—deep distrust of the Soviet Union. A warning was repeated over and over—America must not be deceived, not be misled,

must not misjudge. Russia doesn't change. Its devotion to Communist revolution does not diminish. Its militarism menaces our ability even to survive.

Here is the start of a letter, dating as far back as 1969:

"As you know, I have long believed that in trying to make wise decisions on national security issues, it is important to understand the nature of the adversary. I have been pointing out that the Soviet Union is an opportunistic, unpredictable opponent with rapidly expanding military capabilities, and that, far from moving away from Stalinism, there are increased signs within Russia of a move to the right—toward a domestic hard line.

At the funeral in Everett Warren Magnuson, Jackson's colleague in Congress for four decades, said his departed close friend was a prophet. And now that he mentions it, Jackson was a prophet, especially about Russia.

For now this nation, like the rest of the world, is shaken as it has seldom been before by a new act of barbarism on the part of Russia. Recall other Russian international offenses in the last dozen years—tanks into Czechoslovakia to suppress attempts by the Czechs to enlarge their freedoms; armies into Afghanistan to destroy that ancient country's independence and bring it into the Soviet camp; the Soviet army mobilized on the borders of Poland while Soviet emissaries converged on Warsaw to dictate the terms of suppression for the Solidarity movement.

All three instances provoked worldwide indignation, angry protests, inflammatory rhetoric in the United Nations, and a few economic reprisals. But our "adversary," as Jackson described it, was not disturbed. No nation can step in and interfere with what Moscow undertakes to do. Furthermore, it reasons, people have short memories. Their passions die down. The smoke clears away. Anger is replaced by normal optimism that somehow, some way, Russia won't go on like this. Vast quantities of soothing words pour out from Moscow to encourgage that belief.

Then, unexpectedly, it happens again. This time a Korean airliner carrying 269 passengers is shot down by a Soviet fighter plane, acting on orders from its base. This is shocking. Almost unbelievable. So everyone turns toward Moscow for an explanation. An error must have been made—a tragic error. Surely in a few hours the Russian government will explain, express remorse and even offer to do something for the relatives of the victims.

That did not happens. And Sen. Jackson died that day, shortly after his last chance to say again what he knew to be the truth about the Soviet rulers. He proved to be prophetic—again—about the Soviet Union.

Even in the face of worldwide condemnation the Russian rulers, far from being disturbed that their military had deliberately killed a plane full of civilians, took a haughty and defiant stance. In essence they said that the plane had "intruded" into Soviet air space. It deserved to be shot down.

This attitude can't be explainded solely in terms of Russia's paranoid preoccupation with security and deep-seated distrust of all foreigners, although that feeling is a dominant characteristic of everything Russian. What it tells us—again—is that Russians are not like Americans, or Britons, or French or any other people who are governed by those chosen by the people to govern. They don't share our beliefs about human freedoms. That is perfectly obvious. But neither do they share our concepts about the value of human lives.

Kremlin leaders must be frankly puzzled by the extent of the world reaction to their shooting down of one plane—just one plane. The military was doing its duty, wasn't it? Foreign planes must stay out of Russia's air space and this was a good chance to make that plain. In the long run it will help Russian security.

Sen. Jackson applauded those who warned us of what is called the "mirror image" fallacy. We tend to look at Russian people and see them as people like ourselves. Then we attribute to them our values, our beliefs, our sense of justice, our compassion, our abhorrence of human suffering. And that's wrong. They aren't like that, much as our sense of charity makes us want to believe that they are. Jimmy Carter was one who believed Russia's smiling appeals for detente—to live and let live. He was as surprised and dismayed as any when Afghanistan was invaded.

Scoop Jackson, a dozen years ago, sent us a series of five articles about Russia, written by a Washington Post reporter who spent two years in Moscow before being thrown out. His theme was that the Soviet leaders who took over after Nikita Khrushchev was deposed were all cast in the Stalinist mold and were turning back the clock. He named seven Kremlin leaders who had made this decision and were working to implement it. One was Brezhnev. Another was Andropov, the man now in power who was then head of the most dreaded of weapons used to control the people—the KGB (security police). It is Andropov who has nothing remorseful to say about the slaughter of the innocents in the air off Sakhalin.

If Scoop Jackson could have lived even one more month he would have had time to repeat what he has been saying all through his public career, and this time all would have listened. For this time the Russian leaders have badly misjudged the West. Action against an entire country—Czechoslovakia, Afghanistan, Poland—could be gotten away with. Adverse consequences were not long lasting. Those hostile actions had the appearance of political moves, bad but at least explainable in terms of Russian self interest.

The shooting down of a civilian plane and then trying to lie their way out of it is something else. That kind of thing everyone can understand. No high level politics involved. It is an act of raw cruelty and arrogance not seen since Hitler and it lays the Russian character bare.

Why couldn't the Russian rulers have foreseen this reaction? Why couldn't they have realized that the consequences of an attempt to cover up would far outweigh on the adverse side the little good that can come from another warning for planes to stay clear of Russian coastlines?

Because the Russians are different. They think differently.

In our society the individual has first rights. The state exists to protect and implement those rights, including the right of each person to control his own destiny. The state belongs to the people. They control it. Human life is sacred. An individual must be respected and helped, when needed, by the people as a whole acting through their government. That is all we know. It is our way.

In the communist society all rights have been collected into a whole—the state. The individual is a part of that whole and so must conform to it. Unity is everything. What is good for the state is good for the whole. There can be no majorities and minorities. The majority is everyone. No dissent is needed so none can be tolorated. No criticism of leadership can serve any good purpose, so none is allowed. This model of society is so good that eventually it must encompass the whole world. Thus it is the duty of the Soviet to encourage and help revolutionary movements in any country that can cause them to become like Russia.

Scoop Jackson wrote this in a Reader's Digest article:

"We must maintain the strength and resolve to discourage and deter Soviet expansion. The only safe way to negotiate with the Russians is to keep our eyes open and to bargain from strong positions. It is on this basis that I favor negotiating with Moscow on the reciprocal limitation or reduction of offensive and defensive nuclear forces.

"Obviously our resources are limited—though not so limited as those of the adversary—and we must use them with discrimination and prudence, recognizing that we have urgent and vital tasks at home as well as abroad. The United States will not lag behind any nation in beating its swords into plowshares when the day comes that others will join us. Meanwhile, in these fateful and difficult times, Americans must be prepared to accept the responsibilities of a great power, lest international crises get out of hand and the chances of peace go glimmering.

"Winston Churchill said the right words to us: 'The price of greatness is responsibility.'"

This was written in 1969. The words of a prophet are worth rereading and remembering.

[From the Waitsburg (Wash.) Times, Sept. 8, 1983]

TOMFOOLERY

The State of Washington lost one of its outstanding citizens this past week in the sudden and unexpected death of Senator Henry M. Jackson.

We did not see the TV interview made shortly before the fatal heart attack, but we understand he had been suffering from some sort of upper respiratory infection which he got on his recent trip to China.

We have to admit that our contacts with Sen. Jackson were not plentiful, since he lived on the west side of the State. We did meet him at a couple of press meetings, at a reception in Walla Walla and one time when he came to speak Waitsburg as a favor to Lee Mantz, Sr., who was a good friend.

We know of many people who voted for "Scoop" even though he was on the ticket of the opposite party. They did it, we have gathered, because they admired his qualifications and never felt that he was running against anyone who measured up.

As one friend said this past weekend, he must have been a strong person to survive the battles in Washington, D.C. for some 40-plus years.

His personal history made him a candidate of much appeal for many who had similar backgrounds. He was raised in the Everett area, and his widowed mother had to take in boarders to make ends meet during the days of his early childhood.

His nickname came because he was a paper carrier, and his record there reflected his dedication to duty. He delivered some 84,000 newspapers without a single complaint. We will never know whether that was an actual figure, or whether as a lad he

was such as effective politician that he could smooth things over.

Jackson was a man of records. He recently was congratulated by his colleagues in the Senate for his 11,000th vote in that body, an unusual record when considering how many of them are at other business when votes are recorded. He was as diligent at being a Senator as he was at being a paper boy.

Another point that endeared him to the general public was the fact that he worked his way through the University of Washington and Stanford Law School. He was not a person who was born to wealth or position, but he did the very best at whatever he attempted, and people of modest means can relate to that better than they can to a Teddy Kennedy, for example.

We remember a press conference at WWCC a few years back when Jackson was asked to comment on the social welfare programs. He mentioned the fact that in the early days there were no government help programs. He said his mother worked very hard to keep his family fed and clothed, and it was the custom in those days not to seek outside help.

He didn't look at his background as a reason for any bitterness, but could see the value in some of the subsistence programs which would take the edge off the suffering and misery which some people endure.

We were perhaps the most personally impressed with the fact that he did not take any money personally for his speaking engagements.

A lot of paper and ink have been spent telling of the various honorariums which are given to congressional speakers who command $10,000 or $15,000 for a single talk.

"Scoop" had established a benevolent fund which received all of the funds which were generated by Sen. Jackson's speaking engagements. He apparently did not want to feel that he was compromising his position as a Senator in any way, and in his day of megabucks, that is a refreshing position.

Senators, and Congressmen in general, deal with folks who command salaries in multiples of what they are making. Even though it may seem to the man on the street that the Congress is well paid, their salaries and perks do not represent the top of the economic heap in any manner.

A person would have to have some very special character ingredients to be able to withstand those pressures.

"Scoop" Jackson was apparently one who could do it.

At one or two of the conferences we attended at which the Senator was present, when we were introduced as being from Waitsburg, the Senator would always ask about Lee Mantz, Sr. How he was doing, and if everything was going well.

One of the sidebar stories in the AP described; the friendliness of Sen. Jackson—how he never forgot the home folks. His concern about Lee Mantz was certainly an indication of that. He and Lee, Sr., apparently got acquainted early-on through Democratic politics in Walla Walla County. Lee was a strong supporter of Jackson, and he never forgot.

One of the things that both Sen. Warren Magnuson and Sen. Jackson did was to make sure that federal money found its way into the State of Washington. They were responsible for a goodly chunk of the State's federal impact funds, and thus were able to help the folks "back home" in many ways.

The State will not have the position of strength in the Senate as it once had when it was represented with long-term officeholders who were in high-level committee responsibilities.

One of the matters which must have been very troubling to the Senator was the condition of the WPPS project. It did, of course, bring money into the State, but we are sure it was not his wish to have it take the wrong financial turn which it did.

We can remember one of the times when Sen. Jackson spoke in Waitsburg at the Legion Club Banquet Rooms.

Someone asked about our relationships with the Russians, and he spent the better part of half an hour relating some horror stories about our relationships with the Soviets. He was an acknowledged "hawk" in defense terms, but he felt he had enough background on the Russians to understand that the United States does not ever want to be at their mercy.

The recent incident of the shooting down of the Korean Air Lines jet must have been deeply troubling to the Senator.

His trip to China, although useful diplomatically, also takes its toll physically and mentally.

It may sound as if travelling is loads of fun—it is. But it is also lots of work. And we never envy anyone who has to jet across the world and live for weeks out of a suitcase.

In doing his job, Sen. Jackson gave what Abraham Lincoln would have called his "last full measure of devotion . . ."

We were richer because of Sen. Jackson, and the State and nation will be poorer at his loss.

[From the Walla Walla (Wash.) Union Bulletin, Sept. 2, 1983]

STATE LOSES A DEAR FRIEND

The honest and sincere people of the world lost a leader and a friend Thursday night upon the death of Sen. Henry M. Jackson. Jackson was one of those rare individuals who rose to a position of power without forgetting his roots, without forgetting the people who helped him attain that power.

No greater compliment can be paid to Jackson than the fact that he was equally respected by conservatives and liberals, not only throughout eastern and western Washington, but throughout the nation. He stood up for what he believed in—a strong national defense, civil rights, the rights of common laborers and conservation—but was not so inflexible that he was not able to compromise to reach a reasonable solution to a problem.

That Jackson was a very special individual became readily apparent at an early age when the Everett Herald gave him a commendation for delivering 84,000 papers without a single customer complaint. Anyone who has ever received a late newspaper or a wet newspaper can appreciate that achievement, almost unheard of in the newspaper industry.

After distinguishing himself at the University of Washington, where he earned a law degree in 1935, Jackson built a reputation as a racket-buster as Snohomish County prosecuting attorney that carried him to a seat in the U.S. House in 1940.

Ever since the question has been not if Jackson would win re-election, but by how much. It can truthfully be said that if Jackson was proud of the fact that he never ran a race he did not win, the state of Washington was even prouder. For state residents were well aware of that fact that for every rise in prominence Jackson personally achieved, that rise meant an equal rise in prominence for the state of Washington. Jackson will forever be remembered as the state's first serious candidate for both the vice-presidency in 1960 and the presidency in 1972 and 1976.

Ralph Waldo Emerson once said the greatest success is confidence or perfect understanding between sincere people. Utilizing that definition of success, Sen. Henry Jackson was one of the greatest success stories in state and national history.

[From the Seattle (Wash.) West Seattle Herald, Sept. 7, 1983]

SCOOP NEVER LOST CREDIBILITY BATTLE

Scoop Jackson's death last week came on a Thursday night, sandwiched between the final episode of the Godfather and the late news, in which Jackson's death overshadowed updates on the shooting down of a South Korean airliner by a Soviet pilot. It was an ironic time to die.

It was ironic because Jackson's political career rivalled the Godfather's for longevity and drama. He took two runs at the presidency, served more than 30 years, and spoke out often and assertively about the risk of Soviet aggression. Sid Morrison, a relative newcomer to Washington's congressional delegation—he represents the state's 4th district—praised Jackson for his help in making Morrison welcome in the nation's capital. It was the sort of Godfatherly backup that a newcomer needs to adjust to the demands of office.

Jackson was also a Godfather of sorts to thousands of constituents, from senior citizens who needed his help in getting benefits to kids who sought appointment to military academies. In paying those dues to the people who elected him. Jackson had no peers. He was an advocate with a capital A, a man who delivered for this state and its people.

The tragedy of the South Korean airliner only doubled the irony. He commented on the issue earlier that day, showing his determination to keep the Soviets in line, his hardline rhetoric on militray readiness. His remarks were in keeping with his reputation; less visible was his scholarly knowledge about Soviet history and tactics. Without consulting a note, Jackson could—and would—reel off names, dates and places in which Russian history proved his point. He was no knee-jerk patriot, no friend to the paranoid political view that a Red lurked behind every protest sign.

Still, there were times he had little patience with what he must have viewed as soft-headed thinking about political realities. Jackson was a realist, not only because of his long tenure in the cloakrooms of Washington, D.C., but because as a student of Soviet tactics he saw every move of the Politburo as a calculated one, in a career that began a year before Stalin's death and the emergence of Nikita Khrushchev. Though the invasion of Hungary in 1956 was a powerful example of Russia's blueprint for world dominance, Scoop had already established himself as an adversary of hysterical red-baiters in his nationally televised debates with Sen. Joseph McCarthy in 1954.

Specializing in defense, Jackson did not become enmired by the technology that hypnotized others, but used that expertise to lobby against strategic arms limitation treaties. On the domestic front he was a champion of hydroelectric resources in the state as well as an early advocate of nuclear power. But he was no patsy for the energy

industry. In his role as a spokesman for environmental protection, he led the fight for the 1969 National Environmental Policy Act, and was a strong advocate of land use planning and parks and wilderness legislation.

The nickname was given to him by a sister when he was a carrier boy for the Everett Herald, delivering nearly 75,000 copies of the paper without a single complaint. It was an early sign of the kind of career he was to have. Steadfast, service-oriented, grounded in his instinct for hard work and attention to detail.

Never linked with the scandal that ruined the careers of others during his long tenure, Scoop is most likely to be remembered for his exemplary character, a quality difficult to sustain in the heady atmosphere of Washington, D.C. It gave him credibility when others lacked it, and set a standard for anyone who aspires to high office.

[From the Gig Harbor (Wash.) Peninsula Gateway, Sept. 7, 1983]

SENATOR JACKSON: HE WILL BE MISSED

Just about everything that can be said about the importance of the late Sen. Henry Jackson to the state of Washington has been said or written during the week since his death.

There is no doubt his shoes will be hard to fill. His tenure in the Congress gave this state a powerful voice in democracy. And the fact Jackson was considered qualified to be seriously considered as a candidate for the offices of vice president and president shows his strength and leadership abilities were known throughout this nation and the world.

We are pleased that Gov. John Spellman will wait until Jackson's funeral before making what must be a complex and hard political decision in replacing Jackson in the Senate.

With questions of seniority and even control of the entire Senate at stake, the political implications of Republican Spellman's decision to replace a Democrat could be immense.

The best move for the state would be for Spellman to select the best qualified person, regardless of party affiliation, who could immediately command respect and contribute to Congress and this state.

A couple of names come to mind—U.S. Rep. Tom Foley of Spokane and former governor Dan Evans.

Sen. Jackson will be remembered for years to come. We are a better nation thanks in part to his efforts.

[From the Anchorage (Alaska) News, Sept. 4, 1983]

SEN. HENRY JACKSON, FRIEND AND STATESMAN

Sen. Henry M. "Scoop" Jackson knew Alaska nearly as well as our state's own delegation in Congress, and as a friend of long standing. He also knew, as a U.S. Senator must, how to rise to the national interest and confront the issues that concern us all.

That's why he could perform the delicate feats of legislative statecraft needed to nudge the Alaska Statehood Act through Congress in 1958. That's why he could speak forcefully for the interests of Alaska Natives in drafting and implementing the Alaska Native Claims Settlement Act—a measure that not only answered the claims of Native people in our state, but also cleared the path for construction of the trans-Alaska pipeline. That's why he could play an honest broker's role in the seven-year fight over the Alaska National Interest Lands Conservation Act—able to communicate with all sides because he had earned all sides' respect.

Scoop Jackson was a Cold War liberal—nowadays termed a "neoconservative"—who expressed the American post-war consensus for strong national defense and equally vital social services. He was a lifelong Democrat and, after 43 years of service, perhaps the last New Dealer in Congress. He split with much of his party and most other liberals over American involvement in Vietnam, and he long provided the focus in Congress for opposition to the Soviet Union and the policy of detente. He championed the causes of labor, environmentalism, civil rights, Israel, anti-communism and American minorities. He earned the respect of all sides in Congress. Senate colleagues who often disagreed with him were among the first to eulogize his service in Congress and contributions to public life.

It was ironic, perhaps, that his death Thursday evening was overshadowed by the downing of a Korean airliner by Soviet fighters near Siberia. Sen. Jackson had spent most of his career denouncing conditions in the Soviet Union and effectively battling for what he thought would keep the U.S. and the West ahead in the conflict between the superpowers. His staff on the Senate Armed Services Committee became a think tank for high-quality strategic analysis with a conservative, anti-Soviet bent.

The headlines on Thursday belonged to Georgia Rep. Larry MacDonald, the John Birch Society chairman who died when the Korean airliner went down. But Sen. Jackson did more every day to oppose Soviet abuse of power than Rep. MacDonald did in a career—because he was thoughtful and fair, informed and hardheaded, subtle and legislatively deft.

Alaskans benefited from those skills on a wide range of issues—and consistently found in Sen. Jackson a sympathetic ear, a voice of reason, a reserve of energy, and a politician of real savvy. They will miss him, as will a nation that long relied on his statesmanship.

[From the Washington Daily News-Miner, Sept. 3, 1983]

ALASKA LOSES A FRIEND

When Sen. Henry "Scoop" Jackson looked at Alaska more than three decades ago, he saw a territory that he believed would one day make major contributions to the United States.

His foresight proved highly accurate. In those early days before statehood, he became an advocate for Alaska whose constancy never wavered.

Alaska lost a true friend when Sen. Henry "Scoop" Jackson died Thursday after a massive heart attack at his home in Everett, Wash.

Jackson, 71, served 12 years in the U.S. House and 31 years in the U.S. Senate, becoming a powerful force in U.S. politics.

His stature was such that he twice sought the Democratic presidential nominations—in 1972 and 1976—though neither try was successful. His advocacy of Alaskan interests gave us an edge that we badly needed and will sorely miss.

Sen. Jackson—along with Washington's junior senator, Warren Magnuson—helped Alaskan delegate and eventually Sen. E. L. "Bob" Bartlett on many occasions. When Bartlett died in 1968 and Gov. Walter Hickel named Ted Stevens to the Senate seat, Jackson befriended Stevens as well, and their friendship ripened over the years, despite their different party affiliations.

"Alaska will always be indebted to Scoop Jackson," Stevens said Friday. "He was floor manager of the Alaska statehood bill in 1958 and successfully guided it through the Senate without amendment. Without his efforts, in all probability we would not have become a state at that time."

Stevens added: "Scoop Jackson should be remembered by Alaskans because he freely gave of his time and talents to assist Alaska—to become a member of the union and to succeed as a new state."

Sen. Jackson was able to see the need to balance economic development with environmental protection and settlement of the land claims of Alaska's Natives.

He became a good friend to Alaskan Natives, sponsoring the land claims settlement act that passed in 1971 and maintaining an active interest in implementation of the act and resolution of continuing problems.

At the same time, he saw the need to develop Alaska's natural resources and led the drive for the Trans-Alaska Pipeline Authorization Act in 1973 that paved the way for construction of the Alyeska Pipeline Service Co., oil pipeline. He also spearheaded efforts to build a natural gas transmission system from the North Slope.

As chairman of the Senate Energy and Natural Resources Committee, he chaired more than 40 committee sessions called to draft acceptable Alaska lands legislation. After four years of work, a bill was passed in 1980.

He supported a strong military presence in Alaska, recognizing our state's strategic importance. Through his seat on the Senate Armed Services Committee, he fought to maintain military strength in Alaska.

With his death Thursday, the nation has lost a powerful political leader whose perception and consistency will be hard to replace. And Alaska has lost a true friend.

[From the Camas-Washougal (Wash.) Record, Sept. 6, 1983]

"SCOOP" JACKSON NEARLY PRESIDENT

(By Hal Zimmerman)

U.S. Senator Henry M. "Scoop" Jackson, elected to six consecutive terms in the House of Representatives, and to six consecutive terms in the U.S. Senate, came to Camas and Clark County often. That will explain his success as a politician.

From my first meeting of "Scoop" Jackson when he spoke to the Sedro-Woolley Rotary Club at the Gateway Hotel in 1948 until my last meeting with him at Rock Creek Center, Stevenson, the day he and Senator Hatfield helped dedicate the Second Powerhouse at North Bonneville, June 1, he was always the gentleman, and he had changed little over the years.

It was not his intellect, brilliance or glibness that made Henry Jackson a man to remember or admire. It was his common, direct, friendly style. He was a likeable person. He was a conscientious legislator. His personal efforts assisted the resolution of citizenship problems faced by Mrs. David (Lucy) Rice, and others with immigration problems.

Although it was easy to disagree with some of his economic approaches in government, and his solutions usually meant spending more taxpayer money, he had a firm feeling about his job: He believed sincerely in a strong defense for America and he had a real distrust of the Soviet Union. President Nixon asked him to serve as his

Secretary of Defense, a position Jackson turned down.

Senator Jackson came to Camas regularly, and reported to the Chamber of Commerce. His conscientous effort to respond to requests of citizens with problems earned him a reputation for being able to get things done in Washington, D.C.

His seniority and several committee assignments gave him "clout," and he used it with a gentleness and finesse that proved essential when in the 1980 election, resulting in Republican majority in the Senate, he lost his major chairmanships.

Because he was so highly respected, he did not get pushed aside, but was able to work well with the majority leaders. Sen. Hatfield expressed this June 1.

Although his two campaigns for U.S. presidential nominations on the Democratic ticket did not succeed, Senator Jackson was still considered a powerful leader in his party. Ironically, many considered him the best possible running mate for John Kennedy in 1960, and if he had received that nod, he would have served as president.

The fact he was defeated for the 1972 nomination (taken by Sen. George McGovern), and the 1976 nomination by Jimmy Carter, did not detract from his ability to serve the people of Washington.

He was the main speaker for the 1970 Centennial Paperama celebration of the Crown Zellerbach corporation. He and his wife Helen both came to Camas, and were the top special guests for the celebration. He and Denis Hayes both spoke that night. Denis was being honored by the Camas-Washougal Jaycees for environmental work. Sen Jackson had sponsored the 1969 National Environmental Policy Act.

Senator Jackson, whose early name "Scoop" came from his dependability as a newspaper carrier, was a lawyer by education, a county prosecutor, and then a U.S. Representative before moving to the Senate.

He kept in physical condition by swimming and walking, and he did not smoke, and drank but little. He had a great deal of poise, self-esteem, and was comfortable with himself, but had a genuine humility.

Before labor groups and teachers he could speak with powerful convictions and stir his listeners but he was not considered an orator, and his speeches were generally marked for being informative, rather than inspirational.

There seems little doubt that the emotional stress, strain and frustrations accompanying the Soviets' shooting down of the unarmed Korean airliner, and his own related feelings contributed to the senator's heart attack and death.

The Norwegian legislator from Everett will rank among the finest legislators in the history of Washington state and the nation.

[From the Miami Herald, Sept. 3, 1983]

HENRY JACKSON

When Henry M. "Scoop" Jackson first took a seat in Congress, Franklin D. Roosevelt was President. It was January 1941. The nation still suffering from the Great Depression. The name Pearl Harbor would remain unfamiliar for another 11 months.

Since then, America and the world have undergone vast transformations. Throughout them all, Scoop Jackson played a continuous leading role in guiding this nation. He died suddenly of heart failure at age 71 on Thursday. Before death ended his 43 years of distinguished service, Henry Jackson compiled a record of achievement and influence seldom equaled in the history of American Government.

On foreign affairs he was a hard-line conservative, and it was for those views, perhaps, that he was best known. A profound, undeviating distrust of the Soviet Union made him one of the most consistent champions of Cold War hostility toward Moscow. That same conviction fueled his enthusiasm for a strong national defense, achieved by generous spending for weapons and armed forces.

After the Nixon Administration negotiated SALT I with the Soviets, it then had to negotiate it anew with Henry Jackson. Before he gave his assent—necessary to win Senate approval—he forced concessions. He later denounced the SALT II accord as "appeasement" and was instrumental in blocking Senate ratification of it. His unstinting support of U.S. intervention in Vietnam and espousal of the "domino theory" alienated him from many of his fellow Democrats, but Henry Jackson always insisted that he, not they, was the true adherent to Roosevelt-Truman-Kennedy liberalism.

And liberal he was on domestic affairs, consistently. He was a proud New Deal Democrat; he believed in Big Government. He was pro-civil rights: His children attended integrated public schools, and he first gained national notice by leading Senate critics against the demagoguery of Sen. Joseph McCarthy.

He was pro-labor and pro-consumer: Unions could count on his vote, and he fought tirelessly to restrain energy prices and to impose a windfall profits tax on oil. As chairman of the Senate Interior Committee, later named the Energy Committee, Senator Jackson was perhaps the big oil companies' most formidable foe during the 1970s.

He was pro-environment: He authored the 1969 National Environmental Policy Act, which created the Environmental Protection Agency and is perhaps the nation's most important environmental law. He was skilled at balancing environmental needs against requirements for economic growth.

No official in Washington was more dedicated to Israel. He also co-authored the Jackson-Vanik Amendment, which denied the Soviets trade concessions unless they eased Jewish emigration.

The list of his achievements, lengthy as it is, could not show what a political professional Henry Jackson was. Voters in Washington state never gave him less than a mandate. His peers in Washington, D.C., marveled at his skill as a legislator, a power-broker, a builder of coalitions.

President Kennedy considered making him his running mate. President Nixon asked him to be his Secretary of Defense, but was turned down. Henry Jackson himself twice sought the Presidency, in 1972 and 1976, but the times did not match the man. Though never President, Scoop Jackson influenced America perhaps as much as any recent leader outside the Oval Office. His leadership will be missed.

[From the Stevenson (Wash.) Skamania County Pioneer, Sept. 9, 1983]

IN LOVING MEMORY OF HONORABLE HENRY M. "SCOOP" JACKSON

(By Pearl Neely, Skamania County Coordinator for The Honorable Henry M. Jackson, U.S. Senator—Washington, D.C., Democrat from Washington State)

He was more than a Leader, this senior statesman of great stature; he was a genuine friend of the people whom he served for all the years of his political career in public offices. It is not enough to say that we will miss him. The feeling of great loss the nation, state, counties, cities, and the Democratic Party whose banner he carried so high for the past 43 years, is truly matched by the humble feelings of those of us in whom Senator Jackson entrusted coordination of his visits to our Washington State Counties and his political campaigns at all levels of government. Those of us who had this special opportunity to know our fallen leader as a personal friend, have much to be grateful for; he touched our lives in a very extraordinarily special way.

We learned much from him. We are better persons for having known and worked with him. His faith, trust, and endorsement of my personal character and professional abilities to serve at the grass roots level of government is a legacy of which I am most proud to pass on to future generations of my family and friends. I sincerely appreciate this high honor and respect from such a top statesman who had a reputation of genuinely meaning what he said and did.

As Senator Jackson is laid to rest today, Wednesday, September 7, 1983, in his home town at Everett, Washington not far from the place of his birth, the torch he so capably carried for the people of our nation is now being passed to his successors, his family, and his friends. Let us carry this lighted torch with great pride and deep respect as we move forward while reflecting often upon the legacy he left us.

God Bless him and all he stood for as he rests in peace—this great man we all knew and loved as our friend Scoop Jackson.

JUST WAITE AWHILE

(By S. Waite)

I'd never been a pro or anti Jackson fan. But two years ago, Henry Jackson endeared himself to our family. Let me tell you how it happened.

Our daughter accepted a postion through the Department of Defense to teach in Germany. It was an exciting challenge and she looked forward to it with anticipation.

Laurie's possessions consisted of three shipments. One she initially took with her. Since she packed in 100+ degree weather that August, this luggage was mostly summer clothing.

Then there was the "hold" baggage. She was advised to pack "one plate, one knife, one fork, one spoon," etc. to be delivered shortly after her arrival. The rest of her belongings were to reach her within two months.

Germany's weather turned chilly by mid-September and Laurie had to borrow heavier clothing. She moved into a German apartment the first of October without furniture, dishes, cooking utensils. Finally her "hold" baggage arrived. Then the wait began.

November passed—December. She continued to check at the transportation office, but the answer was always the same: We're investigating." Christmas came and went. Laurie concluded she'd never see her things again. Gone, apparently, was her stereo, furnishings for three rooms, ski equipment, to say nothing of her Grandmother's 60 years old cedar chest and other irreplaceable personal effects.

Finally one of the two crates arrived, stating on the outside "2000 pounds" It contained her spare tires, bicycle, one chair and a stereo speaker. Had the crate been rifled

through? Where was the second missing crate?

January—then February. Six months after Laurie's arrival in Germany, we decided to seek help on this end. I wrote to the Department of Defense and to our legislators in Washington D.C.

A few days later, we received a call from Senator Jackson's office. "What can we do to help?"

In less than a week, we got a telegram from Germany and another call from Jackson's office. The missing crate was located in a Bremerhaven warehouse where it had been sitting for months. What's more—nothing was missing! (A story in itself!)

Needless to say, we became Jackson fans from that time on. Senator Henry Jackson truly cared about the "little guy".

[From the Seattle (Wash.) South District Journal, Sept. 7, 1983]

DEATH OF "SCOOP" LEAVES LEADERSHIP VOID

He was more than merely a powerful man.

He was the warm voice we all grew to know and believe in. When he smiled, it was the good-natured, affable grin of ease which endeared him to so many generations of Washingtonians.

With Scoop Jackson's parting, we lose a man of unusual ambition, intelligence and grace.

When he died Thursday, he not only created a void of power in the nation's capital and at home, but he left us with a certain feeling of emptiness.

For Jackson was no ordinary politican. It is fair, and perhaps necessary, to say he is one of a remarkable breed of men.

His record was never tainted with a national scandal. Jackson kept on the straight and narrow, something his constitutency in this state could boast of. Few politicians in the ultra-competitive world of Washington, D.C. power-scheming can go as far as Jackson did and retain his dignity, honesty and fortitude.

He was different. Some say he was boring, living a spartan existence and staying clear of a host of vices. Rarely took a drink, and didn't even marry until he was 49.

For the simple and hard-working people who elected Scoop to six terms in the Senate, he was their only man.

It was so poignantly evident on Sunday, when thousands of mourners went to an Everett funeral home to say their final farewell.

Scoop was just a small-town boy who did good. Had he only known how much he was loved. It seems as though everyone in his native Everett showed up.

They came bearing flowers and clutching hankerchiefs, and they shared their memories of the nice Norweigian kid who used to deliver papers to the stately homes in Everett.

That kid grew up to become one of the most powerful men in the United States.

As people in Washington mourned, the world felt great shock and sorrow at the news of his death.

A great statesman, Jackson was known around the globe as a friend to Israel, a staunch supporter of China and an outspoken critic of the Soviet Union.

He was a tough, hard-headed debater. He used strength when it was necessary, and gentility when it was called for. Above all, Jackson wasn't about to let anybody tread on Old Glory.

There are other influential men in the world, and life will certainly go on in the chambers of kings and presidents long after Jackson's passing is but a yellowed newspaper clipping in someone's scrapbook.

But for the people of this state, Jackson's death is not so easily forgotten.

Perhaps it is because he was a powerful man, but he was also a man who was loved by the people.

[From the Sacramento (Calif.) County Bee, Sept. 8, 1983]

HENRY "SCOOP" JACKSON

It seemed oddly apt, if unfair, that Henry Jackson died in the shadow of a major news event (the Soviet downing of a passenger airliner) that all but obscured his passing. For more than four decades, Jackson toiled in the public service—first in the House of Representatives, then for 30 years in the Senate—and achieved a great deal without gaining the public notice he deserved. His bland, straightarrow style may have been partly responsible for that, and for his failure, twice, to win the Democratic Party's presidential nomination.

No hint of scandal or of double-dealing ever attached to Jackson, but honesty was not his only strong suit. Very early on, he fought Sen. Joseph McCarthy at a time when that took a lot of courage. He authored the legislation that created the Environmental Protection Agency. And he wrote the Jackson-Vanik Amendment, which forbade the U.S. government from granting trade concessions to countries restricting emigration, an act aimed at Moscow's treatment of the Soviet Jewish population that foreshadowed Jimmy Carter's human rights policy by several years. Jackson was not a wealthy man, but he donated all his earnings from speeches to a scholarship fund for needy students.

Critics called him the "senator from Boeing," a jibe Jackson took in stride. The fact that the airplane manufacturer is the largest employer in Washington state obviously had something to do with his support of the aerospace industry, but so did the senator's unshakeable conviction that the Soviet Union is an untrustworthy adversary and that the best guarantee against war is a strong defense establishment. He also endorsed this country's participation in Vietnam, a position that deprived him permanently of support from the left wing of his party, a price he paid willingly for holding to his convictions.

Henry Jackson never achieved his highest aspiration—the presidency—but his long and distinguished career, and his uncompromising dedication to the principles he held, constitute an enduring memorial to one of the finest U.S. senators of our time.

[From the Fremont (Calif.) Argus, Sept. 4, 1983]

AN HONORABLE MAN

It was ironic that Sen. Henry Jackson suffered a fatal heart attack Thursday shortly after holding a press conference to make public his reaction to the shooting down of an unarmed South Korean jetliner by the Soviet Union. Not surprisingly, he condemned the act.

To the last, "Scoop" Jackson had few kind words for the Russians.

For most of his 43 years in the U.S. Congress, first in the House of Representatives and for nearly 30 years in the Senate, Jackson was an implacable foe of the Soviet Union, of worldwide communism and the godless Marxist doctrine that is its centerpiece.

Senior Democrat on the Senate Armed Services Committee (and its chairman when his party had the majority vote), Jackson was an indefatigable hawk who never relaxed his efforts to maintain this nation's military strength.

Yet he was a liberal in the tradition of Franklin Roosevelt when it came to social issues. Washington state's senior senator was also a power on the Senate Energy and Natural Resources (formerly Interior) Committee.

He understood the relationship between mankind and nature and he was a pioneer in supporting many environmental protective measures now widely accepted as essential to the nation's well-being.

Many consider him the "father" of the Environmental Protection Act.

In all his works, in all his deeds, Henry Jackson was known by friend and foe alike as an honorable man.

He served under nine presidents from Franklin Roosevelt to Ronald Reagan—and the administration of each of those men gained in some measure from Jackson's counsel and his legislative accomplishments.

His examples of leadership and steadfast devotion to the causes he championed earn him a prominent and lasting place in American history.

The nation, the United States Senate, will both be diminished in some measure with the death of Sen. Henry Jackson.

[From the Lewiston (Idaho) Tribune, Sept. 10, 1983]

SCOOP JACKSON—LIBERAL BUT NO FOOL

(By Guy Trotter)

The late Sen. Henry Jackson explained his political stance thus: "I am a liberal, but I'm not a damned fool." The statement referred to his consistently liberal positions on domestic issues and equally consistent hawkishness on foreign affairs and national defense. The clear implication was that anyone with the perception of a myopic maggot could see that the Soviet government was not to be trusted; and that anyone who failed to see it was a "damned fool."

He could—and occasionally did—cite chapter and verse from Marx, Engels and Lenin to explain why the Soviets act as they do. He'd then point out the relationships between the actions of Stalin, Khruschev or Brezhnev and principles laid down by the founding fathers of communism. He was constantly amazed that so few of his liberal brethren could grasp so basic a truth. He branded their failure to do so "selective credibility based upon wishful thinking." He noted that our government leaders usually act as they do because they are following the advice of their ideological forefathers.

"Why," he'd ask, "is it so strange that the Russians should do likewise?"

We had lunch together in Everett on my last day of active duty in the Navy, under the vigilant surveillance of Secret Service agents. At the time Jackson was a leading contender for the presidency, and I've often wondered since that day how different our history might have been if he'd won the nomination.

Jackson could have saved millions of Democratic votes forfeited by the liberal extremism of George McGovern. He might have beaten Nixon on that November and we'd have been spared the agony of Watergate. Further, the South Vietnamese chesnut might have been pulled out of the fire by a commander-in-chief who understood the situation and who could have kept in line a jelly-spined Senate infected with bug-out fever.

With his comprehension of the necessity for strong deterrence against aggression, Jackson might not have permitted the post-Vietnam cutbacks which have resulted in Soviet supremacy in both strategic and conventional forces.

I don't think the Soviets would have liked Scoop Jackson as president; but they'd have dammed well respected him. However, ". . . of all sad words of tongue or pen, the saddest are these: 'It might have been.' "

Henry M. Jackson will be sorely missed. He was one of a vanishing breed, a politician who put service to his country ahead of personal interest.

Sometimes it seems that the Soviets operate under a compulsion to prove that Scoop Jackson was right. We no sooner begin to think that the denizens of the Kremlin may be mellowing than they do something traumatic to disillusion us—to bring us back to the reality that is Marxist-Leninism.

The senseless and brutal act which President Reagan has characterized as a "massacre" was much worse than that. It was a cynical, defiant rejection of human values and basic decency. History relates details of many massacres, but most were incident to declared and active wars. The KAL 747 shoot-down was a calculated ambush of helpless civilians on a commercial flight in time of peace. The 269 victims dry-gulched by the Soviets posed no threat whatsoever. In this respect the act was also cowardly.

The Kremlin's accounting for the tragedy has been a series of lies attempting to blame everyone except themselves. The frequency-heard diagnosis—paranoia—offers only a partial explanation. More critical is the inescapable conclusion that, to the Soviets, human life is of no intrinsic value. To such a government, any strategy—including a resort to nuclear warfare—is not only "thinkable," it can be justifiable.

From the American Left, we may reasonably expect a denunciation of "linkage." They'll tell us that unacceptable bestial behavior by the USSR in one area of interest—such as perimeter defense—should not be permitted to influence our attitudes toward negotiations in other areas such as arms control. That is asking too much. It is profoundly stupid. Who among you—having been cheated by a bullying con man in previous negotiations, an avowed antagonist who'd stolen real estate from your friends, who's plundered, slaughtered and raped your neighbors and who'd threatened to "bury" you—would then purchase an insurance policy from the bastard?

International masochism must have some limit short of unconditional surrender.

[From the Bremerton (Wash.) Sun, Sept. 5, 1983]

'SCOOP' WILL BE MISSED

Sen. Henry M. Jackson seemed indestructible, almost as if he could go on forever.

He wasn't, of course, but that appearance of immortality misled a lot of us, making his death Thursday a shock.

Because of that, it may take awhile before the real impact of "Scoop" Jackson's death sinks in.

For now, we're mourning the death of a man, who, because of his honesty and his warmth, was one of the most loved public figures in the state of Washington.

And that's a huge loss, because politicians with Jackson's humanity are in short supply.

But the bigger loss by far is Scoop Jackson the U.S. senator.

As a senator, Jackson cast a giant shadow, lending his state much more clout nationally than its population or its economy could have ever brought otherwise.

He established himself as an international figure, with his immense knowledge on defense matters, and with his stubborn, hardline position on the Soviet Union.

That position hadn't changed a bit, even on the day of his death, when he called the Soviets barbarians for shooting down an unarmed Korean airliner that had strayed over Soviet air space.

For the moment, at least, it seems Scoop Jackson wasn't so stubborn on the subject of the Russians after all. Perhaps it just took awhile for events, and public perception, to catch up.

Jackson wasn't one of those senators who establish a national and international reputation and expertise while ignoring the folks back home, however.

He didn't spend 31 years in the U.S. Senate by forgetting who put him in office.

Sen. Jackson used his clout in Washington, D.C., to the benefit of his home state.

He was a moving force, for example, behind legislation that prevents federal agencies from even studying transfer of Columbia River water to the Southwest.

He sponsored two bills of major impact on parks in Washington state: the "Fort Lawton bill," which led to the creation of Seattle's Discovery Park, and the amendment of the Land and Water Conservation Act, so that money from federal offshore leases could be used as grants to acquire local parklands.

And Sen. Jackson sponsored the 1970 National Environmental Policy Act, which requires environmental impact statements on major federal projects.

And certainly, appropos the holiday today, Sen. Jackson was a great friend of labor.

But probably the most impact for the state, and especially for Kitsap County, came from his efforts in behalf of defense projects.

On a statewide level his efforts won him the title "the Senator from Boeing."

In Kitsap County, his efforts meant a thriving Puget Sound Naval Shipyard, which has come to mean a thriving economy for the county.

Dr. Calvin Christensen, a former president of the Puget Sound Naval Base Association and a member since 1968, credits Sen. Jackson with getting the shipyard involved with nuclear work, which Christensen thinks has been its salvation.

Because of that conversion, the shipyard is almost unique in its ability to handle nuclear ships, which Christensen sees as the wave of the future.

And of course, it's impossible to mention the nuclear Navy without also mentioning Adm. Hyman Rickover, whose career Jackson saved.

Christensen also credits Jackson with heavy involvement in getting the Trident submarine base located at Bangor, and, just as important, with helping Kitsap County get Trident impact funds to help pay for needed roads, schools and other services.

"Scoop did everything we hoped for and beyond," Christensen said.

He did that, and he will be sorely missed.

[From the Winslow (Wash.) Bainbridge Review, Sept. 7, 1983]

FAREWELL TO SCOOP

We didn't always agree with him but, like the rest of the press people who covered the late Sen. Henry "Scoop" Jackson at one time or another, we had to admire the man.

He was a workaholic, who did his homework. He had a tremendous store of knowledge, particularly in the realm of United States history and international relations. We recall one Poulsbo breakfast session a number of years ago, when the Senator talked for nearly two hours without notes—answering questions with facts and figures that were recalled as easily as if by computer.

A giant on the national and international scene, he was also a family man. He had married in middle age, and seemed to appreciate his two children more than most fathers—perhaps because he had waited so long for them. We recall that after the breakfast session in Poulsbo he posed for photographers—with his arms around a couple of middle-school "newspaper brats."

His place in history is secure. He will also be missed as husband and father, friend of many, and a decent, kind, honest citizen who set standards—in his personal as well as professional life—we all might emulate.

[From the Bothell (Wash.) Northshore Citizen, Sept. 7, 1983]

PASSING OF A STATESMAN AND FRIEND

U.S. Senator Henry "Scoop" Jackson is dead at 71.

Scoop was a frequent visitor and good friend to the Northshore area, and often remarked how much he felt at home when he was here.

He used to call to check on what was happening locally, and would sometimes volunteer a visit if someone could set up an early morning breakfast where he could meet people. He particularly liked the grilling he got at the question and answer part of any program.

Scoop would often arrive with his ever-present briefcase in one hand and an arm load of clothes in some kind of carrier in the other. Frequently he would just have someone drop him off and rely on a friend offering to take him to his next location.

He never appeared to be in a hurry. Yet his day was jammed full of meetings, appearances and press conferences.

Scoop was readily available to the press, and we presume to any of his constituents. He always returned telephone calls. And he always responded to written notes.

The state and country will miss him.

And I will miss the opportunity to set up the rather frequent breakfasts he liked. And I'll miss firing some questions on current news events at him.

It was proper that he worked at his rigorous pace right to the end. Just a few days ago he was in China. The day Scoop died he sharply criticized the Russians for shooting down an unarmed commercial aircraft.

He was tough, well informed and spoke out on issues he believed in. The entire country will miss him.

It is the end of an era for Washington's senatorial delegation. In just two years the state has lost both of its senior senators, and the power that they held.

It is likely that the state will never again carry such clout in our nation's affairs.

[From the Stevenson (Wash.) Pioneer, Sept. 9, 1983]

TALKING IT OVER

(By Roy Craft)

When Senator Henry M. Jackson died last week at the age of 71, the nation and the

free world lost a strong leader, the Pacific Northwest lost a powerful advocate, and people throughout Washington State lost a good friend.

He liked to be called "Scoop," his nickname from boyhood days when he delivered newspapers, but when I had occasion to chat with him on various occasions over the years, I always called him "Senator." It was not that I was awed by his official status, it was simply that I felt it inappropriate to address a man of his strength and stature by his first name, much less nickname.

He always signed his letters "Scoop" when responding to queries or requests for help for someone in Skamania County. When he was here June 1 helping dedicate the Second Powerhouse at Bonneville Dam, I handed him a note asking him to give the U.S. Emigration and Naturalization Service a nudge and urge them to expedite the paper work so that Salvacion, the bride of Robert L. Stevens of Carson, could leave the Philippines and join her husband here. They had been married on the Island of Mindanao April 16.

Upon his return to Washington, D.C., Senator Jackson wrote that he had made the request and asked me to let him know if no action was taken within 60 days. Some weeks back Stevens received word from the Emigration Service that Mrs. Stevens' papers had been processed and her entry into the U.S. approved.

Paper work still needs to be done by the U.S. Embassy in Manila Stevens was informed Wednesday, but it is expected that Bob's bride will be arriving soon.

This is just an example of Senator Jackson's interest in the welfare of all of the people he was elected to serve.

As an individual, I never tried to impose on Senator Jackson's time during his visits to Skamania County. As a newspaperman, I sometimes had occasion to ask him questions or inform him of our county's concerns in certain areas. He was invariably pleasant and he always spoke to the point.

Everyone has his or her recollections of contact with our Senator. One I recall was a chat with "Scoop" Jackson at the Salishan Lodge on the Oregon Coast in 1971. Jackson was then weighing the possibility of running for President and he was there to speak at a luncheon of the Associated Oregon Industries, a "big business" group with whom he was on as friendly terms as he was with "big labor."

I was to speak at the dinner that evening and gracie and I arrived early to hear Jackson speak. Before the luncheon we had an opportunity for a short visit and he showed a genuine interest in my quick report on the political climate of Skamania County.

A lacquered tray, a present from the Associated Oregon Industries, is inscribed Sept. 17, 1971. It reminds me of my Salishan visit but, more important, it reminds me of a coincidental encounter with one of the great personages of my time.

Funeral services were held in Everett Wednesday and the scramble for his Senate post has begun. Let us hope we choose wisely in electing his successor. Jackson's shoes will be hard to fill.

[From the San Francisco Chronicle, Sept. 14, 1983]

SCOOP JACKSON AND THE CHARISMA FACTOR

(By Jack W. Germond and Jules Witcover)

When the news came the other day of the death of Senator Henry M. Jackson, much of the commentary touched on the man's intense commitments to liberal domestic causes and to a hard line in dealing with the Soviet Union.

It was a mark of the man that he cared deeply about the positions he took and acted vigorously in pursuit of their fulfillment. Yet when Jackson made his two bids for the presidency in 1972 and 1976, he was saddled with one of the deadliest stigmas that can be attached to a politician. He was, it was said over and over again, boring.

So intense was he in enunciating his commitments that more often than not it came off as preaching. And because he was no barrel of laughs either, a Scoop Jackson speech could send an insomniac off to dreamland.

His campaign advertising consultants, painfully aware that Jackson was said to have no charisma, for a time in 1976 tried to make a silk purse out of that particular sow's ear by focusing on his established qualifications as a legislator. They talked of Jackson's "charisma of competence," in effect trying to shame the voters into giving their support on more serious grounds than star appeal.

In 1976, one of Jackson's campaign managers recalls, an advertising agency hotshot planned a television commercial showing Jackson speaking while holding his young son on his knee. Jackson was to say something like, "Hello, I'm Scoop Jackson. People say I'm boring but I don't think it's boring to . . ." and then launch into his concerns and achievements. In the commercial, the senator's son was to have fallen asleep as his father droned on. Not surprisingly, the idea was abandoned.

Another favorite story that one of his best friends in the state of Washington liked to use to illustrate Jackson's special political problem, was the one about the dog-food manufacturer who called in the members of his board to ask why his product didn't sell, although the best ingredients and the most attractive packaging were used. "Dogs don't like it," was the answer.

It was maddening to Jackson himself and to his managers to have a candidate who was so widely regarded as one of the most effective members of the Senate and a repeated landslide winner in his own state, a man who was a bear for work and the soul of integrity dismissed out of hand by many because he seldom had them rolling in the aisles.

Ironically, another politician who in 1976 demonstrated equal intensity but crowned it with a rare personal warmth that Jackson could not match beat him out for the Democratic nomination. That man was Jimmy Carter. Later, to be sure Carter's evangelistic style and proclamations of love for everybody wore very thin. But in 1976 he was more personally appealing than the straight-laced Jackson as the centrist candidate in a field otherwise awash with liberals—Morris Udall, Birch Bayh, Fred Harris, Sargent Shriver, Milton Scapp and Terry Sanford—plus George Wallace on the right.

All this is not to suggest that Jimmy Carter rather than Scoop Jackson became the 1976 Democratic nominee, and then president simply because Carter had a more dazzling smile and was more of a charmer with the voters. Carter's campaign was infinitely shrewder, and Jackson's was rent with organizational and financial woes.

Also, Jackson brought some political scars into the race for the Democratic nomination as a longtime hawk on Vietnam in a party heavily populated by committed activists to whom opposition to the war still was a pivotal litmus test of liberalism. As an old New Dealer, it used to drive Jackson up the wall to have his own liberal credentials questioned. But they were, widely, on Vietnam.

Still, you have to wonder whether he might have attained his goal of the presidency in 1976 had there been a spark of excitement about him. We like to think we elect our presidents on what they know and stand for, but a fair case can be made for the proposition that personal appeal is almost always a major ingredient in the people's choice.

By the time 1980 rolled around, Jimmy Carter's charm had lost its luster—indeed he sacrificed much of it by seeming mean and short-tempered toward the new Mr. Nice Guy, Ronald Reagan, in their campaign. And who is to say, if Reagan runs for and wins a second term that charisma won't be a factor again?

Achieving the presidency however, is not the only measure of political success. That fact was emphatically demonstrated by the wide outpouring of acclaim from Democrats and Republicans alike for Henry M. Jackson on his passing.

[From the Pasco (Wash.) Tri-City Herald, Sept. 4, 1983]

JACKSON WAS A GREAT LEADER

(By Glenn C. Lee)

The death of Henry M. Jackson is a great loss to the state, the nation and the world. He will be sorely missed by everyone in the Tri-Cities. He was a great friend of this community, and of Hanford, a great leader in our nation's capital, and respected around the world.

I first met Senator Jackson in 1947 when he was a congressman. He visited the Tri-Cities and the Tri-City Herald, which had just changed from weekly to daily publication. Mr. Jackson was visiting Hanford because of an announcement that General Electric Co. would replace duPont and $350 million would be spent to expand nuclear facilities on the project. Mr. Jackson was a member of the Joint Committee on Atomic Energy.

All through the years of his career in Congress. Senator Jackson kept in close touch with nuclear matters and with Hanford's growth and progress.

When N-reactor was nearing completion in 1960-61, the movement to construct an electrical generating plant in conjunction with it ran into a great deal of opposition. Senator Jackson favored the dual-purpose project. Private power opposed it. However, public power, with Mr. Jackson's leadership, proposed a bond issue of $120 million to pay for construction of the generating plant and the senator introduced authorization legislation in the Senate four times. But each time private power and other interests defeated the bill in the House.

With encouragement from the Herald and public power, Senator Jackson introduced the bill in the Senate a fifth time, and with a great deal of work and effort it was passed in the House and signed into law. President John F. Kennedy came to Hanford Sept. 26, 1963, for the dedication and ground-breaking ceremonies.

Without Senator Jackson's help, the plant that generates electricity with steam from N-reactor never would have been built. It was his idea that the electrical output of the plant would be shared 50-50 between private and public power.

On one of the many trips Don Pugnetti (then editor of the Herald) and I made to Washington, D.C., in 1961-62, we learned

that all of Hanford's reactors might be shut down at one time.

So in 1963 the Tri-City Nuclear Industrial Council was formed. With help, leadership and cooperation of Senator Jackson, the diversification plan for Hanford took shape. General Electric was asked to leave as a contractor at Hanford, diversification brought in new contractors and new businesses, and Senator Jackson was our friend and helper all the way.

Without him, diversification of Hanford never would have taken place and never would have succeeded. I have personal knowledge of that.

Sam Volpentest (Nuclear Council executive vice president) was a great friend of Senator Jackson and supported him by helping raise funds for political campaigns, by getting an excellent crowd together for lunch or dinner when Senator Jackson visited the Tri-Cities, and we always had access to the senator and his office.

Mr. Jackson didn't limit his activities to nuclear power. He initiated and pushed through Congress legislation that blocked the diversion of water from the Columbia River to California and the Southwest. He was chairman of the Senate Interior (now Energy) Committee for many years.

The death of Senator Jackson is a great loss. His particular experience, and knowledge, and courage can never be replaced. He was a great leader.

[From the Pasco (Wash.) Tri-City Herald, Aug. 4, 1983]

AS ERA ENDS, WHAT OF THE FUTURE?

With Henry Jackson's death, an era comes to an end.

It was an era in which our economic destiny was determined by the political power of two Democratic senators—Warren Magnuson and Scoop Jackson.

They played the system like a musical instrument, funneling hundreds of millions of federal dollars into the state, much of it to Hanford.

The era began to fade in 1980 when Mr. Magnuson was defeated and Democrats lost control of the Senate. The era closed completely when Senator Jackson died.

Hanford's role is basically national defense and energy. Mr. Jackson was the Senate leader in both areas, and so long as he was there his influence would have been used within the system to serve the needs of the country and his constituents as he saw fit.

Until his death, it appeared that this term could have turned out to be Mr. Jackson's most powerful one, particularly if the Democrats were to regain control of the Senate in next year's election, as seems probable since 19 Republican senators face re-election. Decisions such as the recent one siting a new defense reactor in Idaho might have been easily reversed after the election had Senator Jackson lived and become chairman of the Senate Armed Forces Committee.

The prospect now is that this state will have two first-term Republican senators in a Congress dominated by Democratic majorities in both houses.

This prospect requires a thorough—and painful—change of attitude by Tri-Citians. No longer can we rely so heavily on political influence in Washington, D.C. to keep us supplied with government projects and payrolls.

Hanford will still be Hanford, the finest nuclear installation in the nation. And its credentials should entitle it to top consideration for more defense and energy projects.

But it won't get its rightful share unless it has powerful advocates in Washington.

Senator Jackson's death painfully brings home messages we must not ignore as a community.

Message No. 1: We have lost our strongest advocates and it will take years to develop new ones.

Message No. 2: Meantime, we must be more effective than ever before in developing new components for our economic base that are not so heavily dependent on either the federal government or nuclear energy.

Message No. 3: To effectively address our long-term economic needs, this community must develop institutions and strategies that are unified and communitywide in scope designed to repair problems that obstruct healthy new economic development and to actively recruit new employment.

This last message is the most important. Our prosperity in the past 40 years has been politically based and has come in spite of our inability as a community to mount a sophisticated and ongoing economic development program that looks beyond the boundaries of Hanford.

It's time. It is long overdue. Our cities, counties, chambers of commerce, the Tri-City Nuclear Industrial Council, ports and other agencies and entities with a stake in the future of the Tri-Cities should begin now the process of re-evaluating both their structures and missions for the future.

[From the Tri-City Herald, Aug. 4, 1983]

FAREWELL TO A FRIEND

Shortly before Sen. Henry M. Jackson had a fatal heart attack thursday night, he strongly condemned as "barbaric" the shooting down of a South Korean airliner by a Soviet jet fighter. He was an implacable critic of Russia, which he was fond of saying is like a hotel burglar who goes down the hallway trying every door. For him, the wanton destruction of the 747 with 269 aboard was just another proof of Russian perfidy.

Mr. Jackson served in Congress 42 years—the last 30 as a senator—and racked up what one admiring colleague called "a prodigious record of accomplishment." His record is as broad as it is long, but perhaps his greatest contribution—certainly it was the one in which he took greatest pride—was in national defense. He poured much of his enormous energy and talent into keeping his country militarily strong.

He was motivated by a deep distrust of the Soviet Union and a belief that the only way to deal with Russia is from a position of overwhelming military strength based on the most advanced weapons systems. He led—almost always successfully—Senate fights for one advanced weapons system after another and so sincere was his belief in the value of such systems that even his critics conceded he would have pushed for them just as hard if his homestate economy had not depended substantially on military spending.

On global matters, he was a blunt, direct, tough anti-communist. On domestic matters, he was a compassionate liberal, a friend of labor, of education.

He was environmentalism's most effective friend in the Senate. He was the principal author of the Environmental Protection Act, which truly was landmark legislation.

He was a "workaholic" who seldom missed a roll-call vote or a committee hearing.

Republican and Democratic colleagues alike conceded him to be not only one of the hardest-working members of the Senate, but one of the most effective. He was elected to the House in 1941 as a Franklin D. Roosevelt Democrat. He always had the support of organized labor, liberal Democrats—and of business people, many of them Republicans.

He and former Sen. Warren G. Magnuson were known as the "gold dust twins" because of their phenomenal ability "to deliver the goods" for their constituents and interests as varied a the University of Washington, Hanford and Boeing.

Senator Jackson was a friend of Israel from its beginnings and he fought hard—and successfully—to force the Soviet Union to permit thousands of Russian Jews to immigrate.

When he was in the House of Representatives, he represented the Everett congressional district. But as a member of the prestigious Joint Congressional Committee on Atomic Energy, he spent a lot of time in the Tri-Cities and had a major role in the development of Hanford. After he switched from the House to the Senate in 1952 he worked harder than ever for Hanford and nuclear energy.

He was a key figure in accomplishing the "miracle in the desert," the conversion of Hanford from a military to a peacetime mission during the '60s and '70s. He helped get diversification of the Tri-Cities economy started by advocating, and pushing, the development of irrigation, barge transportation and other natural resources of this region.

Mr. Jackson's parents were Norwegian immigrants and he was proud of his humble origins in Everett, Wash., where as a newsboy he acquired his nickname of "Scoop."

He made two attempts, in 1972 and 1976, to win the Democratic nomination for president. Both were unsuccessful, but he gained national stature, which he used skillfully to better do his job as senator and statesman.

He would have been an outstanding president. He was highly intelligent, finely trained and disciplined in his chosen field, and a man of courage and high principle.

The world has lost a statesman who grasped the political realities of our time, who understood the need for a balance of power to insure peace and preserve freedom.

His immense influence and prestige gave this state a disproportionate impact on national policy. His death is a great loss to the nation.

And the Tri-Cities has lost a loyal and valued friend.

[From the Longview (Wash.) News, Sept. 2, 1983]

A STUNNING LOSS

(By Ted M. Natt)

Men of the caliber of Henry Jackson are an exceedingly rare breed in public life in America.

Sen. Jackson's death Thursday of a heart attack is a stunning, numbing tragedy for the state and the nation. The loss is felt deeply, painfully and personally by hundreds of thousands of Washington residents who knew their favorite senator simply as "Scoop."

If one were to construct an ideal model of a public servant, Jackson comes the closest of anyone I have known to meeting that ideal.

He was competent, honest, exceptionally hardworking, selfless, dedicated, maintained

the highest integrity, cared about people and always put the public interest first on his priority list.

Although he was 71, he maintained a work schedule that would exhaust a man 30 years younger. He cared so deeply about his nation, his state and his fellow citizens that he drove himself with a passion. His hard work paid off in terms of the respect and admiration of his colleagues in the Congress and his constituents in the state.

Jackson was the single most admired public official in the state. He knew thousands of his constituents by their first names and had been in office long enough to know their children and grandchildren. He routinely won re-election with 70 percent or 80 percent of the vote, a remarkable feat in itself.

Jackson's death will be felt deeply and across a wide range of issues both in the state and nationally. His support or opposition on an issue, whether of state or national import, often made the difference between victory or defeat.

Over the past 3½ years, whenever I called Scoop Jackson for help on Mount St. Helens matters, he was more than happy to do whatever he could. Time and again, he came through for this community. He made a point of calling periodically for updates. What could he do? What were the priorities? How were people adjusting? he would ask. He visited regularly to see things for himself.

Jackson was an exceptional man in many ways. While his colleagues supplemented their Senate salaries with speaking honoraria, every dime Jackson earned making speeches was put into a trust fund in Everett that gave scholarships to needy students. Jackson never kept anything for himself.

He was a great man and a good friend. Not since my grandfather died 2½ years ago have I felt such grief.

Today, our thoughts and prayers are for Helen Jackson, the senator's lovely and gracious wife, and his children, Anna Marie and Peter.

[From the Tri-City Herald, Aug. 4, 1983]

1945 NORWEGIAN VISIT GAVE JACKSON A SENSE OF MORTALITY

(By Jack Briggs)

It was just a year ago when this reporter was sitting in the red-leather seats that come as standard government issue to senators in Washington, D.C.

Sen. Henry Martin Jackson's aides had said the senator could spare half an hour, and Jackson was filling the 30 minutes with hood-eyed recitations of campaign speeches and platitudes about nuclear energy, Social Security and arms control.

In one of the few pauses Jackson was asked if, at 70, he was fit enought to serve his county for another six years.

The eyes jerked open, the body sprang from the encompassing leather, and Jackson had the reporter's hand in an arm-wrestling hold.

With embarrassingly little effort, and with only a slight reddening of his tanned face, he bent the reporter's hand towards the floor.

"Does that answer your question?," snapped the man who went to Congress a year before America entered World War II.

Jackson was touchy about health.

Two years before, Jackson's powerful buddy, Sen. Warren Magnuson, a 75-year-old who had trouble walking, had lost his Senate seat to a jogging 52-year-old state attorney general named Slade Gorton.

"Maggie was inundated with anti-Carter feeling, and was having trouble moving around," was Jackson's explanation.

Jackson made it clear he had no such problems.

"You pick good ancestors and then you don't abuse (your body). You have fun. But you follow the rule of moderation and common sense."

In his book, Scoop, author Peter Ognibene said that Jackson was the youngest of five children born to emigrants from Norway who had changed their name from Gresseth.

Ognibene quoted a neighbor of the Jacksons as saying Henry was a "runt who didn't grow up or play hard until after he had his appendix removed," a boy who was "undersized and a bit timid."

After a career as a crusading Snohomish County prosecutor, observers were calling the junior congressman who flew to his parents' native Norway in December 1954 neither small, nor timid.

But what they almost got to call him was the late junior congressman from Washington.

In their book, A Certain Democrat, William Prochnau and Richard Larsen described how Jackson contacted pneumonia and for 48 hours hovered near death until an American Air Corps plane flew in the first vial of the then-miracle drug, penicillin, to be used in Norway.

Jackson spent 10 days in the hospital. His bill, under the Norwegian national health-care plan, was $15.44.

The experience was to shape Jackson's thinking for the rest of his life.

He was concerned about health-care costs, especially for the elderly.

And he gained a respect for his own mortality.

"He was not a reckless man with his health," said Rick Cocker, his press aid for the past 5½ years. "He was very careful. He was somewhat of a physician by hobby. He enjoyed diagnosing medical problems people had and prescribing treatments. He was fluent in medical lingo. He knew all the medical terminology and enjoyed talking to groups of physicians."

He was also a man who believed in preventive medicine.

Six days a week he spent an hour in the Senate gym, swimming a quarter of a mile, jogging and walking.

"He made it a habit," said Cocker. "People go to lunch at 12:30 p.m. The senator went to the gym at 5 p.m.—every day. The Scarsdale diet and his gym activities kept in hand a propensity for weight gain that tended to make his face moonshaped, jowly and oversized for his 5-9½ frame.

The only minor health problem he would admit to publicly was a weak back, a reminder of the McCarthy hearings in the 1950s when, as Jackson put it, "The cameras were on you all day for three months. You couldn't pick your nose or scratch."

Jackson had just survived what Cocker said was a hectic August.

"The Armed Services Committee had been wrestling with the Pentagon budget and had literally worked around the clock for much of the month."

When Jackson left for China on what Cocker said was a "real tough schedule," there had been no signs of any medical problems.

Jackson had taken with him his personal physician, Dr. Haak Raede. "But merely as a friend, not as a physician," said Cocker.

The fact that Jackson returned with a chest cold and stayed at his Everett home with no appointments Monday, Tuesday and Wednesday caused no concern, said Cocker.

"He got those chest colds on a fairly regular basis.

"He was as healthy as a horse and as strong as a bull."

Or so everyone thought.

[From the Tacoma (Wash.) Tribune, Sept. 11, 1983]

THE MESSAGE FROM BEHIND THE IRON CURTAIN FOR SCOOP

(By Arpad Kadarkay)

A free nation paid a moving tribute to Henry Jackson whose life and public career symbolizes the best of America. I never met Scoop Jackson and yet our fate intertwined on a brief but memorable occasion.

Some eight years ago, I was invited by Sen. Jackson's office to join, with other scholars, a Congressional Committee visiting Taiwan.

After the committee completed its official business in Taiwan, I decided to return to the U.S. via East Europe. In one of the East European capitals I visited three prominent dissident intellectuals.

All three, who were also university professors, committed the unpardonable political sin of calling for the cultural "renaissance" of communism. To make matters worse, at least from the standpoint of the communist regime, all three published their views in West Europe.

The regime's reprisal was swift and brutal. The dissidents lost their jobs, one was even kicked out of the party, and were given the choice: either remain silent or face exile.

The day before my departure, I visited one dissident in his spacious apartment—a rare privilege in a communist country. He was young, married and brilliant. He neither wanted to remain silent nor live in exile.

He asked me to alert Sen. Henry Jackson, who was admired by East European intellectuals for his efforts to suspend U.S. aid to communist countries that abused human rights, about the plight of dissident intellectuals.

I promised to do my best upon returning to the U.S. Leaving the apartment, the dissident turned to me and said casually, "If I were you, I would not make note of our conversation in your notebook."

The significance of this innocent remark dawned on me as I handed over my passport to an internal security officer at the airport. The officer stepped out of his booth and spread his arms across the corridor. "You come with me!" he demanded.

We entered a sparsely furnished, soundproof room. Three more uniformed security officers entered and closed the padded door.

They spread the contents of my suitcase on two long tables and examined every single item, even snaked my ties between their fingers.

My hard-bound notebook was turned over to a civilian, impeccably dressed, who entered the room through a side-door.

He carefully studied the dates of entries, then walked up to me with the open book. "Where is your September 20 entry?" he wanted to know.

I was thunderstruck. That was the day I visited the dissident's apartment. In a dizzying moment I realized that the apartment had been bugged and the monster reel with total recall was in the possession of my interrogators.

The civilian was visibly annoyed. "I see that you write every day," he said, his eyes boring through me.

"Yes."

"Then why not on Sept. 20?"

"I was tired."

The uniformed officers and the civilian huddled in whispers in the far corner. The civilian returned with the notebook and asked me to explain the meaning of some underlined words in an entry.

I looked at the "suspicious" entry. It contained the following—John Keats (1795-1821) said the world is a "vale of soul making." I have underlined, in red ink, "soul-craft" and added, Scoop Jackson demonstrates that statecraft is soulcraft.

"It is a quote from Keats," I said to the civilian.

"Did you talk to and meet Keats here?" snapped the civilian.

"No, in England," I said quietly, my inside exploding with laughter.

They let me go. But as I was about to leave, I was stopped at the padded door.

"What message do you carry to Sen. Henry Jackson?" asked the civilian.

"None."

I was placed in a jeep and raced to the London-bound plane, already delayed one hour on the runway on account of my interrogation.

I never told Scoop Jackson about my experience with John Keats in communism. He would have enjoyed it because Scoop Jackson's life testifies that this Republic "shall not perish from the earth" so long as we produce statesmen who turn statecraft into soulcraft.

[From the Spokane, (Wash.) Spokesman Review, Sept. 11, 1983]

JACKSON ALWAYS HAD TIME TO HELP THE "LITTLE PEOPLE"

(By Michael Murphey)

As Sen. Henry M. Jackson's staff members consider the loose ends to be tied up during the last hectic weeks before they go their separate ways, their greatest concerns lie not in the arena of world politics but in the hopes of people who had counted on the senator's help.

"We have hundreds of cases ranging from emigration problems to Social Security problems to veterans' benefits to railroad retirement programs," Rich Cocker, Jackson's press secretary, said. "There is no doubt in my mind nor in anyone else's mind here that Sen. Jackson would want that to be the highest priority—to make sure these cases are carried on."

Jackson's interest in the individuals who called upon him for help was overshadowed during his career, Cocker said, by media interest in Jackson's national and international views.

"That's what television and newspapers always wanted to talk about," Cocker said, "so he came across as maybe appearing cold or tough.

"But I think he got as much of a charge out of helping a woman in Ephrata get her Social Security benefits as he did putting together some piece of national legislation," Cocker said. "I personally think that's what motivated and inspired him over 40 years."

"People take jobs and talk about getting bored with them after four or five years. But here he was, 42 years, and he still had a kind of childhood enthusiasm about his work. I think that was the product of a genuine interest in people and their problems."

Cocker spoke in a telephone interview Thursday, interrupted occasionally as he called out instructions about which boxes stayed and which boxes went as the Washington Democrat's offices and his staff were being cleared to make way for Daniel J. Evans, Jackson's Republican successor.

The staff and Jackson's papers and records are being moved to a temporary space upstairs in the office building.

From the temporary offices, the staff will try to sort through 42 years of papers and records "to be sure the historical record of Henry Jackson's service is preserved."

And from there, they will work with Evans and his staff to make the transition a smooth one.

It has been a week of arrangements and preparations, Cocker said, a week in which the people closest to Jackson probably have not had time to fully absorb the impact of this abrupt change in their lives.

"I thought he'd live to be 90," Cocker said, "and I think he did, too."

Many people think, Cocker said, that when a constituent calls or writes his senator, the senator responds because it is politically expedient.

"But how many cases do you work on over a year?" Cocker wondered. "A thousand? What's a thousand votes in the scope of a statewide election? No, those cases were a source of tremendous satisfaction to him. He liked helping people, completely aside from whether they agreed with him politically or not.

"There was a human side to Henry Jackson that people who didn't know him didn't get to know very much about.

"And that's too bad."

[From the Vancouver (Wash.) Columbian, Sept. 2, 1983]

SENATOR HENRY M. "SCOOP" JACKSON

Only hours after his death, they are already making history out of Scoop Jackson of Washington state.

Powerful senator . . . influential statesman . . . hawkish anti-communist; last of the Cold Warriors . . .

Sonorously, with an air of incontrovertibility, the news reports capsulize Jackson, reinforcing the image that will likely find its way into textbooks and political memory.

Perhaps that is the inevitable fate for a U.S. senator who was little short of a legend even in his own time. Certainly, he was powerful. First elected to Congress 43 years ago, Jackson in time would become part of the most effective state delegation in the Senate. By 1980, when Scoop's longtime partner Senator Warren Magnuson finally went down to defeat, the two Democratic senators from Washington collectively had 64 years of Senate seniority and 84 years of experience in Congress—and they used their clout effectively.

And yes, Jackson was influential. Known—in the corridors of the Kremlin as well as of the White House—as a firm advocate of U.S. military might, the senator's strong support for defense build-up, Soviet Jews and Israel significantly affected the shape of American foreign policy.

But what history may fail to remember, unless we correct the record now, is that while his power and influence made Jackson a notable national figure, it was his character—his personal integrity—that made Scoop a person that Washingtonians aren't likely to soon forget.

Jackson's integrity made even his adversaries, such as Eugene McCarthy, concede that the "senator from Boeing" would vote in favor of defense budgets even if Washington were not the home of a major military contractor. Jackson voted for defense because he believed in it. The integrity led Jackson Thursday, at his last public appearance, to counsel for restraint against the Soviets in wake of the downing of Korean Air Lines Fight 007. The advice puzzled many, who felt it out of character, but Jackson—a serious student of Soviet politics—was truly in character, speaking not as others anticipated, but as he believed would be in the best interest of his country.

And the integrity dictated that even as Jackson was widely known, and frequently castigated, for his positions on such large issues as nuclear arms and international relations, Scoop kept faith with a small personal gesture. Quietly, year after year, he donated all of his outside earnings to charity.

Jackson never lost an election in his home state, yet he failed both times when he tried for the U.S. presidency. That, as much as anything else, may serve as epitaph for Scoop.

Because his integrity led Jackson to act himself, even when it was not profitable for his presidential campaign, those who did not have long years to get to know the individualistic Pacific Northwesterners rejected him. But his home-state constituents, Republicans as well as Democrats, who had the luxury of long friendship with Scoop, unfailingly returned him to office. Washingtonians may not always have agreed with Scoop—but they knew they could trust him to act according to his beliefs.

[From the Port Angeles (Wash.) News, Sept. 2, 1983]

OPINION: LOSS OF SPECIAL FRIEND—SENATOR JACKSON

The North Olympic Peninsula has lost a special friend with the death of Sen. Henry M. Jackson.

Since 1940, when Sen. Jackson was first elected to the U.S. House of Representatives from a district which encompassed Clallam and Jefferson counties, he always kept in touch with the area. Without his support countless federal and even state projects on the Peninsula would have never gotten off the ground. His interests paralleled the interests of the people who have lived on the Peninsula—the environment, economic opportunity and a strong sense of right and wrong.

Sen. Jackson made friendships—many very strong and very personal—with countless Peninsula residents. In fact, hardly a political argument among locals can endure more than a few minutes before one of the combatants invokes the name of "his friend" Scoop. Sure, that is part of good political technique, but the bulk of those friendships were beyond that. He had a genuine interest in people here.

Jackson considered himself a working man's politician. We were never sure if that was because he saw politics as a working man's job or because he felt it was the working man he labored for in the halls of Congress. Judging by the extraordinary effort he put into his job and the results he got, it was probably both.

We were privileged to lunch with the senator just before the inauguration of Jimmy Carter in January of 1977. Jackson was simple, straight-forward and pleasant in contrast to the elegance of the Senate dining room and despite his being only recently a front-running presidential candidate. he was not too busy to be concerned for the comfort of his guests and for small

talk, yet his conversation was punctuated with plans for tasks he felt vital to the nation or his fellow Northwesterners.

A year or two later, Jackson was just the same when a reporter and the publisher of the newspaper treated him to a brown bag lunch on a picnic table in Lincoln Park. The mealtime conversation was still the same: time for a laugh or two but lots of talk about work to be done.

The unexpected heart attack which struck down the vigorous 71-year-old senior senator from Washington state Thursday evening also closes the book on a Northwest era.

The second to the last chapter was written in 1980 when Sen. Warren G. Magnuson lost a bid for re-election. That was after nearly three decades of joint service with Jackson in the Senate. For all those years Jackson was the "junior" senator from Washington. But being junior was not so bad. Not only was he part of one of the best one-two punches in modern Senate history, Jackson also was a serious contender for vice president in 1960 and he ran for the presidency twice, in 1972 and 1976.

As a presidential candidate, he made a credible effort for a person from a small western state and for a person who would rather work to solve problems than talk endlessly about them.

As a senator and friend to the people of the North Olympic Peninsula and a public servant for the entire Northwest, Henry M. Jackson was way beyond credible. We were lucky to have him and are sorry to see his death.

[From the Lewiston (Idaho) Tribune, Sept. 3, 1983]

HENRY JACKSON: THE MAN HE WANTED HIMSELF TO BE

(By Jim Fisher)

Chatting with Henry Jackson on the Southway Bridge last October, I found it hard to believe this was the man who was first elected to the Senate when I was five years old and whose name was one of the first in my political lexicon.

"You know," he would start a sentence in his deliberative—some would say plodding—manner, and then as he finished his observation, he would move in closer and elbow me in the ribs.

There were few people on the bridge even though it was the dedication ceremony, and Jackson and I stood alone together for several minutes. His retinue was there, no doubt, but no staff members hovered around taking obvious glances at wristwatches to pull him from my clutches.

In fact, I seemed to be more in his clutches. He had time to talk and was clearly enjoying the balmy weather and view of the Snake River. I had introduced myself because he was standing alone when I arrived.

No circle of administrative assistants and press secretaries, no gaggle of political groupies, no aura. Just a couple of guys shooting the breeze after lunch on a warm afternoon.

It was 11 days before the election but you wouldn't have known it. He had always faced opposition, and this year he was being challenged by not only a Republican but an independent as well, but he knew better than to worry.

"I guess not," he smiled when asked if his was one of the close races that he expected would determine the future makeup of the Senate.

The polls showed him way out front, several laps in fact ahead of even the Republican. They usually did; running against Jackson had become a kamikaze mission to which only the most foolhardy or the most ideological would commit himself.

Even the dumping of Warren G. Magnuson two years before had not changed that, because Jackson had a special constituency. More accurately, he had part ownership in several constituencies.

To the liberals, he was the champion of social welfare and jobs who was disappointing for not breaking free from the cold war rhetoric of the decade he joined the Senate.

To the conservatives, he was the proponent of a strong America who couldn't leave behind New Deal domestic policies his party had been saddled with since the 1930s.

To the environmentalists, he was literally the creator of the North Cascades National Park who turned myopic in looking at some byproducts of progress.

To business he was "the senator from Boeing" who nevertheless showed a dismaying lack of concern over the growth of the federal deficit.

They all thought they had part ownership in him. But they didn't. He had carved his own niche not out of political opportunity but out of belief. He proved, for example, that his unyielding distrust of the Soviet Union was more than a sop to the rigid anti-communists when he embraced warming relations with China.

It's no wonder he was so relaxed that afternoon on the Southway Bridge. He seemed to have achieved what few ever do: He made the career he wanted to have by making himself the man he wanted to be.

He probably wasn't the man most of the rest of us wanted him to be. But that in itself sounds like rare praise in a day of highest-bidder politics and cut-rate politicians.

[From the Lewiston (Idaho) Tribune, Sept. 2, 1983]

FRIENDS REMEMBER "SCOOP" AS ALLY, STATESMAN

Though he was a figure of towering national prominence, Sen. Henry M. Jackson never lost sight of his constituents in southeastern Washington, and news of his death Thursday night shocked friends in the Quad Cities region.

Washington State University President Glenn Terrell, a close personal friend of Jackson's called the senator's death "a terrible shock and a very real loss."

"I believe he was the most knowledgeable public servant in the country," Terrell said. "He and I were very close personal friends and I have the highest regard for him. I've known him for more than 16 years, and this is a terrible shock."

Jackson was the President's Convocation speaker at WSU Oct. 23, 1982. That same day, he was the keynote speaker at the dedication of the $21 million Southway Bridge, which spans the Snake River between Lewiston and Clarkston. It was Jackson's last official visit to the Quad Cities region.

Former Idaho state senator Mike P. Mitchell of Lewiston described Jackson as a "gentleman" and said that although many of the issues Jackson was involved with were international in nature, Mitchell felt Jackson was never too busy to deal with the smaller issues of concern to people in southeastern Washington.

"I always felt Idaho was fortunate to have a leader like him," Mitchell said, because he worked for issues that were important to Idaho, too.

"I guess you don't think of the politician as a statesman until after they're gone," Mitchell said. "And Henry Jackson was certainly a statesman."

"I am really shocked," said Bernard P. McCabe, chairman of the Asotin County Commission, when contacted late Thursday about Jackson's death.

McCabe said he heard the news on television about an hour earlier.

"He was an excellent senator for Washington and particularly our area," said McCabe, who is a past campaign coordinator for Jackson in Asotin County.

"I think the state of Washington is really losing a fine citizen and excellent senator. He really stuck up for the people of Washington. He's going to be really missed," McCabe said.

"Oh my," said Harold Vaughn of Clarkston, upon learning of Jackson's death at a late hour. "He was a guest in my home. He was a good friend, a good senator.

"I know we've lost a great man," said Vaughn, who also was a campaign coordinator for Jackson in Asotin County. "He did a lot of great things for the state of Washington . . . We'll miss him greatly."

Charles (Pete) Collins, chairman of the Asotin County Democratic Party, was awakened by the news late Thursday.

"I think he was just a terrific help to eastern Washington," Collins said. "He always had our concerns in mind. He always came to Asotin County.

[From the Eugene (Oreg.) Register-Guard, Sept. 4, 1983]

A SENATOR WHO KNEW HIMSELF

The Pacific Northwest has lost one of its great public men, Sen. Henry Mr. "Scoop" Jackson of Washington.

He will be missed not only because of his effectiveness in office but because of the confidence he instilled in the continuing possibility of government controlled by good men.

Henry Jackson was a good man, and everyone from his Senate colleagues to his hometown neighbors in Everett, Wash., knew it. That doesn't mean just that he didn't smoke or drink or play around with nubile political groupies—although it is true, he did none of those things. In the larger sense, it means that while he did an important job extremely well he also retained a strong sense of himself as an individual, not an image. He was his own man, and for all of his prominence, was in many ways a very private person.

The son of Norwegian immigrants, Jackson grew up poor but made good quickly by way of public education (the University of Washington Law School) and elective office. He was a county prosecutor at 26, a U.S. Representative at 28, a U.S. Senator at 40. He established what must be a Northwest record for rolling up majorities at election time. It was always a little ironic that such a nice fellow would so thoroughly demolish his opponents at the polls.

In Congress, Jackson stubbornly followed his own lead on all important issues. He delighted liberals with his stands on labor and welfare policies, civil rights and—before it became a motherhood issue—environmentalism. But he offended many of those same people with his adamant denunciations of the Soviet Union and his strong defense of a strong national defense.

Jackson was, in truth, an unexciting speaker who was always too big on substance and too short on natural charm to ever have a chance for the presidency, al-

though he tried for Democratic nomination twice, in 1972 and 1976.

In 1980, the authoritative Alamanac of American Politics paid him this compliment: "At the peak of his Washington career is Senator Henry "Scoop" Jackson. He has been disappointed in presidential elections: he was an also ran in 1972 and his seemingly strong campaign collapsed in 1976. But he remains a hard-working legislator with mastery over many subjects—a living refutation of the charge that the Senate no longer has leaders of broad interests and deep knowledge and experience."

One of the funniest moments of his career came in November, 1980, when the American Security Council, a right-wing outfit that would like to reserve the whole federal budget for the Pentagon, gave Jackson a 70 percent negative rating on his voting record.

When he heard that, the senator told a gathering of news people, "Here I am, I've been a warmonger for 30 years. I am the senator from Boeing and the chairman of the military-industrial complex. And now I've become a security risk."

When the laughter died down, he added a serious, somewhat weary, afterthought: "I'm really fed up with this one-issue business . . . One issue, one issue—my Lord, I wish the world were that simple."

That was Henry Jackson. He had the maturity, confidence, dignity and integrity we'd love to see in every person sent to represent the people in Washington, D.C., but which are found to this degree in few.

[From the Lewiston (Idaho) Tribune, Sept. 3, 1983]

ANOTHER POLITICAL GIANT HAS FALLEN

One of the most rewarding tasks that can fall to a governor is the opportunity to fill a vacancy in the United States Senate. But there can be no pleasure for John Spellman in contemplating the replacement of Washington Sen. Henry Jackson, who died unexpectedly Thursday night.

With Jackson's death Washington has lost the second of its politically powerful senators. Warren Magnuson, although old and ailing, was first in seniority in the Senate when he was defeated three years ago by Slade Gorton, and a figure of great influence. Jackson was third in seniority, a two-time candidate for his party's nomination for the presidency and an effective and respected lawmaker. Sometimes known as "the senator from Boeing," because of his skill at snagging defense contracts for Washington's largest employer, Jackson was also a vigorous advocate of social programs. He was a conservative in matters of defense and a liberal on social issues. He became such a prominent figure in that context that he gave his name to people of similar ideological makeup. When you wanted someone like him to fill a candidate slot, you sent for "a Jackson Democrat."

Jackson was effective for Washington in the Senate not only by virtue of his seniority but because he was a man of unshakable integrity. After 31 years in that steamy caldron of ambition and one-upmanship, he had collected a host of adversaries but no enemies.

Washington has been lucky to have him all these years, just as it was lucky to have Warren Magnuson. But public servants, like machines, wear out and have to be replaced. Henry Jackson suddenly is gone and the governor soon must seek a successor. No one ought to envy him that task.—L.H.

PARALYSIS IN THE FACE OF THE SOVIET SALT BREAKOUT

Mr. HELMS. Mr. President, the extraordinary statement issued this week by the Soviet leader Yuriy Andropov is noteworthy not only for its harsh rhetoric, but for the actions which Andropov has ordered to back up his words. The speech should be seen as the visible manifestation of a long-term Soviet policy which has been managed by Andropov for years, along with Nikolai Orgarkov, the Soviet deputy defense minister and chief of the general staff. That policy, which comes as no surprise to those realists who have been following Soviet activities with regard to arms control, is the policy of break-out.

I

Mr. President, the idea that the Soviets would attempt to break out of the restrictions imposed by the strategic arms limitation agreements, and other arms control agreements, is one that is repugnant to the arms control establishment. The very notion of arms control is based upon the assumption that the agreements are in the rational interests of both superpowers, and that an attempt at break-out is irrational and self-destructive.

But the events of recent months, Mr. President, culminating with the shooting down of the KAL airliner, have convinced me that the Soviets are indeed in the beginning of overt break-out. Moreover, it is clear that U.S. policymakers have formulated no contingency plans to handle a situation of Soviet break-out. Thus the steady accumulation of incontrovertible evidence of Soviet violations of the strategic arms limitation agreements has introduced not action, but paralysis and deadlock among President Reagan's advisers. In the face of a threat to our security so massive and far-reaching, the administration has failed to take even one positive step toward countering the Soviet break-out.

Indeed, I proposed on this floor a number of diplomatic and economic steps which could be taken to undermine the Soviet drive for nuclear superiority and world domination. Those steps should yet be taken. But the time has come when we must begin a crash program to counter Soviet ICBM threats. In the face of Soviet breakout, we need to start immediately on defensive strategic programs to protect American lives. At the very least, we need to begin to implement nonnuclear space defense systems which would make the Soviet ICBM uncertain and obsolete.

The ruthless Soviet action in shooting down the KAL airliner was brazenly justified by Andropov in his statement yesterday, with clear intimations that the Soviets intended to pursue their present course. He said:

The Soviet state has successfully overcome many trials, including crucial ones, during the six and a half decades of its existence. Those who encroached on the integrity of our state, its independence and our system found themselves on the garbage heap of history. It is high time that everyone to whom this applies understood that we shall be able to insure the security of our country, the security of our friends and allies under any circumstances.

The Soviet people can rest assured that our country's defense capability is being maintained on such a level that it would not be advisable for anyone to stage a trial of strength.

No one should mistake the Soviet Union's good will and desire to come to an agreement for a sign of weakness. The Soviet Union will be able to make an appropriate response to any attempt to disrupt the existing military-strategic balance and its words and deeds will not be at variance.

Mr. President, the Soviets' so-called appropriate response has been a long list of violations of the SALT agreements. It is perhaps not accidental that Marshal Ogarkov, who appeared recently at the Soviet press conference to justify the KAL massacre, was the chief military delegate to the 1969–71 SALT I negotiations. And as Business Week outlines in the September 19 issue, Ogarkov, now the top Soviet military figure, was also the creator of a Soviet agency known as the Chief Directorate of Strategic Concealment. The Soviet activities in Kamchatka have long been directed toward concealment of Soviet violations of the SALT agreements.

In 1959, an official Department of State document stated that the Soviets had violated over 50 treaties since 1917. A Department of Defense document issued on November 5, 1962, listed the major treaty violations.

Mr. President, I ask unanimous consent that the DOD list of Soviet Treaty violations be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. SALT I was ratified in 1972. Yet by 1976, the Soviets had even made a public admission that they were in violation of that treaty. See the New York Times, May 25, 1976, "Soviet Concedes Arms Violations."

But in the early days of détente, Soviet apologists argued that the Soviets could not be accused of actually violating the treaties, but only of taking advantage of loopholes that had been put in by such experts as Marshal Ogarkov.

But as those advantages have multiplied, while the United States did nothing, the Soviets have become ever more brazen. Pointing out the Soviet activities in Kamchatka, Business Week said:

But what makes the Kamchatka Peninsula one of Russia's most sensitive areas is its strategic build-up. At Chukotskiy, on the

northern tip of the peninsula, the Soviets have built the infrastructure for a vast installation of mobile missiles—SS-20s and/or SS-16s, or the operational version of the PL-5. The SS-20's could reach half of the U.S., while the SS-16s and PL-5s could cover most of the country. There are more than 115 SS-20s east of the Urals, and the completion of the Far East buildup would double that number. The base at Chukotskiy appears to be the "retaliation in kind" that, Soviet propagandists have repeatedly warned, would follow modernization of U.S. missiles deployed under NATO in Europe.

The Soviets are also developing and testing a new generation of ballistic missiles and aerospace defense missiles on Kamchatka. In flagrant violation of SALT II provisions, the Soviet encode the telemetric information on these missile tests, while broadcasting false data to confuse the U.S. tracking system. For the PL-5, they have introduced another way of shielding secrets: night testing, which hampers the U.S. capability to observe the missiles and their impact points. . . .

Recently the Soviets have increased their antiballistic missile (ABM) activities in southern Kamchatka, although these are prohibited in a 1972 agreement attached to SALT I. In 1974, the Soviets introduced ABM radar in Kamchatka—specifically prohibited by the ABM treaty—calling it a test installation. In fact, the radar has full operational capacity. The Soviets hope it, along with an operational radar in Komsomolsk in the Far East and an ABM radar recently discovered in Ablakova in Siberia, will shield their Far East strategic installations.

Mr. President, it is this situation that the KAL jumbo jet innocently blundered into. The shooting down of the civilian airliner was a reckless attempt to cover up an illegal PL-5 test in progress. The shooting down itself was an attempt at concealing the arms control breakout. Yet in the face of this critical situation, the bureaucracy in the administration remains paralyzed.

II

The Soviet act of shooting down the KAL airliner, as I have pointed out, was an attempt to cover up Soviet SALT violations. At the very time that the KAL airliner was nearing Kamchatka, the Soviets were preparing for the fifth test of the PL-5 ICBM, a test which would have been illegal under the SALT II agreement, because there is evidence that it is 220 percent larger in throwweight than earlier missiles. It is because of the preparations for the illegal test that our RC 135 was in the air in the first place. An advisor to the Soviet leadership actually conceded on September 21, 1985 that the U.S. RC 135 was "about to monitor the would-be tests of the Soviet intercontinental missiles." Moreover, the electronic signals from the four previous tests had been encrypted, which itself is a violation. Obviously, the Soviets do not want us to know the details of their violations—so it is not surprising that the Soviets would do anything, even the brutal murder of 269 civilians, to block any chance that we might be discovering their guilty secret. And the Soviets have confirmed the coverup: They have violated the incidents at sea agreement of 1972 in their efforts to prevent United States recovery of the KAL black box.

Thus the KAL airliner shoot-down is itself a warning that our present approach to arms control is outmoded. If both sides are not acting in good faith, there is no verification procedure that can prevent violations. The very essence of arms control is good faith in assisting the compliance checking procedures, yet the Soviets claim the right to shoot down U.S. aerial reconnaissance. If the Soviets have thus rejected the essence of arms control, then our current posture in the negotiations is fruitless and dangerous to our security. We need to revise our strategy to take into account this undeniable circumstance.

Nevertheless, Mr. President, the administration does not seem to be able to make up its mind what to do about it. I can see the dilemma of those who have devoted their entire careers to arms control on the assumption that the arms control process was a reasonable proceeding based upon the common interests of both sides. To admit that the Soviets might not be acting in good faith would be to say that the whole careers of many in the arms control community has been based upon a false premise. It is very hard to admit that the work of a lifetime has been based upon error.

Yet not only does the record show that the Soviets have been violating the SALT agreements time and time again, but the record of the past few weeks on the KAL incident shows that the Soviets will lie, twist, distort, and impede the facts surrounding their violations.

Now, Mr. President, we come to a very serious situation, one that threatens our national security. I have been reliably informed that for the last 3 weeks, the highly classified National Security Council analysis of Soviet Salt violations has been on President Reagan's desk. While President Reagan is the first American President to accuse the Soviets of violating any arms control agreements, it is also true that this administration has done nothing about these violations. The President's advisers have created a serious embarrassment for the President, because he is already on the record with accusations that the Soviets have violated five arms control agreements (see my attached compilation), yet nothing has been done.

Take note of the timing, Mr. President: The Soviet SALT violations study arrived only a few days after the KAL affair. I cannot say in this Chamber exactly what this highly classified study says. But I do know that it will give no comfort to those who have been claiming that we lack the conclusive evidence to make a positive decision in the matter.

So what has happened, Mr. President? What impact has this study had? Absolutely no impact, Mr. President. And worse than no impact, its conclusions are so overwhelming that it has paralyzed action by the President's advisers at a crucial time.

The facts are well known, Mr. President, not only inside the administration, but among all those who follow these problems seriously. The facts would demand that the United States insist upon a special meeting of the U.S. SALT Standing Consultative Commission. The Soviet violations are so urgent and so flagrant, that special attention should be called to the problem. Even before the KAL shoot-down, in early August the United States requested a special meeting of the SCC. But there are powerful elements in the State Department who are afraid to confront the Soviets even in a diplomatic forum. Naturally, the Soviets refused the request in mid-August. And what did we do then? We meekly agreed to wait for a regular meeting in late September, instead of taking the matter of Soviet SALT breakout to top forums and making the refusal public.

The irony is, Mr. President, that a Soviet official has now actually admitted that an ICBM test flight was being prepared during the KAL shoot-down.

But despite the mid-August Soviet rebuff of our early August urgent request for a special compliance session, the administration decided that we would wait for the regular meeting of the SCC and then act.

Mr. President, the SALT SCC has been unable to compel Soviet SALT compliance. As the distinguished Senator from Idaho, Mr. McCLURE, has pointed out:

> While it is true that the SCC has resolved all US compliance concerns about the Soviets, these concerns have been resolved by American acquiescence. At a Senate Foreign Relations Committee hearing (on SALT II) in 1979, Ambassador Paul Nitze was asked how Soviet treaty violations before the SCC were resolved. He replied: "They were resolved by accepting what had been done in violation."

Not all Soviet SALT violations were even referred to the SCC, and in one case there was a delay of 7 years between first detection of the Soviet violation and the U.S. acquiescence in the SCC to the Soviet violation.

Thus the SCC has, over the decade of SALT I and II, proved absolutely useless. It has been a forum for U.S. acquiescence in all Soviet SALT violations, and it has not changed Soviet behavior. Indeed, it is fair to say that the SCC has been counterproductive, because it has become a convenient device for avoiding compliance enforcement.

I call to the attention of this body the fact that Secretary of State Shultz

sent a diplomatic note to the Soviet Union last July asking for an explanation of the evidence we had of the illegal new Soviet ICBM. Only contemptuous denials and insults were received from the Soviets.

Then by early August, we had obtained unmistakable evidence of the construction of the new ABM radar in Siberia, in violation of five provisions of the SALT I ABM Treaty. As I have said, in early August, we asked the Soviets for an urgent, special SCC session to consider compliance. Only once before, in 1975, had the United States requested and received such a special compliance session.

And while the debate was raging within the administration about what to do about the new violation and the Soviet stonewalling on the special SCC compliance session, the Soviets shot down the KAL airliner in an action which they have admitted was related to their intended coverup of the fifth test of the illegal missile.

At the United Nations General Assembly on Monday, President Reagan stated:

> Reactions to the Korean airliner tragedy are a timely reminder of just how different the Soviets' concept of truth and international cooperation is from that of the rest of the world. Evidence abounds that we cannot simply assume that agreements negotiated with the Soviet Union will be fulfilled. We negotiated the Helsinki Final Act, but the promised freedoms have not been provided, and those in the Soviet Union who sought to monitor their fulfillment languish in prison. We negotiated a Biological Weapons Convention, but deadly yellow rain and other toxic agents fall on Hmong villages and Afghan encampments. We have negotiated arms agreements, but the high level of Soviet encoding hides the information needed for their verification. A newly-discovered radar facility and a new ICBM raise serious concerns about Soviet compliance with agreements already negotiated.

Mr. President, when a President of the United States makes these charges in the foremost, top level international forum, the issue is too important to be handled on a routine level in the SCC in Geneva.

Mr. President, the United States must demand that the Soviets dismantle their newest illegal ABM radar in the interior of Siberia, and stop the testing of their new and illegal PL-5 ICBM—and incidentally, the intelligence community has already dubbed the PL-5 with the label SS-X-25. That means there is no doubt in the minds of the intelligence community that it is a new type ICBM; and since it is then their second new type ICBM, it is forbidden by the SALT II agreement.

But the arms controllers do not want to make these minimum demands on the Soviet Union. While they do not even dispute that the Soviets are in violation of SALT I and SALT II, the fact is that the Soviets have already, at the highest level, repeatedly denied that they have been violating SALT I and SALT II, and have already refused to stop what they are doing. The arms controllers are worried that yet another, the fourth U.S. demand this year, would also be rebuffed by the Soviets. Apparently, they feel that it is better to pretend that the Soviet violations will go away.

Mr. President, this dispute has reportedly reached a profound deadlock within the administration. But paralysis and inaction cannot prevail. We must put the case to the world about what is happening. Any policy which pretends that the Soviet Union is a reliable partner is a policy which will lead to even greater crisis. The first step in any crisis is to let the people know just what the reality is.

Mr. President, as I have pointed out, President Reagan has already publicly accused the Soviets of violating five arms control agreements: The Chemical Warfare Protocol of 1925, the Biological Warfare Convention of 1975, the Threshold Test Ban Treaty of 1974, and the SALT II Treaty. Such authoritative former officials as Defense Secretary Melvin Laird, and Secretary of State Henry Kissinger have previously accused the Soviets of violating the SALT I ABM Treaty and the SALT I Interim Agreement.

Mr. President, I recommend the following steps:

First, the United States should cancel the routine SALT SCC meeting, due to repeated Soviet refusals of a special compliance session, and due to the fact that President Reagan's concern about Soviet SALT violations, expressed at the United Nations, require use of a higher forum than the SCC.

Second, the Secretary of State should send another note to the Soviet Foreign Minister, this time demanding that the Soviets cease and desist in their SALT violations. If this note is again met with contemptuous Soviet denials and insults, President Reagan himself should send a personal note to Soviet Chairman Andropov, and make the entire diplomatic record since February public.

Third, because the President is already on the record with five accusations of Soviet arms control treaty violaions, Congress needs to be told the facts about Soviet violations.

Fourth, the United States should stop making preemptive concessions in the INF and START negotiations, and instead change the focus of all arms control negotiations to enhancing verification and compliance.

Fifth, the President should consider those unilateral defense measures, especially antiballistic missile defenses, needed to protect American national security, which should be proposed to Congress.

III

Mr. President, President Reagan made another very important statement recently. On September 14, 1983, Ronald Reagan stated in regard to the Kennedy-Khrushchev Agreement of 1962:

> That agreement has been abrogated many times by the Soviet Union and Cuba in bringing what can only be considered offensive weapons, not defensive, there."

This Presidential statement represents the second time that Ronald Reagan has publicly accused the Soviets of violating the very agreement which brought the world peace after the worst nuclear crisis in history. The implications of the President's accusations are enormous for United States-Soviet relations. If the Soviets are violating the very agreement that brought the world back from the brink of nuclear war, should we be carrying on business as usual diplomacy and arms control negotiations with them?

Nor is this the first time that the President has talked about Soviet SALT violations.

On May 9, 1982, President Reagan stated accurately:

> Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties.

As I have already noted, President Reagan made an even stronger statement on Soviet SALT violations at the United Nations General Assembly on September 26, 1983:

> We have negotiated arms agreements, but the high level of Soviet encoding hides the information needed for their verification. A newly discovered radar facility and a new ICBM raise serious concerns about Soviet compliance with agreements already negotiated.

On February 23, 1983, President Reagan stated in regard to the second Soviet SS-X-25 ICBM (PL-5) test earlier that month:

> You could say I'm convinced that these are violations * * * This last one comes closest to indicating that it is a violation.

Mr. President, I strongly agree with President Ronald Reagan that the Soviets are violating the SALT treaties and other arms control treaties. There are reports that even State Department detentists are fretting over escalating evidence of Soviet SALT cheating. One State Department arms control policymaker has been quoted as conceding that the Soviets have "busted the SALT agreements," a reference to Soviet violations of both SALT I and SALT II. The Soviets themselves in March 1976 admitted that they were in violation of SALT I. A former U.S. Ambassador has written that there is overwhelming objective evidence that the Soviets have violated SALT and other arms control agreements. Even the U.S. Ambassador to the Intermediate Range Nuclear Force reduction negotiations in Geneva, the venerable Paul Nitze, has conceded that throughout the 1972-

1982 decade of SALT, the United States has acquiesced in Soviet SALT violations.

In December 1982, amid reports that the Soviets were preparing to test another new missile, the SS-X-25, the State Department warned: "If they begin to test another new type of ICBM, this would conflict with the terms of SALT II." But the Soviets went right ahead and tested the SS-X-25 in December 1982, February, May, and June 1983 anyway. The SS-X-25 is their second new type ICBM, in violation of the SALT II constraint of no more than one new type ICBM.

In testimony to the Senate Foreign Relations Committee on June 15, 1983, Secretary of State Shultz criticized Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond. Shultz added that the United States is becoming increasingly concerned about Soviet practices—including the recent testing of ICBM's—that raise questions about the validity of their claim of compliance with existing SALT agreements.

Mr. President, the question facing all American leaders now is what to do about Soviet Arms Control Treaty breakout and the nature of United States-Soviet relations. The main problems ahead are the repeated Soviet threats to walk out of or to suspend the INF and START negotiations in Geneva, if the U.S. Pershing II and ground-launched cruise missile deployment goes forward in NATO Europe this December. Further, the Soviets have repeatedly threatened to create an analogous threat to the United States—somewhere in the Caribbean—if the United States and NATO missile deployment is consumated in 2 months. Of course, the Soviets already have created a severe nuclear threat in Cuba with their bomber, fighter-bomber, and submarine bases in Cuba in violation of the Kennedy-Khrushchev agreement. Thus we must prepare now for the very dangerous crisis looming in December and beyond.

The ultimate irony is that Soviet peace propaganda and active measures have successfully obfuscated Soviet SALT cheating, and instead made the United States seem to be the main villain and obstacle to successful arms control. Soviet hypocrisy about arms control is well illustrated by their breakout from all existing arms control treaties, while impudently threatening to walk out on on going negotiations if the United States tries to restore parity.

I believe that time is running out for President Reagan credibly to make a public report to the Congress and to the American people on Soviet SALT and other arms control violations. The President endorsed the Republican Party platform of July 1980, which stated:

> We pledge to end the Carter cover-up of violations of SALT I and II.

I believe that President Reagan should report to the Congress openly, in unclassified form, absolutely before and no later than October 31, 1983.

The report need not precipitate the Soviet threat to break off arms control negotiations. Indeed, the opposite effect is far more likely. After challenging Soviet SALT violations openly and explicitly, President Reagan can seize the moral summit, by nobly offering to accelerate the pace and scope of all arms control negotiations, if only the Soviets will show a sign of good faith by ending their violations of all existing treaties and agreements. Hence President Reagan has the opportunity both to deter Soviet breakoff of the ongoing arms control negotiations and breakout of existing arms control treaties, while at the same time reaffirming the integrity of existing and future arms control agreements. Thus the Presidential SALT violations report would strongly serve the cause of peace, while at the same time outflanking all concessionary leftist critics at home and in Europe.

Mr. President, I am concerned that about one third, 33 percent, of our existing nuclear weapons firepower, is being unilaterally deactivated. These oldest but most powerful missile and bomber forces are counted in SALT II. In contrast, the Soviets have refused to deactivate over 250 missiles and bombers in order to comply with SALT II. Moreover, I am concerned that about 46 percent of the capability of our modernization plans for U.S. strategic forces has been cut back, all in order to comply with the unratified SALT II Treaty. We are in the ironic posture of violating the Constitutional Treaty making powers in order to comply with the unratified SALT II Treaty, while the Soviets are breaking out of SALT II themselves.

Mr. President, Dr. Henry Kissinger made an eloquent prophecy on June 15, 1972, during the SALT I ratification debate when he predicted:

> The possibility always exists that the Soviets will treat the Moscow Agreement, (i.e. the May 1972 SALT I Interim Offensive Agreement and SALT I ABM Treaty) as they have sometimes treated earlier ones, just as another tactical opportunity in the protracted conflict. If this happens, the United States Will have to respond . . . If this agreement were being circumvented, obviously we would have to take compensatory steps in the strategic field.

During the decade of SALT I and SALT II, the Soviets have in fact circumvented and violated both SALT I and SALT II over 30 times, just as they violated over 50 treaties between 1917 and 1962. There are over 150 detected cases of Soviet diplomatic forgeries and active measures exposed over the last 7 years. The new Soviet ABM radar in the interior of Siberia and the new Soviet SS-X-25 ICBM are clearcut violations of SALT I and SALT II—even the many Soviet apologists inside the U.S. national security bureaucracy concede that there is no longer any serious internal dispute that these are violations. The Soviet telemetry encryption, the mobile SS-16 ICBM operational at a test range, the production of more than 30 Backfire bombers per year, the Soviet rapid-refire ABM and ICBM capability—these are examples of other almost equally conclusive Soviet SALT violations. But the United States has yet to take compensatory countermeasures, as Dr. Kissinger pledged.

Mr. President, I ask unanimous consent that the following supporting documents be printed in the RECORD. First, an article from Human Events, September 3, 1983, entitled "Clark Verification Panel May Head Off Summit." A key administration arms control expert is quoted in the article. This expert is one of the top U.S. policymakers, and he says:

> We have tried to engage them [the Soviets] in verification discussions, and they've said no, no.

The Human Events article goes on to quote an NSC official as saying:

> The practices of gross deception and concealment by the Soviets, combined with their crude responses to our legitimate concerns, are such that no official, Senator or anyone else aware of these facts will any longer be able to ignore or excuse Soviet conduct.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Second, I would like to have printed in the RECORD an excellent article by William R. Harris entitled "Breaches of Arms Control Obligations: Implications for the Future of Arms Control." This article was presented less than a week ago at a Stanford University arms control seminar, and it provides a sound legal basis for my statement.

Mr. President, I also ask unanimous consent that an article by Rowland Evans and Robert Novak entitled "The President's SALT Screwdriver," published in the Washington Post on September 26, 1983, be printed in the RECORD. This is a very fine article by two outstanding and well-connected journalists. There is only one thing about the article which I would question. That is just how strong the opposition to Presidential exposure of Soviet SALT violations really is. I have already mentioned reports that the opposition of the President's political and diplomatic advisers to a Presidential report on Soviet SALT violations is much stronger than Evans and Novak suggest.

In addition, Mr. President, I also ask unanimous consent that an article

from Business Week entitled "What the Soviets Are So Anxious to Conceal," edited by Sol Sanders, be printed in the RECORD.

Mr. President, I also ask unanimous consent that a compilation entitled "President Reagan's Accusations of Soviet SALT Violations" be printed in the RECORD. This compilation shows the need for the President to tell the Congress the evidence which underlies these public charges. Much evidence on Soviet SALT violations is already in the public domain, so all the Reagan administration needs to do is to compile and report on the unclassified evidence.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3, 4, 5, and 6.)

Mr. HELMS. Finally, Mr. President, I would point out that Marshal Nickolai Ogarkov recently gave a press conference in Moscow in which he presented the Soviet cover story for the KAL massacre. Marshal Ogarkov is currently the chief of the Soviet General Staff, and between 1969 and 1971 he was the top Soviet military delegate to the SALT I negotiations. What is not well known in the West is the fact that Marshal Ogarkov has concurrently also been chief of the Soviet General Staff Directorate of Strategic Deception. In an authoritative description of the May 1972 SALT I Summit in Moscow, Viktor Suvarov in his new book "Inside The Soviet Army," states:

. . . right behind Brezhnev (was) General Ogarkov . . . head of the (Soviet General Staff) Chief Directorate of Strategic Deception. This Chief Directorate is the most powerful in the Soviet General Staff . . . everything in this huge country must be done in such a way that the enemy always has a false impression of what is going on.

The Chief Directorate of Strategic Deception . . . shows the watchful eye of the camera a reassuring picture, behind the shelter of which the gangsters who call themselves the Communist Party of the Soviet Union, the Soviet Army, Military Industry and so forth go about their business . . . There is no doubt that these activities enable the Politburo, without great difficulty, to empty the pockets of those in the West who will not understand that they are dealing with organized crime, committed by a State which is operating on a world-wide scale.

This revelation of the Soviet General Staff Strategic Deception Directorate is the first unclassified reference to the military group which controls Soviet SALT negotiating and compliance behavior. It is regrettable that their explanation of the KAL massacre is no more credible than their sordid negotiating history, which is a record of duplicity, deception, and violation.

EXHIBIT 1

EXTRACT FROM SENATOR HELMS' ADDITIONAL VIEWS TO SFRC REPORT NUCLEAR ARMS REDUCTIONS, JULY 12, 1982

SOVIET TREATY VIOLATIONS

In conclusion, we also need to examine a brief and incomplete compilation of examples of Soviet diplomatic duplicity. The table below on Soviet treaty violations is notable for the fact that it is drawn from an official U.S. Government document published in 1962. Other examples of Soviet forgeries, disinformation, and diplomatic deception are beyond the present paper's scope.

a. In 1973, the Soviets violated the 1972 Basic Principles of U.S.-Soviet Relations during the Yom Kippur War. In this case, the Soviets reneged on their 1972 pledge to engage in mutual consultations in the event that nuclear war was threatened, and they sought unilateral advantage by encouraging the Egyptian attack on Israel. They also threatened unilateral intervention against Israel, and made a nuclear threat against the U.S.

b. With Soviet aid and encouragement, North Vietnam broke the Paris Accords on Peace in Southeast Asia throughout the 1973–1975 period.

c. The Soviets also violated two arms control treaties in the 1920s and 1940s. According to Laurence Beilenson:

"There are * * * two cases where the Soviet Union abetted violations disarmament treaties. The Soviet Union was not a party to the Treaty of Versailles, but * * * it abetted the breach by Germany of its disarmament provisions, and helped Germany to defeat the provision for verification of performance.

"The peace treaties of the wartime Allies—including the USSR and the United States—of 1947 with Rumania, Bulgaria, and Hungary each had clauses specifically limiting the military forces of each of the three countries, a disarmament provision. The clauses were not given even token performance. The breaches began and continued while the USSR dictated the conduct of the three countries."

d. High Reagan administration officials have charged that the December 1981 imposition of martial law in Poland was directed by the Soviets, and that the Soviets have directly threatened military action against Poland, intimidated its leaders, and ordered basic human rights of the Polish people to be violated by the Polish Communist Party and Polish Army. Eugene V. Rostow, ACDA Director even went so far on NBC-TV on December 22, 1981, as to charge that the Soviets have violated the UN Charter by their aggressive actions in Poland. Other high Reagan administration officials have also accused the Soviets of violating the 1975 Helsinki Accord by their suppression of the basic human rights of the Polish people.

e. Violation of the Litvinov Agreement.—In 1933, the U.S. recognized the government of the USSR following negotiations and an exchange of letters between Soviet Foreign Minister Litvinov and President Roosevelt. Litvinov stated in a letter to President Roosevelt of November 16, 1933:

"It will be the fixed policy of the *Government* of the Union of the Soviet Socialist Republics * * * not to permit the formation or residence *on its territory* of any group or organization which has an aim (of) the overthrow or the preparation for the overthrow of, or the bringing about by force, of a change in the political or social order of the whole or any part of the United States, its territories or possessions." (Emphasis added).

However, Foreign Minister Litvinov's solemn pledge produced no effect whatever upon the activities of the Comintern, which continued to carry out its role as the organizer and directing center of the World Communist movement from its Moscow headquarters. The purpose of the Comintern, clearly defined in its statutes and theses, was "the struggle by all available means, including armed forces, for the overthrow of the international bourgeoisie and the creation of an international Soviet Republic." Thus the Comintern, located in Moscow with the permission and aid of the Soviet government, was explicitly commited to overthrowing the U.S. Government by force. Evidence of systematic violation of the Litvinov agreements after 1945 was brought to light by convictions under the U.S. Alien Registration Act of 1940, which made it a criminal offense "to organize or help to organize any society, group, or assembly of persons who, teach, advocate, or encourage the overthrow or destruction of any government in the U.S. by force or violence." The trial and conviction in 1949 in a U.S. Federal Court in New York of 11 communist leaders, revealed that American Communist Party, acting upon orders of the USSR issued by Dmitri Manuuilsky, (Comintern Leader and in 1949 Foreign Minister of the Ukrainian Soviet Socialist Republic and therefore an official member of the Soviet Government), had returned to a policy of violent revolution.

Despite continuous Soviet violation of the very agreements establishing U.S.-Soviet relations, the United States, still seems to believe that the USSR is a nation capable of normal adherence to international law. Soviet propaganda, covert action, subversion, and espionage inside the United States has increased markedly over the last decade.

According to a new book by James L. Tyson, "Target America: The Influence of Communist Propaganda on U.S. Media," there are at least 4,000 active Soviet propaganda agents within the United States, spending over 240 million dollars a year on Soviet propaganda inside the United States. The Soviet activity is a blatant violation of the Litvinov Agreement, and in itself should make the USSR unfit to negotiate with on SALT.

f. Figure 8 reflects a number of other Soviet treaty violations. It is extracted from an official U.S. Government book entitle "Soviet Treaty Violations," Department of Defense, November 5, 1962.

FIGURE 8.—HISTORY OF MAJOR SOVIET TREATY VIOLATIONS

The agreement: May 7, 1920. Soviet regime signs treaty with independent Georgian republic, pledging no interference in Georgia's internal affairs.

The result: February 1-12, 1921. Soviet troops invade Georgia, in step leading to absorption of Republic into USSR.

March 16, 1921. In trade agreement with Britain, Soviet Union pledges not to engage in propaganda in that country.

May 26, 1927. Britain ends agreement because of Soviet violations, including failure to stop propaganda as promised.

June 5, 1922. Soviet Union concludes friendship agreement with Czechoslovakia.

June 29, 1945. USSR compels Czechoslovakia to cede Carpatho-Ukraine to the Soviet Union.

December 12, 1943. USSR and Czech government-in-exile sign treaty of friendship and mutual assistance.

February 25, 1948. Czechoslovak government forced to accept communist ultimatum, as USSR completes arrangements to force it into its satellite empire. Ultimatum compels appointment of a cabinet of Moscow followers and climaxes Soviet postwar drive to absorb once-independent Czechoslovakia.

December 17, 1925. USSR signs non-aggression and neutrality pact with Turkey.

March 20, 1945. USSR denounces this pact, begins campaign to secure control of Black Sea straits.

August 31, 1926. USSR concludes non-aggression pact with Afghanistan.

June 14, 1946. USSR forces Afghanistan to cede border territory of Kishka.

September 28, 1926. USSR makes non-aggression pact with Lithuania, later extending this agreement through 1945.

June 15, 1940. Soviet troops invade Lithuania.

August 3, 1940. Lithuania is annexed by Soviet Union.

September 27, 1928. Soviet Union adheres to Kellog-Briand pact for renunciation of war.

By 1939, USSR violates this pledge—40 invasions of Poland, Lithuania, Latvia, Estonia, Rumania, and Finland.

January 21, 1932. USSR agrees to non-aggression pact with Finland.

November 20, 1939. Soviet military forces invade Finland.

February 5, 1932. Soviet Union signs non-aggression pact with Latvia.

August 5, 1940. Latvia is forcibly incorporated into the USSR.

May 4, 1932. Soviet Union pledges non-aggression in agreement with Estonia.

June 16, 1940. Soviet military forces invade and occupy Estonia.

August 6, 1940. Estonia is annexed by USSR.

July 25, 1932. Soviet Union signs non-aggession pact with Poland.

September 17, 1939. Soviet troops invade Poland.

May 4, 1934. USSR-Poland extend non-aggession pact for 10 years.

September 29, 1939. USSR signs agreement with Nazi Germany to partition Poland.

June 9, 1934. USSR recognizes Rumania, guarantees its sovereignty.

June 27, 1940. Soviet army invades Rumanian provinces of Bessarabia and North Bukovina. Soviet occupation of these areas completed in four days.

September 15, 1934. USSR enters League of Nations pledging thereby "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another."

August 23, 1939. USSR makes treaty with Nazi Germany, termed "a joint conspiracy to deprive Poland, Estonia, Latvia, Lithuania, Finland, and Rumania of their independence and territory integrity."

August 21, 1937. Soviet Union signs non-aggression pact with Republic of China.

October 2, 1949. USSR breaks relations with ROC after recognizing Communist Chinese regime it helped to gain power.

July 30, 1941. USSR concludes agreement with Polish government-in-exile pledging mutual aid and cooperation.

April 25, 1943. USSR breaks relations with Polish government-in-exile on pretext of Polish request for Red Cross investigations of Katyn Forest massacre.

August 14, 1945, USSR enters into treaty with Republic of China, containing these pledges, "each high contracting party undertakes not to conclude any alliance and not to take any part in any coalition directed against the other high contracting party. The treaty comes into force immediately and shall remain in force for a term of 30 years."

February 14, 1950. These pledges were broken when the USSR made a new agreement with Communist Chinese regime it had helped create. Soviets did not even bother to change the basic wording. The new treaty also pledged: "Both high contracting parties undertake not to conclude any alliance against the other high contracting party and not to take part in any coalition or actions or measure directed against the other high contracting party. . . . The present treaty will be valid for 30 years."

March 10, 1947. Council of Foreign Ministers, meeting in Moscow, agrees that all German prisoners of war should be repatriated by December 31, 1948.

August 3, 1955. Soviet regime furnishes West German Red Cross with data on the health and whereabouts of only 20 of the approximately 14,000 Germans known to be still held in the USSR.

May 4 & June 30, 1949. Four Power Agreements of New York and Paris guarantee U.S., British, French, and Soviet joint control of Berlin, all access routes to and from the city and freedom of movement within the city.

September 20, 1955. USSR unilaterally transfers Soviet control over all access routes to and from Berlin to East German regime.

August 13, 1961. Construction of Berlin Wall completely prohibits free passage from Soviet sector to the Western sectors.

July 27, 1953. Military armistice established between U.N. Command and opposing communist forces assisted by USSR, China & North Korea. Armistice agreement pledges signers to "cease introduction into Korea of reinforcing military personnel."

July 11, 1955. U.N. Command details long list of armistice violations by Communist parties.

May 6, 1957. U.N. Command, in another of series of official complaints, charges that Communists have sent troops into Korea's demilitarized zones six times in a period of less than four months.

January 14, 1956. USSR signs agreement with Yugoslavia, pledging $110,000,000 in credits for industrial construction.

August 4, 1956. USSR pledges an additional grant of $175,000,000, bringing total to $285,000,000.

May 28, 1958. Yugoslav sources disclose USSR has postponed for 5 years the grant to Yugoslavia amounting to $285,000,000. This represented an attempt to retaliate against Yugoslavia for its refusal to accept the CPSU's ideological leadership.

September 24, 1941. USSR pledges adherence to Atlantic Charter, which provides that agreeing countries seek no aggrandizement, that the countries desire no territorial changes not made in accord with freely expressed wishes of the people concerned, and that they respect the right of all peoples to choose their own form of government.

Against these promises stands the USSR's record of occupation and domination of Rumania, Estonia, Latvia, Lithuania, Czechoslovakia, Tannu Tuva, Afghanistan territory, Hungary, East Germany, Albania, Bulgaria, Poland, North Korea, Mongolia.

January 29, 1942. USSR, with Iran and Britain, signs treaty of alliance, providing for military use of Iranian territory only until end of military operations against Germany.

Soviet Union refused to withdraw its troops from Iran at the end of World War II.

February 4-11, 1945. At Yalta Conference, USSR agrees on various postwar measures, including adoption of a resolution that the liberated peoples of Europe should have the opportunity to solve their economic problems by democratic means.

East Germany, Hungary, and Czechoslovakia, and other countries were forced into postwar roles as satellites of the Soviet Union.

February 11, 1945, USSR, at Yalta conference, agrees to declaration that Polish provisional government "shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot.

January 5, 1947. Soviet Union refuses to participate in meeting with Britain and U.S. to secure compliance with the 1945 agreement pledging free elections in Poland.

January 19, 1947. Communist-controlled fraudulent election carried out under conditions of Soviet military occupation.

April 11, 1945. USSR signs 20-year treaty of friendship, mutual aid, and cooperation with Yugoslavia.

September 29, 1949. Soviet Union denounces this agreement.

June 14-18, 1945. President Truman and Premier Stalin agree, in an exchange of letters to "free access by air, road, and rail from Frankfort and Bremen to Berlin for United States forces."

April 1, 1948-May 12, 1949. USSR imposes the Berlin Blockade by severing all land and water routes between Berlin and West Germany. Western allies supply Berlin by airlift.

March 1962. USSR harasses flights by allied airplanes between Berlin and West Germany.

July 17-August 2, 1945. At Potsdam conference, USSR agrees that there should be uniform treatment of the German people throughout Germany. East Germany today continues to be a rigidly controlled Soviet satellite. Its people have been denied free elections, isolated from the people of West Germany, and victimized by the same kind of regimentation, police rule, and economic restrictions imposed on the peoples of all the Soviet Bloc states in Europe.

October 19, 1956. USSR-Japanese Joint Declaration pledges the Soviet Union to refrain from interference in Japan's internal affairs.

1958. During the weeks preceding Japanese elections of May 22. Soviet radio beams propaganda at Japan violently opposing the reelection of Premier Kishi's govenment.

1959-1960. USSR threatens Japan with the possibility of nuclear war if Japan ratifies United States-Japan Security treaty, signed January 19, 1960.

Soviet noncompliance with treaties is now indisputable, as is the record of Soviet forgeries, deceptions, and disinformation ploys. How can the U.S. continue arms control negotiations with so unreliable a nation as the Soviet Union? Arms control treaties in any case can not be relied upon to keep the peace. Only adequate U.S. military forces will do that.

But as bad as Soviet treaty noncompliance actions have been, we also can not ignore Soviet words. As noted, Stalin said in 1913:

"Words have no relation to actions—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

V. I. Lenin stated: "Promises are like pie crusts, made to be broken."

The chief enemy of arms control is Marxism-Leninism. The Soviets are indeed waging ideological warfare through arms control negotiations. As Lenin also stated: "Every peace program (i.e., such as a nuclear weapons freeze) is a deception of the people and a piece of hypocrisy, unless the principal object is to explain to the masses the need for a revolution."

As Laurence Beilenson concluded in his famous and authoritative book, "The Treaty Trap":

"The pattern of evidence (i.e. in modern history) is that treaties of disarmament have been broken by powerful nations . . . the central pattern is habitual unreliability in performance and recurring treaty reliance . . . (Treaties have) been only a formal recording of the then respective strengths of the parties making it, and (have) lasted only by reason of the continuence of such relative strengths, irrespective of the treaty."

As President John F. Kennedy stated on March 2, 1963 in regard to the Limited Test Ban Treaty then under negotiation with the Soviets:

"We know enough about broken negotiations, secret preparations, and the advantages gained * * * never to offer again an uninspected moratorium."

EXHIBIT 2

CLARK VERIFICATION PANEL MAY HEAD OFF SUMMIT

Efforts by the State Department's Lawrence Eagleburger, White House aid Mike Deaver and others in the Administration to pave the way for a Ronald Reagan-Yuri Andropov summit next year have run into possible snag: the President's establishment of a strategic arms verification panel under the chairmanship of National Security Adviser William P. Clark.

According to informed Administration officials the Clark panel, which consists of policy level representatives and analysts from State, Defense, the Joint Chiefs and the intelligence agencies, is thoroughly investigating at least three major potential SALT I and SALT II violations. These sources maintain that the panel's conclusions—which may come as early as next month—are likely to have major repercussions on U.S. policy.

At least one official intimately acquainted with the information coming before the Clark group told us: "The practices of gross deception and concealment by the Soviets, combined with their crude responses to our legitimate concerns, are such that no official, senator or anyone else aware of these facts will any longer be able to ignore or excuse Soviet conduct."

Even now, it is contended, such "pragmatic" State Department types as Undersecretary Eagleburger and Assistant Secretary Richard Burt are worried about recent Soviet deceptive nuclear testing practices.

The major concern at the moment is an almost certain violation by the Soviets of the ABM treaty of 1972. Recent satellite photos of a sweep of the eastern Soviet Union reveal the construction of an immense radar system deep inside the Russian empire. Construction of the new radar complex is believed to violate directly the ABM treaty which prohibits any deployment of the ABM system capable of actually protecting either the U.S. or the U.S.S.R. from an offensive assault.

Indeed, the very purpose of the ABM treaty was to prevent either country from building an anti-missile system on the grounds that neither nation would then dare attack the other side since both sides would be left entirely vulnerable to a counter assault.

Examining the nature of the potential ABM violations, the Heritage Foundation, which possesses excellent defense and security contacts, recently observed:

"[The new radar system] closes the gap of coverage against incoming U.S. land- and sea-based missiles targeted against eastern Soviet territory and, together with already existing radar sites, will soon enable the Soviets to mount a formidable anti-ballistic missile defense against a retalitory strike by the United States."

Combined with the growing Soviet first-strike capabilities against our strategic deterrent (including land-based missiles, bombers and submarines) and a vigorous civil defense effort, "it becomes apparent," said Heritage, "that the Soviets are on the verge of acquiring all major elements for the potential to wage nuclear war against the United States at tolerable losses."

The potential ABM violation is the most serious of this nation's concerns, but there are two other possible violations that are also deeply troubling. The SALT II treaty allows only one new type ICBM to be developed by either side. The Soviets designated the PL-4 of last year as their new missile. But then, this spring, the U.S. discovered that the Soviets were testing still another new long-range missile, the PL-5.

The Soviets claimed this was just a follow-on to the old SS-13, but U.S. intelligence sources, insisted that the PL-5, in the words of Sen. Malcolm Wallop (R-Wyo.), a member of the Senate Intelligence Committee, differed in throw-weight by more than 200 per cent from the SS-13. The Soviets, according to the highest U.S. sources, have not yet been able to convince the American intelligence community that the PL-5 is not an entirely new missile.

The third potential serious violation surrounds the allegation that the Soviets—again in violation of SALT II—have developed and deployed a mobile missile, the SS-16.

What is fascinating about all this is that at the very moment the Clark panel is considering concluding that the Soviets have almost certainly violated both the letter and the spirit of the previous SALT agreements, the Soviets, in the new strategic arms discussions (START), are stubbornly refusing to discuss verification in any meaningful way.

Human Events asked a top arms controller about what the Soviets and the U.S. might have agreed to our recent SALT negotiations. This key expert informed us:

"What I can tell you about verification is that we have tried to get the Soviets talking about verification at every step, . . . and so on. We have tried to engage them in verification discussions, and they've said, no , no, let's put that off until later."

The same source also says they have continued to resist adamantly the idea of on-site inspections, though President Reagan once suggested this was the only way you could really detect the number of warheads the Soviets had in each missile.

The Soviet attitude toward verification at START is just part of the overall pattern of conduct the Russians have exhibited when getting into the subject of verifying past or future arms, agreements. So far, they have been able to conceal their secretive atomic weapons developments without fear of U.S. reprisals.

The Clark panel, however, could alter the course of history. For the first time, an authoritative government body may formally spell out the Soviet violations of both the spirit and the letter of the strategic arms agreements. And the reprecussions may turn out to be given greater than the killing of a possible summit in the spring or summer of election year '84

EXHIBIT 3

BREACHES OF ARMS CONTROL OBLIGATIONS: IMPLICATIONS FOR THE FUTURE OF ARMS CONTROL

(By William R. Harris*)

WHY DO BREACHES OF ARMS CONTROL OBLIGATIONS CONCERN US?

Why should we be concerned about breaches of arms control obligations?

Irrespective of their military significance, breaches of arms control obligations involve disregard of binding commitments under international law. International legal scholars, such as Professor Louis Henkin in a qualitative study, "How Nations Behave," and Professor Peter H. Rohn in a quantitative study, "Treaty Profiles," have demonstrated that compliance with binding international obligations is the rule and not the exception. Parties to treaties and other binding international agreements almost always comply with their obligations. Admittedly, many of the agreements create few incentives for breach. Bilateral military assistance agreements, treaties of collective self-defense, and treaties of friendship are among them. While many arms control agreements create stronger incentives for their breach, almost all of the parties to arms control agreements comply with their obligations without committing a material breach of binding obligations.

Consider the Geneva Protocol of 1925, or the Nonproliferation Treaty of 1968, or the Biological Weapons Convention of 1972.

The Geneva Protocol of 1925, in force with regard to at least 119 nations, prohibits the use of "asphyxiating, poisonous or other gases" and "the use of bacteriological methods of warfare." Italy, a Protocol party, used lethal chemical gases against Ethiopia in 1935, in violation of the Protocol, and various other nations circumvented Protocol restrictions in China, Mongolia, Yemen, Laos, Kampuchea, and Afghanistan. However discouraging the recurring disregard of the objective of banning any use of chemical and bacteriological weapons, the community of nations generally complies with the specific Geneva Protocol limits: at least 95 percent of the nations bound by the Protocol apparently comply with its terms and its underlying object and purpose.

The Nonproliferation Treaty of 1968, in force with regard to at least 116 nations, establishes duties for states with and without nuclear weapons to halt the spread of nuclear weapons. There is undoubtedly greater public attention to efforts of states to acquire nuclear weapons than to efforts of the

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far larger number of states committed to halt the spread of nuclear weapons. Many of the nations that seek nuclear weapons, or the freedom to acquire them later, will not ratify or accede to the Nonproliferation Treaty. Almost all nations that agree to be bound do, in fact, comply with their treaty obligations.

The Biological Weapons Convention of 1972, in force with regard to at least 94 nations, prohibits the development, production, stockpiling or transfer of biological agents, toxins, and associated weapons and means of delivery. Apparently all of the nations bound by the Convention assert that they are in compliance with it, and almost all of them appear to be in compliance, in fact.

Under most conditions of international relations, parties to binding international agreements, including arms control agreements, comply with their obligations. Hence, the detection of a material breach, defined as an act or acts that defeat the object or purpose of the obligation, is a pathological event within the international system. A material breach is a warning of disequilibrium, a challenge to the rule of law and to the ethos of self-restraint, even if the specific gains to the violator appear modest.

Beyond challenging the rule of law, a nation that materially breaches an arms control agreement uproots expectations of a reciprocity of benefits. A nation that deliberately commits acts that defeat the objectives of other parties to an arms control agreement signifies an indifference, disregard, contempt, or antagonism to the sharing of these benefits of participation. Hence, detection of one or more material breaches of arms control obligations is a warning that the stake of the breaching party in the agreement is insufficient to deter acts that deprive other parties of a sharing of the benefits of the undertaking, the quid pro quo that gave rise to the mutuality of commitment.

Unless the violator of an arms control agreement is confident that violations will remain covert and undetected, a deliberate material breach or an inadvertent material breach that remains uncorrected after inquiry signifies a phenomenon even more disturbing than the abandonment of a commitment to reciprocal benefits: the violator's indifference to detection signifies the violator's anticipation of a failure of will or capabilities of victim states. The prospective violator has assessed the will and responsive capabilities of affected states, and found them wanting.

More than two decades ago, Fred Ikle illuminated the dilemma of the victim states. In his article, "After Detection, What?," Ikle emphasized the potential for failure of what he termed "restorative measures" and other sanctions, in part because the breaching state has already anticipated responsive measures and has not been deterred by them. Hence, the victim states face the challenge of reshaping the violator's assessment that the responsive will and capabilities of the victims are inadequate. Just eight months after Ikle published in Foreign Affairs, the Soviet Union in September 1961 breached its legally binding obligations under a nuclear test moratorium, even while a draft treaty to ban atmospheric testing was under negotiation in Geneva.[1] The violator's discounting of victim responses is of greater concern than the violation itself because the detected violation relates to a past decision, while the signaled failure of anticipated responses to deter violations relates to the entire range of anticipated future conduct of victim states.

A nation breaching its arms control obligations may discount the consequences of restorative measures in part because it anticipates that the detection of violations will be incomplete, untimely, or insufficiently persuasive to compel effective response.

From the perspective of a victim state, therefore, the detection of an arms control violation raises legitimate concerns that what is detected is incomplete, untimely for adequate response, or unpersuasive as to the facts of what is under way, unpersuasive as to the breach of legal duty, or unpersuasive as to the benefits of responsive measures.

A pattern of arms control breaches concerns us, therefore, because the violator signifies by his acts a discounting of the adequacy of the victim's compliance intelligence to pierce the veil of military concealment and deception, diplomatic chicanery, and illusions embedded in the arms control process.

In the United States, the public literature on arms control emphasizes the centrality of verification at the expense of compliance intelligence. In an important pamphlet drafted by Dr. Carnes Lord, then at the U.S. Arms Control and Disarmament Agency (ACDA), the Verification Bureau then supervised by Amron H. Katz defined "verification" as the process of assessing compliance with the provisions contained in arms control treaties and agreements. It is the attempt to ascertain whether states are living up to their international obligations. (ACDA Publication 85, March 1976)

In contrast, compliance intelligence should encompass not only verification of the fact of compliance or noncompliance, but also the assessment of the materiality of breach, the motives and causes of breach if known, and the likely consequences of responsive measures and other actions to implement a strategy to restore compliance. Compliance intelligence is a rarity within the U.S. intelligence community. Without such intelligence, decisionmakers within victim states tend to postpone measures responsive to arms control breaches. Such postponement of effective response may embolden the violator to extend defense programs that breach arms control commitments. A pattern of recurring arms control breaches, particularly breaches of increasing military significance, should raise concerns that the rituals of vertification have thwarted the development of an adequate compliance intelligence capability, and delayed the formulation and implementation of an arms control compliance strategy.

The detection of arms control breaches raises concern that what remains undetected may be of greater military significance than what has been discovered, or that the missions and capabilities of illicit armaments remain beyond the understanding needed to implement an effective response.

The symbiosis between the observer and the observed includes opportunities for a party to arms control agreements to utilize the verification and disclosure process of other parties to fine tune evasions and concealments of strategic significance. Hence, detection of breaches leads to the question, "Is what has been detected merely the 'tip of the iceberg'?" Amrom Katz states succinctly: "We have never found anything the Soviets have successfully hidden."[2] National technical means of verification are a double-edged sword: they might verify compliance or noncompliance with arms control obligations, but they might instead demonstrate apparent compliance or non-material breaches while missing a pattern of arms control breaches of military significance.

Of greater concern than the military significance of detected and undetected arms control breaches is the concern that breaches of arms control obligations have been precursors of war. The causes of war remain somewhat of a mystery even to historians. So we cannot be sure that breaches of arms control obligations and inadequate responsive measures have aggravated the momentum toward war. On the other hand, we cannot be sure that the failure of responsive measures did not embolden violators, hasten the collapse of self-restraint and loss of international respect, and lead to war.

Is it prudent to discount arms control breaches as precursors of World War II, and to risk repeating history in an era of unprecedented destructive power?

BREACHES OF ARMS CONTROL OBLIGATIONS AND THE FAILURE OF RESPONSES BEFORE WORLD WAR II[3]

The Inter-Allied Military Control Commission that supervised the disarmament provisions of the Treaty of Versailles withdrew from Germany in January 1927 and issued a final report:

"Germany has never disarmed, has never had the intention of disarming, and for seven years has done everything in her power to deceive and "counter-control" the Commission appointed to control her disarmament."[4]

The report was an inconvenience to the Allies, suppressed and largely ignored.

Before its demise in 1927, pursuant to the Pact of Paris of 1926, the Inter-Allied Military Control Commission provided a forum for dialogue, delay and disregard of Versailles Treaty breaches. Before departing, a British naval inspector, Commander Fanshaw, told his German counterpart, Lieutenant Renken:

"It is now time for us to separate. Both you and I are glad that we are leaving. Your task was unpleasant and so was mine. One thing I should point out. You should not feel that we believed what you told us. Not one word you uttered was true, but you delievered your information in such a way that we were in a position to believe you. I want to thank you for this."[5]

After the Allied inspectors departed, Germany expanded the scope of covert rearmament, utilizing the Council of the League of Nations to forestall and divert restorative measures of stronger League powers. Following his appointment as Chancellor in January 1933, Hitler supported secret training of German air pilots with Italian air forces, and obligatory "national labor service" as an evasion of the Versailles ban on military conscription. On April 4, 1934, Hitler issued a secret order for rearmament. Without countermoves, on March 10, 1935, Germany repudiated the disarmament provisions (Part V) of the Treaty of Versailles, and on March 7, 1936 repudiated Article 43, on demilitarization of the Rhineland.

Meanwhile, with regard to the Washington Naval Treaty of 1922 (United States, Great Britain, Japan, France, Italy), Japan constructed four *Atago* class heavy cruisers, from 1927 onward, with displacement about 45 percent greater than declared. Without

[1] Footnotes at the end of article.

responsive measures to covert breaches of the Treaty, Japan renounced the 1922 Naval Treaty in December 1934, with termination to occur in two years. Even before the Anglo-German Naval Treaty of 1935, Hitler supported construction of *Scharnhorst* class battleships as "improved 10,000-ton ships" with actual and illegal tonnage of 31,850. The subsequently-constructed *Bismarck* was even larger and also illegal. The Washington Naval Treaty of 1922 lapsed before the victims condemned the violators.[6] Perhaps more importantly, the appearance of general compliance with the Washington Naval Treaty discouraged other parties from building submarines and other vessels that remained unregulated.[7] Germany violated the naval treaty of 1935 before renouncing it on April 28, 1939.

The League of Nations condemned German renunciation of the demilitarization clauses and Rhineland provisions of the Treaty of Versailles, as breaches of binding obligations under international law.

Italy, a Party to the Geneva Protocol of 1925 on chemical weapons, proceeded to use banned chemical weapons during the invasion of Ethiopia in October 1935, just one month after Ethiopia acceded to the Protocol. Again, the League of Nations condemned the violator, but recommended only limited economic sanctions.

With the failure of verbal and economic sanctions in a case of demonstrated violation by a Protocol Party, it is scarcely surprising that Japan, a Non-Party until 1970, used bacteriological weapons in China in 1939 and in Mongolia in 1940-42, despite prohibition of such weapons under the Geneva Protocol.

Barton Whaley summarizes effects of arms control breaches and the failure of responsive measures before World War II:

"The national leaders were easy prey for deception. By failing to demand rigorous verification of alleged infractions they showed apathy. By failing to apply sanctions when Intelligence did occasionally bring undeniable proof of infractions to their attention they showed themselves impotent as well. And the opponent's perception of this impotence was a spur of even more audacious infractions." [8]

Delay in detection, including the lapsing, refusal, or failure of on-site inspection; suppression of information from public view; dependency on verbal sanctions, words not deeds; and resignation to the continuation of treaty violations together signalled a toleration of arms control breaches and a collapse of the inter-war regime. By 1938-39 a decline in the publications on treaty breaches and sanctions implied a sense of futility that preceded war.[9]

Those who would suppress public knowledge of contemporary arms control breaches, thus public support for a strategy to restore compliance, should ask themselves whether resulting conduct of treaty violator would bring us closer or further from war?

MATERIAL BREACHES OF ARMS CONTROL OBLIGATIONS—WHAT ARE THEY?

The Vienna Convention on the Law of Treaties (1969), signed by the United States but not ratified, and neither signed nor ratified by the Soviet Union, codifies and reformulates the standards for suspension, withdrawal, or renunciation of a treaty. Such rights and other self-help measures are privileged under condition of a material breach, defined in Article 60(3) of the Treaty:

(a) A repudiation of the treaty not sanctioned by the present Convention; or

(b) The violation of a provision essential to the accomplishment of the object or purpose of the treaty.

Material breaches may include:

Violations of bilateral or multilateral treaties or other agreements binding under international law, when the act or acts defeat a provision essential to a treaty object or purpose.[10]

Breaches of unilateral commitments authorized to bind a state and relied upon by another state, whether that commitment is written or oral and whether resulting from reciprocal commitments or from unilateral obligations.[11]

Evasions defeating an essential object or purpose, whether constituting fraud or other abuse of rights, but not breaching a specific provision of a treaty or other agreement.

[A] state is guilty of an abuse of rights when it seeks to evade its contractual obligations by resorting to measures which have the same effects as acts specifically prohibited by an agreement. Free Zones of Upper Savoy and the District of Gex (France v. Switzerland. 1932 PCIJ, Ser. A/B, No. 46 at 167).[12]

Acts which would defeat the object and purpose of a signed but unratified treaty or other international agreement, unless the state shall have made its intention clear not to become a party to the treaty or unless entry into force is unduly delayed.[13]

Customary international law, whether established by state practice or by peremptory norm through treaty codification.[14]

These are the main sources of obligations whose breach concern participants in the arms control process and those with a memory of earlier wars after arms control failed.

There should also be concern about disregard of unilateral statements that are not legally binding, as a breach of the duty of good faith incumbent upon all nations.

MATERIAL BREACHES OF ARMS CONTROL OBLIGATIONS—WHO COMMITS THEM?

How widespread is the practice of breaching provisions of arms control commitments so as to defeat an essential object or purpose of the agreement?

Before World War II the practice of breaching obligations that were essential to other nations spread like a cancer within the community of nations. What is the situation today?

Based upon the public record of treaty practices, if appears that the vast majority of nations today meet their arms control obligations. If there is a cancer within the body politic of arms control, surgical remedies should still be feasible.

The United States can be proud of an admirable record of compliance with outstanding arms control obligations. Appendix I, containing a review of SALT I compliance through 1977 illustrates a recurring pattern: instances of U.S. non-compliance are not deliberate and not of a magnitude and import to constitute a "material breach" of obligations. There is always room for improvement, for better inter-agency coordination, but the track record of the United States in arms control compliance has been excellent.

Other nations have done far worse. Vietnam, for example, not only breached its armistice arrangements with the United States but has concurrently ratified the Biological Weapons Convention and used toxin weapons in offensive operations in Laos and Kampuchea.[15] Storage of toxins and associated weapons is specifically prohibited by this Convention, but Vietnam proceeds to violate the Convention recurringly.

Despite this regrettable situation, it is the Soviet Union that is the source of this and various other arms control breaches. Hence, it is the public record of Soviet arms control breaches that is next considered.

THE PUBLIC RECORD OF SOVIET BREACHES OF ARMS CONTROL OBLIGATIONS

Secretary of State George Shultz testified before the Senate Foreign Relations Committee on June 15, 1983, "Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond" is of increasing concern. In particular, "Soviet practices—including the recent testing of ICBMs"—raised "questions about the validity of their claim of compliance with existing SALT agreements." [16]

The view that Moscow has gone to the brink of violations and beyond was not always held within official Washington, and is still not so held by persons who consider the arms control process essential to peace, and the finding of material breaches incompatible with that process. Appendix I sets forth the complete text of the February 1978 compliance report transmitted by the then-director of the U.S. Arms Control and Disarmament Agency, Paul C. Warnke. In June 1978 State Department publication (No. 8947), the Department asserted:

In the SCC [Standing Consultative Commission of the U.S. and USSR], we have promptly raised with the Soviets any unusual or ambiguous activities which were, or could become, grounds for more serious concern. In every case, either the activity ceased or we obtained a satisfactory explanation. * * *

As recently as August 1979 the Department of State indicated a satisfactory Soviet record of compliance, while SALT II was before the Senate:

We have raised such [compliance] issues promptly with the Soviets, and in every case the activity has ceased, or subsequent information has clarified the situation and allayed our concern.[17]

Senator James McClure has pointed out:

While it is true that the SCC has "resolved" all U.S. compliance concerns about the Soviets, these concerns have been "resolved" by American acquiescence. At a Senate Foreign Relations Committee hearing in 1979, Ambassador Paul Nitze was asked how Soviet treaty violations before the SCC were resolved. He replied, "They were resolved by accepting what had been done in violation."[18]

Three illustrations should suffice: the replacement of SS-19 intercontinental ballistic missiles for "light" SS-11s under SALT I; the movement of an experimental ABM radar from Sary Shagan to Kamchatka in 1975; and the retention of as many as 50 excess launchers of SS-7 ballastic missiles in 1976-77, despite the SALT I Protocol.

THE SS-19 MISSILE DEPLOYMENTS EVADING THE LIMIT ON HEAVY ICBMS

In August 1977, during SALT II negotiations, the United States side acquiesced in the designation of the SS-19 as the largest of the "light" ICBMs.[19] But the Soviets defeated an essential U.S. object and purpose of SALT I by increasing the throw weight of the SS-19 by at least a factor of three over that of the SS-11, thus hastening the vulnerability of Minuteman missiles.[20] Public Law 92-448, enacted at the time of SALT I, set forth a U.S. purpose of assuring "the survivability of the strategic deterrent forces. . . ." For the Soviets to evade their

commitment not to emplace a significantly larger missile in the SS-11 silos was more than a circumvention of the specific terms of SALT I. It was an abuse of rights, to accomplish by evasion that which was contrary to an essential limit on heavy missiles. This was no less than a material breach of SALT I, and a violation of the Second Principle ("efforts to obtain unilateral advantage at the expense of the other") of the May 29, 1972 Principles Agreement. But if the United States will acquiesce in an evasion of a qualitative limit under SALT I, should anyone be surprised if the Soviets were to attempt deployment of two "new type" missiles under SALT II, when only one was allowed?

When asked about the testing in February 1983 of a new Soviet ICBM considered a possible violation of SALT II's article IV(9), President Reagan shared his concerns with the press on February 23:

You could say, "I'm convinced that these are violations," but it would have been very difficult to find the hard evidence to make it hold up in court. This last one comes the closest to indicating that it is a violation.[21]

MOVEMENT IN 1975 OF AN EXPERIMENTAL ABM RADAR FROM SARY SHAGAN TO KAMCHATKA

Common Understanding C of the Anti-Ballistic Missile (ABM) Treaty of 1972 ruled out "the deployment of ABM launchers and radars which were not permanently fixed types." As the February 1978 compliance report (Appendix I) indicates, the Soviets moved an ABM radar (with NATO designation FLAT TWIN) from Sary Shagan to Kamchatka in the Fall of 1975. The 1978 compliance report focused attention of readers on whether the Soviets had adequately declared a second ABM Test Range. The more important issue was whether the Soviets were preparing to develop movable radars for ABM systems that could be produced and deployed with a significant reduction in warning time, all in contravention of the limitation to "permanently-fixed types" in Common Understanding C. By 1978 the Soviets knew not only that the United States would acquiesce in private but would apologize for the Soviet violation in a public report.[22]

What then would be the anticipated costs to the Soviets of taking further liberties with their duties under the ABM Treaty?[23]

RETENTION OF AS MANY AS 50 EXCESS SS-7 LAUNCHERS FOR ICBM'S

The SALT I Protocol required that once the Soviets deployed as many as 740 launchers on modern submarines for ballistic missiles, additional modern submarine launchers must be offset by dismantling of either older ICBM launchers or older-type submarine launchers. The Soviets did not comply with the SALT I Protocol by either method, despite experiments during the 1971-1975 Five-Year Plan aimed at gaining credit for "dismantling" SS-7 launchers to be retained in a ready reserve status. While 50 launchers for perhaps 50 to 100 older ICBM missiles may not appear to be of strategic significance to some Americans, the importance of retaining full coverage of U.S. land-based strategic targets should not be dismissed from a Soviet perspective. The Soviets reportedly violated the SALT I Protocol by retaining excess ICBM launchers in the 1976-1977 period, until enough of the more accurate SS-17, SS-18, and SS-19 missiles were deployed.[24]

After Soviet experiments to gain dismantling credit had failed, and the Soviets had acknowledged "delays" in dismantling in March 1976, anonymous U.S. officials who disclosed the first undisputed evidence of a SALT I violation advised the press in May 1976:

they were pleased that the Soviet Union had acknowledged the technical violation on its own. . . . The issue, while apparently no more significant than a two-month delay in achieving a deadline is a politically sensitive one to the Administration.[25]

As late as February 1978 the Carter Administration treated the problem of excess SS-7 launchers as "some minor procedural discrepancies," and implicitly dismissed the notion of retention by the Strategic Rocket Forces of a strategic reserve force of liquid fuel missiles, because the SS-7 launchers "cannot be used to launch missiles" and cannot be reactivated "in a short time" of undefined length.[26]

If the Soviets retained in a strategic reserve force SS-9s and SS-11s displaced from silos in the late 1970s by SS-17s, SS-18s, and SS-19s, such reserve forces would have evaded the SALT I launcher limits, and constituted an "abuse of rights" and material breach of the SALT I obligation. But what was the cost to the Soviets if they deployed away from declared silos equipment to launch older liquid fuel ballistic missiles?

How surprised should we be if the Soviets decided to retain excess ballistic missiles associated with soft-site launching equipment or undeclared missile launchers during SALT II?[27]

On March 9, 1983, Under Secretary of Defense Richard DeLauer testified before the House Armed Services Committee that the Soviets have a "large number" of SS-16 mobile intercontinental missiles that are not within SALT II limits. See Soviet Aerospace, March 21, 1983, p. 78. A recent article speculates that the Soviets seek missiles and launching capabilities beyond these allowed under SALT, and concealment of such capabilities to misdirect U.S. strategic targeting. See Samuel T. Cohen and Joseph D. Douglass, Jr., "Selective Targeting and Soviet Deception," Armed Forces Journal International, September 1983, pp. 97, 98.

The public record of the Soviet record of compliance with SALT I, the ABM Treaty, and SALT II is murky. The patterns that are perceived are in considerable measure formed by views of strategy, of Soviet style, of the resiliency of the arms control process when faced with material breaches of agreements, and of the need for or hazards of candor in treating past compliance practices.[28]

All that can be done in this review is to highlight aspects of the public record on arms control compliance. The Administration has the larger responsibility and opportunity to determine whether the Congress and American public should be advised of additional facts or interpretations of data. There has not been a SALT Compliance White Paper since 1979. A candid review could facilitate the implementation of a coherent strategy to strengthen incentives for arms control compliance.

In other sectors of arms control, there is a considerable body of official information and independent assessments of the facts and legal duties. In every year since 1979 the U.S. government has provided unclassified assessments and supporting information regarding Soviet transfer or use of chemical and biochemical weapons in South Asia. Other Soviet arms control breaches are so readily apparent as to enter the public domain almost immediately upon their occurrence. The Soviet decision to construct aircraft carriers at the Black Sea port of Nikolayev South virtually assures multinational observation of subsequent breaches of the Montreux Convention of 1936, when carriers of the "Kiev" class transit the Turkish Straits in contravention of the treaty.[29]

The record of Soviet practices with respect to arms control commitments is sufficiently complete to glimpse some of the patterns.

The Soviets appear to be more interested in implementing their Five-Year Defense Plans, or in lulling adversary defense efforts than in assuring substantial compliance with all of the arms control obligations of the Soviet Union.

The Soviets have breached treaties that they have both signed and ratified.

Examples include the Limited Test Ban Treaty of 1963 (confirmed extraterritorial venting of radioactive debris on at least 30 occasions);[30] the Biological Weapons Convention of 1972 (with documented use of banned toxins in Afghanistan, and overwhelming circumstantial evidence of Soviet involvement in the transfer for use by Soviet Allies in Laos, Kampuchea, and Afghanistan);[31] the previously-discussed Anti-ballistic Missile Treaty of 1972; the Montreux Convention of 1936 (with Kiev-class vessels constituting proscribed aircraft carriers.)[32]

The Soviets have breached other international agreements in force.

Examples include the SALT I Interim Agreement and Protocol previously mentioned (but without regard to deliberate concealment measures impeding verification); the Basic Principles of Relations of May 29, 1972 (with the SS-19 deployments taking unilateral advantage); and probably the agreement on the Prevention of Nuclear War of June 22, 1973 (with Soviet military actions in the October 1973 Middle East War causing a U.S. strategic alert, and otherwise endangering peace); and the provisions for notification of European states in connection with military maneuvers of 25,000 troops or more, under the Helsinki Final Act of 1975.[33]

The Soviets have breached binding unilateral obligations.

Examples include the breach of Chairman's Khrushchev's pledge of a Nuclear Test Moratorium, when the Soviets resumed atmospheric testing while a draft treaty banning such tests was under negotiation in Geneva in 1961;[34] a pledge that there would be No Offensive Weapons in Cuba, breached by covert MRBM and IRBM missile and launcher deployments to Cuba in 1962;[35] a pledge that Soviet submarines armed with long range missiles would stay out of Cuban territorial waters, breached in the 1970-1974 period;[35] and a pledge to halt the completion of Operational SS-20 IRBM Launcher Sites in the European Part of the U.S.S.R., reportedly breached when the Soviets completed launcher sites under construction between May 1982 and 1983.[36]

The Soviets have committed evasions defeating an essential object or purpose. Such evasions constitute abuses of rights and material breaches of agreements.

Examples include the previously mentioned emplacement of SS-19 ballistic missiles in SS-11 silos; and transfer of toxins and other illegal biochemicals or chemicals for use against Non-Parties to the Geneva Protocol of 1925. The Red Army convicted 12 Japanese Army officials for employing bacteriological agents in China (1939) and Mongolia (1940-42), when neither Japan nor

Mongolia were Parties to the 1925 Protocol. By implication, the Soviets concede that such conduct is a crime in violation of the customary international law of war.[37] If, however, the Soviet Union reserves its right to use Protocol-banned weapons against Non-Parties, it is still an "abuse of rights" for the Soviets to transfer toxins and chemicals to at least three Allies (Vietnam, Laotian forces, and Afghanistan) and to use such weapons without prior chemical weapons use against such forces. The purpose of discouraging any use, including especially first use, is defeated by a pattern of Soviet evasion of the Protocol restrictions.[38]

Soviet conduct raises questions of compliance with signed but unratified treaties.

Has the Soviet Union entered into an arms control agreement with an intention of violating it, as did the Germans with the Anglo-German Naval Treaty of 1935? Treaties that appear to raise this issue include the Biological Weapons Convention of 1972, between the signing on April 10, 1972 and the entry-into-force for purposes of stockpile destruction, on December 26, 1975; the Threshold Test Ban Treaty, in effect since March 1976, and the SALT II Treaty of 1979. Data that is publicly available does not permit an intelligent discussion of the issue, nor demonstration of a conclusion one way or the other.

The Soviets have breached obligations under customary international law. Specifically, the Conventional Weapons Convention of 1981 codifies the customary international law of war, by limiting the right to employ booby-trap mines or incendiary devices that unreasonably kill or injure civilians, Protocols II and III. Protocol I treats a novel subject, use of plastics resulting in fragments that are not detectable by x-ray devices. The obligations under Protocol I come into force six months after the 20th ratification, which occurred on June 2, 1983. In the interim, the Soviets are reported in the press to have violated Protocols II and III, codifications of customary international law.[39]

The Soviets have also committed recurring breaches of customary international law by repeatedly bringing warships into the territorial waters of other nations without their consent. A Swedish Royal Commission reported in April 1983 that at least 40 unconsented entries by foreign submarines into Swedish territorial waters had occurred in the year 1982 alone. In an incident involving the grounding of a Soviet WHISKY-class submarine within Swedish territorial waters, the Swedes detected radioactivity in the vicinity. The Oslo newspaper, *Verdens Gang*, reported in May 1983 that Georgiy Arbatov of the Institute for North American Studies in Moscow had proclaimed, "If the Scandinavians are so naive that they believe this traffic is going to stop, they are living in a dream world."[40]

In August 1980 the Soviets towed an ECHO-class submarine of a type equipped for nuclear armaments through Japanese territorial waters without Japanese consent. Only after the unconsented passage of the *Yoron Jima* did the Soviets assert that no nuclear weapons were abroad.[41] The U.S. Deputy to the U.S. Ambassador to the United Nations, Charles Lichenstein, reported that there have been 75 incidents in which Soviet aircraft violated U.S. airspace.[42]

Whether or not this pattern of disregard of the territorial integrity of other nations violates the 1973 Agreement on the Prevention of Nuclear War by increasing risks of a serious incident, this conduct breaches the duty of good faith incumbent upon all nations.

The duty of states with regard to arms control must include minimal standards of self-restraint in directing military air and naval vessels near the territory of other nations.

If Soviet territory is so "sacred" that the Soviets justify the deaths of 269 persons aboard an off-course civil aircraft, it is assuredly an abuse of rights for the Soviet military to trespass recurringly in the territory of other nations.

The pattern of Soviet breaches of arms control obligations would, however, be incomplete without noting the brighter side:

The Soviets appear to comply with arms control obligations designed to reduce the risks of accidental war, to halt the spread of nuclear weapons, or to prohibit extension of armaments to regions previously unarmed.

Agreements to reduce the risks of accidental war include the Hot Line Agreements of 1963 and 1971, and bilateral accidents agreements between the Soviet Union and the United States, the United Kingdom, and France.

Agreements to halt the spread of nuclear weapons include the Nonproliferation Act of 1968, International Atomic Energy agency guidelines for transfer of nuclear technology, and a Convention on the Physical Protection of Radioactive Materials.

Agreements relating to armaments not in operational forces include the 1959 Treaty on Antarctica, 1967 Outer Space Treaty, and the 1971 Seabed Treaty.

Those sectors in which the Soviets appear to have a good record of compliance tend to be the sectors of mutual interest between the Soviets and arms control partners. Those sectors in which the Soviets appear to breach recurringly arms control commitments include sectors of interests that are not mutual and that involve, at best, reciprocal interests. While compliance might assure stability of a quid pro quo relationship, undetected noncompliance or detected noncompliance that is excused offers the Soviets an opportunity to take the quid without the quo.

What are the implications of these patterns for the future of arms control?

IMPLICATIONS FOR THE FUTURE OF ARMS CONTROL

Some tentative thoughts follow from this preliminary review of arms control commitments and their breach:

1. It is important to distinguish between those arms control arrangements based upon a substantial mutuality of interests and those which, at best, are based on a reciprocity of interests. The former may not require verification of compliance. The latter require verification, and more than that, they require that a potential violator who would deprive other parties of their reciprocal benefits anticipate that after detection, there is effective self-help, collective security initiatives, and other responsivie measures.

2. Quantitative limits, qualitative limits, and operational limits on testing or employment of forces are generally sectors where interests are reciprocal at best. Without development and implementation of a strategy to restore substantial compliance, it will become increasingly imprudent to pursue such arms control agreements with the Soviet Union.

3. Even if it is not feasible to restore substantial compliance with these arms control agreements, some strategic confidence building measures, accident avoidance measures, nonproliferation measures, and other agreements may nonetheless be prudent if based upon a strong mutuality of interests.

4. To strengthen both incentives for compliance and disincentives for noncompliance, a program of anticipatory safeguards should be part of the design and implementation of arms control measures.

5. Following breaches of arms control obligations that are material, the victim's primary recourse lies in altering the course of conduct of the victim and allies, not in altering the course of conduct of the violator.

6. Even if further arms control agreements are not practicable, victims of material breaches of arms control obligations should continue the dialogue with violator states, if only to restore the respect of the violator for the victims who demonstrate a resolve to protect their interests.

7. Because the violator has already anticipated many of the responses of victim states, post-breach remedies are likely to be limited and often ineffective. Hence, the victim or potential victim of arms control breaches requires a greater emphasis upon timely and effective compliance intelligence, and reduced emphasis upon verification per se. Knowing whether there is a compliance problem is insufficient to sustain a strategy to strengthen incentives for compliance. Causes of breaches, and probable consequences of countermoves are appropriate topics of compliance intelligence.

8. In a democracy, the foundation of strength is public knowledge. The support that an Administration requires if it is to pursue a more prudent course in arms control depends upon a greater sharing of arms control compliance issues with the citizens of the nation. Both the Executive Branch and the Congress should pursue opportunities to share essential information with the public.

FOOTNOTES

[1] An earlier research memorandum considered relations between detection and deterrence. See F. C. Ikle, The Violations of Arms Control Agreements: Deterrence vs. Detection, The Rand Corp., RM-2609-ARPA, August 1960.

[2] Verification: The State of the Art and the Art of the State, The Heritage Foundation, Washington, D.C., 1980.

[3] See, inter alia, Historical Evaluation and Research Organization, Responses to Violations of Arms Control and Disarmament Agreements: Study RIPOSTE, 3 volumes, Contract Report GC-177, for the U.S. Arms Control and Disarmament Agency, 1964; Margaret P. Doxey, Economic Sanctions and International Enforcement, Oxford University Press, 1971; George W. Baer, The Coming of the Italian-Ethiopian War, Harvard University Press, 1967; Dan Maxim, Mary Walsh, and Barton Whaley, Covert Rearmament in Germany, 1919-39: Deception and Misperception, Office of Research and Development, CIA, and Mathtech, Inc., March 1979; and Barton Whaley, "Covert Rearmament in Germany, 1919-39: Deception and Misperception," Journal of Strategic Studies, vol. 5, No. 1, March 1982, pp. 3-39.

[4] John W. Wheeler-Bennett, The Nemesis of Power, London.

[5] Quoted in Whaley, p. 15.

[6] But see Paul G. Johnson, "Arms Control: Upping the Ante," U.S. Naval Institute Proceedings, vol. 109, August 1983, pp. 28-34, treating the Washington Naval Treaty of 1922 as a model of arms control design and compliance.

[7] On Japan's fortification of demilitarized islands, see Thomas Wilds, "How Japan Fortified the Mandated Islands, "U.S. Naval Institute Proceedings, No. 81, April 1955, pp. 401-407.

[8] Whaley, op. cit., p. 37.

[9] Among the pertinent inter-war literature on arms control breaches and sanctions are: D. Mitrany, The Problem of International Sanctions, London, 1925; P. B. Potter, Sanctions and Security:

An Analysis of the French and American Views, Geneva, 1932; J. Jahnz, La nature des mesures coercitives du pacte de la Societe des Nations, Varsovie, 1932; P. S. Wild, Jr., "Treaty Sanctions," 26 Am J. Int'l L., 488-501 (1932); A. E. Hindmarsh, "Self-help in time of peace," 26 Am J. Int'l L., 315-326 (1932); J. L. Brierly, Sanctions, London, 1932; Otto Bruck, Les sanctions en droit international public, Paris, 1933; A. E. Hindmarsh, Force Short of War in International Relations, Cambridge, MA., 1933; P. S. Wild, Jr., Sanctions and Treaty Enforcement, Cambridge, MA., 1934; C. G. Fenwick, "Denunciation of the disarmament clauses of the Treaty of Versailles," 29 Am J. Int'l L., 675-678 (1935); E. M. Borchard, 29 Am J. Int'l L., 286-290 (1935); E. W. Pavenstedt, "German Rearmament and United States treaty rights," 44 Yale L. J., 996-1024 (1935); Lord Davies, Force, London, 1935; H. Morgenthau, "Theorie des sanctions internationales," Revue de droit international et de legislation comparee, Nos. 3, 4 (1935); Phillips Bradley, Can We Stay Out of War?, New York, 1936; Charles W. Manning, Sanctions under the Covenant, Nottingham, 1936; Henry Rowan-Robinson, Sanctions Begone: A Plea and a Plan for Reform of the League, London, 1936; Edward Isak Hambro, L'execution des sentence internationales, Paris, 1936; M. J. Bonn, "How Sanctions Failed," 15 Foreign Affairs, 350-361 (1937); Phillips Bradley, "Some legislative and administrative aspects of the application of Article XVI of the Covenant," 22 Grotius Society, Problems of Peace and War, 13-29 (1937); George de Fredorowicz, "Historical survey of the application of sanctions," 22 Grotius Society, Problems of Peace and War, 117-131 (1937); Royal Institute of International Affairs, International Sanctions, London, 1938; A. E. Highley, The Actions of the State Members of the League of Nations in Applications of Sanctions against Italy, 1935-1936, Geneva, 1938; and A. E. Highley, The First Sanctions Experiment (a study of League Procedures), Geneva, 1938.

[10] See generally, Christine Chinkin, "Nonperformance of International Agreements," 6 Texas Int'l L. J., 387-432 (1982).

[11] The Permanent Court of International Justice determined in the Eastern Greenland case that an informal verbal undertaking of the Norweigian Foreign Minister bound the government of Norway, in the course of negotiations for reciprocal rights and benefits in disputed territorial and fishing rights. *Denmark* v. *Norway*, PCIJ Series A/B, No. 53 [1933]. In the French *Nuclear Tests Case, Australia* v. *France* [1974] ICJ 253, *Zealand* v. *France* [1974], ICJ 457, the International Court of Justice determined that an authorized unilateral undertaking could be binding without a reciprocal benefit.

[12] See Lauterpacht (ed.), 1 Oppenheim's International Law, sec. 155aa (8th ed. 1955); Gutteridge, 5 Cambridge L.J. 22-45 (1932). "The exercise of a right—or a supposed right, since the right no longer exists—for the sole purpose of causing injury to another is thus prohibited." M. Whiteman, 5 Digest of International Law at 224 (1965).

[13] See Article 18 of the Vienna Convention on the Law of Treaties, and Martin A. Rogoff, "The international legal obligations of signatories to an unratified treaty," 32 Maine L. Rev. 263-299 (1980); R. D. Kearney and R. E. Dalton, "The Treaty on Treaties," 64 Am. J. Int'l L. 495 (1970); Robert F. Turner, "Legal Implications of Deferring Ratification of SALT II," Va. J. Int'l L. 747-784 (1981).

[14] See V. A. Jordan, "Creation of customary international law by use of treaty," 9 AF JAG L. Rev. 38 (1967); and J. K. Gamble, Jr., "Reservations to multilateral treaties: a macroscopic view of state practice," 74 Am. J. Int'l L. 373-394(1980).

[15] See White Papers issued by the U.S. Department of State in November 1981, March (Special Report No. 98), and November 1982 (Special Report No. 104) for details.

[16] The phrases are quoted in a letter to the President dated June 22, 1983, signed by 34 U.S. Senators.

[17] Department of State Special Report 56, Verification of SALT II Agreement, August 1979, p. 3.

[18] Congressional Record, May 19, 1983, p. S7139, quoting the Washington Post, May 7, 1983.

[19] "For planning purposes," according to Secretary of State Vance, in Department of State Selected Documents No. 12B, SALT II Agreement, June 1979, p. 17.

[20] For one of many summaries, see David s. Sullivan, Soviet SALT Deception, section on "The SS-9 deception," 1979, pp. 1-3. Secretary of Defense Schlesinger estimated the throw weight as at least twice that of the SS-11 Mod 3 and at least three times the throw weight of the SS-11 Mod. 2. See Sullivan, p. 14, note 10.

[21] Office of the Press Secretary, the White House, Remarks of the President at Breakfast with Godfrey Sperling Group, Feb. 23, 1983, p. 16.

[22] The February 1978 compliance report states: ". . . This new system and its components can be installed more rapidly than previous ABM systems, but they are clearly not mobile in the sense of being able to be moved about readily or hidden. A single operational site would take about a half year to construct. . . ."

[23] In his fiscal year 1982 Military Posture Statement, Gen. David C. Jones, then Chairman of the Joint Chiefs of Staff, asserted that "Soviet phased array radars . . . may be designed to improve impact predictions and target handling for ABM battle management" and are "under construction at various locations throughout the U.S.S.R." and expected to become operational in the 1980's, p. 101. On Aug. 1, 1983, Senator McClure asserted that the Soviets have deployed a non-peripheral early warning radar in contravention of Article VI of the ABM Treaty. Press speculation includes: M. Getler, "U.S. Asks Soviets for Special Meeting," Washington Post, Aug. 13, 1983, p. A-7; "Soviet ABM Breakout," the Wall Street Journal, Aug. 16, 1983; Roland Evans and Robert Novak, "A 'Smoking Gun' in Siberia," the Washington Post, Aug. 17, 1983, p. 23; and "U.S. queries Soviet on radar station," Baltimore Sun, Aug. 19, 1983, p. 2.

[24] See the reference to 51 launchers in excess of the 740 baseline, and explanation of the Department of State in February 1978, reproduced as appendix I. In The Bitter Fruit of SALT, David S. Sullivan asserts that the Soviets retained excess SS-7 launchers through the expiration of SALT I.

[25] Bernard Gwertzman, "Soviet Concedes Arms Violation," the New York Times, May 25, 1976.

[26] See appendix I.

[27] Senator McClure asserted in a speech of Apr. 14, 1983, that SS-11 ICBM's appeared at SS-4 MRBM sites and that SS-9 ICBM's appeared "operational" at test ranges. See Congressional Record, p. S-2948, and speech of May 19, 1983, p. S-7135. Engene Rostow, Director of ACDA, 1981-82, expressed "great concern" about possible deployment of SS-16 launchers, banned by SALT II and the SALT II Protocol: "Q. It has been written that the Soviets have in excess of 100 SS-16 mobile ICBM's. Isn't that a prima facie violation of SALT II limitations? "A. I wouldn't concede the number 100 in your question, but certainly evidence has come along that causes great concern about whether the SS-16 provisions of SALT II are being respected . . ." San Diego Union, Oct. 3, 1982.

[28] A Carnegie Panel on U.S. Security and the Future of Arms Control advises: ". . . for a variety of reasons, it is almost always in our interest to let the Soviets know of any reasonable concern, if only to establish the principle of insistence on strict compliance." Challenges for U.S. National Security: The Soviet Approach to Arms Control: Verification, Problems and Prospects, Conclusions, 1983, p. 51. This Panel Report asserts: ". . . No arms limitation treaty has ever been abrogated by the United States, but neither have we evidence of a violation justifying such a course." Ibid., p. 55.

[29] See the annual Jane's volumes containing data for aircraft carriers of all naval powers. Jane's indicates that the Kiev first transited the Turkish Straits on July 18, 1976.

[30] See April 14, 1983 speech of Senator McClure for references to at least 30 confirmed tests with extraterritorial radioactive venting.

[31] See the Department of State White Papers of 1981, 1982, and supporting documentation in 1983. The natural occurrence of some mycotoxins is both irrelevant and not inconsistent with Soviet causation of the transfer and use of toxins in "yellow rain" and other illegal attacks. In the fiscal year 1983 Posture Statement released in February 1982, Secretary of Defense Caspar W. Weinberger asserted: "The United States now has good reason for believing that the Soviet Union has violated the Biological Weapons Convention." Also in February 1982 U.S. Ambassador Max Kampelman asserted that the Soviets operated a biological weapons research and production facility in Sverdlovsk and that "we are aware of five other such facilities in operation today." Baltimore Sun, February 17, 1982, p. 5. Secretary of State George Shultz stated in November 1982, "I regret, then, to report that chemical and toxin weapons are nevertheless being used in Laos, Kampuchea, and Afghanistan by the Soviet Union and its allies." Covering letter, Department of State Special Report No. 104, November 1982.

[32] Annex II of the Montreux Convention defines aircraft carriers as "surface vessels of war, whatever their displacement, designed or adapted primarily for the purpose of carrying and operating aircraft at sea." Articles 10, 11, 12, and Annex II together prohibit passage of aircraft carriers through the Turkish Straits. The Soviets first called the Kiev an "anti-submarine cruiser" but published concurrently with transit in July 1976 a legal claim that Black Sea powers can transit aircraft carriers while others cannot. See the legally fallacious article of Captain V. Serkov, "The Legal Regime of the Black Sea Straits," Moyskoi Sbornik, July 1976. See also F. D. Froman, Kiev and the Montreux Convention: The Aircraft Carrier That Became A Cruiser to Squeeze through the Turkish Straits," 14 San Diego L. Rev. 681-717 (1977). A Turkish commentator argues that denunciation of the Montreux Convention is not in Turkey's interests. S. Toluner, "The Regulation of Passage through the Turkish Straits and the Montreux Convention," 28 Annales de la faculte de droit d'Istanbul 79-95 at 94 (1981). The Soviets have built all of their aircraft carriers at Nikolayev South on the Black Sea. Without any noticeable responsive measures, other than diplomatic exchanges and debates in the British Parliament, the Soviets have built additional "Kiev"-class aircraft carriers and are planning an even larger one, despite the necessity of violating the Montreux Convention to reach the high seas. The 1983 edition of Soviet Military Power states: "In 1981, two Soviet KIEV-Class aircraft carriers were operational. Now, three units are on the high seas; a fourth unit has been launched; and development continues on a newer, larger class of aircraft carriers."

[33] After failing to provide so-called confidence building notifications of military maneuvers (SOYUZ-81, and ZAPAD-81) concurrent with the Polish crisis, the Soviets asserted that the notifications were "only 'guidelines', not 'requirements'." See the statement of Ambassador Max Kampelman, Oct. 30, 1981, in U.S. Department of State, Madrid CSCE Negotiations, 1980-81, Selected Documents No. 20, September 1982, p. 31. Before SOYUZ-81 the Soviets failed to provide notice of troop strength. Before ZAPAD-81 Izvestia materially misrepresented the troop strength as a "very limited" number of troops. Two days later, after the exercise had started, TASS conceded that there were "approximately 100,000 troops" involved, the largest maneuver number since the signing of the Helsinki Final Act. The Soviets have at least breached their duty of good faith, and have destroyed the "confidence building" aspect of the troop notifications by selective non-notification in crises. See the Semi-Annual reports of the President to the Commission on Security and Cooperation in Europe.

[34] In a legally binding declaration to the Supreme Soviet on January 14, 1960, with worldwide dissemination of the text, General Secretary Nikita Khrushchev declared: ". . . I would like to stress again that in order to ensure the most favorable conditions for the early drafting of an agreement on the discontinuance of tests, the Soviet Government will continue to abide by its pledge not to resume experimental nuclear explosions in the Soviet Union unless the Western powers begin testing atomic and hydrogen weapons." Khrushchev added, with regard to a proposed test ban treaty, "If a party violates its obligations, the initiators of the violation will cover themselves with shame and the people of the whole world will brand them." Current Digest of the Soviet Press, vol. 12, No. 2, p. 8.

[35] For one account, see Raymond L. Garthoff, "Handling the Cienfuegos Crisis," International Security, vol. 8, No. 1, Summer 1983, pp. 46-66. See the separate statements issued by the White House and by TASS for the Government of the Soviet Union on Oct. 13, 1979. The U.S. statement appears to include Cuban territorial waters within the definition of Cuba, for purposes of banning offensive weapons of the United States favorable.

[36] On Mar. 16, 1982 Leonid Brezhnev announced a "decision of the Soviet Leadership" to "introduce, unilaterally, a moratorium on the deployment" of SS-20 missiles in the European part of the U.S.S.R." On May 18, 1982 Brezhnev stated that the commitment "also envisions a unilateral freeze on the preparations for the ultimate deployment of missiles. Yes, it does envision this, including an end to the construction of launching positions." According to Roberte Gillette, "More Soviet Bases for SS-

20s Reported in Asia," Los Angeles Times, May 8, 1983, p. 8. ". . . What the Soviets have done, according to U.S. officials, is to continue deploying missiles at all sites that were under construction at the time the moratorium was announced, 'even if only a shovelful of earth had been turned' . . ."

[37] See Lauterpacht (ed.), 2 Oppenheim's International Law Sec. 113 at p. 343, note 2 (8th ed. 1955); M. Greenspan, The Modern Law of Land Warfare at 358 Note 184 (1959); M. Whiteman, 10 Digest of International Law at 458 (1968). Records relating to a Red Army military tribunal in Khabarovsk, resulting in 12 convictions in 1949, are contained in U.S.S.R., Materials on the Trial of Former Servicemen of the Japanese Army: Trial of Otozoo, et al. (1949).

[38] At least 33 of the Parties to the Geneva Protocol, including the Soviet Union, reserved the right not to be bound in relation to Non-Parties. The unusually high rate of reservations (28 percent, as of June 1983) may indicate that the Protocol is only a peremptory norm when read in conjunction with the reservations of at least 33 Parties. But if the Soviets can convict 12 Japanese servicemen for use of prohibited weapons when their nation was not even a Protocol Party, then Soviet use and transfer for use against Non-Parties to the Geneva Protocol is at minimum an "abuse of rights" and a material breach of the object and purpose of the Protocol.

[39] The Soviet Union signed the Conventional Weapons Convention on April 10, 1981, and ratified the Convention on June 8, 1982. Evidence taken by the so-called People's Tribunal, founded by Bertrand Russell, led one participant to write: "After seeing booby-trap mines in the form of plastic toys, pens and pencils and valises, after holding in my hands gas masks removed from dead Soviet soldiers; after seeing photographs of the black, bloated faces of dead Afghan women and children. . . . I have no doubt that the Soviets have violated human rights and the rules of war. . . ." Agah Khan, quoted in the New York Times, Jan. 2, 1983, sec. 4, p. 14. Department of State Publication No. 104, November 1982, indicates that the Soviets applied an incendiary chemical to at least 60 civilians, including children, in an incident of Sept. 13, 1982, after Soviet ratification but before entry-into-force of the Convention. Since Protocol II and III incorporate longstanding rules against unnecessary injury to civilians, a breach of these Protocols is a breach of existing legal duties.

[40] Svein A. Rohne, "Kremlin Boast About Submarines—Andropov's Friend Warns of New Cruises in Norwegian Waters," Verdens Gang, May 11, 1983, p. 5.

[41] See Robert J. Grammig, "The Yoron Jima Submarine Incident of August 1980: A Soviet Violation of the Law of the Sea," Harvard International Law Journal, No. 22, 1981, pp. 331-354.

[42] "Soviets Violated Space 75 Times," Chicago Tribune, Sept. 4, 1983, p. 8.

EXHIBIT 4

[From the Washington Post, Sept. 26, 1983]

THE PRESIDENT'S SALT SCREWDRIVER

(By Rowland Evans and Robert Novak)

The 93-0 Senate vote demanding that the administration report on Soviet SALT violations gives President Reagan what he really wants but his diplomatic and political advisers don't: a rationale for concisely stated, provable charges of nuclear cheating by the Kremlin.

Reagan has dropped hints for months that the time has come to call the Soviets to account. Writing on Sept. 12 to a close friend who had complained about mild U.S. retaliation against the Soviet Union's shooting down of the Korean airliner, Reagan said: "We have some screws that can be tightened and I have screwdriver in hand." There is little doubt that the president was alluding to Soviet SALT cheating.

But each time he was ready to go public, advisers intruded. His diplomatic advisers feared that would ruin U.S.-Soviet arms control talks, and his political advisers worried about restoring Reagan's Attila the Hun image. Last Thursday's Senate vote changes all that, because a unanimous roll-call vote is hard to ignore. Whatever the State Department and White House West Wing think, Reagan is where he wants to be: under Senate command to report the disturbing pattern of Soviet cheating.

Moreover, even State Department detentists are fretting under escalating evidence of Soviet cheating. "They've busted the SALT agreements," a top Foggy Bottom policy-maker blurted out to us. That parallels the president's public rebuke to the Kremlin, nearly five months before the Soviets shot down Korean Air Lines Flight 007. On March 31 he warned about "increasingly serious grounds" for questioning Soviet compliance.

In their first effort to use the air tragedy to get an administration accounting of alleged Soviet violations, conservative Republican Sens. James McClure and Jesse Helms tried to tack their amendment to the congressional resolution condemning the Soviet Union for the Korean airline disaster. That failed, 45-50, because of a bipartisan deal—orchestrated by the White House—to accept no amendments. But in failing, the vote revealed to surprised Republicans a large reservoir of support from liberal Democrats.

That led to the second effort last Thursday, when the amendment was tacked on the State Department authorization bill. Sen. George Mitchell of Maine, a widely respected bearer of liberal Democratic colors, denied that he and his ideological brethren are not serious about charges of Soviet cheating by telling us: "This is a matter of such seriousness that it has gone far beyond slogans."

Support from such unaccustomed sources on a sensitive arms control question leaves Ronald Reagan in a position of unique strength to overcome nay-sayers in his own administration. He also has the evidence, thanks to the top-level Verification Panel set up last April. The panel's chairman, National Security Council Director William P. Clark, ordered an immediate study by NSC staffers documenting Soviet non-compliance.

That study, which has been completed on current intelligence data, details a long and sorry story: suspected Soviet testing of two "new type" ICBM missiles, despite a SALT II ban on more than one; deployment of what U.S. intelligence officials call a "battle-management" radar in the interior part of Siberia, violating the Anti-Ballistic Missile Treaty; consistent violations of the treaty, which forbids underground testing of weapons with an explosive force of more than 150 kilotons. The list is long and appears to be growing longer by the week.

Even though the SALT treaties are so notoriously ambiguous and porous that absolute proof is hard to obtain, the Senate means business in demanding an accounting of every piece of non-compliance evidence available to U.S. intelligence. The House will undoubtedly concur when it gets the Senate amendment.

That puts the president in an enviable position, considering his basic instincts. Under congressional mandate to produce, it will be easy for him to play the real Ronald Reagan and send the violations report to Capitol Hill. That may cause sulking on his White House staff and in top drawers of the national security bureaucracy, but it's what the president always has wanted. He now has his screwdriver in hand.

EXHIBIT 5

[From Business Week, Sept. 19, 1983]

WHAT THE SOVIETS ARE SO ANXIOUS TO CONCEAL

(By Yosef Bodansky)

Moscow is paranoid about penetration of its airspace in the Far East by foreign aircraft, especially at night, because of the vast expansion of its military establishment in the region. That is why the unarmed Korean Air Lines plane was doomed when it strayed over the Kamchatka Peninsula earlier this month.

The Soviets have been swiftly building up their military complex in East Asia since 1969, and they have been doing so by means of maskirovka, or concealment. Much of the activity is carried on at night in order to mask violations of both the SALT I and SALT II treaties with the U.S. The quantitative buildup in the Far East started after the invasion of Czechoslovakia and border skirmishes with the Chinese. But a quantitative leap came after 1972, with the appointment of General of the Army V. I. Petrov as commander of the Far East Military District. Petrov reorganized ground forces in four military districts—Central Asia, Siberia, Transbaikal, and the Far East—into one of Russia's new theaters of military operations. For his achievements there, Petrov was recently made a marshal and commander-in-chief of Soviet ground forces and was decorated as a Hero of the Soviet Union in May.

The Soviets have tried to portray the buildup in the Far East as directed toward China. It includes a boost in militarymanpower to 505,000 this year, up from 310,000 in 1979. In the same period, the number of tanks tripled to around 15,000, combat helicopters quadrupled to 1,000, and first-line aircraft jumped to 3,200 from 2,000. By depicting the expansion as being basically aimed at China, Moscow hoped to justify it to the West. By magnifying the West's perception of Moscow's fear of the People's Liberation Army (PLA), the Kremlin hopes to encourage Western expectations that in a war with NATO, Soviet troops would be tied down facing the Chinese.

On closer examination, it is clear that the Soviets envisage neither the capability nor the goal of occupying China and its billion-plus inhabitants. Rather, Russian strategy—dating to the imperial staff in the 1880's—in a war with China has looked toward Chinese dismemberment, the creation of local separatist governments, and the occupation of limited but crucial areas, strategically and economically, in northwest and north east China. Occupied land would include 56 percent of China territory and all of its nuclear installations but only 6 percent of its population, mostly non-Han minorities. The Russians propose to attain these objectives by lightning strikes against the PLA. which Moscow believes has virtually no offensive capability. Meanwhile, the Soviets have tried to cool down their feud with the Chinese, most recently by concessions to Beijing in the dispute over definition of the Ussuri River border.

The buildup of ground forces against China was completed in the early 1970's. Since then, the emphasis has been on special and highly maneuverable units. Russian capabilities in the Far East have been tested in a series of sophisticated exercises, including the mock capture of Etorofu, one of the islands in the Kuril chain that the Soviets took from Japan after World War II. Etorofu has become the center for projection of

Soviet power toward the northern Japanese island of Hokkaido. The force includes an army headquarters, an air assault brigade with HIP and HIND helicopters, and a squadron each of MiG-21s and MiG-23s—and the expansion continues.

RETALIATION IN KIND

But what makes the Kamchatka Peninsula one of Russia's most sensitive areas is its stategic buildup. At Chukotskiy, on the northern tip of the peninsula, the Soviets have built the infrastructure for a vast installation of mobile missiles—SS-20s and/or SS-16s, or the operational version of the PL-5. The SS-20s could reach half of the U.S., while the SS-16s and PL-5s could cover most of the country. There are more than 115 SS-20s east of the Urals, and completion of the Far East buildup would double that number. The base at Chukotskiy appears to be the "retaliation in kind" that, Soviet propagandists have repeatedly warned, would follow modernization of U.S. missiles deployed under NATO in Europe.

The Soviets are also developing and testing a new generation of ballistic missiles and aerospace defense missiles on Kamchatka. In flagrant violation of SALT II provisions, the Soviets encode the telemetric information on these missile tests, while broadcasting false data to confuse the U.S. tracking system. For the PL-5, they have introduced another way of shielding secrets: night testing, which hampers the U.S. capability to observe the missiles and their impact points. All these activities are carried out under strict control of the Chief Directorate of Strategic Maskirovka. This agency of concealment was created by Marshal Nikolai Orgakov, now first deputy defense minister and chief of the general staff, when he was also chief Soviet military delegate to the 1969-71 SALT I talks.

Recently, the Soviets have increased their antiballistic missile (ABM) activities in southern Kamchatka, although these are prohibited in a 1972 agreement attached to SALT I. In 1974 the Soviets introduced ABM radar in Kamchatka—specifically prohibited by the ABM treaty—calling it a test installation. In fact, the radar has full operational capacity. The Soviets hope it, along with an operational radar in Komsomolsk in the Far East and an ABM radar recently discovered in Abalakova in Siberia, will shield their Far East strategic installations.

The Korean jumbo jet penetrated at night and by surprise, at an hour when Soviet activity is greatest and maskirovka is somewhat relaxed. Whether the Korean pilot noted anything he should not have is irrelevant. The Soviets put an absolute priority on protecting national security and, by their criteria, the intruder had to be destroyed quickly.

EXHIBIT 6

PRESIDENT REAGAN'S ACCUSATIONS OF SOVIET SALT VIOLATIONS

President Reagan himself has taken the lead in pointing out Soviet arms control violations, which I applaud as leadership and statesmanship in the best tradition of our republic. President Reagan has a realistic view of the Soviet Union and of the intentions of the Soviet Politburo. On January 29, 1981, Reagan said that the Soviets would "lie, cheat, commit any crime" to achieve their goals. He understands the dangers of Marxism-Leninism, and the degree to which this ideology guides and legitimizes the rule of the Soviet Communist Party. The American people share President Reagan's realism regarding the Soviets.

President Reagan has made the following five accusations of Soviet violations of five arms control treaties:

1. SOVIET VIOLATION OF THE UNRATIFIED SALT II TREATY

President Reagan made the following statement at a press breakfast on February 23, 1983 about Soviet flight-testing of a second new type ICBM in violation of SALT II: "* * * I'm convinced that these are violations * * *. This last one comes the closest to indicating that it is a violation."

There is an open and shut case on this SALT II violation, testing of 2 new type ICBM's when only one is allowed. President Reagan stated further in regard to Soviet SALT II violations on April 21, 1983 "* * * When have they stopped?"

2. SOVIET VIOLATION OF THE KENNEDY-KHRUSHCHEV AGREEMENT OF OCTOBER 28, 1962

This agreement was supposed to "halt further introduction of such weapons systems (i.e., Soviet offensive missiles and other offensive weapons, which Khrushchev even defined as including Soviet troops) into Cuba "as firm undertakings" on the part of "both" the U.S. and the Soviet governments.

President Reagan stated at a press conference in May, 1982: "You know, there's been other things we think are violations also of the 1962 agreement."

There is conclusive physical evidence of Soviet military activity in Cuba in violation of the Kennedy-Khrushchev Agreement. On September 14, 1983, President Reagan repeated his accusation. He stated: "As far as I'm concerned, that agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there."

3. SOVIET VIOLATIONS OF THE THRESHOLD TEST BAN TREATY OF 1974

President Reagan stated on March 28, 1983: "We have reason to believe that there have been numerous violations * * *"

On the Threshold Test Ban Treaty, the U.S. has 95 percent confidence of several Soviet violations of the TTBT at militarily significant levels.

4. AND 5. SOVIET VIOLATIONS OF THE CHEMICAL WARFARE GENEVA PROTOCOL OF 1925 AND THE BIOLOGICAL WARFARE CONVENTION OF 1975

President Reagan stated on January 26, 1983: "There is overwhelming evidence of Soviet violations of international treaties concerning chemical and biological weapons."

President Reagan also stated on June 17, 1982 at the United Nations: "The Soviet Union and their allies are violating the Geneva Protocol of 1925 . . . and the 1972 (i.e. ratified in 1975) Biological Warfare Convention. There is conclusive evidence."

There is conclusive physical evidence of these Soviet violations in South East and South West Asia, as well as at Sverdlovsk in the U.S.S.R.

In addition, President Reagan has made two further statements on Soviet arms control compliance in general. On May 9, 1982, President Reagan stated:

"So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. *Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties."* (Emphasis added.)

President Reagan added recently, on March 31, 1983:

"And I am sorry to say, there have been increasingly serious grounds for questioning their (i.e. Soviet) compliance with the arms control agreements that have already been signed and that we have both pledged to uphold. *I may have more to say on this in the near future . . ."* (Emphasis added.)

The President is not alone in his concerns about SALT II violations. On April 7, 1983, Defense Secretary Weinberger was asked if the Soviet Union was violating the SALT II Treaty, particularly with regard to testing a second new type ICBM. Weinberger answered:

"They're (i.e., the Soviets) doing a lot of things that seem to us to involve work with two missiles, whereas the SALT treaty appears to limit the one. They're doing a lot of things about encryption * * * which the SALT treaty appears to ban * * * there may be a violation, indeed, and *this would not be the first time.* The real violation of the Soviets is with the chemical treaties and the use of chemical warfare in Afghanistan and Kampuchea. And that isn't a question of interpretation. That's unfortunately a flat fact." (Emphasis added.)

Weinberger added that there may be several Soviet SALT II violations. According to Human Events of April 16, 1983:

"A high-level interagency group, cochaired by Admiral Jonathan Howe, head of the State Department Political-Military Bureau, and Assistant Secretary of Defense Richard Perle, unanimously agreed on March 8 that the Soviets blatantly violated the SALT II treaty that both the Soviets and the United States have agreed not to undercut. William E. Jackson, who served with the Arms Control and Disarmament Agency in the previous Administration and is now with the Brookings Institution, confirmed the report. In a press conference last week, Jackson said the Soviets, in violation of SALT II, tested a missile on February 8 that may have had twice the warhead payload of the SS-13, rather than the 5 percent allowed. He also said the agreement allows only one new type of ICBM to each side, but that the Soviets have developed two."

Assistant Secretary of State Richard Burt stated on March 20, 1983: "You can be sure that if the Soviet Union has violated any arms control agreement, this Administration will come forward and talk about it."

President Reagan already has accused the Soviets of five violations of five arms control treaties, although this fact is not well known in the Congress or throughout the country. Richard Burt seems also to be unaware of the President's accusations.

In addition to President Reagan's five accusations, there are two other violations charges which deserve mention. First, the Soviets have violated the SALT I ABM Treaty, according to former Secretary of State Henry Kissinger. Second, the Soviets have violated the SALT I Interim Agreement in many ways, such as, by replacing light ICBMs with heavy ICBMs. Henry Kissinger called this "sharp practice" and former Defense Secretary Melvin Laird called it a violation.

ROBERT C. BAILEY: AN EXAMPLE OF THE STRENGTH OF AMERICA

Mr. MATSUNAGA. Mr. President, earlier this month I was among those who attended the funeral services of a

dear friend and longtime neighbor, Robert C. Bailey.

As a U.S. Senator I am privileged to know many people—the great and the near great—people of importance and influence in the affairs of state and commerce, and, on occasion, those who have gained transient fame by dint of singular achievement or unusual happenstance. It has also been my great privilege to meet and befriend individuals who receive neither public adoration nor media acclaim, but who nevertheless make great and lasting contributions to the daily life of America and which make this country, such a great place in which to live.

When I attended Bob's funeral, I clearly saw how important are those men and women of quiet competence, both in work and domestic life. Out of the public glare, they cheerfully tend families, friends, businesses, and communities, as did Bob. For nearly 50 years, 30 of them in the Washington, D.C., area, Bob worked as an actuary, eventually serving as a vice president of the Equitable Life Insurance Co. of Washington. Never content to have only one interest, he also was a Mason and an active member of the Friday Morning Music Club.

It is only by knowing individuals such as Bob Bailey that one is truly enriched. By his devoted love and concern for his dutiful wife, Agnes, his sons, George and John, and daughters-in-law, Lisa and Elizabeth, he was an example for us all to emulate. Bob's commitment to his profession and willingness to lend his time to his community sorely will be missed and surely will be remembered by all for whom his life was spent. With your permission, Mr. President, I ask unaniamous consent to have printed in the CONGRESSIONAL RECORD the eulogy presented by Rev. Gordon Forbes of the Westmoreland Congressional Church at the memorial service for Robert C. Bailey. I wish to do this because it was one of the most moving statements I have ever heard or read about a man who had quietly, without ostentation, in his own way, enriched the lives of those who were fortunate enough to know him.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICE FOR ROBERT C. BAILEY, SEPTEMBER 9, 1983

Dear Friends of Robert Bailey: We have come here to worship God and recall with thankfulness the life of Robert Bailey.

Hear, if you will, a letter from the family of Mr. Bailey:

DEAR DAD: Thoughts fill our heads and it is difficult to summarize our gratefulness for having you as our husband and father.

Quite simply, we want to thank you for the fine human qualities we have learned from you through your example. In your peaceful way, you showed us the power of compassion, empathy, faith, honesty, and humor. You set an example of the purpose and satisfaction to be achieved through education and learning.

It seemed like you never complained, but were more concerned about others' needs and troubles. Your constant loving support for Mom was obvious to all who knew you.

In your last hours of life, you appeared to know that we were all beside you. Perhaps you knew we had discussed how we would stay beside you as you passed from physical being no matter how prolonged. Perhaps you even perceived this as a burden on us, but it would not have been—how insignificant our problems were by any measure.

You have taught us one final, priceless lesson in the dignity and peace with which death can be faced. You have become the family's pioneer in this transformation and you have given us the power to continue.

Dad, though you are gone from our sight, you are immortal in soul, and others will see you as reflections in us for the remainder of our years.

With deepest love, thank you,

YOUR FAMILY.

How shall we remember this life? Memory is a powerful thing. It has the power to liberate or to haunt. It has the power to evoke rejoicing and thanks or regret and remorse. It has the power to move and inspire or to shrivel and demean. Memory is a powerful thing.

Those who have known and loved Robert Bailey bid us to remember all of those qualities which endeared him to them and to us. They bid you remember his gentleness. Robert was a gentle man who had his own convictions but gave space and freedom for others to have theirs. Remember his gentleness.

We bid you to remember his patience. The difference between a patient and an impatient person is found in the capacity to "wait." Waiting is not a virtue we hold dear in American culture. Robert Bailey had the capacity to wait. Remember his patience.

The testimony is that Robert was a reflective and philosophical man. Broadly read and deeply stimulated by a large range of interests, Robert had the capacity to put present things into broad and full perspective. There was an unusual capacity to see things wholly. While not empowering of decisiveness, such a quality is encouragement to wisdom. So remember his wisdom.

Finally, we bid you to remember his strength and support. His family thrived because of Roberts' presence. His aid, his practical wisdom, his encouragement to all that was satisfying and helpful to his family's welfare shall be deeply missed. Remember his quiet and unassuming support.

Memory is a powerful thing. We bid you, then, remember Robert Bailey in this way that his death may liberate, evoke rejoicing, and inspire all that is good. Let us pray:

O God of the living and the dead, who has knit us together in one bundle of life through the resurrection of Christ from the dead, we come before you in quietness and peace. Hallow for us all good and tender memory. Stir within us thanksgiving for the gift of Robert's life. Cleanse us of any regret and remorse. And so dwell with us in this hour of sadness and grief that we may dwell safely in this darkness awaiting the coming again of your light and joy. In Christ's Name we pray.

Amen.

Dear Friends: There are two words that our Scripture holds up for our reflection and meditation at this moment of memorial and remembrance.

The first is contained in Paul's letter to the Corinthians. He writes, "We look not to the things that are seen but to the things that are unseen. For the things that are seen are passing but the things that are unseen are eternal." Personal qualities can not really be seen, that is, touched and held. We can experience their effect. We can receive and benefit from their fruits. But qualities are unseen. Those qualities are eternal. They live on long after someone has died. Robert's patience, gentleness, and wisdom continue to live on. They live on in those who received their benefit. They live on in all who seek to embrace similar qualities. They live on in the heart of God who is the ground of all gentleness, patience and wisdom. "We look not to the things that are seen but to the things that are unseen. For the things that are seen are transient but the things that are unseen are eternal." Our faith reminds us that the highest quality in life is love. Love is eternal. The love we have received from Robert and the love we have given have not been lost.

The second word is contained in Paul's letter to Rome. He writes, "I am persuaded that neither death nor life * * * nor anything in all creation can separate us from the love of God in Christ Jesus Our Lord." It is a statement that nothing in death can separate us from the love of God. Death may be the close of a chapter but it is not the finish of a book. It is an end of a movement but not the close of a symphony. Even now we can be assured that our loved one lives in the broader and deeper love of God. Nothing in death can separate us from God's love.

Nor can anything in life. Death is a difficult moment for those of us who survive. A great hole and a great gap is left in our lives. A very real and present love has gone. In the midst of that grief and loss our faith assures us that we are loved eternally and that nothing in life, nothing in this grief, can separate us from that love. Let us pray.

YAZ: ALWAYS A CHAMPION

Mr. TSONGAS. I was proud yesterday to join my colleague, the senior Senator from Massachusetts, in support of his resolution (S. Res. 232) passed unanimously by the Senate, honoring Carl Yastrzemski, captain of the Boston Red Sox. Today I rise to add a personal tribute to "Yaz" and his contributions to baseball which have enriched the lives of all of us in Massachusetts and New England, and no doubt, most Americans everywhere.

Mr. President, from the retirement of Boston's beloved Ted Williams, when there appeared in Fenway's famed left field a new rookie—Carl Yastrzemski—through the woeful losing years of the early sixties, through the "Impossible Dream of 1967" and the team in 1975 which captured the Nation's heart and forced the "Big Red Machine" of Cincinnati to a seventh game in World Series, and through the heartbreaking loss to the hated Yankees in a special playoff in 1978, Carl Yastrzemski has always been at the center of things in the clutch. No one from young "kids" to the "old vets" ever worked harder. Yastrzemski taught everyone the

value of hard work and training in the off-season as his incredible body seemed to get younger every year.

Yaz played the game to win. One could rely upon the yearly quotes from Florida in which Yastrzemski expressed the certitude that "this year" the Red Sox would win the pennant and the Series. He never quit. The many memories tumble out, too numerous to mention—Carl Yastrzemski running the bases with abandon, Carl Yastrzemski the batting champ hitting to the opposite field concentrating on singles and doubles, Carl Yastrzemski the pull-hitting power hitter smashing 44 home runs and winning the triple crown, Carl Yastrzemski, designated hitter and senior statesman of the Red Sox, Carl Yastrzemski developing a classy style as a first baseman late in his career and Carl Yastrzemski patrolling left field. And, oh what a left fielder. No one has ever played it better—not just at Fenway, but all around the league Yaz' circus catches and magnificent throws became almost commonplace.

Mr. President, it is hard to capture in words what Yaz has meant to us in New England. He is a man of dedication and dignity—a man who would be respected in whatever his profession was. He performed on a baseball diamond in public—but he represents for many of us the professionalism and excellence which we strive for in whatever we do.

Mr. President, I ask unanimous consent to have printed the following article by Mike Barnicle from the Boston Globe following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YAZ: ALWAYS A CHAMPION

(By Mike Barnicle)

Once, it was a simple game played on grass under the sun and fans deceived themselves into thinking that men played it only for fun. Over the years, the night took it from warm afternoons and there are green carpets now instead of lush lawns and the explosion of dollars has turned the music of the sport into the sound of an adding machine.

Kids no longer pose in playground shadows pretending to be DiMaggio, Mays or Mantle. The ballet involved in chasing long fly balls or the visual poetry of a double play is still there, but free agency and labor disputes have resulted in loyalty that has turned to rust.

Lawyers and owners speak in Wall Street tones; players mutter in some dead language that always has a clause for cash; and all three parties are part of a deceit that has robbed the game of its magic and the fans of a piece of their youth.

Yet through it all, across all the years, you can always find a handful of athletes who act and perform as if they are the custodians of the game's reputation, as if their every time at bat is going to help restore a piece of the dream that every child once held in his heart whenever baseball was played.

Carl Yastrzemski is such a man.

He never had the power of a Jackson or a Schmidt. He never had the speed of a Clemente. He does not have the size or strength of someone like Winfield or Rice.

He approached the game the way a carpenter frames a house. His foundation was desire; the walls were made of intensity; the roof was nailed down with heart.

His career has stretched across the terms of six presidents, a couple of mayors and two decades that have changed the face of this country forever. There are people just one year out of college whose entire memory of the Red Sox is book-ended by the name Yastrzemski.

He played on some awful teams, some good ones and, perhaps, one great one. He was stacked in batting orders with players who were pathetic and a few others who had better natural ability and physical gifts than No. 8 did.

Through it all, the first- and last-place finishes, the embarrassment and the applause, it was always Carl Yastrzemski's pride that bound those teams together and carried them through the long season. From March to October, he ran everything out.

He was "The Captain," but his speeches were given in the batter's box and out along the cinder track in left field. He was an all-star but the glitter in his game came from his consistency. He was a steady light in the sky, not some shooting star that faded in a haze of adhesive tape, whirlpools and excuses.

His talent was always disguised within a body better suited for a journeyman infielder. And there were years when he was hurt nearly all the time and the numbers from those seasons libel his career when looked at separately.

But he played. He altered his stance or favored his back. He limped a bit and took a little off the throw in to the cutoff man but, always, he played.

And all the games across all the years do not encompass one third the effort that Carl Yastrzemski poured into his sport. Box scores don't show callouses picked up from hours in a batting cage and statistical totals don't compute the sweat, pain and sacrifice of a life devoted to a game.

In September of 1967, he became a legend. No man has ever had a month, a season, like Yastrzemski did sixteen summers ago. Day in and day out, he lugged at marginal collection of baseball players toward the dream of a first-place finish.

In the fall of 1975, he was an aging left fielder on a team of considerable talent. But it was Yastrzemski who took a ball off the left field wall, turned and fired to throw out Reggie Jackson, who had thought he could take second on an old man's arm, and when the umpire called him out, the Oakland A's died right there in the copper-colored dust of the infield.

By 1978, there was a touch of gray at his temples and the lines around his eyes were not from laughing. And it is in a scene from a crisp, clear October afternoon of that year that Carl Yastrzemski will live forever in my mind.

His Red Sox had bled themselves into a tie for first place with the Yankees of New York. Now it was the ninth inning of a playoff game and 32,295 fans stood in silence for the duel: "The Captain" against "The Goose."

They say the ball finally came down in Graig Nettles' glove. They say there was a final score, and that the Yankees won. But they are wrong because legends live forever and there are dreams that never die.

In places beyond New England, there are people who claim that "The Captain" never played on a team that won a World Series. Yet on that autumn day, and on every day he wore the uniform, Carl Yastrzemski, No. 8, was always champion.

SENATOR HENRY M. JACKSON

Mr. GORTON. Mr. President, today is the last day for us in the Senate to have our statements of mourning regarding Senator Jackson's death put in the RECORD for collection into a single book in memory of Scoop. Mr. President, I have a statement from Senator Warren Magnuson here that he delivered at Scoop's funeral in Everett. Mr. President, I think it would be appropriate for Maggie's statement to be at the beginning of the collection of our eulogies for Scoop and ask unanimous consent that it be so printed. I also ask unanimous consent that the attached statement be printed at this point in the RECORD.

STATEMENT OF SENATOR WARREN MAGNUSON

I naturally was shocked and stunned when I was informed of Senator Jackson's death—untimely as it was. I often thought of Scoop as being indestructible. His personal habits, his way of life just made him that indestructible to me.

It's almost unreal, that as I stand here * * * well, I couldn't sleep that night. I tried to go to sleep, hoping I'd wake up and it was just a dream. But it's real. As I stand here beside the casket, I know it's real.

He lived a great life. But he's going to leave a great void that I doubt any person can fill. It's going to take a big man to fill even partially his shoes.

We served together in the House and the Senate almost a half a century. That's a long, long time. We worked as a team, shoulder-to-shoulder, on different projects and problems which faced our State.

Now that team is dissolved. I don't know when it will ever come back again—44 years in Congress and 28 years in the United States Senate. It not only is a long, long time, but it brings back many memories to me, that if I tried to list them all I'd have you here all afternoon. So we mourn his loss and that void. I don't know when it's ever going to be filled.

There was a funeral in Rome years ago in which a prominent Roman stood up and said, "I've come to bury Ceasar, not to praise him." I'm going to paraphrase that and reverse it: "I come not to bury Henry Jackson, but to praise him." Because his achievements, his contribution to world peace, to human rights and to the people of this State and the Nation will be going on and on forever, and he'll be immortal by them.

His private and personal life, and his political life, were almost immaculate. And do you people realize, like I do, that there's never been one breath of scandal that's ever hovered around Henry Jackson in half a century of public service? That's something in this day and age.

I was always amazed and marveled at his knowledge and grasp of foreign affairs. And I watched him over the years grow up to be a giant, not only in the Congress, but in international affairs.

He always said to me over the years, I'm going to vote tomorrow—whenever the vote

would be in the Senate—to what I think is in the best interest of these United States. Sometimes he was criticized for it, but he never wavered; he never swayed to the winds of popular opinion.

And people sought and went to him for advice and wisdom on foreign affairs. He was almost a prophet—a prophet in his time. He was pretty nearly always right, and that's what made him what he was.

There's another side of Scoop that I knew very well. That is his human side. There never was a problem in all the years we were together, too small for Scoop to take time out of his busy world to help. And there's scores of incidents, hundreds, that I went through with him.

He used to drop by my office pretty nearly every morning when we were in session. He'd say "Who's in trouble today? Who at home is in trouble? Who can we help?" And we'd get together and work it out, the best we knew how.

So when the headstone, is written, I hope they'll say, he was a humane, compassionate man. I hope they'll say "here lies Henry Jackson, a decent man, a loyal public servant—but above all, a man of the people." God bless you, Scoop.

TRAVEL AND TOURISM

Mr. PRESSLER. Mr. President, I rise today to commend a very distinguished group of individuals who have contributed much of their valuable time, talent, and personal expenses to the development of a historic private sector initiative that could profoundly improve our Nation's competitiveness for international travel and tourism business. Some of the best marketing minds in the industry have come together to develop a marketing strategy to promote the United States as an international travel destination.

Tourism is our second largest service industry, but our international tourism receipts have dropped from 13 percent of the world market in 1976 to 10.6 percent in 1982, paralleling a steady decline in the Federal promotion effort. This represents more than $2½ billion in foreign exchange earnings, and a large share of our trade deficit. Action must be taken to reverse this decline of the U.S. competitive position in the world tourism marketplace. We have made great strides in this area by increasing the budget for the U.S. Travel and Tourism Administration (USTTA). This cooperative effort from the private sector will greatly assist the effort to promote the whole of the United States and reduce our trade deficit. I applaud them for their efforts.

The time has come for the leaders of this Nation to recognize the travel and tourism industry as a major force in the growth of the American economy for the decades ahead.

The travel and tourism industry is not only the second largest retail or service industry in the United States, but it is the second-largest private employer as well. Statistics on its other economic contributions speak for themselves: In 1982, for example, the industry generated 4.5 million American jobs, $183 billion in business receipts, $41 billion in payroll income, and over $20 billion in Federal, State, and local tax revenue. Inbound international tourism constitutes our Nation's third largest source of export income. Last year alone, international visitors to the United States spent $11.3 billion, generated $640 million in Federal tax revenue, and supported 300,000 jobs.

In view of Government efforts to minimize and to reduce unemployment, to generate additional Federal, State, and local revenue, and to improve our balance of payments, travel, and tourism is clearly a force to be reckoned with and nurtured. Certainly, our current economic situation dictates we can no longer afford to ignore the demonstrated economic contributions of this dynamic growth industry.

If we are to return to the 1976 world market share of 13 percent, the Federal Government must first commit itself to fulfilling its proper role in adequately promoting this country abroad—competitive with the efforts of other national governments. In recent years, funding of the U.S. Travel and Tourism Administration (USTTA), the Federal Government's principal instrument of national tourism policy implementation, has incrementally fallen to a barely functional level. Through broad-based industry and congressional resistance to this decline, it now appears that this negative trend may be reversed. Recent actions indicating a growing sense of appreciation and respect for this industry are reflected in the Senate and House Appropriations Committees' recommended funding levels for USTTA of $10.1 million and $12.8 million respectively in fiscal year 1984, representing a significant improvement over the proposed $5.4 million.

In the process of obtaining this reversal, however, there is an absence of a comprehensive international tourism marketing strategy for the Nation which would outline what the policy, priorities, and activities of the Federal Government should be, given an increased level of funding. This is because the executive branch only permits USTTA to submit a marketing plan based on a prescribed and predetermined funding level.

In response to USTTA's dilemma, the Travel Industry Association of America (TIA) has embarked upon a most difficult, but very worthwhile endeavor. Acting in its capacity as the umbrella association representing the various sectors of the travel and tourism industry, and with the encouragment of industry leaders and USTTA, TIA has assembled a committee of senior international travel marketing executives to guide the development of an international marketing plan. This cooperative effort of the best marketing minds in the industry will also include methods through which the private sector, States, and cities can play a major role in implementing the Federal effort.

The objective of the International Marketing Plan Development Committee is to develop a 5-year marketing strategy to return the United States to a 13-percent market share of international tourism, which will create 200,000 new jobs and increase foreign exchange from inbound tourism 60 to 70 percent.

On August 11, the Committee met for the first time in Washington to begin developing a sophisticated marketing strategy that will merit implementation by USTTA. The industry plans to complete and submit its suggested marketing plan to Congress and the administration by the end of this year.

As chairman of the Senate Subcommittee on Business, Trade and Tourism, I enthusiastically endorse the mission of the International Marketing Plan Development Committee. I hasten to point out the Committee also has received the endorsements of other officials in the executive and legislative branches of Government, including Commerce Secretary Malcolm Baldrige, the Congressional Tourism Caucus chairman, and the chairman of the House authorization committee with jurisdiction over Federal Government tourism promotion efforts.

I commend the voluntary efforts of those individuals involved in this worthy initiative to optimize the contribution of the travel and tourism industry to economic prosperity, full employment, and the U.S. international balance of payments.

Mr. President, I ask unanimous consent that the complete roster of the International Marketing Plan Development Committee be included as part of my statement.

There being no objection, the roster was ordered to be printed in the RECORD, as follows:

INTERNATIONAL MARKETING PLAN DEVELOPMENT COMMITTEE

CHAIRMAN

James C. Collins, Senior Vice President, Marketing, Hilton Hotels Corporation.

MEMBERS

J. Kay Aldous, Vice President, Public and Government Policy, American Automobile Association.

Roger Ballou, Senior Vice President, Vacation & Leisure Travel, American Express Company.

William Blaziek, Senior Vice President Sales and Marketing, Resorts International Casino Hotel.

Chris Browne, Senior Vice President, Marketing, Holiday Inns, Inc.

Gordon L. Downing, Vice President General Sales Manager, National Car Rental System, Inc.

Sig S. Front, Senior Vice President, Director of Marketing, The Sheraton Corporation.

Robert Giersdorf, President, Exploration Holidays and Cruises.

Edward N. Gilbert, Director, Florida Division of Tourism.

Charles Gillett, President, New York Convention & Visitors Bureau.

Elliott Heit, International Marketing Director, Tauck Tours, Inc.

James W. Hurst, Executive Vice President, Greater Los Angeles Visitors & Convention Bureau.

Samuel B. Jamieson, Jr., Vice President Marketing, Short Line Tours.

Michael L. Jenkins, Director, Business Marketing, American Telephone & Telegraph Co.

Thomas J. Koors, Executive Vice President, Sales and Marketing, Northwest Airlines, Inc.

Jack B. Lindquist, Executive Vice President, Marketing, Walt Disney Productions.

William S. Norman, Group Vice President, Marketing and Corporate Planning, Amtrak.

Malcolm D. Pynn, President, Holiday Americas.

Don Ryan, President, Camping Group, Kampgrounds of America, Inc.

Martin R. Shugrue, Jr., Senior Vice President, Marketing, Pan American World Airways, Inc.

William D. Slattery, President & CEO, Braniff International.

Robert Smalley, Sr., President and Chief Executive Officer, American Land Cruisers.

Bradley Smith, Executive Director, Foremost West, Four Corners Regional Tourism Organization.

Brian Smith, Vice President, Marketing, Busch Entertainment Corporation.

John Stockton, Vice President, Marketing, Roy Rogers Restaurants.

John A. Ueberroth, President, Ask Mr. Foster First Travel Corporation & Ask Mr. Foster Travel Service.

Terry L. Underwood, Vice President, Passenger Marketing, Greyhound Lines, Inc.

A. Russell Upshaw, Jr., Vice President, Government Affairs, Eastern Air Lines, Inc.

EX-OFFICIO MEMBERS

William H. Edwards, National Chairman, Travel Industry Association of America, and President, Hilton Hotels Division, Hilton Hotels Corporation.

William D. Toohey, President, Travel Industry Association of America.

TECHNICAL STAFF MANAGEMENT

Michael F. Sarka, Senior Vice President, Travel Development, Travel Industry Association of America.

Thomas G. Lloyd, Senior Policy Analyst, Travel and Tourism Government, Affairs Council.

Dr. Douglas C. Frechtling, Director, U.S. Travel Data Center.

Members of the International Marketing Plan Development Committee are senior travel industry executives, experienced in marketing, from the following industry components: attractions, car rental, communications, food service, gaming, accommodations, outdoor recreation, regional tourism organizations, sightseeing, State government tourist offices, tour sales, transportation (including air, automobile, cruise, motorcoach and rail) and urban tourism organizations.

THE 42D ANNIVERSARY OF THE MASSACRE OF JEWS AT BABI YAR

Mr. SPECTER. Mr. President, this week marks the 42d anniversary of the massacre of over 34,000 Russian and Ukranian Jews by the Nazis at Babi Yar, a ravine near Kiev. I rise today to pay my respects to the martyred Jews; an act which the Soviet Union refuses to do, even in the face of urgent international appeals to truthfully acknowledge their own fallen citizens.

Mr. President, it pains me to recount before this body the method by which the Jewish population of Kiev was rounded up by the SS and Gestapo commandoes under the guise of relocation, forced to strip naked and lie down in the ravine. They were then shot with automatic rifles, covered with dirt, and the next group awaiting execution was forced to lie down on top of them and be shot in the same manner. After two days of nonstop murder, half the Jews of Kiev were slaughtered. What is almost as distressing is the fact that the Soviet Government adamantly refuses to admit the uniquely Jewish feature of that tragedy.

In 1961, the Soviet poet Yevgeny Yevtushenko published the poem Babi Yar, which touched off a national outcry over the absence of a memorial for the massacre victims. Twenty years later, when the Government finally erected a memorial over the extermination site, it neglected to mention that the overwhelming number of Babi Yar's victims were Jews who were killed simply because of their faith.

Mr. President, the horrific scale of the Babi Yar murders cannot accurately be depicted in mere adjectives. Rather, the enormity of the atrocity and its coldly calculated precision defy the imagination of any person with a modicum of human emotion. I am outraged that the Soviet Government continues to suppress the true nature of the massacre, and I appeal to the Soviets not to make this forced disassociation an element of national policy. As Yevtushenko aptly noted, "Everything still screams out in silence." The issue of officially sanctioned anti-Semitism in the Soviet Union debilitates that society, and inhibits its full participation in the community of nations.

In commemorating the fallen Jews of Kiev at Babi Yar, I can only implore the Soviets to cease ignoring the Jewish element of the massacre, and take all necessary steps toward ending its own rampant anti-Semitism. Its heavyhanded manipulation of the past only serves to indelibly taint the lenses through which it views the present, and does not bode well for the future.

In July 1982, my wife Joan and I visited Babi Yar and were enormously moved by this monument and the knowledge of what had happened here. From Kiev, we traveled to the village of Batcklurina, some 165 miles from Kiev, where my father, Harry Specter, was born and lived until 1911 when he immigrated to the United States at the age of 18.

My personal connection with the Ukraine underscores my deep concern about the massacre at Babi Yar, the current plight of Soviet Jewry, and the importance of remembering the tragic event.

COMPUTER AND BUSINESS EQUIPMENT MANUFACTURERS ASSOCIATION

RECOMMENDATIONS FOR ECONOMIC GROWTH

Mr. PERCY. Mr. President, this week the Computer and Business Equipment Manufacturers Association, known throughout the country by its initials, CBEMA, held its fall meeting in Washington, D.C. CBEMA and its member companies are well known in Washington. It represents businesses with total sales of over $75 billion and over 1 million employees.

The member companies of CBEMA are in the forefront of investment, research and development, and creativity in the United States. CBEMA's membership includes such well-known companies as IBM, Xerox, Control Data, Honeywell, Apple Computer, and even my own former company, Bell & Howell.

CBEMA members make a very positive contribution to our trade balance. Last year, they exported a surplus of $6 billion. When so many American industries see overseas markets shrinking because of the strong dollar and other factors, it is indeed an important achievement that this industry made a significant contribution to reducing the U.S. trade deficit. With projections of as much as a $70 billion trade deficit this year, every business must strive to export to help reduce that deficit. All of us in the Senate congratulate CBEMA members for their leadership in expanding exports and for their farsightedness in planning for future business growth.

During the Washington meeting of CBEMA, its board of directors discussed an important position paper on industrial policy. On Wednesday, the board adopted that paper after a healthy discussion of the meaning of industrial policy and what impact it might have on our economy.

Mr. President, this excellent statement by the CBEMA board should be read by certainly all of us in the Senate and by any American interested in the continued growth of our economy. I ask unanimous consent that it be included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. PERCY. CBEMA does not subscribe to an interventionist industrial policy, as the term is often used. But they feel that there are very important changes we need to make in our laws that will foster industrial expansion and growth of market opportunities. Let me just highlight a few.

First, they recommend changes in Federal tax policy that would encourage capital formation and research and development. Tax policy should also encourage exports through instruments like the DISC or a similar alternative.

Second, CBEMA recommends changes in R&D policy so that the Federal Government does not inhibit joint research ventures in the private sector. This industry already invests about 5 percent of its revenues annually in R&D and has total invested capital equal to about 60 percent of revenues.

Third, the CBEMA statement urges mutually open markets for expanded trade opportunities, expanded GATT coverage of services and investment and realistic export licensing procedures.

Fourth, they recommend that the Government cooperate with the private sector in a limited way to help train workers for new technologies. CBEMA specifically cites the Job Partnership Training Act, passed by Congress, as the type of cooperative undertaking they have in mind.

Fifth, CBEMA calls for more competition in telecommunications, a wider variety of telecommunications services, and greater access for all Americans to basic telecommunications equipment.

Mr. President, these are very helpful suggestions to come from one of our most important national industries. I urge my colleagues to study these recommendations and join with CBEMA to make many of them realities.

EXHIBIT 1

FOREWORD

This paper has been prepared in response to the growing national debate on the relationship of government to private industry. It represents the views of the Computer and Business Equipment Manufacturers Association, whose member companies are involved in the computer hardware, software, services and forms business. These companies, dedicated to increasing productivity throughout the world, have demonstrated an ability to compete in difficult economic times. Their record of continuing growth rests on the quality and utility of their products and on their ability to compete internationally.

The computer and business equipment manufacturers association

The Computer and Business Equipment Manufacturers Association (CBEMA) represents 42 member companies involved in the manufacture, servicing and sale of computer, telecommunications and business equipment, software and services. In 1982, those members had combined sales of more than $75 billion.

Industry profile

CBEMA members are part of a very dynamic industry, the computer hardware, software, services and forms industry, which:

Employs over a million people in the United States alone.

Contributes a positive balance of trade, now in excess of $6.6 billion per year.

Invests approximately 5 percent ($5.2 billion in 1982) of its revenues annually in research and development. The computer hardware segment spends over 7.5 percent of its annual revenues for research and development.

Has total invested capital that averaged 60 percent of revenues in 1982.

Has one of the highest effective tax rates of all U.S. industry.

INTRODUCTION

Over the past decades, the United States has developed a de facto industrial policy. It is not a cohesive policy directed toward a single objective. Rather, it is the sum of all laws, regulations and judicial decisions that govern the way we do business, the way the marketplace grows and changes and the way the domestic and international marketplaces interact.

Two phenomena have placed U.S. industrial policy under serious scrutiny. First, the number of unemployed has been at its highest level since the depression of the 1930's. Second, some countries whose economies are—or seem to be—more centrally planned offer serious competitive challenges to U.S. preeminence in the worldwide economy.

In addition, business leaders have warned of the collapse of some U.S. industries and retarded growth in others unless our government develops programs to strengthen the international competitiveness of domestic industry.

Because of these concerns, some political leaders have introduced bills in Congress that propose increased macro- and microeconomic planning and intervention in the industrial arena. Many of these bills contain elements that undermine the market system, such as:

Government-sponsored economic planning councils that would affect or control key areas like wages, prices, investments and the allocation of resources across or within industries.

A "National Development Bank" or Reconstruction Finance Corporation-type facilities that would allocate capital to industries and companies selected on the basis of politically-determined priorities.

The Computer and Business Equipment Manufacturers Association (CBEMA) opposes such measures. Attempts to legislate or massively regulate what should be marketplace decisions can lead only to a confused and stagnant economy, periodically can seriously disrupted by changes in political philosophies.

However, CBEMA does support improvements to government policies that create broad incentives for business expansion through:

Tax and monetary policies that avoid inflation and encourage capital formation and investment.

A combination of tax, general business, anti-trust and procurement policies that encourage research and development.

Policies that expand international trade and investment opportunities while protecting national security.

Telecommunications and other policies that promote competition, access to international networks and free flow of information across national borders.

Education, training and investment policies that produce a well-trained and productive workforce able to enter expanding job markets.

Policies that create a realistic balance among competing spending demands to reduce federal budget deficits.

Policies that foster a reduction in the competition for capital between private enterprise and government.

Following are CBEMA's recommendations for changes in current U.S. industrial policy. We believe that these changes will promote the competitiveness of our industry domestically and internationally without undermining other segments of the U.S. economy—segments that contain virtually all of our domestic customers. These changes may also have the desirable effects of reducing exchange rate volatility and of bringing the U.S. dollar into more reasonable parity with other world currencies.

TAX POLICY

Tax policy should encourage industrial expansion and the growth of domestic and international markets. It should avoid imposing additional taxes on those already under high effective tax rates.

(1) Tax policy encourages capital formation and growth.

High technology industry has a tremendous need for capital. Most technological innovation requires large-scale investment, possibly only when capital is available. Furthermore, our industry's products are largely capital goods; thus our customers also need capital availability.

CBEMA favors general measures for insuring the availability of capital, such as policies that:

Encourage savings and investment. Savings incentives would stimulate the accumulation of capital in forms available to our industry and others.

Provide a higher award for investors who take capital risks that have potential to expand the economy. A favorable differential for capital gains is essential to attract funds to these high-risk high-technology ventures.

(2) Tax policy should extend rapid depreciation benefits to high-technology industries.

Because their assets are typically short-lived, the intended tax benefits of the 1981 and 1982 Accelerated Cost Recovery System (ACRS) provisions were in fact detrimental to high-technology firms. This situation should be corrected.

(3) Tax policy should promote investment in research and development.

Research and development (R&D) are the bedrock of continued world leadership in high technology. Companies in our industry currently invest about 5% of their revenues in research and development, one of the highest rates in all U.S. industry. But this is not enough. Continued technological leadership requires government to:

Make the R&D tax credit permanent. This credit is due to expire in 1985.

Make computer software eligible for the R&D tax credit in the same manner as is hardware. Both hardware and software require considerable R&D expense. (This proposal is currently under consideration by the Internal Revenue Service.)

Alter Section 861 of the Internal Revenue Code so that research expenditures are allo-

cated to sources within the United States. The present regulation, currently under suspension, does not allow R&D expenses incurred in the U.S. to be fully allocated against income generated in the U.S.

(4) Tax policy should not subject overseas earnings of American firms to double taxation.

Double taxation discourages exports and overseas investment by American firms. It also artifically inflates the prices of U.S. products abroad. The U.S. should:

Retain the foreign tax credit, which allows a dollar-for-dollar credit for overseas taxes paid to income earned overseas.

Retain the current system of taxing the income of U.S. overseas subsidiaries only when such income is remitted to the United States.

Preempt state laws that tax overseas income on a unitary basis, thereby taxing income that the Federal Government does not. This action will require the passage of federal preemptive legislation.

(5) Tax policy should help expand international markets by creating a Domestic International Sales Corporation (DISC) alternative that is legal under the General Agreement on Tariffs and Trade (GATT).

According to recent U.S. Treasury reports, high-technology industries have created significant export and job opportunities through the DISC concept. However, the U.S. risks retaliatory duties if it continues to use DISC, since the GATT has declared the DISC an illegal export subsidy.

CBEMA urges immediate legislative enactment of a GATT-legal substitute that would apply to computer software and services as well as to other products.

RESEARCH AND DEVELOPMENT

Research and development (R&D) are the vital underpinnings of high technology industry. The U.S. government already substantially influences these industries through research it finances at federally-funded R&D centers.

Support of basic research is clearly a government activity that contributes greatly to technological product development. In addition, government-sponsored research to meet space and military requirements has contributed to innovation in our industry, just as commercial R&D has contributed to U.S. government efforts. In fact, more than one-half of the nation's support for R&D originates in non-federal sources, of which industry supplies about 95 percent. This nonfederal R&D support is estimated for 1984 at about $52 billion.

The well-being of the U.S. depends in part on our industry's ability to continue to develop new products and sell them. Therefore, in addition to the R&D tax provision discussed in the previous section, we believe that:

(1) R&D policy should encourage and not inhibit joint research ventures in the private sector.

Uncertainties in the interpretation and application of U.S. antitrust laws to cooperative research impedes U.S. technological innovation. And U.S. companies must now compete with large and well-organized research consortia in Japan and Western Europe, particularly in high technology industries.

To enhance the international competitiveness of U.S. high technology industries, therefore, the application of antitrust laws to joint R&D ventures should be clarified and the uncertainty of treble damage antitrust attack dispelled. In addition, the number of dilatory lawsuits should be diminished through assigning defendants' legal costs to unsuccessful plaintiffs.

The clarification of future joint ventures, however, should not bring into question the continuation of present joint ventures that comply with current laws.

(2) R&D policy should support advanced research projects where there is a defined national need and where technology requirements and costs are beyond the practical commercial horizon.

Government should involve universities and business as partners to undertake projects that foster national leadership in high technology. However, where commercial capability exists to support the needed research, the government should not compete.

(3) R&D policy should not inhibit the publication and diffusion of non-classified scientific information.

Exchange of scientific information is vital to rapid advances in high technology. Free exchange that does not endanger U.S. security must continue. In addition, U.S. companies must be able to interchange technical data among affiliated units worldwide, free from unreasonable export controls.

INTERNATIONAL TRADE AND INVESTMENT POLICY

Historically, our industry has consistently contributed a large surplus to the U.S. balance of trade. In 1982, that surplus amounted to $6.6 billion. If this contribution is to remain and grow, the U.S. must foster a trade environment conducive to U.S. high-technology exports.

(1) Trade policy should promote mutually open markets.

It should:

Promote open markets at home by avoiding protectionist legislation (for instance, "domestic content").

Promote open markets abroad, opposing unfair practices of foreign governments that shield domestic producers from fair competition.

Encourage market development through continued duty-free access to the U.S. market for exports from developing nations, while at the same time encouraging these nations to assume the obligations of full-fledged trading partners under the General Agreement on Tariffs and Trade (GATT).

Discourage trading partners from creating barriers to high-technology trade to foster a domestic industry for which there is no infrastructure.

(2) Trade policy should emphasize expanding markets.

The GATT has proven its value in assisting liberalized trade. Modifying the GATT to provide open and realistic coverage of services and investment would help improve our balance of payments and protect U.S. investors from unreasonable and economically damaging interference by foreign governments.

The U.S. government should also work toward expanding the entities under the GATT procurement code. Those entities should include telecommunications organizations owned or controlled by foreign governments, such as PTTS. Contracts other than sales should also be included under the code.

(3) Trade policy should help reduce trade barriers.

It should promote:

Adoption of the Harmonized Commodity Code to help reduce trading costs.

Uniform customs treatment of computer software.

International, voluntary-consensus product standards to increase acceptance of U.S. products overseas and reduce or eliminate the cost of altering products to a different standard.

Acceptanc. of product certification tests and manufacturer self-verification across national borders.

(4) Trade policy should achieve a balance between export controls and export enhancement programs.

Effective export controls are vital because they deny adversary countries access to militarily critical goods and technologies. However, the current export licensing process contains unnecessary delays that undermine U.S. competitiveness in West-West trade.

Since most illegal exports occur outside the licensing process, government should focus on a strong export control enforcement program. It should remove unnecessary restraints and avoid additional licensing requirements.

(5) Trade policy should include specific export incentives.

It should:

Expand the role of the Export-Import Bank by providing additional funding and by lowering the Bank's thresholds to small and medium-size U.S. companies.

Adopt a GATT-legal alternative to the DISC. (See Tax Policy, No. 5.)

Improve benefits from the Overseas Private Investment Corporation, the federal Credit Insurance Agency and the Agency for International Development.

(6) Trade policy should protect investments in software development.

Computer software development represents a major industrial expenditure. The U.S. should help protect this investment by participating fully in the upcoming examination of the existing international copyright protection by the United Nations Educational, Social and Cultural Organization and the World Intellectual Property Organization. If the study reveals that software is not adequately protected, then the U.S. should support a new international treaty on software protection.

POLICY ON EDUCATION AND THE ACCEPTANCE OF TECHNOLOGY IN THE WORKPLACE

As technology enters the workplace, government is under competing pressures. On the one hand, businesses and government seek to increase productivity by the use of technology. On the other hand, organized labor often wants to slow the pace of change to avoid workforce dislocations and unemployment of their members.

We share the goal of reducing permanent unemployment and workforce displacement. But slowing the pace of the introduction of technology also slows the long-term benefits of job creation. It is not the solution to temporary workforce displacement.

The workforce will need to make adjustments as new industries replace old ones and as new jobs demand new skills. But there is no evidence that there will be fewer jobs or less desirable "under-skilled" jobs in the future. On the contrary, we expect three results from the application of information technology in the workplace:

Increased productivity.

Higher incomes, leading to increased purchasing power.

New Products, leading to new demands.

These results will lead to overall economic growth that creates new jobs and enriches work.

Government, industry, labor and individuals must plan for the training and retraining of affected workers. But we must also

allow full rein to the dynamic sectors of our economy, which, through their use of new technologies, create new jobs, raise incomes and develop opportunities to bring displaced workers into the economic mainstream. Restricting these sectors will create an artificial class of unemployed citizens dependent on government income programs.

(1) Technology policy should help ease the transition to new work and emphasize training workers for emerging jobs.

Training workers in new technologies is a joint responsibility of industry and government. Government training programs must assist transitions without intruding unnecessarily into businesses. The Job Partnership Training Act and job search assistance are examples of the types of programs needed.

Government programs should also avoid granting substitute pay for long periods to displaced workers. Such programs are a disincentive to retraining and tend to prolong periods of unemployment.

(2) Technology policy should emphasize improvements in scientific and technical education.

Government should seek:

Correction of the functional illiteracy problem.

Extensive improvements in math and science programs in grades K-12 and in post-secondary schools.

Incentives for corporate contributions to schools.

(3) Technology policy should provide information and scientific facts about workplace technologies while avoiding unnecessary interference in employer/employee relations.

Increased government research can help calm misplaced fears about workplace safety and health, particularly as those fears center on visual display units. However, much of the controversy on the introduction of new technology into the workplace centers not on health and safety but on issues traditionally reserved to employer-employee negotiations, in which government should not play a role. These issues include work rules, length of the workweek, plant location and overtime pay.

TELECOMMUNICATIONS POLICY

Telecommunications underlies and supports the entire U.S. economy, making possible rapid communication between business, its suppliers and its customers. In addition, U.S. telecommunications equipment and services provide excellent export opportunities.

(1) Telecommunications policy should endorse competition and deregulation within the domestic telecommunications industry.

Government should:

Avoid imposing regulation on currently unregulated areas.

Monitor new technologies and let them develop without regulation unless abuses are demonstrated.

Provide clear and adequate safeguards to ensure that revenue from regulated telecommunications services does not underwrite competitive, non-regulated telecommunications offerings.

(2) Telecommunications policy should support the concept of universal service while at the same time supporting cost-based pricing of telecommunications services.

The concept of universal service, in which all members of society have access to basic telecommunications equipment and services is reasonable. However, the cost for this service should be borne by all of us who use the public switched network, not by those who use other telecommunications services.

(3) Telecommunications policy should encourage industry to offer the widest possible variety of enhanced services.

As new telecommunications technologies emerge—technologies like the integrated services digital network (ISDN), cellular communications, cable systems, digital termination services and satellites—standards established for one should not be applied to retard innovation for the use of others. And government should respect principles of cost-based pricing as new technologies are offered to the public.

(4) Telecommunications policy should promote international policies that foster growth and provide maximum flexibility in offerings.

The U.S. should encourage international telecommunications competition while taking into consideration the interests of other sovereign nations and the recommendations of such international telecommunications bodies as the International Telecommunications Union. The U.S. should:

Develop a strategy to foster international telecommunications deregulation.

Seek international agreements that discourage the extension of existing monopolies to enhanced services.

CONCLUSION

The five-part program outlined in these pages will serve as the cornerstone to CBEMA's work with legislative and regulatory bodies throughout the coming year. Our association stands ready to enter the national debate on industrial policy and the economic future of the United States. Our goal is a business climate that fosters economic growth, job expansion and the overall security of our nation.

FARM EXPORTS

Mr. PRESSLER. Mr. President, the decline in agricultural exports in recent years is of great concern to many Americans and has an impact on the entire U.S. economy. I have always been a strong advocate of increased farm exports and supported efforts to promote agricultural exports.

Even though many of our agricultural promotion efforts have been successful, agricultural exports have declined in recent years. The decline has been attributed largely to the strong U.S. dollar and the worldwide recession. Recently, an excellent article on the effect of a strong dollar on U.S. agricultural exports was published in the Chamberlain, S. Dak., newspaper. For the benefit of my colleagues, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRENGTH OF DOLLAR LOWERS AG EXPORTS

The average price farmers receive for their grains has declined over the last two years, yet other nations are importing less of these grains from the United States.

Farm exports are down because the strength of the U.S. dollar is up in relation to other nations' currencies, so the actual cost of the grain to most foreign countries has gone up, according to Art Sogn, Extension grain marketing specialist for South Dakota State University, Brookings.

One of the main reasons grain exports are important to U.S. farmers is that normally production is far in excess of domestic use, according to Sogn. "Our total ag policy has been one of high production, high exports and low consumer prices," Sogn said.

In 1980, for example, exported wheat represented 67 percent of production, corn 38, and sunflowers 76. But by 1982, export percentage had decreased to 43 percent for wheat, 23 percent for corn and 67 percent for sunflowers.

The average price farmers received for their crops dropped from 1980 to 1982, according to Sogn. Soybeans dropped 20 percent, wheat 10 percent and corn 17 percent.

"Why then have exports decreased in grains when prices have decreased from 10 to 20 percent?" Sogn asks. "Exports have decreased in part, because while U.S. prices have gone down, the actual costs of the grain to most foreign countries have gone up because of the strength of the U.S. dollar in relation to other currencies."

In August, 1983, the dollar made a nine-year high relative to the Deutschemark, Sogn said. From 1980 to Aug. 10, 1983, the Deutschemarks required to equal a dollar went up from 1.82 to 2.71, or 33 percent. The French Franc required to equal a dollar went up from 4.23 to 8.15, or 48 percent.

The same was true to a lesser extent of the Dutch Gilder, the Japanese Yen and the Canadian dollar.

In 1980, a bushel of soybeans at $7.57 cost $13.78 in Deutschemark units. In 1982, that comparable figure had risen to 18.97 units of the Deutschemark for soybeans priced at only $7.

Looking at corn, similar things happened. A bushel of corn in 1980 at $3.11 a bushel cost 6.19 in Dutch Gilder units. In 1982, that same bushel of corn at $3 costs 9.09 in Dutch Gilders.

"But some may say farm exports only help farmers and may rise the price of food," Sogn said. "However, there is plenty of evidence that ag exports help the entire nation.

"Ag exports create over one million jobs in the United States, including 500,000 in production and 630,000 in the non-farm sector.

"Ag exports have been estimated to have a multiplier effect of $2.05. Another way of saying that is that for every $1 of export business, there is a total business of $2.05 created," Sogn said.

"Ag exports contribute substantially to the balance of trade, making it possible for us to continue to buy foreign fuels and other products," Sogn said.

Ag exports showed a $24 billion surplus in the balance of trade in 1982, according to Sogn, but non-agricultural trade showed a $57 billion deficit, for a net deficit of $33 billion.

"Ag exports are very important to all U.S. citizens. They cannot be forced upon anyone. They must be cultured and earned with integrity in all our agreements," Sogn said.

SENATOR HENRY M. JACKSON

Mr. DURENBERGER. Mr. President, my first meeting with Scoop Jackson after I took office as a Senator on November 8, 1978, was in his office. It was almost 2 weeks after I came to the Senate in my first try for elected office. I wanted to be a member of the Energy and Natural

Resources Committee and he was its internationally reputed Chair. We settled down in the easy chairs in his office and that was impressive. We talked energy policy, but because of its relevance it was not long before we were into Middle East foreign policy. Knowing my situation, he deftly moved the conversation into the special values of the predominantly northern European roots of the constituencies we both represented. He made me feel the importance of the obligation I was undertaking as no person yet had done.

I did not—and as yet have not—made it to the Energy and Natural Resources Committee. But I met and made a friend not just a new colleague and it is that loss of a friendship which distinguishes Scoop's sudden departure.

Now as I sit here on the 29th day of September listening to the final arguments in the debate over the first congressional exercise of its War Powers Act jurisdiction in 10 years, I find I have run out of time to say goodbye. It is made all the harder because I wish he were here now when we all need him most.

Somehow or other it struck me in both the Governmental Affairs Committee and the Intelligence Committee in which I sat so often with Scoop Jackson that he had both a sense of history and a sense of perspective that was not colored by his strongly held views, his Presidential aspirations, or his prejudices. But because he had views and he had aspirations and support for those aspirations and because he had strong feelings he continually caused us to go back to the roots of problems to examine the nature of those roots, not just the nature of the problem. I wish he were here to help us understand ourselves and our role right now.

Yes, Scoop Jackson was a special kind of a friend. When my wife Penny needed a friend to push me to the Senate gym, Scoop became a cross between a medical doctor, family counselor, big brother. And the friendship extended throughout our family. Our oldest son, Charlie, and his daughter, Anna Marie, became very good friends over the last year. Charlie spent a weekend with the Jacksons in Everett, as Anna Marie's escort to her debutante ball. It was left to Anna Marie at the funeral service to remind us of how her Dad's feet were bigger than hers, and often all over hers as they swept around the dance floor. Charlie's memories were only of the applause and appreciation of the audience for Washington's senior Senator and his daughter.

I thought I would never forgive Scoop for his leadership this year in limiting outside earned income of his colleagues, especially when there was no similar effort with regard to unearned income. We felt the impact at home. And I doubt if Anna Marie has ever forgiven Charlie for bringing it up in their relationship.

We learned many things from our association with Scoop and Helen and Anna Marie and Peter. I learned not as one learns from a teacher by instruction, but from a parent by observation. My favorite reminder of parenting is a "saying" that a former Minneapolis police officer had mounted in his bedroom: "The measure of how well you do as a father is how your children refer to you when speaking to a friend." This series of references to Scoop by all his colleagues, in which I am honored to participate, should please him and his family to no end.

MESSAGES FROM THE HOUSE

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. YATES, Mr. ROYBAL, Mr. CONTE, Mr. MCDADE, Mr. EDWARDS of Alabama, and Mr. MYERS as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 159. Joint resolution providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 3, 6, 7, 9, and 14, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the following joint resolution:

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The message further announced that the House has agreed to the following resolution:

H. Res. 325. A resolution relating to the election of the Honorable Jim Wright as Speaker pro tempore.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4042. An act to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker pro tempore has signed the following enrolled bills and joint resolutions:

S. 602. An act to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes;

H.R. 3415. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes;

H.J. Res. 284. Joint resolution commemorating the twenty-fifth anniversary of the National Aeronautics and Space Administration; and

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain housing and community development, and for other purposes.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4042. An act to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary reported that on today, September 30, 1983, he had presented to the President of the United States the following enrolled bill:

S. 602. An act to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-1813. A communication from the Secretary of the Interstate Commerce Commission transmitting pursuant to law, a report on the Commission's determination to extend time for evidentiary process in Aluminum Assoc., Inc., et al. v. Alton & Southern Railway Co., et al. and Reynolds Metal Co. v. Atchison, Topeka and Santa Fe Railway Co., et al.; to the Committee on Commerce, Science, and Transportation.

EC-1814. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to eliminate as unconstitutional, under INS v. Chadha, the requirement for congressional review of contracts in excess of $200,000; to the Committee on Energy and Natural Resources.

EC-1815. A communication from the Director of the Office of Minority Economic Impact of the Department of Energy transmitting a draft of proposed legislation to clarify definition of term "minority" for determining eligibility for Department's minority economic programs; to the Committee on Energy and Natural Resources.

EC-1816. A communication from the Deputy Administrator of the General Services Administration transmitting a draft of proposed legislation to require submission to Congress of an explanatory statement for each negotiated disposal of real property in excess of $500,000; to the Committee on Governmental Affairs.

EC-1817. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on landlord-tenant relations in the District of Columbia; to the Committee on Governmental Affairs.

EC-1818. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the feasibility and advisability of special refugee reception centers; to the Committee on the Judiciary.

EC-1819. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the status and accomplishments of the Runaway and Homeless Youth Program; to the Committee on Labor and Human Resources.

EC-1820. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the status of handicapped children in Head Start programs; to the Committee on Labor and Human Resources.

EC-1821. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Student Assistance General Provisions and the Pell Grant Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Con. Res. 67: A concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector (Rept. No. 98-260).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 2173: A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such Act.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 54: Joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month".

S.J. Res. 114: Joint resolution to request the President to proclaim September 1983, as "National Professional Security Month".

S.J. Res. 122: Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

S.J. Res. 145: Joint resolution to designate the week of October 2, 1983 through October 8, 1983, as "National Port Week."

S.J. Res. 147: Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week."

S.J. Res. 155: Joint resolution to designate the week beginning November 6, 1983, as "National Disabled Veteran's Week."

S.J. Res. 168: Joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement;

C. Roger Vinson, of Florida, to be United States District Judge for the Northern District of Florida;

Maryanne Trump Barry, of New Jersey, to be United States District Judge for the District of New Jersey; and

Martin L. C. Feldman, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. HUMPHREY:

S. 1907. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; to the Committee on Govermental Affairs.

By Mr. HECHT (for himself and Mr. LAXALT):

S. 1908. A bill to authorize and direct the Secretary of the Interior to convey certain real property to the Pershing County Water Conservation District; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 1909. A bill for the relief of George Hook Wo Young; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 1910. A bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes; to the Committee on Foreign Relations.

By Mr. PRYOR:

S. 1911. A bill to insure the independence of certain administrative law judges; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1912. A bill to eliminate the requirement that eight members of the District of Columbia Commission on Mental Health be physicians; to the Committee on Governmental Affairs.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. ANDREWS, Mr. EAGLETON, Mr. HOLLINGS, and Mr. PRYOR):

S. 1913. A bill to provide for improvements in the school lunch and certain other child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TSONGAS:

S.J. Res. 174. Joint resolution to designate the week of October 9, 1983 through October 16, 1983, as "National Coast Week"; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S.J. Res. 175. Joint resolution to prohibit the Department of the Navy or any federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances; read twice and placed on the calendar.

By Mr. BOSCHWITZ (for himself, Mr. BURDICK, Mr. NUNN, Mr. HELMS, Mr. HOLLINGS and Mrs. HAWKINS):

S.J. Res. 176. Joint resolution to designate the week of October 16, 1983 through October 22, 1983, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HECHT (for himself and Mr. LAXALT):

S. 1908. A bill to authorize and direct the Secretary of the Interior to convey certain real property to the Pershing County Water Conservation District; to the Committee on Energy and Natural Resources.

PERSHING COUNTY WATER CONSERVATION DISTRICT

Mr. HECHT. Mr. President, today I am introducing legislation for myself and Senator LAXALT to transfer certain Bureau of Reclamation lands in Nevada to the Pershing County Water Conservation District. This bill is nearly identical to H.R. 2551, introduced in the House of Representatives on April 3 by my colleague BARBARA VUCANOVICH.

The Battle Mountain community pasture is a 30,000 acre tract of land in Lander County, Nev. In the early 1930's, this property and its accompanying water rights were acquired by the Bureau of Reclamation to better utilize the storage capacity of Rye Patch Dam, a main feature of the

Humboldt reclamation project some 125 miles downstream on the Humboldt River.

Because the land and its water rights were sold together to the Government, the full cost of the land became a reimbursable cost under the water district's repayment contract with the Bureau of Reclamation. Today, having fulfilled its repayment obligations, the Pershing County Water Conservation District is seeking to regain title to these lands which, in essence, it has already paid for.

The lands are primarily used as summer pasturage for many of the district farmers' cattle, and the district presently employs a full-time pasture manager on the site. It is a well-run operation, and as the Bureau of Reclamation attests, the use of these lands for community pasturage adds an important element to the economic viability of the Humboldt project.

The necessity for special legislation to bring about this transfer arises from the fact that under reclamation law, a water user's right in a project is limited to the beneficial use of water, even after contract payout. Reclamation project works such as dams, canals, and other appurtenant structures necessary for project operation remain under title to the U.S. Government. In the case of these pasture lands, however, the Bureau of Reclamation has long recognized that Government ownership is not necessary for project operation.

This bill has the full support of the Bureau of Reclamation, and I ask unanimous consent that a letter dated June 13, 1983, from Commissioner Bob Broadbent be included at this point in the RECORD, followed by a copy of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., June 13, 1983.

Hon. CHIC HECHT,
U.S. Senate, Washington, D.C.

DEAR SENATOR HECHT: Thank you for your letter of May 12, 1983, soliciting our views on a bill to transfer all rights and title to approximately 30,000 acres known as Battle Mountain Pasture to the Pershing County Water Conservation District (PCWCD).

Our general policy is to transfer surplus Federal property at fair market value. However, we recognize that, as with any broad general policy, there exists extenuating circumstances that make variations and exceptions to the policy not only acceptable, but desirable. In this particular case we recognize that while the pasture land is technically surplus to Federal needs, it is an integral and vital economic necessity to the constituents of the Humboldt Project belonging to PCWCD. We also recognize that the fair market value of the land and accompanying water rights, since separated, were included in the amount of project costs to be repaid by PCWCD. These costs have since been fully repaid and, of subsequent loans made against the project equity, all but approximately $300,000 has been repaid.

While the above circumstances exist, under Reclamation Law (43 U.S.C. 485h–4) a water user's right in a project is limited to the beneficial use of water acquired under Reclamation Law. Article No. 15(a) of the contract between the United States and PCWCD for Rehabilitation and Betterment of Works of Humboldt Project, executed August 22, 1975, clearly states ". . . title to the Project shall be and remain in the name of the United States until otherwise provided by the Congress, notwithstanding the fact of full payment of the Contractor's obligations to the United States." The district has paid for a right to the beneficial use of water but has not secured a right to the lands. The lands included in S. 2203 are necessary to the PCWCD members as a supplemental outside grazing area. Without this supplemental grazing, the economic viability of some of the farms could be jeopardized and the repayment capacity of PCWCD reduced.

The Battle Mountain community pasture is a well-run operation; the district employs a full-time pasture manager on the site. The community pasture has become a vital economic facet of the livestock operations of ranches in Lovelock Valley. It has been a boon to smaller units by providing them with summer grazing and allowing them to have a livestock operation which would otherwise be impossible. About 25 percent of the district's farmers have no outside grazing and would not be livestock producers were it not for the district's management of the community pasture. The district's repayment ability, as well as its economy, is enchanced by the community pasture operation. The extent of this pasturage makes it possible for a larger number of cattle on the project, replaces pasturing of alfalfa on the irrigated project lands, and makes a local market for the additional alfalfa. If these lands were no longer available for use as community pasture, the livestock operations of ranches presently using the lands would be disrupted and the smaller operators would probably be forced out of business.

Even though these lands are unneeded for Bureau of Reclamation's operations, our authority does not permit us to transfer title to PCWCD. An equitable and acceptable solution is special legislation to insure that PCWCD is able to retain this necessary pasturage. The passage of special legislation, such as S. 2203, would accomplish this. However, we felt that bill needed a minor amendment. We propose to amend the bill by striking all between "convey" and "to" in lines 3 and 4, page 1, and inserting in place thereof: "Upon payment of administrative costs incurred in making the transfer, . . ." This would bring the bill into compliance with the Administration's policy of having beneficiaries of a Federal action pay for the cost of that action. There will be minimal administrative costs incurred by the Bureau of Reclamation in conducting surveys and preparing descriptions and transfer documents.

We appreciate your interest in the welfare of the members of PCWCD. Because of the longstanding extenuating circumstances in this case, we support the introduction and passage of a bill similar to S. 2203.

While the views expressed above are our views, in response to your question regarding the background on S. 2203, an identical bill H.R. 5652 was introduced into the last session of the House. On September 17, 1982, the Department of the Interior comments were offered on this bill opposing its passage. A copy of those comments is enclosed for your reference. The Department has also made a recent (May 27, 1983) response to a request similar to yours from Congresswoman Vucanovich. A copy of that response is also enclosed.

If we can be of any further service, please contact us.

Sincerely yours,

JED D. CHRISTENSEN,
(For Robert N. Broadbent,
Commissioner).

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall upon payment of administrative costs incurred in making the transfer, the Pershing County Water Conservation District, all right, title, and interest of the United States in and to the land described in section 2 of this Act.

SEC. 2. The land referred to in the first section of this Act is described as follows:

Portions of those parcels of land described in the warranty deed between Charles S. Aldous, et ux. and the United States dated January 17, 1935, and in the warranty deed between Filippini Ranching Company and the United States dated January 26, 1935, said lands being in the County of Lander, State of Nevada, and described as follows:

All of section one (1) in township 32 north, range 44 east, M.D.B. & M.

All of sections 3, 4, 5, 6, 10, 11, 12, 13, 14, 22, 23, and 24; all of section 7 excepting therefrom portions of lots 3 and 4 and the southwest quarter more fully described by metes and bounds as follows:

Beginning at the intersection of the centerline of the westbound lane of Interstate Route 80, project I-080-3(12)229, and the west boundary of section 7, township 32 north, range 45 east, M.D.B. & M., at highway engineer's station "Bw" 241 + 36.69 P.O.C., said point of beginning further described as bearing south 0 degrees 02 minutes 18 seconds west, a distance of 1,571.26 feet from the west quarter corner of said section 7; thence north 0 degrees 02 minutes 18 seconds east along west boundary of said section 7, a distance of 379.00 feet to a point; thence south 34 degrees 02 minutes 55 seconds east a distance of 754.84 feet to a point; thence from a tangent which bears the last described course, curving to the left with a radius of 1,500 feet, through an angle of 34 degrees 06 minutes 42 seconds, an arc distance of 893.04 feet to a point; thence south 68 degrees 09 minutes 37 seconds east a distance of 731.06 feet to an intersection with the south boundary of said section 7; thence south 89 degrees 58 minutes 33 seconds west along said south boundary a distance of 1,787.00 feet to the southwest corner of said section 7; thence north 0 degrees 02 minutes 18 seconds east along the west boundary of said section 7; a distance of 1,071.65 feet to the point of beginning; said parcel contains an area of 20.91 acres, more or less, excepting therefrom all oil, gas or any and all minerals in or under the above described land and reserving the same to the United States providing that exploration, recovery, and removal of said oil, gas, and minerals shall be done in a manner as not to interfere with facilities constructed under this conveyance. Also excepting therefrom, the southeast quarter of said section 7. Also excepting therefrom, a strip of land having a uniform width of 30 feet

where measurable at right angles, lying within 15 feet on each side of the following described centerline:

Beginning at a point in the south boundary of the northeast quarter of said section 7 distant therealong west 660.0 feet from the east quarter corner of said section; thence north 513.0 feet to a point on the south bank of the Reese River, that is distant south 17 degrees 16 minutes west 2,223.2 feet from the northeast corner of said section 7, the sideline boundaries of said strip of land are to be lengthened or shortened as the case may be, so as to begin in the south boundary of the northeast quarter of said section 7 and terminate on the south bank of the Reese River, said parcel contains an area of 0.35 acre, more or less.

The west half of section, 8; the northeast quarter of section 9; all that portion of section 15 lying south of the old channel of the Humboldt River, and containing 340 acres, more or less. The southeast quarter of section 17 (except that portion thereof conveyed to C. W. Burge by deed recorded in Book 52 of Deeds, page 476), described as follows: That certain field known as the Mattos field, situated near the big bridge on county road, on Humboldt River bottom, and more fully described as follows, to-wit:

Beginning at a point corner numbered 1, on section line between southeast corner and the northeast corner of section 17, township 32 north, range 45 east, M.D.B. & M. Thence to southeast corner, section 17 bears south 1,015 feet. Thence north (on section line) 1,625 feet to east quarter corner, section 17. Thence, same course, 1,525 feet to northeast corner numbered 2. Thence south 43 degrees 56 degrees 56 minutes west 2,019 feet to west angle corner (along wagon road). Thence south 39 degrees 33 minutes east 2,200 feet to corner numbered 1 place of beginning, containing 50.65 acres.

The northeast quarter of the northeast quarter of section 18, excepting therefrom a strip of land having a uniform width of 30 feet where measurable at right angles, lying within 15 feet on each side of the following described centerline:

Beginning at a point in the east boundary of said section 18 distant therealong south 1,127.9 feet from the northeast corner of said section; thence entering said section 18 north 30 degrees 20 minutes west 1,306.8 feet to a point in the north boundary of said section distant therealong west 660.0 feet from said northeast corner, the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in the east boundary and terminate in the north boundary of said section 18, said parcel contains an area of 0.90 acre, more or less.

The north half of the north half, and the south half of the northeast quarter of section 26, all contained in township 32 north, range 45 east, M.D.B. & M.

All of sections 7, 8, 9, 10, 11, 15, 16, 17, 18, and 20; the south half of section 1; the south half of section 2; the south 21/40 of south half of section 3 containing 168 acres; the south 21/80 of section 4 containing 168 acres; also in said section 4 all that portion of that certain 39.5 acres tract of land deeded on December 13, 1894, by J. H. Crum and others to James Faris (deed recorded at page 151 in Book 49 of Deeds, records of said Lander County) which is not included in that certain parcel or tract of land deeded May 22, 1903, by James Faris and Annie Faris to Southern Pacific Company (deed recorded at page 770 in Book 49 of Deeds, records of said Lander County); the south 33/80 of section 5 containing 264 acres; the south half of the south half, and the north half of the southeast quarter, and the north half of the southwest quarter (undivided one-half interest) of section 6; the north half of section 12; the northwest quarter of section 14; the north half of section 19; the north half of section 21; and the north half of the northwest quarter, the northwest quarter of the southwest quarter, and the southwest quarter of the northwest quarter of section 22; all contained in township 32 north, range 46 east. M.D.B. & M.

The north half of the south half of section 6 contained in township 32 north, range 47 east, M.D.B. & M.

The southeast quarter of the northeast quarter of section 12 contained in township 33 north, range 44 east, M.D.B. & M.

All of sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33; the southwest quarter of section 9; the southwest quarter of section 27; the south half and the north half of the northeast quarter of section 34; and the southwest quarter of section 35; all contained in township 33 north, range 45 east, M.D.B. & M.

The southwest quarter of the southeast quarter and southwest quarter of the southwest quarter of section 36 contained in township 34 north, range 44 east, M.D.B. & M.

SEC. 3. (a) The Secretary shall not carry out the conveyance specified in the first section of this Act until the Pershing County Water Conservation District (hereafter in this Act referred to as "the District") enters into a recordable agreement, in consideration of such conveyance, that is satisfactory to the Secretary as to form and legal sufficiency: *Provided, That*—

(1) the District will remain subject to its existing contracts and repayment obligations to the United States pursuant to the terms of Contract Nos. I1r-774, 14-06-400-429 and 14-06-200-8194A with the Department of the Interior, Bureau of Reclamation, and all other existing contracts and obligations to the United States; and

(2) the District will continue to protect water rights for the Humboldt project, a portion of which was purchased with the lands described in section 2 of this Act.

(b) No provision of this Act shall be construed to repeal or amend any existing lawful contracts for land use entered into by the United States prior to the date of enactment of this Act.

By Mr. PRESSLER:

S. 1910. A bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL ORGANIZATIONS PUBLIC PROCEDURES ACT OF 1983

Mr. PRESSLER. Mr. President, today I am introducing the International Organizations Public Procedures Act of 1983. Before explaining the purposes and provisions of this bill, I would like to briefly describe its background and the reasons that led me to introduce it.

With growing and alarming frequency, international organizations of which the United States is a member have turned their attention from their primary goals to the dubious business of regulating economic activity. This activity includes the regulation of business practices, transnational corporations and transborder data, as well as the development of consumer protection guidelines.

These proposals have as their common denominator the questionable extension of the authority of these international organizations over aspects of the domestic and international economy of the United States. Under our Constitution, the regulation of commerce is vested in Congress and not in the executive branch employees who attend these meetings and participate in the development of these international regulatory proposals. With the proliferation of these activities, the time has arrived for Congress to assert its constitutional responsibilities in this arena and provide meaningful oversight of, and direction to, the executive branch.

Many of the proposals have been poorly conceived and may very well have an unnecessary adverse impact upon the free flow of goods and information in the international marketplace. To express the sense of the Senate that such restrictive proposals should be opposed by U.S. representatives to the organizations considering them, I introduced Senate Resolution 115 on April 15, 1983. Subsequently, that resolution was adopted by the Foreign Relations Committee as an amendment to the fiscal year 1984 State Department authorization bill, S. 1342.

On May 19, 1983, I chaired a hearing before the Subcommittee on Arms Control, Oceans, International Operations and Environment, of the Committee on Foreign Relations. During that hearing, in a discussion with U.N. Ambassador Jeane J. Kirkpatrick, it became clear to me that there are no adequate procedures for assuring that parties that would be affected by these regulatory proposals have an opportunity to comment on them.

For example, a set of consumer guidelines was recently considered by the U.N. Economic and Social Council. The American business community would most certainly be affected by these guidelines. Yet, for the most part, they have been unaware of their existence. The only public notice issued by the Federal Government was a three-sentence insert in the Federal Register of December 3, 1982, by the Department of Health and Human Services. That is hardly adequate notification, yet it is fairly typical of the haphazard manner in which these proposals are exposed for public debate.

In the United States, under the Administrative Procedures Act, persons who may be adversely affected by a proposed regulation are given notice

of the proposal and an opportunity to comment upon it. The congressional hearing process provides similar opportunities. In contrast, the international regulatory process provides none of these essential safeguards against arbitrary and ill-conceived action. We are all familiar with the Federal Register, and I believe proposed international rules and regulations should be included in its coverage.

For example, while the consumer protection guidelines have been under consideration for nearly 4 years, another U.N. proposal, a ban on harmful substances, was introduced and approved within a few months. Since interested parties cannot rely on procedural safeguards at the United Nations itself, we must strive to create such safeguards within our own governmental system.

Against this background, Mr. President, my bill has the following four major purposes:

First. It would require public notices of proposals under consideration in international organizations that could directly or indirectly affect the commerce of the United States.

Second. It would require that interested persons are provided with timely notice and opportunity to comment on such proposals in advance of the time the proposals are to be acted upon.

Third. It would require that the U.S. Government take into account the views of interested persons before adopting final positions on the proposals.

Fourth. It would require that U.S. citizens be informed of the positions taken by their Government on matters affecting their interest.

The detailed procedures that would be set up by the bill are spelled out in its text and a section-by-section analysis, both of which, Mr. President, I request be printed in the RECORD at the end of my remarks.

In broad outline, however, the procedures that would be established by the International Organizations Public Procedures Act of 1983 are comparatively simple and would work as follows. With respect to any proposal under consideration by an international organization that may affect the interstate or foreign commerce of the United States, the Secretary of State would provide for notice and an opportunity to comment by means of publication in the Federal Register. The notice would afford adequate time for the preparation and consideration of comments prior to the adoption of a final U.S. position on the proposal. The Secretary would then publish a detailed statement of the final position adopted by the United States.

Mr. President, through these fair procedures—which are roughly patterned after those required for agency rulemaking in the Administrative Procedures Act—I believe my bill addresses the growing problems discovered in this area by the Foreign Relations Committee. Further, the bill achieves this in a way which protects the legitimate interests of our citizens without interfering with the proper role of the executive branch in the formulation and execution of our foreign policy.

I ask unanimous consent that a section-by-section analysis of this bill and the text of the bill itself be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1: Short Title. This section declares the short title to be the International Organizations Public Procedures Act of 1983.

SEC. 2: Findings and Purposes. Subsection (a) of this section sets out Congressional findings to the effect that (1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that can affect the commerce of the United States, (2) these proposals can exceed the authority of the international organization considering them, intrude on the Constitutional authority of the Congress to regulate the commerce of the United States, discriminate against United States businesses, workers and exports, and be inimical to the free enterprise system. Subsection (a) also finds that these proposals and the United States positions on them are not adequately publicized and considered pursuant to open and fair procedures allowing interested persons to comment on them. Subsection (b) states the purpose of the Act to be to publicize these proposals, establish procedures to assure that interested parties will have an opportunity to comment on the proposals, require that these comments be taken into account in the development of United States positions, and inform interested parties of the actions being taken by their government relative to proposals that affect their interest.

SEC. 3: Definitions. This section defines: "international organization" to mean a public international organization of which the United States is a member and includes subsidiary units, committees or other subgroups of such organizations and the employees or agents of such organizations acting within the scope of their employment or agency; "proposal" to mean any written resolution, report or other statement containing the recommendations, suggestions or views of the international organization with respect to the actions, policies and practices of governments or the conduct or practices of persons including corporations and other organizations; "position" to mean any written or oral official statement, setting forth the views or recommendations of the United States with respect to the action or disposition to be taken on a proposal under consideration in an international organization; and "Secretary" to mean the Secretary of State.

SEC. 4: Notice and Comment. This section requires the Secretary of State to provide timely notice and an opportunity for interested persons to comment on those proposals under consideration by international organizations. The proposals covered by the section are those which the Secretary has determined may affect the commerce of the United States or affect policies or programs of the United States, and, since the federal government and the states have policies and programs that affect commerce, the section also covers proposals that affect such policies and programs.

SEC. 5: Original Notice. This section establishes the requirements for publication in the Federal Register of an original notice concerning proposals covered by section 3 of the Act. Publication is to be sufficiently in advance of the adoption of a United States position on the proposal to enable interested parties to prepare their comments and have them considered by the Secretary. The section sets out the minimum information required to be included in the notice as follows: an invitation to comment, the text of the proposal or, if the text is not available, a description of the proposal in as much detail as possible, the name(s) of the person(s) to whom comments are to be sent and from whom additional information may be obtained, the location of the public file, description of the process by which the United States position will be developed including the United States agencies expected to participate in the process, a description of the process by which the international organization will consider the proposal including the names of the persons responsible for the proposal who are employed by the organization, the entities of the international organization expected to consider the proposal and the anticipated schedule for such consideration, and an explanation of the authority under which the international organization is considering the proposal. Finally, the notice is to contain an invitation to interested persons to submit their names in writing if they wish to be placed on the mailing list.

SEC. 6: Supplemental Notices. This section requires supplemental notices to be published in the Federal Register whenever there has been a significant change in the information published in a prior notice. The supplemental notice is to explain any changes by comparison to the pertinent information contained in the earlier notice.

SEC. 7: United States Position. This section requires publication in the Federal Register, as soon as practicable, of a detailed statement of the final position of the United States on any proposal covered by this Act.

SEC. 8: Public Files. This section requires establishment and maintenance in Washington, D.C. of a public file on each proposal covered by this Act with such files to be available for public inspection and copying. The section specifies the minimum contents of the public file to include the following: relevant portions of the charter and rules of the international organization authorizing the proposal, the text of the proposal and any supporting information provided by the international organization, the original notice and any supplemental notices, copies of correspondence with affected persons, any written comments received from the public or affected persons, copies of any documents referred to in the proposal or the notices, the mailing list, and any other information helpful to the public in accomplishing the purposes of this Act.

SEC. 9: Mailing List. This section requires maintenance of a mailing list on each proposal covered by the Act. The list is to be composed of interested parties who advise the Secretary of their desire to be included thereon.

Since publication in the Federal Register may be delayed, this section also requires

copies of any supplemental notices to be mailed to persons on the list at the same time such notices are sent to the Federal Register.

SEC. 10: National Security Exception. This section provides that the Act does not apply to any proposal which the Secretary certifies affects the national security of the United States and that compliance with the Act would impair the national security.

SEC. 11: Annual Report. This section directs the Secretary to report annually to the Foreign Relations and Foreign Affairs Committees of the Senate and House, respectively, on the activities carried out under the Act.

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Organizations Public Procedures Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that may have a significant impact on the interstate or foreign commerce of the United States;

(2) such proposals can exceed the authority of the international organization considering them, intrude on the constitutional authority of the Congress to regulate the commerce of the United States, discriminate against United States businesses, workers and exports, and be inimical to the free enterprise system; and

(3) these proposals and the positions of the United States with respect to them are not adequately publicized or considered pursuant to open and fair procedures available to interested persons.

(b) The purposes of this Act are to—

(1) publicize proposals under consideration in international organizations that may affect United States commerce;

(2) provide interested persons with notice and an opportunity to comment on such proposals;

(3) assure that the positions of the United States on these proposals take account of these comments; and

(4) inform United States citizens of the positions taken by their Government on matters affecting their interest.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "international organization" means a public international organization of which the United States is a member and includes subsidiary units, committees, or other subgroups of such organizations and the employees or agents of such organizations acting within the scope of their employment or agency;

(2) the term "proposal" means any written resolution, report, guidelines, code of rules or other statement containing the recommendations, suggestions or views prepared under the auspices of an international orgnization regarding the actions, policies and practices of governments or the conduct or practices of persons, including corporations and other organizations;

(3) the term "Secretary" means the Secretary of State; and

(4) the term "United States position" means any written or oral official statement, setting forth the views or recommendations of the United States Government with respect to the action or disposition to be taken on a proposal under consideration in an international organization.

NOTICE AND COMMENT

SEC. 4. Except as otherwise provided by section 10, in order to carry out the purposes of this Act, the Secretary shall provide interested persons with timely notice and an opportunity to comment on such proposals under consideration in international organizations as he or she determines may affect the interstate or foreign commerce of the United States or the policies or programs of the United States Government or of any State which affect such commerce.

ORIGINAL NOTICE

SEC. 5. The Secretary shall cause to be published in the Federal Register an original notice concerning any proposal covered by section 4 of this Act, and such notice shall afford interested parties adequate time to prepare their comments and have them considered prior to the adoption of the United States position on such proposal. In addition to an invitation to comment, the original notice shall—

(1) contain the text of the proposal or, if the text is not available, a description of the subject matter and contents in as much detail as feasible;

(2) identify the person or persons to whom comments on the proposal should be directed and from whom additional information may be obtained;

(3) identify the location of the public file established pursuant to section 8 of this Act;

(4) describe the process by which the United States position on the proposal will be developed, including the identity of United States agencies that are expected to participate in formulating the United States position;

(5) describe the process by which the international organization will consider the proposal, including the persons responsible for the proposal who are employed by the international organization, the committees or other entities expected to consider the proposal, and the anticipated schedule for such consideration;

(6) explain the authority of the international organization to make the proposal; and

(7) invite interested persons to request to be placed on the mailing list described in section 9.

SUPPLEMENTAL NOTICES

SEC. 6. The Secretary shall cause to be published in the Federal Register timely supplemental notices concerning proposals covered by section 4 of this Act whenever there has been a significant change in the information contained in prior notices. Any such supplemental notice shall explain the changes by comparison to the pertinent information contained in prior notices.

PUBLICATION OF THE POSITION OF THE UNITED STATES

SEC. 7. The Secretary shall cause to be published in the Federal Register as soon as practicable, a detailed statement concerning the final United States position on any proposal covered by this Act.

PUBLIC FILES

SEC. 8. The Secretary shall establish and maintain in Washington, D.C., a public file on each proposal covered by this Act and the contents of such file shall be available for public inspection and copying. The public file shall contain—

(1) those portions of the charter and rules of the international organization that provide authority for the proposal;

(2) the proposal and any information supplied by the international organization relating to the proposal;

(3) the original and supplemental notices and copies of the correspondence with affected persons;

(4) any written comments on the proposal received from the public or affected persons;

(5) copies of documents that are referred to in the proposal;

(6) the mailing list described in section 9; and

(7) any other information that the Secretary believes would be helpful to the public and that carries out the purposes of this Act.

MAILING LIST

SEC. 9. The Secretary shall maintain a mailing list composed of persons who advise the Secretary in writing of their desire to receive supplemental notices under this Act. The Secretary shall mail a copy of any supplemental notice of those persons on such mailing list at the same time that such notice is sent to the Federal Register.

NATIONAL SECURITY EXCEPTION

SEC. 10. This Act shall not apply to any proposal for which the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a written certification that—

(1)(A) Such proposal concerns a matter involving the national security of the United States; and

(B) the national security of the United States would be impaired by complying with this Act.

ANNUAL REPORT

SEC. 11. Beginning one year after the date of enactment of this Act and at intervals of one year thereafter, the Secretary shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the activities carried out under this Act.

By Mr. PRYOR:

S. 1911. A bill to insure the independence of certain administrative law judges; to the Committee on the Judiciary.

ADMINISTRATIVE LAW

● Mr. PRYOR. Mr. President, today I am introducing legislation which would establish a Health and Human Services Review Commission with jurisdiction over the administrative law judge corps of the Health and Human Services Department, and which would serve in the capacity of the current Office of Hearings and Appeals.

Specifically, this legislation would accomplish the following:

First. Create the Health and Human Services Review Commission to hear and decide cases for the Department, but independent of the various component of DHHS responsible for administering their respective programs.

Second. Provide for five Commissioners—one serving as chairman—appointed by the President for 6-year

terms with the advice and consent of the Senate, to constitute the Review Commission.

Third. Provide for the appointment and supervision of ALJ's, in accordance with the Administrative Procedures Act, and other employees as required.

Fourth. Provide for the transfer, on the effective date of this act, of all ALJ's and necessary employees from other components of DHHS to the Review Commission.

Fifth. Authorize the Review Commission to make such internal rules and procedural regulations as are necessary or desirable for the orderly transaction of its proceedings, subject to the APA, but providing for the application of existing procedural rules and regulations in the interim.

Sixth. Provide for remand authority by the Commission to other components of DHHS, as appropriate.

Seventh. Provide for review of ALJ decisions at the discretion of the Commission, but limited by substantial evidence rule.

Eighth. Provide for appeal, to the U.S. district court, by a party adversely affected by a decision of the Commission, within 60 days after such decision is issued, with the court applying the substantial evidence rule in its review of the Commission's decision.

Mr. President, there has been a problem within the SSA's Office of Hearings and Appeals that goes back many years, and centers around the independence of the ALJ's, and administrative setting of productivity goals and allowance rates. This problem was exacerbated by the disability program expansion which took place during the 1970's, because many more individuals were applying for disability benefits, being denied, and appealing SSA's decision to the ALJ level.

In 1980, Congress enacted the Social Security Disability Amendments of 1980, which required triannual reviews of the nonpermanently disabled beginning in January 1982. With the implementation of this section, in March 1981, mass terminations of beneficiaries took place and continues to take place, bringing the problem of termination appeals to crisis proportions, and placing further pressures on SSA's ALJ's with increasing workloads.

In addition, the Bellmon amendment, which was also a part of the 1980 disability amendments, directed the Secretary of HHS to review "decisions rendered by administrative law judges as a result of hearings * * * under the Social Security Act, and shall * * * report to the Congress * * *" The final legislation gave no authority to the Social Security Administration to evaluate ALJ's on their individual rates of claim approvals or denials of benefits, and certainly did not direct the Secretary to take corrective action against those judges with high reversal rates of the State DDS's initial decisions. Health and Human Services Department officials have, however, used this provision to justify and continue SSA's targeting of individual administrative judges whose benefit allowance rates are above the acceptable level. It is obvious that SSA's goal is not to achieve better quality decisions, but rather to remove as many individuals as possible from the disability rolls in its efforts to meet budget reduction levels. Otherwise, a sincere effort would be made to not only review allowance decisions, but denial decisions of the administrative law judges, and even DDS decisions by States. These attempts are not being made.

In addition to placing an ALJ on Bellmon review, the Social Security Administration has other, more subtle methods for applying pressure for low allowance rates. ALJ's are called to Washington for retraining, harassed by letters and phone calls from the Office of Hearings and Appeals regarding allowance rates, and subjected to other indignities. ALJ's who meet or surpass set productivity goals, or are successful in reducing their allowance rates are given praise for their accomplishments. All of these actions threaten the independence of the ALJ's decisions, and thwart the intent of the Administrative Procedures Act.

Above and beyond these practices, the Social Security Administration also refuses to acquiesce to district or circuit court rulings in disability cases beyond the individual decision. This places the ALJ's in a very precarious position—that of having to decide between pleasing the SSA or complying with the decisions of the courts having jurisdiction over these cases.

All of these actions on the part of the SSA make it difficult for these judges to do their work in a fair and judicious manner. But of even greater concern to me are the tens of thousands of individuals who are being denied a fair review of their claims for disability benefits which they have earned, merely because the SSA has decided that certain levels of allowances are acceptable, and others are not. I learned this from witness after witness testifying at a Senate hearing in Fort Smith, Ark., last year. A recent report of the Subcommittee on Oversight of Government Management of the Senate Committee on Governmental Affairs entitled, "The Role of the Administrative Law Judge in the Title II Social Security Disability Insurance Program" documents many of the points that I have made today.

Mr. President, I believe that it is time that the Congress do something to correct these problems that have gone on for so long. It is essential that we do everything within our power to restore the integrity of the social security disability program. I firmly believe that the legislation that I am proposing, along with a comprehensive reform of the disability statutes, will attain this goal.

At a recent hearing of the Senate Judiciary Committee on legislation to establish a separate administrative law judge corps for all administration agencies, Judge Joseph Kennedy of the Federal Mine Safety and Health Review Commission and chairman of the ad hoc committee of administrative law judges discussed the serious problems within the Office of Hearings and Appeals at the SSA, and expressed strong support fo: legislation of the type I am introducing today. I urge my colleagues to join with me in seeking speedy enactment of this legislation.●

By Mr. INOUYE:

S. 1912. A bill to eliminate the requirement that eight members of the D.C. Commission on Mental Health be physicians; to the Committee on Governmental Affairs.

MEMBERSHIP OF THE DISTRICT OF COLUMBIA COMMISSION ON MENTAL HEALTH

● Mr. INOUYE. Mr. President, I am introducing legislation today that would amend the D.C. Commission on Mental Health provisions in order to insure that each of our traditional mental health disciplines will be eligible for membership on this most important Commission.

Under the current law, the Superior Court of the District of Columbia has the authority to appoint the members of the Commission and the Chairman of the Commission shall be a member of the bar of the court who has engaged in an active practice of law in the District of Columbia for a period of at least 5 years prior to his or her appointment. The eight additional members of the Commission at the current time must be physicians who have been practicing medicine in the District of Columbia and who have not had less than 5 years experience in the diagnosis and treatment of mental illness.

In my judgment, the time has come to broaden the membership of the Commission so that members of the psychiatric nursing profession, the clinical social work profession, and the psychological profession will also be deemed eligible for appointment.

Mr. President, I request unanimous consent that the text of my proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(a) of title 21 of the District of Columbia Code is amended by striking out the last sentence and inserting in lieu thereof the following: "Eight members of the Com-

mission shall be mental-health professionals practicing in the District of Columbia who have had not less than five years' experience in the treatment of mental illnesses.".●

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. ANDREWS, Mr. EAGLETON, Mr. HOLLINGS, and Mr. PRYOR):

S. 1913. A bill to provide for improvements in the school lunch and certain other child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

IMPROVEMENTS IN CHILD NUTRITION PROGRAMS

● Mr. HUDDLESTON. Mr. President, today I am introducing a bill that would make needed improvements in the school lunch and other child nutrition programs.

In 1981, Federal aid for child nutrition programs was reduced by 30 percent, or $1.5 billion. The end result was that thousands of schools and millions of children, including 1 million children from low-income families, stopped participating in the school lunch program. Major reductions also occurred in the other programs—school breakfast, summer feeding, child care food, special milk, and nutrition education.

In June of this year, Congress adopted the first concurrent resolution on the budget for fiscal year 1984, House Concurrent Resolution 91. That resolution provides for an increase of $150 million above the current law level for child nutrition programs to insure that the nutritional needs of children from low- and middle-income families will be met.

Although this additional money only represents approximately 10 percent of the $1.5 billion reduction made in 1982, many important improvements in the child nutrition programs can be accomplished with the $150 million. My bill contains a group of coordinated proposals that, I believe, will make the best use of the added funding.

I understand that a bill similiar to the one I am introducing today will be introduced in the House of Representatives by the chairman of the Committee on Education and Labor, CARL PERKINS, and Representative BILL GOODLING, the ranking minority member of the Subcommittee on Elementary, Secondary, and Vocational Education.

My bill, too, enjoys bipartisan support and I hope that the Senate and House will consider these measures expeditiously.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act is amended by—

(1) in subsection (e) of section 6—

(A) inserting "(1)" after the subsection designation; and

(B) adding at the end thereof a new paragraph (2) as follows:

"(2) Each fiscal year, the Secretary shall make available to the States for the transportation and storage of commodities donated under this section an amount equal to 3 percent of the value of such food. The States may not charge recipient agencies for the distribution of such commodities an amount that is in excess of the State's direct cost of transporting and storing such commodities for recipient agencies minus the amount provided by the Secretary to the States under this subsection.";

(2) in section 9(b)—

(A) in the second sentence of paragraph (1)(A), striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The";

(B) striking out the third sentence of paragraph (1)(A);

(C) adding at the end of paragraph (2)(C) a new sentence as follows: "The requirement imposed on local school food authorities in the preceding sentence shall not take effect until the pilot study under section 803(c) of the Omnibus Budget Reconciliation Act of 1981 is completed and analyzed and a report of the Department of Agriculture's findings from the study is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."; and

(D) striking out the last sentence of paragraph (3) and inserting in lieu thereof a new sentence as follows: "Income that is used for unusually high medical expenses that cannot be reasonably anticipated or controlled by the household shall be excluded when determining eligibility for free or reduced-price meals.";

(3) in section 11(a)(2)—

(A) striking out "40 cents" and inserting in lieu thereof "25 cents"; and

(B) adding at the end thereof a new sentence as follows: "The price charged for a reduced-price lunch shall not exceed 25 cents.";

(4) in section 11(f), striking out "section 9(b)(3)" and inserting in lieu thereof "section 11(a)(2)";

(5) in section 12(d)(5), striking out ", except private schools whose average yearly tuition exceeds $1,500 per child"; and

(6) in section 17(f)(2)(B), striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

SEC. 2. The Child Nutrition Act of 1966 is amended by—

(1) in section 3(a)—

(A) adding after the first sentence a new sentence as follows: "Notwithstanding the preceding sentence, the special milk program be available to all children in kindergarten programs operating through nonprofit schools."; and

(B) striking out the last sentence;

(2) in section 4(b)(1)(B)—

(A) amending the second sentence to read as follows: "The national average payment for each reduced-price breakfast shall be 15 cents less than the national average payment for each free breakfast, adjusted to the nearest one-fourth cent,"; and

(B) adding at the end thereof a new sentence as follows: "Notwithstanding the preceding sentences, an additional 6 cents shall be provided for each breakfast served under this Act and section 17 of the National School Lunch Act, to be used to improve the nutrient content of breakfast.";

(3) in section 4(b)(1)(C), striking out "30 cents" and inserting in lieu thereof "15 cents";

(4) in section 4(b)(2)(B)—

(A) inserting after "such free breakfast shall be" "(i)";

(B) striking out "(i)" and inserting in lieu thereof "(I)";

(C) striking out "(ii)" and inserting in lieu thereof "(II)"; and

(D) inserting before the period at the end thereof a comma and a new clause as follows:

"(ii) plus additional 6 cents for each breakfast served under this Act and section 17 of the National School Lunch Act to be used to improve the nutrient content of breakfasts";

(5) in section 4(b)(2)(C), striking out "thirty cents" and inserting in lieu thereof "15 cents";

(6) in section 15(c)(A), striking out ", except private schools whose average yearly tuition exceeds $1,500 per child"; and

(7) in section 19(j)—

(A) striking out the subsection designation "(j)" and inserting in lieu thereof "(i)";

(B) striking out paragraph (1);

(C) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(D) amending paragraph (1), as redesignated, by—

(i) striking out "For the fiscal year ending September 30, 1980, and for each fiscal year ending on or before September 30, 1984, there" and inserting in lieu thereof "There"; and

(ii) striking out "$15,000,000 for fiscal year 1981, and not more than $5,000,000 for each subsequent" and inserting in lieu thereof "$8,000,000 for each".

SEC. 3. (a) The Secretary of Agriculture shall issue such regulations as may be necessary to carry out the provisions of this Act.

(b) All amendments made by this Act shall become effective upon enactment, except for the amendment made by section 1(2)(D), which shall be implemented no later than July 1, 1984.

SUMMARY

The National School Lunch Act and the Child Nutrition Act of 1966 would be amended to provide for improvements in the school lunch, breakfast, and child care food programs.

Specifically, the bill would—

(1) provide funds to the States for the storage and distribution of USDA entitlement commodities in an amount equal to 3 percent of the value of the commodities donated;

(2) eliminate the tie between the eligibility guidelines of the school lunch program and the eligibility guidelines of the food stamp program;

(3) delay the requirement that local school food authorities verify information on applications for free and reduced-price meals until the second phase of the pilot study under section 803(c) of the Omnibus Budget Reconciliation Act of 1981 is completed and analyzed;

(4) in determining eligibility for free and reduced-price meals, provide a special medical hardship deduction for unusually high medical expenses that cannot be reasonably anticipated or controlled by the household;

(5) lower the cost to the student of a reduced-price lunch from 40 cents to 25 cents;

(6) allow private schools with an average yearly tuition in excess of $1,500 to participate in the child nutrition programs;

(7) expand the reimbursement made to institutions and day care organizations under the child care food program to include three meals and two supplements served per day per child;

(8) allow all children in kindergarten programs operating through nonprofit schools to participate in the special milk program;

(9) lower the cost to the student of a reduced-price breakfast from 30 cents to 15 cents;

(10) improve the nutrient content of breakfasts served by providing an additional reimbursement of 6 cents for each breakfast served; and

(11) provide a permanent authorization of $8 million for each fiscal year to carry out the purposes of the nutrition education and training program.●

By Mr. TSONGAS:

S.J. Res. 174. Joint resolution to designate the week of October 9, 1983 through October 16, 1983, as "National Coast Week"; to the Committee on the Judiciary.

NATIONAL COAST WEEK

Mr. TSONGAS. Mr. President, in October of 1982, the first annual Coast Week was celebrated by local Leagues of Women Voters in the coastal communities of Massachusetts.

During Coast Week, the Massachusetts Office of Coastal Zone Management held a weekend conference for local public officials and citizens of coastal communities. The primary purpose was to acquaint the communities with their opportunities and the resources available for them to carry out wise management of the coastline so that the environmental and economic values of the coast will be sustained.

Mr. President, the national sponsors and participants of this year's Coast Week include the League of Women Voters, the National Association of Retired Persons, the Sierra Club, the Coastal Alliance, the Coastal Society, and the Coastal States Organization.

The week will be marked by a broad range of activities in coastal States around the Nation, including a major wetlands conference planned for the southeastern coast of the United States, a Smithsonian Museum tour of the Chesapeake bird migration, public policy forums on coastal and oceans policies, workshops, petition drives and many, many activities planned to celebrate the preciousness and beauty of our coastline.

I want to share with my colleagues the words of Barbara Fegan, the League of Women Voters' Coastal Specialist who writes in the September issue of The Massachusetts Voter, "There has been progress—we can celebrate. The coast is a renewing experience—we can celebrate. There is still work to be done—but we can celebrate!"

I commend the League and all of the organizations involved in the effort to call to the attention of all Americans the critical issues facing our coastal zones, and celebrating the enormous natural riches which they represent. I am today introducing a joint resolution to designate October 9-16 as National Coast Week.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 174

Whereas our nation's coastline include more than one hundred thousand miles of beaches, mountains, estuaries, islands, bays, and wetlands is an invaluable and finite resource;

Whereas the coast has provided the nation with a rich scenic, cultural and historic heritage;

Whereas the marine environment is one of the nation's most valuable food resources;

Whereas the coastal zone plays a major role in fulfilling energy requirements, in providing opportunities of recreation and tourism, and as an important economic resource;

Whereas in all parts of the nation, access to desirable coastal areas is becoming increasingly difficult;

Whereas Congress finds that there is a need to encourage private and public protection of dunes, sandbars, the quality of coastal salt and fresh water, fish and wildlife habitat in coastal wetlands and estuarine areas, and public access to the coast: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of 9th through the 16th, October, 1983 be officially designated as National Coast Week throughout these United States.

By Mr. BOSCHWITZ (for himself, Mr. BURDICK, Mr. NUNN, Mr. HELMS, Mr. HOLLINGS, and Mrs. HAWKINS):

S.J. Res. 176. Joint resolution to designate the week of October 16, 1983 through October 22, 1983, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on the Judiciary.

NATIONAL FETAL ALCOHOL SYNDROME AWARENESS WEEK

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce a resolution which proclaims the week of October 16, 1983, as "National Fetal Alcohol Syndrome Awareness Week." As one of the three leading cause of birth defects and accompanying mental retardation in this country, fetal alcohol syndrome is easily preventable. All it takes is for women to abstain from alcohol consumption if they are pregnant.

Fetal alcohol syndrome ranks behind Down's syndrome and spina bifida as a leading cause of birth defects with accompanying mental retardation. Experts tell us there has never been a baby born with fetal alcohol syndrome whose mother did not drink during pregnancy.

Mr. President, fetal alcohol syndrome can result in a number of heartbreaking problems. Effects can include deficiency in both pre- and post-natal growth. The fetus may experience a reduction in height, weight, and head size—reductions that will not be made up as the child grows. And with the reduction in head size comes a reduction in the size of the brain, which is associated with mental retardation. Developmental disabilities also occur, with the infant experiencing delays in learning to walk and talk. Various heart defects, including a whole between the pumping chambers of the heart, may also occur.

Even if a full-blown case of fetal alcohol syndrome is avoided, infants may still experience what are termed fetal alcohol effects which show up as problems such as increased irritability during the newborn period or hyperactivity.

Mr. President, it has only been in the last decade that the connection between a pregnant woman's drinking and the health of her newborn has been made. Indeed, until recently some physicians have even recommended that an occasional drink might ease the tensions a woman can experience during pregnancy. Unfortunately, since the recognition of fetal alcohol syndrome and fetal alcohol effects as major health problems has occurred only recently, there is still much to be learned about them. For example: Why is the child of one woman who drinks unaffected, while the child of another woman who drinks experiences difficulties? How much alcohol is harmful? Is there a point during pregnancy where drinking may be particularly dangerous? These are among the many questions that remain unanswered.

Because so much is unknown about fetal alcohol syndrome, the Surgeon General of the United States has issued an advisory stating that pregnant women or women considering pregnancy should not drink.

The resolution will provide an excellent opportunity for National, State, and local health officials to publicize the problem, and warn pregnant women or those considering pregnancy of the dangers of alcohol. I am pleased to report that similar legislation has been introduced in the House by Representative JOHN KASICH and already has 72 cosponsors.

Mr. President, we must "get the word out" to all who care about the health of America's children. This resolution is one step in this effort, and I urge my colleagues to support it.●

ADDITIONAL COSPONSORS

S. 619

At the request of Mr. TSONGAS, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a

cosponsor of S. 619, a bill to reauthorize, extend, and enhance existing Federal programs to encourage conservation and the use of renewable energy by this Nation's consumers.

S. 996

At the request of Mrs. KASSEBAUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 996, a bill to amend the Natural Gas Policy Act of 1978 to limit natural gas prices and to improve natural gas pricing and marketing practices, and for other purposes.

S. 1201

At the request of Mr. MATHIAS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1608

At the request of Mr. TSONGAS, the names of the Senator from Maryland (Mr. MATHIAS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1608, a bill to amend the Fair Labor Standards Act of 1938 to provide persons may not be employed at less than the applicable wage under that act.

S. 1613

At the request of Mr. TRIBLE, the names of the Senator from California (Mr. CRANSTON), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1615

At the request of Mr. MATSUNAGA, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1615, a bill to amend title XVIII of the Social Security Act to authorize payment for occupational therapy services under part B of the medicare program.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Missouri (Mr. Eagleton), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1707

At the request of Mr. WILSON, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. BUMPERS), the Senator from Nevada (Mr. HECHT), the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1707, a bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access.

S. 1736

At the request of Mr. DURENBERGER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1736, a bill to establish a process that provides for the submission to the Congress each year of a regulatory budget that recommends the costs to be incurred during the fiscal year beginning on October 1 of such year by specified economic sectors in complying with the laws of the United States and the rules promulgated thereunder, and for consideration by the Congress of a bill containing proposals for legislation to implement such regulatory budget.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 147

At the request of Mr. WEICKER, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 147, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week."

SENATE JOINT RESOLUTION 153

At the request of Mr. MOYNIHAN, the names of the Senator from Kansas (Mr. DOLE), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 153, a joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York.

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENT NO. 2166

At the request of Mr. BOSCHWITZ, his name was withdrawn as a cosponsor of amendment No. 2166 proposed to H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENT NO. 2167

At the request of Mr. BOSCHWITZ, his name was added as a cosponsor of amendment No. 2167 proposed to H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Mr. BOSCHWITZ. Mr. President, last week during consideration of the Interior appropriations bill, Senator TSONGAS offered an amendment (No. 2167) to increase funding for certain energy conservation programs. I cosponsored and supported that amendment. On page S 12510 of the RECORD, my name was correctly listed as a cosponsor of the amendment when the bill clerk reported the amendment.

However, later in the same day's RECORD, under the amendments submitted section, I am not listed as a cosponsor of amendment No. 2167. Instead I was incorrectly listed as a cosponsor of amendment No. 2166 which I did not support, and in fact, voted against.

I had hoped to clarify this inconsistency in the next day's RECORD. However, again it was incorrectly listed and my name was added as a cosponsor of No. 2166, which I opposed, and withdrawn as a cosponsor of No. 2167, which I wanted to cosponsor.

So today, Mr. President, I would once and for all like to clear this up. I request that my name be added as a cosponsor of amendment No. 2167 and withdrawn as a cosponsor of amendment No. 2166.

AMENDMENT NO. 2252

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of amendment No. 2252 proposed to S. 1887, an original bill to extend the Federal supplemental compensation program for 18 months, and for other purposes.

AMENDMENT NO. 2253

At the request of Mr. BYRD, the names of the Senator from Illinois (Mr. DIXON), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. RIEGLE), the Senator from New York (Mr. MOYNIHAN), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of amendment No. 2253 proposed to S. 1887, an original bill to extend the Federal supplemental compensation program for 18 months, and for other purposes.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION, 1984

MATHIAS AMENDMENT NO. 2256

Mr. MATHIAS (for himself and Mr. EAGLETON) proposed an amendment to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes, as follows:

On page 24, between lines 19 and 20, insert the following:

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

SEC. 122. The head of a department or agency of the Government shall not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer, employee, or former officer or employee of the Government to submit, after termination of employment by the Government, his or her writings for prepublication review by an officer or employee of the Government and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

EXTENSION OF FEDERAL UNEMPLOYMENT BENEFITS

PERCY (AND DIXON) AMENDMENT NO. 2257

Mr. PERCY (for himself and Mr. DIXON) proposed an amendment to the bill (S. 1887) to extend the Federal supplemental compensation program for 18 months, and for other purposes; as follows:

In section 602(e)(3)(C) of the Federal Supplemental Compensation Act of 1982 (as amended by section 3 of the bill), strike out "exceeds 6 percent" and insert in lieu thereof "exceeds 5.5 percent,".

DEPARTMENTS OF LABOR AND HEALTH AND HUMAN SERVICES APPROPRIATION, 1984

HAWKINS AMENDMENT NO. 2258

(Ordered to lie on the table.)

Mrs. HAWKINS submitted an amendment intended to be proposed by her to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 20, line 1, strike out "$367,396,000" and insert $378,396,000".

On page 20, line 3, insert before the colon a comma and the following: "and of which $11,000,000 shall be available for grants for preventive health programs for tuberculosis under section 317 of the Public Health Service Act".

EXTENSION OF FEDERAL UNEMPLOYMENT BENEFITS

SPECTER (AND OTHERS) AMENDMENT NO. 2259

Mr. SPECTER (for himself, Mr. FORD, and Mr. PRYOR) proposed an amendment to the bill S. 1887, supra; as follows:

At the end of the bill add the following new section:

EXTENSION OF SUPPLEMENTAL RAILROAD UNEMPLOYMENT COMPENSATION

SEC. 9. (a) Section 17 of the Railroad Unemployment Insurance Act is amended—

(1) in subsection (a) (2), by inserting ", or the benefit year beginning July 1, 1983" after "July 1, 1983";

(2) in subsection (e), by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984"; and

(3) by amending subsection (f) to read as follows:

"(f) (1) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) March 10, 1983,

and consisting of five consecutive registration periods (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before the date of the enactment of the Federal Supplemental Compensation Amendments of 1983, shall not be taken into account for purposes of payment of benefits, or in determining the consecutiveness of registration periods.

"(2) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

(B) the date of the enactment of the Federal Supplemental Compensation Amendments of 1983,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.".

(b) The amendments made by this section shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act.

(c) Amounts appropriated under section 102(b) of Public Law 98-8 shall remain available without regard to fiscal year limitation for purposes of carrying out the amendments made by this section.

SPECTER AMENDMENT NO. 2260

Mr. SPECTER proposed an amendment to the bill S. 1887, supra; as follows:

At the end of the bill add the following:

TITLE —HEALTH CARE FOR UNEMPLOYED WORKERS

GRANTS TO STATES

SEC. . (a) Title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"HEALTH CARE FOR UNEMPLOYED WORKERS

"SEC. 2008. (a)(1) Notwithstanding section 2005(a)(4) and any other provision of this title, any State (as defined in paragraph (4)) may establish a program under this section for providing health care coverage for unemployed workers, subject to the provisions of this section.

"(2) The State may choose those groups of individuals (and their immediate families) who shall be covered under the program, the duration of such coverage, and the duration of the program, as the State determines to be appropriate, except that—

"(A) no coverage may be provided to any individual (or his immediate family) unless such individual (i) is receiving regular, extended, or Federal supplemental compensation, railroad unemployment compensation, or any other Federal unemployment compensation, or (ii) is unemployed and has exhausted his rights to such compensation (other than for cause) by reason of payment of all such compensation for which he is eligible, within the prior 6 months, or (iii) was eligible for such compensation within the prior 30 days but lost such eligibility on account of employment;

"(B) no coverage may be provided for the first 6 weeks during which an individual is eligible for compensation (referred to in subparagraph (A)) in a benefit year (as determined under the applicable unemployment compensation law);

"(C) no coverage may be provided to any individual unless such individual was enrolled in a group health plan of the employer by whom he was employed at the time he last became eligible for compensation described in subparagraph (A) (and in making a determination with respect to prior enrollment, and with respect to coverage described in subparagraphs (F) and (G), the State may use the broadest possible determination of proof);

"(D) no coverage may be provided with respect to any services provided prior to October 1, 1983, or services provided for an individual prior to the time such individual is determined to be eligible under such pro-

gram, or inpatient services provided in a continuous period which began prior to such date or such eligibility;

"(E) no coverage may be provided for any individual who is otherwise eligible for medical assistance under the State plan under title XIX or who is eligible for benefits under title XVIII;

"(F) no coverage may be provided for any individual who is covered under a group health plan for which a contribution toward the cost of the plan is being made by an employer, former employer, union, or any entity other than the individual, or who could have been so covered if an election had been made and premiums had been paid on a timely basis;

"(G) no coverage may be provided for any individual who is covered under a group health plan of such individual's spouse for which a contribution toward the cost of the plan is being made by an employer, former employer, union, or any entity other than such spouse, or who could have been so covered if an election after the date of the enactment of this section had been made and premiums had been paid on a timely basis; and

"(H) no coverage may be provided for any individual whose family income exceeds an amount equal to 100 percent of the median family income in such State for a family of the same size as such individual's family (and in making a determination with respect to an individual's family income, the State shall determine the declaration or proof of income to be required, the type of income to be included, and the time period over which the income is to be measured).

"(3)(A) The Secretary may waive the requirements of paragraph (2)(H) to the extent that special circumstances permit presumptions about the family income of applicants which make it unnecessary to apply the means test described in such paragraph on a case-by-case basis.

"(B) The provisions of paragraph (2)(H) shall not preclude a State from imposing a means test that is more restrictive than the test described in such paragraph.

"(4) Notwithstanding section 1101(a)(1), for purposes of this section the term 'State' means the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

"(b)(1)(A) Services under the program established under this section may include only—

"(i) inpatient hospital services;

"(ii) emergency outpatient hospital services;

"(iii) routine and emergency physician services (including those provided in health clinics but not including those provided in nursing care or intermediate care facilities);

"(iv) prenatal, delivery, and post partum care;

"(v) laboratory and diagnosis X-ray services;

"(vi) X-ray, radium, and radioactive isotope therapy;

"(vii) services of nurse midwife, described in section 1905(a)(17); and

"(viii) home health services in cases where the State determines that the coverage of such services is cost effective.

"(B) The State must include under the program some ambulatory and some institutional services.

"(C) No drugs or biologicals shall be included within the covered services described in subparagraph (A) unless provided as part of inpatient hospital services.

"(2) The State shall determine the amount, duration, and scope of the covered services described in paragraph (1) which shall be included under the program, but in no event shall the amount, duration, or scope of such services under the program under this section exceed the amount, duration, or scope of such services included under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(3) Services may be provided through various arrangements made with providers by the State, but no such arrangement may provide services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(4) No cash payments may be made under the program to individuals participating in the program.

"(c)(1) The State may provide for a weekly contribution for any individual participating in the program under this section, without regard to whether such individual is receiving compensation (referred to in subsection (a)(2)(A)), but no such contribution may exceed an amount equal to 8 percent of the amount of compensation (referred to in subsection (a)(2)(A)) for which such individual is eligible for such week or for the last week for which he was eligible for such compensation. Such contributions may vary for individual coverage and family coverage and by provider arrangement.

"(2)(A) The State may require that deductibles and coinsurance amounts be imposed for users of services under the program. If the State chooses to require such deductibles and coinsurance amounts, they shall be at least the same amounts imposed under the State plan for medical assistance for individuals described in section 1902(a)(10)(A), subject to the limitations in this paragraph.

"(B) The estimated average monthly amount of such deductibles and coinsurance amounts for outpatient services may not exceed an amount equal to 5 percent of the average monthly benefit amount in such State for unemployment compensation referred to in subsection (a)(2)(A).

"(C) The amount of such deductibles and coinsurance amounts for inpatient services may not exceed the maximum amount of deductibles and coinsurance amounts which could be imposed by the State under its State plan for medical assistance for individuals described in section 1905(a)(10)(A) consistent with the provisions of title XIX, subject to the limitations in subparagraphs (D) and (E) of this paragraph.

"(D) No deductibles or coinsurance amounts may be imposed for prenatal, delivery, or post partum care.

"(E) No deductibles or coinsurance amounts may be imposed until after public hearings which provide adequate notice and opportunity for public participation have been held by the State with respect to such imposition.

"(F) Subject to the limitations specified in this paragraph, such deductibles and coinsurance amounts may vary with respect to different groupings of eligible individuals, different types of services, different provider arrangements, and various coverage periods.

"(3) Any contribution amount imposed by the State must be used by the State to pay the State share of the cost of the program under this section, or to provide additional services or periods of coverage to individuals eligible for coverage under such program.

"(d)(1) Payment by the State for services provided to individuals eligible for the program under this section shall be made through the same administrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX; however, the State may provide for arrangements with carriers or providers which provide for cost effective financing and delivery systems, and may selectively make arrangements with a specific group or provide for capitation reimbursement, but no such arrangement may provide for services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A). Services provided through a prepaid capitation arrangement need not be provided through an organization meeting the requirements of section 1903(m).

"(2) Any limitations under the State plan for medical assistance on the amount that a provider of services may charge the recipient of such services shall also apply to the program under this section, except that contributions deductibles, and coinsurance may be charged in accordance with subsection (c).

"(e)(1) Determinations of qualification for coverage under the program under this section shall be made by the State agency administering the State's unemployment compensation law approved under section 3304 of the Internal Revenue Code of 1954. The State may administer the services program under this section directly through the State agency administering the State plan for medical assistance under title XIX of this Act, or through arrangements with others.

"(2) Upon becoming eligible for compensation (referred to in subsection (a)(2)(A)), an individual shall be informed of the eligibility criteria for coverage under the program established under this section and the benefits provided, and shall have four weeks in which to voluntarily enroll in such program. Such individual shall also be informed of the possibility that such individual may be eligible to enroll in a health plan of his spouse. If the individual declines the opportunity to enroll, or later voluntarily terminates his enrollment, he may not again enroll in such program unless he subsequently becomes eligible for compensation (referred to in subsection (A)(2)(A)) for a new benefit year (as determined under the applicable unemployment compensation law).

"(3) In the case of any State which chooses to require the payment of a contribution, the State may deduct the amount of the contribution from the amount of such compensation paid to an individual enrolled in such program.

"(4) Any State which chooses to cover under its program individuals residing in such State who are or were receiving railroad unemployment compensation, may enter into an agreement with the Railroad Retirement Board under which—

"(A) the Railroad Retirement Board shall notify those unemployed railroad workers who may be eligible under the program of the availability of the program in accordance with paragraph (2);

"(B) the Board shall furnish the State agency making eligibility determinations with such information as the State agency may require in order to make eligibility determinations with respect to such unemployed railroad workers or shall, to the extent feasible, perform such determinations for the State agency;

"(C) the Board shall deduct contribution amounts from any railroad unemployment compensation payable to such unemployed railroad workers in the same amounts as if such workers were receiving unemployment compensation under the State unemployment compensation law, and transfer such amounts to the State; and

"(D) the State shall reimburse the Board for administrative costs incurred under such agreement, and such amounts shall be paid into the railroad unemployment insurance administration fund.

"(5) The Railroad Retirement Board is authorized to carry out those functions required of it under any agreement entered into under paragraph (4).

"(f)(1) Notwithstanding sections 2002 and 2003, payments to States having programs established under this section shall be made in accordance with the provisions of this subsection, but subject to subsection (g). Payments under this subsection are in addition to any amounts to which a State is entitled under section 2002, and payments made under section 2002 may not be used for purposes of this section. An amount, not to exceed the State's allotment determined under paragraph (2), equal to the Federal percentage (as determined under paragraph (6)) of the amount expended by such State for its program established under this section (excluding administrative costs) shall be paid to the State in the same manner as payments are made under section 1903(d).

"(2) The Secretary shall allot $750,000,000 to carry out this section for each of the fiscal years beginning on October 1, 1983, and October 1, 1984, among the States as follows:

"(A) One-half of such amount shall be allotted among the States on the basis of the relative number of insured unemployed individuals who reside in each State as compared to the total number of insured unemployed individuals in all the States.

"(B) One-half of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 26 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(3) Allotments shall be made on the basis of the most recent 12-month period, preceding the month in which the Secretary makes such allotments, for which adequate data is available.

"(4) Funds shall be allotted at the beginning of each fiscal year referred to in paragraph (2), but payment shall be made as described in paragraph (1). Amounts allotted for the fiscal year beginning October 1, 1984, may be paid to States for expenses incurred in providing services under the program for individuals who are enrolled in the program on Septemer 30, 1985, until their eligibility for such program terminates, or March 31, 1986, whichever is earlier.

"(5) Any funds allotted for a fiscal year to a State which did not establish a program under this section shall be reallotted to those States having a program, at the end of such fiscal year. Such funds may be expended in the same manner as described in paragraph (4).

"(6)(A) For purposes of this section, the Federal percentage is 100 percent with respect to services provided prior to April 1, 1984, and, with respect to services provided on or after April 1, 1984, is—

"(i) 95 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 5 percent:

"(ii) 80 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 4 percent but is less than 5 percent;

"(iii) 65 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 3 percent but is less than 4 percent; and

"(iv) 50 percent with respect to services provided in any State during a week for which the State's insured unemployment rate for the period consisting of such week and the preceding 51 weeks is less than 3 percent.

"(B) The Federal percentage otherwise applicable under subparagraph (A) for any week beginning on or after April 1, 1984, shall be increased by 15 percentage points (but not to a percentage greater than 95 percent) with respect to services provided in any State during a week for which the State's rate of insured unemployment for the period consisting of such week and the preceding 51 weeks is equal to or exceeds 120 percent of the average of such rates for such State for the corresponding 52-week period ending in each of the preceding 2 calendar years.

"(C) Any State which qualifies for a particular matching percentage under clause (i), (ii), (iii), or (iv) of subparagraph (A), or under subparagraph (B), shall continue at such percentage for a period of not less than 6 months, unless it subsequently qualifies for a higher percentage under such provisions, beginning with the first week in which such State so qualifies, and may subsequently requalify for a particular higher matching percentage upon reaching the required rate of insured unemployment after the end of such 6-month period. No such period may extend beyond March 31, 1986. Notwithstanding the first sentence of this subparagraph, the matching percentage for each State with respect to services provided after September 30, 1985, and before April 1, 1986, shall be the matching percentage in effect for such States with respect to services provided on September 30, 1985.

"(7) The Secretary shall make payments for administrative costs incurred in carrying out the program established under this section, in a total amount not to exceed $150,000,000 for each of the fiscal years beginning on October 1, 1983, and October 1, 1984, $70,000,000 of such reimbursement for each fiscal year shall be made to the State agencies administering the services program under this section in accordance with the allotment formula in pargraph (2), and $80,000,000 of such reimbursement for each fiscal year shall be made to the Department of Labor for payment to the State agencies (of those States having a program under this section) administering the State's unemployment compensation law in accordance with the distribution formula used for purposes of title III of this Act. Payments under this paragraph may be made with respect to program costs incurred after March 31, 1986.

"(g)(1) Only a State having a rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for a period consisting of any week and the 51 preceding weeks, of 2 percent or more, may enroll new individuals in the program under this section during such week. If a State qualifies to enroll new individuals under the preceding sentence, such qualification shall continue for a period of not less than 6 months beginning with the first week in which such State so qualifies, and any State may subsequently requalify upon reaching the required rate of insured unemployment after the end of such 6-month period, but no such period may extend beyond March 31, 1986.

"(2) During a period in which a State may not enroll new individuals in its program by reason of paragraph (1), payment under this section may be made with respect to individuals previously enrolled in such program until their eligibility expires, or, if sooner, March 31, 1986.

"(h) Any State establishing a program under this section shall submit a report to the Secretary on August 1, 1984, on the program's implementation and impact. A final report shall be submitted in May 1986 by any State which carries out its program for any period after March 31, 1984, upon expiration of its program. The form and content of the reports required under this subsection shall be determined by the Secretary.

"(i) The State shall provide that the payment for any services received by an individual under the program shall be secondary to, and shall be reduced by the amount of, any other payment which is or could be made with respect to such services under any other health plan or public program, or from a third party, including any workmen's compensation law or plan, any automobile or liability insurance policy or plan (including a self-insured plan), and any no fault insurance. The State shall require each individual enrolled in the program to assign all rights to such payments as he may have to the State as a condition of enrolling in the program.

"(j)(1) No payment may be made under this section to any State unless such State provides, subject to paragraph (2), that any group health plan for employees of such State, provided by such State or to which such State makes a contribution, provides for open enrollment in accordance with section 4912(b) of the Internal Revenue Code of 1954.

"(2)(A) Except as provided in subparagraph (B), the requirements of paragraph (1) shall apply to enrollment periods for employees whose spouses are involuntarily laid off or separated more than 60 days after the date of the enactment of this section.

"(B) In the case of a group health plan which was subject to a collective bargaining agreement in effect on the date of the enactment of this section, the date on which such agreement expires (determined without regard to any extensions agreed to after such date of enactment) shall, if later, be substituted for the date (60 days after such date of enactment) referred to in paragraph (1).".

(b) Section 3304(a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (18) as paragraph (19), by striking out "and" at the end of paragraph (17), and by inserting after paragraph (17) the following:

"(18) if the State establishes a program under section 2008 of the Social Security Act, the State agency administering the State unemployment compensation law

shall carry out the functions required of it under such section; and".

(c) Section 3304(a)(4)(C) of the Internal Revenue Code of 1954 and section 303(a)(5) of the Social Security Act are each amended by inserting "or health care" after "health insurance", and by inserting "or a contribution amount under section 2008 of the Social Security Act" after "program approved by the Secretary of Labor".

OPEN ENROLLMENT REQUIRED FOR EMPLOYEES HAVING UNEMPLOYED SPOUSE

SEC. . (a) Chapter 41 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER B—HEALTH PLANS OF LARGE EMPLOYERS WHICH DO NOT MEET OPEN ENROLLMENT REQUIREMENTS FOR SPOUSES OF THE UNEMPLOYED

"Sec. 4912. Tax on health plans of large employers which do not meet open enrollment requirements for spouses of the unemployed.

"SEC. 4912. TAX ON HEALTH PLANS OF LARGE EMPLOYERS WHICH DO NOT MEET OPEN ENROLLMENT REQUIREMENTS FOR SPOUSES OF THE UNEMPLOYED.

"(a) TAX IMPOSED.—In the case of a large employer, there is hereby imposed for each taxable year a tax equal to—

"(1) $500, multiplied by

"(2) the aggregate number of failures to meet the requirements of subsection (b) during such taxable year under any group health plans offered by such employer.

"(b) OPEN ENROLLMENT PERIOD.—

"(1) IN GENERAL.—A group health plan meets the requirements of this subsection only if it provides a qualified open enrollment period for each married employee—

"(A) who is (or at a previous time was) eligible to enroll or is enrolled under the plan, and

"(B) whose spouse loses eligibility for coverage under a group helath plan due to the involuntary layoff or involuntary separation (other than for cause or mandatory retirement) from the spouse's employment.

"(2) TERMS AND CONDITIONS SAME AS FOR ENROLLMENTS FOR NEW EMPLOYEES.—

"(A) IN GENERAL.—The terms and conditions of an enrollment during a qualified open enrollment period shall be the same as the terms and conditions which would be offered by the group health plan to the married employee described in paragraph (1) if such employee began employment for the employer on the first day of such period.

"(B) EMPLOYEES ALREADY COVERED MAY NOT INCREASE LEVEL OF BENEFITS.—In the case of an employee who is covered under a group health plan before the qualified enrollment period, subparagraph (A) shall not require a group health plan to allow such individual to elect a higher level of benefits than that provided by such coverage.

"(C) COMMENCEMENT OF COVERAGE.—Any enrollment during a qualified open enrollment period need not take effect before the date on which the loss of coverage described in paragraph (1)(B) takes effect.

"(c) DEFINITIONS; NONTAXABLE ENTITIES.—For purposes of this section—

"(1) QUALIFIED OPEN ENROLLMENT PERIOD.—For purposes of this paragraph, the term 'qualified open enrollment period' means the 30-day period beginning on the day on which an appropriate State agency notifies the spouse of a married employee described in subsection (b)(1) that such spouse has become eligible for receipt of unemployment compensation under any Federal or State law by reason of the separation or layoff described in subsection (b)(1)(B).

"(2) LARGE EMPLOYER.—The term 'large employer' means an employer who, on each of some 20 days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed for some portion of the day 10 or more individuals.

"(3) EMPLOYER.—The term 'employer' does not include the Government of the United States, the government of the District of Columbia or any territory or possession of the United States, a State or any political subdivision thereof, or any agency or instrumentality (including the United States Postal Service and Postal Rate Commission) of any of the foregoing, except that such term includes nonappropriated fund instrumentalities of the Government of the United States.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 162(i)(2).

"(5) NONTAXABLE ENTITIES.—In the case of a large employer who is not subject to tax under this title, the calendar year shall be treated as such employer's taxable year.

"(d) CROSS REFERENCES.—

"(1) For provision denying deduction for tax imposed by this section, see section 275(a)(6).

"(2) For provisions making deficiency procedures applicable to tax imposed by this section, see section 6211 et seq.".

(b)(1) Chapter 41 of such Code is amended by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 41—PUBLIC CHARITIES; CERTAIN HEALTH PLANS OF LARGE EMPLOYERS

"Subchapter A. Public charities.

"Subchapter B. Health plans of large employers which do not meet open enrollment requirements for spouses of the unemployed.

"Subchapter A—Public Charities".

(2) The table of chapters for subtitle D of such Code is amended by striking out the item relating to chapter 41 and inserting in lieu thereof the following:

"Chapter 41. Public charities; certain health plans of large employers.".

(3) Subparagraph (B) of section 6104(c)(1) of such Code is amended by striking out "or chapter 41 or 42" and inserting in lieu thereof ", subchapter A of chapter 41, or chapter 42".

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall apply to enrollment periods for employees whose spouses are involuntarily laid off or separated more than 60 days after the date of the enactment of this Act, in taxable years ending after such date.

(2) In the case of a group health plan which was subject to a collective-bargaining agreement in effect on the date of the enactment of this Act, the date on which such agreement expires (determined without regard to any extensions agreed to after the date of enactment of this joint resolution) shall, if later, be substituted for the date provided by paragraph (1).

STUDY OF PRIVATE SECTOR HEALTH CARE COVERAGE FOR UNEMPLOYED WORKERS

SEC. . The Secretary of Health and Human Services is directed to conduct a study of changes which might be made in employer-provided health care coverage which would provide adequate continuing health care coverage and conversion privileges for employees who are involuntarily terminated from employment. Such study shall include estimates of the costs which would be incurred by employers in providing continuing health care coverage of various durations, and at various contribution levels by the former employee (including a zero contribution level). The Secretary shall report the results of the study to Congress not later than January 1, 1985, and shall include any recommendations for legislation which would provide for such continuing coverage.

TITLE —INCOME AVERAGING

SEC. . PERCENTAGE BY WHICH INCOME MUST EXCEED BASE INCOME INCREASED FROM 120 TO 140.

(a) INCREASE MUST EXCEED 140 PERCENT OF AVERAGE BASE PERIOD INCOME.—Sections 1301 and 1302(a) of the Internal Revenue Code of 1954 (relating to income averaging) are each amended by striking out "120 percent" and inserting in lieu thereof "140 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

INTERNATIONAL COFFEE AGREEMENT ACT AMENDMENTS

DANFORTH AMENDMENT NO. 2261

Mr. DANFORTH proposed an amendment to the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

NEGOTIATING AUTHORITY INVOLVING THE INTERNATIONAL COFFEE AGREEMENT, 1983

SECTION 1. The International Coffee Agreement Act of 1980 (19 U.S.C. 1356k, et seq.) is amended—

(1) by striking out "1976" in sections 2, 3, and 5 and inserting in lieu thereof ", 1983", and

(2) by striking out "for such period prior to October 1, 1983 as the agreement remains in effect" in section 2, and inserting in lieu thereof "before October 1, 1986".

REAUTHORIZATION OF PROGRAMS FOR WORKERS AND FIRMS

SEC. 2. (a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking out "each of fiscal years 1982 and 1983" and inserting in lieu thereof "each of the fiscal years 1982 through 1985".

(b) Section 285 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

"CONTRIBUTED IMPORTANTLY" TEST FOR GROUP ELIGIBILITY

SEC. 3. (a) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in paragraph (3), by striking out "were a substantial cause of such total or partial separation, or threat thereof, and of such decline" and inserting in lieu thereof "contributed importantly to such total or partial separation, or threat thereof, and to such decline"; and

(2) by amending the last sentence to read as follows: "For purposes of paragraph (3), the term 'contributed importantly' means a cause which is important, but not necessarily more important than any other cause.".

(b) The amendments made by subsection (a) shall apply with respect to petitions for

certification filed under section 221 of the Trade Act of 1974 on or after October 1, 1983.

PREFERENCE FOR FIRMS HAVING EMPLOYEE STOCK OWNERSHIP PLANS

SEC. 4. (a) Section 255 of the Trade Act of 1974 (19 U.S.C. 2345) is amended by adding at the end thereof the following new subsection:

"PREFERENCE FOR FIRMS HAVING EMPLOYEE STOCK OWNERSHIP PLANS

"(i)(1) When considering whether to grant a direct loan or to guarantee a loan to a corporation which is otherwise certified under section 251, the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

"(A) 25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation,

"(B) the employee stock ownership plan meets the requirements of this subsection, and

"(C) the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.

"(2) An employee stock ownership plan does not meet the requirements of this subsection unless the governing instrument of the plan provides that—

"(A) the amount of the loan paid under paragraph (1)(A) to the qualified trust will be used to purchase qualified employer securities,

"(B) the qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation, and

"(C) from time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with the provisions of paragraph (4).

"(3) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this subsection unless—

"(A) it is unconditionally enforceable by any party against the others, jointly and severally,

"(B) it provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (2)(B) which are actually received by such trust,

"(C) it provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this subsection will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender,

"(D) it provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this subsection, and

"(E) it provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of the Internal Revenue Code of 1954 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

"(4) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (2)(A) of this subsection as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust during the term of such loan. Qualified employer securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

"(5) For purposes of this subsection, the term—

"(A) 'employee stock ownership plan' means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954,

"(B) 'qualified trust' means a trust established under an employee stock ownership plan and meeting the requirements of title I of the Employee Retirement Income Security Act of 1974 and section 401 of the Internal Revenue Code of 1954,

"(C) 'qualified employer securities' means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts, and

"(D) 'equity capital' means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in paragraph (3)(D)), less the amount of its indebtedness.".

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

AMENDMENTS TO CERTAIN INDIAN LEGISLATION

MURKOWSKI AMENDMENT NO. 2262

Mr. BAKER (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1530) to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; as follows:

At the conclusion of the parentheses on line 8, page 1, strike the period, quotation mark, and second period and add the following proviso:

"*Provided*, that a grant agreement or a cooperative agreement may be utilized in lieu of a contract under sections 102 and 103 of this Act when mutually agreed to by the appropriate Secretary and the tribal organization involved."

HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

TOWER AMENDMENT NO. 2263

Mr. BAKER (for Mr. TOWER) proposed an amendment to the bill (S. 1894) to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes; as follows:

At the end of the bill add the following new section:

Sec. 2. (a)(1) Section 178 of title 10, United States Code, is amended—

(A) by inserting "The Henry M. Jackson" before "Foundation" in the section heading; and

(B) by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" in subsection (a).

(2) The item in the table of sections at the beginning of chapter 7 of such title relating to section 178 is amended to read as follows:

"178. The Henry M. Jackson Foundation for the Advancement of Military Medicine.".

(b) Section 2113(j) of title 10, United States Code, is amended by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" each place it appears.

CONTINUING APPROPRIATIONS, 1984

HELMS AMENDMENT NO. 2264

Mr. HELMS proposed an amendment to the amendment of the House to the amendment of the Senate No. 6 to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984; as follows:

In lieu of the language proposed to be inserted, insert the following:

(b) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984 at a rate for operations and to the extent and in the manner provided for in the Act as passed the House of Representatives as of October 1, 1983 *Provided*, That appropriations or loan authorization for the following agencies or activities are available at not to exceed the following annual rates and the totals are adjusted accordingly:

Agricultural Research Service:	
Salaries and Expenses.....	$478,000,000

Buildings and Facilities...	28,602,000
Cooperative State Research Service:	
Special grants	25,234,000
Competitive grants	17,000,000
Animal health and disease grants	5,760,000
Animal and Plant Health Inspection Service: Salaries and Expenses.....	263,259,000
Federal Crop Insurance Corporation:	
Administrative and operating expenses	200,000,000
FCIC Fund	110,000,000
Office of Rural Development Policy	2,000,000
Rural Housing Insurance Fund: Moderate income loans	0
Agricultural Credit Insurance Fund:	
Insured soil and water loans.....	30,000,000
Economic emergency loans.....	0
Rural Development Insurance Fund: Water and waste disposal loans.....	270,000,000
Rural Water and Waste Disposal Grants.....	90,000,000
Rural Electrification Administration: Guaranteed loans, not less than .	3,360,000,000
Commodity Futures Trading Commission:	
Salaries and Expenses.....	26,400,000
ADP Limitation.....	3,626,000

: *Provided further,* That notwithstanding any other provision of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": *Provided further,* That notwithstanding any other provision of law or this joint resolution, the provisions of subsection (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers: *Provided further,* That, hereafter, in order to restore and maintain U.S. share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and Department of Interior and Related Agencies Appropriation Act, 1984 (H.R. 3363), notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in such Act (H.R. 3363), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives, as if such Act had been enacted into law.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a markup session on Wednesday, October 5, 1983, at 10 a.m. in room SR 328-A.

The bills to be considered are: S. 663, a bill to prohibit incentive payments for certain commodities produced on highly erodible land and S. 566, S. 1503, and H.R. 24 (S. 129), four bills dealing with land conveyance.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of the markup on S. 121, the Trade Reorganization Act of 1983 on Tuesday, October 4, 1983, at 9:30 a.m. in room SD 342 of the Dirksen Senate Office Building. For further information, please contact Mr. Michael Mitchell at 224-4751.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF FORCED FAMINE IN UKRAINE

● Mr. DOLE. Mr. President, on October 2, thousands of Ukrainian Americans from across the Nation will gather at the Washington Monument to commemorate the 50th anniversary of the tragic events of 1932-33, when an estimated 7 million Ukrainians perished as a result of Stalin's forced famine. The untold suffering of the Ukrainian peasant—the result of the Soviet regime's attempts to finance industrialization and insure collectivization through the forcible confiscation of grain—illustrates the cynical depth of the Stalin dictatorship's contempt for human life.

In an attempt to break the will of an independent-minded and nationally conscious Ukrainian peasantry and to create a new Soviet man, the Stalin regime, in the early 1930's, resorted to truly draconian measures. Peasants were ordered to turn all grain into the state. Those who refused were deported or executed. Those forced to work in newly formed collective farms who so much as bit the root off a sugar beet were considered to be enemies of the people subject to execution, long terms of imprisonment, or confiscation of all property. Starving villagers who attemped to leave areas stricken by the famine were turned back. Indeed, individual stories related by survivors of this dark chapter of human history leave one filled with a sense of revulsion and horror.

Ironically, while millions were starving to death, the Soviet Union, in an effort to finance its industrialization program, was selling grain on the international market. During the period 1932-34, the Soviet Union exported more than 4 million metric tons of grain. The demographic catastrophe suffered by the Ukrainians clearly illustrates the magnitude of this crime. While the population of the U.S.S.R. as a whole increased by 15.7 percent between 1926 and 1939, the number of Ukrainians decreased by almost 10 percent. Academic researchers, analyzing the evidence, conservatively estimate that at least 7 million Ukrainians lost their lives as a result of the forced famine.

HORRORS OF SOVIET SYSTEM CONTINUE TODAY

Mr. President, in focusing our attention on the great famine, we must not forget that the system capable of producing such horrors in the past is still in existence today. The recent downing of the unarmed civilian Korean jetliner starkly illustrates that the Soviet system is capable of perpetrating crimes which are clearly contrary to any standard of civilized behavior. Indeed, this same system continues to flagrantly violate the rights of individuals, in stark contrast to its pronounced commitments under a variety of international agreements. The Commission on Security and Cooperation in Europe, on which I serve as cochairman, continues to persistently voice its deep concern over the Soviet Government's continued violations of the Helsinki Final Act. Only by remaining steadfast in our efforts on behalf of those whose rights are violated, and only by stressing the importance that we attach to the dignity of the individual, can the occurrence of inhuman acts such as the famine of 1932-33 be prevented in the future.●

RECRUITMENT AND RETENTION READINESS ACT OF 1983

● Mr. BOSCHWITZ. Mr. President, I am pleased to join with my good friend Senator SIMPSON in cosponsoring his bill—the Recruitment and Retention Readiness Act of 1983.

As my good friend knows, and as my colleagues on the Veterans' Affairs Committee know, I have been very supportive of a new GI bill. In fact, I have cosponsored new GI bill proposals in the past two Congresses. My reasons for this are simple. First, I do not believe the current education program available to veterans is effective or adequate. And second, I continue to be concerned about recruiting and retaining high-quality military recruits.

This bill I am cosponsoring today addresses the second of my concerns. Currently, enlistment rates are good and high quality enlistments are up as well. In 1980 only 49 percent of the Army's recruits were high school graduates—last year the percentage had jumped to 87 percent. For 1983, the projection is a 90-percent level. In comparison during the draft era, this level was only about 70 percent. For those of us interested in improving the

skill level of our Armed Forces this is certainly welcome news.

However, one of the major reasons for this rise in enlistments is the state of the economy. Historically, during poor economic times military enlistment increases. But when the economy rebounds (as it is doing now), history shows that the good economic times mean bad times for military recruiters. This will especially be true, if military pay is again allowed to fall well behind the civilian sector. And when in 1986 the proportion of military-age youth in the population begins a steep decline, our pool of available recruits will shrink even further.

The bill I am cosponsoring today attempts to address this potential problem by requiring the President to submit a complete report on the status of recruitment and retention within the armed services. Within the report, the President must also include potential solutions—if, in fact, the possible recruitment or retention problems do occur. The report would be required to be brought to Congress by mid-1987, or earlier, if problems occur sooner.

I think this bill is a good interim step, and I hope my colleagues will be willing to support it.●

MAKING BETTER USE OF BOXCARS

● Mr. LAUTENBERG. Mr. President, over the last several months there has been a great deal of attention paid to the issue of boxcar deregulation. On May 2 of this year the Interstate Commerce Commission announced a decision to deregulate boxcar traffic. This issue has proven to be quite controversial among shippers, railroads—particularly short lines—and the leasing companies of the boxcars.

Estimates as to the current surplus of boxcars vary between 65,000 and 75,000. Yet under the current rules boxcars are moving empty an extraordinary amount of the time. Conrail, which the Federal Government hopes to sell as a profitable entity to the private sector, is the biggest loser under the current scheme. The incentive provided by the existing rules, to move empty boxcars around, is now scheduled to terminate on November 7. It costs Conrail over $100 million per year. Conrail has announced initiatives to arrange bilateral agreements with other railroads to reduce costs industrywide and assure the availability of boxcars to Western railroads once boxcars are deregulated.

While Conrail might be the big loser under the present rules, it is not the only railroad which supports the ICC decision. Railroads throughout the country have supported this order. The Delaware Otsego Corp. which runs shortline service in several Eastern States including New Jersey, strongly support the ICC order.

On Monday, September 26, an article discussing this decision appeared in the New York Times. I commend this article to my colleagues for their examination of an issue which may soon come before this body, and ask that it be printed in the RECORD.

The article follows:

MAKING BETTER USE OF BOXCARS—I.C.C. MOVES CREATE FUROR

(By Agis Salpukas)

CAMDEN, N.J., Sept. 21.—Jack P. Bolyard, the terminal superintendant of the Pavonia rail yard here for Conrail, gestured toward a freight train that was being formed. "See those freight cars," he said. "They're going back empty."

The cars belonged to the Southern Pacific Railroad, which serves the Soutwest, and for each day they sat or traveled empty, Conrail was paying Southern an average of $16 each. To Mr. Bolyard, as to many other railroad officials, it is a waste of equipment and money.

Returning boxcars empty is a long-standing practice in the industry, supported until last May by the Interstate Commerce Commission, which has required the payments for empty cars. At least one economist has estimated that 81 percent of the nation's boxcars returned to their point of origin empty in 1981, costing railroads as much as $360 million.

DEREGULATION MOVE

All this is scheduled to change Nov. 7, under an I.C.C. deregulation decision that will limit the payments and provide other incentives to make better use of the nation's boxcars.

The empty-car payment system was created by Congress and the Interstate Commerce Commission in the 1970's to spur boxcar construction. But the need for such an incentive has long past. Boxcars generally carry twice the load, by weight, of trucks and for that reason are still the carrier of choice for many bulk shippers. More than that, railroads use less energy than trucks to transport the same amount of goods, and are seen as important competition that keep truck freight rates down.

Although the I.C.C.'s moves seem certain to save many rail lines a lot of money, the new policies have provoked a storm of protest from boxcar owners, short-line railroads, many shippers and legislators on both sides of Capitol Hill.

"As far as I can tell, never in the history of the commission has there been such an outcry over an I.C.C. decision," said Reese H. Taylor Jr., the chairman of the commission. He said that he has personally heard from 73 senators and 143 members of the House of Representatives who are considering supporting legislation to delay the deregulation.

RESULT OF INTENSE LOBBYING

Their objections are the result of intense lobbying. Some major boxcar companies, such as the Brae Corporation and the Itel Corporation, are afraid of losing the revenue from the empty car payments. Many short-line railroads are worried that the new I.C.C. decision could put them at the mercy of the larger lines, which will tighten their control of boxcar traffic. Some shippers are worried that the new policies will promote the storing of boxcars, leaving them without enough cars for their own shipments.

To Conrail, however, the I.C.C. move is a new lease on life. The federally subsidized railroad believes that the existing system would lead eventually to the collapse of its boxcar business, now about 10 percent of Conrail's total traffic. The number of boxcar loads Conrail carries annually has been dropping, to 288,000 by 1982, from the 796,000 it carried in 1977.

Conrail admits that it originally asked for the change, two years ago, and that the change would help it more than it would help most other railroads. Since most commodities that are carried in boxcars, such as wood and paper products, move from the Northwest or the South to the Northeast, Conrail is the terminating point for much of this traffic, and therefore is paying a disproportionate share of the empty car fees.

At the same time, manufactured goods from the Northeast such as appliances and furniture are now primarily moved by truck. Thus there is less volume to fill the empty boxcars going back to their starting points. Conrail therefore, ends up with more empty boxcars than other railroads.

The recent recession compounded this problem. The poor economy became an incentive for the railroads to load their own cars, instead of the empties of their competitors. That way, a Conrail boxcar, for example, would end up with another railroad and Conrail would collect, instead of pay, an empty car fee.

FEES INCREASED IN RECESSION

During the recession, because of complications in the Federal rate formulas, the empty car fees increased, allowing truckers to undercut rail rates and capture even more business from the boxcars.

"It's a crazy, backwards thing," Charles N. Marshall, the vice president of marketing for Conrail, said in an interview in his office at the railroad's headquarters in Philadelphia.

Conrail, however, now has been given some formidable tools by the commerce commission to change the system and reduce the shuttling of empty boxcars. The commission's plan will encourage railroads to store empty boxcars at no cost after three days. The fee for those first three days will vary widely, but will average about $16. The idea is to provide an incentive for railroads and other boxcar owners to keep cars from moving empty on other railroads.

The I.C.C. will, however, allow railroads to charge up to 35 cents a mile for moving empty boxcars when the move is authorized by boxcar owners, providing further incentive to the owner to find a load for the car.

According to Mr. Marshall, Conrail is negotiating with other railroads for more flexible freight rates, instead of relying on such punitive measures as the 35-cent backhaul charge. And it has already announced rebates and a reduction of some of its empty-car fees in an attempt to fill its boxcars.

SUPPORT OF OTHER RAILROADS

In addition, the carrier has won the support of several major railroads that initially opposed the commission's decision. They include the Southern Pacific, which runs primarily through the Southwest and Midwest, the Burlington Northern, which runs mainly from the Northwest to the Midwest, and some shortline carriers such as the Delaware Otswego system and the Bay Colony Railroad, which have signed agree-

ments that conform with the new I.C.C. policies.

Nevertheless, Mr. Taylor, the I.C.C. chairman, is concerned that Congress could undo all of this. The original decision has sparked enough concern on Capitol Hill that he is afraid it could galvanize a coalition that would not only try to overturn the decision, but also slow the general move to deregulate the nation's railroads.

Mr. Taylor has felt all along that the commission should not have become involved in the issue because the railroads were already dealing with it themselves. "It's a classic example of needless Government interference in the private sector," he said. Mr. Taylor, in fact, was the lone dissenter to the commission's May 2 decision.

He also opposed it because he believes that boxcars are becoming obsolete. They have, for instance, been losing some of their markets to so-called piggy back carriers, railroads that carry truck trailers on flat cars, a form of transport that has been promoted by the railroads themselves. "We're helping to prolong something that will not be competitive anyway," said Mr. Taylor.

ACHIEVEMENT SCHOLARSHIP PROGRAM

● Mr. ARMSTRONG. Mr. President, many people look at the problems that confront our society and conclude that there is nothing an individual can do. But 10 years ago Helene Monberg, Washington news correspondent, decided that something could be done about the problem of youthful offenders who were continally in trouble with the law.

She launched a program called the achievement scholarship program designed to provide second-chance opportunities for youthful parolees and probationers in the Washington area. This privately funded program with strong volunteer effort has been very successful and provides an example to individuals and communities of how to constructively work toward permanent solutions to the problems of youthful offenders.

I commend Helene Monberg, a native of Leadville, Colo., for her untiring efforts on behalf of this program and ask that the attached description of the achievement scholarship program be printed in the RECORD. If is a program that deserves support and I commend it to my colleagues attention.

The material follows:

A PROGRAM FOR OUR TIME

The Achievement Scholarship Program (ASP) is a successful private industry and individual response to a tough social problem.

It has largely closed the revolving door for the ex-offender who qualifies for ASP help.

Founded in 1973, ASP provided seed-money, second-chance scholarships, now $1,000 per awardee, to parolees and probationers in the Washington metro area to go to college, trade school and special school. In the past year ASP has also started a limited community on-the-job training (OJT) program.

The results speak for themselves.

Recidivism is very, very low.

From March 1973 thru September 1983 ASP awarded 185 scholarships to 184 students, of whom 35 have completed their courses in college, trade school or special school, with several more scheduled to graduate before the end of the year. ASP's completion rate of 20 percent is equal to that of the general population, even tho all ASP awardees are ex-offenders.

During the fall of 1983 about 30 ASP awardees are in college or trade school, virtually all on ASP scholarships.

Since Sept. 16, 1982, ASP has filled 14 on-the-job training slots; six trainees are still at work in the ASP-opened job slots.

ASP has won five community service awards and citations in the past five years, mainly for its scholarship program, thru its volunteer executive director.

ASP has also had a major disappointment this year. It is unable at this time to enter into new OJT contracts with private employers because of lack of $$$$ to carry on both its scholarship program and a new community OJT program, so funding is going into the on-going successful scholarship program.

WHAT ASP IS

ASP provides seed-money scholarships and other help to Washington area ex-offenders on parole and probation toward their education. It was started in February 1973 by Helene C. Monberg, a veteran Washington news correspondent with long experience in working with youth as a volunteer, to help move ex-offenders back into the community as productive, contributing, law-abiding citizens. Its aim is to provide a positive alternative to the ex-offender to help him help himself. It is based on the premise that rehabilitation of ex-offenders can work, if carefully targeted.

The ultimate goal of ASP is to explode the myth that those who go thru the criminal court system are losers. ASP believes that many, even most, ex-offenders can become productive useful citizens thru education and training.

ASP works only thru established parole and probation offices in the Washington area. ASP awardees are carefully screened before they are given their scholarships to determine whether they have both the inherent ability and sufficient stability to "hack it" in college or trade school. They must maintain at least a C average to keep their scholarships.

Because ASP has always been privately funded, ASP has been able to experiment more than similar-type public agencies. ASP's sole interest is to meet a community need, not to build a bureaucracy.

ASP is a Washington, D.C-based nonprofit organization with two tax exemptions, one from the U.S. Internal Revenue Services and the other from the District of Columbia.

A unique feature of ASP is that virtually all paid employment goes to its awardees and trainees, all ex-offenders. ASP has employed eight awardees and trainees since 1975. Three currently work for ASP part-time.

Here are some ASP success stories:

An ASP awardee who recently graduated from college became a minister this year and plans to take over the ministry of a church next year.

A former ASP coordinator now works for the National Center on Institutions and Alternatives in the Washington area, and another has worked for the Washington Post.

An ASP awardee who attended a tractor-trailer driving school on ASP financing is now driving a truck-trailer for a major grocery chain in this area.

A former ASP awardee is an assistant engineer for the Washington Suburban Sanitary Commission and is also a registered real estate broker in Maryland. He also serves on the ASP board of directors.

A current ASP awardee recently said, "I have learned to measure success not only by test scores and grades, but also by individual commitment and effort made to improve our community—the greater Washington metro area—thru ASP."

This indicates ASP's long-term goal is doable: to have its own awardees ultimately take over the operation of the program.●

DEREGULATION OF PUBLIC SCHOOLS

● Mr. DURENBERGER. Mr. President, recent reports have indicated an alarming deterioration in the quality of education in American schools. These analyses have made us all painfully aware of the critical need to reassess our education policy and search for ways in which we can restore excellence in education.

I strongly believe that the problem with the quality of education and the solution to that problem lie in one simple word, "Choice." The lack of choice has caused the failure in our educational system. Providing choice to every American will restore educational greatness.

To make choice effective, the consumer must come equipped not only with a choice of providers, but the financial ability to make his or her choice effective. We can do so through a system of vouchers, loans, tax credits, or grants.

Hopefully, we will design a national voucher financing program—not national vouchers. Education is a national priority, but its provision is a matter for community design. As a result, the financial access will be provided for those with the largest public financial burden. At the present time, that burden remains with the States. Accordingly, it is at the State level, rather than at the national level, that a voucher system could be designed to be administered at the community level.

Financing consumers would relieve families from the limitations of residential location. A State voucher program combined with a State-local tax source to finance it could eliminate property taxes as a source of local control and improve some of the existing intercommunity fiscal disparities which plague many States, particularly in older areas of the United States.

I also believe consumer financing and the increased competition it would bring would stimulate enthusiasm and increased professionalism amongst the teaching profession. In no other profession are those who actually deliver the services unable to reap the rewards of their efforts. Doctors, law-

yers, dentists, all professionals must answer to their respective clients. In turn, however, they are rewarded for excellence. The teaching profession should be no exception.

Vouchers, while my preference, are not the only way to stimulate choice. As we debate various mechanisms to restore excellence in education, I believe it is important that we listen carefully to those individuals who have had extensive experience with choice in our educational system.

Gerald Rauenhorst, chairman of the Opus Corp. in Minneapolis, has served as a member of the Governor's Commission for Evaluation of Elementary and Secondary Teaching and is a member of the Minnesota Business Partnership studying Minnesota's educational system. Mr. Rauenhorst recently wrote an editorial for the Catholics Today magazine which clearly identifies the need for choice in education.

I would like to share his article with my colleagues, and I ask that the next of the article, "Deregulation of Public Schools Might Improve Education," be printed in the RECORD.

The article follows:

DEREGULATION OF PUBLIC SCHOOLS MIGHT IMPROVE EDUCATION

(By Gerald Rauenhorst)

(Rauenhorst, a regular contributor to the Catholic Bulletin, is chairman of Opus Corporation, a past member of the Governor's Commission for Evaluation of Elementary and Secondary Teaching and a member of the Minnesota Business Partnerhsip studying Minnesota's K-12 educational system.)

There is one public service provided to U.S. citizens in which the recipient has no choice of provider. A citizen who receives Medicare has the right to select his hospital and doctor. A food stamp recipient may select his own grocery store. Welfare payments and unemployment benefits are provided in dollars; the recipient chooses where to spend them. In one most important service, however, there is no choice whatsoever—education.

Each community has only one public school system. A family living on "A" Avenue and "B" Street is usually required to send its children to "C" school where each child is assigned to teacher "E" or "F". This assignment to school and teacher is regardless of the quality of education provided. The recipient's options are limited to accepting the assignment or to abandoning the system and forfeiting the government's support of this service. A family may choose a private school alternative—as long as the private school is government approved—and pay directly for education. However, for many the financial burden is so heavy that the private school is not a viable alternative.

The educational system in America today has been soundly criticized by the National Commission on Excellence in Education, which wrote "if an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves." Given the composition of this commission—prominent educators and public spirited citizens—this is indeed a serious indictment of American public education.

I suggest that the time is right for deregulation of education. In this age of concern for the consumer, our government has seen fit to deregulate the telephone company and the airlines, and is working on the banks. AT&T has been cut up into eight separate companies, even though, unlike our public education system, no one disputes the fact that it is the world's best telephone company. With deregulation, the airlines are now free to fly to any cities they choose. The consumer has responded with delight to the options which have resulted from competition; he can choose to fly to Florida for $99 or $300.

It's my contention that until such time as the educational system is deregulated and the consumer is allowed an element of choice in schools and in teachers, we will see little, if any, improvement. A voucher system would be one way to introduce consumer choice in the selection of education services. However, given the strong opposition to a voucher system and the lobbying strength of the Minnesota Educational Association (MEA) locally and the National Education Association nationally, the voucher alternative has little chance of passing.

In Minnesota, after years of concerted effort to populate the legislature with teachers and former educators, the MEA has amassed considerable political power. As near as I can tell, there are more than 40 Minnesota legislators with public education ties. Somehow we must utilize or neutralize that power and find ways to move—however slowly—toward increasing each family's options, when selecting schools. Gradually, we must provide real freedom of choice. Only then will we significantly improve education quality for all.

Four years ago, I served on the governor's commission to evaluate elementary and secondary teaching in Minnesota. I was appalled to learn that there is only one criterion for the retention of teachers—seniority. In a layoff situation, a school's worst teacher who has been there 12 years would be retained while a school's best teacher with lesser seniority, say 11 years, would be terminated.

If indeed the situation is as bad as the national commission states, and I believe it is, it's time for every citizen to take an active part in correcting the system. I suggest that we begin by promoting competition, rewarding superior performance, and eliminating seniority as the sole criterion for teacher retention.

Unless these weaknesses are corrected by action of the citizens of this nation who are paying for our educational systems, we can expect the education of our youth to continue to deteriorate.●

THE SBIC PROGRAM MARKS ITS 25TH ANNIVERSARY

● Mr. BOSCHWITZ. Mr. President, four Minnesota business leaders were honored on Tuesday evening, September 27, when some 250 SBIC managers, government officials, and small business executives gathered in Washington to mark the 25th anniversary of the passage of the Small Business Investment Act.

These four individuals exemplify the spirit that has prevailed in Minnesota's business community for so long. I congratulate these individuals for their well-deserved honors, and am proud that my State's business leadership was once again recognized at the SBIC celebration.

Two of the honored guests were successful businessmen whose companies are nationally recognized leaders in their fields of operation. Luther Price is president and chief executive officer of Ault, Inc., of Minneapolis, 1 of the 12 businesses chosen for honors at the dinner. Ault, Inc., manufactures external power conversion products for computers and telecommunications equipment. Northwest Growth Fund, Inc., an SBIC in Minneapolis, first invested in Ault in 1968 when the firm had 130 employees, sales of $1.7 million, and was not profitable. In its latest fiscal year, Ault has grown to 370 employees, sales of $13.1 million and a high level of profitability. On August 25, 1983, Ault, Inc., had a successful public offering of its stock and is one of the very few black-owned businesses to sell its shares to the public.

The second successful Minnesota entrepreneur honored on September 27 was Wayne Huelskoetter, president of DICOMED Corp., also of Minneapolis. DICOMED designs and manufactures high performance computer graphics systems; it is a pioneer in the field of digital impage processing and its equipment was utilized by the Jet Propulsion Laboratory to convert computer data sent from spacecraft to those spectacular color photographs of Saturn and Mars which thrilled the entire Nation. First Midwest Capital Corp., a Minneapolis SBIC first invested in DICOMED in 1976.

Alan K. Ruvelson was honored as the founder and president of First Midwest Capital Corp., the country's first SBIC when it was licensed on March 19, 1959. First Midwest Capital has been an active supplier of venture capital to new and growing businesses in Minnesota and the upper Midwest for almost 25 years. Bud Ruvelson is also an important resource for our State. Active in Minnesota business and civic affairs, Mr. Ruvelson has also served as chairman of NASBIC and president of the Midwest Regional Association of SBIC's.

The fourth citizen of Minnesota who played an important role in the September 27 ceremony was Robert Zicarelli, chairman of Northwest Growth Fund and chairman of NASBIC this year. Mr. Zicarelli is a veteran venture capitalist; he has been in the industry for 30 years and has headed investment activities for Northwest Growth Fund since it was organized in 1960.

In a message delivered to the September 27 dinner, President Reagan congratulated the SBIC industry for investing over $4.5 billion in some 60,000 small businesses and also said:

But of more importance are the human resources developed by this program as private sector financial managers who operate the SBIC's and provide significant management expertise to many small businesses.

Mr. Ruvelson and Mr. Zicarelli exemplify the human resources praised by the President.

The celebration was jointly sponsored by the National Association of Small Business Investment Companies (NASBIC), the American Association of Minority Enterprise Small Business Investment Companies (AAMESBIC), and the Small Business Administration. This cooperative endeavor was most appropriate, because the SBIC industry is a pioneering example of a partnership bringing together the accomplishment of a public policy goal—equity capital for small business—with the drive of for-profit private companies.

I wish to add my congratulations to the SBIC industry for a job well done and pledge my assistance in making the program even more effective in promoting entrepreneurship and business growth.●

GSA AIR SERVICE CONTRACT PROGRAM

● Mr. MATHIAS. For the past several years, the General Services Administration (GSA) has obtained reduced air fare contracts for Government travel. As I understand the program, GSA awards contracts to airlines on a competitive basis, and Federal employees are required to use the air carrier awarded the contract for a particular route.

Mr. ABDNOR. That is correct. The GSA program generates revenue and passengers for the participating carriers, while reducing the overall cost of Federal travel. Through the implementation of this discount program, the Government has saved over 50 percent in fares on the most widely used routes.

Mr. MATHIAS. I commend GSA's efforts to keep down the cost of Government travel. I am concerned, however, about the GSA's unintentional creation of an artificial barrier between Baltimore-Washington International (BWI) and the two Federal airports in its negotiations for air travel in the greater Washington area. GSA is under the impression that BWI serves just Baltimore, and thereby compels Federal workers in Washington to forgo services at BWI by awarding contracts only to airlines serving Dulles and National Airports.

Mr. ABDNOR. If I understand the Senator, the exclusion of BWI from negotiations for the Washington market prevents those Federal workers living in the proximity of BWI from enjoying the most efficient and most convenient traveling arrangements.

Mr. MATHIAS. That is correct. For many Federal workers, particularly those in the Maryland suburbs of Prince Georges and Montgomery Counties, BWI is as convenient or more convenient than National and Dulles. By compelling them to use the two Federal airports, GSA is increasing overall travel costs. I am simply asking that GSA accept standard aviation industry practice by including all three airports in its Washington contract. In so doing, GSA will extend Federal employees the same choice of airports available to the public generally.

Mr. ABDNOR. You have made a persuasive case. This strategy should be successful in further reducing overall travel time and cost for Government business.

Mr. MATHIAS. Yes, The House has included language in the appropriations bill that does just that, by directing GSA to include BWI as an area of service to Washington. I trust the conference committee will be instructed to accept this rational approach to Government travel.

Mr. ABDNOR. This is certainly an approach which should be followed. I can assure you that I will take steps to insure that GSA begins to include BWI in the Washington contract area.●

DUCKTRAP RIVER FISH FARM

● Mr. COHEN. Mr. President, a recent edition of MaineLife magazine featured a story about Des Fitzgerald's Ducktrap River Fish Farm which I believe will be of interest to many Members of the Senate. This story describes a unique and promising aquaculture enterprise that has been operating in Lincolnville, Maine, for the past 5 years and, I am pleased to announce, is fast becoming an established Maine business.

Food production from aquaculture has a bright future in our Nation and will complement our commercial fisheries. Although the domestic consumption of fish and fish products is only slowly increasing, this high-protein, low-fat food will be gaining more and more acceptance in American homes as health-conscious consumers become more familiar with fish and how to prepare it.

Des Fitzgerald makes eating fish easy, removing the need for his customers to prepare it by providing a ready-to-eat smoked product. Not only does Des smoke the trout that he raises on the farm; he also purchases salmon and mussels from outside sources and smokes and packages them for sale across the country.

The Ducktrap River Fish Farm epitomizes the pioneering spirit needed in American business and I am pleased to bring this delicious Maine aquaculture enterprise to the attention of my colleagues.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

DUCKTRAP RIVER FISH FARM: A DELICIOUS MAINE ENTERPRISE

(By Robert Sardinsky)

The pungent odor of smoked fish drifts around Des Fitzgerald's place. As I stood on the slope overlooking his Ducktrap River Fish Farm I couldn't keep from imagining biting into one. I kept thinking of that smell, but I was there to speak with Des.

Des was down by the fish ponds below throwing tin-fulls of feed to his trout. His face beamed with satisfaction. I quickly saw why. As the feed pellets hit the water each pond erupted into a frothing mass of activity as the dark-speckled and silver-streaked bodies of thousands of trout broke through the surface and snatched the chow. Twenty seconds later there wasn't a ripple on the water.

Between rounds feeding the fish, checking in on the smoker, packaging orders, preparing ingredients for brine cures and phoning customers, Des told me about the evolution of his business. He established Ducktrap River Fish Farm in 1978 when he constructed the eight ponds he was now standing among. "In the beginning," he recalled, "I hoped to supply fresh fish to local markets and to earn a weekly paycheck which I could comfortably live on and support a family with. Later I started the smoking operation because the demand for fresh fish slackened during the winter months when there are fewer people in these parts. I felt this would be a good way to diversify and expand the business." While Des's business and reputation have grown considerably since 1978, he is still trying to develop his operation to a point where it is more profitable and doesn't consume the bulk of his waking hours.

Des Fitzgerald is an articulate, easygoing, 31-year-old Harvard graduate who has worked with or been around fish for much of his life. He is one of only a handful of fresh water aquaculturists in New England who produce fish for the "table market." None of the others also operates his own smokehouse. Besides raising and smoking the fish, he manages the business and markets his products in this unique combination of complementary ventures. "There is almost nothing more exciting than establishing a small business and making it succeed," Des said with conviction, "but it takes an incredible amount of work and sacrifice. I like keeping busy and having my hands in a little of everything. I'd go crazy if I had to do just one thing all day long."

HATCHING A PLAN

Des first thought seriously about starting his own fish farming business while working with a trout farmer in California after completing his college biology studies. From California he traveled north to the University of Washington where he took courses in aquaculture for a year. During this time he decided that starting a trout farm would be a wonderful way to combine his interest in biology with running a business and working outdoors. With the decision made he moved to Maine, where he had spent much of his childhood, and set out to find a suitable site.

Good aquaculture sites were extremely hard to find, especially for trout, which need lots of cool, clean water year-round. In

addition Des wanted to be near the coast where a large market existed for his fish and established shipping routes were within easy reach. After trodding through farmers' fields and overgrown woods for a year measuring stream temperatures and flow rates, he put a deposit on a piece of land outside of Lincolnville which bordered on Kendal Brook, a tributary of Ducktrap River. The brook's temperature proved to be a little too warm in summer and cool in winter, so Des needed a high-capacity well to moderate the water's temperature fluctuations before he could proceed. However, the hydrologist and geologist he consulted felt the site held little hope of producing the volume of water needed.

Out of desperation, Des decided to see if a dowser could find water on his land where conventional methods had failed. He called Edgar Libby, "the water witch of Thomaston." Edgar had worked for more than 400 clients during his 25-year dowsing career in the mid-coastal region. Just moments after he began walking the land, Edgar's dowsing rod lept towards the ground. After several more passes he exclaimed, "By Gawd, Des, she's a corker! The biggest I've ever dowsed."

Sure enough, after drilling through 190 feet of bedrock Des struck a vein yielding 150 gallons of water per minute. With two high-volume wells drilled and the proper fish raising and stream diversion permits secured, he took possession of the land. After clearing and leveling a wooded site, Des constructed eight five-foot-deep gravel and dirt raceways ranging in size from 12 by 50 feet to 50 by 75 feet.

By the fall of 1978, 60,000 three-inch fingerlings were swimming in the new ponds. Unfortunately, much of the local wildlife quickly learned of the fingerlings' presence. Otter, mink and raccoons emerged from the woods to sample the menu. Osprey, herons and kingfishers dropped in for a meal from above. At 30 to 40 cents per fingerling, Des's costs quickly mounted. He stretched nets over the ponds and set out traps around the perimeter to deter or remove these unwelcome predators. Des also got insurance coverage from Lloyds of London, the only company that would write the policy, to protect him in case of major loss.

"The first winter was horrendous," Des recalled. "I spent most of my time trying to keep the fish healthy and alive. The ponds leaked, pumps failed and leaves continuously clogged the screen covering the brook intake pipes. I knew, though, that if I made it through the first winter, things would be okay."

Des survived the winter and so did most of the trout. By summer he was selling fish weighing one-half to one pound. His customers were delighted with the taste and freshness. "In the beginning I made a decision to offer the finest quality and freshest fish possible," Des explained. "I figured the only way I could compete against the large, commercial fish farms in places such as Idaho, where most of the trout you buy in New England comes from, was to offer a superior product." Des accomplished this by keeping close watch on his fish, giving them high quality feeds and getting harvested fish to market quickly. The relatively small scale of his operation, which he runs with the help of one full-time and three part-time employees, enables him to pay close attention to the fish. Des harvests about 70,000 Rainbow and Brook trout a year, but some large commercial fish farms harvest this amount in one week.

A CONCERN FOR QUALITY

Des could automate much of his operation, as the larger facilities do, but it is very important to him from a husbandry point of view to observe the fish frequently, especially at feeding time. "I look forward to going out each day and feeding the fish—except when the black flies are real hungry," Des said. "I can pick up on problems caused by poor water quality, disease or even the presence of predators by watching how they feed. It's crucial that there be adequate dissolved oxygen, proper water temperatures and enough water flow to carry away the fish wastes. If the trout are under any kind of stress they won't feed."

The trout convert every two pounds of feed into one pound of meat. Their protein-packed diet consists of trout chow, which is mostly Penobscot Bay herring, and shrimp meal, a by-product of the local canning industry. Of course the trout help themselves to the large indigenous insect population as well. The fish grow about one inch per month and are ready for market six to seven months from the time the hatchery-bred fingerlings arrive.

Des and his crew don their waders and grab their harvest nets two or three times a week. Once caught, the fish are quickly rinsed and dressed before being shipped out. Fish markets and restaurants across the state usually receive them within two to six hours, so the customer gets an exceptionally fresh, pink-meated fish which looks and tastes as if it were just caught in a local stream. In comparison, most trout in New England markets take four days to get there and have paler colored and blander tasting meat.

When the demand for Des's trout slowed during his first winter in full production he started taking some of his fish to be smoked at a facility in Saint George. Many of his fresh fish customers loved the new product, and Des launched into the smoked fish business. He couldn't afford to buy a smoker, so he continued to have fish smoked in St. George, an hour away. The back and forth traveling time mounted, though, and Des lacked control over the quality of the finished product. A year and a half later he invested in an English-made smoker capable of handling 200 trout. Since then, he has doubled his smoking capacity.

The smoker, a glistening, rectangular, stainless steel box measuring nine feet long by three feet high by two feet deep, is located inside a 30-foot square, pine-sided building which sits on a hillside overlooking the fish ponds. This structure also contains a small office, walk-in cooler and a fish processing and shipping area.

Des quickly learned that it takes practice and know-how to make a great-tasting smoked fish. His expensive equipment had little value until he developed the recipes to prepare and flavor the fish and the techniques to use the smoker effectively. Most commercial smokehouses use automated processing equipment and commercially prepared cures and flavorings. There are few old-time smokers left carrying on the traditional ways in which Des was interested. To learn these old methods he spoke with other smokers, studied traditional recipes and started experimenting.

"I burned up a lot of fish, lost a fair bit of money and spent many late nights learning the fine art of smoking," Des recalled. "The chemical reactions between the wood smoke, brine solution and proteins and fats in the fish meat are extremely complex. There are hundreds of variables to consider in smoking fish. These include everything from the age of the fish to the humidity and temperature in the smoker." Of equal importance, the brine—which includes salt, spices, herbs and sugars—must be properly balanced and its temperature and the soaking time of the fish controlled. All of these factors must be in sync to get a good product with consistent quality.

Des fills the smoker's three shoebox-sized fireboxes with wood chips and shavings which produce slow-burning, smoldering embers. He carefully regulates a fan which draws smoke from the firebox through the smoking chamber where up to 400 trout can be smoked at a time. The cool smoke flavors and tans the meat but doesn't cook it. This process is precisely controlled with an electric heating element.

Once he had mastered the art of smoking trout Des started to experiment with several varieties of Western salmon, Atlantic salmon and cultivated Maine and Irish grown mussels—two other types of smoked delicacies which he hoped to market successfully.

FINE POINTS

Des uses many different recipes and methods to smoke the fish he works with. Like most smokers he gave me a general idea of what procedures and recipes he uses, but I didn't find out about many of the fine details or the ingredients which make his product unique: These are trade secrets.

Smoking salmon involves the most work. The Western salmon, Atlantic salmon, trout and mussels are each enriched in a different brine of salts, sugars, herbs and spices and then enhanced by a cold or hot smoking process using fruitwoods and hardwoods. Des adds a minimal amount of salt to the brine along with ingredients such as ginger, dill, garlic, pepper, honey and brown sugar. The abundance of sawmills in the area gives him a great variety of woods to choose from. For example, he combines oak, maple, cherry and apple to produce a richly tanned side of smoked Western salmon. Des uses different types and combinations of woods with the Atlantic salmon and the trout and mussels. The salmon undergo a slow cold-smoking process which can take up to 24 hours, while the trout and mussels are hot smoked in about six and three hours, respectively. During the process he adjusts the temperature four times to properly "firm up" the meat. In cold smoking, the temperature is set no higher than 100 degrees Fahrenheit, while in hot smoking it is raised up to 180 degrees Fahrenheit.

Des refuses to add artificial color, flavor or preservatives to his fish though many commercially smoked fish are pumped full of these. "Many large smokehouses use chemical smokes in place of the real smoking or will buy inferior fish and artificially color them to improve their appearance," Des said, "I've seen some packaged smoked fish with a stamped shelf life of one year. Most smoked fish ordered through the mail are filled with preservatives as well. Smoked fish is very perishable. Rather than use these I smoke my fish fresh on order and send them out in insulated, iced boxes. This way my customers get a fresh, pure product."

Within a year of acquiring his smoker, the demand for Des' smoked and fresh fish exceeded the amount of fish he could supply from his own ponds. Des couldn't construct any more raceways because of limited water resources, so he started buying fresh Idaho trout to smoke with his own. By then he

also had outgrown his first smoker, so he replaced it with a unit with twice the capacity.

NOTHING BUT THE BEST

Since there is a great deal of competition in the smoked fish business, Des decided the only way he could create a demand for his fish in this market was to produce a high-quality product which would appeal to people with a fine sense of taste and aesthetics. "Our total product is our signature," Des said, "not just our fish or logo. We go to great lengths in every step in our work, ranging from getting the best salmon available to beautifully packaging our smoked fish for mail order customers, to provide a superior products." Last year, his fourth of smoking fish, he sold 20,000 pounds of trout, 10,000 pounds of salmon and 2,000 pounds of mussels. This year he expects to sell twice as much trout and salmon and five times the amount of mussels. Ninety percent of this goes to restaurants, fish markets and gourmet shops; Des sells the rest through the mail.

Des sends his fish all across the country. People find out about it by word of mouth and through the small advertisements he places in such publications as the *New York Times* and *Bon Apetit.* Because of Des' growing reputation many people want to stop by for a visit. Unfortunately, Ducktrap isn't open to the public. Des and his small crew are kept busier than they like just tending and smoking fish. Besides, company disturbs Des' trout, so he likes to keep things quiet around the farm.

Des shipped over 1,000 boxes of smoked fish during the three weeks prior to last Christmas alone. The fish are beautifully packaged in pine boxes, and the lids are branded with Ducktrap River Fish Farm's name and trout logo. Des's customers find a row of golden-tanned smoked trout inside or a lush-pink, richly colored salmon fillet. A Balsam fir bough in the corner of each box provides some contrasting green coloring and adds "just a little bit of Maine" to each order. It's a very pretty sight. Some customers probably have a hard time deciding between eating the fish or framing the box and its contents. That is, until they smell the fish.

Des is proud of the growth of his business. It gives him satisfaction to produce a good product and employ people, especially when there is something left for him after paying bills and handing out paychecks. But he'd like to be better paid for his efforts. "It's easy to exploit and cheat yourself when you're the sole proprietor of a business. You have to step back from your work to get a realistic view of how a business is doing," he said. "Without an objective analysis it's easy to delude yourself into thinking that the business is or will be profitable. You can kid yourself at the end of the week for only so long. I need to expand my business to bring in the kind of revenues which adequately compensate me for investment in time and money." To accomplish this Des is dreaming once again of purchasing a larger smoker. In the meantime he is keeping busy tending his trout, stoking the smoker, filling orders, recruiting new customers and trying not to eat up all the profits.

Marketing his products is the biggest challenge Des has at this time. Whenever he gest a chance he takes samples of his products to owners of fish markets, restaurants and gourment shops up and down the East Coast, but his responsibilities at Ducktrap don't give him the free time he needs to market his products as aggressively as he'd like. "My product is better than the others," he said, "but I can't tell people how it's different—they have to taste it. That's fine, though, because then my product becomes my most important sales tool. It sells itself once I can give people a chance to try it."

By the end of my stay at Ducktrap River Fish Farm I was famished. All day we had talked about fish, and I had smelled the tantalizing aromas coming from the smokehouse, so I asked Des if I could try his fish. He invited me into the smokehouse to taste some trout, salmon and mussels. After savoring several succulent morsels of each I understand why Des couldn't explain the subtle differences between his smoked fish and others. I couldn't describe them either, but his was the best I had ever tasted.●

THE JETS IN NEW JERSEY

● Mr. LAUTENBERG. Mr. President, last Sunday, sports fans throughout the Metropolitan New York area and many watching on television saw a thrilling overtime victory by the New York Jets over the Los Angeles Rams. Yesterday's New York Times brought other thrilling news—the Jets might well be playing next season in the Meadowlands Sports Complex in New Jersey.

New Jerseyites are justly proud of the sports facilities located in the Hackensack Meadowlands Giants Stadium, as it is presently known, is one of the best places to watch a football game that one could hope to find.

Jets fans, their management, and players, have a proud tradition. This team is of Super Bowl caliber with such outstanding performers as Richard Todd, Wesley Walker, and Freeman McNeil. New Jersey is anxious to have the Jets and their fans, old and new, in the Meadowlands in 1984.●

A PROFILE OF SENATOR MAX BAUCUS

● Mr. PRYOR. Mr. President, a recent issue of the Journal published by the National Association of Retail Druggists included a profile of our colleague, MAX BAUCUS, the distinguished Senator from Montana. In this article he is described as "the young, attractive, hard-working Big Sky Country Senator."

I agree with this assessment, and with the further point that he knows the right approaches to the health problems of this country. I wish to have this article from the NARD Journal published in the RECORD at this point.

The article follows:

HILL'S MARATHON RUNNER ON HEALTH—MONTANA'S BAUCUS WIELDS INFLUENCE ON PHARMACY ISSUES

Most policy makers in Washington, D.C., have a hard time understanding that the solutions to health problems in Manhattan, New York, are not the same as they are in Manhattan, Montana." Montana? All health providers, including NARD members, will want to become more familiar with the young, attractive, hardworking Big Sky Country Senator who made that observation: Max Sieben Baucus.

Baucus has never had difficulty getting attention and results. When he was a newly elected congressman in 1975, he recalled for NARD that he is certain that Joe Califano, then head of HEW, "still remembers me delivering a pick-up truck full of angry letters to his office." The cause of concern: federal health guidelines that discriminated against small rural communities.

Baucus has made health issues—especially long-term care and health in rural communities—his congressional specialty. Early on, he served on the House Appropriations Committee with jurisdiction over the FDA. After his election to the Senate in 1978, at age 36, he was appointed to serve on the prestigious Judiciary and Finance Committees. Today, he is the chief Democrat on the Health Subcommittee chaired by Senator Dole. Baucus and subcommittee chairman David Durenberger, with whom he works very closely, will shape the future of all public third-party programs, but especially Medicare and Medicaid.

ON THE RUN

If, as it is said, fairness, hard work, and sincerity are characteristic of those from our Western Mountain region, Baucus is the prototype. When asked about Baucus, one of his colleagues commented: "In addition to the immense responsibilities, he spent last fall knocking on doors from dawn to dusk campaigning and then flew to New York to run the 26-mile marathon in three hours and six minutes. Need I say more?"

Baucus supported NARD's 1981 victorious campaign to retain Medicaid recipient's freedom of choice for pharmaceutical services and products. He was less enthusiastic, however, about continued funding for DESI drugs. In 1982, he joined a bipartisan majority of the Finance Committee in rejecting the Reagan proposed 3 percent cut in the optional Medicaid Drug Program. Presently, he and his staff are working with NARD on the copay and fixed fee.

When asked by NARD about the Reagan Medicare proposals, including the anti-small business competitive bidding for DME, Baucus observed: "I and others—including a number of moderate Republicans—are concerned about this. We fear that this Administration's health experts work in Medicare like they'd peel an onion. Without being too dramatic, it's as if they strip away layer after layer, year after year—until all you're left with is the tears."

MEDICARE SOLVENCY

The senator's primary concern is the solvency of the Medicare Part A hospital insurance trust fund. About the impending financial crisis, Baucus reports, "Actuaries project that the fund will be exhausted sometime during 1987. 1987!" Subjecting hospitals, the major culprit, to prospective payment in 1982 was in his view "a step in the right direction." But, he is concerned that cost shifting might lead to all-payer rate regulation.

As chairman of the Democratic Medicare Task Force, he has called on the Administration to establish a bipartisan assessment of Medicare similar to the recent Social Security Commission approach.

Baucus, likewise, is concerned about the escalating costs of private health insurance. He volunteers that "health benefits add an extra $20 to the price of a ton of steel and as much as $400 to each automobile." As to the future, he has no predictions, but adds that Congress "will be guided less by ideo-

logical commitment to regulation or competition strategies than by pragmatism. If an approach saves money, Congress will give it serious condsideration."

As with any major policy maker, the more that can be learned about his home and programs in the home state, the better equipped one is to understand Max Baucus and Medicaid. Geographically, as the fourth largest state, the borders of Montana could comfortably contain 11 other states including New York, Pennsylvania, and Maryland. Yet, with a population approximating that of Baltimore, Maryland, or only .35 percent of the U.S., each square mile in Montana finds only six people in contrast to 426 in Maryland, 733 in Massachusetts, 979 in New Jersey, or 60 in Texas.

Under Montana's $3.3 million Medicaid Drug Program (the U.S. total is $1.57 billion), which serves 30,000 recipients, there are no quantity of medication or dollar limits, refills are as directed by practitioners, and there is no formulary. After deducting a .64 percent federal share, the state of Montana expends $21 million of its $900 million budget for its total Medicaid program. While Medicaid budgets in several states equal Montana's total budget, its state and local expeditures for services per capita ($1,145) is well in excess of the average for the East, Midwest, and Southern states—respectively, 1,108, 951, and 829. Each of these factors provides additional insight.

KEY POSITIONS

"Max," as his colleagues call him, has assignments impacting independent pharmacy in many areas in addition to the third-party programs. He has chaired the IRS Oversight Committee and championed the estate and gift tax reform, of which he is also a strong advocate as a member of the Senate Small Business Committee. On the Judiciary Committee, his priorities include regulatory and bankrupty reform as well as crime control. As a key member of the Laxalt Crime Subcommittee, he has sponsored the NARD pharmacy robbery legislation. Additionally, he finds time to serve as Deputy Whip to Senate leaders Cranston and Byrd.

Prior to his election to the Senate, Senator Baucus served two terms in the U.S. House of Representatives. From 1967 to 1969, Baucus served as a staff attorney with the Civil Aeronautics Board in Washington, D.C., and was on the legal staff at the Securities and Exchange Commission from 1969 to 1971. He served as legal assistant to the Chairman of the SEC from 1970 to 1971.

Returning to Montana, Senator Baucus entered private law practice in Missoula in 1971. He served as acting executive director and committee coordinator of Montana's Constitutional Convention and, in 1972, was elected to the Montana Legislature.

Baucus was born in Helena, MT forty-one years ago. He earned a B.A. in economics from Stanford University in 1964, and received his LL.B from Stanford Law School in 1967. He is married to the former Wanda Minge and has a six-year-old son named Zeno.

NARD members should keep an eye on this long-distance runner, who shares their commitment to hard work and free enterprise. It is unlikely, however, that we will be looking at him from over our shoulder.●

CHILD HEALTH DAY, 1983

● Mr. SPECTER. Mr. President, October 3 will mark the observance of Child Health Day, 1983, proclaimed by President Reagan to enlist the American people—parents, volunteers, health professionals, and educators—in a new effort to insure that no child who need medical care is denied access to the care that he or she needs.

In his proclamation, the President invited all citizens, and agencies and organizations interested in child welfare, to unite in activities directed to broadening the general awareness of the health care needs of our Nation's children. As cochairman of the recently formed Senate Children's Caucus, I am acutely aware that the health care needs of our youth are great.

An important purpose of our Senate caucus is to work with local and national children's groups collecting and disseminating critical information we hope can form a base for effective action. One organization with whom we cooperate is the National Children's Eye Care Foundation, which is doing important work in pediatric ophthalmology. In a recent report to NCECF members, Dr. Marshall M. Parks, president, provided some heartrending facts.

One in 20 preschoolers, 3 to 5 years old, has a visual problem. Among school-age children, 6 to 17, the number is 1 in 4. Nearly 700,000 under age 17 suffer vision impairment, and more than 40,000 under 20 are blind. "The problem is real, it is big, and it is growing," Dr. Marshall said. A tragic truth, indeed.

Mr. President, I ask that the President's Proclamation of Child Health Day, 1983, and Dr. Marshall's recent report on the staggering problem of visual impairment among American young people be printed in the RECORD.

The information follows:

CHILD HEALTH DAY, 1983

(By the President of the United States of America)

A PROCLAMATION

More than anything else, we seek the blessing of good health for our children. We hope for the sound minds in sound bodies that lead to lives of strength and achievement.

Through the resources of a health care system second to none, this Nation strives to protect all of our children from preventable diseases, to encourage behavior that fosters good health, and to treat their episodic illnesses.

Unfortunately, some children are burdened with disabilities and chronic illnesses and need long-term healing and care. Their ability to thrive and to contribute to society depends on their receiving the kinds of treatment and health care that are available in this country as in few other places on earth.

Our task on this Child Health Day, 1983, is to fuse our efforts as parents, volunteers, health professionals, and educators to help all children—particularly those with special health needs—take advantage of opportunities that enable them to heal, to grow, and to achieve everything of which they are capable.

Now, therefore, I, Ronald Reagan, President of the United States of America, pursuant to a joint resolution of May 18, 1928, as amended (36 U.S.C. 143), do hereby proclaim Monday, October 3, 1983, as Child Health Day, 1983.

I urge all Americans to join me in encouraging good health habits and attitudes in our children and invite all citizens and all agencies and organizations interested in child welfare to unite on Child Health Day with appropriate observances and activities directed toward establishing such practices in the youth of our country.

In witness whereof, I have hereunto set my hand this 8th day of Aug., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN.

VISUAL DISABILITY OF AMERICA'S CHILDREN—A NATIONAL TRAGEDY

(Report by Marshall M. Parks, M.D., President, National Children's Eye Care Foundation)

The number of children afflicted by some sort of visual disorder is alarming. One in 20 pre-schoolers, ages 3 to 5, has a visual problem. Among school-age children, 6 to 17, the number jumps to one in four. Nearly 700,000 under age 17 suffer vision impairment with more than 50,000 new cases reported each year. And more than 40,000 under the age of 20 are blind, representing 8 percent of the U.S. total and increasing at the rate of 5,000 cases per year. The total economic cost of visual disorders in the U.S. exceeds $5 billion a year. The point here is not to stagger you with statistics, but to define the scope of the problem. The problem is real, it is big, and it is growing.

But perhaps more than any of these, the problem is tragic because many of these cases could have been prevented in the first place or corrected with early diagnosis and treatment. One of the most common causes of visual problems in children, for example, is amblyopia, or "lazy eye." Caught in time, this condition is almost always reversible. Yet today, more than 5 million Americans suffer to some degree from amblyopia.

While a number of organizations deal with the sight in general, the National Children's Eye Care Foundation is the only one dedicated solely to advancing medical, surgical and preventive care for children's eyes. Founded about 10 years ago as a regional group, NCECF evolved as a national organization in 1981, much as pediatric ophthalmology evolved as a discrete medical discipline. In other words, the medical community has started to recognize children as children, not as "tiny" adults.

Today, NCECF devotes its resources to three principal areas—training, research and education. The Foundation has launched a nationwide program of grants and loans to fund post-residency fellowships that have trained more than 20 doctors in the specialty of pediatric ophthalmology.

At the same time, NCECF has actively supported research, providing more than $350,000 for research relating to children's eye care.

The third and, in many ways, most important endeavor of the foundation is education. The process is targeted at parents, guardians and teachers. The child is often the last to know if he or she is having difficulty seeing. After all, a child has no frame of reference other than his or her own

vision. Moreover, children live in a close-up world of immediate surroundings, making it even more difficult for them to isolate a problem.

The Foundation provides valuable guidelines for early detection and care of visual disorders in children. Some of these require careful attention to the child's behavior and physical appearance. Others are nothing more than basic common sense. Parents and educations should not wait for symptoms to "pass" or assume their children or students will "outgrow" them.

Finally, we must redouble our safety efforts. Nearly 200,000 school children between the ages of 5 and 7 sustain serious eye injuries each year. Many of these result in permanent loss of vision in one or both eyes. And nearly all preventable. Three-fourths of these injuries occur during unsupervised play or sports.

Again, the onus falls squarely on adults.●

DR. MARTIN M. CUMMINGS

● Mr. MATHIAS. Mr. President, tomorrow, Dr. Martin M. Cummings, the man who has directed the National Library of Medicine of the National Institutes of Health for two decades, will retire. Dr. Cummings' distinguished career has spanned nearly 40 years of Federal service.

Dr. Cummings has been an outstanding public administrator. During his tenure as Director of the National Library of Medicine, he was noted not only as an excellent manager, but a scholar who encouraged his staff to pursue biomedical research as well as to enhance their technical reponsibilities. Thanks to his leadership, the Library has met the challenge of acquiring and disseminating the unprecedented mass of new medical information published in recent years. He, himself, has more than 100 scientific and historical publications to his credit.

The enduring legacy of Martin M. Cummings is that he termed the concept that a national library devoted to medicine can be more than a mere collection of books and journals into a reality. The medical world and the entire Nation owe him a great debt of gratitude.●

ORDERS FOR ACTION TO BE TAKEN DURING THE ADJOURNMENT AND ON MONDAY, OCTOBER 3, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, October 3, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each; and provided further that the morning hour be deemed to have expired.

I further ask unanimous consent that during the adjournment of the Senate over until Monday, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and that they be appropriately referred and the Vice President and President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF AUTHORITIES UNDER THE EXPORT ADMINISTRATION ACT

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate, Calendar No. 414, H.R. 3962.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

The bill (H.R. 3962) to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, this is a clean bill. It is a simple extension of the Export Administration Act for a period of 14 days.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3962) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION AND CONSOLIDATION AND IMPROVEMENT ACT OF 1981

Mr. STEVENS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 1035, Education and Consolidation and Improvement Act of 1981, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MODIFICATION IN ENGROSSMENT OF H.R. 3929

Mr. STEVENS. Mr. President, I ask unanimous consent that in the engrossment of the bill H.R. 3929, extend Federal supplemental benefits, that the Cohen amendment No. 2227, be modified to reflect January 1, 1984, instead of January 1, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there an order for convening on Monday?

The PRESIDING OFFICER. There is no such order.

ORDER FOR ADJOURNMENT UNTIL MONDAY, OCTOBER 3, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, OCTOBER 3, 1983

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 12 noon on Monday.

The motion was agreed to and, at 7:03 p.m., the Senate adjourned until Monday, October 3, 1983, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1983:

DEPARTMENT OF COMMERCE

Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce.

BOARD FOR INTERNATIONAL BROADCASTING

Michael Novak, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1985.

DEPARTMENT OF STATE

Terence A. Todman, of the Virgin Islands, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

The following-named Army Medical Department officers for appointment in the U.S. Army to the grade indicated under the

provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. William P. Winkler, Jr., xxx-xx-x... xxx-... Medical Corps, U.S. Army.

Brig. Gen. Tracy E. Strevey, Jr., xxx-xx-x... xxx-... Medical Corps, U.S. Army.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10 United States Code, section 601:

To be general

Gen. Jerome F. O'Malley, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of important and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Lawrence A. Skantze, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of important and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Russ, xxx-xx-xxxx FR, U.S. Air Force.

Air Force nominations beginning Philip N. Brown, and ending Sal A. Leone, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 20, 1983.

Air Force nominations beginning Gary J. Abbate, and ending Wayne R. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 20, 1983.

HOUSE OF REPRESENTATIVES—*Friday, September 30, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
September 29, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, September 30, 1983.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, with these words of prayer we praise Your name and give You thanks for this new day. Yet, make us aware that words alone do not feed the hungry or protect the weak or give hope to the needy. Remind us that the good words that we speak are made real in the actions that we take. We pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3415) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2, 3, 5, 7, 9, 10, 11, 13, 14, 16, and 20 to the above entitled bill.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 284. Joint resolution commemorating the Twenty-fifth Anniversary of the National Aeronautics and Space Administration.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

TODAY IS DAY REAGAN PROMISED TO BALANCE THE BUDGET

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I come to the well to point out that today is the day that Ronald Reagan promised to balance the budget.

Last night there was a debate about the deficit. The distinguished minority leader took the floor to defend Mr. Reagan's deficits. He invoked the traditional Republican rhetoric claiming that the deficit like the previous one—it is the fault of Congress and is because of domestic spending, not Mr. Reagan's tax giveaways for the rich or the massive military spending that have actually produced these record deficits.

Mr. Speaker, let the record show that this claim does not represent the facts. In both fiscal years 1981 and 1982 this Congress voted to cut domestic spending by amounts greater than those requested by Mr. Reagan.

Furthermore, the record will show that between 1943 and 1982—over 40 years—Congress actually appropriated less money than was requested by any President in every year except three.

Mr. Speaker, last night's frantic defense of the current economic mess by the minority leader reminds me of the guilt-ridden Lady Macbeth, who imagines indelible bloodstains upon her hand and cries in vain, "Out, out damn spot!"

PRESIDENTIAL ARCHIVAL DEPOSITORIES REFORM

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, at a time when American taxpayers are demanding serious cuts in governmental spending, those same taxpayers will be paying about $14 million to support seven Presidential libraries.

Though the price tag might seem small compared to the multidigit figures we discuss daily, I take issue with such self-glorification. This taxpayer expense has increased to 220 times what it was at inception 28 years ago, when the Presidential Libraries Act was created.

Basically, this law gives the Government the option to take deed to, and maintain, the privately built libraries of former Presidents.

But, the price has become too great, and the Federal Government no longer can bear this responsibility. We must show taxpayers we are serious about bringing the budget under control.

I assert that the deletion of such a self-indulgent program is a necessity. The Government no longer can afford to accept lands, buildings, and other gifts earmarked to perpetuate the memory of former Presidents.

IF IT AIN'T BROKE, DON'T FIX IT

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, in the small town in North Dakota, where I grew up they used to say, "If it ain't broke, don't fix it."

But look at what is happening to the telephone system in this country. The Federal courts, the Justice Department, the Federal Communications System, are all trying to fix what was the best telephone system in the world. In the process of trying to fix it, unfortunately, the rural areas of the country are going to be facing $30 and $40 a month basic telephone charges unless something is done. The threat of that happening in the very near future is a very real threat.

Now, what do we do about that? Well, I think if we want to avoid taking a giant step backward in this country and pricing telephones out of the ability to pay for those who are on fixed incomes, who are elderly citizens, then we in Congress have to take some action.

This week a subcommittee in the House, a subcommittee of the Energy and Commerce Committee, took some

positive steps to prevent some of the access charges from going into effect and also to create a universal service fund to help keep down the rates in some of those rural communities and some of those areas in the country where we would otherwise have dramatic increases in telephone bills.

Now, I am hoping that all Members of the House will get active in this fight. We have to take action. We have to take action quickly to forestall the otherwise dramatic increases in basic telephone service costs for Americans. We cannot accept that. The people living on fixed incomes and senior citizens of this country cannot accept the kind of steep increase in telephone rates that will come unless this House takes action. So I urge my colleagues to act, and act quickly.

THE PRESIDENT SHOULD REMEMBER BENIGNO AQUINO AND STAY HOME

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, as the President prepares for his November trip through Asia, he is still considering the advisability of visiting the Philippines. As the leader of this Nation which is dedicated to democracy and freedom, it is incumbent upon President Reagan to give full consideration to the Marcos regime's pernicious attack upon the freedom of the people of the Philippines. Ferdinand Marcos has created a system called constitutional authoritarianism. His authority has replaced that nation's constitution. He has denied freedom of assembly, freedom of the press. He has denied workers in the Philippines the right to strike and, of course, he has canceled free elections.

So as President Reagan remembers Mr. Marcos and his actions, he should also remember another Philippine leader, Benigno Aquino, and his actions.

RONALD REAGAN PROMISED A BALANCED BUDGET TODAY

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, today is the day on which Mr. Ronald Reagan promised the American people a balanced budget. Instead, we find today that Mr. Reagan has produced the greatest Federal deficit in the history of this country.

I bring this up because last night the leadership of the Republican Party took to the floor to defend their policies of high deficits, deficits of astronomical military spending and tax reductions for the rich. They were excellent. Sometimes the tone was a little strident, sometimes the tone was a little bellicose. It was a stellar bravery performance, I must admit; but what really disturbed me was that at no time did any of those eloquent, strident, bellicose speakers say that they were going to disassociate from the President, that they were going to abandon Reagan's policies which have created the fiscal mess we now are faced with. Not one of them cried "Mea Culpa."

Not one of them said, "I am sorry, I'm guilty."

Not one of them said, "I want to disassociate from these disastrous Federal deficit policies spawned by the Reagan administration."

It is clear, I guess, that the Republican Party is the party of deficits.

□ 1010

What I cannot understand is, and I insist our Republicans explain, how can they run such deficits when you flagellate the poor, when you hurt the hard working, and when you give us the mess that you have given us—how is it possible?

TIME FOR A DEDICATED EFFORT TO REDUCE DEFICITS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the deficit problems are indeed quite critical, as indicated by my colleague BILL ALEXANDER. But there seems to be a continuing fixation emanating from both parties about who is responsible for massive Federal deficits that is getting ridiculous. We are facing deficits so large that the world economic order is threatened and yet we haggle over who is at fault. Who caused the deficits is not relevant. If there are those who insist that the cause is more important than resolving the problem, then let us simply split the current deficit in half. You Republicans get one half and we Democrats get the other half.

Now, we have affixed the fault and we can move on to doing something about the real problem—getting the deficits down. That means consensus politics must go to work, as has been the case of our colleagues LEON PANETTA and RALPH REGULA in recent weeks. The Congress, and particularly the President, must set about to find some way to be more flexible. As Winston Churchill once said, "It is not enough that we do our best, sometimes we must do what is required." What is required now, not after November 1984, is a dedicated effort, unencumbered by affixing blame, to reduce deficits.

MR. HESS IS MAKING NEW YORKERS BITTER, CYNICAL AND UNHAPPY

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, there is such a thing as a New York sports fan. Whether he is a bus driver on Sixth Avenue or a stock market messenger or a Congressman or a high school student—we are the Ralph Cramdens of the world—young and old—fat and thin—and there are a lot of us who go through pain for our New York teams.

We are the poor jerks whose lives are somehow made happier because Darryl Strawberry finally started to hit. We have invested 3 years of prayers in him.

For years we had to sit by while M. Donald Grant screwed up the Mets, culminating in selling off Tom Seaver in a moment of pique.

When our teams are really bad like the Mets were in the early 1960's, we found solace by adopting players like Hot Rod Kanehl, Choo Choo Coleman, and Harry Chiti.

When they were wonderful like the Jets in 1968 with Broadway Joe Namath hitting Don Maynard and George Sauer, we revelled in the fact that they were New York's team from Brooklyn to the Upper East Side to way out in Mineola.

It is a horrible thing for those of us who suffer along with Wesley Walker's hamstrings or who love Joe Klecko, to think that somebody could take our team away from us.

The New York Jets are not Leon Hess' team. The Jets are New York's team and we have nurtured it through the years as surely as Dr. James Nicholas tended its knee injuries.

No one, certainly not a bitter old man, should have the right to take our team away from its fans.

Of course, that is what Mr. Hess is looking for—to make as many people as possible as bitter and unhappy and cynical as he is.

SKY-HIGH DEFICITS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida, Mr. Speaker, in 1981 Ronald Reagan promised economic recovery through the ambrosia of more money for defense, less money for social programs, and massive tax reductions for the well-to-do. What we actually received was a bitter gruel of recession, unemployment, and outrageous deficits.

We have just completed a fiscal year with the greatest deficit in our Nation's history, and continuing monumental deficits shawdow not only our

future, but also that of future generations. Has anybody heard recently of the administration's contingency taxes for the future? Today the administration seems content to sit back and let the deficit eat its way into the fragile economic recovery. After all, it is far more pleasant to point to short-term success than to realistically account for the long-term effects of those policies.

Suddenly, deficits no longer seem important to the administration. Its policies have produced the largest sea of red ink in the Nation's history, but it continues to sail those rough waters on a leaky raft of overinflated economic theories.

Spending cuts alone cannot reduce the deficit. Tax increases alone cannot balance the budget. We must deal with both horns of the dilemma that created this problem in the first place.

Those best able to pay for the benefits they receive from Government should pay their fair share. Those who have paid in the past or who cannot pay now should not be required to bear an even greater burden in the future.

If the administration ever decides to face reality and cooperate with those of us in Congress who want to reduce deficits, then maybe we will part this red sea and together reach the dry land of real economic growth and stability.

THE IMMEDIATE NEED FOR SYNTHETIC FUELS RESEARCH

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today I am introducing a piece of legislation designed to strengthen our country's synthetic fuel program. I use the word "program" very loosely because in my view it has never gotten off the ground.

Specifically, my bill amends the Energy Security Act to provide new support for synthetic fuel research and development.

Incredibly there is no mention in the Synthetic Fuels Corporation's charge to give priority to a firm which has a research and development-oriented program for synthetic fuel development.

Unfortunately, this administration has almost canceled almost all coal research and development. My amendment restores synthetic fuels to research and development.

My own State of West Virginia stands ready to participate in such a program, although our coal resources and know-how have been overlooked by the Synthetic Fuels Corporation. Coal liquifaction and gasification are only two ways my State's resources can be used.

Mr. Speaker, we cannot wait until people are subjected once again to petroleum blackmail by foreign nations. The time to act is now, not after the lines at the gas station have already started to form.

Thank you.

TRIBUTE TO COMMISSIONER ARMANDO RODRIGUEZ

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to a great American who has distinguished himself as a teacher, a college president and more recently as a Commissioner of the Equal Employment Opportunity Commission. Armando Rodriguez is about to retire from the Commission after having served with great distinction. His commitment to implementing and administering title VII of the Civil Rights Act of 1964, the Equal Pay Act and the Age Discrimination in Employment Act is commendable and is to be lauded.

Those of us who have followed his dedication to seeking greater justice for working Americans would think that President Reagan might prevail in extending the term of the Commissioner as to avail our Nation to his continued services at EEOC.

Mr. Speaker, prior to his appointment to the Commission, Mr. Rodriguez was president of East Los Angeles College from 1973 to 1978. On a campus with more than 18,000 students, a staff of 1,500, and an annual operating budget of more than $24 million, President Rodriguez guided the community college through an extensive expansion of curriculum and outreach into 49 satellite campuses. He also initiated a $23 million building program to accommodate the increasing enrollment and curriculum offerings.

Mr. Rodriguez served in the U.S. Office of Education as Assistant Commissioner of Education in the office of Regional Office Coordination. In this position, Mr. Rodriguez was responsible for the administration of 10 regional offices with a program budget of more than $50 million and a staff of more than 600. Before this assignment he was Director of Mexican-American Affairs Office.

Mr. Rodriguez began his career in education as a teacher and administrator in San Diego, Calif. From 1963 to 1965, he was a member of the Compensatory Education Commission for the State of California and in 1966 was appointed chief of the bureau of intergroup relations in the California State Department of Education.

Mr. Rodriguez has been a regent's lecturer at the University of California at Riverside, Calif., a visiting professor at the University of Southern California, and at California State University in Los Angeles. He served a term as an adjunct professor at Antioch College, Yellow Springs, Ohio. Mr. Rodriguez was a member of the board of trustees of Redlands University from 1974 to 1978.

Mr. Rodriguez was a member of the RISE Commission (Reform of Intermediate/Secondary Education) for the California State Department of Education in 1974–75. He also participated in the Skyline-Wide Education project, "Education in the Year 2025," in Dallas, Tex.

Mr. Rodriguez has been a member of the Board of Directors of the Los Angeles Branch of the Federal Reserve Board of San Francisco. He was chairman of the bilingual education committee of the William Randolph Hearst Foundation. He has been a member of the board of directors of KCET-TV in Los Angeles, Calif. He has served as a member of the board of trustees of the Los Angeles Art Museum. He was a member of the Los Angeles County Public Policy Commission. He served a term on the California State Commission on the Humanities. He was a member of the board of directors of the United Way in Los Angeles, Calif., from 1975 to 1978. He was on the board of directors of the National Urban Coalition from 1975 to 1979.

Mr. Rodriguez holds a bachelor and masters degree from San Diego State University. He was named alumnus of the year at San Diego State University in 1979.

Born in Gomez Palacio, Durango, Mexico, Mr. Rodriguez came to the United States at the age of 9 and settled in San Diego, Calif. He became a naturalized citizen in 1943.

Mr. Armando M. Rodriguez and his wife, Beatriz, now live in Alexandria, Va. They have two married children, Christina and Rodrigo, and four grandchildren, Armando, Emiliano, Miguel, and Nicholas.

ALASKAN OIL EXPORTS

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, today as we vote on H.R. 3231, the Export Administration Act, I urge my colleagues to come together in full support of section 117, which extends for 4 years the language of section 7d of this act to ban the exportation of Alaskan oil.

It is commonly known among my colleagues that currently, OPEC countries supply the United States with one-third of its oil imports. Last week's newspaper accounts of the international energy agency oil crisis simula-

tion once again highlighted the U.S. vulnerability in our energy supply as we rely on unstable OPEC nations. This simulation showed that a cutoff of oil supplies from the Persian Gulf would raise the price of oil to $98 a barrel. The impact of this simulated crisis, which is too real to be placed aside as hypothetical nonsense, would be devastating to the American economy. It would put several million Americans out of work. Farmers would be unable to harvest their crops. Gas rationing would be a reality. These are only the tip of the iceberg when one looks at the effects of an oil crisis as simulated in this study.

Given this scenario, it is clear that we must not allow the exportation of Alaskan oil to Japan. We need to keep the United States oil in the United States. If we were to allow these exports it would not only harm our progress toward energy independence, but would immediately harm the industry.

The impact of cutting off the transport of Alaskan oil to the Gulf Coast of the U.S. by allowing it to be transported to Japan would force 40 U.S. flag tankers to be laid up, placed on reserve, or scrapped. This would mean the immediate loss of 20,000 shipboard and seaside workers in the industry.

As Americans, we can not afford to accelerate the depletion of a critical U.S. resource by exportng it to Japan, and we surely can not afford to put 20,000 more Americans out of work.

It is urgent that we continue the current ban on the export of Alaskan oil. So, I ask my colleagues to join in full force to support the Alaskan oil provisions of H.R. 3231 and oppose any weakening amendments.

NATIONAL OPTICIANS MONTH

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, it is my pleasure to call to the attention of this Congress and our Nation the achievements of retail dispensing opticians. Under the auspices of the Opticians Association of America, currently headed by one of my constituents, Mr. Robert E. Hagman of Columbus, Ohio, October is being observed as National Opticians Month. It is a most appropriate time, therefore, to highlight the key role of opticians in providing the public with accurate and affordable spectacles, contact lenses, low-vision aids, and a variety of other eyewear products and services individually tailored to the needs, tastes and pocketbooks of Americans who need vision correction.

Opticians, whether employed in large national chains or in small partnerships and proprietorships that operate retail stores, compete among themselves as well as with ophthalmologists and optometrists who sell eyewear. Thus opticians provide the competitive base for the Nation's eyewear delivery system, creating incentives for quality and cost control that help assure the best interests of the consumer.

Mr. Speaker, I understand today some 25,000 opticians in the United States practice this ancient and honorable craft in the field of optics. Opticians are to be commended not only for important technological contributions in contact lenses and other areas of optics, but also for their success, in cooperation with eye doctors, in safeguarding and supporting good vision for our citizens.

□ 1020

FIRST IN A SERIES OF MEMORIALS TO VICTIMS OF KOREAN AIR LINES FLIGHT 007

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, the entire world has echoed with shock and outrage in the wake of the shooting down by the Soviets of a civilian plane carrying defenseless men, women, and children, By this action the Soviets have once more shown themselves to be contemptuous of not only international law, but of all standards of civilized behavior. The Soviet disregard for human life and human rights displayed yet again in this incident has been made manifest for all the world to see.

This horrifying tragedy claimed the lives of 269 people, including a distinguished Member of this Congress, and it must not be forgotten.

This is one in a series of 269 1-minute speeches which will memorialize each of the individuals whose lives were snuffed out in the barbarous attack, and which will call on the Soviets—in the name of simple justice—to partially rectify the wrong that has been done by giving life and freedom to one of thousands of Soviet subjects—each as innocent as the KAL 007 flight victims—currently occupying Soviet prisons, hard-labor camps, and psychiatric hospitals.

Today, Mr. Speaker, I would like to eulogize a man distinguished in the field of medicine for over 23 years. Dr. Michael Truppin of Manhattan was a pioneer in the field of laser surgery, and was affiliated with Mount Sinai Hospital. A father of two children, he worked together with his wife, Jan Moline, in private practice. She too perished in the flight. It is a shame that someone so dedicated to saving human life should have his own life taken in such a brutal way. We realize, of course, that there is nothing we or the Soviets can do to bring back the lives of these victims. However, we can and we will ask the Soviets to give new life and freedom to others as a fitting reparation for this deed. Specifically, we call upon the Soviets, in reparation for the life of Michael Truppin, to release another man of conscience, Yuriy Romanovych Shukhevych. He was first arrested in 1948 at age 14 for being the son of the Ukrainian insurgent army commander in chief; his father fought both the Nazis and Communists. He spent 10 years in prison, and was rearrested the day his term expired and sentenced to 10 more years. He was arrested 14 years later, and sentenced to 5 years in a strict regime labor camp for "anti-Soviet propaganda." Shukhevych became a member of the Helsinki Watch Group in January 1979, and was then put into internal exile for another 5 years. During this period, he became blind. He is now in a sanitarium in Siberia.

VOTING RECORD SPEAKS LOUDER THAN RHETORIC

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I notice that some of my distinguished Democrat colleagues have become aware of the significance and the existence of the Federal deficit and that is just heartwarming. I suppose that there are many people around this country who are confused as to the effort of the politicians in Congress to shift the blame, to say it is not me, it is the other guy.

Let me suggest to my colleagues and the people of this country that there is one recognizable way that the people, the taxpayers, our constituents can figure out who is on first, who is doing what to whom, and that is to look not at what we say but how we vote. The voting record will speak very loudly and clearly as to whether we truly want to rein in our runaway spending.

For instance, on May 25, 1982, last year, every Member of the House had an opportunity of voting to cut spending by $70 billion. What do you know? Seventy-one percent of the Republicans, 137 of our membership, voted to do that; and 79 percent of the Democrats, 191, voted against doing that.

Then again on October 1 of last year we had another measure, a proposed constitutional amendment which would say the Federal Government had to balance its budget. How did the Members vote? One hundred and sixty-seven of the Republicans, 87 percent of our total, voted to do that; and significantly, 167 of the Democrats, 69.6 percent of their membership, voted against doing that.

If the people of this country want to find out who is responsible for the deficits, look at how we voted, not what we say.

THE FACTS ON WHO IS CREATING THE DEFICIT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, suddenly we are hearing a great deal of talk from those who created "the Great Society" spending binge. Now they say that deficits are bad.

Well, my friends, unfortunately they have not learned the lesson. The lesson they should have learned is that deficit spending is bad.

Let us look at the facts. Although the majority screams loudly about deficits, just last week there was a vote on the House floor to hold spending within the Democrat fiscal year 1984 budget levels. When the role was called on a motion by Mr. FRENZEL to limit spending on the Trade Adjustment Act to the Democrat budget levels, 202 Democrats—more than three-fourths of those in the House of Representatives—voted to bust the budget.

Or examine the vote last year on the amendment to balance the budget. While Democrats demagoged the issue of deficits, almost 70 percent of the House Democrats voted against the balanced-budget amendment.

Mr. Speaker, it is getting increasingly difficult to believe that the House Democrats mean what their new political ads say.

CONFERENCE DELAYED BY EXTRANEOUS AUTHORIZATIONS TO THE REHABILITATION ACT

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I now note with considerable interest the apparent difficulties our colleagues in the other body—the Committee on Labor and Human Resources in particular—are having appointing conferees for the consideration of H.R. 3520, the Rehabilitation Act reauthorization. This, of course, is the formally noncontroversial legislation to which the Education and Labor Committee chose to attach 10 new authorization figures for programs under its jurisdiction.

While I am the first to agree that some of those programs justify increases—vocational education for example—we are now receiving our "just dessert" for having played politics with this important authorization. Instead of considering each of these authorizations on their own merits, it was decided to attach them to the rehabilitation reauthorization, a program which had clear bipartisan support.

Now, apparently, what was forecast by many of us has occurred. Today is September 30 and as yet we have no new authorization legislation. In fact, the conference committee has yet to meet. As such, Congress has chosen to abandon the leadership and assistance the over 1 million disabled Americans require and deserve.

I sincerely hope we have learned our lesson, and not at the expense of those who should not have been used as an example in the first place.

AUTOMOBILE IMPORTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, yesterday the Congressional Automotive Caucus had the opportunity to host a breakfast with Philip Caldwell, chief executive officer of the Ford Motor Co.

I was particularly interested in Mr. Caldwell's comments about the threat posed by Japanese auto imports if we do not renegotiate an extension of the current voluntary restraint agreement. According to Mr. Caldwell's figures, 1 million more cars could be sold in the United States next year than were sold this year. However, unless the Japanese are held to the current level of imports, one-half of those new cars could be Japanese-made.

The U.S. Department of Commerce has estimated that our total trade deficit next year could be as high as $100 billion. Furthermore, about half of that deficit can be attributed to automobile imports. A $100 billion trade deficit means $25 billion in lost tax revenues and $15 billion in extra unemployment costs as 2½ million U.S. jobs disappear.

We cannot allow one-half of the growth in new cars sales to come from Japan. That growth must be in American manufactured automobiles. Therefore, I introduced a concurrent resolution yesterday expressing the sense of the Congress that the current agreement be extended. I feel it is extremely important that as many Members of the House as possible cosponsor this resolution in order to help Ambassador Brock in his negotiating with the Japanese.

I am placing a copy of the text of the resolution in the record at this point.

H. Con. Res. 178

Whereas the trade deficit is expected to reach $100 billion next year, undermining the recovery by eliminating 2.5 million American jobs and increasing U.S. Government budget deficits by $40 billion due to lost tax revenues and increased costs of welfare benefits; and

Whereas auto trade represented $54 billion or one-third of the total U.S. bilateral trade deficit with Japan over the past five years; and

Whereas maintaining Japanese car exports to this country at present levels is indispensible to any measures designed to restore a more reasonable balance of trade between the two countries; and

Whereas the original expectations for the restraint program did not materialize, causing it to be less effective in increasing U.S. production and jobs; and

Whereas the Japanese experienced a "windfall" of 700,000 sales because they did not reduce the export limit when U.S. car industry demand fell short of original expectations; and

Whereas the critics' expectations of forced consumer choice and abnormal car price increases due to restraints did not materialize; and

Whereas the strength and durability of the U.S. auto sales recovery is still uncertain, and domestic auto companies need time to rebuild their balance sheets; and

Whereas each 500,000 unit loss in U.S. auto production represents the output of two assembly plants, one engine plant, one transmission plant, and 60,000 auto worker jobs plus 400,000 tons of steel and another 40,000 jobs in the supplier stream, and $3 billion in the U.S. trade deficit; and

Whereas misaligned exchange rates and tax inequities continue to disadvantage U.S. auto producers and account for over half of the total Japanese cost advantage; and

Whereas nearly 90% of the world car markets outside of the United States and Japan restrict or monitor Japanese imports, thereby representing a risk that Japanese export units could be diverted to the United States.

Resolved by the House of Representatives (the Senate concurring), That it is the Sense of the Congress that the President and his representatives should urge the Japanese to extend the voluntary auto export limits beyond March 31, 1984, at the present level without any exceptions, as a concrete measure to foster recovery of U.S. auto production and employment, and keep the U.S. trade situation from further deteriorating.

STATE WATER RIGHTS FOLLOWING DEFEAT OF THE COAL PIPELINE ACT

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, throughout much of the debate on the Coal Pipeline Act, the question of State water rights was at the center of debate.

The 1982 Supreme Court decision of Sporhase against Nebraska, classifying water as an article of commerce, and therefore bringing water under the jurisdiction of the commerce clause of the U.S. Constitution, has brought into question the right of each individual State to determine the use of water contained within its borders.

This Supreme Court decision has had the effect of reversing nearly 200 years of tradition in the resolution of

State water disputes. According to this tradition, States have decided for themselves both how water within their borders, and how their State portion of the water shared with other States, would be utilized.

The effects of the Sporhase case are far-reaching and not yet fully realized. Under the Commerce clause which now regulates the oversight of water allocation for each of the States, water may now be removed from States without their agreement to such action. This action presents problems for both Western States which have traditionally experienced water scarcity and for the Great Lakes States. These several States have been virtually stripped of their authority to veto the use of the water contained within their borders or shared with other States.

The language contained in the Coal Pipeline Act of 1983 dealing with State water law, represented a first step in returning to the States their traditional jurisdictional roles. Despite the defeat of the bill itself, it is important that we continue our efforts with regard to State water law. Beyond the Coal Pipeline Act, we must search for new means of returning water allocation authority to the States. I urge the Members to support this effort through my bill, H.R. 1207, which returns this authority to the States.

□ 1030

FEDERAL SPENDING IS GOBBLING UP OUR NATION'S RESOURCES

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, a number of our distingiushed colleagues this morning have been telling a woeful tale of Federal deficits. They are right to do so, for huge deficits are balooning interest rates and threatening our economic recovery. But they are dead wrong when they try to pin that tale on President Reagan. That tale belongs on the donkey and nowhere else. It is Congress that is responsible for the deficits. In fact, the total level of Federal spending is the chief culprit, and the insatiable appetite for Federal spending gobbling up our Nation's resources originates right here in this House. Why, just yesterday we passed a District of Columbia appropriations bill that was $31 billion more than even the District itself had asked for. So let us not run around blindfolded, trying to pin this woeful tale somewhere else. My colleague, the bucks are shoveled out here.

EXPANDING PARTICIPATION IN IRA RETIREMENT ACCOUNTS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, in 1981 the Congress greatly expanded the participation in individual retirement accounts. Since that time millions of Americans have begun to save for their retirement that would not have done so otherwise. By any yardstick IRA's have proven a great success.

Unfortunately we did not go far enough. The 1981 law excluded from participation one group. I am talking about individuals who choose to work in the home and who are overwhelmingly female. In excluding them the Congress was taking the position that this work was less valuable and therefore undeserving of participation in retirement savings.

This was clearly a mistake and I have introduced legislation on January 28 of this year to correct this situation. H.R. 765, which has over 70 cosponsors in the House would allow a housewife to contribute to an IRA account using funds earned by her spouse.

This is positive, fair legislation, and I urge my colleagues to consider its support. We need to correct an inequity in the law that affects a group almost entirely female, any other action would belie this body's commitment to equal rights.

MACBETH?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the gentleman from Arkansas (Mr. ALEXANDER) was kind enough to share with us his knowledge of Shakespeare just a few moments ago in an exchange of 1 minute. He said I reminded him of Lady MacBeth. I myself do not see the resemblance. But I can say that the Democratic leadership's economic policies remind me of the three witches in the same play.

Their schemes are filled with odds and ends and they need a magic spell to work and they make false predictions about the future to fool those they claim to help.

REAGAN DESERVES CREDIT FOR ECONOMIC RECOVERY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, and Members of the House, just as the incumbent President is being blamed for the deficits situation that faces us in the total budget, he must be given equal credit for the economic recovery that is now underway. At a time when unemployment is coming down, at a time when housing starts are up, when the average work week is up, when industrial output is up, if we look to the source of that and given blame where there are deficits to be conjured up, then we must give credit to the President of the United States, the incumbent President, for leading us into the new prosperity that we hope is around the corner.

The tax cut that everyone seems to decry as being one for the rich is one that every taxpayer of the country has benefited from.

Ironically that very same economy which is now on the upsurge, has come about largely because that tax cut went into effect, putting money back into the consumers' pockets to fuel the upturn which is ours at the moment.

BOGUS, BOGUS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Bogus, Mr. Speaker. That is the way we would describe Democrats complaining about the deficits in Mississippi—bogus. Can you believe that? What a fraud.

Earlier, Shakespeare was quoted by the gentleman from Arkansas (Mr. ALEXANDER). Well, how about this line: "Methinks he doth protest too much."

Mr. Speaker, the Congress has the main and sole responsibility for determining how much money the Federal Government spends.

For the record, on 21 major votes this year the gentleman from Arkansas (Mr. ALEXANDER) voted to increase deficit spending by $48.8 billion. He voted 18 out of 21 times for higher spending.

The gentleman from Maryland (Mr. MITCHELL) who spoke earlier, voted to increase the deficit this year alone by $46.7 billion. He voted 20 of 21 times for higher spending. The gentleman certainly shares responsibility for the Federal deficit.

The gentleman from Kansas who gave a very moderate speech, voted 14 of 21 times to raise spending by $41.3 billion.

I see my friend from California sitting here. Looking at his record, the gentleman from California (Mr. FAZIO) gets the prize; 21 out of 21 times, a perfect record, he voted to increase spending by $49.6 billion this year alone.

Yes, I am afraid he did, gentlemen.

The gentleman from New York, my friend (Mr. DOWNEY) who is joining in the commentary here this morning, I am sure, voted 20 out of 21 times to increase Federal spending. Now I am

sure that did not contribute at all to the deficit.

IT IS A REAGAN DEFICIT

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. As long as we are quoting Lady MacBeth, I am reminded that she also said, "Tomorrow and tomorrow and tomorrow creeps in this petty pace from day to day."

In that connection, I hope there shall not be too many tomorrows in which we have $200 billion deficits.

There seems to be an argument as to whether deficits really matter. But a $207 billion deficit is not just the biggest we have ever had; it is three times as large as the largest ever suffered under any previous administration.

The devastating thing about it is that it soaks up some 78 percent of America's available liquid savings, leaving precious little to finance the wellsprings of recovery which have to come from investments in job-creating enterprises in the private sector.

Compare that 78 percent today with the 16 percent of private savings for all the years from 1960 to 1979, which was consumed for the sake of the national deficit, and we shall have an understanding of why it is important that we try to recognize the desperately wrong things that have created this deficit.

Well, it is easy to say "Stop spending so much." But the truth is we are spending $47 billion less this year on social programs than the 1980 level.

We are spending $100 billion more on defense than in 1980, and the Treasury has been sapped of $135 billion by the ill-advised and excessive 1981 Reagan tax cut. So it is a Reagan deficit. It is the clear result of Reagan policies. No amount of rhetoric can change that.

□ 1040

THE DEFICIT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there was a country preacher up my way who was known for a bit of philandering. One Sunday morning after a particularly stirring sermon on the sin of adultery, the preacher was approached by a parishioner who said, "Reverend, do you practice what you preach?"

"Well, Miss Bessie," he replied, "my words are powerful, but they are not that powerful."

I am reminded of that when the majority leader speaks about deficits, because for the record, on 21 major votes this year, the gentleman from Texas, the majority leader, voted to increase deficit spending by $46.7 billion. He voted 20 out of 21 times, almost matching the record of the gentleman from California for higher spending.

JETS MOVING TO NEW JERSEY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I would love to continue this fascinating colloquy on the deficit, but a more important issue is at hand. The Jets are moving to New Jersey.

Mr. Speaker, the Jets have not had a very good year. They first lost to the Seattle Seahawks. And their front line looked like Swiss cheese. They then lost to the New England Patriots. And the vaunted New York defensive line became the "sad-sack exchange." Freeman McNeil is now out for 8 weeks and Stan Waldemore is out for the season.

So the owner of the New York Jets, Mr. Leon Hess, thinks he can change his luck by moving to New Jersey. He ought to talk to his friend, Wellington Mara. Wellington Mara moved the Giants to New Jersey and the Giants have not gotten past the first round of the playoffs ever since.

Leon, if it did not work for the Giants, what makes you think it is going to work for you?

KEEP THE JETS IN NEW YORK

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. New Jersey? New Jersey? When they move to New Jersey what will they be called, "the Parsippany Propellers?"

The vaunted New York sack exchange will become the Hackensack exchange.

Have you ever driven, Mr. Hess, from Babylon across the Bronx Expressway, across the George Washington, to get to the Meadowlands? You have got to spend the whole day doing it.

What is wrong with Shea Stadium? Well, it is a little less exciting maybe than the Meadowlands. There are a few less seats, but good Long Island Jet fans have filled it every single year you have been there.

I implore you. Reconsider this ill-fated move of yours. Keep the Jets in New York and keep them Jets.

JAMES WATT EDITS PRESS CLIPPINGS TO INTERIOR EMPLOYEES

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this morning we read that the Secretary of Interior has now taken to editing the press clippings that are distributed to Interior Department employees. It seems that they are not supposed to read all of the news about the Secretary, just the good news about the Secretary.

George Orwell notwithstanding, 1984 will not be a good year for doublespeak. I think that we should assure those at the Department of Interior, who presumably have been left with only the Meskatatouk Daily Flycatcher to read, that the Washington Post has not vanished, that the New York Times has not disappeared, that the Wall Street Journal has not been vaporized. Here they are, all of the clippings—well, not all of them—about three or four of thousands of clippings across the country that talk about people who are calling for Secretary Watt's resignation, that are talking about the appalled reaction that they are having to his ill-considered comments about women and Jews, and minorities and the disabled in this country. For his cruel humor, for his ill-conceived policies and actions, James Watt must go. And yes, Virginia, there is a Washington Post.

EXPLODING DEFICITS

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, we are in the 11th hour of the budget process for fiscal year 1984, and beyond. Not only are the Nation's expenditure and tax policies for years to come at stake, but also the continuance of a very fragile recovery that is now threatened by exploding deficits that will surely lead to higher interest rates.

The President—and some of the other speakers this morning—have claimed that domestic spending is the culprit of these deficits, and that Democrats are particularly culpable.

Let us look at the facts. For the last 3 years under Mr. Reagan's directions the growth of military spending has been $155 billion in that period. Meanwhile, the revenue loss from the Reagan tax cuts have totaled $474 billion over the same 3 year period. At the same time, domestic spending—despite rollcall claims made this morning—have been reduced $265 billion over those 3 years. The net result was an enlarged deficit over the 3-year period of $464 billion, or about $155 billion per year which is almost exactly equal to the current structural deficit.

The fact is, Mr. Speaker, in light of current military spending and tax cut policies, we could eliminate all remaining discretionary domestic spending—

all of it—and still not balance the budget.

What is the President doing in the midst of this crisis? He is sitting on the sidelines calling for more domestic cuts. We need the President now to acknowledge the failure of the Reagan-Stockman game plan and to help us devise a new game plan to get the Nation out of the fiscal mess we are in.

Mr. Reagan must recognize that to meet our responsibilities both the President and the Congress must come to grips with the two main spending items, military and entitlements, and with revenue needs for 1984 and beyond.

Otherwise, we will have political statement, mushrooming deficits and relapse into economic malaise and stagnation.

THE DEFICIT

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the battle over who is responsible for the budget deficits that face this Nation has been well joined this morning, but I think it is without any rebutal that the deficit for the first 3 years of the Reagan administration is expected to average about $170 billion a year. That is nearly four time higher than the average deficit of the Carter White House years.

The question is does the Reagan administration expect the deficit situation to get better? Judging from their own statements, it does not appear they do.

Dave Stockman, the offensive coordinator for this administration, has indicated that he sees $200 billion a year deficits stretching for as far as the eye can see.

And Marty Feldstein, the President's own chief economic adviser, who unlike Secretary Regan, seems to be somewhat concerned about this problem, predicts that the combined deficits for 1983 through 1988 will total $1.2 trillion. That is more than the entire public debt that has accumulated during all of the previous administrations.

The question is what are we here in Congress, the President, and his executive branch going to do to attempt to resolve this problem? A number of us have called upon people from both parties outside the Government to join with us in an economic summit to see whether we can come up with a strategy that all of us can embrace to deal with the problem, rather than simply resort to finger pointing, political rhetoric.

It seems to me if the President would do more to join with the Congress in this spirit, rather than sitting outside the budget process talking about minor but symbolic cuts in domestic spending, deferring his discussion of tax increases until after the next election, and generally refusing to realize the effect of the strong dollar on the reduction of jobs for all Americans, our Nation would be far better off.

□ 1050

BANKRUPT FARM POLICIES

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, as long as we are talking about bankruptcies, let us talk about another bankrupt part of this administration's program, and that is the administration's farm programs.

In 1981 and in 1982, this administration basically had the extreme position of having no farm programs. That led to huge, massive surpluses, and low prices. So this year we go to the other extreme, the most massive set-aside in the history of this country, the PIK program, which is going to cost us billions and billions of dollars, some say now between $16 billion and $20 billion for 1 year, and most of that money will be going to the large farmers, those farmers that caused the problem in the first place.

Yesterday, in Marion, Iowa, at the Farm Progress Show, Secretary Block announced next year's farm program. And guess what: We are going back to the extreme of the other way, the same thing we had in 1981, and in 1982—no farm program, essentially.

Next year's program is a program designed to force our farmers to plant fence row to fence row, and the cost is going to be enormous in terms of soil erosion and the number of farmers that will be forced out of business.

I feel sorry for our livestock farmers who have been whipsawed from one side of the room to the other and now are going to be whipsawed right back again.

The farm policies of this administration are bankrupt, and whether intended or not, the farm policies of this administration are going to drive farmers off the farm in record numbers, in higher numbers than we have seen since the Dust Bowl era of the 1930's.

Next year's farm program ought to be termed the FEP program, the farmer eradication program.

FARM POLICY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, some people seem to think these days that the troubles in our farm economy are all over. That is not true. It is true that prices of some commodities, including corn, are up this fall because of an unusual combination of events—many farmers reduced acreage under a Government surplus control program, and then we were hit by the 1983 drought which cut the harvest even more. And with supplies of some crops reduced dramatically, we naturally got some increases in prices of those commodities.

I am very happy that prices of some crops have improved. But if anyone thinks this means that American agriculture is out of the economic woods, he or she is making a great mistake. If anyone thinks this means that the time has come to wash our hands of Government programs in agriculture, he or she is making a very dangerous mistake. The fact is that we still have serious economic problems in much of American agriculture. If we walk away from those problems, we could be setting the stage for continuing depression in the Nation's most basic industry. And we had better realize that depression in agriculture hurts more than the farmer. It can hurt every one of us badly.

Just what is the state of American agriculture today? Well, some farmers are clearly going to be better off this year than they were last year. An individual corn producer, for instance, who retired his entire corn acreage for 1983 under the payment-in-kind program, is going to be compensated by what amounts to a normal-sized harvest of grain which he can sell at a price which is up substantially from last year. But many farmers who did not enroll in the payment-in-kind program are not so lucky. The drought losses this year have been real and severe. And we have livestock and poulty producers in many parts of the country for whom the drought is becoming an economic disaster. Their feed supplies are down sharply, and when they buy extra feed the cost means they may be producing meat, milk, and other foods at a loss.

The point that nobody should forget is that even for farmers who will do better this year, 1983 comes at the end of a series of bad years. Farmers have been forced deeper and deeper into debt through the past few years, and many of them are still walking a narrow line between survival and bankruptcy. Thousands of farmers still may be forced off the land. If the next couple of years do not produce a sustained and healthy recovery, the situation in rural America is going to be grim.

I hear people talk about the Agriculture Department's prediction that net farm income is going to improve this year. If that forecast turns out to be accurate, I am going to be happy. But before anybody takes this forecast as a

license for jerking farm programs away, we had better look closely at what the USDA tells us about farm income.

According to the Agriculture Department's most recent estimates, realized net farm income went down from $27.3 billion in 1979 to $26.8 billion in 1980. Then it went down again to $22.4 billion in 1981 and edged up slightly to $23.9 billion in 1982. This year, the current forecast is a range between $26 and $30 billion. The squeeze those previous 3 years put on hundreds of thousands of farm families was as great a tragedy as we have seen in other families where men and women have been out of work for years at a time. Earlier this year, the Nation's attention was focused on stories of farm foreclosures and bankruptcies. And the upturn in net farm income which USDA is predicting for this year has not cured all the troubles which piled up in the past.

What all this boils down to is the fact that if we want to avoid a deepening depression in agriculture, we are going to have to give high priority over the next couple of years to sensible farm policies.

We are going to have to recognize that if we allow new surpluses to pile up, we will be right back on the treadmill of low prices and increasing foreclosures.

We will have to face the fact that if the general economy continues to recover, there is going to be further inflation in the farmer's cost of production. And if we allow shortsighted policymakers to squeeze farm programs in this situation, the producer is going to be shopping for more red ink for his books.

Mr. Speaker, I would like to follow up on what my distinguished colleague, the gentleman from Iowa (Mr. HARKIN) has just mentioned, only to enlarge, in one respect, that developing a sensible farm policy is not only a problem or a matter for farmers to be involved in, but rather for business, for labor, for the consumer.

The future depends, to a large degree, on the kinds of decisions we make on farm policy, but it impacts from the futures industry to Wall Street to big to small to international banking. And the fact is that the policy can well decide how we survive as a nation.

I know it is very difficult for some of our colleagues to understand, but if the food is not there today, forget everything else that we do here in this House—war powers, Export Administration, budget, everything else that we do. If you do not have the food that day, forget it, that is the end of the ball game.

I would like to follow up with what my colleague has said that the responsibility is going to be ours, the consumer, labor, business, and all Americans to see that the base for our sustenance, which is the agricultural area, the farm sector, is sustained and maintained in a viable, productive posture so that it will help all of us for the future as a nation and as a people.

CONTINUING IN EFFECT CURRENT CERTIFICATION REQUIREMENTS WITH RESPECT TO EL SALVADOR

Mr. BARNES. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 4042) to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from Maryland?

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, and I shall not object, I do so for the purpose of asking the chairman of the Subcommittee on Western Hemispheric Affairs to explain what the bill does.

Mr. BARNES. If the gentleman will yield, I thank the distinguished ranking minority member of the Subcommittee on Western Hemispheric Affairs for allowing me this opportunity to explain the bill.

Very briefly, the bill simply extends the current law with respect to conditions on military assistance to Salvador until we either pass the new bill which has been reported out of the Foreign Affairs Committee on which a compromise was worked out on the modification of the current conditions, or until the end of the new fiscal year, whichever is earlier. Obviously, we hope that the new conditions will be enacted into law in a brief time and that the former conditions would expire.

I am informed that, although the administration does not believe it is necessary to extend the current conditions, they do not object to this legislation. We had a unanimous vote yesterday, Republicans and Democrats, in the House Foreign Affairs Committee. So I would think that it is not controversial.

Basically, it would assure that we are still on record as wanting progress in certain areas. Particularly we are concerned, obviously about the prosecution of individuals who are responsible for the murders of American citizens; we are concerned about continuing violations of human rights; we are concerned about the land reform program. There was a march in the capital city, San Salvador, just a couple of days ago, 15,000 Campesinos, urging continuation of the program, and this simply will keep the Congress on record in support of those continued efforts of people in El Salvador to bring about these changes in conditions.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, we did receive word from the White House this morning that, as the gentleman says, while the administration did not ask for this extension, while they do not think it is necessary because, as they told us yesterday, they intend to comply with its conditions in any event, they do not object to it, nor do I.

I would like to say that while I think it would have been better to have passed the language, concerning conditions on military aid to El Salvador, that is in the pending foreign assistance legislation, I understand the reasons why that is not practical. The requirement of conditions and certification expires at midnight tonight. We can hardly do that today. And that would have to be the case. The House here would have had to been educated about the new provisions, the Senate would have had to been educated. They have a slightly different view of what ought to be done. There just is not time. I hope we can adapt the new proposals in the days and weeks to come.

I think it would be an unfortunately bad signal to send were we not to extend certification, not only to those who have been abusing human rights in El Salvador, but I think even more importantly, to those who want to do the right thing, who need all of the help they can get in bringing about democratic changes and changes in human rights in El Salvador.

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of H.R. 4042, a bill to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation.

This bill is straightforward and noncontroversial. It simply extends the existing certification requirements for military aid to El Salvador until new legislation is enacted or until September 30, 1984, whichever occurs first.

We all recognize the deficiencies in the current certification process. However, we have not yet enacted new legislation on El Salvador for fiscal year 1984. Therefore, unless the current law is extended, there will be no conditions of any kind on military aid to El Salvador after September 30. So, while this may be an imperfect mechanism, I think it is the best one available until we are able to bring the new foreign assistance authorization bill to the floor.

I urge my colleagues to support the bill.●

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of section 728 of the International Security and Development Cooperation Act of 1981 (including the last sentence of subsection (e) of that section) shall continue to apply after the end of the fiscal year 1983 until such time as the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until September 30, 1984, whichever occurs first.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING TEMPORARY EXTENSION OF CERTAIN INSURANCE PROGRAMS RELATING TO HOUSING AND COMMUNITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 366) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 5, after line 3, insert:

EXTENSION OF SECTION 8 OF THE EXPORT-IMPORT BANK ACT OF 1945

SEC. 6. Section 8 of the Export-Import Bank Act of 1945 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 31, 1983".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. McKINNEY. Mr. Speaker, reserving the right to object, I shall not object, but I take this time to ask the chairman if he would like to explain the bill to the House.

Mr. GONZALEZ. Mr. Speaker, if the gentleman will yield, I would be delighted to explain to the very distinguished ranking minority member of the Subcommittee on Housing that this represents an amendment the Senate tacked on to our extender of the HUD-FHA extension that we passed out on September 27, and all it does is extend the Export-Import Bank's authorization 30 additional days so that it will not die as of September 30, which is today.

□ 1100

Without this action, the basic authorization extending the Bank's authority, since it has not been passed by the Congress, would expire tonight. So this merely reflects the action we took on September 27, plus the amendment extending for 30 days the Export-Import authorization.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. Mr. Speaker, further reserving the right to object, I yield to the ranking member of the full committee, the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, I support House Joint Resolution 366, which the Senate has amended and would extend the U.S. Export-Import Bank for 30 days. This will allow, as the distinguished chairman has said, the Eximbank to continue to finance and guarantee U.S. exports and, thus, help protect U.S. jobs which are dependent on these exports.

In addition to the extension of the Eximbank, it extends FmHA programs under the jurisdiction of the Farmers Home Administration, flood, crime, and riot insurance programs under the Federal Emergency Management Agency.

Mr. Speaker, I support these simple limiting extensions because I believe we still can get a housing bill as well as an Eximbank and an IMF authorization bill yet this year and I am going to continue to work with the chairman of the full committee, the gentleman from Rhode Island, Mr. ST GERMAIN, and my colleagues toward that end, and I hope we will be able, in obtaining passage of those pieces of legislation during this extension period.

Therefore, I join my colleagues, the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Connecticut (Mr. MCKINNEY) in supporting this additional extension for 30 days.

Mr. McKINNEY. Mr. Speaker, further reserving the right to object, I would just add that I am delighted that the Senate has put the Eximbank extension for 30 days.

In New England alone, 242 companies have received over $360 million worth of Eximbank loans within this last calendar year. The Eximbank is, to my way of thinking, nowhere near strong enough to compete with the financial machinations that our supposed trading allies are using to sell their goods, and I think that giving us 30 days to see if we can, in fact, come out of the Senate with some semblance of an idea as to what the Eximbank should be so it can continue its work, is something that we all look forward to.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this action. I compliment the gentleman and ranking minority member, and our chairman and our full chairman of the committee for the work they have done to try to do something that had to be done or we were in real danger of losing important international sales in the next 2 to 3 weeks.

Some figures ranged as high as $2 billion of pending sales in the next month. I compliment the gentlemen very much and I am grateful for the action taken.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. Further reserving the right to object, Mr. Speaker, I am delighted to yield to the chairman, the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Speaker, I just want to add my voice to that of the gentleman from Washington (Mr. LOWRY) and compliment my two very distinguished colleagues for their most constructive and harmonious cooperation in seeing that this vital legislation is approved and keeps these three viable institutions, HUD, the Export-Import Bank, and the FHA activities alive.

I just merely want the RECORD to show that we are grateful for their actions and their leadership.

Mr. McKINNEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. GONZALEZ)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2379, NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 298 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 298

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2379) to provide for the protection and management of the national park system, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered as having been read for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Interior and Insular Affairs and prior to the consideration of any other amendments to the bill, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of August 2, 1983, by Representative Udall of Arizona, if offered by Representative Udall or his designee, and said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 298 is the rule providing for the consideration of H.R. 2379, the National Park System Protection and Resources Management Act of 1983. The rule is an open one, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. The bill is to be considered as having been read, and an amendment in the nature of a substitute offered by Chairman UDALL and printed in the CONGRESSIONAL RECORD of August 2 is to be considered in lieu of the amendments recommended by the Interior Committee. Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

The amendment in the nature of a substitute that was printed in the RECORD does no more than to incorporate certain grammatical and technical amendments adopted by the Committee on Interior and Insular Affairs into a single amendment. The rule provides that the Udall substitute shall be considered at the beginning of proceedings on the bill under the 5-minute rule.

The National Park Protection and Resources Management Act is designed to insure that the natural and cultural assets of the people of our Nation are protected from activities that might contribute to the deterioration of those resources. The "State of the Parks" report completed by the National Park Service in 1980 cited instances of deterioration and threats of deterioration in every unit of the national park system. In many instances the sources of the deterioration were found to be visitor overuse, development, mineral extraction, and road construction.

H.R. 2379 proposes to avert many of the harmful activities contributing to park destruction by requiring that any project initiated or sponsored by the Federal Government that is to take place within or adjacent to a national park must first be scrutinized by the Secretary of the Interior to determine what possible detrimental impact the project may have on the park. The bill does not give the Secretary any new authority to prohibit the progress of projects initiated or sponsored by agencies of the Government not under his jurisdiction, but gives him the opportunity to review and comment on projects that may contribute to the abuse of resources found in our national parks. The bill fills a void in the administration of Federal programs by insuring that projects will not be initiated without their possible detrimental effects on the natural and cultural resources of our national parks having been fully studied and moderating recommendations having been made.

Mr. Speaker, there is some controversy over particular provisions of this bill even though all of us agree that our parks should be protected. The rule before us affords to each Member the opportunity to offer amendments to improve the bill. I urge my colleagues to support passage of the resolutions so that we may proceed to consideration of this important measure.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 298 is an open rule under which the House will consider legislation giving the Department of the Interior broad, new powers relating to land use around our national parks.

The rule makes in order H.R. 2379, and a substitute printed in the RECORD of August 2, 1983, by the gentleman from Arizona (Mr. UDALL). The substitute shall be considered as having been read, and will be offered prior to any other amendments under the 5-minute rule.

There are no waivers of any kind in this rule. It was supported by members of the Committee on Interior, some of whom oppose the bill as reported from that committee.

Mr. Speaker, the essence of H.R. 2379 is to require review of federally supported or initiated projects within or near national parks to determine whether such projects would threaten the resources within the parks.

There has been, and continues to be, a great deal of controversy about some of the legal definitions in the bill and the substitute. The Members should be aware that some bit of time will be taken up with amendments.

This legislation was originally scheduled for floor action in late June, under suspension of the rules. My information is that the Committee on Public Works and Transportation had some concerns about the bill, and it was delayed in order to provide time for the writing of amendments.

Several Republican members of the Committee on Interior testified in support of this rule, because it provides them the opportunity to amend the substitute.

I urge the House to adopt the rule.

□ 1110

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN), a member of the Committee on Interior and Insular Affairs.

Mr. HANSEN of Utah. Mr. Speaker, I thank the gentleman from Missouri (Mr. TAYLOR) for yielding time to me, and I appreciate the comments that have been made concerning this particular piece of legislation.

I know that as this legislation comes out, it appears to many that it is a motherhood type of issue, and there is no one, not one of us, who does not want to defend the parks. I would like to point out a few things, though.

I am supporting this rule, and I think it is the right thing to do. I also point out that there are a number of amendments that should be adopted, and we are prepared to offer those amendments at a later time.

I do not think people realize what we are doing in section 10 and section 11. As far as the parks per se are concerned, I have no argument whatsoever on doing a study on the parks. Where we run into trouble is that we get into words like "adjacent to." That

is not defined in the bill. "Significant adverse effect" is not defined in the bill.

There are 334 parks in America that will come under the jurisdiction of this bill. I would like somebody to be able to define these terms.

I remember years ago the Democratic Governor of the State of Utah talking to a group of us who were legislators at the time and saying, "Don't give us legislation that will have to go to the bureaucrats or that will have to go into the courts."

On this particular piece of legislation, we have not determined in the hearings of the subcommittees or in the committee what these particular words specifically mean. In one subcommittee we determined that 10 miles would be "adjacent to." In one park in the State of Utah, that would be 4,600,000 acres that would come under the jurisdiction. That is the Glen Canyon Recreation Area.

So I say to those Members of this illustrious body who have national parks or who have national monuments in their districts, please read section 10.

There has been and there will be a motion to change section 11. I agree with it, and I think it perfects this piece of legislation.

Section 10 will be extremely harmful. If you have a city in that area, if you have agriculture, if you have mining, or if you have logging, you are going to find yourself in significant problems because this has not been worked out, and we are in effect saying as this body, "Let's leave it to the courts. Let's have the courts take a shot at it. Let's let a regulatory body have a shot at it, and let us not worry about it."

Mr. Speaker, I rise again to say that I do feel the Park Protection Act in other sections is a fine piece of legislation, but as to that particular part, having had it checked by the Congressional Research Service, by the GAO, and I do not agree with the language put out by those who are sponsoring the bill.

Mr. Speaker, I urge adoption of this rule.

Mr. BEILENSON. Mr. Speaker, I have no requests for time.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge adoption of this rule.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2912, DEPARTMENT OF JUSTICE APPROPRIATION AUTHORIZATION ACT, FISCAL YEAR 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2912) to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi, Mr. LOTT, pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for the consideration of H.R. 2912, authorizing appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other pruposes. The rule provides that, following its adoption, the Speaker may at any time declare the House resolved into the Committee on the Whole, and provides that the first reading of the bill shall be dispensed with. An hour of general debate is allocated, with the time being equally divided between and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The amendment in the nature of a substitute recommended by the Committee on the Judiciary, now printed in the bill, shall be in order as the original bill for purposes of amendment and each section shall be considered as having been read. The rule waives points of order against the substitute for failure to comply with clause 5 of rule XXI, which prohibits appropriations in a legislative bill. Finally, one motion to recommit with or without instructions is made in order.

The waiver of clause 5, rule XXI contained in the rule is made necessary by the inclusion of the Judiciary Committee, in its amendment, of a provision that would allow the Director of the FBI to establish and collect fees to process fingerprints and identification records for noncriminal employment and licensing purposes. Of the amount collected, up to $13.5 million may be added to the Bureau's appropriation to pay salaries and other expenses incurred in the processing of such records.

Mr. Speaker, H.R. 2912, as reported by the Committee on the Judiciary, authorizes the appropriation of $3.43 billion for the operations of the Department of Justice for fiscal year 1984. The authorization includes over $1 billion for the FBI, $600 million for the Immigration and Naturalization Service, $284 million for the Drug Enforcement Administration and approximately $500 million for the Federal prison system.

In addition, the bill suspends a set of regulations promulgated in March by Attorney General Smith relating to FBI investigations of groups that advocate violence to achieve social or political change. It prohibits the Department from filing suit against the Congress in the name of the United States and requires the Secretary to transmit a full explanation to the Congress of any policy decision he may make by which the Department would not enforce a duly enacted Federal law.

Another provision of the bill would prohibit the implementation of a plan to transfer 125 positions from the Department's legal division to offices of U.S. attorneys. The plan calls for a thinning of the Antitrust Division by 55 positions and could result in the closure of that Division's Cleveland field office.

Mr. Speaker, being an open rule, House Resolution 239 permits all Members to offer any germane amendments which they believe would improve the legislation. I urge my colleagues to vote in favor of House Resolution 239.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order consideration of H.R. 2912, authorizing appropriations for the Department of Justice for fiscal year 1984. House Resolution 239 provides for an open rule with 1 hour of general debate, which should give all Members an

opportunity to amend the bill and should give this body a chance to work its will on this legislation.

After general debate, the bill is open to amendment under the 5-minute rule. An amendment in the nature of a substitute recommended by the Judiciary Committee has been made in order. Under this resolution, the substitute will be considered as the original bill for the purpose of amendment, with each section considered as having been read. In addition, the rule waives clause 5 of rule 21, which prohibits appropriations in a legislative bill, for the substitute only. The rule provides for no other motion, except for one motion to recommit with or without instructions.

Mr. Speaker, I have no problems with the rule; but I do have several questions about the bill. First of all, I am concerned about an apparent contradiction between the bill itself and the committee report. The committee report does not reflect the agreement reached on record in the committee markup concerning a delay in the implementation of the Attorney General's revised guidelines for the Federal Bureau of Investigation (FBI). I hope this can be cleared up during general debate.

Also, it has been said, "Some folks are hard to deal with; some are impossible to deal with; and some can't be dealt with at all." In dealing with the Justice Department, I have met all three kinds of folks. I hope that the Justice Department can use some of the money authorized in this bill for better management, organization and decisionmaking within the Department.

Mr. Speaker, I would point out that the President's request for this authorization is $3.2 billion, the committee bill authorizes $3.4 billion, an increase of $800 million over last year's authorization of $2.6 billion.

□ 1120

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, aversion to rules that contain waivers is well known. The waiver in this rule has been well documented.

I urge a vote against the rule, and I thank the gentleman for yielding.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I appreciate the remarks and support of the rule by my friend, the gentleman from Mississippi (Mr. LOTT).

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 43, answered "present" 1, not voting 48, as follows:

[Roll No. 371]

YEAS—341

Ackerman	Dyson	Kogovsek
Addabbo	Early	Kolter
Akaka	Eckart	Kostmayer
Albosta	Edgar	LaFalce
Alexander	Edwards (AL)	Lantos
Anderson	Edwards (CA)	Leach
Andrews (NC)	Emerson	Leath
Andrews (TX)	English	Lehman (CA)
Annunzio	Erdreich	Lehman (FL)
Anthony	Erlenborn	Leland
Applegate	Evans (IL)	Lent
Archer	Fascell	Levin
Aspin	Fazio	Levine
Badham	Feighan	Levitas
Barnard	Ferraro	Lewis (CA)
Barnes	Fields	Lewis (FL)
Bartlett	Fish	Lipinski
Bateman	Flippo	Livingston
Bates	Foglietta	Lloyd
Bedell	Foley	Loeffler
Beilenson	Frank	Long (LA)
Bennett	Frost	Long (MD)
Bereuter	Fuqua	Lott
Berman	Garcia	Lowery (CA)
Biaggi	Gaydos	Lowry (WA)
Biliey	Gejdenson	Lujan
Boland	Gephardt	Luken
Boner	Gilman	Lundine
Bonker	Gingrich	MacKay
Borski	Glickman	Madigan
Bosco	Gonzalez	Markey
Boucher	Goodling	Marlenee
Boxer	Gore	Marriott
Breaux	Gradison	Martin (NY)
Britt	Gray	Martinez
Brooks	Green	Matsui
Brown (CA)	Guarini	Mavroules
Broyhill	Hall (OH)	Mazzoli
Bryant	Hall, Ralph	McCain
Burton (CA)	Hall, Sam	McCandless
Campbell	Hamilton	McCloskey
Carney	Hammerschmidt	McCollum
Carper	Harkin	McCurdy
Carr	Harrison	McEwen
Chandler	Hatcher	McGrath
Chappell	Hawkins	McHugh
Clarke	Hayes	McKernan
Coleman (MO)	Hefner	McKinney
Coleman (TX)	Hertel	McNulty
Collins	Hightower	Mica
Conte	Hillis	Michel
Conyers	Holt	Mikulski
Cooper	Hopkins	Mineta
Coughlin	Horton	Minish
Courter	Howard	Mitchell
Coyne	Hoyer	Molinari
D'Amours	Huckaby	Mollohan
Daniel	Hughes	Montgomery
Daub	Hunter	Moody
Davis	Hutto	Moore
de la Garza	Hyde	Moorhead
Dellums	Ireland	Morrison (CT)
Derrick	Jeffords	Morrison (WA)
DeWine	Jenkins	Mrazek
Dickinson	Johnson	Murphy
Dicks	Jones (NC)	Murtha
Dixon	Jones (OK)	Myers
Donnelly	Jones (TN)	Natcher
Dorgan	Kaptur	Neal
Dowdy	Kastenmeier	Nowak
Downey	Kazen	O'Brien
Duncan	Kemp	Oakar
Durbin	Kildee	Oberstar
Dwyer	Kindness	Obey
Olin	Russo	Tauke
Ortiz	Sabo	Tauzin
Ottinger	Savage	Taylor
Owens	Sawyer	Thomas (GA)
Oxley	Scheuer	Torres
Packard	Schneider	Torricelli
Panetta	Schroeder	Towns
Parris	Schulze	Traxler
Pashayan	Schumer	Udall
Patman	Seiberling	Valentine
Patterson	Sensenbrenner	Vander Jagt
Pease	Shannon	Vandergriff
Penny	Sharp	Vento
Perkins	Shelby	Volkmer
Petri	Shumway	Walgren
Pickle	Shuster	Watkins
Porter	Sikorski	Weiss
Price	Sisisky	Wheat
Pursell	Slattery	Whitehurst
Quillen	Smith (FL)	Whitley
Rahall	Smith (IA)	Whitten
Rangel	Smith (NE)	Williams (MT)
Ratchford	Smith (NJ)	Williams (OH)
Ray	Smith, Robert	Wilson
Regula	Snowe	Winn
Reid	Snyder	Wirth
Richardson	Solarz	Wise
Ridge	Spence	Wolf
Rinaldo	Spratt	Wolpe
Ritter	St Germain	Wortley
Robinson	Staggers	Wright
Rodino	Stark	Wyden
Roemer	Stenholm	Wylie
Rogers	Stratton	Yates
Rose	Studds	Yatron
Rostenkowski	Stump	Young (AK)
Roth	Sundquist	Young (FL)
Roukema	Swift	Young (MO)
Rowland	Synar	Zablocki
Roybal	Tallon	

NAYS—43

Bilirakis	Frenzel	Roberts
Brown (CO)	Gekas	Schaefer
Burton (IN)	Gunderson	Shaw
Chappie	Hansen (ID)	Siljander
Clinger	Hansen (UT)	Skeen
Coats	Hartnett	Smith, Denny
Conable	Hiler	Stangeland
Crane, Daniel	Hubbard	Vucanovich
Crane, Philip	Kasich	Walker
Dannemeyer	Lagomarsino	Weaver
Dreier	Mack	Weber
Edwards (OK)	Martin (IL)	Whittaker
Evans (IA)	Miller (OH)	Zschau
Fiedler	Nielson	
Forsythe	Paul	

ANSWERED "PRESENT"—1

Dymally

NOT VOTING—48

AuCoin	Florio	Martin (NC)
Bethune	Ford (MI)	McDade
Bevill	Ford (TN)	Miller (CA)
Boehlert	Fowler	Moakley
Boggs	Franklin	Nelson
Bonior	Gibbons	Nichols
Broomfield	Gramm	Pepper
Byron	Gregg	Pritchard
Cheney	Hall (IN)	Roe
Clay	Hance	Rudd
Coelho	Heftel	Simon
Corcoran	Jacobs	Skelton
Craig	Kennelly	Solomon
Crockett	Kramer	Stokes
Daschle	Latta	Thomas (CA)
Dingell	Lungren	Waxman

□ 1140

Mr. PHILIP M. CRANE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 29, title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. WOLPE

Mr. WOLPE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLPE:

Page 13, line 2, strike out the quotation marks and second period.

Page 13, insert the following after line 2:

"(o) NUCLEAR EXPORTS.—Notwithstanding section 17 of this Act or any other provision of law—

"(1) no license may be issued under this Act for the export to a non-nuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary, are likely to be diverted for use in such a facility,

"(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in a non-nuclear-weapon state may be given,

"(3) no license may be issued for the export to a non-nuclear-weapons state of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes, and

"(4) no retransfer to a non-nuclear weapon state of any goods, technology, special nuclear material, components, items, or substances described in paragraphs (1), (2), and (3) may be approved,

unless the country to which the goods, technology, components, items, or substances will be exported or retransferred, or in which the special nuclear material is to be produced, maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities. The restrictions contained in the preceding sentence shall apply to any decision made after August 1, 1983, to issue a license described in paragraph (1) or (3), to give an authorization described in paragraph (2), or to approve a retransfer described in paragraph (4). The restrictions contained in this subsection shall not apply in a particular case if the President determines by Executive order that to apply the prohibition in that case would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or other activity authorized is carried out, the President submits that Executive order, together with the reasons for his determination, to the Congress.".

Mr. WOLPE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLPE. Mr. Chairman, the amendment that is now before the House would eliminate a dangerous inconsistency in U.S. nuclear export policy.

Under existing law, nuclear facilities and fuel cannot be exported to a country that refuses to accept full-scope safeguards. But nuclear technology transfers, and transfers and retransfers of nuclear components, can be authorized to such countries.

The amendment that I am offering here is necessary to close this loophole, a loophole that is currently being exploited to allow nuclear exports to India, to Argentina, and to South Africa.

The amendment being offered would impose the full-scope safeguards requirement across the board. Under existing law U.S. firms cannot send reactors, and reactor fuel to nonnuclear weapons countries that do not accept full-scope safeguards.

The effect of this amendment would be to prohibit, in addition, the transfer of components or technology to such countries.

The amendment would be retroactive to approvals made after August 1, 1983, in order to include the Department of Energy's approval of 143 tons of heavy water, a component, to Argentina.

Approvals of the export of components to India, and the transfer of technology to South Africa, are still pending and would be included prospectively if this amendment were to be enacted promptly. That is the reason that this amendment is being offered at this time.

Finally, the amendment provides for a Presidential waiver, consistent with current law, of the export prohibitions and for the reporting to Congress of the reasons for such a waiver 60 days before the export or transfer is to occur.

I want to emphasize that the Presidential waiver authority in this amendment, would be invoked if the President found that the application of the prohibition prejudiced the achievement of the country's nonproliferation objectives or ran contrary to our national security interests.

What we are proposing to do in this legislation is to make internally consistent the criteria that we apply to this most potentially dangerous of export commodities.

Mr. Chairman, the spread of nuclear weaponry to nonnuclear states and groups has often been obscured by the debate over the superpower arms race, a subject which itself directly effects the future of this planet. But in a sense, global proliferation represents an even more dangerous threat.

Through a combination of self-interest and restraint, the superpowers have successfully avoided the use of nuclear weapons for 28 years. But the spread of nuclear technology and information increases the threat of such capability being acquired by a nation or group that would not treat it so responsibly.

With only a small supply of plutonium a terrorist group could hold the entire world hostage.

□ 1150

With materials and technology diverted from a commerical nuclear facility, a small nation could turn a regional conflict into a catastrophic nuclear war. Indeed, one of the most likely scenarios for a nuclear exchange between the superpowers is one in which an initial attack is launched by a third party.

The United States, as the original nuclear weapons state and the world's largest supplier of nuclear materials, has a special responsibility to insure the prudent and peaceful use of this technology. And we have in fact always been mindful of that responsibility, from the passage of the Atomic Energy Act of 1946 to the Nuclear Non-Proliferation Act of 1978, we have sought to regulate the flow of materials into nations relevant to nuclear weapons development. A host of responsible nations have joined with us, pledging to halt the trade in weapons-making technology and to accept international inspection of its own nuclear commerical facilities.

The law that is already on the books is an important law, but there are loopholes and there are imperfections.

This amendment is extracted from broader legislation that I have introduced this session, and that was originally introduced by Congressman JACK BINGHAM, the distinguished author of the Nuclear Non-Proliferation Act of 1978. My amendment addresses perhaps the most serious loophole in the 1978 act a loophole which is being used to justify exports to India, and to South Africa, and the authorization and retransfer of heavy water to Argentina.

So I would urge the adoption of this amendment.

Mr. BARNES. Mr. Chairman, I move to strike the last word, and I rise in support of the Wolpe amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. WOLPE).

It is important that, in our deliberations today on our export policies, we raise the issue of nuclear nonproliferation and recognize the necessity for controlling certain areas of trade which we know directly aids in the spread of nuclear items and technologies that can be used to make nuclear weapons.

The amendment offered by the gentleman from Michigan would impose a full-scope safeguards requirement for all nuclear exports—including nuclear retransfers, components, dual-use items, and technology transfers.

The amendment also recognizes, as does the Atomic Energy Act, the need for Executive discretion in the final judgment on these exports. The amendment specifically grants Presidential waiver authority in cases affecting our national security interests.

Current law imposes the full-scope safeguards standard for NRC licensing of major nuclear equipment and fuel exports. These restrictions do not apply, however, to DOE, State, or commerce. The Wolpe amendment would cover, not only exports currently under the jurisdiction of NRC, but would also cover exports authorized by the other three agencies which are not currently restricted by law.

For example, in the case of subsequent arrangements—the use or transfer of U.S.-origin materials or components—the executive branch, primarily the Departments of Energy and State, has sole responsibility for granting these approvals and has the authority to grant approvals for shipment, for example, of U.S.-origin fuel from a third country to a country that does not accept internationally recognized safeguards. So, fuel that could not be licensed for export by the NRC, could be retransferred, once it is abroad, and could be used by a country and for a use which was unanticipated by the original NRC export decision.

The Wolpe amendment would prevent this from happening.

The Wolpe amendment is an important and timely proposal. It would require, for instance, that all retransfers and exports which have not been made as of the date of enactment of this bill be subjected to the full-scope safeguards requirement. It is critical that the Congress take this opportunity now to halt these potential exports, now pending approval, which will add significantly to the nuclear capability of countries we know to be on the path to making nuclear weapons.

Argentina is a case in point. Argentina's nuclear program has now reached a dangerous stage. Argentina has consistently maintained the right to develop and complete an independent nuclear fuel cycle and is clearly maintaining the option to develop nuclear explosive devices, and has publicly indicated that it intends to keep this possibility open. Anything we add to their program only helps them to move toward that goal.

Argentina has not adhered to the Nuclear Nonproliferation Treaty, or the Treaty of Tlatelolco, nor has it agreed to put all of its nuclear facilities under IAEA safeguards.

Despite the Argentine position, just recently the administration approved the licensing for shipment of U.S.-origin heavy water from West Germany to Argentina. (Heavy water is an essential element for operation of Argentina's reactors.) The administration also previously approved the sale of a computer system for an Argentine plant being used to produce heavy water. There are currently other licensing requests pending for Argentina, some of which are for significant components. The House should take this opportunity to stop these approvals by adopting the Wolpe amendment.

The New York Times recently ran an article by Philip Boffey entitled, "Experts Fear Argentina Is Planning A-Bomb." The Times said an intelligence report confirms that:

> Argentine officials have a "secret plan" to divert a ton of uranium from under the noses of international inspectors and use the material to make nuclear fuel elements. Such fuel elements could presumably be irradiated, through further clandestine steps, to produce plutonium for an atomic weapon, or they could presumably be stockpiled and saved to build a bigger arsenal at some future time.

Whether or not the Argentines could succeed in such a diversion is only part of the question. We should be primarily concerned with the Argentine Government's motivation in developing its nuclear program.

A State Department official with years of experience in this field is quoted as saying, "Argentina is probably closer than anybody else in the world today to completing an unsafeguarded nuclear fuel cycle. And there's nothing secret about it. That's the truly disturbing thing."

What is also disturbing is that in the face of Argentina's blatant rejection of internationally accepted nonproliferation standards, this administration continues to permit nuclear-related exports to Argentina. We may, effectively, be aiding Argentina on its course to the nuclear bomb. I would ask my colleagues whether they would have wanted Argentina to have nuclear weapons last year during the Falklands Malvinas war.

Argentina began its nuclear program 33 years ago. In 1974, it started operation of its first nuclear plant. It is now helping other developing countries, such as Pakistan (which has also refused to accept IAEA safeguards on all of its nuclear facilities), to enhance their nuclear programs, and as a supplier, it is not requiring any safeguards on its exports.

It is abundantly clear to me that we should not be in the business of nuclear trading with Argentina unless the country adheres to full-scope safeguards.

The Wolpe amendment would prohibit nuclear exports to Argentina, until Argentina accepts full-scope safeguards. Similarly, the amendment would cut off the sale of components to India's Tarapur reactor, as well as the sale of clearly dual-use items to South Africa. Both India and Argentina, we know, are among the few countries that have a significant nuclear capability and do not adhere to internationally recognized nonproliferation standards. We should, at the very least, scrutinize more carefully our exports to all of these problem countries. The Wolpe amendment provides an effective mechanism for that and allows us to control these sensitive exports.

CONCLUDING REMARKS

A strong U.S. nuclear nonproliferation policy will protect our national security interests and further our efforts for nuclear arms control. We live in a nuclear age, and technologies that have brought us to this point will be refined and improved, and scientific progress will continue. Nuclear power does not depend on the highly explosive materials and sensitive technologies that produce nuclear weapons. If we do not take the necessary steps today, the problem will have moved beyond our capacity to influence or manage it at all, the capability to make nuclear weapons will belong to many others, and the decision to use nuclear weapons will be an increasingly important factor in determining the state of international peace and security.

Nine years ago, India exploded its first nuclear device. By the end of this century, there may well be 20 more countries with that capability. We have the opportunity now to take the lead in determining how the technologies of the nuclear age will be used and whether or not they will be used for nuclear power or nuclear weapons.

This is the time for our country to continue and strengthen the leadership role we have had in the past.

I strongly urge my colleagues to support the Wolpe amendment.

□ 1200

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, I think this is an extremely important amendment. Its effectiveness lies in its simplicity.

We all should favor curbing the export of nuclear technology to na-

tions who have not accepted international inspection.

We have the Nuclear Non-Proliferation Act of 1978. However, it allows the export and retransfer of nuclear components and technology under less stringent requirements than those applying to direct exports.

This loophole is closed by the pending amendment.

Mr. Chairman, I personally think the greatest danger of war lies in countries which do not respect international restraint having a nuclear potential.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Wolpe amendment and commend his leadership in introducing it.

I am a cosponsor of his more comprehensive nonproliferation legislation, and with Senator HART from Colorado, a more comprehensive bill to strengthen nonproliferation safeguards; in both of those bills the Wolpe amendment is one of the important provisions.

As the gentleman from Michigan (Mr. WOLPE) has indicated, his amendment closes a very important loophole in our present nonproliferation legal structure. It affects particularly the supply of U.S. technology and components, which at the present time do not require full-scope safeguards, to Argentina, South Africa, India, and Pakistan, countries that pose the greatest danger of a threat to the peace of the world though the development of nuclear weaponry.

I think that that threat is a far more real threat to the peace of the world than the nuclear problems that we are experiencing with the Soviet Union.

The Soviet Union knows that if it uses nuclear weapons, we have the ability to retaliate. But if Argentina in the Falkland crisis, if Pakistan and India get involved in further conflicts and both have nuclear weapons, if Qadhafi's irresponsibility, if he through reported cooperation with Pakistan ever got his hands on a nuclear weapon, the world could be blackmailed. That is a very real threat indeed. There is no way that we can through nuclear retaliation resolve that. The only way it can be resolved really is the action the Israelis took with respect to Iraq when they suspected that Iraq was developing a nuclear weapon. Israel went in with conventional weapons before the reactor could be started and bombed it. Proliferation poses a real threat of instigation of armed conflict throughout the world.

Unfortunately, this administration, for the first time, has sought to bypass the Non-Proliferation Act and to supply materials that before were embargoed under U.S. leadership. I think that closing this loophole is absolutely vital.

As the gentleman from Maryland (Mr. BARNES) indicated, Argentina has been stated by the State Department to be "probably closer than anybody else in the world today to completing an unsafeguarded nuclear fuel cycle. And that is truly disturbing."

Argentina is constructing an unsafeguarded reprocessing plant within the sight of the Buenos Aires Airport which could extract weapons grade plutonium from spent fuel obtained from reactors operated on U.S. supplied heavy water. And 143 tons have been proposed by this administration for retransfer to Argentina.

South Africa now operates an unsafeguarded uranium enrichment plant capable of producing highly enriched uranium that can be used for nuclear weapons. South Africa is believed by some to have detonated a nuclear device in the South Atlantic Ocean in September 1979. The mysterious circumstances of what appeared on the Richter scale at that time have never been resolved. South Africa over a year ago was placed on a list of 63 countries by the State Department which need specific authorization by the Department of Energy to obtain any American technology, but full-scope safeguards are not required and again a transfer of technology is being contemplated by this administration.

India, of course, conducted a nuclear explosion using materials from a research reactor in 1974, much to the shock of the entire world. India, at the present time, appears to be preparing for another nuclear explosion in the Rajasthan Desert test site and some intelligence reports have indicated that that may be of a hydrogen device. It claims it is free to reprocess U.S. supplied nuclear fuel without U.S. approval after the agreement of cooperation lapses in 1993.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 3 additional minutes.)

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment and commend our colleague from Michigan for offering the amendment and the gentleman in the well for speaking on behalf of it.

If there is a point that I would like to make and I guess I make it to many of my friends on this side of the aisle, it is that many of us who disagree over philosophies of defense and strategic issues should not find reason to divide similarly on this particular issue. And I hope that Members who are listening will resist the temptation to lump this issue in with all other strategic and defense related issues.

It seems to me that the issue of nonproliferation crosses philosophical lines, crosses partisan lines, and is in the interest of all of us who favor a more secure world and a more secure America.

I very strongly commend the gentleman for his remarks and our colleague from Michigan for offering the amendment.

And I urge my colleagues to support the amendment.

I thank the gentleman for yielding.

Mr. OTTINGER. I thank the gentleman for his important words of support.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

I would appreciate it if the gentleman would yield for the purpose of my asking a question about the amendment to the distinguished gentleman from Michigan who authored it.

My question is, If this is adopted and becomes the law of the land, would the President be entitled, under the terms of this amendment, to issue a waiver with respect to the sale of spare parts to India for its Tarapur facility?

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. WOLPE. The answer is "yes." I would add that it would be my hope that the President would not choose to invoke that waiver authority. But if he found that failure to export the item would prejudice America's achievement of its nonproliferation objectives, or if there were some other national interest finding, then he would be able to issue that waiver. He would, however, be required to notify the Congress and there would be a 60-day lapse before the export occurred.

Mr. SOLARZ. So, leaving aside the wisdom of issuing such a waiver or its appropriateness, under the terms of the gentleman's amendment the President would clearly have the right to issue such a waiver, if he chose to do so.

Mr. WOLPE. That is correct, but what we are trying to do by this amendment is to apply the statutory criteria very explicitly and uniformly across the act. So I would hope that the President would at least pay some attention to that congressional expression. Nevertheless, the direct response to the gentleman's question is that the President would still retain the waiver authority.

Mr. SOLARZ. Does the waiver contained in the gentleman's amendment

differ in any way from the waiver in the existing Nuclear Non-Proliferation Act with respect to the sale of nuclear components to other countries.

Mr. WOLPE. If I may respond, the answer is "no"; it does not. In fact, in this amendment we have simply taken existing waiver provisions and expanded their application.

Mr. SOLARZ. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has again expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

□ 1210

Mr. OTTINGER. I outlined the dangers that are posed by nuclear weapons capability that is being acquired in Argentina, South Africa, and India. But Pakistan perhaps poses the greatest danger of all. Pakistan is the one country that the International Atomic Energy Agency, that conducts the inspections, has in fact reported it was no longer able to certify that diversions were not taking place. There is strong evidence that Pakistan indeed, because of the development of a nuclear weapons capability by India, is developing that capability itself, and there is some evidence that Libya may be cooperating with it in that endeavor.

That, it seems to me, poses a danger to world peace that is completely intolerable. It is, therefore, of paramount importance that the mechanisms of the Nuclear Non-Proliferation Act be extended, as the Volpe amendment would provide, to nuclear technology. As the gentleman has pointed out, it has the same waiver provisions as presently exist in the Nuclear Non-Proliferation Act.

Mr. Chairman, I strongly urge adoption of the amendment.

The amendment surely provides that nuclear trade administered by the Departments of Commerce and Energy and the Nuclear Regulatory Commission be carried out under a uniform, full-scope safeguards requirement under which nuclear trading partners of the United States, that are not nuclear weapons countries, must agree to open all their nuclear facilities to international inspections of the International Atomic Energy Agency as a condition for trade. Under existing law, the export of nuclear technology and related components now require safeguards only on the facilities in which these items will be used.

This strengthened safeguard standard makes a great deal of sense for several important reasons.

First, it is now widely recognized that nuclear components and technology are as important in the development of nuclear weapons capabilities as are nuclear facilities and fuel. Under existing law nuclear facilities and fuel can be exported only if the recipient country has already agreed to full-scope safeguards. The export of items once considered to have less significance for proliferation, but now believed to be more important, should also require the application of full-scope safeguards.

Second, it is important to note that this requirement would not unilaterally impose an onerous requirement on our trading partners (as some have already suggested).

To date, 115 nonnuclear weapons countries have already signed the Non-Proliferation Treaty (NPT). Under article 3 of the NPT, those nations have already undertaken to open all their civilian nuclear facilities to IAEA safeguards inspections.

Only a handful of countries, including Argentina, South Africa, India, and Parkistan, refuse the application of full-scope safeguards or to sign the NPT.

It is no surprise that these same countries are the subject of our nonproliferation concerns.

This U.S. initiative can be the beginning of a uniform agreement among all nuclear suppliers that full-scope safeguards are to be an essential prerequisite for all nuclear trade amongst nations.

By this means will we begin to come to grips with this vital problem.

I strongly urge its adoption.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment, which however well-intentioned can only wreak diplomatic havoc and reduce this country's ability to positively influence other countries in the nuclear arena. The administration has developed a policy of "constructive engagement" in nuclear policy matters which amounts to: One, case-by-case consideration of nuclear proliferation aspects of nuclear exports, and two, an evaluation of such exports based on whether the technology is sensitive, for example, reprocessing or advanced enrichment technologies, from the point of view of nuclear weapons proliferation.

I had thought that one lesson this body had learned from the nearly 4 years of President Carter's unilateral nonproliferation policy was that we simply cannot practice an approach based on denial. President Carter realized this in the last year of his administration and our actions over the past 2 years have given some credibility to our claims of wishing to remain a reliable supplier of nuclear technology and materials. Equipment and activities affected by this amendment would include safety equipment and minor parts for reactors as well as materials for South Africa's safeguarded power station which was built by the French. We should look upon these types of nuclear supply exports as well as agreements to provide reactor know-how as opportunities to remain such a strong player that we cannot be ignored in the nuclear plans of any of these nations, including Israel. To adopt this amendment will put us a long way on the road back toward diminished influence and result in simply a proliferation of nuclear suppliers while not achieving any real progress in nonproliferation with regard to control of nuclear weapons. I hope that my colleagues will support a rational and constructively deliberate policy approach to nuclear exports by rejecting this amendment.

According to the U.S. State Department this may cut off exports to Israel.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment, and I would like to commend my colleague, the gentleman from Michigan, for bringing this matter before the House.

Ultimately, there are few issues of greater consequence either to this country or to the world than the issue of preventing the further spread of nuclear weapons. This is an issue which we must take up seriously with all nations of the world, both those nations who supply and those nations who potentially receive nuclear materials.

Under current law, the United States can still export nuclear components and technology to countries which have not made internationally recognized commitments to nonproliferation such as adherence to the NPT, the Treaty of Tlatelolco, or acceptance of comprehensive full-scope safeguards on all of its peaceful nuclear activities. Continuing to contribute to these countries' increasingly sophisticated nuclear fuel cycles seems to reward them for their continued rejection of international nonproliferation goals and objectives, rather than exerting the strongest influence on them to be more responsible in the development of their nuclear programs. It is important for the security of all nations that the United States take a strong lead in trying to promote nuclear nonproliferation. To do this, we must be willing to use the strongest, most effective means at our disposal to influence other countries to adhere to nonproliferation goals and to guarantee that their nuclear programs will not be used for the development of nuclear weapons.

I urge my colleagues to support this amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentleman from Michigan's amendment.

Mr. Chairman, I do not think there is a Member in this Chamber who wishes to see nuclear weapons spread to other nations. Such a proliferation of these weapons of mass destruction represents an extreme threat to our national security.

We spend many days in this House debating the defense budget and its implications to our national security. We spend many days debating our national security in terms of the nuclear threat posed by the Soviet Union.

But I think that too often we do not give enough attention to the threat to our national security and the security of other peace-loving nations by the spread of nuclear weapons to countries that presently do not have them.

We forget that while threat of nuclear war between the United States and the Soviet Union represents the ultimate problem for this planet, the most immediate problem we face is the ever-increasing likelihood that another nation besides the superpowers will use nuclear weapons.

The most immediate nuclear problem we face today is the threat of a nation like Libya, Iraq, Pakistan, or Argentina acquiring a nuclear weapon and using it.

It is ironic, Mr. Chairman, that we have been deeply concerned lately about the drain of military-related technology to the Soviet Union.

We have all been worried, and justifiably so, that this drain represents a security threat to the United States.

But for some reason, we have been very cavalier in our concern over the export of nuclear equipment and technology that could very well pose a national security threat to this Nation.

Mr. Chairman, the gentleman from Michigan's amendment addresses the concern we all should have over nuclear equipment and technology exports that could pose a national security threat to this Nation.

I hope my colleagues will support this amendment because it makes good national security sense and it makes good defense sense.

Quite simply, this amendment would close some of the loopholes that presently exist in our export-licensing process for nuclear equipment and technology.

It would require what I think is a very minimal standard for a nation to meet to receive nuclear equipment and technology.

It would require that the export or retransfer of U.S. nuclear goods, technology, special material, components, items, or substances may not be made to a country unless that nation maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities.

As I said, this is only a minimal requirement—that a country receiving nuclear equipment and technology from the United States must have full-scope IAEA safeguards in place. It is a requirement that a country with a truly peaceful nuclear program would have no problem meeting.

In fact it is a requirement that a country with a peaceful nuclear program should welcome.

And I say that if a country balks at accepting these requirements, we should recognize that resistance as a clear signal that its nuclear activities may be other than peaceful.

I would also like to point out that this amendment would still allow the President to waive these restrictions, if the President determines by Executive order that the prohibition would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or would jeopardize the common defense or national security, if that Executive order is submitted to Congress for review at least 60 days before the export.

In other words, this amendment contains the right of Presidential waiver that is presently in the 1978 Non-Proliferation Act.

As I mentioned before, Mr. Chairman, this amendment would close some of the loopholes that presently exist in our export-licensing procedures for nuclear equipment and technology. And I might add that these have been loopholes that the current administration has eagerly exploited.

Last month, for example, the administration approved the retransfer of 143 tons of U.S.-origin heavy water to Argentina.

□ 1220

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. Argentina has not signed the 1970 Nuclear Non-Proliferation Treaty. It has refused full-scope safeguards.

It has refused to ratify the Treaty of Tlateloco, which would prohibit nuclear weapons in Latin America. It has refused to rule out the possibility of acquiring nuclear bombs.

And some experts have predicted that Argentina will be able to produce a nuclear bomb by the end of this decade.

Now, I ask you, if then-President Galtieri had had access to a nuclear bomb as the British aircraft carrier fleet was in the Falkland Islands area as his regime was dying and needed something to prop it up, would he have considered using it? I do not think we can answer that question affirmatively. I do not think we know. I do not think that we should continue to have commerce with a country that refuses to sign the Non-Proliferation Treaty.

Yet, here we are, allowing the export of heavy water to Argentina, and that heavy water is a key ingredient in the production of nuclear weapons.

Another example of a loophole is the possibility that the State Department will approve the licensing of an American firm to provide services to the Koeberg nuclear reactor in South Africa.

South Africa is another nation that has refused to sign the Non-Proliferation Treaty and has refused to accept full-scope safeguards.

Also, many intelligence experts believe that South Africa may have already exploded a nuclear device.

In still another example, last June, the Secretary of State assured the Indian Government that it would receive reactor components for its Tarapur atomic power station.

India, you will remember, exploded a nuclear device in 1974 using material diverted from its civilian nuclear program. India has also refused to sign the Non-Proliferation Treaty, has refused to accept full-scope IAEA safeguards, and has refused to rule out the possibility that it, in fact, would develop a nuclear weapons program.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

(On request of Mr. DOWNEY of New York, and by unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Clearly, Mr. Chairman, this country has no business exporting nuclear material to nations that refuse to demonstrate that their nuclear facilities are being used for nonnuclear purposes and refuse to rule out the possibility that they will explode nuclear bombs.

This amendment therefore is a sound amendment that is in our national security interest and I strongly urge its adoption.

I would say to my colleagues that if you are concerned about the export of sensitive military technology to the Soviet Union, you should be just as concerned about the export of nuclear technology that would pose an equal, if not greater, national security threat to this Nation.

We will be in a position, as the Pentagon has indicated in a last December study, that by the year 2000 we will have to equip our intermediate range aircraft with nuclear weapons in order to strike out at the threats throughout the entire Third World if we do not now begin to try to stem the tide of this rising number of countries in this world that gain access to nuclear weapons through peaceful civilian nuclear programs.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Wolpe amendment. I guess it was several weeks ago that Pope John Paul II termed the period of time that we are living in no longer the postwar period but potentially the prewar period.

I think that if there is any concern that overrides questions of the deficits or even questions of strategic policy between ourselves and the Soviets, it is how many members of the nuclear club there exist on this planet. Currently we have, I guess, about seven or eight. It depends on whether you want to count Israel or South Africa or not. The U.N. report estimates that by the end of this century there will be 20 members of the nuclear club.

What role does the United States have to play, if any, in limiting the numbers of the nuclear club, or trying to regulate their behavior? Clearly, the export of nuclear technology and nuclear materials is critical to that question.

The Wolpe amendment simply addresses some of the shortcomings in the 1978 law. All we are asking for, and as the gentleman from Massachusetts (Mr. MARKEY) correctly pointed out, there are Presidential waivers in the event that that should be necessary, is compliance with the 1978 law, with a recognition that you should be part of worldwide agreements if you are prepared to use nuclear fissionable material or nuclear technology.

The gentleman from Massachusetts also pointed out something that we do not spend very much time thinking about. During the war between Britain and Argentina, there is no doubt in my mind that if you are with your back against the wall and you have the capability to use nuclear weapons simply against combatants, and that is all you would have been able to kill with nuclear devices if you are Argentina, a flotilla several hundred miles off your coast would have quickly changed the complexion of that war.

Yet we are prepared to provide heavy water to the Argentines to further their ability, possibly before the end of the decade, to have nuclear weapons.

All throughout the world we have regional conflicts that have lasted for hundreds of years, and the United States is slowly and in many instances unwittingly providing nations with the ability to wage nuclear war against one another. The Indians, the Pakistanis, the South Africans and the border states around them will all become potential areas for nuclear conflict unless we act, and act firmly.

The argument has been made, "Is not the best way to deal with this question by being a reliable source?" Well, it may be, but is it not a better way to have a clear vision of what you want your country to be and have a clear understanding on the part of other nations that they have to comply with your laws before you will provide them with services that they desire?

It seems to me the decision should be clear in our mind. There is no greater question than reducing the availability and the opportunity for nation states across this planet to have nuclear weapons.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I would be happy to yield to my friend, the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is making a very important statement and I associate myself with his remarks.

I have always believed that if the ultimate horror of nuclear war comes to this planet, it will probably come not from miscalculation by the Soviets and by ourselves, but by one of the smaller powers threatened, as the gentleman indicated, with their national pride at stake, like the Argentinians. It would be much easier to enter into a nuclear exchange in that situation.

It is up to all of us to strengthen the International Atomic Energy Agency. That is vital. It does not guarantee anything particularly, but it does say that we are moving in this area.

I want to congratulate the gentleman. I just wish that our former colleague, Jonathan Bingham, who championed this cause so effectively for so many years, were here to join in this debate, because I followed his lead and I am glad to follow the lead of those like the gentleman from Michigan who are working in this Congress.

Mr. DOWNEY of New York. I thank the gentleman.

Of course, the gentleman from New York (Mr. BINGHAM) should be remembered for his courageous and insightful leadership over the years in this matter.

□ 1230

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. Of course, I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I just wanted to inject into the debate at this point something the gentleman from New York (Mr. BINGHAM) used to mention over and over again. The issue is not really whether or not we are a reliable supplier; it is whether or not we have reliable customers.

We have always been a reliable supplier. What we are trying to do now is put on the books a law which makes sure that the customers that we sell these materials to do not divert them to purposes other than those for which they were intended in the contract that is signed between our Government and theirs.

Mr. DOWNEY of New York. Mr. Chairman, the gentleman makes an excellent point. I think it is also important to recognize that we cannot do this in a vacuum.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. DOWNEY) has expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, on the subject of our being a reliable supplier, I think that is very important.

The legislation that I have introduced would include our supplying uranium to countries at a very low cost to induce them not to reprocess or enrich their materials and produce bomb-grade materials.

We can be a reliable supplier to anybody who is willing to be a responsible customer and who is willing to engage in the international treaty against proliferation and to subject their facilities to safeguards, as the vast majority of countries do. Some 193 countries have signed this treaty, and we are reliable suppliers with respect to those countries, but they have to be responsible customers in order to qualify.

Mr. DOWNEY of New York. It clearly is a two-way street. We hear it said all the time that the United States has to do this or that to get this customer. For instance, our tax laws have to be predicated on what the French, the British, and the Germans do. That is a lot of nonsense.

The United States, as the preeminent world military and economic power, should set a tone and an example. That is not much to expect from a great country, to provide that sort of leadership and to provide that sort of example.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield further to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, the real problem in this area is that we have for the longest time stated publicly that our goal is to raise the issue of nonproliferation, and that preventing the spread of nuclear weapons is the No. 1 issue in the world. That is the stated national goal of our Government. But at the same time, while stating that as a goal, we have allowed short term, diplomatic, military, and economic considerations to gut that long-term nonproliferation goal.

What we are trying to state once again firmly is that that is our goal, and that we are not going to allow the short-term problems of a President, a Secretary of State, or a private company in our country to override that long-term goal which ultimately leads to the security of our country and the world.

Mr. DOWNEY of New York. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) makes a superb point. There is always a reason temporarily for us not to force someone to comply with the rigors of a policy that is visionary.

The only thing I could end on that I think would be appropriate as a quotation is one from the Bible: "Where there is no vision, the people perish." In this area of nuclear nonproliferation, vision is imperative.

Mr. Chairman, I yield back the balance of my time.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am sure that the amendment is well intentioned, but I have been surprised about what happens whenever this kind of an amendment is added onto a bill.

The thing that concerns me is that because of our unreliability as a nuclear supplier, we have suffered the loss of jobs in this country. Because of this attitude, because of laws such as these that are enacted perhaps in a spirit that is well meant, what happens is that in my home State of New Mexico, for example, the uranium mining industry has been devastated, simply because we have lost all our trading partners because of well intentioned, but certainly not very meritorious, kind of amendments.

Let me give the Members an example. About a year and a half ago I attended a conference of the Pacific Basin States in Mexico. The subject was, of course, nuclear energy. At that time Mexico was considering buying 20 nuclear powerplants, and we were, of course, eager to sell those powerplants to them. An American company was already constructing one powerplant there.

I was amazed when the leaders of that country in the production of electricity said that of those 20 that they are going to buy, not 1 of them will be bought from the United States.

Now, we are their No. 1 trading partner, and yet in this particular area they would go anywhere in the world other than the United States to buy those nuclear powerplants. And when we talk about the cost of one of those plants being $2 billion, or whatever the figure may be—perhaps it is a lot less in their own country than it is in ours—we have to look at the balance of trade and look at the jobs that are lost in this country because of our nuclear policy.

I asked them specifically why they would not buy them from the United States. They said, "We need a reliable partner. Your nuclear policy doesn't make sense, either your domestic policy or your export policy."

So, Mr. Chairman, it seems to me that we do more damage by adding this kind of an amendment to such a bill. Certainly none of us want any of these nations to get into production of nuclear weapons, but we are not talking about exporting nuclear weapon production capability; we are talking about exporting nuclear powerplants. When our No. 1 trading partner—at least we are their No. 1 trading partner—tells us that they are not going to do business with us because of the kind of attitude we have in our country, it seems to me that we have gone just a little bit too far.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I will yield in a minute.

Mr. Chairman, this particularly concerns me because no more than 50 miles or 60 miles from where I live in Albuquerque, over in the Grants, N. Mex., area, the uranium mining industry is just devastated because of our nuclear policy. And the people in Mexico were absolutely correct. We do not have a rational nuclear policy; in acting in this way, we just shoot ourselves in the foot.

Now, Mr. Chairman, I will be glad to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I am hard pressed to understand the rationale of the gentleman from New Mexico. Is he saying that he believes that we ought to revive the uranium industry in New Mexico by increasing our exports to Argentina, Brazil, South Africa, and India? Because that is what this bill is about. This bill is about exports of technology, equipment, and components, to those countries.

I am hard pressed to believe that the people in the gentleman's State would justify the creation of new uranium jobs on the basis of exporting materials to countries that have not signed the Nuclear Non-Proliferation Treaty, to countries that have not disavowed an interest in creating nuclear bombs.

Mr. LUJAN. Mr. Chairman, if I may reclaim my time, what I am saying is that time after time in all the legislation that we seem to be working on in this body, we look for the opportunity of political expression and the offering of such nonsensical amendments.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico (Mr. LUJAN) has expired.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico (Mr. LUJAN) be allowed to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Does the gentleman from New Mexico (Mr. LUJAN) wish to be recognized for 2 additional minutes?

Mr. LUJAN. All right, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUJAN. I will be glad to yield to the gentleman from Massachusetts, Mr. Chairman.

Mr. MARKEY. Mr. Chairman, I wanted the gentleman to be allowed to conclude his statement.

Mr. LUJAN. No; I had concluded, Mr. Chairman.

My point was that we look through all pieces of legislation when we have this antinuclear attitude in this country, and this just means more limitations. There are enough safeguards. The Secretary has the authority now, and no Secretary in his right mind is going to deliver that capability to a country that does not have a nuclear weapons capability. But this is just an expression of what is perhaps already being done, and it just muddies the water further by having this kind of an amendment.

Would the gentleman disagree that the Secretary already has that prerogative of denying an export license to any country where it will become a nuclear weapons-capable state?

Mr. MARKEY. Exactly right, but let me state the problem.

Mr. LUJAN. Can the Secretary do it? Then, if that is correct, if he does have that, why in the world do we need to put an amendment in this bill here? The reason for it escapes me.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. It is because the Secretaries of Energy and Commerce and the NRC do not have the proper direction from us.

□ 1240

They are in fact now in the process of approving contracts with Argentina, with India, with South Africa, and with China without the proper safeguards.

Mr. LUJAN. Did the gentleman mention Israel? Is the gentleman trying to prohibit the shipment of nuclear powerplants to Israel?

Mr. MARKEY. I am saying that the restrictions ought to apply to all countries.

Mr. LUJAN. So if Israel wants, as they do, to develop a nuclear weapons capability, the gentleman thinks we ought to deny them that right?

Mr. MARKEY. What I am saying is that the Congress should decide.

Mr. LUJAN. Well, just yes or no; either the gentleman does or he does not.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico has again expired.

(At the request of Mr. Markey, and by unanimous consent, Mr. LUJAN was allowed to proceed for 1 additional minute.)

Mr. LUJAN. What the gentleman is doing, he is taking those states that he does not personally think ought to have them and starts throwing rocks at them. But let us include Israel in this. Is it the gentleman's intention that we not be able to ship nuclear technology to Israel because they would want to have a nuclear weapons capability? Is that the gentleman's intention? Yes or no.

Mr. MARKEY. Mr. Chairman, if the gentleman will yield further, I will answer it, as the legislation has been drafted. Under the legislation, for 60 days this proposal must come to Congress for our deliberation. At that point in the context of the particular sale of the particular component for the particular purpose for which it is intended, Congress will then deliberate upon that.

We, however, do not have the right to overrule what the White House has decided. The President can grant the waiver, only that we in Congress will have that as the subject for debate or for proposal, 60 days prior to the actual export.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico has again expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Listen, I just wanted to make a little statement in support of American industry. I do not mean to get into a big discussion about what states we like or what we do not or who we are going to discriminate against and all those things.

Does the gentleman believe seriously that we should bring to this Congress every proposal of sale of any nuclear powerplant anywhere in the world, or just those that the gentleman thinks that maybe we can throw rocks at some particular country in the general debate, or should we bring every single sale to this Congress to be debated?

Mr. MARKEY. Mr. Chairman, if the gentleman will yield further, I will be glad to answer that question. I do not think that most of them would command the attention of the Congress here, but I think those that pose nonproliferation threats to this world and to the security interests of the United States, I believe that we ought to debate them here. I believe that there will be a nuclear war somewhere in this world in the next decade. I do not believe it will be between the United States and the Soviet Union.

I do believe at that point we will have the most important political, moral and philosophical debate in the history of this world on this issue.

I just ask that we play our proper role in trying to restrict access to countries that are most likely to use it and create that war to have these materials.

If the gentleman wants to give a blank check to every country in the world that can come in here with the dollars, put them on the table, we shove them this merchandise ultimately on to the street, hawk it to anybody that can come up with the money, then fine, so be it. Just say it. Anything for jobs in New Mexico, anything, we will sell to anyone that wants it. You just say those words.

I believe we have a greater moral responsibility than that. I believe that we will ultimately rue the day that we set this world upon a plutonium economy and I believe when those million of lives are lost, most likely brown faces or black faces somewhere in this world in the next decade, that we will regret our total abdication from the decisionmaking process.

Mr. LUJAN. I had no idea that we were getting into an ethnic discussion on this thing. I think if we do create that situation, it will be bad for everybody; but the point is that the Secretary now has that capability.

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico has again expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONKER. Mr. Chairman, I reserve the right to object, only to note that we have 30 amendments pending to the Export Administration Act, many of which are very technical. We have limited time today in which to consider all of them, so I would hope that we could scale down this debate and move on with the votes, so that we can take up the remaining amendments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York (Mr. OTTINGER) that the gentleman from New Mexico may proceed for 1 additional minute?

There was no objection.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I just would like to settle the question that the gentleman raised with respect to Israel. Israel does not import from the United States its nuclear technology nor its fuel. It has its own fuel capability, so I think that is a shibboleth that is being raised here that really does not apply.

What we are asking is that the same rules that apply under the Non-Proliferation Act to all countries in the world be applied to nuclear technology, as well as to nuclear facilities. Israel is not affected any more by this amendment than by the basic Non-Proliferation Act.

Mr. LUJAN. Mr. Chairman, may I ask the gentleman, does the Secretary now have the authority to deny the shipment of nuclear products to a country that he believes is going to use them for nuclear weapons purposes? Does the Secretary have that authority now?

I yield to the gentleman.

Mr. OTTINGER. It does not now come for licensing. He does not now have the authority under law to be able to deny that technology, except as he might under the Export Administration Act feel that this is sensitive equipment that should not go to a hostile nation.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think it will come as any surprise so any of us to hear that the administration strongly opposes this amendment.

Although the administration, and I, appreciate the concerns which have motivated this amendment, I believe that such a policy would not only fail to achieve the nonproliferation objectives which apparently have motivated its sponsors, but would substantially reduce the chances of making meaningful progress on these issues.

Let me just point out a few items on why I believe this amendment should be opposed.

First, imposition of such a restraint on all nuclear cooperation with nonnuclear weapons States, which currently do not accept comprehensive safeguards, even insignificant health and safety assistance to safeguarded civil nuclear power programs, and I should point that out. As I understand the amendment, it would not only apply to unsafeguarded facilities in a country, but even to those that are safeguarded in those countries and it would eliminate any U.S. influence on the direction of the nuclear programs of those countries. Particularly, it would make it difficult, if not impossible, to convince such countries to adopt broader safeguards coverage over their nuclear programs.

Second, existing stringent export requirements adopted by Congress as part of the 1978 Nuclear Non-Proliferation Act, which many of us voted for, after long and careful consider-

ation, establish a reasonable and effective framework for determining which types of nuclear cooperation should be controlled because of their proliferation risk. Unlike the carefully balanced controls in existing law, this measure fails utterly to make any distinction between trivial, nonsensitive assistance to foreign nuclear programs and activities which actually warrant concern and control.

This change in the legislative framework is not only unnecessary, but would cause foreign governments to seriously doubt the judgment of the United States about what is significant from a nonproliferation perspective, and what is not.

Further, the effect of this amendment would be to adopt a major new change to the Atomic Energy Act without appropriate consideration by the relevant committees of the Congress.

My understanding is that this amendment was not considered in hearings before the House Foreign Affairs Committee or its subcommittee.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman on that point.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding.

Most of the elements of this amendment were, in fact, included in the Bingham legislation that was considered and passed by both subcommittees that have jurisdiction over this question, and by the full committee in the last session. In this session there has been one hearing on the more comprehensive bill from which this amendment was extracted.

Mr. LAGOMARSINO. But this particular amendment was not discussed?

Mr. WOLPE. No, it was not.

Mr. LAGOMARSINO. Further, such a sweeping alteration of a carefully structured export control system, without thorough consideration, would have major and perhaps unforeseen consequences for U.S. trading relationships going far beyond the nuclear field. It would call into question the U.S. reputation as a predictable and reliable trading partner.

I am informed by the State Department that the Wolpe amendment would preclude all nuclear cooperation with the State of Israel.

It would also preclude all nuclear cooperation with the Republic of Argentina, which will be holding its first Presidential elections in 7 years next month.

□ 1250

It would be extremely shortsighted I think to punish a newly elected democratic government with whom we are trying to improve relations before we even see what efforts the new government makes toward accepting international safeguards.

Furthermore, Argentina has signed the Latin American Treaty against nonproliferation, TLATELOCO, but has not yet ratified it. I do not think we ought to take action, at least at this point, which might jeopardize eventual ratification of that treaty. Prohibiting all nuclear exports without considering how that might adversely affect U.S. influence in securing adherence to an international safeguard could well be counterproductive. By maintaining our ability to export nonsensitive items, we maintain our leverage in influencing our nuclear partners.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. We will hear the argument that the President does have under this amendment the right to waive its provisions. However, what country with whom we might be dealing is going to accept that kind of a situation, where they might deal with a company and with Departments of this Government for many months, not knowing in advance whether such a waiver would come forth or not.

I think what would happen is that we would see these countries going to foreign sources for these nonsensitive items, we would have lost whatever influence we had, and we would not have furthered the very vital issue and the ultimate worthy goal of nonproliferation.

I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the gentleman from Michigan for his proposal and for his salutary objectives. However, I think there are a number of very important considerations that I would like to call to the attention of my colleagues that I believe warrant our opposition to the amendment.

From a foreign policy standpoint, applying such punitive treatment to several nations with which we have close and amicable relationships would not only disrupt important bilateral U.S. relationships with those nations, but could also effect broader regional issues.

Moreover this far reaching new trade restraint would penalize U.S. companies, without corresponding nonproliferation gains, because foreign suppliers will readily provide equivalent items or services without requiring the types of conditions which the United States would apply to such transactions.

Achievement of the nonproliferation goals identified in the proposed amendment to the Export Administration Act can only be achieved through international cooperation and negotiation, not through the unilateral imposition of hastily conceived, indiscriminately applied, and retroactive export prohibitions.

Further, implementation of the policy contained in the amendment by agencies of the Federal Government would be extremely difficult and contentious in view of its failure to precisely set forth standards for determining which of the many items exported from the United States would be deemed to fall within its scope.

In addition, this proposal seems to retroactively revoke export approvals already granted by the U.S. Government after protracted consideration. Disputes over the application of this provision, especially over any attempt to revoke existing nuclear export approvals, could lead to protracted litigation or administrative proceedings which would further erode foreign confidence in the U.S. export process.

Finally, this amendment would complicate and confuse the institutional responsibilities of the U.S. Government agencies which are charged with implementation of nuclear export control laws and regulations. For example, subsection 1 of the amendment would appear to place in the Secretary of Commerce the responsibility for determining whether nuclear items are likely to be diverted for use in a nuclear production or utilization facility. This is not the kind of finding which the Department of Commerce possesses the expertise and institutional mandate to make. Other provisions of the amendment are ambiguous concerning which agency bears responsibility for the findings which must be made under the law to determine whether a proposed export is covered. These examples illustrate that a potentially far-reaching measure of this character must be carefully evaluated before enacted into law.

It is for these reasons that I urge my colleagues to oppose this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. RITTER).

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

The argument that the gentleman made that other countries will supply this equipment if we do not is one that is frequently heard. As a matter of fact, when we were exercising leadership in nonproliferation, and after India exploded a device with heavy water supplied by Canada, we were successful in getting Germany to cancel arrangements it had with Argentina, and France's arrangements with Pakistan, because of their concern and because of our leadership. If we do not exercise that leadership I do not think we can expect the other

countries to cooperate with us in our nonproliferation goals.

I again thank the gentleman for yielding.

Mr. RITTER. I thank the gentleman for his comments.

The fact is that under the Carter administration this country lost significant ground as an exporter of nuclear power technology.

The fact is that this is an American industry. And the fact is that we invented it here, and American taxpayers paid for its evolution and development. But over the recent decade, we have lost greater and greater ground to foreign competition because we, especially during the Carter administration, put a series of constraints on our sales that were not put on by the competition. Now this amendment expands those constraints considerably.

France, which is not responsible to the 1978 Nuclear Proliferation Act signed by the Congress, is the nation that sold the reactor to Iraq. Conceivably that kind of sale could be avoided if we are in the competition and we are not constrained by our own legislation. Conceivably, we could influence the use to which those technologies are put.

The 4 years of experience in the Carter administration indicates that we lost ground, and we are still losing ground. There have been no new domestic orders for nuclear power in this country but there have been foreign orders. And this means hundreds of thousands of jobs in this industry to the United States.

The bottom line is this: For those considering supporting this amendment, this amendment is generalized, it is nonspecific, it opens up 10 Pandora's boxes. This amendment will enhance the risk of nuclear weapons proliferation because it will take the United States out of the competition. No involvement means no influence. That is what is going to happen, if this amendment is made law.

So, I urge my colleagues to think about this American high technology industry; to think about the meaning of export and foreign sales to preserving a domestic market—like Ford Motor Co. during 2 miserable years sustained by its foreign sales—the same can be true of this industry and the hundreds of thousands of workers who are involved in this industry, from steel to electronics to brain power in hundreds of different fields.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

I just want to thank the gentleman also for his comments. We come here to Washington, D.C., from all over the country and find that one of the key topics of discussion is how can this country maintain its technological leadership. We hear a lot of complaints and we see the wringing of hands about how foreign competition is taking technology industries away from us. And yet, we here, right in this body, continue to erect barriers that prevent our technological concerns from advancing their sales overseas, from making progress vis-a-vis our foreign competitors.

□ 1300

I hope that my colleagues will understand that this is not just a vote about nuclear energy and nonproliferation but it is a vote about the policy of high technology in this country. Are we going to continue to shoot ourselves in the foot, and restrain our companies from being able to be the technological leaders we would want them to be through needless regulations or are we going to permit them to compete in the world markets as they should?

I thank the gentleman for yielding.

Mr. RITTER. I think the gentleman has made an excellent point.

Mr. HUTTO. Mr. Chairman, I move to strike the requisite number of words and, despite the good intent of this amendment, I rise in opposition to it.

Mr. Chairman, I rise in opposition to the Wolpe amendment. Of course, we are all in favor of nonproliferation. We do not want to allow materials or technology to get into the hands of nations, particularly those that are irresponsible, that would allow them to produce nuclear weapons. But, it is my understanding that this amendment would preclude the shipment of safety equipment, components and minor parts for reactors.

AMENDMENT OFFERED BY MR. ROTH TO THE AMENDMENT OFFERED BY MR. WOLPE

Mr. ROTH. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH to the amendment offered by Mr. WOLPE: On page 3 of the amendment, line number 1, strike out the quotation marks and the last period and in lieu thereof insert the following:

"The restrictions contained in this subsection shall not apply in a particular case if foreign availability is determined to exist in accordance with the procedures and criteria established under subsection (f)(1) of this section (unless the President determines that not applying such restrictions would prove detrimental to the national security of the United States.")

POINT OF ORDER

Mr. OTTINGER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from New York will please state this point of order.

Mr. OTTINGER. Mr. Chairman, I believe the amendment is in the third degree. The gentleman from Michigan (Mr. WOLPE) offered an amendment to the amendment in the nature of a substitute and, for that reason, I think it is not in order.

The CHAIRMAN. The Chair would advise the gentleman from New York (Mr. OTTINGER) that this is an amendment in the second degree. The original amendment in the nature of a substitute is considered as an original bill for purpose of consideration under the rule.

Mr. ROTH. Mr. Chairman, It think it is important for us to remember that we are debating the Export Administration Act.

One of the key provisions of that act is the issue of foreign availability.

What my amendment does is this: Using the foreign availability test by applying the criteria which is found in section 5(F)(1) of the EAA Act of 1979 and the standard of the foreign availability states that if there is a determination of foreign availability, then we should not require validated licenses, unless, to quote from the amendment, "unless the President determines that not applying such restrictions would prove detrimental to the national security of the United States."

Mr. Chairman, a couple of weeks ago we had a very interesting hearing on the Nuclear Explosive Act where the gentleman from Michigan most eloquently testified before our committee. Other Members here on the floor also testified at that time and I was struck by the great similarity between the terminology the witnesses used regarding nuclear explosives and the existing Export Administration Act.

I believe in consistency. I believe in being rational. I know that my colleague believes the same. I think he will, as many of our other colleagues in the body, be arguing that we apply a foreign availability test, to specific criteria and standards, to the Export Administration Act. They are arguing that foreign availability should be the criteria on whether or not to restrict the sale of a good or technology of strategic importance.

But in this bill they are now proposing an amendment which does not take foreign availability into account, and that is a crucial factor.

The proponents argue, it seems to me, that nuclear exports are so important and have such a dramatic effect on world affairs and are so critical and strategic that foreign availability is not the issue and that is why it does not appear in this amendment.

But I would ask the following questions:

Is the sale of biological or chemical warfare elements less important?

Is the sale to the Soviet Union of an advanced computer, for their Soviet military establishment, less important to this House than the export of some incidental nuclear material?

Is the export of a radar system from the West to the Soviet Union, which now is the guiding hand for Russian defense, less important?

Yes; I think there is a difference, and I think that it has a real bearing on our U.S. security.

I think that is the issue we are trying to deal with in this particular legislation and that is why I feel we must be consistent.

I applaud the gentleman's intention and his concern that he has shown in his amendment. I feel that we must share the same concerns and have the same intentions about the entire Export Administration Act.

Mr. WOLPE. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, I rise in the strongest possible opposition to this amendment which not only is in conflict with the intention and the thrust of the amendment that I have offered today, but is actually in direct conflict with the entire thrust of this country's nuclear nonproliferation policy.

It has always been understood that other countries may, in fact, also have things to sell that would be restricted from export from this country. That has always been understood.

But we have always insisted that there are certain kinds of technologies that we would not allow to be exported indiscriminately, notwithstanding the possibility that other countries would then be able to make a similar sale.

We do that right now with respect to nuclear reactors and fuel. The United States does not sell any nuclear reactors or fuel to any country that does not accept full scope safeguards, even though we knew there are other countries that have nuclear powerplants and fuel to sell.

We have done that because we understand that it is not in America's interests, it is not in the interests of the world to allow that kind of technology to flow to countries that refuse to apply safeguards necessary to insure that nuclear fuel and technology will not be diverted to weapons production.

All that we do in my amendment is to say that the same criteria should be applied to the components and to technology transfers as to the powerplants and the fuel itself.

What is at issue in the Roth amendment to my amendment is the potential application of foreign availability criteria to all nuclear component exports. This would mean that no export restrictions would apply if other countries had the same nuclear product for sale. That is outrageous on its face. Moreover, I would note there are many other products we refuse to export on an indiscriminate basis, notwithstanding their foreign availability.

For example, with respect to crime controls, or the control of terrorism we have some very clear limitations on what we are going to allow to be exported from this country, even though we understand in advance that other countries have the same material.

With respect to the nuclear nonproliferation policy, the reason we make that assertion is because we understand that the United States cannot possibly assume leadership in this critical area unless we are prepared to set the example and by the example and by our diplomacy secure the cooperation of other nuclear suppliers.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would at this point be pleased to yield to my distinguished chairman.

Mr. BONKER. I thank the gentleman.

As he knows, I will be opposing his amendment on procedural grounds and, for the same reason, I must oppose the gentleman's amendment to the amendment.

I do not think you can reconcile a foreign availability provision with the present Nuclear Non-Proliferation Act. It simply is not included.

Not only that, but if this provision is to remain in the Export Administration Act, the Secretary of Commerce alone would have to make the determination of foreign availability. We know that that jurisdiction is not shared with the Department of Energy.

The gentleman from Michigan notes, rightly so, that we have made exceptions in the present Export Administration Act for situations where, in spite of foreign availability, we would not allow any commercial transactions to occur. The crime control equipment list is one example, and we also control sales of aircraft to certain terrorist countries. I think we have to apply that the same standard to nuclear technology or nuclear parts.

So I do not think that foreign availability is a concept that would apply itself well to this provision and for that reason I would have to oppose the gentleman's amendment.

□ 1310

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to the amendment, for perhaps unusual reasons. It seems to me, Mr. Chairman, that the major thrust of the legislation is that it encourages the exporting of technology, if it is available to controlled countries by Cocom countries anyway.

The bill goes on and says if critical technology that would inherently reduce the defense capabilities of this country is available in foreign countries, and we cannot persuade those countries not to export it to other countries, then we can join in the sale of that technology, even though it is military-critical and jeopardizes the defense capabilities of this country.

In other words, we are once again into the area of foreign availability. The main amendment says that there is an overall moral concern to nuclear energy because nuclear energy can be used for military nuclear proliferation but, regrettably, this amendment does not attach the same 6-month negotiating requirement on nuclear technology as it does to other technology.

It seems if there is a moral concern, an overriding moral position against the sale of nuclear technology, that same concern, in the same degree, should be available when we talk in terms of the sale of inertial guidance systems, when we talk in terms of the sale of laser lenses or chemical warfare capabilities.

It seems to me that if you have a 6-month criterion requiring the President to negotiate out the foreign availability in 6 months for one type of technology it should be applied likewise to the other type of technology.

It seems to me that if nations can be destroyed by nuclear technology, it requires the guidance system to deliver the nuclear warhead.

I think it is impossible to argue in favor of the amendment without further restrictions of the amendment by the gentleman from Wisconsin.

Therefore, I urge Members to vote in favor of the restriction to make sure that there is equality in the two types of technology.

As I mentioned before or as I may not have mentioned before, I am not much in favor of the foreign availability aspect when it comes to the 6-month limitation. But if it is going to stay in the bill, it should stay in the bill for all types of technology, as well a nuclear technology.

Therefore, I rise to support the gentleman's amendment to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

This is the most confusing kind of a debate. Here we say that we want to be world leaders and now we take a reverse leadership role. We say that no matter what we believe, if anyone else in the world wants to do it, then we will adopt that policy.

That is going to be our new role under this policy. We say, "You are a heroin addict? And you can get if from some other place? Well, we will sell you the heroin because we do not want to lose the business."

We will adopt their standard of morality. Take the French, for example. Do you want to sell nuclear components to Iraq even though we know that they are building nuclear bombs

with it because the French are selling them equipment? We will be selling the components and we do not want any official restrictions on it. Do you know what I think we ought to do? I think we ought to adopt a policy that we have with regard to the Pakistanis.

We have exerted our clout with our allies who are also nuclear suppliers, to place restrictions on the export of materials to the Pakistanis. It has worked. The other countries have come to follow our lead on this issue.

Rather than abdicate responsibilities we ought to set the example, to use the very substantial political and economic clout that we have by setting standards that others will follow instead of saying, "We will allow you to set the lowest common denominator and we will adjust ourselves downward in terms of what should be our standard on the export of nuclear materials."

There are 115 countries, 115 countries that have signed the Nuclear Nonproliferation Treaty. We are talking about five countries here that have not; five countries who we all believe have very, very real programs in process to construct nuclear weapons. We are trying to restrict their ability to gain access to some nuclear materials.

We have very real reason to believe that India and Argentina have had great difficulty in obtaining these materials from other countries.

What we are saying with this particular amendment is we do not care, we do not care at all; as long as those people can put up the dollars and they would go to another place in the world we will allow that to drive our policy with regard to whether or not we exert leadership.

I think it is a complete and total abdication of the long-term nonproliferation goals of this country. It totally ignores the real clout that we have in playing this leadership role and it will come back to haunt this country.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Jersey.

Mr. COURTER. I am pleased the the gentleman would yield, thank you very much. I just have an inquiry.

I am going to, sometime later today, or if we do not get on with this debate, whenever this bill is brought up again, proffer an amendment to eliminate the 6-month situation with regard to foreign availability. My argument is going to be that there are some types of technology that if it is exported and if the President cannot dissuade other countries from exporting within that 6-month period, are so dangerous to the security of the United States, perhaps are so morally outrageous, we should, regardless of the rest of the world, not export it ourselves.

I am just hoping that, using the gentleman's logic, he would, therefore, feel compelled to support my future amendment and I would like to have his thoughts on it.

Mr. MARKEY. I will give very serious consideration to that amendment when the gentleman makes his case.

Mr. RITTER. Mr. Chairman, will the gentleman yield to me?

Mr. MARKEY. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

I would like to ask him whether or not he believes that holding Pakistan responsible is a wise policy, the policy that we have followed in trying to hold Pakistan responsible on this issue?

Mr. MARKEY. I am sorry, I do not follow the point of the gentleman.

Mr. RITTER. The gentleman pointed out that we have held Pakistan responsible for fulfilling our own requirements for nuclear nonproliferation, that we have used the 1978 Act and our influence with Pakistan as a club. Does he agree with that? I assume that he does agree with that.

Mr. MARKEY. I do, yes.

Mr. RITTER. We are doing that now without this amendment. That is an important thing to recognize. What this amendment does is open up a whole new series of channels to do what? To cripple the ability of this country to do nuclear power sales with a series of other nations including, I might add, the nation of Israel, who may well be hindered in her own nuclear power development by this very amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. I think we have already made it clear that there is a nominal effect, at most, on Israel. But in addition, remember, the President can still waive the provisions. We do not tie the hands of the President behind his back; rather, we only make a requirement that he put the request before Congress for 60 days for our consideration.

At that point he can waive any of the provisions in order to make any sale he believes to be in the security interests of the United States and that includes sales to Israel.

Mr. Chairman, I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

I will not take the 5 minutes. But I want to make a very important point. That is this: The entire basis of the proponents' argument, the gentleman from Michigan, is that we have to set an example. I'm confident we do not want a double standard.

The flip side of the proponents argument must be kept in perspective. If it is true that the United States should exert leadership in this field and to set examples for our allies, then the exact same argument applies to West-West trade and setting an example for our Cocom partners, in strategic controls on high technology exports to the Soviet Union. And I hope we keep that in mind when we come to those titles in the legislation.

I thank the Chairman.

□ 1320

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment to the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, section 108 of this bill states that negotiations must be conducted to eliminate the availability from foreign sources of items controlled for national security purposes: If the availability is not eliminated within 6 months, the item will no longer require an export license. I agree that fair enforcement of controls requires multilateral cooperation, and we must be committed to making every effort to eliminate foreign availability. Requiring negotiations to do this is entirely appropriate. However, mandating that national security controls on such items be lifted if foreign availability is not eliminated within 6 months could have very serious national security ramifications. We might, as a consequence, be required to unilaterally decontrol items on the Cocom control list which are available from other foreign sources.

Mr. Chairman, this would seriously damage our position in Cocom. In addition, although I appreciate the concern that U.S. business should not be precluded from selling their products overseas if foreign competitors are not similarly restricted, our discretion to maintain U.S. controls on such items under certain circumstances should not be eliminated.

This amendment is similar to the recommendations made by the House Armed Services Committee panel on technology transfer which extensively studied this issue. The Department of Defense and the Department of Commerce believe that this section of the bill, unless amended, will severely jeopardize the national security of the United States.

This amendment to the bill is aimed at strengthening the foreign availability section of the bill with respect to national security controls. My amendments have nothing to do with foreign policy controls, and those colleagues who have expressed support for the bill because of interests in agriculture or exports in the area of heavy equipment should be alerted that my amendments have no impact on these interests.

Section 108 of the bill requires that the availability of an item controlled for national security purposes be eliminated through negotiations within 6 months. If all foreign availability is not removed within the 6-month period, then the President is required to lift export controls on the items controlled for national security purposes.

The Department of Defense and the Department of Commerce believe that this unrealistic requirement will severely jeopardize the national security of the United States.

Section 108 of the bill contains two fatal flaws: The first one is the lack of a clear definition of foreign availability. This is a loophole which will end U.S. export controls over militarily critical goods and technology.

The second flaw is the 6-month time limitation placed on the President. Six months is not sufficient time to negotiate with our allies to end foreign availability on thousands of goods and items.

These two flaws in the bill may force the United States to remove export controls on items such as advanced electronic testing equipment, sensitive aircraft engine technologies, and intelligence-gathering instrumentation.

And listen to this: If the President was not successful in eliminating foreign availability on items used for the production of chemical and biological weapons production, in the 6-month time period, the United States would be required to eliminate export controls on such items. Does the U.S. Congress really want to make it easy to export items used for the production of chemical and biological weapons? Do we really want to export chemical weapons? Let me give you another illustration: The technological advantage possessed by the West and, most notably, the United States, was clearly demonstrated in the Israeli air victory over the Syrians a year ago. The Israelis using sophisticated electronic weaponry—received from the United States—overwhelmingly defeated the Syrians using inferior Soviet technology and equipment.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. SOLOMON) has expired.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONKER. Mr. Chairman, reserving the right to object, I believe that the gentleman in the well is making comments on an amendment that is not necessarily before the House. I think he is making reference to the foreign availability provision in section 108 to which he was going to offer an amendment.

But the issue before the House is the gentleman's amendment to the amendment of the gentleman from Michigan concerning foreign availability of nuclear technology and nuclear parts.

So I think that his comments, with which I am quite familiar, are not relevant to the issue before the House.

Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, House passage of H.R. 3231 will erode the edge we hold in the area of critical military technologies. These areas include jet aircraft engines, essential parts for missile weaponry and smart weapons, and precision machinery which is used to produce weapons. And while we are on the subject of essential parts for missile weaponry, I would like to point out that the Atoll missile, used to murder the 269 innocent men, women, and children aboard the Korean Airliner, reflects a mirror imaging of deployed Western systems and their technologies. My amendments will strengthen this bill in order to delay and prevent future Soviet access to sophisticated Western technology—the sophisticated technology they duplicate to build weapons like the Atoll missile.

Some of my colleagues are always pointing out that there have been few denials and actual instances of diversion through the validated licensing process—and they are right. However, what they fail to point out that this is due in large part to the integrity of the validated licensing system.

Without the validated licensing system, more items than those already diverted would occur in West-West trade. It is the success of our validated licensing system that has prompted the Soviet bloc countries to seek other means of diversion of high technology items. Consideration of West-West trade licensing is taking less than 1 month and I cannot help but feel that this is a small price to pay for helping to maintain our national security.

I would also like to point out, and this is very important, that according to our intelligence community, more than 80 percent of the illegal diversions to the Warsaw Pact countries occur through West-West trade, not in West-East transactions. Section 108 of the bill would require the United States to share technologies which we do not now share with our closest allies, and this includes releasing technologies to neutral as well as Cocom countries. Once this is done, the technologies will then be transferred to the Soviet bloc. Remember what I just said—over 80 percent of the illegal diversion to the Warsaw Pact countries occur through West-West trade, not in West-East transactions. According to a recent survey, the Soviets have tried to infiltrate 105 of our 1,300 Swedish companies.

High-tech firms in neutral countries are of particular interest to the Soviet electronics company Elorg—which set up to buy sensitive electronics from Western European firms—and its KGB chief managed a few years ago to buy U.S. electronic components from a Swedish company, even though the firm had no official export license. The technology is now used in Soviet planes. This is just one of hundreds of examples of the Soviets obtaining Western technology which can be used for military purposes.

There is a strong relationship between the national security sections of this bill and the Korean airline massacre. Has the U.S. Congress already forgotten the atrocity which occurred a little over 3 weeks ago. An atrocity which cost the life of one of our colleagues and the lives of 269 innocent men, women, and children. Well, the American people have not forgotten.

Is this body really going to approve a bill which will make it easier for the Soviets to obtain U.S. missile technology? At the same time, we continue to search for the black box from the KAL destroyed by an Atoll missile. A Soviet missile which is an exact duplicate of the U.S. Sidewinder missile. The Soviet Atoll is a mirror image of U.S. technology and was built with Western methods, and Western know-how.

For all of these reasons, I urge the Members to support the amendments I will offer concerning foreign availability.

□ 1330

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The time of the gentleman from New Mexico (Mr. LUJAN) has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico (Mr. LUJAN) be given 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BONKER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I wanted to ask the gentleman from New York a couple of questions, if I could.

Since we are talking about the foreign availability section, I thought it was important to bring home to our colleagues exactly what this means, and I have been listening very closely to the gentleman.

In reading the foreign availability section, it appears to me that when they talk about determining foreign availability and the initial determination by the President that the absence of controls would prove detrimental to the national security of the United States, they are talking about technology, then, that could be used in a military way against the United States; is that right? They are talking about American technology that, if it were transferred, could be ultimately used to kill Americans in a conflict; is that right?

Mr. SOLOMON. In my opinion, that is right.

Mr. HUNTER. Then what they are saying is, if we have on our controlled list technology that could ultimately be used to kill Americans and, therefore, we will not sell it, but another country, one of our Cocom partners is selling and we cannot talk them out of that within 6 months, then we, the United States, would go ahead and we sell technology that could be used to kill Americans to our adversaries; is that accurate?

Mr. SOLOMON. That is exactly accurate. And all we are saying in the amendment of the gentleman from Wisconsin (Mr. ROTH) is that unless the President determines that not applying such restrictions would prove detrimental to the national security of the United States. I do not see how any Member of this body could support this amendment.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding to make a point of clarification.

I believe that the gentleman from Wisconsin (Mr. ROTH) intends to offer another amendment subsequently with respect to foreign availability.

I believe the discussion that is taking place really goes to the core of that amendment rather than to the amendment that is now before us. There is an understandable confusion because the term "foreign availability" appears in both. I simply wanted to clarify that.

Mr. HUNTER. The gentleman is right, the amendment that the gentleman from Wisconsin (Mr. ROTH) will be bringing up on the foreign availability section in general will be coming up soon.

Mr. WOLPE. That is right.

Mr. HUNTER. But I wanted to make that point, I think it is an important point that this House understands. The whole subject of foreign availablity.

Mr. WOLPE. I wanted to make sure that it is understood that the dialog that just took place bears no relationship to the amendment that is now before us.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ROTH) to the amendment offered by the gentleman from Michigan (Mr. WOLPE).

The question was taken; and on a division (demanded by Mr. ROTH) there were—ayes 26, noes 21.

Mr. WOLPE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he well vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1340

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Michigan (Mr. WOLPE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 220, not voting 50, as follows:

[Roll No. 372]

AYES—163

Andrews (NC)	Crane, Philip	Hansen (ID)
Archer	Daniel	Hansen (UT)
Badham	Dannemeyer	Hartnett
Barnard	Daub	Hightower
Bartlett	DeWine	Hiler
Bateman	Dickinson	Hopkins
Bereuter	Dreier	Horton
Bethune	Duncan	Hubbard
Bilirakis	Dyson	Hutto
Bliley	Edwards (AL)	Hyde
Breaux	Edwards (OK)	Kazen
Brown (CO)	Emerson	Kemp
Broyhill	Erlenborn	Kindness
Burton (IN)	Evans (IA)	Lagomarsino
Campbell	Fiedler	Leath
Carney	Fields	Lent
Chandler	Forsythe	Lewis (CA)
Chappell	Fuqua	Lewis (FL)
Chappie	Gaydos	Livingston
Clinger	Gekas	Lloyd
Coats	Gilman	Loeffler
Coleman (MO)	Gingrich	Lott
Conable	Green	Lowery (CA)
Conte	Gunderson	Lujan
Courter	Hall, Ralph	Mack
Craig	Hall, Sam	Madigan
Crane, Daniel	Hammerschmidt	Marlenee
Martin (IL)	Paul	Snowe
Martin (NC)	Petri	Snyder
Martin (NY)	Porter	Solomon
McCain	Price	Spence
McCandless	Ray	Stangeland
McCollum	Regula	Stenholm
McEwen	Ridge	Stratton
McGrath	Roberts	Stump
Michel	Robinson	Sundquist
Miller (OH)	Rogers	Taylor
Molinari	Roth	Valentine
Montgomery	Roukema	Vander Jagt
Moody	Sawyer	Vandergriff
Moore	Schaefer	Vucanovich
Moorhead	Schulze	Walker
Morrison (WA)	Sensenbrenner	Whitehurst
Murphy	Shaw	Whitley
Murtha	Shelby	Whittaker
Myers	Shumway	Williams (OH)
Nielson	Shuster	Wilson
O'Brien	Siljander	Winn
Olin	Sisisky	Wolf
Ortiz	Skeen	Wortley
Oxley	Slattery	Wylie
Packard	Smith (IA)	Young (AK)
Parris	Smith (NE)	Young (FL)
Pashayan	Smith, Denny	
Patman	Smith, Robert	

NOES—220

Ackerman	Fowler	Mazzoli
Addabbo	Frank	McCloskey
Akaka	Frenzel	McCurdy
Albosta	Frost	McHugh
Anderson	Garcia	McKernan
Andrews (TX)	Gejdenson	McKinney
Annunzio	Gephardt	McNulty
Anthony	Glickman	Mica
Applegate	Gonzalez	Mikulski
Barnes	Goodling	Mineta
Bates	Gore	Minish
Bedell	Gradison	Mitchell
Beilenson	Gray	Mollohan
Bennett	Guarini	Morrison (CT)
Berman	Hall (IN)	Mrazek
Biaggi	Hall (OH)	Natcher
Boggs	Hamilton	Neal
Boner	Harkin	Nowak
Bonker	Harrison	Oberstar
Borski	Hatcher	Obey
Bosco	Hawkins	Ottinger
Boucher	Hayes	Owens
Boxer	Hefner	Panetta
Brooks	Hertel	Patterson
Brown (CA)	Hillis	Pease
Bryant	Howard	Penny
Burton (CA)	Hoyer	Perkins
Carper	Huckaby	Pursell
Carr	Hughes	Rahall
Clarke	Hunter	Rangel
Coelho	Ireland	Ratchford
Coleman (TX)	Jeffords	Reid
Collins	Jenkins	Richardson
Conyers	Johnson	Rinaldo
Cooper	Jones (NC)	Ritter
Coughlin	Jones (OK)	Rodino
Coyne	Jones (TN)	Roe
Crockett	Kaptur	Roemer
D'Amours	Kasich	Rose
de la Garza	Kastenmeier	Rostenkowski
Dellums	Kennelly	Rowland
Derrick	Kildee	Roybal
Dicks	Kogovsek	Russo
Dixon	Kolter	Sabo
Donnelly	Kostmayer	Savage
Dorgan	LaFalce	Scheuer
Dowdy	Lantos	Schneider
Downey	Leach	Schroeder
Durbin	Lehman (CA)	Seiberling
Dwyer	Lehman (FL)	Shannon
Dymally	Leland	Sharp
Early	Levin	Sikorski
Eckart	Levine	Smith (FL)
Edgar	Levitas	Smith (NJ)
Edwards (CA)	Lipinski	Solarz
English	Long (LA)	Spratt
Erdreich	Long (MD)	Staggers
Evans (IL)	Lowry (WA)	Studds
Fascell	Luken	Swift
Fazio	Lundine	Synar
Feighan	MacKay	Tallon
Ferraro	Markey	Tauke
Flippo	Martinez	Tauzin
Florio	Matsui	Thomas (GA)
Foglietta	Mavroules	Torres

Torricelli	Weaver	Wright
Towns	Weber	Wyden
Traxler	Weiss	Yates
Udall	Wheat	Yatron
Vento	Whitten	Young (MO)
Volkmer	Williams (MT)	Zablocki
Walgren	Wirth	Zschau
Watkins	Wise	
Waxman	Wolpe	

NOT VOTING—50

Alexander	Foley	Moakley
Aspin	Ford (MI)	Nelson
AuCoin	Ford (TN)	Nichols
Bevill	Franklin	Oakar
Boehlert	Gibbons	Pepper
Boland	Gramm	Pickle
Bonior	Gregg	Pritchard
Britt	Hance	Quillen
Broomfield	Heftel	Rudd
Byron	Holt	Schumer
Cheney	Jacobs	Simon
Clay	Kramer	Skelton
Corcoran	Latta	St Germain
Daschle	Lungren	Stark
Davis	Marriott	Stokes
Dingell	McDade	Thomas (CA)
Fish	Miller (CA)	

□ 1400

The Clerk announced the following pairs:

On this vote:

Mr. Nelson for, with Mr. Bonior of Michigan against.

Mr. Nichols for, with Mr. Pepper against.

Mr. ROWLAND changed his vote from "aye" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this amendment was first presented to me, I indicated that it sounded like reasonable policy and that I probably would not oppose it, and might, in fact, vote for it.

I think the debate which we have witnessed over the past hour and a half, however, has proved that the offering of this amendment was premature.

What we have here is an amendment which is clearly germane, and yet it is an amendment which the subcommittee and the committee clearly did not debate or discuss. It is a brandnew area on which this House, in my judgment, is not sufficiently informed to take a reasonable judgment.

I am informed that the committee has scheduled a large number of hearings on this very complicated subject, and has, in fact, begun those hearings, which will take place over a period of several weeks. When the hearings are complete I think the committee could bring forth its recommendations and we could deal with them on a rational basis.

We have heard in the debate that a number of departments of the administration opposed this amendment or may be nervous about it.

We have heard that it casts some doubt over our ability to do business with one of our best allies, the State of Israel.

I think this is a matter that we should be very careful about.

I voted against the Roth amendment simply because I was not ready to make a decision either on the amendment to the pending amendment or the amendment itself.

I think we would do ourselves a great favor and the Export Administration Act a great favor if we did not burden the bill with the amendment that is now pending.

Therefore, with reluctance, because I think it is a highly motivated amendment, I suggest that the body should vote down the pending amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Wisconsin (Mr. ROTH).

□ 1410

Mr. ROTH. This amendment has one other provision we must be cognizant of. This amendment requires a 60-day prior notice before shipment. The proposed 60-day report and wait period, Presidential Executive order, to permit such exports, could in certain cases prevent necesary timely response to conditions abroad.

Again, a timely response is a very important issue, especially in cases of health and safety, so I would hope that we would vote down the Wolpe amendment.

Mr. FRENZEL. Thank you.

Mr. Chairman, I am going to support the chairman of the subcommittee and the ranking Member and I am going to vote against the amendment.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just simply for the record, I think it should be indicated that the elements that are embraced within the amendment before the House right now were in fact, part of legislation that was considered by and acted upon and approved by the subcommittee and the full Foreign Affairs Committee in the last session. There has been a hearing on this same subject this session.

The fact is that if we do not act now, then we will be effectively acquiescing in anticipated exports of nuclear components to Argentina, to South Africa, to India, countries on which many Members of this body have already expressed themselves on earlier occasions.

The amendment before this body simply would make uniform the criteria of existing law. Right now we are not able to sell powerplants or fuel to countries that do not accept full scope safeguards. What we do in this amendment is to say that same criterion should apply to components and to the transfer of technology as well.

I want to say to those Members who are concerned that this amendment may unduly inhibit the flexibility necessary for executive action that we have carried over into the language of this amendment Presidential waiver authority. The President could avoid the restrictions in this legislation if he were to find that the applications of the restrictions in a specific instance would be inconsistent with the achievement of our own nonproliferation objectives, or if there was a national interest finding that would dictate that those exports should be made. The 60-day reporting requirement is simply to say that the Congress should be informed 60 days in advance of the exports being made.

I might point out under the recent Supreme Court decision oveturning the legislative veto that Presidential waiver is probably a very enhanced waiver. I submit the amendment before this body is terribly important. It is directd at a critical loophole. If we do not act now we will be contemplating exports that the vast majority of this body know are neither in the interest of the United States nor the world.

I would ask support for the amendment.

● Mr. WEISS. Mr. Chairman, I rise in support of the Wolpe amendment to H.R. 3231, the Export Administration Amendments of 1983. This amendment serves a necessary and critical purpose for all of us concerned about the uncontrolled proliferation of nuclear weaponry beyond the six countries now known to possess nuclear weapons.

The Wolpe amendment will close those loopholes in the Nuclear Non-Proliferation Act of 1978 that allow the export of nuclear reactor components, personnel assistance, and the transfer of nuclear components through third parties to those countries that have not accepted international inspection and safety guidelines for their nuclear facilities.

For many years the United States has tried to persuade the six principal nonsigners of the Nuclear Non-Proliferation Treaty at least to accept safeguards on all their nuclear activities, which are called full-scope safeguards. Recent decisions by the Reagan administration to open up nuclear exports with potential weaponsmaking application to three of those nonsignatories—Argentina, India, and South Africa—demonstrate the need for an amendment such as Mr. WOLPE's.

At present, two of those countries have at least the capability to produce nuclear devices. South Africa has the facilities to produce bombs, and while it has not acknowledged conducting any nuclear tests, in 1979 a U.S. spy satellite detected a flash in the South Atlantic resembling a nuclear test. In 1974, India tested a crude atomic bomb.

Providing these countries with the technology, personnel, and material essential to the production of nuclear devices will only undermine the long-standing efforts not only of the United States but the international community as well to force these countries to stop the production of nuclear weapons.

The current policy of the Reagan administration undermines as well all of its efforts to engage in successful arms reduction talks with the Soviets. And this policy seriously undermines the efforts of all of us who have worked on behalf of peace and nuclear disarmament.

The escalation of countries capable of producing nuclear weapons introduces a new and perhaps even more serious parameter to the nuclear question. To put it simply, the United States and the Soviet Union face enough difficulty negotiating arms reductions between themselves. Failure to control the spread of nuclear arms among so-called irresponsible countries will create an impossible situation not only for our current generation but for future generations as well.

And providing those irresponsible countries—that is, those countries that have currently refused to participate in the Nuclear Nonproliferation Treaty—with the technology and material capable of being used for the production of nuclear weapons will only further undermine our already tenuous hold on world survival.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. WOLPE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WOLPE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 189, not voting 48, as follows:

[Roll No. 373]

AYES—196

Ackerman	Carr	Eckart
Addabbo	Clarke	Edgar
Albosta	Coleman (TX)	Edwards (CA)
Anderson	Collins	English
Andrews (TX)	Conyers	Evans (IL)
Applegate	Cooper	Fascell
Barnes	Coughlin	Fazio
Bates	Courter	Feighan
Bedell	Coyne	Ferraro
Beilenson	Crockett	Florio
Bennett	D'Amours	Foglietta
Berman	Dellums	Foley
Boggs	Derrick	Forsythe
Borski	Dicks	Fowler
Bosco	Dixon	Frank
Boucher	Donnelly	Frost
Boxer	Dorgan	Garcia
Brooks	Downey	Gejdenson
Brown (CA)	Durbin	Gephardt
Bryant	Dwyer	Glickman
Burton (CA)	Dymally	Gonzalez
Carper	Early	Gore
Gray	Mavroules	Sabo
Guarini	Mazzoli	Savage
Hall (IN)	McCloskey	Scheuer
Hall (OH)	McCurdy	Schneider
Hamilton	McHugh	Schroeder
Harkin	McKernan	Schumer
Harrison	McKinney	Seiberling
Hatcher	McNulty	Shannon
Hawkins	Mikulski	Sharp
Hayes	Mineta	Sikorski
Hertel	Minish	Slattery
Hillis	Mitchell	Smith (FL)
Howard	Mollohan	Smith (NJ)
Hoyer	Moody	Solarz
Huckaby	Morrison (CT)	Staggers
Hughes	Mrazek	Stark
Hunter	Neal	Synar
Jeffords	Nowak	Tallon
Jenkins	Oberstar	Tauke
Jones (NC)	Obey	Tauzin
Kaptur	Ortiz	Thomas (GA)
Kastenmeier	Ottinger	Torres
Kennelly	Owens	Torricelli
Kildee	Panetta	Towns
Kogovsek	Patterson	Traxler
Kostmayer	Pease	Udall
LaFalce	Penny	Vento
Lantos	Perkins	Volkmer
Leach	Porter	Walgren
Lehman (CA)	Price	Watkins
Lehman (FL)	Rahall	Waxman
Leland	Rangel	Weaver
Levin	Ratchford	Weber
Levine	Reid	Weiss
Lipinski	Richardson	Wheat
Long (LA)	Rinaldo	Williams (MT)
Long (MD)	Rodino	Wirth
Lowry (WA)	Roe	Wise
Luken	Roemer	Wolpe
Lundine	Rose	Wright
MacKay	Rostenkowski	Wyden
Markey	Rowland	Yates
Martinez	Roybal	
Matsui	Russo	

NOES—189

Akaka	Fiedler	Mack
Andrews (NC)	Fields	Madigan
Annunzio	Flippo	Marlenee
Anthony	Franklin	Martin (IL)
Archer	Frenzel	Martin (NC)
Badham	Fuqua	Martin (NY)
Barnard	Gaydos	McCain
Bartlett	Gekas	McCandless
Bateman	Gilman	McCollum
Bereuter	Gingrich	McDade
Bethune	Goodling	McEwen
Bilirakis	Gradison	McGrath
Bliley	Green	Mica
Boner	Gunderson	Michel
Bonker	Hall, Ralph	Miller (OH)
Breaux	Hall, Sam	Molinari
Brown (CO)	Hammerschmidt	Montgomery
Broyhill	Hansen (ID)	Moore
Burton (IN)	Hansen (UT)	Moorhead
Campbell	Hartnett	Morrison (WA)
Carney	Hefner	Murphy
Chandler	Hightower	Murtha
Chappell	Hiler	Myers
Chappie	Holt	Natcher
Clinger	Hopkins	Nielson
Coats	Hubbard	O'Brien
Coelho	Hutto	Olin
Coleman (MO)	Hyde	Oxley
Conable	Ireland	Packard
Conte	Johnson	Parris
Craig	Jones (OK)	Pashayan
Crane, Daniel	Jones (TN)	Patman
Crane, Philip	Kasich	Paul
Daniel	Kazen	Petri
Dannemeyer	Kemp	Pursell
Daub	Kindness	Ray
de la Garza	Kolter	Regula
DeWine	Lagomarsino	Ridge
Dickinson	Leath	Ritter
Dowdy	Lent	Roberts
Dreier	Levitas	Robinson
Duncan	Lewis (CA)	Rogers
Dyson	Lewis (FL)	Roth
Edwards (AL)	Livingston	Roukema
Edwards (OK)	Lloyd	Sawyer
Emerson	Loeffler	Schaefer
Erdreich	Lott	Schulze
Erlenborn	Lowery (CA)	Sensenbrenner
Evans (IA)	Lujan	Shaw
Shelby	Spratt	Whitley
Shumway	Stangeland	Whittaker
Shuster	Stenholm	Whitten
Siljander	Stratton	Williams (OH)
Sisisky	Stump	Wilson
Skeen	Sundquist	Winn
Smith (IA)	Swift	Wolf
Smith (NE)	Taylor	Wortley
Smith, Denny	Valentine	Wylie
Smith, Robert	Vander Jagt	Yatron
Snowe	Vandergriff	Young (AK)
Snyder	Vucanovich	Young (MO)
Solomon	Walker	Zablocki
Spence	Whitehurst	Zschau

NOT VOTING—48

Alexander	Dingell	Moakley
Aspin	Fish	Nelson
AuCoin	Ford (MI)	Nichols
Bevill	Ford (TN)	Oakar
Biaggi	Gibbons	Pepper
Boehlert	Gramm	Pickle
Boland	Gregg	Pritchard
Bonior	Hance	Quillen
Britt	Heftel	Rudd
Broomfield	Horton	Simon
Byron	Jacobs	Skelton
Cheney	Kramer	St Germain
Clay	Latta	Stokes
Corcoran	Lungren	Studds
Daschle	Marriott	Thomas (CA)
Davis	Miller (CA)	Young (FL)

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Bonior of Michigan for, with Mr. Nelson against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: On page 26, line 15, change "Sec. 112" to "Sec. 112 (a)", and after line 2 on p. 27 add the following:

"(b) Section (h) of the Act (50 U.S.C. App. 2405(g)), as redesignated by Section 110(b)(1) of the Act, is amended—

(1) by designating the existing text of Section (h) as paragraph "(1)"; and

(2) adding at the end thereof the following:

"(2) The President shall evaluate the results of his actions under paragraph (1) of this subsection by the end of the first 6-month period of controls imposed under this section and shall report the results of that evaluation to Congress by the end of such 6-month period.

"(3) In the event that the President's efforts are not successful in eliminating foreign availability during the first 6-month period when controls imposed under this paragraph are in effect, the Secretary shall thereafter take into account the foreign availability of goods or technology subject to controls. If the Secretary affirmatively determines that a similar good or technology is available in sufficient quantity from sources outside the United States to countries subject to such controls so that denial of the license would be ineffective in achieving the purposes of the controls, then, the Secretary shall issue a license for the export of such goods or technology during the period of such foreign availability. The Secretary shall remove such goods or technology from the list established pursuant to subsection (1) if he determines such action is appropriate.

"(4) The Secretary shall make a determination of foreign availability on his own initiative or upon receipt of an allegation that such availability exists from an export license applicant. The Secretary shall accept the applicant's representations made in writing and supported by clear and convincing evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.

"(5) Paragraph (3) of this subsection shall not apply in a case in which export controls are imposed under subsections (i), (j) or (k) of this section.

"(6) The Secretary shall promulgate regulations establishing procedures for carrying out this section."

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Chairman, this is the so-called foreign availability amendment, and applies to the foreign policy section of the bill.

Basically, the amendment is similar to the language relating to foreign availability contained in the national security section of this bill, and to language contained in the foreign policy section of the Senate bill.

The amendment states that if the President imposes export controls, he must immediately undertake negotiations with those appropriate foreign countries that have similar goods are technology to export.

If the President is unsuccessful in these negotiations during the initial 6-month period when controls are in effect, the Secretary of Commerce must then, in the subsequent 6-month period, take into account the foreign availability of the goods or technology subject to controls.

If he finds that such goods are in fact available in sufficient quantity from other countries so that denial of the export license would be ineffective in achieving the purposes of the controls, then he must issue the license.

The amendment also contains language outlining the general basis for determining foreign availability.

It should be further noted that the amendment does not apply to controls issued in cases where such exports would make a significant contribution to the military potential of a terrorist country. Nor would the amendment apply in cases where crime control and detection instruments and equipment could be used by internal security agents to abuse their citizens. And finally, the amendment would not apply in cases where treaties or international agreements would dictate otherwise.

In those instances, the President may impose controls without any 6-month limit. That exception simply reflects current law.

Mr. Chairman, this amendment represents a compromise. It is a compromise between the view on the one hand that if there is foreign availability, there should be no controls imposed whatsoever, and the view on the other side that there should be no limits on the President's ability to implement controls in the name of foreign policy.

This amendment basically allows the President to impose export controls for whatever reason he may choose, or as may be defined under other parts of the bill. However, if foreign availability exists after 6 months, the controls must be lifted except in those three instances I cited earlier.

We offer this amendment because under the bill as reported, there is no language in the foreign policy section requiring the President to take into account foreign availability in the implementation of controls.

This is ironic, because in the national security section we do have limits on the President's authority in this regard, as I mentioned earlier. It would seem that the reverse should have been the case, because one could certainly justify controls more so in defending national security than in simply carrying out foreign policy.

Mr. Chairman, no one will argue that unrestrained transfer of sensitive high technology to the Soviet Union by ourselves or our allies is either in the interest of our national security or in the interest of business and labor.

But when we come to questions that go beyond matters of sensitive high-technology transfers, we get into an area of controversy.

What, for example, should be our policy on items manufactured in the United States that do not fall under this highly sensitive area but which American industry wants to sell to the Soviet Union? And suppose those items are also produced by other nations who also want to trade with the Soviet Union?

I have had some personal and rather unfortunate experiences in this field. Caterpillar Tractor Co., and to a similar degree Fiat-Allis, located in my district, have endured a roller-coaster series of policy changes, under administrations of both parties, concerning the sale of pipelaying equipment to the Soviet Union.

Without taking you through the torturous series of on-again, off-again switches in policy, suffice it to say that pipelayers have become symbolic of an entire category of export items.

I refer to those items that U.S. manufacturers sell—or hope to sell—to the Soviet Union, but which are also produced by manufacturers of other nations, just as eager to make the sales. Should such items be included on lists of sanctioned products?

One point should be made about pipelaying equipment. When President Reagan stopped the sale of this equipment in December of 1981 he did not do so because he saw them as items of national security.

He did so in order to put pressure on the Soviet Union after the imposition of martial law in Poland.

This is an important distinction. The value of that particular sanction had to be judged solely on the basis of how well it accomplished its aim of punishing the Soviet Union. An objective review of the situation shows that we did not punish the Soviet Union in this case, but we did punish ourselves.

Is it really being hard line to impose a sanction that does not and cannot work? I do not believe it does. It is only being hardheaded.

Let me quickly add that I do not believe it would be in the national interest for Congress to place an absolute prohibition on a President's power to impose sanctions. A President can not be shackled by such measures. He needs a relatively free hand to deal with fast-moving events.

But on the other hand, I think it is time we reached some sort of legislative agreement with the executive branch which takes the real world into account.

We must recognize the fact that the on-again, off-again imposition of sanctions on items which the Russians can purchase from others is bad foreign policy and bad domestic policy as well.

In the case of pipelayers, the Japanese—among others—make good products. They are not at all bashful about selling them to the Soviet Union.

Yes, a President can theoretically cajole or persuade or put pressure on our allies to stop such sales. But more often than not such diplomatic efforts simply do not work. The Russians get the items anyhow.

Before 1978, the Caterpillar Co. had 85 percent of the Soviet Union market for track-type tractors and pipelayers. But then in mid-1978 President Carter placed export controls on such items. Since then similar sanctions have been imposed.

This has led to a total reversal of sales—Komatsu of Japan now has 85 percent of such sales.

That must be one of the most dramatic and shocking reversals in the history of American exporting. It did not prevent the Soviet Union from buying one pipelayer. But it did cost us roughly 35,000 man-years of labor and half a billion dollars in lost sales.

So the time has come, I believe, to stop agreeing to this fiction that such sanctions are proof of being a hard liner.

Some of our colleagues say that we should not sell pipelayers because it shows we are tough with the Russians. All I can say is that when we do this

the Soviet Union cries all the way to the Komatsu plant in Japan where they buy pipelayers we will not sell.

Being hard line does not mean making gestures—it means doing things that really hurt. Stopping America from selling items that other nations are willing to sell does not hurt anyone—except Americans.

Mr. Chairman, my amendment is, I believe a reasonable and commonsense approach that preserves basic Presidential prerogatives but at the same time would enable us to avoid a repetition of the pipeline experience.

It is a jobs amendment designed to protect American workers from ineffectual foreign policy actions.

I urge its adoption.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. FRENZEL. The gentleman in the well, the distinguished minority leader from Illinois, indicated that his is a compromise, his amendment. Indeed I have a much more aggressive amendment that does not provide for the 6-month period of Presidential negotiation nor for the discretionary authority of the President which the gentleman from Illinois has put into his amendment. I can understand why you thought my amendment is a little too strong.

Companies in my district are also purple-hearted victims of a licensing procedure that few of us understand, and which is admittedly poorly executed. I prefer my amendment. However, I am not going to offer it. I think the compromise of the gentleman from Illinois will be a big step forward even if it does not go forward. It may not be enough, but I am going to support it for now, and hope for better things in the future.

Mr. BONKER. Mr. Chairman, I move to strike the last word and rise in support of the amendment.

The gentleman has made a valid point and in the Export Administration Act we provide procedures for consideration of foreign availability under national security controls but we have no comparable provision under foreign policy controls.

What he is saying is that in the future if the President is to apply export controls for foreign policy reasons that they will be lifted over a period of time if the Secretary determines that foreign availability exists.

I would like to ask the distinguished minority leader, the sponsor of the amendment, a question.

The gentleman makes it very clear that his amendment would not apply to controls imposed under the subsections on human rights and international terrorism. We presently have foreign policy controls on certain countries under those provisions.

Under the gentleman's amendment the President would not be exempted from applying controls in view of foreign availability if they are for reasons of human rights, international terrorism, and such?

Mr. MICHEL. If the gentleman will yield, we provide for three exemptions whereby the President can apply controls regardless of foreign availability. They are in cases of crime control instruments, terrorism, and international agreements.

Mr. BONKER. Mr. Chairman, I am pleased to support the gentleman's amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the initiator of the amendment a question.

□ 1440

I would like to clarify, if I might, the status of component part manufacturers under the gentleman's amendment.

As the gentleman knows, suppliers of parts for an end product manufactured in another country face an especially difficult problem when we talk about the need for reliability

If a foreign manufacturer agrees to use a U.S.-made component that foreign manufacturer has to have assurance that the U.S. component will be available from the U.S. supplier without interruption, even though there may not be a contract in effect for that component at any specific time.

Would the gentleman be able to tell me if his amendment addresses that issue.

I yield to the gentleman from Illinois.

Mr. MICHEL. Well, this amendment would in essence put a 6-month limit on any controls of component parts if such parts are available from a foreign source.

Mrs. MARTIN of Illinois. In essence, component parts will be given the same safeguards as all other products subject to export controls.

Mr. MICHEL. The gentlewoman is correct, that would be the case under my amendment.

Mrs. MARTIN of Illinois. I thank the gentleman.

I support the gentleman's amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my understanding that the language being proposed tracks the Senate language. Could the gentleman from Illinois (Mr. MICHEL) tell me if that is correct?

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

That is correct.

Mr. BERMAN. And is it the gentleman's intention that it also tracks the language included in the Senate report which indicates as follows: That the committee recognizes that there may be cases in which the actions of a country against which controls have been instituted are of such an abhorrant nature that U.S. foreign policy controls would be appropriate despite the decision of our allies not to cooperate; controls against Libya, Kampuchea, and South Africa are illustrative of such cases.

Mr. MICHEL. That was our intention in allowing the three basic exemptions.

Mr. BERMAN. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the initiator of the amendment a question.

On page 2, line 4, the language reads: The Secretary shall remove such goods or technology from the list established pursuant to subsection 1 if he determined such action is appropriate.

I would like to ask the gentleman if my understanding of that language is correct. I understand from that language that even after we have gone through this 6-month period and the subsequent 6-month period, if the Secretary would determine that the action would be appropriate, that the restriction would remain in effect; is that correct?

Mr. MICHEL. Well, it would have to be qualified by then what follows later in the text of the amendment, which reads that the Secretary shall make a determination of foreign availability on his own initiative et cetera, et cetera.

Mr. LAGOMARSINO. But he would retain that discretion?

Mr. MICHEL. Yes; but he must of course adhere to the intent of the law.

Mr. LAGOMARSINO. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinios (Mr. MICHEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. SMITH of Florida: Page 13, line 2, strike out the quotation marks and second period.

Page 13, insert the following after line 2: "(o) Exports to the Soviet Union.—Any license to export to the Soviet Union any good or technology subject to export controls under this section shall be denied unless the President determines that such export is in the national interest of the United States. The preceding sentence shall

apply until the President certifies to the Congress that the Government of the Soviet Union has officially apologized for the shooting down of a Korean Air Lines civilian airplane on September 1, 1983, and has, in accordance with relevant United States and international law, fully compensated the surviviors of the United States persons on board that airplane.".

(g) Subsection (o) of section 5 of the Export Administration Act of 1979, as added by subsection (f) of this section, shall not affect any contract to export entered into before the date of the enactment of this Act.

Mr. SMITH of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I do not want to object, but I would like to reserve a point of order because I do not understand and I do not have a copy of the gentleman's amendment.

If my point of order is reserved, I will withdraw my reservation of objection.

Mr. SMITH of Florida. Mr. Chairman, the amendment is rather short, so rather than go through this, I think the Clerk may just——

Mr. FRENZEL. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Minnesota reserves a point of order on the amendment.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida (Mr. SMITH)?

There was no objection.

Mr. SMITH of Florida. Mr. Chairman, since the Korean Air Line flight 007 was shot down by the Soviet Union, the administration and many colleagues have proposed various sanctions against the Soviet Union. I believe that some form of sanction is, in fact, a valid and necessary response.

Yet, I believe the United States must enact those sanctions which fit the situation. We must reexamine each and every facet of our relationship with a government which values human life so cheaply.

In 1982, the export administration issued export licenses for $32 million worth of goods for shipment to the U.S.S.R. most of these goods involved high technology products and sophisticated equipment. Out of a total trade with the Soviets of $2.1 billion, these American exports help to improve the Soviet Economy and the Soviet military, enhancing their overall military capability. The Soviet ability to purchase U.S. equipment enables them to concentrate more of its resources on a military buildup. These export items may find their way directly into the military machines which causes us to respond by spending more money on our own defense.

The United States is now spending billions of dollars in defense to counter the Soviet military buildup. Why should this Congress allow any exports to the Soviet Union which in the end are contrary to U.S. interests? Agricultural sales such as grain may help the Soviet people directly, although we might want to reexamine such commercial arrangements to make sure that they are drawn with the best possible terms for the United States. But we sell the Soviets much more. In 1982, the export administration issued export licenses for such products as:

Laser equipment, electronic computing equipment, magnetic recording equipment, integrated circuits, and petroleum equipment.

The Soviet Union depends upon the United States for a sizable amount of such equipment. Some of these items are classified as high technology products by our Department of Commerce.

I am offering an amendment to prevent the issuing of the necessary validated licenses for exports to the Soviet Union for any goods or technology subject to export controls.

This amendment would be effective so long as the Soviets fail to apologize for the crime which they perpetrated against the Korean airliner and so long as they refuse to pay compensation to the victims.

This amendment will only prohibit new contracts in these sensitive areas for the 2 year authorization of this bill and will not affect existing contracts.

This amendment will not affect most of our trade with the Soviet Union. According to the export administration figures of 1982, the amendment would only block less than 2 percent of our trade with the U.S.S.R.—$32.0 million out of $2.6 billion—however, the Congress must respond to the actions of the Soviets in Afghanistan, the Middle East, Latin America, and certainly the Korean airliner incident. The U.S., therefore, should deny the Soviets the supply of some of the most sophisticated and best-quality technology in the world. This Nation must prohibit the export of any such technology which will help the Soviet economy. According to a Washington Post article, even our top East-West trade expert in the State Department resigned in protest to our Government's inaction in preventing high technology transfers to the Soviets.

My amendment will not have any negative impact upon the U.S. economy or exports, but it will have an impact upon the economy of the Soviet Union and upon their military use of our technology. Stopping exports to the Soviet Union in these important technological areas will be a strong and painful sanction.

I urge you to support my efforts to prevent the export of important U.S. high technology to the Soviet Union.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

I realize that in this era after the Korean airliner this is probably a sexy-sounding amendment. I want to know what additional, either authority or mandatory requirements the gentleman is putting on the President of the United States that he does not already have the right to do. What makes this unique from what otherwise is in the bill or is under the law?

Mr. SMITH of Florida. There is no mandatory requirement here for the President other than so long as the Soviets have not apologized for the incident and taken responsibility. And so long as they refuse to pay compensation.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SMITH) has expired.

(At the request of Mr. GLICKMAN and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. And so long as they refuse to pay compensation the President has no authority and it is mandatory in the statute.

Mr. GLICKMAN. He has no authority to do what?

Mr. SMITH of Florida. These items covered by this amendment are required to obtain an export license.

□ 1450

Therefore, no export license would be granted until such time as the preconditions would be met. In any event, the President could, assuming those conditions being met——

Mr. GLICKMAN. What are those preconditions under the gentleman's amendment, again? That they apologize?

Mr. SMITH of Florida. The Soviet Union must take responsibility and apologize, and they must pay compensation to the victims—a small price, I think, to pay, and, at the very least, something that, if they do not, will be of use in showing the world that we do not intend to continue to help their economy.

Mr. GLICKMAN. I would just make the following points: I do not think there is probably any President who would more prefer to enact strong measures against the Soviet Union than the current President, but I must tell the gentleman that I find it highly contradictory for us to be selling other products to the Soviet Union, like grain, which I favor, with no conditions, and then selectively pick out the products that the gentleman is talking

about and put conditions on the sale of those particular products.

I think that once we have made the decision to sell nonmilitary items to the Soviet Union, it is highly contradictory to start picking and choosing, because as the gentleman said in his own statement, today microprocessors, tomorrow grain.

Mr. SMITH of Florida. If I may reclaim my time, I did not say that at all. While I said that grain may be of some benefit directly to the Soviet people, the items which I have chosen to specifically include as being denied an export license are those which may be used directly for military capability, and I read that list. We are being very selective. In fact, this is not contradictory at all. These are items which are specifically usable in their military.

And let me point out again that if we continue to fund these items, we will wind up having to pay more in our defense costs for the purpose of combatting our own technology being put back at us.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(On request of Mr. SAM B. HALL, JR. and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Chairman, I would like to commend the gentleman for this amendment, and I would like to associate myself with the statement that he just made.

I think it is time for this Congress—I think the American people are demanding it, in the letters and in the correspondence that I get—go on record to try to cut off some of the goods, wares and merchandise that we are selling to the Soviet Union.

The shooting down of that plane is still a red hot issue in my part of the country. I am getting letters daily asking that we do exactly what the gentleman's amendment does. I commend him for it, and I support it. I hope that the amendment passes.

Mr. SMITH of Florida. I thank the gentleman for his support.

Mr. Chairman, I would urge my colleagues to remember that this is not something that would hurt the U.S. economy but, rather, speak the message that the people of this country, including the Members of this Congress, want spoken, that we will not continue to help support their economy with items that can be turned against us. And, at the same time, we will have saved ourselves a great deal of money in the process by not having to combat our own technology in the future.

I would urge the Members to support my amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Nebraska.

The CHAIRMAN pro tempore. The time of the gentleman from Florida has again expired.

(On request of Mr. BEREUTER and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. I thank the gentleman from Florida for yielding.

Mr. Chairman, I am trying to understand how comprehensive the gentleman's amendment is. Is it the gentleman's intent to deal only with militarily critical technology or only to things controlled under Cocom, or in fact are we talking now about licensing of all goods and technology subject to export controls?

Mr. SMITH of Florida. It is the licensing of the goods and technology that are under subsection (o) of section (5) of the Export Administration Act. The list is: Bacteria, chemical material, communications equipment, electron tubes, electronic computing equipment, electronic test equipment, image process equipment, integrated circuits, laser equipment, magnetic recording equipment, petroleum equipment, and polymeric substances.

It is a selected group of items which I feel may ultimately be harmful to our interests if we sell it to them and at the same time hurtful to their military intentions and yet not the grain type of situation which would harm our own economy as well as deny the Soviet people.

Mr. BEREUTER. If the gentleman will yield further, so that I may make one other point, subsection (o) of section (5) of the Export Act—I do not happen to have it here in front of me—actually consists of the list that the gentleman just mentioned; is that correct?

Mr. SMITH of Florida. There are other items. Any validated license that is required for any goods or technology subject to export controls under section (o) of the Export Administration Act. Those items that I have read are contained in section (o).

Mr. BEREUTER. And are there other items, as well?

Mr. SMITH of Florida. I am not aware of them.

Mr. BEREUTER. I thank the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from California.

Mr. ZSCHAU. I just want to say that I share the gentleman's outrage and revulsion at the act that the Soviet Union perpetrated on innocent civilians in the 007 airliner.

I want to ask the gentleman a question: Has the gentleman had the opportunity to discuss this amendment with the State Department or with the administration?

Mr. SMITH of Florida. I have not discussed it with them. I have discussed it with the committee and the chairman of the subcommittee relating to this bill, and they have found this amendment, after some discussion, to be appropriate as basically a substitute for what some of us originally wanted to do. And I feel that this is an appropriate sense of what Congress wants to do.

And let me reiterate, please, if I may, this is not only in response to the Korean airliner incident. This is more. This is not an isolated incident on the part of the Soviet Union. Afghanistan, the actions in the Middle East, the actions in the Far East, all of those things that we have watched over the years take place have shown a pattern of conduct which I believe needs to be responded to in some way that the United States has, without in effect tearing down the kinds of movements we have made toward obtaining any kind of—well, if you want to use a word that is no longer in fashion—détente. I do not believe that this will be a factor which will be ultimately totally degenerative in our relationship. But by the same token, it is something which will give us a basis for telling the Soviets and our allies that we will not stand idly by while these kinds of actions take place.

Mr. ZSCHAU. If the gentleman will yield further, I just want to make the point that under the current Export Administration Act, the President and the Secretary of Commerce have the authority to do exactly what the gentleman is proposing to do.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. FRENZEL and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. ZSCHAU. If the gentleman will yield further, I would just like to point out that since January, 1980, there has been a virtual embargo on high technology shipments to the Soviet Union.

I would like to also point out, as I just mentioned, that the administration already has the authority to do exactly what the gentleman is proposing that Congress mandate be done. And it would seem to me appropriate in these very sensitive times, where we are negotiating arms control agree-

ments in Geneva with the Soviet Union, that we permit the administration to measure carefully exactly its response to the Korean airliner incident, to the invasion of Afghanistan, to the Polish situation, in order to make sure that we here in Congress do not undermine the arms control talks that are currently underway and are vital to the security of this country.

Mr. SMITH of Florida. I thank the gentleman for his comments, and I sympathize, to some degree, with what he is saying. But let me reiterate what I said previously: We have traded $32 million worth in 1982. The "virtual embargo" that the gentleman made reference to actually does not exist. Thirty-two million dollars may only be about 2 percent of our total trade with the Soviet Union, but those items that I reiterated, specific items, went to the Soviet Union to the tune of $32 million worth.

Secondarily, while the administration does in fact have the authority to invoke, if they wish, these kinds of sanctions or refusal to provide the export licenses, that does not mean that this Congress must be tied to everything that the adminstration might want to do.

We have the right to stand up and say that we feel certain items are appropriate to be done, in light of and in view of what has happened over the last few years.

The administration does not seem totally committed to doing what many of us feel is perhaps more form than substance in terms of total trade, but does express some of what we feel in terms of how we would like to treat with the Soviet Union.

□ 1500

That is what I am asking to be done. If they were to take responsibility and to pay compensation, the most minimal form of retribution for what they have done, these would no longer apply and the administration would again have the option, not mandatorily, optionally to do this. I think it is the most minimum that we can do.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, as I understand it, the gentleman is amending section 5 of the Export Administration Act, which says the President may, in accordance with the provisions of this section, prohibit and curtail the export of any goods or technology subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States.

So the gentleman's amendment is going to put us back into the extraterritorial bag where we will be telling subsidiaries and individuals subject to the jurisdiction of the United States that they cannot ship to. Is that your intention?

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SMITH) has expired.

(On request of Mr. FRENZEL and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. We have to amend that section to put down the mandatory portion to the administration of not being able to issue those licenses, but then reference is made to that section where those particular goods are concerned.

So we have not tied the hands of the administration with reference to all the other items that are exportable under the law; only to those contained in that section. Then section 5 is made reference to because we must put those mandatorily as being denied export licenses.

Mr. FRENZEL. If the gentleman will yield further, is it not true that the President, under this section, can deny the export of any goods or technology?

Mr. SMITH of Florida. That is absolutely correct, and what I am saying is that Congress, by this particular type of amendment, may want to make a statement with reference to certain types of technology where the administration has not, as the gentleman from California has indicated, shown a strong desire because while there is apparently right now an embargo on these items, $32 million worth was sent to the Soviets last year.

Mr. FRENZEL. If the gentleman will yield further, sure, but if we negotiated a grain agreement tomorrow, that would be denied an export license under the gentleman's amendment.

Mr. SMITH of Florida. No, it would not, because that particular item is not contained in subsection (o).

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. SOLOMON and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

Mr. Speaker, I commend the gentleman for his amendment. I would like to ask the gentleman briefly: What effect would this have on present suppliers to the Soviet pipeline?

Mr. SMITH of Florida. Anything which is already existing in contract would not be affected by this amendment. This only applies to new contracts or new applications for licenses.

Mr. HUNTER. I thank the gentleman and I commend him for his amendment. I intend to support the gentleman.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, I walked back on the floor after the gentleman had offered his amendment and I was a little confused by some of the questions that were being asked of him.

As I read the amendment, all the Soviets have to do is to apologize and pay reasonable compensation to the survivors; is that right?

Mr. SMITH of Florida. That is absolutely correct.

Mr. SOLOMON. That is a great amendment. Everybody in this House ought to support it unanimously. I commend the gentleman.

Mr. SMITH of Florida. I thank the gentleman for his support.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. FRENZEL) insist on his point of order?

Mr. FRENZEL. Mr. Chairman, I withdraw my point of order.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I read the amendment, it amends section 5 of the Export Administration Act, and therein it is stated that the President may prohibit or curtail the export of "any goods" or technology subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States.

If a company, whoever it may be, were to sell 10 pounds of corn or a nickle's worth of wheat to the U.S.S.R tomorrow, the President would be obliged to deny that country a license under the gentleman's amendment.

I find it very strange that this amendment, which applies to the national security controls section of the Export Administration Act, was not taken to the administration or to any of the departments which might have jurisdiction, whether they be State, Defense, Commerce, or the National Security Council, for consultation.

Apparently the intention is to move free form in this committee, without consulting the people who have to administer this law. In my judgment, there is not anybody here who wants to cheer the U.S.S.R. We are all outraged by the murder of airline passengers. On the other hand, we have some worthwhile, ongoing contacts, and contracts, and we would like, where we consider it safe from a security standpoint to do so, and where the President considers it safe to do so, to do some business so we can expand U.S. agriculture and to build U.S. jobs.

It seems to me that without the President requesting this authority, this proposal is a rather reckless kind of legislation. I believe that the President, in handling the Korean Air Line incident, did a masterful and a serious job. One of the things that he did not do was to rush willy-nilly into embargoes. This amendment, in my judgment, pushes us into a total embargo. This is a very dangerous foreign policy consideration which has not received adequate discussion by the people who are going to be involved in it.

I realize that a vote against it may be interpreted by the naive or uninformed as of an affirmation of an act of terrorism, but it is not. We ought to move only after serious consideration. We ought to be at least consulting with our executive departments. I urge that the gentleman's amendment be defeated.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I am as outraged as anybody at the shooting down of the KAL airliner, but I am absolutely baffled as to why such a serious—and it is serious—and far-reaching amendment was not run past the State Department, or the Commerce Department, or the administration.

Is there some particular reason why we cannot get the input of the State Department on this? I would ask the gentleman from Florida (Mr. SMITH) if he would answer that.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, in response to the gentleman from Illinois, let me just say that I certainly understand his concern about consultation with the State Department. Let me tell the gentleman that the State Department never consults with me. They want my vote on issues, and they have yet ever to come to talk to me about anything.

I realize that there is a separation of power in this country, and they seem to treat that more importantly than we do. I also feel that this Congress, as a separate branch of Government, has the right to speak out on certain issues and that the administration has a policy which they must follow, but we also set some form of policy in this country. We do not stand alone, kind of shooting in the breeze. We are entitled to speak out, and I think this is one way of speaking out.

This does not bind the hands of the administration to any large degree, as I indicated. This is merely less than 2 percent of the total trade that we do with the Soviet Union. It is just in areas which I consider to be and others consider to be rather inappropriate to send over in light of the incidents over the last few years.

Mr. FRENZEL. I thank the gentleman and I yield to the gentleman from Illinois.

Mr. HYDE. Well, much as I would like to join the bandwagon and condemn the Soviet Union for an atrocity, and it was nothing less, I do not feel comfortable adopting an amendment that is so far reaching without knowing what the nuances are.

I attribute to the gentleman from Florida almost omnipotence in terms of his power to do what he wants to do, and his wisdom, and his insight, but I suspect he could learn something by asking the people who have dedicated their lives to diplomacy and foreign relations what their opinion is.

□ 1510

Until that happens, I must regretfully vote against this amendment. I do not think it is reasonably proposed. It may be a good idea, but I just do not know, and jumping in the dark on something as delicate as this does not seem to me to be wise.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(By unanimous consent, Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. HYDE. Mr. Chairman, will the gentleman yield further?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding, and I just have one more thing to say.

I have asked staff, to what goods and technologies does this subsection apply? Nobody can really say. I know the gentleman has said, "section (o)," but it is still awfully vague. That being so, I think we ought to legislate responsibly, and this does not seem to meet that criterion.

Mr. FRENZEL. Mr. Chairman, I say to the gentleman that he is looking at all there is of section (o). There is no existing section (o). The gentleman from Illinois is looking at the amendment, and that is the only clue we have as to section (o).

Mr. Chairman, I believe that if the committee wants embargoes, here is a good chance to impose one. But this Congress has spoken out against embargoes.

On numerous occasions, we have tried to limit the power of the President to invoke them

Mr. Chairman, we don't need more self-inflicted embargoes. I hope we will not accept the gentleman's amendment.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in reluctant opposition to the amendment.

As the gentleman from Wisconsin has noted, our entire effort in this legislation has been aimed at lifting ineffective controls and trying to develop a process by which we can deny export licenses for national security and foreign policy reasons with some consistency. If we are going to provide some authority to the President in one section and then turn around and make impossible his discretion to use that authority in another, it seems to me we are not being very consistent.

The second reason I oppose the amendment is because it is basically a foreign policy control that is being placed in the national security section of the bill. National security is intended to control the flow of technology that would go into the hands of our adversaries and perhaps enhance their military capability. That is a very distinct purpose in the national security section of the act. We reserve the foreign policy section for the President to utilize in cases involving human rights or in cases of terrorism and other instances where he feels that foreign policy controls are necessary.

But this amendment attempts to integrate those two sections of the law by trying to actually apply a foreign policy control under the national security section of the bill.

Lastly, the amendment has a lot of appeal because it comes in the wake of the Korean airliner incident. There is a great deal of emotion, and rightly so, in this body about that dastardly act, and I think the President has exercised some restraint in his reaction to the Russians' attack on that airliner. But I think it would demean this body if we were to go in the opposite direction and actually force upon the President, not only in this particular instance but in future years, the inability to use any discretion in utilizing those controls in the future.

Mr. Chairman, while I appreciate that the gentleman has actually accommodated many of our concerns by attempting to link that control to an official apology and some compensation for the families involved, I still feel it is contrary to the act and ought to be opposed.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the maker of the amendment in a colloquy, if I might.

Now, as I understand the gentleman's position and interpretation of his amendment, it is that the amendment would not cover grain; is that correct?

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, this amendment technically

covers every item which is required to obtain an export license covered under the commodity control list. Subsection (o) is the new section created which covers every commodity which is obligated to receive a license for export.

Mr. LAGOMARSINO. Well, is that grain? I am asking the gentleman that specific question.

Mr. SMITH of Florida. I believe that grain is covered under it, but this does not include any existing contracts.

Mr. LAGOMARSINO. I am sorry, I did not hear the last word.

Mr. SMITH of Florida. This does not include any existing contracts.

Mr. LAGOMARSINO. How about tomorrow's contracts?

Mr. BONKER. Mr. Chairman, if the gentleman will yield, my interpretation is that the amendment would not cover grain. The amendment, as the gentleman notes, relates only to the commodity control list. That deals primarily with techology. That is why we attempt to control or license the sale or transfer.

Mr. LAGOMARSINO. Mr. Chairman, I might say that on my side we have a different interpretation.

Let me ask the gentleman this question: If it should appear that in fact it does cover grain, is there an ambiguity there?

Mr. SMITH of Florida. I do not think there is. The grain is under commodity control, but it is not on that list. It is under foreign policy.

Mr. LAGOMARSINO. But the gentleman's intention is not to cover grain; is that correct?

Mr. SMITH of Florida. That is absolutely correct.

Mr. LAGOMARSINO. Well, a good question is: Why? Why is it not covered?

Mr. SMITH of Florida. Because I do not believe with the existing agreement it is up to me at this moment to go ahead and vitiate what this administration has already indicated it wanted to do and in fact did do. That does not mean I do not have serious reservations about it.

In fact, in my statement, I specifically related that we ought to go back and look at the grain agreement because, frankly, while I am not sure whether we should be selling them grain or not, the contract under which we are selling them grain is an atrocious piece of work, and any normal businessman in America would never enter into a contract like that.

But that is far beyond the purview of what I intended to do with this amendment. My intent was to hurt them where it would hurt them the most, in the high technology area, while hurting the United States as minimally as possible. That was my intention, and I believe the amendment is drawn to accomplish that purpose.

Mr. LAGOMARSINO. I agree with the gentleman on high technology, but I do not agree that we should be affecting grain, as the gentleman has said.

Mr. SMITH of Florida. I agree with that as well.

Mr. LAGOMARSINO. All right. Does the gentleman agree that it should affect future grain sales or not?

Mr. SMITH of Florida. I make no such statement because there is nothing in here which affects the existing grain sales, and there is nothing in there that would affect any future grain sales.

Mr. LAGOMARSINO. Mr. Chairman, let me ask the gentleman this: If it should appear otherwise from whatever evidence we can gather during the pendency of this bill—and it is pretty obvious we are not going to finish it today—would the gentleman support or offer an amendment that would make that clarification?

Mr. SMITH of Florida. That the grain is not covered?

Mr. LAGOMARSINO. Yes.

Mr. SMITH of Florida. I do not intend grain to be covered, and I believe I would do whatever is necessary to clarify that point. And certainly in conference that could be clarified as well.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had no intention of getting involved in this, other than just to express myself to the gentleman from Florida a moment ago, but I am appalled at the wishy-washy position that the Congress is taking with reference to this amendment and with reference to the Soviet Union.

This amendment to me is crystal clear in what it says. It says:

> Any license to export to the Soviet Union any good or technology subject to export controls under this section shall be denied unless the President determines that such export is in the national interest of the United States.

I do not believe any Member of this body desires to go back to his or her district and state that we have gone on record as being in favor of selling materials of a technical nature to the Soviet Union.

Frankly, I would like to not sell them a thing. But I know that grain is not covered by this amendment. Everybody has admitted that. That includes the present sale and future sales. And even if it was, as I view this amendment, the President would have the right to determine whether or not this export is in the national interest. If the President saw fit to give a grain contract, present or future, if it is in the national interest of this country, he would have the right to do it regardless of what we did.

Someone said, "Well, why don't we wait until the State Department acts?" I do not want to wait on the State Department. I want to go ahead and let the American people know that the Congress of the United States has a very dim view of what the Soviet Union has done in the last 30 days, and the only way we can go on record to support that position is to say, "We are not going to sell you anything that you can use on us."

Mr. Chairman, I think that is the gist and the guts of this amendment, and I urge my friends, the Members of this body, to support this amendment.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, make no mistake about it, the current law does exactly what the gentleman from Texas says, and that includes this bill. Anything that could be used against us under current law and under this bill can be prevented from being sold to the Soviet Union under either national security or foreign policy controls.

So what is the function of this amendment? Well, I think this amendment is kind of hand-wringing. All of us are upset at the KAL incident, and we have decided we need to do something with respect to the KAL incident. So what have we done?

□ 1520

In essence, what this amendment says, although the gentleman from Florida has carefully and cleverly tried to define what goods are going to be excluded, in essence the question is, Should we ban all trade with the Soviet Union? That is the fundamental question with this amendment.

Now, the gentleman from Florida says grain is not covered. Then the gentleman backtracks and says maybe future grain sales are not covered, but he says present grain sales are covered.

If you check with respect to the statute on those items on the Cocom list, theoretically anything could be covered if we want it to be covered; so the President tomorrow could decide that many items which are not on the list of the gentleman from Florida will be on that list.

Again we further find ourselves in the situation where we are involved with a selective embargo.

Make no mistake about it. This amendment is a vote on embargoes. As far as I am concerned, it is just as much a vote on a grain embargo as it is a vote on a processor's embargo, because it will affect dramatically the ability of existing and future sales of a broad variety of contracts that go to the Soviet Union.

I think it is unnecessary congressional meddling into the ability of the

President to deal with this difficult situation right now.

While I have always argued against selective embargoes, I argued against the grain embargo because I said, "You haven't singled out everything else. What about everything else?"

What about everything else? I will argue against this kind of embargo unless we do it across the board.

If we are going to fight the Russians for what they did to us and what they did in that dastardly act in the Western Pacific, then you do it across the board.

For that reason, I oppose the amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr Chairman, I just want to make it clear, I do not want to wait until the State Department acts, but I would like to have their input. I would like to have them analyze this amendment, and we have had weeks to do it, to see what they have to say about just what this does.

I get the distinct impression the author really does not know how far reaching it is; but by God, it reads good and it sounds right. I do not think that is the way to legislate.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman from Kansas for yielding.

Let me say that I have not been as clever, at least knowingly, as the gentleman would ascribe in the drafting of this bill.

The Cocom list has traditionally been a list of high technology items. Grain has never appeared on that list. Any one of the countries participating could veto any of those items going on the Cocom list; so theoretically, while anything is possible, in present and past reality it would not cover grain, and I understand the gentleman's concern about that.

By the same token, I do want to make a response to what I feel is a continuing pattern of conduct. I believe it behooves this Congress to stand up and speak.

The State Department does not give us indications on whether or not we want to trade $32 million worth of over $2.6 billion worth of trade any more than we can understand. It is not a sizable or major portion.

If the gentleman from Illinois was dealing from that position when I had proposed an amendment to embargo a major portion of it, I could agree with the gentleman on his argument.

This is not, this is less than 2 percent of the total trade. The far-reaching impact is not there in terms of total foreign policy vis-a-vis the Soviet Union.

Mr. GLICKMAN. The point of the gentleman's amendment is that it makes it much easier and much more mandatory to engage in this kind of trade restraint. What we in Congress have been telling the President in the agricultural area particularly is that that kind of flexibility, which now the gentleman is making mandatory, has a dramatic negative effect on this country.

I want to tell the gentleman something about the grain embargo. I would never have thought we would have embargoed grain before. It was not on anybody's list. They decided to do it overnight after the Afghanistan thing.

If it had not been for the politics of the situation, as well as the fact there was intense pressure all over this country with respect to honoring these contracts, we would have had the same problem again.

The gentleman is opening a Pandora's box on a dramatic embargo on almost anything that we could sell overseas.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

I, too, have made the same arguments as the gentleman from Kansas has concerning selective embargoes. I have opposed them because they are selective.

If we are serious about a foreign policy objective or a national security objective, then it ought to be across the board.

I would ask the question rhetorically, at least. If the gentleman really is only trying to affect—and I am talking to the gentleman from Florida—really only trying to affect this small percentage of goods that truly is important to the military capability of a potential enemy like the Soviet Union, then why is the gentleman not amending the coordinating committee section clause, section 107?

The CHAIRMAN pro tempore. The time of the gentleman from Kansas has again expired.

(At the request of Mr. BEREUTER, and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. Mr. Chairman, will the gentleman yield further?

Mr. GLICKMAN. I yield.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

Instead of section 106, which in fact is the national security control, which then is all comprehensive; we are talking about all future contracts for goods and products.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman again.

I want to clear up something that I think is important to clear up.

The amendment does not allow for a total control. The first sentence says, "shall be denied a license for export unless the President determines that such export is in the national interest of the United States."

It continues the same basic thrust that we have had previously.

In addition, the grain embargo was made under foreign policy, not national security. That is the difference. This does not do anything more than has been done already.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. President Carter's embargo was made under this section of the law, and quite obviously the amendment of the gentleman covers grain.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I would point out that we just had a special order before this body about 2 days ago talking about this.

The CHAIRMAN pro tempore. The time of the gentleman from Kansas has again expired.

(At the request of Mr. ROBERTS, and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, we just had a special order here on the fruitlessness of a selective embargo. I do not think anybody in this body can go down this list, this so-called list, to find out what is going to be damaging to the Soviet Union; but more to the point, the two conditions that must be met are, No. 1, the Soviet Union will have to apologize; and No. 2, the Soviet Union will have to pay reparations to the families involved. Everybody, every American wants that, but we know it is not going to happen.

Consequently, we are just in fact going down this list and saying that we are not going to sell these goods to the Soviet Union.

Has anybody gone down this list in terms of the manufacturers concerned to see what kind of economic impact it is going to have on the United States?

May I remind the gentleman from Florida that when we talk about a selective embargo or a sanction or what we are going to sell or also what we are not going to sell, this is not a spec-

tator sport. I recognize the gentleman's concern from an emotional standpoint, from a symbolic standpoint. I have farmers right now in the fields of Kansas wondering if they are paying attention to this and, more importantly, what the market is doing as a result of this entire discussion.

I wonder if the market is now starting to tail off. That is the kind of economic impact that we have when we introduce amendments like this that have not been properly researched, or where we have not asked the advice and counsel of the appropriate agency.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I would like to clarify, if I can, this troubling question as to whether or not grain would be included under the gentleman's amendment.

I am informed that in the wake of the Afghanistan invasion that President Carter utilized both foreign policy and national security controls to invoke that ban. He did so because under foreign policy controls at that time the provision was subject to a congressional veto; but that same veto privilege did not extend under national security controls; so I am led to believe that if he were to apply an embargo on wheat under the provisions of national security control, he would have had to place that commodity on the CCL list; so where grain is not presently on the list, there is nothing that would prevent the President in the future from placing that grain on the commodity control list, thereby imposing an economic control.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been sitting here, as has everybody, listening to this debate. In the very beginning I thought perhaps the amendment had a great deal of merit. Unfortunately, I am not convinced any longer.

It seems to me there are a lot of people in this body who are arguing that this is an opportunity, No. 1, to express our outrage at Soviet behavior and, No. 2, to make sure that the Soviet know that we are irritated; that by voting this way we will really get their attention this time and we will be able to do something to make sure that they stand up and take notice.

□ 1530

I really do not think that this type of amendment makes sure that the Soviet Union stands up and takes notice. I think President Carter tried such things as canceling the Olympic Games, eliminating cultural exchanges between our two countries, terminating grain sales between this country and the Soviet Union.

But the Soviet Union does not respond to those types of items. The Soviet Union responds to a consistent and tough foreign policy. The way to get the attention of the Soviet Union is to deploy the MX missile, the way to get the attention of the people in the Soviet Politburo is to make sure that our allies in NATO go forward and deploy the cruise missiles and the Pershing II missiles. Those are the types of policies and those are the types of actions that we can take as a body to make sure that the Soviet Union knows where we stand and to make sure that the Soviet Union does not behave this way again in the future.

It seems to me that this type of amendment is an attempt by some of the people in this body to show their outrage, to show they are tough, but it is simply not going to do the job. To make sure that the Soviet Union responds, do something with regard to the defense capabilities of this country, the conventional defense capabilities of this country. In that area, the Soviet Union will recognize that we have resolve, and in that area I think we can moderate Soviet behavior in the future.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

A more cynical mind than my own might suspect that this is an artfully drawn amendment to rehabilitate some whose anti-Communist credentials presumably were tarnished by voting against the Gramm amendment on the IMF bill. Now, I was one who voted against the Gramm amendment. I did not think it was a good amendment. I agreed with the President. But I suspect this is very artfully drawn to, as I say, rehabilitate in somebody's mind the anti-Communist credentials of those who have been embarrassed by that. Are you as cynical as I am on that issue?

Mr. COURTER. I do not know whether you have to be very cynical or not to accept that. I appreciate the gentleman's contribution.

Mr. HYDE. I hope you are not.

Mr. COURTER. Absolutely not. I think my main point is the Soviet Union is lacking in this type of expression. If the only thing this country is going to do when they shoot down a plane filled with 269 civilians is to change the law somewhat to make it more difficult to export what we are already not exporting, they have to be laughing in the Kremlin.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. They shoot down an airplane and we shoot down ourselves.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

First of all, if the gentleman would have listened to my statement, and I am sure he did, he would have found that I scrupulously avoided making an emotion or pitched play to any of those whose emotions only were dictating this type of what I consider to be appropriate method of dealing with the Soviet Union today in light of a number of incidents.

I do not consider this to be an emotional response.

As to the comment of the gentleman from Illinois about his cynicism, he can keep his cynicism. I can speak for myself. I do not have credentials that are tarnished or intarnished. I have the stands I have taken since the day I drew breath, and I will continue to take those stands on issues as they come based on their merits.

I will tell the gentleman in the well and the gentleman from Illinois and the gentleman and ladies in this body, this amendment is intentioned to be a foreign policy statement by this House, that it is in our interest as a country to allow the President latitude, which he has, because anything in the national interest would still override any ban in here if it is in our national interest to stop trading with the Soviet Union. Communism has nothing to do with it. It is the Government of the Soviet Union, no matter what the political state.

Mr. COURTER. Let me take back my time.

Would it be best to really show our outrage not to even talk to the Soviet Union? Maybe we should withdraw our diplomats from the Soviet Union and express our outrage that way.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, my amendment speaks for itself. You can make all of the strawmen you wish—grain, and so forth. None of them exist. We are not going to stop talking to any country in the world. The reality of the amendment speaks for itself.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask a question of the gentleman from Florida.

I was a little confused with your last statement. Is the purpose of your amendment to extract an apology from the Soviet Union, as is stated here, or is the purpose of your amendment to try to teach the Soviets a lesson or to have this in perpetuity?

Mr. SMITH of Florida. The purpose of this amendment is to cut off mandatorily, except where the President deems it to be in our national interest, any trade based on those items listed on the Cocom—and I expressed some of them—until such time as those two conditions precedent take place, at which point, then, the normal restrictions would still apply to the trading of those items with the Soviet Union. That is all this amendment does. That is all it was ever intentioned to do. And that is all I hope it ever does.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

There is no reference in the gentleman's amendment to the Cocom list. He refers to section 5. It refers to any product. When Jimmy Carter invoked this section to embargo grain, the grain was embargoed. It is not on any list. As a matter of fact, if you keep reading in this section you will find that the Secretary can add any item to the list that he wants to. But it does not have to be on the list to be embargoed. This amendment provides for across-the-board embargo on every product.

Mr. COURTER. I appreciate the gentleman's contribution. I would just like to add one final thing before I yield the balance of my time.

I reemphasize the fact if we think we are making a positive statement that the Soviet Union will respond to, that we can change and modify Soviet foreign policy and behavior by making sure we do not sell them a little grain, it is just as absolutely laughable statement as far as I am concerned.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

It seems to me there is one flaw with this amendment, and that is the same of course that we discovered in relationship to Afghanistan. Unless we have some agreement with our friends and our allies to do exactly the same, then of course we are punishing no one but ourselves and making a fool out of ourselves as a matter of fact.

The only person that will have the opportunity to make sure that our friends and allies would do exactly the same is probably the President of the United States, the Secretary of State, either, not the Congress of the United States. So, I think the flaw is strictly one we have no control over what our friends and allies do, and this can only be effective if they go along with us.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. ZSCHAU. I would just reinforce the remarks just made. Action unilaterally are not as effective as multilateral actions. It is for that reason that yesterday this body accepted the amendment offered by Mr. PICKLE which reads that we would agree for the imposition and enforcement of export sanctions by the governments participating in the committee—that is the Cocom group, our allies, NATO allies plus Japan—against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.

We have already taken this kind of action yesterday. It is in the bill. But it is done in a more effective way, because it is done in a multilateral way rather than a unilateral way. I thank the gentleman for yielding.

Mr. PEASE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. Like other Members, I am as appalled as anyone at the Soviets ruthlessly shooting down an unarmed plane. I am equally appalled at other actions by the Soviets, dating back to Afghanistan and Poland.

I would also say in terms of technology transfer, I am not enthusiastic at all about transferring technology to the Soviet Union. I think we ought to be conservative on doing that.

But as other people have said, most notably the gentleman from Kansas (Mr. GLICKMAN) and the gentleman from Minnesota (Mr. FRENZEL) that is not the question. The question here is what the effect will be of this amendment if it is adopted.

This amendment in effect imposes an embargo unless the Soviets agree to apologize for shooting down the Korean airliner and unless they agree to provide compensation to the families of the victims. The Soviet Union will not do either one of those things. Everybody in this Chamber knows the Soviet Union will not do either one of these things.

So, the effect of this amendment is to impose an embargo on the Soviet Union—an embargo by any other name is still an embargo. The question of grain has been raised, whether or not this affects grain. I do not know whether technically it does or not. It seems to me that that is unclear from the discussion we have had today. But it does seem to me quite obvious what the Soviet reaction is likely to be to an embargo of a whole range of other products.

It seems to me, given what we know of the Soviet reaction to similar situations in the past, the Soviet Union is likely not to want to deal with us in grain or anything else if we impose an embargo such as surely would be imposed by this amendment.

□ 1540

If we want to impose an embargo on the Soviet Union, fine. But if we want to do that let us do it up front and say that is exactly what we are doing. Let us not adopt an amendment like this which indirectly would accomplish the same purpose.

For that reason I urge my colleagues to oppose this amendment.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to this amendment because I believe there is an iota of a possibility that this amendment would permit the selective embargo of grain and agricultural commodities and as long as there is that iota of possibility the amendment ought to be soundly rejected.

We have a history, a decade of history in the imposition of selective agricultural embargoes, the net result of which, is it has been proven that the only people that have been damaged have been the American agricultural producers. We have shot ourselves in the foot on at least three occasions and we should not give rise to the opportunity to do so again.

I urge my colleagues to vote against this amendment and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SMITH).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. SMITH of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1600

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Does the gentleman from Florida (Mr. SMITH) insist upon his request for a recorded vote?

Mr. SMITH of Florida. Mr. Chairman, I withdraw my request for a recorded vote pending the voice vote.

The CHAIRMAN. The amendment is rejected.

Mr. SMITH. of Florida. Mr. Chairman, I request a division.

On a division (demanded by Mr. SMITH of Florida) there were—ayes 9, noes 26.

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

● Mr. COYNE. Mr. Chairman, I rise in support of H.R. 3231, a bill to amend the Export Administration Act.

This measure would extend the Export Administration Act of 1979 and would provide $24.6 million for the next 2 fiscal years to carry out our export controls. In addition, the bill would provide $100.5 million for promotion of exports.

As a representative from Pennsylvania, it is my judgment that Congress should be devoting as much attention to the promotion of exports as we do to the restriction of imports. Import restrictions, where necessary in industries such as steel, are hollow remedies to our national and international economic deficiencies. We should be willing to build bridges as well as walls in our trade activities. The promotion of exports is an example of the bridge-building we need.

One provision of this measure which has my very strong support would ban all loans by U.S. banks to the South African Government, or to entities controlled by that government. Exceptions to this provision include loans for health projects, educational facilities, or for housing, provided such projects are available on a nondiscriminatory basis.

Fair employment standards are established for American firms in South Africa which employ 20 or more workers. In addition, the bill would halt the importation of South African krugerands or other gold coins minted in that nation.

Congress can go on record in opposition to the repressive policies of the South African Government by adopting these restrictions. I do not accept the argument that we are somehow singling out South Africa for special punishment. Congress has approved very punitive measures against countries as diverse as the central African empire, Uganda, Zaire, Cuba, Chile, Argentina, Vietnam, and Cambodia. These nations, however, have one thing in common—their lack of respect for human rights. Our actions against some nations, and inaction in the face of widespread abuse of rights in South Africa, would be intepreted as consent to the policies of that nation.

I also urge support of an amendment to this legislation to be offered by Mr. GRAY of Pennsylvania. The Gray amendment would prohibit new investment in South Africa not only by banks, but by American firms and individuals as well. The $2.6 billion investment in this nation of apartheid by more than 300 American subsidiaries most certainly helps to make legitimate a racist regime. By prohibiting such investment in the future, we will send a strong economic message to a government which denies full human rights to the 75 percent of its population which is nonwhite.

I urge support of the Gray amendment, and a yes vote on H.R. 3231.●

Mr. BONKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. LONG of Louisiana. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 325) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 325

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. The gentleman from Texas will take the chair and be sworn in by the Dean of the House, the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Mississippi (Mr. WHITTEN).

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 3813. An act to amend the International Coffee Agreement Act of 1980; and

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3929) entitled "An Act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. ARMSTRONG, Mr. ROTH, Mr. CHAFEE, Mr. LONG, Mr. MOYNIHAN, and Mr. BOREN to be the conferees on the part of the Senate.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 368, CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN submitted the following conference report and statement on the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-397)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 368) "making continuing appropriations for the fiscal year 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 8, and 12, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the Senate but not passed by the Senate as of October 1, 1983, it shall be deemed as having been passed by the Senate*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the subsection designation in said amendment insert: *(h)*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the subsection designation in said amendment insert: *(i)*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the subsection designation "(i)" in said amendment insert: *(g)*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the section designation in said amendment insert: *112*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 6, 7, 9, and 14.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
JAMES A. MCCLURE,
PAUL LAXALT,
THAD COCHRAN,
JAMES ABDNOR,
R. W. KASTEN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
LAWTON CHILES,
DENNIS DECONCINI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers of the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: Technical restoration due to conference action on subsequent Senate amendments.

Amendment No. 2: Deletes House language for District of Columbia programs which are provided for in Amendment No. 10 at the rate of the recent conference agreement.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert: *Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984 (H. Rept. 98-357, S. Rept. 98-247) under the terms and conditions provided in such Act for fiscal year 1983; and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for projects and activities funded in the Labor, Health and Human Services, Education and Related Agencies Appropriation Act at the House or Senate amount, whichever is lower, and under the terms and conditions which existed in fiscal year 1983. In subsection 101(b), the House had provided for the Labor-HHS-Education Act as passed the House and the Senate had provided for the Act as reported to the Senate, under the terms and conditions which existed in fiscal 1983.

In agreeing to the lesser of the House or Senate rates, the managers note that final action is anticipated shortly on the regular Labor, Health and Human Services, Education and Related Agencies Appropriation Act for fiscal year 1984. Thus, the action of the conference on this continuing resolution should not prejudice the decisions to be made by Congress in consideration of the regular appropriations bill. The managers direct that the departments and agencies funded under this appropriation take no actions regarding staffing or program levels or procurement that would preempt congressional prerogatives on the regular appropriations bill.

With respect to national activities under the Job Training Partnership Act, the conferees direct the Department of Labor to maintain current funding levels for all recurring categories of projects during the period of this Continuing resolution, including specifically 70001 Ltd., the Human Resources Development Institute, and the National Displaced Homemaker's Network. In addition, the Department is drected to provide funds, at the rate provided in H.R. 3913 as passed by the House of Representatives, for rural concentrated employment programs serving service delivery areas under section 101(a)(4)(A)(ii) of the Job Training Partnership Act. These funds are in addition to amounts otherwise provided under sections 202 and 251(b) of such Act under this resolution. The purpose is to provide funds to each rural concentrated employement program to maintain as nearly as possible the fiscal year 1983 funding levels.

The conferees have deleted language proposed by the House and stricken by the Senate concerning the Military Construction Act. That Act is provided for in subsection 101(i) at the rate of the recent conference agreement.

Amendment No. 4: Inserts language, proposed by the Senate, which provides that projects or activities funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984 be provided for under section 101(a) of the continuing resolution at the House or Senate level, whichever is lower. The House had proposed that projects or activities funded in such Act be provided for under section 101(b) of the continuing resolution. The Senate amendment also includes language providing that authorities contained in Public Law 96-132, the "Department of Justice Appropriation Authorization Act, Fiscal Year 1980" shall remain in effect until the termination date of the continuing resolution or the effective date of a general Department of Justice Authorization Act, whichever is earlier.

Amendment No. 5: Provides that when an appropriation Act listed in subsection 101(a) has been reported to the Senate but not passed by the Senate as of October 1, 1983, it shall be deemed as having passed the Senate. The Senate amendment applied to Acts in both the House and the Senate. The House has no similar provision.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(b) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984 at a rate for operations and to the extent and in the manner provided for in the Act as passed the House of Representatives as of October 1, 1983: Provided, That appropriations or loan authorization for the following agencies or activities are available at not to exceed the following annual rates and the totals are adjusted accordingly:

Agricultural Research Service:	
Salaries and Expenses	*$478,000,000*
Buildings and Facilities	*28,602,000*
Cooperative State Research Service:	
Special grants	*25,234,000*
Competitive grants	*17,000,000*
Animal health and disease grants	*5,760,000*
Animal and Plant Health Inspection Service: Salaries and Expenses	*263,259,000*
Federal Crop Insurance Corporation:	
Administrative and operating expenses	*200,000,000*
FCIC Fund	*110,000,000*
Office of Rural Development Policy	*2,000,000*
Rural Housing Insurance Fund: Moderate income loans	*0*
Agricultural Credit Insurance Fund:	
Insured soil and water loans	*30,000,000*
Economic emergency loans	*0*
Rural Development Insurance Fund: Water and waste disposal loans	*270,000,000*
Rural Water and Waste Disposal Grants	*90,000,000*
Rural Electrification Administration: Guaranteed loans, not less than	*3,360,000,000*
Commodity Futures Trading Commission:	
Salaries and Expenses	*26,400,000*
ADP Limitation	*3,626,000*

Provided further, That notwithstanding any other provison of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": Provided further, That notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, non-

profit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers: Provided further, That notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the first three months of the fiscal year ending September 30, 1984: Provided further, That, hereafter, in order to restore and maintain U.S. share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and Department of Interior and Related Agencies Appropriation Act, 1984 (H.R. 3363), notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in such Act (H.R. 3363), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives, as if such Act had been enacted into law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement replaces House language which provided for programs or activities under four appropriation bills as they passed the House and Senate language which provided for programs or activities under three appropriation bills as they passed the Senate.

Under the conference agreement, the Agriculture bill is provided for as herein described.

The Interior bill is provided for in accordance with the conference agreement filed on the regular annual bill.

The Commerce, Justice, State, and the Judiciary bill is provided for in amendments numbered 4 and 9.

The Labor, Health and Human Services, and Education bill is provided for in amendment numbered 3.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

The conference agreement for rates of operation for the Department of Agriculture and the related agencies uses the House passed bill as the base, with adjustments to reflect Senate action and the most current information regarding program needs. Where lower levels have been selected it is generally to reflect information provided to the conferees that such levels are all that can be effectively used during the period of this resolution or during the fiscal year. The conferees expect that funds made available by this resolution shall be made available immediately and in no cases shall personnel ceilings be used to limit program or funding levels provided by this resolution.

RELIEF NEEDED FOR AGRICULTURE

In order to restore the purchasing power of American agriculture, maintain the normal volume of domestic agricultural production, and protect our largest dollar earner in world trade, the conferees will expect the Secretary of Agriculture to immediately take the following necessary steps. First, as authorized by the Commodity Credit Corporation Charter, the Agriculture and Food Act of 1981 (Public Law 97-98), and other Acts, the Secretary of Agriculture should set target prices that accurately reflect increase in cost of production. The Secretary should also set production targets at levels that meet domestic needs, allow for adequate reserves, and provide a dependable market for world demand at competitive prices as authorized by the Charter of the Commodity Credit Corporation. Second, to prevent otherwise unavoidable shortages of food and fiber for the consumer, the Secretary should make disaster loans or payment and/or provide feed grains promptly from the Commodity Credit Corporation to farmer-producers and ranchers who have suffered from the recent disastrous drought in order to assist such farmer-producers and ranchers to remain in business. Delays in processing disaster applications are inexcusable in view of the severity of the drought. The conferees believe the Secretary must act expeditiously to prevent widespread bankruptcies of farmer-producers and ranchers and to assure adequate supplies of food and fiber for the Nation's consumers.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

The conference agreement provides for the following facilities:

Old West Vet. School in Nebraska	$12,050,000
Children's Nutrition Research Center at Houston	5,500,000
Virginia-Maryland Vet. School at VPI	4,500,000
Plant Stress and Soil Moisture Lab at Lubbock, Texas	500,000
Technology Transfer Center in southeast Oklahoma	375,000
Forage Seed Center at Corvallis, Oregon	4,000,000
Metabolism and Radiation Research Lab in North Dakota	850,000
National Soil Tilth Center at Ames, Iowa	827,000
Total	$28,602,000

COOPERATIVE STATE RESEARCH SERVICE

The conference agreement provides for special research grants at the following annual rates:

Dairy goats	$100,000
Integrated production system	200,000
Horticultural studies	50,000
Sunflower insects	150,000
Biomass energy	800,000
Biocontrol of grasshoppers	50,000
Wool research	150,000
Agricultural policy institute	450,000
All other studies	23,284,000
Total	$25,234,000

EXTENSION SERVICE

The conferees will expect the Extension Service to maintain the fiscal year 1983 program level for the renewable resources extension program out of total funds available to the Agency.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The conference agreement includes funding for the screwworm program at an annual rate of $50,000,000 and funding for the brucellosis program at an annual rate of not less than $69,500,000. The conferees have received assurances that brucellosis state agreements and indemnity rates will not be reduced at this level of funding.

FEDERAL CROP INSURANCE CORPORATION

Funding requirements for the Federal Crop Insurance Corporation for fiscal year 1984 are based largely on participation in the program in fiscal year 1983. The conference agreement reflects reductions that are possible because assumptions regarding the rate of growth of the crop insurance program have not been realized. The conferees have been advised that the recommended funding level will allow the Corporation to maintain a favorable cash position, including ample funding to cover drought losses.

ECONOMIC EMERGENCY LOANS

The conference agreement defers funding for economic emergency loans, since these loans are not authorized by law. Once the program is authorized, supplemental funding will be considered.

RURAL ELECTRIFICATION ADMINISTRATION

The conference agreement provides for guaranteed loans at the annual rate proposed in the Senate bill. The conferees have been advised that the higher levels proposed in the House bill are unnecessary, especially in light of the levels provided for direct loans.

DEPARTMENT OF DEFENSE

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(c) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for elsewhere in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligationnal authority of $247,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1984 amended budget request as the base for such distribution and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: Provided, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: Provided further, That none of the funds appropriated or made available pursuant to this subsection shall be available for the conversion of any full time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by Active or Reserve Military Personnel, from civilian positions designated "military technicians" to military positions: Provided further, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate or resume any project, activity, operation or organization which is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for investment items is further defined as a P-1

line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1983: Provided further, That notwithstanding any other provision of this joint resolution, $5,000,000 is appropriated for the XXIII Olympiad as authorized by Section 304 of Public Law 98-94, and in addition the Department of Defense may provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with the proceeds to be credited to the current applicable appropriation accounts of the Department.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the Department of Defense may fund continuing activities at an annual rate for new obligational authority at not to exceed $247,000,000,000, and that such amount shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1984 amended budget request as the basis for such distribution. The rate provided does not include sums for a pay raise that may be appropriated at a later date. The House version had provided funding at the fiscal year 1983 level or the budget estimate whichever was lower. The Senate version of this joint resolution had recommended funding at a rate of $253,000,000,000, until the fiscal year 1984 Department of Defense Appropriation Act had been reported by either the House or Senate and then at the lower rate of either bill and under the more restrictive terms and conditions.

The conferees further agree to prohibit initiation of new multiyear procurements utilizing advance procurement funding for economic quantity procurement as proposed in the fiscal year 1984 Defense budget, and to prohibit conversion of any full time positions in support of the Guard and Reserves from civilian positions designated "military technicians" to military positions, as proposed by the House, during the period of time covered by this joint resolution.

The conferees also agree to accept the House prohibition against initiation and resumption of projects or activities as specifically defined in the House version of this joint resolution. The conferees agree to delete the House language relating to increases in production rates above those sustained with fiscal year 1983 funds. The purpose in deleting this more restrictive language was to protect planned increases in such programs as the C-5B aircraft firm fixed price production and increased funding planned for the Trident II missile full scale engineering development, the contracts for which early awards are scheduled. The Department of Defense is placed on notice that by deleting the language it was not the intention of the conferees that the Department has the authority to increase generally production rates on programs other than those mentioned, pending enactment of the regular Defense Appropriation Bill for fiscal year 1984. The conferees agree that the Appropriations Committees of the House and Senate should monitor the Department's use of this authority. Any abuse of that authority, particularly in programs which are clearly subject to congressional revision or disapproval, will result in appropriate additional restrictions and limitations of funding and authority in subsequent appropriations measures.

In lieu of general funding authority provided in the Senate amendment, the conferees agree to an appropriation of $5,000,000 as an initial portion of the $50,000,000 authorized for Department of Defense security support to the XXIII Olympic games in Los Angeles, California. The conferees further agree to provide authority for Department support on a reimbursable basis to the Olympic games when special resources are required. Such reimbursable support may be provided only in response to a direct written request from the Los Angeles Olympic Organizing Committee. Since the conferees had agreed to delete the Senate language concerning the necessity for the Department to adhere to the levels in either the House or Senate bills as reported and then the lower of the two, the conferees found it necessary to include the provision on partial funding for support of the Olympics in order to avoid the Department embarking on unnecessary and wasteful bookkeeping exercises during the time period of this joint resolution.

Subsection 101(f) permits the Army National Guard and Army Reserve operation and maintenance and National Guard and Reserve equipment procurement to proceed at the fiscal year 1983 rate for those accounts instead of at the rate proposed in the fiscal year 1984 Defense budget which is lower. This provision in no way addresses other activities of the Department of Defense generally.

The conferees agree that the language of section 101(e) of the continuing resolution is sufficient to continue the spending and borrowing authority of the Export-Import Bank during the life of the continuing resolution.

The conferees have deferred consideration, without prejudice, of additional funding for the CRBR project. Until Congress acts, the Department should maintain all options and not undertake any new activities relating to CRBR including an initiation of any construction.

Amendment No. 8: Deletes language proposed by the House in section 101(f) relating to Rehabilitation and handicapped research activities. The conferees are agreed that these activities are covered by section 101(a) which would provide for a rate of operations not exceeding the current rate.

Amendmenmt No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(g) Such amounts as may be necessary for the following projects or activities, which were provided for in H.R. 3222, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, as reported to the House of Representatives on June 3, 1983, to the extent and in the manner provided for in such Act, and at a rate for operations, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as follows:

Department of Commerce: General Administration, "Special Foreign Currency Program", $693,000;

Economic and Statistical Analysis, "Salaries and Expenses", $39,337,000;

Economic Development Administration: "Economic Development Assistance Programs", $250,000,000; "Salaries and Expenses", $30,141,000;

International Trade Administration, "Operations and Administration", $169,893,000;

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities", $942,871,000; "Fisheries Loan Fund", $5,000,000;

Federal Communications Commission, "Salaries and Expenses", $86,383,000;

Federal Trade Commission, "Salaries and Expenses", $63,500,000: Provided, That these funds are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18 and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374), notwithstanding the previous provisions of this subsection;

International Trade Commission, "Salaries and Expenses", $20,737,000;

Securities and Exchange Commission, "Salaries and Expenses", $92,500,000;

Small Business Administration, "Salaries and Expenses", $236,000,000;

Department of Justice: Immigration and Naturalization Service, "Salaries and Expenses", $527,257,000;

Notwithstanding the previous provisions of this subsection, Legal Services Corporation, "Payment to the Legal Services Corporation", $275,000,000:

Provided, That none of the funds appropriated in the Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary

purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: Provided further, That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: Provided further, That none of the funds appropriated in this Act shall be available to any recipient to be used—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal government or any State or local government unless (1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient; (2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and (3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: Provided further, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in 1984 at the annualized level at which each such grantee and contractor was funded in 1983, or in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: Provided further, That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service;

Department of State: Administration of Foreign Affairs: "Salaries and Expenses", $1,120,000,000; "Reopening Consulates", $2,500,000; "Representation Allowances", $4,148,000; "Acquisition, Operation, and Maintenance of Buildings Abroad", $202,889,000; "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", $10,012,000; "Payment to the American Institute in Taiwan", $9,380,000; "Payment to the Foreign Service Retirement and Disability Fund", $102,753,000;

International Organizations and Conferences: "Contributions to International Organizations", $520,515,000;

International Commissions: International Boundary and Water Commission, United States and Mexico, "Construction", $672,000; "American Sections, International Commissions", $3,426,000; "International Fisheries Commissions", $8,876,000;

Other: "Asia Foundation", $9,900,000;

United States Information Agency: "Salaries and Expenses (Special Foreign Currency Program)", $10,450,000; "Center for Cultural and Technical Interchange Between East and West", $18,362,000; "Acquisition and Construction of Radio Facilities", $34,013,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 10: Provides continuing authority for programs under the District of Columbia Appropriation Act at the rate of the conference agreement as proposed by the Senate, amended to conform subsection designation.

Amendment No. 11: Provides continuing authority for programs under the Military Construction Appropriation Act at the rate of the conference agreement as proposed by the Senate, amended to conform subsection designation.

Amendment No. 12: Inserts November 10, 1983 as the termination date of the joint resolution as proposed by the Senate, instead of November 15, 1983 as proposed by the House.

Amendment No. 13: Provides that the subsidy to the Postal Service be sufficient to continue postal rates for preferred-rate mailers at the rates in effect on September 1, 1983 (step 14) as proposed by the House, instead of increased to step 15 as proposed by the Senate.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 109. Funds shall be available for school assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950, at an annual rate of $585,000,000, under the terms and conditions provided in the applicable appropriation Act for fiscal year 1983; and funds shall be available for Departmental Management, "Salaries and Expenses" under the Department of Education at the current rate of operations.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect that no reductions-in-force will occur in the Department of Education as a result of the funding authority provided by this joint resolution.

Amendment No. 15: Restores section number proposed by the House.

Amendment No. 16: Deletes language proposed by the Senate which would have limited pay increases for certain prevailing rate employees in the wage area described in section 780 of Public Law 97-114. The House had no comparable provision.

Amendment No. 17: Restores subsection designation proposed by the House.

Amendment No. 18: Deletes language proposed by the Senate which would have limited pay increases Department of Defense overseas teachers to the overall average percentage adjustment in the General Schedule during fiscal year 1984.

Amendments No. 19, 20 and 21: Adjust subsection designations.

Amendment No. 22: Inserts language proposed by the Senate, amended to change subsection designation, which provides that limitations imposed on prevailing rate pay may not apply to wage adjustments for prevailing rate supervisors. The pay increase for the supervisors will be in accordance with the supervisory pay plan published in the Federal Register. The House had no comparable provision.

Amendment No. 23: Restores section number proposed by the House.

Amendment No. 24: Inserts validating clause carried in previous continuing resolutions as proposed by the Senate, amended to change section number.

Amendment No. 25: Deletes language proposed by the Senate which would have prevented the initiation or resumption of projects or activities which were not conducted during fiscal year 1983.

Amendment No. 26: Deletes language proposed by the Senate applicable to certain provisions in appropriations acts affecting more than one account.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, Jr.,

JAMES A. MCCLURE,
PAUL LAXALT,
THAD COCHRAN,
JAMES ABDNOR,
ROBERT W. KASTEN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
LAWTON CHILES,
DENNIS DECONCINI,
Managers on the Part of the Senate.

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House yesterday, I call up the conference report on the joint resolution (H.J. Res. 368) making continuing appropriations for the fiscal year 1984, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of September 29, the conference report is considered as having been read.

The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on House Joint Resolution 368 and amendments thereto in disagreement, and that I may include extraneous and tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring you the continuing resolution, House Joint Resolution 368, to enable the Government to operate until November 10 or until regular appropriations bills are enacted into law—if that is done prior to November 10.

It has become necessary because we have been delayed in getting appropriations bills through the Congress and enacted into law primarily because authorizations have not been passed.

□ 1610

As I pointed out when we considered this matter earlier, there is no need at this time to discuss further why we are in this position except I can point out that, in most cases, the authorizations have been delayed in being approved by the Congress, and for that reason appropriations are not technically in order.

May I say to the Members that we have agreed with the Senate position to keep this bill clean and substantially go with the House bill. We have had certain changes in amounts with some of which I personally differ, for in the original resolution which I introduced, the amount was fixed at a lower figure than is in the conference report.

I introduced the House joint resolution with the intent of asking for a rule permitting me to offer this resolution as a substitute for House Joint Resolution 367—to which 19 amendments were approved by the Appropriations Committee most of which were legislation.

When the Speaker referred House Joint Resolution 367 as amended to the Legislative Committee on Foreign Affairs, it was decided to request a rule enabling us to bring up House Joint Resolution 368 without amendment—holding spending virtually in line with the existing rate for Government spending. The defense item, though 14 billion under the President budget, is substantially higher than House Joint Resolution 368 which I introduced. At this time four bills have been enacted into law, and nine are included in this resolution.

The House, as you recall, provided that this continuing resolution last through November 15. That has been changed here by the other body, and we went along in conference, based on the fact that the 10th of November would be more practical. We agreed with the Senate proposal to make the termination date, November 10. The reason for that, the tentative hope of adjournment is for November 18, and it was thought that the November 10 date would give adequate time to handle our problems before the tentative adjournment date of November 18.

I call attention to the fact that section 102 of the resolution provides temporary funding through November 10 or until the regualr bills are enacted into law. The resolution provides that when regular bills are signed into law, they automatically disengage from the provisions of the resolution.

The resolution also provides for the continuation of existing provisions of law regarding the prohibition of federally funded abortions and prohibition against preventing the implementation of programs of voluntary school prayer and meditation in the public schools.

May I say again that one of our problems was what to tie this continuing resolution to, in view of the different status of the various bills in the legislative process. For the information of my colleagues, the rates for the District of Columbia, Interior, and Military Construction are the conference agreement level. Those bills should be signed soon.

At the lower of House or Senate bill rate we recommend Commerce-Justice-State, with certain exceptions, and Labor-HHS-Education, with certain exceptions.

The House-passed bill rate is carried for Agriculture, with certain reductions.

Carried at the current rate is the Treasury-Postal Service Appropriations Act, and at the lower of the current rate or the budget estimate, is Foreign Operation.

May I say that in all of this, and as I described it the other day, we have made exceptions where there was some reason. The bill for Commerce, State, and Justice, if you recall, had many of the major items go out on technical points of order because no rule waiving points of order had been obtained. We have had to take care of that.

But in general, what we bring you is a continuation of essential Government services until November 10. Again all you have to do to come out from under this resolution is to agree on the regular bills and get them signed into law. So this is basically a holding action, operating pretty much as we have all throughout the year for most programs and activities. But, again, when we do pass the bills—and we hope we will get them through—they will take over and we will come out from under the provisions we have here.

I know of no further statements that I can make except, as I have pointed out here, there are a few exceptions. The Chicago problem that our friend from Chicago (Mr. YATES) has brought to our attention has been addressed. There are two or three other relatively minor provisions.

In the case of Agriculture, which has passed the House and Senate, we took the House-passed version and made a limited number of adjustments to reflect Senate action and the most current information regarding program needs. Some reductions were made in REA loans since the higher levels are not required. We were also able to adjust some other programs because of carryover funds from the jobs bill.

I think, so far as I can understand, that we bring you a resolution that we should not have any trouble getting signed by the President. Insofar as any commitments, we have none from the President, but we do give consideration to his recommendations to the budget, and we retain to the Congress the right to deal with individul items. But insofar as the totals are concerned, we are well within our section 302 allocations allocated to the Appropriations Committee under the budget resolution adopted by the Congress and the amounts recommended by the President.

So, again, it continues the operation of Government except military at approximately present levels until November 10, or until the departments' and agencies' regular bills become law.

Questions as to detail will be handled by the subcommittee chairmen of the various subcommittees.

The SPEAKER pro tempore (Mr. WRIGHT). The gentleman from Mississippi (Mr. WHITTEN) has consumed 7 minutes.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although Thanksgiving is on your calendar as November 24, let me tell you that we can all give thanks today, and that no turkey will be served.

Your conferees have met and resolved the differences between the House and the Senate on the first continuing resolution for fiscal 1984.

This is an historic resolution.

It passed the House without amendment.

It passed the Senate floor with only one floor amendment in addition to the amendments reported from committee.

All of the differences were fully and fairly resolved. There are no amendments in true disagreement. There are no "killer" issues in the conference agreement.

I can recommend the adoption of this conference agreement without qualification.

And I can also tell you that many people share the credit.

Mr. Speaker, JAMIE WHITTEN, had the courage to bring a clean resolution to the floor, after the first resolution had been mangled by the committee.

The leadership, and the members of the Rules Committee, on both sides of the aisle, gave us a closed rule.

After the resolution had gone to the other body, I was asked by Chairman HATFIELD to work for House consideration of the 1984 supplemental. I talked with JAMIE WHITTEN; he wrote to the Committee on Rules, and that committee has scheduled a hearing on the supplemental for next Tuesday.

Finally, and most astonishing of all, the resolution passed the Senate floor with only one amendment. We should pay the highest possible tribute to the leadership of the Senate, and of the Senate Committee on Appropriations.

For the first time in a long time, we can pass a continuing resolution, and go home and be proud to face our constituents. I will review for my colleagues the principal recommendations of the conferees.

First, the conferees agreed with the Senate position that the resolution extend through November 10. The Senate argued, and we agreed, that we should leave some breathing room between the termination date of the continuing resolution, and the target date for sine die adjournment.

Second, we agreed on rates of spending for each bill covered by the continuing resolution.

Agriculture programs are continued at the rate and under the conditions of the House-passed bill. Specific dollar levels are provided for several activities.

Programs in the Commerce-Justice bill are continued at the lower of the House or the Senate rate, except for those activities which were stricken from the House floor on a point of order. Those activities are funded at specific dollar levels in the resolution.

The Defense rate is $247 billion, the amount provided in the House subcommittee markup concluded yesterday.

House restrictions on new starts during the life of the resolution remain in effect. No activity or project not funded in fiscal 1983 can be initiated under the terms of the resolution. For example, since binary gas was not produced using 1983 funds, none can be produced under the terms of the continuing resolution.

Five million dollars is made available for the start of defense security and other activities at the summer Olympics.

Activities in the Interior, Military Construction, and District of Columbia bills are continued at the rates and under the conditions provided in the conference reports on those bills.

Programs in Labor, Health and Human Services are continued at the lower of the House or Senate rate, and under the terms and conditions provided in the 1983 act.

This means we are extending current law on such issues as abortion, busing, and school prayer.

The rates for Treasury and foreign aid were not changed by the Senate, and were not in conference.

Those rates were, and remain, the current rate for Treasury, and for foreign aid the 1983 continuing resolution and the 1983 supplemental, or the budget estimate, whichever is lower, and the more restrictive authority.

COMMERCE, JUSTICE, STATE

The conference report provides funding for most programs and activities of the Departments of Commerce, Justice, and State, the judiciary and related agencies at the House-passed levels in H.R. 3222, fiscal year 1984 appropriations bill, or the Senate-reported levels in S. 1721, fiscal year 1984 appropriations bill, whichever is lower for each account. The remaining programs and activities of these departments and agencies are provided for at specified levels in section 101(g) of the resolution.

Several issues in this section of the report are of particular interest to many of the Members, and I will briefly describe the actions of the conferees in regard to those items.

The conference report includes $275 million for the Legal Services Corporation. This is a reduction of $21 million below the House amount and an increase of $18 million over the Senate amount. Language included in the conference report places exactly the same restrictions on the Corporation that are now in place. Those restrictions include limitations on assistance to illegal aliens, on lobbying, on class action suits, and on excessive compensation or reimbursement for Corporation officers.

The conference report includes $63.5 million for the Federal Trade Commission. This is a reduction of $1.6 million below the House amount and an increase of $4 million over the Senate amount. Again, the conferees have agreed to impose the same restrictions on the FTC's operations as were in effect in fiscal 1983, including the prohibitions on activities affecting agricultural cooperatives and trademarks.

The conference report includes $250 million for economic development administration programs. This is $51 million more than the Senate amount and $65 million below the House amount.

In total, the conference report would provide $10.2 billion for the programs and activities of these departments and agencies. This is almost exactly the same amount as provided in fiscal 1983, and it is a reduction of $540 million below the House amount.

DISTRICT APPROPRIATIONS

In the section dealing with appropriations for the District of Columbia, the conferees agreed to a subsection which provides for appropriations to the District of Columbia in the manner provided for in the conference report for that bill which passed the House yesterday afternoon, September 29.

INTERIOR—RELATED AGENCIES

The conference agreement provides funding for the Department of the Interior and related agencies at levels provided for in last night's fiscal year 1984 Interior conference.

The conference agreement on H.R. 3363, the Interior appropriations bill, cuts $128.2 million out of the measure as passed by the House. House and Senate conferees have agreed to provide the Department of the Interior and related agencies $7.95 billion in new budget authority.

We have recommended an additional $19.8 million over the House-passed level for the Interior Department. This new level of funding provides $538.8 million for the Bureau of Land Management, $353.2 million for the Fish and Wildlife Service, $163.6 million for minerals management, $136.4 million for the Bureau of the Mines, $969.1 million for the Bureau of Indian Affairs, $191.4 million for territorial and international affairs, and $87.9 million for secretarial offices.

In title I, we have had to reduce from House-passed levels, funding for other Interior Department programs. The agreement provides $847.2 million for the National Park Service, $367.1 million for the Geological Survey, and $294.7 million for the Office of Surface Mining Reclamation and Enforcement.

For title II programs, we recommend a level of funding which is $147.9 million below the level as passed by the House. Funds have been added to the Forest Service to provide $1.354 billion, and to the Navajo and Hopi Indian Relocation Commission to provide $18.8 million. New levels of funding provide $1.2 billion for the Department of Energy, $824 million for Indian Health, $166.8 million for the Smithsonian Institution, $162 million for the National Endowment for the Arts, and $140 million for the National Endowment for the Humanities.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

The basic funding mechanism agreed to in conference for the programs in the Departments of Labor, Health and Human Services, and Education, and related agencies is that programs will be funded at the lower of the House-passed or Senate-reported funding levels provided in H.R. 3913, under the terms and conditions applicable in fiscal year 1983. In addition, the statement of the managers directs the departments and agencies to take no actions regarding staffing or program levels or procurements that would pre-empt congressional prerogatives on the regular appropriations bill. This specifically prohibits any procurement action in the Social Security Administration, particularly relating to social security cards, that would not meet the terms of applicable provisos in H.R. 3913 as passed by the House.

Vocational rehabilitation programs are funded at the current rate.

Impact aid is funded at an annual rate of $585 million, under the terms and conditions applicable in fiscal year 1983.

Other programs on which action was deferred in H.R. 3913 are funded at the current rate.

Salaries and expenses for the Department of Education are provided for at the current rate.

TREASURY/POSTAL SERVICE

Under those sections pertaining to Treasury/Postal Service and general Government appropriations, the conferees have taken action on a few specific items.

In funding for revenue foregone for the Postal Service, the conferees have provided for a freezing of preferred class rates at the step 14 level for such users as nonprofit organizations, veterans' magazine publishers, charity groups, and so forth.

The revenue foregone appropriations make up for the revenue the Postal Service might otherwise realize if it were delivering certain types of mail at higher rates.

The conference agreement also provides for continued 6-day delivery and rural delivery, and for free mailing for overseas voting for the blind.

In another area, under a pay raise limitation provision for certain Federal workers, the conferees have eliminated the application of the cap for schoolteachers who teach overseas for the Department of Defense. Pursuant to the elimination of that provision, DOD teachers employed overseas will be eligible for pay raises along the lines of those granted to teachers in the United States.

The conferees also exempted Federal blue collar supervisors from pay raise limitations so as to bring that group more into line with their private sector counterparts.

The implementation of this provision began during fiscal year 1983, under section 107(f) of Public Law 97-377 which provided an exemption from the fiscal year 1983 pay limitation for this purpose. The administration contends that to include this provision in this continuing resolution will maintain the continuity of its 2-year phase-in plan for putting blue collar supervisors on a par with their private sector counterparts.

Mr. Speaker, at this point, I would like to express my strong concern over a matter I consider to be very important. That matter pertains to personnel levels at the Customs Service.

Twice this year, in two separate fiscal year 1984 markups, the Treasury/Postal Service Subcommittee has specifically taken action to restore some 2,000 positions to the Customs Service which were proposed for elimination by the Office of Management and Budget. The Senate has specifically stipulated that 1,600 of those 2,000 positions are to be retained.

It has been the position of both the House and Senate that the high level of drug smuggling and related crime in this country dictates the need for a strong law enforcement effort to stem the tide of illicit drugs coming into this country.

In addition to the crime problem, personnel reductions could slow down the processing of visitors into the United States, as well as reduce the efficiency of processing incoming and outgoing commerce.

Further, there is strong feeling that personnel reductions would be counterproductive to ongoing primary border inspection function consolidation efforts which the committee has strongly indicated it wants accomplished in the near future.

For all of these reasons, I strongly urge the Office of Management and Budget to refrain from any efforts to begin reducing personnel levels at the Customs Service as any such move would be premature, and counter to the expressed positions of both the House and Senate Committees on Appropriations.

The statement of managers contains language indicating that the conferees have deferred consideration, without prejudice, of additional funding for the Clinch River breeder reactor project. Until Congress acts further on this question, the Department of Energy is directed to maintain all options and not undertake any new activities relating to the reactor, especially including any initiation of construction.

My colleagues know that I have been a long-standing opponent of the Clinch River reactor project, and they have my assurance that his language will not permit any further work to be done on the project unless there is additional funding by the Congress. As my colleagues know, there was no money provided for Clinch River in the fiscal year 1984 energy and water development appropriations bill.

I believe that this neutral language is appropriate while Congress continues to consider whether any further funding should be provided for the project.

In order to insure continuity of operation for the important programs of the Export Import Bank, the conferees are agreed that the language of section 101(e) of the continuing resolution is, and shall be construed to be, sufficient to continue the spending and borrowing authority of the Bank during the period covered by the continuing resolution.

In the provision dealing with prevailing rate—blue collar—pay, the conferees agreed to delete Senate language which would have limited pay increases for certain prevailing rate employees in the wage area described in Public Law 97-114, and to delete Senate language which would have limited the pay increase for Department of Defense overseas teachers.

However, the conferees agreed to Senate language which provides that limitations imposed on prevailing rate pay would not apply to wage adjustments for prevailing rate supervisors.

Mr. Speaker, that concludes my summary of the specific recommendations of your conferees.

This is a good conference agreement, which I can recommend to Members of both parties. We have continued Federal activities at the minimum responsible levels which reflect the actions of the House and the Senate.

In the case of both Labor-HHS and Commerce-Justice, the conferees agreed on the lower of the House or Senate rate, which is the more traditional continuing resolution formula.

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Some of the levels in the Labor-HHS bill will be too low, in my opinion. However, the way to solve that problem is to pass the appropriation bill and send it to the President.

Ordinarily, at this point I would talk about the possibility that the Government will shut down, and that we will lose social security payments, the Department of Defense, food stamps, and other critical programs.

Today I am not going to do so. Both bodies have acted with exceptional restraint and responsibility, and I think we will continue to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, will the gentleman explain to me an issue that I understand did arise in the conference with regard to section 101(b)(1), which was beyond the scope of the conference, which delays for 3 months an antifraud requirement in the food stamp program?

Mr. CONTE. We accepted an amendment in conference for a cash program for food stamps for Puerto Rico.

Mr. WALKER. My understanding of the matter is that it was beyond the scope of the conference and that this refers to the monthly reporting retrospective budgeting, and that it would have an impact on the entire food stamp program and not just on Puerto Rico?

Mr. CONTE. That was not my understanding.

I yield to my good friend, the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, basically, what it does is, it allows Puerto Rico to continue to operate for 3 months on a cash program. It does not affect any other part of the food stamp program, that particular amendment.

Mr. WALKER. If the gentleman from Massachusetts will yield further, do I understand, then, that any concern with regard to the fact that this 3-month delay in the antifraud provisions that would extend beyond the Puerto Rico experience, it is not the intention of the committee to move forward, that the committee intends for this to apply only to the Puerto Rico situation and does not intend it to go beyond that into the total program?

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Mr. CONTE. That is exactly right.

Mr. WALKER. I thank the gentleman.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, I believe the gentleman from Pennsylvania is confusing two different amendments. One is an amendment which extends the period for cash payments, a special program that Puerto Rico has for 3 months, instead of having to come back onto the regular food stamp program. That deals solely and specifically with Puerto Rico.

The second amendment, however, deals with postponing the monthly reporting requirements for 3 months, and in that instance that applies to the entire program because a number of States have indicated they need additional time in order to comply with that requirement.

Mr. WALKER. If the gentleman will yield further, then, we are talking about the fact that there is a 3-month delay in the conference report on an antifraud provision that was first adopted as a part of the reconciliation in 1981 and that we are delaying, as a part of this conference report, that reporting requirement?

Mr. CONTE. It is my understanding that it only applies to retrospective reporting.

Mr. WALKER. That is my information, too. It refers to monthly reporting for restrospective budgeting, which was an antifraud provision.

Mr. PANETTA. If the gentleman will yield further to me, basically what has happened here is that all of the States are having a difficult time meeting this monthly reporting requirement which goes into effect supposedly on October 1. All of them have asked for waivers.

The Department, in fact, has indicated that for the month of October they will, in effect, waive this particular requirement. So what we are doing in this instance is extending it for a couple of additional months so that the States can adequately prepare for that requirement.

Mr. WALKER. If the gentleman will yield further, my question was: Is that issue not an issue that was beyond the scope of the conference to consider?

Mr. CONTE. I do not think so. No.

Mr. WALKER. I thank the gentleman.

Mr. OTTINGER. Mr. Speaker, will the gentleman from Mississippi yield to me?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Speaker, I ask the gentleman to yield to give us an explanation of the language on page 19 of the statement of managers with respect to the Clinch River breeder reactor project, which says that the conferees have deferred consideration without prejudice of additional funding for the CRBR project. Until the Congress acts, the Department should maintain all options and not undertake any new activities relating to CRBR, including an initiation of construction.

What concerns me is that the Secretary had written to Chairman JOHN DINGELL in a letter dated September 16, 1983, which says that if action is not taken to provide added funding for the project on or before October 1, 1983, the project would effectively be in termination and contractors would have to be notified on October 1, 1983, that funds were not available and this would place the project in constructive termination. While there will be $45 million in uncosted obligations at the end of fiscal year 1983, most of these are for subcontracts and represent hard commitments. These subcontracts would have to be terminated. There are no funds appropriated to cover termination costs and such funds would need to be immediately requested unless provided by Congress.

My question is: Is the language of the managers of the conference intended to be totally neutral with respect to Clinch River and not intended in any way to overcome this statement and the letter?

Mr. WHITTEN. It is intended to be neutral. On the House side, as the gentleman may remember, we provided no money at all for the Clinch River project but agreed that in the event funds were provided for CRBR that we would bring it back and subject it to a House floor vote.

The Senate majority leader is from Tennessee, and I can see the problems he has. I can understand his situation in not wanting to let it go by without comment, so what this is is a comment to the effect that nothing is being done one way or the other, but the situation is being left just as it is.

Mr. OTTINGER. I thank the chairman. Is that the understanding of the ranking minority member, the gentleman from Massachusetts (Mr. CONTE)?

Mr. CONTE. That is right.

Mr. OTTINGER. I thank the gentleman. That is all I need.

Mr. DYSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Maryland.

Mr. DYSON. I thank the gentleman.

Mr. Speaker, I would like to engage in a colloquy with the chairman of the Subcommittee on Commerce, State, Justice, and related agencies.

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. DYSON. Was it the intention of the conference committee conferees to remove language from the continuing resolution with respect to construction differential subsidy paybacks so the question could be resolved within the Congress when the Congress considers

the Commerce, State, Justice appropriation?

Mr. SMITH of Iowa. Yes; it is our intention that that question will be settled either in the conference on the regular bill or in the next continuing resolution and that this matter not be prejudiced one way or the other in this bill.

Mr. DYSON. Mr. Chairman, is it your intention and that of the House conferees that the Secretary of Transportation not take any action to promulgate or implement any proposed rule change with respect to the repayment of construction differential subsidies during the period covered by the continuing resolution?

Mr. SMITH of Iowa. It was our understanding and intention that what we are doing would not prejudice it one way or the other, and that the matter could be resolved at a later point.

Mr. DYSON. I thank the chairman.

● Mr. FRENZEL. Mr. Speaker, the House managers of House Joint Resolution 368 are now telling us that this continuing resolution is free of adornment, will allow spending in the functions covered at rates substantially below our budget resolutions.

I commend the managers for their achievements. This is obviously a better resolution than we have seen for many years around here. On the other hand, just because it is better does not mean it is good.

It still has the $20 million for the Chicago school problem. It still funds unauthorized items. It still comes to us shrouded in mystery. We have no precise definition of how much money is in this bill. I have confidence in our managers, but I will not vote in the dark even for a 6-week period.

House Joint Resolution 368 is a great improvement, but it does not yet warrant an affirmative vote.●

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken electronic device, and there were—yeas 232, nays 136, not voting 65, as follows:

[Roll No. 374]

YEAS—232

Ackerman	Gradison	Nowak
Akaka	Gray	O'Brien
Andrews (NC)	Green	Oberstar
Andrews (TX)	Guarini	Obey
Annunzio	Hall (IN)	Olin
Anthony	Hall, Sam	Ortiz
Barnard	Harrison	Ottinger
Barnes	Hatcher	Owens
Bateman	Hawkins	Oxley
Beilenson	Hefner	Panetta
Bennett	Hightower	Parris
Bereuter	Hillis	Patterson
Berman	Holt	Perkins
Bliley	Horton	Price
Boehlert	Howard	Rangel
Boggs	Hoyer	Ray
Boner	Huckaby	Regula
Bonker	Hutto	Ridge
Borski	Hyde	Rinaldo
Bosco	Ireland	Robinson
Boucher	Jeffords	Rodino
Breaux	Johnson	Roe
Brooks	Jones (NC)	Rogers
Brown (CA)	Jones (TN)	Rose
Burton (CA)	Kastenmeier	Rostenkowski
Byron	Kazen	Roukema
Campbell	Kemp	Rowland
Carney	Kennelly	Roybal
Chandler	Kindness	Sabo
Chappell	Kogovsek	Sawyer
Clarke	Kolter	Scheuer
Clinger	LaFalce	Schneider
Coelho	Lantos	Schumer
Coleman (TX)	Leath	Seiberling
Collins	Lehman (CA)	Shelby
Conte	Lehman (FL)	Sisisky
Cooper	Lent	Skeen
Coughlin	Levin	Smith (FL)
Courter	Levine	Smith (IA)
Coyne	Levitas	Smith (NE)
Crockett	Lewis (CA)	Smith (NJ)
D'Amours	Lipinski	Solarz
Daniel	Livingston	Spratt
de la Garza	Lloyd	Staggers
Dicks	Long (LA)	Stratton
Dixon	Long (MD)	Sundquist
Dowdy	Lott	Swift
Downey	Lujan	Synar
Duncan	Martinez	Tallon
Dwyer	Matsui	Taylor
Dymally	Mavroules	Thomas (GA)
Dyson	Mazzoli	Torres
Edwards (AL)	McCloskey	Torricelli
Edwards (CA)	McCollum	Udall
Erdreich	McDade	Valentine
Erlenborn	McGrath	Vander Jagt
Fascell	McHugh	Vandergriff
Fazio	McKernan	Vento
Ferraro	McKinney	Watkins
Fiedler	McNulty	Wheat
Fish	Mica	Whitehurst
Flippo	Michel	Whitley
Florio	Mikulski	Whitten
Foglietta	Mineta	Williams (MT)
Foley	Minish	Wilson
Ford (MI)	Mitchell	Winn
Forsythe	Molinari	Wise
Fowler	Mollohan	Wolf
Franklin	Montgomery	Wortley
Frost	Moody	Wright
Fuqua	Morrison (CT)	Yates
Garcia	Morrison (WA)	Yatron
Gaydos	Mrazek	Young (AK)
Gejdenson	Murphy	Young (FL)
Gephardt	Murtha	Young (MO)
Gilman	Myers	Zablocki
Gonzalez	Natcher	
Gore	Neal	

NAYS—136

Applegate	Carper	DeWine
Archer	Carr	Dickinson
Badham	Chappie	Donnelly
Bartlett	Coats	Dorgan
Bates	Coleman (MO)	Dreier
Bethune	Conyers	Durbin
Bilirakis	Craig	Early
Brown (CO)	Crane, Philip	Eckart
Broyhill	Dannemeyer	Edgar
Bryant	Daub	Edwards (OK)
Burton (IN)	Dellums	Emerson
English	Mack	Sensenbrenner
Evans (IA)	MacKay	Shannon
Evans (IL)	Madigan	Sharp
Feighan	Markey	Shaw
Fields	Marlenee	Shumway
Frank	Martin (IL)	Sikorski
Frenzel	Martin (NC)	Siljander
Gekas	McCain	Slattery
Glickman	McCurdy	Smith, Denny
Goodling	McEwen	Smith, Robert
Gunderson	Miller (OH)	Snowe
Hall (OH)	Moore	Snyder
Hall, Ralph	Moorhead	Solomon
Hansen (ID)	Nelson	Spence
Hansen (UT)	Nielson	Stangeland
Harkin	Oakar	Stark
Hayes	Packard	Stenholm
Hertel	Pashayan	Stump
Hiler	Patman	Tauke
Hopkins	Pease	Tauzin
Hubbard	Penny	Towns
Hughes	Petri	Volkmer
Hunter	Porter	Vucanovich
Kaptur	Rahall	Walgren
Kasich	Reid	Walker
Kildee	Richardson	Weaver
Kostmayer	Ritter	Weber
Lagomarsino	Roberts	Weiss
Leach	Roemer	Whittaker
Leland	Roth	Wirth
Lewis (FL)	Russo	Wolpe
Loeffler	Savage	Wyden
Lowery (CA)	Schaefer	Zschau
Lowry (WA)	Schroeder	
Lundine	Schulze	

NOT VOTING—65

Addabbo	Dingell	Moakley
Albosta	Ford (TN)	Nichols
Alexander	Gibbons	Paul
Anderson	Gingrich	Pepper
Aspin	Gramm	Pickle
AuCoin	Gregg	Pritchard
Bedell	Hamilton	Pursell
Bevill	Hammerschmidt	Quillen
Biaggi	Hance	Ratchford
Boland	Hartnett	Rudd
Bonior	Heftel	Shuster
Boxer	Jacobs	Simon
Britt	Jenkins	Skelton
Broomfield	Jones (OK)	St Germain
Cheney	Kramer	Stokes
Clay	Latta	Studds
Conable	Luken	Thomas (CA)
Corcoran	Lungren	Traxler
Crane, Daniel	Marriott	Waxman
Daschle	Martin (NY)	Williams (OH)
Davis	McCandless	Wylie
Derrick	Miller (CA)	

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The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. AuCoin against.

Mr. Derrick for, with Mr. Hance against.

Mr. Skelton for, with Mr. Daniel B. Crane against.

Mr. Bonior of Michigan for, with Mr. Hartnett against.

Mr. Nichols for, with Mr. McCandless against.

Mr. Pepper for, with Mr. Shuster against.

Mr. Wylie for, with Mr. Thomas of California against.

Mr. Broomfield for, with Mr. Paul against.

Mr. Conable for, with Mr. Pursell against.

Mr. Rudd for, with Mr. Latta against.

Mr. Williams of Ohio for, with Mr. Kramer against.

Mr. Pritchard for, with Mr. Cheney against.

Mr. Quillen for, with Mr. Corcoran against.

Messrs. HUNTER, HALL of Ohio, LELAND, WOLPE and HAYES changed their votes from "yea" to "nay."

Mr. McCOLLUM changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 2, strike out line 8.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment insert: "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984 (H. Rept. 98-357, S. Rept. 98-247) under the terms and conditions provided in such Act for fiscal year 1983; and".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 3, strike out all after line 10, over to and including line 11 on page 4, and insert:

(b)(1) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriations Acts as passed by the Senate as of October 1, 1983:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984: *Provided*, That notwithstanding any other provision of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ", or for the first three months of the fiscal year ending September 30, 1984": *Provided further*, That notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers;

Department of the Interior and Related Agencies Appropriation Act, 1984: *Provided*, That no funds provided in this or any other Act to agencies funded by the Interior and Related Agencies Appropriation Act, 1983 (Public Law 97-394) may be expended to take actions related to termination of programs or closure of facilities until enactment of the Interior and Related Agencies Appropriation Act, 1984; and

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984, under the terms and conditions provided in such Act for fiscal year 1983.

(2) For the purposes of this joint resolution, when an Act listed in this subsection has been reported to the Senate but not passed by the Senate as of October 1, 1983, it shall be deemed as having been passed by the Senate.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(b) Such amounts as may be necessary for projects or activities not otherwise specifically provided for in this joint resolution and for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984 at a rate for operations and to the extent and in the manner provided for in the Act as passed the House of Representatives as of October 1, 1983: *Provided*, That appropriations or loan authorization for the following agencies or activities are available at not to exceed the following annual rates and the totals are adjusted accordingly:

Agricultural Research Service:	
Salaries and Expenses	$478,000,000
Buildings and Facilities	28,602,000
Cooperative State Research Service:	
Special grants	25,234,000
Competitive grants	17,000,000
Animal health and disease grants	5,760,000
Animal and Plant Health Inspection Service: Salaries and Expenses	263,259,000
Federal Crop Insurance Corporation:	
Administrative and operating expenses	200,000,000
FCIC Fund	110,000,000
Office of Rural Development Policy	2,000,000
Rural Housing Insurance Fund: Moderate income loans	0
Agricultural Credit Insurance Fund:	
Insured soil and water loans	30,000,000
Economic emergency loans	0
Rural Development Insurance Fund: Water and waste disposal loans	270,000,000
Rural Water and Waste Disposal Grants	90,000,000
Rural Electrification Administration: Guaranteed loans, not less than	3,360,000,000
Commodity Futures Trading Commission:	
Salaries and Expenses	26,400,000
ADP Limitation	3,626,000

Provided further, That notwithstanding any other provision of law or this joint resolution, section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following, ", or for the first three months of the fiscal year ending September 30, 1984": *Provided further*, that notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers, *Provided further*, That notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandantory monthly reporting-retrospective budget for the food stamp program during the first three months of the fiscal year ending September 30, 1984: *Provided further*, That, hereafter, in order to restore and maintain in U.S. share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture; and

Department of Interior and Related Agencies Appropriations Act, 1984 (H.R. 3363), notwithstanding any other provision of this joint resolution, except section 102, such sums as may be necessary for programs, projects, or activities provided for in such Act (H.R. 3363), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives, as if such Act had been enacted into law.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Massachusetts seek time on the motion?

Mr. CONTE. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. CONTE) is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, this is the amendment to which I referred in the course of the general debate on the bill. The language that has been included under this amendment would allow a 3-month delay in the antifraud requirement that was originally put into the 1981 reconciliation bill. The requirement is supposed to go into effect tomorrow.

The antifraud amendment is called the monthly reporting retrospective budgeting. It mandates that States have to require recipients to fill out forms telling what their previous month's income was. Under current law all they have to do is provide a

periodic estimate. Under that, recipients have just had to provide us with a guesstimate. What we have found in the past audits is that they can actually lie.

This provision was supposed to be effective as of October 1, 1983. The attempt was to tighten up the food stamp program.

This language was put in during the conference. It was put into a provision that was to provide a 3-month delay for Puerto Rico only; however, this additional language is going to apply to all States of the Union. It is because some States have found it impossible to comply, but I remind the House that this was first put into law in 1981, so the States have had plenty of time to prepare for putting it into effect.

□ 1650

I am going to get a vote on this particular amendment if possible, because it seems to me what the House wants to do is go on record that we are for tough antifraud provisions in the food stamp program. That is what this particular amendment would delete. I hope that the House will vote not to recede and concur with the Senate on this amendment.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, Mr. Speaker, and Members of the House, I hope that they will not upset this apple cart and ask for a rollcall vote on this issue. This does not delete that provision. It merely postpones that provision for 3 months. I imagine nearly everyone in this House has gotten a call from their States asking for this delay. And that is the reason that is in here. We have gotten this avalanche of calls from all over the country, the South, Midwest, Northeast, to delay this for 3 months so they can put their house in order. It is only a delay. I hope at this late hour we do not get a rollcall on this.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I would only want to point out regardless of the merits as to whether or not this is an effective proposal we also wrote into that law that the Senate has the discretion to provide waivers to States if it is not cost effective. So all of the States that have been calling you could also call the Secretary of Agriculture and have a waiver if it is meritorious instead of us changing the law here, because in some cases it can save money and can cut down on fraud. That is for the Secretary to determine.

I think the real reason this is in here is a foot in the door, a foot in the door to abolish the entire section of the law that we passed in reconciliation. It is not necessary to do that. The discretion is with the Secretary. He can provide waivers. I would suggest that where and if this is cost effective and can cut down on fraud, let it work. Where it cannot, the Secretary should grant those waivers. But we cannot decide which States can or cannot here on the floor. And that is why I think maybe the gentleman from Pennsylvania has an argument we ought to listen to, especially since we did not even vote on this thing in the House.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the ranking member for yielding.

What the gentleman from Missouri has been speaking about here is absolutely true. There have been 28 States plus the District of Columbia that have already requested waivers pursuant to this, most of them an extension of time. And that is all this is doing. There is no intention by the language here to strike the intention of Congress to have this reporting and to tighten up the food stamp program, no intention by your committee to do this. But if you vote no on this particular amendment, you are not just knocking the language out that the gentleman from Pennsylvania refers to.

You are knocking all the money out for the Department of Agriculture and all its related programs. You are knocking out the Department of Interior.

You just cannot take pieces of this. We are talking about the entire amendment here. As the gentleman, our ranking member from Massachusetts said, you are upsetting the apple cart.

Now, if it is that important, your committee this morning would have objected, too. But this is only a technical disagreement, not in disagreement about what the intent of Congress is. There was no intention by your appropriation conferees this morning in trying to circumvent the law, trying to do something that the House and the Congress has not already decided. Only a delay so that States could do a better job, to do a more thorough job.

If the gentleman will continue to yield, right now, there is a pilot project being conducted in Illinois to find out just how much this is going to cost, how effective the procedure is going to be. We are all hopeful that it will be cost effective. But at this point, we do not know. But in any event, the delay may give more chance for us to have a feedback.

Again, there is no intention of circumventing the law and try not to have this reporting.

Mr. CONTE. I want to thank the gentleman from Indiana for his most valuable contribution. He is absolutely right. We are not doing away with the law. This is merely a postponement, give them a little elbow room to work this out. There are 28 States who have asked for waivers on this thing.

Mr. MYERS. Some have already been granted different types of waivers. But all the States I think are having trouble with this compliance. But they are not suggesting they do not want to comply, but they have difficulty in doing the right kind of job in the limited time they have had.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. The gentleman makes a very good point. I do not think we are disagreeing. But I want to make sure the gentleman would vigorously support the language of the present law if it is cost effective. In other words, this 3 months is a time period in which you suggest that more information will be gained through the studies, but at the same time he understands and supports the underlying intent of the original amendment.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. MEYERS. I thank the gentleman for yielding.

There is no intention by your committee, as I said previously, to circumvent the law or try to escape any provision of the law. I might add your Committee on Agriculture has been one of the toughest on fraud and the wrong use of food stamps. We have tried to tighten it up through the years. We have been supporting this type of legislation. I must say that we probably are not going to wait for that study to be complete in Illinois. But nevertheless by the time we act next year, we should have that experience of the pilot in Illinois to fall back on. Nevertheless the law is the law. It does not waive the law, merely delays application.

Mr. CONTE. I might assure the gentleman further that I agree with what Mr. MYERS said. And if it does prove that it is cost effective in these 3 months, I will be with you fighting to retain it.

Mr. COLEMAN of Missouri. I appreciate that.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I think this has been adequately handled by my colleague from Indiana and by the ranking Member.

Our committee and subcommittee has worked hard trying to bring some order out of chaos. We welcome the help of the legislative committee and

others. Certainly this reporting requirement is in order.

When the Department, however, has already given a 30-day waiver to a number of States, we thought that a total of 90-days delay, which had been requested by the States, would come nearer to giving them the time they need to put in place the new requirements. We have a long and tedious record of trying out best to get a grasp on this. I think this reporting is absolutely essential. I think it will be better to do as we suggest, let them set it up in a proper and orderly way so it will bring in the maximum results.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. McHUGH. I thank the gentleman for yielding.

I hope that the Members, if it comes to a record vote, will support the committee position. As others have said, this is a 90-day delay which is to reserve to the States the option either to participate or not during these 90 days in this monthly reporting and retrospective accounting procedure.

The reason this provision is in the conference report is that at least 30 States have come to us indicating that to mandate the implementation of this procedure now would pose a major problem of State administration and would not be cost effective. It would actually cost money to do so.

With respect to the Department of Agriculture granting waivers, many of the States have asked the Department for waivers based on the same argument that I have just given you, that is, it is not cost effective to implement the procedures at this time, and therefore they should have the option of doing or not doing it. The Department has not granted waivers. They are simply not acting on these waivers which have been requested. And that is the reason that the 90-day delay in implementation is included in the conference report.

One final point, Mr. Speaker.

The authorizing subcommittee of the Agriculture Committee, which is chaired by LEON PANETTA, has been holding hearings on this issue to gather information from the States and to flesh out some of these arguments pro and con. Those hearings have not been completed. The subcommittee has not reached its final conclusion. For that reason alone, in deference to the authorizing subcommittee and Mr. PANETTA, I would hope that we would go along with this provision which effects a delay only for 90 days. Congress can make a final determination on monthly reporting and retrospective accounting at a later date.

Mr. WHITTEN. Mr. Speaker, I hope we will support the committee in this instance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi. (Mr. WHITTEN).

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 106, nays 14.

□ 1700

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Two hundred twenty Members are present, a quorum.

So the motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment number 7: Page 4, strike out all after line 11, over to and including line 19 on page 5, and insert:

(c) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $253,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: Provided, That at such time as a Department of Defense Appropriation Act, 1984, is reported in the House of Representatives or in the Senate, the foregoing provision shall become inapplicable and the amounts and authority provided by this joint resolution shall be those that would be granted under the Act as reported, or, when such Act has been reported in both Houses, at the lower amount and more restrictive authority of each version: Provided further, That none of the funds provided by this joint resolution shall be obligated prior to November 17, 1983, to initiate production of a major weapons system, as defined in section 139a(a) of title 10, United States Code, if funds were not obligated in fiscal year 1983 or prior years for production of such weapons system.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

(c) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for elsewhere in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $247,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1984 amended budget request as the base for such distribution and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: *Provided*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later: *Provided further*, That none of the funds appropriated or made available pursuant to this subsection shall be available for the conversion of any full time positions in support of the Army Reserve, Air Reserve, Army National Guard, and Air National Guard by Active or Reserve Military Personnel, from civilian positions designated "military technicians" to military positions: *Provided further*, That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate or resume any project, activity, operation or organization which is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for investment items is further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1983: *Provided further*, That notwithstanding any other provision of this joint resolution, $5,000,000 is appropriated for the XXIII Olympiad as authorized by Section 304 of Public Law 98-94, and in addition the Department of Defense may provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with the proceeds to be credited to the current applicable appropriation accounts of the Department.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk concluded the reading of the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 171, nay 4.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. One hundred eighty-

four Members are present, not a quorum.

Mr. WALKER. Mr. Speaker, I withdraw my request for a roll call.

The SPEAKER pro tempore. The Chair has already announced that a quorum is not present, and the roll call is automatic.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 65, not voting 136, as follows:

[Roll No. 375]

YEAS—232

Akaka	Guarini	Oakar
Andrews (NC)	Hall (IN)	Olin
Andrews (TX)	Hall, Ralph	Ortiz
Annunzio	Hansen (ID)	Oxley
Archer	Harkin	Packard
Badham	Harrison	Patman
Barnard	Hatcher	Patterson
Barnes	Hawkins	Pease
Bateman	Hightower	Perkins
Bennett	Hiler	Porter
Bereuter	Hillis	Price
Bilirakis	Holt	Ray
Bliley	Hopkins	Ridge
Boehlert	Horton	Rinaldo
Boggs	Howard	Robinson
Bonker	Hoyer	Rodino
Borski	Hubbard	Roemer
Bosco	Hughes	Rogers
Breaux	Hunter	Rose
Brooks	Hutto	Rostenkowski
Broyhill	Hyde	Roth
Bryant	Johnson	Roukema
Burton (CA)	Jones (TN)	Rowland
Burton (IN)	Kasich	Sawyer
Byron	Kazen	Schaefer
Campbell	Kemp	Scheuer
Carney	Kennelly	Sensenbrenner
Carper	Kindness	Sharp
Carr	Lagomarsino	Shelby
Chandler	Lantos	Shumway
Chappell	Lent	Siljander
Chappie	Levitas	Sisisky
Clarke	Lewis (CA)	Skeen
Clinger	Lewis (FL)	Smith (IA)
Coats	Livingston	Smith (NE)
Coleman (MO)	Lloyd	Smith (NJ)
Coleman (TX)	Loeffler	Smith, Denny
Collins	Lott	Smith, Robert
Conte	Lowery (CA)	Snowe
Courter	Lujan	Snyder
Coyne	Mack	Solarz
Craig	MacKay	Solomon
Crane, Philip	Marlenee	Spence
D'Amours	Martin (IL)	Stenholm
Daniel	Martin (NC)	Stratton
Dannemeyer	Martin (NY)	Stump
Daub	Martinez	Sundquist
DeWine	Matsui	Swift
Dickinson	Mavroules	Synar
Dicks	Mazzoli	Tauke
Dixon	McCain	Tauzin
Dowdy	McCollum	Taylor
Dreier	McDade	Thomas (GA)
Duncan	McEwen	Torricelli
Dyson	McGrath	Udall
Early	McHugh	Valentine
Eckart	McKernan	Vander Jagt
Edwards (AL)	McKinney	Vandergriff
Edwards (CA)	McNulty	Vento
Edwards (OK)	Mica	Volkmer
Emerson	Michel	Vucanovich
English	Mikulski	Walker
Erdreich	Miller (OH)	Watkins
Evans (IA)	Mineta	Wheat
Fascell	Mitchell	Whitten
Fields	Molinari	Wilson
Fish	Mollohan	Winn
Foley	Moody	Wise
Franklin	Moore	Wolf
Frenzel	Moorhead	Wortley
Frost	Morrison (WA)	Wright
Fuqua	Murphy	Yatron
Gephardt	Myers	Young (AK)
Glickman	Natcher	Young (FL)
Gonzalez	Neal	Zablocki
Gore	Nelson	Zschau
Gradison	Nielson	
Gray	O'Brien	

NAYS—65

Ackerman	Jeffords	Rangel
Bates	Kaptur	Ritter
Beilenson	Kastenmeier	Russo
Berman	Kildee	Sabo
Bethune	Kogovsek	Schneider
Brown (CO)	Kostmayer	Schroeder
Conyers	Leach	Schumer
Coughlin	Lehman (FL)	Shannon
Crockett	Leland	Sikorski
Donnelly	Levin	Slattery
Dorgan	Levine	Spratt
Durbin	Lowry (WA)	Staggers
Evans (IL)	Lundine	Stark
Feighan	Markey	Torres
Garcia	McCloskey	Towns
Gejdenson	Morrison (CT)	Walgren
Goodling	Mrazek	Weiss
Green	Oberstar	Williams (MT)
Gunderson	Obey	Wirth
Hall (OH)	Ottinger	Wolpe
Hayes	Penny	Wyden
Hertel	Petri	

NOT VOTING—136

Addabbo	Forsythe	Owens
Albosta	Fowler	Panetta
Alexander	Frank	Parris
Anderson	Gaydos	Pashayan
Anthony	Gekas	Paul
Applegate	Gibbons	Pepper
Aspin	Gilman	Pickle
AuCoin	Gingrich	Pritchard
Bartlett	Gramm	Pursell
Bedell	Gregg	Quillen
Bevill	Hall, Sam	Rahall
Biaggi	Hamilton	Ratchford
Boland	Hammerschmidt	Regula
Boner	Hance	Reid
Bonior	Hansen (UT)	Richardson
Boucher	Hartnett	Roberts
Boxer	Hefner	Roe
Britt	Heftel	Roybal
Broomfield	Huckaby	Rudd
Brown (CA)	Ireland	Savage
Cheney	Jacobs	Schulze
Clay	Jenkins	Seiberling
Coelho	Jones (NC)	Shaw
Conable	Jones (OK)	Shuster
Cooper	Kolter	Simon
Corcoran	Kramer	Skelton
Crane, Daniel	LaFalce	Smith (FL)
Daschle	Latta	St Germain
Davis	Leath	Stangeland
de la Garza	Lehman (CA)	Stokes
Dellums	Lipinski	Studds
Derrick	Long (LA)	Tallon
Dingell	Long (MD)	Thomas (CA)
Downey	Luken	Traxler
Dwyer	Lungren	Waxman
Dymally	Madigan	Weaver
Edgar	Marriott	Weber
Erlenborn	McCandless	Whitehurst
Fazio	McCurdy	Whitley
Ferraro	Miller (CA)	Whittaker
Fiedler	Minish	Williams (OH)
Flippo	Moakley	Wylie
Florio	Montgomery	Yates
Foglietta	Murtha	Young (MO)
Ford (MI)	Nichols	
Ford (TN)	Nowak	

□ 1720

Messrs. LELAND, KOSTMAYER, LEACH of Iowa, OBEY, KOGOVSEK, OTTINGER, HAYES, COUGHLIN, SCHUMER, RITTER, BERMAN, MRAZEK, ACKERMAN, LEVIN of Michigan, PETRI, and LEHMAN of Florida and Mrs. SCHNEIDER changed their votes from "yea" to "nay."

Mr. MOORE changed his vote from "nay" to "yea."

□ 1730

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 9: Page 8, strike out all after line 15 over to an including line 15 on page 9.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate Numbered 9 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(g) Such amounts as may be necessary for the following projects or activities, which were provided for in H.R. 3222, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1984, as reported to the House of Representatives on June 3, 1983, to the extent and in the manner provided for in such Act, and at a rate for operations, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as follows:

Department of Commerce: General Administration, "Special Foreign Currency Program", $693,000;

Economic and Statistical Analysis, "Salaries and Expenses", $39,337,000;

Economic Development Administration: "Economic Development Assistance Programs", $250,000,000; "Salaries and Expenses", $30,141,000;

International Trade Administration, "Operations and Administration", $169,893,000;

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities", $942,871,000; "Fisheries Loan Fund", $5,000,000;

Federal Communications Commission, "Salaries and Expenses", $86,383,000;

Federal Trade Commission, "Salaries and Expenses", $63,500,000: *Provided*, That these funds are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18 and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374), notwithstanding the previous provisions of this subsection; International Trade Commission, "Salaries and Expenses", $20,737,000;

Securities and Exchange Commission, "Salaries and Expenses", $92,500,000;

Small Business Administration, "Salaries and Expenses", $236,000,000;

Department of Justice: Immigration and Naturalization Service, "Salaries and Expenses", $527,257,000;

Notwithstanding the previous provisions of this subsection, Legal Services Corporation, "Payment to the Legal Services Corporation", $275,000,000:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the

Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further,* That none of the funds appropriated in this Act shall be available to any recipient to be used—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal government or any State or local government unless (1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient: (2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and (3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided further,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a)(1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in 1984 at the annualized level at which each such grantee and contractor was funded in 1983, or in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: *Provided further,* That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service;

Department of State: Administration of Foreign Affairs: "Salaries and Expenses", $1,120,000,000; "Reopening Consulates", $2,500,000; "Representation Allowances", $4,148,000; "Acquisition, Operation, and Maintenance of Buildings Abroad", $202,889,000; "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", $10,012,000; "Payment to the American Institute in Taiwan", $9,380,000; "Payment to the Foreign Service Retirement and Disability Fund", $102,753,000;

International Organizations and Conferences: "Contributions to International Organizations", $520,515,000;

International Commissions: International Boundary and Water Commission, United States and Mexico, "Construction", $672,000; "American Sections, International Commissions", $3,426,000; International Fisheries Commissions", $8,876,000;

Other: "Asia Foundation", $9,900,000;

United States Information Agency: "Salaries and Expenses (Special Foreign Currency Program)", $10,450,000; "Center for Cultural and Technical Interchange Between East and West", $18,362,000; "Acquisition and Construction of Radio Facilities", $34,013,000.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 14: Page 11, strike out all after line 20 over to and including line 2 on page 12.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate Numbered 14 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 109. Funds shall be available for school assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950, at an annual rate of $585,000,000, under the terms and conditions provided in the applicable appropriation Act for fiscal year 1983; and funds shall be available for Departmental Management, "Salaries and Expenses" under the Department of Education at the current rate of operations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and on division (demanded by Mr. WALKER) there were—nays 143, yeas 5.

So the motion was agreed to.

A motion to reconsider was laid on the table.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed

without amendment a joint resolution of the House of the following title:

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983".

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 216. An act to amend title 18, United States Code, to combat, deter, and punish individuals who tamper with household products with intent to cause personal injury, death, or other harm, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House requested, bills of the House of the following titles:

H.R. 1556. An act to authorize the conveyance of the Liberty ship John W. Brown; and

H.R. 2077. An act to amend title 5, United States Code, to extend the Federal Physicians comparability Allowance Act of 1978, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 552. An act to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse";

S. 1424. An act to amend Public Law 92-444 to reflect the change in the name of the Pacific Tuna Development Foundation to the Pacific Fisheries Development Foundation;

S. 1499. An act to settle certain claims of the Mashantucket Pequot Indians;

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts;

S. 1852. An act to extend the expiration date of the Defense Production Act of 1950;

S. 1837. An act to designate the Federal Building in Seattle, Wash., as the "Henry M. Jackson Federal Building"; and

S. 1894. An act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes.

ETHICS IN GOVERNMENT ACT AMENDMENTS

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 461), an act to extend the authorization of appropriations for the Office of Government Ethics for 5 years, with a Senate amendment to the House amendments thereto, and to concur in the Senate amendment to the House amendments with amendments.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The Clerk will report the proposed amendments.

The Clerk read the Senate amendment to House amendments and the House amendments to the Senate amendment to the House amendments, as follows:

Senate amendments to House amendments: In lieu of the matter proposed to be inserted by the House amendments to the text of the bill, insert:

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provisions, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

FIVE-YEAR TERM FOR AND REMOVAL OF THE DIRECTOR

SEC. 2. Section 401(b) is amended by adding at the end thereof the following: "Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years. Upon removal of the Director prior to the expiration of his term, the President shall communicate in writing the reasons for such removal to the committees of the Senate and House exercising jurisdiction over this Act.

AUTHORITY TO ISSUE REGULATIONS

SEC. 3. (a) Section 402(a) is amended by striking out ", under the general supervision of the Office of Personnel Management,".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof "and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

(d)(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978, with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 4. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

"SEC. 407. (a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.".

REQUEST ASSISTANCE FROM INSPECTORS GENERAL

SEC. 5. Section 403 is amended by inserting at the end thereof the following:

"The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations pursuant to subsections (b)(3) and (b)(4) of section 402.".

RECOMMENDED REDESIGNATION OF AGENCY ETHICS OFFICIAL

SEC. 6. Section 402(b) is amended by—

(1) striking out "and" at the end of clause (14);

(2) striking out the period at the end of clause (15) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(16) recommending the redesignation of an agency ethics official where such official fails to properly and effectively perform his or her duties.".

OFFICE OF GOVERNMENT ETHICS REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

SEC. 7. Section 203(c) is amended by adding after "designated agency officials," the following: "employees described in section 105(a)(2) (A) (B), 106(a)(1) (A) or (B), or 107(a)(1)(A) or (B)(1)(A)(i), of title 3, United States Code.".

LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

SEC. 8. Section 210 is amended to read as follows:

"OUTSIDE EARNED INCOME

"SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees covered by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions, appointments to which are required to be made by the President by and with the advice and consent of the Senate, or

"(2) employees of the White House Office who are compensated at rates equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of fifteen percent of their salary.".

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 9. Section 201(b) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

((3) by adding at the end thereof the following new paragraph:

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement but not later than is required under the first sentence of such paragraph.".

ETHICS AGREEMENTS

SEC. 10. Title II is amended—

(1) by redesignating section 211 as section 212; and

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if not date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed in the last sentence of subsection (a)."

BLIND TRUST AMENDMENTS

SEC. 11. Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparaph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.".

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.".

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

SEC. 12. Section 201 is amended by adding at the end thereof the following new subsection:

"(j)(1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of special Government employees shall be subject to the provisions of this title as if that individual were such a special Government employee.

"(2) For purposes of paragraph (1)—

"(A) the term 'advisory committee' means any committee, board, commission, council, conference, panel, task force, or other similar group which is established—

"(i) by statute or reorganization plan,

"(ii) by the President, or

"(iii) by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement;

"(B) the term 'staff functions in support of an advisory committee' means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

"(C) the term 'special Government employee' has the meaning given that term by section 202 of title 18, United States Code; and

"(D) the term 'agency' has the meaning given that term by section 551(1) of title 5, United States Code.

"(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 13. Section 405 is amended in paragraph (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 14. The amendments made by this Act shall take effect on October 1, 1983.

House amendments to the Senate amendment to the House amendments:

Page 1, on the next to last line, strike out "Upon" and all that follows thereafter through the first period on page 2, line 3.

Page 2, strike out line 4 and all that follows thereafter through page 3, line 7, and insert in lieu thereof the following:

AUTHORITY OF DIRECTOR

SEC. 2. (a) Section 402(a) is amended by striking out "under the general supervision of" and inserting in lieu thereof "in consultation with".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President of the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12)—

(A) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(B) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof ", in consultation with the Office of Personnel Management, and promulgating".

Page 5, strike out lines 1 through 10, and redesignate sections 7 through 14 as sections 6 through 13, respectively.

Page 5, line 17, strike out "(B)(1)(A)(i)" and insert in lieu thereof "(b)(1)(A)(i)".

Page 6, line 6, insert "who are" after "(2)" and insert "and" after "Office".

Mr. MAZZOLI (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so only for the purpose of entering into a colloquy with the gentleman from Kentucky (Mr. MAZZOLI) with respect to the procedure that has occurred on S. 461, a bill passed by the House recently, with amendments, the Senate

having concurred in the House amendments with a further amendment.

The procedure that is sought to be performed here is to concur in the Senate amendment with a further amendment, that representing, as I understand it, the compromise that has been worked out between the chairmen of the subcommittees involved and the ranking minority Members, in which I have concurred.

I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. I thank my friend, the gentleman from Ohio, for yielding.

Mr. Speaker, the gentleman has stated the case correctly. This is a somewhat complicated parliamentary situation, but the important thing for our membership to know is that the gentleman from Ohio, the ranking minority member of the subcommittee, the full committee chairman, the gentleman from Texas (Mr. SAM B. HALL, JR.) and the gentleman from Kentucky, who was more or less conscripted into this at the last hour, all agree that this procedure will solve the problem and get the bill, S. 461, in a position in which it would be approved.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I would simply point out that the authorization for the functioning of the Office of Government Ethics expires at midnight tonight. This reauthorization for a period of 5 years, with some refinements and improvements, is necessary in order to continue the functioning of the Office of Government Ethics.

I would certainly urge that there not be objection and that the Members would concur in the action which is suggested by the motion of the gentleman from Kentucky to concur in the Senate amendment with the further amendments that have been presented.

● Mr. SAM B. HALL, JR. Mr. Speaker, S. 461 is a bill which reauthorizes and strenghthens the Office of Government Ethics. This bill also clarifies and strengthens several provisions of the Ethics in Government Act of 1978.

S. 461 was originally passed by the Senate on March 24, 1983. The House passed an amended form of the bill on September 19, 1983. On September 28, 1983, the Senate again passed S. 461, but with several additional amendments.

The amendment I have at the desk reflects a compromise reached by the committees of the House who have worked on this legislation. It resolves the few provisions that differed in the House and Senate versions of the bill.

This amendment would make only three changes in S. 461 as it originally passed the House.

First, this amendment would give the Director of the Office of Government Ethics a 5-year term of office. The purpose of this provision is to strengthen the independence of the Office and to underline its importance. The President would retain the authority to remove the Director from office during his or her term, however we would encourage the President to explain the reasons for any such removal.

Second, this amendment would provide that the Office of Government Ethics will have the authority to request the assistance of the Inspectors General in conducting investigations authorized by the Ethics in Government Act. The Inspector General currently assists the Office in these investigations. This provision merely makes it clear that this cooperation is statutorily authorized.

Third, and finally, the amendment provides that White House aides who are compensated at rates equivalent to executive level II of the Executive Schedule will be subject to the 15-percent limit on outside earned income to which other executive branch employees are subject. The original House version of S. 461 extended this coverage to 69 White House employees; this amendment applies the provision to 25 White House employees.

The three provisions of this amendment have been agreed to by the House Committees on the Judiciary and Post Office and Civil Service.

The chairman of the Senate Governmental Affairs Subcommittee which has jurisdiction of S. 461 has stated that these provisions are acceptable to him.

The administration supports this compromise.

I urge adoption of the amendment.●

● Mr. ALBOSTA. Mr. Speaker, the bill before us today represents an excellent compromise between the House and Senate versions of legislation reauthorizing the Office of Government Ethics. I want to commend the members of the various committees involved for their efforts to reach this agreement prior to the October 1 deadline.

This bill before us is nearly identical to the House bill, H.R. 2717, just passed on September 19. The only major difference deals with the Senate provision providing a 5-year term for the Director of the Office.

The compromise bill before us provides a 5-year term for the Director of OGE. Unlike the original Senate version of this bill, the Director will continue to serve at the pleasure of the President. However, it is clear that in the event the Director is asked by the President to leave his or her post prior to the completion of the 5-year term, we would expect the President to notify the interested committees of Congress as to the reasons behind that action. The President's explanation of the Director's leaving should be directed to the House Judiciary Committee, the House Post Office and Civil Service Committee and the Senate Governmental Affairs Committee.

I am also pleased that the Senate has accepted the amendments that came out of hearings before the Subcommittee on Human Resources during our consideration of this reauthorization bill. Specifically, those amendments dealing with disclosure of income after the filing of a nominee's initial disclosure form, and the reporting of divestiture and recusal agreements, and a followup procedure of reporting when those agreements have been met, will, I believe, improve the implementation of the ethics in Government Act.

I urge my colleagues to support passage of this important bill.●

Mr. KINDNESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Kentucky?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

MR. LOTT. Mr. Speaker, I have asked for this time for the purpose of receiving a schedule for the balance of the day and next week, and I would be pleased to yield to the distinguished majority whip.

Mr. FOLEY. I thank the distinguished Republican whip for yielding.

Mr. Speaker, I would say that, of course, after we conclude the final action on the continuing resolution and are informed that the Senate's action of the House will be adjourning for the week, and it will be my intention to ask at the conclusion of these remarks for unanimous consent that the Speaker pro tempore may be authorized to declare recesses today, the schedule for next week is as follows:

The House will meet at noon on Monday and take up the Consent Calendar.

There are three bills on the Suspension Calendar, H.R. 3044, Connecticut River Atlantic Salmon Compact Act;

H.R. 3245, National Summit Conference on Education; and S. 1852, Defense Production Act Extension.

There will be no recorded votes on Monday. Any recorded votes ordered will be postponed until Tuesday, October 4.

In addition, on Monday the House will consider H.R. 2379, Park Protection Act, general debate only. The rule has already been adopted.

The House will meet at noon on Tuesday, October 4 and will consider the Private Calendar.

There are no additional bills on the Suspension Calendar scheduled at this time.

There will be recorded votes on suspension bills ordered on Monday, October 3.

Tuesday is also District Day, with two bills, H.R. 3655, to raise retirement age of judges, and H.R. 3932, Technical Amendments to Home Rule Act.

The House will complete consideration of H.R. 2379, Park Protection Act.

□ 1740

On Wednesday and the balance of the week, the House will meet at 10 a.m. At 10:30 a.m. on Wednesday there will be a joint meeting of the House and the Senate for the purpose of receiving His Excellency, the President of the Federal Republic of Germany, Dr. Carstens.

Also, the House will consider on that day and during the balance of the week:

H.R. 3959, supplemental appropriations for fiscal year 1984;

H.R. 3958, water resource development appropriations for fiscal year 1984;

H.R. 3648, Amtrak Improvement Act, open rule with 1 hour of debate;

H.R. 2867, Hazardous Waste Control and Enforcement Act; and

H.R. 3231, Export Administration Act, complete consideration.

At the close of the week's business, the House will adjourn for the Columbus Day district work period and will reconvene on Monday, October 17.

Of course, this announcement is made conditioned with the usual stipulation that conference reports may be brought up at any time and any further program may be announced later.

Mr. LOTT. I would like to address a few questions to the gentleman.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I would like to address an observation to the gentleman from Washington, Mr. FOLEY.

I wonder if I could have a favor. That Connecticut River Atlantic Salmon Compact Act is my bill and I am going to be in my district and I will not be back here until late afternoon, maybe 3:30. Is there any possibility of moving that to Tuesday, or after general debate on Monday?

Mr. FOLEY. If the gentleman will yield further, under the circumstances, since the gentleman is the sponsor of the bill, I can discuss the matter with the leader on our side and with the Speaker. I am not able on my own authority to move the consideration of the bill today. I think the likelihood is that that bill would be up probably before 2 o'clock or 2:30 if the present schedule were adhered to. If the gentleman wishes the chairman of the committee to request that it be delayed, I am sure that would be accommodated.

Mr. CONTE. I will try to get in touch with him.

The SPEAKER pro tempore. (Mr. WRIGHT). The Chair might state that as an accommodation to the gentleman from Massachusetts (Mr. CONTE), I am sure the Speaker would want to schedule that particular suspension on Tuesday rather than on Monday.

Mr. CONTE. I want to thank the Speaker. I really appreciate that.

Mr. LOTT. Mr. Speaker, I see the distinguished chairman of the Committee on Ways and Means here in the Chamber. I wonder if he or the majority whip could advise us of the status or what we might expect to happen with respect to the supplemental unemployment compensation bill? Will it go to conference? Are we going to concur with the Senate?

I realize that while it expires October 1, there are some funds left, but are we going to have some more action?

Mr. FOLEY. If the gentleman would yield, I think the distinguished chairman of the Committee on Ways and Means is present.

Mr. LOTT. I would be glad to yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. In a few moments I am going to request a conference. We have met informally and discussed our differences. I should imagine that we will go to conference at 6:30 this evening. Whether we can resolve that this evening early enough so that Members could participate, I doubt, but certainly the conference will meet today and possibly tomorrow and try to get some result by Monday.

Mr. LOTT. I thank the chairman.

I noticed on Wednesday we are coming in at 10 a.m. and then we are having a joint session at 10:30. Does the gentleman anticipate that we would come in at 10, recess until 10:30, and then come back in, and could we get some idea as to what time we would begin official business on legislation on Wednesday?

Mr. FOLEY. If the gentleman will yield further, the ceremony will require about 1 hour. The House will come into session at 10 o'clock and recess for the purpose of receiving the President of the Federal Republic of Germany, and at the conclusion of that ceremony, about 11 o'clock or in that neighborhood the House will reconvene with the usual notification to Members through the bell system of the reconvening of the House.

Mr. LOTT. I thank the gentleman. Also, on Wednesday and the balance of the week we have the supplemental appropriations and the water resources development appropriations bill, both of which I presume would go before the Rules Committee and would be subject to a rule being granted for them to come up on Wednesday or the balance of the week.

Mr. FOLEY. Yes. I think I neglected to say that that is subject to a rule being granted.

Mr. LOTT. One final question: I did not catch whether the gentleman said we could expect to be in on Friday, or would we adjourn on Thursday night?

Mr. FOLEY. I think the assumption is that we might well be able to conclude the week's business by Thursday night and at this time we are not necessarily anticipating a Friday session.

Mr. LOTT. I thank the gentleman.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Speaker, I was wondering if the majority whip could tell us, by postponing the suspension votes until Tuesday, the gentleman from North Carolina and I would like to ask if it would be possible to put the votes off on any suspensions until after the consideration of the other bills on Tuesday?

Mr. FOLEY. Mr. Speaker, as an accommodation to Members, we will take up the recorded votes on suspensions debated on Monday at the end of legislative business otherwise scheduled.

Mr. WATKINS. I thank the gentleman very much.

AUTHORIZING THE SPEAKER PRO TEMPORE TO DECLARE RECESSES AT ANY TIME TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker pro tempore to declare recesses at any time today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY OCTOBER 3, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MYASTHENIA GRAVIS AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 140) to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 140

Whereas the incidence and prevalence of myasthenia gravis present a significant health problem in the United States;

Whereas myasthenia gravis is a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body;

Whereas an estimated one hundred thousand to two hundred thousand diagnosed, and over one hundred thousand undiagnosed, Americans of both sexes, and all races and ages, are afflicted with the disease;

Whereas the Nation faces a continuing need to support innovative research into the causes, treatment, and cure of myasthenia gravis; and

Whereas it is appropriate to focus the Nation's attention upon the problem of myasthenia gravis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 2 through October 8, 1983, is designated as "Myasthenia Gravis Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, the incidence and prevalence of myasthenia gravis presents a significant health problem in the United States. This disease causes a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body. Designation of this week will focus attention on the need to support innovative research into the causes, treatment, and cure of myasthenia gravis.

Mr. Speaker, I urge adoption of this resolution which authorizes and request the President to proclaim the week of October 2 through 8, 1983 as Myasthenia Gravis Awareness Week.

Mr. CONTE. Mr. Speaker, today, we are considering House Joint Resolution 278, to provide for the designation of the week of October 2-8, 1983 as "Myasthenia Gravis Awareness Week."

"MG", as myasthenia gravis is known, can strike the body at any place and at any time. MG is a neuromuscular disease that affects over 300,000 Americans of all sexes, all ages, and races. It is a disease that disrupts the synapse—that is the gap between the nerve and the muscle which conducts the electrical current from the nerve to the muscle.

This is a tough disease to diagnose because it often manifests itself as chronic fatigue. Such a misdiagnosis can allow the disease to progress until the victim is in severe danger. Until recently MG has been fatal for 85 percent of its victims. But a lot of progress has been made in the last few years as a result of an increasing awareness of the symptoms of the disease. I would like to applaud the work done by Mr. Tony Randall, who is the campaign chairman of the Myasthenia Gravis Foundation. Tony and the personnel of the foundation should receive the lion's share of the progress that awareness has made against this disease. This is the second year that I have introduced this resolution and I am delighted to have this opportunity to have a hand in this campaign.

I hope that all of you will join in to show your unanimous support for this effort against this terrible disease.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1750

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 142) designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 142

Whereas the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens;

Whereas the time-honored tradition of American leadership in work-related ingenuity and know-how has brought about great strides in productivity;

Whereas growth in productivity in turn improves the standard of living of United States citizens;

Whereas public awareness of the economic importance of productivity will foster a better standard of living for all citizens and reduce the level of inflation: Now, thereofre, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of providing for a better understanding of the need for productivity growth and of encouraging the development of methods to improve individual and collective productivity in the public and private sectors, the week of October 3 through October 9, 1983, is designated "National Productivity Improvement Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens. Designation of this week will focus public awareness on the economic importance of productivity and will promote individual and collective ideas and innovations for productivity improvements.

Mr. Speaker, I urge adoption of this resolution which authorizes and request the President to proclaim the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

Mr. LEVITAS. Mr. Speaker, I rise in support of House Joint Resolution 199, a resolution proclaiming October 3-9 as "National Productivity Improvement Week."

First, let me commend my colleagues on the Post Office and Civil Service Committee—full committee Chairman BILL FORD, and subcommittee Chairwoman KATIE HALL—for their assistance and cooperation in the prompt consideration of this resolution.

This resolution, which was introduced by myself and my good friend, SILVIO CONTE, will better help the public understand the crucial relationship between growth, employment, and productivity, and make a step

toward a stronger economy, by focusing attention on productivity.

Productivity improvement is a weapon in our economic arsenal that has been too long overlooked. It is a weapon that can be picked up and used by individual citizens, business enterprises, labor organizations, and governments—local, State, and Federal.

Productivity is a comparison—comparing the values of what is produced with what is needed to produce it. In other words, productivity is input compared with output. Productivity encompasses the contributions of all resources of production: Technology, capital, energy, and the human effort and skills needed to manage them. A nation or an industry advances by using less of these resources to turn out more products and services.

This has been true throughout American history, our ability to produce more in less time and with fewer resources has helped raise our standards of living.

This natural yielding of more benefits from improved use of resources works well when allowed to function. The problem comes when increases in productive output or quality fail to cover increases in the cost of labor or other resources used. This creates inflationary prices because when productivity falters while a producer's costs go up—the producer must charge more for its goods or services in order to stay in business.

Thus at least one major remedy for inflationary ills is to increase American productivity, which for the past entire decade has lagged sadly behind increases of other industrial nations.

There are several things we can do to improve productivity over the long run—tax incentives and fewer governmental restrictions to encourage more research, development, and capital investment and better training of workers to give some examples—but there is one thing that we can do to get the ball rolling, and that is to stress the relationship of productivity to inflation by bringing it to the attention of the American people.

National Productivity Improvement Week is one effective way to inform the public about the role of productivity in the working place, and its role in the economy as a whole. This special week is promoted by the American Institute of Industrial Engineers, whose 35,000 members are closely aligned with productivity programs in the day-to-day performance of duty. The AIIE's more than 200 senior chapters will be holding workshops and seminars throughout the country and will be contacting the media—newspapers, radio, television, and others—to help explain the importance of productivity improvement and help turn this around for America.

I urge my colleagues to support House Joint Resolution 199.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

HONORING CARL YASTRZEMSKI

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 326) a resolution honoring Carl Yastrzemski.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentlewoman from Indiana?

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve the right to object just to make the point that it is a good thing that "Yaz" did not have to have the Speaker pro tempore controlling his career, because if he had, he never would have hit above .220.

Mr. CONTE. Mr. Speaker, if the gentleman will yield, I want to thank him, I want to thank the gentlewoman from Indiana (Mrs. HALL) and all the Members of the majority and the minority, including the gentleman from California (Mr. DANNEMEYER). I say to them, "Your are really wonderful people. We appreciate it, and we'll tell 'Yaz' about this tomorrow."

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

● Mr. DONNELLY. Mr. Speaker, permit me to take this opportunity to honor an individual who for the past 23 years has provided excitement to the citizens of Boston, the State of Massachusetts and sports fans throughout the country. Carl Yastrzemski's retirement from baseball brings to an end an era of Boston's sports history which will never be duplicated.

Being the man expected to fill Ted Williams' shoes would have been enough to destroy many athletes, yet through sheer determination Carl never let us down. Yaz not only played in more games than any other major leaguer, won three batting titles; seven gold gloves and appeared in 18 All Star Games, his most outstanding achievement was leading the 100-to-1 shot Red Sox to the 1967 pennant. In that memorable year Carl led the "impossible dream" team both on the field and at the plate. He won baseball's coveted Triple Crown and virtually every other award which can be presented to a professional athlete.

Carl's contribution to New England was not only on the field. He quietly participated in many charitable causes, including a major role in Boston's Jimmy Fund.

As one of two Members of Congress who reside in Boston, I am very appreciative that the House has taken time to consider this most special resolution. I believe that it is most fitting that this Chamber join the Senate in saluting this most special individual.●

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection

The Clerk read the resolution, as follows:

H. RES. 326

Whereas Carl Yastrzemski will soon complete his twenty-third and final season with the Boston Red Sox:

Whereas Carl has played in more major league baseball games than any other player in the history of baseball;

Whereas Carl is the only American League player to collect over 3,000 base hits and 400 home runs;

Whereas Carl has won baseball's coveted triple crown, earned seven gold gloves, played in eighteen all star games, and is undoubtedly a future hall of famer;

Whereas "Yaz" will not only be remembered as one of baseball's greatest stars, but also as a man of compassion and leadership both on and off the field: Now, therefore, be it

Resolved, That the House of Representatives join with the citizens of Boston and sports fans throughout the United States in honoring Carl Yastrzemski for his outstanding career, his outstanding sportsmanship, and his outstanding contribution to baseball and the Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3929, FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982 EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, with Senate

amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and, without objection, appoints the following conferees: Messrs. ROSTENKOWSKI, STARK, PEASE, and MATSUI, Mrs. KENNELLY, and Messrs. CAMPBELL, MOORE, and FRENZEL.

There was no objection.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1980 AMENDMENTS

Mr. PEASE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

NEGOTIATING AUTHORITY INVOLVING THE INTERNATIONAL COFFEE AGREEMENT, 1983

SECTION 1. The International Coffee Agreement Act of 1980 (19 U.S.C. 1356k, et seq.) is amended—

(1) by striking out "1976" in sections 2, 3, and 5 and inserting in lieu thereof ", 1983", and

(2) by striking out "for such period prior to October 1, 1983 as the agreement remains in effect" in section 2, and inserting in lieu thereof "before October 1, 1986".

REAUTHORIZATION OF PROGRAMS FOR WORKERS AND FIRMS

SEC. 2. (a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking out "each of fiscal years 1982 and 1983" and inserting in lieu thereof "each of the fiscal years 1982 through 1985".

(b) Section 285 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

"CONTRIBUTED IMPORTANTLY" TEST FOR GROUP ELIGIBILITY

SEC. 3. (a) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in paragraph (3), by striking out "were a substantial cause of such total or partial separation, or threat thereof, and of such decline" and inserting in lieu thereof "contributed importantly to such total or partial separation, or threat thereof, and to such decline"; and

(2) by amending the last sentence to read as follows: "For purposes of paragraph (3), the term 'contributed importantly' means a cause which is important, but not necessarily more important than any other cause.".

(b) The amendments made by subsection (a) shall apply with respect to petitions for certification filed under section 221 of the Trade Act of 1974 on or after October 1, 1983.

PREFERENCE FOR FIRMS HAVING EMPLOYEE STOCK OWNERSHIP PLANS

SEC. 4. (a) Section 255 of the Trade Act of 1974 (19 U.S.C. 2345) is amended by adding at the end thereof the following new subsection:

"PREFERENCE FOR FIRMS HAVING EMPLOYEE STOCK OWNERSHIP PLANS

"(i)(1) When considering whether to grant a direct loan or to guarantee a loan to a corporation which is otherwise certified under section 251, the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

"(A) 25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation.

"(B) the employee stock ownership plan meets the requirements of this subsection, and

"(C) the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.

"(2) an employee stock ownership plan does not meet the requirements of this subsection unless the governing instrument of the plan provides that—

"(A) the amount of the loan paid under paragraph (1)(A) to the qualified trust will be used to purchase qualified employer securities,

"(B) the qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation, and

"(C) from time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individuals accounts of participants and their beneficiaries in accordance with the provisions of paragraph (4).

"(3) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this subsection unless—

"(A) it is unconditionally enforceable by any party against the others, jointly and severally,

"(B) it provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (2)(B) which are actually received by such trust,

"(C) it provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this subsection will be used exclusively by the recipient corporation for those purpose for which it may use that portion of the loan paid directly to it by the lender,

"(D) it provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this subsection, and

"(E) it provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of the Internal Revenue Code of 1954 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

"(4) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (2)(A) of this subsection as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust during the term of such loan. Qualified employer securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

"(5) For purposes of this subsection, the term—

"(A) 'employee stock ownership plan' means a plan described in section 4975(e)(7) of the Internal Revenue Code of 1954,

"(B) 'qualified trust' means a trust established under an employee stock ownership plan and meeting the requirements of title I of the Employee Retirement Income Security Act of 1974 and section 401 of the Internal Revenue Code of 1954,

"(C) 'Qualified employer securitles' means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts, and

"(D) 'equity capital' means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amorization made during the period described in paragraph (3)(D)), less the amount of its indebtedness.".

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I make this reservation in order to allow the gentleman from Ohio (Mr. PEASE) to explain what the committee has done, and I yield to the gentleman from Ohio for that purpose.

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Senate amended H.R. 3813 to reauthorize the trade adjustment assistance programs for workers and firms for a 2-year period

until September 30, 1985. The Senate made no changes in the provisions of either program, except to give preference to firms which establish employee stockownership plans. On September 15, the House passed H.R. 3391, which reauthorizes the TAA programs for 2 years. That bill also made significant changes in the program for workers to expand coverage to essential parts and service suppliers and to require approval of training if certain conditions are met. However, while the Committee on Ways and Means approved these changes and others in H.R. 3391 as very worthwhile, they generated considerable controversy on the House floor as exceeding funding levels approved in the first concurrent budget resolution. OMB has made clear during Senate consideration this week that it would recommend a veto if reauthorization of the TAA programs includes expanded coverage or otherwise increases program costs significantly. Under these circumstances and because the programs expire today, I recommend the House concur in the Senate amendment to H.R. 3813 reauthorizing the TAA programs for 2 years.

The Senate amendment would also extend the President's implementing authority under the International Coffee Agreement Act for 3 years rather than the 2 years provided in the House bill. This is substantially less than the 6-year extension contained in the original Senate bill as reported by the Finance Committee. A 3-year extension would be acceptable to the committee, because it would provide for a timely review of the effects of this legislation on U.S. consumers.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I agree with the description of the gentleman from Ohio.

The coffee agreement is the House form except that it is for 3 years, 1 year more than House and 3 years less than the Senate.

The Trade Adjustment Assistance Act extends the present law using the test that imports "contributed importantly" to unemployment. CBO says the cash will be about $95 million for fiscal year 1984 and for 1985 for the whole program, of which about $17 million will be used for adjustment to firms.

The Labor Department estimates costs of about $125 million for 1984 and 1985. Both the CBO and Labor estimates are within the congressional budget resolution figures of about $132 million.

I objected vigorously to the House-passed TAA bill which would have cost more than $500 million and would have created new entitlement programs. I must, however, support this bill because it is within the budget and because I believe the country should have some kind of TAA program in operation.

The final difference is that the Senate gave preference to firms seeking adjustment assistance which have approved employee stock ownership programs. I am a strong supporter of ESOP's, and believe this is a fine amendment.

I urge passage of H.R. 3813 as amended.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

□ 1800

GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the subject of the special order speech today by the gentlewoman from Ohio (Ms. OAKAR).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

REPAIR OF THE STATUE OF LIBERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 5 minutes.

● Mr. HARTNETT. Mr. Speaker, the Statue of Liberty, as you know, has fallen victim to the ravages of time. Extensive repair is required immediately. One man in my district is dedicated to seeing that she gets that much needed renovation. He is H. Quincy Alexander of Charleston, S.C.

Mr. Alexander is Americanism committee chairman for Charleston Elks Lodge No. 242. In that capacity and on his own initiative he has begun a drive to raise funds from Charleston Elks to help repair the Statue of Liberty. All funds collected will go to the Statue of Liberty Ellis Island fund for that purpose.

In the patriotic tradition of the Benevolent and Protective Order of the Elks, Mr. Alexander becomes a model, not only for Elks, but for all Americans. The Statue of Liberty belongs not only to the Federal Government, but to all Americans. She deserves our help.●

INTOLERABLE DELAYS IN BLACK LUNG CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 15 minutes.

Mr. MOLLOHAN. Mr. Speaker, yesterday I introduced legislation that I believe will remedy a serious problem that has continued for too long without proper recognition. The problem is the intolerable delay in decisionmaking at the Federal Government's Benefits Review Board, which has jurisdiction over black lung appeals from the Department of Labor.

The backlog is due primarily to the fact that there are currently only the three Benefits Review Board members and they are faced with over 9,000 pending cases. Their backlog is currently estimated to be over 4 years long. Four years, Mr. Speaker, can simply be too long for miners suffering from black lung.

For one of my constituents and a good, personal friend, Leroy Tucker, 4 years for a final decision is simply an intolerable delay, particularly when added to the 9 years he has already been waiting, without collecting benefits, to have a final determination in his case. In the last appeal before the Board in this case, it took the Board 2 months simply to log in the case. Meanwhile, Leroy Tucker waits. He is 60 years old and disabled from black lung disease due to his 42 years in the mines. He places phone calls to complain. He writes letters. But most of all he waits and hopes he will live to receive the benefits he earned.

Ironically, the Benefits Review Board was established in 1972 to provide prompt judicial review of black lung cases, among others. With the passage of the Black Lung Benefits Act of 1977, there was a threefold increase in the caseload of the Board. Unfortunately, the Board's membership has never been increased to absorb the flood of appeals it must now decide.

In addition to this serious problem, the current administration made the situation even more intolerable by removing two of the three members of the Board and replacing them with two temporary members of its own.

This disruption to the routine of the Board and the clear message conveyed by such capricious removal must necessarily have a negative, if unquantified, impact. Even under the most optimistic circumstances, this readjustment period has caused and will continue to cause needless additional delay at a time when greater, not less, efficiency is required.

Unfortuantely, the current statute is silent as to tenure and terms of removal for BRB members. Thus the old permanent members could be—and were—removed for reasons unrelated to the quality of their performance on the Board. The Court of Appeals for the District of Columbia, in its decision affirming the Secretary of Labor's authority to remove Board members without cause, pointed to the present

statute's silence on this point as the basis for their decision. The court also cited a landmark Supreme Court case concerning the need for agencies to be independent:

> For it is quite evident that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will.

Consistent with the Supreme Court's decision in this case is the view that whether or not a worker is entitled to receive compensation for work-related disabilities should not be a political decision but a legal one based on a thorough understanding and principled interpretation of the law. Benefits Review Board members who can be removed at the whim of the Secretary of Labor cannot long maintain their independence.

Likewise, justice cannot be served while 3 BRB members carry the burden of 9,000 cases and try to control the surging 4-year backlog of cases. The failure of the administration to take any steps to reduce this pressure—they have instead increased it—leaves Congress no resource but to insist on permanent expansion of the Board and removal of members only for cause.

The bill I introduced this week, H.R. 4014, addresses these problems by increasing membership on the Board from three to five, establishing staggered terms of office of 6 years, and authorizing removal for cause only. In a body that is so clearly desgined to play a judicial role where independent decisionmaking is critical, such provisions are essential if claimants are to have their cases resolved in a neutral and timely fashion.

I hope my colleagues will join me in supporting this legislation, which can offer hope to so many of our constituents who have, until now, had to bear the brunt of this problem. No longer should claimants have to run a race with time to receive their benefits while they can still use them.

OPPOSITION OF THE UNITED STATES TO THE PARTITION OF LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, Today I am introducing a resolution expressing the opposition of the United States to any partition of Lebanon. As the distinguished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, pointed out yesterday, the parliamentary process required the House to pass the Senate version of the Lebanon powers resolution which does not include the expression of our country's opposition to the partition of Lebanon.

The House and Senate have had extensive debate over the participation of our Armed Forces in the multinational peacekeeping force in Lebanon. It is important that the commitment of our forces to Lebanon include a statement of purpose for their deployment as well as consideration of the duration of their deployment. By expressing the opposition of the United States to the partition of Lebanon, we send a firm signal to all the parties involved in the current conflict—to the internal factions and to the occupiers—that we believe that Lebanon can survive with its national sovereignty and territorial integrity intact and that that principle is a guiding one for our diplomatic efforts in the region.

I thank the chairman of the Foreign Affairs Committee and the distinguished chairman of the Europe and Middle East Subcommittee, Mr. HAMILTON for joining me in cosponsoring this joint resolution which expresses our country's continued commitment to Lebanon's existence as a sovereign and independent country. With that commitment, it is my firm belief that the leaders of Lebanon will find the wisdom and courage to reconcile their differences and return their country to prosperity and happiness.●

● Mr. ZABLOCKI. Mr. Speaker, one of the regrettable results of the parliamentary situation yesterday which required the House to pass the Senate version of the Lebanon war powers legislation was the loss of important language in the House resolution offered by the gentlelady from Ohio (Ms. OAKAR). I deeply regret that unfortunate and unavoidable loss.

I am, therefore, particularly pleased to join now tith the gentlelady as a cosponsor in a separate joint resolution which embodies the language in question. With this effort comes my pledge to have the Committee on Foreign Affairs act promptly on the measure and bring it to the floor in the very near future.

The language in question warrants this added effort on all our parts because it expresses a fundamental imperative of U.S. policy toward Lebanon. It was especially appropriate that it be included in the Lebanon war powers legislation on which we took final action yesterday. As you know, that legislation authorized the continued presence of U.S. Armed Forces in Lebanon for 18 months or less.

An abiding principle behind this U.S. support for Lebanon is that the United States is working to advance and protect the independence and territorial integrity of Lebanon.

In effect, therefore, what the Congress was saying yesterday in approving the Lebanon bill was the very language of Ms. OAKAR'S amendment, that is, that the Congress is opposed to any partition of Lebanon and the annexation of its territory by any foreign country.

That message—that absolute and fundamental fact—is central to why the U.S. marines are in Lebanon in the first place. We are working to save Lebanon for Lebanon, not for any other country.

I am, therefore, especially pleased to support the gentlelady from Ohio in this effort at the same time that I once again express my regret that the Senate's action regrettably failed to do so.●

FARMERS HOME ADMINISTRATION

(Mr. JONES of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Tennessee. Mr. Speaker, recently I saw an advertisement in a Michigan farm magazine which perfectly illustrates how much the ideals of our National Government have changed under the current administration.

This ad was placed by the Farmers Home Administration, an agency with a long tradition of helping farmers, of helping bring the Nation out of the Great Depression, of being a lender of last resort when farmers are in a desperate situation.

Now that progressive and idealistic tradition has been turned on its head, Farmers Home Administration is placing ads in order to hire auctioneers to sell farms on which the agency has foreclosed. This action illustrates outrageous insensitivity to what is happening in the farm economy. My colleagues in the House know farmers are broke because the administration refused to deal with growing surpluses in 1981 and 1982, they are broke because we have had sky-high interest rates and rockbottom commodity prices. They are broke because our Government has frightened and challenged our international trading partners. Farmers are broke because a record number of unemployed Americans cannot afford to adequately feed their families.

For 3 years I have tried to get Farmers Home Administration to focus on saving farmers, not foreclosing on them. Obviously my efforts have not succeeded.

Instead of saving farmers, the administration hires more auctioneers. I truly wonder how we have come to this state of affairs.

[From the Michigan Farmers, Sept. 3, 1983]

SOLICITATION FOR AUCTIONEER SERVICES

The Farmers Home Administration, an agency of the U.S. Department of Agriculture, wishes to obtain proposals to sell Government acquired farm properties from auctioneers who have a real estate broker's license. These properties are located through-

out the State of Michigan and vary in size and type of enterprise.

The Farmers Home Administration will select an undetermined number of auctioneers from those who submit proposals to assist in selling these properties. Those auctioneers interested in applying should contact the following office for selection criteria and necesary solicitation forms. Solicitation packages may be obtained thru September 16, 1983.

Farmers Home Administration, Calvin C. Lutz, State Director, Room 209, 1405 South Harrison Road, East Lansing, Michigan 48823.●

CONFERENCE REPORT ON H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, 1984

Mr. YATES submitted the following conference report and statement on the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-399)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 11, 15, 18, 20, 24, 27, 28, 29, 32, 34, 37, 38, 39, 40, 56, 77, 82, 89, 92, 93, 100, 105, 117, 118, 119, 129, 144, 149, 150, 151, 153, 161, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 14, 21, 22, 23, 35, 50, 53, 65, 66, 67, 68, 69, 70, 71, 72, 73, 81, 87, 88, 108, 113, 123, 124, 128, 133, 136, 137, 138, 154, and 155, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,391,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *of which $2,000,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$42,297,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to appropriate: *$10,377,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

Restore the matter striken by said amendment, amended to appropriate: *$6,700,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Provided, That for payment of obligations incurred for engineering services, roadway and bridge access, and pilot tunnel bore work for the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $14,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$367,080,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,113,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,561,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,869,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$81,265,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$65,450,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$229,228,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$79,262,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$77,192,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$19,463,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$108,555,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$60,579,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$888,506,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$251,724,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,867,000*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$227,857,000*; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$259,214,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate num-

bered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$431,131,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,870,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$770,408,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$53,595,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from the disagreement to the amendments of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$15,000,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,780,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$155,263,000*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,389,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$132,000,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$118,900,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$30,000,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,000,000*; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$110,500,000*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$97,750,000*; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,150,000*; and the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,853,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 10, 12, 16, 17, 25, 26, 30, 36, 41, 43, 44, 45, 51, 57, 58, 59, 60, 61, 62, 63, 64, 74, 78, 79, 80, 83, 85, 86, 90, 91, 94, 95, 96, 97, 106, 107, 109, 110, 112, 115, 116, 120, 126, 127, 130, 135, 139, 141, 157, 158, 159, 160, 162, and 163.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
WILLIAM R. RATCHFORD,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
JOSEPH M. MCDADE,
RALPH REGULA,
SILVIO O. CONTE,
Managers on the Part of the House.

JAMES A. MCCLURE,
TED STEVENS,
PAUL LAXALT,
JAKE GARN,
THAD COCHRAN,
MARK ANDREWS,
WARREN RUDMAN,
LOWELL P. WEICKER, JR.,
MARK O. HATFIELD,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PATRICK LEAHY,
DENNIS DECONCINI,
QUENTIN BURDICK,
DALE BUMPERS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $359,601,000 for management of lands and resources instead of $348,852,000 as proposed by the House and $359,014,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount provided by the House includes increases of $350,000 for environmental impact statement work associated with the preference right coal leasing program;

$2,500,000 for energy realty for energy-related rights of way activities; $1,786,000 for the non-energy realty program for the land sales program (for a total asset management program level of $3,000,000); $1,000,000 for the non-energy rights of way program, of which up to $500,000 may be used to facilitate the Alaska lands conveyance program; $3,700,000 for the grazing management program; $2,000,000 for the wildlife habitat program, for the development and implementation of additional habitat management plans; $2,000,000 for cadastral survey operations needed to support increased levels of title issue resolution in Alaska; $813,000 for additional transportation maintenance activities; and decreases of $300,000 related to asset management in cultural resources management, maintaining the fiscal year 1984 base level, and $3,100,000 for planning, maintaining the fiscal year 1984 base level.

The managers agree that $110,000 is available to increase the rate of wild horse and burro removals to the Court approved agreement level in the Challis unit. The managers also agree that the BLM and FS outfitters and guides fee schedule has been adequately researched and publicly debated and do not object to its implementation. BLM is to submit, as a special exhibit with its FY 1985 Budget, a complete life cycle cost analysis for its ALMRS project, including a list of planned site and project guidelines that ensure that planned hardware acquisitions over the life of the project will be compatible and the benefit-cost decision material.

The managers agree that no funds are provided for the asset management program in cultural resources management or planning. The managers have no objection to the slow and careful development of the permanent oil shale leasing program, with all appropriate environmental safeguards. The increase in coal leasing is not to be used for processing additional preference rights leases, but only for environmental impact statement work. Of the total increase of $3,000,000 in wildlife habitat, $1,000,000 is to accelerate existing recovery plans for threatened and endangered species, as well as to prepare and implement additional plans. Existing plans include black-footed ferret; Mohave chub; bald eagle; peregrine falcon; and Eureka Dune botanical. The

seven new species would be San Joaquin kit fox; desert slender salamander; Owens River pupfish; Lahontan cutthroat trout; Coachella Valley fringe-toed lizard; bald eagle (Pacific); and McDonald's rockcress.

The managers encourage BLM to continue land exchanges with the Forest Service and others, and disposals under the Recreation and Public Purposes Act.

Amendment No. 2: Appropriates $1,200,000 for construction and access as proposed by the House instead of $2,200,000 as proposed by the Senate.

Amendment No. 3: Appropriates $105,000,000 for payments in lieu of taxes as proposed by the Senate instead of $96,320,000 as proposed by the House.

Amendment No. 4: Deletes language proposed by the Senate pertaining to the utilization of PILT funds to correct underpayments in the previous fiscal year. This language was included in Public Law 98-63 as permanent legislation.

Amendment No. 5: Appropriates $1,391,000 for land acquisition instead of $2,189,000 as proposed by the House and $765,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers:

Acquisitions Management	$130,000
Acquisitions:	
Perins Peak Wildlife Habitat Area, Colo	426,000
Pacific Crest Trail, Calif	100,000
Suan River Trail, Calif	100,000
Rogue National Wild and Scenic River, Oreg	335,000
Rio Grande Wild and Scenic River, N. Mex	300,000
Total	1,391,000

The managers agree with regard to the Oregon and California grant lands account, that all costs related to management of the O&C lands should be funded from this account, whether expended by BLM or the Forest Service. BLM and the Forest Service should work together to ensure total scope, costs and justifications are reflected in this account's justification for fiscal year 1985.

Amendment No. 6: Provides no less than $10,000,000 for range improvements as proposed by the Senate.

Amendment No. 7: Deletes language proposed by the House that would have prevented the expenditure of range improvement funds until a new grazing fee schedule had been implemented.

Amendment No. 8: Deletes language proposed by the House that would have changed cost recovery procedures and the use of funds collected under section 305(a) of FLPMA for rehabilitation of damaged lands.

Amendment No. 9: Deletes language proposed by the House regarding livestock reduction procedures.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits processing or issuing prospecting permits on certain lands in the Mark Twain National Forest.

UNITED STATES FISH AND WILDLIFE SERVICE

Amendment No. 11: Restores House language earmarking not less than $3,400,000 for high priority projects within the scope of the approved budget to be carried out by the Youth Conservation Corps.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $270,803,000 for Resource Managment instead of $269,530,000 as proposed by the House and $262,338,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the House includes: increases of $1,460,000 for additional support (salaries, per diem, travel, etc.) and equipment for law enforcement personnel; $297,000 for continued operation of animal damage research facilities by the Service for one additional year at Bend, Oregon and Olympia, Washington; $400,000 for continued operation of the Jones Hole NFH; $2,700,000 for Lower Snake River fishery mitigation programs for a total of $3,729,000; $100,000 for fishery law enforcement to aid in deterring illegal commercial operations involving Atlantic and Pacific anadromous fish; $100,000 for Southern Selkirk Mountain Caribou recovery, and $250,000 to initiate a comprehensive study by the Service to develop solutions to the significant nutrient and sediment problems affecting Bear Lake while ensureing that Wildlife values at the Bear Lake NWR are not adversely affected; decreases of $175,000 for taste aversion research; transfer of the Alchesay NFH and the Quinault NFH to the Bureau of Indian Affairs ($359,000); $1,000,000 for fishery research; $500,000 for endangered species listing activity; and $2,000,000 for endangered species grants to States.

The managers agree that a minimum of 202 law enforcement specialists along with an adequate trainee program are funded. Funds have been provided to continue operation of several hatcheries for one more year as follows:

Frankfort, Ky., Berkshire, Mass., Neoshoi, Mo., Senecaville, Ohio, Tishomingo, Okla., Inks Dam, Tex., Uvalde, Tex., and Cheraw, S.C.

These hatcheries are expected to produce the 1983-1984 crop and to cease operation by September 30, 1984. If additional funds are needed for closure, they will be provided in a supplemental appropriation bill. The State of North Carolina has agreed to assume operation of Pisgah NFH. Funds included ($237,000) will be adequate to maintain one service employee to remain for fiscal year 1984 to assist in the transition and for rehabilitation of the facility. Funds for Lamar ($220,000) are for operation and transition to a research station for investigation of Federal problems. The $1,000,000 for fishery research includes $450,000 for the Wellsboro development center. The Service is expected to use the total increase to accelerated research on fish tumor activity. The total account includes funds to continue several programs for which neither dollars for full-time equivalents were budgeted. The Secretary is expected to get additional FTE ceiling to staff these programs in addition to the original 1984 ceilings so other ongoing programs will not be affected. The Service is requested to provide a study on the role the Service can fill in making students at all levels aware of the values provided by wildlife conservation. This study should be done in consultation with national and local educational organizations so that the interpretative programs of the Service can be used to supplement classroom activity. The managers have no objection to the proposed user fees for port inspection activities as long as the funds are used to supplement available funds rather than as a substitute for appropriations.

Amendment No. 13: Earmarks $2,000,000 for Endangered Species grants instead of $4,000,000 as proposed by the House.

Amendment No. 14: Earmarks $3,729,000 for Lower Snake River fish mitigations instead of $1,029,000 provided by the House.

Amendment No. 15: Deletes Senate earmark of $292,000 for the Warm Springs National Fish Hatchery. Funds are provided in the Fish and Wildlife Service to continue operation of this hatchery.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *; $4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: Provided, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to provide $4,000,000 for the Anadromous Fish Conservation Act, including $500,000 for the State of Idaho for anadromous fish programs and have further agreed to waive the Federal cost-sharing requirements for Idaho for this year. The managers have also agreed to amend 16 U.S.C. 757e to permit Idaho to compete on equal standing with other states in future years.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: *and an additional $23,301,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This appropriates $23,301,000 for construction instead of $21,816,000 for construction and anadromous fish as proposed by the House and $19,785,000 for construction as proposed by the Senate.

The net increase over the amount proposed by the House includes a decrease of $750,000 of the amount provided by the House to begin reducing the maintenance and rehabilitation needs at hatcheries proposed for closure in fiscal years 1983 and 1984 but which were left open, and a decrease of $3,500,000 for anadromous fish grants, and increases of $200,000 for equipment at Reelfoot NWR; $1,500,000 for residential housing at Galena, Alaska; $2,925,000 for a headquarters complex at Bethel, Alaska; $1,010,000 for residential housing at Tok, Alaska; and $100,000 to determine the most effective means of providing a vessel to meet the needs of the Alaska Maritime NWR.

Amendment No. 18: Appropriates $7,000,000 for the Migratory Bird Conservation Account as proposed by the House instead of $2,000,000 as proposed by the Senate.

Amendment No. 19: Appropriates $42,297,000 for land acquisition instead of $42,316,000 as proposed by the House and $30,100,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers:

Acquisitions Management..	$1,500,000
Acquisitions:	
Bon Secour NWR, Alaska	2,500,000
California Condor, California	5,000,000
Crocodile Lake NWR, Florida	5,000,000
Lower Suwanee NWR, Florida	2,000,000
Bogue Chitto NWR, Louisiana, Mississippi	1,000,000
Kirtlands Warbler Habitat, Michigan	1,000,000
Mississippi Sandhill Crane, Mississippi	2,000,000
Leetown, West Virginia	350,000
Harbor Island, Michigan.	197,000
Key Deer, Florida	2,000,000
Minnesota Valley NWR, Minnesota	1,000,000
Sandy Point (Leatherback Turtle), Virgin Islands	2,500,000
Kofa NWR, Arizona	350,000
Kealia Pond, Hawaii	4,500,000
Masked Bobwhite, Arizona	5,000,000
Great Dismal Swamp, N.C. and Virginia	2,500,000
Bear Valley NWR, Oregon	400,000
Rio Grande NWR, Texas	1,500,000
Protection Island NWR, Washington	2,000,000
Total	$42,297,000

The managers urge the Forest Service, the Fish and Wildlife Service, the Nature Conservancy and the State of Georgia to investigate the possibility of developing a cooperative agreement for management of lands at Banks Lake, Georgia as a wildlife refuge. The managers are concerned that the 3,559 acre parcel held by the Nature Conservancy at Banks Lake, Georgia is not of sufficient size to be managed as a National Wildlife refuge. The managers understand that the Forest Service has land adjacent to Banks Lake that could be added to the land currently owned by the Nature Conservancy and more properly managed as a viable refuge. The managers will reconsider acquisition at the next available opportunity.

Amendment No. 20: Deletes language proposed by the Senate which would have earmarked $1,500,000 for land acquisition in the Rio Grande Valley NWR, Texas. These funds are included within the overall funds provided.

Amendment Nos. 21, 22, 23: Authority is provided for the acquisition of 41 additional vehicles resulting in the total for the United States Fish and Wildlife Service proposed by the Senate instead of that proposed by the House, to be used only for replacement vehicles solely for police-type operations.

NATIONAL PARK SERVICE

Amendment No. 24: Restores House language earmarking not less than $3,300,000 for high priority projects within the scope of the approved budget for the National Park Service to be carried out by the Youth Conservation Corps.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$601,095,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This appropriates $601,095,000 for Operation of the National Park system instead of $602,065,000 as proposed by the House and $608,302,000 as proposed by the Senate.

The net reduction below the amount proposed by the House includes decreases of: $586,000 for technical maintenance assistance, $1,377,000 for the service-wide maintenance program, $25,000 for an ecological information base at Delaware Water Gap NRA, $40,000 for the Milford bicycle trail study and plans, and increases of: $323,000 for Jean Lafitte NHP, $500,000 for concessions management, $100,000 to be available to the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc. when a cooperative agreement with the Center is entered into, and $135,000 for the assistant director for Legislative and Congressional Affairs.

The managers agree that no funds are available for operation of a visitor center located in the Great Hall of the Department of Commerce Building in the District of Columbia. The additional funds for concessions management will support 15 additional FTE's to monitor concessions operation in the field. The amount provided to the Service includes $100,000 for additional exhibits at Martin Luther King, Jr. NHS, and $85,000 to assist the town of Harpers Ferry, W. Va. for police force use. The managers agree that when the South Shore RR cars are restored and in use no operations and maintenance funds will be provided by the Service. The managers agree that $500,000 in management plans are available to study and identify claims, problems, and values of mineral interests in units of the Park Service where mining is not specifically authorized by law.

The conference agreement includes $100,000 for the National Park Service to assist Massachusetts and Rhode Island in the development of an implementation strategy for the future conservation, management, and use of the Blackstone River corridor and to study the corridor to determine if its historical significance is such that it should be included in the National Park System. A portion of the assistance should focus on, but not be limited to, the following tasks: (1) an interpretive management plan, (2) preservation guidelines, and (3) canal restoration assistance. The managers expect the North Atlantic Regional Office to conduct this effort with the assistance of the Denver Service Center and the Mid-Atlantic Regional Office.

The managers do not agree with the proposal of the Service to close visitor transportation systems in 16 park areas. The Service has already transferred operation of the system in Yosemite without prior notification to the Congress that the interest expressed in the fiscal year 1983 bill was being ignored. The managers agree that reprogramming proposals to close or transfer control on a case-by-case basis will be considered. Even greater consideration must be given by the Service to recognize the special security and geographical circumstances that exist at LBJ NHP. The Service is expected to maintain the fiscal year 1982 cyclic maintenance funding level at the Natchez Trace Parkway in fiscal year 1984. The managers were distrubed to read that the Service planned to proceed with a Mall structure proposed in 1966 without examining whether circumstances had altered since then. Until the Service answers the following questions, the Service is to permit no land disturbing activities in connection with that project. The questions are:

First. What is the current level of demand and the current supply of food services and comfort facilities on the Mall, and including adjacent facilities such as the Pavilion in the Old Post Office Building, compared to the 1966 levels?

Second. What will be the nature of the concession's arrangement between GSI and the Park Service?

Third. What are the potential other uses for this space and how do those potential uses compare to the current need for food and comfort facilities on the Mall? and

Fourth. What is the overall need to update the 1966 master plan governing Mall development?

The managers agree that no funds are available for the coordinator of management plans and studies under ANILCA.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $85,000 for the Harper's Ferry, West Virginia police force.

Amendment No. 27: Deletes language proposed by the Senate earmarking funds for the National Symphony Orchestra.

Amendment No. 28: Deletes language proposed by the Senate earmarking funds for the Washington Opera Society.

Amendment No. 29: Deletes language proposed by the Senate earmarking funds for the Mary McLeod Bethune National Historic Site.

The managers agree that this work will be accomplished within available funds.

Amendment No. 30: Reported in technical diagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $100,000 for a study to determine the suitability of a site in East St. Louis, Illinois, for a museum of America culture and anthropology.

Amendment No. 31: Appropriates $10,377,000 for National Recreation and Preservation instead of $11,325,000 as proposed by the House and $8,978,000 as proposed by the Senate in the Operation of the National Park System account.

The change to the amount included by the House is as follows: decreases of $750,000 for recreation programs and $333,000 for grant administration and an increase of $135,000 for the International Council of Monument and Sites rather than from within available funds.

The amount provided for technical help for river conservation is for consultation, technical assistance, training, demonstration projects, and program development.

Amendment No. 32: Deletes Senate language providing for the merger of unexpended balances of funds appropriated under the National Recreation and Preservation with the "Operation of the National Park System" appropriation.

URBAN PARKS

Amendment No. 33: Appropriates $6,700,000 for the Urban Park and Recreation Fund instead of $10,000,000 as proposed by the House. The amount provided is for

the priority list of projects identified from the response to the Jobs Bill. Within this amount, there is $150,000 for the Fleetwood/Gourdaine Community Center Phase II rehabilitation project and $209,000 for the reconstruction of facilities at Crosier Field.

Amendment No. 34: Appropriates $26,500,000 for Historic Preservation as proposed by the House instead of $26,000,000 as proposed by the Senate.

The managers have agreed to an increase in the amount of funds to be provided to the National Trust for Historic Preservation for the critical issues funds. The managers understand that by agreeing to this increase of $500,000, the National Trust will administer a critical issues fund program of $1,000,000 during the period of availability of the funds. Further, the managers understand that these funds will be further matched when distributed by the Trust.

The managers agree that better information concerning the administration of the historic preservation program and its impact on the country, states and local communities would assist Congressional decisions as to program emphasis and the level of federal financial investment. Accordingly, the managers expect the Secretary of the Interior, and the Director of the National Park Service, to work with the state historic preservation officers and others to initiate a coordinated information collection system to include appropriate measures of the level of program activity, administrative support, the uses to which federal matching assistance is put, and the level of state and local financial support. The managers desire to receive all information available on the social and economic impacts of preservation matching grants-in-aid and tax incentive projects, and, in particular, detailed information on the use and impact of the preservation development grants appropriated in the supplemental jobs appropriations act of 1983.

Amendment No. 35: Appropriates $5,800,000 to the visitors facilities fund, as proposed by the Senate.

The managers reaffirm the Senate report language adding this account as proposed in the budget amendment outlining discrete projects on which to spend concession receipts to repair and rehabilitate visitor facilities through the National Park Foundation.

The managers agree that these funds are subject to the normal reprogramming guidelines.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $44,037,000 for construction instead of $42,637,000 as proposed by the House and $28,555,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the House level consists of increases of $950,000 for planning for the FDR Memorial; $250,000 for planning of the NPS conservation labs at Harpers Ferry, W.VA.; $1,000,000 for a Corps of Engineers study of river bank problems at Natchez, Miss.; $50,000 for the Ninety-Six NHS; $2,100,000 for the Kenai Fjords NP bridge; $2,700,000 for the Voyageurs NP visitor center; $1,000,000 for the C&O Canal-Harpers Ferry road repair; $1,000,000 for the Harpers Ferry NHP-Pedestrian access to C&O Canal; $1,046,000 for the Jean Lafitte NHP facility construction; $1,500,000 for the Glen-Canyon NRA-Halls Crossing, Bull Frog Ferry; $2,500,000 for the Gateway NRA Sandy Hook Feeder beach and dunes only; $200,000 for the New River Gorge facilities; and decreases of $2,804,000 for Grate Kills Seawall, Phase I and $5,862,000 for Great Kills Seawall, Phase II; $930,000 for asbestos removal at Golden Gate NRA; $3,000,000 for the Gulf Islands NS-Naval Live Oaks Visitor facility; and $300,000 for the Martin Luther King, Jr. NHS.

The managers direct the Service to investigate the benefits of providing a new access point off the Natchez Trace Parkway to the Bay Springs County Road east of the Tennessee-Tombigbee Waterway and south of State Highway No. 4 in Tishomingo County, Miss. As part of the study a determination of consistency with Park Service policy and a summary of local governmental positions should be included.

The managers agree that the Service should make funds available to stabilize and correct health and safety problems at Kettle Falls Hotel in Voyageurs NP.

Funds, authorized to be appropriated from the Highway Trust Fund for the Cumberland Gap tunnel project, will finance engineering, roadway and bridge access, and pilot tunnel boring. The tunnel will permit relocation of Route 25E from the heart of Cumberland Gap to a mountain ridge tunnel south of the national park. This will eliminate through traffic from the historic gap and divert it to a safer route.

The managers have agreed to reevaluate the need for construction/rehabilitation funding for the Martin Luther King, Jr. NHS as soon as an adequate base of actual cost data is available for review.

Amendment No. 37: Restores language specifying that not less than $936,000 shall be available to carry out the provisions of Sections 303 and 304 of Public Law 95-290 as proposed by the House instead of deleting this language as proposed by the Senate. This provides additional loan and grant authority to the Lowell Historic Commission.

Amendment No. 38: Restores language specifying that not less then $1,076,000 shall be available for the Paul H. Douglas Environmental Center at Indiana Dunes Lakeshore as proposed by the House instead of deleting language as proposed by the Senate.

Amendment Nos. 39 & 40: Restore language specifying that not less than $300,000 shall be available for removal of the sewage treatment plant located in the Cuyahoga Valley National Recreation Area which shall be a result of the Secretary of the Interior (acting through the National Park Service) entering into a cooperative agreement with Summit County for the undertaking of such a project.

The managers agree that the Federal share of the total project expenses shall not exceed 40 per centum.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *, of which not to exceed $1,500,000 for engineering and construction of the Halls Crossing-Bullfrog Ferry access roads and ramps in Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Service and the State of Utah*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to proceed with the construction of access roads and ramps in the Glen Canyon NRA and have agreed to provide funds for that project to the State of Utah, subject to a cooperative agreement between the Service and the State.

Amendment No. 42: Provides $14,000,000 for liquidation of contract authority to be derived from the Highway Trust Fund for engineering services, roadway and bridge access, and pilot tunnel bore work for the Cumberland Gap Tunnel instead of providing no funding as proposed by the House and $19,000,000 as proposed by the Senate.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That up to $1,000,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the United States Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the United States Army Corps of Engineers.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have provided that $1,000,000 of the total funding provided in the National Park Service construction appropriation account is to be derived from the Historic Preservation Fund and that it be provided to the Corps of Engineers for a study of bank erosion that is threatening historic districts in Natchez, Mississippi. The managers have provided these funds in addition to other funds provided under the Historic Preservation account.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $148,150,000 for land acquisition instead of $161,471,000 as proposed by the House and $149,450,000 as proposed by the Senate. The managers on he part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The allowance provides funds for the following:

Acquisition Management	7,800,000
Appalachian Trail	8,500,000
Big Cypress NP	2,000,000
Buffalo NR	1,000,000
Chaco Culture NP	500,000
Chattahoochee River NRA	1,000,000
Coronado NM	1,000,000
Cuyahoga River NRA	2,500,000
Franklin Delano Roosevelt NHS	400,000

Golden Gate NRA (Zinardi Property)	2,200,000
Indiana Dunes NL	1,500,000
Jean Lafitte NHP	3,000,000
Lower St. Croix WSR	1,500,000
Manassas NBP	3,000,000
Monocacy NBP	3,000,000
New River Gorge	1,000,000
Obed WSR	1,000,000
Olympia NP	2,000,000
Point Reyes NS	1,000,000
San Antonio Missions NHS	1,000,000
Santa Monica Mountains NRA	15,000,000
Upper Delaware NSR	600,000
Upper St. Croix WSR	500,000
Voyageurs NP	4,000,000
Woman's Rights NHP	500,000
Deficiencies	1,500,000
Total	67,000,000

No funds have been provided at this time for acquisition at Valley Forge NHP, Pa, on the basis that there is currently available over $2,000,000 in unobligated funds.

The managers have agreed that the properties in the Saratoga NHP, N.Y. threatened by development are to be acquired by a reprogramming proposal, and that the Department should not await the completion of the land protection plan if that further threatens those properties.

The managers have provided $15,000,000 for the Santa Monica Mountains NRA, California. The managers have agreed that the funds have been provided for the acquisition of parcels that (1) are threatened, (2) are located for the most part within Significant Ecological Areas, and (3) are within local jurisdictions that have concretely demonstrated their commitment toward protecting the Santa Monica Mountains NRA. The following areas are included in the allowance: Upper Zuma Canyon, Lower Zuma Canyon, Quaker Corporation Property, Trancas Canyon, Mansdorf Property, Deer Canyon, Oren Realty.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses.

GEOLOGICAL SURVEY

Amendment No. 46: Appropriates $367,080,000 for surveys, investigations, and research, Geological Survey instead of $374,951,000 as proposed by the House and $356,074,000 as proposed by the Senate.

The net increase of $11,006,000 over the amount proposed by the Senate is composed of increases of $2,000,000 for digital mapping; $1,500,000 for synthetic aperture radar; $3,000,000 for earthquake hazard reduction; $240,000 for geomagnetism; $492,000 for climate change; $1,000,000 for the geothermal investigations program under energy geologic surveys; $1,000,000 for the core program of hydrological research, $1,000,000 for water resource assessment, $1,500,000 for ground water contamination studies, and $900,000 for the water resource scientific information center, all under Federal water resources investigations; $500,000 for data collection, analysis and appraisal; and $1,000,000 for water use and reuse study and analysis, both under the Federal-State water resource cooperative program.

Decreases from the amounts proposed by the Senate include $3,000,000 for map revision and orthophotoquads, $75,000 for general administration costs associated with the special assistant to the director of the U.S. Geological Survey for Congressional and Legislative Affairs, and $51,000 for administrative costs associated with program changes.

The managers are aware of what may be a severe disparity in what are considered acceptable administrative or "overhead" costs for each of the Survey's programs and the amount of overhead that is, in fact, being charged to the program. Accordingly, the Survey is expected to report to the House and Senate Committees on Appropriations by January 1, 1984, on the method by which overhead costs are charged to each program and the precise dollar amount of such overhead associated with each program, activity or subactivity performed by the Survey.

For synthetic aperture radar, the managers expect the Department to take the necessary steps to both promote and market the real and synthetic aperture radar data which has been developed by the Survey so as to recover as much of the costs of this program as possible.

Amendment No. 47: Earmarks $48,113,000 for Federal-State water resource investigations instead of $49,613,000 as proposed by the House and $47,613,000 as proposed by the Senate.

The increase over the amount proposed by the Senate is composed of increases of $500,000 for data collection, analysis and appraisal and $1,000,000 for water use and reuse study and analysis.

MINERALS MANAGEMENT SERVICE

Amendment No. 48: Appropriates $163,561,000 for leasing and royalty management instead of $155,103,000 as proposed by the House and $163,803,000 as proposed by the Senate.

The net increase of $8,458,000 above the amount proposed by the House represents a budget amendment formally submitted to Congress on September 15, 1983 for the royalty management and systems development and maintenance activities.

Amendment No. 49: Earmarks $34,869,000 for royalty management activities instead of $26,411,000 as proposed by the House and $35,111,000 as proposed by the Senate.

The managers have increased royalty management and systems development and maintenance activities by $8,458,000 over the amount proposed by the House; including an additional $3,144,000 for onshore royalty management (royalty collection), $300,000 for offshore royalty management (royalty compliance), and $5,014,000 for systems development and maintenance.

Amendment No. 50: Transfers no funds to the general fund of the Treasury as proposed by the Senate instead of $126,550,000 as proposed by the House.

The managers agree that no funds shall be deducted from Federal onshore mineral leasing receipts prior to their division and distribution pursuant to 30 U.S.C. 191, to offset the costs associated with the Minerals Management Service's royalty management program or with the Bureau of Land Management's payment-in-lieu-of-tax program.

BUREAU OF MINES

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $136,425,000 for mines and minerals under the Bureau of Mines instead of $127,865,000 as proposed by the House and $129,925,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net changes from the amounts proposed by the House include increases of $1,360,000 for phases two and three of a controlled burnout demonstration project, $9,350,000 for minerals institutes, and $50,000 for general administration (Congressional Affairs); and decreases of $1,700,000 for respirable dust research under health and safety technology and $1,500,000 for mining technology. Within the $9,350,000 for minerals institutes, $4,650,000 is to be distributed equally among the 31 minerals institutes throughout the nation, $1,500,000 is for respirable dust research to be conducted at the generic research center at West Virginia University and Pennsylvania State University, and $3,200,000 is to be distributed equally to the remaining four generic research centers for new and ongoing research efforts.

Amendment No. 52: Earmarks $81,265,000 to remain available until expended instead of $84,605,000 as proposed by the House and $73,765,000 as proposed by the Senate.

Amendment No. 53: Derives $2,564,000 from the amount appropriated in Public Law 97-257 to carry out the purposes of section 2(b) of Public Law 96-543 to offset fiscal year 1984 Bureau of Mines costs as proposed by the Senate instead of $5,064,000 as proposed by the House.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Amendment No. 54: Appropriates $65,450,000 for regulation and technology instead of $65,900,000 as proposed by the House and $65,050,000 as proposed by the Senate. The net change from the amount proposed by the House includes an increase of $50,000 for Congressional Affairs and a reduction of $500,000 for technical support. The managers expect OSM to pursue the notice of violations identified in Judge Gash's order within available funds. The managers also agree that OSM should discontinue the policy of reducing the Federal program grant by an amount equal to the civil penalty fines collected by a state.

Amendment No. 55: Appropriates $229,228,000 for the abandoned mine reclamation fund instead of $251,028,000 as proposed by the House and $218,779,000 as proposed by the Senate.

The net change from the amount proposed by the Senate includes increases of $250,000 for reclamation fund management, $2,000,000 for emergency projects, $7,500,000 for Rural Abandoned Mine projects, and $700,000 for Federal projects. There is a decrease of $1,000 in the amount provided for standard level user charges.

The $700,000 increase for Federal projects is to complete the Hyde Park Subsidence Control project in the City of Scranton. The managers expect the Office of Surface Mining to complete the Keystone Park Program within available funds. The managers further expect the Commonwealth of Pennsylvania to complete the Hampten-Stauffer Park project with funds from the state's future share of AML funds.

The RAMP amount is provided to restore this program to the way it had been administered prior to fiscal year 1983 as authorized in section 406 of Public Law 95-87.

The managers are aware of an OSM proposal for a 10 year allocation of the Secretary's share of the abandoned mine reclamation fund. The managers agree that it is pre-

mature at this time to make this allocation based on the current National Abandoned Land inventory. Not only the Department's Inspector General but also the states have identified significant problems with the inventory which may distort the final allocation. Accordingly, no 10 year allocation should be made until the inventory has been updated and more accurately reflects the extent of each state's abandoned mine land problems. OSM should work actively with the states to update the inventory.

Amendment No. 56: Deletes Senate earmark of $1,000,000 of the funds made available to the State of Montana for state reclamation grants. The managers agree that within available funds $1,000,000 of the Montana funds under section 402(g)(2) of Public Law 95-87 shall be used for reclamation of the Colorado Tailings site in Montana. Federal involvement in this project shall not be construed to relieve Anaconda of responsibility.

BUREAU OF INDIAN AFFAIRS

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *in field offices, $822,302,000 of which not to exceed $54,135,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985: Provided, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: Provided further, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)): Provided further, That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of the following: increases of $500,000 for school board training, $400,000 for special higher education grants, $240,000 for Southwestern Indian Polytechnic Institute; $266,000 for Oglala Sioux continuing education, $1,000,000 for Indian Child Welfare Act grants, $500,000 for water resources, $1,523,000 for wildlife and parks, $525,000 for minerals and mining, $1,375,000 for irrigation and power, $1,500,000 for litigation support and unresolved Indian rights issues, $450,000 for program management, and $521,000 for facilities management; and decreases of $610,000 for education MIS, $400,000 for Navajo Community College, $1,500,000 for small tribes initiative, $450,000 for attorneys' fees for non-Indians, $188,000 for Oglala Sioux real estate and financial trust services, and $3,160,000 for management and administation.

The managers agree that the $500,000 provided for school board training should be used for centralized or regionalized training, and should not be allocated on the basis of a set amount per school board. The Indian Child Welfare Act grant funds should not be allocated on a formula basis, but based on the merit and need of the proposals. The managers agree that this is an important program, and direct the Bureau to ensure the needs of all Indian children needing this type of assistance are met.

While no additional funds have been provided for the Solo Parent program, the managers agree that the child care equipment remaining at the Intermountain Boarding School should be immediately transferred to the Sherman and Flandreau Boarding Schools, and additional equipment procured if required. The total increase provided for fisheries of $2,500,000 includes $100,000 for the Lander, Wyoming fishery assistance station. The balance should be used to meet high priority needs among the programs named in both the House and Senate reports. The increase is offset by a reduction of $554,000 reflecting the agreement of the managers that the Warm Springs and Makah hatcheries should continue to be funded by the Fish and Wildlife Service. The $525,000 net increase in minerals and mining consists of an increase of $600,000 for subsurface resource assessments for the Choctaw, Penobscot, Passamaquoddy, and Osage tribes; and a decrease of $75,000 to correct the Oglala Sioux adjustment.

The managers agree that assessments for Category I irrigation projects should reflect the full capacity to pay and direct the Bureau to make such rate adjustments. The managers agree with the direction in the House report regarding the need for more detailed and complete justifications for the irrigation O&M account in the future.

The managers agree that total increases of $1,000,000 for litigation support and $1,000,000 for unresolved Indian rights issues are provided, with $500,000 of the costs to come from rights protection Central Office funds.

The managers agree that no funds are provided for the lease or purchase of additional ADP equipment; or the acquisition or development of additional hardware or software systems, including education MIS. In addition, leases for all unused ADP equipment should be cancelled, and the equipment returned to the supplier. Of the $8,243,000 identified in the House Report to be used to offset the general overhead reduction, up to $3,000,000 may be used by existing ADP systems which are currently being used to support essential program administration functions. During the first quarter of fiscal year 1984, the Bureau should develop and submit to the Appropriations Committees a budget for these funds, showing amount, source, and use of all such funds. If any additional funds are required for this purpose, the Bureau should submit a reprogramming, detailing the amount required, and for what purposes. The balance of the $8,243,000 should be used as directed by the House, to offset the general overhead reduction. The $1,364,000 that was to be used for procuring field equipment should be used to carry out the purposes of the programs where budgeted. The Bureau should also prepare and submit to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs a plan incorporating the directives contained in House Report 98-253, including a timeframe for implementation, how the directives will be accomplished, and estimated costs.

The increase of $450,000 in program management is to restore facilities management FTE's to 88.

The managers agree funds are provided to allow operation of 20 Alaska day schools in fiscal year 1984. The existing prekindergarten projects may be funded from Johnson-O'Malley funds. The Bureau should cooperate with the Department of Education in conducting its evaluation of the Indian contract schools.

Within the funds provided for forestry, the Bureau is instructed to continue funding the Quinault Indian Tribe's Special Foresty Management and Restoration program at $475,000.

Of the total amount provided for minerals and mining, the managers understand that $471,000 for Phase III mineral assessment projects will be made available to the Colville Tribe in Washington.

Within the request for management and administration is $412,000 and nine FTE for the Congressional and Legislative Affairs Office.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the cost of providing lunches for non-needy students in public schools shall be paid only from Johnson-O'Malley funds allocated for such schools.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $200,000 shall be transferred to the city of Brigham City, Utah.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for investment of operation and maintenance collections from Indian irrigation projects.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language regarding architectural and engineering services by contract.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language regarding architectural and engineering services by contract, and inserts language providing for the construction, repair, and improvement of Indian housing.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $78,920,000 for construction instead of $56,320,000 as proposed by the House and $75,425,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of an increase of $4,000,000 for facilities improvement and

repair; and a decrease of $505,000 for hatcheries improvements.

The managers agree that the Bureau shall provide $400,000 for planning and design, from unexpended balances available in this account.

Although no funds have been provided for hatcheries improvements, the managers agree that attention should be paid to the condition of Indian fish hatcheries, whether owned by tribes or Fish and Wildlife Service.

The managers have agreed to the transfer of the housing program from the Operation to the Construction account. The Bureau should adhere to the distribution based on the tribal priority-setting process in fiscal year 1984. Beginning in fiscal year 1985, the Bureau should develop a program which is more cost-effective and better meets identified housing needs. The criteria for such a program might include establishing priorities for tribes which have not received funding in prior fiscal years; where appropriate, a determination of the administrative, management, and accounting capabilities of the tribe to implement a housing program; the percentage of housing units of the tribe in substandard condition; and the housing needs of the tribe as shown in the biennial housing inventory of the Bureau of Indian Affairs.

The Bureau should immediately begin the process of consultation and planning for the closure of the Magdalena and Phoenix boarding schools, upon completion of the Alamo Navajo and Hopi schools.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $900,000 for the Eastern Indian land claims fund.

Amendment No. 65: Inserts the word "and" as proposed by the Senate.

Amendment No. 66: Deletes language citing the Act of May 27, 1930, as proposed by the Senate.

Amendment No. 67: Adds citation to the Indian Financing Act of 1974, as proposed by the Senate.

Amendment No. 68: Adds citation to the Indian Financing Act of 1974, as proposed by the Senate.

Amendment No. 69: Adds citation referring to the Indian loan guarantee and insurance fund, as proposed by the Senate.

Amendment No. 70: Adds legislative citation, as proposed by the Senate.

Amendment No. 71: Adds the words "et seq." as proposed by the Senate.

Amendment No. 72: Adds legislative citation, as proposed by the Senate.

Amendment No. 73: Adds the words "et seq." as proposed by the Senate.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the expenditure of funds for academic and residential programs at the Intermountain Boarding School.

The Bureau should ensure that all appropriate actions are taken regarding the placement of Intermountain students, faculty and staff.

Territorial and International Affairs

Amendment No. 75: Appropriates $79,262,000 for administration of territories instead of $75,262,000 as proposed by the House and $86,564,000 as proposed by the Senate.

The decrease from the amount proposed by the Senate consists of reductions of $2,000,000 for repair and rehabilitation of the Guam Memorial Hospital, $2,502,000 for an American Samoa operations inflation grant, $500,000 for the American Samoa economic development fund, $2,000,000 for the repair of water distribution systems on the Virgin Islands, and $300,000 for technical assistance.

The managers agree that the Department should use up to $200,000 of funds appropriated for technical assistance to allow a demonstration of the third-party leasing concept discussed in House Report 97-942. Review of this concept has indicated it may be a very cost-effective and timely way to meet the power and water needs of the Territories and the Trust Territory.

Amendment No. 76: Provides that $77,192,000 remain available until expended instead of $73,192,000 as proposed by the House and $84,494,000 as proposed by the Senate.

The decrease from the amount proposed by the Senate consists of decreases of $2,000,000 for repair and rehabilitation of the Guam Memorial Hospital, $2,502,000 for the American Samoa inflation grant, $500,000 for American Samoa's economic development fund, $2,000,000 for repair of the Virgin Islands water distribution system, and $300,000 for technical assistance.

Amendment No. 77: Provides $11,350,000 for construction grants to Guam as proposed by the House instead of $13,350,000 as proposed by the Senate.

The decrease from the amount proposed by the Senate is $2,000,000 for repair and renovation of the Guam Memorial Hospital.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $112,109,000 for the Trust Territory of the Pacific Islands instead of $104,973,000 as proposed by the House and $111,767,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase from the amount proposed by the House consists of increases of $2,000,000 for enhanced operations and maintenance; $800,000, $235,000 and $353,000 for inflation costs for the Federated States of Micronesia, the Marshall Islands and the Republic of Palau, respectively; $1,500,000 for airfield construction on Kosrae; $1,000,000 for new generating equipment on Ponape; $968,000 for electric generation facilities on Truk; $3,700,000 for water system construction on Palau; and $4,500,000 for power generation facilities on Palau.

Decreases from the House proposal include $1,520,000 for unspecified capital improvements on Palau, $2,400,000 for construction of four air terminals throughout the Trust Territory, and $4,000,000 for the four atoll health care program.

The managers note that despite the reduction of $2,400,000 for fiscal year 1984 for the four air terminals, there nevertheless remains strong support for construction of these necessary facilities in the future. The managers further note that funding was deleted for the four atoll health care program only because the managers believe this program is the responsibility of the Department of Energy and should thus be funded from monies appropriated for nuclear research and development within that Department. The managers expect the Secretary of the Interior to work with the Secretary of Energy to develop and implement this program as quickly as possible.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $78,521,000 for Trust Territory operations instead of $79,133,000 as proposed by the House and $80,249,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $33,588,000 for Trust Territory construction grants instead of $25,840,000 as proposed by the House and $31,518,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 81: Deletes House language regarding the four atoll health care program.

Amendment No. 82: Provides that the High Commissioner of the Trust Territory must approve a cholera eradication expenditure plan as proposed by the House.

The managers agree that the proximity of the High Commissioner of the Trust Territory to Truk makes it logical and, in fact, necessary that the High Commissioner play an integral role in the approval of an expenditure plan for cholera eradication efforts on Truk prior to the release of funds for such activities.

DEPARTMENTAL OFFICES

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $44,068,000 for the Office of the Secretary instead of $41,,882,000 as proposed by the House and $43,806,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to an increase above the amount proposed by the Senate consisting of increases of $200,000 for environmental project review and $605,000 for the Office of Policy Analysis; and decreases of $75,000 for public affairs, $100,000 for program direction and coordination, $77,000 for the Office of Administration Services, $149,000 for information resource management, and $142,000 for central services.

For the Office of Policy Analysis, the managers have provided $750,000 for policy analysis relating to water issues which affect action, taken or planned to be taken by the Department of the Interior, and $100,000 to restore funds that were used in 1983 to absorb a portion of the pay supplemental. The managers have provided no additional funds to provide a base adjustment factor above 8 percent.

Amendment No. 84: Appropriates $19,463,000 for the Office of the Solicitor instead of $19,263,000 as proposed by the House and $19,663,000 as proposed by the Senate. The increase above the amount provided by the House consists of $150,000 for legal services and $50,000 for general administration.

The managers agree that the Solicitor shall refrain from billing other bureaus for legal services.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $16,814,000 for Office of the Inspector General instead of $17,100,000 as proposed by the House and $16,899,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The change from the amount proposed by the House is an increase of $286,000 for standard level user charges and a decrease of $85,000 in administrative expenses.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Office of Water Policy

For grants to State water resource research institutes as described in title I (except section 105), Public Law 95-467, $6,350,000, hereby transferred to "Surveys, Investigations, and Research", Geological Survey.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This appropriates $6,350,000 for the Office of Water Policy instead of $7,882,000 as proposed by the Senate.

The managers have agreed to transfer $6,350,000 from the Office of Water Policy to surveys, investigations, and research, Geological Survey for grants to State water resource research institutes as described in title I (except section 105) of Public Law 95-467. The managers believe that the expertise of the Geological Survey in a variety of water research areas makes that agency the best qualified to administer and, where appropriate, to provide scientific support for this cooperative resource research institute program. The Department is expected to administer the program in a manner consistent with its present administration.

The managers believe that the recently created Office of Water Policy, which serves as a secretarial policy office and functions as a focal point for Interior related water issues, proceeding from the premise that the States have primary rights in water allocation, planning and coordination, is unnecessary as a separate office in light of the operations of the Secretary's Office of Policy Analysis, which is responsible for all other policy issues. The managers expect that such policy development will continue in the already-established Office of Policy Analysis and have provided an additional $750,000 for this purpose.

Amendment No. 87: Appropriates $800,000 for construction management as proposed by the Senate instead of $1,275,000 as proposed by the House.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 88: Provides an updated United States Code citation as proposed by the Senate.

Amendment No. 89: Provides that no funds may be expended for OCS lease activities in the Central and Northern California planning area north of a line between the row of blocks numbered N816 and N817 as proposed by the House.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

Sec. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degrees west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks, 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

(e) Nothing in this section shall prohibit the lease of that portion of any block described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subection (d) above: Provided, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Adminstration, Department of Commerce on the date of enactment of this Act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact studies as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams and isobaths are to such blocks, protracting diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude, (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have agreed to impose a one year moratorium on oil and gas leasing within portions of OCS lease sale 82. Specifically, the managers have agreed to prohibit leasing in specific blocks which are contained in the areas generally known as the "buffer zone" within 50 miles of the Massachusetts coastline, the 60 meter isobath, the Great South Channel, and the traffic separation and precautionary areas. The managers have also included a one-year leasing prohibition on submarine canyons and submarine canyon heads located within the area known as the shelf break zone so as to ensure that no leasing will take place in these environmentally sensitive areas. The managers believe that this action will permit continued oil and gas leasing in the North Atlantic while at the same time provide time for interested states and inviduals and the Department of the Interior to resolve concerns associated with this sale.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following blocks located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165,169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-976, 1009-1011; and

(d) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) Nor exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment prohibits leasing during fiscal year 1984 in the "seagrass bed" area, the "Florida Middle Ground" area and a portion of the area south of 26° N. latitude in the Eastern Gulf of Mexico.

Amendment No. 92: Restores House language deleted by the Senate prohibiting the renaming of Mr. McKinley.

Amendment No. 93: Restores section number 111 designated by the House instead of section number 107 designated by the Senate.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401 until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Provisions in the bill restricting coal lease sales in FY 1984 have been rewritten in order to avoid confusion over the responsibilities of the Commission on Fair Market Value Policy for Federal Coal Leasing. The language adopted by the Senate directed a commission to review the Department's coal leasing and valuation procedures to ensure both receipt of fair market value and the development of coal leases in an environmentally compatible manner. The managers do not expect the Commission on Fair Market Value Policy for Federal Coal Leasing to study the environmental issues associated with the leasing program. Instead, the managers will direct the Office of Technology Assessment to provide the Congress with an assessment of the program's ability to ensure "the development of coal leases in an environmentally compatible manner". The OTA report would be completed by the time the Commission completes its review of fair market value policy.

The conferees are confident that the Commission on Fair Market Value Policy will review all aspects of the Federal coal leasing program related to determining the value of Federal coal tracts, including the following issues, before reporting to the Congress:

the methodology for estimating fair market value, including economic valuation methods, pre-sale versus post-sale analysis, and the value of independent and review appraisals;

the impact on competition and achieving fair market value of leasing large amounts of coal, particularly under depressed market conditions, versus a more moderated leasing schedule;

whether the leaseholder should share more in the risk of holding the lease by increasing rental rates, on a regionally adjusted basis;

whether the public should share in the appreciation of the value of its resources by imposing a tax on transfers of surface or lease rights;

the methodology for assigning value to maintenance tracts, based on the value of the coal in the ground to the adjoining mine owner rather than as a "competitive" lease tract, when no competitive interest can be expected;

possible methods of increasing competition, such as changing tract delineation methods, requiring meaningful fees to accompany expressions of interest, adopting intertract bidding procedures, or requiring a minimum number of bids in order to have a competitive sale;

methods of evaluating tracts to reflect regional differences in coal, and establishing cents-per-ton minimums on a regional basis;

whether pre-sale planning procedures are adequate, particularly with regard to land-use planning, public participation, and the role of the Regional Coal Teams in determining the timing and amount of leasing; and

methods of carrying out authorized exchanges so as to minimize adverse effects on sales competition.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(a) No funds in this or any other act may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning area described in (1) through (4) below. No funds may be expended for lease or sale of lands within the area described in (1) through (4) so long as adjacent State Tidelands continue to be designated as State Oil and Gas Leasing Sanctuary pursuant to Sec. 6871.1 et seq. of the California Public Resources Code, or the State Lands Commission does not enter into any lease for the extraction of oil and gas on State-owned tide and submerged lands within the areas described:

(1) An area of the Department of the Interior Southern California Planning Area off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.1 et seq. of the California Public Resources Code in effect September 29, 1983, and extending from the seaward extension of the northerly city limits of the City of Newport Beach south to the southerly boundary of the State of California and from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is at least three miles seaward of the seaward limit of the California State Tidelands;

(2) An area of the Outer Continental Shelf, as defined in Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 (a)), located in the Pacific Ocean off the coastline of Santa Monica Bay defined in subparagraph (A) or (B), whichever lies further from the seaward limit of the California State Tidelands:

(A) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is three miles seaward of the nearest point of the base line and which is located between the lines extended due south from the eastern and western boundaries of the sanctuary; or

(B) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and which lies shoreward of a straight line between the northeast corner of block 42N, 50W, and the midway point between the northwest corner of block 36N, 42W, and the southeast corner of block 37N, 43W on the California (Lambert) Plane Coordinate System.

(3) An area within the boundaries of the Channel-Island National Marine Sanctuary, as defined by Title 15, part 935.3 of the Code of Federal Regulations; and

(4) An area within the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by Department of the Interior, Bureau of Land Management Public Land Order 4587 (Vol. 34, page 5655 Federal Register March 26, 1969).

(b) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands in OCS Lease Sale #80 which lie within an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as defined by Sec. 6871.1 et seq. California Public Resources Code in effect September 29, 1983,

from the City of Newport Beach south to the southerly boundary of the State of California and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is 9 miles seaward of the seaward boundary of the California State Tidelands.

(c) Until January 1, 1985, no funds provided in this title may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning area, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 (a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which lies within a line on the California (Lambert) Plane Coordinate System beginning at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State Tidelands: thence south to the midpoint of block 40 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 44 west; thence due east to the first point of intersection with a line extended due south from Point Fermin along the eastern boundary of the State of California oil and gas sanctuary in effect on June 1, 1982: thence north along that line to the first point of intersection with the seaward boundary of the California State Tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State Tidelands.

(d) This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit which is restricted to scientific exploration or other scientific activities, or pre-leasing activities necessary up to the point of sale.

(e) Leasing within the Department of the Interior's Southern California Planning Area under funding provided in this title shall be conducted according to the stipulations similar to those agreed upon in the Lease Sale 73 memorandum of agreement between the State of California and the Department of the Interior, unless the Governor of California and the Secretary of the Interior agree that other provisions are more appropriate.

(f) In OCS Lease Sale 80, lease or sale of lands affecting the responsibilities of the Department of Defense shall be with the concurrence of the Secretary of Defense.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement establishes a permanent ban on leasing in a 3 mile area adjacent to state oil and gas drilling sanctuaries from the area south of Newport Beach to the US-Mexico border, the Santa Monica Bay area, the Santa Barbara channel ecological preserve, and the Channel Islands National Marine Sanctuary. In addition no sale may be held in the Newport Beach/San Diego area within a 12 mile zone before Janaury 1985. A moratorium until January 1985 is also in effect in the Santa Monica Bay area out to the outer boundary of the shipping lanes. The Secretary of Interior must also have the concurrence of the Secretary of Defense regarding leasing or operation in any area affecting the responsibilities of the Department of Defense. Environmental stipulations similar to those agreed to by the State and the Department on lease sale #73 are also required.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named, insert: *114*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate language prohibits the Department from recovering certain grant moneys paid to municipalities following failure of the Teton Dam in 1976.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 115. Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-sections, maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

The managers on the part of the Senate will move to concur in the amendment on the House to the amendment of the Senate.

TITLE II—RELATED AGENCIES

Forest Service

Amendment No. 98: Appropriates $108,555,000 for forest research instead of $110,316,000 as proposed by the House and $105,108,000 as proposed by the Senate.

The increase above the amount proposed by the Senate consists of the following: increases of $307,000 for fire and atmospheric sciences, $1,305,000 for insects and disease, $676,000 for renewable resource evaluation, $240,000 for renewable resource economics, $259,000 for surface environment and mining, $560,000 for wildlife, range and fish, and $100,000 for recreation research.

The managers agree that the insect and disease increase includes increases of $75,000 for Texas live oak mortality, $170,000 for Southern pine beetle, and $61,000 for mountain pine beetle. Also included is $2,800,000 for the integrated gypsy moth research program, which has been developed over the past year. The Forest Service should implement this program immediately.

The increase for renewable resource evaluation includes an increase of $84,000 for Anchorage, Alaska. Within trees and timber management, the following increases are included: $120,000 for Forestry Intensified Research (for a Forest Service program level of $1,000,000), $300,000 for Sewanee, Tenn., lab, $137,000 for Boise, Idaho, lab, $309,000 for Durham, N.H., genetics research, $41,000 for Bend, Oregon, $90,000 for Moscow, Idaho, $144,000 for Fairbanks, Alaska, and a total increase for genetic engineering research of $700,000.

Within wildlife, range and fish, increases are included for range evaluation ($353,000), and old growth habitat ($600,000). The increase of $100,000 in recreation is for urban forestry research.

The managers agree that an increase of $149,000 is included for Reno, Nevada.

Amendment No. 99: Appropriates $60,579,000 for state and private forestry instead of $64,169,000 as proposed by the House and $51,730,000 as proposed by the Senate.

The net decrease from the amount proposed by the House consists of decreases of $2,230,000 for forest pest management, $425,000 for fire protection, $1,000,000 for management improvement; and an increase of $65,000 for forest level information processing system.

The managers agree that the forest pest management funds should be used to meet high priority needs, and note that the mountain pine beetle infestation in Colorado is one such need.

The managers agree that the $3,340,000 included to help control erosion in the Lake Tahoe Basin should be directed toward solving existing erosion problems.

Amendment No. 100: Restores House language earmarking not less than $3,300,000 for high priority projects within the scope of the approved budget of the Forest Service to be carried out by the Youth Conservation Corps.

Amendment No. 101: Appropriates $888,506,000 for national forest system instead of $869,873,000 as proposed by the House and $894,041,000 as proposed by the Senate.

The net decrease from the amount proposed by the Senate consists of the following: increases of $2,000,000 for land management, $600,000 for land line location, $1,000,000 for trail maintenance, $5,500,000 for recreation management, $1,000,000 for wildlife and fish, and $1,200,000 for soil, water and air; and decreases of $3,335,000 for minerals, and $13,500,000 for timber sales and harvest administration.

The managers agree that funds have been restored for the forest level information processing system. The Forest Service should include a special schedule in the fiscal year 1985 budget justification, showing the costs for the system, and the source of funds, as well as a complete discussion of the status of installation, updated estimates of costs, and other information as requested by the House.

Funds have been provided to allow for a new timber sales preparation and offer program of 11.7 billion board feet, and an assumed harvest level up to 10.0 billion board feet.

The net increase in land line location consists of a decrease of $600,000 in timber sales support, and an increase of $1,200,000 for recreation and trespass resolution activities. The decrease in timber sales includes a decrease of $1,100,000 for Helistat and $1,400,000 for wood residue utilization. The managers will re-evaluate the need for an increase for Helistat, when more information from the testing becomes available. The managers agree wood residue utilization activities may be carried out within available funds.

The total increase of $6,000,000 in recreation management is for recreation use activities. The funds budgeted for the Gifford Pinchot Institute in this program ($270,000) may be used for timber sales support, to the extend needed.

The net increase for wildlife and fish includes an increase of $1,300,000 for threatened and endangered species, and a decrease of $300,000 in timber sales support. The increase is for the following: grizzly bear ($800,000); peregrine falcon ($120,000); Lahoutan Payute trout ($140,000); mountain caribou ($150,000); blackfoot ferret ($20,000); bald eagle ($30,000); Arizona trout ($20,000); endangered plants ($20,000). An additional $100,000 of wildlife funds are available for the woodland caribou recovery program.

The net increase for soil, water and air consists of a decrease of $300,000 for timber sales support, and increases of $500,000 for soil and water improvements and $1,000,000 for soil and water inventories.

Within the increase for range improvements is $50,000, to continue the pilot grazing project on the Tonto National Forest.

The managers agree that $6,375,000 of NFS funds may be spent on Oregon and California grant lands. However, all funds to be expended on O&C grant lands in fiscal year 1985 must be budgeted and fully justified under the O&C grant lands account in the Bureau of Land Management, whether to be expended by BLM or the Forest Service.

The managers note that the Forest Service has a transaction evidence analysis (TEA) test underway in Region 1 and Region 10. The Forest Service plans to expand that test in the spring of 1984 if the current test results are deemed satisfactory. While the managers support the Forest Service in these efforts to test TEA and hope that further expansions will be warranted, they also want the opportunity to review the early test results before an expansion occurs. Therefore, the managers direct the Forest Service to submit these results to the Committees for review and approval before proceeding to an expanded test. The test results should address the impact of TEA on small operators and deficit sales.

Amendment No. 102: Appropriates $251,724,000 for construction instead of $241,604,000 as proposed by the House and $257,619,000 as proposed by the Senate.

The decrease from the amount proposed by the Senate consists of decreases of $495,000 for facilities (Lake Kincaid Recreation Area) and $5,400,000 for road construction.

The managers agree that the Forest Service may proceed with construction of the Red Bird ranger station in Kentucky.

Amendment No. 103: Provides $23,867,000 for facility construction instead of $15,137,000 as proposed by the House and $24,362,000 as proposed by the Senate.

Amendment No. 104: Provides $227,857,000 for construction of forest roads and trails instead of $226,467,000 as proposed by the House and $233,257,000 as proposed by the Senate.

Amendment No. 105: Provides that $240,000,000 will remain available without fiscal year limitation for construction of roads by timber purchasers as proposed by the House instead of $291,300,000 as proposed by the Senate.

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $38,552,000 for land acquisition instead of $36,352,000 as proposed by the House and $32,400,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The allowance provides funds for the following:

Acquisition Management	$4,000,000
Boundary Waters Canoe Area, Minn	3,000,000
Cascade Head SRA	800,000
Eleven Point WSR	600,000
Flathead WSR	600,000
Kirtland Warbler, Mich	800,000
Lake Tahoe (Burton-Santini), Nev., Calif	10,000,000
Lake Tahoe (L&WCPF), Nev., Calif	9,500,000
Rogue WSR	1,000,000
Sawtooth NRA, Idaho	2,500,000
Spruce Knob-Seneca Rocks, W. Va	800,000
Walkinshaw Wetlands, Mich	352,000
High-priority recreation composites	2,000,000
Endangered species habitat (California condor)	800,000
Daniel Boone NF, Ky. (Red River Gorge)	600,000
Monongehela NF (McClung tract), W. Va	1,200,000
Total	38,552,000

Amendment No. 107: Reported in technical disagreement. the managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for limitations on adjustments of recreational residence fees.

Energy security reserve

The managers understand that representatives of the Great Plains Gasification Associates coal gasification project now under construction in North Dakota have discussed the possibility of financial assistance under the Energy Security Act with officials of the Synthetic Fuels Corporation to supplement the existing $2,020,000,000 loan guarantee issued by the Department of Energy under the Federal Nonnuclear Energy Research and Development Act and other applicable appropriations acts.

The Synthetic Fuels Corporation has issued three general solicitations for projects. The managers believe that the statutory requirements for competitive bids have thus been met, consistent with the congressional intent of the Energy Security Act, and the Synthetic Fuels Corporation may, therefore, proceed to direct negotiations for financial assistance where appropriate under section 131(b)(4) of the act. While other statutory authority for assistance to the Great Plains project exists, such as that under section 127(c) of the Energy Security Act, the managers believe that this project qualifies for consideration for direct negotiation.

This statement by the managers should not be considered either support for, or opposition to, any award of financial assistance at this time to the Great Plains project by the Synthetic Fuels Corporation. Obviously, the Synthetic Fuels Corporation must fully protect the interests of the United States and must apply its usual standards in considering the type and level of support to be accorded Great Plains. There can be no suggestion of special or extraordinary support for Great Plains. A fair and consistent application of the Synthetic Fuels Corporation's established guidelines and policies should not, however, be precluded because Great Plain's financial assistance package was formulated by the Department of Energy under the Federal Nonnuclear Energy Research and Development Act prior to the development of the Synthetic Fuels Corporation's present programs and policies.

Further, it is the managers purpose to reassert the intent and commitment of the Congress to the goals and objectives of the Synthetic Fuels Corporation as expressed in the Energy Security Act of 1980.

The vital security interests of the United States depend on a full effort to move diligently to implement programs to develop tar sands and other resources in order to get these projects off the drawing boards and into commercial production. The managers are encouraged by the recent accelerated pace of awards of financial assistance to synthetic fuels projects and support current plans of the Corporation to substantially increase the number of awards in FY 1984.

DEPARTMENT OF ENERGY

Amendment No. 108: Inserts account title "Alternative Fuels Production" as proposed by the Senate.

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In Lieu of the matter inserted by said amendment, insert the following:

The Secretary of Energy shall, utilizing the funds remaining for project feasibility development studies appropriated under this head in Public Law 96-126 (93 Stat. 970 (1979)), use up to $200,000 to conduct a feasibility study of an alternative fuels wood pellet gasifier facility located near Sandpoint, Idaho

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows reimbursement to consultants who provided services reviewing grant applications to the Office of Alcohol Fuels within the Department of Energy in 1980.

Fossil energy research and development

Amendment No. 111: Appropriates $259,214,000 for fossil energy research and development instead of $265,914,000 as proposed by the House and $248,714,000 as proposed by the Senate.

The net change from the House is as follows: decreases of $250,000 for a review of acid rain and $300,000 for clean-up base technology: decreases in advanced research and technology development of $1,650,000 for liquefaction, $350,000 for gasification, $200,000 for coal combustion and $7,000,000 for environmental monitoring of Synthetic Fuels Corporation projects. The managers agree that the Synthetic Fuels Corporation is to use its own funds to contract with the Department of Energy so that the Department can carry out its responsibilities under section 131(f) of the Energy Security Act. There is an increase of $2,000,000 to the House level for generic research on fuel cell technology to continue the program begun in fiscal year 1983.

Decreases from the House position in coal liquefaction are $600,000 for the Wilsonville pilot plant and $1,500,000 for the coal liquefaction data base. The amount for Wilsonville is to continue the pilot plant and not to be used for termination costs.

Changes from the House position in combustion systems include an increase of $400,000 for atmospheric fluidized beds and a decrease of $500,000 in the amount provided for pressurized fluidized beds to permit follow-up testing at the IEA Grimethorpe facility. The managers expect the Department to work actively with Great Britain and West Germany to pursue appropriate testing to improve pressurized fluidized bed technology.

The only change to the fuel cell program proposed by the House is a decrease of $3,600,000 for the 7.5 MW air-cooled phosphoric acid system. The molten carbonate program includes $1,700,000 for the direct

fuel cell. For heat engines there is an increase of $500,000 for use of a coal fuel directly in diesels and gas turbines over that provided by the House. The House amount of $6,000,000 is provided for underground coal gasification.

For surface coal gasification there are three changes from the Senate level: increases of $1,000,000 for the technology data base and an increase of $2,500,000 for the Waltz Mill agglomerating fluidized bed gasifier and a decrease of $1,000,000 for component development of a liquid-sealed lockhopper system for feeding coal into high pressure gasification systems.

Changes from the House position in the petroleum area include increases of $2,000,000 for development of the cascading bed retort process and $1,350,000 for the Geokinetics horizontal modified in-situ project. The managers agree that the oil shale program needs to be redesigned. To further this effort, the managers have agreed to provide $2,000,000 to be applied to a comprehensive oil shale program.

The geopressurized methane program is included at the House level of $2,000,000.

The managers agree that $5,000,000 from prior year obligations are to continue testing at the Homer City bi-gas facility. The money comes from the following projects: $1,000,000 from liquefaction demonstration plants; $300,000 from heat engines, $700,000 from gasification demonstration plants and $3,000,000 from headquarters program direction.

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $15,000,000 in each of fiscal years 1985 and 1986 for a demonstration facility near Paducah, Kentucky, for the generation of electricity from coal using an atmospheric fluidized bed combustion process as proposed by the Senate.

Amendment No. 113: Appropriates $256,600,000 for the Naval Petroleum and Oil Shale Reserves as proposed by the Senate instead of $256,100,000 as proposed by the House.

Energy conservation

Amendment No. 114: Appropriates $431,131,000 instead of $528,045,000 as proposed by the House and $360,681,000 as proposed by the Senate. The net decrease from the amount proposed by the House consists of the following: increases of $1,500,000 for wall and roof support systems for buildings, $500,000 for windows and daylighting, $1,000,000 for thermal performance, $650,000 for community systems cogeneration, $273,000 buildings and community systems program direction, $7,000,000 for industrial process efficiency, $29,000 for program direction of industrial conservation programs, $1,400,000 for alternative transportation fuels, $2,200,000 for hybrid vehicle alternative propulsion systems, $81,000 for transportation program direction, $1,166,000 state and local grants program direction, $27,000 multi-sector program direction, $60,000 for program direction for policy and management, and $750,000 for policy and analysis on conservation programs in general; and decreases of $300,000 for indoor air quality, $5,000,000 for building controls and controls systems, $500,000 building performance prediction research, $500,000 for building performance monitoring, $5,000,000 for studies of institutional factors in building efficiency, $1,000,000 for building performance standards, $500,000 for urban waste, $1,000,000 for the residential conservation service, $250,000 specifically allocated for buildings and community systems policy analysis, $250,000 specifically allocated for industrial programs policy analysis, $4,000,000 for advanced gas turbine engines, $250,000 for transportation programs policy analysis, $50,000,000 for grants to schools and hospitals, $53,500,000 for weatherization grants, and $500,000 for the National Appropriate Technology Assistance Service.

The managers recommend that research on individual building components and systems be conducted in a manner that considers the effect of that single item on the building as a whole. Disregard for integration of research efforts can lead to conflicting and inefficient expenditures of funds as well as failure to maximize conservation opportunities.

The conference agreement provides $500,000 in new budget authority for the Residential Conservation Service. The managers direct that $2,500,000 in unobligated balances previously appropriated for this program, and subsequently deferred, be made available for immediate use in the RCS program together with the new budget authority for a fiscal year 1984 program operating level of $3,000,000.

While $800,000 of the funds in this bill are to be provided to Georgetown University for certain unanticipated problems which have occurred during the initial operating period of the National Exemplar Atmospheric fluidized bed boiler, the managers agree that no further Federal funding will be appropriated for this project.

The managers note that the Department's practice of budgeting for advanced battery and fuel systems in a separate appropriation bill obfuscates coherent consideration of the funding requirements for the electric and hydrid vehicle program. The managers expect that not less than $1,800,000 from funds appropriated in Public Law 98-50 shall be made available for advanced battery and fuel systems research in support of the electric and hybrid vehicle program.

A total of $33,100,000 is appropriated for transfer to NASA for management of certain transportation research programs specified in the bill. The managers remain concerned however, by the high rate of overhead charged by NASA for administration of these programs.

The agreement provides $1,500,000 for the inventors program. This funding, together with $550,000 in deferred funding should be made available immediately for a $2,050,000 level of program operations balanced between new grant awards and evaluation and assistance.

The managers are disappointed by the lack of conservation initiatives proposed by the Department in recent years. Clearly there are many conservation ideas, including some developed at the Carmel conference and others related to heavy duty trucks, for example, which merit further consideration. Consequently, $750,000 in policy analysis contact funds have been provided to identify conservation targets with the greatest potential energy savings. The managers will expect the Department to formulate fresh conservation concepts for inclusion in subsequent budget requests for Congressional consideration.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment earmarking $33,100,000 for transfer to NASA instead of $37,000,000 as proposed by the House and $38,100,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This adjustment to the amount to be transferred conforms to the change made to the House level for the automotive gas turbine program.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $7,000,000 for research, development, and demonstration of a process to produce steel by direct strip casting and makes provision for repayment to the U.S. Treasury.

The managers are encouraged by the potential energy savings of direct strip casting technology for certain types of steel production. In addition this technology offers the possibility of significant equipment cost reduction, environmental improvement, as well as the repatriation of thousands of jobs which were previously lost to foreign steel competitors. The managers, therefore, direct the Department of Energy to request proposals in January 1984 for a pilot plant demonstration of direct strip casting technology. This contract award is to be completed no later than May 15, 1984. The managers anticipate that the fiscal year 1984 requirement will be $7,000,000 for the design and long-lead procurement for such a pilot plant and that the total estimated cost for this pilot plant will be approximately $30,000,000 over a three period. Senate bill language requiring repayment of Federal funding is retained.

The Department is directed to use another $1,000,000 from the industrial process efficiency amount to continue a more modest research program in direct strip casting with at least one of the four participants in the phase I study which is now underway or with some other interested participants that might apply phase II funding.

Economic regulation

Amendment No. 117: Restores the House language stricken by the Senate and deletes the language inserted by the Senate.

Amendment No. 118: Restores the House language which provides for emergency preparedness activities.

Amendment No. 119: Appropriates $30,330,000 as proposed by the House instead of $25,125,000 as proposed by the Senate. This continues the practice of funding the emergency preparedness function in the Economic Regulation account.

Strategic petroleum reserve

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

Strategic petroleum reserve

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $158,770,000, to remain available until expended.

SPR petroleum account

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation

of petroleum, and for other necessary expenses, is $650,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended: Provided, That the minimum required fill rate during fiscal year 1984 shall be not less than 186,000 barrels per day.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have reluctantly agreed to eliminate $370,000 for Phase III development of facilities including the Big Hill, Texas site. This action was taken based on the commitment of the Administration to include at least this amount for Phase III facilities in the fiscal year 1985 budget request. Because of the progress made to date at Big Hill, completion of the project will be delayed only nine months.

For oil acquisition, $650,000,000 is made available with the stipulation that the average daily fill rate shall be no less than 186,000 barrels per day. At this rate, the existing permanent storage capacity will be nearly filled at the end of fiscal year 1984 with the expectation that a similar fill rate will be followed in fiscal year 1985.

Energy information administration

Amendment No. 121: Appropriates $55,870,000 for the Energy Information Administration instead of $56,870,000 as proposed by the House and $54,350,000 as proposed by the Senate. The decrease in the amount provided by the House reduces the amount for quality maintenance by $1,000,000. It is the managers expectation that future budgets will include requests for quality maintenance. The fiscal year 1985 budget request is to include cost-benefit analysis which compares performing quality maintenance activities on an annual basis versus on a 2-or-3-year cycle.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Amendment No. 122: Appropriates $770,408,000 for Indian health services instead of $801,798,000 as proposed by the House and $734,651,000 as proposed by the Senate.

The increase above the amount proposed by the Senate consists of the following: for hospitals and clinics $1,000,000 for supplies, $1,300,000 for staffing of new facilities, $1,608,000 for tribal contractual support, $1,000,000 for staff training, and $5,900,000 for staff at existing facilities; for dental health $750,000 for staffing; for mental health $1,500,000 for staffing; for contract care $7,927,000; for preventive health $202,000 for staffing of new facilities, $4,570,000 for staffing of existing facilities, and $1,000,000 for community health representatives; and for urban health $9,000,000.

The managers agree that within the funds for tribal contractual support $400,000 for indirect costs for the Tanana Chiefs Conference if that organization enters into a contract for operation of the Fairbanks service unit. Within available funds, the Indian Health Service shall operate the nurse practitioner clinics at Plummer and Lapwai, ID if National Health Service Corps support is withdrawn. The managers agree that the allowance for Indian health manpower includes $250,000 for the Indians Into Medicine program. The managers further agree that there should be no redevelopment of staff to meet the requirements of newly opened facilities unless such positions are in excess of the requirements of the existing facility. Within the allowance for alcoholism, the Indian Health Service shall continue the fetal alcohol syndrome research program initiated in fiscal year 1983.

Amendment No. 123: Deletes House language offsetting Indian Health Service appropriation by $5,000,000 in collections as proposed by the Senate.

Amendment No. 124: Deletes House language regarding the use of collections as proposed by the Senate.

Amendment No. 125: Appropriates $53,595,000 for Indian health facilities instead of $69,015,000 as proposed by the House and $31,389,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of: increases of $200,000 for construction of the Browning, MT hospital, $2,470,000 for construction of personnel quarters for the Browning, MT hospital and $2,000,000 for planning of the Anchorage, Alaska hospital; and decrease of $11,090,000 for construction of the Rosebud, SD hospital, and $9,000,000 for sanitation facilities.

The managers agree that of the unobligated balances remaining in the facilities account $974,000 shall be used to construct nine units of quarters at Ft. Duchesne, UT and $867,000 shall be used to construct nine units of quarters at Huerfano, New Mexico.

The managers are extremely concerned with the failure of the Department to release funds for the planning of the Rosebud hospital, which were appropriated in fiscal year 1982. As a result of the Department's failure to proceed with the planning, the managers have had to delete the funds for initial construction, with great reluctance, since the funds could not be used until fiscal year 1985. In order to correct this situation, the Department is directed to release the planning funds no later than 45 days from enactment of this bill into law. If the funds are not released and planning initiated for a 35-bed hospital, as agreed to by the Congress, as of that date, the Administration is expected to submit a rescission message to the Congress for the planning funds.

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that non-Indian patients may be extended care at all Indian Health facilities.

The managers agree that such care shall be extended only if approved by the affected tribe(s) and that such care shall be subject to reasonable charges to be established by the Secretary.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that service units which currently have in effect a policy to bill Indians may continue such practice.

Amendment No. 128: Adds the word "further" to House language regarding billing policies as proposed by the Senate.

Amendment No. 129: Deletes language proposed by the Senate to establish the Medicare reimbursement rate as the reimbursement rate for the Indian Health Service.

The managers direct that the Indian Health Service act to establish reasonable rates for contract care payments in place of the current system which generally pays 100 percent of billed charges

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $50,900,000 for Part A instead of $51,000,000 as proposed by the House and $56,500,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that $46,400,000 shall be for payments to local education agencies and that $4,500,000 shall be for payments to Indian controlled schools.

Amendment No. 131: Provides $15,000,000 for Parts B and C of the Indian Education Act instead of $18,000,000 as proposed by the House and $8,178,000 as proposed by the Senate. The decreases below the House allowance for Part B are: $1,200,000 for planning and pilot demonstration projects, $700,000 for educational services, and $100,000 for fellowships. The decreases below the House allowance for Part C are $600,000 for planning and pilot demonstration projects and $400,000 for educational services.

The managers are concerned that the historical distribution of awards under Parts B and C shows little correlation to the distribution of the Indian population. The Department is requested to review its application and award procedures in an effort to ensure that the goals of the legislation are being met.

Amendment No. 132: Appropriates $68,780,000 for Indian education instead of $71,243,000 as proposed by the House and $67,248,000 as proposed by the Senate.

The managers agree that of the $2,880,000 provided for administration, $180,000 is for the National Advisory Council on Indian Education and $500,000 is to conduct an evaluation of the Indian controlled schools program in cooperation with the Bureau of Indian Affairs.

Navajo and Hopi Indian Relocation Commission

Amendment No. 133: Appropriates $18,783,000 for salaries and expenses as proposed by the Senate instead of $13,783,000 as proposed by the House.

The managers agree that the Commission should defer the relocation of families living in areas under consideration for exchange. The managers further agree that $5,000,000 is available for the payment of benefits to those who were full-time residents of the joint use area and who have moved but have not yet received relocation assistance payments.

SMITHSONIAN INSTITUTION

Amendment No. 134: Appropriates $155,263,000 for salaries and expenses instead of $156,533,000 as proposed by the House and $153,108,000 as proposed by the Senate.

The net decrease below the amount proposed by the House consists of: decreases of $100,000 for equipment for the National Museum of Natural History, $585,000 for equipment for the Smithsonian Astrophysical Observatory, $514,000 for the Division of Performing Arts, $135,000 for cataloguing of rare books, $150,000 for museum conservation programs, $500,000 for hiring lapses for the Museum Support Center, $250,000 for collection management, $50,000 for a computer training laboratory, and $300,000 for electronic security equipment; and increases of $479,000 for the National Museum of American History, $150,000 for the National Symphony Orchestra, $150,000 for the Washington Opera Society, $35,000 for the

Office of Plant Services, and $500,000 for utility costs.

The managers agree that the funds provided for equipment purchases for the Smithsonian Astrophysical Laboratory shall be used for laboratory and general equipment. Prior to the purchase of computer equipment, long range plans should be developed and submitted for review.

Within the allowance for the Museum Support Center, staff may be hired for the conservation training program.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: Restore the matter stricken by said amendment amended to read as follows: *including not less than $786,000 to carry out the provisions of the National Museum Act and $500,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and $500,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 136: Appropriates $7,040,000 for museum programs and related research as proposed by the Senate instead of $5,040,000 as proposed by the House.

Amendment No. 137: Appropriates $9,000,000 for restoration and renovation of buildings as proposed by the Senate instead of $9,100,000 as proposed by the House.

Amendment No. 138: Deletes the earmarking of $100,000 proposed by the House for a museum feasibility study.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding $8,000,000 of the funds previously appropriated for construction of the South Quadrangle.

In agreeing to this rescission, the managers remain committed to equally sharing the construction costs of this project.

The managers recognize the uncertainties and problems that can be associated with major construction projects. The managers intend to provide funds in response to future properly justified requests if necessary to bring this project to fulfillment.

NATIONAL GALLERY OF ART

Amendment No. 140: Appropriates $34,389,000 for salaries and expenses instead of $34,209,000 as proposed by the House and $34,790,000 as proposed by the Senate.

The net increase over the amount proposed by the House consists of: increases of $300,000 for utility costs, $150,000 for furnishings for the West Building galleries, and $57,000 for the protection of buildings and grounds; and decreases of $250,000 for positions, $44,000 for summer evening hours, $20,000 for book purchases, and $13,000 for general administration.

The managers agree that within the $250,000 provided for additional conservation positions, $51,000 shall be used to support four positions currently funded by a private grant when such grant expires.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *and of which not to exceed $1,360,000 for the special exhibition program shall remain available until expended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Amendment No. 142: Appropriates $132,000,000 for salaries and expenses instead of $134,400,000 as proposed by the House and $115,000,000 as proposed by the Senate.

Amendment No. 143: Provides $118,900,000 for program funds instead of $121,300,000 as proposed by the House and $102,400,000 as proposed by the Senate.

The managers agree on the following distribution of funds:

Artists-in-schools	$5,200,000
Dance	8,750,000
Design arts	4,500,000
Expansion arts	7,000,000
Folk arts	3,000,000
Inter arts	3,950,000
Literature	4,500,000
Media arts	8,800,000
Museums	11,900,000
Music	12,600,000
Opera/musical theatre	4,600,000
State programs	24,300,000
Locals test	2,000,000
Theatre	9,000,000
Visual arts	6,400,000
Policy planning and research	1,000,000
Regional representation	700,000
Advancement	700,000

Amendment No. 144: Provides $13,100,000 for administrative expenses as proposed by the House instead of $12,600,000 as proposed by the Senate.

The managers agree that funds are available to support both the President's Committee on the Arts and the Humanities and the Deputy Chairman for Private Partnership.

Amendment No. 145: Appropriates $30,000,000 for matching grants instead of $30,600,000 as proposed by the House and $28,000,000 as proposed by the Senate.

Amendment No. 146: Provides $21,000,000 for Challenge grants instead of $21,500,000 as proposed by the House and $20,000,000 as proposed by the Senate.

National Endowment for the Humanities

Amendment No. 147: Appropriates $110,500,000 for salaries and expenses instead of $120,500,000 as proposed by the House and $101,000,000 as proposed by the Senate.

Amendment No. 148: Provides $97,750,000 for program funds instead of $107,750,000 as proposed by the House and $88,500,000 as proposed by the Senate.

The managers agree that the funds shall be distributed as follows:

State programs	$21,850,000
Public programs:	
Media grants	9,100,000
Museums and historical organizations	9,000,000
Public libraries	3,000,000
Education programs	19,000,000
Fellowships	14,500,000
Research grants	18,400,000
Special projects	2,200,000
Planning and assessment	700,000
Total, program funds	97,750,000

The managers agree that no funds are provided for National Humanities fellowships.

Amendment No. 149: Provides $12,750,000 for administrative expenses as proposed by the House instead of $12,500,000 as proposed by the Senate.

Amendment No. 150: Appropriates $29,500,000 for matching grants as proposed by the House instead of $29,000,000 as proposed by the Senate.

Amendment No. 151: Provides $18,000,000 for Challenge grants as proposed by the House instead of $17,500,000 as proposed by the Senate.

Institute of Museum Services

Amendment No. 152: Appropriates $20,150,000 for the Institute of Museum Services instead of $21,500,000 as proposed by the House and $14,150,000 as proposed by the Senate.

The net decrease below the amount proposed by the House consists of a decrease of $2,070,000 for general operating support grants and an increase of $720,000 for special projects.

The managers agree that within the $3,000,000 provided for conservation grants, $150,000 shall be used to develop a program for the conservation of cultural objects and property in cooperation with the National Institute for Conservation of Cultural Property and the American Institute of Conservation.

Amendment No. 153: Restores language relating to the application process and eligibility for grants as proposed by the House.

Amendment No. 154: Appropriates $2,447,000 for the National Captial Planning Commission as proposed by the Senate instead of $2,452,000 as proposed by the House.

The managers agree that this reduction will be derived solely from funding to pay for standard level user charges.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

Amendment No. 155: Appropriates $2,963,000 for permitting and enforcement as proposed by the Senate instead of $6,500,000 as proposed by the House.

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 156: Appropriates $1,853,000 for the Holocaust Memorial Council instead of $1,953,000 as proposed by the House and $1,683,000 as proposed by the Senate. The decrease under the amount proposed by the House shall come from the Educational Foundation and its related staff salaries.

The managers agree that funding for the Archives should not go towards archival training but be used solely for retrieval, documentation, and preservation of archival materials.

TITLE III—GENERAL PROVISIONS

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the processing of permits for tar sands in BLM wilderness study areas.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: , *or any lands designated by Congress as wilderness study areas*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

The Congress finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forests provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Congress that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit value; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales.

The managers on the part of the Seante will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that this provision confers no additional authority to the Forest Service with respect to the disposition of Federal lands.

Amendment No. 160: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides a surplus property mechanism to be used to acquire lands in the Kaloko-Honokohau NHP.

Amendment No. 161: Deletes language proposed by the Senate to change the name of the Institute of Museum Services.

Amendment No. 162: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of the Interior to convey twenty acres of land to the Mitchell School District in Scotts Bluff County, Nebraska.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Public Law 96-315 is hereby amended by adding the following new section:

"3(f) Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:

(1) A resident as of July 1, 1982, who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

(2) Anyone in continuous residency since 1976 residing in the area bounded on the north by the refuge boundary and on the south by a straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

(3) Any permanent full-time resident as of April 1, 1983, not otherwise eligible who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The language permits the Secretary to grant up to 15 additional access permits to Back Bay NWR.

Amendment No. 164: Deletes language proposed by the Senate relating to the type of Federal Aviation Administration certification that contract aircraft would need. The managers will review the situation and reconsider at the next available opportunity.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$8,624,459,000
Budget estimates of new (obligational) authority, fiscal year 1984	[1]6,709,628,000
House bill, fiscal year 1984	8,081,974,000
Senate bill, fiscal year 1984	8,054,373,000
Conference agreement, fiscal year 1984	7,953,783,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−670,676,000
Budget estimates of new (obligational) authority, fiscal year 1984	+1,244,155,000
House bill, fiscal year 1984	−128,191,000
Senate bill, fiscal year 1984	−100,590,000

[1]Includes $8,700,000 of budget estimates not considered by the House.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
WILLIAM R. RATCHFORD,
EDWARD P. BOLAND,
LES AUCOIN,
JAMIE L. WHITTEN,
JOSEPH M. MCDADE,
RALPH REGULA,
SILVIO O. CONTE,
Managers on the Part of the House.

JAMES A. MCCLURE,
TED STEVENS,
PAUL LAXALT,
JAKE GARN,
THAD COCHRAN,
MARK ANDREWS,
WARREN RUDMAN,
LOWELL P. WEICKER, JR.,
MARK O. HATFIELD,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PATRICK LEAHY,
DENNIS DECONCINI,
QUENTIN BURDICK,
DALE BUMPERS,
JOHN C. STENNIS,
Managers on the Part of the Senate.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 552. An act to designate the Federal Building in Fort Myers, Florida, as the 'George W. Whitehurst Federal Building and United States Courthouse'; to the Committee on Public Works and Transportation.

S. 1424. An act to amend Public Law 92-444 to reflect the change in the name of the Pacific Tuna Development Foundation to the Pacific Fisheries Development Foundation; to the Committee on Merchant Marine Fisheries.

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts; to the Committee on Interior and Insular Affairs.

S. 1894. An act to designate the foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine", and for other purposes; to the Committee on Armed Services.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 602. An act to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 3415. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

H.J. Res. 284. Joint resolution commemorating the 25th anniversary of the National Aeronautics and Space Administration.

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On September 28, 1983:

H.R. 3871. To amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be

changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

H.R. 2972. To authorize certain construction at military installations for fiscal year 1984, and for other purposes.

On September 29, 1983:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANKLIN) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT, for 60 minutes, October 5th.

Mr. HARTNETT, for 5 minutes, today.

(The following Members (at the request of Mr. MOLLOHAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MOLLOHAN, for 15 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on October 3.

Mr. ALEXANDER, for 60 minutes, on October 4.

Mr. ALEXANDER, for 60 minutes, on October 5.

Mr. ALEXANDER, for 60 minutes, on October 6.

Mr. ALEXANDER, for 60 minutes, on October 7.

Mr. ALEXANDER, for 60 minutes, on October 17.

Mr. ALEXANDER, for 60 minutes, on October 18.

Mr. ALEXANDER, for 60 minutes, on October 19.

Mr. ALEXANDER, for 60 minutes, on October 20.

Mr. ALEXANDER, for 60 minutes, on October 21.

Mr. ALEXANDER, for 60 minutes, on October 24.

Mr. ALEXANDER, for 60 minutes, on October 25.

Mr. ALEXANDER, for 60 minutes, on October 26.

Mr. ALEXANDER, for 60 minutes, on October 27.

Mr. ALEXANDER, for 60 minutes, on October 28.

Mr. GAYDOS, for 60 minutes, on October 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRANKLIN) and to include extraneous matter:)

Mr. BILIRAKIS in two instances.

Mr. WHITEHURST.

Mr. FIELDS in two instances.

Mrs. HOLT.

Mr. LEWIS of California.

Mr. DAUB.

Mr. MICHEL.

Mr. TAYLOR.

Mr. YOUNG of Florida in two instances.

Mr. SNYDER.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. MOLLOHAN) and to include extraneous matter:)

Mr. MARTINEZ in two instances.

Mr. UDALL.

Mr. HAWKINS.

Mr. STARK.

Mr. EDGAR.

Mr. HARRISON in three instances.

Mr. HAMILTON.

Mr. RODINO.

Mr. OBEY.

Mrs. SCHROEDER.

Mr. MARKEY.

Mr. HUBBARD.

Mr. HOYER in two instances.

Mr. SOLARZ in two instances.

Mr. MAZZOLI.

Mr. DORGAN.

Mr. BRITT.

Mr. PENNY.

Mr. LEVINE of California.

Mr. COYNE.

Mr. GARCIA.

Mr. SMITH of Florida.

Mr. FUQUA.

Mr. DE LUGO.

Ms. OAKAR.

Mr. MINETA.

□ 1810

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of September 30, 1983, the Chair declares the House in recess subject to the call of the Chair.

The bells will be rung 15 minutes before the House convenes.

Accordingly (at 6 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1920

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSTENKOWSKI) at 7 o'clock and 29 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 368) entitled "Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 3, 6, 7, 9, and 14 to the above-entitled joint resolution.

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, October 3, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1926. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period November 1, 1983, to December 31, 1983, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1927. A letter from the Secretary of Education, transmitting notice of final regulations for the student assistance general provisions and the Pell grant program (satisfactory progress, alternate disbursement system), pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1928. A letter from the Secretary of Health and Human Services, transmitting a report on the evaluation of health manpower shortage area criteria, pursuant to section 2702(c) of Public Law 97-35; to the Committee on Energy and Commerce.

1929. A letter from the Secretary of the Interstate Commerce Commission, transmitting notice of a proposed 60-day extension of the statutory time limit for the completion of the evidentiary stage of the consolidated proceeding in No. 39038, *The Aluminum Association, Inc., et al.* v. *Alton & Southern Railway Company, et al.*, and No. 39085, *Reynolds Metal Company* v. *The Atchison, Topeka and Santa Fe Railway Co., et al.*, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

1930. A letter from the Secretary of the Interstate Commerce Commission, transmitting notice that in Docket No. 39538 the Commission granted an extension of time within which the Pittsburgh & Lake Erie Railroad Co. must incorporate within its switching tariff ICC PLE 8020-J, the general rate increases in Railroad Cost Recovery Tariff X003, ICC RCCR X003, pursuant to 49 U.S.C. 10762(d)(2); to the Committee on Energy and Commerce.

1931. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notice of the President's intention to exercise his au-

thority under section 614 of the Foreign Assistance Act of 1961 to authorize economic support fund assistance for the Dominican Republic and Sudan without regard to statutory limitations earmarking such assistance for Nicaragua, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1932. A letter from the Deputy Administrator of General Services Administration, transmitting a draft of proposed legislation to amend section 203 of the Federal Property and Administrative Services Act of 1949, as amended, to require the submission to the appropriate committees of Congress of an explanatory statement of the circumstances of each negotiated disposal of real property having a fair market value in excess of $500,000; to the Committee on Government Operations.

1933. A letter from the Comptroller General of the United States, transmitting a report on the use of Government vehicles for home-to-work transportation (GAO/NSIAD-83-3; September 28, 1983); to the Committee on Government Operations.

1934. A letter from the Veterans of Foreign Wars of the United States, transmitting a report and financial audit for the year ending August 31, 1983, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

1935. A letter from the Secretary of Health and Human Services, transmitting a report on substantial disruption waivers for foreign medical graduates, pursuant to section 212(j)(2)(C) of the Immigration and Nationality Act as amended; to the Committee on the Judiciary.

1936. A letter from the Secretary of Health and Human Services, transmitting a special report on the feasibility and advisability of Special Refugee Reception Centers, pursuant to section 314(c)(2) of the Immigration and National Act, as amended; to the Committee on the Judiciary.

1937. A letter from the Assistant Secretary of the Army (Civil Works), transmiting a report from the Chief of Engineers on La-Moine River Basin, Ill., together with other pertinent reports; to the Committee on Public Works and Transportation.

1938. A letter from the Comptroller General of the United States, transmitting a report on the Food and Drug Administration's efforts to regulate the medical device industry under the 1976 Medical Device Amendments to the Federal Food, Drug, and Cosmetic Act (GAO/HRD-83-53; September 30, 1983); jointly, to the Committees on Government Operations and Energy and Commerce.

1939. A letter from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, National Park Service, transmiting the final environmental statement on undeveloped coastal barriers of the Coastal Barriers Steering Committee, purusant to section 10(a) of Public Law 97-348; jointly, to the Committees on Banking, Finance and Urban Affairs; Merchant Marine and Fisheries; and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 3245. A bill to provide for the establishment of a National Summit Conference on Education; with an amendment (Rept. No. 98-396). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee of conference. Conference report on H.J. Res. 368 (Rept. No. 98-397). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. House Joint Resolution 334. Joint resolution to establish a Commission on the Eleanor Roosevelt Centennial; with an amendment (Rept. No. 98-398, Pt. I). Ordered to be printed.

Mr. YATES: Committee of conference. Conference report on H.R. 3363 (Rept. No. 98-399). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2848. Referral to the Committee on Foreign Affairs extended for a period ending not later than October 7, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES:

H.R. 4042. A bill to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first: to the Committee on Foreign Affairs.

By Mr. FUQUA (for himself, Mr. SYNAR, Mr. GEPHARDT, Mr. WYDEN, Mr. ZSCHAU, Mr. SENSENBRENNER, Mrs. LLOYD, Mr. WALGREN, Mr. BROWN of California, Mr. LUNDINE, Mr. LONG of Louisiana, and Mr. YOUNG of Missouri):

H.R. 4043. A bill to modify the operation of Federal and State antitrust laws with respect to certain joint research and development activities, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. BILIRAKIS:

H.R. 4044. A bill to amend the National Flood Insurance Act of 1968 to permit limited continuation and renewal of flood insurance coverage for properties located in areas whose eligibility for participation in the national flood insurance program is suspended; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FUQUA:

H.R. 4045. A bill to impose a moratorium for 1 year on the deregulation of railroad boxcar traffic by the Interstate Commerce Commission; to the Committee on Energy and Commerce.

By Mr. FUQUA (for himself, Mr. BROWN of California, Mr. GORE, Mr. MACKAY, and Mr. BOEHLERT):

H.R. 4046. A bill to advance the national prosperity and welfare, to foster the leasing of robots and automated manufacturing systems, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4047. A bill to advance national prosperity and welfare, to foster the development and use of robots and automated manufacturing systems, and for other purposes; to the Committee on Science and Technology.

H.R. 4048. A bill to amend the Internal Revenue Code of 1954 to allow an additional 10 percent investment credit for section 38 property which is a robot or part of an automated system; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. FRENZEL, Mr. DURBIN, Mr. LUNGREN, Mr. O'BRIEN, Mr. BEILENSON, Mr. JACOBS, Mr. WHITEHURST, Mr. WHITTAKER, Mr. PANETTA, Mr. HUGHES, Mr. WEAVER, Mr. BEDELL, Mr. PRITCHARD, Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. TAUKE, Mr. LAGOMARSINO, Mr. FASCELL, Mr. WORTLEY, Mr. DREIER of California, Mr. BETHUNE, Mr. FRANK, Mr. YOUNG of Missouri, Mr. RITTER, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. THOMAS of California, and Mr. ROBERTS):

H.R. 4049. A bill to amend title 44, United States Code, to reduce the gratuitous distribution of the CONGRESSIONAL RECORD; to the Committee on House Administration.

By Mr. GLICKMAN (for himself, Mr. FRENZEL, Mr. DURBIN, Mr. LUNGREN, Mr. O'BRIEN, Mr. BEILENSON, Mr. KINDNESS, Mr. JACOBS, Mr. WHITEHURST, Mr. PANETTA, Mr. WHITTAKER, Mr. OTTINGER, Mr. HUGHES, Mr. WEAVER, Mr. BEDELL, Mr. PRITCHARD, Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. TAUKE, Mr. LAGOMARSINO, Mr. FASCELL, Mr. WORTLEY, Mr. DREIER of California, Mr. BETHUNE, Mr. FRANK, Mr. YOUNG of Missouri, Mr. RITTER, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. THOMAS of California, and Mr. ROBERTS):

H.R. 4050. A bill to amend title 44, United States Code, to eliminate certain binding for Members of Congress; to the Committee on House Administration.

By Mr. GLICKMAN (for himself, Mr. FRENZEL, Mr. DURBIN, Mr. LUNGREN, Mr. O'BRIEN, Mr. BEILENSON, Mr. JACOBS, Mr. WHITEHURST, Mr. PANETTA, Mr. WHITTAKER, Mr. HUGHES, Mr. WEAVER, Mr. BEDELL, Mr. PRITCHARD, Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. TAUKE, Mr. LAGOMARSINO, Mr. FASCELL, Mr. WORTLEY, Mr. DREIER of California, Mr. BETHUNE, Mr. FRANK, Mr. YOUNG of Missouri, Mr. RITTER, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. THOMAS of California, and Mr. ROBERTS):

H.R. 4051. A bill to amend title 44, United States Code, to eliminate certain printing and binding; to the Committee on House Administration.

By Mr. JONES of Tennessee (for himself, Mr. DE LA GARZA, Mr. LOEFFLER, Mr. VOLKMER, Mr. ALEXANDER, Mr. GLICKMAN, and Mr. HARKIN):

H.R. 4052. A bill to provide disaster assistance to agricultural producers and ranchers; to the Committee on Agriculture.

By Mr. LEACH of Iowa:

H.R. 4053. A bill to require the deposits of all commercial banks to be insured by the Federal Deposit Insurance Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MINETA (for himself, Mr. HOWARD, Mr. SNYDER, Mr. HAMMER-

SCHMIDT, Mr. GLICKMAN, and Mr. CARNEY):

H.R. 4054. A bill to amend the Internal Revenue Code of 1954 to provide a 2-year reduction in the rates of certain aviation-related taxes; to the Committee on Ways and Means.

H.R. 4055. A bill to amend the Internal Revenue Code of 1954 to reduce the rates of certain aviation-related taxes for 1984 and to continue the reduced rates for subsequent calendar years if the unobligated balance in the airport airway trust fund is at least $2,300,000,000; to the Committee on Ways and Means.

By Mr. PERKINS (for himself and Mr. GOODLING):

H.R. 4056. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such acts, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 4057. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4058. A bill to provide that the crediting of a overpayment of income tax to estimated tax liability shall be determined without regard to Revenue Ruling 83-111; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. SCHEUER, Mr. WIRTH, Ms. MIKULSKI, Mr. LELAND, Mr. WYDEN, Mr. SIKORSKI, Mr. MILLER of California, and Mrs. SCHROEDER):

H.R. 4059. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance matching percentage for services provided to certain pregnant women and young children under State medicaid plans; to the Committee on Energy and Commerce.

By Mr. WISE:

H.R. 4060. A bill to amend the U.S. Synthetic Fuels Corporation Act to support synthetic fuel research and development; jointly to the Committees on Banking, Finance and Urban Affairs and Science and Technology.

By Mr. DOWNEY of New York:

H.J. Res. 379. Joint resolution designating the week beginning November 6, 1983, as "A Week of Education: The New Arms Race of New Ways of Thinking?"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself, Mr. ZABLOCKI, Mr. HAMILTON, and Mr. RAHALL):

H.J. Res. 380. Joint resolution expressing the opposition of the United States to any partition of Lebanon; to the Committee on Foreign Affairs.

By Mr. D'AMOURS:

H. Con. Res. 181. Concurrent resolution requesting the President of the United States to convene a National Conference on Small Business in 1984; to the Committee on Small Business.

By Mr. STARK:

H. Con. Res. 182. Concurrent resolution expressing the sense of the Congress that the United States should not provide security and economic assistance to the Philippines if President Ferdinand Marcos of the Philippines reimposes martial law and does not make significant progress toward restoring democracy and insuring human rights in the Philippines; to the Committee on Foreign Affairs.

By Mr. CONTE (for himself, Mr. O'NEILL, Mr. DONNELLY, Mr. BOLAND, Mr. MOAKLEY, Mr. EARLY, Mr. FRANK, Mr. SHANNON, Mr. MARKEY, Mr. MAVROULES, and Mr. STUDDS):

H. Res. 326. Resolution honoring Carl Yastrzemski; considered and agreed to.

By Mr. GLICKMAN (for himself, Mr. FRENZEL, Mr. DURBIN, Mr. LUNGREN, Mr. O'BRIEN, Mr. BEILENSON, Mr. KINDNESS, Mr. JACOBS, Mr. WHITEHURST, Mr. WHITTAKER, Mr. PANETTA, Mr. HUGHES, Mr. WEAVER, Mr. BEDELL, Mr. PRITCHARD, Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. TAUKE, Mr. FASCELL, Mr. WORTLEY, Mr. LEWIS of Florida, Mr. BETHUNE, Mr. FRANK, Mr. YOUNG of Missouri, Mr. RITTER, Mr. MCCOLLUM, Mr. THOMAS of California, and Mr. ROBERTS):

H. Res. 327. Resolution to amend the Rules of the House of Representatives regarding the printing of remarks in the CONGRESSIONAL RECORD; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

281. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Baha'is of Iran; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 4061. A bill for the relief of Consuela Matallana; to the Committee on the Judiciary.

By Mrs. BURTON of California:

H.R. 4062. A bill for the relief of Antonio Callejo Carsola; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1013: Mr. DREIER of California.

H.R. 1016: Mr. LAFALCE.

H.R. 1155: Mr. BRYANT.

H.R. 1159: Mr. WHITLEY.

H.R. 1249: Mr. YOUNG of Missouri, and Mr. AUCOIN.

H.R. 1415: Mr. SHUSTER, Mr. JONES of Tennessee, Mr. MCEWEN, Mr. STENHOLM, Mr. TAUZIN, Mr. MOORHEAD, Mr. HATCHER, and Mr. SIKORSKI.

H.R. 1540: Mr. DANIEL.

H.R. 2012: Mr. TOWNS.

H.R. 2154: Mrs. KENNELLY, Mr. SOLARZ, and Mr. HAYES.

H.R. 2374: Mr. CARPER.

H.R. 2468: Mr. BILIRAKIS.

H.R. 2508: Mr. HAMILTON.

H.R. 3050: Mr. IRELAND, Mr. TOWNS, and Mr. WHITTAKER.

H.R. 3240: Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. DEWINE, Mr. GRADISON, Mr. HARRISON, Mr. HUTTO, Mr. OBERSTAR, Mr. PRITCHARD, Mr. RICHARDSON, Mr. SAWYER, Mr. TORRICELLI, Mr. GARCIA, Mr. WEAVER, Mr. WIRTH, Mr. STENHOLM, Mr. BORSKI, and Mr. HAYES.

H.R. 3245: Mrs. MARTIN of Illinois, Mr. HANCE, Mr. PEASE, Mr. DINGELL, Mr. WEAVER, Mr. GRAY, Mr. SHARP, Mr. DORGAN, Mr. YOUNG of Missouri, Mr. FISH, Mr. MRAZEK, Mr. WHITEHURST, Mr. WYLIE, Mr. UDALL, Mr. MADIGAN, Mr. COYNE, Mr. ORTIZ, Mr. WORTLEY, Mr. HARKIN, Mr. HOWARD, and Mr. FORSYTHE.

H.R. 3266: Mrs. BOXER, Mr. FORSYTHE, Mr. HARTNETT, Mr. HILER, Mr. HYDE, Mr. KEMP, Mr. KINDNESS, Mr. MORRISON of Washington, Mrs. SCHNEIDER, Mr. SOLOMON, Mr. SUNIA, and Mr. WOLF.

H.R. 3277: Mrs. BOXER.

H.R. 3282: Mr. DELLUMS.

H.R. 3433: Mr. GEKAS.

H.R. 3457: Mr. MATSUI.

H.R. 3579: Mr. TOWNS, Mr. DYMALLY, Mr. WON PAT, Mr. CROCKETT, and Mr. WEISS.

H.R. 3635: Mr. BEDELL, Mr. PACKARD, Mr. MURPHY, Mr. MCEWEN, Mr. CARR, and Mr. MCCURDY.

H.R. 3790: Mr. SPENCE and Mr. WHITEHURST.

H.R. 3858: Mr. TAUZIN, Mr. MARLENEE, Mr. IRELAND, Mr. HAMMERSCHMIDT, Mr. ROSE, Mr. ANTHONY, Mr. FORSYTHE, Mr. REID, Mrs. BOGGS, Mr. BETHUNE, and Mr. JONES of North Carolina.

H.R. 3870: Ms. OAKAR and Mr. WILSON.

H.R. 4022: Mr. LUJAN and Mr. RICHARDSON.

H.J. Res. 3: Mr. MARTINEZ, Mr. DICKS, and Mr. LEVIN of Michigan.

H.J. Res. 93: Mr. FISH, Mr. ANDREWS of Texas, and Mr. UDALL.

H.J. Res. 103: Mr. DWYER of New Jersey.

H.J. Res. 199: Mr. HALL of Ohio.

H.J. Res. 279: Mr. FEIGHAN, Mr. CORCORAN, Mr. MCKINNEY, Mr. WOLF, Mr. RITTER, Mr. RINALDO, Mr. GEKAS, Mr. DYSON, Mr. MRAZEK, Mr. BORSKI, Mr. FRENZEL, Mr. JEFFORDS, Mrs. MARTIN of Illinois, Mr. CARPER, Mr. LEVINE of California, Mr. BADHAM, Mr. WAXMAN, Mr. LEWIS of Florida, Mr. BARNES, Mr. WEBER, Mr. WYDEN, Mr. FROST, Mr. BILIRAKIS, Mr. FLORIO, and Mr. MURTHA.

H.J. Res. 342: Mr. RATCHFORD, Mr. KEMP, Mr. ANDREWS of Texas, Mr. BERMAN, Mr. ROE, Mrs. SCHNEIDER, Mr. WON PAT, Mr. WILSON, Mr. DWYER of New Jersey, Mr. BIAGGI, Mr. TRAXLER, Mr. YOUNG of Alaska, Mr. STUDDS, Mr. FORSYTHE, Mr. HATCHER, Mr. GONZALEZ, Mr. TOWNS, Mr. ANDREWS of North Carolina, Mr. HUBBARD, Mr. O'BRIEN, Ms. KAPTUR, Mr. PATTERSON, Mr. CONYERS, Mr. FRENZEL, Mr. JENKINS, Mr. STOKES, Mr. BEVILL, Mr. FAUNTROY, Mr. HUTTO, Mr. FAZIO, Mr. LEWIS of Florida, Mr. WAXMAN, Mr. SUNIA, Mr. OWENS, Mr. SMITH of Florida, Mr. DIXON, Mr. CHAPPELL, Mr. HUGHES, Mr. CARPER, Mr. EMERSON, Mr. ACKERMAN, Mr. LONG of Louisiana, Mr. VANDERGRIFF, Mr. BETHUNE, Mr. QUILLEN, Mr. DANIEL, Mr. DAVIS, Mr. MCNULTY, Mr. BILIRAKIS, Mr. SHUMWAY, Mr. HERTEL of Michigan, Mr. GREEN, Ms. MIKULSKI, Mr. DYSON, and Mr. TALLON.

H.J. Res. 375: Mr. VALENTINE, Mr. ANDREWS of Texas, Mr. MOLLOHAN, Mr. MURTHA, Mr. MORRISON of Washington, Mr. PURSELL, Mr. PORTER, Mr. BARNES, Mr. WHITEHURST, Mr. PEASE, Mr. WYLIE, Mr. DYSON, Mr. ORTIZ, Mr. MURPHY, and Mr. BEILENSON.

H. Con. Res. 152: Mr. HYDE.

H. Con. Res. 163: Mr. BIAGGI, Mr. BILIRAKIS, Mrs. BOXER, Mr. BROWN of California, Mr. CONTE, Mr. DREIER of California, Mr. FAZIO, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. GILMAN, Mr. GREEN, Mr. GREGG, Mr. HAWKINS, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL, Mr. OBEY, Mr. ROE, Mr. VANDERGRIFF, and Mr. WILSON.

H. Con. Res. 174: Mr. EVANS of Iowa, Mr. FRENZEL, Mr. LIPINSKI, and Mr. WEBER.

H. Con. Res. 178: Mr. MURTHA, Mr. REGULA, Mr. O'BRIEN, Mr. GAYDOS, Mr. HUNTER, Mr. YOUNG of Missouri, Mr. KILDEE, Mr. BURTON of Indiana, Mr. VOLKMER, Mr. BROWN of California, and Mr. TAYLOR.

H. Res. 147: Mr. FEIGHAN, Mr. ARCHER, Mr. LAGOMARSINO, Mr. VANDERGRIFF, Mr. BARNES, Mr. HUGHES, Mr. DEWINE, Mr. CORRADA, Mr. WORTLEY, Mr. PORTER, Mr. BLILEY, Mr. MINETA, Mr. MCCOLLUM, Mr. WOLF, Mr. WON PAT, Mr. DAUB, Mr. CORCORAN, Mr. SMITH of Florida, Mr. MCKINNEY, Ms. MIKULSKI, Ms. KAPTUR, Mr. HYDE, Mr. MADIGAN, Mr. MARTINEZ, and Mr. WALGREN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

243. By the SPEAKER: Petition of the City Council, Oakland, Calif., relative to the destruction of a civilian airliner by the U.S.S.R.; to the Committee on Foreign Affairs. September 30, 1983.

244. Also, petition of the Senior Men, Opportunity Group, Hendersonville, N.C., relative to Communist aggression; the United Nations; to the Committee on Foreign Affairs. September 30, 1983.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3231

By Mr. BEREUTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 26, strike out line 15 and all that follows through page 27, line 2, and insert in lieu thereof the following:

SEC. 112. Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(a)(1) of this Act, is amended to read as follows:

"(g) Exclusion for Food, Medicine, or Medical Supplies.—This section does not authorize export controls on food, medicine, or medical supplies. This section also does not authorize export controls on donations of goods intended to meet basic human needs. It is the intent of the Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine, medical supplies, food, or donations of goods under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine, medical supplies, or food, other than donations, which is in effect on the effective date of the Export Administration Amendments Act of 1983. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, or donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

By Mr. COLEMAN Of Texas:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 43, line 17, add the following after the period: "The Secretary of Commerce shall conduct a study to determine the feasibility of using computer terminals located at ports and other points of exit from and entry into the United States in order to facilitate relevant agency interaction and to reduce delays in the issuance of export licenses under the Export Administration Act of 1979.".

EXTENSIONS OF REMARKS

JOSEPH McCAFFREY HAS EXCELLED IN CAPITOL HILL REPORTING FOR MORE THAN FOUR DECADES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 30, 1983

● Mr. RANDOLPH. Mr. President, on Friday, September 23, radio commentator Joseph McCaffrey made his final broadcast at radio station WMAL. He now will concentrate his reportorial talents on his beloved weekly newspaper, the Culpeper News in Virginia.

McCaffrey will be missed on Capitol Hill. He has the tremendous ability to tackle complex subject matter and to educate his listeners in an entertaining manner. His "Capitol Comments" reflected quality journalism that, hopefully, will be emulated by those who follow.

For almost a half century, Joe has been one of the most respected and popular radio personalities in the Washington area. In a city known for its short-term media stars, that is a truly remarkable record.

The key to his reportorial success has been his lusty enthusiasm and his consistent standard of fairness in reporting issues and commenting on personalities.

Last week Joe told a reporter:

Probably the thing I'm proudest of over the years is that people haven't been able to figure out a label for me. They don't know if I'm a liberal or conservative, Democrat or Republican. Sometimes I have appeared to be on one side of an issue and another time the other. But that's the way I wanted it. I vote no straight party lines. And former President Jerry Ford once said of me that I was the fairest reporter he ever dealt with—and I still cherish that remark.

McCaffrey started his career in journalism as a 10-cents-an-inch stringer for a newspaper in Poughkeepsie, N.Y. He came to the Washington area after military service to join CBS radio in 1944. That was the year he started covering the Congress.

His insightful observations on the changes in Congress over the years would provide a valuable textbook for aspiring political writers.

Mr. President, there is both sadness and gladness with the news that Joe is no longer in the Press Gallery. We will miss him. But there is joy in the knowledge that, at age 67, he can indulge in the lesser labors of a weekly publisher.

Many of us have had the privilege of personal and longstanding friendship with this remarkable individual. With his affable manner and inquiring mind, he has been a dependable source of fine reporting. His departure will leave a large hole in Capitol Hill coverage. His friends wish Joe well in the years ahead.●

SCIENTISTS SUPPORT CLINCH RIVER

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mrs. LLOYD. Mr. Speaker, there has been much debate on the technical merits of the Clinch River breeder reactor project. Opponents have argued that the technology is obsolete and that this demonstration plant is not needed. To support these erroneous contentions, they often suggest that the scientific community, including some individuals with supposed nuclear credentials, is against the project. To satisfy myself that this is not the case, I asked Dr. Frederick Seitz, the esteemed chairman of the Scientists & Engineers for Secure Energy, to present the views of that organization as to the advisability of continuing and completing the Clinch River breeder reactor project.

I submit his response for inclusion in the RECORD, and hope that each Member will carefully read this letter. Special attention should be given to Dr. Seitz's statement that:

• • • virtually all members of our organization and almost 90 percent of all knowledgeable professionals in our country consider the Clinch River Breeder Reactor to be an important technological step if we are to ensure the availability of energy for generations to come.

His response follows:

THE ROCKEFELLER UNIVERSITY,
New York, N.Y., September 12, 1983.

Mrs. MARILYN LLOYD,
Chairman, Subcommittee on Energy Research and Production, Washington, D.C.

DEAR MRS. LLOYD: Scientists and Engineers for Secure Energy greatly appreciates the invitation to share with your Committee the views of our members on the Clinch River Breeder Reactor.

Rather than reiterate the many cogent arguments advanced in support of this worthy project, let me state at this time just two broad propositions:

(1) There is general agreement that the demand for electricity in the United States and the world will continue to grow in the years to come. In the long run such continuous growing demand can be reliably assured only by significant contributions from breeder-generated power.

(2) It is inconceivable that during this period of gradual depletion of traditional nonrenewable power sources, the United States would not act resolutely to tap, with the use of breeder technology, the readily available, already mined, and stored fuel whose energy equivalent is larger than all the known U.S. coal reserves and many times greater than the power stored in earth's proven oil fields.

Our members and the scientific community at large are keenly aware of the foregoing situation and suggest that progress on the breeder front be vigorously pursued. This concern is further accentuated by comprehension of the need for a secure energy base in order to sustain the cultural and economic well-being of our nation and of the people of the world.

As in other areas of social and economic endeavors, one finds individuals critical of the Breeder pathway, some of whom are professionally trained in the nuclear field. In a democracy all views should be given an opportunity to be heard, particularly when a project or proposal is under serious scrutiny. However, the making of rational and effective decisions must also take into consideration the weight of the professional opinion behind a particular view and act accordingly. In this context, I wish to assure the Committee that virtually all members of our organization and almost 90 percent of all knowledgeable professionals in our country consider the Clinch River Breeder Reactor to be an important technological step if we are to ensure the availability of energy for generations to come. We believe that we should not gamble our national future purely on luck or untested hopes. It is the responsibility of the experts to counsel, in the national interest, those entrusted with the power of decision. We hope such counsel will be appropriately weighed and that the Congress will continue to support the CRBR.

In conclusion, let me point out that breeder reactors have considerable similarities to hydroelectric plants, namely a high start-up cost which is later compensated many times over by low fuel and operating expenditures. Throughout the world major hydroelectric plants have been viewed as national assets worthy of governmental support. We strongly feel that the same applies to breeder reactor programs and therefore urge the Congress to continue the material support needed for the Clinch River Breeder—one of the cornerstones for American energy sufficiency and independence in the future.

Sincerely,

FREDERICK SEITZ,
Chairman, Scientists & Engineers for Secure Energy.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE 50TH ANNIVERSARY OF UKRAINIAN HOLOCAUST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. LAGOMARSINO. Mr. Speaker, a tragedy of mammoth proportions was begun in 1932 and ended in 1933. An estimated 7 million people lost their lives in this 2-year period. Let us not forget the cause of this tragedy, and let us bring to the attention of all peoples, that those responsible for this heinous crime have never admitted their crime.

Of course, we are talking about the manmade famine in the Soviet Ukraine from 1932 through 1933. There can be no denial that this extermination plot was organized and carried out by Joseph Stalin, in an attempt to force collectivization on the independent-minded people of this region. All grain was nationalized with those dissenting either executed or deported to forced labor camps. Roadblocks and checkpoints were used in order to insure the success of the forced liquidation.

In the calculated, ruthless manner which reminds one of Auschwitz, Buchenwald, and Dachau, millions of Ukrainians were left to starve. Those of free-mind who saw the dangers of this new Soviet system were singled out and labeled as dangerous to Stalin's plans for a unified Soviet State. Unity through liquidation; danger in freedom.

We must not forget the Soviets have never, and given the true nature and intentions of the current Soviet leaders, will never admit or renounce their crime. It is up to freedom-loving people everywhere to insure this factural liquidation and extermination of approximately 7 million Ukrainians is not forgotten, and that the intense desire for freedom in the hearts of these people will be assimilated into our own hearts and minds. The truth cannot be ignored, and will not be forgotten.●

A DEFICIT SOLUTION

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. CAMPBELL. Mr. Speaker, it is obvious that everyone realizes the projected deficits must be reduced. The question has been and remains: Why is it that we cannot reduce the deficits when an overwhelming consensus exists to take such action?

Clearly, the Government cannot—as a matter of arithmetic, and commonsense—come close to balancing the budget with more defense cuts or with nickel-and-dime cuts of domestic, discretionary programs. As a matter of fact, these programs have not caused the current deficit problem. We have a structural deficit problem created by entitlement programs that are indexed to the Consumer Price Index, which has overstated inflation and pushed benefit increases higher than the increase in wages. Moreover, the American taxpayer does not want the budget balanced or the deficits reduced on his or her back, which would also reduce available capital for investment and retard consumer spending.

What options does this leave us? Demagoguery and placing the blame on individuals or political parties will only exacerbate the problem. We need to start immediately with serious consideration of viable alternatives and options to reduce these intolerable deficits. Representative JIM JONES and I have been working in a bipartisan spirit, which led to the introduction of H.R. 3790—the "2-percent solution." I have stood here before my colleagues several times to explain this bill and ask for you consideration and support.

This proposal is a compromise. It does not contain everything that I or others of like mind want, nor does it contain everything that JIM JONES and his colleagues want. However, this proposal would reduce the deficits by $180 billion over 6 years—a significant amount, to say the least. The savings would be accomplished by requiring that annual adjustments in both nonmeans-tested entitlement programs and tax indexing be tied to a 2-percent trigger and only that amount over a 2-percent increase in the Consumer Price Index be awarded. I believe this is a fair and balanced approach to economic sanity, in that it would have a minimal impact on most Americans. This bill would at last make a real dent in the deficits and begin the process of regaining control over the management of the budget.

The $180 billion is a number that I hope my colleagues will seriously consider. We can reduce the deficits by $180 billion with a relatively painless change that would be shared by virtually every citizen in this country. Mr. Speaker, it is time for us to bite the bullet and take bold action to regain control over these burdensome deficits. I invite my colleagues to join our bipartisan effort and forego any attempts to place the blame on anyone or anything else other than the structural problem confronting us.●

A SALUTE TO DR. TERESA CROSS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. DYMALLY. Mr. Speaker, next week, the 11th class of congressional science fellows, whose work is overseen by the American Association for the Advancement of Science (AAAS), will begin a year of service on Capitol Hill. These 42 men and women, the largest group of AAAS fellows to date, follow in the footsteps of predecessors who have established a tradition of excellence to which the program and the new fellows may look with pride. The only thing that can dampen our enthusiasm about the entering fellows is the sense of sadness we feel as we say goodbye to those who have now completed their year of fellowship.

Since October 1982, I have been fortunate indeed to have on my staff Dr. Teresa Cross, a social psychologist sponsored by the Duke University Round Table on Science and Public Affairs. Dr. Cross brought with her to my office all the finest qualities of a scientist and a scholar. On each issue, she insisted on acquiring a depth of understanding that would qualify her as an expert. We here sometimes jest that we are expected to be instant experts on any topic. Teresa took the charge seriously. I asked her, for example, to develop a Science, Research and Technology Subcommittee hearing on the impact of technology on employment. She developed the most extensive and thorough set of hearings held by the subcommittee during this session. She investigated the topic so completely in the process of choosing witnesses that I fully believe she could have been a witness herself.

Dr. Cross was also assigned to negotiate with officials at the Department of Education in order to secure a fair and objective hearing on the approval of an official accrediting agency for private, nontraditional schools and colleges. Her professionalism during the months of hard work on this issue earned her not only my respect but that of the many college administrators whose institutions would be aided by accreditation. One of her briefing letters to the accrediting applicant was held in such high regard that it was sent to several thousand professors and administrators to serve as a model of clear and effective writing.

The highest compliment I think one can pay a member of one's staff is to say that she brought honor and distinction to the office. Dr. Cross, in her year with us, did bring such honor and distinction to our office.

For providing us with fellows of the caliber exemplified by Dr. Cross, I

wish to publicly express my thanks to those who administer the congressional science fellows program. I am sure those of my colleagues who have had the good fortune to obtain the services of one of these fellows join me in wishing Teresa and the other departing fellows, as well as the program that brought them to us, a lifetime of success and prosperity.●

ADDITIONS TO RECOGNITION OF AMERICAN FIREFIGHTERS LIST

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. GOODLING. Mr. Speaker, on Wednesday, April 13, 1983, I submitted for the CONGRESSIONAL RECORD an extension of remarks that brings recognition to 125 brave American firefighters who gave their lives in 1981 protecting all of us from the devastation of fires. The following two names were omitted from that list and I would like to add them at this time:

Robert Reed, East Meadow Fire Department, East Meadow, New York.

John P. McGuire, Battalion 13, Fire Department, New York, New York.

With these additions, the list is now complete.●

DR. HARVEY BLANK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. PEPPER. Mr. Speaker, I ask permission to insert within the CONGRESSIONAL RECORD news of a commemorative event of great medical and historic importance.

Twenty-five years ago today, Dr. Harvey Blank, chairman of the Department of Dermatology at the University of Miami/Jackson Memorial Medical Center, discovered the most effective treatment against fungus infections of the skin, scalp and nails, Griseofulvin. An antifungal drug of great importance in serious fungus infections, Griseofulvin, has been effective in its application in World War II and in Vietnam.

Dr. Harvey Blank treated a patient in 1958 at the Jackson Memorial Hospital who was suffering from an unusual athlete's foot-type fungus infection that invaded his body, causing several abscesses. When Dr. Blank tried Griseofulvin, an orally administered antifungal medication that had been used in Europe in agricultural projects, the condition improved. Following the ingestion of the medication in pill form, the 28-year-old improved immediately and experienced no side effects.

Further tests followed this dramatic recovery. Dr. Blank and the U.S. military, as well, conducted tests on Griseofulvin in December 1958. They were then able to evaluate its importance to human life, prescribing proper dosage and resulting effects. Today, Griseofulvin has been credited with treating more than 5 million cases of serious fungus infections, successfully.

The Department of Dermatology celebrates its pioneering use of Griseofulvin today and commemorates a plaque in Alamo Park honoring this event. As the plaque is unveiled at noon this day, Dr. Harvey Blank will be hailed as the first physician in the world to treat humans with this curative drug, recognized by dermatologists as the most effective treatment against fungus infections of the skin, scalp and nails.

Dr. Harvey Blank and The Jackson Memorial Medical Center, which is in my Congressional District, are to be highly commended for the great contribution they have made to the field of aging.●

REFLECTIONS ON FIRST VISIT TO ISRAEL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. SOLARZ. Mr. Speaker, during the Memorial Day district work period, both Representatives HARKIN and I traveled to the Middle East. Although I had been to Israel many times before, this was TOM HARKIN'S first visit. On June 15, TOM gave a speech at Northmoor Country Club in Highland Park for the Country Club Day of the Jewish United Fund of Metropolitan Chicago. I found his speech to be very informative and perceptive. I particularly direct my colleagues' attention to TOM'S descriptions of the achievements of Israeli scientists and his reflections on his visit to Yad Va'shem, the Holocaust Memorial. I insert his entire speech in the CONGRESSIONAL RECORD:

ISRAEL: THE CHALLENGE AND THE HOPE

(Speech given by Represenative Tom Harkin)

I am delighted to be here at Northmoor for the Country Club Day for JUF. I am sure you had more fun today than I did. You were able to play golf and tennis while I worked in vain to pare back the President's somewhat excessive military budget.

I know that the work of the Jewish United Fund of Metropolitan Chicago is more urgent than ever. Your own studies reveal that 15 percent of Chicago's Jewish Community are now living at or below the poverty level. And I have been told that two of the Illinois Public Aid offices have found a 30-percent increase in the number of Jewish applicants over the last 10 months. And this estimate is conservative because many of the new Jewish poor are too proud to ask for welfare.

Therefore, what JUF is doing is more important than ever. Your efforts cannot make up for all the programs which this Administration has cut. However, what you give to the more than 30 social welfare, health, and Jewish education agencies and services will do much to make the lives of these people much more tolerable. I congratulate you for this work.

I also am aware of the work which the United Jewish Appeal does in over 30 countries, including Israel. As you just heard, I returned from my first trip to Israel only 11 days ago, and I would like to share some of my impressions with you.

In Israel, I met with the Prime Minister, the President, and the leader of the opposition. Israel is a democracy, and a vibrant one. But it was not through the politicians that I made my real encounter with Israel.

Rather, it was through my meetings with Israelis working on energy projects. I serve on the House Science and Technology Committee. I wanted to learn about different scientific projects in Israel and in doing this I encountered the spirit of the Israeli people.

Let me tell you about three of them.

On my third day I met Dr Uri Marchaim who was born on a kibbutz. Uri did cancer research in the United States, but he left the United States and returned to Israel to work full time on a fascinating research project. He is working on a system to convert agricultural waste into usable products.

Uri's system provides all of the energy to heat the water at his kibbutz. However, as he took enormous patience to point out, his is not primarily an energy project. Methane fuel is only one byproduct. What Uri and his associates have developed is not something new—a digester which recycles wastes—but by producing more products, they have created a system which farms will want to purchase. The primary products are fertilizer and feed. The first is used to fertilize soil and the second is used to feed livestock as well as fish in commercial fish ponds.

Uri's dream is such wide use of his system that it can produce a second "green revolution"—8, 10 times over. But Uri is also a kibbutznik. He believes in the way of life they have fashioned for themselves at Kfar Giladi. He takes pride in the fact that 50 percent of all Israeli agricultural exports comes from the kibbutzim. And he has his dream to create a better and more productive Israel and a better and more productive world.

The second individual who left a strong impression on me was Abiel Ravin; Abi. He is in charge of building the solar ponds located at the northern end of the Dead Sea. The solar ponds are a fascinating and innovative idea which is based on some very simple concepts.

In an ordinary pond, the Sun's rays heat the bottom and raise the temperature of the lower layer of water. Hot water is lighter so the warmer bottom layer rises to the surface, and the heat is dispersed.

In this solar pond, the bottom level is water from the Dead Sea, much heavier than ordinary water. The heat is contained in the bottom layer. The day we were there the temperature of the bottom layer was 210 degrees Fahrenheit.

The hot water is then pumped into a boiler to heat freon to drive the turbines which generates electricity for the people of Israel.

Abi, just like Uri, also has a dream. Someday he would like to turn half of the Dead Sea into a huge solar lake, each section divided with a curtain. And this solar lake, he believes, could produce enough electricity to supply all of Israel's needs.

The third individual I met on my last day in Israel was Prof. Renata Reisfeld at the Hebrew University in Jerusalem. This remarkable woman who in 1981 was awarded the world's first "Solar Energy Chair" spent her childhood in war time Poland fleeing the Nazis. She had no time for school and it was not until the early fifties after coming to Israel, she began her education.

After learning eight languages and becoming a professor of inorganic chemistry, she decided at the time of the Yom Kippur war to turn her attention to solar energy.

She explained that her work could have not been accomplished without her natural curiosity, but that "Israel's desperate need for cheaper fuel was the moving force" for her research.

What she has accomplished with fluorescent solar concentrators is fascinating and hopeful. First, the specially treated glass can absorb diffuse, not just direct sunlight. One of the major expenses in present systems is the tracking device needed to receive direct sunlight.

Second, the treated pieces of glass or plastic have different colors and the different colors absorb the energy of different parts of the spectrum. How the whole system works is this way. Sunlight, direct or indirect, is absorbed by the plate and the plate acts as a concentrator directing the power of the light to the edges of the plate where photovoltaic cells are attached. The cell, in turn, converts the Sun's energy into electricity.

Her system, when commercially developed, could be 30 times cheaper than present technology.

I might just add that two of those projects received partial funding from the U.S. Department of Energy. Uri's project support was cut off in 1981, despite a contract. Fortunately, he has managed to make his work commercially viable.

Professor Reisfeld's funding will end in September this year. The Energy Department is ending funding well before the research has reached commercial viability. That makes no sense at all. There may be an oil glut at the moment, but it will not last. We need, and Israel especially needs, viable alternatives to oil.

Unfortunately this administration has a very limited vision in developing technologies for energy at the basic research state. Only nuclear energy is to be supported by the Government. This narrow ideological vision, unless something is done, will bring an end of U.S. support for many promising projects, including Professor Reisfeld's.

These three individuals exemplify the aspirations, the spirit, and the vision of Israel. They are fashioning for themselves and their country new technologies and a new way of life. They taught me not only about their work but also their country. Literally, I had the feeling being with them, that there is nothing they cannot accomplish with their intellect, hard work, and determination.

When visiting them, I also traveled to the Golan Heights and the Good Fence, the border between Israel and Lebanon. Through my own eyes I came to understand why the Golan Heights must remain Israeli territory.

Let me now turn to Israeli politics.

Israeli politics are incredibly lively and volatile. The Israeli people have strong opinions and do not hesitate to voice them. The major political coalitions—Likud and Labor—take widely different views on the two major topics of the day—Lebanon and the West Bank.

My assistant tells of arriving at the home of a friend he had not seen in 13 years. However, he arrived at 9 o'clock (news time). Therefore the reunion had to wait 20 minutes until the news was over.

Listening and watching the news is a passion with the Israeli people. After five wars in 25 years, the obsession with news is not surprising. Think of it. That is incredible. People should not have to live in such insecurity.

And it is even more understandable when one reviews the different ideas Likud and Labor each have concerning Lebanon or the West Bank. Although there is heated debate within the Likud coalition on the Lebanese war, the Likud basically supports the goals and accomplishments of the war, especially the agreement with the Lebanese Government.

The Likud position, the Government position, is that Israel will not withdraw unless Syria and the PLO agree to leave Lebanon.

The Labor coalition, on the other hand, opposed all of the Lebanon operation beyond the 40-kilometer limit. When we were in Israel, Labor called for an immediate unilateral withdrawal from central and eastern Lebanon.

But if you look at each position, each is fraught with peril. If Syria does not agree to withdraw, Israeli soldiers patrolling the east and central areas will continue to be picked off by small raiding parties. Five soldiers were killed last week bringing the total killed to 500 since the invasion began. And as opposition leader Peres pointed out, there are over 700,000 guns in private hands, one for every three people in Lebanon.

On the other hand, if Israel does engage in unilateral withdrawal, it opens that area for a return by either the Syrians or the PLO or both. A premature withdrawal may also endanger the fragile state of the Lebanese Government's efforts to rebuild a strong army capable of controlling the country itself.

Or look at the West Bank. Likud's position is automony with free right of Jewish immigration. Labor's position is essentially the Jordan option: return the territory to Jordan with strong Israeli defense outposts.

In the present context, the Likud position is close to annexation since there is no one to negotiate with on autonomy, and elections on the West Bank have produced pro-PLO mayors. But if it is annexation, what is to be done with the West Bank Arabs? If they are denied Israeli citizenship, the democratic ideals of the state are destroyed. Conversely, if they are granted full citizenship, in the near future Israel will no longer be a Jewish state.

The Labor position also has its troubles. Does King Hussein want to negotiate? On April 10, he firmly rejected the Reagan plan to participate in negotiations. Then it was the fault of the PLO. But does Hussein truly want to recover the West Bank? He is already a minority ruler within Transjordan which is 60 percent Palestinian and only 40 percent Bedouin. And would the Jordanian option satisfy the nationalistic aspirations of the Palestinians?

One thing is clear: there are no quick, easy solutions. No solution is obvious. For this reason, it is wrong that every U.S. Administration believes at some time that it has the solution and therefore it must pressure Israel into accepting it.

The Reagan administration tried once again over the past year. The President apparently hoped that Hussein would conclude that if the United States were willing to exert pressure on Israel before peace talks began, the United States would ultimately exert even more pressure once the negotiating process became more formal. And, therefore, Hussein would join the peace talks.

Toward this end, the administration considered selling F-5's and Stinger missiles to Jordan (congressional opposition stopped the sale), suspended the sale of 75 F-16's to Israel, tried to get Congress to reduce grant military aid by $200 million and refused to supply data necessary for the building of the Israeli fighter jet called the "Lavi."

And none of it worked. King Hussein could not or would not join the peace process.

Why?

Well as I grow older, I come to believe that the world is divided between those who want to reach solutions through talking and compromise and those who do not. I went to Israel fervently hoping to find in my talks with Palestinians a willingness to accept the existence of Israel as a Jewish state in the Middle East.

Such people do exist, but they are few and they are not in leadership positions. My assistant had a discussion with one Palestinian that went like this: "I want Israel out. No. No. You misunderstand. I don't want to kill them. They can stay here, but they must live according to our laws, Islamic laws. (You won't consider an Israeli state and a Palestinian state living side by side in peace?) No, it is all or nothing."

How do you explain such intransigence?

I have been told by some Mideast experts that while the Arab national character can accept the existence of minorities within their presence, they cannot accept one of those minorities being a majority and ruling within their own state. It fundamentally violates the principles of Arab Islam.

In time, they also tell me that may change as more and more people are educated and westernized. They say it is no surprise that Egypt, the most western of Arab states, was the first and Lebanon the second to conclude a treaty with Israel.

So we must be patient and steady in our course. The administration has now wisely withdrawn all the earlier pressures it applied to Israel. It apparently now realizes that Israel is our best ally in the Middle East and there is no quick and easy solution.

With patience, a change may occur in the next 5 years, 10 or 15 years. We should watch for it. We should encourage any Arab state or leader who is willing to live in peace with Israel. We should also be cautious.

Israel is one of the great achievements in the 20th century. With serious problems and under severe threats, it has remained a democracy and maintained its ideals.

On one of my first days in Israel I visited Yad Ve'shem, the memorial for the 6 million Jews killed in the holocaust. Like most gentiles, I am aware of what the Nazis and their allies did to the Jewish people. But only at Yad Ve'shem did I feel the enormity of the crime and the enormity of the loss.

In the semidarkness of the interior hall, the names of the Nazi death camps, carved in stones, are dimly lit by a single torch. In another hall, there are pillars for each

country and the number of Jews killed by the Nazis.

At Yad Ve'shem I experienced two simple truths. First, the world is still beset by anti-Semitism. The forces which unleased the murder of a people simply because they were Jews still exists. In Russia, for example, strong anti-Semitism is contained just below the surface, and everyday official policy not only makes life harder for people simply because they are Jewish, but also refuses to let them emigrate. In our own hemisphere in Argentina, the armed forces have been taught to fear and hate Jews, and to see Jewish people as part of an international conspiracy.

In such a world, Jews must have a secure refuge, a home, an Israel.

That is a much stated truth, but there is another truth that I perceived at Yad Ve'shem. Israel must exist and must be accepted in the community of nations as a Jewish state if one day we are to destroy anti-Semitism.

Anti-Semitism in the 20th century is the legacy of two conquering religions: Christianity and Islam. Periodically, each has become more tolerant of Jews and of each other. Each has erupted in cataclysms of killing Jews—the worst, the holocaust—by Christian Europe. And always there was no force, except moral force, to oppose the persecution.

Now a physical force exists—Israel. Jews throughout the world have a security they never enjoyed before.

At Yad Ve'shem I reaffirmed my belief, my hope that the world community will never again accept that kind of anti-Semetic nightmare. But I also believe that it is Israel—a Jewish state—which guarantees our promises as Christians that it will never happen again.

I have visited Israel, and I feel very close to the people and their aspirations. I assure you that I, as one Member of Congress, will continue to support it and work to maintain the special relationship that exists between the United States and Israel.●

IN HONOR OF L. P. (BUB) GREER, JR. ON HIS RETIREMENT FROM COATS & CLARK

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. JENKINS. Mr. Speaker, it is my privilege to pay tribute today to a man who devoted 35 years of his life to the textile industry and yet integrated his family and community into that life.

Coats & Clark, Inc. noted L. P. (Bub) Greer's loyalty and service by breaking tradition and naming its facility on Rose Lane in Toccoa, Ga., the L. P. Greer, Jr., Plant.

His career with Coats & Clark took him from chief engineer to vice president of the Finishing Division, and finally, to vice president and head of the Manufacturing Division, covering all of the 10 Georgia manufacturing and research facilities, employing 4,000 people.

Bub Greer's dedication extended to his community in his service as a public official and a civic and youth activity leader.

His leadership stretched from the Capital City Club, director of the Rotary Club, director of the Executive Council, Boy Scouts of America, vice president of the Northeast Georgia Council Boy Scouts, member of the Stephens County Hospital Authority, chairman of the Toccoa-Stephens County Planning Commission, Toccoa city commissioner, mayor of Toccoa, steward of the Toccoa First United Methodist Church, president of Georgia Textile Manufacturers Association, board of trustees for the Alumni Association of Georgia Tech and chairman of the Georgia Ports Authority.

In the words of the Hon. Phil Landrum, former Congressman of the Ninth District of Georgia, and I quote:

In the most fiercely competitive of technical industries, Bub Greer is able to move from the board room meeting of executives to the loom room of the weaver and onto the playgrounds of the weaver's children with equal skill, leadership and grace, so rare in the industrial world of today.●

WEEK OF THE NURSE

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. PARRIS. Mr. Speaker, I would today like to recognize the week of October 2, 1983, as "Week of the Nurse", and with great pride, salute the nursing staff of my district's Alexandria Hospital. This week is sponsored by the Virginia Nurses Association, in cooperation with the Virginia Licensed Practical Nurse Association and the Student Nurses Association of Virginia, and has been officially proclaimed by the Governor with a certificate of recognition.

I was informed by Laura Tartaro, chairperson of the Alexandria Hospital's Organizational Committee, that this week will be observed with a "Walk for Health" which will start at the hospital at 11:30. The march will continue for 4 miles, and will include custom-designed buttons, balloons, and T-shirts for its participants.

Mr. Speaker, the nursing staff of the Alexandra Hospital, and others which similarly serve their communities around the State, deserve our praise and commendation for the unsung work they provide year around. I believe designation of this week as "Week of the Nurse" is a fitting tribute in recognition of all their contributions.●

IT'S TIME TO ADDRESS NONPOINT SOURCES OF WATER POLLUTION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to control nonpoint sources of water pollution. I hope the Nonpoint Source Control Act of 1983 will be incorporated in amendments to the Clean Water Act to be reported out by the Committee on Public Works and Transportation later this year.

This bill is intended to establish a workable, achievable approach to the control of nonpoint sources of pollution. I have worked with many organizations involved in and affected by this legislation; however, I look forward to full exploration of this complex issue by individuals and organizations during upcoming hearings before the Water Resources Subcommittee of the House Public Works and Transportation Committee.

The bill recognizes that, unlike point sources of pollution, nonpoint sources do not lend themselves to a national control program with national regulations and standards. Rather, controls must be developed at the State and local levels to address local conditions.

The Federal role, therefore, is to provide encouragement, both financial and other; to provide leadership in elevating nonpoint sources to a national priority; to assure that the Federal investment is wisely spent, and that implementation is moving forward expeditiously.

Mr. Speaker, much work has been done in this area, in planning under section 208 of the Clean Water Act, and in implementation by the States, even without Federal assistance. The National Association of Conservation Districts conducted a survey which indicates that 44 States are taking some action to control agricultural nonpoint sources. A survey by the National Council of the Paper Industry for Air and Stream Improvement indicates that 40 States are moving to implement programs for silviculture nonpoint source controls. There is considerable interest in doing much more, if funds and other encouragement from the Federal Government were available.

Further, many of the techniques, known as best management practices (BMP), to control a number of nonpoint sources of pollution, have been developed over the years, although there is still much work to be done. Again, we need encouragement to put these practices into place.

This bill would provide that Federal leadership and encouragement, build-

ing on past planning; supplementing ongoing State implementation programs; providing incentives to States, substate agencies and individuals, to put those BMP's and other measures already tested into effect on an expanded basis, as well as to continue to work out new approaches to one of the most serious forms of water pollution.

The bill establishes an implementation program at the State and local level, as a necessary and logical follow-through to the planning and data gathering already done under section 208 and other sections of the Clean Water Act. States would be required to develop 4-year implementation plans, specifying stream segments to be addressed, categories and subcategories of sources to be controlled, BMP's and other measures to be used, and to propose expeditious timetables for achieving these controls. Enforcement, technical assistance, education, training, and other methods would be part of the plan.

The bill emphasizes the need to begin the control process at the local and State levels, by those who will be involved in implementing the plans. It requires the States, in developing their implementation plans, to work closely with local agencies, such as conservation districts, 208 agencies, watershed districts and others which have experience in controlling nonpoint sources.

The bill sets no time deadlines by which BMP's must be implemented. I believe a fixed deadline for installation of control measures would be counterproductive, encouraging States to come forth with only those plans they know they can achieve. It does, however, require the States, working with substate agencies and organizations, and individuals, to propose their own timetables for expeditious achievement of this goal. I underline the word expeditious; we want the States to be bold as well as realistic in setting their goals and we want the Administrator to insist on ambitious plans, as long as there is a realistic chance of success.

Once the State submits its report and plan to the Administrator of EPA, the Administrator has 6 months to review it. Unless the Administrator specifically disapproves all or parts of that report, it is automatically approved. The Administrator may disapprove all or portions of a plan if the State does not have adequate authority to implement it; if it is not sufficiently expeditious; or if it is otherwise inadequate.

If a State fails to submit a plan, or if its plan is not approved, a local agency may, with the permission of the State, assume implementation for its area. Such an organization must have a history of experience in nonpoint source controls, and have authority to implement a control program.

Also, a State may request EPA to provide technical assistance in developing a portion of its overall plan.

In developing the implementation plan, and in collecting whatever additional data are necessary, States are encouraged to use funds under sections 106, 205(g), and 205(j).

States are encouraged to use programs under other laws to complement this bill wherever possible.

There is some evidence that other Federal programs may work at odds with nonpoint source control, placing farmers in catch-22 positions, or encouraging practices which would counteract nonpoint source control measures. To better coordinate the nonpoint source control effort, the bill requires the States to identify other Federal programs which run counter to their nonpoint source control plans, and to recommend changes in these programs. The Administrator of EPA would forward these recommendations to the appropriate Federal agencies, which would be required to consider the States' comments and, to the extent practicable, administer their own programs in a way that helps States implement their plans.

I hope that the cumulative comments from the States, together with their recommendations for change, would be helpful to other Federal agencies in solving a problem which reaches across agency mandates, and affects the wealth of this Nation: our lands, and our waters.

The bill also extends section 304(k), which authorizes EPA to enter into agreements with other Federal agencies, and provides supplemental funds for programs under these agencies which could assist in controlling nonpoint sources of pollution.

The bill contains a provision whereby a downstream State with an approved implementation plan may, if its waters are being affected by upstream pollution, request the Administrator to call a management conference of States along the water body, and to resolve the problem between the States. I believe such an approach is fair to those States willing to do a good job. We cannot ask a State to spend its financial resources for water cleanup if its own citizens cannot enjoy the benefits, or if they are in fact damaged by pollution from another State. The management conference concept goes back to the earliest days of water pollution control and the Federal Water Pollution Control Act of 1956. Under this approach, Lake Erie, a "dead" lake, began its return to health. I believe the negotiated approach can prove a useful means to resolve nonpoint source issues among States, and assure that those States which are willing to control nonpoint sources will not suffer from another State's indifference.

In developing the implementation plan, and in collecting whatever additional data are necessary, States are encouraged to use funds under sections 106, 205(g) and 205(j) of the Clean Water Act.

For implementing the plan, the bill provides $150 million per year on a 50/50 matching basis. The tools available would include education, training, technical assistance, cost sharing, and other services. I want to emphasize, however, that the States are to be judicious in their use of cost sharing for projects. There is simply not enough money in this modest authorization to fund many projects. Instead, the purpose of this bill is to encourage implementation plans at the State level. Cost sharing is but one of many tools, and no one should suspend action in the anticipation of funds becoming available in the future. Accordingly, I will be interested to gather testimony on whether a cap should be placed on cost-sharing, and what that cap should be.

As a further incentive, the bill contains no distribution formula; rather, States are encouraged to come in for as much money as they can match—although there is a cap of 15 percent of the appropriation per State.

Congress will keep close watch over what is going on across the land, and provide stronger measures if such are necessary. The Administrator is required to report annually to Congress on how the program is going; and to report, by January 1988, on whether this incentive program is working, or whether stronger measures are necessary.

Mr. Speaker, I cannot overstate the need to vigorously control nonpoint sources of pollution. Preliminary information gathered by the Conservation Foundation indicates that the total economic costs of sediment and pollutants associated with erosion may amount to as much as $2.5 to $3 billion per year, for water treatment, dredging, for loss of reservoir capacity, for flooding, channel maintenance, and damage to many other resources. Nonpoint sources carry not only sediment but nutrients, pesticides, and other toxic substances. It is a serious problem in urban and suburban areas as well as in rural areas.

The nonpoint problem can no longer be neglected. There is broad agreement that action should be taken. While no overall consensus has been reached on all aspects, many groups have been working together to develop areas of agreement.

I have worked with these groups, and sincerely thank them for sharing their ideas with me. I believe this bill is a good starting point; and an approach which will work and will yield the best results. I look forward to continued and expanded dialog with all

those involved in the effort to control nonpoint sources of pollution, because I know that their support is critical to the success of this program.

Following is a section-by-section analysis of the Nonpoint Source Control Act of 1983:

THE NONPOINT SOURCE CONTROL ACT OF 1983

SECTION-BY-SECTION SUMMARY

The bill adds a new Section 319, "Nonpoint Source Control Implementation Plans."

Sec. 319. (a) Report (data): States are to provide EPA with certain information, based on data previously gathered under Sec. 208 and other sections of the Clean Water Act, on stream segments with nonpoint source problems; sources of these problems; and description of the State's current control efforts. This information is to be updated annually.

(b) and (c) Plan: States are also required to provide EPA with a 4-year implementation plan, developed in cooperation with local agencies and organizations, listing stream segments to be addressed, describing proposed Best Management Practices (BMP's) to be undertaken, and an expeditious implementation schedule with estimated dates for implementation. The States are to report annually to EPA on the progress of the implementation efforts.

Coordination: States are also to report to EPA on other Federal programs adversely impacting their efforts to control nonpoint sources, and recommend modifications which would make these programs more consistent with nonpoint source control. The Administrator is to forward these recommendations to the appropriate Federal agencies, which are to consider the recommendations and to the extent possible carry out their programs consistent with nonpoint source controls.

(d) Local Agencies: States are required to the maximum extent practicable to utilize local agencies and organizations with experience in nonpoint source controls.

(e), (f), and (g) Approval/disapproval; partial approval: A State's plan is automatically approved unless EPA disapproves all or parts of it within 6 months of submission. EPA may disapprove the plan if the State does not have adequate authority to implement it, if the schedule is not sufficiently expeditious, or if it is otherwise inadequate to meet the goals of the bill. If a State refuses to submit or resubmit a plan, a local agency may, with the approval of the State, receive technical assistance and funding to implement a plan for its area. A State may request technical assistance from EPA in developing portions of its plan. The State then must implement the plan.

(h) Interstate waters: Where nonpoint sources from one State are polluting the waters of another State, the downstream State may, if it has an approved plan, petition EPA to call an interstate conference of all States along the water body. States are to work out with EPA and implement an acceptable solution to the problem.

(i) Funding: The bill authorizes $150 million per year, through 1988, in 50/50 matching grants to States to carry out their plans. There is no formula, but there is a 15-percent maximum cap per State. States are required to maintain their current effort while using funds under this bill for new efforts.

(j) Reports: The Administrator of EPA is required to report annually to Congress on the progress of the program; and to provide a comprehensive report, on January 1, 1988, on the success of the incentives program, and whether further measures are warranted in future legislation.●

CAPT. PAUL ROY

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. McKERNAN. Mr. Speaker, I am pleased to honor one of the American marines serving with the multinational forces in Beirut, Lebanon, Capt. Paul Roy of Winslow, Maine. Captain Roy is the marine who is pictured on the September 26 issue of Newsweek magazine.

Captain Roy should be honored, as should all the American marines in Lebanon, because he is courageously serving the United States in a dangerous situation. As commander of Alpha Company, 1st Battalion, 8th U.S. Marines, Captain Roy has experienced firsthand much of the tragedy resulting from the civil war in Lebanon. In particular, two marines in his company, 2d Lt. Donald Losey and S. Sgt. Alexander M. Ortega, were killed in the line of duty. Despite the difficult circumstances under which Captain Roy must command, he has kept the composure and professionalism that is typical of a marine.

Throughout the 4 months he has been in Beirut, Captain Roy has expressed his dedication to his mission in that country. In a recent interview, he stated that "the Marines do not want to leave. If we left now, we would feel that the cause for which we came was for naught." His outlook, in light of what he has certainly experienced, is admirable.

We can all be proud of the job that Captain Roy and his compatriots are doing. I am sure that his parents, Mr. and Mrs. Harold Roy of Winslow, are especially proud. I sincerely hope that the marines' mission in Lebanon will be completed early and successfully so Captain Roy and the other men will return home soon.●

AMENDMENT TO H.R. 2867, BANNING FEDERAL LANDS FOR HAZARDOUS WASTE DISPOSAL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. MARKEY. Mr. Speaker, I have printed an amendment in today's CONGRESSIONAL RECORD which would ban the use of Federal lands for treatment, storage, or disposal of hazardous waste generated by private industry not pursuant to a Federal project or program. This amendment is offered in response to an idea proposed by some members of the President's Cabinet Council that we use Federal lands as a dumping ground for privately generated hazardous wastes. I strongly believe that we should not use our Federal lands for privately generated hazardous wastes and I offer this amendment to make it clear that our Federal lands will not become the dump of last resort.

No one can deny that private industry has had a tough time finding wastes sites. I feel this situation is true because the public is skeptical about enforcement of our hazardous waste regulations. Many firms have invited public skepticism by opposing hazardous waste regulations and by displaying a strong unwillingness to take remedial action on their own. Consequently today, industry faces some obstacles in finding acceptable hazardous wastes sites. The solution, however, is not to turn to the Federal Government for relief. The solution is not to turn our Federal lands into the dump of last resort. Rather, a better solution would be to work with Federal and State agencies to implement procedures which give the public confidence in waste disposal. A more sensible solution would be if industry would follow the spirit of RCRA and would recover some wastes and conserve, so less wastes would be generated.

This amendment allows two noteworthy exceptions to the ban on Federal lands for hazardous wastes. The amendment allows the Administrator of the Environmental Protection Agency to use Federal lands for storage and limited disposal methods in the course of cleaning up a Superfund site. In addition, the amendment allows the storage, disposal, or treatment of Federal lands for the purpose of carrying out research related to hazardous waste treatment. The Administrator would only be allowed to use Federal lands for these two purposes if the Administrator determined that there is no other reasonably available facility.

These two exceptions are consistent with current practices at the EPA and recognize the necessary role EPA plays in dealing with the hazardous waste problem. These exceptions in no way compromise current EPA procedures, procedures I should add which are used in rare circumstances. Instead, the intent of the ban is to prevent our Federal lands from becoming a general dump site for an industry which has trouble finding a site. This amendment would prevent Federal lands from becoming the dump site of last resort and instead force industry to deal with the problem in an honest and forthright manner.

I believe it is necessary to comment on what the amendment does not say. The amendment does not prohibit the

use of Federal lands for wastes generated by Federal programs. To do so, would be in my opinion, hypocritical. The amendment only deals with hazardous wastes as defined by the Resource Conservation and Recovery Act. And the amendment only addresses Federal lands owned or leased by the United States and specifically exempts lands on the Outer Continental Shelf and Indian or Indian tribal lands. In addition, the amendment only allows the Administrator to use Federal lands in the course of removal action taken in accordance with the Superfund program. Removal action is only taken in the most extreme circumstances, and consequently the universe of affected wastes would be relatively small.

I encourage my colleagues to study this amendment and consider it carefully. I have worked closely with the EPA in drafting this amendment so as not to restrict their actions any more than necessary. I feel this amendment is an important statement on what our Federal lands should be used for and what should be the role of the Federal Government in the area of hazardous waste disposal.●

TRIBUTE TO LARRY GUILLEMETTE, SR.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to an outstanding American, and distinguished member of his community. I rise to pay tribute to Larry Guillemette, Sr.

For 28 years, Larry has been a member of the Knights of Columbus, and on Saturday, October 8, 1983, his family, friends, and fellow Knights will be honoring him for his service to the K of C and more importantly for his recent tenure as Grand Knight of Saint Thomas the Apostle Council No. 4815 in Old Bridge, N.J.

Ever since Larry joined the Knights of Columbus, Woodhaven Council in Queens, N.Y. in 1955, he has willing to give his all for the K of C. He was involved in the Woodhaven Council, and it was at a fourth degree K of C function that he met Pat, his wife of 25 years. When Larry left the Woodhaven Council, and New York for the suburbs in New Jersey, his involvement in the Knights went with him. He joined Immaculate Conception Council No. 4907 in Spotswood, N.J. where his father-in-law celebrated his 40th year of membership.

In 1976, Larry transferred his membership to his present council. St. Thomas Council No. 4815, which was chartered in the early 1960's and is one of the largest councils in the State of New Jersey. New Jersey also has one of the largest K of C jurisdictions in the United States, numbering in excess of 65,000 men. Since joining St. Thomas Council No. 4815 in 1976, Larry has been a man devoted to the council. He has served the council in almost every capacity, and on July 11, 1982, he had the honor of being installed as Grand Knight. I know that Larry was honored on becoming Grand Knight, but I am sure the occasion was made all the more important since it was during the centennial year of the Knights of Columbus.

The example seen in Larry's dedication to what I believe is one of our Nation's finest service organizations just gives witness to the fact that during these times when man's humanity toward his fellow man has been severely tested, the Knights of Columbus have stood firm.

I offer Larry my heartiest congratulations and that of my colleagues in this House for his service as Grand Knight and my best wishes for a successful year as Faithful Navigator.●

DENNIS A. JOYNER, DAV NATIONAL COMMANDER

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. EDGAR. Mr. Speaker, this past August, Dennis A. Joyner, a combat disabled Vietnam veteran, was elected National Commander of the Disabled American Veterans at their national convention in Los Angeles, Calif. Mr. Joyner had held positions as an elected national vice commander in the DAV since 1979.

The Disabled American Veterans have established an outstanding record in promoting the interest of all veterans, but particularly those of the Vietnam veteran. Those of us who serve on the House Veterans Affairs Committee are well aware of the tenacious efforts of the DAV national organization here in Washington and throughout the country in safeguarding the rights of the 2.3 million American men and women disabled in service to their country. A considerable percentage of those service-connected disabled veterans served during the Vietnam war where statistics prove that combat personnel sustained and survived far more catastrophic disabilities than those who served in prior wars.

Over 96 percent of the DAV's outstanding corps of service officers, who provide direct assistance to thousands of veterans across the country, served in the Armed Forces during the Vietnam war. For this perspective as well, Dennis Joyner became the fourth Vietnam veteran to be elected national commander of the three-quarter million member veterans' service organization.

Mr. Joyner represented the DAV's Department of Pennsylvania as both 2d and 3d junior vice commander. He served as commander and chapter service officer of the DAV Chapter No. 36 in Vandergrift, Pa. He is presently only one of two who have served in the DAV's highest national office to have been awarded that organization's Outstanding Disabled Veteran of the Year Award.

Commander Joyner served in the U.S. Army, 9th Infantry Division in Vietnam. While on patrol in June 1969 in the Mekong Delta he became a triple amputee due to a booby trap explosion and received the bronze star as well as the Purple Heart.

Commander Joyner is very active in civic and church activities and is a member of the Veterans of Foreign Wars, the American Legion, AMVETS and the Court Administrators Association. He received a BA degree in accounting in 1975 from Robert Morris College, Pittsburgh after having earned an A.A. degree from the Community College of Allegheny County in 1974. He served for 4 years as accountant for the Westmoreland County Juvenile Service Center and fiscal manager for the Westmoreland County courts, Greensburg, Pa. He was appointed Westmoreland County court administrator in 1979 and is responsible for administration of the eight-judge-court-system and all court-related offices. Commander Joyner lives in Apollo, Pa. with his wife Donna. He is the father of two sons, Dennis Jr. and Paul.

Mr. Speaker, it is a tribute to the Disabled American Veterans and to the veteran community as a whole that Commander Joyner, a Vietnam veteran, has overcome what many would have considered insurmountable disabilities to become a recognized leader in the State of Pennsylvania and within his national organization. As chairman of the House Veterans Affairs Subcommittee on Hospitals and Health Care, I would like to congratulate him on his election and wish him well during the coming year.●

A TRIBUTE TO THE O'CONNOR HOSPITAL '89ERS AND THE YU-AI KAI ORGANIZATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. MINETA. Mr. Speaker, I rise to honor those who work for the O'Connor Hospital '89ers and the Yu-Ai Kai organization. These two organizations will be cosponsoring a luncheon this

week in order to honor individuals of Japanese ancestry who pioneered our region of California.

The pioneers honored by the '89ers and the Yu-Ai Kai will include people who have lived in Santa Clara Valley since the turn of the century. These pioneers played an important role in developing the Santa Clara Valley into one of the most productive and pleasant areas of our Nation, and they could not be honored by organizations finer than the O'Connor Hospital '89ers and the Yu-Ai Kai.

In 1899, with the noble efforts of the Daughters of Charity, Amanda and Myles O'Connor succeeded in establishing a health care facility for the elderly and the impoverished. And the O'Connor Hospital '89ers have successfully perpetuated the work begun by the O'Connors last century by developing the O'Connor Hospital from a rural health facility into one of our area's most sophisticated medical centers. And through that medical center, the O'Connors' dream of serving the aged has been realized again and again.

It is also appropriate that the Yu-Ai Kai, a community organization dedicated to providing essential human services to the aged, is cosponsoring this wonderful event. Recognizing the contributions and of pioneers of Japanese ancestry is, of course, very important to me. When my father and mother settled in the city of San Jose more than 70 years ago, they shared a vision that their children would have the opportunity for meaningful and productive lives, and I owe my well-being to the success of that dream.

Mr. Speaker, I ask you and all other Members of the House of Representatives to join me, the O'Connor 89ers, and the Yu-Ai Kai in honoring all of those pioneers who came to the Santa Clara Valley with little more than their determination and their willingness to work.●

DICKINSON HIGH SCHOOL CLASS OF 1934 CELEBRATES GOLDEN ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. GUARINI. Mr. Speaker, on October 2, 1983, Dickinson High School, a most illustrious institution of learning in Jersey City, will be spotlighted on a very important occasion. On this date, the class of 1934 will have a dinner dance at the West End Manor in Long Branch, N.J., where many of Dickinson's most august graduates will be joined by contemporary personnel.

The school, located at Palisade and Newark Avenues, Jersey City, is a magnificent structure, sitting on a hilltop, which overlooks a good portion of Jersey City and nearby Hoboken. This location was deliberately planned because the city fathers wanted to impress the public traveling on the transportation systems below, at that time, with the importance of Jersey City and their municipal pride in Jersey City.

It was built by the last Republican mayor Jersey City ever had, Mark Fagan.

Built as the first comprehensive high school in America, visitors came from all over the world, from the Far East, Europe, South America, and other parts of the world to see it, because it was the first high school that offered academic, technical, vocational, and business training all in one building.

The site was an Army trading post in the War of 1812, the Civil War, and the First World War, and was used as a munitions plant in the Second World War.

Before the high school was here, Gens. Washington and Lafayette used to survey the troops here during the Revolutionary War. It was a lookout for the British troops in the harbor.

Dickinson High School, the oldest public high school in Jersey City, is a national historic landmark.

It is a magnificant example of John T. Rolend's work, who also designed the Jersey City Medical Center. The structure is beaux arts design. The first half of the school was built in 1906 as an academic high school, which would serve as a college preparatory school; the second half was opened in 1912, and was designed for vocational education.

The finest materials were used in the construction of this building, as we can see by the marble and handpainted murals in the entranceway and classical friezes which decorate the stage. It has its own powerplant with generators used in the early days to supply heat and light which still can be used in emergencies.

Its auditorium has 2,000 seats and was for a long time the largest public hall in New Jersey. Everyone of importance visiting the area, including Presidents of the United States, came here. In 1912, Theordore Roosevelt, William Howard Taft, and Woodrow Wilson all spoke on successive nights, campaigning against each other for President of the United States.

However, the true beauty of Dickinson High School is the hundreds of thousands of students who have been educated under the guidance of interested, competent, and dynamic teachers. This facility in the pre-World War II era had more than 5,000 students in attendance during some of the school years, working on a split schedule from early morning to the evening. The administrators effectively provided for the needs despite the grueling schedule.

One of the great principals of Dickinson High School, Dr. Frank McMackin, now age 95, will be in attendance at the 50th anniversary dinner Saturday evening. Also in attendance will be Theresa Mahoney, the 1934 graduating class' favorite English teacher.

The graduates will be coming from more than a dozen States, including California, Louisiana, Delaware, and Virginia. From South Carolina comes Martin J. Higgins, who is a survivor of World War II's Battle of the Bulge.

Many of Dickinson High School's finest young men served our Nation, including Al Blozis, who was killed in action during World War II.

Many of the 1934 class showed their prowess on the athletic fields. Ed Franco became a legend in his time as an all-American lineman with Fordham University as one of the "Seven Blocks of Granite." He has been elected to the prestigious College Hall of Fame.

Some of the athletes of that class who will be there include George Bizelewicz, Peter McGovern, Sal Pisano, Ed Toohey, Ed Bresnick, and Dick O'Reilly.

A special honored guest will be their football coach, Charles Witkowski, an attorney who was elected a city commissioner and a mayor of Jersey City.

The class of 1934 joins the list of outstanding Dickinson High School alumni members such as Maj. Gen. Leland S. Hobbs, of the U.S. Army, movie actor Richard Conte, and outstanding men in the various professions, including Dr. Earl Halligan, Dr. Alfonse Cinotti, Dr. Marcus Carpenter, and a host of men who excel in the legal profession, such as Judge Peter Artaserse, Judge Frank A. Verga, Judge Joseph S. E. Verga, Judge Morris Barison, Judge J. Arnold Bressler, and Judge Edward F. Zampella. An outstanding graduate now in the field of journalism is Milt Kerzner, city editor of the Jersey Journal.

Dickinson High School has given the world Mary Philbrook, the first woman lawyer in New Jersey; also New Jersey legislator Bayard Faulkner, whose famous Faulkner Act gives New Jersey communities opportunities to choose administrations best suited to their needs.

Also high on the list of outstanding sons and daughters of Dickinson High School is Sgt. Joseph Anthony, who has a park named in his honor as one of the hundreds of local young men who had given their lives in World War I, World War II, Korea, and Vietnam.

The first public college in New Jersey, Douglas College, which is part of Rutgers University, was started by a

Dickinson High School graduate, Mabel Smith Douglas.

Another great student was Albert Whiting, from the 1934 class, who went on to be a college president and now an educational consultant in Washington.

We can agree that the Dickinson High School students of 1934 have continued the quality work of centuries, building bridges of understanding and brotherhood between people from the educational base they received at "The Hilltop."

They learned early on that the sea and air and, indeed, the Earth are the concerns of every nation. The graduates of the class of 1934 have joined others in working to show that science, technology, and education can and must be the ally of all men in every nation of the world.

Indeed, they have accepted the fact that no problem of human understanding is beyond human beings; that our problems are manmade, and therefore, can and must be solved by man.

I am sure that they are spotlighting their 50th anniversary—celebrating the past—to awaken the future.

The class of 1934 witnessed some of the most critical years in world history: The beginning of The Great Depression, the rise and fall of Adolph Hitler, the discoveries of neutrons by Italian physicist Enrico Fermi, the famous radio talks by Father Charles Coughlin; the creation of the National Labor Relations Board; creating our Nation's first general strike. During 1934, the graduates lived through the S.S. *Mauro Castle* destroyed off Asbury Park, where 125 lives were lost, and the FCC was created to supervise U.S. telephone and telegraph and radio industries.

It also was the year of the adventures of Terry and the Pirates, Li'l Abner, Jungle Jim, and Flash Gordon. Shirley Temple made her first full length film at age 6, in the picture wherein she sang "On the Good Ship Lollipop." Others were singing "The Beer Barrel Polka," "The Very Thought of You," "Winter Wonderland" and were glued to the radio when prize fighter Max Baer knocked out Primo Carnera to win the world heavyweight championship.

And 1934 also saw the opening of the first laundromat. The infamous John Dillinger met his death at the hands of the FBI, while Bruno Hauptman was arrested in connection with the Charles A. Lindbergh, Jr., kidnaping case.

It also was the year Pepsi-Cola challenged Coca-Cola and Carvel's first custard stand was opened. The Dione quintuplets were introduced to an excited world on May 28.

I salute each and every member of the Dickinson High School class of 1934 and their teachers—those here present and those of fond memory. Each and every one never sank under the burden of their days. They have lived through difficult times, through the Depression and involvement in three major military conflicts. This class lived on hope—the hope which urged them on, believing that tomorrow will be better.

I urge each and every one of you to never forget the reading of the Psalm by your beloved principal, Dr. McMackin, at each auditorium exercise:

"Get wisdom—get understanding
and in getting it
Forget it not."

Please continue your life's work to assure that every individual, regardless of race or class or economic status, receives an opportunity and the necessary tools for the development of their individual powers of mind and spirit to the best of their ability.●

NATIONAL HORSE SHOW ASSOCIATION OF AMERICA

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 1983

● Mr. FISH. Mr. Speaker, this year during the first week of November, the National Horse Show celebrates its centennial at Madison Square Garden.

I wish to express my appreciation to the National Horse Show Association of America for enriching and inspiring equestrian competition in this Nation and throughout the world for the past 100 years.

Through the influence of this remarkable institution, equestrian sport has become increasingly popular among our youth. This year, the National Horse Show, for the first time, held regional finals for junior riders in the ASPCA sponsored Maclay class. These finals were held in California, Georgia, Missouri, and in Westchester County, N.Y. On September 18, 1983, I was honored to present finalist ribbons to 66 young men and women who competed in my congressional district. The competition and the talent displayed were extraordinary. The National Horse Show has taken an important role in expanding the base and popularity of equestrian sports.

In this centennial year, the National Horse Show will continue to be a showcase for the best riders and horses in competition anywhere. It will be a time of excitement for New York and wherever equestrian sport is enjoyed.

Again, as in years past, the National Horse Show and its foundation will also be major financing vehicles for the U.S. equestrian team which will represent our Nation at the 1984 Olympic Games.

I salute the National Horse Show. The directors of the association, the competitors and all those responsible for the show should be proud of the place it holds in the heritage of New York City, New York State, the United States, and the world.●

THE UNITED STATES AND THE UNITED NATIONS: TIME FOR REAPPRAISAL

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. FIELDS. Mr. Speaker, the Heritage Foundation is celebrating its 10th anniversary. Ed Feulner and company deserve much praise and credit for the service they render in providing intelligent discourse and comment of the affairs of state. Because of their persistence, more and more of us are seeing a whole parade of emperors without clothes.

One of the most notorious of these pretenders to fashion is the United Nations. Heritage's United Nations Assessment Project Study has produced another provocative background paper calling for a much needed reappraisal of the United Nations and America's role therein.

Among other things, the paper points out the U.N. politicizing of the merest technical matters. The key to understanding why this is done is the certain and self-evident truth that the modern U.N. goal is the establishment of a world socialistic regime, as Mrs. Kirkpatrick has often reminded us. It is the nature of socialistic states to politicize everything. Thus Western classical music is forbidden for a decade because of China's cultural revolution. Any type of word processing equipment is strictly controlled in the Soviet block to prevent the circulation of essays and poetry deemed counter-revolutionary.

Everything the United Nations does these days puts the torch to the disturbed dreams of the old "world federalists" and assorted internationalists. The United Nations is a true force for world peace only in the context of the U.N. Orwellian definition of the word: the snuffing out of pluralism, individuality, liberty, and human self-consciousness. Only after accepting this definition of "peace" does one begin to understand why the United Nations has become an instrument for extending minor regional disputes into world conflict, and resolvable misunderstandings into deep hatreds. It is also instructive to note that conflict and hatred are the mortar and stone for building Marxist states, not true democratic republics.

Mr. Speaker, early critics viewed the slogan, "Get the United States out of

the United Nations and the United Nations out of the United States" as ignorant tripe. However, the Heritage papers suggest that the slogan was, after all, a terribly prophetic warning.

The introduction to the backgrounder follow:

THE UNITED STATES AND THE UNITED NATIONS: TIME FOR REAPPRAISAL

INTRODUCTION

After two centuries of disdain for international organizations, the United States in the post-World War II era has become one of history's great joiners. In a short time, the U.S. signed on with scores of groups, ranging from the International Monetary Fund (1945) and NATO (1949) to the Inter-American Tropical Tuna Commission (1949), the North Pacific Fur Seal Commission (1957) and the International Agreement Regarding the Maintenance of Certain Lights in the Red Sea (1966). So vast grew this nation's memberships in international groups, that the State Department had to create in 1954 an entire section to deal with international organizations. By early 1983, the Assistant Secretary of State for International Organizations had a staff of 172 to monitor U.S. relations with 98 international groups. In addition to those, the U.S. has ties to at least 50 other international agencies or commissions. The exact number of international bodies to which the U.S. belongs, in fact, no one in the government seems to know.

To some, America's readiness to join international bodies seemed like a betrayal of George Washington's Farewell Address warning that "in regard to foreign Nations . . . have with them as little Political connection as possible." To others, U.S. postwar internationalization was welcomed as a tardy but sensible affirmation of the Wilsonian vision. It was, in truth, neither. U.S. participation in international organizations simply was recognition that the civilized world faced extraordinary threats which could be countered only by active U.S. involvement—indeed, by U.S. leadership. In the years following the German and Japanese surrenders, the globe's industrial economies were shattered and in need of repair. Europe's democracies were weary and confronting menacing Soviet troops further westward than Lenin ever could have imagined. And the world's financial institutions were reeling from the two decades of turmoil caused by depression and war.

It clearly was in American interests to offer the security crutch to Westen Europe provided by the North Atlantic Treaty Organization and the machinery to encourage world trade provided by the International Monetary Fund and the General Agreement on Tariffs and Trade. Yet what was appropriate in the years following World War II now may be an anachronism. With the contemporary world so different from that of 1946 or even 1955, are there still valid reasons for the U.S. to remain deeply involved in international organizations? It is undeniable, for instance, that the Wilsonian dreams once again seem as hollow as they did a half-century ago. George Washington's admonition, meantime, appears increasingly profound. Yet the United States, as it approaches the 21st century, will find guidance on the question of international involvement neither in Wilson nor Washington. The answers rather are in the lessons learned in the past four decades. Among them:

Universal organizations such as the United Nations and those agencies associated with the U.N., like UNESCO, accomplish so little that the value to the U.S. of membership becomes very doubtful.

On the other hand, organizations of like-minded states with fairly specific purposes, such as NATO, or until recently, the International Monetary Fund, fulfill a number of their most important aims.

The democratic dictum of one man, one vote may work within communities or nations, but apparently cannot be applied to organizations containing large numbers of nations which differ dramatically from each other. Within international organizations, the power to influence decisions should closely resemble the responsibility for carrying out the decisions. At the United Nations General Assembly or in UNESCO, for example, a majority comprised of developing nations which contribute almost nothing to the U.N. budget and bear almost no burden for effecting U.N. programs consistently dictate what those programs should be and even what they cost. It is quite a different matter at the IMF. There the weight of a nation's vote is determined by the extent of the nation's financial participation.

Technical organizations must limit their activities and rhetoric to technical matters. This means that the World Health Organization should deal with fighting disease; the International Telecommunications Union should keep global communications orderly; the International Atomic Energy Agency should monitor the peaceful uses of the atom. When their agendas and rhetoric become politicized, an organization's value wanes. The matter of South Africa's policy of apartheid or the Israeli occupation of the west bank of the Jordan River are serious political matters but are not appropriate for the WHO, ITU, IAEA or any other technical agency.

It is time for the U.S. to apply these lessons and reevaluate American membership in international organizations. In the case of basically sound bodies—such as NATO, IMF, Organization of American States and World Bank—this reevaluation probably would lead to minor revisions of the organization's structure and the nature of U.S. paticipation. When it comes to the United Nations and its many affiliated agencies, however, a reevaluation is certain to prompt a fundamental reconsideration of U.S. membership. For more than a decade and one-half, the U.N. increasingly has demonstrated that it is not merely costly and harmless. Increasingly, the United Nations is becoming, as Senator Daniel Patrick Moynihan entitled his 1980 description of his tour as U.S. permanent Representative at the U.N., "a dangerous place." The United Nations, indeed, is becoming a threat to U.S. national interests.

A list of the U.N.'s failures and shortcomings should puncture the resolve of all but the organization's most blind boosters. The U.N. has failed as a peacekeeper and peacemaker and as a protector of human rights. Its record of caring for refugees is suspiciously mixed, ignoring the legions attempting to flee communist-ruled Viet Nam while allowing the Palestine Liberation Organization to turn refugee camps into armed garrisons. Inefficiency, cronyism, high pay, lavish expense accounts and even corruption and illiteracy have become the all too common characteristics of the Secretariat and other U.N. bureaucracies. Meantime, U.N. agencies in New York, Geneva, and Vienna serve as a valuable cover for Soviet, East European, Cuban and other espionage services hostile to the West.

But even this troubling litany omits what now is the gravest danger posed by the United Nations—its role in affecting the way in which nations and their citizens view critical global issues. Like a House of Mirrors at an amusement park, the U.N. distorts reality—exaggerating some things, diminishing others and obscuring most. Unlike a House of Mirrors, however, the U.N.'s distortions, particularly in the General Assembly and its Secretariat, form a predictable pattern. One characteristic of this pattern is the U.N.'s politicization of issues that merely are technical. Certainly the behavior of Israel, Chile and South Africa are not really the most urgent issues confronting the General Asssembly, to say nothing of the World Health Organization, UNESCO, the International Labor Organization and a host of other agencies. Yet these ostensibly technical bodies squander an enormous amount of their time and energy dealing repeatedly with a handful of political matters forced onto the agendas by a block of nations strongly influenced by the Palestine Liberation Organization and radical leftist states and groups.

Another aspect of the pattern is the U.N.'s globalization of problems. Bringing a local or even regional matter or dispute to the General Assembly forces every nation to take a stand. Issues which could remain local suddenly gain global importance and almost always, therefore, become more difficult to resolve. Nearly 15 years ago, The Netherlands' chief U.N. delegate Carl W. A. Schurmann complained that the U.N. system "forces governments to take a stand (if not by making a speech, then at least by voting) on a great many questions and conflicts that either do not really concern them or on which they would much have preferred to keep their opinions to themselves." This was echoed in 1982 by U.S. Permanent Representative to the United Nations Jeane Jordan Kirkpatrick in an address to the Anti-Defamation League. "Instead of being an effective instrument for conflict resolution," she said, "[the U.N.] serves all too often as an arena in which conflict is polarized, extended and exacerbated, in which differences are made deeper and more difficult to resolve than they would otherwise be."

Politicizing and globalizing issues are two of the dangers created by the U.N.'s distorted pattern of behavior. Dangerous too is the legitimacy conferred on the undeserving, while discrediting those entitled to respect as members of the community of nations. Within the U.N. system, for example, the PLO and South West African People's Organization (SWAPO) enjoy near official status and are treated not as the terrorists that they are but as members in good standing of the international community. Israel, South Africa, Chile, and the Shah's Iran, meanwhile are or have been reviled as pariah states.

Most dangerous, however, is the U.N.'s de facto (and some times de jure) crusade against the free enterprise system. In many respects, the U.N. has become the headquarters, command post and strategic planning center of an anti-free enterprise campaign. In almost every U.N. body and almost always in the General Assembly, seldom is an opportunity lost to attack the free enterprise system. These assaults come as direct attacks on the Western industrial democracies which are the main capitalist nations. They come as attacks on individual indus-

tries through increasing attempts to impose international codes of economic regulation. They come too as attacks on the most successful of the capitalistic enterprises, the corporation which has grown beyond the boundaries of the country in which it was founded and in which it is headquartered—the multinational corporation. and the U.N. crusade attacks the very essence and philosophical base of the free enterprise system. It is an assault which condemns, almost always, without supporting evidence, the notion that the dynamo of growth and economic expansion is individual initiative, creativity and the incentive provided by the opportunity of making a profit. This kind of attack even repudiates the notion of economic growth, substituting for it the naive and economically self-defeating concepts of wealth redistribution and central planning.

In repudiating free enterprise and by ignoring capitalism's record of success, the United Nations and its agencies have raised to the level of gospel the tenets of what is called the New International Economic Order or, as it is widely known, NIEO. The tenacity with which the United Nations fights for NIEO at every forum, from every rostrum and in every possible publication and statement is awesome. The United Nations Education, Scientific and Cultural Organization (UNESCO), for instance, now deals with educational and cultural matters mainly as a means for promoting the NIEO agenda. A U.N. conference ostensibly called to combat discrimination against women, meanwhile, was transformed into a NIEO pep rally. This obsession with NIEO has converted the United Nations from an organization that might merely have been costly and annoying into a body which threatens those nations committed to democracy, liberty and economic development.

Early critics of the United Nations recognized and predicted the organization's shortcomings. While their warnings then might have been debatable, they now seem only too real. As a result, American public support for the U.N has plummetted sharply from that heady July 28, 1945, when the U.N. Charter went to the Senate floor for ratification and was approved by a lopsided 89 to 2. This reflected the broad popular backing for the U.N. Support remained high through the U.N.'s first decade and a half. A 1959 Gallup Poll revealed that 87 percent of those surveyed felt that the U.N. was doing a good job. By 1971, however, Americans were having second thoughts and Gallup found that only 35 percent gave the U.N. passing grades. This dropped to 30 percent in 1980, while 53 percent thought that the organization was doing a "poor job." And in March 1981, a Roper Poll discovered that only a slim 10 percent of Americans viewed the U.N. as "highly effective" in carrying out its functions.

Though now disillusioned with the U.N., Americans cannot be faulted for trying to make the international body succeed. Since the U.N.'s birth, the U.S. has been the U.N.'s most enthusiastic and generous booster. Until 1964, for instance, American taxpayers provided nearly 40 percent of the U.N. assessed budget. Even now with its share reduced, as other nations have industrialized and grown wealthier, the U.S. pays about one-quarter of the U.N.'s bills; in 1983, this probably will cost the taxpayer more than $1 billion, bringing to about $12 billion the U.S. contribution to the U.N. since 1945. By contrast, the Soviet Union pays only 13 percent of the U.N. budget (and is $169 million in arrears) and gets much more benefit from the U.N. than does the U.S. Even more striking is the paltry material support from those who control the U.N. The approximately 120 developing nations who command a permanent U.N. majority together contribute less than 9 percent of the organization's costs. Some of those 120 nations, of course, are very poor; yet others are quite rich. In fiscal 1980-81, for instance, Saudi Arabia paid only 0.58 percent of the U.N. budget and Kuwait only 0.20 percent, while relatively poor Britain and Spain paid 4.40 percent and 1.70 percent respectively.

For nearly its first two decades, the United Nations mainly reflected the concerns of the world's industrial democracies. As new nations were formed and admitted to the U.N., in the wake of the dissolution of the world's empires (except that of the Soviet Union), the balance of power within the U.N. inexorably shifted. From 51 members in 1945, the U.N. grew to 82 by 1958, to 115 in 1964 and now stands at 157 member nations. While there is some merit to the argument that a global organization ought to have a universal membership, this has been translated simplistically into a policy within the U.N. (except for the Security Council) of one nation, one vote. As a result, policymaking is divorced from policy responsibility. A majority of today's U.N. members are ill-prepared to address the issues that come before the U.N. for these nations stand only on the threshold of political and economic development. They have no experience in international matters and can boast little knowledge of any history but that of their own transition from colonialism to independence. In almost every case, moreover, the majority of U.N. members have no respect for or faith in democracy. Yet they determine the policies that the U.N. adopts and which the United States and other democracies are obliged to execute and underwrite. To make matters worse, these policies are becoming increasingly opposed to U.S. principles and national interests.

SUPPORTING TERRORISTS

Through its resolutions and, what is more alarming, its agencies and funds, the United Nations has been supporting terrorists groups. The Palestine Liberation Organization, the South West Africa People's Organization, the African National Congress and the Pan-African Congress have been receiving material backing from the U.N. According to a Heritage Foundation study, between 1975 and 1981 the U.N. spent or budgeted at least $116 million to support these and similar groups. This figure was compiled solely from public records. The real U.N. outlay for terrorism, including items camouflaged and hidden in innocent-appearing budget items, surely exceeds by several fold this publicly verifiable outlay. Of this sum, the U.S. taxpayer contributes at least 25 percent.

U.N. support for terrorists takes a number of forms. It ranges from gifts of food, housing and health services to providing radio channels through which a terrorist group can broadcast propanganda. The United Nations Education, Scientific and Cultural Organization has given money earmarked for education to a wide range of terrorist groups. Totalling at least $8 million for 1981-1983, there is no way to account for how the terrorists actually spent the money. To be sure, the public record reveals no U.N. funds used to purchase arms. U.N. accounting and expense monitoring procedures, however, are widely ridiculed as lax, if not deliberately permissive. There is thus valid cause to question how the PLO and similar groups spend UNESCO's "educational" grants. Even by providing food, medicine and training for civilian cadres, the U.N. allows terrorists to earmark more of their own funds for weaponry.

As important as material aid is the political legitimacy that the U.N. confers on terrorist organizations. Official U.N. recognition amounts to a seal of approval which gives the Marxist-oriented PLO, SWAPO, ANC and PAC a definite advantage over their non-Marxist rivals at home. They enjoy U.N. money, aid projects, publicity and international lobbying power not available to their competitors. Example: SWAPO has access to the U.N. Department of Public Information Radio Service which broadcasts worldwide. With this, SWAPO airs special programs on Namibia. The Department of Public Information also provides photographic and exhibition services for special SWAPO events—such as displays which become semi-permanent exhibits at U.N. headquarters in New York and offices in Geneva and Vienna. The U.N. imprimatur makes the terrorists appear to be the sole representatives of their respective peoples. In reality, SWAPO, PLO, ANC and PAC face formidable challenges at home from non-Marxist and non-terrorist groups.

The United Nations excuses its support for terrorists by claiming that it has a responsibility for helping so-called National Liberation Movements battle colonialist regimes. U.N. aid for these movements, however, is curiously selective. No backing, for instance, is given to pro-Western National Liberation Movements such as UNITA, now fighting what appears to be a successful guerrilla war in Angola against the Soviet and Cuban-backed Marxist regime. Nor has the U.N. been willing to recognize the non-Marxist representatives of the Palestinians or the democratic political parties of Namibia. Instead, the U.N. General Assembly grandly declares and treats the PLO and SWAPO as the sole, legitimate representatives of their respective peoples. These two terrorist groups, for example, hold coveted "permanent observer" status at key U.N. agencies and bodies—including the Security Council when questions concerning their areas of the world are on the agenda. And while the General Assembly effectively has barred the sovereign state of South Africa from its proceedings, denying the South African delegations even the right to answer charges against it, the General Assembly has asked all U.N. organs to include the ANC and PAC in their meetings dealing with southern Africa.

No terrorist group enjoys U.N. munificence more than the Palestine Liberation Organization. It has full observer status at UNESCO, the International Labor Organization, the World Health Organization and the International Civil Aviation Organization. Affiliation with the aviation body permits the PLO, whose members are among the most veteran and violent airplane skyjackers, to attend meetings called to discuss international air travel security. In 1977, meanwhile, the PLO was admitted to the U.N. Economic and Social Council's Commission for Western Asia. This was the first full-membership ever granted to a non-country. Since then, the PLO has been allowed to chair the Commission's sessions.

Two U.N. committees were created for and are dominated by the PLO: the Inalienable Rights Committee and the Special Unit on Palestinian Rights. These committees allow the PLO to use U.N. funds to produce a wide

variety of publications and mount a public relations campaign, including an annual "International Solidarity Day with the Palestinian People." PLO booklets lauding Yassir Arafat as a freedom fighter and defending the PLO's use of terrorism are featured at U.N. bookstores—including those in New York. PLO exhibitions, meanwhile, adorn corridors of U.N. buildings. Despite protests from Israel, a PLO U.N. exhibit displayed a map of the Middle East which depicted a state identified as "Palestine" but omitted Israel.

Through its officially sanctioned presence, the PLO gains inordinate influence at the U.N. On many issues, including a good number of personnel matters, the PLO wields a widely recognized veto. This not only adversely affects American and Israeli interests, but undermines the efforts of moderate, democratic Palestinian leaders to find a peaceful solution to the Palestinian problem. By blindly supporting the PLO, the United Nations actually creates obstacles to the achievement of an Arab-Israeli peace.●

THE SANDINISTAS HAVE FAILED THE PEOPLE OF NICARAGUA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. YOUNG of Florida. Mr. Speaker, contrary to the belief of many of my colleagues, it is not the United States that is seeking to overthrow the Sandinista government, but instead the people of Nicaragua who are tired of 4 years of broken promises.

Upon taking power in 1979, the Sandinista govenment promised the Nicaraguan people that human rights, freedom of religion, and free elections would be their highest priorities. The Nicaraguan people are still waiting for these empty promises to be fulfilled.

William Urschel, Jr., traveled to Nicaragua last spring to film a CBS documentary on the anti-Sandinista movement and met not only with the ruling Sandinistas but also the farmers in the field, the children in the schools, and the poor and deprived people in the mountains. He published his observations in the September 7, Princeton Alumni Weekly, and I am including the text of his article at the end of my remarks. I believe my colleagues who have not visited Nicaragua, as Mr. Urschel and I have, should be aware of the unrest that exists in that country where human rights and freedoms continue to be disregarded as they have been throughout the 4 years of Sandinista rule. His observations are not from secondhand sources or from news accounts, they are the result of personal meetings with people in the Nicaraguan countryside.

As Mr. Urschel found, many of the same people who supported the Sandinista revolution in 1979, now believe it has failed the Nicaraguan people and as a result has become the people's enemy. He found that:

The Sandinista government forces the farmers to sell their crops to the state at very low, fixed prices. The government arbitrarily confiscates their land, commandeers their cars, their trucks, and their sons for the military. Those who complain or refuse are sent to La Barranca prison near Esteli, which a Sandinista "vigilante" told me "probably" holds more than 350 men and women. They sit, month after month, without trial, accused of "anti-patriotic" sentiments.

This is the same government which so proudly told the world in 1979 that the Nicaraguan people would at last enjoy the same rights as other free people throughout the world. The Nicaraguan people want their stories of repression told to the world because there is no free press within Nicaragua, as promised by the Sandinistas, to tell this story. Their story can only be told when those who disseminate information to the world leave the cities of Nicaragua and the guided Sandinista tours and venture to the fields and mountains.

It is there that all who look will find hatred and disgust for the Sandinistas and a longing for the peace and freedom which the Sandinistas promised.

Mr. Urschel came away from his trip to Nicaragua with a warning I have long issued to my colleagues:

What has happened to the Sandinistas in Nicaragua reminds one of Cuba. A left-wing party, with genuine popular support overthrew a repressive right-wing regime. But being made up of just one party, the new government has become increasingly fascistic and dictatorial to maintain its sovereignty.

If our findings are not dramatic enough to demonstrate an overwhelming desire for freedom in Nicaragua, sheer numbers speak for themselves. Mr. Urschel writes:

In the U.S. we have heard little about life inside Nicaragua, about the pressure put on the farmers, about the midnight conscriptions, about the keen-eyed vigilantes, about the attack on the Catholic church. But the Contra guerrilla force has grown from a couple of thousand two years ago to perhaps 13,000 today. Something onerous is making so many men and women, in a country with only 2.7 million inhabitants, ready to fight so soon after the "people's" victory fours years ago.

Mr. Speaker, this is the story of Nicaragua I have been telling my colleagues ever since 1979 when the Sandinista government took control of Nicaragua. Now is not the time for our Nation to turn its back on the people of that nation who continue to strive for the freedom they have long been denied.

[From the Princeton Alumni Weekly, Sept. 7, 1983]

THE COUNTER-REVOLUTION IN NICARAGUA

(By William Urschel, Jr.)

San Fernando is a loose cluster of farmhouses along the 70-kilometer dirt road connecting Ocotal and Jalapa in Nueva Segovia Province, Nicaragua. One day last spring, two other American journalists and I sat visiting with José and Esteban on their patio, surrounded by their wives and children. The view from their cool, thick-walled adobe home is dominated by a long ridge of mountains less than 12 kilometers to the north. That is the Honduran border.

José and Esteban are farmers. They have a Ford truck, a large house, and about 80 acres of land, on which they grow beans and coffee and run a few cattle. By Nicaraguan standards they have done very well. But this day Esteban looks at us and says, "No, there is no other way. I will have to leave too. Go across, over the mountains, and come back with a gun." José, looking around at his house and family and everything else he'll have to leave behind, nods sadly. He will go too. There is no other way.

José and Esteban will join the Contras, the counter-revolutionary guerrilla force trying to overthrow the Sandinista government in Managua. Like virtually all of the farmers I spoke with in the northwestern provinces, they say the Sandinistas, a popular guerrilla movement themselves only four years ago, have failed the people. Worse than that, they have become the people's enemy. The Sandinista government forces the farmers to sell their corps to the state, at very low, fixed prices. The government arbitrarily confiscates their land, commandeers their cars, their trucks, and their sons for the military. Those who complain or refuse (or who are simply "denounced" by a local Sandinista party member) are sent to La Barranca prison near Esteli, which a Sandinista "vigilante" told me "probably" holds more than 350 men and women. They sit, month after month, without trial, accused of "anti-patriotic" sentiments.

On Good Friday, in Managua, I joined the religious procession led by Archbishop Miguel Obando y Bravo. The Sandinistas had forbidden him and the other church leaders to say mass where it's always been held, in the central plaza between the Cathedral and the National Palace. So Obando and the others took their 50,000-member flock to the place where San Antonio Church used to stand, a decade ago, before the earthquake. In the presumed safety of the crowd, people came up to us, shaking their fists at the Sandinista government, saying they welcomed the "free American press," because "what is happening has to be told." They told us the "popular church" being promoted by the Sandinistas is an abomination. They told us brown-shirted Sandinista "vigilantes" come in the night to take people away, just like Somoza's police did. They said there is no free press in Nicaragua, and no way to leave.

One man, his scared wife trying to quiet him, said, "Tell the world the Nicaraguan people are Catholics. We are not Communists. We will never be Communists. We are good Catholics. They will never take our church from us." The one Sandinista supporter we found in the crowd—a fat, tough-looking bulldog of a man—was shouted down by the people around him. He was a "Turbo," they said, a professional government agitator. It was he and his sort who harassed the Pope in Managua last spring. He wisely left the procession, under a hail of angry accusations and insults.

The anti-Sandinista sentiment extends beyond Managua and the hilly, agricultural northwest. For two years now, on the Atlantic side, in the vast, flat, jungle lowlands, the Sandinistas have been crudely "relocating" the Miskito Indians. The Miskito vil-

lages used to be scattered near and on the Honduran border, but to keep the Indians from linking up with the Contras, the Sandinistas have forced them farther into Nicaragua, killing or beating any who resist. These Indians have never been known to wage war, but when I was in Tegucigalpa a starving band of Miskito refugees, having fled under fire from the Sandinistas, made it across the border into Honduras. They were all old men, women, and children; the young men, having gotten their families to the border, had gone back to fight.

Of course, not everyone in Nicaragua is a counter-revolutionary. My two companions and I were given a midnight tour of the vigilantes' defense system in Jalapa. We were taken out to a strategic hillside at the edge of town by a young man with a Russian-made AK-47 automatic rifle. Here we saw locally recruited teenage boys and girls sitting in brush-covered holes with their own AK-47s, waiting for the Contras to attack. There is tremendous political pressure on these kids to join the party and "defend the homeland," but one has to wonder how effective they would be against the "aggressors" upon recognizing them as those friends and schoolmates who disappeared and crossed the mountains last year, last month, or even last week. Early the next morning we saw more of the town's defenses, a classic World War I-style trench system, a Maginot Line against any real guerrilla attack. I assume the digging of these patriotic ditches was intended more to occupy the minds and hands of the young vigilantes than to defend the town.

Back in Managua I visited Colegio Rigoberto Lopez Perez. This is a model Sandinista junior high school, designed for the "new Nicaraguan" and named, one teenage girl told me, after the man who assassinated Somoza. Portraits of Augusto Sandino, Che Guevara, and modern Sandinista "martyrs" are stenciled on the walls of the classrooms. Under the portraits are slogans like "A free Nicaragua is a Sandinista Nicaragua." In fact, slogans are posted, stenciled, and scribbled everywhere—on the walls, on the blackboards, on the floors. How many times can a boy or girl hear "Sandinoism equals free Nicaragua" before accepting the belief that any criticism of the party is a criticism of the country itself?

A 15-year-old boy told me there are only three classes of people in Nicaragua: Sandinista party members, Contras, and "Reactionaries." Reactionaries are people who aren't party members, who don't go to the rallies, who persist in being bourgeois and uninvolved. These people, he explained, would find it increasingly difficult to get jobs, buy food, and locate houses or even shacks to live in—and that is their own fault, for not joining the party. But there is still hope for the reactionaries, he said: they can be educated. Contras, on the other hand—those criminally ignorant few who actually resist the Sandinistas—those you just have to kill. The bell rang, ending the noon recess, and he went on to math class with the other kids, all of them wearing the innocent blue and white school uniform, a reminder that two years ago this was a Catholic school.

In Esteli I met a young "vigilante." At the age of 12 he had become a Sandinista guerrilla, carrying an M-16 in the fight against Somoza. His whole life, his whole sense of manhood, comes from carrying a weapon as a victorious Sandinista. Now, at 17, he has staked out the town square, looking for Contras in the crowd walking by. He takes himself and his job very, very seriously. Anyone he suspects of being a Contra will go to La Barranca, the political prison outside town—if they're lucky. It can be hard to tell far left from far right; repression is a nonpartisan phenomenon.

What has happened to the Sandinistas in Nicaragua reminds one of Cuba. A left-wing party, with genuine popular support, overthrew a repressive right-wing regime. But being made up of just one party, the new government has become increasingly fascistic and dictatorial to maintain its sovereignty.

In the U.S. we have heard little about life inside Nicaragua, about the pressure put on the farmers, about the midnight conscriptions, about the keen-eyed vigilantes, about the attack on the Catholic church. But the Contra guerrilla force has grown from a couple of thousand two years ago to (averaging all available estimates) perhaps 13,000 today. Something onerous is making so many men and women, in a country with only 2.7 million inhabitants, ready to fight so soon after the "people's" victory four years ago. They aren't all "Somocistas." Only 3 percent or so of the Contras are said to be former National Guardsmen, supposedly the more humane veterans; the worst elements of Somoza's Guard knew they had no future at all in Nicaragua and moved to Miami.

Why aren't we hearing about the metamorphosis of the Sandinistas? One reason, of course, is the whole situation is so new. After all, the Sandinistas have been in power only four years, and it's hard to believe a regime that came in with such popular support could become so repressive so quickly. And, too, since Anastasio Somoza Debayle was so unarguably evil, we are eager to give the benefit of the doubt to any alternative that seems at all reasonable. Unfortunately, those of us who should be most alert to reality aren't.

In the restaurant of Managua's Hotel Intercontinental, where the press stays, I overheard the correspondent for one of our national news magazines say he thought the Sandinistas weren't so bad. "I mean, look at the new roads, and the hospitals they've put in. And there's nowhere near as much torture." This man had taken the government bus tour to Matagalpa and Nueva Segovia, where most of the fighting had occurred. He never left the protective company of his Sandinista guides to go door to door, asking people, in the relative freedom of their patios and tobacco fields, what was really going on.

I first visited Nicaragua, briefly, in 1979, just before Somoza was evicted. I cheered the guerrillas' victory. I was quick to support any sane alternative to right-wing represssion—as were most Nicaraguans. This is how I felt, too, when I arrived in Managua last spring. I damned the CIA for "meddling" with a noble experiment. But now, after speaking to hundreds of Nicaraguans on both sides of the issue—and there only seem to be two sides—I have to support the Contras. I thought it telling that whenever I asked a Sandinista supporter (I never found one who wasn't in the government, the military, the Sandinista Youth, or the vigilantes) about the current "situation," the answer was always the party line, "I just want peace. We didn't ask to be attacked by the imperialists over the border. All the Sandinistas want is to be left alone." The refrain sounds reasonable, the first 30 or 40 times you hear it.

But from the civilians in the countryside who aren't too terrified to speak—farmers, sincere Catholics, small businessmen—the responses were graphic, immediate, and personal: "My sister Zonia was denounced and taken to prison." "My family is starving because I can't sell my crops." "The soldiers came to take my brother Juan into the army, but he escaped and went over the mountains." These people aren't mouthing political half-truths.

Another reason we don't hear much about life inside Nicaragua is that the American press focuses, perhaps understandably, on what the whole affair means to us, not to the Nicaraguans. For a long time the big question was whether the CIA was aiding the Contras, and later, when the answer to that became obvious, whether the CIA was in contempt of the Boland Amendment, Congress' specific prohibition against funding the overthrow of the Nicaraguan government. People seemed to stop talking about the Boland Amendment, however, after the two American journalists, Dial Torgerson and Richard Cross, drove over a land mine planted by the Sandinistas.

More recently, of course, the spotlight has been on President Reagan's decision to send the aircraft carrier Ranger from San Diego to Nicaragua's west coast, and a Mediterranean-bases flotilla to its east coast. Previously, America's support of the Contras had been limited to intelligence data and some small arms—nothing compared to the backing given the Sandinistas by Russia and Cuba to save the party from "American Imperialism," and coincidently, all non-Sandinista Nicaraguans. This new show of U.S. interest—warships on both coasts and 5,000 American troops poised just a hop away in Honduras—may backfire by alienating the Contras' natural supporters before it intimidates their enemies.

I don't know who is going to win in Nicaragua, but the polarization seems to complete for an amicable solution. In the long run, I would bet on the Contras. Like the Sandinistas when they defeated Somoza, they have widespread popular support, however quiet and cautious much of it is. What's more, the Contras have a strong second front with the Miskito Indians in the eastern jungles, led by an Indian named Steadman Fagoth.

Before long, the Contras may even have an active third front, led by Eden Pastora, the well-publicized Commander Zero. A former Sandinista hero, he has thus far refused to have anything to do with the "Somozan" Contras. But he's been seen in Tegucigalpa recently, the Contras' home-away-from-home, and it's reported that he's taken his small band from Costa Rica into southern Nicaragua. The biggest threat to the Contras right now is a loss of their patriotic purity in the eyes of the unswung Nicaraguans, something that will happen in proportion to overt American involvement.

A military victory, of course, doesn't guarantee peace and prosperity. But the counter-revolutionary force is not in an ideological lockstep like the Sandinistas, and if the Contras do win—with the help of the Miskitos, Pastora, and the various factions within the Contras organization—they are going to have to transfer that basic plurality to their government. It's this plurality, and the necessary accommodation of different interests and ideologies, that gives hope the Contras will govern their country, not rule it.

By the time you read this, José and Esteban will have gone over the mountains, and may well be back, armed and fighting in their home territory. They probably kissed

their wives and children goodbye, checked to make sure the corral would keep in the cows, looked at the oil level in their truck, then took a small sack of clothes and a canteen and walked off down the road to get themselves "abducted." It's sort of charade the guerrilla volunteers play to make it easier on their friends and family who stay behind. Can they help it if the Contras took them away at gunpoint?

José has already been abducted once. Several months ago he and his cousin were up in the hills "picnicking" with some friends. A Contra band happened by and they were all taken prisoner. José, however, told them he couldn't go, because he was needed at home. So home he went. His cousin became a guerrilla. José tells us, with a smile, that he has had nothing to do with the Contras since. Sure, somebody has been helping them in the villages, but not him. Nevertheless, he was able to describe to us exactly where we could go to meet the Contras ourselves, when they would most likely be there, and where we could find a hidden cache of food, in case we got hungry. The Contras are obviously not operating in hostile territory.

Neither was Augusto Sandino, the patron saint of the Sandinistas. In 1927 he led a guerrilla army of local farmers and woodcutters in a fight against an oppressive Managua regime backed by a foreign power. He fought in these very same canyons and valleys—right here in the villages of Octotal, San Fernando, Santa Clara, and Jalapa. José is aware of the irony. "Who," he asks us, "is following Sandino now?"

(William Urschel Jr. '78 was in Nicaragua last spring to film a CBS documentary on the anti-Sandinista movement. A California-based writer, he has traveled extensively in Latin America. For his senior thesis in history, he rode a horse and led a pack mule 1,200 miles across the desert from Taos, New Mexico, to San Diego, California, retracing the trail taken by General Stephen Watts Kearny in 1846. A condensed version of Urschel's thesis was later published in Quest/78 magazine and reprinted in Reader's Digest. After graduation, he went to the headwaters of the Peruvian Amazon and paddled a canoe down the Rio Ucyali, being temporarily abducted along the way by Conibo Indians. He is presently writing his third screenplay and producing a feature film in Santa Barbara.)●

STRENGTHENING INTERPARLIAMENTARY CONSULTATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. ZABLOCKI. Mr. Speaker, the past decade has seen a vast increase in the interparliamentary contacts of the Congress.

Of these relationships the most important is the North Atlantic Assembly, the interparliamentary assembly of the 16 countries of the North Atlantic Alliance.

The Atlantic Council of the United States recently completed a 2 year study of the North Atlantic Assembly. The working group which performed the study was chaired by our distinguished permanent representative to NATO, David Abshire, and included several outstanding Americans with long experience in alliance affairs, such as the Honorable JACK BROOKS, our colleague and a former president of the Assembly, former Senator Jacob Javits, former Deputy Secretary of Defense Kenneth Rush, and two former counselors of the State Department, Ted Achilles and Helmut Sonnenfeldt.

I commend the report to my colleagues as it is a concise, well-written analysis of the value of the North Atlantic Assembly and contains several thoughtful proposals for strengthening the Assembly and improving American participation.

Mr. Speaker, I request unanimous consent to include the following executive summary of the report in the RECORD.

STRENGTHENING INTERPARLIAMENTARY CONSULTATION

EXECUTIVE SUMMARY

Members of the U.S. Congress and their counterparts in the other nations of the North Atlantic Alliance play a key part in formulating and authorizing foreign policies. Moreover, through the press, the podium, and personal contact, they probably contribute more to public perceptions of public issues than any other group of individuals. How well they do these things depends in large part on their own grasp of complex issues. In the affairs of a far-flung alliance, this in turn depends on having adequate opportunity to learn the views and concerns of their foreign colleagues—and to communicate their own. Nowhere can they find greater possibilities for this than in the plenary halls, committee rooms, and corridors of the North Atlantic Assembly.

The Assembly, established in 1955 as the NATO Parliamentarians' Conference and renamed in 1966, is the only body that regularly brings together members of the United States Congress and members of the Canadian and West European parliaments to address issues of world peace and cooperation. The Assembly currently comprises 172 parliamentary delegates from the sixteen countries of the North Atlantic Alliance. Recently it began including members of parliament from Japan and Australia as observers. The Assembly meets in plenary session twice a year for a total of about six days. Most of its preparatory substantive work is done in five committees and their subcommittees, and in ad hoc committees established from time to time such as current Special Committee on Nuclear Weapons in Europe.

The North Atlantic Assembly can and should strengthen its capacity to serve as the premier interparliamentary forum of the developed democracies, where Members and Congress can state candidly and debate vigorously the great issues of political and economic relations and collective security, and where they can confront their differences and reach a better understanding of each other's policies and purposes. A basic prerequisite is a consistently broader and more active participation by Members of the U.S. Congress.

The special importance of the North Atlantic Assembly arises from two circumstances: the complexity and urgency of the issues confronting the developed democracies and the key role legislators play at the nexus of foreign policy and public opinion.

The Assembly seeks to serve two major functions:

Interparliamentary dialogue and the mutual education of legislators in international relations and alliance politics; and

Direct influence on public and parliamentary opinion and on policymaking.

The Assembly's success has been more clear-cut in the former than in the latter.

Today, West European and North American legislators perceive that a more effective interparliamentary dialogue on the issues of world peace and cooperation will require above all else stronger U.S. participation in the North Atlantic Assembly. From the European point of view this is so in part because our legislature plays a more direct and independent role in foreign affairs than do its counterparts in Western Europe. Both to understand adequately U.S. views and the role of Congress and to make their own views sufficiently known in this country, our allies must deal directly with the Congress more than ever before. "Our embassy," as former West German Chancellor Helmut Schmidt has acknowledged, "is not enough." It is a truism that if American policies are to succeed, they must take into account the concerns and interests of our allies. The European side of the dialogue must be well heard by the Members of Congress.

It is likewise in the interest of both the United States and its allies that American legislators have comparable opportunities to make their concerns and ideas felt. It is true—and worth noting—that both the governments and the publics of the allied democracies remain in general agreement on fundamentals: Soviet policy at home and abroad obliges the democratic allies to maintain appropriate military force for deterrence and defense. At the same time, shared interests of East and West in avoiding world catastrophe, military or economic, underpin necessary efforts to settle disputes, reduce armaments, foster international trade, and promote communication. The differences among Western allies arise not over these broad matters of principle, but over means and modalities.

Here the United States has significant and at times serious differences with its European allies. The U.S. Government and/or members of Congress have, for example:

Sought a major catch-up effort in military readiness which the Europeans have accepted (in NATO's Long-Term Defense Program, begun in 1978) but seem unable or unwilling to carry out;

Pointed out the possibility that unless Western Europe assumes a larger share of the total defense burden, a disillusioned Congress and public may bring home some if not all of the 300,000 American troops now stationed in Europe;

Urged the Europeans to accept a larger responsibility for the security of mutual interests outside the NATO area, notably in the Middle East, thus far with an inadequate response;

Sought with little success a united allied front to impose economic and other sanctions on the Soviet Union in protest against the invasion of Afghanistan and the destruction of the free labor movement in Poland.

Finally—although this is not an issue among the NATO governments—many Americans are distressed that NATO's program for modernizing theater nuclear arms in Europe, adopted in 1979 in response to European concerns, now appears to be op-

posed by significant sectors of European opinion.

These American positions, whatever may be their merits, are widely held in this country. They are among many other such positions that must be presented, clarified, adjusted, and defended effective in the North Atlantic Assembly.

It is a regrettable irony that, for a variety of largely remediable reasons, U.S. participation in the Assembly over the years has been less than optimum in size, structure, and prominence. While a number of eminent Senators and Representatives have taken leading roles in this work, the U.S. has seldom fielded a full delegation, and too often the most appropriate legislative committees, those concerned with foreign policy and national security, have been underrepresented.

Certain changes in present arrangements and attitudes could help bring about more consistently effective U.S. participation in the North Atlantic Assembly—and provide other gains as well. These changes are outlined in the following conclusions and recommendations.

CONCLUSION NO. 1: SCHEDULING DIFFICULTIES

By reason of the size of their constituencies and the nature of their consitutional responsibilities, American legislators have considerably less free time than do most of their European counterparts. While some European MPs find it possible to devote as much as ninety days or more per year to international parliamentary activities, American legislators are hard put to devote ten.

RECOMMENDATION NO. 1: SESSIONS IN NORTH AMERICA

To the extent that time required for overseas travel is a deterrent to U.S. participation, the Assembly should experiment with a plan to increase the number of annual plenary sessions convened in North America, with preference for cities other than the U.S. and Canadian capitals, as well as to increase the number of committee meetings held on this side of the water. This would also heighten the visibility and public understanding of the Assembly in the United States. In this connection, the Assembly should make every effort to schedule its annual meetings when the Congress is in recess or not in session.

CONCLUSION NO. 2: DIPLOMATIC RESERVE

Understandably, professional diplomats tend to try to manage international issues directly rather than encourage candid and wide-ranging public debate about them, as such discussion can complicate and delay their diplomatic tasks. Accordingly, Executive Branch support of U.S. participation in the North Atlantic Assembly has not always been as strong as it should be.

RECOMMENDATION NO. 2: EXECUTIVE BRANCH SUPPORT

The President and the Secretary of State could do much to correct public and media ignorance of the North Atlantic Assembly and to encourage enhanced Congressional participation in it. They should take every opportunity to do so, including a regular meeting of the U.S. delegation with the Secretary of State and/or the President upon the delegation's departure for or return from the annual Assembly sessions.

CONCLUSION NO. 3: LEGISLATIVE SUPPORT

The Congress has supported and underwritten U.S. participation in the North Atlantic Assembly, but there are larger opportunities which Congress should now consider.

RECOMMENDATION NO. 3: LEGISLATIVE SUPPORT

The Congressional leadership should consistently seek to appoint the strongest possible bipartisan U.S. delegation, a substantial part of which should include members otherwise isolated from the international scene as well as members of committees that are directly involved in foreign policy and international security issues, in a systematic effort both to draw in new Members of Congress and to provide resasonable continuity. The leadership should also assure that the delegation has sufficient staff support and sufficient time off from their legislative duties to enable them to attend to annual meetings.

CONCLUSION NO. 4: A PROBLEM OF PUBLIC PERCEPTION

Members of Congress have often found that participation in the North Atlantic Assembly can be a political liability by unfairly exposing them at home to charges of "junketeering" (which may be defined as frivolous travel to the detriment of their duties and the taxpayer's pocketbook).

RECOMMENDATION NO. 4 : "JUNKETEERING"

In our fragile and interdependent world, what some may carelessly call "junketeering" can in truth be something of substantial national interest. The North Atlantic Assembly makes possible an indispensable learning and teaching experience for responsible men and women who carry an important share of the burden in managing our national security. It is essential that the media, the interested public, and political candidates make an effort to understand this.

CONCLUSION NO. 5: BROADENING THE DIALOGUE

The recent inclusion in the Assembly proceedings of Japanese and Australian members of parliament as observers is a highly significant development in the Assembly's institutional history.

RECOMMENDATION NO. 5: TOWARD A BROADER-BASED ASSEMBLY

Underlying the sometimes fierce competition among the developed democracies is a shared interest in the vitality of the global economic system. A wide and continuing association of their parliamentarians would materially advance that interest. Closer interparliamentary ties should be encouraged by all appropriate means with Japan, Australia, and New Zealand, and with other members of the Organization for Economic Cooperation and Development.

CONCLUSION NO. 6: COST-EFFECTIVENESS

In relation to value conferred on the developed democracies involved, the annual cost of the North Atlantic Assembly has been extremely modest. Several interesting projects for improving the Assembly's work have been suggested by participants or observers but would require additional financing. These include increasing the Secretariat's capacity to prepare studies concerning agenda items, expand the program of visits to military installations and NATO exercises, reinforce liaison with parliaments and the US Congress, organize parliamentary seminars, and strengthen media relations and the publications and public information programs.

RECOMMENDATION NO. 6: THE ASSEMBLY'S BUDGET

The Congress should support reasonable increases in both its delegation's allocation and the Assembly' budget to permit the wider and more effective interparliamentary dialogue that is now clearly possible. Specifically at this time, the Assembly should add a full-time information officer to its Secretariat.

CONCLUSION NO. 7: IMPROVING ASSEMBLY PROCEDURES

The major inherent functions of the North Atlantic Assembly are to promote interparliamentary dialogue and the mutual education of legislators, on the one hand, and to influence policymaking and pubic opinion, on the other. To date the Assembly has achieved significant success in the former but far less than it can and should in the latter. The practice of adopting formal resolutions and recommendations has served as one useful means of promoting the dialogue but has had little impact on policymaking or public opinion.

RECOMMENDATION NO. 7: THE DEBATE AND THE END-PRODUCTS

The Assembly should retain but de-emphasize the practice of adopting resolutions, while developing new procedures better calculated to enhance its political influence. To that end, the Assembly should experiment along lines suggested elsewhere in this Policy Paper with a new format and style for its committee reports, and cultivate a mode of plenary debate notable for its clash of opinion, its elucidation of significant differences, and its quest for new avenues of accommodation and consensus. Debates and reports of that character could contribute much to public understanding of the issues, and be noted with interest and profit by parliamentarians and government leaders throughout the Alliance.

It will be noted that the seven recommendations set out above are interdependent and mutually reinforcing. US Congressional participation would improve if the Assembly sessions were more newsworthy. Sessions would be more newsworthy if improvements were made in Assembly procedures, scheduling, resources, and end-products. Adoption of such improvements would enhance the Assembly's impact on public opinion and policymaking. Greater impact on public opinion and policymaking would vitiate concerns about "junketeering", elicit greater resources, stimulate Executive Branch cooperation—and encourage stronger US Congressional participation. We believe simultaneous action on all seven recommendations would advance the purposes of a more productive discourse and a stronger partnership among the developed democracies.●

CONSTRUCTIVE ENGAGEMENT—A FOOLISH POLICY ON SOUTH AFRICA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. SOLARZ. Mr. Speaker, I would like to call to the attention of my colleagues an excellent op-ed piece by Franklin Williams which appeared recently in the New York Times.

Mr. Williams, the president of the Phelps-Stokes Fund, is an knowledgeable observer of South Africa. His article forcefully expresses his dismay at the current administration's policy of

"constructive engagement in South Africa."

His apt headline describes how many Americans, both black and white, feel about the current administration's dealing with that nation which have produced neither a settlement on Namibia, which South Africa continues to occupy in defiance of international law, or any significant movement away from the racist, restrictive, and oppressive policies of apartheid.

I urge those who have not had an opportunity to read this article to do so, and then reflect on the serious issues which it raises about that regime and our policies toward it.

Mr. Speaker, I ask that this be reprinted in today's RECORD.

FOOLISH POLICY ON SOUTH AFRICA

(By Franklin H. Williams)

The Reagan Administration's policy of "constructive engagement" in South Africa could very well have been designed in Pretoria.

In exchange for what the Administration calls "progress" toward the elimination of apartheid, the United States' relations with the South African Government are more friendly and extensive than they have been for years.

The ultimate folly of such a policy for the United States is that favor is being won with the wrong people.

The so-called reforms applauded by the Reagan Administration are merely cosmetic changes in a system deeply entrenched and jealously guarded by "white" South Africa. That this is the view of the black majority, which will inevitably hold power in South Africa and with which we will, therefore, have to deal, is made clear by the recent explosions of violence there.

Perhaps most pernicious, because it camouflages a very basic aspect of apartheid, is the latest so-called reform. The Appeals Court of South Africa recently ruled that black migrant workers who have been continuously employed in one job for 10 years or in various jobs for 15 years now have rights of permanent residency in "white" South Africa even if they must return to their "homelands" each year to renew their work contracts. They can no longer be deported to the homelands if they lose their jobs.

To regard this as a reform, however, is to ignore the basic injustice of a system that requires a court ruling to allow an individual the right to reside wherever he pleases in the country of his birth.

To then use such decisions as justification for closer diplomatic relations is ludicrous.

It is also dangerous since it diverts attention from the South African regime's relentless pursuit of apartheid.

While the world applauds its magnanimity in granting urban blacks—whose labor it needs—rights of permanent residency, South Africa continues to implement its homelands policy, denying blacks any citizenship rights in South Africa and forcibly removing hundreds of thousands of them from land designated "white." Euphemistically referred to as separate development, the homelands policy is the fulcrum upon which turns the ultimate success and international acceptance of white domination of South Africa.

The policy is so simple and surrounded by such deceptive rhetoric that I fear a world that has proved itself extemely willing to accept a *fait accompli* in other instances will do so once again. For instance, when Goa and Tibet were taken over by larger neighbors (India and China, respectively), the world was outraged. But today who cares? More recently, in the wake of the furor over Israel's occupation of Lebanon, demands that it withdraw immediately evolved into protracted negotiations offering Israel inducements to withdraw.

South Africa is counting on a similar international reaction to its homelands policy, under which no blacks are considered citizens of South Africa. They are all regarded as citizens of an ethnic homeland. That many of them have never even visited these so-called homelands matters not at all. The white Government has decided that it is there and only there that they have any citizenship rights.

Ten homelands, comprising 13 percent of the land, have been created. Most of them consist of noncontiguous, fragmented areas and are unable to support economies that would make them self-sustaining. They are dependent on South Africa to provide employment for the vast majority of their "citizens." Since the sophisticated and affluent white-controlled South African economy is in need of cheap, plentiful labor, it is an arrangement that works to its definite advantage.

Even though their economies are so dependent on the rest of South Africa, four of the homelands—Bophuthatswana, Ciskei, Transkei and Venda—have been declared independent. Not one country in the world, except South Africa, has yet recognized this pseudo-independence. Late last year, however, the United States took what is perhaps a first step toward changing that when American diplomats made their first official visits to the homelands.

While the anti-apartheid movement has not succeeded in shaping world opinion about racism in South Africa to the point where strong international actions have been taken, it has kept the issue before the public. In the absence of an informed cadre of activists to prick the conscience of the world and its leaders, it is doubtful that policy statements such as the Reagan Administration's recent condemnation of apartheid as "morally wrong" would be made.

But I wonder if the vigilance of the dedicated few will be enough to counter pragmatic world opinion when the homelands scheme has been fully implemented and the Government of South Africa grants political rights to the ineffectual number of blacks remaining citizens of the Republic. It is more probable that they will be viewed as radicals standing in the way of the new, established order. Who will listen to their protest that by allowing 20 million people to be evicted from the land of their birth the world acquiesced in racial and human injustice of monumental proportions?●

THE ARTIE BUTLER STORY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. FRANK. Mr. Speaker, with the retirement of Carl Yastrzemski, a lot of attention has been focused on the twin subjects of age and baseball players. The baseball fans in Massachusetts and elsewhere in the country will miss Carl Yastrzemski. But as Artie Butler demonstrates, there can be life after baseball—long after baseball.

Artie Butler, who lives in the sports-minded community of Fall River, is the oldest living former major league baseball player. His professional career began 75 years ago and he remains an interested and knowledgeable baseball fan today. The accompanying article from the Boston Herald tells the wonderful story of Artie Butler. Too many people in America today still operate with prejudice against older people, assuming that those who have reached an advanced age are somehow no longer interesting or worth the attention of the rest of us. As this article shows, the richness of experience of our older citizens is a great asset for all of us. I congratulate Dick White and the Boston Herald for sharing the Artie Butler story with us.

I ask that it be printed here.

At 95 years old, Fall River's Artie Butler is older even than Carl Yastrzemski. He is, in fact, the oldest living former major league baseball player. He took his place in baseball history to do battle alongside Honus Wagner, Christy Mathewson, Rogers Hornsby, and yes . . . he remembers it well.

The diamond dust has long since settled for the still-spry former infielder whose professional career in baseball began in 1908 in the old New England League and ended in 1928 with the Providence Grays in the Eastern League. In between, he played for Boston, Pittsburgh and St. Louis.

He is a man who chased a dream and caught it during a time when only the most rugged survived.

"I wasn't a star," Butler says (his real surname is Bouthitier). "I had to hit if I wanted to live. In 20 years, I missed only one ballgame because of a broken nose.

"My greatest fan was my dad," he recalls. "He brought the whole family up to Boston for the dedication of the new Braves Field. I was playing for the St. Louis Cardinals in 1913."

In that opening game, there was a $50 prize offered for the player who got the first hit in the spanking new park. Manager Miller Huggins inserted himself into the starting line-up at Butler's usual spot as lead-off hitter.

"He wanted that fifty bucks," laughs Butler. "I was the second batter. After Huggins grounded out, I got the first hit and the $50. Miller just shook his head.

"The best pitchers I ever faced were the great Christy Mathewson, Grover Cleveland Alexander and Jack Chesbro, who threw a nasty spitball," says Butler. "But the greatest of them all was Walter Johnson over in the American League. I batted against him in exhibition games and his fastball was just unbelievable!"

After playing in only 27 games for the Boston Braves, Butler was purchased by the Pittsburgh Pirates in 1912 to replace the legendary (and retiring) Honus Wagner at shortstop. In his Pittsburgh debut, Butler had a single and a triple off Mathewson that helped to beat the New York Giants.

But Wagner, the future Hall-of-Famer who earned the unheard of annual sum of

$12,000 a season, changed his mind about retiring and Butler waited in the wings.

A year later, while pitching batting practice, "I threw my arm out showing off," Butler says. "That's why they traded me to St. Louis the next year."

When a ballplayer was hurt in those days, he would often keep that damaging information to himself for fear of being benched.

Unaware of his shoulder separation, the Cardinals played Butler at shortstop. "I just couldn't turn a major league double play," he says, "or make a strong relay throw from the outfield."

In 1915, Butler gritted his teeth and played 130 games at shortstop, batted .254 and stole 34 bases—all with a bum shoulder.

During that same season, he took a young kid from Texas under his wing. The kid's name was Rogers Hornsby, later known as, "The Rajah."

"He had a pair of blue jeans, two shirts and a pair of dice when he walked in," chuckled Butler. "I worked with him for four hours every day at the ballpark. He only batted .246 and I gave him hitting and fielding tips and had kids shag the balls."

Hornsby went on to stardom as Butler's arm worsened. Hornsby led the league in batting for seven consecutive years.

In 1916, the sore shoulder forced Butler to play at second base and the outfield, often filling in as a pinch hitter.

In one of those games, the Philadelphia Athletics' great hurler Grover Cleveland Alexander had a no-hitter going with two outs in the ninth. At that point in his illustrious career, Alexander had never thrown a no-hitter.

Butler was called in to pinch hit.

"Everybody was rooting for Alexander," says Butler, "including some of my teammates! I was in a bad slump at the time, but I told the guys on the bench that I was going to hit one down his throat."

Butler cracked the first pitch right into centerfield for a base hit.

In 1917, Butler began an 11-year stint in the American Association, the International and Eastern Leagues. He says that he led just about every team he played for in the minor leagues in hitting, runs scored and stolen bases from 1917 to 1928. At the age of 40, playing for the Providence Grays, Butler led the league in hitting with a .368 average. That's when he decided to call it quits.

Now, Artie Butler lives in a modern high-riser in Fall River. What greets you as you enter the living room is a mini Baseball Hall of Fame.

There are sketches and framed photos on the wall, baseballs, statues, bats, priceless ancient baseball cards and yellow clippings of a more innocent time—a tribute to a sport and its luminaries.

He produces one of his Louisville Slugger, Artie Butler model bats that he used in the major leagues. It resembles a war club.

"I used to choke up on it," he says going into his batting stance. "There's good wood in that bat. The weight is evenly distributed and the wood ash was aged just for the stars in the major leagues. It's a 42-ounce bat. Today, they're 36—just like a tennis racket.

"Don't misunderstand, I still love baseball. But a lot of people today are home run happy. I don't bat an eyelash when someone hits a home run. I like the line drive hitters, you know. Jerry Remy is my boy. Absolutely."

Butler reminisces in his living room, seated in front of a huge, 1909 "Silvertone" short-wave radio console. "I have the feeling that I'll live to be 110, but I'm not kidding anybody. I'm here today, but who knows where I'll be tomorrow?

"I'm the only one left in the family. It won't be long now."

Artie Butler smiles peacefully as he turns on the old Silvertone to listen to the ballgame.●

SALUTE TO JAMES R. MALONEY, DIRECTOR OF ALLEGHENY COUNTY PORT AUTHORITY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. WALGREN. Mr. Speaker, one of the most interesting purposes of the CONGRESSIONAL RECORD is to chronical the history of our country and the individuals who have contributed to our Nation's progress. There is a special person from Allegheny County that deserves to be recognized in that context.

Jim Maloney will retire next week as executive director of the Port Authority of Allegheny County. Since coming to the Port Authority in 1970, Jim has been responsible for major developments in public transportation in Allegheny County—developments that have seen $700 million invested under his supervision in a variety of public transportation efforts. Jim has played a critical role in positioning the Pittsburgh area to compete with other cities across the country as a good place to live and work well past the year 2000.

Jim is a product of Pittsburgh as much as any of us are "products" of where we grow up. He went to western Pennsylvania schools and western Pennsylvania colleges, graduating from Duquesne University and the University of Pittsburgh School of Business. It is especially good to see someone whose background is so associated with the Pittsburgh area make such a significant contribution to keeping the Pittsburgh area vital.

Those who have worked with him or come to know him have an unusual amount of respect and affection for him. On the national level, he has been honored by the American Public Transit Association, the Urban Mass Transportation Administration, and other transportation organizations.

Jim's ability to command both respect and affection must be at the bottom of his success. Implementing major initiatives in public transit is very difficult. High inflation, changing and divided government direction, the intense interests of organized labor, and the sharp judgment of the public, all are major obstacles. Strong personal qualities are necessary to succeed in public administration under these kinds of pressures.

And Jim has come through with discipline and compassion. His administration of millions of dollars in public funds has been a model of good government. And one of his greatest credits has been his readiness to support transportation for the handicapped which led to financial support for the "Magic Carpet" in Allegheny County and ultimately to countywide "door-to-door" service that is broadening the life of many people with special disabilities and handicaps. Jim has put in place a helping hand for others that we all should aspire to live up to.

Jim Maloney is retiring for health reasons, difficulties he has met with both courage and humor. Our country is so fortunate to have individuals like him who have made ideas of progress become real benefits for the rest of us. Jim Maloney has enriched our lives, earned our respect, and left us with a feeling of kinship with him. And for all of that, we want to express our appreciation and our best wishes.●

75TH ANNIVERSARY AND AMORTIZATION OF ST. MARY'S CHURCH MORTGAGE, WILKES-BARRE, PA.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, October 15, the parishioners of St. Mary's Antiochian Orthodox Church will celebrate the 75th anniversary of their parish and the amortization of their church's mortgage.

The founding fathers of St. Mary's began their immigration to America in the year 1890. The families of Saba, Hyder, Broody, Audi, Simon, Serhan, and Atiyeh hailed from the area of the mountains of Lebanon, above Tripoli. The Syrian Orthodox families of Betar, Abraham, Johns, Cross, Namey, Baroody, and Solomon were among the earliest to arrive from the area of Latakia before 1900.

The young men came alone and found work here under sponsorship of Protestant missionaries in the Middle East. Once these single men earned enough to set up homes, they returned to their homeland to marry and raise children in America. They sought religious freedom and free enterprise in the land of hope and promise. Several of the young men married American women of Irish and Dutch descent and made happy marriages.

By the year 1904, 35 families resided in the Rolling Mill Hill section of Wilkes-Barre, and they convened to organize a parish. A worthy householder, Michael Saba, was elected to be the new clergyman. A bishop from Christian Russia, Raphael of Blessed Memory, came from New York City and ordained the priest. Father Mi-

chael served the parish for 4 years. By the year 1908, 30 new families joined the parish, and a new priest, Father George Kattouf, led ably in the purchase of land at 132 High Street in Wilkes-Barre, and the church building was completed at a cost of $9,000.

A rectory was also built in 1912, behind the church at 19 McCarragher Street, for $4,000.

The congregation grew steadily until 1914, when the First World War began. A number of our young men joined the Army and served well. By the year 1928, the old church was enlarged and lifted to build a large community hall underneath, at a cost of $13,000. The congregation, by 1940, was 300 families strong, and boasted business and professional people. During World War II, 130 of its young men served in the Armed Forces and 7 lost their lives in the European Theater.

In 1958, the congregation voted to erect a new church edifice, hall, and rectory. This was done in the year 1969, located at 905 South Main Street, Wilkes-Barre, Pa., at a cost of $800,000. The parish has been active in all civic activities.

Over the years, 534 marriages and 2,156 baptisms have been performed in the buildings of St. Mary's Antiochian Orthodox Church.

And so, Mr. Speaker, October 15 is indeed a very special day for the Wilkes-Barre community. At a banquet that evening all of us will rejoice with Very Rev. Herbert G. Nahas, the pastor, and all of the people of St. Mary's Antiochian Orthodox Church. It will be my honor to be there, Mr. Speaker, and it is my pleasure today to share this significant moment in the history of the Wyoming Valley with my friends and colleagues in the House.●

THE AFGHAN GESTAPO AND SOVIET RULE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MICHEL. Mr. Speaker, the recent outcry over the Soviet Union's barbaric destruction of a Korean airliner disclosed to some people the true nature of the Soviet Union. But to many, this incident was merely yet another example of Soviet perfidy.

The same Soviet contempt for human rights is being shown in Afghanistan right now and has been since 1979. At this moment, Afghan Government secret police, known as the Khad, are carrying out Gestapo-like raids on the Afghan people. Torture, deceit, violence, subversion—these are the familiar tools of totalitarian secret police and the Khad are using them against the people of their own country and in the interest of the Kremlin.

Among our colleagues who are so eloquent in their denunciation of American allies in Latin America, I cannot think of one who has managed to bring to the attention of the House the existence, let alone the human rights violations, of the Khad. So I want to take this opportunity to provide these eloquent speakers with enough information to allow them to exercise their talent for criticism where it belongs.

At this point I wish to insert in the RECORD, "The Khad—U.S.S.R.'s Secret Weapon Against Afghan Rebels," from the Christian Science Monitor, September 29, 1983.

THE KHAD—U.S.S.R.'S SECRET WEAPON AGAINST AFGHAN REBELS

(By Edward Girardet)

PESHAWAR, PAKISTAN.—Just over a year ago, Afghanistan's secret police, the Khad, unceremoniously arrested a small group of Kabul University professors.

The academics were charged with disseminating anti-Soviet literature and starting an underground resistance organization. They denied the accusations, but were jailed without trial anyway.

Little has been heard about them since. But two months ago, according to a recent Afghan-resistance report, one of the group, historian and writer Hassan Kakar, was brought before a "revolutionary" court and sentenced to eight years imprisonment for his alleged activities. He was then bundled off to Pul-i Charkhi prison, a cumbersome cluster of concrete detention blocks on the outskirts of the capital, where an estimated 8,000 to 15,000 inmates are being held, mainly for political reasons.

During his trial, Dr. Kakar reportedly denounced the Soviet invasion. He also criticized the "Sovietization" of his country's higher-education structure. This involves the current practice of replacing university teachers who have been purged or have fled—more than four-fifths of the total since the 1978 communist coup d'etat—with Soviet advisers and often-unqualified party activists.

Dr. Kakar resfused to read a prepared statement on national television, and he condemned the Babrak Karmal regime to what he referred to as the "sentence of history."

As in many other totalitarian systems, the internment or intimidation of citizens by the Khad is only one aspect of the Afghan government's contrivance to crush widespread opposition. Reliable estimates of the number of political prisoners interned by the communist authorities or dispatched to camps in the Soviet Union, as some reports indicate, are not available.

Nor are reliable estimates of the number of prisoners tortured or executed since the Soviet invasion. But the figure is thought to be well into the tens of thousands.

The threat of the knock on the door or the street sweep remains a constant concern for Afghans living in the Soviet-occupied areas. Even the remote suspicion of resistance affiliation is enough to land one in the Khad basement interrogation rooms near the prime minister's offices in Kabul. Show trials followed by television appearances of accused admitting to "CIA crimes" or "collaboration with imperialist antirevolutionary forces" are therefore staged to remind the population of what happens to those who continue to oppose the authorities.

Cases of outright defiance, such as that of Dr. Kakar, are not uncommon, but the Khad can bring often-nefarious pressures to bear on prisoners who refuse to cooperate, including torture of prisoners and the harassment of their families, bribery, and promises of release or reduced sentences.

A far less-sophisticated version of its KGB big brother in the Soviet Union, the Khad nevertheless has developed into a formidable security weapon for Soviet divide-and-rule tactics. Its extensive activities—gathering intelligence, infiltrating the resistance, spreading false information, and processing of political prisoners—in many cases have proved even more effective against the guerrillas than have massive military onslaughts.

Over the past years, the Soviets have succeeded in broadly penetrating resistance organizations by means of the Khad—not only in Afghanistan, but also among the political groups and refugee camps in neighboring Pakistan and Iran.

The Khad is thought to be responsible for much of the internal rivalry and political divisions among the major guerrilla fronts. Complains one resistance commander: "In some areas, Khad agents have rendered mujahideen groups completely useless by getting them to fight among themselves. Why should the Soviets worry about killing Afghans if the mujahideen do it for them?"

Khad control of the Afghan militia, the "defenders of the revolution," also has seriously weakened the resistance struggle in some parts. Attracted by high salaries and proper weapons, militiamen—who dress and look like the mujahideen—are considered more reliable than conscript soldiers of the defection-ridden Afghan Army. Although not necessarily pro-Soviet they are willing—for financial bonuses—to participate in special operations.

The Soviets, via the Khad, ensure that money is never lacking.

Disposing of an enormous budget channeled directly to it by the Soviets—estimated by some observers as being equivalent to that of the total Afghan budget just 10 years ago—the Khad is believed to employ at least 15,000 to 20,000 full-time trained agents. Many of them have gone to the USSR or other East-bloc countries, notably East Germany, for three to six months of instruction.

According to Western intelligence sources, this includes training in interrogation and torture methods. An additional 100,000 or more male and female informants are said to be on the payroll.

The Soviets also have subtly exploited the tendency among certain guerrilla fronts to establish nonaggression pacts with the militia. The expansion of noncombat zones, particularly around the towns, suits the Soviets to the extent that they introduce economic projects or fill the shops with goods in an effort to win over the local population.

As a result, increasing numbers of security posts—as many as 900 in the Kabul area—are being manned by the militia. Astute mujahideen commanders view this guerrilla-militia cosiness with growing unease. They are now trying to discourage such "understandings" unless they are considered to serve legitimate resistance interests.

But by many mujahideen, such pacts are regarded as a victory. Many have only "defected" to the militia on a temporary basis

in order to procure weapons, ammunition, and money—often on orders of their resistance commanders. Some return immediately to the mountains. Others remain with their militia units, but actively collaborate with the mujahideen during anti-government operations.

One region where guileful KGB tactics have severely undermined the resistance struggle is Hazarajat in the central highlands.

Among the first to revolt against the communists prior to the invasion, the Mongolian-featured, Shiite Hazaras rapidly established their own self-governing resistance organization, run by the Shura (assembly) in 1979. Both Afghan government and Soviet attempts to take the region militarily were thwarted by well-coordinated guerrilla units controlling the narrow passes leading into the mountainous outback.

Shortly after the invasion, the Soviets changed tactics and sought to pressure the Hazaras into submission by imposing an economic blockade. At the same time, they initiated a subversive campaign aimed at infiltrating the Hazara resistance, using Khad and Iranian Tudeh (Communist Party) agents.

Often regarded as the underdogs of Afghan society, the Hazaras have traditionally turned to Iran for religious and economic solidarity. As fellow Shiites, many hold Ayatollah Khomeini in high esteem and retain close relations with Iranian clerics. When unable to live off the land, Hazara men have usually headed to Iran in search of jobs to maintain their families back home.

In late 1980, Hazaras recruited by the Tudeh Party in conjunction with the Khad and KGB began to filter back to Afghanistan. So did Tudeh agents purporting to represent Khomeini. Within months, they succeeded—by playing on religious and traditional sentiments—in disrupting the *shura*, thus curbing organized resistance activities.

Local guerrilla commanders and intellectuals were gradually hounded by the spread of false rumors. Even volunteer French doctors, who were providing basic health care in many villages, were forced to leave the Hazara heartland by clerics persuaded that the Europeans were "godless imperialists" and anti-Khomeini instigators.

Only highly respected mujahideen commanders were able to resist such tactics. More recently, however, awareness has begun to emerge among both the mujahideen and local populations in the Hazarajat and elsewhere of what the Soviets are up to. This has prompted appropriate countermeasures.

Guerrilla leaders are seeking to eliminate rivalry through force, persuasion, and third-party reconciliation. Just as the Khad has succeeded in penetrating the resistance, the mujahideen have never lacked collaborators among government ranks. Tipoffs have led to the rooting out of informers, who are then tried and usually executed, while communist officials or Khad operators known to be specifically involved in resistance infiltration are, wherever possible, assassinated.

For the resistance, dealing with the Khad will no doubt remain one of its stickiest predicaments. With substantial independent powers of its own, the Khad is a constantly growing "state within a state." Ironically, despite close KGB management, it is also an organization over which the Soviets do not command the control they would like. Much to the KGB's dismay, the Khad is becoming increasingly involved in the bitter rivalry between Afghanistan's two communist factions: the Parcham (Banner) and the Khalq (Masses).

Although the Khalq-dominated Interior Ministry operates its own substantial security and intelligence service, it is the Parcham-influenced Khad that has achieved for itself the central position in the government's repressive apparatus. Khad agents often will purposely provide arms or information to the mujahideen in the knowledge that they will attack control posts manned by pro-Khalq militiamen or soldiers. Similarly, some of the assassinations carried out against Khalqis are thought to be Khad-initiated. The Khalqis play a reciprocal game against the Parchamis.●

CLAUDE "BUDDY" YOUNG, A FRIEND TO ALL PEOPLE, A MAN FOR ALL SEASONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. KEMP. Mr. Speaker, I would like to pay tribute to my friend and professional football colleague, Claude "Buddy" Young. His untimely death over the Labor Day weekend shocked and saddened us all. Buddy was one of football's finest gentlemen and greatest sportsmen. He was a man far larger in his love of life and his love of the people whose lives he touched, than most any man I have ever known.

Buddy faced many challenges on his way to success and fame, challenges that might have defeated many a lesser man. But Buddy never let these challenges defeat him. He knew that in facing up to the challenges and overcoming them, he was helping to prove that the American dream of a better life was available to anyone who wanted to reach for it.

From the time Buddy was NCAA sprint champion and All-American in the same year, at the University of Illinois, through his career and association with the NFL, he worked hard to improve the game of football, and to gain respect for all those who played the game.

Buddy Young will be missed, but he will never be forgotten. He was in the truest sense, a friend to all people, a man for all seasons.

The following article from the New York Times gives a wonderful picture of Buddy, his character, his love of life, his love of people, and peoples' love for him. I would like to share it with my colleagues.

EVERYBODY'S BUDDY

(By Dave Anderson)

In the hours after the dessert dishes had been cleared away by the waiters at the football dinner in the midtown hotel ballroom, too many speeches had been too long. Now, his head barely above the lectern, Buddy Young identified himself as representing the N.A.A.L.P., which woke up his half-dozing listeners who confused the initials with those of another organization.

"Yes," said Buddy Young without a smile, "the National Association for the Advancement of Little People."

Little in height, perhaps, at 5 feet 4 inches, but Claude (Buddy) Young stood tall, in or out of football. His sense of what life is all about towered over that of many others who think they have the answers. Two weeks ago he was driving to the Dallas-Fort Worth airport to catch a late night plane to New York to enjoy the rest of the Labor Day weekend with his family. He apparently fell asleep at the wheel. His car careened off the highway. The next afternoon he was found dead.

The tragic irony is that 57-year-old Buddy Young, as the National Football League's director of player relations, had been attending a memorial service in Louisiana at Northwestern State University for Joe Delaney, the Kansas City Chiefs' running back who had drowned June 29 while trying to save three youngsters from drowning.

Today at 11 A.M. hundreds of Buddy Young's friends will attend a memorial service for him at Christ Church, 520 Park Avenue at East 60th Street, which he often passed as he walked to the N.F.L. office a few blocks away. Sometimes he had walked all the way from his home in Hartsdale, sometimes from Van Cortlandt Park where his wife, Geraldine, would drop him off. On his arrival, in the years before a shower was available in the N.F.L. office, he would clean up in the basement with the janitors.

"Instead of walking all those miles," he once was asked, "why don't you run?"

"I've been running all my life," he said. "I'm never going to run again."

As an all-American 172-pound halfback with sprinter speed at Illinois, he had run for 13 touchdowns as a freshman in 1944, tying Red Grange's record. His touchdowns included runs of 92, 82, 74, 63 and 40 yards. He emerged as only the second black all-American, half a century after Fritz Pollard of Brown had been the first. He then joined the New York Yankees of the All-America Conference, whose star was Orban (Spec) Sanders, a white tailback from Texas.

"I'd like to room with you," Buddy Young suggested to Spec Sanders, "so that you can get to know me and I can get to know you."

Buddy Young didn't talk about integration; he integrated. He later roomed with another white running back, Zollie Toth of Louisiana State, after whom he named his youngest son.

"But the worst discrimination of all," Buddy Young once said, "is size discrimination."

If so, he taught coaches not to discriminate against him at a time when black players were new to pro football. But in 1945, with the Fleet City Bluejackets, a Navy service team near San Francisco, he had run with and against several N.F.L. players. As a rookie with the Yankees, he rushed for 712 yards, averaging 6.1 yards a carry. But perhaps his most memorable moment occurred in 1951 at the Polo Grounds. With the New York Yanks trailing, 23-17, the late Emlen Tunnell of the Giants returned a kickoff 100 yards for a touchdown. On the ensuing kickoff, Buddy Young scooted 90 yards for a touchdown.

"I don't think that ever happened in the N.F.L., before or since," says Wellington Mara, the Giants' coowner. "And on the next kickoff, Emlen got across midfield before the last man tackled him."

But in recent years, Buddy Young was always thought of as the N.F.L.'s player relations director, not as a former player. In two decades since being hired by Commissioner Pete Rozelle, he had developed into a behind-the-scenes mover and shaker. His job, as he said, was to "sell business and industry on the untapped resoruces of athletes beyond the playing field." Back during the battle for players with the American Football League, his job also was to persuade the best draft choices to sign with N.F.L. teams.

"Markets," he told Gale Sayers in 1965, "the choice you make ought to do with markets rather than the name of the football team."

Gale Sayers, then a rookie running back out of Kansas, signed with the Chicago Bears instead of the Kansas City Chiefs because of "markets," not money.

Buddy Young could be as formal as a board room, or as informal as a bottle of beer in one hand and a cigar in the other, his tie usually loosened.

"I think all any man deserves in life is the chance," he once said. "Nothing more, nothing less."

With his corporate and Congresional connections, Buddy Young gave that chance to dozens of former N.F.L. players, black and white. But he never believed that an athlete's character had been molded by playing football.

"Football doesn't make great men," he once said. "Great men have made football."

Buddy Young never had the opportunity to implement fully his latest idea—developing an anti-drug program for high school kids in conjunction with their high school football coaches and the mayors of America's leading cities. He had attended the first seminar in Chicago not long before his funeral at a South Side church where services were scheduled to start at 7 o'clock in the evening to accommodate the working people.

"So many people showed up to file past the casket," Pete Rozelle recalls, "the services didn't begin until 8."

Outside, later, some of those who had attended the funeral were saying that somebody should have thought to hire a hall where all of Buddy Young's friends could have gathered after the services. Paul (Tank) Younger, now the San Diego Chargers' assistant general manager and once a fullback with the Los Angeles Rams, smiled.

"For all of Buddy's friends," he said, "you'd need to hire Soldier Field."●

THE FACTS SPEAK FOR THEMSELVES

HON. C. W. (BILL) YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. YOUNG of Florida. Mr. Speaker, Soviet President Yuri Andropov yesterday charged the United States with pursuing a "militarist course which poses a grave threat to peace." I submit to my colleagues that it is the Soviet Union and not the United States which threatens world peace. Soviet actions over the years speak for themselves.

It was the Soviet Union, and not the United States, which on September 1, shot down an unarmed Korean Air Lines passenger aircraft, murdering all 269 people on board.

It is the Soviet Union, and not the United States, who continues to occupy Afghanistan. Since its military invasion, the Soviets have ransacked towns and villages in that nation killing and wounding thousands of innocent men, women, and children.

It is the Soviet Union, and not the United States, which continues to deny the people of Poland their right to live as free people. Soviet rule there is similar to its control of other Eastern European countries such as Czechoslovakia, East Germany, Hungary, Romania, Bulgaria, and Yugoslavia.

It is the Soviet Union, and not the United States, which incites armed conflicts in Southeast Asia, Africa, the Middle East, and Central America.

Yet Yuri Andropov charged later in his speech yesterday that the United States seeks a "domineering position in the world without reckoning with the interests of other states and peoples."

Did the Soviets consider the interests of the 269 people aboard flight 007 before they ordered its destruction? Did the Soviets consider the welfare of the innocent men, women, and children of Afghanistan before they fired upon them with deadly chemical weapons? Did the Soviets have the interest of the Polish people at heart when they imposed martial law in that nation?

The answer to all these questions is no, and the evidence is clear that the Soviet Union is the aggressor nation in the world. Soviet leaders have demonstrated time and again that there is no limit to the actions they will undertake to fulfill their ultimate goal of world domination.

Among his other charges yesterday, Yuri Andropov also blamed tensions in Europe, Asia, Africa, the Middle East, and Central America on the United States, failing to mention that Soviet arms shipments and support in all those parts of the world are the real underlying causes of tension.

He criticized President Reagan's latest proposal on strategic arms negotiations, saying our Nation is unwilling "to conduct serious talks of any kind." When was the last time the Soviet offered any proposals at the strategic arms talks in Geneva?

Yuri Andropov went on to charge that the United States is attempting to disrupt the existing strategic balance. What balance can he be referring to? The Soviets now have 600 more nuclear launchers than the United States and have upgraded their intercontinental ballistic missile system three times since our most modern ICBM was phased in during the early part of the last decade. To the Soviets, strategic balance means any level where they remain superior.

The Soviet President's speech is nothing more than the latest piece of the continuing Soviet propaganda campaign. In this case, it is propaganda at the most obvious and highest level. While most Americans are aware of Yuri Andropov's exaggerations and lies, many people throughout the world do not have access to a free press and the wealth of information supplied to us in the United States. To people without an understanding of the facts, his speech may sound believable, and therein lies the success of the Soviet propaganda campaign.

While the United States strives to insure world peace, the Soviet Union's aggressive actions and growing arsenal continue to contradict their rhetoric. For the Soviet leaders, the world will be at peace only when there exists no opposition to their rule.

I include the following articles:

[From the Washington Post, Sept. 29, 1983]

ANDROPOV BLASTS U.S. 'MILITARIST COURSE'

(By Michael Dobbs)

Moscow, Sept. 28—President Yuri Andropov today belittled the Reagan administration's commitment to arms control in one of the sharpest attacks on U.S. foreign policy by a Soviet leader in recent years.

In a lengthy statement devoted entirely to U.S.-Soviet relations, Andropov accused Washington of pursuing a "militarist course" that raised the danger of nuclear war. He dismissed President Reagan's latest proposals on intermediate-range nuclear weapons in Europe and warned that the Soviet Union would respond to any attempt to disrupt the existing strategic balance.

Commenting for the first time on the shooting down of a South Korean airliner by the Soviet Union, Andropov blamed the United States for what he called "a sophisticated provocation, masterminded by U.S. special services" and "an example of extreme adventurism in politics." He said that Washington had exploited the furor surrounding the incident to step up the arms race.

Western diplomats who heard Andropov's statement, which was read by an announcer as the lead item on state television news, expressed surprise at the virulence of his language and the bleakness with which he depicted the current state of international relations. They said he appeared to be mounting a counter-offensive following a series of attacks by President Reagan and senior U.S. officials on the Soviet Union.

While Soviet rhetoric against the United States has reflected the deterioration in relations between the superpowers during the past few years, diplomatic observers here could recall few precedents for the sweeping nature of Andropov's attacks. The Soviet leader seemed to rule out all hope of any break-through in the Geneva talks on intermediate nuclear weapons on the basis of present U.S. proposals.

[In Washington, a State Department statement said, "The world will be deeply disappointed with the Andropov statement. He has for the first time associated the highest levels of the Soviet government with the pathetic charge that the Soviet shootdown of the civilian aircraft was the

result of 'a sophisticated provocation, organized by the U.S. special services.' The international community expects and awaits a different answer. * * *

["The world will be disappointed that Mr. Andropov's response to the president's major arms control initiative at the United Nations is a threatening restatement of their long-standing position that the Soviets will maintain their monopoly of intermediate-range missiles in Europe. For our part, we will continue to work in Geneva for a negotiated settlement that strengthens international peace and security."]

Andropov lashed into past and present U.S. policies around the world—from Central America to Lebanon to what he depicted as attempts to stir up militarism in Japan. On arms control, he said the United States was unwilling "to conduct serious talks of any kind" and was simply playing for time at negotiations in Geneva on intermediate-range nuclear weapons and the parallel talks on long-range, or strategic missiles.

Andropov also questioned the suitability of the United States to act as the host for the United Nations and warned Western European leaders that they were being used as political "hostages."

One of the main messages in the 3,000-word statement was that the Kremlin would show no weakness in the face of threats from abroad. Andropov said that people who had attempted to undermine the Soviet Union's independence or Communist system in the past had ended up on "the garbage heap of history."

"The Soviet people can rest assured that our country's defense capability is maintained at such a level that it would not be advisable to anyone to stage a trial of strength," he said.

Publication of the statement was an unusual way of making the Soviet leader's views known. A Soviet official said today that Andropov, who has not been seen in public since late August, has still not returned to Moscow from his vacation.

The statement, which was couched in grave and somber terms, began with the words: "The Soviet leadership deems it necessary to make known to the Soviet people, other peoples, and all those who are responsible for shaping the policy of states its assessment of the course pursued in international affairs by the present U.S. administration.

"To speak briefly, this is a Militarist course which poses a grave threat to peace. Its essence is to try and assure for the United States domineering positions in the world without reckoning with the interests of other states and peoples."

Andropov said that the past two years of talks in Geneva had proved that U.S. negotiators were not ready to reach an agreement.

"Their task is different—to play for time and then start the deployment in Western Europe of ballistic Pershing II and long-range cruise missiles. They do not even try to conceal this. All they do is prattle about some flexibility of the United States," he said.

Dismissing Reagan's latest arms proposals, Andropov said: "We are [being asked] to talk on how to help the NATO bloc to upset to its advantage the balance of medium-range nuclear systems in the European zone. And this move is presented brazenfacedly as something new."

He did not deal with the details of Reagan's offer to include nuclear bombers in calculations of medium-range weapons systems or to refrain from matching global levels of Soviet warheads.

Describing U.S. policies as short-sighted, cynical and suicidal, the Soviet leader expressed surprise that Western European politicians were going along with Washington's determination to deploy new U.S. nuclear weapons in Europe. He accused the European leaders of "disregarding the interests of their peoples and the interests of peace" by helping to "implement the ambitious militarist plans of the U.S. administration."

Adding that the Americans had shown no sign of being willing to do business at the strategic arms talks, Andropov said the United States was planning to launch the production of new "weapons which may radically alter the notions of strategic stability and the very possibility of effective limitation and reduction of nuclear arms."

"No one should mistake the Soviet Union's good will and desire to come to agreement as a sign of weakness. The Soviet Union will be able to make a proper response to any attempt to disrupt the existing military-strategic balance, and its words and deeds will not be at variance," he said.

Claiming that U.S. leaders had shown contempt for the United Nations, Andropov asked: "Can the international organization, called upon to maintain peace and security, remain in the country where outrageous militarist psychosis is imposed and the good name of the organization is insulted?" The Kremlin has accused the United States of making it impossible for Foreign Minister Andrei Gromyko to attend the present session of the U.N. General Assembly in New York.

Saying that the Reagan administration was waging a crusade against communism, Andropov attacked the "transference of ideological contradictions to the sphere of inter-state relations."

"This is simply absurd and inadmissable at present in the nuclear age. Transformation of the battle of ideas into military confrontation would be too costly for the whole of mankind," he said.

[From the Washington Post, Sept. 29, 1983]

ANDROPOV: U.S. BREACHES NORMS OF MORALITY, DECENCY

Moscow, Sept. 28 (AP).—Here are excerpts from the text of Soviet President Yuri Andropov's statement on international affairs. The English-language version was provided by the official news agency Tass:

The Soviet leadership deems it necessary to make known * * * its assessment of the course pursued in international affairs by the present U.S. administration.

To speak briefly, this is a militarist course which poses a grave threat to peace. Its essence is to try and assure for the United States domineering positions in the world without reckoning with the interests of other states and peoples. Precisely these aims are served by the unprecedented build-up of the U.S. military potential, large-scale programs of manufacturing weapons of all types—nuclear, chemical and conventional. Now it plans to spread the unrestricted arms race into outer space too.

American military presence is expanded under invented pretexts of all sorts thousands of kilometers from U.S. territory. * * * As a result, tensions have grown worldwide—in Europe, Asia, Africa, Middle East and Central America. * * *

Peoples judge about the policy of a government first of all by its actions. That is why when the U.S. president in his grandiloquent speech from the United Nations rostrum declares about commitment to the cause of peace, self-determination and sovereignty of peoples, these mere declarations can convince no one.

Even if someone had any illusions as to the possible evolution for the better in the policy of the present American administration, the latest developments have finally dispelled them. For the sake of its imperial ambitions, it goes so far that one begins to doubt whether Washington has any brakes at all preventing it from crossing the mark before which any sober-minded person must stop.

The sophisticated provocation, masterminded by U.S. special services with the use of a South Korean plane, is also an example of extreme adventurism in politics. We have elucidated the factual aspect of the action in a thorough and authentic way. The guilt of its organizers, no matter how hard they might dodge and what false versions they might put forward, has been proved.

The Soviet leadership expressed regret over the loss of human lives due to that unprecedented, criminal subversion. It is on the conscience of those who would like to assume the right not to reckon with the sovereignty of states and inviolability of their borders, who masterminded and carried out the provocation, who literally on the following day hastily pushed through Congress colossal military spending and are now rubbing their hands with pleasure.

Thus the "humanism" of statesmen who are seeking to lay the blame for the death of people that were aboard the plane on others is turning into new heaps of weapons of mass destruction—from MX missiles to nerve gas containers.

In their striving to justify in some way their dangerous inhuman policies, the same people pile heaps of slander on the Soviet Union, on socialism as a social system, with the tone being set by the U.S. president himself. One must say bluntly—it is an unattractive sight when, with a view to smearing the Soviet people, leaders of such a country as the United States resort to what almost amounts to obscenities alternating with hypocritical preaching about morals and humanism. * * *

Now they in Washington breach along with morality also elementary norms of decency, showing disregard not only for statesmen and states, but also for the United Nations organization. A question arises: Can the international organization, called upon to maintain peace and security, remain in the country where outrageous militarist psychosis is imposed and the good name of the organization is insulted? * * *

As to the U.S. policy, its growing militarization is manifested among other things in the unwillingness to conduct serious talks of any kind, to come to agreement on questions of curbing the arms race.

The Soviet-American talks on the burning problem—reduction of nuclear armaments in Europe—have been going on for two years now. The position of the Soviet side is directed at finding mutually acceptable solutions on a fair, just basis, solutions which do not infringe anyone's legitimate interests. At the same time, these two years made it clear that our partners in the talks at Geneva are not at all there to reach an accord. Their task is different—to play for time and then start the deployment in western Europe of ballistic Pershing II and long-

range cruise missiles. They do not even try to conceal this.

All they do is prattle about some flexibility of the United States at the Geneva talks. Another portion of such "flexibility" has just materialized. And the deception contained in it has become clear this time as well. To leave aside details, the essence of the so-called new move in the U.S. position, billed as superb, is reduced to the proposal to agree, as before, on how many Soviet medium-range missiles should be reduced and how many new American missiles should be deployed in Europe in addition to the nuclear potential already possessed by NATO.

In brief, we are proposed to talk on how to help the NATO bloc to upset to its advantage the balance of medium-range nuclear systems in the European zone. And this move is presented brazen-facedly as something new.* * *

The operation on stationing these American nuclear missiles in Europe is seen from Washington's control room as simple in the extreme and maximally advantageous for the United States—advantageous at the expense of Europe. The U.S. European allies are regarded as hostages. This is a frank, but cynical policy.

But here is what is not really clear: Does this thought occur to those European political figures who, disregarding the interest of their peoples, and the interest of peace, help implement the ambitious militarist plans of the U.S. administration? * * *

Mankind has not lost, nor can it lose, its reason. This is manifested with great vigor in the scope of the antimissile, antiwar movement, having mounted in the European and other continents, the movement which draws people of different social, political and religious affiliation. * * *

Our aspirations and strivings are implemented in concrete proposals directed at effecting a decisive turn for the better in the world situation. The Soviet Union will continue to do everything possible to uphold peace on earth.●

THE TRAGEDY OF FLIGHT 007

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HAMILTON. Mr. Speaker, I insert my foreign affairs newsletter for September 1983 into the CONGRESSIONAL RECORD:

The foreign affairs newsletter follows:

THE TRAGEDY OF FLIGHT 007

In the early morning hours of September 1, 1983, a Soviet fighter shot down a South Korean airliner en route from Anchorage to Seoul, killing 269 innocent people. The tragedy of Korean Air Lines Flight 007 is one of the worst in civil aviation history. It has dashed hopes for modest Soviet-American rapprochement and has forced a reexamination of Soviet-American relations.

We may never know what caused the airliner to stray so far into Soviet airspace or why the Soviets shot it down just as it was leaving their airspace. Their claim, made repeatedly and without supporting evidence, that the airliner was on a "spy mission" is not satisfactory, but the closed nature of Soviet society will allow neither an investigation of the tragedy nor the release of information on it. The cockpit recorder from the downed aircraft may answer a few questions, but we first must recover it and interpret its data.

From the Soviet point of view, the airliner was suspicious. It flew over some of their most sensitive military installations and may have taken evasive action at some point. Even so, there is little doubt that the Soviet Union violated international law. While international law permits a nation to defend its airspace, it insists that the first duty of a nation faced with a stray aircraft is the welfare of the passengers. We are not sure whether the Soviets attempted to warn the airliner, but even if they tried and failed there could be no justification for the attack. This was a case of an airliner off course, and it posed no threat to Soviet security. The tragedy of Flight 007 was horrifying, but not surprising. Soviet attitudes toward the sanctity of national territory being what they are. The awful death toll makes the incident stand out, but the Soviets have taken hostile action against airliners before.

There are discomforting lessons about Soviet attitudes both in the decision to shoot down the airliner and in the Soviets' subsequent insistence that given the same circumstances, they would do it again. The Soviet Union's fanatical commitment to the defense of its airspace, its quest for total security, its passion for secrecy and its unwillingness to admit a mistake are deeply rooted in its history. In refusing to apologize to or provide compensation for the families of the victims, however, the Soviets have displayed great ineptitude and have invited worldwide disgust. Their virulent response to that disgust is further proof of their contempt for standards of civilized conduct. Equally discomforting is what the incident may tell us about the hidden workings of the Soviet bureaucracy. If the Soviets did not distinguish the large Boeing 747 commercial airliner from the small Boeing 707 military reconaissance aircraft on duty in the area outside Soviet airspace (and there is no direct evidence that the Soviets ever identified the aircraft as civilian), then Soviet air defense may be quite incompetent and the chances of misidentification and overreaction quite high. If local air defense authorities alone made the decision to fire on an unknown target, then the military may have achieved a frightening omnipotence within the Soviet system. Finally, if someone high in the Soviet political leadership issued the order to attack, then we must feel skeptical when Soviet leaders speak of the need for world peace, arms control or better East-West relations.

Although the President appropriately has used strong language to condemn the Soviet Union, our actions have been restrained. The date, the United States has reaffirmed the ban on American flights of the Soviet airline Aeroflot, closed Aeroflot's offices in New York and Washington, revoked Aeroflot's right to sell tickets here, stopped negotiations on new consulates in Kiev and New York, introduced a United Nations resolution deploring the Soviet action, called for a special session of the International Civil Aviation Organization to investigate the action, suspended several cultural and scientific programs with the Soviet Union and cancelled Soviet-American transportation accord. We are also seeking common action from our allies, and the international community has been supportive. Within a week of the incident, most of our European allies had agreed to a ten-day suspension of air travel to the Soviet Union. We have tried to expand this to a 60- to 90-day two-way suspension. Canada unilaterally suspended Aeroflot's landing rights for 60 days. Also, the International Federation of Air Line Pilots Associations called on a 60-day boycott of flights to Moscow and was quickly supported by pilots from many nations. We and our allies also have continued to demand an explanation, compensation and an apology, but the Soviets are not likely to answer.

Tougher responses could be made to the Soviet action, but they would entail certain risks. If we chose to expel Soviet diplomats or cancel arms control talks, the probable result would be a much higher state of tension. If we chose to back away from the grain sales agreement, we would hurt ourselves more than we would hurt the Soviets. Nonetheless, tougher responses should not be ruled out. Ending the extension of subsidized credit to the Soviet Union could be one economic sanction that we and our allies ought to consider.

The incident has made a return to stable dealings with the Soviet Union more difficult, at least in the short term, but also more necessary. Regrettably, the tragedy occurred as Soviet-American relations were improving. We had signed a new five-year grain sales agreement with the Soviet Union; our two nations and others had agreed on a final document at the Madrid Conference on European Security; arms control negotiations had entered a more serious phase, with more interest in an accord apparent on both sides; talks had commenced on new consulates in Kiev and New York. Although relations between the superpowers are now in a nosedive, with hostile rhetoric escalating and communications breaking down, and although it is not clear when the slide will end, a total rupture is not likely simply because both superpowers know that they can blow the world apart. Sooner or later, we must return to diplomacy and renew our effort to set the relationship back on course. We have no choice but to seek an alternative to confrontation.●

MISLEADING AND VICIOUS EDITORIAL BY THE LOUISVILLE TIMES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HUBBARD. Mr. Speaker, on September 16, the Louisville Times printed an incorrect, misleading and vicious editorial criticizing my recent foreign trip to Seoul, Korea, where I attended the conference to commemorate the 30th anniversary of the mutual defense treaty between the United States and the Republic of Korea.

The Louisville Times stated as fact that the "junket" was paid for with taxpayers' money and that "nearly three dozen other Congressmen" attended the conference.

The truth is that the total expenses for the five Members of Congress—

U.S. Senators ORRIN HATCH, ED ZORINSKY, JESSE HELMS, and STEVE SYMMS and I—were paid by the Asiatic Research Center of Korea University at Seoul and the Institute of American Relations here in Washington, D.C.

I assure my colleagues that if you find the Village Voice and the National Enquirer enjoyable reading, you will love the Louisville Times.

I have written a letter to the editor of the Louisville Times. The text of that letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1983.

Mr. BARRY BINGHAM, Jr., Editor,
Mr. PAUL JANENSCH, Executive Editor,
Mr. VAN A. CAVETT, Opinion Page Editor,
The Louisville Times,
Louisville, Ky.

DEAR EDITORS: At the Paducah Labor Day picnic, several friends were commenting about the recent Korean Airlines Flight 007 disaster.

These friends said they were glad my schedule was changed by a Murray State University invitation for August 30, which caused me to fly from Nashville to Los Angeles where I boarded Korean Airlines Flight 015 for the trip to Seoul, Korea. I was scheduled for several days to fly from New York City to Seoul on August 30 on the ill-fated Flight 007.

An elderly couple from Kevil in Ballard County said to me at the Sept. 5 picnic: "Have the Courier-Journal editorial writers criticized you yet for being on the wrong airplane?" I laughed and said "No."

I have mailed to the Kevil couple a copy of your incorrect, misleading and vicious editorial of September 16 from The Louisville Times, a newspaper which has the same Editor and Executive Editor as The Courier-Journal.

The editorial is entitled "Safe landings with Rep. Hubbard." Those who for many years have read the editorials of the Bingham newspapers know that when the subject is U.S. Rep. Carroll Hubbard the editorials are anti-Hubbard and contain errors.

As to tax-paid trips to foreign countries, I can remember your newspapers editorially supporting and defending such trips by other Members of Congress.

I have taken two tax-paid trips to a foreign country during the 8 years and 9 months I have served in the U.S. Congress.

Since February 6, 1979, I have been Chairman of the House Panama Canal/Outer Continental Shelf Subcommittee.

My two tax-paid trips out of the country were both to Panama. After the second visit to Panama in March of 1982, a Washington reporter for the Courier-Journal questioned colleagues of mine in the U.S. House of Representatives as to whether or not I owned real estate in Panama. As other Members of Congress asked me about The Courier-Journal reporter's questions, I told them I had never even considered purchasing real estate in Panama.

So, in 1983 I make my first trip ever across either the Pacific or Atlantic Ocean and I am naturally, automatically criticized erroneously by the Bingham media empire, this latest attack coming in a Sept. 16 editorial entitled "Safe landings with Rep. Hubbard" in The Louisville Times.

The Times editorial says: "Rather, the Congressman might consider easing up on the junkets. He wouldn't have been headed to distant South Korea at taxpayers' expense if he hadn't determined that his presence, along with that of nearly three dozen other congressmen, was essential in marking the 30th anniversary of a U.S./Korea defense treaty. . . ."

As usual, your editorial writers were in such a hurry to criticize and castigate me that they failed to ask about or check the facts about who paid my expenses to Korea. Not one penny of taxpayers' money was used to pay my expenses for this trip. The total expenses for my visit to Korea were paid by the Asiatic Research Center of Korea University at Seoul and The Institute of American Relations at Washington, D.C.

Further, the five Members of Congress who attended the Sept. 1-3 conference in Seoul were U.S. Senators Ed Zorinsky, Jesse Helms, Orrin Hatch, Steve Symms and U.S. Rep. Carroll Hubbard. The Times again is wrong in saying "nearly three dozen" congressmen attended.

Pursuant to Kentucky Revised Statutes 411.051, I respectfully demand corrections of the specified errors from The Louisville Times on your editorial page within three business days after the day on which this demand for corrections is received by you.

Sincerely,

CARROLL HUBBARD,
Member of Congress.●

STATEMENT OF HON. JOHN P. HAMMERSCHMIDT ON THE INTRODUCTION OF H.R. 4054

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1982

● Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues on the Public Works and Transportation Committee today for the purpose of introducing legislation designed to fulfill the previous commitments made by the Congress and the administration to the aviation community.

One year ago, when Congress approved the Airport and Airway Improvement Act of 1982 (AAIA) and its accompanying user fee tax measures, a primary objective was to fully fund the approved program authorizations contained in that legislation. In passing this statute the Congress declared that the highest aviation priority would be given to the safe and expeditious operation of the airport and airway system. The funding mechanism of this legislation required a substantial increase in existing user fees—an increase that was supported by this administration as well as by most of the various aviation user groups.

Unfortunately, the fiscal year 1984 Department of Transportation Appropriations Act which was recently signed into law falls considerably short of the approved program authorizations for the airport and airway trust fund programs. The most glaring example of this is the $750 million funding level adopted for the facilities and equipment program, which, if allowed to continue, could seriously jeopardize the national airspace plan to modernize this Nation's air traffic control system.

In recognizing the need to modernize our airport and airway system, I have consistently supported efforts to fund the capital costs of the projects necessary to increase both the safety and capacity of our national air transportation system. I have also supported the user fee concept provided that the yearly appropriations were consistent with the program authorizations. Unfortunately, this has not occurred, and I believe that it is now up to the Congress to prevent the kind of huge trust fund surpluses which we had hoped to avoid and which we were assured would not occur.

Mr. Speaker, the funding levels requested by the administration and recently enacted for fiscal year 1984 do not coincide with previous assurances which we had received from the administration that the money collected from aviation users would be spent primarily to meet the capital needs of our Nation's air transportation system. Understandably, the aviation community is now expressing its outrage and calling for a reduction in aviation user taxes now that appropriations have fallen substantially below congressionally approved authorizations.

In introducing this legislation, I want to emphasize that my primary intention is to guarantee that the authorized amounts will be appropriated in the future, barring any unforeseen events which may make this undesirable. Because I remain firmly committed to the need to update and modernize our air traffic control system, I believe that the best approach at this time is to implement an across-the-board tax reduction for calendar year 1984, along with a simple trigger mechanism which would keep user taxes low in succeeding years only if the unobligated balance of the airport and airway trust fund exceeded $2.3 billion.

This approach will serve as an incentive to fulfill the spending obligations which were intended when we passed the AAIA 1 year ago. It should also serve as a disincentive for allowing a surplus to build up in the trust fund, which could then be used by OMB to reduce the total budget deficit. As it now stands, the low 1984 appropriations for the trust fund programs will create an estimated $3.4 billion unobligated surplus by the end of fiscal year 1984—a level which I believe is excessive.

Several legislative options were considered to prevent this from occurring in the future and while I believe the best approach to pursue at this time is to establish a simple linkage between the tax rates and the unobligated trust fund balance, I certainly am not locked into this concept. We all have

the same valid concerns in mind and will be looking forward to any suggestions for improvement or alternative approaches which would better achieve the same goal.

Mr. Speaker, I have found it impossible to justify to aviation taxpayers why the many safety related programs and projects were not funded during fiscal year 1984. I believe this legislation represents an appropriate response and urge my colleagues to give it their full support.●

ETHYLENE DIBROMIDE: A RISKY CHEMICAL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. WHITEHURST. Mr. Speaker, in "The Federal Review" section of the September 30, 1983, edition of the Washington Post, an article by staff writer Pete Earley outlined the proposal by OSHA to tighten the standards for the use of ethylene dibromide, as he says, "a potent chemical used in leaded gasoline, on fruit, and in flour mills."

I am including a copy of this article at this point in the RECORD, but I would like to call my colleagues' attention to a statement which I inserted in the RECORD on February 23, 1982, beginning on page E481, containing articles written by Dr. Eugen Wierbicki, a pioneer in the development of the use of low-level irradiation in food preservation. In one of those articles, Dr. Wierbicki pointed out that—

With the lowest dose ranging from 10 to 100 krad, irradiation can easily kill any kind of insect in any physiological development status—eggs, larva, etc. For example, it can be used to kill the Mediterranean fruit fly, which has created so many problems in the export of citrus fruit. This would require no more than 25 krad. The radiation can also be used very efficiently as a physical method for disinfestation of citrus fruit *and could well replace fumigants such as ethylene dibromide, which is known to be a carcinogen* [italics mine].

At this low level dosage, irradiation could likewise be used to rid grain of insect infestation. Its most useful application would be in the areas of big volume, probably in grain elevators.

In his articles, Dr. Wierbicki has outlined the values of food irradiation in some detail, and his comments are very much worth reading. Additionally, Mr. Speaker, on March 24 and July 12 of this year, beginning on pages E1329 and E3413 respectively, I inserted other articles dealing with the uses—and the safety—of food irradiation.

It is ironic that India is making wide use of the technique which we developed in our own Army Research Laboratories in Natick, Mass., and that China has recently sent a delegation to the United States to pursue the possibility of employing this same method there. Yet, here in the United States, where so much time and effort have been put into perfecting the technique, we have been reluctant to make use of it in food preservation, even though it could enhance our ability to buildup our exports of fresh fruit and vegetable, as well as pork. I must confess that I am somewhat at a loss to understand why the FDA has not acted more expeditiously in approving this method.

I would hope that, in light of the further evidence of the dangers of continuing to make widespread use of ethylene dibromide, long known to be carcinogenic, we would begin to move promptly toward replacing this vicious chemical with low-level irradiation.

Thank you, Mr. Speaker.

[From the Washington Post, Sept. 30, 1983]

ETHYLENE DIBROMIDE: OSHA WANTS TO TIGHTEN GRIP ON RISKY CHEMICAL

(By Pete Earley)

The Occupational Safety and Health Administration yesterday proposed a more stringent standard for worker exposure to ethylene dibromide, a potent chemical used in leaded gasoline, on fruit and in flour mills. It has been linked to cancer and reproductive damage in humans.

The agency's announcement came less than two weeks after it was disclosed that OSHA had refused to issue an emergency standard for EDB for more than a year, even though it had two studies showing that virtually every worker exposed to the legal limits of the chemical for a career could expect to die of cancer.

Shortly before reports on those studies appeared, OSHA officials had told a congressional panel that a new standard for EDB would not be ready for at least six months. But, faced with mounting public criticism after the disclosure, OSHA moved quickly to ready the standard for publication in today's Federal Register.

"The significant risk of harm to worker health posed by EDB compels OSHA to promulgate a more protective standard to substantially reduce that risk," OSHA Administrator Thorne G. Auchter said.

The new standard would lower the allowable limit for EDB from 20 parts per million in the air, averaged over an eight-hour day, to 0.1 parts per million.

It also would set a short-term exposure limit of 0.5 parts per million, averaged over a 15-minute period, and would prohibit eye and skin contact with the chemical.

EDB is used as an anti-knock agent in leaded gasoline and as a fumigant for citrus and tropical fruit to prevent the spread of fruit flies and other pests.

In 1981, nearly 170 million pounds of EDB were produced in the United States. Massive amounts of it were used that year to combat the Mediterranean fruit fly in California.

OSHA estimates that about 56,000 U.S. workers are exposed to EDB for varying periods. But the agency doesn't have justification over small farming operations, and other estimates of the workers potentially at risk from the chemical range as high as 100,000.

OSHA claims its studies show that most workers are currently exposed to levels of EDB far below the existing 20 ppm standard and much closer to the new standard. But the International Brotherhood of Teamsters has testified that many flourmill workers can smell the chemical, which has no odor until it reaches a concentration of 10 parts per million.

Besides causing cancer and reproductive damage, high exposure to EDB can damage the kidneys, liver, spleen, respiratory tract, central nervous system, circulatory system, skin and eyes.

EDB is so potent that OSHA once said the exposure risks "appear to be far greater than for any other hazard that OSHA has regulated in the past."

Yet the agency repeatedly rebuffed calls by other federal agencies and the Teamsters to take emergency action on EDB, even though OSHA had two Environmental Protection Agency studies in its files in 1981 that showed the "excess cancer deaths" that could be expected from exposure at the maximum legal limit were 999 of every 1,000 workers.

At the time, Auchter said an emergency standard wouldn't stand up in court because OSHA didn't know enough about how many workers were being exposed or at what levels.

Recently, OSHA said it had collected that data and the figures proved Auchter acted correctly by waiting to issue a new standard.●

MO UDALL ON THE CRISIS IN MEXICO

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 3 , 1983

● Mr. SEIBERLING. Mr. Speaker, Congress and the administration continue to wrestle over the problems facing Latin America. Understandably, most of the debate has centered around U.S. policy toward Central America, where we perceive the most immediate threat to our national security to lie. But while Central America preoccupies American attention, a problem of potentially far greater magnitude is developing much closer to home. I refer, of course, to our closest neighbor to the south—Mexico.

Last month, the Tucson Citizen carried a thoughtful and perceptive article on Mexico's problems written by my friend and distinguished colleague, MO UDALL. As he notes, "Mexico is not some distant trouble spot. It is right next door. If our neighbor gets into serious trouble, we can hardly expect to escape unharmed. Problems have a way of spilling over borders. We can see that in the evergrowing numbers of illegal immigrants crossing the borders. We can also see it in the business failures that followed the peso devaluation. But still larger troubles may be in store for Mexico—and for us."

Congressman UDALL'S article highlights the economic problems facing Mexico today—an international debt requiring servicing payments amounting to 129 percent of export earnings, an inflation rate of 100 percent, declin-

ing oil revenues, and skyrocketing prices for domestic goods. This problem is not simply an internal domestic matter. As Congressman UDALL clearly explains, "whatever happens in Mexico, we will feel the impact here. If Mexico should 'fall' sometime in the next decade, it will not fall due to any Communist insurgency in Central America. It will fall because it is economically weak and politically torn from within."

Mr. Speaker, we have got to take Mexico off the back burner. If we fail to deal with Mexico's pressing problems, we are going to suffer the consequences of a deteriorating political situation which will make Central America pale in comparison. Congressman UDALL should be commended for his efforts to focus congressional attention on Mexico's problems, and I urge my colleagues to pay careful attention to his views.

The full text of Congressman UDALL's article follows:

MEXICO—THE NEXT CRISIS?

(By Morris K. Udall)

Judging by Administration rhetoric, the fate of the free world is somehow closely linked to the outcome of the struggle in El Salvador. The same domino theory that was used to promote our involvement in Vietnam is now being used to justify our actions in Central America. The President even talks about a "Soviet-Cuban-Nicaraguan Axis" with the same intensity that Churchill and others talked about the German-Italian-Japanese Axis in World War II.

Maybe we are losing our sense of perspective in foreign policy. There are problems in Central America. Few can argue with that. And American interests are at stake in the region. No argument there either. But the problems in Central America go far deeper than any communist insurgency or conspiracy. And our interests in this hemisphere go far beyond El Salvador or even the whole of Central America.

We can't ignore Cuban attempts to sow discord in this hemisphere. Every reasonable effort should be made to contain Castro's adventurism. But let's recognize that there would be trouble in Central America today with or without Fidel Castro. Years of autocratic rule and economic mismanagement have wrought serious social and political troubles throughout the region. We should also recognize that earlier U.S. military intervention in that region has left lingering resentment against "Yankee imperialism." And many there still question our motives.

Various factors suggest there is more to be gained by negotiation, than by confrontation, in Central America. We should be working in concert with other countries like Mexico, Panama, Columbia, and Venezuela—the Contadora group—to reach a solution. The regional 'powers' have an interest in ending the conflict and stabilizing the area. We should work together.

But whatever we do in Central America, I think we make a mistake if we ignore an even greater concern, one that is even closer to home. I refer to Mexcio.

Mexico is not some distant trouble spot. It's right next door. If our neighbor gets into serious trouble, we can hardly expect to escape unharmed. Problems have a way of spilling over borders. We can see that in the ever growing numbers of illegal immigrants crossing the borders. We can also see it in the business failures that followed in the wake of the peso devaluation. But still larger troubles may be in store for Mexico . . . and for us.

Over the last decade, a combination of rapidly expanding production and escalating world oil prices encouraged Mexico to embark upon an ambitious industrialization plan financed by foreign capital, much of it loaned by American banks. Development plans, unfortunately, carried overly-optimistic assumptions about oil prices and about world trade and domestic growth.

The collapse of those expectations has left Mexico with massive economic troubles. Not only did public and private debt double in just four years, inflation skyrocketed from 20 percent in 1979 to nearly 100 percent last year.

Mexico's budget deficit, meanwhile, has risen to 16 percent of the country's gross national product and last year's debt servicing payments amounted to 129 percent of export earnings. Interest payments alone amounted to 37 percent.

The government of Mexico, in other words, is in serious financial trouble. After paying for essential food and industrial imports this year, Mexico will have difficulty just paying an estimated $12 billion in interest on its debt. In fact, Mexico's interest payments this year will nearly match its oil revenues. Its total foreign debt of nearly $85 billion makes it the second most indebted third world country, second only to Brazil and a close second at that.

Action already has been taken to avert the immediate crisis. The International Monetary Fund has agreed to extend another $3.9 billion in credit and private banks, another $5 billion. But those measures will only help temporarily, and just postpone the eventual—and inevitable—day of reckoning.

World oil prices play a critical role in Mexico's financial future. They have dropped sharply in the past year and each $2 drop in the price of a barrel of oil deprives Mexico of another $1 billion in desperately needed cash.

In an effort to put its financial house in order, Mexico has been forced to undertake a number of unpopular austerity measures. International lenders have asked Mexico to cut its budget deficit to 3.5 percent of GNP by 1985 and cut the growth of money and credit.

Taxes and prices on a variety of basic goods, ranging from gasoline to food, have been hiked sharply. Just a few weeks ago, the price of corn tortillas was raised another 42 percent and the price of white bread was doubled. At the same time, many workers have been laid off and many more have taken big wage cuts.

It's difficult to gauge what effect the economic misfortunes and reforms will have on Mexico's politics, but Mexico long has been plagued with aggressive political dissent, much of it centered in the country's interior and at universities in cities like Mexico City and Guadalajara. Foreign analysts generally dismiss the influence of these radical groups, arguing that the people in the rural areas remain loyal to the government's Institutional Revolutionary Party (PRI). And others insist that labor is still friendly to the government despite the recent wage setbacks.

Still, the potential for serious political turmoil in Mexico, exists, particularly if economic conditions take another turn for the worst. We have already seen an increase in the scattered political violence that has long plagued Mexico. Fighting recently broke out in one northern Mexican town, resulting in the deaths of two opposition party members. And earlier this year, there was a serious and violent takeover of town halls in central and southeast Mexico. What will happen if workers are forced to make more wage concessions or the universities erupt in violence?

Whatever happens in Mexico we will feel the impact here.

The rate of illegal immigration into the U.S. from Mexico is one of the best barometers of conditions in Mexico, and it should come as no surprise that the rate is rising. Border officials have reported sharp increases in the number of arrests. Some are describing the situation as virtually uncontrollable at existing enforcement levels. The Border Patrol in Yuma reports that arrests were up over one-third in the first few months of this year. In other areas of the country arrests have doubled.

There has been much talk recently about tougher immigration curbs. But in the event of a major political upheaval in Mexico, even tougher immigration curbs, like those in the Simpson-Mazzoli bill, would fail to stem the tide of refugees and illegal immigration. No amount of barbed wire or employer sanctions would stop the flow of those seeking asylum or employment.

But uncontrolled immigration would not be the only problem in the event of big upheaval in Mexico. Our economy would also suffer. In fact, it already has. Troubles began when the rate of exchange for pesos to dollars went from 25 to 1 in January, 1983, to the present rate of 150 to 1. But the trouble is not over. Dollars still trade on the black market for more than the official exchange rate. More devaluations could come.

In 1981, Mexican customers accounted for 47.9 percent of the sales made by American merchants on the Arizona border. But devaluation of the peso has now priced American goods beyond the reach of most Mexican visitors and placed many American businesses on the brink of financial disaster. All along the border, communities like Douglas, Nogales and San Luis are reporting unemployment rates of 20 percent or higher.

But it's not just the border areas. The peso problem has contributed to a sharp drop in overall U.S.-Mexican trade. In 1981, the U.S. exported goods worth $17.8 billion to Mexico and imported goods worth $13.8 billion from Mexico. But last year, we recorded a negative trade balance with Mexico—the first since World War II. And Mexico's economic woes will probably result in still further cuts in U.S. exports to Mexico, as Mexico seeks to save foreign exchange for its debt payments. At the same time, Mexico will try to increase its foreign exchange by boosting exports to the U.S., even at the added cost of subsidizing those exports. Many of those exports, like copper and cement, will compete with U.S. production. As that happens, we can expect trade tensions between our two countries to rise.

Beyond the immigration and trade worries, there is an even larger concern: the stability of the international banking system. The banks having large outstanding loans to Mexico read like a "Who's Who of Domestic Banks." The Bank of America, Bankers Trust, Chase Manhattan, Chemical Bank, Citicorp, Manufacturer's Hanover, and Morgan Guaranty all sit on a 14 member of Advisory Group of banks negotiating the re-

scheduling of debts with Mexico. Large numbers of smaller U.S. banks also have outstanding loans to Mexico, including a number of banks in the Southwest.

No one expects Mexico to repudiate its debt anytime soon. Mexico would be cutting itself off financially from the rest of the world. It would be economic suicide. But unless it can sustain a solid economic recovery, the government may be unable to meet its existing payment obligations without going farther and farther into debt.

Depending on what form it took, a "default" could have very serious consequences in this country. Some insist that an international banking crisis could result, much like what happened during the Great Depression. I doubt that, but the problems for this country could be serious.

Recent reports suggest that the immediate financial rescue is working. The government hasn't used all the emergency credit it was granted. And the economy is performing better than expected. Still, the crisis isn't over and it won't likely go away for several years.

So what should be done? Some things have already been done. The Department of Agriculture has extended a $1.7 billion loan, allowing Mexico to buy $6.2 million tons of grain, oilseed and dairy products from American farmers. New lines of credit of up to $2 billion have been opened through such agencies as the U.S. Export-Import Bank. And the U.S. has agreed to buy more oil from PEMEX for the U.S. strategic petroleum reserve.

Beyond this, the U.S. sent Secretary of State George Shultz, Treasury Secretary Donald Regan and Malcolm Baldrige to Mexico for a two-day meeting in April to discuss Mexican trade issues and Mexico's relationship with Central America.

But is this enough to ward off any future crisis? Probably not. To date, our actions have been aimed at staving off any immediate collapse not preventing future ones. Mexico's future has been put on the backburner of U.S. diplomacy, while El Salvador continues to occupy the frontburner. That's a bad call. What happens in Mexico over the next several years is of far greater importance than the outcome of any struggle in El Salvador.

If Mexico should "fall" sometime in the next decade, it will not fall due to any communist insurgency in Central America, it will fall because it is economically weak and politically torn within.

We can't be expected to "bail out" Mexico. We should, however, take steps to prevent the need for any bail out. And that will require careful consultations with our neighbor to the south. President Reagan's August 14th meeting with Mexican President de la Madrid is an important step, but it's only a first step. There should be another meeting next year, but it should be a summit with a full agenda, not merely a friendly meeting.

In fact, annual U.S.-Mexican summits would be helpful. Face-to-face, both leaders could begin to take steps to help ease a mutually dangerous situation. Several items should be on the agenda, including the discussion of:

Long-term oil purchase agreements;

Barter arrangements involving the swap of U.S. grain for Mexican oil;

Joint economic development plans for the border areas;

The liberalization of U.S. trade restrictions on Mexican produce;

Immigration problems;

Expansion of the Border Industrialization Plan, which permits duty-free twin plants within 12 miles of the border; and

Relations with Central America.

At the very least, the Administration should begin an internal evaluation of its attitude and approach to Mexico. I have urged the President to establish a bipartisan commission to study U.S.-Mexican relations.

Our stake in Mexico's future is too great to neglect. More than just our neighbor to the South, Mexico is a valued friend. We have long-standing cultural and historical ties to Mexico. In acting upon that friendship and those ties, we would be acting in our own best interests.●

100TH ANNIVERSARY CELEBRATED BY SACRED HEART CHURCH OF PLAINS, PA.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday, September 25, the pastor and parishioners of Sacred Heart Church in Plains, Pa., will celebrate the 100th anniversary of their parish.

The 100th anniversary of Sacred Heart Church is a monumental occasion and on such an occasion we should reflect back on Sacred Heart's beginnings and how it has progressed over its 100 years of service to the people of Plains.

Prior to the conception of Sacred Heart Church the early Catholics of Plains tramped by foot or rode by horse and buggy to St. Mary's Church in Wilkes-Barre. The idea of a Catholic Church of their own was born one Sunday when a group of those pioneer Catholics, walking home from Mass at St. Mary's, were forced to take refuge from a rainstorm. A group of men from Plains met with Father Dennis O'Haran, pastor of St. Mary's, who assisted them in attaining their dream of a church of their own. He made arrangements for the Holy Sacrifice of the Mass to be offered there on Sunday, May 4, 1879. On December 10, 1879, Father O'Haran purchased the Kauffman Hotel and Hall which was located on the site of the existing parish buildings.

No time was wasted in giving the people of Plains their own house of worship. Excavation was begun immediately with Father O'Haran on hand daily to supervise the work. The men of the parish, themselves, after finishing their day's work in the mines, would labor well into the night laying the foundation for the new church. The cornerstone was laid on June 8, 1880, by the Right Reverend William O'Hara, bishop of Scranton and the name given the new church was Sacred Heart. The basement of the church was ready for religious services on November 21, 1880, and Father O'Haran offered the first mass. After 3 years of services in the basement, the parishoners were then able to use the completed church. The dedication was on Sunday, September 16, 1883. The celebrant of the Solemn Mass of Dedication was Father O'Haran with Father McDermott of West Chester, Pa., as preacher. A week later Father John W. Dunn, D.D., who was the assistant at St. Mary's became the first pastor of Sacred Heart. When Father Dunn assumed his pastoral duties the parish was totally free from debt. In 1884, Father Dunn supervised the construction of the new rectory and established a parochial school in the Kauffman Building. In 1884, the Sisters of Mercy opened the school with an enrollment of 330 children. Father Dunn served the parish until his death on January 9, 1866.

Father John C. McDermott, the second pastor, was appointed in January 1886. During his tenure he purchased 6 acres of land in order to establish the parish cemetery. In 1888, Father McDermott died and was the first priest to be buried in the priests' plot.

Father E. S. Phillips of St. Gabriel's, Hazleton, assumed the pastoral duties in June 1888. In 1891, Father Phillips had to refurbish all of the parish buildings due to an extensive mine subsidence. This subsidence also affected the parish cemetery. In 1896, Father Phillips returned as pastor of St. Gabriel's, Hazleton, and was replaced by Father Edmund W. Fitzmaurice who served Sacred Heart for only 1 year and then was forced into retirement due to poor health.

Father James Hussie was appointed in March 1899. He established the first high school and Sacred Heart graduated its first alumni in 1901. In May 1901, Father Hussie left Sacred Heart to become pastor of St. Gabriel's and was succeeded by the Reverend P. J. Colligan.

In 1902, Father Colligan built a temporary convent adjacent to the school and in 1910 the temporary convent and school were torn down and the present convent and school were erected. Father Colligan arranged for an artist from New York City to paint a picture of the Sacred Heart in the center of the ceiling, as well as arranging other renovations of the church. Father John J. O'Malley succeeded Father Colligan in March 1911.

One of Father O'Malley's first actions was to lengthen the high school course to 5 years. In 1920, the school was badly damaged due to mine caves and the building was closed for 5 years during which time classes were held in the convent. Father O'Malley died in February 1925 and was succeeded by Father Dennis Kane.

Father Kane was instrumental in installing the stained-glass windows. At the same time he removed the Cruci-

fixion tapestry and donated it to College Misericordia. In 1928, Father John Holmes became the next pastor. Due to poor health, he was forced to retire in 1932.

Father James Mulholland succeeded Father Holmes and during his tenure he installed the present pews and new altar. Father Mulholland was transferred in 1945 and was succeeded by Father Edgar Conlon. Father Conlon died after serving only 5 months. Father Andrew Lengel served as administrator of the parish.

On July 2, 1946, Father Francis G. McNulty, S.T.D., J.C.D. became pastor of Sacret Heart. During his years at the church he made many improvements including a new heating and lighting system, a new electric organ, a new sound system, new Stations of the Cross, redecoration of the church interior as well as the exteriors of all the parish buildings along with a new French drainage system in the parish cemetery. Father McNulty was named a Domestic Prelate with the title of Reverend Monsignor on June 23, 1962, and was honored with a parish celebration.

In the period 1962-65 Pope John XXIII initiated Vatican II which resulted in the English Mass, liturgical changes, more participation in the Mass by the laity, updating of all the sacraments, revisions in the Canon Law and renewal of religious life. These changes were all made in an effort to update the church to the 20th century and Sacred Heart eagerly participated in all of these changes.

In 1969, Project Expansion, a diocesan effort, made possible through the support of local parishes, the construction of Villa St. Joseph, Little Flower Manor, the renovation of the Cathedral in Scranton and the construction and renovation of centralized high schools.

In 1971, Sacred Heart School and Covent were closed and many of those students then went on to the centralized Bishop Hoban High School in Wilkes-Barre.

In 1976, Monsignor McNulty celebrated his 50th year in the priesthood with Mass and a banquet. In 1979, he retired as pastor of Sacred Heart after 33 years of dedicated service which was the longest tenure of any pastor in the history of Sacred Heart.

Upon Monsignor McNulty's retirement, Bishop J. Carroll McCormick instituted a new pastoral assignment which changed the structure of the parish from a pastor and assistant pastor to a pastor alone. Father Thomas J. Croghan assumed the responsibilities as pastor with Father James T. Tracy in residence. Father Croghan reactivated the Holy Name and Altar and Rosary Societies. In 1981 the convent was renovated and soon afterward it was again occupied by the Sisters of Mercy. Also, 1981 was the year of Father Croghan's 35th anniversary in the priesthood which was celebrated with a Mass and parish dinner.

For the first time in Sacred Heart's history the necessity of a fund drive arose. This drive has proven very successful because of the sense of dedication of the parishioners to their parish. This drive enabled the church to undertake numerous improvements which include but are not limited to painting, carpeting, installation of a new heating system, a new altar of repose, a new Risen Christ, and various other structural renovations.

It is an honor for me, Mr. Speaker, to share this important part of our Wyoming Valley's history with my friends and colleagues in the House. It is also my honor to salute the parishioners of Sacred Heart Church on this happy occasion in the words which they themselves have chosen: "The Lord has watched over us for the past 100 years and has provided us with both the spiritual and material strengths to persevere through turbulent times and to forge ahead and survive. Our survival in the future is dependent upon the continued dedicated service of the parishioners."●

LEBANON: WHO'S THE ENEMY?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. OBEY. Mr. Speaker, William Raspberry has an excellent column in the Washington Post this morning which emphasizes the need to think before becoming militarily tied down in Lebanon with no clear goals and no clear enemies.

The Raspberry column is defective only in failing to point out the major responsibility that the PLO must bear along with others for the destruction of Lebanon.

Outside of that omission, the thrust of the article is on the mark and I recommend it to my colleagues.

[From the Washington Post, Sept. 30, 1983]

LEBANON: WHO'S THE ENEMY?

(By William Raspberry)

I'm not sure I understand the debate over the War Powers Act. It isn't clear to me whether it's a question of hawks vs. doves, of Republicans vs. Democrats, or of macho men vs. nervous nellies. I'm certain that I don't understand the compromise that says the president can send the Marines into combat if he chooses, but only for 18 months. After that, Congress will start thinking about invoking its constitutional power to declare (or not declare) war.

But one thing does seem fairly clear to me, though it seems to be no part of the current debate: before you go to war—before you get yourself in a situation where you will likely have to shoot and be shot at—it makes sense to have a pretty fair idea of who your enemy is. Who is our enemy in Lebanon? Our friend, one supposes, is the Gemayel government. But who are our enemies? The Syrians, who seem to be in control of a huge hunk of northern Lebanon and who seem intent on blocking peace negotiations? The Druze and their Palestinian allies, upon whom our battleships opened fire a couple of weeks back? The Christian Phalangists, whose massacre of Palestinian men, women and children in the Sabra and Shatilla refugee camps led to our dispatch of the Marines (part of a multinational force) in the first place? The Israelis, whose invasion of Lebanon helped to further destabilize the state? Some combination of the various Moslem or Christian sects.

The official answer is that we have no enemy in Lebanon. We are there not to prosecute a war but to preserve the peace. Fine. But when one of the factions attacks the Lebanese government, on whose behalf we are (presumably) keeping the peace, and we open fire on that faction in order to protect the government, haven't we just bought ourselves an enemy? And if this multifactional civil war continues for much longer, aren't we likely to buy ourselves other enemies? And won't we then come under pressure, both there and at home, to do what is necessary to defeat those enemies?

In short, the line between keeping peace and making war is not all that clear, and the sinking feeling is that we may already have crossed it. But not necessarily irrevocably. The cease-fire that went into effect on Monday provides at least a chance of a negotiated settlement among the parties to the Lebanese war—and a chance for the United States to find a way to get its troops out. We clearly ought to do what we can to assist those negotiations, including keeping the Marines in place for yet a while longer.

The trick is how to help bring peace among the warring factions without becomming one the the warring factions if the peace effort fails. Maybe the only way out is to find some way of turning the peacekeeping duty over to the United Nations—preferably without the direct involvement of U.S. troops. Meanwhile, the debate on Capitol Hill, while of doubtless constitutional significance, seems to have nothing to do with what we ought to be doing in Lebanon. That argument has to do with how, and by whose authority, we are to go to war. In the case of Lebanon, the fact that we don't have an enemy there strikes me as a pretty good reason not to go to war.●

JEWISH ASSOCIATION FOR SERVICES TO THE AGED DEDICATES SCHEUER HOUSE OF MANHATTAN BEACH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. SOLARZ. Mr. Speaker, on October 9 the Jewish Association for Services to the Aged will officially dedicate its newest housing for the elderly, Scheuer House in Manhattan Beach.

This most needed facility was developed by a major rehabilitation of the old Mahattan Beach Hotel with a $7.7 million Federal 202 housing grant, a $750,000 gift from the Sh. H. and Helen R. Scheuer Foundation, and a

tax abatement from the city of New York.

I am indeed proud to have played a role in bringing this much needed housing development to our community. I would like to take this opportunity to pay tribute to the many dedicated people at JASA—among them Bernard Warach, executive director; Morris Stutman, director of housing management; and Rabbi Jerome Fishman, Brooklyn Borough director—whose tireless energy, efforts, and dedication helped bring this project to fruition.

Scheuer House-Manhattan Beach provides safe, attractive, affordable housing for some 250 elderly and handicapped residents who live in its 150 apartments. Many of the residents formerly lived in dilapidated and rundown buildings under the most difficult conditions, and the opportunity to move to Scheuer House has provided them with a new lease on life. Apartment rentals are fully subsidized and all tenants had to meet Federal section 8 income eligibility standards before they could be considered for an apartment in this development.

An indication of the demand and need for this type of housing can be seen from in the fact that 6,500 applications were submitted. A lottery system was devised under the close scrutiny of HUD to provide all applicants with an equal opportunity for an apartment. After exhaustive efforts by JASA, all the apartments were quickly occupied, with many thousands of New Yorkers remaining on the waiting list.

JASA also operates the Senior Alliance Center which is housed in the community space of Scheuer House. The SAC provides 205 hot kosher meals each day to the residents of the development and senior citizens in the community. In the last year, the meal program at the center has proved extra popular, proven by the 99 percent use rate of the meals allocated to SAC by the New York City Department for the Aging.

The center also provides a wide range of recreational programs and services to center members, many of whom live alone. In addition to a full-time social worker on its staff, JASA has now added the services of a part-time social worker to provide much needed services during evening hours and on Sundays—often the loneliest time for many of our elderly.

As a member of the Manhattan Beach community, I have had the opportunity to watch this project come to completion, and to see how the new residents of the building have enjoyed its excellent facilities and programs. Through the hard work and determination of JASA and a number of community leaders our mayor, and borough president what was once a decaying hotel has become again a source of neighborhood uplift and community pride.

I hope all of those who participated in making this project possible will redouble their efforts to see that more facilities like Scheuer House can be made available for our senior citizens, who lives and work have helped make New York such an incredible place to live.

May all the new residents and center members enjoy many years of health and happiness in their new surroundings, and may the people at JASA continue their efforts to provide safe and attractive housing for the many senior citizens in our community.●

THE 125TH ANNIVERSARY OF THE ZION UNITED METHODIST CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Ms. KAPTUR. Mr. Speaker, recently, Zion United Methodist Church in my district celebrated its 125th anniversary. The church's gala celebration commemorated a century and a quarter of providing a place of worship for many of my constituents with a German-language heritage. We in America are justly proud of the fact that ours is a diverse society made rich over time by the blend of many cultures. Zion United Methodist Church has helped many of the German-Americans of the Toledo area to strengthen their heritage and celebrate their roots. On behalf of the House of Representatives and all the people of the Ninth District, I offer congratulations to the entire congregation of the Zion United Methodist Church and wish its members the very best for the future.●

ACID RAIN: HIGH-FLYING HUNT FOR THE CULPRIT

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MOLLOHAN. Mr. Speaker, the debate surrounding the issue of high acidity in areas in the Northeast has sparked a search for a scapegoat. In this country, that scapegoat is often the coal-fired utilities of the Midwest.

In other countries around the world, however, the search continues with less assurance of the ultimate outcome. As the following article indicates, the issue may be more complex than some of us in America would like to believe. I commend this article on the international aspects of acid rain to my colleagues:

[From the Financial Times, Sept. 7, 1983]

ACID RAIN: HIGH-FLYING HUNT FOR THE CULPRIT

(By David Fishlock)

There was talk recently at a U.S. trade association in Washington of a bumper sticker no one had had the courage to issue. The trade body was the Atomic Industrial Forum, representing makers of nuclear plant. The message was: "Acid rain causes nuclear power."

No one knows what causes acid rain. This is the evocative term for the apparent consequences of high acidity in soils and surface waters in several countries, notably Norway, Sweden, West Germany and Canada. But it is plain—Sir Walter Marshall, chairman of the Central Electricity Generating Board, stressed the point again this week—that any precipitate action against the electricity industry to cut its sulphur emissions from coal-fired stations will tilt the economic balance still more strongly in favour of nuclear plant.

Mr. Ian MacGregor, newly-appointed chairman of the National Coal Board, made the same point when he said there were too many people "avidly looking for simplistic answers to complex questions." There was so much at stake for the coal industry that it was very important to take advantage of the highest level of research capability, he said.

The two nationalised industry chairmen were taking the unprecedented step of committing substantial funds—£5m between them over the next five years—to a research programme over which they would have no control, either of the questions posed or the publication of results.

Sir Walter had no doubt his auditors would raise their eyebrows at this—but his worries about acid rain are much bigger. If the British electricity industry, of which the CEGB is the major component, took the action now being urged by the EEC, to cut its sulphur emissions at source to one-third, it could mean the investment of more than £4bn in such plant as flue gas desulphurisation equipment. And this would mean an additional operating cost of about £700m a year.

The sulphur comes from the NCB coal it burns, which accounted for about 80 per cent of CEGB electricity last year. The NCB's research concerned with sulphur has concentrated mainly on new ways of burning coal, such as fluidised-bed combustion, where the sulphur is retained in the combustion system. But such practices are far from proven for large-scale electricity production.

The CEGB, on the other hand, has spent at a more fundamental level, in its "flying chemistry" research programme.

The aim of this programme, mounted by the Central Electricity Research Laboratories at Leatherhead, is to track emissions from its tall power station stacks as they are blown across the North Sea. This involves flying the highly instrumented aircraft of the Meteorological Office back and forth, up and down in the path of the plumes.

The CEGB reckons it has spent about £5m on the flying chemistry programme over the past five years. It has received some help from the U.S. electricity industry through its cooperative research body, the Electric Power Research Institute (EPRI) in California.

But Sir Walter recognises a "credibility gap" for any research into acid rain that the electricity industry may mount itself, no

matter how worthy it may be scientifically. "Our difficulty is that we are so obviously so much affected by the effects of acid rain that any research we do ourselves is immediately suspect."

He therefore conceived the idea of putting money into what he calls a "blind trust." As a Fellow of the Royal Society of long standing, he proposed that this eminent body should manage an independent investigation of acid rain.

He also proposed that the CEGB and the Coal Board—as the industries which would suffer most grievously if governments gave in to the current clamour of environmental bodies—should fund the programme jointly.

This week the Royal Society announced that it had accepted his scheme. The Royal Society, the Norwegian Academy of Science and Letters and the Royal Swedish Academy of Sciences have jointly agreed to initiate a long-term collaborative programme of research into the causes of acidification of surface waters in Norway and Sweden, and the implications for fisheries.

The announcement was made at the start of a three-day scientific meeting on acid rain at the Royal Society. But it said the aim of the new programme was not to duplicate "much intensive theoretical and experimental research in many countries." It was to "provide a sufficient understanding of the processes at work in soils and surface waters to be able to predict, with confidence, the effect on fisheries of particular reductions in acid concentrations."

"We could see no sense in going into this programme unless we had the co-operation of our colleagues in the Scandinavian academies," says Sir Morris Sugden, physical secretary of the Royal Society, who is chairman of the management committee for the research programme. Scientists from Norway and Sweden will sit on his committee, which hopes to hold its first meeting next month.

To direct the project, the Royal Society has chosen a vice-president, Sir John Mason, shortly to retire after 18 years as director-general of the Meteorological Office. Sir John sees a five-year programme as "just a start" on a very complex problem. "But we've got to make a start."

Sir John recalls his close involvement with a similar "but simpler" problem, namely accusations by the environmentalists that large fleets of Concordes flying at 70,000 feet would damage irreparably the ozone layer of the upper atmosphere which protects us from excessive ultra-violet light.

As the research progressed down through the 1970s, the estimated damage by supersonic emissions grew less and less, to the point where the scientists are now saying that fleets of Concordes would cause an increase in ozone, Sir John says.

The scientists say the same pattern has been followed in the case of acid rain. One of Britain's foremost environmental scientists, Dr. Kenneth Mellanby, former director of the Nature Conservancy and since his retirement editor of the journal Environmental Pollution, reviewed a recent scientific conference on acid rain for Nature last month.

After pondering the results of about 50 papers presented at the conference in West Germany, Dr. Mellanby concluded that what he called the "simplistic" scare stories of how German industry is destroying the Black Forest are "neither accurate nor supported by scientific evidence." The evidence shows that sulphur dioxide levels in the Black Forest are "very low indeed, as is demonstrated by the wealth of foliage and leafy lichens, particularly on the moribund firs."

He concludes that if sulfphuric acid is to blame for the death of Germany's trees, then it must have come from further away than German factories and power stations. "So the policy of German Government, spurred on by the Green Party, to reduce sulphur output from their industry to low levels, at a very considerable expense, may be, on a global scale, very altruistic, but it will not do any good (or any harm) to the trees of the Black Forest," Dr. Mellanby says.

The cause of the damage to the trees was not agreed among the scientists, he continued. But he says there were few supporters for the view that acid rain had been proved to be the only, or even the main, culprit. "The general consensus suggested that the most likely cause was the combination of a cold winter, a dry summer, fungal disease, elevated ozone levels with, possibly, raised aluminium levels in the soil water arising from the effects of acid precipitation."

Dr. Mellanby also took the trouble to do what few who have attacked the electricity industry have troubled to do. He toured the stricken areas of Germany himself. "This was a revealing experience," he says. "Far from the widespread devastation highlighted in a recent television programme shown in Britain, the ordinary tourist, or even the visiting scientist, could travel for days without seeing any serious damage."

In April, Dr. Peter Chester, director of the Central Electricity Research Laboratories and responsible for co-ordinating all the CEGB's scientific work on the environment, gave a public address on acid rain at the Royal Society of Arts in London. He showed how all fears of acid rain so far were purely hypothetical, and how, each time a new theory of devastation allegedly being caused by atmospheric sulphur was tested scientifically, it simply faded away.

As scientific evidence accumulates, the Swedish case against the electricity industries of Britain and Western Europe weakens, Dr. Chesters says. If indeed there are any reductions in crop yield caused by sulphur dioxide, "their cost dwindles into insignificance in relation to the cost of avoiding them and the remedy is largely in national hands."

Sweden now finds no evidence of damage to its forests. Sulphate levels and acidity in Swedish rivers have "evidently not risen dramatically' as the Swedes were claiming so vociferously at the UN Conference on the Human Environment in 1972. There has been no substantial trend in rain sulphate—acid rain—in Europe or North-East America since at least 1965, he says.

Dr. Chester says there is strong circumstantial evidence that declining fisheries in Scandinavia "may be due to acid deposition." But he added that the degree of damage in the most affected areas does not correspond to differences in deposition. "Nor is their an adequate scientific basis for asserting that the problem will get worse, or spread, without urgent action, nor for predicting what improvement can be expected from a given reduction in acid deposition."

According to Dr. Chester, the Swedes are containing their acidity problems by dumping comparatively small quantities of limestone in takes to neutralize the acid. In principle, he says, it needs only 10 grams of limestone per square metre of catchment to counter the heaviest acid deposition in Scandinavia. "A European fund for such measures would involve less than one-hundredth of the cost of the programme of sulphur dioxide controls now being rushed through the community."

Lord Flowers, former chairman of the standing Royal Commission on Environmental Pollution, summed up the whole acid rain debate by suggesting that the environmentalists were perhaps urging "the $1bn solution to the $1m problem."●

THOUGHTS ON THE OLDER AMERICANS ACT

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. BILIRAKIS. Mr. Speaker, recently the House of Representatives passed H.R. 3913, the Departments of Labor, Health and Human Services, and Education, and related agencies appropriation bill—a measure which will appropriate funds and strengthen many of our domestic programs. Legislation of this kind provided for the needs of millions of Americans, especially our elderly Americans, who depend on the programs authorized under the Older Americans Act.

Knowing of the tremendous growth in the elderly population in the United States, and especially in my district, I strongly supported the passage of this bill, in hopes that the existing programs will continue to develop and that others might grow.

I am pleased to see that funds will be allocated to each State according to the number of older persons in the State and I am hopeful that Florida will receive her fair share of the funds, as she leads the Nation in congressional districts with a high elderly population.

The programs funded by the bill will continue at an increased level of $5 million over the 1983 funding level. This increase is certainly needed to meet the rising costs and demands.

Many of us are familiar with the well-known Meals on Wheels or congregate meals program which were funded in this bill. This legislation, however, offers much more for our older Americans, such as funding for gerontology centers research projects and other needy areas. It is interesting to note that funding is also included for the career preparation awards program, which assists colleges and universities in expanding education programs in gerontology and geriatrics. Another section of the bill, under the multiagency health issues, provided for our golden Americans. The Department of Health and Human Services is directed to develop a clear plan of action to improve and expand training in geriatrics and gerontology and to focus on the need for geriatric physicians who are skilled in the diseases common among the elderly.

Research on aging is an essential response to the changing demography of the U.S. population. The number of elderly people in this country is expected to reach 30 million in this decade and to exceed 40 million by 2020. As this segment of our population increases in its relation to the total population, we must find ways to deal effectively with the changes that will occur. The increases which have been appropriated for the National Institute on Aging have been allocated for this reason to meet the needs of an aging population.

A part of the funding for the National Institute on Aging is for establishing up to five specialized research centers on Alzheimer's disease and related disorders. Hopefully, the center approach will be instrumental in building a strong base for multidisciplinary research, training, and community education on Alzheimer's disease and related disorders.

The above examples are only a part of the package for older Americans, but they clearly indicate the concern of the Congress for a special segment of our society, who truly deserve to have the final years be golden ones.●

BLUEPRINT FOR PARADISE: HOW TO LIVE ON A TROPICAL ISLAND

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. DE LUGO. Mr. Speaker, as the sun passes through the autumnal equinox and the shadows slowly begin to lengthen, many of our colleagues' thoughts begin to drift to what it must be like to represent a district as beautiful as my own, the U.S. Virgin Islands. It is this time of year that I see it in their eyes—the envy—the urge to run away from those frosty climes to a green jewel set in a sapphire sea. Being the sympathetic soul you all know me to be, I can now tell you how you too can find and enjoy a bit of paradise.

Ross Norgrove, sea captain, author, and friend, has finally written the book to answer all your questions. His latest work, "Blueprint for Paradise: How To Live on a Tropical Island," comprises a lifetime of knowledge and advice for anyone considering such a move. Information on how to choose an island, a homesite, the problems of logistics, selecting a boat and much more is presented in a lively, entertaining style.

Each of our colleagues, particularly those members of the Northeast-Midwest Congressional Coalition, should pick up a copy. Who knows? If it does not convince them to up and move right away at least it will help keep the chill away.●

END OF FISCAL YEAR 1983

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. ALEXANDER. Mr. Speaker, today is a very important day for President Reagan, the leadership of the Republican Party, and all those supply-side economists who have had such a profound impact on shaping the economic policies of this administration.

Today—the last day of fiscal year 1983—today is the day Ronald Reagan promised the American people he would deliver a balanced budget.

However, instead of financial solvency, President Reagan is giving the American people a deficit in excess of $200 billion. That is a world record figure. It is also quite an accomplishment for Mr. Reagan personally. Only 3 years ago he was criticizing then-President Carter for $30-billion deficits he said were "skyhigh."

Well, Mr. Speaker, if Mr. Carter's deficits were "skyhigh," we must conclude that Mr. Reagan's megadeficits are proceeding toward some outer galactical black hole.

Mr. Speaker, there are those on the other side who attempt to defend these megadeficits by alleging that they were caused by the failure of congressional Democrats to hold down domestic spending.

Mr. Speaker, I feel it is important to make clear that these record high deficits do not reflect any failure on the part of Congress to enact the spending and tax policies proposed by the President. Rather they are occurring precisely because Congress has acted to pass both his spending and tax policies. And I might add that both the minority leader, and his colleague, the minority whip were among the crafters of the legislative strategy which produced those important victories for the President's policies—and eventually produced these record high deficits.

With respect to spending cuts, Congress has cut more than that requested by the President in each of the last two fiscal years. For fiscal year 1982, the President proposed budget cuts totaling $40.3 billion, while Congress approved cuts in excess of $41 billion. In fiscal year 1983, the President proposed additional cuts of more than $41.2 billion, and Congress approved $41.4 billion.

Despite these budget cuts the budget deficit skyrocketed.

The reason for these stunning deficits can be found in the tax cuts for the wealthy and massive military spending measures which have been pushed through Congress by Mr. Reagan and the Republican leadership. The cost of these tax cuts and military spending increases far outweighs the savings achieved through cutbacks in the domestic budget, and therefore has forced the deficit higher and higher.

The tax bill of 1981—which extended enormous tax increases to wealthy Americans—was rammed through this House by President Reagan and his Republican allies. That tax bill locked in a series of massive multiyear tax reductions. By 1985, the cumulative revenue loss from this tax bill will equal $374 billion.[1]

At the same time taxes have been cut, military spending has been increased under Mr. Reagan at a staggering rate. Under the Reagan administration by fiscal year 1985, we will be spending approximately $281 billion for military purposes—almost one-third of the entire budget. Overall, the Reagan military budget will result in a cumulative military spending increases of approximately $184 billion after adjusting for inflation by fiscal year 1985.

A third factor contributing to the deficit has been the Reagan recession. In fiscal year 1982 for example, the deficit was increased by up to $50 billion because of increases in Federal programs providing assistance to the unemployed, coupled with a loss of tax revenue from the millions of Americans who found themselves out of work.

The cost of the tax cuts along with increases in military spending accounted for more than half of the deficit in fiscal year 1982. It is reasonable to assume that the recession may account for the remainder.

In fiscal year 1984 and subsequent years, the projected increases in defense spending and the impact of the tax cuts can be expected to amount to more than 100 percent of the deficit—suggesting obviously, that in the absence of the Reagan tax and spending programs we could be facing years of surplus in our Federal budget rather than the dismal future Mr. Reagan has given us.

COMPARISON OF PRESIDENTIAL BUDGET REQUESTS AND CONGRESSIONAL APPROPRIATED AMOUNTS ENACTED IN REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATIONS BILLS

Calendar year	Presidential budget requests	Congressionally appropriated amounts	Congressionally appropriated amounts less (−) or more (+) than Presidential request
1943	$115,041,366,395	$110,634,660,785	−$4,406,705,610
1944	63,513,471,020	61,257,906,152	−2,255,564,868
1945	62,453,310,868	61,042,345,331	−1,410,965,537
1946	30,051,109,870	28,459,502,172	−1,591,607,698
1947	33,367,507,923	30,130,762,141	−3,236,745,782
1948	35,409,550,523	32,699,846,731	−2,709,703,792
1949	39,545,529,108	37,825,026,214	−1,720,502,894
1950	54,316,658,423	52,427,926,629	−1,888,731,794

[1] CBO figures were used by the DSG in compiling this information.

COMPARISON OF PRESIDENTIAL BUDGET REQUESTS AND CONGRESSIONAL APPROPRIATED AMOUNTS ENACTED IN REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATIONS BILLS—Continued

Calendar year	Presidential budget requests	Congressionally appropriated amounts	Congressionally appropriated amounts less (−) or more (+) than Presidential request
1951	96,340,781,110	91,059,713,307	−5,281,067,803
1952	83,964,877,176	75,355,434,201	−8,609,442,975
1953	66,568,694,353	54,539,342,491	−12,029,351,862
1954	50,257,490,985	47,642,131,205	−2,615,359,780
1955	55,044,333,729	53,124,821,215	−1,919,512,514
1956	60,892,420,237	60,647,917,590	−244,502,647
1957	64,638,110,610	59,589,731,631	−5,048,378,979
1958	73,272,859,573	72,653,476,248	−619,383,325
1959	74,859,472,045	72,977,957,952	−1,881,514,093
1960	73,845,974,490	73,634,335,992	−211,638,498
1961	91,597,448,053	86,606,487,273	−4,990,960,780
1962	96,803,292,115	92,260,154,659	−4,543,137,456
1963	98,904,155,136	92,432,923,132	−6,471,232,004
1964	98,297,358,556	94,162,918,996	−4,134,439,560
1965	109,448,074,896	107,037,566,896	−2,410,508,000
1966	131,164,926,586	130,281,568,480	−883,358,106
1967	147,804,557,929	141,872,346,664	−5,932,211,265
1968	147,908,612,996	133,339,868,734	−14,568,744,262
1969	142,701,346,215	134,431,463,135	−8,269,883,080
1970	147,765,358,434	144,273,528,504	−3,491,829,930
1971	167,874,624,937	165,225,661,865	−2,648,963,072
1972	185,431,804,552	178,960,106,864	−6,471,697,688
1973	177,959,504,255	174,901,434,304	−3,058,069,951
1974	213,667,190,007	204,012,311,514	−9,654,878,493
1975	267,224,774,434	259,852,322,212	−7,372,452,222
1976	282,142,432,093	282,536,694,665	+394,262,572
1977	364,867,240,174	354,025,780,783	−10,841,459,391
1978	348,506,124,701	337,859,466,730	−10,656,657,971
1979	397,653,765,836	386,822,093,291	−10,831,672,545
1980	340,339,446,763	333,695,164,197	−6,644,282,566
1981	440,398,234,909	442,215,127,541	+1,816,892,632
1982	507,740,133,484	514,832,375,371	+7,092,241,887

Data source: Committee on Appropriations, U.S. House of Representatives.●

TRIBUTE TO RABBI ABRAHAM D. BARRAS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HARRISON. Mr. Speaker, with the death of Rabbi Abraham D. Barras on July 20, 1983, the congregation of Temple Israel, in Wilkes-Barre, lost its spiritual leader. The Wyoming Valley community lost one of its greatest citizens. And the community of man lost both a friend and an inspiration.

Dr. Barras was a graduate of Columbia University with continuing advanced studies at New York University and the Jewish Theological Seminary of America. He was ordained in 1946 and earned the degree of doctor of Hebrew letters in 1954. In 1971, the Jewish Theological Seminary of America conferred upon him the honorary degree of doctor of divinity.

After service in Monticello, N.Y., and Atlantic City, N.J., Dr. Barras came to Temple Israel in 1952 and served there until his death. Abraham D. Barras was truly a leader of the Jewish community, not only in the Wyoming Valley but in the Nation. Even a brief recollection of his work with the Jewish Theological Seminary, the United Jewish Appeal Campaign, the Zionist Organization of America, and the United Jewish Appeal Cabinet recalls all that he accomplished among his own people. But he was more than that, Mr. Speaker, he was a leader of us all. The Labor-Management Citizens Committee of Wyoming Valley, the Wilkes-Barre Kiwanis, the Family Service Association, the United Way, the Red Cross and many other civic and charitable organizations claimed of his time and gained of his inspiration.

Even more importantly, beyond all the titles and the honors, the offices and the responsibilities, Rabbi Barras was a man to whom any other man or woman could turn in a time of need and be assured of a listening ear, a helping hand and a word of faith and of hope. He will be deeply missed by those whose congregation he served and all of us whose community he shared.

I rise, Mr. Speaker, to share the news of his untimely death with my friends and colleagues in the House and to extend my own deep sympathy to his widow, Sylvia and to his children, David, Daniel, and Joshua.

In their sorrow, Mr. Speaker, I pray his beloved family may find consolation in the memory he has left and in the knowledge that his "is a name that will shine on the entablatures of truth forever."●

TRIBUTE TO ALFRED E. ALQUIST

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MINETA. Mr. Speaker, on behalf of my colleague DON EDWARDS and myself, I rise today to honor one of California's premier legislators, State Senator Alfred E. Alquist. Senator Alquist has served the people of California in Sacramento since 1966 where he has been a dedicated and tireless champion for the rights of workers, quality education, and care of the disadvantaged.

It is with pleasure that we note that Al has been presented with the National Humanitarian Award for Community Service at the 84th Anniversary Dinner of the National Jewish Hospital and Research Center/National Asthma Center, an institute whose accomplishments are internationally recognized in the area of chronic respiratory diseases, allergic diseases, and immune system disorders.

Al diligently served in the California State Assembly for two terms beginning in 1963, and we have long admired his work in the California State Senate. Until 1981, when he became the chair of the budget-writing senate finance committee, Al served continuously on the education committee where he was instrumental in providing funding for schools and services for disadvantaged students.

In addition to his keen grasp of postsecondary education and State finance issues, Al is an expert in public utilities, energy matters, transportation and seismic safety.

We are honored to have known Al Alquist for more than 20 years. In addition to his many professional accomplishments for the people of California, Al is a man of deep convictions and principles, a man who believes in the basic human dignity of all people, regardless of race, creed, color, or income.

Al Alquist is an honest, caring man for whom we have the deepest respect. He is much more than a representative of the people of the 11th senatorial district, he is an untiring worker and compassionate voice for all Californians.

Mr. Speaker, and my fellow Members, I hope you will join me and Mr. EDWARDS in congratulating Al Alquist on his many years of dedicated public service, his wise counsel, and his friendship over the years. Clearly, Al Alquist has made California a better place in which to live.●

COLUMBUS DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. RODINO. Mr. Speaker, on October 10 we will celebrate Columbus Day. This year's celebration is the 491st anniversary of the discovery of America.

Although Christopher Columbus was Italian, the day that bears his name has become a truly national celebration. Although I share with my fellow Americans of Italian heritage a special pride in Columbus' achievement, Columbus Day is a time for Americans of all ethnic backgrounds to rejoice in the diversity of our country and to appreciate the fact that we are a "nation of immigrants." For we not only honor the man responsible for the discovery that changed the world—we honor the land that he discovered. America became a great country because of the millions of individuals who followed Columbus, from all over the world, who sought a better life and were given the opportunity in this country to achieve their full potential.

We celebrate the "father of immigration" and all of those who came after him, as well as his spirit of adventure and willingness to risk tremendous odds for what he believed in. Columbus day is a tribute to the courage and persistence of the American spirit.

We are now 9 years away from the year 1992, which will mark the 500th anniversary of Columbus' voyage. I am especially pleased that the House of Representatives has already passed the bill H.R. 1492, which I introduced along with my colleague Representative GARCIA, and which Senator MATHIAS has introduced in the Senate. It will establish the Christopher Columbus Quincentenary Jubilee Commission, to plan for the events that will commemorate this historic anniversary. Although each year's Columbus Day is special, the worldwide celebration is bound to be an extraordinary occasion.

On Sunday, October 9, I will be participating in the 13th annual Columbus Day parade in my home city of Newark. The Columbus Day activities in Newark are successful each year because of the dedicated service and hard work of my friend Ace Alagna, publisher of the Italian Tribune. I continue to marval at Ace's ability to give the Columbus Day ceremonies a truly national and diverse spirit, making each year's celebration even more festive and enjoyable than the last.

The parade will have as its grand marshall the well-known and talented actor Dom DeLuise. Also appearing will be the U.S. Military Academy Marching Band, the West Point Cadets Color Corps, and the Knights of Columbus Color Guard. The parade coordinator will be John A. Zimbardi. A number of my colleagues from New Jersey will also be participating, including Senators BILL BRADLEY and FRANK LAUTENBERG and Gov. Thomas Kean.

At a dinner which will be held later that Sunday, awards will be presented, including Man of the Year to Cavaliere Louis Piancone, president of Roma Foods in South Plainfield, N.J.; Humanitarian of the Year to Gene Mulvilhill, owner of Action Park in Vernon, N.J.; and Woman of the Year to Felicia Salandra, a retired teacher and principal of the Franklin School in Newark. I am especially delighted about this last award, as I was one of Ms. Salandra's students, many years ago.

I know that this year's Columbus Day celebration will be a special one, as we pay tribute to a great man, a great historic event, and a great country.●

HELEN SABOL'S TESTIMONIAL DINNER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. LEWIS of California. Mr. Speaker, on Sunday, October 16, the friends and admirers of Helen Sabol will be honoring this very special lady at a testimonial dinner. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with her many admirers in expressing our deep appreciation and gratitude to this outstanding human being for her many years of dedicated service.

Helen is a busy wife, mother, and grandmother who still finds time to actively volunteer for many organizations. She and her husband, Andy, just recently celebrated their 50th wedding anniversary.

Volunteer work has been a way of life for Helen over the years and she generously gives her time to many organizations. She has been a member of the Democratic Club, Business and Professional Women, Legislative Action Committee, Women's Club, and Art Association, holding office in many of these organizations.

Some of Helen's current activities include being involved with the Morongo Basin Stroke Club, arthritis swim therapy program, San Bernardino County Health Department, Inland Counties Health Systems Agency Task Force, Mentally Retarded of the Morongo Basin, and Catholic Daughters of America, to name a few.

All who are privileged to work with Helen Sabol recognize and admire her dedication as an outstanding citizen and for her charitable contributions which have made her community a better place to live.

Mr. Speaker, I take great pride in commending to my colleagues, Mrs. Helen Sabol, for her tireless hours of devotion and many years of hard work to benefit the people of her community in a most refreshing way.●

THE MARCOS DICTATORSHIP: SENSE OF THE CONGRESS RESOLUTION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. STARK. Mr. Speaker, Today I am introducing a sense of the Congress resolution stating that the U.S. Government should suspend all security and economic assistance to the Philippine Government if President Ferdinand Marcos reimposes martial law, or does not make significant progress toward restoring democracy and insuring human rights in the Philippines.

In recent weeks attention has been refocused on the Philippines in the wake of the assassination of opposition leader Benigno S. Aquino, Jr. What many people may find surprising is that Mr. Aquino is not the first opposition leader the Marcos government has "allowed to die." Although Marcos denies any involvement in the Aquino assassination, the Marcos government has a long history of arrest, torture, and execution of Philippine opposition forces. And yet the United States continues to support this totalitarian regime.

The United States seems willing to give unqualified and unconditional support to the Marcos government without regard for their abuses of power, suspensions of human rights, and disregard for democratic freedoms. And not only do we overlook these actions, but we allow Mr. Marcos to go on national television and threaten us. President Marcos says that if we do not approve the $900 million U.S. military base agreement he will find friends elsewhere; namely, in the Soviet Union. Mr. Marcos says that if President Reagan cancels his planned November visit to the Philippines our relationship will be greatly strained.

Mr. Speaker, I am sick of being threatened by a man who treats us, not to mention his own people, in such a childish way. I say, let him try and find another nation to befriend him. He will certainly not find one that has been as good to him as the United States. I say President Reagan should not visit the Philippines. It is about time we let Mr. Marcos know that he cannot get away with murder, literally, and still expect our unqualified support.

I believe our friendship should be with the people of the Philippines. Let us show them that we support them, through our support of human rights, that we oppose restoration of martial law, and we support full democratic freedoms. Mr. Marcos and his regime will not last forever, but I believe that our special friendship with the Philippine people should.

I urge my colleagues to support my resolution.●

FORMER CONGRESSMAN ARMSTRONG CELEBRATES 90TH BIRTHDAY

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. TAYLOR. Mr. Speaker, I wish to recognize the celebration of the 90th birthday this weekend of former Congressman O. K. Armstrong of Missouri. O. K. turns 90 this Sunday, October 2, and will celebrate his birthday with a reception for friends and colleagues Friday here on the Hill; a family dinner Saturday night with 27 relatives who are coming to Washington from all over the country, and church services Sunday at the historic Calvary Baptist Church in Washing-

ton, D.C.—the church he attended while a Member of Congress.

O. K. Armstrong served the people of southwest Missouri in the 82d Congress and was a member of the editorial staff of the Reader's Digest for 34 years.

Congratulations to O.K. Armstrong on his 90th birthday.

O. K. ARMSTRONG

Orland Kay Armstrong was born in Willow Springs, Mo., October 2, 1893; Drury College, Springfield, Mo., A.B., 1916; Cumberland University Law School, Lebanon, Tenn., LL.B.; 1922; University of Missouri School of Journalism at Columbia, bachelor of journalism, M.A. in journalism, 1925; was admitted to the bar in 1922, but did not practice; teacher of English and public speaking at Southwest Baptist College, Bolivar, Mo., in 1916 and 1917; during the First World War served from private to lieutenant in the United States Army Air Corps 1917-1919; Y.M.C.A. welfare representative in France in 1919 and 1920; established department of journalism at University of Florida at Gainesville in 1925 and served as director 1925-1928; author of seven books, magazine writer and newspaper correspondent; secretary of Missouri Century of Progress Commission 1930-1932; delegate to Republican State conventions 1932-1945, 1950, 1952, and 1966; delegate to Republican National conventions in 1944 and 1952; member of the State house of representatives 1932-1936 and 1942-1944; member of the staff of the United States Senate Committee on Post Office and Civil Service in 1947 and 1948; elected as a Republican to the Eighty-second Congress (January 3, 1951-January 3, 1953); was not a candidate for renomination in 1952; member of editorial staff of Reader's Digest for 34 years; has more articles published in the Reader's Digest than any other author; is a resident of Republic, Mo.●

SPECIAL OLYMPICS: BEYOND SPEED STRENGTH AND SKILL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. KEMP. Mr. Speaker, 15 years ago a group of people lead by Mrs. Eunice Shriver, organized the first Special Olympics games in Chicago, Ill., because of their personal concern for the health and individual well being of our Nation's mentally handicapped. Today, Special Olympics is the world's largest program of sports training and athletic competition for mentally retarded individuals.

It is not, however, the athletic competition of Special Olympics that is the overriding purpose of the games, that indeed, becomes secondary when one witnesses the personal development of each participant, physically, mentally, socially, and spiritually, who takes part in Special Olympics.

Special Olympics uses the medium of sports to attain their goals, but these goals reach far beyond speed, strength, and skill, to the fulfillment of each participant's unique potential as an individual person.

Following is a speech presented by Mrs. Eunice Shriver to a meeting of the National Special Olympics directors.

I would like to commend this speech to my colleagues attention. I would also like to commend Eunice Shriver for her tireless efforts on behalf of Special Olympics and the mentally handicapped of our Nation.

Mrs. Eunice Shriver's speech follows:

PRESENTATION BY MRS. SHRIVER TO NATIONAL SPECIAL OLYMPICS DIRECTORS, JULY 17, LOUISIANA STATE UNIVERSITY, BATON ROUGE, LA.

Good morning!

This has been a marvelous week—for our athletes from around the world; for Bill Bankhead and his incredible volunteers; for our hard working staff at the International Office; for me personally; and, I hope, for you.

It has not been easy. Staging these Games was a monumental task. Your efforts to give your athletes a chance to share the joys and rewards of the 1983 International Games have been magnificent. An inspiration to all of us.

For many of you, these Games were just a beginning; a qualifying event to prepare you for the real challenge which awaits you back home. For others it was another major step forward in programs that have been developing for several years. But none of us can be satisfied now to rest on our laurels. To feel that a goal has been reached now that these Games are over. Special Olympics is not a sprint. It is a marathon. And no matter how far we come there is always more distance to travel.

In my country, and in yours, the Special Olympics dream will not become a reality until all of our mentally handicapped citizens can express the growth, pride and self-fulfillment that Special Olympics training and competition can provide with your energy and devotion. I know this dream will someday be a reality throughout the world.

It has been very interesting to me that we have had to struggle so hard to gain the recognition, understanding and acceptance of our name—Special Olympics. This was never a significant problem here in the United States. But I know that it is a problem for many of you.

Let me address this issue, first. Why did we select the name Special Olympics in 1968, and why do we insist that your programs operate under that title whether they be local or national, whether they be in Belgium, Ghana, Venezuela or New Zealand?

First of all, the primary strength of our international movement lies in our unity—our ability to act as one family regardless of geographic, cultural or political differences. Alone we can accomplish little. Together we can work miracles. However, the size and scope of our movement will not be evident; nor will we be able to accomplish our mission unless we march under one banner and under one name. Despite the problems that it causes in some parts of the world, we are convinced that the name Special Olympics best conveys what we are—Our athletes and our programs are Special. And our spirit and our substance are Olympian.

The word "Olympic" is as well-known worldwide as any single word in any language. It automatically conveys the activities and values that we represent: excellence and internationalism, sports competition, volunteerism, pride in development and achievement; skill, courage, sharing and joy. We stand for all of these values and together they make our movement, truly "Olympian."

Furthermore, as my good friend Takis will verify, the Greek word for Olympics means "many sports." In Special Olympics we are committed to providing regular opportunities for training and participation in multi-event activities for all our athletes.

How then is Special Olympics "special?" The obvious way relates to the population we serve—the mentally handicapped. People whose ability to learn has been significantly impaired. People who, until recently, were never thought capable of taking part in sports with any degree of skill and grace.

But there are many other ways in which our concept of being Olympic is special:

1. We are all inclusive. Our mission is to provide opportunities for all retarded people regardless of ability level or degree of handicap.

2. Our events, even at the international level, recognize individual achievement within the limits of personal potential. Whether or not you conquer others is unimportant. What is important is the conquest of self and the fulfillment of each person's unique potential.

3. Our concern, then is for development of the whole person—physically, mentally, socially, spiritually. We use the medium of sport, but our goals go beyond speed, strength and skill.

4. Our mission is much more than the periodic staging of games. Since our concern is personal development, we must provide opportunities for year-round sports training and participation to challenge and discipline the mind and body every day—in every season of the year. The time between the games is even more important than the games themselves.

5. We strongly emphasize the role of families but not just as spectators. As volunteers, coaches, and committee members, they are an essential part of everything we do. Together with the athletes—their children—they are the most special element of Special Olympics.

6. We are a private organization although many of our national programs would not exist without government support. At its best, Special Olympics is a blend of governmental, volunteer and corporate assistance. It combines and harnesses the resources of a great variety of individuals and agencies in sports, education, rehabilitation, physical education, public service and mental retardation.

7. Our program is "supra-national." We do not total up the medals your athletes won here. We do not set countries against one other. We do not focus on differences of race, culture, or politics. Our focus is on the elements that bind us together—a love of sport and a faith in the unique gifts of the mentally handicapped members of our societies.

This is why Special Olympics is both "Olympic and special." We must all dedicate ourselves to keeping it that way.

In the past 15 years, we have travelled a long way. Special Olympics now exists in well over 50 countries and in almost every part of the world. It exists in vastly different regions of the world, in different cultures, traditions and political systems. As the number of athletes worldwide approaches one and a half million and the number of programs approaches twenty thousand, you,

the National Directors, are a living testament to the universality of the Special Olympics spirit.

But we have only begun. There are over 100 countries who have yet to discover Special Olympics. And even those that have joined the movement, including the United States, are reaching only a fraction of their retarded population. How many of your country's retarded people are you serving? Five percent? Ten percent? Here in the United States, after 15 years of extremely hard work, Special Olympics is providing sports opportunities for a little more than 30 percent of America's special people. And so our work is largely before us.

In Special Olympics, I have always said that quantity is very much secondary to the quality of what we provide. Quality requires training—not just of athletes, but officials, coaches, volunteers and administrators.

Some countries have made outstanding efforts in this area. The United Kingdom, Canada and Chile are excellent examples. Because of the dedication and plain hard work of many of you, our international training schools have been very well received: the Bushmills School in Northern Ireland, the Latin American Event Directors' Seminar in Arizona, the Management Training Seminar here in Baton Rouge, the Caribbean Training School in Jamaica, the Asia-Pacific Leadership Conference in Hong Kong, have all been effective in raising program standards.

But we have only scratched the surface. Most of our athletes still do not come well-prepared to local, area or even National Games. The training programs provided for the athletes who came to these International Games should be the standard for your own countries year-round. Only when we are providing adequate opportunities for all our athletes to reach their full potential of development and performance—no matter how limited—only then can we say that our programs have achieved the Olympic Gold.

Quality programs start with quality games. Every athlete and every coach should know that in every event the competition will be fair and equal; that the officiating will be competent; that every performance will be suitably recognized and rewarded; that there will be opportunities to learn and improve at well-conducted sports clinics; that the ceremonies will contain all the pagentry, spirit and joy that befits an Olympic event; that the accommodations will be comfortable, pleasant and safe; that there will be opportunities for social growth at well-planned victory dinners, dances and recreational events; that the whole event will be conducted as a first class sports meet. Anything less falls short of the high standards of Special Olympics.

These goals will not be easily achieved. For many of you, particularly from the developing countries, a major obstacle will be the lack of public acceptance of the mentally handicapped. It is a universal problem and one that we still battle every day to overcome. It will be very difficult for you to establish a sports program for the mentally retarded which is ten or even twenty years ahead of existing programs in special education, vocational training and health care. But the pace of change can be accelerated through Special Olympics by showing the retarded as human beings capable of impressive achievements and worthy of society's care, compassion and support. We consider public education to be one of the major values of Special Olympics and an area which should receive your full attention. It is not enough to just conduct good games and establish good training programs. The public must be aware of them and of their meaning if you are going to have any impact on social attitudes.

Let me give you an example. Last month, in conjunction with the Presidential Premiere of "Superman III", we took sixty Special Olympics athletes to the White House. They came not just from the United States, but from Japan, Chile, Kenya and Greece. There, before President and Mrs. Reagan, an audience of over one thousand people and the world media, they gave a stirring display of soccer, gymnastics and running skills. In that brief moment, they displayed to this nation and to the world the true spirit of Special Olympics—skill, courage, sharing and joy. They showed that their achievements are as worthy of recognition in every capitol building and executive residence of the world as those of any other national heroes—the poets, scholars, musicians and athletes who are so often honored there.

Special Olympics expects a lot from you: an effective organization; quality games at local, area and national levels; sports training opportunities for all Special Olympians; an effective program of public education. That is what this Conference of National Directors' is all about. I am giving each of you a list of goals which I believe every National Program should begin to work towards immediately. They are not all possible to achieve in a single year. Some of them may not be relevant to the situation in your particular country. But they are planning objectives which can help you immeasureably in developing a truly successful Special Olympics program.

We are prepared to share with you our experience of fifteen years in achieving each of these objectives. But you will also learn from each other. The Special Olympics spirit is universal, but so are its problems and difficulties, its trials and its challenges. You are divided by distance, by culture, by politics, by religion. But all of these are insignificant when measured against the common factor that binds us together—our belief in the value of each individual human being, regardless of physical or mental handicap. That is what joins us here today. That is what makes us one. That is the hope of the future.

1983 CONFERENCE OF NATIONAL SPECIAL OLYMPICS DIRECTORS

National goals recommended by the President of Special Olympics for 1983-84

Public education

1. Appointment of two well-known athletes or entertainers as active head coaches or volunteer chairmen for Special Olympics.
2. Design and implementation of a professional promotion/public relations program (package) related to your National Games.
3. At least one significant promotional event with media coverage, in addition to your games.
4. Formal endorsement by at least two significant agencies in sport and mental retardation such as your national Olympic Committee and Ministry of Education.
5. One major, national fund-raising event.

Organization

1. Establishment of a working National Committee with representation from established public and private agencies in sport and physical education, mental retardation (including parents), special education, business and finance.
2. Appointment of National Committee members with expertise in finance and fund-raising, public relations, sport and physical education, legal affairs, medicine and administration.
3. Appointment of a paid National Director who devotes at least half-time to Special Olympics development.
4. Establishment of similar committees and organizations in at least half of the major regions of your country.

Games

1. A National games with representation from at least 75 per cent of the regions of your country.
2. At least three sports offered at your Games including a team sport.
3. Qualified, certified officials in each sport to conduct the Games.
4. At least three sport clinics offered at the Games.
5. Local or regional games in 75 per cent of the regions of your country.

Training

1. Design and conduct one national training school for coaches and event directors.
2. Conduct local/regional training schools in 75 per cent of the regions.
3. Conduct one national leadership confernce for local, regional and national chairmen and committee members.
4. Appointment of a National Training Director.
5. Establishment of training programs for Special Olympics athletes in 75 per cent of the regions.●

THE ADMINISTRATION'S MISGUIDED CIVIL RIGHTS POLICY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. HAWKINS. Mr. Speaker, Attorney General William French Smith's recent editorial in the Los Angeles Times is yet another example of this administration's systematic effort to perpetuate damaging myths about antidiscrimination mechanisms and to undermine the civil rights gains which have been supported by every President since World War II. I would like to submit for the RECORD my editorial reply to the Attorney General's article as it appeared in the Los Angeles Times.

WITHOUT GOALS OR QUOTAS, ANTI-BIAS EFFORTS WILL FAIL

(By Augustus F. Hawkins)

Atty. Gen. William French Smith contends that the civil-right community has focused on enacting quotas in direct opposition to the U.S policy of judging individuals without regard to color or sex. Unfortunately, once again, this Administration seems to have missed the mark.

Discrimination on the basis of race, sex and national origin exists in virtually all phases of our society. As a result, minorities and women continue to lag well behind white males when it comes to earnings, access to employment, education and housing opportunities.

The magnitude of the disparity takes on greater significance when we consider that

the lowest black unemployment rate for the last decade is greater than the highest white unemployment rate for the same period. During that time black unemployment has consistently been in the double-digit range. In the last few months, while white unemployment has declined, black unemployment has remained constant at more than double that of whites.

Despite the Equal Pay Act's prohibitions against different pay scales for men and women who perform "equal work," women's salaries continue to lag well behind those of white males. There are strong indications that these persistent disparities are not by chance.

A study last November by the United States Commission on Civil Rights—"Unemployment and Underemployment Among Blacks, Hispanics and Women"—found that "improvement in the overall health of the economy and in the education or skill level of minorities and women lead in some cases to the reduction of disparities, but not to their elimination." The commission conservatively concluded, "The suspicion, therefore, remains that discrimination continues to have a major effect on (those groups) in their struggle to find jobs commensurate with their qualifications and experience.

"We believe this report does an excellent job of exploding the myth that the younger age of black and Hispanic populations, the lack of adequate education and skills, or the changes in economic cycles are the principal cause of minority underemployment and unemployment." The commissioners concluded, as I believe this Administration must, "Instead, we must try to end discrimination directly by enforcing the law."

Effective enforcement may mean relying on remedial relief that imposes temporary group preferences. The alternative would be to provide no relief, or meaningless, symbolic relief which serves only to perpetuate the harmful effects of the unlawful conduct. Such a policy clearly provides no incentive for perpetrators of discrimination to stop.

Quotas are remedies of last resort imposed by the courts when discrimination has been proven and other avenues of relief would be ineffective. No one has defended quotas as being without negative aspects. They have been used, often with reluctance, because, on balance, the negative results that they may generate are far outweighed by the clear and present injury that results from permitting discrimination to persist.

As was noted in comments before the House subcommittee on employment opportunities, which I chair: "Goals and quotas are both numbers, as pineapples and lemons are both fruits. But there the similarities cease. A quota is a ceiling; it is rigid, it is usually small, it has no relationship to equity or to availability, and it is designed to be exclusionary.

"A goal is just that—a set objective toward which one strives. It is rooted in reality, related to an organization's . . . needs . . . constraints and opportunities. It is one of the most normal business practices, described by every major treatise on good management since the 1940s as an essential component of proper . . . management. Goals, objectives, targets, deadlines, milestones . . . are standard components of good management . . . and no manager . . . who wishes to do well would dream of doing without these necessary tools for . . . success."

Despite the grim realities of discrimination in America today, this Administration would have us believe that the battle for equal opportunities for minorities and women has been won; that discrimination affects only a few individuals and hence should, and can, be fought on a case-by-case basis; and that they have been doing everything possible to end discrimination and make equal opportunity for all Americans a reality.

To assess the success of the civil-rights struggle, there are no substitutes for objective measures such as the number of women and minorities in professional schools, the percentage employed in a given industry or the number and type of loans that a lender is willing to make to them. If we seem focused on structural adjustments like numerically accessed goals and, in appropriate circumstances, quotas, it is only because experience tells us that other, less controversial mechanisms, have failed to achieve meaningful results in the past. They are, therefore unlikely to generate measurably different results if relied on today.

Ignoring experience in formulating an enforcement policy and returning to failed enforcement practices is illogical since all contemporary effort should be based on historical experience.

Minorities and women are closely monitoring the Reagan Administration's civil rights policies. The Administration should therefore be on notice that all evaluations will be based on what it said or intended, but on the tangible results it achieves.●

APPROPRIATION FOR THE DEPARTMENT OF EDUCATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. BILIRAKIS. Mr. Speaker, a great concern in our society today is the quality of education in America. Congressional offices have been flooded with letters and cards insisting that action be taken to improve our public education system. It is rewarding to know that this expression of concern has not been in vain—Congress does care and something is being done.

Recently, the House, with my support, passed the Department of Education appropriation bill, which contains substantial increases for education programs. In addition to funds for the traditional education programs, the bill contains several other measures of special interest.

The Women's Education Equity Act program has again been recommended for funding. This program supports national, State, and other projects designed to promote educational equality for women through such measures as guidance and counseling activities, preservice and in-service training for educators, and courses for underemployed and unemployed women.

Adult and vocational education programs also have support. I am especially pleased to see increases in these funds, as my district, with its growing adult population is expending its efforts in this area. Nearly every community in the district has an established adult education program, several of which have been recognized for their outstanding quality. I also believe that it is important to mention the efforts by Congress to assist our young people in seeking a post-secondary education. A sincere effort has indeed been made to encourage America's youth by providing programs like the Pell grants, college work study programs, and student loans and grants.

These examples, along with the many other provisions of the bill, express the concern of the Congress for quality education in America. I am pleased that the House has taken the needed measures in this area and hope the Senate will agree with the House version of the bill.●

TAX INCENTIVES SPUR GROWTH

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. GARCIA. Mr. Speaker, I would like to share with my colleagues another important article which reinforces my belief that economically distressed areas can be revitalized through the use of specifically directed tax incentives. As you are aware, I have supported the use of tax incentives to rebuild such areas as the South Bronx. The Kemp-Garcia urban enterprise zones proposal is one of several promising ventures in this field.

The Puerto Rican economy is an excellent example of how a tax incentive program has already benefited a troubled area. Thirty years ago Puerto Rico had an impoverished agricultural economy. Since then the economy has grown by more than 350 percent. Much of this outstanding growth and development can be attributed to tax incentives which encouraged investment in manufacturing and high technology industries.

I would like to submit to the RECORD an article which outlines how the use of tax policies has benefited Puerto Rico. The article, written by Dr. Norman B. Ture, traces the use and effectiveness of incentives, and is a follow-up to a previous article:

PUERTO RICO AND SECTION 936: A CASE STUDY OF THE EFFECTIVE USE OF PRIVATE SECTOR INCENTIVES

To what is this truly impressive record of economic progress attributable? Obviously, many factors contributed to the Island's economic development. One of the most important of these is the ethos of the Puerto Rican people. The transformation of this economy could not have occurred but for the price of workmanship, the willingness to take on the most difficult jobs, the zest for achievement that has made the potential for economic develpment a reality. One cannot really comprehend what has happened here over the last thirty years if one

ignores the contribution of the cultural and ethical heritage of the Puerto Rican people.

These attributes of the population were a necessary but not a sufficient condition for the transformation of the Puerto Rican economy. The catalytic agent which energized the surge of economic progress was the inflow of private capital, primarily but not exclusively from mainland U.S. This relies on one of the most ancient and fundamental of economic principles, viz., that the pace of advance of labor's productivity depends critically on the amount and quality of the capital with which labor works. It is, of course, not merely phsical capital which advances labor productivity; the accumulation of human capital makes an enormous contribution as well. But one must not lose sight of the well-nigh universally established fact that the ability to accumulate the human capital which makes that contribution itself depends critically on the quantity and quality of nonhuman capital that has been put in place. Without the latter, there are severe limits on the opportunity to use one's time and energies in education, training, and the other activities which expand knowledge and its applicablility in economic activity. In 1940, per capita income in Puerto Rico was about $121 a year; most of the working population eked out a bare existence in the fields in backbreaking hand labor; there were little energy, time, and resources with which to struggle out of illiteracy, disease, malnutrition, and general physical and mental debilitation. People in that condition do not accumulate large quantities of the human capital which can be productively used in economic life.

The inflow of capital to Puerto Rico did not just happen. It resulted in substantial part from the decision by the government of Puerto Rico to undertake an energetic, systematic, and well-organized effort to attract outside capital in order to promote job-creating industrial and business development. This decision was arrived at following unsuccessful efforts to pursue these goals through direct public investment. However, painful the lesson, it was well learned that solid economic progress must rely primarily on the vigor and initiatives of the private sector. It was also clearly perceived that those initiatives, depending critically on the inflow of capital had to be encouraged by appropriate incentives rather than frustrated by a hostile public policy climate.

The principal set of incentives to attract capital and industrial activity from outside took the form of exemption from Puerto Rican taxes. This step, initiated in 1948, took advantage of—complemented—the then existing U.S. Federal income tax exemption of so-called possession corporations. These are subsidiaries of U.S. mainland companies, operating in Puerto Rico and other U.S. possessions. The exemption of possession corporations' income dates back to 1921 when this provision was enacted in order to reduce the tax-induced competitive disadvantage which U.S. firms faced, particularly vis-a-vis British companies doing business in the Philippines.

From 1921 to 1976, no changes in the basic statutory provisions were made. The usefulness of the possessions corporation tax exemption was repeatedly reviewed by the Ways and Means Committee in the House of Representatives from 1973 until 1976 in connection with the claim that the original purpose of the exemption—to even up the tax situation of U.S. companies operating in the Philippines—was no longer relevant and hadn't been since 1946 when the Philippines became independent. The more persuasive argument, however, was that the dependence of "Operation Bootstrap" in Puerto Rico on continuation of possession corporation tax exemption and the manifest effectiveness of the program in promoting the Island's economic development warranted its continuation.

The Tax Reform Act of 1976 left the exemption substantially intact, although certain modifications were made. For one thing, the exemption was confined to the income produced by the active conduct of a trade or business in the possession and no longer could be extended to income earned by the possession corporation in a foreign jurisdiction. For another, the exemption does not extend to non-business income, such as interest and dividends, earned on assets located outside of the possession, but is confined to such income attributable to the investment of funds derived from the conduct of a trade or business in the possession. For yet another thing, the mechanics were changed from the exclusion of the possession corporation's income from the mainland company's taxable income to a credit against U.S. Federal tax liability equal to the tax which would otherwise be payable by the parent company to the Federal Government on such income.

As you can readily imagine, tax provisions as congenial as these to investment in possession enterprises cast up a host of technical tax problems. Over most of the years in which the possessions corporation tax exemption has been available, the Internal Revenue Service's rulings, revenue procedures, technical advice memoranda, etc., have adhered more or less closely to the obvious intent of the Congress. This long era of relative tranquility in taxpayer-IRS relationships, however, came abruptly to an end in 1980. The ensuing, escalating conflict between the IRS and possession corporation taxpayers led to the inclusion in the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA) of several provisions which, ostensibly, were intended to afford certainty and to resolve taxpayer-IRS contests but which also result in a significant increase, in many situations, in U.S. Federal tax liabilities on possession corporation income and have generated new uncertainties about the tax exposure of possession corporations.

Had anyone had any doubts about the effectiveness of the Section 936 tax incentives and of the responsiveness of businesses thereto, he no longer would have after seeing the effect of the 1980 IRS actions and the 1982 tax legislation on mainland investment and new ventures in Puerto Rico. The numbers cited above should suffice to indicate the sturdy growth and development of the Island economy as a result of the inflow of capital and the birth of new enterprises and projects. There can be no doubt that this surge of business creation and growth occurred under the direction of the Fomento Organization in response to the substantial investment tax incentives. The abrupt decline in successful new Fomento promotions since July 1980 indicates the negative impact of adverse tax developments on economic activity and progress.

This is not to suggest that the tax events of the last few years spell the end of the Puerto Rican economy's growth. The good corporate citizens of Puerto Rico are not going to run away because of TEFRA. What has been achieved to date has established a solid foundation for further economic progress, even if at a somewhat less spectacular pace. The ingenuity which the officials of the Island government have repeatedly shown over the years has assuredly not been exhausted; it can be counted on to produce new solutions to the new problems which will emerge in a dynamic environment.

Some of these problems are likely to arise as a byproduct of initiatives by the Federal Government which, on other scores, must be seen as constructive as well as highly innovative. The Caribbean Basin Initiative—if, as, and when it finally emerges—will certainly confront the government of Puerto Rico with a major challenge, in contrast with the substantial benefits which the Island economy might have obtained had the earlier CBI concepts and proposals been enacted. Governor Romero has been untiring in his efforts to inform and advise Federal policymakers on this score. If his efforts are not crowned with as much success as might be wished, one can be sure that he and his associates will be equally unflagging in their search for ways to adjust to the resulting changes in the economic environment in such a manner as to preserve and strengthen the basic conditions for continuing economic progress.

Everyone must wish them success. What has been accomplished in Puerto Rico, in the face of the most substantial obstacles one could imagine, has to stand as a monument to what a community can accomplish if public policy works with rather than against the basic private-sector, market-directed impulses for economic development and progress. Puerto Rico is one of the best illustrations one can find of the potential of the "enterprise-zone" approach to economic reconstruction and advance.

It must be hoped that the Federal Government's policymakers will recognize that in this Island's experience of the last three decades there is to be found a marvelously successful laboratory demonstration of economic achievement relying on the private sector. Similarly, one must hope that future policy developments will seek to fortify those achievements. It is now time to improve on the experiment, not to abandon it.●

SENATOR WILLIAM S. COHEN—1983 WINNER OF THE L. MENDEL RIVERS AWARD FROM THE NON-COMMISSIONED OFFICERS ASSOCIATION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Ms. SNOWE. Mr. Speaker, it is with pride and much pleasure that I commend my distinguished colleague from the State of Maine, Senator WILLIAM S. COHEN, on receiving the Non-Commissioned Officers Association's most prestigious honor, the L. Mendel Rivers Award for Legislative Action.

As many of my colleagues know, the Non-Commissioned Officers Association (NCOA) is a national group comprised of more than 250,000 active and retired enlisted personnel. The organization's illustrious award was created in honor of the late U.S. Representa-

tive L. Mendel Rivers of South Carolina, who served as chairman of the House Armed Services Committee from 1965 and 1970. The award is presented to the Member of Congress who shares Congressman Rivers' commitment to the honorable men and women serving in this Nation's Armed Forces, his patriotism, as well as his dedication to a strong national defense.

In announcing its selection of Senator COHEN, the NCOA stated:

. . . the Senator displays outstanding courage in supporting a strong defense posture. With social judgment and the ability to carefully weigh the issues, he shows exceptional skill in his support for the systems which will insure an adequate defense.

While serving on the Senate Armed Services Committee, Senator COHEN has supported a strong national defense based on a modern, well-trained, combat-ready force. Accordingly, BILL COHEN has been extremely active in efforts improving the quality of life for our Armed Forces, and has introduced efforts which have helped attract and retain quality military personnel.

Senator COHEN has established himself as a dedicated, hard-working legislator as evidenced by his many accomplishments. Senator COHEN has been in the forefront of efforts reinforcing our Nation's defense capabilities, and has been instrumental in securing support in the Senate for efforts aimed at bolstering our Armed Forces. The Senator has also addressed several military manpower issues. Some examples include his proposal to reinstate GI bill education benefits for military personnel; his advocacy of an All-Volunteer Force, and the fact that BILL has continually initiated and supported legislative proposals enhancing pay and benefits for enlisted personnel. The Senator's dedication to those serving our Nation in uniform is obvious, and I am pleased that his achievements are being duly recognized.

In choosing Senator COHEN, the NCOA referred to him as "one of the Nation's up and coming young statesmen." Certainly, this statement is appropriate, and I commend the NCOA on its selection of this truly deserving Senator from Maine, BILL COHEN.

THE ADMINISTRATION'S SORRY RECORD ON HOUSING AND COMMUNITY DEVELOPMENT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. WILLIAM J. COYNE. Mr. Speaker, the congressionally funded national housing survey tells us that more than 13 percent of all households, and 20 percent of all renter households, live in deficient housing.

Let us consider what this means in real terms in many communities across the land. In the four-county Pittsburgh area, for example, the 1980 census found 23,106 housing units with only half a bath or no bathroom. There are no kitchen facilities in 8,760 units. Portable room heaters, fireplaces, and stoves provide heat in 5,166 units.

One out of five renters nationwide lives in deficient housing. Yet this administration chooses to ignore the extent of housing need among persons of low or moderate income.

Since this administration took office in January 1981, funds for housing assistance have declined more dramatically than any major budget item. In fiscal 1981, budget authority for new activity in assisted housing was $30.9 billion. That dropped to $27.7 billion in fiscal 1982, $15.6 billion in fiscal 1983, and $12.4 billion in fiscal 1984.

The National Association of Housing and Redevelopment Officials, an organization of those who administer our housing and community development programs at the local level, analyzed the administration's performance in a recent issue of the Journal of Housing. The article, by NAHRO associate director Mary Nenno, follows:

THE REAGAN HOUSING, CD RECORD: A NEGATIVE RATING

(By Mary K. Nenno)

With two-thirds of its term in office completed, the inescapable reading of the Reagan Administration's record in housing and community development is that it is negative—many would say deliberately destructive. The Administration has used executive powers—in particular, the budget process—to cut deeply the federal commitment to authorized programs; to reduce federal government involvement and responsibility; and to damage seriously the morale and capacity of the Department of Housing and Urban Development. The record is negative in another way: the Administration has undertaken no positive initiatives to respond to the critical housing and community development needs of the 1980s.

Indeed, there is the question of whether the Administration has ever seriously examined the basic objectives and accomplishments of the programs being constrained—or really considered the leadership role that the federal government could take in meeting the housing needs of low-income American families and in the sound development of a rapidly urbanizing nation. The Administration's statement of urban policy, released in July, 1982, in response to a congressional requirement, relegates housing and community development concerns to a clearly subsidiary status, governed by policies on the economy and realignment of responsibilities in the federal system. They are not recognized as distinct concerns that require independent consideration. Nor are they viewed as strong contributors in the effort to revitalize the national economy, despite the clear linkages of housing and physical development improvements to economic revitalization. (For an analysis of Reagan urban policy, see the Journal of Housing, November/December, 1982.)

REAGAN'S GOALS

In assessing the place of housing among national concerns, the Administration has embraced the views of those who see housing solely as an "income problem." These views make no reference to the facts reported by the national housing survey: that in 1978, more than 13 percent of all households and 20 percent of renter households lived in deficient housing, and that neighborhood conditions (deteriorating housing, undesirable uses, litter, crime, noise, abandoned buildings, poor streets) were significantly worse in 1979 than in 1973 when the data were first collected. These conditions are not corrected by "cash allowances" to families. Documented experience shows that such allowances do very little to improve housing conditions or stimulate neighborhood improvement.

In assessing the place of community development, the Administration has sought to transfer federal responsibility to state and local government, with no acknowledgement of the federal government's impact on rapidly changing national development patterns. Nor does it acknowledge that the federal government has a critical role in ensuring a balanced national growth and development process. The existing housing and community programs developed over the past 50 years have been directed to the above concerns—but this Administration has different priorities.

Since the Reagan term began, the prime objectives have been to cut federal costs and to reduce federal responsibilities in domestic programs. Major proposals to accomplish these objectives for housing and community development—transfer of community development block grants/urban development action grants to the states, enterprise zones for economic revitalization, family housing certificates, and a new method for operating assistance in public housing—have not fared well. The only significant success in these major initiatives has been the transfer of the administration of the small city CDBG program to the states. In general, these major proposals have not generated significant support among constituent groups or in Congress (a summary of the 1981-1983 actions on these initiatives is shown in Chart 1, this page).

THE REAGAN TOOLS

Nevertheless, substantial movement toward the Administration's goals has occurred. The instruments have been the federal budget process and the use of administrative and regulatory powers. In 1983, there appears to be a new congressional challenge to these Administration directions through the appropriations process, the delay of proposed regulations, and the potential passage of a substantive housing and community development bill, which would be the first such bill since 1980. A cloud of uncertainty was cast over this challenge, however, by the action of the United States Supreme Court June 23 when it ruled that the Constitution does not permit congressional veto of executive actions. While the application of this decision to such important areas as executive impoundment of appropriated funds, or to congressional review and delay of proposed executive regulations is still unclear, its potential impact is great. It places further importance on a 1983 housing authorization bill.

The key building block in the achievement of the Reagan Administration's advancement toward its goals over the last two years is the 1981 Omnibus Budget Reconcili-

ation Act. Using the strong political support generated by the 1980 election, the Administration ran virtually uninhibited over the traditional congressional processes in 1981. It by-passed the authorizing committees that set housing and community development policies and programs and the appropriations committees that set annual spending levels. Under the guidance of David Stockman, director of the Office of Management and Budget, all of the functions of budget, authorizations, and appropriations were combined in one legislative piece, the Omnibus Budget Act. The products of this act for housing and community development were the elimination of some programs, deep cuts in housing assistance, and new statutory language changing the shape and direction of existing programs along lines favored by the Administration.

A major part of the story over the subsequent two years is the running confrontation between the Administration and Congress—in particular, the Democrat controlled House of Representatives—over the proposed HUD regulations to implement the provisions of the 1981 act. Some of the key regulations, including CDBG entitlement and rent/income requirements in assisted housing, are still not final because Congress has used the required review process to delay their issuance (a summary of the attempted restructuring of some existing programs under the 1981 act authority, and other regulatory authority, is shown in Chart 2, page 138.)

The Administration did not dominate the congressional processes in 1982 to the degree that it did in 1981. There was a continuing resolution to extend existing programs, and an appropriations act, in addition to a congressional budget resolution. However, there was still no substantive housing and community development act.

ASSISTED HOUSING

The CDBG and UDAG programs, with three-year authorizations extending through 1983, have been able to maintain a somewhat consistent level of funding, although not adequate to cover costs of inflation or the expanding number of eligible communities. But, the HUD area hardest hit by the Administration's budget cuts has been assisted housing. In fact, this is probably the hardest hit area among all the federally assisted domestic programs. The total budget authority available for new activity in assisted housing, including both new and previously committed authority, declined from $30.9 billion in fiscal year 1981 to $27.7 billion in fiscal year 1982, to $15.6 billion in fiscal year 1983, and to $12.4 billion in fiscal year 1984—a cut of 60 percent from the previous commitment, not reflecting any adjustment for inflation. Even this is not the whole story because it reflects the positive appropriations actions by Congress and not the use of recaptured budget authority. If the Administration's budget proposals had prevailed, the cuts would have been far deeper.

In fiscal year 1984, for example, the new budget authority for assisted housing is $9.9 billion, rather than the $515 million originally requested by the Administration. Key Administration goals in assisted housing are designed not only to cut off any new production—the only new construction in its fiscal year 1984 budget proposal was 10,000 units of Section 202 housing for elderly and handicapped—but also to reduce the existing federal commitments. The Administration has recaptured and/or rescinded significant amounts of long-term budget authority. It has converted long-term (30-year) contracts in existing Section 236 and rent supplement projects to 15-year Section 8 leasing commitments. (For an explanation of how this process was pursued in fiscal year 1983, see the Journal of Housing, March/April, 1982). In addition to its efforts to curtail new housing production activity, the Administration battled in both 1981 and 1982 against levels of supplemental appropriations for operating assistance in public housing, even though these levels reflected the performance funding system guidelines.

Beyond appropriations, the Administration also has sought to cut assisted housing through the administrative and regulatory processes. In February, 1982, it issued regulations to put a national cap on total development costs in public housing, leaving little room to adjust to varying land and site cost situations. This rule was suspended by the appropriations committee in December, 1982, but is now back in effect. This same rule prohibited such "amenities" as balconies, garages, carports, and basements in public housing, even those within the prototype construction cost limits. In 1983, HUD has sought to reduce the housing quality standards for modernization of public housing from the existing modified minimum property standards to Section 8 existing housing occupancy standards or local codes. In the same program, it issued a proposed regulation to move away from "comprehensive" modernization, assuring the long-term usefulness of restored public housing, to shorter-term concepts of "health and safety standards" and "cost-effective energy conservation."

Modifications of these proposed changes in modernization priorities have been forced by the congressional review process, including approval for comprehensive modernization, but a ranking criterion is still required based on "cost savings." In the Section 8 existing program, a HUD-proposed regulation would reduce the level of fair market rents (from the 50 percentile of available rents in the local area to the 40th percentile), thereby reducing the quantity of housing available for leasing to low-income families, as well as the dollar amount of assistance to these families.

STAFF REDUCTIONS

An integral component of the Administration's goals since 1981 has been the reduction of the HUD staff. Overall, the staff was reduced from 15,122 permanent, full-time employees at the end of fiscal year 1981 to 12,929 such employees at the end of fiscal year 1983, a drop of 15 percent. Projections are for a further reduction to 11,791 employees at the end of fiscal year 1984 for a total reduction since 1981 of 22 percent. The HUD Washington, D.C., staff will have been reduced by 25 percent, and the field office staff by 21 percent. As the Administration moves to curtail activity in such areas as new construction of assisted housing, it is easy to rationalize that housing production staff is no longer required. This loss of capacity could make it difficult to process new housing construction applications if Congress should authorize them.

HUD also is taking steps to place more and more responsibility on its field offices and to combine regional and area office functions. Processing of UDAG and Section 202 elderly housing previously involving a significant central office review, is being shifted toward field offices. What the statistics do not show is the voluntary departure of skilled program professionals who left because of discouragement with HUD program directions. This is a great loss of dedication and capacity within the department. If the Administration's full objectives should be realized—transfer of CDBG/UDAG to the states, elimination of new assisted housing construction, cash housing assistance requiring minimal oversight, and assumption of major FHA insurance activity by private mortgage companies—little activity would be left to justify a federal cabinet department for housing and community development.

UNRESOLVED ISSUES

In mid-1983, the direction of housing and community development for the foreseeable future rests on one completed action, and on some still unsettled actions. The one completed action, which was a strong, positive stroke to maintain stability in existing housing and community development programs, is the passage of the HUD appropriations bill by Congress on June 29. The HUD appropriations bill was the first one to clear the 1983 session; it was the first time in many years that an appropriations bill has been passed by Congress and sent to the President before the end of June.

The HUD appropriations levels for fiscal year 1984, as set in the act, provide funding for key programs at moderate levels—$3.5 billion for CDBG and $440 million for UDAG (both 3-year authorizations); $1.5 billion for public housing modernization; and $1.5 billion for public housing operating assistance. The act provides funding for 35,000 new regular and 5,000 moderate rehabilitation units under the Section 8 existing housing program. Moreover, the bill not only funds 14,000 new units of Section 202 elderly housing, it also provides authority for 5,000 newly constructed or substantially rehabilitated public housing units and 2,500 Indian public housing units. While the number of these units is small, they are an encouraging indication of congressional support for the future of these programs.

The total new budget authority for assisted housing is $9.9 billion, 15 percent over the fiscal 1983 level of $8.6 billion. Most significantly, this fiscal year 1984 authority is $9.4 billion more than the $515 million in new authority originally requested by the Administration. One of the matters still to be settled in 1983 is the use of a reserve fund of $1.5 billion authorized by the appropriations act, but awaiting possible approval of new programs in pending substantive legislation. Such programs include a new multifamily housing production program contained in the pending House bill, as well as a new rental rehabilitation grant program and a new housing payment certificate program in the pending Senate bill. (HR1 passed the House on July 13 by a vote of 263 to 158. The Senate bill, S1338, was still pending floor action at Journal presstime.)

These bills have important implications beyond the authorization of new programs. They both contain provisions restating congressional intent in exist programs. The House bill, in particular, contains detailed statutory language on the CDBG program that negates the changes in the 1981 Budget Act and moves the program closer to the original purposes of the 1974 Housing and Community Development Act. The House bill also contains detailed language governing the operation of the performance funding system in public housing. Other language in the bill is related to HUD regulations governing income and rent determinations in assisted housing, the level of fair market rents in the Section 8 program, and

the requirements of the Section 202 elderly/handicapped housing program.

It is hard to overstate the influence that the passage or the failure to pass substantive legislation in 1983 can have on the direction of housing and community development programs. If such legislation passes containing any of the detailed statutory changes for existing programs in the House bill, the Administration will be forced to recast the direction of its regulations. If such legislation fails, Administration-drafted regulations will be given a new green light. This action is particularly relevant because of the June 23 Supreme Court decision prohibiting legislative vetoes of executive actions. The record of the first two-thirds of the Reagan Administration in housing and community development leaves little doubt concerning the direction that will be pursued if the executive branch has its way.●

NATIONAL ADULT CARE CENTER WEEK

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1982

● Mr. BRITT. Mr. Speaker, this week is National Adult Care Center Week, and I urge my colleagues to recognize these facilities which are so important to our older Americans.

Mr. Speaker, adult day care is a vital part of a larger network of services in my district supporting the home environment of older adults. With a waiting list of more than 2 years for nursing home beds in Guilford, Alamance, and Davidson Counties, a moratorium on new nursing home beds throughout North Carolina, and the growing numbers of persons achieving the age 60 plus, the importance of inhome services and adult day care assumes real significance.

Adult day care programs provide structured programing and a noon meal for older adults requiring supervision during the daytime hours. These programs are professionally staffed and basically one of three general types:

First, county departments of social services with title XX funding provide adult day care centers and home-based programs (five clients per home) for low-income clients. There are currently only 10 counties in North Carolina with such programs. There are, correspondingly, 84 counties with no such programs;

Second, there are some private nonprofit agencies providing adult day care. These programs are usually housed in churches or private homes and are in a few instances combined with child care programs. Such programs usually have diverse funding, including self pay from clients, and are able to serve clients at all income levels. Start-up dollars for these programs are very limited;

Third, there are private for-profit adult day care programs. Most frequently, these are based in private homes, freestanding facilities, or in association with rest homes or nursing homes. Because of the levels of supervision required, the staff to client ratios are relatively low and the costs correspondingly high. They tend to be far less expensive, however, than other forms of institutional care and are intended to postpone or prevent more costly institutionalization (for example, nursing homes).

Mr. Speaker, we in Congress and all levels of government should recognize the circumstances of these adult day care centers. More importantly, we should support the vital services they provide to our senior Americans.●

AVIATION TAX REDUCTION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MINETA. Mr. Speaker, today I am introducing two similar bills reducing the taxes imposed on aviation users.

Only a year ago the Congress enacted legislation providing higher funding levels for critically needed airport and airport improvements and imposing the higher aviation user taxes necessary to support those programs. Both the increased airway spending and the increased taxes were proposed and actively sought by this administration. The administration pledged that it would in fact spend for airports and airways the levels which were authorized in that legislation and which were the sole justification for the increased taxes.

The adopted package of higher airport and airway spending and higher user taxes made excellent sense then and continues to make sense today, as numerous studies have pointed out. The increased reliability, efficiency, capacity, and safety of the proposed system, and the substantial reductions it would make possible in annual energy, maintenance, and other operating costs, more than justified, to users and to the Federal Government alike, the additional capital investment required in the early years. The Congressional Budget Office, for example, calculated that the annual rate of return expected from higher airway spending would be 24.3 percent over the next two decades, a rate it characterized as a healthy return by any standards and as representing very good value. The CBO analysis estimated a very attractive cost-to-benefit ratio of 1 to 2.3.

It was only 5 months after we agreed to that legislation, however, that this administration began reneging on its commitments. Its budget proposals for the fiscal year 1984 budget called for significant reductions in airport and airway spending, despite the fact that the user taxes were to remain at the higher levels. The administration did not stop there, however. In the course of the consideration of the fiscal year 1984 transportation appropriation bill, the administration continued to push for lower and lower spending levels. For example, the administration eventually insisted on and got a limitation on fiscal year 1984 spending for air traffic control equipment—facilities and equipment—of only $750 million, despite the fact that it was the administration that had the previous year avocated and got a fiscal year 1984 authorization of $1.393 billion for that program and had based its higher tax proposals on that higher spending level.

As I pointed out to this House on August 2 when we adopted the conference report on the fiscal year 1984 transportation appropriation bill, the actual spending levels forced by this administration make a mockery of the commitments it has made and the justifications it had given for its higher tax proposals only a few months earlier. The airport and airway package we adopted a year ago included airport and airway trust fund program authorizations of $3.9 billion in fiscal year 1984, and the tax levels were set at the higher levels necessary to fully support that spending. However in the fiscal year 1984 transportation appropriation bill, that $3.9 billion was cut back to only $1.8 billion. In short, the spending we were planning on, and taxing for, was cut by more than half—by $2.1 billion—while the higher tax levels were left unchanged.

It should come as no surprise that the result is a rapidly increasing surplus in the airport and airway trust fund. To put it simply, we are taking in vastly more in aviation user taxes than we are spending out, something none of us would have supported last year or any other time.

The spending levels agreed to by both the Congress and the administration in the authorization legislation represented an excellent investment a year ago and they would still be an excellent investment today. But the fact is that even if we spend in every future year at the full level envisioned when we agreed to the administration's higher taxes a year ago, the underspending to date has guaranteed such large surpluses in the trust fund that we are now collecting vast sums of money from aviation users that we will not need and therefore have no justification for continuing to collect. There is no choice that has to be made between tax reduction on the one hand and full spending in the future for airport and airway improvements

on the other; the surpluses generated by our underspending to date insure that we can do both and that if we fail to cut taxes we are collecting unneeded revenues.

To demonstrate my point, the following trust fund projection, made by FAA at my request, assumes spending levels actually adopted through fiscal year 1984, the full spending levels contemplated when we agreed to increase the user taxes a year ago for fiscal year 1985 through fiscal year 1987, and the tax levels in existing law:

	Fiscal year—			
	1984	1985	1986	1987
Beginning unobligated balance	1,993.5	3,373.8	3,050.3	3,099.3
Revenues from user taxes	2,657.1	2,974.7	3,310.4	3,686.1
Program spending	1,813.0	3,926.0	3,911.0	3,737.0
Interest on surplus	536.2	627.8	649.6	655.6
Ending unobligated balance	3,373.8	3,050.3	3,099.3	3,704.0

As the table shows, if we fail to cut taxes, and even if we adopt in all future years the full spending envisioned when we agreed to the higher taxes, the unobligated balance in the trust fund will never drop below $3 billion. Last year there was general agreement that roughly $1 billion would be a prudent cushion in the trust fund. What we have here, however, is roughly $2 billion more than we need even under the most optimistic assumption on spending available.

I should note that I have used here one of the more conservative measures of the trust fund surplus: Unobligated balance. Another commonly cited measure of the surplus is cash balance. For comparison, it can be roughly estimated that the cash balances would run at least $3 billion higher than the unobligated surpluses shown in the above chart. For example, with no tax reduction and given the underspending to date, the CBO forecasts that cash balances in the trust fund may be as high as $7.3 billion by 1987.

This is what we are headed for if we do not adopt reductions in aviation user taxes. These surpluses will cause justifiable outrage. They are irrefutable testimony to the fact that aviation users are continuing to pay taxes at levels that are unneeded and unwarranted.

I am therefore proposing, in two similar bills, a proportional tax reduction for each of the various aviation user taxes. The reduction is roughly 25 percent across the board: No group of aviation users is favored over any other. The reduced tax levels would be as follows:

Tax	Existing law	Proposed
Passenger ticket tax (percent)	8	6
Freight way bill (percent)	5	4
International departure tax	$3	$2
General aviation gasoline [1]	$.12	$.09
General aviation jet fuel [1]	$.14	$.10

[1] Per gallon.

In both of the bills I am introducing today, these proposed tax reductions would take effect January 1, 1984.

If the proposed tax reduction were to remain in effect for 2 years, calendar 1984 and 1985, and then revert to the tax levels now in effect, as is specified in the first of the two bills I am introducing, the following trust fund balances would result:

	Fiscal year—			
	1984	1985	1986	1987
Beginning unobligated balance	1993.5	2911.4	1782.2	1417.6
Revenues from user taxes	2218.3	2252.4	3030.5	3659.9
Program spending	1813.0	3926.0	3911.0	3737.0
Interest on surplus	512.6	544.4	515.9	507.3
Ending unobligated balance	2911.4	1782.2	1417.6	1847.6

As can be seen in this chart, even with the proposed tax cut the unobligated balance never drops below $1.4 billion, demonstrating that we can have a tax cut, return to the full spending levels promised beginning with the next appropriation bill and continuing through the life of the program, and still have a fully adequate and prudent cushion in the trust fund.

In short, the first bill I am introducing reduces aviation user taxes to reflect the underspending which has occurred to date in the trust fund programs. It assumes, however, that beginning with the fiscal year 1985 transportation appropriation bill, this administration will remember and advocate the spending levels on which it based its own tax proposals, and that the Congress will also appropriate in accord with those spending levels. I certainly hope that is a valid assumption and I think this bill would be a very considerable improvement and would go a long way to restoring fairness to aviation taxes and credibility for the promises made when taxes were raised a year ago.

However, if that assumption does not prove correct, we would then again be either collecting taxes that were unneeded and unwarranted, or we would have to enact further extensions of the tax reduction.

Given the Federal Government's poor track record for being able to stick to its own multiyear spending plans, I suggest it would be preferable to build into any tax reduction legislation an unambiguous mechanism which guarantees, without resort to the uncertainties of future legislation, that we will never again be in the position of collecting unneeded revenues. I therefore am introducing a second bill embodying such a mechanism. It provides for exactly the same reduced tax levels as in the first bill and makes the reduction effective on exactly the same date January 1, 1984. However, the termination of the reduced-tax period is not specified in the second bill as it was in the first. Instead, at the end of each fiscal year, the unobligated balance in the trust fund must be published in the Federal Register. If that balance were $2.3 billion or greater, the taxes in the following calendar year would be at the reduced level. If the balance were less than $2.3 billion, the taxes in the following calendar year would be at the higher level. Thus, the taxes would never change on less than 2½ months notice or for less than 12 months at a time. This is important because frequent tax changes or changes on short notice could be a very considerable burden in their own right.

The $2.3 billion trigger level was selected because it is the level at which no combination of revenue losses due to reduced taxes and spending decisions could drop the unobligated balance below $1.3 billion in the following year. Thus, under the second bill as well as the first, an adequate cushion would be maintained in the trust fund at all times.

As can be seen from the previous chart, the effect of the second bill would be no different from the first; that is, the tax reduction would be in effect for calendar 1984 and 1985, if the spending levels were as promised beginning with fiscal year 1985. If, however, we continue to have substantial spending shortfalls, then the reduced tax levels would remain in effect. In this way both the users and the Congress would be assured that aviation user taxes would not become that which they are now but which the Congress would never have agreed to: Taxation without purpose. I believe that this mechanism would also act as an incentive to see that the promised spending would be permitted to occur.

We in Congress never again want to be in a position of having imposed taxes for valid purposes, only to subsequently discover that administration actions are decimating the programs that were those valid purposes, while leaving the higher taxes in place. The second bill I am introducing today is the best way I can think of to insure that we in Congress are not backed into this outrageous situation again. But I am willing to work with the Ways and Means Committee on either of the bills I am introducing or on any aviation user tax reduction proposal that would accomplish these objectives.

In conclusion, I would remind Members that all segments of aviation—commercial air carriers and general aviation—are in very difficult circumstances. Aviation is a highly cyclical industry: When the rest of the economy catches a cold, aviation gets pneumonia. This year the general economy is coming out of its longest and deepest recession since the Great Depression, and as a result, aviation has been suffering worse than pneumonia. On top of 3 years of recession, the general

economy has given this highly fuel intensive industry periods of astronomical fuel cost increases and has given this capital-intensive industry interest rates previously imagined impossible. While general economic conditions have shown improvement this year, aviation has been so weakened that it still has a lot of recovering to do. It is simply not an industry that can easily bear even a small increment of unneeded taxation.

As an example, recent difficulties in the airline industry remind us again that in a weakened economy available dollars are stretched to the breaking point between airlines, their employees, and the low fares often necessary to attract sufficient number of passengers in hard times. The kind of tax reductions I am proposing are not so large as to make these problems disappear, but these tax reductions do represent something we can do that would immediately have some positive effect. Just reducing the passenger ticket tax from 8 to 6 percent, as I have proposed, would mean that this very tightly stretched situation in the airline industry would be $650 million a year less tight. That amount has to be considered in the context of a $30 billion a year scheduled airline industry. Nevertheless, the $650 million for example would have been larger than the industry's total losses in any year of its history except one. In the present circumstance, that is not a consideration that should be overlooked, particularly given the fact that the only alternative is to have that money sit without purpose in the trust fund surplus.

I also want to note that the Members with leadership roles in the authorization of the aviation trust fund programs in the House have worked with me on these tax reduction proposals and are joining me as original cosponsors: JIM HOWARD, chairman of the Public Works and Transportation Committee; GENE SNYDER, ranking minority member of that committee; JOHN PAUL HAMMERSCHMIDT, ranking minority member of the Aviation Subcommittee; DAN GLICKMAN, chairman of the Subcommittee on Transportation, Aviation and Materials; and BILL CARNEY, ranking minority member of that subcommittee. I invite and urge other Members to cosponsor as well, and I hope the Ways and Means Committee will be giving serious consideration to these proposals.●

RODINO HONORS MEMORY OF MAHATMA GANDHI

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. RODINO. Mr. Speaker, tomorrow the Federation of Indian Associations is sponsoring in New York City a grand celebration marking the 114th birthday anniversary of one of history's greatest nationalist leaders, India's Mohandas K. Gandhi. Prime Minister Indira Gandhi will be present to lead this observance.

Mahatma Gandhi has been an inspiration everywhere for leaders who aspire to national independence. His determination to bring about historic change peacefully—and the accomplishment of that goal—gave birth to a philosophy of progress through nonviolence that has had a tremendous effect worldwide, including our own society through the leadership of Dr. Martin Luther King, Jr.

Dr. King often declared himself a disciple of Mahatma Gandhi, and his life's work is enduring envidence of this. It is most fitting, therefore, that this celebration to honor Mahatma Gandhi is taking place in the Martin Luther King Auditorium in New York.

I want to add my voice here to those who will speak in his memory tomorrow and remind us once again of this great man's contributions to the doctrine of peaceful change. And I wish the Federation of Indian Associations continued success in this celebration and in future endeavors.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. FIELDS. Mr. Speaker, I insert Professor Jaffa's article into the RECORD for the consideration of our colleagues.

[From the Washington Times, Sept. 29, 1983]

A METHOD IN THEIR MADNESS

(By Harry V. Jaffa)

Why did the Soviet Union shoot down an unarmed Korean 747 jet airliner? The question has been asked over and over and over again in the days following that terrible event. It will continue to be asked, for the very good reason that no one will have a very good answer. At least, there will be no answer that will be confirmed from Moscow, and only Moscow knows the answer.

But the answer will come in time: It will come when succeeding acts of Soviet terror reveal a pattern, a method in the madness. That pattern will finally convince the Free World of its own madness in sturdily refusing to believe that the U.S.S.R. is a gangster regime—the successor to the Nazi regime of Adolph Hitler, no less bent upon world domination than Hitler was, and far better armed to accomplish that domination than Hitler was.

In a "Nightline" interview, in which Ambassador Jeane Kirkpatrick faced off against a Soviet "commenator" speaking from Moscow, the ambassador and her Soviet opposite agreed upon one thing: that this "terrible" incident was a tragedy for everyone, and that no one gained anything by it. But the ambassador was wrong in agreeing to this proposition, and the Soviet commentator—who was in fact nothing but a gangster public relations expert—was lying through his teeth.

Bruce Herschensohn, commenting for ABC evening news, pointed out a great gain for the U.S.S.R. in this incident. In demonstrating their utter ruthlessness, the Soviets struck fear in every country around the world which for any reason anticipates conflict with the U.S.S.R. Even more important, all those Third World countries, and even the countries of the Western Alliance, are bound to be impressed by the ability of the Soviets to work their will, even in the most openly ruthless manner, with impunity.

The immediate reaction in Western Europe, was one of revulsion against the Soviets. But that revulsion came while outrage in the United States was still white hot, and when it was still thought the United States might take measures that would impose a cost or penalty upon the U.S.S.R. But as the anger wanes, as the living go about their business, and as the dead recede into the past, the fear engendered by the Soviet act will continue, and will grow, for it will soon be followed by other acts of like import.

By now, the slaughter in Afghanistan has subsided into a minor irritation. The yellow rain in Southeast Asia touches people we hardly know. A Harvard University professor assures us that the deadly residue is a species of "bee dung." Any explanation is grasped like the proverbial straw, if only it will give us a good conscience, while we try to forget, and resolutely do nothing.

Why was 007 over Soviet air space? We do not know. The secret may be in the black box, but the Soviets will see to it that it is never recovered—at least by us. Could the plane have been hijacked? Could a KGB operative have tampered with the computer that guided the plane, while it was on the ground in Anchorage?

Clearly, if the Soviets had wanted to intercept what they genuinely believed to be a spy mission, they would have forced the plane to land on Soviet ground, and impounded it until any intelligence on it has been removed. Indeed they could then have displayed their proof to the world as they did when they captured an American U-2 plane in 1959.

The destruction of the Korean airliner, as a defensive measure against espionage, is not an explanation that fits any sober reason. But are the Soviets simply paranoid about their security? There is a saying that just because you're paranoid doesn't mean they're not really out to get you.

In the larger sense the Soviets are undoubtedly paranoid: because they believe the Marxist-Leninist theory of history, which says that the conflict between communism and capitalism is driven inexorably by the dialectics of history. But in the more limited sense—of doing things that are against their interests—the Soviets are never paranoid. They shot down 007 to demonstrate to the world how dangerous they are, and how hopeless is the case of those who resist their will.

What should the president have done? The shooting down of 007, like the invasion of Afghanistan, like the establishment of a military, naval and air base in Cuba, like the movement into Angola, and into Ethiopia, and into Southeast Asia, and into Central America, etc., etc., is evidence of growing Soviet power and growing ability to project that power around the perimeter of the

Soviet borders and far beyond those borders.

The "window of vulnerability" may well be upon us now, and the most recent incident but a demonstration by the Soviets that that window is indeed open. In truth, there is little, or perhaps nothing, that we can do to "punish" the Soviets for this, taken by itself.

But the president should call a joint session of the Congress, and declare that Soviet aggressiveness is evidence that our defense preparations are wholly inadequate for meeting this challenge. Why else would the Soviets increasingly manifest their contempt for us, and increasingly declare their intention to bully us?

Much changes, and yet in a way everything remains the same. It is 1938. Hitler rants and screams that he must have the Sudetenland. He assures us that it is his last territorial ambition in Europe. Czechoslovakia is a little country in Eastern Europe. Let Hitler move east, Chamberlain thinks; we are to his West. A year later, the Munichoids are chanting, "Why die for Danzig." (Danzig is the same Dansk where Lech Walesa launched Solidarity some 40 years later.)

The president will not admit that the conflict with the U.S.S.R. is as inexorable as the Soviets themselves believe it to be. Make no mistake, our relations with the Soviets are on a collision course. We can avoid that collision in one of two ways only. The first is by surrender. The second is by becoming so strong that the U.S.S.R. will acknowledge our strength and defer to it. Parity between these two superpowers will surely lead to war or surrender. Bullies do not fight when they are not certain of winning. But there is no pity or human feelings in them. They will not hesitate to slaughter us to the last man, woman and child if they believe we lack the will or means to resist them.●

NEWS POLL INDICATES AMERICAN SUPPORT FOR U.S. ROLE IN UNITED NATIONS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. EDGAR. Mr. Speaker, last week, a number of House Members publicly expressed their disagreement with the comments of U.S. Ambassador to the United Nations Charles Lichenstein. Ambassador Lichenstein had suggested that member states of the United Nations move their representation and the organization itself elsewhere.

Although the President subsequently stated that the Ambassador had his full support, he also launched a campaign to reverse a vote in the other body which would reduce the U.S. contribution to the United Nations. He also strongly endorsed the United Nations and its goals in his speech before the United Nations General Assembly on Monday, September 26, 1983.

Today, we have further evidence of the support of the American people for the United Nations. A New York Times/CBS News Poll, conducted from September 24 to 28 and profiled in today's Times, indicates that 65 percent of those surveyed believe that the United Nations should remain in the United States; only 20 percent feel that it should move. Furthermore, an overwhelming 89 percent support U.S. membership in the United Nations.

Mr. Speaker, this a powerful endorsement of the U.S. role in the United Nations. It is true that our country is sometimes unfairly maligned in the General Assembly, that many times the world body opposes our position on international issues. Yet the American people do support our active participation in the United Nations. Americans know that international cooperation is not easy, but that it is necessary. Americans know that we cannot turn our backs on the international community. Americans know that acceptance, not rejection, of the United Nations is the best way to counter Soviet influence around the world. At this time of international tension, let's not spend more time on locale proposals for the United Nations—let's get on with its real business of working toward peaceful resolution of world conflicts.●

A TRIBUTE TO BEATRICE RICHMOND

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MARKEY. Mr. Speaker, I would like to ask my colleagues in the House to join me in saluting a woman who, for the past quarter century, has worked to promote economic and social growth in my native city of Malden, Mass.

On October 8, Beatrice Richmond will complete 25 years of service to the city of Malden. This remarkable woman demonstrated unique skills and extraordinary civic commitment as a member of the board of the Malden Redevelopment Authority. Beatrice Richmond's diligence, integrity, and special insights helped make the Malden Redevelopment Authority a leader in the areas urban development.

Beatrice Richmond was not driven by a desire for personal recognition, but by a genuine concern for the needs of Malden residents. The results of her work are evident throughout the city of Malden. As her Congressman, I am extremely pleased to call attention to her efforts to make Malden a better place to live.

My work and that of other public officials involved in urban redevelopment will be forever enhanced by the example that Beatrice Richmond has set.●

NEED FOR CONTINUED ARMS CONTROL NEGOTIATIONS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. PENNY. Mr. Speaker, I rise in support of continued efforts on the part of the United States for serious arms control negotiations with the Soviet Union. It is in our national interest to work to reduce the likelihood of what would be the world's final tragedy: a nuclear holocaust. We must seek an arms control agreement as our best hope for lasting peace.

I would like to quote from George F. Kennan's memoirs:

> We must remember that almost the only language in which we now communicate with the Soviet leaders is the language of overt military and political moves. If we still hope to have the ultimate decision confined to the political field and to win on that field, let us be sure the words we speak in this peculiar language do not operate to reduce the Soviet leaders to a state of mind in which for them, as for people everywhere who accept the belief in the inevitability of war, the only question is not "whether" but "when."

Ambassador Keenan wrote those words 21 years ago. Unfortunately, they still apply. The Korean Air Lines massacre is just the type of terrible incident that might induce us to take an overt political move that would increase, rather than reduce, the possibility of war. We cannot afford to walk away from the negotiating table, precisely because this outrageous incident once again illustrates the volatility of the Soviet Union. I firmly believe that negotiations offer the possibility of lessening the danger of a nuclear confrontation. If the United States curtails its arms control efforts, we will communicate the wrong message in the dangerous language of overt military and political moves.

The downing of the Korean airliner and the murder of its passengers has rightfully evoked strong and sharp condemnation by members of the international community against the Soviet Union. All civilized nations recognize that the Soviet Union bears the blame and guilt for the deaths of the 269 people aboard. Several actions have been considered as possible sanctions. We all agree that the Soviets must give a complete account of what happened. We expect the Soviets to reexamine their policies of dealing with incursions into their airspace. We demand that the Soviets make immediate restitution to the families of the victims. We should also demand restitution to the world community in the form of concessions by the Soviets at the arms control table.

It is in the interest of no one to discontinue our efforts to reduce the

threat of a nuclear holocaust. Taking a lesson from the Korean Air Lines tragedy we must redouble our efforts to secure something of true and lasting value through arms control negotiations.

I trust this administration is serious in pledging that serious arms control negotiations will continue. We must not remove ourselves from the political field of arms control. The future of our planet demands that we choose a course of action that carries us not to the inevitability of war, but to the possibility of peace.●

DEFENSE CONTRACTOR LOBBIES FOR MX PROGRAM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mrs. SCHROEDER. Mr. Speaker, if any of my colleagues have noticed a recent surge in constituent mail in support of the MX missile system, they can thank Martin Marietta, the prime contractor for the weapons system.

On September 12, 1983, Martin Marietta President Thomas E. Pownall addressed a page and a half memorandum to all employees advising them that "These programs are significant to the corporation."

Mr. Pownall noted:

To prevent further erosion of Congressional support for President Reagan's program, it is very important for members of both the Senate and the House to know that there is strong constituent support.

For the convenience of those employees who had difficulty expressing themselves, Mr. Pownall supplied a set of postcards. He concluded his memorandum, "They need to hear from you—by postcard, letter, or telegram—but soon!"

There is an obvious question as to whether this lobbying campaign transgresses Defense Acquisition Regulations (DAR 15-205.51), prohibiting defense contractors from attributing indirect or direct lobbying costs to the Government.

A more fundamental question, however, is whether the narrow, private interests of a corporation should be defining national defense policy—especially when the lobbying is promoted as disinterested, constituent opinion.

The entire memorandum follows:

MARTIN MARIETTA CORP.,
Bethesda, Md., Sept. 12, 1983.

TO ALL MARTIN MARIETTA EMPLOYEES: Within the next 60 days the Congress will consider the appropriation of funds for production of the Peacekeeper (MX) missile and other strategic initiatives. These programs are significant to the Corporation. That, of itself, might be enough reason for this communication with our employees, but there are other, higher considerations involved—grave issues of national security which must be decided by the Congress. It is on the basis of the latter considerations that I'm writing to you.

In April, the President's Commission on Strategic Forces, chaired by General Brent Scowcroft, issued its report and recommendations on actions necessary to modernize our strategic nuclear forces and to restore balance between Soviet and U.S. strategic systems. These proposals, which were recommended for implementation as a package, provide for limited deployment of the Peacekeeper missile in Minuteman silos, progressive arms control initiatives, and development of a small, single-warhead ICBM. Combined, these changes will strengthen our ability to ensure a stable deterrent to nuclear war while providing negotiating leverage for our arms control representatives, seeking to move the Soviets toward an overall reduction in strategic nuclear weapons.

I share the President's concern that failure to modernize the land-based leg of our triad will jeopardize those negotiations and tempt the Soviets to exploit their large and growing advantage in nuclear forces.

The nation needs a clear show of support from the Congress for the Administration's request to implement the commission's recommendations. The MX system provides the earliest opportunity for deployment of a truly modern ICBM. This near-term deployment will have significant influence on deterrent credibility, will strengthen allied support of NATO nuclear force modernization, and will enhance meaningful arms control negotiations. Quoting from the commission report: "It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployments if we unilaterally terminated the only U.S. ICBM program that could lead to deployment in this decade." Approval to deploy MX may or may not encourage the Soviets to come to the table for serious discussions, but it appears to offer the best immediate hope for beginning to reduce forces on both sides.

In May, the bipartisan Scowcroft report was approved by the House of Representatives on a vote of 239 to 186. However, in July, when authorizing 1984 funds for the program, the House vote was only 220 to 207. The Senate approved the report by a vote of 59 to 39 in May and 57 to 42 in July. These lesser margins of support were due to intense lobbying pressures by anti-nuclear, anti-defense, and nuclear-freeze proponents. However well intentioned, their arguments have crystallized in a position that would have the United States rely on Soviet benevolence in the face of what surely would be construed as a show of national weakness or lack of resolve. This position would, in my opinion, undermine the Free World and put our national security at jeopardy; it is a risky course, with no support in historic precedence. Its logic seems dubious in the recent and present situations, in which the Russians continue their arms buildup at a rapid pace.

To prevent further erosion of Congressional support for President Reagan's program, it is very important for members of both the Senate and the House to know that there is strong constituent support. If you agree, and I hope you will, that Congressional implementation of President Reagan's approach is meritorious, please let your Congressmen know how you feel. For your convenience, postcards are enclosed for your signature and for addressing to your two U.S. Senators and the U.S. Representative from your district. They need to hear from you—by postcard, letter, or telegram—but soon!

Sincerely,

THOMAS G. POWNALL,
President.●

RAWLE & HENDERSON CELEBRATE BICENTENNIAL—OLDEST LAW OFFICE IN CONTINUOUS PRACTICE IN U.S.A.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. FOGLIETTA. Mr. Speaker, today I want to call the attention of the Congress to the Philadelphia law firm of Rawle & Henderson on the occasion of the firm's bicentennial anniversary year.

Rawle & Henderson is recognized as the oldest law office in continuous practice in the United States, tracing its roots to the William Rawle law office founded in Philadelphia in 1783.

Reflecting Rawle & Henderson's past is very much like reflecting on the history of the Nation and the American legal profession. Francis Rawle, the first of the Philadelphia Rawles, in 1721 wrote a treatise which became the first book printed by Benjamin Franklin. His son, also Francis, handled the legal affairs of Pennsylvania's founding Penn Family. Two genrations later, William Rawle was appointed by George Washington as "Attorney for the United States in the District of Pennsylvania." William Rawle was one of the founders of the Philadelphia Bar Association and was its first chancellor.

In 1871, a cousin of the founding Rawle family, Francis Rawle, became a partner in the firm. In 1878, Francis, with a group of attorneys from 29 States, met in Saratoga Springs, N.Y., to found the American Bar Association. History tells us that those attorneys gathered in Saratoga Springs had forgotten to bring a gavel and that Francis Rawle hurried to a nearby hardware store to purchase, for 25 cents, a carpenter's mallet. The mallet now symbolizes the American Bar Association. Francis Rawle was the first treasurer of the American Bar Association and was elected president in 1902. Subsequently, in 1942, Joseph W. Henderson also was elected American Bar Association president. Henderson had joined the Rawle law firm in 1917.

Today, the firm of Rawle & Henderson is known for its excellent work in matters relating to maritime, admiralty, and commercial litigation; corporate representation; and the general practice of law at every level.

More important than Rawle & Henderson's work within the legal profession is the firm's service to its profession and its community. I am most

pleased to say this tradition is continuing in this 200th anniversary year. This year, Rawle & Henderson is establishing the "Francis Rawle Award" to be presented annually in conjunction with the American Bar Association and the American Law Institute to an outstanding lawyer in the field of post admission legal education. In addition, the firm is presenting as a public service a series of public affairs programs on radio station WFLN entitled "World Views' and produced by the World Affairs Council of Philadelphia.

Mr. Speaker, I want to add my own congratulations to the many others Rawle & Henderson is now receiving in commemoration of its 200th anniversary.●

PRIDE AND ACHIEVEMENT OF EMPLOYEES AND MANAGEMENT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MARTINEZ. Mr. Speaker, I call your attention to a remarkable technological accomplishment by some of my constituents. The Byron Jackson pump division of the Borg-Warner Corp. located in my district has manufactured a high quality main sodium pump for the Clinch River breeder reactor. This prototype sodium pump recently completed rigorous performance testing at the DOE Energy Technology Engineering Center in Santa Susana, Calif.

I commend the employees and management for the production of a sodium pump which exceeds all operational design requirements. I also commend the employees of this Vernon-based plant for having, once again, demonstrated the American employee's ability to manufacture some of the best technologically advanced products.

The following article from the Energy Daily chronicles this successful technological accomplishment.

The article follows:

[From The Energy Daily, July 14, 1983]

CLINCH RIVER COMPONENTS PASS PERFORMANCE TESTS

Two of the largest components destined for the 350-megawatt Clinch River breeder reactor (CRBR) demonstration project have passed their performance tests with flying colors. In early June, the prototype main sodium pump successfully completed its year-long test campaign at the Energy Department's Energy Technology Engineering Center in Santa Susana, Calif. "The tests demonstrated that the 150-ton pump and its drive motor will meet or exceed all operational design requirements," said Charles Fox, assistant director for engineering at the Santa Susana testing station. The pump itself—able to deliver 44,000 gallons of sodium per minute—was manufactured by Borg Warner's Byron Jackson Pump Division; the 5,000-horsepower motor which drives it during full-power operation, and the pony motor which provides slow-speed capability, were both designed and manufactured by General Electric. The Clinch River plant will use six of the pumps.

Also in June, the Energy Technology Engineering Center ran full-power tests on the 106-ton prototype steam generator for Clinch River. It was the largest sodium-to-water steam demonstration ever conducted in the U.S. and "is one of the most significant test accomplishments on the Clinch River project to date," Fox enthused. "Steam generators are traditionally a difficult component to design. Test results indicate the CRBR steam generator will exceed design requirements and that's very good news." The prototype was tested at 70 megawatts (thermal), the limit of the Santa Susana facility. The steam generator—called a "hockey stick" design after its shape—consists of an outer shell surrounding 757 tubes; sodium is isolated on the shell side, water and steam on the tube side. It operates at temperatures exceeding 900 degrees F and pressures of 1,550 psi. Data from the Santa Susana test will be factored into the 10 steam generators now being fabricated for Clinch River at Westinghouse's Pensacola, Florida, factory. The 10 steam generators are being manufactured under a $34 million fixed-price contract. Three of them will be used as superheaters, six as evaporators and one as a spare; delivery is scheduled to begin early in 1985.●

BILLS ON AUTOMATED MANUFACTURING AND ROBOTICS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. FUQUA. Mr. Speaker, today I am introducing a package of three bills to stimulate the development and use of automated manufacturing systems and robots. These bills are the Robotics and Automated Manufacturing Systems Research and Education Act of 1983, the National Robot and Automated Manufacturing Systems Leasing Act of 1983, and an unnamed bill which provides a tax credit for the purchase of this equipment. I am joined in introducing these bills by my colleagues, the Honorable AL GORE of Tennessee, the Honorable GEORGE E. BROWN, Jr. of California, the Honorable BUDDY MACKAY of Florida, and the Honorable SHERWOOD BOEHLERT of New York. I invite all Members of the House to join in cosponsoring any or all of these three bills.

For the past 4 years the Committee on Science and Technology, particularly through our Subcommittee on Science, Research and Technology, has been investigating innovation and productivity in the United States. We have been informing ourselves broadly through oversight hearings, taking legislative initiatives when we believed they were desirable, and cooperating with other committees of Congress. In June the Subcommittee on Science, Research and Technology held 7 days of hearings jointly with the Task Force on Education and Employment of the House Budget Committee on the subject of technology and employment. In October the same subcommittee is marking up a bill to encourage joint research and development work among private firms.

Several examinations of automated manufacturing and robotics have been included among the committee's studies, the largest of which were a 2-day seminar on technology and innovation for manufacturing which I sponsored in 1979 and 2 days of hearings on robotics held by our Investigations and Oversight Subcommittee chaired by the Honorable AL GORE in 1982.

The country that leads the world in the technologies of manufacturing has the potential to lead the world in manufactured products by applying those technologies. Unless the United States makes a major effort now, that country is going to be Japan. The Manufacturing Studies Board of the National Research Council reported in 1981 that the population of robots in Japan was 6,000 while the United States had 3,500. In 1982 at our Investigations and Oversight Subcommittee hearings, investment analyst Paul Aron reported 14,246 Japanese robots versus 4,700 in the United States. Mr. Aron's report which appeared this year notes 31,900 in Japan and 6,301 in the United States. In the broader field of automated manufacturing—where several robots or other automated machines are integrated into a system to produce an entire product—the United States faces an equally strong challenge. Earlier this year I visited the Fanuc robot plant in Japan where the people go home at night and the plant keeps working.

To develop the technologies of robotics and automated manufacturing, research and development is needed. Most of this research and development must be in the private sector to be effective; it must be tied to specific robotic and automated manufacturing products. There is a Government role, however, in developing such equipment for its own specialized uses—such as in space, defense, and radioactive materials handling—and in supporting research and development which is not product-specific and is not likely to be pursued by industry because of its long-range or risky nature. To allow commercial technology development there is also a need for people trained in that technology. The limiting factor in electronics and computers now is people. Without expanded education in robotics and automated manufacturing these fields will also be limited by the availability of trained American personnel. The Robotics and Automated Manufacturing Systems Research and Education Act

of 1983 provides for a Federal role in these areas which I believe to be the right role.

Robots and automated manufacturing are new technologies and their introduction in a company involves both fear of the unknown and risk of failure. To offset fear and risk the Federal Government can provide financial incentives and make these technologies more easily available. That is what the tax credit and leasing bills I am introducing today would accomplish.

From the June hearings on technology and employment, it is clear that robots and automated manufacturing equipment will displace workers in some job specialties. But the displacement likely to be caused by new technology is a small fraction of the unemployment that will occur if our industries are not competitive. As a nation we must find a way to introduce new technologies, such as robots and automated manufacturing systems, and protect the welfare of our workers at the same time. This is a position both labor and management can support and did support at our recent hearings. The legislation I am introducing today does not deal with the issues of displacement and retraining; I am not persuaded legislation is needed. I do plan to study this issue further, however.

Summaries of the three bills follow:

ROBOTICS AND AUTOMATED MANUFACTURING SYSTEMS RESEARCH AND EDUCATION ACT OF 1983

A. RESEARCH

1. The National Science Foundation (NSF) is authorized to fund centers for industrial technology devoted to robotics and automated manufacturing and to fund project grants in the same fields. The centers are intended to be established through cooperative efforts between universities and industry. Areas of emphasis for both centers and individual project grants should include: manufacturing processes, control systems, sensors, sensory data analysis, software development, kinematics and dynamics, machinery design, teleoperation, artificial intelligence, human augmentation and prosthesis, and human and economic factors associated with the introduction of robots and automated manufacturing systems into society.

2. A Federal Research Center on Robotics and Automated Manufacturing is established at the National Bureau of Standards (NBS). This Federal Center would focus its research on measurements and standards required in robotics and automated manufacturing systems as well as systems integration, reliability and performance.

3. The Department of Commerce is directed to promote the formation of limited research and development partnerships in the area of robotics and automated manufacturing systems. Such partnerships would require no Federal participation. The Department is already engaged in promoting partnerships, though not necessarily in these areas.

B. EDUCATION AND TRAINING

The NSF is authorized to support the education and training of personnel needed in robotics and automated manufacturing. Support would be provided for graduate fellowships, undergraduate scholarships, instructional equipment, curriculum development, and post-doctorate fellowships.

C. PROGRAM REVIEW

The National Research Council is directed to review Federal efforts in robotics and automated manufacturing and report its findings and recommendations.

D. AUTHORIZATION AMOUNTS

[In millions of dollars]

	Fiscal year—		
	1984	1985	1986–90
NSF Research	20.00	40.00	50.00
NBS Center	10.00	10.00	10.00
DoC R&D partnerships	2.00	2.00	2.00
NSF education and training	5.00	7.00	10.00
Program review	0.25	0.25	0.25
Total	37.25	59.25	72.25

NATIONAL ROBOT AND AUTOMATED MANUFACTURING SYSTEMS LEASING ACT OF 1983

A. LEASING CORPORATION

A National Robot and Automated Manufacturing Systems Leasing Corporation is authorized to be established. The Federal government would set the Corporation up, but the Corporation would be a for-profit private firm rather than a government agency. An appropriation of $1 million is authorized to start the Corporation in business, but it would be repaid to the government.

B. LOW INTEREST LOANS FOR LEASING

The Federal government would pay one-third of the interest due on loans made for the leasing of robots or automated manufacturing systems to small businesses or for short terms, making such equipment more economical to acquire. An authorization of $20 million per year for the Federal share of interest is provided for fiscal years 1984 through 1990.

ADDITIONAL TAX CREDIT

A tax credit of 10 percent (in addition to other tax credits) would be allowed for the purchase of robots or automated manufacturing systems.●

ON THE CONFLICT IN LEBANON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. SCHUMER. Mr. Speaker, the lead article in today's Washington, Post states that the Reagan administration has been urging the Lebanese Government to give Syria a major role in Lebanon's domestic politics. Reportedly, this shift in U.S. policy is designed to improve United States-Syrian relations and advance a peaceful settlement of the conflict in Lebanon. Unfortunately, it will accomplish neither of these objectives.

A few facts will explain why. First, Syria has never recognized Lebanon's independence; it has always considered Lebanon a part of greater Syria, and will not cease until it has effectively annexed Lebanon. Second, Syria and the Soviet Union have always coveted a leadership role in the Arab world, and each has found turmoil and unrest as well as terroism and intimidation effective mechanisms for advancing their goals in Lebanon and the Middle East.

Both of these facts speak against Syria's acceptance of a formula for lasting peace. Syria has little use for peace except as a temporary means for achieving the concessions and power needed to foment a more effective war on Lebanon, the United States, and Israel. During the past few months, the Reagan administration seemed to have grasped Syria's game-plan, and its hard-bargain policy has paid off. By standing up to Syria and defending the U.S.-coordinated troop withdrawal agreement, the United States has won a cease-fire and an easing of Soviet-Syrian aggression. The United States must not now lose sight of an effective strategy for curbing Syria's ambitions.

Lasting peace in Lebanon is a vital goal for the United States, Israel and our NATO allies. But, lasting peace requires a commitment to stability, an ability to accurately assess one's enemies, and, most importantly, time. It would be a tragic mistake to sacrifice U.S. leverage in Lebanon for a hastily-constructed peace agreement with an unreliable foe.●

MINORITY BUSINESS OPPORTUNITY—THE AMERICAN DREAM

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. DAUB. Mr. Speaker, I would like to take this opportunity to say a few words regarding Minority Enterprise Development Week which begins October 2. The words "fulfilling an American dream" embody the spirit that drives not only minority enterprise but all Americans who seek to better their lives, and their neighbor's, by initiative and hard work. For minority Americans the message is a special one because for many of them the dream has been too long delayed.

I am proud to come from a community where minority enterprise flourishes. In the past 3 years I have had the opportunity to work closely with a number of groups in Nebraska that have formed to assist minority and disadvantaged business owners achieve their share of the American dream. The diversity of these businesses assures us that the day of full economic participation in American commerce is not too far off for all Americans.

As Members of Congress we owe an obligation to those who have chosen to make the system work for them. We need to make it clear to them that if

they take the chance, do the works, and commit their resources to an enterprise that it will not be frustrated by high interest rates, strangling government regulation, or other government-created obstacles.

Minority Americans want a chance. Minority Enterprise Development Week is to commemorate the efforts of those who have taken upon themselves the challenge and opportunity of personal economic initiative. It is the responsibility of this body to see that the conditions for business development are ripe for minority entrepreneurs. If we can assure them of unfettered opportunity and the freedom to take themselves as far as their talents and ingenuity will allow them then many of the other social and economic problems that face this body will disappear.

Today there are 600,000 minority owned enterprises in America. In the next year many will fail but many will grow, and many more will begin. These are the same fates that await all business. Minority business is the key to an America where every citizen feels his own worth is undisputed by others because in a society that so often judges its members by what they can accomplish, success in the business world is unassailable evidence.●

SENATOR HENRY M. "SCOOP" JACKSON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to pay tribute to a great statesman whose example was an inspiration to us all, Senator Henry M. Jackson of Washington.

I was not acquainted with Senator Jackson personally, but I was well acquainted with Scoop's reputation as a dedicated, hard-working, effective legislator.

Senator Jackson's untiring efforts in the U.S. House and then in the Senate—he worked until the very day he died—attest to the devotion and zeal with which this distinguished gentleman served the people of Washington and this country.●

THE COLUMBUS SOCIETY OF FRAMINGTON, MASS., CELEBRATES ITS 75TH ANNIVERSARY

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. SHANNON. Mr. Speaker, On October 15, the Columbus Society of Framingham, Mass., will be marking a "Red Letter Day"—the celebration of its 75th anniversary.

The Columbus Society was founded in 1908 as a fraternal and social organization and has since grown into an important community and civic organization in the town of Framingham. In addition to its membership activities, to Columbus Society has been involved in a number of charitable drives for the special childen and most recently has provided aid to victims of Italy's recent earthquakes and of our own flooded Midwestern States. Yet, with their active agenda, the society members have not lost sight of the four virtues set down by the founders: for country, humanity, progress, and equality.

Mr. Speaker, following is a two part history of the Columbus Society. "From a Little Acorn, A Great Oak" describes the founding of the society and its activities for the first 50 years while "and the oak grows stronger" is a history of the society since 1958.

The two-part history of the Columbus Society follows:

FROM A LITTLE ACORN, A GREAT OAK

(By Kenneth Crotty)

On the evening of December 27, 1908—three nights after Christmas Eve—a little group of men gathered in the basement of small dwelling in the Coburnville section of Framingham.

They were men of Italian descent. Many of them had been born in Italy.

They wore the collars of their great coats and jackets up about their ears that night as they plodded toward their destination. It was a clear but cold nights and the winds that frisked off Farm Pond had a nip to them.

The purpose of the meeting was to form a society or club for Italian-American men, where they could meet in good fellowship and where those of them who had problems might find a solution.

The year 1908 is not a particularly notable one in American history. It was in this year that William Howard Taft of Ohio, backed by the outgoing president, Theodore Roosevelt, defeated William Jennings Bryan for the highest office in the land. The campaign was conducted in a flood of silver-tongued oratory.

Arizona was not yet a state in 1908. Neither was New Mexico. Oklahoma, which 35 years later was to become the inspiration for one of the greatest musical comedies in the history of the American theatre, had just been granted statehood.

For a number of years prior to 1908, ships plying between Naples and other ports of call in Italy to New York and Boston had been bringing over an ever-increasing number of persons of Italian extraction to the United States.

Those who came to Framingham gravitated to an area on the southwest extremity of the town known as Coburnville, so-called because there was a street in this area named Coburn Street.

The existing records of that first meeting of December 27, 1908, are meager. Some say there were 50 men present. There are few survivors of that first meeting to relate what went on.

It is a matter or record, however, that out of this first meeting came the Christopher Columbus Society, that the first president was the late merchant and real estate man, Enrico Lordi, and that there were 67 founders of the Society.

The name was a natural Christopher Columbus was a hero to every Italian and especially to Italian-Americans.

The Christopher Columbus Society was an independent organization exclusively for men who could trace their ancestry back to Italy on their male parent's side. The idea of the club was mainly social and fraternal but it seemed like a good idea to the Founders if there could be sick and death benefits.

Getting a foothold in the New Country was not the easiest thing for an immigrant boy in those days.

The first meetings of the Society were held in an upstairs hall in the old Tribune Building in Irving Square. These first meetings were highly informal. No people enjoy family and fraternal gatherings better than the sons and daughters of Italy.

The first big Red Letter Day in the young organization was July 9, 1909. It was on this date that the charter was signed and granted. The Christopher Columbus Society was really on the move.

On the Fourth of July, 1910, there was a baptism of the flags of the new Society. These flags are now retired and may be seen in a place of honor in a glass-enclosed, hand carved cabinet in the present quarters of the Society.

By 1910, the Society was growing and, the temporary quarters in the Tribune Building were hopelessly too small and cramped. A search was initiated to find permanent quarters. On October 11, 1910, the Society purchased a lot 67 feet by 150 feet on Fountain Street.

The agreement by which the land was purchased and the building erected was a most unusual one. Members promised to donate one work week in their trade or occupation toward the Society. Those who could not arrange this, for one reason or another agreed to give one week's salary or wages.

These first doughty members were called Share Holders. According to the musty old records, there were a full 70 of them. By the end of 1911, the building was completed. Almost immediately committees fell to scheduling entertainments and other events to help pay off the mortgages and to raise funds for furnishings and equipment.

When World War I came, a number of the Society marched off into the service of their country. Interest slackened, naturally. But while many clubs and organizations fell by the wayside during this trying period, the Christopher Columbus Society on Fountain Street managed to keep its head above the troubled waters.

The years immediately after World War I witnessed the first big drive for new members. By-laws were relaxed a trifle to make it easier to join.

By 1929, a sizable portion of the mortgage had been paid off and by 1934 the Happy Day arrived. The original mortgage was lifted.

It was a joyful occasion and one calling for a toast. The year after saw additional land purchased for parking facilities. More and more members were driving to the club these days as cars become more plentiful.

It was about this time that social members were invited in. Previously it was necessary to be of Italian extraction on the male parent's side and to be under 50 to join. Now social members were asked in. It was not necessary to be of Italian extraction nor did

a prospective member have to be under 50 to be a social member.

The fame of the Christopher Columbus Society of Framingham was spreading.

Those with long memories can recall readily that the club rooms in those days were located on the main floor. The basement floor was rented to the Framingham Pattern Works. It was a noisy era, indeed with the whir of the lathes during the daytime hours in the basement premises. There was always something doing from 8 a.m. to 5:30 p.m. on Fountain Street.

In 1938 the Society petitioned the town and received authority from the Town Fathers to rename the square in front of the Society quarters "Columbus Square." Columbus Society members had been prominent for years in community parades and other ceremonial events with their distinctive Society hats and their Columbus insignia. There was never a funeral of a Christopher Columbus Society member without a detachment of his fellows.

In 1936 the first State honors came to the Society.

In that year, the Massachusetts Sons of Italy held their state convention in Farmingham. The Columbus Society entered a float in the big parade which was the feature of the Convention. First prize in floats went to the Club on Fountain Street. It was another Red Letter Day.

Meanwhile, back at the clubhouse, things were becoming a bit cramped. The membership was mushrooming and there wasn't the slighest doubt that more space was needed and needed quickly. A committee was named to look around for the ways and means of expanding things. It was decided at this time that the lower basement formerly occupied by the Pattern Works would be used as a club social quarters.

So the last few years before World War II were filled with growing pains for the Christopher Columbus Society, which by this time had been abbreviated by common consent to the simpler Columbus Society.

In 1938 the by-laws were amended once again to make it easier to join.

It was in 1939 that the original flags of the Society were sent into honorable retirement and new flags were baptized. In 1939 there was much talk, too, of modernizing the building.

But the shadows of a global war were lengthening over Europe. In 1941 these shadows had fallen on Pearl Harbor and the U.S. When President Franklin D. Roosevelt asked Congress to declare war, the members of the Columbus Society were quick to respond to the call to the colors.

In the honor roll in the main hall of the Society today, you will find 128 names listed. Two of these did not march home again. They were Peter Stefanini, killed in action in Italy, and Alexander Falconi, first reported missing and later presumed dead in action.

These were sobering days for the Columbus Society. Periodically a news letter was sent to all members serving with the armed forces with news from the home front. At Christmas time gift packages were dispatched to make things just a little more cheerful for the boys away from home.

By means of funds provided by the Society, two rooms at the Cushing Hospital were furnished and equipped. In 1944 a monument, memorializing all the deceased members of the Society, was erected in the St. Tarcisisu Cemetery.

A solemn high mass of requiem was celebrated for the two members of the Society who had given their lives in the service of their country.

The clouds of war were swept away in 1945 and things brightened for the Columbus Society. Charter members were recognized formally in 1945 and given life memberships. In Nevins Hall in downtown Framingham on June 23, 1946, a "Welcome Home" party was staged for all Columbus Society boys who had served with the armed forces. The hall was filled to capacity for the occasion.

In 1948, the Rev. Pietro Maschi, the beloved pastor of St. Tarcisius Church, who had served as spiritual advisor from the very beginnings of the Society, died after a long illness. A saddened and grateful Columbus Society sent a delegation to serve as honorary bearers at his funeral.

Father Maschi will always hold a place in the hearts of all members of the Society.

In 1950 the long-planned remodeling of the 40-year-old quarters was started. It took until 1956 before the remodeling was actually completed.

Over the years the Columbus Society has been ever in the forefront of worthwhile projects, both civic and charitable. Although its primary concern has been the welfare of its own membership and their families, it has ever been ready to lend a helping hand where needed.

The spacious upper hall of the Society has always had a welcome sign for weddings, receptions, and other social functions.

During the years when parades were the routine thing in Framingham, the traditional Society cap was a familiar thing in those memorable parades. Few projects were undertaken in Framingham that the Columbus Society did not have a hand in.

It is interesting to look back upon the basic precepts of the Society as conceived by the Founders.

The four virtues of the Society-to-be, as the Founders envisioned them on that December night in 1908 were: "For Country, For Humanity; For Progress; and For Equality."

The Founders saw the Christopher Columbus Society as a place where men of Italian background could meet under congenial circumstances where they could band together for mutual benefits and unite for instruction and guidance for the ever growing colony of sons of Italy in Framingham on a local, state and federal level.

Down the years the Society has adhered to these Founding principles. Times of course have changed over 50 years. More and more men and women of Italian extraction have taken over positions of importance in the community.

The roster of the leaders on the civic, industrial and professional fronts in Framingham shows an ever-increasing number of Italian names.

The Columbus Society can be proud that it has played no small part in this remarkable transition.

AND THE OAK GROWS STRONGER

(By Albert C. Ferrante)

On Sunday October 12, 1958 the Fiftieth Anniversary of The Columbus Mutual Benefit Society and Club was celebrated at a local establishment then on route 9, called The Meadows. This occasion is recorded as one of if not the largest gathering and celebration of a local individual fraternal organization. A quote from the local newspaper of October 14, 1958, "National, state, and local dignitaries joined with a gathering of more than 850 friends from Framingham is paying tribute and esteem to the Christopher Columbus Society".

It was a gala event in the Society's history at Vaughn Monroe's dine and dance restaurant. Mr. Monroe at the time was internationally popular as a singer and band leader. He saw fit to fly in from New York City that morning to oversee his interests. The Meadows was filled to capacity. He entertained the gathering with vocal selections.

The guest speaker was brother-member Joseph R. Perini of the Perini Corporation. He gave a brief history of the life and achievements of Christopher Columbus.

Seven of the eight remaining Charter Members attended and were proudly seated in front of the head table.

This Golden Jubilee was dedicated in their honor.

"Again a Red Letter Day".

This Seventy-Fifth Year continues to find The Christopher Columbus Society and Club a proud fraternity in good standing in the local community and state.

From the Fiftieth Celebration to its Diamond Year much has happened throughout the universe reflecting changes in the way of life.

Great advancements were made in medicine and science. Distance has become shorter in travel time. Men have been to the moon. Propelled aircraft has given way to jet propulsion. The promiscuous sixties and seventies brought us the mini-skirts and rock music along with many other changes.

The next twenty-five years? Who knows what the changes will be, but come what may this Society and Club will continue as strong as ever. More intense to pursue the comraderie social and welfare of its' members. This was the intent and interest of the founders back in 1908.

What happened in the last twenty-five years? Obviously, as time marched on new ideas were necessary and implemented.

The Society and Club is still domiciled at its' original quarters in Columbus Square, 11 Fountain Street. It is a land mark of the town in the Coburnville section which is still predominantly resided by decendents of Italian extraction.

The Columbus Society and Club has always been supportive to worthy civic causes. Most recently to the aid of Italy's devastated earthquake victims and to our flooded mid-western states.

In the last twenty-five years they have enbraced the Special Children as their favorite Charity and run functions including an annual dance for the cause.

The Society still sponsors a Mass on Memorial Day in Memory of the deceased members.

The club room is a gathering place to meet with the friends and relaxation. Whether it be at the bar enjoying refresments, or at a card game, or just plain conversation. Many a problem has been solved here. For here there is a cross section of many trades and professions.

There are some of the incentives and values for a successful Society and Club and the reason it will continue to prosper. It is the employment of these programs that inspires the membership and good fellowship.

Since the Fiftieth Anniversary the last of the Charter Members have passed on, but the efforts of their foresight standards, and spirit is not forgotten. They embedded a mystique that makes The Columbus Society and Club flourish socially and civicly in this community.

Responsible men founded this organization and responsible men will continue its success.

The Columbus Society and Club will always exists as long as their is brotherly love among men.

Though mentioned in previous writing of this Souvenir Book it is felt worthy to repeat the four virtues envisioned by the founders: for country, for progress, for humanity, and for equality.

From A Little Acorn, A Great Oak, . . . and the oak grows stronger, now more deeply rooted.

Best wishes on this Seventy-Fifth Year and may the future be as rewarding as the past.

"Another Red Letter Day"!●

ANOTHER VIEW

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. SNYDER. Mr. Speaker, much has been said in the past 2 weeks on the floor of the House of Representatives about what we should or should not do in response to the Soviet Union's downing of the Korean jetliner. I recently received a "position statement" from the Rotary Club of Newport, Ky., which presents another view to the question of how we should respond. They asked that I share it with my colleagues.

The "Position Statement of the Rotary Club of Newport, Ky.," follows:

The Russians did it to Hungary. The world was outraged. Russia said "mind your own business".

They did it to Afghanistan. The world was outraged. Same answer.

They did it to Poland. The world was outraged. You guessed it.

They did it to Berlin. On and on it goes.

Russians are good at killing people. They may be the best. They certainly want to be. Russia exists to enslave. Their leaders are so warped that they call slavery freedom and freedom slavery. Their people are so numbed that they believe the lie. Not much room there for making headway.

On September 1, Russia brutally killed 269 more people. The latest victims happened to be civilian passengers on a Korean airliner, commercial Flight 007. Russia has responded to the murders with the same remorse that one would have after snuffing out the life of a fly that landed on the wrong place at the wrong time.

Freedom, that most precious gift of all, can never be nurtured by revenge. No retaliation is a good retaliation. That says two things.

First, no responsive act, however imaginable, could appropriately atone for the murder of 269 innocent human beings. They and their courageous survivors are more harsh witnesses to the well known fact that the price of freedom is painfully high. Many have paid for liberty with their lives before Flight 007, and many more will pay the price afterward—perhaps even you, or your sons and daughters.

Second, no retaliation is a good retaliation because the best blow to communism is our daily commitment to remain free, to live the good life and to love our fellow man. By our example, someday, somehow, the Russian people will see to overthrow those leaders who keep them enslaved and in the dark. Surely we must remain militarily strong, and we will, because we are coexisting on this small planet with those whose God is force and whose weapons are lies.

Remember, the cold cruel powers of evil live in constant fear of being removed. They should live in fear. Down through the ages their kind—as all of us will—have passed on to judgment—The Rotary Club of Newport, Ky., U.S.A.●

LEBANON: THE PEACE PUZZLE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. DORGAN. Mr. Speaker, Lebanon is the Rubik's Cube of diplomacy: every sign of progress brings new riddles to solve. For years it has frustrated the efforts of diplomats and government officials to bring peace and stability to that troubled land.

For good reason. Lebanon is the playing field for a bewildering variety of conflicts which pit Moslems against Christians, Arabs against Jews, Syria against the Palestine Liberation Organization, and the United States against the Soviet Union. The best minds have struggled in vain to bring sense and peace again to this nearly chaotic land.

Some would question whether Lebanon even warrants our nation's interest or the commitment of a limited marine contingent. As columnist George Will recently wrote:

Think of Lebanon as Connecticut . . . with a government that, on a good day controls part of Hartford. Imagine Connecticut with 45,000 Syrians, 12,000 Israelis, 6,000 U.N. troops behind Israeli lines, 16 militias and assorted Palestinians and Iranians. Now put 1,300 Marines at Hartford's airport and tell them to keep the peace.

The absurdity of the situation has triggered a long-overdue debate in Congress about the role of what is now 1,600 U.S. Marines and the purpose of our policy in Lebanon. Why do we have a whole U.S. Navy flotilla flanking the coast of a tiny nation of 3 million warring people?

OIL, ISRAEL, AND LEBANON

Despite the complexity of the situation and the small size of Lebanon, the United States should care what happens in this part of the world. Lebanon is important in its own right as struggling republic, a center for international trade and finance, and a dangerous flash point in the wider Middle East.

Unless we can help bring peace to Lebanon and the withdrawal of all foreign forces—Palestinian, Syrian, and Israeli alike—we face the prospect of continuing regional and civil war and nagging insecurity for Israel, our closest friend in the Middle East.

An additional issue is the petroleum resources of the Middle East and the Suez Canal. Widening conflict beyond Lebanon can threaten the source of one-sixth of the non-Communist world's oil supplies and disrupt the vital sea lanes that carry that oil to the United States, Japan, and our NATO allies. The morning papers report an Iranian threat to cut off Persian Gulf oil supplies. A recent report from the Congressional Research Service estimates that such a cutoff could reduce our national output and employment by 4 to 9 percent. Depending on our reaction to such an emergency, our economy and security could be jeopardized even more.

Clearly, we have much at stake and much to do. To act responsibly about Lebanon, Congress must answer three questions: Who shapes policy? What is our policy? How do we achieve our policy goals?

A SOUND ROLE FOR CONGRESS

We faced a crucial vote because the President has refused to follow the law and invoke the War Powers Act. The act requires the President to seek congressional authorization whenever American troops are involved in hostilities or face the imminent possibility of such involvement.

The U.S. Marine contingent in Lebanon has been forced into a combat situation and receives combat pay. The killing of four marines and the combat-related injuries of dozens more demonstrates that they are thrust into a combat situation. The use of the U.S. fleet to shell Druze and other militias in support of the Lebanese Army further clinches the case for starting the 90-day clock of the War Powers Act.

So the first task for the Congress is to pass a clear and forceful resolution that triggers the War Powers Act and demands that the President state convincingly the reasons for putting our Marines on the firing line.

In my view, an 18-month troop authorization that has been proposed gives the President far too much power when the administration has not given Congress either a clear statement of its goals or a solid commitment to abide by terms of the congressional resolution. I fear that open-ended authority may draw us into deeper conflicts and prevent us from playing an effective peacemaking role.

Consequently, I voted for the Obey-Long substitute amendment, which would make Congress a responsible partner in shaping our policy in Lebanon without forcing the withdrawal of our troops under an arbitrary deadline. I believe this alternative offers a better way to achieve a durable peace

in Lebanon and to insure that our Marines are used for the right reasons.●

THE MEDICAID MATERNAL AND CHILD HEALTH AMENDMENTS OF 1983—H.R. 4059

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1983

● Mr. WAXMAN. Mr. Speaker, I am today introducing H.R. 4059, the Medicaid Maternal and Child Health Amendments of 1983. This important legislation would allow States, at their option, to extend medicaid coverage to certain groups of pregnant women and infants up to age 1 who are poor by State standards but are uninsured. The Federal Government would pay 100 percent of the costs of this additional coverage. States that already cover this population would receive a bonus. In addition, the bill clarifies the meidicaid eligibility of infants born to women who are receiving medicaid at the time of birth.

Last June, the House and the Senate adopted a budget resolution for fiscal year 1984, House Concurrent Resolution 91, that makes a limited amount of Federal funding available for a maternal and child health initiative under medicaid. Specifically the resolution provides $200 million in additional Federal funds for this purpose in fiscal year 1984, $250 million in fiscal year 1985, and $500 million in fiscal year 1986.

On July 15, the Subcommittee on Health and Environment held a hearing on proposals to implement this provision of the budget resolution. The hearing record makes abundantly clear why such legislation is urgently needed.

Representative LEHMAN, the chairman of the Prevention Strategies Task Force of the Select Committee on Children, Youth, and Families, shared the results of hearings that his committee has been holding on child development. Problems in the very early stages of infant and childhood development can lead to lifelong physical, intellectual, and emotional difficulties. In many instances, these problems can be reduced or avoided altogether through prenatal and other preventive care.

The problem, Chairman LEHMAN observed, is that many low-income pregnant women and children are not covered by medicaid or any other public program and therefore do not have access to these critical services.

The American Academy of Pediatrics, the American Public Health Association, the Children's Defense Fund, and other witnesses confirmed Chairman LEHMAN's observations. Prenatal care demonstrably reduces the incidence of low birth weight babies, thereby reducing the risk of conditions closely associated with low birthweight, including higher infant mortality rates, mental retardation, birth defects, growth and development problems, blindness, autism, cerebral palsy, and epilepsy. Similarly, adequate medical care during infancy and early childhood is crucial to proper growth and development.

We know that health care can make an important contribution to the wellbeing of our children, yet many low-income pregnant women and children still have no access to services because they have no insurance coverage. Medicaid, the Federal-State program of health benefits for the poor, simply does not reach all of this vulnerable population. Nearly 6 million children in families with incomes below the Federal poverty level are without medicaid coverage; more than 2 million of these live in families with incomes that are less than half the poverty level. Each year, some 330,000 pregnant women from families with incomes below the poverty level are ineligible for medicaid.

The difficulty here lies in medicaid's eligibility rules. Under current law, States must provide medicaid coverage to individuals receiving aid to families with dependent children (AFDC)—that is, one-parent families with dependent children. The States have the option of covering other groups of low-income women and children who do not fall into the one-parent/dependent-child category. These optional groups include first-time pregnant women—whose unborn child is not considered a dependent—as well as children in two-parent families. Unfortunately, a significant number of States have chosen not to cover some or all of these optional groups.

According to a recent telephone survey, seven States—Arkansas, Indiana, Maine, New Hampshire, Oklahoma, Texas, and Virginia—do not extend medicaid to poor first-time pregnant women. Of the remaining States, three—Delaware, Louisiana, and New Mexico—do not cover these women from the date of medical verification of pregnancy, resulting in a loss of coverage for prenatal care.

This same survey indicates that 23 States (Alabama, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, New Mexico, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming) did not provide medicaid coverage to children (other than foster care, institutionalized, or unborn children) in poor two-parent families.

Finally, 28 States (Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming) do not cover poor two-parent families where the principal earner is unemployed.

The legislation I am introducing today will provide financial incentives to States to exercise their existing options to extend medicaid coverage to low-income pregnant women and infants who do not fit into the narrow AFDC family category. One of the reasons that some States have chosen not to cover this population is the potential short-term cost to the State. Under current law, States must pay a portion of the costs of the medicaid program; the Federal Government pays the rest. Currently, Federal matching payments to the States for Medicaid services vary from 50 percent to 77 percent of a State's outlays, depending on the State's per capita income. The higher the per capita income, the lower the Federal matching rate.

First, the bill allows those States which, as of July 1, 1983, did not offer medicaid coverage to first-time pregnant women from the date of medical verification of pregnancy, to do so, with the Federal Government assuming 100 percent of the costs. In determining whether a first-time pregnant woman was poor, the State would use its own income and resources standards under its AFDC program.

Second, the bill allows those States which, as of July 1, 1983, did not offer medicaid coverage to pregnant women in two-parent families where the principal earner is unemployed, to do so. Again, the Federal Government would assume 100 percent of the costs. The State would establish its own income and assets standards, as if it had an AFDC-UP (unemployed parent) program.

Third, beginning in fiscal year 1986, the bill allows those States which, as of July 1, 1983, did not offer medicaid coverage to pregnant women in all poor two-parent families, to do so, with 100 percent Federal matching. State income and resource standards would apply to this so-called "Ribicoff" group.

Fourth, the bill permits those States which, as of July 1, 1983, did not offer medicaid coverage to infants and young children in poor two-parent families, to phase in coverage of these children with 100 percent Federal financial participation. These two-parent families would not be limited to those with an unemployed principal earner; the only requirement would be

that they meet State income and resource standards. In fiscal year 1983, States could cover infants in such families up to age 1. In fiscal year 1984, States could cover children in such families up to age 2. Each subsequent year, the permissible coverage age would increase 1 year, so that by fiscal year 1988, the States could cover children through age 5 in poor two-parent families with 100 percent Federal assistance. After age 5, children would no longer be eligible for 100 percent Federal reimbursement. The State could, of course, choose to continue coverage for these children at its regular matching rate.

I recognize that those States which already offer this coverage to their poor women and children will not qualify for the more generous Federal matching rates. The bill therefore gives these States a bonus in the form of a reduction in the Federal matching penalty that all States will experience in fiscal year 1984. Under current law, Federal medicaid matching payments to the States will be reduced by 4½ percent during fiscal year 1984. States can lower this penalty in a number of ways, including the operation of qualified rate-setting systems and keeping their medicaid expenditure growth below a certain target rate. Under this bill, States which already cover all of the specified populations—and therefore could not qualify for the 100 percent Federal matching—will have their penalty reduced from 4½ percent to 4 percent. They could, of course, continue to qualify for the other offsets as well. According to an informal survey, the following States would receive this bonus: California, Connecticut, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Vermont, Wisconsin, and the District of Columbia.

Finally, the bill clarifies that, in cases where a child is born to a woman who is covered by medicaid at the time of birth, the child is eligible for medicaid, so long as the woman remains eligible and the child is a member of the woman's family. According to testimony presented at the July 15 hearing, some States have in these circumstances required separate eligibility applications to be filed on behalf of the newborns. The bill eliminates this unnecessary procedural hurdle.

According to preliminary Congressional Budget Office staff estimates, the cost of the bill in fiscal year 1984 would be under $200 million, in compliance with the budget resolution. There would be no new costs to the States.

It is important to keep these cost estimates in proper perspective. In fiscal year 1984, the Federal Government will spend an estimated $21.1 billion on medicaid; the States, an additional $18 billion. The spending authorized by this bill represents just one-half of 1 percent of total Federal and State medicaid outlays that year.

This increment, while minuscule in relation to overall medicaid spending, will yield huge dividends in the health and well-being of our children. And I personally am convinced that, in the long run, this bill will result in significant savings to the Federal Government by reducing the need for expensive medical treatment and institutionalization for preventable birth-related illness and conditions.

In concluding, I want to stress a few important features of this bill.

First, it does not create a new entitlement program. It merely changes the Federal-State financing relationships in the existing medicaid program to encourage States to cover low-income pregnant women and children that they could already cover under current law.

Second, the bill provides maximum flexibility to the States. It does not mandate State participation. State coverage remains totally optional, even though the Federal Government is willing to pay all of the costs. The States may continue to use their current income standards; no Federal minimum definition of poverty is imposed. The States may offer their current medicaid benefits to this population; the bill does not prescribe any minimum benefits. Similarly, current State policies regarding reimbursement for these services would remain unaffected.

Third, the new spending authorized by the bill is allowed under the budget resolution. That resolution does not require that offsetting cuts be made in existing programs or that new revenue sources be enacted to finance this bill. Consequently, the bill does not propose to do so.

Finally, this bill is a statement for fairness. A bedrock principle of our democracy is that all Americans have a fair start in life. It is beyond dispute that children whose mothers cannot afford adequate prenatal care do not get a fair start. Tragically, some get no start at all. we simply cannot afford to ignore this problem any longer.

I urge my colleagues to support this bill, the text of which is as follows:

H.R. 4059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, the Federal medical assistance percentage shall be 100 per centum with respect to amounts expended as medical assistance for services furnished with respect to a qualified pregnant woman or child (as defined in subsection (n)).".

(2)(A) Section 1903(s)(1)(A) of such Act (42 U.S.C. 1396b(s)(1)(A)) is amended by inserting "or furnished with respect to qualified pregnant women and children (as defined in section 1905(n))" after "Indian Health Service".

(B) Section 1903(s)(2) of such Act is amended—

(i) by striking out "and" at the end of subparagraph (B),

(ii) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and", and

(iii) by adding after at the end the following new subparagraph:

"(D) by one-half percentage point if the State provides (and provided as of July 1, 1983) for coverage under the plan, under section 1902(a)(10)(A)(ii)(I), of pregnant women and children under the age specified in section 1905(n).".

(3) Section 1903(t)(1)(A) of such Act (42 U.S.C. 1396b(s)(1)(A)) is amended by inserting "or furnished with respect to qualified pregnant women and children (as defined in section 1905(n))" after "Indian Health Service".

(b) Section 1905 of such Act (42 U.S.C. 1396d) is further amended by adding at the end the following new subsection:

"(n) The term 'qualified pregnant woman or child' means—

"(1) a child under 1 year of age who is described in section 1902(a)(10)(A)(ii)(I) and covered under the State plan as an individual described in section 1902(a)(10)(A), or

"(2) a pregnant woman—

"(A) whom the State has the option of deeming to be a recipient of aid to families with dependent children for purposes of this title by reason of section 406(g)(2), or

"(B) who is a member of a family which would be eligible for aid under section 407 if the State plan under part A of title IV required the payment of aid with respect to dependent children deprived of parental support or care by reason of the unemployment of a parent who is the principal earner (as described in such section); and

who is not eligible for coverage under the plan, as the plan was in effect on July 1, 1983, as an individual described in section 1902(a)(10)(A).".

(c) The amendments made by the preceding subsections of this section shall take effect on October 1, 1983 and apply to amounts expended for services furnished on or after October 1, 1983.

(d) Effective for amounts expended for services furnished on or after—

(1) October 1, 1984, section 1905(n)(1) of the Social Security Act is amended by striking out "1 year" and inserting in lieu thereof "2 years",

(2) October 1, 1985, such section is further amended by striking out "2 years" and inserting in lieu thereof "3 years",

(3) October 1, 1986, such section is further amended by striking out "3 years" and inserting in lieu thereof "4 years", and

(4) October 1, 1987, such section is further amended by striking out "4 years" and inserting in lieu thereof "5 years".

(e) Effective for amounts expended for services furnished on or after October 1, 1985, paragraph (2) of section 1905(n) of the Social Security Act is amended to read as follows:

"(2) a pregnant woman who is described in section 1902(a)(10)(A)(ii)(I) and covered under the State plan as an individual described in section 1902(2)(10)(A); and".

SEC. 2 (a) Section 1902(e) of the Social Security Act (42 U.S.C. 1396b(e)) is amended by adding at the end the following new paragraph:

"(4) A child born to a woman eligible for and receiving medical assistance under a State plan on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance so long as the child is a member of the woman's household and the woman remains eligible for such assistance.".

(b) The amendment made by subsection (a) shall apply to children born on or after October 1, 1983.●

SENATE—*Monday, October 3, 1983*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will sing of Thy steadfast love, O Lord, forever; With my mouth I will proclaim Thy faithfulness to all generations. For Thy steadfast love was established forever, Thy faithfulness is as firm as the heavens.—Psalm 89: 1, 2

Faithful, Father God, help the Senators to hear the criticism of people and press—justified or not. If justified, help them to change in ways that will quiet the critic and the cynic. If not justified, help them to prove the criticism wrong. In these critical days for the Nation and the world, may the Senate be part of the solution and not part of the problem.

Dear God, deliver the Senate from everything that prevents its efficient and productive operation. Strengthen integrity, selflessness, servant-hood, honesty. Help each Senator to remember his mandate and be true to the responsibility and honor implicit in trustworthy leadership. In the name of Him who, though tempted as we, was without sin. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the Senate has convened today pursuant to an adjournment on Friday, and pursuant to a unanimous-consent order which provides that the call of the calendar has been dispensed with, the reading of the Journal has been dispensed with, that no resolution shall come over under the rule, and the morning hour is deemed to have expired.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order there will be a period for the transaction of routine morning business of 1 hour in length during which Senators may speak for not more than 10 minutes each.

MARTIN LUTHER KING HOLIDAY BILL

Mr. President, at the conclusion of the time for the transaction of routine morning business it is the intention of the leadership on this side to go to the consideration of the Martin Luther King holiday bill.

It is hoped that we can finish that bill today. If we cannot, we will continue on the measure as long as it takes.

Mr. President, there are a number of other items that must be dealt with this week, if possible. There are conference reports, there are at least two appropriations, perhaps an abbreviated or scaled-down agriculture bill and, no doubt, other measures that I have not recalled to include.

The Senate is scheduled to go out for the Columbus Day recess on Friday, the 7th, and to reconvene on Monday, the 17th of October. I anticipate the Senate will keep that schedule, absent some extreme situation or urgent national emergency.

Mr. President, I believe that that covers the situation as I see it at this moment. I have no further need for my time under the standing order, and I offer it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader.

VOTE ON RESOLUTION CALLING FOR RESIGNATION OF SECRETARY WATT

Mr. BYRD. I thank the distinguished majority leader. He and I have discussed this matter earlier today and so it comes as no surprise. Earlier today I asked the distinguished majority leader when we might get a vote on the resolution concerning Mr. Watt, and we talked about it a little bit and I was left with the impression that I need not expect such a vote—I do not want to attempt to presume to say what the majority leader said or even convey my impression of the conversation, but I do raise a question at this point. We have an amendment to the State Department authorization bill, which is the unfinished business, and that amendment, which is a sense of the Senate amendment, would call on the President to ask for the resignation of Mr. Watt.

This is an issue which is important to the Senate in a number of ways, among which is the fact that this is the confirming body under the Constitution, and we have voted in 1981 to confirm Mr. Watt for the position which he now holds and, second, there are not only Democrats but there are also Republicans, if I judge correctly from some of the statements that have been made by our colleagues on the other side of the aisle, who would like to see a vote on this amendment.

I see a twinkle in the eye of my majority leader and perhaps he sees a twinkle in mine, but I would ask the majority leader as to when he thinks we will get a vote on the pending Watt amendment to the State Department authorization bill.

Mr. BAKER. Mr. President, I must do something about that twinkle in my eye which has been referred to often now by the minority leader. But he is right; of course he is right.

We talked about this matter earlier today before the Senate convened and, as I recall the conversation, the distinguished minority leader indicated he wished to proceed with that and I told him I did not and we sort of bogged down at that point. But let me say to the distinguished Senator I am not trying to keep him ever from getting a vote on that amendment. Indeed I intend, on behalf of the leadership on this side, to ask the Senate to go to the State authorization bill and when we do the Byrd amendment, dealing with Watt will be the pending question. But I frankly had not planned to do that until after we come back on the 17th, probably right after we come back; although on the day we come back I would hope we can take up the Export Administration bill which we extended only for 15 days and which will expire while we are gone. As a matter of fact, I feel committed to do that.

But there is no desire on my part to postpone the State authorization bill beyond that week. I cannot give the Senator a day after the 17th when we will take it up but I can tell him that I still plan to ask the Senate to turn to it, to resume consideration of the unfinished business which is State authorization or if it is necessary to proceed by motion on Martin Luther King. It is my intention to once more call up the State authorization on the calendar after we return on the 17th.

So, I can assure the Senator that I understand all to well how he can force that issue. He can offer that amendment to goodness knows how many other vehicles. He can make my life miserable offering that amendment on other issues. I would just as

soon have it on the State authorization bill as anywhere. But I would just as soon not have it this week. We have the Martin Luther King holiday bill to deal with, two appropriations bills, and conference reports that we are trying to get out by the 7th.

What I would like to do is this—I will have to clear this on our side, if my friends and colleagues on the staff will listen for a moment—and that is perhaps to propose a unanimous-consent agreement that would provide that at the close of the time for the transaction of morning business we go to the Martin Luther King bill, and that no call for the regular order between now and October 17 on this or any other matter would bring back the unfinished business, which could not recur until on or after the 17th of October. That is what I would like to do.

That would mean, when we get back, we would be in the same status we are in right now, except for the matter of devoting this week to whatever important business that it seems we need to do before the Senate can go out for that 10-day break.

(Mr. GORTON assumed the chair.)

Mr. BYRD. Mr. President, I hope the majority leader can get unanimous consent to proceed to the Martin Luther King bill. As far as I am concerned, I would be happy to enter into an agreement that, if we proceed by unanimous consent, a call for regular order would not bring down the unfinished business, the State authorization bill. If the majority leader should move to proceed, I believe that motion, if carried, would put the now unfinished business, back on the calendar.

So I would hope that he would not have to do that.

Mr. BAKER. Mr. President, I hope not, too, as well. Because both the minority leader and I have stood in our places here on this floor long enough, in my case to have at least a passing familiarity with the rules and he with a great wealth and storehouse of knowledge of the rules, and we both know that finally he can do what he wants to do.

But what I am doing is trying to devote this week to other matters. So if we can arrange that up front with everybody understanding what we are doing, and by unanimous consent, I think it would be far better. So I will ask my cloakroom to try to clear that.

I will repeat once more what it will be: That at the close of the time for the transaction of routine morning business, the Senate will then go by unanimous consent to the consideration of H.R. 3706, Calendar Order No. 343, which is the Martin Luther King holiday bill and that the State authorization shall not recur as the unfinished business until on or after October 17.

Mr. BYRD. Mr. President, does the majority leader feel that there is a good chance that there will be no amendments to the Martin Luther King bill, or does he feel that that will only be brought about by cloture, if invoked?

Mr. BAKER. Mr. President, I am not sure yet. I said earlier today to other Senators who inquired that I anticipate that there will be a motion to commit and if that fails—and I will oppose that motion—we will know whether there are going to be amendments at that point, or general debate.

In either event, if it is clear we cannot finish this bill today, since we have such a crowded schedule, it is my intention at the moment to go ahead and file a cloture motion this afternoon.

Mr. BYRD. I take it that it is the position of the majority leader to oppose—and I am just presuming now, because I have not discussed it with him—I take it to be the position of the majority leader to oppose any and all amendments to this bill.

Mr. BAKER. Yes, Mr. President, the minority leader is correct. I will vote against all amendments to the bill. I support the bill as reported by the House and most likely I will move to table amendments to the bill.

Mr. BYRD. I thank the majority leader.

Mr. President, I see no Senator seeking time. I yield back my time remaining to the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, I believe the Senator from Pennsylvania is here to seek recognition in his own right during the time for transaction of routine morning business. If the minority leader has no further requirement for time, I yield back the time allocated to the two leaders.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

THE KURDISH SITUATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, recent media accounts of Kurdish involvement in the Iranian-Iraqi war brings again to our attention the plight of the Kurdish people, who have for decades been oppressed by the governments which rule them. This situation illustrates the acute need for the Genocide Convention.

Some 10 million Kurds inhabit the mountainous region where Iraq meets Iran and Turkey. Although Kurdistan is divided by these national boundaries, its inhabitants constitute a separate nationality. They speak a distinct Indo-European language, practice unique cultural traditions, and claim ethnic distinction from the peoples which surround them.

Yet the Kurds have been, and continue to be, the target of systematic efforts—most recently, in particular, by Iraq—to uproot, disperse, and extinguish their society. Kurdish villages have been destroyed. Kurdish families have been separated. Kurdish patriots and resistance fighters have been imprisoned or executed. Kurdish refugees have been forcibly resettled and detained under subsistence-level living conditions. These acts are clearly designed to literally eliminate the Kurds as a cultural group.

It is not clear that the Kurdish people are victims of genocide according to the Genocide Convention's precise definition. It seems undeniable, however, that many Kurds have been victims of gross violations of human rights, and that these violations are being systematically carried out as a deliberate government policy. These acts certainly border on genocide.

Historical illustrations of the need for a treaty banning genocide are less compelling precisely because they are now history. We may find it too easy to shrug them off as mistakes of the past. I hope my Senate colleagues will remember that acts of a genocidal character are still occurring in the present day. The imperative for a genocide ban remains current. U.S. ratification of the International Genocide Convention would strengthen the message that the international community will no longer tolerate these offenses against humanity. I urge my fellow Senators to lend their support to ratification without delay.

NEEDED: COMPREHENSIVE ARMS CONTROL AGREEMENTS WITH THE SOVIETS

Mr. PROXMIRE. Mr. President, the debate about what foreign policy we should follow to prevent a nuclear war has boiled down to what kind of arms control we should pursue. Oh sure, a number of Americans, including some in the Congress and more than a few in the military, still believe that we should forget about trying to limit arms and take on the Russians in a straightforward race to develop and maintain a nuclear military force superior to anything the Russians can develop. Advocates of this view say the following: In the first place, we cannot trust the Russians to keep any agreement we make with them. Second, we can out-produce them with nuclear weapons because our economy is twice as productive as theirs. Third, we can assuredly stay ahead of them because we have superior technology and the

scientists and engineers to keep that technology out in front. Furthermore, whereas the Russians have a shortage of skilled manpower and facilities, we have millions of capable workers unemployed and a full 25 percent of our industrial capacity standing idle and ready, willing and able to go to work. So they ask: Why not put these resources to work to win the nuclear arms race with the Russians and keep it won?

The answer is that this kind of unrestrained competition for nuclear supremacy will swiftly bring on a nuclear arms technology that will make life on earth even more tenuous and dangerous than it already has become in this nuclear age. And sometime, somewhere out of fear or ignorance or stupidity or some other fatal human failure, the last world war will start. If it started today it would certainly end in a terrible catastrophe for all. But if it started after 10 or 20 years of an unrestrained all-out build-up by the two superpowers, it might very well end the prospect of life on Earth by the human species. Also, the unrestrained arms race would make the prospect of war not only more devastating but far more likely. At this very moment, the overwhelming consensus of experts is that the two superpowers have rough nuclear arms parity. The overwhelming consensus also judges that a nuclear war would be an immense loss for both sides with no victor. And the consensus view also holds that this present situation does provide some degree of stability as both superpowers recognize that any nuclear war between the two countries would destroy both as organized societies as well as impose mamouth casualties including half the population of each country. An all-out, unrestrained arms race between the United States and the Soviets under these circumstances would therefore tend to increase, not lessen, the likelihood of nuclear war.

So even the Reagan administration which came to office with less regard for nuclear arms control than any administration since the first nuclear bomb was exploded at Hiroshima now pushes for arms control—highly limited arms control—but arms control nevertheless. Although it does support arms control, the Reagan administration has limited that support to the deployment of intermediate nuclear missiles in Europe and the so called START initiative which would limit the number of deployed strategic warheads on both sides. The administration has not shut the door on other limited arms control possibilities. But it has flatly opposed a truly comprehensive arms control agreement like the nuclear freeze which has won solid and impressive popular support and passed the House by a nearly 2-to-1 margin—including many Republicans—earlier this year.

Mr. President, I have discussed the nuclear freeze on the floor of the Senate almost every day for more than 1 year. The heart of the dispute over the freeze goes to whether such a freeze could be negotiated effectively with the Soviets and if negotiated whether or not it could be verified with assurance. It may well be, Mr. President, that a comprehensive arms control agreement like the freeze would be easier to negotiate and also easier to verify than the more limited agreements that now occupy the administration. If there is a clear lesson from our experience in negotiating nuclear agreements with the Soviet Union it is that the more comprehensive the treaty, the more practical the negotiations, and the more successful the compliance.

In the June issue of the Federation of American Scientists Public Interest Report the argument for comprehensive agreements is made concisely and well. I aks unanimous consent that a copy of this statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE AGREEMENTS

One of the enduring debates in the arms control community is over the question of whether or not one should seek to negotiate comprehensive agreements.

Many arms controllers have reached the conclusion that the effort to negotiate comprehensive agreements was a mistake and that one should now focus on specific individual measures.

It is not possible to determine how this lesson could have been drawn from the experience of the past 15 years. The only agreements which have been successfully negotiated have been comprehensive ones. The inclusion in the agreement of a number of elements made trade-offs possible. The United States could gain the limitations it wanted while conceding other limits to the Soviet Union. There is nothing to suggest that more narrowly drawn agreements would have been easier to negotiate or that they would have been easier to sell to the Senate.

In fact one could argue the opposite. It is the failure to include limits in the agreement that has often been most controversial. Moreover the Soviets have demonstrated that they will push to the limits of any agreement, not doing anything that clearly violates them but nonetheless exploiting every loophole and ambiguity. Perhaps a careful review would lead us in the opposite direction—to agreements which covered all aspects of strategic forces, leaving no room for loopholes or ambiguity.

Comprehensiveness would also make verification easier.

If everything were to be controlled it might be easier first to stop and then to try to negotiate reductions.

HAZARDS OF MARIHUANA SMOKING

Mrs. HAWKINS. Mr. President, surprisingly, most students in this country do not consider marihuana smoking dangerous, at least not as dangerous as cigarette smoking. If we cannot convince our Nation's children of the profound dangers of marihuana smoking, and if we prove unsuccessful at curbing illicit drug traffic in this country and abroad, then I should like to suggest that, instead, we introduce legislation requiring that the following warning be printed on each marihuana joint sold in the street:

Warning: The Surgeon General Has Determined That Marihuana Smoking Impairs Memory, Learning Performance, and Speech, Reduces Your Ability To Perform Simple Motor Tasks, Speeds Up Your Heart Rate, Permeates Your Lungs With Cancer-Causing Hydrocarbons, Interferes With the Menstrual Cycle, Affects The Reproductive Organs, Leads To Psychological Problems, Induces Feelings of Paranoia, and Can Inspire Panic Anxiety Reactions Leading To Suicide, and Experts Have Testified it Takes 35 Days To Eliminate the Effect of One Joint From Your Body.

Mr. President, adolescents are the only age group on this country to have shown a decrease in life expectancy, rather than an increase. While the health of all other Americans has been improving, the death rate for young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts are convinced that drug abuse has been the major factor in this frightening trend. Rick Gibson, a school guidance counselor in Goddard, Kans., had this to say about his experiences with drug abusers in school:

"It's unreal. The Kid looks you straight in the eye and says, full of conviction: "Well, pot doesn't hurt me!" His grades have slid from A's and B's to C's and D's. He's been put off the basketball team beause of poor performance. He's irritable, hostile, always tired, feels depressed. He cares less about everything. He has a cough, chest pains. He's really going down the tubes. But blowing grass every day, he insists, has no relation to any of this.

"To my mind, the scariest thing about marihuana is that the user can't see what the drug is doing to him. Or, if he does admit to a sympton, he shrugs it off. Yesterday a seventh grader told me, 'I know pot's done bad things to my memory. But I don't really need my memory because I decided I'm not going to college.' "

Mr. President, the notion that marihuana is a harmless, non-habit-forming drug is a myth, a very dangerous myth, that deserves to be debunked. We must unmask the frightening facts about the extreme dangers of marihuana smoking, which has reached pandemic proportions in this country. The United States is the most drug-abusing nation in history, and marihuana is the most pervasive illegal drug of abuse. Vast numbers of our Nation's young people are daily ingesting a virulent poison into their bodies—marihuana.

The tremendous quantities of marihuana smoked and its uninterrupted usage, makes marihuana smoking

more dangerous than food additives or even air pollution. Current research even indicates that THC, the active ingredient in marihuana, may induce genetic mutation and cause permanent cell damage. Thus the deleterious effects of marihuana smoking may persist into the successive generations, and its mutagenic effects may alter our minds and bodies forever.

In the words of a White House drug policy official:

If the present adolescent drug abuse trends continue, we could soon acquire an unmanageable number of emotionally, intellectually, and socially handicapped young people; we could have a "diminished generation" unable to function effectively, if at all, in an increasingly complex and demanding world.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a special report by Consumer's Research magazine, entitled "Twelve Things You Should Know About Marihuana." And I plead with each Senator to read it carefully.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From Consumers' Research Magazine, April 1980]

TWELVE THINGS YOU SHOULD KNOW ABOUT MARIJUANA

OFFICIAL STUDIES REVEAL NEW EVIDENCE OF SERIOUS THREATS TO HEALTH: A SPECIAL REPORT FROM CONSUMERS' RESEARCH, INC.

The importation and sale of marijuana, once symbolic of the "counterculture" in the United States, has become big business.

As many as 43 million Americans have used marijuana at one time or another, and 16 million people described themselves as "current" users in a 1977 official survey. Suppling all these customers has become a multibillion-dollar industry—netting $12-$20 billion annually to the distributors, on the estimate of the Drug Enforcement Administration.

While most adults past 35 have not used marijuana, their children have—in ever increasing quantities. In one survey, 59 percent of high school seniors acknowledged having used the drug. And, quite clearly, they have little trouble getting it. A Gallup Poll found 81 percent of high school respondents saying marijuana was readily available.

The phenomenon has reached into the junior high schools, and to even younger age brackets. In 1978, one-quarter of the young people questioned said they has used marijuana by the time they were in the ninth grade. Officials of the National Institute on Drug Abuse, the Federal Agency that monitors such things, estimate that 8 percent of children 12 to 13 years old, and and unknown number under 12, have used marijuana.

This increased usage by young people has been matched by increasing potency of the drug as it is marketed in the United States. Chemical tests of marijuana coming into this country in the 1970s suggest it was five or six times strongers in terms of psychoactive ingredients than the marijuana available a decade earlier.

Marijuana use has grown so markedly because of a general belief that the substance is a harmless recreational drug, with no adverse effects. This view is widely entertained by young people. It has also drawn support from statements by groups interested in changing marijuana laws, and by official spokesmen who have said definitive results on marijuana are not yet in, or that it is no more harmul than tobacco or alcohol.

Also, as the marijuana industry has grown, a number of entrepreneurs have entered the field—selling glossy magazines and paraphernalia related to marijuana use. These products are in large measure aimed at youthful users, and often convey the message that consumption of marijuana is a harmless, if not actually beneficial, activity.

While millions of young people are using marijuana in the belief that it won't hurt them, developing scientific evidence points in just the opposite direction. In the past few months, Federal agencies that had previously spoken in tentative accents about marijuana have been issuing statements stressing the dangers of the drug, particularly for young people. While more research is needed, these statements suggest a serious, and growing, health hazard.

Past noncommittal comments on this subject were based on the fact that insufficient testing had occurred, or that the tests were not adequately controlled. In recent years, however, this situation has changed. The National Institute on Drug Abuse—a division of the Department of Health, Education, and Welfare—has sponsored more than 1,000 experimental projects concerning marijuana. More than 100 such tests were supported by NIDA in 1979.

In such tests, NIDA controls for dosage, strength of the psychoactive ingredients in the drug, and other possible variables, to insure that the results are both consistent and relevant to social usage. And, in addition to the tests it has sponsored, the agency continually sifts the results of other tests in this country and around the world.

Out of this process, there has emerged a series of results—and warnings—from the nation's highest ranking officials dealing with questions of drug abuse. In the past year, officials of NIDA have published documents and offered testimony before Congress explaining the physical and psychological effects of marijuana in greater detail than ever before. These statements are made the more impressive by the fact that previous comments from NIDA on the subject have been so restrained. (Symbolic of this change is Dr. Robert L. DuPont, former Director of NIDA.)

Prominent among the findings in these documents are that marijuana use impairs memory, learning performance and speech, reduces ability to perform tasks such as driving or flying, has negative effects in terms of heart rate and lung capacity, introduces cancer-causing hydrocarbons into the lungs, may affect the reproductive functions, leads to psychological problems in youthful users, induces feelings of paranoia and can lead to panic anxiety reactions.

In other words, these official studies reach conclusions that run directly counter to the popular assumptions about the effects of marijuana—particularly assumptions that are prevalent among adolescents and children who are using the drug on a regular basis.

In this special report, Conusmers' Research presents some of the data obtained from these official documents. All statements herein are derived from recent reports issued by NIDA or the summary statements of responsible NIDA officials, as follows (with citations used in the text given in parentheses): Testimony of William Pollin, M.D., Director of NIDA, before the U.S. Senate, January 18, 1980 (Pollin); Marsha Manatt, Ph.D., *Parents, Peers and Pot*, published by NIDA in 1979 (Manatt); address by Robert C. Petersen, Ph.D., NIDA assistant director of research, to the American Academy of Pediatrics, October 14, 1979 (Petersen); "Marijuana: What It Is and What It Does," in NIDA *Drug Abuse Facts*, 1980 (DAF).

We present this special report in the belief that parents and others need access to the latest findings to be fully aware of the risks being run by young Americans using marijuana.

1. What is marijuana?

Marijuana (also called pot, grass, reefer, or weed) comes from a plant with the botanical name of Cannabis sativa that grows wild and is cultivated in many parts of the world. Containing 419 chemicals, this plant has the ability to intoxicate its users, primarily because of the psychoactive mind altering ingredient called delta-9-tetrahycrocannabinol, or THC. It is the THC content, found at various concentrations in different parts of the plant, which determines the potency. And the THC content is controlled by plant strain, climate, soil conditions, and harvesting. (DAF)

THC (delta-9-tetrahydrocannabinol) is the major psychoactive, or mind-altering, chemical in marijuana, but at least three other cannabinoids that affect the mind interact with THC . . . THC is a powerful hallucinogenic chemical; however, marijuana users take THC in a form diluted with nonpsychoactive plant material.

In the 1960s, most of the marijuana used in the United States was domestic and had a low THC content (0.2 percent to 1.5 percent). During the 1970s, a great deal of marijuana consumed in the United States has been smuggled from Mexico, Jamaica, and Colombia with a THC content averaging 2.5 percent to 5 percent. (Manatt)

Although confiscated samples of cannabis can not be regarded as adequately representative of marijuana used in the United States, there is considerable evidence that their potency has markedly increased over the past several years. Analyses by our University of Mississippi Marijuana Research Project chemists indicated that in 1973 Mexican samples averaged little more than one-tenth of one percent delta-9-THC, the principal psychoactive ingredient. By 1979, however, the strength of the material had increased to nearly two percent THC (1.95 percent)—nearly a twenty-fold increase. Other material, suspected to be of Colombian origin, now averages over four percent THC content. Samples of hashoil, a still more concentrated material (not even available a decade ago), has been found to have an average THC content as high as twenty-eight percent. (Petersen)

2. Who uses it?

An estimated 43 million Americans have tried marijuana at least once. Approximately 16 million were considered current users at the time of the last national survey in 1977, "current" because they reported smoking marijuana during the month preceding the survey.

A breakdown of teenage marijuana use shows that:

59 percent of high school seniors had tried it, and 1 out of 9 was a daily user.

8 percent of the 12–13 year olds reported that they had smoked marijuana at least

once, and half of this groups were current users.

29 percent of the 14-15 year olds had tried it, and 15 percent were still using it.

While children under the age of 12 were not surveyed, many in the 12 to 17 age group report that they first tried marijuana, and even started smoking it regularly, while they were still in grade school, and probably before their parents even suspected they knew about the drug. (DAF)

Use, once largely confined to young adults, now involves millions of children under eighteen, many of whom smoke marijuana every day. Frequency of use is clearly increasing and the age of first use continues to drop alarmingly. In 1975, for example, one out of seventeen high school seniors nationwide was using daily. By 1978 the percentage of seniors using each day had nearly doubled. We have good reason to believe such use is continuing to increase. In Maine and Maryland, for which we have recent statewide survey results, one in six high school students is getting "high" on virtually a daily basis. The number of high school seniors who had first used marijuana by the ningth grade jumped by fifty percent (from 16.9 to 25.2 percent) between 1975 and 1978. (Petersen)

Figures from the annual survey of high school seniors conducted by the National Institute on Drug Abuse in 1977 indicate that adolescents are beginning their use of marijuana at younger ages. . . . In 1977, surveys showed that more young girls were joining their male peers in pot smoking. In 1978, the proportion of high school seniors who smoked marijuana daily rose to 1 out of 9 (11 percent), nearly double the figures for daily use in 1975 (1 in 17, or 6 percent). Daily marijuana use now exceeds daily alcohol use among high school seniors (6 percent). In fact, the percentage of teen-agers who are daily users of marijuana may well exceed the 11 percent who acknowledge daily use in the survey. (Manatt)

3. Accumulation in the body

When marijuana is smoked, THC, its active ingredient, is absorbed by many tissues and organs in the body. The body, in its attempt to rid itself of the Foreign chemical, chemically transforms the THC into metabolites. Human tests on blood and urine can detect THC metabolites up to a week after marijuana is smoked. Tests involving radioactively labeled THC have traced these metabolites in animals for up to a month. (DAF)

THC and the other cannabinoids are fat-soluble chemicals. They accumulate in the fatty linings (lipid membranes) of the cells in the body and brain, and are metabolized out of the system very slowly. A week after a person smokes one marijuana cigarette, 30 to 50 percent of the THC remains in the body; it is estimated that 4 to 6 weeks are required to eliminate all the THC. Thus, the youngster who smokes on Saturday night and again on Wednesday gradually builds up the level of THC in his/her system. Regular use—even once or twice a week—means the user is never entirely free of the drug . . .

At present, scientists are not sure how this accumulation of marijuana chemicals (including many cannabinoids and compounds other than THC) affects human health and development. However, many observers of youthful marijuana smokers worry that this slow, subtle, accumulation within the body and brain may cause gradual personality and behavioral changes. (Manatt)

4. Marijuana and alcohol

Various marijuana plants and various parts of the same plant have differing amounts of the cannabinoids and can produce different effects on users. In this respect, marijuana differs from alcohol, which has a controlled level of active ingredient. (Manatt)

The persistence of THC in the system differentiates marijuana from alcohol. Alcohol is a water-soluble chemical that is metabolized or "washed out" of the body relatively quickly. Thus, the youngster who drinks too much will probably get sick and suffer a hangover the next day, as his/her stomach and liver work to process the alcohol. This detoxification is completed within 12 hours. Because THC is not water soluble, it is not quickly washed out by the body fluids. (Manatt)

Despite their occasional assertion to the contrary, children's marijuana use is not analogous to the adult's before-dinner martini. Unlike the martini, smoking a "joint" has as its objective getting "high," that is, intoxicated in a way that alters judgment, self-perception, memory, and other aspects of psychological functioning. Unfortunately, unlike alcohol intoxication, with its telltale signs of slurred speech, impaired coordination, and breath odor, marijuana intoxication is easily disguised so that it clearly interferes with learning and performance in school. (Petersen)

However, studies have also shown that marijuana does not increase aggressiveness as alcohol sometimes does, and a driver under its influence is not as likely to lose control of the car. (DAF)

5. Effects on the lungs

Scientists believe that marijuana can be particularly harmful to the lungs because some users inhale the unfiltered smoke deeply and hold it in their lungs as long as possible, thereby keeping the smoke in contact with lung tissue for prolonged periods. Repeated inhalation of smoke, whether marijuana or tobacco, inflames the lungs and affects pulmonary functions. In one study on humans, it was found that smoking five joints a week over time is more irritating to the air passages and impairs the lungs' ability to exhale air than smoking almost six packs of cigarettes a week. Another study on animals using THC levels similar to daily human use found that extensive lung inflammation . . . after 3 months to a year of use.

While marijuana smoke has been found to contain more cancer-causing agents than tobacco smoke, there is no direct evidence so far that marijuana can cause cancer in humans. However, biopsies of human lung tissue chronically exposed to marijuana smoke in a laboratory showed cellular changes called metaplasis that are considered precancerous. In laboratory tests, the tars from marijuana smoke have produced tumors when applied to animal skin. (DAF)

There is growing concern that the contemporary American practice of inhaling and holding marijuana smoke deep in the lungs may precipitate earlier and more serious lung problems than have been identified in countries where marijuana use has been traditional. In 1976, lung researchers reported that smoking three to five joints a week is equivalent to smoking 16 cigarettes a day . . . That is, five joints equal 112 cigarettes. (Manatt)

Marijuana smoke contains larger amounts of cancer-producing hydrocarbons than tobacco. In animal testing the smoke residuals produce skin tumors and there is laboratory evidence that human lung tissue exposed in the test tube to marijuana smoke shows more cellular changes than when exposed to similar amounts of standard tobacco smoke. As yet, there is no direct evidence that marijuana smoking is correlated with lung cancer, although some preclinical studies point out some changes which may in the longterm result in cancer. Critical epidemiological studies should be started to evaluate this risk after longterm use. As with tobacco, it will probably take at least 20 years to know the results.

After exposure to marijuana smoke, pulmonary macrophage production has been inhibited in animals. These are the cells which help protect the lungs from bacterial invasion. Cilia, which assist in moving inhaled dust and other small foreign particles from the lungs, have also been found to be adversely affected by marijuana smoke. In summary, following exposure to marijuana smoke, defense systems in the lungs show more impairment than following exposure to tobacco smoke.

In three animal studies, after daily exposure for periods of from 3 months to a year, the animals showed extensive lung inflammation and other evidence of lung damage not found in animals exposed to tobacco or to inert marijuana smoke. Thus, it appears likely that daily use of marijuana may lead to lung damage similar to that resulting from heavy cigarette smoking. (Pollin)

6. Effects on the heart

Marijuana use leads to an increased heart rate and associated circulatory changes. Evidence that chest pain associated with poor circulation to the heart muscle occurs more rapidly in patients with already impaired heart function with marijuana use than with cigarette smoking has led to a consensus that those with heart conditions, or at high risk, should not use marijuana. Limited studies to date have not shown deleterious consequences from these acute effects in healthy young male volunteers. (Pollin)

Marijuana use increases the heart rate as much as 50 percent and can bring on chest pain in people already experiencing a poor blood supply to the heart. For this reason, doctors believe that people with heart conditions, or those who are at high risk for heart ailments, should not use marijuana. (DAF)

Studies show that adults with impaired heart function suffer chest pain (angina pectoris) when they exercise after smoking marijuana. Smoking tobacco cigarettes also affects heart function, but the marijuana effect is even more pronounced. Thus, people with known heart problems should not smoke marijuana at all. Physicians warn that marijuana's effect on heart function may pose an increasing public health problem if use continues to spread among older adults and if youthful users keep smoking pot as they grow older.

Many heart weaknesses in children and adolescents are not detected until later in life. Whether increasing marijuana use among youngsters will precipitate earlier manifestations of latent heart defects is an open question. (Manatt)

7. Interference with memory

Acute intoxication impairs learning, memory, and intellectual performance. Virtually all of the many studies which have been done of performance while "high" show that marijuana interfers with immediate memory and intellectual performance in ways that impair thinking, reading compre-

hension, arithmetic problem solving and speech.

The research finding such impairment included a variety of study tasks such as digit symbol substitution (a timed task in which the individual substitutes a series of symbols for numbers), choice reaction time (a reaction-time task in which the response depends on rapidly discriminating between choices), the ability to repeat in forward and backward order a succession of digits and to mentally make a succession of repeated subtractions.

Less familiar, more difficult tasks are interfered with more than well-learned performance, and the extent of the effect as with all drugs depends on the amount used. (*Pollin*)

8. Driving and flying

Marijuana intoxication impairs driving, flying and other complex psychomotor performance, at usual levels of social usage. Studies involving such diverse areas as perceptual components of the driving task, driver and flight simulator performance, test course and actual driving behavior, all tend to show significant performance and perceptual deficits related to being high that make functioning more hazardous . . .

Research has indicated that experienced pilots undergo marked deterioration in their performance under flight-simulated or test conditions while high. It is also significant that these experienced pilots predicted there would be no decrement in their performance, and were not aware of the general deterioration in their performance. There was a substantial decrement on the basis of having smoked only one joint.

A continuing danger common to both driving and flying is that some of the perceptual or other performance decrements resulting from marijuana use may persist for some time, possibly several hours, beyond the period of subjective intoxication. Under such circumstances, the individual may attempt to fly or drive without realizing that his or her ability to do so is still impaired although he or she no longer feels "high." Ongoing studies are attempting to further delineate these issues. (Pollin)

9. Defense against disease

Because marijuana accumulates in the fatty membranes of the body cells, it affects the entire cellular process, including cell-mediated immunity. Although this complex area of research will require many years to establish conclusive findings, there is increasing evidence that marijuana use reduces or alters fundamental cellular defenses against disease. Because there has still been no centralized pooling of information from parents, physicians, and marijuana users themselves, the practical implications of the lab findings are still not established. (Manatt)

Some reports suggest that the white cell formation central to the body's immune response is affected by heavy marijuana smoking. Some laboratory animal studies have found that the immune response is significantly suppressed in mice and rats subjected to high doses of marijuana. Other studies have not confirmed these findings. Because the immune response is so important to good health, long-term studies are essential to determine if marijuana users become more susceptible to disease. (DAF)

The T-lymphocyte is a white blood cell which plays a central role in the immune response. There have been two human studies, which suggest an effect on T-cell function under conditions of chronic heavy marijuana use; other human studies, however, have failed to confirm this observation.

The animal data are a bit more clear-cut and have more consistently indicated a definite suppression of the test animals' immune responses. Three reports based on work in two laboratories have reported reductions in the immune response in mice and rats treated with high, but humanly relevant, doses of inhaled marijuana smoke.

There has been no large-scale epidemiological research undertaken as yet to determine if marijuana smokers suffer from infections and other diseases to a greater extent than others of similar lifestyle, who do not use the drug. Thus, for the present, this question must be regarded as unresolved. (Pollin)

10. Psychological effects

There is unanimity of informed professional opinion concerning marijuana use by children. While there may be uncertainty about the implications of occasional marijuana use by well-integrated adults, there is little question that regular use of an intoxicant that blurs reality and encourages escape into a chemical nirvana makes growing up more difficult. (Petersen)

The most common adverse clinical reaction of marijuana use among American users is the acute panic anxiety reaction. Transient mild paranoid feelings are common in users. Marijuana flashbacks have been reported.

An acute brain syndrome associated with cannabis intoxication including such features as clouding of mental processes, disorientation, confusion and market memory impairment has also been reported, though this is much more likely at unusually high doses and appears to be rare. (Pollin)

Personality and behavioral changes will probably occur long before any physical changes become obvious, though many of the psychological problems may have a physiological basis. Some observers of heavy marijuana users have described an amotivational syndrome, in which the user becomes apathetic, lethargic, passive, and withdrawn. Younger users tend to lose interest in schools, sports, clubs, and other vigorous or engaging activities. Their lives seem to narrow in focus, as they become more preoccupied both with the rituals of drug use and with drug-using friends. The youngster may frequently be fatigued, depressed, and moody. S/he may have a tendency toward paranoia and complain that everyone is "down on me" or that someone is always "hassling me." Despite the apathy and withdrawal, s/he may flare up and become hostile when questioned by parents or teachers about altered behavior or attitudes . . .

Perhaps the most insidious effect of adolescent marijuana use is that mood-altering drugs provide a quick and simple escape from the stresses that are a normal part of growing up. A youngster who continually blots out pain, boredom, or frustration, never learns to cope with them. Many youngsters who habitually get stoned at parties and games do not learn to converse and to participate; they do not develop social skills. Being stoned is a self-absorbing, self-limiting, antisocial experience. Tennagers who continually "get high" may grow up believing that getting high is the only way to enjoy anything. (Manatt)

11. Possible brain damage

To date, no definitive neurological study of humans has turned up evidence of marijuana-related permanent brain damage. However, in a recent study of rhesus monkeys, the animals were trained to smoke a marijuana cigarette 5 days a week for 6 months. The researcher reported that persistent changes in the structure of the monkeys' brain cells followed.

This and other studies have led researchers to conclude that the possibility of subtle and lasting changes in brain function from heavy and continuous marijuana use cannot be ruled out. (DAF)

In 1976, Dr. Sidney Cohen reported that marijuana use may alter the relative roles of the right and left hemispheres of the brain, with significant impairment of verbal-analytic tasks. To some degree, his findings substantiate the observation by a Canadian researcher that regular marijuana use seems to decrease his students' ability to abstract and synthesize or to perceive appropriate relationships when writing university-level essays. In 1978, Dr. Robert Heath and his associates revealed that his studies with rhesus monkeys indicated that heavy marijuana use (one joint a day) produced permanent changes in deep-brain areas that affect emotion and behavior. Of particular significances was a widening of the gap between brain cells (the synaptic cleft) across which nerve impulses are transmitted. (Manatt)

12. Effects on reproduction

There is evidence that marijuana, like many other substances and therapeutic compounds, affect the network of glands and hormones which are involved in such functions as reproduction. There are a variety of both animal and human studies suggesting that marijuana used daily and in substantial amounts similar to those of a regular cigarette smoker may adversely impair some aspects of the reproductive function.

Levels of the male hormone testosterone have been found to be reduced temporarily, though still within normal range, in some, but not all studies, Whether more persistent, chronic use of marijuana might result in permanently depressed levels of serum testosterone is not known at this time.

At least two studies have found abnormalities in the sperm count, motility and in the structural characteristics of sperm of male chronic users. One study of 16 male, healthy, chronic marijuana users smoking from eight to 20 standard marijuana cigarettes per day for 4 weeks in a hospital environment, found a significant decline in sperm concentration and a decrease in sperm motility.

Three studies in animals of the effects of marijuana on testicular functioning, including the production of sperm, have also found adverse effects. While the clinical implications of such findings are not yet known, and the acute effects noted may be reversible when marijuana use is stopped, they do indicate a basis for concern for long term users as decreased fertility may result, expecially in those of already marginal fertility. (Pollin)

Information about the reproductive effects of marijuana on women is scarce; marijuana research on women of childbearing age is not permitted because of possible reproductive risks. But one recent study of marijuana use and human female endocrine functioning with 26 women using street marijuana for 6 months or more found they had defective menstrual cycles three times more frequently than a similar group of nonusers.

These defective cycles involved either a failure to ovulate or a shortened period of

fertility—findings which suggest that regular marijuana use may reduce fertility in women. Many female animal studies have been completed and show that marijuana influences levels of estrogen, the principal female sex hormone, and progesterone, another reproductive hormone, as well as the growth hormone from the pituitary. These studies do suggest that heavy use should be avoided by the physically and sexually developing adolescent girl . . .

As stated earlier, research on women is limited because of possible risks to the unborn child. Laboratory animal tests, however, have shown that THC-treated female monkeys were four times more likely than untreated monkeys to abort or have stillborn infants. And males born of the THC-treated monkeys were lighter than usual in birth weight. Scientists believe that marijuana, which crosses the placental barrier in the pregnant mother's womb, may have a toxic effect on embryos and fetuses. Use of marijuana or any other drug during pregnancy is an unnecessary risk.

Animal studies have shown that THC from marijuana can be transmitted to a baby through the mother's milk and that traces of THC have been found in the baby's urine and feces after nursing. Scientists have no doubt that THC is also transmitted in human milk, but because of possible risks to the mother and child, human research has not been done. (DAF)

NATURAL GAS DECONTROL

Mr. HELMS. Mr. President, I hope Senators will read an article on natural gas deregulation by Dr. Edward Erickson, professor of economics and business at North Carolina State University.

Dr. Erickson has just completed an exhaustive study of the natural gas market in North Carolina and the possible economic impact of price decontrol there. In a nutshell, his article recounts the enormous benefits North Carolina and, indeed, the Nation, would realize if Federal restrictions now inhibiting the market were lifted.

My support for deregulation is no secret. I firmly believe Federal controls should be removed to insure adequate supplies of natural gas at affordable prices.

Mr. President, the Senate may soon consider whether to deregulate natural gas. I urge my colleagues to read Dr. Erickson's fine article and consider the compelling points he makes.

I ask unanimous consent that the text of the article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA SHOULD BENEFIT FROM NATURAL GAS DEREGULATION

(By Edward W. Erickson)

(Editor's note: Dr. Erickson, Professor of Economics and Business at N.C. State University in Raleigh, undertook a study of the potential economic effects of federal deregulation of natural gas prices on North Carolina. His article below is based on that study.)

North Carolina has always been a leader. It is evident in our microelectronics center, our university system and our attractiveness to high quality new industry. North Carolina's tendency to be at the front of the pack is less apparent, but no less real, in the area of energy as well.

North Carolina is not a primary energy producing state, but the economic growth we have enjoyed over the last quarter century has in large measure depended upon increased energy utilization and availability. Since 1960, total U.S. energy utilization has increased 80 percent. Over the same period, North Carolina's energy requirements have grown 120 percent, or 50 percent more than the rest of the country. This growth is not the result of squanderous use. North Carolina's use of petroleum has tracked conservation trends in the rest of the country almost exactly. Growth of total residential energy consumption in North Carolina has been slightly higher than that for the rest of the country, but this simply reflects North Carolina's higher population and per capita income growth rates.

The major causes of increased energy use in North Carolina are the rapid increases in energy consumption in our industrial and commercial sectors. Since 1960, commercial sector growth in energy use has been 70 percent greater in North Carolina than in the rest of the country. And North Carolina's increase in the industrial use of energy is over 100 percent greater than that for the total nation.

The energy sources which have fueled these higher commercial and industrial energy growth rates have been coal and natural gas. North Carolina's use of coal is up 140 percent compared to a 40 percent increase for the rest of the country. And North Carolina's use of natural gas is up 183 percent versus 67 percent for the whole national economy.

The importance of coal as an energy source to fuel North Carolina's higher than average growth rate is consistent with both our relatively greater reliance upon electricity and national energy policy. But the role of natural gas is a pleasant surprise.

Just a few years ago, natural gas was nearly written off by national policy makers. It was widely believed that there was very little natural gas left to find and that the required drilling effort was beyond the capacity of the industry to undertake. Since 1976, however, the number of U.S. gas well completions has doubled. And in 1981, the latest year for which data are yet available, U.S. natural gas reserve additions exceeded production for the first time since 1967. Domestic natural gas is now beginning to be perceived as a potential bridge fuel to the latter part of the 21st century.

North Carolina has shared in the benefits of this encouraging reassessment. Since the days of deep curtailments in 1977, North Carolina natural gas use has more than doubled. Increased availability of natural gas has supplied about one-half of North Carolina's growth in energy usage since 1977. Thus, natural gas has made a very important contribution to the industrial growth which has benefited all North Carolinians. North Carolina industries which have benefited substantially from increased natural gas availability include textiles, tires, glass and fertilizer.

The shortages and curtailments in the 1970s were regulation-induced. Federal ceiling price controls did not permit producers to incur the costs necessary to allow supply to keep up with demand. It has been observed that, next to bombing, the second best way to destroy a city is through rent controls. The natural gas shortages which we inflicted upon ourselves were another illustration of that principle. For North Caorlinians, that was particularly bad news because we again led the nation—only that time it was in shortages of natural gas.

Is it possible that North Carolina might experience a re-run of the curtailments of the 1970's? Unfortunately the answer is yes.

Contrary to popular belief, the Natural Gas Policy Act of 1978 (NGPA) was not a deregulation bill. The NGPA extended regulation to the 40 percent of natural gas production which had previously not been subject to federal ceiling price controls. The NGPA pigeon-holed various kinds of gas production into a byzatine structure of over two dozen separate ceiling price control categories. About 5 percent of current gas production was decontrolled by the NGPA, and more decontrol is scheduled for 1985. But even after the scheduled decontrol of some gas in 1985, about one-half of U.S. natural gas production will still be subject to federal ceiling price controls. This remaining price-controlled natural gas, unevenly distributed among pipelines, has a considerable potential for mischief—particularly with respect to North Carolina.

North Carolina's sole source of natural gas is pipeline deliveries by Transco. Because of the rapid growth on the Transco system, Transco's relative share of older, price controlled gas is considerably smaller than the national pipeline average. For example, Transco's average cost for buying gas is $3.20 per million Btu's. This is almost 20 percent above the national average cost of about $2.70 per million Btu's. This means that North Carolina industries served by Transco have to compete with industries elsewhere which are served by other pipelines and have significantly lower energy costs.

At the moment, there is more total gas available to Transco than Transco can market to its customers. As a result, Transco has taken the national lead in developing innovative marketing methods. The North Carolina Utilities Commission has also been a national leader in encouraging our distribution companies to adopt flexible marketing practices. But the surplus of today, like the shortage of a few years ago, may not be a permanent thing.

To discover and produce natural gas requires that wells be drilled. A leading indicator for well completions is the number of drilling rigs in active operation. In December of 1981, the number of active drilling rigs in operation reached an alltime historical peak of 4,520. At the end of April, 1983, the active rig count was 1,860—nearly a 60 percent decrease.

The signs are beginning to indicate that we are on the way out of the most severe industrial recession since World War II. Therefore, for both demand and supply reasons, the national natural gas market may begin to tighten up in the relatively near future.

In a tight national market, North Carolina may be disadvantaged in terms of access to available natural gas supplies. Pipelines now purchase a mix of natural gas with widely different regulated wellhead prices. These different prices are all rolled together with transportation costs to arrive at an average delivered price. For gas to be sold, the average delivered price must be competitive with alternative fuels. In a tight market, with some gas controlled and other gas decontrolled, pipelines with large shares of the controlled gas can bid higher prices for

decontrolled gas than can pipelines such as Transco with small shares of controlled gas.

Pipelines with large shares of controlled gas are called "deep cushion" pipelines. Pipelines with small shares of controlled gas are called "shallow cushion" pipelines. In a relatively tight market, deep cushion pipelines can outbid shallow cushion pipelines for available new gas supplies, average the higher new gas costs in with lower controlled gas costs, and still remain competitive at the burner tip. The result is shortages and curtailments for shallow cushion pipelines such as Transco.

If a shallow cushion pipeline is disadvantaged in terms of access to new gas supplies and has to curtail industrial load, the remaining residential customers have to pick up a larger share of the total transportation and distribution overhead. But if a shallow cushion pipeline attempts to match the "hothouse" prices offered by deep cushion pipelines, its average delivered gas costs exceed alternative fuel costs and it loses industrial load anyway. It is a "no win" situation created by the existence of some gas that is subject to price controls and some gas that is not.

A potential solution might appear to be extending ceiling price controls to all gas. But that just creates another layer in the complicated welter of regulated prices, encourages inefficient use of natural gas, and lays the foundation for another national shortage of natural gas.

The Federal Trade Commission has found that, "the natural gas industry is capable of workably competitive performance in the absence of price regulation." In a competitive situation, prices are free to go up and down as contracts are voluntarily renegotiated in response to the market forces of supply and demand. Even impeded by price controls, these forces are at work in natural gas markets today. It is difficult, however, for a competitive market to generate its full potential benefits when it is half price controlled and half free. The real solution is to totally remove all federal ceiling price controls from the entire supply of natural gas.

Deregulation of wellhead prices for natural gas and removal of regulatory restrictions on the use of gas yield incentives to utilize natural gas efficiently, cause natural gas to be produced at minimum cost, and allow the market to flexibly adapt to changes in supply and demand. The sooner complete deregulation of the natural gas market occurs, the better it will be for the citizens of the United States, and particularly North Carolinians.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

THE CONTRIBUTIONS OF SENIOR CITIZENS CENTERS

Mr. PERCY. Mr. President, on August 30, 1983, the Daily Dispatch published an excellent feature story about the Moline Senior Citizens Center. I had the pleasure of visiting this center while I was in Illinois during the August recess.

As I pointed out in my book "Growing Old in the Country of the Young," loneliness and poverty are the worst fears of the elderly. Senior centers such as this one in Moline provide an unduplicated variety of services to help address both problems.

One of the most important services provided by the Moline Senior Citizens Center and other similar senior centers is companionship. Through social activities like planning group traveling, cardplaying, billiards, and dances, and charity work such as craft projects and volunteer programs, older persons who otherwise might feel isolated and shut out of society can remain actively involved in the community.

Other centers also serve as congregate nutrition sites, providing the only hot balanced meals some of the elderly may have contributing what they can to their cost. I was proud to coauthor the original meals program, and feel a special affinity with it. Before this program started, many older persons used to sit alone all day in their separate apartments drinking tea and eating toast, because they had no money for food or were unable to cook. The meals program provides both a nutritious meal at a low cost and, perhaps even more importantly, lunch companions for people who might under other circumstances go without human contact for periods of time.

A number of communities also have another food program that delivers hot meals to elderly men and women who are homebound but nevertheless want to remain in their own homes and out of nursing institutions. The daily delivery of meals and human contact make this possible. The program allows people whom the elderly trust to have access to them, to learn when they are having problems, and to guide them to solutions.

In addition, transportation plays an essential role in the comprehensive programs of many senior centers. It is difficult for a number of the aged to get around without aid—and virtually all the elderly have trouble coping with standard mass transportation where it is available. A growing number of areas are providing small buses and vans to help the elderly run necessary errands, see physicians, and reach community events, including senior center affairs. This not only provides essential transportation, but allows the opportunity to see friends and meet others while on the bus.

It is clear, then, that senior centers provide invaluable services to the elderly. I ask unanimous consent that this article, which outlines one such center's contributions, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Moline (Ill.) Daily Dispatch, Aug. 30, 1983]

SENIORS' CENTER OFFERS FRIENDSHIP

(By Jeff Rodriguez)

MEMBERS FIND NEW PURPOSES IN LIFE

Maybe you're one of those people who has always associated being old with rocking chairs, hearing aids and long days of listless inactivity.

Well, sonny, have you got another think coming!

Why, down at the Moline Senior Citizen Center, where the weekly schedule includes exercise classes, arts and crafts, charity projects, and even dancing, there's always something interesting going on. The center is not only for those who are young at heart, but for the folks who are young in the head and hands as well.

"The people here are terrific," said Lynn Wilkinson, coordinator for the center and herself a spry 25 years of age. "They're always on the go, always having a good time. I can hardly keep up with them."

Wilkinson said the center, located at 620 18th St., is "primarily a recreation facility." She said membership dues are just $2 annually, and the center is open to all senior citizens in the area, Monday through Friday, 9 a.m. to 5 p.m.

But though the center is a recreational and social outlet for the members, there's a good deal of charity work going on. Through the Leisure Auxiliary of the center, the members do work for the American Cancer Society, the Junior Service League, FISH and other organizations that approach them.

In June, they reported nearly a thousand hours of volunteer work for the month. "Anything we can do to help, we'll do," said Wilkinson.

And that includes helping themselves; the center is operated and supervised by the Moline Park and Recreation Board, but, true to the nature of its membership, the center is largely self-reliant. The city pays for the maintenance of the building, and for the salaries of Wilkinson and her staff, but the center is otherwise left to its own means.

Funds are gathered through the many donations of money and gifts from members (73 in June alone), and through several fundraising projects.

One of the center's most important projects is the open house, where members sell craftwork and other handmade goods to visitors, giving their profits to the center. "They're a very giving group, both monetarily and in friendship," said Wilkinson.

It's probably that friendship that the group is richest in. The center is a very big reason why there are few less elderly citizens who consider themselves "elderly."

"After my husand died, I hibernated," said Estella Schaaf, Moline. "Being here has given me new life."

Schaaf, a victim of a series of strokes, was told by doctors that she would never walk again. Now she's a supervisor for the Leisure Auxiliary, and she scurries about constantly, checking with everyone and helping to get the work done. Schaaf said, "If I would have given up, I'd still be in a wheelchair."

Adah Fye, East Moline, said, "I don't know what I'd do without the center, it's been a big boost. When my husband died

suddenly, it left a great void. This has filled the void."

Wilkinson said the center has about 800 members. They come from all social classes and span four decades of age differences, from members in their 50s all the way up to 98-year-old Elizabeth Matson, who still comes to the center to help sew cancer pads.

Wilkinson said transportation is available for members unable to drive or without cars. "They're proud people," she said. "They don't like to be catered to."

One member capable of transporting himself is Arthur Timmerman, Moline, who has been a member for about 15 years (dating back to when the center was run out of the old Viking Hall in Moline). Timmerman does the shopping with Wilkinson, hauls the groceries and runs other errands for the center.

"We all come down here to give something," said Timmerman. "The more active you are, the better off you are." Timmerman said he goes to the center about four times a week, and enjoys the card-playing and billiards.

Cards and pool are just two of the many activities at the center. There are also craft projects, sing-alongs, calligraphy classes and exercise sessions. Every Friday, a live band is brought in for a dance, and the members also have their blood pressure checked twice a month.

Wilkinson, who has been coordinator for just over a year, praised the work of her two staff members, Sally Chumbley and Lucille Almquist. In the process of building a solid working relationship with them, she has earned the respect of the members.

"Lynn has been helpful along every line," said Helen Adamson, East Moline, a member of the center for 20 years. "They picked a good one when they picked her."

"The age differences haven't been a problem," said Wilkinson. "At first, I was a little concerned about being grand-parented, but they're very easy to get to know and love. If you respect them, they'll respect you."

The relationship has proved beneficial for both Wilkinson and the members, giving the center an inviting atmosphere. The center is a place for senior citizens to keep productive and stay active at an age when many people are slowing down.

But the center also provides another valuable feature: friendship. Loneliness can add years to a person's life, and the companionship of the center helps to combat that unnatural aging. It's almost as if the center has some mystic capability to restore youth and energy to the members; the elderly citizens once too tired to face the next day now can't wait for it to begin.

"This is my second home, and I love it," said Mary Taulbee, Moline. Like so many of the members, she said that the center's existence has made all the difference to her outlook on life.

"Before, I was lost, and didn't know what to do with myself," she said. "Now I'm down here every day, always trying to keep busy, always on the go. My family says they have to make an appointment just to see me anymore. Me, I think it's wonderful just being here."

PRESIDENT REAGAN ON THE VOA

Mr. PERCY. Mr. President, the greatest goal of this or any nation is peace. It is the shared dream of the American people that peace will someday bestow its manifold blessings on all the troubled regions of the world. I want to commend to the attention of my colleagues the remarkable way in which the U.S. message of peace was carried to the world last Saturday, September 24, when President Reagan made a remarkable trip from the White House. He sat at a microphone in a studio of the Voice of America in Washington, and, for the first time since President Kennedy, an American President addressed the world on the broadcast frequencies of the Voice of America.

President Reagan spoke about peace and about his forthcoming remarks to the U.N. General Assembly. The broadcast probably reached 100 million people, many of whom would have been unable to hear the President's message from the United Nations because its transmission would have been stymied by the jammers of the Soviet Union and their proxies. The President's speech was simultaneously broadcast in English and in Russian, Ukrainian, Lithuanian, Romanian, Bengali, Hausa, and Urdu.

The broadcasting of accurate, objective and comprehensive news is the mandate under law of the Voice of America. The President and the Voice of America are to be highly commended for their work in getting the message of peace across to the world. I ask unanimous consent that an article on the subject from the Chicago Tribune appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 25, 1983]

SOVIET RADIO LISTENERS HEAR REAGAN

PRESIDENT'S ADDRESS ON PEACE CARRIED OVER VOICE OF AMERICA

WASHINGTON.—President Reagan had his weekly radio address beamed into the Soviet Union Saturday with simultaneous translations into eight dialects to push "the cause of peace."

In a long-planned and highly secret bit of diplomatic one-upsmanship, Reagan traveled several blocks from the White House to Voice of America headquarters to give his regular U.S. audience and millions of Soviet listeners a preview of his speech to the United Nations General Assembly on Monday.

"I will speak to the United Nations General Assembly in two days for a cause that people everywhere carry close to their hearts—the cause of peace," Reagan said.

"The subject is so important I want to share this message with a larger audience than I usually address each Saturday in the United States," he said in remarks released in advance by deputy press secretary Larry Speakes.

Word of Reagan's trip to Voice of America, where he used the same equipment at the same master control unit used when President Dwight Eisenhower broadcast to the world in 1957, was tightly held in advance "so the Soviets hopefully will not have the opportunity to jam the broadcast," Speakes said.

The reason for the Voice of America appearance "is to get his message across, particularly to people in the Soviet Union," Speakes said.

As the President spoke in English, simultaneous translations were broadcast in Russian, Ukrainian, Romanian, Bengali, Hausa [an African dialect], Lithuanian and Urdu [a Pakistani language spoken in the Soviet Union].

The broadcast will be available later in the other 42 languages the Voice of America broadcasts in, Speakes said.

Speakes said an estimated 100 million people each week hear Voice of America broadcasts in eight languages on three continents, Europe, Asia and Africa.

"It's to get his message across to the people, particularly the Soviet Union," said Speakes, who added the event had been in the planning stages for a few weeks. Reagan normally delivers the live broadcast from the Oval Office, or from his retreat at Camp David, Md.

Speakes said, "The pitch is to take his desire for peace directly to the Soviet people and others around the world."

Reagan used the 25-year-old equipment to symbolize the point he made in a speech several weeks ago that the Voice of America's hardware is outdated and in need of modernization with funds from Congress. He said at the time the Soviets could be winning a propaganda war because of their advanced broadcasting technology.

BRAZILIAN DEBT PROBLEM

Mr. PERCY. Mr. President, the continuing international debt crisis will be the major focus of attention during the annual meeting of the World Bank/Intenational Monetary Fund meeting this week in Washington. Brazil has replaced Mexico as the debtor country with the most serious difficulties. Its foreign debt now exceeds $90 billion, and it is in arrears in interest payments to foreign bankers by more than $2 billion.

Last May the IMF and the international banks suspended loans to Brazil because of its failure to comply with IMF conditions. Although the Brazilian Government has recently negotiated a new agreement with the IMF, the resumption of foreign loans to Brazil is by no means certain. In keeping with its economic stabilization program, the Brazilian Congress must first pass a tough wage law, and this bill is spawning widespread opposition even within the governing party.

It is of major importance to the United States that Brazil find solutions enabling it to satisfy its foreign creditors without provoking serious internal social unrest. An important contribution to the debate on this topic was made earlier this month by Rubem Medina, a noted Brazilian Congressman. In a speech at the Johns Hopkins School of Advanced International Studies, Mr. Medina, who has twice headed the Economic Commission of the Brazilian Congress, elaborated a comprehensive five-point program for alleviating Brazil's foreign debt. His thoughtful proposals merit the serious attention of my colleagues

in the Senate. I ask unanimous consent that Congressman Medina's statement be entered in the CONGRESSIONAL RECORD at this point.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

LECTURE BY FEDERAL CONGRESSMAN RUBEM MEDINA AT THE SCHOOL FOR ADVANCED INTERNATIONAL STUDIES

In 1983 the Brazilians are faced with a drama resembling that which you yourselves went through in 1929. And they are going to overcome it, sooner or later. Sooner, if you, and all the people in the world learn to know us better and to trust us.

I am an economist, and a politician freely elected by the people. In other words, I study Brazil at my desk and I live Brazil in the highways and byways, in the trains, the plants and the plantations. This dual status lets me view Brazilian problems in a particularly all-encompassing manner. It brings me a feeling of certainty that the Brazilian crisis is so immense and complex that it forms a part of an even greater crisis that involves the whole world. More than an economic crisis, it is a social crisis, and might, from one hour to the next, turn into a political crisis capable of overthrowing a lengthy and mighty effort, that is transforming the country into the greatest democracy in the Latin world, with 60 million voters on the rolls as of the recent polls.

And when I use the term social crisis, I am not referring merely to unemployment or a reduction in living standards. I am talking about people that are literally dying of hunger in an immense region afflicted by drought these past five years. In this region, the hinterland of North East Brazil, 250 out of every 1,000 children born die in the first year of life. Millions of farmers have quit as their holdings have turned into desert and they try to keep body and soul together on government aid that amounts to 20 dollars a month; just enough to give them one third the number of calories the adult organism needs.

Many of these men and women have been migrating for years to the industrialized South. Despite every handicap, they have become competent workers and technicians, and are today helping manufacture computers or even airplanes that are exported to the United States.

Those migrants from the North East had reached the point where they felt they had vanquished the century-old challenge of the people in their part of the world. They did not earn much, but they managed to get enough to eat every day, to dress decently, to sleep under a proper roof, to have access to medical care, to bring up and educate their children. Suddenly, the factories started closing down. The dream was over. Now what are they to do? Trek back to the arid waste lands and slow death or stick it out there in the big city, after losing everything even possibly their self-respect?

The urge to resort to any desperate solution is great and the distance to social convulsion and political retraction is but a short one. It was perhaps with this in mind that the New York Times (August 5) editorial expressed the following concern:

"Brazil deserves at least as much attention as the Reagan administration is giving to Nicaragua, and much more understanding. It is a dynamic nation, without a shadow of a doubt the most powerful and promising one in all Latin America. And the burden of the ninety billion dollars of external debt threatens the stability of the country, the cause of democracy in South America, even the structure of world finance."

For all these reasons, I affirm with deep conviction that the Brazilian crisis no longer can be resolved by purely economic intruments. We shall either have a political solution, or none at all. It is no longer just a matter of paying what we owe—and we are indeed going to pay every last cent, if people give us time and conditions for doing so—but of deciding whether or not Brazil is entitled to have a future at all. That decision implies a series of short and long term measures that are not going to be solved with a calculating machine but through the political consensus of the Brazilians and their partners throughout the world.

A moratorium on the external debt is a decision that a country takes only when no other alternative is available to it. Brazil does not wish to reach that point. What we seek is an overall solution, negotiated with all our creditors, to establish a truly feasible program for payments. At the present time we are already assuming many of the burdens habitually resulting from a moratorium, but without the freedom of action that a moratorium would permit. Let me explain what I mean:

During 1983, external loans for productive purposes practically came to a halt. Our extremely low percentage of imports in relation to the gross internal product, less than 8%, has a tendency to decline even further, hampering the acquisition of vital components of many products we manufacture and jeopardizing the volume of our exports, without which we cannot generate dollar earnings to pay for what we owe. And a result of the high interest we are paying for debt servicing, the 6 billion dollars surplus we shall get on our commercial balance at the cost of a violent retraction in imports, will mean but little compared with the 11 billion dollars we shall have to pay in interest alone, in addition to the amortization of the short-term principal.

In view of the recent upward value of the dollar, we are paying more and more for what we buy and receiving less and less for what we sell. More than that, we are facing a series of protectionist measures in the countries we export to, including the United States. The negotiations we had been engaged in to modify the terms of our payments have been burdensome and not very productive, especially during these last few months. In other words, from being treated like a credit risk, we end up actually becoming a credit risk. Now, what would you do in our place?

In my opinion, Brazil ought to press for a five-point program:

(a) Automatic conversion of interest falling due in the next two years into long term loans, with a minimum grace period of three years. Such a measure, adopted through political channels at a government level, would permit creditor banks to enter the unpaid interest on their accounts as new loans rather than as losses. In other words, the ideal would be to request concession of a waiver by the Comptroller of Currency, to permit such a type of arrangement, which would facilitate Brazil's strategy of adjustment with financing. It is worthwhile calling to mind that similar schemes were adopted in the cases of renegotiation of indebtedness by Mexico and Nicaragua.

(b) Extension of Project 2 for renegotiation of the Brazilian external debt for the first two years, which would also be equivalent to converting into long term loans those installments falling due on the principal of the credits contracted in the past.

(c) Support by the governments of the developed countries, especially the United States, for official financial institutions such as the World Bank, that supply long-term credit, to finance investment projects. Supply of such resources would make it possible to develop innumerable investment opportunities providing high social returns, and prepare for the resumption of the process of economic development, interrupted ever since 1981.

(d) Reduction of the protectionism exercised by the developed countries against exports from the developing ones. The economic authorities of the industrialized countries need to understand that expansion of exports is the sole effective alternative for facing up to the heavy financial burdens of external indebtedness. Moreover, protectionism ends up by penalizing consumers in the developed countries themselves, more particularly the poorer sectors of the population, that would be purchasing the less expensive products exported by the developing countries.

(e) Reduction of the U.S. public deficit, which would cause a decline in international interest rates, benefiting not only Brazil and other debtor countries but the economy of the United States as well. It is unjust to demand that merely Brazil and other developing countries, with balance of payments problems, strive to balance their public finances, while the budgetary imbalance of the largest economy in the world increases, thereby boosting tremendously the cost of credit.

It would be ideal for these measures to be accepted by the public and private institutions Brazil owes money to, for if Brazil goes down, economically or politically, it will not go down alone. The rest of Latin America and the international banking system will go down with it.

The other question that is raised frequently in my country is: "How come Brazil got to owe so much?" In the first place, it was the Brazilian themselves that were responsible for it. We should have known better to resist the many offers of loans made by banks that wanted to remunerate their shareholders, whatever the risks, rather than lose out to competitors.

Then again, the petrodollars were easy to come by and flowed in a never-ending stream. Their port of destination was at all times the place paying the highest rate. The bankers rushed to Brazil with their enticing offers just at they ran to other nations as well. Mexico, today on the way to recovery, after the black September of last year, reached the point of procuring funds equivalent to the capital of the largest private bank in the world, the Bank of America.

Yes, we should have turned a deaf ear. But in any case, being a developing country means being a debtor country, an importer of resources. Between 1870 and 1890 the United States built up an external debt that mounted then, as ours does in Brazil today, to about 300% of the amount of one year's exports. And in Canada, in 1913, according to Economic Nobel prize winner W. A. Lewis, the debits with foreign countries reached a level of 860% of exports, which did not, however, prevent that country from becoming in due time one of the most affluent nations in the Western world.

We needed all the money we could get to prospect for petroleum, to develop the greatest fuel alcohol project in the world

and build hydro-electric plants, as alternatives to oil and gasoline, to settle the Amazon West and produce foodstuffs, to give jobs to the 3 million Brazilians entering the labor market every year to win for them a hope for the future.

Our debt was not for financing the purchase of superfluous items but to build up a country as large as the United States. It is quite true we were in too much of a hurry, even though Rio was founded earlier than New York, but no one, not even the banks and governments of the world, had counted on so sharp a decline in the prices of crude oil and the consequent damming up of available funds. We were wrong. But we were in good company.

Brazil today is the eighth largest economy in the world. It not only has the greatest agricultural frontier waiting to be developed in the western world, it is the world's largest exporter of coffee and the second largest exporter of soya beans. It also puts out industrial products that are more and more competitive and that bring in more foreign exchange earnings than agriculture itself. In the mining sector, ore strike follows ore strike. In just three years we have changed from importers into exporters of gold. Our reserves of gold, iron ore and other metals appraised by international experts at about US $600 billion, are over six times our total foreign debt.

Today the economy is at a standstill. The level of employment in industry has fallen to where it was five years ago, while population continues to expand at 3% a year. Internal interest rates have accompanied those charged abroad, suffocating companies that have to borrow so as to produce and grow. Inflation is expected to reach 160% by the end of the year. And the conventional remedies such as containing wages so as to contain demand are of scant merit in a country where the minimum wage is equivalent to 2 dollars a day and per capita average consumption is negligible.

We will need to find a way that will enable us to restrain inflation, lower our public deficit and recover economic growth, without which democracy will endure enormous risk.

We will need to attract new investments and financing in order to provide more jobs and to carry out undelayable public works, without having to print new money. We will have to cut down waste and reorder priorities, as if we were living on an economy of war. In other words we are going to need bold new creative formulas.

But those goals, that are not just ours but also those of all mankind—for President Reagan himself has recorded his indignation at the residual pockets of poverty in so prosperous a country as yours, will necessarily entail the constructing of a new world economic order.

What type of order it will be, we do not know. But it will undoubtedly be far different from the economic world that emerged from Bretton Woods. It is no longer a matter of rebuilding a society already mature such as that of Europe and Japan, but of building an entire new society in the Southern hemisphere.

The world can no longer be divided by an imaginary line, north of which people go to the physician so as to lose weight and south of which the people die of hunger without ever having seen such a thing as a physician.

TUNISIA

Mr. PERCY. Mr. President, too often, we focus our attention on nations which are the center of controversy while we ignore the moderate states which contribute so much to the family of nations. High on the list of the moderate, contributing nations is the Republic of Tunisia. Since 1956, the Tunisian people have met the challenges of independence without the turmoil which so many other nations have experienced. In 1957, for instance, the National Assembly of Newly Independent Tunisia replaced the hereditary ruler of the country, the Bey, with a provisional President. No shots were fired; no blood was spilled. The former ruler quietly and peacefully was removed from power and a Republic was established.

The manner in which Tunisians transformed their Government well illustrates the moderation and balance which has characterized Tunisian policy ever since. Last summer, when few could be found to accept the Palestinian leaders and combatants from Beirut, the Tunisians offered to help. Without their assistance, Ambassador Phil Habib might not have been able to arrange the withdrawal of the Palestinians from Beirut and that tragedy could have been worse.

The Tunisians have also displayed remarkable forthrightness in promoting moderate policies when moderation was not supported by others. President Bourguiba, in his famous Jericho speech in 1965, was the first Arab leader to call for direct Israeli-Arab negotiations to end the Middle East conflict. Today, as radical Arabs increasingly reject a negotiated settlement, the Tunisians remain firm in their support for a peaceful solution to that regional problem.

At the same time, the Tunisian Government and people endeavor to achieve economic development while retaining free and open institutions. Their success at improving economic conditions in Tunisia is a model for many other countries.

Despite the successes of the past, economic hurdles and regional instability still pose serious difficulties. American economic and security assistance is designed to help them meet these challenges and to demonstrate the mutuality of interests of our two nations. Tunisians have chosen the path of moderation and their success reflects well on all who strive for economic development, individual freedom, and the resolution of conflict through negotiation.

Mr. President, over the past 8 years, I have made two extensive trips to the Middle East calling on Israel and 13 Arab countries. Each time I have been accompanied by our Ambassador, and have insisted that our Ambassador be with me to always show a commonality of purpose of the legislative and executive branches of our Government.

In each case in Arab countries, I have urged the chief of state to adopt a policy that will lead toward the recognition of the reality and existence of Israel, the necessity of Israel existing as a sovereign nation behind defendable and definable borders, the need for the people of Israel to live in peace, and the need for all peoples of the Middle East to live in peace.

I have had many, many assurances that most Middle Eastern leaders accept this reality. They recognize Israel is here to stay. But when I come to the bottom line, "Will you authorize me to quote you?" there is some degree of reluctance.

In contrast, each time I have called on President Bourguiba and have asked, "May I have permission to state publicly that you today reaffirm the position that you took in 1965," which was that it was realistic for the Arab world to recognize that Israel was here to stay. He said, without equivocation, "You have my permission and you may do so."

So, once again I pay tribute and salute not only a remarkable leader and a remarkable person but a country that has steadfastly proven it is a great friend of he United States, and a great friend of free nations. Tunisia has withstood, with our backing and support certainly, attempts from within and attempts from without to undermine its security and its independence.

We know the Tunisians. We know who their adversary has been. We have stood with Tunisia, and I trust we will always stand with the Tunisians. They have proven their freindship and their devotion to peace, stability, security, and progress.

EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS UNTIL 2:45 P.M.

Mr. BAKER. Mr. President, I will not take but a moment, because I know the Senator from Arizona is seeking recognition.

Mr. President, the President of the Arab Republic of Egypt is here and will be visiting with Members, including having coffee, in the Foreign Relations Committee room at 2:15 p.m.

I have discussed this with the minority leader, and he and I agree that in view of that and in deference to our distinguished visitor that we should extend the time for the transaction of routine morning business so that Members will have a maximum opportunity to pay their respects.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2:45 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BAKER. I thank the Senator from Arizona.

MARTIN LUTHER KING, JR. HOLIDAY

Mr. GOLDWATER. Mr. President, I know that sometime today we will take up the subject contained in H.R. 3706, which is an act to amend title 5 of the United States Code to make the birthday of Martin Luther King, Jr., a legal public holiday.

Mr. President, several weeks ago I commented on this. I would like to repeat it, or substantially repeat it, because I do not know if I will have a chance to get the floor when the vote comes.

Mr. President, I think Martin Luther King has done a great deal of good for his country. I think he performed in an honorable way. But, Mr. President, when it comes to naming a holiday after a man—I do not care if he is black or whatever he is—I think that person should have been dead at least 50 years.

I can think, for example, of Thomas Jefferson. He does not have a holiday named after him. Abraham Lincoln does not have a holiday named after him. Charles Lindbergh does not have a holiday named after him.

With no disrespect meant to Martin Luther King, I intend to vote against the bill for a national holiday, frankly, for two reasons: One, the one which I have recited, the fact that we have not had enough time to fully judge his contributions to our country; and, second, because it means one more Monday that is a holiday. And we are slowly getting ourselves into a way in this country where we are going to have nothing but holidays every Monday. I oppose this move for that reason, if for no other reason.

So, again, I say, Mr. President, without any disrespect to Martin Luther King or any disrespect for his memory, but out of the great respect for many, many, many Americans, black and white, who have gone before us who are not recognized in this manner, I do not intend to vote for a holiday for Mr. King.

I hope the good judgment of my colleagues will prevail, because there are many, many, many people that we should recognize in this fashion in this country.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTHDAY OF MARTIN LUTHER KING, JR., AS A FEDERAL HOLIDAY

Mr. HOLLINGS. Mr. President, many outstanding Americans and their individual accomplishments have been acclaimed in these Halls. And we have special days to mark the anniversaries of the birth of some of our most heralded forefathers, like Washington and Lincoln. But today it is time to recognize a man who accomplished a great deal not because of the power of his office, but because of the power of his message.

Few have done more to change America than Martin Luther King, Jr., a man of vision who for many Americans came to symbolize the equality of all Americans. Perhaps most important, he had a dream—the American dream. And he fought mightily for it without sticks, stones, or fists, but with the call that we, the people, shall overcome.

Dr. King's words will be remembered and so will his profound influence on historic legislation affecting civil rights and voting rights. Yet, some may forget the struggle, the determination, and the crusade. They may forget that the air was saturated with hate and fear and that the perseverance and eloquence of one great man inspired a people and a world to search souls and right civil wrongs.

Twenty-seven years ago there was Rosa Parks, a weary black seamstress who was arrested and fined $10 for failing to take a seat at the back of a Montgomery City lines bus. Dr. King organized a boycott of the bus system and arranged car pools to carry the 25,000 blacks who ordinarily rode the buses. Dr. King and his fellow ministers who organized against the bus system were later fined $500 for their actions and charged another $500 for court costs. But the cause marched on.

Dr. King told the story of one black minister, stopping his car to pick up an elderly black woman during the bus boycott. The minister said to the woman, "Sister, aren't you getting tired?" She replied, "My soul has been tired for a long time. Now my feet are tired and my soul is resting."

Thus a chain reaction for social change through peaceful means was started. The cause marched on with the freedom riders in the summer of 1961. It marched on through the streets of Birmingham in 1963. It marched on across the Edmund Pettus Bridge into Selma. And it marched on to the Nation's Capital and beyond.

But the journey was never easy. Freedom riders were slugged, burned, and savaged with iron pipes. In Birmingham of 1963 "white only" signs were almost as plentiful as the blossoms on magnolia trees. Hundreds of peaceful demonstrators were thrown in jail at the singing of "we shall overcome." Dr. King himself spent a week in solitary confinement where he wrote his famous "Letter from a Birmingham Jail," telling America that it was not pleasant to be called "boy" or "nigger," to be made to feel inferior, to be black in America.

The struggles in Birmingham and the struggles in Selma, throughout the South and throughout the Nation, were often met by tear gas, clubbings, and mass arrests. But the confrontations of violence and nonviolence not only called attention to specific incidences, places or civil wrongs, it induced a Nation to confront its conscience and protect the most fundamental rights of a free society—the right to vote and the freedom to be.

Mr. President, I urge my colleagues today to commemorate the birth of a man who sought to make a living reality of our fundamental principles, that "all men are created equal," and that we all have a right to "life, liberty, and the pursuit of happiness." Dr. Martin Luther King, Jr., not only furthered the cause of black Americans, he furthered the cause of all Americans. Indeed, America was his cause. It is time that we recognize his efforts, his accomplishments, and his spirit, for with them lies not only a dream but the foundation of freedom upon which this great Nation has been built.

PENTAGON SPENDING SPREE

Mr. EAGLETON. Mr. President, understandably, nothing rankles American taxpayers more than waste in Government spending. When someone rips off the food stamp program (and some people do) or when someone rips off the welfare program (and some people do), taxpayers get indignant. Taxpayers work hard to make a living and rightfully resent that the money they pay in taxes sometimes goes to waste.

It is a curious thing that that same righteous indignation does not apply to the Defense Department when it squanders money by the hundreds of millions of dollars.

In the category of egregious, frenetic waste, consider this article from the Kansas City Star of October 2, 1983.

The Defense Department, like all government agencies, hates to have money left over at the end of the fiscal year. So when the Pentagon faced the end of the government's fiscal year Friday, it went on a one-day, $4.2 billion shopping spree.

Veteran Pentagon observers said it was the largest single-day defense expenditure since the Vietnam War ended a decade ago.

To avoid having to return any part of its fiscal 1983 appropriation to the Treasury Department, the Pentagon awarded 234 contracts and wiped out what would have been a surplus. Just the bare-bones description of

those last-minute contracts covered 29 pages.

The Wall Street Journal describes this as a spending binge. Amongst the largest recipients of this binge were Honeywell, Inc. ($562.5 million) and General Electric ($434.5 million). The 29 pages of contracts cover several dozen corporations scattered around the country.

To be sure, not all of these contracts are wasteful. Many are probably in our national security interest. But why the last-minute spending rush to pour the dollars out of the Pentagon treasury before the money lapses at fiscal year end?

If the Agriculture Department did this same thing with food stamp money, taxpayers probably would be aroused. They should be just as aroused when the Pentagon does it.

To get to the bottom of this situation, I have by letter urged the chairman of the Senate Defense Appropriations Subcommittee, Senator TED STEVENS, to utilize the investigative resources of the Senate Appropriations Committee to probe this matter and to schedule an oversight hearing thereon. This hearing should determine whether these last-minute expenditures were truly necessary.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

MARTIN LUTHER KING, JR. HOLIDAY

Mr. BAKER. Madam President, for some time now I have announced the intention of the leadership on this side to go to the consideration of the Martin Luther King holiday bill. It was postponed once for good and sufficient reasons. The announcement was made at that time, and then again last week, that on today we would go to that measure, and indeed we will. That is H.R. 3706, which is Calendar Order No. 343.

Madam President, I have discussed this with the minority leader, who is aware of the situation; with the distinguished chairman of the Judiciary Committee, the Senator from South Carolina, with the distinguished Senator from Kansas (Mr. DOLE); and with Senator HELMS, who is on the floor.

Madam President, first, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3706, Calendar Order No. 343.

Mr. HELMS. Madam President, reserving the right to object, I am always reluctant to oppose a unanimous-consent request by the leadership, but in this case I must.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, as always, the Senator from North Carolina has been kind enough to advise me that was his intention.

Madam President, also, as I will move shortly to the consideration of H.R. 3706, I suspect that the debate will not be swift and prompt.

No Senator will be taken by surprise, I am sure, when I say that it is the intention of the leadership on this side—I would even presume to say perhaps the joint leadership—to attempt to limit the debate on the motion to proceed as and when we reach that, the bill itself.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. So Senators should not be under any delusion, I signed the cloture motion. I was No. 16 on it.

Mr. BAKER. That may be. Madam President, and, notwithstanding the warm and cordial friendship that really does exist between the minority leader and me, I am told that it is perhaps the first time that the minority leader and I, since I have been majority leader, have both been singatories to the same cloture motion.

Mr. President, I now move that the Senate turn to the consideration of H.R. 3706, the Martin Luther King holiday bill.

Mr. HELMS. Madam President, just a few hours before the Senate recessed on August 4, there was a movement in the Senate to rush through at the last minute H.R. 3706, which would make a national holiday of the birthday of Martin Luther King. I felt obliged at that time to register strong objection. I did not then and I do not now favor another national holiday, shutting down this country, for Martin Luther King or anybody else. What we need to concentrate on in this country, Madam President, is more productivity, not more leisure time. Moreover, the extreme haste with which some wanted the Senate to move on such significant legislation was not at all in keeping with the Senate tradition of full debate and careful deliberation.

Madam President, just so the record will be clear as to how quickly the proposed national holiday legislation has moved and how scant the consideration has been in connection with this matter in the 98th Congress, let me review the measure's chronology.

On June 16 of this year, H.R. 3345 was introduced in the House of Representatives to make a national holiday of Dr. King's birthday. No hearings were held, yet the bill was favorably reported by the House Committee on Post Office and Civil Service to the full House of Representatives on July 26.

On July 29, a bill identical to H.R. 3345 but with a new number, H.R. 3706, was introduced. This change obviously was made in order to accommodate certain House Members who wanted their names included on the printed bill as original cosponsors.

On August 2, this new bill, H.R. 3706, was discharged by the Post Office Committee by suspension of the rules. On that same day, again by suspension of the rules, the House called up the measure and passed it.

Bear in mind, Madam President, not 1 minute of hearings was conducted on the pros and cons of this legislation. Not one.

In any case, Madam President, the Senate received the bill on August 3. Instead of its being sent to the appropriate committee, the Committee on the Judiciary, for consideration, for hearings, the bill was read twice and placed right on the calendar.

The very next day, August 4, with Senators expecting to go into recess within a few hours, some of my distinguished colleagues proposed that the bill be brought up quietly so that it could sail through, probably with a voice vote, with little or no debate.

Madam President, what goes on? Why are those who favor this national holiday, which will cost our economy between $4 and $12 billion, depending on whose estimate you take—why could not, why should not this bill have been referred to the Committee on the Judiciary for consideration, as is normal procedure? Why the haste?

The Senate was in no position to act on this matter on August 4, because I regretfully told the majority leader that I would be obliged to talk a while on it. As I indicated earlier, that was the day that the Senate went into recess for the month of August.

Madam President, because of my opposition to the legislation and because of what has been perceived by many Americans as a steamroller approach, I had to make clear on August 4 that I felt obliged to resist consideration at that time of H.R. 3706. I had hoped that a measure of comity and commonsense would prevail during the August recess and that the we would come back here and that the bill would be referred to the Committee on the Judiciary and that hearings would be held so that the pros and cons of the proposition could be heard. But that did not occur. The bill is still on the calendar and my good friend, whom I admire and respect so much, the distinguished majority leader, has just moved for its consideration by the Senate.

Madam President, it continues to be my strong hope that, after having an opportunity to reflect further on the implications of this proposal, the pro-

ponents of this legislation will abandon any inclination to move precipitately or rashly and consider what we are doing with such a proposal.

If this bill is laid before the Senate, it is my intention to move to commit it to the Judiciary Committee for consideration and for hearings. That is all I ask. If the Senate will simply follow its normal procedures in matters of important legislation, I assure Senators that it would not be my intent to delay consideration of this proposal once it has been reported back to the Senate by the Judiciary Committee. But unless and until the public has been given a right to say yea or nay, for or against, pro or con, I must object.

It is unrealistic to expect quick passage on the floor of any measure that Congress has had before it in one form or another for 15 years but repeatedly has declined to act. Now there is an atmosphere of pressure, intimidation, even threats that if Senators do not vote for this bill, all sorts of unhappy things will happen next year. I, for one, am not going to knuckle under to such intimidation, and I hope other Senators will not.

I do not ask Senators to change their position; I ask Senators simply to vote to send the bill to the Senate Judiciary Committee, where it should have gone in the first place, and let there be consideration and public hearings on it.

I cannot understand why that is not a fair request.

As to the merits of H.R. 3706, I must confess that I find it difficult to believe that the proponents of the bill have given even scant thought to the ramifications and the implications of this proposal.

Madam President, can they be serious about virtually shutting down this country for yet another holiday each year? Have they considered what it will cost in terms of money and taxes and jobs? I have come to the conclusion that many have not given those implications one iota of consideration. And I do not think it speaks well of the Senate. Frankly, with the economy struggling to make a comeback, I am convinced that we need fewer, not more, national holidays. There are nine already: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Now, one distinguished Member of the House of Representatives has estimated that the potential cost to the American economy—and he is talking about Government and the private sector—would be $12 billion.

Now, I do not know whether his estimate is correct or not, but I think that perhaps the correct figure lies somewhere between $4 and $12 billion. How much closer to one than the other I do not know.

And the ironic thing to me is that black citizens, who, above all others, need jobs would ask, demand this Senate to pass this legislation without any hearings, without the normal processes of the Senate being utilized. I just do not understand it.

Madam President, I asked the Library of Congress to give me an assessment of the direct costs of this proposal. I was informed that at the beginning it would cost U.S. taxpayers $270 million for pay and benefits and lost productivity among the Federal employees alone. That is just for openers. The taxpayers will be hit for another $692 million to cover the pay, benefits and lost productivity among State and local government employees, assuming—and I think it is a fair assumption—that the States follow the Federal lead in this matter.

In addition, the Chamber of Commerce of the United States estimates that the cost to the private sector in terms of payroll for full-time employees would be $4.3 billion for this one additional day of shutting down this country.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HELMS. I would prefer to finish my statement, if the Senator does not object.

Mr. KENNEDY. I would hope that in his statement——

Mr. HELMS. Mr. President, who has the floor?

Mr. KENNEDY [continuing]. The Senator will give the authority for such a statement.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

The picture of direct cost for an additional holiday looks something like this. The public sector cost, Federal, State and local, $962 million for one single new national holiday; private sector cost, estimated, $4.3 billion, for a total of $5.262 billion per new national holiday.

Now, Mr. President, that figure is horrendous enough in an economy that is struggling to recover, at a time when a chorus of political voices rises every day saying we must do something about unemployment, we must do something, they say, about productivity. I agree with both of them. But as the saying goes, "Here we go again."

This figure does not, I say again, account for the indirect cost to the overall economy. Trying to get all the costs, indirect as well as direct, is difficult, but at least we know that there are valid estimates concluding that $5.262 billion will be taken out of this economy.

Now, is it worth it? Every citizen, every Senator, of course, is obliged to make his or her judgment about that. In any case, whether one is inclined to accept any specific or precise figures, the fact remains, no matter who is doing the figuring, the cost of an additional national holiday is enormous.

Now, I have given a great deal of thought to that. All of us have our individual heroes. I have mine. There are many notable Americans in our history for whom no holiday exists. As the matter now stands, for example, I have often wondered why there was not a national holiday for Thomas Jefferson, who happens to be my favorite. There are many who would like to see a holiday for Franklin D. Roosevelt or John F. Kennedy or Booker T. Washington. Each of us could compile a sizable list.

Mr. President, I have been told that it is political suicide to oppose this proposal. It may be, but America needs to get productivity up, not water it down more. We need to reduce the tax burden, not increase it. We need to cut Federal spending, not increase it.

Mr. President, when one sector of the electorate feels very strongly and very passionately about a cause, it is a serious matter to oppose that cause. When people on one side feel very passionately about the matter, it is extremely difficult to ask them to lay their passion to one side and be objective in their assessment of the matter. I am not about to say that I do not have strong convictions myself about the proposal to create this new national holiday, to shut this country down for another national holiday. But I think that there are reasonable arguments and dispassionate analyses which ought to help bring our people together on this issue rather than drive them apart.

I think the best way for that to occur is for the Senate to say we are going to follow our normal procedures. Since it has not been given 1 minute's consideration in hearings in the House of Representatives or in the Senate, let us say we are going to send this bill to the Senate Judiciary Committee where hearings can be held and the people invited to come in and speak pro or con.

Those who object to it can never say that they were not given an ample opportunity to make themselves heard. But if we proceed along the track that we are now following, there are citizens all across this country who will be resentful. They will be hostile toward this Congress, and they will feel that they did not get a fair shake in being able to express themselves on a controversial, vital issue.

A holiday—a national holiday, in particular—is, or should be, an occasion for shared values, for the commemoration of things which we as a nation as a whole hold in common. While Dr. King, in his public image, did appeal to many of those shared values, his very name itself remains a

source of tension, a deeply troubling symbol of divided society.

I do not refer to the tensions of racism. I readily admit that racism lingers in our society. But I think it is interesting, when one talks about racism, to try to find at least two people in the Senate or in any other group to agree what the word racism means. So I am reluctant to use a word that is subject to so many different interpretations, some of them completely at odds with each other, because too often the word racism is used as a smear word to convey exactly the kind of hatred that the word pretends to deplore.

A great many of our thought leaders in the media keep at a hand quickly available ax handle to bludgeon those with whom they disagree. They dredge up the word racism and apply it, as fact—when it is not fact. But I contend that relations between persons depend upon what is in their hearts, not upon their color; and I suspect that what we often hear described as racism are merely the same old vices to which mankind has always been susceptible at its worst.

The human soul is capable of both good and evil, and there is a good bit of both in each of us. We know from experience, even from our personal experiences, that human beings sometimes choose evil, so we should not be surprised that evil exists in the world, even though some persons, for political or sociological reasons, may refer to some of these evils as racism, instead of using the more accurate and traditional moral categories.

I say that to emphasize that Martin Luther King's repeated and well-publicized appeals to love and brotherhood found, during his lifetime—and still find—a broad appeal to men of goodwill, because they are basic things upon which we can all agree. But there are many who point out—and they are sincere and they are not without foundation when they say it—that the image of Dr. King as a religious leader blends quickly into the image of Dr. King as a political leader, as a man who was seeking to use the power of government to reshape and redistribute the power within the Government. Indeed, the veneer of religious imagery with which he cloaked his political concepts created the very tension which his name still invokes.

Mr. President, I submit that Dr. King's political views did not necessarily follow from his stated religious convictions, nor is there any reason for a Christian or any religious person to apply Dr. King's principles to the structure of society in the way that Dr. King did.

The tension between his religious and his political views was matched by the tension in his methods, between his preaching of nonviolence and his calculated use of nonviolence as a provocative act to disturb the peace of the State and to trigger, in many cases, overreaction by authorities.

So the perceptions exist among many in this country, right or wrong, that the legacy of Dr. King was really a division, not love; and although the anger of that division has cooled, mistrust remains. In any case, two generations have been led to concentrate on politics instead of production; and the bitterness that remains results from the failure of political methods to solve economic problems.

The palpable truth is—and many Americans are learning it—that you cannot eat politics. Dr. King has been presented as a hero to his people by a generation of people who may qualify as myth makers. Although Dr. King used the categories and rhetoric of Christianity in preaching the Bible, there are countless Americans who remember his associates, who remember that the then President of the United States advised him to diassociate himself from people specified by the then President.

He was a proponent of the same movement which today goes by the name of liberation theology. The view of the liberation theology is that a theology of God and salvation from sin is outmoded.

Instead, they say salvation is to be found in this world and we work out our salvation by bringing about some idealized view of a just society even if to do so requires destruction, theft, terrorism, all the other fruits of revolution. It is the same kind of liberation, I guess, that was whispered to Adam and Eve in the biblical accounts and the result was always the loss of Eden rather than the achievement of Eden.

Be that as it may, Mr. King's political views were those of a radical political minority that had little to do with racial minorities. It is this fact, not his exploitation of racial feelings, that makes it inappropriate to rush ahead without hearings, without due process, if you want to call it that, in the Senate.

The fact is that Dr. King's program at least in part was conceived and aided by men and women who were not loyal to the United States. And I use the term "not loyal" not in the general sense, but in the technical political sense of those striving for the violent overthrow of the Constitution of the United States. I refer specifically to members of the Communist Party of the United States, a revolutionary action organization funded and directed from Moscow. Although there is no record that Dr. King himself ever joined the Communist Party, he kept around him as his prinicpal advisers and associates certain individuals who were taking their orders and direction from a foreign power.

Dr. King kept as his adviser—perhaps, some would say, his key advisers—men who vowed to overthrow our Government and our way of life. He kept them even though non-Communist friends, who were sympathetic to his cause, repeatedly warned him that to keep Communists in his advisory and action structure was to bring disrepute upon his cause. Those who warned him included the President and the Attorney General of the United States.

There are some who might say that all of these things are irrelevant. What matters to them is that Dr. King seemed to be the conscience of a civil rights movement and that the aims of the civil rights movement were reform, not revolution, and some might argue that the participation of Marxists in Dr. King's movement did not taint the essence of what Dr. King accomplished. To the contrary, they might argue by participating in such a grand movement these Marxists themselves were brought into the political process and they argue that it is good to have Marxists participating in the system instead of trying to destroy it.

But this comes down to being an extremely tendentious argument which I do not believe a lot of Americans are willing to swallow.

I think most Americans would feel that the participation of Marxists in the planning and direction of any movement taints that movement at the outset. Not just communism itself but philosophical Marxism lies outside of the national consensus, or at least I hope it does.

Others may argue that Dr. King's thought may have been merely Marxist in its orientation. But the trouble with that is that Marxism-Leninism, the official philosophy of communism, is an action-oriented revolutionary doctrine.

And Dr. King's action-oriented Marxism about which he was cautioned by the leaders of this country, including the President at that time, is not compatible with the concepts of this country.

These are just some of the thoughts that many Americans have expressed to me. It has been widely advertised that I am going to filibuster this proposal. I do not know about that yet. We could put an end to the extension of time spent on this measure simply by sending this proposal to the Judiciary Committee with or without instructions to conduct hearings on it and report back at any time satisfactory to the Senate. That is all I ask.

I ask only that this proposal not be treated differently from other major controversial issues, that at least we give the people an opportunity to speak out pro or con and then report back if that is the will of the Judiciary

Committee so that the Senate can act on it.

I give my commitment, if that procedure is followed, this Senator will consume no more time than normal depending on the language of the legislative proposal reported out. I will be committed, as a Senator, to offer an amendment if I feel it is necessary.

But you are going to find, Mr. President, holy wrath in opposition to the proposal that we follow the normal procedures of the Senate. We are going to hear all sorts of explanations to the effect that we have heard all of this before in prior years et cetera, et cetera, et cetera, as the King of Siam said.

But these protestations will be hollow because if this proposal is as sacrosanct as it is pretended to be, then what fear should we have of an exploration of the proposal? As I say, at the appropriate time, I am going to offer a motion to send this legislation to the Judiciary Committee. We cannot recommit it because it was never there in the first place. So the motion will be to commit it to the Judiciary Committee. And I shall be very interested in observing how Senators vote on this proposal, particularly in light of my assurance, my guarantee, that once that is done, once hearings are held, once the legislation is reported out, this Senator will do nothing inordinate to hold up action on the proposal.

But I do feel obliged, Mr. President, to raise a respectful protest in response to the manner in which this proposal has been handled thus far. That is it. We can end this debate this very afternoon, get it over with. All we have to do is refer this legislation to the appropriate committee, ask for hearings, and ask for a prompt report to the Senate.

For the life of me, I cannot see that that is too much to ask.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, as a cosponsor of this legislation, I ask unanimous consent that the order for the quorum call be rescinded so that I may make an opening statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, before making a formal statement I must say that I am enormously distressed by these allusions, suggestions, inferences which are made by a colleague of mine, the Senator from North Carolina, about Dr. King's involvement with the Communist Party.

Those charges, Mr. President, were raised first and most vigorously by the arch-segregationists bent on retaining the rule of racism. It is their heirs in the last-ditch stand against equal justice who seek to divert us today on this legislation with such matters.

I do not think that the comments of the Senator from North Carolina are worthy of response and I will not dignify them with a reply. They reflect no credit on this body, and I am sure they would be shunned by the vast majority of the American people, including the citizens of his own State.

Mr. President, there have been comments made on the floor of the U.S. Senate about whether this legislation has had adequate hearings, and there has even been some observation that I, in the U.S. Senate, have been somewhat remiss in not holding hearings on this legislation. As a member of the Judiciary Committee and as the former chairman of the Judiciary Committee when this legislation was introduced, I might say we had in 1979, 2 days of hearings.

The Senate Judiciary Committee reported this bill to the U.S. Senate by a vote of 10 to 6, and to suggest on the floor of the U.S. Senate that the Senate Judiciary Committee has not had the hearings or that the House of Representatives has not had the hearings, shows gross ignorance about the legislative history of this particular proposal, and I think it was demonstrated by the Senator from North Carolina in not only his understanding of the legislative history but also with regard to his comments about the costs of various holidays.

Mr. President, I will put into the RECORD at an appropriate place the information that the Senate Judiciary Committee and the House Judiciary Committee have, both reports which are available to the Members of this body, have available to them here on the floor of the U.S. Senate, in talking about the costs to the American economy of this particular holiday.

The fact is, Mr. President, this particular issue has been before the U.S. Senate for a period of some 14 years in one form or another. It does not come as any surprise to the Members of Congress or to this body. It does not come as any surprise to the Members of the Senate Judiciary Committee, or the House of Representatives Judiciary Committee. It passed the House of Representatives 338 to 90 some several weeks ago, and now the Senator from North Carolina is trying to suggest, after due notice has been given for a period of weeks by the majority leader, that this somehow is being sprung on the U.S. Senate. That is hogwash, Mr. President. It is hogwash. Those same kinds of representations that are being made here have been made time and time again, and I have heard them when we have had to call various pieces of civil rights legislation from the calendar, and it is not an appropriate kind of commentary when we are considering the importance of this piece of legislation.

Mr. President, I welcome the opportunity to debate in the U.S. Senate, if we have that opportunity to debate in the U.S. Senate, the bill to create a natinal holiday commemorating the birth and life and message of Dr. Martin Luther King, Jr. This is a great day in the 200-year history of the struggle to make the American dream a reality for every American.

These are difficult times and more than ever before we must reaffirm our Nation's commitment to equality, to peace, to nonviolence, and to the right of all individuals to fulfill their potential free of prejudice and artificial limitations.

Martin Luther King dedicated his life and gave his life to complete the unfinished business of the American Revolution and the Civil War, and he helped this Nation to see that discrimination in our midst is eliminated and to accept the right of equality for all of our people, and the genius of Dr. King enabled America to confront and resolve that principle of equality in a peaceful and nonviolent manner, and he is one of the true giants of American history and he richly deserves the extraordinary honor we confer on him today.

In these years of deepening poverty and unacceptable unemployment there are millions of Americans whose skin is not white who wonder about their future and our Nation. They see a severe recession that closes the door of opportunity. They see an economic policy that is unfair, inequitable, and unjust. They see an attempt to retreat from voting rights and housing rights and civil rights, and, worst of all, they see a government that does not seem to care.

On August 27, over 200,000 people came to the Capital from every section of the land to ask this Nation to redeem its commitment to peace and jobs and freedom for all Americans. They came on the 20th anniversary of Dr. King's historic march on Washington in 1963. They proved in 1983 that the power of Dr. King's dream is still alive in the hearts of the Ameican people, and the item at the top of the agenda of those who marched last month is the measure we are acting on today because in honoring Dr. King, we honor the cause of equity and the cause of fairness and the cause of decency in economic progress and social justice for all Americans.

A few weeks before his death he reaffirmed his dream for America and called upon each of us to struggle for that dream. And I quote:

Let us be dissatisfied until every man can have food and material necessities for his body, culture, and educatiion for his mind, and freedom and human dignity for his spirit.

We face many vital issues in the present Congress. This legislation now before us may well be our most enduring achievement. Long after all other actions will have been forgotten people will remember his was the Congress that gave Dr. King the highest honor our Nation can bestow on any of its citizens. Presidents and Congresses will come and go, but Martin Luther King and his dream will go on so long as there is an America, and each year henceforth on this anniversary of his birth citizens of every region and every color will pause in their own lives, in their own way, in their own tribute to this man who brought us a fuller measure of justice than our Nation has ever known. In honoring Dr. King we honor the best in our country and ourselves.

Mr. President, I take some notice of the fact that we have a legislative bulletin that is put out, I imagine daily. In this case it is the one that is referred to as by the Republican Policy Committee. I am mindful that this legislation that has been introduced was introduced by, in this Congress by, Senator MATHIAS and has had bipartisan support in the Judiciary Committee. But I do think that it is important that we know where the President of the United States is going to stand. I know where the members of the Judiciary Committee stand and I know where many of us who are cosponsors of this legislation stand, but I think it is important that we find out where the President of the United States is going to stand because this is a matter of enormous importance and consequence.

I take note, Mr. President, that in the U.S. Senate Republican Policy Committee on the issue of H.R. 3706, Martin Luther King, Jr. holiday, that on the bottom it says, "Administration position not available at press time."

Well, I dare say that when we pass this legislation and we go on down to the White House we are not going to find another statement, "not available at press time." Mr. President, we need your intercession now, not down at the White House, in the Rose Garden at the signing time, we need it now, just as we needed it at the time of the Voting Rights Act; just as we needed it at the time of the Civil Rights Commission compromise proposed by Senator DOLE; just as we needed it at other times. Instead you have made recommendations and made suggestions about giving tax credits to those who gave contributions to segregated schools. Today, it is members of your party as well as this party who are prepared to stand up to this issue.

I certainly hope that, as we start this debate and this discussion here this afternoon on an issue of such importance and consequence—called off the calendar credibly by a Republican leader and supported by many Republicans in the U.S. Senate, as it was in the House of Representatives, and supported by millions of Republicans and Democrats and Independents across this country—that we have a right to know where you stand, Mr. President. Let us know, and perhaps we will not spend more time than absolutely necessary in this body on this issue which I think cries for action at this present time.

Mr. President, I know there are other of my colleagues that wish to speak on this issue. I yield the floor.

Mr. HELMS. Mr. President, in light of the comments by the Senator from Massachusetts (Mr. KENNEDY), it is important that there be such an examination of the political activities and associations of Dr. Martin Luther King, Jr., principally from the beginning of his work in the civil rights movement in the mid-1950's until his death in 1968. Throughout this period, but especially toward the beginning and end of his career, King associated with identified members of the Communist Party of the United States (CPUSA), with persons who were former members of or close to the CPUSA, and with CPUSA front organizations. In some important respects King's civil rights activities and later his opposition to the Vietnam war were strongly influenced by and dependent on these associations.

There is no evidence that King himself was a member of the CPUSA or that he was a rigorous adherent of academic Marxist ideology or of the Communist Party line. Nevertheless, King was repeatedly warned about his associations with known Communists by friendly elements in the Kennedy administration and the Department of Justice (DOJ) (including strong and explicit warning from President Kennedy himself). King took perfunctory and deceptive measures to separate himself from the Communists against whom he was warned. He continued to have close and secret contacts with at least some of them after being informed and warned of their background, and he violated a commitment to sever his relationship with identified Communists.

Throughout his career, King, unlike many other civil rights leader of his time, associated with the most extreme political elements in the United States. He addressed their organizations, signed their petitions, and invited them into his own organizational activities. Extremist elements played a significant role in promoting and influencing King's opposition to the Vietnam war—an opposition that was not predicated on what King believed to be the best interests of the United States but on his sympathy for the North Vietnamese Communist regime and on an essentially Marxist and anti-American ideological view of U.S. foreign policy.

King's patterns of associations and activities show that, at the least, he had no strong objection to communism, that he appears to have welcomed collaboration with Communists, and that he and his principal vehicle, the Southern Christian Leadership Conference (SCLC), were subject to influence and manipulation by Communists. The conclusion must be that Martin Luther King, Jr., was either an irresponsible individual, careless of his own reputation and that of the civil rights movement for integrity and loyalty, or that he knowingly cooperated and sympathized with subversive and totalitarian elements under the control of a hostile foreign power.

BIOGRAPHICAL DATA

Martin Luther King, Jr., was born on January 15, 1929, in Atlanta, Ga. He was the son of Alberta Williams and Martin Luther King, Sr., a Baptist minister. He was graduated from Morehouse College, Atlanta, in 1948, receiving the degree of B.A. He attended the Crozer Theological Seminary in Chester, Pa., receiving the degree of B.D. in 1951, and he received the degree of Ph. D. from Boston University in 1955. In 1953 he married Coretta Scott of Alabama, by whom he was the father of four children. On April 4, 1968, King was murdered by a rifle assault in Memphis, Tenn. On March 10, 1969, James Earl Ray, an escaped convict, pled guilty to the murder of King and was sentenced to 99 years in prison, a term he is now serving.

OPERATIONS "SOLO" AND STANLEY D. LEVISON:[1]

In the early 1950's the Federal Bureau of Investigation (FBI) undertook a long-term and highly classified counterintelligence operation against the CPUSA. The FBI persuaded a former member of the National Committee on the CPUSA and former editor of the "Daily Worker, " the party newspaper, to become active again within the party leadership and to report on party activities to the FBI. This man's name was Morris Childs, and his brother, Jack Childs, also a Communist, agreed to act as an informant as well. The FBI operation was known as SOLO, and for nearly 30 years it provided reliable and highly sensitive information about the CPUSA, its activities within the United States, and its relations with the Soviet Union to the highest authorities in the U.S. Government. At least three U.S. Presidents were aware of SOLO, and Morris Childs may have briefed President Nixon prior to his trip to Moscow in 1972. In 1980 SOLO was brought to an end. Jack Childs died on August 12, 1980, and the operation was publicly disclosed and thus terminated by historian David J.

[1] Footnotes at end of article.

Garrow in a book published the following year.

Among the most important facts learned from SOLO was that the CPUSA was dependent on a direct financial subsidy paid by the Soviet Union. About 1 million a year in Soviet funds was paid to a member of the CPUSA, usually Jack Childs himself, in New York City. Although this subsidy was illegal, the FBI allowed it to continue for a member of reasons—prosecution would have exposed SOLO and necessarily brought it to an end, and the operation was of continuing value; and the dependence of the party on Soviet funds meant that it did not seek to increase its membership and importance within the United States.

In 1953 Jack Childs reported to the FBI that an individual named Stanley David Levison (1912-1979), a New York lawyer and businessman, was deeply involved in acquiring and disposing of the funds of the Soviet subsidy to the CPUSA. Levison may have been involved as a financial benefactor to the party as early as 1954 and may have established legitimate business enterprises in the United States and Latin America in order to launder Soviet funds to the party. In this connection Levison was said to have worked with Isidore G. Needleman, the representative of the Soviet trading corporation AMTORG.

Childs also reported to the FBI that Levison assisted CPUSA leaders to acquire and manage the Party's secret funds and that he directed about $50,000 a year into the party's treasury. After the death of party treasurer William Weiner in 1954, Levison's financial role became increasingly important, and Levison, according to Childs, became "the interim chief administrator of the party's most secret funds."[2]

The FBI maintained close surveillance of Levison, but in mid to late 1955, Levison's financial role began to decline. The FBI decreased its surveillance, although Levison was believed to have occasional contacts with CPUSA leaders. The Bureau eventually terminated surveillance of Levison, probably sometime in 1957. Some indications that CPUSA leaders were disgruntled with Levison led the FBI to interview him on February 9 and March 4, 1960. It is not clear what Levison told the FBI at these interviews, but he definitely rejected the request of the FBI that he become an informant within the Communist Party.

In the summer of 1956 Bayard Rustin, himself a former member of the Young Communist League, the youth arm of the CPUSA, introduced Levison to Martin Luther King, Jr. in New York City. Levison and King soon became close friends, and Levison provided important financial, organizational, and public relations services for King and the SCLC. The FBI was not aware of their relationship until very late 1961 or early 1962, and it was the discovery of their relationship that led to the protracted and intensive FBI-DOJ surveillance of King for the remainder of his life. The FBI believed that Levison was still a Communist and that King's relationship with him represented an opportunity for the Communist Party to infiltrate and manipulate King and the civil rights movement.

Of King's dependence on Levison there can be no doubt. A DOJ task force investigating the FBI surveillance of King discussed this dependence in this report of 1977:

> The advisor's (Levison's) relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization, finances, political strategy and speech writing. Some examples follow:
>
> The advisor organized, in King's name, a fund raising society. . . . This organization and the SCLC were in large measure financed by concerts arranged by this person. . . . He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.
>
> On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court. . . . This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader. . . . In each instance his advice was accepted.
>
> King's speech before the AFL-CIO National Convention was written by his advisor. . . . He also prepared King's May 1962 speech before the United Packing House Workers Convention. . . . In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.[3]

After King's death, Coretta Scott King described Levison's role: "Always working in the background, his contribution has been indispensable," and she wrote of an obituary of King written by Levison and Harry Belafonte, "two of his most devoted and trusted friends," as "the one which best describes the meaning of my husband's life and death."[4] It may be noted that this obituary began with a description of America as "a Nation tenaciously racist * * * sick with violence * * * (and) corrosive with alienation." According to Garrow, Levison also assisted King in the writing and publication of "Stride Toward Freedom" the administration of contributions to SCLC, and the recruitment of employees of SCLC. King offered to pay Levison for all this help, but Levison consistently refused, writing that "the liberation struggle (that is, the civil rights movement) is the most positive and rewarding area of work anyone could experience."[5]

There seem to have been few if any agents and administrators in the FBI who knew of Levison's background of involvement in handling the secret and illegal Soviet funds of the CPUSA who doubted that Levison remained a Communist or under party control at the time he was working with King, and some FBI personnel have suggested that Levison may actually have held rank in the Soviet intelligence service. Garrow himself does not seriously question the accuracy of Childs' reports of Levison's earlier role in the party, but he appears to be skeptical that Levison continued to be a Communist at the time he worked with King and that he was not motivated in this work by any factor other than friendship for King and belief in the civil rights movement.

Garrow's conclusion in this respect is open to question. He is decidedly favorable to King, as opposed to J. Edgar Hoover and other anti-Communists of the time. It is not clear why Garrow came to this conclusion, since he does not appear to have had access to all FBI materials on Levison or derived from SOLO and since he appears to be largely ignorant of the nature of CPUSA activities in racial relations through front groups and surrogates and of the discipline of the party over its members.

A number of factors support the belief that Levison continued to be a Communist or to act under CPUSA control during his association with King:

First, there is no evidence that Levison broke with the CPUSA; the termination of his financial activities on behalf of the party prior to his work with King means nothing as far as his affiliation with or loyalty to the party or the Communist movement is concerned.

Second, Levison had been involved not as a rank-and-file member but as an operative involved with clandestine and illegal funding of the CPUSA by a hostile foreign power. He had had access to the highest leaders of the party and to the inmost secrets of the party. It is not likely that such tasks would be given to one who was not fully trusted by both the CPUSA leadership and by the Soviets themselves. Even if Levison had changed his mind about communism, his activities would have constituted grounds for blackmail by the party.

Third, several years after the apparent end of his financial activities for the CPUSA, Levison rejected an opportunity to act as an FBI informant against the party. Details of his discussions with the FBI are not available, but apparently they were not friendly.

Fourth, Levison testified under subpena at an executive session of the Senate Subcommittee on Internal Security on April 30, 1962. This testimo-

ny is still classified. His attorney at this time was William Kunstler, who became notorious for his far left activities in the 1960's and 1970's; Kunstler had been recommended to Levison by the latter's friend, Arthur Kinoy, also a far left activist. Although Levison in his opening statement before the subcommittee denied that he was or ever had been a member of the Communist Party, he refused to answer any questions during this hearing dealing with his relations with the party or his alleged financial role in it; he pled the fifth amendment throughout the hearing.

Fifth, Levison's known policy and personnel recommendations to King exhibit a leftist orientation. He was instrumental in persuading and influencing King to oppose the Vietnam war and in hiring at least one other individual with known Communist affiliations to work in SCLC.

Sixth, prior to his work in a New York-based civil rights group called "In Friendship" in 1955, Levison had never displayed any interest in civil rights activities. The sudden development of his interest in civil rights and his extensive, time-consuming, and costly assistance to King may have been motivated by a spontaneous and enduring dedication to this cause, but there is little reason to think so. His own description of the civil rights movement as a liberation struggle suggests a Marxist perspective.

Seventh, after King was urged by DOJ to disassociate himself from Levison and was subject to surveillance and distrust by the FBI and the Kennedy administration, there was no effort on Levison's part to try to explain his past or to persuade appropriate authorities (in the FBI, DOJ, or the White House) that he had been innocent of Communist connections or that his relationship with King was not connected to his Communist affiliation. Had he been able to do so, King and the civil rights movement would have been much more favorably received by the Kennedy administration and King himself would probably have been spared several years of surveillance and harassment by the FBI. Instead, Levison and King entered into a secret and deceptive relationship by which Levison continued to influence King through an intermediary, himself of far left orientation and background.

In short, Levison consistently behaved in a manner that lent itself to a sinister interpretation, and his behavior lends further credence to the firm belief of FBI agents involved that Levison remained a Communist or under Communist control. That Levison remained under Communist control was and remains a reasonable explanation of his activities in lieu of any evidence to the contrary or any known behavior on his part that would contradict this explanation.

The FBI informed Attorney General Robert F. Kennedy of the close relationship between Levison and King and of Levison's Communist background on January 8, 1962. The Attorney General decided to warn King of Levison's background and to urge him to disassociate himself from Levison in order to spare himself, the civil rights movement, and the Kennedy administration any future embarassment. Both Burke Marshall, Assistant Attorney General, acting through Harris Wofford, White House Civil Rights Adviser, and John Seigenthaler, Administrative Assistant to the Attorney General, informed King that persons close to him were Communists or had Communist backgrounds. King expressed skepticism and made no commitment to inquire further or to take any action. Marshall brought the matter to King's attention again in subsequent meetings. On June 22, 1963, King met separately in Washington with Marshall, Robert Kennedy, and President Kennedy. All three men again warned King about the Communist affiliations of Levison and Jack O'Dell, an official of SCLC who had been promoted by Levison and who had been—and may still have been—a member of the National Committee of the CPUSA. President Kennedy, in a private conversation with King in the White House Rose Garden, compared the situation with the Profumo scandal in Great Britain and specifically stated, with reference to Levison and O'Dell, "They're Communists. You've got to get rid of them." [6]

Even after this conversation, King "made no move to sever ties with either O'Dell or Levison." [7] It was not until the FBI leaked information to the press about O'Dell and the publication of this information that King accepted O'Dell's resignation from SCLC in a letter of July 3, 1963. King had still done nothing to sever ties with Levison, and not until after a meeting of Burke Marshall with Andrew Young of SCLC did a change in their relationship occur. In this meeting Marshall told Young:

> I can't give you any proof, but, if you know Colonel Rudolph Abel of the Soviet secret intelligence, then you know Stanley Levison.[8]

This characterization suggests that the FBI may have had other facts about Levison showing a direct link with the Soviet Union.

Levison himself reportedly suggested to King that they curtail their association, and King reluctantly agreed. However, they now entered into a means of communication deliberately designed to deceive the FBI and the Kennedy administration. Levison and King were to communicate only through an intermediary—or "cut-out" in intelligence parlance—and to avoid direct contact with each other. In this way Levison could continue to influence King. Whether Levison or King instigated this clandestine and deceptive relationship is not clear. The intermediary between King and Levison, from July 1963 until 1965, when the overt contact between them was resumed, was Clarence B. Jones, a black lawyer whose left political views and firm resistance to any symptoms of racial discrimination had placed him in hot water a number of times while serving in the U.S. Army in the 1950's.[9]

Jack O'Dell continued to maintain an office at SCLC offices in New York City even after his resignation of July 3, and King and SCLC issued contradictory explanations of this continuing relationship. King himself made commitments to Federal officials that he would sever his ties to Levison and O'Dell, but telephonic surveillance of King, Levison, and Jones showed that he had not done so in regard to either individual. As Burke Marshall stated in an interview in 1970:

> If you accept the concept of national security, if you accept the concept that there is a Soviet Communist apparatus and it is trying to interfere with things here—which you have to accept—and that that's a national security issue and that taps are justified in that area, I don't know what could be more important than having the kind of Communist that this man was claimed to be by the Bureau directly influencing Dr. King.[10]

HUNTER PITTS O'DELL

Hunter Pitts O'Dell (also known as Jack O'Dell and J. H. O'Dell), known to have been extensively involved in CPUSA affairs at a high level of leadership, worked for the SCLC at least as early as 1961. O'Dell met Martin Luther King in 1959 and had communicated with him by mail in 1959 and 1960. In June, 1962, Stanley Levison recommended to King that he hire O'Dell as his executive assistant, and O'Dell subsequently was increasingly active in SCLC and was listed as a ranking employee of the organization.[11]

O'Dell testified under subpena in hearings before the Senate Subcommittee on Internal Security (SISS) in New Orleans on April 12, 1956; he took the fifth amendment when asked about his organizational activities in New Orleans on behalf of the CPUSA. Materials discovered in O'Dell's apartment at the time the subpena was served were described in the annual report of the subcommittee as "Communist literature from Communist parties in various parts of the world." [12] He also took the fifth amendment when asked if he was a member of the CPUSA in a hearing before the House Committee on Un-American Activities (HCUA) on July 30, 1958. O'Dell, according to an FBI report of 1962, was elected a member of the National Committee of the CPUSA in December 1959, and, according to information submitted to

HUCA in 1961, was a member of the national committee as of that year.[13] As Garrow states:

No one, including O'Dell, denied his work with the Communist Party from the late 1940's to at least the late 1950's.[14]

O'Dell is an associate editor of Freedomways, a magazine described in 1964 by J. Edgar Hoover as an organ which the CPUSA continues to use as a vehicle of propaganda. One of the editors of Freedomways is Esther Jackson, a member of the CPUSA and wife of James Jackson, a leader of the CPUSA. O'Dell, as well as James Jackson, are included in a "list of members" of the World Peace Council for 1980-83. The World Peace Council, long known as a Soviet-controlled front organization, was described by the Central Intelligence Agency in 1982 as "the major Soviet-controlled international front organization." [15]

In October 1962, various newspapers in the United States, using information provided them by the FBI, exposed O'Dell's Communist affiliations and his current ties to King and the SCLC. King issued an inaccurate statement that sought to minimize O'Dell's work with the SCLC and accepted O'Dell's resignation. As Garrow states:

The resignation . . . was more fiction than fact, as King's own message and appointment books for late 1962 and the first half of 1963 reflect.[16]

Further news stories of June 1963, which exposed O'Dell's continuing relationship with King and his presence in the New York office of SCLC, coupled with warnings from the Kennedy administration led King again to accept the resignation of O'Dell on July 3, 1963. Even after this date, however, FBI surveillance showed a continuing relationship between O'Dell and SCLC.

There is no doubt about O'Dell's extensive and high level activities in and for the Communist Party, and his affiliations since 1961 strongly suggest continued adherence to and sympathy for the CPUSA and the Soviet Union to the present day. Despite these ties and King's knowledge of them, King promoted O'Dell within the SCLC at the behest of Levison and retained his help after twice publicly claiming to have disassociated himself from O'Dell following strong and explicit warnings from the Kennedy administration about O'Dell's Communist background and affiliations.

SOUTHERN CONFERENCE EDUCATIONAL FUND

Stanley Levison and Hunter Pitts O'Dell were not the only individuals of Communist background with whom Martin Luther King was in contact and from whom he received advice, although they were in a better position than most to exert influence on him. From the mid 1950's through at least the early 1960's, King and the SCLC were closely involved with an organization known as the Southern Conference Educational Fund (SCEF), essentially a Communist front organization. SCEF was itself dominated by the Communist Party through the party members who ran it, and some of these individuals provided assistance to King and exerted influence on him and the SCLC.

A. BACKGROUND OF SCEF

SCEF was originally founded as part of an organization known as the Southern Conference on Human Welfare (SCHW), founded in Birmingham, Ala., on September 6, 1938. SCHW was originally located in Nashville, Tenn., but later moved to New Orleans, La. In 1947, the House Committee on Un-American Activities issued a report on SCHW, which found:

Decisive and key posts (of SCHW) are in most instances controlled by persons whose record is faithful to the line of the Communist Party and the Soviet Union. . . .

The Southern Conference for Human Welfare is perhaps the most deviously camouflaged Communist-front organization. When put to the following acid test it reveals its true character:

1. It shows unswerving loyalty to the basic principles of Soviet foreign policy.

2. It has consistently refused to take sharp issue with the activities and policies of either the Communist Party, USA, or the Soviet Union.

3. It has maintained in decisive posts persons who have the confidence of the Communist press.

4. It has displayed consistent anti-American bias and pro-Soviet bias, despite professions, in generalities, of love for America.[17]

In 1944 the Special Committee on Un-American Activities (SCUA) of the House of Representatives also cited SCHW as a Communist front.[18]

Soon after its identification as a CPUSA front in 1947, SCHW was dissolved, but the Southern Conference Educational Fund continued. SCEF maintained the same address as SCHW (808 Perdido Street, New Orleans, La.) and published the same periodical ("the Southern Patriot"). In 1954 the Senate Subcommittee on Internal Security (SISS) held hearings in New Orleans on SCEF and found that at least 11 former officials of SCHW were or had been also officials of SCEF. Among these were the president and executive director of SCEF, both of whom were identified in testimony taken under oath as having been members of the CPUSA and as having been under the discipline of the CPUSA. Both individuals in their own testimony denied these allegations. The Subcommittee concluded in its report that—

An objective study of the entire record compels the conclusion that the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as its predecessor organization, the Southern Conference for Human Welfare.

The subcommittee accordingly recommends that the Attorney General take the necessary steps to present this matter before the Subversive Activities Control Board in order that a determination can be made as to the status of the Southern Conference Educational Fund, Inc.[19]

B. BACKGROUNDS OF INDIVIDUAL LEADERS OF SCEF

At least two key associates of Martin Luther King were formally associated with SCEF as well as with the SCLC itself. The Southern Christian Leadership Conference, King's principal vehicle for civil rights activism, was officially founded in Montgomery, Ala., on August 7-8, 1957. Among the guests at the organizational meeting in Montgomery was Ella J. Baker of New York City, of the "In Friendship" organization.[20] Baker was also formally associated with SCEF as of October 1963, as a "special consultant." In 1959 Baker established SCLC headquarters in Atlanta, Ga., and was a long-standing friend of Martin Luther King. She later played a key role in the Student Non-Violent Coordinating Committee (SNCC), an organization that became notorious in the 1960's for its advocacy and instigation of racial discord and violence. John Lewis, a founder of SNCC, described Ella Baker as the spiritual mother, I guess you would call her, of SNCC.[21]

Little appears to be known of the "In Friendship" organization of which Ella Baker was the representative at the SCLC organizational meeting in 1957. However, Stanley Levison also was closely involved with this organization in New York. According to Garrow:

Levison . . . had first become involved in the southern civil rights struggle as one of the most active sponsors of a New York group named In Friendship. Organized in 1955 and 1956, In Friendship provided financial assistance to southern blacks who had suffered white retaliation because of their political activity. In Friendship has sponsored a large May, 1956, rally at Madison Square Garden to salute such southern activists, and a good percentage of the funds raised went to King's Montgomery Improvement Association.[22]

It was Levison who, with Bayard Rustin, sent Ella Baker to Atlanta to oversee the SCLC office in that city, just as he had brought O'Dell into the SCLC office in New York.

Fred L. Shuttlesworth, corresponding secretary of SCLC in 1957, was in 1963 the president and a former vice president of SCEF. Shuttlesworth was responsible for the formation of the Montgomery Improvement Association, through which King and other civil rights activists became involved in civil rights work. Several other individuals affiliated with SCEF as organizational leaders were alleged under oath to have been members of the Communist Party and to have accepted party discipline or can be shown to have had ties to known Communist Party front organizations. Internal documents of SCEF reveal that Martin Luther King

was in close contact with some of these leaders of SCEF.

First, Aubrey Williams: president emeritus of SCEF in 1963, Williams had been identified as a member of the CPUSA and as having accepted the discipline of the Communist Party in the testimony of two former members of the party, Paul Crouch and Joseph Butler, before SISS in 1954. Williams denied these allegations.

Second, Dr. James A. Dombrowski: exectutive director of SCEF, Dombrowski had also been identified as a member of the Communist Party and as having accepted party discipline by witnesses Crouch and Butler before SISS in 1954. Dombrowski denied these allegations.[23]

Third, Carl Braden: field organizer for SCEF, Braden was identified as a member of the CPUSA in the testimony of Alberta Ahearn, an FBI informant in the party, before SISS on October 28, 1957. Braden later served as executive director of SCEF (1966-70) and, until 1973, information director of SCEF. Braden was indicted and conviced of advocacy of criminal sedition in the State of Kentucky in 1954 and was sentenced to 15 years imprisonment; the conviction was reversed by the decision of the U.S. Supreme Court in *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1956), which struck down State sedition laws. In 1959 Braden was convicted of contempt of Congress for refusing to answer questions before HCUA. Braden served a year in a Federal penitentiary for this offense, and his conviction was upheld by the U.S. Supreme Court. Braden's wife, Anne McCarty Braden, was also identified by Alberta Ahearn as a member of the Communist Party in testimony before SISS in 1957. Anne Braden also was active within the leadership of SCEF.[24]

Fourth, William Howard Melish: Eastern representative of SCEF (in New York City) in 1963, Melish was identified as a member of the Communist Party in testimony before the Subversive Activities Control Board (SACB) in 1956 in connection with SACB hearings on the National Council of American Soviet Friendship, described by HCUA as the Communist Party's principal front for all things Russian and included in the Attorney General's List of Subversive Organizations pursuant to Executive Order 10450. William Howard Melish is the father of Howard Jeffrey Melish (also known as Jeff Melish), a member of the Student for a Democratic Society (SDS) and of the violent Weatherman faction of SDS. Jeff Melish was arrested in Chicago during the violent days of rage rioting organized by the Weatherman faction in 1969; he attended the "9th World Youth Festival in Sofia, Bulgaria," in 1968 and traveled to Cuba in 1970.[25]

Fifth, Benjamin E. Smith: formerly counsel to and in 1963 treasurer of SCEF, Smith as a member of the executive board of the National Lawyers Guild (NLG), repeatedly cited as a Communist front organization, in 1956 and in 1962 was listed as cosecretary of the NLG Committee to Assist Southern Lawyers. In the 1950's Smith was active in the legal defense of persons charged with violating the Smith Act, and in at least one instance he was reported to have received funds from the Emergency Civil Liberties Committee, an organization also identified as a Communist front organization.[26]

C. INTERNAL DOCUMENTS OF SCEF

On October 4, 1963, State and local police raided the headquarters of SCEF in New Orleans and seized a number of internal documents, memoranda, and letters. Much of this material shows extensive involvement on the part of SCEF and its staff in the activities of other CPUSA front organizations. Several of the documents reveal a close relationship between SCEF and Martin Luther King, Jr. These documents include the following:

First, an appeal to sign a petition to President Kennedy for executive clemency for Carl Braden, recently convicted of contempt of Congress for his refusal to answer questions before HCUA. Among the signatures on the appeal found in SCEF offices are those of the Reverand Martin Luther King, Jr., Atlanta, Ga. and of two former presidents of SCEF Aubrey Williams and Edgar A. Love and of a future president of SCEF, Fred Shuttlesworth. In addition to King and Shuttlesworth, other officers of the SCLC also signed the appeal: Rev. C. K. Steele, first vice-president of SCLC, and Rev. Ralph Abernathy, treasurer, SCLC.[27]

Second, a memorandum, dated January 18, 1963, from Carl Braden to Howard Melish (both of whom had been identified as members of the Communist Party), "In re Martin King." Complaining that Martin King has a bad habit of arriving late at meetings and sundry affairs such as the one we are planning in NYC on February 8, Braden suggested, as a means to correct King's habit, that—

> Either you or Jim Dombrowski should write him at his home, asking him to come to a dinner with you or Mogulescu or some of the key people . . . . The dinner invitation to his home will serve to remind him of the engagement that night and will also pin down whether he will be there.[28]

The significance of this memorandum is that it shows identified Communists—Braden, Melish, and Dombrowski—planning the influencing and manipulation of King for their own purposes. The assumption of the memorandum is that Melish and Dombrowski at least were close enough to King to invite him to dinner and to expect to be able to exert influence on him.

Third, a photograph of Martin Luther King, Jr., Carl Braden, Anne Braden, and James A. Dombrowski, with the legend on the back of the photograph in the handwriting of Dombrowski, "The 6th Annual Conference of the Southern Christian Leadership Conference, Birmingham, Alabama, September 25 to 28, 1962."[29]

Fourth a check dated March 7, 1963, for $167.74, issued by SCEF to Dr. Martin Luther King, Jr., with the notation "N.Y. exp." (New York expenses), and signed by Benjamin E. Smith and James A. Domrowski, treasurer and executive director of SCEF respectively. The Southern Patriot of March 1963 reported that King paid high tribute to SCEF in his remarks at the reception of the New York Friends of SCEF, and the UE News, official ogran of the United Electrical, Radio and Machine Workers of America, reported on October 21, 1963, that King protested the seizure of the records of SCEF in Louisana and the arrest of two of its leaders and an attorney during the course of his remarks.[30]

Fifth, a letter on the stationery of SCEF apparently from Dombrowski to Dr. Lee Lorch, dated August 2, 1963. Lee Lorch was identified as a member of the Communist Party in testimony under oath by John J. Edmiston, former member of the party, in a hearing before HCUA on July 12, 1950. The letter from Dombrowski to Lorch discusses activities supportive of civil rights legislation then being considered in the Congress, and proposes the following:

> As part of a massive letter writing campaign, we propose to place a full-page ad in at least one newspaper in each of these 15 states.
>
> We enclose a layout and text for the ad to be signed by the Southern Christian Leadership Conference; Dr. Martin Luther King, president; the Student Nonviolent Coordinating Committee; and SCEF.
>
> SCEF will raise the money. It will take about $10,000 to place the ad in one newspaper in each of the 15 states, $20,000 in two papers per state, etc.[31]

Sixth, a memorandum from Dombrowski to members of the executive committee of SCEF, dated June 20, 1962, "Re: Atlanta Conference on Civil Rights and Civil Liberties." The memorandum states in part:

> For almost a year the staff has been discussing with various leaders in Atlanta the possibility of a Southwide conference in that city on civil rights and civil liberties. There has been a most encouraging response. Most gratifying is the interest shown by a number of organizations which in the past have not publicly associated themselves with projects in which the SCEF was involved.
>
> The Rev. Wyatt Tee Walker of SCEF has promised his cooperation, including the personal participation of the SCLC president, Dr. Martin Luther King, Jr.[32]

Seventh, a letter, dated July 27, 1963, from Carl Braden to James Dombrowski, which states in part:

The pressure that has been put on Martin (Luther King, Jr.) about (Hunter Pitts) O'Dell helps to explain why he has been ducking us. I suspected there was something of this sort in the wind.

The UPI has carried a story quoting Martin as saying they have dumped O'Dell for the second time because of fear that the segregationists (sic) would use it against them. He expressed no distaste for Communists or their beliefs, merely puts it on the pragmatic basis that SCLC can't handle the charges of Communism. This is a quite interesting development.

So I think it is best to let Martin and SCLC alone until they feel like coming around to us. They'll be back when the Kennedys and other assorted other [deleted] opportunists with whom they are now consorting have wrung all usefulness out of them—or rather when they have become a liability rather than an asset. Right now the Red-baiters in New York are holding Martin and SCLC as prisoners through offers of large sums of money. We shall see if they get the money and, if they do, how much of a yoke it puts upon them.[33]

It will be recalled that in the summer of 1963, President Kennedy had urged King to sever relations with O'Dell and that King had appeared to do so by accepting O'Dell's resignation from SCLC. FBI surveillance showed, however, that O'Dell continued to frequent the New York office of SCLC.

The documents cited above show clearly first, that individuals in the leadership of SCEF, identified in testimony under oath as members of the Communist Party or generally well known for their activities on behalf of communism, considered themselves to be on close terms with Martin Luther King and in a position to exert influence on him, and second, that King himself had no objection to working with identified Communists except on the pragmatic basis that Communist affiliation might lend his activities a negative public image and be counterproductive. Indeed, King appears to have worked closely with individuals generally identified as Communists.

KING'S ACTIVITES ON BEHALF OF OTHER COMMUNIST OR COMMUNIST FRONT GROUPS

In addition to his association and cooperation with SCEF and its leaders, Martin Luther King also associated and cooperated with a number of groups known to be CPUSA front organizations or to be heavily penetrated and influenced by members of the Communist Party. On October 4, 1967, Congressman John M. Ashbrook of Ohio, at that time the ranking minority member of the House Committee on Un-American Activities and an authoritative spokeman on internal security matters, inserted in the CONGRESSIONAL RECORD extensive documentation of King's activities in this regard: [34]

First, Martin Luther King, Jr., was listed as a sponsor of the "National Appeal for Freedom," held in Washington, D.C., November 19-21, 1960, of the Committee to Secure Justice for Morton Sobell, a group identified as a Communist front organization by HCUA and SISS in 1956.

Second, King sent a congratulatory telegram to the 27th annual convention of the United Electrical, Radio and Machine Workers of America (UE) in 1962. UE was expelled from the Congress of Industrial Organizations (CIO) in 1949 on grounds that it was dominated by Communists, and in 1944 the SCUA, in a report on the CIO Political Action Committee, found that—

The 600,000 members of the United Electrical, Radio, and Machine Workers of America (employed in many of the most vital American defense industries) are submitting to an entrenched Communist leadership.[35]

Third, in May 1962, King addressed the convention of the United Packinghouse Workers of America (UPWA). Stanley Levision wrote this speech. Charles Hayes of Chicago of UPHW was a guest at the founding meeting of the SCLC in Montgomery, Ala., in 1957 with Ella J. Baker of "In Friendship." The annual report of HCUA for 1959 states that Charles A. Hayes of Chicago had been identified as a member of the Communist Party by two witnesses: by John Hackney, a former member of the Communist Party who had served as a Communist in several party units within the meatpacking industry, and by Carl Nelson, who stated that he had attended many Communist Party meetings with Mr. Hayes.[36] In 1952, in testimony before HCUA, witness Roy Thompson, a former member of the Communist Party and a former official of UPWA in Chicago, stated that he had attended Communist training meetings in which instructions in communism were given by a Mr. Charley Hayes.[37] In 1959, witness Carl Nelson, a former Communist and worker in the meatpacking industry, testified before HCUA that the Communist Party deliberately sought to infiltrate its members into the meatpacking industry because they would be in an excellent position to cut off food for the Armed Forces in the event of war.[38] Mr. Nelson also identifed as having been Communists the editor of the official organ of the UPWA, two field representatives of the union, a departmental director of the union, a district secretary-treasurer of the union, a secretary in the international office of the union, and a former president of a local of the UPWA, in addition to Mr. Hayes, who was a district director of the UPWA, and his secretary.[39]

Fourth, Martin Luther King was a luncheon speaker at a conference in Atlanta, Ga., of the National Lawyers Guild Committee to Assist Southern Lawyers, held on November 30 and December 1, 1962. The National Lawyers Guild was cited several times as a Communist front, and in 1962 the committee stationery listed Benjamin E. Smith, cosecretary of the committee and treasurer of SCEF and Arthur Kinoy, as affiliated with it. Kinoy is reported by Garrow to have been a friend of Stanley Levison and to have recommended William Kunstler as an attorney to Levison for the latter's appearance before SISS in April, 1962.[40]

Fifth, King also lent his support to the National Committee to Abolish the Committee on Un-American Activities, identified as a Communist Party front by HCUA in 1961. Seven of the thirteen founders of this organization were identified as having been members of the CPUSA, including William Howard Melish. Carl Braden was also active in the Committee, as was Anne Braden.[41]

Sixth, King also assisted in the initiation of appeals for executive clemency for Carl Braden and, in 1962, for Junius Scales, former chairman of the North Carolina-South Carolina district of the Communist Party and sentenced to a 6-year prison term for violation of the Smith Act.

Seventh, Highlander Folk School: One of the most controversial aspects of King's career concerns his association with the Highlander Folk School of Monteagle, Tenn., and the nature of the school. In the 1960's groups in opposition to King frequently publicized a photograph showing King at the school, which was described as a Communist training school, sitting in the company of persons alleged to be Communists or pro-Communists.

This photograph is an authentic one, taken on September 2, 1957, when King addressed the 25th anniversary celebration of the Highlander Folk School. Shown in the photograph sitting adjacent to King are Abner Berry, a correspondent for the Communist Party newspaper, the Daily Worker; Aubrey Williams, identified as a member of the CPUSA and president of SCEF; and Myles Horton, a founder and director of the Highlander Folk School. Although Myles Horton was not identified as a member of the Communist Party, a witness before SISS in 1954 and a former member for 17 years and a former official and organizer for the party, Paul Crouch, testified that he had solicited Horton to join the party:

At that meeting after we discussed the (Highlander Folk) school I asked Mr. Horton to become a formal member of the Communist Party and his reply was, as near as I can recall his words, "I'm doing you just as much good now as I would if I were a member of the Communist Party. I am often asked if I am a Communist Party member and I always say no. I feel much safer in having no fear that evidence might be uncovered to link me with the Communist Party, and therefore I prefer not to become a member of the Communist Party." [43]

Crouch also testified that Horton had been affiliated with the Southern Conference Educational Fund and with its predecessor organization, the Southern Conference for Human Welfare.[44]

The Highlander Folk School (HFS) was founded in 1932 by Myles Horton and became well known for its involvement in a number of leftist causes. Both Aubrey Williams and James Dombrowski, each of whom was identified as a member of the Communist Party, were affiliated with HFS. Paul Crouch, who had been district organizer for the State of Tennessee for the Communist Party, described in his testimony the uses of the HFS for the party as they were developed in a conference that included himself, Horton, and Dombrowski:

> The purpose of the conference was to work out a plan by which the Daily Worker would be purchased by the school. They would be made accessible to the students, that everywhere possible the instructors should refer to the Daily Worker, to news that had come in it, to encourage the students to read it, and it was agreed that the Communist Party should have a student, a leader, sent there as a student whose job it would be to look around for prospective recruits and Mildred White, now in Washington, D.C., was selected to attend the Highlander Folk School for the purpose of recruiting for the Communist Party and carrying the Communist Party line among the student body there.
>
> Mr. ARENS (Special Counsel to the Subcommittee). You said it was agreed? Who agreed?
>
> Mr. CROUCH. Mr. Horton and Mr. Dombrowski.[45]

Based on this information and considerable evidence of a similar nature collected by the Joint Legislative Committee on Un-American Activities of the State of Louisiana in 1963 and by other investigative bodies, it is not inaccurate to describe the Highlander Folk School as a Communist, or at least a pro-Communist, training school.

Although Martin Luther King, Jr., was present only briefly at HFS on September 2, 1957, when the photograph was taken, his relations with HFS appear to have been prolonged and positive. On February 23, 1961, the New York Times reported that—

> The Southern Christian Leadership Conference . . . and the Highlander Folk School have joined forces to train Negro leaders for the civil rights struggle.[46]

In 1962 the Highlander Center opened in Knoxville, Tenn., with Myles Horton on the board of directors. In December 1962, Martin Luther King, Jr., was listed as a sponsor of the Highlander Center on its letterhead.[47]

MARTIN LUTHER KING AND THE VIETNAM WAR

As the Vietnam war escalated in the mid 1960's, Martin Luther King became one of the most outspoken critics of U.S. policy and involvement in Vietnam. It is probable that Stanley Levison in particular encouraged King's criticism, since Levison himself was also critical of the war and wrote President Johnson to urge American withdrawal from Vietnam, describing American policy in Vietnam as completely irrational, illegal, and immoral and as supportive of a succession of undemocratic regimes which are opposed by a majority of the people of South Vietnam.[48] FBI surveillance of King showed that Levison was urging King to speak out publicly against American military involvement in Vietnam.[49]

On December 28-30, 1966, a conference was held at the University of Chicago to discuss and make plans for a nationwide student strike against U.S. involvement in the Vietnam war. This conference, which led to a week of demonstrations against the war known as "Vietnam Week," April 8-15, 1967, was initiated by Bettina Aptheker, daughter of Communist Party theoretician and member of the national committee of the CPUSA Herbert Aptheker, and herself a member of the CPUSA. The Chicago conference, as a report of the HCUA found, "was instigated and dominated by the Communist Party, U.S.A., and the W.E.B. DuBois Clubs of America," described by Attorney General Katzenbach in 1966 as substantially directed, dominated and controlled by the Communist Party.[50]

The scheduled after-dinner speaker at the Chicago conference was Rev. James L. Bevel, of the Southern Christian Leadership Conference, who had been released from his duties with SCLC by Martin Luther King in order to serve as national director of the "Spring Mobilization Committee To End the War in Vietnam," an organization found by the HCUA to be heavily influenced, supported, and penetrated by Communists and in which Communists are playing a dominant role. Bevel joined the DuBois Clubs as a coplaintiff in a suit to prevent the "Subversive Activities Control Board" (SACB) from holding hearings on the DuBois Clubs as petitioned by Attorney General Katzenback, and Bevel was a sponsor of Vietnam Week and of the Chicago conference that initiated it.[51] The report of the HCUA concluded that—

> The proposal for a nationwide student strike was completely Communist in origin. . . .
>
> Communists are playing dominant roles in both the Student Mobilization Commitee and the Spring Mobilization Committee. Further, these two organizations have unified their efforts and are cooperating completely in their purpose of staging on April 15 (1967) the largest demonstrations against the war in Vietnam ever to take place in this country. . . .
>
> Dr Martin Luther King's agreement to play a leading role in the April 15 demonstrations in New York City, and his freeing Rev. James Bevel from his key position in the Southern Christian Leadership Conference to head up the Spring Mobilization Committee, are evidence that the Communists have succeeded, at least partially, in implementing their strategy of fusing the Vietnam and civil rights issues in order to strengthen their chances of bringing about a reversal of U.S. policy in Vietnam.[52]

The major statement of Martin Luther King on the Vietnam war is contained in a speech he delivered at the Riverside Church in New York City on April 4, 1967, a few days prior to the beginning of Vietnam Week. Analysis of this speech shows that King's criticism of U.S. policy in Vietnam was not based on a consideration of American national interests and security nor on a belief in pacificism and nonviolence but on an ideological view of the Vietnam conflict that is indistinguishable from the Marxist and New Left perspective.[53]

King portrayed U.S. troops in Vietnam as foreign conquerors and oppressors, and he specifically compared the United States to Nazi Germany:

> They (the South Vietnamese people) move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe?

King described the U.S. Government as the greatest purveyor of violence in the world today and President Ngo Dinh Diem as one of the most vicious modern dictators, but he spoke of Ho Chi Minh, the Communist dictator of North Vietnam, as a national leader and the innocent victim of American aggression:

> Perhaps only his (Ho Chi Minh's) sense of humor and of irony can save him when he hears the most powerful nation of the world speaking of aggression as it drops thousands of bombs on a poor weak nation more than 8,000 miles away from its shores.

The Communists, in King's view, were the true victims in Vietnam

> In Hanoi are the men who led the nation to independence against the Japanese and the French. . . . After 1954 they watched us conspire with Diem to prevent elections which would surely have brought Ho Chi Minh to power over a united Vietnam, and they realized they had been betrayed again.

In King's view, the National Liberation Front (NLF), the political arm of the Vietcong terrorists controlled by North Vietnam, was that strangely anonymous group we call VC or Communist, which consisted of a membership that is less than 25 percent Communist.

King might have been interested to learn of the television interview given in France on February 16, 1983 by North Vietnamese generals Vo Nguyen Giap and Vo Bam. As reported by the

Economist (London) in its issue of 26 February, 1983:

> General Bam admitted the decision to unleash an armed revolt against the Saigon government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was 'to reunite the country.' So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening an infiltration trail in the south. The year was still 1959. That was two years before President Kennedy stepped up American support for Diem by sending 685 advisers to South Vietnam. So much for the story that the Ho Chi Minh trail was established only to counteract the American military build-up. . . . General Bam got his orders on May 19, 1959. 'Absolute secrecy, absolute security were our watchwords,' he recalled.[54]

King included himself as one of those who "deem ourselves bound by allegiances and loyalties which are broader and deeper than nationalism and which go beyond our Nation's self-defined goals and positions. We are called to speak for the weak, for the voiceless, for victims of our Nation and for those it calls enemy, for no document from human hands can make these humans any less our brothers."

Apart from the arrogance and ingratitude displayed by these remarks, it is a logical implication of this self-proclaimed universal humanism that King should have denounced Communist atrocities and tyranny at least as strongly as those he attributed to his own country. Yet throughout King's speech there is not a single word of criticism, let alone of condemnation, for North Vietnam or for Ho Chi Minh, for Ho's internal and external policies by which a totalitarian state was created and its institutions were imposed on adjacent States, for the use of terrorism by the Vietcong or for the terrorism and systematic repression perpetrated by the Communists in North Vietnam.

King portrayed American policy in Vietnam and U.S. foreign policy in general as motivated by a need to maintain social stability for our investments and formulated by men who refuse to give up the privileges and the pleasures that come from the immense profits of overseas investment. He saw individual capitalists of the West investing huge sums of money in Asia, Africa, and South America, only to take the profits out with no concern for the social betterment of the countries.

King, in other words, did not dissent from U.S. policy in Vietnam because he was concerned for the best interests of the United States or because of moral and humanitarian beliefs. His opposition to the war was drawn from an ideological, and false, view of American foreign policy as motivated by capitalist and imperialist forces that sought only their own material satisfaction and which were responsible for the giant triplets of racism, materialism, and militarism.

This view of American foreign policy is fundamentally Marxist, and it parallels the theory of Lenin in his "Imperialism: The Highest Stage of Capitalism." It was a doctrine that became increasingly fashionable in New Left circles of the late 1960's and 1970's, although it has been subjected to devastating scholarly criticism.

Public reaction to King's speech on Vietnam was largely negative. The Washington Post, in an editorial of April 6, 1967, said that the speech was filled with bitter and damaging allegations and inferences that he did not and could not document.

> He has no doubts that we have no honorable intentions in Vietnam and thinks it will become clear that our "minimal expectation is to occupy it as an American colony. " . . . It is one thing to reproach a government for what it has done and said; it is quite another to attribute to it policies it has never avowed and purposes it has never entertained and then to rebuke it for these sheer inventions of unsupported fantasy.

Life magazine, in its issue of April 21, 1967, described King's speech as "a demagogic slander that sounded like a script for Radio Hanoi." Carl Rowan wrote that King "has alienated many of the Negro's friends and armed the Negro's foes * * * by creating the impression that the Negro is disloyal."[55] John P. Roche, a former director of Americans for Democratic Action (ADA), in a memorandum to President Johnson, wrote that King's speech indicates that King—in desperate search of a constituency—has thrown in with the commies.[56]

CONCLUSION: WAS MARTIN LUTHER KING A COMMUNIST?

As stated earlier there is no evidence that Martin Luther King was a member of the Communist Party, but the pattern of his activities and associations in the 1950's and 1960's show clearly that he had no strong objection to working with and even relying on Communists or persons and groups whose relationships with the Communists Party were, at the least, ambiguous. It should be recalled that in this period of time, far more than today, many liberal and even radical groups on the left shared a strong awareness of and antipathy for the antidemocratic and brutal nature of communism and its characteristically deceptive and subversive tactics. It is doubtful that many American liberals would have associated or worked with many of the persons and groups with whom King not only was close but on whom he was in several respects dependent. These associations and, even more, King's refusal to break with them, even at the expense of public criticism and the alienation of the Kennedy administration, strongly suggest that King harbored a strong sympathy for the Communist Party and its goals.

This conclusion is reinforced by King's own political comments and views—not only by the speech on Vietnam discussed above but also by a series of other remarks made toward the end of his life. King apparently harbored sympathy for Marxism, at least in its economic doctrines, from the time of his education in divinity school. The Rev. J. Pius Barbour, described by Garrow as perhaps King's closest friend while at Crozer Theological Seminary from 1948 to 1951, believed that King was economically a Marxist * * *. He thought the capitalistic system was predicated on exploitation and prejudice, poverty, and that we would not solve these problems until we got a new social order.[57] King was critical of capitalism in sermons of 1956 and 1957, and in 1967 he told the staff of the SCLC:

> We must recognize that we can't solve our problems now until there is a radical redistribution of economic and political power.[58]

In 1968 he told an interviewer that—

> America is deeply racist and its democracy is flawed both economically and socially * * * * the black revolution is much more than a struggle for the rights of Negroes. It is forcing America to face all its interrelated flaws—racism, poverty, militarism, and materialism. It is exposing evils that are rooted deeply in the whole structure of our society. It reveals systemic rather than superficial flaws and suggests that radical reconstruction of society itself is the real issue to be faced.[59]

In 1967, in his remarks to the SCLC staff, he argued that—

> For the last twelve years we have been in a reform movement. . . . But after Selma and the voting rights bill we moved into a new era, which must be an era of revolution. I think we must see the great distinction here between a reform movement and a revolutionary movement (which would) raise certain basic questions about the whole society . . . this means a revolution of values and of other things.[60]

And in 1968 he publicly stated, "We are engaged in the class struggle." [61]

King's view of American society was thus not fundamentally differed from that of the CPUSE or of other Marxists. While he is generally remembered today as the pioneer of civil rights for blacks and as the architect of nonviolent techniques of dissent and political agitation, his hostility to and hatred for America should be made clear. While there is no evidence that King was a member of the Communist Party, his associations with persons close to the party, his cooperation with and assistance of groups controlled or influenced by the party, his efforts to disguise these relationships from public view and from his political allies in the Kennedy administration, and his views of American society and foreign policy all suggest that King may have had an explicit but clandes-

tine relationship with the Communist Party or its agents to promote through his own stature, not the civil rights of blacks or social justice and progress, but the totalitarian goals and ideology of communism. While there is no evidence to demonstrate this speculation, it is not improbable that such a relationship existed. In any case, given the activities and associations of Martin Luther King described in this report, there is no reason to disagree with the characterization of King made by Congressman John M. Ashbrook on the floor of the House of Representatives on October 4, 1967:

King has consistently worked with Communists and has helped give them a respectability they do not deserve and I believe he has done more for the Communist Party than any other person of this decade.[62]

ADDENDUM

On January 31, 1977, in the cases of *Bernard S. Lee* v. *Clarence M. Kelley,* et al. (U.S.D.C., D.C.) and *Southern Christian Leadership Conference* v. *Clarence M. Kelley, et al.* (U.S.D.C., D.C.), U.S., District Judge John Lewis Smith, Jr., ordered that the Federal Bureau of Investigation purge its files of:

All known copies of the recorded tapes, and transcripts thereof, resulting from the FBI's microphonic surveillance, between 1963 and 1968, of the plaintiffs' former president, Martin Luther King, Jr.; and all known copies of the tapes, transcripts and logs resulting from the FBI's telephone wiretapping, between 1963 and 1968, of the plaintiffs' offices in Atlanta, Georgia and New York, New York, the home of Martin Luther King, Jr., and places of accommodation occupied by Martin Luther King, Jr.

Judge Smith also ordered that—

At the expiration of the said ninety (90) day period, the Federal Bureau of Investigation shall deliver to this Court under seal an inventory of said tapes and documents and shall deliver said tapes and documents to the custody of the National Archives and Records Service, to be maintained by the Archivist of the United States under seal for a period of fifty (50) years; and it is further

Ordered that the Archivist of the United States shall take such actions as are necessary to the preservation of said tapes and documents but shall not disclose the tapes or documents, or their contents, except pursuant to a specific Order from a court of competent jurisdiction requiring disclosure.

This material was delivered to the custody of the National Archives and Records Service to be maintained by the Archivist of the United States under a seal for a period of 50 years.

FOOTNOTES

[1] Most of this section is drawn from David J. Garrow, *The FBI and Martin Luther King, Jr.: From "Solo" to Memphis* (New York: W.W. Norton & Company, 1981), esp. ch. pp. 21-78.

[2] *Ibid.*, p. 41.

[3] United States, Department of Justice, *Report of the Task Force to Review the FBI Martin Luther King, Jr., Security and Assassination Investigations,* January 11, 1977, pp. 121-22.

[4] Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), pp. 162-63.

[5] Quoted in Garrow, *FBI,* p. 28.

[6] Quoted in Garrow, *FBI,* p. 61.

[7] *Ibid.*

[8] *Ibid.,* p. 62.

[9] *Ibid.,* p. 63.

[10] *Ibid.,* quoted, p. 95.

[11] *Ibid.,* p. 151.

[12] United States, Congress, Senate, *Report of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws,* Committee on the Judiciary 84th Congress, 2nd Session, for the Year 1956, Section III, December 31, 1956, p. 46. (Publications of this Subcommittee hereinafter cited as SISS).

[13] United States, Congress, House of Representatives, *Structure and Organization of the Communist Party of the United States, Part 1,* Hearings before the Committee on Un-American Activities, 87th Congress, 1st Session, November 20, 21, and 22, 1961, Testimony of Francis J. McNamara, p. 576. (Publications of this Committee hereinafter cited as HCUA).

[14] Garrow, *FBI,* p. 50.

[15] *World Peace Council, List of Members, 1980-1983* (Helsinki, Finland: Information Centre of the World Peace Council), pp. 141-42; for O'Dell's background, see *Review of the News,* July 13, 1983, pp. 49-50; *Soviet Active Measures,* Hearings before the Permanent Select Committee on Intelligence, House of Representatives, 97th Congress, 2nd Session, July 13, 14, 1982, p. 57.

[16] Garrow, *FBI,* p. 50.

[17] HCUA, *Report on Southern Conference on Human Welfare,* 80th Congress, 1st Session, June 16, 1947, pp. 2 and 17.

[18] HCUA, *Guide to Subversive Organizations and Publications (and Appendixes) Revised and published December 1, 1961, to supersede Guide published on January 2, 1957,* p. 154 (hereinafter cited as *Guide*).

[19] SISS. *Southern Conference Educational Fund, Inc., Hearings,* March 18, 19, and 20, 1954, p. VIII.

[20] Trezz Anderson, "New Rights Group Launched in Dixie," *Pittsburgh Courier,* August 17, 1957, p. 2; this article misprints "In Friendship" as "In Fellowship."

[21] Robert H. Brisbane, *Black Activism: Racial Revolution in the United States, 1954-1970* (Valley Forge, Pa.: Judson Press, 1974), p. 49; see also the masthead of *The Southern Patriot* of October, 1963, reproduced in State of Louisiana, The Joint Legislative Committee on Un-American Activities, Report No. 4, November 19, 1963, "Activities of the Southern Conference Educational Fund, Inc. in Louisiana," Part I, p. 74, Exhibit 29 (hereinafter cited as JLCUA).

[22] Garrow, *FBI,* p. 26.

[23] SISS, *Southern Conference Educational Fund, Inc. Hearings,* pp. VI and VII.

[24] SISS, *Communism in the Mid-South, Hearings,* October 28 and 29, 1957, Testimony of Alberta Aheran, p. 37; John M. Ashbrook, "Rev. Martin Luther King: Man of Pease or Apostle of Violence," *Congressional Record,* October 4, 1967, p. H13013.

[25] JLCUA, p. 14; *Guide,* pp. 117-18; United States, Congress, House of Representatives, Special Committee on Un-American Activities, *Report on the C.I.O. Political Action Committee,* 78th Congress, 2nd Session, March 29, 1944, p. 156; United States, Department of Justice, Federal Bureau of Investigation, *Foreign Influence—Weather Underground Organization (WUO),* August 20, 1976, p. 332.

[26] See *Guide,* p. 1212, for citations of the National Lawyers Guild as a Communist front; JLCUA, pp. 14-16.

[27] JLCUA, p. 86, Exhibit 37.

[28] *Ibid.,* p. 97, Exhibit 41.

[29] *Ibid.,* p. 100, Exhibit 43a.

[30] *Ibid.,* p. 101, Exhibits 44 and 44a; Ashbrook, *Congressional Record,* October 4, 1967, p. H13012.

[31] JLCUA, p. 102, Exhibit 45; for the identification of Lee Lorch as a member of the Communist Party, see HCUA, "Hearings Regarding Communist Activities in the Cincinnati, Ohio, Area—Part 1," 81st Congress, 2nd Session, July 12, 13, 14, and 15; August 8, 1950, p. 2675.

[32] JLCUA, p. 104, Exhibit 46.

[33] *Ibid.,* p. 106, Exhibits 47 and 47a.

[34] Ashbrook, *Congressional Record,* October 4, 1967, pp. H13005-H13017 *passim.*

[35] *Report on the C.I.O. Political Action Committee,* p. 183.

[36] For Hayes's presence at the SCLC meeting in Montgomery, see Trezz Anderson, *Pittsburgh Courier,* August 17, 1957, p. 2, where Hayes's name is given as "Chris Hayes, United Packinghouse Workers . . . of Chicago." And see HCUA, *Annual Report,* 1959, p. 40.

[37] HCUA, "Communist Activities in the Chicago Area—Part 2 (Local 347, United Packinghouse Workers of America, CIO)," Hearings, 82nd Congress, 2nd Session, September 4 and 5, 1952, Testimony of Roy Thompson, p. 3767.

[38] HCUA, *Annual Report,* 1959, pp. 37-38.

[39] *Ibid.,* pp. 38-39.

[40] Ashbrook, *Congressional Record,* October 4, 1967, p. H13010; JLCUA, p. 75, Exhibit 30.

[41] Ashbrook, *Congressional Record,* October 4, 1967, pp. H13011-H13013.

[42] *Ibid.,* pp. H13010-H13011.

[43] SISS, *Southern Conference Educational Fund, Inc., Hearings,* Testimony of Paul Crouch, p. 136; see also Ashbrook, *Congressional Record,* pp. H13000-H13012; and JLCUA, pp. 23-37.

[44] SISS, *Southern Conference Educational Fund, Inc., Hearings,* Testimony of Paul Crouch, p. 137.

[45] *Ibid.,* pp. 135-36.

[46] Quoted. Ashbrook, *Congressional Record,* October 4, 1967, p. H13011.

[47] *Ibid.,* p. H13012.

[48] Garrow, *FBI,* pp. 137-38.

[49] *Ibid.,* p. 139.

[50] HCUA, *Communist Origins and Manipulation of Vietnam Week (April 8-15, 1967), Report,* March 31, 1967, pp. 53 and 5.

[51] *Ibid.,* pp. 25-26, 53, and 33-37.

[52] *Ibid.,* p. 53.

[53] The Text of King's speech, "Beyond Vietnam," was inserted by Congressman Don Edwards, "Dr. Martin Luther King on Vietnam," *Congressional Record,* May 2, 1967, pp. 11402-11406; all quotations given below are from this text.

[54] "Vietnam: We Lied to You," *The Economist* (London), 26 February 1983, pp. 56-57.

[55] Carl T. Rowan, "Martin Luther King's Tragic Decision," *Reader's Digest* (September, 1967), p. 42; for further negative reaction, see Garrow, *FBI,* pp. 180-81.

[56] Quoted in Garrow, *FBI,* p. 180.

[57] *Ibid.,* p. 304, n. 25.

[58] *Ibid.,* pp. 213-14.

[59] *Ibid.,* p. 214.

[60] *Ibid.*

[61] *Ibid.*

[62] Ashbrook, *Congressional Record,* October 4, 1967, p. H13005.

CLOTURE MOTION

Mr. BAKER. Mr. President, I indicated earlier that I was prepared to file a cloture motion under the provisions of rule XXII to bring to a close the debate on the motion to proceed. I send such a motion to the desk at this time.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Slade Gorton, Paula Hawkins, Ernest F. Hollings, Quentin Burdick, Spark Matsunaga, Bob Dole, John Danforth, Charles H. Percy, Edward M. Kennedy, Bob Packwood, David Durenberger, Arlen Specter, Robert C. Byrd, and Mark Hatfield.

Mr. BAKER. Mr. President, as Members know, under the provisions of rule XXII, the vote on this motion cannot occur prior to Wednesday. Unless the time is changed by unanimous consent, it will occur 1 hour

after the Senate convenes and after the presence of a quorum is established pursuant to that rule. I will discuss with the minority leader the possibility of adjusting that time in order to suit the maximum convenience of the greatest numbers of Senators. It is anticipated, however, that the vote will occur no later than 1 hour after we convene and the establishment of a quorum as the rule provides.

If cloture is invoked, Mr. President, I would hope to proceed the to debate the bill itself and perhaps even to finish it.

I must say in all candor that I am advised that we will not finish the bill on Wednesday and Members should know that I also have a cloture motion for Wednesday, too. But we will cross those bridges as we come to them.

Mr. President, I hope debate will continue on this motion today and that we can utilize the time remaining to us during the day to good advantage.

It is the intention of the leadership on this side, since we cannot vote on cloture tomorrow and if Senators wishing to speak on the motion to proceed do not require the entire day, to ask the Senate to turn temporarily to the consideration of some other matter, and that may be the Labor-HHS appropriations bill, which is here and available.

But on Wednesday, which is the first moment at which we can vote on this measure absent unanimous consent, we will be back on it. I intend to vote for cloture, obviously, and I am very hopeful that we will obtain cloture.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I support the majority leader, the distinguished Senator from Tennessee, in his efforts to bring this matter to a vote at the earliest possible time and on his placing the matter on the calendar.

While I agree with what the distinguished Senator from Massachusetts (Mr. KENNEDY) had to say, I would underscore the comments that he had made about the bipartisan nature of the effort to commemorate the birthday of Dr. King and would underscore Senator KENNEDY'S comments about Republican support as well as Democratic support on this issue. I would not like to see undue emphasis placed upon the President's position because he has not responded in time for a bulletin to be put out.

The President is not obligated to make responses at a time when bulletins are issued. I, for one, am optimistic and even confident that, when the matter reaches the President's desk, the President of the United States will support this measure.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SPECTER. I yield.

Mr. KENNEDY. I hope that the comments that I made would not be considered to be unfair.

This is an issue which is not new, which has been before the Congress and has been before the Senate for years. If the Senator from Pennsylvania can give me any indication at any time where the President has made a statement in favor of it, then I would be glad to correct the record. But he has not. I think the record ought to at least be clear that this is not some new kind of an issue which we are springing on the President and, therefore, he should be excused from exercising some judgment.

If the Senator can point out some kind of a comment or statement that the President has made, I would be glad to go back and offer to change the record and say so publicly at this time. If he has not and has not spoken about it, then I do think that the observations that I made about his failure to take a position on an issue, which has been a major civil rights issue for millions of people in this country over the period of years, should be noted as we begin this particular debate.

Mr. SPECTER. Mr. President, I thank the Senator from Massachusetts. I think the Senator from Massachusetts has noted that I make no representation that the President has spoken on the subject. But I do make the assertion that the President does not have any obligation to speak on it in accordance with the publication timetable of the Republican bulletin. The time that the President has an obligation to speak on this matter is when the Congress of the United States has acted and has submitted the matter to the President for his signature.

Mr. KENNEDY. Will the Senator yield 1 more minute?

Mr. SPECTER. Please allow me to finish, then I will yield before I move away from it. I have not responded yet.

But I do think that this matter is a very important subject which ought to be addressed on the merits and I do believe that the Senator from North Carolina has raised certain issues which ought to be addressed.

I think it preferable at this time not to inject partisanship into this issue about recognizing Dr. King's birthday as a national holiday. I think the more important factor is that, when the isssue passed in the House 338 to 90, it received overwhelming Republican support, and, as the distinguished Senator from Massachusetts has noted, there is Republican support in this body, that the focus should be, I submit, on what we ought to be doing at this time, and that there was a note of partisanship injected by what the Senator from Massachusetts has had to say.

It might have been preferable if the President had spoken out on this subject, or a great many other subjects, prior to this time on somebody else's timetable. But when he has not chosen to do so, I do not think that that is a germane issue.

I simply note—I do not wish to argue at length—but I simply note that Dr. King's birthday as a national holiday has received widespread bipartisan support—Republican as well as Democratic—and that the President does not operate on the timetable of the Republican bulletins.

I now yield further.

Mr. KENNEDY. I thank the Senator.

Since the matter is before us, I say to my good friend and colleague from Pennsylvania, does he think it is appropriate that the President of the United States indicate his position on this issue, as he is delighted to do as he has demonstrated on any number of three dozen issues which the Senator from Pennsylvania and I can possibly name or list? Does the Senator think that it is asking too much for the President to at least indicate to his party his position for those that might be interested?

Obviously, we make up our own minds. But I also like to support the President whenever I can, and I am sure that others here would like to be able to do so whenever they can, as well.

Mr. SPECTER. I would like to support the President wherever I can, and I think I do so more often than the Senator from Massachusetts.

I do believe that it would be appropriate for the President to indicate his approval. It would be appropriate for him to indicate his disapproval It would also be appropriate for him to do nothing if he chooses to do nothing.

It is certainly true, as the Senator from Massachusetts has asserted, that the President has indicated his position on some three dozen items or more. I think it is also true that the President has not indicated his position on some 30 dozen items or more. There are many, many matters which are pending before the Congress on which the President has not spoken out. Not that he does not necessarily have a position, but that he has a great many matters which confront him, more than confront the Senator from Pennsylvania, for example.

I do not think that the President is the issue at the moment. What I perceive to be the issue at the moment is the underlying merits of making a national holiday in commemoration of Dr. King. More specifically, the reason that I rose was not to take issue with the Senator from Massachusetts, but to make some comments about the discussion of the distinguished senior

Senator from North Carolina (Mr. HELMS), which I will proceed to do at this time.

The subject matter of a national holiday in commemoration of Dr. King I think is appropriate and timely now. In my judgment, Dr. King has been a herculean figure on the American scene. He has taken stands against racism and discrimination which make him fitting to be commemorated by a national holiday, not as a representative of the blacks or a representative of minorities, but a representative of all Americans. That is the standard for a national holiday.

The Senator from North Carolina made a number of comments about Dr. King. I would like to add my own experience to this record at this time.

The Senator from North Carolina made a comment about liberation theology as one of destruction and Marxist theory as action oriented. It is my view that they do not accurately describe the actions of Dr. Martin Luther King. I make this statement based upon personal experience as the district attorney of Philadelphia, where, during the midsixties, I had the responsibility, along with others, for the maintenance of the enforcement of the laws of the Commonwealth of Pennsylvania.

In that particular era there were riots in many parts of the United States, starting in Watts in Los Angeles and moving through Pittsburgh, Newark, Detroit, and many cities. Dr. King was in Philadelphia on a number of occasions and and I had the opportunity to hear him speak in 1965, which I remember very well.

Dr. King spoke eloquently but specifically on the issue of nonviolence. He spoke on the approach of changing the system within lawful means in the best tradition of the democratic approach and in the best tradition of freedom of speech, addressing the issue to change people's minds, to move against racism, to move against discrimination, and to move for equality.

In 1966 and 1967 I recall very well the very difficult times of the long hot summers, and I recall the riots which plagued our sister city of Pittsburgh. Detroit, Newark, and Philadelphia did not have that problem, but I think the contributing factor was the presence of Dr. King, as I recall very well in 1965, and I believe he was present on other occasions.

I think he was a stabilizing influence at a time when many who sought similar objectives did so through violent means, where there were those riots.

I can testify, which is somewhat unusual, perhaps, for a statement on the Senator floor, as to what Dr. Martin Luther King said as to his state of mind, as to what he thought ought to be carried out and as to what followed at least in the city of Philadelphia where he spoke eloquently on that subject.

So I do not believe that it is accurate to characterize Dr. King as an exponent in any way, shape, or form of a theory of destruction which may or may not be part of the liberation theology. I do not know the details of liberation theology as articulated by the distinguished Senator from North Carolina. But I do know that Dr. King did not talk of or incite destruction.

Similarly, I think it is inaccurate to characterize Dr. King as part of a Marxist philosophy which would be action oriented for destruction, because I saw him and I heard him speak about nonviolence, and I saw that carried out in accordance with what he was advocating at least in the city of Philadelphia.

I think there might have been other procedures followed by the distinguished majority leader (Mr. BAKER), but in placing this matter before this body at this time I think it most appropriate and I urge this body to consider this matter at the earliest moment and enact this legislation and submit it to the President, who I think will be ready, willing, and able to speak on the subject. As I say, I am optimistic, and in fact confident, that the President will support a national holiday for Dr. King and that we can move on this very constructive measure. I thank the Chair and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, although the bill to make the birthday of Dr. Martin Luther King, Jr., a legal public holiday is not officially before us at this time, a motion has been made to proceed to its consideration. It will be brought up and, I anticipate, will be passed within a few days.

Mr. President, the Senate will then have before it H.R. 3706, a bill to make the third Monday in January a legal public holiday in honor of Dr. Martin Luther King, Jr.

I intend to support this legislation, principally for the following two reasons:

First, my past opposition to a 10th paid holiday for Federal employees, regardless of how noble the purpose or how substantial the contributions of the individual memorialized, has centered on the excessive cost of these holidays. At the same time, I have never opposed a day of recognition for Dr. King, provided the cost problem could be adequately addressed. Congressional leaders recently have assured me that legislation will be considered shortly to reduce the overall cost associated with these holidays. That may be a more desirable means of handling this problem.

Second, Mr. President, I fully recognize and appreciate the many substantial contributions of black Americans and other minorities to the creation, preservation and development of our great Nation. For their numerous military and civilian achievements and services, our minority citizens are surely deserving of the highest honor and recognition. Many feel that a Federal holiday is a means of annually commemorating those significant aspects of American history which are of special importance to our minority citizens.

Furthermore, the preference of black leaders with whom I have conferred is that the birthday of Dr. Martin Luther King, Jr., should be the focus of such a holiday. I might say, Mr. President, that I have extensively discussed this issue with presidents of the historically black colleges, black elected officials, and a wide spectrum of other minority leaders in South Carolina and across the Nation. Clearly, the overwhelming preference among our minority citizens is for a holiday honoring Dr. King, and I respect these views.

In summary, Mr. President, I support prompt passage of this legislation, based on the assurances that the cost concerns will be addressed subsequently, and out of respect for the important contributions of our minority citizens and the symbolic significance of this particular holiday to them.

Mr. President, as chairman of the Committee on the Judiciary, let me say that my committee would have received this House-passed legislation if it had been referred to committee. However, the majority leader held it at the desk and it is now the subject of his motion to bring it before the Senate. In view of the other duties I have on hand, I have requested the able and distinguished Senator from Kansas, Senator ROBERT DOLE, who is a member of the Judiciary Committee and chairman of the Courts Subcommittee, and who has had a prominent interest in this and other civil rights legislation, to handle this bill on the floor. Senator DOLE has agreed to do this. So, from this point on, I shall turn this matter over to the distinguished and able Senator from Kansas, with the request that he take charge of the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the distinguished Senator from North Carolina (Mr. EAST) wants to make a statement. I have one that will take about 10 minutes. If he would like to precede me, I shall be happy to yield to him.

Mr. EAST. If the distinguished manager of the bill has no objection, I would like to proceed, if I could, if it is suitable with him, to make a few com-

ments on this particular proposal and measure and the concerns that I have about it.

Mr. DOLE. I am happy to yield the floor to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I think the debate that will eventually ensue over this measure needs to be in an atmosphere of nonpartisanship and in an absence of deep acrimony and loose accusations. I think Senator SPECTER is correct, that partisanship ought not to be introduced into it.

The one only I greatly fear is that those of us who, for what I think are very fair and legitimate reasons, oppose the measure will be cast by high-flown rhetoric as invariably prejudiced or racist on this matter. I think that is unfair and I think that the tone of it ought to be cast in terms of the merits of the bill, of the legislation.

Not everything done in the name of civil rights necessarily advances the cause of civil rights; not everything done in the name of anticommunism necessarily serves the cause of anticommunism; and not everything done in the name of a stronger defense supports stronger defense. I know there are people here who often fear that if they take a position on something, wrath will come down upon them that some way or other, they are prejudiced and biased people and that no reasonable mind or fairminded or thoughtful person can disagree.

I submit, and I intend to be a part of this debate, that a fairminded, thoughtful person, which I like to think I am, could be opposed to this particular measure yet be fully supportive of the notion that every American ought to be evaluated on the basis of his talent and ability regardless of race, color, religion, sex, or national origin; that a fairminded person could support that position, which I do, and yet oppose the creation of this 10th national holiday.

Mr. President, hearings may have been held before the Committee on the Judiciary in 1979, but since 1980, for example, since I have been here and been a member of the Judiciary Committee, no hearings have been held—not in the current Congress, not in the current composition. It has not been so dealt with. So I think my distinguished senior colleague from North Carolina makes a valid point.

After all, there are many implications and facets to this measure that we ought to explore. For example, just to show that this thing ought to be done in the spirit now of fairness and civility and lack of rancor about racism, we have now currently nine nationally paid legal holidays. Nine of them.

We have New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. You will note of those nine, that only one is named after an American—George Washington's birthday. Columbus was the discoverer of the New World and, of course, Christmas—Christ. But only one is in honor of a specific American; namely, that was the father of the Revolution and the first President of the United States.

What we are saying here is that Martin Luther King, for whatever merit he had, and I am not questioning that, ought to be elevated to that stature and, I remind you, done to the exclusion of other great Americans like Jefferson, the author of the Declaration of Independence; James Madison, the father of the Constitution; Abraham Lincoln, who issued the Emancipation Proclamation; perhaps to Franklin Delano Roosevelt, one of the most influential Presidents of the 20th century; great public figures of our time such as Douglas MacArthur, or great public figures of the 19th century, such as Robert E. Lee.

All I am saying is that once you go beyond Washington, the founder and the first President, you set a precedent where other groups and interests naturally will wish to come in. Why should they be denied?

We might, for example, as an alternative, set aside a day called National Civil Rights Day. It would be a day where people were expected to go to work, or it might be a Sunday. And on that day, we could honor America's commitment to the idea, on National Civil Rights Day, that every American, regardless of race, color, religion, sex, or national origin, ought to be judged on the basis of talent and ability and not these other irrelevancies. That would be a good thing to do. To me, for example, I just throw it out as an alternative—what day might we pick? How about the birthday of James Madison, known as the father of the Constitution and the man who shepherded through the First Congress the Bill of Rights, from which many of the rights come that have protected minorities? I come from a group of handicapped Americans. In short, candidly, there is no end to how far you might wish to go.

I know prominent, handicapped Americans that I think it might be nice and appropriate to dedicate a national holiday to. Franklin D. Roosevelt would be one. He was a polio paraplegic, as I was, and after contracting polio, he was elected Governor of New York twice and President of the United States four times. He founded the National Foundation for Infantile Paralysis at Warm Springs, Ga., which eventually developed the vaccine that destroyed and eliminated polio. How about a day for that, a nationally paid holiday?

Is that any less significant? If so, why so?

I am going to be strongly resistant in this debate to the notion that unless you support this particular measure, this particular vehicle, hidden somewhere down deep in the recesses of your heart and soul is bigotry, because that is not true.

(Mr. MATTINGLY assumed the Chair.)

Mr. EAST. A fairminded, reasonable person could not agree on the method here but agree on the end, where we included not only our distinguished black citizenry in this country but all other groups who have, as we frequently look back in history, been excluded from the mainstream of participation in American public life—women, for example, or again ethnic origin or religion or the physically handicapped. And so it goes.

I submit, Mr. President, no one in this debate is going to be allowed to proclaim—and there is no way I can stop it—that they have a monopoly on compassion and solicitude for the rights of minorities and the disadvantaged. And so I think one thing we could have taken up in the Judiciary Committee hearings, and I will want to take up on the Senate floor debate, is why we would single out this group and this particular day as opposed to these other things. If we set the precedent of going beyond the founder of the country, is that going to be good? Do we have the historical perspective yet to do it? This takes a long time. It is not to say after the year 2000 and we evaluate the history of the 20th century that Martin Luther King was not an important historical figure. But will he rank with the stature of Washington? I do not know. There may be other black leaders who will rise to ever greater heights than he. Historical perspective is needed.

Mr. President, with all due respect to my colleagues who wish to rush through this quickly, as was done in the House—and it is going to happen in the Senate, I know that, I know that as well as you do—I think the issue has become highly politicized. That I regret, but it will eventually pass, of course.

I am simply here to defend the notion that it is possible to look at other alternatives. I wish to hear the arguments of those who will be contending that Martin Luther King's birthday should be elevated to the stature that Washington's was; that it is a good precedent and we should not anticipate more. Women's groups will want it, and why not? Handicapped groups will want it, and why not? Eventually we run—and I do not mean to be facetious on the point—the risk in which we have no Federal working days; they are all holidays, in commemoration of great Americans.

Maybe the prudent thing to do, I am suggesting, for example, is to stop with George Washington, the first President, the leader in the American Revolution, the founder, and say that is that, and henceforth other famous Americans will be recognized in other ways—days set forth to simply recognize them, not paid now. They will have to work that day. Because I do not see how, if this day is made a national holiday, you can resist the other groups that will come forth.

I resist the idea on the basis of precedent. I could offer alternatives. I could suggest, well, let us do one for Jefferson, the father of American democracy, the author of the Declaration of Independence, or, as I have said, James Madison, the father of the Constitution, or Abraham Lincoln, certainly a towering figure of the 19th century, or Robert E. Lee, a towering figure of the 19th century.

It has nothing to do with partisanship. It has nothing to do with who your particular favorite hero is. But with every group or area in the country, there is the same problem.

In the 20th century, who might you pick? Again, I suggest Franklin D. Roosevelt for his contribution to the handicapped or his enormous impact upon American politics.

Could one really say as a matter of historical balance at this time that King ought to be elevated to the status of Washington and that there are not other appropriate ways of doing it? I think there are and we could find them.

I offer the possibility of an amendment called the National Civil Rights Day, in which it would be encouraged, at the Federal and State and local level, that we renew the spirit in America that we are committed to the idea of each individual American being judged on the basis of talent and ability and not race, color, religion, sex, national origin, or physical disability.

That sounds like a good alternative. We could have appropriate celebrations on that day. The President could use his office to remind us, because we do need to be reminded. I, as a person in one of these categories, am sensitive to that. I realize great progress has been made in the area of the handicapped—architectural barriers, generosity of spirit, openness of the American people, employers. But there is still a long way to go, and we need to be reminded from time to time. That would be true of other groups—women, religious bigotry, and so forth.

It is imperative at the outset of this debate, whether it is on a motion to proceed or a motion to send it back to the Judiciary Committee for hearings, which have not been held, or on the general merit of the bill once it is out on the Senate floor, that those who are for and against, decide this debate can take place at a civil, intelligent, and rational level without charges and countercharges about who has the greatest commitment to the rights of the excluded, minorities, and the disadvantaged in American life, because I will go on record and ultimately vote against this measure. I will concede that. But I do it not out of disdain for black Americans, for whom I have the greatest admiration. I have them on my staff, and I expect to have more. I have found them very talented and creative people.

Again, I will take the birthday of Franklin D. Roosevelt. I have exactly the same disability he had, polio paraplegic. I know the kind of physical struggle he had to go through to carry on in public life and to accomplish what he did. But I am reluctant to offer a day to mark handicapped American's because it goes beyond the precedent. And I do not think Franklin Roosevelt would want it. To anyone who spent any time at Warm Springs and has seen the great contribution that he made there—and out of that seed grew the conquest of polio in this country; people do not get it anymore—it would be obvious it deserves a national holiday.

But I am not going to propose that because I think it would break my own concern about the precedent—how far we go, once we let this genie out of the bottle, beyond recognizing Washington.

I think that is a fair question. I do hope the national media will try to give us a fair shot of putting the reasonable arguments in perspective. Let us express those arguments, instead of trampling this underfoot with the charge that here again is the ugly head of racism and bigotry. If I offered a proposal to make Franklin D. Roosevelt's birthday a national holiday because of his great contribution to the world of the physically disabled and you resisted it for some reason, I would not say you are spiteful and prejudiced against the handicapped. You could have other good reasons for opposing it, just as much as I have reasons for opposing Martin Luther King's birthday.

I have talked at some length—perhaps ad nauseum—and made my point more than I needed to. But I am troubled that as this debate proceeds on any point—motion to proceed, motion to commit to the committee, ultimately the substance of the bill—there will be s steamroller effort made by certain high-pitched voices in this Chamber, eloquent men, honorable men, good men, in which the intimation will be that only the prejudiced and only the bigoted could oppose it.

That, right there, is the ultimate form of bigotry, because you condemn out of hand those who might, in a fair, a reasonable, a civil, and I hope intelligent way, offer arguments against this national holiday.

All I am asking of my colleagues and all I am asking of the media, for that handful of Senators—and it will only be a handful; I know that; I can count—is that you at least respect that we feel that our position is an honorable one, not rooted in bigotry or hatred or prejudice, but rooted in genuine concern about whether this is a wise thing to do. Please give us that chance. Please give us that fair hearing. Let us not make it partisan. Let us not see who can outdo one another in saying, "I am a greater defender of the civil rights, of so and so, than somebody else is."

Let us carefully consider it, then, if it will not be sent back to committee, and probably the vote will be against it, and eventually we will get down to debating the merits of the bill.

Please, all I ask from colleagues and, yes, candidly, from the national media is this: Give us a fair chance to state our point of view; because a fairminded person, a reasonable minded person, a civil person, and I hope an intelligent person could be opposed to this bill for a variety of reasons, some of which I have only hinted at, and at the same time be fully committed to the idea—I repeat—that every American, regardless of race, color, religion, sex, national origin, or physical handicap, ought to be judged on the basis of their talent and their merit, not these irrelevancies. It is in that spirit that I will debate this issue. I hope we can keep the tone and the level of this debate at that point.

I know that Senator SPECTER, my distinguished colleague from Pennsylvania, supports this measure, and he is a bright and able and talented Senator. In fact, I was in Pennsylvania not too long ago, and I spoke there on behalf of a candidate running for mayor. I said what a fine Senator they have in Senator SPECTER as well as Senator HEINZ. I do not know how Senator HEINZ will vote on it, but Senator SPECTER has indicated that he will vote for it. I have the deepest admiration for him. He will have good reasons for it. He is a bright and able man.

Senator SPECTER, I think, is correct in raising this point: Let us not make it a partisan issue. Let us not get the decibel level of this debate to where it is simply one based upon acrimony, name calling, the progressives versus the bigots, unfair, inaccurate, not true.

So I only plead this at the outset: That the tone and the character of the debate be befitting the greatest deliberative body in the world, the U.S. Senate, of which I am proud to be a Member, and I am honored that the people of North Carolina sent me here.

Some will disagree with me on this issue; some will agree. But I hope that when it is over, they can at least say: "What EAST did say, he said fairly and

civilly. It sounded at least reasonably intelligent, and he did a good job as being a part of the national debate on this, though he was on the losing side, and though he voted with a handful of Senators in opposition to this bill."

Mr. President, I know that the distinguished manager of this bill, the Senator from Kansas, wishes to make some comments, and there may be others. I will yield the floor and, of course, avail myself of the right, at a later point in this ongoing discussion and debate, to comment from time to time.

I thank my colleagues for their indulgence, and I yield to my distinguished colleague from Kansas.

Mr. DOLE. Mr. President, I have listened very carefully to the distinguished Senator from North Carolina; and as he has indicated, I believe there should be serious debate.

We can have a different view on any matter in the Senate without inferring that anyone who may disagree, lacks compassion or is insensitive, or whatever it may be, on this bill or on any other bill. Certainly, the Senator from North Carolina has demonstrated time and again his sensitivity, concern, and compassion.

I share the view he expresses in that this is a serious matter. It is one where differences of opinion exist on both sides of the aisle. I certainly take seriously what he says, as it should be, and I think there will be debate. I do not believe there will be any attempt to railroad any such legislation.

Frankly, it would have been preferable, I believe, to have run the normal course and had hearings in the Judiciary Committee. This would have given people a better idea on this side, even though we had hearings 3 years ago, that this was a matter of importance, that it deserves careful attention. But for reasons that the majority leader felt were compelling and sound at the time, the House-passed bill was held at the desk. That is a judgment the majority leader made, and I support him in that.

So now we need to perhaps cover some of the questions raised by the Senator from North Carolina and by other Senators on both sides of the aisle, without any doubt the last thing this should be is a partisan debate.

I guess if you looked at numbers you would say why should Republicans vote for this legislation anyway? Every black leader in America is an active Democrat. They are out trying to defeat Republicans. There is all kinds of evidence where you could say, "this is certainly not a matter for Republicans to be concerned about at all."

But as I look around the past several years I have been in Congress, one area in which we truly have had bipartisanship or nonpartisanship, for the most part, has been on civil rights legislation. And those of us on the Republican side are optimistic. We are looking at the future. Things will change. New leaders will emerge. New ideas will be exchanged by political leaders, black, white, Hispanic, whatever, in the next 10 to 20 years.

In my view, even though we may be on the low end of the totem pole now with 5 percent or 7 percent of the black vote, that in no way should impede what we consider to be sound legislation, whether it is a Martin Luther King public holiday or whether it is fair housing, or whether it is voting rights or whatever it may be.

So I would say as I said in a telegram I sent to Mrs. King and WALTER FAUNTROY during the recent commemorative march on Washington, let us keep civil rights a nonpartisan issue. There are those of us in the Republican Party who are strong supporters of civil rights, and we will continue to be strong supporters.

So I just suggest that there is going to be debate and we are going to pass this legislation. I am not certain when. And I do not suggest for a moment that anyone who speaks on the other side or offers amendments or in any way tries to underscore his views is holding up the legislation. But the legislation probably will pass. There are other matters that are pending that I believe we need to consider.

So, I believe, we will go on with this debate, for some time this afternoon. I guess tomorrow there are other things planned, like we will come back on this on Wednesday.

A nation defines itself in many ways; in the promises it makes, and the programs it enacts, the dreams it enshrines or the doors it slams shut. A great nation defines itself in poetry as well as politics, in its heroes and in its holidays.

Carl Sandburg defined America. "The people of the earth," he wrote, "the family man, wanted to put up something proud to look at, a tower from the flat land of earth on up through the ceiling into the top of the sky."

From her birth in the furnance of revolution, America was designed as an exercise in applied idealism. She would inspire other people who loved liberty and hungered for justice—or else she would become just one more straggler in history's long parade, a nation addicted to temporal power and corrupted by personal pride. Fortunately, that has not happened. We have not adjourned our covenant with each other, nor have we grown tired of the old, ringing words that proclaim equality under the law and promise better times ahead to anyone who would invest his own individual bit of divinity into the life struggle.

When we have been slow to keep the promise, men and women have stood up and pricked our national conscience. "It is never too late to give up our prejudices," said Thoreau. "Be as beneficient as the Sun or sea," proclaimed Emerson, "but if your rights as a rational being are trenched on, die on the first inch of your territory." And there was Lincoln, the patron saint of my party and the greatest testament to democratic government we have produced. "As I would not be a slave, so I would not be a master. Whatever differs from this," he said, "to the extent of the difference, is no democracy."

Lincoln was a controversial man. Abe Lincoln presided over the deaths of a million of his countrymen. They did not die, nor did he, to preserve, protect, and defend the status quo.

FREEDOM—AN AMERICAN STANDARD

Now as then, America is a country about rights. Take that away, and what is left? Yet rights, as we learned more than 200 years ago, are not always handed down from above. They must sometimes be forced by pressure from below. The process of forcing can disturb the peace. It can shatter the placid calm of tradition. But such is the price that society must pay for living up to its own high standards.

As we forged a new nation at Concord and Lexington, Saratoga, and Yorktown, so we welded it together at Bull Run and Gettysburg, projected it on to the world stage at Chateau-Thierry, seized for it the moral high ground at Anzio and Guadalcanal—and renewed its historic status as the last best hope of human freedom in our own time—at Selma and Montgomery, Birmingham and Atlanta, Chicago and Washington.

Nothing less than a new American Revolution raised our consciousness and made us ask questions of ourselves—questions delayed or simply avoided for far too long. Questions that went to the heart of what America thinks of herself and offers her own citizens. Questions put with eloquence and irrefutable force by a man whose birthday we seek to make a national holiday—not to honor him alone, nor even the millions who marched and prayed and demanded our attention when some of us would have preferred to look elsewhere. We seek to honor Martin Luther King's idea, an idea as old as the New England town meeting, and yet as endangered in the modern world as the dignity of man himself.

"Segregation," he wrote, "is the offspring of an illicit intercourse between injustice and immorality."

Yet in the same year that I first came to this Congress, no black man or woman could share a whites-only lunch counter in an Atlanta department store.

Injustice anywhere, said Dr. King, was an injustice everywhere. Yet in those same years, millions of black Americans were denied equal access to

the voting booth, decent housing, a good job.

"We will not be satisfied until justice rolls down like waters," said Dr. King, "and righteousness like a mighty stream"—and some people called him a radical for quoting the Book of Amos.

But in America, the home of the brave and the land of the free, it was segregation that was radical, denial of opportunity that was revolutionary, and the smothering of individual hope that was an affront to decency. Thanks to Dr. King more than anyone else, America renewed her alliance with true democracy. She listened to the voices of her own oppressed. She caught the rhythm of their suffering, and she brought it in from the streets to the Halls of Congress and the centers of power. She wrote new laws to strike down old barriers. She built bridges in place of walls. She invited the black man and woman into the mainstream of American society—and in doing so, opened the way for women, the disabled, and other minorities who found their own voice in the civil rights movement.

A HOLIDAY FOR ALL THE PEOPLE

Some will oppose this legislation because they say it would cost too much. It might cost $18 million or $173 million, or even in the billions, we are told. Let's assume for the moment that they are accurate. Since when did a dollar sign take its place atop our moral code? And to those who worry about cost, I would suggest they hurry back to their pocket calculators and estimate the cost to 300 years of slavery, followed by a century or more of economic, political, and social exclusion and discrimination.

Others will contend that Dr. King was too controversial a figure to merit such a tribute. They forget that George Washington himself was called a tyrant during his second term in office. Or they suggest that this added holiday is somehow the exclusive property of black Americans. That is like saying that Columbus Day is exclusively for Italian Americans, or Labor Day reserved for union members. In my opinion, we can all profit from a day of national reflection on the faith that binds together a diverse people, and a chance to measure our own adherence to that faith.

We propose to celebrate Dr. King's birthday because his work—which in reality must be our work—is unfinished. Since he first commanded national attention, legal obstacles to voting, fair housing, and employment have fallen. The number of black elected officials has multiplied more than tenfold. The number of black kids pursuing a college degree has doubled in a decade, and incomes of young black couples have nearly reached parity with their white counterparts.

But much remains to be done. A dream has yet to be fully realized. And that brings me to my final point.

The pursuit of equal opportunity is a drama without intermission. Its cast is proudly nonpartisan. My own support of this legislation is nothing new; I take some pride in having been one of its original sponsors back in 1979. As a Republican, I can never forget that it was my party that originally struck the shackles from black Americans. As a Republican, I am appalled by waste—financial, to be sure, but human even more. In achieving economic and social emancipation, in putting an end to the waste of human talent and potential, Republicans have contributed much, not least of all our votes when crucial bills came before this body.

For there is nothing partisan about justice. It is as Conservative as the Consitution, as liberal as Lincoln, as radical as Jefferson's sweepng asserting that all of God's creation is equal in his eyes. So let us not congratulate ourselves simple because the cattle prods and police dogs of the 1960's have vanished from our streets. Instead, let us acknowledge more subtle forms of discrimination wherever they exist, and pledge anew to root them out, inspired by the example of a man of God and an authentic hero to tens of millions of Americans, black and white or whatever.

It is too late to bring him back—and muct too late to be debating his impact or inspiration. With this vote, we can show to the world that, while a man may have died in Memphis, his message lives on. Both deserve official recognition, on our calendar and in our priorities.

Mr. BRADLEY. Mr. President, I ask unanimous consent that my name be added to the cloture motion that was filed earlier today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the cloture motion, with the addition of the name of Mr. BRADLEY, reads as follows:)

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Baker, Stevens, Thurmond, Gorton, Hawkins, Hollings, Burdick, Matsunaga, Dole, Danforth, Percy, Kennedy, Packwood, Durenberger, Specter, R. C. Byrd, Hatfield and Bradley.

Mr. BRADLEY. Mr. President, I rise not to make a speech but to make a brief comment to my distinguished colleague from Kansas. I felt his remarks were eloquent and to the point, and I think played upon a very fine tradition in his party, and yet at the same time in response to earlier points made today, that this initiative does emanate from that side of the aisle as well, and I do not say that in a partisan sense. I say that only in the sense that I think there is still an ambivalence; you representing, the Senator from Kansas representing, one thrust, the Senator from North Carolina representing another, and it is that ambivalence that I think we see today at the highest levels of our Government. I know where the Senator from Kansas is on these kinds of issues. I have seen his work in the Voting Rights Act, I have seen his work in the Finance Committee, but I am not sure where the highest reaches of this Government are on these kinds of issues.

I think that is what Senator KENNEDY was referring to earlier when he sought to know the President's position on this holiday because I believe that this issue should be beyond partisanship. One would like to think that this basic commitment to civil rights is so profound that it goes beyond party label, and I think the Senator's statement today is only further evidence that that is still a possibility and perhaps a probability and perhaps in a real sense a fact today.

Yet, I mean, I remember back in 1964 as a college student when I sat right up there in the corner of this Senate gallery the day the 1964 Civil Rights Act was passed. I remember how good I felt about government, about keeping promises, about fulfilling the best of our Nation's ideals. And I will say to the Senator from Kansas, as he knows, 2 years ago how badly I felt about government when this administration attempted to protect the tax-exempt status of schools that discriminate on racial grounds.

In my view I do not think that these things, particularly questions of brotherhood, should be treated as political chits but as personal commands. I think the Senator from Kansas feels that way as well, and that is why I did not intend to make a speech today but simply to make that comment in hopes that the future of his party will be one that speaks for the values that the so eloquently expressed today and not the values that have been expressed on the floor today by the Senators from North Carolina.

Mr. DOLE. Mr. President, I certainly thank my distinguished colleague from New Jersey. There is no doubt in my mind where the Senator from New Jersey stands on issues of this kind, and I appreciate his comments.

I do think, you know, as I said earlier, you look at it cold turkey as Republicans and say, "Well, there is no future in anything like this for the Republican Party" and if it is going to be based on any partisan consideration of political or political gain, then it

loses its meaning in the first place and could not be seriously debated.

But I do believe, and I think just in my tenure in the Congress, there has been a big, big change, vast changes, and those changes for the most part—obviously there have been great black Americans, Hispanic Americans, white Americans, great leaders, but the spark that started the big movement was Martin Luther King, Jr.

So I join the Senator from New Jersey, and it is my hope as one on this side of the aisle that in 10 years from now when we look back on the debate on this issue we will be looking at full employment and no discrimination in housing or jobs for any American, handicapped, disabled, whatever; that progress is being made. But for those who have had to wait 300 years, 200 years, 100 years, 1 year, it seems mighty slow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this is a day I have wanted to happen since I was first elected to the U.S. Senate. It is a day when we in the Senate seek to memorialize the magnitude of a man who sought to protect the dignity of a people and awaken the conscience of a Nation. It is a day when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudicies of centries. It is a day when we in the Senate recognize Dr. Martin Luther King, Jr. as deserving a unique place in our national life and our cultural heritage.

Dr. King's death is 15 years behind us now. To some extent, deeply felt passions and the frustration, anguish, and bitterness with which the Nation was consumed during the tragic year of 1968 have cooled.

But what remains with us and what is indelibly woven into the fabric and history of our Nation is the vision which Dr. King lived for and the dream for which he died. This vision and dream embraced all Americans in Dr. King's quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

This great warrior, whose battlefield was the hearts and minds of those who did not feel that justice and dignity were meant for all people, whose shield and armor was strong determination and an unassailable character and whose ammunition was moral conviction and self-sacrifice, deserves the fullest honor of this Nation.

Few have dedicated their life so tirelessly in the struggle for equality as Dr. King.

From the bus boycott in Montgomery to the sanitation workers in Memphis, his unyielding commitment to improve the lot of all Americans was demonstrated—he achieved significant goals by peaceful and nonviolent actions.

To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

With reference to the 11-month long successful Montgomery bus boycott, he said:

> Nonviolence had tremendous psychological importance to the Negro. . . . This method was grasped by the Negro masses because it embodied the dignity of struggle, of moral conviction and self-sacrifice. The Negro was able to face his adversary, to concede to him a physical advantage and to defeat him because the superior force of the oppressor had become powerless . . . I am convinced that the courage and discipline with which Negro thousands accepted nonviolence healed the internal wounds of Negro millions who did not themselves march in the street or sit in the jails of the South. One need not participate directly in order to be involved . . . to have pride in those who were the principals . . . to restore to them some of the pride and honor which had been stripped from them over the centuries.

When the Supreme Court order to end segregation on buses was delivered to Montgomery, Dr. King proudly told an overflow crowd at a local church:

> We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet dignified manner, we decided to substitute tired feet for tired souls, and walk the streets of Montgomery until the sagging walls of injustice have been crushed.

One way of insuring renewed dedication to his goals of freedom and equality is to enact legislation to honor Dr. King by designating his birthday as a national public holiday—allowing Americans at least 1 day each year to honor Dr. King's contributions to this country, 1 day to remember Martin Luther King's dream that our children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character.

Mr. DURENBERGER. Mr. President, recently I spoke with a young woman who, as a 1-year-old was present at the 1963 March on Washington. Obviously, she was unaware 20 years ago that segregationists were physically stopping blacks from entering public schools, that blacks and whites were being threatened and in many cases assaulted for their commitment to equality and that our society was divided by a barrier of color.

Twenty years later, this same woman—now a young adult—was back in our Nation's Capital to commemorate the anniversary of the march and Dr. Martin Luther King's "I have a dream" speech. As the young woman rode the bus into Washington for the rally, she noticed that men and women, blacks and whites, Jews and gentiles, Protestants and Catholics were side by side.

She told me later that what struck her most about the experience was the sense of history—not just the historical nature of the 20th anniversary of the march, but the evidence of the changes in our society during the last two decades. Most importantly, she was reminded that she and millions of other Americans still share Dr. King's dream.

On that same day I was doing a radio call-in show in my home State of Minnesota. A caller identified himself as a teacher and said:

> The best reason I can give you, Senator, for creating a Martin Luther King holiday is that it will give me and generations of teachers a role model of human rights and liberties with which to prepare our young for their obligations as American citizens.

I strongly believe that we as a nation need to celebrate that dream and the man, Dr. Martin Luther King.

National holidays are important occasions for the people of our country to annually break their routine and celebrate the accomplishments of our Nation, the ideals and principles upon which the United States is founded, and the men and women who have stood for those ideals. Memorial Day, for example, was created in 1868 as a day on which to decorate the graves of those killed in the Civil War. Today, Memorial Day commemorates all men and women who have died for our country. President's Day remembers not just George Washington and Abraham Lincoln—whose birthdays I had off from school as a youngster—but the principles for which they and other leaders of our country stood.

In the same way, a national holiday for the Reverend Martin Luther King will celebrate not just a very special man, but a cause. Dr. King's crusade, for which he give his life, was the beginning of the end of our country's equivocation on the constitutional guarantees of equal rights, not just for blacks, but for other minorities, women, the elderly, the handicapped, and other groups.

Certainly, we still have a way to go to make those guarantees a permanent reality. But Dr. King's role in opening our eyes to the tragedy of discrimination and the fundamental principle of equality under the law should be celebrated. I think the recognition that a national holiday on Dr. King's birthday commemorates and ideal that is greater than any one man is the reason for President Reagan's support and the overwhelming vote of endorsement in the House of Representatives.

I am sure Dr. King would agree that the eloquency of his speech and his

devotion to justice are not so much a reason for us to remember him as a person, but to remember his cause. For one 24-hour period in every 365 days we need to take the time to recelebrate civil rights and recommit ourselves to Dr. King's cause.

Mr. President, I ask unanimous consent that an editorial from the St. Paul Pioneer Press be included in the RECORD with my remarks this afternoon.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KING HOLIDAY WOULD BEST HONOR ALL

Ronald Reagan is reported to be warming up to the idea of a federal holiday commemorating the birthday of Dr. Martin Luther King, Jr. Advisers are telling him it would be a friendly gesture toward blacks and other minorities—in other words, good politics. If he softens his previous opposition for purely political reasons, he would be engaging in the worst sort of hypocrisy.

By 338-90, the House voted last week to set aside the third Monday in January to honor the assassinated civil rights leader. The measure is now on the Senate calendar for debate after Congress returns from the August recess.

Attempts have been made to memorialize Mr. King in this way every year since his death in 1968. With the president's support, passage would be a near certainty this year.

Mr. Reagan has his problems with minorities, who are angered by his soft civil rights stance. It is understandable that he would want to strengthen his relations with blacks. But this method sounds calculating and opportunistic rather than sincere.

It would be quite appropriate for the nation to set aside a national holiday to honor the contribution of all minority groups, and to remind ourselves of the ongoing struggle to eliminate injustice and achieve equality. But should that celebration be in the name of one person, such as Mr. King, or should it be on behalf of all those who have contributed to these causes? We believe it should be the latter, even if Mr. King's name graces the holiday.

That is not to belittle Mr. King's contributions. His most lasting gift was his dedication to non-violence, and that gift was to all Americans. For that gift, he was awarded the Nobel Peace Prize in 1964, the youngest man ever to be so honored.

While his stature in the 1960's civil rights movement was towering, there were many before him and since his death who have fought mightily for the same principles he espoused. Those principles, we believe, are what such a holiday should honor.

Independence Day, after all, makes no mention of Jefferson, Franklin, or other founders of the Republic. Labor Day does not evoke George Meany or Samuel Gompers specifically. And there is no Pocahontas in the words, "Thanksgiving Day."

Perhaps what we need most of all is a Civil Rights Day, or even a Human Rights Day. Ask a Hispanic American, or a homosexual, or an American Indian, or a woman or a member of any number of other groups if we have a distance yet to travel on the road to liberty and freedom.

Whatever Mr. Reagan decides to do on this issue, his decision will be respected and accepted more if it is based on logic and merit, rather than how many votes it will win him or cost him in his anticipated 1984 re-election campaign.

Mr. JOHNSTON. Mr. President, today I express my support for the designation of the third Monday of every January as a legal public holiday in honor of Dr. Martin Luther King, Jr. Dr. King was a man of great vision, whose peacefulness, yet determined leadership had a profound and lasting impact on American civil rights. It is only right that we as a nation should thank him for what he has given us with an equally lasting tribute.

As a U.S. Senator from the South, I am in a unique position to see the results of Dr. King's lifetime work. I can remember the conditions and difficulties faced by southern blacks prior to the civil rights movement. I can remember the segregated schools, stores, restaurants, drinking fountains, and bathrooms. I can remember blacks being denied the right to vote.

All of this was very much a way of life in the South. No one questioned it. We were living in a two-tiered society with the whites on one tier and the blacks and other minorities on the other. It took courage and conviction for Martin Luther King, Jr., and his followers to challenge this status quo and it was with great difficulty that the blacks of the 1950's and 1960's managed to convince those in the mainstream of the southern political arena that their treatment of blacks was unjust and unfair.

Even so, Dr. King accepted the challenge and proceeded to push his message in a nonviolent manner. In an effort to desegregate the city's bus service, King masterminded the Montgomery bus boycott of 1956. He marched in Birmingham for fair hiring practices and an end to segregation of public facilities and department stores. He was the founder and first president of the Southern Christian Leadership Conference, an organization of black leaders committed to eliminating discrimination and increasing black voter participation.

Dr. King did not limit his activities to the South. He also worked for slum rehabilitation in Chicago and called for an end to the war in Vietnam. Many urged him to remain silent about the war, however, he argued that it was worthless to talk about integration if there was no world left to integrate.

Dr. King was also a moving force behind the 1963 March on Washington. Since that time great strides have been made to fulfill Dr. King's legacy. For example, the passage of the Voting Rights Act of 1965 brought many millions of black voters to the polls for the first time and it resulted in the election of thousands of blacks to every level of government. In the South alone, this legislation has resulted in an elevenfold increase in the number of blacks who now hold elective office, with the greatest increase occurring in the State of Louisiana.

During his lifetime, Dr. King also saw the passage of the Civil Rights Act of 1964. This act has been instrumental in integrating more than 25 million people into the mainstream of American society and it still serves as the catalyst for the entry of many more.

While Dr. King's activities did not physically bring him into Louisiana, the reverberations of his activities had a profound and lasting impact on my State. Many of the present prominent black leaders of Louisiana were early disciples of Martin Luther King, Jr., and the civil rights movement. Today, they continue to carry his message throughout the State. Their place in the political heritage of Louisiana was laid down by Dr. King's work throughout the country. A national holiday in honor of Dr. King would also serve as a national holiday in honor of these individuals and all of the other followers of Dr. King who have contributed to making his dream a reality.

While it cannot be denied that much progress has been made over the years, we still have a long way to go. We still must seek parity in the job market at home. Furthermore, worldwide unrest makes it especially important that we continue Dr. King's message into the 1980's and beyond.

Presently, there is a civil war raging in Lebanon. Martial law and a strong Soviet presence are felt in Poland. Russia has invaded Afghanistan and it has ruthlessly shot down the Korean civilian jet 007. By honoring Dr. King and his dream of peace, freedom and equality in this appropriate fashion, the United States would be sending a signal to the world that we as a nation are committed to peace and equality, both at home and abroad.

Throughout his life, Dr. King received many honors. He was named the 1963 Time magazine "Man of the Year," the first black to be so honored. In the following year, he was awarded the Nobel Peace Prize, thus becoming the youngest person ever to be so honored. These tributes are minor in comparison to the immeasurable contribution Dr. King made to our heritage. Dr. King brought our prejudices and faults to the forefront and forced us as a nation to examine our conscience and thus to move toward becoming a nation of truly one people. By honoring Dr. King with a national holiday we will be reminded of his dream each year. We will be forced to reexamine our national conscience to see whether we are still striving to make that dream a reality.

Mr. President, Dr. King had a great impact on 20th century America, perhaps the greatest impact of any man or woman. His march from Montgomery to Memphis has permanently

shaped the course of our history. Mr. President, I have been a cosponsor of this important legislation for many years and I call upon my colleagues to show their support for it and for the continuation of Dr. King's dream today.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EVANS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the acting majority leader yield for a question?

Mr. STEVENS. Yes.

Mr. BYRD. Will there be any further rollcall votes today?

Mr. STEVENS. Mr. President, there will be no further rollcall votes today.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to submit to the Congress the fifth *Annual Science and Technology Report*, as required under the National Science and Technology Policy, Organization, and Priorities Act of 1976, as amended.

Today the United States faces major challenges to both our economic well-being and our national security. We turn increasingly to science and technology to help us maintain the competitiveness of our industries in the international marketplace and to ensure the continued technological superiority of our defense capabilities.

The science and technology policies described in this report outline the framework in which our Administration is addressing these challenges. The significant increases in Federal R&D support, especially in basic research—the fount of new technologies and new knowledge—is evidence of our long-term commitment to strengthening the economy and security of America through science and technology. Programs to increase the supply of well trained scientists and engineers will ensure the best possible talent for continued technological advances in industry, universities, and government. The results of these important actions, in conjunction with the vigorous investment in research and development by the private sector, will be greater security and strong economic growth in the years ahead.

RONALD REAGAN.

THE WHITE HOUSE, *October 3, 1983.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with certain papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Foreign Relations, the Committee on Finance, the Committee on Environment and Public Works, and the Committee on Appropriations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report nineteen new deferrals of budget authority totaling $1,909,569,000 and one new deferral of outlays totaling $15,209,000.

The deferrals affect programs in the Departments of Agriculture, Commerce, Defense (Civil and Military), Energy, Health and Human Services, Interior, State, Transportation, Treasury, and the Appalachian Regional Commission, Pennsylvania Avenue Development Corporation, Railroad Retirement Board, Tennessee Valley Authority, and the U.S. Railway Association.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *October 3, 1983.*

MESSAGE RECEIVED FROM THE HOUSE DURING THE ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of September 30, 1983, the Secretary of the Senate, on September 30, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WRIGHT) had signed the following enrolled bill and joint resolutions:

H.R. 3962. An act to extend the authorities under the Export Admininstration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Week of 1983"; and

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

Under the authority of the Senate of September 30, 1983, the enrolled bill and joint resolutions were signed on September 30, 1983, during the adjournment of the Senate by the Vice President.

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. STARK, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, Mr. CAMPBELL, Mr. MOORE, and Mr. FRENZEL as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tam-

pering with consumer products, and for other purposes; and

S.J. Res. 140. Joint resolution for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 2:47 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribiloff Islands, Alaska; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the United States Court of Claims;

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, in docket numbered 10-81L by the United States Court of Claims, and for other purposes;

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building"; and

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 3, 1983, he presented to the President of the United States the following enrolled bills:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes.

S.J. Res. 140. Joint resolution for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1914. A bill to amend the Internal Revenue Code of 1954 to facilitate home equity conversions through sale-leaseback transactions; to the Committee on Finance.

By Mr. GOLDWATER:

S. 1915. A bill to amend the Internal Revenue Code of 1954 to repeal capital gains tax on disposition of investments in U.S. real property by foreign countries; to the Committee on Finance.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1916. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1917. A bill to provide that the Federal Communications Commission shall not regulate the content of certain communications; to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER (for himself, Mr. GARN and Mr. SASSER):

S.J. Res. 177. A joint resolution to provide for appointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 237. Resolution to upgrade the children's bureau; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. TSONGAS, Mr. DODD, Mr. GLENN, Mr. HART, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, and Mr. SARBANES):

S. Con. Res. 71. Concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent and impartial investigation and calling for free and fair elections in the Philippines; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1914. A bill to amend the Internal Revenue Code of 1954 to facilitate home equity conversions through sale-leaseback transactions; to the Committee on Finance.

HOME EQUITY CONVERSIONS ACT OF 1983

Mr. SPECTER. Mr. President, earlier in this Congress, I introduced S. 831, a bill that would enable elderly homeowners to maintain residency while they, at the same time, convert the equity on their homes into income. This measure has attracted considerable interest and has had the benefit of review and comment by a number of home equity conversion experts. I am today introducing a modified substitute for this legislation so that a more comprehensive measure may receive hearings in the near future.

Our elderly homeowneres who must live on fixed incomes are often faced with a cruel choice. Confronted by ever-rising living costs, they must either reduce their standard of living, or sell their most precious asset, their home, to pay their bills.

The trauma of losing a home for which a person has worked a lifetime is profound. The alternative, however, is equally dismaying: Living out one's last years—the allegedly golden ones—in materially constrained circumstances. It is an alternative no elderly homeowner should have to face if an alternative can be devised.

My bill facilitates sale-leaseback arrangements for elderly home equity conversions. Under this arrangement, rather than having to sell for funds to meet living expenses and moving into an apartment, the elderly homeowner can sell to a financial institution but continue to live in his or her own home under a lease. The homeowner can pay the lease payments out of the proceeds of the sale which may be in the form of cash, mortgage payments, annuity payments, or a combination of these sources of funds.

Tax barriers to sale-leaseback would be eliminated by this legislation which I am proposing. First, the elderly homeowner in the sale-leaseback transaction would be entitled to a one-time capital gains tax exemption that is otherwise available to homeowners past the age of 55 who sell their homes. And second, the purchaser/lessor could take depreciation on the value of the property it had purchased although the seller retains occupancy rights.

With these tax barriers removed, I am confident that the sale-leaseback transaction will prove attractive to financial institutions.

The President's Commission on Housing has estimated that the potential market for these home equity transactions to be between $30 and $40 billion. And the Commission has said that this market can be expected to increase as the number of older Americans increases and the idea of home equity conversion gains acceptance.

Access to the rewards of home equity—which has been dearly earned—should be given to our elderly Americans during their lifetimes. It is of no value to them after their deaths. And it will go a long way toward

making their last years truly golden ones.

This legislation will make sale-leasebacks feasible. It will make the arrangement attractive both to the elderly homeowner and to the purchasing financial institution.

I ask unanimous consent that a copy of the bill, and a list of modifications from the previous bill, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Home Equity Conversions Act of 1983".

SEC. 2. DEPRECIATION IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by inserting after subsection (h) the following new subsection:

"(i) QUALIFIED SALE-LEASEBACK TRANSACTIONS.—

"(1) IN GENERAL.—In the case of property involved in a qualified sale-leaseback transaction, the deduction shall be computed as if the purchaser-lessor were the absolute owner of the property and shall be allowed to the purchaser-lessor.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED SALE-LEASEBACK.—The term 'qualified sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of such transaction,

"(II) sells property which was owned and used by such seller-lessee solely as a principal residence and not as section 1250 property before the date of such transaction, and

"(III) retains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(ii) the purchaser-lessor—

"(I) is a person, and

"(II) is contractually responsible for the risks and burdens of ownership after the date of such transaction.

"(B) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy for a term which—

"(i) equals or exceeds one-half of the life expectancy of the seller-lessee at the date of the qualified sale-leaseback transaction (and his spouse, in the case of jointly-held occupancy rights),

"(ii) is subject to a continuing right of renewal by the seller-lessee (or his surviving spouse in the case of jointly-held occupancy rights), and

"(iii) terminates no later than the date of death of the seller-lessee (or his surviving spouse in the case of jointly-held occupancy rights).

"(C) FAIR RENTAL.—The term 'fair rental' means a rental pursuant to a qualified sales-leaseback transaction which is determined at the date of such transaction and equals or exceeds 80 percent of the appraised fair market rent.".

SEC. 3. CAPITAL GAINS EXCLUSION IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Subsection (d) of section 121 of the Internal Revenue Code of 1954 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end thereof the following new paragraph:

"(9) SALE OR EXCHANGE DEFINED.—For purposes of this section, the term 'sale or exchange' shall include a qualified sale-leaseback transaction as defined in section 167(j).".

SEC. 4. INCOME TO SELLER IN QUALIFIED SALE-LEASEBACK TRANSACTION.

(a) GROSS INCOME.—Part III of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following new section:

"SEC. 121A. OCCUPANCY RIGHTS IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

"Gross income does not include any value of occupancy rights or fair market price discount attributable to retained occupancy rights received in a qualified sale-leaseback transaction as defined in section 167(i).".

(b) GAIN OR LOSS.—Subsection (b) of section 1001 of such Code is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", and", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of a qualified sale-leaseback transaction (as defined in section 167(i))—

"(A) there shall not be taken into account any value of occupancy rights or fair market price discount attributable to retained occupancy rights, and

"(B) there shall be taken into account the cost of any annuity purchased for a seller.".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of subtitle A of such Code is amended by inserting after the item relating to section 121 the following new item:

"Sec. 121A. Occupancy rights in qualified sale-leaseback transactions.".

SEC. 5. INSTALLMENT SALES IN QUALIFIED SALE-LEASEBACK TRANSACTIONS.

Section 453 of the Internal Revenue Code of 1954 (relating to installment method) is amended—

(1) by redesignating subsection (j) as subsection (k), and

(2) by inserting after subsection (i) the following new subsection;

"(j) APPLICATION WITH SECTION 167(i).—

"(1) IN GENERAL.—In the case of an installment sale in a qualified sale-leaseback transaction (as defined in section 167(i)), subsection (a) shall apply.

"(2) SPECIAL RULE FOR ANNUITIES.—In the case of an annuity purchased for the seller-lessee by the purchaser-lessor in a qualified sale-leaseback transaction, the purchase cost of such annuity shall constitute the amount of consideration received by such seller-lessee attributable to such annuity and shall be deemed received in the year of disposition.".

SEC. 6. BASIS OF ANNUITY RECEIVED IN QUALIFIED SALE-LEASEBACK TRANSACTION.

Subparagraph (A) of section 72(c)(1) of the Internal Revenue Code of 1954 (relating to annuities) is amended by inserting before the comma "(including such amount paid by a purchaser-lessor in a qualified sale-leaseback transaction defined in section 167(i))".

SEC. 7. QUALIFIED SALE-LEASEBACK TRANSACTION ENGAGED IN FOR PROFIT.

(a) FOR PROFIT PRESUMPTION.—Section 183 of the Internal Revenue Code of 1954 (relating to activities not engaged in for profit) is amended—

(1) by striking out "If" in subsection (d) and inserting in lieu thereof "(1) IN GENERAL.—If",

(2) by inserting after paragraph (1) of subsection (d) (as designated by paragraph (1)) the following new paragraph:

"(2) QUALIFIED SALE-LEASEBACK TRANSACTION.—Any qualified sale-leaseback transaction as defined in section 167(1), unless the Secretary establishes to the contrary, shall be presumed for purposes of this chapter to be an activity engaged in for profit.", and

"(3) by inserting "(1)" after "subsection (d)" each place it appears in subsection (e).".

(b) USE OF DWELLING UNIT.—Subparagraph (B) of section 280A(d)(3) of such Code (relating to disallowance of certain expenses in connection with business use of home, rental of vacation homes, etc.) is amended to read as follows:

"(B) SPECIAL RULES FOR RENTAL TO PERSON HAVING INTEREST IN UNIT.—

"(i) RENTAL AGREEMENT.—Subparagraph (A) shall apply to a rental to a person who has an interest in the dwelling unit only if such rental is pursuant—

"(I) to a shared equity financing agreement, or

"(II) to an agreement entered into pursuant to a qualified sale-leaseback transaction defined in section 167(i).

"(ii) DETERMINATION OF FAIR RENTAL.—Fair rental shall be determined as of the time the agreement is entered into and—

"(I) in the case of a shared equity financing agreement, by taking into account the occupant's qualified ownership interest, and

"(II) in the case of an agreement entered into pursuant to a qualified sale-leaseback transaction, by complying with the requirements of section 167(i)(2)(C).".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply to sales after the date of the enactment of this Act, in taxable years ending after such date.

MODIFICATIONS TO S. 831

The original bill, S. 831, only addressed depreciation and capital gains exclusions. The modified bill amends a number of other sections of the tax code in an attempt to define legislatively the limits on this type of transaction.

The following changes have been made to clarify the tax code:

1. "Sale-Leaseback" replaces "sale-life tenancy" as the specific conversion mechanism to be used. The intent is to maintain a narrow focus utilizing a standard financial practice. There was controversy over the meaning of the term "sale-life tenancy".

2. The new bill defines "qualified sale-leaseback" as a transaction in which (a) the seller-lessee has attained the age of 55, sells property which was owned and used as a principal residence, retains occupancy rights in such property pursuant to a written lease requiring a fair rental. The seller-lessee is eligible for a one-time capital gains exclusion; (b) the purchaser-lessor is a person contractually for the risks and burdens of ownership, and may take depreciation on the property; (c) occupancy rights is defined as the right to occupy for a term which equals or exceeds one-half of the life expectancy of the seller-lessee at the date of the qualified sale-leaseback transaction (and his spouse) and is subject to a continuing right of renewal by the seller-lessee (or his

surviving spouse in the case of jointly-held occupancy rights); and (d) fair rental is defined as a rental in a sale-leaseback transaction which is determined at the date of such transaction and equal or exceeds 80 percent of appraised fair market rent. This is to prevent less than arms length transactions (sale to relatives at negligible rent).

3. In addition, the bill states that the value of occupany rights should not be included in any computation of gross income or gain or loss to the property of the seller.

4. The bill extends common practice to installment payments in sale-leasebacks.

5. For determining the value of an annuity in a sale, the annuity shall be estimated by the cost of the annuity purchased. This defines a probable question since many residents are expected to seek or purchase annuities to ensure a steady source of income should they live longer than expected.

By Mr. GOLDWATER:

S. 1915. A bill to amend the Internal Revenue Code of 1954 to repeal capital gains tax on disposition of the investments in U.S. real property by foreign citizens; to the Committee on Finance.

REPEAL OF PROVISION IN FIRPTA

Mr. GOLDWATER. Mr. President, I am introducing legislation today to repeal onerous provisions of the tax law know as FIRPTA, the Foreign Investment in Real Property Tax Act of 1980.

This law is seriously harming the national interest by deliberately discouraging foreign investment in U.S. real estate. In the words of a brilliant professional analysis of FIRPTA, by Prof. Richard Kaplan in the April 1983 Georgetown Law Journal, this law unnecesarily "complicates the Tax Code, overrides bilateral tax treaty provisions, and creates an intrusive but unenforceable collection scheme."

What FIRPTA does is to single out a small group of what we might call passive investors for special penalty and notice. These are certain foreign investors in American real estate who are not engaged in a U.S. trade or business and who are not permanent residents of or present in the United States more than 182 days in the year of sale of the land. Such foreign investors had been exempt from any capital gains tax upon the sale of such land.

FIRPTA removed this exemption both as to real estate held directly by individual investors and real estate owned by a corporation in which a foreign investor owns stock. There are significant exceptions to the latter form of landholding, particularly for stock that is regularly traded on an established securities market, unless the foreign investor owns more than 5 percent of the particular company's stock.

Since the biggest landowners are corporations, this exemption means that most foreign stockholders in the big oil and gas companies or timber and paper companies, who alone control some 211 million acres of U.S. land, are not affected by FIRPTA. Thus, the law is very discriminatory in its coverage and arbitrarily imposes its burdens on a limited kind of foreign investor without any visible reason, except favoritism to big corporations, which I will have more to say about in a moment.

Mr. President, in order to put this subject in context I will provide some basic facts about landholding in our country. There are 2.3 billion acres of land in America, of which 34 percent is owned by the Federal Government, another 2 percent is Indian trust land, and 6 percent is held by State and local governments.

That leaves 58 percent of the land in private hands, or 1.3 billion acres. The big majority of private lands is still agricultural or ranch land, 63 percent of it. Another 44 million acres are devoted to commercial, industrial, and recreational uses; and only 1 percent, 25 million acres, is used for private homeowners.

A Federal Government study by the Department of Agriculture calculates that about 3 percent of the population own 95 percent of lands. According to a different Agriculture Department report, as few as 570 large corporations control 23 percent of all privately held U.S. land through ownership or control of leasing, mineral, or surface rights.

What part of these private holdings are held by foreigners? Actually very little.

For example, a report of the Secretary of Commerce to Congress in April 1976 called Foreign Direct Investment in the United States concludes that:

> The expressed concern about foreign ownership of agricultural land and other real estate does not appear to have a strong factual basis for the nation as a whole.

The same report cites a special study of foreign investment in Hawaii in which it was "concluded that the economic impact of foreign real estate investment in Hawaii was beneficial to both Hawaii and the nation."

An Iowa study, described in the same Federal Government report, found that:

> • • • Use of farmland acquired by the nonresident aliens surveyed was not changed. In all of the cases investigated the land was used for grain production both prior to and after purchase by aliens. Local residents generally continued as operators of the land.

The latest available study by the Economic Research Service of the U.S. Department of Agriculture appears to support the validity of these earlier findings. In its report called Foreign Ownership of U.S. Agricultural Land Through December 31, 1982, the USDA calculates that foreigners owned 13.5 million acres, or slightly more than 1 percent of American farmland and forestry. Forest land accounts for 55 percent of foreign-owned acreage and cropland accounts for only 13 percent.

It is interesting to note that the report finds that only 37 percent of agricultural lands is held by foreign persons not affiliated with an American corporation. U.S. corporations in which foreign persons hold stock own 63 percent of all the foreign-held acreage. This means that most foreign-owned farmland is exempt from FIRPTA.

The value of U.S. agricultural landholdings by foreign owners was $9.6 billion at the end of 1982. In contrast, a Department of the Treasury report found that at the end of 1978, portfolio ownership of equity securities issued by private U.S. companies amounted to over $47.9 billion. This report, called Foreign Portfolio Investment in the United States, issued December 1980, also reveals that another $31.8 billion of publicly held stock issues of American companies was held by foreign investors who own 10 percent or more of the voting stock in a given U.S. corporation. The total percentage of U.S. stock so held by foreign portfolio investors and such foreign parents was $80.7 billion, or 7 percent of the total stock.

Now, the sale of this 7 percent of U.S. private stocks is exempt from our capital gains tax. Yet the sale of less than one-half of 1 percent of American farmlands owned directly by foreigners is subject to the capital gains tax.

Over $80.7 billion worth of U.S. private stock held by foreigners is exempt under our tax laws from any capital gains tax, but $3.5 billion of American farmland held by foreign owners not affiliated with an American corporation is not exempted.

This bizarre fact, or rather this extreme favoritism for one class of investors, stockholders, and discrimination against another class of investors, direct land owners, is compounded by the fact that foreign land investors who are not engaged in a trade or business are still subject to a 30-percent income tax on gross income, without regard to the normal deductions or exemptions that are available to U.S. citizens.

In other words, if a real property investment by a foreigner yields any income, such as rentals, a 30-percent tax based on gross rentals would have to be paid without deducting property taxes or even interest on loans borrowed. The exemption of such real estate from the capital gains tax would still leave gross income from developed property taxed at 30 percent every year until it is disposed.

The only way such a foreign investor can be entitled to all the deductions available to U.S. citizen taxpayers is by electing to claim a trade or business status, but once an election has been in effect for 3 years, the investor cannot revoke it without permission of

the Internal Revenue Service, which seems unlikely.

Another unfairness of FIRPTA is that it penalizes foreign investors who bought U.S. real property for investment in good faith under the investment laws prevailing at the time of purchase. These investors have been caught by surprise with a retroactive law applicable to lands acquired before it went into effect.

There are other quirks about this law. For one thing, it has no withholding mechanism. It does contain reporting requirements, but the penalty for noncompliance is $25 a day up to a maximum fine of only $25,000. Thus, the law is virtually unenforceable.

The law is blatantly discriminatory against a very small group of foreign land investors and is structured in a nonsensical way. It is permeated with exceptions and brings in very little revenue to the National Treasury. Yet it is a major impediment to investment in American real estate because it put the United States in a disadvantageous position with other countries which are promoting and encouraging foreign investment to their lands.

Mr. President, a major statement on international investment was made by the White House just 3 weeks ago, on September 9. It is the first policy paper in 6 years on that subject by any President.

In it, President Reagan highlights our Government's support of free and open investment and our concern with the increasing use of governmental measures to distort or impede international investment flows.

In carrying out this new international investment policy, I can think of no better step or signal to the world that the American Government can take than to repeal the restrictions to investment in FIRPTA.

Every country is trying to lure capital to itself and our Nation is mindlessly trying to chase away investors. If our Government is now truly committed to ending barriers to international investment, we should immediately correct FIRPTA. The bill I have introduced today will do just that.

Mr. President, I ask that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CAPITAL GAINS TAX ON DISPOSITION OF INVESTMENTS IN UNITED STATES REAL PROPERTY BY FOREIGN CITIZENS.

(a) IN GENERAL.—Section 897 of the Internal Revenue Code of 1954 (relating to disposition of investment in United States real property) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 861 (a) of such Code (relating to gross income from sources within the United States) is amended to read as follows:

"(5) Sale or exchange of real property.—Gains, profits, and income from the sale or exchange of real property located in the United States.".

(2) Subsection (a) of section 862 of such Code (relating to gross income from sources without the United States) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period, and

(C) by striking out paragraph (8).

(3) Subsection (g) of section 871 of such Code (relating to tax on nonresident alien individuals) is amended by striking out paragraph (8).

(4) Subsection (a) of section 882 of such Code (relating to tax on income of foreign corporations connected with United States business) is amended by striking out paragraph (3).

(5) Subsections (c) and (d) of section 1125 of the Foreign Investment in Real Property Tax Act of 1980 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 897.

SEC. 2. REPEAL OF SPECIAL REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 6039C of the Internal Revenue Code of 1954 (relating to returns with respect to United States real property interests) is repealed.

(b) CONFORMING AMENDMENT.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended—

(1) by striking out subsection (g), and

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of chapter 61 of such Code is amended by striking out the item relating to section 6039C.

SEC. 3. EFFECTIVE DATE.

(a) REPEAL OF TAX.—The amendments made by section 1 shall apply to dispositions in taxable years beginning after December 31, 1983.

(b) REPEAL OF REPORTING REQUIREMENTS.—The amendments made by section 2 shall apply to returns for calendar years beginning after December 31, 1983.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1916. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BUS REGULATORY REFORM ACT AMENDMENTS OF 1983

Mr. PERCY. Mr. President, I am today introducing legislation along with my distinguished colleague from Illinois, Mr. DIXON, that addresses a serious rural transportation problem facing less populated communities in virtually every State in the country.

As my colleagues are aware, the Bus Regulatory Reform Act of 1982 greatly relaxed the manner in which the intercity bus industry is regulated. I joined my colleagues in supporting the Bus Act last year because of my belief that deregulation would lead to greater service for rural America. I continue to support deregulation, but also believe that refinements to the act are necessary at this time.

During last year's debate on the Bus Act, proponents argued that few abandonments would occur as a result of the measure and that, if they did, new carriers would provide replacement service. Unfortunately, this has not always been the case. In Illinois, for example, there has not been a single bus company that has offered to provide regular routes service, nor has any existing company expanded its route system, to incorporate abandoned routes.

Mr. President, unless legislative action is taken to assist the States, bus service in many rural areas will be unnecessarily eliminated. The measure that I am introducing today does not repeal the Bus Act. Rather, without altering the thrust of the act, it strengthens the ability of the States to preserve bus service.

A major provision of the legislation revises the abandonment procedures of the Bus Act to give States more time to work with local communities to encourage ridership, study the financial needs of retaining existing service, and, if necessary, to find alternative service. Under existing law, schedules may be dropped and substitute service may actually be discouraged. The Bus Act is less than a year old and Greyhound, the largest carrier, has filed petitions to abandon service to approximately 1,300 communities in the country.

Under my legislation, bus companies would publish a list of routes which are candidates for abandonment on March 1 of every year. This would be followed by a notice of intent to abandon routes that would include basic ridership and revenue information. Finally, 60 to 90 days later, a carrier would be permitted to petition the State to abandon a route and the State would then have 90 days to rule on the application. As provided for in current law, the carrier could still appeal to the Interstate Commerce Commission (ICC) for a rehearing.

This prior notice provision is patterned after a procedure that is used in the railroad industry which provides the necessary time to preserve a valuable service. Without prior notice, it is difficult for communities to react to the threat of abandonment in an effective manner by alerting other companies of a possible new market.

Another provision of this legislation addresses the problem of insufficient consultation between the ICC and the States. The current procedure of granting new route authority fails to

give the States adequate notice. While a State would normally welcome new service, the adverse effects on existing carriers may far outweigh the advantages of a new carrier. In Illinois, 47 communities may lose service because of a recent ICC decision. The legislation, therefore, requires the ICC to consult with the States for advice and comments whenever a new carrier applies for a grant of authority to establish a new route. The States surely have a right to know at the earliest possible date whether a new carrier may be operating within the State.

A third provision of the measure would restore to the States the authority to oversee the schedule of any company that provides fewer than three round trips per day. Under existing law, carriers can reduce service to one trip per day, perhaps scheduling trips at unreasonable hours that then justifies the termination of a particular route.

Last, the bill reaffirms a State's legitimate right to protect its transportation system. While the ICC must work closely with the States to effectively address the abandonment problem, I am sure that my colleagues would agree that States have a regulatory role to insure that the needs of the public are met.

We cannot sit back and wait for potential bus companies to compete for abandoned routes when it is already apparent that this is not likely to happen. The bus routes facing near-term abandonment are almost exclusively the last form of public transportation available to the communities served by them. Many of these communities have elderly citizens who depend on buses as their only means of transportation. In the future, as the population gets older and even more dependent upon intercity bus transportation, the relative need for service will increase.

In addition, the loss of bus service further isolates small towns and reduces the attractiveness of the community for economic development. Medical supplies, automobile and farm machinery parts, legal documents and other vital materials are shipped by bus in rural America.

The legislation I am introducing has been endorsed by the National Governors Association, the National Conference of State Transportation Specialists, the executive committee of the National Association of Regulatory Utility Commissioners and several State regulatory commissions. The legislation reflects the research and recommendations of the Illinois Commerce Commission, and I very much appreciate their assistance on this legislation.

Mr. President, I ask unanimous consent that the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1916

Be it amended by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bus Regulatory Reform Act Amendments of 1983".

SEC. 2. (a) Subsection (a) of section 10935 of title 49, United States Code, is amended to read as follows:

"(a)(1) Each motor common carrier of passengers having intrastate authority under the laws of a State, and interstate authority under a certificate issued under section 10922 of this subchapter, to provide transportation over any route from any point in such State to any other point in such State shall prepare a list of any such points with respect to which such carrier is considering a discontinuance of transportation or a reduction in the level of service provided to a level which is less than one trip per day (excluding Saturdays and Sundays) from such point to such other point. Such a list shall be prepared and submitted to the Commission and to the department, agency, or instrumentality of such State having jurisdiction over granting such discontinuances and reductions (or, if such State does not have such a department, agency, or instrumentality, to the Governor of such State) not later than 60 days after the date of enactment of the Bus Regulatory Reform Act Amendments of 1983, and March 1 of each calendar year thereafter.

"(2) Any carrier may amend a list such carrier submits under paragraph (1) of this subsection on the first day of any month following the date of such submission.

"(3) Before a discontinuance of service or a reduction in level of service described in paragraph (1) of this subsection may take effect with respect to any point in a State, a carrier shall file a notice of intent to discontinue such service or reduce such level of service with the Commission and with the department, agency, or instrumentality of the State having jurisdiction over granting such discontinuances and reductions (or, if such State does not have such a department, agency, or instrumentality, with the Governor of such State). Such notice of intent may only be filed after the last day of the 30-day period beginning on the date such route is included on the most recent list submitted under pargraph (1) by such carrier. Such notice of intent shall include the following:

"(A) the number of passengers carried over the route during the preceding 12-month period;

(B) the amount of revenues derived and variable cost incurred from passenger and freight service over the route during such period; and

"(C) such other information as the Commission or the State may specify by regulation.

"(4) Before a discontinuance of service or a reduction in level of service described in paragraph (1) of this subsection may take effect with respect to any point in a State, a carrier shall request the department, agency, or instrumentality of such State having jurisdiction over granting such discontinuances and reductions for permission to discontinue such service or reduce such level of service. Such request may only be made no less than 60 days and no more than 90 days after the date of filing of a notice of intent to discontinue such service or reduce such level of service under paragraph (3).

"(5) After a carrier has requested a department, agency, or instrumentality of a State having jurisdiction over granting discontinuances of service and reductions in levels of services described in paragraph (1) of this subsection for permission in accordance with this subsection to discontinue any service or reduce any level of service described in such paragraph and the request has been denied (in whole or in part) or such department, agency, or instrumentality has not acted finally (in whole or in part) on the request by the 90th day after the carrier made the request, the carrier may petition the Commission for such permission.".

(b) Subsection (e) of such section 10935 is amended—

(1) by striking out "to any point" each place it appears and inserting in lieu thereof "from any point to any other point"; and

(2) by striking out "to such point" each place it appears and inserting in lieu thereof "from such point to such other point".

(c) Section 10935(g)(1) of such title is amended by striking out "accord great weight to" and inserting in lieu thereof "take into account".

(d) Paragraph (2) of section 10935(g) of such title is amended to read as follows:

"(2) In making a finding under subsection (e)(1) or (e)(2) of this section, the Commission—

"(A) shall consider to the extent applicable, at least—

"(i) the national transportation policy of section 10101 of this title; and

"(ii) whether the motor common carrier of passengers has received an offer of, or is receiving, financial assistance to provide the transportation to be discontinued or reduced from a financially responsible person (including a governmental authority); and

"(B) in the case of a petition to discontinue transportation to any point, shall accord great weight to whether the transportation is the last motor carrier of passenger service to such point and whether a reasonable alternative to such service is available.".

(e) Subsection (h) of section 10935 of such title is hereby repealed.

SEC. 3. (a) Paragraph (1)(A) of section 10922(c) of title 49, United States Code, is amended by inserting "and after consultation with each State in which the transportation to be authorized will be provided" after "the issuance of the certificate".

(b) Paragraphs (2)(A) and (2)(B) of such section are each amended by inserting "and after consultation with such State" after "the issuance of the certificate".

(c) Paragraph (3) of such section is amended to read as follows:

"(3) In making any findings relating to public interest under paragraphs (1)(A) and (2)(B) of this subsection, the Commission—

"(A) shall consider, to the extent applicable—

"(i) the transportation policy of section 10101(a) of this title;

"(ii) the value of competition to the traveling and shipping public;

"(iii) the effect of issuance of the certificate on motor carrier of passenger service to small communities; and

"(iv) whether issuance of the certificate would impair the ability of any other motor common carrier of passengers to provide a substantial portion of the regular-route passenger service which such carrier provides over its entire regular-route system; except that diversion of revenue or traffic from a motor common carrier of passengers in and of itself shall not be sufficient to support a

finding that issuance of the certificate would impair the ability of the carrier to provide a substantial portion of the regular-route passenger service which the carrier provides over its entire regular-route system; and

"(B) shall accord great weight to the recommendations of each State in which the transportation to be authorized will be provided.".

(d) Such section if further amended by adding at the end thereof the following new paragraph:

"(10) Not later than 10 days after taking final action upon any application for authority to provide transportation as a motor common carrier of passengers, the Commission shall notify each State in which such transportation will be provided of such final action.".

SEC. 4. Section 10101(a)(3) of title 49, United States Code, is amended by striking out "; (B) to provide Federal procedures" and all that follows through the period at the end of such subsection and inserting in lieu thereof the following: ", and (B) to coordinate State and Federal regulatory actions to ensure the provision of bus service to rural communities which have no other means of public transportation.".

SEC. 5. (a) Paragraph (4) of section 11501(e) of title 49, United States Code, is amended by inserting before the period at the end thereof "and to any reduction in level of service to less than one trip per day (excluding Saturdays and Sundays) from any point to any other point".

(b) The second sentence of paragraph (5) of such section is amended by inserting before the period at the end thereof "and to any reduction in the level of service to less than four trips per day (excluding Saturdays and Sundays) from any point to any other point".

SEC. 6. It is the sense of Congress that the Interstate Commerce Commission, the States, and the national associations representing State departments, agencies, and instrumentalities should work in close harmony and cooperation in developing innovative regulatory approaches and procedures to ensure the preservation of bus service to areas which are threatened with the total loss of public transportation service.

Mr. DIXON. Mr. President, I am pleased to join my distinguished senior colleague, Senator PERCY, in introducing legislation to correct problems in the Bus Regulatory Reform Act that have seriously affected the ability of State regulatory commissions to insure that local communities in their States continue to receive adequate bus service. Identical legislation is being introduced today in the House of Representatives by a number of distinguished Illinois Congressmen, led by Congressman SIMON, who has played a major leadership role in drafting this legislation, together with the Illinois House delegation, the Illinois Commerce Commission, Governor Thompson of Illinois, and Senator PERCY and me. I want to especially commend the Illinois Commerce Commission for bringing this problem to my attention, and for its hard work in shaping this bill.

The Bus Regulatory Reform Act was fairly widely supported both by the bus industry and the Congress when it was first adopted. The fear of many States that passage of the act would result in much less bus service to rural areas, however, has unfortunately been borne out. In the 6 months since the Bus Act was enacted, Greyhound alone has filed to abandon over 1,300 communities nationwide.

In Illinois, Greyhound originally petitioned to abandon 62 communities, but as a result of hard work and diligent persuasion by the Illinois Commerce Commission Greyhound reduced that number to 36. Two other bus companies have filed petitions to abandon Illinois routes and a third has notified our State commerce commission of its intention to do so.

Sadly, Illinois' experience is not unique. Similar problems are occurring in many other States. Rural bus service is deteriorating all around the Nation. In fact, Philip O'Connor, chairman of the Illinois Commerce Commission, stated in letters to Senator PERCY and me that he had "no doubt that, without remedial legislation, intercity bus service in rural areas will largely be eliminated very soon."

Mr. President, I do not believe we can stand idly by and see Chairman O'Connor's gloomy prophecy fulfilled. The legislation the Illinois congressional delegation is introducing today in both the House and the Senate is an attempt to give the States the tools they need to insure that essential public transportation services are preserved. It does not undercut the Bus Act; it merely gives the States the time, information, and authority they need to effectively work with bus companies and local communities in working out reasonable solutions to abandonment problems.

Briefly, the legislation provides for:

A revised abandonment procedure that gives States and communities prior notice of a potential route abandonments, a procedure based in part on railroad abandonment procedures;

Closer cooperation and consultation between the Interstate Commerce Commission and the States regarding awards of new bus route authority;

State involvement in the regulation of scheduling when only a minimal level of service is offered; and

Reaffirming the States' legitimate interest in, and right to protect, their transportation systems.

The legislation borrows from ideas and concepts used before in handling railroad and airline abandonments. It is eminently reasonable and deserves the Senate's support. Unless it is adopted, rural bus service will continue to deteriorate, with predictable consequences for the communities, the elderly and needy, and the small businesses that rely on good public transportation.

Bus service is often the last public transportation alternative available to a small town. The railroads abandoned passenger service to most of rural America long ago; the airlines serve only a tiny proportion of our Nation's communities. Our small towns need bus service; it is essential to their economic vitality in many cases and it provides the only means for many citizens, particularly the elderly, to travel.

Mr. President, I think it is worth making some modest changes to protect essential service to rural America. The changes we are recommending are reasonable and will not unduly burden bus companies, the ICC, or any other interested party. The legislation does not undermine deregulation, but merely puts a human face on it.

In sum, I believe this is good legislation, and that its quick enactment is both warranted and needed if we are to seriously address the growing transportation problem facing smalltown America. I commend the bill to my colleagues, and I urge its early adoption.

By Mr. PACKWOOD:

S. 1917. A bill to provide that the Federal Communications Commission shall not regulate the content of certain communications; to the Committee on Commerce, Science, and Transportation.

FREEDOM OF EXPRESSION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I am introducing legislation in the U.S. Senate to repeal the content doctrines imposed on the electronic media. This bill will remove the statutory basis for the so-called Fairness Doctrine and other restrictions on the freedom of the electronic press, including the equal time rules, reasonable access, and the lowest unit charge rules.

While this legislation will remove the stigma of second-class citizenship for broadcasters, it is also vitally important to the print media. Currently, the Federal Communications Commission is, by law, required to regulate editorial and news content that is broadcast. The law endangers the print media because newspapers are rapidly moving into the broadcast realm. USA Today and the Wall Street Journal, to name but two newspapers, are already sending their columns by satellite to printers across the country. More important, many newspapers are allowing their columns, including their editorials, to be carried via teletext over cable systems. The FCC has already begun regulating the cable industry, and other areas cannot be far behind. Print protections may soon be lost in an environment where regulation of editorial content is permissible. This legislation is vitally important to both print and electronic media.

Furthermore, this legislation will benefit the public. The public is best served when there is a free flow of di-

verse ideas. The public is badly served when the Government prohibits that free flow of diverse ideas. I hope the public will force Congress to act responsibly and demand repeal of the laws which now prohibit that free flow. Call these regulations what you will, they stifle political debate and prevent the widespread discussion of public issues.

Thomas Jefferson said that democracy cannot work well unless the voters are educated about the issues of the day. When the Founders amended the Constitution for the first time in 1791, they did it to protect the only two forms of communications known: press and speech. Our Founders were concerned that the freedom of expression be guaranteed. It is time we returned to that standard, not only to insure better services and more information for consumers, but to guarantee a lively discussion of issues and a revitalization of our electoral process.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Freedom of Expression Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) free and unregulated communications media are essential to out democratic society;

(2) there no longer is a scarcity of outlets for electronic communications;

(3) the electronic media should be accorded the same treatment as the printed press;

(4) regulation of the content of information transmitted by the electronic media infringes upon the First Amendment rights of those media;

(5) regulaton of the content of information transmitted by the electronic media chills the editorial discretion of those media and causes self-censorship, thereby dampening the vigor and limiting the variety of public debate; and

(6) eliminating regulation of the content of information transmitted by the electronic media will provide the most effective protection for the right of the public to receive suitable access to a variety of ideas and experiences.

PURPOSES

SEC. 3. The purpose of this Act is to extend to the electronic media the full protection of the First Amendment guarantees of free speech and free press.

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

SEC. 4. The Communications Act of 1934 is amended—

(1) in section 312 (a) by—

(A) adding "or" immediately at the end of paragraph (5);

(B) striking out the semicolon and "or" in paragraph (6) and inserting in lieu thereof a period; and

(C) striking out paragraph (7);

(2) by repealing section 315;

(3) by amending section 326 to read as follows:

"SEC. 326. Nothing in this Act shall be construed to give the Commission the power to—

"(1) censor any communication;

"(2) review the content of any completed communication; or

"(3) promulgate any regulation or fix any condition which shall interfere with the right of free speech, including any requirement of an opportunity to be afforded for the presentation of any view on an issue.".●

ADDITIONAL COSPONSORS

S. 1163

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1164

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1164, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the payment of benefits with respect to public safety officers who die of certain medical conditions sustained in the performance of duty.

S. 1570

At the request of Mr. MITCHELL, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1654

At the request of Mr. WILSON, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1654, a bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Delaware (Mr. ROTH), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1754

At the request of Mr. BENTSEN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1754, a bill to direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately 34,000 acres of land within the Sabine National Forest, Tex., to be used for the purposes of the Toledo Bend project, Louisiana and Texas.

S. 1811

At the request of Mr. NICKLES, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1811, a bill to authorize the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes.

S. 1893

At the request of Mr. D'AMATO, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1893, a bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploring the Soviet attack on Korean Air Lines flight 007, or has failed to vote in favor of such resolutions already considered.

SENATE JOINT RESOLTUION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 141

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. SASSER), the Senator from Georgia (Mr. NUNN), the Senator from Michigan (Mr. RIEGLE), the Senator from Rhode Island (Mr. PELL), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. SARBANES), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. MOYNIHAN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Nebraska (Mr. EXON), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. JEPSEN), the Sena-

tor from Arizona (Mr. GOLDWATER), the Senator from Connecticut (Mr. WEICKER), and the Senator from South Carolina (Mr. THURMOND), were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 183

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Resolution 183, a resolution dealing with the prevention of arson.

SENATE CONCURRENT RESOLUTION 71—RELATING TO AN INVESTIGATION OF THE ASSASSINATION OF BENIGNO AQUINO

Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. TSONGAS, Mr. DODD, Mr. GLENN, Mr. HART, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

Whereas Benigno Aquino, Jr., was a leading figure in the effort to restore democracy and constitutional rule in the Philippines;

Whereas, in returning to the Philippines, he willingly faced death to lead the struggle for the restoration of democracy and nonviolent change;

Whereas his brutal assassination was a despicable act that cut short the life of a dedicated Filipino patriot who was deeply committed to the cause of peaceful change and the restoration of democracy in his country;

Whereas, in the wake of his assassination, there may be a greater tendency on the part of the Filipino people to support those who would resort to violence as a way to bring about change in the Philippines; and

Whereas the elections for the National Assembly scheduled for May, 1984 have now become more important than ever, in terms of providing the Filipino people with an opportunity to peacefully determine their own future and to bring about such political changes as they may desire: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

1. That the Congress strongly deplores the brutal assassination of Benigno Aquino, and expresses its sincere condolences to his family and to all Filipinos who have shared his commitment to democracy;

2. That it is the sense of the Congress that all appropriate steps should be taken to achieve a thorough, independent, and impartial investigation of the Aquino assassination in a timely fashion and to bring to justice all those responsible for that assassination;

3. That it is further the sense of the Congress that the President of the United States should not visit the Philippines until there has been a full and accurate accounting of all the facts surrounding Senator Aquino's assassination and until the President's security can be adequately guaranteed;

4. That it is the policy of the United States to support genuine, free and fair elections to the National Assembly in May, 1984 and, to that end, to urge the Government of the Philippines to take the necessary steps to secure the full participation of the opposition parties in these elections, including the prompt reconstitution of an objective, impartial Electoral Commission and the restoration of full freedom of the press, so that all issues can be fully and openly debated and decided;

5. That the United States Government should take into account the conduct of the Government of the Philippines investigation into the Aquino assassination and the fairness of the 1984 National Assembly elections in the conduct of its relations with the Government of the Philippines.

Mr. KENNEDY. Mr. President, I am proud today to join with Senators CRANSTON, DODD, GLENN, HART, MOYNIHAN, PELL, RIEGLE, SARBANES, and TSONGAS in submitting a concurrent resolution calling for justice and democracy in the Philippines. Congressman SOLARZ and 42 cosponsors are introducing the same resolution in the House of Representatives.

This resolution strongly deplores the tragic assassination of Senator Benigno Aquino, the principal leader of the democratic opposition in the Philippines, and calls for a thorough, independent, and impartial investigation. It urges President Reagan to defer his visit until there is a full accounting of the facts surrounding the assassination and adequate guarantees of his security. The resolution declares as U.S. policy support for free and fair elections to the Philippine National Assembly in 1984. Finally, it calls on the U.S. Government to take into account in our relations with the Philippines both the conduct of the investigation into the assassination and the fairness of the 1984 National Assembly elections.

A month ago, Senator Benigno Aquino was brutally murdered. On September 21, one month after his death and 11 years after President Marcos had declared martial law in the Philippines, Manila was rocked by a huge protest rally that erupted into violence, leaving at least 11 killed and 200 wounded. Other demonstrations have followed; the American Embassy has become the scene of several protests. In response, President Marcos did not seek to engage in dialog with increasingly critical religious and opposition leaders, but instead threatened to reimpose martial law and take other repressive measures against his people. He has so far turned a deaf ear to the calls of the church, political leaders and increasing numbers of students, businessmen, and workers for justice and democracy in his land.

The full dimensions of this tragic setback for the cause of democracy in the Philippines are now even clearer. At stake are the prospects for the restoration of democracy in the Philippines and the country's long-term stability.

Senator Aquino was a lifelong champion of human rights and democracy. He was also a dedicated defender of the historic and close bonds between the United States and the Republic of the Philippines. He held high the torch of hope for the Filipino people. It is the solemn duty of the Philippine Government and all of us in the international community to make sure that Senator Aquino's torch was not extinguished in vain. We in the United States have a special obligation to support the struggle for human rights and freedom to which Senator Aquino dedicated his life.

In his own words before he returned to Manila in August, Senator Aquino saw the struggle in the Philippines as "between those who have been mesmerized by the 'efficiency' of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary."

Over a month has gone by since Senator Aquino was struck down. But

what information, after all these weeks, has the Philippine Government revealed about the perpetrator or perpetrators of that brutal assassination? The Government appointed a commission to investigate the assassination. But what has been accomplished? Nothing. The commission is foundering. Is this the way the truth about Senator Aquino's assassination will emerge?

It is imperative that a thorough, independent, and impartial investigation of Senator Aquino's assassination be conducted. The U.S. Government should take whatever steps are necessary to make this happen now.

Senator Aquino's assassination makes the elections for the Philippine National Assembly, now scheduled for next year, more important than ever. These elections can be a critical milestone on the road to the restoration of democracy in the Philippines. For the Filippino people truly to voice their views, these elections must be free, fair, and held on schedule. The opposition parties must participate fully. The electoral commission must be reconstituted on an impartial basis. Full freedom of press must be restored.

On August 25 I wrote to President Reagan to make clear my view that it was unthinkable for an American President to visit the Philippines until those responsible for Senator Aquino's assassination were identified and brought to justice. A Presidential visit at this time would be interpreted as a sign both of indifference to Senator Aquino's assassination and of disregard for democracy in the Philippines. Now—when an unprecendented number of Filippinos have been killed in protests in Manila—is not the time for business as usual.

All of us should also take note of the growing anti-American sentiments being voiced in recent protest rallies. The President's trip can only serve as a lighting rod for additional protest that might further fuel those seeking to rupture United States-Philippines relations.

The United States has historic ties with the Philippines, marked by the struggle for independence and democratic institutions during the first half of this century. We have strategic interests in the Philippines: Clark and Subic are two pillars of our military power in the Pacific. We have major economic interests in the Philippines—American investment there exceeds $1.26 billion; our two-way trade last year totaled $3.4 billion.

But is the recent trend of events serving those interests? Does the cloud of suspicion surrounding Senator Aquino's assassination strengthen those ties? Do threats of martial law add to our confidence in Philippine political stability? It is time that the Philippine Government face these challenges and turn to the path of national reconciliation, democracy, and human rights that the Filippino people demand and our bilateral interests require.

I request that the letter which I wrote to President Reagan, and two important articles on the current situation in the Philippines appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *August 25, 1983.*

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The assassination of Benigno Aquino is a tragic setback for the people of the Philippines, and for the cause of democracy and justice around the globe. Senator Aquino was a lifelong champion of human rights and a dedicated foe of communism. From personal experience he knew the pain of liberty denied. He also knew that America's singular contribution to the Philippines was the legacy of democractic ideals which it bestowed on that island nation. In life and in death Benigno Aquino strengthened and deepened the historic bond between the United States and the Republic of the Philippines.

The people of the Philippines and others throughout the world who cherish democracy are now looking to this nation to exercise its moral authority. The United States has an obligation to support the struggle for human rights and freedom which Benigno Aquino supported and ultimately died for.

The announcement of your intention to visit Manila was made before the brutal event of August 21. It is now unthinkable for an American President to visit the Philippines until the perpetrators of this crime against humanity are brought to justice. To lend your moral and political support to the Marcos Government at this critical time will be interpreted as a sign that America is indifferent to the assassination and condones the violation of human rights in the Philippines.

I also believe that the United States should delay action on all aid and support for the Philippines until the Marcos government has conducted a full, satisfactory, and impartial investigation of the Aquino assassination and reported its findings to the United States Government. I will urge my colleagues in Congress to support this position, and I intend to take action toward this end when Congress reconvenes in September.

Sincerely,

EDWARD M. KENNEDY.

[From the New York Times, Aug. 23, 1983]

THE PHILIPPINE SAGA HAS YET TO END

(By Benigno S. Aquino Jr.)

(The following article is adapted from an introduction to "The Philippines: Democracy or Dictatorship?", a book that Benigno S. Aquino Jr., President Ferdinand E. Marcos's strongest political opponent, was writing before he returned to Manila on Sunday and was assassinated.)

On July 4, 1946, America fulfilled her pledge and the Republic of the Philippines was born. This Republic was a mirror image of the American Republic conceived in 1776. It was the only republican democracy in all Asia. In fact, it was the first colony to be granted full independence after the Second World War.

For 25 years, the Philippines had the freest press in Asia and perhaps the entire developing world. Every four years it held Presidential elections that saw every incumbent President being booted out of office through the ballot. Since independence, the Filipinos have had six Presidential elections and, in the process, removed from office four incumbent Presidents. Two Presidents died in office and only one ever got re-elected to a second term. He was Ferdinand E. Marcos, elected for the first time in 1965 and re-elected in 1969.

On the seventh year of his non-extendable eight-year term, Marcos declared martial law in an attempt to prolong his stay in power, putting an end to a democratic experiment that started some seven decades earlier at the turn of the century.

It is Marcos's thesis that a developing country like the Philippines cannot afford the luxury of bread and freedom. It has to be either bread or freedom. It is his thesis that the democracy passed on to the Filipino people by America is unworkable because it is inefficient and inconvenient. What a third-world developing country needs, he asserts is a strong "authoritarian" leader who will rule unobstructed by a nagging Congress and a licentious press.

The Philippine saga has yet to end. And the many questions raised by Marcos's martial law regime remain to be answered: Are democratic institutions as developed in America really unworkable in a third-world developing country? Can a single man, no matter how well-meaning, solve all the ills of 48 million people? Is "authoritarianism" a mere euphemism for one-man rule? Is dictatorship the answer for struggling developing states?

A number of Filipinos refuse to accept that democracy cannot be made to work in the Philippines. These Filipinos hold that there is no substitute for the democratic institutions introduced and encouraged by Americans in the Philippines since 1898.

[The battle being fought in the Philippines] is between those who have been mesmerized by the "efficiency" of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary.

[From the New York Times, Sept. 8, 1983]

POSTPONE THE VISIT TO MANILA

(By William J. vanden Heuvel)

William J. vanden Heuvel, former deputy permanent representative to the United Nations, practices law in New York City.)

For three years, Benigno S. Aquino Jr. and his family found sanctuary in our country. Americans are proud that he lived among us. We will never forget his humanity, his courage and his commitment to democracy. In life and in death, he deepened the historic bond between the United States and the Philippines.

His murderers have made certain that his memory will not die. Benigno S. Aquino Jr. is now part of the legend of Filipino patriots that dates to the 19th century.

President Reagan's announcement that he intended to visit Manila in November was made before Mr. Aquino was slain Aug. 21 on his arrival at Manila airport. Now, however, Mr. Reagan must reconsider that decision—not to insult those who disclaim involvement in the assassination but rather to

hold intact the memory of Senator Aquino and what he lived for.

The likelihood is that we will never know all the facts of the murder. Undoubtedly, the report resulting from the official investigation will uphold the claim of President Ferdinand E. Marcos and his wife, Imelda, that they were not implicated.

Mr. Marcos has said: "We practically begged him to help us in the effort to protect his life." Too bad that those efforts did not extend to supplying the security that the presumed threat to Mr. Aquino's life would reasonably have suggested.

Mr. Marcos has also told his nation that "the Communists did it." The official investigation may sustain that accustion, but we should remember that the Marcos definition of "Communist" included Benigno Aquino, a man of true democratic commitment who abhorred violence and who wrote in the statement that he was to deliver to his waiting supporters at the airport in Manila: "I was sentenced to die for allegedly being the leading Communist leader. I am not a Communist, never was an never will be."

It is not because of what Mr. Marcos did or did not do to Senator Aquino that Mr. Reagan should postpone his visit to the Philippines. Rather, it is because of the violence that President Marcos has done to the Constitution of his country that our President's embrace should be denied him.

Franklin D. Roosevelt, Harry S. Truman, Gen. Douglas MacArthur—and thousands of Filipinos and Americans who died at Corregidor, Bataan and Luzon in World War II—helped create that Constitution, which assured free elections and guaranteed the civil rights of the Philippine people. When President Marcos suspended the Filipino Constitution on Sept. 21, 1972, he set in train the violence that inevitably led to the brutality and bloodshed of Senator Aquino's murder.

At a time when totalitarian and democratic forces are in conflict throughout the third world, at a time when the possibilities of constitutional democracy are the heart and rationale of our involvement in Central America, there is a danger that President Reagan's visit, like the incomprehensible words of Vice President Bush during his visit to Manila in 1981—"We love your adherence to democratic principle and to the democratic processes"—will be misunderstood as United States acceptance of the violence done to the Philippine Constitution.

Our national interest may oblige us to pay a high price for military bases; it may oblige us to have diplomatic, political and economic relations with authoritarian and totalitarian governments; but our national honor obliges us to avoid the embrace of leaders who can too easily use such visits to imply that the United States supports and has accommodated itself to governments that have no popular base.

If President Reagan decides to carry out his plan to visit the Philippines, I hope he will remember the way that Pope John Paul II handled his television appearance with Gen. Wojciech Jarulzelski. The Pope blessed Poland and its people, not the dictator and his Government.

Therefore, when the people of the Philippines watch Mr. Reagan, I pray that the President will mention the outrage and sadness that Americans share with the family of Benigno Aquino.

And at that point, these words written by Benigno Aquino might be repeated as a testament that all Americans share: [The battle being fought in the Philippines] "is between those who have been mesmerized by the 'efficiency' of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible; man's injustice makes it necessary."

Our Founding Fathers could not have said it better.

SENATE RESOLUTION 237—TO UPGRADE THE CHILDREN'S BUREAU

Mr. BENTSEN submitted the following resolution; which was referred to the Committee on Governmental Affairs.

S. RES. 237

Whereas the United States has a mediocre record of infant and child health care compared to other industrialized nations, with an infant mortality rate no better than 14th over the last two decades:

Whereas there are some 90 to 100 child health and related federal programs scattered across half a dozen agencies with no coordination in operation on policy development and management;

Whereas the lack of program coordination data on child health issues has a major impact on the effectiveness and cost efficiency of federal spending on child health programs;

Whereas for most of this century, national child health policy was coordinated by a Children's Bureau, which now has very limited responsibility for selected children's issues;

Whereas there is now a need to improve the data base, and the coordination of child health programs and related issues to improve the coverage and effectiveness of such federal programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President shall reorganize the Children's Bureau and provide such administrative powers as are necessary for it (a) to gather extensive data on the status of children and on the impact of federal programs on that status; and (b) to prepare and submit to the Congress an Annual Report on the Status of Children.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. BENTSEN. Mr. President, Monday, October 3, has been proclaimed Child Health Day by the President. That proclamation is certainly appropriate and I join the President in urging greater attention to the health care needs of one of our most helpless citizen groups—our children and infants.

That proclamation can serve another more fundamental purpose as well, however. The fiscal year 1981 reconciliation legislation reduced spending for child health care—particularly in the large maternal and child health, and primary health care programs. We have lived with a reduced program level for 2 years now and it is time for the impact of those cuts to be examined. My support—and I suspect the support of many of my colleagues—for that aspect of the reconciliation legislation 2 years ago was based on the belief that we were making good progress in reducing child and infant disease. Certainly, statistics such as our declining infant mortality rate supported that belief. These programs, along with medicaid, WIC and the national immunization program, deserve substantial credit for the 41-percent decline over a scant 11 years in the infant mortality rate beginning in 1970. That rate fell to 11.7 deaths per 1,000 live births in 1981 from 20 per 1,000 in 1970. It took over twice as long—25 years—to achieve a comparable reduction in that rate in the absence of most of these programs during the 1950's and 1960's. That is strong evidence that these programs played an instrumental role in improving the health of our Nation's children and infants.

Yet, a need to reassess our progress toward improved child health and the impact of the 1981 cuts is suggested by those same infant mortality statistics. As the accompanying table shows, we are not as successful in controlling infant mortality as a number of other nations. Indeed, in 1979, 17 nations had lower infant mortality rates than the United States and we have run in the middle of the pack internationally for most of the past several decades—with a rank of only between 14th and 18th out of the best-performing 25 industrial nations. That is not an impressive performance. In 1979, the United States lagged behind such medical world powers as Hong Kong, Spain, Ireland, and East Germany. Sweden, Japan, Norway, and Denmark all enjoyed infant mortality rates at least one-third lower than our own. Had the United States enjoyed the same rate as Japan, over 17,000 fewer babies would have died here that year.

Mr. President, I ask unanimous consent to have printed at this point in my remarks, a table entitled, "Infant Mortality Rates, Selected Nations, 1970–1980."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—INFANT MORTALITY RATES [1]

[Selected nations: 1970–80]

Country	1970	1975	1979/1980 [2]
Austria	25.9	20.5	13.9
Canada	18.8	14.3	10.9
Denmark	14.2	10.4	8.5
East Germany	18.5	15.9	12.6
France	18.2	13.8	10.0
Italy	29.6	21.2	14.3
Japan	13.1	10.1	7.4
Norway	12.8	11.1	8.8
Poland	33.2	24.9	21.2
Spain	[3] 27.9	[3] 12.1	11.1
Sweden	11.0	8.6	6.7
United Kingdom (England, Wales)	18.1	15.7	11.8
United States	19.8	16.1	11.8
West Germany	23.6	19.8	12.1

[1] Infant deaths are deaths of live-born infants under 1 yr. of age; rates are per 1,000 live births.
[2] Data refer to 1979 or 1980 (latest available).
[3] Excludes deaths of infants dying before registration of births.

Source: Infant Mortality: A report prepared by the Congressional Research Service for the Committee on Energy and Commerce, U.S. House of Representatives, (Print 98–5), June 1983, table 6.

Mr. President, the time has come for Congress and the administration to join in a bipartisan examination of Federal child health programs. The infant mortality data from abroad is more than a mere straw in the wind. It is a warning that we are not doing the job we are capable of in improving the health of our infants and children.

A CHILDREN'S BUREAU

As a first step toward better child health in America, we need a focal point of Federal efforts to promote child health and well-being. To best achieve that goal, I believe the President should assign major new responsibilities to the Children's Bureau with the Department of Health and Human Services to gather data on the status of children in America, to prepare comprehensive reports annually to Congress on the status of children, how Federal programs are affecting that status, and to coordinate issues within the Federal Government and the Nation dealing with child health, nutrition, education, and other related children's issues.

Each of us in this chamber today—and our parents and children as well—grew up under the watchful eye of the original Children's Bureau established in 1912. That Bureau emerged from constructive and badly needed efforts to end child labor abuses. In its first 50 years, the Bureau played a significant coordination and advocacy role within the Federal establishment and across the Nation for better child education, health and safety.

Despite its successes, however, it was downgraded a decade ago. Its policy role was abolished. And, it now sits as an office within the Department of Health and Human Services (HHS) with limited responsibility over a handful of issues unrelated to child health. This downgrading of child health and children's issues is not warranted. Despite the success we have enjoyed, other nations have made faster progress and have healthier children, as well. We cannot afford to be smug and stand on our own health record. Indeed, there are those who argue that the less said about our lagging child health record, the better.

It is important that the issues raised by the President in his Child Health Day proclamation be pursued here and at the White House. They should not serve only as media grist for October 3, and ignored thereafter.

Some 90 to 100 children's programs exist today, scattered across a half dozen agencies from Defense to HHS. We need much better coordination between these Federal child health and associated programs. A rehabilitated Children's Bureau would be able to provide that coordination. It could play a data collection role, as well. In fact, that is the key role I would like to see an upgraded Bureau play. Specifically, it should collect extensive data on a continuous basis regarding all aspects of the status of children and submit annual reports with that information—including the impact of Federal programs on the status of children—to Congress. That exercise would assist Congress mightily in formulating Federal policy involving children—a function which now occurs only in a haphazard and ineffective fashion in the Federal bureaucracy, if it can be said to occur at all. Its role as a national clearinghouse for information and data on children and on children's issues would be reestablished. Children have no effective voice in the political process. They need such a voice and the Children's Bureau can serve that role.

EXPLANATION OF LEGISLATION

The resolution I am introducing today calls on the President to upgrade the Children's Bureau and requires it to submit an annual report to Congress on the status of children. A resurrected Children's Bureau could improve child health and nutrition for more youths at lower cost. This could be accomplished without additional cost by beefing up the responsibilities of the existing administrative office within HHS. And, centralizing the collection of data relevant to children's health and related issues in one office would enable both Congress and the administration to deal more effectively with the need to improve the health and well-being of future generations.

I fought successfully in 1981 to keep the maternity and child health program as a separate block grant. The primary beneficiaries of these grants are infants and children, who are among the most deserving but least powerful constituents in our Nation. They warrant unique attention. And reorganization and upgrading of the Children's Bureau with potent interagency coordinating, data collection, and reporting powers would go a long way toward providing them that attention.

That is the purpose of the resolution I am offering today. And I urge my colleagues in this Chamber to join me in supporting it. It has been said that the care taken of its most defenseless citizen is a good measure of the worth of a society. We do not now measure up well by that standard in nurturing the well-being of our children. My resolution is designed to start us along the road toward better care for our children.●

AMENDMENTS SUBMITTED

CRITICAL AGRICULTURAL MATERIALS

JEPSEN AMENDMENT NO. 2265

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; as follows:

At the end of the bill, add the following new section:

AGRIBUSINESS LOANS

SEC. . (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Nothwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed $75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading, "RURAL DEVELOPMENT INSURANCE FUNDS" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness

Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

AGRICULTURAL PRICE SUPPORTS

JEPSEN AMENDMENT NO. 2266

(Ordered to lie on the table.)

Mr. JEPSEN submitted and amendment intended to be proposed by him to the bill (S. 1529) to stablize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

At the end of the bill, add the following new title:

TITLE III—AGRIBUSINESS LOANS

AGRIBUSINESS LOANS

SEC. 301. (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed $75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

CREDIT ASSISTANCE TO FARMERS

JEPSEN AMENDMENT NO. 2267

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 24) to provide emergency credit assistance to farmers, and for other purposes; as follows:

At the end of the bill, add the following new section:

AGRIBUSINESS LOANS

SEC. . (a) This section may be cited as the "Agribusiness Loan Act of 1983".

(b) Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed $75,000

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculure, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

MARTIN LUTHER KING, JR. HOLIDAY

RANDOLPH AMENDMENT NO. 2268

(Ordered to lie on the table.)

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

Strike all after the enacting clause, and insert in lieu thereof the following: That section 6103(a) of title 5, United States Code, is amended—

(1) by inserting immediately after the item relating to New Year's Day the following:

"Birthday of Martin Luther King, Jr., January 15.".

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

WILSON AMENDMENT NO. 2269

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

At the end of the bill add the following new section:

SEC. 3. Section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to hold a hearing to receive testimony on the organization of the Joint Chiefs of Staff and its relationships with other Department of Defense and executive branch elements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, and the Subcommittee on Preparedness of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, Oc-

tober 4, to hold a joint hearing to receive testimony from the Department of Defense on drug and alcohol abuse prevention programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to hold a hearing to consider the nominations of Josephine S. Cooper, to be EPA Assistant Administrator for External Affairs; A. James Barnes, EPA General Counsel; and John C. Martin, EPA Inspector General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 4, at 10:15, to consider the nominations of Henry Cooper, to be Assistant Director of ACDA, and Alan Keyes, to be the Representative to the Economic and Social Council of the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 4, at 2 p.m., to consider the nominations of Reginald Bartholomew, to be Ambassador to Lebanon; Charles Dunbar, to be Ambassador to Qatar; Nicholas Veliotes, to be Ambassador to Egypt; and Donald Leidel, to be Ambassador to Bahrain.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 4, to mark up S. 121, the Trade Reorganization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 4, at 2:30 p.m., to hold a markup of S. 1342, the Intelligence Information Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 4, 1983, in order to receive testimony concerning S. 914, the Firearms Owners Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 371: AID FOR LONG-TERM UNEMPLOYED AND NATION'S SMALL BUSINESSES

● Mr. SASSER. Mr. President, it is my hope that when the Senate moves to consider revenue legislation this session, we will see action on S. 371, my targeted jobs tax credit legislation. My desire to see action on this legislation is simple enough. While we have recently heard much news about a recovery taking hold in our economy, there are still some very chilling figures and troubling trends that we must deal with.

There have been indications that we are pulling out of the recession we have been mired in the last 2 years. We have seen the Nation's unemployment level begin to fall a bit after reaching record levels. Yet, while many, including myself, are cheered by this downward turn, I am troubled by the large number of long-term unemployed persons across America. Of the 10.7 million Americans out of work in August, 2.4 million, or 23 percent have been unemployed for 27 weeks or more.

What is particularly disheartening about this figure, Mr. President, is that it reflects a trend of increased long-term unemployment. In 1979, the percentage of unemployed persons who had been out of work for 27 weeks or more stood at 8.7 percent. This figure increased to 14 percent in 1981 and 16.6 percent in 1982. Using this year's statistics, we see that long-term unemployment is running at a yearly level of 24.3 percent through August. The percentage of long-term unemployed individuals in America has nearly tripled in 4 short years.

This is a problem that I have attempted to deal with in S. 371. As many of my colleagues know, this legislation creates another target group under the existing tax credit sections of the Tax Code for this increasing segment of our Nation's unemployed. Firms hiring long-term persons will be entitled to such a tax credit. Nearly one quarter of all the Nation's unemployed, some 2.4 million Americans, will be eligible for this credit.

S. 371 goes one step further and increases the amount of tax credit available when the hiring firm is a small business. This provision is equally necessary in light of the continued increases in recorded business failures across the country. Dun & Bradstreet reports that for the week of August 18 of this year, 662 businesses failed compared with 572 for the same period last year. To date this year we have reported 19,336 business failures. As my colleagues well know, last year saw the greatest number of business failures since the Great Depression. This year's reports indicate we will witness another record-breaking year in this dismal category.

The men and women who operate our Nation's small businesses need the type of assistance available under S. 371 to help keep them afloat. And while there are those who argue that such a tax credit would not prove beneficial to beleaguered small firms, I believe to the contrary. Earlier this year, the Senate Small Business Committee heard testimony from several small business owners regarding S. 371. These individuals stated that they would make use of the type of credit offered in S. 371. They felt it provided the type of catalyst which would speed hiring activity by small firms.

In closing, Mr. President, I would like to raise one last point disclosed during the Small Business Committee's hearings on S. 371. Testimony presented by John Chapoton of the Department of the Treasury, indicated his Department's belief that S. 371 would cost the taxpayer less than $250 million per fiscal year. I should point out Mr. President, that this figure does not take into account the reduced Federal expenditures for those persons put back to work, nor the increase in revenues from such increased hiring. When these two factors are weighed in, I believe that this small sum of $250 million would shrink drastically and indeed, the tax credit established in S. 371 may actually prove a revenue enhancer.

It is my hope, Mr. President, that we may see action on this important piece of legislation in the near future. Given the impact of this legislation on a wide segment of our society, and its low cost, I feel S. 371 is a measure this body should consider. I am hopeful an appropriate revenue vehicle may be found which will allow my colleagues the opportunity to come to the aid of the Nation's long-term unemployed and small businesses in a constructive manner.●

PUBLIC SAFETY OFFICERS BENEFITS ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two bills concerning survivors' death benefits for Federal law enforcement officers and firefighters which have been introduced by my distinguished colleague, Senator GLENN.

S. 1163 amends title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters. It

would authorize a $50,000 death benefit to the surviving spouse and children of such officer whose death is the direct result of injuries sustained in the performance of duty. The House version of this bill, H.R. 622, passed the House by the overwhelming margin of 390 to 33 on July 26, 1983.

S. 1164 defines "direct result of injuries" to include situations in which death results from a "medical condition sustained while ingesting or inhaling a poisonous substance, or while subject to extreme physical stresss on a single occasion, or during a single event, in the performance of duty."

Legislation very similar to that which I am cosponsoring today has previously passed both Houses of Congress. It passed the Senate on December 10, 1980. It was, however, vetoed by President Carter. The legislation was objectionable, he said, "because it would single out certain groups of employees for preferential treatment under the Federal employee workers' compensation law (FECA)." He indicated that there were other Federal employees who are also exposed to special hazards in their work.

It has also been claimed that, under current law, the Federal Government pays death benefits to survivors of employees who die on the job. Depending on family size, these benefits may be as high as 75 percent of an employee's salary.

Although these arguments merit our consideration, they do not withstand close scrutiny. It is not logical or fair to deny protection to an especially deserving group because you cannot presently cover all groups exposed to risk. The nature and extent of the risk involved in law enforcement is deserving of special consideration. As we increase our anticrime efforts, these risks will inevitably increase. Other groups are exposed to hazards, but no group is exposed so constantly to so many as those involved in the absolutely essential task of securing domestic tranquillity.

The Congressional Budget Office has estimated the cost of this legislation to be $500,000 per year. In some years, the expense may be more and, if we are fortunate, in many years it will be less. For this minimal cost we can relieve great hardship and the ever-present fear for those in law enforcement that their families will not be adequately provided for in the event of their deaths. These brave public servants and their families deserve no less.

Mr. President, I urge my colleagues to repeat the wise action taken by the Senate in 1980 and, again, to support this important legislation.●

SCS PROJECTS APPROVED

● Mr. STAFFORD. Mr. President, on August 3 of this year, the Committee on Environment and Public Works adopted resolutions authorizing five Soil Conservation Service small watersheds projects. The five projects were Brundage watershed, Idaho; Elk Creek watershed, Kansas; Calapooya Creek watershed, Oregon; South Fork Licking River watershed, Ohio; and Loc Olmos Creek watershed, Texas.

I take this opportunity to inform the Senate that a committee print describing the five projects, together with the view of the Committee on Environment and Public Works, has been printed and can be obtained from the committee.●

HOW TO HELP AMERICA COMPETE

● Mr. TSONGAS. Mr. President, international competition is one of the greatest challenges facing the U.S. economy today. Although high interest rates and an overvalued dollar have made many of our products less attractive on world markets than those of some of our competitors, waiting for these forces to subside will not be enough. There is much we must do to onset the competitive challenge. Some of these actions are set out in an eloquent commentary by Dr. Robert B. Reich of Harvard's John F. Kennedy School of Government, that appeared in the New York Times, September 30, 1983.

Mr. President, I would like to share Dr. Reich's thoughts with my colleagues, and I ask that the article be printed in the RECORD.

The article follows:

HOW TO HELP AMERICA COMPETE

(By Robert B. Reich)

CAMBRIDGE, MASS.—Question: Your company's widgets are losing out to low-cost imports. What do you do?

1. Close your American factory and start making widgets or widget parts in South Korea, Mexico or some other place where labor is cheap.

2. Automate the factory to cut your workforce (and labor costs) by two-thirds.

3. Quit the widget business, scrap your plant and equipment (or sell it to your employees), then buy an insurance company, mining company or a shopping center.

4. Threaten to do 1., 2. or 3. unless your employees agree to reduce wages and benefits.

5. Go to Washington, complain of unfair "dumping" of foreign widgets, forecast greater job loss, show that widgets are critical to defense and get a tariff or quota to block imports.

Answer: all of the above—at least, that's the answer our producers of steel, autos, textiles, apparel, televisions, video games and machine tools have come up with.

But others have different answers. Labor prefers to block imports. Many politicians talk about automation but vote for protection. Financial prefer diversification into other businesses. Most economists disparage protection, are indifferent to the other concerns and worry about overvalued dollars. Conservative Republicans often want to cut wages and benefits.

While any of these alternatives may improve our companies' competitiveness, none will lead directly to higher standard of living. That's because none will improve the competitiveness of Americans themselves. None will increase the number of Americans whose skills command higher real earnings in world markets. For that, we need another alternative: Retool your factory and retain your workers to produce a more sophisticated line of widgets.

What would this mean for our industries? It would mean shifting from basic steel to custom-cast steels with new additives and different levels of purification; from low-skilled car-assembly operations and the production of simple auto components like dashboards and seat covers to complex components like fuel-efficient engines, transmissions and graphite-fiber chassis; from basic cotton, wool and simple synthetic textiles to carbon fibers and specially-coated polyster filaments; from simple machine tools to computer-run tools.

These products would require skilled labor. But much of the training would be on-the-job. Advanced technologies would be applied not so much to reduce labor costs as to enhance workers' capacities to recognize and solve production problems and to improve efficiency and product quality. Lower-level employees would assume greater responsibility and the whole enterprise would be made more flexible. These new products and processes would represent a new generation of industries. As their markets grew, so too would jobs.

But this alternative is not at the center of debate over competitiveness. Most of American management has not embraced it, labor is at best lukewarm, investors and creditors are skeptical. Why? Because it poses large risks and costs for each player. Profits and jobs may not always materialize; if they do, they may be many years away. The other alternatives are relatively sure bets, at least in the short term.

The answer is to make this alternative more attractive to business and labor. For this, we don't need a Federal development bank or a Japanese-style central-planning agency. We need measures that alter the rules of the game by reducing the costs and risks of restructuring industry: for example, tax credits for company investments in employee retraining, subsidized vouchers unemployed workers can cash in for on-the-job training, antitrust exemptions for undertaking research joint ventures and consolidating older plants, changes in labor law to link greater job security to greater flexibility in work rules and job classifications, changes in banking regulations to allow larger equity holdings, unemployment compensation taxes tied to employee job security and retraining, a requirement that firms or industries receiving import protection simultaneously retool and retrain.

Improving competitiveness is a goal almost everyone can endorse. But the chorus of endorsement drowns out the key question: how? Most obvious alternatives would reduce workers' earning's increase unemployment or else keep out foreign goods and thereby impose new costs on consumers. But such strategies for improving competitiveness by reducing our standard of living confuse means and ends. A real gain in competitiveness can come only from making better use of our only unique national asset—our people.●

CENTRAL AMERICA

● Mr. DURENBERGER. Mr. President, a couple of days ago, in the aftermath of our debate on Lebanon and the War Powers Act, I came across an editorial cartoon which expressed the dilemma we all face in dealing with foreign policy. The cartoon showed a person reading a newspaper which was filled with headlines about Lebanon. The person was asking his friend "What happened to Central America?"

Obviously, nothing has happened to diminish the importance of Central America, nor to make easier the guest for a long term and durable policy which will bring stability, prosperity and peace to that troubled region. But, as is so often the case in our country, attention has shifted away from the tough questions of the long term and has focused instead on other things which momentarily appear somehow more important. It is unfortunate that we often tend to think of our foreign policy in terms of whatever is most important at the moment, rather than recognizing that several things are vitally important simultaneously. It is also unfortunate that we too often tend to think in terms of today's headline, which emphasizes the dramatic, rather than tomorrow's problems, which are complex and often unclear.

As Senators may know, I recently returned from a brief trip to Costa Rica, a country I have been visiting for more than 10 years. I went to Costa Rica in conjunction with a business and investment conference sponsored by Caribbean/Central America Action, a remarkable group of public-spirited citizens and former State Department officials. Groups like CCAA are absolutely vital to a long term foreign policy based on more than reaction to today's headlines or tomorrow's crisis, for CCAA asks the hard questions about how to achieve prosperity and how to establish the conditions which will foster that prosperity. It does more than ask questions, however. It encourages thriving democracies like Costa Rica to join U.S. business in innovative programs of investment and development. It makes clear to countries which are not yet democratic that the kind of foreign investment needed to fuel equitable development will be forthcoming only in a political climate that is stable and representative. In short, the efforts of CCAA and other such groups go hand-in-hand with our own efforts to develop a long term policy.

One of the most frequent topics of conservation at the CCAA conference was a remarkable speech recently delivered by Kenneth Dam, the Deputy Secretary of State. Secretary Dam understands the challenges which face the developing countries, and he has outlined them with particular reference to Central America. He has done more than outline problems, however. He has pointed the way to a long term policy of political and economic development. I think his speech is one of the best I have read in many years, and I want to share it with my colleagues. Therefore, I will ask that it be printed in the RECORD.

Ken Dam's speech had its counterpart in the remarks delivered to the CCAA conference by Anthony L. Andersen, the president of H. B. Fuller Co., in St. Paul.

I have known Tony Andersen for many years. He is the son of former Minnesota Governor Elmer Andersen, and he has carried his family's traditional concern with public service to the H. R. Fuller Co. Tony has a first-rate grasp of the problems of Central America, and he is not a Johnny-come-lately to the region nor one of those who only discovered the area after the headlines began to accumulate in the late 1970's. It was during my own association with H. R. Fuller, before coming to the Senate, that I traveled so often and so extensively throughout Central America.

Under Tony Andersen's leadership, Fuller has remained committed to Central America. It rebuilt its plant in Nicaragua after the revolution. It remains a major employer in Costa Rica through its subsidiary, the Kativo Corp. And now, as Tony announced at the CCAA conference, H. R. Fuller plans to devote 2 percent of its pretax profits to community affairs projects throughout Central America, a remarkable demonstration of public duty by a private corporation. In fact, Fuller will increase its contribution from 2 percent to 5 percent of pretax profits over the new few years.

It is in recognition of this kind of hard-headed philanthropy and this deep interest in and concern for hemispheric relations that Costa Rica recently named Tony Andersen its honorary consul in the Twin Cities of Minneapolis and St. Paul. Tony's appointment will serve as the capstone of an ongoing relationship between the Twin Cities and Costa Rica, for the two have been joined for some years in a sister-city relationship through the chambers of commerce.

Mr. President, the kind of imagination and intelligence shown by Ken Dam and Tony Andersen will be needed if our country is to develop and pursue a long-term policy in Central America. The current focus on military assistance can only be a short-run holding action. The real problems in the region—problems which our policy has too often ignored or failed to address—go well beyond immediate security threats. They cover the entire spectrum of social, political and economic difficulties which many of the Third World countries face. I am delighted to see people like Ken Dam and Tony Andersen doing more than simply talking about these problems. They are acting.

Mr. President, I would like to conclude by adding to the RECORD the transcript of some remarks I made at the Westminster Church in Minneapolis shortly after my return from Costa Rica. Those remarks expand upon the comments I have here today. I therefore ask Kenneth Dam's speech, an extract of Tony Andersen's speech, printed in the St. Paul Pioneer Press/Dispatch, and a copy of my remarks to the Westminster Church be printed in the RECORD.

The material follows:

ECONOMIC GROWTH AND U.S. POLICY IN CENTRAL AMERICA

(Remarks by Hon. Kenneth W. Dam)

President Reagan on April 27 spoke to a special joint session of Congress to explain our response to the problems in Central America. He outlined a policy based on four interlocking elements: democracy, dialogue, defense, and development.

First, and I quote the President: "We will support democracy, reform and human freedom. This means using our assistance, our powers of persuasion, and our legitimate 'leverage' to bolster humane democratic systems where they already exist and to help countries on their way to that goal as quickly as human insitutions can be changed. . . . We will work at human rights problems, not walk away from them."

Second, we favor negotiations and dialogue to resolve conflicts in ways that promote the development of democracy. The President's special envoy, former Senator Richard Stone, is working to facilitate negotiations both within and among the countries of Central America. We welcome the meeting that took place August 28 in Bogota, Colombia, between representatives of El Salvador's Peace Commission and the guerrillas. And we support the regional Contadora process, in which five Central American nations, including Nicaragua, are engaged with their nearest neighbors.

Third, to give diplomacy a chance to work, we are using military assistance as a shield to help Central American countries defend themselves. This shield should foreclose a military victory by anti-democratic forces supported through Nicaragua by Cuba and the Soviet Union.

Fourth, and again I quote the President: "In response to the challenge of world recession and, in the case of El Salvador, in response to the unrelenting campaign of economic sabotage by the guerrillas, we will support economic development."

It is this economic dimension of our policy toward Central America that I would like to focus on today. Amidst all the debate over the situation in Central America, surprisingly little attention has been paid to what should be done about the region's pressing economic troubles.

Few would deny that economic difficulties lie at the heart of much of Central America's instability. Or that sound economic growth is vital to the region's future. Promoting that growth in a framework of equitable development is a major focus of our policy. Our assistance to the region makes the point: eighty-one cents of every dollar of U.S. aid to Central America this fiscal year is devoted to economic goals. And now the National Bipartisan Commission on Central America headed by Dr. Kissinger

has begun to give special attention to the region's long-term development needs.

So it is fitting that we take a moment to assess both the obstacles to growth in Central America and how they might be overcome.

II.

Let me begin with something that is often overlooked. Central America is clearly capable of strong and sustained economic growth. That is the proven record of the 1950s, the 1960s, and most of the 1970s.

From 1960 to 1979, real GNP in the United States grew by an average of 3.7 percent per year; the industrialized market economies as a whole grew at a rate of 4.2 percent per year. During those same 20 years, Central America did more than keep up. According to the World Bank, every country in Central America grew faster than the United States, and faster even than the European average. Annual growth rates averaged from a low of 4.4 percent in Honduras to a high of 6.3 percent of Costa Rica.

It is also true, of course, that Central America's population growth during those same 20 years was among the highest in the world, averaging about three percent. Even so, per capita income increased in every country. And in each case, the percentage of total production accounted for by manufacturing and other industrial activity increased. For instance, between 1960 and 1979 industrial activity in Honduras rose from 19 percent of total production to 26 percent.

In the mid-1970s, in fact, Central America's economic prospects attracted a major Japanese investment campaign. In El Salvador, for example, Japanese firms were particularly active in textiles and electrical appliances. By 1978, Japan was El Salvador's second largest foreign investor.

Against such a favorable background, how is it that Central America's rapid development lost momentum? How do economic problems relate to today's tragic conflicts?

Many factors are involved, but three standout: local social and political conflicts, the impact of the global economic recession, and the spread of guerrilla warfare and attacks on the economy.

Let me take each in turn.

First, local social and political conflicts. In Central America, misrule and maldistribution of the benefits of development span many years. The region was still relatively quiet politically when I travelled there briefly five years ago. But even then the underlying economic problems and social tensions were unmistakeable. In major cities, high walls separated palatial homes from the deepest squalor. Growth was slowly improving the lot of many people; but growth was also increasing expectations. And except for Costa Rica, there were few democratic outlets to help resolve frustrations and social tensions peacefully. The repressions and instability that ensued proved bad for both business and labor. Over the past five years, social conflicts and political uncertainty have increasingly prevented new investment and set back development.

The second obstacle to growth was a series of adverse developments in the world economy. Beginning in the late 1970s, the prices of Central America's basic export crops plummeted. Consider the four principal exports of the region: Coffee is the single most important export product for most countries in the area. Bumper crops in Brazil and Colombia caused world coffee prices to fall by more than 26 percent in nominal terms between 1977 and 1990. Cotton is the second most important export of El Salvador, Guatemala and Nicaragua. In 1981, cotton prices stopped keeping pace with world inflation and fell by some 20 percent in nominal terms in just nine months. The world price of bananas, a mainstay for Costa Rica and Honduras, also failed to keep pace with world inflation rates. The price of sugar, meanwhile, fell near its historic lowpoint in real terms.

The rise in import costs was nearly as damaging as this fall in export revenues. Two of Central America's most important imports are petroleum and financial capital borrowed from hard currency countries. In 1978 and 1979, the second oil shock almost doubled the price of imported oil. And in the 1980s, the higher cost of capital on world financial markets increased the cost of rolling over old debt and contracting new debt to offset falling export revenues.

The result was a shocking economic dislocation. By 1981, it actually took two bags of Central American coffee to buy what one bag had bought in 1978. The shift in overall terms of trade meant that Costa Rica, for example, had to export 1.7 times as much to pay for the same amount of imports as three years before.

Domestic policy responses to these changed circumstances were generally slow and sometimes inappropriate. This led to the flight of local capital, heavy external indebtedness and vitality-sapping controls. The Central American Common Market, the vehicle for preferential trade within the region, weakened rapidly as the economy of each of its members declined and grew more protectionist. The value of trade among Central American nations fell by a third in nominal terms, from a high point of over $1.1 billion in 1980 to $775 million in 1982. In real terms the decline was much greater.

No Central American nation escaped the effects of this general decline. Even democratic Costa Rica, which faced fewer of the political and social challenges prevalent elsewhere in the region, went into a deep economic slump. Until 1980, Costa Rica's real growth rate had averaged more than 6 percent per year—the highest in the region. In 1982, in contrast, economic activity in Costa Rica declined 9 percent.

The economy of El Salvador contracted even faster. The reason is that El Salvador has been hit hardest by the third, and in certain cases, the most important, factor in Central America's economic decline: the disruption of economic life by guerrilla violence.

In a nation where safe drinking water is scarce, guerrillas have destroyed water pumping stations and the transmission towers that carry the energy to run them. They have destroyed 55 of the country's 260 bridges and damaged many more. In a 22-month period ending last November they caused over 5,000 electrical interruptions—an average of almost 8 a day. In 1982 alone, the guerrillas destroyed over 200 buses. Less than half the rolling stock of the railways remains operational.

In a nation where overpopulation is endemic, where employment is hard to find, and where capital investment must be nurtured, guerrilla attacks have forced the closing of factories, the abandonment of farms and the displacement of thousands of workers. One out of eight of El Salvador's most productive land reform cooperatives is either abandoned or operating only sporadically because of guerrilla interference.

The result has been human as well as economic disaster. On the average, every man, woman and child in El Salvador is one-third poorer today than four years ago. During the off-season, agricultural unemployment is now 40 percent. In 1981, El Salvador was able to import only two-thirds as much by volume as in 1977. Critical goods like medicines and raw materials have been cut back sharply. And to maintain even this reduced level of foreign purchases, its central bank has had to increase net borrowings by almost $300 million.

El Salvador, moreover, is not the only country affected by the consequences of guerrilla warfare. The spread of violence and uncertainty has made investors wary of ventures anywhere in Central America, even in the most stable countries of the region, Honduras and Costa Rica.

III.

The United States is working hard to help the Central Americans overcome these obstacles and resume strong economic growth. Our policy is designed to address each of the problems I have mentioned.

First, to combat social tensions and the long-term instability of dictatorships, whether of the right or the left, we are supporting democratic politics and reform. Democracy gives people a stake in peaceful development. And it gives investors the stability they need to plan ahead, confident that the future is less likely to hold arbitrary shifts in government policies or sudden outbreaks of civil strife.

El Salvador's elected Constituent Assembly has, for example, twice extended land reform legislation in response to popular demand. 500,000 Salvadorans have now benefitted directly from the land reform. Both the AFL–CIO and the Agency for International Development are working hard to consolidate the reforms and to increase agricultural productivity. After initial declines, yields are beginning to increase again. And by developing a rural middle class, with money to spend on domestically produced goods, the land reform should provide an indispensable base for greater national output and employment.

Second, to help cushion adverse developments in the world economy and complement domestic policy reforms, we have increased both bilateral economic assistance and other forms of cooperation.

In this fiscal year, we are obligating some $625 million in bilateral economic assistance for Central America. That amount is more than four times greater than our military assistance. This economic aid includes:

Balance of payments support to permit needed imports of consumption and production goods;

Project money to build or improve basic assets like roads and bridges;

Technical assistance to help the Central American governments provide services to their people more efficiently;

Food aid; and

Funds for the construction of low-cost housing.

We are also going beyond traditional economic assistance in two ways. We are encouraging close cooperation between individual countries and the International Monetary Fund and the development banks. This cooperation should facilitate necessary internal adjustments and provide essential external capital flows. At the same time, we are creating new market opportunities for Central American products. The Caribbean Basin Initiative, which received strong bipartisan support in Congress and which the President signed into law just this past

August 5, is a hallmark of our efforts to lay a sound basis for future growth. I shall return to it in a minute.

Third, because of the guerrillas' explicit targetting of the Salvadoran economy, our military assistance program is designed to help shield economic activity. Behind that shield, the Salvadoran economy can function, people can go to work, and vital public services can be restored. A major civil-military operation is now under way in the two provinces (San Vicente and Usulutan), where guerrilla activity has been most damaging to coffee, cotton, livestock and dairy farming. This operation is expected to permit 28 of El Salvador's 42 largest farm cooperatives to resume normal operations. Twenty schools and eight small hospitals have been opened since June.

It is difficult to quantify the lost value of foregone investments and disrupted production. We estimate that all our economic assistance since 1980 does not fully offset guerrilla damage to the Salvadoran economy. But it is making a critical difference.

IV.

What does the future hold?

The answer, of course, depends on the ability of our friends in Central America to design and implement policies that will go beyond immediate needs and improve conditions for long-term development.

But we can certainly help. U.S. businesses have relatively small stakes in Central America. At the end of last year, for example, total U.S. direct investment in Central America was less than half of one per cent of U.S. investment abroad. Nonetheless, economic development in Central America is in the national interest of the United States. The peace and prosperity of our neighbors is a goal worth spending money on, even a lot of money.

So it is not surprising that many Americans have recently been talking about a Marshall Plan for Central America. Americans are every bit as committed to the peace and prosperity of Central America as they were to the reconstruction of Europe after World War II.

But the term "Marshall Plan" should not be taken literally. The analogy between post-war Europe and present-day Central America is less than precise. Post-war Europe faced problems of reconstruction, not of long-term development and immediate defense. Europe's internal conflicts and even occasional violence were contained by democratic experience and widespread belief in a new future. And Europe had a large pool of trained manpower with a long industrial tradition. For all of these reasons, massive infusions of capital were quickly usable in post-war Europe. The problems of Central America are different.

But if the term "Marshall Plan" is used to emphasize the high priority we are already giving to economic assistance for the region, it is consistent with our thinking. Central America needs relatively high levels of assistance. It needs them now, and perhaps for some years to come. It needs them for both development and defense. And it needs them to restore destroyed or deteriorated assets.

As the region recovers its balance, however, we will want to ensure that Central America's economies do not succumb to the tendency of some small, developing economies to adjust to large inflows of capital in ways that create permanent dependence. Massive inflows of aid can reduce the incentives for domestic saving. They can help maintain exchange rates at levels that discourage domestic investment. And the necessarily large role of governments in using foreign aid can also inflate the size of the public sector at the expense of more dynamic private enterprise.

Looking to the future, then, I would suggest six considerations that should be kept in mind in determining realistic levels of assistance for Central America after the present emergency.

The first is the one I have just outlined: the need to avoid impairing the region's independent economic potential by fostering dependence or undermining productivity.

Nicaragua provides a concrete illustration. Since July 1979, Nicaragua has benefitted from unprecedented levels of economic assistance from around the world. Their own figures indicate that they received more than $500 million in assistance loans each year from 1980 through 1982. During the Sandinistas' first twenty-two months in power, the United States was Nicaragua's single largest bilateral donor of assistance, and we supported them when they applied to the international financial institutions for multilateral aid.

In spite of these high levels of aid, and an initial spurt of growth in 1979 and 1980, the Nicaraguan economy is now declining rapidly. We do not know just how rapidly because the Nicaraguan government no longer publishes timely statistics. We do know that the public sector's share of GNP, which was 15 per cent before the revolution, reached 41 per cent in 1980, and is even higher today. The indications are that the growth of the nationalized sector has been accompanied by disastrous losses in production. And little of the available external assistance has gone into developing the productive activities that will be needed to sustain Nicaragua's praiseworthy new literacy and public health programs. Arturo Cruz, once the Director of Nicaragua's Central Bank and a member of the revolutionary government junta, has concluded that "Nicaragua is condemned to be an international beggar."

A second consideration is the private investment, not official aid, is the key to growth. Funds for investment can come from only two sources: domestic savings, or foreign savings in the form of foreign investment, loans, or economic assistance.

To be self-sustaining, most of the investment must come from domestic resources. As I noted in presenting the U.S. position to the UN Conference on Trade and Development in June: "Adequate incentives for people to produce, save, and invest are the heart of effective policies for sustained growth."

Domestically, the nations of Central America can work to develop the kind of business environment conducive to private domestic investment. Political stability is a prerequisite. But open markets, an equitable and efficient tax system, sound monetary and foreign exchange policies, and a government commitment to encourage new enterprises are also needed. Sound government policies and non-discriminatory legal procedures can also attract foreign investment, and with it the technology and know-how to increase Central America's international competitiveness.

A third consideration is the distribution of investment. My own conviction is that industry should be developed, but not at the expense of agriculture. In country after country, an increasingly productive agricultural sector has proved to be the force driving economic growth.

Central America's own record is a case in point. For the most part, Central America has been highly successful in selling its agricultural goods to the world market: coffee, cotton, sugar, bananas. Without disturbing the production of agricultural exports, the Central Americans can also increase their industrial exports. In the late 1970's, they had already begun to achieve this goal, as the statistics I mentioned earlier demonstrate. They can do so again, and better.

This brings me to a fourth consideration: international trade is key to Central America's future growth.

Although Central American domestic markets are relatively small, Central America enjoys a similar resource base and shorter transportation lines to major markets than the five members of the Association of Southeast Asian Nations (ASEAN). The ASEAN nations have had an average growth rate of about 6 percent over the last decade. With the exception of the Singapore city-state, the ASEAN nations are, like Central America, engaged mainly in agriculture and the production of basic commodities. But unlike the Central American Common Market, they have not protected themselves behind a common tariff barrier. Instead, they have fostered growth through open markets and exports, combined with cooperative economic policies and joint industrial projects. The experience of the ASEAN nations confirms what common sense suggests—that the Central American nations should also be able to compete effectively in world markets.

A fifth consideration is that we should commit ourselves to making the benefits of American trade and commercial investment available to Central America.

For years, Latin American experts have been telling us that what our neighbors wanted and needed most was a long-term U.S. commitment to their stable growth. That is why the President worked so hard on the Caribbean Basin Initiative. The CBI, to which I referred earlier, is an innovative twelve-year program of one-way free trade and tax incentives for twenty-seven nations in the Caribbean and Central America. The CBI provides market-oriented incentives for investment and business in the region, based on free trade and free investment flow. It emphasizes private enterprise and private investment as the engine of development. We expect the designation of the first CBI beneficiaries to take place in November, and the 12-year free trade provisions to go into effect in January.

By harnessing normal market forces to foster a growth pattern appropriate to the region, the CBI should attract capital and create employment opportunities on a lasting basis. It is an approach that creates opportunities without dependence. I believe it should typify much of our thinking about how to promote future growth in the area.

My sixth and final thought is that we should do more to help meet the basic human needs of the people of Central America. On a world scale, these are "middle-income" countries. But continued technical assistance and other forms of cooperation in health, education, and population are still essential. Indeed, because they are our neighbors, the grounds for a special U.S. effort are strong.

Our private sector could and, I believe, should play a major role—both independently and in cooperation with the Agency for International Development. There is great scope for universities, businesses, religious organizations and even local governments to cooperate with their counterparts in Central America. The needs are great for

improved training, transfer of technology, health services, and other cooperation to better the quality of life in both urban and rural areas.

V.

The United States is now on the road to a sustained economic recovery; most other industrialized nations are not far behind. The challenge is to transform this revival into a truly global recovery, based on renewed growth in world trade and investment.

Central America, which is so close and so important to the United States, must share fully in this recovery. I think it can. The six considerations I have outlined today are designed to do just that. Central America can avoid dependency, strengthen its private sector, develop agriculture as well as industry, and increase its foreign trade. In turn, the United States can ensure the availability of American markets and enterprise, and cooperate to better meet the basic human needs of Central America's people.

The key to establishing this dynamic is freedom. Freedom from outside intervention. Freedom from tyranny. And freedom to create. As President Reagan stated in his September 1981 speech to the IMF and World Bank:

"Only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in deciding economic policies and benefiting from their success—only then can societies remain economically alive, dynamic, prosperous, progressive, and free."

That is our goal: neighbors who are both free and independent. Let us move to an era of economic and political cooperation, securely founded on peaceful development.

[From the St. Paul Pioneer Press/Dispatch, Sept. 26, 1983]

CYCLE OF BUSINESS UNCERTAINTY FEEDS CRISIS IN CENTRAL AMERICA

(By Anthony L. Andersen)

H.B. Fuller is committed to the future of Central America. We have been here in good times and bad. We will be here in the future.

The Central American region has been an important area for our company. We have plants in five of the seven Central American countries.

With that in mind, I would like to examine some of the troublesome contradictions I have noticed in U.S. policy to this region.

First, when President Reagan announced the formation of the Central America Study Commission chaired by Henry Kissinger, he said: "Help us warn the American people that for the first time in memory we face real dangers on our borders, that we must protect the safety and security of our people."

Our president's memory, which is usually excellent, is obviously short in this case. Danger is nothing new in the Central American area. In 1962, for example, the Cuban Missile Crises brought America and the Soviet Union perilously close to nuclear conflict. During the 1970s and '80s economic crisis, particularly the growth of foreign debt, threatened Central American nations. Our neighbors in Central America have known constant danger for several decades now.

Second, I believe that we have abused the notion of what it means to be a good neighbor. We have given steady lip service to the importance of the Central American region, but have ignored the responsibilities that come with being a good neighbor. We have paid sporadic attention to the region and have ignored long-term and consistent policies that are absolutely required if this region is to grow and prosper. And we can't make any more promises. Promises are cheap.

Third, the United States has seemed to believe that we could ignore Central America when it suited our needs. We have in fact a one-way relationship. Only two-way relations can develop lasting solutions.

The majority leader of the House, Jim Wright, described U.S. policy towards Central America as "broken promises and benign neglect."

This must change. We do not need temporary strategies. Magic and razzle-dazzle solutions will wear off. Results count.

Only with the promotion of a consistent foreign policy that fosters and assists broadly based economic and personal income growth can Central America prosper. We should not downplay the important position and potential the United States has in the region. This is why the development of a long-term positive and humane foreign policy is critical.

Central America's greatest danger, in my mind, is not the guerrillas supported by the Soviet Union. I believe the Central American people will see through the deception and recognize the emptiness of Soviet colonial, exploitive foreign policy.

My fear is that Central America will become caught in an accelerating cycle of business uncertainty that will result in increased national investment in the non-productive sector, or reduced foreign investment, expanded debt and increasingly greater instability, all of which further weakens the social and commercial fabric of these precious nations.

This vicious cycle must be firmly interrupted. The flow of capital, both local and international, must be redirected back to Central American nations. The United States government should assist Central American governments, where needed and wanted, to create a total climate whereby business investment—one necessary ingredient—can find its way to Central American countries.

The 1982 Caribbean Basin initiative was a modest beginning, but it was not enough. It benefited only a few Central American countries and did not create a long-term solution to problems at hand.

The United States government must also ensure that economic aid and credit deals directly with human needs. Today these programs are subject to shifting political moods in Washington. Businesses and Central American governments cannot plan thoroughly and with assured continuity if aid is turned on and off. We need to make a long-term commitment to help free people and free enterprise, not only political enterprise or political ambition.

The International Monetary Fund and the World Bank should not be treated as political tools. The governments of Costa Rica, Guatemala, Honduras and others need to know that their basic needs will receive attention and support and that these organizations are not short-term friends.

One of President Reagan's best initiatives has been to encourage and increase capital for OPIC, the Overseas Private Investment Council, which provides loans and risk insurance for overseas development. H.B. Fuller has used OPIC insurance coverage in the Dominican Republic, which encouraged us to make investments that we might not otherwise have been able to justify.

OPIC funds are readily available to countries like Panama, Belize and Costa Rica. OPIC insurance is much more difficult to get in El Salvador, Guatemala and Honduras because they are defined as "risky." If we are going to play it safe, we will lose. We must invest, because by investing we clearly become an active, involved participant in the solution, not a contributor to the problem.

Economic aid guarantees, loans and insurance are commitments difficult for United States leaders to make. They must understand that we must make commitments now to improve the Central American economy. Tomorrow is too late. This is truly an opportunity for our government leaders to exercise statesmanship vs. politics for the next election.

Government involvement, as I have said all along, is no panacea. Interhemisphere governments must create a climate for private enterprises to invest and in the long run remove the need for government assistance. In addition, over the long term, the attitude of the U.S. people must be changed and then they must be informed about the Central American region.

Private enterprise has responsibilities as well. Private enterprise must reinvest locally earned capital into Central America to stimulate business growth. At H.B. Fuller, we reinvest more than 80 percent of our earnings.

H.R. Fuller has an abiding commitment to assist the communities in which we are located. We recognize that stability is fostered, growth encouraged and faith and confidence instilled not only by economic development, but by reinvesting profits back into those communities into projects of social importance.

This philosophy has led us at H.B. Fuller to develop an extensive program of community affairs in Minnesota and throughout the United States.

I am proud to announce that H.B. Fuller will make a similar commitment in the Central American communities where we are located. We will take 2 percent of our Central American generated pretax profits for community affairs projects. This amount will increase to 5 percent over the next several years.

The United States government, private enterprise, Central Americans and nations in the Americas all have a stake in each other's future. We have a great opportunity here in Central America, but the opportunities are frought with danger. Let us start working together so today's opportunities become tomorrow's realities.

REMARKS OF SENATOR DAVE DURENBERGER TO WESTMINSTER CHURCH

As all of us here have found out, one of the hazards of involving yourself in the debate over Central America is that opinions vary and emotions run high. For instance, all throughout last year's political campaign, I remained essentially behind the administration's policy. The result was that several hundred uninvited guests showed up at my birthday party in 1982 to shout that I was somehow indistinguishable from Roberto D'Aubuisson. Later, after the election, I wrote a fairly harsh letter to the President, criticizing his policy and his rhetoric. The result was that nobody showed up at my birthday party in 1983. As they say, I'm not getting older, I'm just getting better.

The point here is to illustrate that it's hard to stay on top of the situation. Partly, that's because so few North Americans have

any experience in the region. Partly, it's because now that there's a sudden surge of interest, it's easy to fall into the trap of getting information from only one source or through only one prism. I'm a little amused by the huge flow of Congressmen on the two-day, "now I'm an expert" trips down what I call the "liberation theology trail."

Another source of confusion is that the region is not static. Every time we think we understand it, something changes. For instance, a cabinet-level Costa Rican official told me last week: "You know that we provided assistance to the anti-Somoza forces for many years. We detested Somoza. But we did not fear him. Now, we detest the Sandinistas and we fear them as well."

There are some constants in Central America, to be sure.

Far too many of the nations in the region have suffered from years of institutionalized squalor and institutionalized violence. Too many times, we've been partly to blame. There is no better example of this than our reliance on the Monroe Doctrine and several regiments of Marines to install the Somoza family in Nicaragua.

Our approach to Central America has for too long been characterized by alternating cycles of panic and neglect. The result is that our policy is often hasty, reactive, and simplistic. Every few years, an ongoing or potential crisis of some kind attracts our attention momentarily, and we respond by either sending the Marines or by rushing in with ambitious plans for economic development. The attention, however, is typically short-lived and the ensuing cycle of neglect feeds the crises which produce the next cycle of panic.

We can't afford this kind of stop-start policy. We must not continue the errors of the past because we won't look to the reality of the past and present or the potential to shape the future with a positive and long-term policy. But it's not easy.

VIEWPOINTS ABOUT CENTRAL AMERICA

There is an ironic consonance of views among many of the people who otherwise violently disagree about U.S. policy in Central America. It is shaped by a tacit belief that we should look at Central America—if at all—only in geopolitical terms. A surprising number of people fall into that mental trap.

Let's begin with a commonly expressed view: that somehow Central America just isn't worth all the fuss. We have heard President Reagan tell us that Central America and the Caribbean Basin are vital because they could serve as a naval chokepoint, strangling our access to Europe.

We often hear the region spoken of in vivid terms: "A dagger pointing north and south," or "a vital land bridge between two continents."

Regardless of how the metaphors are cast, a large number of Americans share a belief that Central America is only instrumentally important, not intrinsically important. In other words, many people believe that Central America is of concern only because it might spawn floods of refugees—"feet people," as the President calls them—or it might be used as a staging area for military and paramilitary activities. At bottom, therefore, many people look upon the region as simply a problem to be managed or solved.

There is by no means any common view on how to do this. In fact, people who knowingly or unknowingly share the geopolitical view can and do strongly disagree over such major policy questions as economic versus military assistance. Let us not forget that the Alliance for Progress, which was unveiled with such great fanfare by the Kennedy Administration, was fundamentally justified to the public in geopolitical terms. It was seen as a way to keep the Russians out of our hemisphere. Like the Reagan Administration, the Kennedy Administration viewed the Third World in instrumental rather than intrinsic terms, and it tried to buy off problems before they became too large.

Economic aid is humane and needed, so I don't want to leave you with the impression that I oppose it. By the same token, there are times when military assistance may be called for in a given country at a given time. Once again, however, we've heard the arguments chiefly offered in geopolitical terms: If we can't buy them off, let's kill them off.

In all events, however, our policy premises are shaped far too frequently by a viewpoint which holds that the only relevant factor is the geopolitical. When we adopt this viewpoint, we resort to elementary map-reading. The result is frequent neglect and occasional panic. If the map seems clean, we ignore the region. If it seems cluttered, we panic. Worse, by reading the map, we often think in map-maker's colors. Central America is colored yellow on the four-dollar world map which I picked up at a local bookstore ten years ago, before my first visit there. That suggests that every nation in the region is the same. They aren't.

CENTRAL AMERICAN REALITIES

Each society is quite different. Guatemala is little more than a military dictatorship supported by a few powerful people, and repression is increasingly taking the form of atrocities against the large Indian population. Costa Rica on the other hand, is a vibrant democracy in the literal sense of the word, with free and representative elections, a highly advanced welfare system, a social democratic government, 90 percent literacy, and a commitment to peace sufficient to have prompted a Nobel Laureate in medicine to nominate the entire country for the Nobel Peace Prize. In a region too often characterized by military repression, Costa Rica has no army at all, having dismantled it in 1949.

In between these two extremes, we find the three remaining countries. Honduras is a troubled land which is slowly and painfully moving toward greater freedom. If it can avoid being sucked into the spiral of civil insurgency and regional violence, the Hondurans have a good chance.

El Salvador is a country desperately trying to do in a few years what it should have done over a half a century: Legitimize the government, redistribute income, remove the last vestiges of the oligarchy, and develop a constitution. It is challenged by its own bitter history, by local figures who violently resist the tide of change, by insurgents who are bent on destroying the economy in order to topple the government, and by Nicaraguan policy.

Finally, Nicaragua itself faces a profound choice. It succeeded in ridding itself of a despicable dictatorship. It faces awesome economic problems, many of which date back for decades. The governing junta came to power with widespread support. But Nicaragua now seems bent on a course which aims simply to consolidate the rule of a hard-line Marxist minority within the Sandinista movement, effectively threatening to replace one dictatorship with another.

Why should we care about these kinds of realities? If we accept that the geopolitical view is insufficient, and if we are unwilling to argue that as Managua goes, so goes San Antonio, Austin and Dallas, why should we care at all? Let me briefly touch on a few reasons.

First, whether we like it or not, we are inextricably involved in Central America, partly because of our lamentable history and partly as well because Cental America wants us to be involved. When people in the region object to our policy, they want a change, but not a total abrogation of our role.

Why should people in Central America want us to remain involved in their region? First, many of them have a genuine admiration for what is best in our country: our form of government, our scientific and technological skills, our prosperity, our health, social services and educational system. Second, Central America faces a horrifying economic crisis which is both long-term and structural, and which will require patience, commitment, and investment by the United States. If we ignore Central America, we consign 20 million people to perpetual poverty. They know that, even if we don't. So, like it or not, we are involved in Central America, and will continue to be, simply because Central America looks to us.

A second reality relates to the first. We often forget that ours was the first revolutionary country on earth. An astonishing number of people in this century have taken their inspiration from our own Declaration of Independence, and not all of them have been Jeffersonian democrats.

I believe that we in this country have an inescapable heritage of democracy and a mission of reform which derive from our most fundamental believes as a people. Just as this Church and my own have seen the message of Christianity in universal terms, so too I believe that this country has a duty to see democracy, human rights, and prosperity in universal terms. Obviously, that does not mean that we should guide every nation on earth toward a carbon copy of our own political system. But democracy is an ideal, just as religion is; it is a pathway more than a structure, and we in this country can and should light the way.

Third, remember that we are increasingly interdependent with the rest of the world. One acre in four of our farmland goes to exports, and the bulk of that export goes to the Third World. Much of what we consume comes from the Third World as well. We are linked economically with Central America, and that cuts both ways: we are their market as much as they are ours. As they prosper, so too we shall prosper.

So the point I want to make is that it is narrow and foolish to look at Central America simply in map-maker's terms. There is far more to the region than simply some metaphor about daggers and land bridges. It is a vibrant place, and one which should command our attention, not our apathy; our persistence, not our panic. It merits a positive and long-term policy, rather than a precipitate application of blunt instruments or a rush to judgment. Like any complex area, it raises quandaries.

THE NEED FOR NEW INFORMATION

If we are to begin to grasp our way toward a new and affirmative policy, we must begin to recognize some of the dilemmas we face. In many instances, those dilemmas are of our own making. There is no better illustration of this than in the area of informaton.

I noted at the outset of this speech that one constant in Central America has been

that too many political systems are characterized by maldistribution, repression, and personal aggrandizement. In fact, that image has become something of a cliche here in the United States. Mention Central America to most people, and the likely response will be "banana republic." Obviously, there's a lot more to the area than that, and many informed Americans know better. But many of the people who daily write to me have equally one-sided views of current reality, even if those views are a little more advanced than before.

How many of us in this country, for instance, are aware of the massive refugee flow from Nicaragua into Costa Rica? Costa Rican authorities now estimate that some 200,000 illegal aliens—many of them Nicaraguan—live in Cost Rica. In fact, the Costa Rican government has quarantined the northern region because of the public health threat posed by Nicaraguan and Miskito refugees who bring with them malaria and dengue.

You are unlikely to learn about this by watching the news. Certainly the Sandinistas don't boast of it. A major television network recently wanted to investigate a rumor that Costa Rica was wasting U.S. refugee funds, and it sent a crew to the country. When it was unable to prove waste, it went home, leaving uncovered the story of the increasing refugee flow.

Let me mention one other illustration which flies in the face of the current imagery. Before I left on this last trip, I was advised to visit Archbishop Roman Arrieta, who chairs the Central American Secretariat of Catholic Bishops. I was told that Bishop Arrieta, who was somewhat fondly known as the "Red Bishop" when he supported anti-Somoza forces some years ago, was very critical of the U.S. In fact, over the course of 45 minutes at his home, the Archbishop repeatedly stressed that under current circumstances the United States must remain in the region, doing what it is doing. He spoke in gentle but critical terms of his "beloved brethren" in this country who flirt with "liberation theology." He said that we must never forget that Marxists will capitalize on the legitimate grievances of people, and that they will use religion as a "scaffolding" to assist in the creation of a new society. "But," he cautioned me, "remember that after a building is erected, the scaffolding is destroyed. This is what I fear in Nicaragua."

CURRENT POLICIES IN CENTRAL AMERICA

I've stressed the need for new and better viewpoints and information because I think our policy is potentially very troublesome. That doesn't mean I share all the views of the critics. Quite the contrary, I am convinced that just as we must avoid dwelling on the geopolitical approach which looks to military threats everywhere, so too we must reject the romantic viewpoint which leads people to believe that so long as any regime brings health workers and teachers to the country it must be considered good. Naivete is not an acceptable substitute for cynicism. But having said that, let me briefly touch on our current policies and close by mentioning my principal concern.

At bottom, the Administration is pursuing a policy which is shaped by four premises. First, they continue to see Central America in terms of East-West confrontation over spheres of influence. Second, they look upon Central America as a region, often to the detriment of policies fine-tuned to each of the countries. Third, they increasingly tend to see the principal struggle as military, rather than as a political one in which force would be the last option, not the first. Finally, they are seeking a policy which is as painless as possible to us in this country.

The net effect, if these are carried to their logical conclusion, will be to feed the status quo at a time when it needs changing. Central America has been confronting a nascent revolution for years, and if we try to stand in its way we will get crushed. What we can and should do is to ensure that the revolution is not stolen by Marxist-Leninists.

In El Salvador, for instance, we seem increasingly to be talking in terms of a battlefield victory rather than in terms of letting the best of the FMLN rejoin the mainstream while isolating the worst of the insurgents in the hills. A guerrilla force which is scattered, isolated, and cut off from the population is at worst an irritant, not a security threat. As we know from experience, it is possible to achieve that through a judicious combination of locally-based security coming from the people themselves and small-unit tactics which aim simply to keep the guerrillas off balance. Instead, we are looking at battalion-sized sweeps, large battles, and little a progress in terms of letting the population—a population which bitterly opposes insurgent violence—get a stake in their own society.

There's no reason why the government can't talk while it does the necessary job of fighting to protect itself, but negotiations have been ruled out with a lot of rhetoric about "power-sharing." There's no excuse for continuing to look upon the armed forces, the national guard, or local civil defense as the private preserve of a few landowners rather than as a supplement to a genuinely national militia. But so long as we look upon the struggle in El Salvador as one in which large armies must confront each other over geopolitical stakes—stakes which are apparently seen as open-ended and absolute—our policy will take on more and more military overtones. We must never forget that an armed struggle is ultimately a dispute over political goals. If we lose sight of the essentially political nature of the conflict, we will simply feed violence for the sale of violence.

In Guatemala, we are now considering the resumption of military assistance to a regime which simply does not merit it. We have allowed the Guatemalan government to convince us that if they are well armed, they can protect us from a common threat. In fact, the Guatemalan government makes war on its own people more than on Nicaraguan communists. In doing this, it only increases the likelihood that Guatemala will some day fall, and fall violently. Frankly, as of today, U.S. policy in Guatemala is where Jimmy Carter's was in Nicaragua in 1978—looking for answers.

In Honduras, we are unfortunately viewing the country more as a convenient staging area than a society which faces its own problems. Certainly, Honduras should not be expected to tolerate cross-border incursions by Nicaraguan military forces or Sandinista agents carrying arms into El Salvador. So there is obviously a necessary security dimension to our relations with Honduras. But there is much more as well, and I have yet to hear anybody describe how we can help the people of Honduras continue their move closer to democracy and prosperity.

Finally, in Nicaragua, we have made the fundamental mistake of not letting the Sandinistas die on the vine. The Borges and Ortegas and D'Escotos of the world put on a grand show. But they lack much in the way of genuine popular support. They face the problem of consolidating their power once they have stolen a revolution. Inevitably, we seem to assist them by giving them the pretext to posture as nationalists who are resisting outside pressure. Left to their own devices, the Sandinistas would have become more and more at odds with the people of Nicaragua as they set about muzzling the press, intimidating the Church, and mismanaging the economy. The refugee flow shows how little support they have.

Thus far, I have touched on the first three points I mentioned: East-West rhetoric, regional rather than fine-tuned policies, and over-reliance on armed forces. The final point I want to make is that our government is making the fundamental mistake of trying to pursue a potentially costly policy while reassuring us that it will be painless. The American people are rightly concerned, for they recognize the contradiction.

When any one viewpoint becomes the exclusive way we approach policy, we risk dealing in rigid and absolute terms. In the case of current policy, we have over-stressed the geopolitical framework to the point where the government now speaks in the most dire terms of a possible setback. In other words, we have escalated the stakes. But at the same time, remembering the presumed lessons of Vietnam the President has emphasized that we won't send troops. It is simply contradictory to tell us that we face a huge threat but then reassure us we won't fight. It is more than contradictory, however. It is haunting, for that was the essence of our policy in Vietnam, and people remember. Like President Kennedy, President Reagan wants to galvanize us but to reassure us at the same time. In this lies folly.

If we learned one thing from our experience in Vietnam, it is that our policy collapsed because we were unwilling to win but unwilling to lose. We repeatedly heard American presidents say that we would not fight a major land war in Asia while also stressing that we could not afford to lose Vietnam—particularly because of its purported geopolitical value. The result was the policy of incrementalism which seemed to suck us in deeper and deeper while we became increasingly confused over goals. Two and one half million young Americans were sent to Vietnam for reasons that were never fully explained to them. The Minnesota salute to Vietnam veterans which is going on today is a poignant reminder of those times and those policies. Only now—as they approach troubled middle-age—are the veterans beginning to understand.

What caused that policy? Nothing more than a rigid and artificial view of reality and self-imposed dilemma. We face that possibility once again today. But let us not forget that we could face the same kind of disaster if we were to adopt any one-dimensional view of reality. A romantic view is just as dangerous in this regard as a geopolitical one. American policy is not the only source of potential hazard in Central America. Just ask any Costa Rican. We can neither impose our own solution nor abandon the region in a naive faith that things will somehow work out. We must instead begin a quest for a positive, affirmative and progressive policy which accounts for the complexity of the region, the fact that our heros of the moment often have clay feet, and the reality that problems will change as the region changes. You and I must be part of that quest.●

PROGRAM

Mr. BAKER. Mr. President, there may very well be other Senators who wish to speak today. However, I would like to make arrangements for the session of the Senate tomorrow. I have consulted with the minority leader, who is on the floor, and I now make the following request.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, there be a brief period for the transaction of routine morning business until 10 a.m., in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW FROM 12 NOON TO 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, between the hours of 12 and 2 p.m., the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, at the hour of 10 a.m. tomorrow, the Senate turn to the consideration of H.R. 3913, Calendar Order No. 418 appropriations for the Departments of Labor, Health and Human Services, and Education; and I further ask unanimous consent, Mr. President, that no call for the regular order will serve to displace this item.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. Of course, in not objecting, I am giving up what could be an opportunity for me to press the vote on the Watt amendment. But, in this instance, I am going to cooperate with the majority leader and not object to the order.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I detect in the twinkle of his eye and the tone of his voice that he may not have abandoned that thought altogether, but simply for this measure. But, in any event, I am grateful.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank all Senators, and I especially thank the minority leader.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, there being no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 5:13 p.m., recessed until tomorrow, Tuesday, October 4, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1983:

COMMUNICATIONS SATELLITE CORPORATION

Neal B. Freeman, of Virginia, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1985, vice Justin Dart, resigned.

DEPARTMENT OF ENERGY

Raymond J. O'Connor, of New York, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1987, vice Charles M. Butler III, term expiring.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Robert H. Morris, of Maryland, to be a Deputy Director of the Federal Emergency Management Agency (new position).

RAILROAD RETIREMENT BOARD

Earl Oliver, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1983 (reappointment).

IN THE NAVY

The following-named officers of the Line of the Navy for promotion to the permanent grades of commander and lieutenant commander, pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

To be commander (unrestricted Line officer)

Robert E. Riera, Jr.

To be lieutenant commander (unrestricted Line officer)

William R. Walker, Jr.

Engineering duty officer

Geoffrey E. Schwartz.

HOUSE OF REPRESENTATIVES—*Monday, October 3, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have promised that You will judge the peoples with equity and guide the nations of the Earth. We respond with joy that Your will may be known in the councils of government and in the hearts of all who believe. Protect, counsel, and enable all who strive to be peacemakers and healers of division to be witnesses to Your kingdom of righteousness, where pain and hurt are no more and where love is the only way. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On July 29, 1983:

H.J. Res. 258. Joint resolution designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

On July 30, 1983:

H.R. 3069. An act making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

On August 2, 1983:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

On August 4, 1983:

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

On August 5, 1983:

H.R. 2973. An act to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes.

On August 11, 1983:

H.J. Res. 139. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week;" and

H.J. Res. 321. Joint resolution to proclaim a day of national celebration of the two hundredth anniversary of the signing of the Treaty of Paris.

On August 12, 1983:

H.R. 1646. An Act to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

On August 15, 1983:

H.R. 2355. An act to establish an Emergency program of job training assistance for unemployed Korean and Vietnam-era veterans, and for other purposes;

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and

H.R. 3394. An act to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance.

On August 26, 1983:

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 2895. An act to designate the Federal Building and United States Courthouse at 450 Golden Gate Avenue, San Francisco, California, as the Phillip Burton Federal Building and United States Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice; and

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.

On August 29, 1983:

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program.

On August 30, 1983:

H.R. 3549. An act to amend the Bankruptcy Rules with respect to providing notice.

On September 2, 1983:

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State.

On September 27, 1983:

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week"; and

H.J. Res. 218. Joint resolution to designate the month of September of 1983 as "National Sewing Month."

On September 28, 1983:

H.J. Res. 229. Joint resolution to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week"; and

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

On September 29, 1983:

H.R. 3914. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN LANE COUNTY, OREG.

The Clerk called the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

There being no objection, the Clerk read the bill as follows:

H.R. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Interior may convey, without consideration, to any person claiming to have been deprived of title to any portion of real property in Lane County, Oregon, as a result of the Bureau of Land Management survey entitled "Resurvey and Subdivision of Section 31, Township 21 South, Range 1 West", dated June 27, 1957, all right, title, and interest of the United States in and to such portion of real property if application therefor, accompanied by such proof of title, description of land, and other information, as the Secretary of the Interior may require, is received by such Secretary within five years after the date of enactment of this Act.

With the following committee amendment:

Page 2, line 3, strike "June 27, 1957" and insert in lieu thereof "November 12, 1959".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD L. RUNNELS FEDERAL BUILDING

The Clerk called the bill (H.R. 3308) to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There being no objection, the Clerk read the bill, as follows:

H.R. 3308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 200 Grigg Street, Las Cruces, New Mexico, known at the Federal Building, shall hereafter be known and designated as the "Harold L. Runnels Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Harold L. Runnels Federal Building".

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3308, a bill to designate the Federal Building in Las Cruces, N. Mex., as the Harold L. Runnels Federal Building. Harold L. Runnels was born in Dallas, Tex., on March 17, 1924. He attended the public schools in Dallas, Tex., and was a graduate of Cameron State Agricultural College in Lawton, Okla. During World War II, he enlisted in the U.S. Air Force Reserve.

Congressman Runnels began his political career in 1960 when he was elected to the New Mexico Senate and served with distinction in that body until 1970. He was elected to the 92d Congress on November 3, 1970, and was reelected to each succeeding Congress until his untimely death in August of 1980. During his tenure in the U.S. House of Representatives, Congressman Runnels was held in high esteem by his colleagues. His marks of leadership remain indelibly etched on numerous laws affecting all Americans across the Nation. Harold Runnels' fairness and objectivity were recognized and admired on both sides of the aisle and he earned additional respect for his solid reputation as an energetic guardian of the interests of the American taxpayer.

In view of his outstanding record of public service, it is most fitting and appropriate to name the Federal building in Las Cruces, N. Mex., as the Harlod L. Runnels Federal Building.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3308, a bill to designate the Federal building in Las Cruces, N. Mex., as the Harold L. Runnels Federal Building.

Mr. Speaker, Harold Runnels served with distinction as the Congressman from New Mexico's Second District for 10 years until his untimely death in August 1980. I was pleased to have the privilege of serving with him in this body. Congressman Runnels was a man who had a conscientious concern for his fellow human beings. He was a man of compassion and courage. Congressman Runnels cared about the people he served and effectively represented their interests, and the interests of the country.

It is a fitting tribute that the Federal building in Las Cruces be named in his honor as the Harold L. Runnels Federal Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1724) to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 200 East Griggs Street, Las Cruces, New Mexico, known as the Federal Building, shall hereafter be known and designated as the "Harold L. Runnels Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Harold L. Runnels Federal Building".

Mr. PERKINS. Mr. Speaker, S. 1724 is identical to H.R. 3308, just passed by the House, which designates the Federal building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Buildings."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3308) was laid on the table.

EDWIN D. ESHLEMAN POST OFFICE BUILDING

The Clerk called the bill (H.R. 3379) to name a U.S. post office in the vicinity of Landcaster, Pa., the Edwin D. Eshleman Post Office.

There being no objection, the Clerk read the bill, as follows.

H.R. 3379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 1400 Harrisburg Pike in the vicinity of Lancaster, Pennsylvania, shall hereafter be known and designated as the "Edwin D. Eshleman Post Office". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Edwin D. Eshleman Post Office".

With the following committee amendments:

Page 2, line 1 and line 4 insert "Building" after the word "Post Office".

The committee amendments were agreed to.

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3379, a bill to name a U.S. post office in the vicinity of Lancaster, Pa., the Edwin D. Eshleman Post Office. Edwin D. Eshleman was born in Lancaster county, Pa., on December 4, 1920. He graduated from Franklin and Marshall College with a degree in political science and later enrolled in graduate school at Temple University. During World War II, Edwin Eshleman attended and was graduated from the U.S. Coast Guard's Officer Candidate School and later served 18 months of service overseas, for which he won commendation for conduct in action as a lieutenant aboard a landing ship.

Edwin Eshleman's early achievements seemed to destine him to a life of public service. After serving as a teacher in the public schools for several years following the war, he directed the Pennsylvania Bureau of County Audits. Shortly thereafter he became an executive assistant in the Pennsylvania Department of Treasury.

In 1955, Edwin Eshleman began what would become a long and distinguished legislative career when he won the first of six consecutive elections to the Pennsylvania State Assembly. During his tenure in the Pennsylvania General Assembly, he rose to positions of prominence, first as chairman of the house education committee, and second, as the assistant Republican leader. Later as majority whip, he was able to use his accumulated expertise to shape and direct Pennsylvania's education programs.

Edwin Eshleman was elected to the 90th Congress on November 8, 1966, and was reelected to the five succeeding Congresses. During his tenure in the U.S. House of Representatives, he built upon his record on education issues by securing an assignment on the Education and Labor Committee. He rose to become the top Republican on the Subcommittee on Postsecondary Education, and later became the ranking Republican on the Select Education Subcommittee. From those important positions in the House, Congressman Eshleman became a recognized national spokesman on education issues, a noted author, and an always quotable source of information for the national media.

Since his retirement from the House of Representatives in 1975, Congressman Eshleman has lived in Lancaster County and remains active in civic affairs.

As a gifted educator, an active community servant, an effective State legislator, and a U.S. Congressman, Mr. Eshleman has been a dominant force in the political and social life of the Lancaster County community for decades. Naming the U.S. post office building in the vicinity of Lancaster, Pa., in honor of Edwin D. Eshleman

would bring well-deserved recognition to a former Member of this body who has contributed a lifetime of outstanding service at the local, State, and Federal level.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3379, a bill to name a U.S. post office in the vicinity of Lancaster, Pa., the Edwin D. Eshleman Post Office.

Mr. Speaker, Congressman Edwin Eshleman served with distinction in this body from 1966 until his retirement in 1975. During his tenure in the House, he served as ranking minority member on the House Education and Labor Subcommittee on postsecondary education, and later became the ranking Republican on the Select Education Subcommittee. Congressman Eshleman became a recognized national spokesman on education issues. He served his constituents and the Nation with a sense of integrity and commitment.

To pay tribute to Congressman Eshleman by naming the U.S. post office building in Lancaster, Pa. in his honor is most appropriate.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: A bill to name a U.S. post office building in the vicinity of Lancaster, Pa., the Edwin D. Eshleman Post Office Building.

A motion to reconsider was laid on the table.

JOHN WELD PECK FEDERAL BUILDING

The Clerk called the bill (H.R. 3576) to designate a Federal building in Cincinnati, Ohio, as the John Weld Peck Federal Building.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to John Weld Peck Building.

With the following committee amendment.

Page 2, line 3, strike out "John Weld Peck Building" and insert in lieu thereof "the 'John Weld Peck Federal Building' ".

The committee amendment was agreed to.

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3576, a bill to designate a Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building." Judge John W. Peck was born and reared in Wyoming, a suburb of Cincinnati, Ohio. He attended the elementary and high schools of the public system. He received his BA degree from Miami University in Oxford, Ohio, and received his Bachelor of Laws from the University of Cincinnati in 1938. He holds three honorary doctors degrees: one from the University of Miami, one from the University of Cincinnati, and one from the Salmon P. Chase Law School.

Judge Peck is a former soldier in the U.S. Army, serving in the European theater as a captain for 3 years during World War II. He has served as tax commissioner for the State of Ohio. He is a walnut tree farmer. He is an educator. Judge John Peck has taught continuing legal education, he has taught law at the University of Cincinnati and Chase Law School.

Before he ascended to the bench, John Peck was a lawyer with the law firm of Peck, Shaffer, & Williams where he practiced until 1947 when he became executive assistant to Governor Frank J. Lausche. Judge Peck is responsible for the existence of the Cincinnati chapter of the Federal Bar Association. He serves as chairman of the board of directors of the bar.

Judge Peck's career on the bench began in 1953 when he became a trial judge in the Common Pleas Court of Hamilton County, Ohio. He was a justice on the Ohio Supreme Court from 1958 to 1961. President John F. Kennedy appointed Judge Peck as trial judge in the U.S. District Court for the Southern District of Ohio in 1961. For the last 18 years, since his appointment by President Lyndon Johnson in 1965, he has been a judge for the U.S. Circuit Court of Appeals for the Sixth Circuit. Although he has elected to become a senior judge for the circuit, Judge Peck has not retired and continues to carry a full caseload. He is an emergency judge on the U.S. Court of Appeals. Judge Peck also served on a special commission to revamp the criminal code, by appointment from former Chief Justice Earl Warren.

Naming the Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building" is most fitting and appropriate in view of his distinguished career and tremendous contributions to the Federal system.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3576, a bill to designate a Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building."

Mr. Speaker, Judge Peck's career on the bench began in 1953 and, although he has now taken the status of a senior judge, he continues to carry a full caseload for the U.S. Circuit Court of Appeals for the Sixth Circuit. He is well known for his professionalism and a man who meets the highest standards.

In view of his distinguished career with the judicial system, it is fitting to name the building in his honor as the "John Weld Peck Federal Building."●

Mr. LUKEN. Mr. Speaker, I appreciate the opportunity to appear before you and speak in support of H.R. 3576, designating the Federal building in Cincinnati, Ohio, as the John Weld Peck Federal Building. I certainly want to recognize the fine efforts of my friend and colleague, BOB YOUNG, in bringing this bill so quickly to the floor.

John Weld Peck has been very important to Cincinnati and the Federal court system, and I feel privileged to have introduced legislation naming the Federal building in Cincinnati in his honor. Judge Peck is one of the best known and eminent jurist ever produced by Cincinnati and the entire State of Ohio. As Senior Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, he has earned a reputation as one the Nation's great judges. He is one of the only judges who has ever sat on both the trial and appellate courts of the State and Federal system.

It is a tremendous honor for a building to be named after a living person. As you and I know, the naming of buildings usually takes place after the subjects have departed this life, but I must say that I have long been in favor of flowers for the living.

I consider my longtime friend and colleague, John Peck, among the great men of my lifetime. He possesses greatness of spirit, greatness of vision, greatness of will to make this a better world than he found it. His accomplishments and record speak for themselves.

Judge Peck's judicial experience knows no bounds. His career on the bench began in 1953 when he became a trial judge in our Common Please Court of Hamilton County, Ohio. He was a justice on the Ohio Supreme Court from 1958 to 1961. President John F. Kennedy appointed Judge Peck as trial judge in the U.S. District Court for the District of Ohio in 1961. For the last 18 years, since his appointent by President Johnson in 1965, he has been a judge for the U.S. Circuit Court of Appeals for the Sixth Circuit. Although he has elected to become a senior judge for the circuit, Judge Peck has by no means retired and continues to carry a full caseload. He is an emergency judge on the U.S. Court of Appeals, which is a situation where he is a trouble-shooter in complicated oil-related litigation. Judge Peck also served on a special commission to revamp the criminal code, by appointment from former Chief Justice Earl Warren.

Before he ascended to the bench, John Peck was a lawyer and a good one, he loved his profession. He has been in the mainstream of activity of the legal profession in Cincinnati for

more than 40 years. He is responsible for the existence of the Cincinnati chapter of the Federal Bar Association, and serves as chairman of the Board of Directors of the bar. He is their benefactor, their partol saint.

Judge John W. Peck is a home-town product, born and reared in Wyoming, Ohio, a suburb of Cincinnati. He is also a man of all seasons. He is not just a judge who has held forth in four of five different courts. He is a scholar, besides his law degree Judge Peck holds three honorary doctors degrees. His is a former soldier in the U.S. Army, serving in the European theater as a captain for 3 years during World War II. He has served as tax commissioner for the State of Ohio. He is a walnut tree farmer. He is an educator. Judge John Peck has taught continuing legal education, he has taught law at the University of Cincinnati and Chase Law School. He takes part in the activities of the Cincinnati community and is considered a pillar of the community. He is truly a man of many parts.

Perhaps the thing that I want to say most about him, as a person, is his concern for and his warm relationships with other people. I have become warmly familiar with how many people he knows, how many people in and out of court he has helped, how many people look on him as an adviser and a friend. I know of none who have deserved to be honored in their hometowns as John Peck, none who more deserve to have a building named in their honor.

Judge John Weld Peck is truly one of our Nation's great judges. He's been a hard working judge who has written distinguished opinions, the expert on practice and procedure in Cincinnati. Judge Peck is a distinguished and outstanding man who fully meets the highest standards and we would be well served to preserve his image for future generations. There could be no more fitting way to recognize Judge John Peck's tremendous contributions to the Federal system, and especially to Cincinnati, than the naming of the Cincinnati Federal building in his honor.

I regard it a very special honor to have the opportunity to take part in a tribute to Judge Peck by naming the Federal building in Cincinnati, Ohio, as the John Weld Peck Federal Building. I thank you for your favorable consideration of this piece of legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JULIETTE GORDON LOW FEDERAL BUILDING

The Clerk called the bill (H.R. 1551) to name the Federal building to be constructed in Savannah, Ga., as the Juliette Gordon Low Federal Building.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COLONEL HOMER GARRISON, JR. FEDERAL BUILDING

The Clerk called the bill (H.R. 1748) to name the building to be constructed in Lufkin, Tex., and leased to the United States as the Colonel Homer Garrison, Jr. Federal Building.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building to be constructed at the intersection of North First Street and Rhodes Avenue, Lufkin, Texas, and leased to the United States shall hereafter be named and designated as the "Colonel Homer Garrison, Jr. Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Colonel Homer Garrison, Jr. Federal Building".

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 1748, a bill to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Garrison, Jr. Federal Building." Col. Homer Garrision, Jr. was born in Anderson County, Tex., in 1901. His family later moved to Lufkin, in Angelina County. It was here, while still a teenager, that he began his law enforcement career as a deputy sheriff. He served in that capacity until 1929, when he became a license and weight inspector for the Texas Highway Department. He joined the Texas Highway Patrol when it was created in 1930 and was made captain.

After the Texas Highway Patrol and the Texas Rangers merged to become the Texas Department of Public Safety, Homer Garrison, Jr. was named assistant director of the department.

In 1938, Colonel Garrison was made director of the Texas Department of Public Safety and chief of the Texas Rangers. Under his leadership the department grew from a modest agency to over 1,000 patrolmen, 62 Texas Rangers, and several other specialty law enforcement organizations, including a group commissioned as special rangers.

Colonel Garrison died on May 7, 1968, at 66 years of age. Shortly thereafter, the Texas Senate adopted a resolution paying tribute to him, stating that "he exerted greater influence on the direction of law enforcement than any other man in the Lone Star State.

In view of his outstanding service, it is most fitting to name the building being constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Garrison, Jr. Federal Building."

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 1748, a bill to name the building to be constructed in Lufkin, Tex., as the "Colonel Homer Garrison, Jr. Federal Building."

Mr. Speaker, Col. Homer Garrison, Jr., dedicated his entire life to a career in law enforcement in Lufkin, Tex. During his career, he attained the position of chief of the Texas Rangers. To name the Federal building in his honor will enshrine the memory of an American instrumental in upholding our system of law and order throughout the United States.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES A. HALLECK FEDERAL BUILDING

The Clerk called the bill (H.R. 3090) to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building at 4th and Ferry Streets, Lafayette, Indiana, shall hereafter be known and designated as the "Charles A. Halleck Federal Building". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Charles A. Halleck Federal Building".

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3090, a bill to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building." Charles A. Halleck was one of the most distinguished Members of the House of Representatives during the 20th century. For 34 years, Charles Halleck served the people of Lafayette, Ind. and surrounding counties as their Congressman.

Born on August 22, 1900, in Jasper County, Ind., he attended the public schools in Rensselaer, Ind. After serving in the U.S. infantry in World War I, Charles Halleck enrolled at Indiana University. He received his B.A. degree, Phi Beta Kappa, in 1922, and his law degree in 1924. Subsequently, he was elected prosecuting attorney for Jasper and Newton Counties and served in that capacity for five 2-year terms, from 1925 to 1935.

Charles Halleck was elected to the 74th Congress in 1935 and was reelected to each succeeding Congress until his retirement at the end of the 90th Congress. During his tenure in the U.S. House of Representatives, he was a member of the Rules Committee and the Interstate and Foreign Commerce Committee. He served as chairman of the Republican Congressional Campaign Committee from 1943 to 1946. During the 80th Congress, Charles Halleck ascended to the role of majority leader of the House. In 1955, Congressman Halleck was designated assistant minority leader of the House. He became majority leader of the House again in the 83d Congress. In 1958, he was elected minority leader of the House and in that capacity he reorganized the House Republican Policy Committee.

Congressman Halleck was an example of a dedicated public servant and party leader. He was held in high esteem by his colleagues on both sides of the aisle. During his tenure in the House, Charles Halleck had great respect for the institution and gave highest priority to preserving our Nation's interests, values, and way of life.

Naming the Federal Building in Lafayette, Ind., the "Charles A. Halleck Federal Building" will pay tribute to a man who represented his Indiana constituents and all Americans with unswerving dedication and historic success.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3090, a bill to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

Mr. Speaker, Congressman Charles A. Halleck served with distinction in this body for 33 years. He was elected to the 74th Congress in 1935 and reelected to each succeeding Congress until his retirement at the end of the 90th Congress. A Republican, during his tenure in the House, he served as both majority and minority leader. Charles Halleck was a master political tactician and held in high esteem by his colleagues on both sides of the aisle.

Mr. Speaker, honoring Charles Halleck, an exceptional legislator, by naming the Federal building at Fourth and Perry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building" is most fitting and appropriate.●

● Mr. HILLIS. Mr. Speaker, it is with pride that I rise to support H.R. 3090, a bill to designate the Federal building at Fourth and Ferry Streets in Lafayette, Ind., as the "Charles A. Halleck Federal Building."

Charles A. Halleck is remembered in the State of Indiana as being a lifelong resident of Rensselaer and in serving the people of Layfette and the surrounding communities. He was first elected to public office as a prosecuting attorney in 1925. It was in 1935 that he was first elected to the House of Representatives in a special election. He served in Congress for over 33 years, representing the people of the Second District of Indiana. He was designated the House majority leader for the 80th and 83d Congresses, and as the House minority leader for the 86th, 87th, and 88th Congresses.

The years during which Charles Halleck served in Congress were filled with many historical events of note. He was a leading force in getting passed the Marshall plan for the recovery of Europe after World War II, and in applying the Truman Doctrine to Greece in order to contain the spread of communism. He was able to guide the passage of civil rights legislation in 1957 and again in 1964. There are many more examples of his leadership abilities and of the respect the people gave him during his years in Congress. Perhaps the biggest highlights of his political career were the Presidential nominations he made at two Republican national conventions, once in behalf of Wendell Willkie and again in behalf of Dwight Eisenhower.

In 1968, Charles Halleck retired after serving 17 terms in Congress. In his parting address, he noted that the Nation was in troubled times. A feeling of unrest and civil disturbance was surrounding the country. However, he also expressed his conviction that the public believed Congress to be an honorable institution. The fact that the people he represented elected him time and time again is a testimony of their faith in him. And now today, in naming this building for him, we pay tribute to his years of service. The Charles A. Halleck Federal Building will always remind the people of Indiana and the Nation as a whole of the work he has done for us all.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1465) to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building," and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building at Fourth and Ferry Streets, Lafayette, Indiana, shall hereafter be known and designated as the "Charles A. Halleck Federal Building". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Charles A. Halleck Federal Building".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3090) was laid on the table.

GEORGE W. WHITEHURST FEDERAL COURT BUILDING

The Clerk called the bill (H.R. 3303) to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building."

There being no objection, the Clerk read the bill, as follows:

H.R. 3303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2301 First Street, Fort Myers, Florida, known as the Federal Building, shall hereafter be known and designated as the "George W. Whitehurst Federal Court Building". Any reference in a law, map regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "George W. Whitehurst Federal Court Building".

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3303, a bill to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building". George W. Whitehurst was born in Wauchula, Fla., in 1891. He became an attorney in 1915 and was elected county judge of DeSoto County 2 years later, for the term commencing on January 1, 1917. In 1919, his performance as county judge earned him appointment by the Governor as the first circuit judge of the 12th circuit, of which Lee County, Fla., was then a part.

Judge Whitehurst became a resident of Fort Myers shortly thereafter, in 1923, and was a pillar of his community from that time until his death over half a century later in 1974.

President Harry Truman appointed Judge Whitehurst to a Federal judgeship in 1950. In 1959, he became chief judge of the Southern District of Florida and served with distinction in that capacity until his 70th birthday in 1961.

Upon his retirement, Judge Whitehurst had served as a judge of either the State or Federal courts for a period of 54 years, which is considered one of the longest judicial careers in the State of Florida.

Naming the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building" is most fitting and appropriate in view of his half century of exemplary service to

the ideals of truth, justice, and integrity.

● Mr. MACK. Mr. Speaker, I appear today to speak on behalf of my bill, H.R. 3303, which would designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building."

Judge Whitehurst was a well-respected jurist whose career on the bench was a sterling example of integrity and professionalism. Born in Wauchula, Fla., in 1891, he became an attorney in 1915 and was elected county judge of De Soto County 2 years later, for the term commencing on January 1, 1917. In 1919, his performance as county judge earned him appointment by the Governor as the first circuit court judge of the 12th circuit, of which Lee County, Fla., was then a part.

Judge Whitehurst became a resident of Fort Myers shortly thereafter, in 1923, and was a pillar of his community from that time until his death over half a century later in 1974.

President Harry Truman appointed Judge Whitehurst to a Federal judgeship in 1950. In 1959, he became chief judge of the southern district of Florida and served with distinction in that capacity unitl his 70th birthday in 1961.

Upon his retirement, Judge Whitehurst had served as a judge of either the State or Federal courts for a period of 54 years, which is considered one of the longerst judicial careers in the State of Florida. During his years on the State bench, Judge Whitehurst was never opposed for office.

It is for this half century of exemplary service to the ideals of truth, justice and integrity that I ask this Congress to honor Judge Whitehurst by naming the Federal building in his hometown of Fort Myers after him, to serve as a constant reminder to those who utilize that building of the principles to which he devoted his life.●

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3303, a bill to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building."

Mr. Speaker, Judge Whitehurst, was a well respected jurist whose career was highlighted by integrity and professionalism. In view of his 54-year tenure with the courts at either the State or Federal level, it is most appropriate that the Federal building in Fort Myers, Fla., be named in his honor.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 552) to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse," ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking the chairman the nature of the amendment.

Mr. YOUNG of Missouri. Mr. Speaker, I say to the gentleman from Pennsylvania that section 2 of S. 552 amends section 3(b) of Public Law 98–1 which authorized the Administrator of the General Services to accept contributions of money provided to him by private individuals or organizations within 6 months of February 15, 1983, for the purpose of erecting at suitable locations at the Nancy Hanks Center at the Old Post Office Building appropriate markers or displays commemorating the accomplishments of Nancy Hanks. Section 2 of S. 552 merely extends the time for up to 2 years for which contributions of money can be accepted by the Administrator of General Services.

Mr. CLINGER. I thank the chairman, and I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2301 First Street, Fort Myers, Florida, known as the Federal Building, shall hereafter be known and designated as the "George W. Whitehurst Federal Building and United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "George W. Whitehurst Federal Court Building".

SEC. 2. Section 3(b) of Public Law 98-1 is amended by striking the words "six months" and substituting therefor "two years".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3303) was laid on the table.

BENJAMIN S. ROSENTHAL POST OFFICE BUILDING

The Clerk called the bill (H.R. 3238) to designate the U.S. Post Office Building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building."

There being no objection, the Clerk read the bill, as follows:

H.R. 3238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States Post Office Building located at 41-65 Main Street, Flushing, New York, shall hereafter be known and designated as the "Benjamin S. Rosenthal Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Benjamin S. Rosenthal Post Office Building".

(b) As soon as practicable after the date of enactment of this Act, the Postmaster General shall install in such post office, in a place in open view to the public, an appropriate plaque indicating the designation of the post office pursuant to this Act.

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3238, a bill to designate the U.S. Post Office in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building." Benjamin S. Rosenthal, born on June 8, 1923, in the Bronx, was brought up in Queens, N.Y., and attended City College. In 1949, after wartime service as a military policeman in Iceland, he graduated from Brooklyn Law School.

Congressman Rosenthal was elected as a Democrat to the 87th Congress in a special election on February 20, 1962, and was reelected to each succeeding Congress until his untimely death on January 4, 1983. During the 88th and 89th Congresses, he served as a member of the National Commission on Food Marketing.

As chairman of the Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs, Congressman Rosenthal was in the forefront of consumer justice and paid particularly close attention to the needs of our most vulnerable citizens, especially the aged, the minorities, and the disadvantaged. A thoughtful and hard-working legislator, Ben helped to move our country toward greater social justice for all citizens in the 1960's and 1970's. He compiled a legislative record on behalf of the consumer that will be remembered with respect and gratitude.

As a member of the Foreign Affairs Committee, he promoted a stronger congressional role in foreign policymaking, and was among the first in the House of Representatives to publicly oppose the Vietnam war. Congressman Rosenthal was a passionate advocate of the sovereign State of Israel and a powerful champion for the rights of the Greek Cypriot population.

Congressman Rosenthal was a man of incredible integrity and intelligence—of commitment and capacity. He was a man of compassion, courage, and high principle. He was held in high esteem by his colleagues and enjoyed the overwhelming support of his constituents who appreciated his hon-

esty, sincerity, and conscientious concern for their welfare.

Honoring Congressman Rosenthal, a statesman and exceptional legislator, by naming the U.S. Post Office building in Flushing, N.Y., as the "Benjamin S. Rosenthal Office Building" is most fitting and appropriate.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3238, a bill to designate the U.S. Post Office building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building."

Mr. Speaker, as my colleagues are aware, Ben Rosenthal served with distinction in the House of Representatives for 21 years until his untimely death on January 4, 1983. I had the privilege of serving with Ben for 18 years.

Ben Rosenthal was a man totally dedicated to the needs of both his constituents and the Nation as a whole. He was a distinguished and articulate member of the Committee on Foreign Affairs and a major influence on this body during his tenure. As chairman of the House Government Operation's Commerce, Consumer and Monetary Affairs Subcommittee, Ben Rosenthal clearly established himself as our country's recognized national champion in the battle to protect the rights of consumers.

Mr. Speaker, it is most fitting to pay tribute to the memory of our late colleague, Ben Rosenthal, by naming the U.S. Post Office building in Flushing, N.Y., the "Benjamin S. Rosenthal Post Office Building."●

● Mr. ACKERMAN. Mr. Speaker, today we are voting on a bill to create a lasting tribute to a former Member of Congress deeply respected and missed by all in the Chamber. H.R. 3238 would rename the U.S. Post Office building in Flushing, N.Y., in honor of Benjamin S. Rosenthal.

For over a decade, Ben Rosenthal's district office was located in the Flushing Post Office, a historic building still used daily by the residents of Queens.

The citizens of Queens elected Ben to Congress in 1962, and they reelected him to each succeeding Congress by resounding margins. His popularity at home, among his colleagues in Congress, and with people across the Nation, was known and well deserved.

Ben had a way of getting things done without a lot of fanfare. But the impact of his actions was felt by all.

In the midsixties, when Ben was still a newcomer in Washington, he was one of the first to take a stand against our country's involvement in the Vietnam war. And, by the end of that decade, he was known as a diligent worker on both national and international issues.

The breadth of Ben's activities was astounding. He won a reputation as an effective and vigilant lawmaker. He was an originator of consumer protection legislation and a champion of social reform. The disadvantaged, handicapped, and aged always knew that Ben would stand up for their rights.

As a member of the Foreign Affairs Committee, Ben Rosenthal was recognized as the leader in the movement to cut off arms to Turkey after that country's invasion of Cyprus. And he will always be remembered as a passionate supporter of the State of Israel.

Ben's critical leadership in foreign affairs and his great ability to get things done for the people of Queens was respected by all—even those who did not share his views.

Ben was a truly compassionate and honest leader. He was a hard-hitting intellectual with great integrity, who gave politics a good name. He set the standards.

Ben was my Representative on the Hill from the first time that I ever voted, and I am only one among the many of who were inspired by his dedicated and tireless service.

Naming a post office for this great man is but a small gesture. But, back home, we will all appreciate the Benjamin S. Rosenthal Post Office Building as a tribute to a public servant whose memory will forever remain in the hearts and minds of all with whom he came into contact.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the eight bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the Senate bill (S. 884) to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the U.S. Court of Claims.

There being no objection, the Clerk read the Senate bill, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropriated with respect to the judgment awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the United States Court of Claims (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, shall be distributed and used as follows:

(1) Eighty per centum of such funds shall be distributed by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Red Lake Band of Chippewa Indians who are living on the date of enactment of this Act.

(2) Twenty per centum of such funds, including any interest or income accrued thereon, shall be—

(A) held in trust and invested by the Secretary for the benefit of the members of the Red Lake Band of Chippewa Indians, and

(B) distributed from such trust, subject to the approval of the Secretary, to the governing body of such tribe for the purpose of making expenditures to meet common tribal needs or educational requirements.

SEC. 2. (a) Any payment of a per capita share of funds to which a living, competent adult is entitled under this Act shall be paid directly to such adult.

(b) Any per capita share of funds to which a decreased individual is entitled under this Act shall be paid, and the beneficiaries thereof determined, under regulations prescribed by the Secretary.

(c) Any per capita share of funds to which a legally incompetent individual or an individual under eighteen years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect the interests of such individual.

SEC. 3. None of the funds distributed under this Act shall be—

(1) subject to Federal, State, or local income taxes, or

(2) considered income or resources in determining either eligibility for, or the amount of assistance under, Federal, State, or local programs.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE ASSINIBOINE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY, MONT., AND THE ASSINIBOINE TRIBE OF THE FORT PECK INDIAN RESERVATION, MONT.

The Clerk called the Senate bill (S. 1148) to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Mont., and the Assiniboine Tribe of the Fort Peck Indian Reservation, Mont., in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the

funds appropriated on September 30, 1981, in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724a), in satisfaction of an award in United States Court of Claims docket numbered 10-81L, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be divided on the basis of 42.5 percent of the award funds to the Assiniboine Tribe of the Fort Belknap Indian Community and 57.5 percent of the award funds to the Assiniboine Tribe of the Fort Peck Indian Reservation and utilized for the purposes herein provided.

SEC. 2. The funds apportioned to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, less the costs incurred by the Fort Belknap Assiniboine Treaty Committee in connection with planning for the use and distribution of such funds, including costs in connection with this legislation, and related attorney fees and expenses, shall be used and distributed as follows:

(a) The Assiniboine membership roll of the Fort Belknap Indian Community shall be brought current to include all eligible members born on or prior to and living on the date of enactment of this Act. Subsequent to the preparation and approval by the Secretary of the Interior (hereinafter "Secretary") of this roll, the Secretary shall make a per capita distribution of 80 percent of the funds (in a sum as equal as possible), to each duly enrolled member. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

(b) 20 percent of these funds, and any amount remaining after the per capita payment, shall be held in trust and invested by the Secretary for the benefit of the members of the Assiniboine Tribe of the Fort Belknap Indian Community. The Treaty Committee of such Tribe, with the approval of the Secretary, shall distribute an annual family interest payment to all enrolled members of the Fort Belknap Assiniboine Tribe. All members on the Assiniboine tribal membership roll living on November 15 of each year shall be eligible for the annual interest payment. Members born after that date and living on the following November 15 shall be eligible for the next annual payment.

SEC. 3. The funds apportioned to the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, less the costs incurred by the Fort Peck Assiniboine Council in connection with planning for the use and distribution of such funds, including costs in connection with this legislation, and related attorney fees and expenses, shall be used and distributed as follows:

(a) The Assiniboine membership roll of the Fort Peck Indian Reservation, Montana, shall be brought current to include all eligible members born on or prior to and living on the date of enactment of this Act. Subsequent to the preparation and approval by the Secretary of this roll, the Secretary shall make a per capita distribution of 70 percent of the funds (in sums as equal as possible), to each enrollee.

(b) 30 percent of these funds and any amounts remaining after the per capita payment, shall be held in trust and invested by the Secretary for the benefit of the Assiniboine Tribe of the Fort Peck Indian Reservation and its members. The principle of the funds and the income therefrom shall be applied and used for the benefit of the Assiniboine Tribe of the Fort Peck Indian Reservation and its members in accordance with reasonable terms established by the Fort Peck Assiniboine Council with the concurrence of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, and approved by the Secretary: provided that until such terms has been agreed upon, the Secretary shall fix the terms of the administration of the portion of the funds as to which there is no agreement.

SEC. 4. The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with regulations of the Secretary.

SEC. 5. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita or family interest payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act or any Federal or federally assisted programs.

SEC. 6. The Secretary is authorized to prescribed rules and regulations to carry out the provisons of this Act, including the establishment of deadlines for filing applications for enrollment.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

□ 1210

IN SUPPORT OF THE SELF-SUFFICIENCY ACT OF 1983

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Reagan administration is continuing its war against the rural electric cooperatives. The latest volley is the administration's announced opposition to legislation designed to keep the Rural Electrification Administration's revolving fund in a financially healthy state.

The Self-Sufficiency Act of 1983, which has been endorsed by the National Rural Electrification Association and which has 159 House cosponsors, including myself, would permit co-ops to continue to receive the low-interest loans that are vital to the co-ops' ability to provide electric service in our Nation's rural areas. The revolving fund would be maintained under the bill by allocating $7.9 billion in loan repayments from member co-ops back onto the REA's revolving fund.

Mr. Speaker, many of my colleagues who represent rural areas know that the cost of delivering electricity to rural areas is very high, and that even with the low interest loans the revolving fund provides, electricity costs, on average, 12 percent more in rural areas than in urban centers, where transmission and distribution costs are considerably lower. Yet, instead of working to preserve a financing system which is critical to the ability of rural America to remain economically productive, the Reagan administration has been trying for the past 3 years to gut the REA altogether.

Harold Hunter, President Reagan's REA Administrator, has spent his entire term in office attempting to hold up any loans for generating and transmission cooperatives. Now, he wants to double the interest rates for the revolving fund from 5 to 10 percent, reduce available loan money by $350 million, and require each cooperative to find private funding sources for half of each new loan. The impact of the first two proposals are obvious, the third proposal—that co-ops go to the private capital market for half of their funds is even worse, because private lending sources fully understand the high cost of delivering electrical service to rural areas, and they will demand very high interest rates on any loans.

What is the cost of the Reagan administration's proposals? According to Charles Robinson of NRECA, the Administration's plans would cause the electric bills of many rural Americans to rise by $100 a month or $1,200 a year.

Mr. Speaker, the farmers and ranchers and senior citizens who live in the rural areas of my district cannot afford to have their electric bills increase. They already pay more than people living in towns and cities. I urge my colleagues to say no to this plan to punish rural America and I urge my colleagues to support the Self-Sufficiency Act of 1983.

DO NOT BLOCK IMMIGRATION REFORM

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, I am bitterly disappointed that the House Democratic Leadership refuses to bring up the Simpson-Mazzoli Immigration Reform and Control Act. The Senate has twice voted overwhelmingly for it. The House Judiciary Committee reported it out 4 months ago.

The reason given for blocking consideration is literally unbelievable. We are all used to politics in the Congress, but never in my 15 years here have I heard a less credible explanation. To think the President would veto immigration reform in order to curry favor with Hispanic voters accepts fantasy over fact, selfish political gain over the national interest. I prefer not to believe it.

The facts are—this administration endorses the Senate-passed version of Simpson-Mazzoli. Immigration reform was the subject of the first Cabinet

level task force of this administration in 1981 and has been forcefully pursued for over 2 years.

It is no secret that our Hispanic colleagues and the leadership of some Hispanic organizations object to employer sanctions, the enforcement features of the bill. Their objection delayed consideration by this house in both the last Congress and in this one. To be opposed is their privilege, even in the face of polls showing 60 percent of the Nation's Hispanics favor the legislation. But for this House not even to consider the bill is highly irresponsible and displays a complete disregard to addressing an urgent national problem.

I for one am prepared to take the legislation to the floor and face up-or-down votes on alternatives to each of its provisions—that is our process. That is the democratic process which apparently we are not going to honor.

The essentials of Simpson-Mazzoli stems from 2 years of thorough consideration in 1978 and 1979 by the bipartisan Select Commission on Immigration and Refugee Policy, chaired by Father Theodore Hesburgh, the 16-member panel included four Members of President Carter's Cabinet, a public member from organized labor, Judge Cruz Reynoso, as well as Senators KENNEDY and DECONCINI and Representatives RODINO and HOLTZMAN. Mr. Speaker, employer sanctions were endorsed by the Commission by a vote of 14 to 2.

Sensitive to the potential for discrimination in the application of the sanction, the House Committee on the Judiciary went further than the Select Commission. Our bill contains mandates for the Civil Rights Commission to monitor the enforcement of employer sanctions, and for the Attorney General, the Secretary of Labor, and the Chairman of the Equal Employment Opportunity Commission to establish a task force to review and investigate complaints of discrimination. The President must consult with Congress every 6 months concerning the implementation of employer sanctions—including possible discrimination in employment. The very extensive monitoring and reporting mechanisms are an expression of the importance we attach to guarding against discrimination.

Mr. Speaker, the American people want an immigration policy that fairly addresses the pressures on our borders, and the status of those already here illegally. Inaction on our part will mean we continue to tolerate a large underclass in our midst, vulnerable to exploitation, fearful of discovery. Inaction will deny us the opportunity to address this problem rationally and with compassion.

There is a further fundamental need for reform of our immigration laws. Public perception is that immigration is out of control and it is the correct perception. Already we have had warnings of unrest in areas impacted with illegal immigrants and with refugees. The pressures from the Caribbean basin driven by rapid population growth and by proverty will only intensify.

Mr. Speaker, I fear if we do not act now to bring order to our immigration procedures, tension and resentment will grow. A repressive reaction would not distinguish lawful immigrants and refugees from illegal immigrants. At stake, is nothing less than our policy of reuniting families and our humanitarian tradition of welcoming those suffering persecution.

Those who would block action by this House carry a heavy burden. Mr. Speaker, let the House work its will.

SOVIET THEFT OF AMERICAN TECHNOLOGY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, last night "60 Minutes" did an exposé on Soviet theft of American technology. It was right on the mark. But, unfortunately, it only touched the tip of the iceberg. The KGB has admitted that its goal is to steal American technology and the KGB said that Western technology and especially American technology, they consider that as their natural resource.

Now the hangman's noose, as I see it, draws tighter and tighter around the neck of America with each legal Soviet acquisition of American technology. Yet even in this House there are Members who would consider eliminating all licensing to Cocom.

Many countries today are a haven for Soviet fronts seeking to steal American technology. The Export Administration Act is serious business. It makes no sense to spend billions and billions of our taxpayers' dollars to develop high technology only to enhance the Soviet military machine.

NICARAGUA'S HUMAN RIGHTS ASSAULT ON THE MISKITO INDIANS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute)

Mr. SOLOMON. Mr. Speaker, before the Sandinistas, before Samoza, long before even the Spanish, the primitive countryside of Nicaragua belonged to the Miskito Indians. Today, it does not.

Today, the Miskito live penned up in the concentration camps of the Sandinista government, denied food or medical attention, watching their elderly wither away, and their children tortured by malnutrition and the diseases born of filth and overcrowding.

Jim Steiglitz, a former Green Beret medic in Vietnam, and the grandnephew of the great photographer Alfred Steiglitz, has returned from Nicaragua with graphic evidence of what the left-wing totalitarians are doing to the Miskito Indians of Nicaragua.

Is it genocide? At the very least, we have evidence of massive and systematic human rights violations on an enormous scale. I intend to see that the testimony and photographic evidence of Mr. Steiglitz is presented to the House Foreign Affairs subcommittee on Human Rights.

It is time that we in America awoke to the reality behind the slogans and banners of the Sandinista regime. This so-called people's paradise is a client state of the Soviet Union, complete with a Soviet-style Gulag of forced labor camps.

Many critics of President Reagan's Central America policy say we are swimming against the tide of history in Nicaragua and El Salvador. But if the Sandinistas succeed in their cruelty against the Miskito Indians, it will not be because history sided with the villians—but because we failed to side with the victims.

CONGRESS IS TO BLAME FOR OVERSPENDING AND CREATING DEFICITS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, for several days now our colleagues from your side of the aisle have taken to their feet to blame our budget deficits on President Reagan. As a Member of Congress, I say that nothing could be farther from the truth.

Lest we forget, it was Congress in 1974 that gave itself control over the public purse, and it was not because the president at that time was spending too much money.

Congress is to blame for overspending and creating the deficits that crowd-out private sector expansion and suppress new employment. Congress's free-spending is what threw our Nation into a recession. And it is Congress's taxing and spending that have moderated our recovery and keep it from blossoming into a sustainable explosion of growth.

A prime example exists before us right now. In June of this year, House Democrats passed their own budget. That budget requires us to spend an unprecedented amount of money even as it requires us to raise $73 billion more in taxes in the next few years. And yet, even with carte blanche budget authority, the House still

cannot adhere to its own budget directives. It is no wonder that we have deficits larger than most countries' budgets.

But it is shameful for House Democrats to lay the blame for those deficits at President Reagan's door. The Congress has always wanted the responsibility for controlling the public purse. Let the Congress now accept the blame for 30 years worth of a job poorly done.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY, OCTOBER 5, 1983

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Wednesday, October 5, 1983, to consider legislation relating to the Smithsonian Institution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand the gentleman from Missouri to say that this has been cleared with the minority?

Mr. YOUNG of Missouri. Mr. Speaker, if the gentleman will yield, I understand that it has.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING FUNDS FOR CAPITAL IMPROVEMENT PROJECTS ON GUAM

Mr. WON PAT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 589) to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he will be offering the amendment which we have agreed to in lieu of the committee amendments?

Mr. WON PAT. If the gentleman will yield to me?

Mr. LUJAN. I yield to the gentleman.

Mr. WON PAT. Yes, I will.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(a)(1) of Public Law 95-348 (92 Stat. 487) as amended by Public Law 97-357 (96 Stat. 1705) is amended by deleting the word "and" where it last appears, and inserting after the words "fiscal year 1983," the words "and effective October 1, 1983, $15,500,000,".

SEC. 2. Funds authorized to be appropriated for the construction of a hydroelectric facility in Ponape pursuant to section 101 of Public Law 96-205 (94 Stat. 84), as amended, may be appropriated directly to the Secretary of the Army for expenditure by the Chief of Engineers on such construction.

□ 1220

AMENDMENT OFFERED BY MR. WON PAT

Mr. WON PAT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WON PAT: Page 2, beginning on line 3, in lieu of the Committee amendment, insert the following:

"SEC. 3. (a) Section 205(a) of Public Law 96-205, as amended by Public Law 96-597, is further amended by changing '1983.' to '1985.'.

"(b) Section 205(c) of Public Law 96-205 (94 Stat. 87) is amended to read as follows: 'As provided in section 602 of Public Law 94-241 (90 Stat. 263, 270) the term 'rebate of any taxes' shall, effective January 1, 1985, apply only to the extent taxes have actually been paid pursuant to section 601 of said Act, shall not exceed the amount of tax actually paid for any tax year, and may only be paid following the close of the tax year involved. Notwithstanding any other provision of law, effective Janaury 1, 1985, the Commonwealth of the Northern Mariana Islands shall maintain, as a matter of public record, the name and address of each person receiving such a rebate, together with the amount of the rebate, and the year for which such rebate was made.'.

"(c) The Secretary of the Interior and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on any efforts to develop any needed modification of the income tax rates required by sections 601 and 602 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America approved by Public Law 94-241 (90 Stat. 263, 269-270) to enforce such sections. The initial report shall be transmitted not later than January 1, 1984 with subsequent reports to be transmitted every three months thereafter until January 1, 1985. The reports shall set forth the precise objectives of both the Commonwealth government and the Administration, any areas of difference, the modifications under consideration, and what progress has been made to resolve any differences and implement the provisions of Sections 601 and 602.

"SEC. 4. (a) Section 303 of Public Law 97-357 (96 Stat. 1705, 1709) is amended by deleting 'grants to' and inserting in lieu thereof 'grants or loans to'.

"(b) Public Law 94-392 (48 U.S.C. 1574(b)), as amended, is hereby further amended by—

(1) deleting the semicolon in section 2(b)(1) and adding the following: ', except that $28,000,000 of the guaranteed bonding authority will be used for water producing and power projects, including maintenance and overhaul of electrical generating and distribution mechanisms, and $12,000,000 of the guaranteed bonding authority will be used for repair and improvements of the water distribution and storage systems;'; and

(2) in section 2(f), strike '$61,000,000' and insert in lieu thereof '$101,000,000' and in each place where it occurs, strike '1984' and insert in lieu thereof '1990'.

"SEC. 5. (a) Section 29 of the Revised Organic Act of the Virgin Islands (68 Stat. 509; 48 U.S.C. 1543) is amended to read as follows:

'SEC. 29. All members of the Legislature of the Virgin Islands, the Governor, the Lieutenant Governor, all judges and all officials of the government of the Virgin Islands who report directly to the Governor shall be citizens of the United States.'.

"(b) Subsection (c) of Section 10 of the Organic Act of Guam is further amended by deleting all through 'Provided, That any' and inserting in lieu thereof 'Any'.

"(c) Section 1906(a) (55) of the Act of October 4, 1976 (90 Stat. 1832) is amended as follows:

(1) in paragraph (B) change the language to be inserted to read 'emergency relief purposes and essential public projects' and

(2) add the following new paragraph (D) to read as follows:

'(D) by amending the second sentence in paragraph (A) by changing the colon after "determine" to a period and striking the remainder of the sentences.'.

"SEC. 6. Section 501(d), of Public Law 95-134 (91 Stat. 1159, 1164), as amended, is amended by changing '$100,000' to '$200,000'.

"SEC. 7. Section 604(d) of Public Law 96-597 (94 Stat. 3477, 3481) is amended by inserting before the period 'and may implement any projects or programs contained in recommendations of the plan'.

"SEC. 8. The Secretary of the Interior is directed to implement the health care program required by Section 106 of Public Law 95-134 (91 Stat. 1159) for the populations of the four atolls in the Marshall Islands identified in such section immediately upon enactment of this section and shall promptly notify the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate if he finds that the populations of other atolls should be included in the program setting forth the basis for his finding and the estimated cost of extension of the program. The Secretary of Energy shall transmit annually to the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate together with the proposed budget for the next fiscal year, a description of the program and the estimated costs for implementation together with any recom-

mendations which he may have for improvements in such program.

"SEC. 9. Subsection (b) of section 606 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by Public Law 94-241, is amended by striking out 'upon termination of the Trusteeship Agreement or' and inserting in lieu thereof 'on January 1 of the first calendar year following the termination of the Trusteeship Agreement or upon'.

"SEC. 10. Section 419(a)(2) of the Act of August 23, 1958 (72 Stat. 731, as amended, 49 U.S.C. 1389(a)(2)) is amended by adding at the end thereof the following new subparagraph:

'(D) The Board may, after considering the views of any interested community, the territory of Guam and appropriate federal agencies, determine what is the essential air transportation for Guam without regard to whether it is being served by more than one air carrier holding a certificate issued under Section 401 of this title.'.

"SEC. 11. (a) Notwithstanding any other provision of law, upon petition of the governor of the respective territory, the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as 'Administrator') shall by rule exempt any person or source or classes of persons or sources in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands from any requirement of or under the Act of July 14, 1955, (69 Stat. 322, as amended and supplemented 42 U.S.C., 1857 et. seq.) upon finding (1) that compliance with such requirement is impractical, unnecessary, or unreasonable due to geographical, meteorological or economic factors or other such local factors as the Administrator in his discretion deems significant, and (2) that an alternative requirement, enforceable under such Act, will be imposed to assure attainment and maintenance of the national ambient air quality standards and to assure compliance with any applicable emission standards for hazardous air pollutants unless such alternative requirement is unnecessary for attaining, maintaining, and complying with such standards. Such a rule shall be promulgated pursuant to the provisions of section 307(d) of such Act and shall be considered final action of the Administrator for the purposes of section 307(b) of such Act.

"(b) The Administrator shall notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate upon receipt of a petition pursuant to this section and shall notify such Committees of his approval or rejection of the petition and the basis therefore.

"SEC. 12. Amendments of, or modifications to, the Constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by an Act of Congress.

"SEC. 13. (a) The Secretary of the Army, acting through the Chief of Engineers and in cooperation with the Commonwealth of the Northern Mariana Islands, is hereby authorized and directed to study and draft plans for development, utilization, and conservation of water and related land resources of the Commonwealth. To carry out the purposes of this section there are authorized to be appropriated effective October 1, 1983, such sums as may be necessary.

"(b) Such studies shall include appropriate consideration of the needs for flood protection; wise use of flood plain lands; navigation facilities; hydroelectric power generation; regional water supply and waste water management facilities systems; general recreational facilities; enhancement and control of water quality; enhancement and conservation of fish and wildlife; and other measures for environment improvement and economic and human resources development. Such studies shall also be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

"SEC. 14. Section 101 of Public Law 97-253 shall apply only to that position of the United States referred to in section 48 of Public Law 86-70 (73 Stat. 151)."

Mr. WON PAT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. (Mr VENTO). Is there objection to the request of the gentleman from Guam?

Mr. LUJAN. Mr. Speaker, reserving the right to object, might I ask the gentleman if this is the same amendment that we discussed just a minute ago.

Mr. WON PAT. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Guam.

Mr. WON PAT. I thank the gentleman for yielding.

It is.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

Mr. WON PAT. Mr. Speaker, S. 589 was introduced at the request of the administration. The bill encountered no opposition in the Senate where it was revised slightly.

There was unanimous, bipartisan agreement to approve it in the Committee on Interior and Insular Affairs with an amendment. This was to effect necessary updating of previous territorial legislation as well as changes needed to adopt statutes, and regulations under them, to the unique circumstances of the insular areas.

The amendment I have proposed as a substitute with bipartisan committee support incorporates the committee's initial amendment but makes technical and other worthwhile improvements. It conforms with the purposes referenced in the committee's approval of the bill and other goals which enjoy bipartisan support.

The amendment has no adverse budgetary implications. It responds to needs identified by the administration or the insular areas.

The primary purpose of the bill is to authorize essential capital improvements in my home territory of Guam.

Appropriations for most of this work—water and sewer infrastructure needed to develop our key private sector industry, tourism—have been approved by both Houses. They are also within the budget approved by this House. This project was endorsed by the administration after having been identified by our visionary Governor, Ricardo Bordallo, as his top priority request.

The other funds are needed to complete the penitentiary for which appropriations were made in 1980.

The cost of the project expanded to accommodate design changes, including those needed to meet concerns of the Inspector General of the Interior Department who is doing an exemplary job in the territories.

Section 2 of the Senate bill would transfer the existing authorization for the construction of a hydroelectric power project on Ponape, a state of the Federated States of Micronesia, from the Department of the Interior to the Corps of Engineers.

The corps, which conducted the feasibility study for the facility, is willing to handle construction. The $8 million project would result in substantial savings by replacing Ponape's current dependence upon imported petroleum with use of an abundant local resource.

My amendment would revise section 3 of the bill as reported by the committee to accommodate the concerns of the administration and the Senate as we have heard them and of the Northern Mariana Islands.

The overall intent of the amendment is the same as the committee reported section, however: To facilitate implementation of an equitable system of income taxation as provided for in the covenant between the United States and the Northern Marianas.

Section 601 is an integral part of our understanding with our newest territory. It provides that the Northern Marianas will have the same income tax rates as the United States applied as they are in Guam.

The necessity for section 3, as reported by the committee, is well explained in the committee's report; Chairman UDALL's May 19 further explanation to the House; and a committee staff paper on the background of this issue. I ask, at this time, that this latter document be included in the RECORD at the conclusion of my statement.

To summarize, though, I would say that section 3 was needed to make the Northern Marianas understand that while the Internal Revenue Code may be imperfect, it represents rules that they committed in the covenant to joining the rest of us in living under. And this cannot be changed by unilateral action on their part.

Section 3, as reported, accomplished its purpose. It would be changed by my amendment to reflect the Northern Marianas' understanding of the points I have just made and would be,

in fact, changed as they have suggested.

The revision would delay the effect of the original section 3 until January 1, 1985. We would also permit the territory and the administration until that time to develop legislation that may be needed to adopt the Internal Revenue Code to the distinct situation of the Northern Mariana Islands.

By doing so we do not want to suggest that we would support a locally determined alternative to IRC rates or a system that will be inequitable to Guam or other parts of the United States. Instead, we are simply affording the territory and the administration time to convince Congress that IRC rates need to be adapted to meet the islands' revenue requirements and insure stable and sustained economic growth.

Further, because of this and because we recognize that it is impractical at this point to expect the territory to adhere to the mirrored IRC for this tax year and, possibly, next as well, we would also accede to the request of the administration and the territory to defer the application of the mirror code until 1985.

In affording the Treasury and the territory until then to develop proposals or plan implementation of the mirror code, we have required regular reporting to the territorial policy committees of the Congress. These reports would be submitted by the responsible Federal agency, the Department of the Interior, as well as the territory.

We make this time available, although both the Federal agencies and the territory have had enough time already to implement the tax provisions of the covenant or proposed modifications, on the basis of good faith. We trust that when the distinguished Washington Representative of the Northern Marianas, Edward DLG. Pangelinan, other territorial officials and staff of the Assistant Secretary for Tax Policy inform us that they are close to an agreement on a proposed modification of the IRC rates required under section 601, they are serious this time. If nothing results, we will expect adherence to the letter and intent of the law and the treaty like commitment of the covenant. We hope that they also understand that we will never countenance more favorable tax treatment of the NMI than of Guam. Nor will we approve of a system that results in such an unreasonably light tax burden that the taxpayers of the United States must subsidize in the Northern Marianas what the people there do not pay to support their local government responsibilities.

My amendment would also revise section 4. The purpose is to obviate the problems that the administration has with the provision.

As reported by the committee, section 4 would have authorized a $10 million grant to fund the second phase of the territory's sorely needed 4-year, $40 million program of power and water generation and distribution infrastructure improvements.

My amendment would delete this authorization and replace it with off-budget financing assistance. This would be accomplished by expanding the existing bonding authority of the territory. This would enable it to finance the improvements itself in the private market under the most favorable terms. This bonding authorization has already been approved in the fiscal year 1984 Interior appropriations bill but our language has a slight technical difference.

To further accommodate budget constraints, my amendment would also make the $10 million authorized by Public Law 97-357 as a grant for the first phase of the project eligible for loan or grant.

Due to the persuasiveness of the representative of the Virgin Islands, RON DE LUGO, the Committee on Interior and Insular Affairs continues to regard the improvements as absolutely essential to the welfare of the people of the islands and continued economic activity and growth. Further, the committee believes that the imperative nature of the project and the significant element of Federal responsibility for the financial difficulties of the territory justifies direct Federal financing.

However, since initiation of the improvements program should not be delayed, and the administration is resolutely against a grant for this purpose, Delegate DE LUGO has agreed with us to facilitate funding as I have described.

My amendment would make no change in section 5, as reported by the committee, other than a technical amendment to accomplish the purpose of subsection c.

This section would remove three archaic and unnecessary restrictions currently in the organic acts of Guam and the Virgin Islands. It would limit the requirement that Virgin Islands government employees be U.S. citizens to principal elected and appointed officials. It would remove an unwarranted restriction on the ability of Guam to reapportion its legislature at the times it feels it is necessary to do so. It would lift restrictions on the use by the Virgin Islands of rum excise tax collections rebated to it for public improvements purposes that are not placed upon Puerto Rico for the use of the rum excise tax collections rebated to that territory.

My amendment would make no change in section 6. The provision updates the waiver in existing law of requirements that American Samoa and the Northern Marianas provide matching funds up to $200,000 to receive program grants.

The primary rationale is that it makes little sense to match Federal dollars with what are indirectly Federal dollars. A secondary reason is that the expenditures of administrative effort and funds which are required for matching are counterproductive.

Further, I should note that our committee agrees with the last administration that matching requirements should be selectively and flexiby imposed in the other U.S. territories so that all appropriate programs provide the maximum assistance possible.

My amendment also makes no change in section 7. The provision would broaden the Secretary of Energy's authority in existing law to develop comprehensive energy plans for the insular areas. This would permit implementation of followup projects recommended in the Secretary's December 1982 report to the Congress.

It is our hope that these followup projects will be implemented. They are needed to implement the national policy of developing the renewable energy resources of our Caribbean and Pacific insular areas. They would reduce the fiscally draining dependency of these islands on imported petroleum.

My amendment would also make no change in section 8. This provision would direct the Department of the Interior to implement the health care program for the atolls of Bikini, Enewetak, Rongelap, and Utirik in the Marshall Islands that is required in existing law.

The Department would be required to report to congressional committees if it determined that other atolls ought to be included in the health care program because of their exposure to radiation through U.S. nuclear testing. Further, Interior would have to report annually to Congress on the progress of the program.

Section 9 responds to a request by the Department of Health and Human Services. The provision would delay the extension of the social security program to the Northern Mariana Islands to the January 1 following the termination of the Pacific Islands Trusteeship, or a mutally agreed date. This is in lieu of the date of termination of the trusteeship, as provided for in existing law.

The territory joins the administration in support of this amendment. It is needed to prevent technical and administrative problems which would result since the application of social security to the Northern Marianas involves the merger of the territorial social security problem into the U.S. system, including funds and credits. Merger during the middle of a calendar year would be difficult.

Section 10 is identical to the provision that passed the Senate too late in the last Congress to be approved in

the House. It would permit the Civil Aeronautics Board to make an essential air service determination for my own air transportation-dependent territory.

The CAB agrees that such a provision is needed. This is because a judicial decision last year cast doubt upon their ability to make these determinations for locations already served by one section 401 carrier.

While this sort of limitation might be appropriate for mainland locations with other forms of travel available, it clearly should not apply to Guam. My island is only linked to the United States by more than one certified U.S. carrier by a nonmajor carrier and service which makes many stops between Guam and Hawaii. This latter service is provided by Continental Airlines. Continental's bankruptcy makes this provision very important.

The relevant aspect of assessing the adequacy of Guam's air service should be direct United States-Guam flights. Hopefully, providing this territorial flexibility will lead to whatever steps are necessary to insure that Guam is reliably tied to the United States by commercial air service.

The Environmental Protection Agency has proposed that it be granted the special territorial flexibility which would be provied by section 11. Adjustments are needed to insure that clean air standards are maintained in the unique circumstances of the territories through reasonable application of requirements.

My amendment modifies the administration proposal slightly to require reporting to the territorial policy committees of Congress on requests for territorial adjustment of requirements.

This provision is necessary to prevent undesirable imposition of requirements which would be impractical, unnecessary, or unreasonable in unique territorial situations. The conditioning factor is that clean air standards are maintained.

Our committee has initiated legislation providing this sort of flexibility in modifying requirements in territorial circumstances to other executive agencies in the past.

Section 12 provides for congressional approval of amendments to the constitution of American Samoa. It is proposed at the request of the territory's effective Representative, FOFO SUNIA, and it is supported by the islands' Governor

The constitution was written pursuant to authority delegated to the executive branch by Congress. We, of course, have full and ultimate responsibility for the territories under the constitution.

The provision is necessary to prevent unilateral modifications of the territory's locally written constitution by the Secretary of the Interior. Recently, the Secretary was prepared to remove a local official appointed by the popularly elected Governor and confirmed by the legislature by tampering with the territory's constitutional authority. Apparently, only strong, bipartisan opposition from the Congress, stimulated by Delegate SUNIA, persuaded Interior not to proceed with what would have been an egregious violation of self-government rights.

The Corps of Engineers has authority to study and plan for development, utilization and conservation of water and related land resources in all of the territories except for the newest member of the American political family. Section 13 would extend the existing territorial authorizations to the Northern Mariana Islands.

Section 14 would accomplish a bipartisan purpose of legislation approved by the Committee on Agriculture which, due to problems with an unrelated provision, is considered unlikely to be enacted in the near future. Because of uncertain fate of their bill and their recognition of the justification for the provision needed for the insular areas, the Agriculture Committee has graciously agreed to inclusion of the provision in our insular areas measure.

This is the product of work I have done with Puerto Rico's very capable representative, BALTASAR CORRADA, and Hawaii's equally able Representative DANNY AKAKA. It is needed because of the apparently unintentional inclusion of the areas in the assessment to farmers in the dairy price support program.

Inclusion makes no sense because these areas comprise entirely separate and distinct milk markets. Production is locally regulated in the insular areas. Farmers there do not benefit from the price support program the assessment partially pays for, nor do they contribute to national surpluses.

Milk costs in the insular areas are already substantially above U.S. mainland prices. Extension of the assessment to them would only further increase the cost to farmers and, ultimately, consumers.

Finally, I want to recognize that this bill, although it represents the work of several of us on both sides of the aisle in this House, is really the work of our late and great colleague, Phil Burton.

As my predecessor as chairman of the Subcommittee on Insular Affairs, Phil felt that the most effective way to properly and sensitively legislate on many unique needs of the insular areas was to do so through annual omnibus areas assistance bills. In addition to leading these efforts in the past, Phil initially constructed this bill.

With the dedication of my subcommittee's ranking Republican, BOB LAGOMARSINO; the understanding of our full committee chairman, MO UDALL and ranking Republican MANUEL LUJAN; and now the participation of Phil's able wife and successor SALA BURTON; we are continuing Phil's tradition of responsiveness to the Americans of the insular areas in this, Phil's last territories bill.

The material follows:

INTENT OF THE LAW UNDER SECTION 601 AND 602, THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA (PUB. L. 94-241)

PUBLIC LAW 94-241; 1974-1978

The erroneous notion that the Government of the Northern Mariana Islands (NMI) should establish and administer its own income tax code is not new. Even after the concept's rejection in the negotiating rounds leading to the farming of the Covenant, the presumption persists. In 1978—three years after the Covenant was approved by 78.8 percent voting in the Marianas' plebiscite and two years after enactment of the Covenant into federal law—Associate Professor of Law Harvey P. Dale, under retainer by Duty Free Shoppers, devised a scheme, wherein the letter, as well as the spirit, of the tax provisions of Public Law 94-241 might be circumvented. Dale's proposal was to construe abatement, whereby IRC taxes under section 601 would be forgiven without collection, for the rebatement provisions of section 602.

PUBLIC LAW 95-248; 1978-1979

Interior and Insular Affairs Committee members, alarmed by Dale's proposal, initiated discussions with Commonwealth officials to ward off any action which might negate the intent of section 601, Public Law 94-241. In subsequent meetings, it was ascertained that apprehensions concerning IRC implementation in the NMI principally centered upon two issues: first, the increased costs of tax collection and earned income tax credits; secondly, the Commonwealth's lack of experience in administering a complex tax code. To allay these fears, Committee members pressed for the passage of section 3(d), Public Law 95-348, enacted into law on August 18, 1978 and directing the Secretary of the U.S. Treasury, upon request of and at no cost to the Commonwealth, to assist in IRC implementation. In legislative debate upon the floor of the U.S. House of Representatives, Congressman Phillip Burton observed:

I would like to convey publicly, and I believe it is good to have it on the record, that if there is any one provision that our committee was pleased about, it is that we were able to get the Governor and the Legislature of the Northern Mariana Islands, at least unofficially, and we hope it will be officially, to agree to let the IRS collect those taxes. We felt it would be subject to the same ground rules as they are generally here on the mainland. We also think this procedure will increase the revenues collected.

To which, Congressman Don H. Clausen added:

Mr. Speaker, I will state for the record that the gentleman from California [Mr. Phillip Burton] has stated the situation correctly. I did participate, along with the gentleman from California [Mr. Lagomarsino] and other members of the committee, in the exchange that took place between the governor and the members of the Northern Mariana Legislature where they specifically

expressed their concern, and their request of us to see that the tax collection machinery would utilize the IRS [Internal Revenue Service], as stated by the gentleman from California [Mr. Burton].

In the winter of 1979 and in spite of IRS assistance available under Public Law 95-348, the First Northern Mariana Commonwealth Legislature passed House Bill 138, HDI, SDI, CDI (The Northern Mariana Islands Tax Act of 1979), which, if enacted, would have instituted income tax abatement.

In his veto message of April 6, 1979 to the Legislature, the Governor of the Northern Marianas stated in part:

I must veto it [House Bill No. 1-138] because I sincerely believe that a veto is indicated to avoid a useless, unwise and unnecessary confrontation between the Northern Marianas Government and the Congress of the United States. The extraordinary good will and cooperation that have been shown to us over the years by our friends in the U.S. Congress should not be strained or tested by the enactment of the bill as it is written.

All of you, I know, cherish our new relationship with the United States and wish to do everything within our power to preserve and protect our ties, as I do.

All of you, I know, have great respect for the Covenant, that document that was approved by the people of the Northern Marianas, approved by the U.S. Congress, and signed into law by the President in 1976, as I do.

Section 601 of the Covenant states that the U.S. federal income tax is to apply to the people of the Northern Marianas. All U.S. Citizens pay federal income taxes and we Marianas people as U.S. citizens were to share this responsibility with all U.S. citizens, whether in Guam, in the Virgin Islands, or in the continental United States. That seemed fair and equitable to the original negotiators for the Northern Marianas and it must have seemed fair to most of the people since you overwhelmingly approved the Covenant in a referendum.

In the case of the Northern Marianas there were even two advantages to having the federal income tax collected in our islands: 1) it would become a local territorial tax and all the revenue would stay here to be used by our government to improve the well-being of all our people; and 2) approximately 80 to 85 percent of our people would not have to pay this tax because of the level of their annual earnings.

So as you can see, the federal income tax was not going to be the evil and unfair tax burden that some have tried to make it out to be.

PUBLIC LAW 96-205; 1979-1980

The Governor's veto message was partially based upon reassurances received from members of the House Committee on Interior and Insular Affairs. In a series of meetings held in Washington, D.C. during March 1979, Committee members expressed their dismay with the Northern Marianas Legislature's attempt to subvert the Covenant by unilaterally ignoring Section 601, P.L. 94-241. In turn, the Northern Marianas' Delegation—comprised of leaders of both political parties and branches of government—continued to express its concern that IRC implementation would significantly reduce annual Commonwealth revenues. Moreover, negotiations between the Northern Marianas Government and the U.S. Department of Treasury were proving troublesome. Consequently, members of the Committee decided that more explicit legislative language was probably necessary to outline the role of each party and to clarify some misunderstandings. Draft legislation, prepared with the assistance of the IRS, was dispatched to the Northern Marianas for comment. The response was favorable; on October 29, 1979, the president of the Senate and the Speaker of the House, Northern Marianas Legislature, replied as follows:

Dear Congressman Burton: Please be advised that we have reviewed the proposed amendments to Sections 203 and 204 [provision for IRS assistance], and find them to be in the best interest of the people of the Commonwealth of the Northern Mariana Islands and consistent with Section 602 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America • • •

On behalf of the Senate and House of Representatives, we would like to thank you for your understanding, cooperation and assistance in resolving the issue of taxation in the Commonwealth.

Being now so late in the year, it was obvious to Committee members that implementation of the IRC could not meet the January 1, 1979 deadline imposed by P.L. 94-241 and the Presidential Proclamation issued in October of 1977. Accordingly, Committee members also drafted legislative language to exempt IRC application on income derived from sources within the NMI for two years (1979 and 1980), thus providing adequate preparation time for the government of the Northern Marianas and the IRS. A third year of exemption (1981) was authorized, provided that the abatement provisions of the NMI's own tax legislation were repealed and that the NMI governor notified the Secretary of the Treasury of this action no later than September 30, 1980. On March 12, 1980, Sections 204 and 205, P.L. 96-205, amending P.L. 95-348, were enacted. As a precautionary measure, however, Committee members added the following subsection to the legislation.

Section 205(c): It is the sense of Congress that the term "rebate" as used in section 602 of Public Law 94-241 does not permit the abatement of taxes.

To reduce future controversy, the Committee requested a former member of the Marianas Political Status Commission and a staff member of the Commonwealth Legislative to draft the legislative history of the above subsection. Their explanation is as follows:

The last part of this new section (c) clarifies the intent of the United States Congress when it used the term "rebate" in Section 602 of Public Law 94-241 by providing that the term "rebate" does not permit the abatement of taxes. The intent of Congress in the legislative history of Section 602 of P.L. 94-241 specifically proivides that taxes must be collected by the government of the Northern Mariana Islands prior to any rebate to taxpayers.

On the floor of the House, during passage of the above measures, the following observations were made:

Mr. LAGOMARSINO. Under the terms of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States, residents of the Northern Marianas must abide by the Internal Revenue Code in paying their territorial income tax. This amendment delays implementation of this provision until January 1, 1982, providing preparation time for the Commonwealth to become familiar with the complex nature of the IRC. In the interim, the local tax code of the Northern Marianas will continue in effect. In this regard it is not our intent to create a tax haven in the Northern Marianas. Therefore, we once again, direct the attention of the Secretary of the Treasury to this situation and request his close surveillance of future investment patterns in the Marianas.

Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 3756 [Later enacted as P.L. 96-205] as amended. Of particular concern to me—having been in from the start in the formulation of the Northern Mariana Commonwealth—is the difficult tax situation confronting the newest members of the American political family. By terms of the Covenant (Public Law 94-241) the territorial income tax of the Northern Marianas is required by law to conform with that of Guam—or in other words "a mirror image" of the Internal Revenue Code. Considering the complexities of implementing the IRC and under the provisions of Public Law 95-348, the Governor of the Northern Marianas, in concert with the Legislature, has requested the Treasury Department to implement the territorial income tax for them.

In the interim, however, much delay and misunderstanding has been encountered. And to date, the IRS still is not collecting taxes in the Commonwealth. H.R. 3756, as amended by the House, eliminates further delay and establishes a schedule, wherein the citizens of the Northern Marianas can implement, without penalty or hardship, the territorial income tax system as specified by the Covenant. I cannot overly emphasize the importance of these provisions—the foundation of good government rests upon a stable tax system.

PUBLIC LAW 96-597; 1980-1982

During the ensuing year, attempts in the Northern Marianas Legislature to repeal the abatement provisions of the Northern Marianas Tax Act of 1979 failed. Similarly, negotiations with the Treasury Department reached a stalemate. As the deadline neared for IRC implementation, the following cable was dispatched to the Committee on October 1, 1980:

We regret to inform you that NMI Government was unable to comply with P.L. 96-205 because of failure by Senate to pass HB 163, HD1 [a bill, which if enacted would have alleviated the Committee's concern relative to abatement], which was also supported by Governor Camacho and U.S. House Subcommittee on National Parks and Insular Affairs. Senate action does not reflect wishes of our people as expressed by Governor Camacho and House of Representatives. We sincerely hope that NMI failure to carry out its commitment to U.S. Congress will not have adverse impact on our good relations with Federal Government. We will not oppose any action by Federal Government to achieve the purpose of HB 163, HD1. Any Congressional action in this regard should not violate sanctity of commonwealth covenant. Thank you. Governor Camacho, House Speaker Pangelinan, and Senate Minority Leader Herman R. Guerrero. Saipan.

Thus, faced with a political deadlock in the Commonwealth but assured of the good faith of the Northern Marianas people and some of their elected representatives, Committee members decided to delay IRC implementation in the Northern Marianas through 1982 in anticipation of a more stable political climate, wherein the obligations of the Northern Marianas to the rest

of the American people would be recognized and accommodated. Section 303 of Public Law 96-597, enacted December 24, 1980, stipulated as follows:

(a) The Act of March 12, 1980 (Public Law 96-205; 94 Stat. 87) is hereby amended as follows: In section 205(a) change "and before January 1, 1981." to "until, but not after, January 1, 1983."

(b) The provisions of section 205(c) shall be suspended and shall be of no force or effect until January 1, 1983.

COMMITTEE AMENDMENTS TO S. 589; 1982-1983

Today, the political situation in the Northern Marianas appears little different from the time when Governor Camacho felt compelled to veto the Northern Marianas Tax Act of 1979. In his words:

So how can we resolve this matter [i.e., IRC implementation]?

One solution is to do as some of the Northern Marianas Legislators did. Some of them decided that U.S. citizens in the Northern Marianas ought to have different treatment from other U.S. citizens living elsewhere in the world. They decided that they knew best about the meaning of the Covenant language, and that they best understood the good will of the U.S. Congress. They, therefore, decided that all federal income taxes should be given back to everyone. In other words they decided to unilaterally ignore the tax provision of Section 601 of the Covenant and to rebate or return every single penny of all federal income taxes. And that's what they did in this tax bill before me.

Now, I and others knew there had to be another solution to the problem. How, I asked myself, could we go to the U.S. Congress and ask for $12 million for a power plant and over $20 million for a new hospital in addition to the Covenant guaranteed annual payment totalling some $20 million, and yet say to the U.S. Congress that while we're asking you for all this money we're rebating all federal income tax.

Throughout 1982 and early 1983, consultations and communications between the Committee and the NMI Government in regard to IRC implementation by January 1, 1983 occurred as follows:

(1) On May 11, 1982, Congressman Don H. Clausen hosted a meeting between Committee representatives, Commonwealth officials, including the Governor, and executives from the Department of Treasury and the Internal Revenue Service (IRS). Once informed that it was the Committee's intent that there would be no change in the schedule for IRC implementation, Commonwealth representatives indicated that the Governor would request direct IRS administration of the IRC under the provision of P.L. 95-348. Subsequently, the Commonwealth officials were advised, both in the meeting and later by correspondence, that if the Commonwealth wished IRS assistance, a request should be submitted no later than July 1, 1982. No such request, however, was forthcoming.

(2) In November 1982, during a visit to the Northern Marianas, two Committee staff members expressed to the Governor and his cabinet, as well as to a joint meeting of the legislature, that in their view there was little likelihood that the Congress would grant a further delay in IRC implementation. To the argument raised that the Northern Marianas need not abide by the IRC since U.S. citizenship had not yet been granted, the response was that the same logic would then also underlie suspension of the Commonwealth's eligibility for the numerous federal grant assistance programs in which the Northern Marianas were already participating.

(3) In early December 1982, the Northern Marianas Representative to Washington, D.C., after discussions with Committee members and staff, reportedly notified the Commonwealth as follows:

"It takes a Congressional act for [IRC] deferral and it will not take place during this Congress. . . ."

"Consequently, there will not be a deferral even if Department of Treasury presents a draft bill to Congress tomorrow," he stated. He suggested that the NMI either ask for assistance from Treasury to implement the code, or plan to take the responsibility itself. (Marianas Variety, December 3, 1982)

(4) In late December 1982, following an abortive attempt on the part of the Commonwealth Government to cajole the Congress into granting yet another IRC deferral, it was evident that the Northern Marianas could not implement Section 601 of the Covenant by January 1, 1983. Therefore, it was incumbent upon the Commonwealth to notify the Committee officially that it soon would be in violation of federal law; however, no such notification was received.

(5) In February 1983 at the Honolulu meeting of the Northern Marianas Laws Commission, Congressman Burton emphatically explained to the Northern Marianas delegation not only the necessity of meeting its commitments under Sections 601 and 602 or face possible reductions and suspensions of future federal funds, but also the legislative history underlying the tax agreement betwen the Northern Marianas and the United States.

(6) Lastly, prior to the Committee markup on S. 589 numerous attempts were made to obtain the views of the Northern Marianas leadership while it was in Washington for appropriations hearings. Although several meetings were requested, NMI's representatives failed to meet with Committee staff.

By May 1983, it was was obvious to all that the NMI had no intention of implementing the IRC. The Subcommittee on Insular Affairs met on May 9, 1983 to mark up S. 589, a territorial authorization bill. The following amendment, pertinent to IRC implementation, was adopted unanimously:

Sec. 3. Section 205(c) of Public Law 96-205 (94 Stat. 87) is amended to read as follows: "As provided in section 602 of Public Law 94-241 (90 Stat. 263) the term 'rebate of any taxes' shall apply only to the extent taxes have actually been paid pursuant to section 601 of said Act, shall not exceed the amount of tax actually paid for any tax year, and may only be paid following the close of the tax year involved. Notwithstanding any other provision of law, the Commonwealth of the Northern Mariana Islands shall maintain, as a matter of public record, the name and address of each person receiving a rebate, together with the amount of the rebate, and the year for which such rebate was made.".

On May 11, 1983, the Committee on Interior and Insular Affairs considered and favorably reported S. 589 as amended for floor action (see attached report language).

LIMITATIONS ON CONGRESSIONAL PLENARY AUTHORITY

The limitations of Congressional plenary authority over the Northern Marianas are voluntarily undertaken with respect to only certain areas specified in Section 105 of the Covenant. To assume broader limitations upon Congressional authority is without foundation. In the process of seeking Congressional approval of the Covenant, Mr. Daniel H. Zafren, Legislative Attorney, American Law Division, Congressional Research Service, wrote on July 3, 1975 as follows:

It would appear that the labeling of any newly acquired territory of the United States as a "commonwealth" does not necessarily in and of itself have any special legal significance. Thus, under United States law and practice, the term "commonwealth" does not seem to have any fixed or technical legal meaning. . . .

Thus, it would seem that if the Congress agrees to the Covenant as presently proposed, a political entity in "free association" with the United States will be created when it comes into effect. Its legal status under United States law will be that of an organized and unincorporated territory, notwithstanding that it is called a Commonwealth. As such, the Congress would have complete and full authority over this territory, except as to any limitations thereover that it has agreed to.

And on the same topic, Mr. Robert L. Tienken, Senior Specialist in American Public Law, American Law Division, Congressional Research Service wrote on July 2, 1975 as follows:

In exercising its authority over unincorporated territories Congress may legislate directly, or organize a local government for the territory by legislation, or by compact with the territory as it did in the case of Puerto Rico, to provide for its internal governance. Because such authority is plenary except for certain fundamental constitutional limitations and treaty commitments, Congress may create a territorial government for an unincorporated Territory (*Harris* vs. *Boceham*, (C.A. Virgin Islands), 233 F. 2d 110 (1956). Whether this is accomplished through congressional legislation or by means of a compact is immaterial. The final authority rests with Congress. . . .

Section 105 of the Article I [of the Covenant] prohibits amendment of Articles I (Political Relationship), II (Constitution of the Marianas), and III (Citizenship and Nationality) and 805 (Restriction of alienation of real property to persons of Mariana Islands descent) without the consent of the proposed Government of the Northern Mariana Islands. Should Congress so wish to voluntarily restrict itself it may do so. . . .

In summary, consideration of the proposed Covenant by the Congress is actually an exercise of legislative authority over territory and possessions of the United States. In this instance it is the organization and creation of what is legally an unincorporated territory. In considering the Covenant Congress will be in the same position as though it were legislating as respects overseas territory and its legislative authority is thus plenary subject to certain constitutional limitations and international commitments.

The purpose is to create a political unit that is domestically autonomous but to which U.S. laws will be applicable as determined by the Covenant and by Congress.

Current legal opinion supports the findings of the Congressional Research Service. In *Sablan Const.* v. *Government of the Trust Territory etc.* (562 F. Supp. 135 (1981)), on November 4, 1981, the United States District Court, Northern Mariana Islands, Appellate Division held:

Whatever sovereignty is, prior decisions leave no doubt that it is something to which

the Trust Territory's inchoate legal status and authority do not amount. That status and authority do not afford a shield against congressional legislation in general nor against the Covenant in particular.

Since the tax provisions of the Covenant are not designated by Section 105 as "fundamental provisions" which may be modified only with the consent of the Government of the Northern Mariana Islands, unilateral action on the part of the Congress is indeed possible. Such remedial legislation becomes all the more likely, considering that the Government of the Northern Marianas has refused to institute steps, in spite of promises to the contrary, to abide by the tax provisions of Public Law 94-241. In fact, it is within Congressional prerogative to extend by federal statute the IRC to the Commonwealth and to provide for IRS enforcement in a manner similar to its administration in the fifty states.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. WON PAT. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

I have a question for the gentleman. One of the concerns has been on the reapportionment question as far as Guam is concerned.

And I might ask the gentleman. Is it correct that this bill does not mean that the Guam Legislature will run at large, they still must be redistricted to the same rules that apply to any other State; is that correct?

Mr. WON PAT. That is correct. As I told the gentleman in my letter of September 21, that is correct.

Mr. LUJAN. I thank the gentleman.

● Mr. CORRADA. Mr. Speaker, I rise in strong support of S. 589, a bill to authorize capital improvement projects in Guam, and the amendments that will be offered. I want to praise the chairman of the Insular Affairs Subcommittee, my good friend, TONY WON PAT, and the ranking member, BOB LAGOMARSINO, and their staff for their excellent work on this legislation.

S. 589, as amended, addresses a number of issues of importance to the territories. Congress has been entrusted with the responsibility over the territories of the United States and we should exercise that duty diligently and conscientiously. During the next couple of years, we will be called upon to vote on the termination of the Trust Territory of the Pacific Islands, a trusteeship entrusted to us by the United Nations in 1948. Thus, the way we treat our territories is a reflection of the manner in which to exercise our responsibilities.

The different amendments of the legislation are being offered after serious and extensive discussion and consideration and should be adopted. Although this bill generally does not affect Puerto Rico, there are two provisions which are of importance to us. The first will exempt the insular areas of the United States—including Hawaii in addition to Puerto Rico and the other U.S. territories—from the provisions of Public Law 97-253. That law established, among other things, a 50 cent per hundredweight assessment on milk to discourage surplus production. Since the milk markets in these areas are distinct and clearly separate from the market in the U.S. mainland, this assessment constitutes and unreasonable burden on our consumers. The provision exempting the insular areas of the United States and Alaska from the dairy assessment has been included in H.R. 1875, the Dairy Production Stabilization Act of 1983 which has been reported out of the Committee on Agriculture and is pending before the House. Because of delays over scheduling action on that legislation, staff of the Agriculture Committee have assured us that there is no objection to including that provision in S. 589.

The second provision in the bill of importance to Puerto Rico broadens the authority of Public Law 96-597 to allow the implementation of the recommendations of the territorial energy assessment report submitted to the Congress in December 1982. Public Law 96-597 directed the Secretary of Energy to prepare comprehensive plans on the energy use, resources, potential and needs of each territory. It is extremely important that the work of the DOE be taken a step further and that its recommendations regarding projects and programs be implemented.

Again, I restate my strong support for this legislation and urge my colleagues to vote in favor of its passage.●

● Mr. SUNIA. Mr. Speaker, I rise today in support of the omnibus territories bill. As you and the Members know, this bill contains a number of issues pertaining to the territories of the United States.

For American Samoa, this bill would change the amount of forgiven matches from $100,000 per grant to $200,000. This represents a savings of about $3 million to the territory each year. While such sums may not appear gigantic to you sir and most of my colleagues, it represents a sizable contribution to our annual budget.

This bill has been one of the best forms of assistance to my territory. The inability for American Samoa to put together the matching portion of many Federal grants has precluded us from participating in many grant activities. Because of the very limited resources of the territories, it is difficult, very very difficult, to find funds for matches. Passage of this bill will mean that we save the match and also participate in the program. The $3 million I mentioned as possible savings therefore does not completely indicate the complete picture of benefits. The full amount of the grant can also be considered as a benefit—derived from this passage.

Second, Mr. Speaker and my colleagues, this bill provides for the permanency of the constitution of American Samoa. Because this constitution was drafted by order of the Secretary of the Interior, and amendments to it are effective only by his approval, the Secretary has taken on himself the right of unilaterally amending the constitution without a vote of the people. The idea of unilateral changes to a constitution in my view is totally undemocratic. It brings back old and ugly memories of what this Nation must never be charged with—colonialism.

This bill contains a provision which makes all future changes to this constitution of the territory subject to congressional approval. It requires that, the Secretary of the Interior—and therefore the President of the United States—is prohibited from ever making any changes without the consent of the people who must live under that constitution.

Furthermore, since the territory has a Representative in Congress—and none at the executive branch—it makes sense to place the approval of changes at a place where the territory is represented. And it is my contention, Mr. Speaker, that the source of legislation must be Congress, not the Department of the Interior.

Mr. Speaker and my colleagues, I would not be seeking this amendment if the Secretary and his representatives had not openly declared their possession of the authority to unilaterally make changes, plus their intention to use it in support of department policies. To do so would be to annul every bit of democratic principle this Nation stands for.

With these brief comments, I urge your favorable consideration of this measure, and its passage today.●

● Mr. AKAKA. Mr. Speaker, I rise in strong support of this legislation and ask permission to revise and extend my remarks.

This bill contains many provisions which are of great importance to our Nation's people living in insular areas throughout the Pacific and the Caribbean. Of special significance in this legislation is a provision which would exempt Hawaii and the territories of the United States from the burdensome dairy assessments imposed under the Agricultural Reconciliation Act of 1982. I firmly believe that this exemption is justified, and, in fact, long overdue. These dairy assessments impose a particularly large burden of offshore areas—such as Guam, Samoa, and Hawaii.

Dairy assessments were included in the Agricultural Reconciliation Act of 1982 for some very specific reasons: Many dairy farmers were simply pro-

ducing too much milk and too many milk products. This surplus production became too expensive for the Federal Government. The assessments included in the Agricultural Reconciliation Act of 1982 allowed the Secretary of Agriculture to assess dairy farmers 50 cents per hundredweight of milk produced. As of September 1, 1983, this assessment was raised to $1 for each hundredweight of milk produced. While these assessments may possibly make sense for the continental United States, for places like Hawaii and other insular areas they are irrelevant, and may well put our dairy farmers right out of business.

As I am sure you know, Hawaii is located in the middle of the Pacific Ocean, some 2,700 miles from the continental United States. Many offshore areas are even further from mainland supplies and ports. The problems of supply and demand in our insular areas are not the same problems of supply and demand faced routinely by cities and States on the mainland. the nature of the dairy system in the insular areas of our Nation is simply unique.

Dairy farming in Hawaii has very little to do with dairy farming on the mainland. The dairy industry in Hawaii runs a fresh milk only operation. We have no facilities to process milk for cheese, butter or nonfat dry milk. There is no way in the world that a dairy farmer in Hawaii could contribute to the Nation's growing surplus of cheese, butter or dry milk products. If Hawaii cannot possibly contribute to the dairy surplus problem, then Hawaii certainly should not be forced to pay the penalty for creating such a surplus.

Not only are we in Hawaii unable to produce cheese, butter or dry milk products due to a lack of facilities, but we are also prevented from generating any surplus production by State regulations. Under the terms of the Fresh Milk Control Act, a rigid system of control and production has been instituted in Hawaii. This results in a level of production sufficient to satisfy demand within the State, while at the very same time, preventing any surplus production from occurring. The end result of this regulation is that supply meets demand production in Hawaii; no surplus is generated for use in Hawaii or in any other State.

To force Hawaii and other insular areas which do not contribute to the problem of surplus dairy products to pay an additional cost of production is simply unfair. Not only do we not contribute to the source of the problem, but many insular areas do not even benefit from Federal price supports. In Hawaii, for example, the cost of production is 21.09 cents per hundredweight. The Federal price support is at 13.10 cents per hundredweight. What this means is that in Hawaii, the cost of production is 60 percent higher than the rate of Federal price support. To make matters worse, the cost to the consumer is far higher in Hawaii than on the mainland; while milk costs an average of 66 cents a quart in mainland markets, Hawaii consumers pay an average of 98 cents per quart.

It is perfectly clear the offshore areas can and should legitimately claim that their markets are separate and independent from the mainland dairy market. Furthermore, they neither add to the current surplus nor benefit from the national program of price supports. Because of these special circumstances, it is quite clear that all offshore areas richly deserve the exemption from the dairy assessment which they are granted under the terms of this legislation.●

● Mrs. BURTON of California. Mr. Speaker, the very able chairman of the Subcommittee on Insular Affairs, TONY WON PAT, has comprehensively explained why S. 589, as he proposes to amend it, warrants the approval of this House. So, I will not comment upon the many meritorious provisions of the measure.

I do, however, want to make a couple of observations about the overall bill that support his call for its passage.

The first may have meaning only for me, although perhaps some others in this Chamber may find it persuasive as well. It is that this omnibus insular areas assistance bill represents my late husband's last efforts to meet the needs of the millions of our fellow Americans of the insular areas.

Phil worked on the development of this legislation during the last months of his life with TONY WON PAT, RON DE LUGO, FOFO SUNIA, BALTASAR CORRADA, DANNY AKAKA and, of course, BOB LAGOMARSINO and others. In fact, he made his final decisions about this worthwhile legislative package in Hawaii just over a week before he left us.

This bill, as it was just outlined by Chairman WON PAT, is virtually identical in intent to the bill outlined by Phil earlier this year. Thus, I feel a special sense of pride in being able to carry forth Phil's last wishes for the insular areas by recommending favorable action to the House today.

The second point I wish to make is that this bill before us adheres to Phil's dictum that measures affecting the insular areas be considered on a bipartisan basis.

Insular areas concerns are a national responsibility; they are a special assignment for leadership to the Congress under the Constitution. Partisan politics has no place in our exercise of this mandate for congressional decisionmaking.

The cooperation that the distinguished ranking Republican of the Committe on Interior and Insular Affairs, MANUEL LUJAN, and the very dedicated ranking Republican of the Subcommittee on Insular Affairs, BOB LAGOMARSINO, have extended throughout development of this bill indicate that this approach is agreed to on both sides of the aisle. MANUEL, BOB and others in the minority are to be complimented equally with the outstanding chairman of the Committee on Interior and Insular Affairs, MO UDALL, TONY and others for their fine work on this bill.

Finally, Mr. Speaker, let me address a message to the powerless people of the territories that this bill, like the omnibus bills enacted before it, is designed to assist: I will carry on Phil's dedication to you, working with the very capable Representatives you now have to this House. I pledge to you through TONY, RON, FOFO, and BALTASAR, my concern, compassion and my constant willingness and availability to help.

And to my colleagues in the House today, I entreat you to honor Phil's memory and love for the people of the insular areas by supporting this omnibus assistance bill now before us.●

● Mr. DE LUGO. Mr. Speaker, I ask my colleagues to vote in favor of passing an amended S. 589 today. The amendments cover a number of issues of importance to the territories.

One amendment which I have added is of particular interest to my district and removes the requirement that the Department of the Interior approve expenditures made from the rum fund. The fund consists of rum excise taxes collected on local rum when sold in the 50 States. The taxes are rebated to the Virgin Islands in order to provide a source of funding for capital improvement projects. This recognizes the additional assistance needed for the infrastructure difficulties the Virgin Islands must overcome.

Apart from the problems caused by inordinate delays in these clearly local decisions when dealing with a removed level of bureaucracy, Interior approval smacks of the colonial days when that department literally dominated every aspect of territorial government.

Congress has consistently endorsed the move to greater home rule in the U.S. territories. This is yet another opportunity for the House to say, "Yes, the U.S. Virgin Islands is ready."●

● Mr. LAGOMARSINO. Mr. Speaker, I rise in support of S. 589 as amended. The provisions of this year's territorial omnibus bill are applicable to the U.S. insular areas and are designed to stimulate political, economic, and social growth in these strategic oceanic regions. In short, an explanation of the contents of S. 589 follows:

Section 1 authorizes $15.5 million for necessary water, sewer lines, drainage, and road improvements in the Tumon Bay area on Guam and to complete the islands' penitentiary. The other

body passed this measure on April 7, 1983. And the administration concurs with the authorization, recommending partial funding, however, for fiscal year 1984. Since this is an authorization bill, the Committee on Interior and Insular Affairs prefers enactment of complete authorization at this time rather than to defer action to later years.

Section 2 provides authorization, already available to the Department of the Interior, to the U.S. Army Corps of Engineers for the construction of a hydroelectric facility in Ponape.

To these provisions, the Committee on Interior and Insular Affairs added the following amendments:

Section 3 directs the Northern Mariana Islands (NMI) to abide by the tax provisions of the covenant (Public Law 94-241), effective January 1, 1985. The legislative history of this amendment is extensive, extending over 9 years and involving four different public laws. On September 20, 1983, bipartisan committee staff met with the Northern Marianas' representative to Washington and representatives from public and private sectors in the NMI and came up with the following recommended compromise to alleviate this complex situation:

The effective date of the Internal Revenue Code (IRC) tax provisions of the covenant would be changed from January 1, 1983, to January 1, 1985. The government of the NMI, in consultation with the Department of the Treasury, will be required to report to both Houses of Congress, beginning on January 1, 1984, and on a quarterly basis thereafter, on the progress being made toward the final drafting of legislation that would address the implementation of the IRC in the NMI to comply with sections 601 and 602 of the covenant and/or Federal Tax Code. This section, and any future legislation that addresses this situation, is not intended to remove the NMI from under the jurisdiction of the Federal Tax Code, but only to explore the possibility of permitting the NMI greater flexibility in adapting the code to meet their own peculiar tax needs. Last, it is agreed that the NMI will consult with the government of Guam to determine if any changes in the application of the IRC in the NMI would adversely affect Guam and, in doing so, arrive at a mutually compatible agreement in regard to any future legislation.

On the other hand, if legislative remedies fail, the "mirror image" of the IRC will go into effect in the NMI as currently specified by the covenant on January 1, 1985.

Section 4 authorizes $10 million in loan or grant authority in order to upgrade the power and water distribution systems in the U.S. Virgin Islands.

Section 5 limits the necessity of all employees of the government of the Virgin Islands to be citizens of the United States except for principal elected and appointed officials. Moreover, the committee finds no necessity to restrict the use by the Virgin Islands of rum excise tax collections rebated by the Federal Government, especially since the same constraints do not apply to Puerto Rico. Last, Guam's Organic Act is amended to permit reapportionment of the legislature more often than once every 10 years with the understanding that passage of this section will not affect the manner in which Guam's legislators are districted.

Section 6 increases the waiver on matching funds for Federal grants in aid to the Northern Marianas and American Samoa from $100,000, currently authorized in Public Law 96-205, to $200,000. The policy underlying this amendment is one of long standing. Since both territories are so heavily dependent upon the Federal Government for operational funds, it makes little sense to match Federal dollars with what are essentially other Federal dollars. This amendment is designed to account for inflationary trends and would result in an estimated outlay of no more than $150,000 each year.

Section 7 clarifies the intent of Public Law 96-597, continuing the authorization for the development of renewable energy resources in the U.S. insular areas.

Section 8 directs the Secretary of the Interior to implement a four-atoll health care plan for Bikini, Enewetak, Rongelap, and Utirik, whose populations were adversely affected by U.S. nuclear testing in the Pacific. This law has been on the books (Public Law 96-205) since March 12, 1980, but no action has been taken, pending results of political status negotiations between the Micronesian states and the U.S. Government. There is no assurance as to when this over 14-year process of political status negotiations will terminate or whether the U.S. Congress will approve the result. Accordingly, this amendment directs the Secretary to assume responsibility for health care of those eligible under Public Law 96-205 without further delay.

Section 9 is a technical amendment, recommended by the administration, to change the effective date of social security implementation from the date of trusteeship termination to the following January 1 after trusteeship termination.

Section 10 permits the Civil Aeronautics Board to conduct essential air service determinations for Guam even though it is served by more than one U.S.-flag carrier. Some of the insular areas are totally dependent upon air to provide passenger and mail service. Because of their isolation, the insular areas deserve special consideration in the determination of essential air service. A similar provision passed the other body in the 97th Congress; but because of its lateness in the second session, it was not enacted into law.

Section 11 permits EPA to issue case-by-case exemptions from Clean Air Act requirements for some insular areas. In many cases, the application of clean air requirements to the insular areas is inappropriate and expensive. For example, the installation of seawater scrubbers on Guam's powerplants would cost an estimated $20 million with a $10 million annual upkeep without any notable environmental improvement. This amendment is based upon testimony presented by the administration which seeks legislative relief from the imposition of Clean Air Act provisions in situations which are clearly inapplicable in the insular areas.

Section 12 requires that future amendments of the constitution of American Samoa be first approved by the Congress.

Section 13 authorizes the U.S. Army Corps of Engineers to conduct water and related land resources studies in the Northern Mariana Islands, authority which already exists in the 50 States as well as the other U.S. territories.

Section 14 exempts the insular areas from the assessment to milk farmers under the dairy price support program. Once again, we have an example of legislation designed to fit circumstances on the mainland, inadvertently applied to the insular areas and harmful to their economies. This provision was recommended for passage in the Agricultural Committee, but for reasons unrelated to the insular areas exemption, the bill is considered unlikely to be enacted. Accordingly, the Agricultural Committee has voiced no objections to including this provision in the omnibus bill.

Mr. Speaker, S. 589 is prudent legislation. I recommend unanimous approval of its provisions by all my colleagues.●

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Guam (Mr. WON PAT).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WON PAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after legislative business on Tuesday, October 4, 1983.

NATIONAL SUMMIT CONFERENCE ON EDUCATION ACT OF 1983

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3245) to provide for the establishment of a National Summit Conference on Education, as amended.

The Clerk read as follows:

H.R. 3245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the "National Summit Conference on Education Act of 1983".

(b) The Congress finds that—

(1) increased economic competition requires the development of a better trained and educated workforce which our educational institutions must provide;

(2) problems and deficiencies in American elementary and secondary education require consideration of possible new directions in setting national education policy; and

(3) there should be a National Summit Conference on Education authorized by law by Congress to provide directions for such policy, and any conference established by the Department of Education should be complementary to the National Summit Conference on Education.

SEC. 2. There are authorized to be appropriated to the Department of Education $500,000 for the purpose of conducting a National Summit Conference on Education, in accordance with the provisions of this Act.

SEC. 3. The participants in the National Summit Conference on Education shall consist of no more than two hundred individuals. Such individuals shall be representative of teachers, parents, school administrators, school board members, State education officials, State legislators, Governors, students, business, labor, and special populations, including females, racial and ethnic minorities, and the disabled. The participants in the Conference shall be selected so as to provide racial, political, and geographic balance.

SEC. 4. The participants in the National Summit Conference on Education shall be chosen from nominees submitted to the Executive Committee (established pursuant to section 5) by organizations representing public and private elementary and secondary education, vocational education, adult education, teacher training, women, racial and ethnic minorities, and the disabled, as well as from nominees supplied by organizations representing business, organized labor, parents, and all levels of government.

SEC. 5. (a) There shall be an Executive Committee of the National Summit Conference on Education consisting of two individuals appointed by the President of the United States, two individuals appointed by the Speaker of the House of Representatives, and two individuals appointed by the majority leader of the Senate, and six individuals appointed by the Governors of the States acting as a group. The six individuals appointed by the Governors shall be appointed from individuals representing chief State school officers, local and State school boards (including State boards of higher education), State legislatures, and Governors. In making their appointments, the Governors shall ensure that not more than one-half the total membership of the Executive Committee shall be members of the same political party.

(b) The Executive Committee shall be responsible for selecting a presiding officer and for selecting the organizations (described in section 4) to supply a list of nominees for selection as participants in the Conference. No fewer than thirty organizations shall be so selected by the Executive Committee. Each organization selected shall nominate at least the number of individuals specified by the Executive Committee for that organization in order to provide the representativeness required by sections 3 and 4. The Executive Committee shall determine the total number of individuals to be selected for participation, in keeping with the limits and requirements of sections 3 and 4 and this section.

(c) The Executive Committee shall serve without compensation.

SEC. 6. (a) The Executive Committee shall appoint and fix the compensation of such staff as may be deemed necessary, not to exceed the equivalent of four full-time employees. The staff shall assist the Executive Committee in planning, conducting, and completing the work of the Conference.

(b) The Executive Committee, with the concurrence of the Speaker of the House of Representatives and the majority leader of the Senate, shall appoint a staff director, who shall be responsible for keeping the Congress and the Secretary of Education fully and currently informed with respect to the activities of the Executive Committee.

(c) The Secretary of Education shall furnish the Executive Committee with suitable office space and such other assistance as it may require to carry out its functions. The Secretary shall designate an officer of the Department of Education to serve as a liaison officer with respect to the Executive Committee.

SEC. 7. A majority of participants of the National Summit Conference on Education shall constitute a quorum if votes are required. If task forces are created, the majority of task force participants shall constitute a quorum if a vote is required.

SEC. 8. (a) The Executive Committee, using data concerning education supplied by the Secretary of Education and by the States and regions, shall develop an agenda for the Conference prior to the Conference. The purpose of this agenda shall be to facilitate development of recommendations on various issues raised by such recently issued education reports as those of the National Commission on Excellence in Education, the Carnegie Report on American High Schools, the National Science Boards' Report on Mathematics, Science and Technology Education, and others.

(b) The agenda so developed shall take into account that among the purposes of the Conference shall be to create national bipartisan support for education at all levels of government, and to make recommendations for development of viable local, State, and national intergovernmental and intragovernmental cooperation to make the most efficient use of funds from all levels of government.

(c) The agenda shall also provide for procedures for determining national consensus regarding types of strategies to be used and the appropriate levels of government to have primary responsibility for implementation.

SEC. 9. The Executive Committee shall select the conference site and shall determine the duration of the Conference, not to exceed six days in length. The Conference shall prepare and transmit a written record of its recommendations to the President, to the Congress, and to the States not later than June 15, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure before us today represents the first step at the national level toward improving the quality of education in this country.

H.R. 3245 establishes a National Summit Conference on Education and authorizes $500,000 for its operation. I wish to commend our colleague, PAT WILLIAMS, for introducing this legislation, for amassing widespread support for it among educators, parents, business, and the public, and for shaping a legislative package that I feel we can all support. I would also like to call attention to the good work of our ranking Republican member on the subcommittee, Congressman BILL GOODLING, for his work in creating a bipartisan package and for recommending some real improvements to the legislation.

During the past several months, several major reports have been released dealing with educational quality at the elementary and secondary level. Although these reports include recommendations for bettering our schools, we have seen little organized discussion about how to implement these recommendations.

A National Summit Conference will bring together a bipartisan, diverse group of Americans to discuss the Federal, State and local responsibilities

for improving and supporting education.

H.R. 3245 calls for this Conference to be held and to report to the President, the Congress, and the States by June 15, 1984.

The Summit Conference will consist of no more than 200 participants, representing all areas of education, parents, legislators, governors, business, and labor. The participants shall also be racially, politically, and geographically balanced.

Many of the details of organizing the Conference will be determined by a 12-member executive committee with 2 members apiece appointed by the President, the Speaker of the House, and the Senate majority leader, and 6 appointed by the Governors. The executive committee will be responsible for selecting participants from among nominees furnished by a wide array of educational and other organizations, for developing the Conference agenda, for selecting the site, and for determining its duration.

We all know that education has been the focus of national discussion recently. A National Summit Conference will enable us to take advantage of this interest in education and direct it toward bringing about genuine improvements.

H.R. 3245, NATIONAL SUMMIT CONFERENCE ON EDUCATION

Authorization: $500,000 to be appropriated to the Department of Education.

Purpose: To bring together a representative, bipartisan group of Americans to discuss how to implement recommendations to improve educational quality; the Federal, State, and local responsibilities in education; and how to make the most efficient use of resources.

Who participates: No more than 200 participants, representing teachers, parents, school administrators, board members, State education officials, State legislators, Governors, students, business, labor, females, minorities, handicapped persons.

Selection of participants: Participants chosen from nominees submitted to an executive committee by education and other organizations.

Executive committee: 12 members, appointed by President, House Speaker, Senate majority leader and the Governors. Responsible for selecting participants, developing agenda, selecting site, determining duration.

Timing: Report to Congress, the President, States by June 15, 1984.

Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. WILLIAMS), one of the authors of the bill.

Mr. WILLIAMS of Montana. Mr. Speaker, for several months now education, its value and quality, has been in the forefront of our national thought.

Recent large-scale research studies conclude that our schools need change and our students' scholastic achievements need improvement. The various education analyses which have been conducted during the past 18 months do not concur about either the problem or the solutions, but they do point to the need to rectify existing problems and to focus upon providing quality education to all of our citizens.

It is instructive to note that most of the research studies prefaced or concluded the report with statements about the significance of education to Americans personally, to our industrial and social achievements, to our national life.

□ 1230

During 5 days this past June, I chaired hearings entitled "Education Quality and Federal Policy." Those hearings were held before the House Budget Committee and its Task Force on Education and Employment. We received testimony covering seven major education report , including "The Nation at Risk" and the "Twentieth Century Fund Report." Since our hearings, several other excellent reports have been completed, including the recent Carnegie report and the National Science Board study.

Forty witnesses came before our Budget Committee. The testimony was as helpful as any I have received during my 5 years in the Congress.

We discussed the appropriate role of the various levels of government, the significance and value of Federal support of our schools, and proper participation in education for business and labor.

Those hearings represented the collection of the best analysis, some of the most recently expressed concerns, and recommended solutions for the current dilemma facing education.

Our schools are at the divergence. American education will soon turn, and in the turning will set upon new tasks which will soon be significant in our national life.

It is in response to that turning, those soon to be created new directions, that I present this legislation creating a National Summit Conference on Education.

It is only common sense that, before we take action of any kind to attempt to solve this Nation's problems in education, before we increase or decrease spending, before we build up or tear down existing programs, before we create any new initiatives, that we take a moment to carefully consider the situation confronting us. We need to have access to as much information as possible. We need to hear more than one point of view. We need to take action that best suits the interests of all Americans. The National Summit Conference on Education would do that.

A number of my friends on the other side of the aisle agree with me. We believe that no one person or group has the right answer for our future. No single report, not one dealing only with secondary education, not one that contains only selective recommendations for change, not one that is in disagreement with other reports, can provide us with sufficient answers. It would be imprudent to tie our future to that one report alone, as excellent as it may be in its own right. The National Summit Conference on Education would consider recommendations of all of the leading education reports recently issued, not just the one report issued by the National Commission.

I do not have to tell you that the Department of Education is understaffed; until the "Nation at Risk" came along, the Department suffered from neglect; its mission was not clear; its internal workings have been repeatedly characterized by friction and stress; its morale is low. This Department is not being asked to organize a major national meeting, one that is supposed to give the Nation direction. Not only is it unlikely that such a meeting can be effectively planned and staged in the next 6 weeks, but also it is unlikely that the outcomes of such a meeting will be sufficiently comprehensive to meet our needs.

The national summit conference on education would include on its agenda, input from citizens at the local level, from all regions of the country. This conference would include on its agenda consideration of the diverse recommendations for change as included in the National Commission's report, the Twentieth Century Fund report, the National Science Board report, the Carnegie Foundation report; it would also include consideration of other relevant education data supplied by the Secretary of Education and the States. It is only commonsense to take all such data bases into consideration.

The national summit conference will be a structured working group. Individuals representing education, business, labor, parents, students, and others, will be selected by a bipartisan committee to participate in the weeklong conference. A specific agenda will be in place and the outcomes of this conference will be evaluated to determine its effect. It is not a study; it is not a commission.

It is a mechanism to avoid a costly rush to judgment.

It is a mechanism to provide a way in which to include Americans in the discussions in their system of education. It is, I believe, a strategy for success.

I am very encouraged and thankful for the bipartisan support we have received on this bill, and I am encouraged by the support we have received from all of the leading education groups, including the NEA, the AFT, the PTA, and others. I welcome the full support of the U.S. Chamber of

Commerce and the AFL-CIO. So many of us seem to see this approach as the commonsense thing to do. I hope my colleagues on both sides of the aisle will join with all of us in supporting the national summit conference on education.

I thank the chairman for his support for this legislation.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3245, the bill to establish a national summit conference on education. I also would like to commend the gentleman from Montana (Mr. WILLIAMS) for his outstanding efforts to reach out to all of the education groups and the public and for his willingness to work with the minority members of our committee in developing a bipartisan substitute bill.

Among the purposes of this bill, a major focus will be to remove education out of the realm of partisan politics. This is made clear both by the specific structure of the executive committee of the conference, the selection and role of the conference staff, the selection of the conference participants, and the stated goals of the bill. In addition, the committee report strongly reinforces and clarifies this legislative intent.

This legislation is intended to go beyond the efforts of the Secretary of Education who has focused his efforts on only one national study. I commend him for his efforts but I must repeat that the summit conference on education will build upon and develop the work of the Secretary which will be completed by the end of 1983. In addition to the limited focus of the Secretary, the summit conference will examine the best way to implement the recommendations of the other national studies such as the Carnegie Foundation Report, the Twentieth Century Fund Report, the States' Task Force on Education, and the National Science Board Study. The efforts of the Secretary and his focus on the National Commission on Excellence in Education are useful but not sufficient if Congress and the American people are to take a comprehensive look at the condition of education in this Nation and then have the various levels of government take appropriate action. The issue is not how to throw more money at the problem, but to access where certain actions can be taken most effectively and how our resources can be utilized most efficiently.

Mr. Speaker, support for this legislation runs across the political spectrum from the U.S. Chamber of Commerce to the AFL-CIO. It includes all of the major education associations such as the School Boards Association, School Administrators Association, both teacher unions, the American Vocational Association, and others. The administration is concerned that the summit will duplicate the efforts of the Secretary of Education, but I feel these concerns are not well-founded. We specifically addressed these concerns which the Secretary mentioned when he testified before our subcommittee. That is why I was surprised to learn that the administration has come out in opposition to this bill. The bipartisan substitute bill which was developed last week addresses the problem by insuring that efforts will be coordinated and that the summit will go beyond the Secretary's limited focus.

We hope to keep down the cost of this summit in a number of ways. For example, perhaps this conference can be held on a college or university campus, perhaps some of the organizations that will be sending people there to represent them will be able to pay for that transportation. But again let me emphasize, we go far beyond what the Secretary is doing with his regional meetings, where he is concentrating strictly on his study. "A Nation at Risk." We are going far beyond that. Among others, the Carnegie Foundation has done a study, the Twentieth Century Fund has done a study. We want to make sure that we have a coordinated effort with the Secretary so that we are not duplicating what he is doing but going far beyond that.

In closing I would like to reemphasize the point made in our bipartisan committee report.

During the past several months, education has emerged as a topic of national discussion and concern.

Spurred by the release of several major reports concerning educational quality—such as those by the National Commission on Excellence in Education, the Education Commission of the States' Task Force on Education and Economic Growth, the Twentieth Century Fund, the National Science Board's Commission on Pre-College Education in Mathematics, Science, and Technology and the Carnegie Foundation—this debate has focused on how to improve education at the elementary and secondary level for all students. Although these reports make recommendations toward this end, little organized discussion has taken place about the feasibility of difference recommendations and how they can be implemented. A coordinated effort needs to occur to develop a national consensus about educational goals and to delineate the rolls of all levels of government in carrying out and funding these approaches.

H.R. 3245 is the logical extension of this national debate. A Summit Conference would provide a comprehensive forum for a serious discussion about educational quality. Concerned individuals representing all areas of education, business, labor, and the public could approach solutions in a coordinated, rather than a piecemeal fashion. The Summit Conference will facilitate the sharing of ideas about effective practices, efficient use of resources, and new approaches to educational problems. A bipartisan, representative Conference will enable us to take advantage of the current climate of interest in and support for education and direct it towards effectuating real improvement.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Montana (Mr. WILLIAMS), the sponsor of the legislation.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

Mr. Speaker, I again want to commend the gentleman for his work with me in the development of this bipartisan legislation.

I was very pleased to have my colleague's support because that support resulted in some amendments which significantly strengthened this bill and, frankly, made it make more sense than it did when it was originally introduced.

I also want to commend the gentleman, if he will yield further, for his understanding of the importance of the Secretary's ongoing meetings with regard to following up the National Commission on Excellence Report, "A Nation at Risk." Those are necessary meetings. It is important that the Secretary conduct them. But I certainly agree, as does my colleague and the overwhelming majority of the Members of our House Education and Labor Committee, that the Secretary's meetings were in no way meant to be a national summit conference.

□ 1240

They were not meant to cover a broad spectrum of problems in education. They have not, to this date at least, and they are half-ended, included members of the summit conference either in significant participation or in the development of the agenda for those meetings.

It makes good sense to me that the Congress should be involved as an equal partner with the President and the Secretary of Education in including the American people in an agenda where they can be heard with regard to their concerns and their solutions about education.

Again, I thank the gentleman for yielding, but particularly for his good help in the drafting of this legislation.

Mr. GOODLING. I thank the sponsor for his comments. Let me just then again say that we are not duplicating what the Secretary is doing. We are building on that. We are taking all of the different studies that are presently out and, in return, we hope to make sure that the Congress of the United States does not go ahead and throw money at a problem until we are exactly sure what those problems are and exactly sure whose responsibility it is to deal with those problems.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I guess I would like to address my comments to those of my colleagues who have some skepticism about the bill that is now before us because I must admit to my colleagues, as I sat on our subcommittee and we began the hearings on this particular bill, I thought the last thing that education needs in this country is another study or conference, and the last thing this country needs is another expenditure not to exceed $500,000.

When one considers those two questions, one must ask, then, why would someone come to the well of the floor of the House today and support the National Summit Conference on Education, as I do.

The reason I do is because after sitting through all those hearings and looking at this bill and working with the subcommittee in trying to put together a bill that all of us could support, I have come to the conclusion that we have a problem in education that is even greater than the problem of poor quality. Perhaps the greatest problem facing education today is the politicization of our educational system. I do not know when it started, whether it started with the creation of the Department of Education, whether it started with the activism of various education associations in the political arena, whether it started before that time, but certainly it has become evident since the various national commission reports have come out.

As those reports have come out, all of a sudden we have had some great political debate about education, but I am not sure we have had a lot of substance about the solutions. Some people have suggested that the reason we have problems in education today is because the Federal Government became involved in the first place. Others have suggested that it is obvious that the only solution to our educational problems today is to throw more money at education. When one looks at the fact that we have perhaps the highest per capita expenditure on education in the world today, I think we quickly realize that both of those extreme positions—there ought to be no Federal role or there simply ought to be more money—are both wrong, and someplace there is a better answer and a more proper role for what the response ought to be to education at all different levels of government.

We can and we should have philosophical differences as to how to improve education in this country, but there is, my friends, a very big difference between philosophical differences in education and playing politics with education, as we have thus far in 1983.

That is why I support the bill before us, because to the great commendation of the gentleman from Montana (Mr. WILLIAMS), he had every opportunity to make this, frankly, a very political issue and to come in here and say we are going to have a conference on education to compete with the Secretary's regional and national summit meetings. But he rejected that idea, and I give him great credit. He rejected it because, frankly, education is too important to play politics with.

Through the cooperation of the gentleman from Montana and the cooperation of the chairman of our committee and our distinguished ranking member, we have been able to in this bill put a number of assurances in that I think will eliminate the party politics. For example, as the bill says, the participants in the conference shall be selected so as to provide racial, political, and geographical balance. I particularly point out the political balance that the conference members must include.

In addition to that, we have language now that will provide a political balance in the Executive Committee that will, in essence, run the particular conference, and also of the professional staff who will be a part of it.

If my colleagues will look, those who are skeptical about the Federal role in education, if they will look at the next to last section of the bill, section 8, they will notice that it says the agenda shall be developed to take into account that among the purposes of the conference shall be to create a national bipartisan support for education at all levels of Government and to make recommendations for the development of viable local, State, and national intergovernmental and intragovernmental cooperation to make the most efficient use of funds from all levels of government.

This, my friends, is not some ploy to take over education in this country at the national level. It is not some effort to conclude with recommendations that say the only solution to education's problems is more Federal money and more Federal participation and more Federal control. Nothing of the sort; rather, an effort to bring the various studies, the various commission reports, together and to find a way in which we can cooperate at the local, the State, and at the National level to improve education in this country.

My friends, the training of a work force in a complex society, the preparation of our young people to live in a difficult and complex and highly technological world, and I think education itself, all mandate that we eliminate the partnership that could destroy education, not improve it.

I think this bill represents a possibility, a chance, and a hope to do it. For that reason, I encourage my colleagues to support the passage of this particular bill.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I would be glad to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

Mr. Speaker, I join my colleague from Wisconsin in his good remarks. I want to take 1 minute of his time to thank him for his understanding from the outset that it was necessary to remove education from the worst type of partisanship, that campaign wrangling that would end up defeating our real purpose, which is to improve education and to find new and innovative ways to do so.

The gentleman from Wisconsin (Mr. GUNDERSON) has consistently been encouraged by the bill, but wanted to assure, as he should have, that it would be conducted in a totally bipartisan, not necessarily nonpartisan, but bipartisan way which he believed, and I believe with him, would eventually benefit all the people in this country who need and want a decent education. I commend the gentleman.

Mr. GUNDERSON. I thank the gentleman for his remarks, and certainly for his cooperation.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to congratulate the gentleman in the well not only for his active participation in this piece of legislation, but for his interest in the subjects that we deal with.

In the past, unfortunately, we have had an awful lot of people on the committee who were there because they got assigned there. Finally, on our side of the aisle, we have a group of people who are truly interested in the subject matter. I appreciate that very much and want to again compliment the gentleman for his efforts on this legislation and other legislation that comes before our subcommittee.

Mr. GUNDERSON. I thank the gentleman for those comments, and particularly for the leadership he has shown the Members on our side.

□ 1250

Mr. PERKINS. Mr. Speaker, I yield back the balance of my time.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 3245, the National Summit Conference on Education Act, which would bring together a bipartisan group of experts in the field of education to discuss how local, State, and Federal Governments can implement the many recent recommendations for the improvement of schooling in this Nation.

Recently, we have been overwhelmed by a spate of reports criticizing the state of education, urging

reform to the system, and presenting a myriad of alternatives to resolve the situation. Obviously, changes must be enacted and policies reexamined, but first we must determine which specifics should be pursued, and which alternatives will best return our educational system to an even and productive keel.

I commend my colleague, the gentleman from Montana, for developing this legislation, which will allow experts from all fields of education to come together, discuss previous reports and synthesize their recommendations into a concise plan of action which can be embraced by school officials at all levels. I am pleased to note the bipartisan support this bill has received, and the bipartisan design of the executive committee, which will organize the summit conference.

The education of our children should be a prime concern of this Congress and this Nation, an issue which deserves our most serious study. I urge my colleagues to join me in support of H.R. 3245, to set up a mechanism for close scrutiny of today's schools, and a blueprint for improving those of tomorrow.●

● Mr. McEWEN. Mr. Speaker, I rise in strong support for H.R. 3245, the National Summit Conference on Education Act. It represents a continuing effort on the part of Congress to seek ways to enhance our present education system.

This legislation authorizes the Congress to hold a national summit conference on education that will bring together concerned individuals from across the country. These people will study the recommendations put forth by various organizations, such as the National Commission on Excellence on Education and the National Science Board.

The National Summit Conference will report its findings back to the President, the Congress, and the States on June 15, 1984. Their report will be timely and will hopefully provide a sense of direction for the Nation on this vital issue.

If we are to be successful in reviving our educational system, it will require a concerted effort on the parts of parents, teachers, and public officials. H.R. 3245 will help us achieve this goal.●

● Mr. BIAGGI. Mr. Speaker, I rise to express my support for legislation that would authorize a National Summit Conference on Education. As the author of identical legislation introduced earlier this year, H.R. 3245, as well as a cosponsor of this bill before us today, I want to commend my colleagues on the Education and Labor Committee, Chairman CARL PERKINS and the sponsor of H.R. 3245, PAT WILLIAMS, for their timely attention to this very important problem.

At no time in our recent history have we witnessed such a growing national concern over our educational priorities at the Federal, State, and local levels of government. Scores of reports have denounced our existing educational systems as inadequate—I prefer to think that they need some readjustment. By providing for a national summit conference, we can for the first time bring together all the elements of the educational community which have a direct and vested interest in the improvement of education. At such a conference, we can merge the collective interests of all levels of government into a workable plan of action, Without such an agenda which has across-the-board support, we will, I believe, never see a comprehensive solution to our current educational crisis.

As the senior New York member of the Education and Labor Committee, I conducted hearings on this issue earlier this year in my home city of New York. At that time we received testimony from a variety of educational representatives. What we learned was that while the Federal Government cannot—and should not—impose national solutions to what are, in essence, local problems.

That is not to say that the Federal Government has no role in this process. Since my election to Congress and during my 14 proud years as a member of the Education and Labor Committee, I have joined in the establishment and extension of a variety of programs designed to provide equal access to educational opportunities for all students, young and old. Programs such as the Education of the Handicapped Act, the Elementary and Secondary Education Act, bilingual education, adult education, and a host of others have secured the opportunity for equality that otherwise would not have existed. It is the role of our Government to identify special access problems of select groups and assure their opportunity to learn. It is also the role of the Federal Government to encourage and nurture local solutions to national problems. It is also the role of the Federal Government to insure that the quality of education remains constant in all 50 States—that students of one region do not suffer for lack of opportunity. Finally, it is the role of the Federal Government to reward excellence in education.

Mr. Speaker, I believe that the establishment of this summit conference is a rational step toward a comprehensive approach to upgrading American education. I support its passage and urge my colleagues to do likewise.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 3245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FIFTH ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Monday, October 3, 1983.)

HIGHLIGHTS OF THE NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

(Mr. LUJAN asked and was given permission to address the House for 1 minute.)

Mr. LUJAN. Mr. Speaker, I thank the Chair for giving me the opportunity to address the subject of the legislation that we will be considering in a few minutes.

Basically, this bill, H.R. 2379, would require the Interior Department to assess its actions within park boundaries and determine whether proposed activities will have any significant adverse effect on park values. The Department of the Interior may proceed and exercise specific authorities—leasing, issuing permits, and disposing of parkland resources and associated interests—if the actions pose no significant threat to the park. As for those off-park boundaries, the Department of the Interior may proceed only if it determines that these actions will have little or no adverse effect on the park resources or adjacent lands; the public interest value of such action outweighs the adverse effect on the park; and, third, that the action is consistent with two particular basic acts that govern the administration of national park systems; any determination must be published in the Federal Register and action deferred for 30 days.

We have had extensive hearings on the Park Protection Act. As a matter of fact, we have had several of them—on February 4, February 5, February 8, and February 22, 1982. We heard a number of witnesses testify to national resource degradation.

Let me say at this point, however, that I have been pleased with the actions taken within the national parks. Some time ago the national parks were in a very deteriorating condition. As a matter of fact, about a year ago, perhaps a year and half ago, I went to my home State and made it a point to visit all of the national parks to see what condition they were in, and I must say that they were in a state of repair. Constantly things were being done to them, things as minor as perhaps fixing the roadway leading up to the park, the water and sewage systems within the park, and so forth. Those things have all been upgraded within the last couple of years.

As a matter of fact, it has been administration policy to upgrade the existing national parks rather than to continue as we were, just acquiring more land and acquiring more land, and along with that, acquiring, of course, more responsibilities without the necessary funds being there to keep them up.

I did the same thing again later. I took a tour during the August recess, and it was just excellent to see the enhanced condition that the parks were in. There is one problem that we will face in the consideration of this bill, and that is the definition of the word, "adjacent." We will address that at some later time.

The SPEAKER pro tempore. The time of the gentleman from New Mexico (Mr. LUJAN) has expired.

NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 298 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2379.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole on the State of the Union for the consideration of the bill (H.R. 2379) to provide for the protection and management of the national park system, and for other purposes, with Mr. PERKINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Ohio (Mr. SEIBERLING) will be recognized for 30 minutes, and the gentleman from Utah (Mr. HANSEN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1979, resulting from a growing awareness of the pressures on our national parks, members of the Committee on Interior and Insulars Affairs of the House asked the National Park Service to conduct a nationwide survey of the damage and threats confronting the preservation of our parks. The state-of-the-parks report resulting from that survey and published in May 1980, revealed some alarming conclusions. Here is a copy of it for any Member who cares to take a look at it.

One of the general conclusions was that nearly all of our national park units are being degraded or threatened in significant ways from forces emanating from both within and outside their boundaries, and the trend is worsening. If Members want a quick look at the problem, I invite them to take a look at the issue of Life magazine for July 1983, which I have here.

The lead story is "National Parks in Peril," and on page 106 there are pictures and descriptions of some of the principal perils. They paint a very dire picture indeed.

Anyway, as a result of this report which detailed 4,345 individual threats in what was somewhat of a subjective study, because the study was the result of the Park Service's asking every park superintendent to detail what the threats were to the resources in his particular park and where they came from, we find that over 50 percent of these threats were from sources outside the boundaries of the park.

After review of the state-of-the-parks report, the Subcommittee on Public Lands and National Parks, which I chair, held 4 days of oversight hearings in February 1982 and 3 days of legislative hearings in 1982 and 1983. We heard testimony from numerous witnesses who verified the extent and severity of the problems facing the national park system. The evidence was overwhelming, and many of us became convinced that the Congress should attempt to provide some form of specific authority to the National Park Service so that the intent of the Congress to protect national park resources, expressed in law for almost 100 years, could be carried out in the face of modern pressures.

During the committee's many deliberations, we worked toward comprehensive bipartisan legislation which resulted in the House passing, in the 97th Congress, a bill that was virtually the same as H.R. 2379. The vote on that bill was 319 for to 84 against, almost 4 to 1 in favor of the bill.

□ 1300

The core of H.R. 2379 is a simple requirement that the Secretary of the Interior evaluate the impacts on park resources of his decisions regarding lands he administers within or adjacent to a part unit, and that Federal agencies as part of their normal decisionmaking process—not setting up any new process—first, notify the Secretary of Interior if a proposed Federal action in or adjacent to a national park unit could degrade the park; second give the Secretary time to reply; and, third notify the Congress regarding these decisions.

That should not be a particularly onerous responsibility. Nevertheless, some people seem to think that they do not want the right hand; namely, the Secretary or the National Park Service, to know what the left hand of the Federal Government is doing.

I might say that we defined Federal action so it only refers to actions by the Federal Government itself, such as Federal projects, or Federal actions that are dealing with a local or State government.

It does not involve such things as housing, FHA housing loans, VA loans and similar things, that are dealings with individuals.

In addition, the bill would require a biennual state-of-the-parks report to Congress which would identify resource threats in all park units and would recommend actions that must be taken to prevent resource degradation.

It would require the Secretary of the Interior to identify each year specific natural and cultural resource problems and would also direct an analysis of such problems or threats be submitted annually to the Congress.

It would direct the National Academy of Sciences to develop a research and monitoring system to help the National Park Service understand the extent of resource degradation in the parks and it would mandate the Park Service to provide small technical assistance grants to State and local governments where such assistance will increase cooperative efforts to protect park resources.

I emphasize that it does nothing to override or interfere with any State or local government's actions that are taken on their own, but merely provides a way for cooperative endeavors. However, for some reason, Secretary of Interior James Watt and some special interest groups do not want a requirement that the National Park Service be notified in advance so that it can comment on actions by other Federal agencies that might affect the parks themselves. So they are conducting an amazing campaign of misstatements and distortions against this bill.

Truly, this is a modest bill. It does not extend or expand the Federal

Government's scrutiny or control over private land or local governments. It does not establish a buffer zone around national parks, as has been stated in some quarters.

It does not add another layer of bureaucracy. It does not give the Secretary of the Interior, or anyone else, a veto over any Federal, State, local or private action—and I repeat that, it does not give anyone a veto over any Federal, State, or local or private action.

It does not increase Federal jurisdiction over land near national parks.

It does not give the courts power to block or interfere with development around national parks.

It does not require or authorize inordinate delays in decisionmaking by Federal agencies.

I might say, Mr. Chairman, in order to make this abundantly clear, I have worked out with Congressman JAMES HOWARD, the chairman of the Public Works Committee, some amendments which further emphasize that all this bill is, is an information furnishing and communications bill. It does not give anyone the power to block Federal actions adjacent to parks. It does require the Secretary of the Interior, who is responsible for the parks, before he takes action, to consider the impact on the parks and to make a finding as to what that impact is.

Mr. Chairman, when these allegations were made in testimony before our subcommittee by administration witness, Mr. Russell Dickenson, the Director of the National Parks Service, I questioned him at some length during the subcommittee hearing on April 7 of this year. I would like my colleagues to know that he retracted statements, such as those I have just rebutted, as to what this bill does not do.

Let me share some of his retractions with you from the record. First, I discussed the Department's stated opposition regarding section 10 of the bill and pointed out that the Secretary has jurisdiction over federally owned lands within any unit of the national parks system and that the bill would require that he must find that any action he proposes for Federal land within a park will not damage the resources of the park before he can proceed.

I then asked Mr. Dickenson: "Do you really have any objection to that?"

Mr. Dickenson's response was,

If the Secretary and the Director of the National Park Service have the opportunity to make that kind of determination, I think that is the appropriate course to take, Mr. Chairman.

Second, I discussed the Department's stated opposition to the language in the bill that relates to the Secretary's actions on Federal land, under the jurisdiction of the Secretary, that is adjacent to a unit of the national park system. I pointed out to Mr. Dickenson that this provision applied only to agencies within the Department of the Interior, such as the Bureau of Land Management and that the bill language simply required that he take park values into account when he makes a decision.

Mr. Dickenson then stated,

Then this only applies to those units

and he meant agencies,

within Interior that the Secretary normally would have responsibility for giving oversight. In that case, we would have no objection. That is part of the Secretary's normal responsibility.

Finally, I said to Mr. Dickenson,

But, nevertheless, in principle, I don't really see how anyone could object to a requirement that the Secretary be consulted where other Federal agencies are acting and that within the Department that he take into account the views of the Park Service before approving actions by other units of the Interior Department. It seems to me that is just what he would be doing in the normal course and I take it there is no quarrel with that. You simply object to having it made a statutory requirement.

To which Mr. Dickenson responded,

That is essentially our statement, yes.

Now, in spite of the retractions by the Department of Interior's witness during that hearing, the Department continues to voice the same old discredited objections set forth, in their official report to the Interior Committee dated April 26, 1983.

Mr. Chairman, I do not know why Secretary Watt and his minions are so opposed to this bill, nor do I understand their obtuseness when it comes to dealing with the simple language of the bill; but I do know that our great national parks system is in danger from a slow, steady decimation of those natural and cultural resources we have tried to protect by placing them into park status.

I also believe this legislation will help to protect these parks before it is too late.

Now, I would not claim that this bill is going to solve all the environmental problems.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Yes, I am happy to yield.

Mr. VENTO. Mr. Chairman, I just wanted to rise in support of the bill.

I want to commend the gentleman in the well, the gentleman from Ohio (Mr. SEIBERLING) and the others on the committee, with myself, who cosponsored and worked on this legislation.

I think it is necessary, probably necessitated more by exactly that particular attitude which has prevailed in terms of the Interior Department trying to come up with a logical reason or a conclusion as to whether it should support or not this particular bill; because, indeed, I think there is a great difference with regard to the stewardship of our national parks.

The problems that have occurred in these national parks have occurred under both Democratic and Republican administrations. I think it is probably a logical consequence with regard to the development that has occurred around these tremendous resources.

I think it really is up to us as national policymakers to begin to define more precisely what the roles are and try to mediate and to alleviate some of the threats that are occurring to this particular problem in the context of the existing powers that these Federal agencies, including the Department of the Interior, currently have.

□ 1310

To be sure we may differ about how they exercise those particular authorities with greater or lesser lattitude. But I think that really this will place in the proper framework this particular legislation, a means to resolve those differences.

Now, obviously there are philosophical differences with regard to what constitutes a threat, what does not. But I would hope that we could at least pass the format and then argue about those details as we have I think done through many years.

I do feel that the current state of the parks, the current problems that are presented and that they are going to face in the near future do demand a definitive statement on the part of Congress with regard to who has what responsibility. And this I think does one thing and that is to pin down that responsibility once and for all with the Secretary of the Interior and the other Federal agencies and administrators that have responsibility in those, what we call adjacent areas that do of course impact this. And I think it is very good that we do that. And then I think down the road we may find there is a need for legislative tools, legislative refinement to deal with that. But this legislation itself poses no threat with respect to that. It offers I think the expectation that those issues will be resolved. I want to commend the gentleman for his leadership in bringing this to the floor and his work the last few years.

Mr. SEIBERLING. I thank the gentleman from Minnesota for his statement of support. I want to also thank him for the tremendous support that he has given to this legislation in committee and in the previous Congress.

If we had the kind of devotion to studying and doing his homework that the gentleman from Minnesota has exhibited on the part of every single Member of this House, this bill ought to pass unanimously. It really is a bill that I do not think can be quarreled with in terms of a reasonable effort to try, without spending any huge sums

of money, to have the Federal Government communicate within itself before taking actions that might have a significant damaging effect on the parks. This bill is no substitute for spending the kind of money that we are going to have to spend to redress some of the problems within the park. That is going to require more staff, it is going to require a lot of things to be done in our parks in order to protect this precious national resource. But the very least we can do is to make sure that the Federal Government itself, by its own actions, does not inflict further damage on this wonderful resource, that is the admiration of all the world.

The fact is that for some of our crown jewels of the national park system, and some of them are outlined in last of July's issue of Life magazine, with pictures that will shock you to the core, the fact is that for some of our crown jewels in this wonderful park system we are rapidly approaching the point where it may be too late. The experts who all too often we fail to heed tell me that at Glacier and Yellowstone National Parks, in Montana and Wyoming, we are reaching the point where the park ecosystems are in danger of collapsing, with the result that the grizzly bear, for example, may soon be extinct in the lower 48. In the Everglades National Park, which I visited this summer, the ecosystem is under such pressure from modified water flow conditions created by Federal projects that several species of birds which the Everglades National Park was created to protect are now in danger of extinction. I hasten to say that as a result of the visit there and subsequent work by Chairman JAMES HOWARD and ROBERT ROE and actions within the executive branch, actions are being taken to try to collect that situation.

The time to act to protect the national parks is now. This legislation is not a cure-all for the problems of protecting our national parks, but it is a step in the right direction. Now is the time to take that first step. If we do not, some Member of this institution will be standing in this same place in a very few years telling you that some magnificent resource of our Nation that once was in a national park and supposedly protected by it is no more.

I do not want to be present on the floor to hear that, and I do not believe any of you want to, either.

I ask all of you to consider that possible future event, and to join me in supporting the passage of this bill. I reserve the balance of my time, Mr. Chairman.

Mr. HANSEN of Utah. Mr. Chairman, I yield myself such time as I may consume.

I wonder if the gentleman from Ohio, the chairman of the committee and our previous speaker, would mind yielding for a question.

Mr. SEIBERLING. Sure.

Mr. HANSEN of Utah. The gentleman from Ohio, who spoke very eloquently about this bill, I would like to ask you some questions during the parliamentary part of it tomorrow. Am I correct in noting that the rule provides Mr. UDALL will offer an amendment in the nature of a substitute but that the rule does not allow your substitute to be treated as original text for the purpose of the amendment?

I yield to the chairman (Mr. SEIBERLING).

Mr. SEIBERLING. That is correct. The rule makes in order an amendment in the nature of a substitute which is the original bill as marked up by the Interior Committee. And then it makes in order an amendment. But under the rules of the House, that amendment could not be further amended because it would be amendments in the third degree. However, other amendments could be offered to the bill.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from New Mexico.

Mr. LUJAN. Was that an inadvertent error in crafting the rule, or was that rule crafted deliberately to preclude the amendment by the gentleman from Utah (Mr. HANSEN)?

Mr. SEIBERLING. The rule was crafted deliberately so as to avoid the situation we sometimes get in here where in an effort to delay the final progress of the bill, amendment after amendment is offered. That does not mean amendments cannot be offered. It does mean that my amendment could not be further amended. It would have to be voted up or down. If it was voted down, then other amendments could be offered.

Mr. LUJAN. The gentleman was very well aware of the fact that the gentleman from Utah (Mr. HANSEN) and some of us had an objection to the fact that there was no definition of "adjacent," and that was really the only amendment that we were talking about here. So, the gentleman is now telling me that deliberately that was placed in there so that that most crucial amendment, the one that caused so much problem in Interior, was deliberately put in there in order to deny the minority side the opportunity to at least have an up or down vote on whether we ought to do something about the word "adjacent."

Mr. SEIBERLING. That is not a correct characterization at all.

The gentleman from Utah (Mr. HANSEN) or anyone else can offer an amendment to the definition section, defining what is meant by the word "adjacent."

Mr. LUJAN. But the argument was in our wanting to amend through the gentleman from Utah (Mr. HANSEN) section 10 and 11. By the way, the rule came out, it precludes any attempt on our part to issue an amendment, because the gentleman fully well knows that when his amendment comes up we are not going to have a chance to do anything about it. I think that that is very unfair and kind of the same tactics that we saw in the committee of "this is the way I want it and we will trample over the minority regardless of what you may think. We have got the votes, so we are going to stuff it down your throat whether you like it or not."

And to add insult to injury, to come out with a rule that says "You cannot offer an amendment to that beautiful, perfected amendment that I have," I think that is really going a little too far and beyond the normal legislative process.

Mr. SEIBERLING. In view of the attack that has just been made on the integrity of the committee, not to mention myself, I wonder if I could respond to what the gentleman from New Mexico has just said.

Will the gentleman yield?

Mr. HANSEN of Utah. I will in just a minute.

Mr. Chairman, I ask unanimous consent that the Udall amendment in the nature of a substitute to H.R. 2379 be considered as an original text for the purposes of amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

Mr. SEIBERLING. Mr. Chairman I object to the request.

The Chairman. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HANSEN of Utah. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN of Utah. If the Udall substitute is offered and then if the Seiberling perfecting amendment is offered which substitutes two new sections 10 and 11, will it be in order to offer any perfecting amendments to either section 10 or section 11?

The CHAIRMAN. The Chair will respond as follows: First, if the Seiberling perfecting amendment were agreed to, other perfecting amendments broader in scope and going to other portions of the Udall amendment would still be in order.

Second, a substitute for the Udall amendment would, of course, be in order and voted on before the Udall amendment.

Finally, while the Seiberling perfecting amendment to the Udall amendment is pending, a further amendment to the Seiberling amendment would be in the third degree and would not be in order.

Mr. HANSEN of Utah. I thank the Chair.

□ 1320

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEIBERLING. Mr. Chairman, I had understood the gentleman from Utah (Mr. HANSEN) made a unanimous consent request at this point.

The CHAIRMAN. The request was objected to.

Mr. SEIBERLING. It was objected to. I thought maybe he wanted to be heard on his request, but obviously it is not in order during general debate to make such a request.

The CHAIRMAN. That is quite different.

Mr. HANSEN of Utah. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was very much interested in the remarks of the chairman of our subcommittee, the gentleman from Ohio (Mr. SEIBERLING), what he said about this particular bill.

I really have enjoyed working with Chairman SEIBERLING; he is a very fine and decent man, reports these things out very well.

I really wonder though, when he tells us, keeps telling us to read the bills, how many on his own side do read the bills.

I have labored over this bill. I am one of the few who has read this "Parks Protection—Parks of 1980 Report to Congress."

I have read and reread this thing. And last night coming home on the airplane I read it again with a couple of our Senators, who are illustrious members of the bar, who went over it with me, determining what it really says.

Now we found some interesting things in this bill. The chairman pointed out that about 50 percent—it is about a 50-50 split of internal versus external types of threats to the park. It is interesting to note that the internal threats no one has any question, Mr. Chairman. The overpopulation of animals, example Yellowstone, the infestation of the pine beetles which we are going to have in most of our wilderness areas when they go in; overpopulation by people in a few other areas, are all internal threats.

Now the question comes down, what are the external threats? I have noticed that it is conspicuously absent in the subcommittee and in the committee and here on the floor, that no one has really gone through and mentioned these.

I could give it probably verbatim right now but I will not bore the group with them. In here in these particular things it talks about an aluminum plant that is 6 miles away from Glacier Park, it talks about a road improvement, talks about other things that I wonder very dearly in my own heart how anyone can call these things threats.

The chairman talks about Secretary Watt and, I do not know if he is really too interested in this, in this infinitesimal group of people out there who are trying to do their best to kill this. I sometimes wonder, hearing that type of language, who the other people are on the other side, or why this is so close and dear to their hearts and minds that they want this thing. I could give you that answer. If you look at this, if you just take the one amendment, the one amendment that we took out in subcommittee, thank the Lord, which would put 10 miles around it, it would take 20 percent of all of Utah and tie it up under Federal jurisdiction.

The chairman also talked about reports and studies that have been done. I would call his attention to one that we had done, it is called the Congressional Research Service, a very illustrious group of people composed of learned minds, members of the bar, all that type of thing that seems to be so important to some people around here.

As you look at that particular thing, maybe it would be well if we read from it. Keep in mind this is the one that talks about being adjacent to, it talks about these particular things. This is a very illustrious group. Let us see what they say.

Section 10(b) reads:

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established:

H.R. 2379 gives the Secretary of the Interior discretion over natural resource development in "buffer zones," and access to them.

In hands of a zealous Secretary, this provision could conceivably be used to limit or to prevent resource development on Federal lands in the Western United States.

Then the amendment which we anticipate coming up tomorrow is addressed:

Both the bill and the substitute amendment would provide the Interior Secretary with virtually unlimited authority to restrict mineral development on Federal lands adjacent to the parks. Presumably this would be done with restraint, but if carried to an extreme, it could substantially limit western oil development on public lands and possibly on some private lands as well. Even limited "buffer zones" could interfere with leasing, exploration and development of petroleum resources in areas where prospects are high.

Then it goes on to section 11, and the chairman mentioned this and I appreciate him saying this. He said that "I worked out an amendment with Chairman Howard."

What he did not say, worked out absolutely no amendment with members of the minority party in Interior, this is only an amendment with the people in Public Works. It has nothing to do with us. Section 11 requires a six-step process before any Federal action can be approved. It will add 90 to 180 days to every EPA grant, road construction, mineral or grazing lease and so forth. This process can actually kill many of these projects.

The Congressional Research Services goes on to say: "The bill appears to add a layer of review to any Federal action."

Let us go back to this original thing called state of the park. What are some of the external threats that the chairman has not mentioned in any of our committees, never mentioned, dust. I have asked the question: Is a herd of cows going over BLM land creating dust, is that adverse effect? What is? We have two terms here, Mr. Chairman, that I really wonder about. One is "adjacent to" and one is "significant adverse effect" which nobody takes the time to interpret. In the rules one of the illustrious members of this group got up and said, "We don't want to interpret it." Where in the legislative body do we not want to interpret what a statute is going to say? If we accept that doctrine, if we accept that as a fact, we are automatically saying we are going to give it to a regulator, we are going to give it to a court because that is all we have got left to interpret this, the regulator and the court.

Is it not the place to have these things defined in the definitions section of this bill so that we know what we are referring to? That in my mind is the thing that bothers me the most about this bill. That is the thing that could lock up most of our Western States. And you folks who are watching in your offices, look in your own districts if you would, please. There are 334 parks that we are talking about in this particular area. Now what does this really do?

If we really are honest about it, if we do not give this left-hand-right-hand doctrine, not give the idea that it is innocuous and let us have an idea as to what the bottom line is on this thing, we are giving jurisdiction to a lot of people that really bothers me, and that will be millions of acres of ground, thousands of farms, ranches and businesses, hundreds of towns. This is far from being innocent legislation.

The chairman brought up an interesting point about Mr. Dickenson, Director of the National Parks.

Let me point out that subsequent to the meeting that he referred, Mr. Dickenson has given me a letter stating that he definitely does not want this piece of legislation.

The chairman talked about being down in Florida. I spent August going through national parks also in the West. I have yet to talk to one superintendent of national parks who wants this bill. And the list goes on and on and on. I asked the question, Who wants it?

Now the chairman is over there smiling. Sure, Mr. SEIBERLING could give me a number and we could get into a debate about it back and forth. I guess, the chairman of the subcommittee means, by talking to him, if I was a superintendent of national parks, I, all of a sudden would want it too. But anyway in reality I do not see anybody in the West that wants this real bad and it amazes me the force it has. Now in the event the chairman in his own heart and mind can see the wisdom and rationale of the great idea we are coming up with, and the great idea of not hurting our cities, not hurting our towns, not hurting our ranchers, I would be very happy to go along with the bill and intend to vote with the bill if you could let us take something out of section 10. I agree with the amendment that you have with Mr. HOWARD on section 11. But section 11 I think is one of the most devastating things I have seen come along for a long time.

Therefore, Mr. Chairman, I would urge that tomorrow as we prepare to come along with an amendment to handle that, that the Members forget party lines, that the Members forget geographic areas and let us do what is good for America, do what is good for the growth of America and the economy of this Nation and see in their own minds that they should go along with section 10 and if they cannot do that, they should defeat the bill.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, let me say at the outset that I support this bill. I am one of the original cosponsors of the bill. So it is not in opposition to protecting the parks. As a matter of fact, as I said before we got into the bill, I want to congratulate the Department of Interior for the work that it has done in upgrading and the maintenance of the national parks.

□ 1330

It is certainly superior to anything that I had ever seen before.

I told about visiting the national parks in our area. And attention was paid to all aspects of it, whether it was roads, whether it was waterlines, whether it was sewage lines, all of those things are being worked on. As a matter of fact, I have seen charts—we all have—of how much money is being spent now on maintenance and it certainly shows up in our national parks.

An so we support and we think that we ought to do everything to protect our national parks.

What we do object to is that section of the bill that says that the Secretary must be notified of any action adjacent to the national park. Now, what does adjacent mean? Does that mean a mile away? Does that mean 10 miles away? Does it mean 100 milies away? Can the Secretary say if EPA is going to fund a sewer project in a city 100 miles away from the national park that the depth of that sewer line ought to be 7 feet instead of 6, or 13 or some other figures? It certainly does mean that if the Secretary of Interior decides that he wants to stick his nose into that and even designate the depth of it, as the gentleman said.

Does a little dust being raised by a car, or by a horse, a cow or whatever, in the vicinity, is that a significant action before going to lease that land for grazing?

So while we support that bill, we believe that there ought to be some rationale for saying an adverse action should trigger out some kind of discussion with the Secretary of Interior. But this city 100 miles away, while you might say, well, the Secretary is just going to say we are not concerned with that, that is not significant enough for us to worry about, the fact of the matter is that on top of all of the permits and regulations and everything that goes along with it, you are just piling up one more. And that could very well be the straw that broke the camel's back.

We are very disappointed that we will not be able to offer the kind of amendment that we would like to have in this bill, the kind of amendment that the gentleman from Utah (Mr. HANSEN) was prepared to offer. That has been our history throughout this legislation. Why? Why stone wall? Why just all of a sudden say that you cannot do this. Those are the things that produced and nurtured the sagebrush rebellion in this country. And fortunately, because we have this administration that has been working together with local government, with State, county and city, that sagebrush rebellion has gone down in intensity anymore.

This is the sort of action that brings those kinds of responses

We certainly do not want to go into what we are being forced into now. The amendment will just have to be changed. We will just maybe repeal some other section of the bill that we all agree with just in order to be able to make it conform with this reprehensible action that was taken in the Rules Committee of saying, you cannot speak your peace on the floor of the House of the people of this country.

Mr. SEIBERLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I just want to refute some of the absolutely astounding statements that have been made by the gentlemen on the other side of the aisle.

First of all, let us talk about the rule. The gentleman from Utah (Mr. HANSEN) was present in the Rules Committee. He had copies of the rule. The gentleman from Ohio (Mr. LATTA) asked him twice if the rule was satisfactory to him and he said yes it was. Now, all of a sudden, we have this uproar about a rule and all the rule does is that if I offer amendments to sections 10 and 11, along the lines worked out with the gentleman from New Jersey (Mr. HOWARD), we will have an up-or-down vote on those amendments, without a lot of obfuscating efforts to amend them so that no one has a clear idea of what it is in them.

If the Members do not like the amendments I offer, they can vote them down. And if they vote them down, then they will be free to offer any other amendments that they want to sections 10 or 11.

What they are concerned about is that having worked out an amendment to sections 10 and 11 and some conforming amendments to another section, that that is going to go through and they will not have the opportunity to confuse the issue by trying to amend my amendments.

However, let me say that I, repeatedly, before and after the recess, offered to sit down with the gentleman from Utah (Mr. HANSEN) and work out changes with him and see if he had any problem with the amendment. And so far my offer has not been taken up. I repeat my offer. I will sit down with him this afternoon and take the whole rest of the day, if he wants, to go over this and see if there is any way to make him feel better about it.

And let me say one other thing. We sat for 2 days in markup on this bill, in the committee, and I did everything possible to accommodate every objection that anybody had, including accepting an amendment from the other side that defined "adjacent to" as 10 miles, simply in an effort to try to be accommodating, and then they decided they did not want it defined that way, so I accepted its deletion.

So, I do not really see that there is any objection that is valid on procedural grounds.

Let me just say a couple of other things. The gentleman from Utah made the statement that this bill gave the Secretary jurisdiction to stop coal leasing adjacent to national parks.

This bill does not give the Secretary one iota of jurisdiction that he does not already have today. It merely says that when he exercises his jurisdiction, he has to stop and consider whether or not his action will have a degrading effect on the national park.

Now, I ask you whether or not you can just rely on this Secretary, James Watt, to make that kind of a determination and to take into consideration the protection of that national resource. I think after 2½ years of James Watt the country has a pretty good idea of what is uppermost in his mind and it is not protecting the natural values found in the national parks.

So, it does seem to me that it is not unreasonable to make him focus on that by statute and say what he has concluded. And if he concludes that his action will not have any degrading effect, that is it. We have agreed that nobody will have the right to bring any action in court to second-guess his ruling.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Let me point out that the gentleman from Ohio (Mr. LATTA) was not in the committee at the time and no one asked that particular issue. But I do not want to make a point about that.

The only one on the Republican side was the gentleman from Missouri (Mr. TAYLOR), as the gentleman may recall. So I do not know where we get that information, but that is immaterial.

Mr. SEIBERLING. Well, my recollection is that the gentleman was asked that question twice, but it could be faulty.

Mr. HANSEN of Utah. I do not know where it was. OK I apologize to the gentleman if that is the case.

Mr. SEIBERLING. In any event, the gentleman had a copy of the rule, did he not?

Mr. HANSEN of Utah. As I say, I am really not going to make an issue of that. It is not that big a point to me. But the point that the gentleman did make, and I have been waiting now, we were going to sit down for two weeks. I have been waiting for that call. I will take it this afternoon or any time. I have been waiting for somebody to make that call, because I always acquiesce to the chairman of a committee, being just a lowly member on the minority side.

Mr. SEIBERLING. I do not know how many times the gentleman has to be advised that I would be willing to sit down with him, but I reiterate my offer to do so.

Mr. HANSEN of Utah. Well, the gentleman from Utah would always respond, as the gentleman may recall, acquiescing to the gentleman's superior position, in saying just call me any time and I will sit down and go with the gentleman, any time. I am still waiting for the telephone call. I look forward to it as soon as this is over.

I would like to just mention one other thing.

Mr. SEIBERLING. Well, we do not need a telephone call. I will tell the gentleman right now. We will sit down right after this.

Mr. HANSEN of Utah. I am afraid what the gentleman is going to tell me right now.

If I may, Mr. Chairman, when all else fails, we have got to go back to the bill. Page 13, public land management, section 10: "In the case of areas which are within any unit of the national park, where the Secretary of Interior is vested with any authority to issue any lease, (2) authorize any permit, (3) sell or otherwise dispose of such land, he may exercise any authority," after he has determined the thing we referred to earlier.

Section (b) is the one that hurts. Section (a) is internal. Section (b) is external. And that is what we talked about originally.

Section (b), if the gentleman will please turn on page 14, "In the case of areas adjacent to * * *" he can do the same things he does in the other section. That is very clear.

□ 1340

The gentleman stands over there and says that he cannot do that.

Mr. SEIBERLING. Well, will the gentleman kindly tell me where it gives the Secretary any authority, other than the authority to be informed, that he does not already have?

It starts out and it says: In any case where the Secretary is vested with any authority.

If he does not already have that authority, he is not vested with it, is he?

Mr. HANSEN of Utah. Probably the gentleman has hit on the very significant question that a lot of us have been asking. The gentleman just asked the question: What authority is he given that he does not already have?

If the gentleman really believes that question, then why are we putting the bill out? If you already got it, why are we doing this?

Mr. SEIBLERLING. Because this bill requires someone to notify the Secretary and requires the Secretary, where he has authority, to consider the effect on a park. That is all.

If you look at section 10(a), it is where the Secretary is already vested with authority. It does not give him any additional authority. It merely requires him to consider the effects of exercising that authority.

So I really think the statement that this gives additional jurisdiction to the Secretary is so patently incorrect that it ought not be repeated with a straight face.

Mr. HANSEN of Utah. Will the gentleman yield further?

Mr. SEIBERLING. Surely.

Mr. HANSEN of Utah. Has the gentleman read the Congressional Research Service report on this?

Mr. SEIBERLING. I believe so, some time in the past.

Mr. HANSEN of Utah. Are they patently incorrect also?

Mr. SEIBERLING. I would say that their evaluation is erroneous in that regard.

Mr. HANSEN of Utah. But they come out exactly with what I said.

Mr. SEIBERLING. Well, all I can say is that to that extent they have misread the bill.

Mr. HANSEN of Utah. I see.

Mr. SEIBERLING. All you have to do is read it. It does not give the Secretary any additional authority. It says to the extent that he has that authority, he is required to consider certain things. Does that sound like a grant of additional authority?

Mr. HANSEN of Utah. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, would the gentleman from Ohio (Mr. SEIBERLING) respond to a question?

Mr. SEIBERLING. Yes.

Mr. NIELSON of Utah. Assuming the term "adjacent" is defined properly, and assuming it means "close by," what effect would that have, if any, on the proposed nuclear waste repository adjacent to Canyonlands National Park?

Mr. SEIBERLING. Well, what it would mean would be that before the Secretary makes the determination as to whether to permit that development on the national park, on the land adjacent to the national park, he will have to consider whether or not it has an effect adverse to the park.

Although I would go on and add that whether or not it is located there depends on the language set forth in the specific statute that provides for the creation of such depository, and so obviously the specific language would take precedence over anything else.

Mr. NIELSON of Utah. Was this part of the motivation of this bill at this particular time, to include that as a possibility?

Mr. SEIBERLING. No. That is governed by a separate piece of legislation and would continue to be governed by that legislation which specifically deals with nuclear waste repositories.

Mr. NIELSON of Utah. Would it not have some definite influence on that particular aspect?

Mr. SEIBERLING. It would not have any definite influence except to the extent that it focuses the Secretary's attention in making his decisions on the impact on the park.

But the existing bill already does that, so the effect would be zero. It adds nothing.

Mr. NIELSON of Utah. Mr. Chairman, I object to the bill on several counts. The gentleman from Utah (Mr. HANSEN) and I share five national parks, containing several hundred thousand acres in southern and eastern Utah. This bill, if "adjacent" is not well defined, if it were, for example, the 10-mile radius that was mentioned earlier, would tie up, basically, all of southern and eastern Utah. It would tie up any development in oil shale or tar sands that might be necessary for improving our gas and oil supplies. It may cause ill effects on towns like Moab, which are adjacent to Canyonlands National Park because they have the jeeps and the 4-wheel vehicles for people to use. In the Canyonlands National Park they have also river raft running and a lot of things of this nature that may come under the purview of this particular bill.

Let me indicate, also, that the umbrella section ties all parks together. Urban parks are not the same as rural parks, and those parks which have roads throughout, such as Arches National Park, are quite different from those which are basically roadless, such as Canyonlands National Park. I think the umbrella is too broad.

There are several unnecessary redundant sections. Section 5 and section 13 are wordy and unnecessary, in view of what precedes them in the bill.

Section 6 and section 14 unnecessarily tie the Secretary's hands, it seems to me, in trying to improve the parks and improve the access of the public to the parks for which they were established.

The management plans are too frequent, they are not tied in with the general management plans cycle.

The CHAIRMAN. The time of the gentleman from Utah (Mr. NIELSON) has expired.

Mr. HANSEN of Utah. Mr. Chairman, I yield 2 additional minutes to the gentleman from Utah.

Mr. NIELSON of Utah. The land classification review may lead to limiting the access to the public, as I mentioned in section 8.

Section 10 has already been mentioned by the gentleman from New Mexico (Mr. LUJAN) and the gentleman from Utah (Mr. HANSEN), particularly the word "adjacent."

It also elevates the National Park Service above the Forest Service and BLM and other Federal agencies.

Finally, there are some difficulties with section 11 with local and State governments, particularly those adjacent to parks.

In addition, there are some other things wrong with the bill that allow terrible tax deductions of gifts of land when the gifts are given to those which are not in fact charities.

Those are some of the reasons why I object to the bill. It would be very bad for the State of Utah, it would be very bad for the West, wherever we have national parks.

Mr. HANSEN of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. Mr. Chairman, I rise to oppose the bill. I do not see any particular reason why we should be expanding the national park system in this manner.

Park protection are words synonymous with the personal commitment we all share for preserving our resources that make up the national park system. Millions of people enjoy these resources and I feel sure they will continue to do so in the future, but I do not believe H.R. 2379 is the vehicle to insure resource management in our national parks. The Department of the Interior, which has management responsibility for our parks, stated that this bill is "unnecessary, duplicates existing laws and administrative programs, creates more redtape and imposes inflexible requirements on resource management efforts that should remain flexible enough to apply available staff and funds to changing needs.

Specifically, I have problems with section 10 of the bill which requires any Interior action to meet a "no significant adverse effect" test. Park boundaries serve an important purpose—they establish a point whereby special protections should be given to lands within. By creating a "no significant adverse effect" test to those areas adjacent to a national park, we are determining that park protection takes precedence over all other needs. However, in providing this type of protection, we are not providing the criteria for what would be considered an impairment to park resources. Parks were established for the people and are to be maintained so that the people can continue their enjoyment of the resources; however, the local and State governments who through no fault of their own are located adjacent to national parks, should not be asked to sacrifice their growth and economic well-being because of perceived threats against park resources without adequate opportunity to identify and correct the perceived problems. Section 10 clearly creates buffer zones around the national parks which encumbers non-Federal landowners outside the parks through Federal management decisions.

Another problem I have with section 10 is that it provides that in the case of areas "adjacent to" any park unit the Secretary may exercise his authority to issue leases or permit other uses, only after he has determined that these uses will not adversely affect the values of the particular unit of land. The term "adjacent to" is an ambiguous term that can mean nearby or contiguous to according to Black's Law Dictionary. The Committee on Interior and Insular Affairs concluded that "a precise definition was neither possible nor desirable." I disagree. The term "adjacent to" leaves the interpretation unclear—in other words, what lands constitute nearby?

I think section 10 is something that is going to have to be either decided by the courts or the bureaucrats, and I am not sure that that is the kind of law that the people from Oregon would like anyway.

The fact that there are not boundaries to this "adjacent to" provision, I think we should be extremely concerned. Yet we have been unable to get the chairman of the subcommittee to revise this provision, nor has the gentleman been able to give us a clear definition as to what "adjacent to" really means.

So I would rise in strong opposition.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from Ohio.

Mr. SEIBERLING. In view of the fact that all of the words "adjacent to" require is that in areas adjacent to, the Secretary be notified as to actions that are proposed to be taken, what difference does it make whether it is 1 mile or 100 miles? All it does is require him to be notified. So there is not going to be any case in court as to what is meant. In the amendment which I am going to offer tomorrow we make it clear that you cannot even question the decisions in court. The only thing that you could do in court was if the Secretary had not been notified, an action could be brought to compel whatever Federal agency was taking the action to notify the Secretary. That is all. What is so terrible about that?

Mr. DENNY SMITH. Mr. Chairman, I see no reason why, if we need an expansion of the park system, as the gentleman is well aware——

The CHAIRMAN. The time of the gentleman from Oregon (Mr. DENNY SMITH) has expired.

Mr. NIELSON of Utah. Mr. Chairman, I yield 30 additional seconds to the gentleman from Oregon.

Mr. DENNY SMITH. A few years ago we did expand Crater Lake National Park in Oregon, when it was found and deemed by this Congress that we needed an expansion of that park. I just think this bill is a little loose in its determination as to what constitutes "adjacent to," and I think we ought to tie that down closer, Mr. Chairman.

Basically, I believe this bill will do little to enhance the protection of the National Park System, will contribute a great deal to delay Federal decisionmaking, and will interfere with the ex-

isting management of Federal lands that have been set aside for multiple use. H.R. 2379 threatens community development, improvement projects, sewage treatment plants, road construction, and airports. This bill as currently drafted will also hinder mineral exploration, timber harvest, grazing, recreation, and other multiple uses in areas adjacent to national parks. These delays will certainly have a negative impact on jobs and the economies in communities adjacent to national parks.

I do not discount the need to restate our intentions for protecting and enhancing our park resources, but I cannot support H.R. 2379 as the approach we should take. Building additional layers of bureaucracy for what can be accomplished through existing reports and land use plans is unnecessary, costly, and burdensome.

Mr. HANSEN of Utah. Mr. Chairman, I yield 2½ minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this legislation today. I will not restate the arguments made by the previous gentlemen who have argued against the term "adjacent to" and "buffer zone." I happen to believe that this is indirectly an attempt to impose concepts and ideas upon local governments. The GAO has supported my position, I believe the Library of Congress has supported that position. "Adjacent" is not defined. It would cause imposition upon small communities.

Unfortunately, Mr. Chairman, the thing that disturbs me most about today—and there are differences of philosophy on the legislation—there is no one here. We have done this time after time, with legislation that is far-reaching, we debate the issue on a Monday, with nobody to hear the arguments, the pros and cons, and I can see what could happen tomorrow, "Oh, this is a good vote to protect your park," when in fact it will be a detriment to your local communities and the areas which Congressmen represent.

□ 1350

I would suggest very strongly that tomorrow, if we can, we attempt to bring to light some of the arguments that have been made today against this legislation. I know this is not the chairman's fault. It is the leadership's fault again to bring legislation that affects the future resources of this Nation and each individual near to these parks.

I can tell you, for the listening audience, I look here and we have five Members on this floor. That is unfortunate, that the leadership of this House will bring forth important legislation such as this and not have the body here to hear the full debate.

So I will strongly urge today the defeat of this legislation, and hopefully tomorrow we will have an opportunity to bring some of the arguments before this body to show the true effect, backed up by the GAO, backed up by the Library of Congress Congressional Research Service, to show what this does to the local communities.

So again, I urge the Members who are here, small though the number may be, and those Members who are not here, to at least read the Journal and understand what this will do to their areas in all the States of the United States other than Alaska.

Mr. HANSEN of Utah. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to point out that this debate has shown one thing. It has been very obvious to all of us on this floor today that there is a tremendous difference of opinion as to what is going on. It clearly illustrates that we do not know what the "adjacent to" means. We do not know if the gentleman from Ohio (Mr. SEIBERLING) is right. We do not know if I am right. We do not know if the Congressional Research Service is right. We do not know if the GAO is right.

So it is ambiguity at its best. It is throwing it up in the air and let us let it all fall out and see where it is going to land. But I think when we carefully study this, we carefully, carefully look at it, we do find that section 10 will create the problems that we have alluded to. Section 11 I do not have a problem with if the amendment goes through, and I think if it is as innocuous as the gentleman from Ohio says it is, then there should be no reason to take it out. But we notice the complete idea of not taking it out, of leaving it in, and if it as bad as I say it is, there is no question we should kick it out.

I would think that if every Member who has a park in his district would carefully look at the adjacent towns, then go over to the definition section and realize if he has a sewer, water, safe sidewalks, tennis court, anything for which he gets matching funds or any Government money from, has to, according to this bill, right in the definition section, has to have the Department of the Interior look at it and give their OK. If that is not another layer of government. I do not know what is. It is very clear in the bill.

So I would just urge if we were able to take section 10 out, if we are able to amend paragraph (b) of section 10, I will vote for the bill, because then I think it will be helping the internal parks. If we cannot do that, there is no question in my mind the bill should be defeated because it would probably be devastating to those towns, cities, ranches, business, logging, mining, that are contiguous to those areas.

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 2379, the National Park System Protection and Resources Management Act of 1983.

Little more than a year ago, the Members of the 97th Congress gave their overwhelming 319 to 84 endorsement to H.R. 5162, a virtually identical measure developed by the distinguished gentleman from Ohio, Mr. SEIBERLING, and myself. I fervently hope that the Members of this, the 98th Congress, will give this successor bill an even stronger endorsement.

Last year, the need was great. Extensive hearings by the Public Lands and National Parks Subcommittee established a voluminous record of the threats now facing the natural and cultural resources of the 335-unit national park system. That record offered irrefutable evidence of the erosion of our resource base through theft, vandalism, Park Service mismanagement, man-made encroachments, air and water pollution, and a battery of other pressures.

I will not recount those findings here. Rather, I invite all of my colleagues—if they have not already done so—to read for themselves the 800-plus pages of testimony received by that subcommittee. The evidence certainly should shock and sadden each and every Member of this body.

Those hearings led us—the then members of the Interior Committee—to develop the legislation which is essentially identical to that before you today. We attempted to isolate the principal causes of these frightening conditions and to formulate an effective program to mitigate or, if possible, to eliminate, those causes. We shaped, reshaped, and refined each sentence of that measure, constantly aware of the need to balance conservation values with the needs of modern society and the rights of each unit's neighbors, visitors, and users.

It was a difficult task, but I believe we did it well. The bill before you today offers the reasonable expectation that the riches of the parks will be preserved for the many generations to follow ours. It seeks to combat the problems damaging the parks by:

First, requiring the National Park Service to prepare a "State of the Parks Report," a detailed inventory of the natural and cultural resources of each park unit and the condition of those resources;

Second, mandating that resource management plans for each unit be prepared and updated at least biennially;

Third, establishing a Federal interagency consultation process designed to identify possible threats to park resources from federally supported activities on lands adjacent to or within

a park unit's boundaries and, whenever possible, to implement actions needed to avoid adverse effects on park resources;

Fourth, directing the Secretary of the Interior to provide technical assistance to any governmental unit within or adjacent to units of the park system when cooperation or technical assistance is likely to promote protection of park resources; and

Fifth, assuring an adequate number and distribution of personnel with sufficient scientific and professional expertise to conduct the necessary resource management activities.

The bill before you today also clearly demonstrates a sensitivity to and a consideration for the needs and rights of park unit neighbors and users.

It does not run roughshod over the rights of inholders. It does not entangle local governments in a new bureaucratic web from which they can never hope to emerge.

We in the Congress must finally admit that administrative assurances and ad hoc programs do not and cannot work very well. If we hope to save these natural and cultural treasures for future generations of Americans and the world we must institutionalize a process which will promote their preservation.

We cannot establish procedures which will give ironclad guarantees that no damage will be allowed to occur. The realities of modern life makes that an impossible task. But—through adoption of H.R. 2379—we can invest in a process to promote the protection of these precious resources.

Environmental protection is both an art and a science. It is an art because we cannot assure the precision and predictability which some might demand. Hard and fast formulas must, at times, give way to general reasonable adaptations. Such is the case with the definition of "adjacent." Congressional oversight, however, can assume that these general guidelines are fairly implemented. The ultimate success of H.R. 2379, therefore, will rest with the diligence of this body to protect the rights of all Americans.

The burdens and sacrifices called for by H.R. 2379 are small in comparison to the benefits hundreds of missions of people reap through the existence of a readily accessible, quality park experience. I urge your strong support for this important legislation.

● Mr. UDALL. Mr. Chairman, I wish today to add my voice to those of my colleagues here today who stand in support of H.R. 2379, National Park System Protection and Resources Management Act of 1983.

The national park system is one of the greatest contributions this country has ever made to the world. The very concept of a national park is a uniquely American idea. It expresses, I think, something essential about our character as a people—that we came to this continent not only to conquer and to use its national resources, but also to cherish, to preserve, to study, and to be at peace with it. The parks are more than playgrounds, more than museums. They are living testimony of which we need to be more aware now than ever before. I think history will judge us on how diligent we are in protecting these areas as our country changes and grows.

America has changed and grown, and with it the challenge to our park system. More than a century ago when Yellowstone became our first national park, it was an isolated island in a huge sea of unofficial wilderness. The same can be said for most of our parks, even many of the most recently created. They were protected by their very isolation as much as they were protected by the laws we in the Congress have passed. But that is no longer entirely the case.

The 1980 State of the Parks Report delivered some truly startling conclusions. It told us that our parks from one end of the country are in trouble. They are being hammered relentlessly by overcrowding, air and water pollution, excessive noise, blight, and a list of threats to their continued existence that sounds like a telling of modern urban woes. And what is being lost is not so much the roads and visitor facilities and sewage systems that we hear so much about from the administration when it bemoans the "deplorable" state of parks and calls for a new era of "good stewardship" to correct it. What is being lost are the very things we created the parks for—wildlife, plant communities, sweeping vistas, geology, the soils, important archaeological, cultural and scientific resources. This is happening. It is well-documented. I doubt if you will hear a single voice to dispute this alarming, basic fact. What good does it do to invest in maintenance of a museum, when the Van Goghs and the Rembrandts are crumbling before our very eyes?

It is this spirit which has moved the Committee on Interior and Insular Affairs to bring this bill before the House today—and which, I might add, moved the House itself to approve very similar legislation last year by an overwhelming majority. It is, I think, a modest bill, although my colleagues will hear many an immodest claim against it. Let me state in the most emphatic terms that this bill does not create any buffer zones around the parks. It does not give the Secretary of the Interior or anyone else a veto over any decision that he does not already have. It merely requires that when the Federal Government undertakes an action that potentially could have some significant impact on the resources of a national park, that the Secretary of the Interior be apprised of that action and given an opportunity to comment on it. In many cases, probably the majority, the Secretary will be commenting to himself. In all cases, such notification and comment must take place within strict time limits and will not form the basis for any litigation. Surely this is a sensible thing to require.

I do understand the fears and trepidations of many of my colleagues who oppose this bill. I have seen many times what I call Udall's law of unintended consequences at work in our Government. Programs, laws, and policies we approve often do not work out the way we had planned or grow into things we did not foresee. And in the course of this legislation I have heard numerous expressions of what might happen under this legislation. Some of them are more far fetched than others.

I can only say to my colleagues that if that happens we have the power to change what we create. This is not a bill that could possibly institute any irreversible ills. On the contrary if we do not act favorably on this legislation we run the very grave risk of permitting, through our inaction, some of the most irreversible ills imaginable—the slow and steady strangulation of some of our most precious resources, the work of generations of the most far-sighted Americans.

I believe this is the real choice the House faces today. I think there can be no clearer choice—and no clearer time to express it—than for the House to say that it will not allow fears of the consequences of requiring our Government to make informed decisions to stand in the way of preserving one of this Nation's greatest gifts to her sons and daughters all over the world.●

Mr. HANSEN of Utah. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) has 30 seconds remaining.

Mr. HANSEN of Utah. I would like to reserve that time, please, Mr. Chairman.

Mr. SEIBERLING. Mr. Chairman, I would like to have the last word.

Mr. HANSEN of Utah. Mr. Chairman, I was kind of hoping I would get the last word, but I will acquiesce to the subcommittee chairman.

Mr. Chairman, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Chairman, I yield myself such time as I may consume.

If I say anything that the gentleman finds egregiously wrong, I will be glad to yield to him.

Let me just say a couple of other things, Mr. Chairman. First of all, on pages 8 and 9 of the committee report, the term "adjacent to" is discussed at great length, and I would just like to

read one paragraph. After the discussion of what would be meant, for purposes of this statute, by the words "adjacent to," it goes on to say:

The committee made it very clear that the application of the provisions of this bill to Federal actions occurring outside the park boundaries would in no way constitute the actual or implied creation of buffer zones around the park. This is clearly the case since the bill does not provide the Secretary or anyone else with any new substantive authority to protect parks or to prohibit any Federal action.

So that deals with the effect of the words "adjacent to," which is that they have no substantive effect, but only a procedural effect in requiring that the Secretary be notified.

I overspoke myself in one respect. This bill does give the Secretary new, additional authority in one case, and one case only. On page 17 of the bill, subparagraph (f)(1)(A), it says that in all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park system unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

Actually, that general authority exists already in the present laws governing the national parks. All this does is make it explicit. Before Federal actions can take place on Federal lands within a park, the Secretary's recommendations must be complied with. To that extent, if it does give any jurisdiction, it gives that to the Secretary, and I cannot imagine anybody quarreling with that, because the Secretary is charged by law with protecting the resources of the national parks and the other agencies of the Federal Government are also supposed to do that under existing law. So much for that.

I would simply say once more that there is a problem: Namely, how to protect our national parks. The problem is vaster than the subject matter of this bill, but this bill does one thing, and with the exception of what I have just mentioned, one thing only on this controversial issue: It requires that other agencies notify the Secretary and it requires the Secretary to consider the impact of his actions or other agencies' actions on a park.

That is the sum and substance of this bill.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I will be glad to yield to the gentleman from Utah.

Mr. HANSEN of Utah. I appreciate the gentleman from Ohio yielding.

Mr. Chairman, this report the gentleman is talking about, the first one, what is that you were reading from?

Mr. SEIBERLING. That is the committee report.

Mr. HANSEN of Utah. Your committee's report? Your staff people wrote this?

Mr. SEIBERLING. Your committee's report, and mine.

Mr. HANSEN of Utah. Our committee report, our own people, our own staff people?

Mr. SEIBERLING. Correct

Mr. HANSEN of Utah. I see. I was just curious.

Mr. SEIBERLING. Approved by the committee, and dissented from by some members of the minority.

Mr. HANSEN of Utah. We call that bootstrapping in some areas, do we not?

Mr. SEIBERLING. Well, the purpose of the committee report is to make clear and elaborate what Congress intended by language used in the bill. There is a whole page discussing how the words "adjacent to" should be interpreted.

Mr. HANSEN of Utah. If the gentleman will yield further, I should probably apologize to the gentleman. I understand he has not had the opportunity to read this outside report, not from our committee, from the Congressional Research Service. Is that correct?

Mr. SEIBERLING. I thought the gentleman was referring to another report. Apparently that is one I have not seen.

Mr. HANSEN of Utah. I apologize that the gentleman did not get that. I thought the gentleman had that in his possession.

Mr. SEIBERLING. I will try to get a copy of it and see what it says. I am, naturally, very interested.

Mr. HANSEN of Utah. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Mr. SEIBERLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROWLAND) having assumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2379) to provide for the protection and management of the national park system, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS SPONSOR OF H.R. 555

Mr. NIELSON of Utah. Mr. Speaker, I ask unanimous consent that my name be removed as a sponsor of H.R. 555, the Construction Work in Progress Policy Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 1400

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during the debate on H.R. 2379 today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A CALL FOR REPEAL OF THE 25TH AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, this past June, I reintroduced a resolution to repeal the 25th amendment to the Constitution. This reflects a reaffirmation of a commitment that I have had for seven consecutive Congressses, ever since the first Congress after the adoption of the resolution calling for the 25th amendment, which I objected to, when it was debated as a resolution on this House floor. I was one of the 28 Members voting no, but I was the only one giving reasons in the RECORD for that vote.

I feel today as strongly as I ever have that the 25th amendment is a threat to the orderly and most importantly, the elective and democratic processes of government in this country. Of course, we value our Constitution, and should properly do so, because it assures that the Government is elected and that it is bound by fundamental law.

But laws and constitutions are only as strong as the will of the people to keep those laws. A government respects law only if the leadership is committed to law, and we know that this is not always the case.

The Founding Fathers and the authors of the Constitution also knew that that was a profound truth that had to be confronted.

In the 25th amendment we have a device that is intended to provide for an orderly succession in the Office of the President and also the Office of the Vice President. But we also have an unintended standing invitation to overthrow the Presidency through the operation of the disability clause, an integral part of the 25th amendment and one which, unfortunately, is very little realized both by Members of the Congress and by the general public, as I have found out ever since the debate on the resolution.

We have already lived through the reality of two unelected Vice Presidents and an unelected President. This, I am sure, was a thing that was most feared by those who wrote the

Constitution. What they thought of the Office of the Presidency or any office similar to that is revealed by the fact that during the first 10 years of our national existence they did not even bother to provide for any such office. It was the Continental Congresses, period, and it was not until the Constitutional Convention that the concept of the Presidency was debated very, very strenuously. There were great heated arguments, many of the arguments reaching the point of stating that there was a question whether or not such an office should be created at all.

So given what has happened now, astoundingly, in light of this history—but, unfortunately, I say, because I was hoping and praying my fears and predictions would not be realized, and certainly I never expected it in my lifetime—sure enough, less than 8 years after the adoption of that amendment, the worst of those fears were realized, so that in those circumstances we have ended up with unelected Vice Presidents and an unelected President.

It was a criminal culpability or an erstwhile criminal culpability that forced the first resignation, and later it was the erstwhile criminal conduct of the President that forced him to resign under the threat of prosecution, leading to the first and only time in our history that has resulted in our having an unelected President.

□ 1410

What I think few of us remember is that before President Nixon resigned, it was his then Chief of Staff, together with the then Secretary of State, who contemplated using and appealing to the 25th amendment to force him out of office if he did not quit. Even though the 25th amendment was not directly invoked, the President's powers were effectively shorn, because those same two powerful individuals issued orders that they had to approve anything ordered by the President at that point.

In other words, the President might issue commands under those circumstances, but they are dead letters.

This is as close to a palace coup as this country has ever seen, even at the time of the height or influence of some of the historical figures that have interspersed our history, some even subsequently accused of treason, Aaron Burr, for example.

It is not only until our time and our generation that we have seen anything even the likes of Aaron Burr in the person of such individuals as the then Chief of Staff, later Secretary of State under this administration, Gen. Alexander Haig.

The fact was that Mr. Nixon was viewed by his staff, that is, principally those two chief staffers, as dangerous and irresponsible. They were operating outside the law and outside the Constitution by isolating him and not invoking the judgment of anyone else.

It was perhaps a well meant conspiracy in their eyes, but a conspiracy, nevertheless. They had the tool of the 25th amendment to use as a last resort, which they did not have to because Mr. Nixon acceded to the threat and resigned.

Now, I might at this point also evoke something else that happened to that first Vice President who resigned in the face of threats, for in his case, in fact, it sounds strange to even mention the name of Spiro Agnew. He is a nonperson. We like to think of ourselves as superior to that. We look down askance to the so-called banana Republics where you have palace coups, military takeovers and the like, assassinations, and do not realize that we may have that beam in our eye, as well as these neighbors with the mote in theirs; but Mr. Spiro Agnew wrote a book, which incidentally very few have bothered to review or report. The peculiar title of his book is, "Go Quietly, Or Else."

In reading the book, one sees that Mr. Agnew refers to that phrase because he was called by Alexander Haig and told in those words, "Go quietly. Get out, or else," but Mr. Agnew goes further in his book and his clear interpretation is that that threat was more than as a physical threat, that is, "If you don't quit, you're going to get hit," in good old gangster fashion in the sense that that word hit is used.

Now, that is terrible, very terrible, because the man writing that book was the Vice President of our country. Whether he ended in disgrace or not does not separate those of us who argued and debated here and by a two-thirds majority passed the resolution that created this tool or weapon, depending on the point of view, from continuing to consider the job unfinished and in constant need of review.

I think really the only thing is by repealing this most untoward amendment. The 25th amendment allows the President to be declared disabled, but by whom? By unelected officials of the Government.

This is why I was incredulous when the chairman of the Judiciary Committee then brought up that resolution. I looked at the wording for the first time here and saw those particular clauses that had to do with the criteria establishing the disability of the President and the phrases used, and I went to the chairman. As a matter of fact, by questioning, I caused him to become furious and he ended up cussing me under his breath.

I thought this was bad then, but it was just my personal experience. What it did was further anchor down my intention to pursue those questions, because that is my nature.

The questions were not answered then and they have not been answered since, only except by circumstances and events that I think show a clear and continuing danger to the stability of our form of government.

What am I talking about? Well, the questions I asked were, I said,

> Mr. Chairman, you say here that when a majority of the governing body reach the conclusion that the President is disabled or unable to discharge his duties as President, they shall then declare him unable and disabled. Then the Congress shall appoint a commission of three persons—

does not say how, whether the House of Representatives will have one or the Senate two, or what. It just says the Congress.

But let us look at the words, "a majority of the governing body will govern." Where in our Constitution, where in our statutes, do we define what the majority of the governing body is?

The chairman looked at me and said, disgustingly, "Why, you know what that means. It means the Cabinet."

But I said,

> Mr. Chairman, the Cabinet is a nonconstitutional word. You do not find Cabinet anywhere in the Constitution. You are using majority of the governing body.

At that point was when he cussed me.

Now, I feel that it is just as imperative that we know exactly what those words mean.

Obviously, Secretary of State Kissinger, then Secretary of State, and Chief of Staff Gen. Alexander Haig, felt that they could muster a majority of the governing body, to-wit, the Cabinet and declare that Mr. Nixon was unable to discharge his functions as the elected President of this great country.

So that whom does this amendment give the power to declare a President disabled? Unelected officials of the Government.

I know that the men who wrote those constitutional phrases never intended that unelected individuals should have the power to unseat the elected.

The amendment assumes that all the President's staff and Cabinet are loyal to him, that they will not develop ambitions to unseat him.

As I said during the debate and it is in the record for all to see, I do not speak one way here or then any different than what I am saying now, and the scenes I had were that this was reminiscent of the old Roman Senate days of intrigue and ambitions, and as Madison said, "The bold seeking power," and all the mischief that led to, that history records.

□ 1420

Or as I said in 1965, more recently, the French Republic, Third French Republic, all the intrigues, all the

counterintrigues, all the power plays, this is true of human government all through history. Who are we to think we are exempt from those foibles and weaknesses?

So that here in this 25th amendment is an assumption that something that has never been recorded in history is going to happen here.

We have already seen what happens when the country is in the grip of a political fire storm. And this is what I said in 1965.

Mr. Speaker, it is not now that we should think of the possibility open here for the first time in this proposal. Let us try to imagine, as we peer into the future, periods of great passion, turmoil, such as, say, the Civil War 100 years ago. Then the potential and the interpretation of this. We cannot in drafting legislation assume that the powers hereby created are going to be used by angels, but rather we should always be conscious of the fact that it would be used—could be used by devils.

But we have already seen what happens when we do have these periods of great passion, dissent, controversy, conflict. The President finds himself isolated, and then subsequently forced from office by his friends who it turns out have other loyalties, other wishes than to serve their erstwhile leader.

I am certainly not an apologist for President Nixon. But I say that it was the power and duty of the Congress to remove him if that were to be the outcome. Not the power of his staff to force him out. The Constitution gave the power of judgment to the Congress which is elected and not to Al Haig or Henry Kissinger who were not and never have been.

The actions of Haig and Kissinger were taken, they say, because they were responsible to the Office of the Presidency—more than to the President himself. That begs the issue. The fact is, they were not being loyal to the Constitution which provides a way to eliminate a President who has committed high crimes or is incapacitated, except as in these protocols in this 25th amendment for the first time.

But therein is the rub. The 25th amendment blurrs this power by delegating it to those who surround the President, by allowing the President's advisers a complete power to force him out of office in a time when he faces the judgment of Congress or of the people. This is what happened in 1974.

Let us think about what has happened and what happened the last time that a President was assaulted and almost killed. And what is the shock of so many Americans when the same individual, this time Secretary of State Haig, says, "I am in charge"?

Can we afford to overlook the fragility of this? This was the impelling reason I asked for resolutions in 1975, 1976, to pursue the 10 years of silence that impacted on our national processes, which incidentally were the reason why the 25th amendment was brought up and passed out under great and overdramatized atmosphere.

Suppose something happens today. Suppose something happens 6 weeks from now and we find ourselves in great, great emotional and political stress by untoward events happening not only domestically but internationally, and suddenly we have to worry about this.

I say we have been lucky more than what some people are saying that it proved that this did work when we had the crisis of 1973-74.

But even if you did have a case in which the President were gravely ill, this would not develop so fast or last so long that the Congress could not, in behalf of the people, make that decision. If there were a Wilson situation, Congress would have the time to make the necessary judgment of the President's ability to serve. And this was another argument I advanced at the time that the resolution was being pressed upon us. The assumption here was that there was nothing and never had been thought of by the Congress or the Constitution in anticipation of situations such as the long, lingering incapacity of President Wilson in the 1920's. And then of course after the assassination of President Kennedy, the assumption to the Presidency by the Vice President, Lyndon Johnson, leaving a vacuum in the Office of the Vice Presidency, my answer to the chairman was the ship of state sails serenely on, the Nation survived.

But you overlooked the fact that the first Congress, 1789, foresaw and passed statutory implementation for that article 2 proviso on the succession—very stark proviso. But what was that statutory implementation the first Congress passed—actually because they foresaw that there would be specific instances foreseeable by no human where something would happen and the Office of the Presidency would be vacated. And so, they provided a statute that simply said that if any such thing did happen and there remained 1½ years or more in that unexpended term of the Presidential Office, that then there should be an election so that the people could choose the leader.

What was wrong with that? Whatever happened after the Woodrow Wilson dilemma—in 1927 he had the succession law which amended that first statutory proviso which I think history will show was a terrible mistake, because it set up the succession laws that were in force, that those proponents of the 25th amendment were saying were so inadequate. And maybe they were. But not the original act. That showed clearly what the men serving our Government at the time of its initial periods and still fresh from writing the Constitution had in mind about unelected leaders of the country.

The point is the right to judge a President's ability to serve in office ought never to be given into the hands of a small coterie of unelected, undefined group of people as it is in this 25th amendment. That kind of power should never have been exercised by any but the Representatives of the people of the Congress as set forth in the other part of the article having to do with impeachment, removal from office. It is far less likely that the Congress, being large and diverse and directly accountable would ever seek to conspire successfully against a President than would a small group of ambitious Cabinet officers. And this was proven even during times of extreme stress, as during the times of the attempt to impeach President Johnson.

The best thing that can be said about the 25th amendment is that maybe under some circumstances it could work. But it is far less likely that it really protects the Constitution than it is that it endangers the right of the people to elect a President who will remain in office no matter how disgruntled his advisers might become, how ambitious they might be, or how much they want to take powers into their own hands.

I yield back the balance of my time.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. FORD of Tennessee (at the request of Mr. WRIGHT), for this week, on account of illness.

Mrs. BURTON of California (at the request of Mr. WRIGHT), for October 3 through October 6, on account of official business.

Mr. ROSE (at the request of Mr. WRIGHT), for the week of October 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of DENNY SMITH) to revise and extend their remarks and include extraneous material:)

Mr. LOTT, for 60 minutes, October 3.

Mr. LOEFFLER, for 60 minutes, October 3.

Mr. LOTT, for 60 minutes, October 4.

Mr. LOEFFLER, for 60 minutes, October 4.

Mr. LOTT, for 60 minutes, October 5.

Mr. LOEFFLER, for 60 minutes, October 5.

Mr. LOTT, for 60 minutes, October 6.

Mr. LOEFFLER, for 60 minutes, October 6.
Mr. LOTT, for 60 minutes, October 7.
Mr. LOEFFLER, for 60 minutes, October 7.
Mr. LOTT, for 60 minutes, October 17.
Mr. LOEFFLER, for 60 minutes, October 17.
Mr. LOTT, for 60 minutes, October 18.
Mr. LOEFFLER, for 60 minutes, October 18.
Mr. LOTT, for 60 minutes, October 19.
Mr. LOEFFLER, for 60 minutes, October 19.
Mr. LOTT, for 60 minutes, October 20.
Mr. LOEFFLER, for 60 minutes, October 20.
Mr. LOTT, for 60 minutes, October 21.
Mr. LOEFFLER, for 60 minutes, October 21.
Mr. LOTT, for 60 minutes, October 24.
Mr. LOEFFLER, for 60 minutes, October 24.
Mr. LOTT, for 60 minutes, October 25.
Mr. LOEFFLER, for 60 minutes, October 25.
Mr. LOTT, for 60 minutes, October 26.
Mr. LOEFFLER, for 60 minutes, October 26.
Mr. LOTT, for 60 minutes, October 27.
Mr. LOEFFLER, for 60 minutes, October 27.
Mr. LOTT, for 60 minutes, October 28.
Mr. LOEFFLER, for 60 minutes, October 28.
Mr. LOTT, for 60 minutes, October 31.
Mr. LOEFFLER, for 60 minutes, October 31.
Mr. WALKER, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LUKEN, to revise and extend his remarks on the bill H.R. 3576.

Mr. BEREUTER, to revise and extend his remarks on H.R. 2379 in the Committee of the Whole today.

(The following Members (at the request of Mr. DENNY SMITH) and to include extraneous matter:)

Mrs. SCHNEIDER.
Mr. MORRISON of Washington.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MINETA.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. HOYER in two instances.
Mr. NATCHER.
Mr. DE LA GARZA in 10 instances.
Ms. MIKULSKI.
Mr. GARCIA.
Mr. UDALL.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska;

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, as "National Schoolbus Safety Week of 1983;" and

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill and resolutions of the Senate of the following title:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes;

S.J. Res. 140. Joint resolution for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval bills and resolutions of the House of the following title:

On September 30, 1983:

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

On October 1, 1983:

H.R. 3415. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes;

H.J. Res. 137. An act authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983 through October 8, 1983, as "National Schoolbus Safety Week of 1983";

H.J. Res. 284. An act commemorating the 25th Anniversary of the National Aeronautics and Space Administration;

H.J. Res. 366. An act to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes; and

H.J. Res. 368. An act making continuing appropriations for the fiscal year 1984, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 4, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1940. A letter from the Chairman, Temporary Commission on Alternative Financing for Public Telecommunications, Federal Communications Commission, transmitting the Commission's final report on the demonstration program of advertising on public broadcasting stations, pursuant to section 1233(e) of Public Law 97-35; to the Committee on Energy and Commerce.

1941. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting Presidential Determination 83-10 and justification for exercising the special authority authorizing the furnishing of additional economic support fund assistance for the Dominican Republic and Sudan, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1942. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1943. A letter from the Acting Executive Secretary of Defense, transmitting the report on the Department's procurement from small and other business firms for the period October 1982 through May 1983, pursuant to section 10(d) of the Small Business

Act, as amended; to the Committee on Small Business.

1944. A letter from the U.S. Trade Representative, transmitting the annual report on the operation of the International Coffee Agreement, pursuant to section 5 of Public Law 96-599; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LaFALCE:

H.R. 4063. A bill to extend the termination date of the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LONG of Maryland:

H.R. 4064. A bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Mr. MOORE, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. FLIPPO, Mr. DORGAN, Mrs. KENNELLY, Mr. JENKINS, Mr. DUNCAN, and Mr. VANDER JAGT):

H.R. 4065. A bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. BOLAND, and Mr. DONNELLY):

H.R. 4066. A bill to authorize funds for the John W. McCormack Institute of Public Affairs, and for other purposes; to the Committee on Education and Labor.

By Mr. SIMON (for himself, Mr. ANNUNZIO, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. EVANS of Illinois, Mr. HAYES, Mrs. MARTIN of Illinois, Mr. PRICE, and Mr. RUSSO):

H.R. 4067. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SOLARZ (for himself, Mr. ACKERMAN, Mr. BARNES, Mr. BONIOR of Michigan, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DOWNEY of New York, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FRANK, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. HARKIN, Ms. KAPTUR, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. MCHUGH, Mr. MATSUI, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MOODY, Mr. OBERSTAR, Mr. OTTINGER, Mr. PANETTA, Mr. RATCHFORD, Mr. RODINO, Mrs. SCHNEIDER, Mr. STOKES, Mr. STUDDS, Mr. TORRICELLI, Mr. TOWNS, Mr. WALGREN, Mr. WEAVER, Mr. WHITEHURST, Mr. WISE, and Mr. YATRON):

H. Con. Res. 183. Concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent, and impartial investigation of that assassination, and calling for free and fair elections in the Philippines; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. GORE.

H.R. 881: Mr. SCHAEFER, Mr. ASPIN, Mr. DINGELL, Mr. YOUNG of Missouri, Mr. GEJDENSON, Mr. JONES of North Carolina, Mr. GAYDOS, Mr. ALEXANDER, Mr. SMITH of Iowa, Mr. WHITEHURST, Mr. LUKEN, Mr. DAVIS, Mr. WEISS, and Mr. ANTHONY.

H.R. 1706: Mr. BEVILL, Mr. MADIGAN, Mr. EDWARDS of Alabama, Mr. ANNUNZIO, Mrs. KENNELLY, Mr. LOTT, Mr. EVANS of Illinois, Mr. THOMAS of California, Mr. CONTE, Mr. DENNY SMITH, Mr. KILDEE, Mr. WOLPE, Mr. WEAVER, Mr. HANCE, Mr. CLINGER, Mr. DERRICK, Mr. DICKINSON, Mr. DREIER of California, Mr. LEVITAS, Mr. LONG of Maryland, Mr. MCDADE, Mrs. MARTIN of Illinois, Mr. ROGERS, Mr. WHITEHURST, Mr. DIXON, Mr. AUCOIN, Mr. DE LUGO, Mr. KASTENMEIER, Mr. LEATH of Texas, Mr. ROYBAL, Mr. WYDEN, Mr. MCEWEN, Mr. YATRON, Mr. LEHMAN of California, Mr. GRADISON, Mr. OXLEY, Mr. JONES of Tennessee, Mr. ADDABBO, Mr. COELHO, Mr. BEDELL, Mr. WEBER, and Mr. MURPHY.

H.R. 1815: Mr. WEAVER.

H.R. 2126: Mr. PASHAYAN.

H.R. 2382: Mr. HANSEN of Utah, Mr. SHUMWAY, Mr. LUNDINE, Mr. MACK, Mr. JONES of Tennessee, Mr. LEWIS of Florida, Mr. COUGHLIN, Mr. SKELTON, and Mrs. BYRON.

H.R. 3050: Mr. DORGAN.

H.R. 3790: Mr. COLEMAN of Texas.

H.R. 3797: Mrs. LLOYD, Mr. DAVIS, Mr. DEWINE, Mr. BIAGGI, and Mr. MARTINEZ.

H.R. 3864: Mr. LEVINE of California, Mrs. BOXER, Mr. BATES, and Mrs. BURTON of California.

H.R. 3918: Mr. BROOMFIELD, Mr. ROTH, Mr. SUNIA, Mr. HARTNETT, Mr. SWIFT, Mr. GARCIA, Mr. FRANK, Mr. YOUNG of Missouri, Mr. WISE, Mr. FASCELL, Mr. FORSYTHE, Mr. LELAND, Mr. GREEN, Mr. BOLAND, Mr. SIMON, Mr. CHANDLER, Mr. BARNES, Mr. PEPPER, Mr. BEVILL, Mr. PORTER, Mr. PENNY, Mr. KOGOVSEK, Mr. WEISS, Mr. ACKERMAN, Mr. HUGHES, Mr. MITCHELL, Mr. EVANS of Illinois, Mr. LEVINE of California, Mr. LANTOS, Mr. BLILEY, Mr. BEDELL, Mr. GLICKMAN, Mrs. BOXER, Mr. BONIOR of Michigan, Mr. KINDNESS, Ms. KAPTUR, Mr. MCKAY, Mr. BARNARD, Mr. WEAVER, Mr. DAUB, Mr. BROWN of California, Mr. EDGAR, Mr. LONG of Louisiana, Mr. WALGREN, Mr. CORCORAN, Ms. MIKULSKI, Mr. FRENZEL, Mr. ROE, Mrs. VUCANOVICH, Mr. SOLARZ, Mr. MARTINEZ, and Mr. MOLLOHAN.

H.J. Res. 278: Mr. CLAY, Mr. GRADISON, Mr. LUKEN, Mr. VOLKMER, and Mr. RAHALL.

H.J. Res. 317: Mr. TAUKE, Mr. DYSON, Mr. YOUNG of Missouri, Mr. DAUB, Mr. GRAY, Mrs. SCHNEIDER, Mr. MOODY, Mr. LUKEN, Mr. TRAXLER, Mr. MINISH, Mr. BOLAND, Mr. MARKEY, Mr. LATTA, Mr. BOEHLERT, Mr. YATRON, Mr. EDWARDS of California, Mr. MCKINNEY, Mr. KEMP, Mr. BONER of Tennessee, Mr. LONG of Louisiana, Mr. WILSON, Mr. KILDEE, Mr. MARTIN of New York, Mr. CONTE, Mr. COELHO, Mr. HANSEN of Utah, Mr. STRATTON, Mr. OLIN, Mr. SCHEUER, Mrs. BOGGS, Mr. FOGLIETTA, Mr. CHAPPIE, Mr. ARCHER, Mr. ALEXANDER, Mrs. KENNELLY, Mr. ANDERSON, Mr. YATES, Mr. PASHAYAN, Mr. IRELAND, Mr. LEVIN of Michigan Mr. MORRISON of Connecticut, Mr. CHANDLER, Mr. APPLEGATE, Ms. FERRARO, Mr. SHELBY, Mr. SUNIA, Mr. UDALL, Mr. BROWN of California, Mr. CARR, Mr. BATES, Mr. ANTHONY, Mr. BERMAN, Mr. FORD of Tennessee, Mr. MCHUGH, Mr. LENT, Mr. GARCIA, Mr. MOLINARI, Mr. LEWIS of California, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. AKAKA, Mr. PRICE, Mr. OWENS, Mr. BOUCHER, Mr. WIRTH, Mr. ROBERTS, Mr. MOAKLEY, Mr. LAGOMARSINO, Mr. HARTNETT, Mr. SAVAGE, Mr. CORCORAN, Mr. FOWLER, Mr. RUSSO, Mr. DORGAN, Mr. GEKAS, Mr. PACKARD, Mr. CARNEY, Mr. STARK, Mr. KOSTMAYER, Mr. CAMPBELL, Mr. BATEMAN, Ms. OAKAR, Mr. RAHALL, Mr. ROYBAL, Mr. SOLOMON, Mr. MRAZEK, Mr. DANIEL B. CRANE, Mr. COOPER, Mr. MCCURDY, Mr. LIPINSKI, Mr. BEDELL, Mr. BEREUTER, Mr. MCCANDLESS, Mrs. VUCANOVICH, Mr. SHAW, Mr. GEJDENSON, Mr. NEAL, Mr. LEVITAS, Mr. SKELTON, Mr. MAVROULES, Mr. DAVIS, Mr. DONNELLY, Mr. LOWRY of Washington, Mr. GUNDERSON, Mr. HEFNER, Mr. BROOKS, Mr. PEPPER, Mrs. BURTON of California, Mr. ALBOSTA, Mr. NOWAK, Mr. OTTINGER, Mr. LEWIS of Florida, Mr. LUNDINE, Mr. DINGELL, Mr. SNYDER, Mr. DIXON, Mr. HOWARD, Mr. ECKERT, Mr. WALGREN, Mr. BONIOR of Michigan, Mr. FRANKLIN, Mr. KASICH, Mr. FEIGHAN, Mr. EDGAR, Mr. PATTERSON, Mr. MARTINEZ, Mr. MOORHEAD, Mr. BOSCO, Mr. GUARINI, Mr. KRAMER, Mr. WYLIE, Mr. REGULA, Mr. BLILEY, Mr. ORTIZ, Mr. WILLIAMS of Ohio, and Mr. KASTENMEIER.

H.J. Res. 348: Mr. SIKORSKI and Mr. CONYERS.

H.J. Res. 375: Mr. MATSUI, Mr. LEHMAN of Florida, Mr. COLEMAN of Texas, Mr. OLIN, Mr. CLINGER, Mr. SMITH of Florida, Mr. DURBIN, and Mr. ROBERTS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2379

By Mr. SEIBERLING:

(Amendments to the Udall amendment in the nature of a substitute.)

—(1) Page 13, strike out line 7 and all that follows down through line 13 on page 20 and substitute:

SEC. 10. (a) In any case of areas which are within any unit of the national park system, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas.

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established (including the scenery or the natural or cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior.

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in Subsection (a),

the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established; except that if the Secreatry determines that—

(1) any significant adverse effects on the values for which the national park system unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 1-4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), and specific provisions of law which established the affected national park system unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

(c) This section shall not apply to inland waters except those which the Federal Government owns.

SEC. 11. (a) When a Federal agency or instrumentality undertakes or proposes to approve an action within or adjacent to a unit of the national park system which it determines may have a significant adverse effect on the natural or cultural resources of such unit, such agency or instrumentality shall—

(1) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(2) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the national park system unit concerned; and

(3) notify the Secretary of the specific decisions made in response to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such agency pursuant to the National Environmental Policy Act.

(b) Following receipt of notification pursuant to subsection (a)(1), the Secretary shall make such comments and recommendations as he or she deems appropriate pursuant to subsection (a)(2) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to subsection (a). In any instance in which the Secretary does not provide comments and recommendations under subsection (a)(2), the Secretary shall notify, in writing, the appropriate committees of Congress.

(c) Following receipt of the notifying agency's decisions pursuant to subsection (a)(3), the Secretary shall submit to the appropriate committees of Congress, including the authorizing Committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to subsection (a)(3), along with a copy of the comments and recommendations made pursuant to subsection (a)(2).

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within or adjacent to a unit of the national park system and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of such unit, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subsection (a) of this section.

(e) Each agency or instrumentality of the United States conducting Federal action upon Federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of a national park system unit shall not approve such action until such time as the Secretary has concurred in such action.

(f) Except as otherwise permitted by law, nothing in this section shall be construed to require any State or local government to carry out any study or prepare any document or response to comments or recommendations made by the Secretary regarding any State or local activity supported by an agency or instrumentality of the United States which is subject to this subsection.

(g) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

Any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this section.

—(2) Page 26, strike out line 21 and all that follows down through line 4 on page 27.

H.R. 2867

By Ms. MIKULSKI:

—Page 30, after line 25, insert:

EXPORT OF HAZARDOUS WASTE

SEC. 10A. (a) EXPORT.—Subtitle C is amended by adding the following new section at the end thereof:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3016. (a) IN GENERAL.—Beginning twenty four months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, no person may export any hazardous waste identified or listed under section 3001 unless—

"(1) such person has provided the notification required in subsection (c) of this section,

"(2) the receiving country has consented to accept such hazardous waste,

"(3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment; and

"(4) the shipment conforms with (A) the terms of the consent of the receiving country required pursuant to subsection (e) or with (B) the terms of an agreement entered into between the United States and the receiving country as provided in subsection (f).

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, the Administrator shall promulgate the regulations necessary to implement this section.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under section 3001 after the date beginning twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall contain the following information—

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported, and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage, or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within 30 days of the Administrator's receipt of a complete notification under this section, the Secretary of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste or has entered into an agreement with the United States establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within 30 days of receipt by the Secretary of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the receiving country establishing notice and export procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (a)(4)(B) and subsection (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the

export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

"(b) PENALTIES.—Section 3008(d) is amended by adding the following new paragraph at the end thereof:

"(6) Knowingly exports a hazardous waste identified or listed under section 3001 (A) without the consent of the receiving country or (B) if an agreement has been entered into with the receiving country under section 3016(f), in a manner which is not in conformance with such agreement;".

CONFORMING AMENDMENTS

Page 39, line 12, strike out "or".

Page 39, line 18, insert "or".

EXTENSIONS OF REMARKS

HAZARDOUS WASTE

HON. BARBARA A. MIKULSKI
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1982

● Ms. MIKULSKI. Mr. Speaker, I am offering this amendment today in order to close a major loophole in the Resource Conservation and Recovery Act.

Currently, EPA has no regulatory authority to prevent the export of hazardous wastes to other countries. My amendment will provide EPA with the authority to prohibit the export of hazardous wastes if the receiving nation does not certify that it is aware of the hazardous nature of the waste, and that it is willing to receive the shipment.

This amendment does not mandate an outright ban on such shipments. I recognize the fact that there are several legitimate reasons for exporting hazardous wastes, such as for scientific testing, reprocessing, and recycling. My amendment is not aimed at these shipments.

The focus of my amendment is those wastes which are exported to avoid the stringent and more expensive requirements which govern the disposal of hazardous wastes in this country.

We must prevent the dumping of hazardous waste on unsuspecting Third World nations and we must make it very clear to other countries that we will not export our problems onto their shores.

There have been several incidences in the past few years where American companies have sought to export wastes in order to dump them in someone else's backyard. This reflects poorly on our country and harms our foreign policy interests.

In Mexico, an American citizen illegally disposed of PCB's and mercury sludge—both extremely hazardous substances—in an abandoned mine without adequate safeguards to the surrounding area.

Last year a Florida company proposed to incinerate large quantities of PCB-contaminated wastes in a Honduran facility after it had been denied an EPA permit for PCB incineration in this country. Once the Honduran Government learned of the hazardous nature of the waste, it refused to permit the activity.

In both of these cases, if the receiving country was notified of the nature of the waste, and certified it was willing to accept it, this amendment would provide no obstacle to the shipment. However, if the receiving country does not want the shipment, EPA would have the authority to stop the shipment.

Both the State Department and EPA agree that the RCRA legislation is the appropriate place to deal with this issue and I have worked with the EPA to create the least administrative burden on that Agency.

Our own country will have safeguards from the ill effects of hazardous waste upon passage of this legislation. We should take an equally firm stand on the transportation of hazardous waste bound for export to other countries. I urge you to support my amendment to insure such a clear message to the rest of the world.

AMENDMENT TO H.R. 2867, AS REPORTED, OFFERED BY MS. MUKULSKI

Page 30, after line 25, insert:

EXPORT OF HAZARDOUS WASTE

SEC. 10A. (a) EXPORT.—Subtitle C is amended by adding the following new section at the end thereof:

EXPORT OF HAZARDOUS WASTE

"SEC. 3016. (a) IN GENERAL.—Beginning twenty four months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, no person may export any hazardous waste identified or listed under section 3001 unless—

"(1) such person has provided the notification required in subsection (c) of this section,

"(2) the receiving country has consented to accept such hazardous waste,

"(3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment; and

"(4) the shipment conforms with (A) the terms of the consent of the receiving country required pursuant to subsection (e) or with (B) the terms of an agreement entered into between the United States and the receiving country as provided in subsection (f).

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, the Administrator shall promulgate the regulations necessary to implement this section.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under section 3001 after the date beginning twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall contain the following information—

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported, and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage, or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within 30 days of the Administrator's receipt of a complete notification under this section, the Secretary of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste or has entered into an agreement with the United States establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within 30 days of receipt by the Secretary of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the receiving country establishing notice and export procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (a)(4)(B) and subsection (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

(b) PENALTIES.—Section 3008(d) is amended by adding the following new paragraph at the end thereof:

"(6) knowingly exports a hazardous waste identified or listed under section 3001, (A) without the consent of the receiving country or (B) if an agreement has been entered into with the receiving country under section 3016(f), in any manner which is not in conformance with such agreement;".

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

CONFORMING AMENDMENTS
Page 39, line 12, strike out "or".
Page 39, line 18, insert "or".●

CELEBRATING THE GERMAN TRICENTENNIAL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. HOYER. Mr. Speaker, this year, 1983, marks the 300th anniversary of the arrival of the first German immigrants to North America, and the 250th anniversary of the arrival of the first German settlers to my own State of Maryland. The many contributions which German immigrants have made, both to their adopted Nation and to my State, are substantial. Today, I would like to bring to the attention of my colleagues a German American organization which, over the years, has made significant contributions to the Washington area and my own district in Maryland.

This organization is the Washington Saengerbund (Sang-er-bund). It was founded here in the District of Columbia in 1851, during one of the large waves of German immigration which brought so many outstanding men and women to these shores in the 19th century. Its original purpose was to foster German singing and German culture, and it was incredibly successful in this endeavor. The Washington Saengerbund sponsored the first major musical and operatic performances in the city, and it provided a center of European culture where like-minded citizens of many heritages gathered on a regular basis.

The Saengerbund was one of many German vereine (clubs) located in large cities and towns all over the United States. But unlike many that have disbanded through lack of membership and interest, the Washington Saengerbund is still active today. The Saengerbund still carries on the tradition of providing excellent German singing and music to the people of this area, and it now serves as a focal point for German culture. As the Saengerbund has done for more than 132 years, it provides a haven for the newly arrived German, and it also serves to introduce Washington area residents to many of the more worthwhile and pleasurable aspects of the best of German culture and the German homeland. It has done much to cement the bonds of German American friendship in the postwar years when the close ties of the United States and the Federal Republic of Germany were so important to free world unity.

The men and woman of the Washington Saengerbund—many now native-born Americans—sponsor one of the largest Oktoberfests in the United States. In fact, this annual event was just held last weekend just outside of Upper Marlboro in my district. The Saengerbund members may be the first to have brought this tradition to these shores, celebrating this fall event each year since 1948. More than 10,000 people attend this event each year, and they celebrate in the great joys of German music, dancing, cooking, beer, and German goodfellowship.

The Saengerbund also continues its efforts in bringing German song and German music to Washington. Over the years, in good times and bad, the members have worked diligently in their pursuit of good choral singing, fielding quite a respectable men's, women's, and mixed chorus of 70 to 80 singers at two major choral concerts each year in the hall of the German Orphan's Home in Upper Marlboro. Their music offers a good blend of the classical German composers and modern German folk and popular music. They fill the hall, and after the concert, they sponsor an excellent dance and party in the best German style.

Indeed, the Saengerbund has provided the region, the State of Maryland, and the United States with excellent music, good fun, and worthwhile recreation as a result of their own self-reliance, hard work, and civic responsibility. Naturally, many of their members are volunteering their time freely to assist in the successes of the tricentennial celebrations this year. The Saengerbund, I am pleased to add, is making material contributions to this event, and to the furtherance of good relations between ourselves and the people of the Federal Republic of Germany. On this occasion, I would like to express our thanks and wish them well in their future efforts.●

REPRESENTATIVE PORTER'S PERSON-TO-PERSON FOREIGN ASSISTANCE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. LEHMAN. Mr. Speaker, Representative JOHN PORTER served with me on the House Appropriations Subcommittee on Foreign Operations which has jurisdiction over all foreign aid funding. One of the foreign aid priorities for which we both try to provide adequate funding is in the area of medical needs, including humanitarian relief aid.

JOHN PORTER recently demonstrated this commitment in a much more personal and direct way that involved the resources of American free enterprise. In late August, when we were visiting an Afghan refugee camp at the Pakistan-Afghanistan border, we encountered thousands of refugees in need of medical assistance. One of the worst problems was the lack of antituberculosis medication. John "just happened to have" with him several boxes of antituberculosis medication provided to him by the Merrell Dow Pharmaceutical Co. to present to the camp authorities in Peshawar, Pakistan.

While the need for U.S. assistance was certainly demonstrated, the person-to-person approach can symbolize, as did the gesture of Representative JOHN PORTER, a special message of concern and support.●

THE CLINCH RIVER PROJECT: THE MOST ADVANCED PLANT OF ITS KIND IN THE WORLD

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. MORRISON of Washington. Mr. Speaker, every year when we debate continued funding for the Clinch River breeder reactor project, opponents raise a number of unfounded arguments designed to convince us to abandon this essential energy research project. While I suspect this to be the case again this year, I am increasingly confident that the facts will ultimately be clearly presented and that the Congress will once again vote to move the project forward.

Today I want to concentrate on the status of Clinch River components and the advanced state of its technology. Critics would have us believe either that very little progress has been made on project procurement or that the design of systems and components is out of date because the project is now more than a decade old. They are incorrect on both counts.

To date, more than $750 million worth of components have been completed or ordered. This represents about 75 percent of total procurement and major components. About $360 million worth of these have already been delivered for storage and testing. These include the first-of-a-kind and long-lead-time items necessary to support the critical path for construction.

These components not only exist—they also work, as has been demonstrated by the world's most comprehensive testing program for LMRBR components. Just this year, Clinch River's prototype steam generator was taken to full power in its test facility. These tests confirmed the unit's performance and reliability and validated the first-of-a-kind hockey-stick configuration. In a year-long series of tests, the prototype main sodium pump was shown to meet all its design specifications for normal and abnormal operating conditions.

Other major components and systems have successfully completed test programs. These include the reactor vessel closure head, primary and secondary control rod systems, electromagnetic pumps, and sodium fire suppression system. The enhanced performance of the plant's heterogeneous core configuration was also shown in comprehensive tests to be the world's most efficient in both performance and costs.

The test reactor prototype for the Clinch River project also confirms that the technology will work and is the most advanced in the world. The Fast Flux Test Facility (FFTF), a test 400 megawatt (thermal) breeder reactor located on the Hanford nuclear reservation, is the forerunner of the Clinch River Breeder and it will pave the way for future breeder development. The FFTF is designed to test fuels, materials, components, and conduct other high-performance breeder testing and evaluation.

The success of the FFTF has been nothing less than phenomenal. Since startup in 1980, FFTF tests have successfully confirmed the breeder's inherent safety features and verified operating procedures and plant performance. As of today, the FTFF has completed 88 days of continuous power operation in its current run. This test reactor is regarded as the most advanced facility of its kind in the world and represents a technological step no other nation has taken. It is another indication of the international leadership role that the United States has played and of the tremendous investment we have already made in breeder reactor development.

This investment in the FFTF and other breeder support program cannot be cashed-in unless we continue to pursue construction of Clinch River. CRBR is the crowning cap, a critical objective of our entire breeder research and development program. The breeder base program will complement the construction and operation of Clinch River. Failure to complete the project would constitute an incredible waste of the resources already expended.

The Clinch River Breeder Reactor will be a scaleup of 2½ times from the FFTF. Scientists and engineers familiar with high technology energy programs stress that a prudent scaleup on the order of three times is essential for the proper development of new advanced technologies. If we are to prepare the breeder technology for large-scale commercialization, we need to build a large demonstration plant which is roughly three times the size of the FFTF and one-third the size of the potential commercial power generator. CRBR fits this bill and is the ideal complement to the breeder base program.

We have come so far that it would be a shame not to complete CRBR. From its original inception, the project's merits were clearly apparent and the technology has remained state of the art. Today the justification for the project is even more apparent. This country will need additional supplies of domestically produced electricity; we need to maintain the nuclear option; and the breeder promises us a virtually inexhaustible source of energy. Even the Federal costs to complete the plant have been significantly reduced because of greater participation from private sources.

In the end, if we prevail and secure completion of the Clinch River Breeder Reactor, our future generations will be grateful that we exhibited the foresight to develop and commercialize this technology.●

THE DEFENSE PRODUCTION ACT OF 1950

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. LaFALCE. On Tuesday, October 4, we expect to be considering under suspension of the rules the Senate-passed bill, S. 1852, to extend the expiration date of the Defense Production Act of 1950. That bill is being held at the desk.

I want to ensure that Members are apprised of the provisions of the bill, and of an amendment which I plan to offer.

S. 1852 would extend the authorities of the Defense Production Act of 1950 for 5 years, to September 30, 1988. Those authorities were terminated last Friday, September 30, 1983. In addition, the Senate-passed bill would extensively amend the authorities of title III of the Defense Production Act. When I move on Tuesday, October 4, to suspend the rules and pass the bill, S. 1852, I plan to offer an amendment which would strike all after the enacting clause and insert in lieu thereof an extension of the authorities of the act for 2 years, to September 30, 1985.

The language of my proposed amendment follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".●

A PROGRAM OF THE AMERICAN CHEMICAL SOCIETY, DEPARTMENT OF PUBLIC AFFAIRS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mrs. SCHNEIDER. Mr. Speaker, the American Chemical Society, the professional society of chemists and chemical engineers, has inaugurated an information service for government to provide reliable, up-to-date information about technical aspects of chemistry and chemical engineering. This program provides a referral service to experts in technical areas and responds to requests for specific information with brief reports. The information service is described in detail in the prospectus. I commend this useful service to my colleagues.

PROSPECTUS FOR THE ACS INFORMATION SERVICE FOR GOVERNMENT

The American Chemical Society has instituted a new program, Information Service for Government (ISG), to provide scientific and technical information in the chemical sciences and engineering to governmental bodies, especially Congress. The American Chemical Society (ACS), a Congressional chartered, non-profit organization of professional chemists and chemical engineers, will provide this information as a public service.

The ISG program began formal operations in May 1983 on a two year experimental basis. The program has one full time professional staff member and is part of the operations of the ACS Department of Public Affairs (Dr. Robert G. Smerko, Director). Resources available to the ISG include the expertise of many of the ACS's 126,000 professional chemical scientists and engineers and the Society's library which includes access to a wide variety of computerized data bases.

The primary objective of the ISG program is to provide reliable up-to-date scientific and technical information to Congress and other governmental bodies to enhance their ability to make decisions based on the best available, current chemical knowledge. A secondary but important objective is to enable Congressional staff, who are often without a strong scientific background, to gain a good understanding of the scientific and technical issues involved in policy debates. This understanding goes beyond a knowledge of the technical information to encompass an appreciation of the limits of science including the uncertainty of scientific methods and the distinction between data and interpretations.

INQUIRIES TO ISG

The Information Service to the Government will respond to inquiries regarding the chemical sciences and engineering aspects of issues confronting the government. Such issues may include, but are not limited to, acid rain, chemcial hazardous waste disposal, pollution monitoring technologies, energy development and supply, environmental effects of specific chemicals, and nonproprietary information on chemical manufacturing processes. It is anticipated that most requests will fall into two categories: (1) requests for specific factual infor-

mation, and (2) identification of experts on particular scientific and technical issues.

The ISG is primarily intended to respond to questions of a limited scope rather than to undertake large research projects. However, as resources permit, occasional large projects may be undertaken, but will be negotiated on an individual basis.

In general, the ISG will not respond to questions about the health effects of particular chemicals. However, health effects information may be provided, if it is required for an adequate response to a question received. Congressional requests for health effects information will be referred either to the Congressional Research Service which has expertise in that area or directly to experts in the field. Agency requests will be referred directly to experts in the field.

The ISG will not accept requests that require policy analysis, value judgments of scientific and technological alternatives, or official policy statements by the American Chemical Society. Instead, these requests will be referred to the appropriate offices within the American Chemical Society. However, it is recognized that there are 'grey areas' where experimental design and interpretation of scientific data overlap with policy analysis and societal value judgments. The ISG staff will determine whether to accept 'grey area' requests on a case by case basis.

Requests for information may be entered by telephone, in writing, or in person. The ISG may be used by Members of Congress, Congressional staff (including the Congressional Research Service and Office of Technology Assessment) and Executive Branch Agencies. Requests should be directed to: Information Service to the Government, American Chemical Society, 1155 16th Street N.W., Washington, D.C. 20036, Attention: Harlee Strauss, Ph. D. (20) 452-8917.

ISG RESPONSES TO INQUIRIES

Responses to requests for factual information will include the information requested and the source(s) from which the information was obtained. If the response requires information on a subject where there are multiple interpretations of available data, the major opposing interpretations will be provided. However, it is recognized that it may be impossible to present every possible interpretation. Where appropriate, the response will describe the limits of the quality and quantity of the available data. All reasonable attempts will be made to provide a balanced presentation of controversial data and its interpretations.

When names of experts are requested, a list will be provided which includes the area of expertise and the affiliation of the expert. Bibliographic information such as may be found in American Men and Women In Science will be provided if available. If requested, lists will contain names from several employment sectors and with different policy biases. Any factual information or opinion provided by an individual expert referred by the Information Service is solely that of the individual and not attributable to the American Chemical Society.

In general, responses to requests for information that are handled directly by the Information Service office will be in writing. However, requests which require very rapid responses may be handled over the telephone. Every effort will be made to ensure the response is timely.

ADVISORY COMMITTEE

The ISG has an advisory committee of ten members, appointed by the ACS Director of Public Affairs, with representatives from government, industry, academia, and public interest groups. The Advisory Committee will meet as needed to provide advice on (1) important issues toward which the Information Service to the Government should direct its resources and the appropriate methods for doing so; (2) appropriate processes for maintaining neutrality in providing information; and (3) criteria for evaluating the Information Service. The Committee will also review ISG initiated technical briefs (see below) and act as a resource regarding the overall context in which questions are asked.

CONFIDENTIALITY

Unless otherwise requested, the name of the requester, the original question and the response will be freely available. The sources of the information will also be freely available.

DISCLAIMER

All responses and reports prepared by the ISG will include the following disclaimer:

The information provided is not an analysis covering every material fact or theory associated with the subject of this report. The source of any opinion expressed is clearly indicated, and such opinions may be subject to change without notice. The information provided does not necessarily reflect any policy of the American Chemical Society, whether such policy is presently in existence or to be adopted in the future.

OTHER ACTIVITIES

Technical briefs

The ISG will select specific issues which are of current, or probable future concern to Congress and will prepare technical briefs on these topics. An example of such a technical brief might be a description of trichloroethylene (TCE) which has been found to be a contaminant in drinking water supplies around the country. The description would include the commercial uses of TCE, methods for its detection, EPA approved methods of disposal, known health effects, and methodologies used for cleanup.

Technical briefs will be prepared in consultation with the appropriate Congressional staff in order to meet their information needs and will be reviewed by the ISG advisory committee to ensure that the information provided is accurate and contains a balanced presentation of the data and interpretations.

Congressional seminars

The ISG will organize seminars on topics with chemical science or engineering dimensions which will probably confront Congress in one to five years. Speakers selected for these seminars will be experts on the scientific and technical aspects of the topic and will be able to communicate clearly the limits and the strengths of the available knowledge on the topic.●

1983—NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. NATCHER. Mr. Speaker, National 4-H Week will be observed the week of October 2-8 with the theme, "4-H: Building on Experience," and once again, I am pleased to commend this program for its accomplishments during the past year.

Administered by the Cooperative Extension Service of the Department of Agriculture, 4-H assists young people in acquiring knowledge, developing skills, and forming attitudes that will enable them to become self-directing, productive members of society.

Participation in the 4-H program is open to all interested youths between the ages of 9 and 19. Nearly 5 million youths and over 600,000 volunteers participated in 4-H activities during the past year. The average time spent by each 4-H volunteer is 220 hours per year and the success of the 4-H program is attributed to these volunteers.

In my home State of Kentucky, over 235,000 youths participated in the 4-H program through the University of Kentucky's Cooperative Extension Service in 1982; and in the second district, which I have the privilege of representing, 34,170 youth participated in the 4-H program. The overall trend the past several years in Kentucky has been a steady increase in 4-H enrollment.

Western Kentucky youths have high participation records in demonstrations, State fairs exhibits, achievement records—particularly in agriculture and home economics projects—and also the teen leadership program.

The Kentucky staff has been a pioneer in working with youth in electronic technology and, since 1980, the use of computers has been an activity at Kentucky summer camp. The computer project series the staff developed has been released to pilot States.

Western Kentucky youths continue to participate in "Citizenship: Washington Focus," held in the Washington 4-H Center. In this program, youths from all across the United States visit the Nation's Capital to learn about the Federal Government. The University of Kentucky staff conducts the American Heritage Program in conjunction with "Citizenship: Washington Focus."

Again, I want to commend all of the members of the 4-H program for their achievements during this past year and wish them continued success in all their future endeavors.●

NATIONAL 4-H WEEK

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. BRITT. Mr. Speaker, October 2 through October 8 is National 4-H Week, and this year's theme is "4-H: Building on Experience." It is, Mr. Speaker, an entirely appropriate theme.

Through a learn-by-doing process, 4-H assists youths in acquiring knowledge, developing skills, and forming at-

titudes that will enable them to become self-directed, productive, and contributing members of society.

Mr. Speaker, in my district—including Guilford, Davidson, and Alamance Counties—there are nearly 6,000 youths involved in the 4-H program and approximately 1,300 volunteer leaders. Nationwide, 4.8 million youth and more than 600,000 volunteers are taking part in the 4-H program this year.

These statistics are only part of the 4-H story. Throughout the Nation, 4-H youth and volunteers, under the guidance of the professional staffs of the Cooperative Extension Service, and in cooperation with the private sector are responding to important concerns of our youth. They are contributing significantly to priority missions of the U.S. Department of Agriculture, including increasing agricultural productivity, conserving our natural resources, expanding market programs, and improving the well-being of people and communities.

Mr. Speaker, in agriculture and elsewhere, the people in the 4-H program have made a tremendous contribution to our Nation. This week we should take special note of their accomplishments and give them the thanks they have so richly earned.●

NEW YORK CITY'S HOMELESS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. GARCIA. Mr. Speaker, the dimensions of the problem of sheltering the city's homeless has grown rapidly in the last several years. With winter weather quickly approaching, this problem will heighten to an even greater extent. The number of homeless people in New York City alone has grown so rapidly that city and State officials estimate that they will have to provide temporary shelter this winter for more than 18,000 people, more than twice the number aided 2 years ago. This influx of people seeking shelter has transformed the problem from being a definable, predictable social issue to one of unknown costs and consequences.

On July 13, 1983, the House of Representatives passed H.R. 1, the Housing and Urban/Rural Recovery Act which contained $100 million to assist the homeless. It is vital that the Senate consider this legislation in the immediate future so that funds may be available for the winter.

As an initial warning, the Sunday edition of the New York Times ran an article on the front page revealing the potential and startling problem that New York City's poor will soon face as the winter months draw closer. I have attached a copy of the Sunday, October 2, 1983, article in hope that this article will reawaken the Congress to the necessity of passing this legislation.

The problems faced by the poor will not simply vanish, we cannot neglect their plight, especially not families with small children. In addition, without Federal assistance, State and local governments cannot meet this most pressing of needs.

[From the New York Times, Oct. 2, 1983]

COSTS TO SHELTER HOMELESS IN CITY CLIMBING SHARPLY

(By Michael Goodwin)

The ranks of homeless people in New York City are swelling so rapidly that city and state officials estimate they will have to provide temporary homes and food this winter for as many as 18,000 people, about double the number who sought assistance less than two years ago.

And despite costs that could reach $135 million this fiscal year—up from $18 million in 1978—the officials say that most of the money will provide emergency, short-term help only.

Indeed, the officials say that although they have recently embarked on an ambitious program of trying to provide permanent housing in city-owned buildings, a long-term solution to the problem of homelessness for thousands of poor people seems beyond reach. They say the best they can hope for is not to have their efforts overwhelmed.

"Actually, we're still trying to get on top of the problems," said Robert Jorgen, a deputy commissioner at the city's Human Resources Administration. "We're still trying to catch up."

"AS MUCH AS WE CAN"

In an interview, Mayor Koch echoed those sentiments. "We're doing as much as we can," he said.

Asked what the city could do other than react to the crisis, he said: "I'm happy to receive suggestions. Do you have any?"

City officials do not have specific estimates on the costs for future years, but, in general, they assume the costs will continue to rise sharply.

The city's response has prompted a good deal of criticism, primarily from social agencies that have consistently contented that the Koch adminstration is not doing enough. They have accused the Mayor of dragging his feet, of trying to discourage people from using the shelters by providing the barest minimum of services, comfort and security.

Mr. Koch has heatedly denied those charges, saying that the city has always done what is legally and morally correct. He has pointed to the soaring costs as evidence that the city is committed to helping those who have no place to live and to the policy of offering shelter, without question, to anyone who requests it.

But more recently, as the problem has mushroomed, the Mayor has received some criticism from the other end of the spectrum. Questions have been raised about the wisdom of the city's policy and about the social consequences to the taxpayer and to the people living in the hotels and shelters the city finances.

For example, Thomas J. Main, a program officer at the private Smith Richardson Foundation, has concluded that the policy, which was ordered by the courts and agreed to by the administration, may be an obstacle to rehabilitating the homeless.

"The worst possible shelter policy is one that allows clients to adapt to the 'life style' of homelessness," Mr. Main wrote in a publication called the Public Interest. "Apart from the moral questions such a position raises, the problem is that if more and more people adapt to homelessness, the demand for shelter will eventually rise to unacceptable levels.

"New York has locked itself into a policy not unlike the advocates', and which it may not be able to back away from, even as the limitations of such a policy become increasingly obvious."

While that view still seems to be the minority one, at least among those who have spoken out, it is not unlike the position Mr. Koch has taken all along. He has often argued that, in effect, the supply of housing for the homeless creates demand: Open more shelters, he has said, and people will fill them.

The Mayor has also expressed concern that New York City's policy will become a lure for homeless people across the country, much as New York's relatively generous welfare benefits were thought to have caused a migration of poor people to the city from Southern states and Puerto Rico a generation ago.

"A GOOD DEAL OF TRUTH"

Speaking of Mr. Main's thesis, Mr. Koch said, "There's a good deal of truth in that."

He added: "I'm not saying the shelters and the hotels are palaces. Obviously they are not. But they might be better than the homes people had before."

While welfare officials say there is not much evidence that the shelters have lured people from outside the city, they do point to several statistics to buttress the Mayor's position that, at least among city residents, the easy availability of the shelters has make people more willing to use them.

They cite, for example, the fact that the number of people in the shelters no longer declines significantly in warmer months, as it once did. They also say that every time the shelters are in the news, they get a new flood of people looking for a home.

Brendan Sexton, director of the Mayor's Office of Operations, said a recent dispute between state and city officials over the poor conditions in welfare hotels resulted in so many new families seeking accommodations that the "overflow" of up to 300 people has been housed in a gymnasium in Roberto Clemente State Park in the Bronx.

The city traditionally has had homeless people. To tourists and residents alike, the sight of bedraggled, downtrodden men sleeping on the Bowery and other streets often seemed as much a part of New York as Times Square, the Yankees and Broadway.

But the dimensions of the problem have grown rapidly in the last several years. The influx of people seeking shelter has transformed the problem from being a definable, predictable social issue to one of unknown costs and consequences, city officials said.

Social workers accustomed to dealing with a steady number of middleaged men troubled by bad luck and alcohol say they are now having to deal with young, able-bodied men, former convicts and mental patients, as well as women, children and infants.

When the Koch administration took office in 1978, it inherited a program that traditionally cared for about 2,000 individ-

uals and fewer than 1,000 families. And most of those people only sought shelter during the coldest months because their regular apartments and rooms had no heat. In 1978, the city spent about $8 million to shelter individuals and about $10 million to shelter families.

Now the administration has more than 5,000 individuals in 17 shelters and more than 2,100 families scattered in run-down hotels around the city. As winter approaches, officials expect that as many as 1,300 more individuals will make use of the shelters and that the number of families could reach 3,000. The average size of the families in the shelters is just under four persons.

Moreover, a program by churches and synagogues to offer shelter to the homeless, mostly at city expense, is expected to provide beds for as many as an additional 1,000 people this winter.

The city's budget anticipates expenses of $80 million for the shelters and hotels—about half of it city money, the remainder from Federal and state grants. Officials say, however, that perhaps an additional $10 million will be needed, depending on the demand this winter.

PLANNING FOR THE LONG TERM

While the Koch administration was initially often defensive about the problem, blaming Reagan Administration cuts in housing programs and the state's policy of turning more mental patients out of hospitals, it has more recently concluded that the problem is here to stay and that it must do some planning for the long term, even as it scrambles to provide emergency care.

"This past year, it became quite apparent that we had reached a point where the things we had been doing were not enough anymore," Mr. Sexton of the Office of Operations said. "Everybody predicted we would be dealing with an increase in people, but not a waterfall, not a Niagara Falls."

One of the long-range ideas, long suggested by critics outside the Koch administraton, was to put the homeless in some of the thousands of vacant apartments in properties that the city took over through their foreclosure proceedings.

Recently the administration decided to do that and it now estimates that it will spend about $45 million this year to fix 2,000 apartments. A handful of families have already started to move into some of the apartments, and Mr. Sexton said all 2,000 should be ready by next June. An additional 1,500 could be habitable by a year from now, he said.

But officials are not confident of that course because the cost of the rehabilitation is so high—an average of about $15,000 for each unit.

Anthony B. Gliedman, the city's Housing Commissioner, who will be responsible for the families once they move in, said he had "reservations" about many of the families.

"Unless we give them strong support services, they could be a long-term detriment to the other tenants in those buildings," he said. "It would not be fair to foist them onto the people already living in those buildings without some supervision and help."

"At times, the problem appears so overwhelming, so utterly hopeless," said William B. Eimicke, Governor Cuomo's deputy secretary and chairman of the state's task force on the homeless. "But we can't just write these people off, especially not families with children 2 and 3 years old. Many of these people would just die."●

TWENTY-FIVE MERIT SCHOLAR SEMIFINALISTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. HOYER. Mr. Speaker, we have heard much lately about the quality of education in our schools, both good and bad. It is only fitting, then, that we take time out from this point/counterpoint and recognize the many students who are now achieving excellence in education, the many teachers who work long hours without adequate pay and the many public schools which are building sound academic programs and delivering to our Nation a body of enthusiastic and well-prepared youth.

Each year the National Merit Scholarship Corp. awards thousands of college grants to qualified young men and women in high school. This year, 25 students attending schools in the Fifth Congressional District were named semifinalists in the annual merit competition. I could describe these students by noting their dedication, their hard work, their creativity, and their eagerness to learn. Each of these attributes has played an important part in earning the honor of being a merit scholar. But the common denominator is that they have lived up to and surpassed the highest standards of education which they are offered. I would like to congratulate each of these young men and women for working hard and making it to the head of the class.

They are: from Bowie High School: Sharon Livingston; from DeMatha High School: Christopher Gleason; from Eleanor Roosevelt High School: Adam L. Bresnick, David M. Burtnick, Gail L. Christeson, Amy S. Espeseth, Gregory T. Fieldson, Kathleen M. Galleher, Kevin G. Gonter, John J. Jenks, Glen A. Kruse, Elizabeth J. Linstrom, Kristin A. Majeska, Carey A. O'Reilly, Bonnie J. Rippere, Richard E. Tontodonato, and Helen F. Webb; from Friendly High School: Traci A. Beilstein, Michael S. Bosco, and Ellis R. Rosenberg; from Gwynn Park High School: Sylvia A. Rutiser; from Northwestern High School: Jayne A. Meeks; and from Queen Anne School: Erik G. Ledbetter, Andrew R. Lee, and Carlos M. Nalda.

I would like to point out to the House that 15 of these merit semifinalists attend one school, the Eleanor Roosevelt High School in Greenbelt, Md. Roosevelt High first opened its doors in 1976. In a very short time it has become one of the finest schools in the Washington metropolitan area. Its students defy the negative comments spoken about American education now being delivered across the Nation. As an institution, Eleanor Roosevelt High School is an example of a school that dares to challenge its students, and, in doing so, challenges the popular belief that American education is awash in a rising tide of mediocrity. These students and this school exemplify the best of American education. Again, I offer my congratulations to all 25 students. They have earned a great honor, and I wish them continued success in their studies.●

WESTERN NEW YORK NATURAL GAS PRICES REVISITED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. LAFALCE. Mr. Speaker, on September 23, 1983, I printed in the RECORD (p. E 4527) a copy of an article from the Buffalo News in which FERC Commissioner David Hughes is reported to have predicted a 30- to 40-percent increase in natural gas prices for western New York consumers.

I contrasted Mr. Hughes' prediction with National Fuel's announced price reduction of 4.3 percent, and asked rhetorically, "natural gas prices: up or down?"

I recently received a copy of a letter to the editor of the Buffalo News written by Mr. Hughes in which he states, "I do not believe that there will be a 40-percent increase in rates in Buffalo next winter."

In order to set the record straight, I ask that Mr. Hughes' letter be inserted in the RECORD.

Thank you.

[A copy of the letter follows:]

FEDERAL ENERGY REGULATORY COMMISSION,
Washington, D.C., September 21, 1983.

Mr. MURRAY LIGHT,
Editor, Buffalo Evening News,
Buffalo, N.Y.

DEAR MR. LIGHT: Your accounts (in the News on September 16 and 17) have reminded me of the cliché that it's dangerous for public officials to mention predictions, especially about the future.

When I spoke to the press, my purpose was to state that generally, natural gas price increases have been estimated by others as high as 40 percent, and that estimates have also been made as low as 15 percent. Since we do not regulate retail rates, and given that any meaningful prediction of retail gas costs requires an ability to forecast the weather as well as local markets, a precise quantification is not possible. I do not believe that there will be a 40 percent increase in rates in Buffalo next winter. I made that clear on a 11:00 p.m. live Channel 4 newscast the night of the 16th.

As your story correctly said, I believe that under the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission has more ability to predict wellhead gas price increases built into the statute than to control them. That's why I think Congressional action will be necessary to avoid an-

other winter of higher gas costs, however slight or large they may be.

While I did not predict a 40 percent increase in retail rates, the real message I brought back from Buffalo is that any increase above 10 percent would impair Buffalo's chances for economic revival and would add more hardships to a community already hit too hard.

Sincerely,

DAVID HUGHES,
Commissioner.●

PERSONAL EXPLANATION

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 3, 1983

● Mr. McNULTY. Mr. Speaker, my district in southeastern Arizona over the past 4 days has been subjected to extremely heavy flood damage resulting from unprecedented levels of rainfall. At least 10 lives have been lost so far, and damage estimates already are running well into the tens of millions of dollars. The flooding has touched practically the entire State, but the Fifth District has been hit particularly hard.

I must see what I can do about this devastating and terrible tragedy. I am therefore going back to my district to survey the damage firsthand, to report back to my colleagues on the extent of the tragedy, and to assist in seeing that the Federal Government assistance programs are implemented quickly and efficiently. Regrettably, the forces of nature pay little attention to the work schedule of the House of Representatives—and my visit to the district will require me to miss some votes. I regret this very much, Mr. Speaker, and would like you and my colleagues to be aware of that fact. I hope my mission is brief, but I will appreciate having the House's support for my efforts.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 4, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 5

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of S. 663, to prohibit price and other Federal crop supports on highly erodible lands which have not been cultivated for agricultural purposes in the last 10 years, and to begin mark up of S. 129 and H.R. 24, bills to provide that all Federal lands within the Hector Land Utilization Area in the State of New York shall be considered part of the Green Mountain National Forest; S. 566, to release a reversionary interest in specified land to the South Carolina State Commission on Forestry; and S. 1503, to release the reversionary clause by the Fedreal Government on certain land in the deed to the land conveyed to the State of Delaware in 1954.
SR-328A

Appropriations
Defense Subcommittee
Business meeting, to continue markup of proposed legislation appropriating funds for fiscal year 1984 for defense programs.
SD-192

Commerce, Science, and Transportation
To hold hearings on the nomination of Terry Calvani, of Tennessee, to be a Federal Trade Commissioner.
SR-232A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
S-116, Capitol

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

Joint Economic
To hold hearings on the emerging economics of agriculture.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1546, proposed Deepwater Port Act Amendments of 1983.
SR-253

Judiciary
To resume hearings on the nomination of Sherman E. Unger, of Ohio, to be U.S. Circuit Judge for the Federal Circuit, and to begin hearings on the nomination of Thomas J. Curran, to be U.S. District Judge for the Eastern District of Wisconsin.
SD-226

OCTOBER 6

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public land measures, including S.J. Res. 139, S. 1868, S. 1775, S. 1790, S. 806, S. 1389, S. 1654, H.R. 451, S. 1547, H.R. 1191, S. 1860, and S. 1688.
SD-628

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the interim report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam; and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to continue markup of proposed legislation appropriating funds for fiscal year 1984 for defense programs.
SD-192

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 1821, to increase the amount of mortgage money available to consumers by making private sector investment in the secondary mortgage market easier.
SD-538

Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to determine U.S. policy on air space utilization in the Pacific, and to access its adequacy in preventing a recurrence of the Korean airline tragedy.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

4:00 p.m.
Select on Ethics
Closed business meeting.
SD-205, Capitol

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings in the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on the European Economic Community (EEC) proposal to reform the common agricultural policy.
SR-328A

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and noncatastrophic accidents for which the Government is primarily responsible.
SD-562

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Environment and Public Works
To hold hearings on the nominations of Jack E. Ravan, of Georgia, to be Assistant Administrator for Water, and Courtney M. Price, of the District of Columbia, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency.
SD-406

Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1728, to establish a National Task Force on Organ Procurement and Transplant Reimbursement, and related proposals.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings to examine the impact of the recent drought on American farmers, and to assess efforts by the administration in providing relief.
SR-328A

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on ground water contamination.
SD-406

Judiciary
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
SD-124

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

10:00 a.m.
Judiciary
To hold hearings on S. 1841, proposed National Productivity and Innovation Act.
SD-226

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

Joint Economic
To resume hearings on job training needs of American workers.
Room to be announced

NOVEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-253

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1707, proposed Competition in Television Production Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review certain multiemployer plans.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old-age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review certain provisions of the Employee Retirement Income Security Act.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATIONS

OCTOBER 4

10:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

10:30 a.m.
Finance
Business meeting, to consider pending calendar business.
SD-215

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in Job Corps reform.
SD-430

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-628

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1546, proposed Deepwater Port Act Amendments of 1983.
SR-253

OCTOBER 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SENATE—*Tuesday, October 4, 1983*

(Legislative day of Monday, October 3, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Father in Heaven, thank you for the return of two of our very faithful servants in the Senate. We ask Thy blessing upon them.

Though I speak with the tongues of men and angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing.

Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up. Doth not behave itself, unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never fails.—I Corinthians 13:1–8

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized this morning, there will be a brief period for the transaction of routine morning business which will extend from the expiration of the leaders' time until 10 o'clock in which Senators may speak for 1 minute. By unanimous consent, the Senate will turn to the consideration of the Labor-HHS appropriations bill at 10 a.m.

Today being Tuesday and the day for the regular caucuses on both sides of the aisle, the Senate will stand in recess for 2 hours.

May I inquire of the Chair, has that time been ordered yet?

The PRESIDENT pro tempore. It has already been ordered.

Mr. BAKER. I thank the Chair.

Then at 2 p.m., Mr. President, assuming we have not finished Labor-HHS, and I feel sure we will not have finished Labor-HHS, the Senate will return to that appropriation bill and work on it the remainder of the day, I imagine.

Tomorrow, Mr. President, we will have a cloture vote to cut off further debate on the motion to proceed to the consideration of the Martin Luther King, Jr., holiday bill.

Mr. President, I would expect, barring unforeseen circumstances, today to be a fairly normal day, meaning that we will run until 6, 6:30, or thereabouts in the evening. If there is a requirement for additional time, I will consult with the managers and, of course, the minority leader and adjust that schedule, but Senators should assume for the moment that we will be out by 6 or 6:30 today.

Mr. President, this is the last week before the October break of 10 days. I urge Senators to consider that as they decide on the length of their speeches and the number of their amendments and their otherwise dedicated passion for improvement of this bill or any other bill.

Mr. President, I do not mean that Members should forgo the opportunity to speak or to offer amendments. I am simply saying it sure will get us out of here a lot easier and a lot quicker if we can save some of them for when we come back on October 17.

I would make two points in that respect, Mr. President. The Speaker, the minority leader in the Senate, Senator BYRD, the minority leader in the House, and I have all stated that we hope we can make a November 18 sine die adjournment, but that depends, Mr. President, on what we get done. I hope Senators will cooperate in trying to make that a reality. The things that must be done I will not try to list now in their entirety, but they include such things as the balance of the appropriations bills, or at least as many of them as we can pass, a continuing resolution, if we must have one—that is to say, if we have not passed all the appropriation bills—and extension of the debt limit, which I believe must be attended to before the end of October but which I do not expect to ask the Senate to turn to until after we come back from our October break.

Mr. President, in addition to that, we have one matter in which I have a long-abiding and persisting interest and that is TV in the Senate, which I expect and declare that I am going to bring up before this session is out. But some of my friends on both sides of the aisle who are equally dedicated to the defeat of that proposal should be reassured that I will not try to do it without consulting with all Members first so they are not taken unaware. However, it will not be before October 17.

Mr. President, there are a number of other things that have to be done including conference reports, reauthorizations, and the like, and we will address those things as time goes by. After our caucus today on this side of the aisle, I will confer at the pleasure of the minority leader on this subject and try to have a further statement to make in the course of the week on the program for the Senate not only for the remainder of this week but for a time after we return on October 17.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time if any remains under the standing order. I further ask unanimous consent that it may be reserved for the use of the minority leader at any time during the course of this day.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 10 a.m. with statements therein limited to 1 minute each.

Mr. BAKER. Mr. President, since no other Senator is presently seeking recognition in morning business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I made a rash prediction a few minutes ago that today would be a normal day and we would be out between 6 p.m. and 6:30 p.m. Fortunately, good judgment overtook my loose tongue, and I also added that I had not yet conferred with the managers and that I would

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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do so and if there is a contrary intention, I would let the Senate know.

I have and there is.

The manager on the part of the majority advises me that he wishes to finish this bill today, which I applaud, but that to do so may require that we run past the usual adjournment hour. He mentioned the hour of 8 p.m.

Mr. President, Senators should be on notice that the Senate may very well go past the usual adjournment or recess hour today, and I urge Members to take account of that probability in making their plans for the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARAQUAT SPRAYING OF MARIHUANA PLANTS

Mrs. HAWKINS. Mr. President, 20 percent of the marihuana abused in this country is grown in the United States—in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Indiana, Kentucky, Missouri, Montana, New Mexico, North Carolina, Oregon, Tennessee, Virginia, and Washington State. Approximately 2 million pounds of domestic marihuana is produced a year, and the cream of the crop commands more than $1,000 a pound, wholesale, on the black market; $150 will buy you 2 ounces of it on the street.

The greatest percentage of domestic market cultivation takes place on private lands. But there is an increasing tendency for growers illegally to use public lands, managed by the Bureau of Land Management, in the Western United States. Hunters, sports fishers, campers, miners, hikers, loggers, and ranchers are apt to encounter illegal marihuana fields in their use of these public lands. The illegal fields are protected by armed guards and booby traps, such as sharp steel spikes that penetrate your foot, explosives activated by trip wires, and fish hooks hung at eye level in the brush.

Mr. President, Colombia, Mexico, and Jamaica produce 80 percent of the marihuana abused in the United States, at a street value total of $28.7 billion. We have been pressuring these foreign countries to spray their marihuana crops with the herbicide paraquat, as the State of Florida did last year. But their argument was that the U.S. Government has not sprayed their own domestic fields, and so why should they.

This year, the Federal Government has demonstrated to foreign countries that we, in the United States, practice what we preach. The BLM has launched a major effort to control narcotics production on public lands. The joint eradication program involves other Federal agencies as well as State, county, and local law enforcement. Our action sends a clear message to drug-producing countries abroad that we mean to control our tragic drug problem on all fronts.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a New York Times article on this subject, entitled "U.S. Plans More Spraying to Kill Marihuana."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 16, 1983]

UNITED STATES PLANS MORE SPRAYING TO KILL MARIJUANA

WASHINGTON, Aug. 15 (UPI).—The herbicide paraquat could be sprayed on marijuana fields on Federal lands in 40 states after what the Reagan Administration considered a successful trial run on northern Georgia last week, officials said today.

At the same time, however, a Federal district judge in Georgia issued a temporary restraining order preventing further spraying in the Chattahoochee National Forest, an action that could stall the Administration's plan.

Pat McKelvey, a spokesman for the White House Drug Abuse Policy Office, said the controversial herbicide might be used in all but the 10 states that are not participating in the Drug Enforcement Administration's "domestic cannabis eradication program."

Paraquat, first used on domestic marijuana last year in Florida, was sprayed on several marijuana plots Friday in the national forest near Helen, Ga. Officials privately called the effort a success.

"NOT PLANNING TO CEASE"

Judge Charles Moye today prohibited further spraying in the forest until a hearing could be held. But drug agency officials said the effort there was complete and they were considering aerial eradication elsewhere.

"We're not planning to cease spraying paraquat," said Ted Swift, an agency spokesman. "We are currently considering spraying paraquat on other Federal lands. I can't tell you when or where."

Mr. McKelvey said spraying could occur in every state except Nevada, Alaska, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey and the District of Columbia, which have not agreed to join the Federal program. Most of those states are not in the program because they do not have serious marijuana problems, He said.

Paraquat is safely used on 10.7 million acres of farmland in the United States to kill weeds, Mr. McKelvey said, accusing marijuana growers of exaggerating the health hazard.

"They've created some hysteria down in Georgia that it's going to kill people," Mr. McKelvey said.

In each case before spraying begins, officials conduct an environmental assessment "to make sure we're not spraying into streams or near livestock or human beings," he said. The spray is no hazard to anyone, he added, even marijuana smokers, because the herbicide "turns the plants into dust" within 72 hours and "you can't make a joint out of dust."

MORAVIANS ACTION SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, for over 15 years I have risen daily in this Chamber to support the International Genocide Convention. I have frequently maintained that morality impels the United States to ratify this treaty—that to formally condemn and criminalize genocide is, simply, the right thing to do. I would go further today by reminding the Senate that the American people whom we represent share this view. We therefore have both a moral and a political imperative to act in support of the Genocide Convention.

That domestic political imperative was again illustrated when the recent Northern Province Synod of the Moravian Church in America passed a resolution calling for ratification of the Genocide Convention. Representatives from over a dozen States were present at this synod; their president, the Right Reverend Wilbur Behrend, summed up their views in a single statement: "It is almost unthinkable to us that a nation such as ours would be unwilling to ratify this action."

This resolution repeats several arguments for ratification which I have cited for years: The criminal nature of genocide, the U.S. leadership in drafting the Convention 35 years ago, our ongoing commitment to preserving human rights, and the concurrence of 83 other nations, including all other major Western democracies. Surely it is time to respond to the ongoing urging of our friends abroad and our citizens at home.

I hope my Senate colleagues will gain from these arguments a renewed sense of the propriety of the International Genocide Convention, and will proceed to lend their advice and consent to ratification without delay.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Moravian resolution which I have cited.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TWELFTH PARTIAL REPORT OF THE COMMITTEE ON CHURCH AND SOCIETY AND WORLD MISSION

Re: U.S. Senate Ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

Whereas genocide—the destruction of a people for reasons of nationality, ethnicity, race, or religion—is the ultimate crime against humanity, and

Whereas based upon all the evidence of Biblical studies covering the great spectrum of Old and New Testaments, it is our Christian duty to abhor acts of genocide and declare such acts as a disgrace to our common humanity and therefore offensive to God, and

Whereas the Moravian Covenant clearly states "We view all of life as a sacred trust" and that we will also "recognize the support of worthy causes outside the church as part of our stewardship," and the Moravian Covenant makes similar supportive statements in paragraphs 19, 25, 26, 27, 28, and 29, and

Whereas the United States in 1948 led the world in drafting a convention outlawing genocide, and

Whereas the convention outlawing genocide has been ratified by 83 nations, including all the other major nations of the free western world, and

Whereas the United States, despite its long commitment to human rights, has for the past 34 years failed to ratify the convention outlawing genocide, now therefore be it

Resolved: That this Synod support Senate ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

Adopted August 26, 1982.

EISENHOWER HAD IT RIGHT 27 YEARS AGO: STOP THE NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President on September 7, David Broder wrote a column of striking significance to this Congress. Because the column appeared in the Washington Post during our August-September recess, many Members of the Congress may have missed it. The Dwight Eisenhower that had not been previously disclosed. The letter was an answer to an inquiry President Eisenhower had received calling for the United States to instigate a "crash program for long-range airpower and missiles." President Eisenhower had, we all know, devoted his life to the military. He ended his military career as the Supreme Allied Commander in Europe, the heroic general who led this country to victory against the Nazis in Europe. So it can be said without exaggeration that no President—certainly in this century—has come to office with a more profound understanding of our military power, its purpose, its limitations, and its potential than Eisenhower.

How would the General-President who had won our greatest military victory respond to this proposal to go ahead full speed in the nuclear arms race with the Soviet Union? Keep in mind that this was more than 27 years ago, back in March of 1956, when our nuclear advantage over the Soviet Union appeared to be decisive, if not overwhelming. It was well before the Cuban missile crisis. It was a time when the prospect of nuclear war seemed far less threatening than today. And it was a time when a nuclear war, while immensely destructive, would have been far less devastating than a nuclear war today. What was Eisenhower's response? Mr. President, I will insert the entire Broder column at the end of this statement. And that column carries the Eisenhower response in detail. But I want to call my colleague's attention to the paragraph that Broder singled out as the heart of the Eisenhower response. Here it is:

When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

Now, Mr. President, can anyone doubt that we have reached that point at this very moment? With every passing month the nuclear arms race carries us further along the road to absolute destruction, a world of devastation where all that will be left of this blessed country is a massive, steaming, radioactive tomb. What Eisenhower foresaw 27 years ago has come to pass. We are indeed on the brink of nuclear destruction.

Are we at the conference table that Eisenhower called for? Do our President and the Congress "understand that the era of armaments has ended and the human race must conform its action to this truth or die"? We do indeed have arms control negotiators meeting with the Soviet negotiators discussing the prospect of limiting the deployment of nuclear missiles in Europe. We have also exchanged proposals for such arms control measures as limiting the number of nuclear warheads on both sides. But even if both of these arms control parleys should reach prompt and full agreement, we would have barely scratched the real driving momentum of the nuclear arms race. With full success for all arms control negotiations we will spend more than $65 billion on nuclear arms this year and more than $450 billion over the next 6 years. And the Soviet Union will match us in this race to nuclear oblivion. All this is assuming that the arms control agreements succeed. As we all know, the prospect of such success has rarely been dimmer. Both President Reagan and Yuri Andropov have harshly denounced each other and have all but thrown up their hands at reaching even a cosmetic agreement.

Somehow, Mr. President, we should strive to rekindle the spirit of negotiate or die expressed by President Eisenhower. Somehow we must recognize that a comprehensive agreement—like the nuclear freeze—flatly ending the nuclear race would be the one kind of policy that would fit into the Eisenhower plea for "the human race to conform its actions to this truth (that the era of armaments has ended) or die."

Mr. President, I ask unanimous consent that the entire article to which I referred from the September 7, 1983, Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 7, 1983]

IKE ON "MAN AGAINST WAR"

(By David S. Broder)

Something has come into my hands that I think is worth sharing. Prof. Fred I. Greenstein of Princeton, author of "The Hidden Hand Presidency," a study of President Eisenhower, has called my attention to a letter Eisenhower wrote 27 years ago which he says has never been published in full.

With the permission of the president's son, retired Gen. John S. D. Eisenhower, I am giving it circulation through this column. I think it is as important a statement on nuclear war as I have ever read.

Richard L. Simon, president of the publishing firm of Simon & Schuster, had written Eisenhower on March 28, 1956, calling attention to a column by Joseph and Stewart Alsop on the Soviet military threat, and urging "that a crash program for long-range airpower and missiles" be given the highest priority, as they recommended.

This is the Eisenhower reply of April 4, 1956:

"Dear Dick:

"Thank you for your letter, which brings up subjects too vast to be discussed adequately in a letter. Suffice it to say here that I doubt that any columnist—and here I depend upon hearsay as I have no time to read them—is concerning himself with what is the true security problem of the day. That problem is not merely man against man or nation against nation. It is man against war.

"I have spent my life in the study of military strength as a deterrent to war, and in the character of military armaments necessary to win a war. The study of the first of these questions is still profitable, but we are rapidly getting to the point that no war can be *won*. War implies a contest; when you get to the point that contest is no longer involved and the outlook comes close to destruction of the enemy and suicide for ourselves—an outlook that neither side can ignore—then arguments as to the exact amount of available strength as compared to somebody else's are no longer the vital issues.

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

"The fullness of this potentiality has not yet been attained, and I do not, by any means, decry the need for strength. That strength must be spiritual, economic and military. All three are important and they are not mutually exclusive. They are all part of and the product of the American genius, the American will.

"But already we have come to the point where safety cannot be assumed by arms alone. But I repeat that their usefulness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory over opponents as in 1945. In this regard, today we are further separated from the end of World War II than the beginning of the

century was separated from the beginning of the sixteenth century.

"Naturally, I am not taking the time here to discuss the usefulness of available military strength in putting out 'prairie fires'—spots where American interests are seriously jeopardized by unjustified outbreaks of minor wars. I have contented myself with a few observations on the implication of a major arms race.

"Finally, I do not believe that I shall ever have to defend myself against the charge that I am indifferent to the fate of my countrymen, and I assure you that there are experts, technicians, philosophers and advisers here, who give far more intelligent attention to these matters than do the Alsops.

"With warm regard, sincerely, Dwight D. Eisenhower."

The letter was marked "personal and confidential." But if ever there was a message that echoes across the decades to our own time, it is this one.

In eight short paragraphs, the remarkable man who led the Allied armies to victory over Hitler and served the nation as its last two-term president, distilled a lifetime of wisdom.

There is one sentence which deserves to be carved in stone, or better, imprinted on the mind of anyone who occupies the Oval Office. Just read it slowly—clause by clause—and think about it:

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

CREATING A NATIONAL HOLIDAY HONORING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

Mr. CHAFEE. Mr. President, we have a long road to travel before the infection of racism is finally eradicated from the United States. The fact that we have come as far as we have is largely due to the vision of one man, Martin Luther King, Jr. He understood that no nation could claim to be free if it continued to suppress the aspirations for equality of any minority.

As a nation, it is the force of our ideas and our ideals that have altered history. Two hundred years ago, a small band of colonists living on what was then the frontier of the Western World wrote an end to British tyranny. In so doing, they changed the course of history forever with the radical notion that sovereignty belongs to the people. The civil rights movement led by Dr. King was, in a profound sense, a second American revolution, founded upon the dream that as a nation of law, we must judge men and women not by the color of their skin, but by their talents as individual human beings.

In commemorating Dr. King's birthday, we will be honoring not just the man, but also his vision of an America truly free.

In honoring the vision, we will be committing ourselves to a yearly rededication to his ideals of nonviolence, the rule of law, and the intrinsic equality of all people.

And finally, in making that yearly rededication through the celebration of Dr. King's birthday, we will be looking to the future and the fulfillment of his dream, leaving behind the racism, hatred, and violence of the past.

In sum, Mr. President, this legislation is a fitting tribute to Dr. King, to the principles and ideals for which he stood, and to our Nation's perpetual effort to assure equality of opportunity to every citizen. I urge its adoption.

FCC RULES

Mr. MOYNIHAN. Mr. President, I was troubled to read this morning in the Washington Post that the Chairman of the Federal Communications Commission was recently summoned to the White House by the President to discuss a matter currently pending before the agency. I was even more deeply troubled by one report that, indeed, it was a trip to the woodshed and not to the Oval Office.

Today a White House spokesman acknowledged that the President asked for the meeting with Chairman Fowler, but that the White House would take no public position on the issue. If this suggests that there is a private position, then clearly an inadmissible form of intervention is in prospect.

At issue are two 12-year-old FCC rules which restrict the business practices of the networks and, thus, have consequences for the quality of television viewing for each of our constituents and for the television program businesses in States such as New York. It is an important and controversial matter which has been the subject of scholarly and governmental study for nearly 6 years. Yet just as this laborious and careful process of reconsidering, refining, and improving Government regulation of a dynamic industry is reaching its natural conclusion, an independent regulatory agency faces the possibility of Presidential intervention.

The FCC rules to which I refer are the so-called financial interest and syndication rules. The financial interest rule prevents networks from investing risk capital in network television program production in exchange for profit-sharing rights. The networks become mere lessors of the product which is their life's blood. The syndication rule prevents the networks from selling either original or off-network programs to individual television stations on a nonnetwork basis. They were adopted in 1970.

I have taken a close look at the issue. I find that the television marketplace of the 1980's is much different than that of the 1970's and that these rules are quite deserving of reconsideration. I find that the process of reconsidering them has been deliberate and thorough and conducted by some of the best experts in the field of telecommunications policy, economics, law and the practical aspects of the businesses affected. And I find that the FCC has issued a tentative decision which is not a complete victory for either side in this debate, but a decision which is supported by the independent analysis and conclusions of the Brookings Institute, the American Enterprise Institute, a specially appropriated congressional/FCC task force, the New York Times, the Wall Street Journal, and most notably, the Federal Trade Commission and the Departments of Commerce and Justice of this administration. Indeed, it is remarkable to note that both the Department of Justice and the Department of Commerce in pleadings filed recently with the FCC as a part of this rulemaking took the FCC somewhat to task for not going further to eliminate what they clearly believed were unjustified Government regulations.

President Reagan assuredly has a natural interest in this matter. After all it does affect a business in which he spent the better part of his life. His position as President does entitle him to be fully informed of the policies and actions of the Federal regulatory agencies. But it would be completely improper in my judgment for his personal interest to go any further. Briefings are one thing; Presidential interference in the functioning of an independent regulatory agency—which after all is a creature of this Congress—is an entirely different matter.

I believe it is imperative for the integrity of all regulatory processes that the President unequivocally declare that he will express no view on the matter and that he will do nothing to intervene in the work of the FCC as they proceed diligently to complete their required work.

Under law and precedent the President can have but one position, public or private, which is that he supports the position of his Departments of Justice and Commerce—which departments support the tentative finding of the FCC—and that he awaits the final outcome with equanimity and impartiality.

JOHN A. LUKE AT THE SOUTH CAROLINA INTERNATIONAL TRADE CONFERENCE

Mr. THURMOND. Mr. President, recently, I received a copy of a speech delivered to the South Carolina International Trade Conference held in Charleston, S.C., by Mr. John A. Luke, president of Westvaco Corp.

This speech provided me with an interesting insight into present U.S. trade policy and how it affects our domestic industry. In order that I might share Mr. Luke's thoughts on this issue with my colleagues and others, I ask unanimous consent that especially relevant portions of his speech appear in the RECORD at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

AMERICA'S COMPETITIVE POSITION—A MATTER OF SPIRIT AND DETERMINATION

(John A. Luke)

I share with you a very great concern over America's present position in world trade. Our exports are not sufficiently robust, and we are having difficulty competing with others for major portions of our own domestic market. The country needs the most skilled and most imaginative attention that can be brought to bear on this situation. We have to become more competitive producers and more effective traders. These are skills we once had and which we have since let slip away. The dimensions of our difficulty are that, in 1960, the United States accounted for 18 per cent of the total world merchandise trade; twenty years later, in 1980, it had only 12 percent—a mammoth one-third drop in world market share. These figures represent our world trade report card. It is not a good one, and it is not up to our potential even though we remain the largest trading nation in the world. Our collective task is to put in place the necessary programs to regain that share of the growing world market which we have lost.

In addition to regaining the country's overall world market share, I join in the determination of this conference that every possible additional export leave the country through the Port of Charleston. I am genuinely impressed by this Port's outstanding growth in recent years, and I can only predict more of the same for the future. How could any objective analyst feel differently when faced with the fact that while the United States as a whole was losing position in a growing world market, the unit volume of exports through Charleston increased by 500 percent.

We all know what has happened to some of America's basic industries—ones that only a few years ago were the world leaders in cost, efficiency, and product quality. To be a harsh judge, and the world is, it has to be said that these basic industries overlooked the reality of the threat of foreign competition until it was too late. Major parts of the domestic market were gone—along with many, many jobs filled by other workers in other lands. The business disciplines which should have earlier been brought to bear simply were not. Costs rose, plants became obsolete, and product quality fell. It almost appears the assumption was made, consciously or unconsciously, that whatever the additional cost, or whatever the level of quality, the American consumer would accept it.

Some analysts find it tempting to rationalize American industry's present distress and blame it all on the higher wage rates in this country compared with those in other lands. Surely in some industries these have had a powerful impact. It has to be recognized, however, that wage rates differ throughout our domestic industry. Some industries have done a better job of managing wage levels and of increasing productivity than have others. Some look to an erosion of product quality and design as the cause. These have fallen, but not uniformly across all industry; rather, symptomatically, in industry's most troubled sectors. Some make the case that American industry suffers unduly because of environmental requirements and from the adversarial nature of the relationship which has existed between industry and government. These are clear, competitive handicaps, but even though applicable to all industry, they have not had uniform impact. Each industry has also had world and alternative product competition in varying, but intense fashion. These have not taken the same toll from all industry.

It is just not accurate to generalize and put all basic industry into the same category of competitive distress and smokestack obsolescence. There is a range of competitive performance and all basic industry cannot be judged by the competitive position of a few.

To me, it is first and formost a matter of competitive spirit and determination, over time, on the part of all of those involved in a given industry. No country has more resource, more technology, or a larger market than the United States. Each industry and the country as a whole have to be sufficiently determined to do what is necessary to really compete for the markets and jobs to which it aspires.

Our economy and our basic industry have been jolted and bruised enough so that there is a distinct and growing awareness of the reality of the industrial situation throughout the land. This is the first step to effective response. Beyond awareness, important progress in terms of competitive position has been made in the last year or so by American industry. Very significant strides in efficiency, process automation and productivity are underway, costs are being reduced, products are being redesigned, and sound work is being done in product quality. Employee involvement, or worker participation programs, are also making major contributions. American industry, having invested a massive $26 billion last year alone in factory automation, is emerging from the recession much stronger and with a great deal more competitive will than it has had for some time. By way of clear example, manufacturing productivity in the first quarter of this year surged ahead at an annual rate of 7.1 per cent. The requisite spirit and the determination are increasingly in place, and in depth, in many sectors of industry. We can, we will, we are about to earn back a bigger share of our own market while also increasing our share of the world market.

In retrospect, it may be very fortunate that the recession, which so clearly defined the areas of American industry's competitive vulnerability, occurred when and as forcefully as it did—when there was still the opportunity to reaffirm our basic industrial strength, rather than at some future date when, in fact, it might have been too late to recover.

The competitive progress American industry is making will become very apparent as economic recovery occurs throughout the world. This will be most helpful in the near term, but there is a long competitive road to journey. Therefore, I would like to suggest specific areas to which we all need to direct our spirited concern and our determined efforts. Each of these areas is fundamental to our longer term social and economic health.

I support the President's proposal for a cabinet level Trade Department as a sign of our government's spirit and determination to support the economy in ways the private sector on its own simply cannot. The country needs an ongoing, firmly coordinated, and clearly articulated world trade policy that speaks to both market access and product subsidy.

Through greater emphasis on product planning and design, American industry needs to call on its technological leadership to turn more of its commodity products into distinctive, innovative, finished designs which have special market value. While this is the way we need to go, it is a route hardly free of able competition. For example, a few years ago the best machinery for the paper industry was produced in the United States. Now, much of it is not, and we are looking to other industrialized countries for this equipment. Consider, also, that last year imports accounted for almost 30 per cent of our nation's total machine tool spending, up from 10 per cent a decade ago. There are forecasts that imports of these tools will reach 34 per cent this year. Other countries have earned this business by applying their skills and technology and by designing superior products—not because they had better or lower cost raw materials from which to make them. This is exactly what we have to do more of in this country—efficiently convert our natural resources several steps beyond the commodity level into products of superior quality. This will let the world's most advanced industrial nation, and the world's technological leader, compete in its area of greatest strength. It is the best way, and perhaps, the only way to protect our domestic market and to regain world market share.

We must keep the promise of High Tech in its proper perspective. We must not be lulled into believing that our future salvation will be a glamorous High Tech economy with basic American industry a thing of the past. High Tech is wonderful and all its computers and chips and electronics are as exciting as can be. But as exciting as it is, High Tech is not a world unto itself. It is simply an extension of the world's industrial scene. High Tech will never replace basic as the bulwark of our economy, but synergistically it will strengthen and extend basic's competitive position. High Tech will create many new jobs on its own, but it will do the most for the American economy by enhancing the competitive position of a major customer—basic American industry.

America needs a national commitment to Research and Development—one which is fully equivalent in importance to the role it will play in our technologically competitive future. The government should take a strong lead in such programs as defense and space, but the country must also count heavily on growing research and development activity by private industry in its own competitive interest. Investment in R&D has to be recognized as an ongoing and imperative part of doing business, even at the expense of some short-term profitability. And, this requires a certain spirit and determination about the future. It is the course which will move more and more of America's products beyond the commodity level of raw material conversion and into the distinctive and innovative ones which fill genuine market needs.

We must face the fact that America's educational system is not adequate. It appears to be afflicted with the same illness as certain of our basic industries—at least its symptoms are the same—noncompetitive productivity and noncompetitive design and

quality. While it is accurate to say that today America is the world's technological and industrial leader, there needs to be genuine concern about our ability to preserve this leadership. It is of high concern to me, for example, that the count of engineering programs receiving full accreditation has dropped since 1978 from a very mediocre 58 percent to a shocking 38 percent. It is of equal conern to me that far too many colleges admit marginally literate high school graduates and then, after four years of minimal expectations, reward them with degrees which in fact hold no substance. This is unfair to the student and his life expectations. It is a clear extension of what has been happening in our public schools. It is also a flagrant devaluation of the educational standards we have held in prior years.

I believe deeply in America and in its potentials, and I see clear signs of major competitive progress. I believe just as deeply that America's competitive position in the world fundamentally depends on its spirit and determination, the willingness, of all—government, industry, and citizens—to face reality and do those things that are required to secure it.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the time for morning business has expired, and I ask the Chair to proceed under the order previously entered.

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS, 1984

The PRESIDING OFFICER. We will now proceed to the consideration of H.R. 3913, which the clerk will state by title.

The bill clerk read as follows:

A bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. WEICKER. Mr. President, I have no opening statement because I think that my statement on this bill will depend on what we do here today. I hope we so comport ourselves today so that the product that leaves this floor is capable of passing through both the conference and the White House, otherwise all the gestures and all the posturing does little good.

For the first time in 5 years the Senate of the United States, the Congress of the United States, has an opportunity to make a very important statement on natural priorities relating to health, education, science, and training.

If we do our work correctly we will continue to make those statements for the future. If we do not, the matter once again will go out of our hands.

So I will now refrain from any further comment to see what develops and, hopefully, have a very encouraging idealistic and promising closing statement.

Mr. PROXMIRE. Mr. President, the Labor-HHS-Education bill we take up today could serve as an excellent example for those who define politics as the art of the possible. Although the discretionary programs funded through the bill would receive $4 billion more than the President requested, the Appropriations Committee has provided $2.5 billion less for these programs than they were allocated under the first budget resolution.

This means that the bill completely satisfies no one. It is too costly for those who support the President's budget strategy and it is too miserly for those who support a strong Federal presence in domestic social programs. However it has this virtue—it has a fighting chance of gaining the President's signature and a fighting chance of being passed by the House as well as the Senate. For the first time in 5 years we could have an act in place funding the bulk of our people programs instead of being forced to chart our social spending course through the murky seas of a continuing resolution.

Here are a few highlights.

The committee has pretty well gone along with the administration's requests for employment and training funds with one notable exception. It has recommended $2.9 billion in forward funding for the Job Partnership Training Act as required by the authorizing statute while the administration requested no support for this purpose.

Another significant change in the administration's request is in the account providing advances to the unemployment trust fund. Because of the improved employment situation the committee has been able to recommend a $4 billion reduction in the total included in the President's budget for this entitlement program.

State employment service funding is increased above the budget request by about $563 million because of the 9 month forward funding requirement that applies to job training but the vast bulk of these dollars are from unemployment trust funds.

The committee has also proposed an increase of $42,350,000 for community service employment for older Americans.

Substantial increases above the budget request have been recommended for the many social programs funded through the Department of Health and Human Services for instance, funding for low-income energy assistance would exceed the President's request by $575 million, the committee has provided $341.7 million for a community services block grant program the administration wanted to zero out, an increase of $90 million has been recommended for maternal and child health, the committee has added $235 million to the President's request for the social services block grant program and funding for the National Institutes of Health would increase by $386 million.

Other budget increases include $270.8 million for work incentives, a program proposed for termination; $108 million more than the administration wanted for community health centers; a $39 million add-on for the alcohol, drug abuse and mental health block grant program; $50.1 million more for the aging, primarily for feeding activities; $28.9 million for runaway youth and Head Start; $22.9 million above the budget for developmental disabilities; a $30 million increase for child welfare programs; and $21.5 million for mental health clinical training, another program the administration wanted to end.

The committee did not endorse any of the President's proposed reductions in education. The committee has included $1.7 billion for activities deferred by the House such as vocational rehabilitation and impact aid. Compensatory education for the disadvantaged—chapter 1 of the Education Consolidation and Improvement Act—would be increased by $466 million over the budget estimate and would serve 518,000 more youngsters than during the past fiscal year. Vocational and adult education would receive $388 million more than the budget request. The committee has recommended that the various library programs be continued at a cost of $83.4 million. The administration proposed that funding for these activities be terminated.

In the area of student financial assistance, the committee has proposed an increase of $437 million over the President's budget. Most of this increase will be used for Pell grants which would be raised to a total of $2.8 billion. The committee has also recommended an increase in the maximum allowable award from $1,800 to $2,000. The committee has recommended an increase of $209 million above the budget request for guaranteed student loans and added $192 million to the President's higher and continuing education budget.

Finally, Mr. President, I want to take this opportunity to commend the chairman of the Labor, HHS Subcommittee, Senator WEICKER, who has had the thankless job of shepherding this bill through the Senate Appropria-

tions Committee. I think he has done a remarkable job.

Now there is nobody in the Senate—nobody in the Congress, as far as I know—who has crusaded more fervently and sincerely for assistance for those who need assistance, the handicapped, the disadvantaged. He has a great deal of compassion, and he has demonstrated his determination to fight for those who need assistance more than anyone I know.

On the other hand, he also recognizes the practical fact that we do little good for these people who need assistance if we cannot get a bill enacted that is not going to be vetoed. Senator WEICKER has negotiated hard and long with the administraiton and with the House, and I think he has done a remarkably good job of getting a bill that I think has a real practical chance of being enacted, as he says, for the first time in a number of years.

I urge my colleagues to keep that in mind as they consider amendments to increase the amounts endorsed by the Appropriations Committee to a level that may make it impossible for us to get that Presidential signature.

(Mrs. HAWKINS assumed the chair.)

Mr. WEICKER. Madam President, I thank my good friend and colleague and ranking member, Senator PROXMIRE. Nothing that is before us today would have been possible without his help. He, likewise, comes from a tradition of understanding and compassion for all the elements of this particular appropriation, from education, to science, to various social problems.

Certainly, he has always been a watchdog of the Treasury. There is no question about that. But he combines that fiscal responsibility with a conscience excelled by few. I thank him very much for having brought us to this point.

Madam President, before making the usual motion to adopt the committee amendments, I am informed there is a printing error in connection with the amount on page 24, line 4.

I ask unanimous consent that the committee amendment be modified to correctly show that the committee deleted $62,744,000 as provided by the House and inserted in lieu thereof $67,744,000.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Madam President, I ask unanimous consent that the committee amendments, as modified, be agreed to en bloc and that the bill, as thus amended, be regarded as original text for the purpose of further amendment, providing no points of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to as follows:

On page 2, line 5, strike "$85,316,000", and insert "$82,739,000";

On page 2, line 6, strike "$35,828,000", and insert "$36,229,000";

On page 2, line 15, strike "$2,961,284,000", and insert "$2,793,810,000;

On page 2, line 20, strike "and", through and including the sum on line 24, and insert "$3,605,198,000";

On page 3, line 5, strike "Act,", through and including "of the" on line 8;

On page 3, line 22, strike "$247,494,000", and insert "$249,171,000";

On page 3, line 25, strike "$69,806,000", and insert "$70,279,000";

On page 4, line 6, strike "$7,000,000", and insert "$12,000,000";

On page 4, line 16, strike "39 U.S.C. 3202(a)(1)(E))";

On page 6, line 14, strike "$7,109,000,000", and insert "$3,086,000,000";

On page 6, line 18, strike "$62,148,000", and insert "$60,511,000";

On page 7, line 11, strike "$185,677,000", and insert "$185,835,000";

On page 8, line 2, strike "$215,100,000", and insert "$220,100,000";

On page 8, line 13, strike "$826,244,000", and insert "$853,994,000";

On page 8, line 13, strike "$790,269,000", and insert "$818,019,000";

On page 14, line 8, strike "$151,397,000", and insert "$151,729,000";

On page 15, line 10, strike "$135,837,000", and insert "$137,790,000";

On page 15, line 11, strike "and" through and including "1988" on line 12, and insert the following: *"Provided,* That $2,628,000 shall remain available until September 30, 1985.".

On page 16, line 5, strike "$67,000", and insert "$200,000";

On page 16, line 13, strike "$5,200,000", and insert "$6,200,000";

On page 17, line 9, strike "$1,252,783,000", and insert "$1,354,399,000";

On page 17, line 10, strike "$1,905,000", and insert "$2,200,000";

On page 17, line 14, strike "$800,000", and insert "$3,700,000";

On page 20, line 1, strike "$373,405,000", and insert "$367,396,000";

On page 20, line 1, strike "$1,770,000", and insert "$1,810,000";

On page 20, line 10, strike "$1,044,868,000", and insert "$1,062,017,000";

On page 20, line 16, strike "$665,859,000", and insert "$683,489,000";

On page 20, line 20, strike "$84,226,000", and insert "$84,398,000";

On page 21, line 1, strike "$442,255,000", and insert "$442,832,000";

On page 21, line 7, strike "$328,921,000", and insert "$322,083,000";

On page 21, line 12, strike "$307,128,000", and insert "$304,228,000";

On page 21, line 16, strike "$363,444,000", and insert "$370,245,000";

On page 21, line 21, strike "$265,180,000", and insert "$264,847,000";

On page 21, line 25, strike "$149,600,000", and insert "$151,966,000";

On page 22, line 5, strike "$173,627,000", and insert "$172,374,000";

On page 22, line 8, strike "$112,516,000", and insert "$108,584,000";

On page 22, line 13, strike "$253,824,000", and insert "$230,031,000";

On page 22, line 21, strike "$11,584,000", and insert "$11,088,000";

On page 23, line 4, strike "$42,263,000", and insert "$41,963,000";

On page 23, line 7, strike "$26,770,000", and insert "$26,720,000";

On page 23, line 13, strike "$24,980,000", and insert "$25,100,000";

On page 23, line 20, strike "$799,202,000", and insert "$835,581,000";

On page 24, line 4, strike "$62,744,000", and insert "$67,744,000";

On page 24, line 17, strike "$106,972,000", and insert "$104,672,000";

On page 24, line 18, strike "$1,300,000", and insert "$800,000";

On page 25, line 13, strike "$15,631,978,000", and insert "$15,568,-108,000";

On page 26, line 12, strike "$17,291,000,000", and insert "$17,682,-000,000";

On page 26, line 15, strike "$84,600,000", and insert "$96,658,000";

On page 26, line 16, strike "$1,012,246,000", and insert "$1,025,-022,000";

On page 27, line 5, strike "Provided", through and including line 10;

On page 27, line 17, strike "$448,583,000", and insert "$521,258,000";

On page 28, line 1, strike "$1,027,047,000", and insert "$1,068,000,000";

On page 28, line 16, strike "$7,851,518,000", and insert "$8,339,-000,000";

On page 7, line 7, strike "$5,411,518,000", and insert "$6,292,000,000";

On page 29, line 19, strike "$1,758,454,000", and insert "$2,073,-000,000";

On page 30, line 3, strike "$298,463,000", and insert "$489,000,000";

On page 30, line 15, strike "$102,750,000", and insert "$138,000,000";

On page 30, line 21, strike "$3,718,303,000", and insert "$3,723,-317,000";

On page 31, line 21, strike "expended:", through and including page 32, line 2, and insert "expended";

On page 32, line 6, strike "$2,500,000,000", and insert "$2,675,000,000";

On page 32, line 12, strike "$1,850,436,000", and insert "$1,845,361,000";

On page 32, line 13, strike "$43,180,000", and insert "$45,400,000";

On page 32, line 15, strike "$7,320,000", and insert "$8,400,000";

On page 32, line 21, strike "$617,231,000", and insert "$631,513,000";

On page 33, line 11, strike "$351,000,000", and insert "$377,300,000";

On page 33, line 22, strike "Act,", through and including page 34, line 8, and insert "Act";

On page 34, line 13, strike "$160,794,000", and insert "$151,963,000";

On page 34, line 19, strike "$62,366,000", and insert "$62,292,000";

On page 35, line 13, strike "$18,945,000", and insert "$19,363,000";

On page 35, line 20, strike "including", through and including line 24, and insert "$11,000,000";

On page 38, line 13, strike "None", through and including "abortions" on line 14, and insert the following: "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

On page 40, line 7, strike "$4,746,000" and insert "$5,760,000".

On page 40, line 10, strike $255,744,000" and insert "$260,304,000".

On page 40, line 13, strike 554(a)(2)(c) and $33,014,000 shall be available for purposes of section 554(b)(1)(D)" and insert "554(a)(2)(C)".

On page 40, line 25, strike "section 6 of the Asbestos School Hazard Detection and Control Act of 1980".

On page 41, line 1, strike "$577,286,000" and insert "$528,367,000".

On page 41, line 7, strike "$28,224,000".

On page 41, line 10, strike "$1,000,000" and insert "1,500,000".

On page 41, line 18, strike "$142,057,000" and insert "139,000,000".

On page 41, line 18, strike "$6,015,000" and insert "$3,686,000".

On page 41, after line 21, insert

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $477,000,000 shall be for entitlements under section 3(a) of said Act: *Provided*, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(b) of said Act shall be ratably reduced from 100 per centum of entitlement: *Provided further*, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: *Provided further*, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That payments under section 5(b)(2) of said Act shall not exceed 50 per centum of payments under section 2 or 3 for the prior fiscal year: *Provided further*, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14 (a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

On page 44, line 25, strike "$1,204,792,000" and insert "$1,241,420,000".

On page 43, line 25, strike "$1,017,900,000" and insert "$1,071,850,000".

On page 44, line 4, after "1985" insert:

Provided, That of the amounts appropriated $21,100,000 shall be for early childhood education; and $5,000,000 shall be for regional, vocational, adult and postsecondary programs: *Provided further*, That of the amounts appropriated $6,000,000 for secondary education and transitional services for the handicapped shall become available upon the enactment of legislation authorizing such activities: *Provided further*, That of the $3,100,000 appropriated for special studies $2,600,000 shall become available upon the enactment of legislation expanding existing requirements under this activity.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000, of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14.

On page 45, line 4, strike "$835,000,000" and insert "$831,314,000".

On page 45, line 6, strike "$8,178,000" and insert "$7,678,000".

On page 45, line 10, strike "$7,000,000" and insert "$6,500,000".

On page 45, line 16, strike "year, and the remainder shall be distributed equally among the aforesaid recipients of these funds" and insert "year".

On page 46, line 1, strike "$3,813,360,000" and insert "$3,954,360,000".

On page 46, line 14, strike "$1,900" and insert "$2,000 but not to exceed 50 per centum of the cost of attendance (as defined in Public Law 98-79) at the institution at which the student is in attendance,".

On page 46, line 17 strike "(A)(i)(III)" and insert "and section 411(b)(5)".

On page 46, line 18, after "Act:" insert *"Provided further*, That notwithstanding section 413D(a) and subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program or Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: *Provided further*, That with regard to the Supplemental Educational Opportunity Grant and Work-Study Programs notwithstanding the second sentence of section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-1980) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program, and shall allocate the sums remaining to institutions that received an allocation in fiscal year 1979 so that each institution's allocation bears the same ratio to the amount it would have received under section 413D(b)(1)(B)(ii) and section 446(a) as the remaining sums available for allocation bear to the sums necessary to satisfy allocations made pursuant to section 413D(b)(1)(B)(ii) and section 446(a):".

On page 47, line 3, strike "$1,268,600,000" and insert "$2,256,500".

On page 48, line 7, strike "parts B, D, and E". and insert "part B".

On page 48, line 11, after "1961" insert "and title V, section 528(5) of the Omnibus Budget Reconciliation Act of 1981, for the purposes of title XIII, part H, subpart 1 of the Education Amendments of 1980, and without regard to section 512(b) of the Omnibus Budget Reconciliation Act of 1981,".

On page 48, line 16, strike "$404,270,000" and insert "$396,316,000".

On page 50, strike lines 11 through 15.

On page 50, line 25, strike "and within the resources and authority available, gross commitments for the principal amount of direct loan shall be $40,000,000" and insert "no set commitments for loans from this account may be made".

On page 51, line 7, "Provided, That none of the funds appropriated in this Act shall be used to conduct a re-competition of regional educational laboratories and research and development centers".

On page 51, line 21, strike "part A".

On page 51, line 23, strike "$88,800,000" and insert $83,400,000".

On page 52, line 4, strike "101-105), $5,000,000" and insert "101 et seq.), $5,500,000".

On page 52, line 13, strike "$52,000,000" and insert "$56,000,000".

On page 52, line 16, insert "of which $1,490,000 shall be for construction and shall remain available until expended".

On page 52, line 18, strike "prior year appropriations to".

On page 53, line 1, strike "$232,968,000" and insert "$198,053,000: *Provided*, That of the funds appropriated herein, not to exceed $4,000,000 may be used to support the Office of the Secretary; and not to exceed $2,850,000 may be used to support the Office of Legislation and Public Affairs.".

On page 53, line 9, strike "$42,058,000" and insert "$49,936,000 and no fewer than 1,046 positions".

On page 56, strike lines 1 through 3 and insert:

SEC. 307. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1985; and".

On page 58 line 9, strike $23,161,000 and insert "$22,000,000".

On page 58, line 15, strike "$3,858,000" and insert "$4,000,000".

On page 58, line 21, strike "$553,000" and insert "$674,000".

On page 59, line 2, strike "$133,594,000" and insert "$134,158,000".

On page 59, line 21, strike "$6,238,000" and insert "$6,458,000".

On page 60, line 5, strike "$5,982,000" and insert "$6,337,000".

On page 60, line 21, strike "$56,046,000" and insert "$55,969,000".

On page 61, line 19 strike "no more than $6,659,000 may be derived from contributions credited to the railroad unemployment insurance" and insert "$6,659,000 shall be derived from contributions credited to the railroad unemployment insurance account and shall be credited to the railroad unemployment insurance".

On page 66, after line 12, insert:

SEC. 512. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education, who under title 5, United States Code, section 101 are exempted from such limitations.

Mr. WEICKER. Madam President, I would like to use this occasion to alert my colleagues, and I know that I also speak for the ranking Member, that I intend to finish this bill today. Indeed, it would be my hope that we can finish it before lunchtime. If there are Senators who have amendments, I suggest they come to the floor. Otherwise, I will not hesitate to proceed to third reading. And even though sometimes that threat is used around here, I think it is also understood by my colleagues that I am radical enough to just go ahead and do that.

So if anyone has an amendment, I would appreciate it if they come to the floor and have their amendment debated and voted on up or down. The sooner we do that, the sooner we will get out of here.

As I said before, under any circumstances, we intend to finish the bill today.

AMENDMENT NO. 2270

(Purpose: To provide fiscal year 1984 funding for the ACTION Agency)

Mr. WEICKER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2270.

Mr. WEICKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, after line 1, insert the following:

ACTION

OPERATING EXPENSES

For expenses necessary for ACTION to carry out the provisions of the Domestic Volunteer Services Act of 1973, as amended (42 U.S.C. 4951 et seq.), $140,061,000,

of which $15,000,000 shall be available to carry out Title I part A of said Act; and

of which $18,016,000 shall be available to carry out Title II Part C of this Act and

of that amount $6,000,000 shall be available to carry out Home Health Care Programs under part C of said Act

Provided, That none of the funds appropriated under this heading may be used to close State or regional field offices or to reduce career personnel of the ACTION Agency.

Mr. WEICKER. Madam President, this amendment provides an appropriation of $140,061,000 for the ACTION Agency. The committee deferred consideration of this appropriation because reauthorization had not been considered by the Senate in time for the committee to study the reauthorization bill. This amount is $30,331,000 more than the administration request and $10,740,000 more than the fiscal year 1983 level.

For title 1 the amendment provides an appropriation of $15 million for VISTA, $1.8 million for the service learning program and $1.9 million for volunteer citizens and demonstration programs.

For title 2, the amendment provides $27,445,000 for the retired senior volunteer program and $48,400,000 for the Foster Grandparent program. $18,016,000 is recommended for the Senior Companion program. This includes $6,000,000 which will be used to begin the in-home health care activities of that program.

I am also recommending $27.5 million for program support. In addition, I have included bill language—which is similar to that in the 1983 appropriations bill—to prevent the Agency from closing State and regional offices and I am recommending that the Agency maintain a full-time complement of not less than 525 full-time employees.

We are certainly aware that in many communities it is the volunteer efforts that enable the community to address the problems of poverty. This program utilizes the skills of the necessary numbers of elderly citizens to meet these needs. I recommend that we fund these worthwhile efforts and I move the adoption of this amendment.

I ask unanimous consent that the following explanatory statement be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACTION APPROPRIATION EXPLANATORY STATEMENT

This amendment proposes an appropriation of $140,061,000 for the ACTION Agency. This is $30,331,000 more than the administration request and is $10,740,000 more than the fiscal year 1983 comparable appropriation of $129,321,000. The increase in funding will permit VISTA to maintain not less than 2,000 volunteers and allow the Senior Companion program to begin its newly-authorized in-home care program.

My amendment includes language which prohibits ACTION from closing any State offices or reducing career personnel in the regional and State offices. In addition, I am concerned by the large number of ACTION State Director positions that are vacant, and it is my intent that the agency fill these positions on a permanent basis as soon as possible.

I am also concerned about the reduction of on-site inspections over the past several years; the agency had reviewed projects on a bi-annual basis. It is my intent that ACTION maintain proper monitoring and audit procedures of the volunteer projects in order to ascertain their effectiveness and financial regularity and furthermore, I expect the agency to resume bi-annual reviews of projects.

VISTA

My amendment provides an appropriation of $15,000,000 for VISTA. This is $14,810,000 more than the administration request and is $3,200,000 more than the fiscal year 1983 comparable appropriation of $11,800,000.

It is my intent that VISTA volunteers in service be increased to, and maintained at, a level of not less than 2,000 volunteers through the fiscal year 1985. Furthermore, because the VISTA program has been reauthorized through FY 1986, the ACTION Agency shall undertake recruitment and public awareness efforts to provide the opportunity for persons from all walks of life, age groups, geographic areas and economic levels to serve as VISTA volunteers.

SERVICE LEARNING PROGRAMS

It is my intent that $1,800,000 of the funds appropriated be used for the service learning programs. This is $50,000 less than the budget request, and $30,000 less than the fiscal 1983 level.

OLDER AMERICANS VOLUNTEER PROGRAMS

It is my intent that $98,861,000 be used for the Older Americans Volunteer Programs. This is $6,000,000 more than the administration request and the fiscal year 1983 comparable appropriation of $87,861,000.

I believe that local control of non-federal funds for the Older American Volunteer Programs is to be encouraged, but the use of such funds must be consistent with the purposes and intent of the Domestic Volunteer Service Act and published federal guidelines.

RETIRED SENIOR VOLUNTEER PROGRAM

I have included $27,445,000 for the Retired Senior Volunteer Program (RSVP) which is the same as the budget request and the fiscal year 1983 level. This program provides part-time volunteer service opportunities for persons 60 years of age and over. Volunteer recruitment, development, and placement is provided through grants awarded to local sponsoring organizations.

FOSTER GRANDPARENT PROGRAM

I have also included $48,400,000 for the Foster Grandparent Program. This is the same as the administration request and the fiscal 1983 funding level. This program provides meaningful assistance for two groups—older Americans and disadvantaged youths. The program provides service opportunities for low-income persons over 60 who assist children with special needs in a variety of settings.

SENIOR COMPANION PROGRAM

My amendment provides for an appropriation of $18,016,000 for the Senior Companion Program, which is $6,000,000 over the budget request. It is my intent that the first $12,016,000 of the appropriation be used to maintain current project activity levels.

This program provides a vehicle for persons 60 years of age and over to assist elderly persons with physical, mental, or emotional impairments in a variety of private and institutional settings. The $12,016,000 is for 76 existing projects and 4,850 volunteers.

I note that the Senate has passed S. 1129, which reauthorizes the ACTION Agency programs, and which contains Section 213(c) under Part C of Title II, authorizing the in-Home Health Care program. It is my intent that the appropriation above the 412,016,000 level be utilized to add to the number of Senior Companion programs in order to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home-care settings.

CITIZEN PARTICIPATION AND VOLUNTEER DEMONSTRATION PROGRAMS

It is my intent that $1,900,000 be used for the Citizen Participation and volunteer programs. This is $99,000 more than the requested level, and $84,000 more than the fiscal 1983 appropriation.

PROGRAM SUPPORT

I also have provided $27,500,000 for program support, which is $16,163,000 more than the budget request and $1,685,000 more than last year. It is my intent that the Agency maintain a full-time employee equivalent of 225. In addition, I intend that training and technical assistance for the newly-authorized Senior Companion Program/home health care be absorbed in the Program Support budget.

Mr. PROXMIRE. Madam President, I think that some who view this amendment may look at it superficially as being a very big increase. I think we should realize what the distinguished chairman of the subcommittee is doing is simply continuing the agency. If we follow the House, which did not have a chance to fund the action program, it would mean the end to an agency that serves a very useful purpose.

So I support the chairman of the subcommittee. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER (Mr. MATTINGLY). The question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER).

The amendment (No. 2270) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2271

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2271.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, strike out line 12 and insert the following: "ation for Saint Elizabeths Hospital: *Provided further,* That during fiscal year 1984 and thereafter the superintendent of Saint Elizabeths Hospital may reside off the premises of the hospital, notwithstanding section 4839 of the Revised Statutes (42 U.S.C. 165)."

Mr. WEICKER. Mr. President, currently in 42 U.S.C. 165, the basic enabling legislation for Saint Elizabeths Hospital, there is a provision concerning the duties and responsibilities of the superintendent of the hospital which mandates that "he shall reside on the premises".

This is an archaic provision in law that dates back to the 19th century and was appropriate for an era when modern communications systems, available today, were nonexistent or scarce.

The superintendent and other physicians and psychiatrists critical to the operation of the hospital are accessible and on call through telephones and "beeper" contact 24 hours a day.

Also, the hospital follows an administrative rotation procedure where the superintendent and chief hospital administrators share, on a rotation basis, weekend and holiday assignment coverage.

The continued requirement that the superintendent must reside on the premises is no longer justified. With the arrival of new superintendent, this archaic provision needs to be rectified.

Therefore, at the request of the Department, this amendment is offered which states, again, repeating the amendment as it was read:

during fiscal year 1984 and thereafter the superintendent of Saint Elizabeths Hospital may reside off the premises of the hospital, notwithstanding section 4839 of the Revised Statutes (42 U.S.C. 165).

Mr. PROXMIRE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER).

The amendment (No. 2271) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, what is the regular order?

The PRESIDING OFFICER. Regular order would be the third reading.

Mr. PROXMIRE. Mr. President, I fully support the chairman of the subcommittee in his desire to get action on this bill. There are some 25 amendments that are pending. I think he is certainly correct in pressing for action on these amendments.

However, I do hope that the authors of these amendments will come to the floor and offer them. If not, I think the chairman of the subcommittee is absolutely right, to press for the third reading as he indicated.

For the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2258

(Purpose: To provide funds for preventive health service programs for tuberculosis)

Mrs. HAWKINS. Mr. President, I call up my amendment No. 2258 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mrs. HAWKINS), for herself, Mr. HATCH, Mr. CRANSTON, Mr. RANDOLPH, Mr. SARBANES, Mr. RIEGLE, Mr. MATSUNAGA, Mr. KENNEDY, and Mr. THURMOND proposes an amendment numbered 2258.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 1, strike out "$367,396,000" and insert "$378,396,000"

On page 20, line 3, insert before the colon a comma and the following: "and of which $11,000,000 shall be available for grants for preventive health programs for tuberculosis under section 317 of the Public Health Service Act".

Mrs. HAWKINS. Mr. President, I rise to offer an amendment to fund the Center for Disease Control and tuberculosis control program at $11 million for fiscal year 1984.

I am joined in this amendment by Mr. HATCH, Mr. CRANSTON, Mr. RANDOLPH, Mr. SARBANES, Mr. RIEGLE, Mr. MATSUNAGA, and Mr. KENNEDY.

This amendment also saves money because it lowers the costs we will incur under medicaid and medicare in a way that all will cheer, by lowering the number of people who contract a preventable deadly and disabling disease.

That TB can be controlled and prevented in a cost-effective manner is why the Congress agreed that this program should remain in a categorical program, authorized to be funded at the level of $11 million in fiscal year 1984. Yet, the bill before us today authorizes no funds for this program.

Perhaps, it is because for years now tuberculosis has been considered a "dead" disease. I wish I could stand before you today and say that TB is dead, vanquished from this Nation forever. But I cannot. Thousands of new tuberculosis cases are reported each year. In 1982 alone, 25,522 new cases of TB were detected. In just Miami there were 269 instances of tuberculosis in that year.

Health departments throughout the Nation have reported to CDC that only about 60 percent of new active cases have been converted into remission. One major reason for this low cure rate is that it takes from 9 months to a year to treat TB patients. Many patients do not follow the therapy required when they are left unsupervised. The reason is simple. Once the symptoms disappear temporarily, patients think they are cured although they remain ill and contagious.

It is not only the common strains of TB that are spreading throughout the country. With the spread of drug-resistant strains of tuberculosis our war against this desease is taking an ominous turn for the worse. Almost 7 percent of new, previously untreated cases are found to be drug-resistant tuberculosis bacteria. The Center for Disease Control (CDC) reports that there have been community outbreaks all across the country in Mississippi, New York, and Montana—all caused by drug-resistant strains of TB.

We can fight back successfully, however, provided we make an investment now in stopping TB from spreading. Dr. William Foege, Director of the Center for Disease Control, has informed me of very encouraging projects that are being funded by the CDC. In 1980, the Center contracted with Miami, New York City, and Los Angeles to fund a demonstration study. Under the study outreach workers were hired to provide directly therapy to tuberculosis patients who were either unwilling or unable to complete self-administered therapy.

The experiement worked. In Los Angeles, hospitalization of noncompliant patients was reduced by more than 50 percent, resulting in a savings of close to $1 million over a 2-year period. In Miami, program managers claim that savings equaled $3 for every $1 spent. Similar results were also observed in New York City. It is no coincidence that the number of reported tuberculosis cases in these three cities dropped dramatically after the TB outreach program was instituted.

Based on the success of this experiment, CDC chose to target its funding for tuberculosis control activities to cities and States with a high incidence of tuberculosis, where outreach workers could be most effective. The increase in funding to $5 million in 1983 enabled CDC to expand its funding to other areas with high incidence rates. However, eligibility criteria excluded 13 States from applying for grants, and the eligibile grantees were told to confine themselves to modest requests because of the limited funds available. Even with the modest requests, which did not fully reflect need, a total of over $7.5 million in requests was received. Although many jurisdictions were not permitted to apply, CDC officials say that 75 outreach workers had to be disapproved for fiscal year 1983 because of lack of funds. Any many more justifiable requests would have been granted if additional funds had been available.

Mr. President, additional Federal funds for tuberculosis control are needed for fiscal year 1984. Since the elimination of special tuberculosis project grants almost 10 years ago, many States have placed a lower priority on tuberculosis control. Local health departments today often cannot depend upon State health departments to provide leadership, oversight, consultation, and evaluation assistance. Yet, effective tuberculosis control programs cannot be implemented unless all States provide effective direction and leadership of tuberculosis control programs at the local level.

And while my colleagues are considering this request they should consider this. Right now, 15 million Americans are infected with a dormant strain of the disease according to the Center for Disease Control. Decreased immunity is all that it takes to make carriers vulnerable to otherwise dormant infections. Furthermore, the symptoms associated with reactivating TB are often ignored or attributed to other ailments. That means we can easily have another epidemic at any time unless we take steps to prevent it.

If local leadership were working, then we would not have the serious problem we do now. The committee, by relying on States and localities to fund TB control efforts through funds received under block grants, is repeating past errors. And it does not make good budget sense, either. The indigent and the elderly who are most likely to get TB are covered by medicaid and medicare. It is literally a case of pay me now or pay me later.

Mr. President, I urge my fellow colleagues to join me in supporting an increase of Federal funding for tuberculosis control of $11 million for fiscal year 1984 to its authorized level of $11 million.

Mr. WEICKER. Mr. President, nobody is going to deny the substance of what my good friend, the Senator from Florida, has brought to the attention of the U.S. Senate, for the correctness of it. She articulately and eloquently states the case. The difficulty with the amendment as it has been proposed is not the worthiness of the objective but, rather, the matter of dollars. What I would propose is that we might arrive at some figure that would enable the chairman to negotiate with the House. I have discussed this with the ranking Member. That type of procedure seems to be amenable to him; he can speak for himself.

I just received the following letter from a messenger. This is a good time to read it because I think it describes the real problem we have before us today. In other words, the letter is not addressed to the Senator from Florida; it is addressed to the chairman. Maybe it will help everybody understand what is going on. The letter comes from the Executive Office of the President, the Office of Management and Budget.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 3, 1983.

Hon. LOWELL P. WEICKER,
Chairman, Subcommittee on Labor/HHS/Education, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Labor/HHS/Education and Related Agencies Appropriations bill for fiscal year 1984 is scheduled for Senate Floor consideration this morning. The purpose of this letter is to advise you of the Administration's position on the bill that has been reported by the Senate Appropriations Committee.

For several years, the Congress and the Administration have not been able to agree on a timely basis on regular annual appropriations for the programs financed by this bill. As a consequence, the management of these programs has been disrupted for a significant part of each year. We hope that a repetition of this experience can be avoided this year.

The Administration is encouraged by the restraint shown thus far by both the subcommittee and the full committee with respect to this bill, and by your willingness to work to reduce excessive levels of spending. Nevertheless, we are concerned about a number of features of the fiscal year 1984 bill, including:

The inclusion of $400 million above the benchmark for Labor/HHS annually funded discretionary programs, and

The funding of health block grants in separate Public Health Service accounts rather than in a consolidated account, thereby requiring unnecessary administrative funds and personnel.

In addition, the bill leaves open a number of issues about which the Administration has serious concerns. Amounts that may be subsequently provided for program requests not considered by the Committee must be evaluated on their own merits. Moreover, language in the Committee report would bar the imposition of any quality control penalties on States for erroneous entitlement payments in fiscal year 1984 pending completion of a study by the Department of Health and Human Services on the methodology used to determine error rates. State accountability for the costs of erroneous payments is an important aspect of the Administration's efforts to reduce waste, fraud and abuse. Costs for the AFDC and medicaid programs can be expected to increase significantly with the repeal of error rate targets and sanctions.

While the Administration recognizes that serious efforts have been made to limit further increases in the Senate version of the Labor/HHS/ Education Appropriations bill, this bill does provide an additional $400 million for annually funded discretionary programs other than Impact Aid above the House Committee version of H.R. 3913. As reported, the House Committee bill represents a more responsible level of funding for the important programs covered. Should such a bill be presented to the President at the appropriations level contained in the House Committee bill, I would recommend that he approve it.

The Administration believes that the bill reported by the House Committee demonstrates that valid Congressional concerns about spending priorities can be accommodated within the levels provided. I would not hesitate to recommend disapproval of a bill that exceeds, by even a small amount, the levels proposed by the House Committee.

As we both know, considerable work needs to be done to ensure that a Labor-HHS bill reaches the President's desk that meets the standard established. I hope that when this bill is considered on the Senate Floor you will use your influence and leadership to make sure we achieve our mutual objective. Please do not hesitate to call on me if I can assist you in any way in reaching this goal.

Sincerely,

DAVID A. STOCKMAN,
Director.

[Identical letters sent to Hon. MARK O. HATFIELD, Hon. WILLIAM PROXMIRE, and Hon. HOWARD BAKER.]

I might say to my good friend, Senator PROXMIRE, the bottom of this letter states: "Identical letters sent to Hon. MARK O. HATFIELD, Hon. WILLIAM PROXMIRE, and Hon. HOWARD BAKER."

Now, Mr. President, there is the problem. There is the problem. I can assure my colleagues that I will fight for every nickel that we have in our bill. I am not here today to accept a House bill. I shall fight for every nickel that we have in the Senate bill. It is a good bill. It was a good bill as reported out of the subcommittee; it is a good bill as reported out of the full Appropriations Committee. But I need my colleagues' help.

Anybody who thinks it is going to be a free ride as far as add-ons are concerned, can also forget about having this bill signed. Believe me, I will have enough of a fight on my hands with the administration just on the bill that we now have before us.

There is not one of you who is going to stand up there today that I do not agree with as far as substance is concerned—not one of you. In some ways, that is why it is much more fun being in the minority—you can go ahead and support all of these programs at higher levels and you do not have the responsibility of having them come so adopted. That is my responsibility now, but it is also the responsibility of all of us.

For 5 years—for 5 years—we have been dragged along by the continuing resolution process rather than setting our goals or setting the goals of the Nation for health care, science, education, and so on. If that is what you want, if you want a sixth year of that, fine. It seems to me that is the wrong way to run a business—continuing resolution, a little increase for inflation, a little increase for cost of living, a little adjustment here, a little adjustment there. I do not think we, as U.S. Senators want that.

So I am asking for the help of all of my colleagues. I am asking you to give me the necessary tools to effect a version of our bill, which admittedly is higher than the House's, higher than the administration's, and one Mr. Stockman says the administration will have to oppose if there are increases—even small ones—I have enough confidence in the eloquence of the ranking member and the chairman so that if we pass a bill pretty close to what we now have before us, I think that is not the final word on the subject as we have it written by David Stockman.

But if we add large amounts out here, I can make no such promise. As I said earlier, I made no opening statement. I shall save that based on what the result is, because if the result is a big bill that is not going anywhere, then, indeed, I have failed and the Senate has failed.

Sure, we can go back to our constituents and say, "I got out there and I fought for this extra money for education, for science," or for whatever the interest happens to be. I am not interested in just fighting for it. I want to pass an appropriation bill something for the people who will benefit from it. They are out there and they have been left out for 5 years.

This is not directed, I repeat, to the distinguished Senator from Florida, but the arrival of the letter coincided with the first amendment and I think that it was a good time to lay before my colleagues what the real problem is for the bill's managers. We will carry your message loud and clear in the conference and we will fight for it down at the White House; but please, do not put me in a ridiculous position where there is little I can do to effectuate a bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, I have an inquiry of the distinguished Senator who is manager of the bill. I also commend him for the tortuous stewardship he has in guiding this bill through the Senate. I must say, I have served 3 years of those 5 with the distinguished Senator on Labor-HHS. It is not an easy job. Each special interest really needs special consideration. I particularly plead for a program that has a 3-for-1 payback. If we had other programs like that, I would be here constantly.

Mr. President, this is not the first time I have disagreed with David Stockman. I would like that to be on the record, also. I commend the Senator for guiding this this far. I am hopeful, also, that we shall have a bill that is not simply the continuing resolution.

I ask the Senator if he will accept a lesser amount than the amount I have proposed, merely for the reason that zero funding on the Senate side sets a precedent, I think, that is unacceptable when we go to conference.

Mr. WEICKER. I agree with the Senator from Florida. Might I suggest that thanks to her effort we do put the Senate on record as being in favor of this program. I might recommend a figure half that of the House in order to give negotiating room with the House, which obviously is going to be necessary in light of the communications I have just read.

But at least the important first step will have been taken by virtue of the direct effort of the Senator from Florida, and I would be more than willing to accept a figure half that of the House.

Mrs. HAWKINS. I thank the Senator for his consideration and concern and for his willingness to accept that lesser amount.

I ask unanimous consent that my amendment be modified to provide $2.5 million for tuberculosis which would be a total of $369,896,000 for this center for disease control, and I urge that Senator WEICKER and Senator PROXMIRE continue to give favorable consideration to the high level of the House amendment as they march forward to conference.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I think that the manager of the bill and the Senator from Florida have worked out a very reasonable compromise, and I am happy to support the compromise figure of $2.5 million.

The PRESIDING OFFICER. The amendment is so modified.

Mr. THURMOND. Mr. President, I am pleased to cosponsor the modified amendment offered by the Senator from Florida, Senator HAWKINS, which would add $2.5 million to H.R. 3913 for tuberculosis control grants awarded by the Centers for Disease Control.

The Senate Appropriations Committee indicates in their report that no funds are provided for this program based on the fact that the incidence of tuberculosis has dropped by 6.5 percent last year. At the same time, the report indicates that 25,700 cases were reported in 1982.

Mr. President, tuberculosis remains a priority health concern in a number of States, including South Carolina. The Centers for Disease Control recently released data showing South Carolina has the sixth highest tuberculosis rate of all the States.

While this amendment does not bring the tuberculosis control grant program up to the authorized level, this proposal is fiscally responsible and represents a reasonable compromise between the original committee position and the House allowance of $5 million. Furthermore, a $3.6 million increase in funding is being provided in the preventive health and health services block grant, and it is expected that significant funds will be available to the States for tuberculosis control activities through these block grant awards.

Mr. President, I encourage my colleagues to support the amendment offered by Senator HAWKINS. I would also encourage the conferees to adopt a reasonable level of funding for this program. The funds provided in fiscal year 1984 will permit the Centers for Disease Control to continue sharing their expertise and training on tuberculosis surveillance, assessment, and control methods with State and local health departments. While it is encouraging that there has been a drop in tuberculosis cases at the national level, it is obvious from the thousands of cases newly reported that much work remains to be done to eradicate this terrible disease.

Mr. SARBANES. Mr. President, I am very pleased to be a cosponsor of this important amendment to provide continued funding in fiscal year 1984 for the Centers for Disease Control to help restrict the spread of tuberculosis. The existence of extensive knowledge about tuberculosis and its treatment make it a controllable and eradicable disease. Yet, because of funding shortages and inadequate personnel resources, TB remains a major health problem in the United States, taking a heavy toll in disability and death.

Tuberculosis has been a major problem in my own State of Maryland, especially in Baltimore, the largest city in the State. As recently as 1975, Baltimore ranked first in the Nation among cities in the occurrence of TB. However, Federal funding for TB control project grants has enabled our State to make progress in fighting this disease. Baltimore City, the first jurisdiction to receive a grant from the Centers for Disease Control for TB programs, was able to make effective use of the funding by hiring three community outreach nurses. Their function is to supervise and administer treatment for TB patients during the course of therapy, and to prevent the transmission of TB in the community through intensified patient contact and follow-up. Such community outreach has been recognized by the American Lung Association as a relatively inexpensive strategy which can significantly reduce TB.

As a result, the overall number of tuberculosis cases in Maryland, which had risen from 1980 to 1981, dropped by 13 percent in 1982. Baltimore City also dropped from 5th to 10th nationwide in occurrence of TB. The continued funding of the tuberculosis control grant program will enable the continuation of the effective programs begun in the past fiscal year and can have a major impact on the incidence of TB in the United States. The encouraging progress that has been made over the past year in reversing the disturbing increase in the number of new cases of tuberculosis is threatened by the committee's failure to provide any funding for this invaluable program in this bill. Baltimore City still has a tuberculosis rate that is nearly three times the national average, and the continuing number of cases of TB among children clearly indicates that further attention in this area is essential.

Tuberculosis is a preventable disease. The fact that people in the United States continue to die from it because of inadequate diagnosis or treatment is deplorable. Tuberculosis strikes most often at the elderly and children in low-income families who depend more on government health care program. By investing in the prevention and control of TB, we also achieve long-term savings in the already over-burdened medicare and medicaid programs, and prevent the future expenditure of funds on more severe resulting illnesses.

As one who has been a longtime supporter of preventive health care programs, I urge my colleagues to join with me in approving this amendment to insure that adequate health care is made available to the many Americans who now needlessly suffer from tuberculosis.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2258), as modified, was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2272

(Purpose: Making $500,000 available out of existing funds for construction of a vocational rehabilitation center)

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an amendment numbered 2272.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 23, before the period, insert the following: ": *Provided*, That of the funds appropriated for service projects, $500,000 shall be available for construction of the Garden Park Enterprises Rehabilitation Center in Phoenix, Arizona, in accordance with the provisions of Section 311 of the Rehabilitation Act of 1973, as amended."

Mr. DECONCINI. Mr. President, the amendment I am sponsoring to the fiscal year 1984 appropriations measure for the Departments of Labor, Health and Human Services, and Education does not add any new money to the bill. It does, however, insure that a small portion of the funds for rehabilitation services contained in H.R. 3913 are available for the long-awaited construction of permanent facilities for a highly regarded rehabilitation center in Phoenix, Ariz., Garden Park Enterprises.

Specifically, Mr. President, my amendment designates $500,000 of the estimated $37.5 million for rehabilitation services in the Labor/HHS measure, for the Garden Park Enterprises Rehabilitation Center. This $500,000 represents less than one-third of the total projected cost for construction of more suitable facilities for this center which provides vocational rehabilitation training for handicapped adults. Garden Park Enterprises was established in 1975 after parents of handicapped adults got together to create

some type of program to provide educational, vocational, and work adjustment services for their adult children—services that were not available to these handicapped individuals in the Phoenix metropolitan area. Since that time, Garden Park has blossomed into a vocational rehabilitation center with a proven success rate, a quality reputation for delivery of services, and a much desired center for other parents with handicapped adult children. For the past several years, it has operated out of a temporary modular structure. Consequently, the demand for its services has grown to a point where its potential for future success cannot be realized unless more adequate and suitable quarters for these essential services is provided. The center has received the largest share of its operating funds from private and corporate sources and has received numerous pledges of financial support for completion of construction if the intitial dollars can be found. The center has the potential for obtaining many contracts with industries in the Phoenix area for the manufacture of such items as wire harnesses and automobile components—the work on which is all done by the handicapped clients who receive a wage for their labor. Contracts for future work can only be negotiated if the proper facilities are available.

The Garden Park Rehabilitation Center is not just another rehabilitation facility. It is unique in that it provides education, vocational, work adjustment, and job placement services for its clients. Students who have been the recipients of social security disability insurance and food stamps have been able to provide their own means of support and form better images of themselves as productive members of society through the expert help offered by the center. The facility presently serves 137 students—it will accommodate up to 200 once the construction of expanded workspace and classroom areas is completed.

Mr. President, many individuals have donated many hours of their own time to the support of Garden Park's future because they believe the services provided are more than worth the cost. There is so much we can continue to gain in the arena of vocational rehabilitation through efforts such as these. I do not believe it is too much to ask for the Federal Government to provide a share of the financial support for such worthy goals. This is a one-time only appropriation—the remaining costs will be provided through other sources.

I urge both the chairman from Connecticut and the ranking member to accept my amendment. I do want to thank them for their willingness to work with this project.

Mr. WEICKER. The Senator has talked with me about this amendment. I understand that it is an unusual situation, as matching funds are currently available, and I have no objection to passage of the amendment.

Mr. PROXMIRE. Mr. President, I have no objection to passing the amendment.

Mr. DECONCINI. I thank the distinguished chairman and minority member. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2272) was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. What is the regular order, Mr. President?

The PRESIDING OFFICER. Third reading.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2273

(Purpose: To add funds for the Runaway and Homeless Youth Act)

Mr. SPECTER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2273.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 13, strike out "$1,845,361,000," and insert "$1,848,861,000, of which $25,000,000 shall be for the Runaway and Homeless Youth Act, and".

Mr. SPECTER. Mr. President, this amendment is designed to add $3.5 million for the Runaway and Homeless Youth Act, which will bring the total sum to $25 million. It is an increase which I think is urgently needed.

I have discussed this matter with the distinguished Senator from Connecticut, the chairman of the subcommittee, and I believe that the ranking minority member, the distinguished Senator from Wisconsin, has been apprised of this amendment and that it is acceptable.

I shall state briefly for the RECORD the reasons for this increase.

Approximately 1 million youths become runaways or throwaways each year. The numbers continue to increase due to the high rate of unemployment and divorce which in turn is associated with an increased incidence of child abuse/neglect and abandonment.

The likelihood of criminal activity and victimization by pimps and child pornographers rises sharply with the length of time away from home. About 90 percent of female and 70 percent of male prostitutes have a history of running away from home.

The Runaway and Homeless Youth Act (RHYA) was designed to provide temporary shelter care and counseling services to deal with the immediate needs of runaway and homeless youth and their families outside the framework of the law enforcement and juvenile justice systems.

Increase in fiscal year 1983 RHYA funding from $18 million to $21.5 million maintained 157 programs and provided for an additional 69 (total=226). An estimated 70,000 youth received shelter care, 180,000 benefited from one-time counseling or referral services, and 300,000 were served by the national runaway switchboard.

An additional increase to $25 million would provide shelter care to an estimated 100,000 youth and similarly expand the counseling, referral, and communications services.

A recent GAO report dated September 26, 1983, concluded that youths, parents, staff, and community service personnel all agreed that the RHYA programs were important and offered valuable services. A need for expanded outreach, skills training, and aftercare services was also cited which could be achieved with additional funding.

Mr. President, in the overall scheme of the budget, this is a relatively small amount of money. In my judgment, it is a minimal amount, a minimal add-on, to try to accommodate this major national problem.

Mr. WEICKER. Mr. President, the subcommittee recommended last year's level of $21,500,000 for runaway youth.

However, last year, the full committee agreed to $25 million, but ended up with $21,500,000 after conference.

We could agree to $25 million and take the issue to conference again.

These projects help reunite troubled youth with their families, and provide emergency shelter in the interim.

I might add that this has been an issue of special concern to the distinguished Senator from Pennsylvania,

and he has done an outstanding job on this issue. We all have to rely on the varied expertise that exists on this floor, and I think everyone will concede his leadership role in this matter.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the subcommittee, Senator WEICKER, for his kind words. I hope the amendment will survive in the conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2273) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2274

(Purpose: To add funds for clinical training for mental health professionals)

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2274:

On page 23, line 20, strike out "$835,581,000," and insert "$836,081,000, of which $22,000,000 shall be for clinical training for mental health professionals, and".

Mr. SPECTER. Mr. President, for the following reasons, I propose that an additional $500,000 be accepted for the mental health clinical training program under the National Institute of Mental Health. The House has recommended $20 million for this purpose, and the Senate Appropriations Subcommittee on Health and Human Services has recommended $21.5 million.

First. There continues to be an overall present and projected shortfall in the numbers of needed psychiatrists which has been attested to in a number of recent studies: Heritage Foundation, Rand Corp., and the Graduate Medical Education National Advisory Committee.

Second. A recent NIMH study reveals that for every dollar invested by the Institute in psychiatric education, there is a twentyfold return in treatment provided to populations otherwise unlikely to receive treatment. Failure to fund this program will cost society far more than the amount requested.

Third. There is a shortage of geriatric and child mental health professionals, as stated in the House language. The elderly are a rapidly growing proportion of the population, with many identified mental disorders. Few practitioners are trained to work with this age group. Children also have many mental health problems which may develop into lifelong illnesses if untreated, yet there is a shortage of child mental health specialists.

Fourth. There is a need to improve the knowledge and skills of nonmental health providers through enhanced education of medical students and of trainees in the primary care specialties. Personnel trained in the area of health and behavior and consultation/liaison can markedly reduce the cost of health services, improve patient compliance with therapy, reduce stress and anxiety, and speedup recovery from physical illness.

Fifth. A critical concern of the mental health field is the misdiagnosis of our elderly as having dementia, when their mental health problem is depression and they could, therefore, benefit from mental health treatment which they might not otherwise receive.

Mr. President, I am submitting this amendment and have reduced the figure I originally wanted to offer because I realize there are many competing demands faced by this subcommittee.

In my judgment, given the scope of our budget generally and the NIMH budget, there is a relatively small amount of money allocated for mental health clinical training. I have participated in this matter in hearings held by the subcommittee. I think it should be funded more substantially, but I am submitting this limited amendment because I realize the budgetary constraints which are faced at this time.

I thank the distinguished chairman for his assistance on this issue.

I have discussed this matter with the distinguished Senator from Connecticut, the chairman of the subcommittee, and as I understand it, he is prepared to accept it; and I hope it will fare well in the conference as well.

Mr. WEICKER. Mr. President, no funds were requested for this program by the administration.

This amendment will send a signal to the administration that we believe there are shortages of personnel—particularly psychiatric nurses.

I will be glad to take this matter to conference. I have expressed to the distinguished Senator from Pennsylvania the difficulties under which we are operating, and I hope he will consider that. We will try to do our best.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2274) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2275

(Purpose: To appropriate funds for the construction of a new building for the University of Pennsylvania School of Dental Medicine)

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2275:

On page 18, after line 23, insert the following:

For the construction of a new building for the University of Pennsylvania School of Dental Medicine under section 720(a)(1) of the Public Health Service Act, $9,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of this or any other Act, such amount shall be made available without regard to the provisions of sections 702(b) and 722(a)(1) of the Public Health Service Act.

Mr. SPECTER. Mr. President, I am offering this amendment for $9 million for the construction of a new building for the Dental School of the University of Pennsylvania in Philadelphia.

I do so because of the uniqueness of the programs which are projected by the university and realizing full well the difficulty of having an amendment of this sort adopted, and the difficulty of having such an amendment surviving the conference. But I think it is important to do so at this time and to establish some legislative history on this subject.

As a leading dental school in the United States and one which enjoys an international reputation, Penn has pioneered several dental education thrusts in recent years. In an experiment of mobile and school-based dental service units in a rural underserved area, Penn started with a population almost universally infected with dental caries and reduced the infection and tooth loss in 5 years. This work prepared the way for Penn to experiment with serving urban, underserved areas. It created a new design for a dental education unit in placement in such areas to attract patients who had never before received dental care. At the same time, this provides Penn students with a wide variety of dental medicine problems which they might not see in other types of clinics.

Penn is ready to answer a national need for reducing the scope, while maintaining the quality of dental education. In conformity with the nationally determined health manpower, the university is prepared to cut its school of dental medicine enrollment by half. The goal of the university is to create a smaller but stronger school with a new curriculum which would include a 5-year family practice residency program and the adoption of a preceptor-

ship model of clinical instruction. With this kind of program, it would no longer be necessary to have it housed in the overly large and highly inefficient building where it is now located.

This new building will not only house the educational, clinical, and administrative functions of the school of dental medicine, but it will also be the cornerstone of a new health center. The health center is a fascinating concept of blending the strengths of the various institutions which will participate while maintaining the singular identity of each institution. The Children's Seashore House, the Children's Hospital of Philadelphia, the Veterans' Administration and a long-term care hospital are presently all working together with the school of dental medicine to develop this site and coordinate their needs.

The $9 million which I am offering as an amendment, is only one-half of the expected cost for the construction of this building. The University of Pennsylvania is prepared to raise the additional $9 million necessary. The project will go ahead without Federal money but will seriously be delayed and that delay could be costly. The present target date for completion is in autumn of 1986. This appropriation could be made available under section 720(a)(1) of part B of title VII of the Public Health Service Act.

As a final note, Mr. President, I should like to add that an estimated 1,200 new long-term jobs will be created by the construction of this health center. Approximately 250 construction jobs until the time of completion will be generated. In an economy such as ours, new jobs are always a welcome sight and needless to say, benefit the Federal Government as well in the long term.

I thank the distinguished chairman for his assistance in this matter.

Mr. WEICKER. Mr. President, I think the distinguished Senator from Pennsylvania has correctly stated both the cause which gives rise to the amendment we are considering, and the description of the tactical situation in which we find ourselves vis-a-vis both the House of Representatives and the administration.

In the sense of establishing the first word on this subject for the record, I think a good purpose has been served.

However, I will never try, as long as I chair this subcommittee, to hold out false promise or hope. This is not going to be an easy item to hold in the conference, and I think that should be made clear as we establish the record on this amendment.

I support the amendment of the distinguished Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the subcommittee.

I realize that it is not easy to hold this kind of an amendment, and I believe that it is a unique experiment in dental education and will perform a very unique role at a very distinguished institution.

I, of course, come to this issue with a predilection in favor of the University of Pennsylvania, coming from my State, and I do believe it has national implications.

I thank the chairman of the subcommittee for his kind consideration of this matter, and I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2275) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. I thank the distinguished Senator from Connecticut for his consideration.

I yield the floor.

Mr. WEICKER. Mr. President, what is the regular order?

The PRESIDING OFFICER. Third reading.

Mr. PROXMIRE. Mr. President, I suggest the the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

AMENDMENT NO. 2276

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE), for Mr. INOUYE, proposes an amendment numbered 2276.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 10, delete the period and insert the following: : *Provided further,* That

Section 5(c) of the Act of September 30, 1985 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under section 2, 3 and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

Mr. PROXMIRE. Mr. President, I am offering this amendment on behalf of Senator INOUYE who is unavoidably absent and is not able to offer the amendment himself.

It is an amendment that addresses a peculiar situation in Hawaii. It does not add any money in the bill.

Hawaii is the only State in the Nation which has only one statewide school district. As a result, even though one of the administrative districts, Central Oahu, has 36 percent "A" students; that is, students who live on a Government base and whose parents work on the Government base and, therefore, make no property tax payments toward their schooling, and those are obviously the schools that have to have impact aid, Hawaii gets no impact aid because on a statewide basis they have only 10.2 percent "A" students.

In effect what this amendment would do would be to recognize Central Oahu as in effect one school district and, therefore, qualify it for impact aid.

There are few people in the Senate who have a deeper understanding of this than the present Presiding Officer, the distinguished Senator from South Dakota (Mr. ABDNOR) who has been a crusader for fair treatment for people who are in this plight.

Mr. President, I hope under the circumstances the distinguished manager of the bill will be able to accept the amendment.

As I say, it adds no money. It simply permits this peculiar situation in Hawaii to be met equitably and fairly.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment offered by the Senator from Wisconsin for the senior Senator from Hawaii (Mr. INOUYE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, as a cosponsor of this amendment which affects the distribution of impact aid funds in Hawaii, I rise to urge my colleagues to act expeditiously on this matter.

Mr. President, this amendment will allow Hawaii to be treated on equal terms as all other States with respect to impact aid funding. Hawaii is the only State in the Nation with a single statewide school system. We in Hawaii

feel that this system provides many benefits to the students in our State.

However, because of this centralized State system, Hawaii is often at a distinct disadvantage with respect to impact aid allocations. In particular, the State is hurt when "Super A" districts receive favorable funding treatment. "Super A" districts are those districts with 20 percent or more category "A" students in daily attendance.

While the Central Oahu District has 36.4 percent category "A" students in daily attendance—well above the figure necessary to qualify as a "Super A" district—this high concentration of "A" students is completely disregarded when the allocation formula is based on statewide statistics. Since the State as a whole has only 10.26 percent category "A" students in daily attendance, Hawaii does not receive any impact aid funds at the "Super A" reimbursement rate, and thus, is severely penalized for having a centralized statewide school system.

This amendment will allow States with a single statewide school system to treat the several administrative units within that system as school districts, only for the purposes of the impact aid formula. This does not mean that Hawaii will be granted any special treatment. It will merely allow Hawaii to receive exactly the same consideration as all other school districts in the country.

Mr. President, I urge the Senate to act favorably on the pending amendment.

Mr. WEICKER. I concur with the statements made by the distinguished Senator from Wisconsin and I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 2276) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2277

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2277.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

No funds appropriated in any act to the Department of Education for fiscal year 1983 and 1984 other than those appropriated by section 111 of Public Law 98-107 shall be available to fund the consent decree of 1980 between the United States and the Board of Education of the city of Chicago.

Mr. WEICKER. It is our understanding, from the Department of Education's General Counsel, that this language is needed to unfreeze the appropriately $50 million in fiscal year 1983, and an undetermined amount in fiscal year 1984, that a Chicago Federal judge has frozen in order to satisfy the Federal obligation in the desegregation case, U.S. against the Board of Education of the city of Chicago.

The continuing resolution includes a provision which appropriates $20 million for this purpose from unobligated guaranteed student loan funds. My concern in offering this amendment is for those education programs which are being denied funding because their funds have been frozen pending the outcome of this case.

Such programs affected are: Follow Through, women's educational equity, civil rights training, aid to the Virgin Islands and territories and the secretary's discretionary fund.

According to the Department, these frozen funds would remain available beyond fiscal year 1983 by virtue of their being held over by the judge.

If additional funds are required to satisfy this case beyond the $20 million available, we will certainly do whatever we can to provide these funds at the appropriate time.

Mr. PROXMIRE. Mr. President, I support the amendment enthusiastically. It is a necessary amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 2277) was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no further amendment——

Mr. PROXMIRE. Mr. President, I am very anxious to move to third reading, too, and I am delighted to see us moving along this rapidly. But we do have Members coming to the floor who will be here momentarily. So I suggest the absence of a quorum.

Mr. WEICKER. Mr. President, if the Senator will withhold——

Mr. PROXMIRE. I withhold my request.

Mr. WEICKER. The Senator has been gracious to his fellow Senators, his colleagues, in the sense of putting in these quorum calls, and as I intend to do.

I think it should be known that when the Senate is in recess between 12 noon and 2 p.m. I will consult with my good friend from Wisconsin with the hope that when we reconvene at 2 p.m., and for the remainder of the afternoon, neither the Senator from Wisconsin nor anybody else will provide that service. I intend to move toward final passage of the bill.

So I think everybody should be put on notice that the courtesy is being extended now. To some extent it is understandable since many Members are attending committee meetings. But after 2 p.m. it is not likely to happen, and we are going to go to third reading. There is no reason why we should not have this bill finished in a reasonable time, but we are not going to do it on this same basis we are doing it now.

I thank my friend from Wisconsin for the fact that he takes a more kindly attitude toward the Members than does the chairman. But everybody should be put on notice that after 2 p.m. this is not likely to happen again.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2278

(Purpose: To appropriate funds for the Maureen and Mike Mansfield Foundation)

Mr. PROXMIRE, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE), for Messrs. BAUCUS, BAKER, BYRD, INOUYE, MELCHER, BENTSEN, DOLE, and SASSER, proposes an amendment numbered 2278.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 14, after the period insert the following:

For providing financial assistance to the Maureen and Mike Mansfield Foundation, $5,000,000.

Mr. PROXMIRE. Mr. President, I offer this amendment on behalf of Senator BAUCUS who, unfortunately, cannot be here today. He will be here later today but we may have finished with the bill.

Mr. President, this amendment provides $5 million for the Maureen and

Mike Mansfield Foundation. The Senate agreed to authorize this expenditure in the Federal supplemental compensation extension bill.

Mr. President, this amendment is cosponsored by Senators BAKER, BYRD, INOUYE, MELCHER, BENTSEN, DOLE, and SASSER.

The Maureen and Mike Mansfield Foundation was established to raise funds for two important organizations: The Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

Together, these two centers will honor the career of Mike Mansfield, the longest serving majority leader in the history of the U.S. Senate. Mike Mansfield, currently the American Ambassador to Japan, is truly an American statesman and a world leader.

The Mansfield Center for Pacific Affairs, to be constructed at Flathead Lake in northwestern Montana, will bring leaders in business, government, and cultural affairs from nations of the Pacific to participate in conferences and seminars on the developing economic and cultural ties in this region. We expect that the center will host more than 60 such meetings each year on subjects ranging from agricultural trade to educational exchange programs.

The Maureen and Mike Mansfield Center at the University of Montana will conduct academic programs related to Pacific area studies and ethics in public affairs. The university programs will open new opportunities for research and study, and attract leaders from academic and public life. The Maureen and Mike Mansfield Library at the university, which contains Mike's congressional papers, will also be important to researchers.

These two centers will sponsor cooperative programs designed to build upon their complementary relationship, such as hosting major conferences on Pacific area political, cultural, and trade relations.

I hope the distinguished manager of the bill will accept the amendment.

Mr. BAUCUS. Mr. President, this amendment provides for the appropriation of $5 million to establish the Maureen and Mike Mansfield Foundation. Last week, the Senate agreed to my amendment to S. 1887, the Federal supplemental compensation extension bill, to authorize this expenditure. That amendment was cosponsored by Senators BAKER, BYRD, INOUYE, MELCHER, BENTSEN, DOLE, and SASSER. The bill is still in conference with the House of Representatives but I understand that the conferees have agreed to accept my amendment.

The Maureen and Mike Mansfield Foundation has been created to support two important organizations: The Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

Together, these two centers will honor the career of Mike Mansfield, the longest-serving majority leader in the history of the U.S. Senate. Currently the American Ambassador to Japan, Mike Mansfield is truly an American statesman and a world leader.

The centers also honor the contributions of Mike's wife, Maureen Mansfield. As Mike said upon his retirement from the Senate:

> My conclusion has been reached in this instance with my wife, Maureen Hayes Mansfield, who has been with me through all these years and whose sensitive counsel, deep understanding, and great love have been so much a part of whatever may be the sum of my contribution.

The Mansfield Center for Pacific Affairs, to be constructed at Flathead Lake in northwestern Montana, will bring leaders in business, government, and cultural affairs from nations of the Pacific to participate in conferences and seminars on the developing economic and cultural ties in this region. We expect that the Center will host more than 60 such meetings each year on subject ranging from agricultural trade to educational exchange programs.

The Center's progress is keyed to the unparalleled growth which has characterized trade in the Pacific Basin during the past two decades. This growth is expected to continue into the 21st century. The Center will work to foster economic growth through trade, and will also be a leader in improving international understanding and in eliminating cultural barriers which have impeded exchanges across the Pacific.

The Maureen and Mike Mansfield Center at the University of Montana will conduct academic programs related to Pacific area studies and ethics in public affairs. The university programs will open new opportunities for research and study, and attract leaders from academic and public life.

These two centers will sponsor cooperative programs designed to build upon their complementary relationships, such as hosting major conferences on Pacific area political, cultural, and trade relations.

The State of Montana has appropriated $1 million to the Mansfield Foundation, which will coordinate fundraising activities for these two centers. This amendment appropriates an additional $5 million, as a one-time appropriation to help establish the centers.

The Foundation will seek additional funds from individual donors, and we expect substantial donations from Japanese and other Pacific sources once Ambassador Mansfield retires from his post in Japan.

I believe it is fitting and proper that the United States should honor Mike Mansfield in this way. These two centers will honor his career by supporting and continuing his lifelong efforts to achieve close relations with Pacific nations in every sense.

Mr. President, many friends and colleagues of Mike have joined in this effort. The majority leader, Mr. BAKER, and the minority leader, Mr. BYRD, served on the Founding Committee for the Foundation, along with Senator DANNY INOUYE, the late Senator Scoop Jackson, and House Speaker TIP O'NEILL.

Stan Kimmitt, former Secretary of the Senate, served on the initial planning group and is a member of the Board of the Mansfield Foundation. The Foundation is chaired by Hon. Ted Schwinden, Governor of Montana.

Mr. President, I hope my colleagues will support this amendment. I am sure the Senate will want to support this effort, to honor Mike Mansfield and to continue the important work he has started.

Mr. WEICKER. Mr. President, there is no man with whom I have been privileged to serve since I came to the Senate in 1971, nor one that I admire more than Mike Mansfield. He was a credit to this institution, to his State, to our profession. I think it is a worthy amendment and I hope it passes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2278) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2279

(Purpose: To appropriate $50,000,000 for the purpose of section 6 of the Asbestos School Hazard Detection and Control Act of 1980)

Mr. HUDDLESTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) for himself and Mr. MOYNIHAN, Mr. SASSER, Mr. FORD, Mr. SARBANES, Mr. KENNE-

DY, and Mr. MITCHELL proposes an amendment numbered 2279.

On page 40, line 24, beginning with "1978" strike out through "$528,367,000" in line 2 on page 41 and insert in lieu thereof: "1978; section 6 of the Asbestos School Hazard Detection and Control Act of 1980; and Public Law 92-506, $577,286,000".

Mr. HUDDLESTON. Mr. President, I am pleased to be offering this amendment today with Senators MOYNIHAN, SASSER, FORD, SARBANES, and KENNEDY.

It adds $50 million in funding to help schools faced with costly asbestos removal problems. I believe this amendment is necessary if the Federal Government is to continue its commitment to the school districts across the country to help rid them of this potential health hazard.

The extent of the problem is very evident in my home State of Kentucky. State officials have estimated that it may take up to $26 million to solve the asbestos problem.

To provide a few examples, the superintendent of Henry County schools has stated in a recent letter that removal of asbestos would cost $265,000. The Barren County schools are also facing a bill of $250,000 for the removal of asbestos in six of their seven schools. The Harlan County school district has found that the cost of asbestos removal for one school alone could run anywhere from $528,000 to over $1.5 million.

These are not isolated incidents. A large number of school districts in every part of my State are facing this problem.

Congress passed the Asbestos School Hazard Detection and Control Act in 1980 to insure that all schools would be inspected for possible asbestos contamination and to provide them with some assistance in removing it if asbestos was found.

The Environmental Protection Agency required that all school inspections be completed by June 28, 1983. While these inspections have been completed in many of our schools, the school districts are finding that they do not have the resources available to remove any hazards that are found.

Since Congress passed the asbestos removal legislation in 1980, no funds have ever been appropriated for either the grant or loan program authorized by the act. Many school districts are experiencing severe budget problems, and have no funds available to remove the asbestos. Others are having to use funds originally intended for instructional purposes to pay for asbestos removal.

Mr. President, I believe we have a responsibility to follow through on our intent to help those most severely affected by this problem. The $50 million in funding offered in this amendment will be used to provide 20-year, no-interest loans for asbestos abatement. This is the same action that was taken by the House in their version of the Labor-Health and Human Services-Education appropriations bill.

The Senate Appropriations Committee did not include any funding because a report requested by Congress documenting the extent of the asbestos problem has not yet been received from the Department of Education.

This report was supposed to be completed by September 1, but the Department requested an extension of 1 month. However, the October 1 deadline has come and gone and the report is still not available. I understand from the Department that it will be another week or so before it will be in hand.

While the report has not yet been printed, officials at the Department of Education have told us it will show that approximately 14,000 schools across the country have some form of asbestos contamination. The contamination may range from severe to slight; however, some type of remedial action will be necessary for all of those schools at some time in the future.

Additionally, the cost of removal is estimated to be approximately $100,000 per building. Thus, if we assume that the Federal Government would pay half the cost of the removal, as the asbestos legislation authorizes, $700 million would be needed to deal with the problem.

We need to do something now about this situation and I do not believe it is prudent to await a final report that we know will show a substantial asbestos problem. I believe this amendment is a modest beginning that will benefit many school districts that are already having financial difficulties. I urge my colleagues to support this amendment.

Mr. President, I reiterate that we are dealing just with the loan portion of the authorization act. The money provided here would be for loans, 20-year, no-interest loans for the school districts to deal with an actual problem that has been determined. That is, a potential contamination by asbestos and the health hazard that causes the students, who must attend school.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

MR. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise reluctantly to oppose the amendment of my good friend from Kentucky because again this is a matter that has been of concern to him over a period of time. He has been responsible for the various asbestos inquiries that have been launched. On the other hand, I have a budgetary problem. It is hard enough to live with, never mind situations where the necessary reports and conclusions are yet to be in hand.

I note that the House bill does include the $50 million for the startup of the asbestos hazards control loan program as authorized by section 6 of the Asbestos School Hazards Control Act of 1980. The committee is also deeply concerned about potential health hazards posed by the incidence of asbestos in our Nation's schools. Several months ago, the committee requested that the Department of Education submit a report by September 1, 1983, on the extent of the problem confronting school districts that must remove asbestos, where it has been identified, as well as the cost of removal, number of districts affected and the availability of any Federal support for such purposes. Although the report had been requested to be submitted no later than September 1, 1983, the Department recently has requested a 1-month extension in order to obtain the full information requested. Accordingly, the committee believes it would be prudent to await the report in order to study the full magnitude of this problem before considering possible funding of a major new asbestos removal program.

I might suggest to my good friend from Kentucky that with the report in hand, once we have an assessment of the extent of the problem, we should review its connection with the supplemental, since that is what supplementals are meant to encompass, if indeed the occasion so demands. So I rise to oppose the amendment. But very frankly, I point out that in a short period of time, we may all be together on this issue. I hope that the Senator from Kentucky would see his way clear to having the report in hand and then consider exactly what financial requirements are required by that report and I suggest that we can move together on the problem at such time.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I reluctantly oppose the amendment. It is true it is a loan but it is a no-interest loan, and with interest rates at the level they are now, that means that the cost could be very, very substantial over the life of the loan—perhaps more than the principal amount of $50 million.

The fact is that the funds are provided in the House bill, so that there is negotiating room with the House. Unfortunately, Mr. President, the Senate is already $400 million over the House, and the negotiating room for the manager of the bill will be very, very seriously eroded if this amendment should be adopted.

In fact, one calculation is that over its total life, the program could cost as much as $1.4 billion with the Federal share being $700 million.

So, Mr. President, as I say, I am very reluctant to oppose the amendment because I have great respect for the Senator from Kentucky, but I think that under the circumstances, the subcommittee and committee would be in a very difficult position if this amendment is adopted. I am sure that the manager of the bill, and certainly I, will look with considerable favor on the House position if we are given this discretionary room by denying the amendment.

Mr HUDDLESTON. Mr President, in response to the comments that have been made by the distinguished floor managers of the bill, let me say that we are dealing with a problem here that very well could be of very substantial proportions. If we do not move quickly to provide some assistance for the local school districts who, after all, will be trying to comply with a Federal mandate placed upon them, we are going to see a massive transfer, in my judgment, of funds originally intended and needed for educational purposes, instructional purposes, program enhancement purposes, and many other things that our school districts are confronted with, to try to meet this particular problem. Recent reports about the state of our educational system and the effectiveness of it should give us some pause as to whether or not we should be willing at this point to see these funds transferred away from instructional purposes to deal with the asbestos hazards purposes.

I do not think delaying action is going to improve the situation by one whit. Even though we do not yet have the report in hand from the Department of Education, I think it is pretty obvious by looking at those areas where the inspections have been made, that there is going to be a high incidence of asbestos contamination throughout the country. I know of school districts that already have had to delay the opening of their schools for the current semester because of the asbestos problem and because they were not able to deal with it very rapidly. I point out again that we are talking about loan money. While the Government would bear the cost of borrowing the money, that is a small amount to pay compared to the potential hazard that we are trying to address.

I hope that we would go ahead and put this issue to rest as far as the conference is concerned. There will be many others that we can negotiate over in order to get the figures somewhere closer to where we would like to have them, and I think this is one that is so critical that it would be prudent to move ahead now and to eliminate it from the conference.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I have stated my opposition to this matter. I might add, as has already been pointed out, this is the potential beginning of a $100 million program. I repeat to my colleagues, you have the same decision to make that BILL PROXMIRE and myself and MARK HATFIELD and every member of the Appropriations Committee has had to make: Do you want a bill or not? We can accommodate within narrow limits here and we have tried to do that and we will continue to try to do it. When we talk $20 million, $50 million, $100 million, $700 million, $800 million, that is it. So every person has to put a dollar amount on the value of once again having the matter of health, education, and science back into the Senate ballpark or whether we want to continue to be dragged along by continuing resolutions. If that is the way you want it, fine; you have given away most of your power as a U.S. Senator and certainly as a member of the committees that are affected by all this legislation.

I hope that the amendment will be defeated not because of its substance, because I recognize that there is a problem and I recognize that big money may have to be spent to solve it, but at least let us have the final reports in hand and let us have a measured response. To add to this bill at this time, believe me, assures defeat of the matter before us.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, it is now 10 minutes to 12. I understand that at 12 o'clock, the Senate will go into recess for 2 hours.

We have the Senator from Ohio, the Senator from Rhode Island, and the Senator from New Jersey on the floor. Would the manager of the bill and the Senator from Kentucky be willing to have the rollcall vote take place after the caucus?

Mr. HUDDLESTON. I do not object.

Mr. WEICKER. Mr. President, it would be my intention to have the Senator from Ohio present his amendment. We expect to support that amendment. However, there will not be time for a major amendment such as that of the Senator from New Jersey.

Mr. BRADLEY. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. BRADLEY. Is it the intention of the Senator to go to my amendment immediately after——

Mr. WEICKER. I would like very much to go ahead immediately to the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. Mr. President, so that we may have it clear, has the unanimous-consent request been agreed to with respect to setting aside the Huddleston amendmnent?

The PRESIDING OFFICER. It has.

AMENDMENT NO. 2280

(Purpose: To add $3,500,000 for the establishment of not more than five specialized research centers for research on Alzheimer's disease and related disorders)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) (for himself and Mr. KENNEDY) proposes an amendment numbered 2280.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 9, strike out "$108,584,000" and insert "$112,084,000, of which $3,500,000 shall be available for the establishment of not more than five specialized research centers for research on Alzheimer's disease and related disorders".

Mr. METZENBAUM. Mr. President, the amendment which I have sent to the desk will provide $3.5 million to establish, through the National Institute on Aging, up to five specialized research centers on Alzheimer's disease. These centers will provide a solid base of multidisciplinary research, clinical training, and community education. My amendment matches the appropriation for these centers agreed on the House side and is consistent with the recent action taken by the Senate Labor and Human Resources Committee to increase Alzheimer's research by $4 million under the NIH reauthorization bill.

Alzheimer's disease is becoming an increasingly devastating health problem for older Americans. This pervasive disease exacts a staggering toll, both psychologically and financially, on the victims and their families.

Alzheimer's presently afflicts 1.2 million to 4 million older Americans. Experts estimate that 120,000 deaths every year are associated with the disease. Alzheimer's results in expenditures of more than $26 billion annual-

ly and accounts for nearly half the country's nursing home admissions.

With the rapid increase in our elderly population, the problem is expected to reach epidemic proportions by early in the next century.

Alzheimer's imposes severe financial, medical, and emotional hardships on families. Today, American families pay for almost half of all long-term care out-of-pocket. Costs are extraordinarily high with a full diagnostic evaluation alone costing $300 to $2,000. The financial difficulty is usually compounded by the fact that costs increase at the same time as income is lost to pay for it.

Besides the obvious human factors involved in finding the causes of Alzheimer's disease, there are these fiscal facts to consider. In 1979, the annual cost of nursing home care for persons with Alzheimer's was approximately $6 billion—or one-half of the cost of all nursing home care for the elderly. It is estimated that these costs will rise to $30 billion by the end of this century, eight times the total amount now spent on all medical and mental health research.

In the face of this enormous future financial burden, it is imperative that Alzheimer's disease research be a top priority of Government funding.

Although grants from the National Institutes of Health for research on Alzheimer's disease and related disorders were in the range of $18 to $20 million in 1982, less than $4 million was spent on basic scientific research relating directly to Alzheimer's disease.

And yet there are promising research leads and an excitement in the scientific community concerning the real possibility of discovering the cause of this disease in the next decade.

The creation of specialized centers on Alzheimer's would bring together investigators from various scientific disciplines to work on projects of mutual interest that could speed progress toward finding a cause and possible treatment for this devastating illness. The center approach will be instrumental in building a strong base for this multidisciplinary research. Since a number of potential high-quality research sites already exist, it is imperative that funding be made available promptly so that the National Institutes of Health can move quickly to establish these centers.

There may be some opposition to the targeting of $3.5 million specifically for Alzheimer's research. However, I again remind my colleagues that the Senate Labor and Human Resources Committee did accept my amendment, under the NIH reauthorization bill, to increase funds specifically for Alzheimer's research.

I feel strongly that we need to continue this approach now that we have reached the appropriation stage, by targeting this $3.5 million for the establishment of specialized research centers on Alzheimer's disease.

We must also remember that Alzheimer's is not an inevitable consequence of growing old. It is a pathological disease that can be investigated, and hopefully, cured.

My amendment will help insure that the Federal Government, more and more, takes an active role in the battle to conquer this devastating disease.

Mr. GRASSLEY. Mr. President, I support the amendment of the Senator from Ohio to increase the appropriation for research into Alzheimer's disease through specialized research centers established for that purpose.

In a hearing I held as chairman of the Subcommittee on Aging of the Senate Committee on Labor and Human Resources on May 16, 1983, I learned that this illness is ranked as the Nation's fourth leading killer, responsible for an estimated 100,000 to 120,000 deaths a year in the United States.

Furthermore, this disease is enormously costly both to families and to the public. Family members care for the majority of demented and frail individuals in the home. Victims usually need a constant caretaker. Constant means 24 hours a day, since one of the characteristics of the disease is a restlessness that leaves the victim unable to sleep and causes him or her to wander aimlessly. In 1979 the annual cost of nursing home care for persons with Alzheimer's disease was approximately $6 billion or one-half of the cost of all nursing home care for the elderly in that year. It is estimated that these costs will rise to $30 billion by the end of the 1990's.

In the past decade, scientists around the world have made great progress in the understanding of Alzheimer's disease. This increase in funding for specialized centers of research on Alzheimer's disease could ultimately result in major progress in the treatment and cure of this debilitating disease, thus reducing both the human anguish of victims and their families, and the great public costs associated with it.

Mr. HEINZ. I rise in support of the amendment offered by my distinguished colleague from Ohio, Senator METZENBAUM. This amendment would add $3.5 million to the National Institute on Aging for the establishment of research centers for Alzheimer's disease and related disorders. These funds were appropriated in the House measure but were not included in the Senate version.

Just last month, I chaired a hearing of the Senate Special Committee on Aging that focused on Alzheimer's disease. Dr. Robert Butler, former Director of the National Institute on Aging, testified on the pressing need for specialized centers around the country for Alzheimer's research. Like existing centers for cancer, stroke, and arthritis already set up by the National Institutes of Health, these centers would bring together the critically needed funding source with a stable population base in an environment that can thrive with the advantages of computer capabilities, specially trained professionals, and the most advanced forms of technology. These centers will be uniquely effective in generating a significant amount of support and visibility to the scientific community's ongoing efforts to uncover the cause and cure for this most insidious of diseases.

Mr. President, between 1 and 3 million persons currently suffer from Alzheimer's disease, a disease which leads to the death of over 120,000 persons over age 65 each year. We spend over $20 billion a year caring for persons with Alzheimer's disease, yet we still know neither its cause nor cure. This additional $3.5 million for a research center will, without a doubt, be a prudent investment. I urge your support for this amendment.

Mr. WEICKER. Mr. President, I have discussed this matter with the distinguished Senator from Ohio. I concur with his analysis of the problem, and I compliment him for his leadership as it relates to Alzheimer's disease.

Mr. PROXMIRE. Mr. President, I support the amendment.

Mr. CHAFEE. Mr. President, I am interested in this situation. How much have we talked about?

Mr. METZENBAUM. Mr. President, I point out to the Senator from Rhode Island that in the Committee on Labor and Human Resources the committee approved it. This amendment is for only $3.5 million. It is less than the authorizing committee had proposed.

Mr. CHAFEE. Mr. President, I commend the Senator from Ohio and the committee on this amendment. It is an area that is of interest to me. I hope something constructive can come from these funds.

Mr. METZENBAUM. I appreciate the support of the Senator from Rhode Island.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2280) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am concerned with the level of appropria-

tions for the maternal and child health block grant.

Under the current year, there is being spent the $373 million that was appropriated with the block grant last year and $105 million which came under the supplement, which makes a total for the maternal and child health care of $478 million.

As I understand the appropriation that is before us now in this area, it is $425 million, which is some $60 million less than what has been appropriated for the current year.

So it would be my inclination—but I should like to hear from the distinguished manager of this bill—to seek additional funds for the maternal and child health, to bring it up to the neighborhood of $490 million that we have appropriated in the current year. I wonder whether the distinguished manager could give me some assistance or enlightenment on this matter.

I feel that this is an extremely effective program. Basically, it is a preventive health program. It is trying to keep the mothers and the children of the poor healthy, before they catch any potential illnesses early, so that they can receive the services under this program, whether it is immunization or medical care, so that the disastrous illnesses or the debilitating effects that might follow can be forestalled.

I know of the great interest of the manager of the bill in this area, and I would appreciate his thoughts on additional funds for this matter.

Mr. WEICKER. Mr. President, I appreciate the concerns of the Senator in this area.

Again, I have to repeat that the appropriation is $425 million for fiscal year 1984, and the carryover was $68 million, and we will have a 1984 program level of $493 million. This is well above the appropriation for fiscal 1983. I hope it would meet with the approval of the distinguished Senator from Rhode Island.

Mr. CHAFEE. That is reassuring. I was not aware of the carryover. I presume that is from the supplemental.

As the Senator has said, the carryover is some $68 million, which makes a total of $493 million that can be spent in the current year if this appropriation is approved. That is satisfactory. As the Senator has mentioned, that is in excess of what we appropriated this year, even including the supplemental.

This is a cost-effective program. A recent study in Texas shows that for every dollar spent in preventive care for children, $8 was saved in long-time costs.

So I am satisfied with the explanation of the distinguished manager of the bill, and I commend him for his efforts.

Mr. WEICKER. I thank by good friend from Rhode Island. I very much appreciate his support in these matters. It has been consistent support over the years.

Mr. WALLOP. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky is pending.

Mr. WEICKER. Mr. President, I have done my best to get a rollcall vote before the recess on the amendment of the Senator from Kentucky. I have been told by various Senators that this is not a good time for that. I think he deserves a vote and deserves it now, and after 2 o'clock there is not going to be very much time on this floor. People had better be here to present their amendments and vote on them. I apologize to the Senator from Kentucky. He will have his vote at 2 o'clock.

Mr. HUDDLESTON. Would the floor manager be willing to allow 10 minutes to a side at 2 o'clock?

Mr. WEICKER. Of course.

Mr. HUDDLESTON. To be followed immediately by the vote?

Mr. WEICKER. That is perfectly agreeable.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. Mr. President, reserving the right to object, will the Senator withhold for a moment?

Mr. WALLOP. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

Mr. BRADLEY. Mr. President, reserving the right to object, would the Senator's amendment be acceptable? Would it be concluded now?

Mr. WALLOP. It would be.

Mr. BRADLEY. No objection.

The PRESIDING OFFICE. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2281

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an amendment numbered 2281.)

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 22, after the word "such" add:

Act, except that the Secretary of Health and Human Services may waive this requirement for any State applying for such a waiver if—

(1) the State obtained a waiver of the requirements of section 138 of Public Law 97-276 with respect to appropriations for fiscal year 1983; and

(2) the State submits, prior to October 1, 1983, an application for fiscal year 1984 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions.

Mr. WALLOP. Mr. President, in 1981, Congress authorized the community services block grant program to replace the last remnants of the Office of Economic Opportunity. The block grant would allow each State to decide the method for allocating community services antipoverty funds within the States. Basically, the two options are to continue to distribute funds to existing Community Action agencies, or to disburse funds directly to local jurisdictions. Some States, such as my own State of Wyoming, do not have Community Action agencies operating in all counties. In Wyoming, the agencies covered only 7 of the 23 counties. Most of the State was not served by this program.

Under the new block grant, Wyoming would be able to distribute antipoverty funds to all 23 counties. In 1982, the State was prepared to implement the block grant. However, a provision was included in one of the continuing resolutions adopted that year which would suspend the new block grant, and mandate that 90 percent of community services funds be passed through to existing Community Action agency grantees. Wyoming had prepared a State plan for distributing the funds to all counties, and had submitted the plan to the Department of Health and Human Services for final approval. The language in the continuing resolution effectively blocked this plan.

Senator ARMSTRONG sponsored an amendment to a later continuing resolution which would allow States, such as Wyoming, that had a State plan and were ready to implement the new program to do so. Funds would be distributed according to the State plan rather than going directly to existing grantees. The amendment was adopted, and my State of Wyoming was able to distribute the funds to all counties.

Once again, we are forced to deal with the passthrough requirement. The continuing resolution passed last week did contain a waiver of the passthrough. The waiver allows the States to continue to fund community services according to the State plan. The Labor-HHS appropriations bill, as approved by the House of Representatives also contains a waiver. But, the Senate version of this appropriations bill does not contain a waiver. The Senate amendments to the Labor-HHS appropriations bill has struck the waiver language which had been included by the House of Representatives. I offer an amendment to maintain the House language.

Mr. President, I ask unanimous consent to have printed in the RECORD a

letter dated September 7, 1983, to me from the Governor of the State of Wyoming, Ed Herschler, explaining the need for a waiver.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., September 7, 1983.

Hon. MALCOLM WALLOP,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR WALLOP: The House Subcommittee on Labor, Health and Human Services and Education Appropriations recently voted to extend for still another year the so-called "Grandfather Clause" which requires states to give 90% of it's Community Services Block Grant funds to "eligible entities," i.e., community action agencies. Last year, Wyoming, along with several other states received a waiver of such 90% rule because under that rule only seven of it's counties would have received services under the program. The waiver enabled Wyoming to provide services in all of it's twenty-three counties during FY 83. The language of the proposed legislation by the subcommittee would also negate the possibility of another waiver for FY 84.

I am deeply concerned that Wyoming will have to regress and back-track relative to it's major policy of local decision-making by local elected officials if the subcommittee's recommendation is accepted. It appears that whatever language the House approves will become law, as it seems unlikely that the Senate will act on this issue. It has taken Wyoming a substantial amount of funds, time and effort to place the concept of local decision-making into the hands of local elected officials. I strongly support this kind of flexibility for states in the administration of block grants.

Wyoming has made significant progress during the past year in the administration of the Community Services Block Grant Program, particularly in terms of developing sound planning systems in local areas, in extending the program's services to counties previously unserved, developing coordinative systems among local private and public programs, and in the area of involving communities as a whole into the localized planning systems.

The response from local governments regarding their flexibility in planning for their own unique needs has been very positive. Many of the programs that have been implemented by local government during FY 83 have been exceptionally innovative, pragmatic and cost-efficient.

Anything that you can do to assure our continued use of the concept of localized planning will be greatly appreciated.

Yours sincerely,

ED HERSCHLER.

Mr. WALLOP. Mr. President, very briefly, I discussed this with the manager of the bill and what it would do is reinstate the waiver provision in the House bill for States such as mine who do not have community action agencies operating in every jurisdiction.

It has no revenue effect whatsoever on the bill.

Mr. WEICKER. Mr. President, I recognize the same need that has been identified by the Senator from Wyoming exists in four States.

Based upon the assurance of the Senator from Wyoming, I am prepared to agree to the amendment which will permit Colorado, Utah, Wyoming, and Nevada to recieve a waiver in 1984.

Mr. WALLOP. I thank the Senator.

Mr. PROXMIRE. Mr. President, I have no objection.

Mr. WALLOP. Mr. President, I appreciate the assistance of the manager of the bill, the Senator from Connecticut, in adopting this amendment.

Mr. SIMPSON. Mr. President, last year a decision was made by the Senate Appropriations Committee to mandate a pass through of 90 percent of the community services block grant funds to eligible entities within the States. This pass through provision not only negated the congressional intent of the legislation authorizing the community services block grant program, but seriously thwarted efforts under way in many States—including my State of Wyoming—to develop funding distribution formulas which would be more responsive to the needs of their communities.

During our consideration of the continuing appropriations resolution for fiscal year 1983 the Senate subsequently accepted an amendment which provided that the pass through provision would not apply in those States which had submitted an application to the Secretary of HHS prior to October 1, 1982, or which were operating their own community services block grant program at some time during fiscal year 1982. This allowed several States, including Wyoming, to proceed with community services block grant programs which had been developed in accordance with the requirements of the new community services block grant approach authorized by Congress.

The waiver provision in last year's bill enabled Wyoming to provide services in all of its 23 counties—as compared to only one-third of the counties served under the old system. If a waiver of the 90-percent pass through provision is not included in this bill, 16 counties in Wyoming will effectively lose community services block grant funding. My State will be forced to regress from a policy which fosters flexibility and local decisionmaking—a policy I might add which is authorized by Congress—but superseded by the Senate Appropriations Committee with no explanation whatsoever in its report on this bill.

We are not seeking special treatment. We are only asking the Appropriations Committee to allow the congressionally approved authorizing legislation for the community services block grant program to be fully implemented in those States which have sought to comply with the provisions of that law.

I urge the Appropriations Committee to accept the waiver language of existing law as it relates to community services block grant funding distribution.

Mr. WALLOP. Mr. President, I move the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2281) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME LIMITATION AGREEMENT

Mr. WEICKER. Mr. President, I ask unanimous consent that when the Senate convenes at 2 p.m. there be 10 minutes of debate equally divided on the amendment of the distinguished Senator from Kentucky (Mr. HUDDLESTON) and immediately upon conclusion of those 10 minutes we proceed to a rollcall vote on the matter.

Mr. BYRD. Mr. President, reserving the right to object, I do not have any objection except the inclusion of the words "rollcall vote." Could it not be by unanimous-consent agreement?

Mr. WEICKER. I beg the Senator's pardon?

Mr. BYRD. We could order the rollcall vote.

Mr. PROXMIRE. It has already been ordered.

Mr. BYRD. It has?

Mr. PROXMIRE. Yes.

Mr. WEICKER. The rollcall has already been ordered.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That is all I wish to know.

Mr. WEICKER. Mr. President, at this time I also reserve the right, and I have not decided on this, to table the amendment of the Senator from Kentucky. I want that as part of any agreement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. BRADLEY. Mr. President, reserving the right to object, could the Senator amplify that request to say that at the conclusion of the amendment of the Senator from Kentucky we be able to proceed to the amendment of the Senator from New Jersey.

Mr. WEICKER. That I could not do.

I am only trying to make accommodations for the recess period required by a previous agreement. I am not prepared to go ahead and guarantee Senators time in this Chamber to present their amendments.

I have been here for 2 hours this morning. We have almost moved to third reading five different times. No one has been here.

Indeed, I assure the Senator from New Jersey that I wanted his amendment to be considered as the first amendment this morning because I think it may be the most important amendment before us today.

I can assure him that I would hope, and I would work mightily hard to assure that as soon as we dispense with the matter of the Senator from Kentucky we move right to the amendment of the Senator from New Jersey.

I have no problem with that sequence. However, I do not want to formalize it.

Mr. BRADLEY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. today.

The Senate, at 12:02 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. QUAYLE).

AMENDMENT NO. 2279

The PRESIDING OFFICER. The amendment pending before the Senate is the amendment of the Senator from Kentucky. There are 10 minutes remaining. Those 10 minutes will be equally divided.

Who yields time?

The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I just reiterate the funds that we are asking to be provided are in accordance with an authorization that has been in existence now for some 3 years.

This is not a new program. It would be the first time that we have appropriated any funds for the operation of that program, and the funds that we are asking in this amendment are for the loan portion of that program. They do not represent a grant to the school district but merely a fund from which they can draw a 20-year no-interest loan to deal with the problem that is already in existence.

We have found that some school districts have had to delay the opening of schools in order to eliminate this potential health hazard and have had to divert funds originally planned for instruction and other educational purposes to deal with the question of asbestos hazards.

All school districts are required to make a determination as to whether or not there is within any of their buildings a potential asbestos hazard. And, of course, finding such, they have to deal with it.

No school district can place school children in a known hazard. So they have no choice except to deal with it and deal with it immediately and use whatever funds are available to them.

This is a Federal program. The inspections were mandated by Federal law and the Federal Government has a responsibility, in my judgment, in assisting those school districts and to avoid utilizing money that should be going for the education of our children for this specific purpose.

Mr. President, I reserve the remainder of whatever time remains.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, will the Senator yield to me?

Mr. HUDDLESTON. I yield to my colleague from Kentucky.

Mr. FORD. Mr. President, I rise in support of the amendment offered by the senior Senator from Kentucky, my distinguished colleague, Senator HUDDLESTON, and I commend him for introducing this important amendment. I am pleased to be a cosponsor of it and I urge my colleagues to join in supporting it.

Mr. President, for approximately 30 years, between the 1940's and the 1970's, asbestos materials were used extensively in school buildings for fireproofing, insulation, soundproofing, and other purposes. Asbestos is known to cause cancer in humans and, since the mid-1970's, there has been a great deal of concern about the presence of asbestos in our schools and the health risk it presents to school faculty, personnel, and especially our young people. In May 1980, Congress passed the Asbestos School Hazard Detection and Control Act. This act established a program to inspect schools for asbestos-containing materials, to contain or remove such materials, and to replace them with other suitable building materials. The act authorized funds for grants and interest-free loans for up to 50 percent of such project costs. Regrettably, Congress has never appropriated funds for this program.

The severity of the asbestos problem in our schools only recently became evident with the implementation of regulations by the Environmental Protection Agency. In May 1982, EPA published regulations which required local education agencies to inspect schools for friable asbestos-containing material. Under this rule, inspections were to be completed by June 28, 1983. The EPA rule did not require reporting to EPA, nor did it require treatment or removal of the asbestos once it was found. The rule did, however, mandate recordkeeping and notification of employees and parent associations if asbestos was found. And once the word was out that cancer-causing asbestos was found in the schools, parents, teachers, students, and school boards rightfully began calling for its removal.

The amendment we are offering today takes the first step toward helping those school districts which have found asbestos to remove or contain this hazardous material. The amendment appropriates $50 million for 20-year interest-free loans under section 6 of the Asbestos School Hazard Detection and Control Act of 1980. This is the same amount provided for in the House-passed version of H.R. 3913, the Labor/HHS/Education appropriations bill. It is imperative that the Senate join the House in providing these funds to school districts that are already hard pressed to meet basic education program budgets, much less deal with extensive and expensive renovation of school buildings.

While it is true that the Department of Education is currently completing work on a study of this problem aimed at assessing the potential cost of such a Federal program, I do not believe that we can wait to act. Already schools across this Nation are faced with the possibility of having to spend millions of dollars to renovate and contain asbestos already found in school buildings. To delay action any further would only send a message to those school districts that Congress does not consider this to be an imminent danger. I do not believe that the Senate can afford, nor do we want, to send such a signal, Mr. President.

I have heard from many school superintendents, parents, teachers, and students concerning the hazards of asbestos in our schools. Just last week, I received a petition from the Henry County School District signed by over 200 concerned parents, teachers, students, and citizens, calling on the Federal Government to assist them with the removal of this material. The Henry County School District found asbestos in four locations and the removal and replacement of this material is estimated to cost $265,000. Although this would not be a large amount to some, it is more than the rural-based school district can absorb. The recessed farm economy and this summer's droughts make it impossible for the Henry County School District to raise additional revenues to fund asbestos removal.

Other school districts, such as Harlan County, Ky., have received preliminary estimates of up to $1.6 million for asbestos removal. Statewide, Kentucky superintendent of public instruction Raymond Barber estimates that Kentucky schools are faced with a possible $26 million cost for asbestos removal. Nationwide, the cost is estimated to be an average of $6 per square foot, for a total cost of approximately $1.2 billion.

Mr. President, the $50 million provided by our amendment is a very modest amount in light of the tremendous need for these funds. But it is a responsible beginning and will send a positive message to those school districts who are trying to remove this hazardous material that the Senate

recognizes both the seriousness of the situation and the urgent need to act. Without these Federal funds, school districts will have to dip into educational program funds to remove asbestos, or be faced with closing their doors until funds can be found.

Mr. President, we cannot wait to act on this issue. I commend my colleague, Senator HUDDLESTON, for offering this amendment and I urge its adoption.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Louisville Courier-Journal of August 28, 1983, describing the situation of asbestos in Kentucky schools.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Aug. 18, 1983]

STATE FACES $26 MILLION BILL TO RID SCHOOLS OF ASBESTOS

(By Carol Marie Cropper)

HENDERSON, KY.—Five-year-old Yvonne Wahl was ready to start kindergarten at Niagara elementary this year. But the school wasn't ready for her.

Because a half-million-dollar project to remove cancer-causing asbestos from schools in Henderson County is not completed, Niagara and two other Henderson elementary schools are closed.

Children are being bused to different schools, and parents of kindergartners—like Betty Wahl, Yvonne's mother—are driving 40 minutes round-trip to pick them up. Students at one school are eating cold sandwiches trucked in in boxes instead of the usual hot lunch.

Despite the inconvenience, parents like Mrs. Wahl say they understand. "It's something that has to be done. I'd rather they remove that from the school."

Henderson County's is one school system out of thousands throughout Kentucky and the nation now facing the problem of asbestos. The material was used in 4 of the county's 17 schools.

In the '50s, '60s and early '70s, asbestos was widely used for insulation in schools and public buildings—on ceilings, walls, pipes and in boiler rooms.

In 1973 the U.S. Environmental Protection Agency declared it a hazardous material and banned further use of it for that purpose.

Last spring the EPA notified school systems throughout the country that June 28 was their deadline to implement tougher guidelines to inspect for asbestos, and, if it is found, to warn employees and parents' groups and post notices in the schools.

The EPA regulation does not require that the asbestos be removed or sealed. No federal or state money is available for that purpose.

"We didn't want the darn signs on our buildings—I didn't—saying we had asbestos," said Henderson County Superintendent Bill Rideout. "It was our position that if you have to do these things (posting and notification), and if it's that dangerous, . . . that would create a lot of fear and anxiety in our people. And if it is dangerous, I don't think we need to subject our youngsters to being housed in a system that has asbestos."

In 1979 Kentucky health departments, using less stringent testing guidelines, found asbestos in 150 schools, said Jim Judge, manager of property insurance with the state Department of Education.

Prestonsburg High School removed it that year.

This year, Judge said, at least 29 of Kentucky's 120 counties removed asbestos from schools—and he said there may be others he doesn't know about.

School systems in Hopkins, Franklin, Bullitt, Henderson, Daviess, Jackson, Union, McCracken, Oldham, Carroll, Trigg, Marshall, Warren, Barren, Metcalfe and Hart counties, and in the cities of Greenville, Glasgow and Bowling Green are among those that removed asbestos from their schools this summer, Judge said.

Fayette and Rockcastle counties removed asbestos last year, he said, and Jessamine County sealed the material, thus preventing it from getting into the air.

(Asbestos crumbles easily, allowing fine particles to get into the air, where it is breathed into the lungs.)

Other school districts say they plan to take action when the schools are empty again next summer.

State school officials estimate it will take three to four years and $26 million to solve the asbestos problem in Kentucky schools, Judge said.

Here are the costs already incurred or estimated at some schools:

Union County schools spent $407,000 to remove asbestos from ceilings and wrap asbestos-covered pipes, Superintendent Neal Tucker said.

Henderson County's project was to have cost $499,535, but Rideout said that because the contractor, Spinazzolo Systems Inc., of Newport News, Va., did not meet its July 31 deadline, $1,000 a day is being deducted from the contract amount until the work is done.

Daviess County has spent about $350,000, and still has some asbestos in Apollo High School and Maceo Elementary School, said Superintendent Glenn Ducan. The system hopes to get grant money to complete the work next summer, he said.

Harlan County school officials say it could cost $1 million to remove asbestos from schools there, said Harold Patterson, the school board chairman.

"We're looking for some federal grants, and I've been writing to Washington," he said.

Such expenses come at a time when school systems across the nation are already strapped for funds. "Anybody who spends money on it is financially hurt now," Tucker said.

Time and money spent to remove asbestos in Union County will mean a delay in replacing a middle school lost to fire last summer, he said.

Larry LaMour of the U.S. Department of Education, said there are no definite numbers on how many schools in Kentucky or the United States have asbestos in them. LaMour is coordinating a national effort to remove asbestos and is to report to Congress Thursday.

A study by the Service Employees International Union, headquartered in Washington, estimates that 10 percent of the nation's schools contain asbestos and are doing nothing about it, said Margaret Peisert, a union research analyst.

That would mean 3.24 million children and 648,000 school employees and teachers are being exposed to asbestos, according to the study.

Several Kentucky school superintendents said they have received no backlash from parents concerned about the danger asbestos may present to their children.

"I haven't heard any reaction about it. I was surprised," Patterson said.

Dessie Fuquay, who lives next to the Maceo Elementary School in Daviess County and has three children attending it, said she did not know anything about the asbestos.

Duncan said notices have been posted on the school's bulletin boards. But Ms. Fuquay's children said they hadn't read them. "We don't pay that much attention to the board in our class," said her son, Charles, 12.

Doctors have known since the 1920s that asbestos particles damage the lungs of those who work with it, LaMour said. Evidence since then has shown there is a danger to those with less direct contact, he said.

"There have been studies where they've found children with asbestosis (scarring of the lungs caused by asbestos particles) living four blocks from an asbestos plant," he said.

Particles of asbestos, a non-biodegradable material, can be so small that they can enter a person's body through the skin and can puncture the walls of the white blood cells the body sends to fight them, LaMour said. But the most common entry is by breathing the particles into the lungs, he said.

Tiny particles of asbestos can drift down from school ceilings to the children sitting below.

"One of the real big questions is the question of low-level exposure," LaMour said. "To what extent is that a danger? Nobody has an answer on that."

LaMour compared the reaction to asbestos to an allergy. "Certain people are highly allergic to asbestos fibers and will most likley develop a cancer in one year, five years or 15 years."

The likelihood increases with time, he said, and with age, as the body's immune system wears down. Generally, it takes 15 to 25 years for symptoms to show, he said.

Besides asbestosis, asbestos can cause lung cancer, tumors of the lung or abdominal lining, and cancer of the esophogus, stomach, colon and rectum, LaMour said.

The U.S. Department of Education is trying to gather information on the extent of the problem, but, so far, has been having trouble doing even that.

Kentucky was one of a majority of states that sent no specific information on schools containing asbestos, LaMour said.

The Asbestos Detection and Control Act of 1980 provided for no-interest loans to remove asbestos and for grant money for detection, LaMour said. But Congress never funded that act.

Efforts are under way to find the money during the next session, he said.

Meanwhile, Ms. Fuquay's children will continue going to Maceo despite the asbestos, she said. Her 4-year-old daughter will join the others there next year.

"It kind of makes you think about what it will do to the kids." Ms. Fuquay said. "It'll make me think."

Mr. FORD. I thank my distinguished colleague.

Mr. SASSER. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Kentucky (Mr. HUDDLESTON). His amendment will appropriate $50 million for

schools nationwide to detect and remove asbestos.

There is not one among us who would deny that quality education is a national priority. We have all received numerous letters and phone calls from concerned constituents urging us to improve the curriculum offered by our States' schools. There have been no fewer that eight major recent studies reporting on methods to improve our Nation's education system. It is pointless, however to enter into discussions of curriculum when parents across the country are afraid to send their children to schools because the facilities present serious health hazards.

In 1980, Congress recognized that the prevalance of asbestos in school buildings presented a problem of paramount concern. We enacted the Asbestos School Hazard Detection and Control Act. Under this law, thousands of schools across the country were to be inspected for asbestos according to regulations published by the Environmental Protection Agency. Each school was required to report its findings to the EPA. Also mandated in this law was the formation of a task force, to include members from seven Federal agencies and four members-at-large. The task force was to monitor the effectiveness of the Asbestos Act and make this information public. Sadly, Mr. President, this task force has not met since 1980.

Despite the failure of the task force to carry out its duties, many schools across the country have attempted to inspect for asbestos. According to two sources, every State in the country contains schools with hazardous levels of asbestos. It is estimated that 72,000 school buildings need to be inspected or reinspected. It is further estimated that as many as 3.24 million school children are currently potentially exposed to hazardous asbestos.

Oddly enough, Congress authorized funds to be used in this inspection and removal process, but has failed to appropriate funds to assist local school agencies in their detection programs. Mr. President, we have ignored this issue far too long. We have failed our school children for too many years. It is high time we accept our responsibility and assist our colleagues on the State and local levels in removing this hazardous material from education facilities. Let us begin to eradicate this problem so we may move forward in the continuous effort of establishing a superior program of educational excellence.

Mr. President, the problems associated with asbestos have been identified and medically proved. We know that exposure to "friable material" often causes lung cancer. We also know that persons contacting this material may develop a serious lung disorder known as asbesteosis. Mr. President, we are all too profoundly aware that small children are most at risk from asbestos exposure.

With these facts at hand, how can we turn our backs and continue to ignore children and parents in each of our States? In my own State of Tennessee, at least 318 schools have been found to contain hazardous asbestos. At least two schools have closed, and I hear reports that several more are on the brink of closing. I have been contacted by several school superintendents. They ask me what happened to the money Congress appropriated in 1980 specifically for the purpose of removing and detecting asbestos in our schools.

But, as I have pointed out we have failed to appropriate such money even though we have authorized it. We have established a national plan of detection and removal. But we have not required that our schools comply and we have not given them incentive to do so. Until we provide local school districts with the necessary resources to undergo thorough inspection and removal procedures, we are not properly confronting this national problem.

The amendment offered by Mr. HUDDLESTON matches the House sum of $50 million for the asbestos program. We would be wrong and irresponsbile if we fail to appropriate the needed moneys. I have been advised that because a mandated report from the Department of Education has not been completed, we should wait to appropriate such funds. But, my friends, the evidence is clear. We have before us a national health hazard, one that we can detect and remove. We are not faced by a mysterious plague. We have the responsibility of protecting our school children from disease. And we must provide the resources to do so.

Let me close by sharing with you a passage from a letter I received from one concerned mother.

> The past damage to our children's health will not be repaired. It can't be repaired. The lost school time can't be returned. • • • is there something we can do to halt our loss of health, money, and pride in our town? Please help if you can.

Mr. President, I submit to you today that we are able to help, indeed, we have the responsibility to help. Let us show that we accept this responsibility by voting in favor of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to support Sentor HUDDLESTON'S amendment to provide funds for cleaning up asbestos hazards in the Nation's schools.

The Environmental Protection Agency has found that it is highly likely that exposure to asbestos in schools may increase the risk of developing numerous types of cancer, most notably asbesteosis and lung cancer. The Department of Education, in a soon-to-be-released study, found that 14,000 schools in the United States have asbestos-related hazards which seriously threaten the health of the Nation's children. The DOE estimates that it will cost approximately $100,000 per school to either remove or contain the toxic asbestos in public schools—at a total cost of $1.4 billion.

New York State alone has 691,000 square feet of asbestos hazards in its schools; 203 schools in 70 school districts outside of New York City have reported hazards, and New York City has reported 41,000 square feet of asbestos hazards. To remove the asbestos altogether would cost $100 million, and to simply contain it, by building a barrier around it, would cost between $5 to $6 million.

Senator HUDDLESTON'S amendment, therefore, would simply provide a minimal amount of much-needed assistance to the local school agencies and private schools to clean up asbestos hazards. The House of Representatives has appropriated $50 million in loans for this purpose, so it is not too much to ask the Senate to provide an equal amount. Considering the total cost of removing all of the toxic asbestos in the Nation's schools, $50 million seems almost insignificant. But it is highly significant to the local communities that will benefit from a safer school environment.

Mr. KENNEDY. Mr. President, I rise in support of this amendment and am pleased to be a cosponsor. I commend the Senator for his recognition of this important problem.

As the Senator made clear in his statement, his amendment provides funds pursuant to legislation enacted in 1980. That legislation was passed in response to the growing dangers that asbestos in our schools posed to the students and teachers in this country. Pursuant to that legislation, each school conducted an investigation for asbestos problems. That study was completed in June of this year and indicated that the problem permeated the entire Nation.

In my own State of Massachusetts, half of the schools reported the need for action to alleviate the dangers posed by asbestos according to a recent Massachusetts Department of Education survey. However, the total cost of these repairs would be only about $16 million.

The problem may however be much more serious than the recent study indicated. The EPA recently announced that as many as 80 percent of the schools systems have not complied with the survey required by the 1980 legislation. It is not hard to understand why. After all, if these schools reported asbestos dangers, the Federal Government was providing no aid in alleviating them. Already strapped local school budgets left little room for this effort. And if nothing was done, the danger to the students and

teachers would remain or the school would be closed. The school systems are left with a dilemma: A shortage of schoolrooms or endaangering their students and teachers.

This amendment is designed to help some of the systems out of this dilemma. It is not a bailout or a handout. It goes out to the schools as a loan—low-cost to be sure—but a loan nevertheless. There is no reason why the Federal Government should not contribute a small amount to a nationwide effort to alleviate the asbestos problem.

This amendment will help the school systems in the Nation end the dangers that our students and teachers face everyday with asbestos. I urge my colleagues to support it.

Mr. MITCHELL. Mr. President, I rise in support of the Huddleston amendment which adds $50 million to the Labor-HHS-Education appropriations bill for fiscal 1984 to help school districts remove asbestos from their structures.

I commend my colleague from Kentucky for offering this amendment. It is an important and meritorious response to a problem that is of significant dimension in the United States. Pursuant to an act of Congress in 1980, all schools were required to survey their buildings to ascertain the presence of asbestos. As we know, asbestos is a substance that poses grave health hazards for those who are exposed to it, even in small amounts. It has been known since the 1930's that exposure to the substance causes severe lung scarring. More recent scientific evidence reveals that it has a direct cause-and-effect relationship with lung cancer and mesothelioma, or cancer of the pleural lining. A study concluded in 1980 by the National Institute for Occupational Safety and Health concluded that evaluation of all human data offers no evidence of a safe level of asbestos exposure.

The school study, which will be submitted to Congress shortly, will as I understand it show that 14,000 schools in this country have some degree of asbestos contamination, from severe to slight. Yet, school budgets are strained to the breaking point after reductions in Federal funds and have little prospect of assistance at the State level.

Mr. President, it seems only right that Congress provide a small amount of money to help schools begin the task of removing this hazardous substance from their facilities. The total cost of such an effort may amount to $1.4 billion nationally. Surely, the provision sponsored by my colleague is a modest attempt to begin remedying a problem which could in some cases pose severe health hazards for the children of this country.

Mr. WEICKER. Mr. President, I will be very brief.

I think it is important for my colleagues to understand that a new program is being created here. We are talking about startup costs. Total estimate costs could be anywhere from $700 million to $1 billion.

We asked for a report from the Department of Education which was due on October 1. In fact, Senator HUDDLESTON urged us to extend the report deadline so that we could have complete information at our disposal. That report is due within a week or so. I think we should examine the issue once we have the report in hand.

Finally, I add that we are going to have a difficult enough time persuading the administration to sign a bill with $4 billion in increases in discretionary programs without adding funds for new programs.

I commend the Senator from Kentucky for what he is trying to achieve. I am sure we are going to be working on the same side of the street on this particular issue.

Without the requisite knowledge in hand, I have to urge my colleagues to vote against the amendment and when the time comes, without trying to foreclose any debate, I will be moving to table the amendment of the Senator from Kentucky.

Mr. PROXMIRE. Mr. President, I support the manager of the bill and oppose the amendment. I do so very reluctantly. It certainly is a worthy program. It is for an excellent purpose.

The difficulty is that this is a new program which could eventually cost $1.4 billion of which the Federal Government would have to pay 50 percent or $700 million.

Now, we are waiting on a report on the need for these funds from the Department of Education and that should come momentarily.

Obviously, the best solution it seems to me would be to go to conference with the $50 million in the bill as an open issue, which we will do, because the House of Representatives has approved $50 million. We would add nothing. And then if the report is favorable, we would accept the House position or at least consider that very seriously and probably accept it. If the report is unfavorable, we might want to wait.

At any rate, this is such a big commitment and I think it is so obviously out of line with what the administration has asked for that it might very well result in a veto of the bill and then we would lose all the compromises that we have been able to work out with the Office of Management and Budget in many other areas.

So I support the distinguished Senator from Connecticut, the manager of the bill.

Mr. WEICKER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HUDDLESTON. Mr. President, I see no one in the chamber at this point wishing to speak. We yield back the remainder of our time.

The PRESIDING OFFICER. All time have been yielded back, the question is one agreeing to the amendment of the Senator from Kentucky.

Mr. WEICKER. Mr. President, have the yeas and nays been ordered?

Mr. PROXMIRE. Not on the tabling motion.

The PRESIDING OFFICER. They have been ordered on the amendment.

Mr. WEICKER. All time has been yielded back.

The PRESIDING OFFICER. All time has been yielded back.

Mr. WEICKER. Mr. President, I now move to table the amendment of the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN) and the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE), is absent because of illness in the family.

I further announce that if present and voting, the Senator from Michigan (Mr. RIEGLE), would vote "Nay".

The PRESIDING OFFICER. Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—58

Abdnor	East	Kasten
Andrews	Evans	Laxalt
Baker	Exon	Lugar
Boschwitz	Garn	Mattingly
Chafee	Goldwater	McClure
Cochran	Gorton	Murkowski
D'Amato	Grassley	Nickles
Danforth	Hatch	Nunn
DeConcini	Hatfield	Packwood
Denton	Hawkins	Percy
Dixon	Hecht	Pressler
Dodd	Heinz	Proxmire
Dole	Helms	Quayle
Domenici	Humphrey	Roth
Durenberger	Jepsen	Rudman
Eagleton	Kassebaum	Simpson

Stevens	Trible	Wilson
Symms	Wallop	Zorinsky
Thurmond	Warner	
Tower	Weicker	

NAYS—35

Bentsen	Heflin	Mitchell
Biden	Hollings	Moynihan
Bingaman	Huddleston	Pell
Boren	Johnston	Pryor
Bradley	Kennedy	Randolph
Bumpers	Lautenberg	Sarbanes
Burdick	Leahy	Sasser
Byrd	Levin	Specter
Chiles	Long	Stafford
Cohen	Matsunaga	Stennis
Ford	Melcher	Tsongas
Hart	Metzenbaum	

NOT VOTING—7

Armstrong	Glenn	Riegle
Baucus	Inouye	
Cranston	Mathias	

So Mr. WEICKER's motion to lay on the table Mr. HUDDLESTON's amendment (No. 2279) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from New Jersey.

AMENDMENT NO. 2282

(Purpose: To increase appropriations for certain education programs)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY), for himself and Senators PELL, BENTSEN, LAUTENBERG, STENNIS, CHILES, BIDEN, KENNEDY, BYRD, MOYNIHAN, RIEGLE, DIXON, BINGAMAN, MATSUNAGA, DODD, LEVIN, EAGLETON, SARBANES, RANDOLPH, BURDICK, and SASSER, proposes an amendment numbered 2282.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment is as follows:

On page 40, beginning with "$3,480,000,000" in line 4, strike out through "$56,978,000" in line 7 on page 51 and insert in lieu thereof the following: "$3,830,000,000 to become available on July 1, 1984, and remain available until September 30, 1985: *Provided*, That no funds shall be used for the purposes of section 554(a)(1)(B), $5,760,000 shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, $260,304,000 shall be available for the purposes of section 554(a)(2)(A), $146,520,000 shall be available for purposes of section 554(a)(2)(B), and $32,616,000 shall be available for purposes of section 554(a)(2)(C).

"For carrying out section 418 of the Higher Education Act, $7,500,000.

"SPECIAL PROGRAMS

"For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; the Follow Through Act; sections 1524 and 1525 of the Education Amendments of 1978; and Public Law 92-506, $528,367,000: *Provided*, That $450,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided further*, That $28,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1983: *Provided further*, That $1,500,000 of the amount appropriated above for the purpose of Public Law 92-506 shall become available on July 1, 1984, and shall remain available until September 30, 1985.

BILINGUAL EDUCATION

"For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $139,000,000 of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1984, and shall remain available until September 30, 1985.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), 565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which 477,000,000 shall be for entitlements under section 3 (a) of said Act: *Provided*, That payment with respect to entitlements under section 3 (a) to any local educational agency described in section 3 (d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403 (1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3 (a) to any local educational agency not described in section 3 (d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403 (1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3 (b) of said Act shall be ratably reduced from 100 per centum of entitlement: *Provided further*, That no payments shall be made under section 3 to any local education agency whose payment under that section fails to exceed $5,000: *Provided further*, That the provisions of section 5 (C) of said Act shall not apply to funds provided herein: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That payments under section 5(b)(2) of said Act shall not exceed 50 per centum of payments under sections 2 or 3 for the prior fiscal year: *Provided further*, That section 305 (b)(2) of the Education Amendment of 1974 shall not apply to funds provided herein.

"For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14 (a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

EDUCATION FOR THE HANDICAPPED

"For carrying out the Education of the Handicapped Act, $1,241,420,000, of which $1,071,850,000 for section 611 and $26,330,000 for section 619 shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided*, That of the amounts appropriated $21,100,000 shall be for early childhood education; and $5,000,000 shall be for regional, vocational, adult and postsecondary programs: *Provided further*, That of the amounts appropriated $6,000,000 for secondary education and transitional services for the handicapped shall become available upon the enactment of legislation authorizing such activities: *Provided further*, That of the $3,100,000 appropriated for special studies $2,600,000 shall become available upon the enactment of legislation expanding existing requirements under this activity.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

"For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000 of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14.

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $933,314,000 which shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985, except that $7,678,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1984, and shall remain available until expended; *Provided*, That $6,500,000 for State advisory councils under section 105 of the Vocational Education Act shall first be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount at least equal to the amount it received in the previous fiscal year: *Povided further*, That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

"STUDENT FINANCIAL ASSISTANCE

"For carrying out subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, $4,044,360,000 which

shall remain available until September 30, 1985: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1983-1984 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payments schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That the maximum grant a student may receive in the 1984-1985 academic year shall be $2,000, notwithstanding section 411(a)(2)(A)(i) and section 411(b)(5) of the Higher Education Act: *Provided further*, That notwithstanding section 413D(a) and subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program or Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: *Provided further*, That with regard to the Supplemental Educational Opportunity Grant and Work-Study Programs notwithstanding the second sentence of section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-1980) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program, and shall allocate the sums remaining to institutions that received an allocation in fiscal year 1979 so that each institution's allocation bears the same ratio to the amount it would have received under section 413D(b)(1)(B)(ii) and section 446(a) as the remaining sums available for allocation bear to the sums necessary to satisfy allocations made pursuant to section 413D(b)(1)(B)(ii) and section 446(a): *Provided further*, That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary of Education, as provided for in Public Law 97-365, from amounts collected by these private agencies on loans defaulted under part E of the Higher Education Act.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $2,256,500,000 to remain available until expended.

HIGHER EDUCATION

For carrying out titles III; VI, parts A and B; VIII; IX, parts B and C; title X; and sections 417, 420, and 734 of the Higher Education Act, and section 515(d) of the Omnibus Budget Reconciliation Act of 1981 (20 U.S.C. 1221e-1b(2)); and section 102 (b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; and title V, section 528(5) of the Omnibus Budget Reconciliation Act of 1981, for the purpose of title XIII, part H, subpart 1 of the Education Amendments of 1980, and without regard to section 512(b) of the Omnibus Budget Reconciliation Act of 1981, $406,366,000: *Provided*, That $24,500,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act: *Provided further*, That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary, as provided for in the Debt Collection Act of 1982 (Public Law 97-365), from amounts collected by these private agencies on loans defaulted under section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) and under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510): *Provided further*, That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities: *Provided further*, That authority is hereby provided to enable the Secretary of Education to expend funds appropriated in Public Law 98-63 in accordance with the directives expressed on page 53 of House Report 98-398 accompanying H.R. 3069 making supplemental appropriations for the fiscal year ending September 30, 1983: *Provided further*, That $1,950,000 of the amounts appropriated under this heading shall be available for part C of title IX of the Higher Education Act of 1965.

"SEC. 300. Section 923(a) of the Higher Education Act of 1965 is amended by inserting '(1)' after the subsection designation and by adding at the end thereof the following:

"(2) Students receiving an award under this part shall be known as "Jacob K. Javits follows".'.

"HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

"For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $19,846,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104) as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1984, no new commitments for loans may be made from this account.

"COLLEGE HOUSING LOANS

"Payments of insufficiencies in fiscal year 1984 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1984. During fiscal year 1984 no new commitments for loans from this account may be made.

"EDUCATIONAL RESEARCH AND STATISTICS

"For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, $63,978,000".

Mr. BRADLEY. Mr. President, I yield to the Senator from Vermont (Mr. STAFFORD).

Mr. STAFFORD. Mr. President, at this time, I ask unanimous consent that my name be added as a cosponsor of the amendment to be offered to the education appropriations bill by my colleagues, Senator BRADLEY and Senator HOLLINGS.

Their initiative gives substance to the action this body took in May when it approved the higher education budget ceilings contained in the amendment offered by the gentleman from South Carolina, Mr. HOLLINGS, and this Senator.

I am proud to be associated with this amendment as a cosponsor and urge its adoption.

The PRESIDING OFFICER. Without objection, the Senator's name will be added as a cosponsor.

Mr. BRADLEY. Mr. President, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. STAFFORD), and I rise to offer an amendment to add $559 million for elementary and secondary and higher education programs. This increase in funding will insure that we will be providing minimally adequate funding for these high priority programs. Joining us as cosponsors are Senators PELL, BENTSEN, LAUTENBERG, STENNIS, CHILES, BIDEN, KENNEDY, BYRD, MOYNIHAN, RIEGLE, METZENBAUM, DIXON, MATSUNAGA, DODD, LEVIN, EAGLETON, SARBANES, TSONGAS, RANDOLPH, BURDICK, BINGAMAN, and SASSER.

Our amendment provides increases over the levels included in the Senate-reported Labor/HHS/Education appropriations bill for the following programs: $350 million for chapter 1 compensatory education programs for the disadvantaged, $102 million for vocational and adult education, $17 million for research and graduate assistance, and $90 million for campus-based student aid, including the national direct student loan program, supplemental education opportunity grants, and college work-study.

Mr. President, the Senate is clearly on record for increased Federal aid to education. On May 6, 1983, after nearly 2 days of debate, the Senate voted 55 to 32 to add $1 billion for education in fiscal year 1984 above the levels approved by the Senate Budget Committee. The House-Senate conferees added an additional $0.2 billion for education. It is now time for us to deliver on the promises made this spring; the fiscal year 1984 appropriations for

education should reflect the consensus reached on the first budget resolution.

It is my understanding that the Labor-HHS-Education appropriation bill reported out by the Senate Appropriations Committee falls far short of the levels of funding included in the budget resolution. Our amendment provides adequate funding for these vital programs but does not bust the budget. In fact, if this amendment is adopted, there will still be room in the budget for a supplemental later in the year for the science and math legislation which has not yet been enacted.

Mr. President, over the past 3 years, almost all of these programs have undergone significant spending reductions. We are attempting today to reverse that trend—to restore funds to the proven programs and to restore some stability and certainty to their operation.

The bulk of the funding is aimed at chapter 1, compensatory education programs for the disadvantaged, which has sustained a 22-percent real dollar reduction during the 1980 through 1983 period. At the present time, only 47 percent or 5.2 million of the 11 million eligible chapter 1 children are being served. Funding chapter 1 at the $3.48 billion level now in the Senate Appropriations Committee bill would provide for approximately 51 percent or 5.6 million of the eligible children. The modest funding level sought in this amendment is $3.83 billion and would allow 56.7 percent or 6.2 million of the eligible children to be served.

The amendment also increases aid for vocational and adult education programs. The additional $90 million for vocational education would enable States to reinstitute badly needed training programs for unemployed youth and adults. As a result of cuts in Federal funds, States report an estimated 600,000 students have been turned away from these programs.

The additional $12 million for adult education would increase the annual enrollment of adult basic education clients by over 200 million individuals.

Mr. President, $90 million is also included for need-based college student aid programs, including $40 million for college work study and $35 million for direct student loans—to bring funding to the same levels as the fiscal year 1983 appropriations—and $15 million for supplemental grants to rectify formula imbalances to assure that no higher education institution will have its allocation reduced because of the addition of some 700 schools to the program in recent years.

Finally, Mr. President, the amendment provides $17 million for research and graduate assistance, including $7 million for NIE and funds for international and graduate education. Also included is $1.95 million for graduate fellowships—which we rename the Jacob Javits Fellowship in honor of the Senator from New York. Javits Fellowships will be for graduate study in the arts, humanities, and social sciences. Funding for this program would provide a powerful public signal that we, as a society, value poetry as well as power. It also would serve to attract some of our best students to these fields. National graduate fellows represents an opportunity to support excellence and scholarship in areas currently not served by Federal aid programs and to assist outstanding students with substantial financial need.

Lastly, we provide $8.1 million for international education. The additional $8 million will raise funding for this program to $29 million in fiscal year 1984. This level of funding would merely restore the support originally available in this program which was level funded at $17 million from 1974 to 1980. International education is a very important program. The program currently supports over 90 national resource centers throughout our country, 700 individual fellowships for U.S. doctoral students, a variety of research projects, and outreach services for American businesses, schools, and the general public. I think it is worth noting that after the administration proposed the elimination of this program in fiscal year 1984, Secretary Weinberger wrote to Secretary Bell urging not only the restoration of the funds, but strongly recommending an increase in support. Rarely has our Nation been more dependent on expert research and training in the history, culture, languages, and policies of other nations. Additional funds for international education are urgently needed.

Mr. President, in March the Senate overwhelmingly adopted a resolution that I introduced opposing any further cuts in education programs. Adoption of that resolution was the first step in reversing the decline in Federal education aid. In May of this year, the Senate, by a vote of 55 to 32, voted to add $1 billion for education programs to the budget resolution. It is now time to press ahead and actually restore funding for high priority education programs.

Mr. President, the Bradley/Hollings/Stafford amendment is a step in the right direction, a step this country must take in order to maintain our position in the world. We need adequate funding for education in order to compete effectively in an increasingly competitive world environment.

In addition, I think the assistance for education for all of our children is essential to our own self-concept—how we think about ourselves. Should we say "no" to handicapped students? Should we say "no" to the student who happens to be growing up in the inner city, where the tax base is insufficient to support local revenues?

Mr. President, education has been the means in our society for at least the past 50 years, if not longer, for moving up the ladder of success. It is time to put some meat back on the bones. We need to restore funding for these valuable programs. We need to insure that future generations can successfully compete in the marketplace by assuring that students receive an adequate education.

Mr. President, I urge support of this Bradley-Hollings-Stafford amendment.

I yield to my distinguished colleague, cosponsor, and leader on this issue from South Carolina (Mr. HOLLINGS).

Mr. HOLLINGS. Mr. President, I am delighted to join with the distinguished Senator from New Jersey and the chairman of the Education Subcommittee, Senator STAFFORD, of Vermont, in trying to keep the commitment that we made earlier this year on the budget resolution. It was a fully debated matter relative to our investment in the human infrastructure. The distinguished Senator from New Jersey has touched a very sensitive point with respect to that investment. Title I for the disadvantaged is just another governmental program to many, perhaps most. But to me it is vital in providing education to all. Most of all it works.

I remember back some 20 years ago. We had the highest rate of dropouts in our own State of South Carolina. Among disadvantaged students some 87 percent were not completing the high school course.

With the Elementary and Secondary Education Act of 1965, we moved into this with a vanguard effort and provided at the Federal level—incidentally, without Federal control and all of the other particular alarms regarding Federal Government involvement and its responsibility—we moved in at the Federal level with a categorical grant program, title I for the disadvantaged.

That commenced in 1966, and some 16 years later we were able to measure the results in South Carolina. Last year, we found that rather than 87 percent dropout rate for disadvantaged students we found 67 percent were completing the high school course. This was at a time when, incidentally, the cry of the Reagan administration was to "stay the course." Here they were, telling everyone economically, "stay the course," stay the course in America. But to the little kids, the disadvantaged in the schools of America, the administration was telling some 2 million to quit the course. That was the impact of their budget cuts. Across the board—program after beneficial program aiding needy and disadvantaged students was cut. Fortunately Congress was able to hold back on some of the reductions,

but the thrust of the Reagan education program policy cuts was realized.

Myself, Senator BRADLEY, Senator STAFFORD, and others have been very much alarmed about this particular trend. We realize that had we been able to maintain or stay the course, rather than an appropriation of some $15.2 billion now in this particular bill, actually the appropriation would be some $22.1 billion if fiscal year 1980 policy had been carried forward. The Carnegie Commission has found in its study and report on high schools, where the teachers have been cut some 22 percent, similarly at the Federal level spending for education has been cut some 22 percent. The result we face is a very, very diminishing return.

Perhaps even more significant than all the several education reports, is the report of the New York Stock Exchange which came out over 1 year ago, ahead of all of the educator-type reports. In it the blue chip corporations of America were trying to give the answer to the question, "Why the high productivity in Japan?" And the one-line answer the report concluded was, "elementary and secondary education."

Currently there is much ado and excitement about industrial policy in this country. Everyone immediately, ipso facto, goes running to high tech and money for "winners" and nothing for "losers" and "let us wait on the coming service economy."

On the contrary, and right to the point, the best industrial policy, Mr. President, to be launched right here on the Senate floor would be an overall bolstering of the quality of education in America. That is the best industrial policy. We will never increase the economic level of any until we first increase the education level of all.

So I am delighted to put in an amendment adding $559 million for elementary and secondary and higher education programs that is fiscally in step with the budget resolution yet much, unfortunately, behind in this Nation's commitment to the future. Look at the defense budget. At the very same time that we are putting in, Mr. President, millions of dollars for remedial education, the field manuals now are coming out in the form of funny books. We will not provide funds for the Department of Education. We will not give it to the disadvantaged. We will just wait for the disadvantaged to apply to the Volunteer Army. Then we give them an education. It is a rather cynical and ironic way to treat the problems of America in my judgment, and rather than putting it into the Defense Department we ought to be directly investing in the human infrastructure of this Nation by going along with this particular amendment.

Mr. President, today, Senator BRADLEY and I, along with many of our Senate colleagues, offer an amendment to increase funding for elementary, secondary and higher education. Specifically, the amendment will provide increases for ESEA Chapter I, vocational and adult education, the National Institute of Education and college student financial assistance. The funding increase for these programs is imperative in light of action taken by the Senate Appropriations Committee reporting the fiscal year 1984 Labor-HHS-Education bill with funding levels for education far short of the levels allowed in the first concurrent budget resolution.

Mr. President, by now, all are familiar with the current education crisis facing the United States. We have been repeatedly provided in-depth analyses of the problems in U.S. education: The National Commission on Education Excellence, the New York Stock Exchange, the Carnegie Foundation and other prominent groups have all submitted reports outlining the severe nature of the circumstances. As the National Commission accurately concluded, the United States has become a nation at risk with its very future threatened because of the steady decline in educational achievement over the past two decades.

This U.S. Senate has twice this year been given the opportunity to help stem the tide of educational decline in America—and twice it has risen to the occasion. During consideration of the first concurrent budget resolution in May, the Senate voted 55 to 32 to increase the funding levels for education in fiscal year 1984 by $1 to $15.9 billion. Again in June, the Senate approved 51 to 43 the conference report on the budget resolution which included an increase in funding for education of $0.2 to $16.1 billion. Thus, the Senate has recognized the paramount need to address the educational dilemma confronting America and it has recently displayed the will to correct the educational funding inadequacies that currently exist. However, we must not allow these recent gains to be silently forfeited; what we have provided in the budget resolution must be allocated at the appropriations level. We cannot afford to lose our momentum in support of U.S. education.

The amendment we offer today is a modest first step in the long-term investment we must make if we are to restore excellence to our system of education. The problems we face in education did not occur over night, nor will the solution we devise enable us to cure the problems over night. Instead, a gradual restoration of funding and a demonstrated commitment to the goal we all desire for our education system is the best course to take. We must be steady in our approach. The Bradley-Hollings amendment, Mr. President, is one positive step we can take now.

It is responsive and fiscally sound. In fiscal year 1980, the Federal Government spent a total of $15.6 billion for education programs. In fiscal year 1981, that figure was $15.2 billion. In fiscal year 1982, we spent $14.6 billion. And, in fiscal year 1983 the figure was $15.1 billion. If we were to provide funding for education programs at the fiscal year 1980 level adjusted for inflation, the figure for fiscal year 1984 would be $22.1 billion. I know and you know, that that sum is out of the question at this time. But, with the pressing needs we all must admit to, the $15.2 billion provided in the committee-reported Labor, Health and Human Services, and Education appropriations bill for fiscal year 1984 is inadequate and will delay us further in obtaining our goal of quality education for every child. Mr. President, the amendment before you will increase the level of funding for education programs in the bill to $15.7 billion—a level below the amount approved by the Senate in May during consideration of the Hollings-Stafford education amendment to the first budget resolution for fiscal year 1984. And, the increase Senator BRADLEY and I propose today is even lower than the amount approved when the conference agreement on the budget resolution was passed in June. Of course, I believe we should invest still more in these vital education programs, but am resigned to the realities of the time and the amendment we present, targeted for need-based, proven and beneficial programs for higher education and elementary and secondary education, will at least allow us to move forward in meeting some of the more immediate needs of our children. Our amendment meets the fundamentals, and it is realistic.

Mr. President, let me explain in a little detail just what this additional funding will mean for many needy and deserving students at both the elementary and secondary and higher education levels:

TITLE I

The title I program provides financial assistance to school districts with concentrations of children from low-income families. Its focus has been to provide compensatory educational programs that address the special needs of educationally deprived children—primarily for instructional services in reading, math and language arts. This Federal assistance is badly needed. The Department of Education reports that only 3 percent of the total moneys spent across the country for elementary and secondary education are title I moneys. But, they have accounted for almost one-third of per pupil expenditures in some of the Na-

tion's poorest school districts. And, the title I program works. Recent studies by the Department and the National Assessment of Education Progress give the program glowing marks for upgrading math and reading achievement scores. The shortcoming of the program is, while it serves over 5 million children, it is available to less than half the students who are eligible for its valuable service. And, adjusting for inflation, the estimated constant dollar funding level for title I has fallen 21 percent between fiscal year 1980 and fiscal year 1983. Mr. President, the Bradley-Hollings amendment would provide a funding level in fiscal year 1984 of $3.830 billion—an additional $350 million over the committee-reported level of $3.480 billion. Funding title I at the committee recommended level of $3.480 billion would provide for approximately 51 percent or 5.6 million of the eligible students, while the modest increase we seek of $350 million will fund about 56.7 percent or 6.2 million of the 11 million eligible students. A vote for our amendment will provide an additional 600,000 needy children with an opportunity to move ahead.

NATIONAL DIRECT STUDENT LOAN (NDSL)

The additional $35 million provided in the Bradley-Hollings amendment for the national direct student loan (NDSL) program will restore the committee cuts in this program to last year's level. Mr. President, this program was created to stimulate and assist in the establishment and maintenance of revolving funds at institutions of higher education for the purpose of making low-interest loans to needy students. By providing long-term, low-interest loans to financially needy students, this Federal-institutional matching program has offered a system of credit to those persons who have difficulty securing loans from commercial lenders. Undergraduates may borrow up to $6,000 and graduate or professional students may borrow up to $12,000. In academic year 1982-83, 810,000 direct loans were made. If we do not act to restore funding for NDSL's to last year's level, Mr. President, 44,000 loans will not be provided to needy students.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT (SEOG)

The supplemental educational opportunity grant program is targeted on undergraduate students with substantial financial need. It is especially critical for students attending higher priced public and independent institutions, and for single parents who are resuming their higher education or seeking retraining. Approximately 70 percent of the SEOG funds are awarded to students with family incomes of less than $15,000 per year. The committee recommendation increased SEOG funding to $370 million, serving 617,000 students. However, an appropriation of $385 million, serving 642,000 students, is necessary to rectify formula imbalances and to assure that no institution would have its allocation reduced because of the addition of some 700 schools to the program in recent years. Mr. President, the Bradley-Hollings amendment provides the additional $15 million necessary to meet this shortfall in funding and maintain basic equity in this program: 25,000 needy students will receive benefits.

VOCATIONAL AND ADULT EDUCATION

As a result of cuts in Federal funds, States report that an estimated 600,000 students have been turned away from vocational education job training programs. Approximately 7,000 teachers and 2,000 administrative positions have been cut and almost 2,000 job training courses eliminated. Mr. President, with unprecedented long-term unemployment and the need for specialized skills in the emerging high tech industries we cannot afford to weaken the Federal commitment to vocational education. Voc ed is working effectively with business, labor, and government to help meet training needs. While we see evidence of improvement in the economy, unemployment lags dangerously behind. In this environment, we can ill afford to weaken the business/labor/government network. The $90 million provided for vocational education in the Bradley-Hollings amendment will give the States the $825 million needed to reinstitute vital training programs for unemployed youths and adults.

Adult education programs assist adults in completing their secondary education and provide services or instruction for adults whose inability to speak, read, or write constitutes a substantial impairment to their ability to get or retain employment. The potential target population of adults who have not finished high school or its equivalency is in excess of 53 million, and the number of adults who lack basic skills to cope with the everyday demands of society is more than 20 million. Mr. President, how can an administration that promotes with such public relations fanfare the elimination of adult illiteracy propose such a paultry sum for adult education? The additional $12 million proposed by this amendment would increase the annual enrollment of adult basic education clients by over a quarter of a million individuals and bring the national enrollment total to 2,457,000 adults served. This is a long way from the 20 million potential, but it is a significant improvement.

The world of work is changing rapidly, and it is absolutely essential that people be prepared with skills that will enable them to compete and succeed in the job market. Vocational and adult education programs yield positive results that more than compensate for their cost to the Federal Government.

COLLEGE WORK STUDY

Mr. President, the purpose of the college work-study program is to provide part-time employment opportunities for students with financial need. The college work-study program, a Federal-institution cost sharing partnership, is popular both with students and the higher education institutions they attend. Not only does the program help students meet their college expenses, but participants also receive training and experience in their selected course of study through their part-time jobs. Still other students are employed under the program to support various campus services and activities that the institutions might not otherwise be able to provide. The college work-study appropriation for fiscal year 1983 was $590 million, including the $50 million in supplemental funds contained in the jobs bill, serving a total of 983,000 students. The committee-reported level of funding for fiscal year 1984 has been reduced to $550 million, serving only 917,000 students. The Bradley-Hollings amendment before you provides the same level as last year, $590 million, and will enable us to provide work-study opportunities to 66,000 more needy college students. This will allow us to serve the same number of students as last year.

NATIONAL INSTITUTE OF EDUCATION

The national commitment to educational excellence requires that we retain our support for educational research. The National Institute of Education is ready to meet this challenge and assist in finding ways to improve the quality of education in America. The Bradley-Hollings amendment provides the institute with sufficient funds to meet its continuation costs for ongoing research projects, center and laboratory support, and information clearinghouses. Given the eight major national studies, including the Excellence Commission report, it is critical that we have sound research based information to assist school improvement. Now is not the time, Mr. President, to reduce Federal support in this effort. I urge my colleagues to support the restoration of funding for NIE to last year's level of $55.6 million—a modest $7 million increase in funding over the committee-reported bill.

NATIONAL GRADUATE FELLOWSHIPS

The Bradley-Hollings amendment would add $2 million for national graduate fellowships for study in the arts, humanities, and social sciences. The 1980 Education Amendments authorized creation of up to 450 fellowships modeled on the highly successful National Science Foundation fellowships. Though we agree that emphasis on math and science education is needed,

we also value the humanistic and artistic disciplines. National graduate fellowships represent an opportunity to support excellence and scholarship in areas currently not served by Federal aid programs.

INTERNATIONAL EDUCATION

Title VI of the Higher Education Act, which constitutes the entire Federal effort in international education, currently supports over 90 national resource centers throughout our country, 700 individual fellowships for U.S. doctoral students, a variety of research projects, and outreach services for American businesses, schools, and the general public. The addition of $8 million would merely restore the support originally available in this program. After the administration proposed the elimination of this program in fiscal year 1984, Secretary Weinberger wrote to Secretary Bell urging not only restoration of the funds, but an increase in support.

In conclusion, Mr. President, what we are doing today with the Bradley-Hollings amendment is honoring a pledge we made earlier when we passed the Senate budget resolution. The pledge we made to improve funding and improve access to equal educational opportunity for all the Nation's young people. The pledge we made to the many needy and disadvantaged students that they would not be forgotten and that we would make the commitment to insure their opportunity for an education and a chance to move ahead in life.

Mr. President, the lion's share of the Bradley-Hollings amendment would provide for a significant increase in title I funding over last year. Also included are substantial increases for vocational and adult education over last year's funding levels. At the higher education level, the money we add to the appropriations bill for work study, campus based loan programs and research and graduate assistance programs, only insures that they will be funded at the same level as last year. Our amendment is modest, but it is important. Mr. President, those in this body who state their commitment to education and the valuable benefits it confers on our society have the opportunity today to demonstrate their commitment. Those who believe that education is the wisest investment we can make will join with me in passing this amendment.

BRADLEY-HOLLINGS AMENDMENT

Program	Fiscal year 1983 appropriation	Fiscal year 1984 Senate appropriation reported	Bradley-Hollings	Difference
Title I	$3,207,894,000	$3,480,000,000	$3,830,000,000	+$350,000,000
Vocational education	721,500,000	735,000,000	825,000,000	90,000,000

BRADLEY-HOLLINGS AMENDMENT—Continued

Program	Fiscal year 1983 appropriation	Fiscal year 1984 Senate appropriation reported	Bradley-Hollings	Difference
Adult education	95,000,000	100,000,000	112,000,000	12,000,000
NDSL	178,560,000	143,560,000	178,560,000	35,000,000
College W–S	590,000,000	550,000,000	590,000,000	40,000,000
SEOG	355,400,000	370,000,000	385,400,000	15,000,000
NIE	55,600,000	48,200,000	55,600,000	7,000,000
International education	26,000,000	26,000,000	34,000,000	8,000,000
Graduate fellowship			2,000,000	2,000,000
Total amendment				559,000,000

Senate reported level for education: $15.2 billion.
Bill with Bradley-Hollings amendment: $15.7 billion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, there is a commitment constructive in nature which has often been expressed by votes in the Senate in behalf of those realistic and necessary efforts to strengthen the educational system at various levels in this country.

I believe strongly in what is being attempted through the Bradley-Hollings amendment. I am gratified that I can be an ardent cosponsor of this measure. I shall not at this point, because of the time element, repeat that statement which has been so well given by those two principal sponsors, Senators BRADLEY and HOLLINGS.

I will take only just 2 or 3 minutes to turn to the $90 million set-aside for college work/study, direct loans, and the supplemental grant programs that serve the poorest of the poor.

There are 26 2- and 4-year colleges in West Virginia, 10 are private, 16 are public. There are more than 65 educational institutions in West Virginia counting business, nursing, and other proprietary schools. Eligible students at all these schools will be served by these funds. Work/study funds go to partially reimburse the colleges for wages paid to financially needy students up to 80 percent for part-time employment. Over the past year there has been an inevitable increase in the number of students eligible for these funds due in West Virginia, but also in other States, to the continuing high unemployment rates among the parents as well as among the college-age students themselves.

Mr. President, there is no disagreement among Members of Congress concerning the effectiveness of the college work-study programs. Students employed are helping to assure a pool of subsidized labor in support of a wide variety of campus and off-campus employment activities—and these jobs often provide students with training and experience in their selected course of study.

Mr. President, during my practically 40 years of service in Congress—14 in the House and 25 in the Senate—I have been a member of the Education Committees or the subcommittees, and I know that Senator BYRD understands the problems within West Virginia, just as I understand them, and other Senators understand them.

Supplemental grants, Mr. President, go to students who, for lack of financial means of their own or their families, would be unable to go to college at all.

Supplemental grants, above all, provide some measure of choice to those needy students whose aspirations and abilities direct them to higher-priced public and independent colleges and universities.

During the 1982–83 school year, Mr. President, West Virginia's institutions of higher learning received $4.369 million in college work-study funds. These dollars were allocated among public 4-year and 2-year; private 4-year and 2-year schools; and proprietary schools in West Virginia. The demand for additional college work-study funds was greater than the amount allocated to West Virginia, and many students were not served in my State.

Mr. President, I also support this amendment's provision making additional funds available for graduate programs.

Under the committee reported bill, I note with thanksgiving an increase for public service fellowships under title IX, but I note with regret a reduction in funding for other graduate programs. I deeply regret these cuts, for graduate fellowships and professional study. And, Mr. President, I particularly lament the defunding of both our law and education programs.

The law school clinical experience and the training for disadvantaged cost a mere $1 million each. Neither are budget-busters.

I just want the record to show that I object to the loss of these programs, not that the amendment will restore those funds. It is my hope that the House conferees will prevail in restoring the law and education funds.

I applaud this effort to increase funds for vocational and adult education as separate and distinct programs, with emphasis on funding existing categorical program set-asides. These set-asides for special programs for disadvantaged, consumer and homemaking, national significance programs and the like are more urgently needed than ever today.

The need for additional money for our title I programs is self-evident, and a proposition that should not be resisted by caring men and women in the Chamber today.

This coming year title I funds will be distributed according to the 1980 census data. Accordingly, many States will lose money, including West Virginia. Yet many more children are eligible today because of a long recession and high unemployment since 1980 census data was gathered. They have not been counted among the poor and poverty-level children of school age who should also be served under title I.

It is my hope that title I and its formula will be the subject of hearings soon, so that we can find some equitable way of serving all of our disadvantaged children.

Today's title I children are in their early and most formative years. If we leave them out now—they may never join their peers as high school and college graduates, in future years.

Mr. President, in the overall, this is a well-reasoned measure. This is an amendment which I hope will be adopted by the Senate and by the House and will be signed into law by the President.

Again, I commend Senator BRADLEY and Senator HOLLINGS and others who have given me the opportunity to join them in speaking and working for something that is highly important to the future of this country.

I urge my colleagues to vote for the Bradley-Hollings amendment.

Mr. BYRD. Mr. President, I am a cosponsor of this amendment. I congratulate Mr. BRADLEY and Mr. HOLLINGS for leading the way with respect to the amendment. They are the chief sponsors.

Mr. President, the President of the United States tells us there is a crisis in education in our country. His commission and other prestigious commissions and foundations also tell us there is a crisis in education. These commissions and foundations also tell us that it will cost money to implement needed programs to cure this crisis. We must be willing to spend the money. As the President's commission so succinctly put the situation: "Excellence costs. But in the long run mediocrity costs far more."

Despite the clear need for support for education at all levels of government, the President has not sent us an education budget reflecting this. No; he sent us a budget this year, in fact every year since he has been in office, which makes deep cuts in Federal education programs. The Congress has not "bought" all these cuts. This year, in particular, the Senate, under the leadership of Senator HOLLINGS and Senator BRADLEY, not only refused to make the cuts the President requested, but also voted to add $1 billion in very needed funding for educational programs. Mr. HOLLINGS spearheaded that amendment to a vote in June, when we passed the budget.

Today, we are voting to fund that budget, and the programs included in this Bradley-Hollings amendment, programs such as chapter I, vocational and adult education, campus-based student aid, educational research, and graduate assistance, are all needed. They are all programs with good track records. They are programs that work. In the case of chapter I, the President's Secretary of Education tells us that chapter I works. He says that Department of Education studies show that low-achieving children who participate in chapter I programs do significantly better in school than similar children who do not participate.

So I hope we will vote today to fund these programs at the level we have already supported. I ask my colleagues to support this much-needed amendment.

Mr. WEICKER. Mr. President, first of all, let me commend my friends, Senator BRADLEY, Senator HOLLINGS, Senator BYRD, and Senator RANDOLPH for articulating their commitments to the various programs contained in the amendment.

Let me say, also, that it is not at all out of character for them to speak as they are speaking. Indeed, let the record show that most of the time, if not all of the time, we have been on the same side of the issue.

However, we have the possibility of achieving a small historical victory here this afternoon—nothing major, but significant, in the sense that if this bill is passed, and if we are able to achieve accommodation with our friends across the way in the House, and then prevail upon the President to sign our work product, we will, for the first time in 5 years, have a bill that addresses itself to matters of education, health, science, and job training. And, let me add, we will have acted in a manner that is far preferable to the continuing resolution process.

I know the temptations, as well as anybody else, in terms of adding to appropriations bills in order to highlight and accentuate our commitments to various national priorities. But no Senator can take any satisfaction from the fact that the work of the U.S. Senate, in effect, is being dictated by the executive branch or by our inability to make the process work.

There is abortion language in this bill. It is the language proposed by Senator EAGLETON in committee. In effect, it reiterates the present law, or what is referred to as the Hyde language.

When this bill was passed on the other side, abortion language was added which eliminated even the exception for saving the life of the mother if it is endangered by a pregnancy.

For the last week, I have explored the possibilty of reinserting, as an exception, rape and incest, which I thought was a travesty when it was deleted on the floor of the Senate. My latest vote count shows that I can probably have that exception for rape and incest reinserted into the bill language.

However, I have to discipline myself conceptually, no matter how strong my feelings, just as I ask everyone here to discipline themselves monetarily if we are to reassert our authority in the legislative process.

I disagree with nothing that has been said by the proponents of this amendment. Maybe I even could rise to the occasion and make as good a speech.

Mr. BYRD. Better.

Mr. WEICKER. But the fact is that we are standing on the threshold of achieving legislation whereby the Senate of the United States is a full partner and an independent partner in setting the funding priorities of this Nation.

That must have some sort of a dollar value, also.

I have talked with my friends in education as they have tried to persuade me to support this amendment and indeed they have been good to me, both in terms of their advice with respect to my legislative duties and in terms of their political support. But I asked them the same question about whether or not the time has come for us to be in a position where we can examine the needs of our times and act upon them, or whether or not we can meet the needs of our times with legislation that is 5 years old.

Mr. President, the appropriations process as it deals with education, science, and health is 5 years old. It has been brought up to date by cost of living or inflationary increases, not by addressing itself to the substance or the priorities. It may be that some of the ongoing programs should not be included on our national priority list. Maybe other matters have now come to the forefront which deserve added emphasis.

For example, maybe it is that the battle over polio was won but a new battle over AIDS has begun, and yet—I refer to this in a figurative sense—we are stuck with a prior allocation for polio so that we cannot do what needs to be done for AIDS. Again this is just a hypothetical situation, one that illustrates what is wrong with the continuing resolution process.

In any event, I read the letter in this Chamber to Senators this morning describing what the administration thinks of the Senate bill. It is almost a veiled threat that implies unless we in the Senate reach the House level, the administration is not going to accept this bill. The administration simply will not accept the additional funding that has been allocated to many of these areas described by the distin-

guished Senator from New Jersey. The House wants to stick to its level.

And now there are those who want to add on to programs here on the Senate floor. And those of us who are trying to once again set the process and the priorities back on track—and I will get to that in a minute—are caught in the crossfire and so nothing logical, practical can be achieved.

Both in the funding sense and in a conceptual sense I deeply believe that so much more needs to be done in the areas of health, science, education, and so on. Yet, I have been held at bay by a coalition of Republicans and Democrats on these issues who thought the strength of the Nation was its weaponry rather than the minds of its people. I along with a handful of other Senators have been held at bay by both sides of the aisle.

So no one can take sole credit for blocking anything or having been responsible for not achieving our national priorities. Everyone can take a little share of it, but now we have a chance to bust out of the ring.

The full Appropriations Committee last week—briefly let me just tell the Senate what we did—reported out the bill. In it, we provided $1.7 billion over the budget request, more than half a billion dollars in increases over the fiscal year 1983 level, about $80 million more than the House for comparable programs.

The bill just reported out of our committee is, for the most part, very generous to education. However, it may not be as generous as many of us would like, or as generous as we ultimately will be when fiscal 1984 is completed. However, I think we have provided important increases in the large majority of programs under the jurisdiction of the Department of Education.

For example, our bill increases funding for chapter 1 education for the disadvantaged by $280 million over last year. It is the same as the House level and $466 million over the President's request. It is also the full amount authorized by law until such time as the law is changed. The amount requested in this amendment for chapter 1 is well in excess of the current authorization.

For student financial assistance, based on our discussions with students and families and college and university officials, we determined that the Pell grant is a high priority program because it removes the economic barriers to post secondary education. Accordingly, we provided $2.8 billion for Pell grants, which is $381 million over last year's level, $181 million over the House recommendation for fiscal 1983. And we have also raised the maximum award allowable by $200 per eligible student for total student assistance programs that exceeds last year's level by $336 million—the budget request was for $437 million—and the House level by $141 million.

So, I do not make any apology for the Appropriations Committee's education recommendation.

Let us understand one thing, that if the proponents of this measure succeed and it becomes a part of the bill and the bill is then vetoed and we are back to the continuing resolution, then we are at levels lower than what is now being proposed in this Senate bill.

Who wants to take on this responsibility? Who wants that one on their head? Continuing resolution levels will be lower.

My job is to deliver, not to talk about, assistance to the retarded, to the disabled and disadvantaged and the young kids going to college. I have to deliver. I have not delivered and our colleagues have not delivered on this matter in this Chamber for 5 years. That is what is at issue here with this vote, not whether or not a particular Senator is committed to education. What are Senators going to deliver? What will they have to show for it after we finish with this process—a veto confrontation? If so, hooray for the politicians from both sides, and for the year 1984 we will roll up a 6th year in the continuing resolution.

I suppose one thing I have always been blessed by is the fact that Connecticut is such a small State that to me these have never been numbers or programs. Rather, I look into the faces of the people of my State, and after I do I come back down in this Chamber and speak as I do.

Mr. President, I hope that we will be able to support the committee on this issue and be proud in the work product.

Any man of woman who has not been to the State legislature can sit out there and raise cane. But, this is the top of the profession. That is what differentiates the man who has been around 15 and 20 years from the rookie, that he can deliver. The rookie can talk. But can he deliver?

So I hope that we just do that, deliver, because there are an awful lot of people out there who have been left standing for an awfully long time and everywhere they look, everyone is playing the political game. Everywhere they look there is a lot of philosophical rhetoric.

I am not referring now to the average man. I am just talking about the general conduct of this matter. I might add with 5 years of being on a continuing resolution I think the matter is ipsa loquitur. It speaks for itself. And I do not think it speaks in the best traditions of the Senate or the ideals of the Nation.

Mr. President, I do not want to cut off any comments. I also wish to lay my cards on the table, and I will do this in a way so as not to cut anyone off. However, Mr. President, I will make a point of order that the pending amendment is in violation of rule XVI, paragraph 1, in that it increases appropriations already contained in the bill which does not carry out the provisions of any existing law, treaty, resolution passed by the Senate this session or budget estimate.

I repeat I do not in any way want to cut off additional comments by my friends but as soon as that comment is forthcoming I would appreciate it if we could get on with the many other priorities that are contained in this bill.

(Mr. COCHRAN assumed the chair.)

Mr. DOMENICI. Mr. President, was my good friend finished?

Mr. WEICKER. Yes.

Mr. DOMENICI. I am not going to speak for very long. I want to commend the distinguished Senator who just spoke, the chairman of the subcommittee that produced the appropriations bill that is before us, and make these three or four points.

The fact that we have been operating on a continuing resolution for 5 years would be enough of a subject for a couple of hours of debate here this afternoon in terms of what that continuing resolution process has done to good programs and to the normal legislative process that is understood by most Americans.

But I am not going to do that. I am not going to talk about the need to get a full appropriations bill that the President will sign—that will once again establish program priorities in a meaningful way and permit the management of programs in an orderly manner.

It is obvious that we are on the threshold of doing that, but it would not be enough to stand here and make that argument when we are discussing some of the most desirable and needed programs—education programs—for our people. In this instance it is not enough to stand here and argue as a matter of procedure that the committee bill is a good thing. Senator WEICKER would not be here doing that, Senator HATFIELD would not be in support of that, and I can assure you the Senator from New Mexico would not be on his feet arguing if that was the only argument.

Let me also tell you that, in addition, we are on the threshold of getting a 9-percent increase in these programs in a year where inflation is averaging 2.6 percent. That is not bad. There are some around who say that is not enough. Well, it is pretty hard to say what is enough. I ask, is 9-percent growth with less than 3 percent inflation enough in a year when we are only going to have a $200 billion deficit? I think so.

But when you take all the education programs that the distinguished floor

manager brings to this Senate for our adoption, one might also ask what did the House do? For those who are worried about how they might be ranked or rated by some outside groups looking at this let me tell you that those groups are going to have to rate the U.S. House very poorly because this bill, without the amendment of the distinguished Senator from New Jersey, Senator BRADLEY, and his cosponsor, Senator HOLLINGS, is $1 billion higher for education programs than the House, without the amendment of $559 million in budget authority that they ask for. The Senate bill is higher in budget authority for education programs than the U.S. House. How can people argue, "We are not committed enough to education," if we add $1 billion more in educational programs and are on the brink of getting a bill through conference which is very probably going to be signed for the first time in 5 years and add a bit of order to the processes of the Congress.

As a matter of fact, if the American people understood how we have messed up the authorizing, appropriating and budget processes in terms of adding confusion instead of certainty, they would probably find that sufficient to throw some of us out of office, and they would be justified. Each process blames the other one around here. Appropriations Committee blames the Budget Committee and the authorizing committees blame both. But the truth of the matter is that we are on the brink of getting appropriations bills in each of the 13 areas of Government for the first time in a decade.

I support the committee bill for this area of Government which has been 5 years without a bill. The bill that is before us is $1 billion more than the House, allows 9 percent growth in education programs, will go to conference and change—presumably the distinguished Senator from Connecticut will fight for the full billion; in each category he will argue in conference for the higher figure rather than the lower figure. I note that many times that lower figure is in the House bill and not the Senate bill.

I have a statement that summarizes this matter and a schedule of the major portions of this bill and I ask unanimous consent they be made a part of the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POSSIBLE FLOOR AMENDMENT TO H.R. 3913, THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1984

SPONSOR

Senators Bradley and Hollings.

DESCRIPTION

The amendment would add $559 million in budget authority and $46 million in outlays for a variety of education programs, including: $350 million for Chapter I; $102 million for vocational and adult education; $90 million for campus-based student aid; and $17 million for NIE, international education, and graduate fellowships.

BACKGROUND

Senators Bradley and Hollings argue that the Congress supported substantial increases in funding in the FCR for education and that this money should be included in the Continuing Resolution.

BUDGET IMPACT

This bill would increase spending under H.R. 3913 by $559 million in budget authority and by $46 million in outlays. H.R. 3913, as reported by Committee, exceeds the 302(b) outlay ceiling by $0.1 billion.

Passage would delay conference and jeopardize enactment of the bill.

The Senate Labor-HHS-Education Appropriation bill as reported from Committee increased the appropriations for discretionary elementary and secondary education programs by $940 million over the amount appropriated in the fiscal year 1983 continuing resolution.

The levels recommended by the Appropriations Committee represent a 9 percent increase over the fiscal year 1983 continuing resolution. Inflation from August 1982 to August 1983 has been only 2.6 percent. Education programs will be funded at a rate of 2½ times better than inflation.

COMPARISON OF EDUCATION FUNDING LEVELS: 1983 CONTINUING RESOLUTION AND H.R. 3913, THE DEPARTMENT OF LABOR–HHS–EDUCATION APPROPRIATIONS BILL

[Dollar amounts in millions]

	Fiscal year—		Percentage growth	Dollar difference
	1983 continuing resolution	1984 Senate bill		
Impact aid	$480	$585	+22	+$105
Education of the handicapped	1,110	1,241	+12	+131
Vocational and adult education	824	831	+1	+7
Chapter I, compensatory education	3,168	3,488	+10	+320
Chapter II, State block grant	534	528	−1	−6
Bilingual education	138	139	+1	+1
Student financial assistance	3,568	3,954	+11	+386
Higher education programs	398	396	−1	−2
Total	10,220	11,162	+9	+942

Mr. DOMENICI. My last comment refers to an argument that has already been made and will probably be made again by others that because the targets in the first budget resolution are higher than the budget authority appropriated by the Appropriations Committee bill which is before us, we have some almost automatic responsibility to go up to the budget target numbers.

This issue does not need a lot of discussion because time after time we have been reminded on the floor of the Senate, and rightly so, that a budget resolution is not a mandate, it is a target; that certainly because the Senate votes on the target numbers in a budget resolution it is in no way binding this institution or the Congress or even more directly the Appropriations Committee; that all we are doing is saying that these are the outside spending limits, and that after the Appropriations Committee has divided the money we are really saying that the budget is binding only as far as the totals of the whole budget, not the specific program levels.

We have been reminded of that argument by those who would spend more. If you seek to use the budget to say "Don't spend more than is targeted," I would merely say it applies both ways—as a matter of policy, as a matter of precedent, and as a matter of interpretation—it applies both ways. It means if you want to spend somewhat less than was targeted there is nothing substantively and legislatively binding about our having had some votes heretofore on the issue earlier in the budget process.

So I want to commend the distinguished Senator from Connecticut. This is a difficult issue for him. I think if he had his druthers he would be for adding almost anything that anybody could offer on this bill because he likes the programs, is that not so, Senator? I note for the record he is nodding his head affirmatively. He has been a staunch supporter of most of them, and he would like to add $500 million and maybe $1 billion to the bill, but he also understands what has been said here today eloquently by him and hopefully in some small way by the Senator from New Mexico that we ought to do something for the education programs, increase their appropriations and at the same time produce a bill that the President will sign to give some congressional authority and direction to those programs. We ought to do that and we ought not to throw this opportunity out the window.

Mr. BRADLEY. Mr. President, let me just say to the distinguished Senator from Connecticut that we have been in a lot of battles together on these exact same issues and he has always been in the trenches fighting for the programs that are embodied in this amendment. I hold great respect for his efforts and for his toughness when it came to the battles on the floor of the U.S. Senate.

Let me also say that the Appropriations Committee bill before us does well in a number of education areas, as the Senator from Connecticut just pointed out: In Pell grants, in vocational rehabilitation, and in handicapped education. Let me salute him for what he has managed to already include in this appropriations bill.

Let me also say that I understand what he is saying about continuing resolutions. Although I do not serve on the Appropriations Committee, I have seen these continuing resolutions move through here over the last several years, and I do understand the point

he is making about his desire to get a regular appropriations bill passed and signed by the President. I empathize with the instutional frustration that he feels because we have not gotten an education appropriations bill over the last several years. Let me tell the Senator from Connecticut that I not only salute him as an advocate over the years but that I also respect his sensitivity to our institutional prerogatives.

But these reasons do not outweigh the need for additional educational aid. Let me at this point begin to disagree with the Senator from Connecticut and say that the children are important, too, and I think that $350 million for chapter 1 of the Elementary and Secondary Education Act is an important national priority that this body has gone on record supporting even in the most difficult budget times.

Chapter 1 is an important national priority. This program money goes to districts that cannot afford to pay for teachers and aids to provide remedial services to children who are falling behind. The question is, are we going to deny disadvantaged children the right to the same education or at least the chance to get that education? Are we going to say to them, "No, you cannot climb up the ladder of upward mobility because we could not provide sufficient money for a remedial teacher to come into your class"? Are we going to say, "We will pass over you for a few years and hope that you can catch up when you are in the seventh or eighth grade"? We know, Mr. President, that by that time it is simply too late.

Let me say that while I respect the Senator's comments about institutional prerogatives and about his historical commitment to education issues, I offer this amendment because of my commitment to the children who are in those schools and who need our attention, our support, and our recognition.

Let me also say that some portray these budget battles as a battle between parties. This is not the case. This is a bipartisan amendment cosponsored by the Senator from Vermont (Mr. STAFFORD) and an amendment that some Republicans will support because they recognize the need.

I am not saying the Senator from Connecticut does not recognize the need for increased education aid. I say he is caught in a fight with the administration.

Mr. President, the people in my State are telling me to act for what is best for our children and the children of the next generation. Of course people are saying that they want higher standards, they want to get back to the basics, but they are also saying they want adequate funding for education.

The Senator from New Mexico asked, "What is enough?" Indeed, if this amendment is not adopted we will be funding education at the exact same level that existed in 1981. In real terms we have witnessed a significant cut in funding for education.

So, Mr. President, I urge that we move to adopt this amendment and respond to our better instincts and not get caught up in institutional prerogatives. While I respect the Senator from New Mexico and his comments about the budget resolution, the fact is that even if our amendment is adopted, education funding will still be under the level in the budget resolution. Why is the budget resolution only an iron law when we are over it but when we try to fund programs at the levels in the budget it is no longer viewed as relevant to the discussion?

Mr. President, I would say that we should act on this amendment and express clearly that we are interested in the education of our children. Do we face the prospects of a veto? We do not know. Perhaps. If that is so, then we know where the President stands on this kind of issue.

Mr. President, I do not think the President would veto this, and I would urge us to take that chance because it is in the interest of the people in our country and certainly our children.

Mr. CHILES. Will the Senator yield?

Mr. BRADLEY. I am pleased to yield to the Senator from Florida.

Mr. CHILES. Mr. President, I want to associate myself with the amendment of the Senator from New Jersey and his remarks.

There is an urgent need to get on with the conference on the vocational rehabilitation bill. The budget resolution has ample room for moving the authorization celings for chapter I, handicapped education, voc ed, and other key programs upward. The House has increased those ceilings in its voc rehab bill. We are leaving everything in limbo so long as we delay the conference.

Education has the public focus we need to put our public schools back on top where they should be. We should be willing to stand up and make the tough decisions about the investment we are willing to make for education, through the appropriations process.

I have been particularly concerned about the bind we are in on vocational education. We are right up at the $735 million ceiling under current law and on the 1984 bill. This is a program that got no increase under the jobs bill package earlier this year. Here we are with over half the black youth in this country unemployed, overall unemployment at 9.5 percent and we did nothing in the package for job training programs for this program. That is like having a three-legged stool with only two legs.

We are going to have to get the authorization ceilings raised. But there is no more time to waste in following through on the commitment we made to education in the budget resolution.

It is important to remember that the programs we are talking about in this amendment are the education programs that are working—chapter I for disavantaged students, vocational education, campus-based student aid. They are targetted in on the students with the greatest needs and the most important national priorities in education.

We ought to fish or cut bait and be willing to vote up or down on this issue.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. BRADLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to congratulate and commend the Appropriations Committee for their leadership and foresight in recommending the $2.8 billion appropriations for the Pell grant program and the maximum award of $2,000. I am well aware of how well we fared in the overall bill. All that I ask in regard to this program is that we allow the current law to stand regarding college costs as is provided for in the Bradley amendment.

Mr. President, I rise in support of the amendment sponsored by the distinguished Senator from New Jersey (Mr. BRADLEY). I am proud to be a cosponsor of this amendment, for it provides critically important increases in a series of key education programs.

The modest increase of $350 million in the chapter I program of educational aid to children from economically disadvantaged families, for instance, would enable this highly successful and nationally acclaimed program to serve another 600,000 young children.

The $12 million sought for adult education would mean that an additional quarter of a million men and women would receive basic skills instruction. With adult illiteracy of very severe proportions, this increase is an absolute necessity.

The $90 million increase for vocational education would permit reinstitution of programs that have been eliminated as a result of Federal budget cuts—cuts that have resulted in an estimated 600,000 students being turned away from needed education and training programs.

The increases sought in the campus-based student aid programs—programs such as work study, supplemental grants and direct loans—would provide help to another 169,000 students nationwide.

In addition, there is small provision in the Bradley amendment that is of very considerable importance to some 577,000 public college students throughout America. If the Bradley amendment does not pass, these 577,000 students will receive no benefit whatsoever from the otherwise very encouraging increases provided for the Pell grant program in the committee bill.

In other words, the advantages would go to those who attended more expensive colleges, the better-off youngsters. The very people who the committee wants to help are the kinds who could not be helped if they are in public colleges.

The committee bill would limit the college costs that can be covered by Pell grants to 50 percent, even though current law as provided in section 411(a)(2)(B) of the Higher Education Act of 1980 provides that college costs covered by Pell grants should rise to 55 percent when the maximum award is between $1,900 and $2,000. The provision in the Bradley amendment would simply retain the language of the Higher Education Act of 1980, and would permit the cost of attendance to be pegged at 55 percent.

This is very important for students who normally would be eligible for a maximum Pell grant award, but who receive less because they attend a relatively low-cost institution of higher learning. A student, for example, who would be eligible for a maximum award, but who attends an institution that cost only $3,000 a year, can receive a maximum of only $1,500 under the committee bill. Under the provisions of current law, however, that same student would receive a grant of $1,650. In this period of everincreasing educational costs, I would content that that $150 could be very important to a needy student's educational plans and pursuits.

Mr. President, I want to commend the members of the Appropriations Committee for their leadership and foresight in recommending a $2.8 billion appropriation for the Pell grant program and a maximum award of $2,000. All I would ask in regard to this important program is that we allow the current law provisions regarding college costs to stand, as is provided in the Bradley amendment.

I urge my colleagues to support the Bradley amendment. It is a prudent step toward strengthening the small, but crucial Federal role in education at a time when strengthening education at every level should be a top national priority and concern.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

I commend those who work here year after year, including the chairman of the authorizing committee and those on the Appropriations Committees, who work on this problem. I know it is cared for and they know the facts. They have made known the facts today. I know that this amendment applies to many at the local school levels where the problem is in our States, because I have been there. I went for the purpose of finding out the need, the extent of that need, and what could be done about it. Several of us this year have made a special effort to cover this particular field and I regret exceedingly that we were not able to sustain—I hope we can yet—the amount that we ourselves put in the budget for these very subject matters here, these divisions of vocational education and title I and others that go right to this school level.

Mr. President, when we pass this amendment, as I am told, and it is not for a great sum of money, although it sounds like it—when you divide it among the needs of these 50 States and apply it to these children, it is relatively small—we are merely reiterating what we have already done in passing on the budget level of these various subjects here.

We have worked around where it did not reflect itself in the appropriations bill, and no one is to blame for that. But here is the chance and this is the time to bring about that remedy. It is certainly overdue, Mr. President.

I come from a State that is interested greatly and has recently greatly improved its program. I guarantee that they will carry their part of the load with this money that is in here. I thank the Senator for yielding me time. I yield the floor.

Mr. KENNEDY. Mr. President, I rise in support of the amendment of Senator BRADLEY and am pleased to be a cosponsor. This amendment does one quite simple thing—it increases the funding level of several important education programs to the levels accepted by this Congress in the bipartisan budget resolution for fiscal year 1984.

This amendment is not a budget buster. In our budget resolution—accepted by a bipartisan majority—we included $16.1 billion for education. That amount would have permitted Federal education programs to adjust to inflationary increases over the last 3 fiscal years as well as to recover from the cuts imposed in the 1981 Budget Reconciliation Act.

Those of my colleagues who take their cues for the fiscal 1984 education budget from the President's budget may consider this a budget buster. I would remind them that this Congress overwhelmingly rejected that budget, just as it overwhelmingly rejected his budget last year. This Congress, in fact, has repeatedly rejected the President's recommendations on education and rightly so. They would mean a disaster for the American public education system.

The numbers do not lie. Let us look at those numbers for a moment. The President proposed a budget for Federal education programs of $12.6 billion in 1982—a cut of 16 percent. He proposed a budget of $10.5 billion in 1983—a cut of almost 30 percent. He proposed a budget of $13.2 billion this year—a cut of almost 13 percent. In each and every case, including this year in the first budget resolution, Congress has rejected those figures.

I would emphasize that in no way would this amendment return all these programs to their pre-Reagan budgetary levels. According to the Congressional Research Service, that would require at least $1 billion more for these programs.

If we look at the individual programs included in this amendment, its need becomes obvious. The chapter I program, which provides compensatory education for disadvantaged children, has been reduced in real terms by over 20 percent since 1980. Between 5 and 6 million children depend upon this program for important educational services. Study after study has demonstrated its success in meeting the needs of these students. Yet its services have been cut by almost one-quarter during the Reagan administration. With this amendment we could minimize the impact of Ronald Reagan's draconian budget cuts on the disadvantaged students.

A recent report by the American Federation of Teachers and the AFL-CIO dramatically illustrated what these budget cuts have meant to cities and towns across the Nation.

Mr. President, if this amendment is rejected, we are asking the schools of this Nation to survive on hollow promises and empty words. That does not buy new schoolbooks. That does not provide students with access to computers. That does not provide teachers or other school employees the pay they deserve.

In the first budget resolution, we promised the students, the parents, the teachers, and the administrators of our schools more financial help. It is time for us now to put our money where our mouth was.

I recognize the desire of the leadership in this body and in the House to pass a bill that will not be vetoed by the President. I particularly sympathize with the position of the manager of this bill in negotiating his way through the minefield that this appropriations bill generally represents. But I also believe that we have an obligation to meet when it comes to education. And I believe that this obligation can only be met on this bill.

I also understand the desire of my colleagues on the Appropriations Committee to keep legislation off appropriations bills. I stand ready to follow an alternate approach. I have waited

for over 3 weeks for the Republican leadership to appoint conferees to meet with the House on the differing versions of the vocational rehabilitation reauthorization bill. The House version of that bill includes a title which would increase the authorization ceilings for a number of education and domestic programs. The Senate should have the opportunity through its conferees and through floor consideration of the conference report to work its will on that title. However, members of the majority party in this body apparently have decided to prevent that.

Mr. President, I would prefer to follow that route in considering increases in authorization levels for these programs. I firmly believe that a majority of this body will join the House in supporting increases in the authorization levels of these programs, as I hope that a majority of this body will support the increases in this amendment. They will do so because I believe this body has come to recognize the importance of programs such as chapter 1, WIC, and low-income energy in the lives of so many Americans across this Nation.

It is important, too, that we not forget that handicapped Americans depend upon the rehabilitation programs. These Americans need action on this legislation, not further delay. To force this action, I and 8 other members of the Labor and Human Resources Committee, which has jurisdiction over this bill, were joined last week by 14 other Senators in a letter to the majority leader. We asked him to name conferees on this bill, but as yet we have received no positive response. This situation leaves us with no real alternative—we must reluctantly offer the amendment to this bill.

Before I close, Mr. President, I would like to draw my colleagues' attention to another provision in this amendment. This amendment would increase the maximum percent of college costs that could be paid by a Pell grant from 50 percent to 55 percent. The appropriations bill already includes a provision raising the maximum Pell grant award from $1,800 to $2,000. Without an increase in the percent of college costs, however, millions of Pell grant recipients enrolled in colleges and universities would not receive the benefit of the increase in the maximum Pell grant award. About 1.2 million students have their Pell grants reduced by the half-cost provision. These students need an increase in their Pell grants due to the rising costs of college just as much as those attending private schools.

Mr. President, I sympathize with the desire of the distinguished floor manager to pass a bill that can be signed by the President. Like him, I am tired of running this Government by continuing resolution. But let us not place form before substance. Let us not allow our desire for a bill to cloud our understanding of the needs of our schools. I urge my colleagues to set aside their doubts about this procedure. We will have no other opportunity to fulfill the promises that we made in our budget to this Nation's parents, teachers, and students. I urge my colleagues to support this amendment.

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague from New Jersey (Mr. BRADLEY) in support of this amendment to restore funding to a number of educational programs and to add funds to others.

Our educational system has been the subject of major national attention in the past few months. Clearly there is much that needs to be done to improve the quality of education in this country.

At the same time there is much about our educational system that deserves praise. Unfortunately one program which exemplifies the Federal effort in education is threatened by the proposed level of funding in this appropriation bill; the National Institute of Education (NIE).

In my home State of Michigan several projects funded through NIE have added significantly to the body of knowledge concerning teaching and learning. One, the Institute for Research on Teaching at Michigan State University, was singled out by Secretary of Education Terrel H. Bell for a special certificate of excellence in May of this year. The certificate of excellence recognizes the institute for its many accomplishments, including conducting research that addresses the most significant problems of contemporary teaching; bringing educators and researchers together to collaborate; encouraging scholars from diverse disciplines to study collectively the problems of classroom teaching and learning; and describing and sharing new research on teaching.

Without this amendment this program along with others may well be lost; as NIE is one of the areas slated for cuts in fiscal year 1984.

This is only one of the many excellent programs included in this amendment, all of which deserve our support. I urge my colleagues to join in voting for these additional funds.●

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I be added as a cosponsor of the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, as a cosponsor of the Hollings/Bradley amendment to add $599 million for education programs, I rise to urge my colleagues to adopt this amendment which is vital to our national education system.

Mr. President, this amendment would, in effect, bring the fiscal 1984 education appropriations provided in this bill closer to the level already approved by this very body during consideration of the first budget resolution earlier this year. I urge my colleagues not to backtrack now on the positive action we took just 6 months ago, but instead to continue to give education the national attention it needs and deserves.

We are all aware of the findings of the National Commission on Excellence in Education, a Commission appointed by Education Secretary Terrel Bell. This report, and subsequent widely publicized reports, warn us that American education has deteriorated so drastically in the past two decades that our very future as a nation and a people is threatened. It points to a rising tide of mediocrity which has swept over our national educational system and reveals startling statistics about illiteracy in this country. I am convinced that the facts revealed in these several reports were largely responsible for the Senate vote in May to add $1 billion to the budget resolution targets for education spending.

Mr. President, these facts are still threatening our Nation; it is still true that some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension. It is still true that college board achievement tests show consistent declines in recent years and it is still true that about 13 percent of all 17-year-olds are functionally illiterate. In other words, it is still true that we must provide adequate national leadership to reverse the dangerous academic trends which threaten not only our educational system, but our political and economic security as well.

The amendment we are offering will add funding for education programs for the disadvantaged, for vocational and adult education, for student assistance programs and for research and graduate assistance. It will bring education spending more in line with the already approved budget targets. I believe that the budget targets are premised on a minimum funding level necessary to make a start toward restoring to America a top quality educational system. Indeed, it is my hope that national attention will continue to focus on this crucial area this year, next year, and in years to come. We cannot again turn our backs on this issue and be swept by a rising tide of mediocrity. This amendment is a step in the right direction.

I urge my colleagues to adopt this amendment which represents a responsible investment in our youth and our future.

● Mr. MOYNIHAN. Mr. President, I rise to express my strong support for

the Bradley-Hollings-Stafford amendment. This amendment increases the Labor-HHS-Education appropriations bill by $559 million to provide additional funding for education programs, including ESEA chapter 1, vocational and adult education, the National Institute of Education, international education, national graduate fellowships, and college student financial aid assistance. As you know, I have a long history of involvement with educational matters, and am pleased to be a cosponsor of this amendment.

Time and again, I have stated my unflagging support for the Federal Government's role in education. Our colleges and universities derive a great portion of their income from Federal sources. Our elementary and secondary schools look to Washington as the source of support for dozens of programs. Millions of students, particularly at the college level, finance their own educations with the help of myriad Federal aid programs.

Earlier this year, on March 9, the Senate rejected President Reagan's proposed cuts in education for fiscal year 1984 when we overwhelmingly approved a resolution opposing further reductions in education funding. Then, on May 6, the Senate passed, by a vote of 55 to 32, an amendment to the first concurrent budget resolution that added $1 billion for education programs. The House-Senate conferees later added an additional $0.2 billion, raising the total budget authorization for education to $16.1 billion. Today, we offer an amendment to increase appropriations for education from $15.2 billion to approximately $15.7 billion—well within the budget resolution ceiling. In so doing, we simply ask our colleagues to fulfill the commitments made earlier by this body.

The bulk of the additional appropriations we seek, or $350 million, would increase funding the chapter I compensatory education programs. In the last 3 years, basic grants in that program have fallen by 22.7 percent in real dollar terms, meaning that 53 percent, or 5.8 million, of the eligible children are not served under the program. The amendment would also supplement the resources of these important educational initiatives:

Vocational education $90 million increase.

Adult education, $12 million increase.

National direct student loans, $35 million increase.

Supplemental education opportunity grants, $15 million increase.

College work-study, $40 million increase.

International education, $8 million increase.

National Institute of Education, $7 million increase.

I would also call particular attention to the $1.95 million Jacob Javits fellowship program, which would award grants for meritorious graduate study in the name and spirit of our distinguished former Senator from New York. Clearly, this amendment provides necessary support to many valuable programs.

I must emphasize also the importance of this amendment to education in New York State. In the following ways, New York would benefit from the increased funding:

Chapter I compensatory education, $33 million, enough to include an additional 54,000 eligible children.

Vocational education, $6 million increase.

National direct student loans and college work-study, $3 million increase for each program.

Supplemental educational opportunity grants and international education, $1 million increase for each program.

Overall, New York State would receive a much-needed boost in Federal educational funding of between $45 and $50 million.

I would urge all of my colleagues to support this amendment. Often, we reduce these legislative efforts to mere money. I would ask that we judge the Bradley-Hollings-Stafford amendment instead on the basis of children: 5.8 million children assisted under chapter I compensatory education, 600,000 students in vocational education, and hundreds of thousands of others in the many fine programs that this amendment assists.●

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRADLEY. Mr. President, will the Senator yield?

Mr. WEICKER. Yes, Mr. President, I yield.

Mr. BRADLEY. Mr. President, I know the distinguished Senator from Connecticut is about to make a point of order. Before he does, I would like to make one final statement, and that is to remind Senators that the Labor/HHS appropriation is over $2 billion under the budget resolution. We do not bust the budget by adding one-half billion in education.

I also would like to say that, while we applaud the work of the Senator from Connecticut on adequately funding handicapped education and vocational rehabilitation, what we are saying is this: Let us carry everybody to the higher ground; let us carry the disadvantaged students in our cities as well as the handicapped; let us carry the vocational education students as well as the people served by vocational rehabilitation; let us carry those who are receiving a variety of campus-based college aid programs as well as Pell grant recipients. That is what this amendment is about. I hope the Senate will support our position.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, it is very unusual for the Senator from Connecticut to try to keep his temper in check, but I do not want to hear about the vocational rehabilitation bill. I do not want to hear it because it represents 1 year's worth of work and was passed by the U.S. Senate. It is a fine piece of legislation. It is a year's worth of work. We considered the old law and changed it, properly, to adjust to changing circumstances. We then passed it in the U.S. Senate. It went over to the House and they loaded it up with education and other amendments because they figured, it is a must bill.

It sure is a must bill. But it was wrong to load up the vocational rehabilitation bill with these new authorizing levels so as to put their burden on the backs of the disabled. And let me add, that there are no compliments to be paid to the administration, which refuses to allow me to go to conference.

Shame on both Houses. Talk about truely worthy people standing and waiting for Congress to act—there is a good example of what politics has done in an area of crucial legislation. No thanks to either party.

In any case, I make the point of order that the pending amendment is in violation of rule 16, paragraph 1 in that it increases appropriations already contained in the bill which do not carry out the provisions of any existing law treaty, or resolution passed by the Senate this session, or budget estimate.

The PRESIDING OFFICER. The point of order is well taken. The amendment is out of order.

Mr. BRADLEY. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I move to table the appeal.

The PRESIDING OFFICER. The question is on the motion to lay the appeal on the table.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the appeal on the table. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS), is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr.

GLENN), and the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE), would vote "nay".

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 50, nays 45—as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—50

Abdnor	Grassley	Packwood
Andrews	Hatch	Percy
Armstrong	Hatfield	Proxmire
Baker	Hawkins	Quayle
Boschwitz	Hecht	Roth
Chafee	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Humphrey	Stevens
Denton	Jepsen	Symms
Dole	Kassebaum	Thurmond
Domenici	Kasten	Tower
Durenberger	Laxalt	Trible
East	Lugar	Wallop
Evans	Mattingly	Warner
Garn	McClure	Weicker
Goldwater	Murkowski	Wilson
Gorton	Nickles	

NAYS—45

Baucus	Eagleton	Metzenbaum
Bentsen	Exon	Mitchell
Biden	Ford	Moynihan
Bingaman	Hart	Nunn
Boren	Heflin	Pell
Bradley	Hollings	Pressler
Bumpers	Huddleston	Pryor
Burdick	Johnston	Randolph
Byrd	Kennedy	Sarbanes
Chiles	Lautenberg	Sasser
Cochran	Leahy	Specter
Cohen	Levin	Stafford
DeConcini	Long	Stennis
Dixon	Matsunaga	Tsongas
Dodd	Melcher	Zorinsky

NOT VOTING—5

Cranston	Inouye	Riegle
Glenn	Mathias	

So the motion to lay the appeal on the table was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I would appreciate it if those Senators who do have additional amendments might be prepared to offer them and to discuss the matters with the Chair and the ranking minority member so that we might dispense with them.

I think there is a good possibility if my colleagues will stay in the Chamber that this matter can be wrapped up within the next hour. I certainly hope so.

Mr. President, I yield to the distinguished Senator from New Jersey.

COSPONSORSHIP OF AMENDMENT NO. 2282

Mr. BRADLEY. Mr. President, I ask unanimous consent that the names of Senators METZENBAUM and TSONGAS be added as cosponsors of the previous amendment and the name of Senator EVANS be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I yield so that the distinguished Senator from Georgia may present his amendment.

AMENDMENT NO. 2283

The PRESIDING OFFICER. The Senator from Georgia is recognized.

(Purpose: To reduce by 10 per centum funds available in the Department of Health and Human Services for management and consulting services)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) for himself, Mr. PRYOR, and Mr. ABDNOR proposes an amendment numbered 2283.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, between lines 22 and 23, insert the following:

SEC. 210. (a) Of the total amount of budget authority provided for fiscal year 1984 by the Department of Health and Human Services Appropriation Act, 1984 that would otherwise be available for consulting services, management and professional services, and special studies and analyses, an amount equal to 10 per centum of the amount requested for such purposes in the budget submitted by the President pursuant to section 1105 of title 31, United States Code, for 1984, as amended, for any agency, department, or entity subject to apportionment by the President shall not be available for obligation or expenditure. This subsection shall not apply to any agency, department, or entity whose budget request for 1984 for the purposes stated in this section does not equal or exceed $5,000,000.

(b) Within 60 days of the date of enactment of this section, the Director of the Office of Management and Budget shall report to the Appropriations Committees of the Senate and the House of Representatives on the indentification and reduction of available funds required by the section.

(c) For the purpose of this section, the term "consulting and related services" shall have the meaning given such term in the 1983 Report of the Office of Management and Budget to the Committee on Appropriations of the Senate on administrative expenses.

Mr. MATTINGLY. Mr. President, the amendment that I have sent to the desk on behalf of myself, the distinguished Senator from Arkansas (Mr. PRYOR), and the distinguished Senator from South Dakota (Mr. ABDNOR), represents a modest attempt to reduce the funds available to the Department of Health and Human Services for consulting and related services by 10 percent or approximately $13 million.

According to figures provided by the Office of Management and Budget, funds for consultants in the HHS budget have grown from $103.5 million in fiscal year 1982 to $130.5 million in fiscal year 1984. This represents a 26-percent growth over 1982 levels. At the same time, the HHS budget itself has grown less than 5 percent.

Most of my colleagues are probably familiar with the efforts that have been made in the past several years to control the costs of consultants. Senator PRYOR has been particularly effective in highlighting the need for Congress to examine this issue. Several statutory requirements have been enacted by Congress in an attempt to have specific information provided by the agencies on the amount of funds requested for consultants and related services. Much of the problem in controlling these spiraling costs has been brought about by an inability to define exactly what types of services fall within the consultant definition. Although OMB, largely as a result of congressional prodding, has taken some steps to identify and control these costs, it is my opinion that a 10-percent reduction can be made without impairing program requirements or mission effectiveness. Such a reduction will not only save the beleaguered taxpayers $13 million, it will also signal the executive departments the firm intent of Congress to gain control of these costs. Statutory directives to the agencies and departments have failed to produce the budget data that is needed for oversight of these activities.

The amendment applies only to title II of the bill, the HHS section. An examination of the consultant expense levels in the Departments of Education and Labor reveals that they have remained relatively constant over the past several years. Therefore, the amendment does not affect those agencies. Nor is the amendment intended to imply that the vast majority of consultants and professionals who render valuable service to the Federal Government are anything other than dedicated people doing the very best job that they can. It does represent a moderate effort to have Congress more directly control an area of Federal spending that thus far has escaped appropriate oversight.

Mr. President, I ask unanimous consent that Senator NICKLES be included as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, in addition, I wish to say that this is not the first bill to which we have added a consultant reduction amendment. As subcommittee chairman, I included it in the military construction appropriations bill and it also was adopted as a

provision of the Treasury, Postal and general operations appropriations bill.

Mr. President, all this is nothing more than a modest attempt to try to restrain an area of Federal expenditures that has grown out of proportion to the need for such services.

I urge my colleagues to support this amendment.

I yield to the Senator from Arkansas (Mr. PRYOR).

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I sincerely thank my distinguished colleague, Senator MATTINGLY, for bringing this matter to the attention of the Senate today.

Mr. President, I rise today in strong support of the amendment by the distinguished Senator from Georgia (Mr. MATTINGLY) to reduce appropriations for consultant services at the Department of Health and Human Services by 10 percent of what would have otherwise been available in fiscal year 1984.

I commend the Senator for his efforts to bring accountability into an area which I have found during my tenure in the Senate so prone to Government abuse. We in Congress have little idea, because we have been provided so little information, about how and why billions of agency dollars find their way to what has been referred to as the unelected government. This is true despite the fact that Public Law 97-258 requires that all agency heads supply to Congress certain budget information on the procurement of consultant services.

Senator MATTINGLY and I are hopeful we will have support for this amendment from Senators who believe Congress has a right to expect full information from agencies and compliance with the law, as well as from those who simply want to reduce the budget deficit in every reasonable manner.

Expenditures for consultant services at HHS in 1984 are estimated to be about $130.5 million, up 26 percent since 1982. Our amendment would only require that this amount be reduced roughly $13 million, which in a budget the size of HHS's—over $64 billion—is an extremely modest reduction. Nevertheless, it is significant that we demonstrate that the often inexplicable costs of consultant services, in this department and in others, will not be blindly accepted by Congress.

Mr. President, the need for this kind of amendment could be lessened in the future if agencies would simply make publicly available and report to Congress the extent, nature, costs, and rationale for the procurement of such services. It has been my experience, that in many cases, the extent of consultant use is overbroad, the nature is inappropriate, the costs are noncompetitive, and the rationale is nonexistent.

I have been concerned about this area for some time, and because of my frequent expressions of this concern, I have been asked time and time again why I oppose the use of consultants. I do not oppose the use of consultants. I realize in many instances, the use of private sector advice can be both economical and effective. What I do oppose, and oppose strongly, is congressional support for the expenditure of taxpayer dollars which flow to areas about which Congress has little or no knowledge, and about which agencies cannot or will not provide information; and the great majority of these consulting contracts are contracted for by noncompetitive bids. In fact, a General Accounting Office report filed with Congress concluded that 67 percent of those consulting contracts were awarded without any competitive bid whatsoever.

Mr. President, furthermore, the General Accounting Office in other studies has indicated to the Congress, that approximately 54 percent of all consulting contracts are awarded in the last 90 days before the end of the fiscal year.

I would like to ask this question—I do not know whether anyone has the answer—how many consulting contracts were awarded in the past 90 days before the end of the fiscal year which has just closed, Mr. President?

It is my desire and, I think, the desire of the distinguished Senator from Georgia to bring some sunshine into the area. It has been long neglected. This has been my goal with the Consultant Reform and Disclosure Act, which I have attempted to steer through the Senate over the past two Congresses.

I also intend to support reductions in expenditures for such services in an effort to force agencies to justify these expenses.

When we talk about deficits, when we talk about runaway expenditures, one thing I firmly believe is one ingredient which adds to those deficits is that this Government today is spending $10 million a day, Mr. President, for consulting services, and it is my opinion that a great portion of this expense is wasted.

Once again the Congress has little control, little knowledge, and little information provided by the agencies as to where these taxpayers' dollars are truly being expended.

Mr. President, I do not want to single out HHS as the lone culprit in this matter. The problems are Governmentwide, but there must be a place to begin cuts.

What I do want to do is to focus attention in an area where Congress can legitimately achieve budget savings, significant savings, without disruption of agency services to the taxpayers.

It is critical that we make it absolutely clear that agencies are responsible for all funds which Congress appropriates. The time for rhetoric about administrative remedies has long since passed. These remedies have not worked, and they are not going to work. It is going to take the Congress to do something by statute to make them work.

If agencies have legitimate needs for outside assistance—and many of them do—let them devlop realistic and documented evidence of those needs and submit them to congress.

Finally, Mr. President, I urge my colleagues to bind together to support this important precedent-setting amendment. In the purest sense it is a bipartisan effort to achieve budget savings and, at the same time, to promote agency accountability. These are goals the taxpayers demand that we must advance on their behalf.

Mr. President, I have concluded my remarks.

Mr. WEICKER. Mr. President, I do not believe in standing here and making speeches for appearance's sake, so I will tell you exactly what my feelings are with respect to the amendment of the distinguished Senators from Georgia and Arkansas.

I understand fully the problem to which you are directing your energies and your cuts. I would like to examine it. You have my word that I will. But I think that it has to be done in a more judicious way because I do not believe that you really mean to achieve that which will be achieved under terms of this amendment.

This amendment will strike directly at the National Institutes of Health, the National Cancer Institute, the Heart and Lung Institutes, the National Institute on Arthritis, Diabetes, and Digestive and Kidney Diseases, alcohol and mental health programs, and the centers for disease control. Much of their work is being done by consultants. I cannot believe that is what you want to accomplish with this amendment.

I have no problem with a well-directed amendment relative to consultants. I do not like them any better than you do. So, in a sense of giving the chairman a message, you have done that.

I hope the amendment will be withdrawn on my assurance that I will work with you in achieving an amendment which we will put on an appropriations bill in this regard.

In the absence of that—and I hope that is the way we can dispose of the amendment—yes, I can take it to conference. Since I have already expressed my opinion on the amendment, you can take it from there. I really do not have much further to say about this subject. I compliment both sponsors of the amendment. Again, I repeat, you make a valid point, and as

long as we can rifle-shot it instead of having a shotgun approach, I have no problem dealing with this problem in a positive way in the next appropriations bill.

Mr. MATTINGLY. Is the Senator willing to take this amendment to conference?

Mr. WEICKER. Well, let me put it this way. It depends on how long a life you want to give this concept. It can enjoy a life between now and the conference or it can enjoy life between now and the next appropriations bill.

I hope since it is a good concept—I am not being critical in that sense—it is something we can work on, but it is not something I can properly do in a matter of 2 days.

I was informed this afternoon that Chairman NATCHER wants to meet in conference in 48 hours. I cannot handle this matter in the positive manner it deserves in the next 48 hours.

Mr. MATTINGLY. I would hope that you take it to conference because first, the Mattingly-Pryor amendment serves as a strong signal, and second, let me just say that as a former member of the Governmental Affairs Committee I saw Senator PRYOR's work to try to reduce expenditures for consultants. We were told then that the wrong place to reduce it was the Governmental Affairs Committee, and that the right place to do so——

Mr. WEICKER. Senator——

Mr. MATTINGLY [continuing]. Just a moment—was the Appropriations Committee.

Mr. WEICKER. I have always been appreciative of the fact that everybody loves the Appropriations Committee. We are the most loved committee, and this subcommittee is the most loved subcommittee. Everybody wants to achieve their legislative objectives within this committee.

So without any further ado I would be delighted to go ahead and accept the amendment.

Mr. MATTINGLY. We thank the Senator from Connecticut.

Mr. WEICKER. Let us see where we go from here.

Mr. MATTINGLY. I thank the Senator. This will give Senator PRYOR and me an opportunity to work on the House conferees.

Mr. WEICKER. The question is on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2283) was agreed to.

Mr. WEICKER. The Senator from Utah has been very patient.

Mr. MATTINGLY. Mr. President, will the Senator yield?

Mr. WEICKER. Yes.

Mr. MATTINGLY. Let me just state for the RECORD that this issue has been placed on this weeks agenda of the Presidents Cabinet Council on Management and Administration.

I ask unanimous consent to have printed in the RECORD an exchange of letters on this subject from the chairman of the Administrative Conference of the United States, and the Counsellor to the President, Ed Meese.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES,
Washington, D.C., September 20, 1983.

Senator MACK MATTINGLY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MATTINGLY: I am happy to enclose herewith a copy of Ed Meese's reply of September 10, 1983, to my letter of July 28, 1983, regarding the problem of excessive and inefficient uses of consultants in the Executive Branch.

I am especially pleased to note that the issue has been placed on the agenda of the Cabinet Council on Management and Administration, of which I am a member. I look forward to developing possible solutions with the other members of the CCMA and I will be giving special attention to the "Model Control System" presently being tested by OMB.

Your future cooperation in this enterprise will be most helpful. I applaud your continuing efforts to reduce the sums appropriated for consultants. However, we must work together to develop means of controlling the quality of consultant programs, so that we may ensure that these cuts come at the expense of wasteful uses instead of efficient ones.

We at the Conference hope to continue to work with you and your staff to solve these problems. We will be delighted to do what we can to ensure that any further proposals that you and your colleagues may develop are given serious consideration within the Executive Branch.

Sincerely,

LOREN A. SMITH,
Chairman.

THE COUNSELOR TO THE PRESIDENT,
September 10, 1983.

Mr. LOREN A. SMITH,
Chairman, Administrative Conference of the United States, Washington, D.C.

DEAR LOREN: Thank you for your letter of 26 July 1983, containing proposals for improving the oversight of consulting contracts by the Executive Branch. I support your efforts and those of Senator Mattingly to find ways to restrain the use of consulting services by executive agencies.

As you may know, OMB has been striving for some time to cut costs in this area. They have, for example, been working with the agencies on an experimental "Model Control System for Consulting and Related Services" that would provide a more critical review of proposed consulting procurements. Early results of this system are promising, but not yet conclusive.

Your suggestions in this area are appreciated and, along with OMB's efforts, will serve as a basis for further planning and improvement. I have asked Ralph Bledsoe to place this matter on the CCMA planning agenda as soon as possible.

I look forward to your assistance in making the consulting contracts matter another manisfestation of our efforts at management reform within the Executive Branch.

Sincerely,

EDWIN MEESE III,
Counselor to the President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today to discuss an issue of great concern. The Labor/Health Services appropriations bill report contains language to transfer title X family planning programs from the Assistant Secretary for Health to the Health Resources and Services Administration. I feel strongly that my colleagues should not endorse this transfer.

The family planning programs are currently being administered under the Office of Assistant Secretary for Health through the deputy assistant Secretary for Population Affairs. This conforms with the statutory provisions for the responsibilities of the Deputy Assistant Secretary who is to:

> Administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants and contracts related to population research and family planning programs.

I am concerned about this as chairman of the labor and human resources committees, let me state the following.

First. The administrative change in no way jeopardizes the continuation of the title X family planning program. This change was made to improve the Federal family planning programs through administrative and organizational consolidation.

Second. The new responsibilities given to the Deputy Assistant Secretary for Population Affairs (DASPA) were envisioned in the orginal Family Planning Act. The DASPA office was specifically created "to direct and coordinate all government family planning research and service programs."

Third. Both the General Accounting Office and the Congress have supported efforts to strengthen the role of the DASPA. For example, the 1978 House Select Committee on Population Affairs concluded:

> It is the Select Committee's belief that the DASPA/OPA (Office of Population Affairs) should be responsible for all population-related services and research.

Moreover, in 1981, the GAO concluded that:

> The (DASPA) position should be strengthened by clarifying the Deputy's responsibilities and authority in order that the incumbent could more effectively coordinate and evaluate all the competent agencies' administration of family planning program.

To further amplify my view, I ask unanimous consent that a "Dear Colleague" letter on this subject sent by me on June 30, 1983, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. As chairman of the Labor and Human Resources Committee, I would like to say that I believe Secretary Margaret Heckler deserves support on this matter. She has written to us and asked for support on this issue, and I believe we should give it to her.

EXHIBIT 1

COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, D.C., June 30, 1983.

DEAR COLLEAGUE: On January 7, 1983, the Secretary of Health and Human Services reorganized the administration of family planning programs by placing them under the authority of the Deputy Assistant Secretary for Population Affairs. Opponents of this reorganization introduced Senate Concurrent Resolution 21 as a part of an effort to reverse the Secretary's actions. S. Con. Res. 21 would express the sense of the Congress that the family planning program under Title X of the Public Health Service Act should be administered once again by the Health Resources Administration of the Department of Health and Human Services.

As Chairman of the Labor and Human Resources Committee which has jurisdiction over these issues, I would strongly urge you to oppose this resolution for the following reasons.

First, the administrative change in no way jeopardizes the continuation of the Title X family planning program. This change was made to improve the federal family planning programs through administrative and organizational consolidation.

Second, the new responsibilities given to the Deputy Assistant Secretary for Population Affairs (DASPA) were envisioned in the original family planning act. DASPA office was specifically created "to direct and coordinate all Government family planning research and service programs."

Finally, both the General Accounting Office and the Congress have supported efforts to strengthen the role of the DASPA. For example, the 1978 House Select Committee on Population Affairs concluded, "It is the Select Committee's belief that the DASPA/OPA (Office of Population Affairs) should be responsible for all population-related services and research." Moreover, in 1981, the GAO concluded that, "the (DASPA) position should be strengthed by clarifying the Deputy's responsibilities and authority in order that the incumbent could more effectively coordinate and evaluate all the component agencies' administration of family planning program."

In short, the Secretary's efforts to reorganize the administation of family planning programs are in keeping with past bipartisan calls for an increased role for the DASPA.

Therefore, I urge my colleagues to oppose the Resolution and to allow the Secretary to utilize fully the Deputy Assistant Secretary for Population Affairs consistent with Congressional intent and administrative efficiency. If you have any further questions, or would like copies of the supporting documents, please contact Nancy Taylor (4-4433) of my staff.

Sincerely,

ORRIN G. HATCH,
Chairman.

Mr. HATCH. I would like to turn to the distinguished Senator who is chairman of the Family and Human Services Subcommittee, Senator DENTON, and ask him what is his view of this particular report language.

Mr. DENTON. Mr. President, I would like to agree wholeheartedly with the distinguished chairman of the full committee of which my subcommittee is subordinate. I disagree completely with that portion of the committee report accompanying H.R. 3913 ordering the retransfer of the title X family planning program.

The title X family planning program was transferred in January 1983 by the Secretary of Health and Human Services to the Office of the Assistant Secretary for Health under the Direct supervision of the Deputy Assistant Secretary for Population Affairs (DASPA). The intent of the language of the report appears to be to reverse this transfer. By this language, the Appropriations Committee is trying to undo what the authorizing committee mandate for good reason. As chairman of the subcommittee that authorizes the title X program, I am today stating that such a direction by the Committee on Appropriations report is nugatory.

Mrs. Heckler, the Secretary of Health and Human Services, wrote to the chairman of the Appropriations Committee on September 27, 1983, explaining her protest regarding the language of the committee report.

Mr. President, I ask unanimous consent that her letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
September 27, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations,
U.S Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There is a provision which is a matter of concern to me in the House Appropriations Committee report on the Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill (H.R. 3913) regarding the family planning program.

The House report states: "The Committee is aware that the Department has transferred the family planning program on an interim basis to the Assistant Secretary's [for Health] Office. The Committee does not support this transfer and directs that the personnel responsible for this program be transferred back to the Health Resources and Services Administration as soon as possible but no later than October 1." (House Report 98-357, page 23.)

The family planning grant assistance program was transferred in January 1983 by then Secretary Schweiker to the Office of the Assistant Secretary for Health under the direct supervision of the Deputy Assistant Secretary for Population Affairs. The resulting organizational arrangement conforms directly with the statutory provisions for the responsibilities of the Deputy Assistant Secretary who is to:

"Administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants and contracts related to population research and family planning programs." (The Family Planning Services and Population Research Act of 1970, Public Law 91-572, Section 4(1).)

The reasons that this organizational arrangement was established and should be maintained are that it will lead to a number of efficiencies and improvements in policy coordination as follows:

It will consolidate related Public Health Service programs in adolescent family life, population affairs and family planning; and

It will improve management efficiency and coordination by providing consistency and minimizing administrative costs.

I strongly believe that the current organizational arrangement is working well and is necessary and appropriate to a strong family planning program.

Thank you for your consideration in this matter.

Sincerely yours,

MARGARET M. HECKLER,
Secretary.

Mr. DENTON. The relocation of the family planning program to the Office of the Assistant Secretary conforms directly with the statutory provisions for the responsibilities of the DASPA.

Secretary of Health and Human Services Margaret Heckler, in a letter to the chairman of the Committee on Appropriations, expressed that same view in explaining her concern with the language of the committee report. Previous administrations, over the objections of Congress, I might add, had allowed the authority of the Deputy Assistant Secretary for Population Affairs to deteriorate despite an expressed intent in the title X act to make that office a focal point within HHS with authority to direct family planning activities. A June 1981 report by the Comptroller General to the Committee on Labor and Human Resources pointed out that:

The (DASPA) has not assumed the leadership role in administering, planning, and directing family planning services and population research intended by Congress.

In 1978, Senator CRANSTON, the former chairman of the Subcommittee on Child and Human Development, the membership of the House Select Committee on Population Affairs, and Senator Edward Brooks, former ranking minority member of the Labor, HEW Appropriations Subcommittee, all expressed the belief that Congress intended the DASPA to play a larger role in the administration of family planning programs.

In January of this year, then-Secretary of HHS Richard Schweicker, acting within the scope of his authority to organize the Department, reasserted the vital role of the DASPA. He did so not in expectation of the creation of a block grant for family planning, but to "provide consistency in management for the interpretation and direction of administration

policy." (Federal Register, Tuesday, Jan. 11, 1983, p. 1231.) His actions were in keeping with original congressional intent in creating the DASPA position and in fulfillment of urgings by later congressional leaders.

In short, Mr. President, the Secretary's decision to consolidate the family planning program under the direct line authority of the DASPA should be a welcome step for those who truly support voluntary family planning.

Therefore, Mr. President, I question both the ability and wisdom of an attempt to reverse that new organizational arrangement. The responsible authorizing committees have not altered the title X act, the Secretary has not acted outside of the scope of his authority, nor has the Appropriations Committee sought the enactment of any legislation that would mandate such a change. I hope that we realize that the language adopted by the committee does not have the force of law, but is a statement of preference or hope.

Mr. HATCH. I thank the Senator.

Mr. President, I would like to take a couple seconds more. I think it is important that we support Secretary Heckler in this matter. She has taken time to get involved in it and, of course, feels very strongly about it.

In that regard, I would like to make a couple of comments about what was said about Mrs. Heckler in U.S. News & World Report last week. It was a fairly uncomplimentary appraisal of the few months she has had as Secretary at Health and Human Services.

I think generally U.S. News & World Report is very accurate in the things it does. I find very little fault with it as a weekly magazine.

But I was particularly upset over what I read in U.S. News & World Report. I will not put it into the RECORD at this point, but there was an indication that Mrs. Heckler had not quite accomplished what she should have accomplished in that job.

Well, I can tell you they did not consult me as chairman of the Labor and Human Resources Committee. I have not seen any Cabinet Secretary grab a job and run with it as she has done in the short time she has had at Health and Human Services. That has become an almost overwhelming job. I do not know very many people who can handle it. She is not only handling it; she is mastering it. She is doing a job like I have never seen before. Of course I personally feel Secretary Schweiker did a very good job down there as well.

I would like to compliment both of them. I will just say for the record that I think Secretary Heckler deserves commendation for the short time she has had to work in that area. I know she is doing a good job. I think she is one of the best Secretaries we have in this administration. I think she deserves more than she received in that U.S. News & World Report article. This is one way we can help her. She has stood up in this decision. She wants to enforce the law. She has written to us. I think the Members of the Senate ought to support her. Certainly, I recommend that course to the members of the Senate Appropriations Committee as well as to the House.

Mr. DENTON. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. DENTON. I concur with the remarks of the distinguished Senator from Utah.

I would like to mention to him and to the Senate that this morning at a subcommittee hearing Ms. Betty Friedan, the author of "The Feminine Mystique and the Second Stage," which recently came out, discussed and agreed with me that the U.S. News & World Report on family life, published about a month ago, was not very accurate.

It extrapolated from the present form of family life to a supposedly ideal age, when the average person, by the time he or she reaches 30 or 35 years of age, will have been married five or six times. The feature discussed how the children would have as many as 32 grandparents in the extended family, and so forth.

So if their commentary on Margaret Heckler is any indication of that magazine's view of family life, it means they disagree with Ms. Friedan as well as with the chairman of the Labor Committee.

Mr. HATCH. I thank the chairman.

Mr. WEICKER. Let me say, Mr. President, Margaret Heckler is a hard worker. She is trying to learn about every aspect of the executive branch. She is already well schooled in the legislative branch. I want to say I do not doubt her integrity. And I do not doubt that she is trying to become a spokeswoman for many across the Nation.

I do not want anything in terms of what the committee did to reflect any disapproval of the Secretary.

I also want to say to my good friend, the chairman of the authorizing committee, I am very sensitive to the problems that have been raised here. It is a matter that the committee will take into its consideration. I want to emphasize to the chairman that we did not try to trespass on his turf.

Mr. HATCH. Mr. President, I thank the distinguished Senator. I appreciate this colloquy and this opportunity to get the matter on record.

Mr. COHEN. Mr. President, I want to express my disagreement with the views of two of my colleagues earlier today regarding the administration of title X and to express my support for the action taken by the Appropriations Committee, transferring the family planning program back to the Health Resources and Services Administration (HRSA).

As many of my colleagues know, in March of this year, I introduced Senate Concurrent Resolution 21 together with Senators HOLLINGS, BRADLEY, and PACKWOOD. This resolution calls on the Department of Health and Human Resources to reverse the January reorganization of the Federal family planning program (title X of the Public Health Service Act), restoring the administration of the program to career public health professionals in the Department's Health Resources and Services Administration (HRSA).

It is a pleasure to report that a fifth of the Senate has cosponsored Senate Concurrent Resolution 21. In addition to the original sponsors, Senators DECONCINI, GLENN, HEINZ, HUDDLESTON, LEAHY, LEVIN, MATSUNAGA, METZENBAUM, MITCHELL, PERCY, PROXMIRE, RIEGLE, SPECTER, TSONGAS, STAFFORD, and WEICKER have cosponsored the measure. In the House, 126 Representatives have cosponsored an identical resolution.

As one of the original sponsors of this resolution, I am very pleased by the action taken by the Senate Appropriations Committee to place the funds for title X under the Health Resources and Services Administration and directing the Department to transfer the personnel responsible for administering the program back to HRSA.

Although it may be viewed as somewhat out of the ordinary for the Congress to feel so strongly about what could be seen as an administrative matter, I believe there are several reasons which justify the committee's action.

Despite the family planning program's broad base of support in Congress and its accomplishments over the years, it has been attacked in the past few years. To cite a few examples: Family planning agencies have had to resort to the courts to prevent implementation of the so-called squel rule, a regulation requiring parental notification when teenagers obtain contraceptive care; there have been an unreasonable number of audits, many of them duplicative; there were attempts to abolish the service delivery improvement component of the program which would have resulted in the loss of several critical functions, including data analysis, which in the past has insured the program's accountability to the American public; and Congress has repeatedly been obliged to block efforts to bury the program in a block grant to the States. It was in the context of developments such as these that many Members of Congress, including myself, became concerned about the well-being of the program when it was moved.

A major reason for requiring title X's transfer back to HRSA is that the administrative arrangement that was in effect prior to January of this year simply made good sense. There are obvious benefits to be derived from locating the administration of our major health service delivery programs in a single bureaucracy, where they can be run in a coordinated fashion and in accordance with a single set of management principles. This arrangement has the added benefit that it leaves the Department's Deputy Assistant Secretary for Population Affairs (DASPA) free of everyday administrative burdens to attend to policy matters, such as how the title X program might be more effective in meeting the needs of those it was designed to serve and coordinating the family planning activities of the various Federal programs that provide these services. There probably was a time, in the program's infancy, when it would have benefited from some high-level attention to assure its well-being among better established programs. However, after 12 years, that argument hardly holds. By the late 1970's, the program had taken root in the bureaucracy. To cite just one example, family planning figured prominently in the Surgeon General's report outlining a health agenda for the 1980's.

It is perhaps worth pointing out that Congress has, for many years, stood by the old administrative arrangement. Even though the original 1970 legislation does, technically, allow the DASPA to administer family planning services, he/she has never done so, prior to this year. The DASPA has always had a policymaking role in the Department. Fully aware of this situation, Congress has repeatedly reauthorized the program without ever specifically directing that the DASPA manage the program. To me, this means that it was satisfied with the status quo. The House Select Committee on Population, in 1978, made its intentions even clearer. The very first recommendation in its report on fertility and contraception in the United States stipulated that title X should be administered by DHHS's Office for Family Planning which, until January, was lodged in the Health Resources and Services Administration. The select committee also recommended that the DASPA be responsible for the coordination of reproductive health and family life education programs. A 1981 General Accounting Office report came to similar conclusions, suggesting that Congress rely on the DASPA to coordinate and evaluate family planning programs, rather than to administer them.

The Appropriations, Committee's action is clearly consistent with congressional intent, not to mention with sound management practice and the best interests of the program and the individuals it is designed to serve.

FAMILY PLANNING SERVICES

Mr. BRADLEY. Mr. President, earlier this year a bipartisan group of 19 other Senators and I introduced Senate Concurrent Resolution 21. The same resolution was filed in the House by 125 Representatives. What we said was that family planning services are important health care services and have been recognized as such by every President—both Republican and Democrat—since Federal support for this program began. That is every administration prior to the current one.

Our resolution seeks to reestablish that fact by returning jurisdiction of family planning services back in the Health Resources and Services Administration of the Department of Health and Human Services. This means it will be administered by health professionals in the Public Health Service instead of by political appointees in a newly created Office of Family Planning within the Office of Population Affairs—an arm of the Assistant Secretary for Health.

Some have inappropriately maintained this is a debate over abortion. That is not true. Title X of the Public Health Services Act, the authorization for Federal family planning assistance, contains a specific prohibition against abortion as a method of family planning. In fact, in 1980, 4.6 million women, including 1.5 million teenagers, received family planning services under title X, making it the Nation's major program to prevent abortions.

What Senate Concurrent Resolution 21 and House Concurrent Resolution 93 are about is preserving important family planning services. Unfortunately, they have been under direct attack by this administration. In July 1981, President Reagan sent Senator ORRIN HATCH a letter stating, in part, "I regret that we do not have the votes to defeat the family planning program." He added that administrative changes would be made as an alternative. Indeed, in 1981 budget cuts of 23 percent were recommended for title X but were rejected by Congress. In 1982, the administration sought to repeal title X and include it in a block grant to the States. That, too, was rejected by Congress. Later that year the reorganization of family planning services into the Office of Population Affairs was first announced. After widespread opposition from Congress, it was deferred only to reemerge in January of this year when it was put into effect. During that same month, new efforts were announced by the administration to repeal title X.

Mr. President, that is a sorry record on a program that has been instrumental in lowering infant and maternal mortality rates and preventing millions of your girls from the trauma of an unwanted pregnancy. Fortunately, the Members of this body and in the House of Representatives have been forceful in support of these services.

And I am pleased that the Senate Appropriations Committee exercised that same resolution in drafting the labor and HHS appropriations bill. The committee directed title X programs—

> Henceforth • • • restored to the responsibility of HRSA, formerly the Health Services Administration • • • The committee directs that personnel responsible for administering the family planning program be transferred back to the Health Resources and Services Administration as soon as possible, but certainly no later than October 1, 1983.

The Appropriations Committee in the House was equally clear in its intentions stating, in part that "the Committee • • • directs that the personnel responsible for this program be transferred back to the Health Resource and Services Administration as soon as possible but no later than October 1, 1983."

I am pleased that we in Congress can assure the women in search of health care that we do not intend to abandon them. I welcome the inclusion of the thrust of Senate Concurrent Resolution 21 in the appropriations bill.

AMENDMENT NO. 2284

(Purpose: to increase appropriations for certain education programs, and for other purposes)

Mr. STAFFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Vermont (Mr. STAFFORD) proposes an amendment numbered 2284.

Mr. STAFFORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 48, line 7, strike out "part B" and insert in lieu thereof "parts B and C".
>
> On page 48, line 16, strike out "$396,316,000" and insert in lieu thereof "$398,266,000".
>
> On page 56, between lines 22 and 23, insert the following:
>
> "SEC. 308. Section 923(a) of the Higher Education Act of 1965 is amended by inserting '(1)' after the subsection designation and by adding at the end thereof the following:
>
> "(2) Students receiving an award under this part shall be known as 'Jacob K. Javits fellows'.".

Mr. STAFFORD. Mr. President, some 3 years ago, in 1980, Congress established, as a Javits amendment to the education amendments of 1980, this program which would provide for a number of fellowships to promising

first-year graduate students in the humanities and arts, chosen on a competitive merit basis by a panel established by the Department of Education. The program has never been funded in the past. This amendment would fund it to the extent of $1.95 million. It would support 150 fellows in the first year.

The program is necessary, since there exists no Federal program to support graduate students in the humanities and the arts, through the endowments or elsewhere. The demise of the Ford, Woodrow Wilson, and Danforth fellowship programs has resulted in a reduction of 66,000 fellowships annually in these disciplines.

The amendment further would name the program the Javits National Graduate Fellowships, after the distinguished former Senator from New York, who originated the program. Mr. President, I urge the managers of the bill to accept this amendment. I am prepared to yield to them for that purpose if they wish to do so.

Mr. WEICKER. Mr. President, this is a matter that came to this subcommittee from the Appropriations Subcommittee on the Interior. It is something that I feel strongly about, as I believe many of our colleagues do, in the sense both of what is being accomplished by the program and with respect to the outstanding and distinguished individual for whom it is named. I accept the amendment.

Mr. PROXMIRE. Mr. President, I am happy to support the amendment, particularly as it is an amendment in honor of one of the greatest Senators who has served in the last 25 years, a truly great man, Senator Jacob Javits.

Mr. STAFFORD. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2284) was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION OF AMENDMENT 2277

Mr. WEICKER. Mr. President, I ask unanimous consent that the amendment adopted this morning, No. 2277, be modified to read as follows:

SEC. 308. No funds appropriated in any act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the provisions of the order entered by the U.S. District Court for Northern District of Illinois on June 30, 1983; *Provided*, That the court's decree entered on September 24, 1980 shall remain in full force and effect.

Mr. WEICKER. Mr. President, this is a modification of my earlier amendment regarding the frozen education funds. It will insure that the money is used for its intended purposes; that is, follow through on civil rights training and education. At the same time, it does not release the Government from any further liability in the case. What we have tried to do is work with the administration and those who have a sense of special interest, in the sense of representing the State of Illinois and Chicago. I think the amendment does just that.

Mr. PROXMIRE. Mr. President, I have had an opportunity to discuss this with Senator DIXON and Representative YATES. I am very grateful to the Senator from Connecticut for making this modification. It certainly improves the amendment and makes it serve the purpose it was meant to serve.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 2277), as modified, follows:

On page 56, after line 22, insert:

SEC. 308. No funds appropriated in any act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the provisions of the order entered by the U.S. District Court for Northern District of Illinois on June 30, 1983; *Provided*, That the court's decree entered on September 24, 1980 shall remain in full force and effect.

Mr. WEICKER. Mr. President, I yield to the Senator from Massachusetts.

AMENDMENT NO. 2285

(Purpose: To provide funds for a program of health care for unemployed workers)

Mr. KENNEDY. Mr. President, I send an amendment to the desk for myself and others and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. RIEGLE, Mr. MOYNIHAN, Mr. METZENBAUM, and Mr. CRANSTON, proposes an amendment numbered 2285:

On page 27, between lines 10 and 11, insert the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $900,000,000, to be available only if a program is enacted into law providing for such benefits under the Social Security Act or under the Public Health Service Act.

Mr. KENNEDY. Mr. President, I am pleased to join with Senator RIEGLE in offering this amendment to provide $900 million in fiscal year 1984 for health care for unemployed Americans.

I believe that it is essential to act today to assure that money for this vital program will be available as soon as Congress completes work on authorizing legislation. Unemployed workers and their families have already lived far too long with the fear and anxiety that they will not be able to afford needed medical care because they lack health insurance. Further delay would be unconscionable.

The Senate is already strongly on record in support of this program. In the spring, the Senate voted 90 to 9 in favor of including health care for the unemployed in the budget resolution. Last June, we voted 75 to 23 for a supplemental appropriations for fiscal year 1983. Both the Labor Committee and the Finance Committee have reported legislation to the floor of the Senate, and intensive discussions are underway to assure that a bill can be brought to the floor by the end of the month.

I know those discussions are taking place between the chairman of the Finance Committee (Mr. DOLE), the chairman of the Subcommittee of the Human Resources Committee (Mr. QUAYLE) and others. The House has also adopted legislation to provide for health care for the unemployed.

With this strong bipartisan commitment in both Houses, I believe that enactment of this crucial legislation is possible within a few weeks. By adopting our amendment, we can assure the prompt implementation of this much-needed program.

The dimensions of the problem are enormous. The United States has just suffered through the worse recession since the Depression—unemployment remains at over 9 percent.

One of the worst consequences of this deep recession is the loss of health insurance that too often compounds the tragedy of unemployment.

The Congressional Budget Office estimates that over 10 million Americans and their dependents have lost their health insurance because they lost their job. Millions are forced to go without essential health care because they face the cruel choice between paying the bill for food and rent, or paying the doctor's bill. Infant mortality is rising in hard-hit States, where the number of women who receive no prenatal care has tripled.

But these are only the bare statistics. The real human tragedies are even more compelling.

In our Human Resources Committee hearings, we heard from a widowed mother of five in Turners Falls, Mass., who could not afford the doctor and the medicine her daughter needs to treat her rare form of arthritis. We heard from a father in Baltimore, whose 6-year-old child cannot get an operation because the hospitals want them to pay $600 up front. We listened to the story of a family in Flint, Mich., staggering under the burden of $60,000 in debt as a result of the complicated birth of their premature baby.

These are Americans who worked hard to help to build America. They

are out of work through no fault of their own. It is unacceptable that these families should have to pay such a terrible price for the administration's wrongheaded economic policies that fight inflation with unemployment and human suffering.

The surest way to address this problem is to put America back to work. Only by reversing the administration's reactionary economic policies can we truly offer hope to the struggling families of America.

But it is not enough to wait for the recovery. Health care is too important to be sacrificed on the altar of supply-side economics. No pregnant woman should be denied prenatal care because she and her husband are unemployed and cannot pay the doctor's bill. No workers should lose their health insurance because they lost their job. No families should lose their access to health care because they have become casualties of the administration's unfair war against inflation.

The amendment before us would provide $900 million for fiscal year 1984, the same amount in both S. 242, the Human Resource Committee bill, and S. 951, the Finance Committee bill. It is well below the $2 billion authorized by the budget resolution. I urge my colleagues to adopt this amendment.

Mr. WEICKER. Mr. President, I say to my distinguished friend from Massachusetts, no one feels more strongly than this Senator on this matter. I might add that it was the subject of some rather intense questioning when the Secretary of the Health and Human Services appeared before the Appropriations Subcommittee. It was the subject of some rather intense followup letters requesting the reappearance of the Secretary before the subcommittee. It was at that time, as the Senator well knows, that the administration indicated that it had a plan on this matter. The administration indicated that it was expecting to agree upon a health plan for the unemployed. It was only on that assurance that the subcommittee withheld any action.

Of course, the plan that came forth from Mr. Stockman a little later on—that is, that the unemployed should go ahead and pay their own health premiums—was not exactly what was envisioned by this Senator or, I am sure, by the Senator from Massachusetts. So, insofar as the problem is concerned and the attention that should be devoted to it, those thoughts expressed by the Senator from Massachusetts have the complete concurrence of the Senator from Connecticut.

I would hope that the matter would not find its way onto this bill only in the sense that I gather there still is work to be done on it. Senator DOLE and others with authorizing responsibility are obviously going to have to be part of the scenario of a solution. And, again, I can only implore my good friend not to jeopardize the passage of this bill, the first in 5 years, but, rather to try to work it out in the regular process. I assure the Senator he is going to have my full support on any matter that comes to this floor along these lines.

Mr. KENNEDY. I thank the Senator from Connecticut. I know very well his strong commitment in this area. It does seem to me, that there is a broad consensus on this program as we are working out the authorization legislation—I see the chairman of our subcommittee, the Senator from Indiana (Mr. QUAYLE), who has been strongly committed to this concept, on the floor at the present time. I had talked to Senator DOLE about it as well. I know of his strong commitment.

There are important differences between the two bills but I think they are resolvable. The advantage of adding it on this bill is to give assurances to the States that when we finally work out the authorization there will be resources available to move right ahead. My concern about delay is that if in the next couple of weeks we are able to work out the differences on authorizing legislation then we will still have to wait a longer period of time to get the funds to actually move ahead.

What we are doing is talking about several months instead of perhaps just a few weeks.

I want to cooperate with the Senator from Connecticut. I know my colleague from Michigan (Mr. RIEGLE) has been extremely active in this area, has been strongly committed, has worked very hard both in the committee and also on the floor on this issue. I am just wondering if the Senator could give us some assurance that we would have the opportunity, if we are not able to get a vote today, to have an opportunity to get a vote on this issue up or down with the Senator's support in the very near future so at least we can send a very clear message to the States, and I think most importantly to the unemployed, that we are not going to wait an unreasonable period of time before action will be taken for the unemployed who have lost their health care benefits.

Mr. WEICKER. The Senator has the assurance of this Senator, in whatever role he plays, that I would support him in getting that kind of an up-or-down vote. The Senator is also going to have my support not just to have an up-or-down vote, but against any proposal that calls for the unemployed to pay their own health premiums. That is unacceptable. It is to me, it is to the Senator from Massachusetts, so the Senator can also rest assured that on the substance of the matter he is going to have the support of this Senator.

Mr. KENNEDY. I appreciate the comments of the Senator. I am wondering whether he felt that, at least on the supplemental, we would be able to give consideration to this particular proposal?

Mr. WEICKER. My only problem with that is that I do not know if the authorization is going to be ready. I really cannot respond with an assurance that I am not in a position to deliver.

Mr. KENNEDY. The only problem that we are facing on this issue is that if we do not get it on the supplemental, we may very well not have another vehicle on which we are able to get the funds. That is what we are dealing with. As I said, I do believe that those items of difference will be worked out. I do not want to see the session go by at least without having had an opportunity on the floor for us to address the issue. I want to accommodate. I know the good faith of the Senator from Connecticut. I am not trying to press him unduly. He knows the way the clock runs, he knows the workings of the Appropriations Committee, and he also knows that we only have a limited number of vehicles on which we are going to be able to address this issue.

Mr. WEICKER. I am not the majority leader, nor will I ever be the majority leader so long as I am in this party. There is no way I can give that kind of definite assurance. The Senator has my assurance, that in whatever role I play in the process, he will have my vote.

Now, that is as much as I can do. I cannot speak for anyone else.

Mr. KENNEDY. Fine. With those assurances, Mr. President, being what they are—and I believe they are serious and important ones—I will indicate now that I would offer this with Senator RIEGLE on the supplemental, and hopefully with the support of the Senator from Connecticut, the Senator from Indiana, and the Senator from Kansas. I hope that we are going to be able to work out the differences in those authorizing bills prior to that time and that we can have the support of the Senator from Connecticut.

I hear what the Senator is saying about a vote. I must say I know the Senator is well aware of the very strong vote in favor by three-quarters of the Senate on this issue several months ago on an amendment that was offered by the Senator from New York, who I see on the floor at the present time. The will of the Senate is clear on this issue, and I think it would be a real travesty if we should recess this year without addressing it.

I thank the Senator from Connecticut, and I ask if the amendment could be put aside temporarily so that my

cosponsor, the Senator from Michigan, would be able to make a brief comment on it before withdrawing it.

Mr. WEICKER. I wonder, since we are almost at the point of concluding the bill, if the Senator would be good enough to withdraw the amendment. I assure the Senator I will keep things open as long as I can for the Senator from Michigan, but I do not want to delay the entire process.

Mr. KENNEDY. Would the Senator permit us to leave it that way? If the time comes for the final passage, I would certainly respect the actions of the floor manager on it and withdraw it.

Mr. WEICKER. I thank the distinguished Senator.

Mr. KENNEDY. So I would ask that it be temporarily set aside.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I withdraw that request for a moment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, one of the most dire consequences of the recent recession, the Nation's worst in postwar years, has been the loss of health care coverage for the families of millions of unemployed Americans. According to the Congressional Budget Office, nearly 11 million Americans found themselves without health care coverage by the end of last year, as a result of prolonged high unemployment. With unemployment projections at 9 percent or more through the end of 1984, this state of affairs will not soon improve.

By a vote of 90 to 9, this body endorsed the proposal of the distinguished Senator from Kansas, my colleague on and chairman of the Finance Committee, Mr. DOLE, to authorize $225 million in fiscal year 1983 and $900 million in fiscal year 1984 for health care benefits for the unemployed. Mr. President, this was one of the more emphatic displays of bipartisanship in this Congress. When the fiscal year 1983 supplemental appropriations bill came before the Senate for consideration, however, it failed to provide the funds for the remainder of fiscal year 1983. I offered an amendment providing the $225 million in actual funding to the States for the remaining months of fiscal year 1983, to help fund their efforts to provide basic health care to unemployed Americans and their families. My amendment was approved by this body by a vote of 75 to 23.

This commitment must be sustained in 1984. Without it, the families of America's jobless are in danger of being denied the most basic health care. Hospitals, health centers, and other health providers will not—indeed, cannot—continue to absorb the costs of health care for the unemployed who are unable to pay their bills.

Estimates in this area are, at best, somewhat tenuous. The Congressional Budget Office, however, has reported that more than 10.7 million Americans lost their health insurance since December 1982. Of that number, 7.4 million had lost their jobs. Of these 7.4 million, 5.3 million lost health insurance coverage as a direct consequence of their being involuntarily discharged, without fault, for their jobs. Such are the wages, the harsh wages, of the cruel recession of 1981–82.

This legislation, this amendment, is necessary. It is timely. The program has the strongest support in this body. I hope that this simple amendment—insuring that the funding will be available when the final legislation is enacted on a permanent basis—will be approved.

Mr. DOLE. Mr. President, as the Senator from Kansas has indicated repeatedly in the past, every effort is being made to work out the differences between the health benefits bill agreed to by the Senate Finance Committee and the one agreed to by the Labor and Human Resources Committee. Progress is being made and we are hopeful that the product of those discussions will be a better proposal.

However regardless of the specifics of the bill it is vital that we find a way to finance these new costs.

A spending program, no matter how laudable, must not simply add to the deficit.

The Senator from Kansas has every intention of working with his colleagues to find a method we can all agree to that will provide the financing necessary. In addition to this, it will of course be necessary to make provision for the appropriations that will also be necessary should a program be enacted.

It is my understanding that the distinguished senior Senator from Connecticut, Mr. WEICKER, has agreed to work with us to assure that the appropriated funds will be made available.

There is certainly a great deal of interest and support demonstrated by a number of Members of this body in a program of health benefits for the unemployed. When the time comes I am sure that agreement can be reached by both financing and appropriations. The supplemental appropriations bill is certainly one option we can consider for any appropriations provision.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Is there objection to temporarily setting the amendment aside?

Mr. WEICKER. Reserving the right to object, I was not privy to what just transpired.

The PRESIDING OFFICER. The question is, Is there objection to setting aside the amendment of the Senator from Massachusetts?

Without objection, the amendment is temporarily set aside.

AMENDMENT NO. 2286

(Purpose: To appropriate funds to the Public Health Emergency Fund)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 2286.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 9 and 10, insert the following:

PUBLIC HEALTH EMERGENCY FUND

For the Public Health Emergency Fund established under section 319(b) of the Public Health Service Act, $30,000,000, to remain available until expended.

Mr. MOYNIHAN. Mr. President, this is a simple and direct matter which I hope the Senate, in its wisdom and indeed in its compassion, will find itself able to accept.

The amendment provides the public health emergency fund with its full authorization of $30 million. The Secretary of Health and Human Services would have this money available for health emergencies. The legislative history is a simple one. Congress approved authorization for the public health emergency fund without opposition on July 28, 1983.

President Reagan signed the measure into law on July 13. The bill approved was that of Representative HENRY WAXMAN of California, a distinguished Member of the House. In the Senate, Senator CRANSTON and I had cosponsored a companion measure.

The need for these emergency funds is as evident as the need for similar funds in similar areas. We had this experience before, in the outbreak of the infectious disease known as legionnaire's disease, a wholly new phenomenon not theretofore encountered, mysterious, threatening, baffling, and associated with a particular group of persons, a particular place, a fine hotel in the city of Philadelphia, as the distinguished Presiding Officer, the Senator from Pennsylvania (Mr. SPECTER),

will recall. It was an event which led, I believe, to the hotel being closed.

In order to find funds with which to respond to the emergency, to the epidemic, the Center for Disease Control in Atlanta was forced to divert money from typhus fever research, from the development of new drugs for leprosy, from hepatitis and brucellosis vaccine trials, for research on Lassa fever and Ebola viruses, and a whole range of scientific matters then in progress.

There were many problems of a kind that required continuity and that could not be stopped halfway and picked up at a later time, as one might stop building a house or a bridge. These are ongoing studies in living organisms, and to break them is frequently to lose much of the research.

We have an exactly comparable situation today in the current epidemic of acquired immunity deficiency syndrome, which has struck the Nation with an edge of terror, some communities more than others, some groups more than others, but this is characteristic of an epidemic. It is equally characteristic of one to arouse in the public great anxieties, especially in those early stages of a fatal ailment from which there appears to be no recovery, as indeed for the moment there does not appear to be any known recovery—certainly no recovery that could be associated with treatment—from this particular syndrome.

I think it does not defy the gods in such matters to suggest that in the normal course of science, our doctors, our epidemiologists, and our researchers will find the nature of the disease and find a way to block it, prevent it, or cure it. What they need are the resources to do so.

They are even diverting resources from other programs which, if not as urgent, are certainly important and valid; and they would not have to do so if we did no more than fund the public health emergency fund at the level authorized, which is $30 million.

Mr. President, Mr. James Bloom, Executive Officer of the Centers for Disease Control, argues:

> The Public Health Service needs a new way to deal with emergencies such as Legionnaire's disease or AIDS, because * * * supplemental appropriations take too long.

This is a responsible public servant, in the Public Health Service, asking us to do what we have done in authorizing and passing H.R. 2713 earlier this year. I now ask that we fund it, and I hope I might have the support of the distinguished managers of this measure.

I do not know that I need continue this discussion, save to state that I have submitted the measure in response to a "dear colleague" letter that is signed by Senators CRANSTON, KENNEDY, TSONGAS, GLENN, and HOLLINGS. Since they have joined me in the letter, I am sure they wish to be listed as cosponsors of the amendment, and I ask unanimous consent that their names be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have the "dear colleague" letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 3, 1983.

DEAR COLLEAGUE: This week, the Senate will consider appropriations for the Departments of Labor, Health and Human Services, and Education. We intend to offer an amendment to provide the Public Health Emergency Fund with its full authorization of $30 million.

Congress established this fund this past summer to improve the nation's ability to respond to public health emergencies, by creating a permanent fund of $30 million to be allocated by the Secretary of Health and Human Services. Both Houses approved the legislation without opposition, and the President signed it on July 13. The need for the fund has not diminished since then.

For too many years, the Federal Government has reacted to crises such as Legionnaire's disease, toxic shock syndrome, and AIDs by asking a range of agencies to monitor, research, and eradicate the disease. None of these agencies—the Food and Drug Administration, the Center for Disease Control, the National Institutes of Health, and the Alcohol, Drug Abuse, and Mental Health Administration—has a discretionary budget adequate to deal with a full-scale public health crisis. Therefore, agency heads must divert funds from other important, if only slightly less immediate, research projects.

The actions of the Center for Disease Control in 1976, when Legionnaire's disease frightened the country, demonstrate this problem. In order to respond swiftly to the outbreak, the CDC was forced to

Delay typhus fever research two years.

Delay development of new drugs for leprosy for two years.

Cancel hepatitis and brucellosis vaccine trials.

Discontinue permanently a birth defects monitoring program.

Delay research on deadly Lassa fever and Ebola viruses for five months.

Curtail a maternal-child meningococcal vaccine study.

During that and similar crises, other agencies have been forced to practice such forms of triage.

We recognize the need to utilize resources where they are most needed, but we nevertheless oppose the practice of pitting vital public health programs against one another. Sudden cutbacks in ongoing research programs create great inefficiencies associated with high shutdown and start-up costs. The Public Health Emergency Fund obviates the need to divert funds from ongoing programs by creating a pool of resources to be distributed expeditiously in times of emergency. James Bloom, Executive Officer of the Center for Disease Control, put it this way: "The Public Health Service needs a new way to deal with emergencies such as Legionnaire's disease or AIDS, because . . . supplemental appropriations take too long."

We certainly hope that you will join us in supporting this much needed appropriation for the Public Health Emergency Fund. If you have any questions or wish to cosponsor this amendment, please contact Bob Gilbert of Senator Moynihan's staff at x4-4451.

Sincerely,

ALAN CRANSTON.
PAUL TSONGAS.
FRITZ HOLLINGS.
D. P. MOYNIHAN.
EDWARD M. KENNEDY.
JOHN GLENN.

Mr. MOYNIHAN. Mr. President, I do not wish to continue a discussion which I believe has met with a certain favor on behalf of the distinguished Senator from Connecticut, and I should like to hear his response.

Mr. President, the Senator from California (Mr. CRANSTON), an original cosponsor of the earlier amendment which was accepted by our distinguished managers on the public health and emergency fund, is absent today. He has asked me to have printed in the RECORD the following statement that he would have made had he been present. I ask unanimous consent that this statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. CRANSTON. Mr. President, as the author of S. 1226, legislation that I, joined by my distinguished colleagues from New York (Mr. MOYNIHAN) and Massachusetts (Mr. KENNEDY and Mr. TSONGAS), introduced on May 5, 1983, to create the public health emergency fund, I urge support of this amendment offered by Senator MOYNIHAN to appropriate the full authorized level of $30 million in fiscal year 1984 to implement the fund. I am delighted to join as an original cosponsor of the amendment.

Mr. President, the bill enacted to establish the public health emergency fund, H.R. 2713—to which S. 1226 was a companion bill—had very strong bipartisan support in the Congress. On June 13, 1983, it was passed by the House without opposition. In the Senate, the bill was cleared by the majority and minority leaders for expedited action, and on June 28, 1983, it was passed without opposition. On July 13, 1983, at the urging of Members of Congress from both sides of the aisle and despite prior opposition by the Reagan administration, President Reagan signed the measure into law as Public Law 98-49. This law authorizes the creation of a permanent contingency fund in the Treasury to be available for research and investigation into the cause, treatment, and prevention of diseases or conditions which the Secretary of Health and Human Services determines present public health emergencies.

This measure was critically needed in order to help remedy a serious and dangerous inadequacy in our Nation's

health system—the lack of any coordinated Federal mechanism for dealing expeditiously and effectively with large-scale public health emergencies that occur suddenly and require immediate action. The need for our Government to be better prepared to protect the public's health against new and sudden disease outbreaks is a lesson that the Nation has finally learned the hard way, through the current AIDS crisis and other recent emergency situations. Let us not, by failing to provide the appropriation necessary actually to establish the fund, reveal an inability to learn that lesson.

Mr. President, a public health emergency cannot be planned for. The cost for its control, which can be substantial, cannot be calculated in advance and incorporated into an agency's fiscal year budget. Without a contingency fund and coordinated efforts to respond to such emergencies, the only way for the Department of Health and Human Services to react to these problems is the same way it has continually proposed to react to the AIDS crisis—by siphoning off resources from other research areas and public health programs to which the same immediacy may not attach but that are equally important in protecting the health of our Nation's citizens. When those other resources cannot be found and diverted quickly, we experience dangerous delays in our efforts to stop the spread of diseases that can rapidly cause widespread suffering and death. The kind of immediate Federal response that would be made possible by the fund could help us to control future public health emergencies much faster and more effectively than we have been able to deal with AIDS and, hence, save more lives and spare more individuals and families great suffering.

For these reasons, Mr. President, I urge my colleagues to support this amendment in order to help insure that our Government will be better prepared to deal with situations such as the AIDS crisis has presented, by providing standby contingency funding to be used for research and investigation necessary to protect the public in times of public health emergencies.●

Mr. WEICKER. Mr. President, the fact remains that the bill includes a total of $41.6 million, which is slightly more than the House level for AIDS. I can go right down the checklist as to what has been provided in this legislation.

Obviously, nobody wants to be placed in the position whereby, given an amendment such as that offered by the distinguished Senator from New York, they would be on record as voting against any of the emergencies which can occur from time to time.

I appreciate the efforts of the Senator from New York and in no way look upon his objective negatively. I have asked the Senator from New York, as I have asked everybody else on this floor, to please make it possible for us to have a bill. The very area that the Senator from New York is concerned with is one of those areas where we in the Senate have fashioned amounts much larger than the administration requested and larger than the amounts included in the House bill.

I do not want to pretend to the Senator from New York that this is something that stands a good chance in conference, in light of what is already in the Senate bill. As a matter of fact, what is going to happen, first of all, is that the House is going to shoot at me, and then the administration is going to shoot at me, just on what we already have in the bill.

Mr. MOYNIHAN. I have never seen the Senator from Connecticut in the least perturbed by that prospect.

Mr. WEICKER. It is not the prospect of being shot at that bothers me. It is just that I concur with the substance and sentiments as eloquently expressed by the Senator from New York; but in taking this amendment, which I am prepared to do, I do not want to give the impression that it is something on which I will prevail.

Mr. MOYNIHAN. I do not ask anything more than a good-faith effort by the Senator from Connecticut. That is entirely satisfactory to me. I thank him for his generosity. We will try.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2286) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2287

(Purpose: To appropriate $16,000,000 for special projects relating to excellence in education under subchapter D of chapter 2 of the Education Consolidation and Improvement Act of 1981)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) for himself, Mr. CHAFEE, Mr. TSONGAS, and Mr. MOYNIHAN, proposes an amendment numbered 2287.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 2, beginning with "$528,367,000" strike out through line 9, and insert in lieu thereof the following: "$544,367,000: *Provided*, That $466,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided further*, That $44,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1983: *Provided further*, That notwithstanding the second sentence of section 563(a) of the Education Consolidation Improvement Act of 1981, $16,000,000 of the amount appropriated under this heading for subchapter D of chapter 2 of such Act shall be available for projects relating to excellence in education under which (1) individual elementary and secondary schools with a demonstrated commitment to pursuing excellence in education may carry out programs of excellence in conjunction with school principals, school teachers, parents, and business concerns in the locality; and (2) not to exceed 500 socioeconomically and geographically representative local educational agencies are selected for awards not to exceed $40,000 to carry out individual school excellence programs, based on the potential of such schools to experiment with standards of quality and their ability to carry out successful innovative activities:".

Mr. HEINZ. Mr. President, this amendment is based on a bill I introduced earlier this year which was the subject of a Dear Colleague letter that we sent to all of the Members. It is an amendment which will enable the Secretary of Education to award grants to up to 500 individual schools for the pursuit of excellence in education.

The bill I introduced on June 29, 1983, the Excellence in Education Act, was introduced at the same time in the House by Congressman GOODLING, the ranking minority member on the Education Subcommittee of the committee of jurisdiction in the House.

The bill is designed to give us in Congress the opportunity to maintain the momentum that was created by the report of the National Commission on Excellence in Education. That report, "A Nation at Risk," clearly stated that we need to address the shortcomings of our educational system.

What I have in mind in introducing this amendment, Mr. President, is to recognize and reward those school districts across America that are working to eliminate excessive electives, like bachelor living, to toughen high school graduation requirements; those principals that improve their disciplinary procedures; those teachers that incorporate new technologies into the curriculum and demand more home work; and those students who are striving to achieve excellence.

The report of the National Commission on Excellence in Education, "A National Risk," was released 5 full months ago. To date, I must tell you,

Mr. President that we in Congress have done next to nothing in response to the challenge issued to us by that Commission. The Nation is still at risk. Young people have entered another school year and we are still just talking about doing something—no programs have been authorized; and no money has been appropriated; and no other action is anticipated in the near future.

This amendment, which I offer on behalf of myself and Senator CHAFEE, Senator TSONGAS, and Senator MOYNIHAN is, I believe going to put Congress on record as taking an important step to maintain the momentium for improving our schools.

Let me point out to my colleagues that this is not a budget-busting amendment. The total authorization for this amendment is just $16 million. I ask the Senator from Connecticut, the distinguished manager of the bill, therefore to accept this amendment.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Pennsylvania insofar as the attention that he has paid toward education in all of its aspects, I might add.

I only hope that in this situation, which is not authorized, we could continue to work together to get the maximum number of dollars, and the Senator is absolutely correct. We can have report after report out there, but unless there are dollars to do something about what the issues of the report raises, then it has all been to no avail.

The Senator has been a leader in the cause of education, and I truly mean that in the sense of our own party where sometimes the going is not that easy on this particular issue. He has always been a valued ally.

These are rather large moneys again, and I hope again that he will continue his interest. They will have my support.

I hope that this matter would not be resolved at this particular time in this bill.

Mr. HEINZ. I gather that what my friend from Connecticut is saying is that he is tired of making the same speech about add-ons to this bill that he has been making all day.

Mr. WEICKER. The Senator is correct, and indeed my patience is wearing thin, not in the sense of the Senator's amendment but just to the fact that an awful lot of Senators here have been very decent on both sides of the aisle in subordinating their particular interest to the overall good of getting a bill, and indeed the Senator from Pennsylvania himself on other amendments which he wanted to offer has played in that role.

I hope he could continue to do this and give us a shot at coming forth with an original work product.

So I do not mean to be short at all with the Senator. And believe me I believe just as strongly as he does in the subject matter he has placed before the Senate.

Yet I hope that he would back off.

Mr. HEINZ. Mr. President, I do not want to prolong this debate much further. I do want to say that I understand exactly the position of the Senator from Connecticut. He has a very difficult job here trying to make sure that we in fact enact an appropriation for Labor and HHS for the first time in 5 years, and I wish to help him do that. I am not going to insist on any amendment that is going to get in the way of doing that. I want him to understand that.

As a matter of fact, I expect we are going to have another opportunity in the very near future to debate this amendment and vote on it. That opportunity should arise when we take up the supplemental appropriations bill, the early supplemental appropriations, which I am told the House is marking up today.

Would the Senator agree that that would be an appropriate time to take up this amendment?

Mr. WEICKER. I just cannot wait for this famous supplemental to come down the road.

No, I do not know what is going to happen. I have a feeling it could very well be bigger than the bill itself that we have on the floor of the Senate right now.

Mr. HEINZ. I say to my good friend from Connecticut that I do not know anything about the size of that supplemental, but I do know that our leadership has stated its intention of bringing that bill up immediately after we return on October 17.

Mr. WEICKER. The Senator is correct.

Mr. HEINZ. I repeat that as far as I know that is a definite plan of the leadership and that it is not the intention of the leadership to back away from it.

Is that not his understanding as well?

Mr. WEICKER. That is true.

I would hope that the Senator would now direct his attention, however, to getting the authorization through on this and hopefully that they will come together at the time the supplemental is here and be supportive of the Senator.

Mr. HEINZ. Of course, this amendment as drawn carries with it the authorization.

Mr. President, I hope that when this issue next comes before the Senate, and I suspect it may very well be on the supplemental, that this will be an amendment that they can support. I put my colleagues on notice in that regard and I solicit their support.

I hope the Senator from Connecticut at that time will be in a position to support it.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Mr. SYMMS). The amendment of the Senator from Massachusetts will be continued to be laid aside.

AMENDMENT NO. 2288

(Purpose: To provide training, relocation, and job search funds under the trade adjustment assistance program)

Mr. DANFORTH. Mr. President, I send an amendment to the desk on behalf of myself and Senators MOYNIHAN, HEINZ, BRADLEY, SPECTER, GLENN, LEVIN, TSONGAS, RIEGLE, and METZENBAUM.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Missouri (Mr. DANFORTH), for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, Mr. SPECTER, Mr. GLENN, Mr. LEVIN, Mr. TSONGAS, Mr. RIEGLE, and Mr. METZENBAUM, proposes an amendment numbered 2288.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 25, after "$22,500,000," insert the following: "together with $29,700,000 which shall be available only for sections 236, 237, and 238 of the Trade Act of 1974 and for necessary related administrative expenses,".

Mr. DANFORTH. Mr. President, on Friday, Congress enacted the extension of the coffee, international coffee agreement and a part of that bill was an amendment which extended for 2 years the authorization for the trade adjustment assistance program.

The estimated cost of the trade adjustment assistance program for this fiscal year is about $100 million.

The trade adjustment assistance program consists of a program for firms impacted by imports and also a program for employees.

The employees program consists of benefits paid to the employees and also a training component.

The training component is an entitlement program.

Mr. President, I propose an amendment to this bill relating to the trade adjustment assistance program. At one point I had intended to offer two amendments that will no longer be necessary. The first amendment would have provided $40 million to fund benefits for trade impacted workers under the TAA program. This amount was the level estimated by the CBO, based on congressional reauthorization of the TAA program for fiscal year 1984.

Mr. WEICKER. I do not believe that amendment is necessary at this time. Once the extension of the trade adjustment assistance program is signed into law, the administration will be obligated to seek a supplemental to cover these mandatory benefits.

Mr. DANFORTH. I understand from the distinguished chairman that prior to the time that additional funds are specifically appropriated for the benefits portion of the TAA program, there will be no break in the payment of these benefits under terms of the continuing resolution.

Mr. WEICKER. That is correct.

Mr. DANFORTH. Mr. President, the second portion of the employee part of the trade adjustment assistance is the training portion of the program. The estimated cost of the training portion is $26 million for this year and then an additional $3.7 million for administration of the program.

So this amendment is for $29.7 million for training and for administration of the trade adjustment assistance program.

I might say, Mr. President, that the reauthorization was worked out last week after considerable discussion within the Finance Committee and also between myself, Senator DOLE, and Mr. Stockman, and Mr. Stockman said at that time that if the reauthorization was at present level he would recommend that the President sign the bill. It is my understanding that the President either has already signed the bill or will sign the bill. Therefore, this appropriation of $29.7 million is simply to provide the funds to do what we agreed to do last Friday.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise as an original cosponsor of the amendment of my friend and colleague from Missouri, Senator DANFORTH, to call to the attention of the Senate the importance of trade adjustment assistance. We are asking for $29.7 million for worker retraining associated with loss of jobs due to imports. Need I mention that in recent years, we have lost a great deal of jobs because of imports. Last year, we registered the highest merchandise trade deficit in history, a staggering $36 billion. According to Martin Feldstein, the Chairman of the President's Council on Economic Advisers, the merchandise trade deficit will soar to over $70 billion for 1983, and to $100 billion for 1984.

There is a rough rule recently stated by Alfred Eckes, Chairman of the International Trade Commission, that for every billion-dollar increase in the trade deficit, 25,000 job opportunities are lost. If the trade deficit increases to $100 billion for 1984, it will mean that 1.5 million U.S. job opportunities will have disappeared over the period 1982-84. At its peak in 1980, trade adjustment assistance provided $1.6 billion in benefits to 530,000 workers. Today, we debate whether or not to increase funding by $29.7 million. I argue that the least we can do for workers who lose their jobs because of U.S. trade policy is to appropriate this $29.7 million for retraining.

Mr. President, the Tokyo round of the multilateral trade negotiations, the last great achievement of the General Agreement on Tariffs and Trade, took place because the American labor movement kept its long commitment to trade matters by supporting a lowering of tariff barriers. The labor movement agreed to the expansion of trade, knowing that their individual members would be protected from the consequences of governmental trade decisions by the trade adjustment assistance program.

We pledged to American workers that we would help trade adjustment assistance. With the support of labor, we negotiated and later passed in law the Tokyo round of trade negotiations. We have scarcely kept our side of the bargain. TAA is a shell of the program it once was.

But at least some modicum of good faith must be shown. We must insure that the funding for retraining is provided. I am happy to join the Senator from Missouri in sponsoring his amendment. I urge my colleagues to do the same.

Mr. HEINZ addressed the Chair.

Mr. WEICKER. I yield to the distinguished Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank the Senator.

Mr. President, I rise as a cosponsor of this amendment. A comprehensive and effective trade adjustment assistance program is an essential element of a free trade policy. As I have said on numerous occasions in the past, any healthy, growing economy is going to produce change, and our competing in an international free market environment will accelerate such change by exposing domestic producers to foreign competitors. Sometimes such foreign competitors have unfair advantages—their products are dumped in this country or they benefit from government subsidies. Sometimes their government, as in the case of Japan, helps them by effectively preventing our access to their markets, denying us reciprocity. Sometimes we are faced with foreign producers that have a comparative advantage.

Of course in cases of unfair advantage we should fight for our free market principles and for reciprocity. The Senate has passed a reciprocity bill, and the House is presently working on a trade law reform bill. But in all cases, whether the competition is fair or unfair we must also recognize the change it will induce in the United States and the victims it will create in the form of lost jobs, closed factories, and displaced workers. I continue to believe that the Government has an obligation to such victims—both business and workers—because it is our trade policy that has produced them and because it makes good economic sense to help them either adjust to the competition through revitalization or find new jobs through retraining.

It is no secret that the adjustment assistant program that has been in place for the last several years has not been as effective as we would like. In part this is due to deficiencies in the statute, in part to deficiencies in program administration, and in part due to the inherent difficulties of promoting successful adjustment. Qualifying industries tend to be old, severely import-impacted, poorly located, and in dire straits economically. Affected workers frequently have few other local employment options but also have family ties and commitments that discourage moving to other locales. In some sectors, such as steel, pride in a difficult, demanding job and the pay that goes with it are also disincentives to adjustment.

All these factors have combined to produce a full-scale attack on the program over the past 2 years, led primarily by the administration. Unfortunately, in its zeal to reform the program, it not only has reduced its cost by well over 80 percent—which would have fallen substantially anyway due to the decline in auto worker petitions—they so narrowed eligibility as to prevent almost everyone from qualifying. Several of us, led by Senators DANFORTH and MOYNIHAN, succeeded in postponing the implementation of the worst of these requirements but numerous other changes were implemented.

Last week the Finance Committee saved this program by reporting legislation to extend for two additional years. The Congress has sent that bill to the President, and I hope he will sign it. We were given every reason to believe that he would prior to our action last week.

On the merits I would have preferred an expanded program. I have been fighting for such a broader program since 1977 when I first introduced legislation to reform trade adjustment assistance. One of my frustrations over the past 6 years has been the regular failure of the Congress to provide basic, elemental justice to those who lose their jobs because of imports. Unfortunately, last week the administration made clear once again its determination to veto any program other than a simple extension of current law. I regret that decision and oppose it as much now as I have for the past 6 years. Nevertheless, it is a reality that must be acknowledged,

and I supported the Finance Committee's decision to obtain as much as it could with this program because it is so important to my State.

Over the years over 124,000 Pennsylvanians have received benefits under the trade adjustment assistance program since 1975, more than any State except Michigan and Ohio. At present, due to the continuing crisis in the steel industry—just under 100,000 people in the steel industry are still laid off—this program provides significant benefits in Pennsylvania. Its continuation is essential. And so is a sufficient level of funding to make the program meaningful. While the benefits part of the program is an entitlement, training money is not, and we need to insure that adequate funds are available to provide retraining for all those that apply for it under this program. In past years, particularly 1982 and 1983, some participants in the program eligible for retraining have been denied it because of insufficient funds. CBO estimates that $66 million will be needed in fiscal year 1984 to meet the demand for benefits and training money under this program, and this amendment, therefore, is offered to insure that the necessary funds are appropriated.

Finally, Mr. President, let me close with a comment on an argument we have been hearing lately with regard to this program—that it should be eliminated because workers who lose their jobs because of imports should not be treated differently than those who lose their jobs for any other reason. This is an argument that ignores both history and economic reality and needs to be attacked vigorously.

From the standpoint of history, the adjustment assistance program exists as an integral part of our country's free trade policy. Implicit in every trade bill we have considered since 1962 has been the tradeoff between a free trade policy of lowered barriers and the costs that policy creates in increased unemployment in industries that cannot survive the foreign competition. In order to obtain support for a free trade policy—the only policy that over the long term makes sense for any economy—the Congress has consistently opted to provide funds to help the victims of that policy. To do otherwise at this point is to renege on that bargain, and, in fact, to give America's workers nothing to ask for but pure protection and nowhere to go for it but the Congress. Those who would destroy this program ignore the likely consequences on our trade policy as well as the difficulty of reducing unemployment.

From an economic standpoint, there are often special characteristics of the import-impacted unemployed. They are more often than not victims of structural rather than cyclical change, meaning that training is more important because the original job is less likely to return. They are also often in sectors heavily represented with women and minorities or located in semirural areas without other nearby job opportunities. Aside from the huge influx of auto workers in 1980 and 1981 and the current reliance of steel workers on this program, much of its benefit over the years has gone to workers in industries like textiles and apparel and footwear, where the job loss is clearly due to imports and the opportunities for new employment in the same industry slim.

In short, the very circumstances that led to the job loss make adjustment more difficult and this program therefore more important. That is particularly so since the process in the first instance was begun by the Government's trade policy. As I said earlier, Mr. President, I would prefer a larger program with a greater emphasis on retraining. The administration, unfortunately, would not support what is needed. Accordingly, the Finance Committee has compromised. I hope that now this compromise will not come to nothing because of an absence of funds, particularly in such a modest amount. I urge all Senators to support this amendment.

The Senator from Missouri and the Senator from New York have ably stated the case for it. It is absolutely true that the liberalization of our trade laws in 1974 and then again in 1979 has been contingent upon an agreement between ourselves and the people whose jobs are at risk that we will protect them. Without our maintaining our part of that commitment what happens is that we give those workers no place to go but to ask for pure protectionism, and we give them no place to go but to this body to ask for it.

Those in the Senate who decry protectionism, as we all do, and the administration, which also decries protectionism, should recognize it is through giving short shrift to programs like trade adjustment assistance that it fans the fires of protectionism. Those fires, if let loose, could consume us and a lot of other people as well.

So, Mr. President, I again urge the adoption of the Senator from Missouri's amendment.

Mr. DANFORTH. Mr. President, I would like to note the role that Senator HEINZ played in putting together the compromise agreement which was enacted into law last Friday. I can say to the Senate that, but for Senator HEINZ and his effort, trade adjustment assistance would not have been reauthorized. Some of us felt that the trade adjustment program should be expanded somewhat from what it was in the International Coffee Agreement bill, but that was not really a realistic alternative, and in reaching the compromise, which was essential in putting this together, Senator HEINZ played the key role and, therefore, for what remains of trade adjustment assistance, I am sure not what Senator HEINZ would like nor what Senator MOYNIHAN would like, but at least something, but for Senator HEINZ would not have been done.

Mr. President, I ask unanimous consent that the Senator from West Virginia, Senator BYRD, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I rise only to thank my colleague from Missouri for his kind comments.

Mr. MOYNIHAN. Mr. President, might I join the Senator from Missouri in expressing my appreciation to the Senator from Pennsylvania, without whom there would not be even this budget measure which is at least a partial measure of compliance if not full compliance.

The PRESIDING OFFICER. Is there further debate?

Mr. WEICKER. Mr. President, I appreciate the good faith efforts on the matter being raised before the Senate.

On the other hand, I have to point out that this matter has not been raised before the full Appropriations Subcommittee or indeed the subcommittee which has jurisdiction.

It is my understanding that the matter was raised before the Office of Management and Budget and the Administration, and they indicated negatively toward having this amount on this bill.

I am not anxious to get here and subject my colleagues to a rollcall vote which I think would be very unfair in the sense of my demanding from them or asking them for cooperation in trying to get a bill, and have that across, if you will, from the merits as presented by the distinguished Senator from Missouri. It would be unfair indeed.

I think all of us if we can get administration agreement, if it goes through the process, would support what is being asked. There would be no question about it. So why get bogged down and make it difficult for the colleagues on both sides of the aisle in the sense of this particular request?

So I want to make it clear, as I have on items—maybe even set a new trend in the Senate—you pretty well know what is coming out of conference and what is staying in the bill, and I will go ahead and take this amendment and I am going to say it publicly, I am plagiarizing my good friend RUSSELL LONG, I have a feeling it is going to get lost between here and the House.

Mr. HEINZ. Will the Senator yield?

Mr. WEICKER. Yes.

Mr. HEINZ. I have had a lot of experience with that. I claimed proprietary interest for an amendment on one of

our earlier appropriations bill, the emergency jobs bill, which involved general revenue sharing. Almost everybody in the Senate voted to accelerate revenue sharing by one-quarter, all except one person, the chairman of the Appropriations Committee, Senator HATFIELD. And, by golly, the Senator is right, the amendment did drop out. It dropped out in large part because the administration did not support it.

But let me say to my good friend, with all seriousness, one of the more difficult votes I have had to cast, I cast on Thursday. It dealt with whether we are going to have a program which I wanted on trade adjustment assistance—an expanded program that dealt with worker retraining—or whether we would have a straight 2-year extension. My vote was cast in favor of the 2-year extension because the administration, after several of us called up Mr. Stockman, promised to support a 2-year extension of the trade adjustment assistance program. And, hence, I thought it was better to have a program than a vetoed bill and no program at all.

Now, I do not really address this remark to my friend from Connecticut, I say it really for the benefit of people downtown. If they do not support Senator DANFORTH's amendment between here and the conference, they will be breaking faith with this Senator and a number of other Senators, I think, as well. So I want them to hear loud and clear—I say this not for my friend's benefit but for theirs—that they will have at least one Senator, this one, to settle with if they back away from an arrangement that I think in good faith was made last Thursday.

I thank my colleague for yielding.

Mr. WEICKER. Well, I think that is a pretty clear statement. I hope the Senator has better luck against David Stockman than he does against me on the tennis courts.

Mr. HEINZ. If that is the kind of luck it will take, I am in good shape.

Mr. METZENBAUM. Mr. President, I rise in support of the amendment to provide $29 million to fund the trade adjustment assistance program.

Last week, the Senate and House agreed to reauthorize this program for an additional 2 years. I understand that the President will momentarily sign this bill into law.

The money contained in the amendment before us, however, is urgently needed if we are to actually fund the retraining, job search, and relocation portions of this important program.

It is extremely important that we take such action.

More than 70 percent of all goods produced in this country must compete with foreign-made products. Unemployment has not dropped below 9 percent since February 1982. Unemployment in the U.S. steel and auto industries—two basic industries which have been extremely vulnerable to foreign competition—has been between 30 and 40 percent for the same period. Many of the jobs in these industries are simply gone forever.

Mr. President, as a nation we have an obligation to help these people who have been adversely affected by U.S. trade policies and a changing international economy. We must provide them the tools that will help them fill the jobs of the eighties and beyond.

The amendment before us contains the funds which will enable us to fulfill our obligation to a great many American workers.

I urge its adoption.

Mr. WEICKER. Mr. President, I have indicated what should be done with this amendment. Let me say this: I wish the Senators that are its sponsors good luck in their quest. The authorization is there. The administration supported the authorization. Now, if you are going to do that, obviously you support the appropriations.

It would be my hope, however, that this is something that can be worked out with the administration and with the chairman of the subcommittee and we could get the necessary funds there. So I accept the amendment. Unless there is any further debate on it, I move the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Missouri (Mr. DANFORTH).

The amendment (No. 2288) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2289

(Purpose: To provide appropriations under part B of title VII of the Education Act of 1965 for the construction of academic facilities)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Massachusetts will continue to be set aside.

The clerk will report the amendment of the Senator from New Mexico.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself and Mr. KENNEDY, proposes an amendment numbered 2289.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

For part B of title VII of the Higher Education Act of 1965, $38,300,000, to remain available until expended, $18,200,000 of which is provided for construction and related costs of a model sciences engineering facility at the University of New Mexico, Albuquerque, New Mexico, and $20,100,000 of which is provided for construction and related costs of a model high technology science and engineering center at Boston University, Boston, Massachusetts, except that the provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of such part and shall be used for three facilities of the type mentioned in section 713(g).

Mr. DOMENICI. Mr. President, of the $38,300,000 appropriated under part B to title VII of the Higher Education Act, the committee directs that $18,200,000 be provided for construction and related costs of a model sciences engineering facility at the University of New Mexico, that $20,100,000 be provided for construction and related costs of a model high technology sciences and engineering center at Boston University. The provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of title VII and shall be used for three facilities of the type mentioned in 713(g).

The committee affirms its understanding that the designation of the institutions as recipients of these funds controls their allocation. The Secretary is directed to waive section 721(a)(2), relating to the interstate distribution of funds, and is also prohibited from requiring that the University of New Mexico or Boston University make matching contributions or from holding the Federal share of the project to 50 percent. The Secretary is also directed to waive section 721(b), which requires that grants be made in accordance with the advice of a panel of experts, because no such panel currently exists and its establishment would unduly delay the disbursement of the funds. Finally, the Secretary is directed to use these funds for combined graduate and undergraduate facilities as provided in section 713(g) since, while the University of New Mexico and Boston University projects are the type envisioned by part B, each project has an undergraduate component.

Mr. President, this amendment that I offer on behalf of myself and Senator KENNEDY has been cleared with both floor managers on the majority and minority side. I understand it may

very well not clear conference, but I have cleared it and I understand it is acceptable.

Mr. WEICKER. Mr. President, it is and I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico (Mr. DOMENICI).

The amendment (No. 2289) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COSPONSOR OF AMENDMENT NO. 2280

Mr. HEINZ. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Metzenbaum amendment agreed to earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I yield to the Senator from Idaho.

AMENDMENT NO. 2290

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Massachusetts will be temporarily set aside.

The clerk will report the amendment of the Senator from Idaho.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2290.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Provided further, That out of the funds appropriated herein for use under the trade Adjustment Assistance Program, or from other available funds, sufficient funds shall be available to complete currently ongoing Trade adjustment Assistance training and relocation projects for those eligible displaced workers who became totally or partially separated from employment on or after December 1, 1981, and before September 1, 1983, and who were determined to be eligible on or before June 14, 1983.

Mr. McCLURE. Mr. President, this amendment does not add any funds. It simply allows that, out of existing funds, there will be enough money spent to continue the existence of one program that is in midstream now and would otherwise lapse on October 1. If we do not get it done in this bill, we will have to come back in a couple of weeks, but there will be a gap in that training program in the meantime. I think it has been cleared on both sides and I do not know of any objection. I hope the amendment can be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho (Mr. McCLURE).

The amendment (No. 2290) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2291

(Purpose: To increase appropriations for the Job Training Partnership Act)

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Massachusetts will be temporarily laid aside and the clerk will report.

The bill clerk read as follows:

The Senator from Indiana (Mr. QUAYLE), for himself, Mr. HATCH, Mrs. HAWKINS, Mr. KENNEDY, Mr. CHILES, Mr. RIEGLE, and Mr. COCHRAN, proposes an amendment numbered 2291.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 15, strike out "$2,793,810,000" and insert in lieu thereof "$2,843,810,000".

On page 2, line 24, strike out "$3,605,198,000" and insert in lieu thereof "$3,919,148,000".

On page 3, line 10, before the period, insert a colon and the following: *"Provided further,* That amounts available for part A of title II and part A of title IV, of the Job Training Partnership Act shall not be less than the amount available for fiscal year 1983 for each such part or the period July 1, 1984 to June 30, 1985.

Mr. QUAYLE. Mr. President, I know the hour is late, that we will vote on this amendment and then vote on final passage. At least, that is the way I understand it.

Before I proceed, I do want to compliment in all sincerity and candor the chairman of the Subcommittee on Labor-HHS Appropriations Subcommittee for the cooperation we have had on this issue. We have communicated for a long time, from day one when we knew this would be a questionable item in the budget. I do appreciate the continued communication. I regret the fact that we could not work something out. I understand his responsibilities and I hope he understands where I am coming from because this issue of the Job Training Partnership Act is very, very important, not only to me, but also important to a number of other Senators who are consponsoring this amendment.

The cosponsors are Senators HATCH, HAWKINS, KENNEDY, CHILES, RIEGLE, and COCHRAN.

This issue will be on what is going to be the funding level for the new Job Training Partnership Act.

Under this amendment, we will be accepting under title II of the Job Training Partnership Act, which is the part that goes to the economically disadvantaged and primarily the young people, a reduction of approximately $200 million for the next fiscal year. That is a reduction, Mr. President, of about 15 percent for a new program that is just getting off the ground.

The President referred to this in his radio address last week. That is why I do not fear a veto a fear which has been hanging over us all day as we considered amendments. I do not fear a veto on this particular amendment because the President in his weekly radio address hailed this as a bold and historic program.

If we are going to have a bold and historic program, we are going to have to give it a chance.

Mr. President, what has happened in the way the Job Training Partnership Act has evolved in the funding is a very unfortunate aspect because what we have done in this program is to take money out of title II, which is the economically disadvantaged, primarily the young people, and put it into title III, which is the dislocated worker provision and increased that funding.

What we are doing is pitting one group of people against another.

Not only is this socially divisive but it is simply wrong policy.

I certainly know the restraints of the budget, having served on the Budget Committee. This is well within the budget. As a matter of fact, it is $200 million below the authorization for appropriations in the budget—$200 million in savings in this amendment over the current funding.

But we are not satisfied with $200 million; we want $319 million. What this does is to restore a little bit of

money, about one-third from the reduction from current funding that took place in the Job Training Partnership Act.

Mr. President, the Job Training Partnership Act passed this Chamber last year 95 to 0. It passed going to conference on a unanimous vote and passed coming out of conference on a unanimous vote.

I believe that if we are serious about giving this program ample time and ample consideration that the cut should not be made, particularly to the economically disadvantaged people. Those are who you are going to be cutting. I hope that message is loud and clear, that you are cutting $319 million from current funding from these people and they are primarily the young people.

We still have in this country an unemployment problem and we have a training problem. Believe me, according to the recent Governors task force recommendation, Governor Thompson of Illinois said that it is going to cost money to train. As a matter of fact, the costs of training are not going to decrease. The costs for training are not going to decrease and we certainly have an ample, sufficient need for training and retraining in this country.

Look at some of the inner cities and some of the teenage unemployment, where black teenage unemployment have pockets of 15 percent. These are the people who are going to be the recipients of these cuts. These are the people who are not going to have the opportunities that everybody on this floor voted for just a year ago, voted by a unanimous vote to fund the new program to get it off to a good beginning.

One of the new features of this program is to give the responsibility to the Private Industrial Council which will be composed of at least 51 percent from the private sector. They are now full partners with the public sector in making the decision on who are going to administer these programs, who are going to be the deliverers of the services of these programs. If we sit and make a dramatic cut before we even start this program, it is going to send a very cynical message to them that, really, what the Congress does and says is not followed up by what the Congress is willing to afford.

Over the last 3 years our subcommittee has cut about $4 billion from the training and employment programs. We have saved $4 billion over the last 2½ to 3 years in employment and training programs. We are not going back to the 1981 level. We have reduced that.

But I can tell you, Mr. President, that to make these cuts at this particular time for this program is not giving this new program a chance.

I understand, and can be sympathetic with, the problems the subcommittee has. They cannot answer everybody's request for funding for additional programs. But there are a lot of programs in this bill that got pretty good increases. I will not name them. There are groups out there that have very well financed apparatuses, who are able to make sure their programs are taken care of.

Well, they are not doing it to people that go out and have the financial organization or the political organization to come in and really get the message across on how important training is for the economically disadvantaged. The training constituency is not a large constituency, unfortunate as it may be. It ought to be a larger constituency; much larger than it is now. It takes a few of us to stand up on the floor here and offer these amendments, to say that it is wrong, that we disagree with it, we understand what was done, but try to take some corrective measures in this program. If the Senate was serious, which I believe that it was, when it voted unanimously to give this program a new push, get it off the ground, then it will go for this very modest amendment to try to restore approximately one-third of the cuts that have been recommended.

We are not asking to go back to the current level. We are not going to go back to current level. We have already accepted defeat, that we are not going to get there—at least we are not going to get there in the first 6 months. We hope that we can get there beyond. But if we are going to see this program succeed, it is going to have to be financed at an adequate level.

There can be much debate on what is an adequate level. That is why this amendment says we will go ahead and accept those reductions on a modest basis until July 1, which is the beginning of the program year. After that, we would like to see it restored to 1982 funding.

This is not an increase. We are not asking for the whole boat. We are not even asking for a half boat. We are asking for a restoration of one-third of the funds for title II of the economically disadvantaged, primarily the young people in this country who so desperately need our attention.

We make a lot of speeches about industrial policies. Everyone has an industrial policy these days. Reach in your pocket and you have another industrial policy. But every one of them talks about training the young people, giving the opportunities to the structurally hard core unemployed and retraining the dislocated workers.

Mr. WEICKER. Will the Senator yield?

Mr. QUAYLE. I shall always yield to my chairman on this matter or other matters in which we have a mutual interest.

Mr. WEICKER. Mr. President, I noticed he is representing this as a small amount being added to the bill. I wonder if the Senator will tell me what this adds to the bill in budget authority and what it adds in outlays.

Mr. QUAYLE. In outlays, which are of critical importance, particularly outlays in the next fiscal year, it adds $115 million for 12 years.

In budget authority, it is $364 million.

Mr. WEICKER. $364 million in budget authority and $115 million in outlays.

Mr. QUAYLE. Those are the figures, and I again state that we are looking at the outlays of $115 million for a fiscal year, which is reducing outlays of about $200 million from current funding. We are asking to restore one-third of the cuts from current funding. This is the point. This is not an increase. We are going to reduce, even under the Quayle amendment, by approximately two-thirds, outlays for a 12-year period of time from current funding. Yet this is a new program that the Senate unanimously supported a year ago.

I yield to my good friend from West Virginia.

Mr. WEICKER. Mr. President, is the Senator yielding for purposes of a question?

Mr. QUAYLE. I yield for purposes of a question.

Mr. WEICKER. I want to say I intend to yield to my friend.

Mr. QUAYLE. If he does not wish to yield for the purpose of a question, I shall finish and yield the floor.

Mr. RANDOLPH. Mr. President, I want to commend the Senator. I want to ask him if I may be a cosponsor of the well-reasoned amendment he has offered. Several Senators have joined him in that effort. This is an approach that we should support, and I am just asking if I may be a cosponsor with some others.

I say to the Senator that I think his request is reasonable and I think this is something that we should approve.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, I shall conclude in 30 seconds.

This amendment goes to title II, the Job Training Partnership Act. It is restoring one-third of the cuts from current funding. We will still be, even if this amendment is passed—which I anticipate and hope will happen, because this has strong bipartisan support, we have cosponsors on both sides of the aisle—at $200 million below current funding. In fiscal year 1982 dollars it will be $232 million.

We are asking for help and support. These kids need our help. I have heard speeches on training and training opportunities and the idea that we have to help the hard-core structurally unemployed, this is an opportunity to put our votes where our speeches have been. We have made a lot of good speeches. Now, here is a chance to make a small but, I think significant, corrective measure and will not do violence to the new Job Training Partnership Act that is just beginning.

I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, I want to lend my support to the amendment offered by my friend and colleague from Indiana. It is no secret that I do not often agree with my colleagues on the other side of the aisle.

But on this issue, Senator QUAYLE, Senator HATCH, and I are together.

Last year this body voted unanimously to support the Quayle-Kennedy job training bill. October 1 marks the beginning of that new program and with it a fresh start in training the unemployed for jobs.

Unfortunately, the success of this new program is threatened by the funding levels in the bill.

All of us have worked hard to persuade Governors, mayors, and business to take on the difficult task of training the jobless. We have spoken to them of a new era of partnership and cooperation. Washington would provide the resources and business and local government would provide the ideas—the energy and the innovations needed to train and educate those out of work.

But the bill before us reneges on our part of the bargain. We promised that these programs would be judged on performance but, even before the program has a chance to get off the ground, we are cutting the fund by as much as 30 percent.

This amendment would help keep the promise we made. It restores $50 million for this year's program. It will fund next year's program at the current level. I would like to see us do more, but I know the Quayle amendment is the most we can get.

I know there are those who will say that this year we can do more with less, since 70 percent of the funds in title II must be spent for training. But it cannot be done. I ask unanimous consent that a statement prepared by the Massachusetts Department of Manpower Development, which explains why fewer unemployed will be trained if funds are cut, be printed in the RECORD.

I urge my colleagues to support the Quayle amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM

SEPTEMBER 19, 1983.

To: Patricia Wright for Jack Lew, Office of the Speaker.

From: Kim Kennedy, Massachusetts Dept. of Manpower Development.

Subject: Fiscal Year 1984 Appropriation for the Job Training Partnership Act.

It is my understanding that the House Appropriations Committee, in an effort to avoid a presidential veto of the Labor, HHS appropriations bill, has recommended, among other things, $1.886 billion for JTPA's Title II A. This level of funding, they believe, will ensure the same level of services to participants as provided by CETA funding in FY 1983.

The above assumption is based upon information received from the Reagan Administration indicating that the "unit cost per service year" will be significantly reduced under JTPA. This reduction, it is believed, will result from policy changes that eliminated stipends and placed a strict limitation on the amount of money that can be paid to participants in the form of needs-based payments and other supportive services. Under this assumption, the same number of participants could be served for less money. Hence, a recommendation of $1.886 billion for Title II A of JTPA.

The Massachusetts experience in implementing JTPA, however, provides evidence that this assumption is faulty and that the average cost per participant is, in fact, remaining fairly stable or even rising slightly. In fiscal year 1982, the average cost per participant for Massachusetts CBTA programs was $2,007. While fiscal year 1983 is not yet complete, it is estimated that the average cost per participant will fall between $2,200 and $2,300. Furthermore, local service delivery area job training plans for fiscal year 1984, as approved by the Private Industry Councils and local elected officials, reflect a planned cost per participant of $2,294.

A number of reasons can be cited for this phenomena. First and foremost among them is a change in the type of intervention strategy utilized at the local level, necessitated by policy changes resulting from the transition to JTPA. The following are a few examples of the types of wide-spread changes that are occurring as a result of new JTPA policies:

(1) The new emphasis on performance standards and more rigorous measures of program outcomes, coupled with requirements to serve greater numbers of youths, welfare recipients, and high school dropouts, has meant that longer-term and more costly intervention strategies must be used;

(2) The strict limitations on the cost allocation of expenditures for work experience programs have meant that this program activity, when not coupled with more intensive skills training, will be virtually eliminated. Yet this program was an inexpensive and widely used activity under CETA: and

(3) Because more rigorous program outcome measures have been imposed for in-school youth programs, a return to school will no longer be sufficient to earn a positive outcome. As a result, the non-placement oriented activities most often provided to this population (career employment experience and world of work programs) will be de-emphasized. Unfortunately, these were among the least expensive programs options available under CETA.

In addition to new JTPA policies that have led to more expensive intervention strategies, other policies have placed severe constraints on the SDAs' ability to reduce participant costs. For example, JTPA has imposed a 15 percent limit on expenditures for administrative purposes, reducing the ceiling from the 20 percent allowable under CETA. When writing the legislation, Congress anticipated a consolidation in the number of local service delivery areas. It was assumed, therefore, that these larger areas, each with a greater share of state funding, could support their administrative entities with a smaller share of their allocation.

Unfortunately, this consolidation did not occur. Furthermore, because a threshold level of funding is needed to support basic administrative and programmatic staff, the viability of many areas is threatened by reduced funding. To some extent. SDAs have become increasingly conscientious about apportioning staff costs among the appropriate cost categories (charging the time spent on providing training and supportive services to those activities) instead of simply charging staff time to administration. While this practice may enable them to survive, it is yet another factor that prevents participant costs from declining.

I hope that this information has provided some insight as to why participant costs are not likely to decline under JTPA. The full range of policy changes resulting from the transition to JTPA, not only those relating to the payment of stipends and the provision of supportive services, must be examined to realistically assess unit cost changes. If I may be of further assistance in clarifying this matter, please do not hesitate to contact me at (617) 727-8442.

● Mr. RIEGLE. Mr. President, I am pleased to join my colleagues as a cosponsor of this amendment which would add funds to the Job Training Partnership Act.

The Job Training Partnership Act (JTPA) which on October 1, 1983, replaced the Comprehensive Employment and Training Act as this Nation's major Federal training program, provides training for disadvantaged individuals, dislocated workers, unemployed youth, the elderly, and others who face barriers to employment.

At a time when 10 million Americans are unemployed and millions more are underemployed, we cannot afford to underfund programs that will provide necessary job skills.

One of the greatest tragedies we face today is that of youth unemployment; a problem especially severe among minority and disadvantaged youth. One program has proven to be especially effective in meeting needs in this area—the Job Corps. Nearly 80 percent of those who remain in the program 1 year or more successfully gain employment and others return to school. The Job Corps program also provides counseling and has meant a second chance for more than 800,000 disadvantaged and discouraged young people. This amendment would insure a more adequate funding level for this highly successfully and much needed program.

Another section of JTPA addresses the needs of dislocated workers—those workers whose former jobs have been permanently lost due to plant closing or technological changes. This amendment would provide additional and necessary funding for what may

become the single most important problem facing workers in the next two decades.

Finally, this amendment adds funds to programs which meet the needs of special populations such as migrant and seasonal farmworkers and Native Americans.

I urge my colleagues to join me in supporting this amendment. Although this amendment does not completely meet the tremendous need in this country for training and retraining it represents a further step in the right direction. I thank and commend the Senator from Utah (Mr. HATCH) for his leadership on this vital issue.●

Mr. METZENBAUM. Mr. President, the Job Training Partnership Act (JTPA) has been touted by the Reagan administration as the centerpiece of a renewed effort to assist unemployed disadvantaged adults and youth. This new program encourages the close involvement of the business community as a full partner in employment and training programs. States have a greater say in the types of services provided. An emphasis is placed on actual training.

Now we are implementing the Job Training Partnership Act. It took effect on October 1. Yet the administration has recommended a 30-percent cut in funds compared to current levels. This program—the administration's handiwork—is not even off the ground, but funds are already being cut. Mr. President, when faced with this fact, I must seriously question the administration's commitment to effective job training programs.

The Job Corps is a program that works. The return on investment of this program has been estimated to be approximately 46 percent with a calculated payback period of only 3 years. Unless funds for the Job Corps are maintained at at least current levels, we are throwing away a rate opportunity to prevent thousands of young people from living a tragic life of poverty.

Corps members are youth who are clearly disadvantaged, from poverty backgrounds, and who have not completed high school. The past work histories of most participants are typified by high unemployment, few work hours, low wage rates, and low earnings. The Job Corps gives these young people a chance to leave deprived environments. It provides them with the skills necessary to obtain and hold a job. The Job Corps experience demonstrates that those who are the most disadvantaged can be helped.

Carefully designed evaluations of the program have shown the following:

Approximately 85 percent of Job Corps graduates are placed into jobs and at wage rates averaging $4.65 per hour;

Corps graduates earn substantially more than young people of similar backgrounds who did not participate in the program, and they work more weeks per year;

Future earnings ability of participants in the program were enhanced as a result of obtaining a high school diploma, more attendance at vocational or technical schools, and more enrollments at college.

At a time when the Nation's unemployment rate for all young people is 23 percent and the rate for black teenagers exceeds 53 percent, we should be expanding successful programs to allow greater numbers of people to benefit. At the very least, we should not cut services to needy people.

As the ranking minority member of the Senate Subcommittee on Employment, I am very disturbed by the administration's decision to cut funds for JTPA and Job Corps. I urge the Senate conferees to restore these vital funds, and to maintain the highest possible funding level for these job training programs.

Mr. HATCH. Mr. President, Saturday, October 1, is not just the beginning of a new fiscal year, it is the official birth of the Job Training Partnership Act. This act, enacted by Congress a year ago and signed by the President on October 13, represents a fresh new start in employment and training policy. At a time when our Nation is working to overcome high structural unemployment among those who are economically disadvantaged, those who face artificial barriers to employment, such as a handicap, and those who have become displaced by changing technologies or international competition, the Job Training Partnership Act is a necessary and potentially effective system for helping people help themselves.

The transition year from CETA to the JTPA has now passed. All of the major components of the new system are falling into place. Business organizations, State, city and county governments, labor unions, and community-based organizations have all rallied their memberships to a cooperative and enthusiastic send off. I do not believe I have ever known a program to inspire such support from such diverse interest groups.

The immediate problem is that Congress is about to drop the ball. Everyone else involved with the new program has been holding up his end, but we are about to pull the rug out from under them to the tune of $350 million the first year. How can we expect local governments and private industry councils to tackle this problem effectively when their funding to do the job has been cut.

Now, I hope there will be a time when I am able to stand on the floor of the Senate and support reductions in these programs because they are no longer needed, or the problem has subsided sufficiently to justify a lower level of spending. Unfortunately, I do not think this is the time. This is a time to renew our commitment to job training.

Job training funds were cut when we enacted the JTPA. Most service delivery areas will already have fewer funds to work with than they had previously under CETA. We anticipate that because 70 percent of the funds must be spent for direct training and the strict 30-percent limitation on administrative and supportive services costs, we will have a fighting chance to maintain some consistent level of service in the transition; however, this will obviously not be possible if we reduce the funding level this year.

The Job Corps, for example, is already pressed to maintain a 40,500 slot capacity as well as make necessary repairs and improvements to the physical plants and facilities of some Job Corps centers. Some safety and health hazards cannot be overlooked any longer.

The Job Corps has been shown time and time again to be one of the most effective programs we have for dealing with unemployed, discouraged youth. The unemployment rate for youth is 23 percent. For minority youth it is nearly 50 percent. The Job Corps provides a unique and effective mix of residential, counseling and job training services to help young people find their place as full, contributing citizens in our society.

I urge my colleagues to support this amendment on behalf of economically disadvantaged youth and adults in each of your home States. We must seize this opportunity to make JTPA's first year a successful one, as well as to sustain the 106 Job Corps centers capacity to educate and counsel our Nation's troubled, though hopeful, young people.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the qorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, one of the most difficult jobs I find in trying to lead on this side of the aisle is that, occasionally, I must do things that perhaps I do not agree with personally and certainly I do not like to do because of personal relationships which exist.

I cannot think of a single person in this Chamber whom I admire more than I do the Senator from Indiana. He is not only a bright young Senator; he is destined to be a Senator for a

long time, in my opinion, and he fights tenaciously for his point of view. But it is my responsibility and duty to try to support the committee system that has been designed to carry on the business of the Senate.

In this case I find it essential, therefore, that I move to table the amendment of the distinguished Senator from Indiana, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Mr. MITCHELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Mr. MITCHELL) would each vote "Nay."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are the any other Senators in the Chamber wishing to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—50

Abdnor	Gorton	Pressler
Andrews	Grassley	Proxmire
Armstrong	Hatfield	Roth
Baker	Hecht	Rudman
Boren	Helms	Simpson
Chafee	Humphrey	Specter
D'Amato	Jepsen	Stennis
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Denton	Laxalt	Thurmond
Dole	Long	Tower
Domenici	Mattingly	Trible
Durenberger	McClure	Wallop
East	Murkowski	Warner
Evans	Nickles	Weicker
Garn	Nunn	Wilson
Goldwater	Percy	

NAYS—44

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Bingaman	Hart	Moynihan
Boschwitz	Hatch	Packwood
Bradley	Hawkins	Pell
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Byrd	Hollings	Randolph
Chiles	Huddleston	Riegle
Cochran	Johnston	Sarbanes
Cohen	Kennedy	Sasser
Dixon	Lautenberg	Stafford
Dodd	Levin	Tsongas
Eagleton	Lugar	Zorinsky
Exon	Matsunaga	

NOT VOTING—6

Biden	Inouye	Mathias
Cranston	Leahy	Mitchell

So the motion to lay on the table Mr. QUAYLE's amendment (No. 2291) was agreed to.

Mr. WEICKER. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PROXMIRE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Madam President, I yield for 1 minute to the distinguished Senator from Michigan who is a cosponsor of an amendment with Senator KENNEDY which they kindly have agreed to pull down, but I guaranteed him a right to speak his piece and am pleased to do so.

Mr. RIEGLE. I thank the Senator.

Madam President, I am pleased to have Senator KENNEDY, who has demonstrated much leadership in the area of health care, join with me as the principle cosponsor of this amendment and to offer this amendment for me. This amendment is designed to provide $900 million to provide payments for health benefits for unemployed workers and their families. This amendment is worded so that funds will only be available if the authorizing legislation we have been considering both in the House and the Senate is signed into law.

As many Senators know there is a critical problem facing millions of Americans who have lost their health insurance when they lose their job. Many times this affects not only the worker, but also his or her family members who relied upon the employment-related health insurance policy for protection against the devastation of illness without access to health care.

Madam President, we have been working very actively to iron out the differences in the various approaches that have been proposed to deal with this critical problem. I have introduced a bill, Senator KENNEDY has introduced a bill, Senators DOLE, HEINZ, QUAYLE, and others have all proposed specific remedies for this national problem. Our staffs have been meeting, and as was announced last week on the Senate floor, we are very close to agreement. It has been a give-and-take situation, but I am confident that we will soon be voting on authorizing legislation designed to address this national tragedy.

The reason why an amendment is needed on a appropriations bill is to assure that the funds will be immediately available to the States as soon as the President signs the bill into law.

Even though the Senate has gone on record two times in the last 4 months demonstrating its overwhelming support for meeting the health care needs of unemployed workers, we have yet to enact legislation in this body. It now looks like legislation will be enacted before the 1st session of the 98th Congress and it is essential that we have funds in place and available as soon as this legislation becomes law. Let us not find ourselves creating the situation where we enact legislation only to fail to provide funds to implement it.

It is important to reiterate that the issue before us today does not relate to how we should deal with this critical problem. Rather the amendment before us today is simply to assure that when we finally agree on a method of meeting this urgent need, that funds will be immediately available. It is also important to restate that the amendment we are offering today is contingent upon the enactment of authorizing legislation and that no funds can be spent until such authorizing legislation has been signed into law.

Madam President, I believe it is clear that we will soon have a bill creating the authorizing statute before us sometime this month. The House has already passed authorizing legislation with a 78-vote margin of 252 to 174. We need to assure that adequate funds will be available upon enactment and, therefore, I urge all of my colleagues to join us in supporting this amendment.

Madam President, I understand that the amendment, the health insurance benefits for unemployed workers, has been set aside at the desk, and it is my understanding that the Senator from Connecticut has indicated earlier in the colloquy with the Senator from Massachusetts that it is his intention to help us see to it that in the supplemental we will provide the $900 million of funding. At that point we should have an authorization for these health care benefits coming down the line.

I assume that that means that not only will we be working together in that regard but it will be a joint effort that if the authorization comes at some point before the supplemental the Senator would help in any way possible to see to it that we get the funding available once the authorization is in place.

Mr. WEICKER. Madam President, I gave those assurances to the distinguished Senator from Massachusetts and gave it to my friend, the Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

Mr. WEICKER. Madam President, I wonder if the Senator would also at this time complete it. As I understand it, does not the amendment have to be withdrawn? I think it is still at the desk.

The PRESIDING OFFICER. Yes, the amendment is pending.

Mr. RIEGLE. Madam President, on the basis of the colloquy and understanding, I ask that the amendment be withdrawn at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

RAILROAD RETIREMENT BOARD STUDY

Mr. SPECTER. Mr. President, it has come to my attention that the "last person service" provision of the railroad retirement system needs examination.

It is my hope that the following colloquy between the distinguished chairman of the subcommittee and myself will suffice as legislative history to indicate that from the appropriations provided to the Railroad Retirement Board by the bill being considered today the Board is to conduct a study.

"Last person service" means that an individual must cease working for his current employer in order to receive his railroad retirement pension. This same person could work somewhere else with certain earnings restrictions. He or she simple could not work for the "last person" for whom he or she worked when applying for railroad retirement benefits.

I would ask that the Board study the problems and cases resulting from this law and examine the fiscal implications of putting an alternative $2,500 earning limit on the last person service requirement. It is my understanding from the Railroad Retirement Board that this study can be done with no additional appropriation necessary.

In addition, Mr. President, I would like to point out to my colleagues that a similar colloquy between Chairman NATCHER and Congressman BILL GOODLING took place on September 22, 1983, and that Chairman NATCHER expressed his committee's support for such a study.

Mr. WEICKER. I thank the Senator from Pennsylvania for bringing this to our attention. The Railroad Retirement Board has informed me that it is interested in conducting such a study and that it will incur no extra cost. Therefore, the committee intends that this study be carried out.

Mr. SPECTER. I thank the chairman for his assistance in this matter.

Mr. BUMPERS. Mr. President, I would like to ask the distinguished chairman, how much has been set aside in this bill for the migrant student record transfer system and interstate coordination?

Mr. WEICKER. As indicated in our report the committee level for migrant programs includes $7 million for the migrant student record transfer system.

Mr. BUMPERS. Mr. Chairman, could we get an agreement that this amount be set aside specifically for the MSRTS and interstate coordination program.

Mr. WEICKER. That is the intent of the committee.

Mr. BUMPERS. I thank the chairman for his assistance in resolving a problem created by the Department of Education's failure to make available the full amount needed to adequately administer this program. It is a very worthwhile program. It has been responsible for the graduation from high school of over 6,000 migrant students each year. This is quite an increase over the less than 200 migrant students who graduated each year before this program was initiated.

Mr. ABDNOR. Mr. President, I rise in strong support of the committee-approved Labor-HHS and Education appropriations bill. I applaud the efforts of the committee leadership, particularly those of the distinguished chairman and ranking member of the subcommittee, Mr. WEICKER and Mr. PROXMIRE, in expediting consideration of this important legislation. For the first time in a number of years, we have the opportunity to enact a Labor-HHS and Education bill.

Mr. President, the task which faces this subcommittee is a most difficult one. The programs under the subcommittee's jurisdiction have a direct impact on the quality of all our lives. As a member of the full committee, I can assure my colleagues that the Senator from Connecticut has bent over backward to address the concerns raised not only by the members of the subcommittee, but also those brought to his attention by the members of the full committee and the entire Senate.

Mr. President, I wish especially to commend the chairman of the subcommittee and his excellent staff, for the help and cooperation they have extended to this Senator. I urge my colleagues to support H.R. 3913, as reported by the Senate Committee on Appropriations, and to oppose add ons which may jeopardize enactment of this well-balanced measure.

COLLOQUY REGARDING AMENDMENT NO. 2272

Mr. DECONCINI. I would like to clarify the chairman's interpretation of the committee's intent regarding fiscal year 1984 funding for part D, section 130 of the Rehabilitation Act which enables Indian tribes to provide rehabilitation services on Indian lands.

Indian rehabilitation projects are identified as being eligible for funding by appropriations through section 100(a)(3). I understand that it is the committee's intention to make available $700,000 under section 100(a)(3) of the Rehabilitation Act for all Indian tribes to deliver rehabilitation services on their reservation.

The need for rehabilitation services in Indian county is tremendous because historically Indians are an underserved group. I would appreciate knowing of the chairman's views on this matter.

Mr. WEICKER. The Senator from Arizona is correct in his interpretation of the committee's intent. He may be assured that $700,000 will be available in this measure for Indian tribal rehabilitation projects. I will be happy to communicate with the Department on this very subject.

Mr. DECONCINI. I thank the Senator very much for his support and commitment to resolving this problem.

CORPORATION FOR PUBLIC BROADCASTING

Mr. BYRD. Mr. President, I address my question to the distinguished floor manager of the bill, Senator WEICKER. It is my understanding that the fiscal year 1984 appropriation for the Department of Labor, Health and Human Services, Education, and Related Agencies contains $130 million in advance funding for the Corporation for Public Broadcasting, is that correct?

Mr. WEICKER. The Senator is correct. There is $130 million in this bill to be made available to the Corporation in fiscal year 1986. This is the same amount as was provided in last year's bill, and it is the authorization ceiling as well.

Mr. BYRD. I believe that for fiscal year 1982 the Congress appropriated $172 million and that this amount was cut to $137 million for fiscal year 1983 and further reduced to $130 million for each subsequent fiscal year through 1986. So, with inflation, the fiscal year 1986 funding will probably purchase only one-half of what the appropriation for fiscal year 1982 did.

Even on its limited budget, I believe that the Corporation for Public Broadcasting is doing a splendid job of providing high quality program material to the American viewing and listening public. This belief is confirmed by the four Emmy Awards recently won by programs sponsored by public television. So, Mr. President, I am proud of the job being done by the Corporation, and and I believe that many of my colleagues are as well.

Now, I understood the chairman of the subcommittee to say that the $130 million included in this bill represents the full amount authorized to be appropriated. Considering the broad congressional support for the Corporation for Public Broadcasting, would the Senator from Connecticut be willing to work with me to try to raise the authorization ceiling and to subsequently increase the appropriation level for the Corporation to at least cover those additional costs due to inflation.

Mr. WEICKER. I wish to assure the Senator from West Virginia that I share his interest in the Corporation for Public Broadcasting and will work with him on this matter to raise the funding level.

Mr. HATCH. Mr. President, I rise in support for increasing appropriations for the Senior Companion programs

(SCP) which are administered by the ACTION Agency. The additional $6 million will increase the number of programs which will serve elderly citizens in their homes and increase their independency. The Senior Companion volunteers are provided an opportunity to assist others and feel they are providing a worthwhile service. It is projected by the ACTION Agency that in fiscal year 1984 the Senior Companion programs expect to fund 3,900 volunteers in 76 projects and serve 16,975 clients daily. The program has demonstrated the value of Senior Companions in facilitating early release from institutions, deferring institutionalization, and the benefits of one-to-one, in-home care in helping older people achieve and maintain the highest level of independent living.

S. 1129 passed by the Senate on September 14 includes a provision to increase the number of SCP programs and strengthen the training component. Especially those States which currently have only one Senior Companion program will benefit from this additional appropriations. I encourage my fellow Senators to support the proposed increase.

JOB TRAINING BLOCK GRANT

● Mr. CHILES. Mr. President, I share the concern of many of my colleagues here about the fact that the continuing resolution extends the job training block grant at a level almost $300 million below 1983 funding.

There are, of course, many programs that are funded at lower levels under the resolution. While this is a concern, and a good incentive for us to pass a 1984 appropriations bill, it is a particular problem in the case of the block grant for job training.

The States and private industry are geared up to go forward with the new block grant. A smooth transition from CETA to the new block is best achieved by a steady flow of funds. We risk a disruption and a shaky start if we put a squeeze on the flow of dollars in the first quarter, then gear back up or flood the pipeline later.

Even more important is the signal we send the States by any reduction in funds for the new program.

Like other members of the Appropriations Committee, I looked into things like carryover funds from 1983 and the projected lower unit costs for the new program. We are kind of working in the dark in these areas, because we are talking about a new program.

However, we are talking about high intensity, longer term job training. We know the Governors will have new responsibilities for developing performance standards and labor market information. Factors like these can eat up carryover funds and raise unit costs above our estimates.

The real issue here is that we should not be talking about cutting it thin at all. Unemployment is still 9.5 percent nationwide. Joblessness for blacks is 20 percent and among black youth is 53 percent. There are over 10 million people out of work.

Here we have a new program designed to train the disadvantaged and dislocated workers for private sector jobs. Its success depends on confidence and involvement of the private sector and the States. It is an investment in productivity and the future. We owe it to the unemployed, and the States and the private sector, to make the same commitment we are asking them to make in the program.●

Mr. DOMENICI. Mr. President, I support the Departments of Labor, Health and Human Services, and Education, and related agencies appropriation bill as reported by the committee.

H.R. 3913 provides $92.5 billion in budget authority and $80.8 billion in outlays for programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

With adjustments to reflect, first, outlays from prior year budget authority, second, possible later requirements, and third, mandatory program adjustments to the first budget resolution levels, the bill is $2.1 billion below the subcommittee's 302(b) budget authority allocation and $0.1 billion in outlays over its outlay allocation under the first budget resolution.

With respect to the credit budget, the Senate-reported bill provides $0.6 billion in new direct loan obligations and $6.9 billion in new primary loan guarantee commitments. The total for direct loan obligations is $54 million below the level assumed in the first budget resolution. The Senate-reported total for new primary loan guarantees is $11 million under the first budget resolution level.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budgets and the President's budget request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION DEPARTMENT AND RELATED AGENCIES SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget Authority	Outlays
Outlays from prior-year budget authority and other actions completed	7.1	22.6
H.R. 3919, as reported in the Senate	92.5	80.8
Possible later requirements:		
Entitlement or Mandatory Programs	+[1]	0.6
Discretionary programs	1.6	1.1
Adjustment to conform entitlement and mandatory programs: to first Budget resolution assumptions	4.2	4.0

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION DEPARTMENT AND RELATED AGENCIES SPENDING TOTALS—SENATE-REPORTED BILL—Continued

[In billions of dollars]

	Fiscal year 1984	
	Budget Authority	Outlays
Subcommittee total	105.4	109.1
Senate Subcommittee 302(b) allocation	107.5	109.0
House passed level	105.0	108.8
President's request	95.7	105.2
Subcommittee total compared to:		
Senate Subcommittee 302(b) allocation	−2.1	+0.1
House passed level	+0.4	+0.4
President's request	+9.7	+3.9

Note—Totals may not add due to rounding.
[1] Less than $50 million.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES SUBCOMMITTEE CREDIT TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3913, as reported in the Senate	0.6	6.9
Subcommittee total	.6	6.9
Subcommittee first budget resolution assumption	.7	6.9
House-passed level	.7	6.9
President's request	.4	7.6
Subcommittee total compared to:		
First budget resolution assumption	−.1	([1])
House-passed level	([1])	([1])
President's request	+.2	−.7

[1] Less than $50,000,000.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Madam President, I had given considerable thought to introducing a sense-of-the-Senate amendment to this bill which would call on President Reagan to request the resignation of Mr. Watt.

I saw in the wire today the following, which is an excerpt, and I shall ask unanimous consent later to have the entire wire story printed in the RECORD.

A White House spokesman said Tuesday a congressional resolution calling for Interior Secretary James Watt's resignation will not influence President Reagan, because "the case is closed."

And Watt spokesman, Douglas Baldwin, repeated "We see nothing" that indicates the Secretary will step down.

Madam President, I had a colloquy last week with the distinguished majority leader. I indicated to him that it was not my intention to attempt to amend the unemployment compensation bill because that bill had an expiration date on it of Friday midnight.

At that time I also indicated that it would not be my desire to attempt to attach the amendment to the continuing resolution because that also had an expiration deadline of midnight on Friday.

Furthermore, I indicated I would not offer it to the intelligence authorization bill or the Martin Luther King bill.

But I made no such promises with respect to this appropriations bill, and I thought it only fair to the majority leader that I alert him to the fact that it was my intention to offer, or at least I was considering offering the amendment to this measure.

I called him and so informed him, and he indicated to me his hope that I would not offer it to this measure.

I have a very, very high respect for the majority leader, and I do not have to state my fondness for him. But I do recognize that he has to lead the Senate. He has to make sure that the legislative program goes forward. So based on his request in this instance, I do not intend to offer this sense-of-the-Senate amendment to this bill.

Subsequently to my telling the majority leader, I told the manager of the bill, Mr. WEICKER, that I had an amendment and had intended to call it up to this bill but that I was not going to because the majority leader has kindly requested me not to do so at this point.

So I am not going to go forward today with this amendment which I hold in my hand.

Now, the majority leader and I know that at some point I intend to offer this resolution or I will take my chances on it when the State authorization bill comes back before the Senate. That bill has been displaced, I believe, by the majority leader's motion to go to this appropriations bill, but when it comes back to the Senate it will have my amendment pending.

As a matter of fact, I would much rather have offered it to this appropriations bill than to wait, but I will wait as I told the majority leader I would in this instance.

So I yield at this point most respectfully to the majority leader but I ask that I may retain the floor for the time being.

Mr. BAKER. Madam President, the unanimous-consent request of the minority leader was granted, I believe, that he retain the floor?

The PRESIDING OFFICER. Yes.

Mr. BAKER. Thank you.

May I say to the minority leader and all Senators that I am grateful to him for his decision not to offer the Watt amendment to this appropriations bill. I suppose in addition to the spirit of cooperation that exists between the two of us in trying to do the business of the Senate his experience as majority leader may even dispose him to be more considerate than most because he does understand the difficulty we have in trying to make things come out even, and one of the things we have to make come out are appropriations bills. So I freely acknowledge, as the minority leader has already stated, that I lodged with him a request that he not offer a Watt amendment, the Watt amendment previously offered to this bill. I have no incentive to offer him, I have no quid pro quo I can give him, but I feel the interest of the Senate in the furtherance of our effort to pass as many appropriations bills as possible was justification for me to do that, and he quickly assented and I wish to express my gratitude and appreciation for it.

Let me say one other thing, and the reason I wanted to make sure the minority leader retained his right to the floor pursuant to the unanimous-consent request he put, is this: There is not the slightest doubt on Earth that he can get an amendment up on Watt at just about any time he wants to because it is a sense-of-the-Senate resolution and therefore declarative and not legislative, it can go on an appropriations bill because under the precedents of the Senate only after the majority leader he is entitled to priority of recognition as he has just demonstrated, and very properly so.

So I have no illusions about that. As I said a day or two ago in the well of the Senate on the floor and to the press who were here, in dugout chatter as we say, one of these days he can do that, the minority leader can get that up if he wants it up, and I assume he does, he sure does act like it, and I do not blame him for that. But I want it clearly understood by my colleagues on this side of the aisle, and certainly I am sure it is understood by his own, and by the administration downtown, that we are not having to deal with the Watt amendment on this bill because the minority leader chose not to do so, not because I could prevent him or anybody else could prevent him, and one of these days I suppose we will probably have to deal with that. But I think it was a great contribution to the efficiency and efficacy of the Senate's action that the minority leader has decided against offering his amendment at this time.

He knows I am opposed to this amendment, that I will vote against it, and when the time comes I will try to defeat it, but that time has not come because of the good grace of the minority leader, and I thank him.

Mr. BYRD. I thank the distinguished majority leader. I am under no illusions that I can have an up or down vote. A motion to table would probably be made and I understand that. But in this instance I am very willing to accede to the request of the majority leader. He has been very kind to the minority, he has indulged a lot of requests from this side, and I am very understanding of his duties and problems.

That having been said, Madam President, I ask unanimous consent that the news wire I hold in my hand be inserted in the RECORD in its entirety at this point, and in making this request I do not give up the floor.

There being no objection, the wire was ordered to be printed in the RECORD, as follows:

WHITE HOUSE: SENATE VOTE WILL NOT DECIDE WATT'S FUTURE

WASHINGTON (UPI).—A White House spokesman said Tuesday a congressional resolution calling for Interior Secretary James Watt's resignation will not influence President Reagan, because "the case is closed."

And Watt spokesman Douglas Baldwin repeated "we see nothing" that indicates the secretary will step down.

Watt has made no public appearances since the flap arose over a remark he made last month, when he described his advisory coal leasing panel as consisting of "a black . . . a woman, two Jews and a cripple."

"He has a lot of work to catch up with," Baldwin said in a telephone interview, and he has not been seen in public recently only because he "travels in spurts."

Republican leader Howard Baker has promised a Senate vote on a resolution proposed by Democratic leader Robert Byrd calling for Watt's ouster, but he said it probably will not come up until after next week's Columbus Day recess.

When deputy White House press secretary Larry Speakes was asked Tuesday if Reagan would be "influenced" by passage of the resolution, he replied, "No."

"The case is closed and the matter is behind us," he said.

Asked if Watt would resign if the Senate resolution is approved, Baldwin replied at the Interior Department, "That's one we can't respond to, because it's an 'if' question."

He added, however, that the secretary "serves at the pleasure of the president."

Baldwin declined to say whether Reagan has had any personal comment. Speakes has said on several occasions that Reagan has not talked to Watt personally in the aftermath of the flap.

Mr. BAKER. Madam President, will the Senator yield to me without losing his right to the floor?

Mr. BYRD. Yes.

MARTIN LUTHER KING, JR., HOLIDAY BILL

Mr. BAKER. Madam President, may I say to the minority leader this is a separate and distinct issue and maybe this is not the right time to bring it up but I cannot resist.

Since it appears we are going to get final passage on this bill the question naturally comes back on what do we do next, and as of this moment, we have a vote on cloture on the motion to proceed to consideration of the Martin Luther King holiday bill tomorrow 1 hour after we convene and after the establishment of a quorum.

I have reason to think there is some chance we could vitiate that and that we could even set a time certain for final passage, the vote on final passage of the Martin Luther King bill. I have instructed the staff on this side and cloakroom to circulate a unanimous-consent request, which I will not now make, and I am saying this so that all Senators would be on notice, which

would provide that when we return not on the 17th, when many Senators will be necessarily absent, but on Tuesday, the 18th of October, the Senate convene at an early hour, say at 10 o'clock in the morning, and that provision be made for a motion to commit, which I understand the Senator from North Carolina wishes to make, and a time limitation and that a time limitation then be applied to amendments, without specifying amendments but generally to amendments, and that a time certain for final passage on Wednesday in the afternoon, I would suggest at 2 o'clock.

I say to my friend, the minority leader, I think I can clear that on this side, and now, having said that, I will sit down and await patiently the reply from my cloakroom, but mostly I will await the reply of the minority leader.

Mr. BYRD. I thank the majority leader and that was why I wanted to retain the floor briefly. I wanted to inquire of the majority leader as to what his plans may be with respect to the remainder of the week, and as far into next week as he could see, and in the meantime I, of course, am attempting to run this request through this side of the aisle. A good many Senators are on the floor so we take for granted if we hear no objection from them, as far as they are concerned, the matter is cleared. But each of us will run the cloakroom, as the majority leader has already indicated he is doing.

I yield the floor.

SENATE SCHEDULE

Mr. BAKER. Madam President——

Mr. METZENBAUM. Will the majority leader yield for a question?

Mr. BAKER. Let me say one other thing, if I may, and I should have included it in the previous statement to the minority leader: On tomorrow, if the unanimous consent in respect to vitiating the cloture vote is agreed to, it would be my expectation that we would try to go to a farm bill which Senators HUDDLESTON and HELMS and DOLE have indicated would be in stripped-down form, and is essential to the intelligence authorization bill, and then of course there is another appropriations bill that might be reached later in the week.

I do not anticipate that the Senate can get out earlier than the close of business on Friday but if that unanimous-consent agreement is entered into I think the odds are good that we could make our Friday request time in good time.

Mr. METZENBAUM. Will the majority leader yield for a question?

Mr. BAKER. Let me yield first to the minority leader.

Mr. BYRD. I just wanted the majority leader to state again the parameters of the unanimous-consent request dealing with the Martin Luther King bill so we can really get down to business on this side to see if we can agree to a time limitation.

Mr. BAKER. Why do I not just read it as I have dictated it to our staff and as it is now running our hotline procedure for clearance. The request, which I am not now making, would be as follows:

I ask unanimous consent that at 10 a.m. on Tuesday, October 18, the Senate proceed to the consideration of H.R. 3706, the Martin Luther King, Jr. holiday bill, and at that time the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee.

I further ask unanimous consent that on the Helms motion debate be limited to 20 minutes equally divided between the Senator from North Carolina (Mr. HELMS) and the chairman of the Judiciary Committee or their designees.

Further, I ask unanimous consent that if the Helms motion fails, the bill be open to amendments to be limited to 1 hour each equally divided between the mover of the amendment and the chairman of the Judiciary Committee or their designees.

Mr. President, I would add in that a provision for second-degree amendments and that would be—I will put half of the time, 30 minutes equally divided, on second-degree amendments, points of order or appeals if the same are submitted to the Senate.

Finally, I ask unanimous consent that the final passage of H.R. 3706 occur on or before 2 p.m. on Wednesday, October 19.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. Madam President, I see one hole in this, in that there is nothing in the agreement to guarantee against amendments that are not germane.

Mr. BAKER. Madam President, that is correct. I will include that no amendments be in order except amendments which are germane to the subject matter of the bill.

Mr. BYRD. That is all right with me. If we could have a few minutes to run the request through our cloakroom.

Madam President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Madam President, will the majority leader be good enough to advise all of us about the joint meeting or the joint session of the House and the Senate tomorrow at 10:30 a.m. and whether, under those circumstances, all committee hearings scheduled for that hour are expected to go forward? I am just asking as a point of information, really, where we should be.

Mr. BAKER. Madam President, I thank the Senator for his inquiry. That was going to be part of my wrap-up announcement. While so many Senators are on the floor, may I begin by urging Members—most earnestly urging Members—to be present to form up as a body to march to the hall of the House of Representatives to hear the address of the President of West Germany in a joint meeting—not joint session, but a joint meeting—of the House and the Senate.

The provision I will make later, or attempt to make, would be that the Senate will come in at 10 o'clock and at 10:10 o'clock we would start marching to the House of Representatives and at 11:30 a.m. we would reconvene in the Senate to resume the business of the Senate.

Madam President, I do not know what to say about the committees. I urge Members not to let committee meetings interfere with the joint meeting. I think our guest from Germany would be mighty offended if we did not have a good, solid representation from the Senate.

So I urge the chairman and ranking members to consider that they should recess their committees at the same time the Senate recesses.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. There is nothing to keep those committees from meeting during a recess, but the majority leader is urging the committees not to meet. I hope that our committees would not be in session during that recess because I agree with the majority leader that it would be an offense, I would think, for the President of West Germany to appear before a joint meeting of the two Houses without good attendance. And I am concerned about that attendance.

Mr. BAKER. So am I. I thank the minority leader. I urge Members to form together and to attend that meeting.

Madam President, I thank the managers in particular and I thank all Senators. I urge now we proceed to third reading.

Mr. HELMS. One second, if I may. Did I understand the distinguished majority leader to say that final passage with regard to the King resolution would be on Wednesday?

Mr. BAKER. Yes, Madam President, I did say that. The reason for it is there is a requirement for a number of Senators to be out of the city on Monday. I should have talked to the Senator from North Carolina ahead of time. I gave that to our clearance clerks. I hope that is not a problem for the Senator from North Carolina.

Mr. HELMS. That is fine with me. I just hoped that we could save a day.

Mr. BAKER. I wish we could. I have to lose that day, and maybe we will not. I think there is a strong reason why we should do it Tuesday and

Wednesday instead of Monday and Tuesday.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WEICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Madam President, I made no opening statement on this legislation, preferring to await the judgment of the Senate. I think my colleagues have made all the statement that is necessary by virtue of doing something that has not been done in 5 years. I now hope we can proceed to a final vote on this matter.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Mr. MITCHELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Mr. MITCHELL) would each vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—70

Abdnor	Glenn	Nunn
Andrews	Gorton	Packwood
Baker	Hart	Pell
Bentsen	Hatch	Percy
Bingaman	Hatfield	Pressler
Boren	Hawkins	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heinz	Randolph
Bumpers	Hollings	Riegle
Burdick	Huddleston	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kassebaum	Simpson
Cochran	Kasten	Specter
Cohen	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Levin	Stevens
DeConcini	Long	Tsongas
Dixon	Matsunaga	Warner
Dodd	McClure	Weicker
Domenici	Melcher	Wilson
Durenberger	Metzenbaum	Zorinsky
Evans	Moynihan	
Ford	Murkowski	

NAYS—23

Armstrong	Grassley	Proxmire
Baucus	Heflin	Roth
Denton	Helms	Symms
Dole	Humphrey	Thurmond
Eagleton	Laxalt	Tower
East	Lugar	Trible
Exon	Mattingly	Wallop
Garn	Nickles	

NOT VOTING—7

Biden	Inouye	Mitchell
Cranston	Leahy	
Goldwater	Mathias	

So the bill (H.R. 3913), as amended, was passed.

Mr. WEICKER. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Madam President, I move that the Senate insist on its amendments on H.R. 3913 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mrs. KASSEBAUM) appointed Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. PROXMIRE, Mr. HOLLINGS, Mr. CHILES, Mr. BURDICK, Mr. INOUYE, and Mr. STENNIS conferees on the part of the Senate.

CONGRATULATIONS TO MANAGERS AND STAFF

Mr. BAKER. Madam President, I take this opportunity to extend my congratulations to the managers on both sides and their staffs. I am looking at today's calendar of business, on the back of which is a chart called "Status of Appropriation Bills, First Session, 98th Congress." This is the fourth day of October and on that, I see that we have 12 appropriations bills reported by our committee; 4 of them have become law, 2 on the President's desk; 9 of them passed by the Senate; and I can recall previous Octobers when there has not been a single entry on that column. I think the Senate owes a special vote of thanks to the chairman of the committee (Mr. HATFIELD), and the ranking minority member (Mr. STENNIS), to the chairman of the subcommittee in this case for managing this bill (Mr. WEICKER), and Senator PROXMIRE for his management on behalf of the minority. They have both done an extraordinary job in bringing this matter to a conclusion at this time.

I am advised that we spent 7 hours on this bill. There were 23 amendments and passage in the space of 1 day. That must be close to a record for consideration of a Labor-HHS appropriations bill. If my memory serves me, we have not even passed a Labor-HHS appropriations bill for 5 years. They have all been funded through continuing resolutions.

We still have not passed this one. We go to conference now with the House and I have great confidence that Senator WEICKER and Senator PROXMIRE will ably represent the point of view of the Senate and that the bill that comes out of the conference committee will be a good bill, as first presented ot the House and the Senate and then to the President for his signature.

Madam President, I think they have done a remarkable job, all of those who have participated, but Senator WEICKER and Senator PROXMIRE in particular deserve a special vote of thanks and gratitude for the expeditous handling of a very, very difficult measure, which, in the past, has baffled both the House and the Senate in their best efforts.

Mr. BYRD. Will the majority leader yield, Madam President?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I wish to associate myself with the remarks of the majority leader. I, too, congratulate Senator WEICKER and Senator PROXMIRE. The Senate can be proud also for the consideration and understanding they gave to Senators who offered amendments and participated in the debate.

Mr. BAKER. Madam President, I know full well that many Senators voted on tabling motions and on amendments that they preferred not to, but it is a measure of the responsibility of Members that they comported themselves as well as they did.

THE MARTIN LUTHER KING HOLIDAY BILL

Mr. BAKER. Madam President, I indicated earlier that I hoped to get unanimous consent on the Martin Luther King holiday bill. I cannot propose that agreement tonight because the clearance process has not yet been completed. I have high confidence that we can do it in the morning. Since I am not able to clear that tonight, I am obligated to try to make arrangements for the Senate tomorrow on the assumption that we shall have to go through with a cloture vote. As I say, I do not think we will, but I cannot say I am prepared at this time to ask that the vote be vitiated.

Mr. BYRD. If the majority leader will yield, just in the event he might not be sure what the situation is on this side, we have cleared the matter. I hope he will be glad to hear it.

Mr. BAKER. I am glad to hear it.

Mr. BYRD. Let us hope it does not come unstuck overnight.

Mr. BAKER. I hope not. I am tempted to come in very early.

11-059 O-87-43 (Pt. 19)

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF LEADER TIME

Mr. BAKER. Madam President, I ask unanimous consent that, on tomorrow only, the time for the two leaders under the standing order be reduced to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. I may say for the record that I consulted with the minority leader on that request and he kindly concurred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS, RECESS FROM 10:10 A.M. UNTIL 11:30 A.M. RECOGNITION OF CERTAIN SENATORS

Madam President, I ask unanimous consent that after that time for the recognition of the two leaders under the abbreviated standing order, the time remaining before the hour of 10:10 a.m. be devoted to the transaction of routine morning business and that, at the hour of 10:10 a.m. tomorrow, the Senate stand in recess so it may proceed as a body to the Hall of the House of Representatives for a joint meeting with the House, to reconvene at 11:30 a.m., at which time, three Senators will be recognized on special orders for not to exceed 15 minutes each as follows: Senators MATTINGLY, CHILES, and GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR FURTHER PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Madam President, after the recognition of the three Senators on special order, I ask that there be a further period for the transaction of routine morning business not to extend past 1 p.m. with statements therein limited to 10 minutes each, and that at 1 p.m. the 1 hour contemplated by rule XXII prior to cloture vote begin to run with the mandatory quorum provided by rule XXII being waived.

Mr. BYRD. Reserving the right to object, which for the record would mean that the vote would occur at what?

Mr. BAKER. Yes. Let me go ahead and include that.

And that at 2 p.m. the vote on cloture to close debate on the motion to proceed to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill occur.

Mr. BYRD. Madam President, reserving the right to object——

Mr. BAKER. Madam President, I change the time so that the cloture vote will occur at 1:30, and the 1 hour under rule XXII will commence at 12:30. I make that amendment to my request.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I did include the waiver of the madatory quorum, did I not?

The PRESIDING OFFICER. Yes. That is correct.

Mr. BAKER. I thank the Chair.

SENATOR MOYNIHAN AND THE HUMPHREY AWARD

Mr. BYRD. Mr. President, in late 1981 the American Political Science Association established the Hubert H. Humphrey Award to recognize "notable public service by a political scientist." The award is one of only three lifetime career honors bestowed by the association in recognition of especially noteworthy achievement.

I am pleased to report, Mr. President, that the first recipient of the Humphrey Award has now been selected. He is the distinguished senior Senator from New York (Mr. MOYNIHAN). The Hubert H. Humphrey Award is, of course, named for our late and beloved colleague and President of the Senate and it is quite appropriate that a Member of this body be chosen as its first recipient.

The association presented the Humphrey Award to Mr. MOYNIHAN on September 1, 1983 during its annual meeting in Chicago. I ask unanimous consent that the text of the presentation announcement, delivered by Prof. Frank J. Sorauf of the University of Minnesota, be entered at this point in the RECORD:

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

PRESENTATION BY PROF. FRANK J. SORAUF

This is the first time The Association has given the Hubert Humphrey Award. It was established to recognize "notable public service by a political scientist." In addition to myself the award committee was composed of Adam Ulam of Harvard University, the chairman, and John Kessel of the Ohio State University. Professor Ulam regrets very much that he cannot be here this evening.

We are pleased to present the Humphrey Award to the senior senator from New York, Daniel Patrick Moynihan. His career is, in our judgement, a remarkable combination of service to the academy and to the nation. To his public service he has brought a freshness of thought and an intellectual independence that best exemplifies the uses of knowledge in the public service. He has also brought both to the academy and to public life a wit and exuberance that are rare in both.

Senator Moynihan received the Ph.D. from the Fletcher School of Law and Diplomacy. He held academic appointments at Harvard University between 1966 and 1976 in education, urban politics, and government, and from 1966 to 1969 he served as director of the Harvard-MIT Joint Center for Urban Studies. He is the coauthor of Beyond the Melting Pot (with Nathan Glazer) and the author of Maximum Feasible Misunderstanding (1969) and The Politics of a Guaranteed Income (1973), as well as many other books, essays, and articles. Since this is a reward for "notable public service", let me remind you briefly of the Senator's record. He began it as secretary to the governor of New York, and in the 1960's and 1970's he served the administrations of four different presidents in various capacities, including two which carried Cabinet status. Between 1973 and 1976 he was the U.S. Ambassador to India and then to the United Nations. He was elected to the senate in 1976 and reelected in 1982.

In making this award we have not sought a replica or approximation of Hubert Humphrey, but we are nonetheless pleased that this first award goes to a colleague who shares so many of the Humphrey qualities—a deeply felt social concern, a belief that the public's problems can be solved by the intelligent use of public policy, and even that gift for abundant eloquence. Senator Moynihan also shares with Hubert Humphrey an extraordinary breadth of public experience: executive and legislative, national and local.

Senator Moynihan, you honor us by your presence this evening. It is a very great pleasure to present this award to you in memory of a great American and on behalf of a grateful Association.

Mr. BYRD. I yield the floor.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, if the minority leader has no objection, I would like to put a request that arrangements being made for the session of the Senate tomorrow and related mattes be inserted in the RECORD in a period for the transaction of routine morning business, and I request that that period extend to 7:10 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Madam President, I have a few calendar items that I believe I can do quickly, if the minority leader is agreeable.

Mr. BYRD. I have examined these items which the majority leader has in mind, and I am agreeable to transacting this business.

NATIONAL EYE HEALTH CARE MONTH

The joint resolution (S.J. Res. 54) to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Months," was considered, ordered to be engrossed for a third reading, read the third time, and passed,

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 54

Whereas the precious gift of eyesight is recognized as the most valuable of the senses;

Whereas the National Society to Prevent Blindness declares that half of all blindness can be prevented when early attention by medical eye doctors is sought and obtained;

Whereas newborns and the elderly are particularly susceptible to diseases and tumors of the eye; and

Whereas the quality of medical eye health care available in America is the finest in the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States of America is authorized and requested to issue a proclamation designating the month of January 1984 as "National Eye Health Care Month" and urging all Americans to join in this observance and to seek direct help from medical eye doctors when eye conditions which may lead to blindness are experienced.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PROFESSIONAL SECURITY MONTH

The joint resolution (S.J. Res. 114) to request the President to proclaim September 1983 as "National Professional Security Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 114

Whereas security practitioners are dedicated to protecting the assets—people, property, and information—of private industry, government, and public institutions; and

Whereas the efforts of these professionals have significantly reduced the losses caused by a wide range of crimes committed against banks, schools, hotels, hospitals, museums, retail outlets, and the countless other organizations that employ their services; and

Whereas these same security professionals have demonstrated outstanding service in preventing or minimizing losses to the community from such natural or manmade disasters as fires, riots, strikes, and other civil disorders; and

Whereas the American Society for Industrial Security has designated the month of September 1983 to honor security professionals throughout the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1983 be designated "National Professional Security Month", and that the President is authorized and requested to issue a proclamation calling on all Government agencies and upon all the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HOME CARE WEEK

The joint resolution (S.J. Res. 122) to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 122

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 27, 1983, through December 3, 1983, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PORT WEEK

The joint resolution (S.J. Res. 145) to designate the week of October 2, 1983, through October 8, 1983, as "National Port Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 145

Whereas the past development of the public ports of the United States is the result of a fruitful partnership with the Federal Government constructing and maintaining the navigable waterways and harbors of the United States, and local municipalities assuming major responsibility for land-based port development;

Whereas the commercial seaports and inland river ports of the Nation are indispensable to foreign and domestic waterborne commerce and to the economic well-being and national security of the United States;

Whereas the maintenance and development of a national network of commercial ports is vital to expanded international trade and to the attainment of a favorable trade balance;

Whereas commercial ports serving the waterborne commerce of the United States are responsible for the continued employment of more than one million workers and in 1981 generated a total of $66,000,000,000 in direct and indirect benefits to the United States economy;

Whereas there is a continuing need to focus public attention upon the value of a viable and competitive system of commercial ports; and

Whereas a National Port Week observance promotes public recognition of the vital role that ocean and inland ports have played in the economic growth and national security of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 2, 1983, through October 8, 1983, is designated as "National Port Week" and the President is authorized and requested to issue a proclamation to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL REHABILITATION FACILITIES WEEK

The joint resolution (S.J. Res. 147) to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 147

Whereas over thirty-five million Americans suffer from physical or mental disabilities;

Whereas over one million additional Americans become disabled each year due to chronic disease, birth defects, or traumatic injury resulting from auto, sports, and other accidents;

Whereas many of these people will receive public or private financial assistance without rehabilitation services at great cost to private industry and the public;

Whereas there are over four thousand comprehensive rehabilitation facilities throughout the Nation;

Whereas such facilities provide to over one million disabled people a year comprehensive medical and vocational rehabilitation services not available in general hospitals;

Whereas the services and expertise provided by the personnel of such facilities are instrumental in enabling disabled people to return home or to resume working; and

Whereas an increase in national awareness and recognition of rehabilitation facilities will help the Nation further understand the needs and abilities of disabled people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 25, 1983, through October 1, 1983, is designated as "National Rehabilitation Facilities Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DISABLED VETERAN'S WEEK

The joint resolution (S.J. Res. 155) designating the week beginning November 6, 1983, as "National Disabled Veteran's Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 155

Whereas there are two million five hundred thousand disabled veterans in the United States;

Whereas disabled veterans have sacrificed their well-being in the service of their country;

Whereas disabled veterans endure severe disabilities, such as loss of limb, paralysis, blindness, deafness, and delayed stress syndrome;

Wheras 16 to 35 per centum of all disabled veterans are jobless as a result of their disabilities; and

Whereas disabled veterans have made important contributions to national welfare: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the contributions that disabled veterans have made to the welfare of the United States, the week beginning November 6, 1983, is designated "National Disabled Veteran's Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SICKLE-CELL ANEMIA AWARENESS MONTH

The joint resolution (S.J. Res. 168) to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 168

Whereas sickle-cell anemia is a life-threatening disease in which normal, round, red blood cells become distorted and take on the long and pointed shape of a sickle, due to the presence of an abnormal hemoglobin;

Whereas one in every ten black Americans carries the sickle-cell trait, and one in five hundred black Americans is stricken by the disease itself;

Whereas there exists no cure for this painful and crippling disease which denies a full life to many of its victims and creates intense pain and deep depression;

Whereas the disease and trait are both transmitted genetically from one or both parents who carries the trait, and it is vital that Americans, particularly black Americans, be tested for sickle-cell anemia to determine whether they carry or might transmit the trait; and

Whereas it is important to educate the public about sickle-cell anemia to promote awareness and support for research and treatment of this disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation which—

(1) designates the month of September 1983, as "National Sickle-Cell Anemia Awareness Month"; and

(2) calls upon the people of the United States to observe that month with appropriate ceremonies and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR H.R. 3379 TO BE HELD AT THE DESK

Mr. BAKER. Madam President, I believe this has been cleared. I ask unanimous consent that H.R. 3379 be held at the desk until the close of business on tomorrow, Wednesday, October 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 98-10

Mr. BAKER. Madam President, as in executive session, if the minority leader does not object, I ask unanimous consent that the injunction of secrecy be removed from an amendment to the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (Treaty Document No. 98-10), which was transmitted to the Senate today by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message follows:

To the Senate of the United States:

I transmit herewith, with a view to receiving the advice and consent of the Senate to acceptance, an Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) done at Washington, March 3, 1973. The Amendment provides for accession by regional economic integration organizations to CITES and, upon entry into force, would permit the European Community to become Party to the Convention. Accession of the Community would serve to make application of CITES within the Community an internationally binding obligation and thus enhance implementation and enforcement of the Convention, an objective which the United States strongly supports. The report of the Department of State is enclosed for the information of the Senate in connection with its consideration of the Amendment.

CITES was established to facilitate international conservation, providing for the control and monitoring of international trade in specimens of species endangered or threatened with extinction. The Convention, as currently constituted, provides only for accession of States. The European Community seeks to achieve accession through an Amendment which would open the Convention for accession by regional economic integration organizations constituted by sovereign States which have competence for the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention. In such matters, the organizations would exercise the rights and fulfill the obligations attributed to their Member States. The Amendment, with revisions added at United States instance, was adopted by the CITES Parties at an extraordinary meeting in Gaborone Botswana, April 30, 1983.

I recommend that the Senate act favorably at an early date on this Amendment, and give its advice and consent to acceptance.

RONALD REAGAN.

THE WHITE HOUSE, *October 4, 1983.*

EXECUTIVE SESSION

Mr. BAKER. Madam President, there are nominations on today's Executive Calendar, beginning with Department of the Interior, including those of the judiciary on page 1 and page 2 and the Department of Justice on page 2. I am prepared to consider those at this time, if the minority leader is.

Mr. BYRD. Madam President, on this side of the aisle, we are prepared to proceed only with the nominations on page 1 under the judiciary.

Mr. BAKER. I thank the minority leader.

Madam President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar Nos. 322 and 323, under the judiciary, on today's calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. BAKER. Madam President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered an confirmed en bloc are as follows:

THE JUDICIARY

Martin L. C. Feldman, of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

C. Roger Vinson, of Florida, to be U.S. district judge for the northern district of Florida.

JUDGE C. ROGER VINSON

● Mrs. HAWKINS. Madam President, it is a pleasure for me to express my strong support for an individual who has been nominated by President Reagan to fill the vacancy in Florida's northern district, Mr. C. Roger Vinson.

Roger Vinson has distinguished himself in the academic field. He holds a bachelor of science degree from the U.S. Naval Academy. And in 1971, Mr. Vinson graduated from Vanderbilt University School of Law. While in law school he served as a member of the Vanderbilt Law Review and was named the Patrick Wilson Merit Scholar in Law. For 6 years Roger Vinson served as a naval aviator achieving the rank of lieutenant. As a partner in the law firm of Beggs & Lane in Pensacola, Fla., Mr. Vinson has made significant contributions to the State of Florida and its legal community.

He is a member of the American Bar Association, the Florida Bar, Escambia-Santa Rosa Bar Association, and the Society of the Bar of the First Judicial Circuit. He also serves on the advisory committee for the Florida Lawyers' Prepaid Legal Services Corp., is a member of the probate rules committee, the energy law committee, and the appellate rules committee. Through the years, Mr. Vinson has also worked in numerous civic endeavors contributing to make his city, State, and Nation a better place for his fellow man.

I believe that he is uniquely well qualified to serve as the U.S. district judge for the northern district of Florida and will be a great asset to the Federal bench. I strongly support his nomination.●

Mr. BAKER. Madam President, I ask unanimous consent that it be in order for me to move to reconsider the vote by which the nominations were confirmed and to move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I move to reconsider the vote by which the nominations were confirmed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

1983 NATIONAL ENERGY POLICY PLAN—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the provisions of Section 801 of the Department of Energy Organization Act (Public Law 95-91), I transmit herewith the 1983 National Energy Policy Plan.

RONALD REAGAN.

THE WHITE HOUSE, *October 4, 1983.*

MESSAGES FROM THE HOUSE

At 3:24 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oregon;

H.R. 1748. An act to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Garrison, Jr. Federal Building";

H.R. 3238. An act to designate the U.S. Post Office Building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building.";

H.R. 3245. An act to provide for the establishment of a National Summit Conference on Education;

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building"; and

H.R. 3576. An act to designate a Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building";

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had signed the following enrolled bills and joint resolution:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the U.S. Court of Claims.

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indians Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana, in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes.

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building".

S. 1724. An act to designate the Federal building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

S.J. Res. 159. Joint resolution providing statutory authorization under the war powers resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces in Lebanon.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1748. An act to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Garrison, Jr. Federal Building"; to the Committee on Environment and Public Works.

H.R. 3238. An act to designate the U.S. Post Office Building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building."; to the Committee on Governmental Affairs.

H.R. 3245. An act to provide for the establishment of a National Summit Conference on Education; to the Committee on Labor and Human Resources.

H.R. 3576. An act to designate a Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building"; to the Committee on Environment and Public Works.

HOUSE MEASURE PLACED ON THE CALENDAR

The following House bill was read the first and second times and placed on the calendar, by unanimous consent:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

HOUSE MEASURE HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on October 5, 1983, by unanimous consent:

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building".

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, October 4, 1983, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket numbered 15-72 of the U.S. Court of Claims.

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Mont., and the Assiniboine Tribe of the Fort Peck Indian Community, Mont., in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes.

S. 1465. An act to designate the Federal Building of Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

S.J. Res. 159. Joint resolution providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1822. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Use of Government Vehicles for Home-to-Work Transportation"; to the Committee on Appropriations.

EC-1823. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a secret listing of contract award dates for November 1 to December 31, 1983; to the Committee on Armed Services.

EC-1824. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, two copies of the Board's 1985 budget submission; to the Committee on Commerce, Science, and Transportation.

EC-1825. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of time for the Pittsburgh & Lake Erie Railroad Co. to incorporate within its switching tariff the general rate increases in the railroad cost recovery tariff; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Special report entitled "Allocation of budget totals for fiscal years 1983 and 1984". (Rept. No. 98-261).

By Mr. WEICKER, from the Committee on Small Business, with an amendment in the nature of a substitute and an amendment to the title:

S. 1022. A bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns (Rept. No. 98-262).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Army Reserve there are 277 promotions to the grade of colonel and below (list begins with Bryan R. Cole), in the Army Reserve there are 572 promotions to the grade of colonel and below (list begins with Lorraine M. Bivalec), and in the Navy and Naval Reserve there are 26 appointments to the grade of captain and below (list begins with William J. Dyer). Since these names have already appeared in the CONGRESSIONAL RECORD of September 26, 1983, and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (by request):

S. 1918. A bill to extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to services rendered in connection with the enforcement of plant and animal quarantine laws, laws governing the humane care, treatment, and transportation of animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 1919. A bill to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TSONGAS (for himself and Mr. NUNN):

S. 1920. A bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ANDREWS, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BURDICK, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. DURENBERGER, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. JEPSEN, Mr. KASTEN, Mr. LUGAR, Mr. MATSUNAGA, Mr. NICKLES, Mr. PERCY, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. STENNIS, Mr. TOWER, Mr. THURMOND, and Mr. ZORINSKY):

S. Res. 238. Resolution to express the sense of the Senate that January 22 through January 28, 1984, should be observed as "National Meat Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (by request).

S. 1918. A bill to extend the authority of the Secretary of Agriculture to cover U.S. Government costs incident to services rendered in connection with the enforcement of plant and animal quarantine laws, laws governing the human care, treatment and transportation of animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SERVICES IN CONNECTION WITH ENFORCEMENT OF PLANT AND ANIMAL QUARANTINE LAWS

● Mr. HELMS. Mr. President, in my capacity as chairman of the Commit-

tee on Agriculture, Nutrition, and Forestry I am introducing at the request of Secretary of Agriculture, John R. Block, a bill that would extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to services rendered by the Department in connection with the enforcement of plant and animal quarantine laws, laws governing the humane care, treatment and transportation of animals, and loans to assure compliance with import requirements imposed by foreign countries to prevent the spread of plant and animal pests and diseases from the United States.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary as well as the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 19, 1983.

HON. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To extend the authority of the Secretary of Agriculture to collect fees to cover United States Government costs incident to services rendered in connection with the enforcement of plant and animal quarantine laws, laws governing the humane care, treatment and transportation of animals, and for other purposes."

The Department of Agriculture recommends that the draft bill be enacted.

The purpose of this bill is to authorize the Secretary of Agriculture to charge for services rendered in connection with: (1) laws intended to prevent the introduction or dissemination of plant and animal pests and diseases into or throughout the United States; (2) laws intended to assure the humane care, treatment and transportation of animals; and, (3) actions taken by the Secretary of Agriculture to assure compliance with import requirements imposed by foreign countries to prevent the spread of plant and animal pests and diseases from the United States. The bill provides that the money collected shall be credited to accounts which the Secretary may establish for these activities, and shall remain available until expended. The costs incurred for the performance of activities under section 1 of the bill will be charged to such accounts. Under present procedures, all costs of such activites are paid from appropriated funds; authority to recover costs for these activities is very limited. We believe all costs associated with these programs of the Department should be borne by the persons who receive the services provided, and not by the general public.

Enactment of this bill is consistent with the President's Fiscal Year 1984 budget and would reduce outlays by some $3.6 million annually. The proposal is also consistent with the recent General Accounting Office recommendations (see GAO report CED-81-49).

Upon enactment, fees totalling about $3.6 million annually would be implemented to recover the costs of issuing phytosanitary certificates and testing, certification, inspection, and quarantine of animals and plants for import and export.

A similar letter has been sent to the Speaker of the House.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the President's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

S. 1918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to prescribe charges to cover, as nearly as practicable, costs, including administrative, supervisory, legal and overhead costs related thereto, incurred by the United States Government for services rendered in connection with the enforcement of laws administered by the Secretary of Agriculture and intended to prevent the introduction or dissemination of plant and animal pests and diseases into or throughout the United States, laws administer by the Secretary of Agriculture and intended to assure the humane care, treatment and transportation of animals, and actions taken by the Secretary of Agriculture to assure compliance with import requirements imposed by foreign countries to prevent the spead of plant and animal pests and diseases from the United States.

SEC. 2. Notwithstanding any other provision of law, funds collected for performance of activities authorized under section 1 of this Act shall be credited to accounts which may be established for these purposes, such funds to remain available until expended for such activities. The owner, or agent of the owner, of any plants, animals, plant or animal products or materials, or the owner or principal operator of any means of conveyance subject to regulation by the Secretary in connection with the enforcement of plant and animal quarantine laws, or laws governing the humane care, treatment and transportation of animals and any person receiving services or benefits under such laws or related activities of the Secretary shall be liable for payment of charges assessed. Upon failure to pay such charges when due, the Government shall have a lien for the charges against such plants, animals, plant or animal products or materials, or means of conveyance. In the case of an importer or exporter who fails to make payment when due, the Government shall also have a lien against such plants, animals, plant or animal products or materials thereafter imported or attempted to be exported by such an importer or exporter. The Secretary may, in case of nonpayment of the charges when due, after giving reasonable notice of deafult to the owner, or agent of the owner, of the plants, animals, plant or animal products or materials, or the owner or principal operator of the means of conveyance, sell at public sale after reasonable public notice, or otherwise dispose of such plants, animals, plant or animal products, materials, or means of conveyance in the Secretary's custody, as the Secretary may direct. If the sale proceeds exceed the charges due and the expenses of the sale, the excess shall be paid, in accordance with regulations of the Secretary to the owner upon his making application therefore with proof of owership, within six months after such sale, and otherwise the excess shall be credited to the accounts from which costs are incurred to pay the expenses of the Secretary incident to such activities.

SEC. 3. The Attorney General may bring an action for the recovery of charges which have not been paid in accordance with this Act against any person obligated for payment of such charges under this Act in any United States district court or other United States court for any territory or possession in any jurisdiction in which such person is found or resides or transacts business, and such court shall have jurisdiction to hear and decide such action.

SEC. 4. The term "person" means an individual, corporation, partnership, trust, association, or any other pubic or private entity, or any officer, employee, or agent thereof.

SEC. 5. Section 2(c) of the Act of July 2, 1962 (21 U.S.C. 134a(c)), is amended by deleting the third sentence thereof, which reads "Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved."●

By Mr. SPECTER:

S. 1919. A bill to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources,

WASHINGTON SQUARE DESIGNATION

Mr. SPECTER. Mr. President, I rise today to introduce a bill to provide for the inclusion of the Washington Square Park, located in the historic section of the city of Philadelphia, within the Independence National Historical Park. This bill would authorize the Secretary of the Interior to enter into a cooperative agreement with the city of Philadelphia—through the Fairmount Park Commission—to restore and maintain the square for the purpose of preserving, exhibiting, and relating the square's historical significance to the American people.

Washington Square Park, unlike the Independence Square Park which is also in Philadelphia, has been fiscally managed on a local and voluntary basis. Most of the money raised for the operating expenses has been contributed by firms and organizations located around the square. The Fairmount Park Commission, the Fairmount Park Art Association, and the city of Philadelphia, provided full support. My bill relieves some of the maintenance costs to local organizations and transfers partial responsibility to the National Park Service.

The Washington Square area ranks among the most historically rich regions in the United States of America, linking us to our American Revolutionary War dead. At first named Southeast Square, Washington Square covered 6 acres and was a field through which a brook wound its way from the northwest corner to its eastern boundary. In 1706, it was designated by the city council "for a common and public burying ground." It is this function which connects this park so vitally with American history.

On April 13, 1777, less than 1 year after the Declaration of Independence by the United States, John Adams, congressional delegate from Massachusetts, walked the brief expanse from the Pennsylvania State House—now Independence Hall—to the open field, now Washington Square. American patriots had been at war for 2 years and military prospects looked bad for General Washington. The Battle of Brandywine, the occupation of Philadelphia by the British Army, and the great winter at Valley Forge were only months away. John Adams wrote:

I have spent an hour this morning in the congregation of the dead. I took a walk in the "Potter's Field" (a burying place between the new stone prison and the hospital) and I never in my whole life was so affected with melancholy. The graves of the soldiers who have been buried in this ground from the hospital to the bettering-house during the course of the last summer, fall, and winter, dead of the small-pox and cause-diseases are enough to make the heart of a stone to melt away. The sexton told me that upwards of 2,000 soldiers had been buried there; and by appearance of the grass and trenches, it is most probable that he speak within bounds.

The Potter's Field of which Adams wrote is now Washington Square, and the soldiers who died of illness and wounds were from Washington's Army brought to Philadelphia following the heavy fighting in New Jersey.

Washington is as old as Philadelphia itself; and yet, it has enjoyed more obscurity than celebrated attention. In 1815, it was turned into a park, and trees were planted by the French botanist, Francois Andre Michaux. In 1825, the city commissioners renamed it Washington Square, and a movement ensued to erect a memorial in the square to Washington. Money was collected in 1833 and a cornerstone for the memorial was laid in the center of the square.

Washington Square received brief notoriety in 1870 when it was proposed that the new city hall should be erected either on Washington Square or Penn Square. Penn Square was selected by ballot vote and Washington Square became, once again, a remote site of little-known historical significance.

In 1915, local residents initiated another movement to improve the square. A census of trees taken by botanical scholars in Washington Square showed that there were some 104 varieties, many of which are rare to Philadelphia. Still, the movement was not sustained for Washington Square's restoration.

Finally, in 1952, plans were made for the creation of the memorial to the unknown soldiers of the American Revolution, and the park has been maintained by concerned Philadelphians since that time. Today, the national recognition which Washington Square deserves can best be achieved with passage of this bill to include it within Independence National Historical Park.

My bill, a companion to House legislation introduced by Congressman TOM FOGLIETTA, would provide that ownership of Washington Square be retained by the Fairmount Park Commission. The Fairmount Park Commission would retain full review powers over the use of Washington Square as well as over any significant restoration or change of design so as to avoid any diminution in the commission's traditional oversight responsibilities. Further, it would expand the memorial honoring the unknown soldiers of the War for American Independence. Lastly, the bill would authorize funding for the National Park Service to properly maintain the square for the benefit of the visitors each year.

Total cost requirements to bring the area up to the physical and esthetic standards of Independence National Historical Park are estimated at $2,243,725. The cost includes repairs and rehabilitation of benches, walks, utilities, irrigation, and maintenance. The amount of annual operating costs, including security and personnel, is estimated at $153,400.

On July 23, 1983, the House Interior and Insular Affairs Subcommittee on Public Lands and National Parks held hearings in Philadelphia where Congressman FOGLIETTA and others testified regarding the need for this legislation. Further hearings are scheduled and I urge the Senate to address this matter in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Independence National Historical Park, and for other purposes", approved June 28, 1948 (62 Stat. 1061; 16 U.S.C. 407m et seq.), is amended by adding the following new section at the end thereof:

"SEC. 8. (a) The area known as 'Washington Square' (bounded generally by Walnut Street on the northside, Sixth Street on the eastside, and the intersecting streets named 'Washington Square' on the westside and southside) is hereby included within the Independence National Historical Park, Philadelphia, Pennsylvania.

"(b) The Secretary of the Interior is authorized to enter into a cooperative agreement with the city of Philadelphia (acting through its designated agency, the Fairmount Park Commission) under which—

"(1) the Secretary may occupy the Washington Square area included in the park under subsection (a) for the purpose of preserving, exhibiting, and interpreting the Square's historical significance to the American people;

"(2) the Secretary shall have responsibility for the care and maintenance of such area including any memorial, monument, or display placed in such area for historical or educational purposes;

"(3) the Secretary shall be prohibited from subletting or assigning to another person or organization any part of the Washington Square area without prior approval in writing by the city of Philadelphia;

"(4) the Secretary will operate and maintain the Washington Square area (including all monuments and exhibits in the area) and make all repairs thereto, including repairs necessary by reason of ordinary wear and tear; and undertake such work and restoration or major alteration as may be agreed to with the city of Philadelphia;

"(5) the Secretary will apply such reasonable rules and regulations as are necessary to perform his functions properly, and will exercise reasonable care to prevent damage to, or the destruction of, any part of the grounds or the memorials, monuments, and exhibits located in the Washington Square area, and provide public access to the grounds and monuments, memorials, and exhibits at all reasonable times; and

"(6) neither party to such cooperative agreement will erect or place, or permit the erection or emplacement of any monument, marker, tablet, or other memorial upon the grounds without the written consent of the other party.

Notwithstanding any other provision of this Act, ownership of the Washington Square area shall be retained by the city of Philadelphia. No work of restoration or any major alterations or repairs to any part of the grounds or monuments, memorials, or exhibits within the Washington Square area may be undertaken by the Secretary of the Interior until the plans for such work have been mutually agreed to by the city of Philadelphia (acting through its designated agency, the Fairmount Park Commission).

"(c) Effective October 1, 1983, there is authorized to be appropriated to the Secretary of the Interior not more than $1,000,000 to be used for brickwork and paving in the Washington Square area, and such additional sums as may be necessary to operate and maintain the Washington Square area.

"(d) The Secretary shall appoint a three member commission to recommend to the Congress an appropriate monument or memorial to honor the unknown dead of the American Revolution. Membership on such commission shall consist of (1) a representative of the National Park Service, (2) a representative of the city of Philadelphia, and (3) a representative of the public, agreed to by the city of Philadelphia. Members shall serve on the Commission without compensation. Among the memorials to be considered by the Commission should be an Honor Guard of the Armed Services of the United States. The National Park Service is authorized to provide reasonable and necessary secretarial and clerical support for the Commission.".

By Mr. TSONGAS (for himself and Mr. NUNN):

S. 1920. A bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS COMPUTER CRIME PREVENTION ACT

● Mr. TSONGAS. Mr. President, the bill I am introducing today, the Small Business Computer Crime Prevention Act, would aid in protecting America's small business from the growing threat of computer crime. This bill is a companion measure to H.R. 3075, which has been introduced in the House by Hon. RON WYDEN, of Oregon, and was reported by the House Small Business Committee today.

Small business is of obvious and enormous importance to our economy. It accounts for more than a third of our gross national product, for virtually all of the private sector employment growth, and for at least half of all innovations.

In recent months there has been much publicity surrounding the issue of computer crime. While the definition of computer crime varies, it involves theft of information, and unauthorized alteration of records, and damage to computer systems themselves. Computer crime is an issue of growing importance to the small business community, as the use of computerized accounting and management systems becomes widespread among small businesses eager to save costs and improve productivity. But because small businesses—and particularly high technology small businesses—are attractive targets for computer criminals, the introduction of computers could be inhibited unless small business can effectively secure their computer systems.

Congress and the administration have devoted considerable attention to the issues of computer security and information management as they relate to the opperations of the Federal Government. The issues arise especially where there are national security concerns.

But the phenomenon of computer crime as it affects the small business community has not yet been assessed. There has been little or no study on how computer crime specifically harms small businesses. Yet, small businesses are more likely to be affected by computer crime because they have fewer resources available to protect themselves against it.

The purpose of this bill is to establish, within the Small Business Administration, the Small Business Computer Crime and Security Task Force. This task force would inquire into computer crime committed against small business, evaluate the technical and legal means for preventing and combating computer crimes, and develop guidelines for enhancing the security of computer systems in cooperation with the National Bureau of Standards. The task force would report its findings and recommendations to the Administrator within 18 months. The bill also calls for the establishment of a resource center to provide information on computer crimes and on computer security technology available to the small business community. The resource center would serve as a clearinghouse to transfer computer security technology developed for the Federal Government.

Mr. President, in the interest of strengthening security in an emerging technological area of vital importance to small business, I urge the speedy passage of this bill. I ask unanimous consent that the text of the bill be printed in the RECORD in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Computer Crime Prevention Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress hereby finds that—

(1) there is an increased dependency on, and proliferation of, information technology (including computers, data networks, and other communication devices) in the small business community;

(2) such technology has permitted and expanded criminal activity against small business concerns; and

(3) small business concerns are not always able to protect their information technology from computer criminals.

(b) The purposes of this Act are—

(1) to improve the management by small business concerns of their information technology; and

(2) to encourage small business concerns to protect such technology from criminal activity.

COMPUTER CRIME AND SECURITY TASK FORCE

SEC. 3. Section 4(b) of the Small Business Act (15 U.S.C. 633(b)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Administrator shall, not later than the 60 days after the effective date of this paragraph, establish a task force to be known as the 'Small Business Computer Crime and Security Task Force'.

"(B) The Task Force shall consist of the following members:

"(i) an employee of the Small Business Administration, appointed by the Administrator;

"(ii) an employee of the Institute for Computer Sciences and Technology of the Department of Commerce, appointed by the Secretary of Commerce;

"(iii) an employee of the Department of Justice, appointed by the Attorney General;

"(iv) an employee of the Department of Defense, appointed by the Secretary of Defense;

"(v) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer hardware to small business concerns;

"(vi) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer software to small business concerns;

"(vii) one individual, appointed by the Administrator, who is representative of the interests of the providers of insurance to small business concerns;

"(viii) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer security equipment and services to small business concerns;

"(ix) one individual, appoined by the Administrator, who is representative of the interests of associations of small business concerns, other than small business concerns engaging in any of the activities described in clauses (v) through (viii); and

"(x) such additional qualified individuals, appointed by the Administrator, as the Administrator determines to be appropriate.

"(C) It shall be the function of the Task Force—

"(i) to define the nature and scope of computer crimes committed against small business concerns;

"(ii) to ascertain the effectiveness of State legislation, and available security equipment, in preventing computer crimes against small business concerns;

"(iii) in cooperation with the National Bureau of Standards, to develop guidelines to assist small business concerns in evaluating the security of computer systems; and

"(iv) to make recommendations to the Administrator with respect to the appropriate activities of the resource center established under paragraph (4).

"(D) The Administrator shall designate one of the members of the Task Force as its chairperson. The Task Force shall meet not less than once during each 6-month period following the effective date of this paragraph, at the call of its chairperson. A majority of the members of the Task Force shall constitute a quroum.

"(E) Each member of the Task Force shall serve without additional pay, allowances, or benefits by reason of such service. Each such member shall be reimbursed for actual expenses, including travel expenses, determined by the Administrator to have been reasonably incurred in the course of performing the functions vested in the Task Force.

"(F) The Administrator shall provide the Task Force with such staff and office facilities as the Administrator, following consultation with the Task Force, considers necessary to permit the Task Force to carry out its functions under this paragraph.

"(G) The Task Force may secure directly from any Federal agency information necessary to enable the Task Force to carry out its functions under this paragraph. Upon request of the chairperson of the Task Force, the head of such agency shall furnish such information to the Task Force.

"(H) Not later than 18 months after the effective date of this paragraph, the Task Force shall submit to the President, the Administrator, and the Congress a detailed report setting forth the findings of the Task Force with respect to the matters described in subparagraph (C) and containing such recommendations as the Task Force determines to be appropriate.

"(I) The Task Force shall terminate not later than 30 days after the submission of its report under subparagraph (H).

"(J) For purposes of this paragraph and paragraph (4)—

"(i) the term 'computer crime' means—

"(I) any crime committed against a small business concern by means of the use of a computer; and

"(II) any crime involving the illegal use of, or tampering with, a computer owned or utilized by a small business concern; and

"(ii) the term 'Task Force' means the Small Business Computer Crime and Security Task Force established under subparagraph (A)."

COMPUTER CRIME AND SECURITY INFORMATION

SEC. 4. Section 4(b) of the Small Business Act (15 U.S.C. 633(b)), as amended in section 3 of this Act, is amended by adding at the end thereof the following new paragraph:

"(4)(A) The Administrator shall—

"(i) provide to small business concerns information regarding—

"(I) computer crimes committed against small business concerns; and

"(II) security for computers owned or utilized by small business concerns; and

"(ii) provide for periodic regional forums for small business concerns to improve the exchange of information regarding the matters described in clause (i).

"(B) Not later than 60 days after receipt of the report of the Task Force under paragraph (3)(H), the Administrator shall establish as part of the Small Business Administration a resource center that will carry out the functions of the administrator under subparagraph (A)(i).".●

ADDITIONAL COSPONSORS

S. 719

At the request of Mr. THURMOND, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 1244

At the request of Mr. PACKWOOD, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1421

At the request of Mr. PELL, his name was added as a cosponsor of S. 1421, a bill to broaden the base of the individual and corporate income taxes, to significantly reduce tax rates, to smooth out the rate schedules of the individual income tax, and to simplify the tax laws by eliminating most credits, deductions, and exclusions.

S. 1817

At the request of Mr. SYMMS, the names of the Senator from Georgia (Mr. NUNN), the Senator from Iowa (Mr. JEPSEN), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. GLENN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Mississippi (Mr. STENNIS), were added as cosponsors of S. 1817, a bill to provide equitable rules for the tax treatment of fringe benefits.

S. 1869

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1869, a bill to provide assistance to local educational agencies and institutions of higher education to promote computer literacy among elementary and secondary school students and their teachers, and for other purposes.

SENATE JOINT RESOLUTION 70

At the request of Mr. GARN, the names of the Senator from Utah (Mr. HATCH), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 70, a joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week."

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE RESOLUTION 233

At the request of Mr. DIXON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Resolution 233, a resolution to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the Common Agricultural Policy of the European Community.

AMENDMENT NO. 2258

At the request of Mrs. HAWKINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 2258 proposed to H.R. 3913, a bill making appropriations for the Departments of Labor, Health and Human Services, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

SENATE RESOLUTION 238—TO DESIGNATE NATIONAL MEAT WEEK

Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ANDREWS, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BURDICK, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. DURENBERGER, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. JEPSEN, Mr. KASTEN, Mr. LUGAR, Mr. MATSUNAGA, Mr. NICKLES, Mr. PERCY, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. STENNIS, Mr. TOWER, Mr. THURMOND, and Mr. ZORINSKY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 238

Whereas the term "meat" comprises a broad category of food products, including beef, pork, lamb, and veal;

Whereas meat is a wholesome and nutritious food, one of the most valuable sources of vitamins and minerals in the human diet, and a high-quality source of protein;

Whereas the meat industry's annual sales of $70,000,000,000 make it the largest single component of United States agriculture;

Whereas the meat industry provides jobs for thousands of United States citizens; and

Whereas during the week of January 22, 1984, the meat industry will conduct educational programs to highlight the positive contribution of meat to the American diet: Now, therefore, be it

Resolved, That it is the sense of the Senate that January 22 through January 28, 1984, be observed as "National Meat Week," and that all citizens should be encouraged to observe such week with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

● Mr. HELMS. Mr. Speaker, I bring to the Senate's attention the immense contribution made by the meat industry to the health of the American public and to this Nation's economy.

Meat is one of the most valuable sources of vitamins and minerals in the human diet and represents a high-quality source of protein. The meat industry is the largest single component of U.S. agriculture, with annual sales of $70,000,000,000. In addition, the meat industry provides jobs for thousands of U.S. citizens.

In recognition of the important role that meat plays in our diets and to honor the important role that agricultural producers and others play in making this nutritious food available to us, I introduce, along with 30 cosponsors, a resolution expressing the sense of the Senate that the week of January 22 through January 28, 1984, be observed as "National Meat Week." The resolution would encourage all citizens to observe such week with appropriate ceremonies and activities.●

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION, 1984

WEICKER AMENDMENTS NOS. 2270 AND 2271

Mr. WEICKER proposed two amendments to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes; as follows:

AMENDMENT 2270

On page 57, after line 1, insert the following:

ACTION

Operating Expenses

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Services Act of 1973, as amended (42 USC 4951 et seq.), $140,061,000,

of which $15,000,000 shall be available to carry out Title I part A of said Act; and

of which $18,016,000 shall be available to carry out Title II Part C of this Act and

of that amount $6,000,000 shall be available to carry out Home Health Care Programs under part C of said Act

Provided, That none of the funds appropriated under this heading may be used to close State or regional field offices or to reduce career personnel of the Action agency.

AMENDMENT No. 2271

On page 24, strike out line 12 and insert the following: "ation for Saint Elizabeths Hospital: *Provided further*, That during fiscal year 1984 and thereafter the superintendent of Saint Elizabeths Hospital may reside off the premises of the hospital, notwithstanding section 4839 of the Revised Statutes (42 U.S.C. 165)."

DeCONCINI AMENDMENT NO. 2272

Mr. DeCONCINI proposed an amendment to the bill H.R. 3913, supra; as follows:

On Page 44, line 23, before the period, insert the following: "*Provided*, that of the funds appropriated for service projects, $500,000 shall be available for construction of the Garden Park Enterprises Rehabilitation Center in Phoenix, Arizona, in accordance with the provisions of section 311 of the Rehabilitation Act of 1973, as amended."

SPECTER AMENDMENTS NOS. 2273 THROUGH 2275

Mr. SPECTER proposed three amendments to the bill H.R. 3913, supra; as follows:

On Page 32, line 13, strike out "$1,845,361,000," and insert "$1,848,861,000, of which $25,000,000 shall be for the Runaway and Homeless Youth Act, and".

AMENDMENT No. 2274

On Page 23, line 20, strike out "$835,581,000," and insert "$836,081,000, of which $22,000,000 shall be for clinical training for mental health professionals, and".

AMENDMENT No. 2275

On page 18, line 23, insert the following:

For the construction of a new building for the University of Pennsylvania School of Dental Medicine under section 720(a)(1) of the Public Health Service Act, $9,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of this or any other Act, such amount shall be made available without regard to the provisions of sections 702(b) and 722(a)(1) of the Public Health Service Act.

INOUYE (AND MATSUNAGA) AMENDMENT NO. 2276

Mr. PROXMIRE (for Mr. INOUYE and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 43, line 10, delete the period and insert the following:

: *Provided further*, That section 5(c) of the Act of September 30, 1985 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3 and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

WEICKER AMENDMENT NO. 2277

Mr. WEICKER proposed an amendment to the bill H.R. 3913, supra; as follows:

At the appropriate place in the bill insert the following:

No funds appropriated in any act to the Department of Education for fiscal year 1983 and 1984 other than those appropriated by section 111 of Public Law 98-107 shall be available to fund the consent decree of 1980 between the United States and the Board of Education of the City of Chicago.

BAUCUS AMENDMENT NO. 2278

Mr. PROXMIRE (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 49, line 14 after the period insert the following:

For providing financial assistance to the Maureen and Mike Mansfield Foundation, $5,000,000.

HUDDLESTON AMENDMENT NO. 2279

Mr. HUDDLESTON (for himself and Mr. MITCHELL) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 40, line 24, beginning with "1978" strike out through "$528,367,000" in line 2 on page 41 and insert in lieu thereof: "1978; section 6 of the Asbestos School Hazard Detection and Control Act of 1980; and Public Law 92-506, $577,286,000".

METZENBAUM (AND KENNEDY) AMENDMENT NO. 2280

Mr. METZENBAUM (for himself, Mr. KENNEDY, and Mr. HEINZ) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 22, line 9, strike out "$108,584,000" and insert "$112,084,000, of which $3,500,000 shall be available for the establishment of not more than five specialized research centers for research on Alzheimer's disease and related disorders".

WALLOP AMENDMENT NO. 2281

Mr. WALLOP proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 33, line 22, after the word "such" add:

Act, except that the Secretary of Health and Human Services may waive this requirement for any State applying for such a waiver if—

(1) the State obtained a waiver of the requirements of section 138 of Public Law 97-276 with respect to appropriations for fiscal year 1983; and

(2) the State submits, prior to October 1, 1983, an application for fiscal year 1984 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions.

BRADLEY (AND OTHERS) AMENDMENT NO. 2282

Mr. BRADLEY (for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. BENTSEN, Mr. RANDOLPH, Mr. METZENBAUM, Mr. TSONGAS, and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 40, beginning with "$3,480,000,000" in line 4, strike out through "$56,978,000" in line 7 on page 51 and insert in lieu thereof the following: "$3,830,000,000 to become available on July 1, 1984, and remain available until September 30, 1985: *Provided*, that no funds shall be used for the purposes of section 554(a)(1)(B), $5,760,000 shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, $260,304,000 shall be available for the purposes of section 554(a)(2)(A), $146,520,000 shall be available for purposes of section 554(a)(2)(B), and $32,616,000 shall be available for purposes of section 554(a)(2)(C).

"For carrying out section 418 of the Higher Education Act, $7,500,000.

"SPECIAL PROGRAMS

"For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; the Follow Through Act; sections 1524 and

1525 of the Education Amendments of 1978; and Public Law 92-506, $528,367,000: *Provided*, That $450,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided further*, That $28,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1983: *Provided further*, That $1,500,000 of the amount appropriated above for the purpose of Public Law 92-506 shall become available on July 1, 1984, and shall remain available until September 30, 1985.

"BILINGUAL EDUCATION

"For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $139,000,000 of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1984, and shall remain available until September 30, 1985.

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $477,000,000 shall be for entitlements under section 3(a) of said Act: *Provided*, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(b) of said Act shall be ratably reduced from 100 per centum of entitlement: *Provided further*, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: *Provided further*, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That payments under section 5(b)(2) of said Act shall not exceed 50 per centum of payments under section 2 or 3 for the prior fiscal year: *Provided further*, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein.

"For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14 (a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

"EDUCATION FOR THE HANDICAPPED

"For carrying out the Education of the Handicapped Act, $1,241,420,000, of which $1,071,850,000 for section 611 and $26,330,000 for section 619 shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided*, That of the amounts appropriated $21,100,000 shall be for early childhood education; and $5,000,000 shall be for regional, vocational, adult and postsecondary programs: *Provided further*, That of the amounts appropriated $6,000,000 for secondary education and transitional services for the handicapped shall become available upon the enactment of legislation authorizing such activities: *Provided further*, That of the $3,100,000 appropriated for special studies $2,600,000 shall become available upon the enactment of legislation expanding existing requirements under this activity.

"REHABILITATION SERVICES AND HANDICAPPED RESEARCH

"For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000 of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14.

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $933,314,000 which shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985, except that $7,678,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1984, and shall remain available until expended: *Provided*, That $6,500,000 for State advisory councils under section 105 of the Vocational Education Act shall first be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount at least equal to the amount it received in the previous fiscal year: *Provided further*, That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

"STUDENT FINANCIAL ASSISTANCE

"For carrying out subparts 1, 2, and 3 or Part A, and parts C and E of title IV of the Higher Education Act, $4,044,360,000 which shall remain available until September 30, 1985: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1983-1984 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payments schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That the maximum grant a student may receive in the 1984-1985 academic year shall be $2,000, notwithstanding section 411(a)(2)(A)(i) and section 411(b)(5) of the Higher Education Act: *Provided further*, That notwithstanding section 431D(a) and subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program or Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: *Provided further*, That with regard to the Supplemental Educational Opportunity Grant and Work-Study Programs notwithstanding the second sentence of section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-1980) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program, and shall allocate the sums remaining to institutions that received an allocation in fiscal year 1979 so that each institution's allocation bears the same ratio to the amount it would have received under section 413D(b)(1)(B)(ii) and section 446(a) as the remaining sums available for allocation bear to the sums necessary to satisfy allocations made pursuant to section 413D(b)(1)(B)(ii) and section 446(a): *Provided further*, That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary of Education, as provided for in Public Law 97-365, from amounts collected by these private agencies on loans defaulted under part E of the Higher Education Act.

"GUARANTEED STUDENT LOANS

"For necessary expenses under title IV, part B of the Higher Education Act, $2,256,500,000 to remain available until expended.

"HIGHER EDUCATION

"For carrying out titles III; VI, parts A and B; VIII; IX, parts B and C; title X; and sections 417, 420, and 734 of the Higher Education Act, and section 515(d) of the Omnibus Budget Reconciliation Act of 1981 (20 U.S.C. 1221e-1b(2)); and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; and title V, section 528(5) of the Omnibus Budget Reconciliation Act of 1981, for the purposes of title XIII, part H, subpart 1 of the Education Amendments of 1980, and without regard to section 512(b) of the Omnibus Budget Reconciliation Act of 1981, $406,366,000: *Provided*, That $24,500,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher

Education Act shall not apply to funds in this Act: *Provided further,* That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary, as provided for in the Debt Collection Act of 1982 (Public Law 97-365), from amounts collected by these private agencies on loans defaulted under section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) and under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510): *Provided further,* That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities: *Provided further,* That authority is hereby provided to enable the Secretary of Education to expend funds appropriated in Public Law 98-63 in accordance with the directives expressed on page 53 of House Report 98-398 accompanying H.R. 3069 making supplemental appropriations for the fiscal year ending September 30, 1983: *Provided further,* That $1,950,000 of the amounts appropriated under this heading shall be available for part C of title IX of the Higher Education Act of 1965.

"SEC. 300. Section 923(a) of the Higher Education Act of 1965 is amended by inserting '(1)' after the subsection designation and by adding at the end thereof the following:

" '(2) Students receiving an award under this part shall be known as Jacob K. Javits fellows'.".

"HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

"For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $19,846,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104) as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1984, no new commitments for loans may be made from this account.

"COLLEGE HOUSING LOANS

"Payments of insufficiencies in fiscal year 1984 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be make from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1984. During fiscal year 1984 no new commitments for loans from this account may be made.

"EDUCATIONAL RESEARCH AND STATISTICS

"For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, $63,978,000".

MATTINGLY (AND OTHERS) AMENDMENT NO. 2283

Mr. MATTINGLY (for himself, Mr. PRYOR, Mr. ABDNOR, and Mr. NICKLES) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 39, between lines 22 and 23, insert the following:

SEC. 210. (a) Of the total amount of budget authority provided for fiscal year 1984 by the Department of Health and Human Services Appropriation Act, 1984 that would otherwise be available for consulting services, management and professional services, and special studies and analyses, an amount equal to 10 per centum of the amount requested for such purposes in the budget submitted by the President pursuant to section 1105 of title 31, United States Code, for 1984, as amended, for any agency, department, or entity subject to apportionment by the President shall not be available for obligation or expenditure. This subsection shall not apply to any agency, department, or entity whose budget request for 1984 for the purposes stated in this section does not equal or exceed $5,000,000.

(b) Within 60 days of the date of enactment of this section, the Director of the Office of Management and Budget shall report to the Appropriations Committees of the Senate and the House of Representatives on the identification and reduction of available funds required by the section.

(c) For the purpose of this section, the term "consulting and related services" shall have the meaning given such term in the 1983 Report of the Office of Management and Budget to the Committee on Appropriations of the Senate on administrative expenses.

STAFFORD AMENDMENT NO. 2284

Mr. STAFFORD proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 48 line 7, strike out "part B" and insert in lieu thereof "parts B and C".

On page 48, line 16, strike out "$396,316,000" and insert in lieu thereof "$398,266,000".

On page 56, between lines 22 and 23, insert the following:

"SEC. 308. Section 923 (a) of the Higher Education Act of 1965 is amended by inserting '(1)' after the subsection designation and by adding at the end thereof the following:

"(2) Students receiving an award under this part shall be known as 'Jacob K. Javits fellows'."

KENNEDY (AND OTHERS) AMENDMENT NO. 2285

Mr. KENNEDY (for himself, Mr. RIEGLE, Mr. MOYNIHAN, Mr. METZENBAUM, and Mr. CRANSTON) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 27, between lines 10 and 11, insert the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $900,000,000, to be available only if a program is enacted into law providing for such benefits under the Social Security Act or under the Public Health Service Act.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2286

Mr. MOYNIHAN (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. TSONGAS, Mr. GLENN, and Mr. HOLLINGS) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 25, between lines 9 and 10, insert the following:

PUBLIC HEALTH EMERGENCY FUND

For the Public Health Emergency Fund established under section 319(b) of the Public Health Service Act, $30,000,000, to remain available until expended.

HEINZ AMENDMENT NO. 2287

Mr. HEINZ proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 41, line 2, beginning with "$528,367,000" strike out through line 9, and insert in lieu thereof the following: "$544,367,000: *Provided,* That $466,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided further,* That $44,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1983: *Provided further,* That notwithstanding the second sentence of section 563(a) of the Education Consolidation Improvement Act of 1981, $16,000,000 of the amount appropriated under this heading for subchapter D of chapter 2 of such Act shall be available for projects relating to excellence in education under which (1) individual elementary and secondary schools with a demonstrated commitment to pursuing excellence in education may carry out programs of excellence in conjunction with school principals, school teachers, parents, and business concerns in the lcoality and (2) not to exceed 500 socioeconomically and geographically representative local educational agencies are selected for awards not to exceed $400,000 to carry out individual school excellence programs, based on the potential of such schools to experiment with standards of quality and their ability to carry out successful innovative activities:"

DANFORTH (AND OTHERS) AMENDMENT NO. 2288

Mr. DANFORTH (for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, Mr. SPECTER, Mr. GLENN, Mr. LEVIN, Mr. TSONGAS, Mr. RIEGLE, Mr. METZENBAUM, and Mr. BYRD) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 4, line 25, after "$22,500,000," insert the following: "together with $29,700,000 which shall be available only for sections 236, 237, and 238 of the Trade Act of 1974 and for necessary related administrative expenses,".

DOMENICI (AND KENNEDY) AMENDMENT NO. 2289

Mr. DOMENICI (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

For part B of title VII of the Higher Education Act of 1965, $38,300,000, to remain available until expended, $18,200,000 of which is provided for construction and related costs of a model sciences engineering facility at the University of New Mexico, Albuquerque, New Mexico, and $20,100,000 of which is provided for construction and related costs of a model high technology science and engineering center at Boston University, Boston, Massachusetts, except that the provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of such part and shall be used for three facilities of the type mentioned in section 713(g).

McCLURE AMENDMENT NO. 2290

Mr. McCLURE proposed an amendment to the bill H.R. 3913, supra; as follows:

At the appropriate place in the bill, insert the following: *"Provided further,* That out of the funds appropriated herein for use under the Trade Adjustment Assistance Program, or from other available funds, sufficient funds shall be available to complete currently ongoing Trade Adjustment Assistance training and relocation projects for those eligible displaced workers who became totally or partially separated from employment on or after December 1, 1981 and before September 1, 1983, and who were determined to be eligible on or before June 14, 1983.".

QUAYLE (AND OTHERS) AMENDMENT NO. 2291

Mr. QUAYLE (for himself, Mr. HATCH, Mrs. HAWKINS, Mr. CHILES, Mr. RIEGLE, Mr. COCHRAN, and Mr. RANDOLPH) proposed an amendment to the bill H.R. 3913, supra; as follows:

On page 2, line 15, strike out "$2,793,810,000" and insert in lieu thereof "$2,843,810,000".

On page 2, line 24, strike out "$3,605,198,000" and insert in lieu thereof "$3,919,148,000".

On page 3, line 10, before the period, insert a colon and the following: *"Provided further,* That amounts available for part A of title II and part A of title IV, of the Job Training Partnership Act shall not be less than the amount available for fiscal year 1983 for each such part for the period July 1, 1984, to June 30, 1985,".

NOTICE OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that S. 1705, to modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes, has been added to the agenda of the subcommittee hearing scheduled for Thursday, October 6, in room SD-628. Also, the hearing will begin at 10 a.m. instead of 9 a.m., as previously scheduled.

In addition, I would like to announce that a public hearing has been scheduled before the subcommittee on Thursday, October 20, beginning at 9 a.m. in room SD-366 to receive testimony on H.R. 1149, to designate certain National Forest System and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, D.C. 20510.

For further information regarding these hearings, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FAMILY AND HUMAN SERVICES

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Family and Human Services, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, October 4, to hold a hearing entitled: "Broken Families: The Role of the Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

● Mr. NUNN. Mr. President, pursuant to Senate Joint Resolution 142, the week of October 3 through October 9, 1983, has been designated "National Productivity Improvement Week." In again offering this resolution, I hope to highlight the importance of promoting an overall environment in this country that is conducive to achieving and maintaining the productivity growth that is so essential to our national well-being.

During the decade of the 1970's we experienced a dramatic deceleration in the productivity of American business relative to the prior 20-year period. At the same time, our major competitors in world trade were able to maintain exceptionally high rates of productivity. From 1973 through 1980, for example, Japan experienced an average annual productivity growth rate of 7.2 percent, and West Germany had an average productivity rate of nearly 5 percent. The United States, on the other hand, registered a paltry 1.7-percent-average-annual rate of productivity growth in that same period. By significantly raising America's relative labor costs, this reduced productivity eroded the competitiveness of American business, resulting in the loss of billions of dollars of industrial production and of millions of private sector jobs.

Although in the first half of this year we have seen productivity growth in this country rise to a more respectable 4-percent-annual rate, we must not allow this recent performance to lull us into a false sense of security. We must take steps to insure that these efficiency gains are sustained and that they become more than merely a cyclical phenomenon associated with the early stages of a business recovery. More than ever, the maintenance of adequate productivity growth has become acutely critical as the U.S. economy is increasingly affected by the swinging tides of competition in the international marketplace. In only the last 10 years, international trade has risen from 13 percent to 22 percent of U.S. gross national product, and this figure promises to continue rising in the coming years. As a consequence, if we are to regain and maintain our preeminent position in world trade, which translates into domestic job creation, American business will have to improve the efficiency with which it produces goods and services.

Moreover, as if the threat of increased foreign competition were not enough, the recent decline in U.S. inflation and the tremendous appreciation of the dollar have augmented the urgency of permanently picking up American productivity. With lower inflation and increased competition, businesses can no longer pass on their inefficiencies to consumers by increasing prices. Profit margins can now only be protected by cutting costs to extract adequate earnings from a lower volume of sales. At the same time, the strong dollar, which has reduced foreign manufacturing costs by about 25 percent in dollar terms relative to U.S. firms, is also forcing American businesses to focus on becoming more efficient and lower-cost producers.

Thus, while the promotion of increased American business productivity should always be a national priority, today's economic circumstances demand that we be diligent and swift in the implementation of productivity-enhancing policy measures. As I have stated repeatedly, well conceived long-term economic policies must not be sacrificed to achieve illusory short-term gains. The inflationary policies

of the past cannot be repeated, and greater devotion to research and development must remain a top national priority. We, as policymakers, must foster an environment that encourages risk-taking and that is conducive to increased business investment in plant and equipment. Equally important, we must establish policies that will lead to greater job training for our labor force, to insure that our business community has a skilled and talented pool of workers to draw from. It is high time we devoted a much larger share of our national resources to the improvement of our human capital stock. A well-educated and adequately trained labor force will always be the cutting edge behind advances in human civilization.

Finally, Mr. President, I feel it is important to note that the task of increasing productivity really goes beyond tangible policy measures such as liberalized depreciation allowances, and tax incentives for R&D and job training. Ultimately, it is the intangible element of cooperation and unity among ourselves as a society, that will in the end determine whether or not the United States will attain permanently higher rates of productivity growth. The past contentiousness between business, labor, and Government must be eliminated if we are to advance as a society. Common goals must be emphasized and worked toward if we are to promote increased living standards for all. Only by working together will we move forward. We should note that the Japanese like to cite the slogan: "None of us is as smart as all of us." We would do well to keep that ideal in mind.

Mr. President, I am very pleased that the American Institute of Industrial Engineers continues to promote a better understanding of the vital aspects of productivity improvement. Their efforts form a vital part of that element of cooperation we so desperately need. As we enter "National Productivity Improvement Week," let us renew our commitment toward establishing the policies and the cooperative attitude that will contribute to the improvement of American business productivity.●

THE FAIR TAX ACT

Mr. PELL. Mr. President, I am pleased to join in cosponsoring S. 1421, the Fair Tax Act, authored by our distinguished colleague from New Jersey, Senator BRADLEY, and coauthored in the House by Congressman GEPHARDT.

I have long favored simplification of our complicated tax structure. The taxpayers of this country have had to tolerate for far too long a system of taxation which is not only unduly burdensome to comply with, but by its very nature inequitable. The present Tax Code has grown to over 2,000 pages, with over 100 major loopholes worth some $250 billion, and the taxpaying public employs an army of 46,000 professional tax experts to help penetrate the maze of bureaucratic regulation.

By any measure, the system we now have has become a monstrous intrusion of Government authority into the lives and personal business of all our citizens, with costly exceptions that favor a few at the expense of many. We need to restructure it from top to bottom. We need to simplify the requirements, eliminate deductions, and close loopholes, so that rates for everyone can be lower and overall compliance a much less painful process.

That is precisely what S. 1421, the Bradley-Gephardt bill aims to do. It would provide a simplified and reduced, but still progressive, rate structure, consisting of three basic rates. The basic 14 percent rate would apply to 80 percent of all taxpayers, and the two higher rates, 26 percent and 30 percent, would apply to persons with adjusted gross incomes over $25,000 and $37,500 respectively. Corporations would pay at a uniform 30 percent rate. These rates will result in lower taxes for approximately 70 percent of all taxpayers.

The 30 percent whose taxes would be increased under Bradley-Gephardt would include those who are presently benefiting from existing tax breaks and loopholes. Bradley-Gephardt would eliminate most-itemized deductions, credits and exclusions, except those generally available to most taxpayers. Deductions would be retained for home mortgage interest payments, charitable contributions, State and local taxes on income and real property, payments to IRA's and Keogh plans, some medical expenses, and employees' business expenses.

Mr. President, I believe the Bradley-Gephardt bill would provide a basic and much-needed change in our revenue system. It is a realistic and workable proposal which deserves to be enacted, and I believe that it will be sooner or later. The bill already has attracted considerable favorable comment in the press and enjoys a growing constituency across the country. I congratulate Senator BRADLEY for his energy and wisdom in formulating this proposal and I am very pleased, indeed, to add my name as a cosponsor.

MAINE MEMORIAL RELATING TO BAHA'IS IN IRAN

● Mr. MITCHELL. Mr. President, on September 7, 1983, the members of the First Special Session of the 111th Maine State Legislature adopted a joint resolution memorializing the Congress to denounce the inhuman and genocidal treatment of the Baha'is in Iran. Mr. President, at this time I present to you and the Members of this Senate, the State of Maine Memorial. I respectfully request that it be printed and that it be referred to the appropriate committee of the Senate for consideration.

The memorial follows:

STATE OF MAINE—JOINT RESOLUTION

We, your Memorialists, the House of Representatives and Senate of the State of Maine of the First Special Session of the One Hundred and Eleventh Legislative Session assembled, most respectfully present and petition the United States Congress, as follows:

Whereas, the persecution of members of the Baha'i religious community in Iran has received world-wide attention; and

Whereas, most recently, the entire civilized world was shocked by the news from Iran of the execution by hanging of women members of the Baha'i faith; and

Whereas, reports of attempted forced conversions to Islam of Baha'is in Iran and wholesale deliberate starvation of Baha'i communities have been made public; and

Whereas, executions of Baha'is for no other reason than their religious preference continue in Iran; and

Whereas, these violations of human rights on the part of the Iranian authorities constitute violations against all civilized norms of behavior, as incorporated within such expressions of world opinion as the United Nations Declaration of Human Rights, and, indeed, violate the very principles of Islam, itself; and

Whereas, the Baha'i religion has a long and continued association with the State of Maine through the Green Acres Center at Eliot, and other official groups; now, therefore, be it

Resolved, That We, the Members of the First Special Session of the 111th Legislature, do hereby denounce the inhuman and genocidal treatment of the Baha'is in Iran by the present government of the Ayatollah Khomeini as a "crime against humanity," and we do further resolve that copies of this expression of our outrage and concern be sent to members of our State's delegation in Congress, the President of the United States, the Secretary of State, the Secretary-General of the United Nations and the Permanent Iranian Delegation to the United Nations.●

NICK CAPORELLA EARNS COLUMBUS CITIZENS FOUNDATION AWARD

● Mr. CHILES. Mr. President, I am pleased and proud that a Floridian, Nick A. Caporella, has been singled out by the Columbus Citizens Foundation, the leading Italian American charitable organization, for its Annual Leadership Award for Business and Industry. Significantly, that honor went last year to Lee Iacocca in recognition of his rescue of the Chrysler Corp.

Nick Caporella, president and chief executive officer of Burnup & Sims Inc., will be toasted this Saturday, October 8, in New York City at a Waldorf-Astoria dinner with the other three recipients—actress Sophia Loren, New York Governor, Mario

Cuomo and Pace University president, Edward J. Mortola—each in their respective fields of endeavor. They will then participate in the Columbus Day parade up Fifth Avenue on Monday.

Mr. President, Nick is a highly deserving winner who has worked hard all his life, truly a symbol of the work ethic and entrepreneurial spirit of our country. This fact was highlighted in 1979 when he was selected for the Horatio Alger Award as a man who "started from scratch and, against great odds, reached the top rung of the ladder."

In his early twenties he paid $250 down on a used dragline and operated it day and night, scouring south Florida construction sites for business. He expanded, recruited his father and brother to help, bought more equipment—and prospered.

At age 30 he sold out but quickly found retirement did not agree with him. So he started a new site preparation firm in Fort Lauderdale, naming it Caporella & Sons in honor of his father.

In 1972 the company was acquired by Burnup & Sims, a telecommunications and cable television service company. In early 1976 Caporella became president and chief executive officer, at a time when this company was experiencing losses.

Nick Caporella's leadership quickly moved Burnup & Sims from loss to profit by the end of 1976 and over a 6-year period the company's revenues were tripled and its profits increased 26 times.

Mr. President, at age 47, Nick Caporella is an unquestioned success story, a man stimulated by challenge who has achieved by offering challenge and opportunity to those who work with him. I commend him and congratulate him on this selection by the Columbus Citizens Foundation.●

INTERCITY BUS DEREGULATION

● Mr. PACKWOOD. Mr. President, last year Congress passed the Bus Regulatory Reform Act of 1982, which brought considerable easing of regulatory restrictions on the intercity bus industry. By reducing regulation and increasing competition in the industry, Congress intended to improve the financial health of privately owned bus companies and enable these companies and new entrants to provide improved service to the traveling public with reasonable fares.

There has been substantial new entry into the intercity bus industry since enactment of this legislation, consistent with the intent of Congress. However, there is now a disturbing development in the area of entry. I am referring to government subsidized entities seeking charter and special operations authority, which will directly compete with many privately owned companies.

The Bus Act was not designed to supersede the Urban Mass Transportation Act of 1964, nor the operating restrictions on the conduct of tours and charters by public mass transit authorities. Congress did not intend that the new act would in any way allow these entities to depart from their basic mission of serving commuters.

The entry standard of the Bus Act reflects this concern. Section 6 of the bill requires subsidized operators to meet a "public interest" test in order to obtain any type of operating authority. This section was drafted to apply to situations where private bus operators under contract or receiving subsidy from public mass transit districts would apply for operating authority. We believed it was unfair for these private operators to be on equal footing with unsubsidized operators; thus, they are required to meet a higher standard. The Bus Act was not intended to provide a loophole whereby publicly subsidized mass transit authorities could obtain nationwide charter and tour authority.

I understand that seven applications for extensive charter and special operations authority have been filed at the Interstate Commerce Commission by recipients of governmental financial assistance. The Commission has not decided any of these cases. I am hopeful that the Commission will carefully consider the legislative history of this provision in reaching its final decision.●

SENATOR HENRY M. JACKSON

● Mr. JOHNSTON. Mr. President, I should like to share with my colleagues a letter written by Mr. Sheldon Coleman, chairman of the Coleman Co., Inc. Mr. Coleman's letter, which was sent to approximately 50 publications in the recreation and leisure-time field, speaks admirably of Senator Henry M. Jackson's contributions to natural resource management.

I ask that Mr. Coleman's letter be printed in the RECORD.

The letter follows:

COLEMAN CO., INC.,
Wichita, Kans., September 20, 1983.

Mr. CLARE CONLEY,
Editor, Outdoor Life, New York, N.Y.

DEAR CLARE: Our nation has benefitted from the energies and talents of many public officials over more than two centuries. Some of these men and women have left an indelible imprint on the land they so loved. Henry "Scoop" Jackson, who died on September 1 at his home in Everett, Washington, was such a person.

Over four decades in Congress—including 31 years in the U.S. Senate—Henry Jackson provided thoughtful leadership in the fields of energy policy, defense and natural resource management. He was a man of high principles and high energy, and a true believer in America. He knew well the pressures of decision making in the glare of the spotlight and the frustration of long hours spent on projects about which few seemed to care.

The recreation community has much to be grateful to "Scoop" for today. Throughout his long career, he was a champion of the outdoors and of recreation. While still early in his career, he served as one of eight Congressional members of the Outdoor Recreation Resources Review Commission (1958-1962), an effort which contributed greatly to an expansion of recreational opportunities in the 1960's and 1970's and to the environmental consciousness of our nation. "Scoop" took an active role in the Commission and was more centrally involved than any other single person in converting the group's recommendations into law and action.

Washington's senior U.S. Senator made his last formal appearance before a recreation audience in June of 1983 at the American Recreation Coalition's Forum. His message was simple: confrontational politics was jeopardizing the quality and quantity of recreation in America.

He gave eloquent testimony to the fruits of bipartisan labors in support of recreation during the 1960's and asked all recreation community leaders to work toward the creation of a new outdoor recreation commission which might refocus Congressional attention on issues and needs.

As campers and boaters, as skiers and fishermen, as hikers and bikers, as wildlife photographers and as motorcyclists, Americans who share the deep love of the outdoors Henry Jackson felt have already gained and will continue to benefit from his lifetime of service to the nation. His advocacy of balanced management of our forests; of expansion of federal, state and local park systems; of providing a range of recreational opportunities from Wilderness to intensive use and his ability to conceive and communicate farsighted programs combine to make "Scoop" a man sorely missed and surely not forgotten.

Sincerely,

SHELDON COLEMAN.●

AIR TRAVELERS SECURITY ACT OF 1983

● Mr. SASSER. Mr. President, I want to commend my colleague, Senator WARNER, with whom I serve as cochair of the Senate Tourism Caucus, for his testimony on S. 764, the Air Travelers Security Act of 1983, this morning before a hearing of the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation.

This legislation, which Senator WARNER and I—as well as 36 of our colleagues—have joined in sponsoring, is aimed at preventing further havoc in the deregulated air travel industry by maintaining a stable relationship between airlines and the agents who service the airlines.

Senator WARNER's statement this morning was a clear and thorough endorsement of S. 764, one which I would like to share with my colleagues.

I therefore ask that the statement, along with its supporting materials, be printed in the RECORD.

TESTIMONY OF SENATOR JOHN W. WARNER

Madam Chairman, I am gratified by the opportunity to appear before your subcommittee testifying in behalf of the Air Travelers Security Act of 1983.

Most especially, I am gratified by the tremendous outpouring of bipartisan support given this bill by a majority of this subcommittee, as well as a majority of the members of the Senate Commerce Committee.

Madam Chairman, despite all of the years of hearings, all the volumes of testimony, all the hundreds of hours of serious deliberation expended by the travel industry, by the Federal Government, and by Members of Congress on this matter, the issue here is really a very simply one, and the decision to be made is quite clear cut.

The issue is: Will there be unfettered competition and will consumers continue to enjoy the rights and conveniences they have come to expect in the air travel accommodation marketplace?

If the position outlined in the Air Travelers Security Act is adopted, the answer is unquestionably "Yes."

If the position outlined in the Civil Aeronautics Board's (CAB) conclusion to the Competitive Marketing Investigation (CMI) is adopted, the answer is resoundingly "No."

Under the bill put forth by Congressman GLENN ANDERSON, 147 Representatives, 37 Senators and myself, International Air Traffic Association (IATA) and Air Traffic Conference (ATC) accredited travel agents would be allowed to continue serving the public in a ubiquitous manner while the barriers established by the CAB which previously barred others from participating in the travel marketplace would be stripped away, enabling these new entrepreneurs to take their place in an unregulated environment.

Under the CAB's position, however, the ubiquitous, accredited travel agent would be regulated into obscurity by the courts and the burden of antitrust litigation.

The marketplace would be chaotically filled with hucksters and fast-buck artists willing to, literally and figuratively, take every traveler for a ride.

The scope of marketing alternatives truly available to the traveler would be greatly limited.

And many of the rights and conveniences which the public has come to expect, and which are protected by ATC administered agreements among the airlines, would be lost.

As you know, these agreements, made possible by the antitrust immunity granted the ATC:

Provide a centralized process for accreditation and appointment of travel agents;

Provide for the recognition of common ticket stock by all airlines;

Govern the acceptance by one airline of another's ticketed passenger and their baggage;

And provide for the crediting to each airline the receipts of tickets sold for each airline by their accredited agents.

In short, Madame Chairman, if the CAB's decision is allowed to stand competition and consumer rights in marketplace will be only a figment of a former CAB chairman's imagination.

Since the beginning of the CMI in 1980, two items have surfaced as the focus of debate. They are:

(1) antitrust immunity and

(2) so-called "exclusivity".

As part of my written statement for the RECORD I am submitting a memoranda detailing my views on the antitrust issues in this debate (Appendix A).

I also am submitting a series of tables reflecting those elements of the ATC/IATA agreements which are provided antitrust immunity under the Air Travelers Security Act and those which are not covered (Appendix B).

With regard to exclusivity, the Air Travelers Security Act eliminates all regulatory barriers which previously prevented carriers from utilizing businesses other than accredited travel agencies for ticket sales and distribution.

There is one exception to this statement, however.

That is the secondary marketer or indirect air carrier.

On this matter, the CAB determined, in the course of the CMI, to abandon its creation for reasons I hope the CAB will enumerate at some point in this hearing. My formal written testimony provides more detail on this issues (Appendix C).

Madam Chairman, there are some who believe our bill is an obstacle to competition.

They are principally business travel department managers (BTD) who stated during the CMI that their only interest was in being able to generate income for their corporations, not in becoming travel agents.

Under our bill, and indeed under the present regulatory environment, the BTD's may legally purchase tickets directly from the carriers for internal distribution to company employees without going through travel agents.

More importantly, while carriers do not pay commissions on such transactions because the BTD's are purchasers or consumers of air travel, and not sellers or promoters, the carriers are free to grant these BTD's substantial discounts and liberal credit terms and, in fact, they do.

Furthermore, these discounts and terms are not available to either the general public or to travel agencies.

Some have suggested that the accredited agency system restricts the rights of travel marketing entities other than accredited agencies to sell and distribute tickets for compensation.

There are no such barriers presently, and there are none in the Air Travelers Security Act.

The current system permits carrier compensation to non-agency travel consultants for ticket sales.

This type of activity can be carried out by companies selling and distributing tickets through either machines placed on non-agency premises or through personnel employed by businesses located on such non-agency premises.

Further, the bill recognizes that other non-travel type companies such as department stores, banks, etc. could become accredited travel agencies with very little difficulty, and are therefore free to enter conference programs whenever they wish, provided they are not limited by regulations of other government agencies.

In short, nothing in the accredited agency system or in the bill under consideration today precludes businesses other than accredited travel agencies from selling and distributing tickets for compensation, either in the form of purchaser discounts or in the form of commissions.

Furthermore, those businesses which adhere to rules against self-dealing are free to become accredited agencies even if the principal function is not travel sales and service.

Madam Chairman, this bill represents an interest which is bigger than the airlines.

It's bigger than the 22,000 independent, highly competitive travel agents across the United States;

95 percent of which are small businesses;

46 percent of which are owned by women;

12 percent of which are owned by minorities; and

Which employ over 135,000 people, 70 percent of whom are women.

This bill represents an interest which is as big as the entire national and international travel and tourism industry and all the millions of people it serves annually.

Incidentally, the travel and tourism industry is represented here today by the Travel and Tourism Governmental Affairs Policy Council.

Additionally, attached to my formal statement is a list of other industry members who support this bill (Appendix D).

In the end, we as Senators . . . as representatives of the American public . . . must ask ourselves:

"How do we best secure the rights, the choices and the conveniences of those who travel?"

"Do we do it by imposing on the travel marketplace a set of arbitrary standards to be administered by the courts?"

"Or do we do it by destroying the unnecessary barriers to competition and allowing the market to regulate itself through the free enterprise of—

"ATC and IATA accredited full service travel agencies,

"Bulk discounters,

"Charterers,

"Automated point-to-point ticketing outlets,

"And an infinite variety of other alternatives?"

Madam Chairman, I think the choice is very clear, and that's why I enthusiastically support and seek passage of the Air Travelers Security Act of 1983.

MEMORANDUM: THE AIR TRAVELERS SECURITY ACT OF 1983, THE ANTITRUST IMMUNITY ISSUE

This Memorandum addresses the antitrust considerations in the Air Travelers Security Act of 1983, S. 764 and H.R. 2053. The principal controversy arising from this legislation involves the question of whether the current system of collective agreements between air carriers and travel agencies should retain antitrust immunity, which the Civil Aeronautics Board has decided to remove by the end of 1984 when the CAB goes out of existence. This legislation would restore immunity and essentially leave intact the current system, which most observers believe works extremely well. If the agreements lose immunity, however, it is likely that the agency-carrier system will no longer remain in effect because the agreements rely upon close cooperation among competing businesses not generally permitted under U.S. antitrust laws.

I. BACKGROUND AND SUMMARY

The United States has long been one of the most problem free countries in the world for air travel because of its system of collective agreements between air carriers and travel agencies approved by the CAB. Congress, in its enactment of the Airline Deregulation Act of 1978 and the subsequent enactment of the International Air Transportation Competition Act of 1979, found no basis for altering this system. The CAB nonetheless determined a need to study the competitive effects of the agree-

ments, which provide for the sale and distribution of airline tickets through travel agencies accredited pursuant to standards set by both the Air Traffic Conference (ATC), a division of the Air Transport Association (ATA), consisting of all U.S. carriers; and by the International Air Transport Association (IATA), consisting of almost all non-U.S. carriers.

The CAB assigned one of its most experienced Administrative Law Judges, Ronnie Yoder, to conduct the Competitive Marketing Investigation, which lasted more than three years. After hearing testimony and assessing evidence submitted by the numerous interested parties, Judge Yoder found that the current system of ticket sales and distribution through accredited travel agencies has no viable alternative for serving the travel consumer. He also concluded that except for removal of certain anticompetitive provisions in the agreements to permit entities such as Ticketron to sell tickets, the system should be left intact. Judge Yoder determined, however, that the agency-carrier agreements system could remain in effect only if it continues to receive antitrust immunity. He found that the current system actually increases competition by making the sale and distribution of tickets extremely efficient and by providing easy access into the market for new agencies and new carriers alike.

In December 1982, a sharply-divided CAB rejected Judge Yoder's more significant findings and conclusions and stripped protection from the agreements and agency accreditation by removing antitrust immunity when the CAB ceases to exist at the end of 1984. A large bipartisan group of Senators and Representatives from all over the United States, led by Members of Congress particularly knowledgeable about the U.S. travel, tourism and airline industries, is cosponsoring the Air Travelers Security Act to replace the CAB ruling with Judge Yoder's findings and conclusions.

Supporting this legislation are virtually all sectors of the U.S. travel, tourism and airline industries, as well as all foreign carriers serving the U.S. These industries benefit substantially from the agency-carrier system, which facilitates air travel within, to and from the U.S. by providing for a nationwide network of some 22,000 accredited travel agencies which market air travel under a set of common rules and standards. The industry groups believe that the agency-carrier system may not survive absent antitrust immunity, and without the agency-carrier systems, air travel will be far more complicated and ultimately more expensive for the travel consumer, to the detriment of these industries.

Opposed to this legislation is the CAB, which has determined that the agency-carrier system does not need antitrust immunity to continue and takes the position that in a deregulated environment, exposure to antitrust liability is a normal and acceptable business risk. The only industry opponent is the National Passenger Traffic Association (NPTA), a group composed of large company in-house travel executives who wish to gain the same benefits as accredited travel agencies without meeting the agency-carrier accreditation standards.

II. THE NEED FOR NATIONWIDE, INDUSTRYWIDE COLLECTIVE AGREEMENTS IN THE AIR TRAVEL INDUSTRY

The air travel industry is unique in that it requires close cooperation among competitors to serve the travel consumer. The current agency-carrier system depends upon the ability of competing businesses to agree with one another on the rules and standards for efficient ticket sale and distribution. No single domestic or foreign carrier serves all points, nor will this ever be a realistic possibility. Carriers must therefore cooperate with one another to assure that the travel consumer can utilize various carrier combinations to travel in an efficient and cost-effective manner. Congress recognized the importance of intercarrier agreements when it passed the Airline Deregulation Act, finding such agreements "essential to the maintenance of a modern and convenient air transportation system, including those regarding uniform procedures for ticketing, interlining baggage, the recognition of tickets issued by one carrier for transportation on another." [1] There can be no viable national air transportation system absent the ability of carriers to work closely with one another.

Carrier interdependence requires common rules and standards to govern ticket sale and distribution in order to avoid consumer and industry confusion. The marketplace has developed the agency-carrier system as the best means of satisfying this objective. Judge Yoder accurately described this system when he found:

"These agreements provide a uniquely integrated marketing system based upon the ubiquitous presence of the industry travel agents which represent all carriers and enjoy the confidence of the public and carriers alike in their competence and reliability because of commonly administered accreditation standards. The system enabled by those agreements . . . undergirds and enables the current system of interlining and interchangeability and refundability of tickets." [2]

The intercarrier agreements essential to national air transportation thus require a set of mutually agreed upon standards to function effectively.

One cannot underestimate the importance of the travel agency-air carrier agreements to the U.S. transportation system. These agreements permit carriers to do business through one nationwide network of sales agents working under common rules and standards. This in turn assures each carrier that tickets received from its competitors on interconnecting flights can be safely honored without causing problems for the travel consumer. Judge Yoder observed:

"The present system of interline sales is acceptable to carriers because they have joint control over all travel agents, even those of other carriers, under the agreements between carriers that they will permit travel agent sales only by conference accredited agreement." [3]

Without mutually agreed upon standards to govern agency-carrier relationships, there would be no means by which travel agencies could uniformly serve all carriers and by which carriers could recognize each other's agents to serve the common travel consumer. Furthermore, reliable information about all available fares and schedules, increasingly difficult to obtain in the aftermath of airline deregulation, would be unavailable to the consumer for making an informed choice best suited to individual travel needs.

Unlike other nationwide, industry-wide collective agreements, the agency-carrier system promotes competition among its participants. The CAB conceded this point in its Competitive Marketing Decision by noting that "under a common system there are far more distribution locations providing information on fares and services to the public. Because there are more outlets, offering information on a wider variety of fares and services, competition among air carriers is enhanced." [4] The agency-carrier system is the only one capable of providing so many sale outlets for carrier and consumer alike which offer uniformly high and consistent levels of service.

III. THE INHERENT CLASH BETWEEN THE AGENCY-CARRIER AGREEMENTS AND FEDERAL ANTITRUST LAW

No one, including the CAB, questions the substantial benefits provided to the consumer and industry by the agency-carrier system. Without the ability to agree collectively on reasonable rules and standards for ticket sale and distribution, however, carriers and agencies can no longer provide these benefits. If immunity is lost, application of federal antitrust laws could create insuperable obstacles to continuation of the agency-carrier agreements, which are based upon close competitor cooperation. This is readily seen by subjecting the key provisions of these agreements to traditional antitrust analysis.

A. Applicable legal standards

The agency—carrier agreements are subject to section 1 of the Sherman Act,[5] which prohibits any contract, combination or conspiracy in restraint of trade and imposes criminal liability for violations. Section 4 of the Clayton Act [6] subjects antitrust violators to civil liability for treble damages and reasonable attorneys' fees. A court confronted with a suit challenging the collective agreements must decide whether to subject them to a *per se* or Rule of Reason treatment. The Supreme Court has determined:

"[T]here are certain agreements or practices which . . . are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to the precise harm they have caused or the business excuse for their uses. This principle of *per se* unreasonableness not only makes the type of restraints which are proscribed by the Sherman Act more certain to the benefit of everyone concerned, but it also avoids the necessity for an incredibly complicated and prolonged economic investigation . . . an inquiry so often wholly fruitless when undertaken." [7]

In other words, certain practices are presumed to be antitrust violations because of their effects upon competition. These include various forms of price-fixing; group boycotts; and concerted refusals to deal.[8] A court would invalidate any of these practices found to exist in the agency-carrier system without undertaking the complex antitrust economic analysis which normally characterizes Sherman Act cases.

Conduct not subject to *per se* treatment is scrutinized according to Rule of Reason criteria developed over the years in a series of judicial decisions. Under the Rule of Reason analysis.

"The true test of legality is whether the restraint imposed is such as merely regulates and perhaps thereby promotes competition or whether it is such as may suppress or even destroy competition. To determine that question the court must ordinarily consider the facts peculiar to the business to which the restraint is applied; its condition before and after the restraint was imposed; the nature of the restraint and its effect, actual or probable." [9]

The Supreme Court has noted that it is only after the courts have had considerable

Footnotes at end of article.

experience with certain business relationships that conduct should be classified as per se illegal. In the absence of such experience, the challenged conduct would be subject to Rule of Reason analysis to determine whether the challenged conduct promotes or suppresses competition.[10]

This has the effect of prolonging litigation since courts will thoroughly study the affected industry and the anti-competitive effects of the challenged conduct. Absent settlement, resolution of the dispute will turn upon evidentiary considerations formulated through extensive discovery. It is perhaps significant that a CAB majority decided to remove antitrust immunity from the agency-carrier agreements principally on the theory that such litigation would be "frivolous" and of the type that all businesses should be able to defend. Litigation subjecting the agency-carrier agreements to a Rule of Reason analysis will probably not be frivolous, and it may not be affordable when the costs of mounting a defense and the risk of losing are calculated. The airlines are not in particularly strong financial condition to absorb such costs and travel agencies, which are primarily small businesses, seem particularly ill-suited as co-defendants in massive, complex antitrust litigation.

Although the agency—carrier agreements have received approval in the past, there can be no assurance that they will withstand per se scrutiny in the courts despite the fact that both Judge Yoder and the CAB concluded in the Competitive Marketing Investigation that the agreements should be analyzed by them for anticompetitive effect under Rule of Reason criteria. The Department of Justice argued throughout the investigation that the agreements are per se illegal which proves that litigation challenging them would be neither frivolous nor fanciful. The viability of a legal challenge to the agreements as per se or Rule of Reason violations or both creates the inevitable prospect of protracted and costly litigation, which in itself provides a strong disincentive for continuation of the agreements. Added to these costs is the risk that a jury or court will conclude that a violation exists.

B. Potential illegality of industrywide accreditation standards

The agency-carrier agreements provide for common accreditation wherein carriers jointly set standards for selection and retention of travel agencies. These fall into several categories. Financial requirements for an agency include either bondability (ATC) or minimum capitalization (IATA). Honesty standards preclude accreditation in case of false statements on agency applications and felony convictions; bankruptcy (ATC); or prior accreditation suspension. Personnel requirements are imposed on both the agency manager, who must work full time and have agency experience; and upon the agency itself, which must employ at least one experienced person on the premises. Agency location requirements include rules related to limits on non-travel activities; public accessibility; and ticket security facilities. Accreditation standards preclude agencies from self-dealing in air transportation by limiting internal agency ticket use and by barring commission payments on tickets purchased for internal agency use. Only those agencies complying with these standards can become accredited.

The above standards are not unreasonable. Because they are set collectively by competitors, however, they are subject to stringent antitrust scrutiny absent immunity. The Supreme Court, in the recent Hydrolevel case, has expanded the liability of businesses which promulgate industry-wide standards of conduct actually applied even if the standards are advisory only and are voluntarily adhered to by those doing business with industry members.[11] The setting of standards to govern the sale and distribution of airline tickets through collective appointments and accreditation subjects both U.S. and foreign carriers to potential antitrust liability whenever a carrier refuses to permit its tickets to be sold by agencies which do not meet those standards. Even though the standards might be commercially reasonable, because they are set collectively by the carriers, commercial reasonability would not be a defense to liability if a court concludes that use of the standards fall within the per se category.

Even if adherence to such standards is voluntary, any effort by particular industry members to apply them might subject the industry to liability. Justice Powell, dissenting against the *Hydrolevel* ruling, identified the problem likely to be faced by carriers seeking to impose standards on travel agencies, when he concluded that an industry will protect itself "by ceasing to respond to inquiries concerning its codes."[12] He then noted that "Industry standard-setting can have a significant potential for consumer benefit" because "information can be expensive if consumers are forced to gain it only by their own experience or by the creation of another bureaucracy."[13] *Hydrolevel* involved a jury verdict and the question of whether the association could be liable for application of an industry code by individual members. The case is instructive in showing how industry standards can expose members to antitrust liability despite the efficiencies and benefits which flow from industry practices.

The recent National Association of Broadcasters case reinforces the likelihood that standards imposed as a condition of doing business within a given industry are incompatible with U.S. antitrust laws.[14] Judge Harold Greene, one of the nation's most prominent antitrust judges, struck down the advertising code imposed by broadcasters even though adoption of the code was voluntary. Because broadcasters deciding to adopt the code were contractually obligated to honor it, however, Judge Greene concluded that the comprehensive monitoring and enforcement program to maintain code compliance among subscribers made the standards obligatory rather than voluntary and invalidated them as an antitrust violation. Even though the CAB has made adherence to the ATC and IATA standards voluntary after 1984, it is doubtful that such standards can lawfully exist if they are imposed collectively by the carriers. Without standards for accreditation, there does not seem to be any reason for the agency—carrier programs to continue.

C. The area settlement plan

The current agency-carrier system provides for an extremely efficient mechanism to settle accounts, the Area Settlement Plan (ASP), which establishes a system of weekly standardized reporting and remission of ticket sale proceeds through a system of area banks located throughout the U.S. The area banks in turn draw upon an agency's commercial bank for the amount owed each carrier. The ASP also monitors agency performance of payment obligations and provides for both fines and eventual accreditation suspension for repeated agency delinquency. Adherence to the ASP has been voluntary since the CAB disapproved provisions which made ASP participation a condition for agency accreditation several years ago. Although agencies now have the right to negotiate individual credit and payment terms with each carrier, carriers have generally been unwilling to do this because the ASP works so efficiently and assures them prompt payment.

The ASP is vulnerable to antitrust attack when immunity is removed because of the holding in the 1980 *Catalano* case,[15] which invalidated as illegal per se price-fixing an agreement among wholesalers to deny credit to their customers. This case could preclude future carrier reliance on the ASP as the sole means of payment when immunity expires, since the ASP does not permit the individual buyer-seller negotiation of terms which characterizes the free market model contemplated by U.S. antitrust laws. The CAB found the ASP distinct from the practice in *Catalano* by treating airline ticket proceeds as funds held in trust for the carriers by the agents, and the CAB also pointed to voluntary participation in ASP as a means of distinguishing it from the *Catalano* situation. As seen in *National Broadcasters* and *Hydrolevel*, however, voluntary participation in a standards-setting agreement does not remove the participants from federal antitrust scrutiny, and the trust theory is somewhat subject to attack. There is judicial authority to support an argument that horizontal agreements which result in market efficiencies and corresponding lower prices to the consumer may not constitute per se antitrust violations, and under Rule of Reason analysis the ASP seems to be an acceptable practice.[16] It would appear, however, that *Catalano, Hydrolevel* and *National Broadcasters* make the ASP vulnerable to attack and this vulnerability might reasonably chill the willingness of the carriers to continue participation in it since other provisions of the agency-carrier system are also subject to challenge.

D. Exclusivity

Current agency-carrier agreements provide that only those agencies which meet all conference accreditation requirements are authorized to sell tickets. The CAB has invalidated this provision, effective January 1, 1985, while Judge Yoder's conclusion that exclusivity is essential for maintaining the present agency-carrier system would be incorporated into U.S. law if Congress enacts the proposed legislation. Absent immunity, exclusivity would be particularly susceptible to antitrust attack and those carriers which choose to engage in de facto exclusivity do so at substantial legal risk. In the *Radiant Burners* case,[17] the Supreme Court ruled that sellers in a given industry which agree not to deal with a buyer who fails to conform to industry standards set by the sellers can be subject to per se antitrust liability. This rule could effectively bar enforcement of industry-wide standards for travel agencies by contractual prohibitions against individual carrier transactions with agencies failing to comply with ATC or IATA standards.

The CAB found that the exclusivity provisions violate federal antitrust law absent immunity despite all the consumer benefits they offer.[18] Judge Yoder concluded that exclusivity is necessary for retention of the interline agreements because of carrier need to set uniform rules and standards for ticket sale and distribution, which would be meaningless if there were no means of enforcing

them.[19] Both Judge Yoder and the CAB are probably correct, which illustrates the inherent conflict between antitrust laws and the need for immunity to retain the highly beneficial agency-carrier system.

Assuming that absent immunity, carriers may not collectively refuse to deal with agencies which fail to meet accreditation standards, single carriers deciding to deal only with accredited agencies fare little better under existing antitrust law. A single supplier normally has the right to select or reject customers, but courts applying the Sherman Act have qualified this right with certain restrictions particularly applicable to the agency-carrier system. For example, the Supreme Court had declared that a supplier may not impose anticompetitive ancillary agreements upon a prospective customer as a condition of sale.[20] Assuming arguendo that the ASP or accreditation programs are anticompetitive, it is doubtful that an individual carrier can lawfully compel a travel agency to participate in these programs as a condition for selling tickets. If federal antitrust law precludes these conditions, then the agency-carrier programs have little meaning. This becomes even more apparent by the antitrust prohibition against supplier employment of a third party to enforce restrictive practices, which, absent immunity, makes ATC and IATA enforcement of the agency programs at the request of a member carrier potentially unlawful.[21]

E. Conclusion

Little about the agency-carrier program is in harmony with existing antitrust law and absent immunity, there seems to be substantial doubt that the agreements will continue in any meaningful form. This is not surprising, since Congress has always exercised its power to grant immunity to desirable collective industry behavior to protect it from judicial sanctions.

IV. THE NEED TO IMMUNIZE THE AGENCY—CARRIER AGREEMENTS

Almost without exception, those who understand the agency—carrier system believe it should remain intact. Because the system relies so heavily upon collective agreements on common rules and standards, which are strongly disfavored by federal antitrust courts, it must receive antitrust immunity to continue. In fact, the CAB order initiating the Competitive Marketing Investigation states that "without immunity . . . it is likely that neither the IATA nor the ATC conference systems could have [ever] been developed."[22] CAB Chairman Dan McKinnon, the most prominent and vocal opponent of the Air Travelers Security Act, recognized this when he dissented against the CAB majority decision to remove immunity at the end of 1984. He wrote that "the facts show that antitrust immunity should be granted beyond 1984 for all approved conference programs so that the many public benefits of the established programs are preserved."[23]

If Congress does not restore immunity through passage of this legislation, the system will undoubtedly be subjected to costly antitrust proceedings which could last for years. The last major case involving CAB antitrust immunity issues lasted 12 years and involved 56,000 legal hours at a cost of $7.5 million to only one party in the dispute, prompting Chief Justice Burger to describe it as the "20th Century sequel to Bleak House."[24] Congress in fact cited the infamous *Hughes-TWA* litigation as the basis for much of the Airline Deregulation Act to avoid the problems and delays likely to emerge in a complex, Rule of Reason airline antitrust case. While such litigation is in progress, it is highly likely that administrative decision-making by the CAB successor agency for air passenger travel will function very poorly, since the agency will be reluctant to second-guess the court presiding over the case, and carriers will not know what conduct is illegal until the court finally decides this after all appeals are exhausted. Problems involved in naming IATA carriers as antitrust co-defendants may prove to be insurmountable, since many of them are owned by sovereign states which will not only impede discovery efforts, but also take retaliatory steps against U.S. carriers abroad. Subjection of foreign sovereign-owned enterprises to treble damage liability is a sensitive issue well known to Congress. Finally, the prospects of injunctive relief in such litigation make the spectre of judicial management of the air travel industry all too real, particularly since it has already happened with the even more complex and larger telephone industry.

The above prophesy assumes that the carriers will choose to continue participation in the agency-carrier programs and defend them from antitrust attack. In fact, however, there is ample evidence that if Congress fails to restore immunity, the carriers will withdraw their participation and dismantle the system. The extensive Competitive Marketing Investigation record indicates that "carriers would not continue to participate in the conference agreements if antitrust immunity is denied."[25] The carriers have frequently testified before Congress that this will indeed happen. Prior to the CAB decision, the ATA stated:

"The serious risk that the joint selection, retention and termination procedure of the ATC Travel Agency Program in its present form would be characterized as a per se [violation] poses an insurmountable antitrust obstacle to its continuation without continued immunity."[26]

In recent hearings, the ATA reaffirmed its position that removal of immunity will terminate the agency—carrier system:

"[W]ith the loss of antitrust immunity at the end of 1984, we doubt that the [agency-carrier] program could continue in its present form. The risk to the airlines and the cost of defending probable antitrust suits would just be too great . . . It is our studied conclusion . . . that without antitrust immunity the risks involved would be too great and the potential cost too heavy for the airlines to continue the current program."[27]

Given the carriers' own statements, and given the legal sensibility of their position based upon applicable judicial precedent, it is apparent that absent restoration of immunity to the agency-carrier system by Congress, that system will effectively cease to exist.

V. CONCLUSION

The current agency-carrier system work very well for the travel consumer and the travel, tourism and airline industries by assuring the existence of an efficient air transportation system governed by common rules and standards. Because the system consists of agreements among competitors necessary to serve a common travel consumer, and because federal antitrust law traditionally prohibits such agreements despite their attendant consumer benefits, it is reasonably certain that failure to pass this legislation and restore immunity to the agency-carrier system will be the system's undoing. If carriers decide to continue the agreements and defend them in antitrust litigation, there is no certainty whatsoever they will prevail since conduct constituting per se violations forecloses judicial scrutiny of its benefits and pro-competitive effects. If Congress fails to act, it is therefore likely that the courts will determine the nature of U.S. air travel in a manner not necessarily in the consumer or industry interest.●

FOOTNOTES

[1] S. Rep. No. 631, 95th Cong., 2d Sess. 81 (1978).
[2] Competitive Marketing Investigation, Administrative Law Judge Ronnie Yoder Decision at 20 (June 1982) [hereinafter cited as Yoder Decision].
[3] Id. at 6.
[4] Competitive Marketing Investigation, Civil Aeronautics Board Decision at 36 (December 1982) [hereinafter cited as CAB Decision].
[5] 15 U.S.C. § 1.
[6] 15 U.S.C. § 15.
[7] Northern Pacific Ry. Co. v. United States, 356 U.S. 1, 5 (1958).
[8] 2 J. Von Kalinowski, Antitrust Laws and Trade Regulations § 6.02[2] (1982).
[9] Chicago Board of Trade v. United States, 246 U.S. 231, 238 (1917).
[10] *Broadcast Music, Inc.* v. *Columbia Broadcasting System*, 441 U.S. 1, 9-10 (1979); *National Society of Professional Engineers* v. *United States*, 435 U.S. 679, 691 (1978).
[11] *American Society of Mechanical Engineers* v. *Hydrolevel Corp.*, 102 S. Ct. 1935 (1982). See also *American Column & Lumber Co.* v. *United States*, *257 U.S. 377 (1921).*
[12] *Hydrolevel*, 102 S. Ct. at 1956 (Powell, J., dissenting).
[13] Id. at 1957.
[14] *United States* v. *National Association of Broadcasters*, 536 F. Supp. 149 (D. D.C. 1982).
[15] *Catalano, Inc.* v. *Target Sales, Inc.*, 446 U.S. 643 (1980).
[16] *Broaadcast Music*, supra note 10.
[17] *Radiant Burners, Inc.* v. *People's Gas Light and Coke Co.*, 364 U.S. 656 (1961).
[18] CAB Decision at 42, especially n. 142.
[19] Yoder Decision at 86-88
[20] Albrecht v. Herald Co., 390 U.S. 145 (1968).
[21] United States v. Parke, Davis & Co., 362 U.S. 291 (1960).
[22] CAB Order 79—9-64 at 2 (Sept. 13, 1979).
[23] CAB Decision (McKinnon Dissent).
[24] Hughes Tool Co. v. Trans World Airways, 409 U.S. 363, 393 (1973) (Burger, C.J., dissenting).
[25] Yoder Decision at 209.
[26] Hearings Before the Subcomm. on Aviation of the Senate Comm. on Commerce, Science and Transportation, 97th Cong., 1st Sess. 18 (1981) (statement of Paul Ignatius, Air Transport Association).
[27] Hearings Before Subcomm. on Antitrust and Restraint of Trade Activities Affecting Small Businesses of the House Comm. on Small Business, 98th Cong., 1st Sess. 11 (1983) (statement of Gabriel Phillips, Air Transport Association).

MARKETING RELATIONSHIPS AND ANTITRUST IMMUNITY UNDER YODER DECISION

MARKETING RELATIONSHIPS SUBJECT TO CONFERENCES

Agency relationship

(1) Meets accreditation rules.
(2) Represents all conferences airlines.
(3) Holds out as "travel agent."
(4) Agent-at-law: binds the airlines through representations, ticket issuance, receipt of public's money on carrier's behalf.
(5) Acts as travel counsellor to public.
(6) Sells interline transportation involving conference airlines.
(7) Normally paid by commission but can take inventory risks.
(8) Settles accounts normally through Area Settlement Plan using Standard Agent Ticket Stock, but may settle outside ASP on airline stock if carrier agrees.
(9) Can discount if individual airline allows it.

MARKETING RELATIONSHIPS OUTSIDE CONFERENCES

Nonagency ticket distributors

(1) Negotiates own terms of relationship with any airline.

(2) Sells on an "on-line" basis only, for carriers with which it has contracted.

(3) Holds out as anything but a "travel agent."

(4) Normally takes inventory risk but can be paid commission based on sales.

(5) Can also be an accredited agent but not from same location.

(6) Uses ticket stock other than Standard Agents Ticket Stock and settles outside Area Settlement Plan on negotiated basis.

(7) Can discount if taking inventory risk or, if not, then with carrier consent.

Current examples:

(1) Contract Bulk Fare Operators (Club Med had CBF deal with American Airlines—there have been numerous others).

(2) Ticketron.

Future examples:[1]

(1) HATA—reservations/translation service.

(2) ATBB—ticket delivery from bank locations.

SUMMARY: RE SCOPE OF IMMUNITY UNDER YODER DECISION

Item and Immunized?

Conference procedures and actions—Yes.

Deviations by conferences from approved procedures—No.

Marketing relationships outside conference rules—No.

Group boycott by agents against airline to force raising of commissions or prevent reductions—No.

Group boycott by agents against airline to deter use of ticket distribution outside conference rules—No.

Price-fixing by agents—No.

Price-fixing by airlines, within or outside of ATC—No.

CONFERENCE PROCESSES

Process	Subject to review by CAB/DOT	Immunity [1]
Development/amendment of accreditation rules.	Yes	Yes.
Rights of agents and third parties to make input.	Yes	Yes.
Development/amendment of area settlement plan rules.	Yes	Yes.
Rights of agents to make input	Yes	Yes.
Negotiation of non-ASP settlement by accredited agent.	No	No.
Processing of applications to be accredited agents.	Yes [2]	Yes.

[1] All approved rules and procedures must be strictly followed or immunity is lost.

[2] Only as to procedures used, but not as to individual applications, which have separate review procedures by Travel Agent Commissioner and arbitration.

RELATIONSHIPS OUTSIDE CONFERENCE

Process	Subject to review by CAB/DOT	Immunity
Negotiatioin of ticket distribution contract terms.	No	No.
Negotiation of settlement terms	No	No.
Resolution of disputes	No	No.

[1] Both of these could have been done under the original agreements at issue in CMI—they were outside the conferences, as were CBF's and in the case of IATA, Ticketron.

CONFERENCE PROCESSES

Process	Subject to review by CAB/DOT [1]	Immunity [2]
Enforcement of accreditation rules—continuing compliance.	Yes	Yes
ATC action	Yes	Yes
Travel agent commissioner	Yes	Yes
Arbitration procedure	Yes	Yes
Area settlement plan financial monitoring and enforcement.	Yes	Yes
ATC action	Yes	Yes
Travel agent commissioner	Yes	Yes
Arbitration	Yes	Yes

[1] As to procedures; no, as to individual cases.

[2] All approved rules and procedures must be strictly followed or immunity is lost.

Note: If CAB decision stands, all actions under "Conference Processes" will be subject to attack under the Sherman Act in any Federal court by Justice Department or any private plaintiff.

MEMORANDUM: RE EXCLUSIVITY AND LIMITATIONS ON ENTRY INTO THE DISTRIBUTION OF AIRLINE TICKETS

Throughout the CAB review of the ATC and IATA agency programs and the debate over the Air Traveler Security Act, critics of the programs have focused particular attention on their "exclusivity" provisions. These provisions require participating carriers to refrain from using agents who do not meet the qualification standards of the programs. The critics allege that exclusivity inequitably denies the builder of a superior distribution mousetrap an opportunity to use it and thus deprives consumers of the benefits of innovative competition. Since innovation and new entry lie at the heart of the competitive process, these allegations clearly warrant careful Congressional review.

Defenders of the agency programs point out that critics were unable to identify any specific distribution innovations which had been foreclosed by the programs. Perhaps more importantly, defenders contend that the programs themselves cannot effectively hamper innovation since they impose no limitations on sales techniques used by airline employees (e.g., use of ticketing machines or videotext in-home sales) or on sales by airlines to retailers who resell in their own names. The latter category of true retailers (i.e., non-agents selling air transportation to the public in their own behalf) are, however, legally classified as "indirect air carriers" and thus cannot do business without a CAB license or exemption. Fed. Aviation Act §§ 401, 416; see Order 82-12-85 at 50 M. 170.

The CAB has been extremely reluctant to license indirect air carriers for passenger transportation. At present, indirect passenger authority is available only for charter tour operations (14 C.F.R. Part 380) which are heavily regulated and contract bulk operations (Order 80-2-112), which are subject to equally stringent conditions. As a practical matter, these authorizations are simply insufficient to permit potential retailers to develop significant operations in selling to individual passengers. See Order 82-12-85 at 39, 40.

For example, a major travel agent or motel chain might decide that the traveling public would be prepared to buy from seats on regularly scheduled flights and that they could obtain those seats at satisfactory wholesale prices and under workable inventory arrangements from major airlines. Under present legal conditions, a retail operation of this kind would not be affected by the agency programs which would leave each participating carrier free to determine whether or not to sell to the innovator. The operation would, however, be foreclosed by CAB regulation and the innovator would find that the CAB had not even promulgated regulations governing applications for relief from this legal disability.

In these circumstances, it is apparent that both CAB legal restrictions and "exclusivity" may play a role in limiting the opportunities of a theoretical distribution innovator who wishes to operate outside the boundaries of program agency qualification. "Exclusivity" produces the offsetting advantages of ensuring agent competence in the absence of regulatory control, facilitating interline acceptance of agent-written tickets and safeguarding carrier investments in consumer confidence in accredited agents. CAB limitations on indirect air carrier entry, by contrast, have no offsetting benefits.

Thus, if the "innovation" problem could be resolved by removing CAB restrictions, and subjecting the agency programs to market discipline rather than dismantling them, the interests of carriers, agents and (most important) consumers would best be served. Indeed, a solution in which retailing became the outlet for innovations not yet acceptable for agency sales where carriers are directly accountable, would parallel the Board's action in Phase V of the Competitive Marketing Investigation where it recognized that its own tariff rules, rather than the agency programs, were the cause of limited pricing flexibility at distributor level.

Since the Board has never permitted meaningful entry in indirect passenger air transportation marketing, the impact of its restrictive regime is hard to assess empirically. Useful information was, however, made available during the Competitive Marketing Investigation when the impact of "exclusivity" in the international air cargo markets was examined.

In cargo marketing, the Board has used its exemption authority to allow virtually free entry to air freight forwarders who issue their own waybills and set their own prices and condititions while purchasing cargo space on scheduled flights from air carrier parties to the IATA agency program. 14 C.F.R. Part 296. The record evidence (see Attachment A) clearly demonstrated that forwarding was a virtually equivalent substitute for agency service from the perspectives of both distributors and shippers. See Order 82-12-85 at 113-116 ("forwarder status constitutes a readily available alternative to agency status"). Thus, the Board could find no blockage to innovation in international cargo marketing despite the presence of "exclusivity." [1]

The cargo experience set forth in the record of the Competitive Marketing Investigation makes clear that the Board's disapproval of passenger agency exclusivity was premature if not totally mistaken. The Board could have used the period of the Competitive Marketing Investigation to clear its own house by authorizing indirect air carrier entry into the retailing sector. In the unlikely event that passenger retailing did not provide "a readily available alternative to agency status" the Board could exercise its continuing jurisdiction to assess the balance between "exclusivity" benefits and burdens with real knowledge of substantive

[1] Nevertheless, the Board disapproved cargo exclusivity because it could not "conclude that other forms of cargo distribution would not have entered the marketplace if the exclusivity provisions had not been in place." Id. at 116. No statement could more clearly spell out the Board's application of an impossible standard to those defending the programs.

barriers, if any, to innovation. Surely, the real issue for the builder of the hypothetical better mousetrap and the consumers he wishes to serve is not the form which market entry takes but the substantive ability to test innovation in the marketplace.

EXCERPTS

Mr. RUDEN. Okay. Thank you.

Vice Chairman BAILEY. Mr. Bailey?

Mr. BAILEY. Madam Vice Chairman, members of the Board, may I reserve one minute of my time for rebuttal.

We turn to the IATA cargo agency program. In many respects the IATA cargo agreements and the way that they are administered mirror the passenger program which we reviewed yesterday and this morning.

The U.S. cargo resolutions are the consensus of airline cargo experts representing over 100 of the world's airline meetings in annual conferences.

These resolutions are part of a global program of similar agreements in effect in most free world countries. They establish minimal standards for universal cargo agency acceptability in the areas of business experience, financial responsibility, premises and integrity.

IATA efficiently administers the approval and retention process for its members.

You also have before you the cargo accounts settlement system, otherwise known as CASS. CASS is IATA's cargo counterpart to ASP. That is, it is a data processing system for bank settlement of accounts between cargo agents and other distributors on the one hand and air carriers on the other.

CASS started in this country during the last year under your interim approval.

Now, I want to emphasize three points in the limited time available. First, IATA endorses Judge Yoder's conclusions on the IATA cargo agency agreements and CASS. He correctly found that the distribution market for international air cargo services is fluid, it is open, it is fully price and service competitive.

Former Chairman Kahn reached the same conclusion when he independently studied the forwarding market several years ago and his analyses and findings are also in the record.

Only the Bureau has any questions about the competitive impact of these agreements, but we submit that its position lacks consistency.

While BDA agrees with the Judge that the selection criteria and the conference machinery benefit the shipping public, it argues inconsistently that the qualifying standards need not actually be applied to all agents.

But neither it nor anyone else has presented any evidence that the universal application of the standards has prevented any person from performing intermediary services in the cargo distribution market.

That is, no one has demonstrated that competition has been harmed by the application of these agreements. The factual record, therefore, fully supports Judge Yoder's conclusion.

But what is most significant is that the freely competitive distribution cargo market, which both Judge Yoder and former Chairman Kahn have described, developed and matured while the IATA cargo agency agreements were in existence.

This is irrefutable proof that the so-called agency exclusivity, which is a misnomer for the carriers simple covenant to apply the agency standards in the market place has not and does not impair competition.

Now, let's look more closely at this competitive cargo distribution market structure.

International air cargo is sold primarily by risk takers, that is, air freight forwarders and non-risk takers. That is the IATA cargo agent. In roughly a fifty-fifty proportion.

The carriers also sell directly to shippers, but only a relatively small part of the total sales are so transacted.

There are about a thousand cargo agents in the U.S. Most also function as risk taking air freight forwarders. In this risk taking capacity, they compete with carriers and agents on a price and service basis.

That is, by consolidating individual shipments into container or high weight break shipments, forwarders pass on part of the lower volume rate to individual shippers. Of course, where such volume discounts are either not available or the shipper requires prompt movements of goods, usually in small quantities, the forwarder puts on his agency hat, and charges the carriers unit rates, earning his commission in the normal agency fashion.

Otherwise, he may perform the service as a shipper's agent and charge the shipper directly. Remember that carriers also remunerate corporate shipping departments, the counterpart of a BTD, and they remunerate shipper's agents for preparing goods ready for shipment.

So shippers enjoy a wide variety of price and service options in the international air cargo market and as Alfred Kahn observed, the entry into this distribution market is very easy for new intermediaries.

Indeed, most IATA cargo agency applicants are already customs brokers or freight forwarders who have entered the distribution system and are simply seeking the additional service option of representing carriers in the agency capacity.

IATA approves most of these applicants on their first try.

The air cargo distribution market is, thus, many faceted. It is made up of direct carriers, their agents, air freight forwarders, shippers' cooperatives, shippers' agents, cargo charterers, a whole panoply of activities and entities, all of whom offer price and service options to the shipping public.

This distribution model, we submit, is the very paradigm of free competition. In air cargo the risk taker—I think that this is very important, members of the Board, the risk taker in air cargo has played a greater role than has as yet happened on the passenger side.

Why is this?

Most likely it is because this Board has historically fostered and developed air freight forwarding, whereas the passenger counterpart of the air freight forwarder, that is the contract bulk fare operator and the part charterer are very recent phenomena in the passenger distribution market.

The Board has only permitted these entities to come into existence within the last year or so.

But I reiterate that the most significant thing for this case is that the IATA cargo agency agreements, including so-called exclusivity, have not hindered the development of this fully competitive cargo distribution market, and no party has produced a single, live entity who claimed to be competitively harmed in its business as a result of the IATA program, and as you have seen, the DOJ didn't even take part in this part of the case.

They looked out at this system, they said, heck, that is competitive. We don't want any part of this part of the case.

Without any factual evidence, you cannot conclude that the resolutions substantially reduce and eliminate competition within the meaning of the act.

Now, my second point focuses on the positive effects of the qualifying standards as efficiently administered by IATA.

No one in this case, takes the position that the IATA standards for cargo agency selection by themselves are unreasonable. No one claims that they have other than a benign effect on competition or the consumer welfare.

As with the passenger agents, these standards have led to the development of a broadly based corps of qualified industry agents authorized to represent all airlines around the world for online and interline sales.

Properly qualified cargo agents are particularly important, members of the Board, because they prepare hazardous materials for shipment.

Hazardous materials are dangerous goods which can and have caused catastrophic harm to aircraft in flight. IATA requires proof that the applicant and its employees understand the IATA restricted articles manual and that manual, I show you here, is 360 pages long, and that they will follow this manual which is the universal, worldwide accepted safety procedural manual for packaging and marking dangerous goods.

Judge Yoder found no record of evidence to support the proposition that these critical qualifying standards and the uncontroverted benefits that they confer would be maintained without the carriers' mutual undertaking to apply these standards to all of their commonly selected agents.

In other words, so called agency exclusivity eliminates the possibility of double standards which could be particularly pernicious in cargo because of the risk of handling hazardous materials.

The carriers' mutual covenant to use only qualified agents is, therefore, narrowly targeted, that assures a basic level of competence necessary to maintain interline air cargo transportation.

Keep in mind that interline transportation is the creation of a joint product involving participation by two or more carriers.

Without this multilateral agreement on cargo agency standards, the carriers would be compelled to reach numerous bilateral agreements to accomplish precisely the same purpose, that is, to agree that their mutually appointed agents are acceptable to each other.

The conference system is simply the most efficient method of reaching that consensus on a very complex, practical problem of global dimension involving thousands of parties, both here and abroad.

Now, as I have said, no one disputes Judge Yoder's findings that the public benefits from this large corps of qualified agents in this country. Their presence makes the world-wide cargo air transportation system readily accessible to all U.S. shippers, both large and small.

All carriers, particularly the smaller foreign carriers, have with limited U.S. gateways, gained low cost sales representation and market penetration in all regions of the country.

This enhances inter-carrier competition, both actual and potential. A carrier who is seeking to develop a new international cargo route can avoid the substantial expense of selecting and approving its own agents.

They already exist and they already represent him.

Finally, the new entrant cargo agent also enjoys lower barriers to entry because of the mutually administered universal cargo agency program. He need qualify only once in order to represent all carriers. Once approved, he faces no vertical restrictions onwhere he must sell and he is confronted with no productivity requirements. He is free to function as a risk taker, if he wants to do so, and his business risk is much lower than it would be if he were confined to representing only one or a few carriers, rather than virtually the entire world air cargo system, as he is under this program.

All of these efficiency benefits result because the agreements are profit maximizing for the carriers who participate in them. That is, because the carriers mutually value their undertaking to appoint agents who meet the universally agreed standards and because the carriers save transaction costs by administering their agents through IATA.

Now, the Bureau will suggest to you that all these benefits can be achieved without the actual agreement by the carriers to apply the agency standards in the market place.

That is to say, without agency exclusivity. The Bureau advocates very simply a system of double standards. Judge Yoder correctly rejected this argument.

Common sense tells you that you cannot have standards and no standards at the same time, that you cannot maintain a system which is predicted on the existence of standards and the universal application of those standards in the market place but allow adherents simply to ignore the standards whenever they choose.

The Bureau's sole contention is that the agreements may reduce competition, may reduce competition by excluding some unknown entity entering the air cargo distribution market place. But they have no proof of such exclusion in fact, and the record clearly shows that there are many options for persons to enter the air cargo distribution system, and as Chairman Kahn found in looking at the system three or four years ago, the barriers to entry are very low.

And the Bureau does not come to grips with the special problem of hazardous materials. Under the IATA program each agent must prove his understanding of the hazardous material regulations.

Packages made ready for carriage must conform to those standards and must be properly marked so that carriers will be aware of the potentially dangerous goods onboard the aircraft.

Madam Vice Chairman and members of the Board, this record contains a reference to the NTSB's findings on a tragic accident that occurred in Boston in 1973 involving a Pan American 707.

On a perfectly clear day the cockpit suddenly filled with smoke as the aircraft was passing north of Boston on a transatlantic flight.

The crew frantically tried to determine the cause by reviewing the manifest of goods onboard, but they found no indication of anything that would cause such a problem. They tried desperately to get the plane back to Boston.

Observers on the ground could see the plane approaching. They could see smoke pouring out of the cockpit as it made its final approach and within a mile of the runway, the airplane pitched up, spun in, and killed all onboard.

Now, the NTSB found the crew were blinded and were made helpless because nitric acid had been placed on the aircraft without proper packaging or markings and had leaked, causing a chemical fire in the belly of the aircraft.

This was a cargo flight. And fortunately, the number of lives that were lost were few. But every day passenger flights depart this country for world-wide destinations with hazardous materials below deck.

The public interest requires that we take every reasonable step to make sure that such materials are properly marked and packaged, so that the air crews know what goods are there and in what quantities.

The cargo business is no place to introduce a policy of double standards on the selection and qualification of cargo agents as the Bureau would advocate in the vague name of less anti-competitive alternative.

Judge Yoder found that the risk to the public is simply not acceptable.

Now, Madam Vice Chairman, I have run out of time. I have about 30 seconds. I would like to say something about CASS, if I may.

CASS is open to all carriers. It is open to IATA carriers and non-IATA carriers on a voluntary basis. It is available to cargo agents, to forwarders, to shippers, to shippers' cooperatives, so long as they follow the simple mechanical procedures.

CASS does nothing but save money for all entities who participate in it and ultimately for the consuming public.

Like ASP, CASS is simply an efficiency machine, which eliminates expensive backroom costs for carriers and distributors. No party in this case opposes CASS as approved by you on an interim basis and as it is currently functioning in this country.

Fifty-four airlines are now using CASS here, and over two-thirds of the IATA cargo agents are participating in the system.

It is wholly benign. It is uncontroversial. It yields productive efficiencies. There are no allocative inefficiencies in the jargon of anti-trust economics, and you should have no hesitation in adopting Judge Yoder's decision.

INDUSTRY SUPPORTERS FOR "AIR TRAVELERS SECURITY ACT OF 1983"

AIR TRANSPORT ASSOCIATION (ATA)

Air Cal.
Air Canada.
Air Florida, Inc.
Alaska Airline, Inc.
Aloha Airlines, Inc.
American Airlines, Inc.
Best Airlines, Inc.
Capitol Air, Inc.
Continential Airlines, Inc.
CP Air
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Evergreen International Airlines, Inc.
The Flying Tiger Line, Inc.
Frontier Airlines, Inc.
Hawaiian Airlines, Inc.
Midway Airlines, Inc.
Muse Air Corporation, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Piedmont Airlines, Inc.
PSA-Pacific Southwest Airlines, Inc.
Republic Airlines, Inc.
Trans World Airlines, Inc.
United Airlines, Inc.
USAir, Inc.
Western Airlines, Inc.
Wien Air Alaska, Inc.

INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)

Represents over 95 International Carriers such as:
Aer Lingus Teoranta.
Aeronaves de Mexico S.A. (AEROMEXICO).
Air Afrique.
Air France.
Air-India.
Air New Zealand.
Alitalia-Line Aeree Italiane.
British Airways.
Ceskoslovenske Aerolinie (CSA).
Deutsche Lufthansa A.G.
El Al Israel Airlines Limited.
Finnair Oy.
IBERIA Lineas Aereas de Espana S.A.
Japan Air Lines Company Limited.
Jugoslovenski Aerotransport (JAT)
KLM Royal Dutch Airlines.
Philippine Airlines, Inc.
SABEN (S.A. Beige d'Exploitation de la Navigation Aerien).
Swiss-Air Transport Company Limited (SWISSAIR).
American Society of Travel Agents, Inc. (ASTA)—represents over 19,000 members in 128 countries.
Chandris Incorporated—represents four cruise ships.
Clipper Cruise Lines—represents one cruise ship.
Concorde Hotels International—represents 19 properties in France.
Condominiums Unlimited—represents 40 properties in Hawaiian Islands.
Cunard Lines—represents five cruise ships.
Hyatt International Corporation—represents 109 properties in 22 countries.
InterAmerica Travel Agency Society (Assocation of Black Travel Agents)—represents 90 members in the United States.
Inter-Continental Hotels—represents 108 properties in 47 countries.
Norwegian Caribbean Lines—represents five cruise ships.
Ramada Inns, Inc.—represents 601 properties in 18 countries.
Royal Caribbean Cruise Line—represents four cruise ships.
Royal Viking Lines—represents three cruise ships.
Hilton Hotels Corporation—represents 90 properties in 44 countries.
Sunbelt Motivation and Travel, Inc.
Sea Goddess Cruise Limited—one cruise ship is presently being built.
Senate Commerce Committee Travel and Tourism Advisory Council.
Sherator Corporation—represents 452 properties in 55 countries.
Sitmar Cruises—represents three cruise ships worldwide.
Thomas Cook Travel—represents over 1,200 offices worldwide.
Travel and Tourism Government Affairs Council:
Air Transport Association.
American Automobile Association.
American Bus Association.
American Car Rental Association.
American Hotel and Motel Association.
American Recreation Coalition.
American Sightseeing International.
American Ski Federation.
Association of Retail Travel Agents.
Conference of National Park Concessioners.
Gray Line Sight-Seeing Association.
Highway Users Federation.

Hotels Sales Management Association International.
International Association of Amusement Parks & Attractions.
International Association of Convention & Visitor Bureaus.
National Air Carrier Association.
National Campground Owners Association.
National Caves Association.
National Council of Area and Regional Travel Organizations.
National Council of State Travel Directors.
National Council of Travel Attractions.
National Restaurant Association.
National Ski Areas Association.
National Tour Association.
Recreation Vehicle Industry Association.
Travel Industry Association of America.
United States Travel Data Center.
United States Tour Operators Association.
Travel Trust International.
U.S. Congressional Travel and Tourism Caucus Advisory Board.
Westin Hotels—represents 51 properties in 11 countries.
Access for the Handicapped.
Carnival Cruise Lines—represents four cruise ships worldwide.
National Conference of Black Mayors.

EUROPEAN DELEGATION ON INTERNATIONAL DEFENSE

● Mr. LUGAR. Mr. President, I recently had the opportunity to meet with a delegation of distinguished European parliamentarians visiting this country to explain their countries' support of a strong Western defense, including the proposed deployment of the Pershing II and cruise missiles, beginning this December.

These European leaders, all of whom have extensive experience in national defense and security affairs, emphasized that they hoped the Geneva negotiation for a satisfactory arms control agreement would be successful but were equally firm in their support of deployment of the Euromissiles if negotiations should fail.

The members of the European Delegation on International Defense were: Peter Petersen, CDU member of the Bundestag, Federal Republic of Germany, and chairman of the delegation; Monique Garnier-Lancon, a deputy mayor of Paris and vice chairman of the European Institute for Security Matters, vice-chairman of the delegation; Edward leigh, Conservative Member of Parliament, Great Britain; Senator Robert Close, Liberal Member of the Belgian Senate; Carlo Ripa di Meana, Socialist Member of the European Parliament from Italy; and J. L. Janssen Van Raay, Christian Democrat Member of the European Parliament from the Netherlands.

They constituted a unique group, including representatives of the major non-Communist political parties of Western Europe, including Christian Democrat, Socialist, Liberal, and Conservative. And they represented the five countries where the Pershing II and cruise missiles will be deployed, plus France, which, with its independent nuclear force, supports deployment of these INF weapons.

The parliamentarians were particularly eager to inform the American people that the great majority of the European people support deployment as demonstrated in recent national elections in which political parties favoring deployment, unless there are successful Geneva talks, won decisive victories in Great Britain, Germany, Italy and the Netherlands.

Mr. President, I wish to extend my congratulations to the Center for International Relations and its president, Lee Edwards, for organizing this important and timely visit. And I ask unanimous consent to have printed in the RECORD excerpted remarks by members of the delegation.

The remarks follow:

WHO SHALL DECIDE?

(By Peter Peterson, Federal Republic of Germany)

This fall, the world is in a state of unrest. We will find out whether the important NATO decisions are made by the Politburo in Moscow, or by the NATO councils in Brussels. In December 1979, NATO decided, after very careful deliberations, to deploy U.S. medium-range missiles in Europe unless the Russians scuttle theirs. It is important to remember that it was the Europeans, especially our German government, with the backing of all parties in Parliament, which urged the Alliance to take that decision.

For years the Americans negotiated with Moscow about intercontinental missiles, which could reach Russia or America, but nobody talked about the SS-20 that could destroy us without threatening the United States or Canada. When in SALT II, the tremendous American superiority in intercontinental weapons was given up, and a balance accepted, the Alliance decided that a balance on the European continent also must be restored.

We Europeans would prefer to SS-20 and no Pershing II and cruise missiles. But if that is not agreed on in Geneva, we will deploy as planned, starting at the end of this year. In that sense, the Politburo in Moscow will decide what is happening this autumn in Europe.

THE PRICE OF LIBERTY

(By Monique Garnier-Lançon, France)

I. THE THREAT

In this age, when each day the announcement of new tensions, of new confrontations, disposes us to reflections which should and ought to be for the good, how can one deny the evidence:

The threat which hangs over the free countries is stronger than ever: the Stockholm International Peace Research Institute (SIPRI), which cannot be accused of partiality, reminds us in their 1982 annual publication: it is especially the Soviet Union which has considerably increased its military expenses in the course of the last four years; in the domain of conventional terms it surpasses by far the United States. The Soviets have more rockets and atomic warheads than the United States and would be able to discharge the equivalent of 4.5 billion tons of TNT on U.S. territory. The number of nuclear tests in the U.S.S.R. was clearly higher in 1981 to that of the United States.

For us Europeans there is the added menace of Soviet medium range rockets, the SS-20 in particular, of which more than 350, according to the Pentagon, with triple heads are in the process of being deployed on Soviet territory; according to SIPRI, 175 were actually aimed at Western Europe at the end of 1981. NATO has at its disposal today no equivalent weapon. France for its part has at its disposal only 18 medium range rockets, deployed in the southern Alps.

The disequilibrium of conventional forces in Europe is still clearer if one weighs against each other NATO and the Warsaw Pact, even adding the French forces to those of NATO.

The light cast jointly by the allies on the Soviet threat and on the means of facing it is the only response to the pacifist and neutralist campaign which will go on developing on both sides of the Atlantic and whose probable outcome would be war as was the case in 1939. Governments, as all those who have any responsibility whatsoever in the free world, must make it understood that the will for peace is a completely different thing from pacifism, a naive belief for most, but a calculated affirmation for some who attempt to convince the former that unilateral disarmament will lead to peace. As Michel Aurillac, president of Club 89, who has well read and remembered Vladimir Bukovsky, continually reminds us: wanting to be red rather than dead, we will be red and dead.

II. FRANCE AND THE DEFENSE OF EUROPE

It is important therefore to emphasize with satisfaction the positions taken by France, each time that it manifests and affirms with firmness its interdependence, its attachment to the values of liberty, and to the concrete proofs of this liberty, and the respect of its pledges, in particular in relation to its Atlantic allies. But it is necessary to bring reality into the discussion and to keep above all from yielding to the illusion of a defense which is more proclaimed than truly operational.

It is a dangerous illusion, when our external forces of intervention, both naval and air, are at an insufficient level and when our ground and air forces in Europe, even at the price of a profound reorganization, cannot, without losing all effectiveness, fall below the level of supplies they have.

It is a dangerous illusion, finally, when the civil defense in which preceding governments did not believe, is always non-existent while it is developing in the U.S.S.R. and its satellites.

The reality of the Soviet threat and the necessity to strengthen the alliance impose therefore on France an increased effort in defense matters which excludes neither the spirit of economy nor the imagination.

III. TO STRENGTHEN THE ALLIANCE

It would be dangerous to draw from our increased effort isolationist conclusions. We live in an environment of free countries, which supposes that our defense and theirs be coordinated and, let us emphasize it, the strengthening of a purely defensive alliance between democracies controlled by their public opinions is a factor of peace.

It is not the purpose of preparing a conventional battle in which Soviet superiority is assured for a long time, but to permit political powers to take knowingly and with sufficient time, the decision to engage in nuclear arms.

IV. THE EAST-WEST DIALOGUE

The East-West dialogue must at the same time be pursued to maintain peace but must not be boiled down to a one-one consversation between the U.S. and the U.S.S.R. in which France and Europe would be the losers.

France has a long experience of the politics of detente but it does not have the same meaning for the Soviets and for the West. Westerners want the free circulation of merchandise, persons and ideas, the Soviets want to pursue the ideological war and to choose to exchange only in proportion to their interests. The fiasco of the Helsinki conference and the subjugation of Poland are there to remind us.

This is why all negotiations with the Soviets is first of all a relation of forces. This is why the deployment of the Pershing II and of the cruise missiles by the U.S. in member states of NATO is the surest guarantee of the pursuit of negotiations, in balanced conditions, for the maintenance of this peace so ardently desired, but so fragile. The old adage is always current, alas: "Si vis pacem, para bellum" (Latin: "If you want peace, prepare for war.").

If France is not a participant in this initiative, since it has its own strategic system, it can do nothing but approve it and France owes it to itself to sustain it vigorously.

As for the offer of Mr. Andropov of December 21, 1982, concerning the SS-20, to reduce the number of these missiles to that of the French or British missiles, it is unacceptable to France, and, to use an expression of the French Minister of Foreign Affairs: "it is a means of diverting the conversation from its true subject." Besides the fact that this proposal integrates the French forces into the balance of the NATO-Warsaw pact, it is of an obvious bad faith. The French strategic ground missiles are 18 in number and to make these appear to be a so-called equilibrium between the SS-20 and the French and British forces, Mr. Andropov includes the five French and four British submarines in service, while not mentioning the 70 Soviet submarines. Mr. Mitterand was right to denounce it on January 2, 1983 as Mr. Chirac did at the time of his trip earlier this year to the U.S.

France has suffered harshly during the two World Wars which in less than 30 years provoked the invasion of its territory, and considerable destruction and human losses. As much as any other people it wants peace. But it knows, for it remembers, that weakness leads more surely to war than firmness and the continuity of ideas.

The dusty debate on "Atlanticism" which has poisoned French political life must give place to a lucid revitalization of the Atlantic alliance by the effort of all of its members and first of all of France. There are numerous positive signs: the common work of the R.P.R. and of the U.D.F. notably on the '83 budget and on the programmation law, the military budget and the planification law, the joint seminar of October, 1982, the Club Perspective et Realities and Club 89, the speech of M. Jacques Chirac at the meeting of the E.D.U. in July, 1982, the R.P.R. political project of January 23, 1983, the U.D.F. declaration on defense, ought to give to M. Mitterand the assurance that the opposition will support him if he matches his actions with his words and those of his Minister of Foreign Affairs.

It would be necessary, without doubt, to force the hand of some of his political supporters but the independence of France and the freedom of its people require this price. A people is free only if it wants to be and agrees to pay the price. There is no longer much time to profit from the general awakening of public opinion. If sterile and irresponsible political games were again to make it fall asleep in our free world it would be a sleep close to death.

SOME THOUGHTS ON ANTI-NUCLEAR PROTEST

(By Edward Leigh, Great Britain)

For the past three years, Western Europe has been under the most dangerous assault to its security since the years following World War II which led to the founding of NATO.

An unceasing barrage of Soviet propaganda—from the Kremlin in the form of bluster and blandishment, from the Soviet dupes in the so-called "peace movement" via their protests—all this has had the aim of undermining Western resolve and cohesion in the defense field, and of driving a wedge between the Americans and their European allies in NATO.

This blatant interference in the domestic politics of Western nations by the Kremlin, and the orchestrated hysteria of their protest movement by their friends, had as its immediate target the election of governments in Britain and West Germany which would bow to Soviet pressure not to install counter weapons to the Soviet SS-20 and which would pull the rug out from under the Americans. But our electorates have proved a bitter disappointment to the Russians and their would-be allies in the West. By the most decisive and crushing margins, the Socialists in Britain and Germany, and the ragbag of protestors who pressed their ideological garbage into Socialist election platforms, were overwhelmingly rejected by our voters.

Many in the United States did not fully grasp what was at stake in the British election held in June this year. What the British Left and its one-sided disarmament allies were proposing was the expulsion of U.S. forces and bases from Britain, the pulling out of NATO by Britain, and the immediate giving up by Britain of its independent nuclear deterrent. That was the prospect of one-sided nuclear disarmament which faced us.

Despite the infestation of our media, particularly television, with producers and reporters sympathetic to the one-sided disarmament campaign, despite the expenditure by the Soviets of the equivalent of millions of dollars on propaganda and direct funding of some national protest groups, despite the vicious anti-Americanism of the propaganda campaign waged by the Left in Europe, our people refused to go along with a policy which would have demolished Western security and made war more likely.

Now this same campaign, this barrage of fake but reasonable-sounding proposals from Russia, the domestic orchestration of those same defeatist voices which fatally undermined your resolve in South East Asia, this clamour will be raised in the United States in an effort to influence both the Party programs and the eventual outcome of your 1984 Presidential and Congressional elections. I trust that the American electorate will follow the example of their European allies and reject decisively the pacifists' and neutralists' recipe for defeat.

In the United States today, you have a different demand from your protesters compared with the one we fought. Your protesters demand a nuclear "freeze." But what does that mean? It may not be the blinkered recipe for suicide advocated by the British one-sided nuclear disarmers, but the freeze carries its own dramatic dangers.

It proposes enshrining the Soviet advantage in certain categories of weapons leaving the United States totally vulnerable in important areas such as the defense of its satellite observation capability. The Soviets have tested antisatellite weapons and now want a freeze on such tests. The Soviets have deployed over 350 mobile SS-20 missiles, targeted mainly on Europe, and now wants a freeze to prevent the Western alliance installing a countermeasure in the form of Cruise and Pershing II missiles. Thus a freeze would allow the Soviets to keep what they have while forbidding the United States to draw level.

Florence Nightingale, that famous pioneer of hospital reform, said that "the first duty of a hospital is not to spread disease." Well, the first task of a sensible security and defense policy is not to increase the risk of war. Yet that is precisely what the protest movements are hell-bent on doing.

The whole notion of deterrence, the basis of our defense policy, is to make the other man think it is not worthwhile that he start a conflict. We must so influence the Soviet policy makers and leaders as to make them believe that a policy of war is too costly an option. We must make them believe that they would lose more than they could ever hope to gain.

But every so-called "peace" demonstration actually undermines deterrence by making the Kremlin believe that the will of the West to defend itself is in doubt. Every "peace" demonstration tempts Soviet leaders to believe that maybe a war could be fought and won. Maybe, they think, those thousands of foolish people who march in demonstrations will not allow Western governments to defend their nations.

I believe sincerely that in this respect the protest movement undermines the real peace movement. The protestors sabotage the chances of the peace negotiators. They encourage the Soviets to sit tight, refusing to seriously negotiate down the level of their weapons aimed at us, because the Soviets believe that if they wait just long enough then the protestors will do their job for them and strip the United States and NATO of its missiles without the Soviets having to make one single significant concession. That is the true contribution of the current so-called "peace" movement.

Our policy of peace through strength is specifically designed to persuade Soviet leaders that no war, conventional or nuclear, can be fought and won. Our capability and our will to deliver a devastating response to a major attack must never be in doubt. That is the heart of deterrence—not simply the capacity to retaliate but the will to retaliate.

If I may be permitted a word of criticism—and this is based on personal experience—it is that opinion in the United States does not pay enough attention to what happens outside America and is often unprepared for developments which should have been foreseen until they actually break over the head of an Administration. In 1981 my colleagues and I from the British Coalition for Peace Through Security spent some time in Washington meeting with officials from the State Department, the Pentagon and the National Security Council. We were dismayed to find them totally uninformed about the seriousness of the problem stemming from the protest movements in Western Europe, and what this would mean for Allied security policies.

We not only correctly predicted what was happening, but we also predicted that this negative and destructive sentiment would make its way across the Atlantic. Once again we were right. Your own leftist Institute for Policy Studies in Washington has played host to our Campaign for one-sided Nuclear Disarmament, and has had a program of exchange speakers and tactics. Now your domestic politics is infected with the disease of neutralism and defeatism which we warned about. I just hope that American public opinion proves to be as mature as European public opinion in rejecting utterly the false prescriptions, hysteria and panic-mongering which are the trademarks to the protest movement.

We in Europe take seriously both the obligations and duties of the Western Alliance. We have common institutions and common liberties. We have common interests and common adversaries.

The American people have always been true and faithful allies to us, and their generosity in war and in peace will never be forgotten. I come to you today as one of a group of Europeans determined to help you win the peace. Your political testing time is about to come and we will do everything we can in order to ensure that our Alliance stays firm and grounded in that common liberty and freedom which we hold so dear and precious.

THE ALLIANCE AT A CROSSROADS

(By Robert Close, Belgium)

Since the day of the explosion in Hiroshima, which marked the beginning of the nuclear era, hope but also anguish escaped from Pandora's box. Hope because we believed that war was impossible because of the "balance of terror." Anguish, because it would only need one of two adversaries to think that he had a determining advantage sufficient to give him victory, or if not victory, then means of pressure which would enable him to impose his will.

Europe is now in this uncomfortable position. On the European level, at present, no display is possible in the absence of appropriate means of action. The aging Vulcans have been withdrawn and the American F-111s are growing less and less adapted to their job, through their numerical inferiority, their vulnerability on the ground and their decreasing penetration capacity, which is due to Russian progress in anti-aircraft defence.

This is what Senator Sam Nunn thinks: "The fact that the great majority of NATO tactical nuclear weapons, is used, would be limited to striking on NATO territory, is not easily going to frighten or deter the Soviet Union."

We must also clear up the regrettable confusion that exists between two problems which are connected but nevertheless separate: security and disarmament. To wish to neglect the one and give the other all the privileges is, to say the least of it, dangerous in a turbulent world. To believe that unilateral disarmament would produce peace is utopian and would solve nothing. This should be pointed out to all those who advocate pacifism at any price and obstinately oppose anything nuclear.

The end of 1983 will doubtless constitute a turning point. Either the decision to deploy the European missiles will be finally and *unanimously* taken or else one partner or another will decide not to decide.

In the latter case, this would be giving a new victory to the Soviet Union, by allowing it to insert a wedge between the allies and to broaden the split between the United States and Europe.

The Russians know that this could be momentous for the continent's future and they are putting everything into their effort to achieve it, making use of what Lenin called "useful idiots" whom they can always seduce with propaganda.

We will have to counter this manoeuvre. After all, M. Mitterand himself has said "Friendship is not based on complaisance. The Russians will negotiate all the better with us, the more they esteem our capacity of saying 'no' when necessary. It will make our 'yeses' more emphatic."

After the tragedy of the Korean airliner, we must remember what Arthur Koestler has written: "To yield to the seduction of the sirens is natural to man, but to want to lie down with the crocodiles is peculiar to our age alone."

We are at the crossroads, but it depends on no one but ourselves to follow the narrow steep road, to become aware of the dangers and to react promptly and firmly.

Yet, all the symptoms that made it possible to predict the disaster of 1940 are present, some amplified in the beginning of the eighties. Some feel they are signs of a civilization on the point of death, such as Gibbon described in 1776.

But I cannot agree with such a pessimistic view. We must hope that we can wake up in time, react against the insidious propaganda of those who prefer to lower their arms and make our political leaders see reason, instead of unrealistically ignoring the future.

The future will not be built on our fears, but on what we have dared.

THE INFERIORITY OF THE WEST IN EUROPE

(By Carlo Ripa di Meana, Italy)

While we are here thinking about the stability and future of the West, in Geneva Paul Nitze and Yuli Kvitinski are discussing the Euromissiles problem, which I do not hesitate to term the major problem of our time. The negotiations in questions are unequal in a way which reflects the inferiority of the West by comparison with the Soviet Union's presence in Europe.

The Soviet Union has at its disposal in Europe more than 250 SS-20 Euromissiles, out of a total number of over 350 distributed over her own territories. Each one of these more than 250 medium-range missiles aimed at our continent is armed with three nuclear heads, making a total of more than 750 devices, each one of which has a destructive power ten times that of the bomb which razed Hiroshima to the ground.

In addition, the Soviet Union keeps around 300 medium-range SS4 and SS5 missiles aimed at Europe. These are armed with only one nuclear warhead and are less accurate than the SS 20's, but they still have the same destructive force, enough to destroy the whole of Europe.

At the present moment, the West is in no position to offer any comparable practical opposition to the Soviet nuclear potential. The positioning of the West's nuclear missiles is tactical by nature, designed in part to fill the already existing gap between the sectors of the conventional forces, another front on which the Soviets have a devastating superiority.

The West's decision to install 108 Pershing II and 464 Cruise missiles in Europe, each armed with only one nuclear head, and able to strike as many targets in the Soviet areas, has the sole aim of partially redressing the Soviet superiority in the field of Euromissiles.

Recently Yuri Andropov proposed reducing the number of SS 20's to 162, asking in exchange that the West should, in compensation, remove the 162 medium-range missiles currently at the disposal of France and Great Britain. The novelty of Andropov's proposal lies in the promise on the Russian side to destroy their SS 20's in excess of the 162 limit, rather than redeploy them to the Asiatic front as had earlier been suggested.

Nevertheless, the hypothesis mentioned by the Soviet Premier is, as a whole, unacceptable. Contrary to what some people think, the idea of counting the 162 French and British missiles in these negotiations complicates rather than simplifies efforts to reach an agreement. This is because: (1) The French and British missiles, which are set up for the most part on submarines and not ground bases, have already been taken into account in the negotiations concerning intercontinental missiles (Start); (2) Neither France nor Great Britain are taking part in the negotiations on Euromissiles; (3) The positions of the English and French missiles belong to the national armed forces of those countries for the defence of their own territories and are in no way included in NATO plans; (4) the medium-range French and British missiles have only one warhead and are inferior in range and strength to the Soviet missiles.

The defence system we Europeans have created and built together, each country according to its own possibilities, is an indispensable element in the Western alliance. Yuri Andropov is well aware of this and he, by continuing the strategies introduced by his predecessors, has never stopped in his attempts to divide Europe from the United States and the European countries from each other, putting pressure on this or that country by alternating false promises with threats and, more recently, with the gravest acts of international terrorism.

Yuri Andropov knows all too well that if the process of European unification were to develop, moving from the present phase of imperfect economic unity to a phase of real political and economic harmony, the alliance as a result would emerge greatly strengthened.

This is exactly why I wish to emphasize the fact that we European parliamentarians do not represent our respective countries in their diversity, but rather in their common desire to be more united.

If someone today were to ask me what the idea of a united Europe means I would answer with an example. In 1981, "Western Security" pointed out, to the great surprise of the ill-formed, that European contributions to net NATO expenditure increased from 21.7% in 1969 to 41.6% in 1979.

That fact is not generally well-known because it has always been looked at in a fragmentary way, divided up amongst the various European countries which contribute. Yet it shows that the European contribution to Western security is not negligible and is proportionate to European present-day possibilities. At the same time I think it is clear that if Europe succeeds in reaching a unified political consensus then her resources will be increased just as will her future potential in all other fields.

On the other hand, as regards security and defense against Soviet aggression, only the unity of the whole of the West can guarantee the greatest efficacy. In this connection the missile system of the United States is the touch-stone for maintaining the strategic balance desired between East and West. Faced with the growing threat of

the Soviet strategy, considerations of the expense of maintaining this East-West balance necessarily fade into the background. When freedom and democracy as well as our future and that of our children are at stake, no price is too high to pay.

We want peace and for this reason we must be ready to defend ourselves. Heaven help those who forget this. Lebanon chose to live without arms under the illusion that its innocuous appearance would give it protection from the aggressive activities of others. All of us know the bitter consequences of that tragic choice.

We want peace and therefore think it essential that the West be strong and able to face the challenges thrown at it. We want peace and hope that the negotiations under way in Geneva will reach an acceptable agreement. We will keep hoping this until the end of the Geneva conference on Euromissiles, but not a moment longer.

The Italian Position and the New Mediterranean Reality

I should like, if I may, to add a purely personal note. As many of you already know, Italy has accepted the responsibility of positioning 112 Cruise missiles in the event of the negotiations on Euromissiles failing. I hold that my government will keep its word and believe that nothing will induce it to change its mind.

These 112 missiles will be installed in Comiso in Sicily, the extreme south of my country in the middle of the Mediterranean, half way between the central and eastern sectors, on a nerve point of the Mediterranean basin.

This choice of position directly corresponds to the necessity of adapting the area to Soviet influences in Europe.

Until now few people have spoken of this area. The traditional notion that the weak point of the defense system was in Central Europe has always been strong. In fact armaments development and altered strategic conditions have brought a striking increase in the Soviet submarine fleet in the Mediterranean, together with a marked increase in the numbers of the surface fleet. Today the Soviet Mediterranean fleet has a strength equal to that of the worldwide Western fleet as a whole. The Soviets may now take certain initiatives which in the past would have been inconceivable.

Periodic naval maneuvers carried out by the NATO fleet are regularly spied on by the Soviets. Moreover it has already happened that in Taranto, an important city in Puglia at the centre of the Ioanian sea, the unmistakable silhouette of a Soviet submarine appeared near port. In the past few days for the first time, the Soviet fleet has been carrying out military exercises in the open sea off the island of Capri in the Tyrrhenian sea.

We know that the Soviet submarines in the Mediterranean are for the most part nuclear-powered as are many of their surface vessels.

Moreover, the nuclear armaments possessed by the Soviet fleet make it an extreme threat in the strategic arms balance.

In conclusion: the situation has changed drastically and today the south side of the NATO countries is at great risk.

But there is more. There is a general belief that the strategic influence and policy of the Soviet Union in the Mediterranean is still limited because of its limited presence in the Near East. This idea must be rejected. The strategic weight of a military power does not depend on the territorial extension of its influence but rather on its military force and political positions in the area.

Intentionally, I will not refer to the Libyan question that I consider already widely known by American public opinion.

The Soviet Union has a strong influence in Syria, a country in the heart of the Middle East on the border of Israel and with its coasts on the Mediterranean Sea. It is a Middle East country, but relatively very close to the Soviet Union. One year ago, Syria came out of its military conflict with Israel a severely depleted nation. All the commentators agreed with the forecast that it would take Syria 5-10 years to get back on its feet in military terms.

But already at the beginning of last summer, the Syrian minister of defense, General Tlas, was able to announce that his country had completely recovered from its losses and felt able to face another confrontation with Israel without being at a military disadvantage. This happened because the Soviet Union, moving from the Middle East strategy of relative defense endorsed by Brezhnev toward the strategy of attack favoured by Andropov, has made Syria the key point in a system which requires serious examination.

The Soviets provide all the military facilities in the port of Latakia. Present-day Syria has new and sophisticated arms. Soviet advisers in Syria have notably increased in number and importance from 5,000 to 10,000. Some of them have been seen wandering around that part of the Lebanon occupied by Syria; even going so far as to visit Beirut, a few kilometers from the peace forces of several Western countries, including Italy.

Above all, the Soviet Union has set up an indefinite number of electronic communication posts in Syria directly linked up with Soviet spyships stationed in the Mediterranean, equipped with Soviet tracking and listening devices. For the first time in history a country which doesn't belong to the Warsaw pact is militarily integrated into the Soviet intelligence system.

Syria is in the heart of the Near East and has long stretches of coast on the Mediterranean sea. We know what is causing the present discontent in Lebanon. We know that behind the Druse troops, who are battling the small army of the legitimate Lebanese government, is Syria and behind Syria is the Soviet Union. It is no longer possible these days to look at old problems from old points of view. The old problems continue to exist, but they have become more worrying and more serious.

I hold that the Mediterranean problem should be placed at the centre of the West's attention and that more of our efforts should be concentrated there. Historically, the Mediterranean is the southern boundary of Europe and the West.

European Security

(By J. L. Janssen van Raay,[1] The Netherlands)

It is my firm belief that an independent defense of Europe against the Soviet threat is not possible, nor is it desirable. On first sight, this is not obvious because Europe has more people than the United States or the Soviet Union, and is at least as wealthy. The main reason for our weak position is a geographic one: we just do not have the space for an adequate defense against a communist attack. An independent defense would inevitably mean a strategy of an aggressive nature, based on the continuous possiblity of attack, even a prevented one. This would mean a continuous menace of the peace.

Our natural allies, not only ideologically, politically, culturally and historically, but also militarily, are the U.S. and Canada. Our American allies create the necessary room for defense in modern warfare, and we take care of defending the forward area. This means that NATO is and should be the indispensable fundament of western security.

It is my firm conviction that the alliance should be based on two pillars of equal strength with the exception of the nuclear deterrent which should remain in the hands of the U.S. only. But the American allies on one side and Europeans on the other side should make roughly the same efforts for their defense.

I said with the exception of the nuclear deterrent, and now I touch on the most sensitive issue of these days. NATO is a defensive alliance and its main purpose is to maintain the peace and prevent a third world war with its apocalyptic consequences.

Notwithstanding all changes in NATO's strategy, the always unchanged and in my opinion unchangeable basis is the nuclear deterrent, which is, to put it bluntly, to threaten to kill so many Russians that this fact withholds them from attacking. In other words with highly immoral means (the potential killing of all the Russians) we reach an extremely ethical result (no nuclear or conventional war) so that no Russian life is in jeopardy.

It is this paradox of nuclear dissuading that is so difficult for politicians to explain to their electorate, and for their religious leaders to grasp. Though I am a convinced believer in democracy, I envy the Soviet-communist dictatorship in one respect. They do not care about public opinion, they do not have an electorate, and if a religious leader steps out of line he is sent to the Gulag Archipelago, to a psychiatric institution or is simply eliminated.

Still we have the vital task to explain to our peoples the unpleasant paradox on which our peace is based. Nuclear weapons of mass destruction radically changed the old strategic concepts, best formulated by Von Clausewitz in his famous maxim: "War is a continuation of diplomacy, although with other means." For the first time in history of mankind, both sides possess weapons which by their catastrophic effect exclude mutually their use, but only if and as long as it is credible that they will be used in case the other party attacks.

If one looks today at the practical result of this "balance of terror", the judgement should on the first sight be extremely positive. Prevention of a nuclear conflict between the super-powers and the allies automatically excludes conventional war between them. While elsewhere in the world, since World War II, more than 150 armed conflicts have taken place between states, peace between NATO and the Warsaw Pact has been maintained for more than 30 years. For those who remember the disastrous effect of unlimited conventional war this is a great success, the more so if one realizes that modern conventional weapons produce a manifold of destructiveness.

Still not only left-wing radicals, but also responsible church people are more and

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[1] This statement reflects my personal opinion on the defense of Europe, and is not necessarily the official opinion of my Christian-Democratic party, nor that of the Dutch Government in which the Christian-Democrats are the main partner.

more doubtful with regard to the moral justification of our cornerstone of security. If one takes into account the traditional involvement of churches with regard to the moral aspects of warfare, it is no wonder that not only the military and the politicians had to adapt radically their ways of thinking, but that also the church doctrine had to be changed, specifically the doctrine of the justsum bellum. This doctrine accepted the unpleasant consequences of warfare when it was a just war. On the other hand, there is of course no moral justification under whatever circumstances for the whole world being destroyed.

Especially the Protestant theology in the Netherlands, and elsewhere, seeks to find a way out of the collision of ethical principles. Maintaining the peace by excluding nuclear and conventional warfare is reached from a ethical point of view—through completely reprehensible means: mass destruction. Politicians have found their way out by the paradox of nuclear strategy: We can punish an attack by the Soviet Union with complete destruction of the countries of the Warsaw Pact and we shall certainly do so.

Because the Soviet leaders know that we shall do so, or at least are not sure that we shall not do it, they do not attack so that we do not have to use the nuclear weapon. Yet, use eliminates a politically credible fact. This does not need to cause ethical problems for the political leaders, because nobody knows what the responsible people (Reagan, Andropov and, on a smaller scale, Thatcher and Mitterand) really shall do on the moment of truth. In politics, as in commerce, it is admissable to conceal real intent and to leave the other party uncertain. The ethical man cannot possibly do so. The statesman is successful in his policy if the opposite number has to take into account the use of strategic nuclear weapons. The ethical man is obliged to reveal his true intent. In other words, the ethical man by definition cannot threaten credibly.

The Protestant churches have tried to find solutions, but they have disregarded the new rules of deterrence:

(a) "Possession of strategic nuclear weapons is allowed, but use is not." This ethical/logical way of thinking misunderstands that announced non-use of nuclear weapons make their possession useless.

(b) "Nuclear weapons may be used as antiforce, but not anti-city." This thought derives from the old church doctrine that indiscriminate killing of noncombatants is not allowed. The clergy mean well, of course, but the consequences of their proposal is that nuclear weapons can be used again and war is possible.

(c) The peace movements have tried to give hope to the people with their slogan, "All nuclear weapons should disappear from the world, starting with the Netherlands." I find it utterly immoral to raise false illusions. As long as the Biblical prophecy that sheep and wolves will live peacefully together has not come true, so long nuclear weapons will exist. Even if today all nuclear weapons would be destroyed, they could be produced tomorrow because one cannot destroy or erase the knowledge to make them. Instead of raising false illusions, the church could better lead man to a responsible use of this new creation of God, nuclear energy. It is not the nuclear weapons which is moral or immoral.

The most dangerous members of the so-called peace movement are those who want unilateral nuclear disarmament. We should learn better from the lessons of history. If the western democracies in the thirties had reacted firmly from a position of military strength to the Nazi threat, the Second World War with its tens of millions of victims would have been prevented. We should never find ourselves in that same position again.●

MINORITY ENTERPRISE DEVELOPMENT WEEK

● Mr. RIEGLE. Mr. President, the designation of the week of October 2–8 as Minority Enterprise Development Week points attention to the great need for more ethnic and minority representation in our Nation's business community. Our efforts to expand opportunities for minority-owned businesses must not stop simply with designating a commemorative week; the Federal Government must take substantive steps to assist and inform minority-owned businesses of the opportunities available and the means to obtain them.

My State of Michigan provides a good example to the rest of the Nation on positive steps that can be taken to reach this goal. Traditionally, Michigan sets aside the first week in October to promote minority participation in business. Workshops, lectures and training seminars are held to inform minorities of new avenues for expansion, financing, and assistance from the State.

This year in Michigan, the entire month of October has been designated as Minority Business Enterprise Month. Throughout the State, a series of workshops and lectures designed to help minority business grow are being held. Included are workshops on: How to evaluate technological needs; women in business; business and marketing planning; Federal and State resources available to help minority businesses; and alternative financing strategies. Additionally, awards ceremonies will be held to honor successful minority-owned businesses. I applaud these individuals for their hard work and for the examples they set.

Most encouraging is the fact that Michigan is determined to continue this effort year round. In August, Gov. James Blanchard commissioned the State of Michigan Minority Technology Council. This joint venture between the University of Michigan and the Michigan Department of Commerce is designed to assist minority-owned businesses move into technologically intensive fields. It is a program I would recommend the Federal Government and the other 49 States adopt.

Mr. President, minority-owned businesses have a wealth of knowledge and expertise to offer this country. We should take advantage of these resources while at the same time expanding opportunities for these entrepreneurs.●

ONE OF IDAHO'S LEADING ENGINEERS STEPS DOWN AS CHAIRMAN OF CH2M HILL, INC.

● Mr. McCLURE. Mr. President, I would like to take this opportunity to share with you and my colleagues the career and personal accomplishments of my friend Earl C. Reynolds, Jr., of Boise, Idaho, who has recently retired as chairman of the board of CH2M Hill, Inc. Born in neighboring Oregon, Earl has been a resident of Idaho for 33 for years is one of the State's leading citizens. In business, civic, and national affairs, as well as in engineering, his efforts have profoundly affected many in Idaho and across the Nation.

Earl Reynolds became chairman of the employee-owned consulting engineering firm of CH2M Hill in 1980. CH2M Hill, which provides private-sector clients and governments at all levels with consulting services in engineering, planning, economics, and the environmental sciences, during Earl's tenure grew from 1,900 to 2,000 employees and advanced from seventh to sixth in size among engineering firms nationwide.

Since Earl Reynolds joined CH2M Hill in 1947, more than 1,200 projects have been successfully completed under his direction. In various management capacities he has been responsible for the development of energy systems—including the first liquified natural gas plant in Idaho and several geothermal systems—and for numerous wastewater management projects. Among these are the largest sewage collection and treatment plant in Idaho and the first waste stabilization ponds in Utah, which are the largest such facilities in the West. Earl's management expertise also extends to economic and environmental studies; comprehensive planning; the design of structures, foundations, and recreational areas; and planning and design of irrigation systems. He is registered as a professional engineer in seven Western States and has served in national positions with the American Consulting Engineers Council and the National Society of Professional Engineers.

After earning a bachelor's degree in civil engineering from Oregon State University, Earl attended Yale University, where he received a master's degree with honors in structural engineering in 1946. He then joined the seven-man engineering firm of Cornell, Howland, Hayes & Merryfield, as CH2M Hill was called in 1947. In 1950, he opened the firm's first branch office in Boise, Idaho.

Earl also managed CH2M Hill's central district from 1977 until 1980. During this period he was active in developing long-range plans that have led to a broader scope of activity for the firm in the areas of energy, indus-

trial systems, water resources and wastewater treatment.

Earl Reynolds has also done much to foster the development of his community as a whole. He has been chairman of the Boise City Planning and Zoning Commission, and a member of the Boise City Board of Adjustment, the Ada Council of Governments/ Regional Planning Commission and the mayor's Committee on Downtown Development. He currently serves on the Boise Greenbelt Committee, the Boise State University School of Business Advisory Board, the board of directors of St. Luke's Hospital and the board of directors of Northwest Savings and Loan. He has been an active member of All Saints Episcopal Church for many years.

Among the many awards and citations Earl has received are the George W. Fuller Award presented by the American Water Works Association for outstanding service; the Idaho Statesman Distinguished Citizen Award; the Capitol Jaycees Boss of the Year Award; and the Outstanding Civil Engineer Award of the Idaho Section of the American Society of Civil Engineers.●

MAN THE FREE TRADE GUNS

● Mr. ARMSTRONG. Mr. President, there has never been a war in which everybody won. There have been many wars in which everybody lost. We should remember these historical lessons before we escalate the trade war that is underway between the United States and its foreign trading partners. Before we kick European and Japanese knees for their unfair export policies, we must make sure we do not stub our toe in the process. As President Reagan has said, "We are in the same boat with our trading partners. If one partner shoots a hole in the boat, does it make sense for the other one to shoot another hole in the boat?"

In Colorado, we do not have ships or even ports. So it is easy for us to forget the importance of exports, and we do not spend nearly enough time thinking about expanding our markets overseas. But anyone is making a big mistake who does not think their State is heavily involved in, and dependent upon exports.

Even landlocked States like Colorado can be very active exporting States. Nearly one-fifth of Colorado's 4,000 manufacturing firms sell to foreign customers—three times the exporting activity in the rest of the Nation's manufacturing industry. High technology accounts for most of these exports. Nearly all of the State's 136 instrument producers ship worldwide, as do half of the 325 electronic equipment, chemical, and transportation industries in my State.

And it is important to remember that these manufacturing firms are small businesses, where nearly all the new jobs in America are created every year. In fact, 91 percent of Colorado's manufacturers employ fewer than 100 people. These small companies, because of their ability to quickly identify and take advantage of foreign sales opportunities, have given Colorado an important place in the Nation's trading business. And everyone in Colorado benefits from this activity. Revenue in Colorado from manufactured exports reached $1.8 billion in 1983, with another $800 million coming into the State through agricultural exports. And it is estimated that across the Nation 3 cents of every export dollar winds up in State and local government treasuries.

Mr. President, it is impossible to overstate the importance of foreign trade to our economy. So it is doubly important to avoid dangerous mistakes of public policy in reacting to the various trade barriers erected by other nations. While I can understand why some of our trading partners would react in this manner to difficult economic times, it is not so easy to understand how we got ourselves into this corner in the first place.

Much of America's heritage is built on export trading. The early days of the Republic are symbolized even today by the Commerce Department's emblem, which pictures a lighthouse and a clipper ship. These ships once took American commerce to the four corners of the world and helped make us the economic power we are today. They represent the Yankee Trader spirit that motivated much of this land in the last century.

Those early Yankee Traders operated at a time when we were a growing Nation, blessed with seemingly endless natural resources, unlimited bounty of farm and forest resources, and unmatched human ingenuity. What the world wanted and needed, we could supply. The fertile minds of American inventors and the productive hands of American workers kept turning out more new products for the world marketplace.

But we also had a growing domestic market, growing in numbers and especially in affluence and standard of living. Nor surprisingly, our Yankee Traders began to look inward. This U.S. market was so big and so rich—and so easy. Why bother with the expense and hazards of selling products halfway around the world when there was so much business halfway around the block?

American businessmen remained—and remain today—among the world's greatest salesmen. But they concentrated most of their efforts on the home front. And increasingly, after World War II, other nations became attracted to the U.S. domestic market for the same reasons as American businessmen.

And the result is just what you would expect. Today, we find ourselves outhustled in many of the world's markets, and fighting to retain our competitive edge even in our own country. We export only about 7 percent of our gross national product, only 10 percent of America's companies export, and we have consequently run trade deficits for 7 consecutive years. By any of these measures our major trading partners more than double our performance.

If there is any question about the importance of these numbers to our Nation, consider these facts:

The Commerce Department estimates that 24,000 American jobs result from every $1 billion worth of manufactured exports.

Two of every five acres of farmland in the United States produce for exports.

One of out of every eight jobs in manufacturing depends on foreign trade.

Sixteen percent of the total value of U.S. goods produced is destined for some other country.

Five million Americans are employed because of exports.

Several critically important issues are pending before the U.S. Congress related to foreign trade that Americans everywhere should be concerned about—issues about which the Senate needs to think very carefully before acting.

First, a move afoot in the Governmental Affairs Committee to recognize our trade agencies could have important consequences. A bill introduced by Senator BILL ROTH would consolidate most of the trade functions of the Federal Government into a new Cabinet-level Department of International Trade and Industry. The administration supports the measure, largely because our trade policies are so splintered that no single person can effectively act as our trade spokesman. Consider the involvement of these agencies: U.S. Trade Representative, Foreign Agriculture Service, Export-Import Bank, Customs Service, International Trade Commission, Small Business Administration, and Commerce and Treasury Departments. No one person speaks for all of these.

The bill, S. 121, would create a new department, but would not include all of these functions. So some opponents argue that it is too little to help, and too expensive to work. Proponents claim that it would at least enable our trade spokesman to make clear public policy statements and prevent abuses that sometimes occur under the current system.

My own thought is that we should move very cautiously along this line. If all our trade functions could be orga-

nized into a single unit in which one spokesman could truly represent our interests, it could help the current situation greatly. The proposal should be prefaced, though, with the understanding that as many of these functions as possible should be included so we do not just solve part of the problem, and that staff and budgets will not increase. Spending more money on trade staffs will not solve the problem of disparity and duplication. But a well organized small department under which all trade responsibilities were handled might go a long way in the right direction.

More important than how we orgnize our trade policy, I think, is what our trade policy will be. How will we react to the trade restrictions, import quotas, and unfair export subsidies some of our trading partners are using—particularly since these policies have a disastrous effect on our ability to compete for markets that we have a legitimate right to?

This is where we are on the verge of shooting ourselves in the trade foot. The public outcry for protectionist policies designed to erect barriers of our own has been loud indeed. And we seem to be on the brink of enacting the kind of bills which would do exactly that. For instance, the domesic content auto bill would require a percentage of all the cars sold in America to be built in America. Other legislation steaming through these Halls would prohibit the import of certain agricultural products into this country. Other bills would create huge subsidies for exporters, in an effort to fight fire with fire.

This kind of protection for American businesses is probably the most counterproductive action we could take under these circumstances. It is not that Americans have not been provoked: Europeans have been so busy subsidizing food exports that they have become net exporters of a product they are hardly cut out to produce for themselves, much less sell abroad. And they are about to give another 5-percent raise to their farmers. The Japanese have used nearly every means at their disposal to limit imports of American beef and citrus products, while virtually glutting our markets with cars and electronic equipment. So why not teach Europe and Japan a lesson?

Because it is not the Europeans or the Japanese who will suffer from protectionist policies—it is America that will suffer. One result of the European practice of food export subsidies has been a higher cost of food for their consumers—40 percent higher grocery bills. Not to mention the severe impact on our own budget that such subsidies would have at a time when we are trying desperately to reduce Federal deficits.

Most important of all—it is the American farmer who would suffer the most. While we complain that Japan will not import any more American beef, and we should complain loudly, we should not lose sight of the fact that 36 percent of the edible beef we now export goes to Japan. So if the Japanese Government reacted to a Toyota import ban by cutting off the rest of the beef they are now buying, many American cattlemen could be put out of business overnight. The size and value of America's exports should put fear into anyone who is considering an action which might cause retaliation.

Mr. President, we have tried this before. In 1930, Congress enacted the Smoot-Hawley tariff, and students of history know of the disastrous curtailment of business activity and sales that occurred, because other trading partners, who found themselves in the same depression we suffered from, were forced to retaliate. And then more retaliation followed, and nobody was the winner. Some argue that our tariff policy delayed economic recovery longer than necessary, just as such a policy would be today.

It is very tempting to deal protectionist policies of other countries by taking similar actions here. But with this kind of medicine, we risk killing the patient.

And there are other solutions.

Congress passed the Export Trading Company Act last year, which is an extremely important tool for American businesses, especially small businesses. It offers small companies that might find it difficult to get into the export business the chance to organize joint ventures with other similar companies, so that our exports from the smaller businesses where so much of our employment lies could be greatly increased.

Second, efforts to expand our exports into new markets should be vigorously pursued. I added an amendment to the 1981 farm bill which encouraged the Secretary of Agriculture to open more agriculture trade offices around the world to broaden our farmers' access to nations where there had not been an American market before. Since then, five new offices have been opened. Great progress is being made toward opening a new trade headquarters in the People's Republic of China, and our 11th Foreign Agriculture Trade Office was recently opened in Jidda, Saudi Arabia.

Third, we should not let our free trade philosophy blind us to the reality of what other nations' protectionism sometimes does to American businesses. A policy of fair trade can be the most useful tool available to our negotiators in dealing with our trade partners. So policies designed to create "trade reciprocity" should be examined wherever needed. As I see it, we should simply begin each discussion with the understanding that we favor free trade. But when another country wants to restrict imports of America's products, we can respond in kind if necessary with similar restrictions on imports from that nation. In this way, without losing sight of the goal of free trade, we can dramatically demonstrate the awkward position such policies put us in, and we can use such policies to force other nations to get serious about trading with the United States.

Finally, I think the most untapped resource is probably our best potential export—services. The United States is rapidly becoming a service economy, not an industrial one. And at the same time, the world market for services, especially information and data services, is growing much faster than the market for manufactured goods or food. American service industries are the world's most highly developed, and should be able to capture a large share of this market. Since much of our service sector is in small businesses, export trading companies could be especially helpful here. And in addition to helping our current trade imbalance, exporting services would also likely lead to more merchandise exports, since service contracts in foreign countries often lead to the sale of U.S. products.

Like other industries, though, our service industries are sometimes at a competitive disadvantage because of barriers in other countries designed to protect their own service industries. So our policy must focus on this new area—at least as much as it focuses on farm and manufactured goods.

The United States is firmly and inseparably linked with other nations throughout the world in a global economy of mutually beneficial trade. If we are to survive in a world where our economy's focus is dramatically and quickly changing from an industrial and agricultural base to a high technology base, we must make certain that we do not provoke, or participate in, a major world trade war which will shut off sales and trade in every area.

We must not be tempted to turn to protectionism, even though others might do so. Rather, we must lead the way toward free trade through policies of fair trade. The problems we face today are not insurmountable, and they will not last forever.

The fact of the matter is that Europe is facing twice as high a butter mountain and half again as deep a wine lake by the end of the 1980's. And European consumers continue to pay 40 percent more for their food than Americans.

So if anything is clear, it is that Europe and Japan cannot just go on their merry subsidizing way forever. As the Wall Street Journal has point-

ed out, what the global economy—and especially our own economy—needs "is a United States that is not playing subsidy war games, but manning its free trade guns."●

PEABODY CONSERVATORY'S HISTORIC CONCERT HALL

● Mr. SARBANES. Mr. President, this week the historic concert hall of the Peabody Conservatory of Music will be reopened and rededicated with appropriate ceremonies and a gala concert, marking the end of the first phase of Peabody's ambitious renovation project and another step forward in the revitalization of the historic Mount Vernon Square neighborhood.

For the past 2 years this historic hall has been closed for extensive renovation, including the installation of an orchestra pit, modern lighting, additional space to permit the staging of opera, and sound equipment to enable concerts to be broadcast live.

With these renovations, the hall, retaining its traditional facade as a 19th century recital hall, becomes one of the finest small performance facilities in the city of Baltimore. These are the first major renovations to be undertaken in the Peabody's illustrious 127-year history. The work was made possible by generous gifts from Sidney Friedberg and other trustees of the Peabody, the State of Maryland, and many Maryland corporations and foundations.

Mr. President, the concert hall is the heart of the conservatory's teaching and performing activities and its restoration is an expression of faith in the future of America's oldest conservatory of music.

I ask that a brief history of the Peabody, written by R. P. Harriss, one of Maryland's outstanding commentators on the arts and published in the News American 2 years ago, on the occasion of the 125th anniversary of the Peabody's founding, be printed in the RECORD at this point.

The history follows:

125 YEARS LATER, PEABODY STILL MAKES JOYFUL NOISE

(By R. P. Harriss)

For most Baltimoreans, "the Peabody" means the Peabody Conservatory of Music. But George Peabody, its founder, had more than music in mind.

In a letter dated Feb. 12, 1857, he set forth his specifications for the Peabody Institute. A Yankee by birth, a Baltimorean by adoption, eventually a Londoner by residence, he had his own ideas of what it should be:

"First . . . an extensive Library."

"Second . . . lectures by the most capable and accomplished scholars in science, art and literature.

"Third—I wish, also, that the Institute shall embrace within its plan an Academy of Music.

"Fourth . . . the establishment of a Gallery of Art."

Of the four areas covered by the philanthropist's letter, music would become the principal concern.

Just when did it really get started? According to an Oct. 23, 1966 column I wrote in anticipation of its 100th birthday, "In 1857, Peabody gave his first $300,000 (for the institute), along with the letter stating his aims. It was chartered by the Maryland Legislature in 1858, the cornerstone was laid in 1859, the (first) building completed in 1861.

"Owing to the unsettled state of this harbor city during the Civil War (1861-65), the concert hall was not formally dedicated until Oct. 25, 1966. It had been used for a science lecture earlier the same month; the first music program was not performed there until late December. The conservatory's faculty was appointed in 1867 and met its first classes in 1868. Thus the Peabody concerts have been going on, without a break, for a longer period than the conservatory itself."

Without wishing to stir up any more dust, let me add that it didn't become the Peabody Conservatory until 1874; until then it had been called the Academy of Music.

Among the Peabody's directors since Hamerik's time have been Otto Ortmann, whose treatise on the physiology of piano technique is universally recognized, and pianist and symphony conductor Reginald Stewart, who brought a brilliant succession of concert artists to Baltimore as teachers at the conservatory and soloists with the Baltimore Symphony, of which he was also music director for 10 years.

Lecturers in the concert hall have ranged from Oliver Wendell Holmes to James Russell Lowell, from Ralph Waldo Emerson to Sidney Lanier, from Mark Twain to Sir Arthur Sullivan, from Anton Rubinstein to Hans von Bulow. The conservatory has also heard Igor Stravinsky, Virgil Thomson, Karlheinz Stockhausen, John Cage and Eubie Blake talk about and perform their music

The teaching and performing roster reads like a who's who in music: the Polish pianist and patriot Paderewski; the great French theorist Nadia Boulanger; the pianists Dame Myra Hess, Eugene Entremont, Rudolf Serkin and Leon Fleisher; violinists Ruggiero Ricci, Nathan Milstein and William Kroll; flutist Jean-Pierre Rampal; harpsichordist Wanda Landowska, organist Virgil Fox; too many of the great opera singers to list here, opera conductor Laslo Halasz and composers Aaron Copland, Theodore Chanler and Elliott Carter.

It might surprise many Baltimoreans that Peter Tchaikovsky rehearsed and conducted an orchestra concert here. That was before my time, of course, but Dmitri Shostakovich's performance—a press conference, at which I was present—was impromptu and mercifully brief.

In the Stalin era Rubinstein was in a small group of visiting Russian composers, including Khatchaturian and Kabalevsky, who were closely chaperoned by a hard-nosed official from the Russian Embassy in Washington. At a press conference held in the concert hall lobby someone asked Shostakovich to comment on the official public reprimand he had received in Moscow for his alleged musical deviationism. He attempted, in a few halting words in English, to justify it looking abjectly miserable.

Most of my memories of Peabody people are happier than that. There was the time the dignified Dr. Stewart put on a floor-mop wig and did an impersonation of Harpo Marx, the Scottish bassist Frazer Gange with his delightful stories, the jovial White Russian emigre Nicholas Nabokov, nephew of the famous writer Valdimir Nabokov, and the organist and composer Howard Thatcher, who was such fun to attend a concert with because of his witty whispered commentaries on the performers.

Also warmly remembered are the late Dr. Louis Cheslock, teacher, composer and musical crony of H. L. Mencken, and, still with us, the incomparable Dr. Lubov Keefer, teacher, raconteur and writer, a link between the Peabody past and present.

The present is lively, with loud sounds of renovation mingling with those of voice and instrumental practice. The concernt hall's interior is being restructured for better staging, more comfortable seating, air conditioning and sound-proofing. An automatic-lift orchestra pit will be installed, too. But the classical-relief sculpture at either side of the stage remains.

Modern times have brought temporary changes, such as the somewhat makeshift extension of the stage built during a period of several seasons when Halasz was producing opera there. Ming Cho Lee, now a highly regarded Metropolitan Opera designer, was the young and innovative set creator during that period.

What would George Peabody think if he could come to life, step down from his monument in Mount Vernon Place and look around at the changes? Would he be a bit startled by the newer building at St. Paul Street and Mount Vernon Place, annoyed that the three handsome old town houses acquired after his time have been padlocked and left to decay?

In 1977 the Peabody, faced with severe financial problems, became affiliated with Johns Hopkins University. As a Yankee financier who adopted Baltimore, George Peabody would probably grimance at seeing his creation admininstered by a university founded by his local business rival. But he wouldn't buck it.●

MINORITY ENTERPRISE DEVELOPMENT WEEK

● Mr. WEICKER. Mr. President, the week of October 3 has been set aside by the administration as National Minority Enterprise Development Week. As chairman of the Small Business Committee, I want to commend the President for designating a week that, for the first time, recognizes the contributions that minority-owned businesses have made to our country and our economy. I would also like to express my own deep respect, admiration, and gratitude to the minority business community for the tremendous strides they have made and the essential role they play in our daily lives.

Throughout the history of this Nation, ownership of a business has been a traditional part of the American dream. It is the essence of our independent spirit, the attainment of a goal that brings with it self-sufficiency, self-determination, and the personal joy and satisfaction of making it on your own.

Unfortunately, for many years minorities did not share in that dream. In terms of our free enterprise system,

members of the minority community were still forced to ride in the back of the economic bus. Well, Mr. President, I am proud to say that we are making significant strides toward reversing that harsh reality. Today, minority-owned firms are emerging as some of the most glowing success stories our Nation has to offer. The minority business owner is no longer the rare case, the exception. In all walks of business, we are seeing increasing numbers of minority entrepreneurs taking their place and staking their claim on their own piece of the free enterprise system.

This is the real American dream, Mr. President—the dream that any man or woman, no matter how humble their beginnings, can, through their own hard work and effort, become a success in this country.

The minority business owners we pay tribute to this week stand as shining examples of the best qualities our Nation has to offer. They dared to dream that they could make it; they dared to believe that they had a right to success; they dared to think that they could be more than spectators at the business game—they could be players themselves.

I believe it is appropriate that we set aside a week to pay tribute to these entrepreneurs, Mr. President. But I would urge my colleagues to use this week to do more than simply recognize the achievements that have been made. Let us take this opportunity to rededicate ourselves to the goal of increasing minority business participation. Strides have been made, yes, but in the flush of celebration, we must not forget that much more remains to be done.

For those minority entrepreneurs who have made it, things continue to look better and better. According to Black Enterprise magazine, total revenues for the top 100 black-owned businesses in the country grew from $1.5 billion in 1981, to $1.9 billion in 1982, a 1-year jump of more than 24 percent. In 1972, when the magazine first began compiling the list, total sales for this group were only $459 million. That represents a real growth increase of more than 80 percent in a 10-year period.

But the fact remains that of the roughly 16.8 million small- and medium-sized businesses in this country, only about 600,000 are owned by minorities. What that means is that while recognized minority groups—blacks, Hispanics, Asian-Pacificans, Eskimos, Aleuts, and American Indians—make up about 25 percent of our population, they own less than 3 percent of the businesses.

Of those 600,000 minority-owned businesses, 93 percent are small, sole proprietorships. Two out of every three of them are in the retail trade and service industries, and the great majority of them—60 percent, to be exact—are clustered in six States.

It is true that we are slowly making gains. In 1969, there were only 350,000 minority-owned businesses operating in this country, compared to the 600,000 operating now.

So, clearly, we are heading in the right direction. Programs such as the 8(a) procurement program, which sets aside Government contracts for qualifying minority firms, and the Minority Enterprise Small Business Investment Co. program, which provides long-term, low-interest loans to promising minority entrepreneurs, have played a large part in some of these success stories, and the Small Business Committee, which provides funding authorizations for these SBA programs, takes some pride in that.

What has been done in the past, however, is no longer sufficient to meet the tremendous challenges of the future. The Small Business Committee and the current administration recognize that, and that is why our committee worked in concert with the SBA and the Commerce Department to develop a coordinated program to assist minority businesses.

The result of these actions was an Executive order, issued by the President on July 14, 1983, setting forth goals and directives to increase opportunities for minority businesses in the public and private sectors.

The President's order calls upon each Federal agency with substantial procurement or grant-making authority to develop an annual minority business development plan. These plans, to be submitted annually to the high-level Cabinet Council on Commerce and Trade, will build upon the programs administered by the Minority Business Development Agency (MBDA) and the SBA.

The Secretary of Commerce and the Administrator of the SBA, in direct consultation with the Cabinet Council, will establish uniform guidelines to be used by agencies in developing these plans. This ambitious program, according to President Reagan, will result in the creation of an additional 60,000 minority businesses over the next 10 years; will produce $15 billion in procurement and Government contracts to minority firms by 1985; and will bring about an increase in credit and management assistance to minority businesses totaling more than $1.8 billion over the next 3 years.

Last week, the President designated the Department of Transportation to participate in the SBA's 8(a) pilot procurement program. This special 2-year program was designed by Congress to provide qualified minority firms with nontraditional Government contracts. I am pleased the administration is moving to implement this program. This additional tool should help to increase, not only the number of contracts which go to minority firms, but the caliber of contracts as well.

Mr. President, I am pleased and excited about these new initiatives and their implications for minority business development. I believe these programs represent a real commitment by the Congress and the administrative branch to attempt to increase opportunities for all minority-owned firms.

The President is to be commended for his initiative and his sensitivity to the needs of the minority business community. During Minority Enterprise Development Week, I call upon all my colleagues to follow his example and to look for ways that we can work to increase the opportunities for these firms who have contributed so much to our economy and our lives. Let us reaffirm our commitment to insuring that the American dream of owning your own business remains an equal opportunity dream.●

SOARING PHONE BILLS

● Mr. LAUTENBERG. Mr. President, last week, the Senate Commerce Committee voted to report out legislation, S. 1660, to help preserve universal telephone service in the wake of the divestiture of AT&T and a variety of regulatory changes. One major element of the bill would postpone, for 2 years, the imposition of flat access charges on residential and small business users. In my State those access charges could rise to $8.50 a month by 1990, doubling the current average monthly bill for basic service in State. In connection with our efforts, I would like to insert in the RECORD, the results of a New York Times/CBS Poll which indicate that if prices rise as high as many of us fear, unviersal telephone service will indeed be endangered.

The material follows:

[From the New York Times, Oct. 4, 1983]

POLL INDICATES CONFUSION ON BREAKUP OF AT&T

(By Andrew Pollack)

With three months to go before the breakup of the American Telephone and Telegraph Company, Americans have little understanding of the reorganization and considerable doubt about its benefits, according to a New York Times/CBS News Poll.

Only 29 percent of the respondents to the nationwide survey said they had heard or read enough to understand what is going to happen in the divestiture, which takes effect Jan. 1 and which will change forever the way telephone service is provided.

Of those who said they did understand the change, 41 percent said they thought it would make telephone service worse, while only 25 percent said service would get better. Some 16 percent said service would remain the same and 18 percent did not know.

In other results, almost half the respondents—42 percent—said they could not afford to retain telephone service if local rates

were to double, while 54 percent said they could afford it.

Nevertheless, 55 percent of the respondents said they did not favor subsidizing local telephone rates so that everyone could afford to have a phone. Only 34 percent favored such subsidies.

The survey of 1,587 people was taken in late September as Congress began work on legislation that would attempt to retain subsidies of local rates to maintain the 50-year-old policy of universal telephone service. Some experts think local telephone rates will double in the next year or two, leading customers to drop their phone service.

Gary L. Schmermund, division manager of public relations research for A.T. & T., said the result showing that people did not favor subsidies "certainly suggests to me that Congress doesn't have the support it thinks it does."

But Samuel A. Simon, executive director of the Telecommunications Research and Action Center, a consumer group, said the question about subsidies would have been answered differently if people knew that local rates were now being subsidized.

The widespread lack of understanding of the breakup stems perhaps from the complexity of the issue and from the fact that for decades, telephone service has been something that most Americans received from a single supplier and thought little about. With the divestiture, different operating companies will supply local service and AT&T will face more competition in supplying long-distance service.

Mistrust of the breakup might stem from the fact that Americans are now satisfied with telephone service: About 83 percent of those surveyed said they were either very satisfied or somewhat satisfied.

In another question, all respondents were told something of the pros and cons of the breakup and asked for their opinions.

AN OVERALL JUDGMENT

"Some people say the reorganization will be a good thing because it will mean lower long-distance rates and more competition in making telephones," the question said, "Others say it will be bad because local charges will go up and the system was working well and didn't need to be changed."

Some 45 percent of the respondents said the reorganization did not sound like a good idea, while 31 percent said it did and 24 percent said they did not know.

The respondents who were most worried about increases in the cost of local service tended to be the ones who were most skeptical about reorganization.

Of the 42 percent who said they would have to give up their phones if local charges doubled, 46 percent said they thought reorganization did not sound like a good idea and only 26 percent said it did. Older people and those with lower incomes were generally more opposed to the reorganization than others. Those who said they understood the reorganization responded 55 percent to 34 percent that it was not a good idea.

The survey also elicited information about patterns of telephone usage. Some 26 percent of those surveyed said they owned their own telephones, while 62 percent said they continued to rent them from their telephone company and 10 percent said they both owned and rented telephones. About one-third of those surveyed said their last long-distance bill was for less than $10, while 39 percent said it was between $10 and $40 and 25 percent said it was greater than $40.

WHO BENEFITS FROM RATE CHANGES

The results would indicate that a majority of customers will not benefit from changes occurring in rate regulation that will lead to a reduction in long-distance bills of about 10.5 percent, combined with the addition of a flat fee on every bill of $2 to $4, depending on the state. Only those with long-distance bills greater than $20, for example, in the case of a $2 monthly charge will save enough on long distance to offset the extra charge.

Some 55 percent responded "no" to the question about phone rate subsidies, which was: "Do you think local telephone service is so necessary that it should be provided to people who cannot afford to pay for it, even if that means higher phone charges or higher taxes for other people?"

Those in rural areas, now among the biggest beneficiaries of subsidies, responded 61 percent to 28 percent against such subsidies. Those over 64 years of age and those with incomes of less than $10,000 a year were about evenly split, 40-40.

Asked about the importance of a telephone to them, 51 percent said it would be a "real hardship" to get along without a phone, while 37 percent said it would be "somewhat difficult" and 11 percent said it would be "easy." Those over 64 years of age, those with college degrees and those with high incomes were more likely than others to answer that living without a phone would be a real hardship.

Nevertheless, 42 percent said they would drop phone service if local rates doubled. Of those with annual incomes under $10,000, 72 percent said they could not afford to keep a phone. Mr. Schmermund of A.T&T. said, however, that far fewer people would drop phone service than indicated. He said people had little knowledge of what the various parts of their bill were and would tend to think of their total bill doubling, not just their local bill.

Loss of the home phone: Where it constitutes a hardship

[How hard would it be for you to get along without a telephone in your home? Would it be easy, somewhat difficult, or a real hardship?]

	Percent
Nation (total sample)	51
Age:	
18-29 (30 percent of sample)	46
30-44 (27 percent)	58
46-64 (27 percent)	42
Over 64 (18 percent)	65
Men Over 64 (6 percent)	56
Women Over 64 (9 percent)	72
Family income:	
Less than $10,000 (15 percent)	46
$10-20,000 (29 percent)	45
$29-30,000 (21 percent)	49
$30-40,000 (17 percent)	56
Over $40,000 (12 percent)	64
Race:	
White (85 percent)	51
Black (11 percent)	47
Family finances:	
Better than year ago (25 percent)	56
Same as a year ago (51 percent)	47
Worse than year ago (23 percent)	54
Education:	
Less than high school (23 percent)	42
High school graduate (45 percent)	50
Some college (17 percent)	56
College graduate (14 percent)	83
Sex:	
Men (47 percent)	47
Women (53 percent)	55

Note: All categories may not add to 100 because of rounding.

HOW POLL WAS CONDUCTED

The New York Times/CBS News Poll is based on telephone interviews conducted from Sept. 24 through Sept. 28 with 1,587 adults around the United States, excluding Alaska and Hawaii.

The sample of telephone exchanges called was selected by a computer from a complete list of exchanges in the country. The exchanges were chosen to insure that each region of the country was represented in proportion to its population. For each exchange, the telephone numbers were formed by random digits, permitting access to both listed and unlisted residential numbers.

The results have been weighted to take account of household size and to adjust for variations in the sample relating to region, race, sex, age and education.

In theory, in 19 cases out of 20, the results based on the entire sample will differ by no more than three percentage points in either direction from what would have been obtained by interviewing all adult Americans. The error for smaller subgroups is larger. For example, the margin of sampling error for those respondents who said they had heard about the telephone company reorganization is plus or minus five percentage points.

In addition to sampling error, the practical difficulties of conducting any survey of public opinion may introduce other errors into the poll.

Edward R. Tufte, professor of political science and statistics at Yale University, assisted The Times with this survey.●

PROGRAM

Mr. BAKER. Now, Madam President, on tomorrow, when the Senate resumes session at 9:45 a.m., it will be pursuant to recess. After the two leaders are recognized under an abbreviated standing order, there will be a very brief period for the transaction of routine morning business until 10:10 a.m., at which time the Senate will stand in recess in order to proceed as a body to the hall of the House of Representatives to hear an address by the President of West Germany in a joint meeting with the House of Representatives.

The Senate will resume session after the recess at 11:30 a.m., at which time three Senators will be recognized on special orders of not to exceed 15 minutes.

After the execution of those special orders, there will be a further period for the transaction of routine morning business to extend no longer than 12:30 p.m.

At 12:30 p.m., the 1 hour under rule XXII before the vote on cloture will begin to run. The mandatory quorum under that rule is waived.

At the hour of 1:30 p.m., the vote on cloture on the motion to proceed to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill will occur.

I anticipate, Madam President, that if cloture is invoked, the Senate will

continue with its consideration of that motion and perhaps conclude action on the motion during the day. I reiterate, I hope—I believe—that we will obtain clearance for a unanimous-consent request in the morning to vitiate that vote and to go ahead and set a time certain for final passage and other arrangements for final consideration of the Martin Luther King bill when we return after the October break.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. BAKER. Madam President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:45 a.m. tomorrow.

The motion was agreed to; and at 7:08 p.m. the Senate recessed until tomorrow, October 5, 1983, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate October 4, 1983:

FOREIGN SERVICE

The following-named Career Members of the Senior Foreign Service for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, class of Career Minister:

Thomas D. Boyatt, of Ohio.
Charles W. Bray III, of Maryland.
Robert Sherwood Dillon, of Virginia.
James E. Goodby, of New Hampshire.
John H. Holdridge, of Maryland.
David Taylor Schneider, of Florida.
Monteagle Stearns, of California.
Edward J. Streator, of New York.
Richard Noyes Viets, of Vermont.

Career Members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

G. Norman Anderson, of New York.
Adrian A. Basora, of New Hampshire.
Jack Robert Binns, of Washington.
William Bodde, Jr., of Maryland.
Parker W. Borg, of the District of Columbia.
Kenneth Lee Brown, of California.
James Richard Bullington, of Tennessee.
Glenn R. Cella, of Florida.
Paul Matthews Cleveland, of Virginia.
John R. Clingerman, of Michigan.
Peter Jon de Vos, of Florida.
Jerrold Mark Dion, of Washington.
Charles Edward Emmons, of California.
Thomas J. Fitzpatrick, of Idaho.
Herbert Donald Gelber, of Florida.
Paul Alan Goff, M.D., of Washington.
Roderick N. Grant, of California.
Herbert George Hagerty, of New Jersey.
Paul Julian Hare, of the District of Columbia.
John Houston Hawes, of Maryland.
Theresa A. Healy, of Virginia.
Curtis Warren Kamman, of the District of Columbia.
Katherine Lee Kemp, of California.
Edward Kreuser, of Virginia.
Norbert J. Krieg, of Maryland.
John J. Maresca, of Connecticut.
John T. McCarthy, of New York.
Robert H. Pelletreau, Jr., of Connecticut.
Lawrence D. Russell, of Florida.
Teresita Currie Schaffer, of New York.
Dudley G. Sipprelle, of California.
Harold E. Vickers, of Massachusetts.
Alexander Fletcher Watson, of Massachusetts.
Martin A. Wenick, of Florida.
Herbert E. Wilgis, Jr., of Maryland.
John J. Youle, of Virginia.
David Eugene Zweifel, of Maryland.

The Following-named Foreign Service Officer of class 2 for promotion to the class in the Senior Foreign Service indicated:

Career Member of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Charles R. Bowers, of California.

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and Consular Officer and Secretary in the Diplomatic Service appointments, as indicated:

Career Members of the Senior Foreign Service of the United States of America, class of Counselor:

Andrew F. Antippas, of Massachusetts.
David Russell Beall, of Michigan.
Kenneth W. Bleakley, of New York.
John S. Brims, of California.
Duane C. Butcher, of Oklahoma.
Michael Carpenter, of Florida.
Robert K. Carr, of California.
James Ford Cooper, of California.
Terrance M. Day, of Maryland.
Gerald de Santillana, of California.
Regina Marie Eltz, of Alabama.
Robert W. Farrand, of New York.
Norman H. Frisbie, of Vermont.
John B. Gwynn, of Ohio.
James F. Hughes III, of Virginia.
Edward Hurwitz, of the District of Columbia.
Richard Dale Kauzlarich, of Virginia.
T. Patrick Killough, of Texas.
John J. LaMazza, of New York.
Douglas Langan, of New Jersey.
Warren A. Lavorel, of California.
Duane T. Linville, of Florida.
Arthur L. Lowrie, of Virginia.
Walter A. Lundy, Jr., of Virginia.
Edward M. Malloy, of New York.
Jim D. Mark, of Georgia.
Lois Jean Matteson, of Florida.
Donald Floyd McConville, of Minnesota.
Richard A. McCoy, of New Jersey.
James W. McGunnigle, of New York.
Joseph D. McLaughlin, of Kansas.
Marilyn Ann Meyers, of Minnesota.
Michael A. G. Michaud, of Maryland.
Richard H. Milton, of West Virginia.
Lillian Peters Mullin, of New Hampshire.
E. Parks Olmon, of Texas.
David D. Passage, of Colorado.
Robert L. Pugh, of Washington.
Theodore E. Russell, of Maine.
Leonard Sandman, of West Virginia.
Eugene L. Scassa, of Pennsylvania.
Donald R. Schoeb, of Pennsylvania.
James Francis Shea, of Maryland.
Dane F. Smith, of New Mexico.
John C. Stephens, of California.
Charles T. Sylvester, of Rhode Island.
Richard W. Teare, of Ohio.
Andrew G. Thoms, Jr., of Maryland.
Leonard F. Willems, of Wyoming.
Howard F. Williams, of Georgia.

Career Members of the Senior Foreign Service, class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Kenneth B. Babcock, M.D., of Florida.
Rodney Charles Johnson, M.D., of Wisconsin.
Burnett Q. Pixley, M.D., of Arkansas.
Esther P. Roberts, M.D., of Tennessee.
Geraldine R. Sheehan, of the District of Columbia.
Frederick H. Sheppard, of Ohio.
James L. Ward, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4, 1983:

THE JUDICIARY

Martin L. C. Feldman, of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

C. Roger Vinson, of Florida, to be U.S. district judge for the northern district of Florida.

HOUSE OF REPRESENTATIVES—*Tuesday, October 4, 1983*

The House met at 12 noon.

The Reverend Dr. Ernst G. Schmidt, Gloria Dei Lutheran Church, Huntingdon Valley, Pa., offered the following prayer:

Almighty Creator God, help us to realize the uniqueness of this country. We have the responsibility and privilege of governing ourselves with a freedom which is the envy of millions.

We are in this hallowed Hall today because there have been those who dared to treasure truth and liberty above self.

Lord, You know how hard it is for us at times—so many pressures, ideas, and interest groups pull and push us. Starch our backbones, Father, so we remain true to our convictions. Enable us to leave these Chambers every day with our heads held high and feeling good because we have been true to our people's trust and have given our best.

In the name of Jesus who has given us the prime example we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 23, answered "present" 8, not voting 63, as follows:

[Roll No. 376]

YEAS—339

Ackerman	Archer	Berman	Boner	Gray	McCandless	Smith (NE)	Tauke	Wheat
Addabbo	AuCoin	Bethune	Bonior	Green	McCloskey	Smith (NJ)	Tauzin	Whitley
Akaka	Barnard	Bevill	Bonker	Gregg	McCollum	Smith, Robert	Taylor	Whittaker
Albosta	Barnes	Biaggi	Borski	Guarini	McCurdy	Snyder	Thomas (GA)	Whitten
Alexander	Bateman	Bilirakis	Bosco	Gunderson	McEwen	Solomon	Torres	Williams (MT)
Anderson	Bedell	Bliley	Boucher	Hall (IN)	McHugh	Spence	Torricelli	Williams (OH)
Andrews (TX)	Bellenson	Boehlert	Boxer	Hall, Ralph	McKinney	Spratt	Towns	Wilson
Annunzio	Bennett	Boggs	Breaux	Hall, Sam	Mica	Staggers	Udall	Winn
Anthony	Bereuter	Boland	Britt	Hamilton	Mikulski	Stangeland	Valentine	Wirth
			Broomfield	Hammerschmidt	Mineta	Stark	Vander Jagt	Wise
			Brown (CA)	Hance	Minish	Stenholm	Vandergriff	Wolf
			Brown (CO)	Hansen (UT)	Moakley	Stokes	Vento	Wolpe
			Broyhill	Harrison	Molinari	Stratton	Volkmer	Wortley
			Bryant	Hartnett	Mollohan	Studds	Vucanovich	Wright
			Burton (IN)	Hatcher	Montgomery	Stump	Walgren	Wyden
			Campbell	Hawkins	Moore	Sundquist	Waxman	Wylie
			Carney	Hayes	Moorhead	Swift	Weaver	Yatron
			Carper	Hefner	Morrison (CT)	Synar	Weber	Young (MO)
			Carr	Hertel	Mrazek	Tallon	Weiss	Zschau
			Chandler	Hightower	Myers			
			Chappell	Hillis	Natcher			
			Chappie	Holt	Nelson			
			Cheney	Hopkins	Nichols			
			Clarke	Horton	Nielson			
			Clinger	Howard	Oakar			
			Coats	Hubbard	Obey			
			Coelho	Huckaby	Olin			
			Coleman (MO)	Hughes	Owens			
			Coleman (TX)	Hutto	Oxley			
			Collins	Hyde	Packard			
			Conable	Jeffords	Panetta			
			Conte	Jenkins	Parris			
			Cooper	Johnson	Pashayan			
			Courter	Jones (NC)	Patman			
			Coyne	Jones (OK)	Patterson			
			Craig	Jones (TN)	Paul			
			Crane, Daniel	Kaptur	Pease			
			Crane, Philip	Kasich	Penny			
			Daniel	Kastenmeier	Perkins			
			Dannemeyer	Kazen	Petri			
			Daub	Kemp	Pickle			
			Davis	Kildee	Porter			
			Dellums	Kindness	Price			
			Derrick	Kogovsek	Quillen			
			DeWine	Kolter	Rahall			
			Dixon	Kostmayer	Rangel			
			Donnelly	Kramer	Ratchford			
			Dorgan	LaFalce	Ray			
			Dowdy	Lagomarsino	Regula			
			Downey	Lantos	Reid			
			Dreier	Latta	Richardson			
			Duncan	Leach	Ridge			
			Dwyer	Leath	Rinaldo			
			Dyson	Lehman (CA)	Ritter			
			Early	Lehman (FL)	Robinson			
			Eckart	Leland	Rodino			
			Edgar	Lent	Rogers			
			Edwards (CA)	Levin	Rostenkowski			
			English	Levine	Roth			
			Erdreich	Lewis (CA)	Roukema			
			Evans (IL)	Lewis (FL)	Rowland			
			Feighan	Livingston	Rudd			
			Ferraro	Lloyd	Russo			
			Fiedler	Loeffler	Sawyer			
			Fish	Long (LA)	Schaefer			
			Flippo	Long (MD)	Scheuer			
			Florio	Lott	Schneider			
			Foglietta	Lowery (CA)	Schulze			
			Fowler	Lujan	Schumer			
			Frank	Luken	Seiberling			
			Franklin	Lundine	Sensenbrenner			
			Frenzel	Lungren	Shannon			
			Frost	Mack	Sharp			
			Fuqua	MacKay	Shaw			
			Garcia	Madigan	Shelby			
			Gaydos	Markey	Shumway			
			Gephardt	Marlenee	Shuster			
			Gibbons	Marriott	Siljander			
			Gilman	Martin (NC)	Simon			
			Gingrich	Martin (NY)	Sisisky			
			Glickman	Martinez	Skeen			
			Gonzalez	Matsui	Skelton			
			Gore	Mavroules	Slattery			
			Gradison	Mazzoli	Smith (FL)			
			Gramm	McCain	Smith (IA)			

NAYS—23

Clay	Hiler	Schroeder
Coughlin	Jacobs	Sikorski
Durbin	Lipinski	Smith, Denny
Evans (IA)	Miller (OH)	Traxler
Fields	Mitchell	Walker
Forsythe	Roberts	Yates
Gejdenson	Roemer	Young (AK)
Harkin	Sabo	

ANSWERED "PRESENT"—8

Dymally	Ottinger	St Germain
Murphy	Roybal	Thomas (CA)
Oberstar	Savage	

NOT VOTING—63

Andrews (NC)	Erlenborn	McNulty
Applegate	Fascell	Michel
Aspin	Fazio	Miller (CA)
Badham	Foley	Moody
Bartlett	Ford (MI)	Morrison (WA)
Bates	Ford (TN)	Murtha
Brooks	Gekas	Neal
Burton (CA)	Goodling	Nowak
Byron	Hall (OH)	O'Brien
Conyers	Hansen (ID)	Ortiz
Corcoran	Heftel	Pepper
Crockett	Hoyer	Pritchard
D'Amours	Hunter	Pursell
Daschle	Ireland	Roe
de la Garza	Kennelly	Rose
Dickinson	Levitas	Snowe
Dicks	Lowry (WA)	Solarz
Dingell	Martin (IL)	Watkins
Edwards (AL)	McDade	Whitehurst
Edwards (OK)	McGrath	Young (FL)
Emerson	McKernan	Zablocki

□ 1210

Mr. BONKER changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

□ 1220

THE REVEREND ERNST SCHMIDT

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, I am pleased to welcome on behalf of our colleagues the Reverend Ernst Schmidt, pastor of Gloria Dei Lutheran Church in Huntingdon Valley, Pa.

Reverend Schmidt founded Gloria Dei Church some 27 years ago. At that time services were held in a small firehouse. Now Gloria Dei has expanded to over 3,000 members.

Reverend Schmidt preaches a positive philosophy revolving around a concept of a friendship with Christ. He gives his church members a good feeling about themselves as people and this is reflected in the positive feeling that the community has about Gloria Dei.

Gloria Dei is particularly noted for its concern with elderly citizens and is responsible for the construction of three residential facilities for the elderly. In this way Gloria Dei is responding to the needs of its community.

Reverend Schmidt is a graduate of Whittenberg University, has studied at the Lutheran Theologian Seminary in Philadelphia and received his doctorate at Muhlenberg University in Allentown. His father was also a pastor in Philadelphia, and I am happy to welcome Reverend Schmidt and the 100 members of Gloria Dei who have joined us here today.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE TODAY

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

Mr. Speaker, I have cleared this with the minority.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WHITE HOUSE SHOULD DISCLAIM AND APOLOGIZE FOR SHAMEFUL TACTICS

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, when the IMF bill came before this House several weeks ago, I voted for it. I also voted for an amendment offered by the gentleman from Texas (Mr. GRAMM). That amendment was opposed by leaders on both sides of the aisle, and 20 of my Democratic colleagues voted against it. Now those 20 Democrats, who in this instance voted with the House's Republican leadership, have been subjected by the Republican National Committee to vicious attacks in their home districts, calling their patriotism into question. The Republicans who opposed Mr. GRAMM's amendment have suffered no such fate.

Mr. Speaker, there is no place in this House for this kind of shameful politics. Like me, many of my freshman Democratic colleagues supported this legislation against a great deal of popular opinion back home. We supported it because we believed it was a prudent and necessary response to the worldwide financial crisis. Even so, a majority of freshman Democrats will withdraw our support unless the White House disclaims this kind of tactic and apologizes publicly to all our colleagues who were so unfairly maligned.

ASSESSING PLIGHT OF SOVIET JEWRY IN THE WAKE OF KAL 007

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, over the past few years, we have witnessed an alarming drop in the number of Jews emigrating from the Soviet Union, and felt the frustration of trying to help. Numerous accounts from refuseniks and prisoners of conscience give us a glimpse of how seriously the situation has deteriorated. The long and arduous application process, coupled with surveillance, harassment, loss of job and status, and the threat of eventual imprisonment paints a grim picture for Jews trying to emigrate. Their courage is uplifting, their plight, agonizing.

Now, in the wake of severe setbacks in United States-Soviet relations, it is more important than ever to continue to speak out for individuals held in Russia against their will. Only by unceasingly impressing our views on this point to the Soviet leadership can we hope to help even a few escape religious persecution.

We must continue the pressure at this level, and explore new ideas and methods. We may never know which actions help the most, so we must barrage the Soviet leadership from as many directions as possible.

During this tense period, we must do our utmost not to allow Soviet Jews to become pawns in the game of politics and diplomacy. Through our actions, we must make clear that our opposition to Soviet policy is steadfast, and that further persecution will only strengthen our determination. Any lag in our support could give the Soviets an excuse to tighten emigration restrictions further. Our responsibility is immense, but the cost in human suffering here is too great to let emotions over the airline incident sway our judgment at the risk of baiting the Russians into harsher policies.

SUPPORT FOR RESTORED FUNDING FOR OFFICE OF SPECIAL INVESTIGATIONS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, in the near future, the House is expected to complete action on H.R. 2912, the Department of Justice Authorization Act for fiscal year 1984.

I support this legislation for a variety of reasons. However, one of the most important is the bill's restoration of some $77,000 cut from the budget of the Office of Special Investigations in the Department of Justice. This is the Office responsible for the investigation, apprehension, and prosecution of suspected Nazi war criminals living in the United States.

The administration proposed this reduction notwithstanding the fact that the Office litigation has increased significantly in the past 2 years. Almost three times as many cases have been filed with the Office than were before it in 1981. In addition, there are some 267 investigatory cases pending in the Office with over 100 of them just referred in the past year. The Office has been successful in expediting proceedings on these cases through prosecutions and in some cases deportations.

This is not the time to reduce funding for the only office vested with the specific responsibility of tracking down Nazi war criminals who have taken refuge in this Nation. We have a tragic 35 year record of inaction on the Nazi war criminal problem which should not be exacerbated by cutting funds for that Office which is beginning to do this important work.

Let us never forget what heinous crimes the Nazi's committed against Jewish people and above all let us not allow these criminals to avoid prosecution. The United States should not be a haven for harboring Nazi war criminals—it should be the leader in the crusade to bring them to justice.

NATION CANNOT AFFORD TREMENDOUS EXPENSE OF SIMPSON-MAZZOLI BILL

(Mr. ROYBAL asked and was given permission to address the House for 1 minute.)

Mr. ROYBAL. Mr. Speaker, on October 18 the House Committee on Rules

will consider the Simpson-Mazzoli bill. That committee must grant an open rule and permit all amendments including those proposed by the administration.

In their letter of July 27 the administration revealed for the first time that Simpson-Mazzoli will cost for the first year alone, $1,576 million and not $200 million as authorized by the bill. This amount will increase to $11,530 million by 1988 and does not include the cost of reimbursement to the States, enforcement of sanctions nor the reduction of immigration backlog.

Mr. Speaker, enough is enough. The Nation cannot afford the tremendous expense of the Simpson-Mazzoli bill.

PRESIDENT MAKES RIGHT CHOICE RE PHILIPPINES VISIT

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, rarely do I agree with President Reagan on matters of foreign policy. However, I congratulate him for his decision, announced yesterday, not to visit the Philippines in November. Although the President's official reason for the cancellation is likely congressional action on spending bills in November, administration sources have indicated that the instability of the Marcos Government, the recent assassination of prominent opposition figure Benigno Aquino, and domestic opposition to the visit were the real reasons the trip was called off.

I am pleased that the President has made such a thoughtful decision. Many of us in Congress have long asked whether uncritical, unconditional support of the Marcos regime is in the long-term interest of the United States. On September 1, I joined 45 other House Members in calling on the President to cancel his visit because of the Aquino murder. We wrote at that time:

> We remain concerned that the Aquino assassination and President Marcos' approach to its investigation is symptomatic of an overall policy to limit the democratic opposition in the Philippines, suspend human rights, and abrogate political and civil liberties.

Mr. Speaker, the President has made the right choice. He should take this opportunity to review the human rights situation in the Philippines, reaffirm our commitment to uncover the facts about the Aquino case, and address the uses of U.S. security assistance to the Philippines.

A CRACK IN THE CUP OF FREEDOM—BANNING HANDGUNS IN PRIVATE HOMES

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, today there is a crack in our cup of freedom.

It was put there by the Supreme Court's decision not to hear a case opposing the ban of handguns in private homes.

We have come many generations away from the oppression that drove our forefathers to these shores. They understood that gun control is a seed of dictatorship.

Each freedom carries inherent dangers—with freedom of religion, we must coexist with bizarre cults; with free speech, we must allow room for ideas contrary to the very freedom which allows such discussion; with the right of assembly comes the threat of violence—and so it is with the right to bear arms. But the right to protect one's own life and domain is a precious right that we must zealously guard. The criminal giants are inevitable; our concern is for the Davids of the world.

I urge you to join with me to see that this freedom is quickly mended.

□ 1230

NATIONAL SUMMIT CONFERENCE ON EDUCATION

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, yesterday the House passed and sent to the Senate the legislation to create a National Summit Conference on Education.

This bipartisan effort, signed by 120 of my colleagues, creates a structured working group. Individuals representing education, business, labor, parents, students, and others, will be selected by a bipartisan committee.

A specific agenda will be put in place and the outcome of the regional meetings and the conference will be evaluated to determine its effect. It is not a study; it is not a commission.

It is a mechanism to avoid a costly rush to judgment on education. It is a mechanism to provide a way in which to include Americans in the discussions of their system of education. It is, I believe, a strategy for success.

I am very encouraged with the bipartisan support we have received and I am equally encouraged by the support that we have received on this legislation from all of the leading education groups, including the NEA, the AFT, and the PTA.

I appreciate the full support of the U.S. Chamber of Commerce and the AFL-CIO.

I ask my colleagues to encourage the Senate and the administration to support our bipartisan efforts here in the House to create a National Summit Conference on Education.

MARTIN LUTHER KING BIRTHDAY BILL

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, yesterday, voices were heard which attacked the value of designating the birthday of the late Rev. Dr. Martin Luther King, Jr., a national holiday. Those voices brought discredit upon the Congress, and questioned the integrity of the House, which 2 months ago passed legislation which would establish Dr. King's birthday as a national holiday.

Mr. Speaker, political cheap shots are not unusual. They are particularly prevalent when someone who seeks to prevent legitimate actions is incapable of presenting a valid argument against that action. Such is the case with these voices, which hide behind a cloak of morality when they attack the freedoms which the Constitution guarantees, and who label anyone with whom they disagree an "action-oriented Communist," or a Communist sympathizer given to Marxist/Leninist leanings. Martin Luther King was the finest spokesman for democracy this Nation has seen in the 20th century. He sought, through peace, to bring America to realize the hypocrisy we practiced by holding up the words of Thomas Jefferson as our credo around the world, when we could not bring ourselves to practice what we so stridently, and moralistically preached. If "we hold these truths to be self-evident, that all men are created equal," is what this Nation truly believes, then there can be no more important act than to finally recognize this man who fought and died for those words, and to appreciate that this holiday is more than a commemoration of Dr. King, it is an affirmation of all this Nation stands for.

If these other voices, voices which occupy high federally elected posts, can confuse a movement devoted to the very foundation of American values with communism, then it is little wonder that they can callously dismiss the views of millions of Americans with a wave of the hand, a shrug of the shoulder, and a remark like, "I'm not going to get a black vote, period." Mr. Speaker, I address the House today out of the conviction that the men and women of the Congress are elected to represent the people in their States and districts, not the special interests which distort the values we claim to hold dear.

Those who condemn Martin Luther King for his views are right on one subject—he did oppose the Vietnam war. Dr. King was a practitioner of nonviolence; it made no sense for him to do anything else. He believed in the right of self determination—the essen-

tial tenet of democracy. That did not make him a Communist. Indeed, it was Dr. King who said:

Communism and Christianity are fundamentally incompatible. A christian cannot be a true Communist. Under communism, the individuals soul is shackled by the chains of conformity. His spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Our greatest defense against communism is to take offensive action of behalf of justice and righteousness.

If we accept the challenges with devotion and valor, the bells of history will toll for communism and we shall make the world safe for democracy and secure for the people of Christ.

Mr. Speaker, those other voices which screech so loudly against this "Communist," could learn a great deal from Martin Luther King.

THE DR. MARTIN LUTHER KING, JR., HOLIDAY BILL

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, voices have been heard at the national level opposing a bill to honor the memory of Dr. Martin Luther King, Jr., with a national holiday by declaring that Dr. King espoused Marxism.

It is indeed a shoddy and sordid argument, reminiscent of the ugly hate-filled era that spawned Dr. King's great nonviolent movement.

Additionally, it ironically occurred the same day that the White House was sending signals through aides that the President was leaning toward endorsing the King holiday bill, which was passed overwhelmingly by this House more than 2 months ago.

Mr. Speaker, I stand before you and my colleagues to insist that President Reagan stop lurking in the shadows on this issue. It is time that our Chief Executive, who has been called the Great Communicator, to step into the forefront, and publicly announce his position on a national holiday for the man whose leadership and courage to the ideal of human equality created a nonviolent movement that eventually struck down some of our Nation's most discriminatory laws.

If White House aides are to remain credible and if we are to believe that this Nation has truly moved a step closer to sharing the American dream with all its citizens, regardless of race, creed, or color, then it is time that our Chief Executive use his influence to end this cheap and disgraceful attempt to resurrect the Red scare tactics of a past era.

Mr. President, if you really want the King bill to become law, you should not leave it to your aides to tell us. You should tell the American people.

Mr. President, the next move is up to you.

You can show us that the ideals for which Reverend King was slain—peace, compassion, and brotherhood—are still alive and well.

Thank you.

TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE TO HOLD HEARINGS ON FAA FACILITY CLOSURES

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. Speaker, section 319 of the Department of Transportation and related agencies Appropriations Act, 1984 (Public Law 98-78) required the Federal Aviation Administration to submit a detailed, site-specific and time-phased plan for all facility closures or consolidations over the next 3 years. That plan has been submitted to our subcommittee. Any Members may receive a copy by calling the FAA. In summary, the plan calls for closing 104 flight service stations, 52 control towers, and 16 other facilities. A total of 41 new facilities will be opened, including 37 flight service stations.

Section 319 of Public Law 98-78 prohibits FAA from closing any facilities prior to December 1, 1983, and provides that any closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction shall be delayed until at least April 15, 1984.

In order to permit a timely response to the FAA plan, our Transportation Appropriations Subcommittee plans to hold a hearing on Tuesday, October 25, 1983, with FAA Administrator Helms and any interested colleagues or organizations.

SOVIETS SHOULD RELEASE ONE PRISONER OF CONSCIENCE FOR EACH LIFE LOST ON FLIGHT 007

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, nothing can replace the lives lost in the tragic 007 Korean airliner incident. That is a simple statement of fact.

However, I am today proposing along with several of our colleagues, an idea which we hope will lead to a lessening of world tensions if the Soviet Union acts favorably.

We are proposing that for each life lost on the jetliner, the Soviet Union release one prisoner of conscience, whose only crime has been the desire to live a life of freedom. There are thousands of prisoners of conscience whose release would give them a new lease on life. These people only desire freedom in a free country.

If a great number of us rally behind this proposal perhaps we can begin a new period of discussion and dialog centered around the critical issue of human rights.

THE NATION'S TELEPHONE SYSTEM

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, events are moving rapidly in the restructuring of our Nation's telephone system.

Over the weekend, AT&T and independent phone operators filed for $20 billion in rate increases.

This week, AT&T is scheduled to file for a $1.75 billion decrease in long distance rates.

These changes are occurring under recent FCC decisions, particularly the decision to levy an "access fee" on all residential and business phone users for the privilege of being connected to the long-distance network.

But before these changes proceed too far, there should be no mistaking the intent of Congress in the area of telephone rates.

Recent action by both Senate and House Committees demonstrates that Congress intends to overturn or delay the FCC's access fee decision.

We are determined to protect the tradition of universal telephone service.

And there should be no confusion over the reasons why Congress is getting involved in this issue.

A lot of people are making the claim that with divestiture the long distance contribution to supporting local service must come to an end.

In fact, there is no basis for these claims. Judge Harold Greene, who presided over the breakup of AT&T stated explicitly that there is no reason why some form of long-distance contribution cannot continue.

Mr. Speaker, before these proposed rate increases and rate cuts proceed too far, all parties should recognize that Congress intends to act. I believe a majority of my colleagues do not support the access charge and other decisions of the FCC.

MARTIN LUTHER KING'S BIRTHDAY

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRITT. Mr. Speaker, yesterday a voice was heard opposing the establishment of Dr. Martin Luther King's birthday as a national holiday, using

the occasion to deliver an attack on the character of Dr. King. I rise today to assure Members of this body that that voice does not speak for North Carolina.

Dr. King moved us from the politics of violence to the politics of nonviolence. He opened the broad avenues of hope through the political process, and shut down the dead-end street of violence as a means of achieving social change.

It is altogether fitting and proper that we should honor Dr. King's contribution by setting aside a day in his memory. Ten of my eleven House colleagues from North Carolina voted in favor of establishing Dr. King's birthday as a national holiday. One opposed the initiative on economic and other grounds, and, while I disagree with that position, it was undertaken in good faith by a number of House Members whose position I respect.

Yesterday's statement, however, was not made in good faith, but represented charged rhetoric calculated to divide, not reconcile. It was a voice that does injury to the body politic. It was not the voice of North Carolina.

THE BUDGET CRISIS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, in my judgment, future Federal budget deficits pose the most severe domestic economic crisis this country has faced since the Second World War. What is worse, Mr. Speaker, this is a creeping crisis, one that is not readily apparent to the millions of Americans who are again buying homes and autos, and who again feel secure in their continued employment.

Recently, as chairman of the House Wednesday Group, I moderated a dinner-seminar attended by many of my Republican colleagues, leading members of the business community, and economic policymakers from past and present administrations, both Democrat and Republican.

We heard that our major corporations are closing plants at home but building plants abroad. We also heard that this problem will only get worse as continued deficits crowd out needed investment, raise interest rates, spur inflation, and cause major distortions to the economy, especially to export and interest-sensitive industries. The inevitable result—fewer jobs and a lower standard of living.

The conventional wisdom at the moment is that Congress will duck this problem until after the 1984 election. Congress is a crisis-activated institution, and it will not act until the crisis hits it in the face, regardless of the terrible damage that will result from waiting. Until then, it is business as usual. Democrats blame Republicans, and Republicans blame Democrats. All the while, the crisis creeps on.

But I submit that if we wait until after the election then the damage to our economy may be irreparable. Deficits will be guaranteed through 1987. Our industrial competitiveness will be further eroded, and millions more jobs will move offshore. In fact, by that time, we will have added an additional $800 billion to the deficit, which will require a 20-percent increase in taxes just to pay its financing.

Mr. Speaker, we are faced with political gridlock that can only be broken by strong and creative leadership. Recently, the President and the leaders in Congress joined together to provide such leadership on the crisis in Lebanon. The budget crisis at home requires no less.

I am a cosponsor of House Joint Resolution 375, which directs the President to convene a domestic economic summit with congressional leaders from both parties. We need all leaders from both parties and the President in one room, prepared to make tough decisions and ready to unite in support of a single program.

We can wait no longer, Mr. Speaker. The crisis is real. The gridlock must be broken. Leadership is needed, and I am convinced that leadership will make the difference.

INTERNATIONAL DAY OF BREAD

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I would like to tell my colleagues today that today is the International Day of Bread. This celebration is part of an international celebration called Harvest Festival Week. It is a symbol of our country's ability to feed both ourselves and a very troubled and hungry world.

Each of my colleagues, as a courtesy of my office, will be receiving a loaf of bread. I would hope that while we enjoy that bread that we would remember that the farmer is the key to our own and the world's food supply. Even though farming regions in the Midwest were hit hard with drought this summer, the American consuming public still is assured an adequate supply of reasonably priced and wholesome food. Even with the drought, our food prices from last July to this July have remained constant. I hope my colleagues enjoy the bread and at the same time recognize the contributions of the American farmer.

H.R. 1054 WILL HELP REDUCE POTENTIALLY SERIOUS SAFETY HAZARDS

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, last week two young boys in my congressional district returned from a hike in the Sierra Nevada Mountains near Lake Tahoe, Calif., with four unexploded 75-millimeter recoiless cannon shells. Fortunately, an Army demolition team successfully removed the dangerous rounds without incident.

The ammunition found by the boys was some of the many dud-rounds that remain unaccounted for after being fired last winter for avalanche control purposes—a task carried out by the State transportation agency. California, like many other Western States, has traditionally used surplus Army ammunition to protect their mountain highways from snow avalanches. Unfortunately, the quality of this surplus ammunition is poor and creates a public safety hazard. Specifically, the fuses on the surplus shells are 30 years old and explode with a 30-percent dud-rate on soft snow.

Last winter, I introduced a bill that will remedy this unacceptable situation. H.R. 1054 will allow the Secretary of the Army to make more reliable, nonsurplus ammunition available to the non-Federal entities responsible for avalanche control. This legislation will help to reduce potentially serious safety hazards such as last week's near tragedy.

MEMBERS URGED TO VOTE "NO" ON DEFENSE PRODUCTION ACT EXTENSION

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, later today the Defense Production Act will be here on suspension, and I urge a "no" vote on that bill.

The reason is this: The Defense Production Act has broad authorities which have been on the books since 1950. The other body, the Senate, enacted a bill which establishes criteria and some oversight features which will make that bill better. Here in this House we will not have an opportunity, if it is passed on suspension, to add to the criteria and tighten that bill up.

The corporate welfare interests are out there, they are eager to get to the trough, and I assure you that if we put these broad authorities on the books, you can rely on the fact that within a couple of months they will be using these broad authorities to funnel money into the mining interests and to all others who can state some sort

of a case that their product needed in the national security interest.

The Defense Department has indicated in a letter in February that they plan to request an additional $300 million authorization in 1985 and go up to $500 million annually beginning in fiscal year 1986.

This bill is not ready to be passed by the House of Representatives. I urge a "no" vote on the suspension, and let us bring it here under the regular order of business.

CRIME AND PUNISHMENT

(Mr. LOWERY of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWERY of California. Mr. Speaker, last month the Soviet Union stalked and destroyed a Korean Air Lines jet knowing its identity as a passenger transport. Theories differ on the Soviet motive, but all agree it was a heinous crime.

Everyone touched by the incident has tried to express a fitting response to the Soviet misdeed. A joint resolution of Congress condemned the action and asked for reparations for the families of the victims.

This resolution did not go far enough. World outrage has been expressed, but restitution to the families of the world has not been made.

Restitution should be in the form of the release of 269 political prisoners, one for each life lost on KAL 007, to be nominated and selected by the free world.

This would be an eloquent request, which, left unfilled, will remind the world of Soviet shame in downing a civilian aircraft without remorse, and the continuing disgrace of the Gulag Archipelago. If the request is honored, the freedom of these 269 persons would be a living memorial to those lost in the tragedy.

As long as we ask for restitution, our request will stand as a verbal "Guernica," a reminder of a place in our world that has no respect for life, human rights, and liberty.

□ 1250

CONFISCATION OF OUR CONSTITUTIONAL RIGHTS

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, I rise today in opposition to the confiscation of our constitutional rights. That is exactly what the Supreme Court has condoned by not reviewing the Morton Grove gun control bill.

I object to a city, town, or village subverting the U.S. Constitution and my right to bear arms.

Innocent hunters and sportsmen, too, are subjected to Morton Grove's unconstitutional ban. It is an inherent right to own a firearm in this country, and has been since our Founding Fathers declared it so.

A lawful American citizen who legally owns a firearm should not be subjected to a felony. I have a bill, H.R. 3714 that would allow me to carry a legally purchased firearm across State lines even if there are laws such as Morton Grove's. What should be a crime is eroding the document that helped found this Nation, and serving to help banish full-fledged constitutional rights.

Mr. Speaker, I disagree with the Supreme Court's refusal to reconsider the Morton Grove gun ban. I will take the U.S. Constitution over a village ordinance every time.

Those of you who believe that we have a right to possess a firearm and a right to use that firearm to protect our lives and property should view today's top editorial in the Washington Post with great alarm. I urge my colleagues to join me in passing my bill H.R. 3714.

This bill will protect those of us who legally own a firearm and protect us from criminal charges that arise when we unknowingly stray into a jurisdiction such as Morton Grove or worse yet those bastions of crime such as Washington, D.C., and New York City which prohibit the possession of a handgun.

Apparently the Washington Post would rather have the crime than the deterrence that comes with a majority of its citizens who are in legal possession of a handgun.

VACATING PROCEEDINGS ON AND RECONSIDERATION OF S. 552, GEORGE W. WHITEHURST FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House passed the Senate bill (S. 552) to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse," on yesterday, October 3, 1983, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MOLINARI. Mr. Speaker, reserving the right to object, and I will not object, I do this so that the gentleman from Missouri can explain why this bill has been brought back to the floor today.

Mr. YOUNG of Missouri. Mr. Speaker, if the gentleman will yield, on yesterday, October 3, 1983, the House passed H.R. 3303 to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building." After the passage of the House bill the House took up the Senate bill, S. 552, and passed that bill.

It was discovered after passage of the legislation there was a discrepancy in the Senate bill in that on page 1 in two places reference is made to the "George W. Whitehurst Federal Building and United States Courthouse," while on page 2 the reference is only to the "George W. Whitehurst Federal Court Building."

This action is, therefore, taken at this time to conform the Senate bill in its entirety so that in all cases it will read the "George W. Whitehurst Federal Building and United States Courthouse."

This is what my amendment would do.

Mr. MOLINARI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2301 First Street, Fort Myers, Florida, known as the Federal Building, shall hereafter be known and designated as the "George W. Whitehurst Federal Building and United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "George W. Whitehurst Federal Court Building".

SEC. 2. Section 3(b) of Public Law 98-1 is amended by striking the words "six months" and substituting therefor "two years".

AMENDMENT OFFERED BY MR. YOUNG OF MISSOURI

Mr. YOUNG of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Missouri: Page 2, lines 3 and 4, strike out "George W. Whitehurst Federal Court Building" and insert in lieu thereof "George W. Whitehurst Federal Building and United States Courthouse".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. YOUNG).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 4, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 4:03 p.m. on Monday, October 3, 1983, and said to contain a message from the President whereby he transmits the First Special Message for Fiscal Year 1984 under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

NEW DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Monday, October 3, 1983.)

1983 NATIONAL ENERGY POLICY PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, October 4, 1983.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today at the conclusion of legislative business.

CONNECTICUT RIVER ATLANTIC SALMON COMPACT ACT

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3044) to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission, as amended.

The Clerk read as follows:

H.R. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, which compact was entered into by the States of Connecticut, Massachusetts, New Hampshire, and Vermont pursuant to the laws of those respective States and is set forth in the statutes of the States of Connecticut (P.A. 79-528), Massachusetts (Chap. 716, 1981), New Hampshire (108:1, 1979), and Vermont (1979, No. 89; Amended in 1981, No. 85:9) and reads substantially as follows:

"ARTICLE I

"The purpose of this compact is to promote the restoration of anadromous Atlantic salmon, hereinafter referred to as Atlantic salmon, in the Connecticut River Basin by the development of a joint interstate program for stocking, protection, management, research, and regulation. It is the purpose of this compact to restore Atlantic salmon to the Connecticut River in numbers as near as possible to their historical abundance.

"ARTICLE II

"This agreement shall become operative immediately whenever all of the States of Connecticut, Massachusetts, New Hampshire and Vermont have executed it in a form that is in accordance with the laws of the executing State and the Congress has given its consent.

"ARTICLE III

"Each State joining herein shall appoint two representatives to a commission hereby constituted and designated as the Connecticut River Atlantic Salmon Commission. One shall be the executive officer of the administrative agency of such State charged with the management of the fisheries resources to which this compact pertains or his designee. The second shall be a citizen who shall have a knowledge and interest in Atlantic salmon to be appointed by the Governor for a term of three years. The Director of the northeast region of the Fish and Wildlife Service, United States Department of the Interior or his designee and the Director of the northeast region of the National Marine Fisheries Service, United States Department of Commerce, or his designee shall be members of said commission. The commission shall be a body corporate with the powers and duties set forth herein.

"ARTICLE IV

"The duty of said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the restoration of Atlantic salmon in the Connecticut River and its tributaries.

"To promote restoration, preservation, and protection of Atlantic salmon in the Connecticut River Basin, the commission may draft and recommend to the Governors of the various signatory States legislation to accomplish this end. The commission shall, more than 60 days prior to any regular meeting of the legislature of any signatory State, present to the Governor of the States its recommendations relating to proposed enactments to be made by the legislature of the State in furthering the intents and purposes of this compact.

"The commission shall have the power to recommend to the States party hereto stocking programs, management procedures, and research projects and when two or more States party hereto shall jointly stock waters or undertake cooperative management or research, the commission shall act as the coordinating agency. The commission, using all available means, shall encourage acquisition by the signatory States of river bank, river bed, and access thereto.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to other anadromous species and their potential impact or the potential impact of sport fisheries and commercial fisheries for other anadromous species on the restoration of Atlantic salmon to the Connecticut River Basin.

"In the interest of developing a sound program of Atlantic salmon management, the commission shall promulgate regulations governing Atlantic salmon fishing in the mainstem of the Connecticut River in all four signatory States as hereinafter provided. Such regulations may: (1) establish the open and closed seasons for Atlantic salmon which may vary by river section, (2) establish hours, days, or periods during the open season when fishing for Atlantic salmon shall not be permitted in designated areas, (3) prescribe the legal methods of taking Atlantic salmon including the type of gear such as gaffs, landing nets, or tailers which may be used to assist in landing fish, (4) establish a minimum legal length for Atlantic salmon, (5) establish a daily creel limit, the season creel limit, and the possession limit for Atlantic salmon.

"The commission shall recommend, review, and issue comments on such regulations as may be promulgated by the signatory States governing Atlantic salmon fishing and tributary streams. The States of Connecticut and Massachusetts agree to make available for broodstock, from fish taken in the fish passage facilities at the Rainbow Reservoir Dam and the Holyoke Power Company Dam, such numbers of adult Atlantic salmon as the commission deems necessary to carry out the Atlantic salmon restoration program.

"The commission shall have the power to issue a Connecticut River Basin Atlantic salmon license and the sale of such licenses shall be handled by the individual signatory States or their authorized agents. The individual signatory States shall be accountable

to the commission for all such licenses and the moneys received therefrom. The initial fee for such licenses shall be determined by majority vote of the commission but shall not exceed the maximum resident angling license fee of the signatory States except that the commission may upon determination of need and with the unanimous approval of its membership increase such license and issuing fee. The individual signatory States or their issuing agents may retain a recording fee up to 50 cents for each license issued. Forms for such license shall be provided to the signatory States by the commission. Such license shall be a legal prerequisite for any person including minors fishing for or possessing Atlantic salmon in the waters or on the shores of the Connecticut River and all of its tributaries. In addition to said Connecticut River Basin Atlantic salmon license, all persons, except those specifically exempted because of age, disability, or other limitations as determined by statute or regulations of the individual signatory States shall be required to possess a valid resident or nonresident sport fishing license issued by the State in which the person is fishing. The commission shall recognize that in certain waters or sections of waters a daily rod permit may also be required, such daily rod permit to be issued by the State in which such waters or sections of waters are located; however, the signatory States shall not, by fee, distinguish between residents and nonresidents. The authority to limit the numbers of persons fishing for Atlantic salmon in certain tributaries or sections of certain tributaries shall remain the prerogative of the individual signatory States.

"The respective police agencies of the signatory States shall have the authority to enforce all of the regulations and license requirements of the commission any place in the Connecticut River Basin.

"The commission shall have the authority to accept gifts, State grants, and Federal funds. The commission shall have the authority to expend money from fees collected for Connecticut River Basin Atlantic salmon licenses or from such other funds available to the commission to finance the cost of stocking, management, or research carried on by signatory States to further the purposes of this compact. Such funds shall be in the form of direct grants to the agency of such State charged with the management of the fisheries resources and may be up to 100 percent of the cost of projects approved by a majority vote of the commission.

"ARTICLE V

"The commission shall elect from its number a chairman and a vice chairman and at its pleasure may remove such officers. Said commission shall adopt rules and regulations for the conduct of its business. At such time as funds are available to the commission, the commission may establish and maintain an office for the transaction of its business. The commission may meet at any time or place but must meet at least semiannually.

"The commission shall have the authority to expend money from available commission funds to reimburse its membership for necessary travel expenses.

"ARTICLE VI

"At such time as funds are available, the commission may employ and discharge at its pleasure such personnel as may be required to carry out the provisions of the compact and shall fix and determine their duties, qualifications, and compensation.

"ARTICLE VII

"There shall be established a technical committee to consist of one fishery biologist from each of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service to act in an advisory capacity to the commission. The technical committee shall have the authority to request employees of the signatory States, the United States Fish and Wildlife Service, and the National Marine Fisheries Service or others who have special fields of expertise to act as special advisers to the committee. At such time as funds are available, the commission may reimburse technical committee members and special advisers for necessary travel expenses.

"ARTICLE VIII

"No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting, provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission. *Provided further,* That no action shall be taken by the commission unless each signatory State is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members.

"ARTICLE IX

"Continued absence of representation or of any representative on the commission from any party hereto shall be brought to the attention of the Governor thereof.

"ARTICLE X

"The States signatory hereto agree to make an annual appropriation to the initial support of the commission in the amount of $1,000 for each of the first three years that this compact is in effect.

"ARTICLE XI

"The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of each State party to this compact on or before the tenth day of January of each year setting forth in detail the transactions conducted by it during the 12 months preceding January first of that year. The comptrollers of the States are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, grants, and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the Governor of said State.".

SEC. 2. The Congress authorizes the Secretary of Commerce and the Secretary of the Interior to participate as members of the Connecticut River Atlantic Salmon Commission in the manner specified by the compact approved by the first section of this Act.

SEC. 3. The consent of the Congress granted by the first section of this Act to the compact referred to in that section—

(1) shall become effective only if none of the States that are members of the compact has in effect a statute providing for withdrawal from the compact or if all such States have agreed by statute to the same provisions for withdrawal from the compact; and

(2) shall be effective for a period of twenty years beginning on the date the consent of the Congress becomes effective under paragraph (1).

SEC. 4. Nothing contained in the compact approved by the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of that compact.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now under consideration by the House would simply provide the consent of Congress to an interstate compact designed to promote and facilitate the restoration of the Atlantic salmon to the Connecticut River basin. This interstate compact has alrady been enacted into State law by Massachusetts, Connecticut, Vermont, and New Hampshire, but as you know, the U.S. Constitution requires the consent of Congress for any such interstate agreement to enter into force.

Specifically, the compact provides for the establishment of the Connecticut River Atlantic Salmon Commission which is charged with developing cooperative interstate stocking, protection, management, research and regulatory programs. The objective of the commission is to restore the once abundant, but now decimated Atlantic salmon to historical levels of abundance.

In order to promote both State-Federal and interstate coordination, H.R. 3044 further provides the authority for both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to participate as members of the Commission. Last, to insure proper congressional and State oversight and evaluation of this program, the bill limits the term of the compact to 20 years.

Mr. Speaker, the coordinated Federal and interstate program provided for under the Connecticut River Atlantic salmon compact has great potential for developing Atlantic salmon into substantial new fishing opportunities in the New England region. Without the consent of Congress needed to validate this compact, such benefits may never be realized. Furthermore, because of the enthusiasm of the signatory States to arrange all fiscal support for the Commission and its activities, H.R. 3044 does not carry an authorization for Federal spending. The bill is wholeheartedly supported by the administration and so I urge your support, and the support of the Members here today for this important legislation.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3044, the Connecticut River Atlantic Salmon Commission Act, as amended. This bill provides congressional consent to an interstate fisheries compact unanimously supported by all member States.

The compact is designed to promote the restoration of sea-run Atlantic salmon in the Connecticut River basin. The member States—Connecticut, Massachusetts, Vermont, and New Hampshire—have ratified the compact and this bill provides the requisite authority for the Federal Government, specifically the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, to participate as members of the Commission established by the compact.

The bill, as amended, allows the States to standardize their compacts and sets the effective date of the compact for a period of 20 years. These provisions resolve the legal difficulties associated with the inconsistencies in the various State enacting statutes. Also, by including a sunset clause for the compact, the States will be encouraged to review the compact's effectiveness and the success that has been achieved in meeting the goal of restoring the Atlantic salmon to the Connecticut River basin.

I would urge my colleagues to support this legislation which provides necessary congressional sanction for this fisheries management legislation.

At this time, Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Massachusetts (Mr. CONTE), who really is the author of this bill.

Mr. CONTE. Mr. Speaker, I rise in strong support of H.R. 3044, the Connecticut River Atlantic Salmon Compact Act.

For several years now, the four States of Connecticut, New Hampshire, Vermont, and Massachusetts have been working with each other and two Federal agencies to develop and administer a program to return the Atlantic salmon to the Connecticut River. At one time, Atlantic salmon could be found in the Connecticut River in abundant numbers. The U.S. Fish and Wildlife Service estimated that the size of the salmon population in the Connecticut River basin ranged from 70,000 to 140,000 adult salmon. I cannot wait for those days to return—Atlantic salmon in my district.

By the early 19th century, however, the salmon population in the Connecticut River basin was virtually eliminated. Pollution of the river's main stem and tributaries, the lack or proper management and the construction of dams contributed to the extinction of this prized food and game fish in the Connecticut River. Since that time, many in New England have hoped for the return of the Atlantic salmon.

After a brief attempt by the States during the mid-1800's, a contemporary restoration program was initiated in 1967 when 5,000 2-year smolts were released into the Connecticut River. Since then, hatcheries have been built; fish ladders constructed, and each year more smolts are released into the river system. In addition to these State projects, the Federal Government has also been involved. In Vermont, a new Federal hatchery was constructed with a capacity to produce 400,000 smolts annually.

In 1974, the program showed the first sign of success—at least one adult Atlantic salmon returned to the Connecticut River, the first one in over 100 years. In 1981, the annual run reached its new height of 530 fish. The record continues to improve every year. In fact, with several ladders in operation, the Connecticut River is now opened to Atlantic salmon for 173 miles upstream. Another fish ladder at Bellows Falls, Vt. is expected to open later this month. With the completion of this ladder and one scheduled to open next year, the entire river will be free for the salmon to return.

This success is encouraging, but much more must be done to establish a stable salmon population—the program must be consistent and ongoing for a considerable period of time.

With this in mind, an interstate compact was formed to coordinate the efforts of the four States and to enlist the assistance of Federal expertise and resources. The compact charter provides for a Connecticut River Atlantic Salmon Commission composed of 10 members: 8 State appointees and 2 Federal Government representatives. Essentially the Commission has three main functions:

First, the Commission will act as an overall coordinating body to recommend stocking programs, management procedures and research.

Second, the Commission will promulgate regulations for salmon fishing in the main stem of the river and will issue salmon fishing licenses with the fees collected to be used by the Commission.

Third, the Commission will be authorized to accept gifts, State and Federal grants to be used along with the fees for Atlantic salmon management and research.

As required by article 1 of the U.S. Constitution, H.R. 3044 simply grants the consent of Congress to this interstate compact for a period of 20 years. The legislation also authorizes the Department of Interior, that is, the U.S. Fish and Wildlife Service and the Department of Commerce, that is, the National Marines Fisheries Service to participate as members of the Commission. The Federal agencies have already expressed interest in the program.

The effort to restore the Atlantic salmon has made measurable progress. With the institutional support of this interstate compact, the program should attain its ultimate goal—the restoration of Atlantic salmon to the Connecticut River in historic levels of abundance. I urge the House to suspend the rules and pass H.R. 3044.

Mr. Speaker, let me take this opportunity to commend the able and expeditious work of the Merchant Marine and Fisheries Committee. The leadership of subcommittee Chairman JOHN BREAUX along with the ranking member, my friend the gentleman from New Jersey (Mr. FORSYTHE), was extremely helpful during the committee's consideration and this floor deliberation. Full committee Chairman WALTER JONES insured that this bill received prompt and careful consideration. I appreciate their valuable assistance and leadership.

Let me take this opportunity to elaborate on the amendment offered in full committee by the gentleman from Louisiana (Mr. BREAUX).

I asked the subcommittee chairman to include the additional section of the bill to resolve a legal and constitutional difficulty that surfaced after a closer examination of the State enabling legislation. When ratifying the compact, the Commonwealth of Massachusetts included a withdrawal provision in the preamble of its statute. The language added to this interstate agreement allowed Massachusetts to withdraw from the compact without the consent of the other States involved. None of the other three States adopted this provision in their statutes. Since the compacts must be uniform for congressional consent, the States have technically not agreed to the same compact. Even though the substance of the agreement is exactly the same, this additional provision may be interpreted as a difference great enough to question the validity of the compact.

The language was adopted, from what I understand, because several Massachusetts legislators were concerned that the agreement did not include a termination date nor provide for any review process to assess the success or failure of the salmon restoration program. They felt, and I agree, that such a multistate effort will be improved by legislative review after a certain period of time.

The amendment, now section 3 of the bill, accomplishes this goal without delaying the implementation of the compact. There are two conditions for congressional approval. First, the

compact is required to be uniform. Either Massachusetts must withdraw its provision or the other States must conform with a similar amendment. Second, the compact is authorized by Congress for 20 years. This period will allow for congressional and State review of the program.

I have been assured by officials in Massachusetts, particularly the legislator who offered the amendment to include the language, that the State will begin the process of amending its statute. They have accepted this compromise.

I hope this adequately addresses the concerns you raised.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I just want to take this time to say that I have been following this program for many years since I was attorney general for the State of Vermont, and I certainly must say that the success of the program is certainly due to the gentleman in the well. There is no one who has worked harder in following this program than he has.

The progress that we have seen now, with the salmon beginning to return to the river, will certainly benefit the gentleman's State, and it will benefit mine also, of course, where they will head for the headwaters.

Mr. Speaker, I just want to thank the gentleman from Massachusetts (Mr. CONTE) publicly for all the tremendous effort he has put into this program. It is great to see the program moving forward and to see the success that is coming from it.

Mr. Speaker, I rise in support of this important piece of legislation and I would like to commend the gentleman from Massachusetts for rallying the members of the New England congressional delegation to this valuable cause.

H.R. 3044 is an important step in the effort to restore salmon to the Connecticut River. At one time, population estimates of salmon in the Connecticut River basin ranged from 70,000 to 140,000. Unfortunately, due to irresponsible damming practices and other uses of the Connecticut River, the salmon have virtually disappeared.

In 1977, the States of Vermont, New Hampshire, Connecticut, and Massachusetts joined with the Federal Government to propose a Connecticut River Atlantic Salmon Commission. The purpose of the compact is to promote the restoration of the Atlantic salmon run into the Connecticut River basin. It would set up a joint interstate program of management and research.

In 1982, the Governors of all four States signed similar laws to allow their States to engage in this program. Under the Constitution, the consent of the Congress is required for the compact to go into effect. We must also authorize the participation of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in the Salmon Commission.

Mr. Speaker, this bill is necessary to facilitate a program that is a fine example of Federal-State cooperation which will result in no additional cost to the Treasury. It is also a program that promises to be popular and beneficial in the States of the Connecticut River basin. On behalf of all Vermonters, I want to thank the gentleman from Massachusetts for his initiative in bringing this bill to the floor of the House.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Vermont (Mr. JEFFORDS) for his remarks, and I thank him for all his help.

One of the things that we obtained while we were trying to clean up the river was the salmon hatchery up there at Bethel, Vt., which is now completed. I know the gentleman is going to still be around here in the future, and someday maybe you will name it after me.

Mr. JEFFORDS. Absolutely, no question about it.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, let me say that I think this is again showing that we are cleaning up our environment. Our other rivers in the Northeast are also beginning to see fish again. This is the kind of thing that we have really been striving for as a nation, and this is just clear proof that it does pay off to really work on the environment.

Mr. Speaker, I urge passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, today I rise in firm support of H.R. 3044, the Connecticut River Atlantic Salmon Compact Act. This measure gives the consent of Congress, for 20 years, to a compact entered into by Connecticut, Massachusetts, New Hampshire, and Vermont to restore Atlantic salmon in the Connecticut River basin "as near as possible to their historic abundance." According to the Congressional Budget Office, enactment of H.R. 3044 will result in no significant additional cost to the Federal Government.

Based on records from the 19th century and habitat quantification estimates developed by the U.S. Fish and Wildlife Service, the size of the Atlantic salmon population in the Connecticut River basin ranged from 70,000 to 140,000 adult salmon annually. Unfortunately, due to irresponsible damming practices and an increase in pollution, the Atlantic salmon population had all but disappeared by the early 19th century. An effort to restore the salmon population was initiated in the late 19th century, but only limited success was achieved because of a lack of cooperation among the members of the four-State Commission—New Hampshire, Vermont, Massachusetts, and Connecticut.

In 1976, the Fish and Wildlife Service, the National Marine Fisheries Service, and the four States, entered into a compact which established the Connecticut River Atlantic Salmon Commission. Nevertheless, the Commission has done very little to accomplish their goal. This has been because the U.S. Constitution asserts that "No State shall, without consent of Congress, enter into an agreement or compact with another State." H.R. 3044 would grant the congressional consent required in this instance, and provide a vehicle for cooperation among the four States.

I fully support this legislation, and commend the work of the committee in this regard.

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the Merchant Marine and Fisheries Committee, I rise in strong support of H.R. 3044, a bill to grant the consent of Congress to an interstate compact which is designed to bring about the restoration of Atlantic salmon in the Connecticut River basin.

Atlantic salmon were once common throughout the streams of northeastern North America. However, due to the construction of dams which prevented the juvenile salmon from reaching the ocean rearing areas and the adults from reaching the freshwater spawning areas, as well as the effects of pollution, the Atlantic salmon was brought to the verge of extinction in the United States. More recently, as a result of pollution abatement and mitigation of the effects of hydroelectric dams, the Atlantic salmon is becoming reestablished in the Connecticut River.

Mr. Speaker, legislatures of four States, Connecticut, Massachusetts, New Hampshire, and Vermont, have joined hands to aid and encourage the rebirth of this fishery. I want to commend them as well as the bipartisan group of Congressmen who introduced H.R. 3044 to approve establishment of a Connecticut River basin Atlantic salmon compact. This compact will make possible the coordinated research and management efforts which are essential for the successful rehabilitation of this highly migratory species.

The consent of Congress is required to authorize the Regional Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to take part as members of the Commission, and for the participation of

U.S. Fish and Wildlife Service and National Marine Fisheries Service designees on a technical committee to advise the Connecticut River Atlantic Salmon Commission.

This legislation would help to restore a very valuable sport and commercial species to the Atlantic States region without authorizing any new Federal funding. I urge my colleagues to vote favorably on this important measure.●

● Mr. GEJDENSON. Mr. Speaker, today I rise to ask my colleagues to quickly and overwhelmingly support a noncontroversial piece of legislation now before this body that is extremely important to my State of Connecticut. This legislation is H.R. 3044, the Atlantic Salmon Compact Act, and has the support of 19 of my colleagues from three other New England States including Vermont, Massachusetts, and New Hampshire.

Since 1967, Connecticut, Vermont, Massachusetts, and New Hampshire have been working together to find ways to restore Atlantic salmon to the Connecticut River. During the last few decades, pollution, lack of proper management, and the construction of dams in the river have wiped out the entire population of Atlantic salmon in the Connecticut River Basin.

In 1974, a historic and memorable moment occurred when the first salmon in over 100 years returned to the Connecticut River. Since that time, the annual number returning has reached the extraordinary level of 530 fish. This number is indeed significant but in order to maintain, and more importantly, increase these numbers, it is vital that the four States involved and the Federal Government cooperate to attain this very worthy goal.

So far, Connecticut, Vermont, New Hampshire, and Massachusetts have done their part as all four State legislatures have ratified the compact. Now, the fate of this compact lies in the hands of all of you here today. This compact will not add any additional costs to the Federal budget and so, I urge my colleagues to support H.R. 3044, which, if enacted, would give Federal consent to this interstate compact allowing the Connecticut River Atlantic Salmon Commission to fulfill its purpose.●

● Mrs. JOHNSON. Mr. Speaker, as a cosponsor of H.R. 3044, I rise today in support of this important legislation which will at last bring an orderly plan to the preservation and future of the Atlantic salmon in the Connecticut River throughout the New England area. I believe this legislation, which will allow the States to enter into a 20-year compact to determine the direction and the development of this important resource, could not be more timely.

The U.S. Fish and Wildlife Service estimates that at one time between 70,000 and 140,000 Atlantic salmon left the ocean every year to swim up the Connecticut River to spawn. By 1812, however, a series of dams, blocking major stretches of spawning ground, caused the salmon to all but dispapear from the river. Fifty years later, the New England States through which the river winds, launched the New England Commission of Inland Fisheries in a cooperative effort to breed and sustain the fish.

It took another 100 years before Congress passed the Anadromous Fish and Conservation Act, to renew the effort. The Federal and State governments built hatcheries able to produce 600,000 young fish a year and opened up spawning grounds to the salmon by constructing special "fish ladders" that bypass the river's power-generating dams. In 1974, a lone salmon returned to the Connecticut River; by 1981 the number reached 530.

To consolidate these achievements and make further progress, the four States, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service finally agreed in 1976 to enter into a compact establishing the Connecticut River Atlantic Salmon Commission. Since that time, all four States have consented through legislation to be members.

The commission's duty is to restore, preserve, and protect the Atlantic salmon in the Connecticut River Basin and its tributaries. Its work must be shared with the Governor, in order to encourage the States to acquire sections of the river and bank and act as the coordinating agency for any cooperative efforts between two or more States. I fully support the provisions of this bill which will allow the Secretary of the Interior and the Secretary of Commerce to appoint representatives as members of the commission, which is established by the interstate compact.

The restoration, enhancement, and maintenance of Atlantic salmon populations in selected New England rivers was a major priority of the State and Federal fisheries agencies last year. I believe this legislation, granting the consent of Congress to an interstate compact relating to the restoration of Atlantic Salmon, will make their efforts even more fruitful in the years to come. I commend the swift work of the Merchant Marine and Fisheries Committee in bringing this legislation before us today, and I urge my colleagues to support it.●

● Mr. GREGG. Mr. Speaker, as the Representative from New Hampshire's Second District, where the Connecticut River originates from the scenic Connecticut Lakes region in Pittsburg, it is an honor for me to congratulate the gentleman from Massachusetts (Mr. CONTE) for his leadership in developing the Connecticut River Atlantic salmon compact.

At one time the Atlantic salmon thrived in the Connecticut River. It is indeed a sad and unfortunate fact to know that in past years, due to improper management, pollution, and various water construction projects, the Atlantic salmon has all but disappeared from the Connecticut River Basin.

New Hampshire depends heavily on its tourist industry. Our scenic rivers have provided ample fishing to tourists for years. Therefore, this initiative, led by the gentleman from Massachusetts, is a very important step in the process to return the Atlantic salmon to the waters of the Granite State.

Connecticut, Massachusetts, New Hampshire, and Vermont have been working with each other along with the U.S. Fish and Wildlife Service for some time now to develop a mutually agreeable plan to return the Atlantic salmon to the Connecticut River. To date, all four State legislatures have ratified the compact.

Again, the gentleman from Massachusetts is to be commended for his leadership in bringing this important legislation to the attention of our colleagues.●

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 3044, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPORT ADMINISTRATION ACT OF 1979 EXTENSION

Mr. BONKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4068) to extend the authorities under the Export Administration Act of 1979 until October 28, 1983, as amended.

The Clerk read as follows:

H.R. 4068

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking out "October 14" and insert in lieu thereof "October 28".

SEC. 2. There are authorized to be appropriated to the Department of Commerce for the fiscal year 1984 such sums as may be necessary to carry out the Export Administration Act of 1979.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROTH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. BONKER) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. ROTH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is made necessary by the fact that the Export Administration Act, which originally expired on September 30, 1983, and was by action of this body and that of the other body extended last week to October 14, must now be once again extended to October 28.

As the Members know, the House currently has the Export Administration Amendments Act of 1983 under consideration, and we had 3 days of deliberations last week. Regrettably, because so many amendments are pending and because the other body has failed to take this issue up on the Senate floor, we now find it necessary once again to seek a simple extension of the act.

This is terribly important, Mr. Speaker, because the Export Administration Act is the one authority that the President has to exercise foreign policy and national security controls. Until the Congress can act on a new measure, we must proceed with a simple extension. I am hopeful that the second extension will be sufficient for both the House and the Senate to act upon their respective measures so that we can have a new Export Administration Act signed into law by the end of the month.

Mr. Speaker, I yield back the balance of my time.

□ 1310

Mr. ROTH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I have no objection to the extension of EAA to October 31, but I do remind some of our Members that 2 weeks ago, a number of us prophesied that this was going to happen.

Now, again, it will not take a prophet to predict that it is going to take another extension after October 31 to complete EAA. The Senate has not even begun to schedule time to debate the EAA.

We, in this House, have not, I think it is fair to say, scratched the surface in debating pending amendments to the EAA.

This is very important legislation. The Export Administration Act is going to have many amendments. I have been told that we have as many as 25 amendments waiting to be offered to the EAA; so I think it is appropriate to extend it to October 31. This is not enough time, however, to get the job done. It is going to take more than 2 weeks to adequately address all the issues in EAA.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman.

Mr. BONKER. Mr. Speaker, I would like to take this opportunity to thank the gentleman and members of the subcommittee for their cooperation, not only with our work on the Export Administration Amendments Act, but our efforts to extend the existing act so that we can properly dispose of this matter.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his remarks.

As the gentleman from Washington had mentioned just a short while ago in his remarks, the Export Administration Act is the only vehicle that the President has in this area and it is very important.

I thank the gentleman for his remarks.

Mr. ROTH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and pass the bill, H.R. 4068, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HAZARDOUS WASTE AMENDMENT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, in the very near future, this body will finish its consideration of the Hazardous Waste Control and Enforcement Act, H.R. 2867, and I have today offered an amendment that deserves the Members' attention. Simply stated, my amendment provides the Administrator of the Environmental Protection Agency with the tools that he needs to do the job that the Congress intended, namely, to protect the health and welfare of the residents of an area that is found to be contaminated by toxic waste.

My amendment brings to this body the experience that my Missouri colleagues and I have gained from the Times Beach hazardous waste disaster. It gives the Administrator the discretion to permanently relocate residents where cost effective or necessary, to pay local businesses debts during relocation to keep the local economy afloat, and to provide unemployment benefits where necessary and that are already contemplated by the Disaster Relief Act of 1974.

Mr. Speaker, I hope that none of my colleagues will ever face the trauma that Missourians have faced in the wake of the contamination of entire towns. With this amendment, however, at least we can close the gaps that we have discovered in the Superfund law so that the Government can act more promptly to protect its citizens.

The Senate Environment and Public Works has adopted this amendment at the behest of Senators DANFORTH and EAGLETON. We should assure passage of this into law by passing it in this body.

DEFENSE PRODUCTION ACT OF 1950 EXTENSTION

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950, as amended.

The Clerk read as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

The SPEAKER pro tempore. Is a second demanded?

Mr. BETHUNE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. LAFALCE) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. BETHUNE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my amendment is at the desk.

The SPEAKER pro tempore. The amendment is part of the gentleman's

motion and the gentleman may explain it.

Mr. LAFALCE. Mr. Speaker, my amendment to S. 1852 would strike all after the enacting clause and substitute language which would simply extend the existing authorities of the Defense Production Act of 1950 for 2 years. I believe this is the sensible course for the Congress to take at this time.

The Senate bill would extend the DPA for 5 years, and would extensively revise the authorities of title III of the act.

Title III of the Defense Production Act contains the authorities for expansion of productive capacity and supply of materials necessary for the national defense. As those authorities stand now, the President could extend direct loans and guarantee loans up to a certain amount, and enter into purchase agreements upon obtaining advance appropriations for these activities.

After only 1 day of hearings, the Senate Banking Committee proceeded to mark up a bill, which would change those authorities so that literally each individual loan, loan guarantee, and purchase program would need to be authorized, and prior to that, be identified on an individual basis in the President's budget submissions. This is a drastic revamping of traditional DPA authorities, and I suggest to Members that we ought not to accept them without giving a good deal more examination to them than has been devoted so far.

For example, I do not believe that the House Banking Committee or the Congress really wants to be put in the position of micromanaging the Defense Department by having to make technical decisions about the relative merits and national security considerations of titanium versus beryllium versus other types of possible strategic materials and processes.

As Members know, the House has had under consideration for 2 years now amendments to title III of the Defense Production Act which would establish a much-needed program to revitalize the defense industrial base of our country for defense-related jobs. We have been unable to bring that bill to the floor this session for a number of reasons. I will not elaborate on all of them, but I would mention that the Supreme Court's legislative veto decision required both the Bank and Education and Labor Committees to revisit the bill in August and September.

With the Defense Production Act's authority having lapsed last Friday, we are now willing to put aside for now the much-needed program which the Banking Committee had recommended, and move for a simple 2-year extension of the Defense Production Act.

The fact is that the Defense Production Act must be extended. It contains authoriies which the DOD and other agencies utilize on a day-to-day basis in defense contracting and for programs to maintain the mobilization readiness of our industrial and material resources. We have kept this statute on the books for 33 years, and I believe we must continue it. But I do not believe we should give it a 5-year extension as the Senate has done. We have never done that before. We have always given the act no more than a 2-year extension, in order for Congress to review how those broad authorities are being applied. I do not think we should change that practice now.

One of the important jobs the Defense Department has, under the authority of the DPA, is to protect our defense industrial base against the potential cutoff of strategic minerals from unreliable foreign suppliers. Such cutoffs have occurred in the past. DOD is concerned, as are many congressional committees, that future turmoil in southern Africa could result in a paralyzing supply disruption of cobalt, chrome, platinum metals, and other critical materials upon which our national defense is dependent.

Under authority granted last year, DOD is now preparing a modest program to assess which of these metals can be produced domestically. With respect to cobalt, for example, I understand that DOD is proposing to spend between $2 and $5 million in the next fiscal year to test the quality of the domestic ore body and refining processes. DOD is further requiring that all environmental laws and regulations be met by applicants for the contracts. It is difficult for me to understand why anyone who really cares about national security would oppose some modest pilot work on domestic cobalt when our entire military jet-engine fleet is dependent upon this metal. It seems to me that a small pilot program of the kind suggested by DOD makes good sense, and it provides the Nation with an invaluable insurance policy. Similar pilot programs are being proposed for ball-bearing production, something called metallized glass chaff and other materials necessary to defense production. But I want to emphasize that to my knowledge no final decisions have been made for going ahead with any large-scale production program for any particular material.

I do not believe, Mr. Speaker, that we want to subject the Congress to the kind of onerous and piecemeal inspection which the Senate amendments would very likely force on us. As the amendments are written, they would require the Congress to examine in detail individual actions which the executive agencies proposed to take under the title III authorities. that could involve taking individual proposed programs such as the ones I just described, in some cases very small ones, through all the steps of the legislative process—hearings, markup, floor consideration, perhaps conference. I do not believe we need or want this kind of minutiae.

Finally, Mr. Speaker, the Senate-passed bill would attempt to deal with the legislative veto problem in a way which might well not be in accord with how the House wants to approach the problem. The Banking Committee staff has identified legislation veto provisions in the existing DPA statute, and we intend to deal with this issue in concert with an approach adopted by all of the other committees of the House, under the leadership of the Rules Committee.

The House is now in the process of examining how to resolve the issue raised by the Chada decision—we certainly do not want to shortcut this process at this time.

Mr. Speaker, I move the adoption of a simple 2-year extension of the Defense Production Act. That is what my amendment would do, and I urge my colleagues to support it.

Mr. BETHUNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is said that this is a simple extension of the Defense Production Act. It has been in effect for 33 years and all that is involved here today is to extend it for a couple more years.

The fact of the matter is, that is not so simple. Let me say why. First of all, times change. Indeed, this act has been on the books since 1950 and it has been extended from time to time, but times changes.

In the last few years, there has been an effort here in the Congress that began, I guess in all fairness, with the rhetoric of the 1976 election campaign, when President Carter and others were talking about the need to constrain spending. So after much effort here in the Congress and elsewhere, there has been some progress made to constrain the growth of Federal spending; but the phenomenon that we have noticed during that same period of time is that as soon as we constrain Federal spending, we see that the creative applicants for Federal assistance have simply moved down the street to the lending window and the lending window is wide open. For it is just about as good to get a Federal loan or a loan guarantee or an interest subsidy or some sort of complicated buy-back or purchase agreement as it is to get a Federal grant, a Federal spending program.

As a matter of fact, it is just as good if you do not pay it back. We find in many instances that Federal loans and loan guarantees are not being paid back.

This entire problem is out of hand. Federal lending programs, such as we are discussing under title III here

today, are growing faster now than Federal spending programs.

I always say that twice. Federal lending programs are growing faster than Federal spending programs.

Now, if we were working in the old environment back when we could spend and spend and take care of everybody that way, then perhaps I would not be so concerned about this; but times have changed and the matter is not as simple as people think it is any more.

So this is not a simple proposition; let me lay that aside right now.

The GAO has looked carefully at this whole business of the Defense Production Act. The GAO has said that we ought to renew title I, but the GAO has also said that title III, that title which contains all the loans and loan guarantees, is not needed at this particular time.

□ 1320

No major catastrophe or disaster is going to occur if we do not extend title III. That is really what we are here today to talk about—title III, the part that includes all of those loans and loan guarantees and credit assistance programs.

The point that we need to remember about the old Defense Production Act is that the authorities are so broad that the Defense Department or enterprising legislators could finance just about anything they wanted to through those authorities if they get an appropriation—all they have to do is conjure up some justification that seems to be related to the national security interest. And let me point out to you that we are not talking anymore about developing raw materials. GAO notices that we are talking now about including intermediate and processed materials. Just imagine all of the instances where some enterprising Member of this body or the other body could think up that the widget that is manufactured in his district by the Acme Widget Co. is somehow related to the national security because it goes into one of the tanks or whatever. And that is exactly what can happen under the broad authorities that are here.

I think it is time that we think seriously about putting some limitations on this old Defense Production Act, because the authorities are too broad. I can assure you right now that there is money already in the appropriation process that can be funneled in here and used under these authorities. God knows what it will be used for, but it could be done. I assure you when we get to the appropriations process on this particular matter, there will be an effort made to put money in there and no one right now can say exactly what it will be for. But I rather suspect it is going to be for those corporate interests who are wanting subsidies for their companies, even though there is no justification for it. The GAO has written that there is no justification for the nine proposed projects that DOD is thinking about. And I would like to read to the Members a paragraph from a GAO statement made by Kevin Boland, the Senior Associate Director, when he testified in the other body.

In general, we found that the projects do not adequately justify the national security benefits to be derived and/or the economic cost associated with the Federal subsidy. For six of the projects, a weakness in the defense industrial base had not been identified. Moreover, the cost effectiveness of title III compared to other mitigating funding alternatives was not adequately justified for any of the nine projects.

So, what you have here is a bunch of greedy corporate interests who want to be subsidized, who do not want to play in the free market anymore. They want to come in and get their corporate welfare handout through this old Defense Production Act. And that is precisely what is going to happen. And upon study and reflection, GAO has said no, there is no justification for this. And they found that there was no reason why they should be permitted to take advantage of this particular act.

Now, one other point of caution here is that we are not just talking these days about DOD. In the past, we have always looked at the Defense Production Act as if we were only talking about the Defense Department. And so, a case could be made that if we monitor their activities out there and force them to establish criteria that we can determine whether or not the projects that they are trying to push through here are justified and whether they make sense economically.

But now it is known that other agencies—not DOD—other agencies are going to try to come in and cash in on the Defense Production Act. Most notably, FEMA—Federal Emergency Management Agency—is going to try to come in and justify subsidies for the cobalt industry. Now here is the rub.

The Defense Department has established in-house criteria by which GAO and others can measure whether or not there is a justification for what it is they seek in the way of subsidies for these businesses. The other agencies have not.

This bill in the House needs criteria built into the law so that we can force those other agencies to make an economic justification. This bill needs oversight. And if we do not do these kinds of things, my friends, we are just going to leave the door open and we are not going to have any way to monitor and control what I predict will be the latest vehicle for the corporate welfare interests to come in and fill their pockets with more and more credit assistance programs.

Mr. GREGG. Mr. Speaker, will the gentleman yield to me?

Mr. BETHUNE. I yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

If I understand what you are saying, what you are asking us to do as a body is to not pass this on the Suspension Calendar but to bring this back so we can have some sort of rule where we will have the possibility of amending the bill, to allow us to address essentially defense funding and control defense spending and waste within the Defense Department.

Mr. BETHUNE. That is precisely what I am saying. In fact, the distinguished gentleman from New York, who I admire and have worked with on a number of issues, said himself that the criteria that were built into the Senate bill need more examination before we here in this body swallow it hook, line, and sinker, that there have been some changes taking place.

I think if what they did in the U.S. Senate needs more examination, it seems to me only reasonable that what we would do here in the House would need more examination than we can give it on suspension.

I have some amendments to offer to this bill. Others have amendments to offer to this bill. And it seems only reasonable that we ought to have an opportunity to do that.

Mr. GREGG. If the gentleman would yield further, is it not logical that those of us who are concerned about the defense dollar, because we are getting a tremendous amount of expression of interest from the electorate that the defense dollar may not be getting the best buy for the dollars spent, those of us who want to see a strong defense but also efficiently spent dollars, should want to take a second look at the Defense Production Act so that we can evaluate whether or not the concerns which you are raising, which have been pointed out specifically by GAO, which is the questionable standards by which contracts are being approved, where there may not be critical material needs or they have not set up standards which qualify materials as critical, those standards would be reviewed and we, as a Congress, can get a little tighter control over the billions of dollars we are spending not only in the appropriating process direct payment for defense but also now through the back door, through the credit process.

Mr. BETHUNE. It seems only reasonable to me, and particularly since on a February 22, 1983, memo from the Under Secretary of Defense for Research and Engineering:

DOD plans to request an additional $300 million authorization for fiscal year 1985 and reach a program sustaining level of $500 million annually beginning in fiscal 1986.

Now, to me, that is a lot of money. At least out in Arkansas it is a lot of money. We could almost run our whole State on that for 1 year.

What I am suggesting here is that this is being rushed through now on the suspension calendar, which is ordinarily reserved for noncontroversial matters. This bill is controversial in the House Banking Committee, House Armed Services Committee, House Appropriations Committee, Senate Banking, Armed Services, and Appropriations Committees.

I think the bill is not only substantively flawed for the reasons I have suggested, but I think the bill is procedurally flawed in that there are some legislative vetoes still in the 1950 act, and I do not know that those have been treated in any sensible way. We certainly should do that. So, I think we are rushing through here and being a little reckless and hasty with this particular bill.

Mr. GREGG. I just want to thank the gentleman for bringing this up. I think you clearly red-flagged this piece of legislation. You are not asking that we kill it outright. You are asking it just be taken off the Suspension Calendar so we, as a body, can address this issue of waste within the Defense Department and the specific GAO reports you are referring to. I think you have done us a service by bringing this up and noticing this to us. I would hope that the Members would join you in casting a vote to take this off the Suspension Calendar so we can get a consideration of it in the open House.

Mr. BETHUNE. I thank the gentleman.

I would say to all Members, those in the Chamber and others listening in, I did make the statement there is no justification, not adequate justification, for any of the nine projects which are on DOD's list. I made that statement, that was made in the other body by GAO. But I have in my hand the detail work that goes behind that which is classified "Secret." If Members wish to come by and pore over that to assure themselves that the projects that are on the table are simply not needed and will result in a ripoff to the taxpayer and corporate welfare, then I encourage them to come by and do so.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has consumed 12 minutes.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) and I ask if he will yield to me.

Mr. SHUMWAY. Mr. Speaker, I am happy to yield to the gentleman from New York.

Mr. LAFALCE. First of all, with respect to the remarks of the gentleman from Arkansas and his opportunity to amend the bill, we went through a subcommittee process, we went through a full committee process, and there was more than ample opportunity for the gentleman, who is a member of both the subcommittee and the full committee, to offer whatever amendments he wished to at that time.

□ 1330

Second, the argument is advanced that we ought to have a bill on the floor that could be amended rather than on the Suspension Calendar.

We did have such a bill, H.R. 2782, a similar bill which was presented in the previous Congress. A quasi-filibuster was conducted against that bill, and the prospect of a quasi-filibuster against H.R. 2782 is what led myself and the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) to agree to proceed, not with a new bill, but with a simple 2-year extension.

I want to point out not only does the majority support this, but the ranking minority member of the subcommittee, Mr. SHUMWAY, the ranking minority member of the full committee, the gentleman from Ohio (Mr. WYLIE), the Reagan administration, and the Armed Services Committee, both the majority and the minority.

It is a very very small minority, primarily one person, that is opposing a simple 2-year extension of a law that has been on the books for 33 years, and which this administration says is absolutely necessary to conduct the Nation's defense business.

I thank the gentleman.

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the legislation before us which resolves the lengthy and sometimes controversial debate over the extension of the Defense Production Act by simply extending the act for 2 years, without amendment. As the House is undoubtedly aware, the DPA provides essential authorities for defense-related industrial readiness, and for other powers which might prove necessary in time of emergency.

While it is clear, in my view, that it is in the national interest that the DPA not expire, substantial controversy exists over the use of those title III authorities which provide for strategic materials projects. Many of us on the minority side, for instance, oppose H.R. 2782, legislation in the form of amendments to title III reported by the Banking Committee establishing an expensive new assistance program for small- and medium-sized businesses, and for skills training. At the same time, serious questions have been raised by the GAO, CBO, and others about the worthiness of DOD's $200 million title III strategic materials budget request for fiscal year 1984.

An additional question that has arisen in the context of the DOD budget request is whether or not the funding for projects pursuant to DPA title III must be specifically authorized. I have here two letters from Under Secretary of Defense Dick DeLauer. In his letter of June 9 to subcommittee Chairman LAFALCE, he asserted: "Since we are seeking an appropriation for purchase commitments of critical materials needed to support procurement of military weapons, we believe that 10 U.S.C. 138 requires a specific authorization prior to the appropriation of funds." However, in a letter dated September 27, DeLauer essentially reversed himself, stating that "we request * * * extension of existing title III authorities and appropriations of $200 million for title III in fiscal year 1984."

In view of the serious questions which now exist about the ways in which the Defense Department proposes to utilize title III of the DPA, as well as about the proper role of the Banking Committee in authorizing specific title III projects, the simple 2-year extension of the DPA proposed here seems an appropriate course of action. Adoption of this legislation will assure the continuation of the Defense Production Act itself, while allowing the Banking Committee to fully weigh the pros and cons of DOD's budget request, as well as the procedures for dealing with it, in a thorough fashion.

Although the gentleman from New York may not fully share my concern with this final point, I would also like to alert our colleagues on the Appropriations Committee that the appropriation of $50 million for DPA title III activities, as is now evidently being considered, seems quite premature in view of the problems described a moment ago. Until the Banking Committee—the committee with jurisdiction—has the opportunity to resolve the questions that now exist with regard to title III, I think it only makes sense that all such appropriations be deferred.

Mr. Speaker, the administration strongly supports S. 1852. I urge its adoption.

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, People always remember history differently, I suppose. But when you are in the minority, you always remember what happens in the committee because that is where you get rolled, that is where they have the votes in their pockets. So it is always a very important time for us.

And the floor is a very important time for members of the minority party, because ony here can we break out of the mindsets and trappings that control those committees, break

through the special interests and the lobbying forces of the mining interests, and the corporate interests, and everyone else who has their hand out, and who have got the pressure applied in the committee to work their will there. The floor is the only place where you can break out and have a good debate and a time to speak rationally to Members who are not bound by those trappings.

When this bill came through the subcommittee and through the full committee, the chairman of the full committee encouraged to let the bill go on out. I made a statement at that time, in the full committee that I would wait until we brought the bill to the floor, that I had some serious amendments and some good amendments.

So here we are, but we are here on suspension, and the gentleman from Arkansas cannot have his day in court, even though I have some good amendments that would prevent these handouts to the great corporate interests who are in such great need out there of assistance that they cannot find their way clear to do business without getting their hand in Uncle Sam's pocket.

Mr. LAFALCE. Mr. Speaker, I now yield 3 minutes to the distinguished ranking minority member of the full committee, the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of this legislation to extend the Defense Production Act for 2 years.

While I recognize that there are currently many complex issues pertaining to the DPA now pending before Congress, and that there exists a wide variety of opinion about how the Defense Production Act should most appropriately be utilized, the fact remains that we must move promptly to extend the act. In the absence of any consensus on possible amendments to the act itself, the simple extension before us seems the logical way to proceed.

If this legislation is adopted, the Committee on Banking, Finance and Urban Affairs will then be in a position where necessary decisions on the Department of Defense's proposal for a $200 million strategic materials program can be made without the pressure of an expiring Defense Production Act complicating the situation.

Serious questions about DOD's budget requests pursuant to title III of the DPA do remain unanswered. In my view, however, the existence of such questions do not detract from the fact that the Defense Production Act itself must not be permitted to expire.

In this regard, it is my understanding that a lengthy lapse in the DPA would have a deleterious impact on the Defense Department's ability to procure and deploy needed components and weapons systems.

The administration strongly is in favor of the legislation before us today.

Mr. Speaker, I want to thank the chairman of the Economic Stabilization Subcommittee, my colleague from New York (Mr. LAFALCE) for his cooperation on this bill. He was not in favor of a 2-year extension at first. He has some amendments of his own to the Defense Production Act.

The administration would favor up to a 5-year extension, but the gentleman from New York (Mr. LAFALCE) has seen fit to compromise, and I for one appreciate it.

I would also like to thank my friend from California (NORM SHUMWAY) for his leadership on this issue.

I urge support for the pending legislation, Mr. Speaker, and yield back the balance of whatever time I might have.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, for almost 3 years the Banking Committee has been attempting to develop a program to revitalize the Nation's defense industrial base through amendments to the Defense Production Act. In the last Congress we conducted extensive hearings and made a persuasive case for our legislation. However, the Defense Industrial Base Revitalization Act was unable to get through the House for a number of reasons, not the least of which was a strong opposition led by some of my good friends on the committee with help from OMB.

I believed in that legislation and continued to hope that we pass something similar in this Congress. Although the deterioration of the defense industrial base continues today, I do not think that Congress is ready to pass such a program this year or next.

But our hearings and research into that broad area and the authority and uses of the Defense Production Act of 1950, lead me to believe that the Banking Committee should review the way the authority under the DPA is implemented. The Economic Stabilization Subcommittee can use this extension period to examine and report to the full committee proposals for amending the act. However, I find it inconceivable that we should be asked to accept the proposed Senate amendments without first examining their impact.

My own impression is that the affect of the amendments in S. 1852 as passed by the other body would totally gut the DPA. In addition, the bill would create a bureaucratic nightmare with resulting production and construction delays and inevitable cost overruns. The existing congressional oversight procedures are far better than those in the Senate bill and I urge the House to support a simple extension of the act.

S. 1852 as amended by the House provides for an extension of the Defense Production Act authority to September 30, 1985. The Defense Production Act has been amended and extended by each Congress since 1950. It is basically a preparedness measure which provides the President authority to institute and maintain a number of programs intended to improve the readiness of the Nation's industrial base in the event of a national emergency. The act also is the authority for our national defense mobilization program.

The Defense Production Act as amended is the Nation's sole authority for national defense preparedness and the cornerstone of the legal structure for our national preparedness program. On these grounds alone it is essential to our Nation's security that this act be extended without interruption.

The extension will get us through the election period so that any future recommendations will be free, I hope, of political pressures. The DPA is too important to our national security to be made a pawn of partisan interests. I urge my colleagues to adopt S. 1852 with the House amendment in the interest of maintaining a stable and strong national defense program.

□ 1340

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

I thank the Speaker.

There has been an interesting history to this effort to try to get money for those who are involved in some of the wealthiest, most lucrative businesses in this country. It began last year, you will remember when we had the debate about the Defense Industrial Base Revitalization Act. We all called it DIBRA in those days. Do you remember that one? They came here and said they were going to put $5 billion, $5 billion into that project. They based it on the old Defense Production Act and the facts are they could have leveraged that $5 billion to make $50 billion in loans, loan guarantees, credit assistance, purchase contracts, commitments and stuff like that.

We beat that down. The House said "no" to that; figured it all out; said that is a ripoff. We beat it down.

So then they came back this time with the Defense Production Act and the budget this year, the administration's budget, and I attacked the administration on this point, included $200 million. I noticed that in that budget. I said what is that $200 million in there for? I raised that question out in the subcommittee that the gentleman chairs. We discovered that $200 million was allegedly for several DOD interests not the least of which was

the cobalt industry out in Idaho. And then when we got into it the hearing clearly showed that there was no justification for cobalt. So we started raising more questions.

Well now they are down to $50 million, but they are still coming. And if they get this $50 million they will be back for another $50. And as I read a little bit earlier, we had clearly a statement from the Defense Department saying they are looking for $500 million annually beginning in 1986. That is out-of-pocket money. If you leverage that and use it for interest subsidies and those kinds of things, you can multiply that by 10 in the impact that it has in the credit market. And we are all trying to find ways to keep the Government's encroachment in the credit market down. I suggest to you this is nothing more than the latest vehicle to try to reach into the pocket of the people by the big corporate interests.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of this 2-year authorization of the DPA authority.

They are very important authorities and I hope the House today will go on record overwhelmingly in support of them.

Mr. Speaker, we in this bill have had points of controversy with regard to the authority for loan guarantees, for purchase agreements, and vocational education as well as for various types of science and technology grants to colleges and universities.

That part of the bill has been removed because it was controversial.

The DOD requested some $200 million for fiscal year 1984, however this 2-year extension provides more of that request.

What the Department of Defense asked for in 1984 had nothing to do with cobalt incidentally. On the merit of DOD proposals some should be authorized for appropriation. These are evaluated as follows:

Noise quiet bearings: DOD is currently dependent on Japan where there are questions raised about the legitimacy of this export of military-related material.

These bearings are essential to our SSBN and SSN submarine forces. The first being the most survivable leg of the triad and the second is essential for the control of the seas which link the alliance.

At a time when the threat is increasing both qualitatively and quantitatively, we must be prepared to enhance both elements of our submarine force. Currently, noise quiet bearings production capacity is a bottleneck which inhibits increases in submarine procurement and also has a deleterious effect on the in-service rate of our submarines. The Department of Defense asked up to $20 million. The House should recommend up to $20 million.

Metallic coated glass chaff: One lesson of the Falklands is that the British force used more than the current yearly production of this vital item which protects aircraft against radar homing missiles. The great density of the Soviet antiair threat in Europe, the Middle East, and elsewhere makes this item essential to our national security. Current production capability bears no relation to wartime requirements. The DOD asked up to $15 million. The House should recommend up to $15 million.

Traveling wave tubes (TWT): These are used for jamming in electronic warfare. Physical performance of weapons systems has reached a plateau. Thus, electronic warfare is of increased importance. At present, money is wasted by overly short production runs. The DOD plan is to accelerate the buy, essentially providing a rolling inventory which will be available until a new generation of jammers—and increased demand—is required in the late 1980's. The program is a multiyear program, thus full funding is not needed in fiscal year 1984. The DOD asked up to $50 million. The House should recommend up to $25 million.

The total of the above recommendation is up to $60 million. Since these are maximum figures, the House should impose a limit of $50 million overall.

Some of the Department of Defense requests should be denied without prejudice until better data is supplied; these being:

Polyacrylonitrile (PAN): DOD makes a case for the need for PAN production expansion but the real need is 4 or 5 years away. Additionally, a food additive petition is before FDA regarding the use of PAN in soft drink bottles. If approved, this use of PAN would result in a vastly increased domestic production capability. DOD has not responded to queries as to the compatibility of food grade and aircraft grade PAN. DOD should explore the question of domestic PAN production with those companies which have submitted food additive petitions. DOD asked for $25 million.

Optical glass: Need has not been justified by DOD. DOD asked for $50 million.

Ammonium perchlorate: DOD admits that the expansion of this production can be achieved through means other than title III. DOD asked for $20 million.

Beryllium metal: DOD bases its case on old data. The case for beryllium is not urgent. Problems with the inertial upper stage (IUS) mean that the Peacekeeper system will not be fully capable until 1988–89. Thus, delays are acceptable. Also, the C–5B will use carbon brakes and the F–14D specification can be altered to eliminate beryllium. The F–16F/F–15E have been proposed as zero by the House Appropriations Committee staff.

Given the high civilian use of beryllium, remaining urgent problems can be solved through use of title I until the fiscal year 1985 request passes Congress. DOD asked $70 million.

It should be noted that depleted uranium and cobalt were in the 1983 reprograming money. According to a briefing by Richard Donnelly, Director Industrial Resources OUSD(R&E), the 1983 money for these programs has not been expended. Thus, there is no need for 1984 authorizations. In fact, I am told that the cobalt program is to be terminated by DOD. The specter of cobalt should therefore be laid to rest once and for all.

The next step was the removal of the uncontroversial, noncontroversial amendments, of course which were near and dear to my heart, in an effort to try to satisfy the concerns of critics because the basic concern was that the legislative clock had run out in terms of this DPA act. It has happened. The terms of the DPA authorities are very important.

There are many among us who feel deeply about the controversial and some of the noncontroversial amendments that we have worked and labored on in the Banking Committee with respect to DPA.

The fact of the matter is the arguments that are being presented in opposition to this bill today really are irrelevant because they are really tilting at windmills, they have won their battle with regard to the proposed amendments with regard to the new authorization. I hope we could come back and deal with these proposed changes and argue those particular points, both the noncontroversial and controversial points, but I really think it is inappropriate at this time to try to knock down the simple extension of the DPA act on that basis.

So I want to alert my colleagues to this.

Indeed, the authorities under the DPA have been important historically in terms of trying to maintain our defense industrial base. I think those authorities are important in the future; the authorities for instance to develop a master urgency list for vital and critical materials, to give them some sort of priority on that basis. But really the loan authority, the money authority, the other concerns that have been raised here, are simply not present in this extension.

Now some would rather open it up and have a full debate. But I think the lapsing of the act, the lapsing of the authority would do far more damage than any good that might come form that debate.

I hope at a later date we can readdress the authority and the other amendments to this act that we have all worked on.

I want to show my colleagues, whatever the intention is with regard to cobalt, there is a whole list of priorities with regard to what the needs are, what the DPA was or should be seeking to do.

I hope that some day we can have this important debate. But really that is misleading today. It does a disservice to this House. Certainly the authority that we have under DPA is critical legislation, to keep this functioning. There has not been time in the House to consider the more extensive amendments that have been suggested.

Interestingly enough, many of the concerns that are now coming to fruition, whether it is environmental concerns and other areas, were not even raised in the subcommittee with regard to this particular act. So I think that really they do a disservice to the process to begin to raise these issues at this point.

I think it is not a red flag that is being raised Mr. Chairman, it is rather a red herring.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from New York (Mr. LAFALCE) has 4 minutes left and the gentleman from Arkansas (Mr. BETHUNE) has 4 minutes left.

Mr. BETHUNE. Mr. Speaker, I yield myself 2 minutes.

Just very quickly I want to point out that the argument here relies on a supposed need to bolster our national defense and national security. I, as a pro-defense Republican have gotten out on the line and tried to support the defense package, but when I notice who is involved in this one on the other side beating the drums saying we need this for defense I take it with a grain of salt. I am always a little suspicious as to whether it is really going to go for defense and national security or whether this it is going to go someplace else? That is an interesting question that I have.

On the environmental concerns there is a reason why there has been no elaborate discussion on that point. Whoever heard of the Committee on Banking and Currency caring about environmental concerns; whoever heard of the lobbyists who come to the Banking Committee caring about environmental concerns? But I guarantee you, when you get to the floor, those kinds of things have to be answered. And there are some people that are genuinely concerned about these mines that are going to be dug with Government money and what they are going to do to some of the environmental projects that are underway.

I will guarantee you that they are interested. And you can look at the letters they are circulating to the Members right now if you think they are not interested.

On title III, listen to what GAO says:

> Based on our current evaluation we believe that the loss of title III would not have an immediate impact on existing DOD programs.

In other words, you can forget the whole of title III because if it lapses it would not have any sort of impact.

□ 1350

What impact the lapse of title III will have is that it would get rid of this authority that they are going to start using to reach into the taxpayers' pocket.

And on the criteria, I think it is important that we try to narrow down and give some criteria so that we can judge whether or not FEMA and these other agencies, who are going to be serving these special interests and reaching into our pocket, have got some sort of economic justification.

We need that criteria in the law and we need oversight, because as I pointed out earlier, there are two legislative vetoes in this bill that we want to reenact which have been killed by the decision of the Supreme Court in INS versus Chadha, the decision which said that we cannot have the legislative vetoes.

Mr. LAFALCE. Mr. Speaker, it is my intention to reserve the remaining 4 minutes to myself for conclusion. Therefore, I leave it up to the gentleman from Arkansas (Mr. BETHUNE) to complete his remarks.

Mr. BETHUNE. Mr. Speaker, a moment ago in the heat of debate, I said that there was $200 million all for cobalt. We never could tell just exactly what they were going to use that money for when they came before the subcommittee. It was like trying to catch flies to get the DOD to try to tell us just exactly what they were going to use that money for.

But what we did discern is that they were going to use it in part for cobalt, which is not necessary according to the reports that I have and there is no justification for it. And we also learned that they had eight other projects they were interested in and GAO said there was no need for that.

So, I believe the point comes down to this. This bill is too broad, it is obviously controversial. We can see the arguments being made here on the floor and it has no business on the Suspension Calendar. It is not going to hurt if we let title III lapse. Somebody said we cannot let this bill lapse. It has lapsed. It lapsed a couple of days ago and the earth did not stop turning and the building did not cave in. It has lapsed before. So far as title II, is concerned GAO says it does not make any difference if we do not enact it for some time to come.

Title I we need to renew. But title III needs work because I will tell my colleagues it is the very vehicle which is going to be used by those corporate interests who managed to get themselves in a position to get them a champion here in the Congress to go out and try to get a subsidy for their particular business.

I urge Members to defeat it on suspension, give us an opportunity to put the kind of criteria and restrictions that the U.S. Senate put in their bill and that we are throwing out here in the interest of just doing something simple and that is reenacting the 1950 law.

It is not a simple proposition. Times have changed and if we do not do something now, here, right here in this place to fight on every front, to control these kinds of subsidies that are going through the lending window, we are going to be in big trouble and we are going to have a big headache. Because it is not the little people out there that are getting these subsidies today, it is the big fat-cat corporate interests, I will assure the Members of that.

Mr. LAFALCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me try to put this debate in some perspective.

We are dealing with the Defense Production Act, a law that was passed some 33 years ago. It was suggested by President Truman; it was adopted at that time as necessary to deal with defense production during the Korean war. There were seven titles to that act.

In the 1950's, four of those titles expired and have never been reauthorized. They included titles dealing with wage and price controls, labor dispute authority, credit allocation, and so forth. We are not talking about that now at all.

Three of the titles of the 1950 law have continued from 1950 to the present day, for 33 years. They have never existed for more than a 2-year period of time. They have been reauthorized every 2 years, never for more than a 2-year period of time.

Those titles have been reauthorized by Democratic Congresses and Republican Congresses. Authority for reenactment has been sought by Democratic Presidents and Republican Presidents.

Earlier this year, March 30, 1983, the Defense Production Act expired. There was a debate as to whether or not we should beef it up, make it stronger. I wanted to beef it up. And some said, "Oh, we should certainly not do that. Let's cut back its authority." And we could not resolve it. We were at impasse.

And I hope that reasonable men could get together and resolve the differences between March and September 30. So we extended the act until September 30. But, there could be no meeting of the minds between March 30 and September 30. As a matter of fact, it seemed as if individuals became even more entrenched in their positions.

We had another impasse. And I did not want to see the Defense Production Act expire. And I went to the distinguished ranking minority member of the subcommittee, the gentleman from California (Mr. SHUMWAY) and I did not like what he had decided, and he did not like what we had decided to do, because we were coming at it from different directions. I wanted to add to the President's authority under the DPA. He wanted to take back a little bit of that authority. But we said, let us work with the administration and let us just give them a simple 2-year extension, no add-ons, no subtractions. And then we will work on the DPA after that, but we will not let it lapse.

And that is what we are doing today. We are putting our differences behind us so that the authorities that the administration needs under the Defense Production Act, to determine priorities of contracts, to engage in demonstration programs and not just for cobalt at all, but for noiseless ball bearings, for metalized glass shaper, for metallic beryllium, for traveling wave tubes, et cetera, et cetera, can be carried out so that the defense of this Nation can be insured.

Now, at the very last minute, and I mean today, and all sorts of red herrings have been brought up. Oh, this concern with the bill, that concern with the bill. For 33 years the law has been in existence and I have not heard one environmental concern, for example, for the entire past year until today. Clearly, they are red herrings, clearly. The majority and the minority are in support of this bill except for a handful of dissenting voices. The administration is in support of this bill, not only DOD, but OMB and FEMA—I got a phone call today from the head of FEMA, Mr. Giuffrida, he said:

> We have got to have this bill, we have got to have it right away. It lapsed on Friday, we cannot continue to operate. Please get it passed today.

On behalf of the defense production of the United States, let us simply extend the Defense Production Act an additional 2 years, no adds-ons, no subtractions.

Mr. UDALL. Mr. Speaker, I strongly support a 2-year extension of the Defense Production Act. I also favor the prudent use of title III authorities to develop the Nation's ability to respond to an interruption of supplies of strategic minerals.

For several years, the Interior Committee has expressed concern about the U.S. economy in the event South Africa, Zaire, or other suppliers should prove unreliable. And, I think prudent analysts look upon the political situation in southern Africa as troubling.

We need to assess our own domestic supplies of cobalt, chrome, and other crucial minerals, and to get at them in an environmentally sound manner. The title III pilot plant program designed by the Defense Department is a reasonable, prudent investment—a good insurance policy for the Nation.

We finally have initiated action to secure our strategic minerals supplies. Without positive action on our part, this whole effort could come to a halt placing our economy in real jeopardy.

I urge my colleagues to support the DPA extension.

● Mr. PATTERSON. Mr. Speaker, I rise because I must reluctantly oppose the consideration under suspension of the rules of S. 1852, providing for an extension of the Defense Production Act.

Clearly, it is necessary to provide for an extension of this act in order to insure that critical defense capabilities are maintained. Nevertheless, any extension of the Defense Production Act must be done in a manner which will not encourage spending on projects of possibly dubious economic and military value.

The other body approved an extension of the Defense Production Act with amendments requiring specific congressional authorization for Defense Department actions under title III. We are being asked today to consider a straight 2-year reauthorization of the Defense Production Act, without any opportunity to consider the amendments of the other body or any variation of those amendments. I am opposing consideration of this legislation under suspension of the rules because I believe these amendments merit careful consideration. Congress should have the opportunity to review any Defense Department proposals to subsidize defense contractors in order to avoid opening the door to excessive and wasteful defense spending.

The title III authorities of the Defense Production Act have not been used in any significant manner since the Vietnam war. This year, the Defense Department has expresed renewed interest in exercising its authorities under title III. Serious concerns have been raised about whether the Defense Department should have the broad authority currently granted to it under the Defense Production Act, or whether it would not be more prudent to require congressional authorization for specific projects.

If the Defense Production Act is reauthorized for 2 years with the current broad authority intact, a variety of programs could be initiated before Congress has an opportunity to review this act again. I believe if we are going to provide a 2-year authorization, we should require the Defense Department to justify its specific proposals before Congress in order to insure that any spending under this act is truly essential.

Concerns have been raised that certain proposals under the Defense Production Act could have severe environmental impacts. In addition, some projects that will be low budget initially could prove to be exceedingly costly in the outyears. Without a guarantee that Congress will have an opportunity to review these programs throughly, we could pave the way to wasteful and unnecessary spending.

As one who supports a strong national defense, I believe we must insure that every defense dollar is spent for programs that will truly enhance our national security. We must be certain that we are not paying unnecessary subsidies for products that could be obtained more cheaply through other means.

I urge my colleagues to defeat this measure as a suspension so that it can be brought to the floor in a form permitting consideration of the amendments of the other body.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAFALCE) that the House suspend the rules and pass the Senate bill, S. 1852, as amended.

The question was taken.

Mr. BETHUNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENT REORGANIZATION ACT AMENDMENTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3932), to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered qualified electors shall take effect upon the expiration of the thirty-five-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless, during such thirty-five-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such thirty-five-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such thirty-five-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(b)(1) The second sentence of section 412(a) of such Act is amended to read as follows: "Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes.".

(2) The last sentence of section 412(a) of such Act is amended to read as follows: "Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove, when specifically authorized by act, proposed actions designed to implement an act of the Council.".

(c) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(d) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(e) The first sentence of section 602(c)(2) of such Act is amended by deleting "only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act." And inserting in lieu thereof "unless, during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law."

(f) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(g) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(h) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each subsection the words "resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "joint resolution by the Congress".

(i) Section 740(d) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(j) The amendments made by this section shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of the Act, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

SEC. 2. Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. 3. Section 164(a)(3) of the District of Columbia Retirement Reform Act is repealed.

□ 1400

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, beginning on line 18, strike subsection (b) and renumber the succeeding sections accordingly.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, beginning on line 17, strike Section 3 and insert in lieu thereof the following:

SEC. 3. Section 164(a)(3) of the District of Columbia Retirement Reform Act is amendment to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part; or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts a joint resolution disapproving such filing.".

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill corrects a defect in the Home Rule Act that puts a cloud over the ability of the city to go to the bond market to sell its bonds. The cloud to which I refer, Mr. Speak-

er, is created by the U.S. Supreme Court decision in the so-called Chadha case insofar as that decision relates to the District of Columbia.

The Chadha case, more formally, is referred to as the Immigration and Naturalization Services against Chadha.

Mr. Speaker, with that brief explanation, I would indicate that the distinguished gentleman from the District of Columbia (Mr. FAUNTROY), who chairs the subcommittee of jurisdiction, will give a more lengthy presentation.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 3932, a bill that seeks to remove the cloud created by the U.S. Supreme Court's decision in the Chadha case insofar as that decision relates to the District of Columbia.

That case, more formally styled as Immigration and Naturalization Service against Chadha, and related cases, is causing a dramatic change in the way the executive and legislative branches of the Federal Government relate to each other. Chadha held that congressional veto provisions embodied in several Federal statutes were unconstitutional. More specifically, the Court held that legislative action which has the effect of altering the legal rights, duties, and relations of persons outside the legislative branch must be embodied in actions of both Houses of Congress, then presented to the President for approval or disapproval. The Court further held that the invalid congressional veto provisions were severable and stuck only those parts of the statutes which contained them.

The D.C. Home Rule Act in several places contains provisions for congressional veto of acts of the District of Columbia Government. According to many experts, these provisions fail the constitutional test set down in Chadha. For example, the legislative veto provisions of the Home Rule Act were listed in Justice White's dissent in the Chadha case. Justice White, listed 56 acts of Congress which would be invalidated by the Court's decision. The legislative veto provisions of the Home Rule Act were also included in a more comprehensive list of 207 congressional veto provisions which the U.S. Department of Justice submitted to the Congress as failing the test for constitutionality as found in the Chadha decision. And the Congressional Research Service of the Library of Congress in special report issued July 5, 1983, concluded that the legislative veto provisions of the Home Rule Act were suspect under Chadha.

It is the considered opinion of the D.C. Committee, in consultation with the District Government, that corrective legislation is the best way to excise the District of Columbia Home Rule Act from the taint of Chadha.

The Chadha case was decided by the U.S. Supreme Court on June 23, 1983. Shortly after the decision, Members of the D.C. Committee met at an informal roundtable meeting with the Mayor of the District and the Chairman of the District of Columbia Council, along with several local Home Rule Act and constitutional experts, and staff from the Senate. Following the roundtable meeting, subsequent working meetings were held. The bill, H.R. 3932, was drafted as a result of those meetings and was introduced on September 20, 1983. An identical bill, S. 1858, was introduced in the Senate on the same day.

H.R. 3932 is a straightforward, nonsubstantive proposal containing technical amendments to the District of Columbia Home Rule Act, designed to conform to the mandates of Chadha. It does not eliminate congressional oversight of District-passed legislation. It does not reduce the time for congressional review. Indeed, with Presidential involvement, it has the potential of increasing the time of congressional review. Moreover, it does not change the manner in which the District of Columbia Committee functions in the event the Congress chooses to involve itself in acts of the D.C. Government.

It is, however, urgently needed. The District has been working diligently to get itself into the municipal bond market with a reasonable bond rating. In the wake of Chadah, the District has been unable to secure an "unqualified" legal opinion from bond counsel. The absence of an unqualified legal opinion would render any bond issue the District sought to make effectively unmarketable—no one would buy the bonds. The District has Housing Finance Agency bonds ready to go and will shortly be prepared to go to the market with other types of bonds. If our goal of terminating expensive borrowing by the District from the Federal Treasury is to be achieved, we must act to clean up the Chadha problem.

Mr. Speaker, the basic thrust of H.R. 3932 is simple. In each instance in the D.C. Home Rule Act where a legislative veto is allowed, it is stricken, and in its place is inserted the requirement for "joint resolution." The import of this change is that in order for the Congress to reject an act of the District of Columbia Council, both Houses of Congress must affirmatively act by joint resolution, and the joint resolution must be presented to the President.

So, at section 303(b) of the Home Rule Act, the requirement that District Charter amendment proposals be approved by concurrent resolution of the Congress under H.R. 3932, is changed to a requirement of joint resolution. At section 602(c)(1), the provision allowing for congressional rejection of D.C. Council acts by concurrent resolution is changed to require joint resolution. At section 602(c)(2), the provision allowing for one-House veto of criminal acts of the D.C. Council is changed to require a joint resolution to reject such acts. Section 740, which allows the President of the United States, in emergency conditions, to direct the Mayor to allow the use of the D.C. Metropolitan Police Force is changed in H.R. 3932 by requiring a joint resolution by Congress to terminate such use of the police rather than a simple resolution. And section 164(a)(3) of the D.C. Retirement Reform Act which allows the Congress to reject a report of the Retirement Board by simple resolution, is changed to joint resolution.

H.R. 3932 makes laws passed by the D.C. Council prior to its enactment valid and adds a new section to the Home Rule Act, section 762, which contains a severability provision. There are also certain other technical and conforming amendments.

Mr. Speaker, this bill does not go as far as I would like it to go. Repeal of the congressional review period altogether would have been a preferred approach. It is, however, a proposal that has widespread support, and it does cure the potential problems raised by Chadha with respect to District legislation.

Mr. Speaker, I urge the House to support H.R. 3932, an urgent matter for the District of Columbia—a bill which does not impede or impair congressional oversight of D.C. Government action.

□ 1410

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to congratulate the chairman of the committee and the Delegate from the city of Washington for facing up to an issue which all of us are going to have to face up to on almost every piece of legislation in this Congress. I must say, within the confines of the District of Columbia, I find that the Constitution is rather clear but we, as members of this committee, often come in front of the Congress and usually I come to explain a bill passed by the District of Columbia.

Mr. Speaker, more often than not, when this Member has come to the floor to explain a bill dealing with the District of Columbia, my statements have included the word "unique." Normally, I use that term to describe the situation in which the city finds itself with respect to Congress. Today, however, I use the word unique to characterize the situation in which Congress and the Committee on the District of Columbia find itself, and to explain the urgency connected with H.R. 3932.

This bill seeks to address the problems created by the Supreme Court decision dealing with the process of congressional veto. I am not a lawyer, and therefore may be at a slight disadvantage in discussing the question of whether or not the Court decision should apply to dealings between Congress and the District of Columbia government. Yet even this non-lawyer recognizes the problem created by the fact that the Supreme Court made specific reference to portions of the Home Rule Act and the D.C. Retirement Reform Act in its decision.

I do not feel the intent of this legislation is to affirm the Court's decision, and thereby concede that the process Congress has utilized for the past 10 years is improper. I do not believe it is. It is this Member's position that the Court decision has created an uncertainty in the process of self-government, and something must be done very soon to avoid a virtual halt in the local legislative process. It is for that reason that I express by strong support for expeditious consideration and approval of this bill.

Mr. Speaker, despite what some may say to the contrary, the District of Columbia government is facing and dealing with the full array of problems that beset any municipality, and it is doing so on a daily basis. When the remedy to any of these problems involves legislation enacted by the Council, the implementation must be postponed while the proposal undergoes the congressional review period. Since the Supreme Court decision calls into question the very process of congressional review, any local act which is approved or rejected by the existing process could be the subject of litigation. That is a situation which cannot be allowed to continue any longer than necessary, because it results in absolute chaos within the District's business. Everything from a routine alley closing to changes required to bring local law into compliance with Federal laws and regulations is in jeopardy, not because of its purpose or content, but because of the process by which it is permitted to take effect.

The bill before us seeks to solve this dilemma, and it does so in the most straightforward manner possible. Quite simply, in each instance where Congress has given itself the authority to approve or disapprove local actions by a simple or concurrent resolution, the requirement for a joint resolution has been substituted. That is all that H.R. 3932, as reported, seeks to do, and it is the opinion of the legal experts involved that it does so in a manner which resolves the objections to congressional veto raised by the Court.

The bill as reported includes two committee amendments. As a result of these amendments, the bill covers only those portions of the Home Rule Act and the D.C. Retirement Reform Act referenced by the Court, and it handles all of those provisions in absolutely identical fashion.

Section 1 of the bill addresses itself to the sections of the Home Rule Act (Public Law 93-198, as amended) which make provisions for congressional approval or disapproval of local actions. In each such reference, the requirement for simple or concurrent resolutions in replaced with a requirement for a joint resolution. Language is added to each section so amended which explains what happens if the Congress has approved a joint resolution within the time period specified, and if the President has not signed the resolution into law until after that time period has expired. Simply put, should that ever happen, the local law is deemed to be repealed as of the date such resolution becomes law. These changes are made in the sections of the Home Rule Act dealing with the approval of Charter amendments; the approval of routine local legislation; the approval of local legislation dealing with the Criminal Code; approval of emergency use of local police by the President beyond 30 days; and the procedures by which Congress considers such resolutions. The final provision of section 1 has the dual purpose of providing an effective date for the new procedures contained in the bill, and validating local laws which have already undergone review under the old procedures.

Section 2 of the bill simply adds a standard severability clause to the Home Rule Act.

And finally, section 3 of the bill amends the section of the D.C. Retirement Reform Act which permits Congress to reject the annual report of the D.C. Retirement Board if it is found to be deficient. Such action will now require a joint resolution rather than a simple resolution.

I would additionally note that proposals to shorten the length of the congressional review period, or to remove the ability of one Member to discharge this committee, while enjoying the support of some Members, are absent from this bill. While such amendments might logically have been included, the importance of the overriding problem we are facing today has precluded any attempts to go beyond the minimum changes required.

Mr. Speaker, the amendments made by this bill will insure that the manner in which Congress reviews and acts upon local legislative proposals will not be called into question. It goes no further than that which is absolutely necessary to achieve that goal. And if approved, it will remove the possibility of calling into question the legality of every past and future action of the District of Columbia government. For these reasons, the bill deserves support, and I urge its passage.

● Mr. PHILIP M. CRANE. Mr. Speaker, for a decade now, the District of Columbia has enjoyed home rule as a result of the Home Rule Act of 1973. I believe that the Congress showed extreme constitutional permissiveness in granting to the D.C. Council the authority to draft tentative legislation which would become law unless disapproved by Congress within 30 legislative days. By not disapproving a piece of legislation presented by the Council, Congress gives its tacit approval of that legislation.

Now, however, there is a bill being considered that is meant to protect the city's home rule from possible court challenges which could arise from the Supreme Court's recent Chadha ruling, which declares legislative vetoes unconstitutional. Supporters of H.R. 3932 claim that this bill is necessary in order to safeguard home rule, but I believe that there are two points which are being ignored: First, congressional disapproval of tentative legislation presented by the Council is not a legislative veto; it is nothing more than a "simple and concurrent" resolution. Proponents of H.R. 3932 who claim that the authority of such disapproval could be challenged by the courts neglect to mention this fact. They have attempted to gain support for the bill by formenting unfounded and precipitated fears about potential disputes arising over the constitutionality of congressional disapproval when, in reality, resolutions of disapproval and vetoes are not even the same thing. Until this difference is clearly delineated, debate on this matter is destined to be both irrelevant and confusing.

Second, I would like to point out that not only is H.R. 3932 unnecessary to protect the Home Rule Act from judicial intervention, it also unduly strengthens home rule. By amending the current requirement of a simple and concurrent resolution for disapproval to a joint resolution, we are in effect positing greatly increased power in the hands of the D.C. Council. Whereas now a majority of only one House is needed to disapprove District bills, H.R. 3932 would make disapproval much more difficult and irksome by requiring a majority of both Houses as well as Presidential consent.

Therefore, I not only see no need for H.R. 3932, but I also find it somewhat alarming because of its effect on the D.C. Council's influence and strength.

The following letters from the Federation of Citizens Associations of the District of Columbia clarify these points.

FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., October 3, 1983.

Representative PHILIP CRANE,
House of Representatives,
Washington, D.C.

We are writing you urgently to express our opposition, under instructions of the Executive Board of our Federation, to the amendments included in H.R. 3932.

Our Federation opposes them because they incorrectly claim that the Supreme Court Decision in the Chadha case forbidding legislative vetoes of Executive Department actions also renders the present Home Rule Act unconstitutional.

As D.C. Council Chairman David A. Clarke conceded in his prepared testimony before the Senate Subcommittee on Governmental Efficiency and the District of Columbia, this is not true.

Under the present Home Rule Act Congress is not vetoing any Executive Branch act. It is merely carrying out is own constitutional duties under the Constitution's requirement for bicameral action. Under the rule, no legislation takes place unless and until each House has passed the identical Bill.

The Congress went to the utter limits of Constitutional permissiveness in granting the D.C. Council, its creature, the right on behalf of each House to draft tentative legislation which would become in effect Congressional provided that, after an elapse of thirty legislative days, the Congress gave its tacit consentive, in as much as neither House disapproved. Thus, there is no legislative veto involved since no legislation exists, the legislative process itself is incomplete until Congress has given its tacit approval, through inaction, or arrests the legislative process by an explicit disapproval.

We believe, moreover, that these amendments are themselves unconstitutional, giving the President a role, a right, to intervene unconstitutionally in the constitutional prerogatives of each House. Moreover, as you yourself must be keenly aware, recalling the House of Representative's disapproval of the 1980 Sex Reform Act, found repehensible to the overwhelming number of members of Congress, such a disapproval would be rendered impossible under these amendments. Moreover, the wise and timely interventions of members of the House in attempts of the Mayor to deny funds to D.C. retirement programs for firemen, police, teachers and judges would also become extremely difficult, if not impossible.

We beseech you to call these facts to the attention of the members of the House of Representatives.

For the Federation:

STEPHEN A. KOCZAK,
President.

J. GEORGE FRAIN,
First Vice President.

FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., September 26, 1983.

To Senators Charles McC. Mathias, Thomas Eagleton, and Members of Senate Government Operations Committee; Representatives Ronald V. Dellums, Walter E. Fauntroy, Stewart B. McKinney, and Members of Committee on the District of Columbia:

DEAR SENATORS AND REPRESENTATIVES: Under instructions of the Executive Board of the Federation of Citizens Associations of the District of Columbia, representing 23 citizens associations throughout the District, we transmit herewith the Federation's opposition to S. 1858 and H.R. 3932, companion Bills amending the District of Columbia Self-Government and Governmental Reorganization Act.

The Federation considers both of these Bills to be unconstitutional, in clear and patent violation of Article I, Section 8, subsection 17 of the U.S. Constitution.

The alleged reason for the introduction of these Bills is the Supreme Court decision, in Immigration and Naturalization Service versus Chadha, No. 80-1832 (June 23, 1983) holding unconstitutional the provision in the Immigration and Nationality Act by which one House of Congress could disapprove of the action of the Attorney General. The Court's decision was based on Article I, Section 7, Subsection 2 requiring bicameral action of the Congress.

On the inaccurate interpretation of this Supreme Court decision, Senators Mathias/Eagleton and Delegate Fauntroy introduced these Bills to overcome what they construe to be a "legislative veto" in "The Home Rule Act", P.L. Law 93-198, 87 Stat. 774.

There is one feature of the "Home Rule Act" which might render it unconstitutional. This is Title VI, Section 602(c)(1) which requires both Houses to disapprove of acts of D.C. Council. This requirement for action by both Houses is in violation of Article I, Section 8, Subsection 17 of the Constitution, in as much as no legislation is valid unless it comports with the right of either House to act.

When acting under the Home Rule Act, the D.C. Council is, under Constitutional theory, acting as a special committee of the Senate and of the House and the provisions of the Home Rule Act provide a tacit enactment by the Senate and the House of the legislation submitted unless there is an explicit disapproval. Under bicameral rules, neither House can be denied the right to give that binding explicit disapproval.

Our Federation has exercised restraint in seeking Congressional disapproval of D.C. Council acts under Section 602(c)(1) out of a decent and due deference to the deep desire of citizens of the District for the greatest latitude of home rule. Nevertheless, our Federation did successfully request disapproval under Section 602(c)(2) where the Constitutional requirement for bicameral action is mandated, that is, where either house has preserved its Constitutional right and privelege to withhold its own consent. We cite the House disapproval of the so-called D.C. Sex Reform Act of 1980 which the House overwhelmingly disapproved after we initiated action against it.

We remind the House and Senate that the experiences of the Continental Congress with the threat from armed military personnel influenced the drafters of the Constitution to exclude the President and the Executive Branch from any role whatsoever over the District of Columbia. The purpose of the "exclusive" jurisdiction reserved to Congress in Article I, Section 8, Subsection 17 is to prohibit the President, as Commander in Chief of the armed forces of the United States, even to be tempted to intimidate the Congress, to intrude by arbitrary force into Congressional independence and to coerce the Congress, or disregard it, in arbitrary or unauthorized use of the military forces in undeclared wars or military adventures at home and abroad.

Thus we are appalled that the very Senators and Representatives who are most critical of the President's apparent desire to disregard the War Powers Act, intended to require the President to comply with Section 8, Subsection (11) of Article I, introduced these Bills. Forcefully, we stress that the "exclusive" jurisdiction of Congress over the District of Columbia follows immediately after the Subsections dealing with war, armed forces, militia, and the appointment of military officers. Moreover, subsection 17 also states that the "exclusive" jurisdiction of the District arises from the same consideration as Congress's "exclusive" role over "all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

Bills S. 1858 and H.R. 3932 gratuitously and unconstitutionally vest powers in the President which the Constitution's framers have wisely denied to the Executive Branch. These Bills are a derogation of the powers of Congress itself and an attack upon its "exclusive" jurisdiction in its own house. Moreover, these Bills are also an attack upon the privileges of each House to act, or not to act, in all matters of legislation.

In fact, these Bills vest in the D.C. Council powers which the Congress may not, under the Constitution, vest in any other body. By requiring this cumbersome and unconstitutional means to set aside D.C. Council acts, these Bills unconstitutionally diminish the powers of Congress to be sovereign in its own territory.

We have read and find incomprehensible the "severability" clause in these Bills. We are led to conclude that the grave concern about the inability of students to read in elementary schools should be applied even more to lawyers and law schools. These Bills purport to protect the constitutionality of the "Home Rule Act" as it now exists. Yet, included in them is the absurd requirement to "sever" the very provisions to protect the Constitution from any action of the Court regarding these amendments. In effect, the Bills propose the implausible and absurd theory that one can "sever" the Constitution's applicability to the D.C. Council, which is a creature of the Congress.

Because of the precipitous actions of the two responsible committees, in the House and the Senate, we do not have more time to expand on our arguments. We note that in the House, Representative Dellums, consistent with his authoritarian and oligarchic disregard of the citizens of the District, has denied and foreclosed any prospect of our appearance to testify. On September 28, Representative Dellums, without any Hearings, is proceeding to "mark up" this Bill. This is consistent with his anti-democratic practices. We note that the Senate Committee does not intend to permit us to appear in person to testify against this Bill, which we consider unconstitutional.

Under instructions from our Executive Board, we lodge protests against these practices of both Committees. Moreover, we serve notice that, if these amendments pass, we shall file suit to declare the entire "Home Rule Act" unconstitutional because well-established Constitutional theory, based on the experience of the Continental Congress and the framers of the Constitution, compels us in "conscience" to oppose a patent violation of its provisions.

While on the subject of our own rights, we note that to date none of the authors of these Bills, or its supporters, have acknowledged receipt of earlier correspondence from us in which we challenged the constitutionality of the proposed draft of the con-

stitution for the proposed State of New Columbia. We would greatly appreciate acknowledgement of that correspondence.

We emphasize that we do have a proper respect for the honorable members of the Congress of the United States and that the expressions we have used are not intended in any way to diminish that respect. However, we have suffered long from the inattention of these two Committees to our most serious concerns for the Constitution and its safeguards.

Consequently, the repeated denials by these two Committees to allow us to appear have caused us to decide that, in the matter of this legislation which affects us both as citizens of the United States and as citizens and residents of the District of Columbia, we have no other choice but to state that we must go to court to declare these amendments and, we fear, the entire Home Rule Act unconstitutional.

Finally, we stress that the Supreme Court's decision regarding "legislative vetoes" is not relevant in the case of "Vetoes" of the President's and the Executive Branch's actions. Since the President has no Constitutional role in the District, the only Constitutional theory which applies is "bicameralism". In this case, "bicameralism" means that each House is free to act and concur, or not to act or concur, in any legislation affecting the District. Thus, the right to disapprove of any legislation by the D.C. Council is a right which each House has, particularly if that act of disapproval is explicit.

We have other arguments which, because of the precipitous actions of the Committees, we do not have time to record.

Since we are not permitted to testify, we ask that the record eventually sent to the floor of the House and the Senate contain the full text of this letter so that both Houses are aware of our very grave concerns, so grave that we will proceed as quickly as possible, if these amendments are passed, to challenge the constitutionality of the Home Rule Act as amended.

Sincerely,

For the Federation of Citizens Associations of the District of Columbia.

STEPHEN A. KOCZAK,
President.

J. GEORGE FRAIN,
First Vice President.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RAISING THE RETIREMENT AGE FOR JUDGES OF DISTRICT OF COLUMBIA COURTS

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3655) to raise the retirement age for Superior Court judges in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1502 of title 11 of the District of Columbia Code is amended by striking out "70" and inserting in lieu thereof "74".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, again, this is another straightforward proposition from the Committee on the District of Columbia. It simply raises the mandatory retirement age of the District of Columbia judges from 70 to 74.

I might add one other statement, Mr. Speaker, simply that this bill passed the full Committee on the District of Columbia without dissent.

It seems to me I have nothing else to add, Mr. Speaker. It is simply a straightforward proposition raising the retirement age of the judges from 70 to 74. The bill passed the full committee without dissent.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 3655 is an antiage discimination bill which raises the mandatory retirement age of District of Columbia judges from 70 to 74. It was introduced at the request of the court leadership. An identical measure has been introduced in the Senate.

The aim of H.R. 3655 is to increase the experience and maturity of those who sit on the bench in District of Columbia local courts by allowing persons who are ready, willing, and able, to serve beyond the age of 70. Age 70 is an artificial numerical factor and does not reflect intellectual stamina or the capacity to serve.

I believe whatever controversy surrounding this measure can be capsulized by stating that opponents of the measure ask "Why?" Whereas proponents ask "Why not?" Asking "why" is a fair question, and I will leave it to those who may oppose this measure to more fully explain the reasons for asking it. I shall attempt only to explain my reasons for believing "Why not" is a more compelling question.

There is no mandatory retirement age in the legislative branch of the District or Federal Governments nor is there a mandatory retirement age in the executive branch of the District of Federal Governments. The President of the United States, for example, is not forced to retire when he reaches a certain age. Moreover, there is no mandatory retirement age for Federal judges, including justices of the U.S. Supreme Court.

A survey of the States reveals that 28 have a mandatory retirement age of 70, while 5 States, Iowa, Indiana, Oregon, Texas, and Washington have a mandatory retirement age of 75. Six other States have mandatory retirement at ages of 71 and 72, while the 11 remaining States have no mandatory retirement age.

It is important to note that many of the mandatory retirement age statutes are antiquated and do not take into account the fact that good health and life spans have extended dramatically in recent years. Connecticut's statute was enacted in 1818. New Hampshire's statute became law in 1783.

At the hearing held by the District of Columbia Committee on this bill, statements were received from Chief H. Carl Moultrie of the D.C. Superior Court, D.C. Council Chairman David Clarke, Council member Wilhelmina Rolark, Chairman of the D.C. Council's Judiciary Committee, and the D.C. Corporation Counsel, Inez Reid. All indicated support for the measure.

In addition, a panel of lawyers from the District of Columbia testified that they personally supported increasing the retirement age. The panel included John Pickering, chairman of the D.C. Bar's Court Study Committee, Mr. Rufus King, chairman of the D.C. Bar's Court Committee, Mr. Iverson O. Mitchell, president of the Washington Bar Association, and Mr. John E. Scheuermann, from the D.C. Council on Court Excellence.

Mr. Speaker, why not change the current artificial numerical factor and allow our experienced and mature judges, who just happen to reach the age of 70, to stay on the job in active status? Why not—if there is no significant budgetary impact—do in the District as we do in the Federal judicial system, and allow judges to serve beyond the age of 70? Surely the D.C. Superior Court of the D.C. Court of Appeals is no more strenuous than the U.S. Supreme Court. Why not?

D.C. Superior Court Chief Judge H. Carl Moultrie put it best when he said, "* * * intellectual stamina is not decreased by age alone, and the complexity of the law and the legal environment in which it is applied, demands experience and maturity."

The court, Mr. Speaker, is the last place where discrimination of any kind should be tolerated.

EXPLANATION OF COMMITTEE AMENDMENT

The bill, H.R. 3655, was mistitled in that it referred only to raising the retirement age for D.C. Superior Court

judges. In fact, section 1502 of title II of the District of Columbia Code covers both D.C. Superior Court and D.C. Court of Appeals judges. The intent of the bill is to cover both.

The amendment changes the title to reflect the dual coverage.

□ 1420

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the gentleman from the District of Columbia, in his usual fashion, has done a thorough job of detailing the reasons for enacting this legislation. There is only one additional point I would like to make.

The reason we are here today considering this bill, which some might reasonably argue should be a local decision, is because in the Home Rule Act, Congress retained absolute authority over changes to title 11 of the District of Columbia Code dealing with the D.C. courts. As long as the Council is prohibited from enacting any legislation in this area, we will be coming to the floor with recommended changes to the local judicial system.

It is my hope that we can act on another matter related to the local courts as efficiently and quickly as we have in this instance. Just last week, this body approved the conference report on the District of Columbia Appropriations Act for fiscal year 1984. In that act, funding is provided for seven additional superior court judges to assist in reducing the case backlog. However, that funding is made subject to the enactment of authorizing legislation. I look forward to bringing such an authorization measure to the floor prior to the end of the session.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as has been pointed out by the chairman, and the gentleman from the District of Columbia, this bill, H.R. 3655, is a technical bill that has no other effect than to raise the mandatory retirement age of D.C. judges from 70 to 74.

I had some reservations about this bill when it was first introduced, but these reservations have been dealt with at the committee level and I am now in support of the bill. There are a number of States which have a retirement age above 70 so this action is not unprecedented. I have a concern that judges over the age of 70 are more susceptible to certain disabilities than are younger jurists; but there is a commission on disability and tenure that is charged with constant oversight of all judges' competence.

As has been stated by the chairman this bill was reported by the Committee on the District of Columbia on a unanimous vote. I urge all of my colleagues to vote in favor of this bill.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered. The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the D.C. Court of Appeals."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MASHANTUCKET PEQUOT INDIAN LAND CLAIMS SETTLEMENT ACT

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1499) to settle certain claims of the Mashantucket Pequot Indians, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. McCAIN. Reserving the right to object, Mr. Speaker, would the gentleman briefly explain what is involved?

Mr. UDALL. Mr. Speaker, if the gentleman will yield under his reservation, as many Members will recall, a similar measure to settle the claims of the Mashantucket Pequot Indian Tribe of Connecticut was considered and approved by the Congress last year. That legislation was vetoed. In the meantime all interested parties—including the administration—have continued to try to resolve the problems. S. 1499 is the product of those efforts. It is a measure which is acceptable to all parties. It settles the claims of the tribe in return for certain land concessions by the State of Connecticut and $900,000 from the United States—all of which is in the 1984 Interior Department appropriations bill. The bill also extends Federal recognition to the tribe. Enactment of S. 1499 will end a legal dispute that has persisted far too long. I hope it is approved and signed into law.

Mr. McCAIN. Mr. Speaker, I thank the chairman for that explanation.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I rise today to urge my colleagues in the House to again support the Mashantucket Pequot Indian Land Claims Settlement Act.

A similar bill was passed by the Senate by unanimous consent on February 23. It was then passed by the House of Representatives on March 22.

S. 1499 is the successor legislation to S. 366 which was vetoed on April 5, 1983 by President Reagan. The President directed the Secretary of the Interior to enter into negotiations with "the parties at interest" to determine an acceptable solution. S. 1499 is the product of these negotiations.

The terms of the new settlement are: An increased contribution from the State of Connecticut of some $200,000 worth of road construction within the Pequot Reservation. Total State contribution is 50 percent or $450,000; submission of a recognition petition by the Pequot Tribe to the Department of the Interior.

On July 19, 1983, the administration testified before the Senate Indian Affairs Committee that would not object to the enactment of S. 1499. This is the third time this bill has been before this Chamber and it must be approved with haste. The bill has been before both the House and Senate Budget Committees and has received a waiver from the Senate Budget Committee Wednesday. Senators WEICKER and DODD have just passed this bill under unanimous consent in the Senate. There are no more controversial points regarding this settlement.

The bill: Provides 800 acres of land in Ledyard, Conn.; establishes $900,000 trust fund to purchase the lands with additional 50-percent contribution by the State plus 20 acres of State land; grants the tribe Federal recognition; authorizes congressional consent and approval of prior transfers of land; and extinguishes tribal claims for damages.

I would like to thank the Senate majority leader, Mr. BAKER, for taking an interest in this settlement and for arranging for negotiations between the Connecticut congressional delegation and the White House.

I would also like to thank Senator ANDREWS, chairman of the Senate Select Committee on Indian Affairs for holding hearings on this matter.

Senators DODD and WEICKER deserve special appreciation for handling this legislation in the Senate. Chairman UDALL and ranking minority member, Representative LUJAN also deserve sincere thanks for helping with the pas-

sage of this bill both in the House Interior Committee and today.

It is my hope that my colleagues will assist the State of Connecticut in a final resolution of this land claim by supporting S. 1499.

Mr. McCAIN. Mr. Speaker, this legislation does have the support of the administration and all other parties affected by the Pequot claims. Although the compromise that it contains is the work of many people, I think it is appropriate to mention in particular the diligent efforts of the gentleman from Connecticut (Mr. GEJDENSON). He and the other members of the Connecticut delegation have done yeoman work in getting this settlement before the Congress. I join with them in urging the House to approve S. 1499.

Mr. UDALL. Mr. Speaker, I thank the gentleman.

Mr. McCAIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

The Clerk read the Senate bill, as follow:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mashantucket Pequot Indian Claims Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(a) there is pending before the United States District Court for the District of Connecticut a civil action entitled "Western Pequot Tribe of Indians against Holdridge Enterprises Incorporated, et al., Civil Action Numbered H76-193 (D. Conn.)," which involves Indian claims to certain public and private lands within the town of Ledyard, Connecticut;

(b) the pendency of this lawsuit has placed a cloud on the titles to much of the land in the town of Ledyard, including lands not involved in the lawsuit, which has resulted in severe economic hardships for the residents of the town;

(c) the Congress shares with the State of Connecticut and the parties to the lawsuit a desire to remove all clouds on titles resulting from such Indian land claims;

(d) the parties to the lawsuit and others interested in the settlement of Indian land claims within the State of Conncecticut have reached an agreement which requires implementing legislation by the Congress of the United States and the Legislature of the State of Connecticut;

(e) the Western Pequot Tribe, as represented as of the time of the passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe which years ago claimed aboriginal title to certain lands in the State of Conecticut; and

(f) the State of Connecticut is contributing twenty acres of land owned by the State of Connecticut to fullfill this Act. The State of Connecticut will construct and repair three sections of paved or gravel roadways within the reservation of the Tribe. The State of Connecticut has provided special services to the members of the Western Pequot Tribe residing within its borders. The United States has provided few, if any, special services to the Western Pequot Tribe and has denied that it had jurisdiction over or responsibility for said Tribe. In view of the provision of land by the State of Connecticut, the provision of paved roadways by the State of Connecticut, and the provisions of special services by the State of Connecticut without being required to do so by Federal law, it is the intent of Congress that the State of Connecticut not be required to otherwise contribute directly to this claims settlement.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Tribe" means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes and all its predecssors and successors in interest. The Mashantucket Pequot Tribe is represented, as of the date of the enactment of this Act, by the Mashantucket Pequot Tribal Council.

(2) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including without limitation minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(3) The term "private settlement lands" means—

(A) the eight hundred acres, more or less, of privately held land which are identified by a red outine on a map filed with the secretary of the State of Connecticut in accordance with the agreement referred to in section 2(d) of this Act, and

(B) the lands known as the Cedar Swamp which are adjacent to the Mashantucket Pequot Reservation as it exists on the date of the enactment of this Act, the secretary of the State of Connecticut shall transmit to the Secretary a certified copy of said map.

(4) The term "settlement lands" means—

(A) the lands described in sections 2(a) and 3 of the Act To Implement the Settlement of the Mashantucket Pequot Indian Land Claims as enacted by the State of Connecticut and approved on June 9, 1982, and

(B) the private settlement lands.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "transfer" means any transaction involving, or any transaction the purpose of which was to effect, a change in title to or control of any land or natural resources, and any act, event, or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources, including any sale, grant, lease, allotment, partition, or conveyance, whether pursuant to a treaty, compact, or statute of a State or otherwise.

(7) The term "reservation" means the existing reservation of the Tribe as defined by chapter 824 of the Connecticut General Statutes and any settlement lands taken in trust by the United States for the Tribe.

APPROVAL OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLES AND INDIAN CLAIMS

SEC. 4. (a) Any transfer before the date of enactment of this Act from, by, or on behalf of the Tribe or any of its members of land or natural resources located anywhere within the United States, and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians of land or natural resources located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation the Trade and Intercourse Act of 1970, Act of July 22, 1970 (ch. 33, sec. 4, 1 Stat. 137, 138), and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer.

(b) By virtue of the approval and ratification of a transfer of land or natural resources effected by subsection (a), any aboriginal title held by the Tribe or any member of the Tribe, or any other Indian, Indian nation, or tribe or band of Indians, to any land or natural resources the transfer of which was approved and ratified by subsection (a) shall be regarded as extinguished as of the date of such transfer.

(c) By virtue of the approval and ratification of a transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, any claim (including any claim for damages for trespass or for use and occupancy) by, or on behalf of, the Tribe or any member of the Tribe or by any other Indian, Indian nation, or tribe or band of Indians, against the United States, any State or subdivision thereof or any other person which is based on—

(1) any interest in or right involving any land or natural resources the transfer of which was approved and ratified by subsection (a), or

(2) any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b),

shall be regarded as extinguished as of the date of any such transfer.

(d) Nothing in this section shall be construed to affect or eliminate the personal claim of any individual Indian (except for Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(e)(1) This section shall take effect upon the appropriation of $900,000 as authorized under section 5(e) of this Act.

(2) The Secretary shall publish notice of such appropriation in the Federal Register when the funds are deposited in the fund established under section 5(a) of this Act.

MASHANTUCKET PEQUOT SETTLEMENT FUND

SEC. 5. (a) There is hereby established in the United States Treasury an account to be known as the Mashantucket Pequot Settlement Fund (hereinafter referred to in this section as the "Fund". The Fund shall be held in trust by the Secretary for the benefit of the Tribe and administered in accordance with this Act.

(b)(1) The Secretary is authorized and directed to expend, at the request of the tribe, the Fund together with any and all income accruing to such Fund in accordance with this subsection

(2) Not less than $600,000 of the Fund shall be available until January 1, 1985, for the acquisition by the Secretary of private settlement lands. Subsequent to January 1, 1985, the Secretary shall determine whether and to what extent an amount less than $600,000 has been expended to acquire private settlement lands and shall make that amount available to the Tribe to be used in

accordance with the ecomomic development plan approved pursuant to paragraph (3).

(3)(A) The Secretary shall disburse all or part of the Fund together with any and all income accruing to such Fund (excepting the amount reserved in paragraph (2)) according to a plan to promote the economic development of the Tribe.

(B) The Tribe shall submit an economic development plan to the Secretary and the Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the Tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing and with particularity, the reasons for his disapproval.

(C) The Secretary may not agree to terms which provide for the investment of the Fund in a manner inconsistent with the first section of the act of June 24, 1938 (52 Stat. 1037), unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment.

(D) The Tribe may, with the approval of the Secretary, alter the economic development plan subject to the conditions set forth in subparagraph (B).

(4) Under no circumstances shall any part of the Fund be distributed to any member of the tribe unless pursuant to the economic development plan approved by the Secretary under paragraph (3).

(5) As the Fund or any portion thereof is disbursed by the Secretary in accordance with this section, the United States shall have no further trust responsibility to the Tribe or its members with respect to the sums paid, any subsequent expenditures of these sums, or any property other than private settlement lands or services pruchased with thse sums.

(6) Until the Tribe has submitted and the Secretary has approved the terms of the use of the Fund, the Secretary shall fix the terms for the administration of the portion of the Fund as to which there is no agreement.

(7) Lands or natural resources acquired under this subsection which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(8) Land or natural resources acquired under this subsection which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such land and natural resources. Such land and natural resources shall not be subject to any restriction against alienation under the laws of the United States.

(9) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (25 Stat. 357, chapter 728), as amended, and the first section of the Act of February 26, 1931 (46 Stat. 1421, chapter 307), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner.

(c) For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such Code.

(d) The Secretary may not expend on behalf of the Tribe any sums deposited in the Fund established pursuant to subsection (a) of this section unless and until he finds that authorized officials of the Tribe have executed appropriate documents relinquishing all claims to the extent provided by sections 4 and 10 of this Act, including stipulations to the final judicial dismissal with prejudice of its claims.

(e) There is authorized to be appropriated $900,000 to be deposited in the Fund.

JURISDICTION OVER RESERVATION

SEC. 6. Notwithstanding the provision relating to a special election in section 406 of the Act of April 11, 1968 (82 Stat. 80; 25 U.S.C. 1326), the reservation of the Tribe is declared to be Indian country subject to State jurisdiction to the maximum extent provided in title IV of such Act.

LIMITATION OF ACTIONS: FEDERAL COURT JURISDICTION

SEC. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of the enactment of this Act, or

(2) an answer contained in a reply to a complaint before the end of such period.

(b) Notwithstanding any other provision of law, exclusive jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any State may be removed by the defendant to the United States District Court for the District of Connecticut.

(d) Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

RESTRICTION AGAINST ALIENATION

SEC. 8. (a) Subject to subsection (b), lands within the reservation which are held in trust by the Secretary for the benefit of the Tribe or which are subject to a Federal restraint against alienation at any time after the date of the enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot Housing Authority, or any successor in interest to such Authority.

EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

SEC. 9. (a) Notwithstanding any other provision of law, Federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nations, tribes or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) The Tribe shall file with the Secretary a copy of its organic governing document and any amendments thereto. Such instrument must be consistent with the terms of this Act and the Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved June 9, 1982.

(c) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

OTHER CLAIMS DISCHARGED BY THIS ACT

SEC. 10. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and all of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe or the United States as trustee therefor.

INSEPARABILITY

SEC. 11. In the event that any provision of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 298 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2379.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2379) to provide for the protection and management of the national park system, and for other purposes, with Mr. PERKINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, October 3, 1983, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 2379 is as follows:

H.R. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Park System Protection and Resources Management Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the natural and cultural resources of the national park system embrace unique, superlative and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the national park system be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the national park system are being degraded or threatened with degradation; and

(4) no comprehensive process exists for the gathering of data, the identification, analysis, and documentation of trends, and the identification of problems regarding the condition of the national park system's natural and cultural resources, and for the development of a program to prevent and reverse the degradation of the natural and cultural resources of the national park system.

PURPOSE AND POLICY

SEC. 3. In furtherance of the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), it is the purpose of this Act, and shall continue to be national policy, to provide for a high degree of protection and preservation of the natural and cultural resources within the national park system for the benefit of the public, and to provide for the interplay of the forces and processes of natural geological change and ecological succession in perpetuity (except for locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time). In furtherance of that purpose and policy, it is the specific purpose of this Act to provide for the development of comprehensive management programs, and planning and decisionmaking processes which will—

(1) identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and

(2) provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Nothing in this section shall be deemed to constitute a change in the more specific purposes or provisions of the various Acts establishing the individual units of the national park system.

STATE OF THE PARKS REPORT

SEC. 4. (a) In furtherance of the provisions of section 3 of this Act, the Secretary shall undertake a continuing program of data collection, research, monitoring, analysis and documentation as to conditions, factors and forces which are degrading, or threatening to degrade, the natural and cultural resources of the national park system and shall prepare a biennial "State of the Parks" report. Such report shall constitute documentation of the condition of park resources, including problems related to their degradation and solutions to such problems. The report shall correlate to a fiscal year base and shall be transmitted by January 1, 1985 (and by January 1 of each odd numbered year thereafter), by the Secretary to the Speaker of the United States House of Representatives and to the President of the United States Senate for referral to and consideration by the appropriate legislative committees of the Congress. Successive reports shall update previous submissions. Each report shall be printed as a House document. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each individual unit of the national park system, of—

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces;

(C) ongoing and planned protection and management actions, including specific research programs, with regard to subparagraphs (A) and (B) of this paragraph; and

(D) the accomplishments and results of the actions undertaken in accordance with subparagraph (C);

(2) a description and assessment of the systemwide efforts to address the requirements of paragraph (1) of this subsection, which assessment shall include a list of all personnel positions systemwide (given according to pay grade, location, and professional expertise of the incumbent) assigned 50 per centum or more of the time to direct resource protection, resource management activities or research, and an assessment of the effectiveness and adequacy of these personnel in meeting resource management objectives;

(3) a detailed and specific discussion, developed in accordance with the requirements of paragraphs (1) and (2) of this subsection, of continuing, newly implemented and/or recommended systemwide policies, plans, programs, actions, commitments, and accomplishments for both the direct management actions and the research programs of the National Park Service relating to the prevention and reversal of factors and forces which are altering or damaging, or threatening to alter or damage, the welfare and integrity of natural and cultural park resources, which discussion shall include, but not be limited to—

(A) management policies, directions, and priorities;

(B) accomplishments in and progress toward resolving specific problems described in the current and the previous State of the Parks report;

(C) continuing research projects;

(D) new administration and research proposals for park protection and resource management programs;

(E) an itemized estimate of the funding required for the following two fiscal years to carry out both the continuing and the new management actions and research programs;

(F) legal authority available for addressing damage and threats emanating from outside unit boundaries, the effectiveness of that authority in preventing damage to the natural and cultural resources, and suggestions for new authority which may promote resource protection; and

(G) the progress in meeting the objectives of this Act;

(4) a discussion of the adequacy of past and present congressional appropriations in addressing protection and resource management programs; and

(5) a determination and explanation of funding needs for fulfilling the mandates of this section.

(b) In the preparation of the State of the Parks report, the National Park Service shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of thirty days for review and comment no less than three months before the final report is due for submission to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register. A summary of public comments received shall be transmitted with the State of the Parks report.

SIGNIFICANT RESOURCE PROBLEMS

SEC. 5. The Secretary shall identify and establish priorities among at least the fifty most critical natural and the fifty most critical cultural resource problems or threats within the national park system and shall prepare a detailed analysis of such problems or threats (with an estimate of the funds necessary to reduce or eliminate the problems or threats). Such analysis shall be made annually and shall be submitted to the appropriate committees of the Congress on the same date as the submission of the President's budget to the Congress.

SCIENTIFIC ADVISORY ASSISTANCE

SEC. 6. (a) The Secretary shall take such steps as may be necessary to contract with the National Academy of Sciences for development of a plan for the National Park Service to conduct natural and cultural resources inventories and research directed to the problems of and the solutions for natural and cultural resource problems within the national park system.

(b) The plan required under subsection (a) shall be simultaneously submitted to the Secretary and to the appropriate committees of the Congress no later than eighteen months after the effective date of this Act. Three months and six months after the effective date of this Act, the Secretary shall submit to the appropriate committees of the Congress a written statement as to his progress in the consummation of arrangements with the National Academy of Sciences for the development of such a plan.

(c) Funding for such plan shall derive from funds specifically appropriated for this purpose to the National Park Service.

RESOURCE MANAGEMENT PLANS

SEC. 7. Resource management plans for each unit of the national park system, including areas within the national capital region, shall be prepared and updated no less frequently than every two years. Such plans shall address both natural and cultural resources of the park units and shall include, but not be limited to—

(1) a historical overview of the past composition, treatment, and condition of the resources;

(2) a statement of the purposes and objectives for the management and preservation of the individual and collective components of the resource base;

(3) an inventory of significant resources and their current condition, prepared in accordance with acceptable scientific baseline data collection methods;

(4) an identification of current and potential problems, emanating from sources both inside and outside park unit boundaries, associated with the protection and management of the resources;

(5) a comprehensive, detailed program of proposed actions to be taken to prevent or reverse the degradation of the natural and cultural resources of the park, including a proposed schedule of actions to be initiated and the estimated costs to complete such actions; and

(6) a brief summary of accomplishments in resolving resource problems identified pursuant to paragraphs (4) and (5) of this subsection.

General management and other relevant plans developed for each park unit shall be brought into conformity with the park unit's resource management plan, and the resource management plan shall be used to provide data for the State of the Parks report. The Secretary shall establish guidelines for the National Park Service setting forth procedures whereby the development of general management plans and resource management plans shall be coordinated with other affected Federal agencies, States, and local governments.

LAND CLASSIFICATION REVIEW

SEC. 8. The Secretary shall conduct a review of the current land classification system for the preservation and use of lands within national park system units, and shall adopt such revisions as may be appropriate to assure the protection of park resources, appropriately balanced with the use and appreciation of those resources by visitors. Such review shall include the development of a new classification for maximum resource protection where restricted use may be necessary to protect sensitive ecosystems and cultural resources or areas of special value for research, scientific, or related purposes. The review mandated by this section shall be completed and the results adopted by January 1, 1985.

INTERNATIONALLY RECOGNIZED AREAS

SEC. 9. (a) Those park units accorded the designation of "biosphere reserve" or "world heritage site" shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts. The Secretary shall develop a document, setting forth such policies and guidelines as are appropriate to achieve these objectives, to be published in draft form in the Federal Register no later than January 1, 1985 for public comment, and published in final form no later than April 30, 1985. Such document shall be revised subsequently as appropriate.

(b) It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated as a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained, and the collective attributes for which it was so recognized and designated are accorded the highest practicable degree of continuing protection.

PUBLIC LAND MANAGEMENT

SEC. 10. (a) In any case of areas which are within any unit of the national park system, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established (including the scenery and the natural and cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof for this section or section 11 may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior or the head of any other Federal agency or instrumentality as may be required by this section or section 11.

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park system unit was established; except that if the Secretary determines that—

(1) any significant adverse effects on the values for which the national park system unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), and specific provisions of law which established the affected national park system unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives. The Secretary shall not implement such decisions until thirty legislative days after such transmittal.

(c) This section shall not apply to inland waters except those which the Federal Government owns.

FEDERAL PROGRAM REVIEW

SEC. 11. (a) Each agency or instrumentality of the United States conducting or supporting activities within or adjacent to any unit of the national park system shall, to the extent practicable, undertake to insure that those activities will not significantly degrade the natural or cultural resources or values for which the unit was established. Nothing in this subsection shall be deemed to give rise to a cause of action in any court of law.

(b) During the normal procedure utilized by any Federal agency in deciding to undertake or approve any Federal action (except such actions as may be required for maintenance or rehabilitation of existing structures or facilities) on areas within or adjacent to any unit of the national park system, the agency head (or the Secretary as determined pursuant to subsection (d) of this section), shall consider whether such action may degrade or threaten the natural or cultural resources of any such unit, and if the head of such agency finds that such action may have such an effect, he shall notify the Secretary in writing. Such notification shall, at a minimum, include a description of the proposed action, the proposed agency's views as to the potential short and long term impact of the proposed action on the park unit's resources, and any measures proposed by the agency to prevent or minimize adverse effects on such park unit's resources.

(c) The Secretary shall respond in writing with regard to the foreseeable impact on park resources of such proposed Federal action and shall include recommendations for any changes in the proposed Federal action needed to avoid adverse effects on park resources. Such response shall be submitted to the proposing Federal agency within sixty days after receipt of notification required by subsection (b). The response by the Secretary shall include (as an attachment) the views of professional personnel within the National Park Service whose expertise is relevant to the issue of the impact of such proposed action on park resources.

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action and on his own determination finds that such action may threaten the natural or cultural resources of any unit of the national park system, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency head shall promptly provide the Secretary with the information specified in subsection (b), and any other relevant information in the possession of such agency if requested by the Secretary, and such notification by the Secretary pursuant to this subsection shall thereby invoke the other relevant provisions of this section.

(e) The Secretary shall fully consider any adopted city, county, State, or Federal comprehensive development plans or elements thereof and shall, if requested by the affected governmental unit, hold a public hearing prior to responding to the Federal agency if such response to the proposed action is to be negative. The hearings are to be held at or near the site of the proposed action or project after notification of the affected local government unit.

(f)(1)(A) In all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park system unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

(B) In all cases where the proposed Federal action would occur upon areas not owned by the Federal Government within the authorized boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations of the Secretary and shall comply with such rec-

ommendations, unless the head of such agency, after consideration of applicable law, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) finds that the public interest in the proposed action is greater than the public interest in avoiding the adverse effects on the natural and cultural resources of the affected national park system unit. The proposing Federal agency shall, upon such determination publish the record of decision in the Federal Register and notify, in writing, the Secretary and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such decisions, including the reasons therefor, and shall not implement the proposed action for thirty legislative days after the date of such transmittal.

(2) In any case where the proposed Federal action involves areas adjacent to the boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations contained within the response from the Secretary. The proposing Federal agency shall transmit the details of the planned final course of action to the Secretary prior to implementing such action. In any instance in which there is substantial disagreement between the proposing agency's course of action and the Secretary's recommendations to the agency, the Secretary shall, within ten days) of receipt of the agency's planned final course of action, notify, in writing, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The proposing Federal agency may proceed with the proposed final course of action at the time of transmittal to the Secretary, except that if the proposed final course of action is inconsistent with the recommendations of the Secretary, the proposed final course of action shall not be implemented for thirty legislative days after the date of such transmittal to the committees of Congress referred to in the preceding sentence.

(g) The Secretary shall publish promptly (but in all cases within ten days) in the Federal Register a notice of—

(1) receipt of any proposed Federal action, including a summary of the key components of the proposal and the location and availability of supporting documents, and

(2) notice of the response made by the Secretary to the proposing agency, including all recommendations made by the Secretary.

(h) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

(i) Any action under this Act must be brought in the United States district court for the district in which the national park system unit concerned is located, and such court shall have jurisdiction to provide any appropriate relief.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the national park system where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the national park system, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the national park system and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until appropriated, and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the date of enactment of this Act, no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the national park system shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of this Act, each unit within the national park system shall have initiated such an effort.

(f) In no more than two years following the date of enactment of this Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose principal duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

PUBLIC INFORMATION PROGRAM

SEC. 13. By January 1, 1984, the Secretary shall initiate and shall continue to develop, a public information program designed to inform park visitors and the public of the problems confronting the protection of park resources and the solutions being implemented to address those problems. Educational information of this nature shall be made available to youth groups and to educational institutions.

PERSONNEL

SEC. 14. The Secretary shall promptly and continually take actions to assure that the staffing of the National Park Service provides for an adequate number and distribution of personnel with sufficient scientific and professional knowledge and expertise to provide for the protection and management of the natural and cultural resources. Scientific research shall be directed to the resource protection and management needs of the park system units. Programs, guidelines, and standards for the following shall be under development by no later than January 1, 1984, and completed no later than January 1, 1985:

(1) employee training programs in resource protection and resource management;

(2) performance standards for all employees as related to resource protection and resource management;

(3) qualification criteria related to resource protection and resource management for positions to be filled by new employees; and

(4) career ladders for employees specializing in resource protection and resource management, with equitable promotion opportunities for advancement into mid-level and senior general management positions.

GENERAL MANAGEMENT PLANS

SEC. 15. Section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) is amended by inserting the following at the end of the first sentence: "Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1984, shall be revised and approved to so address all such elements by no later than January 1, 1988.".

DONATIONS

SEC. 16. (a) In the case of real property located adjacent to, or within or in the near vicinity of, any unit of the national park system if—

(1) the owner of any interest in such property desires—

(A) to make a contribution of such interest to any person, and

(B) to have such contribution qualify as a charitable contribution under section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts), and

(2) the Director of the National Park Service determines that the contribution of such interest to such person will protect or enhance the unit of the national park system,

the Director of the National Park Service shall, upon such owner's written request, promptly take appropriate steps to assist the owner in satisfying the requirements of such section 170 with respect to such contribution.

(b) The assistance provided by the Director of the National Park Service under subsection (a) shall include (but shall not be limited to) providing for—

(1) a professional valuation of the interest in real property being contributed, and

(2) a statement as to the importance of such contribution related to protecting and enhancing park unit values.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

SEC. 17. In all cases where the Secretary determines that the provisions of this Act are in conflict with the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233), the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233) shall prevail.

DEFINITIONS

SEC. 18. As used in this Act, the term—

(1) "Appropriate committees of the Congress" means those committees of both the House and the Senate which have primary jurisdiction for the authorization of national park system units and programs or for the appropriation of funds for the acquisition and operations of such units and programs.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

(3) "Resource" and "resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are principally of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains.

(4) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b-1c).

(5) "Federal action" means any Federal project or direct action, or any Federal grant or loan to a public body.

(6) The term "thirty legislative days" means thirty calendar days of continuous session of Congress. For purposes of this paragraph—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SAVINGS PROVISION

SEC. 19. Nothing in this Act shall be construed to exempt the Secretary of the Interior, the Director of the National Park Service, or any other department, agency, or instrumentality of the United States from compliance with any other requirement of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. Effective October 1, 1983, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 21. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983. Nothing in this section shall be construed to affect or impair any authority to enter into contracts, incur indebtedness, or make payments under any other provision of law.

The CHAIRMAN. Pursuant to the rule, it shall be in order to consider, in lieu of the amendments recommended by the Committee on Interior and Insular Affairs, an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of August 2, 1983, by Representative UDALL, if offered by Representative UDALL or his designee, prior to the consideration of any other amendments to the bill, and said substitute shall be considered as having been read.

The Chair now recognizes the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment in the nature of a substitute, which is printed in the RECORD of August 2, 1983, as is provided in the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. UDALL:

Page 2, line 3, strike all after the enacting clause and insert the following in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Park System Protection and Resources Management Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the natural and cultural resources of the national park system embrace unique, superlative and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the national park system be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the national park system are being degraded or threatened with degradation; and

(4) no comprehensive process exists for the gathering of data, the identification, analysis, and documentation of trends, and the identification of problems regarding the condition of the national park system's natural and cultural resources, and for the development of a program to prevent and reverse the degradation of the natural and cultural resources of the national park system.

PURPOSE AND POLICY

SEC. 3. In furtherance of the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), it is the purpose of this Act, and shall continue to be national policy, to provide for a high degree of protection and preservation of the natural and cultural resources within the national park system for the benefit of the public, and to provide for the interplay of the forces and processes of natural geological change and ecological succession in perpetuity (except for locations of development or where the historic scene is to be stabilized and depicted at a particular static point in time). In furtherance of that purpose and policy, it is the specific purpose of this Act to provide for the development of comprehensive management programs, and planning and decision making processes which will—

(1) identify damage, threats, and problems affecting the natural and cultural resources of the national park system, and

(2) provide for the implementation of actions which will prevent and reverse such adverse forces so as to maximize the protection and preservation of the natural and cultural resources of the national park system.

Nothing in this section shall be deemed to constitute a change in the more specific purposes or provisions of the various Acts establishing the individual units of the national park system.

STATE OF THE PARKS REPORT

SEC. 4. (a) In furtherance of the provisions of section 3 of this Act, the Secretary shall undertake a continuing program of data collection, research, monitoring, analysis and documentation as to conditions, factors and forces which are degrading, or threatening to degrade, the natural and cultural resources of the national park system and shall prepare a biennial "State of the Parks" report. Such report shall constitute documentation of the condition of park resources, including problems related to their degradation and solutions to such problems. The report shall correlate to a fiscal year base and shall be transmitted by January 1, 1985 (and by January 1 of each odd numbered year thereafter), by the Secretary to the Speaker of the United States House of Representatives and to the President of the United States Senate for deferral to and consideration by the appropriate legislative committees of the Congress. Successive reports shall update previous submissions. Each report shall be printed as a House document. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each individual unit of the national park system, of—

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces;

(C) ongoing and planned protection and management actions, including specific research programs, with regard to subparagraphs (A) and (B) of this paragraph; and

(D) the accomplishments and results of the actions undertaken in accordance with subparagraph (C);

(2) a description and assessment of the systemwide efforts to address the requirements of paragraph (1) of this subsection, which assessment shall include a list of all personnel positions systemwide (given according to pay grade location, and professional expertise of the incumbent) assigned 50 per centum or more of the time to direct resource protection, resource management activities or research, and an assessment of the effectiveness or adequacy of these personnel in meeting resource management objectives;

(3) a detailed and specific discussion, developed in accordance with the requirements of paragraphs (1) and (2) of this subsection, of continuing, newly implemented and/or recommended systemwide policies, plans, programs, actions, commitments, and accomplishments for both the direct management actions and the research programs of the National Park Service relating to the prevention and reversal of factors and forces which are altering or damaging, or

threatening to alter or damage, the welfare and integrity of natural and cultural park resources, which discussion shall include, but not be limited to—

(A) management policies, directions, and priorities;

(B) accomplishments in and progress toward resolving specific problems described in the current and the previous State of the Parks report;

(C) continuing research projects;

(D) new administration and research proposals for park protection and resource management programs;

(E) an itemized estimate of the funding required for the following two fiscal years to carry out both the continuing and the new management actions and research programs;

(F) legal authority available for addressing damage and threats emanating from outside unit boundaries, the effectiveness of that authority in preventing damage to the natural and cultural resources, and suggestions for new authority which may promote resource protection; and

(G) the progress in meeting the objectives of this Act;

(4) a discussion of the adequacy of past and present congressional appropriations in addressing protection and resource management programs; and

(5) a determination and explanation of funding needs for fulfilling the mandates of this section.

(b) In the preparation of the State of the Parks report, the National Park Service shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of thirty days for review and comment no less than three months before the final report is due for submission to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register. A summary of public comments received shall be transmitted with the State of the Parks report.

SIGNIFICANT RESOURCE PROBLEMS

SEC. 5. The Secretary shall identify and establish priorities among at least the fifty most critical natural and the fifty most critical cultural resource problems or threats within the national park system and shall prepare a detailed analysis of such problems or threats (with an estimate of the funds necessary to reduce or eliminate the problems or threats). Such analysis shall be made annually and shall be submitted to the appropriate committees of the Congress on the same date as the submission of the President's budget to the Congress.

SCIENTIFIC ADVISORY ASSISTANCE

SEC. 6. (a) The Secretary shall take such steps as may be necessary to contract with the National Academy of Sciences for development of a plan for the National Park Service to conduct natural and cultural resources inventories and research directed to the problems of and the solutions for natural and cultural resource problems within the national park system.

(b) The plan required under subsection (a) shall be simultaneously submitted to the Secretary and to the appropriate committees of the Congress no later than eighteen months after the effective date of this Act. Three months and six months after the effective date of this Act, the Secretary shall submit to the appropriate committees of the Congress a written statement as to his progress in the consummation of arrangements with the National Academy of Sciences for the development of such a plan.

(c) Funding for such plan shall derive from funds specifically appropriated for this purpose to the National Park Service.

RESOURCE MANAGEMENT PLANS

SEC. 7. Resource management plans for each unit of the national park system, including areas within the national capital region, shall be prepared and updated no less frequently than every two years. Such plans shall address both natural and cultural resources of the park units and shall include, but not be limited to—

(1) a historical overview of the past composition, treatment, and condition of the resources;

(2) a statement of the purposes and objectives for the management and preservation of the individual and collective components of the resource base;

(3) an inventory of significant resources and their current condition, prepared in accordance with acceptable scientific baseline data collection methods;

(4) an identification of current and potential problems, emanating from sources both inside and outside park unit boundaries, associated with the protection and management of the resources;

(5) a comprehensive, detailed program of proposed actions to be taken to prevent or reverse the *degradation* of the natural and cultural resources of the park, including a proposed schedule of actions to be initiated and the estimated costs to complete such actions; and

(6) a brief summary of accomplishments in resolving resource problems identified pursuant to paragraphs (4) and (5) of this subsection.

General management and other relevant plans developed for each park unit shall be brought into conformity with the park unit's resource management plan, and the resource management plan shall be used to provide data for the State of the Parks report. The Secretary shall establish guidelines for the National Park Service setting forth procedures whereby the development of general management plans and resource management plans shall be coordinated with other affected Federal agencies, States, and local governments.

LAND CLASSIFICATION REVIEW

SEC. 8. The Secretary shall conduct a review of the current land classification system for the preservation and use of lands within *national* park system units, and shall adopt such revisions as may be appropriate to assure the protection of park resources, appropriately balanced with the use and include the development of a new classification for maximum resource protection where restricted use may be necessary to protect sensitive ecosystems and cultural resources or areas of special value for research, scientific, or related purposes. The review mandated by this section shall be completed and the results adopted by January 1, 1985.

INTERNATIONALLY RECOGNIZED AREAS

SEC. 9. (a) Those park units accorded the designation of "biosphere reserve" or "world heritage site" shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts. The Secretary shall develop a document, setting forth such policies and guidelines as are appropriate to achieve these objectives, to be published in draft form in the Federal Register no later than January 1, 1985 for public *comment*, and published in final form no later than April 30, 1985. Such document shall be revised subsequently as appropriate.

(b) It is the sense of the Congress that with respect to any international park located within the United States and any adjacent nation which has been recognized and designated as a Biosphere Reserve under the auspices of the international conservation community, the responsible park management officials of the United States and such nation, in conjunction with appropriate legislative and parliamentary officials, establish means and methods of ensuring that the integrity of such Biosphere Reserve is maintained, and the collective attributes for which it was so recognized and designated are accorded the highest practicable degree of continuing protection.

PUBLIC LAND MANAGEMENT

SEC. 10. (a) In any case of areas which are within any unit of the national park system, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas. he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such *national* park system unit was established (including the scenery and the natural and cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof for this section or section 11 may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document *or a separate chapter within a document* executed by the Secretary of the Interior or the head of any other Federal agency or instrumentality as may be required by this section or section 11.

(b) In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such national park *system* unit was established; except that if the Secretary determines that—

(1) any significant adverse effects on the values for which the national park *system* unit was established are clearly of lesser importance than the public interest value of the proposed action; and

(2) the exercise of such authority is fully consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), and specific provisions of law which established the affected national park *system* unit,

he may exercise such authority. The Secretary shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Af-

fairs of the United States House of Representatives. The Secretary shall not implement such decisions until thirty legislative days after such transmittal.

(c) This section shall not apply to inland waters except *those which the Federal Government owns.*

FEDERAL PROGRAM REVIEW

SEC. 11. (a) Each agency or instrumentality of the United States conducting or supporting activities within or adjacent to any unit of the national park system shall, to the extent practicable, undertake to insure that those activities will not significantly degrade the natural or cultural resources or values for which the unit was established. *Nothing in this subsection shall be deemed to give rise to a cause of action in any court of law.*

(b) During the normal procedure utilized by any Federal agency in deciding to undertake or approve any Federal action (except such actions as may be required for maintenance or rehabilitation of existing structures or facilities) on areas within or adjacent to any unit of the national park system, the agency head (or the Secretary as determined pursuant to subsection (d) of this section), shall consider whether such action may degrade or threaten the natural or cultural resources of any such unit, and if the head of such agency finds that such action may have such an effect, he shall notify the Secretary in writing. Such notification shall, at a minimum, include a description of the proposed action, the proposed agency's views as to the potential short and long term impact of the proposed action on the park unit's resources, and any measures proposed by the agency to prevent or minimize adverse effects on such park unit's resources.

(c) The Secretary shall respond in writing with regard to the foreseeable impact on park resources of such proposed Federal action and shall include recommendations for any changes in the proposed Federal action needed to avoid adverse effects on park resources. Such response shall be submitted to the proposing Federal agency within sixty days after receipt of notification required by subsection (b). The response by the Secretary shall include (as an attachment) the views of professional personnel within the National Park Service whose expertise is relevant to the issue of the impact of such proposed action on park resources.

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action and on his own determination finds that such action may threaten the natural or cultural resources of any unit of the national park system, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency head shall promptly provide the Secretary with the information specified in subsection (b), and any other relevant information in the possession of such agency if requested by the Secretary, and such notification by the Secretary pursuant to this subsection shall thereby invoke the other relevant provisions of this section.

(e) The Secretary shall fully consider any adopted city, county, State, or Federal comprehensive development plans or elements thereof and shall, if requested by the affected governmental unit, hold a public hearing prior to responding to the Federal agency if such response to the proposed action is to be negative. The hearings are to be held at or near the site of the proposed action or project after notification of the affected local government unit.

(f)(1)(A) In all cases where the proposed Federal action would occur upon federally owned lands or waters within the authorized boundary of a national park system unit, the proposing Federal agency shall comply fully with the recommendations of the Secretary.

(B) In all cases where the proposed Federal action would occur upon areas not owned by the Federal Government within the authorized boundary of a national park system unit, the proposing Federal agency shall fully consider the recommendations of the Secretary and shall comply with such recommendations, unless the head of such agency, after consideration of applicable law, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 through 1a–7) finds that the public interest in the proposed action is greater than the public interest in avoiding the adverse effects on the natural and cultural resources of the affected national park system unit. The proposing Federal agency shall, upon such determination publish the record of decision in the Federal Register and notify, in writing, the Secretary and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such decisions, including the reasons therefor, and shall not implement the proposed action for thirty legislative days after the date of such transmittal.

(2) In any case where the proposed Federal action involves areas adjacent to the boundary of a *national park system unit,* the proposing Federal agency shall fully consider the recommendations contained within the response from the Secretary. The proposing Federal agency shall transmit the details of the planned final course of action to the Secretary prior to implementing such action. In any instance in which there is substantial disagreement between the proposing agency's course of action and the Secretary's recommendations to the agency, the Secretary shall, within ten days of receipt of the agency's planned final course of action, notify, in writing, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The proposing Federal agency may proceed with the proposed final course of action at the time of transmittal to the Secretary, except that if the proposed final course of action is inconsistent with the recommendations of the Secretary, the proposed final course of action shall not be implemented for thirty legislative days after the date of such transmittal to the committees of Congress referred to in the preceding sentence.

(g) The Secretary shall publish promptly (but in all cases within ten days) in the Federal Register a notice of—

(1) receipt of any proposed Federal action, including a summary of the key components of the proposal and the location and availability of supporting documents, and

(2) notice of the response made by the Secretary to the proposing agency, including all recommendations made by the Secretary.

(h) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

(i) Any action under this Act must be brought in the United States district court for the district in which the national park system unit concerned is located, and such court shall have jurisdiction to provide any appropriate relief.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the national park system where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the national park system, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the national park system and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until *appropriated,* and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the *date of enactment of this Act,* no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the national park system shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of this Act, each unit within the national park system shall have initiated such an effort.

(f) In no more than two years following the date of enactment of this Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose principal duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

PUBLIC INFORMATION PROGRAM

SEC. 13. By January 1, 1984, the Secretary shall initiate and shall continue to develop, a public information program designed to inform park visitors and the public of the problems confronting the protection of park resources and the solutions being implemented to address those problems. Educational information of this nature shall be made available to youth groups and to educational institutions.

PERSONNEL

SEC. 14. The Secretary shall promptly and continually take actions to assure that the staffing of the National Park Service provides for an adequate number and distribution of personnel with sufficient scientific and professional knowledge and expertise to provide for the protection and management of the natural and cultural resources. Scientific research shall be directed to the resource protection and management needs of the park system units. Programs, guidelines, and standards for the following shall be under development by no later than January 1, 1984, and completed no later than January 1, 1985:

(1) employee training programs in resource protection and resource management;

(2) performance standards for all employees as related to resource protection and resource management;

(3) qualification criteria related to resource protection and resource management for positions to be filled by new employees; and

(4) career ladders for employees specializing in resource protection and resource management, with equitable promotion opportunities for advancement into mid-level and senior general management positions.

GENERAL MANAGEMENT PLANS

SEC. 15. Section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7) is amended by inserting the following at the end of the first sentence: "Each such plan shall be reviewed, revised and approved no less frequently than every ten years or it shall cease to constitute an officially approved plan. All plans not fully addressing all of the following elements on January 1, 1984, shall be revised and approved to so address all such elements by no later than January 1, 1988.".

DONATIONS

SEC. 16. (a) In the case of real property located adjacent to, or within or in the near vicinity of, any unit of the national park system if—

(1) the owner of any interest in such property desires—

(A) to make a contribution of such interest to any person, and

(B) to have such contribution qualify as a charitable contribution under section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts), and

(2) the Director of the National Park Service determines that the contribution of such interest to such person will protect or enhance the unit of the national park system,

the Director of the National Park Service shall, upon such 24 owner's written request, promptly take appropriate steps to assist the owner in satisfying the requirements of such section 170 with respect to such contribution.

(b) The assistance provided by the Director of the National Park Service under subsection (a) shall include (but shall not be limited to) providing for—

(1) a professional valuation of the interest in real property being contributed, and

(2) a statement as to the importance of such contribution related to protecting and enhancing park unit values.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT PRIORITY

SEC. 17. In all cases where the Secretary determines that the provisions of this Act are in conflict with the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233), the provisions of the Act of December 2, 1980 (16 U.S.C. 3101-3233) shall prevail.

DEFINITIONS

SEC. 18. As used in this Act, the term—

(1) "Appropriate committees of the Congress" means those committees of both the House and the Senate which have primary jurisdiction for the authorization of national park system units and programs or for the appropriation of funds for the acquisition and operations of such units and programs.

(2) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

(3) "Resource" and "resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are principally of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains.

(4) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b-1c).

(5) "Federal action" means any Federal project or direct action, or any Federal grant or loan to a public body.

(6) The term "thirty legislative days" means thirty calendar days of continuous session of Congress. For purposes of this paragraph—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SAVINGS PROVISION

SEC. 19. Nothing in this Act shall be construed to exempt the Secretary of the Interior, the Director of the National Park Service, or any other department, agency, or instrumentality of the United States from compliance with any other requirement of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 20. Effective October 1, 1983, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 21. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983. Nothing in this section shall be construed to affect or impair any authority to enter into contracts, incur indebtedness, or make payments under any other provision of law.

□ 1430

Mr. UDALL. Mr. Chairman, this is an important and major bill. It has been a product of a lot of work in the House Interior Committee, especially the work of our subcommittee chairman (Mr. SEIBERLING).

After we had concluded our markup and voted in our committee to report the bill the distinguished Committee on Public Works and Transportation expressed some concern about the bill on the jurisdiction question. It was for that reason that after conferring with my colleagues on this side, I introduced the amendment which is now pending before us. It is basically a clean bill amendment which incorporates some of the provisions which were of concern to the other committee. With that, Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. SEIBERLING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment in the nature of a substitute by Mr. UDALL: Page 13, strike out line 7 and all that follows down through line 13 on page 20 and substitute:

SEC. 10. (a) In any case of areas which are within any unit of the National Park System, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority is not likely to have a significant adverse effect on the values for which such National Park System unit was established (including the scenery or the natural or cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior.

(b) In any case of areas which are adjacent to any unit of the National Park System, where the Secretary of the Interior is vested with any authority described in subsection (a), the Secretary of the Interior, before exercising such authority, shall determine whether such action is likely to have a significant adverse effect on the

values for which such National Park System unit was established, and if he finds such an effect would be likely and that the public interest in preventing such adverse effect on such values significantly outweighs the public interest value of the proposed action, taking into consideration the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), and the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 through 1a-7), then he shall decline to exercise such authority. The Secretary of the Interior shall publish the record of such decision in the Federal Register and transmit copies of such decision documents to the Committee on Energy and Natural Resources of the United Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

(c) This section shall not apply to inland waters except those which the Federal Government owns.

SEC. 11. (a) When a Federal agency or instrumentality undertakes or proposes to approve a Federal action within or adjacent to a unit of the National Park System which it determines may have a significant adverse effect on the natural or cultural resources of such unit, such agency or instrumentality shall—

(1) promptly notify the Secretary of the Interior of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(2) provide the Secretary of the Interior a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the National Park System unit concerned; and

(3) notify the Secretary of the Interior of the specific decisions in response to the comments and recommendations of the Secretary of the Interior.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such agency pursuant to the National Environmental Policy Act.

(b) Following receipt of notification pursuant to subsection (a)(1), the Secretary shall make such comments and recommendations as he or she deems appropriate pursuant to subsection (a)(2) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to subsection (a). In any instance in which the Secretary of the Interior does not provide comments and recommendations under subsection (a)(2), the Secretary of the Interior shall notify, in writing, the appropriate committees of Congress.

(c) Following receipt of the notifying agency's decisions pursuant to subsection (a)(3), the Secretary of the Interior shall submit to the appropriate committees of Congress, including the authorizing Committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to subsection (a)(3), along with a copy of the comments and recommendations made pursuant to subsection (a)(2).

(d) In any instance in which the Secretary of the Interior has not been notified of a Federal agency's proposed action within or adjacent to a unit of the National Park System and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of such unit, the Secretary of the Interior shall notify the head of such Federal agency in writing. Upon such notification by the Secretary of the Interior, such agency shall promptly comply with the provisions of subsection (a) of this section.

(e) Each agency or instrumentality of the United States conducting Federal action upon Federally owned lands or waters which are administered by the Secretary of the Interior and which are located within the authorized boundary of a National Park System unit shall not approve such action until such time as the Secretary of the Interior has concurred in such action.

(f) Except as otherwise permitted by law, nothing in this section shall be construed to require any State or local government to carry out any study or prepare any document or response to comments or recommendations made by the Secretary of the Interior regarding any State or local activity supported by an agency or instrumentality of the United States which is subject to this subsection.

(g) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

Any federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisons of this section.

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, the amendment would amend sections 10 and 11 of the amendment in the nature of a substitute to H.R. 2379 just offered by Chairman UDALL.

Section 11 has been completely rewritten with the assistance of our colleague, the chairman of the Public Works and Transportation Committee, JIM HOWARD, and conforming and technical amendments to reflect those changes were made to section 10.

Mr. Chairman, I am deeply indebted to our colleague, JIM HOWARD, for his help in clarifying section 11 so that we not inadvertently cause some problems or delays with agencies involved in developing and maintaining our national transportation system and other public works projects. It has been a pleasure to work with him on this issue. I look forward to other cooperative ventures between us which will demonstrate that environmental and development interests can be served side by side if approached in good faith and a cooperative spirit.

Mr. Chairman, turning first to section 10, this section deals only with situations where under existing law the Secretary of Interior has authority to issue a lease, grant a permit, or sell or dispose of Federal land or national resources. Before taking such action inside a national park the amendment would require the Secretary to determine that it would not have a significant adverse effect or would not be likely to have a significant adverse effect on the values for which the park was established.

In cases where he would be taking such action outside of but adjacent to a national park, section 10 would require the Secretary to determine whether such action would be likely to have a significant adverse effect on the values for which the park was established, and if so, then before proceeding he would be required to determine whether the public interest and the proposed action outweighs the public interest in protecting the park values against the possibility of such adverse effect.

The Secretary would be required in either case to publish his decision in the Federal Register and to notify the Congress. Since the decision would be part of the normal decisionmaking process of the Secretary, no extra layer of bureaucracy or delay would be imposed.

Turning now to section 11, Mr. Chairman, as amended by this amendment, it would insure that Federal agencies with responsibilities for Federal actions within or adjacent to national parks inform the Secretary of Interior whenever there is a possibility that a significant adverse effect on the particular national park may result in any such action by such an agency.

At this point, I would call my colleagues' attention to the narrow definition of Federal action in section 18 of the bill which limits it to Federal projects or direct actions and Federal grants or loans to public bodies.

Primary responsibility for deciding which Federal actions might have an adverse effect on a national park would rest with the Agency having the authority to take the proposed action. However, the agency would be required to give the Secretary of the Interior a reasonable opportunity to comment on the effect of the proposed action on the values for which the park was established.

The procedures utilized to conduct the review would be those of the project agency. This insures that any comments made by the Secretary correspond in time and form to the Agency's regular procedures. Where the Agency fails in its duty to obtain comments from the Secretary or the Secretary disagrees as to the lack of impact of an action, the Secretary may require the Agency to initiate the

review and comment process contemplated by section 11, which is the one I have just described.

The Secretary would be required to submit to Congress a copy of the Agency's final decision.

The Congress, I might add, would, of course, then be free to do what it wished, but there is no provision for delay of the Agency's decision in order to give Congress further time. That has been removed from the bill.

Section 11 should have little effect on agencies already fully complying with the National Environmental Policy Act, or NEPA for short. NEPA, as implemented by the Council on Environmental Quality, already requires the kind of notice and comment required by section 11 whenever a national park would be adversely affected to a significant degree. Thus, the bill provides that NEPA procedures may be used in complying with section 11.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. It is not the intent of this bill to add to the procedural requirements of NEPA, but to insure that the procedures used, whether under NEPA or otherwise take into consideration the effect of the proposed Federal actions on the natural and cultural resources of nearby national parks.

If the proposed Federal action would take place on lands administered by the Secretary of the Interior within a national park then and only then the concurrence of the Secretary would be required before the other Federal agency could approve such action.

I want to reiterate. Only where the action would take place on lands administered by the Secretary within a national park would his concurrence with the other agency be required.

Section 11 also provides that it is not to be construed as requiring any State or local government to make any study or prepare any document or response beyond what is already permitted under existing law.

Finally, emergency actions or actions necessary to preserve health and safety or actions necessary to respond to a threat to national security are also exempted by section 11. Further exempted are Federal actions pertaining to the control of air space, the maintenance or rehabilitation of existing structures, whether within or outside a park, and actions regulated under the Clean Air Act.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HANSEN OF UTAH TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. HANSEN of Utah. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HANSEN of Utah to the amendment in the nature of a substitute offered by Mr. UDALL: Strike out sections 10, 11 and 12 and substitute:

FEDERAL PROGRAM REVIEW

SEC. 10. (a) In any case of areas which are within any unit of the National Park System, where the Secretary of the Interior is vested with any authority to—

(1) issue any lease;

(2) Authorize or permit any use, occupancy, or development of such areas;

(3) sell or otherwise dispose of such lands or waters or interests therein or sell or otherwise dispose of any timber or sand, gravel, and other materials located on or under such areas,

he may exercise such authority only after he has determined that the exercise of such authority will not have a significant adverse effect on the values for which such National Park System unit was established (including the scenery or the natural or cultural resources). Such determination shall be made only after notice and opportunity for a hearing on the record. The process for collecting needed information and evaluation thereof may be integrated with such planning and decisionmaking processes as are required by other law, except that the determination of the effect upon park resources shall be a separate document or a separate chapter within a document executed by the Secretary of the Interior.

(b) This section shall not apply to inland waters.

SEC. 11. (a) When a Federal agency or instrumentality undertakes or proposes to approve an action within or adjacent to a unit of the National Park System which it determines may have a significant adverse effect on the natural or cultural resources of such unit, such agency or instrumentality shall—

(1) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

(2) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the National Park System unit concerned; and

(3) notify the Secretary of the specific decisions made in response to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such agency pursuant to the National Environmental Policy Act.

(b) Following receipt of notification pursuant to subsection (a)(1), the Secretary shall make such comments and recommendations as he or she deems appropriate pursuant to subsection (a)(2) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to subsection (a). In any instance in which the Secretary does not provide comments and recommendations under subsection (a)(2), the Secretary shall notify, in writing, the appropriate committees of Congress.

(c) Following receipt of the notifying agency's decisions pursuant to subsection (a)(3), the Secretary shall submit to the appropriate committees of Congress, including the authorizing Committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to subsection (a)(3), along with a copy of the comments and recommendations made pursuant to subsection (a)(2).

(d) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within or adjacent to a unit of the National Park System and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of such unit, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subsection (a) of this section.

(e) Each agency or instrumentality of the United States conducting Federal action upon Federally owned lands which are administered by the Secretary and which are located within the authorized boundary of a National Park System unit shall not approve such action until such time as the Secretary has concurred in such action.

(f) Except as otherwise permitted by law, nothing in this section shall be construed to require any State or local government to carry out any study or prepare any document or response to comments or recommendations made by the Secretary regarding any State or local activity supported by an agency or instrumentality of the United States which is subject to this subsection.

(g) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this section—

(1) those necessary for safeguarding of life and property;

(2) those necessary to respond to a declared state of disaster; and

(3) those necessary to respond to an imminent threat to national security.

Any federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this section.

TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING: LIMITATION ON CAUSES OF ACTION

SEC. 12. (a) The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit within or adjacent to the units of the National Park System where the results of such cooperation and assistance would likely benefit the protection of park resources. There shall be initiated, by the superintendent of each unit of the National Park System, an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to the park unit for the purpose of developing, on a voluntary basis, mutually

compatible land use or management plans or policies for the general area.

(b) Those personnel assigned to provide assistance described in subsection (a) shall be employees of the National Park Service knowledgeable about the affected unit of the National Park System and the resources that unit was authorized to protect.

(c) The Secretary is authorized to make grants to units of local government for the purposes described in subsection (a). Such grants shall not exceed $25,000 in any fiscal year to any unit of local government. The Secretary shall develop criteria for the awarding of grants, with such criteria to include priority for awards which will afford the greatest increased degree of protection to critically degraded or threatened park resources.

(d) There is authorized to be appropriated not more than $750,000 in each of fiscal years 1984, 1985, and 1986 for the purposes of this section. Such sums shall remain available until appropriated, and such sums as may be appropriated shall remain available until expended.

(e) Within one year after the date of enactment of the Act, no less than two park units in addition to all "biosphere reserves" and "world heritage sites", for each administrative region of the National Park System shall have initiated the effort described in subsection (a). No more than two years after the date of enactment of the Act, each unit within the National Park System shall have initiated such an effort.

(f) In no more than two years following the date of enactment of the Act, the Secretary shall assure that each unit, or each regional office for the region in which a unit is located, has on its staff at least one person who is trained and knowledgeable in matters relating to the provisions of this section, and whose duty it shall be to coordinate the activities which are related to the provisions of this section. The Secretary shall initiate, within no more than one year of the date of enactment of this Act, a training program for park personnel in the principles and techniques necessary to carry out the requirements of this section.

(g) Nothing in this Act shall be deemed to give rise to a cause of action in any court of law.

Mr. HANSEN of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN of Utah. Mr. Chairman, in this particular bill that we are discussing, that we discussed yesterday in great detail, I think it should be made abundantly clear that the members of the minority and many of the majority do not have any problems with the particular idea of internal threats to the park. Many of us have spent hours reading this report called "State of the Parks." We agree with the need to address internal threats that we have there. Many of us have many parks in our own districts. We have 14 in my State. There are more in Alaska, Wyoming; and all over the United States we have them. And they truly are the jewels in the crown of our national heritage, and we feel good about these things.

However, I would like to point out that during our debate yesterday two of the sections in this particular bill, sections 10 and 11, are really not reasonable the way that they are drafted.

□ 1440

I want to commend the subcommittee chairman, the gentleman from Ohio (Mr. SEIBERLING), for addressing some of the concerns that we had yesterday in his revisions that were just adopted under section 11.

My amendment addresses similar concerns with section 10, makes some technical changes to section 11 to correct inappropriate references to so-called Federal ownership of water, and adds a much needed limitation on litigation that could otherwise arise from this bill.

The major substance of my amendment is to limit the relinquishment of Congress primary responsibility over external threats to national parks. Remember, I am talking about external threats to the national parks. I have no problem with addressing the internal ones we have talked about, and I think we have delineated very carefully what those internal threats are. My concern is with the expansion of the jurisdiction and authority of the Secretary of the Interior over lands adjacent to, that is outside of, the 334 national park units in this country.

This would be accomplished by eliminating from section 10 the new authority granted to the Secretary over lands adjacent to. I want to emphasize, Mr. Chairman, lands adjacent to the parks.

Let me make it very clear that is what we are talking about, outside the parks. I hope no one confuses the idea we are talking about anything inside the parks.

Throughout the life of this bill there has been considerable controversy over exactly what section 10 of this bill says and what it does, and what its impacts would be. I recognize there has been some controversy over here, and I further recognize sometimes it is a legitimate difference of opinion that we are talking about.

I have heard some Members of this body talk about attempting to eliminate this ambiguity. I still make the point: Do we as Members of this body want to put on the regulators, want to put on the courts, the ability to try to define these words adjacent to?

I remember once as a freshman legislator in the State of Utah where Governor Rampton, a very fine Democrat from that area, stood up and said: "Don't give me legislation that isn't clearly defined, that will have to go into the courts." I think that was good advice at that particular time, and it is excellent advice at this particular time, because if we go this way we are asking to put critical issues into the courts to be defined.

Consequently, following committee action on the bill, we requested an independent review and study of the legislation, and particularly the potential impacts of sections 10 and 11, from the Congressional Research Service and the General Accounting Office. This was through myself and the gentleman from Wyoming (Mr. CHENEY). This is an independent study.

Let me now read what some of these conclusions were regarding this issue that, for the most part, to confirm our serious concerns and reservations about the impacts of this legislation, particularly section 10 in its current form, upon jobs, upon grazing, upon tourism, upon timber, upon water projects, upon transportation and other public works projects, upon mineral exploration and assessment, development of natural resources, and the list just goes on and on, and it, in effect, talks to all 435 of us, if we think about it, in our own districts.

Let me just briefly quote from what this report says. It says:

> The access limitation (under section 10) and the additional costs and requirements (under sections 10 and 11) has the potential to dampen interests in mineral leasing or timber harvesting in high potential areas.
>
> Because of the pattern of land ownership in many areas * * * limiting access to or across Federal lands could have the effect of closing some private lands—

With this particular piece of legislation—

> from development. In effect, relatively large areas of land, both public and private, could be removed from consideration for mineral leasing or timber harvesting.

And if that is what we want to do, I guess we would vote for this bill. But we have already established those park boundaries. We know what those boundaries are. The wisdom of this group, the other body and the President have said the boundary is there.

We did not expand the boundary out for 5 miles or for 100 miles, and Lord only knows which one it is, under this bill, because no one else seems to know.

For many of the same reasons that would restrict leasing, exploration would also be impeded. These are just a few of the statements and conclusions from these independent reports.

Finally, I have from the very beginning been extremely concerned about the new opportunities this legislation, particularly section 10, would provide for dilatory litigation by any individual or group seeking to block activities.

The CHAIRMAN. The time of the gentleman from Utah (Mr. HANSEN) has expired.

(By unanimous consent Mr. HANSEN of Utah was allowed to proceed for 2 additional minutes.)

Mr. HANSEN of Utah. Section 10 would provide for dilatory litigation by any individual or group seeking to block activities of local governments, activities of all those little cities that surround our parks, and every one of us has literally hundreds of them around this great country, Federal land users and even private lands.

An independent legal counsel has concluded, and the following is his statement, if I may read it because I think it is extremely important:

The imprecise nature of the bill, with its many ambiguities and uncertainties, would invite a constant stream of litigation; thereby forcing the courts to decide the future of virtually every Federal action adjacent to park system units. The result: Delay, higher costs, lost jobs, resources, etc., when we so badly need them at this time.

My amendment addresses these serious impacts on legitimate activities outside of parks while maintaining those provisions of H.R. 2379 that provide additional management tools for park preservation and protection.

I ask your support for my perfecting amendment and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Chairman, I rise in strenuous opposition to the amendment.

First of all, I would say that this amendment would eliminate the most important subsection in the entire bill, in effect gutting the bill.

The crux of the section that would be eliminated by this amendment is a very simple requirement that before he exercises authority he already has to grant a lease, to sell land or Federal property on the land, or to grant a use permit on Federal lands adjacent to a national park, that the Secretary shall make an evaluation of the action, and weigh first of all its impact on the national park, if it is adjacent to a national park; and, second, if he finds that it would be likely to have an adverse effect, a significant adverse effect on a national park, to weigh that impact versus the public interest in going ahead with the particular project.

That is what the Secretary is supposed to do now. That is the purpose of the National Environmental Policy Act. That is the way you keep him from making arbitrary decisions, to require that he balance the various concerns that he is supposed to have in mind.

By existing law that has been in effect ever since 1916, and reinforced by subsequent acts such as the act of August 1970, dealing with the park system and the Redwoods National Park Act and its general provisions, the Secretary is supposed to protect the national park system. So before he exercises his existing authority, and this bill adds nothing to his existing authority, it merely tells him that before he exercises that authority he is supposed to determine whether it will have an adverse impact, if it is adjacent to a park, and if so, to weigh that consideration versus the public interest in the project.

How can anyone possibly object to that?

Yet, that is all my amendment says, which has already been adopted. What the amendment offered by the gentleman from Utah (Mr. HANSEN) would do is to take that out entirely. Furthermore, his amendment would do one other thing. It would say that nothing in this act can be enforced in a court of law.

I will stipulate right here and now that the intention of this bill, as amended by the amendment just adopted, is not to require a court of law or to give a court of law any authority to review the substantive decision of a Secretary under this Act.

If that is already required by other law, fine, and I think it is in some cases.

This is a procedural act, and certainly we should not deprive the courts and the public of making sure that the procedures set forth in this act, the procedures of notifying the Secretary, of notifying the Congress, of giving consideration to whether it has an adverse impact on the park, certainly those procedures should be followed, or else the law is a farce.

□ 1450

And a court should have the right to enforce those procedures. So that is the second thing that is wrong with the gentleman's amendment. Otherwise, I have no particular quarrel with it.

So I will be glad to yield to my friend, the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN of Utah. I thank the gentleman for yielding. I appreciate the chairman of our subcommittee, the gentleman from Ohio (Mr. SEIBERLING) yielding to me.

Let me just say the reason for my amendment and the problem that is basically there with section 10 it is obvious to me, is that it extends to all lands adjacent to the parks a new standard.

Mr. SEIBERLING. Would the gentleman yield? Only lands administered by the Secretary of Interior, not all lands.

The gentleman agrees that is all it covers, right?

Mr. HANSEN of Utah. Well, if I may respectfully disagree with the gentleman, you should also go to the definitions section covering areas, that talks about particular areas, where moneys would be loaned by HUD or some other organization to that particular area.

Mr. SEIBERLING. But that is not section 10, that is section 11.

Mr. HANSEN of Utah. By which the Secretary must abide.

Mr. SEIBERLING. If the gentleman would permit, the gentleman does not change that section.

Mr. HANSEN of Utah. If the gentleman would let me continue, I think I would like to and I think I can explain it.

A new test by which the Secretary must judge, if we accept the gentleman's premise, that is the ground all around the park sites in the West, and I would assume around some of the other areas; BLM and Forest Service surrounds the vast majority, in fact, I cannot think of one in my State that is not surrounded in that way. But that is just my State, I guess; I guess Wyoming, Idaho, Colorado, Montana, New Mexico, Arizona, California, they are probably all in the same boat. But maybe there is one back East that does not go that way.

But anyway, all applications for right-of-way, leases, et cetera, made within such adjacent to lands, the standard or the test now is "if the right-of-way lease", et cetera "would have a significant adverse effect on the part," it cannot be granted.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield further?

Mr. SEIBERLING. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Mr. Chairman, the new amendment changes the standards slightly, slightly under the new standards. The Secretary must analyze each right-of-way, et cetera, in this way: One, will the right-of-way and lease have a significant adverse effect on the park? Two, is a significant adverse effect likely to occur? Three, is public interest better served by preventing the significant adverse effect than by allowing the right-of-way?

The new standard, I am free to admit, is an improvement, no question about it. But it still places all activities in any proximity to the park under the burden of a cloud.

In the hands of a zealous Secretary, and I guess that would be a very interesting argument on this floor as to what constitutes a zealous Secretary in light of what has gone on in the last few days. I would say that Cecil Andrus was a zealous Secretary but surely the gentleman would have some other comments on that. The public interest of protecting the park could always be found to exceed the public interest of mineral exploration, harvesting, sewer projects, streets, side-

walks, all of those areas that come into that.

I stand in opposition to section 10(b) and put that in our amendment because it creates a buffer zone around every national park within which every use of the public lands is made subservient to the protection of the park. That is a priority of use that is not right.

Mr. SEIBERLING. I would like to recapture my time and say first of all the gentleman continues to say that every activity adjacent to a national park would be affected. I would like to point out again that section 10(b) which is the one he would eliminate which has already been adopted by the House is one which only applies to land administered by the Secretary under authorities that he already has.

So first of all it does not add any authority or take away any authority; it merely relates to authority the Secretary already has.

Second, it does what I think the gentleman would have to agree, and I would hope he can give me his attention, something the Secretary already has to do.

Does the gentleman mean to say that under existing law if the Secretary is considering action adjacent to a national park, whether it is to lease land or grant a right-of-way or sell Federal land, that he would not have to weigh the impact of that on the park? Is that what the gentleman's position is, that existing law does not require the Secretary to consider the impact of his action on the adjacent national park which he also administers? I cannot believe the gentleman would take that position because that is certainly not the law.

The law today is that the Secretary is supposed to weigh all the public interest factors involved in making a decision of that sort and certainly the impact on a national park which he himself administers is one of those factors he should take into account.

So all this does is spells it out, he is to weigh the public interest values of the action he is proposing to take versus any adverse impact it is likely to have on an adjacent national park. I cannot really see how that differs from what he is required to do now. It merely states it explicitly. It does not add any new authority to him at all.

Mr. HANSEN of Utah. Will the gentleman yield?

Mr. SEIBERLING. I would be happy to yield.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Mr. Chairman, it is very obvious; then if that is the case, why do we need it? If it is already there there is no reason for this other piece of information or authorization that the bill talks about.

Mr. SEIBERLING. Well, the gentleman talked about——

Mr. HANSEN of Utah. The gentleman made the statement to me. Does the gentleman actually feel it is going to hurt these things? He had that authorization now, he has the right now as you accurately pointed out.

Mr. SEIBERLING. The gentleman talked about zealous Secretaries of Interior. Certainly none is more zealous than the present incumbent. What his zeal is directed to is another question.

Certainly it is not directed to protecting the natural and cultural values in the national parks to the same degree as it is directed toward developing certain other types of resources, regardless of the consequences on the national park or other natural values.

So all I can say is if there ever was a reason for spelling it out we have that reason today, and that is in the demeanor and actions of the present Secretary.

I do not yield any more, I am almost out of time. Let me just make one other comment.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Let me just comment on the so-called objective report of the Congressional Research Service, or the reports, I should say, which we were only furnished a copy of yesterday afternoon for the first time. Let me say I finally read them yesterday evening and they are an absolute disgrace.

There is something wrong with the Congressional Research Service that would put out reports that do not even state the plain language of the bill correctly and go on to spin a fine yarn about the supposedly horrendous implications of an act.

All I can say, any resemblance between the bill before us and the one described in these reports seems to be purely coincidental and they have no credibility whatsoever. And they are so bad I am going to take it up with the Director of the Congressional Research Service as to whether he is going to continue to allow his staff to put out hogwash like this.

That is my reaction to the CRS studies.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Sure I will yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. Mr. Chairman, to call a report hogwash because a gentleman does not agree with it is very offensive to me. The gentleman says one report is great, the report on the national parks.

Do not call a report that I happen to agree with hogwash. I am shocked.

Mr. SEIBERLING. I am sorry that I have shocked the gentleman.

Mr. YOUNG of Alaska. Well, it would not be the first time.

Mr. SEIBERLING. All I can say is that that was my reaction after reading the reports which are full of egregious errors.

Mr. CRAIG. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I am proud to stand today in support of my colleague from Utah's amendment to section 10, subsection b of the Parks Protection Act of 1983.

Before I discuss the major issues that I think are of concern here, one of the privileges or maybe one of the luxuries of public service is to pick and choose, to take what you like and to impugn or oppose that which you dislike.

I have before me a State of the Parks Report of 1980. I understand that is a creation of the Congressional Research Service and Department of the Interior. I do not know how many times my chairman of the Subcommittee on Public Lands has referred to this document as gospel. I suspect the same people that were involved in the research of the last several weeks that brought about or attempted to bring about some definitions as to the ambiguities that reside in section 10, probably were the same people who have some degree of expertise and authority as it relates to laws and how they affect the public lands of this country.

□ 1500

Why am I today standing in support of the amendment to the Seiberling amendment that strikes in essence the term "buffer zone"? I think in the colloquy between my colleague from Ohio and my colleague from Utah we have established that in the law today the Secretary, in large part, when considering an activity on the public lands of this country that in some way is adjacent to or might impact the environment in which a national park resides, that he must, by the law, take into consideration the action that would be taking place on that public land that in some way might impact our parks.

There is a phrase that came from New York—it did not come from Idaho or Utah where some of those pristine parks reside—it is a phrase that came from Broadway in New York that says, "On a clear day you can see forever."

One of the concerns that a good many of my constituents in the West have is that on a clear day in the middle of Yellowstone Park on the right mountain top it is possible to see forever. Now, what does forever mean? What does buffer zone mean in the concept of the Secretary of Interior being able to reach out the long arm of the Federal law and in some way impact an activity that is so far afield

from a park or a park's ecosystem that it would only cause the kind of confusion that can ultimately result from the intrusion of the Federal Government?

Let me give the Members an example of, I think, some of the frustrations that result and the problems that we have that the Congressional Research Service in essence attempted to address in defining what buffer zone means.

What does a buffer zone mean to the chairman of the Subcommittee on Public Lands versus myself, as a minority member on that committee?

Well, would we say that the 2.2 million acres of that great national park, Yellowstone National Park, that encompasses about 3,437 square miles of land, would have a buffer zone of 10 miles? OK; let us agree that the Secretary of Interior in some way is going to be able to make the determinations on that 10-mile buffer zone. What have we allowed him to do in the extension of his authority? We have allowed him to take within the authority of the park itself an additional 1.8 million acres. Or, in other words, we have allowed him to extend the authority and the size of Yellowstone National Park nearly 80 percent. That impacts on my grazing lands in Idaho, that impacts on my timber lands in Idaho, that impacts on the job base in my State, and it has a variety of other kinds of concerns that I think are only now beginning to emerge, and why only now? Because my colleague from Utah cannot define buffer zone. My colleague from Ohio cannot define buffer zone. We have allowed a broad ambiguity to be placed in a law that is attempting in some way to define, refine, and protect the ecosystems of our great park system.

Have we accomplished anything by that? I am not going to impugn the integrity of the attorneys and the authorities over at the Congressional Research Service. What I am going to say is that in the language they examined, their frustration, which was explained in their definition, is just simply that. It is undefinable to say to what extent we are dealing with when we deal with a buffer zone.

Are we referring to a 10-mile margin?

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. Or are we saying in some way that once we have established that margin of protection, way beyond the ecosystems of the great parks of this Nation, that we will then turn to the wilderness lands of this country and say in some way that on that clear day, when you stand on Castle Peak in Idaho and see for 300 miles, that some activity, on some Federal property, may in fact impact the vistas, the grand vistas that we in the West are so proud of, and therefore, for some reason, the long arm of the bureaucracy of the Department of the Interior will reach out, under the auspices and the blessing of the chairman of the subcommittee, and determine use on a piece of public property 200 miles away.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I do not think it is necessary to just talk in the abstract about the so-called Congressional Research Service papers. Let me just read from the one the gentleman has cited.

The first sentence of the paper of September 15 says:

> H.R. 2379 and amendment No. 1 would effectively create buffer zones around all national parks in order to limit or to reduce the impact of outside activities on the park.

Then it goes on for seven pages talking about how terrible it would be if we had buffer zones and at the end of page 8, it says:

> The bill and the substitute amendment do not specify the creation of buffer zones, but they do assist the Secretary of Interior in preventing federal activity that would degrade the natural and cultural resources of the park.

So, in effect, what they are saying is, no, the bill does not create any buffer zones, it does not specify any buffer zones, but we think that it would de facto, and that is our interpretation and therefore we are going to expend eight pages telling about how terrible it would be to do that and at the end of that we will admit that the bill does not specify buffer zones.

Mr. CRAIG. Mr. Chairman, let me reclaim my time then, at that point, to say that the gentleman and I agree. We agree by the statement the gentleman made on the floor today that law currently exists on the books.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has again expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. The gentleman and I agree that the laws on the books today provide for the Secretary of Interior to extend his authority, when necessary—I cannot quote the gentleman——

Mr. SEIBERLING. I do not agree with that, but if the gentleman would yield, I will tell him what I said.

Mr. CRAIG. All right. I would like to hear it again, because I think it is important in the context of what we are trying to duplicate here today.

Mr. SEIBERLING. This bill deals only with the exercise of existing authority that the Secretary has under law with respect to lands surrounding national parks. And where he takes action, as described in the bill, under the authority, which could have an adverse affect on the park, all this bill says is that first he will consider what the effect will be and second, he will weigh that against the public interest in taking the action in question.

Now, in the opinion of many experts, the existing law, including NEPA and the laws governing the park system, require him to make that evaluation now. But this Secretary does not always pay attention to that existing law. So all this does is spell it out in no uncertain terms.

Mr. CRAIG. I will reclaim my time then. And I guess what the gentleman is saying then, this is not a bill for all time. This is a bill for the current Secretary.

Mr. SEIBERLING. Oh, no, it is for all Secretaries.

Mr. CRAIG. Well, I am confused. I think the chairman of the subcommittee said that most experts agree today that the Secretary does have this authority to make those determinations, but the gentleman said that this Secretary chooses not to do that.

I guess the question is, between the gentleman and myself, apparently it is the gentleman's judgment that the Secretary is violating current law and yet no one seems to have brought him to task for that kind of violation.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I do have a couple of points of clarification both from the gentleman from Utah and the gentleman from Idaho.

The first point, before we have had so much discussion about CRS that there may have been a misstatement.

The state of the parks report, the gentleman would agree, is a product of the Department of Interior, not the Congressional Research Service; is that correct?

Mr. CRAIG. I agree that that is true, but I also understand that the consulting efforts that went into the overall creation of the state of the parks report of 1980 had a tremendous amount of input from the Congressional Research Service and their authorities on the General Public Lands Commission.

The CHAIRMAN. The time of the gentleman from Idaho (Mr. CRAIG) has again expired.

(At the request of Mr. BEREUTER and by unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

□ 1510

Mr. BEREUTER. If the gentleman will yield further, that may well be the case, and I believe it is the case. I just wanted to make clear we are talking about the state of the parks report, which is really the product of the Department of Interior at the instigation of Congressman Burton and Congressman Sebelius, both former colleagues.

I am really trying very hard to understand the limit of the disagreement of the gentleman from Idaho and the gentleman from Utah on the bill.

Section 10 does relate exclusively to Department of Interior lands, and I gather that the gentleman's comments concerned are mostly addressed to section 11 where we are dealing with what the gentleman referred to as the buffer zones.

From our own contact in the past Congress, that is a term that drives me up a wall, but the gentleman is entitled to use it. I would ask this of the gentleman, because I am one who contemplates the impossibility of suggesting a standard definition of land, like 10 miles or 5 miles, that suits all purposes. I would contend that in some cases 10 miles is far too much and, therefore, we ought to have something in which discretion can be exercised.

So I would ask this question of the gentleman: If we were to define something for "adjacent to" in an area kind of definition, what would the gentleman suggest?

Mr. CRAIG. The reason you have not heard the gentleman suggesting a specific definition or a margin of distance in miles is for the very reason that we have all just been discussing. We find it, in large part, undefinable. We do recognize in current law that the Secretary has the authority and the discretionary authority in some areas to make judgments as it relates to impact of activities on public lands in conjunction with the park systems of this country.

What I am suggesting is that which is being proposed by the chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs is simply an unnecessary addition to existing law.

Mr. BEREUTER. And that is section 10 or section 11?

Mr. CRAIG. That is both.

Mr. BEREUTER. Does the gentleman disagree with the specific requirements levied on this Secretary and all future Secretaries—and I would say it is all of the Secretaries that I am concerned about—to open up the process on Interior lands itself? Does the gentleman disagree with that?

Mr. CRAIG. No, I do not have any disagreement with that.

Mr. BEREUTER. I thank the gentleman for the courtesy of his response.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hansen substitute. I rise in strong support of the substitute, and if it is not adopted I also urge the defeat of this legislation.

The legislation is unneeded, it is unwarranted, and it is a waste of time.

The gentleman from Ohio has said before that we already have laws on the books. They have been implemented, they will be implemented, and our parks are being protected. If the gentleman from Ohio and those who would support this legislation desire to make the parks larger, then let us do it. I went through, I know many of you know, the making of many, many parks in my State. The lands were set aside with the idea that the buffer zone was built into the borders, as these other parks were. This is really a ripoff, trying to increase the size of the parks for certain special interest groups.

The adoption of the Hansen substitute improves upon the Udall bill or by the bill and admitted by the gentleman from Ohio, eliminating the legal uncertainties. The CRS has pointed out buffer zone language will invite litigation. Lawsuits could hold up vital municipal and State projects. We have heard these arguments.

I want to stress again that it is just not the West, although we hear it just from the Western Congressmen talking about this issue. But for those of you who might be listening to this program in your offices, it affects any monument or any national park or battlefield in your area. It affects your REA electrical lines, it could affect your sewer and water projects, your highway systems, your sound factor. It is far-reaching. Of course, the Secretary has to do some of these things now, but it does not meet the criteria of all that 472,000 lawyers that we have in the United States today, and there is going to be lawsuits and litigation. Right here on this floor right now we have lawyers arguing the legal points. If you think it is bad here when we are trying to make laws, wait until the special interests become involved in this.

Again, Mr. Chairman, if we do not adopt the Hansen substitute which makes this very poor piece of legislation more palatable, then I suggest we should defeat the whole thing.

I was sort of a little bit chagrined when my good friend and chairman, the gentleman from Ohio, referred to one study as hogwash and another one as the Biblical truth. Also was I chagrined when he directed the idea that this legislation was for the present Secretary of the Interior, when I checked back through my history and find out that this legislation was introduced and I believe passed by the House under the previous administration, until they finally woke up to the realities on the other side that this was bad legislation, and it did not pass the other body. I suggest that it should not even pass this body this time, and it should not become anywhere near law. It should be eliminated so that we have really the responsibility to the local communities to recognize that they are being affected.

I do not know why we need this legislation. Why do we need it, if already the laws are on the books? Why did it not pass the body the last time when we had a Secretary who put away 56 million acres by the stroke of a pen into a park or a monument. And we had one named Stewart Udall who put 78 million acres, I believe it was, into a monument also by a stroke of the pen.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think I can clarify the gentleman's confusion, and that is simply that, no, this bill was not taken up or passed under the previous administration. As I recall, during the last Congress, at which time this bill passed the House by a vote of 319 to 84, the Secretary of Interior was Mr. Watt and the President was Mr. Reagan. So it has not changed in the last year since that action was taken.

Mr. YOUNG of Alaska. Maybe I am confused.

Mr. SEIBERLING. We are dealing with the same bill, the same administration.

Mr. YOUNG of Alaska. Did the gentleman not sponsor this legislation in 1979?

Mr. SEIBERLING. No.

Mr. YOUNG of Alaska. In 1978?

Mr. SEIBERLING. No.

Mr. YOUNG of Alaska. Then time does fly in this body when we are having fun, does it not? I thought those were the dates, and I apologize to the gentleman. I thought the gentleman and I had cosponsored this, of all things, before I realized the folly of my ways.

Mr. SEIBERLING. Well, the gentleman from New Mexico (Mr. LUJAN) cosponsored it and coauthored it.

Mr. YOUNG of Alaska. Well, that goes to show that we are enlightened by the presentation of my good and esteemed collleagues on this side that we recognize that the legislation is not needed.

Again, I urge the Hansen substitute. It is the important factor if we want to make this turkey fly. It is now November, it will be November next month, I suggest that if the substitute is not adopted, then we should defeat the legislation and do not allow it to become law.

Mr. CLARKE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding and I appreciate the great support the gentleman has given us in the committee as well as the support he is giving us now.

Mr. Chairman, I would just like to correct the misstatement that keeps cropping up in the remarks that have just recently been made on that side of the aisle. They keep talking as though this bill grants additional authority to the Secretary of the Interior. It does not. What it does do is impose an explicit duty on the Secretary of the Interior to weigh the values that would be adversely affected by any action he proposes to take under his existing authority versus the values of going ahead and exercising that authority. That is not granting him authority; that is imposing a duty on him.

So let us get that clear. And all it says is that where the Secretary has authority and proposes to exercise it in or adjacent to a national park, he shall consider, he will weigh, the public interest value in exercising that authority versus the impact of it on the park.

I cannot really imagine that any Secretary of the Interior who was doing his job right would not observe that obligation, because if he adds up all of the requirements placed upon him by existing law, he already has that duty. But all this does is make it absolutely clear that that is his obligation, and it sets up a procedure whereby he notifies the Congress as to his decision.

So that is all there is to this bill. But it is perfectly clear that there are some people in some places who do not want to see the Secretary weigh those values. That is a two-edged sword. The amendment of the gentleman would also do one other thing: It would eliminate any possibility of requiring the Secretary to make that weighing of values by taking him to court.

All I can say is, there may be times when it works the other way, when the Secretary may have failed to do that and failed to approve some project that some of the gentleman's constituents might wish to have, and they might wish to go into court and say, "Wait a minute, Mr. Secretary, you did not weigh the public interest of going ahead with this right-of-way or this sale next to this park as you were required to do. You made an arbitrary decision. And so we are going into court to compel you to observe the procedures that are set forth in the law."

I think that is something that everybody would want the Secretary to do, and I cannot imagine that the gentlemen are really sincerely saying that he should not do that.

Mr. Chairman, I appreciate very much the gentleman from North Carolina (Mr. CLARKE) yielding me time.

□ 1520

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that I am a supporter of this legislation and that I am a sponsor, and that the chairman of the subcommittee is correct. We support this legislation because we love our parks. We are proud of them. We want them protected.

I do not believe that is the issue here. In spite of all of the rhetoric that we hear, Interior has increased substantially the amount of money designated for maintenance of our national parks, to upgrade those parks, the roads, the water systems, upkeep on buildings.

During my last tour of all of the various parks in the States, I had seen 2 years or a year before, that some of them were deteriorating, that some of the logs were, as a matter of fact, rotting out, they were being replaced. So we see those kinds of things. We see restoration of ruins of Indian tribes, of maybe some forts of days gone by, rehabilitation of trails, general maintenance. As a matter of fact, the gentlemen will remember that many of us supported the Youth Conservation Corps because one of its prime reasons for existence was to furnish manpower to keep up our national parks.

So we do not believe that our parks should not be protected. As a matter of fact, quite the opposite. We feel very, very strongly that those parks should be protected.

We do believe, however, that a portion of this legislation is in error, and that is the crux of the argument in this amendment, and that is the whole question of the definition of "adjacent." Now, what does that mean? Does that mean one mile? Does that mean 10 feet, 50 miles, 100 miles? It is undefinable, and when you have such a provision in a bill, it invites all kinds of suits.

Let me propose to you, for example, why it is undefinable. In some areas, perhaps a mile or even 10 miles might be proper. But it was brought out time and again in committee that, say, at Ford's Theater over here, if you have defined "adjacent" as 1 mile or 2 miles or whatever, it is going to include the entire city of Washington.

I can see that by this provision being here, if someone, the groundskeeper or whatever they call him, at the White House desires to mow the lawn and he does not think it is an adverse action on Ford's Theater, which is adjacent to the White House, and he goes ahead and mows the lawn, somebody can bring a lawsuit on that because they thought that perhaps the pollen flying around, or whatever flies around, was an adverse action to the Ford's Theater.

So I say say to my friends that while we do support the upkeep and, as a matter of fact, the improvement of all our national parks, we are going on bad ground here, and they support this amendment because it removes the word "adjacent" and removes the requirement that anyone who is going to have any kind of a project, that is one more thing, one more permit, so to speak, that they have to get, one more regulation that they must comply with.

So it seems to me that it would behoove all of us to support the amendment of the gentleman from Utah.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not from any of the Western States and do not have any large areas of parks in the State of Louisiana, but if I were from one of the so-called Western States west of the Mississippi, I would have some very, very severe problems with the language before the committee at the present time with regard to what we are talking about, the so-called buffer zones.

I think anyone from any of the Western States needs to take a very careful look at the potential effect that this language would have on private lands, totally private lands, as far as any activities that might require some kind of a permit from the Federal Government. Parks can, should, and are protected, and they should be. What we are talking about today is extending a directive to the Secretary of the Interior as to what he must do on lands that are not within the park area but the lands that are adjacent to the park.

My first real serious concern about this is how big of an adjacent area are we giving some mandated instructions to the Secretary of the Interior about? Are we talking about one acre? Are we talking about 10 acres? Or perhaps we are talking about literally hundreds of thousands of acres that happen to be adjacent to a park that could be completely and totally privately owned and privately held by individuals. But we are saying today that the Secretary is going to have to make a decision that if he has to take any action, whether it be issuing a permit, whether it be issuing a right-of-way, whether it be considering the sale of any minerals that are underneath these Federal private lands, that the Secretary is going to have to decide himself, without consultation with any other Federal agencies, whether that could be a signficantly adverse impact on the park.

The reason I say we do not need this is very simple, because we have existing laws in place that are already working very well with regard to actions that involve a Federal decision on private lands that are adjacent to a park or not adjacent to a particular Federal park. We have the National Environment Policy Act. We cannot have a major Federal action on private land under the National Environmental Policy Act that may have an adverse effect without doing an environmental impact statement.

The difference in the existing law and what we are trying to do in this legislation which I object to is that we are saying that the Secretary is going to make the decision on whether that action has significant adverse impact. The current National Environmental Policy Act calls upon the Secretary to make that decision in consultation with other Federal agencies like the Corps of Engineers, like the Department of Energy, like the CEQ, the Council on Environmental Quality, where all the agencies in the Federal Government look at that action and make a determination on any potentially significant adverse effects it might have on a park or on anything else, for that matter.

This changes that. This is a major change. This says the Secretary, and there is only one Secretary, shall consider it, and he alone makes that decision, and I object to that. I do not think it is right.

I do not know of any problems that we have with the existing system. I do not know of an instance where an action has been taken that has required an environmental impact statement and that impact statement has said this will present a significant adverse impact, that a Secretary has issued a permit over that objection. If, in fact, he would dare issue a permit over an objection, he would be sued, and I do not know of a court decision where the actions of a Secretary in issuing a permit over a finding in an environmental impact statement has been upheld by the court. In other words, we simply do not have a problem with the way things are working.

So for the reasons that I have outlined, the fact that it is too broad and too vague, and the second fact is that it is already being handled quite well, and the third thing is that this eliminates other Federal departments which I think should be involved in the process, I would object to the existing language and support the Hansen amendment very strongly.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the chairman of the subcommittee, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Has the gentleman read section 10(b) of the amended bill, which we just amended on the floor?

Mr. BREAUX. Yes. I would say to the gentleman from Ohio that I have read the language, and the language where it says that the Secretary, that he shall decline to exercise such authority, where it says that he shall make a finding of whether it has a significant adverse effect, where it says that he and he alone, meaning he does not consult with anybody else in the Federal Government, whether the corps or the CEQ or whether any other agencies of the Federal Government.

□ 1530

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield again?

Mr. BREAUX. I am glad to yield.

Mr. SEIBERLING. I am looking at subsection 10(b) and I find nothing where it says that he and he alone shall make such a decision. Tell me where it says that.

Mr. BREAUX. Well, let me just read to the chairman of the subcommittee what I am talking about. It says, "In any case of areas which are adjacent to any unit of the national park system, where the Secretary is vested with any authority described in subsection (a), the Secretary"—before exercising such authority shall make this determination. It speaks solely to the Secretary, which I presume is the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. SEIBERLING. But we are only talking about situations, where as spelled out in section 10(a) where he already is vested with authority; so we are not adding any authority. We are merely imposing additional duties.

Mr. BREAUX. I would say to the gentleman in response, we do not have very much time, that while the Secretary is the only one that has authority to issue a permit, under the existing law, under the National Environment Policy Act, he has to make consultations with other Departments of the Federal Government, as many as five, before he makes that decision.

Mr. SEIBERLING. This does not change that at all.

Mr. BREAUX. I would submit that this legislation eliminates that and that is where I object to it. We should not be eliminating the other Departments of the Federal Government, because they have a legitimate role in determining whether, in fact, a significant adverse impact is going to occur on these areas. With this language, their role is being diminished, if not in fact, completely eliminated.

For that reason, I think without this amendment we should not be supporting this legislation.

I think what the committee has done, the chairman of the full committee and the chairman of the subcommittee, is admirable legislation, with this exception. It is a significant change in existing law on how we handle private lands. I think therefore, the amendment is absolutely essential.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the opportunity to stand up and congratulate my colleague, the gentleman from Utah (Mr. HANSEN) on a very timely amendment.

We studied this bill in the Interior Committee. Those who were there voted against it. It only passed because someone pulled out a pocketful of proxies and they got it through.

There is no justification for this legislation. Therefore, I strongly support the amendment of the gentleman from Utah (Mr. HANSEN) which makes it somewhat livable.

I want to just make a couple of points and that is that this bill in a time when we are trying to put together all the funds we can to solve some of our western problems is going to spend about $13 million over the next 5 years strictly doing paperwork, duties that can be done in another way and they are already being done by the administration.

I am totally puzzled about the buffer zone that again has been mentioned several times. As I read the language and try to find out how this affects the State of Utah, it seems to me that the entire State of Utah would be buffered out in this case. I mean, when you look at the checkerboard land layout, when you see the fact that the language is ambiguous and we do not know what buffer zone means, I think that the entire State of Utah is affected by this legislation. A 10-mile buffer zone around Utah parks would eliminate about 9.1 million acres of land, which is 20 percent of the State.

I cannot imagine anybody out there being very enthusiastic about going from a State that is already owned by the Federal Government to the extent of 70 percent now being locked up by this buffer zone so that now the Feds control somewhere around 90 percent.

This bill would impact community planning. It would certainly hurt natural resource development. It would impact lands already leased. It would affect and severely restrict transportation problems and it would just add additional restrictions to those already under the Clean Air Act.

This bill, Mr. Chairman, provides virtually unlimited authority to re-

strict mineral development on lands in the West adjacent to the parks. Twenty percent of all the known oil and gas resources in the State of Utah are within 15 to 20 miles of a park. We are very unclear as to what effect that would have. I do not think any State that is an energy State would sit still very long if this amendment does not pass.

If the Hansen amendment passes, I would be happy to support the bill. If it does not, I would urge the House and the committee to vote against the bill on the grounds of commonsense and energy development in this country.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

The Hansen amendment, of course, affects sections 10, 11, and 12, and I congratulate the gentleman from Utah on the change that he made to section 12. It is a change that I think was discussed in the Interior Committee, in the previous Congress and this Congress as well. I was a member of that Interior Committee during the 97th Congress when we debated this legislation, of which I am an original cosponsor. We strove long and hard to find solutions to some of the problems with section 11 that the gentleman from Utah and the gentleman from Idaho and others have raised here today. We strove our very best to find those answers. Perhaps we have not found them yet to the satisfaction of everybody. I am going to try to see if we can narrow down the extent of our disagreement here today, because I have heard favorable comments by some of the opponents to the legislation, favorable if, in fact, we can solve the problems that seem to be focused in on section 11.

I would ask the gentleman from Utah (Mr. HANSEN) if he would respond to a question that would help me focus in on what the real differences are.

Mr. HANSEN of Utah. I would be happy to.

Mr. BEREUTER. I thank the gentleman.

On the gentleman's amendment, the title given to section 10 is changed from "Public Land Management" now to "Federal Program Review," which was the title that previously applied to section 11.

I would ask the gentleman if there is anything that is specifically behind that change that relates to Secretary of the Interior lands which are covered by section 10, but not section 11.

Mr. HANSEN of Utah. I think the chairman made that change in the amendment that came up previously.

Mr. BEREUTER. I see; so the gentleman is simply repeating that?

Mr. HANSEN of Utah. That is on section 10.

Mr. BEREUTER. That is a title that seems a little confusing to me, although we are talking about Federal program review and each public land management section originally in the title did affect the Secretary of the Interior only.

I understand from comments with the gentleman a few minutes ago, private comments, that his concerns do not necessarily go exclusively to lands controlled by the Secretary of the Interior, but to leases that might be under his authorization to be applied to private lands, and that is correct, is it not?

Mr. HANSEN of Utah. I would be happy to elaborate on that, if the gentleman from Nebraska would allow me to.

Mr. BEREUTER. Yes; I would be pleased to let the gentleman do that.

Mr. HANSEN of Utah. The basic problem, and I think we are all down to this, the basic problem is that section 10(b) creates a new standard in which park interests shall totally dominate over any other use. If you want to subject all other uses outside of parks totally to park interests, then you would support the bill as it now exists; however, if you want to allow all competing interests to be balanced—and we stress the word "balance"—then you would support the Hansen amendment to section 10(b). I really think that is the whole basic issue of the thing and it is a philosophical difference.

I come down on the side of total balance on the uses, and they are fair and balanced, and not the idea that the park use is ahead and superior to the other uses. I think everyone here would agree that has talked so far to that particular issue.

Mr. BEREUTER. I thank the gentleman for clarification of his point of view.

We have had a suggestion here that there is really no problem that needs to be addressed; but I would like to focus in on one specific type of problem that is currently not well addressed in this country with respect to our national parks. I am going to concentrate only on the matter of geothermal energy development threats to our national park system. As an example of current threats to our national park system from development on adjacent Federal lands, I might also say it applies to private lands, but I am concentrating only on the Federal, let us consider the development of geothermal energy resources which is proposed today in the boundaries of Yellowstone, Crater Lake, Lassen, and Hawaii Volcano National Park, 22 parks in 12 States have this potential threat to them. At Yellowstone today we have hundreds of leases that are pending of Forest Service land, less than 15 miles from Old Faithful in a national forest.

At Lassen, lease applications blanketing the southern boundary of the park of the Lassen National Forest are under appeal to the Chief of the Forest Service, however, and here is the key point, the Forest Service has stated that while it could impose lease stipulations to protect national forest resources, it has no authority and neither does the Park Service to impose lease stipulations to protect park resources.

□ 1540

The same is true with respect to the situation at the Yellowstone National Park. What I am suggesting is I congratulate the gentleman opposed to this for bringing to us the concept of buffer zones which are nowhere mentioned in the legislation.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. The reason that of course this creeps up is because we are talking about adjacency which they would suggest on the opposition side is ill-defined. But the minute we talk about some definite amount of geography, like 5 miles or 10 miles, we are talking then with truly creating a buffer zone which has been the object of all the attacks out here.

Now, here in the case of Idaho, we may well have geothermal potential that is some 70 miles or 80 miles from Yellowstone but still have an effect. And the effect of drilling in those areas, be they public or private lands, may well not become fully understood until the damage is done in Yellowstone National Park to that unique asset in the world.

So, that is why we have had to come with something that is less precisely defined in the area of adjacency.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

As you express your concern about geothermal exploration in the boundaries and/or near the areas of some of our national park systems, I would be the first to tell you I am concerned, and in no way do I know of anyone of this floor that would want to see geothermal drilling that in some way might damage the caldera system of the greater Yellowstone Park and ultimately Old Faithful or that guiser basin area. That is a real concern on the part of some of us.

Now, are you telling me today if geothermal drilling takes place on federally owned lands, that environmental assessments, environmental impact statements to the best of the knowledge of geologists and those who are specialists in geothermal areas as it relates to what that drilling may do, are

something that is not stipulated in the process of gaining leases for the purpose of drilling?

Mr. BEREUTER. At the present time I would respond to the gentleman the Director of the Forest Service says that he has no ability to consider potential impacts upon the national parks, only of the national forests, when he makes his decisions about leasing arrangements.

Mr. CRAIG. In the least process, environmental impact statements must be considered.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

Mr. CRAIG. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska (Mr. BEREUTER) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, I wonder if we could have agreement on putting a time limitation on discussions on this amendment and all other amendments to this bill of 4:15?

I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Without objection, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 2 additional minutes.

There was no objection.

Mr. CRAIG. Mr. Chairman, will the gentleman (Mr. BEREUTER) yield?

Mr. BEREUTER. I yield to the gentleman from Idaho.

Mr. CRAIG. I will be brief in consideration of others and other amendments.

It is my understanding at this time as it relates to environmental assessment or impact studies and therefore licensing, yes, I would expect you to get an answer from the Forest Service that, no, they could not specifically consider. But I will suggest to you that in a geothermal system in which someone may be seeking the right to drill for the purpose of developing the geothermal resource, that today systems as the caldera or others associated with parks and resources within parks are considered as potential impact and realities of such activities that might exist within that leasing activity.

Mr. BEREUTER. I would reclaim my time just to say I appreciate the gentleman's comments. I would say this: After 3 years it seems to me that despite having striven for a solution to what is an appropriate areas for consideration, so that review and comment can be had from proposed Federal actions adjacent to our national parks, opponents have still not come up with a better idea. And I solicit. And I thank my colleagues for considering my comments.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the State of the Parks Report, as suggested in this bill, is a sound move. It has real value to our national parks and country. I also find myself in strong agreement that we ought to protect our parks.

I do have some concerns, though, and I would ask the gentleman from Utah to respond to my questions, if he would.

I would like to know specifically what areas are adjacent and what areas are not adjacent.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. I do not know if we have enough time to respond to the gentleman from Colorado. Let me just say this—because the information is not defined, we do not know what "adjacent to" is, we do not know if it is half a mile or a hundred miles. That is one of those things, the areas where we have disagreement with the gentleman from Ohio, and one of the reasons why we are putting in this amendment that we feel will handle that problem.

Mr. BROWN of Colorado. Let me be very specific, because I think this is critical to understanding the bill.

I see section (c) says, "This section shall not apply to inland waters except those which the Federal Government owns."

Now, we both know that the Federal Government has laid claim at one time or another to much of our inland water. I would like to know if this act will cast a cloud on water projects in Colorado that flow through National Parks.

Mr. HANSEN of Utah. I think it opens it up. It seems very obvious to me that is now opened up. It is one of the things that would come under direction of the Secretary under section 10(g) of the act as presently drafted without my particular amendment in it. Without that being changed I think specifically the answer is it would come under the direction.

Mr. BROWN of Colorado. What about water projects in California that draw out of the Colorado River?

Mr. HANSEN of Utah. I am sure they would have the same problem.

Mr. BROWN of Colorado. What about water diversions in Arizona?

Mr. HANSEN of Utah. I agree all the way along you could carry this onto a somewhat ridiculous conclusion, if I may say so, and carry it to any extent on any Federal water project.

If I may, I would like to point out I think the gentleman from Ohio and myself may have not got this out completely. When we talk about adjacent Federal grounds it also states very, very carefully in the bill that, "All projects which need authority to proceed." So, here we have the private XYZ Widget Co. and they need authority to go across the BLM ground, then they have to have the authority from the Secretary of the Interior. A city may need authority from the Secretary of the Interior. An airport may need authority from the Secretary of the Interior. It is so all-encompassing it almost boggles the mind. But it is not just the Federal ground. It is those who need authority from the Secretary to proceed. And I think that pretty well answers a lot of the questions you have previously asked.

Mr. BROWN of Colorado. Are we saying this particular bill without a definition of "adjacent to" can cast a cloud over every major project in the Western United States?

Mr. HANSEN of Utah. I guess it is one of those very interesting arguments you could get into. I think that could easily be the interpretation of it, because right now we do have a cloud over it. We have it on water projects.

Mr. BROWN of Colorado. Let us come to Washington, D.C.

We have a number of national monuments, national park facilities in Washington, D.C., and the surrounding areas. Let us say that we are contemplating a low-cost housing project in Washington, D.C., for the poor that is within several miles of a national monument. Is that adjacent? Does that come under these guidelines?

Mr. HANSEN of Utah. Let me ask you this: Was it going to have Federal money in the low-cost housing project which is adjacent to the national park?

Mr. BROWN of Colorado. Yes.

Mr. HANSEN of Utah. Then it does come under it.

Mr. BROWN of Colorado. What about a sewer plant to clean up our waste water.

Mr. HANSEN of Utah. Does this have Federal money?

Mr. BROWN of Colorado. Yes.

Mr. HANSEN of Utah. Then it comes under it.

Mr. BROWN of Colorado. What about a highway to move traffic in and out of Washington, D.C.?

Mr. HANSEN of Utah. If it has Federal money in it, it is under it and it needs the Secretary of the Interior to OK it.

Mr. BROWN of Colorado. What about a new bridge?

Mr. HANSEN of Utah. Again, Federal money is in this one, I assume. In that event we are again brought into this.

Mr. BROWN of Colorado. What about a water treatment plant for clean drinking water?

Mr. HANSEN of Utah. If it has Federal money in it, we are in it again.

□ 1550

Mr. BROWN of Colorado. I hope that the advocates of the bill would spell out to me why they oppose spelling out what "adjacent to" is.

I offered an amendment in committee that addressed this area. Without some sort of clear definition of what "adjacent" is, the measure cast a cloud on water projects throughout the Nation, adjacent to parks.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I will be glad to yield to the gentleman.

Mr. BEREUTER. I am not aware of the amendment the gentleman offered in this Congress, not being a member of the committee. But I well recall that subsection (c) here is placed in the bill perhaps inappropriately at the instigation of the gentleman, because in the 97th Congress the gentleman raised a question, as I recall it, about a federally built water structure in a national park in his State.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. BEREUTER and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. If the gentleman will continue to yield so I may complete the sentence, I believe the gentleman's concern was that a possible impediment might be placed in the way of reconstruction of that particular federally constructed reservoir, probably in the Rocky Mountain National Park. It seems to me that we had worked that out, but it does not parallel the language here, which seems to me to be overly broad.

Is my recollection correct in what really prompted this matter in the first place, the gentleman's concern about a federally constructed reservoir within his own national park area?

Mr. BROWN of Colorado. The gentleman's recollection is accurate. My concern is not only for what would be in the park, but waters that are claimed by the Federal Government that flow out of that park. Anything that affects waters that go into or out of the parks has a cloud cast over them without some definition of "adjacent."

I would say this: I think paragraph C is a big improvement over no limitation. I think we could do a better job in tightening the bill in that area.

Mr. WILLIAMS of Montana. Mr. Chairman, I move to strike the requisite number of words.

I am deeply interested in this bill, representing, as I do, the western congressional district in Montana. We have bordering the western district on its north Glacier National Park and on its south Yellowstone National Park.

As a member of the Committee on Interior and Insular Affairs for two terms and until this January, I worked with both the minority and majority in trying to draw a bill that would both adequately protect the great national heritage of this Nation, our national parks, while still allowing appropriate Federal development and efforts within sight and sound of the national parks.

I have looked closely at this bill, although no longer a member of the committee, and I am as convinced now as I was 2 years ago that this bill would provide us with the necessary mechanisms with which to allow appropriate development near our parks.

I can tell you that in our State of Montana that does not happen today. Many Montanans have been attempting to build what they believe is a needed Federal highway just to the south of Glacier National Park. That highway has been held for the better part of a decade through court suits.

That is the sole place for the resolution of the issue. Such determinations should be shared with the steward of the national parks, the Secretary of the Interior. We should provide him with the coordinating mechanisms and the review process necessary to grant his approval, even though it is not absolutely needed, that these efforts such as that highway, or energy development or other efforts to either go ahead or not. We currently do not have that necessary, prescribed mechanism.

The point is that we are constantly being drug through the court process year after year after year.

Is it protecting the parks? Yes. But is it allowing appropriate adequate clean development to go forward in the shadow of the parks? No.

This legislation would allow that.

I know that is not the way the gentleman from Utah and some others who are supporting his amendment see it. But I say to my colleagues here in the House that after 3 years of working with this bill, and as one who is very concerned about both the protection of the parks and the appropriate development outside but near the parks, I am convinced that this bill, as it is written is go, prudent, reasonable legislation which will accomplish both of those necessary ends.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I will be pleased to yield to the chairman of the subcommittee.

Mr. SEIBERLING. I thank the gentleman.

I want to just add a word to the discussion that just took place with respect to inland waters.

The purpose of that provision that says this section 10 shall not apply to inland waters is to make it clear that this does not require an evaluation of water projects that deal with inland waters, and the only purpose of putting in the exception that says "except as to water which the Federal Government owns," is to take care that we are not, in effect, changing the existing water law. That is all.

I stipulate that that is the intent of the bill. We had a very thorough discussion in the committee on that, and I completely agree with the gentleman that we do not want in any way to impinge on the existing law with respect to water projects on inland waters.

So I think that we have clarified that point, and it does not matter on that score which amendment is adopted, or whether the bill is adopted as it is, or whether the amendment of the gentleman from Utah is adopted. The effect is the same. The only thing is I think that the bill, as drawn, makes it a little more precise by not purporting to deprive the Secretary of the opportunity to evaluate his actions where the Federal Government itself has some ownership in the water, and I think that is a better way to do it.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate the concerns of my colleague from Montana about the endless litigation that sometimes occurs when an activity is attempted outside of, in this case, a national park.

Does the gentleman believe that the situation that has existed at Glacier and in relation to a proposed Federal highway would be changed as a result of this bill? Would it avoid litigation?

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has expired.

(On request of Mr. CRAIG and by unanimous consent, Mr. WILLIAMS of Montana was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. To continue, Mr. Chairman, my colleague from Montana, do you believe, let us assume then that the current Secretary said absolutely the highway is necessary, our studies indicate that there will be no major environmental consequences on the park or the park system and that some group decided that it did, and were able to find in some way a question as to whether the procedures that the Secretary or his people follow were somewhat, in their opinion, inadequate, that that would just magically keep that out of court?

Mr. WILLIAMS of Montana. I say to my colleague that question is a good one and goes to the heart of the matter which I and others have raised.

This legislation does not give to any Federal agency or officer mandatory control over whether or not a Federal

development should proceed. But it does establish guidelines under which that Federal agency or officer may make recommendations.

The point is that while this legislation does not stop a suit, it would give both the litigant and the judge information which is not now available to them from a prescribed agency of the Federal Government which has as its stewardship the care of the national parks. It seems to me that that may short circuit court action and at least help bring it to a conclusion.

Mr. CRAIG. You are telling me then the basis of the lawsuit in relation to the highway proposal near the Glacier area is as a result of a lack of Federal guidelines? It is a result of the lack of Federal guidance that is currently existent in the law, and that it is simply not the opposition of certain groups who feel there will be an environmental impact to the park itself?

Mr. WILLIAMS of Montana. This legislation is not going to eliminate disagreements about development in and around the parks. What this legislation is going to do is provide guidelines for the resolution of disputes.

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has again expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. WILLIAMS of Montana was allowed to proceed for 1 additional minute.)

□ 1600

Mr. WILLIAMS of Montana. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the interesting thing is that on the question of actions by other agencies than the Interior Department such as the Department of Transportation, the gentleman's amendment and the bill as amended by my amendment are identical. The gentleman's amendment does not change section 11 at all. And that is the one that deals with this particular type of situation.

But as the gentleman from Montana (Mr. WILLIAMS) points out, this bill, as amended, provides for an orderly method whereby the Department of Transportation, in going ahead with the project, must inform the Secretary of Interior where there is a likelihood that it might have an adverse impact on the park. So it gets it all into an orderly procedure, as the gentleman from Montana has said, and it seems to me that everyone is ahead. But there is no quarrel on either side of the aisle with respect to that aspect of it.

So I think we have just covered it adequately.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UDALL. Mr. Chairman, I had understood, when debate was limited on this amendment and all amendments thereto and to the bill, that we would close at 4:15. Has that remaining time been allocated?

The CHAIRMAN. No, it has not been.

Mr. UDALL. Mr. Chairman, is there any way, by unanimous consent, that we can do that so that we can wind this up? My problem is that the gentleman from Pennsylvania (Mr. MURPHY) has an amendment that we are going to accept, and if we do not finish this by 4:15, he may not get it in.

The CHAIRMAN. The Chair will state that he would have to get unanimous consent if the amendment was not printed in the RECORD and if he wants to speak.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, within the State of Utah there are five national parks, two national recreation areas and six national monuments. Any legislation that endeavors to create a buffer zone around the national park system has the potential to virtually halt almost all development in the south and southeastern portion of that State.

I have a breakdown of that acreage which is a grand total of 2,179,821 acres in my district and Mr. HANSEN'S district.

If the word "adjacent" is left undefined or broadly defined, it will effectively stifle the development of energy resources in Utah.

I may remind you that the greatest oil shale sand developments in the whole country are in Utah and we rank second to Colorado in oil shale, in addition to having a good deal of oil, uranium, and other things, coal as well.

If local government is not allowed to participate in the defining of the word "adjacent" then local communities will suffer greatly because they might be precluded from expanding or developing their economic base. This is not just a western problem. One example might be Washington, D.C., as Representative BROWN has already mentioned.

There are numerous national monuments within this area. There is the George Washington Parkway which the Park Service administers; it is possible that a Director of the National Park Service could close down all of Washington, D.C., because of the effects on national monuments because the city is adjacent to these Park Service lands.

Because of the number of parks and their size this bill would have the potential to cripple the economy of my district, and in California, and in other States. I do not think it is fair to punish local people because we have created parks near their homes.

I may indicate that most of the parks in my area that I am familiar with, Yosemite and others, that I have visited, already have built into them a buffer. They were enlarged, built with an internal buffer zone and they do not need a buffer outside in most cases.

Let me quote from the Director of the National Park Service in his testimony to the Interior Committee. He said:

By creating open ended areas the parks would be protected at the expense of all other needs and values.

He went on:

In fact, by requiring absolute protection yet providing no reasonable criteria for determining what would be deemed to impair Park services, the provisions of H.R. 2379 would encourage uncertainty and litigation.

I have some other comments also.

He goes on:

Section 12 authorizes and directs the Secretary to provide technical assistance to local governments for land use plans. A grant program is also authorized. We cannot support an open ended grant program for this, or any other, purpose. The budgetary impact of such a grant program could be very serious, especially in this period of limited Federal resources.

Within the State of Utah there are five national parks, two national recreation areas, and six national monuments. Any legislation that endevors to create a buffer zone around the national park system has the potential to virtually halt almost all development in the south and southeastern portion of the State. The following is a breakdown by district of the park system lands within the State and their total acres:

FIRST CONGRESSIONAL DISTRICT

National Parks: Bryce Canyon, 35,896 acres; Capitol Reef, 241,904 acres; Zions, 146,551 acres.
Total, 424,351 acres.
National Recreation Areas: None.
National Monuments: Cedar Breaks, 6,155 acres.
Total, 6,155 acres.
Net total, 430,506 acres.
Grand total, 2,179,821 acres.

THIRD CONGRESSIONAL DISTRICT

National Parks: Arches, 73,378 acres; Canyonlands, 337,570.
Total, 414,948 acres.
National recreation areas: Glen Canyon, 1,283,645 acres; Flaming Gorge, 94,308 acres.
Total, 1,283,645 acres.
National Monuments: Timpanogas, 250 acres; Dinosaur, 42,093; Rainbow Bridge, 160 acres; Havenweep, 440 acres; Natural Bridges, 7,779 acres.
Total, 50,722 acres.
Net total 1,749,315 acres.

First. If the word "adjacent" is left undefined or broadly defined it will effectively stifle the development of energy resources in Utah.

Second. If local government is not allowed to participate in the defining of the word "adjacent" then local communities will suffer greatly because they might be precluded from expanding or developing their economic base. One example is that of the Washington, D.C. There are numerous national monuments within the area. In addition there is the George Washington Parkway which the Park Service administrates. It is possible that a Director of the National Park Service Capital region and/or the Secretary of Interior could effectively close down all of District of Columbia because of the effects on national monuments because the city is adjacent to these Park Service lands.

Third. Because of the number of parks and their size this bill would have the potential to cripple the economy of my district. I do not feel that we should punish the local people because we have created a park near their homes.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield to me?

Mr. NIELSON of Utah. I yield to the gentleman.

Mr. HANSEN of Utah. I thank the gentleman for yielding.

Let me just make one point. The gentleman from Montana (Mr. WILLIAMS) did not have time to yield to me but I would like to make the point that he has an aluminum plant that exists just 6 miles from the Glacier which has informed us that if they had to go across private lands—or across public lands they would have to possibly shut down at this particular point.

But the, really, the point I wanted to make is that I think the people in this House should realize there are 334 parks, monuments, battlefields, trails, parkways, seashores, historic sites, and it goes on and on this way. And each of them comes under the purview of this act. It is not just a certain little park somewhere; it is parkways, trails, all of those things come in. I do not think we are asking for anything exorbitant; I do not think we are trying to gut this act. We are merely trying to perfect it so that it will be the type of legislation that will not create litigation, will not create problems, that will in fact enhance the parks, not take away from them. I think the Hansen amendment does that. I would surely urge support for the amendment.

PARLIAMENTARY INQUIRY

Mr. LUJAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUJAN. Mr. Chairman, we undoubtedly will have a vote on this bill which will take us beyond 4:15, and I was wondering if it would be in order, by a unanimous-consent request, that we could change that 4:15 time so that the gentleman from Pennsylvania (Mr. MURPHY) would have time to offer his amendment after the vote on this amendment?

The CHAIRMAN. By unanimous consent, he can obtain time to debate his amendment.

Mr. LUJAN. I make such a request, Mr. Chairman.

Mr. BROWN of Colorado. Mr. Chairman, would the gentleman add to that unanimous-consent request my amendment as well? Could my amendment be included?

Mr. SEIBERLING. Reserving the right to object, Mr. Chairman, I am not aware of what amendment the gentleman is referring to.

Mr. BROWN of Colorado. If the gentleman will yield, Mr. Chairman, it simply addresses the water language we discussed; it would eliminate the exception for Federal claimed water.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is the gentleman making a request for additional time? What is the gentleman seeking to do?

Mr. UDALL. Mr. Chairman, I ask unanimous consent that following the vote on the pending Hansen amendment the gentleman form Colorado (Mr. BROWN) have 3 minutes and some member in opposition have 3 minutes for debate; and that the same request be extended to the amendment of the gentleman from Pennsylvania (Mr. MURPHY).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

● Mr. MINETA. Mr. Chairman, I rise against the amendment offered by the gentleman from Utah (Mr. HANSEN).

H.R. 2379, the National Park System Protection Act, makes an important statement. It recognizes and writes into law that protection for national parks within their boundaries only is not enough. It states clearly that we must take extra steps to protect these special places of our natural heritage for they are threatened by activities outside their boundaries as well as by overuse and neglect within their borders.

National parks are established because they are unique areas of extreme beauty. They are worthy of our fullest attention because they provide Americans with outdoor experiences unsurpassed elsewhere. We are the guardians of these parks as a Federal legislators we must take further action to protect them.

We cannot view these gems of nature, these invaluable natural resources in a vacuum. They are not isolated areas plunked down in the middle of wastelands, with huge fences around them for protection. A coal-fired powerplant down the road, an airport next door, or a shopping mall nearby are all going to adversely affect a national park. Smog travels in the winds, noise can be heard for miles around an airport, and traffic congestion ties up roads and creates hazards for wildlife and vacationers.

Recognizing the importance of monitoring developing outside the borders of our national parks, H.R. 2379 proposes well-reasoned and necessary measures to insure that the integrity of our park system is maintained. The legislation does not infringe on the rights of land developers or on anyone else's rights. Indeed, it protects the interests of the millions of Americans who visit our national parks each year or who are fortunate enough to live near them.

The amendment at hand essentially refutes the basic premise of this bill. The amendment would eliminate the special consideration our Secretary of the Interior must give to proposed developments adjacent to national parks. Adjacent means "next to" or "near." We have learned the hard way that our parks are endangered by air pollution, poor water quality, noise, and industrial wastes from activities next to or near their borders. To gut this important bill with the amendment would be a grave mistake.

How can we be sure that projects outside park boundaries will not adversely affect the very places we are trying to protect? The Secretary of the Interior must be given the authority to recommend how development near national parks should proceed or these valuable areas will continue to suffer from outside influences. This bill is a moderate, reasonable assurance that we will have environmental assessments made before we jeopardize the quality of our parks.

I urge my colleagues to vote against the amendment offered by the gentleman from Utah and to preserve the main purpose of this legislation.●

Mr. UDALL. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. HANSEN) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HANSEN of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 245, not voting 28, as follows:

[Roll No. 377]

AYES—160

Anthony	Billey	Carney
Archer	Bosco	Chandler
Barnard	Breaux	Chappell
Bartlett	Broomfield	Chappie
Bateman	Brown (CO)	Cheney
Bevill	Burton (IN)	Clinger
Bilirakis	Campbell	Coats

Coleman (MO)	Hyde	Quillen
Conable	Jenkins	Rahall
Craig	Jones (OK)	Reid
Crane, Daniel	Kasich	Ritter
Crane, Philip	Kindness	Roberts
Daniel	Kogovsek	Robinson
Dannemeyer	Kramer	Rogers
Daub	Lagomarsino	Roth
Davis	Latta	Rowland
DeWine	Leath	Rudd
Dickinson	Lent	Schaefer
Dorgan	Lewis (CA)	Schulze
Dreier	Lewis (FL)	Shaw
Duncan	Livingston	Shelby
Dyson	Lloyd	Shumway
Edwards (OK)	Loeffler	Shuster
Emerson	Lott	Siljander
English	Lowery (CA)	Skeen
Erlenborn	Lujan	Smith (NE)
Fiedler	Lungren	Smith, Denny
Fields	Madigan	Smith, Robert
Flippo	Marlenee	Snyder
Forsythe	Marriott	Solomon
Franklin	Martin (NY)	Spence
Frenzel	McCain	Stangeland
Gekas	McCandless	Stenholm
Gingrich	McCollum	Stump
Goodling	McCurdy	Sundquist
Gradison	Michel	Tauzin
Gramm	Miller (OH)	Taylor
Gregg	Mollohan	Thomas (CA)
Gunderson	Montgomery	Thomas (GA)
Hall, Ralph	Moore	Vander Jagt
Hall, Sam	Moorhead	Vandergriff
Hammerschmidt	Morrison (WA)	Vucanovich
Hance	Myers	Walker
Hansen (ID)	Natcher	Watkins
Hansen (UT)	Nielson	Whittaker
Hartnett	Olin	Whitten
Hightower	Ortiz	Wilson
Hiler	Oxley	Winn
Hillis	Packard	Wolf
Holt	Pashayan	Wortley
Hopkins	Patman	Young (AK)
Hubbard	Paul	Zschau
Huckaby	Petri	
Hunter	Pursell	

NOES—245

Ackerman	Courter	Hall (IN)
Addabbo	Coyne	Hamilton
Akaka	Crockett	Harkin
Albosta	de la Garza	Harrison
Alexander	Dellums	Hatcher
Anderson	Derrick	Hayes
Andrews (NC)	Dicks	Hefner
Andrews (TX)	Dixon	Hertel
Annunzio	Donnelly	Horton
Applegate	Dowdy	Howard
Aspin	Downey	Hoyer
AuCoin	Durbin	Hughes
Barnes	Dwyer	Hutto
Bates	Dymally	Ireland
Bedell	Early	Jacobs
Beilenson	Eckart	Jeffords
Bennett	Edgar	Johnson
Bereuter	Edwards (AL)	Jones (NC)
Berman	Edwards (CA)	Jones (TN)
Bethune	Erdreich	Kaptur
Biaggi	Evans (IA)	Kastenmeier
Boehlert	Evans (IL)	Kazen
Boland	Fazio	Kemp
Boner	Feighan	Kennelly
Bonior	Ferraro	Kildee
Bonker	Fish	Kolter
Borski	Florio	Kostmayer
Boucher	Foglietta	LaFalce
Boxer	Foley	Lantos
Britt	Ford (MI)	Leach
Brown (CA)	Fowler	Lehman (CA)
Broyhill	Frank	Lehman (FL)
Bryant	Frost	Leland
Byron	Fuqua	Levin
Carper	Garcia	Levine
Carr	Gaydos	Lipinski
Clarke	Gejdenson	Long (LA)
Clay	Gephardt	Long (MD)
Coelho	Gibbons	Lowry (WA)
Coleman (TX)	Gilman	Luken
Collins	Glickman	Lundine
Conte	Gonzalez	Mack
Conyers	Gore	MacKay
Cooper	Gray	Markey
Corcoran	Green	Martin (NC)
Coughlin	Guarini	Martinez
Matsui	Porter	St Germain
Mavroules	Price	Staggers
Mazzoli	Rangel	Stark
McCloskey	Ratchford	Stokes
McDade	Ray	Stratton
McEwen	Regula	Studds
McHugh	Richardson	Swift
McKernan	Ridge	Synar
McKinney	Rinaldo	Tallon
Mica	Rodino	Tauke
Mikulski	Roe	Torres
Mineta	Roemer	Torricelli
Minish	Rostenkowski	Towns
Mitchell	Roukema	Traxler
Moakley	Roybal	Udall
Molinari	Russo	Valentine
Moody	Sabo	Vento
Morrison (CT)	Savage	Volkmer
Mrazek	Sawyer	Walgren
Murphy	Scheuer	Waxman
Murtha	Schneider	Weaver
Neal	Schroeder	Weber
Nelson	Schumer	Weiss
Nichols	Seiberling	Wheat
Nowak	Sensenbrenner	Whitley
Oakar	Shannon	Williams (MT)
Oberstar	Sharp	Williams (OH)
Obey	Sikorski	Wise
Ottinger	Sisisky	Wolpe
Owens	Skelton	Wright
Panetta	Slattery	Wyden
Patterson	Smith (FL)	Wylie
Pease	Smith (IA)	Yates
Penny	Smith (NJ)	Yatron
Perkins	Snowe	Young (MO)
Pickle	Spratt	

NOT VOTING—28

Badham	Hawkins	Pritchard
Boggs	Heftel	Rose
Brooks	Levitas	Simon
Burton (CA)	Martin (IL)	Solarz
D'Amours	McGrath	Whitehurst
Daschle	McNulty	Wirth
Dingell	Miller (CA)	Young (FL)
Fascell	O'Brien	Zablocki
Ford (TN)	Parris	
Hall (OH)	Pepper	

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Parris for with Mr. D'Amours against.

Mr. Badham for, with Mrs. Burton of California against.

Mrs. Martin of Illinois for, with Mr. Wirth against.

Messrs. WEBER, McEWEN, ROYBAL, and HORTON changed their votes from "aye" to "no."

Mr. ROGERS changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MURPHY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. MURPHY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MURPHY to the amendment in the nature of a substitute offered by Mr. UDALL, as amended: At the end of section 18, insert:

For purposes of this Act the terms "significant adverse effect on the values for which such national park system was established", and "degrade or threaten the natural or cultural resources of any such unit" shall not include the activity of hunting in areas adjacent to any unit of the national park system where such activity is not in violation of State or Federal law or regulation.

Mr. MURPHY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MURPHY) is recognized for 3 minutes, pursuant to the agreement.

Mr. MURPHY. Mr. Chairman, my amendment spells out that H.R. 2379 is neither intended nor should be used as a vehicle to restrict hunting opportunities where it is already allowed by State law, Federal law or regulation. It will guarantee American sportsmen that their hunting opportunities will not be adversely effected by passage of H.R. 2379.

Supporters of H.R. 2379 have consistently maintained that the bill is not aimed at reducing hunting opportunities. Nevertheless, the ambiguities in present law and regulation make it imperative that these guarantees be adopted into law.

Without such protection America's sportsmen and wildlife managers may find hunting opportunities significantly restricted by bureaucratic fiat at some future date.

My amendment simply makes it clear that H.R. 2379 is neither intended nor should be used as a vehicle to restrict hunting opportunities, and I would urge my colleagues to support this amendment.

□ 1630

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, by the definition of hunting, I understand that the gentleman does not intend to include trapping in that phrase. Is that correct?

Mr. MURPHY. The gentleman is correct. It does not include trapping.

Mr. SEIBERLING. Mr. Chairman, we have no objection to the amendment, and I will support the amendment.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Chairman, I rise to commend my colleague from Pennsylvania, AUSTIN MURPHY, for offering his amendment concerning hunting to the Park Protection Act. As you so well know, Michigan has some of the best hunting lands this side of the Mississippi. I

have spent a lifetime hunting in Michigan as well as many of my constituents. Speaking on behalf of the hunters in my State, I would like to express my strong support for this amendment.

It is important to my fellow hunters and to me that our interests are protected from those who would infringe upon our rights with a red line of bureaucratic tape.

Congressman MURPHY's amendment clarifies the fact that H.R. 2379 will not adversely effect the hunting community of America. I urge my colleagues to join me in support of this amendment.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY), and urge its adoption.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Tennessee.

Mr. GORE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Murphy amendment. America's hunters have a right to expect diligence by this Congress in protecting the hunting areas to which access is not allowed. I commend my colleague for his alertness in offering this amendment and I urge every Member to vote for it.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. HANSEN) for 3 minutes.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Texas.

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, supporters of H.R. 2379 have said consistently that this bill does not reduce hunting opportunities. We have an opportunity in the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) to assure that that is the case.

Mr. Chairman, I urge my colleagues to vote "aye."

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague, the gentleman from Pennsylvania (Mr. MURPHY), for offering this amendment. I have far too often seen the abuse of our laws by bureaucratic artistic license. Keeping America's land open to hunters is too important to be entrusted to unelected bureaucrats.

The amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) clearly identifies hunting as a wildlife management tool which should be protected. I fully support this amendment and urge my colleagues to do likewise.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my strong support for my colleague's amendment. As a hunter, I know the importance this activity has in sound wildlife management practice.

It is important to my fellow hunters and to me that our interests be protected from those who would intrude upon our rights with bureaucratic redtape.

Congressman MURPHY's amendment reinforces the fact that H.R. 2379 will not adversely effect the hunting community of America. I thank him for offering the amendment, and urge the rest of my colleagues join me in support of it.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

Mr. HANSEN of Utah. Mr. Chairman, we have no problem with the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

● Mr. RICHARDSON. Mr. Chairman, I support the Murphy amendment to H.R. 2379, the park protection bill authored by the gentleman from Ohio (Mr. SEIBERLING). This amendment makes clear that this bill if it becomes law, should not be used and is not intended to be used as a vehicle to restrict hunting opportunities where they are already allowed by State or Federal law.

I think this is a sound and fair amendment, Mr. Chairman. The purpose of this bill is to insure our national parks are protected from imprudent and unwise development activities. It is not designed to lessen the existing rights of sportsmen in our national parks. I urge my colleagues to vote in favor of this important amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL).

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado to the amendment in the nature of a substitute offered by Mr. UDALL as amended: In section 10(c) insert after the word "water" a period and strike out the words thereafter.

The CHAIRMAN. The gentleman from Colorado (Mr. BROWN) is recognized for 3 minutes in support of his amendment.

Mr. BROWN of Colorado. Mr. Chairman, I will try to be brief.

Mr. Chairman, this amendment merely makes it clear that Government-claim water will not be part of this bill. It will not fall under the adjacent impact. I think it clarifies a point of major concern by all who have looked at this measure.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, with this clarification that this would not hold for claim land, I certainly support the gentleman's amendment and thank him for offering it.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I would be glad to yield to the chairman, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, depending on the answer I get, we may or may not accept this amendment.

As I understand it, this amendment is not intended in any way to abandon any control or rights which the Federal Government has over waters which it has a legal right to control. Is that correct?

Mr. BROWN of Colorado. The gentleman is absolutely correct.

Mr. SEIBERLING. Mr. Chairman, on that basis I have no objection to the amendment and will support the amendment.

Mr. BROWN of Colorado. I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BROWN) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment to the amendment in the nature of a susbtitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL, AS AMENDED

Mr. SEIBERLING. Mr. Chairman, I offer a conforming amendment, which was printed in the RECORD of Monday, October 3, 1983, to the amemdment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING to the amendment in the nature of a substitute offered by Mr. UDALL, as amended: Page 26, Strike out line 21 and all that follows down through line 4 on page 27.

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, I will not take very long.

This is simply a conforming amendment that removes the definition of "legislative day" since our amendments to sections 10 and 11 eliminated all reference to that. That definition is no longer needed. It is surplusage and, therefore, I offer this amendment to take it out.

Mr. HANSEN of Utah. Mr. Chairman, we have no objections to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING) to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment to the amendment in the nature of a substitute as amended, was agreed to.

The CHAIRMAN. The question is now on the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. UDALL), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

● Mr. WAXMAN. Mr. Chairman, I rise in support of H.R. 2379, the National Park System Protection and Resource Management Act, because our national parks cannot afford 1 more day of neglect. These parks evoke awe and wonder in the hearts of tens of millions of park visitors from all over the world each year, and yet we do not know what potential or urgent problems are challenging them.

Our ignorance of the threats to America's wilderness is not benign neglect, it is benign abuse.

This bill is designed to achieve the modest goal of coordinating the Federal Government's activities affecting the national park system. It merely asks that the Department of the Interior oversee Federal responsibilities. It requires the Secretary of the Interior to certify that all actions taken by Federal agencies are consonant with our conservation policies. In addition, the Department shall present a state of the parks report to Congress every other year.

This bill does not create stifling Government regulation; it simply requires a modicum of supervision to preserve our parks.

Secretary Watt has not asked for funds to expand the national park system, preferring instead to protect the parks we already have. Why, then, does he oppose this attempt to monitor the threats to the national parks? This bill gives the Secretary of Interior the authority to implement his oft-stated goal of better maintenance; yet James Watt opposes this bill.

Damage to the American wilderness is irreversible. Air quality, ground water, and endangered plant and animal life take far more than a pound of cure for every ounce of damage. We can in no way be sure we are preventing such damage without better information, and H.R. 2379 provides us with the knowledge we need.

There have been a series of misconceptions about the thrust of H.R. 2379.

This bill does not, as its opponents have claimed, provide the Federal Government with vast veto power over all activities up to 100 miles from a national park. In seeking to watch areas adjacent to the parks, this bill merely makes certain that no Federal activities can harm a park's natural or cultural resources. The bill simply makes sure that the entire Federal Government adheres to a coherent policy concerning the national parks.

This bill does not, as some have charged, lengthen the Federal review process to create interminable delays in activities affecting the national parks. The program review requested of the Interior Department is specifically tailored to coincide with that of the Federal agency about which Interior is commenting.

Nor does this bill take autonomy away from local governments. It specifically creates grants to local governments so that they may participate in a newly coordinated planning process for the parks.

Over 300 million people visited the parks in 1982. We must not ignore our responsibility to serve the will of the American people and protect our national parks.●

● Mr. GEJDENSON. Mr. Chairman, I would like to add my strong support of H.R. 2379 to this debate. It is clear from the National Park Service's state of the national parks report that our national parks are increasingly vulnerable to degradation from a variety of internal and external threats. Such unique national treasures as the Everglades NPR and Yellowstone NPR are among the affected areas, areas which we on the Interior Committee believe may extend to the entire National Park System.

Under the circumstance, I fail to see what is so dangerous about requiring Federal agencies to notify the Secretary of the Interior of actions which will degrade the natural or cultural resources of a park. In my home State of Connecticut, we have the Appalachian Trail, which particularly concerns me. I am certain that my constituents and the people of Connecticut would support the National Park Service being informed of potential threats to that area, whether internal of adjacent in origin.

This bill will not provide a solution to all the problems which currently beset our national parks. It will, however, provide a means to monitor the condition of park resources and to identify and prevent future hazards to our threatened pristine areas.●

● Mr. KOSTMAYER. Mr. Chairman, I rise in support of Congressman MURPHY's amendment to H.R. 2379, the National Park System Protection Act. As a member of the Interior Committee, I strongly support this important amendment offered by Mr. MURPHY of Pennsylvania, which complements H.R. 2379 by insuring that passage of this legislation will not adversely affect hunting opportunities in the Federal lands covered under the bill. Congressman MURPHY's amendment enunciates the clear policy that the bill is neither intended nor should be used as a vehicle to restrict hunting opportunities where it is already allowed by State law, Federal law, or regulation.

I strongly and emphatically support, Mr. Speaker, hunting opportunities on our public lands which enhance the control of many species of animals. Hunting also provides recreation for millions of sportsmen throughout the country.

As a member of the Interior Committee, I have supported programs that protect our natural resources and at the same time, provide ample hunting opportunities. Sport hunters are among the most conservation-minded individuals. They enjoy the use of our open spaces and have been active in fighting for protection of our public lands and natural resources.

This has been demonstrated time and again by sportsmen in my very own district. For example, Jim McKnight, president of the Pennsylvania Federation of Sportsmen, has testified and fought hard for passage of H.R. 826, to declare a stretch of the Delaware River as wild and scenic under the National Wild and Scenic Rivers Act. I look forward to continuing to work with sports hunters in areas of mutual concern.

I urge my colleagues, Mr. Chairman, to support H.R. 2379. This is an impor-

tant piece of legislation, and I urge adoption of Congressman MURPHY's amendment to improve and clarify the intent of this bill.

This bill is good for the hunters and sportsmen of Pennsylvania.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. PERKINS, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2379) to provide for the protection and management of the National Park System, and for other purposes, pursuant to House Resolution 298, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEIBERLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 82, not voting 30, as follows:

[Roll No. 378]

YEAS—321

Ackerman	Boland	Conyers
Addabbo	Boner	Cooper
Akaka	Bonior	Corcoran
Albosta	Bonker	Coughlin
Alexander	Borski	Courter
Anderson	Boucher	Coyne
Andrews (NC)	Boxer	Crockett
Andrews (TX)	Breaux	Daub
Annunzio	Britt	Davis
Anthony	Broomfield	de la Garza
Applegate	Brown (CA)	Dellums
Aspin	Broyhill	Derrick
AuCoin	Bryant	DeWine
Barnard	Byron	Dicks
Barnes	Carney	Dixon
Bateman	Carper	Donnelly
Bates	Carr	Dorgan
Bedell	Chandler	Dowdy
Bellenson	Chappell	Downey
Bennett	Clarke	Duncan
Bereuter	Clay	Durbin
Berman	Clinger	Dwyer
Bethune	Coelho	Dymally
Bevill	Coleman (MO)	Dyson
Biaggi	Coleman (TX)	Early
Bilirakis	Collins	Eckart
Boehlert	Conable	Edgar
Boggs	Conte	Edwards (AL)
Edwards (CA)	Leland	Rodino
Erdreich	Lent	Roe
Evans (IA)	Levin	Roemer
Evans (IL)	Levine	Rostenkowski
Fazio	Lewis (FL)	Roukema
Feighan	Lipinski	Rowland
Ferraro	Lloyd	Roybal
Fiedler	Long (LA)	Russo
Fish	Long (MD)	Sabo
Flippo	Lott	Savage
Florio	Lowery (CA)	Sawyer
Foglietta	Lowry (WA)	Scheuer
Foley	Lujan	Schneider
Ford (MI)	Luken	Schroeder
Forsythe	Lundine	Schumer
Fowler	Mack	Seiberling
Frank	MacKay	Sensenbrenner
Franklin	Madigan	Shannon
Frenzel	Markey	Sharp
Frost	Martin (NC)	Shaw
Fuqua	Martinez	Shelby
Garcia	Matsui	Shuster
Gaydos	Mavroules	Sikorski
Gejdenson	Mazzoli	Siljander
Gephardt	McCloskey	Sisisky
Gibbons	McCollum	Skelton
Gilman	McDade	Slattery
Gingrich	McEwen	Smith (FL)
Glickman	McHugh	Smith (IA)
Gonzalez	McKernan	Smith (NJ)
Goodling	McKinney	Snowe
Gore	Mica	Snyder
Gradison	Mikulski	Spence
Gray	Miller (OH)	Spratt
Green	Mineta	St Germain
Gregg	Minish	Staggers
Guarini	Mitchell	Stark
Gunderson	Moakley	Stokes
Hall (IN)	Molinari	Stratton
Hamilton	Mollohan	Studds
Harkin	Montgomery	Sundquist
Harrison	Moody	Synar
Hatcher	Moorhead	Tallon
Hayes	Morrison (CT)	Tauke
Hefner	Mrazek	Tauzin
Hertel	Murphy	Taylor
Hightower	Murtha	Thomas (GA)
Holt	Natcher	Torres
Horton	Neal	Torricelli
Howard	Nelson	Towns
Hoyer	Nichols	Traxler
Huckaby	Nowak	Udall
Hughes	Oakar	Valentine
Hutto	Oberstar	Vander Jagt
Hyde	Obey	Vento
Ireland	Ortiz	Volkmer
Jacobs	Ottinger	Walgren
Jeffords	Owens	Waxman
Jenkins	Panetta	Weaver
Johnson	Pashayan	Weber
Jones (NC)	Patterson	Weiss
Jones (OK)	Pease	Wheat
Jones (TN)	Penny	Whitley
Kaptur	Perkins	Whittaker
Kasich	Petri	Whitten
Kastenmeier	Pickle	Williams (MT)
Kazen	Porter	Williams (OH)
Kemp	Price	Winn
Kennelly	Pursell	Wise
Kildee	Rangel	Wolf
Kolter	Ratchford	Wolpe
Kostmayer	Ray	Wortley
Kramer	Regula	Wright
LaFalce	Reid	Wyden
Lagomarsino	Richardson	Wylie
Lantos	Ridge	Yates
Leach	Rinaldo	Yatron
Lehman (CA)	Ritter	Young (MO)
Lehman (FL)	Roberts	Zschau

NAYS—82

Archer	Dickinson	Hansen (UT)
Bartlett	Dreier	Hartnett
Bosco	Edwards (OK)	Hiler
Brown (CO)	Emerson	Hillis
Burton (IN)	English	Hopkins
Campbell	Erlenborn	Hubbard
Chappie	Fields	Hunter
Cheney	Gekas	Kindness
Coats	Gramm	Kogovsek
Craig	Hall, Ralph	Latta
Crane, Daniel	Hall, Sam	Leath
Crane, Philip	Hammerschmidt	Lewis (CA)
Daniel	Hance	Livingston
Dannemeyer	Hansen (ID)	Loeffler
Lungren	Packard	Smith, Robert
Marlenee	Patman	Stangeland
Marriott	Paul	Stenholm
Martin (NY)	Quillen	Stump
McCain	Robinson	Swift
McCandless	Rogers	Thomas (CA)
McCurdy	Roth	Vandergriff
Michel	Rudd	Vucanovich
Moore	Schaefer	Walker
Morrison (WA)	Schulze	Watkins
Myers	Shumway	Wilson
Nielson	Skeen	Young (AK)
Olin	Smith (NE)	
Oxley	Smith, Denny	

NOT VOTING—30

Badham	Hawkins	Pritchard
Bliley	Heftel	Rahall
Brooks	Levitas	Rose
Burton (CA)	Martin (IL)	Simon
D'Amours	McGrath	Solarz
Daschle	McNulty	Solomon
Dingell	Miller (CA)	Whitehurst
Fascell	O'Brien	Wirth
Ford (TN)	Parris	Young (FL)
Hall (OH)	Pepper	Zablocki

□ 1650

The Clerk announced the following pair on this vote:

Mr. Levitas for, with Mr. Rahall against.

Mr. BILIRAKIS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE CLERK TO MAKE NECESSARY CHANGES IN ENGROSSMENT OF H.R. 2379, NATIONAL PARK SYSTEM PROTECTION AND RESOURCES MANAGEMENT ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2379) to provide for the protection and management of the National Park System, and for other purposes, the Clerk be authorized to make necessary punctuation, grammatical, and technical changes in the bill, and to add section headings where appropriate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY, OCTOBER 5, 1983

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit on Wednesday, October 5, 1983, at 2 p.m. for the purpose of marking up H.R. 2562—a bill to amend section 45 of the Shipping Act, 1916.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE) and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the markup date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

DEFENSE PRODUCTION ACT OF 1950 EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1852, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAFALCE) that the House suspend the rules and pass the Senate bill, S. 1852, as amended.

The question was taken.

Mr. BETHUNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 168, not voting 32, as follows:

[Roll No. 379]

YEAS—233

Addabbo	Bennett	Byron
Akaka	Bereuter	Campbell
Albosta	Bevill	Carney
Alexander	Biaggi	Carper
Anderson	Boggs	Carr
Andrews (NC)	Boland	Chappell
Andrews (TX)	Boner	Cheney
Annunzio	Bonker	Clarke
Anthony	Borski	Clay
Applegate	Boucher	Clinger
Aspin	Breaux	Coelho
AuCoin	Britt	Coleman (TX)
Barnard	Brown (CA)	Collins
Bellenson	Broyhill	Conte
Cooper	Jones (TN)	Reid
Coyne	Kaptur	Richardson
D'Amours	Kasich	Ridge
Davis	Kazen	Rinaldo
de la Garza	Kindness	Ritter
Derrick	Kogovsek	Rodino
Dickinson	Kolter	Roe
Dicks	Kramer	Rostenkowski
Dixon	LaFalce	Roth
Donnelly	Lagomarsino	Rowland
Dorgan	Lehman (CA)	Russo
Dowdy	Leland	Sabo
Downey	Lent	Schaefer
Dwyer	Levin	Schulze
Dyson	Lipinski	Schumer
Eckart	Long (LA)	Seiberling
Edwards (AL)	Long (MD)	Sharp
Erdreich	Lowery (CA)	Shelby
Evans (IA)	Lowry (WA)	Shumway
Feighan	Lujan	Sikorski
Fiedler	Luken	Siljander
Flippo	Lundine	Sisisky
Florio	MacKay	Skeen
Foglietta	Madigan	Skelton
Foley	Markey	Smith (FL)
Ford (MI)	Marlenee	Smith (IA)
Fowler	Marriott	Smith (NE)
Frank	Martin (NC)	Smith (NJ)
Frost	Martinez	Spence
Fuqua	McCain	St Germain
Garcia	McCloskey	Staggers
Gaydos	McHugh	Stenholm
Gejdenson	McKinney	Stokes
Gephardt	Mica	Stump
Gilman	Michel	Swift
Glickman	Mikulski	Synar
Gonzalez	Miller (OH)	Tallon
Gradison	Minish	Tauzin
Gray	Mitchell	Thomas (CA)
Guarini	Moakley	Thomas (GA)
Hall (IN)	Mollohan	Torres
Hall, Ralph	Montgomery	Torricelli
Hall, Sam	Moorhead	Towns
Hamilton	Morrison (CT)	Traxler
Hance	Morrison (WA)	Udall
Hansen (UT)	Murphy	Valentine
Harrison	Murtha	Vander Jagt
Hartnett	Natcher	Vento
Hatcher	Neal	Volkmer
Hefner	Nelson	Whitley
Hertel	Nowak	Whitten
Hightower	Oakar	Williams (OH)
Hillis	Oberstar	Wilson
Horton	Ortiz	Winn
Howard	Owens	Wise
Hoyer	Packard	Wolpe
Hubbard	Patman	Wortley
Huckaby	Pease	Wright
Hughes	Penny	Wylie
Hutto	Perkins	Yates
Hyde	Petri	Yatron
Ireland	Pickle	Young (AK)
Johnson	Price	Young (MO)
Jones (NC)	Ratchford	

NAYS—168

Archer	Crockett	Gore
Barnes	Daniel	Gramm
Bartlett	Dannemeyer	Gregg
Bateman	Daub	Gunderson
Bates	Dellums	Hammerschmidt
Bedell	DeWine	Hansen (ID)
Berman	Dreier	Harkin
Bethune	Duncan	Hayes
Bilirakis	Durbin	Hiler
Boehlert	Dymally	Holt
Bonior	Early	Hopkins
Bosco	Edgar	Hunter
Boxer	Edwards (CA)	Jacobs
Broomfield	Edwards (OK)	Jeffords
Brown (CO)	Emerson	Jenkins
Bryant	English	Jones (OK)
Burton (IN)	Erlenborn	Kastenmeier
Chandler	Evans (IL)	Kemp
Chappie	Fazio	Kennelly
Coats	Ferraro	Kildee
Coleman (MO)	Fields	Kostmayer
Conable	Fish	Lantos
Conyers	Forsythe	Latta
Corcoran	Franklin	Leach
Coughlin	Frenzel	Leath
Courter	Gekas	Lehman (FL)
Craig	Gibbons	Levine
Crane, Daniel	Gingrich	Lewis (CA)
Crane, Philip	Goodling	Lewis (FL)
Livingston	Panetta	Smith, Denny
Lloyd	Pashayan	Smith, Robert
Loeffler	Patterson	Snowe
Lott	Paul	Snyder
Lungren	Porter	Spratt
Mack	Pursell	Stangeland
Martin (NY)	Quillen	Stark
Matsui	Rangel	Stratton
Mavroules	Ray	Studds
Mazzoli	Regula	Sundquist
McCandless	Roberts	Tauke
McCollum	Robinson	Taylor
McCurdy	Roemer	Vandergriff
McDade	Rogers	Vucanovich
McEwen	Roukema	Walgren
McKernan	Roybal	Walker
Mineta	Rudd	Watkins
Molinari	Savage	Waxman
Moody	Sawyer	Weaver
Moore	Scheuer	Weber
Mrazek	Schneider	Weiss
Myers	Schroeder	Wheat
Nichols	Sensenbrenner	Whittaker
Nielson	Shannon	Williams (MT)
Obey	Shaw	Wolf
Olin	Shuster	Wyden
Oxley	Slattery	Zschau

NOT VOTING—32

Ackerman	Hawkins	Pritchard
Badham	Heftel	Rahall
Bliley	Levitas	Rose
Brooks	Martin (IL)	Simon
Burton (CA)	McGrath	Solarz
Daschle	McNulty	Solomon
Dingell	Miller (CA)	Whitehurst
Fascell	O'Brien	Wirth
Ford (TN)	Ottinger	Young (FL)
Green	Parris	Zablocki
Hall (OH)	Pepper	

□ 1710

Messrs. McCURDY, RAY, BRYANT, WHEAT, and ROEMER changed their votes from "yea" to "nay".

So the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, October 4, 1983, to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LUPUS AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (S.J. Res. 102) to designate the week of October 16, 1983, through October 22, 1983, as Lupus Awareness Week, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I reserve the

right to object to indicate that the minority has no problem with the legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16, 1983, through October 22, 1983, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

METROPOLITAN OPERA DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (S.J. Res. 128) to designate the day of October 22, 1983, as Metropolitan Opera Day, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WEISS. Mr. Speaker, reserving the right to object, I will not object. I will not only not object but I want to commend the gentlewoman for the expeditious manner in which her subcommittee and she dealt with this matter.

Further reserving the right to object, Mr. Speaker, October 22, 1983, marks the 100th anniversary of the Metropolitan Opera Company, one of the Nation's greatest cultural institutions and the most renowned opera company in the world.

I introduced House Joint Resolution 317 on July 12, asking the President to declare October 22 to be Metropolitan Opera Day throughout the United States. A total of 227 Members of this House have joined me in paying tribute to the Met by cosponsoring that resolution. On September 20, the Senate passed an identical resolution, introduced by New York Senators MOYNIHAN and D'AMATO.

The broad support for the resolution is representative of the Met's popularity throughout the Nation as well as the love for opera it has fostered. Americans have always considered the Metropolitan Opera to be a national treasure, and the Met has lived up to that reputation. One hundred years ago, the Met initiated its annual tour of American cities, a tradition that continues to this day. More than 50 years ago, the Met embarked on another effort to reach millions of music lovers—its Saturday afternoon radio broadcasts. Through these and a variety of other endeavors, the Met has cultivated an appreciation of opera that now thrives in dozens of local opera companies as well as thousands of communities.

The celebration planned for October 22 is a gala tribute to opera in America as well as a centennial spectacular for a matriarch of American arts. I am honored to represent the district in which the Met makes its home and pleased to play a role in this tribute.

There are at this point 227 Members of the House who have joined me in cosponsoring this resolution. I commend the committee for reporting the matter out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I want to indicate that the minority has looked this legislation over, and in fact we are very much in favor of it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 128

Whereas the Metropolitan Opera is one of the world's premier performing arts organizations and has an audience larger than that of any other such organization in the world;

Whereas the Metropolitan Opera, since its first performance one hundred years ago on October 22, 1883, has provided the finest quality in opera to audiences throughout the Nation;

Whereas the Metropolitan Opera pioneered radio presentations of live opera, performing on radio for more than forty years and more recently on television;

Whereas the Metropolitan Opera has toured the United States since its founding in 1883;

Whereas the Metropolitan Opera provides educational services to the people of the United States by generously encouraging and training young artists and by providing technical and managerial assistance to other opera companies in the Nation;

Whereas the Metropolitan Opera has presented renowned performing arts companies from all over the world at the Opera House;

Whereas the Metropolitan Opera House, which is maintained by the company, is one of the Nation's treasures and one of the greatest performing arts theaters in the world; and

Whereas, throughout its long history, the Metropolitan Opera Company has fostered generations of music lovers and has enriched and inspired this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 22, 1983, the one hundredth anniversary of its first performance, as "Metropolitan Opera Day" throughout these United States.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, the Metropolitan Opera is one of the world's premier performing arts organizations and has an audience larger than that of any other such organization in the world. The Metropolitan Opera has provided the finest quality in opera to audiences throughout the Nation. Also, throughout its long history, the Metropolitan Opera Company has fostered generations of music lovers and has enriched and inspired this Nation. Mr. Speaker, I urge adoption of this resolution which authorizes and request the President to proclaim October 22, 1983, as Metropolitan Opera Day.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unable to cast my vote on rollcall No. 375, in which the House voted on whether or not to recede and concur with Senate amendment No. 7 of the conference report accompanying House Joint Resolution 368, continuing resolution. Had I been present, I would have voted "aye."

GRASSROOTS LABOR SUPPORT FOR CLINCH RIVER

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Missouri. Mr. Speaker, it is generally acknowledged that the Clinch River breeder reactor project has the vigorous support of private industry. More than 750 utilities have put their money where their mouth is, to the tune of some $325 million of which $150 million has already been spent on the project. What may not be as well known, however, is the strong grassroots labor support the project enjoys.

By now, most Members may have received a letter from Bob Georgine, president of the AFL-CIO Building and Construction Trades Department. I believe the letter offers a strong argument for completion of this crucial breeder reactor demonstration program. I am, therefore, including it in the RECORD so that all members can

recognize that, contrary to the incantations of the project's opponents, hardworking taxpayers are sufficiently astute to recognize the important role of the breeder reactor in this Nation's quest for energy independence. I urge each member to read the letter and share Mr. Georgine's insights.

The letter follows:

BUILDING & CONSTRUCTION TRADES DEPARTMENT, AFL-CIO,
Washington, D.C., September 22, 1983.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR CONGRESSMAN: In just a few days you will be casting what could be a final vote on the Clinch River Breeder Reactor Project. I am writing to urge your support for the completion of this important project.

As you may know, in addition to my duties as President of the Building and Construction Trades Department, I also chair a national coalition known as the Committee on Jobs, Environment and Technology. This remarkable coalition numbers among its members 17 unions, the U.S. Chamber of Commerce, the NAACP, the General Federation of Women's Clubs, the National Association of Manufacturers, the National Conference of Black Mayors, the National Black Caucus of State Legislators and many other concerned organizations.

We joined together because we all share a concern about America's future, particularly America's energy future. We believe America must meet its commitment, first made more than 30 years ago, to develop and demonstrate promising, renewable energy technologies which can help provide the energy security we all agree is so important. We believe the completion of the Clinch River Project, the demonstration stage for one of those promising, renewable energy technologies, is one important step towards meeting that commitment.

To date, $1.5 billion has already been spent on the project. It is estimated that completion will cost another $2.5 billion. The project's design is 90% complete; more than 70% of the components are on site or on order; and site preparation is proceeding ahead of schedule and under budget. Because the project is so far along in its design and component procurement, especially compared with other similar sized projects, the General Accounting Office and the Department of Energy have both expressed strong confidence that the $2.5 biliion estimate for completion is accurate and reliable.

Moreover, under a new finance plan submitted by the Administration, 40 percent of that $2.5 billion will be provided from the private sector, reducing the budget outlays for the completion of Clinch River by $1 billion.

There are those who have expressed dissatisfaction with this plan because the ultimate financial burden continues to lie with the government, which will insure much of the private funding. However, when put to an objective analysis, such assurances seem only fair.

Clinch River, like so many other long term federal programs, has suffered dramatically from policy vacillations at the federal level. According to the General Accounting Office, 70 percent of the project's cost increases since 1974 are directly attributable to that vacillation and the funding shortfalls and uncertainties it created. It, therefore, seems only logical that private investors must have strong assurance from the government that such vacillation will not affect the project in the future. In addition, the project has always been and will continue to be a government project. Control over all aspects for the project, from construction to operation, rest with the government. Hence, it is again only logical that the government, as the entity in complete control, continue to assume the bulk of the risks involved.

In assessing the finance plan, we must also not forget the others who have made substantial contributions to Clinch River. The unsecured utility contribution of $325 million remains the largest private sector contribution to a federal R&D project.

And organized labor has also made a contribution to Clinch River which will help save the project tens of millions of dollars. Under an unprecedented agreement with management, work will be allowed to proceed ten hours a day, seven days a week, thereby reducing construction time dramatically. In addition, the agreement also eliminates the possibility of strikes or lockouts which could further delay and thereby increase the costs of the project. We signed this agreement because of our genuine commitment to Clinch River. It is our contribution to a venture of importance to all Americans.

As the vote on Clinch River approaches, I hope you will give serious consideration to the points I have raised. The Building and Construction Trades Department, the AFL-CIO and the many diverse organizations that belong to CJET, consider Clinch River one important part of an ongoing effort to provide America with a secure energy future. To turn our backs now would do more than waste the $1.5 billion already spent. It would place at risk much of what we have learned during the $5 billion, 30 year R&D program that has made Clinch River possible; and it could essentially eliminate breeder technology from an already short list of future energy options.

Japan, France, West Germany, the Soviet Union and others are all moving ahead with breeder programs of their own because they recognize the potential of the technology. The development of renewable energy technologies must be a priority in America as well. This generation and those that will follow, deserve no less.

I look forward to your support.

With kind regards, I am,

Sincerely,

ROBERT A. GEORGINE,
President, Building and Construction Trades Department; Chairman, Committee on Jobs, Environment and Technology.

LOS ANGELES TIMES CALLS ON JAMES WATT TO RESIGN

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, the Los Angeles Times yesterday joined the growing list of responsible opinion leaders calling upon James Watt to resign from public office.

The Times called Watt a "Neanderthal conservative" and said:

We can think of only one reason why President Reagan would continue to tolerate James G. Watt in his Cabinet. He must agree with Watt's policies and he must still believe that the Interior Secretary has enough congressional support to carry them out.

I intend to attach the full editorial to the RECORD at the conclusion of my remarks. I commend it to my colleagues.

I also received yesterday a succinct letter from a constituent who said to me: "The problem is not James Watt; it is the man who hired him."

I urge my colleagues to keep reminding that man, the President, just how disgraceful it is for James Watt to remain in the Cabinet.

The editorial follows:

[From the Los Angeles Times, Oct. 3, 1983]

WATT AND CONGRESS

We can think of only one reason why President Reagan would continue to tolerate James G. Watt in his Cabinet. He must agree with Watt's policies and he must still believe that the Interior secretary has enough congressional support to carry them out.

But that explanation for the President's continuing forgiveness of Watt's insults and incivilities to women and minorities and to all who disagree with his Neanderthal conservatism went by the boards last Thursday in a congressional conference.

Senate and House negotiators dealt Watt a major defeat by rejecting his plan to open vast areas of California coastal waters to oil and gas exploration.

In addition to blocking a lease sale set for next February, the conferees agreed to a permanent prohibition against drilling within six miles of the Southern California coast and a one-year moratorium on drilling within 12 miles.

The California decisions, along with similar votes on sales off the New England and Florida coasts, could frustrate one of Watt's major policy initiatives—the leasing over the next five years of a billion offshore acres, virtually the entire outer continental shelf, for oil and gas exploration.

The conferees' action may not prevail. The restrictions on drilling must pass both houses of Congress and be signed by the President.

But this much is certain. Watt's boorish description last week of a federal advisory commission as having "a black, a woman, two Jews and a cripple" left him without Republican protection against rough treatment by committee Democrats.

A number of the negotiators, including Rep. Leon E. Panetta (D-Carmel Valley), said that Republican senators would not have given as much ground as they did if Watt had not brought further embarrassment to his party and the Administration. That was clearly the case.

There was no mention of a leasing moratorium in the Senate version of the appropriations bill, and its inclusion in the final recommendation was as much a repudiation of Watt as it was of his plans to sell the nation's coastline to the highest bidder.

A Republican senator—Pete Wilson of California—was responsible for yet another rebuff to Watt in the conference committee. Although the secretary rigidly opposes new parkland purchases this year, Wilson succeeded in adding to the Interior budget $15 million for land acquisitions in the Santa Monica Mountains.

We think that Watt has finally met his own criterion for resigning from the Cabi-

net: "When my liabilities outweigh my strengths, I should go." The only strengths Watt has brought to the Administration are the espousal of policies acceptable to the President and his appeal to the most conservative elements of the Republican Party.

The rejection of his policies is evidence that his unremitting derision of vast numbers of Americans on the basis of sex, religion, race and environmental philosophy impairs his ability to work with Congress.

And his abandonment by conservatives, in and out of Congress, is evidence that he is also becoming a political liability.

What is left? Loyalty to the President. And it's a strange loyalty that alienates huge constituencies crucial to Reagan's chances if he runs for reelection next year.

□ 1720

CASIMIR PULASKI

The SPEAKER pro tempore (Mr. MINISH). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BORSKI) is recognized for 60 minutes.

Mr. BORSKI. Mr. Speaker, I have asked for this special order to honor Count Casimir Pulaski, Polish patriot and general in the American Continental Army during the Revolutionary War. Known by many as the "founder of the American Cavalry," General Pulaski bravely served the cause of American freedom.

I joined with the people of Philadelphia this past weekend to commemorate General Pulaski. As we stood at Independence Hall, we remembered his dedication and tireless efforts on behalf of our liberty. We remembered that those ideals are still held dear today by his countrymen in Poland. The rememberance of General Pulaski is symbolic for all Americans, for it illustrates the pride we all feel for this country.

As a young man in Poland, Pulaski joined with his father to create the Confederation of the Bar, which lead the Polish rebellion to gain independence from Russia. Pulaski quickly established a reputation as a military leader through several decisive victories. The capture of the Monastery at Chestochowa was of strategic importance for it housed the Black Madonna, a painting of the Virgin Mary, the patron and Queen of Poland. This victory had a great effect on Polish morale, and almost lead to the forced withdrawal of Russian troops from Poland.

Sadly, Pulaski did not prevail in his fight for Polish independence, and was forced to flee to Paris in 1775. Like other political activists and adventures of the ERA, Pulaski was not content to wait in exile in hopes that Poland could once again be free. Penniless, Pulaski was introduced to Benjamin Franklin. Franklin urged Pulaski to come to the aid of the American revolution. Pulaski agreed to travel to America, for he recognized that our fight for freedom was similar to his own in Poland.

Pulaski's skill as a leader and soldier were quickly recognized by Gen. George Washington. Through Washington's efforts, the Continental Congress made him a general and placed him in command of the Nation's inexperienced cavalry.

Pulaski is credited with saving General Washington and much of the American Army at the Battle of Brandywine. He had scouted the British at great personal risk close to their formations. Although the British prevailed in the battle, Pulaski's actions contributed to the future success of the war. Pulaski was also instrumental in the important American victory at Haddonfield, N.J.

Although successful on the battlefield, Pulaski was frustrated in his attempts to organize an effective cavalry within the existing American forces. He urged Washington and the Congress to create an independent mounted force that is known today as the "Pulaski Legion." The force revolutionized American strategy by employing a mix of infantry and cavalry armed with lances. Pulaski proved the effectiveness of the force at the battles of Egg Harbor and Charleston, where he forced the British to retreat from their siege of that city. Like Pulaski, the legion was comprised of foreign exiles who had come to America to fight for freedom. Although from foreign lands, all assumed the struggle for America's independence. Pulaski personally assumed much of the operating costs of the legion, an indication of his commitment to the cause of liberty.

During a daring attack on British positions at the battle of Savannah, Pulaski made the ultimate sacrifice for his adopted country. Pulaski fell wounded, and died 2 days later on October 11, 1779. Legend has it that shortly before his death, Pulaski asked to be buried at sea in order that he might be carried back to his native Poland to continue the fight for its independence.

His final wish is being fulfilled in Poland today. We are witness to the continuation of that struggle. Pulaski's spirit is evident in the solidarity movement. It has brought to the world's attention the same demands for basic human rights that Pulaski sought to attain for Poland and the United States. One such right is that a nation must be free from outside control.

The concept of freedom does not recognize national boundaries. We as a nation are linked with the Polish people in their pursuit of liberty. Americans have experienced oppressive rule by a foreign government. It is only natural that we lend our full support to the Polish people today. We can not rest while others continue to be denied their right to be free from foreign control.

A commemoration of Pulaski's life also is a recognization of the accomplishments made by Polish Americans and the hundreds of thousands of other immigrants to the United States. They pledged loyalty to their new country and contributed in many important ways to this Nation's greatness.

General Pulaski thus is symbolic of the aspirations of millions, both in our Nation's history and for the future of people everywhere. He is symbolic of man's love for freedom. Yet he is also symbolic of the contributions made by the many immigrants who have come to call America their home. Perhaps President Kennedy best explained why so much attention should be placed on a foreigner who was in America for less than 2 years.

He represented a different culture, a different language, a different way of life. But he had the same love of liberty as the people of this country, and therefore, he was an American as much as he was a Pole.

His importance is evident both in the numerous memorials and towns named after him in the United States. He is a man whose contributions should not be forgotten.

Mr. COYNE. Mr. Speaker, I am pleased to participate in this tribute to Casimir Pulaski, a patriot, a leader and, ultimately, a hero of the American Revolution.

A native of Poland, the young Pulaski fought in his homeland for many of the same ideals that dominate the political struggle in that nation today. The Polish Solidarity movement, in its battle against oppression and for human rights, reflects a similar devotion to justice and liberty.

Beginning as a volunteer member of Gen. George Washington's staff, Pulaski saw his enthusiasm and dedication to the cause of independence recognized when he was promoted to the rank of general, earning in the process the title "Father of the American Cavalry." He fought with distinction in the battle of Brandywine, and was later given command of the cavalry at Trenton and Flemington. Acting with Gen. Anthony Wayne, he played a major role in providing supplies to hungry troops at Valley Forge.

Gen. Casimir Pulaski died a tragic but gallant death while leading his cavalry at the siege of Savannah. It is a privilege to honor one who is clearly a hero not only to those Americans of Polish descent, but to the millions who believe love of country should go hand in hand with love of freedom.

The people of Poland, as events of the last few years have shown the world, believe, as Pulaski did, that to love one's country should be to love freedom. In honoring Pulaski, we pay

tribute to the justifiably renowned spirit of the Polish people.

● Ms. FERRARO. Mr. Speaker, on Sunday, October 2, I was proud to be among the 100,000 people who marched up Fifth Avenue to celebrate the 47th annual Pulaski Day Parade. Gen. Casimir Pulaski, the Polish patriot, is best remembered as an American Revolutionary War hero. Distinguishing himself at the Battle of Brandywine, General Pulaski was authorized by George Washington to reorganize the Continental Cavalry, earning himself the title "Father of the American Cavalry."

As the Representative of 14,000 Polish Americans, I know that Solidarity is strong in the hearts of Polish people everywhere. As we marched up Fifth Avenue, the banners declared "Union of Solidarity Still Lives." It is indeed fitting for this House to take time out today to remember Gen. Casimir Pulaski who once helped us to achieve the freedom and independence that the people of Poland still seek.●

● Mr. KOLTER. Mr. Speaker, there is perhaps no way to completely and accurately catalog the contributions that the millions of Polish Americans have made to the history and development of this country. The Polish community in America has taken a back seat to no other group with regard to loyalty, patriotism, and dedication. You have to start somewhere and the Polish contribution to America started with Casimir Pulaski in 1775.

Casimir Pulaski came to America to help the Revolution. Bringing with him considerable military experience, he created this Nation's first cavalry. He suffered with the troops at Valley Forge, conducted himself with courage as he led the seige of Charleston, and later was mortally wounded in the cause of American liberty during the seige of Savannah.

A township in my district is named for this great American hero. It could not be more aptly named, as the people of Pulaski clearly embody the spirit of American independence and dedication that Casimir Pulaski died in the service of. Casimir Pulaski was a great Pole, a great American, and a great man.●

● Ms. KAPTUR. Mr. Speaker, it is a particular pleasure for me to join in the special order honoring Casimir Pulaski, the Polish patriot and American Revolutionary War hero, because I represent a congressional district which includes many people with roots in a foreign land who have contributed so much to the United States. They were attracted by the freedom General Pulaski fought so heroically to establish during the American War for Independence.

General Pulaski was born in Poland and began his career as a military man at a young age. While still in his twenties, he led an unsuccessful uprising against Russia. Pulaski was arrested and condemned to death, but fortunately managed to escape to France. In France, he met that great patriot, Benjamin Franklin. Franklin was representing the American colonies and was a forceful advocate for the cause of independence for the American colonies. After talking it over with Franklin, Pulaski determined to travel to the United States and help fight for independence from England of the American Colonies.

Pulaski distinguished himself at the Battle of Brandywine. As a reward, Congress appointed him brigadier general in charge of cavalry. He organized an independent corps of calvary and light infantry that fought in the siege of Savannah. Pulaski was wounded during the battle for Savannah; he died there 2 days later.

It is a fitting memory to this Polish-American patriot that we recognize October 11 as Pulaski Day by act of Congress.●

● Mr. LIPINSKI. Mr. Speaker, I am proud to join with my colleague, Mr. BORSKI, in this special order commemorating Count Casimir Pulaski.

Count Pulaski came to this country in 1777, after having fought for his native Poland's independence. He soon obtained a commission as a brigadier general in the Revolutionary Army, and through daring and skill, won a number of important battles. Pulaski served in the Revolutionary Army with honor and distinction until he was mortally wounded in battle in October 1779.

Pulaski was a young man when he died, only 32 years old. He had been on these shores less than 2 years. He represented a different culture and a different way of life, but he had the same yearning for freedom and justice as every one of us here today. That love of liberty made him an American, as much as a Pole.

Like every country, America has had its share of immigrants seeking their fortune. But the United States is the only country in the world that attracts people, not for wealth or power, but for dignity. The Statue of Liberty urges the other countries of the world to "Give me your tired, your poor, your huddled masses yearning to breathe free." America's greatness lies in the millions of immigrants who, like Casimir Pulaski, have come here with nothing but a love of freedom.

Oppressed peoples across the world still dream of liberty. In Poland, Russia, Cambodia, and other countries, the people still long to come to America to enjoy the fruits of democracy. Our Nation is strong because people from all over the world have come to this country with the common goal of freedom. America will remain powerful as long as we continue to work together to maintain this freedom.

As we honor Casimir Pulaski today, let us also honor the millions of people who have worked and suffered for freedom in the United States and around the world. In their memory, let us pledge our hearts and souls to the cause of liberty here in the United States, in Poland, and around the globe.●

● Mr. MURPHY. Mr. Speaker, 206 years ago today, on October 4, 1777, brigadier general and first commander of the cavalry Casimir Pulaski fought in his first American battle in Germantown. He fought for freedom in the United States after unsuccessfully fighting for freedom in his native Poland. He was a man who tasted both freedom and oppression, but knew life could not exist without liberty. He was a Pole who spoke no English fighting alongside Colonialists with a passion for liberty seldom seen throughout history. He wrote, "I would rather live free, or die for liberty."

General Pulaski's tenure in the American Army was a turbulent and frustrating one. He resigned his commission to raise an independent cavalry corps. He gallantly fought several unsuccessful battles against insurmountable odds, and next week on October 11, we celebrate the 204th anniversary of his death. What we should learn from this brave man, who did not know his homeland would still be oppressed 200 years later, is that to maintain freedom we must be unselfish and persevere. To the people of Poland, I say be proud of your forefathers, men like Casimir Pulaski, who have taught you how to remain free in your hearts. Do not give up the fight because many unselfish Americans have also learned from General Pulaski and are beside you in your struggle for liberty.●

● Mr. ROE. Mr. Speaker, it is indeed a great honor to rise today to honor the great Polish patriot and American Revolutionary War hero Casimir Pulaski on the 205th anniversary of his death.

Count Casimir Pulaski was a loyal son to both Poland and America, devoting his life to fighting for freedom in both lands. On October 11, 1779, he made the ultimate sacrifice for his new homeland by giving his life during the Battle of Savannah in the American Revolution.

Mr. Speaker, Casimir Pulaski made that sacrifice so the people of America could one day live in peace, with liberty and justice for all. The love for freedom was deeply ingrained in the soul of this Polish patriot. In Poland, at the young age of 19, Casimir Pulaski joined with his father Joseph in forming the Confederation of the Bar, an organization devoted to resisting the foreign domination of imperialist Russia.

The brave young man's forces were no match for the Russian troops, and Casimir Pulaski was forced into exile in Turkey. But the safety of exile was no place for a man of his drive and dedication. Hearing of Ben Franklin's call for volunteers to fight for freedom in the new colony of America, he immediately offered his services in the battle for justice against the British.

Upon his arrival in Boston, 1777, Pulaski, with his reputation preceding him, received the command of the Continental Cavalry from George Washington. Later, Congress made him a general and chief of the Cavalry Pulaski's leadership in such battles as Brandywine, Trenton, Flemington, and Germantown earned him the title of "Father of the America Cavalry."

Pulaski's death at the young age of 32 was a devastating blow to the emerging American Nation. But his desire for peace for all peoples served as an inspiring force to the troops that eventually gained American its independence.

The spirit of Casimir Pulaski is alive today in the hearts and minds of the people of his Polish homeland as they battle daily in their own struggle for freedom from the Soviet Union.

Mr. Speaker, it is indeed fitting that we pay tribute to this great Polish-American hero on the anniversary of his death.●

● Mr. FOGLIETTA. Mr. Speaker, I rise today to join with my colleagues in honoring Casimir Pulaski. This Polish nobleman's never-ending dedication to freedom led him to forsake his aristocratic station in life to join the fight to rid his native country of foreign oppression, and to distinguish himself in the Revolutionary War fought by the American Colonies.

Pulaski, the soldier and revolutionary, was noted for his bravery, his skills as a horseman, and his passionate love of and dedication to freedom and liberty. As a member of the Confederation of the Bar, Pulaski was active in guerrilla warfare against Russian encroachment of Poland. His estate and wealth confiscated, Pulaski fled to Turkey, where he continued the fight, attempting to raise Turkish attacks against the Russians. Eventually, he ended up destitute in Paris, where he was thrown into debtors' prison.

High-ranking officials in the French Government came to Pulaski's aid, freeing him from prison and introducing him to Benjamin Franklin, who was representing the American Colonies in Paris. Franklin sent Pulaski to America, with a letter of introduction to George Washington. In a letter to a friend at this time, Pulaski wrote:

> I would rather live free, or die for liberty. I suffer more because I cannot avenge myself against the tyranny of those who seek to oppress humanity. That is why I want to go to America . . .

In America, Casimir Pulaski further demonstrated his military skill and dedication to the cause of liberty. He served first as a volunteer on General Washington's staff, not content to wait for a commission as an officer. In seeking that commission, Pulaski wrote to the Congress, ". . . I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America." He was soon named brigadier general in charge of the American Cavalry Forces. And "hazard all" he did, distinguishing himself by repeated acts of courage.

But Casimir Pulaski's importance goes far beyond his military prowess. Yes, he is known as the "Father of the American Cavalry" and yes, he did form the renowned "Pulaski Legion," an independent militia. But while we remember Pulaski's contributions to many significant battles, he is important for more than his individual accomplishments.

Casimir Pulaski is a symbol. He personifies the intense love of liberty that characterizes the Polish people even today, as they continue the fight against Soviet oppression, a struggle not unlike the one led by Pulaski himself 200 years ago.

Pulaski's story is also a uniquely American one. He epitomizes our American heritage. We are a nation of immigrants, many of whom fled persecution in their native lands for an opportunity to live in freedom. Casimir Pulaski was one such immigrant. Ours is a nation founded on the principle that liberty is worth fighting for. Pulaski, as much as any other figure in American history, exemplifies that principle.

It is fitting that each year we honor Casimir Pulaski on the anniversary of his death in battle. In the city of Philadelphia, as throughout the Nation, parades and other festivities are held. I am proud for this opportunity to add my voice to the many others remembering Casimir Pulaski and his contributions to our history. He is a man worthy of our praise, our thanks, and our emulation.

Thank you.●

● Mrs. JOHNSON. Mr. Speaker, I am proud to join my colleagues today as we commemorate one of our earliest heroes, Gen. Casimir Pulaski.

Born in Warka, Poland, in about 1748, Pulaski was the eldest son of a count. Left penniless after the Russian domination of Poland in 1772, Pulaski left his beloved homeland, first for Turkey, then on to Paris. It was there that he met American patriots such as Ben Franklin and Silas Deane. Convinced by them that his military experience would benefit the Revolution, Pulaski came to America in 1777. First volunteering with George Washington, he then commanded his own troop of cavalry, and died in 1779, while leading a heroic charge during the siege of Savannah.

Gen. Casimir Pulaski was born a Polish count, but he died an American patriot. Unable to free the land he loved, he chose to continue the battle for freedom nonetheless, for a country that became the symbol of freedom and liberty for people throughout the world. As the people of Poland pursue their struggle for freedom, let us remember that our tradition of sacrifice and struggle for that same goal was shaped in part by people like Casimir Pulaski. The bonds of liberty hold people more closely that those of tyranny. In those bonds, we stand by the people of Poland in their present struggle, as we share in the international search for individual freedom and justice.●

● Mr. DWYER of New Jersey. Mr. Speaker, we join today to honor one of the great heroes of our War of Independence, Count Casimir Pulaski.

Our country owes a great deal to individuals like General Pulaski, who, inspired by the ideals of our fight for freedom, came to these shores to assist us in our valiant struggle.

General Pulaski fought many years to protect the independence of his Polish homeland and brought much-needed military skills to the American forces.

Pulaski served admirably on several colonial fronts, including in my home State of New Jersey where one of our major highways is named in his honor.

He not only commanded units of the American Army, but also used his vast experience with the Polish cavalry to raise an independent cavalry corps here, and later became known as the "Father of the American Cavalry."

Two years after coming to this country, Pulaski and his cavalry led a gallant but unsuccessful attack against the British at Savannah, Ga. This heroic action cost him his life, but Pulaski's memory lives on through local Pulaski Day observances and many other standing memorials.

It is right that we remember the heroes of that war, heroes like Casimir Pulaski who shared our dream of independence and helped our forefathers to realize it. We shall always be in their debt.●

● Mr. BOUCHER. Mr. Speaker, next Tuesday, October 11, is the anniversary of the death of one of America's lesser known Revolutionary War heroes, Count Casimir Pulaski. He was one of a select corps of foreigners who fought and died for the ideals of the American Revolution.

Casimir Pulaski was a Polish aristocrat who had long fought against the powers of tyranny and oppression in his homeland. Notwithstanding suffering defeat in his own country, he was determined to carry on the fight for liberty. He came to the American

Colonies in 1777 to renew his struggle which ended when he gave his life for another country and a cause, an ideal—freedom.

After meeting with Benjamin Franklin in Paris, Count Pulaski arrived in America, commended to the Continental Congress by Gen. George Washington. Congress, sorely in need of military men of the Count's experience and caliber, entrusted him with the command of the newly formed cavalry. He later fought courageously in New Jersey, Delaware, South Carolina, and finally Georgia.

It was at the siege of Savannah, on October 11, 1779, while leading his cavalry against the enemy, that Count Pulaski was struck by grapeshot and mortally wounded. Thus ended the career of a great soldier and a champion of liberty.

To honor a patriot whose cause was not confined by national boundaries, the Commonwealth of Virginia formed a county in 1839, from parts of Wythe and Montgomery Counties in southwest Virginia, and named it after Count Pulaski. I am proud to represent Pulaski County in this body.

Mr. Speaker, I think all Americans should be thankful to those who came from afar to join the struggle for freedom. This struggle is a universal one, as the recent events in Count Pulaski's native land have demonstrated.●

● Mr. RANGEL. Mr. Speaker, I rise to participate in my distinguished colleague, Mr. BORSKI's special order to honor Casimir Pulaski, the "Father of the American Cavalry."

Casimir Pulaski was a man who fervently believed in liberty. He lived during a time of high ideals and strong passions for freedom. His struggle in the cause for liberty was an international one, and he traveled or fought in revolutionary France, Poland, and America.

When he finally arrived in America in 1777, he immediately organized and commanded a joint cavalry/light infantry unit known as the Pulaski Legion. Two years and many critical battles later, Casimir Pulaski was killed as he led his Legion in a gallant assault against enemy lines during the Battle for Savannah on October 9, 1779.

His memory and legacy lives on in his native Poland, and here in the Republic which he died for. He deserves to be honored this day.●

● Mrs. HOLT. Mr. Speaker, the long history of the oppression of Poland by powerful neighbors has produced outstanding patriots committed to the cause of freedom, and I am very pleased today to participate in this special order of business to salute the memory of Count Casimir Pulaski.

He has a prominent and honorable place in American history because of his important role in the American Revolution for independence. He was a courageous cavalry commander, and he died of wounds sustained in combat against British forces.

We know of Count Pulaski because of his place in our history, but it is often forgotten that he was a rebel for freedom in his native Poland before he came to America. It was a time when the independence of Poland was being crushed by Russia and Prussia, and Pulaski joined his father and brothers in leading a revolt that failed. He made his way to France and then to America.

It is sad that 204 years after his death, Poland suffers under a military dictatorship that serves the imperial interests of Russia, but Count Pulaski would be very proud that Polish patriotism remains strong and the people of Poland continue their valiant resistance against Russian imperialism.

As we remember that Count Pulaski sacrificed his life in the struggle for our freedom, let us do all that we can to keep alive the hope for the freedom of Poland.●

GENERAL LEAVE

Mr. BORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SOVIET JEWRY: AN ASSESSMENT AFTER KAL 007

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 30 minutes.

Mr. LEVIN of Michigan. Mr. Speaker, I rise today on a special order relating to the plight of Soviet Jewry, an assessment after the destruction of the Korean airliner.

Mr. Speaker, I want to thank my colleague from Pennsylvania (Mr. COUGHLIN) for joining in setting aside time today for the House to assess the issue of Soviet Jewry in light of the recent destruction of the Korean airliner and the resulting death of 269 innocent civilians. This tragic incident has prompted a period of reassessment and redefinition of United States-Soviet relations.

It is clear that United States-Soviet relationships have soured due to the Soviet's irresponsible reprehensible action over Sahklin Island. Countries around the world have followed the U.S. lead in condemning the Soviet shooting and normal commercial activities between the Soviet Union and other countries have been disrupted.

Mr. Speaker, let no one misunderstand—this situation has been caused by the Soviet Government through its callous destruction of 269 lives and through its inexcusable excuses for its action. The Soviet Government has tried typical propanganda technique—hide the truth from one's own people and tell the big lie to the rest of the world. The Soviets have even tried to blame this tragic incident on our country. This coverup tactic has failed miserably—around the world.

In the same way, the Soviets have tried for years to coverup another tragic situation—their refusal to allow free immigration. For years, countries around the world have condemned their inhumane refusal to allow their own citizens exit visas—particularly their Jewish citizens. And, sadly enough, Mr. Speaker, for too many years the Soviets have made shameless excuses for this lack of regard for the human rights of its own people. We want today the Soviet Government to know that this coverup tactic continues to fail, even as they begin an even more vitriolic anti-Semitic propaganda campaign. In fact, I believe the incident with KAL 007 only reinforces the world's disbelief in the Soviet claim that there is no immigration problem because they have supposedly granted visas to everyone who wants to emigrate.

One consequence of worsening relations is that tens of thousands of Soviet Jews and other minorities who are trapped in the Soviet Union may now have less hope for their freedom in the immediate future.

Though I am less optimistic today than before August 31, we must remain hopeful. In this spirit, I hope that our special order today will send word to both the Soviet Government and the refuseniks that we in Congress have not forgotten them. I am reminded of several Soviet Jews who have been refused exit visas; I recently met with their relatives and I want them to know that they are not forgotten. They include Mr. Alex Khannuk; Alexander, Ludmilla, and Elana Prutkov Veniamin Nigin and Anna Levina; Galina and Yuri Pikovskiy Tatyana Brendis; Rita and Igor Vdovkin and their son Albert and finally, Abe Stollar, an American citizen.

To them, I say, we have not forgotten you and we will not forget until you and your fellow refuseniks are allowed to emigrate.

To my colleagues here, I remind you of a quote from a speech of John Kennedy in 1961:

> All our early Revolutionary leaders, I think, echoed the words of Thomas Jefferson that "the disease of liberty is catching." And some of you may remember the exchange between Benjamin Franklin and Thomas Paine. Benjamin Franklin said, "Where freedom lives, there is my home." And Thomas Paine said, "Where freedom is not, there is my home." I think all of us who believe in freedom feel a sense of com-

munity with all those who are free, but I think we also feel an even stronger sense of community with those who are not free, but who someday will be free.

GENERAL LEAVE

Mr. LEVIN of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN of Michigan. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, I want to commend my distinguished colleague from Michigan (Mr. LEVIN) for taking this special order.

Mr. Speaker, the callous destruction of the Korean Air Lines passenger plane has prompted a period of reassessment in United States-Soviet relations. In light of this changing climate, my distinguished colleague from Michigan (Mr. LEVIN) and I are particularly concerned that Soviet Jewry, to which Congress has always had a strong commitment, remain a high priority in American policy toward the Soviet Union.

While the destruction of a defenseless civilian airliner has not had a direct impact on the issue of Soviet Jewry, it does reveal a number of terrible truths about the Soviet Government and its system. Perhaps the most terrible truth is that the Soviet leaders do not share, nor do they care for, the basic human values that distinguish our own society. In recent years, this has been no more clearly illustrated than by the Soviet Government's treatment of its Jewish citizens, particularly those who have expressed a desire to emigrate. The refuseniks have become outcasts in Soviet society. They are trapped by a system that does not want them; nor is it willing to let them leave. And the situation continues to deteriorate. The number of Jews permitted to emigrate continues its sharp decline from previous years and there is little hope that the situation will improve in the near future. Moreover, the recently formed Soviet Anti-Zionist Committee has already begun to compare emigration with treason.

Mr. Speaker, my colleague and I have called for this special order today for two reasons. First, to continue to focus attention on the plight of those Jews wishing to emigrate from the Soviet Union and, second, to provide Members of this body with a forum to put forth and discuss practical initiatives that might be taken by the United States to help alleviate this tragic situtation.

Unquestionably, we have been most effective in focusing public attention—both here in the United States and abroad—on the problems of Soviet Jewish emigration. By doing so, we have let the Soviet Government know that Jewish emigration, and human rights in general, remain high priorities for the United States. Equally as important, we let the refuseniks know that they are not alone in their struggle, that they are not forgotten. For these reasons, it is crucial that we continue to focus national and world attention on this issue, whether it be at the grassroots level, in Congress, or through international channels such as the Madrid Conference on Security and Cooperation in Europe.

Public opinion, however, while it can make a difference in specific cases, is not enough. If we are to bring about a significant change in the Soviet Government's official attitude toward its Jewish citizens, we must do more.

So the question remains, what practical initiative can be taken to encourage the Soviets to permit freer emigration, remove restrictions on religious and cultural practices and cease harassment of individuals who have requested permission to emigrate? Clearly, there are no easy or simple answers. In fact, it seems just the opposite. For those of us who for years have been deeply involved in this cause, the question of leverage in United States-Soviet relations has more often led to a great sense of frustration than to answers. We know that more must be done. What we do not know is how or what. Even among the Jewish refusenik community there is no clear consensus.

Yet, there are means available to us. By linking Soviet Jewry to other important United States-Soviet policy considerations, we can impress on the Soviets that the United States will not sit idly by in the face of blatant human rights violations.

Unfortunately, many of the most critical bilateral issues—such as nuclear arms reductions—are by their own right enormously complex and difficult to negotiate. Yet, there are other areas where it may be possible to influence the Soviets. Perhaps some of the areas in which the Soviets are most vulnerable are in the fields of science and technology. A number of refuseniks have asserted that Soviet leaders fear being cut off from the world scientific community and have suggested that by linking science and technology agreements and transfers to improvement in human rights conditions, we can, in fact, exert a great deal of pressure. Other areas which might be explored include cultural and educational exchanges. While these may not represent major foreign policy considerations for the Soviets, they are nevertheless important to them and may be an effective means of influencing that Government.

Whatever course we follow must demonstrate clearly to the Soviets that we are serious in our commitment and our determination. The lives of thousands upon thousands of Soviet Jews depend on our efforts.

□ 1730

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to my distinguished colleague, the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding, and I want to commend the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. COUGHLIN) for arranging this special order this evening so that we may focus more specifically on the relationship between the destruction of KAL flight 007 recently, and the continued harassment and discrimination of Soviet Jewry by the Soviet Union.

There are several links that can be made. The most glaring, of course, is the blatant disregard the Soviet authorities have for human life and human dignity. Not only do they subject their own citizens to capricious arrest and imprisonment, hoping they will disappear from the eyes of the West into the infamous "gulag," but they exploit an innocent civilian airliner, shoot it down because it strayed into Soviet airspace, and cause it to disappear from air traffic control radar screens. The men and women whom the Soviet Union cause to "disappear" only increase our resolve here in the United States to insure that communication lines remain open, so that none of these innocent victims can be forgotten.

Mr. Speaker, today our House Post Office and Civil Service Committee conducted a hearing which was the culmination of our year-long investigation into the Soviets nondelivery of American mail. We received countless documents and heard supporting testimony that the Soviet Union would like nothing better than for Americans to forget that the Soviet Union violates international law time and again, and that it blithely ignores the conventions accepted by all civilized nations. The ongoing issue of the restrictions on emigration of Soviet Jewry continues to be a priority for the Congress, the State Department, and for our negotiators at the United Nations. The long-term effect of the shooting down of flight 007 on American-Soviet relations is not yet clear; the short-term effect is. It is important that we in this body continue to voice our indignation to the Soviet authorities at every opportunity. Let us not allow the issue of Soviet Jewry to be forgotten. In the wake of the flight 007 mas-

sacre, we must show the refuseniks and prisoners of conscience that we are still with them. The Soviet Union must know that it is up to them to improve relations with the United States by markedly increasing Jewish emigration from the U.S.S.R., desisting from the harassment of those individuals desirous of practicing their religion openly, and honestly admitting their complicity in the downing of a passenger plane. If we forget to press them on these matters, the rest of the world will forget as well. Since Scripture reminds us that we are indeed our brother's keeper, it is incumbent upon this body to keep the plight of Soviet Jewry in the forefront of our actions.

Mr. LEVIN of Michigan. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. ANDREWS).

Mr. ANDREWS of Texas. I thank the gentleman for yielding.

Mr. Speaker, let me begin by expressing my appreciation to my distinguished colleagues, Mr. LEVIN and Mr. COUGHLIN, for calling this special order. It is important that we examine the status of Soviet Jewry and Soviet oppression of human rights in the wake of the downing of the Korean Air Line 007. It is important that we do not forget how the Soviet Government is treating its own citizens, even while our attention is focused on the tragic destruction of the civilian airliner barely 1 month ago.

Since the death of Brezhnev, and the rise to power of the former head of the KGB, Yuriy Andropov, life for Soviet Jews has gotten consistently worse. Today, the oppression of Jews in the Soviet Union is worse than it has been since the days of czarist Russia.

The right of Soviet Jews to emigrate to Israel and elsewhere in the West is guaranteed by the Helsinki accords. It is also guaranteed by Soviet law, which permits emigration for the purpose of family reunification or repatriation to one's homeland. The past couple of years have seen dramatic reductions in the number of Jews permitted to leave the Soviet Union. In 1982, only 2,688 Jews were allowed to emigrate. That figure, for all of 1982, is less than the amount which left in 1 month in 1979, the peak year for emigration. This year, the statistics are even worse. As of October 1, only 1,070 Jews had been permitted to leave. In some months this year the figure has been less than 100, and it is estimated that the total for the year will be less than 2,000.

Yuriy Andropov has closed the gates of freedom, and left behind are an estimated 300,000 to 400,000 Jews who still seek to emigrate. This figure includes those who have applied to emigrate but have been refused, those who have applied and have not received a reply from the Soviet authorities, and those who have the necessary letters of invitation from relatives in Israel, but have not yet started the application process. One such family, which has applied to emigrate but has been refused, and whose case I have adopted, is the Raiz family of Vilna, Lithuanian SSR. Vladimir and Carmella Raiz first applied to emigrate to Israel in 1972. Vladimir has a sister in Israel, so the request was legal under the provision which permits emigration for purposes of family reunification. Vladimir, a molecular biologist, worked at the Institute of Molecular Biology in Vilna. Carmella is a concert violinist. In March 1973, the Raiz family was refused the right to emigrate for security reasons, supposedly related to Vladimir's work at the lab. However, according to the director of the lab, Vladimir never had a security clearance, and therefore did not work on matters related to national security. When his emigration request was denied, Vladimir was fired from his job, and has had little succcess in finding new work. Vladimir and Carmella have been slandered in the local press, harassed by the KGB, and arrested for making a phone call to Israel.

What makes the current crisis for Soviet Jews so alarming is that the Soviets have gone a step further than they have in the past, and have begun a systematic and comprehensive campaign of government-sponsored anti-Semitism. Evidence of this campaign has been quite visible in the form of the recent publication of a book titled "The Class Essence of Zionism," a book filled with slanderous accusations that the Jews themselves were responsible for the persecutions and pogroms they suffered under in czarist Russia. The campaign is also quite repulsively visible in the creation of the notorious Soviet anti-Zionism Committee which we have all heard so much about.

Today, however, I want to talk about two elements in the campaign that have not been well publicized. The first is the discrimination against college-age Soviet Jews. This group has suffered from unique forms of discrimination which may forever alter their lives. To begin with, there are quotas restricting the number of Jews permitted to attend universities. These quotas are applied not only to those whose nationality is listed as Jewish. The Soviet authorities are now applying the quota to those who have one parent who is Jewish, and in some cases are even looking at the nationality of the grandparents when applying the quota. Thus, the discrimination affects even those whose nationality is not Jewish, but whose heritage might be partially Jewish.

In recent years, the Soviets have slashed the quotas, especially at the better universities, and have all but eliminated the possibility that a Jewish student might be allowed to study in one of the more important disciplines, such as math, physics, and other sciences. Thus, oftentimes, Jewish students must attend trade schools or institutions of lesser quality and reputation if they can get a higher education at all. In addition to the quotas, the Soviets attempt to reduce the number of Jewish students by making it harder for them to qualify, subjecting them to discriminatory entrance examinations and unusually difficult oral exams that can last up to 5 hours, as opposed to the usual 1- to 2-hour oral exams given to non-Jewish applicants. The result has been a reduction in the number of Jewish students in Soviet institutions of higher learning from 112,000 in 1969 to fewer than 55,000 in 1981.

The second example I want to tell you about has horrifying implications. It is a new game that is being played in some elementary schools in the Soviet Union called the concentration camp game. Reports about this game first appeared last March. A delegation of the American Jewish Committee traveled to Russia to meet with resfusenik families. Some of the families they met in Moscow and in Leningrad told the delegation of a new game that their children were being subjected to in school. The concentration camp game is played by assigning a Jewish child a number, and referring to him only by that number for days on end, as if it was tatooed into his or her forearm. At no time while the game is being played is the child referred to by their real name. The game, although not organized by the authorities, seems to have their tacit approval. According to the report of the AJC delegation, teachers in classrooms where the game is being played make no attempt to stop it, and usually look the other way, pretending that it is not happening. The game is, I believe, a symbol of just how deeply imbedded anti-Semitism is in Soviet society. It is indeed an ominous development that the state-endorsed hatred of Jews is so widespread that Soviet youth, the next generation, are already indoctrinated into anti-Semitic behavior.

What can we do about the worsening situation of the Soviet Jews? Well, it is in times like these, when the situation seems to many to be hopeless, that we must reaffirm our commitment to their struggle for freedom. We can appeal to the Reagan administration to put the question of Soviet Jews and their rights high on the agenda of any meeting with Soviet officials. We can continue to press the Soviet Government to loosen its grip on Jewish families who want to leave.

We in the Congress have a crucial role to play. Oftentimes it is our outrage, our letters to Andropov, that mean the difference between freedom

and prison for Soviet refuseniks. We must continue to write letters of encouragement to refusenik families, for oftentimes it is our letters that keep these families from complete despair. We must show them that the world knows and cares about their fate.

There is no instant gratification in working for the cause of Soviet Jewry. This is a struggle for the long haul. But it is because the situation is so desperate now that we must not give up. The gates to freedom have been shut, but they will not stay shut forever—unless we stop clamoring for them to open. We can reopen them by showing that we in Congress are deeply committed to this cause and that we are not about to abandon it. No matter how hard the Soviets, through their oppressive measures, try to convince us there is no hope, we can show them through our actions that hope still lives, and that the struggle has not been abandoned.

□ 1740

Mr. LEVIN of Michigan. I thank our distinguished colleague, the gentleman from Texas (Mr. ANDREWS), for his eloquent remarks.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Speaker, I want to join in commending our colleague, the gentleman from Texas. He made a number of very excellent points. One very important point, I thought, was that the denial of emigration from the Soviet Union is in violation of treaties to which they have agreed, in violation of their own laws, their own agreements, and how difficult it is to make agreements with a power that is like that. That is something that we again explore as we look at how this project ties in.

Mr. Speaker, I would just like to commend the gentleman's very, very eloquent statement that, indeed, does go to the heart of what is a tremendous problem in this world, that kind of lack of freedom, the problem for the Jews and others in the Soviet Union who want to leave that country and are not permitted to by a government which some say if they let some leave, they would have to let so many people leave that they would not have many people in the Soviet Union.

Others say that they will bargain their people for other things with the United States. It seems tragic that a nation should be like that, and it really only reacts to public opinion in this country, public opinion that made the Soviets see that there is a ground swell of public opinion that we can help generate; that then there may be some further reaction. That seems to have been the most effective things to date at least.

I congratulate the gentleman for his statement.

Mr. LEVIN of Michigan. I thank the gentleman. I think he has put his finger on such an important factor. What we are saying together, the gentleman from Pennsylvania and myself, is that together with so many others, we will persevere.

Mr. Speaker, I would like to thank not only my colleague from Texas (Mr. ANDREWS) who spoke so clearly and in ringing tones a few moments ago, but all of my other colleagues who are submitting statements for the RECORD.

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to commend the Union of Councils for Soviet Jews. Since its foundation in 1970, the UCSJ has played an important role in focusing the world's attention on the thousands of Soviet Jews and refuseniks suffering under the racist and discriminatory practices of the Soviet regime. The Soviet Union should never underestimate the importance this country attaches to the plight of these persecuted individuals. Its leaders must also be reminded that, as signatories of the Helsinki Act of 1975, they have committed themselves to a greater respect for the rights of this small, but courageous minority.

Although I am deeply concerned with the fate of all Jews in the Soviet Union, I have taken a special interest in the case of Lev Elbert. As you may know, Mr. Elbert is currently being held in a Soviet prison on trumped-up charges of drug possession. In light of the Korean Air Line massacre, I believe that the release of Mr. Elbert could be an important first indication that the Soviet Union is seeking to improve its relations with the United States. Accordingly, I have requested the cooperation of a number of Soviet officials in securing Mr. Elbert's release and in allowing the Elbert family to emigrate. More recently, I have written a letter to the commandant of the camp in which Mr. Elbert is being held. I have provided a copy of that letter for inclusion in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1983.

Camp Commandant Colonel RYBMITSKY,
Ispravitelnutudovoy, Poseoluk Trudovoy, Vinnitskaya Oblast-Peschansky Rayon, Ukrainian S.S.R., U.S.S.R.

DEAR COLONEL RYBMITSKY: I am writing to you on behalf of Lev Elbert, his wife Inna and his six-year-old son, Karmi.

For over seven years, Mr. Elbert and his family have been attempting to emigrate to Israel. Yet, because Mr. Elbert had once been privy to classified information while serving in the army, his applications for an exit visa have repeatedly been denied.

Last May Mr. Elbert was called upon to begin service in the military reserve. Mr. Elbert agreed to perform his service; yet he requested that he not be exposed to any classified information. Such exposure, he felt, would further obstruct his attempts to emigrate. Shortly thereafter, Mr. Elbert was arrested, charged with "draft evasion" and sentenced to a year in prison.

According to official sources, Mr. Elbert now faces an additional charge—drug possession. Prison authorities claim to have found 25 grams of hashish on his person. Although Mr. Elbert has recently ended a five-day hunger strike, he still faces another three years in prison.

Colonel Rybmitsky, the fate of Mr. Elbert and his family is of vital concern not only to me, but to a great many other Americans as well. I would therefore like to urge your cooperation: first, in securing Mr. Elbert's release from prison; and secondly, in allowing the Elbert family to emigrate.

I look forward to hearing from you on this important matter. With best wishes, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.●

● Mr. MRAZEK. Mr. Speaker, with the exception of the Soviets and their client states, the outcry has been universal against the outrageous shooting down of the Korean jetliner carrying 269 innocent passengers. If the Soviets anticipated a different response, they were sadly mistaken. Their actions were inexcusable and reprehensible, and the world has registered these protests in no uncertain terms.

The destruction of flight 007 has prompted many observers to reassess the objectives and direction of Soviet-American relations. Some observers have called for the prompt imposition of strong sanctions against the Soviet Union, including cancellation of a new grain agreement; curtailment of diplomatic relations; adjournment of arms control talks; and elimination of all cultural and education exchange programs.

Yet, there is little reason to believe that such a perspective is likely to result in any positive changes for the 500,000 Jews in the Soviet Union who have expressed a desire to emigrate to the West. Since the invasion of Afghanistan and the imposition of martial law in Poland, relations with the Soviet Union have undergone a steady decline. At the same time, emigration figures for Soviet Jews have dropped by more than 95 percent.

The downing of the KAL passenger plane came at a time when there was growing evidence of a gradual improvement in Soviet-American relations. The conclusion of the Conference on Security and Cooperation meeting in Madrid and the granting of emigration visas to the Pentacostalists who were harbored in the U.S. Embassy for years were but two recent signs of an improvement in relations. They were also a small indication that such a trend can be tied to tangible progress in the area of human rights.

Ultimately, few options are available to us for influencing the course of official Soviet policy toward 3 million Soviet Jews. Rather than casting aside the limited altenatives that we have

pursued in the past, we must refocus our efforts in bringing this critically important issue to the forefront of Soviet-American relations. I am convinced that we must make the issue of Soviet Jewry a primary concern in all future negotiations for the sale of grain to the Soviet Union. Members of this body must renew their commitment to travel to the Soviet Union and meet with officials on this issue, instead of curtailing or canceling such plans. The administration might also reconsider its recent decision to cancel the scheduled reopening of a new consulate in Kiev.

We should also examine closely the human rights provisions of the Madrid document which was concluded in early September. This important document contains a number of significant and worthwhile contributions in the area of emigration and family reunification. We must press the Soviet Union to comply with all aspects of this agreement, through both diplomatic and political channels.

The downing of flight 007 and the Soviet Union's mendacious response to this tragedy should come as no surprise to anyone familiar with the brutal history of that country. Over the years, the Soviets have massacred thousands of their own citizens and disregarded the human rights of millions more in their grand design for world dominance. Yet, we must be careful not to use this episode as a misguided excuse for abandoning the pursuit of constructive developments in our relations with the Soviet Union. Rather, we must use it as a reaffirmation of the need to continue to place the issue of Soviet Jewry high on the diplomatic agenda. To do otherwise would be a grave and potentially irreversible mistake.●

● Mr. PORTER. Mr. Speaker, the murder of 269 people on board KAL flight 007 serves to remind us of the ruthlessness of the Soviet regime. I join all of my colleagues in abhoring this vicious attack.

This cold-blooded murder is dramatic evidence of Soviet brutality. Yet there is an ongoing reminder of Soviet cruelty, one that occurs every day—the plight of Soviet Jewry. To be Jewish in the Soviet Union is to be hated, ridiculed, tortured. Jews who practice their religion or teach Hebrew and other Jewish studies are either imprisoned or internally exiled. Refuseniks, those Jews who apply for visas to the West, lose employment and are constantly harassed by KGB agents. Few are ever allowed to leave the Soviet Union.

These major human rights violations against Soviet Jewry are a crime against humanity. They violate many of the accords that the Soviet Union has signed, including the Helsinki accords and the United Nations Declaration of Human Rights. The Soviets have recently increased the attack on the Jewish community by forming the infamous Anti-Zionist Council and by slowing Jewish emigration to a trickle.

Recently, I received a letter from a constituent concerned over the Korean airliner murder and over the treatment of Soviet Jewry. He suggested that as partial restitution to mankind for the KAL murders that the Soviet Union pay the West with increased emigration of Soviet Jewry. This idea may strike some as bizarre. Indeed, it is absurd that we should feel compelled to beg them to grant their own people basic human rights, but it is precisely such a brutal system with which we must contend.

I would like to submit for the RECORD the letter I received from Scott Kane and urge all of my colleagues to continue to call attention to the abuses of human rights of Jews, and, indeed of all people, in the U.S.S.R.

DEERFIELD, ILL.,
September 9, 1983.

Hon. JOHN PORTER,
House of Representatives,
Washington, D.C.

DEAR MR. PORTER: Some people say we should cut off their wheat supply; others say that Aeroflot should be prevented from landing anywhere in the world; while others demand monetary restitution to the families of the victims. All of these could be the civilized world's punishment of the Russians for their cold-blooded destruction of Korean Air Lines Flight 007.

But cutting off their wheat could hurt our farmers more than the Russian economy. The Soviets have proven in the past that they can go without our wheat . . . they'll just let their people starve a little bit more than they do now. Keeping their airline from using other international airports could only be a temporary measure, at best. And, having the Soviets make monetary restitution to the families of Flight 007 would have little effect on the treasury of the USSR.

OK, if these sanctions would have little or no effect on the Soviet Union, then what can we as members of a free society do to enact an effective punishment? Could we not devise a punishment that would provide retribution and at the same time further the cause of democracy? We need to attack, not at their military defenses, but at the core of their Communist principles; to expose their perfect society as the fraud that it really is.

Let the Soviets pay for the 269 lives with the lives of Soviet Citizens. Not in the manner of an "eye for an eye," but more in the form of a "contribution" to the free world. Where would these people come from? There are more than 200,000 registered Soviet Jews, or Refuseniks, now living in the Soviet Union who want out. These are the people who have formally requested exit visas from Russia, and who have been denied emigration. When they request visas, these people are fired from their jobs, ridiculed, and classified as non-citizens in the eyes of the Soviet Government. They, and their children, are constantly watched, harassed, and persecuted by the KGB.

Would it not be an appropriate punishment if the Soviet Union was forced to release 1,000 Refuseniks for every life lost on Flight 007? Imagine, over 200,000 people would be set free. This would certainly assure the free world that the 269 victims had not died in vain. Would this not demonstrate to the world that there are people living within the confines of the USSR that desire to prove that living the life as a Soviet Citizen is not as utopian as their leaders say it is.

The United States Government knows who these Refuseniks are, and it should do everything in its power to see that those who want to leave the USSR should be afforded the opportunity to do so.

Very truly yours,

SCOTT H. KANE.●

● Mr. ROE. Mr. Speaker, the downing of Korean Air Lines flight 007 by the Soviet Union was an act of blatant murder that has outraged freedom-loving people the world over.

The legacy that tragic incident left us in clear. We must not be lulled into any sense of false security in our Nation's dealing with Russia. There is now a strong feeling of suspicion among Americans in anything that has to do with the Soviet Union, be it political oriented, sports based, or even on the level of purchasing of Russian products.

Indeed, the shooting down of that Korean airliner has clearly redefined how our Nation will deal with the Soviet Union in the future.

Mr. Speaker, the brutality of the Soviet system has never been a secret to those of us who know the plight and suffering of the Soviet Jewish population. The brutal treatment of its Jewish citizens over the decades is a moral outrage to all humankind.

Despite the Soviets' signing of so-called human rights documents with varied Western nations, the vise around the neck of Soviet Jewry is tightening. Soviet Jewish emigration is at an alltime low, with only 2,688 Jews allowed to leave that nation in 1982 compared with over 51,000 in 1979. This year's emigration figures are indeed dismal. So far, the 1983 emigration totals are only half those of 1982.

What we are witnessing is the most blatant attempt to restrict the movement and religious and cultural activists of Jewish people since the era of Nazi Germany. We can only assume that it is the deliberate Soviet policy to break the will and spirit of Soviet Jewry.

More Jewish activities have been arrested, tried, and convicted over the past year than during the previous several years. The more well known names of those brave individuals like Anatoly Shcharansky, Ida Nudel, Iosif Begun, Alexei Murzhenko, Yuri Federov, and Victor Brailovsky, have become symbols of freedom to us all. And there are hundreds, perhaps thousands of other Jewish dissidents who are rotting in Soviet prisons and detention camps simply because of their desire to leave Russia and to practice their faith.

Mr. Speaker, the shooting down of that ill-fated Korean airliner has drawn worldwide attention to the Soviet Union and the policies of its leadership. Despite denials of guilt in the airline downing, the Russians know they have become vulnerable targets for criticism in all areas of Soviet life. Indeed, the time has never been better to raise the issue of the treatment of Soviet Jews and the denial of their right of free access to leave that nation.

Even prior to the Korean airliner incident, the Soviets have been undergoing the most severe economic and political turmoil since the Communist Revolution of 1917. The invasion of Afghanistan has backfired in their faces and the same can be said for the Soviet's disasterous attempts to block expressions of personal freedom in Poland.

Mr. Speaker, if the United States does not take a strong stand in support of Soviet Jewish rights at this critical time, Andropov and his leadership group in the Kremlin will take it as a sign of indifference on the part of our Nation. We must not allow that to happen.●

● Mr. HUGHES. Mr. Speaker, the wanton destruction of an unarmed Korean passenger jet by the Soviet Union stunned civilized people around the world. Our Nation is still in shock over the brutal destruction of the airliner by the Soviets, which took the lives of 269 innocent people.

In addition to the 269 who died, however, and their bereaved families and friends, there is another victim of this disaster; that victim is hope. For Jews in the Soviet Union, the situation in the wake of KAL flight 007 may seem hopeless.

We know that situation has never been graver. The rate of Soviet Jewish emigration has declined precipitously over the past several years, from a monthly average of approximately 4,000 in 1979 to less than 100 today. The government's harassment of Jews seeking to leave the Soviet Union has increased markedly in recent months; religious expression is punished severely. The number of arrests of Jewish citizens is soaring. Mail sent to Soviet Jews is being confiscated. Most discouraging is the formation of an official Anti-Zionist Committee, a government project designed to spread vicious propaganda linking Zionism to Hitler and Nazism.

The entire Jewish community in the Soviet Union is systematically being cut off from the rest of the world. In dealing with its own citizens, it has become the policy of the Soviet Government to eradicate distinction, and any individual freedoms. It has become the policy of the Soviet Government to eradicate even hope.

The devastating mistreatment of Soviet Jewry by the Government of the U.S.S.R. stands only to worsen in the wake of the destruction of KAL flight 007, and the reaction of nations around the world. Unless, that is, we in the free world renew and reinforce our commitment to strive for human rights. We must not give way in our demands for justice and fair treatment by the Soviet Government of its citizens. Our vigilance and constancy in this cause may be the difference between life and death for a crucial element—that element is hope.●

● Mr. BERMAN. Mr. Speaker, I commend my colleagues, Mr. LEVIN and Mr. COUGHLIN, for making it possible for the many concerned Members of this body to join together at this time to discuss the U.S. relations with the Soviet Union in the aftermath of the downing of the Korean passenger plane, with special regard to the plight of Soviet Jewry.

The task now before us is to take all steps necessary to assure that such an incident will never happen again. We need to carefully examine the various possible measures that have been put forward, ranging from better warning systems for planes approaching Soviet air space to additional sanctions should they be needed to secure Soviet cooperation in protecting international commercial travel.

The tragic loss of life in this incident raises many questions about our relationship with the Soviet Union. The cruel and calculated destruction of KAL 007 outside of their country leads me to wonder how we can continue to remain complacent about the Soviet's treatment of people within their borders.

Jews in particular are suffering mounting repression at the hands of the Soviet Government and the KGB. Anatoly Shcharansky and Iosef Begun remain in prison, guilty only of being Jewish in a country which considers Judaism a crime. Others who speak out against the harsh Soviet emigration policies, participate in Jewish cultural activities, or simply attempt to teach Judaism are subject to arrest and are constantly harassed by the KGB. No one can say for certain how many more of the country's 3 million remaining Jews are awaiting the opportunity to emigrate with the Kremlin's 95 percent decline in permitted departures.

Mr. Speaker, none of this should be news to any of us. Not only have my colleagues and I spoken out on the plight of Soviet Jews before, but Members of Congress and of the American Jewish community have been doing so for many years. In spite of all of our efforts, and in spite of the remarkable fact that thousands of Jews have been allowed to leave the Soviet Union over the last decade, the Soviet's concerted effort to suppress Judaism, which has continued since shortly after their 1917 revolution, is as strong as ever today. Earlier this year the formation of the Anti-Zionist Committee of the Soviet Public was announced. It is clear that we have much work still to do in order to assist Soviet Jewry.

What can we do to protect Soviet Jews from harassment and arrest? How can we make it possible for them to emigrate in greater numbers? I think that the most effective means of coming to their aid lies in the organizational strength of the American Jewish community. There are two things we must concentrate on: Education and action.

Education is the factor which will make action possible. People in this country still do not know enough about the atrocities that the Soviet Union has committed against Jews, and Americans are not all aware of the numbers of Soviet Jews who are subjected to this as part of their daily struggle. The Soviet Union still has approximately 20 percent of the world's Jewish population. We must work to educate Jews, as well as concerned citizens of all religions. Without sheer numbers of people to express their outrage at the abhorrent Soviet policies, the Kremlin can easily shrug off the complaints of a relative few. One thing the Soviets understand is pressure, for it is one of the tactics they use best. Pressure is what we must put them under in order to free Soviet Jewry from the government's repressive grasp.

Action is to be our means of applying pressure. Americans must be encouraged to write to Soviet dissidents to express support and solidarity, and to write to Moscow to express their outrage at the Soviet's denial of human rights to Jews. As Members of Congress we must consider our economic and technological relationship with the Soviet Union as potential tools to achieve freedom for Soviet Jews, while working toward serious negotiations with the Soviet Union for arms control. We must be willing to take the initiative and to recognize the potential benefits to be gained, not only for ourselves, but for the Soviets and the rest of the world, by advocating and negotiating for a nuclear freeze. Only once the Soviets see that we have the will and the strength to negotiate seriously, without see-sawing back and forth on our policies, will they be willing to join us in pursuit of human rights and peace.●

● Mr. ACKERMAN. Mr. Speaker, in the discussions that have ensued as a result of the Korean airliner incident, there has been precious little dialog about the impact of this event on the Soviet Jewry movement. Unfortunately, American policymakers have discussed nearly every aspect of this issue while neglecting to include one vital aspect of American policy: our commitment to Soviet Jewish emigration

and human rights. It is to the benefit of the Congress, and all Americans, that the Union of Councils for Soviet Jews has organized this special order. In the wake of the most recent vicious human rights violation perpetrated by the Soviets, we must not ignore this important aspect of United States-Soviet relations.

Although there is little of positive value that one can say about this incident, and the current status of Soviet-American relations, we must endeavor to see what possible actions can be pursued that will help to break the stalemate in Soviet-Jewish emigration. Mr. Speaker, the United States must continue to press the Soviets on this issue, in effect making Soviet Jewish emigration a test of Soviet intentions in their relationship with the United States. It is clear that the Soviets' blatant disregard for human rights is shaken by very little short of direct pressure which forces them to recognize the rights which are conferred upon all individuals under the Universal Declaration of Human Rights and the Helsinki accords. Although the Soviets are signatories of these agreements, their actions display a wanton failure to adhere to principles which the world community considers to be the intrinsic rights of all people throughout the world. Mr. Speaker, unless we place the human rights issue at the top of our agenda with the Soviets, we will continue to witness the current low rate of Jewish emigration and a further deterioration in human rights conditions in the Soviet Union.

Mr. Speaker, this issue must remain a part of the ongoing negotiations between our countries. It is vital that the Soviet Jewry issue not be shunted aside as prisoners of conscience and Jewish refuseniks continue to languish in the Soviet Union. It is our duty, as the leading democracy in the world, to reassert our commitment to Soviet Jewish emigration.

Mr. Speaker, I call on President Reagan to heed the words of Soviet Jewry activists through the country who call on him to publicly affirm an American policy which is committed to utilizing all possible opportunities to achieve renewed progress in Soviet Jewish emigration.●

● Mrs. VUCANOVICH. Mr. Speaker, since the destruction of KAL 007 by the Soviet Union several weeks ago, United States-Soviet relations have rapidly deteriorated. Numerous measures have been introduced in this Congress to place severe restrictions on the Soviet Union for this senseless attack, and I support several of these bills. However, I am very concerned that United States reactions to this incident will further threaten the number of Soviet Jews allowed to emigrate.

Soviet Jewry must remain a top priority in American policy toward the Soviet Union. The United States must continue to discuss the issue of Soviet Jewry at international forums and work to secure freedom for Soviet Jews in our bilateral security negotiations with the Soviet Union. We, the Congress, must continue our efforts to secure freedom for Soviet Jews through resolutions, correspondence, and vocal support. It will be more difficult, now, to accomplish this goal due to the recent international tragedy; however, I believe through our constant efforts we can open the door for all Soviet Jews to have the opportunity to live in a free society.

As a member of the Coalition for Soviet Jewry, I have written several letters to Ambassador Dorbynin on behalf of Soviet Jews wishing to emigrate. Although these letters have never been answered, I know my efforts are not futile. We have witnessed results by reuniting families after years of being apart. This can continue, and I urge my colleagues to heighten their efforts in this cause.●

● Mr. SYNAR. Mr. Speaker, many of you have been active in efforts to assist Soviet Jewry, who collectively constitute the segment of Soviet society most deprived of their rights. On May 20 of this year I sent around a "Dear Colleague" to gain signatures for a letter to President Andropov protesting the solitary confinement of Samuel Zalmanson, a prisoner of conscience in the Soviet Union. The Oklahoma Commission for Soviet Jewry has routinely updated Samuel's brother, Israel, efforts on Samuel's behalf, including this one. Israel has been through the same situation as his brother and knows firsthand the harsh conditions in Soviet prison camps. Recently, he wrote to me, and I would like to take this opportunity to share with you some of his letter. Of particular interest to me were his comments about the illustration we used on our "Dear Colleague." In May, we felt that the artist's rendition of a POC's plight was a very grim and accurate depiction of conditions in the Soviet prison system. Apparently, this was not the case, and Israel, paints and even worse picture.

DEAR MR. SYNAR: I and my family appreciate very much your efforts to help release my twin-brother Samuel from the jail in Russia. I myself spent 8 years in prison, or more precise, in a "labor corrective institution" and know very well how it helps a prisoner morally when he has international support. The guards might hate him more, but they would be afraid to do the things to him that they do to those that don't have any backing. Besides, there is always hope that after public pressure the prisoner can be freed. . . .

By the way, the picture of the prisoner behind the bars, (on the letter you addressed to your colleagues) does not illustrate well enough the prison conditions in Russia. First, prisoners are not allowed to grow hair. Second, a prison window has so many gratings and shields that a prisoner can't see even a little bit of blue. . . .

This letter should remind us to redouble our efforts not only for Samuel Zalmanson, but all of those in the Soviet Union who suffer religious persecution. It is clear that the conditions in the Soviet gulags are barbaric. It is also clear that our efforts here are not in vain, and, that our continued pressure on the Soviet authorities can improve the plight of POC's.●

● Mr. MATSUI. Mr. Speaker, I am honored to participate in this special order today on behalf of Soviet Jewry. This is an especially fitting time to remember the plight of these individuals. Little over 1 month ago, the world witnessed another example of the barbarity of the Soviet system in the shooting down of Korean Air Lines flight No. 007.

By providing clear and unmistakable evidence of the nature of the Soviet system, this action has highlighted the need in the Congress and across the Nation to continue our efforts to place before the world the sad treatment of Soviet Jews by their government.

As we are all aware, earlier this year the Soviet Government established an anti-Zionist Committee of the Soviet Public. While the full intentions of this organization are not yet clear, anti-Jewish propaganda has increased and indications are that the formation of the organization is a signal that Jewish emigration to Israel will be further reduced and that Soviet Jews will continue to be isolated from public life.

In light of these developments, it is our duty in this Nation of free men and women to continue shining the light of truth on Soviet actions. Despite the immediacy of the horror of the destruction of the Korean airliner, we must not allow the world to forget the Soviets' ongoing persecution of Soviet Jews.●

● Mr. FORSYTHE. Mr. Speaker, although the majority of the world has stridently deplored the destruction of the Korean airliner 007 and its 269 innocent passengers, the Soviet Union, far from offering the apology demanded by conscience, has adopted a stance defending its heinous act. In its refusal to admit its culpability, the Soviet Union yet again demonstrates its unwillingness to make concessions and its blatant disregard for the most basic tenets of human rights as laid out by the Helsinki accords. This behavior does not come as a surprise to those who have studied the long history of wrongs deliberately done to the Soviet Jews by their own government. In light of the inevitable tension between our country and theirs, we must loudly and publicly commit ourselves to their relief. The almost 3 million Soviet Jews have suffered greatly at the

hands of a government which actively subjects that people to numerous indignities and violations of human rights.

In recent years the condition of the Soviet Jews has worsened considerably, as injustice, hostility, and outright harassment have escalated. Practice of the religion is nearly impossible, jobs commensurate with talent or experience are rarely offered, and even education is frequently denied. This mistreatment, however, pales in comparison to the plight of the refuseniks, whose hounding and persecution are likely to continue unrelieved now that emigration of Soviet Jews has dwindled to a slow trickle. Indeed, this year's figures indicate an appalling halving of the mere 2,688 emigrees of 1982. This summer the Soviet authorities claimed that the emigration was coming to an end because all of those who wished to leave already had, but this statement is patently false. The number of Jews who still wish to emigrate is estimated to be in the hundreds of thousands.

In order to help them, now more than ever we must take care not to lose sight of this issue. Keeping the condition of the Soviet Jews in the forefront of public awareness will serve to let both the Soviet Union and its Jewish citizens know that our commitment is as strong as ever. Instead of discouraging communication between our Government and theirs, we must strive to keep the channels open so that the issue can be raised, our concerns voiced, and conditions bettered. Traditionally, high points in the emigration pattern of Soviet Jews seem to have occurred during relaxations of tension between the United States and the Soviet Union. Though an opposite state presently exists, in the best interests of the Soviet Jews we must make the most of every opportunity to discuss their position with the Soviet authorities as well as among ourselves.

The importance of this issue, and of all human rights issues, should not be allowed to fade. With continuous reiteration of our faithful commitment, the likelihood that the Soviet Union can be induced to relax its tough emigration policy and allow its Jewish citizens to lead normal lives greatly increases.●

● Mr. DWYER of New Jersey. Mr. Speaker, the tragic downing of Korean Air Lines flight 007 has brought renewed focus on the state of United States-Soviet relations.

These relations have not been good and the Soviet attack on the civilian airliner, costing 269 innocent lives, has complicated these relations even further.

The aftershock has reverberated in many areas around the world, however, all the implications of this incident still are not known.

The many Members of this body who are solidly committed to the preservation and promotion of human rights for Soviet Jews and others, are understandably concerned about the effect of the KAL tragedy on the thousands upon thousands of Soviet citizens who are already suffering greatly under Soviet oppression.

In particular, we are outraged at the Soviet emigration policy, which, prior to recent events had already deteriorated vastly.

That the Soviets have ignored their family reunification and human rights assurances of Helsinki is a well-known fact. Now, we must logically fear that the Soviet Jewish community will suffer even more under the Soviet regime which uses refuseniks as pawns in the larger international struggle in which these innocent people have so great a stake.

We must not forsake our efforts for a more humane Soviet emigration policy in the wake of the KAL tragedy. The Soviet Union can never fully redeem itself of responsibility for this tragedy. While this fact will not change, the time is certainly ripe for an expression of humanitarianism from the Soviet Government.

There are countless forums where the Soviets might begin this process, including easing the pain of Prisoners of Conscience and the suffering of the many refuseniks who experience harassment and much worse for their dream of a better life.

I join my colleagues in urging the Soviets to do so, and in so doing begin a full, compassionate and long overdue reassessment of a policy of injustice and hate, a policy which fueled the tragic downing of the Korean airliner.●

● Mr. MORRISON of Connecticut. Mr. Speaker, our anguish over the recent Korean Air Lines tragedy must not cause our attention to stray from the Soviets' long history of violation of human rights in their treatment of the Jewish treatment currently living in the Soviet Union.

In the last year, the quality of life of Soviet Jews has degenerated to a new low. Activists are being rounded up and jailed in record numbers, prayer books and other religious materials are being confiscated with enhanced vigor, Hebrew teachers face the threat of imprisonment, and cultural self-study groups have been forcibly disbanded. Worse yet, in the face of such renewed hardship, Jews are being given even less of an opportunity to emigrate than at any time in the past 10 years. Jewish emigration, once reaching a highpoint of 51,320 in 1979, has come to a virtual standstill with only 2,688 Jews permitted to leave in 1982.

As we join with other nations in placing pressure on the Soviet Union so that its leaders are made to feel the consequences of their brutal act, we should also seek relief for the plight of Soviet Jewry. The Soviets could begin to improve their standing in the eyes of those nations concerned with human rights by respecting the rights of Soviet Jews.●

● Mr. OTTINGER. Mr. Speaker, I would like to thank my colleagues Mr. LEVIN and Mr. COUGHLIN for sponsoring this special order on the very pressing needs of Soviet Jews. It is a subject about which we can never say or do too much.

Religious persecution continues to be a fact of life for thousands of Jews in the Soviet Union. Over the past several years, what had been a steady stream of Soviet emigres has dropped to a trickle. Those remaining in the U.S.S.R. and practicing their faith are subjected to slander in the press, repression in the classroom, and harrassment by their fellow countrymen. Soviet Jews with the courage to speak out on behalf of their people are silenced; many are imprisoned. For 6½ years, the much publicized case of Anatoly Shcharansky has personified the injustices suffered by Soviet Jews seeking a chance to leave and practice their faith in peace.

Protesting the unduly harsh treatment and censure of Soviet Jews has become a national commitment in the United States. The President made Soviet Jewry a major topic of concern at the Helsinki talks in Madrid; many of my colleagues and I in Congress have "adopted" individuals applying to emigrate in an attempt to bring focused pressure on the Soviet Government to allow these people to join their families in Israel and other parts of the world; and citizens and groups all over the country have decried the continued imprisonment of many Soviet Jews who had the courage to stand up for freedom. But words of protest are not enough—relief of this international disgrace should be a condition we raise in every Soviet negotiation and contract.

We must not let our commitment to these efforts flag. At a time when our political and military relationship with the Soviet Union is tense and unyielding, we should redouble our efforts to seek a show of good faith from President Andropov that the Soviet Union takes seriously its signed commitment to human rights. We should demand a retraction of the Soviet Government's support of the recently formed anti Zionist committee, a blatantly anti Semitic organization. And we must demand a reasonable accounting of the plummet in Jewish emigration from the Soviet Union. We will not accept the ridiculous claims that all those who wished to leave have gone. There are well over 3,000 people waiting for approval, according to the New York Conference on Soviet Jewry, and

our actions must not stop until those applications are accounted for.

Concentrated public pressure has had positive effects in the past, but we must not be satisfied with the release of a token few. I join my colleagues today in calling for a reversal of the tide in Soviet Jewish emigration, and a commitment from Mr. Andropov to put an end to his country's indefensible denial of religious freedom.●

● Mr. FROST. Mr. Speaker, only 3 months ago, I and a delegation of our fellow Members returned from a trip to the Soviet Union. At that time, I felt hopeful that our visit represented a small breakthrough in United States-Soviet relations and that, perhaps, the easing of tensions would soon be reflected in improved emigration statistics. Secretary Shultz' announced intention to discuss Soviet Jewry at the Madrid Conference, again, gave us reason to hope. But today, in the wake of the criminal downing of the Korean jetliner, things are dismal for those wishing to leave the Soviet Union. Although emigration numbers for September are roughly the same as August's, a discouragingly low 135 people, the deterioration of relations between our nations will be keenly felt by the refuseniks. It is my fear, Mr. Speaker, that once again these innocent people will become the victims in a dispute between our two nations, and that in this atmosphere of tense and chilly relations, they no longer have any reason to hope.

Mr. Speaker, one of our two countries must make a bold move to put negotiations back on track. The time has come for the Soviets to make a conciliatory gesture, and what better way for them to do so than to demonstrate a new regard for human rights by opening up the gates of emigration. Although the 269 human lives so senselessly lost can never be replaced, the Soviets now have an opportunity to grant a new life of freedom to thousands of refuseniks and Prisoners of Conscience. Let us hope that the Soviets will seize this opportunity for atonement and will demonstrate a desire to work toward improved relations with us and our allies. We have offered a challenge to the Soviets—a challenge to show a commitment to human life and dignity that is more than empty rhetoric. Let us hope that they will rise to our challenge.●

● Mr. PARRIS. Mr. Speaker, I take this opportunity to express my concerns about the plight of Soviet Jews. Although Mr. Andropov, the President of the Soviet Union, claims there are no more Soviet Jews who desire to leave that country, there are tens of thousands of documented cases which indicate otherwise.

In addition, Soviet Jews have complained in growing numbers that expected mail from the United States is not arriving. Letters and packages sent by Americans to Soviet Jews are being returned or are not being delivered. Soviet Jews cannot leave the U.S.S.R. without a written invitation sent through the international mail from an overseas sponsor. Such a document is the first requirement in the laborious emigration process. The delivery of mail is crucial to those Soviet Jews who seek to leave the U.S.S.R. as well as to enhance the will and the spirit of those persons.

These Soviet actions along with the callous destruction of the Korean flight 007 should encourage all of us in the United States to lend our support in any way possible. I have introduced a bill which memorializes the millions of victims of communism. By congressional actions which call attention to the plight of those victims of communism, additional focus can be directed on their current situation, with more public support and assistance being offered to those victims and their families.

I ask my colleagues to offer their support, not only for my bill but for any other means that they determine can and will be helpful in assisting the Soviet Jews and all victims of communism.●

● Mr. GREEN. Mr. Speaker, it has been more than a month since the tragic Korean Air Lines incident and we have all had time to reflect on its implications and repercussions. Today, we are addressing one specific area—"Soviet Jewry: An Assessment After KAL 007"—and I would like to thank my distinguished colleagues the gentleman from Michigan, Mr. LEVIN, and the gentleman from Pennsylvania, Mr. COUGHLIN, for sponsoring this special order and giving this critical topic the attention it deserves.

To say that the Korean Air Lines tragedy has caused the relations between the Soviet Union and the United States to deteriorate, and hence the plight of Soviet Jewry to worsen, would be to state the obvious. Our focus, rather, should be on what can we, as Congressmen, do in the wake of KAL 007. And the answer is: Exactly what we were doing before, only more.

Members who have plans to travel to the Soviet Union should do so and should make human rights a priority for discussion. Every Soviet Jewry group I have heard from and every American who has traveled to the Soviet Union bears the same message: That the refuseniks look upon Americans who speak out on their behalf as their only lifeline. They know about our remarks on their behalf in the RECORD and in speeches. They know about our resolutions and our dear colleagues. And the Soviet officials know, too, by the continued volume of mail, that we have not forgotten about the refuseniks, despite the difficult times.

In the name of human rights, we must keep up dialog with the Soviets through international forums such as the Helsinki Commission. To withdraw from such dialog would be to surrender to Andropov and those in the Soviet Union who do not wish to be accountable to international standards of human rights and morals. In an impassioned New Year's plea, Avital Shcharansky said, "The Soviet regime has not succeeded in extinguishing the spark kindled in our hearts, and that small flame has grown into a large fire * * * Support the heroic struggle of our brothers and sisters in the Soviet Union." They need our lifeline now more than ever. Thank you.●

● Mr. MOLINARI. Mr. Speaker, slightly over 1 month ago the world bore witness to what can only be described as a flagrant violation of human rights and human life. Regardless of what Soviet motivations were during the early morning hours of September 1, the unavoidable fact remains that the lives of 269 people were disregarded by the leadership of a major world power. Since that day, many conclusions have been drawn from both the attack and the behavior of the Kremlin afterward about the nature of the Soviet military and the conscience of the Soviet leadership. We now must attempt to narrow the focus of our discussion in order to concentrate on what these events will mean for various facets of U.S.-U.S.S.R. relations.

The fact that the Kremlin views human life from a different perspective than the majority of the civilized world should not come as any great shock. There is no clearer example than the ongoing persecution of Jews in the Soviet Union. The issue of Jewish emigration from the Soviet Union has become a focal point of criticism for those who value the right to choose one's home and freely join one's family. I am deeply disturbed that as of August of this year, only 934 Jews had emigrated from the Soviet Union. This is appalling when compared to the first 8 months of 1979, when 33,553 left. We must make this escalation in human suffering a more integral part of our overall relationship with the Soviets. The Helsinki process, as perpetuated in Madrid, is one approach; the time has come to look for others.

Emigration is by no means the only problem besetting the Soviet Jew today. The Shcharanskys, Beguns, and Paritskys are many, and all are prisoners of a system that recognizes nothing about freedom of thought, freedom to celebrate one's heritage and freedom to practice one's faith. For these reasons, it is imperative that the Kremlin continue to hear from those of us who are concerned. It is equally important that the persecuted know

that we are carrying their voices for them.

There is yet another, even more virulent and destructive malady which afflicts the Kremlin. I am referring to anti-Semitism, a disease that took root during the czarist period, but has returned to Yuri Andropov's Soviet Union in full force.

According to a recent Wall Street Journal article written by William Korey of B'nai B'rith, a book has recently been published in the Soviet Union called "The Class Essence of Zionism." This flagrantly anti-Semitic work has been endorsed by the official Soviet press. The book, written by Lev Korneyev, has been praised by Izvestia as "rich in factual material." An example of such factual material reads as follows: "Anti-Semitism in Russia was caused by the disgust on the part of the native population for the peculiar psychological and behavioral traits of the Jewish bourgeoisie." Endorsed by the Kremlin, such hateful statements are compounded only by a blatant implementation of their distorted message. The emergence of Yuri Andropov has ushered in a multitude of policy reversals, including the establishment of the Anti-Zionist Committee.

Since Chairman Andropov assumed his current role, contact between Soviet Jews and Jews abroad has been all but forbidden. The core of Jewish law and tradition, the Talmud and the Torah, have been branded "extreme fanaticism and chauvinism" by Soviet authorities and sychophants. A person whose name has become all too familiar to us, Iosef Begun, defied such policies by teaching the Hebrew language and culture. He now faces a criminal trial that could lead to a 12-year prison term.

What B'nai B'rith's William Korey called Moscow's Anti-Semitic Revival is symptomatic of a deeper, more insidious kind of persecution that threatens to smother the very vitality of a people. We need to follow the example of Anatoly Shcharansky who, though only half-way into his 13-year sentence, continues to stand for vigilance and freedom. His wife, Avital, also remains a beacon to the world that there is always hope and that no gain is too small.

We are truly in a period of rethinking our relationship with the Soviet Union. Our principal goals, however, must not change. The maintenance of global peace is still, and should always be, our prime objective. Peace is also a term that applies to individual human beings. This is why I believe it is incumbent upon all of us to continue to be vigilant and to speak with a clear voice when another nation defies universally agreed upon principles of human conduct.●

● Mr. LEVINE of California. Mr. Speaker, we meet on this solemn occasion to assess the status of Soviet Jewry in the wake of the downing of the Korean jetliner by the Soviets, an event that shook the world.

To those who care deeply about the plight of Soviet Jewry, this event can only cause grave concern. By now we are all familiar with the litany of facts about Soviet treatment of Jews: The lifeline to virtually all facets of Jewish culture has been nearly severed. There are no Jewish communal or social organizations. There are no Jewish schools of any kind. The teaching of the Hebrew language, the only language which has always been commonly shared by Jews everywhere, is not recognized by Soviet authorities as a legitimate profession and cannot be taught or studied by Jews. The freedom to practice religion is strictly controlled. Teaching Judaism to people under 18 is illegal. There are no seminaries to train rabbis. The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance examinations.

And then there is the area of emigration. One of the most graphic expressions of Soviet mistreatment of Jews and denial of their human rights can be seen in the decline of the emigration rate from the U.S.S.R. By now the statistics are all too familiar: During the last 12 years 249,235 Soviet Jews were allowed to emigrate. The peak year was 1979 when 51,320 Jews were allowed to leave. However, by 1981 the number had fallen to 9,447, and by 1982 to 2,688. So far this year only 1,070 Jews have been allowed to leave. These numbers are pitifully and painfully small.

But what of the plight of Soviet Jews in the wake of the Soviets' barbaric and heinous deed? What does it bode for the lives and futures of Soviet Jews—those who have always been among the first to suffer the brunt of deteriorating East-West relations?

The sad answer is that at this point we just do not know what the effect will be on Soviet Jewry. But we must continue to be ever watchful of Soviet treatment of them and we must continue to speak out on their behalf. We must continue to do all we can to bring to the Soviets' attention the fact that those of us who are free and who value human rights will continue to speak out on behalf of Soviet Jewry and against the oppression that makes their lives so difficult. And difficult it is.

As cochairman of the 98th Congressional Class for Soviet Jewry I join my colleagues in expressing concern for the plight of Soviet Jewry. The murder by the Soviets of 269 innocent men, women and children has brought down upon that country the outrage of every country in the world that values the sanctity of human life. The Soviets will have a long way to go to regain the respect of the world community. They can begin by trying to understand the meaning of the word "humanitarian" and to conduct their affairs in a humanitarian way. They can begin in their own backyard by taking a more humanitarian attitude towards Soviet Jews by ending their oppression of them and by allowing those to emigrate who wish to do so.●

● Mrs. KENNELLY. Mr. Speaker, the ruthless destruction of KAL flight 007 with its 269 passengers stunned the world, and left it reeling from the impact of such unabashed and unashamed brutality. But champions of the cause of Soviet Jewry were perhaps not as shocked as others by the Soviet actions. They know that the Soviet contempt for human life is manifested daily in the Soviet's treatment of Jews, other minorities, and ordinary Soviet citizens.

It is still too soon to assess the long term effects of the KAL tragedy on human rights in the Soviet Union. Some feel that the increasing tensions between the United States and Russia will worsen the plight of Soviet Jews. Others, perhaps more optimistic, guess that the Soviets may become more lenient with their Jewish population in an effort to repair some of the damage done to their world image by the downing of the Korean airliner. Regardless of one's viewpoint, it is still too early to tell whose assessment is correct. One thing that is clear to all those who care about the fate of millions of Jews in Russia is that the KAL tragedy must not be allowed to overshadow our concern and commitment to Soviet Jewry. It must not be allowed to push that issue from the agenda of the United States and the Soviet Union.

Last month, only 135 Soviet Jews were allowed to emigrate from Russia, and none of them were from Moscow. The Anti-Zionist Committee continues to spew forth its vicious and distorted propaganda about existing conditions for Soviet Jews in Russia. They maintain that the vast majority of Jews who wish to leave have already received permission to do so, and that reunification of divided families has been essentially completed. The Anti-Zionist Committee even maintains that anti-Semitic discrimination does not exist in the Soviet Union! Ida Nudel, my adopted refusenik, continues to languish in Moldavia, unable to find steady work, subject to periodic harassment, and denied her right to emigrate to Israel to be united with her sister Elana.

There is no doubt that as long as such conditions exist in the Soviet Union, the fate of Soviet Jewry must remain a high priority of the Congress and the administration. In one way, the senseless slaughter of 269 innocents will help us to do so. Now the

whole world realizes that the brutality of the Soviet regime extends not only to its own citizens and to those countries within its sphere of influence, but throughout the world, to whoever gets in their way. Perhaps in vividly demonstrating the callousness of the Soviet regime toward 269 innocents, it will sensitize the world community to the callousness that the Soviet Union shows every day to its own Jewish population.●

● Mr. FOWLER. Mr. Speaker, the rights of our fellow human beings should always be of great concern to us. At the present time, however, the issue is more timely than ever. With the recent, brutal attack on Korean airliner 007, we were reminded of the vast differences in the values of the United States and the Soviet Union.

These differences extend into all aspects of human life and the basic rights of individuals are no exception. My most recent trip to the Soviet Union reinforced my feelings of skepticism and suspicion toward the totalitarian regime there. The downing of the airliner made it clear how little the Soviet regime values human life. This message is conveyed every day to Soviet citizens through torture, cruel punishment and denial of basic freedoms.

While in Leningrad and Moscow this past July, I was fortunate enough to be able to visit with some of the many refuseniks. I was struck by their incredible strength, determination, and courage. These people are willing to risk everything—their jobs, families and even their lives—for the hope of living in a place where they can worship, teach and learn as they please, and simply live without fear of persecution.

We cannot allow the atrocity of the KAL incident to halt our efforts on behalf of human rights. On the contrary, we must increase our efforts to achieve the widest possible level of respect for human rights throughout the world to remind the Soviets that we will not forsake our brethren there, nor will we ignore the blatant violations which are being committed in the Soviet Union.●

● Mr. CORCORAN. Mr. Speaker, I am pleased to join my colleagues today in this special order concerning the status of Soviet Jewry after the Soviet destruction of Korean Air Lines flight 007. Ramifications of this horrible event are difficult to assess entirely for the long term, but it seems apparent that U.S.-Soviet relations are at an all-time low since two decades ago when the Cuban missile crisis occurred.

Many things can be and have been said about the Soviets following the KAL downing—facts many of us have been stating for years which have been acutely reinforced by this act. That the Soviets cannot be trusted, that they do not play by Western rules, that they lie about their actions and consider even the callous murder of 269 innocent civilians inconsequential to their supposed security needs—all of this is now achingly obvious to the remainder of the world. But how does this affect Soviet Jewry and the Soviet's emigration policy?

Those of us in Congress who have worked for the emigration rights of Soviet Jews over the years have always known we were walking a fine line in determining just what actions would best serve the cause of increased emigration. Pressure has been brought to bear through every forum available—through direct letters to Soviet officials, through urging our own government officials to address the issue with the Soviets, through the United Nations, through international conventions. Past unilateral actions by the United States, however, have met with little success as regards curbing Soviet behavior. This is why I supported the President's response to the KAL tragedy and believe that any future actions taken against the Soviet Union must be in concert with our allies in order to have a considerable and lasting impact on the Soviets.

I believe we must continue and in fact step up our activities on behalf of those wishing to emigrate from the Soviet Union, and to help protect their rights while still in the U.S.S.R. We also need to encourage our friends and allies around the world to do likewise. The moral outrage that the world community feels after KAL 007 should be translated into long-term actions which show the Soviets they cannot continue to act violently, aggressively, nor against basic human rights without incurring more outrage and becoming more and more outcast from the civilized world, upon which it realistically depends for important functions such as trade.

The Postal Operations and Services Subcommittee, of which I am senior Republican member, today held a hearing concerning Soviet interruption of U.S. mail. This is the first of a number of hearings which will address this matter, and the next will be held in Chicago this fall. The hearings will greatly help Congress continue to monitor Soviet interruption of mail and will solicit information from ethnic and religious groups which have evidence and knowledge of pertinent Soviet actions. Discussions have thus far included the possibility of having an interparliamentary meeting in Europe so that we can formulate a plan in conjunction with our European allies to pressure the Soviets to end their obstructive postal procedures. It is clear that the U.S. Postal Service also needs to become more involved in pressing the Soviet postal system to adhere to internationally accepted postal policies.

I will continue to work actively in committee to see this important problem addressed, as anyone dealing with those wishing to emigrate from the Soviet Union realizes how critical the receipt of mail from the free world becomes. In this particular issue, as well as others dealing with Soviet misconduct, our approach should be broadened to involve those around the world who share our concern for basic human rights and freedom.●

● Mr. LENT. Mr. Speaker, it is an honor to join my colleagues in this important discussion. It is essential that we review the effect the destruction of Korean airliner KAL 007 has had on United States-Soviet relations, and the impact of this development on Soviet Jewry. I commend the sponsors of this special order for their efforts in making possible our exchange of views, and I commend as well the Union of Councils for Soviet Jews for undertaking an indepth review of the problem at its annual meeting later this month.

One danger in the understandable outrage over the destruction of the airliner, resulting in the death of 269 innocent civilians, is that the increasingly serious plight of thousands of Soviet Jews may be, temporarily at least, lost to sight.

Such a result would be a tragedy. It is vital that the problems of Soviet Jewry remain a high priority in U.S. policy toward the Soviet Union. This human rights issue is a matter of world concern, and must never be relegated to the background in U.S. dealings with the Soviets.

Indeed, the horrifying and inhuman action of the Soviet military in destroying the Korean airliner is just another shockingly brutal demonstration of the contempt the Soviet leaders have for human rights. A contempt which has been exhibited over and over again from the time Lenin and his comrades seized power in 1917. From that day to this the leaders of the Soviet Union and their faceless minions have never hesitated to take the most brutal actions; actions which transgress all standards of civilized conduct and trample on the rights of the innocent. In so doing the Soviet leaders have repeatedly shown their total contempt for the basic human values which are the hallmark of a civilized society.

Nowhere has that contempt been demonstrated more clearly than in the Soviet Union's violations of the human rights of thousands of its Jewish citizens. These Soviet Jews seek only the freedom to practice their religion in the country of their choice. With increasing ferocity, the Soviet regime has imprisoned, harassed and persecuted thousands of innocent Jews, solely because they sought freedom. In the past 2 years, the Kremlin-

directed measures of oppression have become harsher. Fewer and fewer Soviet Jews are being permitted to emigrate to Israel. Only a few hundred have been permitted to leave in 1983, a tiny fraction of the emigrants approved in the 1970's. In fact, in 1979, more Soviet Jews emigrated each day than have been permitted to leave in any month of this year.

And it is very possible that the paranoiac response of Soviet leaders to the worldwide protests over the destruction of the Korean airliner may cause even greater persecution of Soviet Jews.

In such ominous circumstances it is vital that the United States maintain and increase its rigorous efforts on behalf of Soviet Jews. It is imperative that we in the U.S. Congress do everything we can to impress upon the Department of State the necessity for the strongest possible representations to the Soviets on this issue. Further, we in the Congress must redouble our own personal protests—letters telegrams and other messages of protest to officials of the Soviet Union—as well as to increase our own messages of support and encouragement to the individual Soviet Jews imprisoned or persecuted because of their efforts to seek freedom.

Early this year, on an official congressional visit to the Soviet Union to discuss arms control measures with Soviet officials, I was able to meet with nearly two dozen Soviet Jews—all refuseniks—in Leningrad and in Moscow. As one, they repeated the same plea: "Tell every American what is happening to us. Keep working for us. You are our only hope."

My colleagues, let us all join in an increased effort to help these innocent victims of cruel persecution. Never has there been greater need for our help. Let us pledge here today that we will make that extra effort. We must do more to open wider the door to freedom for Soviet Jews.●

● Mr. FRANK. Mr. Speaker, the Korean Air Lines incident serves as a timely reminder, if anyone needed reminding, of the callousness with which the Soviet Union conducts its affairs. It was essential that the world's attention focus on this incident, both because of the brutality of the act itself and because of the hypocrisy of official Soviet pronouncements.

Nevertheless, may I suggest that we run the risk that this incident may divert our attention from the more routine aspects of life in the Soviet Union: the persecution of the Jews is one example. It may not be as surprising as the shooting down of a civilian airliner, but it must continue to shock us. Although the persecution of Jews has become a commonplace in Soviet life, we cannot allow ourselves to become inured to their plight.

Mr. Speaker, conditions for Jews in the Soviet Union have taken a turn for the worse. Emigration has slowed to a trickle. A new anti-Zionist, which is to say anti-Semitic, campaign has been launched. Those of us in Congress who handle individual human rights cases increasingly find ourselves up against the brick wall of official Soviet intransigence: the Helsinki accords are flagrantly violated.

We cannot despair. Even with no visible progress, we accomplish much by exposing Soviet human rights abuses to the world. Not only does our show of solidarity give comfort to oppressed people in the Soviet Union and elsewhere, it also strengthens the love of liberty at home. Mr. Speaker, we must never allow our love of liberty to become lazy. By pricking our conscience with daily reminders of the abuses of human rights which unfortunately have become so common in so much of the world, we grow more alert to the many components of our own society which are essential to the maintenance of free institutions.●

● Mr. DOWNEY of New York. Mr. Speaker, the Soviets' wanton and cold-blooded shooting down of the Korean airliner and its passengers and crew has enraged and revolted all people everywhere. There is no excuse, nor can there ever be an excuse—under any circumstances—for such a cruel and barbarous act. It is an act of madmen. And it betrays the terrible and dangerous extent of Soviet paranoia.

But sick or sane, the Soviets have once again violated international law and fundamental principles of morality. I believe that they must and will answer for this crime as they will answer for all their crimes against humanity. They will answer today because we have taken actions to sanction them, and even more, they will answer tomorrow because, in the long run, they will have lost the strength of moral conviction.

For those of us involved in the struggle for Soviet Jewry, the recent atrocity begins no new chapter in what is clearly a history of inhumanity by the Soviet Government. Their record in human rights has been despicable and has even worsened under the new leadership of Andropov. We must be aware of the continuity of Soviet injustices and not permit our justifiable indignation to cloud the essential need to understand the nature of the Soviet regime. For it is only through such an understanding that we can effectively act against Soviet crimes against the innocent. We must not defeat our efforts by moving any step closer to a cold, if not actual, war situation.

I would therefore like to share with my colleagues my own thoughts on the Soviet leadership after a recent visit to the Soviet Union. It has become obvious to me that many of the abhorrent actions of the Soviets can in some way be understood in a logic to their oppression. This is a logic that has been written in the darkest pages of history; a logic that has seen oppression used skillfully to bolster support and silence the destabilizing voices of reason.

Our congressional delegation visit, the first official exchange with the Soviet Union since 1979, took place at the invitation of the Supreme Soviet. Our discussions with the Soviets on human rights issues confirmed our worst fears. Representative HENRY WAXMAN of California delivered an excellent speech outlining the continued violation of international agreements embodied in Soviet treatment of Jews and other minority groups. The Soviet reaction to this speech was more eloquent than any formal response they could have delivered; during the presentation, many Soviets took off translator headphones and were generally boorish. I understand that subsequent human rights discussions were no better.

It became clear that we were witnessing less a demonstration of Soviet disrespect for the views of the United States and more a comment on the current consolidation of the power structure in the Soviet Union. While normalization of United States-Soviet relations would, no doubt, contribute positively to our efforts on behalf of Soviet Jews, there are other problems—internal problems—that appear to bolster the current repressive trend. Let me explain this point further.

I had previously visited the Soviet Union. In 1979, under Brezhnev, there was never any doubt as to who was in control of the Supreme Soviet. On this recent visit, there was visible backbiting between officials—an insecurity as to the constituencies of those with whom we spoke. In Moscow, I saw pictures of Stalin taped to the insides of taxis. It was explained to me that this is the individual's statement of a desire to return to the "old order," a time when people knew their place and roles were well defined.

That is clearly the regime of an ailing leader. Mr. Andropov has been unsuccessful in consolidating a power base and the repression we are witnessing is, no doubt, a direct result of this situation. Today, we see in the Soviets' attitude toward Jews what the world has seen for centuries—the Jew as scapegoat. Like their historical antecedents, the Soviets view crackdowns and repression as a way to bolster support in a nation that is basically anti-Semitic.

It was our meetings with Soviet Jews which provided our delegation with clear evidence of the success of the struggle for Soviet Jewry. The refuseniks spoke of their lives of oppression. Anti-Semitic diatribes in the press, they explained, are increasing. At-

tempts at Jewish history or cultural instruction are often broken up by police and arrests are common. Many friends and relatives remain imprisoned for their honest attempts to live out the cultural lives of their forefathers. And the children of refuseniks are deprived of opportunities as well. They stand little chance of acceptance at first or second-rate schools and universities. Young Jewish men will eventually be sucked into the "Catch-22" of military service—a period of service which will later be the grounds for denial of their emigration rights due to supposed knowledge of "state secrets." And, of course, these men and women spoke of their dreams for their children to live out their culture in peace and freedom with their relatives abroad.

In light of the KAL disaster, we must surely press for reparations for the families of the victims, for a full accounting from the Soviets, for a continued ban on all Aeroflot flights into our country, and for access to Soviet waters to conduct search, rescue, and salvage operations.

But no, we must not end our discussions on human rights or our efforts at arms control. We must remember the long-term interests of our own people and the interests of those who continue to live lives of suffering and cruelty and who find no surprises in acts of inhumanity by the Soviet regime.

In our visit to the Soviet Union, Members of Congress were struck by the amazing optimism of the refuseniks we met. Their spirit and continued hope made an impression on us that we shall never forget. So let us keep this spirit in mind as we move forward from the KAL disaster. And let this spirit temper us in our need for revenge and nurture in us the thoughtful presence of mind required to continue our efforts on behalf of Soviet Jews.●

● Mr. WIRTH. Mr. Speaker, the human rights atrocity committed in the Soviet destruction of KAL 007 deserves international condemnation. It does not, however, justify abandoning the necessary, albeit tenuous, dialog we have maintained with the Soviet Union concerning human rights. To punish the perpetrators of this tragedy by abdicating our responsibility to keep open communication would have the unwanted effect of severing whatever practical influence we have to address the plight of Soviet Jewry. At a time of heightened anti-Semitism, the death of 269 victims places the hope of imprisoned Soviet Jews on the precipice. If we turn away from the Soviet Union in revulsion, we will have allowed one tragedy to provoke another. We should resist the temptation to isolate the Soviet Union, for in so doing, we will also be isolating those people most in need of our continued commitment, Soviet Jews. They will become the inadvertent victims of our anger. We must show determination and patience in our struggle to improve Soviet emigration and human rights policies. Our initial revulsion at this criminal act must be tempered with the knowledge that if the present, rigid Soviet policy on Jewish emigration is to change, our response must be measured. We should reject bombast, as it will only reinforce those elements in the Soviet Union who wish to make Soviet Jews hostages to U.S. foreign policy.

As chairman of the 1983 Congressional Vigil for Soviet Jewry, I urge my colleagues to join me in rededicating our efforts to achieving a new dialog in human rights as a fitting tribute to the victims of flight 007.●

● Mr. MACK. Mr. Speaker, no one will soon forget, if ever, that on August 31, a Korean jetliner was callously shot down over the Sea of Japan by a Soviet fighter pilot after the commercial aircraft accidently strayed into Soviet airspace. It is important in the aftermath of this appalling and utterly inexcusable loss of 269 innocent lives, however, to remember that there are thousands of living innocents remaining in the Soviet Union whose lives are daily tragedies in the environment of that country's totalitarian regime.

Among these living innocents are nearly 500,000 Soviet Jews, many of whose only crime has been a request to emigrate to Israel or America, where they have the freedom to practice the religion they choose. The situation for Soviet Jewry has steadily deteriorated during the past year. Emigration has come to a virtual halt; only 639 Jews have been permitted to leave during the first 6 months of this year, a far cry from 1979, when 51,329 Jews emigrated. The 130 Jews who left during August were significantly fewer than the average number of Jews who left during a single day in 1979, the peak year for emigration. If this trend continues, less than 1,200 Soviet Jews will be allowed to leave in 1983.

I strongly supported the President's measured response to the shooting down of Korean Air Lines flight 007. Our administration acted with the restraint and wisdom that the moment required. Perhaps it is wishful thinking in light of recent events, but it remains my hope that the Soviets will now step back from their refusal to admit their guilt, and take steps to show they are ready to join the rest of the free world in respecting human rights. One way would be to honor the commitments they made under the Helsinki accords 8 years ago. Another would be to disband the Anti-Zionist Committee that announced earlier this year that all Jews wishing to leave the Soviet Union had been allowed to leave. This, needless to say, is totally and completely false, yet all too consistent with the falsehoods emanating daily from the Soviet Union.

As those within the Soviet Union continue to protest government-sanctioned anti-Semitism, so must we. Now is not the time to forget those unalienable rights our country was founded on. We must continue our efforts on behalf of those denied the basic freedoms that we take for granted. We must continue to speak out, to fight for Soviet Jewry, even in the face of the great odds and utmost adversity which we face today.●

● Mr. McDADE. Mr. Speaker, I join my colleagues today on this special order as we reassess the state of United States-Soviet relations in the wake of the callous destruction of KAL 007 and the murder of 269 citizens of several nations.

I am particularly disturbed by this action and what it will mean for the future of human rights, in particular, what it will mean for Soviet Jewry. This Congress and this Nation must maintain our strong commitment, and unbending support for the rights of Soviet Jews to emigrate freely. This is one of our highest priorities in our dealings with the Soviet Union.

Mr. Speaker, this concern for human rights in the wake of the Soviet attack is not just limited to the comments here on the floor today. I have just received a copy of a resolution adopted by the State Senate of Pennsylvania on September 19, 1983. This resolution clearly captures the abhorrance and revulsion we all felt over the past several days. I insert the text of this resolution at this point in the RECORD.

STATE OF PENNSYLVANIA—RESOLUTION

Whereas, the Soviet Union has perpetrated a wantonly barbaric act by destroying a Korean Airlines Boeing 747 without cause or provocation and has failed to acknowledge responsibility, convey any sense of regret or provide guarantees against future acts of aggression; and

Whereas, two hundred sixty-nine innocent persons lost their lives, including at least 60 Americans, causing tremendous grief and creating international outrage; and

Whereas, this incident defies explanation or justification, is contrary to all codes of international conduct and raises questions about the safety of future flights and other means of international transport; and

Whereas, this is the latest action in a string of Soviet human rights abuses and national sovereignty violations which disrupt American efforts to establish friendly relations and further jeopardize our goal of maintaining world peace; therefore be it

Resolved, That the Senate of Pennsylvania condemn Soviet conduct and memorialize the President and the Congress to continue efforts to obtain a full accounting from the leaders of the Soviet Union and to take appropriate steps to ensure the future safety of American air carriers and the lives of our citizens traveling on commercial air carriers originating in other countries; and be it further

Resolved, That the Senate of Pennsylvania express its deep sympathy to the fami-

lies of the victims of this tragic occurrence and its hope that the world does not again experience such a loss.

It is actions of the Soviet Union that inspire resolutions like the one just read. But the problem of Soviet abuse of human rights is more than just these resolutions in the face of the downing of flight 007. There are people in the Soviet Union that need our help, now, today.

I draw my colleagues attention to one, Eitan Finkelstein. Eitan, along with his wife Alexandra, and daughter Miriam, has been refused the opportunity to emigrate from the Soviet Union since April 1971. Eitan is a physicist, Alexandra, an X-ray technician.

They have been refused the opportunity to emigrate because the Soviets have formerly classified his job as "second form" secret.

Eitan and his wife are outspoken advocates of the right for all Soviet Jews to emigrate, they are leaders in the refusenik community. The result of this has been oppression, constant surveillance, and police harassment.

The story of political and social oppression in the Soviet Union is not news, interrogation and detainment does not warrant the front page any more, the entire refusenik effort seems to be developing a callousness in some parts of this country—just what the Soviets want.

The main reason I remind my colleagues today of the plite of Eitan Finkelstein and his family is for the words he wrote in his 1981 book, entitled "A Guide to Would-Be Refuseniks." Eitan's words, "The main thing is—don't lose heart * * *. Keep on fighting and you will win through."

This special order, the resolutions that occur when acts of horror force us to speak out, reminding, telling the story, these are the things that will bring the ultimate victory. We in Congress who support and believe in human rights must keep fighting, we can not lose heart, we must—in the words of Ellie Wiesel—be able to tell the story for those that can not speak for themselves.

As a people of conscience, we must act. We can not stand and watch. Today, we have kept the faith, we are fighting and we will win.●

● Mr. DAUB. Mr. Speaker, I appreciate having this opportunity to join my colleagues in the special order on behalf of the plight of Soviet Jews.

As world events in recent weeks have brought worldwide calls for sanctions against the Soviet Government, we must not allow the situation of Soviet Jews to be overshadowed.

The deprivation of rights which Soviet Jews endure daily in their country may not have received a great deal of public attention in recent weeks, and it is therefore crucial that we take this opportunity to refocus public awareness on the cruel injustices the Soviet Government imposes upon Jews who seek religious freedom and the right to emigrate.

I take this moment to reiterate my deep concern for the situation facing Soviet Jews and to remind the public that the maltreatment of Jews in the Soviet Union has not abated.

Our voices must continue to be heard. We must let the Soviet leadership know that we will be unceasing in our efforts to secure the freedoms that rightly belong to all men and women, regardless of their religious affiliation.●

● Mr. EDGAR. Mr. Speaker, the destruction of Korean Air Lines flight 007 has cast a pall over U.S.-Soviet relations at an inauspicious time for Soviet Jews. I wish to thank the gentleman from Michigan and the gentleman from Pennsylvania for reserving this time for us to comment on the effect of this incident on the Soviet Jewish community.

The past year has been a grim one for Soviet Jews. Immigration numbers have hit rock bottom, and the Soviet authorities under Yuri Andropov have increased official actions against dissidents and minority groups of all types. In April, a letter in Pravda announced the formation of anti-Zionist committees in most Soviet cities. These organizations spread anti-Semitic propaganda and attempt to make the case that emigration for Jewish family reunification has been completed.

How will the KAL 007 incident affect Jewish emigration, already at its lowest level in a decade? How will it affect the quality of life of those Jews remaining in the U.S.S.R., as well as those who have applied to leave? A member of my staff, just back from the Soviet Union, reports that so far the matter has meant only increased jamming of VOA and BBC broadcasts. However, the long-term impact is not yet apparent; we should take this opportunity to consider just what can be done to further help Soviet Jews in this difficult period.

Let me briefly note a number of initiatives which can be helpful. First, we need to maintain open communication with Soviet Jews. At the executive council meeting of the Universal Postal Union earlier this year, Postmaster-General Bolger was somewhat successful in bringing to the attention of Soviet officials our Government's concerns about receipt of mail by citizens of the U.S.S.R. We need to continue these efforts, so that Soviet Jews can receive messages of support as well as material assistance from the West. For Soviet Jews, the psychological boost from receipt of mail and packages is enormous.

Next, the issue of Jewish emigration must remain a priority matter at every forum where representatives of our Government and the Soviet Union meet. The Reagan administration has a good record in this area; these efforts should be continued. No doubt our official exchanges will be reduced due to the KAL 007 incident. However, we should make up for this lack of frequency by calling even more regularly and vociferously for the release of the refuseniks and for the guarantee of basic human rights for Soviet Jews.

Finally, we should continue our own activities on behalf of Soviet Jewry. Congress has frequently written letters for refuseniks and dissidents and taken actions in specific human rights cases. The shooting down of KAL 007 was a violation of human rights to which the U.S. Government rightfully responded quickly, vocally, and harshly. We should react with similar force to the continuing, less publicized persecution of thousands of Soviet Jews. In short, the groundwork has been laid. Both in Congress and among the private groups, an impressive network of information and support exists to aid Soviet Jewry. The coming months, however, will present us with great challenges as U.S.-Soviet relations enter a new, uncertain period. Our only response can be to continue and increase our commitment.●

● Mr. McGRATH. Mr. Speaker, the downing of Korean Air Lines flight 007 is an event whose tragedy will not diminish with time. In fact, the implications will undoubtedly increase in severity. One far-reaching consequence will be tighter restrictions on an already strangled Russian society.

As we are well aware, the Soviet media is an official arm of the Government. Its role is to spread propaganda both at home and abroad. The manipulation of minds is unquestioned. I was in the Soviet Union when KAL flight 007 was destroyed, and can personally attest to this fact. The Soviet citizenry knew nothing of its occurrence. What then, is the future of citizens who wish to leave? They are becoming more and more isolated from the world in which they so valiantly struggle to remain a part.

Today's special order seeks to assess the plight of a people in this desparate situation, Soviet Jews. During my recent trip, I met with many refuseniks whose hopes are high despite increasing anti-Semitism and persecution. They truly believe we in the West, particularly the American Government, can make the difference between a life of continued persecution and suffering, or the chance for a full life in a free and democratic society. They want out. I believe we can help them.

This is a weighty responsibility, but one we cannot afford to ignore. We are the lone hope for people who only ask to know what we take for granted: free expression, freedom of religion, free thought, and free lives.

The tendency to think of imposing sanctions on the Soviets for their heinous crime is natural. I wholeheartedly agree that their brutality cannot go unpunished. Yet we must remember that certain action can harm people as innocent as the 269 who perished on flight 007.

Our course of action is clear. We cannot let Soviet Jewry get lost in an exchange of harsh and heated words. We must keep the issue on the international agenda. We need to recommit ourselves to this matter, and step up the pressure. We must strive to find new and innovative ways to convince the Soviet Union that allowing the emigration of those Jews who want to leave, is in its national and international interest. We must make this an issue that will not go away. We are a lifeline to thousands of people. We cannot let a cutoff occur.●

● Mr. FAUNTROY. Mr. Speaker, I want to congratulate my colleagues, Congressman SANDER M. LEVIN and Congressman LAWRENCE COUGHLIN, for scheduling this special order on Soviet Jewry: An assessment after KAL 007.

Such an assessment is very much needed at this time for I am very much concerned that our legitimate outrage at the murder of the 269 people aboard KAL flight 007 may blind us in our rage and set off an ideological jihad preventing us from pursuing the promotion and protection of human rights with the Soviet Union.

The promotion and protection of human rights is in the national interest and is central to our national integrity. One of the most important human rights is the right to emigrate as embodied in article 13 of the Universal Declaration of Human Rights. Our effectiveness as a nation in promoting and protecting such human rights will be enhanced by heeding Alexander Hamilton's words that our Nation, great as it is, has not attained "an exemption from the imperfections, weaknesses, and evils incident to society in every shape." Hamilton went on to recommend that we "adopt as a practical maxim for the direction of our political conduct that we as well as other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue."

As we approach the Soviet Union, as we should continue to do, on their failure to implement the requirements of the Universal Declaration of Human Rights, specifically, "that everyone has the right to leave any country, including his own," we should be somewhat chastened by our policy of interdiction of Haitian refugees on the high seas which is clearly in opposition to the spirit and intent of article 13 of that document.

On September 12, 1983, I urge my colleagues in response to the tragedy of KAL 007 to remember our Judeo-Christian heritage and the words of the prophet Isaiah:

If you do away with the yoke of oppression, with the pointing finger and malicious talk, and if you spend yourselves on behalf of the hungry and satisfy the needs of the oppressed, then your light will rise in the darkness, and your night will become like the noonday. The Lord will guide you always.

This is the spirit which I suggest for our great body as we continue to address the plight of Soviet Jewry.●

● Ms. KAPTUR. Mr. Speaker, the horrendous destruction of the Korean airliner by the Soviet regime brought home to all Americans its total disregard for human rights. But this atrocity was not a revelation to Soviet Jews. They have been suffering indignity and inhumane treatment for decades.

This heinous act and the resultant reassessment of U.S.-Soviet relations should serve to focus international attention on the Soviet Union's treatment of its Jewish population. Emigration of Soviet Jewry in 1983 has dropped dramatically. Only 934 Jews have emigrated from the Soviet Union in the first 8 months of 1983. This figure is even more shocking and disturbing when compared to the 33,553 Jews who emigrated in the first 8 months of 1979. It is estimated that only 1,400 Jews can be expected to emigrate this year. This is less than 3 percent of the Soviet-Jewish emigration of 51,331 in 1979.

We must continue to work for the freedom of all Soviet Jews. I urge my colleagues on both sides of the aisle to work together in this most challenging and important struggle on behalf of Soviet Jewry.●

● Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to contemplate for a moment the state of international affairs in light of recent events by the Soviet Union, most particularly the shooting down of the Korean airplane which killed all those aboard. I think it is necessary to examine some of the policies and actions of that country to fully understand the implications for the fate of all citizens of all countries.

Living conditions in the Soviet Union are deplorable for most Soviet citizens; for Jews they are many times worse due to the flagrantly repressive policies of the government. For those of us fortunate enough to be born and raised in a free country such as the United States, it is quite difficult to understand the plight of so many who are persecuted with such a vengeance.

The choice to apply to emigrate from the Soviet Union is a most painful one. Once the application is made, most applicants are fired from their jobs. They are monitored by the KGB, their phone service is cut off, and their mail is heavily censored and many times lost. Facing years of persecution, their applications for visas are turned down time and again for a variety of fictitious excuses: Access to classified information, husband's army service, no reunification of family, etc.

The case of Anatoly Shcharansky illustrates the typical plight of many who have applied to leave the Soviet Union. His first application was made in 1973 and denied in 1974, thus encouraging his personal crusade for human rights. His wife Avital was forced to leave the Soviet Union just 24 hours after they were married with the promise that her husband would follow in a few months. Many years later, it is obvious that there was never an intention on the part of the Soviet Government to honor that promise. The signing of the Helsinki accords in 1975 illustrated another promise broken. The changing of the kinship rule in 1979 to include only "first degree" kin did not exclude Shcharansky from joining his wife in Israel—Soviet persecution did.

In 1977 Shcharansky was arrested on false charges of treason and "anti-Soviet agitation and propaganda." During a closed trial which allowed no lawyer of his choice and no defense witnesses, he was sentenced to 13 years in prison and labor camps. In fact, his only crime was his attempt to insure that his country uphold the Helsinki agreement to guarantee the right of family reunification and the free exercise of religious, political, and cultural freedoms. Anatoly Shcharansky has been subjected to brutal conditions while in prison: Solitary confinement, severe cold, and inadequate food, sleep, and health care.

The Soviet Government has not been letting up in its denial of basic human rights. The sharp decline in the number of emigrants from that country began after a record 51,000 were permitted to leave in 1979 and hit an alltime low last year at 2,700. The saying is true: "It's a tough place to live. It's a tougher place to leave."

The picture appears bleak. Americans would like to believe that the Soviet Government possesses a shred of humanity. The harsh reality came crashing down along with Korean Air Lines flight 007 and its innocent civilian passengers and crew scarcely 1 month ago. The Soviet Government deprived 269 citizens of other nations of the most basic internationally recognized human right—life. This blatant disregard for life was further compounded by an initial absence of comment from the Soviet Government followed by outright lies and accusations against the United States.

It has become increasingly clear that the Soviets are not content to repress their own people. The invasions of Poland and Afghanistan are relatively recent examples of that intent, as are the Soviet-backed Syrians in Lebanon and the barrage of Soviet weapons in

Central America. The Soviet Ambassador to the United Nations has repeatedly used influence in that body to discredit the United States and to term it an "enemy of the peace." Yet, with the help of Third-World delegates, the Soviets succeeded in pushing through the General Assembly a resolution which "resolutely condemns policies of pressure and use, or threat of use, of force, direct or indirect aggression, occupation and the growing practice of interference, overt or covert, in the internal affairs of states." The timing of this resolution was just a month before the Soviet invasion of Afghanistan.

In times of much rhetoric when people worldwide fear the ever-present possibility of nuclear war, the Soviet Union remains an arrogant aggressor. It has shown time and again, that its promises are worthless, arms control is meaningless, and that its government values its sacred borders far more than it does any respect for individual human life.●

● Ms. FERRARO. Mr. Speaker, at this time when United States-Soviet relations are in a state of extreme crisis, it is especially important that we not forget the continuous crisis facing Jews in the Soviet Union.

Some Soviet Jews are fighting for their human right to rejoin families in other lands; millions more seek only to live their lives as Jews in their native land.

We must not allow these people—people like Ida Nudel and Lev Elbert and Yosif Begun—to become victims of the downing of Korean Air Lines flight 007. We must not allow our righteous outrage over this event to obscure the fact that the Soviet Union is a nation we must deal with forcefully and effectively if we truly care about human rights.

Our efforts to assert the rights of Jews and other ethnic minorities in the Soviet Union have been slow, plodding, and often extremely frustrating.

But these efforts must continue—both to let the Soviet Union know that human rights remain a top priority and to let the refuseniks and all 3 million Jews living in the Soviet Union know that they are not forgotten●

● Mr. PATTERSON. Mr. Speaker, I rise today to draw attention once again to the plight of Jews in the Soviet Union. I want to compliment my colleagues. The gentleman from Michigan and the gentleman from Pennsylvania for organizing this special order which reexamines the situation of Soviet Jews.

All of us here today have expressed outrage at the destruction of Korean Air Lines flight 007. This callous act of the Soviet Union once again brought to light the lack of respect for human lives exhibited by this regime. At first, this tragedy seemed almost unreal, beyond our conceptions of dignity and responsibility. However, the world soon condemned the terrorism displayed by the Soviets. It is now time that we set rhetoric aside and begin to reassess United States-Soviet relations and Soviet observance of human rights. Of particular importance in this area is the plight of Soviet Jews.

On July 14 I stood on the Capitol steps with many of my colleagues and joined in a prayer vigil for Soviet Jews. Presently, Jews in the Soviet Union are faced with cultural and religious repression, severe emigration restrictions, and increasing anti-Semitic statements in Soviet publications. In recent years, the situation has worsened. We cannot ignore the gross violations of human rights that are becoming greater every year. Only 4 years ago, over 50,000 Soviet Jews were permitted to emigrate, but now fewer than 3,000 Jews are permitted to leave the Soviet Union each year. This trend is indicative of the recent attack on human rights by the Soviet Government and there are no signs that the trend will reverse itself. Congress has always recognized the severity of the Soviet Jews' plight and it is absolutely necessary that we continue to be committed to their cause. The downing of KAL 007 should serve to remind us of the brutality of the Soviet system.

The Soviets may feel that we have no business commenting on how they treat their own people, but we must never forget that human rights is the centerpiece of American foreign policy. To maintain our moral authority, it is vitally important that the United States maintain an evenhanded human rights policy. We condemn the Soviets for their abuses, and rightfully so, but if our condemnations are to carry any force, the world must recognize them as consistent policy, not as selective, prejudiced attacks. If we openly support the violent regimes that rule some Latin American, Asian, and African countries while simultaneously attacking the Soviets as human rights violators, the world will view our protests as hollow gestures. Just as we are committed to the Soviet Jews and their struggle for freedom, we must also affirm our commitment to all oppressed peoples, regardless of the governments that rule them. Otherwise, our policies will be both ineffective and meaningless.

As the human rights situation in the Soviet Union continues to deteriorate, the task before us will obviously be a challenging one. This Congress must continue to demonstrate strong support for Soviet Jews and other oppressed groups. We must let these groups know that we are aware of their plights and that we are doing our best to help them. Today we renew our commitment to human rights in our foreign policy and we send a clear message to the Soviet Union that the United States is fighting for the rights of the oppressed in the Soviet Union and around the world. The Soviet Jews will not be forgotten—ever.●

GM (GLOBAL MOTORS) AND NEW RECORD TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, the steel caucus had authorized this special order to discuss problems inherent with the steel industry and in conjunction with the problems of the automobile industry. I have in the Chamber with me today a fellow officer of the steel caucus, the gentleman from Indiana (Mr. HILLIS). I will make my remarks relatively brief.

Mr. Speaker, we are in the last quarter of 1983 and the experts predict the United States will set at least two new economic records in the next 2 years—a $60 billion trade deficit this year followed by one of $100 billion in the next.

Of course, these projections will hold true only if nothing changes.

And the really bad news is that some in the administration may be bent on making changes—changes for the worse; changes that would push the deficit above $100 billion.

There are well-founded fears that the administration is being pressed to negotiate—and will negotiate—an increase of almost 30 percent in the number of Japanese automobiles coming into the United States.

This would be done in the interest of extending the voluntary agreement with Japan for another year beyond its expiration in March.

It would put the seal of harmony on the President's visit there in November.

However, such a move at this time could well hamstring whatever kind of recovery we have going, and it is not much in the part of industrial America that I represent.

And such a move would do nothing to bring about harmony in the Congress or the Nation. The projection is that $29.6 billion of our $100 billion-plus deficits by 1985 will be with Japan in automobiles.

It will send body blows to automobile workers and steelworkers. It will stun all who are working to overcome

the damage of subsidy and dumping and foreign industrial policies.

The impact would be felt directly by almost 550,000 workers, according to projections, and 18,000 would be in Pennsylvania, which already is hard hit by unemployment.

In my case, the vibrations could begin with suppliers of GM's Fisher Body Works at West Mifflin, Pa., in my district, and ring through the steel mills.

The officials and industrialists who want this 30 percent right now would step up the pace of what their policies are doing for industrial America.

And what they are doing for industrial America is what cutthroat deregulation has done for the air transportation system.

Our workers have taken pay cuts and rules changes to compete. Meanwhile, this Government stubbornly has done as little as possible to neutralize the unnatural advantages the foreign competition is given by overseas governments.

These unnatural advantages range from effective industrial development policy and targeting on down to simple massive subsidy.

One aspect of effective policy in Japan is low-cost capital for industrial development. It comes at rates as low as 2.25 percent and 4.5 percent, which I will discuss later.

This domesticated capital is one of their most powerful advantages.

But for now, Mr. Speaker, there are two other purposes in these special orders.

The first is to discuss with the House what is happening and the ramifications of such developments.

The second is to bring favorably to the attention of this body an excellent concurrent resolution introduced by Mr. HILLIS of the steel caucus and the automobile caucus.

The resolution would tell the administration in terms that cannot be misunderstood that this Congress does not want this 30-percent increase, or any increase.

As I understand it, an increase is in the wind to accommodate General Motors and three deals our giant has worked out. It also will accommodate those Japanese automakers who do not like the three deals.

First, there is the joint venture with Toyota to build 200,000 automobiles a year in California that will carry the Chevrolet nameplate. This will get GM into small cars and ultimately replace the Chevette.

I asked General Motors headquarters about the sources of parts and steel for those cars. I got two answers. They said that many of those things have not been decided yet and that the joint venture will make those decisions.

But we can assume the steel will be Japanese. We have no west coast supplier. So the steel most likely will come from Japan and most likely from the steel company in Toyota's trading-banking group.

Then there is the agreement with Suzuki Motors to import 200,000 cars a year with an American nameplate on them.

Suzuki, I read, had to borrow money to tool up for this push. If Suzuki followed the usual Japanese pattern it borrowed from the Government's Japan development bank and the mother bank of its trading group and all the institutions under mother's kimono.

And if Suzuki borrowed, it borrowed at rates that our industries can not find duplicated here, about which, more later.

And last, there is the agreement with Isuzu for 100,000 cars to be imported the same way. GM owns about 35 percent of Isuzu. It does not own more because the Government of Japan has never let outsiders own more.

In fact, the Government of Japan threw all foreign producers out of their country in 1937 to protect the market and develop its fledgling industry.

And the Government kept them out after the war until the industry was developed. They began allowing minority holdings in recent years. They still allow virtually no imports. And things are still tight. For example, there still would be no hope for anything like the GM-Toyota venture to be established in Japan to do business in Japan.

But there is no impediment here, and in those three arrangements we have 500,000 automobiles and the potential loss of 550,000 jobs.

According to projections of U.S. automakers the major employment losses will range from a high of 181,000 in Michigan to lows of 5,000 in Maryland and Alabama.

At Fisher in West Mifflin, Pa., they stamp body parts for most makes of GM automobiles. The 1,770 blue- and white-collar workers there will be affected to the extent that their Chevette production ends and nothing else takes up the slack.

Meanwhile, in steel, continuation of the agreement as it exists now will mean a rise in automotive use from last year's low of 16.2 million tons to a 1985–86 high of 21 million tons.

This 5 million tons of steel represents about 25,000 steelworkers jobs, and they are worth fighting for.

Meanwhile, I read there is strong sentiment among the unconnected Japanese automakers against having these 500,000 automobiles count against the total allowed under the voluntary agreement.

The agreement was made to give U.S. automakers a chance to steady up their operations and to make some very necessary profit in a recovering market.

After all, they need to make about $80 billion in investment. And investment capital in the United States—if not Japan—still demands a high return.

But that recovering market that was supposed to help them was stillborn.

Now it is developing, and it is a virtual certainty that a 30-percent increase would flatten it. And in that event, the same thing would happen to U.S. automakers, who have been doing what they promised to do.

It is a good idea not to change this arrangement until some other things change.

Change is needed in the enduring, chronic weakness of the yen against the dollar, where a $750 cost advantage per car is to be found.

Change is needed in the Japanese practice of forgiving taxes equal to 22.5 percent of the value of a car on export. It is a subsidy.

And this Congress needs to look with a cold and practical eye at the ways their Government applies and directs capital; and at what that means to pricing and market penetration.

After these things are done, maybe we can talk about modifying the agreement.

In steel, in automobiles, in everything we make or used to make, this is the only country that formally grants a share of the market to foreign countries.

In other countries, foreigners live on sufferance. Here they live on more than 20 percent of the market. We make market share virtually a property right, and they view it as an entitlement.

And this too should change.

But all we can do right now is to consider Mr. HILLIS' excellent resolution and to think once again of the coming $100 billion trade deficit.

A $100 billion merchandise trade deficit is an awesome thing. It means millions of jobs and $40 billion in new budget deficit due to lost taxes and increased benefit payments.

It also means a stalling economy.

Economist C. Fred Bergsten, a former Treasury official, stared at this monster for Dun's Business Monthly and saw that serious result.

Mr. Bergsten, now director of the Institute for International Economics, said this:

> An increasing trade deficit is an enormous reduction in GNP. When the trade deficit swings from $30 to $100 billion it takes 2 percent off GNP.

Furthermore, Mr. Bergsten estimated that the deficit will translate into as many as 3 million more unemployed.

Yet another 500,000 automobiles would increase the $100 billion foreign trade deficit by 3 percent. And it

would add another $1.25 billion to our budget deficit.

This House passed a trade adjustment assistance bill just a couple of weeks ago. Just days ago we passed a jobs bill.

What sense does it make for the Government now to create 550,000 more unemployed to put the seal of harmony on a visit?

Furthermore, the massive import arrangements will be imitated if they are successful. Other American producers say they will be forced to make offshore arrangements just to stay in the competition.

I have seen no projections on the flight of jobs that will take place in this event. But I know it will be substantial.

Mr. Speaker, the House should embrace this resolution and move as quickly as possible to express our sentiment before the administration agrees to something with which no one can live.

I yield now to those of my colleagues who want to speak.

Mr. Speaker, the Japan Development Bank and the Ministry of International Trade and Industry recently announced a new policy that forecasts volumes about the kind of competition American workers face for the remainder of the century.

The policy is simple and potentially powerful.

The Ministry (MITI) and the bank (JDB) have plans to make available up to $42.5 million a year in Government venture capital for risky enterprises.

These are things the existing system will not handle.

The money is to be made available at 4.5 percent. The proposed payback period is 10 years. The money is to go to emerging high-technology industries and to high-technology applications in existing industries.

The idea is to put chosen applications into commercial production and use; that is, to prove them out and move them out.

The possessors of less risky, already proved techniques must do business with MITI and the JDB at the standard development rates of 7.3 to 7.8 percent. The JDB's standard business loan rate shoots all the way up to 8.4 percent.

MITI and the JDB listed 10 possible projects for the first loans when the program begins next April.

One of the 10 seems to be definitely steel technology and two others may have applications in steel technology. The remainder deal with nuclear power, ceramics, insecticides, fibers, and biotechnology.

As far as I can tell, this policy received notice in this country only in the July 19 English-language edition of the Japan Economic Journal. The facts I have cited come from the Journal's six-paragraph story.

Yet this could be as important as anything that has unbalanced the Japan-United States relationship thus far.

Venture capital is the vanguard in the advance of industry and technology.

Some who are familiar with Japanese customs and the culture have given me a cautionary note on this policy announcement. They say it could be only a trial balloon.

Well, trial balloons are there to be shot at; and this development—whether balloon or emerging hard policy—deserves a full barrage.

And it certainly warrants as full a review as possible of overseas capital policies.

By the way, I will speak in detail on the peculiarities of Japanese capital; and I do not speak in such detail to be critical of the Japanese. They are merely engaged in forging sharper and more effective instruments to carve out their security, stability, and growth.

Furthermore, the Japanese are not alone in finding more forceful ways to apply a new kind of capital, as I will explain later.

If there is criticism involved, it should be directed at the last 10 Congresses of the United States and at the last six administrations. All of these Congresses and all of these administrations have persisted in pretending that nothing of this nature makes any difference in what happens to the American worker or to a balance of trade that is bleeding industrial America dry.

It does make a difference.

And the first difference it makes is that it pits individual American workers against the deep pockets of foreign governments.

Furthermore, this new development says the pockets are going to get deeper and the competition is going to get more intense. It is a competition our people are losing because of the pretensions of the last 10 Congresses and the last six administrations.

Industries, particularly steel, that have been the foundation of this Nation are capital starved. They cannot earn or attract the kind of money they need to modernize.

This lack of high steel profit is not unique to the United States. Where you find strong and aggressive steel industries in the world you do not find private investment; you find government-granted or government-directed investment.

Our economists tend to look on steel as old and expendable. Theirs tend to look on them as rice industry that feeds other things and makes them grow strong. They do everything they can to keep their steel healthy.

This is only one of the differences.

Nevertheless, if you are going to talk about investment you have to think about money. Considering this, I decided to rummage in some reference works to refresh my memory on the nature of money and capital investment.

First I found a thinker who knew in 250 B.C.—as the Japanese and others around the world know how—that, "Money is the sinew of success in business."

Then I came across the Spanish genius, Cervantes, who noted, "The best foundation in the world is money."

Bad money, we know as a generally accepted rule, drives out good.

And, "All things obey money," according to the 16th century scholar, Erasmus. I suspect this is true for a critical period of time whether it is bad money or good.

Then I went to the original gospel on capital, and there I learned from Adam Smith's "Wealth of Nations" that a manufacturer's capital expected in return "something more than was sufficient to replace his stock to him"; and that those investing capital should have had "no interest to employ a great stock * * * unless his profits were to bear some proportion to the extent of his stock."

Furthermore, the greatest profit should draw the greatest stock;

And the higher the risk the greater the reward.

These are concepts our system reveres still; in fact, they are nothing less than commandments from the mount.

I understand that venture capital in the United States today is expected to return up to 20 percent, or more; the rate depends on the risk.

Clearly, the capital that MITI and the JDB are amassing and redistributing is not the capital Adam Smith identified and left for this age to deify.

Smith's capital was old testament; even today it remains demanding and jealous and fickle.

This MITI-JDB capital is tolerant and understanding.

Smith's capital was wide awake for new liaisons and impatient with old ones; and it is even more impatient today.

But this MITI-JDB capital will be almost hibernating at 4.5 percent. It is very patient capital.

I do not think it is patient by its intrinsic nature; it is patient by Government policy; it is gathered by Government policy; and it is given out by Government policy.

This patient capital policy (PCP), like the drug of the same name, can pump up the strength of the user to levels normal beings and enterprises will never realize.

Furthermore, PCP is part of Japan's industrial policy, and the pronunciation I suggest for this acronym of JIP is GYP.

Excuse the frivolity, Mr. Speaker, I could not resist. I meant no criticism of Japan in this either. Almost every nation we do business with has an industrial policy.

Why, we may even have one. The distinction is that ours, if there is enough coherence in it to be called policy, and theirs have different goals.

Our policy is geared to grimy things like maintaining a military establishment strong enough and versatile enough to defend Asia and Europe. The commercial and industrial benefits that may accrue are incidental. Their policies are geared to more politically useful things like productivity improvement and market penetration and full employment.

Therefore, it seems to me that an important question is, how did our partners domesticate this willful thing called capital? What did the Japanese do to temper its hunger and make it patient?

Once again, it looks like a matter of policy, which a lot of people with important titles and jobs with noble foundations are saying they really do not have any more.

One particularly expert expert who is not saying that is Dr. Chalmers Johnson of the University of California at Berkeley. Dr. Johnson has a highly commendable tendency to peer beneath the surface, and to probe.

So I want to offer this body a conclusion reached by Dr. Johnson recently in an analytical piece he wrote for a leading financial journal.

"There is something peculiar going on in the popular English-language press about Japanese industrial policy," he said.

"A passionate interest has developed in showing that Japan does not have an industrial policy," he went on.

"Or, if it does have one, MITI does not have much to do with it;

"Or that * * * if Japan does * * * and if MITI runs it, Japan's economic performance has been achieved in spite * * * of it."

Dr. Johnson cites an impressive number of examples, including articles by an economist for the President's Council of Economic Advisors and the Heritage Foundation.

"What is being ignored," Dr. Johnson points out, "is that Japanese capitalism has an entirely different structure from that in the United States."

And, I suggest, Mr. Speaker, that it has entirely different purposes and expectations than American capitalism. It is a powerful part of their policy.

Dr. Johnson goes on to say that, "Japanese managers do not need to pay as much attention to * * * the Tokyo Stock Exchange as their American counterparts do (to the New York Exchange) because of the central role of administered interest rates."

Let me interject here that the bulk of Japan's business and industrial expansion is done through loans; they do not use stock issues or other things we rely on here. About 85 percent of the financing of their juggernaut steel industry has been through loans. It was and is the "rice industry"—the sustainer.

Futhermore, I suggest that in the world today 4.5 percent is administered, and closely so. So is 7.8 percent for other development loans. So is the standard 8.7-percent loan rate.

In addition, a JDB loan amounts to a signal to everybody else with money.

It signals a need to join in to the city banks, to the banks' related trust banks, to their related life insurance companies, to their related marine and fire insurance companies, and to their related trading companies; and it is a signal for other government long-term credit banks to get aboard.

It is more like a vacuum than a beacon.

In addition, the preliminary findings of a case study that I have requested suggest that these loans—once signaled—will come in at rates that can be as low as 2.25 percent.

The chief object of this kind of capital cannot be profit; neither can it be impressing market analysts or satisfying the demands of a jealous and fickle market.

The object has to be the strength of the group, present strength and future strength.

As Dr. Johnson explained in his excellent book, "MITI and the Japanese Miracle," a group of enterprises borrows well beyond capacity to repay * * * beyond net worth * * * the bank overborrows from the Bank of Japan * * * the central bank is the ultimate guarantor * * *."

I ask you, how long would a Federal bank examiner put up with something remotely similar in the United States?

But Dr. Johnson had more to say. This, he went on, allows Japanese enterprises to "ignore short-term profitability * * * to concentrate on market penetration, quality control and long-term product development."

He calls it a "two-tiered structure of government guaranteed city bank overborrowing and government banks of last resort."

To my less-tutored mind it looks like an economywide version of a Chrysler loan guarantee with some variations; the terms are kinder and the capital is more patient; and the borrower need not be near death.

So 4.5 percent venture capital from the JDB and MITI is important. It says their policy still is in place and is pushing both old and new industries toward the future.

But, once again, this is not to single out the Japanese.

Similar systems flourish throughout developing Asia. There they have given the nickname of "tiger cubs" to those who are taking the same path to economic strength and stability. These "tiger cubs" may not be as far advanced in domesticating their capital, but they are effective nevertheless.

Dr. Johnson commented on some of these systems in a recent scholarly paper.

"One enduring (common) characteristic * * *," he said, "Is reliance on financial and monetary means to guide and control private activities.

"These * * * measures are often unorthodox by Anglo-American standards, particularly in their emphasis on the supply of capital through the banking system."

And I ask this House to remember, this system allows them to concentrate on market-penetration, quality control, and long-term product development; and it lets them thumb their noses at profit demands when necessary.

I think another benefit must be added to the list. It also gives them the means of maintaining and increasing whatever lead they have in productivity with a continuing modernization.

They can do big things like build a new steel mill.

Or they can do smaller things, like put $5.1 million in venture capital into wringing the last Btu of energy efficiency out of an improved continuous walking beam heating furnace. And if it works out, it can be spread throughout the steel industry. Such a furnace is marked down for one of the 4.5-percent loans.

In addition, I understand there are things such as government research and development loans; and that the tendency is to forgive these loans if the R&D does not pan out.

Let me emphasize that we are not talking about isolated instances of help. This is their system. It goes for everything they do whether smokestack or high tech or almost anything in between.

Certainly capital at 4.5 percent is very efficient if your goal is strength and not profit.

As Dr. Johnson said:

> The issue of national mobilization for economic goals is an important challenge to economic theories.

Mr. Speaker, one theory it tends to shake badly is the idea of comparative advantage in the classic sense; in the sense it is understood here.

Since we got comparative advantage from 18th century English economists, I will borrow and modify a phrase from a 19th century English writer to describe what is going on in the last half of the 20th century.

In the economics of today, it is them that make the advantage that get the advantage in this world.

There is advantage in patient capital. So it is reasonable to explore how the pace-setting Japan Development

Bank gathers its capital for lending at 4.5 percent, at 7.8 percent, and at 8.7 percent.

The government's capital pool is something called the fiscal investment and loan program (FILP).

Money is fed into it from tax revenue and government bonds; from special welfare pension accounts; from a national pensions account; and the sale of other government-guaranteed bonds and borrowings; and from the postal life insurance and annuities special account.

But the biggest individual feeder to the FILP is the government's Postal Service Savings System.

The postal savings system is an efficient tap for the biggest body of money in any country: the savings of the people. It is about the only place they have to save in Japan. They have incentives. First, they do not have much of a social safety net system. And second, their accounts are exempt from taxes up to a certain amount. The interest is by law the highest available to individuals.

And the people respond. Total deposits in the Postal Savings System were $359 billion as of February 1982. And this is almost four times the deposits of the world's largest commercial bank.

Anyway, money feeds into the FILP from all of these sources and the FILP pumps it back out for use.

According to the charts I have seen, the Japan Development Bank receives from FILP each year an amount that is equal to the contributions of the Postal Service Savings System to FILP plus a little more.

So JDB directs the savings of the people. It directs them into low-interest industrial loans and, according to my chart, into equity investments as well.

Truly, it is no capital as we know it. Nor, with equity investment, is it banking as we permit it.

The capital is patient. The capital is docile. The capital is effective. And the government is understanding.

Where we try to limit strength, they build it. Where we try to prohibit concentrations of power, they invite it.

But this is more a criticism of Americans who will not look at the world than it is of the Japanese who must live in it.

And, as I said, the Japanese merely have the most developed technology in this field; everybody is working on something.

There is Korea, for example. For a quick look at Korea I will paraphrase a paper titled "Korea's Economy." It is published by the Korea Economic Institute.

In Korea, the government wanted rapid industrial growth. So it set up its own steel industry and other industries in areas where the private sector was reluctant to venture. The cause of the reluctance: little potential for returns on capital.

Government-controlled banks financed most of the growth, and much of the credit was lower than market rates. This was particularly true in the early years. This was accompanied by export target programs.

There also is a Korean Development Bank (KDB). It is financed by the Government of Korea and by international development banks, for which this Congress supplies funds. About 90 percent of all KDB loans are for capital equipment in industries that will create increased exports, according to the book, "Eastasia Edge."

Meantime, the Bank of Korea had $4 billion on loans to commercial banks in 1 recent year, and 54 percent of it was for the finance of exports.

Guess who takes most of Korea's exports. In steel, in 1978, the United States accepted more than 50 percent of the steel exported by this ally and trading partner.

Information is somewhat scarcer on Taiwan, but the book, "Eastasia Edge," offers some insight.

Taiwan's Bank of China has a key role. The government manages the economy through the bank, and the bank manages everything having to do with money, including foreign exchange.

The bank's chairman has another role; he also is Chairman of the Government's Council for Economic Planning and Development. The Council decides things like whether to add to new China steel's capacity. The Government owns the steel company.

So it might be hard for an outsider to determine who manages who.

Nevertheless, Taiwan is one of the countries where business gets capital from the banks; and, in addition, the small equity market they have is closed to outsiders.

Public corporations—that means Government-owned—are the foundation of Taiwan. The state controls steel, aluminum, shipbuilding, petroleum, railways, and electric power, for example.

Dr. Johnson considered many of these things in his paper. He looked at a couple of the "tiger cubs." He looked at Miti and the JDB.

He concluded that industrial policy is not being abandoned.

In my mind, the 4.5-percent venture capital idea underlines this conclusion; it also highlights it and sets it in boldface italic type for all to see clearly.

The idea is understanding of basic industries and of new industry. It creates; it modernizes; it keeps sharp the edge.

And, to encroach on Dr. Johnson's next conclusion, this PCP (patient capital policy) is one of Japan's most important institutional and industrial innovations. Like all originals, it is being copied widely.

Things are somewhat different in Europe; at least in steel they are. The Europeans are behind the times not only in steel technology but in the technology of capital. There they simply own or subsidize. The governments of Europe have subsidized to the tune of about $30 billion for steel since 1975. Just this year they have announced in the neighborhood of $5 billion more in subsidies to rationalize; but the year is not over yet and it may go higher.

This, Mr. Speaker, is what the American worker faces.

They are faced with it in the old industries and in the new ones that we all pray will develop.

Whatever it is, it is not "Adam Smith Capitalism."

However, it does supply huge amounts of capital.

Whatever it is, it is not free enterprise.

Nevertheless, it is enterprising.

And It may not be government money in the strictest sense of not being directly appropriated.

But the invisible hand and the discerning judgment of the market did not guide this capital into the investments where it now resides so patiently; the heavy hand of government did it. It is doing it as we meet today and it will continue to do it.

So, no matter how clever and sensitive is overseas management, remember this: They do not have market analysts and a herd of investors looking over their shoulders demanding to know why profits are not higher.

No matter how quick they are to jump on innovations in management and technology, remember this: Whatever they do they can do at rates of 2.25 percent or 4.5 percent or 7.8 percent.

Ready money can make even dull managers look good, I suspect.

And no matter what you read about the Asian work ethic and the devotion of overseas workers to their companies, remember this: Their miracles of production are done with machines put there at the lowest possible cost by their government.

Remember that their money is gathered in by the government and added to by the government to get them the best tools available at the lowest cost.

So, whatever the advantage in management,

Whatever the advantage in labor costs and docility,

The biggest and most important advantage is having patient capital.

In business, productivity does obey money, and the most money gets the best results.

Bad capital drives out good capital; and patient capital cuts off jealous capital at the knees.

Furthermore, it is true that those who make and take advantage have advantage.

I am not suggesting that the United States copy Japan or any of the "tiger cubs" or even the Europeans in its approach to basic industries.

The Japanese have paid a high price for their progress. I suspect the reason they are so obdurate in trade matters is that they are afraid the whole overleveraged castle may fall out of the sky if they do not keep going.

But American workers and American industry are paying an even higher price for the success of patient capital. Their system is collapsing on them.

And they will pay it into the next generation and the one after that unless something changes.

As another 19th-century Englishman, Lord Byron, said, "There are two pleasures for our choosing; the one is winning and the other losing."

American workers have been winners and they will be winners if they get the right tools to complete—to compete with the foreign governments that are trampling them.

It is time for this Congress to quit trying to pretend these things make no difference.

It is time to start thinking about how to win this thing.

□ 1800

Mr. HILLIS. I thank the gentleman for yielding.

I certainly am happy to be a part of this special order with him. I want to begin by complimenting him on the statement he has just made. I think he has summarized the problem that faces American industry, and particularly the steel industry and the automobile industry, just right.

We have had 3 long years of depression in steel and automobiles, and in the automobile industry alone it has put 260,000 auto workers out on the street and resulted in losses of more than $4 billion for the domestic auto companies in 1980 alone.

Our best guess now is that the total industry demand for 1983 and 1984 together will average about 10 million cars. And this, ironically, is just about the level that was expected in 1981 when the 1,680,000 limit was first set. The point there is that when that figure was not reached and fell so far below, the Japanese industry got actually a windfall of 800,000 cars over the percentage of the market that was anticipated that they would have when the 1,680,000 limit was first set.

My colleague has talked about the effect of the trade deficit and the effect on our jobs, and I agree with him very, very completely on this.

Over the past 5 years we have amassed as a country a $150 billion deficit in trade with the rest of the world while Japan has accumulated a trade surplus of $67 billion including $64 billion in trade with the United States and more than 80 percent of that trade imbalance with Japan, $54 billion, is in automobile products.

Now, there is a very clear fact here. Every Japanese car that comes into this country comes in with Japanese steel, Japanese rubber, Japanese glass, and every other component that goes into the manufacture of the car. There is no question that Japan has had a hothouse environment to foster its automobile industry. And partly from the fostering, partly from some labor rate differentials, partly from preartificial advantages of tax and currency systems, the Japanese industry on the bottom line has had a very substantial cost advantage.

In the face of unexpectedly low industry demand the U.S. automobile industry has kept its commitment to improve its competitiveness and during the years 1981 and 1982 the domestic auto producers of this country spent $22 billion on products and facilities and introduced 31 new vehicles, notwithstanding a total cash outflow from operations of more than $6 billion during that period.

As to present conditions, the imbalance between the yen and the dollar accounts for some $750 of overall Japanese cost advantage. One domestic company, Ford, has testified that its gains in narrowing the Japanese advantage by reducing costs and improving efficiency have been completely offset by the worsening misalinement of the dollar and the yen. And it is a situation we cannot cope with. We can talk about free trade and fair trade but as long as this artificial difference between the dollar and the yen exists there can be no fair trade.

While I could go on and on here tonight, the hour is late, I am very happy to be a sponsor of this resolution. I want to thank the gentleman from Pennsylvania, my colleague, Mr. GAYDOS, for joining with me as a cosponsor and taking this special order together, because I think the two industries, steel and automobiles, go shoulder-to-shoulder, wheel-to-wheel. Without one the other cannot survive and vice versa. And without both America cannot remain a free and strong country. And what we are seeing here is if it continues on, we are not going to see the production particularly of small automobiles remain in this country.

The transaction that my colleague has related to in California with the General Motors-Japanese Toyota will mean eventually I think some sort of other combination with the other manufacturers and probably eventually a complete offshore production of the small cars we know today. And this will lead again to another erosion of jobs, demand for steel, rubber, and everything else that goes into the car.

So, it is time that we act. As I say, the 1,600,000 figure was set based on a market projection that will hold true probably for next year and the year after. It is fair, it was negotiated to be fair on those numbers, and it will be fair to our competition from abroad. In fact, it will be overly fair.

You know, about 90 percent of the other countries in the world have some sort of an arrangement to keep their market from being flooded from abroad. And basically, it is imposed against Japan, negotiated automobile restraints with Japan. We are the only major country that has not done this.

□ 1810

I think in view of present circumstances we have no other choice but to move. If we do not do this, I think in time we will be forced to take a much more strenuous, a much more serious approach, and not only in this industry but perhaps in others and move into a position where we can have a free trade, because we have suffered from unfair trade for much too long.

So again I want to thank my colleagues for sharing this time with me, for his strong support of the auto restraint resolution, and together with the Auto Caucus and the Steel Caucus I am sure we will go forward to see a prompt resolve of this resolution before this House.

I thank the gentleman for yielding.

Mr. GAYDOS. I want to commend my colleague from Indiana (Mr. HILLIS) and I say this most sincerely. Because of the busy scheduling around the House it takes great effort and concentration, dedication to continue to study, to present, to make arguments and to pursue an active participation in this very sensitive field. Most Members find it difficult to adjust themselves to the very difficult interpretation of trade and trade issues.

It is a complicated matter. It is not the most pleasant matter to study, to read or to address. It is a matter that probably is most unrewarding in a way because it is intrinsically boring.

But it is so important. It is so basically and fundamentally important to the well-being of the Nation that it is unfortunate that it has that nature.

But I think my colleague makes an excellent point when he talks about other countries doing certain things, about keeping their markets free, or at least reasonably free from unreasonable foreign imports.

Japan is the greatest perpetrator of just that philosophy. Our Special Trade Ambassador, Mr. Brock, just went to Japan and used some rather strong language, I understand, recently when he went to the Japanese and said "You are going to have to change your present attitude. You promised in interpreting GATT, the General

Agreement on Tariff and Trade, you promised us at those conferences that what you were going to do was that you were going to allow the Americans to bid on a lot of your telephonic and electronic needs in the country through your domestic markets, which you have been keeping American competitors out over the years." They have done this. In fact, for 35 years, since the war, and always have promised that they are going to let them in, and they are keeping them out and doing it in counterdistinction to the specific requirements of the international trade arrangement, both the act of 1972, the act of 1974, and the 1979 Trade Act, and in the consequential international conferences.

He said this in a formal manner to the Japanese on a formal, official visit, and yet the Japanese have been persistently promising and have promised that they will open their markets. They are going to open their markets and they always have pleaded that our industry is in its infancy and we cannot open it, we have to get a start. But this has been occurring for 35 years.

In the meantime, we look like Uncle Sucker. They have unbridled, uninhibited access to our markets, yet on the other hand, even to abide by the international trade arrangement and agreements that were negotiated, they refused to do it and refused to do it with impugnity. They are not embarrassed when they do it and they continually keep out of their country foreign products, because their list is very long. But they still have this specialized list of 100, of 100 items that today are exclusively and as a matter of record not permitted to be imported into Japan from any country.

So when you take a look at that you start wondering who is doing what where, whose interests are being benefited, and you question the overall integrity of international policy in this area.

Mr. HILLIS. Will the gentleman yield on that point?

Mr. GAYDOS. I yield to the gentleman.

Mr. HILLIS. Certainly I agree with everything the gentleman is saying.

I would like to point out, of course, the Japanese now are trying to get up to 250,000 more units. That represents in our economy, if those were American units, one complete assembly plant. That carries with it all of the engine, the transmission, the steel, the rubber, and those equate to 50,000 American jobs. That is what we are talking about.

Last year's merchandise trade deficit, I am informed, of $36 billion cost our economy 900,000 jobs. That cost the U.S. Government $9 billion in lost tax revenues and an additional $4 billion in unemployment and welfare payments.

That 250,000 units, if they were our units rather than Japanese, would increase by $1½ billion our trade deficit. It would lower the cost to the U.S. Government, to local governments of the increase in employment cost, and it would mean more taxes, both Federal, State, and local.

So however we gage this, whether we want to talk in generalities of fair trade, it is really a pocketbook issue. It is something that affects very much the size of the deficit in this country, which affects the interest rates and the state of the economy and the recovery. It affects local business, local government, State government all up and down the line, and it is much to all of our interests. It is not just a Midwest issue or a Mideast, or Northeast issue, but from an employment standpoint and a tax standpoint, it is a total national issue, and every Member of the House would have a great interest to support this resolution.

Mr. GAYDOS. I think my colleague makes such a viable point, because again you take an automobile company and an automobile coming into this country. Forget about the numbers, but you have to look at the animal. You have to look at the rubber involved, the tires. You have to look at the little, small labor and the materials that go into making the cigarette lighter, the little knobs on the radio, the electronics and every item, every screw and nut and fastener, the headliner in the automobile.

It just seems this comes in an imperceptible form because it is all consolidated and people do not understand. Maybe our colleagues and the American public, if they would just stop and analyze what is that automobile made up of, what is coming in and what is affected, would understand. I can go into a million different descriptive items. Then maybe we would get the support throughout the Nation publicly for what we are trying to do to put some reasonable limitations, and maybe our colleagues in the House would be more sensitive to the problems as we have grown to know them.

There is no question about it. I can take one item, I can take a million items, but just one example. We had 15,000 to 18,000 people employed directly in women's costume jewelry in this country. Now we have none, none. We do not make costume jewelry in this country anymore. We import it all. It is 18,000 to 20,000 jobs, I think are the accurate figures, and all of the material again that is involved.

So you can take that and enlarge upon that with lightbulbs, or with Christmas ornaments and everything that used to go into the conglomeration of making jobs for this country, giving people the sinew to buy things with. We are talking about money, to have a job to earn money to buy things. All of those things are going down the drain.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my good colleague and dedicated officer of the Steel Caucus and from the great State of Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, the gentleman from Pennsylvania is doing a great service to this body and to the Nation to focus attention on the problem of the trade deficit.

A recent issue of Business Week, August 29, 1983, had an article entitled "America's Hidden Problem." In this article they termed the trade deficit as having the potential to be "the economic disaster of the decade."

I think that is putting it mildly. As we look down the road, concern about the trade deficit is very real.

We are faced with a $200 billion budget which tends to obscure a deficit that is equally threatening to the economic well-being of the people of this Nation, and that is the trade deficit. The two are really interrelated. We have to deal with one to deal with the other.

Historically, Americans have taken our supremacy on international trade for granted. As recently as 1970 few Americans cared about trade. For the first time in 100 years, as a result of record high trade deficits, trade is becoming a major issue.

Given the huge domestic market, and an abundance of inexpensive natural resources this carefree attitude is understandable. And in fact between 1870 and 1970 the United States almost always exported more than it imported.

This began changing in the 1970's. This year the U.S. merchandise trade deficit is expected to reach $70 billion and $100 billion in 1984. The trade deficit is expected to reach $174 billion by 1990.

What does all this mean and why and how did it happen?

I was particularly disturbed by the comments of the Chairman of the International Trade Commission, Alfred Eckes in a recent speech. He referred to disconcerting trends in the changing composition of U.S. trade. "We are exporting more and more primary products and importing more and more manufactured goods. This, incidentally, is the traditional definition of a less developed country. Some might describe the emerging relationship as reminiscent of the colonial trade pattern this country had with Great Britain in the 18th century," Eckes said.

He used the example of American trade with Japan in 1982 where the U.S. leading exports were corn, soybeans, wheat, cotton, and coal and its five leading imports were autos,

trucks, video recorders, oil well casings, and motorcycles.

Eckes' remarks are frightening and well they should be for they say clearly what we have avoided facing up to for nearly a decade. We as a country are rapidly losing our competitive edge in world markets.

In fact, we may never have had that edge because we were able to rely on an ever-expanding domestic market. But as our market began to be invaded by imports, domestic manufacturers were forced themselves to seek footholds in foreign markets. Their lack of success, in comparison to foreign penetration of our market is due to a number of factors including shortsighted policies of both labor and management, increased foreign government intervention in markets and our own Government's policies.

Part of the reason there is a severe trade deficit is, of course, the dollar/yen relationship, the dollar/mark, the dollar/pound relationships and the strong dollar. This is a result of high interest rates which result from huge budget deficits.

Since 1960 imports have more than doubled as a percentage of domestic consumption, from 5.8 to 12.5 percent in the first half of this year, according to the Commerce Department.

The recent surge in imports was expected as the recovery gained momentum and Americans' purchasing power increased. In addition, the swollen dollar makes imports less expensive here and American products more costly overseas.

A recent study by the Institute for International Economics found the dollar was overvalued by 24 percent when measured against other nations' currencies and compared with the relative purchasing power of the different countries' money.

The same study showed the Japanese yen undervalued by 6 percent and the German deutschemark undervalued by 5 percent.

So in many ways, the budget deficit and the trade deficit are interrelated and both are prescriptions for disaster for this Nation unless we address those problems.

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Mr. Speaker, the gentleman from Pennsylvania (Mr. GAYDOS) clearly pointed out, the serious threat to the United States of the loss of productive capacity. We have seen it happen in steel, very graphically. We have seen it happening in automobiles and in a lot of not so visible area. It is nuts, bolts, screws, fasteners, and a whole host of products that historically were made in the United States, components of the manufacturing process.

Because of this imbalance of payments resulting from the strong dollar, we have lesser and lesser ability to produce in this country.

Between the 1960's and 1970's, productivity growth in the United States dropped sharply increasing U.S. unit labor costs faster than in any other major industrialized country except Great Britain.

I think it carries with it another threat that we should carefully consider. That is the threat to the national security of the United States.

In World War II, the ability of the United States to produce, the capacity to make bombers at Willow Run, the capacity to produce ships by the dozens in the shipyards of America were the key, essentially, to protecting the free world, to maintaining the liberty and freedom of many people throughout the world.

If we lose that ability to produce—and that can be the result of continuing trade deficits which erode our industrial capacity—we have a serious problem in terms of national security.

I think another threat that results from this is the fact that it feeds on itself. When product is sold, be it a tractor, be it a bulldozer, be it a hospital system, whatever; when it is exported, sold into the world market, the United States has the aftermarket. When you need new tracks on the bulldozer, they would come from the United States. If you need a new engine, it comes from the United States. All that replacement market was fed by the strong export position of our country and the ability of American products to be the leader throughout the world.

The sad part of the trade imbalance and the result of a strong dollar, which is in part the result of a large budget deficit, is the fact that we are going to lose that aftermarket. As products are sold from other nations, in turn the replacement parts and the jobs that go with them will flow to other nations.

So I think there are a lot of things that we have to consider in this entire problem. Of course the most serious impact is on the employment of Americans.

Trade means jobs. The Commerce Department estimates that every billion dollars in exports equals 25,000 jobs. Translated, last year's $43 billion merchandise trade deficit cost the country at least 1 million jobs.

In a May study of jobs and trade the Commerce Department found that when manufacturing exports were growing, between 1977 and 1980, the growth accounted for 30 percent of the increase in private sector employment in the United States. Conversely, when exports fell off, between 1980 and 1982, that decrease was responsible for 40 percent of the rise in unemployment.

C. Fred Bergsten, head of the Institute for International Economics, looked ahead and projected that the predicted $100 billion trade deficit in 1984 could mean 2 million lost jobs.

If we ever had an even balance of payments, we would probably have an extra 2 million to 2½ million jobs in the United States. So as the merchandise account becomes more out of balance, we in turn lose more and more of the industrial opportunities for jobs in this Nation.

In many instances the United States has failed to adequately build and maintain market shares at home and abroad. European and Japanese competitors, conversely, preserve their foreign market shares at all costs.

Government policies must share in the blame. In large part I attribute this to the traditional practice of U.S. policymakers of responding to trade problems in an ad hoc manner. When domestic sugar growers were threatened, a quota was slapped on imported sugar. When the American automobile industry was severely depressed, voluntary import restraints were negotiated with Japan.

This ad hoc response is largely a result of no one single strong voice speaking for trade. The same ad hoc approach, which periodically results in temporary protectionism, also means that whenever a question arises that pits trade against other policy goals, trade comes up short.

For example, the trade weapon was used as an instrument of foreign policy in imposing a grain embargo on the Soviet Union to retaliate against that country's invasion of Afghanistan, leaving U.S. farmers devastated by the long-term loss of foreign market share. The curb dropped the U.S. share of the Soviet grain market from a preembargo peak of 74 percent to around 20 percent.

The reliability of U.S. suppliers was discredited by the attempt to undermine the Soviet gas pipeline by restricting exports of certain U.S. equipment and technology for the project.

Commerce Secretary Malcolm Baldrige even lays part of the blame for the auto industry's problems with the Government:

> I am sure you can fault past management, but part of the blame has got to be laid on the Government's doorstep. Three times, the U.S. automobile industry tried to come out with small cars, and every time, the government let out a signal that energy prices were going to be kept down, that gasoline was not going to be allowed to rise to its true market level.

The result, according to Baldrige, was that twice the U.S. auto industry was stuck with large unsold inventories of small cars.

This strategy of "free trade, but" will no longer work. As I pointed out earlier, the trade scene has shifted significantly in the last decade and we too must change our posture to meet the new challenges of world trade. To do so we must clarify our international

trade objectives and priorities and improve our trade policymaking.

In the Business Week article, Stuart Eizenstat, a former aide to Carter, pointed out what should have been, but clearly is not, obvious:

American companies cannot compete against foreign governments. The marketplace is not free with the governments of Britain, France, Germany, and Japan intervening heavily to aid their manufacturers.

The playing field must be leveled. The Government must move to help improve our trade posture and our position in an increasingly global marketplace.

I do not, however, necessarily advocate some of the "industrial policy" strategies that are currently in vogue. We should not abandon our free market philosophy which brought us to a position of industrial supremacy. The Government should not be in a position of picking winners and losers.

I think that we in the Congress have to address the budget deficit. I think it is essential that we do that. We have had special orders on that topic in previous evenings. I think it will require a bipartisan approach. I think that is a key element in addressing the trade deficit.

If we can do something about the budget deficit, I believe that we will see a resurgence of capital investment. We will see a balancing in the value of the U.S. dollars as it relates to other currencies, which will help our exports considerably and will diminish imports somewhat.

I think it is important that the international trade representative, Ambassador Brock, be very strong in the current rounds of negotiations in Tokyo in maintaining the quota for automobiles for the future year.

I think that is essential to give industry time to make the necessary adjustments to meet many of the requirements we have imposed, in this Chamber, which have made it difficult, in many respects, for them to compete.

I hope, too, that we will give consideration to the establishment of a Department of Trade within the Cabinet.

I strongly support the administration's efforts to create a Cabinet-level Department of Trade to consolidate trade policymaking functions, which are now scattered among a number of agencies.

This reorganization would enable us to fully develop our international trade opportunities and defend our international trading rights. For the first time, a single Cabinet Department would be responsible for both policymaking and policy implementation. It would enable development of a policy that emphasizes anticipation and coordinated action, rather than reaction and ad hoc trade restrictions.

It would also send a signal to our trading partners that we are serious about trade, serious about stopping unfair trading practices and serious about increasing our export market.

I think, as has been pointed out by previous speakers, so very eloquently, the issue of trade is one of the most important in terms of the future of this Nation, in terms of our economic health and in terms of providing employment opportunities for the young people of this country.

We cannot anticipate the kind of society in which we simply trade our services with each other. It would be a disaster for the defense of this Nation, for the security of this Nation if we let our productive capacity debilitate. It would be a threat to our economic base, it would be a threat to our social programs, to our educational system, all of the things that depend on tax revenues produced by the industrial economy of this Nation of ours.

So this problem of a trade deficit goes far beyond the issue of steel or autos; it goes to the very heart of our economic, social and political well-being.

Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. GAYDOS) again, for taking the leadership in bringing this tremendously important issue to the attention of our colleagues and to the American public.

Mr. Speaker, I yield back the balance of my time.

Mr. GAYDOS. Mr. Speaker, I thank my colleague (Mr. REGULA) for all of his past efforts with the steel caucus on this subject matter. He is always there present, ready to respond when we need his services and expertise in this field.

● Mr. MURTHA. Mr. Speaker, I join my colleagues today in expressing deep concern about the growing trade deficit problem and its impact on American industry. I believe this special order today is particularly timely insofar as our U.S. Trade Representative, Ambassador William Brock, together with his trade negotiators will shortly be paying a visit to our Japanese trading partners to discuss automobiles and other issues.

This past Thursday, the Congressional Automotive Caucus met with Mr. Philip Caldwell, the chairman of Ford Motor Co. I would like to share with my colleagues some of the concerns expressed by Mr. Caldwell with respect to the trade deficit issue.

Over the past 5 years, the United States has experienced a $150 billion trade deficit. During that same period, Japan had a $67 billion trade surplus. Of that amount, $64 billion existed with the United States. And of that amount, $50 billion constituted exports of automobiles to the United States. In other words, approximately one-half of our trade deficit problem over the past 5 years has been with Japanese automobiles.

Allow me to translate this in terms of the impact on the domestic steel industry. On average, for every automobile imported from Japan into the United States, approximately 1.13 tons enters the United States. Therefore, in addition to the 30-plus million tons of raw steel that was imported to this country over the past 5 years, approximately 5 million tons of steel came in the form of imported automobiles—16 percent more than the official figures indicated.

What we have here is an illusion that steel imports from Japan have been stabilized—the statistics show that Japan has sent an average of 6 million tons of steel per year to the United States for the past 5 years taking about 30 percent of the import market share. The truth is 7 million tons of steel a year have actually been entering this country as a result of the steel in automobile imports.

In terms of the impact on unemployment, this illusion fades away when you consider that approximately 25,000 jobs in the steel industry were lost due to steel entering this country in the form of automobiles over the past 5 years. Steel experts estimate that for every 1 million tons of imports, 5,000 steelworkers jobs are lost.

According to Mr. Caldwell, the most critical disadvantage that American automobile producers have with regard to achieving a full recovery is the misalinement of the dollar/yen relationship—specifically the yen is undervalued by approximately 25 percent with respect to the dollar thereby making U.S. exports unattractive in comparison to our trading partners imports. To better illustrate this with respect to automobiles, the dollar/yen misalinement alone constitutes a $750 per car artificial advantage. If you add this to approximately $600 per car in the form of their commodity tax rebate—a total of $1,250—one can account for well over half of the Japanese "cost advantage."

At this point, I would like to insert into the RECORD the comments of Mr. Caldwell for the benefit of my colleagues. Finally, I would like to express my support of the efforts of my colleagues on the automotive caucus in their attempt to assure that a fourth year of auto quotas is maintained at the 1.68 million level with no exemptions.

Until the issue of the dollar/yen relationship is resolved and the Japanese tax rebate system is eliminated, our Government must continue its efforts to preserve stability in the American marketplace.

REMARKS BY PHILIP CALDWELL, CONGRESSIONAL AUTO CAUCUS BREAKFAST, SEPTEMBER 29, 1983

Good morning. I'm delighted to have this opportunity to be here in an informal atmosphere, with congressmen who share the concerns of our industry and its employees.

Although this caucus and its predecessor—the House Auto Task Force—were formed during some of Detroit's darker hours, let me assure you that the need for such a group to focus on automotive concerns has not diminished with the industry's present resurgence.

Originally, I had planned to use this opportunity to focus almost entirely on long-range competitiveness—hoping to enlist your aid and counsel in getting some strategies out of the idea stage and into the action stage. That is still my goal today; but first, there are some pressing "current events" on the agenda. In the last several weeks, three issues have been receiving a great deal of both media and congressional attention—safety, fuel economy and Japanese export restraints.

Turning first to safety. At Ford, we're proud of our ongoing commitment to safety and our recent developments in safety technology:

We're the only bidder on a contract to supply the GSA with 5,000 driver-side air bag-equipped cars.

We have an on-the-road test fleet of cars equipped with new generation anti-lacerative windshields, which will also be installed on the GSA fleet.

Ford's 1983 and 1984 cars offer 5 mile an hour bumpers. These stronger bumpers, as well as other design and engineering features, have convinced one insurer to offer discount rates for two-thirds of our cars—by comparison, only one car from our five major Japanese competitors has earned a discount, and many are charged an extra premium.

Recent breakthroughs in microprocessor technologies and improved sensing systems will permit us to put new faster acting and more efficient anti-skid brakes on our 1985 luxury cars.

Over on the Senate side, the Commerce Committee recognized many of these technologies as having potential benefits. But they chose an unfortunate method of demonstrating this recognition—they want to mandate them. For a long-lead industry like ours, this approach leaves us no choice but to oppose the legislation vigorously because—among other reasons—the timing is impracticable. The judgments on the technologies are premature and legislating highly technical requirements so early may preclude development of the best approach.

We hope this is an idea whose time won't come. All of the safety technologies included in the Senate Commerce Committee bill are under development in the industry, and DOT has them under consideration and has the authority to accelerate this development and can regulate the timing and details of implementation, if needed.

My second "current event" is fuel economy.

At Ford we have improved our average fuel economy by more than 70 percent since 1975, and we're the only manufacturer with cars on all three of the EPA 1984 highest fuel economy lists—top ten overall, top ten gasoline and top ten domestic.

In real world driving, the 1984 Ford Escort and Mercury Lynx with their lively 2-liter diesels will give 1,000 miles of city driving for just over 24 gallons of fuel at a cost of about $29 at present prices. Most drivers will need to fill the tank only once a month.

Our full-size sedan for 1984 has better fuel economy than our smallest 1975 car.

Put another way, fuel economy improvements have more than offset real fuel price increases—the inflation-adjusted fuel cost to operate today's full-size car is 28 percent less than a comparable 1975 model. It's no wonder then that there has been some shift back toward larger cars. But it's not a return to the pre-OPEC way of living and driving. Large cars today only account for about 12.3 percent of new car sales.

Yet press reports have seemed to focus not on progress we've made, but on the fact that we will be short of CAFE standards. Ford expects to comply with the law by using flexibility provided in the law to apply credits from those years in which we exceed the standards. Let me assure you that the reason we're short of the standard is not a lack of technology or any diminished financial or engineering commitment to new fuel efficient products, but rather it is directly attributable to a change in what consumers are buying today.

As you know, you have provided NHTSA with administrative authority to make some adjustments; therefore, we have not urged any specific changes to the law at this time. Surely manufacturers—after all of our efforts and success in completely revamping the country's vehicle fleet—will not be unduly berated for something that is largely a matter of consumer preference.

The third of the three current issues is also the most critical to the recovery and competitiveness of the industry. We consider it imperative that Japanese auto restraints continue at the present level for at least the Japanese fiscal year beginning April 1, 1984. The September 15 letter to Ambassador Brock from your Caucus co-chairman couldn't have said it better:

It cited the handicaps of the current dollar/yen ratio and the beneficial commodity tax treatment granted Japanese manufacturers by their government as prohibiting the marketplace from correcting our automotive trade imbalance.

It called for an aggressive political response if we are to prevent further deterioration of our domestic automobile manufacturing industry.

It strongly recommended that Ambassador Brock insist that the Japanese agree to an extension of the current 1.68 million annual rate with no exceptions.

I urge you to keep the pressure on in case there is a tendency for backsliding. Your support is needed and timely; in the last few weeks it has become obvious that there are some in the Administration who would like to use the modest auto recovery as an excuse not to redress the obvious trading inequities under which we're operating.

As your letter to Ambassador Brock indicated, there's not much that auto manufacturers can do about the windfall advantage the Japanese get as a result of an out-of-joint exchange rate that reflects an undervalued yen and an overvalued dollar. That's the province of government. And so is the tax problem, which gives the Japanese an unfair advantage in this market and penalizes us in their market. Together, the dollar/yen misalignment and the tax inequity account for well over half of the Japanese "cost" advantage. This is a very serious problem for the domestic producers.

At Ford, we believe that the lion's share of the responsibility to be competitive belongs to us in the private sector and we're working hand in hand—management and labor—as hard as we know how:

When other industries were cutting back in recessionary times, we accelerated the pace of the product innovation, introducing 8 new cars and trucks in the brief span of 18 months—products which are leading the industry in quality, value, technology and fun.

Our quality has improved by more than 50 percent since 1980, and independent surveys show we are better than our U.S. competition and as good as, or better than, most of our foreign competition.

By reducing operating costs, raising productivity and moderating compensation, we have reduced our break-even point sharply, which is why we're in the black even with sales levels that aren't really worth celebrating yet.

But while we in industry pursue those product, quality, cost and productivity factors within our control, government has to make the same sort of progress in the areas only it can control. The long-term answer is to have a fully competitive auto industry in a competitive United States. The way to get there is to have a business environment and government policies that are competitive with those of our foreign rivals. I believe the top priorities for policy change are to correct distortions in exchange rates and inequities in tax treatment.

Although the dollar is overvalued against most major currencies, the greatest damage comes from the misalignment with respect to the yen. The misalignment is a problem for all industries competing with Japanese imports at home and abroad. The dollar/yen misalignment alone gives the Japanese an artificial advantage or subsidy of $750 a car. The first step toward resolving the problem is to get the Administration to pay attention—serious attention—to the impacts involved.

Loss of competitiveness in international trade reduces U.S. production and increases unemployment—both of which further increase the budget deficit. The $100 billion deficit in trade projected for 1984 means $25 billion in lost tax revenues and $15 billion in extra unemployment costs as 2½ million U.S. jobs disappear.

Your support of the "Williamsburg" yen resolution shows you understand the importance of this misalignment. I hope you will continue to urge U.S. policies to deal with this issue.

Further, the Japanese with their commodity tax, and most other industrial nations with their value-added taxes, have also discovered how to make their tax systems competitive in world trade. The United States has not.

Unlike the U.S., our major trading partners hold down their income and payroll taxes (which are themselves burdens on production costs) by imposing substantial sales taxes on consumption. Under GATT rules, these sales taxes may be rebated on exports and imposed on imports, whereas income and payroll taxes may not.

This really hits U.S. products and jobs where it hurts. U.S. cars shipped to Japan carry a full load of taxes when they leave our shores, and then Japan adds a sizeable commodity, or consumption-type tax when they get there.

Conversely, when a Japanese car is exported to the United States, Japan doesn't levy the consumption tax—which amounts to 17½ or 22½ percent—and there is no commensurate tax collected in this country. That's worth something like $600 a car to the Japanese. It's all legal under GATT regulations, but U.S. producers and their employees get hurt, and all taxpayers in the U.S. have to pay the bill.

These are the reasons—tax inequities and currency misalignment—that explain why the United States can't compete on equal terms against imports at home or in markets abroad.

I know there are some tax writing experts on the Caucus. It seems to me that short of recasting our entire tax system, the U.S. has to find a way to treat some of our taxes in a manner similar to Europe's and Japan's—that is, to reduce the burden on U.S. exports and to equalize the burden on goods imported into this country. The idea of a reciprocal tax came up in a House Banking Committee hearing on industrial policy—placing a U.S. tax on any imported goods that carry an unfair tax advantage. John Nevin of Firestone has offered another approach: adopt a federal excise tax and allow credit against excise tax liability for other U.S. taxes paid on domestic production.

Well, that's a pretty lengthy list of issues and I know you have other priorities, as we do. We still think, for example, that some of the Clean Air Act changes we supported make sense for the industry and consumers. Also, we understand that the House is waiting for the Senate to act on the issue of product liability reform, which is essential if this country is to provide a measure of certainty for the engineers and managers who make design decisions as to what they can expect to be held accountable for. When these issues get farther along I would like to meet with you again to discuss them.

We've seen examples of what can be done when government, industry and labor come together on critical issues in other countries and in other industries. By working together I am sure we can make progress here as well.

Now let me recap those items that I have mentioned today . . .

Continued Japanese auto restraint at present levels is top priority. This is the quickest, surest way to get U.S. auto workers back on the job and keep them there.

Action on yen and tax are critical if we're to get away from short-term remedies and have a competitive U.S. business environment. Perhaps you would consider establishing a working group to move these issues into the action phase.

We hope you'll help us get the message across about the progress being made in safety and fuel economy; surely we don't wish to revert to the adversarial way of addressing these mutual goals.

Clean Air Act revisions and product liability reform continue as issues of high importance to us and we hope that you will assist us when these items come before you.

One thing is clear: America is in a worldwide competitive race and running behind. It is up to all of us to do our part to put our country back in the running. We in the auto industry are glad to have you on our team.

One final note, we have our all-new Mark VII Outside . . . I hope you'll take the opportunity to take a quick look. It is the most technically advanced luxury car built in America. It literally rides on air.●

● Mrs. HALL of Indiana. Mr. Speaker, I join my colleagues to speak on the problems to the U.S. economy caused by our growing trade deficit. The trade deficit threatens to choke off our economic recovery before it has barely begun to gather momentum. This deficit is seriously effecting a wide variety of American industries—electronics, automobiles, textiles, footwear, and one of the areas with which I am most concerned—steel.

In 1982, my home State of Indiana, due in large part to the output within my district, became the leading steel-producing State in this Nation. At the same time, however, it must be noted that Indiana's steel production is now one-third less than it was 5 years ago. This dramatic decline in production has been felt in almost every aspect of life in my district. Northwest Indiana has seen its reliance on the metal industries result in the loss of one of every six jobs by the end of last year. Many of these layoffs in turn affected service industries which need steel workers' paychecks to survive. In total, approximately 30,000 steelworkers in northwest Indiana and South Chicago have lost their jobs.

There are several individual factors slowing our recovery, but undoubtedly one of the major causes is the unprecedented level of market penetration by imports. Last year nearly 22 percent of the U.S. steel market went to imports, as compared to 2.3 percent in the 1950's, 9.9 percent in the 1960's and 15 percent in the 1970's.

Most of us are aware of the various unfair trade practices used by some of our trading partners. We know of government subsidization in the range of 20 to 40 percent, dumping margins ranging from 20 to 30 percent, coordinated industry targeting, and abuses of exchange rates, just to mention a few inequities. Furthermore, some governments sanction the development of export cartels where exporters may enter into agreements on price, quantity, quality or any matter of common concern.

How have our trade laws become so lax as to permit such transgressions against U.S. producers? Part of the problem is that trade laws that are on the books have not always been promptly and fully enforced. But it also has become clear to many industries that existing U.S. trade laws are in need of improvement. The procedures for filing an unfair trade petition need to be further streamlined and strengthened. The petition process and the granting of relief must be made less complex, less expensive, and less arbitrary.

Under present laws, the preparation of a petition simply costs too much. A successful petition should not have to be a financially burdening endeavor. Many smaller companies, already suffering great losses due to unfairly traded imports, do not have the resources needed for gathering the data now necessary for a successful petition. One constructive measure would be to clarify that the evidentiary burden resides with the party which possesses the information necessary to prove or disprove allegations at issue, and reimburse successful petitioners for their case-related expenses.

In addition to being too costly, current laws are all too frequently administered in an arbitrary or unpredictable manner. Congress and the Commerce Department must work together to make our trade laws clear and identifiable. Whether it is the issue of what is the appropriate timeframe to look at, industry to examine, or whether the effects of a case should be judged singularly or cumulatively, more precise guidelines are needed.

More effective trade laws will not, of course, resolve all the problems now facing American industries, or even the steel industry alone. If the flood of imports continues, however, the steel industry will not be able to recover quickly enough and more plants will close, more Americans will become unemployed. If we cannot now adequately enforce our trade laws, then Congress must take responsibility to enact the laws necessary to remedy this growing problem.

I lend my full support to all actions and proposals which will work to correct the current trade imbalance.●

● Mr. JONES of North Carolina. Mr. Speaker, it is indeed sad that we must conduct a special order in order to draw attention to the trade deficit and its effect on our Nation's economic recovery.

The deficit, which is now estimated to range upward of $100 billion and which undoubtedly has eliminated millions of American jobs, is a continuing shame which also has a long-range effect on our national security. Others here today will, in great detail, explain how the deficit is affecting our steel industry. One of the significant factors in the steel industry downturn has been the continuing demise of our shipbuilding industry, a major consumer of steel and other metals.

Those of us who are concerned about the state of our merchant marine have observed with great alarm the export of tens of thousands of jobs resulting from the availability of low cost ships produced by nontraditional maritime nations. The result has been not only the loss of U.S. shipbuilding jobs and the multiplier effect of that formerly productive activity, but also the outflow of ownership interest in merchant shipping so that more U.S. owners now choose to register vessels under foreign flags than they do under the U.S. flag.

More and more, we have come to realize that the outflow of shipbuilding and other maritime enterprise is not attributable to low productivity in the United States. The rise in importance in other shipbuilding nations is a result of the trade policies of those countries which have provided subsidies and investment benefits of a magnitude which cannot be matched by the United States.

The contribution to the deficit by the demise of this maritime industry, while small in relation to the total, has an effect well beyond the immediate loss of revenues or loss of jobs. Our major concern now, as it has been for

the past three decades, is that the merchant marine so essential to our defense for sealift and other auxiliary purposes will be unavailable should an emergency arise. Shipbuilding capability which can only be sustained by commercial ship orders will further deteriorate, leaving the United States in a most vulnerable position should the need arise, as it has in the past, to intensify any buildup of naval and naval support ship construction. I urge that all possible steps be taken to halt the noneconomically motivated outflow of business activity related to the maritime enterprise.●

● Mr. SAWYER. Mr. Speaker, I am very pleased to have this opportunity today to participate in this special order, so that I might be able to add my support for greater efforts aimed at reducing our trade deficit, particularly the deficit which exists between the United States and Japan. Being from the State of Michigan, I am particularly sensitive to the cries of manufacturers who continue to have difficulty competing against products made in Japan, as well as other countries.

Of particular interest to my district is the machine tool industry. Nearly 23 percent of the national total of machine tool shipments are from Michigan, representing sales of $658 million. Needless to say, the industry is significant to our State. But, the last decade, the machine tool industry has been severely challenged by foreign competition. Domestic producers find that their share of the domestic market has fallen from over 90 percent in 1972 to less than 70 percent today. Because of this market share loss, and because of national security reasons, the National Machine Tool Builders Association has filed a petition with the Department of Commerce, asking that the Secretary of Commerce find, and the President concur, that recent dramatic increases in the foreign share of the United States domestic industry constitute a threat to national security. Machine tools are needed for ships, planes, tanks, missiles, and transport vehicles. Any further decline of the machine tool and metal forming machine tools will compromise our ability to react to security threats and will weaken our deterrent posture.

The future for the machine tool industry is not optimistic. Generally speaking, that industry is the last to recover from a recession, because of the tremendous capital needed to bring about the improvements in the industry. Japan has an enhanced ability to compete in this circumstance; enormous inventories of Japanese products are already warehoused in the United states.

I hope that our Secretary of Commerce is carefully monitoring the sentiment in the Congress. I hope the same is true of our U.S. trade representative. News that the Japanese have not voluntarily extended their automotive quotas would not be well-received by this Congress. I further hope that the Japanese do not underestimate the importance of proving to us that they are willing to help us lower our trade deficit. I can assure them that it would be in their best interests to do so, and I will be carefully monitoring Ambassador Brock's progress later this month.●

● Mr. BRYANT. Mr. Speaker, House Energy and Commerce Committee Chairman JOHN DINGELL has asked me to serve as a member of a special Subcommittee on U.S. Trade Problems with China.

During the 6 months I have been privileged to serve on the full committee—which has the broadest jurisdiction of any in the Congress—and two of its most important standing subcommittees, I have become increasingly aware of the complexities and the critical nature of U.S. trade policies. These policies are particularly significant with regard to the People's Republic of China, which presents us with the greatest opportunities for development of international commerce, and Japan, which unfortunately accounts for half of the 1983 projected U.S. trade deficit worldwide.

The Subcommittee on China Trade grew out of meetings of a small congressional delegation mission to China at the invitation of the People's Republic earlier this year. Although there was much agreement about the development of trade between the United States and China, most of which at this early stage would be advantageous to our country and its business community, a number of problems were revealed which hamper the full exploitation of trade opportunities.

It is essential that these problems be resolved as promptly as possible in view of the fact that China's ambitious development plan and its more than one billion people establish it as perhaps the most important potential market for U.S. goods, services, and technology in the remaining years of the 20th century.

Among the problems which will receive the immediate attention of the Subcommittee on China Trade are these:

First, resolution of U.S. problems regarding technology transfers in general, the preeminent problem that must be addressed by this administration if the Chinese market is to be fully developed.

Second, diplomatic initiatives to encourage Chinese adoption of a nuclear nonproliferation agreement which will facilitate commerce in areas involving nuclear technology.

Third, assistance from the Departments of State and Commerce in resolving Chinese barriers to trade which discourage U.S. businessmen from commercial involvement in China:

Lack of patent law, although Chinese officials have given assurances that the government is attempting to draft a law acceptable to the United States.

Inability of U.S. businesses to reach the proper decisionmaking levels in the Chinese Government, which control all People's Republic of China trade.

Price discrimination and the limitations imposed by "buy Chinese" provisions in business agreements.

Space limitations for U.S. businesses operating in China.

Fourth, decisions as to the most appropriate representation for U.S. businesses in China, which has a diverse and complex market and government structure. How can businesses best identify and gain timely access to markets, given the overlapping government jurisdictions and the still unresolved complex of controlled versus market economic structures?

Fifth, apparent failure of the U.S. Environmental Protection Agency to honor its commitments to the Chinese Environmental Protection Leading Group contained in a 1981 agreement. Apparently this is a result of political changes and budget cuts in the EPA.

Clearly, these are complicated questions requiring diligent efforts at resolution. The vastness of the Chinese market, especially for high technology items such as computers and telecommunications equipment and oil and gas production expertise and equipment, certainly make the attempt worthwhile.

Many of the businesses which would benefit immensely from expansion of trade between the United States and China are located in Dallas County and elsewhere in Texas.

Another important element in America's international trade picture—and one to which I have been devoting considerable attention—is that of trade imbalance with Japan.

Over the past several months, I have met with a number of Japanese trade ministers and officials of Nippon Telephone & Telegraph, the Japanese telephone monopoly, which is both a significant competitor and potential market for U.S. telecommunications and computer technology industries.

It is shocking to realize that, worldwide, the United States has a projected 1983 trade deficit of $60 billion, of which Japan will account for as much as $30 billion—an increase of almost 100 percent over 1982.

Trade with the Japanese and with other nations in the international marketplace must be a two-way street. The Japanese cannot expect us to continue providing them with an open market while refusing to reciprocate

by purchasing American-made goods, services, and technology. Access to the market and competition free of the government subsidies and trade restrictions which have given Japan an unfair and predatory advantage are essential to continued U.S. preeminence in high technology.

Already we have witnessed the devastating effects of unfair competition from the Japanese in the automobile and steel industries, which has resulted in vast unemployment and plant closings. Lone Star Steel, which has major facilities in Dallas County and elsewhere in Texas, has alone suffered more than 3,000 layoffs. We cannot afford to have and must not allow those trade inequities to spread to the high technology industries in which the United States remains the world leader.

The House Telecommunications Subcommittee, on which I serve, has, as part of an ongoing effort to increase the sale of high technology products in Japan, been monitoring the purchases made by Nippon Telephone and Telegraph (NTT) since that company signed an agreement with the United States in 1981 requiring a system of open procurement.

The agreement was designed to open up the Japanese market to U.S. equipment manufacturers. Since the agreement was signed, Japanese purchases of U.S. communications equipment have increased from $16.5 million in 1980 to $48 million in 1982. But that is a minuscule increase when one considers that NTT has an annual purchasing budget of $3.3 billion.

It is clear to me that NTT and the Japanese Government, which subsidizes NTT's operations and its competition in the international market, have begun to increase opportunities for U.S. companies to sell their products in Japan. But the results have been far below our most reasonable expectations.

Unless the U.S.-NTT Procurement Agreement soon results in dramatic increases in U.S. sales to Japan, we must begin to reevaluate our own open market policy.

The United States currently enjoys a very modest surplus in its export of telecommunications equipment worldwide, although not in the Japanese market. And Japanese equipment manufacturers had sales in excess of $700 million in the United States in 1982.

The most rapid growth in demand for telecommunications equipment in the immediate future will be in Europe and the developing countries. Therefore, rectifying the U.S. trade imbalance with Japan is important not only in terms of sales of American technology in Japan, but because honest and fair competition in their home market will compel the Japanese to compete more fairly and openly in the larger world market.

I recently had the opportunity to question U.S. Secretary of Commerce Malcolm Baldrige about America's overseas trade initiatives when he appeared before the Telecommunications Subcommittee. I was surprised and distressed to learn that there exists no national policy or timetable for rectifying imbalances in our trade relationships with other governments, such as that of Japan, which unfairly subsidize businesses in competition with American companies.

We must establish a national policy with regard to the balance of trade. We must make the correction of trade imbalance with Japan our first priority. And we must develop the broadest and most extensive possible markets for American business in China. As a member of the House Committee on Energy and Commerce and the new special subcommittee I will work toward those ends, and I will welcome your counsel and assistance.●

● Mr. NOWAK. Mr. Speaker, I would like to commend my colleagues for scheduling the colloquy this week to focus our attention on the serious impact of our country's increasing trade deficit, which is severely hampering our attempts for economic recovery.

Just last week, the Commerce Department released figures indicating a $7.19 billion trade deficit for the month of August, pushing the current deficit for 1983, thus far, to $40.8 billion. U.S. exports rose less than 0.19 percent in August while imports increased 3.6 percent. The forecast for the future is grim. The Commerce Department is expecting the trade gap to widen to $65 to $70 billion by year's end, and predicting a possible $100 billion deficit for 1984. Immediate remedial action is crucial to the economic well-being of this Nation.

First and foremost, we must increase the demand for domestic products, thus curbing the importation of foreign counterparts. This involves the strict enforcement of Federal and State buy American laws. The American steel industry recently gained an important victory in this area when the New York Metropolitan Transportation Authority, under pressure from New York State leaders, overturned a previous decision to use Korean steel, as opposed to American steel, for repairs on the Throgs Neck Bridge. The MTA's vote for American steel means $15.7 million in contracts, keeps countless steelworkers on the job and off unemployment lines, as well as avoiding the unnecessary importation of 15,000 tons of foreign steel.

Second, trade remedy legislation must be enacted to help prevent violations of our existing trade laws which only add to the already skyrocketing trade deficit. The Subcommittee on Trade of the House Ways and Means Committee will be introducing legislation shortly which should address foreign industrial targeting, unfair subsidy and dumping practices, streamline procedures to allow smaller companies the benefits of remedies, as well as reducing costs and delays in these procedures. Our Government must insist on existing import quotas, including those on Japanese automobiles presently under discussion by this administration. My colleagues on the Congressional Steel Caucus' executive committee have introduced the Fair Trade in Steel Act of 1983, a measure designed to stem the flow of imports into the domestic steel market. Additionally, domestic content legislation would extend relief to auto parts manufacturers and the rest of the domestic auto industry in proportion to the number of vehicles sold in America.

Trade remedy legislation will allow domestic industries the opportunity to recapture a competitive position in both the American and international markets.

Finally, our industrial competitiveness depends on continuous communication and monitoring of our position in the current economic arena. The President has agreed to reestablish the Tripartite Advisory Council which will oversee the entire steel industry, thus avoiding crisis management and decisionmaking. I have cosponsored H.R. 3681, introduced by my colleagues on the Northeast-Midwest Coalition, which would create a Transitional Industries Trade Board to observe present trade policies and to explore alternatives to increase the competitiveness of American industries. Both of these committees would be composed of Government, labor, and management to provide a well-rounded approach and wide range of expertise. A comprehensive industrial trade policy is the seed leading to increased exports and decreased trade deficits.

Our domestic industries desperately need help and guidance from our Federal Government if they are to remain viable competitors internationally and if our country is to overcome our dramatic and severe trade deficit.●

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the subject matter of this special order.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I was appalled today to hear confirmation of the fact that the House Democratic leadership has decided not to allow the Simpson-Mazzoli Immigration Reform and Control Act to come to the floor for a vote this year which I take to mean in this Congress.

It has been well documented and we are all fully aware that the United States has lost control of its borders. Responsible estimates as to the count of illegal immigrants in this country at the present time range higher than 12 million. The most recent statistics from the immigration and naturalization service indicate an alarming and sizable increase in illegal border crossings just this year alone. There can be no doubt that the quality of life in America is gravely threatened by the failure of this Congress to act to restore control over our borders and produce immigration laws that once again work to allow reasonable numbers of immigrants to enter our country each year who can be absorbed and assimilated into our society.

The Senate has twice voted overwhelmingly for the Simpson-Mazzoli Immigration Act. The House Judiciary Committee reported it out 4 months ago. Virtually every editorial writer of every major newspaper in this country has urged its passage.

Despite major controversies over various aspects of this much-needed legislation, it has until this week maintained a strong, bipartisan support above the muddy waters of politics. Now it appears the House Democratic leadership has impaled it on the cross of partisan politics in a blatant effort in a Presidential election season to win support of some Hispanic leaders who have reacted to the key employer sanction provisions with blind emotion and unfounded fear of discrimination. Your unsubstantiated charges that President Reagan would veto this bill which he has repeatedly endorsed be patently observed. President Reagan released a press statement on this very point today. It read:

THE WHITE HOUSE,
October 4, 1983.

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY

The President was naturally disappointed today to hear press reports quoting Speaker O'Neill as saying that immigration reform legislation would not be considered by the House this year. The President hopes that the Speaker will reconsider and allow the House to vote on a bill that is essential to the future well-being of this Nation.

As we understand it, the Speaker commented that there was no discernible constituency for the bill, and that there had been mixed signals from the White House. We respectfully disagree with the Speaker on those points.

The Senate has twice passed immigration legislation—by overwhelming bipartisan margins. And in the Congress immigration legislation has also been considered and approved by four committees in the House, including the Committee on the Judiciary.

Administration officials have testified on the reform measures a total of 28 times.

This is not a political issue. It is not a partisan issue. It is an issue that concerns all Americans—and it is in the best interests of all Americans to have the nation regain control of its borders.

One final point remains to be made. The President sent the original immigration reform legislation to the Congress more than two years ago. He supported it then. He supports it today.

Mr. Speaker, your refusal to allow full House consideration of this measure makes a mockery of our system and reflects adversely on every Member of the House.

We have known all along that some Hispanic leaders and organizations object to employer sanctions, the critical enforcement feature at the heart of this bill. Their objection and tactics on the floor of the House kept the 97th Congress from passing this bill. To be opposed is their privilege, even in the face of polls showing 60 percent of the Nation's Hispanics favor the legislation. But, for this House not to even consider the bill is the height of irresponsibility and displays a complete disregard to addressing an urgent national problem.

Outside of the economy and the national defense, there is no matter of more importance to the future of our Nation that immigration reform and gaining control or our borders. The very quality of life which our forefathers worked so long and hard to give Americans as the greatest free nation in the history of the world will not be there for our children and grandchildren if we do not stem the flow of illegal immigration into our country not only will jobs for American citizens be lost in ever increasing numbers to illegal aliens, but the very fabric of our society—the melting pot—whereby people of all races and ethnic backgrounds have blended together their diverse cultural heritages to form one people of enduring strength dedicated to individual liberty and freedom—will be lost.

Mr. Speaker, for the sake of our country, and the future prosperity and happiness of generations of Americans to come, I implore you to reverse your decision and allow the House to consider the Simpson-Mazzoli Immigration Reform Control Act.

FEDERAL COMMUNICATIONS COMMISSION'S ACCESS-CHARGE PLAN FOR LOCAL TELEPHONE OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nebraska (Mrs. SMITH) is recognized for 5 minutes.

● Mrs. SMITH of Nebraska. Mr. Speaker, thank you for providing this opportunity for me to express on behalf of my constituents deep concern about the effects of the Federal Communications Commission's access-charge plan upon local telephone rates, particularly in high-cost rural areas.

In my opinion, the Commission's access charge plan—with its rigid cost-based pricing—is in direct conflict with the goal of continuing to provide universal telephone service.

I am trying to persuade all my colleagues in the House that the effective date of the Commission's ruling ought to be postponed for at least 1 year, that is, until January 1, 1985. On July 26, 1983, I introduced House Concurrent Resolution No. 150 which calls for a 1-year delay in implementing the access charge plan. I invite Members to sign on to this resolution. A committee in the other body has already voted to delay the FCC access charge plan for 2 years.

A delay would give the Congress and the industry more time in which to study the still-murky consequences of the AT&T divestiture without the complications of dealing simultaneously with the ramifications of the Commission's access-charge plan. A year's delay will also give Congress a chance to study the tariffs filed by telephone companies yesterday, October 3, to better understand the consequences of the FCC access charge plan on universal service.

I say that we must have more time to make sure that we adopt as national policy, effective, wise legislation, and regulations that provide a regulatory framework and a rate structure that insures basic telephone service at reasonable rates and provides sufficient flexibility to deal with the bypass problem where it exists.

We need more time to consider whether the Commission's plan should be rejected outright and, instead, be replaced with a framework that reflects these principles, or whether we should modify the access-charge plan to insure universal service to high-cost areas, particularly rural areas, and to provide State public service commissions with the jurisdiction to adjust rate designs and depreciation methodologies that best serve the telephone customers in their States.

Mr. Speaker, the Census Bureau reports that by its definitions, some 80 million Americans live in rural areas. Now, not all of them will be hit by this access plan, but a huge majority are going to experience telephone bills that local managers in my district estimate will eventually double, triple, or even quadruple.

My constituent mail on this issue is beginning to accelerate. So far this year, I have received 662 pieces of mail expressing concern about future telephone service and increased telephone bills. Of course, a substantial amount of this mail was generated by local telephone companies. I understand full well that the FCC gave what under ordinary circumstances would have seemed more than adequate time for comment on its access-charge plan, but this is no ordinary issue.

In my State lots of rural telephone customers pay around $10 a month for service. The Rural Electrification Administration has estimated the monthly telephone bills for the customers of all its telephone borrowers as a result of the access charges. In their study, the REA used actual revenue information from 1981, imposed the FCC interstate access charges, and adjusted the revenues of its borrowers accordingly. This method provided estimates of what the monthly bills of local telephone customers would have been in 1981 if the system of FCC interstate access charges had been in effect then. The REA study showed that telephone bills in Nebraska would have ranged from $13.39 a month to $36.87 a month in 1981 if the access charge plan had been in effect. I will enter the whole chart for all the States showing these estimates under the access charge plan into the RECORD.

While urban leaders may find this difficult to believe, such an increase will result in many fixed income and low-income people in my district taking out their telephones and doing without. This will produce the widely discussed spiral effect—local telephone companies will try to offset the resulting loss of revenue by further raising their rates to cover their costs.

The Commission's access-charge plan will shift all of the fixed costs of providing and maintaining the local exchange and access lines previously borne by long-distance carriers to the local business and residential telephone subscribers.

The plan mandates that flat monthly fees be added telephone bills. The fee will increase until it covers all those costs previously paid for by the long-distance companies. This flat monthly fee is in addition to charges for making local and long-distance calls, and similar access charges required by the State agencies to cover the remaining fixed costs.

This would be a painful transition, indeed. By one calculation, the FCC itself estimates that interstate access charges will replace $10.7 billion in long-distance subsidies, some $5 billion of which will be tacked onto bills for local service over the next 6 years. The remainder will be borne by long-distance carriers as a cost of hooking into local phone networks. Intrastate access fees will impose additional billions in local charges.

The Commission justifies its access charge plan with its strict adherence to cost-based pricing as necessary to address the problem of bypass and provide competition in the telecommunications industry. Businesses which make a lot of long-distance interstate calls are switching from the telephone exchange to other systems such as MCI and Sprint for long-distance service. MCI and Sprint are able to provide long-distance service at a cheaper rate because their rates do not include costs of maintaining the local exchange facility. The FCC also maintains that the decrease in long-distance rates will offset the increase in local telephone rates—that this is just a rate restructure, not a rate increase—a position that I say is untenable.

Rural telephone customers will be especially hard hit by the Commission's plan—the access charges will be the highest out in the country but rural people won't share significantly in the benefits of lower long-distance rates.

This is true simply because the economies of rural service do not match those of densely populated areas. Similarly, small cities and rural areas probably would not benefit fully from competition in the long-distance business. They even may experience rate hikes on toll calls, contrary to national predictions of lowered rates as the toll subsidy of local monopolies is ended.

This is because toll prices depend on volume, and the largest declines in rates are likely to occur along heavily used routes between major cities. Indeed, perhaps 80 percent of all toll calls travel between 18 major cities.

As the representative of the Michigan Public Service Commission has testified before the Government Operations Subcommittee on Government Information, Justice, and Agriculture, the Commission's access-charge framework was not necessary to solve the bypass problem. Most small telephone companies serve sparsely populated rural areas that will never be threatened by residential or commercial bypass of the existing system. For the more than 1,400 rural telephone companies in our country, the problem of bypass, and hence the need for the Commission's shift of revenue from carrier to end user is just not necessary.

As for the impact upon my State, Nebraska, I submit for the RECORD a letter to me from Commissioner Eric Rasmussen of the Nebraska Public Service Commission. Commissioner Rasmussen demolishes once and for all the Federal Communications Commission's argument that its plan is merely a restructuring and not a rate increase. The basic reason is simply that reductions in interstate toll rates are extremely unlikely to be available because rural areas do not use long-distance telephones that much—certainly not in sufficient volume to offset the almost inevitable upward leaps of the cost of local service.

In closing, I wish to restate my position that we must not abandon the concept of providing a truly universal telephone service linking almost every household and business in this country. I say that the Federal Communications Commission's access plan with its rigid cost-based prices is in direct conflict with the goal of universal service.

I hold that we must at least defer the implementation of this ruling for 1 year to give Congress a more reasonable time to consider comprehensive legislation to address the consequences of the divestiture of AT&T.

At this point I include the following:

How rural telephone rates would be affected if the FCC access charge plan had been in effect in 1981.

The first column shows telephone company revenue requests granted by state utility boards or pending before those boards since January 1, 1983. The second column lists current basic residential rate in each state's largest city. The third column shows what rural telephone rates would have been in 1981 if the FCC access-charge plan had been in effect. This final column is based on actual 1981 telephone company revenues.

	Revenue increases (millions)	Current urban rate	Projected rural rate
Alabama	$129.7	$16.55	$17.11–32.07
Alaska	0	9.05	36.09–73.99
Arizona	79.0	9.30	35.93–40.55
Arkansas	146.0	13.30	17.64–37.66
California	1,600.0	7.00	25.92–34.07
Colorado	38.5	8.70	22.62–37.03
Connecticut	0	12.40	(2)
Delaware	26.0	9.20	(2)
D.C.	80.0	8.83	(2)
Florida	114.7	12.20	22.42–38.06
Georgia	179.4	13.76	17.67–37.26
Hawaii	110.0	10.90	(2)
Idaho	17.3	10.63	22.84–41.99
Illinois	360.1	6.30	15.91–30.82
Indiana	106.0	13.83	13.78–30.50
Iowa	87.0	12.00	12.81–27.78
Kansas	237.0	10.50	19.77–33.13
Kentucky	213.0	16.53	16.86–27.88
Louisiana	241.0	13.40	18.68–38.63
Maine	15.4	10.40	19.08–31.35
Maryland	218.5	12.00	22.22
Massachusetts	0.1	9.10	(2)
Michigan	182.0	10.65	12.23–36.81
Minnesota	12.2	10.00	13.78–30.60
Mississippi	0	19.00	13.67–29.15
Missouri	260.0	9.55	17.76–31.00
Montana	21.0	7.64	26.38–39.73
Nebraska	0.05	9.60	13.39–36.87
Nevada	2.0	6.45	24.88–37.00
New Hampshire	0	13.30	19.99–33.69
New Jersey	245.3	7.35	25.54–28.55
New Mexico	88.1	11.57	26.32–42.99
New York	936.0	[1] 15.91	11.68–35.99
North Carolina	184.1	12.05	11.59–29.86
North Dakota	22.0	9.55	21.56–38.43
Ohio	126.1	12.95	11.85–26.10
Oklahoma	313.5	8.95	17.03–35.85
Oregon	64.9	13.30	18.35–35.45
Pennsylvania	423.5	9.60	15.75–31.99
Rhode Island	39.0	13.80	(2)
South Carolina	29.1	11.93	18.16–37.41
South Dakota	11.2	11.40	17.94–37.53
Tennessee	279.0	12.35	13.33–26.90
Texas	2,011.2	10.75	15.93–53.36
Utah	14.9	10.00	21.62–31.49
Vermont	16.5	10.55	25.21–33.36
Virginia	0	12.55	15.21–36.70
Washington	125.0	11.15	17.00–33.66
West Virginia	94.0	16.80	17.27–27.44
Wisconsin	55.0	13.00	10.53–36.05

	Revenue increases (millions)	Current urban rate	Projected rural rate
Wyoming	35.0	8.50	28.11–36.22

[1] Buffalo rate.
[2] Not available.

Sources: State utility commissions, Rural Electrification Administration. (Courtesy National Journal.)

NEBRASKA PUBLIC SERVICE COMMISSION,
Lincoln, Nebr., April 19, 1983.

Congresswoman VIRGINIA SMITH,
Third District,
Rayburn House Building, Washington, D.C.

DEAR CONGRESSWOMAN SMITH: As you are aware numerous and major changes are taking place in the telecommunications industry. I am extremely concerned about the effects of these changes on the provision of telephone service in the State of Nebraska. Today I feel the goal of the 1934 Communications Act, to make telephone service available to all the people of the United States at reasonable charges, has been met by the industry through regulation. However, I am concerned that many of the recent regulatory decisions made at the federal level may have serious adverse effects on the current universality of telephone service.

During the past year, the FCC has issued several orders which will result in dramatic increases in the cost of basic telephone service. On December 22, 1982, the FCC adopted its third report and order regarding access charges (CC Docket No. 78-72, Phase I), which mandates an average $4 flat fee per local line per month for access to the interstate network. This order will become effective January 1, 1984 and contains provisions to escalate this flat fee over a period of five years to a level which may recover up to $7 per month per customer for access to the interstate network. In light of the FCC's decisions on interstate access charges, it is apparent that this Commission will be forced to consider implementation of intrastate access charges to replace revenues lost with the end of the toll separations and settlements process. Small telephone companies typically derive over half of their overall revenue from these toll separations, thus, when this process ends, at the end of 1983, this revenue will be recovered in ways which will increase the cost of basic telephone service. Therefore, all basic service customers will see the addition of an average of $8 in intrastate and interstate access charges to their bill they must pay merely to have local, basic telephone service. These charges will be assessed even if the customer makes no toll calls in a given month.

The FCC also issued an order in CC Docket No. 79-105, on December 22, 1982, which in effect adopted revised depreciation methodologies on intrastate and local plant of telephone companies and purported to preempt the state regulatory jurisdiction in this area. In other words, the FCC has taken the position that it can force states to adopt FCC-approved depreciation rates and methodologies for exchange and intrastate plant. It has been estimated that the recovery of depreciation reserve deficiencies over the expected remaining life of the embedded plant and the adoption of equal life group depreciation on new plant will cost the average local ratepayer $2 per month.

I recognize that each change taking place in the communications industry, when taken by itself, is designed to serve some useful purpose. However, in an attempt to resolve individual problems, the national policy making entities have failed to view the effects of their decisions in a larger perspective. The effect of the AT&T divestiture including the end of toll separations and settlements scheduled for the end of 1983, the FCC's preemption of state authority on depreciation and accounting matters, and the FCC's prescription of interstate access charges will be to increase substantially the rate which local subscribers must pay for basic telephone service.

The problems which these decisions, particularly the FCC's decision on access charges, pose for telephone users in Nebraska is complicated by the many independent telephone companies present within the state. I am especially concerned about the effects these changes will have on the local service rates charged by these small telephone companies in Nebraska. To emphasize the magnitude of the access charge problem, I again point out small telephone companies currently receive over half of their revenues from the toll separations and settlements process in effect today which will be discontinued at the end of 1983. These companies will be forced to recover this revenue from the local ratepayers through the FCC's prescription of interstate access charges plus a charge for intrastate access. Estimates show that the costs for intrastate access, while varying substantially between companies, will average no less than the costs of interstate access. Therefore $4 must be added to the customer's bill if the Commission decides that an intrastate access charge is appropriate, resulting in an immediate increase averaging at least $8 per month. Given prevailing local exchange rates in Nebraska, this means that the fixed portion of the telephone bill for the average Nebraska subscriber will increase at least 75 percent, and in some locations over 20 percent, in 1984. If 50 percent or more of local costs are currently recovered from toll settlements, the $8 access charge will not be adequate in most cases to make up the lost revenue resulting in additional local rate increases.

It is difficult enough for me to explain to telephone subscribers in Nebraska the need for any increase in telephone rates. However, when subscribers are faced with increases of this magnitude, which are required largely by federal policy, I find the explanation virtually impossible. These drastic increases will significantly reduce the number of subscribers to telephone service, thereby increasing the share of fixed costs which must be borne by the remaining users resulting in further rate increases.

The FCC stated that: "The implementation of access charges is not a rate increase, it is a rate restructure. Increases in access charges will be matched dollar for dollar by reductions in per message interstate toll charges." I believe that this statement by the FCC exemplifies the inadequate consideration given to the effects of their decision on rural telephone subscribers. To tell these users that their rates have not been increased, but merely "restructured", when those subscribers must pay an additional $8 per month for obtaining basic telephone service, makes little sense. Currently the combined interstate and intrastate access are in the $9 to $11 range per residential customer and these costs will increase in the future resulting in further substantial rate increases.

I am not aware of a plan to require either AT&T or any other interexchange carriers to reduce rates such that there is no net increase in revenues to the interexchange carrier. Unless interstate toll rate reductions are ordered, there is simply no truth to the FCC's statement that the implementation of access charges is not a rate increase. In fact, even if reduced interexchange rates do come about, they cannot be expected to help the rural telephone subscriber. It is difficult to determine the break even point without knowing what reductions, if any, in toll rates might occur, however, two important facts are nearly indisputable. First, most rural telephone subscribers cannot be expected to regularly reach the break even point. Even at the lowest possible average interstate access charge of $4 per month, assuming a 20 percent decrease in interstate toll rates, the local subscriber would need to make $20 worth of interstate toll calls per month in order to break even under the FCC's access plan. This is an interstate toll usage level higher than that reached by most residential telephone subscribers.

Any reductions in interstate toll rates that may take place are not likely to be over routes used frequently by telephone subscribers in Nebraska. Reductions by interexchange carriers can be expected over routes which are most competitive, and not over routes used by subscribers in less populated areas. Obviously the FCC's prescription of access charges will result in higher charges for toll service in rural areas such as Nebraska, while more densely populated areas of the country served by numerous interexchange carriers will have lower toll rates.

The FCC's actions have been prompted by the perceived problem of "bypass", however, the solution will not aid Nebraska in this regard. In Nebraska, usage will be low and the cost of providing access high, driving the access charge up. This situation would seem to further push the user toward bypass of the local network due to the ever increasing access charges.

"Bypass" is a problem largely non-existent in Nebraska today, however, fear of this problem prompted the FCC to formulate a system of access charges which will benefit primarily two consumer groups. Obviously, large users of interstate toll services on competitive routes will benefit because decreased toll rates will likely offset the access charges which these subscribers must pay. The other real winners in this game are the interexchange carriers who will benefit because billions of dollars currently paid out through the separations process will simply be retained by them. The real loser under this system is the telephone customer in a low density rural area, like Nebraska, who will be faced with ever increasing costs for access to a network which provides essentially the same service he receives today.

I applaud the attempts of Congress to focus attention on the serious problem of maintaining universal service through the Oversight Hearing on Universal Telephone Service Costs held by the Subcommittee on Telecommunications, Consumer Protection, and Finance, of the House Committee on Energy and Commerce. The nation needs to have someone at the federal level to address the problems and to find solutions. Congress is the appropriate body to pull together the pieces and evaluate the national economic impact on consumers.

The need for federal action to preserve universal service is parmount. I can see severe and potentially irreparable problems facing us in the immediate future. Ratepayers in every state in the country will be affected. We need a safety net for this highly turbulent transition period facing us in the

next five years, and I feel Congress must help in designing one.

Regulators need to know what the exact effects of the FCC decisions and the AT&T divestiture will be. We need to know now that Congress is committed to the concept of universal service and is willing to act to preserve it.

In conclusion, the FCC, Congress, state legislators and state regulators need to keep in mind that the primary reason we have a regulated telecommunications system today is due to the fact the marketplace failed to originally serve the needs of the public. We must not destroy universal service simply because of our concern for economic efficiency without considering the adverse impacts on residential and small business users. There is still time for legislators to define "universal service" thereby setting national policy through congressional action. The welfare of the "public" must be considered in fine tuning the access charge plan and jurisdictional separations process to salvage "universal service."

Sincerely,

ERIC RASMUSSEN,
Commissioner, Fourth District.●

□ 1830

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, due to official business on Thursday, September 29, and Friday, September 30, I missed three votes.

On Thursday, September 29, if I had been present, I would have voted "no" on rollcall No. 368, a substitute for the amendment which would retain the Commerce Department law enforcement authority contained in the bill, but requiring a warrant and I would have also voted "no" on rollcall No. 369, which would strike provisions allowing for the Commerce Department law enforcement authority.

On Friday, September 30, if I had been present, I would have voted "yes" on rollcall No. 371, which was the rule to consider the Justice Department authorization.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MARTIN of Illinois (at the request of Mr. MICHEL) for today, on account of personal matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. HILLIS, for 60 minutes, today.

Mr. BETHUNE, for 60 minutes, today.

Mrs. SMITH of Nebraska, for 15 minutes, today.

Mrs. VUCANOVICH, for 5 minutes, today.

Mr. PAUL, for 15 minutes, on October 5.

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. MCCOLLUM, for 60 minutes, today.

Mrs. SMITH of Nebraska, for 5 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. MURTHA, for 60 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. MOLLOHAN, for 40 minutes, today.

Mr. MORRISON of Connecticut, for 5 minutes, today.

Mr. DWYER of New Jersey, for 10 minutes, on October 4.

Mr. DWYER of New Jersey, for 10 minutes, on October 5.

Mr. COYNE, for 5 minutes, today.

Mr. REID, for 15 minutes, on October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,328.25.

Mr. COYNE, to revise and extend his remarks following the remarks of Mr. BORSKI today on Casimir Pulaski.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. BETHUNE in three instances.
Mr. BROYHILL.
Mr. LAGOMARSINO.
Mr. BROOMFIELD in two instances.
Mr. WOLF in two instances.
Mr. PHILIP M. CRANE.
Mr. SOLOMON.
Mr. DANIEL B. CRANE.
Mr. MICHEL.
Mr. PORTER.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. BOLAND.
Mr. ZABLOCKI.
Mr. LANTOS in two instances.
Mr. MARKEY in three instances.
Mr. FAZIO.
Mr. ROE.
Mrs. BURTON of California.
Mr. PEPPER.
Mr. STARK in three instances.
Mr. HARRISON in two instances.
Mr. TORRES.
Mr. RODINO.
Mr. GEJDENSON.
Mr. VENTO in two instances.
Mr. WAXMAN.
Mr. BRITT.
Mr. MATSUI in two instances.
Mr. MRAZEK.
Mr. DOWNEY of New York in two instances.
Mr. CONYERS.
Mr. SKELTON.
Mr. ADDABBO.
Mr. FORD of Michigan in two instances.
Mr. HUBBARD.
Mr. DELLUMS.
Mr. ST GERMAIN.
Mr. LEVIN of Michigan.
Mr. SWIFT in two instances.
Mr. SOLARZ.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following title:

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket No. 15–72 of the U.S. Court of Claims;

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indians Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana, in docket No. 10–81L by the U.S. Court of Claims, and for other purposes;

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building";

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building"; and

S.J. Res. 159. Joint resolution providing statutory authorization under war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE (INADVERTENTLY OMITTED FROM THE RECORD OF OCTOBER 3, 1983)

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Friday, September 30, 1983:

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, as "National Schoolbus Safety Week of 1983";

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes; and

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 5, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1945. A communication from the President of the United States, transmitting a request for supplemental appropriations for the Veterans' Administration for fiscal year 1984, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-115); to the Committee on Appropriations and ordered to be printed.

1946. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's proposed decision to convert to contractor performance the commissary store operation at Yuma Proving Ground, Ariz., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1947. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the administrative telephone service function at the Public Works Center, Norfolk, Va., pursuant to section 502(b) of the Public Law 96-342; to the Committee on Armed Services.

1948. A letter from the Secretary of Agriculture, transmitting a report on the 1982 Youth Conservation Corps program, pursuant to section 5 of Public Law 92-597; to the Committee on Education and Labor.

1949. A letter from the Deputy Administrator, General Services Administration, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1950. A letter from the Deputy Administrator, General Services Administration, a draft of proposed legislation to amend section 207(c)(1) of the Federal Property and Administrative Services Act of 1949, as amended, to change the criteria therein so that the provisions of section 207 shall not apply to disposals of surplus real property having an estimated fair market value less than $1,000,000; to the Committee on Government Operations.

1951. A letter from the Assistant Secretary of the Interior, Land and Water Resources, transmitting copy of an application by Douglas County, Oreg., for a loan and grant under the Small Reclamation Projects Act, pursuant to section 4(c) of that act, as amended; to the Committee on Interior and Insular Affairs.

1952. A letter from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of excess royalty payments totaling $4,048,999.54 to Kerr-McGee Corp., Shell Oil Co., Pogo Producing Co., Cities Service Co., and ODECO Oil & Gas Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1953. A letter from the Acting Assistant Secretary of the Interior, Territorial and International Affairs, transmitting reports by the Department of the Interior, Health and Human Services, Education, Housing and Urban Development, and Justice on the impact on the Virgin Islands of adjusting the status of certain nonimmigrants, pursuant to section 4 of Public Law 97-271; to the Committee on the Judiciary.

1954. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on trade between the United States and the nonmarket economy countries during April-June 1983, pursuant to section 410 of Public Law 93-618; to the Committee on Ways and Means.

1955. A letter from the Comptroller General of the United States, transmitting a report on weapons systems overview: a summary of recent GAO reports, observations, and recommendations on major weapon systems (GAO/NSIAD-83-7; September 30, 1983); jointly, to the Committees on Government Operations and Armed Services.

1956. A letter from the Comptroller General of the United States, transmitting a status report on the conversion to automated mail processing and nine-digit ZIP code (GAO/GGD-83-84; September 28, 1983); jointly, to the Committees on Government Operations and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 329. Resolution providing for the consideration of H.R. 2968, a bill to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. No. 98-400). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 330. Resolution providing for the consideration of H.R. 3324, a bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs (Rept. No. 98-401). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 331. Resolution waiving certain points of order against consideration of H.R. 3958, a bill making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-402). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 332. Resolution waiving certain points of order against consideration of H.R. 3959, a bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-403). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 4068. A bill to extend the authorities under the Export Administration Act of 1979 until October 28, 1983; considered and passed.

By Mr. BEDELL:

H.R. 4069. A bill to provide for an improved program for feed grains; to the Committee on Agriculture.

By Mr. COELHO:

H.R. 4070. A bill to amend the Internal Revenue Code of 1954 to require that income tax returns include space designated for the taxpayer to specify the amount of any cash contribution such taxpayer wishes to make to the Federal Government for reduction of the public debt and to establish a trust fund with amounts contributed by taxpayers for reduction of the public debt; to the Committee on Ways and Means.

By Mr. DELLUMS (by request):

H.R. 4071. A bill to clarify the use of resolutions by the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOLEY (for himself, Mr. MARLENEE, Mr. BEDELL, Mr. GLICKMAN, and Mr. LOWRY of Washington):

H.R. 4072. A bill to provide for an improved program for wheat; to the Committee on Agriculture.

By Mr. HOPKINS:

H.R. 4073. A bill to amend the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. HUGHES:

H.R. 4074. A bill relating to the tariff treatment of tourist literature regarding Canada; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 4075. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation corporations which acquire and manage real property for certain other exempt organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. REID:

H.R. 4076. A bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces; to the Committee on Armed Services.

By Mr. WAXMAN:

H.R. 4077. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HEFTEL of Hawaii (for himself, Mr. WRIGHT, Mr. JENKINS, Mr. CONABLE, Mr. RANGEL, Mr. DUNCAN, Mr. VANDER JAGT, Mr. MATSUI, Mr. ANTHONY, Mr. HANCE, Mrs. KENNELLY, Mr. CAMPBELL, Mr. FLIPPO, Mr. FUQUA, Mr. LUJAN, Mr. FISH, Mr. FAZIO, Mr. GLICKMAN, Mrs. SCHNEIDER, and Mr. DIXON):

H.R. 4078. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.J. Res. 381. Joint resolution to provide for appointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. KEMP (for himself, Mr. WRIGHT, Mr. MICHEL, Mr. FOLEY, Mr. BROOMFIELD, and Mr. BARNES):

H. Res. 328. Resolution expressing the sense of the House of Representatives that the President should rename the National Bipartisan Commission on Central America "The Jackson Commission," in honor of the late Senator Henry Jackson; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

282. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Federal military facilities; to the Committee on Armed Services.

283. Also, memorial of the Legislature of the State of Michigan, relative to natural gas; to the Committee on Energy and Commerce.

284. Also, memorial of the Legislature of the State of California, relative to the conflict in Lebanon; to the Committee on Foreign Affairs.

285. Also, memorial of the Legislature of the State of California, relative to automation of the Employment Development Department's unemployment insurance programs; to the Committee on Ways and Means.

286. Also, memorial of the Legislature of the State of California, relative to exports; to the Committee on Ways and Means.

287. Also, memorial of the Legislature of the State of California, relative to sewage treatment plants; jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

288. By Ms. SNOWE: Memorial of the Legislature of the State of Maine, relative to treatment of Baha'is in Iran; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. BRITT, Mr. CARR, Mr. CHAPPIE, Mr. GONZALEZ, Mr. GORE, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. KOLTER, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. PRICE, Mr. SIMON, and Mr. WEISS.

H.R. 260: Mr. TALLON.

H.R. 507: Mr. MINETA, Mr. KOGOVSEK, Mr. MCGRATH, Mr. WHITLEY, Mr. RICHARDSON, Mr. SKELTON, Mr. MCCAIN, and Mr. WISE.

H.R. 700: Mr. LOWRY of Washington.

H.R. 701: Mrs. VUCANOVICH.

H.R. 1092: Mr. MCKINNEY, Mr. MCCANDLESS, and Mr. SYNAR.

H.R. 1870: Mr. DICKS and Mr. PARRIS.

H.R. 1959: Mr. DYSON, Mr. MATSUI, Mr. MOAKLEY, Mr. WORTLEY, Mr. DWYER of New Jersey, and Mr. WALGREN.

H.R. 1981: Mr. LEHMAN of Florida.

H.R. 2124: Mrs. KENNELLY, Mr. LEVITAS, Mr. PETRI, Mr. MACKAY, Ms. SNOWE, Mr. HYDE, Mr. LOEFFLER, Mr. ALBOSTA, Mr. CONTE, Ms. OAKAR, and Mr. SIKORSKI.

H.R. 2133: Mr. YATES, Mr. GRAY, Mr. SMITH of Florida, Mr. DIXON, Mr. CORRADA, Mr. HAWKINS, Mr. GARCIA, Mr. OTTINGER, Mr. TALLON, Mr. WEAVER, Mr. OLIN, Mr. MILLER of California, Mr. RANGEL, Mr. FORSYTHE, Mr. STOKES, Mr. FEIGHAN, Mr. RUSSO, Mr. CONYERS, Mr. ANDREWS of Texas, Mr. WEISS, Mr. FLORIO, and Mr. GORE.

H.R. 2250: Mr. WRIGHT, Mrs. BURTON of California, Mr. ECKART, Mr. HORTON, Mr. LEATH of Texas, Mr. PACKARD, Mr. SUNIA, Mr. YOUNG of Missouri, Mr. SHUMWAY, Mrs. SCHNEIDER, Mr. CONYERS, Mr. ALEXANDER, Mr. SIKORSKI, Mr. WON PAT, Mr. SIMON, Mr. MOODY, Mr. FOWLER, and Mr. CRAIG.

H.R. 2263: Mrs. MARTIN of Illinois.

H.R. 2318: Mr. BOSCO and Mr. GLICKMAN.

H.R. 2377: Mr. GINGRICH and Mr. RUDD.

H.R. 2483: Mr. YOUNG of Alaska.

H.R. 2533: Mr. OXLEY.

H.R. 2847: Mr. WEAVER.

H.R. 2889: Mr. BEREUTER.

H.R. 2991: Mrs. BOXER, Mr. MITCHELL, and Mr. MATSUI.

H.R. 3082: Mr. PATTERSON.

H.R. 3170: Mr. SEIBERLING and Mr. MATSUI.

H.R. 3188: Mr. VANDERGRIFF.

H.R. 3282: Mrs. BOXER, Mr. WEAVER, Mr. MCDADE, Mr. EDGAR, Mrs. BURTON of California, and Mr. NEAL.

H.R. 3381: Mrs. SCHNEIDER.

H.R. 3405: Mr. CRAIG, Mr. GONZALEZ, Mr. MARTINEZ, Mr. FISH, and Mr. TORRES.

H.R. 3444: Mrs. SMITH of Nebraska.

H.R. 3465: Mr. FAZIO, Mr. MRAZEK, Mr. LELAND, Mr. CONYERS, Mr. MITCHELL, Mr. ACKERMAN, Mr. LENT, Mr. WEISS, Mr. COYNE, Mr. BORSKI, Ms. KAPTUR, and Mr. CROCKETT.

H.R. 3525: Mr. RAHALL and Mr. MCEWEN.

H.R. 3635: Mrs. JOHNSON, and Mr. OWENS.

H.R. 3642: Mr. MADIGAN, Mr. REGULA, Mr. THOMAS of Georgia, Mr. BIAGGI, and Mr. YATRON.

H.R. 3681: Mr. NOWAK, Mr. SAWYER, and Mr. HUGHES.

H.R. 3734: Mr. RITTER.

H.R. 3745: Mr. BONKER.

H.R. 3755: Mr. HAWKINS, Mr. MCNULTY, Mr. EVANS of Illinois, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SIKORSKI, Mr. NEAL, and Mr. ERDREICH.

H.R. 3763: Mr. FRANK, Mr. BOLAND, Mr. CONYERS, Mr. EVANS of Illinois, Mr. BEDELL, Mr. MITCHELL, Mr. FISH, Mr. MARTINEZ, and Mr. MOODY.

H.R. 3870: Mr. BATES.

H.R. 3973: Mr. WINN, Mr. MCEWEN, Mrs. BYRON, Mr. ROE, Mr. HUBBARD, JR., Mr. STANGELAND, and Mr. BEREUTER.

H.R. 3979: Mr. SYNAR, Mr. RATCHFORD, and Mr. PRITCHARD.

H.J. Res. 93: Mr. LOTT.

H.J. Res. 239: Mr. NOWAK, Mr. LEVINE of California, Mr. OLIN, Mr. DONNELLY, Mr. CONTE, Mr. LAFALCE, Mr. LOWRY of Washington, Mr. DE LUGO, Mr. EDGAR, Mr. HARRISON, Mr. HEFTEL of Hawaii, Mr. HAWKINS, Mr. RUSSO, Mr. PEPPER, Mr. CONYERS, Mr. HATCHER, Mr. YATRON, Mr. TALLON, Mr. FOGLIETTA, Mr. EDWARDS of California, Mr. DWYER of New Jersey, Mr. MURPHY, Mr. PRICE, Mr. RODINO, Mr. MINETA, Mr. SEIBERLING, Mr. MOAKLEY, Mr. LEHMAN of Florida, Mr. NEAL, Mr. RAHALL, Mr. LONG of Louisiana, Mr. DANNEMEYER, Ms. OAKAR, and Mr. HUGHES.

H.J. Res. 260: Mr. NEAL, Mr. VOLKMER, Mr. WOLPE, Mr. HALL of Ohio, Mr. DERRICK, Mr. COATS, Mr. MCCOLLUM, Mr. MADIGAN, Mr. MARTINEZ, Mr. SHAW, and Mr. STANGELAND.

H.J. Res. 289: Mr. GUARINI.

H.J. Res. 341: Mr. CHANDLER, Mr. CRAIG, Mr. LELAND, Mr. MCGRATH, Mr. MARKEY, Mr. MATSUI, Mr. SUNIA, and Mr. WON PAT.

H.J. Res. 350: Mr. MORRISON of Connecticut, Mr. GRADISON, Mr. RATCHFORD, and Mr. FROST.

H.J. Res. 375: Mr. BROWN of Colorado, Mr. BERMAN, Mr. D'AMOURS, Mr. VOLKMER, Mr. MAZZOLI, Mr. LEVIN of Michigan, Mr. HUGHES, Mr. SISISKY, Mr. KASICH, Mr. WALGREN, Mr. LEVINE of California, Mr. RATCHFORD, Mr. NEAL, Mr. COOPER, and Mr. LUKEN.

H. Con. Res. 160: Mr. MCDADE, Mr. HANSEN of Idaho, Mr. JEFFORDS, Mr. TALLON, Mr. DUNCAN, and Mr. HORTON.

H. Con. Res. 178: Mr. ANNUNZIO, Mr. DWYER of New Jersey, Mr. EDWARDS of Alabama, Mr. LUKEN, Mr. OBERSTAR, Mr. RUSSO, Mr. PRICE, Mr. SHARP, Mr. SIMON, Mr. DIXON, Mr. HAWKINS, Mr. RIDGE, Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. WISE, and Mr. KINDNESS.

H. Con. Res. 183: Mr. BERMAN and Mr. GLICKMAN.

H. Res. 311: Mr. BETHUNE and Mr. CORCORAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

245. By the SPEAKER: Petition of Rainbow Division Veterans, Ellensburg, Wash., relative to national defense; to the Committee on Armed Services.

246. Also, petition of city of Corpus Christi, Tex., relative to the Korean civilian airliner disaster; to the Committee on Foreign Affairs.

247. Also, petition of council of the city of New York, City Hall, N.Y., relative to the Equal Access to Justice Act; to the Committee on the Judiciary.

248. Also, petition of Ancient Order of Hibernians in America, Troy, N.Y., relative to Ireland; jointly, to the Committees on Foreign Affairs and Rules.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. SKELTON:

—Page , after line , insert:

NEW AND INNOVATIVE TREATMENT TECHNOLOGIES

SEC. . (a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—Section 3005 is amended by adding the following new subsection at the end thereof:

"(h) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposed to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than 180 days, and

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Administrator deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

"(C) shall include such requirements as the Administrator deems necessary to pro-

tect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, closure, and remedial action), and such requirements as the Administrator deems necessary regarding testing and providing of information to the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may modify or waive permit application and permit issuance requirements established in regulations under other provisions of this section, except that there may be no modification or waiver of procedures established under section 7004(b)(2) regarding public participation.

"(3) Based upon review of data obtained from the operation of a treatment facility for which a permit was issued under this subsection (and based on such other information as may be available to the Administrator), the Administrator may—

"(A) extend such permit for one additional 180-day period, or

"(B) after notice and opportunity for a public hearing, extend the permit for an additional period of time as he may determine is necessary to complete the research, development, or demonstration.

In granting such extensions, the Administrator shall base his decisions on a showing by the applicant that additional operating time is required to determine the efficacy and performance characteristics of the innovative and experimental technology or process. In the case of an extension referred to in subparagraph (B), the decision of the Administrator shall take into consideration public comments submitted to the Administrator.

"(4) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.".

COMMUNITY RELOCATION

—Page , after line , insert:

SEC. . (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting after "not otherwise provided for", the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974;".

(b) Section 104(c)(1) of the Comprehensiver Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting before "authorized by section (b) of this section," the phrase "for permanent relocation or".

H.R. 2968

By Mr. SOLOMON:

—Page 7, after line 11, insert the following new section:

EXTENSION OF IDENTITIES PROTECTION

SEC. 204. Section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)) is amended to read as follows:

"(4) The term 'covert agent' means—

"(A) an officer or employee, or former officer or employee, of an intelligence agency or a member or former member of the Armed Forces assigned or formerly assigned to duty with an intelligence agency—

"(i) whose identity as such an officer, employee, or member is classified information; and

"(ii) who is serving or has served outside the United States; or

"(B) a United States citizen whose intelligence relationship to the United States is classified information, and

"(i) who resides and acts, or has resided and acted, outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency; or

"(ii) who is acting or has acted as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

"(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.".

H.R. 3231

By Mr. BEREUTER:

Amendment to the amendment in the nature of a substitute (text of H.R. 3646).

—Page 25, strike out line 4 and all that follows through "imminent." on line 16.

By Mr. FRENZEL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3646).

—Page 27, line 4, strike out "The first sentence of section" and insert in lieu thereof "Section"; and

Page 27, line 12, strike out the quotation marks and the last period, and insert in lieu thereof the following: "The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

H.R. 3648

By Mr. EVANS of Illinois:

—At the end of the bill, insert the following new section:

EMPLOYMENT VACANCY FILING

SEC. 214. Section 704(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797c(c)) is amended—

(1) by inserting "(1)" after "VACANCY NOTICES.—"; and

(2) by adding at the end a new paragraph as follows:

"(2)(A) As soon as the Board becomes aware of any failure on the part of a railroad to comply with paragraph (1), the Board shall issue a warning to such railroad of its potential liability under subparagraph (B).

"(B) Any railroad failing to comply with paragraph (1) of this subsection after being warned by the Board under subparagraph (A) shall be liable for a civil penalty in the amount of $1,000 for each vacancy with respect to which such railroad has so failed to comply.".

H.R. 3958

By Mr. EDGAR:

—On page 2, line 12, strike "$103,096,000" and insert in lieu thereof "$50,000,000".

On page 3, line 19, strike all after the period through the period on line 21 and insert, in lieu thereof, "Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to carry out projects not authorized by law.".

H.R. 3959

By Mr. ALEXANDER:

—Page 8, after line 5, insert the following new title:

TITLE III

AGRICULTURAL EMERGENCY ASSISTANCE

SEC. 301. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law.".

SEC. 302. Notwithstanding any other provision of law, the Secretary of Agriculture shall, within thirty days of receipt by a county office of the Farmers Home Administration of an application for a loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.), advise the applicant for such loan, in writing, of approval of disapproval of the application. Failure to advise an applicant, in writing, of approval or disapproval of the application within this time period shall constitute approval of the application.

SEC. 303. (a) Any finding made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), during the period beginning on July 1, 1983, and ending on September 30, 1984, that a natural disaster exists with respect to farming and ranching operations in an area shall be deemed to be a determination made by the Secretary that an emergency exists in such area for purposes of—

(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(b) The Secretary of Agriculture shall exercise his authority—

(1) under—

(A) section 913 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain at a price not less than 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), or

(B) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, or

(2) in accordance with both subparagraph (A) and subparagraph (B) of paragraph (1) to sell grain and provide assistance,

to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their offspring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists.

(c) For the purposes of this section, the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

By Mr. BARTLETT:

—Page 8, after line 5, insert the following new section:

VOCATIONAL REHABILITATION SERVICES

SEC. 202. For the purposes of section 100(b)(1) of the Rehabilitation Act of 1973, $1,037,800,000 is appropriated for the fiscal year ending September 30, 1984.

By Mr. BEVILL:

(Substitute amendment.)

—at the appropriate place, insert the following:

CLINCH RIVER BREEDER REACTOR

For construction and operation of the Clinch River Breeder Reactor project authorized by Public Law 91-273 as amended, $1,500,000,000, to be available until expended but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40 per centum of the Department of Energy estimate of remaining capital costs as reported to Congress on March 15, 1983. In addition to the amounts herein appropriated and in consideration for such financial participation, the Secretary is authorized to contract to (1) provide to participants ownership interests in the project, products, services and/or revenues from the project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is not completed, not licensed for operation, or terminated at any time, (3) insure revenues from the project for the repayment of debt, and (4) indemnify participants and the operator against uninsured liabilities with respect to the project. Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the case of fraud by the assignee. Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935. All monies received by the Secretary under this heading may be retained and obligated for the purposes of the project and shall remain available until expended. Of the $1,500,000,000 appropriated by this heading, up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated notwithstanding any other provision of this heading; and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105,000,000 during 1990 and beyond: *Provided,* That at least $90 million of the total funds available shall be used for negotiating or otherwise letting contracts or subcontracts to minority business enterprises.

By Mr. CONTE:

—On page 8, after line 5, insert the following new section.

Funds appropriated in the Department of Education Appropriations Act, 1983 (Public Law 97-377) for "Special Programs" shall remain available until September 30, 1984: *Provided,* That of the amount appropriated in said Act, $28,765,000 shall be available only to carry out the programs and projects selected by the Secretary of Education, in accordance with the Secretary's priorities and procedures, including the National Diffusion Network, and Law Related Education, authorized under subchapter D of the Education Consolidation and Improvement Act; $24,000,000 shall be available only for grants to state education agencies and desegregation assistance centers authorized under Title IV of the Civil Rights Act of 1964; $19,440,000 shall be available only to carry out the activities authorized under the Follow Through Act; $5,760,000 shall be available only to carry out the activities authorized under Title IX, Part C of the Elementary and Secondary Education Act; $1,920,000 shall be available only to carry out the activities authorized under section 1524 of the Education Amendments of 1978; and $960,000 shall be available only to carry out the activities authorized under section 1525 of the Education Amendments of 1978: *Provided further,* That the Department of Education is directed to obligate these funds immediately for the purposes specified herein.

By Mr. COUGHLIN:

—Page 5, after line 5, insert the following new paragraph:

"No part of the funds appropriated under this Act may be obligated or expended for the continuation of the Clinch River Breeder Reactor Project or, except to the extent specifically authorized in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.".

—Page 6, after line 18, insert the following new paragraph:

SEC. 104. "No part of the funds appropriated under this Act may be obligated or expended for the continuation of the Clinch River Breeder Reactor Project or, except to the extent specifically authorized in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.".

By Mr. FAZIO:

—Page 8, after line 5, insert the following:

SEC. 202. (a) Notwithstanding any other provision of law, no funds appropriated by this or any other Act or resolution may be used until May 15, 1984 to repeal, amend, or otherwise modify the applicability of section 73.658(j)(1)(i) of title 47, Code of Federal Regulations (commonly known as the "Syndication Rule"; 23 F.C.C. 2d 382); section 73.658(j)(1)(ii) of title 47, Code of Federal Regulations (commonly known as the "Financial Interest Rule"; 23 F.C.C. 2d 382); and section 73.658(k) of title 47, Code of Federal Regulations (commonly known as the "Prime Time Access Rule"; 23 F.C.C. 2d 382).

(b) Subsection (a) shall not limit the authority of the Fedeal Communications Commission to modify the provisions or applicability of any rule referred to in subsection (a) with respect to any network which has fewer than 150 television licensees affiliated with such network and such licensees carry not more than 25 hours per week of programming from the inter-connected program service offered by such network as of the date of the enactment of this joint resolution. As used in this section, the term "network" has the meaning given such term in section 73.658(j)(4) of title 47, Code of Federal Regulations (as in effect August 1, 1983).

By Mr. LAFALCE:

—Page 7, after line 23, insert the following new chapter:

CHAPTER V—DEPARTMENT OF EDUCATION

SPECIAL INSTITUTIONS

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for the "National Technical Institute for the Deaf," $1,700,000.

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College, $3,590,000.

By Mr. LOEFFLER:

—Page 8, after line 5, insert the following new title:

TITLE III

AGRICULTURAL EMERGENCY ASSISTANCE

SEC. 301. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant for assistance under this subtitle based upon production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law."

SEC. 302. Notwithstanding any other provision of law, the Secretary of Agriculture shall, within thirty days of receipt by a county office of the Farmers Home Administration of an application for a loan under subtitle C of the consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.), advise the applicant for such loan, in writing, of approval or disapproval of the application. Failure to advise an applicant, in writing, of approval or disapproval of the application within this time period shall constitute approval of the application.

SEC. 303. (a) Any finding made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), during the period beginning on July 1, 1983, and ending on September 30, 1984, that a natural disaster exists with respect to farming and ranching operations in an area shall be deemed to be a determination made by the Secretary that an emergency exists in such area for purposes of—

(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

(b) The Secretary of Agriculture shall exercise his authority—

(1) under—

(A) section 913 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain at a price not less than 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), or

(B) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, or

(2) in accordance with both subparagraph (A) and subparagraph (B) of paragraph (1) to sell grain and provide assistance,

to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their offspring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists.

(c) For the purposes of this section, the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

EXTENSIONS OF REMARKS

WILLY BRANDT TESTIFIES ON INF

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MARKEY. Mr. Speaker, on September 29, 1983, former West German Chancellor Willy Brandt testified before a special forum I chaired on the INF negotiations in Geneva and the proposed U.S. deployment of Pershing II and ground-launched cruise missiles in Europe.

This forum was one of a series of congressional meetings being held on the Euromissile question. On September 22, 1983, a distinguished group of European parliamentarians, who are deeply concerned about the planned deployment, also testified at a public forum.

Chancellor Brandt is one of the preeminent statesmen of Europe. He was mayor of West Berlin from 1957 to 1966 and was Chancellor from 1969 to 1974. And in 1971, Chancellor Brandt was awarded the Nobel Peace Prize for his tireless efforts on behalf of East-West détente.

I commend Chancellor Brandt's testimony to my colleagues. He has had many years of experience in dealing with the Soviets. His testimony reveals that the proposed Pershing II and ground-launched, cruise missile deployment will bring Europe and the rest of the world less, not more, security.

The testimony follows:

WILLIE BRANDT TESTIFIES ON INF

The negotiations between the United States and the Soviet Union are of crucial importance to us. In Europe, East and West confront each other at arms length—they are not separated by mountains, deserts or oceans, there is just a fence of ugly walls and barbed wire.

And it is such a tiny area, although densely populated; one tends to forget that my own country is just the size of Oregon but has almost 60 million inhabitants. And on both sides of the demarcation line one finds a higher concentration of nuclear warheads than anywhere else on this globe. Nobody in Europe wants a new arms race and this certainly is not a Party issue.

But on behalf of my political friends perhaps I state with more emphasis than others that we do not want the existing situation to become more tense, we do not want that one simply capitulates in the face of the driving forces of the arms race. It must be possible, we believe, that political leaders gain control of this course of events.

And I sincerely hope they will succeed by the end of this year. If they do not manage to do so they should continue to negotiate rather than to enter into an operation which certainly will be followed by another round of Eastern deployment. One does not have to deploy new missiles simply because deadlines and schedules had been fixed four years ago—under assumptions which at least partially turned out to be dubious.

I believe that political rationality must not fall victim to fixed schedules. And obviously it would be rational to postpone deployment if it turned out that there has just not been enough time for serious negotiations. But I am the first to admit that political will is even more important than the time-table.

It is true to say that an agreement in Geneva to a certain degree is being blocked by the existence of British and French nuclear weapons—which of course belong to the West and not to the moon—then there are only two ways of reaching a solution: either one abolishes them, which I am not proposing—but for this there are no prospects at present—or one finds ways of ensuring that they do not pose an obstacle for agreements between the US and the USSR.

Merging the two sets of negotiations, INF and START—as demanded in the Freeze-Resolution passed by the House of Representatives—or at least coordinating them effectively appeals to me as utterly plausible. And I think this also might be acceptable to our French and British friends. German Social Democrats in general agree with this proposal for the following reasons:

Merging or effectively coordinating INF and START can avoid a situation where limitations in one area are blocked or bypassed by adding new arms in the other area;

Merging negotiations might allow to deal with mutual threats within one general context; and the necessary consideration of the nuclear systems of third states would be facilitated;

Merging INF and START also would accord with the substantive content of NATO's dual-track decision, namely that negotiations on medium-range systems should take place 'within the framework of SALT III'.

Now I have heard people say—even before my stay here in the United States-that we in Germany had asked for the missiles in the first place and that our present Chancellor still very much wants them. And that we must not forget the threat posed by the Soviet SS 20s.

Let me take the last point first: The Soviet build-up of SS 20s certainly must be brought down. And my reading of recent Soviet statements is that they admit having gone far beyond what is reasonable and acceptable. I have told them that it would be not only reasonable, but even wise, if they made a beginning exercise of unilateral reduction.

My own experience tells me that when dealing with Soviet Leaders, who by the way have human reactions too, you need firmness combined with readiness to cooperate and respect for the prestige of that other super power. In my judgement these points of orientation were already observed by presidents Eisenhower and Kennedy over 20 years ago.

As far as the Federal Chancellor is concerned, I am not entitled to speak on his behalf. But I believe one should not exaggerate his enthusiasm. Apart from that it is correct: we Social Democrats supported the dual-track decision in 1979.

I gave my personal support—because I supported Chancellor Schmidt and because we saw it as a chance of getting the arms race in Europe under control.

Immediately before we took our decision the governments of the United States and the Soviet Union had concluded SALT II, the agreement to limit Intercontinental Weapons. Our support for the dual-track decision was also to prevent the SALT II agreement from being undercut by an arms build-up in the medium- and short-range weapons sector. That was Helmut Schmidt's worry, that was my worry, too. In addition to this we supported the NATO decision because it allowed time for negotiations—we thought our side should not immediately react with armament measures.

At that time it was impossible to foresee that opportunities were going to be lost and that precious time would be wasted—not for the development of missiles, but for negotiations.

For us in the SPD the dual-track decision was also acceptable because we could attribute it to the work and influence of our Federal Chancellor and our responsible Ministers that NATO agreed on the following principles (Communique of 12 December 1979):

The decision was intended to "promote the process of détente";

The decision stipulated that arms control was "to promote stability in Europe", namely "on the basis of what had been achieve through SALT II" and "within the framework of SALT III".

The decision did not involve an isolated regional balance since this harbored the danger of a decoupling from the United States and her central strategic deterrence. At the center really was the limitation of the additional threat from Soviet SS 20s which had been increasing since 1976.

Let me add this point: When we adopted the dual-track decision, Western Europe had already lived for more than 20 years in the shadow of about 600 nuclear warheads mounted on Soviet medium-range missiles. NATO had until then not deemed it necessary and meaningful to counter this with additional arms in this specific area. The dual-track decision only concerned the increase on the Soviet side, the number of additional warheads which had been, and were still being, mounted on the SS 20s.

In formulating their resolutions the German Social Democrats took this objective of the dual-track decision very seriously. And we clearly defined as the aim of negotiations that the USSR must reverse the threatening build-up since 1976 in order to render superfluous the deployment of additional American systems in Western Europe. That was our zero-option in 1979 to which we had committed ourselves. And that has remained our zero-option ever since.

In other words: We have never changed our position concerning the above men-

tioned components of the dual-track decision.

Therefore, our present discussion about the dual-track decision—almost as serious as your quarrels in certain areas of security—have a different origin: We had to realize that there has occured a complete change in the political environment and in conditions and assumptions on which our original decision had been based.

(a) Instead of a ratified SALT II Treaty and envisaged follow-up agreement we have a continuation of the arms race at every conceivable level.

(b) Our American friends found it necessary to opt for the complete modernization of their strategic weapons.

(c) The production of neutron weapons has been resumed—which many of us in Europe noted with concern.

(d) Now even the production of binary chemical weapons has been decided.

Similar efforts are noticeable on the Soviet side. And nobody should try to give me lessons about Russian stubbornness and the over-developed Soviet security-complex.

Now, on our side, arms control, worries about stability and the willingness to make every effort to achieve successful results in negotiations—all this does not harmonize with the public announcement of doctrines based on the option of a "limited" or "protracted" nuclear war.

In an atmosphere of confrontation it is very difficult, in my view, to conclude any agreement on détente in the military field.

It was recently mentioned that I had had reservations from the very beginning regarding our support for NATO's dual-track decision. That did not prevent me from supporting my successor in the chancellorship. But I am afraid that events vindicated my feelings of scepticism.

The dual-track decision was based on the assumption that for the following four years East-West relations would remain more or less the same as they were in 1979. Today, it is becoming more and more apparant how profoundly international conditions have changes. However, attractive the dual-track decision appeared in 1979 as a 'time-table for arms control', it has in fact been impossible to anticipate the change which happened since. For that reason, I rather favour delaying the deployment of the missiles if no agreement becomes possible by the end of the year.

I really believe that part of what President Reagan said at the UN earlier this week, also speaks in favour of flexible time-limits. Because if you include Forward Based systems and especially planes—and I think this a constructive approach—then you face new problems of verification which probably can not be settled within the next few weeks to come. But I still would very much prefer if a bilateral agreement could be reached during the weeks ahead of us.

The armament part of the dual-track decision was to achieve two things: first, to bring the Soviets to the negotiating table; and second, to exert pressure and create an incentive for them to reach a positive result at the negotiations.

To a certain degree this already worked: the Soviet Union has agreed to negotiations and had later moved away from some of its starting positions.

The Soviets even went as far as making an offer to scrap a significant number of their SS 20s. In other words, the pressure has led to results. Recently the Soviets even declared to be as ready for a total Freeze as for reductions and destroying of their SS 20s. So far as I am informed, this was not offered in Geneva but by statements vis-a-vis Europeans partners. We should try to force the Soviets to stick to the proposals they made. Reflecting this context I have personally made a proposal which could take into consideration both, Soviet reductions and a halt of the nuclear arms race and it could take into account certain verification problems:

(a) The two nuclear superpowers USA and USSR jointly declare that, each of them from a specific date of time, will announce and practice a total freeze on the testing and deployment of nuclear weapons. As is well known, both the testing of nuclear weapons and their deployment are verifiable by national means.

(b) As from the beginning of such an agreement testing and deployment of new nuclear weapons, the USA also declares their renunciation of the deployment of new medium-range systems in Western Europe, while the USSR simultaneously declares the beginning of the reduction and destruction of its medium-range missiles targeted on Western Europe. These measures of renunciation and dismantlement are also verifiable with national means.

(c) The USA and USSR begin negotiations on measures for verifying their agreement also on the production of new nuclear weapons, with the aim of agreeing a mutual and verifiable freeze on nuclear weapon production within one year.

(d) The USA and USSR merge or effectively coordinate the two sets of negotiations, INF and START, so to agree on a plan of reduction of armaments, which at first would focus on a reduction in the number of the most destabilizing weapon systems.

The important issue now is to concentrate on the outcome of the negotiations. At the same time, we should realize two things: we cannot have all of our proposals and projects fulfilled, and we must remain willing to compromise.

Let me warn you about any hopes of expecting the Soviet Union to be prepared to make more far-reaching concessions once deployment will have started.

I believe this to be an illusion, and I base this judgement on my experience since 1949. It is in the weeks ahead—before new missiles are deployed—that there might exist a chance for reaching a satisfactory outcome.

There is another point: highly accurate American missiles which only take a few minutes to reach the Soviet Union, deployed on the territory of a country which invaded Russia twice with terrible effects—may perhaps have a great trauma for the Soviet Union as Soviet medium-range missiles on Cuba were for the USA. And this might be taken into account.

Thus there are also dangers which might result from individuals getting out of control or from failure of the computer system. If following a Pershing II deployment, the Russians decided to put their missiles into a "Launch-on-warning-position," this could introduce another factor of extreme uncertainty. The way out would obviously not be to provide the Soviets with more advanced American computers. . . .

Let me conclude by saying that nothing is gained for the Alliance if we deploy some additional missiles and loose the support of the hearts and minds of millions of people concerned. This support is also a factor of strength and security.

Nothing is gained if we, in a hurry, cement the dividing line between East and West in Europe, instead of making an uttermost attempt to promote cooperation wherever possible. It is easy to applaude dissidents.

It is also easy to make the Iron Curtain a new and terrible and long-lasting reality.

It may be interesting to note that both German states—in spite of all their deep-rooted controversies—have adotped a similar view on the question of avoiding a new arms race on German soil, in this case: first on their side, then on ours, then on theirs again. The noticeable improvement in relations between the two Germanies in recent months is clear evidence of this common interest.

As different as the political and social systems are in the two German states, they share a common interest in survival. We do not approve of their political and social system—in fact we reject it; but our future is tied to theirs: only together can we survive.

And much beyond the interests of my own people: I propose we should pay attention to the objective interest in common survival. And without neglecting those important issues of Western security, we should pay great attention to the obvious interdependence between armament and development and even the world economic crisis.●

YOU MUST FIGHT CONGRESS ON CENTRAL AMERICA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. McEWEN. Mr. Speaker, recently, Mr. Morton M. Kondracke, executive editor of the New Republic, spoke some very important words concerning the effort of President Ronald W. Reagan to articulate to the American people the importance of their survival of freedom in the Western Hemisphere.

I would like to share a few of those words with my colleagues:

As a liberal, I hope Mr. Reagan succeeds in winning military aid increases for El Salvador and defeats efforts in Congress to cut off assistance to anti-Sandinista guerrillas in Nicaragua.

Opponents of U.S. efforts in Central America say they are trying to avoid "another Vietnam," but it is precisely the example of Vietnam which suggests that Mr. Reagan's policy is basically right. Eight years ago President Ford appealed to Congress for $700 million to save South Vietnam from collapse. It was just money, but it was refused.

We liberals cannot avert our eyes from what ensued: three million murders in Cambodia, total deprivation of human rights in Vietnam (and corruption at least as bad as in President Thieu's time) and a falling of dominoes. North Vietnam has taken over South Vietnam, Loas and Cambodia; now it is shelling Thailand.

It's now known—the legendary Gen. Vo Nguyen Giap revealed it on French television—that North Vietnam began planning to take over Indochina as early as 1959, long before the American troops arrived on the scene and supposedly disrupted the region's history.

We are under warning about Central America now. The Sandinistas in Nicaragua openly proclaim that they are part of a "revolution without frontiers." In 1980, the late Salvadoran communist chief Cayetano Carpio asserted that "the revolutionary process in Central America is a single process. The triumphs of one are the triumphs of the other. Guatemala will have its hour. Honduras its. Costa Rica, too, will have its hour of glory. The first note was heard in Nicaragua.

Liberals should note the designs on democratic Costa Rica, a country without an army—and also note Costa Rica's recent expulsion of Nicaraguan diplomats identified by a terrorist as having furnished him bombs and money. Costa Rican officials have complained about armed incursions from Nicaragua, too.

Central America is more ethnically homogeneous than Indochina, so the dominoes there may fall faster.

And Central America is close to our borders. If many American communities objected to the arrival of Vietnamese refugees and if Florida became divided over the arrival of 125,000 Cubans in 1980, we might well quake at the consequences here if hundreds of thousands of Central Americans begin streaming toward the U.S.

If Mexico, too, becomes unstable, the numbers could be in the millions, resulting in an internal security-civil liberties nightmare, not to mention job competition and ethnic frictions. To defend a hostile southern border and a threatened Panama Canal and U.S. coastline would swell the defense budget, at a cost to domestic programs.

President Reagan is asking for only money for Central America, and it's worth spending to avoid the necessity of some day sending in U.S. troops. Direct American involvement didn't work 10,000 miles away in Vietnam, but it has worked before in Central America and is an option in the future if money fails.

Opponents of the Reagan policy object that our money is being spent the wrong way—that negotiation, economic development, human rights and reform are our only hope and that financing military solutions will fail as in Vietnam.

The opponents are right to the extent that the U.S. cannot succeed if its only policy is military, but Mr. Reagan is correct in saying that there can be no reform or democracy in Central America without U.S. military aid. There is also little hope of persuading Nicaragua to stop spreading communist revolution unless the U.S. aids groups applying pressure on the Sandinistas.

The possibility exists of building a national consensus around a policy that combines military aid, regional negotiations and internal reform, but such a consensus cannot form unless President Reagan wins his fight in Congress.

If he loses, and if Central America goes communist, it will be liberal values that lose the most.●

SOMETHING IS MISSING: THE CIVIC MISSION OF AMERICAN EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. LANTOS. Mr. Speaker, with the national debate over educational reform becoming increasingly heated, I want to bring to the attention of my colleagues the Council for the Advancement of Citizenship. I am inserting in the RECORD an article by Prof. R. Freeman Butts, a senior fellow of Kettering Foundation, a visiting scholar at Stanford University's Hoover Institution, professor emeritus from Teachers College, Columbia University, and, I proudly add, a constituent in the 11th District of California.

Dr. Butts draws our attention to the importance of our tradition of education for civic responsibility, for participation as citizens in the governance of the Nation. With the spotlight on technology and computer literacy, the essential civic mission of public education in America is eclipsed.

SOMETHING IS MISSING: THE CIVIC MISSION OF AMERICAN EDUCATION

(By R. Freeman Butts)

There is great value in the rising tide of commission reports on what ails American schools. The importance of education is being put where it belongs—up front on the nation's public agenda. Five national task forces have reported to the American people in the past three weeks, and they have deservedly received considerable attention in the national media.

Surprisingly enough, in all of the discussion to date, there is still something missing—something enormously important as we once again seek educational reform. Missing is the forthright and pervasive recognition of the primary purpose of free, universal, compulsory and common schooling. Missing is sufficient emphasis upon the civic mission of American public education. Its prime purpose is to prepare informed, rational, humane, and participating citizens in a democratic republic.

Instead, the public discussion so far has made it seem that the most important reform is to require more courses, especially in science, mathematics and computer technology. Computer literacy somehow seems more important than civic literacy. This is not entirely the fault of the reports themselves. Much has been made of selected parts of the reports by the press and TV commentators. And the recent parading of electronic enticements for schools has tended to color the discussions. Two days before the report of the President's Commission on Excellence in Education was issued, the spring survey of the New York Times proclaimed "New Priority: Technological Literacy." Most of the 80-page issue was devoted to articles and ads about schooling and "high tech." On the last two pages there were short plaintive articles on "Leave Some Room for the Liberal Arts" and "Feeling Low about High Technology."

It is not surprising that the National Task Force on Education for Economic Growth and the Business-Higher Education Forum should stress science, mathematics, and computer literacy in their efforts to promote greater productivity in jobs, markets and the economy. But the publicity given to the President's Commission on Excellence also stressed the economic risk to the nation: "Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world."

This, of course, is attention-getting and newsworthy, especially in the current state of the economy and politics. But it tends to overshadow what comes along in the little-noticed later section which includes the following:

"Our concern, however, goes well beyond matters such as industry and commerce. It also includes the intellectual, moral, and spiritual strengths of our people which knit together the very fabric of our society. . . . A high level of shared education is essential to a free, democratic society and to the fostering of a common culture, especially in a country that prides itself on pluralism and individual freedom."

Other references to the civic function of public education were overlooked when President Reagan upstaged the report by re-emphasizing his own proposals for reform of education: tax credits, vouchers, prayer, and the abolition of the Department of Education, issues the Commission report did not discuss.

Something similar happened to the Twentieth Century Fund's Task Force on Federal Elementary and Secondary Education Policy. The front page story of the New York Times played up a recommendation that federal bilingual-education funds should be shifted to English-teaching for non-English speaking children. And too little attention has been given to the forthright recommendation for a core program for all students which includes a "knowledge of civics, or what Aristotle called the education of the citizenry in the spirit of the polity."

And, I am sure that advocates of private schools, tuition tax credits, or vouchers will wish to overlook the Task Force's explicit repudiation of such proposals and its clear affirmation that "the public schools . . . constitute the nation's most important institution for the shaping of future citizens" and "the provision of free public education must continue to be a public responsibility of high priority, while support of nonpublic education should remain a private obligation."

Finally, the report in Education Week (May 18) of the College Board's recommendations for the six academic subjects and six intellectual skills necessary for college-bound high school students properly stressed a balance between the humanities and mathematics/science, but the civic learning required of prospective college students seemed muted at best.

Now that education has the public's attention once again it is sure to be a major political issue in the 1984 campaign. Dare I suggest that we need yet one more blue-ribbon commission made up of scholars, educators, and public leaders steeped in the humanities, law, and the social and political sciences to undertake (1) a serious and sustained reexamination of the historic idea and values of American citizenship and the technological challenges it faces; and (2) a reassesment of the role that education should play in shaping the civic values, knowledge and skills of American citizens in the coming decades?

We now have before us structural proposals for educational reform dealing with academic excellence and quality, higher standards and requirements, increased financing, and the like. All to the good. But we still need to deal with the substantive ideas, content, and spirit of educational programs that will lead to the civic discipline and commitments essential for achieving the common purposes of our constitutional order.

Just before World War I, William James called for "a moral equivalent" to war: "The only thing needed henceforward is to inflame the civic tamper as past history has inflamed the military temper."

As we look past Orwell's 1984 toward the Bicentennial years of the Constitution and Bill of Rights, this is what is missing in our current debates over educational reform.●

COOPERATIVE EXTENSION SERVICE PLAYS UNIQUE ROLE IN HELPING TO DEVELOP ARLINGTON COUNTY FAIR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. WOLF. Mr. Speaker, I had the honor recently to attend and formally open the 1983 Arlington County Fair in the 10th district of Virginia. The first fair was held in 1977 and since then, this urban county fair has continued to grow and succeed in bringing together the Arlington community.

The Virginia Cooperative Extension Service has played a major and unique role in helping to develop the fair and I would like to share with my colleagues the following history of the partnership between the Extension Service and the Arlington County Fair.

THE VIRGINIA COOPERATIVE EXTENSION SERVICE AND THE ARLINGTON COUNTY FAIR

THE BEGINNING

For years the Arlington Unit of the Virginia Cooperative Extension Service had sponsored "4-H Exhibit Days," an annual event where projects made by the 4-H'ers were displayed. As the Community Garden program flourished with Arlington families raising vegetables and flowers, inquiries were received about exhibiting produce. As a result of these inquiries the Extension staff, under the leadership of C. Francis Lay, Extension Agent, conceived the idea of an "urban" county fair, which would provide an opportunity for youth and adults to exhibit their objects of pride.

In the fall of 1976 a group of interested citizens met together at the Extension office and the Arlington County Fair Board was organized. Soon after the board incorporated. The first Arlington County Fair was held in August 1977 at the Thomas Jefferson Community Center, a 45,000 sq. ft. facility. The only public funds (state or local) spent on the fair organization was Extension staff time.

The Extension Service was a logical choice to be the sponsoring county agency of the Arlington County Fair for several reasons: (1) Extension had a reputation for excellent volunteer management; (2) the purpose of the fair was educational; (3) the Extension staff was well trained in organizational development. The success of the first fair was due in large part to the capability of the Arlington Extension staff in recruiting and organizing the volunteers.

THE GROWTH

The initial planning group determined that the purpose of the fair should be to allow citizens of Arlington, and its public and private agents to proudly display what they produce or do. The intent was to involve the widest variety and largest number of participants as possible. As a result a competitive exhibits area, a booth exhibits area, and an entertainment area were designated. Competitive exhibits consists of exhibits in vegetables, baked goods, canned goods, clothing, quilts, photography and arts and crafts. Over 1,000 items were exhibited in 1983. The Extension staff assisted in determining the classes, recruiting participants and judges. Booth exhibits consist of handicrafters, civic, service, church, and political groups who purchase space to sell their homemade crafts or publicize their group.

Perhaps one of the unique features of the Arlington Fair is the opportunity that local, area, state government agencies and their support groups have to tell what they do for the citizens of the county. Local talent provides free continuous entertainment during the fair, and pony and mechanical rides are provided for the children.

HOW IT IS DONE

The Extension office serves as a base of operation for the fifteen member board and its committees. Staff telephone, meeting space, organizational support is provided for the eight to ten months of intensive planning for the fair. Coordination is needed for the activities of the facilities, entertainment, public relations and volunteer committees in order to produce an event that lasts 3½ days and attracts more than 70,000 people.

The Arlington County Fair is an excellent example of how a federal, state, and local agency's resources are used to assist local people to organize, plan, and implement an event that provides an opportunity to share with neighbors what residents of Arlington can do for themselves and for others.●

CHAIRMAN CLEMENT J. ZABLOCKI

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to bring to the Members' attention an article from the New York Times of September 25, 1983, describing the important role the chairman of the House Foreign Affairs Committee, the Honorable CLEMENT J. ZABLOCKI, played in helping to shape a resolution on the continued presence of U.S. Armed Forces in Lebanon. This article is a just tribute to Chairman ZABLOCKI's many abilities and leadership.

Last week, the Congress gained executive branch recognition of the War Powers Act as it decided on the future commitment of U.S. forces in Lebanon. Chairman ZABLOCKI led this initiative in the Foreign Affairs Committee and on the House floor. Throughout the debate he domonstrated his strong convictions about bipartisan foreign policy and the national interest. Such guidance and leadership are qualities the Congress has come to expect from Chairman ZABLOCKI. They are also qualities which are sincerely appreciated in this article.

The article follows:

ZABLOCKI TAKES THE CREDIT AND THE HEAT

(By Steven V. Roberts)

WASHINGTON.—Representative Clement J. Zablocki, chairman of the House Foreign Affairs Committee, was leaning back in his big chair, beneath a massive portrait of himself staring down from the wall. The Wisconsin Democrat had just piloted through a resolution that would invoke the War Powers Act but allow American marines to remain in Lebanon for 18 months, and rebellious Democrats were denouncing the measure as a sellout to the Administration. "They must be sticking pins in Zablocki dolls," the lawmakers said.

By his own account, Mr. Zablocki has spend most of his 33 years in Congress "plodding along," cultivating his constituents in the Polish neighborhoods on the South Side of Milwaukee and slowly working his way up the seniority ladder. Today, at age 70, he finds himself in the center of some of the stormiest issues on Capitol Hill, and he is clearly enjoying himself.

Yet Mr. Zablocki sometimes seems out of step with the younger and more aggressive members of his committee, who are eager to widen the Congressional role in foreign policy, "Clem has had a difficult time," said Representative William S. Broomfield of Michigan, ranking Republican on the Foreign Affairs panel. "There are people on this committee, the young liberals, who want to embarrass the Administration whenever they can. But Clem has always prided himself on his belief that there is only one President at a time, and he's got to work with him."

When he describes his own approach to the Congressional role in foreign policy, Mr. Zablocki uses words like cautious, balanced, bipartisan, consensus. Some of his younger colleagues see a value in that approach. "When he takes a position on an issue like nerve gas or the nuclear freeze," said one liberal on his committee, "he helps enormously to establish credibility with more moderate members." But when he strays from his cautious instincts, the Wisconsin Democrat can get into trouble. He agreed to lead the floor fight for a resolution endorsing a nuclear freeze. But he admits that he was uncomfortable with the concept, and when Republicans bombarded him with questions he could not answer, the younger troops had to come to his rescue.

Mr. Zablocki's approach is best summed up by his record on the War Powers Act. Most sponsors of that legislation drew the lesson from Vietnam that no President should ever be allowed to take the country into an undeclared war. But Mr. Zablocki remained a supporter of the Vietnam War to the end, and today says: "Do you know why we lost Vietnam? We weren't resolute. Our boys were fighting with one hand tied behind their backs." During the debate over the War Powers measure 10 years ago, Mr. Zablocki helped water down a Senate ver-

sion that would have placed even tougher restrictions on Presidential initiative. But his moderating influence may have helped build the consensus that was able to override President Nixon's veto.

In recent weeks, as Congress has tried to apply the War Powers Act for the first time, Mr. Zablocki has led the negotiations for House Democrats with the White House. He admits that to some liberals, he has appeared "too easy" on the Administration. But his aim, he said, was to find a realistic compromise. "We certainly want to avoid a constitutional confrontation, and we have avoided that," he said.

A COOPERATIVE INSTINCT

"Clem's instinct is to be cooperative," said Representative Lee Hamilton of Indiana, a senior Democrat on the Foreign Affairs panel. "He came out of the World War II generation, out of a bipartisan foreign policy tradition." Moreover, Mr. Zablocki shares the experience and outlook of many of his constituents, children of immigrants who struggled for an education, and lived by the sort of maxim the lawmaker learned from his father: "You don't get something for nothing." He worked his way through college playing the organ at church, and he has a deep pride in his neighborhood.

"I think my constituents are more conservative than some of my Democratic colleagues," he said. "They're supportive of a strong national defense and are fiercely anti-Communist, and in that respect I reflect their views to a tee." Yet many of his people are telling Mr. Zablocki that they do not want any troops in Lebanon, and when he leads the floor fight this week for the War Powers compromise, he will be trying to convince his constituents as well as his colleagues that there is no alternative. "Sometimes you've got to lead," Mr. Zablocki said. "Sometimes you've got to listen to your conscience."●

MINORITY ENTERPRISE DEVELOPMENT WEEK, 1983

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MITCHELL. Mr. Speaker, President Reagan's Proclamation on Minority Enterprise Development Week, October 2–8, 1983, should summon all Americans, and especially the Reagan administration itself, to ponder the larger implications of this observance.

The magnitude of these implications compels me to offer—at this crucial time in America—some words of caution and admonition that, I hope, will bring all Americans to see in this observance the seriousness of purpose that it warrants.

For the truth of the matter is that the Reagan administration itself is waging the most vicious assault ever in the history of this country against minority enterprise and the economic empowerment of blacks and other minorities. My colleagues, the proof of this costly assault is borne out by the record of this administration.

Not in 50 years have the social and economic achievements of blacks and other minorities begun to erode so rapidly. In fact, the record of this administration is one of brazen and systematic attack on minority gains. With unfaltering regularity, the Reagan administration, in agency after agency throughout the Federal establishment, is attempting to contravene and violate existing laws designed to further equal employment opportunity and minority entrepreneurship. And more broadly, the Reagan forces are continuing to chart an unlawful course of regulatory abuse that frustrates and hampers minority entrepreneurship and economic empowerment.

The record, for example, of the U.S. Small Business Administration (SBA) under the Reagan administration reveals a pattern of blatant inequality against small minority entrepreneurs in the dollar value of direct and guaranteed loans as well as in the rate of loans to small minority business. During the first 6 months of fiscal year 1983, for example, minority firms received a mere 13 percent of the number of SBA loans and only 9.5 percent of the funds.

The President's pious proclamation notwithstanding, this is a contemptible and inexcusable modus operandi in the wake of a 50-percent annual rate of failure among minority business enterprises, due to an epidemic of capital shortfalls. Very clearly, Mr. Reagan is not serious about small minority business.

As if withholding funds to small minority businesses were not enough, the administration persists in its attempts to undermine minority entrepreneurship under provisions of Public Law 95-507. Currently, a concern of mammoth proportion to minority small business is the administration's position in favor of curtailing participation in the 8(a) program by setting artificially restrictive limits on the length of time a small minority firm is allowed to reach a level of economic viability for reasonable competition in the economic mainstream of this great Nation. The administration, in its haste to graduate firms from the 8(a) program, threatens continued growth, and indeed, the survival of prematurely graduated firms. The administration's position clearly undermines the purpose of the 8(a) program, which was established under Public Law 95-507 to foster business ownership and competitive viability among socially and economically disadvantaged firms.

President Reagan's proclamation states:

> Our challenge today is to enhance the ability of minority Americans to participate more fully in the market economy and to achieve greater economic independence.

Indeed, the challenge today is, perhaps, greater than it was 3 years ago because this administration's policies are more antiminority than prominority business development.

I believe that those of us in the legislative body who have sought enactment of fair and progressive legislation to aid small minority business have acted out of a sense of justice as well as out of recognition of what is fundamentally right for America. We have acted out of the knowledge that minority enterprises are the cornerstone of community viability throughout this Nation. We have acted out of the knowledge that 80 percent of all new jobs are generated by a small business, many of them minority owned, and that these firms are uniquely victimized by today's depressed economy, Unfortunately and tragically, our Nation's leadership, retrenching on human and domestic programs, only gives lip service to the spirit and the letter of this week's observance.

I assure you that enactment of minority set-aside programs, such as my 10-percent set-aside under the Surface Transportation Assistance Act of 1982 and my earlier set-aside proposal under the 1977 Public Works Act were responses to Federal inaction and inequality in the expenditure of funds and technical assistance to small minority business.

I am pleased with recent legislative victories for small minority business that have come out of this legislative body.

Federal procurement activity of small minority businesses should increase as a result of the recent enactment of Public Law 98-47 and Public Law 98-72. These statutes represent significant new leverage for minority businesses seeking to increase opportunities for Federal contracts, which average billions of dollars annually.

The foes of small minority business deny America and the 600,000 small minority businesses in this country the benefit of economic recovery born of access to the basic right of equal opportunity, guaranteed by the 14th amendment to the Constitution. The cost of deferral of this right is tragically reflected in underproduction, joblessness and visible evidence of refusal to invest in social programs.

I call on this administration and Mr. Reagan personally to abandon the reckless and destructive assault on minority enterprise and to recognize the obvious benefits of viable minority enterprises to our free enterprise system.

I pledge continuous leadership in this struggle and challenge you to the same.●

A DEMOCRATIC PERSPECTIVE ON CENTRAL AMERICA

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. LANTOS. Mr. Speaker, I recently had the honor of leading the U.S. congressional delegation in meetings with members of the European Parliament. Our discussions covered the whole range of international issues of concern to Western Europe and the United States. My distinguished colleague from Ohio, Mr. SEIBERLING, was a member of the American delegation, and he prepared remarks on Central American issues for our discussions. I commend these remarks to my colleagues in the House:

A DEMOCRATIC PERSPECTIVE ON CENTRAL AMERICA

(Remarks by Congressman John F. Seiberling to the 22d annual U.S.-European Parliament meeting, Homestead, Va., Sept. 24, 1983)

I'm happy to present a perspective on U.S. policy toward Central America. I hesitate to call it a Democratic perspective because, while I believe it represents a general viewpoint shared by a majority of the Democratic Members of Congress, I believe it is also shared by a significant number of my Republican colleagues, as well as distinguished Republican outside Congress. However, it diverges from the basic tactics, and probably the underlying philosophical approach of the Reagan Administration toward the problems of Central America.

On July 19 of this year, the House of Representatives met in an extraordinary secret session to discuss U.S. involvement in Nicaragua. Following an exhaustive debate, the House voted on July 28 for the Boland-Zablocki Resolution, to cut off covert assistance to the anti-Sandinista Nicaraguan guerrillas, and to ask the President to convene a meeting of the Organization of American States to deal with the related security issues. This vote was a follow-up to the Boland amendment, adopted by the House last December by a vote of 411 to 0, prohibiting the President from using CIA funds for the purpose of overthrowing the government of Nicaragua. While congressional efforts to redirect President Reagan's policies may be of limited success, these efforts reflect a determination not to be backed into another costly and divisive counterinsurgency war.

To understand Latin American reactions to our current policy, it is essential to have some historical perspectives. Leaving aside the war with Mexico in 1846-48, major armed interventions by the U.S. in Central America began in 1854 when the U.S. Navy destroyed the Nicaraguan town of San Juan del Sur. During the first third of the century, such unilateral armed diplomacy by the United States became commonplace, with interventions in Cuba, Panama, Mexico, Honduras, Haiti, the Dominican Republic, and, repeatedly, in Nicaragua. Nicaragua was occupied by U.S. Marines from 1912 to 1925 and reoccupied again in 1927.

In 1954, the CIA backed a coup which toppled President Arbenz of Guatemala from power. The political process in Guatemala thus brutally interrupted, that country has been condemned ever since to a cycle of repression and coups by one military dictator after another.

As recently as 1965, President Johnson dispatched over 30,000 U.S. troops to the Dominican Republic. After widespread criticism of this last intervention, the U.S. sought approval from the Organization of American States for the creation of an international peacekeeping force which subsumed American troops.

During the two decades of the Franklin D. Roosevelt and Harry S Truman Administrations, 1933-53, U.S. relations with Central America were dominated by a different approach best described, in Roosevelt's words, as the "Good Neighbor" Policy. This emphasized efforts to establish relations with the nations of Latin America on the basis of mutual respect and non-interference. When the government of Mexico expropriated that nation's oil resources in 1938, Roosevelt, instead of theatening or invading Mexico, accepted the takeover and negotiated a settlement.

In 1948, the Organization of American States was founded as a regional organization within the framework of the U.N. In addition to providing for collective self-defense, the O.A.S. charter calls for the peaceful settlement of controversies and prohibits interference by member states in each others' affairs.

The most recent embodiment of the Good Neighbor approach was the Panama Canal Treaty, negotiated under Presidents Nixon and Ford, and completed and ratified during President Carter's administration. The treaty provided for joint control of the canal and its eventual return to Panama. The result has been a genuine improvement in relations, not only with Panama, but with Latin America generally.

Unfortunately, much of the goodwill generated in Latin America by these past efforts is being replaced by fear and resentment generated by the Reagan Administration's tendency to return to unilateral, military approaches to the problems of Central America. These approaches have aroused deep fears in the people of the United States.

It is not that there is not widespread concern over the possibility of Cuban or Soviet military presence in Central America. This is strongly opposed by most people, and has been played upon by President Reagan. In his speech to the nation on April 28, President Reagan even described the situation in Central America as having global ramifications. "If Central America were to fall, what would be the consequences for our position in Asia and Europe, and for alliances such as NATO?" he asked.

Nevertheless, the people in the United States are, in overwhelming numbers, fearful of being dragged into another Vietnam. The House of Representatives clearly reflects this view. There is also a widespread recognition that the Reagan approach fails to address adequately the causes of instability in the region, notably pandemic poverty, illiteracy, and social injustice. There is a strong conviction that any intervention, whether overt or covert, that does not address these problems will only make matters worse.

The public in the U.S. is also revolted by flagrant abuses of human rights by governments receiving U.S. support or by elements in those governments. This is a serious problem in El Salvador which is not made better by President Reagan's cynical certifications every six months, required by U.S. law as a condition of continuing aid, that human rights practices there are improving. It has been a problem in Guatemala, as it was in Nicaragua under Somoza. It is no answer to point out abuses of human rights by Communist regimes, since they are not being supported by U.S. aid. Americans have become skeptical about governments that, in the name of anti-communism, justify the grossest of abuses, which, in a by-now classic pattern, outrage and alienate decent people, further polarize the population, and weaken the possibility of building democratic, centrist alternatives to the extremes of the right and left.

Many Americans, and particularly the Reagan Administration, become confused in dealing with Latin American revolutions because of a tendency to feel that any socialist or Marxist-oriented movement will inevitably pose a security threat to the U.S. There is also the feeling that any diminution of U.S. influence weakens us in the global competition with the Soviet Union.

Finally, there is, on the part of many of our national leaders, an inexcusable ignorance about Latin American culture and history. From the Latin American perspective, security involves mainly achieving national integration and freedom from outside interference, whether by Moscow, Cuba, or the United States. Central American countries today are trying desperately to break free of the bonds which have inhibited the development of social justice and basic political rights for so long, and which have condemned them to a seemingly endless cycle of bloodshed and repression. The longer regimes we aid fail to respond to the pressures for education, for freedom from hunger and physical abuse, for freedom of speech and thought, the more people are pushed to support the insurgents whose cause we find so threatening. Mexico had a long and painful transition to democracy, one that was exacerbated by U.S. hostility and interference. Accordingly, we had a long history of difficult relations with Mexico. This experience, together with past experience with military and political intervention by the United States, colors the thinking of all Central America.

One must be skeptical about the newly appointed Presidential Commission on Latin America headed by Dr. Henry Kissinger. However, the Commission could perform a genuine public service if it could articulate fairly and understandably the way our Latin American neighbors look at their problems and at us.

The action of the Reagan Administration in providing "covert" assistance to the contras in Nicaragua is in clear violation of U.S. law, the Rio Treaty, and the charter of the Organization of American States. Moreover, even if the Reagan policy toward Nicaragua were to succeed in bringing about the ouster of the Sandinista Regime, it would tend to confirm the fears of the countries of Latin America about continued unilateral interference and domination by the "Colossus of the North," it would weaken the O.A.S. and other inter-American institutions, and it would contribute to further alienation of all Latin America from the United States. Such a turn of events would do far more to promote the objectives of Cuba and Moscow than the existence of a Marxist regime in Nicaragua is likely to do.

In short, we cannot go it alone in Central America, especially if our policies are geared toward armed intimidation and intervention, rather than conciliation and negotiation. We should use this country's power,

working with other governments in Latin America, to achieve a prompt cessation of hostilities in El Salvador and Nicaragua, followed by negotiations between all parties. We should do our utmost to build on the modest proposals of the four Contadora nations, including the mutual cessation of arms shipments into the region, the mutual withdrawal of foreign military advisers from the region, and a mutual guarantee that the territory of one nation in the region will not be used as the base of operations for aggression against other nations in the region. Maximum use should be made of the opportunity afforded by the O.A.S. for consultation, international peace-keeping operations, and supervising the implementation of security agreements. Finally, our policy in the region must be consistent in condemning gross human rights abuses, whether of the left or the right. Our aid should be premised on a meaningful commitment by the aided government to avoid or eliminate such abuses.

The countries of Central America are indeed at a crossroads. There is no political law which says that a revolutionary movement in any country in the region will inevitably land that country in the Soviet camp. However, as the Mexican writer Carlos Fuentes said recently, "If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fullfilling."

The Boland-Zablocki Resolution was a clear sign that Members of the House have been listening, learning, and thinking constructively about Latin America. One must hope that President Reagan and his advisers are capable of the same kind of effort.●

REGARDING THE THIRD BLACK AMERICAN VISUAL AND PERFORMING ARTS RENAISSANCE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. FAZIO. Mr. Speaker, I rise today to commend the California Black Cultural Assembly for organizing the Third Black American Visual and Performing Arts Renaissance which will be held on October 14, 15, and 16 in the Florin Shopping Mall in Sacramento.

The Visual Arts Renaissance is intended to provide exposure for the works of African-American artists; encourage young African Americans to get involved in art; promote community enrichment and lay the groundwork for a permanent annual African-American Visual Arts Renaissance; give the residents of the greater Sacramento community an opportunity to learn about African-American art; and create a wider community awareness, understanding, and appreciation of black Americans' contribution to the arts in this country.

The Visual Arts renaissance gets its inspiration from the Harlem Renaissance period which occurred between 1929 and 1939. This represented the rebirth of black American artistic expression in this country, and the spirit of this era is what the sponsors of the Visual Arts Renaissance hope to foster in the visual arts.

Mr. Speaker, this is an ambitious and much needed undertaking. It deserves our full support.●

INTRODUCTION OF A BILL TO PROVIDE INFORMATION ON PHYSICIAN ASSIGNMENT PRACTICES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. WAXMAN. Mr. Speaker, today I am introducing legislation that will help medicare beneficiaries to control their own health costs. By providing information on physicians who accept medicare payments as payment in full, this proposal will allow the elderly to control their personal medical bills and to find doctors who will serve them at a price they can afford.

For years, the elderly have been well aware of the diminishing share of medical bills that medicare covers. Overall, medicare covers only about 55 percent of the physician costs of the elderly. The Federal Government establishes regional screens—or upper payment limits—of "usual, customary, and reasonable charges." But many doctors bill patients without regard to the limits of medicare. As a result, beneficiaries—many of whom live on fixed incomes—are left on their own to pay the rest, however they can.

Such limitations add a financial insult to physical injury. Making things even more complex, it is often difficult for patients to find out in advance whether physicians will accept medicare's payment.

The legislation I am introducing requires that the Secretary of HHS publish annually a list of all physicians who have agreed to accept assignment for all medicare claims for the following year. In addition, the Secretary is to provide a local list of such physicians to each medicare beneficiary.

This information will not be difficult for the Health Care Finance Administration to compile. It is readily available as part of the auditing and billing information for each year. And, once it is available to the elderly of the country, it should do much to allow them to find doctors who will treat them carefully and affordably.

H.R. —

A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsections:

"(i)(1) The Secretary shall compile annually a list of physicians serving individuals enrolled under this part indicating the share (by decile or quartile) of claims which each physician has accepted on an assignment basis (described in subsection (b)(3)(B)(ii)) in the preceding year.

"(2) The Secretary shall make available the information compiled under paragraph (1) for the local geographic area in each office of the Social Security Administration no more than six months after the end of each year and, upon request, by mail from each carrier. The Secretary shall, when such information becomes available, annually notify each individual enrolled under this part of the availability of such information.

"(j)(1) The Secretary shall publish annually a list of all physicians who have agreed in accordance with this subsection to accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(2) To permit the publishing of the list provided under paragraph (1), the Secretary shall annually, before the beginning of the twelve-month period, offer physicians a reasonable opportunity to sign an agreement that they will accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(3) The Secretary shall annually provide to each individual enrolled under this part and residing in a local geographic area a copy of the list of all physicians in that area who have signed such an agreement for the following twelve-month period.".●

PRESERVING AMERICAN JOBS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BROYHILL. Mr. Speaker, the textile import situation is bad and is getting worse. Despite the bilateral agreements which have been reached with low-cost foreign suppliers of textile and apparel, U.S. textile and apparel outputs in pounds in the United States has declined by over 10 percent while imports have gained nearly 23 percent in the last 10 years. Over the same period, textile and apparel employment in this country dropped 10 percent—which translates into 500,000 jobs.

I wish to bring to my colleagues' attention a speech which was recently given by my good friend, Mr. Hoyt Bailey, executive vice president of Dover Textiles in Shelby, N.C.

Hoyt is a 1950 graduate of North Carolina State University where he received a degree in textile management. Following his graduation he was employed for 11 years by J. P. Stevens, working in all phases of textile manu-

facturing, planning, research and development, and sales.

In 1962, he joined Dover Textiles yarn sales division as vice president of sales and marketing. Under his direction Dover Textiles has become a market leader in the development and marketing of new yarn styling concepts and innovation. Currently, as executive vice president, his responsibilities include the sales and marketing of spun yarns, dyed yarns, and fabric dyeing and finishing. Dover Textiles employ over 3,000 people in its 7 plants located in Shelby and Cherryville, N.C.

Hoyt has devoted much study and research on the effect of textile imports on the American market and I commend his remarks to your attention:

PRESERVING AMERICAN JOBS

(By Hoyt Q. Bailey)

Recently an observant writer gave this rather humorous definition of an American.

"An American is a fellow who drives home in a Japanese car, slips off his Hong Kong suit and Italian shoes, puts on his English robe and Mexican slippers and sips Brazilian coffee while sitting on his Danish furniture. Then he writes a letter on Canadian paper using a Korean pen complaining about the unemployment in the country." This definition while meant to be humorous is far more factual than even the writer imagined.

Now, let me read from the November 19, 1982 issue of the Wall Street Journal a less humorous Japanese version of an American as quoted by Toshio Soejima of Nippon T & T Public Corporation—"The Japanese are a people that can manufacture a product of uniformity and superior quality because the Japanese are a race of completely pure blood, not a mongrelized race as in the United States."

This crass racism is too important to go unchallenged. Therefore, I am one mongrel who will not patronize Mr. Soejima's pure race. So let it be with all mongrelized Americans.

"Oh, what a feeling"—"we are driven"—"we make it simple". All of us have been inundated by the above slogans on TV for various Japanese cars. We are now told by the Japanese that a bill in Congress to put some of the same import restrictions on Japan as they put on us will create protectionism. Protectionism? With a 16.8 billion dollar trade deficit with Japan last year, they talk about us having protectionism. With over 2.5 million Americans out of work in the automotive and related industries, we still allow the Japanese to ship vast quantities of these automobiles into our country. Yet, we can't even sell our beef in Japan since their farmers are protected with prices of $30 to $40 per pound for prime beef.

The equivalent of only one days production of Florida's oranges are allowed to be shipped to Japan each year and they are readily sold at ninety-five cents each. Now, they have said our spray cans of deodorant and hair spray, are too large to be accepted by their government standards. Protectionism: Japan has the greatest means of protectionism of any country in which we sell our goods. A Pontiac Firebird sells for almost twice the price in Japan as it does in America due to their tariffs and tax protectionism. Who is the culprit? Our textile industry experienced over 27% more imports in 1982 over 1981 and 17.8% more already in the first quarter of 1983 over first quarter of 1982. While we have massive unemployment in the textile and related industries. Many U.S. business men believe the Japanese have even manipulated the exchange value of their currency to be about 35% under valued as reported in the February issue of Dun's Business Month magazine. This in itself produces a principle price advantage which they have over American industry. Economists predict a U.S. trade deficit of $100 billion in 1983 with 25% of the inbalance with Japan.

"Free trade" is the cry from Washington, when all governments but ours subsidize their industries. "Free trade"—there is no such thing. Let's just ask for fair trade.

So now when we hear those TV commercials for Japanese cars, let's add a few words to express what is really happening—How about, "oh what a feeling"—to be out of work—or, "we are driven to the unemployment line—or "we make it simple"—to lose your job.

At the current rates, imports in textiles have equaled the output of 600,000 Americans. Without effective restraints imports will put another 100,000 people out of textile jobs in the next year alone. When American auto workers lose their jobs the textile industry loses a potential customer and the domino effect in lost jobs continues.

One segment after another is being hurt by imports. According to Department of Commerce figures, one-half of all sweaters sold in the United States are imported. One out of every three knit shirts and brassieres are imported. About one-third of all woven dress shirts and tailored clothing is coming in from low-wage countries and the percentage is rapidly rising whereas just a few years ago all were domestically produced. There is no longer even one manufacturer of dress gloves in this country. All such gloves are imported, and there are now only a token number of domestic producers of worsted suiting fabrics operating in this country due to imports.

Surveys show that a higher mark-up is added on imported goods, so it's not always the consumer who benefits from the low cost of production in low-wage countries.

The average textile wage in the United States is some 5½ times greater than Hong Kong, and 8 to 10 times greater than Tawain and Korea.

Even with this tremendous advantage our textile industry could still compete without government interference. Hong Kong probably thinks OSHA is a new Chinese name in town. Tawain and Korea prosper by our minimum wage law. Many Far Eastern countries thrive on child labor. Malaysia's version of medical insurance and retirement program is a pick and shovel to dig the grave. In China, the cost of selling a product is determined by how low they have to go to get the business.

We need our great textile industry, since one in ten manufacturing jobs in the United States is represented by the textile and apparel industries. Textiles will amount to $1 out of every $10 of the total spent for goods and services in our entire economy. There are over 2 million people employed in this country as a result of textiles and apparel industries. Even the State of Michigan which is known mainly for its auto industry employs some 100,000 people in some phase of textiles. The corn producing State of Iowa employs 38,000 people in textiles, and don't forget the corn starch used for sizing. But our own North Carolina is responsible for over 300,000 jobs in textiles.

For many people entering employment for the first time, textiles and apparel are a traditional first step in obtaining employment and becoming responsible members of society.

In this country's textile and apparel plants, 16% of the employees are black; in apparel manufacturing 81% are women. Where can these jobs be replaced?

Textile and/or apparel plants are located in every state in the union. The textile industry is vital to our national defense. If a Far Eastern country declared war on us, would we ask them to sell us uniforms for our military or weave our parachute material? And now, China looms as our greatest threat to the extinction of our textile industry unless a realistic quota system is put into effect.

When imports take over 1,000 textile jobs in a community you have a domino effect for you also wipe out 3,000 other jobs and the equivalent of the following businesses: 17 eating places, 13 food stores, 11 gas stations, 6 apparel shops, 6 furniture stores, 4 general merchandise stores, 3 automobile dealerships, 2 hardware stores, 2 tire and auto accessory stores, 2 drug stores, 1 sporting goods store, and 1 jewelry store.

These same 1,000 textile jobs support 19 doctors and 5 dentists. So you can see that each of us can be effected when textile jobs are taken by imports. Equating this projection to Dover Textiles we have 9,000 other jobs created by the 3,000 employees of our company—12,000 jobs in our area as a result of the existence of Dover Textiles.

I have seen the 1982 final statistics on several apparel items. Listen to these:

(1) 438 million shirts—over 4 for each man and boy in the U.S.

(2) 162 million sweaters.

(3) 105 million sets of underwear.

(4) in just these three items alone, we have the equivalent of 362 million pounds of yarn or equal to 6 years production by Dover Textiles. (3,000 employees)

On November 25, 1977, I made a speech to the Shelby Rotary Club and I gave a scenario of what could happen in ten years to my home town if the then current rate of imports were allowed to continue. Admittedly, I thought I was a little overly dramatic and that it would be a farfetched happening. Now, five years later, I find that this scenario is more right than wrong—let me repeat my seemingly impossible 1977 projection with one-half of the ten years now gone:

"If the current rate of imports and government interference continues for the next ten years, let's look at Shelby, N.C. in 1987:

"Where once a happy people worked and received an honest days pay for an honest days work, buildings deteriorate since no longer can you hear the hum of spindles. And OSHA has accomplished its goal of quieting noisy looms, for now they are silent, permanently silent. And yes, you can breath clean air for the unemployment lines are so long they require standing in the cold clean winter's breeze. Our manufacturing force of some 20,000 people has been reduced to 10,000 . . . yes, we are a ghost town. What about other industries taking the place of textiles? What else is so labor intensive that it could absorb so many people? Then, these new industries have their import problems—other victims of so called free traders in Washington."—That from my speech of a little over five years ago—let's see where we are now regarding the possibility of 10,000 people out of work in ten years.

Fiber industries over 2,200 jobs gone.

PPG almost 800 jobs gone.

J. P. Stevens—closed—500 jobs gone.

Lily Mills—closed—400 jobs gone.

Shelby Seamless Hosiery closed—300 jobs gone.

L. & K. Company—200 jobs gone.

Supporting businesses such as supply houses canteen operators, service people—400 jobs.

5 year total 4,800 jobs.

Well, I hope my supposedly overly dramatic scenario doesn't continue to come true at the present rate or we will have 9,600 lost jobs of the 10,000 predicted. I don't deserve to be 96 percent accurate.

In summary: if I sound bitter—I am bitter. We hold up the construction of a billion dollar dam in Tennessee because some environmentalist group is worried about the extinction of a Snail Darter fish which is nothing more than a sardine. Yet, we sit by and watch the extinction of an American industry and the loss of a livelihood for many Americans. Yes, I am bitter at our own government for allowing two sets of rules to exist with regard to the balance of imports and exports. We must act now before the "American dream" becomes the "American nightmare". We are on a collision course with trade wars—trade wars lead to hot wars. We won the last big hot war. Will we win the trade war? Let's have fair trade—not free trade. If we are to become a service oriented country, from what source will we have a gross national product? Currently, 7 out of 10 people are employed in service sectors. We must produce goods to preserve some measure of self-sufficiency, to avoid complete dependence on others. Mark Twain once said, "No group of people can survive by taking in each other's washing".

I recently wrote Senator JESSE HELM'S Office to tell him to get out of the abortion clinics and tobacco fields and get into America's textile mills and save the jobs of those who elected him. He did inform me that he voted against "most favored nation" status for China in 1980 and that China's shipments of textiles to this country have increased 200% since being recognized as a most favored nation.

What can we do to help our textile industry?

(1) Write, phone, wire every Senator and Congressman in Washington. Increase our lobbying with them to impose reasonable quotas on imports.

(2) Support "made in America" campaigns. The slogan "Remember Pearl Harbor" might never have been used if we had created the slogan "Prevent Pearl Harbor". We must reach the people with our message. Use printed slogans on your yarn cases. Make speeches to local civic clubs. Ti-Caro runs ads congratulating local businesses for not selling imports. The job you save may be your own.

(3) Push for the same special tax breaks for textiles and apparel as granted other industries. Currently, our industry is taxed at a rate of 31.9% and apparel at 39.7%, while the average of all industries is 20.5% due to special tax breaks. Labor intensive industries get the fewest breaks while capital intensive industries get the greatest breaks. This should be reserved if unemployment is to decline. For instance, commercial banking, transportation, and shipbuilding have a minus tax status while textiles and apparel carry the tax burden. (Dun's Business Month's May 1983 carries an excellent article on this situation.)

(4) Continue automation wherever possible to reduce costs as a competitive measure against imports.

(5) Push for the elimination of government interference in its demands through regulations, reports, and red tape, at least allow tax breaks to cover our "Government Interference Factor."

Let me conclude with this:

Each $100 of consumer spending generates an average of 5.4 hours of work in the United States. However;

(A) $100 worth of milk generates .7 hours of work.

(B) $100 worth of food generates 3.2 hours of work.

(C) $100 worth of automobiles generates 4.5 hours of work.

(This would mean one Japanese car would equal almost two months of work for an American—6 cars then equal the loss of one job.)

(D) $100 worth of apparel generates 10 hours work. Therefore, $400 worth of clothes provides 1 week's work for an American.

So you can see every shirt, every dress, every pair of pants, every garment of any kind you purchase from abroad adds up to lost American jobs. Let's work together in our own AYSA along with other organizations to form a united front to save American jobs. Thank you.●

AFA'S 1983-84 STATEMENT OF POLICY, ADOPTED UNANIMOUSLY BY DELEGATES TO AFA'S ANNUAL NATIONAL CONVENTION ON SEPTEMBER 12, 1983

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MICHEL. Mr. Speaker, recently the delegates to the Air Force Association national convention unanimously adopted a strong statement on the importance of strategic modernization to achieving real, verifiable arms control and hence, global nuclear stability and peace. In its 1983-84 statement of policy, AFA states:

"If we want to lower the risk of nuclear war, we must build and maintain the forces that prevent it. This logic may not be comfortable but it is sound, for the principle of deterrence is as old as the history of warfare and has not been changed by the advent of nuclear weapons. What has changed is that the stakes of deterrence have increased in step with the deadlines of nuclear arsenals . . . this Association's long-standing contention that the U.S. can no more negotiate from a position of weakness than it can deter through inferiority is as valid as ever. Arms control objectives and strategic capabilities must be shaped for mutual support and serve the common goal of a stable military balance and, hence, peace.

The statement of policy of the 200,000 member Air Force Association is designed to give voice to the objectives of the association and to support armed strength, adequate to maintain the security and peace of the United States and the free world.

I include the text of the association's statement of policy:

AFA'S 1983-84 STATEMENT OF POLICY ADOPTED UNANIMOUSLY BY DELEGATES TO AFA'S ANNUAL NATIONAL CONVENTION ON SEPTEMBER 12, 1983

United States military policy is, and throughout history has been, defensive. Our armed forces, and the doctrines that guide them, are structured accordingly. We don't create huge military arsenals to conquer or coerce. Our forces exist to keep others from using force against us and our allies. We seek to deter rather than fight wars. But hollow deterrence based on bluff weakens rather than strengthens peace reliable deterrence is achieved only if potential aggressors know clearly that they would confront determined, combat-ready forces they cannot defeat. Our overriding concern obviously must be deterrence of the most destructive form of conflict, nuclear war. The world today lives in the shadow of nuclear weapons; we cannot wish them away or disinvent them even though the abhorrence of nuclear war and the desire to prevent holocaust are shared by rational people. And yet, we must remember the last conventional global war cost 40,000,000 to 50,000,000 lives, and that this nuclear shadow has prevented conventional war between major nations for thirty-eight years, the longest period in modern history.

If we want to lower the risk of nuclear war, we must build and maintain the forces that prevent it. This logic may not be comfortable but it is sound, for the principle of deterrence is as old as the history of warfare and has not been changed by the advent of nuclear weapons. What has changed is that the stakes of deterrence have increased in step with the deadliness of nuclear arsenals. The central requirement of effective nuclear deterrence is for the Soviet leadership to remain convinced that we have the capability and will to respond to aggression by denying Moscow its political and military objectives and impose on the USSR costs that outweigh any potential gain. In turn, this requires that we have the capability to hold at risk that which the Soviet leadership itself values most—Military and political control, military forces, both nuclear and conventional, and that critical industrial capability which sustains war. Moreover, we must maintain this capability, at appropriate countervailing levels, whether the Soviet Union consents to equitable arms reduction or not.

This Association's longstanding contention that the U.S. can no more negotiate from a position of weakness than it can deter through inferiority is as valid as ever. Arms-control objectives and strategic capabilities must be shaped for mutual support and serve the common goal of a stable military balance and, hence, peace. Effective arms control can and should be an essential tool for lessening the danger of nuclear war. But no negotiations can change the fact that this country and the Soviet Union are ideological and geopolitical adversaries.

The Soviet Union regards arms control as a competitive process which serves both political and military objectives. Politically, the Soviet Union poses as a champion of peace and frequently advances propagandistic arms-control initiatives. Many of these are one-sided, impractical, unverifiable, and not really intended to control armaments or even to be adopted in practice.

At the same time, the Soviet Union also advances proposals that are aimed at achieving military as well as political benefits. The Soviets seek to place constraints on

U.S. technological advantages while protecting their own military advantages.

It follows that arms-control agreements with a highly secretive adversary like the Soviet Union cannot be based simply on trust. There must be effective means of verification that enable the U.S. to know with confidence whether the terms of agreements are being honored. In practice, this means the U.S. must be able to monitor activities in the areas covered by these treaties in order to detect any violations at a very early stage. Arms-control agreements that cannot be verified and enforced effectively are worse than no accords at all.

This Association believes also that U.S. arms-control policies must not focus on the threat of nuclear war to the exclusion of the threat of totalitarian imperialism. We must prevent the former while containing the latter. At the same time, arms-control policies must not become entangled in domestic partisan politics. The formulation of this nation's arms-control policy is not a contest between supporters of peace and supporters of war, but an issue of statecraft that preserves both liberty and peace. There is reason to fear that the national discourse over arms control is being subverted into sloganeering exercises by those who favor arms control at any price. Arms-control accords that do not lessen the danger of war and undermine further the strategic balance—or especially a unilateral nuclear freeze—may serve temporarily the propagandists of the peace movement. But they do not serve the cause of peace. In fact, they increase the risk of nuclear war.

The positions taken by this Association previously on this issue are worth repeating: Domestic and international groups promoting simplistically an immediate nuclear freeze are achieving ends diametrically opposed to their own professed goals of nuclear stability and arms reduction. Such a freeze would leave us with a permanently weakened deterrent posture and perpetuate the very vulnerabilities and inadequacies we are making great efforts to correct.

A nuclear freeze would decrease strategic stability and grant the Soviets, without incentive to reciprocate, their major objectives in the START (Strategic Arms Reduction Talks) and INF (Intermediate-range Nuclear Force) negotiations. Concurrent with the nuclear freeze movement is a campaign against the first use of nuclear weapons, especially so far as NATO is concerned. The claimed Soviet "no-first-use" policy is deceptive. The North Atlantic Tready Organization is a defensive alliance, with a longstanding policy that no NATO weapon of any kind will ever be used for aggressive purposes. NATO's doctrine of deterrence and flexible response links the U.S. strategic forces with NATO's conventional and nuclear forces in Europe to deter aggression of any kind.

The Soviets continue to maneuver toward a joint pledge of no first use of nuclear weapons, an idea that is finding a sympathetic echo in the U.S. and other NATO countries. A no-first-nuclear-use policy would undermine the Alliance's strategy of flexible response, necessitate large increases in expenditures for conventional forces, foster the impression that the U.S. commitment to NATO has been reduced, and leave entirely to the Soviets the initiative and timing of conflict escalation. This Association believes that NATO's policy of no first use of military force is more effective, credible, and workable than a promise not to use nuclear weapons after an attack has begun.

Therefore, deployment of the full complement of U.S. Pershing II and ground-launched cruise missiles must proceed on schedule to offset the destabilizing, one-sided Soviet advantage in intermediate-range nuclear force in Europe. There is no inconsistency in deploying these weapons while the U.S. and the Soviet Union engage in negotiations that seek balanced, equitable, and verifiable reductions in the two sides' arsenals.

The central harsh lesson of past arms negotiations with the Soviets is that they have yet to give up an advantage that they did not have to give up. The way to peace is through painstaking negotiations from a position of U.S. strength. In the strategic nuclear sector, recommendations by the President's Commission on Strategic Forces, adopted in full by the Administration, provide the formula for rebuilding this strength. This plan provides for an integrated, mutually reinforcing approach to modernizing the nation's strategic forces consonant with our arms-reduction policy. We urge Congress to adopt the Administration's recommendations in their entirety and provide the long-term funding needed to bring these vitally needed forces and weapons into being. Deletion of any one element of this integrated modernization proposal could cause its unraveling. The consequences to the nation's ability to deter nuclear conflict could be grave. The Administration's five-pronged strategic force modernization program—consisting of ICBMs, strategic bombers, the Trident force, improved, survivable command and control systems, and revitalized strategic defenses—will ensure that the nation's nuclear forces could survive a Soviet first strike and retaliate. At the same time, this program provides essential leverage for equitable arms reduction; it does not move the world toward nuclear war but away from it.

Modernization of U.S. military capabilities, this Association believes, is imperative because of the scope and tempo of the Soviet weapons programs that outdistance this country's efforts in vital areas. The Soviets, over the past year, have begun testing new models in almost every class of nuclear weapons. They are dramatically expanding their Navy and Air Force. Their ground forces are being trained and equipped for preemptive attack. And they are using their military power to extend their influence and enforce their will—directly or with the help of surrogates—in every corner of the globe.

Exacerbating the problem is Soviet progress in narrowing or eliminating the technological gap between us and them. A key reason for this advance is that the Soviets have the world's largest R&D manpower—estimated at more than 900,000 scientists and engineers—compared to fewer than 700,000 on the part of the United States. The percentage of Soviet R&D manpower engaged in defense-related work is between fifty and seventy-five percent of the total number.

Supporting this force is the world's largest military-industrial base that includes more than 150 major plants located throughout the USSR. In turn, these key facilities are supported by a network of thousands of feeder plants. In recent years, the military has absorbed about fifteen percent of the Gross National Product of the USSR, compared to less than seven percent for the U.S., and, if current trends continue, the Soviet military share of the GNP will approach twenty percent by the late 1980s. Soviet military investments over the past decade were eighty percent higher than U.S. investments; in terms of R&D spending, the Soviets topped the U.S. investment by about seventy percent over the same period.

The main role of the Soviet war machine clearly is to undergird the step-by-step extension of Soviet influence and control by instilling fear and promoting paralysis, by sapping the vitality of collective security arrangements, by subversion, and by coercive political actions of every kind.

The latest manifestation of Soviet power politics is the crisis they and their surrogates are fanning in Central America. Enlightened self-interest—including our own national security requirements and those of our allies and friends—necessitates that the United States counter by diplomatic, economic, and other means Soviet, or Soviet-aided, efforts to set up Marxist governments anywhere, but especially at our doorstep. Military assistance, including training of anti-Communist forces, must be intensified to keep Moscow and its surrogates from toppling non-Marxist governments in that area and transforming these countries into Soviet satellites.

Our national security policy seeks to deter war at any level and of any kind. It follows that our military forces must be structured to provide an umbrella of military power that extends from strategic nuclear war and deterrence of space combat through conventional combat to special operations. In this context, this Association has, and continues to advocate, vigorous and prudent tapping of technological opportunities to provide our armed forces with the most potent tools and capabilities for deterring or, if need be, for winning wars. But the pursuit of technology must not become a substitute for sustainable, field-proven capabilities. Theoretical technological feasibilities at some uncertain future date are no substitute for forces in being and prudent development of technology that fills requirements established and formulated by combat-tested military professionals. Shunting aside technological evolution that builds on sound military doctrines and experience in favor of speculative approaches of uncertain military validity is likely to yield both poor defense and poor technology. The nation can afford neither.

The cause of deterrence is served best by increasing the warfighting capabilities of the armed forces. There is need for continued improvements in the readiness and staying power as well as modernization of the general-purpose forces, enhancement of mobility and airlift capabilities, and expansion and modernization of tactical forces. In turn, these capabilities must be built on the bedrock of readiness and sustainability, top-notch, realistic training, and, first and foremost, the dedication, motivation, and professionalism of the men and women serving in the Air Force and the other services. The nation must safeguard the central advantage that underlies our defense posture—the well-trained experienced professionals of its armed forces

The Air Force Association applauds increased recognition of the total, joint character of national defense and concerted efforts to avoid separate, narrow approaches that duplicate capabilities. No service fights alone. They must plan and exercise together just as they would fight—shoulder to shoulder.

This Association sees, as the overriding national security requirement, continuation of a steadfast national commitment to re-

build and maintain essential defense capabilities. The progress that is being made must continue through steady growth in defense funding levels in line with sound, long-term planning strategies. The preservation of America's heritage of freedom and liberty is well worth this price for, in the words of President Eisenhower, "in the final choice, a soldier's pack is not so heavy a burden as a prisoner's chains."●

GENOCIDE IN THE SOVIET UKRAINE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I am proud to join my colleagues in sorrowful commemoration of the 50th anniversary of the great genocidal famine in the Soviet occupied Ukraine. I wish to commend my colleagues, the Honorable DON RITTER of Pennsylavania and the Honorable GERALD SOLOMON of New York, for scheduling this special order so that the level of understanding on this cruel episode of history might be increased.

Few Americans are aware that in 1932 and 1933 an estimated 7 million persons lost their lives during an artificially created famine in the Ukraine, a nation which was the breadbasket of central Europe as a result of its fertile soil and productive farmers. The obscurity of this heinous crime against humanity is due to the fact that the famine was implemented in attempted secrecy and has since been vigorously denied by Soviet authorities. Despite numerous eyewitness accounts and press reports by Western journalists who were in the Ukraine at the height of the famine, only recently have accounts of this atrocious, Communist-planned genocide begun to appear in free world publications.

In 1932 under the ruthless leadership of Joseph Stalin, the Soviet regime ordered the Red Army into the Ukraine to confiscate all grain from the rural countryside. The grain was shipped to other parts of the Soviet empire or sold on the international market. The Soviet leadership was pursuing several objectives in this action. They needed hard currency to finance the Government's rapid industrialization program. Stalin also wished to decimate the independent will of the Ukrainian peasantry by destroying its most nationally conscious segment, the free Ukrainian farmer, through forced collectivization of agricultural output.

Watchtowers were erected so that authorities could better detect attempts at hoarding of foodstuffs. Peasants who refused to turn all their grain over to the state were executed. Farmers were physically prevented from leaving their fields and fleeing to the cities in search of food. Soviet authorities even went so far as to establish border checkpoints to prevent Ukrainians from entering the Russian Republic and to prevent anyone from bringing food from the outside into the Ukraine. Without food, without grain, without seeds, the peasant farmers began to starve. Within months, millions of persons were dead or dying. Some resorted to cannibalism to survive. The horror of this deliberate genocidal policy is compounded when one realizes that approximately 10,000 men, women, and children perished each day during the great famine.

While Moscow continues to deny that unusual demographic changes took place in the Ukraine, census figures from 1926 and 1939 conclusively reveal the magnitude of the catastrophe. While the total population of the U.S.S.R. increased by 15.7 percent—from 147,027,900 to 170,557,100—the number of persons in the Ukrainian Republic decreased by 9.9 percent over the same period—from 31,195,000 to 28,111,000. Such denial of events despite overwhelming evidence to the contrary is sadly reminiscent of recent Soviet behavior surrounding their massacre of the Korean passenger airliner.

As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I believe Ukrainian Americans and the world population as a whole deserve greater knowledge of this despicable tragedy. I certainly support the congressional measures which have been introduced to foster wider recognition of the Ukrainian genocide of 1932-33. I can do no less, for the evidence of this artificial famine in the Ukraine is further proof of the inherently diseased mentality of communism and the totalitarian state.●

CARL YASTRZEMSKI: THANKS FOR 23 GREAT YEARS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BOLAND. Mr. Speaker, on Sunday, October 2, Carl Yastrzemski played his last game for the Boston Red Sox.

"Yaz," as he is known to millions of baseball fans, ended his major league career in the manner in which it began—playing left field in Fenway Park and contributing a single to the Red Sox offense. For many sports enthusiasts, the Red Sox and Carl Yastrzemski were synonymous. In 23 big league seasons, Yaz played the game of baseball with uncommon skill, dedication, and enthusiasm. The statistical record of his tenure as a player reflects his success: most games played in the history of baseball, Golden Glove awards for excellence in fielding, the Triple Crown award for best performance by a hitter, the Most Valuable Player award as the best player in the American League and participation in 18 All-Star games.

Statistics alone, however, do not adequately depict what Yaz meant to the Red Sox. In an age when players change teams with distressing frequency, Yaz made a virtue of constancy. He was the bedrock upon which the Red Sox were built, and the success which the franchise has enjoyed since 1961 is due in large part to his efforts. He was the leader on the field, a fact acknowledged by his selection as team captain, and a respected representative of Boston and the game of baseball off the field.

Mr. Speaker, it is difficult to envision the Boston Red Sox without Carl Yazstrzemski; to imagine the home team in Fenway Park without No. 8 in the lineup. Red Sox fans, and all who admire people who make the most of the talents they have, will miss him. The magical moments of his great career will not, however, be forgotten.●

ST. CASIMIR'S CELEBRATES DIAMOND JUBILEE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. RODINO. Mr. Speaker, next Sunday I will have the pleasure of attending the concelebration of a mass of thanksgiving that will solemnly mark 75 years of dedicated service by St. Casimir's Church to the city of Newark, N.J.

The presiding celebrant at the noon mass will be the Most Reverend Peter L. Gerety, archbishop of Newark. There will also be a testimonial dinner to celebrate St. Casimir's Diamond Jubilee at the Polish Falcon Hall at 5 p.m.

The history of St. Casimir's is a dynamic and colorful one. From its humble beginnings as a parish, built on the toil and sacrifices of Polish Catholic immigrants, to its current day, the parish has consistently maintained a tradition of teaching the Catholic faith to the people in the Ironbound section of Newark.

Three-quarters of a century have passed since St. Casimir's first became a reality. And, today, it stands as one of the most beautiful and flourishing parishes in all of Newark.

The St. Casimir's of today is vastly different from the one built several decades ago. Yet, it has very much the same purpose today, as it did then, which is "a place of witness and serv-

ice, a community of brotherhood and friendship."

In the city of Newark, the Polish people first built the parish of St. Stanislaus. Soon the Ironbound section of Newark, "below the railroad tracks," was populated to the point that it was necessary to conceive a second Polish church. Rev. Vitus Masnicki, then pastor of St. Stanislaus Church, realized the practicality of a church in the Ironbound, and purchased a plot of ground for the establishment of a second Polish parish.

Rev. Julius Manteuffel was appointed pastor of the second church for the Polish community, by the Most Reverend John O'Connor, bishop of Newark, and celebrated the first mass in St. Benedict's School Hall, on Sunday, September 6, 1908.

In July 1920, two years after the cornerstone was blessed, a new edifice, fully equipped, was dedicated and blessed by Bishop O'Connor. Celebrating the first mass in the new church was Rev. Vitus Masnicki. The Reverend Dr. Dworzak delivered the sermon. And the entire community had joined together honoring St. Casimir's Church as one of the largest Polish churches in the diocese of Newark.

With the building of the new church out of the way, Rev. Paul Knappek, who became pastor in 1912, now set out to build a new school which was started in March 1924, and completed that fall, at a cost of $121,000. The new school building was built not only for the current time, but also for the future as it was able to accommodate 2,000 pupils.

One of the remaining tasks, the painting of the church, finally took place in July 1925 and was completed in January 1926. It was beautifully redecorated with religious paintings depicting the life of St. Casimir. Five years after the painting of the interior of the church, Reverend Knappek made improvements on the sanctuary and sacristy. The nuns' convent, the last of the major building efforts, was completed in 1930.

Realizing the need for community gatherings, a clubroom beneath the church was constructed for the youth of the parish. Six bowling alleys, pool tables, shuffleboards, and other recreational facilities were purchased. With this, the building program was completed, with all buildings constructed to meet any possible future expansion.

Then on August 6, 1936, fire damaged the entire ceiling of the church proper. The cost of repairing the damaged ceiling was approximately $30,000, and also necessitated the redecoration of the church interior, with the installation of a new lighting system.

Keeping in mind the importance of having the parishioners closely knit, Reverend Knappek encouraged the organization of many church and secular societies. Most of these societies are still functional.

During these hard-working years, Father Knappek was appointed monsignor. Over his final years acting as pastor, Monsignor Knappek continued with the remodeling and renovating church properties until his death on May 5, 1964.

A month later Archbishop Thomas A. Boland appointed the Reverend Adalbert Kiczek as pastor of St. Casimir's. During his short reign as pastor, Reverend Kiczek made various improvements to the church properties, including the building of a library for the schoolchildren. Then on September 23, 1967, Rev. Adalbert Kiczek, at age 63, was fatally stricken as he began the 7 a.m. Mass. His assistant, the Reverend Edmund A. Zajac, died the following day at age 45. Rev. Theodore Czermak, who was assistant pastor at that time, became acting pastor until the appointment of the Reverend John J. Kulaga on January 20, 1968. Reverend Kulaga is still the pastor.

First order of priority on Reverend Kulaga's agenda was the major school renovation which was required due to deterioration over the years. In addition to the school, major improvements were required in the church.

Today, the parishioners of St. Casimir's are a very strong and proud group of Polish Americans. St. Casimir's is proud of its history, the sacrifices needed to build the physical plant, and the parishoners, who have continually supported it.

Mr. Speaker, I am looking forward to participating in this Diamond Jubilee celebration, and I want to commend all the persons who worked so hard to make this celebration a memorable one. These include Thad Zjawin and Sister Mary Joanita, cochairpersons of the Diamond Jubilee Committee; the honorary chairpersons: Reverend Kulaga, Rev. Adam Figula, Rev. Joseph Szklarski, Joseph Zepka, and Kay Linek; and the members of the committee: Henry Grzybowski, Florence Garlewicz, Walter Eustachewich, Mary Zjawin, Mildred Rucki, Julia Miktus, Helen Miktus, Brenda Cwiakala, Emelia Wisniewski, Julia Bozek, Eleanor Mirandi, Loretta Eustachewich, Patricia Check, Bernadette Kociolek, Stanley Zawacki, Genevieve Guziejewski, Alice Schreiner, Victoria Wesolowski, and Mary Pilecki.

I would also like to include in the RECORD the program of the testimonial dinner, as follows:

National Anthem: in English and Polish.

Invocation: Rev. Adam Figula, Associate Pastor of St. Casimir.

Introductory remarks: Thaddeus Zjawin, Parish Trustee of St Casimir.

Welcome: Henry Grzybowski, Parish Council, President.

Toast: Sister Mary Joenita, Congregation Sisters Saint Felix.

Speakers: Councilman Henry Martinez; Rev. Msgr. Alexander Fronczak, Pastor of Sacred Heart Church in Wollington, N.J., Rev. John J. Kulaga, Pastor of St. Casimir Church.

Dance Group: Presented by the children of the Polish Falcon Club.

Benediction: Rev. Joseph Szklarski, Assso-ciate Pastor of St. Casimir's Church.●

SUPPORT THE "CHEMICAL PEOPLE" PROJECT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. FAZIO. Mr. Speaker, on two successive Wednesdays, November 2 and 9, 1983, one of the most significant programing efforts in the recent history of public broadcasting will take place. On these two evenings, communities across the Nation will have an opportunity to join together to combat school-age drug and alcohol abuse as PBS broadcasts "The Chemical People."

Joining other PBS stations nationwide, the Central Valley's PBS affiliate, KVIE-TV in Sacramento, has organized town hall groups so that parents, students, and community members concerned about the use and abuse of drugs and alcohol can join with others in their community in viewing the programs, discussing the local challenge, and organizing continuing task forces.

This unprecedented offering will use television as a catalyst to initiate a valuable, widespread, ongoing effort to save youth and families from the destructive, heartbreaking effects of drug and alcohol abuse.

Mr. Speaker, I urge all of my colleagues to participate in "The Chemical People" projects in their communities. This is an ambitious undertaking that deserves our full support.●

CIANBRO CORP.

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Ms. SNOWE. Mr. Speaker, many of my colleagues are pleased that construction has been completed on the Wilson Bridge. I would like to give public credit to the Cianbro Corp. of Pittsfield, Maine, the firm responsible for completing the repairs 7½ months ahead of schedule.

Area residents are all familiar with TV and radio traffic reports chronicling the endless delays on this major commuter artery. Up to 130,000 vehicles use the bridge every day, the bulk of them being commuters in the Washington metropolitan area and

long-distance truckers. Although repairs have been needed for years, local transportation officials delayed the work for fear of overtaxing surrounding bridges should the Wilson Bridge need to be closed during the day.

Cianbro Corp. devised an innovative means of repairs which minimized the inconvenience to commuters. Workers replaced the bridge's deck with prefabricated concrete slabs installed at night. The bridge was cleaned in time for rush hour each morning.

What is most striking about this contract, however, and almost unheard of in these days of cost overruns and endless delays, was that Cianbro Corp. completed the $23.2 million job 7½ months ahead of schedule. Government planners estimated that the work would take at least until next January, but expected that it would continue through next April. As an incentive Cianbro Corp. was offerred a $9,200 bonus for each day the project could be completed before May 1984. Other incentives were provided if Cianbro completed the job before January. The company rose to the challenge and earned $1.42 million as a result.

I know all Wilson Bridge users feel a sense of relief that the bridge has been completed. I would like to add a special commendation to the fine Maine firm of Cianbro Corp. for its innovative and efficient work.●

KIWANIS CLUB OF WILKES-BARRE CELEBRATES 65th INSTALLATION OF BOARD OF DIRECTORS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday, October 8, the Kiwanis Club of Wilkes-Barre will celebrate its 65th installation of the board of directors. At that time, my friend, Dennis C. Garvey, will be installed as the 65th president of this Kiwanis Club.

In its 65 years, the Kiwanis Club of Wilkes-Barre has played a major role in the social, political, and medical well-being of the community. It is the founding club of the Wheelchair Foundation, a major contributor to local camperships, and has been involved, in differing capacities, in all of our valley's major charitable organizations.

A review of the roster of any local organization will find a Kiwanian or two serving actively. In all of the local schools and colleges, one will find Key Clubs and Circle "K" Clubs sponsored by the Kiwanis Club of Wilkes-Barre.

In short, Mr. Speaker, the point of the Wilkes-Barre Kiwanis Club is "to serve" and this meets the motto of Kiwanis, which is, "We Build."

And so it is my pleasure, Mr. Speaker, to salute the Kiwanis Club of Wilkes-Barre on its 65th anniversary and to congratulate my friend, Dennis C. Garvey, on his installation as president, and to congratulate, as well, his wife, Nancy, for having made it all possible.●

OFFICERS OF WILMINGTON, MASS., AMERICAN LEGION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MARKEY. Mr. Speaker, it is my distinct pleasure to bring to the attention of my colleagues in the House the installation of officers of the American Legion Post No. 136 of Wilmington, Mass. This fine organization, like American Legion posts throughout our Nation, provides sound advice and a helping hand in times of need to veterans and their families. Post No. 136 in particular has established itself as an important part of the town of Wilmington, and a great deal of the credit should go to the post's outgoing Commander Paul Pintrich. I am certain that newly installed Commander Leslie J. Gauthier will maintain the post's extraordinary record of service.

I ask my colleagues to join me in commending the past work of Post No. 136 and in extending very best wishes for a fruitful and fulfilling future.●

MINNESOTA'S MEDAL OF HONOR

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. VENTO. Mr. Speaker, on Tuesday, October 3, 1983, I was privileged to participate in a very special and solemn ceremony at Arlington National Cemetery, at which Gov. Rudy Perpich presented the Minnesota Medal of Honor for permanent display in the display room at the Tomb of the Unknown Soldier. The Minnesota Medal of Honor now takes its place along with those from other States in commemorating the sacrifice of the 13,000 Minnesotans who have died in the Nation's wars. From the Civil War battlefields of Gettysburg and Missionary Ridge, to Manila, Champagne-Marne, Pearl Harbor, to Inchon in Korea, and to Hue in Vietnam, Minnesotans have distinguished themselves in serving their country in our Armed Forces. Minnesota counts one-half million living war veterans among its 4 million citizens.

The Minnesota Medal of Honor was authorized by an act of the Minnesota Legislature in 1980. A special commission was appointed by the Governor to oversee the design and creation of this Medal of Honor. This commission was chaired by Judge Daniel F. Foley, a former National Commander of the American Legion, and also included former Lieutenant Governor Lou Wangberg, State Senator Bob Lessard, State Senator Robert Schmitz, State Representative Richard Kostohryz, Major General James G. Sieben, and the Honorable William Gregg, Commissioner of the Department of Veterans Affairs. Special mention should also be made of the support for this project given by numerous groups, including the Minnesota National Guard, the American Legion, AMVETS, the Disabled American Veterans, the Jewish War Veterans, the Military Order of the Purple Heart, the Veterans of Foreign Wars, and the Veterans of World War I. These individuals and organizations deserve to be commended for their efforts in the creation of the Minnesota Medal of Honor. A duplicate of this medal will hang in the State Capitol Rotunda in St. Paul.●

GOODWILL AMBASSADORS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. McEWEN. Mr. Speaker, during the first session of the 98th Congress, there have been a considerable number of people from the Sixth Congressional District to visit our Nation's Capital. Their visits to the House and Senate chambers have been the highlights of their trips to Washington. I believe this is attibutable to the "goodwill ambassadors" of the Capitol—the Doorkeepers and Capitol Hill Policemen, who make an extra effort to see that our visitors remember their stay.

I particularly would like to pay tribute to Irvin "Obie" Oberman, Dorothy Miller, Donn Larson, and Arthur Curran. These individuals are perfect examples of the type of goodwill ambassadors who serve House and Senate vistors.

I personally want to express my appreciation for their courtesy and outstanding service. I am sure my colleagues will join me in praising and complimenting these fine public servants.●

ST. MARK'S EVANGELICAL LUTHERAN CHURCH OF NESCOPECK, PA., CELEBRATES 75TH ANNIVERSARY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday, October 8, St. Mark's Evangelical Lutheran Church of Nescopeck, Pa., will celebrate its 75th anniversary.

The congregation was organized on October 8, 1908, by 39 men and women who had been attending St. John's Lutheran Church in Berwick, and who decided a church was needed in Nescopeck because of the difficulties and uncertainties crossing the Susquehanna River to attend services.

The first pastor was the Reverend John A. Schofer, and under his guidance and with the work provided by members of the congregation, the original church building was constructed and dedicated on Sunday, December 20, 1908. Under the second pastor, Rev. John H. Young, the church experienced a time of remarkable growth. A number of church organizations were formed and the building itself was renovated. A pipe organ was presented by Andrew Carnegie.

On Christmas Eve, 1925, a fire destroyed the church building. But Pastor Earl S. Erb and the congregation were determined to rebuild. In less than 4 months, a parish hall was constructed and was used for worship until the new church building was dedicated on Easter Sunday, March 31, 1929.

A children's chapel was completed in the church basement and that was dedicated on September 14, 1952.

In 1969, St. Mark's decided to withdraw from the parish arrangement with Mt. Zion and St. James congregations, both also of Nescopeck. And so, after 61 years, a pastor was called to serve St. Mark's, alone.

On July 16, 1978, the Reverend Harold L. Hand, Jr., was called to the pastorate. Under his administration, the church has been carpeted, a newsletter and church directories have been published, the pipe organ has been extensively renovated, and new hymnals purchased.

But beyond its physical achievements, Mr. Speaker, is the intangible good which has been done to the entire Nescopeck community by the presence of St. Mark's, its pastors, and its congregation. Theirs has been an influence for good, for charity, for love of God, and fellow man.

And so, Mr. Speaker, it is an event of significance for all of the Wyoming Valley that St. Mark's Evangelical Lutheran Church celebrates its 75th anniversary on October 8. It is my honor to congratulate Pastor Hand and all of his congregation on that achievement and it is my pleasure, today, to share this happy event with my friends and colleagues in the House.●

GERALD D. ROBERTSON—A DEDICATED PUBLIC SERVANT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Ms. SNOWE. Mr. Speaker, Saturday, September 10 was a very special day in the city of Brewer in Maine's Second Congressional District. The day was set aside by its 9,000 residents to honor one of their own who has given unselfishly of his time for the betterment of the community.

Gerald D. Robertson is one of those very rare individuals who has made a commitment to public service, devoting more than half of his lifetime to serving in public office.

He has been a member of the Brewer City Council for 37 years, and for 11 of those years served as mayor. He has worked hard to improve the economic base of his community and those efforts were recognized when the city council designated the main road through the city's industrial park as Robertson Boulevard.

Mr. Robertson's efforts in other areas have been untiring. As a specialist in housing and as executive director of the Bangor Housing Authority, he has used his expertise to improve housing for residents of Maine. He is also a member of the Housing Executives of Maine, and the Maine chapter of the National Housing Authority. Mr. Robertson currently serves on the advisory committee of the Maine Municipal Association and is a member of the housing committee of the Penobscot Regional Planning Committee.

Mr. Speaker, it is my pleasure to add to the honors bestowed on Gerald D. Robertson. For his years of dedication to public service, he deserves much gratitude, esteem and emulation.●

THE UKRAINIAN FAMINE: STALIN IN ACTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me recommend a Washington Post article to all of my colleagues concerning the tragic Ukrainian famine of 1932-33. Yesterday, thousands of Ukrainian-Americans from all over our great country marched here in Washington in commemoration of the 50th anniversary of that holocaust. Many of those who marched know from firsthand experience the reality of a totalitarian regime. They appreciate the importance of freedom and the wonderful democracy which we Americans enjoy.

As we in Congress still agonize over the tragic loss of 269 men, women, and children at the hands of Soviet pilots, memories of that terrible famine bring all of us to the realization that the two events are connected. These barbaric acts against the innocent reflect a definite bahavior pattern on the part of the Soviet Union. This is a lesson that has been painfully learned. We should not forget it.

As many of you know, the Ukrainian famine is by far one of history's greatest genocides. Fifty years ago, over 7 million Ukrainians died during the period from 1932 to 1933 in one of the first artificially engineered famines the world has known.

Stalin was intent on breaking the spirit of the Ukrainian peasantry in his drive to collectivize agriculture and crush Ukrainian nationalism. Some statistics show that nearly 14 million people may have died during the entire collectivization period from 1926 to 1937.

It is difficult for us in this Nation of affluence to imagine the enormity of the suffering. As their grain was confiscated and shipped to Europe on the orders of Stalin, millions of Ukrainians perished. Villagers attempting to leave the region were turned back at gunpoint while those who resisted were shot or exiled. The remaining villagers starved to death. This provided an economical solution to the nationality problem. Domestic and international assistance programs were not permitted by the Kremlin. The great irony of the planned famine is that it occurred during a period of agricultural abundance in the Ukraine.

A government willing to exterminate millions of its own citizens does not hestitate to kill another 269 for reasons of state or whim. The Soviets protected their airspace last month by downing an unarmed civilian aircraft and defended the principles of communism by planning a famine. The brutal behavior of the Soviets in the 1930's has changed little in the intervening years. Names and faces have changed, but the ideas are still the same. Our Government must keep this fact first and foremost. This knowledge of Soviet motivations and values must guide our negotiators and our leaders in any future dealings with the Soviet Union. In our arms control talks, we must never lose sight of the importance of verification so that we as a free people will be able to see for ourselves if the Soviets are keeping promises.

With these sobering thoughts in mind, I suggest that all of my colleagues read this brief article. I also want to pay a special tribute to the pa-

triotic Ukrainian-Americans who came from near and far to honor the memory of those who perished. I salute the work of the National Committee to Commemorate Genocide Victims in Ukraine, 1932-33. Let me assure them that we will never forget.

[From the Washington Post, Oct. 3, 1983]

UKRAINIANS COMMEMORATE VICTIMS OF 1933 FAMINE

(By Eugene L. Meyer)

Thousands of Ukrainian-Americans, from as close as Arlington and as far away as San Diego, massed at the Washington Monument yesterday, then marched to within 500 feet of the Soviet embassy to commemorate the millions who died in a 1933 famine they described as a "holocaust" perpetrated by the Soviet government to crush its political opposition.

At the Monument grounds, they listened to a series of speakers, many of them declaiming in Ukrainian but including also a Russian dissident, a Polish Solidarity leader in exile and a representative of the American Jewish Committee.

They also were read a message from President Reagan endorsing their remembrance of "those who suffered and died during the farm collectivization and subsequent forced famine and period of severe repression.

"That attempt to crush the life, will and spirit of a people by a totalitarian government holds important meaning for us today," Reagan's message said. "In a time when the entire world is outraged by the senseless murder of 269 passengers on Korean Airlines Flight 007, we must not forget that this kind of action is not new to the Soviet Union.

While the events that brought the Ukrainian Americans here happended half a century ago, for many they were as vivid as yesterday.

"I've lived with the famine as long as I can remember," said Halyna Hrushetsky, 41, who had flown in from Chicago to participate. "My mother lost four of her children in the famine."

She, her older sister who survived and their parents wound up in a German labor camp during World War II, spent the early postwar years in France and emigrated to the United States in 1956. She said Eleanor Roosevelt "saved us from repatriation. The only thing I remember of the camps were the bodies of the people who committed suicide rather than go back.

"My mother passed away last June. Her last words: 'Don't forget and don't forgive and pass the facts about these atrocities on to your children.' "

Yesterday's gathering and march were the culmination of a week-long observance sponsored by the National Committee to Commemorate Genocide Victims in Ukraine 1932-1933, a coalition of about 70 Ukrainian organizations, D.C. police estimated the crowd at 8,000. March sponsors said it was 10,000 to 15,000.

Speakers recalled the period when Stalin, in his drive to collectivize agriculture, ordered harsh government measures against farmers who were resisting his policies. Despite a reduced harvest in the fertile Ukraine, briefly independent but now one of 15 Soviet republics, its crops continued to be exported and there was widespread starvation, according to academicians.

Many of the marchers carried signs saying, "Seven Million were Starved by Moscow" and accusing the Soviets of a 50-year long "cover-up." "When these millions died, bells did not toll, and nobody wept for these people," said Dr. John Flis, president of the Ukrainian National Association.

To help rectify that, young and old, American-born and naturalized Americans born in the Ukraine, participated yesterday. They wore the colorful garments of their ancestral land, carried black balloons, waved yellow and blue flags, chanted "Freedom for Ukraine" and sang the Ukrainian national anthem, a 19th century composition which begins, "Ukraine has not died yet."

"There are all professions, all classes here, young people, old people, really a cross-section of the Ukrainian community," said Orest Deychakiwsky, 27, a congressional aide who read a "letter to the Kremlin" at 16th and K Streets, a block from the Soviet embassy. "These people are not war-mongers, they're people of all political persuasions."

"We marched to remember the seven million who died in the Ukraine," said Ivan Bilaniuk, 11, of New York City. "Russia is the worst country in the world. They have no feelings or anything, 'cause lots of people died, including little children."●

OFFICERS OF MALDEN, MASS., AMERICAN LEGION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MARKEY. Mr. Speaker, it is my distinct pleasure to bring to the attention of my colleagues in the House the installation of officers of the American Legion Post No. 69 of Malden, Mass. This fine organization, like American Legion posts throughout our Nation, provides sound advice and a helping hand in times of need to veterans and their families. Post No. 69 in particular has established itself as an important part of the city of Malden, and a great deal of the credit should go to the post's outgoing commander, Louis A. White. I am certain newly installed Commander Thomas Flynn will maintain the post's extraordinary record of service.

I would also like to recognize the other newly installed officers—auxiliary president, Pauline Ross; auxiliary senior vice president, Catherine Ferguson; junior vice president, Mildred Crowell; secretary-treasurer, Josephine Moran; and chaplain, June Hirtle; Legion senior vice commander, Stephen Karigianis; junior vice president, Robert Flynn; adjutant, Alberta Langley; finance officer, John L. Gallant; historian, Thomas R. Toomey; graves registration officer, Charles Eggleston; trustee, John Demasi; and finance committee member, James Maher. The post's newly installed auxiliary executive board members are Regina Walsh, Helen Eggleston, Marie Miller, and Pamela Hirtle. The newly installed Legion executive board members are Joseph Regan, Thomas Murphy, Thomas Edwards, and Dennis Bourque.

I ask my colleagues to join me in commending the past work of post No. 69 and in extending very best wishes for a fruitful and fulfilling future.●

USING FEDERAL BANKRUPTCY LAW TO BREAK UNION CONTRACTS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. VENTO. Mr. Speaker, last week Continental Airlines, the Nation's eighth largest air carrier, announced that it had reached the end of its financial rope and filed for bankruptcy under chapter 11 of the Federal Bankruptcy Act. Continental attributed its financial decline primarily to high labor costs and increased competition from other air carriers with lower operating costs. By filing for bankruptcy under chapter 11, Continental came under the protection of Federal law. The corporate assets remain intact, beyond the reach of the creditors, until the bankruptcy court is able to review and approve a rescheduling of the company's debts. Meanwhile, several thousand Continental employees have been laid off. These employees, unlike their employer, cannot delay payment on their home mortgages, electric bills, car loans, and all of the numerous other normal living expenses which we all incur.

Only a few days later, Continental announced that it was reopening for business on a much smaller scale, offering air service to only 25 cities rather than the 78 cities which were served prior to its bankruptcy. At the same time, Continental announced that it would recall only about 35 percent of its work force and that those who returned would have to accept wage reductions between 50 and 60 percent. Immediately on the heels of Continental's action, the Nation's largest air carrier, Eastern Airlines, announced that it would also file for bankruptcy unless its 37,500 employees agreed to accept an immediate 15-percent pay cut.

Mr. Speaker, there is no question that these two companies have experienced severe financial difficulties in recent months. The deregulation of the airline industry has sharply increased competition among various air carriers and has also led to a proliferation of new carriers flying new routes in competition with established carriers such as Continental and Eastern. Many of these new carriers are operating with nonunion personnel who typically work at lower salaries than employees who are covered by union contracts, such as those at Continental and Eastern. Unfortunately, a trend has developed whereby union carriers

which face financial difficulties immediately lay the blame for their condition upon their employees. The standard management explanation has been to point the finger at "the unions" as the root cause of their financial problems, despite the fact that in most instances organized labor has sought to work with management to improve their competitive posture in the industry. As an example, Minnesota-based Republic Airlines has reached agreement with all of its unions to accept wage reductions and new productivity rules in the workplace, including longer working hours by flight personnel and mechanics. Union airline employees understand that their jobs depend upon the financial wellbeing of their companies and they have demonstrated that they are willing to work with management to achieve financial success. The cost of labor is only one of the many costs which is associated with the successful operation of an airline. In recent years, the cost of jet fuel has more than doubled, along with increases in the interest rates which airlines and other businesses pay for new equipment. Additionally, the deregulation of the airline industry has assured that the airline business will never be the same again.

The employees of Continental Airlines, who also happen to be union employees, have worked hard for their company and have sought to cooperate to maintain their company and their jobs. Continental claims that bankruptcy was its only option if the company was to survive in any form. But Continental has succeeded in nullifying its outstanding labor contracts simply by filing for bankruptcy. The workers at Continental and other airlines have improved their wages and working conditions over the years through the collective-bargaining process. What we have now seen, however, and may see again, is that what management cannot win at the bargaining table they may be able to win in Federal bankruptcy court by filing under chapter 11 and thereby nullifying their union contracts with their employees. Bankruptcy must be viewed as a "last resort," not as an incidential means of breaking union contracts and unilaterally imposing new wages and working conditions upon employees without collective bargaining. During the late 1800's and the early 1900's, before the passage of Federal labor laws, employers skillfully used the legal device of the injunction to prohibit employees from bargaining collectively. I hope that we will not see our Federal bankruptcy laws used in a similar fashion to nullify union contracts which result from the collective-bargaining process.●

VISIT TO RUSSIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DYMALLY. Mr. Speaker, during the August recess, I had the opportunity to visit Russia. The highlight of that visit was a meeting with a group of refuseniks.

In a meeting packed with emotion, frustration, and great courage, I was asked to convey to the Congress their situation in Moscow. Each one with whom I spoke has been refused permission to leave Russia. Two individuals among the group held valid U.S. passports. They, too, were refused permission to leave Russia.

In our meeting, I was asked to publish two statements—one a letter to President Reagan, and the other dealt with the plight of one of those who holds an American passport—and to publish their names. I am exercising my discretion with the latter request, and will not publish their names for fear of retaliation.

Mr. Speaker, the plight of these people cry out for help. We, in this country, must do everything to expedite their exit to countries to which they have chosen to migrate.

I am attaching the two statements referred to earlier. I trust they will shed further light on this very deplorable situation.

EIGHT YEARS A HOSTAGE IN MOSCOW

(A statement by A.S.)

June 1983 marks eight years of my family's captivity as hostages in Moscow. No one in my family is a Soviet citizen. We were Soviet citizens till May 1975, when our citizenship was taken away so that we could emigrate.

I was born in Chicago, USA, in 1911, came to Russia in 1931 at the age of 19. I was immediately made a Soviet citizen without my knowledge or consent. I was invalided in the Soviet army in World War II. I worked as a translator. My Russian-born wife, Gita Rosovsky, now a citizen of Israel, was an analytical chemist, retired in 1973. Our son, 24, holds derivative U.S. ctiizenship, never having had any Soviet papers whatsoever. In captivity we can neither study nor work.

Upon receiving exit visas to Israel in May 1975, we shipped off all the belongings allowed us. We had to spend all our money and forfeit Soviet citizenship; emigrants from Russia to Israel must go penniless and stateless.

At the plane on our way out in June 1975, we were turned back on the pretext that my wife had allegedly been doing secret work. The place where she worked had confirmed in writing that she had not been doing secret work. Without security screening we could not possibly have received exit visas.

The Visa Office rescinded our visas on false pretenses, announcing that we were not being allowed out till June 1977. Since then, no reason at all is given for holding us.

Without the right to work, we have been living on charity for eight years. We complained endlessly to every conceivable office and official concerned. There has not been a single meaningful reply, only irrelevant formal rubberstamp refusals. Every single office and official is deaf to our problems. In all these eight years, no one has shown the least interest in our moral and material distress.

All our earthly belongings have been waiting for us in Israel for eight years. We complain regularly that we were unjustly stranded without clothing or any other belongings; we had no beds or beddings, no money, no documents essential for merely being in the USSR, let alone earning a living or studying. The Soviets refuse to register us under their laws as aliens, with the right to live, work, and study. My rights as a disabled war veteran are denied.

The Soviets refuse to say at least orally why they are violating our human rights and their own Constitution and laws. Why are they holding us captive a full ten years since my wife stopped working altogether? Why are they holding us six years after the term they themselves officially set for letting us free—June 1977?

My family demands to be released immediately from this heartless, unnatural detention in unfriendly circumstances. We demand that the authorities comply with our exit visas of May 1975 and their official decision of June 30, 1975, to set us free in June 1977.

Moscow, U.S.S.R.,
July 17, 1983.

HON. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: Tens of thousands of people who have applied to emigrate from the country where they live have seen signs of hope. Thanks to the principled stand of the countries participating in the Helsinki process, a joint decision has been taken to hold an international meeting to consider the problem of reuniting families. On the success of the meeting will depend the fate of people now deprived of rights guaranteed in many acts recognized the world over, including the Universal Declaration of Human Rights.

I write to you not in order to greet you on the achievements of the negotiations, but with concern about actual success in the fight for the right to emigrate. Success will be complete only when a mechanism is worked out to ensure the actual right to emigrate in practice, when each individual, with his little personal problems, is guaranteed the right to a judicial consideration of his case, when every instance of an unlawful refusal of the right to reunite with one's family stops (as guaranteed in the Helsinki Accords section on Cooperation in Humane and Other Spheres, paragraph 1, point 8).

In this connection, I would like to make the following suggestions:

1. It is necessary that the countries that signed the Helsinki Accords stop refusing anyone by sheer lawlessness and judicially unlawful pretexts, the right to reunite with their families, pretexts such as inexpediency, lack of motives for reunion, and so on. Every individual should have the right to choose for himself with which of his relatives he shall live.

2. Every individual prevented from emigrating because of a connection with state secrets should be given precise information how long he is to be restricted, what organization restricts him, and how to appeal against the restriction. Every individual must have the right and the possibility, if he finds that lawlessness is inflicted on him,

to protest and in a set time, say, no longer than one-month, to receive a founded reply to the substance of his/her appeal.

3. It should be established that the countries party to the Helsinki process assume an obligation not to detain anyone for a period of more than five years.

At the present speedy rate of technological progress there can be no secrets of more than five years duration. Thus, detention for a longer period, as is common practice at present, is a manifestation of that very lawlessness. It is all the more impossible to detain people who applied to emigrate more than five years ago, without having had either then or now any access to sensitive information. Such people must immediately be ceded the right to reunite with their relatives.

4. It seems to me it would be most effective for countries to oppose with a consolidated stand all others that violate the points of the Helsinki Accords on the right to reunite families, so that all countries at once could examine particularly glaring unlawful cases. Such consolidation, and as much publicity about the relevant talks, since they do not touch upon any country's security, military or industrial status, could help put an end to the practice of unlawfully detaining people in the country where they live.

5. It would apparently be advisable to set up a special international commission of observers to supervise cases of refuseniks in any country who so desire, the commission to enjoy the right to contact any refusenik who applies to it, and with access to the emigration documents to an extent that would not interfere with the lawful, but lawless, interests in any country.

I am deeply convinced that it is in the power of the nations and their chosen governments to see that the word "refusenik," a disgrace to decent people everywhere, disappear from every language.

With sincere respect,

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A POSSIBLE SECOND SOLAR SYSTEM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. UDALL. Mr. Speaker, I would like to pay tribute today to Dr. Fred Gillett, a brilliant scientist at the Kitt Peak National Observatory in Arizona.

Dr. Gillett's affiliation with Kitt Peak National Observatory has only enhanced the excellent reputation of this Tucson-based institution. Funded by the National Science Foundation, the observatory has made significant contributions to United States and international astronomy.

Dr. Gillett has recently made some important astronomical discoveries, from data obtained by NASA's Infrared Astronomical Satellite (IRAS), which could provide answers to some of our most basic questions about the origin of our solar system and the existence of other life in our universe.

I would like to share with my colleagues the following description of those discoveries.

A POSSIBLE SECOND SOLAR SYSTEM

Ever since Man first raised his eyes to the heavens, the human race has pondered its seeming uniqueness. Are there other suns, other solar systems, other planets, other life, other intelligent beings? Now, evidence has been found that hints our solar system perhaps is not alone in the cosmos. NASA's Infrared Astronomical Satellite (IRAS) has discovered a shell or ring of large particles surrounding Vega, the third brightest star in the Earth sky at a distance from our Sun of 26 light years. It is being postulated that this material could be a solar system at a much earlier stage of development than our own. Vega is thought to be less than a billion years old, less than one fourth the age of our Sun and its family of planets; scientists believe that our solar system, in its infancy, was a cloud of dust, gas and meteorite fragments that formed initially into a disk and then into objects as large as moons and finally planets. It is this shell or disk stage of evolution of the Vega system that is believed to have been discovered by IRAS.

Vega is one of the most-studied stars in the sky, and is a standard against which other stars' brightness and spectra are measured by astronomers. Like the sun, Vega is an ordinary, main sequence star; it is about twice the size of the sun and 60 times more luminous. Working with telescope data at the IRAS tracking and data acquisition center at the Rutherford Appleton Laboratory in Chilton, England, IRAS scientists Dr. H. H. Aumann of NASA's Jet Propulsion Laboratory, Pasadena, California, and Dr. Fred Gillett of Kitt Peak National Observatory, Arizona, studied Vega as a source for calibrating the telescope. They made the serendipitous discovery that Vega appeared very much brighter and larger in infrared light than expected from IRAS observations of other, similar stars. The two scientists soon determined that the radiation is coming from an extended region around the star stretching some 7.4 billion miles out from the star.

From theoretical considerations, the two scientists determined that the material must be much larger than cosmic dust grains, because such small particles would have already been gravitationally drawn back into the star, leaving intermediate- and large-scale debris in orbit around Vega. If a reasonable size distribution is considered and if the leftover material is evolving like our solar system, it may have coalesced into planets or small bodies. In addition, astronomers estimate that the system's total mass could rival that of all the planets, moons, asteroids and other bodies traveling around our Sun.

The genesis of IRAS goes back to 1800 when the astronomer Sir William Herschel deduced that radiant heat was a natural part of the continuous spectrum of electromagnetic energy. Because our vision is tuned to the particular lighting conditions of the Earth, we "see" only a few of the many "colors" of the universe; most of the electromagnetic spectrum is invisible to the human eye. The spectrum is divided into several categories, each with different wavelengths: at one end are the low-energy radio waves with wavelengths up to tens of thousands of meters; at the other end are the gamma rays where wavelengths are smaller than the diameter of an atom. The smaller the wavelength, the greater the energy of the radiation. Between the two extremes lies the infrared region with wavelengths from the shortest radio wave to the longer waves of visible red light.

Virtually every astronomical object radiates, emitting its energy over a wide range of wavelengths. The hotter an object is the more its energy output is concentrated in the short end of our spectrum; so that hotter stars appear blue (short waves) while cooler stars appear red (longer waves). When an object is not quite hot enough to shine in visible light it emits the bulk of its energy in the infrared. Infrared astronomy is thus the study of relatively cool objects that astronomers believe account for a significant amount of the universe's total energy output.

The newly-found mass of material around Vega is part of the cold, non-luminous matter of the universe; such material, with temperatures somewhere between absolute zero and a few degrees Fahrenheit, gives off little or no light. Yet it is likely to be as important cosmically as is the hotter, luminous material of the stars. The Vega ring, with a temperature 300 degrees below zero Fahrenheit, shines brightly in the IRAS infrared data.

Yet with all the information contained in infrared light, most of the waves, after billions of miles of uninhibited travel through all parts of the universe, are blocked from view as they reach the Earth, being absorbed by the atmosphere. Although since 1960 infrared observers benefited from new techniques and higher locations afforded by balloon, plane and rocket, the real solution to Earth's interfering atmosphere was to place an infrared telescope above that interference where it could be exposed to pure, unfiltered infrared radiation. The solution developed into the IRAS project, a joint venture between the United States, the Netherlands, and the United Kingdom. The satellite was launched January 25, 1983, with a life expectancy of one year.

According to modern theory, a star is formed from a cool cloud of interstellar dust and gas that is somehow triggered to begin condensing. The mutual gravitational pull of its particles causes the cloud to contract further and heart up. Eventually it collapses into a hot, dense sphere, and internal pressures and temperatures reach a point where nuclear fusion processes begin. A star is born.

The unique contribution of infrared astronomy is that it can detect these proto-stars long before the "turn on" in visible light by sensing the heat they emit as they contract. The first proto-star with 10 times the mass of the sun was discovered by infrared astronomers in the mid-1960's. IRAS should be able to locate proto-stars that are much smaller over much of the galaxy. By detecting and identifying the distribution of these dusty proto-stars and other infrared emitters, the IRAS survey will allow astronomers to estimate the rate at which stars are forming in our galaxy and, by inference, in other galaxies. Conversely, IRAS can take inventory of stars dying and fading from visible light. The material ejected from these fading stars in turn resupplies the large clouds that will eventually become new stars. By mapping the galaxy-wide distribution of this dust, IRAS will be an important key to understanding the ongoing natural processes of stellar birth, death, and the recycling of matter.

Infrared also opens up an important region of the sky nearly invisible to optical astronomers—the center of our Milky Way galaxy, located in the direction of the constellation Sagittarius; with its ability to see through the thick dust in the plane of the

galaxy IRAS can map previously unseen structure at its core.

Still more intriguing will be the information IRAS returns on certain unusual objects otuside the Milky Way that astronomers know already emit large amounts of infrared energy. Quasars and Seyfert galaxies, for example, pour out unexpectedly large amounts of energy for their size at all wavelengths. Some galaxies are known to have particularly large excesses in the infrared, and the reasons why are not clear. The IRAS survey is able to catalog such unusual sources so that their energy output in the infrared can be compared with that at other wavelengths. Most intriguing to date has been the discovery of another sun with a postulated evolving planetary system.

Approximately one year after IRAS ends its survey in space, NASA plans to release the primary mission's final products—maps of the infrared sky and a catalog of all major infrared sources, along with critical information on each one. This information will be available to the entire scientific community worldwide.

The IRAS maps, when completed, will show as much different sky than our familiar array of constellations, a different sky even than the one astronomers know from previous infrared study. We can only speculate on the total number of new sources that will be discovered. It is even quite possible that IRAS will discover whole new classes of astronomical objects whose only signature is in the faint infrared radiation they emit. As we learn to open our electronic eyes to the many "colors" of the electromagnetic spectrum, we come closer to putting together all the clues to understanding the great and deep complications of the universe.●

NATIONAL EMPLOY THE HANDICAPPED WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to note for the benefit of my colleagues, that this week has been declared "National Employ the Handicapped Week" to not only encourage the advancement of the disabled community in the workplace but also to bring to national attention the many achievements of handicapped individuals to the American work force.

As one of the original authors of the Rehabilitation Act of 1983 which helped to secure the right of all individuals—regardless of handicap—to access to jobs and job opportunities. Prior to enactment of this landmark legislation, few avenues existed to encourage employment of handicapped individuals, much less to provide them the opportunity to do so. I am proud to note that since 1973 a host of subsequent initiatives at the State and local levels of government have brought the disabled community into the mainstream of American life—where they always should have been.

This week will provide the opportunity for us to show that the disabled, thanks to American technology which has assisted in providing access to employment, can now look for and gain meaningful work. I encourage my colleagues to take the time to learn of the special work of the disabled in their own communities. In every city and town in our Nation, their contributions have and continue to be meaningful and substantial. We should rededicate ourselves to insuring that this opportunity remains so.●

TRIBUTE TO HENRY VISCARDI, JR.

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to pay tribute to one of the most remarkable men on Long Island. Dr. Henry Viscardi, Jr. is widely regarded as one of the foremost authorities in the fields of rehabilitation and education. He has committed his entire life toward assuring that handicapped and disabled persons are forever given the chance to reach their fullest potential. Dr. Viscardi has best summed up his crowning achievement:

It is the acceptance of disabled people as people, that they have the right to the same opportunities as other people.

During much of the 20th century, handicapped individuals were still generally regarded as societal outcasts, destined to a life of minimal fulfillment. Thanks to such extraordinary men and women as Dr. Viscardi, however, we have made tremendous strides in recent decades in accepting the handicapped, allowing them to grow and become active and vibrant participants of our society.

Hank Viscardi was born with only stumps for legs. Yet with great determination, he eventually learned to walk on artificial limbs. He attended Fordham University, married and became the father of four daughters. In 1952, he gave up his job, borrowed $8,000, and started Abilities, Inc. in Albertson, N.Y. This industrial plant was designed to employ handicapped persons and soon proved to the world that if given the opportunity, the disabled could succeed in industry. Today, the plant employs hundreds of workers who undertake a wide range of activities from design to electronics to data processing. Since its inception, over 6,000 people have left Abilities, Inc. to take jobs in the outside work force.

In 1962, Dr. Viscardi opened the Human Resources Center, a school for physically disabled children, which he still considers his greatest accomplishment of all. Over the years, the center has taught hundreds of students and has become a leading institute for research in the field of rehabilitation and training for the handicapped. Since opening the center, Dr. Viscardi has gained an international reputation as a leading educator of the handicapped, while the center has attracted thousands of visitors each year from schools, industries and governments from throughout the world.

Dr. Viscardi's awards and honors are numerous. He received the 1983 Horatio Alger Award in recognition of his years of exemplary service to our Nation. Most recently, Dr. Viscardi was appointed to serve on the Congressional Award Board along with such distinguished figures as former President Gerald Ford, Douglas Fraser, and Shirley Chisholm. While he retired as active president of the Human Resources Center in 1981, Dr. Viscardi continues to serve as chairman of the White House Conference on Handicapped Individuals and as a member of the President's Committee on Employment of the Handicapped. Since World War II, he has written eight books, advised every President and received close to 20 honorary degrees.

While the list of his many achievements can go on and on, it is Dr. Viscardi's remarkable compassion and understanding for all inhabitants of this Earth, regardless of their human condition, which separates him from the rest and makes him one of the most outstanding men of our time.

Mr. Speaker, I am proud that the institutions founded by Dr. Viscardi are located within my congressional district on Long Island. I am equally honored to represent a truly distinguished man, Dr. Henry Viscardi, who has proven beyond question that all human beings should and must be judged not on their disability, but on their ability.●

A BILL TO HELP TAX-EXEMPT ORGANIZATIONS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MATSUI. Mr. Speaker, today I am introducing a bill to help tax-exempt organizations and pension funds diversify their investments by enhancing their ability to invest in real estate. This bill will be particularly helpful to colleges and universities, pension funds, and foundations with relatively small endowments, and will result in no revenue loss to the Treasury.

Foundations, private colleges and universities, and other institutions face severe financial pressure. Federal budget cuts and diminished tax incentives for certain contributions have reduced funds available to charities. We

need to act to help these groups survive, especially the smaller ones. Facilitating diversification opportunities in real estate investments is one way to help.

Diversification of investments is essential to protect the corpus of tax-exempt organizations. Many of these institutions suffered significant losses in the 1970's because the current tax restrictions on real estate investments limit their investment alternatives to bonds and securities. The real estate investment option is necessary to allow a tax-exempt organization to protect its corpus through diversification. In addition, such investments by these organizations can help expand funds available for real estate construction and renovation.

This bill creates a new section 501(c)(24), which will erase a number of inconsistencies in the current tax law that discourage if not completely prohibit investments in real estate. These inconsistencies have arisen haphazardly over the years.

The inconsistencies make it particularly difficult for smaller tax-exempt entities to invest in real estate. Under present law, they cannot combine their investments with pension funds in order to purchase property. This limitation particularly handicaps exempt organizations with relatively small endowments which rarely have sufficient funds to invest in real estate themselves in order to achieve a measure of diversification. Diversification by these organizations will be made possible by allowing several charities and pension funds to share in ownership of a real estate corporation. Under this bill, more than one (501)(c)(3) organization or pension fund would be permitted to own stock in a new section 501(c)(24) real estate holding corporation.

In addition, this bill provides that section 501(c)(24) organizations will be eligible for the acquisition indebtedness rules enacted in 1980 for pension plans thus removing an obstacle to the pooling of real estate investment funds.

At a time when Government funding of private foundations and other tax-exempt institutions is decreasing, it is important to remove burdensome, unjustified limits on the investment opportunities of these organizations. This bill will facilitate such investments with no revenue loss to the Treasury as a result.●

RESOLUTION CONDEMNING MARCOS REGIME

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mrs. BURTON of California. Mr. Speaker, I am gratified that President Reagan has chosen to delay his trip to the Philippines in the wake of the murder of President Marcos' leading political opponent. I hope this administration is more forceful than it has been in telling Marcos that the United States will not tolerate or tacitly approve of the brutal tactics of his regime.

It is important that not only the President, but all Americans, express their abhorrence of such heinous deeds. I bring to my colleagues' attention a resolution passed by the San Francisco Democratic Central Committee, calling on the city's board of supervisors to end San Francisco's sister city relationship with Manila, the capital of the Philippines. I commend Agar Jaicks, former chair of the committee for his efforts to bring this issue to the attention of the people of San Francisco.

The resolution follows:

Whereas, on September 21, 1972, President Ferdinand Marcos, with pretext, declared martial law and eliminated the fundamental elements of Philippine democracy and

Whereas, Marcos immediately began the jailing of his political opponents and

Whereas, responsible reports continue that Marcos agents murder and abduct Philippine citizens without trial and

Whereas, on August 21, 1983, former Philippine Senator Benigno Aquino, an opponent of President Marcos and a leader of the democratic forces of the Philippines, was assassinated at the Manila International Airport while in the custody of Philippine government security and

Whereas, there were a number of eyewitnesses to Aquino's murder all of whom maintain Senator Aquino was killed by the Philippine military and

Whereas, continued silence about these atrocities in the United States implies acceptance of these acts and

Whereas, San Francisco has a sister city relationship with Manila which suggests approval of the Marcos regime, therefore

Be it now resolved, That the San Francisco Democratic County Central Committee calls upon the Mayor and the Board of Supervisors to suspend San Francisco's sister city relationship with Manila until all democratic institutions are restored to the Philippine people.●

DEFICIT IN THE INTERNATIONAL MARKETPLACE

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. ALBOSTA. Mr. Speaker, in recent years, the United States has experienced a large trade deficit in the international marketplace. One reason for this imbalance has been unfair trade barriers, placed by countries like Japan, on our Nation's products. High tariffs are placed on U.S. goods—discouraging their sale in foreign countries and protecting domestic industries. I strongly believe that free trade must be fair trade, or this country will continue to wind up on the short end of the stick. I believe the Congress must work to remove these barriers and require countries like Japan to end their unfair trade barriers.

The current trade deficits will continue to undermine any possible economic recovery in this country. Industries such as automobiles, steel, footwear, and metalworking are especially being hurt by these practices, causing a large loss of jobs and adding to our already high Federal deficit. As a Representative of the 10th District in Michigan, many of my constituents have been directly affected by these large trade deficits and I believe that the Congress and the administration must take steps to curtail these unfair trade practices and provide a vital economic boost to our domestic economy.

During the upcoming trade negotiations with Japan, the United States must make clear its intention to resolve this critical trade deficit problem and remove the barriers to fair and free trade. In addition, the recent decision by the Japanese Government to remove automobile quotas will probably harm future negotiations between these two countries.

It is time that this country stop being the dumping ground for the rest of the world. If the United States does not stand up for its own basic industries such as steel, automobiles, metal working, and footwear, no one else will and we will fast become a second rate nation. Trade policies go right to the heart of our national security and this country better wake up before it is too late and our basic industries, vital to our national security, disappear.

As I said in the beginning, free trade must be fair trade. Public officials, economists, and others who believe the foreign trade system is fine should get back in touch with reality and see what unfair trade practices like those practiced by Japan, Taiwan, and England have done to the automotive, textile, and steel industries. Enough is enough.

Americans want to work and be part of our Nation's economic growth. Without changes in our present trade laws, other countries will continue to keep their trade barriers up to American products, particularly agriculture commodities, while dumping their surplus in the United States. This Nation cannot afford to continue to suffer large trade deficits and economic problems for years to come. Changes in our trade policies can help to reduce unemployment, the Federal deficit and fairness to the export market.●

IN SUPPORT OF BENJAMIN S. ROSENTHAL POST OFFICE BUILDING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BIAGGI. Mr. Speaker, yesterday the House unanimously passed H.R. 3238, a bill to designate the U.S. Post Office Building in Flushing, N.Y., as the Benjamin S. Rosenthal Post Office Building.

As one who served with Ben in the House, I am pleased that the House has bestowed this high honor on one of the most effective Members ever to serve in this body. For more than 20 years, Ben Rosenthal provided the highest quality representation to the people of the Borough of Queens in New York. For 10 of those years, I also represented an area of Queens and worked especially closely with Ben Rosenthal.

Ben was one of the pioneers of the consumers rights movement in this Nation, serving with great distinction as chairman of the Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs. He was a crusader on behalf of all consumers and was viewed as a champion by consumer groups.

Ben was also a valued member of the House Foreign Affairs Committee and left a legacy of legislative accomplishments there as well. He was an effective advocate for peace—and for the right of the State of Israel to exist as a sovereign nation. He led the fight which resulted in a suspension of arms to Turkey for their illegal invasion and occupation of Cyprus. He led the effort to provide humanitarian aid to the Cypriot people.

Ben was a familiar face in the Queens community. He was an accessible public official—always appearing at functions no matter the day or the time. He would conduct informal meetings on the streets of Queens—he was an avid listener and activist on behalf of solving people's problems.

It is fitting that this post office be named after Ben. It is a central feature of the Flushing community as was Ben for so many years. It will serve as a constant reminder to the people of Queens who were served so long and so well by Ben Rosenthal.

Ben Rosenthal was an excellent Congressman and a good friend. He was a man of commitment, competence, and compassion. He is missed by all of us who had the pleasure to know him.●

CONGRESSIONAL SALUTE TO THE REVEREND ROBERT J. VITILLO OF THE DIOCESE OF PATERSON, N.J., 1983 MAN OF THE YEAR, FEDERATION OF ITALIAN SOCIETIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. ROE. Mr. Speaker, On Sunday, October 9, the residents of my congressional district and State of New Jersey will honor an outstanding community leader, good friend, and esteemed executive director of social ministries of the Diocese of Paterson, the Reverend Robert J. Vitillo, whose standards of excellence throughout his lifetime have earned him the highly coveted citizens award of one of our most prestigious Italian American organizations—the 1983 Man of the Year of the Federation of Italian Societies of Paterson, N.J.

Mr. Speaker. I know that you and our colleagues here in the Congress will want to join in extending warmest greetings and felicitations to Father Vitillo and share in this testimonial to all of his good works with distinguished representatives of the city of Paterson, St. Anthony's Parish of Hawthorne, and the Federation of Italian Societies—

The Honorable Frank X. Graves, mayor of Paterson; Monsignor Joseph A. Ciampaglio, pastor of St. Anthony's; Anthony DeSopo, federation president; Carmello Corallo, dinner chairman; Philomenia DeSopo, ticket chairman; William J. Pascrell, master of ceremonies; and all of the members of the Federation of Italian Societies as they gather in tribute to Father Vitillo during the celebration of Columbus Day on October 9.

Mr. Speaker, as a nation comprised of all people of all nationalities and regions throughout the world, each singularly, and rightfully so, proud of his or her individual heritage and united in common endeavor of freedom, justice, and a good life for all, we can most assuredly be proud of the exemplary achievements that the people of Italian heritage have contributed to America's greatness.

As we all know, Columbus Day is a day of special importance to Americans of Italian heritage when all Americans should join in recognizing the great contributions of Italian Americans to our country's cultural, scientific, athletic, and commercial achievements, and religious vitality. The selection of Father Vitillo as the Man of the Year of the Federation of Italian Societies during the observance of Columbus Day 1983 is applauded by all of us.

Mr. Speaker, our Man of the Year, Father Vitillo, we are proud to boast, is a native of New Jersey. He completed his undergraduate studies at Marquette University, Milwaukee, Wis. He pursued graduate studies in theology and psychology at the Catholic University of America and received his M.S.W. degree at Rutgers, the State University, New Jersey.

Father Vitillo joined the staff of Catholic Family and Community Services, Paterson, N.J. in 1971 for residential treatment and executive director. He presently serves as the executive secretary of the social ministries secretariat of the Diocese of Paterson. Father Vitillo is a member of the NCCC Program Committee and also serves on its Jane Gallagher Award Committee. In addition, he is chairperson of the Research Committee of the Northest Coalition of Italian Apostolates, serves on the board of the National Committee for Adoption, and is chairperson of the New Jersey Committee for Adoption. He also chairs the New Jersey Conference of Catholic Charities.

In 1982 Father Vitillo completed a study of the pluralistic structures of Catholic charities organizations for NCCC. He has also published articles on residential treatment, refugee resettlement, and international aid efforts.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. As we join today in saluting Father Vitillo, may I also take this opportunity to add the deep appreciation and gratitude of all Americans for the wealth of wisdom and cultural enrichment that the people of Italian heritage have contributed to the quality of our way of life here in America.

With heartiest congratulations and best of wishes to Father Vitillo and deepest of appreciation for all of his good works on behalf of our people, we do indeed salute a distinguished citizen, good friend, and great American—the Reverend Robert J. Vitillo, 1983 Man of the Year of the Federation of Italian Societies.●

CHRISTMAS CAME EARLY ON FRIDAY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. STARK. Mr. Speaker, in an average week, my office gets about one grant announcement from a Federal agency reporting on some expenditure of funds in the Ninth Congressional District.

One should never look a gift horse in the mouth, but Friday, the last day of the fiscal year, we received six such announcements: from the Air Force;

from the Navy; from HUD; from Transportation; from Interior; and from Commerce.

There was no partridge in a pear tree, and the seven maids a milking had all their product in a Government warehouse, still awaiting disposal.

I am glad to see created in the Ninth Congressional District, and I am sure that all the grants in my district were wise and sound ones. But when you multiply this type of frenzy by 435 congressional districts, Uncle Santa Claus is sure to have made some mistakes and unsound decisions. Such haste is sure to make waste, Mr. Speaker, and perhaps it is time for Congress to discipline this last-minute grantmanship and mandate that agency spending in the last month of a fiscal year cannot be more than, say, 10 percent of the agency's annual budget.●

RICHARD GORDON WILSON: A CALIFORNIA TRAIL BLAZER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DYMALLY. Mr. Speaker, California is a land of great contrasts. This is true not only of its topography but also of its people. We have beaches and mountains, deserts and forests, great expanses of agricultural land and two of the most densely populated urban areas in the country. Our political philosophies could be characterized as anchoring the two extremes of the political spectrum. And so it is with our social and economic philosophy. To the rest of the Nation, California is a symbol of opportunity, freedom, and liberty. It appears to be the home of the most liberated, the freest of the free.

But even in this land of liberty, there are freedom trails yet to be blazed. There are paths leading to social and economic equity that are unexplored. And the pioneers who first mark these trails for others to follow are as courageous in their way as were the pioneers who led the way to California.

Richard Gordon Wilson is one of California's modern trail blazers. He is one of those leading the way toward economic equity for all citizens in our State. Californians' love affair with the car is well known. Through his auto dealership in Huntington Beach, Richard Wilson has bestowed on many Californians the mobility they so much cherish. Shockingly, in Orange County, where Wilson's dealership is located, there has not been a black member on the board of directors of any major dealership. Richard Wilson has just changed that. On August 17 of this year, he appointed Vernal Claiborne of Carson in the 31st Congressional District to the board of directors of his dealership. Mr. Claiborne holds a MBA from UCLA and was formerly president of Bank of Finance.

Wilson's appointment of Claiborne will open to black business persons an area of commerce previously not accessible to them in Orange County. Equally importantly, one dealership in that county now has a board member able to identify personally the concerns and desires of black consumers.

Beyond establishing a unique link with the black community in southern California, Richard Wilson has created a forum in which the considerable skills of black business persons may now be demonstrated for all to see. In so doing, Mr. Wilson has blazed the path toward a new land of opportunity for minorities in southern California. His courage and his example are significant and fully deserving of recognition by everyone in this House of Representatives. It is, therefore, with pride that I call the attention of my colleagues to Richard Wilson's pioneering act. It should serve as a marker of fairness and enlightened business practice not only to automobile dealers, but to all those who until now have hesitated to set their businesses on the path toward economic equity for all. Mr. Wilson, our thanks for pointing the way.●

WILLY BRANDT TESTIFIES ON INF

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I recently had the great opportunity to hear first-hand the learned views of one of Europe's greatest statesman, former Chancellor of West Germany, the Honorable Willy Brandt. The remarks, delivered at a congressional hearing sponsored by my good friend and distinguished colleague from Massachusetts, Representative EDWARD MARKEY, outline a European perspective on the current arms control talks between the United States and the Soviet Union. I am sure that my colleagues will agree that the substance of Mr. Brandt's talk is of profound significance. It underlines what many of us have held for some time; that arms control issues are geopolitical and of vital importance to all people of all countries. I would like to insert these remarks in the RECORD.

The testimony follows:

WILLY BRANDT TESTIFIES ON INF

The negotiations between the United States and the Soviet Union are of crucial importance to us. In Europe, East and West confront each other at arms length—they are not separated by mountains, deserts or oceans, there is just a fence of ugly walls and barbed wire.

And it is such a tiny area, although densely populated; one tends to forget that my own country is just the size of Oregon but has almost 60 million inhabitants. And on both sides of the demarcation line one finds a higher concentration of nuclear warheads than anywhere else on this globe. Nobody in Europe wants a new arms race and this certainly is not a Party issue.

But on behalf of my political friend perhaps I state with more emphasis than others that we do not want the existing situation to become more tense, we do not want that one simply capitulates in the face of the driving forces of the arms race. It must be possible, we believe, that political leaders gain control of this course of events.

And I sincerely hope they will succeed by the end of this year. If they do not manage to do so they should continue to negotiate rather than to enter into an operation which certainly will be followed by another round of Eastern deployment. One does not have to deploy new missiles simply because deadlines and schedules had been fixed four years ago—under assumptions which at least partially turned out to be dubious.

I believe that political rationality must not fall victim to fixed schedules. And obviously it would be rational to postpone deployment if it turned out that there has just not been enough time for serious negotiations. But I am the first to admit that political will is even more important than the time-table.

It is true to say that an agreement in Geneva to a certain degree is being blocked by the existence of British and French nuclear weapons—which of course belong to the West and not to the moon—then there are only two ways of reaching a solution: either one abolishes them, which I am not proposing—but for this there are no prospects at present—or one finds ways of ensuring that they do not pose an obstacle for agreements between the US and the USSR.

Merging the two sets of negotiations, INF and START—as demanded in the Freeze-Resolution passed by the House of Representatives—or at least coordinating them effectively appeals to me as utterly plausible. And I think this also might be acceptable to our French and British friends. German Social Democrats in general agree with this proposal for the following reasons:

Merging or effectively coordinating INF and START can avoid a situation where limitations in one area are blocked or bypassed by adding new arms in the other area;

Merging negotiations might allow to deal with mutual threats within one general context; and the necessary consideration of the nuclear systems of third states would be facilitated;

Merging INF and START also would accord with the substantive content of NATO's dual-track decision, namely that negotiations on medium-range systems should take place 'within the framework of SALT III'.

Now I have heard people say—even before my stay here in the United States—that we in Germany had asked for the missiles in the first place and that our present Chancellor still very much wants them. And that we must not forget the threat posed by the Soviet SS 20s.

Let me take the last point first: The Soviet build-up of SS 20s certainly must be brought down. And my reading of recent Soviet statements is that they admit having gone far beyond what is reasonable and ac-

ceptable. I have told them that it would be not only reasonable, but even wise, if they made a beginning exercise of unilateral reduction.

My own experience tells me that when dealing with Soviet Leaders, who by the way have human reactions too, you need firmness combined with readiness to cooperate and respect for the prestige of that other super power. In my judgement these points of orientation were already observed by presidents Eisenhower and Kennedy over 20 years ago.

As far as the Federal Chancellor is concerned, I am not entitled to speak on his behalf. But I believe one should not exaggerate his enthusiasm. Apart from that it is correct: we Social Democrats supported the dual-track decision in 1979.

I gave my personal support—because I supported Chancellor Schmidt and because we saw it as a chance of getting the arms race in Europe under control.

Immediately before we took our decision the governments of the United States and the Soviet Union had concluded SALT II, the agreement to limit Intercontinental Weapons. Our support for the dual-track decision was also to prevent the SALT II agreement from being undercut by an arms build-up in the medium- and short-range weapons sector. That was Helmut Schmidt's worry, that was my worry, too. In addition to this we supported the NATO decision because it allowed time for negotiations—we thought our side should not immediately react with armament measures.

At that time it was impossible to foresee that opportunities were going to be lost and that precious time would be wasted—not for the development of missiles, but for negotiations.

For us in the SPD the dual-track decision was also acceptable because we could attribute it to the work and influence of our Federal Chancellor and our responsible Ministers that NATO agreed on the following principles (Communique of 12 December 1979):

The decision was intended to "promote the process of détente";

The decision stipulated that arms control was "to promote stability in Europe", namely "on the basis of what had been achieved through SALT II" and "within the framework of SALT III."

The decision did not involve an isolated regional balance since this harbored the danger of a decoupling from the United States and her central strategic deterrence. At the center really was the limitation of the additional threat from Soviet SS 20s which had been increasing since 1976.

Let me add this point: When we adopted the dual-track decision, Western Europe had already lived for more than 20 years in the shadow of about 600 nuclear warheads mounted on Soviet medium-range missiles. NATO had until then not deemed it necessary and meaningful to counter this with additional arms in this specific area. The dual-track decision only concerned the increase on the Soviet side, the number of additional warheads which had been, and were still being, mounted on the SS 20s.

In formulating their resolutions the German Social Democrats took this objective of the dual-track decision very seriously. And we clearly defined as the aim of negotiations that the USSR must reverse the threatening build-up since 1976 in order to render superfluous the deployment of additional American systems in Western Europe. That was our zero-option in 1979 to which we had committed ourselves. And that has remained our zero-option ever since.

In other words: We have never changed our position concerning the above mentioned components of the dual-track decision.

Therefore, our present discussion about the dual-track decision—almost as serious as your quarrels in certain areas of security—have a different origin: We had to realize that there has occurred a complete change in the political environment and in conditions and assumptions on which our original decision had been based.

(a) Instead of a ratified SALT II Treaty and evisaged follow-up agreement we have a continuation of the arms race at every conceivable level.

(b) Our American friends found it necessary to opt for the complete modernization of their strategic weapons.

(c) The production of neutron weapons has been resumed—which many of us in Europe noted with concern.

(d) Now even the production of binary chemical weapons has been decided.

Similar efforts are noticeable on the Soviet side. And nobody should try to give me lessons about Russian stubbornness and the over-developed Soviet security-complex.

Now, on our side, arms control, worries about stability and the willingness to make every effort to achieve successful results in negotiations—all this does not harmonize with the public announcement of doctrines based on the option of a "limited" or "protracted" nuclear war.

In an atmosphere of confrontation it is very difficult, in my view, to conclude any agreement on détente in the military field.

It was recently mentioned that I had had reservations from the very beginning regarding our support for NATO's dual-track decision. That did not prevent me from supporting my successor in the chancellorship. But I am afraid that events vindicated my feeling of scepticism.

The dual-track decision was based on the assumption that for the following four years East-West relations would remain more or less the same as they were in 1979. Today, it is becoming more and more apparent how profoundly international conditions have changed. However attractive the dual-track decision appeared in 1979 as a "timetable for arms control," it has in fact been impossible to anticipate the change which happened since. For that reason, I rather favour delaying the deployment of the missiles if no agreement becomes possible by the end of the year.

I really believe that part of what President Reagan said at the UN earlier this week, also speaks in favour of flexible time-limits. Because if you include Forward Based systems and especially planes—and I think this a constructive approach—then you face new problems of verification which probably can not be settled within the next few weeks to come.

But I still would very much prefer if a bilateral agreement could be reached during the weeks ahead of us.

The armament part of the dual-track decision was to achieve two things: first, to bring the Soviets to the negotiating table; and second, to exert pressure and create an incentive for them to reach a positive result at the negotiations.

To a certain degree this already worked: the Soviet Union has agreed to negotiations and had later moved away from some of its starting positions.

The Soviets even went as far as making an offer to scrap a significant number of their SS 20s. In other words, the pressure has led to results. Recently the Soviets even declared to be as ready for a total Freeze as for reductions and destroying of their SS 20s. So far as I am informed, this was not offered in Geneva but by statements vis a vis European partners. We should try to force the Soviets to stick to the proposals they made.

Reflecting this context I have personally made a proposal which could take into consideration both, Soviet reductions and a halt of the nuclear arms race and it could take into account certain verification problems:

(A) The two nuclear superpowers USA and USSR jointly declare that, each of them from a specific date of time, will announce and practice a total freeze on the testing and deployment of nuclear weapons. As is well known, both the testing of nuclear weapons and their deployment are verifiable by national means.

(B) As from the beginning of such an agreement testing and deployment of new nuclear weapons, the USA also declares their renunciation of the deployment of new medium-range systems in Western Europe, whilst the USSR simultaneously declares the beginning of the reduction and destruction of its medium-range missiles targeted on Western Europe. These measures of renunciation and dismantlement are also verifiable with national means.

(C) The USA and USSR begin negotiations on measures for verifying their agreement also on the production of new nuclear weapons, with the aim of agreeing a mutual and verifiable freeze on nuclear weapon production within one year.

(D) The USA and USSR merge or effectively coordinate the two sets of negotiations, INF and START, so to agree on a plan of reduction of armaments, which at first would focus on a reduction in the number of the most destabilizing weapon systems.

The important issue now is to concentrate on the outcome of the negotiations. At the same time, we should realize two things: we cannot have all of our proposals and projects fulfilled, and we must remain willing to compromise.

Let me warn you about any hopes of expecting the Soviet Union to be prepared to make more far-reaching concessions once deployment will have started.

I believe this to be an illusion, and I base this judgement on my experience since 1949. It is in the weeks ahead—before new missiles are deployed—that there might exist a chance for reaching a satisfactory outcome.

There is another point: highly accurate American missiles which only take a few minutes to reach the Soviet Union, deployed on the territory of a country which invaded Russia twice with terrible effects—may perhaps have a great trauma for the Soviet Union as Soviet medium-range missiles on Cuba were for the USA. And this might be taken into account.

Thus there are also dangers which might result from individuals getting out of control or from failure of the computer system. If following a Pershing II deployment, the Russians decided to put their missiles into a "Launch-on-warning-position", this could introduce another factor of extreme uncertainty. The way out would obviously not be to provide the Soviets with more advanced American computers . . .

Let me conclude by saying that nothing is gained for the Alliance if we deploy some additional missiles and lose the support of the hearts and minds of millions of people

concerned. This support is also a factor of strength and security.

Nothing is gained if we, in a hurry, cement the dividing line between East and West in Europe, instead of making an uttermost attempt to promote cooperation wherever possible. It is easy to applaud dissidents.

It is also easy to make the Iron Curtain a new and terrible and long-lasting reality.

It may be interesting to note that both German states—in spite of all their deep-rooted controversies—have adopted a similar view on the question of avoiding a new arms race on German soil, in this case: first on their side, then on ours, then on theirs again. The noticable improvement in relations between the two Germanies in recent months is clear evidence of this common interest.

As different as the political and social systems are in the two German states, they share a common interest in survival. We do not approve of their political and social system—in fact we reject it; but our future is tied to theirs: only together can we survive.

And much beyond the interests of my own people: I propose we should pay attention to the objective mutual interest in common survival. And without neglecting those important issues of Western security, we should pay great attention to the obvious interdependence between armament and development and even the world economic crisis.●

THE CONSERVATIVE CAUCUS POLL

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. SWIFT. Mr. Speaker, I would like to share with my colleagues—in case they missed the announcement—the results of a poll run by the conservative caucus on cutting the U.S. contribution to the United Nations.

A few weeks ago, a friend and former Republican opponent of mine, the Reverend Neil Snider, of Bellingham, Wash., sent me his copy of this poll, the accompanying fact sheet and his comments, which I would like to share with you:

If the Conservative Caucus ever had any credibility, and I guess that it does with some people, only the intellectually blind and ignorant will remain loyal to an organization that attempts to control the results of a poll and then distribute the results as though they represented something meaningful. * * * It seems strange to me that an organization that speaks so strongly against communism adopts tactics so closely resembling those of communism, that is, controlling a poll so as to achieve a pre-determined desired result. Those kinds of tactics are equally reprehensible to me whether they are used by the extreme right or the extreme left, which frequently seem to me to be so similar * * *

I will not introduce the 10 pages of material that the conservative caucus included to inform poll recipients of how they were expected to vote. The dullest of Communists receiving instructions from the Politburo could have no more doubt as to the correct party line than anyone receiving the conservative caucus poll. Over and over, the United Nations is declared "anti-American," "Marxist," and that "the overall goal of the United Nations is the establishment of world socialism."

The caucus' national director assures recipients of the poll that:

I'm confident some people I write will send $100 so I can poll 300 additional people * * * Our goal is to receive one million ballots. No Senator or Congressman dare ignore 1,000,000 concerned voters.

And lo and behold, last week the conservative caucus released the results. The returns were a tiny fraction of what they were expecting. Yet they couched the results as "Most Americans believe * * *." Finally, they concluded that of those responding 96.6 percent favored cuts in U.S. funding to the United Nations.

96.6 percent is certainly a most impressive figure—it is about the same figure by which Bulgarian commissars traditionally win their elections.●

SACRAMENTO AREA FIREFIGHTERS, LOCAL 522, CELEBRATES 46TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MATSUI. Mr. Speaker, the Sacramento Area Firefighters, Local 522, are celebrating this year their 46th anniversary of their charter.

The citizens of the Sacramento area appreciate the selfless dedication of the men and women firefighters who daily face the lifethreatening emergencies in our community. Over the last 46 years, the role of firefighters has grown. The cumbersome horse-drawn, boiling fire wagons have been replaced by elaborate high-technology, diesel engines and even helicopters. Bucket brigades have long since been replaced by chemical weapons to deal with burning substances unknown to our predecessors. Advances in medicine demand that firefighters be acquainted with the latest paramedical training. Firefighters must have the psychological training, stamina, and compassion to deal correctly and efficiently with persons in high-stress situations. Decisions which can change people's lives must be made in precious seconds.

In order for Sacramento area residents to continue to have confidence in their emergency response providers, this community must continue to express its confidence and support the labor unions which promote the highest standards for public service employees.

As Sacramento has grown, and as the duties of firefighters have grown so has the role of local 522 become increasingly important. As the resources to compensate public service employees diminish, and as the stature of these same employees is unfairly tarnished by fiscal critics, the need for strong union organization and leadership becomes vital.

So it is with great pleasure that I therefore bring to the attention of the Congress and the American people the 46th anniversary celebration of the Sacramento Area Firefighters, Local 522. In so doing, I wish to recognize the long hours and many years of dedicated service which the firefighters of the Sacramento area have given to our community. May all Americans give firefighters their utmost respect and support as they continue to perform their most important work for all of us.●

MANHATTAN BEACH WELCOMES JASA'S SCHEUER HOUSE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. SOLARZ. Mr. Speaker, on October 9, the Jewish Association for Services to the Aged will officially dedicate its newest housing for the elderly, Scheuer House in Manhattan Beach.

Scheuer House was created by a major renovation of the old Manhattan Beach Hotel under a $7.7 million Federal 202 housing grant and with a $750,000 gift from the S. H. and Helen R. Scheuer Foundation. The facility fills a critical need in our community for safe, affordable housing for our senior citizens.

I am proud to have played a role in bringing the Federal funds to Brooklyn for this housing, and I would like to take this opportunity to pay tribute to the many dedicated people at JASA who worked to make this housing a reality. Without the tireless energy, dedication, and imagination of Bernard Warach, JASA's able executive director; of Morris Stutman, the director of housing management; and of Rabbi Jerome Fishman, the Brooklyn Borough director, the rebirth of the old Manhattan Beach Hotel into this exemplary residence for the elderly would never have been accomplished.

Scheuer House-Manhattan Beach provides safe, attractive, and affordable housing for 250 elderly and handicapped New Yorkers in its 150 subsidized apartments.

Many of the residents formerly lived in dilapidated and rundown buildings under the most difficult conditions. For these seniors the opportunity to find new homes at Scheuer House has literally provided them with a new

"lease" on life. Rentals are fully subsidized under the Federal section 8 program, and all residents had to meet the income eligibility requirements before they could be considered for an apartment in this development.

The critical need for senior citizen housing in our area can be demonstrated by the fact that 6,500 applications were received for the 150 apartments at Scheuer House. A lottery system was devised under the close scrutiny of HUD to provide all applicants with an equal opportunity to obtain an apartment. After exhaustive efforts by JASA, the apartments were quickly occupied, while many thousands remain on the waiting list.

Scheuer House is fortunate to have a senior alliance center operated by JASA. The center provides 205 hot meals each day to residents and senior citizens from the community. In the last year, the meal program at the center documented a 99-percent use rate of the meals allocated by the New York City Department for the Aging—indicating this nutrition program fills an important community need.

The senior alliance center also provides a wide range of recreational programs and services to its members, many of whom live alone. In addition to a full-time social worker, JASA has added a part-time social worker to provide services during evening hours and on Sundays—often the loneliest time for many of our elderly.

As a Manhattan Beach resident, I have had the opportunity to watch this project come to completion and to see the once proud hotel again become a positive influence on the neighborhood.

I want to commend all those who made today's dedication possible: Mayor Ed Koch, Boro President Howard Golden, and the many community leaders who worked with JASA to make this day a reality.

May all the residents and center members at Scheuer House enjoy many more years of health and happiness in their new surroundings, and may the people at JASA continue their efforts to build additional units of this much needed housing for the many senior citizens in our community.●

THOMAS DOWNEY COMMENTS ON FCC DEREGULATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. WAXMAN. Mr. Speaker, setting national communications policy is one of the most important responsibilities we will have during the next decade. Our legislative decisions will affect the amount and quality of information the public receives, and that in turn will affect how the public thinks.

We have always prided ourselves as a nation in which a rich exchange of ideas is encouraged and protected. Providing the public with a diversity of information sources is the cornerstone of the first amendment, and is a fundamental precondition of the robust marketplace of ideas that must characterize a free and democratic society. This should continue to be our Nation's foremost communications goal.

Unfortunately, the Federal Communications Commission's Chairman, Mark Fowler, has advanced policies that undermine the diversity and competition so necessary to our broadcasting industry. Indeed, he has pushed the FCC into a headlong rush to deregulation. The financial interest and syndication rules are casualties in that deregulatory crusade.

Few Members have looked at the rules as carefully as Representative TOM DOWNEY, the chairman of the Congressional Arts Caucus. As debate on their repeal has unfolded, he has persistently asked the key question: where is the public interest in repealing the rules?

I want to take this opportunity to commend Representative DOWNEY for his efforts, and to bring to the attention of my colleagues the comments he has filed with the FCC regarding the financial interest and syndication rulemaking. His thoughts are a most valuable contribution to the current debate.

The comments follow:

COMMENTS OF CONGRESSMAN THOMAS J. DOWNEY OF NEW YORK ON THE TENTATIVE FCC DECISION

As the Congressman from the second district of New York and as Chairman of the Congressional Arts Caucus, I have a longstanding and abiding interest in the Commission's disposition of BC Docket No. 82-345 relating to the Financial Interest and Syndication Rules. I can think of no issue now pending before the Commission that will have a more immediate and dramatic impact on the quality and diversity of programming available on the public airways to the constituents I represent. Moreover, the production of movies and other programming for television is an important industry in my state. In New York City alone, some 10,000 people are employed in the production of motion pictures and tapes for television. Since 1972, just after these rules were promulgated, there has been a 62.6 percent increase in employment in this industry.

I am alarmed at the apparent willingness of the Commission to eliminate these rules in favor of a plan that would vest the three major networks with virtually unlimited power to determine the nature and content of television programming available to the American public. It is this threat to quality programming, competition and diversity in the television marketplace that has given rise to the introduction of legislation in both the House of Representatives and the Senate to halt any Commission action on these Rules for a period of five years. The House bill, H.R. 2250, which was introduced by Representatives Henry Waxman, Tim Wirth and Carlos Moorhead, is cosponsored by more than 120 of my colleagues in the House, 70 of whom are on the Congressional Arts Caucus. In the Senate, S. 1707 was recently introduced by Senator Pete Wilson and will begin to focus the attention of that body on the seriousness of this matter.

We are concerned about the concentration of power and the opportunity for abuse of such power by the three major networks in determining what we see when we switch on a television set. As a public official, I am constantly faced with statistics indicating that the American public relies upon television as its principal source of entertainment, cultural events, sports, educational programming and news. Regrettably or not, the television marketplace has become one of the most important forums in which ideas are tested and values are shaped. The outcome that the public interest demands from this proceeding is greater diversity in programming and a greater number of outlets independent of network control on which to view this programming. There is sufficient evidence in the record to find that the current rules have served these twin goals admirably and I believe that the networks have failed to sustain their burden that the television marketplace is sufficiently changed to warrant repeal or modification of these rules.

I would note, in this regard, a letter filed with the Commission by William J. Donahue, Commissioner of Commerce from my home state of New York. Originally, prior to reviewing the record of this proceeding, he filed comments supporting repeal of these rules. Following an exhaustive study of the record and the comments submitted to the Commission, he withdrew his support for repeal noting that New York independent TV stations, advertisers and producers believe that retention of the Rules will promote competition, diversity and quality programming on New York television.

I believe that this is the same message that many in Congress wish to transmit to the Commission. We have not prejudged this issue and that is why the relevant legislation before the Senate and House merely proposes a moratorium on Commission action until the Networks can provide concrete facts to support their contention that the television marketplace is sufficiently competitive to warrant relaxation of these Rules. Today's 80 percent market share captured by three networks, with the "competition" divided among numerous unaffiliated stations and fledgling cable services, is not, in my view, a competitive industry. See "Telecommunications in Transition: The Status of Competition in the Telecommunications Industry," Subcommittee on Telecommunications, Consumer Protection & Finance, November 3, 1981.

Nor does the Tentative Decision which is the focus of this round of comments constitute a reasonable regulatory regime to govern the television marketplace while network claims are studied further and verified over time. The proposed Rule eliminates the financial interest rule altogether, and substitutes a convoluted new rule which will only affect programming initiated before 1985. Implementation of this regulatory scheme will cause immediate harm to independent stations, producers, advertisers and syndicators. Maintaining the status quo while the new video landscape is permitted to unfold, however, will cause no public interest harm.

Allowing networks to "negotiate" for financial interest and syndication rights, as the proposed rule would allow, is premature. Why cripple independent stations when they are just beginning to stand on their own? Why risk increased advertising rates? Why take a "Father Knows Best" attitude toward producers when they themselves overwhelmingly deny the attractiveness of "risk sharing" with the networks?●

BAR MITZVAH—A CONTRAST

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. PORTER. Mr. Speaker, on October 8, 1983, Paul Meyers of Buffalo Grove, Ill., will be celebrating his bar mitzvah. This Jewish ceremony marks the symbolic passage from protected innocence to adult responsibility. It is an occasion which is both joyous and solemn.

I call attention to Paul's bar mitzvah because of the special meaning this ceremony has for Paul's family, and a Jewish family in the Soviet Union, the family of Ilya Boim. Unlike Paul, Ilya's family has been refused the right to practice their religion, to celebrate publicly Ilya's bar mitzvah or even to observe the Sabbath in their home.

The sharing of a bar mitzvah, or "twinning," is a meaningful event for both the Soviet and American families. It serves to dramatically contrast the freedoms we have in the United States with the oppression and denial to practice religion those in the Soviet Union are subject to.

I praise Paul for sharing his personal celebration with another young man, who, to this day, remains trapped in the Soviet Union. Let us all pray that in the near future Ilya will be able to practice his religious beliefs without any restrictions in an atmosphere of freedom.●

LOUIS A. THOMPSON: LEADER OF SCOUTING IN SOUTHERN CALIFORNIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DYMALLY. Mr. Speaker, it is my pleasure and privilege to call the attention of my colleagues to the work of Louis A. Thompson, one of our truly outstanding civic leaders in southern California. Louis Thompson had been a resident of Lynwood, Calif., for over 33 years, and every one of those years has been packed with service to the citizens of Lynwood and the 31st Congressional District of California.

Mr. Thompson began his professional career as a teacher in 1940. He possesses lifetime credentials in elementary and secondary education as well as in educational administration. His devotion to the moral, physical, and educational development of young people has long been known. In recognition of this devotion, he was awarded an honorary life membership in the Parent-Teacher Association in 1954, and was recognized as Lynwood's Man of the Year in 1966. In Louis' honor, the sports complex at Hosler Junior High School, which was dedicated in 1979, is named the "Louis A. Thompson Sports Complex."

Somehow, in between the time he has spent as an assistant superintendent of schools, president of the Rotary Club, president of the Chamber of Commerce, chairman of the board for his church, a city councilman, and mayor of Lynwood, Louis has found time to be a member and promoter of Midland District Boy Scouts. Since 1953, Louis has worked to build scouting in the 31st district. I think Louis is especially proud of his contribution to scouting and is most pleased with developments in scouting in the Midland district within the past year.

Two charitable foundations have recently seen fit to recognize with a grant of money the value of a strong scouting program in the Midland district. Thanks in great part to Louis' work, our district has 63 separate scouting units and over 1,100 Boy Scouts presently. A generous grant from the Ralph M. Parsons Foundation will now make it possible to bring professional Scouters to our area on a permanent assignment to assure that scouting will remain a successful venture in the 31st district.

Scouting is a means for instilling in our young men the values and character that are held in highest regard in our Nation. Honor, patriotism, compassion, leadership, service, and self-sufficiency have built a strong America. And these are the qualities of character that Scouting promotes. That is why Louis and his fellow Scouters are excited by a grant from the Western Gear Foundation that will make possible a character education program in grades one through six of Lynwood Unified School System. The program will build motivation in our young people. This project, taken together with a blossoming of other in-school Scouting efforts, give Louis, and, indeed, the community of Lynwood, reason to expect great things to lie ahead for our young people.

It is an understatement to say that the citizens of Lynwood and of the 31st Congressional District owe Louis Thompson a debt of gratitude. He has taught our children, built character in our young men, promoted enterprise, and has led Lynwood City government. I am proud that the 31st District of California has a man like Louis Thompson. And I wish to acknowledge before my colleagues in the U.S. Congress my gratitude for his many years of service to southern California.●

ST. MARYS COUNTY AND MARYLAND'S 350TH ANNIVERSARY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DYSON. Mr. Speaker, 50 years ago there was published a warning against all that is dehumanizing in modern society: our split-second technology, our atomizing organizations, our need to conform. I am speaking about an essay by George Orwell, and perhaps its most troubling thesis is that these dehumanizing tendencies rest on a foundation of forgetfulness, of society's neglect of the past. His essay was entitled "1984," and for many, that year has already become a symbol of social amnesia.

It is with pride and pleasure, therefore, that I take this opportunity to point out that 1984 is also the 350th anniversary of the founding of colonial Maryland. Marylanders have not forgotten their past nor that the former colony was unique in its origins as the New World's first settlement to be founded on the principle of religious tolerance. Individualism and freedom of conscience are not merely empty phrases, but are the bedrock of the State's heritage.

On the southern tip of St. Marys County, Md., is a small town that was once, 300 years ago, the State's capital. The deserted village of St. Maries is now the locus of a community-financed archeological excavation, for on that site was constructed, in 1638, the first Catholic church in the Thirteen Original Colonies. The foundation stones of this structure have recently been unearthed and are now being reconstructed.

St. Mary's City is the State's oldest settlement, and its citizens are justifiably excited by these findings. Mr. and Mrs. Fred McCoy, two good friends from Scotland, Md., have recently sent me an excellent description of these remarkable excavations, and I respectfully invite my colleagues to ponder the richness of our Nation's past as reflected in that narrative. Beth McCoy's description and interpretation of the meanings revealed by these excavations is enlightening. And her commitment to the Church-Field project is eloquent testimony that the past, in southern Maryland, is not forgotten.

The description follows:

In St. Mary's City, Maryland, archeaologists are conducting an extremely interest-

ing excavation. They are exposing the massive foundations of the St. Maries Chapel and an adjacent schoolhouse. Both were substantial, brick buildings. Dating probably from the 1660's, they may have been the first brick buildings in Maryland. The foundations are being outlined and marked so they will be seen by the thousands of visitors to St. Mary's City, the first Capitol of Maryland, in 1984, on the anniversary of Maryland's first settlement.

A few months ago at the "deserted village" of St. Maries, the St. Mary's City Commission, an agent of the Free State of Maryland, obtained the Chapel-field from private ownership. No plans were made to have an archeological exhibit or historical signs ready for the great celebrations of 1984, nor were there funds in the State Budget to do so. Concerned citizens of the area took it upon themselves to collect funds to have the foundations of the ancient Chapel, Priest-House and school, and cemetery located and marked for 1984. Over one-half of the needed money has been raised for this Chapel-Field project and the Committee is anxiously soliciting small and large donations for its completion.

The Chapel-field is located in the original townlands of the village of St. Maries, just south of the reconstructed State House and next to the home of the first Governor Leonard Calvert. In this field, the first Catholic Chapel was built, as well as a Priest's House and school. In the field is a cemetery which contains the graves of Father Thomas Copley, S.J., Father Gravener, S.J., and Brother Gervase, S.J., as well as other early English missionaries and distinguished Colonial Catholics. The long searched-for final resting place of Governor Leonard Calvert, who died at St. Mary's City in 1647, is probably in this cemetery, adjacent to his home and suitable for his interment in his church's consecrated ground.

Although the Chapel was Catholic and the leaders of these Pilgrims were English Catholic gentlemen, Maryland was not a Catholic Colony. Jamestown was an Anglican Colony and Massachusettes, a Puritan Colony, but Maryland was unique, it was a haven for all Christians. All her colonists were free to follow the dictates of their conscience in religious matters. Maryland was the first place in the world where religious toleration was made a matter of government policy.

These colonial excavations are interesting to all Americans but especially to Catholics who can trace their American roots to the Chapel of St. Maries, and their school system to a building in the Chapel-field. Here was the first Catholic Church in the Thirteen Original Colonies, built prior to 1638. It succeeded the Indian lodge used by Father Andrew White, S.J. as a place of worship.

This week a great sixteen inch, six-plow tractor, working slightly deeper than the small tractors and horse-plows of the past, turned up the foundation bricks. They had been covered for over two and a half centuries, when in 1704, the Royal Governor Seymour, appointed by the King, padlocked the Chapel and castigated Father Hunter, S.J., for saying Mass, when he should know that religious services were available in the newly established Anglican Church. It was then that devout Catholics took the bricks from the Chapel and transported them down-river to the St. Inigoe's Manor farm of the Jesuits, where tradition has it they were incorporated into the St. Inigoes Manor House.

Professional archaeologists will discover the exact measurements of these old buildings and can evaluate the artifacts churned up by the deep plow. They can ascertain when and where the last chapel was built circa 1660, and then, the previous one, perhaps burned by Pirate Ingle in 1645, and down to the earliest, prior to 1638. They will explore the cellar of the Priest-House and the school, grudgingly mentioned by Governor Nicholson in 1697 to the English Board of Trade, "few schools, and those but very mean ones either of Master or House: But the Jesuits and Priests had some, especially one brick one at St. Mary's". Perhaps in the future, they can identify those early graves in this, the oldest Maryland town in our State. However, today's experts did not "find" these foundations. Legend and hearsay from generations of Marylanders have made the Chapel-site common knowledge. Archaeological studies of Henry Chandlee Forman in the 1930's outlined the Church building. Bricks from the foundations were used in the Father Andrew White Memorial, across the river from the city in 1934, the 300th anniversary of our founding. Artifacts and bricks were placed in the cornerstone of the "America" national magazine building in New York City in the 1960's. This building was dedicated to Father John LaFarge, S.J., renowned inter-racial leader, author, editor and educator, who served as Pastor of several Southern Maryland parishes in the early 20's and 30's.

Since 1704, the field has been in agricultural use and privately owned. Efforts to purchase or even mark the field were unsuccessful. Much frustration has been experienced by historians, Catholic and non-Catholic alike, about the lack of identification of this known Colonial site where Catholics had a Church, a Priest-House, a school and a cemetery. Tourists, visiting St. Mary's City, are shown the stones marking the outline of the original State House, which at the time of the abrogation of the Toleration Act was turned over to the newly-established Church of England. The Capital of Maryland was then moved to Annapolis.

The "Noble and Pious" Experiment of the Calverts was ahead of its time. George Calvert, the first Lord Baltimore, had had experience in colonization. He had been involved in both the Virginia and Massachusetts Colonies and in his own Colony of Avalon in Newfoundland. Experience had taught him much. He knew that his Maryland adventure must be well-planned and be economically sound if his altruistic purpose of founding a Land of Sanctuary was to succeed. He died, however, before the venture could be completed, but his son, Cecil Calvert, the second Lord Baltimore, was more than adequate in fulfilling his father's dream.

Cecil Calvert firmly believed in the ancient institutions of old England, in the "Magna Carta" and the "Petition of Rights" which had given every Englishman liberty of person and security of property. He also was sufficiently wise and perhaps brave to realize that these ancient rights, so sacred to old England, were of no avail without "liberty of conscience," a right then being denied in the Mother Country. The Lord Baltimore had to contend with not only the views of various Protestant denominations, who wished freedom of religion for themselves but not for others, but also, with his own Catholic Church, which had been for so many centuries the only Christian Church, and who jealously held to her age-old perogatives. Now, Catholics must live in a world of other churches which they perceived as heretical. To settle these conflicting church matters, Cecil Calvert is believed to have relied heavily on his friend, the English Jesuit Provincial Henry More, a man of foresight. Calvert and More together settled difficulties with the Jesuit missionaries and plowed new ground in what was to be the church's policy in countries with plural religions. Henry More, S.J. was the great grandson of Sir Thomas More, the "King's Good Servant" and author of "Utopia," who lost his head when King Henry the Eighth demanded "not only the things that were Caesar's but also the things that were God's." Cecil Calvert was determined to found his Utopia in Maryland and worked out a "Modus vivendi" that would fit a country made up of persons of various faiths. His experiment, with the brief exception of Ingle's and the Puritan rebellion, was a success. From 1634 until 1687, at the time of the so-called "Glorious Revolution," Catholics and Protestants lived in harmony. When the Calverts were replaced by royal governors, the penal laws of England were enforced, priests were persecuted, Catholics were fined for their religious practices, disenfranchised and those of all faiths were taxed to build and support the King's Churches, now the established State religion. No wonder Catholics, like the Carrolls, laid their lives and their fortunes on the line to support the American Revolution to recoup their freedom enjoyed in early Maryland. No longer the "Land of Sanctuary," they were joined in their rebellion by the Presbyterians, the Quakers, Methodists, the Reformed and Lutheran Churches and also many parishioners of the King's Church who saw the justice of freedom of religion and who were saddled with an inept clergy sent over from England.

The valiant Jesuit missionaries, some of whom came on the Ark and Dove, lived and died in this Chapel-field. They should be named and honored. Maryland is deeply indebted to them for the success of the colony. Father Andrew White, S.J. is the acknowledged narrator of the voyage and faithful reporter on the Indians, the flora, the fauna, and the terrain of the new colony. The "Blackrobes," as they were called by the natives, were soon beloved by them for their spiritual and physical ministrations. The well-being and safety of the colonists in their relations with the Indians was effected primarily through the Jesuit Fathers, in great contrast to the hostilities suffered in the earlier English settlements of Massachusetts and Virginia. For well over three hundred years, the Jesuit Fathers of Maryland served in the mission field. Their houses were the focal point of religious, cultural and social enrichment of the area. From St. Mary's they went forth up the rivers and bays to their Indian missions and English settlements on Kent Island and the Eastern Shore, at Mattapany, Newtown, White's Neck, Port Tobacco, Piscataway and Anacostia. From here they went to Pennsylvania and to New York State. Their mission schools were the nucleus of Georgetown University of 1789. They established churches, schools and the universities in Maryland, Pennsylvania and New England. After the revolution, they were in the vanguard as missionaries and teachers as the frontier pushed farther and farther West. Yes, it was in the Chapel-field in St. Mary's City that the first foundations were laid. These first roots, so gently planted in the

loam of Colonial Maryland, have yielded a harvest of a thousand-fold.

Project Chapel-field is well underway. The archaeologists are excited as they, daily, unearth a bit more knowledge of Maryland's beginnings. Those seeking donations to finance the exhibit are not surprised at the great interest being shown in this project. After all, here are the beginnings of our great State of Maryland, whose experiment of 1634 lived on in the Bill of Rights of our American Constitution. There is a message here at St. Mary's City for the whole world, and the Chapel-Site, is a vital part of the whole picture.●

SOCIAL POLICY UNDER THE GUN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. CONYERS. Mr. Speaker, the logic that propels the Reagan administration's attacks on income maintenance and other social programs has little to do with balancing the Federal budget, Frances Fox Piven and Richard Cloward demonstrate in the following paper, "Social Policy Under the Gun," which was prepared for the Institute for Policy Studies' forthcoming study of the Federal budget. In the paper Dr. Piven, professor of political science at CUNY, and Dr. Cloward, a Columbia University sociologist, examine the myths and assumptions that underlie current U.S. social policy and propose alternatives. The paper follows.

SOCIAL POLICY UNDER THE GUN

(By Frances Fox Piven and Richard A. Cloward)

In the aftermath of the election of 1980, the Reagan administration and its big business allies declared a new class war on the unemployed, the unemployable, and the working poor. By the summer of 1981, congressional approval had been obtained to slash $140 billion in social programs during the years 1982-84, more than half of it from the income-maintenance programs that provide low-income people with cash, food, health care, and low-cost housing. At the same time, the Reagan administration insisted that additional social program reductions of $45 billion and $30 billion would be necessary in 1983 and 1984, respectively, in order to achieve a balanced budget in 1984. At this writing, the outcome of the negotiations over the actual 1983 budget have not concluded. Although the cuts in the social programs will be less than requested by the Reagan administration, they will nevertheless be large.

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Although popular dissatisfaction with social programs did not play a major role in determining the outcome of the [1980 presidential] election, or in giving Reagan a mandate to slash them, the dissatisfaction is real. One source is the perception that social welfare programs encourage malingering. The programs are said to foster the poverty and dependency they were designed to ameliorate. This is a very old view, expounded with particular vigor by nineteenth century philanthropists during the period of rapid expansion by industrial capitalism, and for quite self-serving reasons: However, this view is not directed against programs that support the aged, although those are by far the most costly of the social welfare programs; nor is much animus directed against programs that support the disabled or temporarily unemployed. Hostility is mainly directed against something people call "welfare," and what that means is Aid to Families with Dependent Children (AFDC). It needs to be said that this program does not comprise a significant portion of social welfare expenditures nor does it have very many adults beneficiaries. Before the Reagan cuts, about $14 billion (including state and local shares) was spent to assist slightly more than 11 million AFDC recipients, of whom more than 7 million were children.

Presumably the malingerers are among the 3.8 million adults who are mainly the mothers of these children. But those caring for the 36 percent of AFDC children under the age of six cannot be treated as malingerers, since most Americans would not endorse sending mother of small children out to work. Other mothers work while on the rolls, although at wages too low to bring them above AFDC eligibility levels, so they are not malingerers either. Still others have worked recently and will work again. Studies of the work patterns of AFDC family heads show that many women remain on welfare for only a short time, (27 percent have been on the rolls less than a year, and 55 percent less than three years), to cope with temporary unemployment, illness, or other family crises. Their numbers would no doubt decrease if unemployment levels dropped. What remains, then, is the minority of AFDC mothers whose life experience has demoralized them, whose experience of persistent unemployment and social disorganization has made them "dependent" and whose children may, if these conditions persist, grow up to be "dependent" as well. Welfare is not a good solution for these people. It may keep them from starving, but it does not enable them to reconstruct their self-respect. Eliminating welfare payments in the absence of other economic and social opportunities is, however, a worse solution.

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There are problems with the welfare state programs. But no serious investigation of "fraud and abuse" would begin with the unemployment, food, and welfare programs. It might begin with defense contracts or the tax system, in which fraud and profiteering are normal rather than merely rampant, and in which the profits are enormous. And one might go on to the private vendors associated with the Medicaid and housing programs. For the Reagan adminstration, however, fraud and abuse are not the real issue, and the budget cuts are not directed at these problems. They are directed at the recipients of welfare state benefits.

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The programs that provide a national minimum income floor are being cut back as one part of a larger strategy to increase business profits. There is not much doubt that the Reagan policies increase profits. What is doubtful is the promise that increased profits will lead to widespread economic improvement. The American economy has real problems; inflation and unemployment, which erode living standards, are symptoms of them. But there is no real evidence that these problems result from the lack of capital. Between 1960 and 1978 available corporate capital increased by 662 percent, according to Miller and Devey, and the annual rate of corporate savings did not decline. Business Week magazine reported in 1978 that "The nation's biggest corporations are sitting atop a record $80 billion pile of cash that could finance a giant boom in capital spending." However, no boom occurred, because corporations have been channeling their profits into short-term financial markets and real estate ventures; into commodity futures that increased fifty-fold in value between 1960 and 1978; into mergers that raise speculative values without increasing productive capacities, a form of investment which, according to the Wall Street Journal, accounted for a record $61 billion and 1,807 transactions in the first nine months of 1981 alone; and into international investment; which increased twenty-fold between 1950 and 1978, reaching $377 billion in 1978. As a result, the United States lags behind Europe and Japan in its rate of investment in the domestic machinery, structures, and technology that increase productivity and employment.

This trend cannot be attributed to shortages of capital resulting from excessive taxes or from large government deficits. Not only is there no capital shortage, but effective rates of taxation on American business have been falling sharply for several decades. Nor is there evidence that the size of government deficits bears any regular relationship to productive investment. To be sure, lower taxes and less regulation will increase profits, and lower deficits will release capital. These policies may well spur investment, and they are likely to spur speculation as well. What they are not very likely to do is channel capital into new domestic capacity. They are therefore not likely to alter the trend away from those forms of capital investment associated with slower rates of growth in the productivity of the American economy and with the lower real incomes and higher unemployment that sluggish growth brings in its wake.

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The Reagan program identifies and solves the alleged problems of capital shortage and declining investment, neither of which appears to exist. And the way these alleged problems are to be solved is by reducing the share of the national product that goes to the working class—by cutting taxes on business and wealthy, by dismantling government regulation of business, and by cutting the income-maintenance programs. The argument that taxes and government programs are to blame for the deep-rooted problems in the economy is a way of attempting to make this redistribution of wealth palatable to the American people. David Stockman, director of the Office of Management and Budget, conceded as much when he incautiously confided to a journalist that Reagan's tax bill was a "Trojan Horse" full of tax benefits for the rich, and that supply-side economics is nothing but traditional Republican "trickle-down" economic theory in disguise. Cutting social programs is a crucial part of this strategy. If the tax cuts redistribute funds to business and the wealthy, reductions in social programs ensure that these funds will be taken from the incomes of the poor and the working class.

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The connection between social programs and the labor market is indirect, but not quite clear. To see the connection, it is nec-

essary to consider the relationship between unemployment and worker bargaining power. Large numbers of unemployed exert a downward pressure on wages because people searching for work are forced to underbid the wages of those still working. A mass of unemployed also undercuts the ability of workers to make other workplace demands, since workers are less militant when there is a long line of job applicants outside the factory gates. Because the unemployed exert a downward pressure on wages and other labor costs, the existence of a large pool of unemployed tends to maintain and enlarge profits. (This effect is moderated by union contracts at one end of the wage scale and by minimum wage laws at the other end, but it is not eliminated.) By contrast, when the unemployed are absorbed and labor markets tighten, wage and workplace demands push against profits, as some analysts say happened in the late 1960's at the climax of the long post-World War II boom.

The relationship between unemployment and wage levels was described by Karl Marx when he stated that the unemployed constitute an "industrial reserve army of labor" used by capitalists to weaken and divide the proletariat. But most American analysts scoffed at the notion that large-scale unemployment represented an advantage for capital, much less that this advantage was sometimes deliberately contrived. Instead, the fact the the United States has had consistently higher rates of unemployment than other Western industrial countries, except during wartime, was attributed by more conservative analysts to "frictional" unemployment—that is, to the exceptional mobility of the American work force as people moved from job to job to take advantage of opportunities to improve their circumstances. Unemployment, in short, was taken as a symptom of prosperity.

* * * * *

Prosperity also brings to the labor market large numbers of people who presumably do not seriously need or want work (teenagers, women, blacks), and their consequent job instability also contributes to an artificial appearance of high unemployment. Unemployment, in short, is caused by the unemployed themselves, an argument developed in purest form by Milton Friedman, who put forward the thesis that unemployment always settles at its "natural" rate over the long term.

Liberal analysts following the economic theory set out by John Maynard Keynes developed a very different interpretation of unemployment, however. They postulated that joblessness was caused by overall levels of economic activity. Unemployment was seen as the consequence of sluggish business and consumer demand. Tighter labor markets, in turn, were the result of swelling business and consumer demand. The significance of this perspective, which acquired considerable support in the post-World War II period, was that it defined unemployment levels as susceptible to government policy, for unemployment could be lowered by policies to stimulate aggregate demand.

But although high levels of aggregate demand are associated with lower unemployment rates, they are also associated with rising wage and price levels. And the very same formulation that led economists to think that unemployment levels could be controlled by government intervention to stimulate the economy also led them to think inflation could be controlled by government intervention to reduce aggregate demand. In other words, unemployment and inflation came to be seen as trade-offs, for one could only be controlled at the expense of the other. This formulation was embodied in the well-known Phillips curve (published in 1958), which showed a correlation between levels of unemployment and wage levels. When unemployment falls, wages rise; when unemployment rises, wages fall. The Phillips curve was thus consistent with Marx's thesis regarding the industrial reserve army of labor, for it suggested that high levels of unemployment weaken the bargaining power of workers. However, economists did not define the trade-offs between unemployment and wages as a reflection of conflicts about the distribution of wealth; they tended instead to see it as describing a relationship existing in nature—in economic nature.

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This conception of an unemployment-inflation trade-off was incorporated as an instrument of American public policy in the years after the Great Depression. Government planners tried to moderate the extremes of the business cycle with fiscal and monetary policies that regulated aggregate demand. Instead of business cycles that careened from trough to peak to trough, relatively moderate recessions occurred every few years which increased unemployment without pushing it to staggering levels. In turn, higher unemployment rates produced lower wage and price levels. Government intervention to promote intervals of something less than depression levels of unemployment thus became a major instrument of economic stabilization, and the publication of the Phillips curve lent this strategy scientific legitimacy.

* * * * *

For two decades following World War II, the new techniques for managing the business cycle appeared to work. The relationship embodied in the Phillips curve varied to order, as the economist Robert H. Haveman shows for the period from 1952-68, during which cyclical increases in unemployment rates were matched by the expected falloff in the rate of wage and price increases. Then, toward the end of the 1960's, the relationship began to erode as prices spiraled upward despite high levels of unemployment. By the early 1970's, the relationship between unemployment and wage and price levels had disappeared. Barry Bosworth, head of Carter's Council on Wage and Price Stability from 1977-79, commented on this development when he said that an unemployment rate of 6 percent failed to have an effect on inflation in the recession of 1969-71:

Economists, at first, viewed the problem as one of lags in the response of prices and wage rates; they recommended patience and a continuation of restrictive policies. By the beginning of 1971, however, *wage rate increases had actually accelerated slightly despite the high unemployment;* and, once excess inventories had been disposed of, the rate of price increases also picked up (emphasis ours).

Government economic stabilization policies failed, in short, because price and wage levels could no longer be moderated by unemployment levels.

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The timing of the disruption of the unemployment/wage level trade-off coincided with the great expansion of social welfare benefits in the late 1960's and the 1970's. This suggests that social welfare benefits support wage levels despite high unemployment. The reason is easy to see. If the desperation of the unemployed is moderated by the availability of various benefits, they will be less quick to take any job on any terms. In other words, an industrial reserve army of labor with unemployment benefits and food stamps is a less effective instrument with which to deflate wage and workplace demands.

Many economists have recognized this. They now attribute the breakdown in the relationship between unemployment levels and wage levels to the great expansion of income-maintenance programs. As Haveman recently put it, the unemployed can now "prolong job search . . . refuse to accept work except at higher offered wages and cease active labor market participation."

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The effects of income-maintenance programs in reducing economic insecurity and increasing the power of workers is not restricted to wage levels. Because insecurity makes workers vulnerable, it also saps their strength to make other demands in the workplace. When people fear for their subsistence, they accept onerous and dangerous working conditions. They work harder, and they work longer. They more readily submit to humiliation, orders and discipline. An insecure labor force is thus a more productive labor force and a cheaper one, quite apart from wage levels. (The new regulations denying food stamps to striking workers, and to entire welfare families when a working member goes on strike, seem intended to have exactly this effect.) Conversely, a labor force that is made more secure by the possibility of alternative means of subsistence is less docile, less productive, and more costly.

* * * * *

There is an emerging recognition among analysts of all political persuasions that social programs have weakened capital's capacity to depress wages by creating economic insecurity, especially by manipulating the relative numbers of people searching for work. In effect, the income-maintenance programs of the welfare state have altered the terms of struggle between capital and labor. As a result, unemployment has lost some of its terrors—both for the unemployed and for those still working. Despite unemployment rates in the 1970's ranging between 6 and 10 percent (not including 1 million "discouraged" workers), there was no significant downward pressure on wage levels. Economists now generally agree that it requires an increase in unemployment of at least a million individuals for a two year period to reduce inflation by a single percentage point. Because of the social programs, in short, the reserve army is no longer quite as ready to be called up in defense of profits.

* * * * *

The reduction of subsistence resources will have three general effects: economic insecurity will be intensified among the unemployed; large numbers of persons now exempted from work will be thrown into the labor market, thus creating additional unemployment; and economic insecurity among the working poor will worsen significantly.

* * * * *

Throughout this analysis, we have interpreted the Reagan administration's assault on the social programs as a rational strategy to increase profits. The problem of determining whether political leaders understand

and intend the effects they create is always a delicate one. Although officials in the Reagan administration have not publicly stated that they intend to drive wages down by creating more unemployment, it is nevertheless the case that the labor market effects of the social programs are understood among many analysts, including prominent economists who have been, or are now, associated with the government either as employees or as recipients of government research funds in private "think tanks."

* * * * *

When the major policy initiatives of the Reagan administration are considered as a whole, something of a coherent theory does emerge. It is not a coherent theory of the workings of the economy. Economic science has taken on the character of medieval theological disputation as economists of various faiths argue the true nature, causes, and probable effects of various Reagan policies and practices. Instead, the coherent theory is about human nature. It is the archaic idea that people in different social classes have different natures and thus different basic motivations. The affluent are one sort of creature and working people another. It follows that these different sorts of creatures require different systems of incentives and disincentives if they are to be prodded to greater economic effort. The affluent exert themselves in response to rewards—to the incentive of increased profitability yielded by lower taxes. Working people respond only to punishment—to the economic insecurity that will result from reduction in social programs.

In the face of this theory, the growth of the welfare state was a considerable achievement. In simple and human terms, the welfare state has reduced some of the hardships and insecurities generated by a continually changing market economy that sloughs off the people it no longer needs like any other surplus commodity. People have not usually believed that they have a right to subsistence. And they have sometimes fought for that right. The programs of the welfare state are the fruits of these struggles. Moreover, these programs have turned out to be an achievement in another and more fundamental sense than protecting the subsistence of those who market position is weakest. The programs of the welfare state have expanded to the point where they intrude upon the dynamics of the labor market, altering the power relations of workers and owners as well. That is why they have become the target of a concerted attack by the privileged and powerful.●

SPORTS COMPETITION ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. FORD of Michigan. Mr. Speaker, I have added my name as a cosponsor of H.R. 3094, the Sports Competition Act. H.R. 3094 has a simple purpose—to repeal the unjustifiable antitrust exemption which the Supreme Court granted professional baseball in 1922, an exemption the Court has denied to every other professional sport.

Professional baseball is a big business which generates hundreds of millions of dollars of revenue each year in ticket sales, concessions, television contracts, and advertising. It is the only major industry in the United States which is wholly exempt from the antitrust laws, which protect consumers by fostering competition and prohibiting price fixing and other monopolistic practices.

There are many reasons why professional baseball's antitrust exemption should be ended. It is unfair that the owners of only one industry, one professional sport, should be given a preference denied to all others. It is unfair to allow monopolistic practices that deny certain cities and would-be professional teams an opportunity to participate in professional baseball. And it is especially unfair to condone business practices that deny baseball players, particularly minor league players, a chance to compete and seek a fair wage for their services and talents.

Major league baseball players are represented by an effective union, which has helped to raise their salaries and improve their working conditions significantly. By contrast, minor league players are not represented by a union and are hurt by anticompetitive agreements among the teams which keep their wages and benefits very low. Such agreements would be illegal were it not for the antitrust exemption.

The Supreme Court has admitted that its 1922 decision granting the antitrust exemption to baseball was erroneous and an aberration. The decision was based on a finding that professional baseball was not an interstate business, a position which no one supports. Nevertheless, the Supreme Court's traditions do not permit it to overrule its earlier decision, and the justices have suggested that Congress remedy the problem.

I agree with Congressman SEIBERLING, the author of H.R. 3094, that there is no place in a free enterprise economy for an unregulated monopoly. It is time for Congress to restore equitable treatment of every sport and every business. Professional baseball should be subject to competition like every other major industry in America. Its antitrust exemption should be repealed, and I urge each of my colleagues to cosponsor and support H.R. 3094, the Sports Competition Act.●

FIRE PREVENTION WEEK 1983 AND THE FALLEN FIREFIGHTERS' MEMORIAL SERVICE

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. SOLOMON. Mr. Speaker, President Reagan has proclaimed Fire Prevention Week 1983 to be October 9 to 15 throughout the Nation. This particular week is an important recognition of a serious national problem. While progress has been made in reducing the tragic losses from fire, most people in the United States are unaware of the enormity of the human and economic losses caused by fire each year. About 7,000 people are killed; thousands are injured, and 5 billion dollars' worth of property is destroyed by fire each year.

Although fire fatalities have been reduced significantly from the 10,000 or more reported a mere decade ago, Government and industry have had to work very hard to bring about this decline in fire death rates. Yet, more than 100,000 American households still suffer the loss and trauma of a dwelling fire each year. In fact, 80 percent of all fire deaths occur in the home. The total dollar cost of fire, when one includes the cost of municipal fire departments, insurance overhead, and building construction features required by codes, added to the direct and indirect losses, amounts to over $21 billion per year.

The United States, along with Canada, has the highest per capita fire death rate of all major industrial nations. While fire protection and control is a State and local responsibility, the Federal Emergency Management Agency (FEMA), through the U.S. Fire Administration, was given a mandate by Congress to help reduce these losses in the Fire Prevention and Control Act of 1974. They report that the fire problem has been significantly reduced. It is believed that these reductions are a reflection, to some degree, of the relatively new Federal fire focus. The Fire Administration has achieved breakthroughs in quick acting sprinkler systems, smoke detection and fire protection systems, firefighter health and safety, and in arson awareness and prevention. Local fire service leadership has been enhanced by 3 years of operation of the National Fire Academy collocated with the Fire Administration in Emmitsburg, Md., as well as by the extension and strengthening of networks for fire prevention education, and local and regional task forces to combat arson.

It should be noted that FEMA is concerned with civilian and firefighter problems in relation to fire safety. The Fire Administration has pursued progress in the improved design of firefighter protective clothing and fire prevention technology. And, the National Fire Academy has achieved academic advances in firefighting training on the Academy campus at FEMA's National Emergency Training Center (NETC) in Emmitsburg, Md. Thousands of fire personnel from all over the Nation have received advanced training at the Academy, and the

Academy's programs have received a highly positive review from attendees.

On October 16 at 11 a.m., FEMA will sponsor the second annual National Fallen Firefighters' Memorial Observation Service. The service will take place at the Fallen Firefighters' Memorial at NETC in Emmitsburg. FEMA's Director, Louis O. Giuffrida, is to be highly commended for the creation and the continued sponsorship of this memorial observance service in conjunction with the National Volunteer Fire Council and the International Association of Firefighters AFL-CIO. The Memorial is dedicated to the memory of America's firefighters who have lost their lives while serving the people of their communities. It is an ongoing tribute to the too often unheralded gallantry and personal sacrifice of our country's firefighters who risk becoming our Nation's forgotten fatalities. Director Giuffrida's continued support of this important event deserves congressional recognition.

I would also like to commend Mr. Fred Villella, FEMA's Associate Director for training and fire programs. It is under Mr. Villella's progressive leadership that the National Emergency Training Center has made great strides in enhancing the Federal contribution to fire and emergency preparedness. He has achieved this through his adept direction of the work of the National Fire Academy, the U.S. Fire Administration, and the Emergency Management Institute. Additionally, I wish to recognize two other outstanding figures in the fire service community for their fine contributions: Mr. Joe Donovan, Superintendent of the National Fire Academy, and Mr. Ed Wall, Acting Administrator of the U.S. Fire Administration.

Finally, the Congress must be congratulated on its support of funding for effective Federal fire programs. It is hoped that the additional funds for fiscal year 1984 will be used for programs which will unite the Nation's fire service, the volunteer agencies, the private sector, community-based groups, and the Governors of all the States in a national fire prevention program. A new program could incorporate Federal and industry support for the creation of community-based volunteer efforts to attack the household fire problem and make the Nation's homelife more safe.●

ARMY'S CHIEF OF HOUSE LIAISON PROMOTED TO BRIGADIER GENERAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. WOLF. I would like to share with my colleagues the good news about the upcoming promotion of Col. William H. Roche. On September 12, 1983, the U.S. Army announced that its Chief of House Liaison had been selected for promotion to the rank of brigadier general.

We all know how hard Colonel Roche works here to make sure that we use well every resource provided to us in fulfilling the mission of the Army Liaison Office. Because of his professionalism, dedication, and attention to the many details associated with the operation of the Army Liaison Office our jobs are a lot easier and our constituents are better served. Colonel Roche is without a doubt among our Army's finest, and I know that this example is an inspiration to those under his supervision and those of us in Congress who are privileged to work with him.

I know my colleagues join me in offering congratulations to Colonel Roche and commending him for the outstanding service his office provides to Members and their staffs. I am including some biographical information on Colonel (soon-to-be Brigadier General) Roche.

Again, our congratulations and best wishes for continued success in Colonel Roche's military career.

Colonel Roche is a native of Florida with over 25 years of Active Army service and holds B.S. (1958) and M.S. (1968) degrees from Florida State University.

Early in his career, Roche served with the 82d Airborne Division at Fort Bragg and as a tank company commander in Europe. In 1968 he was a senior district adviser in Vietnam. Two year later he moved to the Pentagon, serving first in the Military Personnel Center, then as military assistant to the Secretary of the Army. In 1975 Roche was a tank battalion commanding officer with the 2d Infantry Division in Korea. In May 1977, Roche returned to the Pentagon to work as Deputy Chief of Army Liaison to the U.S. Senate. Two years later he served as an armor brigade commander with the 1st Cavalry Division at Fort Hood, Tex. Roche returned to Washington in 1981 as Chief of Plans and Operations Division for Army Legislative Liaison, and then was selected to head up the Army's House Liaison Office.

Roche is a graduate of the Army Command and General Staff College and the National War College. He wears the Legion of Merit, the Meritorious Service Medal and the Army Commendation Medal, each with oak leaf cluster. He also wears the Combat Infantry Badge.●

PUBLIC SERVICE CO. OF NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. RICHARDSON. Mr. Speaker, Public Service Co. of New Mexico recently announced a bold business move designed to bring much needed jobs to my home State of New Mexico.

In 1981, P.N.M. established Meadows Resources, Inc., an investment subsidiary which engages in nonutility business activities. One of Meadows' first investments will be in Pulse Systems, a New Mexico corporation headquartered in Los Alamos, which is within my district. Pulse Systems manufactures pulsed gas lasers for research and industrial use throughout the world. Gas lasers are the fastest growing portion of the laser market, and Pulse plans to lease a large manufacturing facility in Albuquerque which will employ 50 people by 1984.

Mr. Speaker, P.N.M.'s venture into nonutility businesses has caught the attention of the business community. An excellent article on the company's diversification activities under the direction of P.N.M. chairman and president J. D. Geist recently appeared in Business Week magazine. I ask that the article be reprinted in the RECORD at this point so that my colleagues may have an opportunity to learn more about P.N.M.'s creative business strategy for the future.

The article follows:

[From Business Week, Aug. 23, 1983]

PUBLIC SERVICE OF NEW MEXICO: CALMING THE CRITICS AS IT DIVERSIFIES

Many electric utilities, faced with a slowdown in demand growth, have decided to diversify—and have often run into opposition from customers who fear they will end up subsidizing the new ventures. But when Public Service Co. of New Mexico (PNM) began talking about diversification in 1981, it stirred up a real hornet's nest.

Along with ratepayers' complaints, small businesses charged PNM—the state's largest company and the only New York Stock Exchange-listed corporation based in New Mexico—with unfair competition. The state legislature slapped a 15-month ban on diversification. "Their unusual size and clout in the capital markets, relative to other New Mexico companies, give them an unfair advantage," says State Senator Thomas E. Lewis. Shareholders argued that the utility could boost dividends or reduce its debt load rather than diversify.

Nevertheless, Jerry D. Geist, PNM's chairman and president, has embarked on an enlighted "geographic strategy" that he hopes will assuage even his most vehement critics. The plan had enough appeal to defeat Lewis' bill to extend the moratorium beyond this month.

OFF LIMITS

Under Geist's plan, PNM will launch only those ventures that promote economic development—and spur electricity demand—in

New Mexico, bring jobs and capital to areas of high unemployment, and furnish venture capital for homegrown businesses. Moreover, PNM promises not to use its clout unfairly. Last year, for instance, it had offered its corporate helicopter for lease in direct competition with an Albuquerque helicopter company. That type of competition is now off limits.

Geist argues that diversification is crucial to the future growth of PNM, which last year posted operating revenues of $426.5 million and netted $115.8 million (high for a utility because PNM's capitalization is unusually large and its rates are linked to return on equity). Riding the tide of an enormous growth in energy demand during the 1970s, the utility's total assets climbed nearly tenfold to $2.1 billion. But demand growth is now forecast at only half the pace of the past decade. With its capital spending program virtually complete, PNM is generating lots of cash. By 1988, Geist wants new nonutility ventures to account for 20% of profits. That would boost return on equity from 13.6% to as much as 15%. (Return on equity is not regulated for nonutility ventures.)

Before the ban on diversification expired in mid-August, PNM was moving ahead with projects that predated the law. It launched a $60 million medium-density fiberboard manufacturing plant in Las Vegas, N.M., an old railroad town in the northeastern part of the state. The venture, Montana de Fibre Inc., was chosen to satisfy a demand for high-quality board for furniture, mainly for sale outside New Mexico. It is expected to be in production by mid-1984 and profitable by 1975. Just as important, Montana will provide 200 direct jobs and an annual payroll of $6.2 million in a town of 15,000 where unemployment stands at 10% to 12%. The plant will also create indirect jobs: It has already spawned a small resin plant.

Now Geist has taken the next step: On Aug. 1, James F. Jennings Jr., a former Phelps Dodge executive, became president of Meadows Resources Inc., the subsidiary designed to keep outside ventures at arm's length from the utility's rate base. PNM is funneling some $118 million in retained earnings, raw land, coal leases, and borrowed funds into Meadows. Geist says Meadows' debt-to-equity ratio will not exceed 2:3.

Meadows will also run a 50% stake in Bellamah Coummunity Development, which sells land for development in five Southwestern states. For the first six months of 1983, Bellamah turned in $50 million in revenues. Meadows is exploring the idea of a learning center in nearby Santa Fe where executives could concentrate on physical and mental health and study new management ideas.

A SWITCH

Because of its proximity to Sandia Laboratories in Albuquerque and the Los Alamos National Laboratory, PNM is also looking at new projects in medical equipment and telecommunications. The utility would provide venture capital and management expertise for ideas developed at the research laboratories, see them through the startup stage, and then take them public.

The strategy won over one outspoken critic of diversification, State Senator Les Houston, who switched to PNM's side in the last legislative session. "It didn't seem very smart in a capital-short state," he says, "to pass a law making utilities take their money out of the state in dividends while at the same time the legislature was going outside trying to bring in jobs."

Ultimately, jobs will convince critics that PNM's diversification is good for the state, whose unemployment rate is 10.6%. "We're very serious about thinking we can bring some real job development to New Mexico," says Geist.●

BLUE SPRINGS HIGH SCHOOL WINS AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. SKELTON. Mr. Speaker, I have the distinct pleasure today to submit for the RECORD an article lauding the educational achievements of the Blue Springs High School in Blue Springs, Mo.

In recent months, national attention has been drawn to the problems in American education. The Blue Springs High School is to be commended for having surmounted many of the obstacles which are plaguing other schools in our Nation. They did this by making a consciencious effort to involve parents in the education of their children, and by actively building an incomparable staff.

Blue Springs School Superintendent Gale Bartow, Assistant Superintendent Gene Dexter, Principal Robert Blaine, and Board of Education President Geri Choate, together with the teachers and parents deserve a pat on the back and high recognition for their success in bringing excellence to Missouri education.

BLUE SPRINGS HIGH SCHOOL WINS AWARD

Blue Springs High School was one of 152 schools to receive awards Wednesday from U.S. Secretary of Education Terrel H. Bell citing them as top secondary schools in the nation.

The awards—blue and white banners bearing the presidential seal and the words "Excellence in Education 1982-83"—were presented in ceremonies on the White House lawn in Washington. President Reagan spoke to educators after the presentation.

Accepting the award for Blue Springs were Superintendent Gale T. Bartow, High School Principal Robert V. Blaine and Geri Choate, Board of Education president.

Mr. Bartow is president of the American Association of School Administrators.

Other schools in Missouri honored were the Horton Watkins High School in La Due, Kickapoo High School in Springfield, and Parkway West High School in St. Louis County.

A committee of educators and residents appointed by the U.S. Department of Education selected the schools.

Assistant Superintendent Gene Dexter attributed the quality of Blue Springs High to "tremendous participation of parents and an excellent staff."

Blue Springs High School has an enrollment of 1,750 students.●

A PROPHET IS NOT WITHOUT HONOR

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. ST GERMAIN. Mr. Speaker, it is often said that "A prophet is not without honor, save in his own country, and in his own house." I am pleased to report that this age-old adage does not apply to the Columbus Citizen-Journal editorial of September 30, 1983, which acknowledges the leadership role of CHALMERS P. WYLIE, the distinguished ranking minority member of the Committee on Banking, Finance and Urban Affairs, in support of our efforts to maintain and strengthen the IMF and our international regulatory structure.

The editorial referred to follows:

[From the Columbus (Ohio) Citizen-Journal, Friday, Sept. 30, 1983]

SAVING THE IMF

If the issue weren't so deadly serious, President Reagan's frantic efforts to persuade Congress to approve a loan of an additional $8.4 billion to the International Monetary Fund would be amusing.

Part of the Reagan administration's headache is of its own making. In 1981 and 1982 it criticized the IMF for allegedly lax lending policies. That helped build anti-IMF sentiment on Capitol Hill.

Since then, however, the administration has recognized the key role the IMF plays in assisting debt-ridden nations to avoid default, which could rock the world monetary system. Thus it strongly supports a bill to increase the IMF's lending capacity.

U.S. Rep. CHALMERS P. WYLIE of Columbus, the ranking Republican member on the Democrat-dominated House Banking Committee, has been leading floor debate on the measure for the White House.

But while the administration fiddled, a strange liberal-conservative bedfellowship arose to oppose the IMF bill as a bailout for big banks that had made imprudent loans. The other day Ralph Nader on the left and Sen. JESSE HELMS on the right jointly denounced the bill. We think it has merit.

In their eagerness to bash the banks, critics overlook the fact that the banks were prodded by their governments to step up lending to poor countries to help them with the oil-price boosts of 1973 and 1974.

In any case, the IMF bill passed the Senate and squeaked through the House by six votes when the National Republican Congressional Committee performed an act of great stupidity: It sent out a letter accusing 20 liberal Democratic lawmakers who voted for the bill of having supported communism.

Naturally, the 20, who had voted as the Reagan administration wished, felt betrayed by the GOP smear. They are threatening to vote no when the bill comes up again, as it must. House Speaker THOMAS P. O'NEILL is insisting that Reagan personally apologize to the Democrats, even though he played no part in the campaign committee's blunder.

Somehow or other, the IMF loan may survive despite its friends and foes, making the international and U.S. economies somewhat more secure. But the way the matter is

being handled must raise doubts abroad about our reliability and competence.●

TEAMS MOVE, TAXPAYERS LOSE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. STARK. Mr. Speaker, the Big Apple is getting the Big Raspberry from Leon Hess, owner of the New York Jets. According to New York City Mayor Ed Koch, Mr. Hess has decided to move the Jets football team out of New York, regardless of what the city offers to attempt to make them stay. Nobody can stop Mr. Hess.

So why does anyone care except Jets fans? I do, because this same thing has recently happened in my district. Al Davis, owner of the Oakland Raiders, moved the football team to Los Angeles, leaving behind upset Oakland fans, several hundred unemployed stadium workers, and a city with $35 million in unpaid bonds.

Mayor Koch says New York and New York fans will not be left without a football team. This is not an idle threat. This game of football musical chairs is the free enterprise version of the domino effect: Teams that are unhappy where they are, are open to being "raided" by New York, or any other city for that matter which offers a sweeter, taxpayer-backed deal. The Colts in Baltimore are on a year-to-year contract. The Dolphins say they are unhappy in Miami. Indianapolis has a stadium with no team. In fact, ironically, and Oakland Raiders fans would say with poetic justice, there have been rumors that the Raiders would abandon Los Angeles for Shea Stadium in New York, sticking Los Angeles with the cost of millions of dollars worth of taxpayer concessions. The Raiders could truly become like the pirates on their helmets, looting from city to city.

Currently, any major league team, football, basketball, hockey, and so forth, can move whenever they want. They can abandon fans, cities, and stadiums at will with the taxpayer the loser. I hope that this latest development encourages the Committee on the Judiciary to hold hearings on H.R. 2041, and stop this random movement of major league teams.

Let us give the fans something to cheer about.●

PROCLAMATION: STATE OF FLORIDA EXECUTIVE DEPARTMENT, TALLAHASSEE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. PEPPER. Mr. Speaker, I am submitting for the benefit of my colleagues, the proclamation of Gov. Bob Graham of the State of Florida, designating October 15, 1983, as Poetry Day in Florida. Many of the States of this country have adopted and set October 15, 1983, as "Poetry Day" each year. I am pleased to submit Governor Graham's proclamation saluting poetry and the poets who have enriched our heritage and the lives of each of us.

Frances Clark Handler, Ph. D., is the national director of the National Poetry Day Committee, Inc., at Tallahassee, Fla. Dr. Handler has worked diligently since 1947 for the cultural achievement of a Presidential proclamation for a National Poetry Day on October 15. While her efforts have not yet met with success, I agree with Dr. Handler that the designation of October 15 as National Poetry Day would be an appropriate recognition of the great contribution poets and poetry have made to the enrichment of all our lives.

Whereas, poetry permits the expression of human emotion with special grace and beauty; and

Whereas, many of our citizens enjoy this form of literature, and many also are talented and write poetry; and

Whereas, this form of expression is taught in our schools and used in many special activities in our lives; and

Whereas, poetry has been honored as an art and as an important part of our society's culture;

Now therefore, I Bob Graham, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim October 15, 1983, as Poetry Day in Florida and urge all citizens to join in saluting the contributions of poetry and poets to our everyday lives and our civilization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 16th day of June in the year of our Lord nineteen hundred and eigthty-three.

BOB GRAHAM,
Governor.●

ATTENTION: TELEVISION NETWORK EXECUTIVES

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. SWIFT. Mr. Speaker, I am one of the many people who were quite upset with the television networks during the 1980 Presidential election. We were upset because one of the networks projected the results of that election while people were still voting, not only in the West, but in many parts of this country.

Various legislative solutions have been proposed to address the problem in future elections, but the difficulty with each of them is that it is either not effective, or would be difficult to draft without infringing on the first amendment rights of the networks.

By far the best solution to the problem would be for the networks themselves to voluntarily refrain from projecting national election results until all polls are closed across the country. That simple solution, however, they steadfastly refuse to implement.

Recently, the case against the network position was very well stated in an excellent article in the New Yorker. I hope all the network news executives read this fine article, and I commend it to the attention of my colleagues, as well.

The article follows:

[From the New Yorker, Sept. 26, 1983]

NOTES AND COMMENT

In his books, the psychiatrist Frederick Perls stresses the importance of what he calls owning our own projections—understanding how we attribute to others what we secretly are, want, need, or fear. The person who cannot express his aggressive impulses will see the world as a threatening place, failing to realize that the sense of threat comes from within; the person who is greedy but won't admit it will see himself as a benefactor, and accuse others of making incessant demands. At House hearings in Washington recently, news executives for the nation's three major television networks discussed their own brand of projections—the ones on Election Night in which exit polls of voters are used to make educated guesses about who will be the next President. In 1980, the networks projected Ronald Reagan as the winner before the polls had closed on the West Coast. Some political observers feel that the projections discouraged significant numbers of voters in the West from casting their ballots—people who saw no point in contributing to or voting against what already seemed a landslide. This line of thinking was rejected by the television-news executives, who defended not only the validity of network projections but the need for them. A man from NBC insisted that failing to report such news would be inconsistent with traditional journalistic practices. "We believe the public expects this kind of performance from us," he said. A man from ABC spoke of his network's responsibility to bring the public as much accurate information as possible as quickly as possible. A man from CBS acknowledged the existence of a "perceived problem" but said he didn't know if it was a real problem. His network, he said, plans to make similar projections in its coverage of the 1984 elections. By traditional standards of journalism, however, network projections are not news. They are speculations based on news. To be sure, they're carefully systematized speculations, with strong predictive power. But they do predict, rather than report, and the prophecies, like all prophecies, carry the danger of fulfilling themselves. The only practical purpose they serve is to elevate the networks'

income by heightening the electoral drama. The audience doesn't need them. They're fun to follow, a bit of icing on the Election Night cake. But actual results can be fun to follow, too. Remember when something wasn't over until it had happened?

No one has fully measured the impact of network projections on voters. Common sense suggests that it was not decisive in 1980—that Jimmy Carter had suffered an irretrievable loss well before the networks declared him the loser. Common sense also suggests that projections could be a problem in future elections if the results were close. But the network-news executives, in refusing to consider the case against Election Night projections, called attention to a wider problem: television's inclination to dramatize the news, then blame the audience for its own excesses. Trapped in a mad race for revenue, television-news people insist that the viewers demand speed. Enthralled with the sales potential of violence, they constantly remind us of how violent the world has become. Like the patients described by Frederick Perls, these network executives can't tell the difference between their projections and the real world, between what they want for themselves and what they've come to believe that the public wants from them.●

THE HERITAGE FOUNDATION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to commend President Reagan for his encouraging remarks on the 10th anniversary of the Heritage Foundation. Last night, the President spoke at the Heritage dinner here in Washington, and praised the rise of conservatism in America and the fine work of the Heritage Foundation and its president, Edwin J. Feulner, Jr. I want to join President Reagan in saluting the efforts of this great institution.

As many of you know, Heritage was founded in 1973 by conservatives who were seeking solid and reliable information to support their positions on the major issues which were facing our Nation. From a small budget in its early days, Heritage has grown to a foundation with an annual budget of over $10 million.

When the foundation began, conservatives in Washington were a small minority whose voice was not frequently heard. Thanks to the excellent work of Heritage, this is no longer the case. Its solid and scholarly research is used by conservatives and like-minded members of both the executive and legislative branches of the Government. I have been particularly impressed by the reliability and timeliness of Heritage's final product, and often read that organization's background papers and its policy review.

Conservatism is an idea that has come of age in America. In the past, our Nation moved dangerously far in one direction. Our basic values and the structure of our society were under attack and showed signs of severe strain. On the international scene, our allies around the world began to doubt our commitments and our national direction. Our enemies delighted in our foreign policy failings and our inability to understand the use of power.

When Americans all over our Nation began to see the failings of our domestic and international programs, they expressed their dissatisfaction in an overwhelming vote of confidence for a more conservative approach to Government, and world affairs.

I believe that the new approach is working. The past few years have brought low inflation rates, and an improving economy. America again has established its credibility on the international scene. For a change, the world now knows what our country stands for.

Thanks to the superb work of the Heritage Foundation, conservative ideas are having a great and positive impact on America. I salute the accomplishments of Ed Feulner, his staff, and of his board headed by Frank Shakespeare. I look forward with confidence to their continuing success in the future.●

RECOGNITION FOR JUDGE FRANK OCHOA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues a recent event of local historic significance in my California congressional district. The Honorable Frank J. Ochoa, Jr., became the first jurist of Hispanic ancestry in Santa Barbara County history.

A graduate of the University of California at Santa Barbara and the Martin Luther King, Jr. School of Law at the University of California at Davis, Judge Ochoa served as directing attorney and staff attorney for the Legal Services of Northern California, Inc., in Woodland prior to assuming the directorship of the Legal Aid Foundation of Santa Barbara County in 1980.

On October 14, the citizens of Santa Barbara take time to recognize Judge Ochoa's record of service to the people of this community. I ask my colleagues in this body to join with me in commending Judge Ochoa for his service and his notable appointment to the municipal court of Santa Barbara.●

AMBASSADOR W. TAPLEY BENNETT, JR.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I want to call my colleagues' attention to the fact that Ambassador W. Tapley Bennett, Jr., recently concluded his service as the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization. Ambassador Bennett is one of our most outstanding career diplomats and is credited with many tremendous achievements during his long and distinguished career.

I am sure the Members are very pleased that the President has announced his intention to nominate Ambassador Bennett to serve as Assistant Secretary of State for Legislative and Intergovernmental Affairs, another honor which is in recognition of his renowned diplomatic abilities. In view of the fact that the Members will be working closely with him in this capacity, I am submitting for the RECORD Ambassador Bennett's farewell remarks made June 16, 1983, to the North Atlantic Council.

The remarks follow:

FAREWELL REMARKS OF AMBASSADOR W. TAPLEY BENNETT, JR. TO NORTH ATLANTIC COUNCIL ON "SOME REFLECTIONS ON AMERICA AND ITS FOREIGN POLICY"

Now, after more than 45 years of travelling back and forth across our common ocean, I am going home. Perhaps you will indulge me today in a bit of reflection—one final try at interpreting that trans-Atlantic phenomenon, the United States of America. For it is commonly accepted that we Americans are different—novus ordo seclorum, as we ourselves proclaimed in youthful pride.

The United States is not an homogenous ethnic nation. It is not the heir to some historic monarchy or empire. It is not a unified religious community. It is not a simple linguistic group; it does not have a particular cultural tradition reaching back through several millenia. The United States represents an act of will. Its creation in the late 18th century by a remarkable generation of men and women, thoroughly grounded in the liberal and humanistic traditions of French, British, German and other European philosophers and political scientists, and believing deeply in the Judeo-Christian ethic, was a conscious intellectual effort.

We Americans continue to regard ourselves as a still young and developing society—and others so regard us. But as a consistent and stable system of democratic government we are now one of the elders of the world. As I look around this table I see very few countries that can claim an unbroken line, an orderly form of government that reaches back beyond the 19th century. History lies heavily on Europe, and most of you have suffered changes in your national life of the most profound and cataclysmic nature—whether from violence of war and foreign occupation or from the disruptions of inner turmoil and revolution. The celebration of continuum in the American Bi-

centennial a few years back was a rarer event than commonly recognized.

From the beginning foreign observers such as De Toqueville and Bryce have attested to the distinctiveness of American society. People came to America in the main seeking personal liberty and economic opportunity. They found both in abundance—at times too much. Our liberty has also known its license, its excesses. But there is always in America an openness to new people and new ideas, a positiveness in approaching problems, a confidence in the ability of individuals of varying background and status to work together to overcome obstacles. When mountains have got in the way, we have moved them. Indeed, some of our more cautious and traditional-minded friends sometimes find us too informal, too confident. At times they would doubtless feed us pessimism pills if their chemists could invent them. Today America remains a land of hope and welcome—unquenchably optimistic.

As we approach the 21st century, we intend, for instance, to remain on the cutting edge of the new technologies. This Alliance also must remain in that forefront. For the United States, this may well mean expanded activity in the new frontier of space. In that connection, I recall the ribald scepticism in some sophisticated quarters over the belief of an American President that we would put a man on the moon. That target date was met ahead of schedule.

The American relationship with Europe is not an old one, spanning close to half a millenium. My country has profited immeasurably and unceasingly from the moral courage, the intellectual breadth and the scientific skills which have distinguished European civilization and which have continually flowed Westward across the Altantic. These contributions, combined with the effects of geographic isolation, generous natural resources and a productive people have made of the United States a giant among nations. It is difficult being a giant—perhaps as difficult as living with a giant. It is hard to find shoes to fit if you are a giant—and the bed is always too short. Being strong, the giant can afford to be gentle, but he is also awkward at times.

Empire is not in the American nature. A brief fling with the concept of Manifest Destiny was quickly rejected with embarrassment. We have our nationalists, as do other countries, but the idea of coveting foreign territory, of hegemony, is anathema to the average American; although we have not hesitated, in the words of Rupert Brooke, to pour out the "rich red wine" of our youth to restore freedom where it has been violated, to assist in reestablishing national life where it has been extinguished. It is with pain that we hear ourselves credited today with having an affinity for repressive regimes by those who should know better or who, sometimes with an indifference bordering on irresponsibility, cannot be bothered with getting the facts. Down through the years American policy has consistently sought—often in extremely complex and tortuous situations—to support and strengthen the moderate center of democratic government and to press existing administrations toward the center. I have now served under nine American Presidents, and I know of no exception to that rule. This policy has meant at times, as in the phrase used in another context, holding the hand of the devil while crossing a dark bridge in stormy weather. But successive American administrations have sought to keep bridges open in the hope and expectation of brighter weather to come—at times when more fastidious friends closed their doors and their hearts. The Spain of Franco is a case in point—and we all rejoice in the Spanish evolution to its democracy of today. In that case, American judgment proved superior to that of its critics. Other cases come to mind.

We Americans are a sentimental people, often subjective in judgment—some will say such qualities do not bode well for a focussed foreign policy. We are ready to walk the extra mile with friends and carry more than our part of the load, so long as there is trust and confidence and mutual sharing amongst us. But if we are made to feel abused or misused, then our reaction is negative, and the consequences unpredictable.

This leads me to the thought that perhaps no major nation on earth has come more reluctantly to the burdens of world responsibility, or bears more consciously the exercise of great decisions, or would shun more gladly the path of power than would the United States. We do not derive enjoyment from being a super power. Such American attitudes account in good part, in my opinion, for the fits and starts that bedevil our foreign policy from time to time, and which so confuse our friends—and hopefully our foes as well. American Presidents have spoken of the agony of power; a ranking Congressional leader emphasized recently the "lingering nostalgia of Americans for isolation."

There has always been a strong mixture of idealism and realism in the American approach to foreign policy. No country is more given to self-analysis and self-criticism—at times to the point of self-flagelation. The proper balance in policy is a matter of constant and intense discussion in our society. Franklin Roosevelt wrote to Jan Christian Smuts: "I dream dreams but am, at the same time, an intensely practical man." And indeed he was, getting himself elected President for an unprecedented four times. In frontier times our dichotomy was well expressed in the slogan "Praise the Lord and keep your powder dry"—modified in World War II in the popular song, "Praise the Lord and Pass the Ammunition."

We have at times fallen prey to excessive moralism, but we continue to hold with Browning that "A man's reach should exceed his grasp—or what's a heaven for?" For those who would deprecate this approach, I would cite David Reisman, who has warned of the "Gullibility of the cynical." In any event, Idealism, realism—call it what you will—I take pride, pride which I hope is pardonable, in the fact that since my country has been fully joined with you in the security process, western Europe has now enjoyed its longest period of peace and general tranquillity since Roman times, with rising living standards for the whole population.

Mr. Secretary General, I believe firmly, passionately, in the North Atlantic Alliance. It is unquestionably the bulwark of our freedom. It is the true—and the effective—peace movement. However we may differ amongst ourselves on details which are essentially minor, we are a community of shared values and common objectives. We must act more as a community. In today's interdependent world, this dangerously nuclear world, it is in my view extremely shortsighted for anyone of us to insist over much on independent courses of action or to act without due regard for the interests of other Allies, no matter how tempting or useful for domestic purposes. This admonition applies to my own country as much as to any other around the table. We must see things in the larger interests of all; parochialism is not in our long range interest. Benjamin Franklin said it early on: "We must all hang together, or we shall surely hang separately." We heard it proclaimed eloquently and succinctly in Paris a few days ago: "L'Europe a besoin des Etats Unis; ceux-ci ont besoin de l'Europe."

Ultimately, the reality and the vitality of this Alliance rests on the foundation of human relationships and a feeling of community between the peoples of Europe and of North America. Here of late we have not been tending the vineyard well. The generation which forged our shared values through direct and painful experience is moving out now. It is a distressing aspect of today that so many young people have difficulty in differentiating between the moral and political values of the West and the oppressive totalitarianism of the East. After all, liberty of the individual to speak, write, worship, assemble and trade with others—these are not abstract values. Those who lack them under Communist rule understand them well enough. We must put more attention in our schools on the teaching of recent history and on the ethics and common principles of our Western civilization. We must move without delay to rejuvenate and expand the exchange of individuals, particularly our students, our young people, on both sides of the Atlantic. Shared experience brings shared perceptions, shared values. It is the cement of this Alliance.

The responsibility falls on us to ensure that the future lies with freedom. We must cooperate to release the energies of our free society. Let us never underestimate the capacity of that free society to aspire and to achieve, to dare and to do.

At an earlier climatic moment in the history of nations, President Franklin Roosevelt wrote in 1945 in his final, undelivered address—published posthumously—words fully appropriate to us today: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."●

IN MEMORY OF TEXAS STATE REPRESENTATIVE MATT GARCIA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. TORRES. Mr. Speaker, this past weekend the people of the United States lost one of its most ardent advocates of improved education, civil rights, and increased voter registration. Texas State Representative Matt Garcia died Saturday evening at the age of 55.

Matt began his career 32 years ago, following his graduation from St. Mary's Law School, as an attorney in San Antonio. In 1973 he was elected to serve in the Texas State House of Representatives. Throughout his life, Matt was a persuasive and tireless advocate for improving the welfare of others. He was a respected and tenacious leader in times of controversy.

When the legislature was deadlocked, Matt was able to bring together differing factions and craft a workable compromise for the good of all Texans.

His career was marked by many notable accomplishments. He cofounded the Mexican American Legal Defense and Education Fund (MALDEF), and the Mexican American Legislative Caucus of Texas State Legislature. He was also a founding member of the Mexican American Democrats, whose membership numbers 10,000. A member of the San Antonio and Texas State Bar Associations, Matt turned down two State judicial appointments offered by Govenor Dolph Briscoe choosing instead to remain in the Texas Legislature. In 1980 President Jimmy Carter asked Matt to serve as the Commissioner of the Immigration and Naturalization Service. However, he declined the offer and continued to serve as an advocate for justice and fairness in the Texas House of Representatives.

Improving the quality of education for the youth of Texas was a top legislative priority for Matt Garcia. In 1981, he coauthored, with Texas State Senator Carlos Truan, landmark legislation which forced Texas schools to offer Hispanic students instruction in Spanish. He was one of the legislature's leaders who consistently pushed for increases in teachers' pay. He believed this would improve the quality of education.

Many of us will look back on Matt's career and remember him for his efforts to improve the quality of education. However, close examination of his record will show he championed many issues and will be recognized in the years to come as one of Texas' ablest and most admired leaders. Matt is survived by his wife Minnie, and their four children, David Matthew, Cecilia Louise, Matt Jr., and Cynthia Marie. The loss of Matt is not only a loss to his family as a father, husband and uncle, but also to the City of San Antonio, the County of Bexar and the State of Texas.

Mr. Speaker, I ask my colleagues to join me in expressing our condolences to his family, friends, and the people of Texas.●

TRIBUTE TO PRIVATE SHAW OF TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Ms. KAPTUR. Mr. Speaker, this Nation has always been blessed with young men who have answered their Nation's call to duty. Such was the case with Pvt. Gary F. Shaw of Toledo, Ohio, who was killed in action in Vietnam on November 11, 1967.

On that day, Private Shaw distinguished himself by exceptionally valorous action. While on a search and destroy mission, Gary Shaw immediately volunteered to go to the aid of wounded comrades. Braving constant enemy fire, with bullets striking all around him, he began to pull the wounded from the killing zone and carry them up a hill to safety. After seeing one casualty fall, in an exposed area, Private Shaw ignored exploding mortars and dragged his wounded comrade to the company's defensive perimeter. He then returned to the base of a ridge and killed six enemy soldiers while other members of his unit rescued the remaining wounded. Private Shaw was killed while gallantly covering this withdrawal.

For his extraordinary bravery and heroism, Pfc. Gary F. Shaw was posthumously awarded the Distinguished Service Cross. We Americans must never forget the sacrifice of our soldiers, especially those who make the supreme sacrifice such as Pvt. Gary F. Shaw. We in the Toledo area will always be proud of Gary Shaw. On behalf of all the people in the Ninth District and the House of Representatives, I salute the memory of Gary F. Shaw, an outstanding citizen, who gave up his life for the love of his country.●

A MODEL OF INNOVATION AND CREATIVITY IN THE MEDICAL FIELD

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. PORTER. Mr. Speaker, throughout this week, the Lake County Health Department will be sponsoring activities to celebrate the presidentially proclaimed "Child Health Day" on October 3.

The Lake County Health Department regards this occasion as an opportune time to disseminate information on child health through brochures, movies and a scheduled radio talk show, as well as to focus visibility on the many services available to the community through the department. As the Congressman representing the Lake County area, this likewise is a fine opportunity to express my pride at having such an exemplary health department serving the people of my district.

Established by referendum in 1956, the Lake County Health Department began its work with a staff of one nurse. Currently, over 300 people serve in the department which has expanded beyond Waukegan, Ill., to several outlying facilities. Services provided by the department include a prenatal clinic to combat the high infant mortality in the Lake County area, a women, infants, and children (WIC) nutrition program, and a well-baby clinic. Available on a free or sliding-scale basis through the department are also: Community health nurses serving the surrounding Lake County area, immunizations, dental screening and education in area schools, hearing and vision testing in community sites, counseling and therapy, drug and alcohol abuse programs, and regular consultation with area day care centers—among others.

The Lake County Health Department has grown by leaps and bounds over the past 27 years but continues to come up with new ways of reaching out and delivering services to the Lake County area. Particularly during the last few years of economic hardship, the department has truly excelled and distinguished itself. At a time when it was forced to operate with reduced funding and no additional staff, the department found the demands for its services increasing appreciably. The fact that the department responded admirably to this challenge was officially recognized when the director of the Division of Nursing Services, Mary H. Carter, R.N., M.P.H., recently received the Y.M.C.A. Award for Innovation and Creativity in the Medical Field—for doing more with less.

I would like to join in applauding Ms. Carter and the staff of the Lake County Health Department for their dedication, pride, and enthusiasm in providing the most basic but essential of services—health care—to the citizens of my district.●

CELEBRATION OF TWO HIGH SCHOOLS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DURBIN. Mr. Speaker, I would like to recognize today the achievement of a significant educational force in Springfield, Ill., the community in which I live.

This 1983-84 school year marks the 50th anniversary of the first graduating class of Cathedral Boys High School and the 25th anniversary of the founding of its successor, Griffin High School.

Over 5,000 students have graduated from these two high schools and contributed immeasurably to the community through their professional, civic, labor, religious, and business activities.

The clerics of St. Viator, a religious congregation of priests and brothers, have administered and staffed the two high schools from the beginning, along with many lay men and women.

The anniversary celebration of Griffin High School focuses attention

upon the excellence of Catholic religious education and its positive impact on Springfield and other communities across the Nation.●

U.S. TRADE POLICY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BIAGGI. Mr. Speaker, over the past several years I have observed the emergence of the American Association of Port Authorities as the recognized national and international spokesman for the U.S. port industry. As issues related to international trade, including our chronic balance of payments deficit, trade and transportation policy, international competitiveness of key domestic industries, and efforts to expand our exports of commodities and services increasingly dominate our national agenda, the AAPA takes on an increasingly important role in the national debate from its unique perspective encompassing much of the institutional and physical infrastructure upon which our international trade depends.

Given the importance of international trade to domestic economic recovery and the long-term competitiveness of the U.S. industrial base and its products in an interdependent global marketplace, the position of the U.S. port industry, as articulated and expounded upon by AAPA, is deserving of recognition and careful scrutiny in congresssional deliberations concerning the course of future U.S. trade policy with profound international implications.

Recently, AAPA has released a position paper entitled "America in the World Economy—the Importance of Free and Fair Trade." I commend this important document to my colleagues for its penetrating insight and clarity of analysis of America's current trade posture at a critical juncture in the evolution of our international trade policy. As the vice chairman of the Committee on Merchant Marine and Fisheries and the Congressional Port Caucus, it is a pleasure for me to present the AAPA's position paper in its entirety for the benefit of my colleagues, along with a recent editorial in the Journal of Commerce attesting to the validity of the position taken and stressing the importance of the critical message contained in the position paper.

In particular, I recognize the efforts of Ron Brinson, AAPA president, James J. O'Brien of the port of Oakland, representing the Commerce Committee, and Anthony J. Tozzoli of the Port Authority of New York and New Jersey, representing the U.S. Transportation Policy Committee of AAPA, for their efforts in preparing, securing the adoption, and disseminating this important position paper.

The position paper follows:

THE AMERICAN ASSOCIATION OF PORT AUTHORITIES: A POSITION PAPER

AMERICA IN THE WORLD ECONOMY—THE IMPERATIVES OF FREE AND FAIR TRADE: EXECUTIVE SUMMARY

(Prepared by J. Ronald Brinson, President)

Recession in the world's industrialized economies has, quite predictably, generated a penetrating anxiety about international trade policies. In any prolonged period of no-growth, unemployment becomes the most consuming human misery and the thought that goods and services from other countries eliminate jobs at home evolves as a universal haunt to political leaders. The instinct of politicians to do something, anything, becomes pervasive and simple solutions to complex problems flow forth abundantly. International trade suddenly is viewed as a major economic issue as, in fact, it should be. The danger is that it is to be dealt with during a cycle of emotionalism that accompanies the supreme hardships of millions of unemployed Americans.

For the United States, the international trade picture most Americans visualize forms from a composite of negative realities: a built-in dependence on foreign imports of raw materials and manufactured goods; a deficit that seems to be rising dramatically, an extremely strong dollar which adds to the competitive burdens of the U.S. exports, and a stubbornly high unemployment rate that somehow seems linked to the success of foreign products in U.S. markets.

Americans are generally unaware of foreign trade's role in sustaining U.S. economic strength and, in fact, the national security. The United States is today as dependent on the flow of international trade as it ever has been in its history and in many vital was more so. U.S. dependence on imported raw materials for industrial production is growing and is not likely to ever be reversed. U.S. dependence on foreign crude oil supplies is at best stable. The dependence on consumer products made abroad is a dramatic feature of the American lifestyle.

The challenge, of course, is to offset these dependence factors by exporting U.S. goods to foreign markets so as to balance the books. The record suggests some progress. Substantial expansion in U.S. export volumes has been recorded during the last decade, despite the vagaries of bureaucratic systems which do little to encourage export expansion. The U.S. continues to be a net exporter of manufactured goods. Today, one in six jobs in the manufacturing sector is related to exports, a ratio that improved from one in 14 in the mid-Sixties. Yet the Commerce Department estimates that only about one in 10 U.S. firms with capabilities to compete in foreign markets now do so. This suggests a mighty potential for export expansion.

The United States actually faces a double objective in expanding exports. Bringing a more reasonable trade balance is, of course, the most obvious. Given the maturity of many U.S. domestic markets, export markets must also be viewed as natural targets for the necessary expansion of markets for domestic producers.

Unfortunately, the attractive possibilities of export expansion have yet to generate levels of enlightened debate and action. Presently, debate centers on proposals for more restrictive trade policies and for measures aimed at curtailing the flow of foreign-made goods, from automobiles and steel to clothespins and orange juice. It is a familiar refrain, one heard before, but one, despite the lessons of history, whose repercussions are all too often ignored or discounted. It is reality that protectionism, in whatever form it takes, merely invites more of the same. If the United States closes its doors, the rest of the world will be inclined to do the same, and real opportunities for economic expansion through growth in exports will be inhibited.

Few will argue that the open, multilateral trading system has worked to perfection. Many countries do restrict access to their markets, including the U.S. But institutional inequities can and should be addressed through existing international trade agreements. The U.S. should be firm in insisting on reciprocal trading rights from its trading partners, and it is in a very strong position to do so. The American market is the largest and most lucrative in the world. That fact by itself gives the U.S. considerable leverage when it comes to trade negotiations, leverage that should be used boldly.

But there are other things the U.S. can and must do at home. Lagging productivity, inadequately funded research and development and the seeming reluctance of many potentially eligible U.S. firms to enter the export market have undercut American competitiveness abroad. The U.S. must be positive and willing to take some risks. From the national government, there is a need for consistency in direction and policy, assurances, for example, that contracts with foreign buyers of grain and other American commodities will be honored without fear of embargo or other distruptive administrative actions.

Protectionism definitely is not the answer. Indeed, it begs the question. The truth is that protectionism commands its own price, and in the end, all Americans will pay the price.

The quality of American endures along with its inherent ability and determination to compete. International trade, in fact, holds enormous opportunities for the United States in its quest for sustained economic growth and expanded employment. While insisting to its trading partners that business relationships endure only when all parties benefit, the United States must commit itself to enlightened international trade policies in developing this potential.

The American Association of Port Authorities, founded in 1912, represents the public port authorities of the United States as well as the major port agencies in Canada, Mexico, Central and South America and the Caribbean Region. In this policy paper, the Association projects the reality that international trade is vitally important to the economic security of the United States. Enlightened free trade policies, based on doctrines of equity and fairness to all partners, are essential if the United States is to realize its tremendous opportunities in export markets.

Since the earliest colonial times, trade has been of fundamental importance to the American economy. Located for the most part on or near tidewater, the first settlements in what is now the United States were, in many instances, founded or supported by trading companies chartered by royal decree for the purpose of developing profitable commercial relations with the mother countries. Entreprenurial motivation figured as well in colonies founded by religious groups, such as the Pilgrims in

Plymouth, the Puritans in Massachusetts Bay, the Catholics in Maryland and the Quakers in Pennsylvania.

Colonial exports—grain, flour, timber, naval stores, tobacco, rice, furs and hides—were traded in Europe for manufactured goods and luxury items the Colonists could not provide for themselves. For New England, ships, shipbuilding and related mercantile pursuits quickly became of primary significance. By 1760, one third of the vessels under British flag were American-built. Philadelphia ranked among the largest cities in the British Empire. Trade continued to expand after the coming of independence, though its complexion was altered somewhat by migration westward and, after 1800, by the Industrial Revolution. During the 19th Century, the export of southern cotton and later northern grain were prime generators of U.S. export earnings. After World War I, the United States surpassed Great Britain to become the world's leading center of finance and trade.[1]

Today, foreign trade is as vital to the United States as it has ever been, and in many ways more so. In the past 20 years, foreign trade's share of the U.S. Gross National Product has grown substantially, from 10 percent in 1960 to approximately 25 percent by 1981.[2] The U.S. exports about 13 percent of its coal production,[3] 60 percent of its wheat, a third of its rice, 30 percent of its feed grains, 40 percent of its soybeans and from 40 to 50 percent of its cotton output.[4] Moreover, in 1980, 8.3 percent by value of U.S. manufacturers were shipped to foreign markets.[5]

What is more, foreign trade means jobs—American jobs. Barely 20 years ago, one in 14 American manufacturing workers was engaged in making products for export. Today that ratio stands at one in six, an increase of 130 percent. In 1980, reports the Bureau of the Census, the export of manufactured goods provided employment for 4.8 million Americans, representing six percent of the country's private sector workforce. Even more telling is that in the 1977-1980 period, four of every five new jobs in U.S. manufacturing were export-related.[6]

The pattern of significance is evident elsewhere in the U.S. economy. Approximately one job is created, for example, for every 900 tons of American coal sold abroad. In 1982, with U.S. exports amounting to just over 105 million tons,[7] that translated into nearly 120,000 jobs for American workers, jobs sorely needed at a time when unemployment in the domestic coal industry was approaching 40 percent. As for agriculture, the government calculates that in 1979, 35,000 jobs were created for every billion dollars worth of American farm products exported, for a total that year of 1.2 million jobs.[8]

Other examples can be cited. The Maritime Administration (MarAd) estimates that a single job is created for every 600 long tons of cargo shipped through American ports. The port industry itself, directly or indirectly, accounts for some one million jobs.[9] In 1980, according to a 1983 MarAd study, the U.S. marine terminal and stevedoring industry by itself, directly and indirectly, accounted for 138,000 jobs. Those jobs all depend ultimately on trade.

The enormity, diversity and strength of the domestic U.S. market and the healthy growth of the world economy since 1945 has sheltered the average American citizen from the necessity of recognizing just how important world trade is to our national economy. The American worker, as a consumer, has grown accustomed to a wide selection of domestic and foreign products, while the average producer has traditionally found domestic demand plentiful. The role of world trade in creating that healthy environment was not understood or simply went ignored by the public at large.

But the current recession, with its unacceptably high levels of unemployment, high interest rates, low investment levels in manufacturing plant and equipment and curtailed domestic demand, has created confusion as to what has brought the U.S. economy to its current state and how to remedy it. In times of confusion bordering on panic, the natural tendency is to reach for quick answers and simple solutions. Trade protectionism has emerged as such an apparently plausible remedy, as workers and many producers seek to shield themselves from competing foreign goods. The feeling is that the way to protect American jobs and industry is to close the door to foreign goods. "Scrap the world trading system as it now exists," the critics seem to be saying, "it isn't working."

Since World War II, fair competition and equal market access within an open, multilateral trading system have been the cornerstone of U.S. international trade policy. That system, despite recognized weaknesses and incongruities, has allowed the unparalleled growth of the international economy in general and that of the United States in particular. To be sure, from a current perspective, the picture appears clouded and uncertain. An 80-year series of annual U.S. trade surpluses was broken in 1971. Only twice since then has the U.S. shown positive trade balances. Twenty years ago, the U.S. led the world in the export of manufactured goods, commanding a 25 percent share of the international market. That share has since slipped to 18 percent.[11]

What should not be overlooked, however, is that the United States is still the world's leading economic power, with a population of greater than 225 million and a three trillion dollar gross national product.[12] Consider, too the following:

With about five percent of the world's population, the U.S. accounts for 21 percent of its output.

If California were an independent nation, it would be the world's ninth largest economy.

The state of Texas outproduces Mexico.

Pennsylvania's output is comparable to that of Australia.

Connecticut's economy surpasses that of Greece.[13]

Over the past quarter century, per capita American buying power has increased 87 percent, civilian jobs by 67 percent, and gross national product by 161 percent.[14]

In viewing present economic problems it is essential not to overlook the basic strengths and resiliency of the American national economy. At the same time, we must recognize that our own prosperity is inextricably entwined with that of the rest of the world.

The flow of imports is also of basic importance to the United States. The U.S., for example, is dependent and in many instances, extremely so, on imported ores and other strategic raw materials needed by its defense industries. Some 30 percent of its petroleum supply comes from abroad.[15] Imported products likewise contribute to the lifestyle Americans enjoy and help ameliorate inflationary impacts by adding to stocks available in the domestic economy.

Imports also produce residual revenue and employment benefits. In 1981, for example, automobiles imported via the Port of Houston generated $192 per ton in revenues to the state and national economy and a total of 573 jobs.[16] Moreover, the Congressional Budget Office calculates that domestic content requirements proposed in legislation currently before Congress, all aimed at curtailing the inflow of foreign automobiles, would cost the National economy a net loss of 150,000 jobs. Referring to that same legislation, a Department of Transportation official estimated that 7,600 to 11,600 direct jobs and 53,200 to 81,200 indirect jobs would be jeopardized at 14 U.S. ports if those requirements became law.[17] Foreign-trade zones in the U.S., reports the government, in 1980 provided employment for 11,700 persons not counting secondary employment impacts.[18]

Political pressures are building in this country for more restrictive trade policies, for measures aimed at curtailing the inflow of foreign-made goods, from automobiles and steel to clothespins and orange juice. Just what that could cost is suggested above. More ominously, protectionism, in whatever form, would invite retaliation. The clamor over imported steel ignores the point that foreign steel makers in Japan, Europe and South America—the sources of those imports—also buy immense quantities of American metallurgical coal,[19] some of it, incidentally, marketed by U.S. steel companies with large coal reserves. Similarly Japan, the target of much of the anti-import auto pressure, is itself the world's leading importer of U.S. agricultural products.[20] Retaliatory actions by America's trading partners would put our own exporters in jeopardy. And that is something the United States simply cannot afford.

Few will argue that the open, unilateral trading system has worked to perfection. What must be determined, and determined precisely, is where it has fallen short and what can be done to correct those deficiencies. It is both simplistic and inaccurate to conclude that the poor track record of the United States in trade balances over the past few years has been due solely to the system. America's ability to sell internationally depends in part on pricing. Pricing is a function of the productivity of our factories and labor. Since the mid-1960's, productivity in the United States has consistently lagged behind that of our principal industrialized competitors. Research and development spending, as a percentage of Gross National Product, is declining in this country at a time when it is rising elsewhere. Characteristically, only a relatively small percentage of American manufacturers export, though the Commerce Department estimates that profitable opportunities exist for ten times the number of firms presently exporting.[21]

Admittedly, there are problems not of our making. Many countries do restrict access to their markets. Barriers to trade in services and direct foreign investment particularly concern the United States, since earnings from overseas investment are a positive force in helping to balance its negative trade in goods. The domestic U.S. work force is shifting from manufacturing to service jobs, the latter now outnumbering the former by a ratio of five-to-three. Service activities such as banking, insurance, data transmission, engineering, consulting, accounting and legal services, are essential in facilitating trade in goods. In the past 20 years, the U.S. export of services has grown tenfold.[22] Foreign constraints are a prob-

[1] Footnotes at end of article.

lem, one not addressed by the General Agreements on Tariff and Trade. Considering that the service sector now accounts for two-thirds of all American employment, it is time that a degree of stability and equity be brought to this vital area.

For the most part, however, mechanisms exist under present international trade agreements to deal with such inequities. These problems, moreover, must be dealth with prudently, and those charged with that responsibility must be highly flexible in their actions. Unfair competitive practices, highlighted most recently in this country by the import steel investigations, can be dealth with adequately under the present "anti-dumping" and counterveiling duty statutes. In such cases, it is essential that these investigations be conducted in a highly professional manner, and that the decisions reached be objective. While bilateral trading agreements now account for at least 25 percent of world trade flows, severely straining the ideal of open, unilateral trade, this problem can be solved by American private sector ingenuity backed by the recently enacted law permitting the formation of export trading companies. The U.S. must also be prepared to react aggressively but not impetuously to barter our "Countertrading" opportunities.

The plight of the unemployed worker is best answered through job retraining programs. From the national government, we need consistency of direction and policy. U.S.—imposed embargoes on grain exports in the recent past have made international buyers wary of committing themselves to American suppliers. Actions of this sort only undermine the effectiveness of U.S. marketing efforts abroad.

The international community we live in today is far too integrated and interdependent to allow for a major shift in American trade policy. Such a shift would cause severe and possibly mortal harm to the American economy. More than a half century ago, with the onset of the Great Depression, the major industrial powers, including the United States, sought to bolster their faltering economies by erecting tariff walls and other barriers to trade. That proved to be no solution at all. In fact, as most economic historians now agree, the antitrade policies of the early 1930s not only failed in their purpose but actually contributed to the economic collapse and the years of hardship that followed. Shutting ourselves off from the world at a time when the U.S. economy is only beginning to emerge from recession will only repeat this bitter experience from the past. Protectionism is not the answer. Rather it begs the question. The truth is protectionism commands its own price. And, in the end, we all pay it.

The quality of America endures as does its inherent ability and determination to compete. International trade in fact, holds enormous opportunities for the United States in its quest to sustain economic growth and create jobs. While insisting to its trading partners that business relationships endure only when all parties benefit, the United States must commit to enlightened international trade policies in developing this potential.

FOOTNOTES

[1] Harold Underwood Faulkner, *American Economic History* (Eighth Edition, New York: Harper and Row, 1960), pp. 40-51, 79-86, 232-235, 543-544, 584-585; Carl Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (New York: Alfred A. Knopt, 1955), p. 217.

[2] Percentages derived by AAPA from data reported in U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States 1982-83* (Washington, DC: Government Printing Office, 1982), p. 419. *(Statistical Abstract)*

[3] Based on data reported in National Coal Association, *International Coal 1981-82*, pp. II-1, II-14 to II-17. *(International Coal))*

[4] Based on export and production data reported in *Statistical Abstract*, pp. 677-679.

[5] U.S. Department of Commerce, Bureau of the Census, "ASM 1980 Annual Survey of Manufactures—Origin of Exports of Manufactured Products" M80 (AS)-6 (Washington, DC: Government Printing Office, p. 1. (Export of Manufactures)

[6] *Ibid.*

[7] National Coal Association, International Coal Review (Washington, D.C.: February 3, 1983), p. 1.

[8] John R. Groenewegen and Kenneth C. Clayton, "Agriculture's Role in the Economy of the United States," EES Staff Report No. AGESS810407, Food and Agricultural Policy Branch, National Economics Division, Economics and Statistics Service, U.S. Department of Agriculture (Washington, DC: April 1981), p. 21.

[9] U.S. Department of Commerce, Martime Administration, *"Economic Impact of the U.S. Port Industry: An Input/Output Analysis of Waterborne Transportation"* (2) volumes, Washington, DC: Government Printing Office, August 1978), I, 2-3.

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[11] Malcolm Baldrige, "United States Trade," VIA Port of New York-New Jersey (June 1982), p. 8. ("United States Trade")

[12] Statistical Abstract, pp.xxii, xxiv.

[13] U.S. News and World Report, (April 5, 1982).

[14] U.S. News and World Report, (April 26, 1982).

[15] James D. Santini, "An Island Nation," *Seapower*, (January 1983), pp. 24-26.

[16] Booz, Allen and Hamilton, Inc., "The Economic Impact of the Port of Houston," (Bethesda, MD: September 1982), pp. III-8, IV-5.

[17] Congressional Budget Office and Department of Transportation sources quoted and reported in: *Statement of W. Gregory Halpin, Second Vice Chairman, The American Association of Port Authorities to the Subcommittee on Trade, House Ways and Means Committee, on H.R. 5133, Fair Practices and Automotive Products Act*, (September 29, 1982), pp. 3-4.

[18] U.S. Foreign Trade Zones Board, *Annual Report to the Congress of the United States for the Fiscal Year Ended September 30, 1980*, p. 4.

[19] *International Coal* pp. II-18, II-19.

[20] *Foreign Agriculture*, (February 1983), pp. 12-13.

[21] "United States Trade," 2pp. 8, 46.

[22] *Statistical Abstract*, p. 820.

A MESSAGE FROM THE PORTS

The U.S. port industry at last plans a unified public appearance on behalf of the importance of free trade to the nation. The appearance is, of course, motivated in good part by self-interest. It also is somewhat overdue. But it is welcome nontheless.

According to its president, J. Ron Brinson, the American Association of Port Authorities will come out within the next few weeks with a detailed, professionally printed position paper that will go to all the country's major industries, chambers of commerce and the like.

The paper's message, in essence, is that the "United States is today as dependent on the flow of international trade as it ever has been in its history and in many vital ways more so."

The world trading system is hardly perfect, the paper says. But protectionism, it asserts, is not the answer. Instead, the U.S. government should move consistently and firmly toward "enlightened international trade policies."

Too many Americans, according to the two association committees that prepared the 2,200-word paper, see trade in a negative light. Foreign trade, to them, means trade deficits, budget deficits and shameful national dependence on foreign raw materials; it means increased imports of products like autos while Americans in similar industries are being laid off.

What the public must be shown, the paper says, is that trade actually sustains the nation, that it can be a lifeline that can help haul the country back to economic strength. In the AAPA's eyes, trade will be to the decade of the 1980s the kind of dominant issue that energy was to the 1970s and the environment was to the 1960s.

The message itself isn't new. What is new is that the AAPA, which represents virtually all U.S. public port authorities and major ports in Canada and Latin America, is pushing it. And what's encouraging is that this effort is being aimed at the public, not just other sectors of the maritime industry.

International trade is indeed vital to the United States, as the ports' position paper underlines. To use its figures, trade accounted for nearly a quarter of the U.S. gross national product in 1981. America exports 60 percent of its wheat, more than 40 percent of its cotton, 40 percent of its soybeans, a third of its rice and 13 percent of its coal production. One in every six American manufacturing workers today, the paper says, helps make products for export. And, according to government statistics it cites, four of every five new jobs in American manufacturing between 1977 and 1980 were export-related.

Needless to say, the port industry and its workers and suppliers also benefit from open trading because 95 percent of America's international trade moves through its ports.

But the overall figures are dramatic proof of the importance of trade to the United States. And, as the AAPA paper reiterates, they show why erecting trade barriers is so dangerous: other nations are likely to retaliate with barriers of their own, cutting drastically into American export-related industries.

That's not to say we agree with everything in the position paper. Terms like "reciprocity" and "fair trade," catchwords in some circles for advocates of protectionism, seem used too loosely; much reliance seems to be placed on anti-dumping and countervailing-duty laws, although the paper advocates professional, objective evaluations under those laws.

But the thrust of the AAPA paper is laudably on target. We only hope the organization pushes its position as publicly, as widely and as often as possible.

The AAPA traditionally has concerned itself with port issues, worries and disputes rather than the larger overall picture. Many, like dredging—big and small U.S. ports remain divided over funding schemes for such work—are highly important in their own right but seem narrow, technical issues to the public.

The 70-year-old organization should continue, of course, to focus time, effort and energy on port-related matters. But we're happy to see it's also turning its attention and strength to the bigger picture as well. A public interested in and informed about the broader issues may be more receptive to what it once thought were the more technical ones.●

THE ALTERNATIVE ENERGY TAX INCENTIVES ACT OF 1983

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. HEFTEL of Hawaii. Mr. Speaker, today I am joined by 19 of our colleagues in introducing new legislation to extend and expand the business energy tax credits for investment in alternative and renewable fuel equipment and to extend certain credits for investment in synthetic fuel development. The introduction of this new bill represents a substantial new effect to insure the continued development of alternative energy in this country.

Current events in the Middle East should serve to remind us how easily and quickly another world energy crisis could occur. The continuing Iran-Iraq war, the sale of Exocet missiles to Iraq, and the mounting hostilities in Lebanon, in spite of the tenuous cease-fire, represent serious threats to the security of our energy supply. If we learned nothing else from the embargo of the early 1970's, we learned how reliant our economy is on imported energy from foreign sources.

The legislation we are introducing today is the product of extensive negotiations between representatives of the renewable business and consumer communities and the emerging synfuels industry. Moreover, we have succeeded in significantly reducing the revenue impact of the various bills that have been introduced to increase and extend tax credits for investment in these various technologies. This combined reduction was achieved by substantially paring back the credit levels originally sought by supporters of these other legislative initiatives.

This new bill would increase the business renewable energy tax credits—incentives for wind, ocean thermal energy, photovoltaics, and other solar collectors, and geothermal energy equipment—from the current law level of 15 to 20 percent and extend eligibility for the credits through 1990. This slight increase is necessary to offset the effective reduction caused by the basis reduction provision of last year's Tax Equity and Fiscal Responsibility Act. This bill also provides a phased down extension of the existing tax credits for residential installation of solars and wind energy equipment through 1990.

Our bill also extends so-called affirmative commitments to renewable energy projects and provides that equipment used in the production of shale oil, including shale oil hydrogenation equipment, and synthetic fuel derived from coal will qualify for extended credit and affirmative commitment treatment. Finally, this bill provides a 10-percent energy tax credit and affirmative commitment treatment for investment in equipment for the production of fuel from tar sands.

Mr. Speaker, although most of these credits do not expire until 1985, the time is now upon us to take up and enact this responsible compromise package. The country has made a significant investment over the past several years to lay the groundwork for a meaningful alternative energy capability. We must not abandon this effort because, for the moment, energy supplies appear to be abundant and world oil prices are soft.

This new bill has the backing of every significant alternative energy organization and sends a clear signal to the investment community that Congress is not about to back down from its commitment to full-scale alternative energy development. Moreover, this new bill represents a reasonable balance between fiscal restraint and sound energy policy. Now we must move quickly to enact this bill.●

A TRIBUTE TO REV. DR. WILL L. HERZFELD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DELLUMS. Mr. Speaker, it is with great pleasure and a sense of pride that I have the opportunity to bring to the attention of my colleagues an outstanding gentleman from my congressional district, Oakland, Calif.

Dr. Will L. Herzfeld is presently pastor of Bethlehem Lutheran Church. He is no ordinary pastor, as he not only practices the word of God, but puts the philosophy in practice. Rev. Dr. Herzfeld has been and is very instrumental in bringing church and community organizations together in projects for progressive action. Because of his work in and for the community, he has developed lasting relationships with several social and political groups and ecumenical organizations. He was a member of the board of directors of the East Bay Conference on Religion, Race, and Social Justice; is presently the first vice president of the Alamo Black Clergy; and is secretary-treasurer for the Center for Urban Black Studies, Graduate Theological Union in Berkeley, Calif.

Rev. Dr. Herzfeld's activism spans many years. He was born and raised in Mobile, Ala., and served as pastor of Christ Lutheran Church in Tuscaloosa. He participiated in the organizing of the Tuscaloosa chapter of the Southern Christian Leadership Conference (SCLC) and served as its first president. He was also president of the Alabama State SCLC and was a close associate of the late Reverend Dr. Martin Luther King, Jr.

Since his arrival in California, Rev. Dr. Herzfeld has continued his efforts to improve the conditions of humankind. He has served as county commissioner for the Alameda County Human Relations Commission; is presently chairman of a subcommittee of the Mayor's Blue Ribbon Commission on Crime in Oakland; he sits on the board of directors for the Oakland Citizens' Committee for Urban Renewal, and is treasurer for the Oakland Urban Renaissance Society which is a minority development corporation. Rev. Dr. Herzfeld has received numerous awards and honors for his service.

One would think that this would keep the good Reverend busy enough, but, in addition to the above, Rev. Dr. Herzfeld has traveled extensively—to the Bahamas, where he attended the independence celebration as an official guest of the government; to Dar Es Salaam, Tanzania, where he attended the Lutheran World Federation Assembly; to Germany, France, Nairobi, Kenya, Nigeria, Ghana, Ethiopia, India, Japan, Hong Kong, and Haiti—all places where he served in his capacity as a pastor and a humanitarian.

It is through the travels and efforts of Rev. Dr. Herzfeld that the church he pastors, Bethlehem Lutheran, has, for over a year, sponsored several Haitian relief programs. The congregation receives Haitian refugees from Florida and provides housing and clothing for them. They teach the refugees how to apply for jobs and train them for skills which enable them to become independent and productive human beings.

There appears to be no end to the activism and accomplishments of Rev. Dr. Herzfeld. So often, the media gives publicity to one or two of the do-gooders of society; but, for every one who receives the limelight, there are hundreds more who quietly work day in and day out, without notice or reward, to make life better for numerous people and communities. I am overwhelmingly pleased and proud that one of these great persons of service resides in and is making his enormous contribution to society from my congressional district—Rev. Dr. Will L. Herzfeld, a model for everyone seeking social advancement.●

A TRIBUTE TO ALEXANDER LERNER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. LEVINE of California. Mr. Speaker, I would like to ask my colleagues to join me today and pay tribute to Prof. Alexander Lerner, a world

renowned Soviet scientist who celebrated his 70th birthday last month.

Unfortunately, Professor Lerner's birthday was not spent celebrating. For the last 12 years of his life this courageous man has repeatedly been harassed and humiliated by house searches, arrests and summonses from the KGB for interrogation. His crime—an application to emigrate with his family from the Soviet Union.

Professor Lerner was the first scientist of his caliber to apply to emigrate from the U.S.S.R. in 1971. During his long distinguished career, Dr. Lerner was awarded the academic degree of candidate (Ph. D.), in 1939, the doctor of science in 1954, and the academic title of professor in 1955. He is the author of 172 scientific works, including 12 books, many of which have been published in English, German, French, Chinese, and Japanese. He was chairman of the department of large scale systems at the Institute of Control Sciences in Moscow; chairman of Moscow University Scientific and Technical Council; member of the Council on Cybernetics; president of the U.S.S.R. Academy of Sciences and served as an editorial board member of several distinguished groups. In addition, Dr. Lerner was awarded a silver and two gold medals for his work at the exhibition of achievements of state economy by the Soviet Government. As a result of his application to leave the Soviet Union he was immediately dismissed from all academic, editorial and research posts—yet denied permission to leave.

In 1973, his daughter, Sonia, was permitted to leave for Israel, while his wife Judith, and son Vladmir were again refused. On July 7, 1981, after 8 long years of separation in which two grandchildren were born in Israel, his wife died.

Following his official expulsion from science, Dr. Lerner tried to maintain scientific viability by meeting with other ostracized colleagues in weekly seminars conducted at his home. Despite the lack of suitable laboratory equipment, Professor Lerner went on to develop a theoretical model for an artificial heart pump which utilizes the body's own endogenous materials for energy supply. It is viewed by the American medical community as a unique contribution to health science.

In the fall of 1981, Professor Lerner was forced to stop his weekly seminars following serious threats from the KGB. In late 1982, Soviet authorities threatened his son with criminal prosecution and loss of Moscow residence rights if he persisted in meeting with Western scientists.

As Professor Lerner enters the 70th year of his life, let us hope that Soviet authorities will grant him a long overdue exist visa, and that his wish to reunite with his family in Israel may finally be fulfilled.●

THE PERSISTENT HUNGER PROBLEM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. ADDABBO. Mr. Speaker, recently I received yet another indication of this administration's commitment to human needs. This time, it came in the form of a manual, distributed by the Department of Agriculture, detailing exactly how to set up a soup kitchen.

I cannot refrain from asking myself and my colleagues whether the money spent putting together and distributing this booklet was not sadly misdirected. This manual does absolutely nothing to put food in the stomachs of hungry Americans. Furthermore, it falsely proposes the soup kitchen as a legitimate solution to the hunger problem. Nothing could more clearly show how far away from its responsibilities to its citizens this administration has moved. The era of the soup kitchen has long passed us by.

When the people behind the Great Society battled hunger and poverty in America, they recognized that soup kitchens neither leave an individual's dignity unassaulted, nor guarantee lasting relief to those who cannot or refuse to receive their meals in this fashion. Instead, they recognized that citizens have a right to a nutritional diet they can choose and prepare themselves, and eat with their families at their own tables.

Three years into this administration, we have yet to see any such commitment. It is a disgrace that this problem persists and grows despite our longstanding knowledge of it.

A return to the soup kitchen moves this country in exactly the opposite direction from where it should head in this area. We cannot allow the hungry and disadvantaged to be made once again to feel responsible for unemployment and suffering brought about by the disastrous economic policy of this administration. We cannot acquiesce in the administration's attempt to remove both the blame for the current crisis, and the responsibility to ease current suffering from its shoulders.

We must, on every possible occasion, speak out against the administration's shirking of its responsibilities in this and other areas of human need. In the soup kitchen, the administration has found a fitting symbol of its regressive policies that move us ever further from the extensive action we need to put a halt to malnourishment and hunger in this country once, and for all time.●

SPEECH OF NORMAN LEAR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DOWNEY of New York. Mr. Speaker, on September 21, 1983, Norman Lear spoke before the National Press Club. It was an outstanding speech. It follows:

SPEECH OF NORMAN LEAR

INTRODUCTORY REMARKS

I am pleased and honored—and surprised—to be with you today. Pleased because I have so many friends here and I am happy to see them—and honored because of the enormous respect I have for the institution of a free press in a free society—and for so many of you as individual journalists.

The sense of surprise is occasioned by the fact that you actually did gather to hear what may be on my mind. I told my mother that the other day—with great pride I told her how I would be addressing the distinguished members of the national press in Washington, D.C., and my mother, the ultimate leveler, replied: "Listen, if they feel they want to hear you, who am I to say?"

How my grandfather would have loved to see me here today. He came to this country in his early twenties and was an avid reader of newspapers and periodicals. Everything the knew about America—and he knew a great deal—he learned from reading newspapers. Once or twice a month, he used to write the President. He would read those letters to me. They all began the same way:

"My dearest, darling Mr. President," he would write. "Don't you listen to them when they tell you such-and-such and so-and-so. You are right. They are wrong." And even when he disagreed with his leader, the letters started the same way: "My dearest, darling Mr. President, you were wrong when you said such-and-such and did so-and-so."

I went down the four flights of stairs each day for the mail—and every now and then, my ten-year-old heart would flutter wildly—because I'd find a little white envelope that said "White House" on it. I don't really remember seeing a Presidential signature—but nonetheless, it was my grandfather—74 York Street, New Haven, Connecticut—receiving a letter marked "The White House." To the extent that I have any social conscience—and to the extent that I am mindful of the blessings of a free press—I am sure I have my grandfather to thank.

I'd like to thank and congratulate Steve Knickmeyer—this year's winner of the H. L. Menchen Award, for his brilliant, winning editorials: One of which turned a spotlight on the attempt by extremists, censors, in Oklahoma to control the religious and political content of textbooks statewide. I feel a special kinship with Mr. Knickmeyer: To share this moment with such a strong and articulate ally is a privilege.

All right—let's talk network television—and the financial interest and syndication rules. Let's talk the economics of television—how it affects the quality and diversity of television—and how important that is to the public interest. Should the FCC return to the networks the right to negotiate for up to 100% of financial interest in a new show from an outside creator—and also be allowed to effectively control the distri-

bution of that product for five and a half years after the network debut?

The FCC took those rights from the networks 11 years ago to promote diversity and competition in the television programming marketplace. Should they be returned? I had planned to talk some about people for the American way, because I am proud of it—and because I believe its work is so important to the preservation of a free society—but in a way these subjects are very much connected.

The Baltimore Sun honored Steve Knickmeyer for, among other things, an editorial which confronted a group who attempted to control a particular marketplace of ideas, in his case the textbooks. I think this room would agree that every marketplace of ideas should be unrestricted by the political religious, or moral dictates of the controlling group of the day. How then do we feel about television. The largest and most impactful marketplace in the history of man—which is utterly controlled and restricted by yet another dictate: The commercial imperative of the day?

Think about it. What America sees and hears over the public airways licensed to a network inevitably reflects the commercial imperative of that network—that corporation—rather than the visions of the many writers and other artists that are hired to produce those programs.

That is inevitable. They are, after all, the licensees. It is their business. But to the extent that the rules give strength to the independent production entity, there is at least an opportunity for some checks and balances. Because the independent production centers are the source of the writer, the author, that occasional unique and original voice who will challenge the commercial imperatives of the networks.

This has never been an equal battle. There are still only three nearly identical doors that provide access to a potential 90-some percent of all viewers—and that, friends, is power! The only thing that militates against that power is the voice of the author, through the production entity—and attention is only paid that voice when it is strong.

To centralize more power and control in the hands of the network—is to ensure still more of a homogeneous, institutional and undiversified kind of television that so many complain about even now. And, assuming we agree that the quality of television is a matter of the public interest, let me ask you:

How much do you think the quality of MASH would have suffered if the characters never went into the operating room? If the show had been absent the seriocomic flair for which it became so widely respected? That's what the network wanted. They fought every extenson of reality, and every attempt to make the stories adult and mature. You can read the pilot script for MASH and follow the changes the network insisted on by visiting the MASH exhibit at the Smithsonian Institution. Larry Gelbart, its creator, one of those strong voices that provide a degree of check and balance, placed them there.

And, I would be happy to document some of what the network didn't want us to do with All in the Family in the exhibit that features Archie's and Edith's chairs. They fought our doing stories on the subjects of homosexuality, Vietnam, the Jewish Defense League, impotence, dozens of others—and they flatly refused to have us photograph Archie Bunker diapering his infant grandson. Frontal nudity, they called it.

There were days devoted to this argument—but Archie diapered him face up (the network suggested he diaper him on his belly). And surprise, surprise, there was no "knee-jerk reaction from the Bible Belt" as the network promised there would be—and not one state seceded from the Union.

Then there's the Mary Tyler Moore Show. When it was being prepared for production, the script called for Mary Richards to be a divorced woman. The network said no. You see, there was some CBS research, current at the time, which said that America didn't want to see divorcees, Jews, and people with mustaches! So help me! So, Mary Richards had an eight year run, never married, and it took another three years before the first divorced woman character made it to the air waves.

A lead editorial in the New York Times last Saturday, discussed "the war for control of syndicated re-runs, between the television networks and the producers and movie studios that provide most of their programing"—and it made me furious. I don't know whether I was furious at the New York Times, which didn't understand the issue at all, or at those on our side of the argument for not having made our position understood. If, fifteen-some minutes from now, I see in your eyes that it is still not understood—well, how long has it been since you've seen a grown man cry?

Speaking of the proposed modification of the financial interest and syndication rule, which is no modification at all—it is a dead giveaway to the networks, the New York Times says:

"If these changes will not significantly upset the industry, why have they aroused such passion? If the rule doesn't matter much, why rock the boat?

". . . . because it probably does matter a little, and change might be for the good."

"Because it probably does matter a little . . ." what kind of condescending bull is that? It doesn't matter a little, it matters a whole damn lot—and that is why it has aroused our passion!

The Times editorial refers to the network contention that competition from cable and groups of independent television stations has destroyed any justification for their exclusion from syndication revenues. First of all, the mention of cable as real competition to the networks is a red herring. To a large extent, the networks are the new media. They are deeply committed to cable, DBS, video discs, pre-recorded cassettes—and CBS has just formed a new major studio, TriStar, in association with its supposed archenemy, HBO—and Columbia Pictures. Deeply committed means deeply invested with dollars the networks now say they can't afford for quality programing.

In a recent speech to advertisers, the President of ABC Television drew this conclusion: "Total cable advertising last year amounted to less than two-tenths of 1% of all television advertising revenues, which is a real measure of the size and dimension of cable audiences. It ought to tell us something that in spite of the competition from new media, network television continues to grow at record rates."

Here is what NBC told its affiliates recently: "Television networks and their affiliates will command over three-fourths of all television revenues in 1990, according to studies conducted by NBC Corporate Planning."

And CBS Television concluded one of its publications with this: "By the end of the decade the CBS Television Network believes that the predominant share of television audiences, and the bulk of advertising revenues, will continue to be where they are today—in commercial broadcasting."

These are the same institutions who convinced the New York Times that they needed the help of an agency of government to program quality! The FCC is hostage to the networks.

So the mention of cable and/or new technologies is a scare tactic. But the new-found strength of independent television stations is another matter. They do, indeed, provide competition. And the big, big question here is—since increased competition is supposedly what de-regulation's all about—even the networks feign a commitment to that—why then are they running to the FCC, seeking to kill their competitors? I'll tell you why: To protect their 5 government-licensed owned and operated stations from competition for the advertising dollar.

When the financial interest and syndication rule took effect, there were about 75 independent television stations serving 38 markets. Those 75 stations were struggling, losing at the rate of $24,000,000 a year. And why? Because they were unable to compete for advertising. Unable to compete because the networks had control of the off-network use of the programs. Today, there are 179 vigorous independent stations, serving 86 markets. They are competing for advertising revenue—and they are making profits of over $100,000,000. They are doing that by running Barney Miller, Star Trek, MASH—all of the off-network product that compete with the networks' first-run product—with which companies such as mine fashioned a syndication business. It is not hard to see what that means to the networks, but it is hard to see how grown men—there is only one woman currently in any position of real power at a network—can come cryng to a government agency for help because they face a little honest competition.

And how disingenuous! In the next sentence of the Times editorial, it notes the network argument that if they can once again control syndication, it would help stimulate competition among smaller production companies. Did I say disingenuous? That is downright smarmy. Why would they pay incremental dollars for a product they can as easily take as the quid pro quo for doing business, anyhow? The answer is they wouldn't.

One last point about the small production company. Chances are its owners are hoping to be a big production company one day, which is why it went into business in the first place. Unless it is in control of the distribution of its off-network re-runs, it cannot attain its goal. And the networks know that very well.

I am aware that I am talking of vast sums of money here. But the networks like that. They have attempted to characterize this battle as nothing more than a fight between two sets of "financial giants". Well, I'm trying very hard not to feel ashamed for having become a financial giant • • • although if NBC, CBS and ABC are giants, I don't think I can be anything more than a large person. Maybe a very large person. But I thought the name of the free enterprise game was to allow everyone the opportunity to become a large person, a very large person, or a giant. That is exactly what happened to me. I might still be a midget, but for the financial interest and syndication rule.

The deal with CBS for All in the Family was made just before the rule came into

place. Our representatives negotiated long and hard for the right to retain syndication. But the network demanded syndication and they got it.

It wasn't until the new shows came along—Sanford and Son, Maude, Good Times, One Day at a Time, and others—that the rule was operative and Embassy, then Tandem, finally in control of its own destiny, was on its way to becoming a very large person indeed.

I believe it is in the public interest for every writer, director, or producer to have the opportunity to grow that way. Often it is necessary. Because a large person can argue more effectively with a giant than a small person. In most cases, the network does not pay enough to cover the costs of production. Take the acclaimed hit series, Hill Street Blues. Last year NBC paid a licensee fee to the Mary Tyler Moore Company $65,000 less per episode than it cost. Total deficits now exceed $3,230,000. But the networks earn their money from the sale of advertising from the very first episode. Let me show you how you get to be a real giant in television.

NBC sells some $1,500,000 in advertising time on each original episode of Hill Street Blues . . . on which it makes a profit of Approximately $250,000! On every re-run, it nets approximately $550,000. Producers of course, do not participate in the advertising revenues. So before the networks solicit help from Big Brother Fowler at the FCC to gain a piece of our syndication revenues—in effect becoming our partners—why not become real partners and let us share in their advertising revenues? We have suggested this possibility often, to no avail. Let's face it, giants are not very friendly, and they have big appetites. But I don't want to be fed to them, especially by an agency of my own government and Chairman Fowler.

Les Brown, one of the most informed writers on the TV scene, speaks of Mr. Fowler as a regulatory nih list, an ideologue who believes free markets are the answer to everything. "Broadcast regulation is shrouded in myths," Fowler once declared in a speech to broadcasters, "myths about service to the community. . . ." It is regrettable that the Chairman of the FCC should think of service to the community as a myth, but it is no wonder that broadcasters award his remarks with standing ovations and that the National Association of Broadcasters—as reported by Brown—jokes about taking up a collection to buy "key man" insurance for this political appointee. . . . I am not a fan of Mark Fowler's.

To return to Saturday's New York Times editorial once more—they quote the networks as saying that the rule—"has reduced our share of total expenditures for programming, while the cost of programming has increased Dramatically." Poor babies! According to their own research, they project a 70 percent share of audience in 1990, with no decline in real audience—they still own five each of the strongest TV stations in the country—and their combined profits have soared 550 percent in the last decade. Don't cry for them, Argentina!

The Times editorial also says that free market economies work best when regulation is used sparingly. I'd like to question the use of the expression "free market economy." Television is a most unusual industry. It is a distorted free marketplace, distorted by an FCC Commission in 1952, that allocated the broadcast spectrum among local TV stations, so that only three national television networks could develop—giving CBS, NBC and ABC a virtual joint monopoly over the national television audience. If that kind of television represents a free market economy, my name is Abe Rosenthal.

There is one more statement in the New York Times editorial to which I take total exception. "Looser regulation is unlikely to have much effect . . . on the quality of programs." Really?

Recently, a group of five jurors gathered for the BANFF International Television Festival to judge 100 hours of television. When the winners were selected, the panel analyzed the list to see if they had anything in common. They did. Virtually all had been independently produced. Even the ABC news documentary that won, "Vietnam Requiem", was made by a couple of independent journalists in San Francisco, rather than by ABC News itself.

"Much of what we didn't like," wrote one of the panelists, "gave us the feeling of being machine-made. The winners in contrast were hand-crafted. They were works, rather than programming, and they smacked of authorship."

I take the use of the word "authorship" to mean the sound of a unique, or original voice. The kind of independent voice you hear today on Cheers, Hill Street Blues, St. Elsewhere, Family Ties. The kind you won't hear if the network owns all programs and we in essence become employees.

It takes a lot of doing for a unique or original voice to be heard in that vast, homogeneous chorus that is network programming today. Because the name of the game for each network when they are deciding what ideas will make it on to the network is: "How do I win Tuesday night at 8 o'clock?" Not, for example, "How do I program with more attention to women? To minorities? To children? and to the elderly?"

I submit that when the most important criterion for selecting a show is how it may rate against the competition, the decision will often be made at the expense of taste, innovation and a sense of responsiblity to the public interest. By the way, how well is the public interest being served in the way the war of the ratings is covered? In what other industry is the competition between three entities reported on so exhaustively, so clinically, and with such hysterical appetite? Newspapers didn't always list the top ten television shows each week. The press created the appetite for this monumental bore and something tells me that the public is never as ravenous for the numbers as the space devoted to them would indicate. But, the artificial insinuation of this now earth-shattering trivia has fanned the flames of competition into a virtual conflagration. It often results in lunacy. Such as the lunacy known as "sweeps weeks."

Four times a year, the television industry pluges into this degrading, competitive ritual. During these high holy days of the TV year, professional market research firms gather demographic data on who is watching what programs. The results are then used by the networks to set advertising rates that profoundly affect profitability. Now the rub is this: During sweeps weeks, the regular weekly programming is moved aside—and in its place are presented one-time-only specials and Movies of the Week, with usually exploitive and sometimes salacious titles and advertising.

Throughout sweeps weeks, nervous programmers await the new Nielsen and Arbitron ratings the way the faithful watch for puffs of smoke over the Vatican. When this masturabatory exercise is all over, the networks resume their normal broadcast schedule. They refer to this charade as "stunting." My father told me you could go blind from such activity.

What is most disturbing about this kind of short-term lunacy—is that it is not restricted to the television industry. It is part of the national climate. In Congress, federal agencies, state legislatures, universities, in business generally, and in other spheres of influence, we seem all too ready to sell the future short for a fleeting moment of success. We witness a growing misuse of human potential in a climate that forgives and condones that misuse for short-term gain. It may be the greatest societal disease of our time.

Professor Abernathy, of the Harvard Business School, has suggested that it may have had something to do with the failure of our auto industry to maintain its world dominance—and the same with consumer electronics, steel, and now machine tools.

I think that it has gotten to us on a family and personal level, too. When we speak of what was called the "Me Generation" and the "Culture of Narcissism"—when we speak of the breakdown of institutions—of impulsive marriages and facile divorces—of the rate of crime and the escalating drug culture—of young people graduating from high schools without the ability to read and write—when we speak of a hundred social ills—I wonder if we aren't talking about a trickle-down value system that has begun to consume us all with this need for quick rewards and instant gratification.

The choice of which show a network will put on the air is made, as I indicated, in the context of this same need. That is the commercial imperative. It appears that a new show, "We Got It Made," may be a hit. It features a nubile young blonde with two breasts—count them, two—who works as a maid for a couple of young men. I mention the breast count because if the show is indeed a hit, you may see another young maid with three breasts on another network. That may not be as funny as it sounds.

I asked a young TV writer to comment on all of this. Here is what he had to say:

"I'm just a writer, so all I can do is write the script and hope for the best. But in my heart I know that unless I'm working with a more powerful writer/producer like Jim Brooks or Steve Bocho or you—I haven't got a chance. I don't think the networks understand real people. Most of execs are only 32 or 33, like me—and we all grew up watching a lot of television—I mean, really a lot of televison. Then we all went to college and studied communications. I don't know how I escaped this, Norman—maybe it's because I always knew I wanted to write—but I swear, most of those guys at the networks are all confused about what real human behavior is. They ask us to write stupid things for people because the only thing they know about how people talk is that they've seen all their lives on televison.

"Sometimes I think TV is not so much a reflection of society as a reflection of other TV shows. And they don't know that. Good luck with your speech."

I repeat, there are no villains in the network executive suite. For a moment, put yourself in the place of one such exec. He wakes up one morning with his newspaper at the breakfast table and he sees that his team has only placed two shows in the Top Ten. He may have anticipated it, but he doesn't like to see it. His breakfast doesn't

taste too good and it isn't the best time he's ever spent with his wife and kids.

Although with the baby-boom in network executives, chances are he doesn't have a wife and kids. Newton Minow once called television a vast wasteland. I often think of TV executive suites as a vast playpen. When he arrives in his office, there is a still-warm Xerox of the overnight ratings from last night. Once more his network has failed to win.

Then his first appointment is with a new writer/director, a young man of unusual talent, tomorrow's Rod Sterling. And this writer has an innovative notion: a situation comedy about a Chinese family. I submit that our executive is in no frame of mind to hear, let alone accept, an innovative idea. Risk-taking is long-term thinking. So he asks: "Uh—the Chinese daughter, could she be a blond?"

There are no villains here. It isn't easy to program 22 hours a week: These are mean, difficult jobs, and I respect many of the men and women in network programing. It's just that the writer coming to the network with a new concept is coming from another place. Not that they don't wish to scored high in the ratings, too—but the writers' means to that end is the very best execution of his concept. The network will always, always seek to bend the concept, and the teleplay, and the casting, and the editing, to meet the needs of the marketplace as it perceives those needs at any given time.

Now this battle is an honest one. And what I am most hopeful this audience will understand, is the need for it to continue. Viewers did prefer a more mature MASH. With its serio-comic overtones. So—diminish the effect and the strength of the independent writer/creator and the battle is over. It is in the public interest that that battle never be over.

I want to put this another way because I can't say it strongly enough. If a network must, in its opinion, sacrifice quality for ratings, it will. So will some writers. We do have our hacks. I am suggesting, however, that a writer's gut instinct is to believe that it is only the quality of his or her script that will ensure the ratings. That is all the writer has to go on, and so that is always the way the writer begins.

Whatever we write, good, bad, or indifferent—and no one wishes to write a bad script—we are all writing for the smile of approval from the first person to read us—we are all writing for the respect of our peers—and we all begin by believing that any and all success will depend upon the quality of our script.

But there are other Steven Bochcos who have not caught the brass ring as yet. And tomorrow's Steven Bochco—the innovator, the brilliant writer not yet on the scene—for him, for her—and for a viewing public that must not be denied the authorship of these fresh talents—I speak for all of them when I say that we must not centralize more power and control in network hands.

There is a bill in the Congress to provide a five-year moratorium to study this matter further. Let's take that time to conduct a major examination of all of television. Including further study of exactly what it is dong to us. Let's turn loose our best thinkers and give them the widest possible circulation in the popular press.

Meanwhile, there is Steven Bochco, and all the Steven Bochcos to be.

I thank you for the opportunity to speak to you today, and—help keep Steven Bochco strong.●

CHEMICAL WASTE DUMP MOVED FROM WILSONVILLE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DURBIN. Mr. Speaker, the citizens of Wilsonville, Ill., were recently recognized for a significant achievement. The people who live in this Macoupin County community fought a battle for many years to rid their area of a hazardous chemical waste dump which posed health problems to everyone in the area.

The townspeople raised the money that was necessary to oppose the continued operation of this dump. Their battle in the courts was rewarded when the Illinois Supreme Court ruled in their behalf. Removal of the wastes and the closing of the site began in October 1982.

In Illinois, the name "Wilsonville" came to have the same connotation as Love Canal and Times Beach have for the Nation. People throughout the State of Illinois learned of the tenacity of the townspeople of Wilsonville. They first expressed their concerns about the effects of the chemical wastes in across-the-fence discussions and impromptu meetings at the local cafe. There followed town meetings, meetings with State officials, interviews, and stories in the local media, and finally the State media.

This was not a campaign conducted solely by elected officials of Wilsonville, although they played a valuable role. It was rather a community effort that eventually involved everyone who lived in Wilsonville. Their work was not motivated by a desire for publicity, but was an effort of love and concern for their relatives and friends.

Wilsonville's effort was recognized recently when they were awarded the Governor's silver trophy, given to the best overall community project in the State. This award was given by Gov. James Thompson during Illinois hometown awards ceremony on May 19 at the Capitol Convention Center in Springfield.

What the people of Wilsonville achieved is a principle; the principle that the people of a community have a right to know what is being dumped in their area; that they should be involved in the planning of waste storage to make certain it is not a detriment to their health and the health of their children. If we follow this principle across the Nation, we will insure the safest and healthiest means of disposing of our industrial waste products.●

IN HONOR OF RIVERSIDE, CALIF., ON ITS 100TH BIRTHDAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. BROWN of California. Mr. Speaker, on Tuesday, October 17, the city of Riverside, Calif., will celebrate the 100th anniversary of its incorporation. This city is already well known as the place where the seedless navel orange got its start—a fruit that owes its sweetness to Riverside's rare combination of rich soil and dry desert air. But the city deserves to be known for more. Founded upon the social vision of a former Abolitionist, Riverside has long offered the Nation examples of social justice, careful planning, native industry, preservation of natural beauty, commitment to education, and adaptation to changing fortunes. Located a little over 50 miles from Los Angeles in a fold between the San Bernardino and Santa Ana Mountains, Riverside belongs to the first wave of California expansion, the period after the end of Mexican rule and the coming of statehood in 1850. Distinct cities like San Bernardino, begun as a Mormon colony, and Anaheim, started by a cluster of German emigres, sprang up during this period. These were the first California cities not to grow up around a Spanish mission. Riverside followed in 1870, founded by the opponent of slavery and one-time political ally of Lincoln—an upstate New Yorker named John Wesley North.

North was one of the unique breed of visionary and religious-spirited American sages who made the 19th century an era of world improving social plans. He followed in the great tradition of his 18th century revolutionary forefathers who declared their independence from the English monarchy and created a new constitutional democracy, and their 17th century ancestors who, seeking religious freedom, founded the earliest colonies in the New World. Named after the founder of Methodism, the great English preacher John Wesley—who, 135 years earlier, had come to Georgia to convert the Indians—John Wesley North would have been at one with the words of the earliest great American preacher, John Winthrop. Winthrop, in his famous sermon to the Pilgrims, as they entered Boston Harbor, admonished them as follows:

Now the only way to provide for our posterity, is to follow the counsel of Micah, to do justly, to love mercy, to walk humbly with our God. For this end, we must be knit together, in this work, as one man. We must be willing to abridge ourselves of our superfluities, for the supply of other's necessities. For we must consider that we shall be as a

city upon a hill. The eyes of all people are upon us.

This is Riverside's heritage.

Modern day Riverside is home to 175,000 inhabitants spread across 72 square miles. It is the site of the Riverside campus of the University of California. This campus was in turn founded on the academic and research base of the Riverside Citrus Experiment Station, begun more than 75 years ago to support the fledgling citrus industry in southern California. Riverside is still the blossom-scented center of the orange-growing industry. While it has changed greatly in the past 100 years, it is nevertheless a city its founder would recognize.

As John North wrote upon first glimpsing where Riverside would take root and grow:

I am at last located on the site of our future city, on a beautiful dry plain, surrounded with varied, picturesque and sublime mountain scenery, and only wanting the waters of the Santa Ana River that flows near us to be conducted onto this plain to make it a scene of surpassing beauty.

The water was conducted onto the plain, and ever since, Riverside has been a scene of surpassing beauty. Now, 100 years after its incorporation, it deserves to be honored not only by its citizens, but by the Nation as a whole.

Riverside can truly claim an authentic lineage from the spirit of our Pilgrim forefathers to the highest aspirations of its leaders today.●

PARENTAL INVOLVEMENT IN EDUCATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. HUBBARD. Mr. Speaker, I received an excellent letter from my constituents Jean and Bill Moulder, Kuttawa, Ky., about the underlying problems of education. The quality of American education has been receiving considerable attention recently, particularly with the findings and recommendations as proposed by the National Commission on Excellence in Education. Jean and Bill Moulder feel very strongly that we need more parental involvement with children and their education. I believe my colleagues will be interested in their September letter which follows:

KUTTAWA, KY.,
September 2, 1983.

Congressman CARROLL HUBBARD,
Rayburn House Office Building,
Washington, DC 20515

DEAR SIR: Merit pay, great increases in salary, master teachers plans, and all other supposedly good ideas people are thinking up for teachers and education are only adding to the symptoms of education.

This quote says it well: "All of us frequently make the mistake of trying to get rid of the symptoms without doing anything about the underlying problem."

The underlying problems of education are that we lack support from lots of parents; we lack their respect; and their use of discipline at home. Therefore, when we attempt to discipline their children, mom and dad do not support us regardless of how fair we are.

Give us parental respect and discipline at home, and teachers can manage the rest of the problems. We would be more specific if we thought present trends, practices, social and economic thrusts were receptive.

Sincerely,

JEAN and BILL MOULDER.●

MORAL AND STRATEGIC IMPORTANCE OF ISRAEL TO THE UNITED STATES

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to share with my colleagues an article in the Journal of Defense & Diplomacy written by Thomas A. Dine, an expert on U.S. foreign and defense policy and the executive director of the American Israel Public Affairs Committee. Mr. Dine, appointed by the Reagan administration to be a public member of the Commission on Foreign Security and Economic Assistance, eloquently outlines the moral and strategic importance of Israel to the United States.

The text follows:

SPEAKING OUT

(By Thomas A. Dine)

The United States has both a moral and a strategic interest in Israel. Israel is the only country of the Middle East with meaningful free elections, a robust free press, checks and balances to prevent and correct abuses of authority, extensive protections for the rights of individuals and minorities, basic equality for women and other safeguards and rights that are typical of a free society. It stands in sharp contrast to the other countries of the region, which include feudal monarchies like Saudi Arabia, where all power is permanently concentrated in the hands of a few wealthy princes and the ordinary people are under constant surveillance by the religious police and internal security forces, and dictatorships like Syria, where the government recently slaughtered 10,000 of its own citizens.

We now see in the United States an energetic campaign by enemies of the U.S.-Israel relationship to undermine the moral ties between the two countries. Their method is to focus attention exclusively and relentlessly on any aspect of Israel that puts the Jewish state in a negative light, and thus erode the relationship. Israel, although a democracy, has, like the United States itself, some unsolved social problems. But it is, in any honest accounting, one of the great success stories of the democratic experience in the modern world. None of the Arab countries, whose interests the anti-Israel propagandists seek to promote, has anything approaching the standard of democratic rights and civil liberties Israel has maintained. Aid to Israel is based on a common Judeo-Christian and democratic heritage that is virtually unique in a world of imperfect nations and imperfect alliances. In a wider perspective, Israel compares quite favorably to the other recipients of United States aid in the Middle East, northeast Asia, southeast Asia, South Asia, Africa, the Caribbean and Central America.

Alongside the moral tie between the two nations, the United States' interest in Israel has a strategic dimension. Israel is our only permanent ally in the Middle East and one of only two in the eastern Mediterranean. While we enjoy, for the moment, good relations with a number of other countries in the region, these are based on alliances with unelected ruling elites in societies where the ordinary person has no special love for the United States or for the western world. As we learned in Iran, such alliances with autocratic and unstable elites can be ended by the next coup or revolution, or we can be thrown out by rulers attempting to hold on to power by appeasing radical opinion. In Israel, by contrast, the ordinary citizen and the leaders of all major parties conceive their own interests as part of the Free World. The alliance between the United States and Israel is, therefore, above all, a bond between the peoples of the two countries, and it will endure long after these other "friends," who are really temporary allies of convenience, are now gone.

The strategic value of this alliance to the United States derives from Israel's geographic position in a vital area of the Mediterranean and the Middle East midway between Europe and the Persian Gulf, and from Israel's own strength and effectiveness as the most powerful state in the region. President Reagan has emphasized that the "paramount American interest in the Middle East is to prevent the region from falling under the domination of the Soviet Union." In this regard, Israel's strength has played a critical role in four cases:

Egypt—Israel's willingness to relinquish the Sinai, at great economic cost and strategic risk, has helped to wean Egypt from the Soviet Union and to cement closer U.S. ties with Cairo.

Lebanon—Israel stopped the drift of Lebanon into the Soviet orbit by driving the Syrians and the PLO out of Beirut, thus allowing a pro-western government to come to power and creating a new opportunity for creative American diplomacy.

Jordan—Israel has twice helped the United States to prevent Syria from invading Jordan, thus enabling a pro-western government to remain in power in Amman.

Terrorism—Israel has dealt a vital blow to international terrorism, eliminating its global headquarters in Lebanon and capturing thousands of terrorists based there operating against other countries around the world.

As a result of these Israeli actions, the eastern Mediterranean region, which once looked like fertile ground for Soviet adventurism, is now evolving toward stable relations with the western world. Thanks largely to the actions of Israel, the Mediterranean basin is now virtually a U.S. lake, with the exceptions of Syria and Libya. This basic point has not escaped the attention of Moscow, which understands better than some in the West the profound strategic value of Israel to the United States.

Beyond these cases, Israel is an important strategic asset for the United States, providing significant assistance to our defense and intelligence establishments. Currently, Israel helps the United States in the following ways:

Israel provides the United States with intelligence on Soviet equipment and on Soviet-allied forces in the Middle East and is prepared to provide more.

Israel has demonstrated the vulnerability of Soviet SAM's and interceptors in Lebanon, which may force the USSR to divert large sums in Europe from force expansion to force renovation and replacement and has also discredited the weapons on which much Soviet influence depends.

Israeli air and naval forces are sufficiently strong to challenge Soviet naval forces in the eastern Mediterranean and are thus a significant factor in assessing the East-West naval balance of power in that region.

Israel has provided considerable combat data on the performance of American military equipment, allowing the United States to correct problems and to incorporate improvements without risk to American lives.

Israel has developed equipment and tactics that have subsequently been adopted for use by the United States military.

Israel has directly aided in the improvement of American weapons by developing improvements subsequently adopted by the United States and by funding such programs in the United States.

But the United States has not yet exploited the full strategic advantage of cooperation with Israel. If the United States adopted a systematic program of strategic cooperation, as proposed but suspended a year ago, the areas of potential gain could include the following:

Israel hospitals could save American lives by caring for the large number of American wounded likely to result from a Persian Gulf war; indeed, no other solution is presently visible.

Israel has offered to protect American lines of communication in the eastern Mediterranean in a crisis, thus freeing U.S. aircraft for use elsewhere.

Israel has offered to make available air fields and ports to support U.S military deployments in the Mediterranean and the Middle East.

Israel could be used as a storage site for prepositioning of fuel, ammunition and equipment for use by U.S. forces sent to the Middle East.

Relatively modest assistance from the United States and an agreement on strategic cooperation could expand significantly the value of Israel as a naval ally.

But with or without these additional steps, cooperation with Israel greatly enhances America's strategic position not only in the Middle East and the Mediterranean but indeed throughout the world.

Overall, then, the United States has both moral and strategic interests in Israel, and the program of assistance for FY 1984 serves both. It is a reflection of our concern for the security of Israel, in that it helps Israel to offset the massive quantities of arms that are flowing from most of the world's major production lines to countries hostile to Israel. Aid is also a reflection of our strategic interests, in that it helps our one permanent ally in the region to maintain its strength as an asset in the broader strategic arena.

Aid to Israel has declined considerably in real terms and in proportion to U.S. aid commitments worldwide over the past few years. Still, it remains a substantial figure. A continuing concern of Congress is how to determine what level of aid that is appropriate in light of the national interest of the United States and in terms of what is necessary to support the security of Israel.

The central purpose of aid to Israel is to ensure the security and survival of a vital ally whose strength is an asset in the wider international security system. The ultimate purpose of assistance to Israel is essentially similar to the reason we keep troops in Europe and Korea and a naval presence in the western Pacific: to enhance international security by deterring aggression and ensuring the defense of important friends and allies. To determine whether our assistance to Israel is proportionate to U.S. interests, the appropriate measure is therefore an assessment of the costs and benefits compared with other major expenditures on international security.

Fiscal year 1984 aid to Israel will be less than 1 percent the size of the U.S. defense budget, under one-thirtieth of our expenditures on NATO and European security and a fraction of the cost of our support to the security of Korea. Moreover, unlike many allies, Israel seeks no commitment of U.S. combat forces on its behalf. In light of the important role Israel plays in regional and international security, which we have outlined, aid to Israel is one of the most cost-effective security expenditures made by the United States.

Moreover, a considerable portion of the cost of our aid to Israel is offset by direct economic benefits to the United States. Israel is a substantial net importer from the United States, spending on civilian imports alone about twice what it receives in economic assistance. Every dollar of aid is spent within the borders of the United States, and a major portion of the total consists of loans—on which Israel has an excellent record of repayment. According to Peter McPherson, administrator of the Agency for International Development, every billion dollars of U.S. aid translates into 60,000 to 70,000 jobs in the United States.

But the benefit to the United States goes beyond the aid process itself. For example, when Israel defeated the Syrian's Soviet-supplied SAM and air defense systems in Lebanon, it implicitly dealt an important blow to one of the largest and most important elements of the Soviet and Warsaw Pact military buildup in Europe. The Soviet Union spends more on its SAM system in Europe than it does on its entire land-based nuclear weapons complex. If we add to the surface-based air defenses its expenditures on the MiG–21 and MiG–23 interceptors, which Israel also defeated, it spends more on combined air defense than it does on its entire navy. Over time, the effect of Israel's actions will be to force the Soviets to spend considerable sums on altering and replacing important parts of this huge system. This means a significant diversion of Soviet defense expenditures from force expansion to force replacement and from expenditure on offensive systems to spending on a defensive one. While the results for the United States will not be visible immediately, the implicit effect is to reduce by billions of dollars the Soviet defense buildup that the United States must match.

NET AID TO ISRAEL: ANNUAL GRANTS AND LOANS LESS DEBT SERVICE ADJUSTED FOR INFLATION

[In millions of dollars]

Fiscal year	Total loans and grants	Debt service	Net aid minus (debt service)	Inflation index	Net aid adjusted to inflation
1976	[1] 2,214	376	1,838	100	1,838.0
1977	1,742	440	1,302	107	1,214.0
1978	1,791	561	1,230	115	1,067.6
1979	1,790	680	1,110	133	834.6
Including Camp David	2,790		2,110		1,568.0
1980	1,786	590	1,196	149	[1] 802.2
Including Camp David	2,786		2,196		[1] 1,473.0
1981	1,985	680	1,305	167	781.4
Including Camp David	3,185		2,505		1,500.0
1982	2,185	810	1,375	182	755.5
1983	2,485	910	1,575	195	808.1
1984	[2] 2,485	1,150	1,335	202	661.0

[1] Excludes transitional quarter for comparability.
[2] Fiscal Year 1984 administration request.

Similarly, Israel's combat experience will, over time, affect billions of dollars in U.S. defense expenditures, although, here again, the full effects will take some time to unfold and will not always be visible to casual observers. In the current period of rebuilding the U.S. armed forces to meet the growing Soviet challenge, each of the new systems we acquire involves hundreds of millions or billions of dollars in research, development, procurement, operations and maintenance costs. If Israel's combat experience in Lebanon alters only 5 percent of this activity and its experience in 1973 altered a good deal more—these savings alone, in the form of diverting expenditures from less effective solutions to combat-proven alternatives—will have an economic benefit to the United States comparable to the total cost of foreign aid.

These are but two examples. If we could give a dollar value to the other areas in which Israel is a strategic asset to the United States, such as the value of its air and naval contributions to the Mediterranean balance and its role in securing pro-western governments in Egypt, Lebanon and Jordan, it would be clear that the total gain for the United States greatly exceeds the cost of aid.

The current level of assistance to Israel is thus easily justifiable in terms of the national interest of the United States. The next question is how it compares to Israel's legitimate requirements in terms of the goals of the aid program.

The primary reason Israel needs assistance from the United States is the enormous cost of maintaining a military balance. Israel is a small state of 4 million people, with a GNP of $28 billion, which must somehow defend itself against the relentless hostility of states with 30 times the population and 10 times the GNP. Saudi Arabia's defense budget alone exceeds Israel's total GNP. The combined defense budgets of just five Arab states (Syria, Iraq, Jordan, Saudi Arabia and Libya) are five times that of Israel.

The people of Israel are proud and determined to be responsible for their own defense. Unlike many other countries, they do not intend today or ever to ask American soldiers to provide their protection for them. They also contribute the economic cost of their own defense to the limit of their capabilities, spending a much greater portion of their resources on security than the United States, Europe or Japan. But Israel is not capable of matching the unlimited expenditures of the Arabs and the

Soviet Union. United States aid is essential to maintaining a stable military balance.

Israelis are deeply grateful for the substantial support that the United States has provided over the past decade and are well aware that the United States above all countries has stood by them during this difficult period. We Americans, both Jewish and Christian, who care about Israel share this feeling and a great pride that our nation has honored its tradition of standing by a vital ally. However, we are also concerned by the unhappy reality that net aid to Israel is declining rapidly due to inflation and the growing burden of service on past loans, while the accumulation of arms by hostile countries continues to accelerate and Israel's vital needs therefore grow. This is leading to a widening gap between Israel's legitimate requirements and the aid that is available from the United States each year.

The fact that net aid to Israel has declined significantly in real terms is not widely understood. In 1976, the congress appropriated $2.214 billion and Israeli debt service on past loans totaled $376 million, leaving a net aid balance of $1.838 billion. For fiscal year 1984, the administration has proposed $2.485 billion, but debt service to the U.S. government will be $1.15 billion, leaving a balance of $1.335 billion in net aid. Taking inflation into account, the aid package is equvalent to $661 million 1976 dollars, a decline of 65 percent. Net United States aid to Israel had declined over the past nine years and is now approximately one-third the former level in real terms.

At the same time, Israel's need for assistance has continued to grow. It derives, primarily, from the necessity to maintain a military balance against an Arab coalition that is receiving ever-larger numbers of more sophisticated arms. Because of its direct relevance to the question of Israel's need for aid, I would like to examine Israel's military balance.

Some people have concluded from Israel's successes against the Syrians in Lebanon last summer that Israel need no longer fear an Arab attack, and that Israel now has all the arms it needs for self-defense. This perception, although widespread, is erroneous and misleading, because the balance between Israel and Syria in Lebanon is but a small piece of the picture, for several reasons:

(1) In 1982, Israel had to fight only a portion of the forces of one Arab country. In the future, Israel must be able to defend itself against a much wider threat, like that of 1973 when 11 Arab countries contributed forces.

(2) Syria is one of the few remaining Arab countries that gets most of its weapons from the USSR. Many Soviet systems are less capable and more vulnerable to Israeli countermeasures than the western-supplied systems that are now entering the arsenals of other Arab countries, such as the Saudi F-15's that can outperform the Syrian MiG-21's.

(3) Syria itself is now in the midst of a major modernization and rearmament, reportedly including a satellite data link connecting Syrian air defense to a control system in Moscow. The Soviets are introducing new countermeasures at a feverish pace to ensure that Syria will fare better in future rounds of fighting.

(4) Israel must take account even of the Soviet Union itself as a potential threat. Russia now has seven airborne divisions whose troops and equipment could be introduced rapidly into a Middle Eastern conflict. It also has several thousand military personnel already on the ground in Syria.

Above all, Israel is forced to plan, not only for the situation that exists at a given moment, but for the more demanding situations that could come about over a 10-year time horizon. If the Arab League is divided today, this can change rapidly, as it does from time to time, and Israel may face a much larger coalition than is apparent at the present time. Taken together, the Arabs pose a formidable threat, possessing collectively almost as many combat aircraft and tanks as NATO (e.g., 1,912 jets compared to NATO's 1,986 in central and northern Europe). The long lead time on aircraft and tank procurement makes it necessary for Israel to plan against this larger threat today.

In the wider strategic perspective, Israel operates on a narrow margin of safety, with the certain knowledge that the first war it truly lost would be the last. Arab military forces have a substantial quantitative advantage over those of Israel, averaging a ratio of about 3 to 1. For example, Israel has about 634 aircraft against the Arabs' 1,912 (2,341 counting Egypt), and 3,600 tanks compared to the Arabs' 7,550 (9,650 if Egypt is included), counting only those Arab countries able to send forces. This is a quantitative disparity considerably larger than that faced by NATO in Europe or by South Korea, and it forces Israel to take extraordinary measures to compensate.

Until recently, this quantitative imbalance was offset by important qualitative advantages in Israel's favor, but these too are eroding. Israel can no longer count on having better weapons than those available to the Arabs. For example, Israel now has a total of about 125 advanced-design combat aircraft (F-15's and F-16's), in service or on order. By comparison, Arab countries now have in service or on order more than 160 western state-of-the-art jets, not to mention the latest Soviet models. If in the future the United States sells to the Arabs another 200 advanced fighters, and the French only add 40, by the end of the decade, the Arabs will have 400 to Israel's current 125.

Allowing the qualitative balance of airpower to tip in the Arab favor is definitely not in the interest of the United States. If the Arabs are able to compound their advantage in quantity with an advantage in quality, the temptation to resort to force will grow dramatically.

Equally important, there are growing indications that the Arabs are acquiring sophistocated electronic warfare equipment from Soviet and western sources, as we are now seeing in Syria. Much of the equipment is state-of-the-art, some developed by western companies with access to highly secret data about the very weapons that are used by Israel.

There are other disturbing trends. The growing range and payloads of Arab ground-attack aircraft may soon mean that the Arabs will have a deep strike capability against Israel, raising the specter of a surprise attack in the air. The sheer number and diversity of revolutionary new systems being introduced into Arab arsenals at the same time raises the possibility of technical breakthroughs that will give an unforeseen advantage to the Arabs (as new missiles and radars did in 1973). The shift that is taking place in several Arab states, from Soviet to western sources of arms, worsens Israel's problems because most of its countermeasures are designed against communist rather than western systems. The very plurality of the arms that Israel now faces, in both numbers and types, raises the danger of a saturation effect, a point beyond which Israel cannot cope. Finally, the growing interventionary power of the Soviet Union raises an unprecedented danger of escalation to superpower involvement.

These new problems come on top of some asymmetries that have long characterized the conflict. The Arabs are able to maintain standing armies while Israel relies on reserves, creating favorable conditions for an Arab surprise attack. In the diplomatic context of Middle Eastern wars, Israel is expected to allow the Arabs to fire the first shot, thus conceding the advantage of choosing the time and place of conflict. The Arabs can lose one war after another and come back to fight again, but Israel cannot afford to lose even one. If Israel wins on the battlefield, it is not permitted to translate these results into a peace settlement at the conference table but must settle for mere cease-fires and begin to prepare for the next round of fighting that the Arabs openly declare is their intention.

In sum, the military balance at this moment may seem favorable to Israel because of the sharp divisions characterizing the situation in the Arab world. But this advantage is temporary and cannot be the basis of sound planning. The longer-term trends in the military balance are disturbing, and Israel's requirement for U.S. aid to offset these adverse trends remains a vital need. The fact that net aid is declining in real terms does not help the situation.

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